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PROCEEDINGS AND DEBATES OF THE 86th CONGRESS, SECOND SESSION

SENATE

WEDNESDAY, MARCH 30, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Archbishop Iakovos of the Greek Orthodox Church in North and South America offered the following prayer:

Blessed be the name of the Lord, now and evermore. Amen.

God of our fathers and of all nations, Governor and Lord of the universe: It is to Thee that we offer our petitions and supplications at all times. Inspire, we beseech Thee, and illumine the minds and the hearts of our Senators, so that they may perceive in clarity and in its fullness Thy will, and may conform themselves and their will to Thine. Guide them through the political and spiritual confusion of our times, lest they fall short of Thy commandments and of the trust and expectations of our people. Fortify them in their continuous struggle for the prevalence of justice and peace at home and abroad. Strengthen them, so that they may act and may legislate in prudence, in wisdom, and in full accordance with Thy statutes and with the Constitution of our Nation. Be ever with them, and enable them to serve our country and our people to the best of their ability and of their judgment.

Omnipotent and omniscient Lord, bless Thou the sessions of this Senate, so that the deliberations herein may be fruitful, salutary, and ever-edifying for the prestige of our Nation, whose trust is in Thee.

For Thou art the Master of masters and the Ruler of rulers, and to Thee we ascribe all glory, honor, and adoration, now and evermore. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, March 29, 1960, was dispensed with.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of March 29, 1960,

Mr. HENNINGS, from the Committee on the Judiciary, to which was referred the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, reported the bill, on March 29, 1960, with amendments, and submitted a report (No. 1205) thereon.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 128) to establish a commission to formulate plans for a memorial to James Madison.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 80) authorizing the printing of additional copies of part 1 of the hearings on an inquiry into the satellite and missile programs.

The message further announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10233) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 26, to the bill, and concurred therein, and that the House insisted upon its disagreement to the amendment of the Senate numbered 1 to the bill.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 8251) for the relief of Tatsumi Ajisaka and others.

The message further announced that the House had agreed to the amendment of the Senate to the joint resolution (H.J. Res. 283) to authorize participation by the United States in parliamentary conferences with Mexico.

The message also announced that the House had passed a bill (H.R. 10683) to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2220. An act to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matters, and for other purposes;

H.R. 24. An act to provide that certain real property of the United States situated in the State of Nevada shall be held in trust for members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, Nevada;

H.R. 1540. An act for the relief of the estate of John Steve;

H.R. 2164. An act to reduce the cabaret tax from 20 percent to 10 percent;

H.R. 2740. An act to amend section 2734 of title 10, United States Code, to extend the statute of limitations in the case of certain foreign claims;

H.R. 2849. An act for the relief of Oscar A. LaBranche;

H.R. 4483. An act to amend the act of December 24, 1942 (56 Stat. 1086, 43 U.S.C., 36b), entitled "An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey.";

H.R. 4586. An act to amend section 4021 of the Internal Revenue Code of 1954;

H.R. 5270. An act to authorize the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all right, title, and interest of the United States in certain lands located in Salt Lake County, Utah;

H.R. 5301. An act for the relief of Harry E. Nelson;

H.R. 5887. An act to amend the Tariff Act of 1930 to place ground, powdered, or granulated seaweeds on the free list;

H.R. 6023. An act for the relief of William J. Kaiser;

H.R. 6027. An act for the relief of Joseph J. O'Loughlin;

H.R. 6132. An act relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies;

H.R. 6136. An act to authorize the sale of certain tribal land of the Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin;

H.R. 6402. An act for the relief of Victor Stiglic;

H.R. 6516. An act to approve a contract with the Conejos Water Conservancy District, Colorado, to ratify its execution, and for other purposes;

H.R. 6885. An act for the relief of Neal E. Andersen;

H.R. 6948. An act for the relief of Miss Marion A. Cramer;

H.R. 7037. An act for the relief of Carl J. Fisher, captain, U.S. Army, retired;

H.R. 7079. An act for the relief of Don L. Herring;

H.R. 7116. An act for the relief of George W. Gibson;

H.R. 7365. An act for the relief of Mrs. Nell C. Player;

H.R. 7447. An act for the relief of Paul Levitt;

H.R. 7636. An act for the relief of Mrs. Viola H. Rooks;

H.R. 7889. An act to require marketing quotas for rice when the total supply exceeds the normal supply;

H.R. 7933. An act for the relief of Mrs. Virginia Bond;

H.R. 8106. An act to provide for the relief of certain members and former members of the Department of the Navy for the expenses of temporary storage of household effects;

H.R. 8318. An act to amend the Internal Revenue Code of 1954 to exempt bicycle tires and tubes used in the manufacture or production of new bicycles from the manufacturers excise tax on tires and tubes;

H.R. 8801. An act for the relief of the Maco Warehouse Co.; and

H.R. 9599. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation.

HOUSE BILL REFERRED

The bill (H.R. 10683) to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

AUDIT REPORT ON FOUNDATION OF FEDERAL BAR ASSOCIATION

The VICE PRESIDENT laid before the Senate a letter from the president, the Foundation of the Federal Bar Association, Washington, D.C., transmitting, pursuant to law, an audit report of the financial transactions of that association for the fiscal year ended September 30, 1959, which, with the accompanying report, was referred to the Committee on the Judiciary.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. HENNINGS, from the Committee on Rules and Administration, without amendment:

S. Res. 282. Resolution to provide additional funds for the Committee on Appropriations; and

S. Res. 289. Resolution to pay certain funeral expenses of the late Senator Richard L. Neuberger, of Oregon.

By Mr. HAYDEN, from the Committee on Rules and Administration, with an amendment:

S. Res. 294. Resolution extending the time for filing the final report of the Select Committee on Improper Activities in the Labor or Management Field and continuing its authority (Rept. No. 1207).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNAMARA (for himself and Mr. HART):

S. 3293. A bill to amend section 5701 of the Internal Revenue Code of 1954 with respect to the excise tax upon cigars; to the Committee on Finance.

By Mr. GOLDWATER:

S. 3294. A bill to extend the minimum national marketing quota for Extra Long Staple cotton to the 1961 crop; to the Committee on Agriculture and Forestry.

By Mr. JOHNSTON of South Carolina:

S. 3295. A bill to amend section 6 of the act of August 24, 1912, with respect to the recognition of organizations of employees in the Federal civil service; to the Committee on Post Office and Civil Service.

By Mr. CARROLL:

S. 3296. A bill for the relief of LeRoy Howard Drayer, chief petty officer, U.S. Navy; to the Committee on the Judiciary.

By Mr. ANDERSON (by request):

S. 3297. A bill to donate to the pueblos of Zia and Jemez a tract of land in the Ojo Expiritu Santo Grant, N. Mex.; to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON:

S. 3298. A bill to confer on the Federal Maritime Board the authority to determine postal rates for ocean mail transportation; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mrs. SMITH:

S. 3299. A bill to provide for the conveyance to the State of Maine of certain lands located in such State; to the Committee on Armed Services.

By Mr. HOLLAND:

S. 3300. A bill to require the Secretary of the Interior to issue new or supplemental patents in certain cases where lands have been classified as nonphosphate in character; to the Committee on Interior and Insular Affairs.

By Mr. GOLDWATER:

S. 3301. A bill to amend the Federal Unemployment Tax Act so as to exclude therefrom service performed in the employment of certain political committees; to the Committee on Finance.

By Mr. LONG of Louisiana (for himself and Mr. ELLENDER):

S. 3302. A bill to amend the River and Harbor Act of 1945; to the Committee on Public Works.

(See the remarks of Mr. LONG of Louisiana when he introduced the above bill, which appear under a separate heading.)

By Mr. KEATING (for himself, Mr. BENNETT, Mr. BRIDGES, Mr. JAVITS, Mr. PROUTY, and Mr. SCOTT):

S.J. Res. 181. A joint resolution providing for the establishment of an Annual Youth Appreciation Week; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above joint resolution, which appear under a separate heading.)

DETERMINATION OF POSTAL RATES FOR OCEAN MAIL TRANSPORTATION BY FEDERAL MARITIME BOARD

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to confer on the Federal Maritime Board the authority to determine postal rates for ocean mail transportation.

The determination of the compensation for United States airlines in carrying the mail is made by the Civil Aeronautics Board. In similar fashion the Interstate Commerce Commission determines the compensation of our railroads for carrying mail. These agencies are vested with these responsibilities because it was felt that with regard to U.S. mail transportation, it is proper to place compensation therefor in the jurisdiction of an independent third party rather than leave it unilaterally in the hands of the post office or the carrier.

In regard to ocean transportation, however, there remains a vestige of the old method of doing things, since under present law the Postmaster General has the responsibility for unilaterally determining a fair and reasonable rate for the maritime transportation of U.S. international mails.

The purpose of the bill which I introduce is to vest this jurisdiction in the Federal Maritime Board for ships, precisely as our Government has vested it with the Civil Aeronautics Board for airlines and the Interstate Commerce Commission for railroads.

I request unanimous consent to have the bill printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3298) to confer on the Federal Maritime Board the authority to determine postal rates for ocean mail transportation, introduced by Mr. MAGNUSON, was received, read twice by its title, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 24 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 880), is hereby further amended by inserting after the first sentence thereof the following: "Fair and reasonable rates and conditions of compensation shall be determined annually by the Federal Maritime Board and shall be paid by the Post Office Department for the carriage of such mails on vessels of United States registry."

SEC. 2. Section 405(a) of the Merchant Marine Act, 1936, is hereby amended by inserting after the first sentence thereof the following: "Fair and reasonable rates and conditions of compensation shall be determined annually by the Federal Maritime Board and shall be paid by the Post Office Department for the carriage of such mails on vessels of United States registry."

AMENDMENT OF RIVER AND HARBOR ACT OF 1945

Mr. LONG of Louisiana. Mr. President, I introduce, for appropriate reference, on behalf of my colleague, the senior Senator from Louisiana [Mr. ELLENDER], and myself, a bill to amend the River and Harbor Act of 1945 to provide for the construction of a high level fixed bridge on Louisiana State Highway No. C-1460 over the Algiers Canal at an estimated cost of $900,000. This bill is being introduced because it it our feeling that the structure it covers is necessary in order to complete the work that was envisioned by the 1945 law.

For some time the question of this project has been studied by engineers in the State of Louisiana and, as a result of these studies, they have arrived at the conclusion that the authorizing legislation for the Algiers lock and canal project, which was adopted in 1945 during the war effort, did not receive the full consideration that it would otherwise have had in peacetime and, as a result, a bridge that was a necessary adjunct to this project was overlooked. It is the general feeling that the United States should assume the responsibility for constructing this bridge.

Prior to the construction of the Algiers Canal, Highway No. C–1460 provided a direct route between the Harvey, La., industrial district and the lower Louisiana coast. This route was severed by the U.S. Government in connection with the construction of this waterway. As the result of this, traffic between the Harvey, La., industrial district and the lower Louisiana coast is forced to detour through the heavy traffic areas to Harvey, La., Gretna, La., and Belle Chasse, La., an average of about 7 miles. If the commodity transported is gasoline or other combustibles or if the vehicle is extra large, it is unable to use the Belle Chasse, La., tunnel and must detour through Algiers, La., an average of about 15 miles. The vehicles from the Harvey, La., industrial district which use the detour are essentially heavy trucks and trailers, which are causing traffic congestion and considerable damage to the highways of the towns and cities through which they are forced to pass.

Because of this and the fact that Highway No. C–1460 previously served and should in the future serve as a direct road between the areas to the left of Harvey, La., the areas served by U.S. Highway 90, and other facilities, the closing off of this road is causing a detour of traffic through Gretna, La., that is further adding to the congestion of this area.

The importance of this highway to the traffic of the area can now be more fully realized than it could at the time that authorizing legislation was passed. It is our belief that this bill should be passed as an adjunct to the 1945 authorizing legislation and permit the construction of the bridge that would have been originally contemplated had this project been undertaken at a time when normal conditions prevailed.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3302) to amend the River and Harbor Act of 1945, introduced by Mr. LONG of Louisiana (for himself and Mr. ELLENDER), was received, read twice by its title, and referred to the Committee on Public Works.

YOUTH APPRECIATION WEEK

Mr. KEATING. Mr. President, on behalf of myself and Senators BENNETT, BRIDGES, JAVITS, PROUTY, and SCOTT, I introduce, for appropriate reference, a joint resolution to designate the week beginning with the second Monday in November as Youth Appreciation Week. I believe by this means we can fittingly honor the overwhelming majority of our young people who are growing into useful and good citizens. We can demonstrate that juvenile delinquents, in spite of all the publicity about them, are very much the exception, rather than the rule, among our youth. We can focus attention on the positive means by which various civic, fraternal, religious, and other groups are helping our young people to mature into fine citizens in these troubling and complex times.

It is particularly appropriate that this proposal be introduced during the White House Conference on Children and Youth. This important conference is the sixth decennial meeting to be called by a President of the United States to consider the needs, problems, and future welfare of the children of this Nation.

Millions of citizens all across the land, representing more than 500 national organizations, State and local committees on children and youth, and 34 agencies of the Federal Government, have answered President Eisenhower's call to action. They are proceeding to pool their information and best thinking, so that this conference, like its predecessors, can produce substantial gains for our young people. I am confident that great progress in charting the future course of our children and youth will result from this convocation of experts and interested parties.

I am, however, somewhat concerned about the means by which the findings and recommendations of the Conference can be followed up. It strikes me that one simple way to give the White House Conference future meaning is each year to set aside a week during which we can pay tribute to our young people and to those who are helping them through their difficult formative years. Youth Appreciation Week represents an appropriate vehicle for doing this.

During its observance, we can strike back at juvenile delinquency, and can show our appreciation for the positive accomplishments of American youth. We can stimulate more active participation of young people and their families in religious and civic activities. We can encourage greater interest in providing wholesome recreational and social activities for our youth, and we can work for freer interchange between adults and young people of ideas about mutual problems.

Mr. President, the task of building fine and useful citizens for tomorrow will not be accomplished solely by conferences, nor will it be completed by yearly observances of events in honor of our young people. But these activities are vital links in what must be a determined and sustained national effort to help our young people as they move forward in our complex world. I feel that the designation of a Youth Appreciation Week, when headlines can tell about the good things our young people are doing, rather than concentrate on the few who go astray, should be an integral part of this effort. I therefore hope this joint resolution will receive prompt and favorable consideration by the Congress.

Mr. President, I ask unanimous consent that the full text of this resolution be printed in the RECORD at the conclusion of my remarks, and that it lie on the table for 3 days, so that other Senators who may wish to cosponsor this measure may do so.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD, and lie on the desk, as requested by the Senator from New York.

The joint resolution (S.J. Res. 181) providing for the establishment of an Annual Youth Appreciation Week, introduced by Mr. KEATING (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

SENATE JOINT RESOLUTION 181

Whereas the great majority of our young people are good citizens living decent, upstanding, honest lives, and contributing generously to the heritage of our Nation and to the home, church, school, and community, and all citizens should show their appreciation to our youth for their positive accomplishments; and

Whereas in order to promote a more active participation of families in family affairs, to stimulate civic organizations and other groups to show publicly their respect for the great majority of our young people who are good citizens, to encourage all communications media to recognize youth through regular and special features and programs, to stimulate greater interest among people everywhere in providing wholesome recreational and social activities for youth, to illustrate the great influence religion has on the lives of young people and to encourage their active participation in religious activities, to encourage parents to rededicate themselves to the responsibilities of parenthood, and to encourage a greater interchange of ideas between adults and young people leading to a broader understanding of their mutual problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the seven-day period beginning on the second Monday of November in each year is hereby designated as Youth Appreciation Week, and the President is requested to issue annually a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

DESIGNATION OF DOUGLAS McKAY DAM AND RESERVOIR, OREG., AND JOHN A. BLATNIK LOCK, MICHIGAN—AMENDMENTS

Mr. CASE of South Dakota submitted amendments, intended to be proposed by him, to the House engrossed amendment to the bill (S. 2440) to designate the Green Peter Dam and Reservoir on Middle Santiam River, Oreg., as the Douglas McKay Dam and Reservoir, which were referred to the Committee on Public Works, and ordered to be printed.

CIVIL RIGHTS ACT OF 1960—AMENDMENTS

Mr. ERVIN submitted amendments, intended to be proposed by him, to the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. CARROLL submitted amendments, intended to be proposed by him to House bill 8601, supra, which were ordered to lie on the table and be printed.

U.S. TRAVEL COMMISSION AND U.S. OFFICE OF INTERNATIONAL TRAVEL—CHANGE OF REFERENCE

Mr. MAGNUSON. Mr. President, on March 10, the distinguished senior Senator from New York [Mr. JAVITS] introduced the bill (S. 3162) to establish a

U.S. Travel Commission and a U.S. Office of International Travel. The bill was referred to the Committee on Foreign Relations.

On February 25 I introduced a bill S. 3102, which has as its principal objective the establishment of an Office of International Travel and Tourism and a Travel Advisory Board. The bill was referred to the Committee on Interstate and Foreign Commerce, and, as a part of our overall foreign commerce and foreign trade study pursuant to Senate Resolution 243, hearings have been scheduled for May 2 and 3 on S. 3102.

Because S. 3102 and S. 3162 have a common purpose—the stimulation of international travel—it has been suggested by the Senator from New York [Mr. JAVITS] that they be considered together. I understand that the distinguished chairman of the Foreign Relations Committee [Mr. FULBRIGHT], in view of the circumstances I have outlined, would interpose no objection to a rereferral of S. 3162 to the Committee on Interstate and Foreign Commerce.

Therefore, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 3162, and that it be referred to the Committee on Interstate and Foreign Commerce.

The VICE PRESIDENT. Without objection, the Committee on Foreign Relations will be discharged from further consideration of the bill, and the bill will be referred to the Committee on Interstate and Foreign Commerce.

CURRENT NEGOTIATIONS AT CONFERENCE ON DISCONTINUANCE OF NUCLEAR WEAPONS TESTS

Mr. GORE. Mr. President, in their joint statement issued late yesterday afternoon, President Eisenhower and Prime Minister Macmillan have placed in proper perspective the issues of the current negotiations at the Conference on the Discontinuance of Nuclear Weapons Tests. I congratulate them.

Following the submission to the Conference of a proposal by the Soviet Union on March 19, there was allowed to be created the impression that this Russian proposal constituted an acceptance of the U.S. proposal for a limited treaty ban, which was submitted on February 11, and that the only difference between the two proposals was the Russian suggestion of a moratorium on the conduct of small underground tests which would not be banned by the treaty provisions, with the moratorium to run during a period of joint international research designed to improve detection techniques and equipment.

As I stated to the Senate on Monday of this week, that impression was wholly erroneous, because there were a number of basic differences between the two proposals.

Perhaps the most important difference lay in the fact that the U.S. proposal contemplated and was conditioned upon the establishment of an adequate inspection and control system, including specific authorization of onsite inspections. The Russians have thus far refused to accept workable arrangements for an international control agency to accomplish effective inspection, and no change whatever in their position in this regard was contained in their proposal of March 19.

Any treaty prohibiting the conduct of nuclear tests, whatever may be its scope, must include inspection and control provisions adequate to insure verification of the treaty provisions. The inspection and control provisions of a treaty arrangement are far more important than is the question of a moratorium for a specified period on the conduct of small tests not covered by the treaty.

The statement of President Eisenhower and Prime Minister Macmillan recognizes this essential fact, by making it clear that a further moratorium on relatively small underground tests may be in order after a treaty has been concluded on stoppage of nuclear tests in other media and magnitude, with adequate inspection provisions, and upon the establishment and development of a joint research and testing program to ascertain and explore methods of detecting and evaluating nuclear explosions.

By their statement issued on yesterday, the President and the Prime Minister have steered the ship of negotiations back into the channel, by putting first things first. I am gratified that this has been done; and I urge that the negotiations be continued in an effort to reach an effective agreement as an important and essential first step toward peace and disarmament, and in a manner fully compatible with our national security.

Mr. President, one thing more is needed to make the record completely clear and to insure that the American people are fully informed. On yesterday, I sent to the Secretary of State a telegram urging him to make public, in full detail the provisions and qualification of the proposals recently submitted to the Conference by the United States and by Russia. I ask unanimous consent that a copy of this telegram be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MARCH 29, 1960.

The Geneva Conference on Discontinuance of Nuclear Weapons Tests involves a matter of the gravest importance, not only to the United States but to the whole world. World attention is rivited upon the problem and the position of the respective countries party to the Conference. Unfortunately, the people of the United States and of the world have been only partially informed and in important respects misinformed about the current status of negotiations at this Conference. This especially pertains to the details of the recent Russian proposal as related to the proposal made by the United States on February 11. It is my understanding that there are basic differences between President Eisenhower's proposal, submitted to the Conference on February 11, and the Russian proposal of March 19, aside from the question of a moratorium on relatively small underground tests. Since the official communique from the Conference on March 19 was misleading and since the Russian Embassy in Washington released a partial—and only a partial—text of the Russian proposal and statement, and since no text of President Eisenhower's proposal has been published, I respectfully suggest that in the interest of clarity and public understanding of this vitally important question that you make public the full text of the U.S. statement and proposal of February 11 together with the clarifying questions and answers with respect thereto and also make public the full text of the Russian statement and proposal of March 19 and the clarifying questions and answers with respect thereto of March 19 and March 21.

CIVIL RIGHTS LEGISLATION

Mr. KEATING. Mr. President, last evening the Committee on the Judiciary, in what was approaching the wee, small hours, completed their surgical operation upon H.R. 8601, the civil rights bill which came over from the House of Representatives. Some 15 amendments were adopted. Some 17 were rejected.

The amendments certainly did not do much to strengthen the civil rights of our citizens beyond what the House bill did; but, by all odds, the most serious amendment which was adopted, offered by the distinguished Senator from Tennessee [Mr. KEFAUVER], had to do with the referee proceeding.

In the bill as it originally came over from the House, as prepared and submitted to the Senate by the administration, through the Attorney General, and in the referee procedure set up in that bill, it was intended that after the finding of a pattern or practice of discrimination was made by a court, then there would be a simple proceeding for those against whom discrimination was attempted to be practiced to get their names on the books.

Thereafter the referee who was appointed would conduct his proceeding ex parte. After that was done, there would be a full opportunity for State registrants and others to interpose their case. But the amendment of the distinguished Senator would change the procedure from an ex parte proceeding to provide that the hearing shall be held in a public place and the referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing, and the State or county registrar or his counsel shall have a right to appear and have a transcript made of the proceeding.

I apprehend that the State registrar or his counsel would have considerable to say on this appearance, and it would be very doubtful that more than one person could be registered in 1 day. As I calculate it, if 2 days' notice were required, it would take 400 days to register 200 persons.

In addition to that, to require this action to be held in a public place would be a simple invitation to intervention. We know the reason why Negroes have not voted in some places is that they do not dare to vote, and they do not dare to attempt to vote because of economic and other retaliatory measures. This provision certainly would not help in that case.

The provision would require the registrant to appear in a room, in a public place, with a room full of people, who,

even if they said nothing, might, by their demeanor, make it very discouraging to him to endeavor to register.

I do not know what the procedures here will be, but if this amendment is accepted as a part of an original bill, I shall move to strike it out. If we take up the bill and require resubmission of these amendments, and the amendment is offered again, I hope it will be overwhelmingly defeated. I believe no American should be forced to apply for his right to vote in a public arena filled with hostile spectators.

Mr. KUCHEL and Mr. MORSE addressed the Chair.

Mr. KEATING. I am happy to yield to the distinguished Senator from California.

The VICE PRESIDENT. The time of the Senator from New York has expired.

Mr. KUCHEL. Mr. President, I ask unanimous consent to have 2 additional minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator may proceed for 2 minutes.

Mr. KUCHEL. Mr. President, I want to say the able junior Senator from New York and those Senators who voted with him last night, with respect to the amendment he has just described, performed a splendid service in the position they took.

This highly regrettable and unfortunate amendment will effectively prevent any assistance to those qualified citizens in America who are denied, illegally, the right of franchise because of race or color. It demonstrates very conclusively where the right is and the wrong is in this debate. I congratulate the Senator. He performed a statesmanlike act in taking the position he did.

Mr. KEATING. I appreciate the remarks of the Senator from California.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield to the Senator from Oregon.

Mr. MORSE. I wish to commend the Senator from New York and to assure him I will stand shoulder to shoulder with him in the action he has suggested.

Mr. KEATING. I appreciate that assurance from the Senator from Oregon. I was sure the Senator from Oregon, entertaining the views he does with respect to the civil rights issue, would be found in opposition to the amendment.

PERSONAL STATEMENT BY SENATOR MORSE—NOMINATION OF A QUALIFIED NEGRO AS DEMOCRATIC NATIONAL COMMITTEEMAN FOR THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, I have long since given up hope of having my position on controversial issues fairly and accurately reported in the press of the country. Therefore I find it necessary, from time to time, to use the floor of the Senate in order to make an official and accurate record of my position on some controversial issue in which I may be involved.

Yesterday I received a telegram from a group of very fine citizens in Washington, D.C. The press urged me last night, when they got in touch with me, to give them a reply to the telegram, which I did. Although the telegram I received was reported in substance in the press, my reply was given only a cursory treatment. Therefore I shall read the telegram I received, and then ask that the total message, including its several signatories, be printed in the RECORD:

The undersigned interested citizens of the District of Columbia, being cognizant of the lack of adequate representation of the Negro people on the Democratic National Committee, strongly urge you in your capacity of candidate for the Presidency of the United States to insist that your supporters nominate and elect a qualified Negro as Democratic national committeeman for the District of Columbia. We believe that such action will not only further demonstrate the excellence of your commendable effort to bring full democracy to the people of the District of Columbia but it will greatly assist all of us in our own effort to create a more realistic and equitable representation of all segments of the population of this Nation's Capital. Since time is of the essence, your immediate consideration and action would be most important and very highly appreciated. A similar request is being made of your opponent in the District of Columbia primary.

I ask unanimous consent that the entire telegram and the many signatories thereto be printed in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MARCH 28, 1960.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

The undersigned interested citizens of the District of Columbia, being cognizant of the lack of adequate representation of the Negro people on the Democratic National Committee, strongly urge you in your capacity of candidate for the Presidency of the United States to insist that your supporters nominate and elect a qualified Negro as Democratic national committeeman for the District of Columbia. We believe that such action will not only further demonstrate the excellence of your commendable effort to bring full democracy to the people of the District of Columbia but it will greatly assist all of us in our own effort to create a more realistic and equitable representation of all segments of the population of this Nation's Capital. Since time is of the essence, your immediate consideration and action would be most important and very highly appreciated. A similar request is being made of your opponent in the District of Columbia primary.

Dr. Stephen Gill Spottswood, Bishop, AME Zion Church; Rev. Samuel Kelsey, Bishop, Church of God in Christ; Dr. H. T. Medford, Bishop, AME Zion Church; Rev. Edward D. McGowan, Pastor, Mount Zion Methodist Church; Dr. E. Franklin Jackson, Pastor, John Wesley AME Zion Church, and President, District of Columbia Branch, NAACP; Rev. S. Everette Guiles, President, Interdenominational Ministerial Alliance of Washington and Vicinity; Rev. Dillard H. Brown, Rector, St. Luke's Episcopal Church; Miss Flaxie M. Pinkett, President, John R. Pinkett, Inc.; and George L. P. Weaver, Director, Political Education, IUE.

Mr. MORSE. Mr. President, I replied to the telegram as follows:

MARCH 29, 1960.

Appreciate your wire recommending that I insist that my supporters nominate and elect a qualified Negro as Democratic national committeeman for District of Columbia. I shall always welcome and endorse the sound principle that qualified candidates for any elective office be both free and encouraged to stand for election irrespective of race, color, or creed. However, I think it is an unsound principle involving discrimination itself to recommend that one should be elected to office because he or she is a Negro, a white, a Catholic, a Protestant, a Jew, or a member of any other race, color, or religious faith group. In other words, I think the principle of discrimination which you ask me to endorse would be inconsistent with my very consistent record of 16 years in the Senate of fighting against discrimination based upon race, color or creed. A qualified candidate should be elected to office not because he or she is a Negro or a white, or believes in some particular religious faith or is a member of some particular race but rather the candidate should be elected because a majority of the voters consider the candidate the one best qualified for the job.

I would welcome any one of a number of qualified Negro men who could be mentioned becoming a candidate for Democratic national committeeman or any one of a number of qualified Negro women becoming a candidate for Democratic national committeewoman, but I would not recommend that they be elected on the basis of a discrimination principle based on their race, color, or creed. For years I have fought for a home rule bill containing a provision for the election of a mayor, thus giving the Negroes of the District of Columbia protection from a discriminatory policy inherent in any proposal that authorizes the appointment rather than the election of the chief executive of the city. It is because of the fact that I believe so strongly in electing people to office based entirely upon the merits of their ability and qualifications for the job irrespective of the color of their skin or of their religion or their race that I cannot as a matter of my dedication to the principle of nondiscrimination comply with your request. With kindest regards.

WAYNE MORSE.

Mr. President, there was published in the Washington Post and Times Herald this morning——

The VICE PRESIDENT. The time of the Senator from Oregon has expired.

Mr. MORSE. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. MORSE. I have offered two insertions for the RECORD, and I am about to offer a third insertion. I thought I was entitled to discuss each matter, under the rule.

The VICE PRESIDENT. The Senator is entitled to 3 minutes on one subject. Each insertion dealt with the same subject.

Mr. MORSE. Does the Presiding Officer take the position that when I proceed to discuss an article in the Washington Post and Times Herald which deals, probably, with the same subject matter, but with a definitely different facet——

The VICE PRESIDENT. The Senator, I am sure, can find ways to change the subject, to obtain 3 minutes.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the Senator from Oregon be given an additional 3 minutes.

The VICE PRESIDENT. The Senator is recognized for 3 minutes.

Mr. MORSE. Mr. President, I have always cooperated with the Senate on these matters. I see the Senator from Maryland is standing. I am perfectly willing to yield the floor, with the understanding that when I renew the discussion, after other Senators have used time, my remarks will be printed in the RECORD at this point, to have continuity.

The VICE PRESIDENT. As the Senator is aware, the Chair has been requested to enforce the 3-minute rule strictly.

Mr. HOLLAND. Mr. President, did the Presiding Officer put the unanimous consent request made by the Senator from Florida?

The VICE PRESIDENT. The Chair will put that request at this time. Is there objection? The Chair hears none, and the Senator from Oregon may proceed.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a news article which was published in the Washington Post and Times Herald on this general subject matter.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIRST NEGRO BACKED FOR PARTY POST—HUMPHREY GROUP NOMINATES REEVES AS COMMITTEEMAN

(By Julius Duscha)

The District committee for HUMPHREY announced yesterday that its candidate for District Democratic national committeeman is Frank D. Reeves, a Negro attorney.

If Reeves is elected in the District primary on May 3 he would be the first Negro to serve as a Democratic national committeeman from the District or from any State. Representative WILLIAM L. DAWSON (Democrat, of Illinois), a Negro, is a vice chairman of the Democratic National Committee, but is not the committeeman from his State.

Several Negroes have been members of the Republican National Committee.

OTHER DEVELOPMENTS

In other District political developments yesterday:

The District MORSE-for-President Club made public the names of its candidates for the District delegation to the Democratic National Convention. Nine of the sixteen delegates and eight alternate delegate candidates were members of the 1956 District delegation which was pledged to vote for Adlai E. Stevenson.

The Humphrey committee also announced its candidates for the District Democratic central committee.

George P. Lamb, a Republican opposed to the leadership of the District Republican committee, filed his nominating petition with the District Board of Elections. He is running for delegate to the Republican National Convention and for membership on the District Republican committee in the only contests on the Republican ballot.

The board of elections decided to hold a public hearing at 9:30 a.m. today in room 527 of the District Building, 14th and E Streets NW., to hear suggestions from District Democratic leaders for resolving the conflict over the counting of negative votes cast in the presidential preference section of the District Democratic ballot.

NEGROES SENT WIRES

On Monday nine Washington Negroes sent telegrams to Senator WAYNE MORSE, Democrat of Oregon, and Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, urging them "to insist that your supporters nominate and elect a qualified Negro to the Democratic National Committee for the District of Columbia."

In reply HUMPHREY said, "I heartily concur that the time has come for more adequate representation of the Negro community on the Democratic National Committee."

MORSE replied it would be "an unsound principle involving discrimination itself" to recommend a candidate strictly on the basis of race, color or creed and would be against "my very consistent record of 16 years in the Senate of fighting against discrimination."

Jay C. Turner, who was appointed national committeeman in January following the death of Melvin D. Hildreth, has been endorsed for election to the post by the District Stevenson-for-President draft committee.

The MORSE-for-President Club has not announced its candidate for national committeeman.

Reeves is Washington representative for the legal defense and education fund of the National Association for the Advancement of Colored People.

In announcing the Morse committee's delegate candidates, A. L. Wheeler, chairman of both the Democratic central committee and the District Morse committee, said that Stevenson is the second presidential choice of both MORSE and the delegation.

The Morse committee candidates for the 16 delegate position are: Wheeler, Margaret Just Butcher, Herbert P. Leeman, Robert Mars, Dr. Edward C. Mazique, Bishop Smallwood Williams, Herbert J. Jacobi, Joseph A. Beavers, Theodore Prahinski, John L. Monaghan, Oliver Palmer, Bernice Ross, Rev. Edward Thomas, Robert L. Wearring, Edward Williams and Charles F. Wilson.

The eight candidates for alternate delegate are: Helen Boyle, Bernard Chapman, Myron G. Ehrlich, Woolsey W. Hall, Rev. Charles H. Hamilton, John R. Holden, Rev. R. D. Jackson, and David E. Sloan.

The Humphrey committee candidates for the 26-member District Democratic central committee are: David C. Acheson, Dorothy W. Atkinson, George J. Boden, Harriet Cipriani, Leroy Coad, Rev. W. C. Cole, F. Joseph (Jiggs) Donohue, Tilford E. Dudley, Charles T. Duncan, Mrs. Todd Duncan, Mrs. Milton Dunn.

Also, Doris G. Foster, Elizabeth A. Hawes, Rev. E. Franklin Jackson, W. John Kenney, Laurence A. Knapp, Rev. Theodore S. Ledbetter, Mrs. Ernest K. Lindley, Robert R. Nathan, Betty Randall, Joseph L. Rauh, Polly Shackleton, Mrs. Robert Sher, Arnold Sternberg, Walter N. Tobriner and George Weaver.

The Humphrey committee candidate for Democratic national committeewoman is Katie Louchelm, the incumbent. Dudley is the Humphrey committee's candidate for alternate national committeeman and Mrs. Shackleton is its choice for alternate committeewoman.

Mr. MORSE. Mr. President, I desire to make some comments on this proposal that urges the election of a candidate for Democratic committeeman because of the fact that he is a Negro. I think it will be a sad day in America if there is any Negro group in this country which ever takes the position that some candidate ought to be elected to a political office solely because he is a member of that particular minority group. Likewise I think it will be a sad day in this country if the Catholics as a group ever take the position that a man ought to be elected President of the United States because he is a Catholic. Also I think it will be a sad day in this country if the Protestants ever take the position that a man should not be elected President of the United States because he is a Catholic.

This matter of prejudice, bigotry, and bias in regard to the political qualifications of candidates based upon race, color, or creed is a threat to clean and fair elections in our country. The religion, color of skin, or race of a candidate for office should be excluded entirely from any consideration of his qualification to hold office.

It will be a sad day in America if the Negroes ever take the position that a Negro ought to be elected to political office just because he is a Negro rather than because he has qualifications, based upon his merits to be an officeholder.

Mr. President, I am fully aware of what is probably the political motivating purpose of sending me the telegram yesterday. I stand on the floor of the Senate today and answer it on the basis of principles I have fought for during my 16 years in the Senate. I do not intend to ever become a party to bigotry or racial prejudice, or discrimination based on race or religion. I am for the election of people to public office based upon their merits, irrespective of the color of their skin, irrespective of their religious faith, and irrespective of their race.

There are many highly qualified people eligible for election to office in the District of Columbia who are Negroes. I think offhand, for example, of Dr. Margaret Butcher. I cannot imagine anyone who would make a finer Democratic national committeewoman than this great Negro leader. Dr. Butcher is a distinguished author, a great humanitarian, and a wonderful woman. But, Mr. President, I would not suggest that she be elected to office just because she is a Negro woman. She is deserving of election to office without any reference to the color of her skin. She would make a fine national Democratic committeewoman or Member of Congress because of her brilliant mind, her integrity, her record of dedicated public service, and her many other fine qualities. The point I want to stress is that I think it is a great mistake to recommend that voters should elect anyone to public office on the basis of the fact that they may be a Negro, a Catholic, a Jew, or a Protestant. Race, color, or creed must be ruled out of this matter if we are not to feed the flames of racial and religious discrimination in our land.

I have made these brief comments because I think the time is overdue when someone in American public life on the floor of the Senate should service notice upon racial groups, upon religious groups, and upon all other groups that they make a great mistake if they ask for the election of people to office, or oppose the election of people to office, because they are Catholics, because they are Jews, because they are Negroes, or because they are Protestants.

I hope I have made myself crystal clear, Mr. President, on this issue of discrimination.

WALL STREET JOURNAL REVIEWS MORAL FLABBINESS IN BUSINESS

Mr. PROXMIRE. Mr. President, the most significant gap in the defense of our Nation is not the missile gap or the military production gap or even the developing education and research gap; it is the moral gap.

The basic strength of our Nation depends on the character of our people—their moral strength. The prime prerequisite for our doing something about this gap is, first, to have the realism and sense of responsibility to open our eyes and recognize it.

A recent book entitled "Thief in the White Collar," by Norman Jaspan, discloses that the magnitude of white-collar crime is as the Wall Street Journal points out, appalling; that as a matter of fact embezzlement exceeds all kinds of ordinarily punished theft by a huge 100 percent—a "cool" $1 billion for embezzlement compared to one-half billion for all kinds of thievery from burglary and safecracking to armed robbery. What is more, Jaspan argues that illegal business payoffs, including kickbacks, payoffs, and bribes, amount to a huge $5 billion.

The point of the Jaspan book is that what he calls "preventive management" can immensely reduce this corruption. Jaspan argues very convincingly for the thesis that conscious human effort providing explicit ethical codes can, in fact, help reform human nature, or at least improve human conduct.

Recently, Mr. President, I suggested a tough ethical code for Government officials. It was derided by the experienced and influential columnist, William White, who argued that officials are either honest or dishonest. Laws, he argued, will not improve human conduct or human nature.

Mr. President, because this Wall Street Journal review of business ethics is such a substantial contribution to an understanding of the dimensions of the moral problem in America and because it proposes constructive action to solve the problem, I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHITE-COLLAR CRIME

Amazing. Such was the reaction of most people to news that a brokerage's accounting vice president—a fast man with a computer—had clipped his firm for a quarter million dollars.

But it wasn't too amazing to Norman Jaspan, management consultant, head of Investigations, Inc., and professional criminologist on gray-flanneled wrongdoing. In his thoroughly provocative "Thief in the White Collar," cowritten with Hillel Black (Lippincott, 254 pages, $4.95), a book on embezzling and what preventive management can do about it, Mr. Jaspan makes the point that very little white-collar crime sees the light of public print.

Yet the magnitude of white-collar crime is appalling. What catches most of public and perhaps police attention is ordinary theft—burglary, safecracking, pickpockets, auto thefts, hijacking, armed robbery, etc.—which will amount to about a half billion in stolen goods and money in 1960. But embezzlement, the violation of an employer's trust, will account for a cool billion-dollar series of thefts in 1960. Mr. Jaspan estimates another $5 billion will change hands this year in kickbacks, payoffs, and bribes. And the Internal Revenue Service will collect some $1.7 billion in penalties, interest, and back taxes because of understated returns and tax evasions, if 1957 is any guide.

Comments the author: "The tragedy of white-collar crime is not just the cost in dollars and cents, but the corruption of our most respected citizens, the professional worker, the executive, the top government and union official."

What's behind the corruption? Personal factors—like the shipping manager who enjoys playing the horses with company funds, the secretary who acquires an irresistible fascination for mink and forges her boss' signature, or the incorrigible superoperator. Contributing factors include war and postwar upheaval, international tension, malfeasance in public office, general moral laxity, and a lack of preventive management.

Preventive management probably can never eliminate the embezzling and shakedown rackets 100 percent, given human nature as it is. And many of our laws are also conducive to corruption, as can be seen in Mr. Jaspan's discussion of the findings of the McClellan Committee on Improper Activities in the Labor or Management Field. But—and this is the big point of the book—solid preventive management can greatly cut down the size of the annual bite of white-collar crime.

For example, the author, whose clients include banks, manufacturers, hotels, airlines, mining companies, retailers, and Government agencies, advises a system of dual responsibility in sensitive work functions. Take payroll. Preparation of payroll and payment of employees should be handled by two different groups of workers. Again, persons who maintain inventory records should not be allowed to participate in the physical counting of inventory.

Mr. Jaspan also believes in occasional testing of the company's security program through "created errors." A created or controlled error is one that is deliberately inserted into an employee's or department's operation. The idea is to evaluate the accuracy and care with which personnel carry out their assigned tasks. A company, for instance, may arrange with a vendor to ship short or overship on a specific shipment to determine whether receiving personnel detect discrepancies in quality or quantity shipped.

Norman Jaspan concedes white-collar crime is a moral problem. But he insists that the businessman and executive in charge must bear some responsibility. For their vigilance can remove much of the temptation.

THE CONNALLY RESERVATION

Mr. CLARK. Mr. President, I rise to express my keen disappointment at the action of the Committee on Foreign Relations yesterday afternoon in postponing indefinitely consideration of the repeal of the so-called Connally amendment. This action was taken by the close vote of 9 to 8, and in effect it "pickles" indefinitely a subject which I believe deserves immediate, careful and long consideration by this body.

We purport to support the principle of world peace through world law, and yet the first practical step which is suggested to bring that principle into being is now apparently not to be considered by the Senate.

Let us take a look at the list of those who support the repeal of the Connally amendment.

First, there is the President of the United States. He said in his state of the Union message that he supported it.

Second, the present distinguished occupant of the chair, the Vice President of the United States.

Third, the chairman of the Foreign Relations Committee [Mr. FULBRIGHT] whose competence to speak in this area is well known.

Fourth, every serious announced candidate for the Presidency of the United States on the Democratic ticket—the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. SYMINGTON], the Senator from Oregon [Mr. MORSE], as well as our candidate in the past two campaigns, Adlai Stevenson. I know of no national leader of stature in the country today who stands up and argues strenuously in opposition to the repeal of the Connally amendment.

I hope very much that members of the committee who voted to report the amendment out for floor discussion, and to have it placed on the calendar, will not abandon their efforts, that another meeting of the committee will shortly be called, and that those who voted against reporting the amendment because of a certain poll taken of Senators, indicating that perhaps the necessary two-thirds majority could not be obtained for repeal, will change their view.

The time to determine whether or not the Connally amendment can be repealed is not when the proposal is before the committee. It is after it has been placed on the calendar and is brought to the floor for debate.

One thing the country needs is to place the isolationist groups which are opposed to this necessary measure of international progress in a position where their arguments can be met head on; this cannot be done unless the repealer is reported from the Foreign Relations Committee and subjected to debate on the floor of the Senate.

I hope very much that members of the Foreign Relations Committee will reconsider their vote, and report the repealer for action at this session of Congress.

FOUNDERS' DAY ADDRESS BY VICE PRESIDENT NIXON AT LINCOLN, NEBR.

Mr. CURTIS. Mr. President, on Monday, March 28, Nebraskans celebrated the 93d birthday of their State. On that day they held in Lincoln, Nebr., a Founders' Day banquet to commemorate Nebraska's admission into the Union on March 1, 1867, as the 37th State.

Our honor guest and principal speaker was Vice President NIXON. I ask unanimous consent that my remarks in introducing the Vice President be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. Vice President, Mrs. Nixon, Secretary Seaton, Miss Pitts, Chairman Sutton and my fellow Nebraskans, there are some among mankind who are marked for destiny. No matter how humble their beginnings, they reveal their leadership, their grasp of events, and the way opens to them to fulfill that destiny.

It was the philosopher Nietzsche, who expressed it in this way:

"Our destiny exercises its influence over us even when, as yet, we have not learned its nature: it is our future that lays down the law of our today."

This has been the career and life of RICHARD NIXON, the Vice President of the United States—and the future President of this great Republic.

The son of hard-working parents, he, too, has known hard work from his childhood. To him it was a challenge, not a burden.

His leadership was evident in his early years. The president of his alma mater, Whittier College, said of him that he made a remarkable record as a student including holding the office of student body president. At Duke University Law School, he graduated as one of the three highest in his class and in his final year was elected president of the Duke Bar Association, considered the highest honor the students can confer upon one of their fellows. Already his capacity for leadership was making itself felt.

Like many young men of his time, he expected to go on with a law career, but World War II interrupted that career. After serving with distinction for over 2 years with the Navy in the Pacific Theater, he returned to civilian life.

Again destiny took a hand. A group of Republicans were looking for a young man of principle who would be willing to run for Congress in a heavily Democratic district in California. They spread the word they were on the lookout for a man who would take on this task. A friend called this to the attention of RICHARD NIXON. With his deep sense of civic duty, he answered that call.

He went into that election with all the drive for which he has since been noted. He was elected a Representative with 57.6 percent of the vote in a district which normally went Democratic by 13,000 or more.

He did such a good job for his constituents that, in the next election, he won both the Republican and Democratic nominations and was unopposed, receiving 141,509 favorable votes. Our man of destiny was on his way.

In the 1950 race for the Senate, RICHARD NIXON won his race with a victory of 59.2 percent in a State where registration was normally 3 to 2 Democratic. Destiny was marching on.

In 1952, RICHARD NIXON was elected Vice President. In 1956 the Eisenhower-Nixon ticket won by the largest popular vote in the history of our Nation.

Yes, there is a destiny that guides our lives.

From the obscurity of a small town, from humble surroundings, destiny dictated that RICHARD NIXON would some day lead this Nation through fateful times with that same earnestness of purpose and leadership with which he has tackled every challenge—and out of which he has emerged victorious.

America needs RICHARD NIXON. He will be our next President. I present to you the next President of the United States, RICHARD M. NIXON.

Mr. HRUSKA. Mr. President, as has been stated by my colleague, on Monday of this week Nebraskans celebrated the 93d birthday of their State at the 1960 Founders' Day in Lincoln, Nebr., our State having been admitted to the Union on March 1, 1867, as the 37th State. Our honor guest and principal speaker was the Honorable RICHARD M. NIXON, Vice President of the United States.

In 1931 the Nebraska Legislature voted to designate March 1 as Nebraska Day. In 1936 the Republican Party of Nebraska organized what is now known as Founders' Day in honor of those Nebraskans whose purpose in those early days was to see that Nebraska became a full partner in the Union.

Founders' Day observance is held each March under the leadership of a regular organization. This year the officers included Mr. Harold Sutton, of McCook, long time political and civic leader, as senior president; Mrs. Margaret Hasebroock, of West Point, as senior vice president; Mr. R. L. (Dick) Herman, of Omaha, junior president; and Mrs. Rosemary McCain, Gering, junior vice president.

My colleague Senator CURTIS introduced the Vice President. The text of the Senator's introduction has already been placed in the RECORD.

Vice President NIXON spoke to an enthusiastic crowd of over 8,000 people, 3,600 of them dinner guests, who jampacked the Lincoln Municipal Auditorium to listen to the Vice President's outline of the direction and nature of the presidential campaign this year.

It is heartening to consider the plane for this powerful campaign which the Vice President described.

Perhaps the core of his position is to be found in these words:

> We owe it to the country, to our party, and to the principles we stand for, to put on a fighting, hard-hitting campaign on the great issues confronting the Nation. Our opponents have the responsibility to criticize our record when they think we are wrong. We have the responsibility to defend our record and to criticize theirs where we believe we are right. Each candidate has the right and responsibility to attack the record of his opponent in those respects where he believes it is wrong. But he should make no personal attacks and answer none.

He discarded the idea of any "safe" States for either party. He pledged to campaign "into every State, city, and town that the limitations of time, space, and physical endurance will permit."

The Vice President's remarks were pitched along the direction which would most properly honor the founders of the State of Nebraska, because they clearly indicated that the Vice President will head up the type of campaign which will result in the advance of the cause of good government. Clearly it will present to the American people an opportunity to choose between two basically different economic philosophies advanced and advocated by the two major political parties.

The Vice President's concluding sentence of his speech is very much in order when it says:

> It is our responsibility to state the case for our philosophy as clearly and effectively as we can so that the American people will make the right choice.

Mr. President, this was Vice President NIXON's first extended public discussion of the type of campaign he expects to wage. In order that there may be a wider sharing of the Vice President's remarks, I ask unanimous consent that excerpts from his address be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS OF THE VICE PRESIDENT OF THE UNITED STATES AT THE NEBRASKA 1960 FOUNDERS' DAY PROGRAM, LINCOLN, NEBR., MARCH 28, 1960

I think this is an appropriate occasion for me to lay to rest some stories which have been circulating to the effect that this campaign is going to be 1948 all over again; that I believe we should play it safe, not reply to attacks that are made upon us, and try to coast in.

I can best state my attitude in this way: With Republican Party strength in the Congress at its lowest level since 1936, anyone who does not recognize that we are in for the fight of our lives must be smoking opium.

Our opponents are having their differences now. But they have demonstrated a remarkable ability in the past to resolve their differences and to use the same hatchets on us in the final campaign that they tried out on each other in the primaries.

I believe we will win but we must expect this to be one of the closest and hardest fought campaigns in America's political history. Let me set forth the rules I believe we should follow in this campaign.

We owe it to the country, to our party, and to the principles we stand for, to put on a fighting, hard-hitting campaign on the great issues confronting the Nation. Our opponents have the responsibility to criticize our record when they think we are wrong. We have the responsibility to defend our record and to criticize theirs where we believe we are right. Each candidate has the right and responsibility to attack the record of his opponent in those respects where he believes it is wrong. But he should make no personal attacks and answer none.

We must not make the mistake of starting our campaign too early and having nothing left for the stretch. Once we begin our campaign after the convention, we must have the stamina to step up the tempo continuously until election day. If we are to win we must put on a campaign that covers this country as it has never been covered before.

I reject completely the advice of those public relations experts who believe that television has made person-to-person campaigning relatively obsolete and ineffective. If I become the Republican candidate, I intend to carry this campaign into every State, city, and town that limitations of time, space, and physical endurance will permit.

The day of "safe" States for either party is over. We do not intend to concede any States to our opponents or to take any usually Republican States for granted. If we are to out-vote our opponents, we must outwork, outwalk, and outfight them in the precincts. If our cause is as great as we believe it to be, it deserves the most intensive campaign in American political history and we must all pledge ourselves to that kind of an effort.

• • • • •

What should the Republican Party stand for in this campaign? We will be proud to run on our record. But we must not stop there.

A record is something to build on, not to stand on. Stand-pat, hold-the-line thinking is not enough to meet the great challenges confronting the American people at home and abroad.

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I do not need to tell you here in Nebraska that the farm problem is one of our most

difficult issues. The only point on which there is unanimous agreement is that we cannot continue to tolerate programs under which the surpluses of basic farm commodities continue to pile up and the prices the farmer receives continue to go down. But while everyone agrees as to the need for a change in our present programs, we continue to be stuck with them because the administration and the Democratic Congress cannot agree on what changes should be made.

In order to break this stalemate, the President has taken the unprecedented action of sending a message to Congress in which he states that he will approve any bill the Congress passes if it meets certain broad standards he lays down.

It is time for the Democratic leadership of Congress to fish or cut bait on this problem. If they fail to act or act irresponsibly during this session of Congress, they will have made it clear that they prefer a farm issue to a farm solution. And it is high time that they quit treating the farmer as an issue and recognize him as a person who is not getting his fair share of America's increasing prosperity.

If this Congress fails to act, I believe it is the responsibility of the candidates of both parties to present to the voters for their decision, responsible new programs to deal with the farm problem. In this way the next President will have a clear mandate on the farm problem which he will need to assure action in the next Congress.

* * * * *

One of the major issues in this campaign will be—What policy should the United States adopt to meet the challenge of Communist economic competition? Our opponents have had a great deal to say on this subject.

We have heard a lot of loose talk in the past few months to the effect that the American economy is fat, complacent, stagnant and on the downgrade. I believe it is time that we set the record straight.

This "stagnant" economy of ours today produces more jobs for more people at higher wages than any other country in history. More Americans own their own homes, drive their own cars, hold shares in American business and industry than ever before.

We are ahead of the Soviet Union in every major product. Our total production is more than double theirs. We have achieved in great measure the economic objective of abundance for all in a classless society that Communist theory merely promises.

This does not mean that there is any excuse for complacency. But on the other hand there is no reason for lack of confidence in our ability to stay ahead in this race if we remain true to our basic principles and do not fall for phony schemes for government promotion of economic growth.

We reject completely the theories of some of our political opponents that the way to insure a high rate of growth is through more planning and control by government, increased government spending, pegging interest rates at artificially low prices and allowing uncontrolled bank credit.

Those who favor these procedures admit that they would be inflationary but they contend that a little inflation is a cheap price to pay for an expanding economic system. But we say that this process in the long run would wreck the American economy, not expand it. No system of monetary gadgetry will substitute for real productivity.

The way to greater economic growth in peacetime is not through increasing the size of government but by expanding the opportunities for creative enterprise by millions of individual Americans. While government can and must play a supplemental role in creating the proper climate for economic growth, we must never forget that the primary source of our phenomenal economic progress has been and will continue to be private rather than government enterprise.

In the campaign of 1960, the American people will have an opportunity to choose between these two basically different economic philosophies. That choice could well determine the outcome of the economic competition between the United States and the Soviet Union. It is our responsibility to state the case for our philosophy as clearly and effectively as we can so that the American people will make the right choice.

Mr. HRUSKA. I congratulate the principal speaker on that occasion for a very fine presentation before an enthusiastic and spirited audience.

THE PANAMANIAN PROBLEM

Mr. BUTLER. Mr. President, I have for some time been concerned about conditions in Panama and that country's demands upon the United States which would, if granted, encroach upon, diminish and ultimately completely usurp U.S. sovereignty over the Canal Zone. Because of my concern over what I consider to be a grave situation, on February 16, 1960, I submitted S. Res. 275 which would declare it the sense of the U.S. Senate that there shall be no executive surrender of U.S. sovereignty over the Canal Zone by permitting the flying of the Panamanian flag over the zone or otherwise; and that since the sovereignty of the United States over the Canal Zone was created by treaty requiring the advice and consent of the U.S. Senate, that there should be no surrender of that sovereignty without a treaty of equal dignity.

My resolution is presently before the Foreign Relations Committee. Meanwhile I continue to hear rumblings and demands from Panama. As we all know the Canal Zone has always been a favorite target of Panamanian politicos. I, therefore, expect the demands will increase in tempo in the immediate future as this is a presidential election year in Panama as well as here.

I would like to call the attention of the Members of the Senate to an article appearing in the April issue of the American Legion magazine at page 18 entitled "Appeasement in Panama." I feel this story is very informative and covers the past and present situation in Panama extremely well. I recommend it as required reading for those not familiar with the background of the Panamanian problem.

Mr. President, I request unanimous consent that this article be printed in full at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APPEASEMENT IN PANAMA

(By Edward Tomlinson)

The tide of anti-American propaganda in Panama has become a seething campaign to oust Uncle Sam from control of the Panama Canal.

It is being spearheaded by leftist university students, volatile nationalists, and Communists. It has the ardent support of the majority of the most prominent political leaders and the powerful merchants association of Panama City and Colon, as well as that of the leading newspapers and radio stations.

This campaign against what the extremists call "U.S. domination of Panamanian territory" started in the early thirties, when a group of intellectuals and antigringo elements set up an organization to "promote the internationalization of the canal."

The organization was called the Panamanian Society for International Action, and its founder was the late Dr. Rivera Reyes. In 1934 Dr. Reyes declared that the original treaty, granting the United States a 40-mile-long, 10-mile-wide strip of territory (known as the zone) through which the waterway extends from the Caribbean to the Pacific, "was born of fraud, perfidy and dishonor."

"This great waterway," the doctor said, "should be sold to an international corporation in which are represented all the nations of the world." Apparently at that time neither Dr. Reyes or any other prominent Panamanian had given any serious thought to nationalization of the "big ditch."

With the passing of Dr. Reyes, the movement for internationalization lost momentum; but demands for economic and financial concessions began to increase. In 1936 President Harmodio Arias came to Washington and got the first substantial treaty revision from the Roosevelt administration. In these negotiations little was said about political matters. President Arias seemed to be well satisfied with an increase in the annuity from $250,000 to $430,000, the ceding to the Republic of certain lands of the Caribbean coast, curtailment of commissary privileges to persons living outside of the Canal Zone, and other economic considerations.

Article III of the Isthmian Canal Convention between Panama and the United States, signed on November 18, 1903, states:

"The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned and described in article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority."

Today Dr. Arias, through his newspapers, the Panama American and La Hora, is one of the leading spokesmen for zone sovereignty. A year and a half ago he declared to this writer: "I will never rest until I see the flag of my country flying over both the zone and the canal."

Agitation for the return to Panama of sovereignty over the zone began in earnest in 1939. Following the Spanish Civil War, which ended with the fall of Madrid to the Franco forces, many of Spain's liberal intellectuals and prominent Republicans migrated to the Americas. One group made its way to Panama, and there several of its members were employed as instructors in the newly reorganized National University.

Within weeks after they assumed their duties, they became involved in isthmian politics. They helped to organize the Partido del Pueblo, one of the first Communist political parties in the Caribbean. The PDP was made up of remnants of the old Rivera Reyes movement, radical professors and students, and a considerable number of leftist labor leaders. The party as such has not been too open in its activities, but its members and camp followers have consistently flailed away at the "Imperialist Yankees" for "forcibly occupying a part of our sacred territory."

In the early days of World War II the anti-U.S. movement got a powerful assist from Nazi-Fascist-leaning President Arnulfo Arias, a younger brother of Dr. Harmodio. Arnulfo, as he is popularly known in Panama, was

later overthrown and exiled for the duration of the conflict. But the moment the Axis Powers asked for an armistice, all the leftists and flaming nationalists, the students and the newspapers, along with the leading politicians, launched another drive against "U.S. disregard of Panamanian sovereignty."

They insisted that the Government expel U.S. forces from several wartime airfields and other military bases outside the Canal Zone; these had been leased to us during the emergency for the defense of the canal and the hemisphere. The National Congress sat in special session to condemn this further occupation.

After we had bowed to these condemnations, vacated the wartime bases, and withdrawn all our forces into the Canal Zone, there were still more demands for treaty revisions. In 1955 President Eisenhower invited Jose Antonio Remon to Washington and agreed to increase the annuity from $430,000 to $1,930,000 a year, gave over to the Republic some $25 million worth of real estate in Panama City and Colon, agreed to build a new $27 million bridge across the canal for the Republic's special use, and granted innumerable other financial and economical benefits.

But even these favors failed to satisfy the extremists. They have continued to demand political concessions, in fact, they led the Panamanian public to believe that Washington had agreed to recognize Panamanian sovereignty over the zone and to permit the flag of the Republic to fly there. Of course, no such promises were actually made.

Then in 1956 came the Suez incident. Nasser took over the Middle Eastern waterway. Even while the crisis was at its peak, and the French and English were attempting to drive the Egyptians out of Suez territory, university students whipped up frenzied anti-U.S. demonstrations in Panama City.

In July of 1958 the student unions issued a new manifesto, which was endorsed by most of the press and political firebrands, calling for liquidation of the Panama Canal Company and a 50–50 division of the gross (not the net) annual receipts of the canal. They further demanded that residents of the Canal Zone be compelled to speak Spanish instead of English and that "members of the U.S. Congress and citizens of the United States be prohibited from uttering uncomplimentary remarks against Panama's dignity."

In fact, from then on nationalization, not internationalization, became the chief goal of all the nationalist elements as well as that of the Reds and their dupes. Ever since then an enormous streamer bearing the slogan "The Canal is ours" has flown on the university campus.

Dr. Roberto Arias, Cambridge University graduate and son of Dr. Harmodio Arias, was then his country's youthful Ambassador in London, and he made himself spokesman in Europe for the nationalization movement. Later he resigned, largely because President Ernesto de la Guardia failed to back him up.

In April of 1959 young Arias enlisted the help of followers of Cuba's Fidel Castro in an attempt to overthrow the de la Guardia administration. Meantime, members of this ill-fated expedition revealed that in addition to ousting the government, they had been scheduled to make a token invasion of the Canal Zone. Apparently the purpose of this move was to create an international incident or an excuse to take the dispute to the United Nations. Had this been accomplished, the Russians and the Arab States would have been able to join openly in demands for "justice to Panama."

Although this strategem failed, the planners devised still other schemes to harass Uncle Sam. Drs. Aquilino Boyd and Ernesto Castillero, former Minister of Foreign Relations and Vice Minister of Foreign Relations respectively, announced plans to celebrate Panama's independence from Colombia on November 3, 1959, by a march on the Canal Zone. Boyd said this would be a peaceful demonstration, merely to show the flag in the zone.

Even if Boyd had been sincere, the Communists and extremists had other plans. When the march began, they sent their agitators and goons into the procession and turned it into a bloody riot in which at least 75 Americans—soldiers, police, and civilians—were injured. Plants in Government telephone exchanges and radio stations passed out word that the National Guard was to remain in barracks, which it did, leaving the Canal Zone police and military forces to battle the attackers alone.

When the American forces stood their ground—against degrading insults, threats, stone throwings, and foolhardy onslaughts against tear gas bombs—the rioters, like the immature kids they were, slunk away into Panama City and vented their angry emotions on U.S. business firms and properties. But the masterminds behind the scenes had not given up. Three weeks later they led another demonstration against the Canal Zone. This time the Panamanian National Guard managed to get on the job and quell the rioters.

Meantime, the State Department had sent Under Secretary of State Livingston T. Merchant to Panama City to confer with officials of the Republic and the Canal Company regarding the difficulties. Although Mr. Merchant insisted that Panamanian authorities maintain order and protect U.S. life and property in the Republic, he indicated that Panama is the titular sovereign over the Canal Zone, whatever that means.

Panamanians insist that the Under Secretary agreed that their flag might be displayed in the zone. In fact, it is the opinion of a number of people high in our own Government that this concession would not impair our rights.

Mr. Merchant had hardly arrived back in Washington when the Panamanian Foreign Minister, Miguel J. Moreno, Jr., complained to the press in Panama City that he had "not yet received any word from the U.S. Government that it intends to satisfy Panama's complaints." He expressed impatience that the State Department had not taken action to have the flag hoisted.

At the moment a hot presidential campaign is on, with elections scheduled to take place in early May. Meantime, no Panamanian official or politician is likely to counsel moderation, much less take a stand against anti-U.S. attacks.

Latin American diplomats in Panama City have reported to their governments that more violence and demonstrations are to be expected.

The most responsible Americans on the isthmus are agreed that the Panamanian politicians as well as the merchants will not only continue to insist upon but will take all the material concessions they can get and will encourage the Communist-nationalist groups to keep calling for nationalization.

The strategy now is evident, and it bears unmistakable Communist earmarks. First, keep stoking the propaganda mills, keep shouting about "injustices heapened upon helpless little Panama by the powerful Yankee colossus." Eventually a lot of people will begin to believe it.

Second, it may be possible somewhere along the line to create an incident, perhaps the accidental killing of a Panamanian student by a U.S. soldier or policeman. Then a wave of righteous wrath will sweep all Latin America. As one diplomat puts it: "There will be demands in the Organization of American States, the United Nations, and throughout the communist world for an end to unilateral domination of this world waterway."

Indeed, most Panamanians already are convinced that eventually they will be able to pressure us into sharing jurisdiction over the canal as well as the zone. We ourselves have given them good reason to believe their dream can come true. Their efforts so far have borne abundant fruit. We have yielded to pressure and have made two major revisions of the original treaty. Each time the Panamanians received more than any of them ever expected to get.

They consider our position regarding Suez as a precedent. In effect, we approved the nationalization of that waterway by Egypt.

Some of our most influential political leaders have come out for what they call a new approach to the canal question. Way back at the Potsdam Conference, President Harry S. Truman started the ball rolling. With "Old Joe" Stalin listening, Mr. Truman proposed that all strategic waterways be internationalized, and he has repeated the proposal.

A few weeks ago presidential hopeful Senator HUBERT HUMPHREY took up the idea. The Minnesota Senator said, in effect, that we have two alternatives in the Panama Canal Zone. We can work out a cooperative program with the Republic of Panama, giving Panama more voice and rights in the Canal Zone. Or we can go to the United Nations and offer to internationalize the canal, providing the same is done for other international waterways.

Senator WAYNE MORSE of Oregon, chairman of the Senate Foreign Relations Subcommittee on Latin America, recently hired a study group from Northwestern University, at the taxpayers' expense, to look into and recommend a plan for disposing of the Panama Canal question. The report recommends what it terms regionalization of the waterway; that is, giving the nations of this hemisphere some say in the affairs of the canal. The Northwestern University professors went on to say that the Council of the Organization of American States might establish an advisory canal commission, which would supervise traffic studies "including the long-range problem of arranging for a second canal across Nicaragua."

The group also said that later moves might include giving the Organization of American States representation on the Board of Directors of the Canal Company and the transfer of canal stock in small blocks to the hemisphere body. "By regionalizing the canal in this way," the professors concluded, "we avoid the political dilemma of internationalizing it through a divided United Nations, or having it eventually nationalized despite ourselves by the Panamanians."

Unfortunately, too few of our own people—those in authority as well as average citizens—seem to know the main facts about the Panama Canal, its origin, and purpose. The isthmus has always been a strategic artery of transportation. It was the route the Spanish conquerors took to western South America, to the riches of Peru, Bolivia, etc., in the 16th century.

In 1856, when our own people were pioneering to California, U.S. citizens built a railroad across the isthmus and thousands of settlers traveled to the Pacific coast by that route. In 1880 a French company headed by Ferdinand de Lesseps, who previously had dug the Suez Canal, attempted to build a canal across Panama. Lack of money, the ravages of disease, and innumerable difficulties and hardships forced De Lesseps to give up.

By then (1889) we were becoming a great naval power. During the Spanish-American War we had found it a hazardous undertaking to transfer our fleet from the Atlantic to the Pacific by way of Cape Horn. Also our Pacific coast and the new Territory of Alaska were practically undefended. It became a matter of the utmost strategic urgency to find a shorter route.

In 1899 the United States bought the French rights and holdings, but found objections from Colombia, of which Panama was then an isolated northern province. On November 3, 1903, the Panamanians seceded from Colombia, and President Theodore Roosevelt recognized the newly organized Panamanian Government on November 6. Twelve days later we signed a treaty with the new republic, which gave us the right to construct and operate the canal.

Article II of that document grants the United States in perpetuity complete jurisdiction over the 553 square miles that make up the zone. Article III further states that Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article II * * * to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority.

To seal the bargain, we paid the new government $10 million in cash and pledged ourselves to pay annually thereafter $250,000, which in 1955 was upped to $1,930,000. During Woodrow Wilson's administration we paid Colombia $25 million, as a friendly gesture and in token of damages it had sustained.

It probably is too much to expect even intelligent Panamanians to admit that what we actually got from them by treaty, and for which they received what then was a considerable sum of money, was a mere strip of sodden, disease-ridden jungle and marshland, most of it totally uninhabited.

Since 1903 we have built a canal that accommodates the ships of the whole world. Our scientists and doctors turned the swamps, as well as the two main Panamanian cities, into virtual health resorts. We have built hospitals, schools, homes, highways, stores, and shops, as modern as any in the world. We have also built all the facilities necessary to operate and defend the biggest single Government-operated industrial setup outside the United States itself.

Although we are accused of reaping billions from this project, to date U.S. taxpayers have spent more than a billion and a half dollars on its construction and maintenance; but they have received from it only a little over $965 million in tolls.

Meantime, the Panamanians who spent nothing to put it there, and who take no risks in making it function and pay its way, daily reap a windfall of benefits and profits from it.

But regardless of what happened in the past, and entirely aside from the question of whether this country has or has not been financially generous to the government and the people of Panama, the question now arises: What is for the ultimate best interests of all concerned in the operation and maintenance of this vital waterway?

Obviously it is of the utmost importance to the other nations of this hemisphere and to the world in general, as well as to our own country and to Panama, that it be maintained in perfect condition and operated by highly trained personnel and experienced directing heads. Those in charge should also be men of unusual economic and financial ability, if they are to make wise policies for a multimillion-dollar corporation that by law has to be self-supporting.

Anybody with even a cursory knowledge of the Panamanian population knows that the little Republic does not have the means or the know-how to do either. Even if enough Panamanians were technically trained to do the job, the instability of the country would be a danger to the safety and dependability of the canal's operation. From 1949 to 1959 there have been seven different Presidents, almost one a year, not one of whom served out his term. President de la Guardia may succeed in squeezing through until next May, although he already has experienced several close calls.

The Panamanians still insist that we do not pay their people the same wages that we pay North Americans. Of course, this is not true. It may have been in the past, but not since the last treaty revisions. Since then, a Panamanian who does the same job that a North American does gets the same pay, the same promotions, the same benefits.

Since so many Panamanians engaged in agitation against the United States, and participated in violent attacks on canal properties, the question of security of the installations becomes an all-important consideration. Those responsible for any organization as vital to national and hemisphere defense as the Panama Canal would hesitate to promote or put Panamanians or any other than U.S. citizens in charge of strategic posts.

The Panama Canal is not only a vital artery of transportation but also a critical link in our own national defense. It is equally important in the defense of all the southern republics. None of them likes to admit it, of course, but not one of the 20 countries could defend itself against an attack by modern weapons.

The United States is Latin America's sole defense in any major war. The canal is the sole means of shifting war vessels from one ocean to another quickly; it is also an indispensable supply line. Unless we control it, it would be of little use in any emergency.

Aside from the fact that nobody else put a penny into its construction, least of all the Panamanians, these were among the chief reasons for making a treaty which gave us complete jurisdiction over the zone in the first place. Divided authority and jurisdiction, which could cause disagreement and confusion at a critical moment, would give an enemy great advantage, and would kill the efficiency of the operations in normal times.

The very fact that we are committed to NATO, the Rio Defense Treaty, the Western Hemisphere and the southeast Asia alliances is a further reason for maintaining the political provisions of the 1903 treaty. Especially since we still are in the midst of a dangerous cold war with Communist nations.

Nor is the mere fact that Panamanian leaders have changed their minds and now want to revise the treaty, not to say nullify it, sufficient reason to go along with them. No doubt Mexicans would like to revise the treaty that ceded California to us, so that their flag might again fly over this rich territory. France might like to have the treaty by which we acquired Louisiana and the vast western territories that went with it overhauled.

The insistence upon flying the Panamanian flag in the zone, as a token of titular sovereignty, now the prime goal of the isthmian crusaders, is merely a ruse, a Trojan horse. Once there, it would be pointed to as an acknowledgment of total, not titular, sovereignty. It would be an excuse for the extremists to demand more tokens of Panamanian power. They could point to the flag as a supreme demonstration of U.S. deceit—"Washington admits the Canal is ours but won't let us rule over it."

Even if it were logical and wise to make political concessions, or if there were no threats of a future war, this is no time even to discuss the matter. You don't make concessions when an organized mob is converging on your house.

We have become the great Western power, but we don't act the part. We are still anxious to be loved by everybody. We cringe every time some government, even a shaky one, or some extremist group criticizes or throws spitballs at us.

Nobody loves a great power. Nobody loved England when Britannia ruled the waves. But they respected her. She went straight down the road of what she thought was her duty. She lived up to her treaties and obligations and expected others to do likewise.

The U.S. Government has the same right and the same obligation to demand that Panama, the other party to the treaty of 1903, live up to its obligations, to its word, its signature. That is what the treaty was for.

Finally, it is time for the administration and the Congress to stop trying to please everybody; such efforts mean that we usually end up pleasing nobody. It would be an innovation, and the people of the United States no doubt would shout "Hosanna," if the White House and Capitol Hill would act as the responsible protectors of American rights abroad that they are supposed to be.

One thing is certain: Our rights and our obligations in the matter of the Panama Canal and its operation and protection are at stake.

At least it is time for our leaders to speak with one voice, and not as if they were the inmates of a tower of Babel.

THE AMERICAN LEGION'S POSITION

At the 41st National Convention of the American Legion, August 25–27, 1959, the committee on foreign relations reported:

"1. We reaffirm our opposition to any proposal or effort to change, in any way, the status quo of the Panama Canal."

The convention adopted a resolution (No. 645) that called upon "our Government to promptly and vigorously use all means within our power to prevent the establishment or continuance of any Communist or Communist-controlled government within the Western Hemisphere," and urged "all American Republics to join with our Government in the elimination of this threat to the freedom of the peoples of the Western Hemisphere and of the world."

Mr. BUTLER. Mr. President, I also ask unanimous consent to have printed in the RECORD a resolution adopted by the Panama Canal Society of Washington, D.C., protesting against the flying of the Panamanian flag over the Canal Zone.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the treaty of 1903 between the United States and Panama, under which the Panama Canal was constructed, and ever since has been maintained and operated, provided, for these purposes, the exclusive sovereignty, in perpetuity, over the Canal Zone by the United States; and

Whereas except for such exclusive sovereignty there could not have prevailed in the Canal Zone the conditions of political stability absolutely required to enable the United States to assume and discharge its solemn treaty obligations with respect to the canal; and

Whereas any dilution of U.S. sovereignty, or any duality of sovereignty, would render impossible the adequate maintenance and operation of the canal by the United States, with resulting loss and injury to the United States, Panama, and the entire world; and

Whereas the effort of radical leaders of Panama to raise and maintain in the Canal Zone—by force or otherwise—the Panamanian flag as an evidence of Panama's sovereignty over the zone—and, therefore, of the canal itself—if permitted to succeed, will constitute an avowed and all-important first step in the publicly proclaimed Panamanian goal of nationalization of the canal—and this without the slightest reimbursement to the United States and its taxpayers for the huge cost of construction involved, or any consideration of the vital treaty rights obtaining: Be it therefore

Resolved by the Panama Canal Society of Washington, D.C., on the 19th day of March, 1960, acting by and through its executive committee, under due authorization,

1. That the United States, except for the exclusive sovereignty over the Canal Zone conferred by the treaty of 1903, would not, and should not, have embarked on the great Isthmian enterprise; nor can it successfully maintain and operate the canal in the future except under conditions of exclusive sovereignty.

2. That the display of the Panamanian flag over the Canal Zone as an evidence or symbol of Panamanian sovereignty would not serve the best interests of either the United States or Panama, but would bring confusion and chaos to the maintenance and operation of this great agency, the Panama Canal, created for the progress, betterment, and peace of the entire world.

3. That, although desiring for Panama and its people the fullest measure of advancement and welfare, the society, whose membership is made up of survivors who were employed in the construction of the canal and others who have served in the forces engaged in its maintenance and operation, believes that the tragic incidents attending the recent efforts of mob invasion of the Canal Zone to bring about Panamanian sovereignty, instead of serving the best interests of Panama, have aided and abetted the long-maintained aim and policy of communism to wrest from the United States any and all control of the canal, with resulting internationalization; that all Panamanian efforts for nationalization only have the effect of furthering the cause of internationalization; and that the society strongly opposes such nationalization or any internationalization of the canal.

4. That so long as the United States maintains and operates the canal in conformity with the treaty provisions involved, Panama cannot justly claim or exercise any sovereignty over the Canal Zone or the canal; and only if and when the United States shall abandon the canal, or cease thus to maintain and operate it, can the "sleeping" or reversionary sovereignty of Panama be vitalized.

5. That for the reason now urged the society most earnestly protests against the flying of the Panamanian flag in and over the Canal Zone as an evidence of any claim of Panamanian sovereignty.

6. That copies of these resolutions be furnished the President of the United States, the Congress, the Secretary of State, the Secretary of the Army, and the other Panama Canal Societies.

FRANK M. HILL, *President.*

SEWARD'S DAY

Mr. BARTLETT. Mr. President, this is a very special day in Alaska. It is so because of law. It is so because of the personal desire of all Alaskans. For it was 93 years ago today, at 4 o'clock in the morning, that there was signed here in Washington, D.C., the treaty for the purchase of Alaska by the United States from the Imperial Government of Russia. Signing on behalf of the United States was William H. Seward.

By this act, consummating a plan he long since had conceived, Lincoln's great Secretary of State immortalized his place in history. It was not only that he arranged for a purchase price of $7,200,000—as every schoolchild knows—it was that this Russian land came into our posession. That it was the greatest real estate bargain in history with the 385 million acres that make up Alaska coming to the "marketplace" at about 2 cents an acre is obvious; it should be just as apparent that considerations other than money are far more important. In the troubled world we live in now, how would it be if the Soviet flag were planted on that land which has become the 49th State? Our defense position would be very seriously compromised indeed. Every military move we made would have to be far different than it is now. Our problems would be enormously complicated; the difficulty and cost of defense would be immeasurably increased.

So the homage we Alaskans pay Seward this day should be joined in by all Americans. Seward served them well in this instance, as in so many others. This son of New York was possessed of unusual foresight; he looked not only to the immediate future but to the welfare of his country years and even decades ahead. He was a great statesman.

The treaty was signed, as I have noted, 93 years ago this day. The Russian flag was lowered, the American flag raised, in October 1867. First it became the District of Alaska; then the Territory of Alaska; and now we proudly hail the 49th State of this Union.

It was Seward who first to my knowledge predicted ultimate statehood for Alaska. He was prophetic.

Many years ago the legislature of the Territory of Alaska set aside March 30 to be known as Seward's Day. Fittingly enough, the first legislature of the State of Alaska, meeting in 1959, reenacted the law conferring that designation and distinction upon March 30, which could also be known as Alaska Treaty Day.

I am proud to stand here in the Senate this day, almost 100 years from the time Seward signed the treaty to bring his dream to reality, and pay tribute to this American statesman whose deeds and memory will live and be remembered so long as the United States continues to exist. And that, Mr. President, will be a long time.

PLIGHT OF THE TELEVISION INDUSTRY

Mr. McGEE. Mr. President, my purpose in rising is to insert in the RECORD a couple of items which I did not have time to insert during the morning hour.

I refer to two more pieces of comment on the status of the television industry in this country at the present time. I have been placing in the RECORD a long succession of comments by individuals associated with that work, and I wish to add these two.

The first is an article entitled "Network Programing Continues To Favor Profits Over People," written by Harry Harris, and published in the Philadelphia Inquirer of March 22, 1960. The article reads, in part:

> Now that Washington rumbles are growing fainter, it looks as if the networks are blithely proceeding with their same old pocketbook-over-people policies.

The conclusion is:

> Since, in recent months, the networks' policymakers have again proved themselves incapable of functioning as public-minded statesmen, rather than as profit-minded pettyfoggers, we feel that legislation should be written to require that networks, like individual stations, be licensed by the Federal Communications Commission, subject to review of their frequently contradictory promises and projects.

The second piece is an article entitled "Networks on the Loose Again—For Now Anyway," written by Lawrence Laurent and published in the Washington Post of March 30, 1960.

The article by Mr. Laurent begins:

> Suddenly, the heat is off and television networks are able to return to the old practices.

Mr. Laurent points out:

> The force of the quiz show scandals has dissipated and outrage at payola is diminishing. If Congress intends to adjourn in July, there is not enough time in which to legislate new broadcasting rules. It would be unwise, however, for broadcasters to expect Congress to lose interest in radio and TV after the national elections.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD at this point as a part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Mar. 22, 1960]

NETWORK PROGRAMING CONTINUES TO FAVOR PROFITS OVER PEOPLE

(By Harry Harris)

Now that Washington rumbles are growing fainter, it looks as if the networks are blithely proceeding with their same old pocketbook-over-people policies.

Despite loud lip service, there have been no noticeable improvements in programing. A documentary sop here and there, often as ill conceived and executed as the shoddiest oater.

For next season, the prospects seem worse than ever: the present overabundance of westerns and whodunits, in spades, plus a generous dose of sound alike family style situation comedies.

There will be fewer specials, fewer dramas, fewer live enterprises of any kind. Not a single weekly hour or longer drama anthology is contemplated. Instead of an increase in public service offerings, there apparently will be a reshuffling of them.

Other network policies rate skepticism. Because CBS, NBC, and ABC, with suspicious alacrity and unanimity, turned down a prize-winning, independently produced documentary, "The Race for Space," containing startling footage of U.S. and U.S.S.R. missile shots, even though a sponsor was eager to foot the bill, a makeshift network of at least 95 stations has been assembled to air the program April 24.

The basis of the networks' refusal to present the show, it seems, is their feeling that public service attractions involving areas of controversy should be prepared under their own auspices and not delegated to outside producers or sponsors.

Such a definition of network responsibility conceivably could require the Republican and Democratic Parties to permit network supervision of the content of campaign telecasts.

Other recently—and hastily—concocted network policies in connection with the sale of time to political parties on the eve of election day have also sparked protests.

With specials of appeal to more discriminating viewers in short supply at any time, the networks again seem launched on a de-

liberate policy of scheduling these rare items at conflicting hours.

CBS' "Playhouse 90," progressively reduced from weekly, to biweekly, to occasional, seems to have been particularly picked for such nuisance bookings. The scheduling of "The Hiding Place" against Rex Harrison's starring vehicle, "Dear Arthur," Tuesday night, is a case in point. Another instance will occur April 3, when "Alas, Babylon" will vie with a satirical revue, "Hollywood Sings," on NBC's "Sunday Showcase."

Two other irksome examples of special versus special: CBS' Hemingway drama, "The Snows of Kilimanjaro," against NBC's "TV Guide Award Show," Friday at 8:30 p.m.; CBS' encore of the eminently worthwhile "Salute to the American Theater" against NBC's production of Joseph Conrad's "Victory," starring Art Carney, April 8.

This kind of scheduling, to our mind, reflects a deplorable irresponsibility on the part of the networks. Ratings still rate, obviously, above the public good.

In the face of all this, the networks continue to lobby energetically for immunity from governmental control, trying to equate their nearsighted, money-grabbing shenanigans with such lofty principles as freedom of speech.

We're not in favor of censorship or other bureaucratic control, but are these inevitable concomitants of the establishment of certain safeguards that the networks toe some sort of reasonable line in their profitable use of the public's air?

Since, in recent months, the networks' policymakers have again proved themselves incapable of functioning as public-minded statesmen, rather than as profit-minded pettifoggers, we feel that legislation should be written to require that networks, like individual stations, be licensed by the Federal Communications Commission, subject to review of their frequently contradictory promises and projects.

[From the Washington Post, Mar. 30, 1960]

NETWORKS ON THE LOOSE AGAIN—FOR NOW ANYWAY

(By Lawrence Laurent)

Suddenly, the heat is off and television networks are able to return to the old practices. CBS–TV which brought in a new wave of honesty last December has decided its announcements about "audience reaction technically augmented" are no longer needed. Said CBS Vice President Joseph H. Ream: "We think that after 3 months the TV audience is educated to many basic production techniques and there's not much use in cluttering up shows with labels that no longer serve a purpose."

Open up a new can of laughter.

NBC–TV never did adopt rules for telling the people how they were being fooled. ABC–TV fills its schedule of programs by Hollywood sublease and it couldn't have put any new ideas into practice until Warner Bros. was ready.

The force of the quiz show scandals has dissipated and the outrage at payola is diminishing. If Congress intends to adjourn in July, there is not enough time in which to legislate new broadcasting rules. It would be unwise, however, for broadcasters to expect Congress to lose interest in radio and TV after the national elections.

The VICE PRESIDENT. Is there further morning business? If not, morning business is concluded.

CIVIL RIGHTS ACT OF 1960

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Order No. 1241, House bill 8601.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. JOHNSON of Texas. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BIBLE in the chair). Without objection, it is so ordered. The question is on agreeing to the motion of the Senator from Texas. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MUSKIE (when his name was called). On this vote I have a pair with the senior Senator from Louisiana. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Louisiana [Mr. ELLENDER] are absent because of illness.

I also announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. LUSK], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. LUSK], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

If present and voting, the Senator from Kentucky [Mr. MORTON] and the Senator from Indiana [Mr. CAPEHART] would each vote "yea."

The result was announced—yeas 71, nays 17.

[No. 142]

YEAS—71

Aiken	Carroll	Fong
Allott	Case, N.J.	Frear
Anderson	Case, S. Dak.	Goldwater
Bartlett	Chavez	Gore
Beall	Church	Green
Bennett	Clark	Gruening
Bible	Cooper	Hart
Brunsdale	Cotton	Hartke
Bush	Curtis	Hayden
Butler	Dirksen	Hennings
Byrd, W. Va.	Douglas	Hruska
Cannon	Dworshak	Jackson
Carlson	Engle	Javits
Johnson, Tex.	Mansfield	Saltonstall
Keating	Martin	Schoeppel
Kefauver	Monroney	Scott
Kerr	Morse	Smith
Kuchel	Moss	Symington
Lausche	Mundt	Wiley
Long, Hawaii	Murray	Williams, Del.
McCarthy	Pastore	Williams, N.J.
McGee	Prouty	Yarborough
McNamara	Proxmire	Young, Ohio
Magnuson	Randolph	

NAYS—17

Byrd, Va.	Johnston, S.C.	Smathers
Eastland	Jordan	Sparkman
Ervin	Long, La.	Stennis
Fulbright	McClellan	Talmadge
Hill	Robertson	Thurmond
Holland	Russell	

NOT VOTING—12

Bridges	Hickenlooper	Morton
Capehart	Humphrey	Muskie
Dodd	Kennedy	O'Mahoney
Ellender	Lusk	Young, N. Dak.

So the motion of the Senator from Texas [Mr. JOHNSON] was agreed to.

Mr. MANSFIELD. Mr. President, I move that the vote by which the motion to take up H.R. 8601 was agreed to be reconsidered.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CASE of South Dakota. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota will state it.

Mr. CASE of South Dakota. Mr. President, do I correctly understand that there is no unfinished business, and that now that the civil rights bill is made the pending business by motion during the morning hour, and before the hour of 2 o'clock, it will continue to be the pending business unless it is displaced by motion?

The PRESIDING OFFICER (Mr. FREAR in the chair). The Senator is correct.

OPPOSITION TO CIVIL RIGHTS PROPOSALS

Mr. RUSSELL. Mr. President, those of us who have undertaken to oppose the vicious proposals that have been paraded here under the false banner of "civil rights" have done so under great handicaps.

Our numbers admittedly are small. The leadership is determined to pass a bill. Many of the country's largest and most influential newspapers, magazines, and other media of communication gave their support in advance of blank-check legislation in this field. As a result, great sentiment has been created against the people of the South, and in favor of all legislation bearing the title "Civil Rights."

We have carried on in spite of the odds. To the best of our ability, we have used the limited means available to us to warn the country of the dangers and inequities contained in these proposals.

Mr. President, no Member of this body has fought more tirelessly or more effectively in this great cause than has my distinguished colleague, Senator TALMADGE. He has made a number of extremely able speeches on the floor of the Senate in defense of constitutional government, and has built an unassailable case against the multitude of unconstitutional proposals that have been advanced here.

But my colleague has by no means limited his efforts against these measures to the making of speeches on the floor of the Senate. Despite his heavy schedule, he has found time to participate in a number of nationwide radio and television programs, in the interest of presenting our cause to the people in every State and section of the Nation.

His most recent such appearance was on last Sunday, when he debated the so-called civil rights bills with the Senator from New York [Mr. KEATING]. Without in the slightest disparaging the Senator from New York, I wish to say that I think that all who saw that program will agree that my colleague, Senator TALMADGE, gave an excellent account of himself and made an eloquent presentation of the case for the South, and against the proposed legislation.

Mr. President, the Atlanta Journal, in an editorial which was published last Monday, commended my colleague for the ability he displayed in his television appearance and for the clarity and force of his presentation. I ask unanimous consent that the editorial be printed in the body of the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal, Mar. 28, 1960]

DEBATE SERVES THE SOUTH

The civil rights debate over television Sunday between Democratic Senator TALMADGE, of Georgia, and Republican Senator KEATING, of New York, demonstrated once more that the South has a case to present if it can just get the rest of the country to listen.

Those who tangle with Senator TALMADGE in the forensic art are learning what fellow students at the University of Georgia learned a long time ago—that he is an able debater who gives no quarter.

The two Senators were well matched and they presented their arguments so forcefully that the 30-minute program seemed to pass all too quickly.

And while there was heat, there also was light. Both were well armed with facts and they showed no hesitancy in interrupting each other to clarify points they feared might be misinterpreted.

Senator TALMADGE pressed Senator KEATING pretty hard on the matter of sit-down demonstrations that have swept through the South in recent weeks. Senator KEATING kept saying that he approved of peaceful demonstrations so long as they violated no law. But the Georgia Senator insisted that was just the point—they constituted trespassing on private property and were therefore illegal.

The two were in agreement on one point: that they would both support legislation making it a crime to obstruct any court order by force and violence.

Senator TALMADGE makes a good impression in his defense of the South, and it is hoped that his message is getting through to the rest of the country. The response he received from a recent nationwide television appearance indicates that it is.

CIVIL RIGHTS AND THE DISTRICT OF COLUMBIA

Mr. RUSSELL. Mr. President, this morning there came to my attention the "Report From Washington" column, published in the Chicago Daily Tribune of March 30, written by Mr. Walter Trohan, chief of the Chicago Tribune's Washington bureau. His column deals with conditions here in the District of Columbia.

The first sentence of the article reads as follows:

There is more hypocrisy than honor among northern bleeding hearts on the question of integration in the South.

Mr. President, I ask unanimous consent that the entire article be printed at this point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Daily Tribune, Mar. 30, 1960]

REPORT FROM WASHINGTON

(By Walter Trohan)

WASHINGTON, March 29.—There is more hypocrisy than honor among northern bleeding hearts on the question of integration in the South. Nowhere is this more vividly demonstrated than in the National Capital, which lies below the Mason-Dixon line but has long ago been captured by various shades of do-gooders from New Dealers to one worlders.

Nowhere has there been more verbal agony shed over Negroes and less practice of the preached word. Since the Supreme Court decisions on civil rights, there has been a tremendous exodus from the Capital into segregated Virginia and outlying Maryland by those who agitated for the rulings.

Since the High Court decisions Washington has become a Negro city. Fifty-five percent of the population of the Capital is Negro. Three out of four pupils in District public schools are Negro. In the first grade almost 85 percent of the students are Negro.

This means simply that the white people who have been agitating for integration in the South have been moving away from Negroes in the Capital to suburbs which are white. The percentage of white population in the Capital is dropping while the percentage is rising rapidly in suburban areas.

WHITE STUDENTS ATTEND PRIVATE SCHOOLS

To too many bleeding hearts the Negro is good enough to fight for far away but not good enough to live with or go to school with in the North. Most northern cities are showing marked rises in suburban population, but nowhere so much as in the Capital, where integration was enforced.

Man has always found it easier to adopt a cause far from home, especially when he could escape from the consequences of his own crusading. In the days before the Civil War, abolitionists in New England found it easy to close their eyes to child labor in cotton factories, which was a more cruel and heartless form of slavery than they battled in the cotton fields of the South.

Most of the more prosperous white people with children of school age who continue to live in the Capital send their children to private schools. Some did before the integration decision, but more do now that 96 of the District of Columbia's 165 schools are 90 percent Negro or over. Twenty-one schools are 100 percent Negro in enrollment.

Supreme Court Justice William J. Brennan, Jr., the only jurist with schoolchildren at the time of the Court's decision in the school cases, sent his children to private schools. Some of these schools take Negroes but few Negro parents are able to meet costly tuition charges. In the case of at least one of these private institutions, one of the loudest voices for integration was privately plotting with his trustees on means of keeping Negro students out of his institution's classrooms.

VOTE AT HOME TO KEEP FEDERAL JOBS

More recently the do-gooders in the National Capital have revived another of their causes—home rule and the vote for the Capital. Most of the agitators vote in other States, where they maintain legal homes even though they spend considerable time here.

Many of the white people living in the Capital vote at home to keep their Federal jobs. If the District of Columbia should get home rule, the Negroes would have an even greater majority at the ballot box than the 55 percent of the population they have.

Undoubtedly Washington would elect a Negro mayor and other Negro officials in a matter of time. The majority at the ballot box was an actuality when the District did vote before the turn of the century and is the reason why the vote was taken from residents of the Capital. No doubt more bleeding hearts would move out if the District should win the right to vote. All this serves to indicate that if the bleeding hearts weep, they weep crocodile tears except when their own selfish interests are involved.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. McCARTHY obtained the floor.

AMENDMENT OF THE SUGAR ACT

Mr. CHURCH. Mr. President, will the Senator from Minnesota yield to me?

Mr. McCARTHY. I yield.

Mr. CHURCH. Mr. President, heretofore I joined with other Senators in the sponsorship of S. 3210, a bill to amend and extend the Sugar Act of 1948, as amended. This is a revenue measure in form, and in all probability it will be considered by the House of Representatives before it is taken up in the Senate.

Nevertheless, this is an extremely important legislative problem for consideration in this Congress, and the time is getting late. The Sugar Act expires at the end of this year; and unless an extension of some kind is agreed upon before Congress adjourns, there will be chaos in a vital segment of our economy, the sugar industry.

It is for this reason that I desire to explain my position as to the kind of sugar legislation we ought to have, and to submit an amendment I have prepared.

This Congress is apparently to be offered a choice between a simple extension for 1 year of the existing law, and S. 3210, which amends the Sugar Act in certain important particulars, and extends it for 4 more years.

I favor the latter course for a number of reasons. First, there is the time element itself. Sugar is not the kind of crop, and not the kind of industry, which can successfully operate on a year-to-year basis. The crop periods overlap in the different producing areas, processing and marketing plans have to be made more than 1 year in the future, and the threat or prospect of legislative "tinkering" on a year-to-year basis is not conducive to sound management. Unsound management means higher costs.

Second, I believe S. 3210 makes some desirable changes in the law. One of

these, from the point of view of the sugar-beet States, gives to beetgrowers 150,000 tons additional quota, as a substitute for the variable prospects of sharing in the deficits which arise from time to time in Puerto Rico's quota.

Additionally, S. 3210 takes a realistic look at the situation in Cuba, and gives the President the right to cut Cuba's quota on a 1-year basis, when in his judgment such action should be taken. A 1-year extension of the present law, without changing it, would amount to a favor to the Cuban Premier which I do not think he deserves. I believe it better to empower the President to cut the Cuban quota, when he believes it to be warranted, rather than to countenance Castro's conduct by continuing the present law, which guarantees him a lucrative share of the U.S. market, regardless of his conduct, past, present, or future.

The Sugar Act is an immensely complex piece of legislation, but it has worked well. It has stabilized the sugar market, once subject to violent fluctuations; and the rise in the cost of sugar to American consumers is much less on a percentage basis since the Sugar Act was first passed than the rise in the cost of other commodities. By comparison, the average American worker works less than 3 minutes to earn enough to buy a pound of white granulated sugar, while in Russia a worker must work more than 2 hours to earn enough to buy the same amount of sugar.

An efficient domestic and mainland sugar industry must be maintained if a reasonable degree of national self-sufficiency is to be provided. Our sugar program assures the American consumers an adequate supply of sugar at reasonable prices, maintains and protects the welfare of the domestic sugar industry, and promotes the export trade of the United States.

This program cannot be permitted to come to an end, and it must not be tampered with indiscriminately.

But, Mr. President, I believe that a principle long incorporated in the act could well be extended. This is the principle that new and small producers ought to receive special consideration.

After World War II, returning veterans and others who then established themselves on homesteads and other farms without beet acreage allotments, have sought to participate in this program. The act directs the Secretary of Agriculture to give a preference to this type of grower; but, as a practical matter, the amounts available have been too small to be useful.

Yet sugar is a most attractive cash crop, and without it the new farmers are at a great disadvantage in their communities

Sugar beets return what they take from the soil. They promote soil equilibrium, when grown in rotation with hay, grains, and legumes. A ton per acre of their extensive root systems is left in the soil, to rebuild it.

The byproducts of beet sugar—tops, molasses, and pulp—provide a rich and necessary source of supplement feed for livestock. Proper feeding of these by-products will produce 300 pounds of meat for each acre of beets.

If the new farmers could be helped, without doing violence to the traditional beet planting patterns, it would be a good thing for Idaho and other beet areas.

I think this can be done. That is the purpose of an amendment which I intend to offer to S. 3210, and which I send to the desk, with the request that it be printed.

At the present time, there is consumed in the United States, each year, about 150,000 tons more sugare than that consumed in the preceding year. This growth, which results from the increase in our population, and also from a growth in the per capita rate of sugar consumption, is now allocated between our domestic producers, on the one hand, and Cuba and other foreign producers, on the other, in the ratio of 55 to 45. Cuba's share of this growth is about 30 percent of the total; and the other foreign countries, except the Philippines, have about 15 percent of the total. The Philippines have a fixed annual quota, and that country does not share in additional allocations arising from the growth in our market.

My amendment would reassign to our domestic producers the Cuban quota of the annual growth increment.

Under the Sugar Act, the domestic beet sugar areas are allocated about 40 percent of new domestic quotas. Forty percent of the amount reassigned from Cuba would furnish increased acreage in significant proportions. Under the second part of my amendment, the Secretary of Agriculture would be required to give to new and small producers a preference as to any increased acreage resulting from this reassignment.

Thus, on a progressive basis, each year more acreage would be available to help these new and small growers. They have had a preference in the past; but, as I have pointed out, the added acreage has been too small to be of help to them.

I think it eminently fair that the part of the new acreage which, under my amendment, would be reassigned from Cuba, should be subject to this preference for new and small producers. This would take a sound and constructive step to meet the need of this particular group, without disturbing the balance of the Sugar Act's operation or violating its spirit.

I ask unanimous consent that my amendment, with the changes in the present law indicated, be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. The amendment will be received, appropriately referred, and printed; and, without objection, the amendment will be printed in the RECORD.

The amendment was referred to the Committee on Finance, as follows:

On page 1, after line 11, insert the following:

"SEC. 2. Section 202 of the Sugar Act of 1948, as amended, is amended by adding at the end thereof the following new subsection:

"'(f) Notwithstanding the foregoing provisions of this section, effective with the calendar year 1961, no part of any increase in quotas arising from a determination made by the Secretary under section 201 in excess of 9,400,000 short tons, raw value, which would otherwise be prorated under the provisions of subsection (c)(2)(B) shall be apportioned to Cuba, and the percentage thereof which would otherwise be apportioned to Cuba shall be apportioned to domestic producers.'

"SEC. 3. Section 302(b) of the Sugar Act of 1948, as amended, is amended to read as follows:

"'(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) within the proportionate share for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share tenants, adherent planters, or sharecroppers and of the producers in any local producing area whose past production has been adversely, seriously, and generally affected by drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions. To the extent that an increased acreage shall be allocated to beet sugar areas by reason of the enactment of the amendment adding section 202(f) such increased acreage shall be allocated by the Secretary, insofar as practicable, to protect the interests of new producers and small producers. For the purposes of establishing proportionate shares hereunder and in order to encourage wise use of land resources, foster greater diversification of agricultural production, and promote the conservation of soil and water resources in Puerto Rico, the Secretary, on application of any owner of a farm in Puerto Rico, is hereby authorized, whenever he determines it to be in the public interest and to facilitate the sale or rental of land for other productive purposes, to transfer the sugarcane production record for any parcel or parcels of land in Puerto Rico owned by the applicant to any other parcel or parcels of land owned by such applicant in Puerto Rico.'"

On page 2, line 1, renumber "SEC. 2." to read "SEC. 4.".

On page 6, line 15, renumber "SEC. 3." to read "SEC. 5.".

On page 7, line 19, renumber "SEC. 4." to read "SEC. 6.".

On page 7, line 22, renumber "SEC. 5." to read "SEC. 7.".

On page 8, line 1, renumber "SEC. 6." to read "SEC. 8."

Mr. YARBOROUGH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Minnesota [Mr. MCCARTHY] has the floor.

Mr. YARBOROUGH. Mr. President, will the Senator from Idaho yield?

The PRESIDING OFFICER. Does the Senator from Minnesota yield for that purpose?

Mr. MCCARTHY. Yes.

Mr. YARBOROUGH. I desire to ask the Senator from Idaho a question. Under this proposed amendment, what new acreage would be granted to American growers?

Mr. CHURCH. Under my proposed amendment, the Cuban share of the added increment in the total sugar quota that results from the annual growth of the American market, would be reserved to domestic producers.

Mr. YARBOROUGH. I desire to say to the distinguished Senator from Idaho that my State has a quota for sugar beet

production of about 1,800 acres, a little less than 3 square miles. That is an area 1 mile wide and 3 miles long for the entire State of Texas. In the high plains area, sugar beets are the most valuable crop per acre that can be produced. The former quota of 2,200 acres has been cut to 1,800 acres. For 20 years the sugar beet producers in that high plains area of Texas have sought to get a reasonable sugar beet acreage quota, but they now have a quota of only 3 measly square miles for the whole State of Texas. I think the Sugar Act should be amended so that American producers who have the land and the labor available can grow more sugar beets, in view of the fact that domestic producers grow only about 27 percent of the sugar consumed in this country, and we import approximately 73 percent.

Is it not a fact that we import about 73 percent and produce only about 27 percent of our sugar needs?

Mr. CHURCH. It is true that the amount imported exceeds the amount that is domestically produced.

Mr. YARBOROUGH. That is undoubtedly the reason why the President of the United States recently recommended new sugar legislation. He recommended it partly on the ground of national security and defense. He did not state specific percentages, but he pointed out that we produce only a fraction of what we consume. Actually we produce 27 percent of the sugar consumed in this country. In view of the price that Americans pay for sugar and the widespread consumption of that commodity, it does not make sense to limit American farmers so that they are permitted to produce only 27 percent of the sugar needed in this country, while we force off the farms those who are raising grain sorghums or wheat, for example, the further production of which is not needed. Sugar is needed.

The entire State of Texas, with an area of 267,000 square miles, is allowed to produce sugar beets only in a little strip of land 1 mile wide by 3 miles long, when it has been demonstrated for more than 20 years that sugar beets form a very valuable crop in the high plains area, where the production is worth from $100 to $150 an acre per year. This is the most valuable crop that can be grown in that area, where beets with a very high sugar content are grown, when compared with the sugar content of sugar beets grown elsewhere.

I ask the Senator from Idaho what acreage is provided for the State of Texas under the amendment he has submitted.

Mr. CHURCH. Under the amendment I have proposed, no specific acreage allocations are made. The pattern of the present Sugar Act is retained, but domestic producers are favored—and new and small domestic producers are given special preference—with respect to the Cuban share of the increased increment in the sugar quota that results from the growing population of this country, from year to year.

I think the effect of my amendment would be to give added acreage to domestic producers, wherever sugar is now being produced; and, in addition, the new and small producers would be given a special preference to which they are entitled.

It may be that the distinguished Senator from Texas would want to see the Sugar Act amended in other particulars, but I think the objective of better serving domestic producers is one advanced by this amendment, and, to this extent, I am sure the Senator from Texas would want to support it.

Mr. YARBOROUGH. I commend the distinguished Senator from Idaho for this step in the right direction. It is only a step, however. I point out that under 8 years of Bensonism, in one State acreage was increased by 30,000 acres, while in my State in that period acreage was reduced from 2,200 to 1,800 acres. I think we ought to look at the matter from the domestic as well as the standpoint of foreign production.

THE LATE PRINCE JONAH KUHIO KALANIANAOLE

Mr. FONG. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Hawaii?

Mr. McCARTHY. Yes.

Mr. FONG. Mr. President, last Saturday, in my State of Hawaii, a holiday marked the birthday anniversary of a great Hawaiian statesman and Republican—the late Prince Jonah Kuhio Kalanianaole. This Prince of Hawaiian royalty was the second Delegate to the Congress of the United States from the then new Territory of Hawaii. He served his Hawaii and the United States in the House of Representatives from 1902 until his death in 1922.

On the occasion of the celebration of Prince Kuhio Day in Hawaii, Riley H. Allen, editor of the Honolulu Star-Bulletin, wrote an editorial in the March 26 issue of that newspaper. Mr. President, I ask unanimous consent that this testimonial to a great Hawaiian statesman be printed in the body of the RECORD following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Honolulu Star-Bulletin, Mar. 26, 1960]

A GREAT HAWAIIAN, A PATRIOTIC AMERICAN

On March 26, 1871, near Koloa on Kauai, a son was born to the High Chief David Kanalepouli Piikoi and the Princess Kinoiki Kekaulike. He grew up to become Prince Jonah Kuhio Kalanianaole, one of the most illustrious figures in Hawaiian history during the transition from monarchy to republic and into the first two decades of territorial status.

He was brought up, with his brother David, in the court of Kalakaua. When Liliuokalani was overthrown, his understandable monarchist sentiments got him in trouble with the officials of the republic and he was sentenced to a year in prison in connection with the abortive revolt which sought to restore Liliuokalani to the throne.

For a time, the brothers Kuhio and David floundered in the political turmoil of their times. Finally, however, they realized that their royal training in service to their people could best be put to use in the new framework of the territorial government.

David became a Democrat, and Kuhio a Republican. David was not successful politically, and died in 1908. Kuhio, on the other hand, was a favorite with the electorate and after his first election as Delegate to Congress in 1902, he was unfailingly reelected for 10 terms, still a record. He died on January 7, 1922, nearly 19 years after entering Congress.

The crowning act of his political career was the Hawaiian homes program, to take his people out of the city slums and to give them land in perpetuity to insure perpetuation of the race. Gov. Wallace R. Farrington appointed him to the first homes commission and it was a source of gratification to Prince Kuhio to see the commission plunge rapidly and effectively into its work.

And it was Governor Farrington who paid one of the finest tributes to Kuhio:

"Prince Jonah Kuhio Kalanianaole was sincere, loyal, and courageous, and he possessed the peculiar kindness of heart distinctly Hawaiian that is identified, interpreted, and glorified in Hawaii's aloha. He made friends and his opponents were never enemies. Through his friendly personality he rallied national leaders to his support, not only through the justice of the cause he represented but also because 'we like the prince.'

"As a member of the royal family of Hawaii he maintained the dignity of his station and with refined freedom from ostentation. He understood the developing forces of the Pacific and was solicitous for the welfare and the highest type of progress for his people.

"Without sacrificing his pride of race or of nationality that had been merged in the great union of States, he was a whole-souled American."

Today Hawaii observes the 89th anniversary of Kuhio's birth. Though the number who knew him personally dwindles, his spirit lives on in his achievements and in the legacy he left his people. He was a son of whom all Hawaii is proud.

THE DILLON PLAN

Mr. JAVITS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Minnesota [Mr. McCARTHY] yield to the Senator from New York?

Mr. McCARTHY. I yield.

Mr. JAVITS. Mr. President, U.S. free world leadership is facing difficult tasks in attempting to unite the economic potential of the Western industrial powers and bring this great potential to bear upon the epic economic challenge posed by the need of the less-developed areas of the world which must be helped to achieve economic progress in a framework of free institutions. The urgency of meeting these tests and of helping the emerging nations along the road of economic development is greatly intensified by the existence of Soviet power, offering assistance to the developing nations on terms which are vague but generally spell Communist domination.

The free world effort is being made within the framework of the Dillon plan, excellently set forth in an editorial of today's New York Times, which I ask unanimous consent to insert in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 30, 1960]

THE DILLON ERA

Two separate groups are now meeting in Europe to consider plans for replacing the

Marshall era of American aid to Europe with the Dillon era of American-European partnership in trade. The term "Dillon era" was coined by President Hallstein of the Administrative Commission of the European Economic Community in honor of American Under Secretary of State Douglas Dillon. It is intended to denote the new phase of Western economic development symbolized by the American plan presented by Mr. Dillon at an economic meeting in Paris in January and approved by 20 nations. Under this plan the United States and Canada would join a dollar-strong Western Europe in a new trans-Atlantic organization for greater and economic cooperation and joint aid to underdeveloped countries.

A detailed blueprint for this new organization is now being worked out by a committee for presentation to a meeting of the 20 nations in Paris April 19. But these nations have found it advisable to meet in Paris at once in an effort to head off a threatened trade war between the European Economic Community of the "inner six," headed by France and Germany, and the European Free Trade Association of the "outer seven," headed by Britain. Such a clash would create a most unhappy initiation of the Dillon era.

This issue is also being considered by the European Parliamentary Assembly, the precursor of a parliament of a united Europe, now meeting in Strasbourg. It has before it a plan to speed up both the reduction of trade barriers between members of the Community and the formation of their customs union by an early start of their common tariff toward others on the basis of reduced rates. The United States has endorsed this plan for both its political significance and as a step toward trade liberalizations, even though it may initially discriminate against American trade. But the "outer seven," whose free trade association, of course, also discriminates against outsiders, including the United States, see in the Community's move only discrimination against themselves and threaten reprisals. It must be hoped that the assurances given Prime Minister Macmillan by Secretary Herter and Mr. Dillon will help to prevent a development that could seriously impair Western solidarity.

PROPOSED CIVIL RIGHTS LEGISLATION

Mr. JAVITS. Mr. President, upon the pending civil rights bill, I wish to state I have heard this morning with the greatest of pleasure and gratification the compliments paid to my junior colleague from New York [Mr. KEATING] upon the fight which he made last night in the Committee on the Judiciary against the so-called Kefauver amendment.

Mr. President, these fine tributes are thoroughly well deserved. My colleague has rendered us all a service in being alert to the implications of the amendment. I am sure that his own dedicated opposition, together with the opposition of many of us who feel exactly as he does on this subject, will result in its excision from the bill.

Mr. KEATING. Mr. President, will the Senator from Minnesota yield to me for a slight comment?

Mr. McCARTHY. I yield to the Senator from New York.

Mr. KEATING. I thank my colleague from New York for his very kind comments. I appreciate them very much indeed. I know the senior Senator from New York stands with those of us who feel that this is a devastating amendment to the bill and that we must do everything in our power to have it eliminated.

Mr. JAVITS. I thank my colleague.

Mr. SCOTT. Mr. President, will the Senator from Minnesota permit me to address a question or a comment to the Senator from New York?

Mr. McCARTHY. Mr. President, I yield to the Senator from Pennsylvania.

Mr. SCOTT. I desire to underscore what has been said by both Senators from New York. The Kefauver amendment, which was adopted by a vote of only 7 to 6 in the committee, is an amendment which would do more to assure the intimidation of persons wishing to be recognized as seeking the right to register and to vote than any proposal I have heard of yet. This amendment could fill the room, where the application is being considered, with people hostile to the man or the woman who feels he or she has been deprived of the right to vote or who seeks in the first instance to attain that right.

There was nothing in the bill heretofore which pertained to hearings. The amendment refers to a hearing.

I hope the Senator will agree with me when I say that there ought not to be anything in the provision which would make more difficult the right to register through a voting referee than the ordinary right to register. If this procedure is to be in a hearing and in the presence of a room full of a great many people, most of whom would be hostile to the applicant, the effect of the amendment will be to create a climate of intimidation, and to prevent people from exercising their right to register and to vote.

Does the Senator from New York agree with me?

Mr. JAVITS. Of course the Senator agrees with his colleague from Pennsylvania and with his colleague from New York.

After all, the reason the voting has been frustrated in the South has been the climate of intimidation, implemented every once in a while by some act of violence, which shows they really mean it. The mere presence of the kind of attitude which has been shown on the part of white citizens—the White Citizens Councils, for example—would be enough to frustrate the very thing we are trying to accomplish.

This is a matter which should be left to each court, seeking in good faith to carry out what is intended; to wit, to put the Negro on terms of perfect equality with any white voter. The white voter does not have to have a hearing. He does not have to have evidence presented. He does not have to have a proceeding with a lot of witnesses and a lot of lawyers when he goes in to register to vote. Neither should a Negro have to do so. That is the essence of what we are talking about.

We are all gratified that our colleague [Mr. KEATING], who is an able lawyer, faced with this matter as a first impression, immediately perceived its implications and helped us all by interposing his objections to the amendment and by now ringing the alarm bell for all of us.

Mr. SCOTT. Mr. President, I should like very much to join in the praise for my colleague from New York for his alertness, for his courage and determination, and for being prepared at all times to detect these "gimmicks" in proposed legislation which are designed to defeat the purpose of the legislation itself.

I am very happy that every Republican Senator, every Senator on this side of the aisle, who is a member of the Committee on the Judiciary, voted against the Kefauver amendment. This cannot be said with respect to the other side of the aisle, whether we are speaking in terms of one section of the country or another.

Mr. JAVITS. Mr. President, I did not want to intrude upon the time of my colleague for very long.

I take my text from what has occurred this morning with respect to making the civil rights bill the pending business. I say this: Mr. President, the illusion that we are going to have an agreed-upon civil rights bill in the Senate which could move over to the other body, which was an illusion which was prevalent for a very considerable time in the Senate, is gone.

Now we know we are going to have a bill which is going to be a Senate bill. I regret very much that we did not make it the Senate bill based upon the Dirksen substitute, the administration program. That is water over the dam, of course.

The point I want to make now is that we are face to face with every issue. The technique of making a motion to table an amendment has changed in implication. We are faced with the issues, and we have to decide them substantively. Every Member of the Senate should know that he is now to vote for or against the issues. If any Senator votes against an issue by voting to table, that will be the end of it. We will not have another chance, as we had with respect to the Dirksen substitute, since there was a House bill.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. Not yet.

That is point No. 1. The illusion of an agreed-upon bill is gone. We are going to have to fashion a Senate bill.

Point No. 2 is that every Member of the Senate who votes on any of these provisions, whether it be to table or to vote substantively, is now voting definitively.

Point No. 3, which is very important, Mr. President, is that I hope very much we will submit to the conscience of the Senate and to the vote of the Senate each one of the two propositions which are omitted from the bill; to wit, the proposition for technical aid to school desegregation, and the proposition for recognition of the government contracts employment committee. Mr. President, these are two essences of any intelligent and meaningful civil rights program. The Senate should pass upon them. Those provisions should not simply go down the drain at this last stage in these proceedings.

Mr. President, I bring those things to the attention of all of our colleagues, because we have to know that we are up against a substantive question now. Shall we have a civil rights bill which is adequate for the world in which we live? This is a world in which there are devastating, horrible and bloody riots in one part of the world—in South Africa—based upon this issue of race and color; a world in which we have serious questions raised with regard to law and order and the rights of peaceful assemblage in our own States. This should impress us all with the simmering caldron upon which we sit, and therefore of the necessity of not being overtaken by events but instead of being ahead of events, by the use of intelligent legislation in terms of the contribution of the Federal Congress.

Mr. HOLLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Does the Senator from New York yield to the Senator from Florida?

Mr. JAVITS. I cannot. The Senator from Minnesota [Mr. MCCARTHY] has the floor.

Mr. HOLLAND. Mr. President, will the Senator from Minnesota yield to me briefly so that I may reply to the Senator from New York?

Mr. MCCARTHY. Mr. President, I should like very much to yield. I have made commitments to other Senators. I understand the proceedings of the Senate will be interrupted at 2:30 this afternoon.

Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I appreciate that courtesy.

I simply wanted to say I was a little bit intrigued by the position of the Senator from New York, when the Senator claimed we were almost in sight of adopting what he referred to as the Dirksen substitute amendment, whereas the RECORD shows that my distinguished friend from New York offered more amendments to the Dirksen substitute than anybody else in the Senate, which apparently indicated that the Senator thought very little of the Dirksen substitute amendment at the time the debate on the amendment was under way.

I thank my distinguished friend for yielding.

Mr. JAVITS. Mr. President, if the Senator will give me one minute I should like to reply.

I have had something next to my desk for a long time which I have wanted to use, and I think this is the time to use it.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New York?

Mr. MCCARTHY. Mr. President, I yield to the Senator from New York for a short statement.

Mr. JAVITS. It appears, Mr. President, considering all the conversation we have had about the number and weight of the amendments to the Dirksen substitute, which were said to weigh 5 pounds, we should consider the other side of the case.

Mr. President, we weighed all the statutes passed in the South to thwart and to destroy the fundamental civil rights of American citizens in the South, and we find they weigh 10 pounds 12 ounces. [Laughter.]

Mr. President, I think that is about the character of this debate; in short, twice as much effort and weight goes into efforts in the States in the South to thwart these civil rights as goes into the Congress of the United States, for the whole United States, to endeavor to retain them.

Mr. President, I am very grateful to my colleague for yielding to me, and for his patience.

Mr. CARROLL. Mr. President, will the Senator from Minnesota yield to me?

Mr. MCCARTHY. I yield.

Mr. CARROLL. Mr. President, I was surprised this morning to read in the newspaper the interpretation given to the action taken by members of the Senate Judiciary Committee. The Senator from New York is in the Chamber. I should like to have his attention.

I heard the remarks of the junior Senator from Pennsylvania. Now I think the time has come to set the record straight as to what happened with respect to the Kefauver amendment, according to the memory and judgment of the junior Senator from Colorado.

I should like to read from page 46 of the hearings before the Senate Judiciary Committee on House bill 8601. The Attorney General of the United States was before the committee in executive session. Questions were propounded to the Attorney General as to what was the meaning of "ex parte." There was considerable concern on the part of some members of the Judiciary Committee about the meaning of "ex parte." There were unfounded apprehensions that it was intended to authorize "secret" meetings or midnight, closed-door hearings. There was discussion as to whether or not the voting referee could proceed in the dark of the night, in some secret, clandestine meeting, to register a person who was of the class of persons against whom it was found there was a pattern and practice of discrimination. The Attorney General was pressed on this question. He was asked, "Why do you need to have an ex parte hearing?" He was asked in effect, "The pattern and practice having once been found by the court, why do you need to have an ex parte hearing?"

All we have been seeking to do is expedite voting registration. But an attempt was made to press the Attorney General into a corner and bring out of him evidence that this ex parte hearing was to be a secret meeting, conducted in a basement, or in some other sinister and mysterious manner. The junior Senator from Colorado put this question to the Attorney General as he was being pressed in committee:

Senator CARROLL. This is not a star chamber session?

Mr. ROGERS. Not at all.

Senator CARROLL. This is a session that people can come and take a transcript and hear the testimony.

I wish to repeat that. I think this will eliminate some of the confusion in the press, because the press has not been given the whole story.

This is a session where people can come and take a transcript and hear the testimony.

It is one thing to take a transcript. It is another thing to hear the testimony; and it is quite another thing, in law, to participate in the hearing.

I continue reading from page 46:

The real question, as I understand the able Senator from North Carolina in raising the question, is how can they attack the evidence that comes, but there is nothing secret about this hearing.

Mr. ROGERS. No. The referee acts just the way a registrar would act, a State registrar, and then he presents everything to the judge, and then the attack made on his decision is made before the judge, and there is a full hearing before the judge.

The real reason I wished to point up this discussion is to show what happened, according to the recollection of the junior Senator from Colorado. The able Senator from Tennessee [Mr. KEFAUVER] presented an amendment. I have not talked with the Senator from Tennessee since the hearing. However, as I recall, the Senator from Tennessee said, "We think these hearings ought to be held in public."

I had previously made that suggestion to the Attorney General. The Attorney General thought the hearings should be public. So that part of the amendment struck me as being pretty fair.

Mr. KEATING. Mr. President, will the Senator yield to me for the purpose of a correction?

Mr. MCCARTHY. Mr. President, I regret very much that I cannot yield any additional time. This subject has been under discussion for a considerable time, and I have been asked to yield by a number of Senators. I should be very glad to yield, but because of previous commitments, I will say to the Senator from Colorado, I must make my presentation now in order to honor those commitments.

Mr. CARROLL. Mr. President, will the Senator yield for another 2 or 3 minutes?

Mr. MCCARTHY. I yield the Senator 3 minutes.

Mr. CARROLL. We must get the record straight.

Mr. KEATING. Inasmuch as the Senator has been yielded 3 minutes, will he yield to me for a correction?

Mr. MCCARTHY. I yielded 3 minutes to the Senator from Colorado.

Mr. CARROLL. I should like to make a record. I shall be glad to yield if there is time. There will be ample time to debate this subject.

The Senator from Tennessee wanted the hearings to be made public. The Attorney General said they should be public. The junior Senator from Colorado believes the hearings should be public. I am against secret hearings.

The Senator from Tennessee felt that the State registrar or county registrar should be given 2 days' notice and should have an opportunity to bring in

his own stenographer to take down a report of the proceedings.

The junior Senator from Colorado did not agree with that, because he felt that it would be one more stumbling block, another roadblock in the way of the individual seeking to register. I offered an amendment to the Kefauver amendment to strike out that provision. I am perfectly willing to have public hearings, but I did not want in the amendment a provision for 2 days' notice. I did not receive one Republican vote on my amendment.

Mr. JOHNSTON of South Carolina. Mr. President, let us keep the record straight. There is already in the law a provision for 2 days' notice. The amendment did not change that provision one iota.

Mr. KEATING. Mr. President, will the Senator yield for a correction?

Mr. CARROLL. If I may, I should like to follow through with this presentation, then if I have remaining time I shall be glad to yield. I think we can clear up a great deal of misinformation which has gone to the press.

My amendment to the Kefauver amendment failed. Then there came the question of public hearings including a 2-day notice. That was the Kefauver amendment and it included the material which I moved to strike out. A vote was taken on that amendment.

I think the junior Senator from Colorado has been as active in connection with this bill as any Republican or Democrat, and more active than some of my southern friends would like me to be.

The junior Senator from Colorado will offer an amendment, if it is in order, to strike out the part which was approved by the Senate Judiciary Committee. I prefer the wording of the House bill. However I still think it is a mistake to leave the impression with the public that a voting referee is going to operate in secret, in a clandestine manner, registering people in the dark of night. I believe that after we make a record, and let a court of equity know our position, a court of equity will not permit a voting referee to take such action.

An amendment such as I have described will be offered by me, and I trust that it will be supported by Senators who are interested in a good bill.

I close with the following statement: I observe on page 17, line 20 of the bill, that the language "the applicant shall be heard ex parte" is stricken out. According to the memory of the junior Senator from Colorado, this was not the amendment of the Senator from Tennessee [Mr. KEFAUVER].

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The time of the Senator has expired.

Mr. CARROLL. Mr. President, may I have an additional 30 seconds from the Senator from Minnesota?

Mr. McCARTHY. I yield 30 seconds.

The PRESIDING OFFICER. Without objection, the Senator from Colorado is recognized for 30 seconds.

Mr. CARROLL. There may have been a mistake in the marking up of the bill in the committee. However, I have not talked with the Senator from Tennessee with regard to his intentions toward striking out the language, "the applicant shall be heard ex parte."

I agree with both Senators from New York that leaving in the bill the present language would gut the bill. But we are not going to gut the bill. Certain language has been stricken out, which I am confident will be restored. There is no necessity for all the furor over what happened in the committee.

I thank the Senator from Minnesota.

REPORT OF SPECIAL COMMITTEE ON UNEMPLOYMENT PROBLEMS—MINORITY AND ADDITIONAL VIEWS (S. REPT. 1206)

Mr. McCARTHY. Mr. President, as chairman of the special Committee on Unemployment Problems, pursuant to Senate Resolution 196, 86th Congress, I submit the final report of the committee. With the filing of this report, the committee concludes the major portion of its work.

The Committee on Unemployment Problems was established in the closing days of the last session of Congress, with the following Senators appointed to it: Senators McNAMARA, CLARK, RANDOLPH, HARTKE, McGEE, COOPER, PROUTY, SCOTT, and myself.

We were directed to "make a full and complete investigation and study of unemployment conditions in the United States, giving particular consideration to areas of critical unemployment for the purpose of determining what can be done to alleviate such conditions and to report its findings and recommendations to the Senate"—S. Res. 196.

The Senate resolution was introduced jointly by the majority leader and the minority leader and was approved without opposition. The decision to establish this committee reflected the judgment of Senators that unemployment is a serious problem. There are nearly 4 million unemployed persons in the Nation today. The rate of unemployment has been 5 percent or above for 26 of the past 28 months. The overall trend has been one which indicates that the problem is increasing. For instance, after each of the last three recessions, the rate has been above what it was before the recession.

Unemployment is, first of all, a human and social problem. Its direct effect is to bring fear, insecurity, and a lowered standard of living to individuals and their families, and frequently it is accompanied by unfortunate psychological and moral disturbance. It is, second, an economic problem, involving the loss of purchasing power to the worker and loss of production for the Nation.

Unemployment is not a new problem. It has been characteristic of advanced societies even in ancient times. The Roman Senate and the tribunes attempted to deal with it, not altogether successfully. There have been times, of course, when the central problem was not unemployment but what might be called overemployment, when men have been forced to work excessive hours to maintain themselves. We have legislation which generally curbs this abuse, but unemployment and underemployment continue to harass our economy.

The members of the Committee on Unemployment Problems did not set out believing that they could discover a single solution which would eliminate unemployment. Our conclusions and recommendations do not suggest that the problem can be solved by legislation alone. Rather, the committee has attempted to analyze the problem and to discover the practical means by which it can be reduced.

We first scheduled field hearings and invited witnesses from various groups in the economy to testify. Between October 5, 1959, and January 11, 1960, the committee held 27 days of hearings in representative regions across the Nation. Testimony was taken in 24 cities, located in the following States: West Virginia, Pennsylvania, New York, Massachusetts, Illinois, Indiana, Michigan, Minnesota, Kentucky, Louisiana, Wyoming, and Oregon and in the District of Columbia. In several instances, official representatives from nearby States also appeared before the committee.

During the course of its hearings the committee took testimony from 538 witnesses and received 130 additional statements. The testimony has been published in 9 volumes, totaling over 4,100 pages. It represents, I believe, a most comprehensive survey of unemployment problems. Among those participating in the hearings were 23 U.S. Senators and Representatives, 9 Governors, 59 mayors, 55 professors and educators, representatives from 37 State employment security systems and from 35 local chambers of commerce. Testimony was also heard from officials representing the Departments of Labor, Commerce, and Defense, and from national representatives of the U.S. Chamber of Commerce, the National Association of Manufacturers, the AFL–CIO, and several national unions. All the major economic and civic groups had an opportunity to be heard, and the testimony reflects a cross section of views in American society.

The public hearings afforded the committee a wide base from which to draw conclusions and make its recommendations. Valuable suggestions were made by witnesses, but more impressive was the cumulative effect of the testimony in revealing the extent and depth of the problem. The relative prosperity of the Nation as a whole has tended to hide the social and economic costs of unemployment to the approximately 4 million unemployed, over 900,000 of whom have been unemployed 15 weeks or longer. Neither do statistics reveal the deteriorating effects of unemployment upon communities in areas which suffer from chronic unemployment. It is my hope that the committee's work will bring the costs of unemployment into the open and alert the American public to the necessity for decisive action to deal with it.

Unemployment is not the result of lack of ambition on the part of the unemployed or caused by calculated indifference by employers. At the local level where business, labor, and civic leaders have to deal firsthand with unemployment problems, there are few who view the problem lightly or who assume it arises from character defects of the unemployed. On the contrary, local community leaders were greatly concerned with the problem. They were very cooperative in testifying and were generally most emphatic in pointing out the need for Government assistance. The committee members were impressed by the efforts made by local leaders, but in most cases the causes and solutions of their problems involve factors which they cannot control by themselves. For particular industries, areas and individuals, unemployment problems are the consequence of swings in the business cycle, changes in Government policies, technological advances, business decisions made in offices remote from the local workers and factories. Change is inevitable if the economy is to grow and expand and dislocations cannot be wholly eliminated, but their effects can largely be offset by positive private and public policies.

The committee also gathered additional information from sources other than the hearings. The staff compiled a representative selection of factual data and papers dealing with the nature and history of unemployment, with its social and economic effects, and with solutions to the problems. This volume of more than 1,700 pages constitutes a useful reference to unemployment problems.

Unemployment problems today, like the economy from which they arise, are more complex and subtle than in previous eras. For some time the opinion was held that unemployment was a necessary byproduct of the economy. It was an unpleasant fact but it could not be avoided. The growth of the science of economics has given us more knowledge of the causes of unemployment, more data for analyzing it, a better basis upon which to establish programs and policies to reduce it. As we have come to rely upon the judgment of experts in medicine and chemistry, so we have learned the value of analysis in economics. The committee, therefore, requested experts in labor economics and related social sciences to write original papers to assist the committee in its study. These papers have been published in a separate volume "Studies in Unemployment."

The committee has now brought its findings together in the report which has been filed today. The body of the report is, I believe, a careful analysis of the problem. It points out the economic and social costs of unemployment. It describes the principal types of unemployment—frictional, structural, and cyclical—and it discusses the effect of special factors such as automation and Government trade and procurement policies. It presents the unemployment problems of special groups: the young, older workers, women, and racial minorities. Emphasis is placed throughout the report on a most serious consideration, that is, the reasons why unemployment is likely to increase sharply during the next decade unless positive steps are taken: automation is increasing; the number of young workers entering the labor force will be 26 million, an increase of 46 percent over the number in the past 10 years; the average rate of growth over the past few years has not been sufficiently high to reduce unemployment. The report also contains an evaluation of the various Federal-State programs which have been initiated over the last 20 years, with particular attention being given to the unemployment insurance systems and to public assistance programs.

The Committee on Unemployment Problems is not empowered to report bills for action by the Senate. Its principal function has been to make a study which can be used as a guide to action by the appropriate standing committees.

However, we were directed to make recommendations to the Senate. This is an area in which one expects some disagreements and reservations. The majority agreed upon a set of conclusions and recommendations, and I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCARTHY. Mr. President, the three Republican members of the committee have written minority views and also included recommendations.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SCOTT. I am not certain whether the Senator, in making reference to the minority views, had asked that they be included in the RECORD also.

Mr. McCARTHY. I did not. I assumed that the minority members of the committee would ask for that inclusion. If the Senator wishes me to do so——

Mr. SCOTT. I do not suggest that the Senator do so. I will make the request.

Mr. McCARTHY. I did not know how much of the report it would be desired to have included. Therefore I asked only that the conclusions and recommendations be included.

Mr. SCOTT. I thank the Senator.

Mr. McCARTHY. Mr. President, in conclusion, I thank the members of the committee and their staffs and the members of the committee staff for their cooperation and diligence in making this study of unemployment problems. The assignment came unexpectedly to all of us. Members of the committee had to revise their heavy fall schedules and make personal sacrifices to participate in field hearings. The committee was organized, made its study and submitted its report within a space of 6 months, and I again wish to commend the members for their cooperation in making this possible.

Mr. President, I should like to summarize two of the most important recommendations made by the committee:

The first is that relating to the establishment of national minimum standards for unemployment insurance. I do not intend at this time to go into details on the reasons for our recommendation, except to point out that the record is clear that the unemployment compensation systems are inadequate to meet today's problems. The coverage at present includes only about 46 million of the 72 million persons in the labor force. Maximum benefits, as a percentage of the average weekly wage in covered employment, are smaller now than 20 years ago. Maximum benefits of 60 percent or more of average weekly wages were paid by 32 States in 1939, compared with 1 State today. The duration of benefits also varies widely. The maximum in a majority of States is most commonly set at 26 weeks, but workers in some States may be entitled to benefits for as few as 5 or 6 weeks. The financing has also dropped behind. The committee, therefore, recommends a number of changes, which appear at page 123 of the report.

Mr. President, I ask unanimous consent that the recommendations with respect to the establishment of national standards for unemployment insurance be printed at this point in my remarks.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

ESTABLISHMENT OF NATIONAL STANDARDS FOR UNEMPLOYMENT INSURANCE

The committee recommends the establishment of minimum national standards for unemployment insurance systems. The committee believes that revision of the program should include the following provisions:

(a) Removal of restrictions on coverage based on size of firm and type of employment.

(b) Maximum benefit formulas high enough to assure the great majority of covered employees in each State at least 50 percent of their regular weekly earnings.

(c) Benefits for 39 weeks in all States for all eligible persons.

(d) A permanent federally financed, State-administered system for 13 weeks of supplementary insurance benefits for the long-term unemployed who have exhausted benefits under State coverage.

(e) Revision of methods of financing the program:

(1) The taxable wage base should be increased from the present $3,000 to the $4,800 figure currently used in the old-age and survivors insurance system.

(2) States whose reserves fall below a determined level in relation to pass benefit costs should be required to suspend experience rating or otherwise to assure a sufficient statewide yield.

(3) Present Federal law should be amended to permit States to modify employer tax rates on a statewide basis as well as on the present individual-employer basis, as the States find best suited to their needs.

(4) A nationwide reinsurance fund should be established to make grants to States with prolonged duration and high rates of unemployment.

Mr. McCARTHY. Mr. President, a second important area in which the committee found need for major change is that of public assistance. Again, time does not permit a full development of the

reasons for the proposed changes; but the principal defect is that at present there is no Federal assistance program for the unemployed person, and in practice the States and local governments have not assumed full responsibility for assisting the unemployed. Fourteen States and the District of Columbia exclude unemployed persons from eligibility for general assistance if the family has an employable member. In other States, the level of benefits is generally inadequate and residence requirements impose further limitations. The human suffering and distress of the unemployed who have exhausted their unemployment compensation and of those who are not covered, is great.

Mr. President, the committee made recommendations with respect to the extension of Federal grants to cover public assistance to the unemployed, and I ask unanimous consent that this part of the report be printed at this point in the RECORD.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

EXTENSION OF FEDERAL GRANTS TO COVER PUBLIC ASSISTANCE TO THE UNEMPLOYED

The committee recommends that the Federal public assistance program be amended to include the following provisions:

(a) Extension of Federal grants-in-aid to the States for financial assistance to all needy persons including the unemployed and underemployed.

(b) Broadening of eligibility for aid to dependent children to cover children deprived of support or care because of the unemployment of their parents.

(c) Limitation of Federal grants-in-aid to those States which impose no residence requirements denying any needy person help to which he otherwise would be entitled.

(d) Raising of assistance payments to a level adequate for health and well-being.

EXHIBIT 1

CHAPTER IX: MAJOR CONCLUSIONS AND RECOMMENDATIONS

The Committee on Unemployment Problems was directed by the Senate to study unemployment conditions in the United States and to recommend ways of reducing unemployment and alleviating its effects.

CONCLUSIONS

The committee concludes:

1. Unemployment is a serious and continuing problem. Five percent or more of the labor force has been unemployed in 26 of the past 28 months. In some areas of chronic unemployment, the rate has exceeded 25 percent. Underemployment and "hidden" unemployment, which are not measured in current unemployment statistics, would increase the total.

2. The greatest cost of unemployment is in the suffering of individuals and their families. Present systems of unemployment insurance and general assistance are inadequate to relieve this suffering.

3. Unemployment is costly also in the loss of potential production. If 1 million additional persons had been employed annually in the past decade, the gross national product would have been increased by an estimated $70 billion. The need to make full use of our manpower resources becomes more urgent as a consequence of the economic challenge of the Soviet Union.

4. The problem of unemployment will assume far greater proportions in the next 10 years unless decisive action is taken. After each of the last three recessions the rate of unemployment was higher than it had been before the recession. In the next decade the number of youths entering the labor market will increase by 46 percent. Dislocations caused by automation and technological change will increase. A sharp increase in unemployment will take place unless private and public measures are taken to absorb the increased manpower.

5. Unemployment is a national problem resulting from complex forces, most of them national in origin. Every section of the country has suffered from the effects of unemployment and the decreased purchasing power of the unemployed. Local communities with the highest rates are often those with the fewest tax resources. The unemployed are anxious to find work, and local communities have made extraordinary efforts to create jobs, but community leaders in the distressed areas are in agreement on the need for national assistance.

6. Unemployment has no single cause nor single remedy. Unemployment may be cyclical, structural, or frictional. The extent of cyclical unemployment varies with the state of the economy. Structural unemployment is largely a problem of distressed urban areas and rural areas with large numbers of underemployed workers. Some frictional unemployment, or unemployment between jobs, appears inevitable but can be reduced by administrative measures.

7. "Class" rather than "mass" unemployment has characterized the past decade. Unemployment is highest for young people, older workers, nonwhites, women, the unskilled, and the least educated. Improved vocational training and retraining programs are needed to help these groups.

8. High rates of unemployment are not a necessary part of the private enterprise system. Unemployment can be reduced by reasonable private and public policies, as demonstrated by the experience of Great Britain, Sweden, Norway, Finland, the Netherlands, Switzerland, and France. The unemployment rates in these countries are considerably lower than those in the United States.

9. The reduction of unemployment and underemployment requires an increase in the rate of national economic growth. Fiscal, budgetary, and monetary policies are important elements in the achievement of a higher growth rate.

RECOMMENDATIONS

Since the committee is not empowered to report legislation, its recommendations have been made in general terms. The committee has attempted to point out areas needing attention and to suggest attainable standards. The members are not necessarily committed to all details of the specific proposals.

Increased rate of growth and maximum employment

The committee recommends:

(a) Increased emphasis on the objective of "maximum employment" set forth in the Employment Act of 1946 in the formation of national policy.

(b) Policies to attain a rate of national economic growth high enough to provide employment opportunities for the nearly 4 million men and women now unemployed and the 26 million young people who will enter the labor force in the next decade. Recommendations for promoting this economic growth were made by the Joint Economic Committee in its report on "Employment, Growth, and Price Levels," published earlier this year. Among those recommendations were the following: (1) Monetary policies to permit the money supply to expand in line with the growth in total output, (2) measures to reduce fluctuations in defense orders, (3) Federal aid to education in order to improve the quantity and quality of education required for a more productive labor force, (4) reform of the Federal tax system, and (5) improvement of our foreign trade position.

Assistance to distressed areas

The committee recommends that:

(a) Highest priority be given to the enactment of an effective area redevelopment program.

(b) A coal research and development agency be established as a step toward restoration of a strong economy in the coal regions of the Nation.

(c) A tax program be developed to provide concessions to plants locating or expanding in distressed areas.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. McGEE. As a member of the committee, I should like to congratulate our chairman for the even-handed manner in which he presided over our sometimes tortuous deliberations. I think that, he through his leadership, commanded all fair levels of intelligent opinion to testify in the study of this extremely perplexing question, one that persists and remains with us year after year. I think he approached the matter properly, as he has explained here this afternoon, in suggesting that we study this problem as we would study some kind of physical disease, so that we not only are interested in rescuing people or correcting an ill, but to prevent its recurrence. This theme came out over and over again during the hearings in which the Senator from Minnesota presided throughout the country.

In my own State, for example, we held one of the hearings in Rock Springs, Wyo. There we brought into focus an aspect of this question which sometimes has been easily overlooked; that is, the impact of unemployment on a very small community. In general, we associate the problem of unemployment with large urban centers and the industrial areas of America. But unemployment is not only devastating in the large cities; it may be even more so in small communities, because there are fewer alternatives in the economy of small towns to absorb the shock of a sudden depression of purchasing power in that area.

The hearings in Wyoming brought back into focus the total question; the fact that the crossroads towns of America have an equal stake in the problem which is as moving as the national unemployment picture.

It likewise brought home a second point, namely, that in towns which are committed to one industry, as Rock Springs was committed to coal mining, a professional group is developed, such as the coal miners of Rock Springs, who built their homes and resided there as families who had dedicated their lives to one locale.

Again, it brought into the picture the conflict between the moral obligation which a man has to maintain his home and the economic pressure he may receive to pull up his roots from that home and move into areas where other jobs might be available. I think the point was well made by those who joined in the hearings that there is an obligation to protect a man and his home; that it is

not always right to insist that he abandon his surroundings and go elsewhere to take a new job.

Finally, I think that people who are able to help themselves, as the people of Rock Springs did, and who could fight their way back from the depths of severe unemployment only 3 or 4 years ago to where their chins are now even with the levels of the water—that the desperation of doing something now, before they go under again, is all the more paramount, in the view of the committee.

For that reason, we hope that from this rather monumental study in a very brief period of time the country as a whole will profit from the unselfish deliberations of these gentlemen.

Mr. McCARTHY. I thank the Senator from Wyoming for his remarks; and I thank him again for the part he played in the conduct of the hearings and the preparation of the report.

Mr. RANDOLPH. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Wyoming in expressing appreciation for the capability and the diligent application to a necessary effort which was carried forward by the chairman of the special Committee on Unemployment Problems. I am certain that the members of our committee, both the majority and the minority, indorse the statement so vigorously made by the Senator from Wyoming [Mr. McGEE].

Mr. President, it seems appropriate that there be an underlining of the emphasis placed upon the problems of distressed areas and their relationship to unemployment, both in the majority report and the minority views.

The report points out that about 20 major labor market areas and some 50 smaller areas in all parts of the United States have had high rates of unemployment during most of the past 8 years.

Changes in consumer demand, depletion of resources, changes in defense procurement or in location of defense facilities, decentralization of production, lack of industrial diversification, and technological flux are the most important causes of the depressed economic conditions in the surplus labor areas of the United States.

I call attention to the 70 labor market areas with excessive chronic unemployment, numerous rural sections may be considered problem areas, as well as metropolitan areas, of which the Senator from Wyoming spoke, in contrast with or as a corollary of the rural area problem. The difficulty in low-income rural areas is underemployment, caused by surplus population, depletion of resources, uneconomic size of farm units, technological advances, inadequate nonfarm employment opportunities, and inadequate educational and vocational training.

I associate myself with the majority viewpoint that the several Federal programs in existence extend only limited aid to labor-surplus areas, and that postwar experience has demonstrated that existing local, State, and Federal programs are inadequate to cope with the serious problems of chronic unemployment and underemployment.

Our committee has received convincing testimony that communities subject to chronic unemployment cannot solve their problems in themselves. Most local leaders of business and labor agreed on the need for Federal action to assist distressed areas of the Republic.

With few exceptions, the mayors and civic leaders of distressed areas testified to the inability of their communities to solve the problem of chronic unemployment. I add that in this instance there was no disregard of the responsibilities of the local communities, but there is a very real need for other political subdivisions of Government to join with those at the local level of Government in bringing about programs for the alleviation of distress and for the employment of men and women who now are out of work.

I emphasize the part of the report in which it is declared that a program to help economically distressed areas does not constitute a new area of Federal activity. Such a program is, indeed, consistent with the spirit and intent of the Employment Act of 1946, and with established Federal policies of helping selected industries in this land. Traditionally, the Federal Government has been active in developing and fostering industries through tariff, even through subsidies, and by certain tax policies. I believe it is cogent to point out, too, that the 1956 platforms of both major political parties called in unmistakable terms for Federal legislation to aid the economically depressed areas of our country.

Our majority report appropriately states that no single remedy will cure the deep-rooted problems of chronic unemployment and underdevelopment, and adds that a Federal program must offer various forms of assistance adaptable to the multiple needs of the depressed areas. These forms include direct financial aid, technical assistance, training, and retraining facilities, urban renewal programs, homebuilding incentives, Government contract preference, a Youth Conservation Corps, and community facilities programs, as well as standby programs of public works.

Our report further notes that in the 86th Congress the Senate has already passed a comprehensive area redevelopment bill, and that it is now before the House of Representatives. It is appropriate for me to state that the present occupant of the chair, my colleague from West Virginia [Mr. BYRD], was one of the most influential Members of this body, not only in connection with the conduct of the hearings by the Senate Banking and Currency Committee and its subcommittees, but also in the espousal of this legislation and in his very effective arguments for the measure on the floor of the Senate. What was done in the first session of the 86th Congress in the matter of legislation of an area redevelopment nature was, frankly, supplemental to action taken in the 85th Congress. We know that the area redevelopment bill which was passed by both Houses in the 85th Congress was vetoed by the President of the United States.

Mr. President, I would underscore other legislation, as pointed out in the majority report, which is before Congress and which would by indirection, rather than, perhaps, directly assist the distressed areas. One measure calls for the establishment of a coal research and development agency. Our committee heard testimony in West Virginia and several other States on the need for finding new uses for coal. A bill which would have provided Federal implementation in this field was vetoed by the President last year. During this session the House has passed and sent to this body a new version of a coal research bill, which presently is pending in committee.

Members of the Committee on Unemployment Problems and its staff observed directly the suffering and distress of people in depressed areas and were deeply impressed with the need for immediate action.

Mr. President, I wish to commend most warmly—and this is not a gratuitous statement—the diligence with which our staff members have worked. Frankly, Mr. President, all of us—the majority members of the committee, the minority members of the committee, and the members of the committee's staff—have been deeply impressed with the necessity for immediate action. In working toward that objective, no partisanship has been shown by the members of this committee or its staff.

Because it is consistent with what I have been advocating for many months, I stress the committee pronouncement that it recommends the highest priority be given to enactment into law in this session of an effective area redevelopment bill, and further recommends the creation by law of a coal research and development agency, and the adoption of other measures which would help restore, insofar as possible, the economic health of the distressed areas of the United States.

Mr. President, once erosion sets in and has an impact upon a small area of a State, it then begins to embrace other areas; and what was at first a small segment of people or a small area thus affected begins to be a wider and wider segment or area of erosion. So I say to you, Mr. President, with all the strength of my being, that when we consider a distressed area in any State, we are per se considering the possible deterioration of an adjoining area or of a contiguous State. Therefore, when we attempt to focus attention upon distressed areas in the United States, we are turning the spotlight on a cancerous condition in the economy of the Republic of which we are members.

Mr. President, in conclusion, I wish to state that it is my sincere hope that both the majority leadership and the minority leadership of the other body in which our Senate-passed area redevelopment bill continues to repose, not only will note the recommendations which have been made in this report

by the majority, but also will give credence to the views of the minority membership of this committee, which I quote in part as follows:

> Depressed areas are an expensive burden which our country cannot afford to carry. A greater part of our country is enjoying a high degree of prosperity—

And the minority views—not the majority report—continue as follows:

> For certain areas and communities to be caught in the backwash of this tide, through no fault of their own, is a national hazard.
>
> We must extend to these areas of continued depressed conditions the financial and technical assistance needed to put them back on the track. It is a matter of prime importance to the work of this committee that an area redevelopment bill be enacted and the program launched this year with sufficient means for stimulating local effort.

The minority certainly did not need to express those views separately because I am sure they are subscribed to in the majority report and would have been added as emphasis by the majority membership if the minority would have proposed such language for inclusion in the text of the committee report.

The consideration of prime importance, however, is that both the majority and the minority membership of the Special Committee on Unemployment Problems recognize the continued prevalence of depressed areas and consider them to be the equivalent of malignant infections on the national economic structure which must be eliminated—and eliminated as quickly and effectively as possible.

Although the distressed area discussions, conclusions, and recommendations in both the majority report and minority views are of prime interest to me as a Senator from West Virginia, I wish to say that, as a Senator and member of the committee, I am in general agreement with the report in its numerous other aspects as it affects the people of other sections of the country.

I desire especially to associate myself with the progressive thinking of the committee and with the remarks made to me by the very able senior Senator from Pennsylvania [Mr. CLARK] concerning the need for the Federal Government to maintain a continuing concern for the Nation's overall manpower resources, requirements, and utilization, including the problem of underemployment.

Mr. SCOTT. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield to the Senator from Michigan [Mr. MCNAMARA].

The PRESIDING OFFICER. Does the Senator from Minnesota care to submit his report before yielding further?

Mr. McCARTHY. I yield to the Senator from Michigan.

Mr. McNAMARA. Mr. President——

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCOTT. To keep the record straight, I have no objection if the Senator from Minnesota is submitting the report with both majority and minority views and conclusions and recommendations. My inquiry is simply if it is being done.

Mr. McCARTHY. Yes, I am submitting the report with the majority and minority views.

The PRESIDING OFFICER. Without objection, the report will be received and printed, together with minority and additional views.

Does the Senator from Minnesota yield to the Senator from Michigan?

Mr. McCARTHY. I yield to the Senator from Michigan.

Mr. McNAMARA. Mr. President, the report of the Special Committee on Unemployment Problems has been filed at a time when its contents should be of interest to every Member of the Senate.

For it is my belief—one which I think can be well documented—that we have every reason to be concerned about the health of our economy and the prospects of maintaining high levels of employment in the immediate future.

I find it difficult to join in the breast-beating summaries of the Nation's economic health that have been made by administration spokesmen in recent months.

First of all, there are too many able-bodied and willing Americans out of work at present.

As of February of this year, 4.8 percent of the Nation's work force was idle—in other words, almost 4 million people were unemployed.

I mean to cast no shadow on terms which are necessary to use if we are to get at this problem, but it is of no help to these people to learn that they are among the cyclically, structurally, or frictionally unemployed.

The simple fact is that this mighty Nation has no work for them, and they are subject to all the misery, frustration, and privation that enforced idleness brings.

Second, all too many people who are listed as employed do not work sufficient hours to maintain even a minimum standard of living. The special committee's report indicates that more than 2 million persons fall into this category of unemployment.

Or one can express it differently and say that the enforced partial idleness of these workers adds up to the equivalent of another 1 million persons totally unemployed.

Third, there are many current economic trends which foretell another serious recession—trends which can only be overcome by enlightened, vigorous Federal action.

One of these trends is of particular concern to the people of Michigan and other major auto producing States.

At present, unsold autos in the hands of dealers total almost a million—a figure which I believe is the highest in the history of the industry.

There is no need for me to cite ancient history in recalling to this Senate what happens to the rest of the economy when the auto industry slumps.

The economic burdens of such a huge backlog of unsold cars can only be supported by one management response—a cutback in the production force.

This cutback has already begun in Michigan, Mr. President, and will soon be mirrored in other auto States.

And such cutbacks inevitably bring similar work force reductions in allied industries—textile, steel, rubber, glass and the like.

Other developments which are disconcerting to me can be seen in the rapid growth of short-term credit, the decline in housing starts, the rising inventories in many commercial fields and the recent gyrations of the stock market.

An excellent summation of these somewhat ominous facts appeared in the Washington Post and Times Herald for Monday, March 28. I ask unanimous consent that the pertinent parts of the article by Phillip Stoddard Brown be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan? The Chair hears none, and it is so ordered.

Mr. McNAMARA. Mr. President, these remarks of mine are not intended to herald another recession. I share what I know is the hope of every Member of this body that we will avoid such disasters in the future.

But our experience in the postwar period should have taught us one lesson. While we have, through halfway governmental measures, managed to reduce the tragic impact of the economic cycle, we have not abolished that cycle.

That is why I want to give particular attention today to two sections of the special committee report.

One compelling set of recommendations in the report refers to so-called standby antirecession legislation, which can be found on page 125.

Specifically the report calls for the enactment of three standby measures to be invoked when rising unemployment points to the onset of a recession:

First. Advance authorization for a program of Federal public works.

Second. A ready program of loans for community facilities.

Third. An emergency housing program that can be started immediately upon the appearance of these signs.

There is nothing in these recommendations that should startle any Senator because of their unfamiliarity. Each of them, in one form or another, has been before the Congress for more than two decades.

But their adoption would provide us with valuable insurance—insurance that devices we have used several times in the past to counter unemployment will be automatically used again.

We have used such pump-priming devices before. Unfortunately, a good bit of the value of such programs has been lost because of the delay involved in enacting them at a given time.

If they can be used at once—when danger first threatens—we can avoid many of the problems which we inevitably encounter later in the recession.

Most economists agree that prompt action at the begininng of an economic downturn is the most effective weapon we can use.

Delay only heightens the problem, and delay has been the partner in all of our past efforts to stem past recessions.

I intend to press for the adoption, in this session of Congress, of these important recommendations.

These suggestions require little or no additional study. They are familiar to all of us.

The legislation is ready; awaiting only approval by appropriate committees and the respective Chambers.

And this report provides us with overwhelming evidence as to the necessity of immediate action.

I should like to highlight another section of the report, that dealing with the "Elimination of Discrimination in Employment," to be found on page 124.

I ask unanimous consent that these recommendations be printed at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

ELIMINATION OF DISCRIMINATION IN EMPLOYMENT

The committee recommends that all levels of government, as well as unions and employers, extend their efforts to end discriminatory practices in hiring workers.

(a) The Bureau of Employment Security should expand its programs to reduce discrimination in employment against young people, older workers, nonwhites, women, the handicapped, and other groups.

(b) Increased opportunities for participation in vocational training and the apprenticeship training program promoted by the Bureau of Apprenticeship and Training should be assured.

(c) An agency of the Federal Government should be established by legislation to combat discrimination and promote fair employment practices. Legislation such as that recommended by the Subcommittee on the Aged and the Aging should be enacted to require contractors and subcontractors of the Government to eliminate employment discrimination based on age.

Mr. McNAMARA. Mr. President, the text material on which the recommendations are based deals with all of the groups in our society—who face the problem of discrimination when they seek work. These include Negroes, young and older workers, women, the handicapped, and others.

I have yet to hear a responsible citizen state his approval of any form of employment discrimination. We all unite in opposition, but we are all quite adept at explanation of why discrimination exists.

We are told about the lack of skills of Negroes and other minority groups.

We are told about the high fringe costs which accompany attempts to employ older workers.

We are told about the instability of younger workers, the frailty of women, the hazards that accompany the employment of the handicapped.

Each of these explanations add up to one major conclusion, that employment discrimination does exist and that we are doing precious little about it.

I became particularly aware of the difficulties faced by older workers in the course of hearings of the Subcommittee on the Problems of the Aged and Aging.

Many ablebodied men and women came before our subcommittee and detailed the subtle barriers they face when they seek work.

I want to emphasize that I am not talking primarily about discrimination against those who are over 65. The real tragedy is that it is applied to people who have only recently passed their 40th year.

I can think of no more frustrating experience than to be turned down for work, not because one could not produce but because someone had set up an arbitrary age barrier.

The same holds for those barriers that are erected in the name of race, creed, sex, or other prejudices.

The recommendations of the special committee to combat these instances of discrimination are moderate. They mostly involve the expansion of existing Government services.

None of them could be described as coercive in any sense; they are far more in the nature of conciliatory programs designed to eliminate discrimination through education and Government leadership.

If we do take action on these recommendations we will have done much to bring about the equality of employment opportunity which has been cited by both political parties as one of our national goals.

I want to congratulate the junior Senator from Minnesota [Mr. MCCARTHY] for the leadership he provided as chairman of the special committee.

It was my privilege to serve as a member of this committee. I believe that the report is one of the finest ever presented to the Senate.

It will become an essential document for further consideration of the problems of unemployment.

If only half of the recommendations it contains are enacted, I am convinced that our economy would be equal to the demands of the present.

In closing, I offer one word of warning.

This report, by itself, is not an achievement of the 86th Congress. Unless its recommendations are implemented by legislative action it will remain only an empty gesture to the millions of Americans who do not now enjoy a fair share of the Nation's wealth.

I trust that the same high purpose which motivated the creation of the special committee will result in the action which the committee believes essential for future prosperity.

EXHIBIT I

OUR CHANGING ECONOMY—RECESSION OPINION IS NOT A FORECAST

(By Phillip Stoddard Brown)

Some weeks ago, I said I thought that the next recession had begun—that the cyclical peak of business activity had been passed. What I regarded as an observation was taken by many as a brash forecast.

My economist friends criticized me, chiefly on two counts: one, that 21 months (from April 1958 to January 1960) is too short a time for completion of the up-phase of a business cycle; two, that a continuation of the upturn is indicated by the fact that personal income is the highest it's ever been and a recent survey shows businessmen expect higher sales this year than last and intend to spend more for new plants and equipment.

Most economists are chartists at heart; they believe in the repetition of past patterns and that what's ahead can be foretold—not by tea leaves, entrails or the position of the stars—but by the crossing of lines. So let me be a chartist for a moment (only).

In February 1957, personal income was the highest it had ever been and the Government's annual survey showed businessmen confident of much higher sales. But, their expectations weren't fully realized and the February rate of industrial production was not exceeded until 2 years later (after a period of recession) even though plant and equipment expenditures continued to increase until late summer. Twenty-one months is indeed a short recovery but there have been other periods as short. "Normal" is often simply an average of what is abnormal.

More significant are observations of what gives, even though they (like Galileo's cannon balls) violate the expectations of academicians and are ignored.

POINT BY POINT

The number of persons receiving unemployment benefits in early March had risen to 2½ million, higher than a year ago.

The steel industry has been curtailing operations. Even so, output is greatly in excess of consumption. Mills could operate at about 75 percent, instead of 90 percent, of capacity and satisfy the current demands of fabricators. These current demands, in turn, are geared to a build-up of trade inventories.

The output of automobiles far exceeds sales. The latter, by the way, are continually exaggerated by those much publicized 10-day sales reports of manufacturers. For January, these reports indicate retail deliveries of 455,000 new cars, but a subsequent tally of registrations shows that only 390,000 were sold.)

In 1959, short-term consumer credit increased by $6½ billion, more even than in 1955 when "easy credit" and the razzle-dazzle selling of cars led to excessive borrowing. Mortgage credit increased by $13½ billion, also more than in any previous year. This going-into-debt rate could continue a little longer but not, I think, for long. Repayments on instalment credit alone are approaching $4 billion a month.

Housing starts declined again in February and contract awards for all construction were less than a year ago for the seventh consecutive month.

Order backlogs in industries other than construction are also declining—and business inventories, rising—or so it would appear from such reports as are available. Even in the booming textile industry, there has been a marked decline in unfilled orders.

All these observations I set down without daring to suggest that they confirm my earlier opinion because, since then, the President of the United States has spoken. Asked for his assessment of the business outlook, he replied: "I think it is very healthy and very fine."

ANNOUNCEMENT CONCERNING THE VISIT TO THE SENATE BY HON. HAROLD MACMILLAN, PRIME MINISTER OF GREAT BRITAIN

Mr. MAGNUSON. Mr. President, I wish to announce that we have a distinguished visitor in the Capitol this afternoon, who has kindly consented to meet with the Senate and to say a few words at 2:30. I refer to the Prime Minister of Great Britain, Harold Macmillan.

I am certain that all Senators would desire to be present to see and hear the Prime Minister, and to extend him every courtesy; therefore I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

VISIT TO THE SENATE BY THE RIGHT HONORABLE HAROLD MACMILLAN, PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, and that the Chair appoint a committee to escort the distinguished Prime Minister of Great Britain to the Chamber.

The PRESIDING OFFICER. Without objection, the Chair appoints as the committee to escort the distinguished visitor to the rostrum the Senator from Texas [Mr. JOHNSON], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Wisconsin [Mr. WILEY].

Without objection, the Senate will stand in recess subject to the call of the Chair.

Thereupon, at 2 o'clock and 41 minutes p.m., the Senate took a recess, subject to the call of the Chair.

The Prime Minister of Great Britain, escorted by Sir Harold Caccia, Ambassador Extraordinary and Plenipotentiary of Great Britain, entered the Chamber and was greeted with prolonged applause.

The Prime Minister took a seat immediately in front of the Vice President.

The VICE PRESIDENT. Members of the Senate, it is my great privilege and honor again to present to this body one of the world's greatest statesmen, the Prime Minister of the United Kingdom.

[Applause, Senators rising.]

Prime Minister MACMILLAN. Mr. Vice President, gentlemen, it is a very great honor that you are paying me today, and, through me, to the people of Great Britain. I feel it to be an act of real friendship. [Applause.]

You gave me a similar privilege only a few years ago, and I remember making, in the same way, without notes, as I must do again today, a short speech to you.

Fortunately, both you and I have forgotten what I then said. [Laughter.] Therefore, if I should repeat it in any way, nobody will be any the worse.

I was brought up by my mother to regard a Senator of the United States as the highest point of human felicity and dignity that it is possible to attain. I am bound to say that as children we were rather skeptical about this view which she expressed. But having had for the second time the honor of being received by you, I realize that in this, as in so many other things, my dear mother was right. [Laughter.]

As we look back upon the history of our countries, with the deep roots from which we are sprung—the literature, the language, the struggle, and the strife—it is deeply moving to me to come here once more and to speak in this august assembly.

I am not, of course, in any way an Englishman. I think I have no English blood. I am half Scot and half American. Well, that is a very good mixture. [Laughter.] But the English people have their merits, too. They are tolerant. They allow themselves to be governed by the Scots. [Laughter.] They are patient, and they are loyal.

In my lifetime your country and mine have suffered together, fought side by side, and are more determined than ever to work together for the peace and happiness of all the world. [Applause.]

It is for me a very happy feeling that I am able to make occasional visits here without all the paraphernalia of a formal visit. Those are very agreeable, too, only rather exhausting. But I can come and see the heads of your Government and your ministers and be introduced here. It is rather like dropping in as a friend. It is that relationship between your administration and ours which it is so necessary to maintain, and even to improve and strengthen.

Of course, there will be disagreements of emphasis and different points of view. I am told that even in this Chamber and in this Congress there are different points of view about a large number of questions. I shall not attempt to talk out any question or speak so long upon it that it would be disagreeable to you, and remind you, perhaps, of a procedure that I rather wish we had at home. It is a good idea.

But I would just say this. I have the feeling that we do not negotiate. Our governments negotiate hardly at all. We try to sit as if we were partners in an enterprise, each giving our view as to the best course to follow; not negotiate, to gain an advantage here or there, but to sit genuinely as partners might in a big business or other enterprise, to pool our ideas for a common purpose.

You know and I know that the world has many troubles and many dangers. I feel frankly that there has been in the last year some improvement and some relaxation of tension between the great groupings of the Eastern and Western Powers.

It was just about a year ago, I think, that I went with the Foreign Secretary of my Government to Moscow. I did this, of course, upon my own responsibility. Such visiting was not always quite popular at the moment; but really, while this was then thought to be a little novel, it has become very fashionable, and all the heads of government visit one another almost all the time. They go from one country to the other. I think it is a good thing, because the more there is of this contact between governments, even of powers grouped upon different sides, the less likely, I think, that, either by mischance, mistake, folly, or malice, any of them would commit the atrocious act of bringing upon the world a third war, which we all know in our hearts would be destructive of everything that we cherish, and of everything in which we believe—destructive, almost, of the very existence of human life on earth.

I feel, therefore, that there has been some improvement, and that while we must walk warily, while we must not be caught or trapped into some agreements which are not to our advantage, yet we must also have some faith in the future. We must have our feet upon the ground of course; but we must also have our eyes upon the horizon.

It is in that spirit that I feel our countries work together. It is because, through the history of your struggles—whether internal or external—and our struggles, those struggles have been fought by men and won by men who had the combination of faith, without which they could not succeed, of courage, and of skill.

We need such men now. We will not be deceived. We will not be caught or entrapped or entangled; we must not be caught in our own traps, entangled in nets of our own making. We must try to cut through the jungle and go forward with faith.

Mr. Vice President, once again I should like to thank all the Senate, through you, for this high privilege you have accorded me. Yours is a country of immense strength, vast area, and great population. But at heart, as I know well, your people, like ours, are simple people. Most of us come to cherish the homes, the upbringing, and the faith in which we were reared. I regard it as a great moment when I, the grandson of a Scottish crofter and and of a settler who went out to Indiana, am allowed to address the Senate of the United States.

[Applause, Senators rising.]

Mr. HARTKE subsequently said: Mr. President, I was delighted to hear the Prime Minister of the United Kingdom speak, particularly in view of the fact that his mother lived in Spencer, Ind. We in Indiana are quite proud of that fact. I was honored today to hear someone speak whose ancestors had spent some time in Indiana, and who has obtained such a high and respected position in a leading nation of the world.

At 2 o'clock and 54 minutes p.m. the Senate reassembled, when called to order by the Vice President.

TROUBLED ECONOMIC RELATIONS WITH CUBA

Mr. MAGNUSON. Mr. President, I call the attention of the Senate to a pressing matter, one which concerns our troubled relations with the Republic of Cuba. We have heard much said about sugar and other matters of interest to the economy of Cuba and the United States. The latest move by Cuba is to refuse to give licenses to exporters and importers in Cuba for the importation of fruit into Cuba.

I call this matter to the special attention of the distinguished Senator from Florida [Mr. HOLLAND]. I do not know whether this latest move includes the importation by Cuba of citrus fruits, but I suspect it does. I should like to read from a letter written by one of the operators in Havana, who has for a

long time been an exporter of fruits of all kinds, other than an exporter of fruits which are grown in Cuba. He exports from Cuba a large amount of various kinds of fruit grown elsewhere.

Mr. HOLLAND. From whom is the letter?

Mr. MAGNUSON. The letter is from an exporter and importer in Cuba to his correspondent importer-exporter and broker in the State of Washington, whence the fruits are exported. I read:

We are sorry to advise you that in spite of our efforts we have not been able to get any licenses for fruits.

One of our customers delivered us the enclosed list of exporters of Cuban fruits and vegetables during the first part of last year, and he explained that this year the exports had been heavier, and he added that he could not understand not giving us licenses for American fruits, of which we never import over a half-million packages. This certainly sounds very tough, but it is a real fact.

This market is completely out of apples, the last few boxes were sold in the market last week at prices ranging from $15 to $20 per box.

We asked the National Bank of Cuba about your proposed exchange of apples by Cuban fruits but they said that they were not interested in this deal, that the Government agency was exporting lots of fruits and vegetables and were getting paid in dollars for them, and that we did not need importing apples as we have lots of tropical fruits which the people can eat in place of apples.

Should there be any change I will immediately get in touch with you.

I interpret this, as do the people of my State, to be a temporary ban, at least, upon the issuing of any license by Cuba for the importation into Cuba of apples, pears, and citrus fruits. I desired to call this matter to the attention of the Senator from Florida.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a list of exports of Cuban fruits and vegetables from January 1 to August 31, 1959, fruits and vegetables which we are asked to buy from Cuba.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

EXPORTS OF CUBAN FRUITS AND VEGETABLES FROM JANUARY 1 TO AUGUST 31, 1959 [1]

Pineapples, 1,434,977 half crates of 40 pounds.
Pineapples, 157,176 dozens in bulk of 12 pounds.
Tomatoes, 496,443 crates of 40 pounds.
Cucumbers, 432,782 baskets of 60 pounds.
Oranges, 246,017 bags of 50 pounds.
Avocados, 215,187 crates of 40 pounds.
Bananas, 145,918 crates of 60 pounds.
Bananas, 26,354 bunches of 30 pounds.
Mangos, 55,280 crates of 40 pounds.
Malangas, 54,066 bags of 50 pounds.
Eggplant, 44,360 crates of 50 pounds.
Okra, 38,203 crates of 35 pounds.
Peppers, 23,033 crates of 45 pounds.
Pumpkin, 20,615 bags of 100 pounds.
Papaya, 15,479 crates of 80 pounds.
Yucca, 15,107 barrels of 80 pounds.
Watermelon, 8,880 units of 20 pounds.
Cantaloup melons, 1,463 crates of 40 pounds.
Cachucha peppers, 6,544 crates of 35 pounds.
Mamoncillos, 4,073 crates of 35 pounds.
Chayotes, 3,240 baskets of 50 pounds.
Ginger, 2,861 crates of 50 pounds.
Grapefruit, 1,726 crates of 80 pounds.
Names, 1,125 crates of 40 pounds.

[1] Although some of these products are exported in different kinds of packings than those above mentioned, it has been figured on basis of the equivalent in the most usual packings.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HOLLAND. I am distressed to hear of that shortsighted policy which apparently is now prevailing in Cuba, and which will adversely affect the producers of deciduous fruits and perhaps of other perishable products in our Nation.

So far as my State of Florida is concerned, it happens that we produce much the same type of fruits and vegetables as are produced in Cuba, and we and the Nation generally are large users of their fruits and vegetables before ours get on the market.

I understand that Cuba's shipments of tomatoes before our fall and winter tomatoes come on the market constitute one of Cuba's most valuable exports of perishable products.

Mr. MAGNUSON. Yes.

Mr. HOLLAND. Similarly, in the case of citrus fruits, we cannot—because of the fact that our fruit is not mature until late September or early October—at that season supply the markets of this country with citrus fruits, whereas citrus fruits from the Isle of Pines and from Cuba itself come on the market in late August. We have no objection to that; in fact, we even use some of those fruits ourselves.

So far as tobacco is concerned, the number of Havana cigars manufactured in Tampa is greater than the total number manufactured in all of Cuba; and our cigar manufacturers purchase Cuban tobacco for that purpose.

So by adopting the policy mentioned Cuba is doing something which may hurt herself very badly. Her geographical position and her early seasons enable her to produce perishable commodities earlier in the season than they can be produced in the United States—and, particularly, in the early fall and winter; and those perishable commodities constitute Cuba's greatest agricultural production, aside from her production of tobacco and sugar.

So I am glad the Senator from Washington has called attention to this matter and has placed the letter in the RECORD; and I hope it will be productive of immediate negotiations between our State Department and the Cubans, and will result in calling their attention to the fact that the Cubans are asking for reprisals which in the long run would hurt them, rather than help them.

Mr. MAGNUSON. Yes.

Of course the list includes many of the commodities that are consumed in the area from which the Senator comes. For instance, for the 6 months' period, we find listed 496,443 40-pound crates of tomatoes.

I understand that the section from which the Senator comes also buys oranges from Cuba.

Mr. HOLLAND. Yes. In fact, the entire United States does.

Mr. MAGNUSON. Yes.

This long list includes many other items, such as peppers, ginger, and papaya, all of which are needed by the people of the United States.

But what distresses me is the statement that the National Bank of Cuba—which, I understand, is run by the Cuban Government—has said that the Cuban people do not need any more imports of this sort from the United States, but, instead, can eat the many tropical fruits which are available in Cuba.

I hope cooler heads will consider this matter, because one development of this sort could easily lead to another, and then the relationships between the United States and Cuba would be at a complete impasse.

Mr. HOLLAND. Mr. President, the Senator from Washington is entirely correct. I hope all the people of Cuba will realize—and I think most of them will, because most of them are very sensible—that our Nation of 180 million people is Cuba's best market, and that Cuba, with only 6½ million people, is—because of the seasons—unable to produce such fruits and vegetables all the year round. So the Cubans have everything to gain by continuing their trade relations on perishable commodities with the United States.

Mr. MAGNUSON. Yes.

Mr. HOLLAND. I cannot conceive that the people of Cuba would be so blind as to cut off or reduce their friendly relationships with the United States.

Mr. YARBOROUGH. Mr. President, if the Senator will yield, I desire to ask him whether the release—which states that the people of Cuba have available other food instead of apples grown in the State of Washington—states whether the people of Cuba are also counting on eating the cattle the Cuban Government has confiscated from American owners.

Mr. MAGNUSON. The statement does not refer to that, but I should think that would be a possibility if this trend continues.

Mr. President, I do not have available all the facts in connection with this matter. But the other day I saw in the newspapers a statement that the Cubans have taken over the nickel mines. Quite a few million dollars of the funds of the U.S. taxpayers have been spent to develop those nickel properties and those nickel mines. That has been done because of the shortage of nickel. So the recent developments come very close to taking over the property of the U.S. Government.

Mr. HOLLAND. Mr. President, let me say that this Congress has treated Cuba and Cuban producers extremely well. For instance, in connection with rice, Cuba has to import, for the food of the 6.5 million Cuban people, large quantities of rice produced in the States of Texas, Louisiana, and Arkansas. Because of the fact that that trade upon which the people of Cuba must rely, is an established one, the Senate Committee on Agriculture and Forestry bracketed the Cuban market with the

rest of our domestic market; and it is by law not considered a part of the foreign trade in rice, at all. I see the Senator from South Carolina nod his head. He recalls that. We have no regrets about it, because that is one of the sources of food upon which Cuba relies. A similar situation exists with respect to many, many other particulars I could mention. Sometime the good people of Cuba will assert themselves, and will remember that the United States gave Cuba her freedom, and has protected Cuba in her freedom. We made Cuba the most favored nation under our reciprocal trade arrangements, and buy most of the tobacco that is produced in Cuba, and buy most of the early fruits and vegetables that are produced in Cuba, and supply Cuba with a favored market for most of the sugar produced in Cuba—a market at a price generally well above the world-market price—and we supply Cuba with nine-tenths of the tourists who go there, and give the Cuban people the right, in normal times, to travel to and from the United States without having to obtain visas or without having to observe other time-consuming regulations.

How in the world the Government of Cuba could continue to foster or to create among the people of Cuba a general feeling of hostility toward the United States, which is their best friend, and always has been, I cannot understand.

I believe that in connection with the matter which the Senator from Washington has so properly called to our attention, good sense will prevail, and the regular, normal course of the supply of deciduous fruits which are not produced in Cuba will again prevail, before long.

Mr. HARTKE obtained the floor.

CIVIL RIGHTS ACT OF 1960

Mr. JAVITS. Mr. President, will the Senator from Indiana yield to me, if it is understood that in yielding to me he will not lose his right to the floor?

Mr. HARTKE. Mr. President, with that understanding, I yield.

The PRESIDING OFFICER (Mr. BUSH in the chair). Is there objection? Without objection, it is so ordered.

Mr. JAVITS. Mr. President, in order to ascertain the present parliamentary situation in regard to amendments to House bill 8601, I propound the following parliamentary inquiry: Is it a fact that, first, the Senate must take action on the committee amendments?

The PRESIDING OFFICER. All committee amendments must first be disposed of; but each committee amendment, when called up, will be open to amendment.

Mr. JAVITS. Therefore, do I correctly understand that the first vote will come on the question of striking out the material which is to be found on page 1, in line 4—to change the date in the title of the bill?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. I understand that the second vote will occur on the question of agreeing to the amendment to strike out the portion of the bill beginning on page 2, in line 6, and continuing through line 8, on page 3, and to substitute therefor the material set forth on page 3, in lines 9 to 19; or will there be separate votes on those two matters?

The PRESIDING OFFICER. There will be one vote on the question of striking out the first words and inserting the second group of words.

Mr. JAVITS. I understand that is the so-called Lausche amendment.

In other words, none of the committee amendments has yet been adopted by the Senate; and thus far House bill 8601 has not been amended by the Senate; and the Senate must either vote up or vote down each amendment which has been reported by the committee. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. That will be the order of business before amendments may be called up either by me or by other Senators, will it?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. Therefore, Mr. President, I respectfully request that, as soon as possible, the leadership apprise us of the particular amendment on which the first yea-and-nay vote will be taken.

I make that suggestion most respectfully because in that way it may be possible to channel our debate to a specific purpose at a specific time. It seems to me the first substantive amendment will come on page 2, after line 5, the so-called Lausche amendment.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. JAVITS. The Senator from Indiana [Mr. HARTKE] has the floor.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Indiana yield to me, with the understanding that he will not lose the floor?

Mr. HARTKE. Yes.

Mr. JOHNSON of Texas. I want to be responsive to the inquiry of the Senator from New York. The best way to be fully responsive is to suggest that he get a copy of the bill and see the amendments the committee has made. The first amendment the committee made is on page 1, line 4, so as to make the language read, "That this act may be cited as the Civil Rights Act of 1960'." The committee struck out "1959" and inserted "1960." So the question will be on the committee language.

Then we will turn to page 2, beginning on line 6. The committee struck out all of the language beginning on line 6, page 2, through line 8, on page 3.

Mr. JAVITS. Mr. President, if the Senator from Indiana will yield to me further, would the majority leader entertain the suggestion that we adopt the first amendment, on page 1, line 4, and perhaps the majority leader would consider seriously getting a record vote on the second amendment, which is the first substantive amendment? Then we will have the debate pointed toward a specific proposition. I do not ask for it; I simply ask for the majority leader's ideas on that subject.

Mr. JOHNSON of Texas. I do not want to pass judgment on what the Senate will be willing to do in the way of a record vote. That is a matter for 20 percent of the Senators present to determine. But I think it would be purely a formality to act on the first amendment, and if the clerk will state the first amendment, I think we can get at it.

Mr. JAVITS. Mr. President, will the Senator from Indiana yield for that purpose?

Mr. HARTKE. Yes.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Indiana may yield for the purpose of getting action on the first amendment, with the understanding that he will not lose the floor by so doing.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the first committee amendment.

The LEGISLATIVE CLERK. The first committee amendment is, on page 1, line 4, to strike out "1959" and insert "1960."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The LEGISLATIVE CLERK. It is proposed on page 2, after line 5, to strike out:

§ 1509. Obstruction of certain court orders

Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any public school, or (2) directs that any person or class of persons shall not be denied admission to any public school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any public school, shall be fined not more than $1,000 or imprisoned not more than sixty days, or both.

No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime; provided that any such fine or imprisonment imposed for violation of such injunction shall be concurrent with and not consecutive or supplemental to any criminal penalty imposed hereunder.

This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school.

And in lieu thereof to insert:

§ 1509. Obstruction of court orders

Whoever, by threats or force, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I am very grateful to the Senator.

LENTEN THOUGHT BY SENATOR RANDOLPH, OF WEST VIRGINIA

Mr. MOSS. Mr. President, will the Senator yield, with the understanding that he will not lose the floor?

Mr. HARTKE. I yield with that understanding.

Mr. MOSS. Mr. President, one of the distinguished Members of this body is Senator JENNINGS RANDOLPH, of West Virginia. In today's Washington Evening Star there appears, under the column "Lenten Thoughts," a contribution submitted to that newspaper by the Senator from West Virginia. I commend this thought to the Senate for consideration and reading, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, Mar. 30, 1960]

LENTEN THOUGHTS—THE INCIDENT THAT GAVE ME AN APPRECIATION OF THE BIBLE

(By JENNINGS RANDOLPH, U.S. Senator from West Virginia)

"Each for the other and both for God."

Those words, inscribed by my mother on the flyleaf of the Bible she gave me as a graduation gift, strengthened the meaning which the Book had always held for me.

In this brief entreaty she crystallized in my thinking its two most basic teachings—the brotherhood of man and the fatherhood of God.

The Bible has supplied this understanding since I first came to it in my youth. Therefore, it is difficult to isolate one event in the process of growing awareness when the Book as a whole came to convey more to me.

However, the day my mother penned those beautiful and reassuring words was a memorable one.

I recall, too, when the certain guidance in the Bible heightened my consciousness of life and of the application of the Scriptures to living. It was unfolded when reading the Proverbs as a young man, in the truth of the passage, "Pleasant words are as an honeycomb, sweet to the soul, and health to the bones" (Proverbs 16: 24).

I believed this and have since attempted to apply it in my life, that one should search out the worthwhile qualities in our fellow citizens, rather than play the role of detractor and faultfinder. This does not imply a surrender of one's values to mere flattery; it does not deny the existence of injustices that must be redressed.

It states simply a rule of life: That religious and ethical ideals will best be served by appealing to the infinite good in men and women instead of flaying what we presume to be or hear to be their faults. For "he shall not judge after the sight of his eyes, neither reprove after the hearing of his ears: But with righteousness shall he judge the poor, and reprove with equity for the meek of the earth" (Isaiah 11: 3, 4).

REPORT OF SPECIAL COMMITTEE ON UNEMPLOYMENT PROBLEMS

Mr. SCOTT. Mr. President, I rise, first of all, to pay tribute to the chairman of the Special Committee on Unemployment Problems for his courtesy, patience, and fairness throughout the proceedings.

I call attention to the fact that a report has been ordered printed today, which includes the majority and minority views and the additional views of the Senator from Kentucky [Mr. COOPER].

I should like to call particular attention to that part of the report which begins on page 127 and includes comments of the minority, and continues, beginning on page 181, with a summary of recommendations of the minority.

I ask unanimous consent that there be inserted at this point in the RECORD a statement released by the minority, entitled, "A Summary of the Views of the Minority of the Senate Special Committee on Unemployment Problems."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A SUMMARY OF THE VIEWS OF THE MINORITY OF THE SENATE SPECIAL COMMITTEE ON UNEMPLOYMENT PROBLEMS

Under the title "People and Jobs—A Program for the Prevention of Unemployment and the Alleviation of Its Effects," the Republican members of the Senate Special Committee on Unemployment Problems present their own program.

These members: Senators JOHN SHERMAN COOPER, of Kentucky, WINSTON L. PROUTY, of Vermont, and HUGH SCOTT, of Pennsylvania, regret a disagreement within the special committee on specific measures which should be recommended at this time. To a lesser extent there is also disagreement on the interpretation of certain facts presented to the committee. The result is a difference in approach to the problems facing this country as a result of unemployment.

"In the midst of unprecedented prosperity in the United States," the minority members state in the introduction to their views published today in the committee report, "unemployment continues to plague certain areas and certain groups of our population, as it has done for many years.

"This inquiry deserves to have been nonpartisan. The minority members feel they have done their best to make it so.

"Both the majority and minority committee members are unanimous in their great concern for the problem of unemployment and in their desire for effective and workable measures to alleviate chronic unemployment.

"Quite understandably there is disagreement within the special committee on specific measures which should be recommended at this time.

"There is also, to a lesser extent, a difference in views on the interpretation of certain facts presented to the committee.

"Because we differ in several respects from the majority in our approach to this problem we present our own program.

"We have tried to look ahead to the needs of the future and to propose measures which would bear fruit over a long time.

"The minority believes that its program is possible of accomplishment and that it will reduce chronic unemployment. We believe many of our proposals would strike at the causes of chronic unemployment.

"But the minority," assert the Republican Senators, "have tried not to imply that there is any magic formula for quickly curing all the ills of chronic unemployment.

"What is desperately needed in areas of chronic unemployment is jobs—and jobs come from many sources, chiefly private, but also public; State, local, national. They come from the initiative of individuals, corporations, Government, and many other groups.

"The largest single factor in providing jobs of the kind that people want is private enterprise. The most important problem is how to stimulate private businesses to meet most of these needs. Government can and should aid in every way which promises effective results and it is to this end that we have formulated our proposals."

An analysis by the minority of some of the major conclusions of the majority will be found in the body of the minority report.

A condensation of some of the recommendations for action offered in their program by the Republican members of the committee follows:

A. PREVENTING UNEMPLOYMENT

1. Economic aid to distressed areas

(a) It is a matter of prime importance that an area redevelopment bill be enacted and that it contain means for stimulating local effort. Our task is to evolve a practical program which will be assured of approval at this session of Congress.

Such legislation should—

1. Authorize more than $50 million for loans for the construction of industrial facilities.

2. Provide an additional $1,500,000 for vocational training purposes including apprenticeship and on-the-job training.

3. Authorize funds on the order of $5 million for retraining subsistence payments and grants to States for administering the program.

4. Allot funds for needed vocational training facilities through grants to agencies operating the local programs.

5. Specify that at the Federal level, the Department of HEW administer the financial aid for training purposes after consultation with the Department of Labor on kinds of training needed.

6. Further specify that a local authority (preferably an educational authority or the local director of the redevelopment program, rather than the unemployment compensation system) administer grants to States for subsistence payments to unemployed persons not receiving unemployment insurance benefits but certified as undergoing vocational training or retraining.

7. Indicate that such grants should be related in amount to what would be received under the State unemployment compensation system.

8. Place great stress on technical assistance programs, especially for rural areas and small communities.

9. Provide aid for needed public facilities such as water supply, sewers, and access roads, particularly in the rural program, although it must be emphasized that more should be done by the States.

10. Utilize the existing facilities of the Housing and Home Finance Agency for such loans instead of establishing still another Federal lending agency.

11. Provide for loans for industrial development of rural areas suffering from chronic unemployment or underemployment. Many coal mining areas fall into this category.

12. Restrict Federal aid to areas with truly chronic unemployment, including rural areas, so that the aid which can be given will be effective rather than spread so thinly as to be wasted. In urban areas the criteria for eligibility for industrial loans should be flexible, dependent on the national level of unemployment.

13. For the identification of chronically depressed rural areas, the Secretary of Agri-

culture and the Secretary of Labor should be authorized to develop more effective measures for such identification. There should be a broad provision that they are to be selected from low-income areas with high levels of unemployment and underemployment.

14. Give statutory authority to the Interdepartmental Committee To Coordinate Federal Area Assistance Programs.

15. Enactment of legislation to create a coal research and development commission.

(b) Small Business Administration: We urge increased activity by the Small Business Administration in its community development program.

(c) Federal procurement to aid distressed areas:

1. We recommend that the Federal Government direct all Federal agencies, defense and nondefense, to give preferential treatment to areas of substantial labor surplus in their purchasing and contracting.

2. The Secretary of Labor should be asked to give consideration to changing the present definition of "labor surplus areas" to make more restrictive the list of areas qualified to receive preference in Federal purchases so that a larger share of purchases will be made in areas of truly chronic unemployment.

3. A special study should be made to bring about this change in a period of prosperity such as the present, so that regulations will be well understood in advance of any possible rise in unemployment in the future.

(d) Decentralization to aid distressed areas:

1. Programs of decentralization should be pursued more systematically by the Federal Government and especially by the Department of Defense and should give special consideration to areas of substantial labor surplus.

2. All Government agencies, both defense and nondefense, should be directed to give special consideration to areas of substantial labor surplus.

3. Since new defense installations and special installations for manufacture of new weapons are now being dispersed, such installations should be placed, when possible, where there is surplus civilian labor to aid in their construction and to man the civilian-type services.

4. It should be declared "good policy" to decentralize certain civilian functions, notably clerical functions, outside the Nation's Capital and to relocate them in low-cost areas where labor is available.

5. More can and should be done to alleviate the economic impact on adjacent communities of the abandonment or curtailment of military installations. Positive action to explore more vigorously other governmental uses of these facilities should be taken prior to announcement of decision to abandon or curtail.

II. Foreign competition

(a) Increased international trade is essential to the United States and to the free world.

(b) The Federal Government should assist those who are injured, through loans, tax concessions, or other forms of assistance to adjust to new lines of production.

(c) Older workers adversely affected by national trade policies should be aided in moving to other jobs through a special program operated by the U.S. Employment Service and through other means.

(d) The transfer of younger workers should be facilitated through such means as the payment of moving costs or Federal assistance to help them develop new skills.

(e) If trade adjustment policies are not enacted, then Congress may wish to consider developing some form of protection that will narrow wide discrepancies between high American wage levels and the low wage levels of other industrialized areas of the world. (Senator COOPER does not agree with this paragraph.)

III. Strengthening employment services

(a) We recommend expansion of a basic research program to secure current information designed to match men with jobs, and urge the States to review their programs to keep them in tune with changing demands.

(b) We believe Congress should increase appropriations for strengthening and expanding the U.S. Employment Service because in the past emphasis has been placed by the legislative branch on alleviating the effects of unemployment rather than on preventing it.

(c) Because demand for highly skilled workers is on the increase, we urge additional appropriations for work in the counseling field.

IV. Jobs for minorities and other special groups

(a) Unemployment among Negroes:

1. We recommend legislation to establist a Commission on Equal Job Opportunity Under Government Contracts.

2. We urge the executive branch to explore the possibility of instituting administrative measures to extend the present Federal policy of nondiscriminatory employment on Federal contracts to other federally financed projects.

3. We believe that a full-scale investigation of racial discriminatory practices by both management and labor is warranted, and we recommend that the Senate Committee on Labor and Public Welfare establish a standing subcommittee to study racial patterns in employment.

4. We urge that the Bureau of Apprenticeship and Training make expanded effort to assure greater opportunities to all qualified individuals to participate in vocational and apprenticeship training programs.

5. We recommend that the Bureau of Employment Security's programs to reduce discrimination in employment be strengthened and enlarged to include all forms of discrimination.

6. We further recommend that the Commission which the President wants established be empowered to further educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order that discrimination in employment may be eliminated.

7. We urge that the President's suggestion for biracial conferences in every city and town in the South be adopted and that such conferences give special consideration to the question of job opportunities for Negroes.

(b) Jobs for older workers:

1. We advocate Federal legislation looking toward reducing age discrimination in employment. Such legislation should deal with at least some of the following issues:

(A) Prohibition of age discrimination by contractors and subcontractors of the Federal Government.

(B) An expression of public policy to the effect that hiring should be on the basis of individual merit and ability to do a given job irrespective of age.

(C) Provision of a more extensive mechanism and budget than now exist in Federal agencies for carrying on a continuing nationwide educational program to overcome age biases.

(D) We question the advisability of legislation to provide tax incentives to encourage hiring of older workers since such special treatment would seem to classify older persons as inferior workers; a position controverted by well-documented facts.

(E) We recommend retraining allowances for those who are able to take advantage of retraining opportunities and to maximize such opportunities we recommend that facilities for the retraining of older workers be established where needed.

(F) An educational program could be established through a joint resolution of Congress vesting this responsibility in the Federal Council on Aging or in some other executive agency.

(G) Some of these objectives could be achieved by other than legislative means. Age discrimination by Government contractors, for example, could be prohibited by adding age to the existing Executive order covering discrimination on account of race, creed, color, and national origin.

(c) Jobs for youth: We feel that vigorous action on such proposals as the following will do far more to get young people into the kind of work they want than many multimillion-dollar proposals which have been advanced for legislative consideration:

1. Guidance services should be stepped up to take care of the increasing teenage population in the next decade.

2. Vocational training should be broadened.

3. More trained counselors should be secured for schools and other community groups.

4. Information about services obtainable through the U.S. Employment Service should be made more widely available.

5. Procedures should be worked out to reach high school dropouts in rural areas where referral from the school to the local employment office is difficult.

6. States should be encouraged to adequately finance services for youth.

7. Libraries of current publications about jobs and professions should be set up in each community, and trained staffs should be available to help young people sift and weigh this information.

8. While we believe that the Youth Conservation Corps proposal has some desirable aspects, we feel that funds could more properly be channeled into other areas which strike at the heart of unemployment among the young.

(d) Unemployment among women:

1. Because of the growing importance of women workers to the national economy and because they constitute a valuable labor reserve, more data should be compiled as to the trends of their employment and unemployment and the economic impact of these trends.

2. We also believe that suggestions for stiffer eligibility requirements for unemployment insurance for workers with no dependents (which would affect a large proportion of women workers) and for supplementary payments to unemployed persons with dependents, should be studied most carefully before action is taken in this direction.

3. Protection of farm workers.

(A) A subcommittee of the Senate Labor and Public Welfare Committee is now studying the problems of migratory laborers. We urge that this subcommittee recommend the enactment of legislation for crew leader registration and other measures to relieve exploitation of migrants.

(B) We strongly urge Congress to take action to protect domestic farmworkers and to consider, before extending Public Law 78 dealing with the importation of farm labor, the recommendations made by the consultants to the Secretary of Labor. These recommendations are set forth in detail in the minority's section on the "Protection of Domestic Farm Workers."

(e) Work opportunities for American Indians:

1. We believe that the appropriate congressional committees should study very closely the work opportunities of Indians in an effort to provide some solutions which would improve existing conditions.

(f) Jobs for the handicapped:

1. There is almost unanimous agreement in Congress and in the administration that the vocational rehabilitation program has

been one of the soundest investments of public funds.

2. The Office of Vocational Rehabilitation is now in the midst of plans to secure some significant improvements in the operation of the program, both among the State agencies and within the Federal Office of Vocational Rehabilitation. We urge continued efforts to improve the operation.

3. We congratulate the administration on the fine progress it is making in rehabilitation of the disabled, and we recommend that Congress provide full cooperation by appropriating funds to carry out the plans for the future developed by the executive branch.

V. Unemployment resulting from automation

1. We recommend that the Senate Committee on Labor and Public Welfare establish a special subcommittee in the 87th Congress for the purpose of making a comprehensive study of the problem and proposing further action.

2. We further recommend that active consideration be given to the establishment, either in the Department of Labor or in connection with the Executive Office, of a Commission to coorinate efforts and encourage cooperation among the economic and social groups concerned with the effects of automation and to propose solutions to the human problems created by the advance of industrialization. Labor, industry, and the consuming public should be represented on this Commission.

B. ALLEVIATING THE EFFECTS OF UNEMPLOYMENT

I. Unemployment insurance

(a) We believe that a number of amendments in Federal unemployment insurance legislation are essential or important at this time.

(b) We believe the amendments we are suggesting would strengthen the regular system without invading State prerogatives and would provide direct response to that special type of unemployment created by recessions with which the regular program was not designed to deal.

We recommend the following:

1. The extension of coverage to an added 3,100,000 persons to whom unemployment insurance can logically be applied, as recommended in the administration proposal. No new curtailment of State prerogatives would be involved.

2. A substantial increase in the tax base against which the unemployment insurance taxes are levied, both Federal and State, in the interest of financial soundness.

3. That Congress gives serious consideration to administration proposals for shoring up the administrative financing aspects of the program. Most particularly we call attention to that proposal which would authorize an increase in the funds available for loans to States in temporary difficulty from $200 million to approximately $550 million.

4. The question of reasonably assuring State solvency should be handled through the device of making loans from the Reed Fund more difficult to obtain and repayment conditions tighter, rather than through the drastic remedy of Federal solvency standards as recommended by the majority of the Special Committee on Unemployment Problems.

5. A Federal program which might be described as "compensation for high-level unemployment." We believe that in the light of recent experience it is a matter of elementary prudence to deliberately design and permanently incorporate into the laws of the country a program to supplement the regular program whenever national unemployment increases beyond the level for which the regular program should be responsible.

Such a program should include the following features:

(A) Grants from the Federal Government to the States to pay for supplementary benefits during periods of national high-level unemployment.

(B) The period during which extra benefits would be paid should be half as long as the duration to which the individual is entitled under a State law, or 13 weeks, whichever is longer.

(C) The criteria for triggering the program should be carefully worked out to avoid its use except when clearly needed.

6. We also suggest careful exploration of a modification of the above proposal which would incorporate these features:

(A) A Federal program which would be available to States, even in good times, where unemployment was very substantially higher than the national average and either was or could be expected to be chronic in nature.

(B) A Federal limit on the States which could avail themselves of a "standby" unemployment compensation program, in a recession. This limit should be based on the relationship of the State's unemployment to the national average.

(c) Labor market areas:

1. We have given serious consideration to the possibilities of applying a standby temporary unemployment compensation program to labor market areas as distinguished from States. It appears to us that more study is needed before such a program can be devised.

2. We urge the Department of Labor to work on the problems we have outlined and to investigate the feasibility of applying a supplementary unemployment compensation program to labor market areas as distinguished from States.

(d) Elimination of abuses: There have been abuses in the unemployment compensation programs in the various States. We urge strongly that these be eliminated and that unemployment compensation be made available only to those who are actively seeking employment and are truly ready, willing, and able to go to work.

II. Public assistance

(a) We share the belief of the Advisory Council on Government Assistance that "the primary criterion for financial assistance to a needy child should be his need."

(b) We are opposed to public assistance provisions that seem to put a premium on broken homes.

(c) We recommend that the aid to dependent children program be broadened so that all needy children outside foster homes and institutions would qualify for assistance.

(d) We believe the Social Security Act should be amended to give impetus to the States to establish or improve programs of public assistance for needy adults. We recommend that provision be made for Federal grants-in-aid to the States for this purpose.

(e) We endorse the proposal advanced by the 1959 Governors' Conference that residence requirements for federally aided public assistance permitted to the States under the Social Security Act be reduced to 1 year.

(f) We recommend that Congress give some real meaning to the law approved in 1956 authorizing grants for research and demonstration projects, with the purpose of finding out more about ways of preventing and reducing dependency, by appropriating funds for such research.

(g) We believe that improved cooperation among State, local and voluntary agencies would tend to prevent the breaking up of families and would thereby reduce the cost of public assistance activities. We strongly urge such increased cooperation.

(h) To provide Federal leadership in assuring that assistance programs are maintained at levels compatible with health and well-being, we suggest that scientific budgets be made available to State and local welfare agencies. We think that information contained in these budgets would encourage States to raise standards of assistance in categories where they are at a low level.

(i) We believe that States know best how to operate their public assistance functions, and we approve the suggestions of the Advisory Council on Public Assistance which would allow the States to organize and reorganize their public assistance programs as they see fit.

(j) Our proposals would be an offer of help from the Federal Government to the States which they could accept or reject. However, it is our hope and belief that all the States will want to extend assistance to many people in dire need who now are not eligible for Federal aid.

(k) We are confident that, given encouragement, States will do away with many harsh restrictions in existing programs.

Mr. HARTKE. Mr. President, I want to talk for a few minutes on the report of the Special Committee on Unemployment Problems. I wish to join with my colleagues in commending the distinguished Senator from Minnesota [Mr. MCCARTHY] for the fine manner in which he conducted the proceedings of the Special Committee on Unemployment Problems, and also to commend the staff of the committee.

Many hours were spent on those problems. The problems involved were not easy of definition, and it was very difficult to come to conclusions without talking about specific legislation.

I think a searching and thorough examination of the problems of unemployment will demonstrate that we cannot have merely complacent thinking or sweep these problems under the rug.

The truth of the matter is that today in the United States, in the height of what some people like to call prosperity, because we have a national income of about $375 billion, because we have rising productivity, unemployment in the United States is almost equal to what it was in the depth of the recession in 1954. These are facts and evidence that cannot be ignored.

There is no way under the sun that we can say we have true prosperity when there are 4 million people who cannot find work, although they are willing and able to work.

There are probably another 4 million people who are living on a bare-existence income or who are otherwise not employed in the true sense of the word.

I personally participated in about six of the nine parts of the field hearings in this regard. I had an opportunity to witness at firsthand the misery and psychological effects of men out of work and the effects on their families.

Frequently, I read newspaper accounts and reports of the high number of people who are working, with the intent, to my mind, more or less to hide from the public this cancerous growth on the future of American productivity.

We have just heard a leader of another nation, the United Kingdom. The truth of the matter is that today in Great Britain less than 1 percent of their people are out of work. When the number of unemployed goes to approximately 2 percent, it results in toppling their government.

In America today 5 percent of our people are out of work; yet no one is saying

it is a national problem, particularly on the administration level.

There are other countries—Sweden, Norway, Finland, the Netherlands, Switzerland, and France—which, since the end of World War II, have never had a period of unemployment which has reached up to the high percentage of unemployment we have in the United States. This does not mean there are not nations in Western Europe which have had higher rates of unemployment than the United States, but the truth of the matter is that if these countries had the same percentage of the people out of work which we have today, the very structure on which the governments are presently based would probably fall, from the sheer weight of that problem alone.

I went to West Germany. I saw at that time that West Germany had less than 2 percent of the people out of work. I saw the yielding which the Government of West Germany did because of unemployment in the coal mines, yet we in America had unemployment in respect to our coal mines. We saw at that time that the Germans put on a strict quota as to the amount of coal which could come to Germany from the United States, despite the fact that we in the United States, even with the high wages which we pay, are able to ship coal across the Atlantic Ocean and to deliver it on the banks of the Rhine River cheaper than the Germans are able to produce their own coal.

These things are all important, because we are in a giant economic struggle against the atheistic, communistic way of government. If we are not able to take care of these unfortunate people in our own country, they will probably look for some other method of taking care of these problems.

I think it is very important that we think in terms of some of the things which can be done to alleviate the problem. Some of these subjects have been covered, but we have not given attention to the tremendous effect, for example, of suddenly yanking a defense plant out of an area. This happened in La Porte, Ind., where I conducted the hearings.

We also had the situation in Evansville, Ind., in my home city, where industry moved out and went to another locality.

We observed the effects of another type of unemployment in my home State of Indiana, in Terre Haute, where there was a decline in the number of people the coal mining industry was using.

As shown in part 9 of the hearings, we saw the need for strengthening the employment services. This is important. It is important in two ways. One of them is that there must be a clear definition, with the feeling that a man, when he goes out to look for work, should not be faced with other people who are looking for unemployment checks. For the man who goes out to look for work there is a psychological feeling, when he wants to go to work, that he is looking for somebody to help him find work, to give him direction and service. That man does not want to face at the same time the very specter of unemployment, by looking at other people who are looking for unemployment checks.

As is pointed out in part 11, we will have to improve the measurement of our unemployed people. I invite the attention of the minority to the fact that, in regard to one of their own requests, Dr. Long, from Johns Hopkins University, who asked to testify in the hearings in Washington, D.C., recently stated that the estimate of 4 million people out of work in the United States is probably far too low, and that a more nearly accurate picture of the number of people who want to work, who are looking for jobs to support their families, their wives and children, would probably be 8 million people.

What is the effect of all of this upon society? We saw the effects once in the great depression. These people have learned that they do not have to go "through the wringer." They have learned, so far as they are concerned, there are people in top administrative positions who are willing to look out for their welfare. They have learned that there are certain things which can be done to alleviate these severe problems.

We know of an administration which went to work on some of these problems. Some of the problems were never completely solved, of course. Some will have to be solved yet. Some of the problems were solved. Some of these people can look forward to useful lives and to taking care of their families in a proper manner.

This is the thing which must be done today. There must be a greater definition of concern and a greater attention to the problems. This must be done not only in the legislative field at the national level, but also in the local communities at the local level, and on the basis of a State agency, in a giant cooperative venture by all of us.

I have talked to a number of people. I have asked them, "Why do you not talk more about unemployment?" They tell me, "Unemployment is not really a problem."

I wish that some of the people who tell us this had gone out into the field and had heard exactly what is involved in unemployment.

Mr. President, I should like to read an excerpt from the unemployment hearings which were conducted in Pennsylvania with my distinguished colleague, the Senator from Pennsylvania [Mr. CLARK]. I should like to read from page 442 of that report, in regard to the situation we learned about when we were at Brier Hill, as the Senator from Pennsylvania well remembers. We were talking to the people there who had been out of work for years in the coal-mining industry.

I happened to meet with the parish priest. He said, "I do not want to give my name, because I think it might embarrass this community." He also said, "It is all right for you to tell the people in the U.S. Senate what the situation is, however."

These are the remarks:

Father, thanks a lot. Senator CLARK, I'd like to say here for the record, I was talking to the priest here of the local parish and he frankly tells me that they don't have the money to pay the necessaries to keep the church going here. They just don't have enough to keep things going here, it's that rough.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HARTKE. I am delighted to yield.

Mr. CLARK. I am very glad that my friend from Indiana has brought up the situation at Brier Hill. I ask the Senator if his recollection is in accord with mine, that the little community of Brier Hill was located on the top of an abandoned bituminous coal mine, that the population of the village was approximately 1,000, and that there was not a single man or woman in that village who had a job. They were all out of work.

Mr. HARTKE. They were all out of work. The Senator is absolutely correct in his statement. Not only that, but the people had searched for work, and almost in a chorus, when we asked them, "Do you want work?" they said, "Yes; we will work at anything."

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. HARTKE. I yield.

Mr. CLARK. Was it not the case that some of those men told us they had driven as far as Detroit, Mich., looking for work and had to return without finding work?

Mr. HARTKE. Not only had they driven to Detroit, but they had also gone to Cleveland, Ohio, and to Baltimore, Md., and up and down the Ohio River looking for work.

Mr. CLARK. Is it not also true that man after man in that village told us when he sought employment he was told he was too old for the job, even though some of the men were still in their thirties?

Mr. HARTKE. The Senator is exactly correct. As one man said, "I am too old to work, but I am too young to draw my old age pension."

I should also like to bring to the attention of the Senate something else concerning the psychological effects of unemployment. This occurred in the Evansville, Ind., hearing. A statement was made at that time, without any reference to the man's name:

I know all morning you have heard quite a bit about the financial status of the unemployed, but I would like to say a few words about the emotional status of the people that are unemployed. There is a social aspect to unemployment that arises from the ties and bonds of group relations and friends and neighbors and so on. Everybody wants to be recognized socially, and while I was unemployed, emotional problems did arise: for instance, with my friends, they knew I was unemployed and knew I could not afford to entertain, they didn't think I could afford it, and rather than ask us to go places with them, they wanted to save us the embarrassment and that leaves quite a problem of being under the pressure that we were under. I say "we"—my whole family was involved. It made us wonder if we were actually forsaken by our friends or if this was true friendship to ignore this. The children naturally, the family was under tension and worried all the time. The little girl was 2 years old and she began to have nightmares.

She tended to be disobedient and just completely frustrated and to just be honest, she just didn't know who was mama around the house.

I should like to take another moment to give the human side of this problem. It cannot be ignored for the 4 million people in the great United States of America. This is an insult to our national pride.

I should like to quote from the unemployment hearings taken in Kentucky, the statement of William D. Gorman, president, Buckhorn Watershed Association, president, North Fork Flood Control Association, and director, Hazard Chamber of Commerce.

He said:

Not long ago I met a man on the streets of Hazard. It was late at night, snow was on the ground, and he was crying, sobbing. The editor of the local paper there and myself asked him what was wrong. He told us that he had gone to the county jail to try to get in, he was freezing to death. He had no money, his family was starving, he had gone north seeking employment; he had been promised a job.

He had left his wife and small children at home. And after waiting 2 weeks and not being able to qualify for the job, he had turned toward home to try to get to his family to at least keep them warm. He hitchhiked from Cincinnati into Hazard.

And we took him in and bought him something to eat and talked the turnkey of the jail into letting him sleep where it was warm.

And this man and his family had enjoyed a fairly good standard of living until the bottom had fallen out of the coal industry.

I am a deacon in the Hazard Presbyterian Church. Only last Sunday night at our monthly deacons' meeting we were told that the people in our congregation were not coming to church because they didn't have clothes to wear or food to eat.

This occurred, as the distinguished Presiding Officer [Mr. COOPER] knows, in 1960, and not in 1932.

He said further:

We are thankful in eastern Kentucky for the food that the Federal Government has sent to our people. It has helped. But, my friends, there are people in our region who are too proud to stand in breadlines. They would starve to death first.

The most pathetic sight a person can see is a child with a bloated stomach from starvation. But if you will only look through our coal camps you will find plenty of them.

Constantly we find this question asked of us, "Why do we send money, food, and other things to starving people all over the world when we have starving people at home?"

I say quite seriously that this is a question which must be answered by this body. We must be able to make up our minds whether or not we are going to answer to our people at home first. If we do not, we shall hear cries louder and louder, until very few Members of this body will be able to support a program for feeding starving people in other countries.

I close by reading a most pathetic and stirring story, which has shocked me ever since I read it, and which would cause almost any other Member of this body to sleep with a heavy heart—if he could sleep at all—if he feels that he could ignore these problems and not do something about them immediately.

I read from page 1994 of the hearings, a portion of the statement of Thomas E. Gish, editor of the Mountain Eagle of Whitesburg, Ky.:

I have a little statement, as everyone else. And I want to start by telling you of a true happening which I think sums up the entire situation better than any words that might be used.

At about this time last year—2 weeks before Christmas—an unemployed coal miner in Letcher County whom I have known all my life shot and killed himself.

The man was the father of eight children, stair-stepped from age 14 down to age 2.

This man had been out of work for some 3 years. He had been laid off at one of those times when a mine gets new equipment—lessening its need for men. I know that this man made every possible effort to find employment for himself. He made several trips into Ohio and Michigan, looking for work. But he was 55 years old, and he simply couldn't find a job. Well, he drew unemployment insurance as long as he could—but soon that was exhausted. And for some 2 years, he was forced to sit in idleness at home, watching the health of his children deteriorate from lack of enough food—watching their clothes wear out—with no money to replace them. The family lived during this period on money earned by the wife—who cooked in a restaurant for 25 cents an hour. She was and is a good woman and often she worked 18 hours a day to get enough money to keep her family alive. They couldn't really live on what she earned—they could just stay alive.

The man watched this for some 2 years. He got to thinking about the situation and realized that if he were dead, then his wife and children could draw social security benefits. They would be assured of enough money to maintain a decent standard of living. They could eat, and they could buy clothes.

And so, as a Christmas present to his wife and his eight children, the man took out his shotgun and calmly shot and killed himself. It was the best Christmas present he knew how to give. Living he was no help to his family. By dying he could feed them.

This is a sad commentary on American prosperity today.

Mr. MCGEE. Mr. President, I commend the Senator from Indiana on the fortitude which he has displayed in nailing down a very human question which some people have been trying to duck for altogether too long.

Mr. CLARK. Mr. President, I should like to take the next few minutes to discuss the report of the Special Committee on Unemployment Problems.

I join my colleagues on the committee in paying tribute to the fine work done by our chairman, the Senator from Minnesota [Mr. MCCARTHY]. He was patient; he worked hard; he worked with intelligence; and this report is a monument to his ability to bring nine men of good will together. Although both a majority and a minority report have been filed, they agree to an extraordinary extent in their major conclusions and recommendations.

This is an extraordinary committee. Of the nine members, six are not only serving their first term, but were elected to the Senate as recently as 1958. Two other members are still in their first 6-year term. Only the distinguished occupant of the chair, the Senator from Kentucky [Mr. COOPER], has been in the Senate for more than one term, and his service, as I know he will recall, has not included, as yet, a full 6-year term.

So every member of the committee comes fresh from the people. I think it is a great tribute to both the majority leader and the minority leader that they were willing to vest in Senators with so little seniority the important responsibility of preparing this report.

Mr. President, this is a good report. I hope that the lack of seniority on the part of members of the committee will not deter the Senate from giving it the attention which I for one think it so richly deserves.

I would not be fair to the able staff members who worked so hard in the conduct of the hearings and in the preparation of the report if I did not mention the extraordinary and effective work which was done by the staff, particularly by Mr. Lawrence C. Merthan, staff director; Mr. Samuel V. Merrick, counsel for the committee, Mr. Emerson Hynes, legislative assistant to the chairman; and Mr. Harold L. Brown, who was lent to the committee by the Senator from Illinois [Mr. DOUGLAS] to help make the field arrangements for our hearings. These men, too, labored arduously and well, and the report reflects their findings and intelligent analysis of the testimony to the same extent, almost, as it reflects the judgment of the members of the committee themselves.

I should like to note also the fine contribution which has been made to the report by the minority members of the committee. The three Republican members met with the majority in a spirit of good will. We find, as we read through the report, that while their views differ on one or two major matters of substance and on some additional details, it is an extraordinary thing how close together the basic conclusions and recommendations of the majority and minority are.

I suggest that for this reason the report should have an even greater impact on the Senate and on the country than would otherwise be the case.

I should like to discuss briefly the major conclusions of the committee, because I believe them to be important conclusions. They are conclusions which are not generally recognized either in the Senate or throughout the country. They are conclusions which deserve the greatest consideration by all American citizens.

The first conclusion is one to which there is no serious dissent. I read it:

1. Unemployment is a serious and continuing problem. Five percent or more of the labor force has been unemployed in 26 of the past 28 months. In some areas of chronic unemployment, the rate has exceeded 25 percent. Underemployment and "hidden" unemployment, which are not measured in current unemployment statistics, would increase the total.

The minority to some extent dissented to the statistical statement contained in that conclusion, but they do not dissent from the conclusion itself, and they agree that unemployment is a serious and continuing problem. The seriousness of the unemployment problem is

not generally understood throughout the country. It is not understood in Wall Street. It is not understood in many areas of our Government. It is not understood among the many millions of American citizens who are employed and who do not know what unemployment means. This is a chronic national problem which we cannot sweep under the rug.

The second conclusion is in many ways even more important than the first, and to this conclusion there is no dissent on the part of the minority. No one has stated the impact of the second conclusion with more eloquence than the distinguished Senator from Indiana [Mr. HARTKE], who has just yielded the floor. The second conclusion reads:

2. The greatest cost of unemployment is in the suffering of individuals and their families. Present systems of unemployment insurance and general assistance are inadequate to relieve this suffering.

Mr. President, if this report contained nothing beyond that one conclusion, it would call for action by the people of America in general and by the Senate in particular, to take prompt steps to remedy, to alleviate, and to eliminate this widespread human suffering in the richest country the world has ever known. This conclusion is one which casts shame on the governmental structure and, to some extent, the private economic structure of the United States, that we permit misery to continue in the midst of plenty.

The third conclusion deals with an economic matter of great importance. I read it:

3. Unemployment is costly also in the loss of potential production. If 1 million additional persons had been employed annually in the past decade, the gross national product would have been increased by an estimated $70 billion. The need to make full use of our manpower resources becomes more urgent as a consequence of the economic challenge of the Soviet Union.

Mr. President, again the minority dissents from the particular statistics used, but it concurs in the conclusion itself. This loss of untold billions of productive capacity and this failure to put our best foot forward in the economic struggle with the Soviet Union are matters which require the urgent and immediate attention of the people and of the Senate.

The fourth conclusion, to which there is no dissent, is of equal importance to everyone in this country. I read it:

4. The problem of unemployment will assume far greater proportions in the next 10 years unless decisive action is taken. After each of the last three recessions the rate of unemployment was higher than it had been before the recession. In the next decade the number of youths entering the labor market will increase by 46 percent. Dislocations caused by automation and technological change will increase. A sharp increase in unemployment will take place unless private and public measures are taken to absorb the increased manpower.

That recommendation is unanimous. It is concurred in by all nine members of the special committee. I believe it deserves, indeed it requires, the careful attention of all Members of the Senate.

Mr. President, I turn to the fifth conclusion. It begins:

Unemployment is a national problem resulting from complex forces, most of them national in origin.

The only dissent on the part of the minority is that they would like to have the word "most" changed to "many." Very well, let us change it, in the interest of unanimity. The conclusion is nonetheless important even with that change. It continues:

Every section of the country has suffered from the effects of unemployment and the decreased purchasing power of the unemployed. Local communities with the highest rates are often those with the fewest tax resources. The unemployed are anxious to find work—

Let us mark that well, against those who say that it is only the lazy and the shiftless who are among the unemployed. This is the unanimous conclusion of this bipartisan special committee. I continue to quote:

The unemployed are anxious to find work, and local communities have made extraordinary efforts to create jobs, but community leaders in the distressed areas are in agreement on the need for national assistance.

This conclusion likewise deserves the careful and immediate, and indeed the prayerful consideration of the people of this country and the Members of this body.

The sixth conclusion, which I will not stress by reading it, is nonetheless important. It recites that unemployment is of three kinds: cyclical, structural, and frictional. It points out that cyclical unemployment fluctuates with the state of the economy. It is worse when times are bad; it is less when times are good.

Structural unemployment is largely the problem of distressed urban areas and low-income rural areas. While it gets worse when times are bad, it does not get much better when times are good.

The report points out that a certain amount of frictional unemployment, or unemployment between jobs, is inevitable, but that it can be reduced by wise governmental measures and by wise private practices.

The seventh conclusion points out a basic and important fact; therefore, I shall read it:

"Class" rather than "mass" unemployment has characterized the past decade. Unemployment is highest for young people, older workers, nonwhites, women, the unskilled, and the least educated. Improved vocational training and retraining programs are needed to help these groups.

This conclusion also is unanimous. All nine of us agreed to this conclusion. I point out that this finding coincides with the finding of the Subcommittee on the Aged and Aging, so ably headed by the distinguished senior Senator from Michigan [Mr. MCNAMARA], who also served on our committee. I have the honor to serve on his subcommittee, and I can attest to the fact that the unemployment situation among older workers is indeed a serious one, but no more serious, perhaps, than that of the other classes and groups mentioned in conclusion No. 7, apparently those who do not get a fair shake when men and women are hired and fired.

The eighth conclusion I find to be of great importance. Here the minority has filed a dissent. In my humble opinion, the dissent has some merit, but not much. I shall comment on it after reading the conclusion:

High rates of unemployment are not a necessary part of the private enterprise system.

With this statement the minority agrees. I continue:

Unemployment can be reduced by reasonable private and public policies, as demonstrated by the experience of Great Britain, Sweden, Norway, Finland, the Netherlands, Switzerland, and France. The unemployment rates in these countries are considerably lower than those in the United States.

The quarrel of the minority with this conclusion is merely that they believe the statistics are not comparable; that perhaps the published rates in those countries are not as high as those in this country because the figures are kept in a different way. Yet I feel certain that the three members of the minority would agree that each of those countries has done a better job, overall, in dealing with the problem of unemployment than has the United States.

Mr. President, there is an unseen sentence in that section, a sentence which does not appear in the report. It is that in Soviet Russia and in Communist China, and in the countries behind the Iron Curtain, there is no unemployment. The problem does not even exist. This we thought so well known as not to justify stressing. Some of us perhaps felt that if we pointed it out, we might be considered un-American; that someone might say, "Well, those fellows are really off base; they defend communism and totalitarianism." Far from it.

But we who are engaged in deadly combat for the thoughts and minds of the uncommitted peoples of the world would do well to recognize and to stress that one of the ways—one of the few ways, in fact, almost the only way—in which a case can be made for the Communist system ahead of our own is that in Communist countries every man and woman has a job. There is no unemployment in Russia and China. The price they pay is of course, fantastic. It is a price we would never consider paying. However, we ought to face the fact that if we expect to compete economically in the future with those countries which desire to destroy our system, we had better cease this immense waste of manpower which is slowing down the rate of growth of our economy and causing such untold human suffering.

I turn to the ninth conclusion, and shall read it:

The reduction of unemployment and underemployment requires an increase in the rate of national economic growth. Fiscal, budgetary, and monetary policies are important elements in the achievement of a higher growth rate.

This conclusion also is unanimous. It is concurred in by all nine members of the committee. We had a little quarrel

as to whether we should specify a recommended rate of growth. In order to achieve unanimity, the majority was willing to eliminate a specific figure. So the general principle stated in that section represents the unanimous view of the nine members of the committee.

Mr. President, I shall turn now from the conclusions of the committee to the recommendations and discuss some of those which my colleagues did not emphasize in their talks to the Senate earlier today.

I point out, so that the record may be clear, and that those who seek comments on the recommendations may know where to turn, that the Senator from West Virginia [Mr. RANDOLPH] discussed recommendation No. 2, "Assistance to Distressed Areas"; that the Senator from Minnesota [Mr. MCCARTHY] discussed recommendation No. 3, "Establishment of National Standards for Unemployment Insurance," and recommendation No. 4, "Extension of Federal Grants To Cover Public Assistance to the Unemployed"; that the Senator from Michigan [Mr. MCNAMARA] discussed recommendation No. 7, "Elimination of Discrimination in Employment," and also recommendation No. 10, "Standby Antirecession Legislation"; and that the Senator from Indiana [Mr. HARTKE], in addition to his moving statement on the human aspects of unemployment, discussed recommendation No. 9, "Strengthening the Employment Services."

I should like to discuss the other recommendations of the committee. The first one, I believe, is important. It is entitled, "Increased Rate of Growth and Maximum Employment." I read:

> The committee recommends:
> (a) Increased emphasis on the objective of "maximum employment" set forth in the Employment Act of 1946 in the formation of national policy.

Mr. President, this recommendation is in accord with the recommendations made by the majority of the Joint Economic Committee in their extremely important document entitled "Employment, Growth, and Price Levels," with which all Members of the Senate are familiar.

I think it important to stress the cross-fertilization of studies. Just as the study of the Subcommittee on the Aged and Aging crosses the field of unemployment, so do the economic studies of the Joint Economic Committee cross our studies of cyclical unemployment, which in many ways is our most basic problem, because unless we can sharply reduce cyclical unemployment we cannot make much headway in dealing with structural and fictional unemployment. I heartily commend to the other Members of the Senate that portion of the report of the Joint Economic Committee which deals with the question of employment and growth.

There can, of course, be two schools of thought about this question, and there is an able minority view which has been published as a part of the Joint Economic Committee's report. For myself, I go along with the majority. I think the conclusion of that committee, of which the distinguished senior Senator from Illinois [Mr. DOUGLAS] is the able chairman, are worthy of even greater attention than they have received.

In the report of the Special Committee on Unemployment we recommend:

> Policies to attain a rate of national economic growth high enough to provide employment opportunities for the nearly 4 million men and women now unemployed and the 26 million young people who will enter the labor force in the next decade. Recommendations for promoting this economic growth were made by the Joint Economic Committee in its report on "Employment, Growth, and Price Levels," published earlier this year.

Mr. President, before I read those recommendations, let me stress again that unemployment cannot be considered as existing in a vacuum; we cannot put blinders on, and consider unemployment without at the same time considering the other factors which bear upon the growth and prosperity of the economy as a whole.

As a result, the majority of the committee concurred in the recommendations of the Joint Economic Committee, which were:

> (1) Monetary policies to permit the money supply to expand in line with the growth in total output, (2) measures to reduce fluctuations in defense orders, (3) Federal aid to education in order to improve the quantity and quality of education required for a more productive labor force, (4) reform of the Federal tax system, and (5) improvement of our foreign trade position.

Each one of those recommendations of the Joint Economic Committee—seemingly so divorced from any question of unemployment—is vitally connected with the unemployment problem; and we can never solve the grave question of recessions, booms, and depressions unless we succeed in using monetary, fiscal, educational, tax, and trade policies to create the maximium employment which is the objective of the Employment Act of 1946.

Now I turn to recommendation No. 5, which is closely related to the recommendation regarding economic growth that I have been discussing. Recommendation No. 5 is for "increased educational services, especially for vocational education, and assistance to special groups."

Mr. President, if one thing is clear as a result of our serious study of the unemployment problem, it is that the educational level required in order to obtain and to keep a job is constantly increasing. The day of the strong back and the weak mind is passing. Tomorrow, the man or the woman who is without at least a high school education will find serious difficulty in obtaining employment. The level of education necessary for those who in the days to come will seek employment will rise; and with it the caliber of our educational institutions must rise.

It is my view that we cannot obtain the necessary improvements in the stature of our educational institutions and in their ability to train young men and young women for the tasks of tomorrow unless there is massive Federal aid to education. I have spoken at length on this subject heretofore on the floor of the Senate, and I shall not do so again at this time. Of course, this is a controversial question; but I believe that the research and the hearings of our committee establish beyond doubt that the Joint Economic Committee was correct when it advocated substantial Federal aid to education in order to achieve maximum growth and maximum employment in the United States.

Mr. President, I shall not comment about the other detailed recommendations which are listed as subdivisions of recommendation No. 5, except to say that I concur thoroughly in them, and I believe they deserve the pressing, immediate, and careful attention of the appropriate committees of the Senate and the House of Representatives.

I turn now to recommendation No. 6 and recommendation No. 8, on which I shall comment briefly. Recommendation No. 6, which is in two parts, proposes a study, by an appropriate committee, of the impact of military procurement and deployment policies upon employment stability and unemployment, and consideration of measures to ease resulting dislocations; and "enactment of adjustment legislation to relieve the impact of international trade policies on employees, businesses, and communities adversely affected."

Again the minority is in accord with the objective of that recommendation. It is only with respect to certain details with regard to its implementation that there is even minor disagreement among the committee members. Again I think the substantial unanimity of opinion on the part of the nine members of the committee is noteworthy.

Mr. HART. Mr. President, on this point will the Senator from Pennsylvania yield?

The PRESIDING OFFICER (Mr. COOPER in the chair). Does the Senator from Pennsylvania yield to the Senator from Michigan?

Mr. CLARK. I am very happy to yield to my friend, the Senator from Michigan.

Mr. HART. Mr. President, I concur in the commendation which other Senators have expressed in commenting on the excellent work done by the committee of which the distinguished Senator from Pennsylvania is a member. The report is a very significant one. I rise only to comment in regard to recommendation No. 6, which has just now been referred to by the Senator from Pennsylvania.

Earlier in the report—at page 49 and following—there is a very vivid explanation of some of the economic effects which flow from changes in Government procurement policies in connection with defense industries. The point is made that when $40 billion a year for defense procurement is pumped into the economy, there is an enormous impact, and that it is the most important single element in the determination of our economic health or our economic sickness, as the case may be. The report cites examples of what happens when a Government contract is terminated, after

it has been a principal source of employment in a community. At that time the community discovers what the entire Nation will discover if we are able—as all of us hope we shall one day be able—to disarm. However, we are not planning for that time; and recommendation No. 6 suggests that an appropriate committee be appointed to study the effect of defense procurement on our economy.

I should like to point out that last year I submitted Senate Resolution 150, which called for the establishment of a select committee to study the economic impact of defense procurement, and to make blueprints with respect to the day when we might proceed to disarm and might be able to reduce to a lesser amount the $40 billion of expenditures we make for defense purposes.

I am delighted that the committee recommends the appointment of a committee to achieve that basic purpose, as called for in Senate Resolution 150. Certainly I have no quarrel with the committee for recommending the appointment of "an appropriate committee," rather than a select committee. I am delighted that the committee makes a specific recommendation for the making of some such blueprint in regard to the situation when the United States is able to proceed to disarm and is able to persuade the rest of the world that we seek to achieve disarmament.

Mr. CLARK. I thank the Senator for his suggestion. I am sure all members of the committee were aware of the resolution he submitted. Many of us, including myself, were prepared to support it specifically. However, we felt that there was great merit in unanimity; and inasmuch as certain members of the committee wished to handle some matters a little differently, we refrained from specifically endorsing the suggestion the Senator from Michigan had made. But I assure him that all members of the committee believe that something in this area must be done. So Senators who do not like the suggestion the Senator from Michigan has made must bear the burden of coming forward with a better suggestion, if such there be. Certainly we must not sweep this problem under the rug.

Mr. President, I turn to recommendatoin No. 8, which deals with the question of the extension of unemployment benefits to domestic migratory farm laborers. I shall not long detain the Senate in discussing this subject, because the distinguished junior Senator from New Jersey [Mr. WILLIAMS] is presently engaged in investigating the entire subject of migratory labor, as chairman of a subcommittee of the Senate Committee on Labor and Public Welfare. The lot of migratory farm laborers, domestic and imported, is indeed disheartening. It deserves national attention. Our effort is intended to focus our view on this problem and to assert that something important should be done about it in the near future.

So, Mr. President, I come to the last two recommendations of the report, which are of peculiar interest to me personally.

The 12th recommendation is entitled, "Continuing Attention to Manpower Resources and Utilization," and it reads:

As a result of its study the committee believes that the Federal Government should maintain a continuing concern for the Nation's overall manpower resources, requirements, and utilization, including the problem of underemployment. Both the legislative and executive branches should be concerned with prospective manpower dislocations resulting from automation and technological change and with the manpower needs which must be determined as a basis for training and counseling programs. The committee therefore recommends that:

(a) A permanent subcommittee within the appropriate standing committee of the Senate be established with responsibility for consideration of manpower requirements, resources, and utilization at all levels of employment, and for legislation related to these areas.

I interrupt that quotation, having seen my distinguished colleague from West Virginia [Mr. RANDOLPH] in the Chamber, and I call his attention to that recommendation, which appears on page 126 of our report.

As he knows, I will be only too happy to join with him in a request of the distinguished chairman of the Committee on Labor and Public Welfare [Mr. HILL] to set up the special subcommittee referred to in this recommendation.

We have reason to believe, I think, that the chairman of the committee, the distinguished senior Senator from Alabama [Mr. HILL], will look with favor on this recommendation by the Special Committee on Unemployment Problems. I hope that the proposed subcommittee can be set up, staffed, and adequately financed in the reasonably near, if not immediate future. I know my good friend from West Virginia will join me in trying to get that subcommittee on its way in order to complete the work which our committee thinks should be done.

I return to the second subsection of recommendation No. 12, namely (b), and I read:

(b) A National Manpower Planning Commission be established in the Executive Office of the President with corresponding responsibility; or, alternatively, that an existing agency of the Government be assigned such responsibility.

Mr. President, I call recommendation No. 12 "staffing freedom." Our job on behalf of freedom is not done when, in the absence of national planning, the abilities of our young men and women coming out of school are not directed into careers where they will do the greatest good to achieve our national goals. What we must do by persuasion, our Communist enemies achieve by compulsion. Indeed, we achieved this purpose by compulsion, operating through the draft, in World War II. At that time every individual drafted into the Armed Services was given a military occupation speciality, an MOS. He was put where it was thought by those in authority he would do the most good.

This, obviously, we should not and will not do in peacetime, but I am firmly of the belief that we ought to have a national inventory of jobs, and of useful jobs. We ought to make serious planning efforts to persuade young men and women coming out of our schools and colleges to go into those occupations where they will make the greatest contribution to the national well-being.

I further believe that we have to increase the rewards and decrease the punishments in those areas of employment which men and women of good conscience will agree are most essential to our national existence and well-being.

So, in my judgment, recommendation No. 12 is one of the most important our committee has made. I hope it will be implemented, and implemented soon. I look forward to the day when we will have a White House conference on careers, or a White House conference on employment, like the conference we had recently on education, and the one now under way on children and youth.

I believe we should have a national manpower planning commission on a level equal to the President's Council of Economic Advisers. I believe the President's Council of Economic Advisers, under the next administration, should undertake long-range economic planning. I believe that as that long-range economic planning proceeds, the personnel implications of the planning should be considered by a national manpower planning commission. I believe that such a commission should make recommendations to the homes, the churches, the schools, and all agencies in America which deal with employment, so that efforts can be made, through counselors at the schools, through the advice of parents in the homes, and through spiritual guidance at the churches, to persuade young men and women to select those careers which are most useful to the national interest. This applies to the lowest employment and educational levels, just as it does to the highest.

I give my wholehearted support to this recommendation.

The final recommendation, which is No. 13, deals with financing the committee's recommendations. I take some credit for this recommendation, because I strongly urged that it be included. I am happy to say I was able to persuade my colleagues.

I think that too often Americans are prone to meet in a committee, or in a White House conference, or under some other auspices, and decide that much has to be done to remedy a particular condition, be it in education, stream pollution, highways, juvenile delinquency, hospitals, welfare, or unemployment, and, having arrived at resounding conclusions and recommendations, disband and go home, thinking they have done a grand job.

So this 13th recommendation, which I think is the binding which ties together the philosophy which I believe is represented by all nine members of the committee, the minority as well as the majority, reads:

Insofar as this committee recommends increases in budget expenditures, we believe that revenues to offset these expenditures can and should be obtained. The committee believes that its recommendations are

realistic. The cost of these proposals will be much less than the cost of continuing high levels of unemployment, and will represent a small fraction of the gains in production in gross national product and in tax yield.

I have already outlined on the floor of the Senate, this year, last year, and the year before, my own recommendations for obtaining the additional revenue necessary to assure the domestic well-being and the national and international security of the United States of America. I shall not reiterate them now other than to prod my colleagues' memories to return to them and see if they cannot get some guidance.

I also say to my colleagues, "If you have a better plan, let us hear it." What is very clear indeed is that, if America is going to fulfill its manifest destiny, we have to have more revenues to take care of the crying needs of this country at home and the crying needs and miseries in the underdeveloped and uncommitted areas of the world whose friendship we seek.

Mr. President, I conclude as I began. This report is a good report. I hope it will receive the attention it deserves.

Mr. President, this report must not be filed away to gather dust. It is a living, speaking document, speaking of human distress, speaking of man's inhumanity to man, speaking of a callous disregard of the suffering of millions of American citizens by other American citizens living in the richest country the world has ever known.

This report, I hope, Mr. President, will rest heavily upon the conscience of the Senate until its recommendations are implemented by the recommended legislation.

Mr. RANDOLPH. Mr. President, will my colleague yield to me?

Mr. CLARK. I am happy to yield to my colleague from West Virginia. Indeed, I am perfectly willing to yield the floor, if the Senator desires to have me do so, so that he may speak.

Mr. RANDOLPH. No; I would not want to ask the Senator to yield the floor. Earlier in the afternoon I presented my comments on the majority report and the minority views.

Mr. CLARK. I will say that the Senator presented them most ably, indeed.

Mr. RANDOLPH. I thank the Senator from Pennsylvania.

Mr. President, I am sorry I was unable to be present in the Chamber for the earlier portion of the remarks of the Senator from Pennsylvania. I know of the Senator's careful and thoughtful attention to the matter. I would like to ask the Senator a question, which would be almost a supplement, as it were, to the thought of my colleague.

If we were to carry out these programs, at least in part, and were to provide the funds with which they could be carried forward, would we not spend 100 cents on the dollar but receive in return not only the 100 cents but also an investment or a dividend for the country as well?

Mr. CLARK. I have no doubt that my friend is correct. This would be a bold approach, one which I think is justified. It is conceivable that we might have to spend a little money quickly in order to get a lot more money back later, for future progress.

My philosophy in that regard I am sure is identical with that of my friend from West Virginia.

Mr. RANDOLPH. I thank the Senator.

POSTAL RATE INCREASE

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the Pittsburgh Sun-Telegraph dealing with the subject of "Postal Facts"; and I express myself as being in substantial accord with the point of view set forth in the editorial.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POSTAL FACTS

President Eisenhower's special message to Congress urging another postal rate increase presents one of those seemingly plausible arguments which is easily demolished by facts. Let's consider the facts.

In essence the President says the post office is losing a lot of money. Therefore mail rates should be raised to wipe out the loss, or at least come close.

This position, which apparently came to the President special delivery from Postmaster General Summerfield, is based on a fallacy.

It is the error of assuming the post office is a business. In reality, in historical precedent, and in every day fact, it is a public service. It can't be both.

It is true it costs taxpayers money to run the Post Office Department. It also costs taxpayers money to run the White House, the Commerce Department, the Federal judiciary system, the FBI, and so on.

The costs of such public services are taken for granted. But the costs of the postal service are labeled deficit and become an issue.

Why should this occur?

The answer is that the post office takes in a great deal of money, about $2½ billion a year. No other department produces as much revenue.

But because the postal establishment costs more to operate than it takes in, and because a law requires annual reports comparing receipts with costs, the post office is singled out and accused of operating at a loss.

Postal rates actually are a form of taxes. The post office does not keep the money it gets for selling stamps, but turns it into the Treasury. Thus in urging a postal rate increase, the administration is seeking an indirect tax increase.

Finally, the theory that the post office is a business doesn't make sense.

Would a business charge the same fee to deliver a message across the street as from Florida to Alaska?

Would a business operate a branch office in every hamlet in the Nation, most of them losing money because of slight patronage?

Would a business take on sideline jobs without pay, like selling duck stamps or registering aliens?

The post office is an essential public service, worth what it costs to operate.

We suggest Mr. Summerfield ought to stop proclaiming (and complaining) how much his department has lost and concentrate on getting the mails delivered.

And Congress ought to ignore the request for another boost in rates.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. ROBERTSON. Mr. President, I am glad that the Senate has finally decided to follow the regular committee procedures of sending bills to committee. I am glad that the House civil rights bill, H.R. 8601, was sent to the Judiciary Committee, and that the committee has had a chance to consider and recommend amendments.

I regret that the Senate Judiciary Committee was subjected to such unreasonable restrictions in its consideration of the bill. With less than a week to consider a bill of this importance, including a Saturday and a Sunday, the Judiciary Committee has done a magnificent job to get extensive testimony from the Justice Department and from one of the best informed lawyers on the other side.

I regret, of course, that the many others who would have liked to testify, including Senators, Governors, State attorneys general, and others, were not able to testify, and I am sorry that we are not able to have the benefit of an extensive discussion of the bill and the amendments, which might have been set forth in the committee's report. I do not blame the committee, of course, for this, because with the instructions given to them, they have done more than can be expected of them.

The so-called civil rights bill, as it passed the House, contained a provision making obstruction of certain court orders a crime, but it did not make the obstruction of all court orders a crime. Instead, the provision was limited to the obstruction of court orders dealing with the admission of persons to public schools, in other words, public school desegregation and integration orders.

When the corresponding section of the Senate civil rights bill was before the Senate, we adopted the Lausche amendment which made the prohibition on the obstruction of court orders applicable to all court orders, not just school desegregation orders. The Senate took this action on March 11, 1960, by a vote of 65 to 19, more than two-thirds of those voting, and only 2 votes short of two-thirds of the entire Senate.

I am glad to see that the Senate Judiciary Committee has adopted the Lausche amendment in reporting out the House civil rights bill. I supported the Lausche amendment before, and I shall support it again.

A court order forbidding labor or management misconduct in the course of a labor dispute, a court order forbidding any other illegal conduct is just as sacred, just as deserving of obedience, just as important as a court order integrating a public school.

If it is necessary, if it is proper, if it is desirable to pass a new criminal law prohibiting the obstruction of court orders, there is no conceivable reason for picking and choosing between one kind of court order and another kind; there is no conceivable reason to say that it is a crime to disobey Judge A when he tells a person not to do one thing, but it is not a crime to disobey Judge B when he tells a person not to do another thing.

The Senate discussion of the Lausche amendment on March 11 was quite ex-

tensive. It occupies many pages of the CONGRESSIONAL RECORD. And the overwhelming vote by which it was adopted shows clearly the strength of the arguments in favor of the amendment.

Basically, of course, these arguments can all be summed up with the old, old principle of equal treatment for all, which has been expressed in widely different sayings—"What's sauce for the goose is sauce for the gander", or "Do unto others as you would have others do unto you".

The Lausche amendment makes this provision of the House civil rights bill consistent and fair to all. Accordingly, I support it strongly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COOPER in the chair). Without objection, it is so ordered.

Mr. JAVITS and Mr. JOHNSON of Texas addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. JOHNSON of Texas. Mr. President, I addressed the Chair.

Mr. JAVITS. I yield, of course, to the majority leader.

Mr. JOHNSON of Texas. No, I do not want recognition under those circumstances.

Mr. JAVITS. Mr. President, in view of the fact that the majority leader was seeking recognition, I will yield the floor, so that he may be recognized.

Mr. JOHNSON of Texas. I was on the floor and I was addressing the Chair. I looked at the Chair and addressed the Chair in a loud voice. The Chair did not choose to recognize me, but recognized the Senator from New York.

The PRESIDING OFFICER. The Chair will state that he heard two requests for recognition. The Chair heard first the voice of the Senator from New York. Then he heard the voice of the Senator from Texas. The Chair assures the Senate that that was his understanding. There is no other reason involved at all.

Mr. JAVITS. If the Senator from Texas desires to be recognized, I will yield the floor so that he may be recognized in his own right.

Inasmuch as he does not wish to be recognized at this time, I shall say that I shall detain the Senate only a few minutes. We had very extended debate on this question of the so-called Lausche amendment, and I shall not make any extended remarks on it.

The Judiciary Committee has seen fit to write into the bill what is for all practical purposes the Lausche amendment.

In the event that upon this vote the amendment recommended by the committee is rejected, we will be back to the original language requested by the Department of Justice, as recommended in the administration's bill. It seems to me that this is the path that is absolutely dictated by the fact that when we adopted the Lausche amendment before it resulted in the destruction of section 1 of the bill, because promptly after its adoption a motion was made to strike out the whole section, and the whole section was thereupon rejected.

This section of the bill is essential. It it just about the most minimal thing we can do in respect of this whole school desegregation crisis. If we have learned anything from current events it is that if we do not permit the law to accommodate itself to the pressures which are under the surface of particular situations which deserve to have the law accommodated to them, these pressures find some other method of expression which is not lawful. We see that happening in this country, and we see it happening in other countries also.

Therefore it seems to me that the Department of Justice, having advised us in the most considered way that this is the very minimal kind of provision which ought to be adopted with respect to court orders in school segregation cases, pointing out that it is necessary in order to be able to deal with cases like those at Little Rock, which resulted in the calling out of Federal troops and widespread anarchy, and that they are trying to tailor the remedy to the difficulty, and are trying accurately and exactly to get at the area which needs attention, it seems to me that it would be very unwise for us now to pass sweeping legislation, covering orders in a broad field, instead of confining legislation to the particular difficulties which we face.

Mr. President, when I served in the House of Representatives a few years ago, I used the phrase with respect to the original Taft-Hartley law that it was our responsibility to legislate not with a cutlass but with a scalpel.

It seems to me that if we should adopt this committee amendment at this stage we would be flying in the face of that very elementary aspect of congressional action and legislation.

I emphasize again that this is the administration's position. This is a question of law enforcement. This is the Department of Justice's own request. As a matter of fact, the Department says, "This is what we need. If you go further than that you are giving us things that we do not need and creating problems which we are not inviting."

Why is this necessary in situations such as Little Rock? It is necessary because the technical definition of contempt requires either a conspiracy between a person charged with contempt and the one who has notice of the order, or it requires direct notice of the order, so as to, for all practical purposes, have the contempt proceeding create the one charged with contempt as a party to the proceeding.

When we deal with mob action, that is practically impossible. Hence the Department of Justice felt that by invoking this kind of provision, making the violation of such orders by force or threats a crime, they would be heading off anarchial situations in school segregation cases such as the situation they faced in Little Rock.

I realize that the Senate has voted on this matter. I realize that the Senate by an overwhelming vote adopted the Lausche amendment. But I point out that there is a vital difference between the situation which faced us then and the situation which faces us now. When the Senate had adopted the Lausche amendment, it did not know that the whole of the section with the Lausche amendment would fall by virtue of the fact that it had adopted that amendment. This is something the Senate knew only after the event.

Accordingly, now that we know that that is the result of the adoption of the Lausche amendment—and we have had that experience before—it seems to me we have a right to be concerned about the fact that if we should adopt the committee amendment there is the possibility that the whole section may fall by subsequent amendment, and we would repeat history, from which we should have learned in respect of the preceding experience.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I am glad to yield.

Mr. HOLLAND. Is the Senator from New York overlooking the fact that now we have a committee report, a committee recommendation, and a committee amendment, which we did not have before? The Senator from Florida voted for the Lausche amendment, and then voted to cut out all of section 1 as modified, because he questioned its wisdom.

Now the matter has been for 5 days in the lap of the committee. It has come back with a committee amendment. It has, incidentally, cut out two or three words to which the Senator from New York objected and to which the Senator from Florida objected very strenuously. So far as the Senator from Florida is concerned, he will vote for the committee amendment, and then for the retention of the section, because now it bears the approval of the committee, which was not the case before.

Mr. JAVITS. The Senator from Florida makes a fair point, which must be placed into the balance of consideration in respect of this matter. I believe I, too, make a fair point. Individual Members of the Senate who want this section, whatever may be its form, must make up their minds whether they will jeopardize the whole section once the Lausche amendment is adopted, as against what the Senator says, that the committee has now brought in a report in such a way that the Senator feels differently about the whole situation.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. The Senator from New York recognizes, too, does he not, that in the omission of the reference to letters and threatening expressions of that kind, the committee has done something which both the Senator from New York and the Senator from Florida had been anxious to have done before?

Mr. JAVITS. I would not say that that was particularly true of the Senator from New York. I said at the time, and I say again, that I did not think

that the matter of threatening letters involved quite the dangers which some people saw in it. But I think the main point is that neither the Senator from Florida nor I can foretell whether, if the Lausche amendment is adopted, we will have the same experience we had before. With all due respect, the changing of one vote, to wit, the vote of the senior Senator from Florida, does not prove the case, because we did not have this damaging experience before.

Mr. President, I know this matter has been thoroughly debated, but I felt that these were new and added facts which we had not debated before, so I thought the Senate should be apprised of the situation before voting.

I hope very much that we will minimize, rather than maximize, our points of difference with the other body. It is obvious now that we are to have a new bill. Nevertheless, we should not go reaching out for differences where, if we do reach out, we will be jeopardizing important sections of the bill. I think this is a vital section of the bill. Accordingly, I hope very much that the Senate will now see fit to reject the committee amendment, which is, in effect, the Lausche amendment, proving from its previous experience that this will be excessive force under what is known as section 1 of the bill, to wit, making a crime of the effort to nullify court orders in school desegregation cases by force or threats of force.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARROLL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. CARROLL. What is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment to section 101.

Mr. CARROLL. I understand that this is the so-called Lausche amendment. A few days ago, when the matter came before the Senate, there was considerable debate on the effect of the amendment. The Senate proceeded to adopt the amendment, and then the Senate struck out the entire title I of the so-called Dirksen amendment, which included the Lausche amendment.

The Attorney General of the United States and the Deputy Attorney General appeared before the Senate Committee on the Judiciary yesterday and Monday. The Attorney General stated to the committee, in clear and no uncertain terms, that he hoped the Senate would not put the Lausche amendment into the section on obstruction of court orders.

I may say that previously I had argued that, in my opinion, section 1503 of the Judicial Code, which has to do with the obstruction of court orders, was sufficiently comprehensive to achieve the result desired by the Department of Justice. However, the Attorney General has convinced me that what he sought, and what he seeks now in the present bill, is a criminal statute authorizing the Department of Justice to reach into mobs that are acting in violation of and are obstructing court orders having to do with desegregation cases.

I believe the evidence before the committee shows that about 40 court orders are now in existence as a result of the so-called desegregation program. In any event, the Attorney General says he would like to have a criminal statute which will provide that if the mob leaders are obstructing desegregation court order, he will be in a position, or the Department of Justice will be in a position, to arrest forthwith the mob leaders.

The question was asked of the Attorney General: Do you need the broad power which is given by the Lausche amendment? I think the record before the subcommittee will show that the junior Senator from Colorado asked the question: How many court orders are entered daily in Federal courts?

I now read from the hearing:

Senator CARROLL. If I may say, I think you used some unhappy language, at least as a result of what happened in the Senate, where you had no objection to broadening this obstruction of court orders, and this is what they did in the Senate, they broadened it, and then they wiped it out because they felt that the application of this was so broad, and there had not been any testimony taken on the effect of a general broad obstruction law or statute involving the obstruction of court orders, because the Federal courts enter thousands of orders, I assume, every day; is that not right, Judge Walsh?

Mr. WALSH. Yes, I think you could say that 335 judges enter more than an average of 3 a day.

Senator CARROLL. And this is what concerned many folks, many people about this thing, that they thought this was so broad and so comprehensive, so sweeping, they did not know the extent of it.

Mr. ROGERS. Well, I made very clear——

Senator CARROLL. Do you still take the position—are you willing to modify your stand, that you want to hold it to this alone?

Mr. ROGERS. Yes, Senator. I testified that way in the House. I testified that this was a particular statute to deal with a particularly serious aggravated situation that we might be faced with in the future, that it was to correct the weakness in the present statute dealing with this particular kind of case, that we did not need it in any other field. I do not know of any other field where we have any difficulty in enforcing court orders.

We could have serious difficulty with mob violence in the future, and I pointed out that we needed this as an alternative to the use of Federal troops.

If Congress passes this statute, I am reasonably confident that the Government can enforce court orders in school cases without the use of Federal troops.

If we do not have a statute like this, which gives the Government some authority, to break up a mob which is trying to obstruct a court order in school cases, then we have no power.

We have a solemn duty to enforce court orders, to support them, to see that they are carried out, and yet under the present law in the school cases, we have no way of doing it effectively, short of the use of troops, and I deplore the use of troops as much as anyone on this committee, and I think if we have this statute we can avoid it, and it is for that reason that we strongly support this statute, and urge Congress to pass it in its present form.

Senator CARROLL. You know the old rule of law, sort of Hornbook law, that you cannot normally get an injunction to prevent the commission of a criminal act. Do you think that this statute remedies that? Do you think the statute would be binding on a court of equity where it says that no injuctive or other civil relief against the conduct made criminal by this section shall be denied, on the ground that such conduct is a crime? Do you think that is adequate? Do you think a court of equity will pay atention to that?

Mr. ROGERS. Yes. I do not think that is a problem, as I think I said to Senator O'MAHONEY.

In other words, the Attorney General said that with more than 300 Federal judges grinding out court orders, thousands of such orders would be involved. No one knows the extent of the Lausche amendment, and therefore the Attorney General felt that it would be better not to include the amendment at this time. He said that if he needed more power or if the executive branch of the Government needed more power, he would be happy to request it of the Congress.

Mr. President, we realize what will happen in the case of this amendment. However, I think we should make a record in this connection. The House did not include such an amendment in the bill. If the Senate now includes in the bill the so-called Lausche amendment, the bill will have to go to conference, and there will be great difficulty.

This issue is now well understood by all Senators. The able Senator from Ohio has made a brilliant presentation of his amendment and of the reasons for it.

I see the able senior Senator from New York [Mr. JAVITS] on the floor; and I ask him whether the Attorney General is asking for the authority or the power the Lausche amendment would provide.

Mr. JAVITS. Mr. President, will the Senator from Colorado yield?

Mr. CARROLL. I yield.

Mr. JAVITS. Let me say that I understand that the Attorney General is not requesting this power. However, I understand that in his testimony before the committee he said that if the Senate in its wisdom decided that it wished to include this amendment, he could live with it.

Just before the Senator entered the Chamber, I said that once before we had the experience of adopting the Lausche amendment, and thereafter finding that many Senators who had voted for the Lausche amendment subsequently voted against the entire section; and the elimination of the entire section would be very damaging, because the Attorney General needs the authority it provides, in order to head off mob situations or to deal with them if they arise.

Let me ask the Senator from Colorado whether he feels that if the Senate now adopts the Lausche amendment, the Senate will run the risk of again facing the situation it faced before—namely, the risk of having this entire section of the bill stricken out.

Mr. CARROLL. Of course, I cannot predict what the Senate will do. On the other hand, the Senator from New York correctly recalls the situation the Senate faced when some Senators marched up the hill, and thereafter marched down again, with the result that the entire section was stricken out.

But I seriously question whether similar action will be taken this time. I sincerely hope that Senators on the other side of the aisle will pay some attention—as they should—to what the Attorney General stated he needs to have done in this connection. Certainly those of us on this side of the aisle do not believe the matter has been properly handled.

Mr. President, I think the Senate is ready to vote on this issue. All Senators know what it is. When the vote is taken, I shall vote against the Lausche amendment.

The PRESIDING OFFICER. The question is on agreeing to the second committee amendment.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Oregon [Mr. MORSE] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] and the Senator from Louisiana [Mr. ELLENDER] are absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "yea."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from New Jersey [Mr. CASE]. If present and voting, the Senator from Louisiana would vote "yea" and the Senator from New Jersey would vote "nay."

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from Minnesota [Mr. HUMPHREY]. If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Minnesota would vote "nay."

On this vote, the Senator from Tennessee [Mr. KEFAUVER] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Tennessee would vote "yea" and the Senator from Oregon would vote "nay."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from New Jersey [Mr. CASE], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] and the Senator from Iowa [Mr. HICKENLOOPER] are absent by leave of the Senate.

On this vote the Senator from New Jersey [Mr. CASE] is paired with the Senator from Louisiana [Mr. ELLENDER]. If present and voting, the Senator from New Jersey would vote "nay" and the Senator from Louisiana would vote "yea."

The result was announced—yeas 68, nays 20, as follows:

[No. 143]

YEAS—68

Aiken	Frear	Mundt
Anderson	Fulbright	Murray
Bartlett	Goldwater	Pastore
Beall	Gore	Prouty
Bennett	Green	Proxmire
Bible	Hartke	Randolph
Brunsdale	Hennings	Robertson
Bush	Hill	Russell
Butler	Holland	Saltonstall
Byrd, Va.	Hruska	Schoeppel
Byrd, W. Va.	Johnson, Tex.	Scott
Cannon	Johnston, S.C.	Smathers
Carlson	Jordan	Sparkman
Case, S. Dak.	Kerr	Stennis
Church	Kuchel	Symington
Cotton	Lausche	Talmadge
Curtis	Long, La.	Thurmond
Dirksen	Lusk	Wiley
Dworshak	McClellan	Williams, Del.
Eastland	Mansfield	Yarborough
Engle	Martin	Young, N. Dak.
Ervin	Monroney	Young, Ohio
Fong	Moss	

NAYS—20

Allott	Hart	McGee
Carroll	Hayden	McNamara
Chavez	Jackson	Magnuson
Clark	Javits	Muskie
Cooper	Keating	Smith
Douglas	Long, Hawaii	Williams, N.J.
Gruening	McCarthy	

NOT VOTING—12

Bridges	Ellender	Kennedy
Capehart	Hickenlooper	Morse
Case, N.J.	Humphrey	Morton
Dodd	Kefauver	O'Mahoney

So the amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Illinois to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 3, after line 21, and after the word "of", it is proposed to strike out "certain".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 4, line 4, in the subhead, after the word "property", it is proposed to strike out "or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act" and insert "and, illegal transportation, use or possession of explosives; and, threats or false information concerning attempts to damage or destroy real or personal property by fire or explosives".

Mr. DIRKSEN. Mr. President, that is only a change in titling. It is purely a technical matter, and should require no discussion.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 4, line 17, after the word "property", it is proposed to strike out "or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act".

Mr. DIRKSEN. This is also a change in titling, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 5, after line 4, it is proposed to strike out:

(b) Whoever moves or travels in interstate or foreign commerce with intent either, (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully imparting or conveying, or causing to be imparted or conveyed, through the use of the mail, telephone, telegraph, or other instrument of commerce, or any other mode of communication, any threat or false information, knowing the same to be false, concerning an attempt or alleged attempt being made or to be made, to perform any act to damage or destroy by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or, (2) to avoid giving testimony in any criminal proceeding relating to such an offense, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Mr. DIRKSEN. Mr. President, this was a floor amendment to the bill which was offered in the House, which deals generally with tipping and anonymous information, whether conveyed by telephone, telegraph, or otherwise. It was opposed by the Department of Justice on the grounds that perhaps it would require running down 8,000 or 10,000 communications to the Department only because they were tips. Obviously, it would make a national police force of the FBI, and they themselves were opposed to the inclusion of this language.

The committee by a very round vote supported the motion to strike this language from the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 5, line 21, it is proposed to strike out "(c)" and insert "(b)".

Mr. DIRKSEN. That is only titling, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 6, after line 6, in the second line of the matter beginning "1074", after the word "property" it is proposed to strike out "or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act".

Mr. DIRKSEN. Mr. President, the amendment would only change the title of the statute.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 6, beginning on line 7, it is proposed to insert a new section, as follows:

SEC. 203. Chapter 39 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 837. Explosives; illegal use or possession; and, threats or false information concerning attempts to damage or destroy real or personal property by fire or explosives

"(a) As used in this section—

"'commerce' means commerce between any State, Territory, Commonwealth, District, or possession of the United States, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory, or possession of the United States, or the District of Columbia;

"'explosive' means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion.

"(b) Whoever transports or aids and abets another in transporting in interstate or foreign commerce any explosive, with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both; and if personal injury results shall be subject to imprisonment for not more than ten years or a fine of not more than $10,000, or both; and if death results shall be subject to imprisonment for any term of years or for life, but the court may impose the death penalty if the jury so recommends.

"(c) The possession of an explosive in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or other real or personal property used for educational, religious, charitable, residential, business, or civic objectives or to intimidate any person pursuing such objectives, creates rebuttable presumptions that the explosive was transported in interstate or foreign commerce or caused to be transported in interstate or foreign commerce by the person so possessing or using it, or by a person aiding or abetting the person so possessing or using it: *Provided, however,* That no person may be convicted under this section unless there is evidence independent of the presumption that this section has been violated.

"(d) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully imparts or conveys, or causes to be imparted or conveyed, any threat, or false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives, or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

"(e) This section shall not be construed as indicating on intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, Territory, Commonwealth, or possession of the United States, and no law of any State, Territory, Commonwealth, or possession of the United States which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section."

Mr. KEATING. Mr. President, I should like to briefly explain this amendment. This is the so-called antibombing amendment which was adopted by a yea and nay vote unanimously when we were considering the Dirksen substitute amendment. It would make a substantive crime of the transportation, in interstate or foreign commerce, of an explosive with the knowledge that it was to be used to damage or to destroy a building.

The amendment is designed to provide the tools for a complete counteroffensive against the vicious criminals who have destroyed schools, places of worship, and homes in their fight against law and order.

Its approval will demonstrate the complete abhorrence all Americans have for such shocking acts of violence.

It will remove the stain these depraved hoodlums have placed on the reputation of America.

At the time this amendment was previously considered, I had printed in the RECORD a list of 88 bombing incidents with racial overtones which have occurred in recent years. I hope that we have seen the last of these outrages, and that the authority provided by this amendment will never have to be invoked. But if another such case should occur, under this amendment we would be certain that the full resources of the FBI would be brought into action against the offenders in whatever community such an incident occurred.

There is no reason to limit Federal action to cases in which the bombers have attempted to escape from the place of bombing and have crossed State lines. There is no reason to exclude from Federal prosecution those culprits who never flee the jurisdiction if they have, by other deeds, brought themselves within the range of Federal authority. There is no reason to exclude from the law cases in which the felons can be caught by the FBI before their acts reach fruition.

Provisions similar to this amendment have been offered by 45 Senators, including the distinguished majority leader, the distinguished majority whip, and the distinguished minority whip. This is almost half of the full membership of the Senate. Most of these favor a bill which contains the very same dual approach to this problem which my amendment would accomplish. No reason has been given to backtrack from this objective.

I hope this amendment will be approved by an overwhelming vote.

I think in view of the action of the Senate previously it is not necessary to go into more detail, unless there are questions.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. MUNDT. Does the amendment leave in the bill the expanded interpretation of the type of property which might be bombed, in conformity with the Goldwater amendment which was adopted in the Senate?

Mr. KEATING. It is very broad. It says "property used for educational, religious, charitable, residential, business, or civic objectives."

That covers just about everything possible, although I will say to my friend from South Dakota, the Goldwater amendment did not apply to this section, but applied to another section.

Mr. MUNDT. My question is as to whether the amendment in any way changes the Goldwater amendment. Apparently it does not.

Mr. KEATING. The language does not alter the language of the Goldwater amendment, which was adopted with respect to the flight section.

Mr. DIRKSEN. It has no relation to the Goldwater amendment.

Mr. KEATING. It has no relation to the Goldwater amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 9, after line 7, it is proposed to insert a new section, as follows:

SEC. 204. The analysis of chapter 39 of title 18 is amended by adding thereto the following:

"837. Explosives; illegal use or possession; and threats or false information concerning attempts to damage or destroy real or personal property by fire or explosives."

Mr. DIRKSEN. Mr. President, that is only a change in reference to the statute, and is technical.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 9, line 13, after the word "of", it is proposed to

strike out "two years" and insert "twenty-two months."

Mr. JAVITS. Mr. President, may we have an explanation of the reason for that change?

Mr. HRUSKA. Mr. President, the original proposal for the preservation of election records provided for preservation for 2 years. It was pointed out in the hearings, as well as in the discussion in committee, that if that provision for 2 years were retained, it would involve the purchase by election boards virtually the Nation over of ballot boxes to retain the ballots and store them, which would be equivalent in number to those already in use, because elections are held every 2 years. By reducing the number of months from 24 to 22, we would enable the election boards to have 60 days in which to dispose of the ballots and make their containers available for use in the impending election. The difference is only 60 days. That was not considered a sufficiently substantial length of time to impede the Department of Justice in any way, for the purposes it had in mind.

Mr. JAVITS. Will the author of the amendment tell us whether the Department of Justice found this amendment acceptable?

Mr. HRUSKA. It did not find it objectionable. We were informed that it would be adequate for the purposes of the Department.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. KEATING. As the Senator may remember, the Department of Justice, in the recommendation which it made in the so-called administration package, provided for a period of 3 years instead of 2. Personally I would like to have seen the 3 years retained. However, one of the members of our committee who sincerely opposes all civil rights legislation offered an amendment to make the time 4 months. My distinguished colleague from Nebraska offered an amendment to make it 22 months, which I know my friend from New York would consider quite an improvement over 4 months. As to the difference between 24 months and 22 months, there were some practical difficulties involved in the 60-day period.

Mr. JAVITS. Many amendments are offered in committee and turned down. They do not have to be compromised because they are offered. However, I feel that if the Department of Justice finds this amendment acceptable, there is some basis for the point made by my colleague from Nebraska, for the preservation of 2 successive years of voting records. As for myself, I shall interpose no objection.

Mr. ERVIN. Mr. President, to show the wisdom of the amendment offered by the able Senator from Nebraska, reducing the period from 2 years to 22 months, the Legislative Reference Service of the Library of Congress has advised me that in 1958, the last year for which it has figures, there were 165,115 voting districts in the United States which would have to buy a second set of ballot boxes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 10, line 21, after the word "copying", it is proposed to insert "at the principal office of such custodian".

Mr. JAVITS. Mr. President, I should like to know the reason for this amendment. I may point out, in order that the Senate may be apprised of the import of this particular amendment, that it means that the only place at which voting records may be inspected by the Attorney General or his representatives will be the State place of their deposit, namely, the registrar's office or the courthouse, or wherever they may be.

This amendment must be read in the light of the fact that the committee struck out section 304, which would make it possible to produce the records at the office of the United States attorney in the district in which such records or papers are located.

It is traditional in election cases that records are produced in court, and that records may be produced in response to a subpena.

There is a very marked difference between the normal practice in election cases and what is provided for in this bill with respect to the preservation of voting records. I would appreciate it very much if the sponsor of the amendment would state his reasons for adopting it.

Mr. HRUSKA. Mr. President, the object of the provision found in section 304 is achieved by inserting in line 21, after "copying" the words "at the principal office of such custodian."

Section 304 also authorizes production of these records at the office of the United States Attorney in the district in which such records or papers are located. It was pointed out during our discussion of this section that in some areas the district of the Federal court is extensive. Sometimes it covers as much as a State, or a goodly portion thereof.

It would entail a great deal of expense and responsibility on the part of local election officers if they were to be responsible for transportation of the records from their particular precinct to the Office of the U.S. District Attorney.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HRUSKA. I am glad to yield.

Mr. HOLLAND. Section 305 clearly provides that in the event the files or records are needed by the court itself, they may be required to be produced by appropriate process. Is not that correct?

Mr. HRUSKA. Exactly; and that is merely a restatement of court powers which now exist and which would exist even if the present section 305 were not enacted into law. In other words, the production of the records at the principal office of the custodian thereof as provided in section 303 would merely be in response to an informal request, upon a written statement containing the basis and purpose of the inspection, made by the Attorney General or one of his representatives. It would not be in the nature of a formal court application. A formal court application, and any order which might flow from the court, would still remain unimpaired and without diminution.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. JAVITS. As I understand the Senator from Nebraska, he desires to convey to the Senate the legislative purpose that, if the court orders production of the papers, they must be produced at the place where the court orders, not necessarily at the principal office of such custodian. In short, notwithstanding the use of the language in section 303, "at the principal office of such custodian," the court may order the production of the very same papers in court, or at some other place, in accordance with the order of the court, notwithstanding the words in section 303, "at the principal office of such custodian."

Mr. HRUSKA. The Senator is correct. In other words, the designation "at the principal office of such custodian" is only for the limited purpose which I explained, which would be in the normal routine of investigation, and not in response to a court order.

Mr. JAVITS. Would the Senator from Nebraska object if we inserted, at the end of line 17, "to compel the production of such record or paper in accordance with the order of the court," to negate any interpretation that, having stated specifically that we want to limit inspection at the principal office of such custodian, that could conceivably extend to the orders of the court as well, because this is a statute, and therefore superior to any order of the court, if the statute regulated that question?

Mr. HRUSKA. It is not subject to that interpretation, because in section 305 we have spelled out expressly what the Senator has in mind, and I am sure there could be no construction such as he describes.

Mr. JAVITS. So the author of the amendment represents to us, in connection with the adoption of the amendment, that a court may, by process, compel production of a paper or record covered by section 305 in court, or in a place other than the principal office of such custodian.

Mr. HRUSKA. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider, en bloc, the votes by which certain committee amendments were adopted by voice vote.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

The PRESIDING OFFICER. The clerk will state the next amendment.

The CHIEF CLERK. On page 10, after line 23, it is proposed to strike out:

SEC. 304. Any record or paper demanded pursuant to section 303 shall be produced

for inspection, reproduction and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

Mr. DIRKSEN. Mr. President, that merely changes the section number.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HRUSKA. That was covered by our colloquy.

Mr. DIRKSEN. That was taken care of in the discussion which related to the language discussed in the previous colloquy.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to table was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 11, line 5, it is proposed to change the section number from "305" to "304".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHIEF CLERK. On page 11, line 13, it is proposed to change the section number from "306" to "305".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The CHIEF CLERK. On page 11, line 18, it is proposed to change the section number from "307" to "306".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The CHIEF CLERK. On page 12, line 6, in the subhead, it is proposed to strike out "Civil Rights Commission Extended for Two Years" and insert "Extension of Powers of the Civil Rights Commission".

Mr. DIRKSEN. That is only a change in the title, to make it responsive to the text.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The CHIEF CLERK. On page 12, after line 14, it is proposed to strike out:

SEC. 402. Section 105(a) of the Civil Rights Act of 1957 (42 U.S.C. Supp. V 1975d(a)) (71 Stat. 635) is amended by striking out the words "in accordance with the civil service and classification laws," and inserting in lieu thereof the words "without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended."

Mr. DIRKSEN. Mr. President, I should like to be heard on that for a minute. There never was, originally, a request to take the Civil Rights Commission out from under the requirements of the Civil Service Classification Act. The President of the United States made no such request in connection with the bill. This language was evidently inserted in the House, to exclude the Civil Rights Commission from conforming to the Classification Act. Hence, in committee is was moved that it be stricken out.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent to have printed at this point an explanation of the section.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

Section 105(a) of the Civil Rights Act of 1957 provides that employees of the Civil Rights Commission be appointed "in accordance with the civil service and classification laws."

H.R. 8601, as it came to us from the House, amended this section to provide that employees may be employed "without regard to the provisions of the civil service laws and the Classification Act of 1949 as amended." Thus, if this amendment were to be adopted, the Civil Rights Commission could employ personnel without regard to qualifications and there would be no ceiling on the pay of such employees.

It is not uncommon for the pay of certain types of employees to be fixed without regard to the Classification Act; but in every such instance, it is common to establish the manner in which their pay is to be fixed and to provide a statutory ceiling on their pay. In some instances, the pay of such employees is fixed by a statute and in other instances the method by which the pay is to be determined is set forth in the statute. For example, in the TVA the statutes establish a ceiling on the salary that may be given to any employee, whereas in the Atomic Energy Commission the statute provides that the salary may be fixed administratively but at rates not in excess of those set forth in the Classification Act.

It seems highly strange to me that over two million Federal employees in hundreds of different types of jobs are subject to competitive tests or measurements against some qualification standard in order to obtain their positions but that all this should be waived in the case of the Civil Rights Commission. By the same token, it seems equally strange that the pay of these two-million-plus employees should be fixed or controlled in a specified manner but the sky becomes the limit with no controls of any kind in the case of employees of this commission.

I feel strongly that the amendment adopted by the Judiciary Committee, which has the effect of leaving the law exactly as it now is, should be upheld by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to table was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The CHIEF CLERK. On Page 14, line 1, after "SEC. 502.", it is proposed to strike out "(a)".

Mr. DIRKSEN. Mr. President, that is only a change in section numbers.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The CHIEF CLERK. On page 14, after line 16, it is proposed to strike out:

(b) Section 10 of such Act is further amended by inserting "(a)" after "SEC. 10.", and by adding at the end thereof the following new subsection:

"(b) Whenever the Commissioner determines that—

"(1) any school facility with respect to which payments were made under section 7 of this Act, pursuant to an application approved under section 6 after the enactment of this subsection, are not being used by a local educational agency for the provision of free public education, and if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide such free public education, and

"(2) such facilities are needed in the provision of minimum facilities under subsection (a),

he shall notify such agencies of such determination and shall thereupon have authority to secure possession and use such facilities for the purposes of subsection (a) pursuant to an agreement between such agencies and the Commissioner which includes such terms and conditions as the Commissioner may determine to be necessary to carry out the provisions of this section."

Mr. JAVITS. Mr. President, may we have an explanation of that amendment?

Mr. KEATING. Mr. President, the amendment, to which I am opposed, and which I hope will not be accepted, strikes out the provision under which the Commissioner may make arrangements for school facilities for the education of military personnel when the State or school district where the military base is located has closed the school because of an effort to not comply with the Supreme Court decision in the Brown case.

This language represents a very great watering down of the language recommended in the administration bill. The administration bill permitted the Commissioner to use the property for a fair rental value if the Federal Government had contributed to the construction of the school as one of the schools in an impacted area, but this language requires that an agreement be entered into. I call the Senate's attention to the language at lines 7 and 8, of page 13 and also lines 9 and 10, under which an agreement must be entered into between the school district and the Commissioner before any property can be taken over. That very largely vitiates the original proposal made in the administration bill, because an agreement in many of these cases would be extremely difficult to come by.

I want to say in all candor, however, that we received from the Secretary of Health, Education, and Welfare a letter which perhaps will be read into the debate, in which he expresses his agreement with the elimination of this section. I still favor the retention of the section and am opposed to this amendment.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I have the floor.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. JAVITS. I wish to state, first, that I am opposed to the amendment. I think it waters down what already has been watered down considerably. It is axiomatic that children of our armed service personnel should not be required to undergo this kind of situation in a community in which they are located only because the United States sends them there. They should have the same rights and privileges and opportunities that they would enjoy anywhere else in the United States where this type of local resistance which goes to the extent of closing schools does not exist.

I respectfully submit that this is not the situation in which we must be sympathetic with what is occurring in that community. To the contrary, it is a matter of dignity for the United States to provide for the education of the children of its armed personnel and to protect the children from this kind of situation.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, when this matter was before the committee on yesterday, I inquired of the Deputy Attorney General, Judge Walsh, with respect to two points in the language. The first one was with respect to the subsection written in on the House floor which for the first time brings into play Federal control over educational facilities. The second question related to whether the language would jeopardize the Senate-passed bill for Federal aid to school construction, which bill is now pending in the House.

Judge Walsh said he would prefer to secure a memorandum from the Secretary of Labor, Health, and Welfare on those two points. The memorandum appears in the record of the hearing, and I ask unanimous consent that his letter of March 29 be made a part of my remarks. First, I shall read one or two sentences from page 2 of the letter, which was addressed to the distinguished chairman of the Judiciary Committee, the Senator from Mississippi [Mr. EASTLAND]. The letter states:

> From the standpoint of our Department, we would prefer the deletion of section 502 (b) of H.R. 8601 as passed by the House—that is, the portion of the bill referred to above beginning at line 13 of page 10 and ending at line 9 of page 11—because we believe it unnecessarily limits the broader and more flexible authority which section 502(a) of the bill would confer upon the Federal Government to provide on a temporary basis the minimum school facilities for children of members of the Armed Forces in school closure situations.

That is the pertinent sentence, and that comes from the Secretary of Health, Education, and Welfare, who in the first instance submitted a separate bill covering this item which first went to the Committee on Labor and Public Welfare and then was subsequently referred to the Committee on the Judiciary. So on the basis of the Secretary's own statement there was no objection when the motion was made to strike this language on the ground that it impaired flexibility. Therefore, I think the amendment to strike should be adopted.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. The point which came up in the letter which the Senator from Illinois has read, that paragraph (b) might seem to modify or limit the broad authority for arrangements, is probably well taken. There is another angle to the inclusion of (b), and I should like to ask the opinion of the Senator from New York on it. It seems to me to read that whenever the Commissioner on his own makes a determination, and is given authority to secure the possession of certain facilities, upon his own determination he could seize a building which had been constructed partly with funds which had been provided by the United States and also partly with funds provided by the local school district with whom the contract was originally made. I am not aware as to whether that contract between the Commissioner and the State or local school district provides for forfeiture of a building if it ceases to be used for the purpose for which the grant was made. But it does more, in my opinion. It gives a broad power of seizure to the Commissioner, for on his own determination he can make a finding, and thereupon have the authority to secure possession and use facilities which were provided, in part, by local contributions.

Mr. JAVITS. I do not read the amendment in that way at all. That is language inserted by the House. It gives authority to secure possession only pursuant to agreement between such an agency and the Commission. Therefore, I cannot see that it gives any power of seizure of power of eminent domain unless it is by agreement.

What I say it does is to give the Commissioner, upon his own motion, the authority to seek to effectuate such an agreement with respect to specific property of his choice, whenever he makes the determination which is called for in the amendment.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. ALLOTT. On page 15, lines 8 and 9, the language which is stricken by the committee amendment reads "thereupon have authority to secure possession."

I do not know how such possession would be secured. There may be a school building the title to which is in the school district. How can Congress, if title is vested in the school district, even though Federal funds have gone into the building, permit the Secretary, or the Commissioner, to be specific, to secure possession of a building which belongs to the school district?

Mr. JAVITS. If the Senator will read the next line, it reads "have authority to secure possession and use such facilities"—and I leave out the unnecessary words—"pursuant to an agreement."

So the Commissioner would not have authority to seize; he would only be able to make an agreement. Then he could take possession under that agreement, if he obtained possession. But I do not see how this provision gives any right of eminent domain or seizure, absent such an agreement.

Mr. ALLOTT. Then paragraph (a) should be eliminated.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BUTLER. I point out that in line 11 the language reads "such terms and conditions as the Commission may determine to be necessary to carry out the provisions of this section." That is the seizure. Why is not that an absolute power of seizure?

Mr. JAVITS. Because the minute we provide that possession shall be pursuant to agreement, it takes two parties to make an agreement. Whether the Commissioner chooses the terms and conditions under which he will agree, it still takes the other side to agree. I cannot conceive of any court interpreting the language in any other way. In other words, the court would interpret most strongly, it seems to me, against the power of seizure, rather than for it.

The language is "pursuant to an agreement." I think those words are very clear. I do not see any danger that we would be giving power to seize or to grant the right of eminent domain, absent an agreement between the Commissioner and the parties who are turning over title.

Mr. BUTLER. I do not like to disagree with the Senator from New York, but line 7 reads:

> He shall notify such agencies of such determination and shall thereupon have authority—

To do what—

to secure possession.

Mr. JAVITS. "Pursuant to an agreement."

Mr. BUTLER. I think that under this language it could be fairly stated that when the Commissioner makes the determination, then the bill gives him authority, after notification, to take possession. He can dictate the terms under which he will take it.

Mr. JAVITS. I myself find no such construction whatever in that language.

Mr. KEATING. Mr. President, will my colleague yield?

Mr. JAVITS. I yield.

Mr. KEATING. If the Senator from Maryland will give me his attention, perhaps I might be able to convince him of the merit of my point of view.

The language of the administration bill, if the Senator will forget for a moment the language of this bill, provided that the Commissioner would notify the agency, meaning the school district. The administration bill provided that if the Commissioner should notify the school district of his determination to take the properties, and should thereupon be entitled to possession of such facilities on

such terms and conditions as he may prescribe in regulations of the Commission, that was an authority to take over vacant premises which would no longer be used for the purposes envisioned in the bill.

The House, in their change of the bill, inserted this language, which provides that the Commissioner shall notify the school district of his determination, and thereupon shall have authority to secure possession and use of the facilities under subsection (a); not, as was said originally, on such terms and conditions as may be prescribed in the regulations of the Commissioner, but pursuant to an agreement between the school districts and the Commissioner, which would include the terms and conditions which the Commissioner might determine to be necessary to carry out the provisions of the section. Therefore, there would not be any authority unless an agreement could be entered into. If it were impossible to reach an agreement, there would not be any authority to take over the premises.

I myself prefer the language in the administration bill, but I am trying to convince an able, distinguished, alert lawyer, representing the great State of Maryland, of the merit, as a legal matter, of my position.

Mr. BUTLER. I thank the Senator from New York. If that is the purpose of the section, why could not everything sought to be done by this section be done by the language contained in section 502(a)? Is that a proper question?

Mr. JAVITS. May I answer the Senator? I think it is a very proper question. I think the reason which can be assigned is that we are dealing here with State authorities who are tied into the Federal system with respect to federally impacted schools. The effort is not to discourage, but to encourage, those authorities to deal with the particular Federal Government official who is involved in the effort to resolve this situation locally. It was felt—this was my understanding of the original provision—that by incorporating the provision directly into the law, Congress would be exercising its prerogative of making clear that if this action can be taken, this is the way to do it, thereby encouraging agreements, rather than leaving the matter completely up in the air, thus enabling a particular local school official, in a very trying situation like this—and everyone understands the tensions which are involved—can turn to a Federal statute and say, "Well, there is a particular provision which invites the Commissioner to talk to us about the matter and try to negotiate it. Therefore, I am not doing this on my own motion; I am not running afoul of local public opinion. There is a statutory reason for my action."

Mr. BUTLER. That satisfies my query. But if the Senator from New York, being a careful lawyer, was drawing this section of the bill and did not want any intimation or any indicia of pride of authorship, I know he would not have used this language.

Mr. COTTON. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. COTTON. I should like to suggest to the distinguished Senator from New York a matter which had some discussion in the committee, and which I believe should be thoroughly understood by the Senate. Section 502 is distinctly limited to the use of facilities for the education of the children of personnel of the armed services. I refer the Senator to lines 9, 10, 11, 12, and 13, on page 15, which read "pursuant to an agreement between such agencies and the Commissioner which includes"—get this—"such terms and conditions as the Commissioner may determine to be necessary to carry out the provisions of this section."

It is my opinion, and it was the opinion of other Senators, that under this provision—and let us forget for a moment the question of action by the Commissioner in forcibly taking school property—the Commissioner could make an agreement with school boards or with school officials, in localities in which the schools were closed because of integration difficulties, and as part of the agreement he could take over the property; and—because this provision specifically uses the words "which includes such terms and conditions as the Commissioner may determine"—the Commissioner not only could agree to use the property for the education of the children of personnel of the Armed Forces, but he could also have the property used for educational purposes for all the children in the district, and could set up an integrated school. In that event, the Federal Government would be setting up and controlling a school in a local community, and that would be the entering wedge of Federal control of education; and that is the sum and substance of the thing we have fought against in the Congress for years.

That is the situation in this case; and that is why we believe that section 502 (a), which is confined to the children of personnel of the Armed Forces, is safe, sure, and clear, and that, on the contrary, subsection (b) is extremely dangerous.

Mr. JAVITS. Mr. President, in answer to the Senator from New Hampshire, I point out that the subsection under debate, which the committee has voted to strike out, provides, in line 9 "for the purposes of subsection (a)." And by referring to subsection (a), on page 14, in line 9, we find that it refers to "children of members of the Armed Forces on active duty." So I respectfully submit that that limitation will dispose of this difficulty.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MONRONEY. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MONRONEY. I was originally the author of this amendment recommended by the committee, when it was previously before the Senate. An amendment similar to mine was brought up and was amended and then adopted on the floor of the House. If we read the debate which occurred at that time, we find that the authors of the amendment, which was adopted by the House, intended to do exactly what the Senate committee believes its amendment will insure. This provision has no relationship to civil rights or to the purpose of admitting the children of all races to the public schools. This provision deals with defense-impacted schools, for which there has long been a program of Federal assistance.

This provision does not involve an effort to water down the civil rights bill. The Attorney General has indicated that this provision has no connection with the civil rights bill.

The Secretary of Health, Education, and Welfare, who administers the program for the defense-impacted schools, says he does not want this provision. He wants the language that is left in the bill by the committee amendment, because it can be administered.

The schools do not wish to have this provision enacted into law, because it might be interpreted as demonstrating that with Federal funds goes Federal control of local school districts; and that is the heart and core of the issue.

Furthermore, this provision has no bearing on schools which already have been constructed, because the language on page 14, in lines 23 and 24, shows that this provision applies only to facilities for construction of which applications for funds are made after the enactment of this subsection, which means that under this law schools already constructed could not be used by the Commissioner even pursuant to an agreement.

Many school districts which, after the passage of this measure, would apply for defense-impact funds for the construction of school buildings, operate under State laws which might preclude the school boards agreeing to terms which the Commissioner might specify as a condition precedent to a grant. They would have to stay out of the program.

The only effect of modifying the bill as recommended by the committee would be to prove that Federal funds will not result in Federal control. The issue is as simple as that. Nothing would be lost in any way.

This amendment has been carefully drawn and carefully considered; and if we reject it, we shall wind up with the provision of the House amendment which many Senators believe might be given a different construction than the House intended. By providing for agreement with the local school authorities, but also providing that it relates only to future applications and that the Commissioner shall fix the terms he may feel are necessary in respect to the use of the school properties, we may raise the specter of agreements as a condition precedent to a grant—a result which clearly was not intended by the distinguished House Members who fought to eliminate any possibility of Federal seizure.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, the Senator from Oklahoma is very eloquent, but I regret to say that I do not believe his points are persuasive, for this reason: In the first place, the Department of Health, Education, and Welfare itself,

in answer to the question of whether the new subsection will for the first time bring into play Federal control over educational facilities, has said that that question must be answered in the negative. There is no question of Federal control in this case, because this matter must be subject to agreement.

Second, there is no question of seizure, and therefore there is no question of discouraging the local officials from proceeding along this line; and that is also for the reason that there must be an agreement. Therefore, I do not believe the fears of the Senator from Oklahoma are warranted.

Furthermore, Mr. President, this is a matter of civil rights; I think it very clearly is a matter of civil rights, because the only thing that will bring into action any of this section is the closing of schools in districts or States in order to avoid school desegregation orders. That is what has happened, and that is why any part of this provision is needed.

If the Senator from Oklahoma is correct, the entire title should be stricken out. But this title is in the bill because the Secretary of Health, Education, and Welfare faces a real problem. School districts have been closed, and schools in school districts have been closed; and there is danger that more will be closed.

Under these circumstances, I certainly believe that the most flexible, rather than the most limited, authority is desirable.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. JAVITS. Mr. President, I ask for a division.

Mr. DOUGLAS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DOUGLAS. Do I correctly understand that the question now is on agreeing to the committee amendment which calls for striking out lines 17 through 25 on page 14, and lines 1 to 13 on page 15?

The PRESIDING OFFICER. That is correct.

On this question, a division has been requested; and the Senate will proceed to divide.

On a division, the amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment was on page 17, line 9, after the word "referees," to insert "who shall subscribe to the oath of office required by Revised Statutes, section 1757 (5 U.S.C. 16)."

Mr. DIRKSEN. Mr. President, none of the measures offered called for the taking of an oath by the referee; and this reference to the statute means that the referee shall take the same oath that is provided in the case of a master of chancery appointed by a Federal court.

The PRESDIING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. DOUGLAS. Mr. President, does this amendment cover lines 20 to 25, on page 17?

The PRESIDING OFFICER. No; the amendment which has just been agreed to relates to lines 9 and 10, on page 17.

The next committee amendment will be stated.

The next amendment was on page 17, line 20, after the word "referee", to strike out "the applicant shall be heard ex parte" and insert:

> The hearing shall be held in a public office. The referee shall give the county or State registrar two days' written notice of the time and place of the hearing and such State or county registrar, or his counsel, shall have the right to appear and to make a transcript of the proceedings.

Mr. CARROLL. Mr. President, to the pending committee amendment, I offer the amendment which I send to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In lieu of the language proposed to be inserted by the committee amendment, it is proposed to insert the following:

> The applicant shall be heard ex parte, and all hearings conducted as a part of any such proceeding shall be open to the public.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CARROLL. Mr. President, except for one other amendment, this is perhaps the most important amendment in the entire bill.

It was reported in the morning press that the so-called Kefauver amendment had done great harm to this bill. I want to say, in all fairness to the Senator from Tennessee [Mr. KEFAUVER], that when his amendment came up before the Senate Judiciary Committee, we had been laboring for hours in that committee. Some of the times perhaps we did not hear clearly all that had gone on. But I want to say, for the able Senator from Tennessee, that I do not believe he had an intention, when he submitted his amendment, of excluding the ex parte character of the proceedings with regard to an applicant who was seeking to be registered.

Specifically, I have talked with the Senator from Tennessee. As a matter of fact, he was going to make a speech. I do not think he has yet made his speech, but I know what is contained in the statement he has issued. He did not intend by his amendment to make the proceedings before voting referees adversary proceedings. It was merely his intention to provide the State or local registrar with the right to be present as an observer and to make a transcript of the proceedings.

Mr. President, this is, of course, a very vital part of the bill, and I hope my friends on the other side of the aisle will pay attention to this——

Mr. DOUGLAS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. CARROLL. This is a very important part of the administration bill. Why is it important?

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. CARROLL. I shall be happy to yield if I do not lose the floor.

Mr. KUCHEL. I ask for order, Mr. President.

The PRESIDING OFFICER. Senators will be in order. It is difficult to hear the Senator.

Mr. EASTLAND. Did I understand the distinguished Senator from Colorado to say that the Senator from Tennessee did not move last night to strike, on line 20 of page 17, the words "the applicant shall be heard ex parte"?

Mr. CARROLL. I was present, and I did not hear him make such a motion. It was my understanding, I may say to the chairman of the committee that he said two things. The Senator from Tennessee desired—may we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order. Will the Senator from Colorado suspend until the Senate is in order? Senators will be in order. The Senator from Colorado has asked for order several times. He cannot be heard. We cannot hear the Senator from Mississippi.

Mr. CARROLL. This I know: The Senator from Tennessee desired two things. He first desired that there be no secret hearings, no star chamber sessions. He felt that in an ex parte proceeding before the referee, the applicant could present himself and present certain evidence. Provision for it was contained in the House bill and was contained in the so-called Dirksen bill. I refer to the so-called ex parte proceeding.

I may have been mistaken, but as the junior Senator from Colorado understood the Senator from Tennessee, first of all he said, "We do not want any secret meetings." The second thing he said was that there should be 2 days' notice given by the voting referee to the local registrar——

Mr. EASTLAND. That is all correct——

Mr. CARROLL. If the Senator will permit me to continue—he asked that 2 days' notice be given.

Mr. HOLLAND. Mr. President, may we have order? We cannot hear.

The PRESIDING OFFICER. The Senator from Colorado will not proceed. There have been six or seven requests for order. Will Senators take their seats and remain in their seats? The attendants will take seats. Let us have order.

The Senator from Colorado may proceed.

Mr. CARROLL. The Senator from Tennessee sought to get provision for 2 days' notice to the local registrar so the local registrar would know what was going on.

As the junior Senator from Colorado understands the amendment of the Senator from Tennessee, it would permit the local registrar, personally, or he could bring in a stenographer, to take a transcript of the proceedings, but not to participate in the hearings, not to change an ex parte proceeding into an adversary contest. That was the concept of the junior Senator from Colorado as he understood the amendment of the able Senator from Tennessee.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. CARROLL. I yield if I do not lose the floor.

Mr. EASTLAND. Of course, the Senator will not lose the floor if he yields for a question.

What the Senator from Colorado has said about the amendment is absolutely correct. Part of the motion, as the chairman understood it, was to strike, after the comma on line 20 of page 17, the words "the applicant shall be heard ex parte," and insert the words:

> The hearing shall be held in a public office. The referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing and such State or county registrar, or his counsel, shall have the right to appear and to make a transcript of the proceedings.

Let me say that the county or State registrar is not a party. He does not have the right to cross-examine witnesses. He does not have the right to introduce testimony. But he does have a right to make a transcript of the proceedings. And the Senator from Mississippi says that unless we adopt that language, we are putting a premium on perjury.

Mr. CARROLL. The Senator from Mississippi has in large part sustained my understanding of the amendment, with this very important exception, and I do not challenge the accuracy of the statement made by the able chairman of the Senate Judiciary Committee——

Mr. EASTLAND. If the Senator will yield, the amendment was in the writing of the distinguished Senator from Tennessee. I am sending to get it.

Mr. CARROLL. I am perfectly willing to put it in the RECORD at this time, but the junior Senator from Colorado is attempting to give his interpretation, because, for the first time, today, as I received this printed bill, I find the words lined out, "the applicant shall be heard ex parte."

I say to the Members of this body who believe in a workable civil rights bill—as soft and as weak as this bill is—we should not permit the words "the applicant shall be heard ex parte" to be stricken. Let me read the rest of the language. This is a very ingenious amendment, and I have never, in all my experience with the Senator from Tennessee, found a time when he would do anything except in a straightforward manner. I am confident he did not understand, at least, the legal interpretation the junior Senator from Colorado places on the amendment.

Let me read this language:

> The applicant shall be heard ex parte.

That language is stricken. Listen to the rest of the language:

> The hearing shall be held in a public office.

I guess that is not too bad. We do not mind that it shall be held in a public office. It ought to be a public hearing. We do not want any star chamber sessions. We are not asking a voting referee to work in a basement or in an alley at nighttime. No court of equity who has any conscience as a judge, in fulfillment of his oath, would permit such an operation. I covered that in my amendment. I said the hearings shall be open to the public.

Let me read the rest of the language:

> The referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing.

I objected vigorously and bitterly to this language in the Senate Judiciary Committee, because, as I said, if we provide for the giving of 2 days' notice we are building up more obstacles and hurdles to interfere with the lone individual who has been discriminated against, and we ought not to provide for the 2 days' notice.

My amendment was knocked down. Let us read the rest of the language. It says, "of the time and place of the hearing."

I ask Senators to understand this. These are the key words, "the time and place of the hearing and such State or county registrar, or his counsel, shall have the right to appear."

The language does not say there shall be the right to attend, but it says, "shall have the right to appear" If these people have the right to appear, it is an adversary proceeding. No matter what anybody says in an interpretation of the language on the Senate floor, if the man is given notice and has a right to appear we have created an adversary proceeding instead of an ex parte proceeding.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. CARROLL. I am glad to yield.

Mr. EASTLAND. Would the Senator object to having the referee take testimony to bring out what is the truth with respect to an applicant's qualifications to vote? Is that the point the Senator makes?

Mr. CARROLL. Do I correctly understand that the able Senator from Mississippi is now changing his position, to say that the registrar has the right to cross-examine the applicant at this proceeding?

Mr. EASTLAND. No. I do not think that is intended by the amendment.

Mr. CARROLL. What is the point the able chairman seeks to make?

Mr. EASTLAND. The point I make is simply this: The Senator from Mississippi thinks, as the Senator from Tennessee stated last night, this was not covered in the amendment, but that the person should be an adversary party, should have the right of cross-examination, should have the right to introduce evidence, because what the referee is to bring out is the truth.

Mr. CARROLL. Is the Senator now saying——

Mr. EASTLAND. I said that was my position.

Mr. CARROLL. Does the Senator now say——

Mr. EASTLAND. I did not say that was what was contained in the amendment. It is not contained in the amendment.

Mr. CARROLL. Does the Senator say——

Mr. EASTLAND. I do not see how my distinguished friend from Colorado can stand on the floor and take the position which would deny people the right to present their case, and, if perjury is being committed by an applicant to vote, not let it be proved to let the truth prevail.

Mr. CARROLL. Mr. President, I think we had better get this issue clarified right now.

The junior Senator from Colorado is not trying to shut off anybody from a proper hearing, with due process, under the Constitution, but we are now talking about a specific amendment. We are now talking about a provision which was contained in the House bill, a provision which was contained in the so-called Dirksen substitute, which has now been changed materially.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. CARROLL. May I finish this one point first, and then I shall be happy to yield to the Senator.

The argument of the able and learned lawyer, the chairman of the Senate Committee on the Judiciary, I think sustains the point I have been trying to make, that the amendment is designed to create an adversary proceeding. This is what we ought to understand when we vote upon this issue.

I am perfectly willing to be critical of myself and my understanding last evening. The junior Senator from Colorado, I repeat, did not know until he got the printed copy that the words "the applicant shall be heard ex parte" were stricken.

Mr. President, I now yield to the Senator from New York.

Mr. JAVITS. Mr. President, even if I may not agree with the Senator's amendment—and I do not—it is a completely separated question from the legislative scheme which is involved. Hence, I should like to ask the Senator a question.

Is it not a fact that the legislative scheme which we are seeking to legislate involves giving to the applicant who has been denied his right to register under State law the same right he would have had if he had been granted the right to register under State law; and, therefore, no citizen who comes to the registrar to register is at that particular point in an adversary proceeding, with cross-examination, and an oath, et cetera, except as prescribed by State law for everybody, white and colored alike?

I will ask the Senator a further question. Is it not a fact also that the bill we have before us, quite aside from the amendments, provides, as we provide in ordinary registrar proceedings, that when there is a challenge and a court proceeding as a result of that challenge, if there is a material question of fact there will be a hearing on the issue? As a matter of fact, the amendment exactly provides to that effect, beginning at the bottom of page 18 of the bill, when it is stated:

> The issues of fact and law raised by such exceptions shall be determined by the court. * * * A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact.

In other words, first we have to get the legislative scheme clear in our minds, so that we will be able to decide—those of us who are for securing the voting right—what amendment is proper within the scheme. The legislative scheme is, is it not, to give the voter the same right he would have if the registrar under ordinary State law had received and registered him? Then, as is true in every registration, if there is a challenge and a legal proceeding incident to that challenge, and a substantive question of law or fact is raised, the court will order a hearing. Is that not what we are trying to do by this particular provision, which would be negated by bringing in the adversary proceeding in the earlier stage, when the man is only getting equal treatment with any white applicant for registration?

Mr. CARROLL. The Senator has stated it very well.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. CARROLL. May I respond first. I think we have to narrow this down. This is a very complicated question. I want to make it so simple that even the lawyers will understand. [Laughter.]

Under existing law we do not need the Attorney General's proposal if we want an adversary proceeding. We have provisions for that under existing law. Every American has the right to go into a Federal court if somebody is violating his constitutional rights. In 1957 we gave the Attorney General power to institute suits.

Let us assume that there may be 20 or 25 individuals involved and that the Attorney General goes into a court and says to the court, "They are violating these people's constitutional rights." That would be an adversary proceeding. There would be a hearing. The court could entertain that, without passage of this bill. We do not need to pass this bill for that. Let us talk about this bill.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. CARROLL. May I finish this point, and then I shall be happy to yield.

Actually there is a new concept involved. It is very simple. We are now seeking to permit a court of equity to broaden its scope and jurisdiction into the voting field. We are seeking to change rule 53. We are asking the court to find a pattern or practice of discrimination. Once the court finds that, we provide for broadening rule 53 so that he can set up voting referees.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. CARROLL. May I finish first? I want to follow through on this in logical sequence. Then I shall be happy to yield. My chairman knows I am not trying to hold him off.

After the voting referee has been created under the court decree, that voting referee will have no greater power than the court which created him. The court is bound by the Constitution and bound to afford due process.

What will happen after the voting referee is appointed? The individual will come in. What will the individual have to prove? He will have to prove that he is qualified under the laws of the State to vote. What else will he have to prove under the bill as sent to us from the House?

If the individual has been denied the right to register or the opportunity to register, or, after having been given the right to register is later found to be unfit, he will have to go back to the registrar to prove his case. This is the point I want to make about the applicant. When the applicant first comes before the voting referee we do not intend to have a secret hearing in a basement or in an alley. This is why I sustained the concept of a public hearing in the Kefauver amendment.

Mr. EASTLAND. Mr. President, will the Senator yield for a question on that point?

Mr. CARROLL. I will yield in just a moment.

Mr. EASTLAND. The question is on that point exactly.

Mr. CARROLL. I will yield in a moment.

Mr. EASTLAND. Right on that point.

Mr. CARROLL. I will not yield at this time. I want to finish my remarks.

When the applicant comes in the voting referee will be seated with a court reporter or a stenographer. He has to give a transcript to the court. Why is that? He has to do so because he does not issue the certificate, but he merely takes the evidence. He makes a report back to the court. Can the court then issue a certificate? Not under this bill. Do Senators know what the court has to do? The court causes the Attorney General to send copies of the report to the State attorney general, and the registrar, as well as all the evidence on the particular individual. These are serious steps in law that must be taken.

Let us assume that the applicant has lied about his age. Age is a very important qualification under State law. If he has lied, he can be challenged in court. If he has since become a convict, or has since been adjudicated mentally incompetent, that can be contested in court.

The court can go into all of these questions. What are we trying to do? As the Attorney General said, we are trying to expedite the procedure. This is why I have agreed with some of my friends. I have gone along with them on other legislation. This is a laborious, tedious, legal process, but it is the best we have in this imperfect system. It is the best of all systems, but it has many imperfections.

I do not believe I have misstated the case. What do I say about the amendment? If we eliminate the words "the applicant shall be heard ex parte" we open the case up to another adversary proceeding, and the poor colored person we are trying to help will not be registered for another 25 or 30 years.

The question as to whether this provision is constitutional will be tried in the courts. The courts have now ruled in two cases. I can remember all the arguments by learned lawyers in this body to the effect that the 1957 act would not be sustained. But it has been sustained; and I say that the court will sustain the concept that is written into this bill.

I now yield to the chairman of our committee, who has been pressing me to yield.

Mr. EASTLAND. The distinguished Senator from Colorado favors the 2 days' notice, does he not?

Mr. CARROLL. I was the one who offered the amendment to strike that provision.

Mr. EASTLAND. The provision for 2 days' notice.

Mr. CARROLL. The provision for 2 days' notice—for this reason: I felt that when the voting referee came into an area, and he had to give 2 days' notice, the 2 days' notice would be required upon each application. Being a lawyer, and on the "slow" side of a case, if I wanted to block something, I would have another tool in my hand to block a proceeding. I felt that such a provision was not in the interest of the applicant who stood there alone.

Mr. EASTLAND. That amendment was defeated in the committee.

Mr. CARROLL. That amendment was defeated in the committee. My amendment was stricken down.

Mr. EASTLAND. The Senator believes that the hearings should be held in a public place.

Mr. CARROLL. I believe that they should be open public hearings. There is a difference between that and "in a public place." In other words, I want the hearings open to the public. I would not insist on confining this proceeding to a public place, because in some areas a public place might not be available. I want an open hearing.

Mr. EASTLAND. The Senator realizes that under this amendment the county registrar or his attorney, or whoever the proper official is, is not a party in interest. He cannot offer testimony. He cannot cross examine witnesses, but he can make a transcript of the proceedings.

Mr. CARROLL. He could do that under my amendment.

Mr. DOUGLAS. Mr. President, I should like to ask the Senator from Colorado a question which bears directly on this point.

Mr. CARROLL. I now yield to the Senator from Illinois for a question.

Mr. DOUGLAS. It is not true that the verb "to appear" has at least a double meaning? There is an ordinary, nonlegal meaning—"to appear"— which is identical with that which the Senator from Mississippi has advanced. Concerning this first meaning I read from Webster's New International Dictionary, at page 129:

Appear: To come or be in sight; to be in view; to become visible.

That involves a mere physical presence, so that one can be seen by others.

But the words "to appear" or "appearance" has also a legal meaning. I read from Bouvier's Law Dictionary, which I suppose is a classic, volume 1, page 212:

Appearance: A coming into court as party to a suit, whether as plaintiff or defendant.

Mr. EASTLAND. Exactly.

Mr. DOUGLAS. Whether as plaintiff or defendant. Now, since this is a law——

Mr. EASTLAND. Let me ask the Senator——

Mr. DOUGLAS. Just a moment. Since this is a law, would not the legal definition of "to appear" prevail or hold? And if the legal definition holds, it means that the local registrar or his counsel would have the right to be a party to the suit.

Mr. CARROLL. I will say to the Senator from Illinois that this is the very point I have been trying to make, for this reason——

Mr. EASTLAND. I understand that the Senator——

Mr. CARROLL. I do not yield at this time to the Senator from Mississippi. I wish to respond to the Senator from Illinois, if I may.

Mr. EASTLAND. That is all right.

Mr. CARROLL. I shall be happy to yield to the Senator from Mississippi a little later, if he will only be patient and give us an opportunity to drive our point home.

When we read the very able presentation made by the Senator from Illinois, and when we read the language "shall have the right to appear" in connection with the words which have been stricken out, namely, "the applicant shall be heard ex parte" beyond the shadow of a doubt, in my opinion, the court will say that it is obvious that an adversary proceeding was intended, or that it is obvious that the right to appear and to make a transcript means the right to appear, the right to testify, and the right to cross-examine.

Mr. EASTLAND. If that is true, why did the Senator vote for the amendment?

Mr. CARROLL. I tried to explain to the Senator from Mississippi a little while ago that I did not know until today that the language "the applicant shall be heard ex parte" was stricken from the bill. The junior Senator from Colorado is perfectly willing to accept any blame or fault, but the chairman of the committee knows the confusion which prevails in that committee at times. He ought to know it, because, along with some of the rest of us, he contributes to some of it.

Mr. EASTLAND. Here is the amendment, in the handwriting of the distinguished Senator from Tennessee. I read:

On page 13, line 14, strike out comma and rest of sentence and insert in lieu thereof—

And the amendment was written in the handwriting of the distinguished Senator from Tennessee.

I think my friend from Colorado is placing the wrong construction on the entire amendment.

Mr. CARROLL. I respect the opinion of the Senator from Mississippi.

Mr. EASTLAND. The transcript of what happened in the committee will show that the Senator from Tennessee desired that the State registrar have 2 days' notice; that he be permitted to attend; and that he should not be a party. The Senator from Tennessee stated that he personally favored the right of cross-examination, but that he would not have it under his amendment, but that he could make a transcript of the testimony.

The Senator from Tennessee further stated that the amendment would expedite the procedure, because if it were shown that the applicant was entitled to register, the State official would register him.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CARROLL. I should like to respond to the Senator from Mississippi.

Assuming that to be true, the question before us now is the effect of this amendment. Whatever our previous misunderstandings may have been, we have all now been put on notice.

Let me read from an old law book what is meant by "appearance."

"Appearance" anciently meant an actual coming into court, either in person or by an attorney.

There is not the slightest doubt in my mind as to what the courts would hold if we were to strike out the words "the applicant shall be heard ex parte," and use the words "the right to appear." I am not going to argue this point at length. The able chairman of the committee knows that what I have stated is true. He is a very able lawyer.

I now yield to the Senator from Florida.

Mr. HOLLAND. It seems to me that perhaps the semantics involved in this amendment may be causing trouble, and that it might take care of the difficulty which is disturbing the Senator from Colorado if the word "appear" were changed to the words "be present."

Mr. EASTLAND. That is correct. I do not think we are far apart as to the meaning.

Mr. HOLLAND. If I correctly understand the chairman of the committee, he understood it to mean that the officer, by himself or through counsel, could be present and take a transcript, but would not have the right to cross examine. He would not have the right to present witnesses or produce testimony. He would simply have the right to be present.

Mr. EASTLAND. I do not believe that the Senator from Colorado and I are very far apart.

Mr. DOUGLAS. Mr. President——

Mr. HOLLAND. Mr. President——

Mr. CARROLL. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. CARROLL. I wish to say to the Senator from Florida that the right to appear——

Mr. HOLLAND. To be present.

Mr. CARROLL. I am trying to say what someone did. At least the junior Senator from Colorado did not know it was done until he saw the printed bill for the first time. What was done was that the words "the applicant shall be heard ex parte" had been stricken. That is what I am objecting to. When I read that language in relation to the whole bill, I saw that we had better adopt an amendment to the amendment.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. CARROLL. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. As I remember the discussion, the Senator raised more objection to the 2 days' written notice than to anything else.

Mr. CARROLL. I should like to tell my friend how this all arose. The Attorney General was being cross-examined very sharply by some able lawyers in the Senate Committee on the Judiciary. The question arose as to whether the voting referee was going to operate in secret. The record will show that I asked these questions of the Attorney General. I asked him, "Is this going to be a star chamber session?" He said, "No."

I said, "Are you going to hold secret, clandestine hearings? Is this the concept of the voting referee?"

He said, "No."

I asked him, "Do you anticipate that this will be a public hearing?"

He said, "No."

This is where the junior Senator from Colorado may have been misled. My able friend from Tennessee began to talk about holding public hearings, and he said he felt the registrar ought to have a transcript of the testimony. I think that is all right. There is nothing wrong with that. What I objected to was not that. I do not mind the holding of open, public hearings. I do not mind the registrar's having a transcript of the proceedings. What I do mind is that he must not be permitted to participate then. Secondly, I object to having 2 days' notice.

Mr. JOHNSTON of South Carolina. I do not believe that anyone in the committee disagrees so far as that is concerned. I do say that, after discussing the 2 days' notice, when it covers a whole judicial district, and sometimes a few hundred miles, it was felt that 2 days was a small amount of time to give people to get to a place if they wanted to be present.

He wrote out the amendment while we were talking. I was sitting by him at the time.

Mr. CARROLL. I wonder whether my able friend can tell me why, if that is all they wanted in the bill, they struck out the words "the applicant shall be heard ex parte"?

Mr. JOHNSTON of South Carolina. That was stricken because they were giving them the right to appear and be present.

Mr. CARROLL. The right to appear and be present; yes.

Mr. JOHNSTON of South Carolina. Personally I think he would have been glad to word it that way, "shall have the right to be present, and to make a transcript of the proceedings." I think that is what he wanted. That is all he wanted. I think that is all that those who voted for the amendment wanted.

The Senator is making a record of all this in the Senate at the present time. That will be used, probably, if anything comes up when anything is tried to be done that the Senator thinks will be done.

Mr. CARROLL. The Senator from South Carolina knows that on many occasions in committee I have said that as long as we are broadening the power of a court of equity to bring it into an area which in 1903 Oliver Wendell Holmes said we should not bring it into, although we did it in the 1957 act; and as the Supreme Court has said that it is the guardian of the fundamental rights of the people, and as we do broaden the equity powers, we have too many restrictions in the bill. I do not want to put handcuffs on the court. I have enough confidence in the Federal judges to see to it that if the registrar wants to come in and sit down and take a transcript, he can do it.

Mr. JOHNSTON of South Carolina. That is all the amendment does.

Mr. CARROLL. The Senator has not yet explained to the junior Senator from Colorado why they struck out the words "the applicant shall be heard ex parte."

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

Mr. ERVIN. I should like to ask the able and distinguished Senator from Colorado what his objection is to allowing the registrar to find out what the case against him is.

Mr. CARROLL. The junior Senator from Colorado has said that there is no objection to that. That is not the purpose of the amendment.

Mr. ERVIN. The purpose of the amendment, I believe, is this: The Senator from Tennessee [Mr. KEFAUVER] had no doubt read a legal dictionary, and he found out what ex parte means. He probably read the case of *Lincoln* v. *Cook* (3 Ill. (2 Scam.) 61, 62), which states:

> "Ex parte," as used when speaking of an ex parte examination of witnesses, implies an examination in the presence of one of the parties and in the absence of the other.

If the Senator from Tennessee did not read that case, he probably read the Tennessee case of *Rodgers* v. *Unborn Child of Rodgers* (Tennessee, 315 SW 2d. 521, 525), which states:

> "Ex parte" as used with reference to a judicial proceeding means an action of some sort taken at the instance of or for the benefit of one side only without notice to or contest by any person adversely interested, or at least without an opportunity to be heard.

He probably read the Tennessee case. He probably thought that a man ought to have a right to come to a hearing to find out what the case against him was all about. I do not see why anyone should object to that.

Mr. CARROLL. I am sure the Senator will agree that the able and distinguished Senator from Tennessee never moves in a circuitous fashion. He is very open and frank. He does not do anything that could be considered to be legal legerdemain. I believe he did not know the effect of what he was doing by striking out those words.

Mr. ERVIN. He certainly knew what ex parte meant, because he struck out the words "ex parte."

Mr. CARROLL. The Senator believes that I have criticized the Senator from Tennessee. I am criticizing myself. I did not realize what was happening, and I am willing to assume responsibility for not knowing.

I yield now to the Senator from Illnois, because he has a book, too. [Laughter.]

Mr. DOUGLAS. I am somewhat overwhelmed by my legal surroundings. I am no lawyer. However, when these two changes were made by the committee; first, when the ex parte phrase was struck out, and then when it was provided that the State or county registrar or his counsel shall have the right "to appear," naturally, it raised in my mind a question about the meaning of the word "appear." The Senator from Mississippi was using a nonlegal interpretation of that term. So I looked up the term in Webster's Dictionary, I found it on page 129 of Webster's Unabridged Dictionary.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not at the moment. The dictionary gives the definition "to appear" as "to come forth, to be visible."

Mr. EASTLAND. The Senator from Illinois has used my name. He should yield to me.

Mr. DOUGLAS. I wish to finish first.

Mr. EASTLAND. The Senator used my name.

Mr. CARROLL. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Senator from Colorado has yielded to the Senator from Illinois.

Mr. EASTLAND. The Senator has used my name. He should yield to me.

Mr. DOUGLAS. I will yield to the Senator later.

Then I thought it might be well to check that definition with the legal definition of "appearance" or "appear." So I sent for what I believe is the classic dictionary, "Bouvier's Law Dictionary," and there at page 212 I found the definition of "appearance." I assume that the verb "to appear," is identical in legal meaning with the noun "appearance." I wish to emphasize that this is Bouvier's definition: "A coming into court as party to a suit, whether as plaintiff or defendant."

Therefore, if we strike out "ex parte," and if we say that the local registrar or his counsel shall have the right to appear, inevitably it will be the interpretation of a court, using the legal definition, that the language therefore permits the registrar or his counsel to come in before the referee and oppose the application of a Negro to be registered. Is that not correct?

Mr. CARROLL. Not only is the Senator from Illinois a great economist; he is also a great lawyer.

Mr. DOUGLAS. I never studied law formally in my life; but this would seem to me to be apparent.

Mr. CARROLL. Law is simply a matter of commonsense; and the Senator from Illinois has presented not the slightest doubt in the mind of the junior Senator from Colorado that the definition which has just been read is applicable to this amendment. In my own opinion, this was not done deliberately at all. However it was done, it was badly done, from the standpoint of those who want an effective bill.

Mr. DOUGLAS. Is not this merely another hurdle in the long obstacle course which is being erected against making it possible for disfranchised Negroes to register and vote?

Mr. CARROLL. Not only is it another hurdle, but there is no reason for the passage of the bill, because he can do this under present law.

Mr. DOUGLAS. Is it not true that every case will really have to be heard first by the court, before the court can determine whether there is a pattern or a practice of discrimination?

Mr. CARROLL. That is true.

Mr. DOUGLAS. The applicants in whose behalf the Attorney General files the suit will be exposed to all the pressures of the local community when this first case is before the court.

Mr. CARROLL. Not only will they be exposed to pressures, but we can rest assured that when the Attorney General brings his suits in the name of the United States of America, he will have to set forth in his pleadings what he expects to prove—and this will not be an easy process—he will have to conduct days or weeks of investigations before he brings the suit. When he brings the suit, and he has 15, 20, or 30 American citizens to prove his case, then the court will enter an order.

If the Attorney General in his pleadings prays for what we call a pattern or a practice of discrimination, this is not left to the mind of the judge; it will have to be in the evidence. If it is in the evidence, the court will make a finding of fact and a conclusion of law. Then the court will issue its decree. The individual Negroes who are in this case can be adjudicated; but the others, who are a part of the pattern or practice, will have to go through a different procedure.

Mr. DOUGLAS. After there has been a finding by the court of a pattern or a practice of discrimination, will it not be necessary for the Negroes—at least all those not named in the first decree—

who have been disfranchised to go back to the very registrars who have previously disqualified them, and once again apply for registration?

Mr. CARROLL. That is true. That is provided in the House bill. As soon as there has been a finding by the court, the disfranchised person will have to go back and offer himself to the registrar. It is a matter of proof.

Mr. DOUGLAS. He cannot go to the referee until he has done that.

Mr. CARROLL. That is correct.

Mr. DOUGLAS. But only after he has taken his second hurdle and gone to the local registrars and has been turned down, with all the pressures operating on him, can he go to the referee. But now, under this language in the committee amendment, the local registrars or their counsel can carry on the fight against such registration before the court-appointed referee as a party to the suit.

Mr. CARROLL. That is true.

Mr. DOUGLAS. So there is a third legal hurdle which he must jump in order to get by the referee.

Mr. ERVIN. He does not go in the first instance.

Mr. CARROLL. I did not say that at all. I said that if there are 10, 15, 20, or 30 people who are in the main suit, those people, if the court passed upon them, do not have to go to the voting referee. Does the Senator agree with that?

Mr. ERVIN. Yes. I did not say that the Senator from Colorado had said that. I inferred from the remarks of the Senator from Illinois that the Senator from Illinois thought the man had already been before the court in the proceeding where the pattern was found.

Mr. CARROLL. No. As I understood the remarks of the Senator from Illinois, he said that those who came under the umbrella—I have used this term—of the pattern or practice of discrimination need not have been in the main suit.

The court may make a finding of the pattern or the practice of discrimination. That is followed by the appointment of a voting referee.

They have to provide constitutional safeguards. It will be necessary for them to meet the State's qualifications for voters, the same as white people, but they should not be put to any greater advantage. It is very hard to keep this matter in proper perspective.

What the Senator from Illinois said was that after the court's finding, the applicant has to go back to give the local registrar a chance to either register him or turn him down. Then he has to come to the voting referee and prove that.

It is at this point that the Senator from Illinois said there was a third step. This is now an adversary proceeding.

Mr. DOUGLAS. The hearings before the referee can be drawn out with arguments, under the committee amendment, because the local registrar is given the right to become a party to the suit. Is not that correct?

Mr. CARROLL. Under this provision, yes.

Mr. DOUGLAS. Then when the referee makes a finding, it is subject to review by a Federal district court.

Mr. CARROLL. That is correct.

Mr. DOUGLAS. In hearings before the Federal district judge, the local officials must be notified, and they have the right to file a memorandum dealing with the law. Is not that correct?

Mr. CARROLL. Yes; but more than that, if there is a genuine issue of material fact, they can now go back into an adversary proceeding.

Mr. DOUGLAS. In effect, there are then at least four legal hurdles or four legal appearances which the disfranchised Negro must pass.

Mr. CARROLL. I should say at least three.

Mr. DOUGLAS. Possibly four.

Mr. CARROLL. The statement of the Attorney General in the record is that this bill is to expedite registration. But if we continue to throw up legal hurdles and obstacles, we might as well wash out the bill.

Mr. DOUGLAS. In view of the pressures—economic, social, and at times physical—which we know operate against Negroes in large portions of the South, particularly in the rural areas of the South, how many Negroes does the Senator think will have the patience, the courage, and the resources to go through these repeated appearances and these repeated trials?

Mr. CARROLL. Of course, we know the answer to that from long experience. All we have to do is to read the history of the last 70 or 80 years. We know of the great number of lawsuits on this question which have reached the Supreme Court and which are just beginning to emerge.

I may say to the able Senator from Illinois that we—I do not mean "we" personally; I mean "we" collectively—the administration and Congress—have an opportunity to take a great forward step into a most difficult field. With this amendment, the bill is crippled. To use a vulgar expression, this is a good way to "gut" a good piece of legislation.

The other point I make is that under the most favorable conditions it will be years before hundreds of thousands of citizens will achieve their fundamental right to vote.

Mr. McNAMARA. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

Mr. McNAMARA. Can the Senator tell me at this point who is on first?

Mr. CARROLL. That is not important. The question is, Is the Senator from Michigan in the hole?

Mr. McNAMARA. Yes.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

Mr. KEATING. I preface my question by the statement that we all know that the junior Senator from Colorado is a vigorous advocate of civil rights.

Mr. DOUGLAS. Mr. President, I reluctantly ask for order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KEATING. I know that the distinguished junior Senator from Colorado is an advocate of a meaningful civil rights bill. It is perfectly understandable that in the confusion when we were considering amendments, that he understood that the words "the applicant shall be heard ex parte" were an integral part of the so-called Kefauver amendment and that in his support of the Kefauver amendment, he did not realize that those words had been taken out.

Now I wish to address to him a question which relates to the substitute amendment which the Senator has offered. This substitute reinstates the words "the applicant shall be heard ex parte," but then provides that all hearings shall be open to the public.

Does the Senator share my apprehension that if that language is adopted, it may require a public hearing before the referee when the one who has been disfranchised comes in to file his application. Any number of persons could be present at a public hearing. Perhaps there would even be a room full of people, all of whom would be antagonistic to the applicant. Does not the Senator fear that would be the result of the amendment he proposes to the committee amendment?

Mr. CARROLL. Let me say to the Senator from New York that if I were able, parliamentary-wise, to restore the House language at this point, I would do so. But I do not believe that is possible in this situation. Therefore, I have submitted an amendment in the second degree. Certainly all of us believe that the hearings should be open to the public.

Mr. KEATING. Mr. President, will the Senator yield, to permit me to propound a parliamentary inquiry?

Mr. CARROLL. Yes.

Mr. KEATING. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Moss in the chair). The Senator from New York will state it.

Mr. KEATING. If the so-called Kefauver amendment, which includes the words set forth in italics in lines 20 to 25, is rejected, will not that automatically restore the words "the applicant shall be heard ex parte"?

The PRESIDING OFFICER. That is correct; that would restore those words.

Mr. CARROLL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. CARROLL. If I had offered an amendment merely to reinsert the words "the applicant shall be heard ex parte," then what would be the situation?

The PRESIDING OFFICER. It would be necessary to vote first on the committee amendment; and if the committee amendment were rejected, the words in question, which were in the bill as it came to the Senate from the House, would remain in the bill.

Mr. CARROLL. Perhaps I do not correctly understand the situation. I believe the hearing should be open to the public, although I do not believe it should be an adversary hearing. So I think

the Senator from New York has gone too far in his description of the effect of my amendment. Certainly no such hearing should be secret. Any such hearing certainly should be subject to being attended in the way that other court proceedings are subject to being attended.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

Mr. JAVITS. These are to be court proceedings. Unless the court is given authority to seal the papers in these cases, the proceedings will be public proceedings.

So, as my colleague [Mr. KEATING] has so often stated, I believe we should leave this part of the House bill alone, and should permit the local courts to handle this situation.

In short, simply by rejecting this committee amendment we shall put ourselves in the very best position.

Have not both the opponents and the proponents brought out the fact that that is really the way to handle this matter?

Mr. CARROLL. But if the hearings are to be held openly—I am not talking about adversary hearings—what is the harm in so stating in the law?

Mr. JAVITS. Because the minute the word "hearings" is used—and now I am addressing myself to the Senator's amendment to the committee amendment, which I did not desire to do tonight. However, I shall do so because of my great respect for anything the Senator from Colorado proposes. The minute the word "hearings" is inserted, I believe the court will be placed in a situation in which the court will face the same kind of adversary proceeding to which we previously referred.

If the Senator would eliminate from his proposal the part which begins with the words "and all hearings," I would say his amendment would simply restate what is already in the House version of the bill.

A lawyer will often say to his client, "What do you want to accomplish? Once I know what you want to accomplish, I will write language which will accomplish it."

So, Mr. President, if the Senator from Colorado asks me what I want to accomplish as a Senator, I will say that when the court appoints a referee, I want the referee to function in the way that an ordinary State registrar would function, at that point.

Based on the local situation—regardless of whether the proceeding is in his office or is in the courthouse or is elsewhere; and that may vary, in the various situations—the point is that—as will a registrar under State law—he will register the applicant. At that point there will be no adversary proceeding or hearing, in the sense of a demonstration before the public. It will not be secret; anyone will be able to come there. But no notice will be given. No notice would have to be given.

Anyone who was interested would be able to attend and to ask questions in regard to the facts or the law; and the court could order a hearing.

But we know that the real reason why many persons have not registered has been the slightest hint of intimidation. Incidentally, today is the 90th birthday of the 15th amendment, which is backed up by nine decades of intimidation and threats to use force, all of which demonstrate that when there is an intention to intimidate, intimidation has resulted. So this is what troubles me about the Senator's amendment.

Mr. CARROLL. Mr. President, I am a little surprised that the Senators from New York would devote so much time to questioning whether my amendment should include the word "hearings." If they do not like that word, then let us use the word "proceeding"; and if that word would be meaningless at this point in the bill, why have the committee amendment at all? Does the Senator agree with me that this amendment guts the bill?

Mr. JAVITS. The Kefauver amendment unquestionably does.

Mr. CARROLL. I mean to say, if we eliminate the words "the applicant shall be heard ex parte," and if we use the words "shall have the right to appear," will not this part of the bill become meaningless?

Mr. JAVITS. Completely.

Mr. CARROLL. Does the junior Senator from New York agree?

Mr. KEATING. Completely. I say that if the amendment offered by the Senator from Colorado to the committee amendment does not gut the bill, at least it gives it a serious blow in a vital region.

Mr. CARROLL. Does the Senator from New York refer to my amendment?

Mr. KEATING. Yes.

Mr. CARROLL. Mr. President, I know that the junior Senator from New York is prone to use fanciful expressions in connection with public utterances. But when he makes such a statement about my amendment, when all I seek to do is to hold the proceeding open to the public——

Mr. KEATING. The junior Senator from Colorado proposes that all such hearings shall be open to the public. Such a provision strikes me as being an invitation to intimidation of the applicant who attempts to be registered.

Mr. CARROLL. But, Mr. President, as the able Senator from New York has said, no court of equity would permit secret meetings to be held. They must be open to the public.

Mr. KEATING. They would not be secret. But the Chair has stated that if the Kefauver amendment is rejected, we shall return to the original language, which the Senator from Colorado now says he likes—in other words, the words "the applicant shall be heard ex parte."

I suggest that the Senator think this matter over tonight, and carefully consider whether it would be desirable for him to join forces with us in defeating the Kefauver amendment. I hope the Senator from Colorado will agree to withdraw the amendment he has offered to the committee amendment.

Mr. CARROLL. Mr. President, if the majority leader will respond to a question, does the majority leader have any idea how long he wants to continue with this discussion?

Mr. JOHNSON of Texas. That would depend largely on how long Senators desire to talk.

Mr. CARROLL. The Senator from Colorado is ready to yield the floor, unless a Senator desires to put further questions to him. I have really been waiting for the majority leader to indicate whether there will be a vote on this amendment. It will not be voted on this evening, will it?

Mr. JOHNSON of Texas. I indicated that some time ago to the Senator from Pennsylvania.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. CARROLL. I yield to the Senator from Illinois.

Mr. DOUGLAS. Let me commend the Senator from Colorado for the way he has battled for his amendment. I know he is trying to correct the mistakes which occurred last night with regard to knocking out the provision for an ex parte proceeding, and inserting the provision permitting the local registrars to appear as parties to the suit in the proceedings before the referee. The Senator from Colorado is performing a great public service, and I personally wish to commend him for what he has done.

Mr. CARROLL. I thank the Senator from Illinois.

Mr. JAVITS. Mr. President, I send to the desk three amendments to the bill which is now before the Senate. I ask unanimous consent that they may be held to comply with rule XXII, but that the reading of them be waived, and also that they be printed in the RECORD.

The PRESIDING OFFICER (Mr. Moss in the chair). The amendments will be received, printed, and lie on the table; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

On page 17, beginning on line 14, down to the period on line 19, strike out everything and insert in lieu thereof: "any such applicant is qualified under State law to vote."

On page 21, between lines 12 and 13, insert the following:

"TITLE VII

"Intervention by the United States

"SEC. 701. (a) Chapter 161 of title 28 of the United States Code is amended by inserting a new section immediately following section 2403 as follows:

"'§ 2403A. Intervention by United States: Loss or threat of loss of equal protection of the laws.

"'In any action, suit, or proceeding in a court of the United States to which the United States or any agency, officer, or employee thereof is not a party, wherein any person alleges on oath or affirmation that he is subject to or threatened with loss of his rights under the Constitution of the United States to equal protection of the laws by reason of race, color, religion, or national origin, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether such person is subject to or threatened with loss of his right

to equal protection of the laws and the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and law relating to the questions of whether such person is subjected to or threatened with loss of his right to equal protection of the laws and the relief granted by the court'.

"(b) Such chapter is further amended by inserting in the analysis at the beginning of such chapter, immediately following section 2403, the following:

"'2403A. Intervention by United States: Loss or threat of loss of equal protection of the laws.'"

Renumber the succeeding title and section appropriately.

On page 21, between lines 12 and 13, insert the following:

"(c) Add the following at the end of the section:

"'(g)(1) The Congress finds that the requirement that a poll tax or other tax be paid, or that any property qualification be met, as a prerequisite for voting or registering to vote at primaries or other elections for President, Vice President, elector for President or Vice President, or for Senator or Member of the House of Representatives is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and elections for said national officers, an abridgment of the rights and privileges of citizens of the United States, a tax on such rights and privileges, and an obstruction of the operations of the Federal Government.

"'(2) It shall be unlawful for any State, municipality, or other governmental authority or any subdivision thereof, or for any person, whether or not acting on behalf of any State, municipality, other governmental authority or subdivision thereof, to levy, collect, or require the payment of any poll tax or other tax or to impose a property qualification as a prerequisite for registering to vote or voting in any primary or other election for President, Vice President, elector for President or Vice President, or Senator or Member of the House of Representatives, or otherwise to interfere with or prevent any person from registering to vote or voting in any such election by reason of such person's failure or refusal to pay or assume the obligation of paying any poll tax or other such tax or meeting any property qualification.

"'(3) The provisions of this subsection shall become effective on December 31, 1962, unless, prior to that date, the proposed constitutional amendment approved by the Senate as part of S.J. Res. 39 of the Eighty-sixth Congress or another constitutional amendment substantially to the same effect, shall have become part of the Constitution of the United States on such date in which case this subsection shall be without effect.'"

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 30, 1960, he presented to the President of the United States the following enrolled bills:

S. 1159. An act to facilitate the acquisition of real property under the District of Columbia Alley Dwelling Act; and

S. 2220. An act to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matters, and for other purposes.

RECESS TO 10 O'CLOCK A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I move that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 13 minutes p.m.) the Senate took a recess until tomorrow, Thursday, March 31, 1960, at 10 o'clock a.m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 30, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Mark 4: 9: *He that hath ears to hear, let him hear.*

Eternal and ever-blessed God, inspire us during this day with a faith, hope, and love more wonderful than we have ever dreamed or experienced, lifting us out of the dark welter of fear and anxiety to the lofty and radiant heights of peace and joy.

Grant that, amid the world's confused cries and hysteria of wild alarms, we may have ears that hear and heed Thy voice of gentle stillness teaching us the meaning of life and those noble things that belong to our peace and which we can only learn as we listen in an attitude of faith and humility.

Help us also to lay our ears to the heartbeat of humanity that we may listen and learn that far below the ferment, the friction, and feuds, which divide the members of the human family and mar our fellowship, we are all akin in our needs and longings.

Teach us that we can only help to establish a finer social order by striving to be more sympathetic and tolerant and patient toward one another and all mankind.

Hear us in the name of Him who came to tell us that Thou art love. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2164. An act to reduce the cabaret tax from 20 percent to 10 percent; and

H.R. 6132. An act relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 9331. An act to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children; and

H.R. 9660. An act to amend section 6659 (b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10401. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HAYDEN, Mr. CHAVEZ, Mr. KEFAUVER, Mr. BIBLE, Mr. MUNDT, and Mr. YOUNG of North Dakota to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10234. An act making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLAND, Mr. ELLENDER, Mr. MAGNUSON, Mr. KEFAUVER, Mr. HAYDEN, Mrs. SMITH, Mr. BRIDGES, and Mr. SALTONSTALL to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1283. An act to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use;

S. 2046. An act for the relief of Max Kotscha;

S. 2430. An act for the relief of certain employees of the General Services Administration;

S. 2538. An act for the relief of Kim Yong Cha, fiance of Cpl. LeMaine Ellingson, RA55280245;

S. 2877. An act to authorize the reconveyance of tribally owned land by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns; and

S. 2878. An act to convey certain federally owned lands in New Mexico to the Navajo Tribe of Indians, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2220. An act to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matters, and for other purposes.

DISPENSING WITH CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that Calendar Wednesday of next week and the following week be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

JOINT MEETING TO RECEIVE PRESIDENT OF REPUBLIC OF COLOMBIA

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, April 6, 1960, for the Speaker to declare a recess for the purpose of receiving in joint meeting the President of the Republic of Colombia.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

OFFICE OF THE ATTENDING PHYSICIAN

Mr. McCORMACK. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read as follows:

HOUSE RESOLUTION 493

Resolved by the House of Representatives, That, effective April 1, 1960, there shall be paid out of the contingent fund of the House, until otherwise provided by law, additional compensation payable monthly to the Technical Assistant, Office of the Attending Physician, at the basic salary rate of $1,200 per annum.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. KING of Utah. Mr. Speaker, on behalf of the House Committee on Science and Astronautics, I ask unanimous consent that that committee be allowed to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1961

Mr. RABAUT. Mr. Speaker, I call up the conference report on the bill (H.R. 10233) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1434)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10233) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9 and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 7, 12, 13, 14, 15, 19 and 22, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$599,260"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,629,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$23,517,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$90,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,633,600"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,465,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,441,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,168,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,291,600"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$1,250,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$5,773,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,400,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1 and 26.

LOUIS C. RABAUT,
WILLIAM H. NATCHER,
CLARENCE CANNON,
JOHN J. RHODES,
JOHN TABER,
Managers on the Part of the House.

JOHN O. PASTORE,
CARL HAYDEN,
ESTES KEFAUVER,
ALLEN J. FREAR, Jr.,
ALAN BIBLE,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
J. GLENN BEALL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10233) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

Amendment No. 1: Reported in disagreement.

Amendments Nos. 2 and 3: Authorize a total of $20,100,000 to be borrowed from the Federal Treasury as proposed by the Senate instead of $18,700,000 as proposed by the House of which $15,900,000 is for the general fund as proposed by the Senate instead of $14,500,000 as proposed by the House.

OPERATING EXPENSES

Amendment No. 4—Executive Office: Appropriates $599,260 instead of $576,300 as proposed by the House and $609,259 as proposed by the Senate. The increase allowed will provide $500 for the Information Unit, $14,460 for the Office of Urban Renewal, and $8,000 for the Council on Human Relations.

Amendment No. 5—Department of General Administration: Earmarks $230,000 of the funds approved for District of Columbia employees' disability compensation as proposed by the Senate.

Amendment No. 6—Regulatory agencies: Appropriates $1,629,000 instead of $1,621,000 as proposed by the House and $1,639,600 as proposed by the Senate.

Amendment No. 7—Department of Occupations and Professions: Appropriates $342,000 as proposed by the Senate instead of $337,600 as proposed by the House.

Amendment No. 8—Metropolitan Police: Appropriates $23,517,000 instead of $23,217,000 as proposed by the House and $23,748,100 as proposed by the Senate. In recommending the approved amount, the Conferees took into consideration the present fifty-four vacancies in the Department. The conference committee agreed that the increase allowed is solely for recruitment of additional police officers and not for a sixth day of work. In addition, the Conferees agreed that there should be no relaxation of the standards for selection of new officers and that the recruitment policy of the department will be kept under continuing review. The conferees have no objection to the financing of the pilot two-way radio program and the rental of towing cranes within available funds.

Amendment No. 9—Fire Department: Appropriates $10,940,000 as proposed by the House instead of $10,948,000 as proposed by the Senate. The conferees agree to permit the employment of a psychiatrist within available funds.

Amendment No. 10—Office of Civil Defense: Appropriates $90,000 instead of $60,000 as proposed by the House and $107,000 as proposed by the Senate.

Amendment No. 11—Courts: Appropriates $5,633,600 instead of $5,627,900 as proposed by the House and $5,645,320 as proposed by the Senate. The increase allowed will provide one additional court reporter for the juvenile court.

Amendments Nos. 12, 13, and 14—Department of Public Health: Appropriates $36,910,473 as proposed by the Senate instead of $36,551,476 as proposed by the House; and provide a per diem rate of $25 inpatient care and $4 per visit for outpatient care, as proposed by the Senate instead of $21.20 and $3.50, respectively, as proposed by the House.

Amendment No. 15—Department of Public Welfare: Appropriates $19,145,000 as proposed by the Senate instead of $19,000,000 as proposed by the House.

Amendment No. 16—Department of Licenses and Inspections: Appropriates $2,465,000 instead of $2,460,900 as proposed by the House and $2,269,800 as proposed by the Senate.

Amendments Nos. 17 and 18—Department of Highways and Traffic: Appropriate $8,441,000 instead of $8,415,000 as proposed by the House and $8,489,600 as proposed by the Senate; and provided that $5,168,000 shall be payable from the highway fund.

Amendments Nos. 19 and 20—Department of Motor Vehicles: Appropriate $1,291,600 instead of $1,270,600 as proposed by the House and $1,296,500 as proposed by the Senate; and provide $61,000 for traffic safety education as proposed by the Senate instead of $40,000 as proposed by the House.

Amendment No. 21—National Zoological Park: Appropriates $1,250,000 instead of $1,228,000 as proposed by the House and $1,272,000 as proposed by the Senate.

CAPITAL OUTLAY

Amendment No. 22—Public Building Construction: Inserts language for construction of new elementary school at 4th and W, and Benning Branch Library, as proposed by the Senate.

Amendments Nos. 23, 24, and 25—Public Building Construction: Appropriate $5,773,000 instead of $4,369,000 as proposed by the House and $6,023,000 as proposed by the Senate; of which $1,400,000 shall not become available for expenditure until July 1, 1961, instead of $800,000 as proposed by the House and $1,600,000 as proposed by the Senate; and provide that $625,000 shall be available for construction services as proposed by the House instead of $632,000 as proposed by the Senate.

Amendment No. 26—General provisions: Reported in disagreement.

LOUIS C. RABAUT,
WILLIAM H. NATCHER,
CLARENCE CANNON,
JOHN J. RHODES,
JOHN TABER,
Managers on the Part of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. GROSS. The gentleman is going to explain the conference report, is he not?

Mr. RABAUT. I am.

Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the conference report total is $239,470,433, an increase of $2,352,157 above the bill as it passed the House and $618,719 below the Senate bill. For comparative purposes, the conference bill is $2,225,643 below the 1960 appropriations to date.

The major items of increase above the House bill are for the Police Department, the Health Department, the Welfare Department and two capital outlay projects—a new elementary school and a new branch library.

The Federal payment to the general fund—amendment No. 1—is in actual disagreement. The House figure is $25 million and the Senate wants $26 million. The House position is that there is no sense in appropriating money from a Treasury which has a debt of over $280 billion to a Treasury which has a surplus.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a correction?

Mr. RABAUT. I yield to the gentleman from Iowa.

Mr. GROSS. The Federal debt is approximately $292 billion.

I wish to commend the gentleman for opposing the proposed $1 million increase in the Federal contribution to the District of Columbia Government, and I certainly support the position of the House conferees.

Mr. RHODES of Arizona. Mr. Speaker, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. RHODES of Arizona. I am in absolute agreement with the chairman of the subcommittee, the gentleman from Michigan. I think the conference report is a good report. The Federal payment which was provided in the House bill allowed the District of Columbia to have, I think, a good operating budget and still come out at the end of the fiscal year with a small surplus. I ask that the House uphold the conference committee and adopt the conference report.

Mr. RABAUT. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Page 2, line 1, strike out "$25,000,000" and insert "$26,000,000."

Mr. RABAUT. Mr. Speaker, I offer a motion which is at the desk.

The Clerk read as follows:

Mr. RABAUT moves that the House insist upon its disagreement to the amendment of the Senate numbered 1.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 26: Page 36, line 3, insert: "SEC. 15. Section 5 of the District of Columbia Appropriation Act, 1955, is amended to read as follows: 'Hereafter work performed for repairs and improvements may be by contract or otherwise, except for amounts exceeding $5,000 which shall be determined by the Commissioners; and the Commissioners are authorized to establish a working fund for such purposes without fiscal year limitation, said fund to be reimbursed for repairs and improvements performed under that fund from funds available for these purposes, and payments are authorized to be made to said fund in advance if required by the Director of Buildings and Grounds, subject to subsequent adjustments, from funds available for necessary expenses, including allowances for privately owned automobiles.'"

Mr. RABAUT. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

BIRTHDAY ANNIVERSARY OF HON. PAUL BROWN, OF GEORGIA

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. RABAUT. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, one of the finest gentlemen I have ever met, truly one of God's noblemen, is our distinguished friend from Georgia [PAUL BROWN]. He enjoys the affection of the people of his district, as he properly should, but the people of his district I know would be very proud to know that he enjoys the affection and the respect of all Members of the House of Representatives without regard to party.

My friendship with him is one that I treasure and value very much. His fine nobility of character, his dedicated service in this body, and his love of America, have always been an inspiration to me as well as to countless others. He has had a remarkable record in the Halls of Congress, dating back to July 5, 1933, when he was sworn in as a Member of the Congress of the United States.

During the past 17 years, with the exception of a few weeks when he was in the hospital as the result of an attack of pneumonia, he has never missed a rollcall, a quorum call nor a committee meeting. This is a remarkable record. It shows his devotion to duty and his dedication to the responsibilities of his high office. Now, why am I making these few remarks about this fine gentleman, this great American but yet this humble man for whom we all have a great affection? It happens I will not be here tomorrow, but tomorrow, Mr. Speaker, is the birthday anniversary of our colleague, PAUL BROWN.

Mr. Speaker, strong bonds of friendship impel me to make these remarks today for I want our friend to know that on tomorrow while I may be physically absent, I will be with him in spirit.

So, Mr. Speaker, I am compelled to make these few remarks today. God has been very good to PAUL BROWN and by PAUL BROWN's thoughts and deeds, he shows to everyone that he appreciates God's goodness to him because if any man in his journey through life exemplifies by his actions the spiritual truths that we receive from God, and if anyone exemplifies the high ideals that flow therefrom to the highest extent humanly possible, it is PAUL BROWN of Georgia. I extend to our colleague my hearty congratulations on the occasion of his birthday anniversary on tomorrow, and in

doing so, Mr. Speaker, I know I express the sentiments of all our colleagues without regard to party. My sincere hope and prayers are that God will continue to shower on PAUL BROWN for countless years to come an abundance of his choicest blessings.

Mr. PRESTON. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. PRESTON. Mr. Speaker, in the absence of the distinguished dean of our Georgia delegation, Hon. CARL VINSON, I would like to express to the distinguished majority leader the appreciation of the members of the Georgia delegation for his kind and appropriate remarks today concerning our most beloved colleague and fellow Member of our delegation. In terms of devotion to duty, he is, indeed, Mr. Speaker, one of the youngest Members in the House of Representatives. His ardor in performing his responsibilities in the most proficient and acceptable way has not diminished through the years. His attendance upon the floor of the House is constant—and is something I have often heard our distinguished Speaker say, that Members should do more often and, that is, to be present when the House of Representatives is in session. Our beloved colleague [PAUL BROWN] is always present on the floor of the House because he feels it is his duty to be here as long as the House is in session. I recall, when I first came to the Congress in 1947, PAUL BROWN became my counselor. Even today, after 14 years of service, I find it helpful to seek his advice and counsel on many matters that perplex me and cause me to seek advice.

So we join here today, I say to the gentleman from Massachusetts, in expressing the hope that our beloved colleague who unquestionably is one of the most well liked and most highly esteemed Members of this body, will enjoy many more happy birthdays and that life will continue to hold for him an abundance of all those things that go to make up a full and well-rounded life—the kind of life that our beloved colleague has enjoyed through the years.

Mr. McCORMACK. Mr. Speaker, I yield to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I just want the RECORD to show at this point that we on our side of the aisle have the same deep affection and high regard for the gentleman from Georgia [Mr. BROWN] as has been so ably expressed.

I have known PAUL BROWN for a long, long time and never has he been anything but a gentleman of the first order. Never have I heard him say an unkind word about anyone, and I suspect that any Member here today could say the same thing about PAUL.

He carries the burdens of his responsibilities in this body with an unassuming grace and is never too busy to lend a helping hand or a word of encouragement to others.

It occurs to me that as this tribute here today is a reflection of the esteem in which we hold him, the fact that his constituents in Georgia have seen fit to return him to the Congress for 14 consecutive terms is likewise a mark of their affection and confidence in our colleague.

To know PAUL BROWN is to admire him and love him, and so happy am I, on this occasion, to join in the best wishes to him for many more happy birthday anniversaries in the years to come.

Mr. McCORMACK. Mr. Speaker, I yield to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, PAUL BROWN and I, and our families, lived in the same apartment building for a great many years. Each morning we rode to the Capitol together. I always found him to be a kindly gentleman and a true southern gentleman. We discussed many things. We did not always agree on political matters, of course, but PAUL BROWN is one of the best friends I have had during all these years.

On behalf of my family, as well as myself, I wish to join with the distinguished majority leader and the equally distinguished minority leader in extending felicitations to PAUL BROWN on his birthday and to wish him many more happy birthday anniversaries.

Mr. McCORMACK. Mr. Speaker, I yield to the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Speaker, I have been closely associated with PAUL BROWN over a long period of time. I want to endorse 100 percent everything that our able and distinguished majority leader has said concerning him. I consider PAUL BROWN one of the most valuable Members of this House.

Mr. McCORMACK. Mr. Speaker, I yield to the gentleman from Indiana [Mr. BARR].

Mr. BARR. Mr. Speaker, I think this body should know that Mr. BROWN has one characteristic that is perhaps not well known to all the Members. He is highly expert at training freshman Congressmen. He happens to be my subcommittee chairman. If I have been of any value to this body or this Nation, it is due in large measure to the careful training that Mr. BROWN has devoted to new Members.

Mr. McCORMACK. Mr. Speaker, I yield to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Speaker, I know that the beloved dean of the Illinois delegation would wish me to speak. When I came here as a freshman TOM O'BRIEN told me that one of the finest gentlemen he had even known was PAUL BROWN, who was the ranking majority member of the Banking and Currency Committee to which I had been assigned. He introduced me to him. Because of PAUL BROWN's affection for TOM O'BRIEN, I never had a better friend. He accepted me on the word of his friend. I wish that every freshman could be equally blessed. I know TOM O'BRIEN would wish me to express to PAUL BROWN on the eve of his birthday the deep personal love of him in the hearts of all of the Illinois delegation.

Mr. McCORMACK. Mr. Speaker, I yield to the gentlewoman from Michigan [Mrs. GRIFFITHS].

Mrs. GRIFFITHS. Mr. Speaker, as a member of the Banking and Currency Committee, I owe a deep debt of gratitude for the kindness and courtesy with which the gentleman from Georgia, Mr. PAUL BROWN, has treated me and other members of that committee.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members who may care to do so may extend their remarks at this point, and that they may have 5 legislative days in which to do so, in relation to our dear colleague from Georgia, PAUL BROWN.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. VANIK. Mr. Speaker, I want to join in this tribute to our distinguished colleague, the gentleman from Georgia, Mr. PAUL BROWN. As a member of the Banking and Currency Committee and a member of the subcommittee of which the gentleman is chairman, I have had a splendid opportunity to enjoy his warm friendship and his good counsel.

PAUL BROWN is taking his birthdays with grace and with dignity.

Mr. SPENCE. Mr. Speaker, I want to add my small tribute of affection and esteem. PAUL BROWN has served on the Banking and Currency Committee with me for 25 years and for the last 15 years has sat next to me as the senior Democratic member. During that time I have been deeply impressed with his fine character, his genial friendly nature and his devotion to duty. The committee has always been anxious for his council and advice because of his good judgment and sincerity. I know the Members join with me in expressing the wish that PAUL BROWN may have many years of service to his district, his State, and the Nation. His constituents have always held him in deep affection and I am sure they wish him to represent them as long as he desires.

I hope he may have health and happiness and a just reward for all his faithful service.

PARTICIPATION BY THE UNITED STATES IN PARLIAMENTARY CONFERENCES WITH MEXICO

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the resolution (H.J. Res. 283) to authorize participation by the United States in parliamentary conferences with Mexico, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the resolution and the Senate amendment, as follows:

Page 1, line 4, strike out all after "annually" down to and including "States)" in line 7.

The Senate amendment was concurred in.

A motion to reconsider was laid on the the table.

SPORTS-FISHING INDUSTRY OF CALIFORNIA AND PACIFIC NORTHWEST

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 472) to authorize printing as a House document a publication entitled "Sports-Fishing Industry in California and the Pacific Northwest," and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That pertinent testimony and research material developed in connection with current problems of the sports-fishing industry of California and the Pacific Northwest be printed as a House document.

The resolution was agreed to.

A motion to reconsider was laid on the table.

OUR AMERICAN GOVERNMENT: WHAT IS IT? HOW DOES IT FUNCTION?

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Con. Res. 607) authorizing the printing as a House document of the pamphlet entitled "Our American Government: What is it? How Does It Function?" and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That, (a) with the permission of the copyright owner of the book "Our American Government—1,001 Questions on How It Works," with answers by Wright Patman, published by Scholastic Magazines, Inc., there shall be printed as a House document the pamphlet entitled "Our American Government: What Is it? How Does It Function?". In addition to the usual number there shall be printed 2,000 copies for use and distribution by each Member of Congress.

(b) As used in this concurrent resolution the term "Member of Congress" includes a Member of the Senate, a Member of the House of Representatives, and the Resident Commissioner from Puerto Rico.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL COPIES OF HEARINGS ON SATELLITE AND MISSILE PROGRAMS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration I offer a resolution (S. Con. Res. 80) authorizing the printing of additional copies of part 1 of the hearings on an inquiry into the satellite and missile programs, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Committee on Armed Services one thousand additional copies of part 1 of the hearings held by that committee on an inquiry into the satellite and missile programs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING ERECTION IN THE DISTRICT OF COLUMBIA OF A MEMORIAL TO MARY McLEOD BETHUNE

Mr. JONES of Missouri. Mr. Speaker, by direction of the Committee on House Administration I ask unanimous consent for the immediate consideration of House Joint Resolution 502, authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There being no objection, the Clerk read the House joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to grant authority to the National Council of Negro Women to erect, on public grounds in the District of Columbia owned by the United States on the date of enactment of this joint resolution, a memorial in honor of Mary McLeod Bethune and in commemoration of the one hundredth anniversary of the signing of the Emancipation Proclamation. The design and location of the memorial shall be approved by the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission. The United States shall be put to no expense in or by the erection of this memorial. Unless funds in an amount which the Secretary of the Interior determines sufficient to insure completion of the memorial are certified available, and the erection of the memorial is begun within five years from the date of enactment of this joint resolution, the authorization granted by this joint resolution is revoked.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. SCHENCK. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, this resolution authorizes and directs the Secretary of the Interior to grant authority to the National Council of Negro Women to erect a memorial in honor of Mrs. Bethune and the commemoration of the 100th anniversary of the signing of the Emancipation Proclamation. The resolution provides that the memorial shall be located on public grounds in the District of Columbia and that the design and location of the memorial shall be approved by the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission, and that the United States shall be put to no expense in the erection of this memorial. Furthermore, there is a provision that unless funds, which in the estimation of the Secretary of the Interior are sufficient to insure the completion of the memorial, are certified available, and the erection of this memorial begun within 5 years from and after the date of passage of this joint resolution, the authorization granted will be revoked. I am happy to say that House Joint Resolution 502 has the support of the Department of the Interior in a report sent to Hon. OMAR BURLESON, chairman of this committee.

Among the Negro people who have truly shared the American dream of freedom none stands higher than the late Mary McLeod Bethune. Rightly called the "first woman of her race," her life work stands as a testimonial to selfless dedication in behalf of her people. She is best known as a founder of the Bethune-Cookman College at Daytona Beach, Fla. In addition to her work in the field of education she responded to the call for service in the Government and occupied many important posts including service under Presidents Coolidge and Hoover as a member of the National Commission for Child Welfare. During the administration of Franklin D. Roosevelt, she was Director of the Office of Negro Affairs, National Youth Administration. Next to building Bethune-Cookman College into a million-dollar coeducational institution, her greatest interest was in founding the National Council of Negro Women. Her dream was accomplished in 1935 and she became the Council's first president, a position she held for 14 years, at which time she became president emeritus. Untimely though her passing was on May 18, 1955, her memory is enriched by her works and her rare spirit.

Mr. Chairman, this is a moment of great significance in the history of mankind's progress toward social justice. Adoption of this resolution will demonstrate that America is taking a further step in keeping faith with its destiny, and will provide renewed inspiration to free peoples throughout the world. It is my hope that the Committee will report House Joint Resolution 502 favorably and that the House will pass it without delay.

In addition to my own remarks, I want to read into the RECORD the testimony of Dorothy I. Heigt, president of the National Council of Negro Women, who appeared before the Committee on House Administration in support of the joint resolution to authorize the Secretary of the Interior to grant authority to the National Council of Negro Women to erect in the District of Columbia a memorial in honor of their distinguished founder, the late Mary McLeod Bethune:

The National Council of Negro Women is a council of 22 national women's organizations which embrace 850,000 women in all walks of life. Our local councils across the country unite women in religious, social, fraternal, business, and professional groups. We are affiliated with the National Council of Women of the United States and the International Council of Women.

We are a primary source for interpreting the needs, aspirations and contributions of our women at home and abroad. In the

summer of 1959, 96 of our representatives toured Western Europe with the blessing of our State Department. In every contact with the councils of women in the European countries we were made aware of the significance of every effort that shares with a sensitive world not only the story of problems but the evidence of the progress and the positive contributions of the darker citizen in American life.

A memorial to honor Mary McLeod Bethune will have significance for people in every segment of American life and in every section of our country. An American of the pioneering tradition, Mary McLeod Bethune meets every ideal as a focus for the recognition of the finest and best in our democracy.

She was born of slave parents in 1875 but lived to counsel Presidents and to see opportunity in an expanding economy unfold for her people. She was a resolute leader with vision and patience. She was a dreamer who translated ideals into action. Her Christian faith gave root to her love for all people. Her faith in youth and in America knew no bounds.

At a time when millions of uncommitted peoples in Asia and Africa have their eyes on the United States it would be a positive demonstration of our country's recognition that whatever one's background, the individual can make a contribution to the American way of life.

At best the problems of daily living take their toll on the human body, mind and spirit. Therefore every individual, every group needs the reassurance of their creative potential that comes from the recognition of one who is a worthy example. In planning this historic honor we sought the thinking of hundreds of citizens and without a dissenting voice the name of Mary McLeod Bethune came thundering back. Leaders at various governmental levels likewise have responded that Mary McLeod Bethune, who herself was a governmental official, is symbolic of the Negro in America. No one would be found more of a unifying figure because of the quality of her life and work.

Nineteen hundred and sixty is the silver anniversary year of the founding of the National Council of Negro Women by Mary McLeod Bethune. During this year our women across the country are rededicating their efforts to giving to America and the world their talents, their time and their resources. We are pledged to recapture the faith of Mary McLeod Bethune who started a school in Florida with $1.50 and five students. Today, Bethune-Cookman College is a multimillion-dollar project.

Mr. Chairman and members of the committee, we not only request that you approve the resolution but we urge your support until the final passage has been accomplished.

As women, we are so caught up in the stream of the life of our country; in home and family; in church and in every facet of the community, both rural and urban, that we believe, and modesty suggests, that this resolution introduced jointly by Congressman BOLTON and Senator MURRAY has significance not only for us but for the whole of our great Nation.

The erection of the first memorial to a citizen of Negro background in the Nation's Capital would be another indication that America as the citadel of democracy expresses her concepts of freedom not only in writing but in giving recognition to the true worth in the individual whatever the individual's background.

In some quarters there is belief that in the decade of the sixties there will be conflict and crisis. We of the National Council of Negro Women believe that so long as we consider our country's history which includes Abraham Lincoln and Mary McLeod Bethune, the future is secure for free men.

Already established in Lincoln Park in the Nation's Capital there is the Emancipation Group Statue which was constructed solely by contributions from emancipated citizens. This monument was initiated by Charlotte Scott, a Negro woman who gave the first $5 she had earned in freedom to establish a monument when she learned of Abraham Lincoln's death.

The Congress in 1875, the year Mrs. Bethune was born, authorized those citizens to erect the existing statue. We believe that an important aspect of the story can be told best by the descendents of those emancipated citizens and others who may seek to join them if there could be erected another memorial which lifts up for all to see a symbol of the progress and contribution which has been made in American life during the 100 years since the signing of the Emancipation Proclamation, a "Century of Freedom" given vitality, strength, and hope through a human being like Mary McLeod Bethune.

Even the preliminary planning for the development of this project has been met with enthusiastic response all over the country. The file of letters and wires of endorsement, the inquiries of individuals, young and old, whose lives Mrs. Bethune influenced, the stream of interest expressed by community leaders all continue to come as if millions of people were waiting for a suitable means to give tangible expression to the unparalleled leadership of Mrs. Bethune and a positive focus to the commemoration in 1963, of the Century of Freedom.

Mr. Chairman, on behalf of the National Council of Negro Women, I want to thank you for giving us the opportunity to present our testimony.

Mr. Speaker, the action of the House today is a most constructive one which will bring deep satisfaction to many millions of our citizenry.

THE FIRST OFFICIAL FLAG OF THE UNITED STATES BEARING 50 STARS

Mr. JONES of Missouri. Mr. Speaker, by direction of the Committee on House Administration, I ask unanimous consent for the immediate consideration of House Joint Resolution 546, authorizing the Architect of the Capitol to present to the Senators and Representative in the Congress from the State of Hawaii the first official flag of the United States bearing 50 stars and which is flown over the west front of the U.S. Capitol.

The Clerk read the title of the House joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. JONES]?

There being no objection, the Clerk read the House joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol is hereby authorized and directed to present to the Senators and Representative in Congress from the State of Hawaii the first official flag of the United States bearing fifty stars, and which is flown over the west front of the United States Capitol, for presentation by such Senators and Representative to the Pacific National Memorial Cemetery in Puowaina (Punchbowl) in honor and memory of the men and women of Hawaii who made the supreme sacrifice in the defense of the United States of America.

With the following committee amendments:

Page 1, line 5, strike out the word "first".
Page 1, line 6, strike out the word "and"; and following the word "is" insert "first".

The committee amendments were agreed to.

The House joint resolution was ordered to be engrossed and read a third time. was read the third time, and passed.

The title was amended so as to read: "Authorizing the Architect of the Capitol to present to the Senators and Representative in the Congress from the State of Hawaii the official flag of the United States bearing fifty stars which is first flown over the west front of the U.S. Capitol."

A motion to reconsider was laid on the table.

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mr. INOUYE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. INOUYE. Mr. Speaker, much has been said and much has been done to eulogize and honor the memory of our men and women who gave so gallantly of their lives in defense of our Nation. Try as we might, every effort on the part of those now living to pay tribute to their sacrifice appears to be an almost insignificant gesture. There seems to little we can do and give which can and will measure up to that which they have done and given for us and our Nation; nothing, however, will prevent us from trying, and I know that no matter where our revered dead may lie, our sincere efforts, small as they may be, to perpetuate their memory and above all rededicate ourselves to those ideals for which they gave of themselves, goes not unnoticed.

When the call to battle was sounded, the men and women of Hawaii responded as did the sons and daughters of our then 48 States. American in every respect, save and except for political equality by virtue of its then territorial status, Hawaii was then and prior thereto engaged in a different kind of battle—the fight to attain equal status with the 48 States of the Union and the right to be included within the sisterhood of States. This desire to become a part of the Union transcended the mere acquisition of prestige; it was a fulfillment, a recognition of that which every American is entitled to—first-class citizenship in the United States of America.

Hawaii's men and women, though denied this fulfillment for many years, nevertheless acted in concert and in the spirit that is wholly and commendably American. At a time when the loyalty of a segment of Hawaii's population was suspect, and at a time when it would

have been understandable for this suspect group to sit back and take a neutral attitude, the ingrained Americanism of these people, in fact of all the people in Hawaii, could not be contained. There was a unified cry for the opportunity to show their loyalty, their faith, their Americanism.

On January 23, 1943, Franklin D. Roosevelt, then President of the United States said:

> No loyal citizen of the United States should be denied the democratic right to exercise the responsibilities of his citizenship regardless of his ancestry. The principle on which this country was founded and by which it has always been governed is that Americanism is a matter of the mind and heart; Americanism is not, and never was, a matter of race or ancestry. A good American is one which is loyal to this country and to our creed of liberty and democracy. Every loyal American citizen should be given an opportunity to serve this country wherever his skills will make the greatest contribution—whether it be in the ranks of our Armed Forces, war production, agriculture, Government service, or other work essential to the war effort.

And Hawaii's men and women, given the opportunity, did just that.

Those who joined our Armed Forces vindicated themselves admirably. Their record shows that no son of Hawaii ever became a traitor, deserter, or turncoat during World War II or the Korean conflict; they had the lowest a.w.o.l. rating and most of the men who did absent themselves without proper leave absented themselves from the hospitals to return to the front lines; they had one of the lowest prisoner of war ratings; they suffered the highest casualty rate per capita in the United States and more Hawaiians were killed or wounded in these two wars, per capita, than any other State in the Union.

Loyalty? Faith? Americanism?

Those who died in battle never saw the fruition of their efforts. True, they may not have given their lives merely to achieve statehood for Hawaii, but it can never be said that their sacrifice did not tip the balance which finally gave to Hawaii its long cherished goal of statehood. Gone were the doubts of Hawaii's loyalty, and Hawaii's gratefulness to its men and women who died to prove this knows no end.

On August 21, 1959, Hawaii became officially the 50th State of the Union. On July 4, 1960, the flag of the United States will fly with greater glory over the Capitol of this our United States, and on this flag, Hawaii will be sharing its rightful place on the field of blue as the 50th star. Where else could this historic flag continue to fly than over the final resting place of our honored dead who gave so much to make the 50-star flag of the United States a reality?

To this end, Mr. Speaker, I and the people of Hawaii are grateful to the House of Representatives of the Congress of the United States, for adopting my bill, House Joint Resolution 546, authorizing the Architect of the Capitol to present to the Senators and Representative in Congress from the State of Hawaii the first official flag of the United States bearing 50 stars and which is flown over the west front of the U.S. Capitol. This flag will be presented by the Senators and Representative to the Pacific National Memorial Cemetery in Puowaina—Punchbowl—in memory of the men and women of Hawaii who made the supreme sacrifice in defense of the United States of America.

It is but another small token to our honored dead to whom we of Hawaii owe so much.

COMMISSION TO FORMULATE PLANS FOR A MEMORIAL TO JAMES MADISON

Mr. JONES of Missouri. Mr. Speaker, by direction of the Committee on House Administration, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 128 to establish a commission to formulate plans for a memorial to James Madison.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. JONES]?

There being no objection, the Clerk read the Senate joint resolution, as follows:

> Whereas the most precious possession of our people is the rights and liberties which were obtained and insured for them when our Nation was founded; and
>
> Whereas James Madison played a leading role in the formulation and adoption of our Constitution and Bill of Rights, the source and bulwark of these rights and liberties; and
>
> Whereas he further served our Nation with dedication as Secretary of State under Thomas Jefferson and as our fourth President: Therefore be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby established a commission, to be known as the "James Madison Memorial Commission" (hereinafter referred to as the "Commission"), for the purpose of considering and formulating plans for the design, construction, and location of a permanent memorial to James Madison in the city of Washington, District of Columbia, or in its immediate environs. The Commission shall be composed of twelve Commissioners appointed as follows: Four persons to be appointed by the President of the United States, four Senators by the President of the Senate, and four Members of the House of Representatives by the Speaker of the House of Representatives. The Commissioners shall serve without compensation, but may be reimbursed for expenses incurred by them in carrying out the duties of the Commission. The Commission shall report such plans, together with its recommendations, to the President and Congress at the earliest practicable date, and in the interim shall make annual reports of its progress to the President and Congress.
>
> SEC. 2. The Commission is authorized to—
>
> (a) make such expenditures for personal services and otherwise for the purpose of carrying out the provisions of this joint resolution as it may deem advisable from funds appropriated or received as gifts for such purpose;
>
> (b) accept gifts to be used in carrying out the provisions of this joint resolution or to be used in connection with the construction or other expenses of such memorial;
>
> (c) hold hearings, organize contests, enter into contracts for personal services and otherwise, and do such other things as may be necessary to carry out the provisions of this joint resolution; and
>
> (d) avail itself of the assistance and advice of the Commission of Fine Arts, the National Capital Planning Commission, and the National Capital Region Planning Council, and such Commissions and Council shall, upon request, render such assistance and advice.
>
> SEC. 3. The Commission shall give particular study to the feasibility of utilizing the columns taken from the old East Front of the Capitol in formulating plans for such memorial.
>
> SEC. 4. There is authorized to be appropriated not more than $10,000 to carry out the provisions of this joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE DISPOSAL OF NATURAL RUBBER FROM THE NATIONAL STOCKPILE

Mr. KILDAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Concurrent Resolution 582.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Concurrent Resolution 582, with Mr. HAYS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. KILDAY. Mr. Chairman, I yield myself 10 minutes.

Mr. KILDAY. Mr. Chairman, the concurrent resolutions which the House has before it today is quite simple.

As I am sure you are aware, many items in the stockpile are disposed of from time to time without congressional approval. In this connection, perhaps I should refer briefly to the basic law on the subject in order that there may be a clear understanding of when congressional approval is required for the disposition of materials in the national stockpile and when congressional approval is not required.

The basic law which is the Strategic and Critical Materials Stockpiling Act originally enacted in 1946 places the responsibility in the Director of the Office of Civil and Defense Mobilization "to determine, from time to time, which materials are strategic and critical under the provisions of this act and to determine, from time to time, the quality and quantities of such materials which shall be stockpiled under the provisions of this act."

Another section of the act provides that the Director of OCDM shall direct the Administrator of General Services Administration to dispose of materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to the act. the law states that no disposition shall be made until 6 months after publication in the Federal Register and transmission of a notice of the proposed dis-

position to the Congress and to the Armed Services Committee of each House.

This publication in the Federal Register and the notification to the committees must state the reasons for the revised determination, the amount of material to be released, the plan of disposition proposed to be followed, and the date upon which the material is to become available for sale or transfer.

Provision is also made that the plan and date of disposition shall be fixed with proper regard to the protection of the United States against avoidable loss on the sale of materials, and also for the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

This portion of the law contains a proviso which is of particular importance in the light of the resolution which the House has before it. This proviso reads as follows:

Provided, That no material constituting a part of the stockpiles may be disposed of without the express approval of the Congress except where the revised determination is by reason of obsolescence of that material for use in time of war.

For the purposes of this paragraph a revised determination is by reason of obsolescence if such determination is on account of (1) deterioration, (2) development or discovery of a new or better material or materials, or (3) no further usefulness for use in time of war.

The natural rubber which is the subject of this resolution has not as of this time deteriorated and it is for this reason that its disposal requires the approval of the Congress.

Actually the amount of rubber which would be disposed of pursuant to this resolution would be something less than 470,000 tons since already some rubber has been disposed of to prevent deterioration and, depending on how much rubber is sold each year during the period of this disposal plan, additional rubber which is about to deteriorate may well be sold. All of this rubber together will total 470,000 long tons. But no authority would be required for that rubber which was about to deteriorate.

The question naturally arises as to why the Government should dispose of this rubber. Why not just keep it? The reasons are several. The most important of them are three.

First. The rubber stockpile was based until recently on a 5-year emergency period. The National Security Council, the Joint Chiefs of Staff, and the Office of Civil and Defense Mobilization arrived at a common agreement that a 3-year supply of natural rubber would be adequate for our purposes. This in itself immediately created a surplus of rubber in the stockpile.

A second prime reason is the lower requirements of the military for natural rubber. This lower requirement in itself contains several elements. One of them is that the actual use of rubber by our military in connection with modern weapons systems is less than it was before. An easily comprehended example of this is the change from aircraft to missiles.

Third, and last among the prime reasons supporting the disposal of this rubber is the development of synthetic rubber.

Where once we were almost entirely dependent on natural rubber—and on natural rubber which came to us from Indonesia and Malaya—we now have a synthetic rubber industry which today supplies over 65 percent of all new rubber consumed.

In other words, the whole situation is changed: the emergency period has been revised by responsible officials, the military actually uses less rubber today than it formerly used, and the synthetic rubber industry is now an evergrowing source of rubber.

The next question that naturally arises is why the rubber should be disposed of at this time. The principal reason is that there is a shortage of natural rubber in the world today. The production of natural rubber throughout the world is somewhat less than the consumption and this will continue at least through 1965.

For example, the average acquisition cost of natural rubber acquired for the national stockpile was 34½ cents a pound. On January 26, 1960, the best grade of natural rubber was selling in New York at 40 cents a pound. Prior to this time, the price has been less than the average purchase price and this clearly indicates that this is the time to sell.

And from this arises still another question as to whether this disposal of rubber will not upset the market.

In the first place, the disposal will be over a period of 9 years with about 50,000 tons a year being sold.

Sales of this amount will not exceed 2.5 percent of total world consumption and would be approximately 9 percent of domestic consumption. So I believe I can say with complete accuracy that there is not going to be any effect on the rubber market itself.

As a matter of fact, the Director of the Office of Civil and Defense Mobilization has conferred with all the big rubber users and, with representatives of foreign governments and the committee was assured that the general reaction has been favorable. Also, both the Department of State and the Department of Commerce feel that this disposal is a proper thing to do.

I want to mention the economics of this disposal plan. The total amount of rubber to be sold is worth today something in the order of $400 million. And we can expect that this figure would represent the total recovery by the Government over the 9-year period.

In view of the difference in price between the cost of the rubber originally and what we expect will be the selling price, we should recover a profit of somewhere between $25 million and $30 million.

In addition to this anticipated profit, I want to point out that very substantial savings would be achieved over the years by reason of the fact that this rubber would not require warehousing and would not require rotation of the rubber with all of its attendant costs. The computation of these savings is a rather technical matter and one which I have had carefully checked by the General Services Administration.

First, if we assume an average sale of 50,000 long tons of rubber per year over a 9-year period, the total storage cost saving to the Government would approximate $7.4 million.

This figure is arrived at by applying an average annual storage cost of $3.20 per long ton on a cumulative basis over the life of the proposed disposal plan.

This $3.20 per ton represents only actual storage charges and does not include transportation or other charges. It was arrived at by averaging charges at commercial, General Services Administration, and military warehouses.

Incidentally, I should note at this time that rubber is not stored under refrigeration. However, natural rubber becomes frozen when exposed to a temperature below 40° with the result that substantial quantities of the rubber in the stockpile is in a frozen state. I mention this fact only because it is generally known that much rubber in the stockpile is frozen and I feel that the impression may have arisen that it is stored in refrigerated warehouses.

If the disposal plan is accepted and carried through, there of course would be no necessity for rotating stockpile rubber to prevent deterioration. Long-range estimates indicate that approximately 40,000 long tons of rubber would have to be rotated annually at a cost of $83.55 per long ton. By eliminating the necessity for this rotation, the Government will realize an annual saving of some $3,342,000 or a total saving over the 9-year period in excess of $30 million.

I feel I should explain this rotation figure of $83.55 per ton. It is broken down as follows:

Transportation (per long ton)	$16.20
Handling (per ton)	7.84
Weighing and opening for inspection (per ton)	5.60
Quality and condition allowances (per ton)	53.91
Total	83.55

The largest element of this is quality and condition allowances, which refers to general practice in the trade, including the international trade whereby the seller of rubber guarantees that the rubber will meet a certain standard. If the standard is not met, the seller must permit an allowance for the difference between the rubber represented and the rubber which was actually sold. This can cause a variation of several cents per pound and $53.91 per ton, the figure that I have used, would represent about 2½ cents per pound.

These figures alone represent a savings over the 9-year period of something in excess of about $37.4 million.

On the basis of this I feel that the House will agree, all factors taken into consideration—military considerations, economics, and the market itself, all indicate that this rubber should be sold and should be sold at this time.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. MONAGAN. Mr. Chairman, I think the gentleman has made a most interesting statement of a situation which is very unusual in governmental experience, one in which we are selling a product that we have accumulated, not only at the original price, in a sense, but at a profit. Certainly he is to be complimented for that.

Mr. KILDAY. I might say in that connection that this is my first experience of that kind, also.

Mr. MONAGAN. Mr. Chairman, I would like to ask the gentleman if he can tell us a little bit more about the method of the disposal of this rubber.

Mr. KILDAY. The rubber is to be sold on the market; not by competitive bid but at the market price in existence. Of course, the General Services Administration will act as the disposal agent. I should say first that the concurrent resolution before us simply gives the express approval of the Congress to the disposition, but states "in accordance with the plan of disposal published by General Services Administration in the Federal Register." That indicates it will be over a 9-year period, which would automatically set, more or less, 50,000 tons per year sold in the open market, not by aid.

Mr. MONAGAN. This would not be true surplus property?

Mr. KILDAY. That is true. It would be under the management powers of the OCDM as exercised by GSA under the General Stockpiling Act.

Mr. MONAGAN. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Iowa.

Mr. GROSS. I still am not clear as to the necessity for this concurrent resolution. The proposal was published in the Federal Register on September 15, 1959, to take effect 6 months thereafter, and therefore I assume the sales program is already underway. Is this resolution designed to accelerate the selling?

Mr. KILDAY. I will say to the gentleman from Iowa that the basic law, the Stockpiling Act, itself contains provision for the publication of a plan in the Federal Register. Then it contains an additional proviso which I quoted a moment ago:

> *Provided*, That no material constituting a part of the stockpiles may be disposed of without the express approval of the Congress except where the revised determination is by reason of obsolescence of that material for use in time of war.

So as a double safeguard, it was provided they could dispose of this material only after publication for 6 months in the Federal Register, and after a specific approval by the Congress, whichever is the later.

Mr. GROSS. The thing that prompts my curiosity is that last summer a bill came out of the gentleman's committee, the House Committee on Armed Services, for the disposal of a large amount of coconut oil which had been imported from the Philippines and stockpiled for defense. I stopped the bill on the Consent Calendar for the reason that the General Services Administration had printed in the Federal Register last June a plan for disposal to become effective 6 months thereafter. I further objected to the bill on the ground that accelerating the disposal would endanger the orderly marketing of domestically produced soybeans and soybean products last fall, because there had been no previous warning to American farmers and the processors of soybeans that a plan for disposal of coconut oil was even being contemplated. The bill from the gentleman's committee last year was designed to accelerate the sale.

Mr. KILDAY. My understanding is that acceleration was the basis for the resolution in the instance the gentleman mentions, but that is not true in this instance. I might say that we probably learned our lesson from the gentleman from Iowa last fall.

Mr. ARENDS. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, the gentleman from Texas [Mr. KILDAY] has stated in clear and convincing terms all of the facts concerning this rubber disposal plan.

The facts speak for themselves. Simply stated, we have a great deal more natural rubber in the national stockpile than we need. Requirement changes of the military, a reduction of the emergency period from 5 years to 3 years, the ever-growing synthetic rubber industry, and the condition of the rubber market generally—all dictate that the sensible course for us to pursue is to sell this rubber as the resolution provides.

In addition to the lack of need for the rubber which in itself would be sufficient reason for its disposal, we will recover very substantial profits from the sale and effect quite considerable savings by reason of our not having to warehouse and rotate the rubber.

This disposal plan has been carefully thought out. All of the Government agencies concerned have been consulted and have expressed their agreement. Even the rubber industry itself in the United States is in accord with this plan.

I think that we can feel assured that the disposal will be carried out in an orderly, efficient, and wholly productive manner with all of the safeguards attendant on a program of this kind clearly anticipated by the General Services Administration.

In this connection, I would point out that the General Services Administration has established an interagency group which will provide it with current advice and recommendations in regard to the quantities that should be sold from time to time in the light of market conditions at those particular times. As the report on the resolution notes, this committee consists of representatives from the Office of Civil and Defense Mobilization, the Departments of State and Commerce, and the General Services Administration.

One concluding thought. The decision to sell this rubber has not been made by any one agency of the executive branch but is the result of the combined thinking of all of the responsible agencies—military and civilian—within the executive branch.

I believe it was mentioned that the decision to lower the emergency period from 5 to 3 years, which actually is the greatest contributing factor to the existence of the surplus of rubber in the national stockpile was a decision participated in by the National Security Council, the Joint Chiefs of Staff, and the military heads of our Department of Defense.

To me, this is a clear indication of a well coordinated, well thought out plan and one which both sides of the aisle can support without hesitation.

Mr. KILDAY. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. BROWN].

Mr. BROWN of Georgia. Mr. Chairman, House Concurrent Resolution 582 would authorize the disposal of approximately 470,000 long tons of natural rubber from the stockpile in accordance with a plan of the General Services Administration.

Under the Strategic and Critical Materials Stockpiling Act the Director of the Office of Civil and Defense Mobilization is authorized and directed to determine from time to time which materials are strategic and critical and the quality and quantity of the materials which should be stockpiled.

The act also provides that the Director of OCDM shall direct the Administrator of GSA to dispose of any materials held which are no longer needed because of any revised determination made under the act. No material constituting a part of the stockpile may be disposed of without the express approval of the Congress except by reason of obsolescence. Obsolescence includes, first, deterioration; second, development or discovery of a new or better material; or third, no further usefulness in time of war.

House Report No. 1260 states that congressional action is required for the disposal of this rubber since this material has not deteriorated and is not obsolescent.

OCDM has determined that there is no longer any need for stockpiling the 470,000 long tons of rubber covered by the resolution. The revised determination of OCDM was by reason of lower military requirements, technological advances, and a reduction of the planning basis from a 5-year war to a 3-year war.

The objective of GSA is to dispose of the 470,000 long tons of rubber over a period of 9 years. The sales are to be made in such manner as to not disrupt markets.

The report states that there is now a strong demand for natural rubber which the rubber consuming industries feel will continue for several years. The rubber consuming industries were consulted, and the report states that they agree with the broad features of the plan.

The report also states that the rapid advances of the synthetic rubber industry are expected to continue and to make further inroads on the proportion of natural rubber to total rubber consumed. It is also stated that as the industry

continues to increase its productive capacity for synthetics the need for stockpiling rubber will decline.

The report states that natural rubber is no longer a unique product, and that the consumption of synthetic rubber has increased so substantially that it is now the dominant factor in the market. Recent developments have resulted in a synthetic product which can be completely substituted for natural rubber in the production of truck tires, where natural rubber previously had to be used in combination with synthetic rubber. Continued research promises the development of new synthetics with properties superior to those of natural rubber.

The report indicates that the sale of natural rubber would probably relieve a shortage in the civilian market until about 1965. It is also indicated that the natural rubber could be disposed of at prices advantageous to the Government, since natural rubber prices are now at high levels.

In summary, the report indicates that the quantity of 470,000 long tons of natural rubber which would be sold from the stockpile is not needed for defense purposes, that natural rubber is now less important to defense than in previous years, that the sale of the 470,000 tons of natural rubber would be carried out over a period of 9 years, that the rubber consuming industries agree with the broad objectives of the proposal, that the anticipated prices to be received are advantageous to the Government in comparison with the cost, that stockpiling requirements are now less because of planning based on a 3-year war rather than a 5-year war, and that natural rubber is no longer a unique product.

Mr. HOFFMAN of Michigan. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Obviously a quorum is not present.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 39]

Alexander	Dwyer	Mills
Anderson, Mont.	Evins	Mitchell
	Flynn	Morgan
Auchincloss	Gavin	Morris, N. Mex.
Ayres	Grant	Moulder
Barden	Hargis	Powell
Barry	Holifield	Rains
Baumhart	Jackson	Reece, Tenn.
Blatnik	Kearns	Reuss
Blitch	Keogh	Rivers, S.C.
Bolling	Kilburn	Shelley
Bonner	Loser	Sheppard
Breeding	McDowell	Short
Brewster	McIntire	Spence
Buckley	McMillan	Taber
Canfield	Macdonald	Taylor
Celler	Magnuson	Thompson, N.J.
Chiperfield	Martin	Tollefson
Cunningham	Mason	Vinson
Dent	Miller, George P.	Walter
Dowdy		Weaver
Durham	Milliken	Willis

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HAYS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution House Concurrent Resolution 582, and finding itself without a quorum, he had directed the roll to be called, when 366 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. AVERY].

Mr. AVERY. Mr. Chairman, I have requested this time that I may ask a question or two of the chairman of the subcommittee bringing this concurrent resolution to the floor today. I have read the committee report and I find no reference as to where this supply of rubber is stored. I know that part of it is stored in a Government warehouse. Is it all in Government-owned warehouses, or is some of this stored in private warehouses as well?

Mr. KILDAY. The rubber in the stockpile is stored in many individual warehouses. There are three categories of warehouses: the regular commercial warehouse, military-government warehouse, and Government warehouse. It is stored in all three.

Mr. AVERY. I would like to ask another question of the gentleman from Texas. Is there anything in the legislative history as to the priority in the disposal of the rubber? This could get to be quite an item. I notice that the cost of storing the rubber is $3.20 a ton per year plus the cost of rotating. The order of disposal could involve considerable cost differential as far as the warehousing is concerned.

Mr. KILDAY. Of course, there is the element of deterioration that comes in; not actual deterioration but the likelihood of deterioration. So, in the disposition of this rubber, as well as under the general powers of the Stockpiling Act, it has been suggested that that rubber most likely to enter a stage of deterioration be disposed of first. Thereafter it would be within the management powers of the OCDM or the General Services Administration, acting as the disposal agent to dispose of it, to determine which warehouse stock should be disposed of next. I should think there would be a number of things to be taken into consideration: geographical location, availability of markets and the cost of warehousing, also, would be an element.

Mr. AVERY. Would the gentleman from Texas agree with me then, if I have understood his response and interpreted it correctly, that assuming the factor of deterioration would be equal and the other matters he mentioned being equal, then the rubber should first be disposed of out of a commercial warehouse, leaving it stored for a longer length of time in the Government warehouse at a less cost to the Government?

Mr. KILDAY. May I point this out in that connection. The cost of storing a long ton of rubber in a commercial warehouse is $10.50 per year.

Mr. AVERY. Does that include rotating?

Mr. KILDAY. No, that is storage. The $3.20, the figure the gentleman just used and which I used in the statement I made a moment ago, is the average of all warehouses; so that the economic factor the gentleman mentions is certainly present, that in the commercial warehouse it costs a good deal more than in the Government warehouse. I might remark that $10.50 would probably seem high unless we bear in mind, for instance, that a short ton of cotton costs $10.25; so that the cost is comparable.

Mr. AVERY. I thank the gentleman from Texas. I should like to add this one note: Certainly I am not one who would want to encourage the Government to get into competition with private industry; in fact, I would like to oppose it at every opportunity. But since we have already built these warehouses at public expense and they are under the ownership and direction of the General Services Administration, certainly I think we ought to utilize them rather than pay a commercial warehouse a higher fee for storing it outside the Government facility.

Mr. KILDAY. I agree with the gentleman, and I am sure the General Services Administration will take that into consideration.

Mr. ARENDS. Mr. Chairman, I have no more requests for time.

Mr. KILDAY. Mr. Chairman, I yield 15 minutes to the gentleman from Virginia [Mr. HARDY].

Mr. HARDY. Mr. Chairman, I wish I could really be sure what the situation is concerning the adequacy of the rubber stockpile. The request for this resolution was supported by testimony before the committee of Mr. J. Roy Price from the Office of Civil and Defense Mobilization. Basically, it is contended that we have more rubber in the stockpile than we need. If this is so, then certainly the excess should be disposed of.

I recall so well the situation we faced because of rubber shortage during the World War II period. We ought to make certain now that our stocks of natural rubber in the stockpile are sufficient to meet the needs of defense in case the cold war should erupt into a hot one.

Now I do not profess to be an expert on defense requirements for natural rubber, but I do know that our present inventory was built up to meet the Nation's needs, carefully worked out by persons who were supposed to be expert in this field. It is now stated that requirements have changed, but we are not given a very clear idea of just what factors have changed and the extent to which defense requirements for rubber, in the event of war, have been reduced.

The resolution before us anticipates that there will be sold from the stockpile approximately 470,000 tons of natural rubber. This represents a lot of money—about $400 million. This rubber is supposed to be surplus to our requirements, but just exactly how this figure was arrived at is unclear, except that it was based upon lower military requirements, technological advance, and a reduction in the planning basis for stockpiling from a 5-year to a 3-year potential emergency. Apparently this reduction in the length of the expected emergency is the main basis for the reduction.

While I am not expert in this matter I shall accept OCDM's determination only with misgivings. And I say that

because if we are to err in this I would much prefer that it be on the high side instead of the low side. Moreover, since we already have accumulated this stockpile, it might be wiser to proceed slowly with reductions and sell without replacement only that amount required to keep our stockpile of high quality and good condition.

I am also disturbed by certain recent occurrences in connection with the program of disposal. For some time now, I have observed a growing tendency of the administration to withhold information, not only from the public, but also from the Congress. In this matter of disposal of rubber the same old problem has arisen again. Now I do not want to be misunderstood. I thoroughly subscribe to the principle that information which affects security interests of the United States cannot and should not be disclosed, but I think that clearly is not the situation in the instant case.

When representatives of OCDM testified before the Armed Services Committee concerning this matter they were very reluctant to admit that a plan for disposing of this rubber had been worked out and submitted by OCDM to GSA last September. In the appropriations bill last year there was a little legislation which authorized GSA to dispose of natural rubber, without replacement, to prevent deterioration. Previously it was required that a like amount be purchased in order to keep the stockpile at its objective. In testifying to the Appropriations Committee last year GSA represented that 40,000 long tons should be rotated during fiscal 1960. The Appropriations Committee recommended that this withdrawal not be replaced and the Congress approved that language. The language in the appropriations act did not limit the amount which could be disposed of, but as I read the hearing the inference is clear that the amount which would be sold was 40,000 tons.

On October 2, 1959, GSA issued a press release announcing that it would begin the sale on October 16, 1959, without replacement of "the natural rubber required to be rotated during fiscal year ending June 30, 1960." We now know that as of that date plans were being worked out, and in fact had been pretty well completed for the disposal of the amounts proposed to be sold under this resolution.

Now on this matter of secrecy. I questioned Mr. Price when he was before our committee about the procedure which would be employed and about instructions which he had issued to GSA. He said those instructions were secret, but in the course of testimony he admitted that they had been the subject of negotiation with many foreign governments, and so only the U.S. taxpayers, including the rubber industry and the Congress, were uninformed. I felt very keenly that certainly the committee was entitled to the information, and finally Mr. Price agreed to send to the committee copies of the letters in question. They were sent up a day or two later, but the classification which I had understood was "secret" had been changed to "for official use only." Frankly after reading the letters I could not understand any reason why the information should not be made available to the general public, but this was beyond my authority so I just sent the letters back to the chairman of our committee.

I had stated at the time of our hearings that I intended to talk about this matter when the resolution was being considered on the floor, and I understood that other Members of Congress, who were familiar with the content of the letters, had expressed doubt about the propriety of continuing to conceal it, especially after it was reasonably assumed that the matter was well known among interested people in foreign countries. I wonder whether it is pure coincidence that after the rule had been granted—that very day—a letter from OCDM came up to the chairman of our committee stating that the classification had been lifted from the three letters involved. These letters are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF CIVIL DEFENSE MOBILIZATION,
Washington, D.C., September 2, 1959.

Hon. FRANKLIN G. FLOETE,
Administrator, General Services Administration, Washington, D.C.

DEAR MR. FLOETE: On May 18, 1959, you sent me a proposed plan for the disposal of surplus natural rubber, in response to my authorization to you of March 25, 1959, to prepare such a plan.

We have recently concluded discussions with the Department of State and others interested in the disposal plan. As a result, I now authorize you to proceed with the final preparation of the plan, to be sent to Congress, and publicized in the Federal Register on September 15, 1959.

You will, of course, want to consider whether developments since the preparation of your plan would require changes in the presentation. Specifically, the plan should be prepared so as not to require classification and to incorporate the following modifications:

Section III—Quantity for disposal: Make last sentence read as follows:

"By selling each year the deteriorated rubber without replacing it with new purchases, the General Services Administration could, to a considerable extent, accomplish the disposal program."

Section VI—Prices: Bring up to date, with emphasis on the recent strong market.

Section VIII—Method of disposal: Substitute the following:

"The 470,000 long tons of natural rubber which have been determined to be in excess of national stockpile needs are to be disposed of by the General Services Administration over a period of up to 9 years in such a manner as to protect the United States against avoidable loss and to protect producers, processors, and consumers against avoidable disruption of their usual markets. In order to assist the Administrator to accomplish the latter objective, an interagency committee shall be formed to advise and assist him concerning quantity, price, and time of sales. This committee will include representatives of the Office of Civil and Defense Mobilization, the General Services Administration, and the Departments of State and Commerce.

"The General Services Administration shall keep the interested agencies currently informed of its plans concerning quantities, price, and time of sales. The chairman of the committee, who shall be the General Services Administration representative, shall promptly call a meeting of the committee at the request of any member agency.

"Deteriorated rubber which would have been sold and replaced under past rotation practices may be sold without replacement and such sales will be included as disposals under this plan."

It is my understanding that you will put the plan in final form, prepare the necessary notice of disposal to be published in the Federal Register, and also prepare a press release. I would like to review these documents before they are released on September 15, 1959.

Sincerely,

LEO A. HOEGH.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF CIVIL AND DEFENSE MOBILIZATION,
Washington, D.C., October 13, 1959.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington, D.C.

DEAR MR. FLOETE: You are hereby directed to proceed with the disposal of deteriorating stockpile rubber without replacement, beginning October 16, 1959, in accordance with the provisions of Public Law 86-255, and my letter of September 2, 1959. It is understood that no sales of rubber will be made at under 30 cents per pound and that not more than approximately 50,000 long tons of deteriorated natural rubber will be disposed of per year.

This directive is effective for the balance of this fiscal year.

Sincerely,

LEO A. HOEGH.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF CIVIL AND DEFENSE MOBILIZATION,
Washington, D.C., October 30, 1959.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington, D.C.

DEAR MR. FLOETE: Under the policy for disposal of excess materials in the stockpile, that the disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors and consumers against avoidable disruption of their usual markets, and consistent with our foreign policy as related to the disposal of excess natural rubber, a flexible plan of quantities depending upon prices should be followed.

You are hereby directed in the sale of excess rubber under the long-range disposal plan authorized in my letter of September 2, 1959, not to exceed the following graduated scale of quantity limits and prices:

Maximum disposal per calendar quarter (long tons)

Price range (U.S. cents per pound):	
Under 30	(1)
30 up to but not including 32	9,000
32 up to but not including 34	18,000
34 up to but not including 36	27,000
36 and above	(2)

[1] No disposals.
[2] No limit.

These quantity limits have been fixed on a quarterly basis to provide flexibility. Please endeavor, as far as may be consistent with commercial feasibility, to sell at even monthly rates (i.e., 3,000, 6,000 and 9,000 long tons per month). However, in the 30-32 cents range if you are unable to make any disposals in the first 2 months of any quarter, the limit for the third month will be 6,000 long tons. Sales shall be made for delivery within the current month or the 3 succeeding calendar months. In the event any seriously deteriorated rubber is in the stockpile, it may be sold without restriction.

The Interagency Advisory Committee on Disposal of Natural Rubber, established to advise and assist the Commissioner, Defense Materials Service, General Services Administration, concerning the quantity, price and time of sales of natural rubber, may as circumstances warrant, recommend

altering the above flexible quantity and price arrangements.

With respect to sales without replacement to prevent deterioration, as authorized by the Independent Offices Appropriation Act of 1960, the quantity-price limitations above stated shall apply, in addition to the 50,000-ton limitation stated in my letter of October 13, 1959.

It is thought desirable, and you are authorized, to make public a monthly statement of sales in the preceding month.

Sincerely,

LEO A. HOEGH.

I am glad the letters have been released. Although I am no market expert, I am sure everyone realizes that nothing can disrupt a market operation more effectively than an atmosphere of uncertainty—and when we consider the size of the operation proposed by GSA in the sale of natural rubber we can readily understand that a wide effect on the market could result. In testifying before our committee, Mr. Price of the OCDM stated that the disposal plan had not been made public because it would affect the market. But I submit that its secrecy could be more disruptive than full knowledge of the plan. Moreover, I think it might be contended that the plan could be used to fix the price of rubber between 30 and 36 cents per pound. Let me read a part of the letter of October 30, 1959:

You are hereby directed in the sale of excess rubber under the long-range disposal plan authorized in my letter of September 2, 1959, not to exceed the following graduated scale of quantity limits and prices:

Maximum disposal per calendar quarter (long tons)

Price range (U.S. cents per pound):	
Under 30	(1)
30 up to but not including 32	9,000
32 up to but not including 34	18,000
34 up to but not including 36	27,000
36 and above	(2)

[1] No disposals.
[2] No limit.

Since our hearings there has been another instance of withholding information from the Congress, or at least not giving us the full benefit of the facts. Based on testimony before the Appropriations Committee last year we had supposed that 40,000 tons of rubber would be disposed of in fiscal 1960 and that any additional quantities would have to await adoption of this resolution. How wrong we were. 40,000 tons was the rotation program, but now we learn that more than 32,000 tons had been sold before committee hearings were held on this resolution. On March 2, a few weeks ago, GSA issued a press release announcing total sales to that date of 47,556 tons, and it also listed an additional 72,966 tons scheduled for disposal. The total of these two items is 120,522 long tons, or three times the 40,000 long tons which the Congress had a reason to expect would be sold—or would need to be rotated—pursuant to the appropriations bill. This amount represents almost one-fourth of the total so-called surplus which the resolution before us would authorize. Already 47,000 tons have been sold and GSA plans to sell 36,500 tons under the authority contained in the present appropriations act.

Please bear in mind that when the testimony was given to the Appropriations Committee last year there was nothing to indicate that more than 40,000 tons would be deteriorating during fiscal year 1960. Now let me read to you a paragraph from the letter to Mr. VINSON dated March 25:

The authority requested for disposition of 40,000 long tons of rubber was based on estimates made 18 months prior to the Appropriation Hearings of the amount of rubber that would require rotation in fiscal year 1960.

Since that time routine quarterly inspections of stockpile rubber have continued and disclose additional quantities of rubber showing evidence of deterioration. The quantity sold to date plus that still available for sale is based on recommendations resulting from the quarterly physical inspections of all stockpile rubber.

Please note that Mr. Price of the OCDM contends that the testimony to the Appropriations Committe was based on information 18 months old, but in that same paragraph he refers to routine quarterly inspections made regularly by experienced inspectors as the basis for now determining that more than 120,000 tons were deteriorated in fiscal 1960. If routine reports were made quarterly, why did not the witnesses give current information to the Appropriations Committee? How does it happen that they can make sales on the basis of current information, but requested authority based on ancient information?

At my request Chairman VINSON on March 24 last wrote to the OCDM requesting certain specific information. The exchange of correspondence is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF CIVIL AND DEFENSE MOBILIZATION,
Washington, D.C., March 1, 1960.

Hon. FRANKLIN G. FLOETE,
Administrator, General Services Administration, Washington, D.C.

DEAR MR. FLOETE: This is in reply to Commissioner Harold F. Holtz' letter of March 1, 1960, advising that as of February 29, 1960, 47,556 long tons of deteriorating natural rubber had been disposed of without replacement. You also state field inspections have identified an additional 72,966 long tons of natural rubber which should be rotated to prevent deterioration, of which approximately 50 percent already shows evidence of deterioration.

You are hereby authorized to sell, during the balance of the current fiscal year, approximately 36,500 long tons of this deteriorating natural rubber from the stockpile in addition to that presently authorized for sale in my letter of October 13, 1959.

To avoid undue impact on the market pending approval by the Congress of the long-range rubber disposal plan, we think it desirable to advise the public that sales of deteriorating rubber without replacement will continue.

Sincerely,

LEO A. HOEGH.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., March 24, 1960.

Hon. J. ROY PRICE,
Assistant Director of Resources and Production, Office of Civil and Defense Mobilization, Washington, D.C.

DEAR MR. PRICE: I have your letter of March 23, 1960, in which you indicate that you propose to publicize as fully as possible the details of the rubber-disposal program.

Let me say that I think you have adopted the right course in this respect and I think the interests of all concerned will be best served by your decision. I do have a few questions with respect to this whole matter and I would like to ask for your assistance in obtaining answers to them.

First, I would like to refer to the General Services Administration press release of March 2, 1960, announcing that the February sales of crude natural rubber from the national stockpile totaled 18,396 long tons and that these sales brought to 47,556 long tons the quantity of rubber sold by General Services Administration between October 16, 1959, and February 29, 1960. I would like to be informed with respect to these sales as to whether they were on a negotiated basis or on a bid basis. Second, I would like to know the price received by the Government from these sales and I will ask that this information be set out in such fashion as to be wholly understandable to the layman. By this I mean if an answer would be more responsive which indicates sales by grade, in addition to the total price received, then I will ask that this be done.

I would also like to be advised as to why, if my understanding is correct, the attitude of your Agency has changed since the time of the Appropriations Act hearings of last year when, it appears, you sought authority for the disposition of only some 40,000 tons for the then coming year while already to date you have exceeded this amount and proposed to sell a total of almost 73,000 long tons.

Next, I would like to be informed in detail as to how it is determined that rubber is, in fact, deteriorated or is about to deteriorate. By this I mean is there a clear, precise, and accurate means of determining actual and anticipated deterioration. In this same connection, I would like to be informed as to who specifically makes the determination that rubber has or is about to deteriorate, how many individuals are engaged in this activity, and the qualifications of these individuals to make these determinations.

I feel that the answers to these questions will be of considerable importance when House Concurrent Resolution 582 is debated on the floor of the House. Since it is possible that this debate may take place as early as Monday afternoon, March 28, I will ask that this information be furnished not later than 11 o'clock on that day and also that it be hand delivered to Mr. Philip W. Kelleher, committee counsel, not later than that time.

Sincerely,

CARL VINSON, *Chairman.*

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF CIVIL AND
DEFENSE MOBILIZATION,
Washington, D.C., March 25, 1960.

Hon. CARL VINSON,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. VINSON: This is in reply to your letter of March 24 requesting certain information with regard to the disposal of natural rubber.

The answers to your questions are as follows:

1. All sales are based on current market prices and are negotiated as to quantity, time, and place of delivery. This is customary throughout all rubber markets of the world.

2. The total contract value for the 47,556 long tons sold is $40,936,678. This amount equals 38 1/16 cents per pound average for the total quantity. The highest price received on any contract was 46½ cents per pound for one thin pale crepe and the lowest price

was 35⅜ cents per pound for No. 3 ribbed smoked sheets.

3. The authority requested for disposition of 40,000 long tons of rubber was based on estimates made 18 months prior to the appropriation hearings of the amount of rubber that would require rotation in fiscal year 1960.

Since that time routine quarterly inspections of stockpile rubber have continued and disclose additional quantities of rubber showing evidence of deterioration. The quantitity sold to date plus that still available for sale is based on recommendations resulting from the quarterly physical inspections of all stockpile rubber.

4. Deterioration of rubber is determined by qualified technical men who conduct the quarterly inspections. There is no precise means of determining deterioration other than the opinions of the inspectors who have had considerable experience in this field. The Government employs the same visual inspection procedure in its quarterly reviews as is employed throughout the world for determining whether rubber is deteriorated or about to deteriorate. Evidence of deterioration is indicated by the presence of mold, moisture, heat spots, contamination, etc. The inspectors who conduct these quarterly reviews and their years of experience as qualified rubber inspectors are as follows:

Inspector	Entered Government service	Number of years' experience as rubber inspector
C. L. Armstrong	Mar. 1, 1943	58
Harry Haase	Mar. 9, 1943	26
Alex Kerr	Apr. 8, 1946	18
Ben Bryan	Oct. 11, 1947	19
Harold Barnett	Aug. 30, 1948	18
Edward Schumacher	Jan. 12, 1949	45
George R. Kierstead	May 11, 1941	40

In addition, Mr. Kelleher telephoned one additional question and asked that the answer be incorporated in this letter. He referred to the three letters about which we wrote you on March 23 that the designation "For Official Use Only" had been removed, and asked if there was a subsequent letter similar to those, designed for the same purpose as those, which either has already been issued or is proposed for issuance. There are no letters of this type which have been issued and we see no need to issue any further letter along this line. In order to be sure, however, that you have all correspondence, I am enclosing a copy of a letter dated March 4, 1960, relating to the increase in authorization for the disposal of deteriorating rubber under the Appropriations Act of 1960.

Sincerely,

J. ROY PRICE.

Frankly, Mr. Chairman, I am very disappointed in the kind of information submitted and that is why I shall vote against this resolution. I sincerely hope that in the other body the agencies will be required to furnish full and complete information, including actual inspection reports, to substantiate the figures which they have lately submitted to justify the request for the disposal of so much rubber which is alleged to be deteriorating.

Mr. HESS. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Chairman, one of the first committees on which it was my privilege to serve when I came here years ago, had before it the question of how we were to dispose of a million bridles, I think it was. We bought them in fear of some war or because of some war, and from that time on that question of how to get rid of things we are forced to buy—apparently forced to buy—has been troubling me.

I have a personal interest in this rubber business, because since the papers recently published the incident up in Canada, where our Government buried some surplus, I have been called on the carpet by my constituents who want to know how that came about.

I have known the gentleman from Virginia [Mr. HARDY] for a number of years, and I am familiar with the hearings that he has held as a member of the Committee on Government Operations. They have been very, very helpful and have given us some interesting information from time to time.

I recall that after one of the wars there was a controversy as to whether we should bring the surplus back to America or dump it in the ocean. Those who wanted to help industry wanted it dumped in the ocean and not brought back here in competition with what we were making.

What I am troubled about now is, how shall I answer? I ask the gentleman, how shall I answer my folks who are writing me wanting to know how all this came about?

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Virginia.

Mr. HARDY. Does the gentleman mean how this surplus came about?

Mr. HOFFMAN of Michigan. Why did we buy so much? Did we get frightened and buy more than we needed?

Mr. HARDY. That is a question I have not been able to determine fully. Actually the stockpile contains the amount of rubber we originally planned for. Now the planning basis has been changed to provide a stockpile for a 3-year emergency whereas originally we planned for a 5-year emergency. I do not know for how long we may need the rubber. My contention is we should have had more information to support a planning reduction to the 3-year emergency before we voted the resolution out of committee.

Mr. HOFFMAN of Michigan. Is there anything in here about surplus wheat?

Most of us know how that came about. Were there any rubber dealers around that wanted a subsidy?

Mr. HARDY. I do not know that that element arises in this matter.

Mr. HOFFMAN of Michigan. When the House was all hot and bothered over the problem of where we were going to get the rubber we had to have, it was stated that some nation was going to wipe us off the map if we did not have the rubber. Apparently we bought too much. Has the gentleman any suggestion as to what I should tell my people when they ask me about this?

Mr. HARDY. I am going to tell my people I do not think we have enough information to pass this resolution.

Mr. HOFFMAN of Michigan. It is your business to get it.

Mr. HARDY. That is my opinion. I have done the best I could.

Mr. HOFFMAN of Michigan. Unless we do better for some of these folks, we are not going to be here long.

Mr. HARDY. From the gentleman's standpoint and mine it would be tragic, I am sure.

Mr. HOFFMAN of Michigan. In the meantime the only answer I have been able to get is that these emergencies arise from time to time, we do not know just what to do, or we make a mistake, maybe we get too much, then we give it away or sell it to the highest bidder.

If the gentleman from Texas who is in charge of this bill has any answer I would like to have it. Come this November, I would like to have a plausible answer as to how we get into this kind of a situation.

Mr. KILDAY. I may say to the gentleman that I propose to take a little time in my next opportunity to yield time, and I will go into that situation.

Mr. HOFFMAN of Michigan. Will the gentleman tell me now?

Mr. KILDAY. I would like to develop fully in my own time and when I attempt to do this I must go back 21 years because the efforts at accumulation of a stockpile of strategic materials, of which rubber was one of the most critical, goes back to my first weeks in the Congress. I was never as bored in my life as when we met and the Military Affairs Committee considered stockpiling. That came first to my attention in those days. At that time we would have taken all of the natural rubber wherever we could have secured it. Jesse Jones, head of the RFC, used to come before us periodically and state that he had rubber on the wharves of Malay or Indonesia and the Maritime Commission did not give him the ships. We made every effort to get all of the natural rubber we could, and we continued that over a long period of years.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman from Michigan 5 additional minutes.

Mr. KILDAY. I know that the concept of war has changed tremendously since World War II, and since Korea. We created by law the National Security Council at the level of the Presidency and provided the people who were to sit on that council. We provided by law it should be the obligation of that highest ranking organization within our Government to make estimates of what would be needed in the event of war and, upon its certification as to the general outline of what might be anticipated for the security of the United States, we then imposed upon the Office of Civil and Defense Mobilization the requirement to implement those plans, among others, by acquiring strategic materials. We placed upon the Chiefs of Staff and the Secretary of Defense, and the military, the obligation of providing the military force and materials to meet the threat which the National Security Council supposes might happen. At one time the National Security Council and the Joint Chiefs of Staff said we should plan for a 5-year emergency period if war should come.

Later, operating within the obligation that we placed upon them, they reduced that from a 5-year emergency period to 3 years. If you go over to the Pentagon, you can find men arguing that a war would last anywhere from 20 minutes to 3 years, but 3 years is the period of time of emergency that has been established by those who have the responsibility of establishing that fact. So, we having heretofore planned on rubber necessary for a 5-year period, we now find it necessary to maintain rubber for a 3-year period.

In addition to that, we know that whereas just before World War II in the United States our production of synthetic rubber was practically nil, we know now that we produce synthetic rubber to fill 65 percent of all the uses of natural rubber in the United States. As a consequence, the reliance on the stockpile of natural rubber has been reduced. We know also that things for which synthetic rubber was not adaptable a short time ago, that it now fulfills that purpose adequately. I might mention in that connection such things as truck tires and airplane tires of the heavier weights, where it was thought, at least, that a high proportion of natural rubber was necessary, but we now find that synthetic rubber fulfills the situation adequately.

So, because of all of these things that I have tried to explain in the short rendition of my opening statement, the uses have changed, the period of time has changed, and the necessary production of synthetics has changed. I hope that answers the question.

Mr. HOFFMAN of Michigan. I thank the gentleman for the answer, which, to me, seems to be adequate, with all due respect to my friend from Virginia.

Apparently the answer I can give my folks is, in the necessity of providing for any threatened danger, we sometimes overpurchase. Is that what it boils down to? Is that where we are now?

Mr. KILDAY. That could be one phase of it. We have overpurchased as far as today's requirements are concerned, because we are now planning for no longer than a 3-year period of emergency whereas we previously planned for a 5-year period of emergency. Instead of a 5-year requirement, we now have 3.

Mr. HOFFMAN of Michigan. And also our increased ability to produce.

Mr. KILDAY. Actually, I think that is the major issue here, our ability to produce synthetic rubber and the importance of synthetic rubber. The two of them, I think, are more important, even, in filling the gap than the fact that we are reducing to a 3-year period. The industry has just progressed so tremendously and they have produced such a fine synthetic product that we do not any longer have to rely on the same amount of natural rubber.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. Yes; I yield.

Mr. HARDY. I am very glad to have the explanation of the gentleman from Texas. He has given the House a lot more information than was given in the testimony to the Armed Services Committee. It may be that some members of the committee had information more complete than that adduced in the hearing.

Mr. HOFFMAN of Michigan. I will say to the gentleman from Virginia, does that change your opinion on how I should vote on this bill?

Mr. HARDY. I shall not undertake to advise the gentleman on that score.

Mr. HOFFMAN of Michigan. Ordinarily, on a matter of this kind, I would be glad to follow the gentleman from Virginia [Mr. HARDY], for he is an expert and well advised.

Mr. HARDY. I am deeply grateful for my friend's overgenerous remarks.

Mr. HOFFMAN of Michigan. Let me see, "HARDY." Your name is called before mine.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. KILDAY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I claim no competency as a rubber expert. The only slight competency that I claim for myself is some experience in analyzing facts that are submitted to a committee of the Congress. We have here a situation in which the National Security Council, the Office of Civil Defense Mobilization, the General Services Administration, and the Department of Defense are all agreed with reference to the sale of this rubber.

I agree with the gentleman from Virginia in the position he takes that in submitting this matter to the committee the Office of Civil Defense Mobilization unnecessarily complicated the matter and unnecessarily classified certain information which they had. However, the gentleman from Virginia [Mr. HARDY] insisted that that information should be made public. As the gentleman has stated it was made public after a rule was granted. There was the inquiry whether that was only by coincidence. I do not think it was only by coincidence at all. I think OCDM saw the light, because of the effort that the gentleman from Virginia [Mr. HARDY] had made in connection with securing the release of that information. So that the gentleman from Virginia has performed a very worthwhile and a very commendable service in forcing the release of all of this information. I feel, however, that the gentleman has accomplished all that he desired in the beginning and I must expressly state that the gentleman from Virginia has every particle of information which I have. I have nothing that was delivered to me either before the hearing or after the hearing or during the hearing that the gentleman does not have. And in the last few days everything, I think, including a copy of the speech that I read here, was supplied to the gentleman from Virginia. I know no more about it than he does and, in many respects, a great deal less.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. HARDY. Mr. Chairman, I want to assure the gentleman that I did not have any idea what he was going to say until I heard him make his speech.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. WOLF. I would like to ask what is the mechanism of disposing of this rubber, the actual down-to-the-ground mechanism; how it is going to be offered, and who will be able to buy?

Mr. KILDAY. The price of rubber is quoted daily on the market, and it fluctuates even during the day or maybe by the hour or the half hour. The sale of rubber in the open market is a well-understood procedure and the prices are daily as other commodities are quoted.

Under the plan which has been published in the Federal Register as required by law, and which this resolution is to supplement, as required by the Stockpiling Act, it is proposed that the rubber be sold on the open market at the then existing market price. The resolution does not so state, but the plan of disposal which is approved specifically by the resolution says that it shall be sold over a period of 9 years. So that it just figures out at an average of 50,000 tons a year. But it may vary depending upon the market, upon whether the market would be disturbed by selling more or less, and other considerations of that kind. But it is going to be sold in the due course of trade.

The gentleman from Virginia stated that it might be possible to control the price of rubber. That may be; and it may be that had not all of the facts been developed, as was forced by the gentleman from Virginia, that the opportunity to do that would have been enhanced. But with all that we have in the RECORD and including the plan of disposal published in the Federal Register, the testimony before the committee, the correspondence back and forth with the committee that the gentleman from Virginia has made a part of the CONGRESSIONAL RECORD today, I do not see how it would be possible for anyone to proceed to rig the market under this plan. It may have been possible had all of the secrecy been maintained. But after all, somebody has got to manage, somebody has got to handle the stockpile, rotate it and now sell that which is deteriorating. Sometimes, maybe too often, executive officials violate their trust, but we are never going to change that, I suppose, except by keeping after them. I think this machinery is as adequate as we can make it.

Mr. HARDY. Mr. Chairman, will the gentleman yield further?

Mr. KILDAY. I yield.

Mr. HARDY. I just wanted to make this observation, that I am glad the gentleman brought out this matter about rigging the market, because I do think now, with all of this disposal plan made public, there will be very little likelihood that it can be done. I think to that extent we have accomplished a great deal.

Mr. KILDAY. And I compliment the gentleman from Virginia for having brought that about.

Mr. HARDY. I thank the gentleman for that. The only other point I want

to make is this. I think there may be complete justification for the sale of this amount of rubber. The only thing about it is, I do not think adequate facts have as yet been presented to the committee. I think factual evidence as to the amount of surplus rubber we have on hand should have been presented to support the opinion of OCDM.

Mr. KILDAY. I understand the gentleman's position; I just do not happen to agree with him in his final conclusion. I feel we should go ahead and approve the resolution which would permit the sale of this amount of rubber which is certified by all of those charged with the obligation of determining the matter that it is no longer needed in the stockpile. And I think this $400 million should be covered into the Treasury.

Mr. YATES. Mr. Chairman, will the gentleman yield on that point?

Mr. KILDAY. I yield to the gentleman from Illinois.

Mr. YATES. There is no assurance that the $400 million will be received by the Treasury, is there? Is not this the fact, that the rubber will be sold at the prevailing market price and the Administrator may sell it at a price below what he paid for it originally and below a price which would bring the $400 million to the Treasury?

Mr. KILDAY. As I pointed out in my opening statement, this was bought at 34½ cents per pound. The price in January was 40 and a fraction cents per pound. We propose that the General Services Administration watch the daily quotations and sell it at the best price obtainable.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Iowa.

Mr. WOLF. I am not critical of the method of disposal, and I thank the gentleman for his comment there, but my question is, if the gentleman would like to develop it a little further, do we need a 3- or 5-year supply? How did you arrive at the fact we need only a 3-year supply today, when it was formerly a 5-year supply?

Mr. KILDAY. By law the National Security Council, which consists of the President, the Vice President, the Secretary of State, the Secretary of Defense, and the Director, Office of Civil and Defense Mobilization. By law they are designated as the National Security Council, and the Council has the responsibility placed upon it to pass upon the national security questions confronting the Nation. The first of these is an adequate defense for the Nation, and then of course, the supply of those things to be needed in the event of an emergency. At one time their decision was that we should plan for an emergency extending over a period of 5 years. Since that time they have decided that the emergency to be planned for should be 3 rather than 5 years. So that we are controlled by the decision made by the National Security Council and implemented by OCDM.

Mr. Chairman, I hope the resolution will be adopted.

The CHAIRMAN. The Clerk will read the concurrent resolution for amendment.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Congress expressly approves, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (53 Stat. 811, as amended; 50 U.S.C. 98b(e)), the disposal from the national stockpile of approximately 470,000 long tons of natural rubber in accordance with the plan of disposal published by General Services Administration in the Federal Register of September 15, 1959 (24 F.R. 7430).

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HAYS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 582) providing under section 3(e) of the Strategic and Critical Materials Stock Piling Act, the express approval of the Congress for the disposal from the national stockpile of approximatly 470,000 long tons of natural rubber, pursuant to House Resolution 486, he reported the concurrent resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ELIMINATION OF CERTAIN OFFICERS OF THE REGULAR ARMY AND REGULAR AIR FORCE

Mr. KILDAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1795) to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the Regular components of the Armed Forces.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, S. 1795, with Mr. DORN of South Carolina in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. KILDAY] will be recognized for 1 hour, and the gentleman from Illinois [Mr. ARENDS] will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas [Mr. KILDAY].

Mr. KILDAY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the bill, S. 1795, is entitled "an act to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the Regular components of the Armed Forces." I call your attention to the fact that this bill was passed by the other body in July of last year. The bill, as it comes before us here today is a complete rewrite. The subcommittee and later the full Committee on Armed Services struck out all after the enacting clause and rewrote the bill. I would say that the Senate version of the bill envisioned a very broad gage concept of personnel management much broader than the Committee on Armed Services felt it should be. Under the Senate version, it was to be permanent legislation in all of its phases. Our committee felt a portion or it should only be for a limited period of time.

Mr. Chairman, there are two purposes in the bill and I will discuss them separately. The first is authority for the Army and for the Air Force, for a period of 5 years, to involuntarily retire from those services certain lieutenant colonels and colonels. Here I want to explain that under existing law, an officer of the Army and the Air Force who has reached the grade of lieutenant colonel and has completed 20 years of service is permitted to remain on active duty until he has completed 28 years of service, even though he not be selected for promotion to the rank of colonel. An officer of the Army or Air Force who has completed 20 years of service and has completed 20 years of service and has reached the grade of colonel is permitted to remain on active duty until he has completed 30 years of service even though he not be selected for promotion to general.

The bill, as drawn, grants this temporary authority to both the Army and the Air Force. The Army at this time does not intend to use the powers granted to it under this provision. The Air Force intends to use this authority. The situation is this. The Air Force finds that due to a number of factors, it must involuntarily retire from active duty a group of lieutenant colonels and colonels who, in the past, have been very fine officers of the Air Force. Many of them are pilots. They were promoted very rapidly because of the creation of the Air Force as a separate service, followed by the Korean war. While those men have been excellent officers, they evidently have reached the limit of their capabilities, and they have not been able to keep pace with the rapidly developing type of warfare for which the Air Force must prepare. This bill would give authority for those colonels and lieutenant colonels to be retired earlier than the present 28 and 30 years points. It is anticipated that approximately 200 colonels and 500 lieutenant colonels of the Air Force will be retired at a date earlier than they had expected to be retired. No one will be retired who has not accumulated 20 years of service and thus entitled to retirement. Having completed 20 years of service he is entitled to retire at 2½ percent times the years of service.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Does this apply to all branches of the service?

Mr. KILDAY. This applies to the Army and the Air Force. The Army does not have this identical situation. It is not intended to use it, although within 5 years a situation may present itself where the Army might want to use it. The Navy already has authority to take care of a problem which it had, not identical to this, so that everyone who retires will be retired at his retired pay, as established by law.

This procedure is restricted to those who have failed of promotion three times or more. These officers are only going to be exposed to noncontinuation once during this 5-year period. It is not going to be a situation of a man remaining on active duty expecting at any minute during the next 5 years that he may be relieved from active duty and placed on the retired list. He will be vulnerable only once.

On the first selection of those to be noncontinued there is no limitation on the number who may be retired. In the 4 subsequent years, only 20 percent may be nonselected. Eighty percent will remain on active duty. This is a situation which has developed in the Air Force.

In the last session we had a bill to correct a situation which had arisen in the Navy. The first provision which I am discussing is a temporary measure to remain in effect for 5 years, to retire a number of colonels and lieutenant colonels, some of whom have been passed over as many as 11 times for promotion, and still remain on active duty. To that extent it will vitalize those two grades.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Chapter 859 on page 34 of the bill is that portion which deals with the Air Force and is described as the chapter dealing with the separation from the Regular Air Force for substandard performance of duty. As I understood the explanation of the gentleman, that is not exactly right.

Mr. KILDAY. May I say to the gentleman from Oklahoma that the gentleman is reading from a portion of the bill I am going to discuss next. The portion which I have just discussed appears at page 45 and is known as section 10. For no good reason at all I decided to discuss the bill in reverse. The one part is temporary, the other permanent.

Mr. ALBERT. As I understand it, the Air Force intends to use the authority the gentleman has been describing, but the Army does not intend to use it, at least for the time being. In the Air Force if an officer has been passed over for promotion, regardless of whether or not he has had outstanding efficiency ratings for the past several years, he may be separated; is that true?

Mr. KILDAY. Under the language of the bill, that would be possible; under the proceeding which can be anticipated, that will not happen.

Mr. ALBERT. The gentleman does not anticipate that that will happen?

Mr. KILDAY. I do not.

Mr. ALBERT. In the ratings of Air Force officers there are grades of "outstanding" and "very fine." Are officers in those categories apt to be subject to this language or not?

Mr. KILDAY. I am sure the gentleman will also remember that they carry out a graph of efficiency indexes. You would plot his continuing performance on a graph. There is nothing in the bill to say at which portion he would be likely to go out, but with a plan for the release of 200 colonels and 500 lieutenant colonels over the next 5 years and only releasing those men who have been three times or more passed over, the man with a pretty good record is going to be safe.

Mr. ALBERT. Does it make any difference how many times an officer has been passed over before this law becomes applicable?

Mr. KILDAY. No; but I would think in the very nature of things they would proceed with the one with the most numerous pass overs—in that order, the most numerous first. The man who has had 11 opportunities to be promoted and has not been promoted certainly has less complaint.

Mr. ALBERT. And although the Air Force which has boards established under this procedure would have final and absolute authority to separate officers regardless of how they stood on efficiency reports; it is not intended, as I understand, that it will be arbitrarily used in that manner.

Mr. KILDAY. It is not so intended, and I believe we have adequate assurance from the high-ranking staff officers of the Air Force to assure that that will not happen.

Mr. ALBERT. May I ask just one further question? The gentleman knows that only flying officers have been eligible to command flying units in the Air Force; and most of the high-ranking officers of the Air Force are flying officers. Can this be considered a device to get rid of nonflying or nonrated officers to make way for the appointment of flying officers to administrative and other nonflying positions?

Mr. KILDAY. It is not so intended, and I do not think it will be so used.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Do I understand from the gentleman's explanation that this has no application to officers who may have less than 20 years of actual service?

Mr. KILDAY. That is true, with regard to the noncontinuation boards.

Mr. ROGERS of Colorado. And that the present method of elimination or dismissal from the service of those with less than 20 years' service still applies? This does not affect that?

Mr. KILDAY. That is true. There is another section of the bill, which I shall explain later, which covers a great many of those items.

Mr. HOFFMAN of Michigan. One more question, if the gentleman will yield.

Mr. KILDAY. I yield.

Mr. HOFFMAN of Michigan. Is there anything anywhere in this bill which by implication even of a court could be construed as applying to Congressmen?

Mr. KILDAY. No.

Mr. HOFFMAN of Michigan. We do not have to retire after 20 years?

Mr. KILDAY. No; but I think it may still be required of us that we go back to our constituents for endorsement every 2 years.

Mr. MEYER. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Vermont.

Mr. MEYER. Is it proper to bring up a question at this time in reference to page 27, starting at line 3, where it is stated: "Separation from Regular Army for moral or professional dereliction or in interest of national security."

Mr. KILDAY. That is the portion I was about to explain at this time. I had explained the portion that is temporary legislation. It will expire in 5 years. I am now going to the other portion of the bill which is permanent law.

Under existing law, and going back as far as I am acquainted with the laws affecting the Military Establishment, the National Defense Act of 1916 and 1921, down now into title X of the code, there has always been a provision for the elimination from active duty of Regular officers whose performance of duty is below the average of efficiency to be expected of an officer of his grade and years of service. That provision now exists in the code.

In practice it has been found to be a very poor instrument to carry out the purpose for which it was designed because it has built into it a number of delays, redtape, and things of that kind, which make it difficult to use it effectively.

The provision which we have brought in is one under which the Secretary is given certain power. This is written, of course, for the Air Force separately because we are fitting it into the United States Code.

> The Secretary of the Army may at any time convene a board of general officers to review the record of any commissioned officer on the active list of the Regular Army to determine whether he shall be required, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, to show cause for his retention on the active list.

There is a counterpart to that in the permanent legislation, which you will find on page 22:

> The Secretary of the Army may at any time convene a board of officers to review the record of any commissioned officer on the active list of the Regular Army to determine whether he shall be required, because his performance of duty has fallen below standards prescribed by the Secretary, to show cause for his retention on the active list.

We are providing now for two separate boards of officers to be convened. We believe this will cure one of the difficulties which has been encountered under the present provisions of the Code. The present provision of the Code is so worded as to apply to the officer who

has fallen below the standards of efficiency which should be required of him as well as the officer who has been guilty of some dereliction. In practice, and because of the language used over a period of years in the regulations, the existing provision has been used mostly in those cases of dereliction such as chronic alcoholism, homosexuality, addiction to drugs, and things of that kind. So that for practical purposes when you come to the fellow who is not quite giving the performance we ought to get from a man of his rank, there has been great reluctance to bring him before the board because if he is thrown out he has the same stigma attached to him as the one who has been thrown out because of some dereliction. In the case of one who is discharged because of inefficiency, it is usually because he is just shiftless.

We have changed this to provide two different forms of boards, one for the fellow who falls below the required efficiency; the other one for the one who ought to be turned out of the service, yet he is not guilty enough to be court-martialed for a specific crime. It is in that area.

Mr. MEYER. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Vermont.

Mr. MEYER. That is the point of my real question, where it says "or because his retention is not clearly consistent with the interest of national security to show cause for his retention on the active list."

It seems to me that this is in direct opposition to the general principles of American law, in which a man is innocent until he is proven guilty. He should not have to show cause for his retention, those who want to have him leave should themselves show the reasons why he should leave.

Mr. KILDAY. I will say to the gentleman that this provision was written after a careful reading of the latest decisions of the Supreme Court with reference to security cases. I grant you that this is a very difficult area. I grant you that it is not entirely consistent with the principles of justice as we know it in the United States, that the man is not confronted by witnesses and is not granted the right of cross-examination. However, by law and by Executive order there have been provisions made applicable to civilian employees. We are faced with a practical situation. Should we retain in the Military Establishment the fellow who is a poor security risk until we catch him in an overt act, or would we then have to wait so long that there is no point of getting him after the overt act has been committed?

Mr. MEYER. Mr. Chairman, will the gentleman yield further?

Mr. KILDAY. I yield.

Mr. MEYER. My concern goes a little bit further than that. What assurance do we have that a man could not be retired under this clause merely because he expressed an opinion, which his supervisors disagreed with, or because he had opinions that were contrary to theirs, when really it was not because of security reasons that followed the disagreement, particularly because he has no right to see the records that the Secretary uses?

Mr. KILDAY. I will say to the gentleman, realizing the difficult operation in this field, that I think his protection is the same as it is elsewhere, except that experience seems to show that the one whose security is at least suspect becomes the hardest of all to eliminate from the service or to do anything about.

Mr. MEYER. I can only say to the gentleman that I am opposed to any legislation of this type. I think we are going pretty far, particularly when a man devotes his entire life to the service of his country that he does not even have a complete opportunity to defend his honor.

Mr. KILDAY. I understand the gentleman's position.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I will be happy to.

Mrs. GRIFFITHS. I would like to ask the gentleman why you are exempting women officers from the provisions of this act.

Mr. KILDAY. With reference to elimination—because we do not have any of them who are in this category.

Mrs. GRIFFITHS. You do not?

Mr. KILDAY. That is right. This is the category of people who have served for over 20 years in the grade of lieutenant colonel and colonel and have been passed over. And, if there are, there are only one or two, at most, and it would just complicate the situation with reference to nurses and so on. We do not want to lose any of the nurses. We have too much trouble getting nurses as it is.

Mrs. GRIFFITHS. I was afraid you were exempting the women officers.

Mr. KILDAY. We just do not have any that have fallen into this category. I have reached the point in the discussion where I mentioned two procedures whereas today we have only one board procedure. In the instance of the one guilty of some conduct that would constitute more or less dereliction, we have made the proceedings a great deal tighter. We have surrounded him with more safeguards than we have for the one where he is just a little substandard or failing to perform with the efficiency that is necessary for a continuing military career. We have done this by providing that a board of general officers should pass on it. Under the existing provisions, the officer who is chosen to show cause has a right to appear before a board of inquiry in person and by counsel. We continue that right to appear in person and by counsel. Heretofore the provision has been such as to grant interminable delays before that board, in some instances to just wear the case out. Under the existing provision of law, that case must go before a board of review where the individual again appears in person and by counsel.

We continue the Board of Review but we eliminate his personal appearance before the Board of Review. Of course, in many proceedings, judicial or quasi-judicial, before the Court or the Board in the first instance, the man should be present and be present with his counsel. But I know of no review or appellate procedure where there is the right to appear in person before the Review Board. So that in instances of that kind we have streamlined the procedure under the existing law so that we believe it will be more effective than previously.

I stated in opening this discussion that the Senate passed a broad all-inclusive bill referred to generally under the project name of White Charger and generally known within the services and publications as the White Charger proposal. Some of the idea of such a revision of the laws had its beginning in the report of the Cordiner Commission which also recommended the pay which we enacted into law in 1958. I believe that there was too broad an approach of what needed to be done in this area.

These officers of the services, until they reach 20 years of service, are subject to selection for promotion and upon failure of selection two times then, of course, they must be eliminated from the service. So that we do have a pretty good check from year to year to make sure the man is doing his part and is performing efficiently.

So your committee felt that there was no justification for a bill as broad as that passed by the Senate which would have granted permanent authority for what we call "plucking out" of the services certain individuals. We have brought in a much narrower bill, one that has been thoroughly well considered. It adequately meets the emergency situation which exists in the Air Force and in the opinion of the Committee on Armed Services adequately meets the permanent situation. I hope that it will be adopted by the House.

Mr. BATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. BATES. Mr. Chairman, other members of the committee have informed you of the changes in the bill with regard to the improvement of the quality of the Regular officer corps of the Army and the Air Force.

I would like to take a short time to discuss some of the provisions in this bill which related to other methods of quality control.

First of all, the bill provides that officers recommended for permanent promotion who were considered to be the best qualified must also be considered to be fully qualified. This amendment is very desirable because, at the present time, it is technically possible, particularly when a small number of officers is being considered for promotion, that the selection board may select a certain number of officers who are the best qualified without, however, these officers in fact being considered fully qualified. This amendment will provide the necessary language to prevent this happening in the future.

Second. The bill provides that the number of officers prescribed by the Secretary of the Air Force to be recommended for permanent promotion, under the best qualified basis, must be 80 per-

cent of those who are listed for consideration for the first time. At the present time, the authority to pass over 20 percent of the officers being considered applies to all officers considered by the board, including those who have already been passed over once, thereby precluding the possibility of a true 20-percent attrition by the board.

Third. The bill provides that certain officers who have been passed over twice for promotion, and who must be separated from the service with severance pay, can be released at any time with their consent and the consent of the Secretary concerned. Under an existing ruling of the Comptroller General, these officers, in order to qualify for their severance pay, must be kept on active duty after twice failing of promotion for the minimum period of 9 months and for a maximum period that might extend to 21 months. This is obviously an undesirable situation, and the Committee's action will correct it for all of the armed services. Thus the bill will insure that an officer who has been identified for elimination will not be kept on active duty for excessive periods of time.

All of the above modifications of existing law contained in this bill are explained in detail in the committee report. I would like to state, however, that it is my firm belief that the effect of these changes will be to bring the promotion laws of all the services into greater uniformity.

There are two provisions in S. 1795, as it passed the Senate, which are not included in the bill before you today.

First. One of those provisions would authorize the selection of a limited number of Army and Air Force officers for permanent promotion who are below the normal zone of consideration. The number who could be promoted would be limited to 5 percent of the number of officers to be promoted. The object of this provision is to permit promotion of outstanding officers before their contemporaries. However, through the use of temporary promotions, those few outstanding officers can be accorded the recognition of promotion before their contemporaries. Accordingly, since the objective of this provision can be attained under present law, this provision has been eliminated by the committee.

Second. The bill does not subject female officers in the grade of major to possible involuntary retirement. The reason for inclusion of officers in this category, in the Senate-passed version, was that these officers are not subject to elimination for failure of selection to the grade of lieutenant colonel, and, in this respect, are comparable to male permanent lieutenant colonels. However, in view of the small numbers involved and the lack of any problems with respect to this category of personnel, the committee has excluded them from this proposal.

I urge the adoption of S. 1795, as amended.

Mr. KILDAY. Mr. Chairman, I yield such time as he may require to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. Mr. Chairman, as a member of the subcommittee that considered this bill, I would like to emphasize the safeguards we included in the bill against any unwarranted elimination of capable officers.

Section 10 of the bill, as amended, provides for the elimination by retirement with pay, of certain colonels and lieutenant colonels of the Air Force who have more than 20 years of service who have failed three or more times of selection to the next higher permanent grade. As stated before, while the legislation is applicable to both the Army and Air Force, only the Air Force expects to use the authority extensively.

Like the Navy "hump" legislation passed last August, this is a temporary provision and will expire June 30, 1965. It will provide the Air Force with authority to eliminate several hundred officers over the next 5 years who are not performing up to the standards which the Air Force needs. The actual selections for elimination will be made by a board of general officers. Authority already exists which could be used for this purpose, but if used, the traditional use of this existing law in practice by the Air Force would cast an unwarranted stigma on those eliminated.

It should be emphasized that all of these officers will be entitled to retirement pay following their elimination.

In order to prevent them from being repeatedly subject to possible elimination, we amended the Senate bill to provide that no officer may be screened for continuation more than once.

Once a board has selected an officer for continuation, he cannot again be screened for elimination under this section.

In addition, except for the first board convened under this authority, at least 80 percent of those considered must be retained. There is no percentage limitation on the number of officers who may be eliminated by the first board, since that board will consider officers who have failed of selection many times, in fact, as many as 11 times in some cases.

The other major provision of the bill amends existing authority which the Army and Air Force now have to eliminate those Regular officers whose performance of duty is not of the quality desired, or who have demonstrated moral or professional dereliction of such a nature that their continuation in service cannot be tolerated.

In the Air Force, existing law has been utilized only in the more serious cases, and, as a result, a stigma has come to be associated with elimination under that law. As a result, it is extremely difficult to release, under this authority, an officer whose sole deficiency is his inability to perform adequately.

Because of this, I was particularly impressed with the necessity for providing permanent authority to remove Regular officers whose sole deficiency is inability to perform adequately and to do this in a manner which would not cost an unwarranted stigma on the eliminated officer.

Thirteen general officers and three separate boards are currently required to remove a Regular officer for inefficiency.

Current law also provides two "full and fair hearings" for an officer whose removal is under consideration. One such hearing is all that is required to insure justice. Existing law also guarantees, in every case, that the officer being eliminated must be honorably discharged even though the facts warranting his separation might not justify such a designation.

I believe that the bill as reported by our subcommittee, and approved by the committee, is a substantial improvement over present law. While the legislation will provide an effective instrument for eliminating substandard officers, we have not lost sight of the need for protecting officers of the Army and Air Force from arbitrary and capricious action on the part of military commanders or the Secretary.

Each officer being considered for removal under the permanent part of this law is guaranteed the opportunity of a "full and fair hearing" and a review by a subsequent and disinterested board, with final approval authority invested in the Secretary. No officer can be removed unless his removal is recommended by both boards and approved by the Secretary. The right of confrontation and access to all evidence considered by the board is guaranteed in every case except in those few instances where an officer is being considered for removal because his continued retention would endanger the national security. In these cases, it is specifically required that the officer be furnished a summary of any information or evidence which is withheld from him.

In conclusion, I want to emphasize again that this bill, which has the unanimous support of all members of the committee, is the product of many hours of careful study and deliberation, and is, I believe, an urgently required beneficial piece of legislation.

The CHAIRMAN. The Clerk will read the committee substitute for the bill for amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That chapter 335 of title 10, United States Code, is amended—

"(1) by adding the following new sentence at the end of section 3297(d): 'Notwithstanding any other provision of law, a board that is to recommend officers for promotion whom it considers to be the best qualified may recommend only those officers whom it also considers to be fully qualified.';

"(2) by amending the last sentence of section 3300(c) to read as follows: 'However, the number prescribed by the Secretary for recommendation must be at least 80 percent of those listed for consideration for the first time.'; and

"(3) by amending section 3303(d)(3) by striking out the words 'the date he would have been retired under section 3913 of this title if he were eligible' and inserting the words 'such date as may be requested by him and approved under regulations to be prescribed by the Secretary of the Army, but not later than the first day of the seventh calendar month after the Secretary approves the report of that board' in place thereof.

"SEC. 2. (a) Chapter 359 of title 10, United States Code, is amended to read as follows:

"'CHAPTER 359—SEPARATION FROM REGULAR ARMY FOR SUBSTANDARD PERFORMANCE OF DUTY

"'Sec.
"'3781. Selection boards: composition; duties.
"'3782. Boards of inquiry: composition; duties.
"'3783. Boards of review: composition; duties.
"'3784. Removal of officer: action by Secretary of the Army upon recommendation.
"'3785. Rights and procedures.
"'3786. Officer considered for removal: voluntary retirement or honorable discharge; severance benefits.
"'3787. Officers eligible to serve on boards.

"'§ 3781. Selection boards: composition; duties

"'The Secretary of the Army may at any time convene a board of officers to review the record of any commissioned officer on the active list of the Regular Army to determine whether he shall be required, because his performance of duty has fallen below standards prescribed by the Secretary, to show cause for his retention on the active list.

"'§ 3782. Boards of inquiry: composition; duties

"'(a) Boards of inquiry, each composed of three or more officers, shall be convened, at such places as the Secretary of the Army may prescribe, to receive evidence and make findings and recommendtaions whether an officer, required to show cause under section 3781 of this title, shall be retained on the active list of the Regular Army.

"'(b) A fair and impartial hearing before a board of inquiry shall be given to each officer so required to show cause for retention.

"'(c) If a board of inquiry determines that the officer has failed to establish that he should be retained on the active list, it shall send the record of its proceedings to a board of review.

"'(d) If a board of inquiry determines that the officer has established that he should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, he may be again required to show cause for retention under section 3781 of this title.

"'§ 3783. Boards of review: composition; duties

"'(a) Boards of review, each composed of three or more officers, shall be convened by the Secretary of the Army, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Army under section 3782 of this title.

"'(b) If, after reviewing the record of the case, a board of review determines that the officer has failed to establish that he should be retained on the active list, it shall send its recommendations to the Secretary for his action.

"'(c) If, after reviewing the record of the case, a board of review determines that the officer has established that he should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, he may be again required to show cause for retention under section 3781 of this title.

"'§ 3784. Removal of officer: action by Secretary of the Army upon recommendation

"The Secretary of the Army may remove an officer from the active list of the Regular Army if his removal is recommended by a board of review under this chapter. The Secretary's action in such a case is final and conclusive.

"'§ 3785. Rights and procedures

"'Each officer under consideration for removal from the active list of the Regular Army under this chapter shall be—

"'(1) notified in writing, at least 30 days before the hearing of his case by a board of inquiry, that he is being required to show cause for retention on the active list;

"'(2) allowed reasonable time, as determined by the board of inquiry under regulations of the Secretary of the Army, to prepare his defense;

"'(3) allowed to appear in person and by counsel at proceedings before a board of inquiry; and

"'(4) allowed full access to, and furnished copies of, records relevant to his case at all stages of the proceeding.

"'§ 3786. Officer considered for removal: voluntary retirement or honorable discharge; severance benefits

"'(a) At any time during proceedings under this chapter and before the removal of an officer from the active list of the Regular Army, the Secretary of the Army may grant his request—

"'(1) for voluntary retirement, if he is otherwise qualified therefor; or

"'(2) for honorable discharge with severance benefits under subsection (b).

"'(b) Each officer removed from the active list of the Regular Army under this chapter shall—

"'(1) if on the date of removal he is eligible for voluntary retirement under any law, be retired in the grade and with the pay for which he would be eligible if retired at his request; or

"'(2) if on that date he is ineligible for voluntary retirement under any law, be honorably discharged in the grade then held with severance pay computed by multiplying his years of active commissioned service, but not more than 12, by one month's basic pay of that grade.

"'(c) For the purposes of subsection (b)(2), a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded.

"'§ 3787. Officers eligible to serve on boards

"'(a) No officer may serve on a board under this chapter unless he holds a regular or temporary grade above lieutenant colonel, and is senior in regular grade to, and outranks, any officer considered by that board.

"'(b) No person may be a member of more than one board convened under this chapter for the same officer.'

"(b) The analysis of subtitle B and the analysis of part II of subtitle B are each amended by striking out the following item:

"'359. Separation from Regular Army for Failure to Meet Standards..... 3781'

and inserting the following item in place thereof:

"'359. Separation from Regular Army for Substandard Performance of Duty..... 3781'

"(c) The amendments made by this section do not apply to any proceedings begun under chapter 359 of title 10, United States Code, before the enactment of this section.

"SEC. 3. (a) Subtitle B of title 10, United States Code, is amended by inserting the following new chapter after chapter 359:

"'CHAPTER 360—SEPARATION FROM REGULAR ARMY FOR MORAL OR PROFESSIONAL DERELICTION OR IN INTERESTS OF NATIONAL SECURITY

"'Sec.
"'3791. Selection boards: composition; duties.
"'3792. Boards of inquiry: composition; duties.
"'3793. Boards of review: composition; duties.
"'3794. Removal of officer: action by Secretary of the Army upon recommendation.
"'3795. Rights and procedures.
"'3796. Officers considered for removal: retirement or discharge.
"'3797. Officers eligible to serve on boards.

"'§ 3791. Selection boards: composition; duties

"'The Secretary of the Army may at any time convene a board of general officers to review the record of any commissioned officer on the active list of the Regular Army to determine whether he shall be required, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, to show cause for his retention on the active list.

"'§ 3792. Boards of inquiry; composition; duties

"'(a) Boards of inquiry, each composed of three or more general officers, shall be convened at such places as the Secretary of the Army may prescribe, to receive evidence and make findings and recommendations whether an officer, required to show cause under section 3791 of this title, shall be retained on the active list of the Regular Army.

"'(b) A fair and impartial hearing before a board of inquiry shall be given to each officer so required to show cause for retention.

"'(c) If a board of inquiry determines that the officer has failed to establish that he should be retained on the active list, it shall send the record of its proceedings to a board of review.

"'(d) If a board of inquiry determines that the officer has established that he should be retained on the active list, his case is closed. However, at any future time, he may be again required to show cause for retention under section 3791 of this title.

"'§ 3793. Boards of review: composition; duties

"'(a) Boards of review, each composed of three or more general officers, shall be convened by the Secretary of the Army, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Army under section 3792 of this title.

"'(b) If, after reviewing the record of the case, a board of review determines that the officer has failed to establish that he should be retained on the active list, it shall send its recommendation to the Secretary for his action.

"'(c) If, after reviewing the record of the case, a board of review determines that the officer has established that he should be retained on the active list, his case is closed. However, at any future time, he may be again required to show cause for retention under section 3791 of this title.

"'§ 3794. Removal of officer: action by Secretary of the Army upon recommendation

"'The Secretary of the Army may remove an officer from the active list of the Regular Army if his removal is recommended by a board of review under this chapter. The Secretary's action in such a case is final and conclusive.

"'§ 3795. Rights and procedures

"'Each officer under consideration for removal from the active list of the Regular Army under this chapter shall be—

"'(1) notified in writing of the charges against him, at least 30 days before the hearing of his case by a board of inquiry, for

which he is being required to show cause for retention on the active list;

"'(2) allowed reasonable time, as determined by the board of inquiry under regulations of the Secretary of the Army, to prepare his defense;

"'(3) allowed to appear in person and by cousel at proceedings before a board of inquiry; and

"'(4) allowed full access to, and furnished copies of, records relevant to his case at all stages of the proceeding, except that a board shall withhold any records that the Secretary determines should be withheld in the interests of national security.

In any case where any records are withheld under clause (4), the officer whose case is under consideration shall, to the extent that the national security permits, be furnished a summary of the records so withheld.

"'§ 3796. Officers considered for removal: retirement or discharge

"'(a) At any time during proceedings under this chapter and before the removal of an officer from the active list of the Regular Army, the Secretary of the Army may grant his request—

"'(1) for voluntary retirement, if he is otherwise qualified therefor; or

"'(2) for discharge under subsection (b).

"'(b) Each officer removed from the active list of the Regular Army under this chapter shall—

"'(1) if on the date of removal he is eligible for voluntary retirement under any law, be retired in the grade and with the pay for which he would be eligible if retired at his request; or

"'(2) if on that date he is ineligible for voluntary retirement under any law, be discharged in the grade then held with severance pay computed by multiplying his years of active commissioned service, but not more than 12, by one month's basic pay of that grade.

"'(c) For the purposes of subsection (b) (2), a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded.

"'§ 3797. Officers eligible to serve on boards

"'(a) No officer may serve on a board under this chapter unless he is senior in regular grade to, and outranks, any officer considered by that board.

"'(b) No person may be a member of more than one board convened under this chapter for the same officer.'

"(b) The analysis of subtitle B and the analysis of part II of subtitle B are each amended by inserting the following new item:

"'360. Separation From Regular Army for Moral or Professional Dereliction or in Interests of National Security ..... 3791'.

"SEC. 4. Section 3913 of title 10, United States Code, is amended—

"(1) by amending subsection (a) to read as follows:

"'(a) A deferred officer who is not recommended for promotion under section 3303 (c) of this title, or an officer who is found disqualified for promotion under section 3302(f) of this title, shall, if he has at least 20 years of service computed under section 3927(a) of this title, be retired, except as provided by section 47a of title 5, on such date as may be requested by him and approved under regulations to be prescribed by the Secretary of the Army, but not later than the first day of the seventh calendar month after the Secretary approves the report of the last board that did not recommend him for promotion to the grade concerned.'; and

"(2) by amending subsection (b) by striking out the words 'so entitled to retire' and inserting the words 'the date he completes 20 years of service computed under section 3927(a) of this title, or the first day of the seventh calendar month after the Secretary approves the report of the last board that did not recommend him for promotion to the grade concerned, whichever is later' in place thereof.

"SEC. 5. Chapter 573 of title 10, United States Code, is amended—

"(1) by adding the following new sentence at the end of each of subsections (a) and (b) of section 6382: 'However, if he so requests, he may be honorably discharged at any time during that fiscal year.';

"(2) by adding the following new sentence at the end of each of subsections (d) and (e) of section 6383: 'However, if he so requests, he may be honorably discharged at any time during that fiscal year.';

"(3) by inserting the words 'or, in the discretion of the Secretary of the Navy, on any earlier date if the officer so requests' after the words 'his name is so reported' in section 6384(b);

"(4) by adding the following new sentence at the end of section 6401(a): 'However, if she so requests, she may be honorably discharged at any time during that fiscal year.'; and

"(5) by adding the following new sentence at the end of section 6402(a): 'However, if she so requests, she may be honorably discharged at any time during that fiscal year.'

"SEC. 6. Chapter 835 of title 10, United States Code, is amended—

"(1) by adding the following new sentence at the end of section 8297(d): 'Notwithstanding any other provision of law, a board that is to recommend officers for promotion whom it considers to be the best qualified may recommend only those officers whom it also considers to be fully qualified.';

"(2) by amending the last sentence of section 8300(c) to read as follows: 'However, the number prescribed by the Secretary for recommendation must be at least 80 percent of those listed for consideration for the first time.'; and

"(3) by amending section 8303(d)(3) by striking out the words 'the date he would have been retired under section 8913 of this title if he were eligible' and inserting the words 'such date as may be requested by him and approved under regulations to be prescribed by the Secretary of the Air Force, but not later than the first day of the seventh calendar month after the Secretary approves the report of that board' in place thereof.

"SEC. 7. (a) Chapter 859 of title 10, United States Code, is amended to read as follows:

"'CHAPTER 859—SEPARATION FROM REGULAR AIR FORCE FOR SUBSTANDARD PERFORMANCE OF DUTY

"'Sec.

"'8781. Selection boards: composition; duties.
"'8782. Boards of inquiry: composition; duties.
"'8783. Boards of review; composition; duties.
"'8784. Removal of officer: action by Secretary of the Air Force upon recommendation.
"'8785. Rights and procedures.
"'8786. Officer considered for removal: voluntary retirement or honorable discharge; severance benefits.
"'8787. Officers eligible to serve on boards.

"'§ 8781. Selection boards: composition; duties

"'The Secretary of the Air Force may at any time convene a board of officers to review the record of any commissioned officer on the active list of the Regular Air Force to determine whether he shall be required, because his performance of duty has fallen below standards prescribed by the Secretary, to show cause for his retention on the active list.

"'§ 8782. Boards of inquiry: composition; duties

"'(a) Boards of inquiry, each composed of three or more officers, shall be convened, at such places as the Secretary of the Air Force may prescribe, to receive evidence and make findings and recommendations whether an officer, required to show cause under section 8781 of this title, shall be retained on the active list of the Regular Air Force.

"'(b) A fair and impartial hearing before a board of inquiry shall be given to each officer so required to show cause for retention.

"'(c) If a board of inquiry determines that the officer has failed to establish that he should be retained on the active list, it shall send the record of its proceedings to a board of review.

"'(d) If a board of inquiry determines that the officer has established that he should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, he may be again required to show cause for retention under section 8781 of this title.

"'§ 8783. Boards of review: composition; duties

"'(a) Boards of review, each composed of three or more officers, shall be convened by the Secretary of the Air Force, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Air Force under section 8782 of this title.

"'(b) If, after reviewing the record of the case, a board of review determines that the officer has failed to establish that he should be retained on the active list, it shall send its recommendation to the Secretary for his action.

"'(c) If, after reviewing the record of the case, a board of review determines that the officer has established that he should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, he may be again required to show cause for retention under section 8781 of this title.

"'§ 8784. Removal of officer: action by Secretary of the Air Force upon recommendation

"'The Secretary of the Air Force may remove an officer from the active list of the Regular Air Force if his removal is recommended by a board of review under this chapter. The Secretary's action in such a case is final and conclusive.

"'§ 8785. Rights and procedures

"'Each officer under consideration for removal from the active list of the Regular Air Force under this chapter shall be—

"'(1) notified in writing, at least 30 days before the hearing of his case by a board of inquiry, that he is being required to show cause for retention on the active list;

"'(2) allowed reasonable time, as determined by the board of inquiry under regulations of the Secretary of the Air Force, to prepare his defense;

"'(3) allowed to appear in person and by counsel at proceedings before a board of inquiry; and

"'(4) allowed full access to, and furnished copies of, records relevant to his case at all stages of the proceeding.

"'§ 8786. Officer considered for removal: voluntary retirement or honorable discharge; severance benefits

"'(a) At any time during proceedings under this chapter and before the removal of an officer from the active list of the Regular Air Force, the Secretary of the Air Force may grant his request—

"'(1) for voluntary retirement, if he is otherwise qualified therefor; or

"'(2) for honorable discharge with severance benefits under subsection (b).

"'(b) Each officer removed from the active list of the Regular Air Force under this chapter shall—

"'(1) if on the date of removal he is eligible for voluntary retirement under any law, be retired in the grade and with the pay for which he would be eligible if retired at his request; or

"'(2) if on that date he is ineligible for voluntary retirement under any law, be honorably discharged in the grade then held with severance pay computed by multiplying his years of active commissioned service, but not more than 12, by one month's basic pay of that grade.

"'(c) For the purposes of subsection (b)(2), a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded.

"'§ 8787. Officers eligible to serve on boards

"'(a) No officer may serve on a board under this chapter unless he holds a regular or temporary grade above lieutenant colonel, and is senior in regular grade to, and outranks, any officer considered by that board.

"'(b) No person may be a member of more than one board convened under this chapter for the same officer.'

"(b) The analysis of subtitle D and the analysis of part II of subtitle D are each amended by striking out the following item:

"'859. Separation from Regular Air Force for Failure to Meet Standards ---------- 8781'

and inserting the following item in place thereof:

"'859. Separation from Regular Air Force for Substandard Performance of Duty---------- 8781'.

"(c) The amendments made by this section do not apply to any proceedings begun under chapter 859 of title 10, United States Code, before the enactment of this section.

"SEC. 8. (a) Subtitle D of title 10, United States Code, is amended by inserting the following new chapter after chapter 859:

"'CHAPTER 860.—SEPARATION FROM REGULAR AIR FORCE FOR MORAL OR PROFESSIONAL DERELICTION OR IN INTERESTS OF NATIONAL SECURITY

"'Sec.

"'8791. Selection boards: composition; duties.

"'8792. Boards of inquiry: composition; duties.

"'8793. Boards of review: composition; duties.

"'8794. Removal of officer: action by Secretary of the Air Force upon recommendation.

"'8795. Rights and procedures.

"'8796. Officers considered for removal: retirement or discharge.

"'8797. Officers eligible to serve on boards.

"'§ 8791. Selection boards: composition; duties

"'The Secretary of the Air Force may at any time convene a board of general officers to review the record of any commissioned officer on the active list of the Regular Air Force to determine whether he shall be required, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, to show cause for his retention on the active list.

"'§ 8792. Boards of inquiry: composition; duties

"'(a) Boards of inquiry, each composed of three or more general officers, shall be convened at such places as the Secretary of the Air Force may prescribe, to receive evidence and make findings and recommendations whether an officer, required to show cause under section 8791 of this title, shall be retained on the active list of the Regular Air Force.

"'(b) A fair and impartial hearing before a board of inquiry shall be given to each officer so required to show cause for retention.

"'(c) If a board of inquiry determines that the officer has failed to establish that he should be retained on the active list, it shall send the record of its proceedings to a board of review.

"'(d) If a board of inquiry determines that the officer has established that he should be retained on the active list, his case is closed. However, at any future time, he may be again required to show cause for retention under section 8791 of this title.

"'§ 8793. Boards of review: composition; duties

"'(a) Boards of review, each composed of three or more general officers, shall be convened by the Secretary of the Air Force, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Air Force under section 8792 of this title.

"'(b) If, after reviewing the record of the case, a board of review determines that the officer has failed to establish that he should be retained on the active list, it shall send its recommendation to the Secretary for his action.

"'(c) If, after reviewing the record of the case, a board of review determines that the officer has established that he shoud be retained on the active list, his case is closed. However, at any future time, he may be again required to show cause for retention under section 8791 of this title.

"'§ 8794. Removal of officer: action by Secretary of the Air Force upon recommendation

"'The Secretary of the Air Force may remove an officer from the active list of the Regular Air Force if his removal is recommended by a board of review under this chapter. The Secretary's action in such a case is final and conclusive.

"'§ 8795. Rights and procedures

"'Each officer under consideration for removal from the active list of the Regular Air Force under this chapter shall be—

"'(1) notified in writing of the charges against him, at least 30 days before the hearing of his case by a board of inquiry, for which he is being required to show cause for retention on the active list;

"'(2) allowed reasonable time, as determined by the board of inquiry under regulations of the Secretary of the Air Force, to prepare his defense;

"'(3) allowed to appear in person and by counsel at proceedings before a board of inquiry; and

"'(4) allowed full access to, and furnished copies of, records relevant to his case at all stages of the proceeding, except that a board shall withhold any records that the Secretary determines should be withheld in the interests of national security.

In any case where any records are withheld under clause (4), the officer whose case is under consideration shall, to the extent that the national security permits, be furnished a summary of the records so withheld.

"'§ 8796. Officers considered for removal: retirement or discharge

"'(a) At any time during proceedings under this chapter and before the removal of an officer from the active list of the Regular Air Force, the Secretary of the Air Force may grant his request—

"'(1) for voluntary retirement, if he is otherwise qualified therefor; or

"'(2) for discharge under subsection (b).

"'(b) Each officer removed from the active list of the Regular Air Force under this chapter shall—

"'(1) if on the date of removal he is eligible for voluntary retirement under any law, be retired in the grade and with the pay for which he would be eligible if retired at his request; or

"'(2) if on that date he is ineligible for voluntary retirement under any law, be discharged in the grade then held with severance pay computed by multiplying his years of active commissioned service, but not more than 12, by one months' basic pay of that grade.

"'(c) For the purposes of subsection (b)(2), a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded.

"'§ 8797. Officers eligible to serve on boards

"'(a) No officer may serve on a board under this chapter unless he is senior in regular grade to, and outranks, any officer considered by that board.

"'(b) No person may be a member of more than one board convened under this chapter for the same officer.'

"(b) The analysis of subtitle D and the analysis of part II of subtitle D are each amended by inserting the following new item:

"'860. Separation from Regular Air Force for Moral or Professional Dereliction or in Interests of National Security-- 8791.'

"SEC. 9. Section 8913 of title 10, United States Code, is amended—

"(1) by amending subsection (a) to read as follows:

"'(a) A deferred officer who is not recommended for promotion under section 8303(c) of this title, or an officer who is found disqualified for promotion under section 8302(f) of this title, shall, if he has at least twenty years of service computed under section 8927(a) of this title, be retired, except as provided by section 47a of title 5, on such date as may be requested by him and approved under regulations to be prescribed by the Secretary of the Air Force, but not later than the first day of the seventh calendar month after the Secretary approves the report of the last board that did not recommend him for promotion to the grade concerned.'; and

"(2) by amending subsection (b) by striking out the words "so entitled to retire" and inserting the words "the date he completes twenty years of service computed under section 8927(a) of this title, or the first day of the seventh calendar month after the Secretary approves the report of the last board that did not recommend him for promotion to the grade concerned, whichever is later" in place thereof.

"SEC. 10. (a) Not more than once in each fiscal year, the Secretary of the Army and the Secretary of the Air Force may convene one or more boards, each consisting of at least five officers of the Regular Army or the Regular Air Force, as the case may be, in a grade above colonel, to review the records of, and recommend for continuation on the active list, officers of that component on the active list in the regular grade of colonel or lieutenant colonel who have at least 20 years of service computed under section 3927(a) or 8927(a) of title 10, United States Code, whichever applies, and who have been considered more than twice but not recommended for promotion to the next higher regular grade.

"(b) A board convened under this section shall recommend officers for continuation on the active list in the number specified by the Secretary. The Secretary may specify separate numbers for particular categories of officers. However, except with respect to

the first board convened under this section in the Army and in the Air Force, the number specified by him for officers in any category must be at least 60 percent of the officers in that category being considered. An officer may be considered for continuation on the active list under this section only once while serving in the regular grade of colonel and only once while serving in the regular grade of lieutenant colonel.

"(c) Except as provided by section 1 of the Act of April 23, 1930, ch. 209, as amended (5 U.S.C. 47a), if the Secretary approves the report of a board, he shall, not later than the first day of the seventh calendar month beginning after he approves that report, retire each officer who is considered but not recommended for continuation.

"(d) A member of the Army or the Air Force who is retired under this section is entitled to retired pay computed under formula A of section 3991 or 8991, respectively, of title 10.

"(e) This section does not apply to—

"(1) members of the Army Nurse Corps, Army Medical Specialist Corps, or Women's Army Corps;

"(2) Air Force nurses or medical specialists; or

"(3) female members of the Air Force who are not designated under section 8067(a)–(d) or (g)–(i) of title 10.

"(f) This section is not effective after June 30, 1965.

"SEC. 11. Notwithstanding section 1431 of title 10, United States Code, a change or revocation of an election made under that section by an officer who is retired under section 10 of this Act is effective if made at such a time that it would have been effective had he been retired on the earliest date prescribed for an officer of his kind by section 3916, 3921, 8916, or 8921 of title 10, as appropriate.

"SEC. 12. Effective as of August 11, 1959, section 3 of the Act of August 11, 1959, Public Law 86–155 (73 Stat. 336), is amended to read as follows:

"'SEC. 3. Notwithstanding section 1432 of title 10, United States Code, a change or revocation of an election made under that section by—

"'(1) an officer who is retired under this Act; or

"'(2) an officer who has been considered but not recommended for continuation on the active list under section 1 of this Act and who hereafter retires voluntarily before the date specified for his retirement under this Act;

is effective if made at such a time that it would have been effective had he been retired on the date prescribed by section 6376, 6377, or 6379 of title 10, United States Code, as appropriate.'

"SEC. 13. An officer who has been considered but not recommended for continuation on the active list under section 1 of the Act of August 11, 1959, Public Law 86–155 (73 Stat. 333), and who retired or retires voluntarily before the second day of the month following the month in which this Act is enacted, may, within six months following the enactment of this Act, affirm a change or revocation of an election made under section 1431 of title 10, United States Code, before his retirement, if the change or revocation would have been effective under section 3 of the Act of August 11, 1959, Public Law 86–155, as amended by this Act, but for his voluntary retirement. If an officer takes no action under this section, his currently valid election under section 1431 of title 10, United States Code, shall remain unchanged. The computation of the revised reduction in retired pay in the case of an officer who affirms a change of election under this section shall be in accordance with section 1436 of title 10, United States Code, and according to the conditions that existed on the day the officer became eligible for retired pay. An affirmation or revocation made under this section is effective on the first day of the month in which made. No refund may be made and no additional payment may be required with respect to any period before that date."

Mr. KILDAY (interrupting the reading of the committee substitute). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with and that it be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DORN of South Carolina, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 1795) to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the regular components of the Armed Forces, pursuant to House Resolution 485, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous qestion is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

The title was amended so as to read: "An act relating to the promotion and separation of certain officers of the regular components of the armed forces."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. KILDAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the two bills reported by the Committee on Armed Service and considered today.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

TATSUMI AJISAKA AND OTHERS

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8251) for the relief of Tatsumi Ajisaka and others, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 10, strike out "Civil Aero Club, $2,505.50;".

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

FEDERAL LOANS TO THE MENOMINEE INDIAN TRIBE OF WISCONSIN

Mr. LAIRD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LAIRD. Mr. Speaker, the Menominee Indian Tribe, located in my congressional district of Wisconsin, as you are aware, will be terminated from Federal supervision on December 31, 1960, under the provisions of Public Law 399, 83d Congress, as amended by Public Law 488, 85th Congress. These specific acts have created numerous new problems for the tribe, the Secretary of the Interior, and the State of Wisconsin. One of the more important issues at hand involves the element of post-termination financing.

Today I have introduced legislation to authorize Federal loans to the Menominees. The bill now requested by the tribe is designed to assist the new tribal corporation to secure Federal loans for improvement and modernization of existing tribal plants as well as the development of new related industries. It is an absolute necessity that a favorable lending hand be afforded this terminating tribe for its organization to grow and expand industrially for any assurance of success in strengthening their economy.

Under the plan submitted to the Secretary of the Interior by the Menominee Tribe, there will be created a corporation—Menominee Enterprises, Inc.—organized under the laws of the State of Wisconsin, which will take title to all Menominee Indian forest lands and other properties, as the Secretary divests his responsibility as a trustee, under the Menominee Termination Act. Since the plan also provides among other provisions, a plan of local government under State statutes, especially as such pertains to the new county created out of the Menominee Indian Reservation by the recent session of the Legislature of Wisconsin, the improvement of the economy of the Menominee Indians becomes very essential in order to overcome the impact of taxation for the initial years of transition.

It is believed this legislation requested is not inconsistent with the established policy in granting independence to Indians and it represents a fair approach by the Congress in assisting such groups for equal opportunity to achieve economic stability.

The Wisconsin State Senate in a joint resolution, S. 62, memoralized Congress on May 21, 1959, and section 4 of such resolution provides "that the Bureau of Indian Affairs of the Department of

Interior, and the Congress of the United States, should provide avenues through which Menominee Enterprises, Inc., created in the tribal termination plan, can obtain funds from Federal lending agencies on favorable terms so that the economy of the reservation area will prosper."

COMMEMORATIVE TRAFFIC SAFETY STAMP

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, on several occasions in the past I have called to the attention of the House the fine work being done by the Safety First Club of Maryland. This nonprofit organization is now spearheading a nationwide drive for the issuance of a commemorative traffic safety postage stamp to serve as a daily reminder that traffic safety is everybody's business.

Realizing the need to stop the slaughter on our streets and highways, the Governors of 40 States have endorsed this project. Due to the tremendous backing of our many State leaders, I strongly believe that this project has now reached a point where it merits national attention. Since traffic safety is a problem confronting each and every one of us, I urge that all of my colleagues here in the House communicate with the Postmaster General requesting him to issue a commemorative traffic safety postage stamp.

The following is a report submitted by Mr. Maurice R. Schochatt, executive secretary, Safety First Club of Maryland, which I feel sure would be of interest to all the Members of this body.

The Safety First Club of Maryland, a nonprofit organization crusading for safety on our streets and highways, is proud of the fact that its nationwide project for the issuance of a commemorative traffic safety postage stamp has been endorsed, to date, by the Governors of 40 States.

Gov. J. Millard Tawes, of Maryland, is the national honorary chairman of this campaign; and Congressman SAMUEL N. FRIEDEL is national honorary associate chairman. Harry Abell, a member of the Safety First Club's administrative board, is nationwide chairman of the drive.

The executive committee for the commemorative traffic safety postage stamp includes the following officers of the Safety First Club of Maryland:

J. O. Shuger, president; Morris A. Kasoff, senior vice president; Maurice R. Schochatt, executive secretary; Samuel T. Abrams, treasurer; and Dr. Leo Klein, associate chairman of the communications committee.

The list of Governors who have endorsed this program includes John Patterson, Alabama; William A. Egan, Alaska; Orval E. Faubus, Arkansas; Edmund G. Brown, California; Abraham A. Ribicoff, Connecticut; J. Caleb Boggs, Delaware; Leroy Collins, Florida; William F. Quinn, Hawaii; William G. Stratton, Illinois; Herschel C. Loveless, Iowa; George Docking, Kansas; Bert Thomas Combs, Kentucky; John H. Reed, Maine; J. Millard Tawes, Maryland; Foster Furcolo, Massachusetts; G. Mennen Williams, Michigan; James T. Blair, Jr., Missouri; J. Hugo Aronson, Montana; Ralph G. Brooks, Nebraska; Grant Sawyer, Nevada; Wesley Powell, New Hampshire; Robert B. Meyner, New Jersey; John Burroughs, New Mexico; Nelson A. Rockefeller, New York; Luther H. Hodges, North Carolina; John E. Davis, North Dakota; J. Howard Edmondson, Oklahoma; David L. Lawrence, Pennsylvania; Christopher Del Sesto, Rhode Island; Ernest F. Hollings, South Carolina; Ralph Herseth, South Dakota; Buford Ellington, Tennessee; Price Daniel, Texas; Robert T. Stafford, Vermont; J. Lindsay Almond, Jr., Virginia; Cecil H. Underwood, West Virginia; Gaylord A. Nelson, Wisconsin; and J. J. Hickey, Wyoming.

Gov. Abraham A. Ribicoff, of Connecticut, who has received national recognition for his vigorous traffic safety program which has led to the saving of many lives, advised the Safety First Club:

Traffic safety is everybody's business, and this must be called to everybody's attention by all possible means. I hope, therefore, that your campaign for a commemorative traffic safety postage stamp will be a success.

Gov. Foster Furcolo, of Massachusetts, noted:

Traffic accident prevention continues to be one of our unsolved social problems. It is national in scope and I believe a commemorative postage stamp emphasizing highway accident prevention would be helpful as a daily reminder to the motoring public to always drive in a reasonable way and avoid highway traffic accidents.

Gov. Nelson A. Rockefeller, of New York, replied:

Your campaign for the issuance of a traffic safety stamp is commendable. Our highway traffic toll today is a national scandal. The cost in human misery and in needless financial burdens is reaching staggering proportions. A traffic safety postage stamp should serve as an effective and continuing reminder that this highway accident problem can also be licked—if we have the will to do so. I'm for it.

Gov. LeRoy Collins, of Florida, stated:

I am happy to learn of the Safety First Club of Maryland's effort to obtain the issuance of a traffic safety postage stamp. The need for traffic safety cannot be brought too often to the attention of the American people. Wide circulation of a traffic safety postage stamp could be very useful in the overall campaign to reduce the number of fatalities on our highways.

Gov. John H. Reed, of Maine, stated:

The State of Maine is gravely concerned with the needless loss of life which occurs on our highways, and I feel that a concentrated effort should be made to lessen these tragic accidents.

Gov. Robert T. Stafford, of Vermont, declared:

Vermont is vitally interested in the promotion of highway safety and congratulates you on your work to improve safety in the State of Maryland.

Gov. Herschel C. Loveless, of Iowa, advised:

My heartiest congratulations on your constructive work in the public safety field. It is a privilege to be associated in any way with this worthwhile effort. I wish you continued success in meeting America's major needs—traffic safety.

Gov. John Patterson, of Alabama, wrote:

The nationwide campaign of the Safety First Club of Maryland to secure the issuance of a commemorative traffic safety postage stamp certainly impresses me as a splendid idea; and I hope that your campaign is successful.

Gov. Luther H. Hodges, of North Carolina, advised:

It is a pleasure to commend the Safety First Club of Maryland on its energetic program of traffic safety and to endorse the club's efforts to promote the issuance of a commemorative traffic safety postage stamp. The tragic loss of life that occurs annually on the streets and highways of this Nation is shocking and no effort should be spared in making the American public fully aware of its responsibility in meeting the challenge imposed by this serious situation.

Gov. James T. Blair, Jr., of Missouri, replied:

If traffic safety is to become a reality the public must be educated to the rules of the road to the end that they develop strong attitudes of social responsibility bringing respect for the rights of others. I heartily endorse the issuance of a commemorative traffic safety postage stamp which would bring an awareness of the need for highway safety into the homes of citizens across this great Nation.

Gov. William G. Stratton, of Illinois, noted:

Please accept my endorsement of the program for the issuance of a commemorative traffic safety postage stamp. We have found, in conducting our traffic safety program in Illinois, that a key factor is the individual awareness of responsibility. The issuance and use of a traffic safety stamp would provide a daily reminder of this factor.

Gov. Price Daniel, of Texas, stated:

Thanks for your letter concerning the nationwide campaign for issuance of a commemorative traffic safety postage stamp. I am glad to endorse this campaign, as I feel such a stamp would contribute a great deal toward increasing public awareness of the traffic safety problem.

Gov. Paul Fannin, of Arizona, noted:

Your organization is to be commended for your leadership in a unique plan to further publicize safe driving. The safety program is receiving top priority in Arizona, both in governmental action as well as in citizen participation. We of Arizona welcome the opportunity to support the Safety First Club of Maryland in its campaign urging the issuance of a commemorative traffic safety postage stamp.

In material inserted by me in the CONGRESSIONAL RECORD of August 20, 1959, I said:

The Safety First Club of Maryland, a nonprofit organization dedicated to traffic safety, consists of a group of citizens and officials of Maryland who are doing an excellent job of making people conscious of the need to stop the slaughter on our highways.

However, traffic safety is not just a Maryland problem. We need to make each and every automobile driver conscious of the fact that it is his personal responsibility to drive safely for the protection of himself and his fellow citizens.

The Safety First Club of Maryland has adopted a resolution urging that a commemorative traffic safety stamp be issued to focus the attention of the Nation on the need for safety on our streets and highways. I heartily concur in this idea and urge that the Postmaster General give this matter serious consideration. I would like to point out that a special stamp was issued to promote wildlife conservation, and certainly human life is of even greater importance.

In the same article I also noted:

Grim statistics show that 1,081,600 people lost their lives in the United States of America between January 1, 1925, and January 1, 1958, according to the National Safety Council; and the tragic traffic toll for 1958 comprised 36,700 fatalities, 2,825,000 injuries, with 1 out of every 61 Americans killed or injured on the highway.

The Safety First Club of Maryland is 1 of 11 organizations that recently received the National Safety Council plaque "For outstanding contributions to traffic safety."

An editorial devoted to this subject, entitled "Special Traffic Stamp Drive Gains Support," and published in the Baltimore News-Post of March 19, 1960, is as follows:

The campaign for issuance of a commemorative traffic safety postage stamp, spearheaded by the Safety First Club of Maryland, seems an enterprise worth the effort.

As Representative SAMUEL N. FRIEDEL, Democrat of Maryland, said in an article inserted in the CONGRESSIONAL RECORD:

"A special stamp was issued to promote wildlife conservation. Certainly human life is of even greater importance."

The project has made much progress. It has been endorsed by the Governors of 39 States, including Gov. Abraham A. Ribicoff, of Connecticut, noted for his vigorous traffic safety program.

Gov. Tawes, of Maryland, is the national honorary chairman, Harry Abell, a member of the Safety First Club's board, is nationwide campaign chairman.

The stamp campaign will be highlighted at the fourth annual banquet of the club April 6 in the Southern Hotel.

Since publication of the editorial, the number of Governors favoring this project has increased to 40.

MANAGEMENT OF THE CAPITAL AIRLINES

Mr. VANIK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, it has come to my attention that Capital Airlines recently appeared before the Civil Aeronautics Board and requested subsidy payments in the sum of $12,949,000 for the 12-month period commencing March 15, 1960. This request makes Capital Airlines the first trunk carrier to request subsidies since 1951.

The time has passed when any subsidies should be paid to trunk carriers. The payment of any subsidy to Capital Airlines, however, would constitute an unwarranted dissipation of public funds and provide a reward for stupid mismanagement. The routes on which Capital Airlines is authorized should have provided adequate revenues in any efficient type of operation. Recent route additions provided access to the generally lucrative Florida traffic in the winter months. The coastal and Midwest cities on Capital's present routes are the envy of most of the other trunk carriers.

The cruel fact is that Capital Airlines provides an inefficient operation which should be transferred over to another carrier or two other operators who can approach the airline operation with zeal. Federal money should not be wasted to promote sloppy business practices.

Capital blames its problems on extremely bad weather over Capital routes and the bomb scare threats which have affected all air travel. These two problems affected the entire industry in an equal way, and Capital cannot prove it suffered any singular or special losses uncharacteristic of those suffered by other carriers.

As one who is forced to fly Capital a good part of the time in my travel between Washington and Cleveland, I have compounded records of experience which have established:

First. The chronic oversale of space because of faulty traffic controls.

Second. Flight cancellations resulting from overscheduling of equipment and provisions for no contingency reserve.

Third. Heavy cancellations resulting from the channeling of equipment into the more lucrative New York, Chicago, and Florida runs to the detriment of local traffic which would have provided encouraging revenues.

I seriously doubt if any amount of subsidy can save Capital. Its management has muffed an enviable opportunity. Its reputation as a carrier has been shattered. It is not unusual to see Cleveland passengers call at Capital's Washington ticket counter and order "two chances" for Cleveland. They are brave hardy souls who are not so much concerned with the risk of aircraft disaster as they are of trip cancellation or extended trip delays for any of a number of reasons.

No useful public purpose will be served by providing this mismanaged carrier with public moneys to stay in business in this fashion.

CAPITAL AIRLINES SUBSIDY

Mr. PROKOP. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHLEY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHLEY. Mr. Speaker, there are a number of things that are interesting about the request which Capital Airlines has made to the Civil Aeronautics Board for subsidy payments amounting to $12,949,000 for a 12-month period beginning March 16, 1960.

One of these points is, as my colleague has indicated, that Capital is the first trunk carrier to request a subsidy since 1951. Another is that Capital was the last trunk carrier to go off subsidy back in 1951.

Capital Airlines also has the distinction of being the only carrier in the 22-year history of the Federal Aviation Act to receive an order from the Civil Aeronautics Board compelling a company to improve its service. This order which was issued in 1959 had to do with Capital's service to Toledo, Ohio, the district which I represent.

The history of this order is very much the same as the history of Capital's entire Toledo operation. It started nearly 5 years ago with the gradual disintegration in Capital's service from eight flights a day down to two per day. On November 13, 1956, after repeated requests for improved service, Capital's president, J. H. Carmichael, promised that Capital would inaugurate Viscount service into Toledo on or before May 1, 1957, with two round trip schedules between New York and Chicago.

This promise was never kept and it then became necessary for the city of Toledo to institute a proceeding before the Board to compel Capital to provide good service. This proceeding was fought every step of the way but the Board finally issued an order directing Capital to put in two daily coach flights. Capital tried to get a stay in the court of appeals which was unsuccessful, as well as a stay by the Board which was also unsuccessful. It is my understanding that the matter is still being litigated.

What this means, quite clearly, is that taxpaying residents of the Toledo area have been compelled to spend tens of thousands of dollars in legal expenses in order to force Capital to provide minimum—if not substandard—service to the community.

This strikes me as being a dismal record for any carrier, Mr. Speaker, and about as poor a justification for subsidy as they could possibly come up with. I am sure I speak for the entire community I represent when I suggest that there be a careful study of the caliber of Capital's top management before a decision is made to send this airline a million dollar check every month at the taxpayers' expense. I feel certain the results will show conclusively that there is nothing to warrant such investment of public moneys.

CENTENNIAL CELEBRATION OF THE ANNIVERSARY OF THE BIRTH OF LAURA JANE ADDAMS, FOUNDER OF HULL HOUSE, CHICAGO, ILL.

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. LIBONATI] is recognized for 60 minutes.

Mr. LIBONATI. Mr. Speaker, the centennial celebration of the anniversary of the birth of Laura Jane Addams will be September 6, 1960.

There was never a woman in the history of our Nation who throughout her entire life taught to the unfortunate of the slums the American symbol of culture and refinement. Her inherent love

for human beings living in squalor and filth instilled in humankind a will to live again with revitalized hope and a new dignity. Her counsel and advice together with the introduction of educational and vocational training programs at Hull House opened a new horizon for the thousands of immigrant populations. She gave them an opportunity through civic courses to train themselves in their understanding of the values of American citizenship.

Laura Jane Addams was born at Cedarville, Ill., September 6, 1860, a member of a large family. Her mother died when she was still a baby. Her father's second marriage occurred when she was 8 years old. The Addams family in Colonial times, 1681, was granted 500 acres by William Penn.

John Hay Addams—Jane's father—was born in 1822 at Sinking Springs, Pa. In 1844 he married Sarah Weber, whose father George Weber was one of the founders of Lafayette College, and purchased property—sawmill and a gristmill—near Freeport, Ill. Ten years later he bought the homestead in which Jane was born. He was elected to the State senate for 16 years—1854–70—a close friend of Lincoln.

Jane Addams writes:

> As a child I was dimly conscious of the grave march of public affairs in his comings and goings at the State capitol.

It is said that in her visits to Freeport with her dad, passing through the poorer section she became interested in the plight of the unfortunates forced to live under slum conditions.

At the age of 17 she entered Rockford Seminary near home in accordance with her father's wishes. She was really devoted to him. She said:

> I tremendously admired his scrupulous morality, integrity, and sense of honor.

Jane Addams was graduated in June 1881 as president and valedictorian of her class, delivering her oration in Greek, receiving her bachelor of arts degree the following June 1882.

The greatest sorrow of her life was the death of her father at the end of summer. She sailed to Europe in August 1883 with her stepmother and friends, remaining abroad 2 years. She was a great lover of all the arts and developed deep interests and wide knowledge, which later she utilized so successfully in the development of her work at Hull House. She was a student of humanities and in London was impressed by the poverty of the east Londoners and in resentment and despair weighed the poverty of her own accomplishments.

She returned to Baltimore, enjoyed the social life and in the spring returned to Cedarville. She returned to England in December 1888, accompanied by Sarah Anderson, to join her classmate, the gifted artist Ellen Gates Starr. It was in Germany at the cathedral at Ulm, after viewing the carved choir stalls, depicting Hebrew prophets, Christian disciples and saints, Greek philosophers, the discoverer of music, and the builders of pagan temples, that as a result of this experience she wrote half the night in a fever of composition, setting forth her hope of a "cathedral of humanity large enough to house a fellowship of common purpose and beautiful enough to persuade men to hold fast to the vision of human solidarity."

After joining Ellen Starr in Munich they journeyed to Rome, remaining the balance of the winter. In the spring they went to Spain. Attending a bullfight, she remained throughout the gory spectacle, the other American women leaving the unbearable scene faint and disgusted at the brutal spectacle. She determined then and there to wage combat with all her strength against the wild animals, the dragons of injustice, ignorance, poverty, and inequality of society. She will be an onlooker of life no longer. She had a complete awakening. Ellen Starr understood. Back to London's East End to learn the objects of the Settlement Association and the incentives and accomplishments of the great man, noble and self-sacrificing Arnold Toynbee and Toynbee Hall.

Mr. Barnett, the warden, gave her the objects of the founders:

> To provide education and the means of recreation and enjoyment for the people of the poorer districts of London; to inquire into the conditions; to consider plans * * * to promote the welfare of the people.

As was told to the Oxford students—

> Come and live among the people * * * and give them your friendship, learn from them and share with them some of the rich things of life which you enjoy * * * this will bring classes into relation.

There were critics too because of the secular basis of Toynbee Hall that called it a Godless Institution. Jane Addams was to encounter the same criticism because of the nonsectarian basis of Hull House.

Having completed her study and bid farewell with the comment:

> As you have proven here, so many American college women live happily and usefully in the West Side slums of Chicago. So many of them are smothered with advantages—yet without responsibilities. To such she announces, I mean to give an "opportunity." You Mr. Barnett, and your cultivated young university men have found a way to utilize your advantages and to satisfy your own deepest opportunities.

Mr. Barnett responded:

> If we have been of service as a precedent for your deep longings for usefulness in your own American city, this will be one of the causes for rejoicing in Toynbee Hall.

To which she answered:

> As I have learned how much your group has been enabled to accomplish in dissipating the atmosphere of gloom and misery in turning your dreams into realities, activities, I feel that I too have found "the way." At last I have finished with the "everlasting preparation for life." In saying farewell to London and Toynbee Hall, I go to look for a place in my own city in America.

And so in September 1889 Jane Addams, Ellen Gates Starr, Mary Keyser—housekeeper—together with Pond & Pond, distinguished architects, met at Hull House—Polk and Halsted Streets—surrounded by neighbors and invited guests, discussed the purposes of the greatest venture into social activities that the city had ever known. The objects of the incorporation were listed in the charter as follows:

To provide a center for a higher civic and social life; to institute and maintain educational and philanthropic enterprises, and to investigate and improve the conditions in the industrial districts of Chicago. The visitors admired the homelike appearance and atmosphere of the house.

Jane Addams said:

> Yet in our neighborhood are people of education and refinement who have moved into this cheaper section for various reasons. In spite of untoward circumstance—they keep up some sort of intellectual life. We hope that to such as these, also, the settlement may prove a refuge and solace.

The expansion program was augmented by the donation of dilapidated buildings owned by William Kent in the immediate vicinity of Hull House; and on May 1, 1892, the first public playground in Chicago was opened to children on Kent's lots. Her love of children was tender and consuming. Later the day nursery, the gymnasium, the Bowen Campe at Waukegan. Young men and women of the best families came to Hull House to receive training in social work. Some became residents and supervised the classes of instruction of youth and adult groups. Professional men formed literary societies, age group athletic and social clubs. The institution became famous throughout the world and Jane Addams became a renowned leader in her field.

John Addams, her father, had been a miller and banker, the largest landowner in Stephenson County, a State senator seven terms and refused the Republican nomination for Governor, and had left a big estate, Jane's own income was $3,000 a year, quite a tidy sum in the eighties. But it would have been far too short a sum to operate Hull House, had fate not favored her. Charles Hull, the real estate operator, had built the House on Halsted Street and left it to his secretary, Helen Culver. She became an enthusiastic supporter of the enterprise. She turned over the House and lots to Jane Addams. Other donations came in and Hull House prospered.

Twenty volunteer workers joined the staff the first year. The roster of Jane Addams' colleagues in the nineties included many names that were to become famed in the world of practical sociology—Julia Lathrop, Florence Kelley, Alice Hamilton, were among the residents; Mrs. Joseph T. Bowen, Mary Rozet Smith, and others were active supporters with donations and time and effort.

The teeming West Side of the nineties had more problems than any woman—excepting Jane Addams—would try to cope with. But she plunged into one forlorn cause after another. She did not always win, but she never stopped trying.

Investigating, she found that milk was not kept sanitarily. With H. S. Grindley, of the University of Illinois College of Agriculture, she wrote a circular, "A Study of the Milk Supply of Chicago." The bulletin led to further investigations, and to better milk producing and handling standards.

With Lucy Flower, Miss Lathop, and Mrs. Bowen, she worked successfully for the establishment of a juvenile court to handle youthful delinquents and treat them like new offenders instead of like hardened criminals. Chicago's was the first juvenile court in the country.

Children in the neighborhood were being paid 4 cents an hour for sewing together, at home, expensive garments which had been precut in unsafe factories with terrible working conditions. Miss Kelley did the investigating which provided material on which an antisweatshop bill was projected. Jane Addams spoke and lobbied for it, and it was made a law in 1893, but the Illinois Supreme Court ruled its 8-hour day provision unconstitutional. Not until 1903 did Illinois get modern child labor and factory safety laws.

She became secretary of the Civic Federation Committee on Industrial Arbitration, but the civic federation just was not effective in settling labor disputes. She was appointed an arbitrator in the Pullman strike of 1894, the Teamsters' strike of 1905, the Garment Workers' strike of 1910, and a dozen lesser embroilments.

From 1905 to 1909 Jane Addams was a member of the Chicago School Board.

She was one of the founders of the Women's International League for Peace and Freedom and its president for many years. She became a world-girdling delegate to antiwar congresses, a lecturer, and writer.

When she was awarded the Nobel Peace Prize in 1931—sharing the award for that year with Dr. Nicholas Murray Butler—she turned over her share, about $16,000, to the Women's International League.

She grew discouraged, as well she might, with the campaign for international peace, but she remained active in it until the day she died, of cancer, on May 21, 1935. A sickly woman who had more than her share of operations and lengthy illnesses, Jane Addams never was too weary to fight for what she believed in.

She was a good labor mediator because she always could see both sides of the quarrel. She could put herself in the place of her neighbors around Hull House when they got into trouble. She did not think the saloons of Halsted Street were a good influence, but she refused to attack them because their opponents could not proffer something else to take their place.

In this new field came many who contributed so much to the renown of Hull House throughout the world. The careers of Harriet Vitum, Lillian Wald, Mary McDowell, Mr. Butler, who donated the Art Museum building; and above all in the early days of Hull House the contributions and services by Grace Abbott and her sister, school chums of our beloved Jane.

She was godmother of the Children's Bureau, which was the first effort on the part of the Government in the social work field. The first Bureau Chief, Julia Lathrop, and the second Bureau Chief, Grace Abbott, were residents of Hull House.

Many loyal advisers and volunteer workers joined her staff, some becoming residents. Alice Hamilton became a resident in 1898. She had studied medicine here and abroad. She was made professor of industrial medicine at Harvard in 1919, but came back and forth frequently.

Miss Frances Mollinaro, who herself is presently at Hull House, was a resident since childhood and later served in a secretarial capacity to Jane Addams and others, was preceded by her mother, deceased, Mrs. Mollinaro who, at the beginning and for many years, taught vocational classes.

Lawyer Eagle Brown, instructor of boys' clubs Latin, and a distinguished banker as president of the First National Bank of Chicago, and chairman, until his death last year, of the board of directors.

One of the most indefatigable Hull House officials in the protection work for young girls, is Jesse Binford, now retired. Judges, lawyers, and courtroom officials held her in high esteem. She was fair and honorable in all her presentments to the court as a witness or as a party in interest. She is a wonderful person and served with honor in her official capacity. May God bless her.

Jenney Dow Harvey, an early volunteer worker, was a charming, eager, young girl. She was daily with the little children of humble people. She was a splendid teacher of noble simplicity and was undismayed by the most complicated situations.

Of the talented Alice Kellogg Tyler, whose many paintings adorn the walls of Hull House, Jane Addams said in her book, "The Excellent Becomes the Permanent," that "she developed power as an artist because she craved life and more abundantly."

Miss Addams had this to say of Sarah Rozet Smith, at the dedication of the Hull House organ:

> Because of her interest in the little children of the Hull House nursery, because of her concern for the education and training of the young people who form classes here, because of her readiness to send comfort and succor when special distress was in our midst, the organ which we dedicate today has been built in this room by her husband and her children.

Others associated with Jane Addams were Charles Beard, who developed the coordination of settlement and university integration activities.

Nora Hamilton, the head of an art school.

Mrs. Wilmarth, a close associate and active in Hull House, was also a resident. She was a woman of great influence and wisdom and a leader in Chicago.

Dr. Rachel Yarros was an adviser at Hull House.

Edith DeNancrede was a gifted director of dramatic art. Her talented youngsters were trained by her, through their childhood, adolescent, and mature years. Many of them entered the professional field and became great artists.

Professor Sylvester was a band leader, who trained many musicians through the years at Hull House, some of whom became great orchestra leaders, such as the Petrillos, Panico, Schwartz, Mangano, Tortoriello, Turk, Napoli, and Cavallo. All of them were his students.

Dr. James Britton, the distinguished physican, was a resident who performed his good services at Hull House.

Mrs. Kenneth Rich was a valuable director and leader at Hull House.

Miss Dennison was a loyal and dedicated official of Hull House, who directed many activities during Jane Addams' many trips to foreign lands, or during her absences because of her many illnesses. Miss Addams traveled extensively for approximately one-tenth of the period of her operations at Hull House.

Mr. Hicks, director of gymnasium and club activities, was a wonderful leader; and Mr. Firman a great benefactor of Hull House.

No one can realize the social impact for good that resulted from the activities at Hull House. Politics in the practical acceptance of the term was banned. Jane Addams almost forgiving to a fault with first offenders in the field of passive crimes never raised her finger to help a second departure on the part of the culprit. If I may inject myself into the aura of her greatness—as a boy and young man I was very active at Hull House, both on the athletic teams and West Side Sportsman Club, I consulted with the great lady many times as a member of the Panhellenic Council of Clubs at Hull House. She was very adamant in disciplinary cases of a second offender brought before our committee. She was fair but strict on morals—it was to her credit that this rigid policy was pursued without exception in such matters. The prevention of the contamination of others by association was of tremendous importance to her.

Jane Addams was honored with more honorary degrees and awards than any other woman.

The M. Carey Thomas Prize from Bryn Mawr College—called the Bryn Mawr Achievement Award—was bestowed upon her in 1931.

Crowning them all came the Nobel Peace Prize, shared with Dr. Nicholas Murray Butler, for 1931.

The honorary degree of LL.D. from Swarthmore College was conferred in October 1932, the 250th anniversary of the landing of William Penn.

In February 1935 she received the American Education Award for her "importance as an educator by example and precept."

In 1932 the National Council of Women together with the Ladies Home Journal asked for a poll of the 12 greatest women leaders America had produced in the past 100 years, whose portraits were to be placed in the hall of social science at the Century of Progress Exhibition in Chicago the following summer, 1933, and in 1934.

Jane Addams was second on that historic list; but Mary Baker Eddy, discoverer and founder of Christian Science, led the poll. The others, in their order, were Clara Barton, founder of the Red Cross; Frances Willard, founder of the Woman's Christian Temperance Union; Susan B. Anthony, woman's suffrage leader; Helen Keller, deaf and blind lecturer; Harriet Beecher Stowe, author of "Uncle Tom's Cabin"; Julia Ward Howe, composer of the "Battle Hymn of the

Republic"; Carrier Chapman Catt, woman's suffrage leader; Amelia Earhart Putnam, aviator; Mary Lyon, founder of Mount Holyoke College; Mary E. Woolley, president of Mount Holyoke and delegate to the Disarmament Conference, Geneva.

In addition to the Swarthmore College degree, five more LL.D. degrees were conferred by the University of Wisconsin, 1904; Smith College, 1910; Tufts College, 1923; University of Chicago, 1930; University of California, 1934.

The degree of A.M. was conferred in 1910 by Yale University, and the degree of doctor of human letters by Northwestern University in 1929.

And in May 1935 came the great and unparalleled triumphant tribute in the city of Washington and from around the world.

Jane Addams had become well known as a speaker, but after 10 years at Hull House she became even more widely known and revered through her writings. She was considered to be on a par with the great William James.

A list of merely the titles of her books reveals the progress of her thinking and throws light on her amazingly widening influence. The list follows: "Democracy and Social Ethics"; "Newer Ideals of Peace"; "The Spirit of Youth and the City Streets"; "Twenty Years at Hull House"; "A New Conscience and an Ancient Evil"; "The Long Road of Woman's Memory"; "Peace and Bread in Time of War"; "My Friend Julia Lathrop"; "The Second Twenty Years at Hull House"; "The Excellent Becomes the Permanent"; and "Women at The Hague," written in collaboration with Dr. Alice Hamilton and Emily Greene Balch. Also "International Congress Reports," published by the Women's International League for Peace and Freedom at Geneva.

Her openmindedness may be noted in relation to her own voting record when women sufferage finally became a fact. She voted in five Presidential elections from 1916 to 1932, and her five ballots were cast for two Republicans, one Democrat, one Socialist, and one Progressive.

Jane Addams was interested in issues, not in party banners.

She was interested in providing help for a living individual who needed it, not in sociological theories and statistics devised by scholars in the library.

After Miss Addams' death, Mrs. Kenneth Rich took over as interim director of Hull House, until 1936, when she was succeeded by Miss Charlotte Carr. Russell W. Ballard has served since 1943.

Hull House is her official monument, but the work and the memory of Jane Addams are a worldwide monument.

Miss Addams was intensely interested in children. She never talked piously to them, but she got them interested into something that was fine. I remember every Christmas afternoon I saw her sitting on the stage of the Hull House theater, the room crowded with children. They were all looking up at her with eager interest and bated breath as she told them the story of the Resurrection and life to come.

The question was always asked of Miss Addams why religious services were not held at Hull House on Sunday morning and her reply was, "What kind of service? Episcopal, Presbyterian, Catholic, Congregational, or what?" She said it was impossible to please all residents, and there was no more reason for having such services at Hull House than in hotels or boarding houses. There were plenty of churches, open to all comers.

She was a Quaker. She went to church frequently, sometimes to one church, sometimes to another.

She believed in God and talked a great deal about Him. But she felt the best way to practice her religion was to live it. She was trying to do just that by living in a neighborhood where there was little comfort and much poverty.

She had many operations in her life. She never complained of pain or illness. She would say, "I'm not afraid to die; I know I'll go on living and I want to know what it's going to be like." She was not only curious, but eager to know what was beyond this life.

She talked about death many times with her friend of 50 years, Louise deKoven Bowen.

She contemplated death as analogous to birth; that is only a change of form; that like birth it brings us into a higher and more perfect state of existence. As an entrance into a state of freedom of the soul, whose powers will be infinitely expanded into loftier and nobler ideas, better able to study the truths of life. She had no fear of death—her great curiosity about it and high spiritual acceptance of Christ's teachings in her life's work fortified her with Christian hope that death meant a new chance, a new experience—releasing the soul to the enjoyment of heavenly bliss—blessed by our Saviour. The pallor of death she felt does not becloud the good spirit with seizures of terror.

She was a woman without fear of anyone or anything—except that, perhaps, she would not do the right thing.

Jane Addams died on May 21, 1935.

Her sympathy with the sorrows of others did not make her miserable. She put forth enabling efforts to alleviate the conditions that contributed to the suffering of humanity. She was not insensible to grief but having such a great capacity of love for her neighbors she enriched their lives by organizing cultural classes of many kinds at Hull House.

One has only to read her writings to realize that the dominating force that propelled her every act of service was the driving force of compassionate love.

She herself has written:

> The passion to serve mankind may be as imperative as any other, and sufficiently powerful to inhibit egotistic impulses and ambitions.

In a speech at Plymouth in 1892 she said:

> The good we secure for ourselves is precarious and uncertain * * * until it is secured for all of us and incorporated in our common life.
>
> The early Christians added a new treasure to the sum of all treasures, a joy hitherto unknown to the world—the job of finding the Christ which lives in each man, but which no man can unfold save in fellowship.

She was the first real adventurer in the unexplored country of social amelioration in America. It was not the common longing for peace on earth, but the splendor of her longing that set her apart.

The tribute of Northwestern University, in conferring upon her the honorary degree of doctor of humane letters, pronounced her to be "A profound student, a great teacher in the university of actual life, a promoter of interracial comradeship and understanding which is the only foundation of peace, a teacher of the great science of applied Christianity."

In May 1935 Walter Lippmann wrote:

> No one will ever be able to put into words the whole long record of the goodness of Jane Addams. All the world knows that she made of Hull House a citadel of compassion. Yet there is something else, which was visible in the beauty of her countenance, was audible in her unaffected voice, is in the style of her writings and was the special element in her influence. It was the quality within her which made it possible for her to descend into the pits of squalor and meanness and cruelty and evil, and yet never to lose * * * the distinctions that are precious to a maturely civilized being.
>
> She had compassion without condescension, * * * infinite sympathy for common things without forgetfulness for those that are uncommon. * * *
>
> This blend of sympathy with distinction, of common humanity with a noble style, is the quality which reached its highest expression in Lincoln. * * *
>
> It is to renew men's faith, so hard to hold, so easy to lose, that saints are born as witnesses and as examples.
>
> Jane Addams was a witness to the ancient American faith that a democracy can be noble, and that serenity and pity and understanding * * * can pervade the spirit of a strong and a proud people.

For 2 days she lay in state in Bowen Hall at Hull House, and from morning to night thousands of people passed through the hall to pay reverence to her in death who in life had done so much and had meant so much for Chicago, for America: Workmen at dawn, with their dinner pails, on the way to the job, kneeling to offer a mute prayer by her casket, children in weeping groups, people of every class and race, people who had known her, whom she had befriended, others, throngs of others who only knew that she was a friend of everyone, that precious thing, a good neighbor, a good citizen, a good American.

One old Greek, gazing upon her lovely face, turned to a resident standing near. "She Catholic?" he asked. "She Orthodox? She Jewish?" To each question the resident said: "No." Whereupon the old Greek said, smiling: "Oh, I see. She all religions."

The funeral, held in the Hull House courtyard, with the soft May sunshine flooding down upon "the flowers that banked the terrace and covered every window ledge and arched doorway" and upon the upturned faces of the hundreds of people who had stood for hours patiently waiting, was a very beautiful occasion. Charles Gilkey, of the University of Chicago, who led the service,

read two passages from her book, "The Excellent Becomes the Permanent":

Progress is not automatic; the world grows better because people wish that it should and take the right steps to make it better.

And secondly:

The life we mourn today has given an added quality and worth to existence. * * * There was in it no confusion, no uncertainty. * * * Our belief in the life to come is for the moment made secure because one personality is so sincere that it has become a verity and a reality.

These words, written by Jane Addams years before as a tribute to a friend she loved, seemed peculiarly apt when spoken of her.

The benediction, fittingly, touchingly, was spoken by her old friend Graham Taylor. Even after the service was over, the people in the courtyard lingered, gazing at the casket that held all that was mortal of her. They were reluctant to say the final farewell.

There was a suggestion that she be buried in the National Cathedral at Washington, and no American could more have deserved such a national honor; yet her friends felt that she would prefer to rest in her childhood home, Cedarville, Ill. The next morning she was taken there, and, as the hearse bearing her went through the town of Freeport, a few miles from Cedarville, all the bells were tolling, and to the grave the entire way was lined on both sides of the road with children clasping hands and singing "America, the Beautiful."

Within the next few days memorial services were held in many other American cities and in Canada and England. Her death was, in truth, an occasion of international sorrow, and she is sure to live forever in the memories of her countrymen. On September 6 Jane Addams' birthday was commemorated throughout the world by the planting of trees, by international radio broadcasts by distinguished speakers, and by many meetings. It is anticipated that her birthday will become an annual commemoration in the interest of peace and the abolition of war.

Those who knew her and cared for her felt that, since death must come to her, it was supremely fortunate that it came when it did, at the zenith of her career, almost immediately after the unprecedented international tribute to her. There could have been no anticlimax in the life of Jane Addams, however long she might have lived, but to her friends a deeper sorrow than death would have been to see her condemned to years of suffering and enforced inactivity. It was a last kindness to her who had been kind to so many others.

It was her great happiness to witness the passage of regulatory laws protecting the freedom of children from many of the social and economic ills. She had been in the forefront in this struggle.

She also saw the acceptance of the equality of women enacted in State legislatures and the Congress of the United States, for which she had so bitterly fought.

Unfortunately, the road to peace among nations for which she had traveled all over the world, passionately advocating reason and laws to outlaw war is still today the greatest threat to civilized nations and liberty loving peoples.

On the morning of the Resurrection, the redeemed of the Lord shall appear and the pure spirit of Jane Addams, the "Angel of Halsted Street" shall shine in unfading loveliness and the beauty of holiness fill her blessed soul.

Mr. Speaker, the following is the resolution—House Joint Resolution 663—introduced in commemoration of the celebration of the centennial anniversary of her birthday:

H.J. Res. 663

Joint resolution authorizing and directing the President to designate September 6, 1960, as Jane Addams Day

Whereas Laura Jane Addams was born at Cedarville, Illinois, on September 6, 1860, and the world was to know her in after years as Jane Addams of Hull House; and

Whereas the people of the city of Chicago and the State of Illinois are celebrating this year the centennial of her birth; and

Whereas there never was a woman in the history of our Nation, who throughout her entire life so taught to the unfortunate of the slums, the American symbol of culture and refinement; and

Whereas her inherent love for human beings, living in squalor and filth, instilled by her kindly acts gave humankind a will to relive their lives with revitalized hope and a new dignity; and

Whereas her counsel and advice, together with the introduction of educational and vocational training programs at Hull House, opened a new horizon for the thousands of immigrant populations in her area; and

Whereas she further gave the immigrant masses an opportunity through civil courses to train themselves in their understandings of the value of American citizenship; and

Whereas her activities in legislative fields resulted in many reforms in the field of labor, including child labor laws and remedial sweatshop legislation, together with minimum wage laws; and

Whereas her exhaustive efforts in the field of international peace won for her international recognition among the leaders of nations in her travels throughout the world for the realization of her sacred principles of peace and dream to outlaw war, by the common consent of all by establishing the League of Nations, which was the forerunner of the present United Nations Organization; and

Whereas her treatment of social problems opened new vistas of study and resulted in new schools of thought in the treatment of these problems: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and directed to issue a proclamation designating September 6, 1960, the one hundredth anniversary of the birth of Jane Addams, as Jane Addams Day, and calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. Mr. Speaker, in his proclamation of January 26, 1960, Mayor Richard J. Daley, of Chicago, described Jane Addams as "one of the world's most revered women."

This old world of ours has been in business a great many years, a countless number of centuries, and in every generation there have been women nobly and often with heroic self-sacrifice working out the mission of their creation in humble places and others with the trappings of their high stations in places of regal power and of publicized renown.

History is replete with the names of women, women for love of whom men fought in wars that determined the survival of nations, women who headed great nations that under their reigns reached high for world power, women who by their martyrdom gave strength to the faith that is innate in all of us, women who added to the lustre of poetry, music, the arts, and the graces. Unfortunately, for the many women in every generation, the housewives and the mothers, the women who humbly carried the burdens, who in hunger feigned lack of appetite that their shares of the daily meals could supplement the meager fare of their children, for these women who in every generation constituted the backbone of the social order and the State history has little if any record.

When Mayor Daley, of Chicago, than whom no man in high public position in my lifetime has more accurately placed the measure of human evaluations, proclaims Jane Addams "one of the world's most revered women" the appraisement of this remarkable woman whose centennial birthday we now are approaching will universally be accepted.

NOBILITY IN HUMBLE PLACES

Jane Addams labored in humble places. She reached out for men and women who had no hope and gave them hope. To those deadened by the dull routine of tireless chores she brought the inspiration that theirs too was a mission given to perform and in the faithful performance of that mission could be a glow of happy satisfaction beyond the power of wealth or position to buy. To those of good hearts but of happier physical environment she set the example, not of viewing from afar, but actually of sharing their lives by living in the true spirit of brotherhood and in daily association with those to whom they sought to give example and to impart inspiration.

She broadened the horizons of life for the men and women and children of her generation in humble places. Hull House in Chicago under her dedication became a castle of humanity where persons of good hearts and good fortunes worked with persons of good hearts but unhappier fortunes in fixing the real evaluations of human existence. Hull House under Jane Addams, as it remains today, was a castle of simplicity in a humble neighborhood, where there were no pretenses but all the grim realities. It ushered in a new social consciousness. It gave to mankind a push forward to the reaching of higher and yet higher plateaus. This year of 1960, the centennial birth year of Jane Addams, the influence of Hull House, instead of showing diminution, is everywhere growing and expanding.

Truly, Mr. Speaker, as Mayor Daley well said, Jane Addams is "one of the world's most revered women."

FROM HULL HOUSE TO THE CONGRESS

I am happy to join with my distinguished colleague and friend, the gentleman from Illinois [Mr. LIBONATI], and my other colleagues from the Chicago area in support of Mr. LIBONATI's joint resolution requesting the President to design September 6, 1960, as "Jane Addams Day." Hull House is in the district so ably represented in this body by the distinguished gentleman. He has rendered a great service to his district, his city, his country, and all mankind by his introduction of this joint resolution, which has the support of the solid Illinois delegation and will, I am sure, be adopted by a unanimous vote in this and the other body.

I listened with rapt attention to the eloquent remarks of my colleague, the gentleman from Illinois [Mr. LIBONATI], moved not only by the beauty of his words of tribute to the memory of one of the world's most revered women but as well by the emotion it was clearly evident the speaker was experiencing. No words ever were more sincerely spoken. The words of my colleague, Mr. LIBONATI, were in the language of the heart. While in his modesty he made no mention of the fact, Jane Addams was a strengthening source of inspiration to ROLAND LIBONATI in his boyhood and from her counsel and in the associations of Hull House came the urge for useful service that carried him eventually, and more than two decades after his mentor's death, to the Congress of the United States. So, Mr. Speaker, I understood the emotion with which he was possessed as he spoke today.

JANE ADDAMS AT WOMEN'S CONGRESS

Jane Addams died in 1935. She then was 75. It is hard for me to realize that she is gone, hard to think of her even as an aged or aging woman. I remember her so vividly in the years of her prime, in my mind can see her entering the large hall at the old Congress Hotel in Chicago to participate in the First Woman's Legislative Congress in Illinois, which I, as Lieutenant Governor and chairman of a State committee, had been instrumental in calling that representatives of organizations and groups active in social welfare work might present to the next General Assembly of Illinois a program of legislation of need and of interest to womanhood.

Harriet Taylor Treadwell was the chairman of that congress of over 600 representative women of Illinois that met on December 10, 11, and 12, 1914, and set a new pattern for woman's approach to the attainment of legislation needed for womanhood and childhood. Jane Addams, then in her early 50's, with her quiet dignity and the persuasive force of a power that combined brain and drive and dedication, was a tremendous influence in that 3-day congress of women that first set the path for feminine participation in a practical way in mass drives for legislation for the protection of the home and the welfare of the State.

It is to be noted that most of the recommendations of that First Woman's Legislative Congress, of which minimum wage was one, long since have been enacted into laws.

Catherine Waugh McCullough, mother of the present administrative assistant of the senior Senator from Illinois, PAUL DOUGLAS, was among the noble and dedicated women associated with Jane Addams at that congress.

I seem to see again the faces of the women at that Congress, contemporaries of Jane Addams and associates in the pioneering tasks of laying strong and well the foundations of social welfare. I mention only a few of the names for lack of time—Kate Adams, Helen Hefferan, Grace Wilbur Tront, Maud Cain Taylor, Alice Bradford Wiles, Edith Abbott, Gertrude Howe Britton, Sophonisba Breckenridge, Mary Bartelme, Helen Bennett, Esther Falkenstein, Alice Greenacre, Margaret Haley, Mrs. Harold L. Ickes, Florence King, Judith Loewenthal, Julia Lathrop, Mary McEnerney, Mrs. Charles E. Merriam, Mary McDowell, Leonora Z. Meder, Agnes Nestor, Kate O'Connor, Ellia Peattie, Mrs. Julius Rosenwald, Harriet Vittum, Mary Wilmarth, Edith Wyatt, and Ella Flagg Young, then superintendent of schools of the city of Chicago. I have omitted two names very dear to me that those still surviving of that era when women were on the eve of their political emancipation may know that my mention of a few names from more than 600 was illustrative and not intended as all-inclusive. It was an era of great and strong women.

DEEP INTEREST OF SECOND DISTRICT

The centennial birthday of Jane Addams holds an especially deep and warm interest to the men and women of the Second District of Illinois that I have the honor to represent in this Chamber.

Miss Malvin Morton, the dedicated and dynamic executive director of the Chicago Federation of Settlements and Neighborhood Centers, is of our district. A total of 33 neighborhood houses in the Chicago area, including Hull House, are members of the federation. Miss Morton carries on in the great work of social welfare in the true spirit and noble tradition of Jane Addams.

The late Prof. James Weber Linn, one of the most beloved members of the faculty of the University of Chicago in the history of that great institution, was a nephew of Jane Addams, and his daughter, Mrs. John Allen, a grandniece of Jane Addams, is now a member of the board of education of the city of Chicago.

Mr. Speaker, again I commend the gentleman from Illinois [Mr. LIBONATI], who represents the district in which Hull House is located and where Jane Addams gave of her heart and her genius to a labor stamping her in the words of Mayor Daley as "one of the world's most revered women," for this opportunity to join with him in having September 6, 1960, proclaimed and observed throughout this land of ours as Jane Addams Day.

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MURPHY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MURPHY. Mr. Speaker, this is the centennial of the birth of one of the great women of American history, and a woman very dear in the thoughts and memories of the people of Chicago.

Jane Addams, who founded Chicago's Hull House, once addressed a gathering with these words:

> The good we secure for ourselves is precarious and uncertain * * * until it is secured for all of us and incorporated into our common life.

This woman, with her passion to serve mankind, spent her life working for the good of all the people both here and abroad, whom she could reach.

I share the belief of many of my countrymen that Jane Addams personified the best qualities of the American people. Few have contributed so generously of their strength, their time, and their thoughts to the bettering of the lives of others. Because of this, I join with my colleagues of Illinois in urging passage of a joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of her birth.

Miss Addams helped the people of Chicago, of all nationalities and backgrounds, through her work at Hull House, which spanned a period of 40 years. Her contributions to humanity broadened during these years, as she participated in hundreds of movements which she believed to be worth while. In 1915, for example, she was elected president of the International Congress of Women at The Hague in Holland, and during World War I she traveled from one warring country to another, urging negotiations to end the war. In 1913 she won one of the world's highest honors, the Nobel Peace Prize. On the occasion of the presentation, the chairman addressed her as "America's Uncrowned Queen." Another European has referred to her as "the one saint that America has produced."

This week in Washington are assembled some 7,000 people from all over the world at the golden anniversary White House Conference on Children and Youth. The delegates are concerned with the very problems which were the concern of the dedicated founders of Hull House—with the need for strengthening family life; the need for creating a feeling of neighborliness by helping individuals and groups to know and understand each other; the need for integrating a local neighborhood with its city, its State, our country and, indeed, with the world. It was, it seems to me, never more vital that we carry out these objections in the spirit of the neighborhood center which works with a cross section of all cultural, racial, religious, and age groups in its neighborhoods.

Today there are about 800 neighborhood centers scattered across the United States. We find them helping to relocate families in areas where cities are being rebuilt through slum clearance, urban renewal, and highway programs, or operating in the public housing projects into which evicted families have been moved. We find them in neighborhoods where newcomers—the Puerto Rican, the mountain white, and the

Mexican family—need help in the process of assimilation.

Under the very appropriate title, "Neighborhood Goals in a Rapidly Changing World," the National Federation of Settlements recently—1957—named the following six-point goals as describing the general focus of the settlement house today:

1. To serve as one of the few agencies in contemporary society that is not "wholly formalized, bureaucratized, channelized" that offers a personal, face-to-face relationship in which a whole human being can be seen and talked to in something like his entire life situation.
2. To help give people roots, a sense of identification with a place, other people, existing agencies of their society, and, if they stay long enough, with the ongoing good and traditions and obligations of that society.
3. To experiment in using new knowledge and social techniques for dealing with human problems.
4. To provide decentralized service to people who need help in areas close to their homes.
5. To help promote cultural activities, "an active participant culture," countering pressures toward passivity in American life, helping to develop ways of using our increasing leisure for creative activities.
6. To provide important services in the planning and execution of programs for urban renewal.

Walter Lippmann wrote of her a quarter of a century ago:

No one will ever be able to put into words the whole long record of the goodness of Jane Addams. All the world knows that she made a Hull House a citadel of compassion.

He stated further:

Jane Addams was a witness to the ancient American faith that a democracy can be noble, and that serenity and pity and understanding * * * can pervade the spirit of a strong and a proud people.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Speaker, I, too, would like to compliment my friend and colleague from Illinois on his address here today, one that is both timely and significant. Hull House today stands in Chicago as a memorial to the great humanitarianism of Jane Addams. I know, too, that my colleague from Illinois in his many years of public service has contributed a great deal in his own way to the less fortunate people not only of his district, but of the State of Illinois and the Nation.

Mr. MEYER. Mr. Speaker, will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman from Vermont.

Mr. MEYER. Mr. Speaker, I would like to associate myself with the fine remarks that the gentleman from Illinois had made, partly because I have been a great admirer of Jane Addams myself, and the work she has done, and also because my daughter is preparing herself for this type of work. I have a son who has done work in the slums in New York and Washington and is now in Chicago in his own way trying to do this work.

I certainly join in everything that the gentleman from Illinois has said and compliment him very highly for the statement he has just made.

Mr. LIBONATI. I thank the gentleman.

Mr. PUCINSKI. Mr. Speaker, this year marks the centennial of the birth of a great and dedicated woman whom Chicago claims as its very own—Jane Addams of Hull House.

I am proud to join with my colleagues in Congress today in paying tribute to this remarkable woman who made such a significant contribution in the field of social welfare when she pioneered many social reforms for the aid and assistance of the indigent and the unfortunate.

Hull House, on the near West Side of Chicago, stands today as a memorial to this woman's deep understanding of the problems confronting our society. Miss Addams had charted a new concept in the field of social welfare and has brought living meaning to the gallant people of her profession who are making such a profound contribution, particularly in the field of human relations.

Her name has become a symbol of social reform throughout the world. Her followers are legion and her philosophy has become an inspiration for this growing profession of social workers.

Jane Addams had the unique faculty of analyzing human frailties and she possessed the bold determination to do something about those frailties.

Miss Addams confronted our society with new concepts of social conscience at a time when too many people had looked upon social workers as strange phenomena that should be judged with extreme care and caution. She made her mark at a time in our history when a large segment of our society insisted upon viewing the problems of the indigent as a natural order of things. It was through her stubborn insistence that organized society finally began to recognize the needs of its less fortunate neighbors and developed concepts reflecting a social conscience and moral awakening in America.

Miss Addams was born in Cedarville, Ill., on September 6, 1860. Since Congress will not be in session on the actual date marking her birth, I think it is fitting that we pay tribute to her great contribution at this time.

Early in life, Miss Addams was exposed to the social injustice of slavery through her father's active participation in the abolitionist movement.

It was this personal contact with one of the most inhuman practices of our history that inspired Miss Addams to heights of social reform equalled only infrequently by her contemporaries.

Her many years of dedicated work in Chicago in developing programs to deal with juvenile delinquency; programs designed to help immigrants understand the concepts of democracy; projects which to this day are helping those from broken homes, and many other endeavors, have won her the eternal gratitude of the people of Chicago.

When Hull House opened in 1889, at the corner of Polk and Halstead Streets, it was Jane Addams who provided the inspiration and guidance to bring together the polyglot community of immigrants into a unified area of Americans. She knew well the problems that these immigrants encountered in trying to adjust themselves to their new way of life. Moreover, she knew the great difficulties that had to be overcome because of language barriers. Through prodigious patience, Jane Addams welded all of these people into an inspiring community of Americans determined to make their own children produce a worthwhile contribution to this Nation.

It is fitting that we should pay tribute to Miss Addams today when the White House Conference on Children and Youth is being held in the Nation's Capital.

The fact that more than 7,000 social workers and others dedicated to the field of social welfare are meeting here in Washington this week, the largest number ever to attend such a conference on youth, serves to reflect on the impressive contributions which Miss Addams herself brought to the social workers' profession.

Thousands of Americans are today proudly carrying the banner as social workers because of the high esteem that Miss Addams has won for their profession.

The social worker of the past, frequently insecure and unjustly misunderstood, today can take pride in his profession because of people like Jane Addams who had elevated this profession to a new standard of respect for all America.

We in Chicago are proud to be able to claim Miss Addams for our very own. May the principles and dedication which she made so thoroughly a part of her life, long serve as a symbol of inspiration to those who are carrying on her magnificent ideals today.

GENERAL LEAVE TO EXTEND REMARKS

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 days in which to extend their remarks in the RECORD on the life and character of Jane Addams.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the remarks concerning the gentleman from Georgia [Mr. BROWN] today appear in the RECORD following consideration of conference report.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ANNOUNCEMENT

Mr. COLLIER. Mr. Speaker, when the rollcall vote was taken yesterday on the Health, Education, and Welfare appropriation bill I was not in the Chamber through no fault of my own. Had I been present I would have voted "yea."

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL

RECORD, or to revise and extend remarks, was granted to:

Mr. DAGUE.

Mr. HARDY, the remarks he expects to make in Committee of the Whole and to include certain communications and extraneous matter.

Mr. CURTIS of Missouri.

Mr. COOK.

(The following Members (at the request of Mr. PROKOP) and to include extraneous matter:)

Mr. ANFUSO.

Mr. FLOOD.

Mr. EVINS.

Mr. ROONEY.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1283. An act to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use; to the Committee on Interstate and Foreign Commerce.

S. 2046. An act for the relief of Max Kotscha; to the Committee on the Judiciary.

S. 2430. An act for the relief of certain employees of the General Services Administration; to the Committee on the Judiciary.

S. 2538. An act for the relief of Kim Yong Cha, fiance of Cpl. LeMaine Ellingson, RA55280245; to the Committee on the Judiciary.

S. 2877. An act to authorize the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns; to the Committee on Interior and Insular Affairs.

S. 2878. An act to convey certain federally owned lands in New Mexico to the Navajo Tribe of Indians and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 24. An act to provide that certain real property of the United States situated in the State of Nevada shall be held in trust for members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, Nevada;

H.R. 1540. An act for the relief of the estate of John Steve;

H.R. 2164. An act to reduce the cabaret tax from 20 percent to 10 percent;

H.R. 2740. An act to amend section 2734 of title 10, United States Code, to extend the statute of limitations in the case of certain foreign claims;

H.R. 2849. An act for the relief of Oscar A. LaBranche;

H.R. 4483. An act to amend the act of December 24, 1942 (56 Stat. 1086, 43 U.S.C., 36b), entitled "An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey";

H.R. 4586. An act to amend section 4021 of the Internal Revenue Code of 1954;

H.R. 5270. An act to authorize the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all right, title, and interest of the United States in certain lands located in Salt Lake County, Utah;

H.R. 5301. An act for the relief of Harry E. Nelson;

H.R. 5887. An act to amend the Tariff Act of 1930 to place ground, powdered, or granulated seaweeds on the free list;

H.R. 6023. An act for the relief of William J. Kaiser;

H.R. 6027. An act for the relief of Joseph J. O'Loughlin;

H.R. 6132. An act relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies;

H.R. 6136. An act to authorize the sale of certain tribal land of the Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin;

H.R. 6402. An act for the relief of Victor Stiglic;

H.R. 6516. An act to approve a contract with the Conejos Water Conservancy District, Colorado, to ratify its execution, and for other purposes;

H.R. 6885. An act for the relief of Neal E. Andersen;

H.R. 6948. An act for the relief of Miss Marion A. Cramer;

H.R. 7037. An act for the relief of Carl J. Fisher, captain, U.S. Army, retired;

H.R. 7079. An act for the relief of Don L. Herring;

H.R. 7116. An act for the relief of George W. Gibson;

H.R. 7365. An act for the relief of Mrs. Nell C. Player;

H.R. 7447. An act for the relief of Paul Levitt;

H.R. 7636. An act for the relief of Mrs. Viola H. Rooks;

H.R. 7889. An act to require marketing quotas for rice when the total supply exceeds the normal supply;

H.R. 7933. An act for the relief of Mrs. Virginia Bond;

H.R. 8106. An act to provide for the relief of certain members and former members of the Department of the Navy for the expenses of temporary storage of household effects;

H.R. 8318. An act to amend the Internal Revenue Code of 1954 to exempt bicycle tires and tubes used in the manufacture or production of new bicycles from the manufacturers' excise tax on tires and tubes;

H.R. 8801. An act for the relief of the Maco Warehouse Co.; and

H.R. 9599. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2220. An act to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matter, and for other purposes.

ADJOURNMENT

Mr. PROKOP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 49 minutes p.m.) the House adjourned until tomorrow, Thursday, March 31, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2001. A letter from the Assistant Secretary of State, transmitting texts of the following: (1) ILO Convention (No. 112) concerning the minimum age for admission to employment as fishermen, (2) ILO Convention (No. 113) concerning the medical examination of fishermen, and (3) ILO recommendation (No. 112) concerning occupational health services in places of employment, adopted by the International Labor Conference at its 43d session, at Geneva, June 19, 1959, pursuant to article 19 of the Constitution of the ILO (H. Doc. No. 365); to the Committee on Foreign Affairs and ordered to be printed.

2002. A letter from the Secretary of Commerce, transmitting a report of the activities pertaining to aviation war risk insurance as of December 31, 1959, pursuant to title XIII of the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

2003. A letter from the Acting Postmaster General, transmitting a draft of proposed legislation entitled "A bill to amend the act entitled 'An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty', approved March 17, 1882, as amended, and for other purposes"; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of Missouri: Committee on House Administration, H.R. 7923. A bill to eliminate the fixed limit of authorization for expenditures of the Commission of Fine Arts; without amendment (Rept. No. 1435). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on House Administration. House Resolution 472. Resolution to authorize printing as a House document a publication entitled "Sports-Fishing Industry in California and the Pacific Northwest"; without amendment (Rept. No. 1436). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 607. Concurrent resolution authorizing the printing as a House document of the pamphlet entitled "Our American Government: What Is It? How Does it Function?"; without amendment (Rept. No. 1437). Ordered to be printed.

Mr. HAYS: Committee on House Administration. Senate Concurrent Resolution 80. Concurrent resolution authorizing the printing of additional copies of part 1 of the hearings on an inquiry into the satellite and missile programs; without amendment (Rept. No. 1438). Ordered to be printed.

Mr. JONES of Missouri: Committee on House Administration. House Joint Resolution 502. Joint resolution authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune; without amendment (Rept. No. 1439). Ordered to be printed.

Mr. JONES of Missouri: Committee on House Administration. House Joint Resolution 546. Joint resolution authorizing the architect of the Capitol to present to the Senators and Representative in the Congress from the State of Hawaii the first official flag of the United States bearing 50 stars and which is flown over the west front of the U.S. Capitol; without amendment (Rept. No. 1440). Ordered to be printed.

Mr. JONES of Missouri: Committee on House Administration. Senate Joint Resolu-

tion 128. Joint resolution to establish a commission to formulate plans for a memorial to James Madison; with amendment (Rept. No. 1441). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H.R. 11462. A bill to establish a program to foster and promote the conduct of basic and supporting scientific research through contracts entered into by the United States; to the Committee on Science and Astronautics.

By Mr. BARRY:

H.R. 11463. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the donation of foreign excess property to medical institutions, hospitals, clinics, health centers, schools, colleges, and universities; to the Committee on Government Operations.

By Mr. CURTIN:

H.R. 11464. A bill to amend section 744 of title 38, United States Code, to provide that where a veteran has paid in premiums an amount equal to or greater than the face value of a policy of U.S. Government life insurance, the policy of such insurance shall be paid up; to the Committee on Veterans' Affairs.

By Mr. DAWSON (by request):

H.R. 11465. A bill to amend the "anti-kickback statute" to extend it to all negotiated contracts; to the Committee on Government Operations.

By Mr. FOLEY (by request):

H.R. 11466. A bill to modernize certain provisions of the Civil Service Retirement Act relating to immediate retirement; to the Committee on Post Office and Civil Service.

By Mr. MORGAN:

H.R. 11467. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. NIX:

H.R. 11468. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROBERTS:

H.R. 11469. A bill to amend the Natural Gas Act to prohibit a rate increase from becoming effective, subject to bond, before a pending rate increase proceeding has been finally determined; to the Committee on Interstate and Foreign Commerce.

By Mr. BOLAND:

H.R. 11470. A bill providing flood control activities in the Chicopee River Basin; to the Committee on Public Works.

By Mr. CELLER:

H.R. 11471. A bill to prohibit the Development Loan Fund from making loans to nations in default; to the Committee on Foreign Affairs.

H.R. 11472. A bill to amend section 1871 of title 28, United States Code, to increase the mileage and subsistence allowances of grand and petit jurors; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 11473. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. HÉBERT:

H.R. 11474. A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; to the Committee on Armed Services.

By Mrs. KEE:

H.R. 11475. A bill to amend the Internal Revenue Code of 1954 to repeal the excise taxes presently imposed on communications and on the transportation of persons; to the Committee on Ways and Means.

By Mr. LAIRD:

H.R. 11476. A bill to authorize Federal loans to assist the Menominee Indian Tribe of Wisconsin, or its successor entity, in the conduct of its affairs; to the Committee on Interior and Insular Affairs.

By Mr. PORTER:

H.R. 11477. A bill to amend the Labor-Management Relations Act, 1947, and for other purposes; to the Committee on Education and Labor.

H.R. 11478. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and Labor.

By Mr. EDMONDSON:

H.R. 11479. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. HOLLAND:

H.R. 11480. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. O'HARA of Michigan:

H.R. 11481. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. ROOSEVELT:

H.R. 11482. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. SANTANGELO:

H.R. 11483. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. UDALL:

H.R. 11484. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. WIER:

H.R. 11485. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. FARBSTEIN:

H.J. Res. 667. Joint resolution to provide for the establishment of the Office of Inter-American Affairs; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Maryland:

H.J. Res. 668. Joint resolution establishing a joint committee to investigate the cost of living and the widening spread between retail prices and prices paid to farmers; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Ohio:

H.R. 11486. A bill for the relief of Richard J. Power; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 11487. A bill for the relief of Gino Forato; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 11488. A bill for the relief of Earl P. Garoutte; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

402. Mr. ULLMAN presented a petition of the Public Forum of Spokane and the Inland Empire, Spokane, Wash., in favor of a 4-cent commemorative stamp in honor of Thomas Paine, which was referred to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

White House Conference on Dependent Children

EXTENSION OF REMARKS

OF

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1960

Mr. ROONEY. Mr. Speaker, this year will mark the 50th anniversary of the First White House Conference on Dependent Children which was called by President Theodore Roosevelt in 1909.

This anniversary provides an opportunity to recall the contributions to American social work of one of the men selected by President Roosevelt to be a vice chairman of the 1909 conference, the late Thomas M. Mulry, of New York City, who was the maternal grandfather of our distinguished colleague, the gentleman from Connecticut [Mr. MONAGAN].

Mr. Mulry was an unusual man. He was a banker and at his death was president of the Emigrant Industrial Savings Bank in New York City. He was also a devoted and unselfish worker in charitable causes, devoting the major portion of his efforts to the cause of Catholic charities in general and the St. Vincent de Paul Society in particular.

This society was and is devoted to aiding the poor and the unfortunate and Mr. Mulry from the days of his youth gave his principal efforts to the success of this organization. So successful were his labors that he rose to become national president of the society and for his efforts was made a Knight of St. Gregory, was given an honorary degree of doctor of laws by Catholic University, and was awarded the famous Laetare Medal by the University of Notre Dame.

In a time when publicly financed welfare institutions had scarcely begun to develop, Mr. Mulry did yeoman work

in developing cooperation between the many private charitable organizations which had hitherto pursued their independent courses. He worked for and developed joint efforts by groups of differing religions and between religious and nonsectarian societies. He was a leading figure in the movement to remove dependent children from the alms houses to which they were then sent, to proper child-caring institutions.

Mr. Mulry was one of the founders of the National Conference of Catholic Charities and one of the organizers of the New York State Conference of Charities and Corrections. He served as a member of the Conference of Charities of the City of New York, the Charity Organization Society, the State Board of Charities and the Commission of Public Hospitals of the City of New York. He was one of the moving spirits in the founding of the School of Social Science and Fordham University where his brother, Rev. Joseph A. Mulry, S.J., was president.

Mr. Mulry was essentially a simple man. He was a man of strong religious faith and of exemplary life. He and his talented wife, who was a graduate of Hunter College and an accomplished linguist, were the parents of 13 children. Mr. Mulry served his God in serving his fellow man and his interest was ever given to those who were least fortunate and least influential—the outcast children.

Mr. Mulry's life and accomplishments are in the best American tradition. They set a high standard of performance for those who come after him in the field of social service and this anniversary of the conference which he helped to organize is an appropriate time to recall them to mind.

Federal Pay Increases

EXTENSION OF REMARKS
OF
HON. ROBERT E. COOK
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 30, 1960

Mr. COOK. Mr. Speaker, I have presented the following statement to the Post Office and Civil Service Committee in support of legislation which would provide a pay raise for postal workers and other Federal employees:

STATEMENT OF CONGRESSMAN ROBERT E. COOK, BEFORE THE HOUSE COMMITTEE ON POST OFFICE AND CIVIL SERVICE IN BEHALF OF POSTAL PAY INCREASE LEGISLATION

Mr. Chairman, I am in favor of the enactment of legislation in the present session of Congress to provide a pay raise for our postal and other Federal employees. Such a raise is long overdue. It would raise the wages of these employees to the level of wages in private industry.

The correspondence from my district reveals instance after instance of financial hardship for these local representatives of our Federal Government. The average letter carrier's salary of $4,640 is hardly enough to meet the present-day high costs of food, clothing, shelter, and medical expenses.

If we expect these trained workers to remain in Federal service, this Congress must face up to their financial problems and vote them a needed pay increase.

I have introduced H.R. 11231 calling for these needed increases. It is similar to the so-called Morrison bill, and I hope its principles will receive the favorable consideration of your committee.

Sgt. Alvin C. York Still a Hero—Still a Fighter

EXTENSION OF REMARKS
OF
HON. JOE L. EVINS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 30, 1960

Mr. EVINS. Mr. Speaker, Sgt. Alvin C. York is one of America's greatest living war heroes. Perhaps no American fighting man ever displayed greater personal courage or made a greater single-handed contribution to the country for which he fought than did Sergeant York—the greatest hero of World War I.

Alvin York grew up in the hill country of Tennessee, near Jamestown, in Fentress County, which I have the honor to represent in the Congress. On returning from Europe and the battleground where he single-handedly killed 25 and captured 125 of the enemy, he received a befitting hero's welcome. The Tennessee sergeant could have turned his war deeds into a huge fortune but rather than accept the many glamorous offers which were urged upon him, Sergeant York chose to return to Fentress County and to settle on a small farm there and to make his contributions to his home community.

He helped to start two schools in the community where he lived, and more than 20 years after the war, when he was convinced that the story of his life and military career would be treated with proper dignity, he sold his rights to the books written about him and consented to have his life story filmed. He gave the proceeds from the sale of these rights to one of the schools which he started—a Bible school for youth—York Institute. He has continued to live on his farm and enjoy the rural life which he had always known. After the sergeant had donated the money he received from the filming of his life story, the Internal Revenue Service asserted that he owed $85,442 in income taxes as a result of the movie, even though in other cases the Internal Revenue Service has allowed capital gains tax and other benefits for those who have received sizable amounts from film rights or from books.

Mr. Speaker, it should be pointed out that a rule or a law is not fair if it applies to one citizen and not to all citizens alike. I am informed that while Sergeant York was denied the right to count his income from the filming of his life story as capital gains President Eisenhower was allowed to count his income from the sale of his book, "Crusade in Europe," as capital gains and thus pay much less in taxes than if counted as straight income. Here we have a law interpreted by Tax Bureau officials one way for a general of World War II and the same law interpreted in another way for a sergeant of World War I.

Sergeant York has never been able to meet the demands of the Internal Revenue Service and his present financial status indicates that he will never be able to pay this back tax without selling his farm and perhaps bankrupting this citizen-soldier. He recently has been granted social security benefits. His income, I understand, includes $32 monthly social security benefits, a $60 monthly disability pension, and a $10 monthly payment as a Medal of Honor winner, plus a small income from his farm.

Although stricken and ill and confined to bed and wheelchair, this great Tennessean is still bright, cheerful, and still a hero.

Mr. Speaker, it should be made clear that neither Sergeant York nor any member of his family has requested that I assist him in any way and that my remarks on behalf of Sergeant York is entirely voluntary. Just as he requested no help in fighting the battles of World War I, he has requested no help in fighting the tax battles since his return. Others feel, however, that the Internal Revenue Bureau is unusually severe in handling his case.

In this connection, Mr. Speaker, Inez Robb, a columnist for the Scripps-Howard newspapers, has written a column pointing out Sergeant York's present plight and urging that his so-called taxes should be forgiven.

Mr. Speaker, I ask unanimous consent that this writing, which appeared in the Washington Daily News of March 29, last, be reproduced in the RECORD.

The article follows:

SERGEANT YORK'S TAXES SHOULD BE FORGIVEN

(By Inez Robb)

It is with real sorrow that I read that Sgt. Alvin Cullum York, superhero of World War I, old and ill, has at last been forced by circumstances to apply for such social security benefits as are due him as a self-employed farmer.

For the past 6 years the sergeant, 72, has been bedfast, following a stroke. And it has been hard for him to farm the 400 acres in Fentress County, Tenn., given him by a grateful State when he returned from World War I, the outstanding popular hero of that conflict. The Medal of Honor was tucked away in his luggage, and so were decorations from a half dozen other governments.

Sergeant York became the darling of the Nation, as no man has since, with the possible exception of Charles A. Lindbergh. Single-handedly, the sergeant put a German machinegun battalion out of action, killed 25 of the enemy, captured 125 Germans and marched them back to the allied lines.

RETURNED

He returned from the war to a hero's adulatory welcome. On the pier to meet him was a covey of business representatives, waving fat contracts under his nose. The sergeant could have cashed in for a fortune if he had been willing to exploit his heroism. The sergeant said, with finality and the instinctive good taste that marks him, that his services to his country were not for sale.

So the hero went back to the hill country of Tennessee to his old home in Fentress County.

He made some money by occasional dignified lectures and by writing. With the proceeds he started a school where the boys in the district would learn not only to read and write, but improved agricultural methods and the girls the latest in domestic science.

And he started a second school, dear to his heart, a Bible school. Hollywood kept trying to buy his life story. But it was not until 1940–41, when he was convinced that the story would be treated with dignity, that he consented to its filming. And that is the juncture at which Sergeant York began having trouble with Uncle Sam.

All the proceeds of the film about the man the late General Pershing described as "the greatest civilian soldier" in World War I were devoted by that civilian to his Bible school. He and his family continued to live with their usual simplicity on the farm. He was still unwilling to make money for himself out of his service to his Government.

But now Uncle Sam says the older sergeant owes $85,442 in income taxes as a result of the movie. Like another ex-soldier, this time of World War II, Joe Louis, the sergeant just hasn't got it. And now, he has applied for social security benefits

I wish Uncle Sam could find it in his heart to forgive him his alleged tax indebtedness, a sum the Government doesn't really need, and let the old hero end his days in peace and honor.

White House Conference on Children and Youth

EXTENSION OF REMARKS
OF
HON. PAUL B. DAGUE
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 30, 1960

Mr. DAGUE. Mr. Speaker, the White House Conference on Children and Youth, presently in convention here in the Capital City, is in my opinion something of a misnomer, if I read the newspaper accounts correctly. In the first instance reference to the White House has only served to arouse Messrs. Meaney and Carey of the CIO and their ilk to launch a series of diatribes at the administration and by indirection to accuse the occupant of the White House of gross dereliction in his duty. In the second instance, the presumably basic concern for children and youth is almost lost in the raucous clamor for such things as expanded public housing, urban renewal, Federal aid to education, to name a few, which are related to juvenile welfare only in the abstract.

The bleeding heart volunteers and the hard-boiled professionals who sit up nights trying to drum up new apologies for wayward juveniles are met here to talk interminably all around the subject and with a careful avoidance of truly corrective measures which can only be effectively applied in the home and by the youngster's parental mentors.

This business of thinking up excuses for delinquent youth was met head on yesterday by the Reverend Daniel Eagan, a Catholic priest from New York. Father Eagan lead off with the observation that teenagers are being encouraged to say, "It's not my fault" and then made the further comment that, "The young people are excusing themselves because we are excusing them too easily."

A representative of the National Probation and Parole Association challenged Father Eagan with this specious argument:

> Few of these kids decided where they were to be born, where they would be brought up, what churches they would be brought up in.

To this Reverend Eagan replied:

> You are suggesting that a 16-year-old boy who knifes someone is not responsible because he has a drunken father. This philosophy of excuse is * * * encouraging youth to say, "It's not my fault."

And then Father Eagan went on to comment:

> I favor every type of treatment, but boys and girls have free will to do right and wrong. They are responsible for their actions.

This leads me to observe—as a former sheriff who has had some acquaintance with delinquent juveniles—that our primary concern should be directed toward delinquent parents and that there is no substitute for parental failure to set the proper example and take corrective measures. And in that observation I am referring only to those homes which are neither broken by divorce nor menaced by adult derelection, but from which come so many young people who end up on the wrong side of the law. And as corollary to that observation I think it is high time that we abandon this silly business of refusing to identify by name and family these teenagers who are detected in crime, thereby condoning the crime and encouraging its reputation.

March 25: Greek Independence Day

EXTENSION OF REMARKS
OF
HON. THOMAS B. CURTIS
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 30, 1960

Mr. CURTIS of Missouri. Mr. Speaker, March 25 is celebrated in this country and throughout the world as the anniversary of Greek independence. The struggle waged by the people of Greece over a century ago to free themselves from the oppressive rule of the Ottoman Empire served to inspire the hearts and pens of the day; their victorious struggle presaged the wave of liberal revolution that swept the continent of Europe in the first half of the 19th century. It also inspired the genius of Lord Byron, who took the struggle of the Greeks as his own.

The inspiration of that valiant people should not be lost on us today. The blessings of independence, for which they were willing to fight and die, are as real today as then. And they are as well worth fighting for now as then.

We may count this spirit of independence among the many invaluable contributions that have come to the world from Greece, contributions that span the breadth of human activity, contributions from its glorious past and from its equally illustrious present.

Roll Call Conducts Poll on Presidency

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 30, 1960

Mr. ANFUSO. Mr. Speaker, today's issue of Roll Call, the newspaper of Capitol Hill, has on its front page my article entitled "Congress Seen As Best Judge of Candidates' Qualifications." In this article I discuss the qualifications we look for in a candidate who seeks the Presidency and I then propose a poll of all those on Capitol Hill, including Senators, Representatives, and Hill employees, to cast their ballot since they are best able to judge the candidates and their qualifications on the basis of firsthand knowledge and association with them.

Mr. Sidney Yudain, the very capable editor and publisher of Roll Call, has taken up my proposal for such a poll to determine the ideal presidential candidate among the present group seeking the nomination in both parties. I wish to call this poll to the attention of all Members and their staffs, as well as committee staffs.

On its last page, Roll Call publishes ballots marked for Senators, Representatives, and Hill employees. The poll will be secret, only the total vote will be disclosed. No one need sign the ballot. Merely fill in the name of the candidate who, in your opinion, possesses the necessary qualifications for President, then check the ballot which applies to you—Senator, Representative, or congressional aid—and mail it to Roll Call, 433 New Jersey Avenue SE., Washington, D.C.

Mr. Speaker, under leave to extend my remarks, I wish to insert into the RECORD my article as published in Roll Call and also a news story from the same issue of March 30 announcing the congressional poll:

CONGRESS SEEN AS BEST JUDGE OF CANDIDATES' QUALIFICATIONS

(By Representative VICTOR ANFUSO)

At the moment the question uppermost in many minds—and probably next in importance to the question as to who will succeed Mr. Eisenhower in the White House next January—is this: What qualifications should a candidate for the Presidency possess? Or to put it in another way, What kind of a President do we want?

Our history can point to strong men in the White House and to weak men; to men who rose above partisan considerations, and those who pursued a strong partisan course during their incumbency; to men who were eloquent speakers and able administrators; and men who did not cherish being too much in the public eye and preferred to leave matters of administration in the hands of trusted assistants; to men who were forward looking and progressive in their approach to dealing with the Nation's problems, and men who were satisfied not to "rock the boat" and merely drift along.

What kind of qualifications in a President does the Nation seek in 1960?

Life magazine recently conducted a poll on the qualifications for the Presidency and came up with the following list:

1. He must be a man of conviction who is willing to fight for his principles, but at the same time he must be able by conciliation and compromise to avoid fights.

2. He must be a man who is above partisan considerations.

3. He must be a man with a common touch.

4. He must be a vigorous and decisive man who can make up his mind, one who can get things done, and who will not be pushed around by other people, especially by the Russians.

5. He must be a man with wide experience of foreign affairs.

This is a good list to begin with. Surely, there are other qualifications which are no doubt equally important. In his book "The Splendid Misery," Jack Bell writes that "fundamentally the people want a President with the integrity of Washington, the guts of Jackson, the unwavering purpose of Lincoln, the energy of Theodore Roosevelt, and the flexibility of Franklin Roosevelt."

We could perhaps add a few other qualifications in determining a person's fitness for the highest office in the land, for example, his capability as a leader of men, his mature judgment of public affairs, his assumption of duties and the fulfillment of responsibilities entrusted to him. He must be able to forge unity of the Nation, rather than division of forces. He must believe in progress and continued growth in every phase of our national life, for to believe otherwise would mean stagnation, loss of our moral, political and economic positions in the world, and our retrogression to a second-rate power.

At the same time, the American people are mature enough by this time to avoid such dubious qualifications as the place of a potential candidate's birth or his religious convictions. His creed or his birth above or below a certain imaginary border should not be factors in determining qualifications, for these are sectional and divisive factors.

The candidates for the Presidency in both major political parties this year appear to be endowed with many of the qualifications listed above. With the exception of possibly one or two, the public is not yet fully acquainted with all of the candidates to be able to judge which one of them possesses the best qualifications. Under those circumstances it would be almost an impossible task to pinpoint the results of such a poll or to establish the image of the one candidate who above all others possesses the necessary qualifications to succeed Mr. Eisenhower in the White House.

The people who, at the present state of affairs, would seem best to know the qualifications of the various candidates are those who are working on Capitol Hill. Senators, Congressmen, and employees of the legislative branch of the Government know the men seeking the Presidency, they know their qualifications. They observe them at close range, their approach to people, their tactics, their viewpoints. They know what political campaigning represents since they live and breathe politics every day in the year.

If so happens that practically all candidates aspiring for the Presidency in 1960 are from Capitol Hill as Members of the Senate, or in Mr. NIXON's case as presiding officer of the Senate. One of the leading darkhorse candidates is a Member of the House.

It would seem then that the most logical, because it could prove to be the most accurate, poll of the candidates possessing the best qualifications for the Presidency would be right here on Capitol Hill. A poll of this type should be conducted in an objective manner, the individual preferences or opinions should not be disclosed, and the emphasis should be strictly on qualifications. The results of such a poll would be most interesting and arouse considerable attention throughout the country.

CONGRESSIONAL POLL ON PRESIDENCY BEGINS

Representative VICTOR ANFUSO's article on page 1 today has prompted Roll Call to undertake a vast poll of the Congress to determine the ideal presidential candidate.

Senators, Representatives, aides, secretaries, and committee staff members will be eligible to vote for the man who in their opinion embraces the five qualities listed on page 1 as most desirable in a President.

Ballots appear today on page 12. No names are required on the ballot, but voters are asked to enter no more than one ballot each.

Ballots are categorized into three divisions: Senators, Representatives, and staff members. Voters are asked to use the ballot which represents their status.

Votes should be cast only for nationally acclaimed candidates including: Vice President NIXON, Senator LYNDON JOHNSON, Senator JOHN KENNEDY, Senator HUBERT HUMPHREY, Senator STUART SYMINGTON. Although Adlai Stevenson and Nelson Rockefeller have flatly declared they are not candidates their names will be acceptable.

Voting is restricted to Congressmen and staff members.

Ballots should be sent to Roll Call Poll, 433 New Jersey Avenue SE.

Since all of the major potential candidates emanate from the Congress, the Roll Call poll takes on added importance, since the vote will reflect the opinions of voters personally acquainted with the gentlemen and who have seen them in action over a long period of years.

It is hoped that the votes will be based on the five qualifications which, according to the Life magazine poll, the ideal President would possess.

Hemispheric Security—Congress Must Reaffirm Our Historic Policies

EXTENSION OF REMARKS
OF
HON. DANIEL J. FLOOD
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1960

Mr. FLOOD. Mr. Speaker, the recent tour by the President to Latin America has focused national attention on the rising dangers to the south, especially in the Caribbean. In that area the great island of Cuba, close to the United States and located on the northern Atlantic approach to the Panama Canal, have become a Soviet satellite and its Government an articulate instrument for Communist subversion in other Latin countries.

The situation thus presented has been noted and understood in high circles in our Government. This is shown by statements of the President of the United States in his address on February 24, 1960, before the Congress of Brazil at Rio de Janeiro.

In that speech he emphasized the great issue of our time, freedom or slavery and warned against return to the unenlightened system of tryranny of what he called the age-old fatalistic concept of the omnipotent state and omnipotent fate.

Then in an obvious appeal to all nations of this hemisphere, he stated that the people of the United States would consider it intervention in the internal affairs of an American state if any power, whether by invasion, coercion or subversion, succeeded in denying freedom of choice to the people of any of our sister republics. These ringing words, clearly implying a reaffirmation of the Monroe Doctrine, evoked sympathetic notes among all free peoples.

However favorably this appeal may have been interpreted, a Presidential statement to the Congress of another country is not sufficient. To be effective a declaration of such significance must be made to the Congress of the United States with a call for congressional action, and in words so clear that the entire world will know that our country is dedicated to the principles of constitutional liberty and opposed to those of the conspiratorial movement known as international communism. In default of this initiative by the President, the Congress should not wait but should give its serious consideration toward taking declaratory action in this grave matter.

Launched in 1917 in the territory of Russia by invaders from Western Europe and elsewhere, international communism has used that unfortunately dominated country as a base of operations for promotion of world revolution. It also employs the national territory of Russia as a testing ground for criminal, social, and economic experiments that this system of Asiatic despotism intends to impose on the entire world.

The operations of this diabolical conspiracy are planned many years in advance by what might be called a general staff, and it is one of outstanding ability.

Applying the time-tested lessons of warfare, its strategists use the combination of hanking and conquest through subversion as the prime method for gaining power over vast areas without actual warfare. Its ultimate aim is global domination.

To illustrate, it seeks to gain control of strategic routes and areas such as the Dardanelles, the Suez, and Panama Canals, the southwest Pacific, the Near East, northern Africa, and the Caribbean.

The increased Soviet influence over the Dardanelles and Suez Canal areas was fostered by the eviction of British forces from the Suez Canal Zone and establishment of regimes in Egypt and other Near Eastern and north African countries more friendly to the Bolshevik Revolution.

In the southwest Pacific, the setting up on Amboina Island in Indonesia of a major Soviet naval intelligence base is suggestive of the famous maritime plan of the Japanese prior to World War II. It can be expected that these Soviet operators will be helping to alienate the Papuans of New Guinea from the Dutch toward Communist oriented Indonesia. The same plan of revolution will be applied to the Maoris of Tasmania and New Zealand.

These and other subversive activities in the southwest Pacific are obviously aimed at erecting a Communist con-

trolled island barrier southeastward from Asia to separate the Pacific and Indian oceans, and toward the ultimate conquest of Australia.

In Cuba, the Communist conspiracy has secured a strategic beachhead convenient for attacks on the United States. Moreover, this was accomplished under the leadership of a man who owes his freedom to the Secretary of State of the United States who intervened in his behalf under pressures from sources not yet explained. Its purpose is the creation of more and more trouble throughout Latin America, especially in the Caribbean, and Central American countries. This we recognize as part of the often mentioned program for obtaining control of the Panama Canal.

Procurement planners tasted blood at Suez. They have now made the Panama Canal a key target for another propaganda offensive against continued U.S. sovereignty over the Canal Zone.

It thus becomes imperative that the Congress, as the ultimate authority under our constitutional system in questions of national policy, should exercise without further delay its legislative powers to promote the safety of the continental United States and, by so doing, of the entire Western Hemisphere.

The situation in the Caribbean, on which I have addressed the House many times, becomes more critical every day. There is no time to be lost. Hence, I urge, in line with the President's declaration at Rio de Janeiro, that the Congress pass the resolutions now pending to extend the Monroe Doctrine and to reaffirm our Isthmian Canal policies.

Again I ask: "Why wait for new blows to fall?"

The indicated resolutions follow:

HOUSE CONCURRENT RESOLUTION 445

Whereas the subversive forces known as international communism, operating secretly and openly, directly and indirectly, threaten the sovereignty and political independence of all the Western Hemisphere nations; and

Whereas the American continents, by the free and independent position which they have assumed and maintained, are not subject to colonization or domination by any power; and

Whereas the intervention of international communism, directly or indirectly, or however disguised, in any American state, conflicts with the established policy of the American Republics for the protection of the sovereignty of the peoples of such states and the political independence of their governments; and

Whereas such a situation extended to any portions of the Western Hemisphere is dangerous to the peace and safety of the whole of it, including the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), (1) That any such subversive domination or threat of it violates the principles of the Monroe Doctrine, and of collective security as set forth in the acts and resolutions heretofore adopted by the American Republics; and

(2) That in any such situation any one or more of the high contracting parties to the Inter-American Treaty of Reciprocal Assistance may, in the exercise of individual or collective self-defense, and in accordance with the declarations and principles above stated, take steps to forestall or combat intervention, domination, control, and colonization in whatever form, by the subversive forces known as international communism and its agencies in the Western Hemisphere.

HOUSE CONCURRENT RESOLUTION 450

Whereas the United States, under the Hay-Bunau-Varilla Treaty of 1903 with Panama, acquired complete and exclusive sovereignty over the Canal Zone in perpetuity for construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection; and

Whereas all jurisdiction of the Republic of Panama over the Canal Zone ceased on exchange of ratifications of the 1903 treaty on February 26, 1904; and

Whereas since that time the United States has continuously exercised exclusive sovereignty and control over the Canal Zone and Panama Canal; and

Whereas where responsibility is imposed there must be given for its effectuation adequate authority; and with respect to the Panama Canal the treaty of 1903 so provided; and

Whereas the United States has fully and effectively discharged all its treaty obligations with respect to the Panama Canal and the only legitimate interest that Panama can have in the sovereignty of the Canal Zone is one of reversionary character that can never become operative unless the United States should abandon the canal enterprise; and

Whereas the policy of the United States since President Hayes' message to the Congress on March 8, 1880, has been for an interoceanic canal "under American control," that is to say, under the control of the United States; and

Whereas the grant by Panama to the United States of exclusive sovereignty over the Canal Zone for the aforesaid purposes was an absolute, indispensable condition precedent to the great task undertaken by the United States in the construction and perpetual maintenance, operation, sanitation, and protection of the Panama Canal, for the benefit of the entire world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), (1) That the United States, under treaty provisions, constitutionally acquired, and holds, in perpetuity, exclusive sovereignty and control over the Canal Zone for the construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection; and

(2) That there can be no just claim by the Republic of Panama for the exercise of any sovereignty of whatever character over the Canal Zone so long as the United States discharges its duties and obligations with respect to the canal; and

(3) That the formal display of any official flag over the Canal Zone other than that of the United States is violative of law, treaty, international usage, and the historic canal policy of the United States as fully upheld by its highest courts and administrative officials; and would lead to confusion and chaos in the administration of the Panama Canal enterprise.

HOUSE CONCURRENT RESOLUTION 33

Whereas there is now being strongly urged in certain quarters of the world the surrender, by the United States, without reimbursement, of the Panama Canal, to the United Nations or to some other international organization for the ownership and operation of the canal; and

Whereas the United States, at the expense of its taxpayers and under, and fully relying on, treaty agreements, constructed the canal, and since its completion, at large expenditure, has maintained and operated it and provided for its protection and defense; and

Whereas the United States, following the construction of the canal, has since maintained, operated, and protected it in strict conformity with treaty requirements and agreements, and has thus made it free, without restriction or qualification, for the shipping of the entire world; and, in consequence of which, with respect to the canal and the Canal Zone, every just and equitable consideration favors the continuance of the United States in the exercise of all the rights and authority by treaty provided, and in the discharge of the duties by treaty imposed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (1) it is the sense and judgment of the Congress that the United States should not, in any wise, surrender to any other government or authority its jurisdiction over, and control of, the Canal Zone, and its ownership, control, management, maintenance, operation, and protection of the Panama Canal, in accordance with existing treaty provisions; and that (2) it is to the best interests—not only to the United States, but, as well, of all nations and peoples—that all the powers, duties, authority, and obligations of the United States in the premises be continued in accordance with existing treaty provisions.

SENATE

THURSDAY, MARCH 31, 1960

(Legislative day of Wednesday, March 30, 1960)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

Rev. Winfrey C. Link, minister, Glendale Methodist Church, Nashville, Tenn., offered the following prayer:

O eternal God, Thou hast been good to our Nation. Grant that we, in turn, may be obedient to Thy will. Thou hast given us a rich heritage and a great future in our children and our youth. May those here in Washington who are studying the needs of children and youth receive wisdom from Thee.

Visit these hallowed Chambers with Thy presence, we pray. Bring to the minds of these Senators the wisdom which can come only from Thee. Grant to them strength sufficient for their tasks. Endue them with courage to act on moral principle, above any personal or political influence. Inspire all who this day participate in the debate in this legislative body.

In the name of Jesus, our Saviour, who surpassed all in conviction and courage, we pray. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 30, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one

of his secretaries, and he announced that on March 28, 1960, the President had approved and signed the act (S. 2483) to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 1795) to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the regular components of the Armed Forces, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 11390. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961, and for other purposes;

H.J. Res. 502. Joint resolution authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune; and

H.J. Res. 546. Joint resolution authorizing the Architect of the Capitol to present to the Senators and Representative in the Congress from the State of Hawaii the official flag of the United States bearing 50 stars which is first flown over the west front of the United States Capitol.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 582. Concurrent resolution providing under section 3(e) of the Strategic and Critical Materials Stock Piling Act, the express approval of the Congress for the disposal from the national stockpile of approximately 470,000 long tons of natural rubber; and

H. Con. Res. 607. Concurrent resolution authorizing the printing of a House document of the pamphlet entitled "Our American Government: What Is It? How Does It Function?"

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 11390. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961, and for other purposes; to the Committee on Appropriations.

H.J. Res. 502. Joint resolution authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune; and

H.J. Res. 546. Joint resolution authorizing the Architect of the Capitol to present to the Senators and Representative in the Congress from the State of Hawaii the official flag of the United States bearing 50 stars which is first flown over the west front of the U.S. Capitol; to the Committee on Rules and Administration.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The concurrent resolution (H. Con. Res. 582) providing under section 3(e) of the Strategic and Critical Materials Stock Piling Act, the express approval of the Congress for the disposal from the national stockpile of approximately 470,000 long tons of natural rubber, was referred to the Committee on Armed Services, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Congress expressly approves, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (53 Stat. 811, as amended; 50 U.S.C. 98b(e)), the disposal from the national stockpile of approximately four hundred and seventy thousand long tons of natural rubber in accordance with the plan of disposal published by General Services Administration in the Federal Register of September 15, 1959 (24 F.R. 7430).

The concurrent resolution (H. Con. Res. 607) authorizing the printing as a House document of the pamphlet entitled "Our American Government: What Is It? How Does It Function?" was referred to the Committee on Rules and Administration, as follows:

Resolved by the House of Representatives (the Senate concurring), That (a) with the permission of the copyright owner of the book "Our American Government—1,001 Questions on How It Works", with answers by WRIGHT PATMAN, published by Scholastic Magazines, Incorporated, there shall be printed as a House document the pamphlet entitled "Our American Government: What Is it? How Does It Function?" In addition to the usual number there shall be printed 2,000 copies for use and distribution by each Member of Congress.

(b) As used in this concurrent resolution the term "Member of Congress" includes a Member of the Senate, a Member of the House of Representatives, and the Resident Commissioner from Puerto Rico.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there may be the usual morning hour, subject to a 3-minute limitation on statements.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CIVIL RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, I think the progress the Senate made yesterday with the civil rights bill is indicative of the fact that the Senate is proceeding in good time. Of course, we still have a long way to go; but I think the Senate should have an opportunity to pass upon all the proposals made and to discuss them at length. I have always thought it essential that proposed legislation be considered from every aspect.

It is extremely encouraging to me that we have gone as far as we have, as quickly as we have. I hope we shall continue to proceed in good order and good humor, with good results.

MEMORIALS

The PRESIDENT pro tempore laid before the Senate memorials signed by John D. Schneider, and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising, which were referred to the Committee on Foreign Relations.

RESOLUTIONS OF COFFEY COUNTY, KANS., FARMERS UNION

Mr. CARLSON. Mr. President, the Coffey County Farmers Union at a recent meeting adopted resolutions in regard to the Federal farm program and the Farmers Union educational program.

These resolutions stress the need for farm legislation that will assure the American farmer of his fair share of the national income.

I ask unanimous consent that the resolutions be printed in the RECORD, and referred to the appropriate committees.

There being no objection, the resolutions were received, referred, as indicated, and ordered to be printed in the RECORD, as follows:

To the Committee on Agriculture and Forestry:

"FARMERS UNION RESOLUTION ON FEDERAL FARM PROGRAM

"Whereas annual net farm income has fallen from $15.3 billion in 1952 to $10.3 billion in 1959; and

"Whereas, the 1959 prices received by farmers for their output were 16 percent below the 1952 level, and prices paid by farmers rose nearly 11 percent during the same period, and

"Whereas since the administration has lowered support prices, surpluses have increased which indicate that the present administration policies are a huge failure; and

"Whereas USDA economists predict net farm income will fall to $7 billion in next few years, less than half that of 1952 level, if price supports are withdrawn, as the present administration and a few others advocate which, we believe, would wreck our total economy as in 1930's: Therefore be it

"*Resolved*, That we, the Coffey County Farmers Union in session this 11th day of March 1960 at Burlington, Kans., favor a Federal farm price support bill, that provides:

"1. Farmer elected committees from county to national levels, with requirements that actual farmers have control.

"2. A national food use program, which would bring domestic consumption and foreign surplus utilization programs, into gear with the price support program.

"3. Support level at not less than 90 percent of current parity for any commodity, whose producers have not disapproved a market supply adjustment program as worked out by the Secretary of Agriculture, and submitted to a two-thirds referendum.

"4. A wide variety of methods to carry out these programs, including Government loans, marketing orders, allotments, incentive payments, and a strong soil conservation program; be it further

"*Resolved*, That a copy of these resolutions be sent to the Secretary of Agriculture, chairman of the Senate and House Agriculture Committees, Senators SCHOEPPEL and CARLSON, Congressman ED REES, and that a copy be spread on the minutes of this meeting.

"H. A. DRESSLER,
"President."

To the Committee on Labor and Public Welfare:

"FARMERS UNION RESOLUTION ON EDUCATIONAL PROGRAM

"Whereas according to the National Education Association and other study groups'

reports, U.S. expenditures for public schools during the school year 1958–59 totaled $14.5 billion; and at this same time our expenditures for alcoholic beverages and tobacco were $15.5 billion; and

"Whereas according to these same study groups, 56 percent of the cost of public education is paid by local government, 40 percent by State government, and only 4 percent by Federal Government; and

"Whereas a big increase in taxes will be necessary if we are to develop an adequate and effective educational program; and

"Whereas most all local school and some State taxes are raised by a tax levy on real and personal property; and

"Whereas farmers cannot add the cost of taxes to the price of their products and pass them on to consumers, as industrial enterprises do; and, since an increase in local school taxes would be a great burden on farmers: Therefore be it

"*Resolved*, That we, the Coffey County Farmers Union, in session this 11th day of March 1960 at Burlington, Kans., favor a substantial increase in Federal aid to public elementary and secondary schools for school construction, and Federal aid for school instruction, to at least $25 per child of school age, in these same schools, as provided in bill H.R. 22, by Representative METCALF; be it further

"*Resolved*, That a copy of these resolutions be sent to the Secretary of the U.S. Department of Health, Education, and Welfare; a copy to each, Senators SCHOEPPEL and CARLSON; Congressman E. H. REES, and to the local papers for publication; also, that a copy be spread on the minutes of this meeting.

"H. A. DRESSLER,
"*President.*"

RESOLUTION OF SOUTH CAROLINA DEMOCRATIC STATE CONVENTION

Mr. JOHNSTON of South Carolina. Mr. President, I present a resolution adopted at the South Carolina Democratic State Convention. The resolution calls attention to the danger in striking out what is known as the Connally amendment. I ask that the resolution be printed in the RECORD and be referred to the committee which deals with this matter.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas the World Court was established by the United Nations with the intent that it should be superior to all domestic courts of each participating nation in those matters within its jurisdiction; and

Whereas in adopting the resolution committing and binding the United States to participate in and accept the jurisdiction of the World Court, the Congress of the United States wisely protected the sovereignty of this nation by providing that this World Court would have no jurisdiction over "disputes with respect to matters which are essentially within the domestic jurisdiction of the United States as determined by the United States," and

Whereas Senator HUMPHREY, of Minnesota, has introduced Senate Resolution 94, calling for the elimination of the words "as determined by the United States," which words are known as the Connally amendment; and

Whereas if these words, "as determined by the United States," are eliminated from the agreement of this Government to accept the jurisdiction of this World Court, the United States will have virtually surrendered its Constitution and its national sovereignty and accepted the dictation and control by foreign governments of its internal affairs: Now, therefore, be it

Resolved by the State Democratic convention in regular convention assembled, this 16th day of March A.D. 1960:

1. That this convention urges the Senators representing the State of South Carolina in the United States Senate, and the Foreign Affairs Committee of the United States Senate to oppose repeal of the Connally amendment and to defeat Senate Resolution No. 94 as mentioned.

2. That a copy of this resolution be forthwith transmitted by the secretary of this convention to U.S. Senators OLIN D. JOHNSTON and J. STROM THURMOND, and to the chairman of the Foreign Relations Committee of the U.S. Senate with the request that it be called to the attention of the whole committee.

Mr. JOHNSTON of South Carolina. Mr. President, I also present a resolution which was adopted at the South Carolina Democratic State Convention. The resolution deals with matters pertaining to the antitrust laws. I ask that the resolution be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Whereas during certain periods in the history of the United States the Federal Government has used its powers to enforce its laws on some groups promptly and severely, while at other times such laws have been very loosely enforced against certain other groups: Now, therefore, be it

Resolved by the State Democratic Convention, That the U. S. Government is hereby requested to apply all Federal laws, particularly the antitrust laws, in a similar manner and with equal force to business, unions, or any other groups or persons that may affect the life or welfare of our Nation; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the Attorney General of the United States, and to each Congressman and Senator from South Carolina.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HENNINGS, from the Committee on Rules and Administration, without amendment:

S.J. Res. 178. Joint resolution relating to the payment of salaries of employees of the Senate (Rept. No. 1208).

FINAL REPORT OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD (PT. 4 OF S. REPT. NO. 1139)

Mr. McCLELLAN. Mr. President, as chairman and on behalf of the Senate Select Committee on Improper Activities in the Labor or Management Field, pursuant to Senate Resolution 44 and Senate Resolution 249 of the 86th Congress, I submit part IV of the report of this committee, unanimously approved by all its members.

This part of the report contains a summary of the testimony and of the findings of the committee relating to the coin-operated music, amusement, and cigarette vending machine industry.

Included in this report is a summary of the select committee's activities and achievements during the past 3 years, as well as the committee's acknowledgment of the fine cooperation it received from other branches of the Government, from local law enforcement agencies, and from its own staff.

I respectfully urge that Senators read at least the summary in this report, showing the work of the committee, some of its accomplishments and some of the results that have come about by reason of the work the committee has performed.

I shall release, upon filing this report, a statement to the press in which I have commented upon the work of the committee. I ask unanimous consent to have this press release printed in the body of the RECORD at this point as a part of my remarks.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

PRESS RELEASE BY SENATE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

Senator JOHN L. MCCLELLAN, Democrat, of Arkansas, chairman of the Senate Select Committee on Improper Activities in the Labor or Management Field, today filed the last of four volumes comprising the final report of the committee.

In this fourth volume the committee draws attention to the widespread infiltration of coin-operated machine business by hoodlums. The committee indicates that this infiltration is so extensive as to constitute a national problem.

The report also recounts the history of the committee and enumerates the results forthcoming from its activity, principally the passage of the Labor-Management Reporting and Disclosure Act of 1959.

The committee describes the great increase of the use of coin-operated machines into the multi-million dollar enterprise which exists today. The half-million jukeboxes in the United States have brought in over $300 million, in cash, over each of the last several years. Concerning this section of the coin-machine industry, the committee report states:

"Every area of committee inquiry showed collusive ventures by racketeers in operator associations and union locals to repress competition for that revenue."

The amusement-type machine are another class discussed by the committee. These constitute a major problem only when merged with the payoff type, which are gambling devices.

The committee report describes hoodlums infiltration or coercion at every level of the coin-machine industry from the manufacturers through the distributors, the operators, and the location owners.

The evils of this situation are compounded by the perversion of union labels for coercive purposes. The person controlling the issuance of the labels controlled the coin-machine business, according to witnesses. The committee report goes on to state:

"An outstanding proportion of known criminals were found with controlling interests over either—and sometimes both—union or employer groups."

The ease of control by collusion or coercion has attracted many hoodlums to the coin-operated machine business, to the detriment of the legitimate operators.

The prominence of William Bufalino, a Teamster official, in the racket-infested coin machine business in Detroit not only illustrates the extent of the problem there, but also demonstrates the incongruity of his recent nomination by James R. Hoffa to be a

member of the board of monitors of the Teamsters Union.

In its report the committee describes its beginnings as an outgrowth of work begun by the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations. It sets forth figures to show that its staff members have traveled extensively (2½ million miles), and that the transcript of testimony heard before the committee reached the staggering total of 46,150 pages. The report also discloses that 343 witnesses out of a total of 1,526 (about one-fifth) pleaded the fifth amendment.

The committee points out that the facts exposed and the information gained through its hearings were probably the greatest single element resulting in the eventual passage of the Labor-Management Reporting and Disclosure Act of 1959.

In its report the committee recounts the cooperation of many persons, expressing its gratitude to many public officials throughout the United States for their wholehearted cooperation and assistance over the past 3 years. It also reveals that it has received approximately 150,000 unsolicited communications, most of which were from members of labor unions, and the vast majority of which commended the work of the committee.

Included in this report is a long list of persons indicted, convicted, and ousted from office as a result of public disclosure of their misdeeds. The report points out that the committee itself has no prosecutive function, but that prosecution by law enforcement officials has resulted from committee revelations.

At the end of the report, Chairman McCLELLAN expresses his appreciation to the "able staff, whose complete loyalty and dedicated service have enabled the committee to fulfill its task so well."

Mr. McCLELLAN. Mr. President, I ask that the report be printed.

The PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Arkansas.

PUBLIC HEARINGS ON SENATE BILL 3193 AND HOUSE BILL 11135 BY JOINT COMMITTEE ON WASHINGTON METROPOLITAN PROBLEMS

Mr. BIBLE, from the Committee on the District of Columbia, reported an original concurrent resolution (S. Con. Res. 101) authorizing public hearings and recommendations on the bills S. 3193 and H.R. 11135, by the Joint Committee on Washington Metropolitan Problems, and submitted a report (No. 1209) thereon; which concurrent resolution was placed on the calendar, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Washington Metropolitan Problems, created by House Concurrent Resolution 172, agreed to August 29, 1957, is hereby authorized to hold public hearings on the bills S. 3193 and H.R. 11135, and to furnish transcripts of such hearings, and make such recommendations as it sees fit, to the Committees on the District of Columbia of the Senate and House of Representatives, respectively.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. WILEY (for himself and Mr. PROXMIRE):

S. 3303. A bill to authorize Federal loans to assist the Menominee Indian Tribe of Wisconsin, or its successor entity, in the conduct of its affairs; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. WILEY when he introduced the above bill, which appear under a separate heading.)

By Mr. BIBLE (by request):

S. 3304. A bill to amend the act relating to the small claims and conciliation branch of the municipal court of the District of Columbia, and for other purposes; and

S. 3305. A bill to amend the District of Columbia Traffic Act, 1925, as amended; to the Committee on the District of Columbia.

CONCURRENT RESOLUTION

PUBLIC HEARINGS ON SENATE BILL 3193 AND HOUSE BILL 11135 BY JOINT COMMITTEE ON WASHINGTON METROPOLITAN PROBLEMS

Mr. BIBLE, from the Committee on the District of Columbia, reported an original concurrent resolution (S. Con. Res. 101) authorizing public hearings and recommendations on the bills S. 3193 and H.R. 11135, by the Joint Committee on Washington Metropolitan Problems, which was placed on the calendar.

(See the above concurrent resolution printed in full when reported by Mr. BIBLE, which appears under the heading "Reports of Committees.")

FEDERAL LOANS FOR MENOMINEE INDIAN TRIBE IN WISCONSIN

Mr. WILEY. Mr. President, on behalf of myself and my colleague, the junior Senator from Wisconsin [Mr. PROXMIRE] I introduce, for appropriate reference, a bill to authorize Federal loans to assist the Menominee Indian Tribe of Wisconsin in establishing sound financing for tribal enterprises upon termination of Federal control over the tribe.

As provided by Congress, Federal control over the tribe will terminate on December 31, 1960.

To assure protection, and best utilization of the assets of the tribe, plans have been submitted to the Secretary of Interior, for among other things, creating a corporation under the laws of the State of Wisconsin that will take title to all Menominee Indian forest lands and other property.

The plan provides for local government, under State statutes. To accommodate the changed status of the Indians, Wisconsin has created a new—incidentally, its 72d—county for the Menominee Indian Reservation.

Upon lifting Federal control over tribal affairs, however, one of the most serious problems confronting the Menominee will be that of meeting post-termination financial obligations.

In the past, other tribes of American Indians have faced similar, or related, problems. To help such tribes, special programs have been necessary, from time to time, both in the interests of the Indians, themselves, the surrounding community, and the country.

In the light of this history, I believe that it would not be inconsistent policy-wise, now, to make special provisions to help the Menominee Tribe meet its financing problems.

As introduced, the proposal would authorize a $2.5 million loan to the tribe under such conditions as shall be established by the Secretary of Interior. We recall, of course, that the Secretary also has the responsibility for approving termination plans and the post-termination setup for handling of tribal assets.

The approval of this loan authorization, in the light of these factors, would be, I believe, in the best interests both of the tribe and the economy of the State, as well as the Nation.

I ask unanimous consent to have a copy of this bill printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred and, without objection, the bill will be printed in the RECORD.

The bill (S. 3303) to authorize Federal loans to assist the Menominee Indian Tribe of Wisconsin, or its successor entity, in the conduct of its affairs, introduced by Mr. WILEY (for himself and Mr. PROXMIRE), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction", approved June 17, 1954, as amended (68 Stat. 250, 252; 70 Stat. 550; 72 Stat. 291; 25 U.S.C. 897), is amended by inserting "(a)" immediately following "SEC. 8." and by adding at the end thereof the following:

"(b) In order to provide assistance in the establishment by the tribe or its successor entity of a program of sound financing of its business operations for the expansion and modernization of existing tribal enterprises and for the development of tribal resources, and in order to facilitate the complete accomplishment of the purpose of this Act, the Secretary is authorized to make loans to the tribe or its successor entity at such times, in such amounts, at such rates of interest not in excess of 4 per centum per annum, and subject to such terms and conditions, as he deems appropriate. The aggregate amount of all such loans shall not exceed $2,500,000. There are hereby authorized to be appropriated, to remain available until expended, such sums, not to exceed $2,500,000 in the aggregate, as may be necessary to carry out this subsection."

CIVIL RIGHTS ACT OF 1960—AMENDMENTS

Mr. JAVITS. Mr. President, I submit an amendment to the pending bill, H.R. 8601 the Civil Rights Act of 1960, and ask that it may be presented and read under the rule.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Is there objection?

Mr. JAVITS. Before taking the time of the Senate, I ask unanimous consent that the reading of the amendment be dispensed with, on the ground that this is an amendment which was contained in the Dirksen substitute as the Government's contracts committee section.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be received, printed, and lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 21, after line 12, insert the following new title and renumber the succeeding title and section:

"TITLE VII

"SEC. 701. (a) There is hereby created a Commission to be known as the 'Commission on Equal Job Opportunity Under Government Contracts', hereinafter referred to as the Commission.

"(b)(1) The Commission shall consist of fifteen members appointed by and serving at the pleasure of the President. The Chairman and Vice Chairman shall be designated by the President.

"(2) Members of the Commission who are officers or employees of the United States shall serve the Commission without additional compensation. Members of the Commission who are not officers or employees of the United States shall each receive fifty dollars per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.

"(3) Service of an individual as a member of the Commission shall not be considered to be service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

"(c)(1) The Commission shall make investigations, studies, and surveys, and shall conduct such hearings, as may be necessary or appropriate in the discharge of its duties under this section.

"(2) To implement the policy of the United States Government to eliminate discrimination because of race, creed, color or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services, the Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

"(3) The Government agencies contracting for goods or services to be furnished the Government shall perform such duties as may be requested of them by the President to cooperate with the Commission.

"(4) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

"(5) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

"(d) The Commission may employ such personnel as may be required for the effective performance of its duties.

"(e) The Commission shall render to the President annual reports for transmission to the Congress.

"(f) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this section."

Mr. ERVIN submitted amendments, intended to be proposed by him, to House bill 8601, supra, which were ordered to lie on the table and to be printed.

Mr. KEATING submitted amendments, intended to be proposed by him, to House bill 8601, supra, which were ordered to lie on the table and to be printed.

MASS TRANSPORTATION SERVICES IN METROPOLITAN AREAS—ADDITIONAL COSPONSOR OF BILL

Mr. WILLIAMS of New Jersey. Mr. President, at the request of the Senator from Maryland [Mr. BEALL], I ask unanimous consent that his name may be added as a cosponsor of the bill (S. 3278) to amend section 701 of the Housing Act of 1954 and title II of the Housing Amendments of 1955 to help improve mass transportation services in metropolitan areas, which I introduced March 24 for myself and Senators CLARK, JAVITS, KEATING, ENGLE, HUMPHREY, SYMINGTON, MORSE, HENNINGS, HARTKE, YOUNG of Ohio, and BRIDGES.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOUSING AND METROPOLITAN AFFAIRS—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 29, 1960, the names of Senators MURRAY, JAVITS, and WILLIAMS of New Jersey were added as additional cosponsors of the bill (S. 3292) to provide for the establishment of a Department of Housing and Metropolitan Affairs, and for other purposes, introduced by Mr. CLARK on March 29, 1960.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Address by him entitled "A Blueprint for American Space Leadership: Rockets for Peace," delivered before the American Rocket Society, National Capital section, March 31, 1960.

By Mr. DIRKSEN:

Address entitled "The Truth Gap," delivered by Secretary of Commerce Frederick H. Mueller before the Executives Club of Chicago, on March 25, 1960.

By Mr. PROXMIRE:

Article entitled "Pulaski Group Pays Tribute to ZABLOCKI," published in the Milwaukee (Wis.) Journal.

THE 139TH ANNIVERSARY OF GREEK INDEPENDENCE DAY

Mr. DIRKSEN. Mr. President, March 25 was the 139th anniversary of Greek Independence Day. Independence day commemorations have deep-rooted significance to the peoples of each nation, and their celebrations have become like sacred national festivities.

History reflects that three great revolutions occurred within the same era, each having a significant effect on the others: The American Revolution by the Colonists, the French Revolution, and the revolution by the Greeks against the Ottoman Empire. The way of freedom and democracy was shown to the world.

Greece has for centuries fought against repressors, and in ancient days saved the European civilization from the attackers of the East. In the 15th century the Greeks were again called upon to stop the Ottoman Empire from spreading throughout Europe. Although they were not successful in protecting their own homeland, they did retard the spread of the Ottoman Empire in Western Europe.

One hundred and thirty-nine years ago, in 1821, the brave and heroic Greek people began their revolution against the Ottoman Empire; and after 6 long years of fighting for freedom, against heavy odds, with the aid of their friends they succeeded in attaining their goal.

Within the present era the Greeks were again called upon to fight to protect their independence; and they withstood the thrusts of fascism, nazism, and communism in the 1940's. Hardly had those battles subsided when the freedom-loving Greeks sent troops to South Korea, to aid those people in their fight against communism.

Mr. President, this day is also symbolic to the Americans of Greek descent, since it is a focal day for the consideration of many notable projects that Americans of Greek descent are undertaking for the good of our country, in general, and for the American-Greek Orthodox, in particular. I have reference to the energetic projects such as the American Hellenic University, which is planned for the Boston, Mass., area, under the leadership of His Eminence, Archbishop Iakovos, Mr. Spyros Skouras, Judge John Pappas, and Ambassador Tom A. Pappas, and numerous members of the executive committee from my State of Illinois, and throughout the United States. Another significant project is the formation of the American Hellenic Congress, a union for specific projects of all Greek-American national organizations in the United States.

Since March 25 was also a religious day, it was fitting that a clergyman of the Greek Orthodox faith should be invited to offer a prayer before the U.S. Senate and the House of Representatives, a practice which is accorded to the clergymen of the Catholic, Protestant, Eastern Orthodox, Jewish, and other religious faiths. I am happy to have had the privilege of extending such invitations in the past.

Today Greece still clings to the independence regained 139 years ago; and all Greeks stand guard in their beleaguered homeland against Communist totalitarianism. In connection with the celebration of their Independence Day, I wish them power, peace, and prosperity, and a firm resolution to fight the forces of evil as manifested by totalitarianism.

THE 42D ANNIVERSARY OF DECLARATION OF INDEPENDENCE OF BYELORUSSIA

Mr. DIRKSEN. Mr. President, on March 25 the Byelorussians in the free world commemorated the 42d anniversary of the declaration of independence of Byelorussia.

It was on March 25, 1918, that the people of Byelorussia, after ridding themselves of some two-centuries-long domination by Russia, made the world aware of their fate, by proclaiming their land the free and independent Republic of Byelorussia. Unfortunately, the young Byelorussian National Republic could not enjoy her freedom and sovereignty for long. Soon thereafter her entire territory was turned into a battlefield, first between the forces of Russia and Germany, and then between the forces of Russia and Poland; and the tragedy befell again. The Byelorussian land was conquered, and the people found themselves in captivity. At the Treaty of Riga in 1921, Russia had claimed the eastern two-thirds of Byelorussia's territory, and Poland annexed the remaining western one-third to her state. Those nations held these territories until 1939. Since World War II, Byelorussia has been again occupied by Russia; one-half of her ethnographical territories has been incorporated in the Byelorussian Soviet Socialist Republic and the remaining one-half was shamelessly distributed by Russia among the Peoples Republic of Poland, the Soviet Socialist Republics of Lithuania, Latvia, and the Ukraine, and her own Soviet Federated Republic of Russia.

Regardless of where the Byelorussian people live today, in the U.S.S.R. proper or in other Communist-dominated republics, they have been denied equal rights and political, economic, religious, and personal freedoms, and they are subjected to undisguised abuse and oppression. The Russians have carried out unheard of exploitations, discriminations, and persecutions against the Byelorussian people in every phase of their national life. Not only have the Russians attempted to erase from the minds of the Byelorussians their national heritage, but Russia has also attempted to eradicate them as a nation.

I join my many colleagues in the Senate who offer best wishes to the Byelorussian people everywhere.

Mr. President, the Byelorussian-American Youth Organization in the State of Illinois has submitted an interesting statement to me, which I would like to have placed in the RECORD at this point, as follows:

According to the Soviet census of population of 1959, the number of the Byelorussians decreased from 9,300,000 to 8 million people and the question remains unanswered as to what happened to the 1,300,000 people. There was no epidemic and it would be impossible for 1,300,000 people to die from natural causes during the course of 9 years. Our guess is that they either were forced to renounce their Byelorussian nationality for Russia or killed in the forced labor camps. Not only have the Byelorussians been forbidden to observe their national holidays but also their native language has been denied equal right and the Russian language is being imposed upon them. Their many outstanding talents have been forced to abuse the famous past of the Byelorussian nation and to glorify its bloodthirsty tyrants. Their writers and poets have been forbidden to mention famous old Byelorussian culture and forced to glorify only the "genius" and exploits of "the elder brother—the great Russian people." Their rural population has been deprived of their right of tilling their own soil and while millions of acres of arable fertile land have remained unplowed and while misery and hunger threaten the entire country of Byelorussia, the young people from those areas instead of being allowed to develop and to improve the economy of their own republic are being forced by the tens of thousands to move away from their native land and settle down in the regions of Kazakhstan to upturn the virgin land there. Their industry and particularly the farm machinery is made not for the use of the Byelorussian people themselves but to aid Moscow in widening her horizons of influence in the worldwide trade-and-aid war. While the Byelorussian-made machinery is being shipped to Egypt and other countries in the free world, the same machinery is not in sight in Byelorussia.

Despite all the horrible treatment and unheard of exploitation by Russia, the Byelorussian people never broke down morally. The love of liberty still burns in their hearts and they only hope the free world would come to understand their desires, sympathize with them, and give them encouragement until the day when they again will become free and masters of their own country.

To commemorate the 42d anniversary of the declaration of independence of Byelorussia and to help keep alive the spirit of freedom of the Byelorussian people in their occupied homeland, this year as in the past, the American citizens of Byelorussian descent in Illinois will again join with other American citizens of Byelorussian descent in the United States as well as all other Byelorussians in the free world in observing this day with prayers and special programs. We feel that, as long as the people of Byelorussia are kept in bondage, it is our obligation, as their descendants, to raise complaints and express opinions in their defense.

GOOD DEMOCRATIC NEWS FROM WISCONSIN

Mr. PROXMIRE. Mr. President, from Wisconsin there comes extremely good news for the Democratic Party. While the eyes of almost every newspaper reporter who has been covering our State have been focused on the red-hot HUMPHREY-KENNEDY primary race, the Wall Street Journal's enterprising reporters, Allan Otten and Robert Novak, have probed deeper. They have asked the people of my State how they would vote in November, as between NIXON and any Democratic nominee. The answer was emphatically that they would vote for the Democratic nominee.

In view of the fact that Wisconsin has voted for the nationally victorious candidate in seven of the last eight presidential elections, the Wisconsin response was good Democratic news.

It was also very reassuring to those of us who have been deeply concerned that the unusual vigor of the intraparty primary struggle might seriously damage Democrats in Wisconsin. Incidentally, the article suggests that there are really solid values in primary contests for the party that holds them. The party that goes through the fire and anguish of the struggle seems to win adherents as the Democratic Party appears—according to the Wall Street Journal—to be winning adherents in Wisconsin today.

Mr. President, I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

NIXON'S CHANCES—HE FACES UPHILL FIGHT FOR PRESIDENCY, A POLL IN WISCONSIN INDICATES—VICE PRESIDENT LOSES MANY INDEPENDENT IKE BACKERS; SOME REPUBLICANS ARE COOL—MR. NIXON SOUNDS A WARNING

(By Alan L. Otten and Robert O. Novak)

MADISON, WIS.—Republican Presidential Candidate RICHARD M. NIXON appears to be in serious political trouble.

Talks with hundreds of Wisconsin voters turn up an astonishingly large number of 1952 and 1956 Eisenhower fans who say that, as of now, they don't plan to vote for the Vice President this November. Democrats and independents of this State who were charmed by Mr. Eisenhower's personality or won over by his views just don't feel the same way about the man he now wants to follow him into the White House. Most say they'll vote Democratic this fall—no matter who the Democratic nominee may be.

And while Mr. NIXON clearly will get the votes of almost all hard-core Wisconsin Republicans, some are supporting him with a lack of enthusiasm that could cost him money and volunteer effort in the coming campaign.

"Vote for NIXON? I just don't hardly think so," says Milwaukee carpenter Emil Loves, who voted for Ike both times. "I just don't feel good about him." Declares Mrs. Ray Ashbacher, Prairie du Chien librarian: "Mr. NIXON disturbs me. I think I'll go Democratic this time." She, too, voted for Eisenhower in both his races.

VAGUE BUT EMPHATIC

Such sentiments are repeated to the point of monotony, and are all the more monotonous because they usually are vague, cloudy, unspecific and yet emphatic. Many folks who liked Ike say firmly, in varying words, "There's just something about NIXON I don't like." In addition to these are some who have soured on the Republican Party for economic and other reasons. And a few who rallied to the GOP "time for a change" theme in 1952 are now turning it against the Republicans.

Two questions may properly be asked about these findings.

First. Is Wisconsin sentiment typical of that in the Nation?

Second. If so, will it still prevail by November election time?

Wisconsin was surveyed by the Wall Street Journal primarily to test voter reaction to Senators KENNEDY and HUMPHREY, confronting each other in the Democratic primary next Tuesday. (Findings on this were printed on this page yesterday.) But each voter, interviewed at length, was also questioned about his voting plans or inclinations for the November election. And this disclosed the anti-Nixon feeling in strikingly large dimensions.

It is possible that the uproar of the Democratic primary campaign has in fact twisted Wisconsin voter ideas somewhat out of the national pattern. Senators HUMPHREY and KENNEDY have been needling each other, but they also have both been flailing at Mr. NIXON. The Vice President, unopposed in the GOP primary, has stayed out of the State since February: The Republican case has rested in near silence.

LONG-HELD DOUBTS

For Republicans to brush aside Wisconsin coolness toward NIXON, therefore, would be easy, but perhaps dangerous. Voters swinging away from the Republican ticket seem to be deciding not on the basis of current cam-

paigning, so far as earnest reporting can measure motivation, but rather on the grounds of long-held personal doubts.

In other respects, Wisconsin would seem to be a fair enough State to sample. In recent presidential elections it has backed the winner. It offers a mixture of big city, town and farm areas. Although the Democrats recently have elected a Governor and a U.S. Senator, Republicans still hold most county and local offices. While Wisconsin's high percentage of Catholics (30 percent, against about 25 percent for the Nation) might work in the Democrats' favor right now with Senator KENNEDY's Catholicism a major issue, the fact is that widespread opposition to Mr. NIXON is found among Wisconsin Protestants as well.

So there is every reason to suspect that the trend so apparent here may well exist elsewhere.

Of course, no one ever thought Mr. NIXON could win all the Eisenhower voters, and he can afford to lose some of them. The President won so overwhelmingly in 1952 and 1956 that many of his supporters could vote Democratic this time and still leave a Republican victory margin. But not if the switch is on the scale indicated here.

CHANGING VOTERS' MINDS

The Vice President, naturally, can change the minds of many voters between now and November. Already, some Wisconsinites say he has converted them from hostility to friendship in the past few years. As his campaign moves out of quiescence into high gear—and Mr. NIXON is a vigorous campaigner—many more conversions may be made. When the Democrats pick their nominee in July, some voters now cool to the Vice President will decide they dislike that particular Democrat more.

When all that is granted, however, the picture turned up in treks through the Wisconsin towns and countryside still is sharply out of line with the rosy NIXON outlook that most politicians and pundits have been seeing ever since Mr. NIXON's stock shot up after his 1959 summer trip to Russia.

One GOP politician, significantly, has refused to look at the situation so glowingly. He is Mr. NIXON. With access to confidential surveys of his own, he has been taking a far grimmer view. And this week, speaking in Nebraska, he brought it out into the open.

"Anyone who does not recognize that we are in the fight of our lives must be smoking opium," he declared. "We must expect this to be one of the closest and hardest fought campaigns in America's political history." This statement was discounted by some politicians as mere pep talks intended to keep party workers on their toes. But Mr. NIXON meant it literally; he is a realist and he was shouting a warning.

His own campaign strategy in recent months has been based on recognition that an unfavorable image of him may be lingering in the minds of independents and Democrats, and that he must erase it. All his efforts have been aimed at staying in the public eye as a man who does a good job, talks the issues and ignores personalities. This will continue: President Eisenhower will be helping with gestures such as this week's invitation for the Vice President to sit in on talks with British Prime Minister Macmillan.

The picture of Mr. NIXON that turns up in voter interviews runs surprisingly the same in city, town, and farm areas across Wisconsin. It is a picture of Democrats and independents who liked Ike but are not liking DICK. Frustratingly for NIXON efforts to win them back, many of them can't even analyze why they don't like him. "I don't know why I don't love you like I do," could well be their theme song.

"I don't have anything against NIXON on his record; I just don't like the man," says Martin Maider, who farms just outside Chippewa Falls and is a Democrat who voted for Mr. Eisenhower. Mrs. William King, a New Berlin housewife whose husband works in Allis Chalmers' export office in Milwaukee, voted for Ike but declares: "I won't vote for NIXON. There's just something about the way he acts that I can't stand."

Jim Zwick, a young Milwaukee insurance agent, cast his first presidential vote for Mr. Eisenhower in 1956, but will go Democratic this time. "I've been out in California," he says, "and there are a lot of stories about the way he operates. There's just something about him I don't like." Racine leather worker Edward Laznicka contends Mr. NIXON "just talks and never does anything."

Even when the anti-NIXON voters get more precise, their reasons are frequently of a type that could well be rationalization of a more personal subconscious dislike.

"NIXON's too hotheaded," argues Theodore Wiczek, Stevens Point punch press operator. "You need a cool head like Ike's with the world the way it is." Milwaukee I.B.M. machine operator Al Muckerheide declares Mr. NIXON "hasn't done very much as Vice President. He's just been a figurehead." A Watertown highway official objects to Mr. NIXON's extensive foreign travels. "His job back here is more important," he maintains.

However, some of the Eisenhower voters Mr. NIXON seems to be losing are turning against the party rather than the candidate. Sheboygan schoolteacher Bob Sang is "fed up with the lackadaisical attitude of this administration. The President is preoccupied with his budget, and that's all he worries about instead of the great world problems."

Earl Tesch, Hustisford dairy farmer, voted for Ike but will go Democratic this time because "things could be better" for farmers. Art Meyers, who farms outside Elkhorn, has been Republican but now concludes "the Republicans have been too much for big business and the big farmer."

"NIXON'S OK, but I think we need a change every once in a while," asserts Viroqua housepainter Sam Orvald. Russell D. Eisenman, Wausau salesman, agrees. "NIXON's a good man, but I think we need some new blood," he declares.

No voter interviewed who called himself an Eisenhower Democrat indicates a possibility of voting for Mr. NIXON this fall—unless Mr. KENNEDY is the Democratic nominee. In that event, some say they'll hesitate about voting for Catholic KENNEDY. Though they deny religion is the reason, all in this group are in fact Protestants.

Democrat Lloyd Lambert, part owner of a La Crosse taxicab company, contends: "I just don't like NIXON, but I'd vote for him over KENNEDY." Eau Claire farmer Gale Kircheff, a Democrat who voted for Adlai Stevenson in 1956, says of a NIXON-KENNEDY race: "That would be a tough one to decide."

Finally, the voter interviews suggest Mr. NIXON must kindle greater enthusiasm among some Republicans who promise to vote for him only rather reluctantly. "I think there's a better man—I don't know just who," says Oxford building contractor John Hamilton.

Mr. NIXON can, of course, kindle enthusiasm and win converts. A number of voters, mostly Republican, say frankly they are going to vote for him and would not have done so 2, 3, or 4 years ago. "I didn't care for him much at all when he first came in," says a Wisconsin Rapids paint store owner. "I think he's come along real well the last 8 years."

The Vice President does, naturally, have many enthusiastic Wisconsin admirers—but almost entirely among year-in, year-out Republican voters. "He's groomed for the job," contends Port Edwards grocery store owner George Klemont. "He knows the Russians. He knows the South Americans. I think in a lot of ways he'd do a better job than Eisenhower." Mrs. Germaine Thompson, wife of a Nekoosa physician, declares, "The fact he's had all that experience certainly qualifies him for the job."

SUPPORT FOR PRESIDENT'S POSITION ON TREATY TO SUSPEND NUCLEAR TESTING

Mr. PROXMIRE. Mr. President, the case for the President's sensible decision to work for a treaty to suspend nuclear testing, based on the recent Russian concessions, is argued with devastating logic by Walter Lippmann in today's newspapers.

Mr. Lippmann knocks down one argument after another of those who oppose such a treaty. He points out that continued testing could be as valuable to Russia as to America—with no net gain for us, and terrible loss to the prospects of human survival. He nails down the deep and troublesome question of secret Russian testing in violation of the moratorium on below-threshold explosions, by pointing out how foolish and self-defeating such tests would be likely to be, even for the Russians.

He concludes with this wise warning:

The alternative to the treaty and agreement which the President favors is to break up the stalemate upon which precarious peace now rests, and to carry the nuclear competition forward—not only in a few caverns in Nevada, but over the whole field of rivalry between the two great world coalitions.

Mr. President, I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRELUDE TO THE DEBATE

(By Walter Lippmann)

There is a saying that to govern is to choose, and when we discuss the President's decision on nuclear testing, we must be sure not to lose sight of the fact that he is confronted with choices. If he does not offer the Russians a moratorium which they will accept, there will be no treaty. If there is no treaty, the race in nuclear armaments will be wide open, not only as between the Russians, the British, and ourselves but also for China and the East European satellites.

Much of the opposition, as it issues from the Atomic Energy Commission and the Pentagon, is based on the assumption that if we resume the race in the development of nuclear weapons, the United States will surely be the winner of the race. But have we the right to make this optimistic assumption?

There was no suspension of testing until 17 months ago. From the first test explosion in 1945 until the summer of 1958 we were quite free to do all the testing we wanted to do. But so, too, were the Russians free to do their testing.

In the course of those 13 years of an open race, the Soviet Union caught up with us and became a first-class nuclear power. Why, then, should we take it for granted that another 10 years of an open race will see us the winners, way out in front?

The real question is whether the Russians, testing in secret, may continue the race while we have stopped. This is a theoretical

possibility. But how much of a probability is it? Not very much, it seems to me, because the rewards of secret testing are not very great while the penalties of being caught are very great indeed. The Soviet dictator who ordered secret testing in violation of the moratorium would be making a gamble at very bad odds.

For while there is no certainty that cheating will be detected, there is no certainty that it can be concealed. There are a good many holes in the Iron Curtain. In a matter of this sort not only the intelligence organizations of the United States and Great Britain and of all the Western Alliance but also organizations of the neutrals and indeed of the satellites would be sensitive and alert. A sneak test might be carried out. But what a mess if the cheater were caught. It would not take more than one defector to give him away and, once caught, the damage to the cheater's influence would be tremendous. Theoretically, it is no doubt possible to cheat successfully. There are no doubt instances where men have committed the perfect crime. But everything has to go right and nothing must go wrong if the perfect crime is to be committed.

There is a risk that there might be a perfect crime, that a sneak test could be pulled off. But as compared with the other risks we have to live with, this is not a big risk. As I see the problem, the greatest risk is that if we resume the race and step it up, the Soviet Union will, despite the risks to itself, make China a nuclear power. Almost inevitably we, in our turn, will feel compelled to make Germany a nuclear power. After that, anything can happen because neither the Russians nor we will have control over the issues of war and peace.

For this reason the proposed treaty and agreement mark a critical point in the history of our times. If they can be put into effect, the U.S.S.R. and the United States of America will have established a very powerful common interest, which is to arrest the spread of nuclear weapons to other countries and to keep control of the capacity to wage nuclear war.

The alternative to the treaty and agreement which the President favors is to break up the stalemate upon which our precarious peace now rests, and to carry the nuclear competition forward—not only in a few caverns in Nevada but over the whole field of rivalry between the two great world coalitions.

CIVIL RIGHTS LEGISLATION

Mr. JOHNSTON of South Carolina. Mr. President, an editorial which appeared in the Sunday, March 27, 1960, issue of the Anderson Independent, of Anderson, S.C., entitled "One Side of Civil Rights Picture Has Been Turned to the Wall," has been brought to my attention.

My first inclination was to place this editorial in the RECORD, for I thought it was one that should certainly be brought to the attention of every Member of the Senate and to others who read the RECORD.

On second thought, instead of placing the editorial in the RECORD, I decided to read it to the Senate. It is the most outstanding piece of journalistic analysis that I have seen on this subject in a long, long time. It is obvious that the editor has gone to a great deal of pains to assemble all of his facts, and I feel no one could do this editorial justice by simply describing it. With that thought in mind, I shall now read the editorial:

ONE SIDE OF CIVIL RIGHTS PICTURE HAS BEEN TURNED TO THE WALL

Some national figure warned long ago—it might have been the late Huey Long, of Louisiana—that if fascism ever came to the United States it would arise under the name of "Americanism" or some other flag-waving word.

If he had lived he could have seen it arriving under the term "Civil Rights."

And he would have seen it make its greatest strides during the administration of a great military hero who gave lip service to States rights out of the same mouth that ordered storm troopers to bayonet peaceful citizens in the city of Little Rock.

The civil rights legislation pending in Congress is but another milestone in the American march toward enslavement under fascism, by whatever name it is called.

The racial issue is being used by the Fascist-minded to win huge blocs of Negro votes in the big cities.

The votes are needed to maintain in office those who are dedicated to big business, big money, and big labor.

During the Ike regime big business has been growing bigger through mergers and big labor has been growing daily in power. It should not be forgotten that Teamster Union bigwigs, for example, have been in the "I like Ike" corner, and that outfit is a genuine threat to our national safety and progress.

When big business and big labor become allied—and there already are tacit working agreements—then liberty of the individual is headed down cripple creek. That already is happening here in our beloved United States.

This is what is going on in the back of the store while the integration politicians make window displays of civil rights legislation.

Is the bleeding-heart majority in Congress really interested in the rights of citizens—all citizens?

Or is their concern limited to the rights, real or imagined, of the militant Negro and other pressure groups?

Is there left among the do-good contingent the slightest regard for the fate of a lone individual?

Is the Ike-Nixon-NAACP axis interested, for example, in the fate of the Reverend Early James Mattox of Atlanta, Ga.?

Mattox is a Negro minister who is a veteran of the Korean war, but in the past few days he has been forced to ask police protection against stonings, shootings, and threats on his life.

Both his church and his home have been stoned. The windows have been shot out of his automobile. His life has been threatened.

Why is Mattox being persecuted? He simply has the courage and good sense to voice opposition to mixing of the races in schools or anywhere else at this time.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The time of the Senator has expired.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from South Carolina may have 3 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSTON of South Carolina. I continue to read from the editorial:

If this had been happening to the Reverend Luther King, the integrationist agitator who has set up headquarters in Atlanta, headlines in the northern press would be a foot high and the mixer Congressmen would be screaming to high heaven.

Out in Cincinnati, Ohio, one Lawrence Ashcraft, a 30-year-old white insurance salesman, has been slapped into jail. His crime? He has refused to send his children to a school dominated by Negroes.

Ashcraft declared he will remain in jail forever rather than expose his children to the alarming conditions that prevail in schools in big cities where white pupils are heavily outnumbered, as they would be in Charleston and several other counties in South Carolina.

Has any bleeding heart arisen in the U.S. Senate to protest against the violation of the civil rights of either Mattox, a Negro, or Ashcraft, a white man—both of whom are being victimized?

At High Point, N.C., a trucking firm was struck last November because it could not come to terms with the Teamsters Union.

Last week a stick of dynamite was thrown through the company's offices in Charlotte. A day or so later, a dynamite bombing wrecked three offices of the company at High Point.

Have any of the integrationists who foam at the mouth over bombings involving racial conflict arisen to demand a Federal law to curb the bombing of business property, or homes of individuals who are targets of unioneers and their goons?

The all-out drive to force the races to integrate in the United States, as coldblooded and corrupt a conspiracy as any ever concocted in this land, also is being carried out in the sacred name of "national security"—the idea being that unless races are mixed in the United States we will lose friends in Africa and Asia to the Commies.

This shoddy argument is the fruit of a policy of appeasement and abject kowtowing to foreign opinion.

Not only is it undermining American unity in a time of crisis but it also is weakening the structure of the Armed Forces as well, the latest example of this being a race riot at an Air Force radar station at Albuquerque, N. Mex.

What happened there? It is the same situation that develops any place and any time where the races mingle socially. The occasion was an NCO club dance. A Negro airman tried to barge in on a white airman and his date, seated at a table. A fight resulted, and from then on things got out of hand.

Yes, we are on the high road to fascism—by whatever name it's called—on skids greased by the civil righters, the race mixers, and the voracious politicians who profit. Those who disagree with them are being persecuted and jailed for exercising their real rights as U.S. citizens while the do-gooders wail about Bible-toting bums being fined for arrogantly defying and breaking the law.

When you pray, include your country today. It needs it. If you haven't been praying, it's time to start.

Mr. President, as an individual citizen, as well as a Senator, I reecho what this editorial has said: "When you pray, include your country, for it certainly needs help."

ADDRESS BY THE VERY REVEREND E. J. O'DONNELL, S.J.

Mr. DIRKSEN. Mr. President, every year the meeting of the Irish Fellowship Club of Chicago becomes, on the 17th of March, a truly significant event; and every year they have a distinguished speaker. This year the address was de-

livered by the Very Reverend E. J. O'Donnell, president of Marquette University, of Wisconsin. It was a very significant statement, and I ask unanimous consent that it be included in the RECORD as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE HARP THAT ONCE AND WILL

(Address delivered by the Very Reverend E. J. O'Donnell, S.J., at the Irish Fellowship Club of Chicago, Mar. 17, 1960)

There are, it seems, many Irelands, including those that don't exist, save in the extraordinary Irish imagination. Most of them, I am sure, have been described at one or other of the 58 previous banquets of the Irish Fellowship Club of Chicago.

I don't know whether the fairies and leprechauns have ever been discussed at these meetings. For a while, I thought this might be an interesting topic for the 59th annual banquet, that is, until I heard of the harrowing experience of a certain American moving picture producer who went to Ireland recently in search of some genuine "little people." He vowed he would never try it again. The producer later summed the whole matter up in the words of an old Irish countrywoman who was asked whether she believed in fairies and who gave the only possible answer, "Of course not, but they're there."

And, indeed they are—like the stories about the snakes and the Scandinavians (from whom, they say, we get most of our faults) and the great wish of St. Patrick that Almighty God would allow him on the last day to judge the Irish because they need such understanding. These stories are, of course, not true, but some among us believe them, and therein lies the hope for our salvation.

The theme of Ireland is a strong one and a sad one, and perhaps it should be recalled—but without the bunting and ribbons and the green with which we bedeck it—for the breath of fresh air it will bring to our world preoccupied by notions of progress, screened from death, if not from life, by a thousand chromium-plated material possessions, and tormented by threats of extinction from the slow corrosion of luxury from within and the manifest challenge of weaponry from without. This land, this Ireland where time stands still and most "getting ahead" is to be done in the next world, may have something to offer us as we seek a new sense of national purpose, a new intellectual commitment, a new spiritual dedication, worldly so as to reach the measure of the world, and even more truly divine to answer the world's needs.

We all know that poet Thomas Moore's song about his native land, "The Harp That Once Through Tara's Halls":

"The harp that once through Tara's Halls
The soul of music shed,
Now hangs as mute as Tara's walls
As if that soul were fled.
So sleeps the pride of former days
So glory's thrill is o'er,
And hearts that once beat high for praise,
Now feel that pulse no more."

We all remember that song, which we have sung or heard all our lives. Its threnody pursues us, and perhaps deludes us into an appreciation that is false and beguiling. There was a time, even in our remembrance, wherein in a happy and holy ignorance, or in order to keep our spirits up as we sailed away from the gibbets and jails of our land, we boasted of how great we were and how we could put down those sent against us with our fists and shillelaghs. But really, then, these were whistles past the graveyard putting a bold face on sorrow as in those heart-rending songs of immigrations, the songs like "Off to Philadelphia" which our forebears sang as they faced the wild Atlantic and the heaving mystery of the crossing in the worse than cattleboats.

Yet, there was a time when Ireland was the miracle of the world. When the harp sang through Tara's Halls not a threnody but a paean of praise to the wandering Irishmen who set their stamps upon the western world and brought civilization back where it had gone under with the fall of Rome and into regions, the lands of the men of the north, where it had never been.

Iceland they colonized, so that when the Norsemen reached there in the seventh century they were to find the island Christian and dotted with the beehive shaped cells of the Irish monks. The Welsh, in Bangor and Chester, knew them well, and most of all, perhaps, the Scots learned of their quality through the genius of Columban from his new home on Iona Isle. The place names in Brittany today attest to the virtue and vigor of these Irishmen, who brought learning and a good way of life that were completely original to this great province of France. There is barely a town in Brittany that does not claim an Irish Saint for patron, among them St. Malo, the disciple of that most seaworthy of the Irish saints, Brendan, the navigator. Paris is circled by a wreath of towns bearing Irish names and in 1639 a professor of Louvain claimed for Belgium in her early days of Christianity 40 saints, men and women, from Ireland. While the bold, roaming men from Ireland were planting civilization like crosses all over the west of Europe and north into Scandinavia and south into Spain, giving an Irish lilt and twist forever to these nations, the most notable of them all, Brendan, was ploughing the seas to Hy-Brasil. The rich legends about the saint are so full of joy and terror, of his discovery of this land of ours centuries before a Scandinavian, of his church service on the back of a whale, thinking it to be an island, of his colloquium with Judas chained to a rock on the high seas somewhere off Long Island. All these great tales, wonders and travels come from the heart and the mind of one man, Patrick, whose feast we celebrate today.

It is pleasant, endearing to think of him as we see him in the pictures in the churches and the homes with his foot on the serpent, his crosier in one hand and the shamrock in the other, his white beard waving in the breeze as he excoriates and blesses the Irish Nation. But he was much more than his traditional figure of piety. He was, in fact, one of the great leaders of the West, greater than Charlemagne, Roland, or Don John of Austria. Rustled from his home in Wales and brought as a slave to Ireland, he grew up learning Gaelic and tending swine; his master a wizard, one of the Druids. From childhood through youth and early manhood with the blue-green mountains of Mourne behind him, he learned to love that land in a way that only a great soul could encompass. Eventually, this young Briton won his freedom and returned to where his lovely home had been; nothing was there but dust and ashes.

His father, a Romano-Celt, had gone down to disaster when the last of the legions fell back on Rome. And fall back to it did Patrick, to Europe to St. Martin's Abbey in Tours, and under the guidance of the great St. Germaine, he became a man of note in the church, the only coalescence left in Europe at that time. Now all the time he had been growing in wisdom and grace and learning, the story goes—and there are many stories of Patrick, far more in German and French scholarly journals than Irish popular tales—he was disturbed in his sleep by a babel of sound and a muddle of face.

But when he had become a full man in his prime, one night as he was sleeping, the sound and face came back to him, but now there was no more babel but the voice of Ireland, and instead of muddle there was the face of the Gael crying, "Patrick, come back to Ireland." And he arose and went to see the Holy Father, Pope St. Celestine I, and told him that he was off to Ireland, a hazardous task in those days when Ireland was the end of the world. Yet he made the journey with some dauntless companions and fifteen hundred and more years ago he brought to the assembled high king and lords of Ireland with their Druids, wizards, and fighting men the lessons of the solicitude of created love and the exacting promises of the redemption.

What Patrick accomplished was unique in the history of western Christendom, for as Daniel-Rops of the Academie Française, Dubois, Masseron and le Brach have pointed out, he did what had never been done before. He showed that the Greek-Roman Civilization that is the civilization of the West was meant not only for the lands that were territorially bounded by Greece and Rome or by those lands that they had subjugated but was for the whole wide world. Thanks to the tireless scholarship and wisdom of the German and French patrician exegetes of our day, we are only just beginning to understand the full significance of this grand and glorious plan and indeed to realize it on a scale comparable to that which Patrick envisioned.

For Patrick's Ireland was darker and more mysterious than Africa is today, than is Siam or the Pleiades. Yet Patrick made of Ireland a western nation, brought its people from the jungle of their wizard beliefs against the wills of their witch doctors, the Druids. By his sermons and incessant missionary effort he succeeded without a blow being struck in substituting Christianity for the old pagan Celtic religion. He made the great experiment that our way of life, in which even then were the seeds of our present democracy and legal development, was not only destined for the elect of Greece and Rome, but could be adapted and embraced by all peoples into their own substance and given a fresh force and vitality as the Irish gave to Christianity. Patrick did this by Irish means. He took what was available to show how good was his way, like the humble three-leafed plant, the Shamrock on the Rock of Cashel, whereby he taught the doctrine of the Trinity.

This, I think, is a lesson we can learn from Patrick today that the harp that once, and the harp I speak of is more than a harp, it is the symbol of Ireland itself, will once again sound through the world a clarion cry, the deep cry that once pushed back the dark from the world in times that were darker than these. This call transcends race or nation and has nothing to do with those murky calls to race that have led us in the century to such grave tragedy and horror. To be Irish is but to possess a state of mind, a strong feeling of religion and the supernatural, a recognition of tragedy, sorrow, and death as man's lot, and never very far away at that. In the true Irish spirit there is no turning away from the great concerns of humanity, no deadening of the human sympathies which keep reason and imagination alert. Through Patrick, God has piled up in our hands the means, the gifts of grace, to solve the grave problems of our lifetime. But we must awaken our sleeping powers in order that, imbued with the Christian ideology and the Christian spirit, we may through our personal and corporate efforts and with a resolution worthy of the great apostle of Ireland, achieve the Christian dedication in its essential form.

It is upon this theme, I think, of hope for the future and reflection of the past that

we can best honor Patrick whose festival we celebrate today. We stand on the threshold of an age, fraught as his was, with great perils and dangers to the church and state. At stake today is not only the preservation of the West against the incursion of the foe, but the winning or the losing of the uncommitted nations of the world which lie beyond the barricades of our way of life and of our institutions. By calling up the memory of Patrick and his Ireland as we have done here tonight, we also call upon him to inspire us to respond with new vigor and generosity to the requirements of our citizenship, our faith, and our Christian life. That this case of ours may be heard by every member of the Irish Fellowship Club of Chicago, is the dearest blessing and best wish I can bring you.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, and take up the nomination on the Executive Calendar under "New Report."

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the nomination on the Executive Calendar under "New Report."

AN ASSISTANT POSTMASTER GENERAL

The Chief Clerk read the nomination of Frank E. Barr, of Kansas, to be an Assistant Postmaster General.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask that the President be notified immediately of the nomination confirmed.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

The PRESIDING OFFICER. Is there further morning business?

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. KEFAUVER. Mr. President, I object.

The PRESIDING OFFICER. There is objection.

Mr. DIRKSEN. Mr. President, we will renew the suggestion of the absence of a quorum later. We have a little morning business.

Mr. KEFAUVER. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Without objection, further proceedings under the quorum call will be dispensed with.

AMBASSADOR WIGGLESWORTH SPEAKS ON CANADIAN-AMERICAN INTERDEPENDENCE

Mr. KEATING. Mr. President, the close bonds of friendship and cooperation which exist between the United States and Canada are a source of pride to citizens of both countries. This interdependence was recently discussed in a most interesting address by our Ambassador to Canada, Richard B. Wigglesworth.

Speaking before the Massena (N.Y.) Chamber of Commerce, Ambassador Wigglesworth pointed up the practical and equitable manner in which these two neighbors work together for common goals and to solve mutual problems. He noted that relations between Canada and the United States "should continue to be an example to the entire world of good neighbors living peacefully and profitably next to each other, of good neighbors facing the world overseas with determination to assure the acceptance of the values of democracy and free institutions which both countries cherish in common."

Mr. President, the recent resurgence of interest in bettering relations between Canada and the United States is particularly gratifying to the people of my State because of our longstanding close ties of friendship with our neighbors to the north. Just because our dealings with Canada have always been so amicable is no reason to take them for granted or to overlook the need for treating that country as an equal partner in our cooperative ventures. We must always recognize the pride and independence with which Canadians regard their status and their standing in the world community.

A moving force in improving and strengthening Canadian-American relations has been the work of my good friend, Dick Wigglesworth. Having known him for many years in the House of Representatives, I am not surprised at the effective and able manner in which he is representing us in Canada. I have seen him in action there and can testify personally to the fine job he is doing as Ambassador.

Mr. President, in order that a wider readership may be benefited from Ambassador Wigglesworth's interesting exposition of Canadian-American interdependence, I ask unanimous consent that his recent address in Massena be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

(Address by the Honorable Richard B. Wigglesworth, U.S. Ambassador to Canada, Massena, N.Y., March 23, 1960)

CANADIAN-AMERICAN RELATIONS

I. INTRODUCTION

The Massena Chamber of Commerce has been most kind in inviting me to be present this evening, and in giving me an opportunity to discuss with you the state of our relations with Canada. Obviously, Massena is very much interested in what happens in Canada, because of its proximity and because it draws so much electric power from the St. Lawrence Seaway project. For Massena, as for Canada, the Seaway has opened vistas of industrial and commercial development, and the future prosperity of Massena and of other parts of New York State is closely linked with the future prosperity and growth of Canada, your near neighbor to the north.

As you are perhaps aware, I assumed my present responsibilities about 15 months ago. In connection with my duties I have traveled in the past year from Newfoundland to British Columbia, from southern Ontario to the Arctic, for a total of well over 25,000 miles. In the course of my travels I have become acquainted with large numbers of Canadians. I have found certain initial impressions well confirmed, and my high respect for Canada and Canadians has grown steadily.

I am sure that I do not need to tell you much about Canadians, because you live very near to them, and you see a lot of them. You know as well as I that they are fine and friendly people, warmhearted and hospitable to strangers, and undaunted by the problems of developing a thriving country in the midst of what is sometimes a climatically hostile and difficult environment. They work hard, and they have accomplished great things in achieving national unity amid local diversity, always guided by the principles of representative government and a strong sense of dignified independence.

You no doubt are familiar with work done by Canadian organizations, both public and private, in the construction of the St. Lawrence Seaway. I am sure that the organizational efficiency of Canada was apparent in this great venture, as it is in other fields. In my position in Ottawa I have an opportunity to observe the Canadian Government at work. I have always admired the high level of ability in the Canadian Government. Within the past year or so I have become impressed anew by the competence and diligence of Canadian ministers and officials, and by the effectiveness with which Canadians handle their affairs, both domestic and international. The Canadians have a very fine civil service, which has been successful in attracting to it people of a very high level of talent. Canadian political life offers many opportunities for leadership to people from all parts of Canada and from all types of background.

Again to touch on matters which are pretty obvious, Canada has made tremendous economic progress in the past 25 years. Its gross national product has increased 800 percent; it has become the fourth most important nation in international trade in the

world; it has played an increasingly important role in international economic and political affairs. Canada has tremendous future possibilities in the development of its resources. It has a huge territory and a relatively small population which, however, is growing rapidly. Canada attracts investment at a high rate and is steadily forging ahead to improve the standard of living of its people, now second only to that of the United States. We tend to forget, perhaps, how vast is Canada's territory—six of the Provinces are larger than Texas, which we all know is a land without observable limits.

Americans often do not appreciate the very close and continuing interdependence of Canada and the United States, although I am sure that you in Massena, close to the Canadian border, need no proof of this fact. Our two countries are tremendously important to each other. They do more trading with each other than with any other countries in the world. Canadians use more American goods than any other people, and we are Canada's best customer. This trade between our two countries is, of course conducted by private citizens acting in their own interest in accordance with their judgment of commercial prospects. Very little trade occurs for sentimental reasons, but interdependence is not necessarily based on sentiment, although in the case of Canada and the United States there is a strong friendly sentiment and a habit of doing business in accordance with the same high standards.

Canada's recent extraordinary growth and economic development is attributable in large part to the investment of private funds from the United States in mining, oil, and gas, manufacturing, services, and trade. The Canadian economy is growing rapidly, and it imports more goods and services than it exports, thus incurring a balance of payments deficit. This deficit is, in fact, covered by a continued flow of capital funds from the United States to Canada for investment or for lending.

Some Canadians worry about this because they do not like the idea that their country is so to speak in debt to another country on so large a scale. But when they think further about the matter they realize that the capital makes Canada grow, and provides new employment and other opportunities for Canadians, without interfering in any way in the internal or domestic society of Canada. Consequently Canada remains receptive to new investment and offers good opportunities to the American investor.

Most Americans know that a good deal of American money is invested in Canada, but they may not know that a good deal of Canadian money is invested in the United States. On a per capita basis Canadians invest more in the United States than Americans do in Canada. Canadian savings are frequently directed into American securities, some of them representing equities in both the United States and Canada. And I do not need to tell the people in northern New York State that Canadian firms have subsidiaries in the United States. The Loblaw sign is not unfamiliar to people here, and Massey-Ferguson farm equipment and Moore business forms are also well known.

The main point about investment is that we have in our two countries a common market for investment funds, and these funds move freely from one country to the other depending on the judgment of the investor. This is usually made without much reference to national boundaries, and the investor makes no distinction in his mind between investment in one country or the other in terms of the nature or attitude of its government.

Canadian-American interdependence in trade and investment is closely paralleled by interdependence in defense. In the air age, national boundaries are quickly crossed, and the basic hostility of the Soviet Communist world toward the free world requires appropriate mutual security arrangements with each nation contributing to the common defense. Canada and the United States are allies in the North Atlantic Treaty Organization, or NATO, and are closely linked bilaterally by the North American Air Defense Command, or Norad. In NATO the Canadians and the United States share their defense problems with their European and other North Atlantic allies. In Norad the Canadians and the United States have an integrated air defense system in which a combination of Canadian and U.S. officers are in command over all forms of air defense, and in which our planes and Canadian planes fly wing to wing in unity. The commander of Norad is an American, General Kuter. His deputy is a Canadian, Air Marshal Slemon. When General Kuter is at headquarters, RCAF units in Norad are under U.S. command, and when General Kuter is away—as his duties often require—USAF units are under the command of a Canadian.

This is as it should be, because only through unity in the face of aggression can we maintain our separate national lives and independence.

II

In an interdependent environment in economic and defense affairs, the relations between the two governments ought to be good. I am glad to be able to tell you that they are fundamentally healthy, steadily improving, and moving in the right direction. I do not wish to give you the impression that good relations are automatic or easy. The two countries are interdependent, but they also compete. For example, both countries sell wheat on world markets. There is competition in metals, petroleum, other fuels, and in manufactured goods. There are instances where people on one side of the boundary wish to use certain natural resources to their own advantage, and possibly to the disadvantage of people on the other side of the boundary. Care and attention to relations is essential if fair dealing, cooperation, and understanding are to be achieved.

We have an elaborate set of arrangements for keeping the two governments and peoples in touch with each other, and we are constantly seeking new ways of improving understanding and of finding solutions to problems as they develop. The Canadians have an able and effective Embassy in Washington, headed by a distinguished Canadian, Ambassador Arnold Heeney. Through this channel the Canadian Government can bring directly to the attention of the U.S. Government its views on any problem. Our Embassy in Ottawa is constantly in touch with various departments of the Canadian Government. Our 11 consulates in Canada, from St. John's to Vancouver, are there to represent the United States in dealing with the problems of individual Americans or Canadians, and in handling commercial and other types of representation.

In addition to the normal diplomatic and consular channels, there are certain special joint boards and commissions which handle business between the two countries. There is the International Joint Commission which is responsible for dealing with problems of water and waterways along the boundary. Over the years the International Joint Commission has painstakingly and carefully solved many knotty and difficult problems relating to the use of water resources which our countries cannot help but share as a result of our geographical environment.

We also have a Joint Board on Defense which exists to resolve many detailed problems of defense relationships. This is supplemented by an extensive interchange of officers from the armed services of both countries and by special armed forces missions.

A new type of arrangement was established at the suggestion of President Eisenhower in 1953. At that time it was agreed to set up a Joint Canadian-United States Committee on Trade and Economic Affairs. It was to consist of the Ministers of External Affairs, Finance, Trade, and Commerce, and Agriculture on the Canadian side, and of the Secretaries of State, Treasury, Agriculture, and Commerce on the United States side. This committee meets periodically. The last session was in Washington in the middle of February, and the immediately preceding session was in Ottawa a year ago January. I had the privilege of attending both of these sessions, and I can give direct testimony on the usefulness of this committee as a means for establishing close personal relationship between high level officers of the two Governments. Out of this can grow a clear and reciprocal understanding, a great tolerance, and determination to work cooperatively. The Committee on Economic Affairs is paralleled by a newer committee established when President Eisenhower was in Ottawa in July 1958. This is the Joint Cabinet Committee on Defense, and it considers at a Cabinet level a number of the important defense problems which our two countries face. The last session of this committee took place in Washington at Camp David during the autumn, and again I am able to give direct testimony on how useful and effective this committee is for developing common understanding and effective working relationships between the two countries.

In 1958 two Members of the U.S. House of Representatives, Brooks Hays, of Arkansas, and FRANK COFFIN, of Maine, made two tours across Canada discussing with leaders of Government, industry, and labor all sorts of questions arising out of Canadian-American relations. One of the recommendations in their first report called for personal visits to each country by members of the National Legislature of the other. Out of this grew the Canadian-United States Interparliamentary Group, which has met twice, and which is now scheduled to meet this spring. A typical meeting consists of a visit to Washington by a group of the Members of the Canadian Parliament, selected to give broad representation politically and geographically. In Washington they meet a selected group of Members of the U.S. Congress, and they have an opportunity to discuss common problems and to compare notes on the operations of the two Legislatures and on a variety of international and domestic questions. I was present at Montreal and Ottawa when Members of the American Congress came to visit the Canadians and again I can assure you of the importance of these contacts, both official and unofficial, as a means of increasing understanding and promoting cooperation.

The Financial Post of Toronto has called the permanent establishment of this Interparliamentary Group "one of the outstanding actions of the 1959 session of Congress" and given it great credit for improved relations.

But it is not only in Government channels that we find increased means for promoting close contact between the two peoples. In recent years a new institution has appeared on the horizon. This is the Canadian-American Committee which is made up of business, labor, and farm leaders on both sides of the boundary. Many distinguished Americans and Canadians are members of this committee. It has a staff which prepares studies on questions important to our two economies. It has done much to contribute to public understanding of problems, and of attitudes in both

countries concerning such important questions as oil and gas, wheat, and the Columbia River.

In addition to such contacts between Governments, Legislatures, and private groups, there are of course countless professional organizations which have members in both countries, or which are in close contact with each other, so that in almost any field of endeavor Canadians and their American counterparts share common experiences. Many of the most important labor unions are in fact international unions and have Canadian units which are quite autonomous and independent, but which are nevertheless finding increased strength through unity with workers in the same trade in the United States.

III

Against this background of organizational relationships, and in the context of a very high level of interdependence, I should perhaps mention a few of the questions which have received attention by the two Governments, and which have sometimes appeared to be problems between us. An outstanding example is wheat. Both countries produce more wheat than they can sell, and the United States has adopted certain kinds of disposal on easy terms. Canadians have objected in the past because they were afraid that such noncommercial disposal would injure their commercial markets and the sale of wheat is very much more important to the Canadian economy as a whole than it is to that of the United States. We have carefully modified our disposal methods in the United States and have made sure that we do not injure commercial markets. We still are able to dispose of large quantities of wheat for humanitarian purposes, on easy terms, but we do this with the tacit consent of the Canadians as a result of a system of consultation. The press release following the Cabinet committee meeting in February reflected a fine level of understanding between the two Governments.

The sale of energy from one country to the other sometimes produces problems. In Massena you have large supplies of electric power derived from the seaway project. Other parts of the United States also benefit from such hydropower. Other forms of energy such as oil and gas have more recently entered the economic picture in Canadian-American relations. Tremendous development of oil and gas fields in Alberta and Saskatchewan has occurred in recent years, and is a major factor in trade between the two countries. In the spring of 1959 the United States exempted Canadian oil from import restrictions and the reaction of the Canadian Government and industry was very favorable. The exemption of Canadian oil from import restrictions reflected the importance which these supplies might have to us in time of emergency as well as the fact that they normally flow into markets which are essentially not available to domestically produced oil.

At the moment questions of the movement of natural gas from Canada to the United States are being considered by the Federal Power Commission in Washington and the National Energy Board in Ottawa. It is to be hoped that mutually satisfactory arrangements can be worked out for the best possible utilization of these great resources. Canadians have been in the past disturbed over restrictions which the United States has imposed on the importation of lead and zinc. As I am sure you are aware, the lead and zinc industry in the United States has had serious troubles for the past several years, and the U.S. Government tried a number of measures to alleviate this distress. The effort was always to find means which did not involve restrictions on imports from friendly countries such as Canada, Mexico, and Peru, but finally the United States found it necessary to impose import quotas. These quotas have not been particularly harmful in their application to Canada, but the Canadian Government has understandably been disturbed over the principle of U.S. quotas on this type of import. The quotas were imposed and Canada has continued to sell substantial quantities of lead and zinc in the United States and continued contact between the Governments in this connection tends to promote better understanding if not complete agreement.

Both countries maintain systems of government support for agriculture. In both cases the support of domestic agriculture sometimes makes it necessary to establish restrictions against agricultural imports. Thus Canada has maintained import restrictions, for example, on turkeys from the United States, so as to assure the successful development of its own turkey support program. The United States has maintained limitations on the import of flaxseed, linseed oil, and cheddar cheese, for example, for the same reasons. The Canadians have recently started a system of deficiency payments on eggs and hogs, and careful consideration between our two Departments of Agriculture has minimized the impact of these programs on our international trade. Thus the two Governments understand each other pretty well on such questions, even though they do not always see eye to eye on the precise solutions. Again in this field I can assure you relations are good and are improving.

A current problem of considerable importance is the question of the development of the Columbia River Basin. This is actually and potentially a tremendous resource for western Canada as well as for the northwestern part of the United States. Arriving at an agreement as to the best way to use the resources of the Columbia River Basin to benefit both countries and to avoid damage to either is extremely complicated and difficult. Negotiations are now under way, and no one expects them to be easy. Nevertheless with good will and a proper spirit of give and take, a solution to the Columbia River Basin problem can be found.

This catalog of problems which we consider bilaterally with Canada may distort the basic perspective if I do not touch on a few other matters as well. A great deal of our business with the Canadian Government deals with problems which both our countries face in the world overseas. If you look, for example, at the press release issued after the Joint Cabinet Committee meeting in Washington in February you will find that the Canadian Ministers and the American Cabinet officers spent a good part of their time in this field. They discussed questions of European trade; the principle of international trade expressed in GATT, or the General Agreement on Tariffs and Trade, to which both Canada and the United States subscribe; and questions of economic aid for underdeveloped countries, an area in which both our countries have programs. You will find in the press release a reference to consideration of problems caused for both countries by the economic activities of the Soviet bloc.

Thus a proper view of Canadian-American relations must encompass the problems which we consider together, problems which we face in other parts of the world. These problems do not separate us; rather they bring us together, because our interests and our objectives and our policies are parallel. Both countries want a world in which trade may occur without discrimination and in accordance with sound economics. Both countries want effective programs of aid for underdeveloped areas. Both countries are disturbed over the threat to the economy and peoples of the free world represented by the state monopoly system of the U.S.S.R. Both countries need each other in terms of mutual security and defense.

IV. CONCLUSION

I have tried to convey some sense of the enormously complicated range of topics with which the Canadian and United States Governments have to deal. I have tried to note the numerous channels and instrumentalities through which it is possible for our two peoples to communicate. We cannot, of course, expect to have all problems quickly and easily settled, nor can we expect to find a time when there are no outstanding problems between the two countries. They occur in the best families. The main point is to emphasize that most problems are solved, in a practical and equitable fashion. When there is a will on both sides to examine any question and to discuss it with a view to finding a mutually satisfactory answer, then close and good relations between the two governments and a spirit of cooperation will prevail. Relations between Canada and the United States should continue to be an example to the entire world of good neighbors living peacefully and profitably next to each other, of good neighbors facing the world overseas with determination to assure the acceptance of the values of democracy and free institutions which both countries cherish in common.

As the Washington Post said after the Cabinet Committee meeting in February, the signal improvement in Canadian-American relations resulted in little page 1 news. This, said the Post, reflected a fundamental awakening on the part of the United States to a record of some neglect of our relations with Canada. The editorial concluded:

"The Joint Cabinet-level meetings initiated by President Eisenhower are at last bearing fruit and they ought to become a permanent feature of Canadian-American relations."

When President Eisenhower visited Ottawa a year or so ago he said: "By mutual respect, understanding, and with good will we can find solutions to any problems which exist or which may arise between us." Here is the key to good Canadian-United States relations.

Thank you for this opportunity to talk with you.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Is the Senate still in the morning hour?

The PRESIDING OFFICER. The Senate is still in the morning hour.

RURAL DEVELOPMENT PROGRAM OF THE DEPARTMENT OF AGRICULTURE

Mr. BENNETT. Mr. President, one of the soundest and most promising farm programs instituted during recent years, and one which is unfortunately receiving far less public attention than it deserves, is the rural development program.

Everyone knows that during the past several decades there has been a migration from farm to city. This has created some serious problems in many areas, and to cope with these problems Secretary Benson began this program in 1955. Since that time it has done an outstanding job of aiding these rural farming areas in making necessary economic readjustments.

The rural development program provides for Federal-State-local cooperation designed to promote and encourage the economic development of low-income counties. The program is now going forward in 30 States, including some 200 counties. The specific aims of the program as outlined by Secretary Benson are: First, to expand industry and widen the range of off-farm jobs in areas with many small, low-production farms; second, to help families having the desire and ability to stay in farming gain necessary land, tools, and skills; and, third, to help younger rural people obtain adequate education and, especially, improved job skills.

The program has been implemented within the framework of existing agricultural and other agencies, and it has not required the establishment of a new agency. The added financial burden to the Department of Agriculture is slight.

The rural development program is administered at the county level by a committee of citizen volunteers. Such committees draw on experts from farming and marketing, industry, welfare, and education. The committees work under the general direction of county extension personnel under the existing Extension Service.

This program could well be the answer to the problem we are facing in my own State of Utah, and I am sure in many other States—that is, the large-scale migration of our citizens to the cities, producing dying communities in some of our rural areas.

In Utah, for example, 13 of our 29 counties have lost population since 1950. This has come at a time when our total State population has increased nearly 30 percent. Every one of the Utah counties showing population declines is a rural area.

I am convinced that the greatest hope of salvaging these dying communities is through the rural development program.

As listed above in the aims of the program, one key objective is the promotion of industries and other enterprises in rural areas. Some have expressed concern over the establishment of industry in rural areas because of the possible upsetting effect on community morals and community spirit. But studies show that such concern is unfounded.

The U.S. Department of Agriculture is presently working with State experiment stations on some interesting and important pilot research projects on the industrialization of rural farming communities. These pilot projects are being conducted in five States—Utah, Iowa, Ohio, Louisiana, and Mississippi—and cover 22 counties.

As we all know, industry—both large and small—is now moving into farming communities all over the country to take advantage of abundant manpower and natural resources, especially water and space. We should encourage this trend. Thus, this program of special pilot studies on the impact of industry on rural people and on farming areas generally is most significant. One important phase of the rural development program is to provide technical training to the available manpower in these communities in order to meet the needs of new industry for skilled workers.

I am sure all of my colleagues representing farming States which are experiencing the growing pains of industrialization will be interested in a recent committee for rural development program press release which summarizes the findings of specialists studying the changes resulting from industrial growth in selected rural areas. I am happy to note that one of these studies covers two counties in my own State of Utah—Sanpete and Juab Counties.

These findings, I am happy to say, refute the common misconception that industrialization weakens community spirit and breeds conflicts. On the contrary, according to these studies, industry seems to strengthen the community by placing it on a firmer economic footing.

I ask unanimous consent to insert in the RECORD the press release of the committee for the rural development program which comments on these pilot research projects.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

Committee for Rural Development Program: Under Secretary, Department of the Interior; Under Secretary, Department of Agriculture (Chairman); Under Secretary, Department of Commerce; Under Secretary, Department of Labor; Under Secretary, Department of Health, Education, and Welfare; Administrator, Small Business Administration; member, Council of Economic Advisers.

USDA studies industry impact in rural areas: What happens when industry moves to the country?

The Agricultural Marketing Service of the U.S. Department of Agriculture is finding the answer through a series of cooperative studies in five representative States, according to Nathan M. Koffsky, Deputy Administrator of the agency.

Mr. Koffsky reported on the project at a meeting today with Under Secretary of Agriculture True D. Morse, Chairman of the Committee for Rural Development Program. The special research project is going forward in connection with this program.

States included are Louisiana, Mississippi, Iowa, Utah, and Ohio. In these five States, studies in selected rural areas with new industrial plants have turned up some significant findings, Mr. Koffsky reported. For example:

Rural people who obtain jobs in the new factories moving into their area are much younger than average residents of employable age. The average factory worker in the areas under study is about 30 years old. This compares with an average of 50 years for heads of farm families in the same area.

Industry also increases the income of many rural people, Mr. Koffsky observed. The living standard of those who find jobs in the new plants has gone up at a faster rate than that of other rural residents. Incomes of plant workers equal, and in many cases exceed, incomes of average families in the same community.

Plant workers were found to be among the leaders in rural community organizations and groups, Mr. Koffsky said. Rural residents who find jobs in local industry continue to take an active part in community and religious affairs, the studies indicate.

About one in four plant workers in areas studied operate farms.

Their farms are usually smaller than the average in the community.

Farmers usually reduce their operations after taking an industry job. Farmers working in plants studied had reduced the number of days they farmed as much as 50 percent, Mr. Koffsky said.

A common misconception that industries have an unfavorable impact on rural areas is not borne out by the studies of the Agricultural Marketing Service.

Almost all rural people working in the new plants and most other residents agreed that industry has benefited their communities. The reason most often given was simple—more money and jobs in the community.

Findings cited by Mr. Koffsky are based on studies already published in the series, plus information now being assembled.

The following reports have been published to date:

"A Study of Plant Workers, Industrialization in Chickasaw County, Miss.," Mississippi State University, Agricultural Experiment Station, Bulletin 566, September 1958.

"Rural Industrialization in a Louisiana Community," Louisiana State University, Agricultural Experiment Station, Bulletin 524, June 1959.

"Industrialization and Rural Life in Two Central Utah Counties" (San Pete and Juab), Utah State University, Agricultural Experiment Station, Bulletin 416.

Copies may be obtained by writing the appropriate agricultural experiment station.

Mr. BENNETT. I also ask permission to have printed in the RECORD, an article which appeared in the February 1960, issue of County Officer, official publication of the National Association of County Officials. This article outlines the operation of the rural development program.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From County Officer, February 1960]

THE RURAL DEVELOPMENT PROGRAM

A little-known national program coordinated by the U.S. Department of Agriculture is beginning to take hold in rural counties around the country and to gain some attention in nonfarm circles.

Called the rural development program, it involves special Federal Government assistance plus local citizen action. The aim is to increase opportunities in rural counties, especially those where low-income groups live.

The program could be a forerunner of new types of Federal-State-local cooperation to promote and encourage long-term economic planning and development.

Thirty States now cooperate with the Department of Agriculture and other Federal departments in the rural development program. Some 200 counties are included. Not all, however, have a full-scale operation under way.

COMBINED EFFORT NEEDED

Blueprint for the program was drawn up in the summer of 1955. At that time, the Department of Agriculture released a report on U.S. low-income farming areas. Briefly, the Department's report stated that a combined farm, industry, and community development effort would be necessary if the problems were to be solved.

Soon after issuance of this report, Federal Government and State agricultural extension officials met to outline cooperative work in a few pilot areas.

However, the usual lag between agency planning and obtaining legislation and appropriations held up the work during the first year or so. Most pilot programs didn't get started at the county level until mid-1957.

Core of rural development program organization at the county level is a committee of citizen volunteers representing various fields—principally farming and marketing, industry, welfare, education. This "resource development committee" receives technical aid and guidance from Government and educational agencies working in the area.

USE COUNTY EXTENSION PERSONNEL

In addition, a big innovation in most program areas is assignment of special county extension personnel to work directly with the resource committee. Salary of these workers is financed entirely by the U.S. Department of Agriculture. In a few States, full-time extension workers employed under the arrangement help coordinate and manage the program on an areawide or statewide basis.

In some local program areas, other Federal and State agencies, such as the Soil Conservation Service, have also assigned technicians to work with development committees.

MAJOR AIMS

In a recent speech before county rural development workers, Secretary Benson outlined the specific aims of the rural development program:

Encouragement of economic family farm units. Thousands of families in these areas still try to make a living on poor soil with poor equipment.

Promotion of industries and other enterprises in rural areas.

Career counseling and vocational training for young people. In some of these low income farming areas, 9 out of 10 farm boys never go into farming as a career.

Zoning and land planning leading to more efficient land use.

Certainly, these are objectives of county governments, planning commissions, education departments, chambers of commerce and similar agencies throughout the country. But in disadvantaged rural communities, problems are often acute, funds severely limited, and public interest small or nonexistent. The rural development program attempts to supply the initiative, drive, and new organization to at least make a start on the solvable problems.

SUCCESSFUL BEGINNING

As an experiment the program has been a success. No doubt, the work has not gotten off the ground in some counties. But in others, local people have taken hold of the idea with genuine interest and enthusiasm. And Government agency representatives have established much closer planning and working relations with them. Secretary Benson calls the record "remarkable in just a few short years in relation to the difficult problems involved."

What is this record?

A recent Department of Agriculture report sums it up as follows: The program "has stimulated more job opportunities, better farming methods, young people's educational and guidance programs, and home and community betterment."

The big question is, of course, how much of this progress would have been made without a rural development program? This is difficult to determine. However, a surprising number of local leaders in rural development counties give the program credit for starting important projects.

A new vegetable marketing center in Bertie County, N.C., is a good example. Businessmen-members of the resource development committee took the lead in forming a company and selling stock to build market and packing facilities. Extension service workers assigned to the program supplied technical information on area market trends. They helped promote interest in the project. They assisted farmers in supplying more of the right kind of produce for the market. All in all, Bertie Countians have put $70,000 into the project. And in 1959 county growers found a ready market for some $140,000 worth of produce.

Makeup of the county resource committees varies from one place to another—the idea being a maximum of flexibility to develop programs that are adapted to local conditions. As a general rule, successful programs have a large measure of local government participation. County officials, interested in this experiment in Federal-State-local cooperation, are working closely with program leaders.

OFFICIAL COUNTY GOVERNMENT PARTICIPATION

County commissioners, county court officials, or other local government representatives annually attend meetings of resource committees, as participants or observers.

In many cases, they've put county funds into the program.

For example, in a Louisiana rural development parish the office and expenses of extension workers assigned to the program are financed through the parish budget.

The health department in an Indiana county supplied its resource committee with a full-time worker to help them make a survey of health problems.

Commissioners in a Florida county authorized the use of county funds to cover expenses of the "rural development office."

AID AVAILABLE—IF

After 2 years of grassroots operation, the rural development program does show that people in disadvantaged, low income rural counties can do a great deal to help themselves if—

They get sound outside technical help in planning and organizing a program.

They face their problems realistically.

They have a few energetic, imaginative, and experienced citizen-leaders.

Federal, State, and local agencies working in the area can develop closer relationships in solving problems that cut across different fields.

The whole experimental project has received too little attention, especially among students of government. Rural development could be a testing ground for new ways of using Federal Government services to help meet fast-changing, often painfully complex local problems; of stimulating economic development while maintaining all-important local initiative and control.

Mr. BENNETT. Only yesterday I received in the mail a Department of Agriculture release indicating that our neighbor to the north has asked two U.S. Agriculture officials to discuss this successful program with a special committee of the Canadian Senate. I ask permission to have this release printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, MARCH 29, 1960

Canadian and United States officials discuss rural development program:

A committee of the Canadian Senate has called on two U.S. Agriculture officials to discuss the cooperative Federal-State rural development program now going forward in 30 States, Under Secretary of Agriculture True D. Morse announced today.

Based on U.S. experience with the program during the past 3 years, the Canadian Government is considering similar work for low income areas in that country.

The two officials—Paul V. Kepner, Deputy Administrator of Federal Extension Service, and Sherman Weiss, resource development specialist with the Wisconsin Extension Service—will meet tomorrow (March 31) in Ottawa with the Special Committee of the Senate on Land Use in Canada.

This committee has been studying the problems of small farmers on low production units in Canada.

Last month the Canadian Minister of Agriculture Douglas F. Harkness in a speech prepared for the National Farm Institute in Des Moines, Iowa, announced that Canada would inaugurate, "a rural development, or redevelopment program," as a major part of its long term agriculture policy.

"The situation in Canada," he said, "is that just over one-third of what were listed as farms in 1951 census showed a cash income of less than $1,200 a year."

At the request of the Canadian Senate Land Use Committee, a delegation of farm specialists met last September in Washington with representatives of U.S. Government departments to review the rural development program in the United States. Later they toured program areas in Kentucky, Wisconsin, Minnesota, Michigan, Maine, Montana, and Washington. The group was headed by Dr. J. F. Booth, Director of the Economics Division of the Canadian Department of Agriculture.

In presenting the report last month to the Canadian Senate committee, Dr. Booth said that the rural development program in the United States had given impetus to solving the problems of low incomes in certain rural areas.

"As our report states," he commented, "the program has galvanized institutions and people into action and has helped to mobilize human and other resources to meet the problem." Commenting on the fact that the rural development process was aided in the United States by a long tradition of Federal-State and local cooperation, Dr. Booth said that this has made its acceptance easier than otherwise would have been the case.

"The rural development program is a means of organizing people in rural areas for a team effort and directing the weight of the whole community behind improvement projects," Dr. Booth said in presenting his report.

The two U.S. agriculture officials, it is expected, will present further data on the program to the committee tomorrow.

As Deputy Administrator of the Federal Extension Service, Mr. Kepner has assisted in national administration of the new program. Mr. Weiss is working as a rural area resource development specialist.

In announcing the meeting with Canadian officials, Under Secretary Morse, who is also chairman of the committee for rural development program, said, "We are, of course, deeply gratified by Dr. Booth's comprehensive report on the rural development program in the United States.

"Dr. Booth and his colleagues visited a variety of U.S. areas participating in this work, talked with local leaders and viewed progress they had made.

"The Canadian Senate committee's request for the counsel of these two officials is further proof of their intense interest in the rural development program.

"Here is a fine example of two good neighbors sharing their knowledge and experience."

The rural development program was started locally in 1956 to promote farm, industry, and community development in U.S.

areas with small low production farms. It is now going forward in some 200 counties and 30 States and Puerto Rico. President Eisenhower in the 1961 budget has asked Congress for more funds which will enable extension of the program to all States.

Mr. BENNETT. Finally, I ask permission to insert a recent statement by President Eisenhower on the Fourth Annual Report of the Rural Development Program.

I urge Congress to lend its support to this excellent program.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY PRESIDENT EISENHOWER ON THE FOURTH ANNUAL REPORT OF THE RURAL DEVELOPMENT PROGRAM

I have received and reviewed the Fourth Annual Report on the Rural Development Program from the Department of Agriculture. The report again indicates progress in aid to small and low-income farm families and other rural people.

The report shows for the year: hundreds of projects to improve farms and farming, new marketing facilities constructed and more profitable market outlets established, forests improved, wood finishing and processing industries expanded, thousands of new jobs due to industry growth, and more income from a variety of other activities.

Activities are spreading beyond the initial pilot or demonstration areas. The program now includes 30 States and Puerto Rico.

This is essentially a peoples program. State and local people agree upon objectives and then move forward together. The programs are managed by State and local area committees—not from Washington. This is as it should be.

Particularly impressive are the initiative, leadership, and hard work of various groups—farm, business, industry, civic, school, church, service clubs, and others.

Existing State and Federal departments and agencies, with their existing authorities and responsibilities, lend their counsel and support. No new agency is required.

To expedite progress, I issued on October 12 Executive Order No. 10847 officially establishing the Committee for Rural Development Program, which has been functioning from the start. The order calls upon the various Federal departments and agencies to make the fullest possible contributions to area development programs and related activities.

The program is hitting at areas of greatest need. As the report states, 80 percent of farm families in typical rural development counties have yearly farm sales valued at $2,500 or less. Most farms in these communities gain little, if any, benefit from governmental farm price-support activities.

Major emphasis has been placed on the future of rural youth through vocational training, new education courses, stay-in-school, and education beyond the high school.

This program is successfully attacking the age-old and chronic problem of low incomes in widespread rural areas where there are fine farm families on small farms and poor soils. Rural families of such areas—nonfarm and farm alike—need, and we are determined must have, more adequate incomes and greater opportunities.

INDEMNITY PAYMENTS TO CRANBERRY GROWERS

Mr. WILEY. Mr. President, I was extremely gratified last evening to hear the announcement made by the White House that the Department of Agriculture will offer to make indemnity payments to cranberry growers who—through no fault of their own—sustained losses on berries harvested in 1959.

Most of us recall the unfortunate situation which occurred last November when lots of cranberries containing residues of the chemical weedkiller, aminotriazole, were seized by the Food and Drug Administration, resulting in a serious impairment to the cranberry market. My own State of Wisconsin, responsible for approximately one-third the Nation's supply of this excellent and healthful fruit, was forced to dump almost 150,000 barrels of cranberries due to the destruction of the public's confidence in this traditional holiday food shortly before Thanksgiving last year. Retail and wholesale outlets all over the Nation, including military establishments, temporarily tied up all cranberry products, and an economic effect was felt by the industry which could well carry over for several years.

In order to attempt to correct, as speedily as possible, an injustice to the vast majority of cranberry growers who had not used the chemical weedkiller, or had used it according to instructions issued by the Department of Agriculture—and in order to thoroughly safeguard the health of the public—I was happy to immediately confer with the Secretary of Health, Education, and Welfare; as well as representatives of the cranberry industry. Fortunately, we were able to complete arrangements for a prompt program of certification and testing of cranberries so that lots were cleared in time for the Thanksgiving table.

At this point, I would like to heartily commend the fine efforts which were made by the Department of Agriculture in a valiant attempt to restore consumer confidence in the product and to assure the wholesomeness of all cranberries offered to the public. Later, in January, 3-percent loans from the President's emergency revolving fund were made available by the Department to cranberry growers who suffered losses as a result of this crisis in the industry.

Now, after the exploration of various alternative methods to assist our Nation's growers, this indemnification procedure has been chosen as the only satisfactory approach and has been found to be legally appropriate by the Comptroller General of the United States. Payments to the growers will approximate $8 per barrel of cleaned, marketable cranberries and will be made pursuant to the authority conferred by section 32 of Public Law 320, of the 74th Congress, as amended. Details of this offer to make such payments are expected to be forthcoming from the Department of Agriculture shortly.

I believe that this is another constructive step toward resolving the problem of our many thousands of cranberry growers across the Nation who have suffered as a result of the impairment to their market. In addition, I would urge—and sincerely hope—that continuing efforts be made to restore the public's confidence so that the American housewife will not hesitate to unreservedly serve this delectable item on her family table.

THE POLARIS PROGRAM

Mr. SCOTT. Mr. President, 2 days ago a recently resigned official of a company which makes Polaris missile-firing submarines under contract with the United States—Mr. Thomas G. Lanphier, Jr.—made a speech at the National Press Club, in Washington, D.C.; and in the course of the speech he made an assertion which should cause great concern if it were accurate.

I now read the press account:

POLARIS SUB SEEN 2 YEARS AWAY—LANPHIER CONTRADICTS DEFENSE DEPARTMENT'S WORD

(By Howard Norton)

WASHINGTON, March 29.—A recently resigned official of the company that makes the Polaris missile-firing submarines declared here today that the first of these superweapons will not be in operation for at least 2 more years.

This is a flat contradiction of the Defense Department's repeated testimony in Congress that it expects to have possibly three Polaris subs in the U.S. fleet before the end of this year.

ATTACKS EISENHOWER

The same civilian official—Thomas G. Lanphier, Jr.—whose former employer also makes the Atlas intercontinental ballistic missile, charged that Russia's missile lead over the United States now is several times greater than the 3-to-1 ratio advertised by the Defense Department.

Lanphier resigned a $60,000-a-year job as vice president of the Convair Division of the General Dynamics Corp. so he would be free to speak his mind.

And he spoke his mind today in a speech to a National Press Club luncheon.

He accused President Eisenhower of leading the Nation incompetently for the last 3 years to a point where we are in jeopardy of our national life.

UNFAIR OF PRESIDENT

Lanphier said it was "unfair of the President" to select two former Secretaries of Defense, Charles Wilson and Neil McElroy, for the post.

He said: "Wilson by his lack of recognitions of the bursting power of science * * * was a detriment to our defense effort," and McElroy was "simply lazy."

"I believe President Eisenhower to be an honorable, well-intentioned and amiable man, historically deserving of America's homage for services rendered in other years and other wars," Lanphier said.

OUT OF TEMPO

"I also believe him to be mortal, fallible, and culpable, if he has not competently led us to this point in history. And I do not think he has.

"Generally, I believe he has listened to the drums of a bygone day—out of tempo with the space age."

He told an audience of about 300 that many business leaders, as well as military leaders, know all these facts but are unable to speak out for fear of being called munitions mongers.

He added: "Critics in uniform, like Generals Ridgway, Gavin, Medaris, Taylor, and, perhaps, Admiral Carney, find themselves undecorated casualties of a war their fellow citizens don't even recognize. And officers like LeMay, Hayward, Shriever, and Power, while not yet casualties, certainly must be listed among the walking wounded."

PREFERS SYMINGTON

He said he quit his job voluntarily because his outspoken criticism was causing some nervousness within his firm.

In reply to questions, he declared his favorite presidential candidate to be Senator

SYMINGTON, Democrat, of Missouri, because he feels SYMINGTON can give the country the kind of Defense Establishment it needs.

He denied that he is an advance man for SYMINGTON, or has any connection with the Missouri Senator's presidential campaign organization.

But he said that if SYMINGTON should ask him to help, he would be more than glad to do so.

Lanphier was Symington's assistant when the Senator was Secretary of the Air Force in the Truman administration. He also was a World War II Air Force pilot.

He told the Press Club group that defense spending should be boosted by $4 billion to $5 billion in the next budget, and $8 billion to $10 billion in the following one, if the United States is to regain its power.

VIEWS TITAN MISSILE

Lanphier gave it as his view that the Titan missile, made by the Martin Co., will be as effective as the Atlas when it is perfected, but said it was about a year behind the Atlas.

He pictured the more mobile ICBM's—the Polaris and the Minuteman—as "highly desirable when they are finally available," but insisted their performance would be limited so long as the United States restricts itself from underground testing.

Then he added:

"These mobile systems will not, by the way, be operational at the early dates advertised for them.

"For instance, to say that the Polaris weapon system, complete with submarine, crew, missiles, and assigned target, will be operational this year, barely 4 years after acceleration—is well known to Soviet and American missile professionals to be optimistic by at least 2 years."

Lanphier charged that in estimating the Soviet missile strength, the Americans have been using the U.S. "peacetime rate of effort or less" as a basis "with resultant intelligence estimates far lower than hardheaded logic should give the enemy."

Lanphier said that McElroy last year "downgraded Soviet production and operational training capabilities to a degree startling to any professional in the missile business."

He referred specifically to McElroy's estimate that the Russians would have this year and for the next 2 years only three times as many ICBM's as the United States.

"It is more likely," Lanphier declared, "their lead in ICBM's this year is several times a ratio of 3 to 1.

"It could well exceed the 160 ICBM's Gen. Thomas S. Power has conservatively estimated is all they need to wipe out our Strategic Air Command."

Lanphier said he intends to go around the country for the next few months repeating this story to all who will listen.

Upon learning of that statement, Mr. President, it seemed to me to be incredible, inasmuch as earlier I had received information from the highest possible naval sources as to the correctness of the timing of the availability and the operational conditions of the Polaris missile.

This morning I made a request of the Navy Department. I have now received a report which constitutes a complete refutation of Mr. Lanphier's statement; and, in my judgment, Mr. Lanphier's statement can be justifed only either by ignorance of the facts or unwillingness to face them; or possibly because of his assumption that the development of the Polaris would take longer than it did, he cannot believe that it took as short a time as it did to enter the operational phase.

At a naval briefing, I requested information of the Navy; and I am now in receipt of the following statement:

To: Senator SCOTT.
Subject: Polaris information.

1. As directed, the Polaris information you requested this morning after the briefing follows: I have arranged it as facts bearing on each of Mr. Lanphier's pertinent statements:

Statement: "These mobile systems (Polaris and Minuteman) will not, by the way, be operational at the early dates advertised for them. For instance, to say that the Polaris weapon system, complete with submarine, crew, missiles, and assigned targets, will be operational this year, barely 4 years after acceleration, is well known by Soviet and American missile professionals to be optimistic by at least 2 years."

Facts: (a) The first Polaris submarine, the *George Washington*, was commissioned on December 30, 1959, and has been operating with a full Navy crew since, undergoing basic training and final checkout of the ship and all of her equipment. No problems which will interfere with the planned operational date (late 1960) have been encountered.

The second Polaris submarine, the *Patrick Henry*, will be commissioned April 9, 1960. Her regular Navy crew has been organized and with the ship in New London since December 28, 1959. This crew has taken the ship to sea several times during builder's trials. All phases of *Patrick Henry's* progress are on schedule and no problems have been encountered which will interfere with the planned operational date (late 1960).

The Naval Weapons Annex, at Charleston, S.C., which has been specifically designed for missile support to Polaris submarines, was commissioned and became operational on March 29, 1960.

The submarine tender U.S.S. *Proteus* which has been redesigned and configured specifically for support of Polaris submarines will be recommissioned in June 1960 and will be operational in time for deployment in late 1960. This tender will be capable of supporting the first squadron (nine ships) of Polaris submarines.

Sixteen fully ready Polaris missiles, armed with nuclear warheads, will be available for loading on each Polaris submarine as it becomes operational. Ten out of the last eleven flight tests of the missile have been fully successful. Of the missiles which have been inertially guided to the impact point, accuracies have been well within design specifications. (Exact accuracy figures are classified.)

The designed flexibility of the missile and its fire control system coupled with the inherent mobility and relative invulnerability of the submerged submarine permits target assignment to be made and changed without delay as the current strategic situation dictates.

Mr. President, in conclusion let me say that two Navy Polaris submarines will be operational, with full crews, with full warhead and other military equipment, and will be available at sea to direct nuclear warhead missiles at any given target, as demanded by any crisis or emergency. Each of those two or three dozen missiles—half in each submarine—packs a capacity for destruction very, very much greater—infinitely greater—than the explosive power of the Hiroshima bomb and the Nagasaki bomb, combined. I may state that the exact power is a classified matter. So, Mr. President, to say that the Polaris submarine will not be operational for at least 2 years, in the face of the fact that two subs carrying between them a total of two or three dozen of such missiles, with such awesome power, will so soon be ready, makes one wonder exactly what Mr. Lanphier is getting at, why he persists in making inaccurate statements, why he does not bother to find out for himself the correct facts, and, in fact, why Mr. Lanphier is so active in clouding up and raining all over this issue.

HOW THE GREAT GUEST CAME

Mr. BYRD of West Virginia. Mr. President, Henry van Dyke once wrote a moving and unforgettable story "The Story of the Other Wise Man." It was about Artaban, the fourth wise man, who reached Bethlehem too late to pay homage to the Christ child, but who devoted the rest of his life to searching for Him. Arteban finally gave away all of the gifts he intended for the Son of God to the sons of men, but always for the benefit of the sick, the needy, or the fatherless. After years of wandering he found the Saviour, and he died with the sweep and the majesty of the now familiar words in his ears:

Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.

The same lesson is presented by Edwin Markham in his beautiful poem, "How the Great Guest Came." I offer it hoping that others will be inspired as I have been inspired by it.

Before the cathedral in grandeur rose,
At Ingelburg where the Danube goes;
Before its forest of silver spires
Went airily up to the clouds and fires;
Before the oak had ready a beam,
While yet the arch was stone and dream—
There where the altar was later laid,
Conrad the cobbler plied his trade.

Doubled all day on his busy bench,
Hard at his cobbling for matter and hench,
He pounded away at a brisk rat-tat,
Shearing and shaping with pull and pat,
Hide well hammered and pegs sent home,
Till the shoe was fit for the Prince of Rome.
And he sang as the threads went to and fro:
"Whether 'tis hidden or whether it show,
Let the work be sound, for the Lord will know."

Tall was the cobbler, and gray and thin,
And a full moon shone where the hair had been.
His eyes peered out, intent and afar,
As looking beyond the things that are.
He walked as one who is done with fear,
Knowing at last that God is near.
Only the half of him cobbled the shoes:
The rest was away for the heavenly news.
Indeed, so thin was the mystic screen
That parted the unseen from the seen,
You could not tell, from the cobbler's theme
If his dream were truth or his truth were dream.

It happened one day at the year's white end,
Two neighbors called on their old-time friend;
And they found the shop, so meagre and mean,
Made gay with a hundred boughs of green.
Conrad was stitching with face ashine,
But suddenly stopped as he twitched a twine:
"Old friends, good news! At dawn today,
As the cocks were scaring the night away,
The Lord appeared in a dream to me,
And said, 'I am coming your Guest to be!'
So I've been busy with feet astir,
Strewing the floor with branches of fir.

The wall is washed and the shelf is shined,
And over the rafter the holly twined.
He comes today, and the table is spread
With milk and honey and wheaten bread."
His friends went home; and his face grew still
As he watched for the shadow across the sill.
He lived all the moments o'er and o'er,
When the Lord should enter the lowly door—
The knock, the call, the latch pulled up,
The lighted face, the offered cup.
He would wash the feet where the spikes had been;
He would kiss the hands where the nails went in;
And then at the last would sit with Him
And break the bread as the day grew dim.
While the cobbler mused, there passed his pane
A beggar drenched by the driving rain.
He called him in from the stony street
And gave him shoes for his bruised feet.
The beggar went and there came a crone,
Her face with wrinkles of sorrow sown.
A bundle of fagots bowed her back,
And she was spent with the wrench and rack.
He gave her his loaf and steadied her load
As she took her way on the weary road.
Then to his door came a little child,
Lost and afraid in the world so wild,
In the big, dark world. Catching it up,
He gave it the milk in the waiting cup,
And led it home to its mother's arms,
Out of the reach of the world's alarms.
The day went down in the crimson west
And with it the hope of the blessed Guest,
And Conrad sighed as the world turned gray:
"Why is it, Lord, that your feet delay?
Did You forget that this was the day?"
Then soft in the silence a Voice he heard:
"Lift up your heart, for I kept my word.
Three times I came to your friendly door;
Three times my shadow was on your floor.
I was the beggar with bruised feet;
I was the woman you gave to eat;
I was the child on the homeless street!"

THE NATIONAL COAL POLICY CONFERENCE: A DYNAMIC VOICE FOR THE MIGHTY COMPLEX OF INDUSTRIES AND UTILITIES CLOSELY INTERLOCKED WITH COAL

Mr. RANDOLPH. Mr. President, a substantial number of my colleagues in the 86th Congress attended, as I did, the second annual dinner sponsored by the National Coal Policy Conference last night at the Statler-Hilton Hotel in the Nation's Capital City.

It was a most interesting and significant event, marked especially by Chairman George H. Love's report on "The First Year of the National Coal Policy Conference," and the presentation of a 1793 edition of Shakespeare's plays to President Emeritus John L. Lewis of the United Mine Workers of America in honor of his leadership in the formation of the conference.

Walter Kiernan, radio personality and one of America's finest wits and commentators, was outstanding as master of ceremonies for the evening program, the entertainment features of which were selections from "South Pacific" by Miss Victoria Sherry, leading soprano of the St. Louis Municipal Opera and the Pittsburgh Civic Symphony, and Earl Wrightson, recording artist and musical star of radio and television, accompanied by Roland Fiore, conductor of the Philadelphia Lyric Opera and the Starlight Theater Association of Kansas City, Mo.

Mr. Wrightson also was heard in a dramatic presentation of "Coal Powers America's Future," a song written especially for last night's occasion by Justin Herman.

Comments on the Shakespeare edition presented to Mr. Lewis were made by Dr. Giles E. Dawson, curator of books and manuscripts of the Folger Shakespeare Library in Washington, D.C.

Dr. Joseph L. Fisher, president and director of Resources for the Future, Inc., delivered a learned and penetrating address on "Energy for an Expanding Economy."

The invocation was offered by Dr. W. Paul Ludwig, pastor of the Chevy Chase Presbyterian Church, and the benediction was given by the Very Reverend Edward B. Bunn, S.J., president of Georgetown University.

The National Coal Policy Conference, one of the goals of which is to provide a dynamic voice for the mighty complex of industries and utilities so closely interlocked with coal, received a telegram from the President of the United States, among other tributes.

Mr. President, I ask unanimous consent to have printed in the RECORD the telegram received by NCPC President Joseph E. Moody.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., March 30, 1960.

JOSEPH E. MOODY,
President, National Coal Policy Conference, Inc., Washington, D.C.:

It is a pleasure to send greetings to those attending the congressional dinner of the National Coal Policy Conference. The great and essential task before the peoples of the world today is the achievement of a just and lasting peace. That achievement in turn depends upon many factors. Foremost among these is economic progress not only in the industrialized centers but also among the peoples of the less developed areas. Members of the National Coal Policy Conference know full well that there can be no economic progress without an abundance of energy. If the free world is to realize its potential in improved standards of living we must draw heavily upon all fuel supplies. This holds out both a promise and a challenge to the coal producing, transporting, and consuming industries. That the management and labor of these industries have joined hands in this effort is a testimony to the intelligence and vigor of America's system of free institutions and shared responsibility.

I congratulate your conference and wish you all success.

DWIGHT D. EISENHOWER.

Mr. RANDOLPH. President Emeritus Lewis, of the United Mine Workers, who had sparked the founding of the National Coal Policy Conference and had said that its formation "can only be considered as among the most gigantic forward strides taken by the American coal industry in its long and proud history," was unable to be present for the notable event. But he sent a telegram, and, Mr. President, I ask unanimous consent to have this message printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *March 30, 1960.*

GEORGE H. LOVE,
Chairman,
JOSEPH E. MOODY,
President,
National Coal Policy Conference, Inc., Washington, D.C.:

Untoward circumstances prevent my attendance. I extend personal salute to associate members of conference and distinguished guests in attendance at dinner. Your program tonight should aid greatly in improved understanding of the pressing need for a national fuels policy.

JOHN L. LEWIS.

Mr. RANDOLPH. Mr. President, having introduced a resolution, now pending in the Senate Committee on Interior and Insular Affairs, to create a joint committee to study the need for a national fuels policy, and knowing that this resolution is intended to bring about appropriate inquiries concerning all energy fuels, I was especially gratified to hear the National Coal Policy Conference chairman, Mr. Love, emphasize in his address that there are no fundamental differences between the coal industry and domestic oil and gas producers, as all are an integral and essential part of our country's fuel economy.

Mr. Love, who is also chairman of Consolidation Coal Co. of Pittsburgh, the Nation's largest producer of bituminous coal, said that if any disagreement exists it is only with four or five large international oil companies which are severely injuring the coal and railroad industries by greatly increased imports of residual oil.

I join Mr. Love in urging that Congress set up a study of the need for a national fuels policy which would be in the best interest of all domestic fuels.

Likewise, I associate myself with Mr. Love's declaration that there are certain practices which cause serious dislocation among the fuels and are injurious to the Nation's welfare, namely, the excessive imports of residual oil and the dumping of natural gas for uneconomic use in steamplants at below-cost prices.

Mr. President, I believe the chairman of the National Coal Policy Conference issued a report in his keynote address last night which is thoroughly worthy of the attention of my colleagues who were unable to be present for the event last night and thus did not have the opportunity to hear him. I ask unanimous consent, therefore, to have printed in the RECORD Mr. Love's speech.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE NATIONAL COAL POLICY CONFERENCE: ITS FIRST YEAR

(Address by Mr. George H. Love, chairman of the board, Consolidation Coal Co., and chairman of the board, National Coal Policy Conference, Inc., before the national dinner, National Coal Policy Conference, Washington, D.C., March 30, 1960)

Eleven months ago, many of us met together in a similar meeting to mark the inauguration of a new organization known as the National Coal Policy Conference. This was and is a unique organization composed of coal operators and owners, United

Mine Workers representing the men who work in the mines, all the railroads which carry coal in volume, utilities that use the coal, and manufacturers who make the great machines we use in mining today. This was certainly a heterogeneous group pioneering in inter-industry and labor management cooperation. The coal operators had fought the railroads on freight rates, the United Mine Workers had opposed the operators on wages, the utilities had fought the operators on coal prices, the manufacturers of equipment and operators had argued prices on machinery, so there were many skeptics who wondered how this organization could possibly survive. However, this group was united in one common cause, and that was to find a solution in the national interest to their common problem—a revitalization of the essential coal industry. Because that was their one common aim, and because it was so vitally essential for each group in the conference, and for the Nation itself, this organization has continued through its first year and can show significant and important gains.

Tonight, for the purpose of my remarks, please think of coal as energy, as a substance which brings you your TV show or runs your washing machine; as a great source of power producing steel and aluminum; as a primary source of energy in this great industrial Nation, and not as a black substance that somebody puts in a furnace to heat a particular house. Think of coal as being by far the most abundant source of energy for this country of ours, and, in addition, being located throughout most of our industrial area. Think of it on the basis that you were seeking the best location for a new enterprise needing large quantities of energy and you would find that coal near the mine mouth could furnish you that energy cheaper than it could be furnished by any other fuel anywhere in this country.

Think of coal as an industry with a billion dollar payroll for the men who go underground and as an industry which creates a half-billion-dollar payroll on the railroads. Think of it as the source of energy which has been able to expand in every national emergency to take care of the great needs of this country when other sources of energy had either to go to war, or were prevented from reaching our shores by enemy submarine action. Finally, think of coal as an industry which, by the cooperation of the owners, workers and manufacturers, has shown greater increases in productivity output, per man-hour, than any other major segment of our industrial Nation.

If all this is true, why the National Coal Policy Conference? Why do these various segments of our country have to combine to revitalize the coal industry, and furthermore, why is revitalization essential in the public interest? Finally, what has the National Coal Policy Conference done about it, and what does it seek to do?

In answer to the first question, we point out that owing to a great many factors, the coal industry is running on the irreducible minimum basis that will enable it to carry out its future essential role of producing energy for the Nation in peace, or in war. It can go no lower. Many experts have felt that an annual production level of at least 500 million tons is necessary to insure a vigorous and healthy industry capable of meeting the expanding demands of an emergency. Production in 1959 was only 410 million tons. In 1939, 20 years ago, when we produced about the same amount of coal as last year, there were 422,000 American workers employed in the mines. Today there are 180,000. When war came to this country in 1941, these more than 400,000 workers were able to increase coal production by almost two-thirds, but could 180,000 men do the same thing today? We hope so, but certainly we must let employment go no lower in our coal mines. The coal carrying railroads must be kept strong too, so that they can repeat their wartime performance. But in 1939 these railroads had some 50 percent more hopper cars to transport coal to market than they have today. Last Sunday's Pittsburgh Press, on its front page carried this headline "Starvation Stalks West Virginia Coal Towns." This is a pitiful situation in a nation as great as this one in a period of unusual industrial activity. These men will face starvation for a time while waiting for job opportunities in the mines, but eventually they will move to other centers. It takes years to train a modern coal miner or create and develop a modern coal mine. If older men are leaving the mining communities, certainly the young men we need will not seek employment there.

Why this slump in coal when the rest of the industrial Nation seems to be running at least moderately well and is showing gains year after year? Some of the reasons for coal's difficulties are proper and merely show economic progress, such as dieselization, which gives the railroads more efficient operation, and the substitution of natural gas for coal in heating homes, as it is a far more convenient fuel. Again, the great economies in the use of coal for power production is a forward step, but does decrease total coal consumption. These changes are good ones and to be expected. On the other hand, because these advances have affected coal so drastically, we cannot pile on top of them further losses caused by competitive fuels being temporarily dumped on an uneconomic basis—and these I will talk about a little later.

The next question which might be asked is—granting that the coal industry is operating at an irreducible rate, why save the industry at all? The answer to that is obvious. Any country, every nation, protects its most abundant source of energy—particularly when energy from that source may be produced cheaper than from any other source in its most important industrial areas. Any country would protect the only source of energy which could do the job of powering the Nation if submarines, as they have done before, stopped the flow of foreign oil into this country. Remember that Germany had some 75 submarines in 1941 compared to the fleet of some 500 modern deadly ones in Russia's possession today. Even if there were a question as to coal's essentiality, which certainly no one raises today, consumers of energy should be interested in keeping it as a healthy competitive force fighting with the other fuels for a share of the market, for the price effect alone it may have on these other fuels.

We have tried to show that coal is operating on the lowest basis which allows it to continue, and that it is an essential business. Now let us turn to what NCPC has done and what it proposes to do. I think, in these 11 months, NCPC, with the full cooperation of the mine workers and the railroads and its other component parts, has had considerable success in rebuilding the public awareness of coal as an essential segment of our economic structure. People in government who, a very short time ago, were wondering if the coal industry was even worth saving, are now rallying to its support. The Congress, and the Government are all thinking of coal in an entirely different way than they did a few short months ago. Public officials have seen that it is just as essential to protect the domestic coal industry as to protect the domestic oil industry.

In addition, our officers have worked with the Department of the Interior in many different ways, but particularly in regard to import quotas on residual oil. They have pointed out, for example, that during January and February, 54 percent of the entire first half year's quota for 1960 was imported, which could cause a breakdown of the whole quota system; however we have received written communication from the Department that there is no evidence available to justify an increase in the quota levels for this period.

In the last session, as you gentlemen in Congress know, 43 Members of the Senate joined in sponsoring a joint resolution to study the need of a fuels policy for the Nation, and 29 Members of the House of Representatives introduced individual resolutions for the same purpose. This brings me to my final topic, which is this: What does NCPC hope to accomplish in the next 12 months?

We believe, with your help, that we can convince the people of this country that it is in the public interest to establish a national fuels policy, so that all our fuels—oil, gas, atomic energy and coal will play their proper places in energizing this great Nation. We are not interested in "end-use" control. We fundamentally believe we can show any congressional committee that all these domestic fuels should be maintained on some minimum basis free to compete fairly in any market, and with the consumer making the final choice. We are equally confident we can show that certain practices, which are generally temporary expedients which cause serious dislocation among the fuels are injurious to the Nation's welfare. We are anxious to put our case before such a congressional committee, and we will abide by its decision.

We have no quarrel with the great domestic oil industry of this country. All the thousands of domestic producers agree with us that in order to maintain a healthy expanding domestic oil industry, there must be some control of oil imports when there is a world surplus as exists today. We believe that such protection provided by the limitation of foreign crude imports is essential to protect and foster our Nation's oil industry. Similarly, and for exactly the same reasons, we believe there should be some limitation in the amount of residual oil which may be brought into our eastern shore. Thus our disagreement, if any, is not with the American oil producers, but with four or five international companies which would flood this country with residual oil from foreign sources permanently, and thus make this great eastern seacoast of ours completely dependent on such importation. The coal industry does not seek to shut off these foreign residual oil imports, but we ask that they be maintained on some normal basis. We have suggested that residual oil imports be limited to the amount brought into the country in 1957 which was a year of great industrial activity here, and a year during which more residual was brought to our shores than ever before. This seems like a reasonable base.

To bring in more would tend to put the coal industry and railroads on a standby basis, and on such a basis there is no way to maintain either of them. Certainly the threat of war prevents us from letting our country become dependent on these importations, but even without war, governments and circumstances can change and foreign oil sources be cut off. I call your attention to Iran, to the Suez Canal situation, to a change of government in another country recently which meant changing the economic basis for producing oil in that country. Can we let the industrial eastern part of the country be dependent on such sources of oil when we have such an abundance of fossil fuels within our own borders? If we become wholly dependent on

foreign oil, do dictators become more or less arbitrary? Should we let starvation continue for railroad workers and coal workers in order to let this country be a dumping ground for a temporary world surplus of residual oil?

Turning to the natural gas industry, I believe we, as coal producers, railroad and mine workers, are in essential agreement with most of the gas producers in this country. We believe these producers should be permitted to receive a fair price for their product based on competitive forces rather than regulation. We believe the public should have a free choice to use gas, oil or coal, if these fuels are offered on a fair competitive economic basis. There is, however, a very small percentage of the total natural gas produced, so-called dumped gas, which is offered to large industrial users and utilities during certain periods of the year at far less than cost, which has the effect of temporarily replacing coal until a higher price for the gas may be found. Now if such gas were to offered to these same users on a permanent basis at these temporary dumped prices, our coal industry could not complain; but when it is offered only for short periods, it does tremendous damage to the coal and railroad industries. This damage, by slowing up or stopping progress in mining and railroading could cause the consumers to pay far more for their energy requirements throughout the years to come. This natural gas is too valuable to the public to be temporarily used for these inferior purposes and sold for as little as one-third the price you and I pay for the gas that heats our homes, merely to give a few pipelines 100-percent load factor.

In conclusion, it should be reassuring to you in government to know that these three competitive domestic fuels—oil, gas, and coal—are essentially and fundamentally in agreement. We all believe that the consumer should have a free choice. Coal, through a proper congressional hearing, seeks to show the people of this country that the methods of marketing a very small fraction of the total oil and gas used here can irretrievably injure the coal and railroad industries and raise grave questions as to their survival. When you are operating at as low a level as we are today, a few million tons of coal makes a great deal of difference and we believe we can convince the public that these temporary expedient dumping practices are not in the public interest. In 1954, a Cabinet Committee studying the energy picture, made a report to the President in accord with this view. We now ask Congress to make a determination and if it agrees, to implement its findings by law, if necessary.

America is on the threshold of its greatest era of growth and expansion. Energy demands in the foreseeable future almost stagger the imagination, and it will mean we must have available unprecedented quantities of dependable fuel to meet them. This fuel cannot be coal alone, neither can it be exclusively gas or oil. All these great natural resources must make their proper contribution toward the greatest national good under a sound, farseeing national fuels policy. It is to this end that the efforts of the National Coal Policy Conference are dedicated.

CIVIL RIGHTS ACT OF 1960

Mr. MANSFIELD. Mr. President, has morning business been concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business, which is H.R. 8601.

The Senate resumed the consideration of the bill (H.R. 8601), to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. CARROLL] proposing a substitute for the language proposed to be inserted by the Committee on the Judiciary on page 17 beginning in line 20 and extending down to and including the word "proceedings" in line 25.

Mr. KEFAUVER obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. KEFAUVER. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. I request the attachés on both sides to inform Members of the Senate that this will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Mr. MANSFIELD. I announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

I further announce that the Senator from Connecticut [Mr. DODD] and the Senator from Louisiana [Mr. ELLENDER] are absent because of illness.

[No. 144]

Aiken	Frear	Mansfield
Allott	Fulbright	Martin
Anderson	Goldwater	Monroney
Bartlett	Gore	Morse
Beall	Green	Morton
Bennett	Gruening	Moss
Bible	Hart	Mundt
Bridges	Hartke	Murray
Brunsdale	Hayden	Muskie
Bush	Hennings	Pastore
Butler	Hickenlooper	Prouty
Byrd, Va.	Hill	Proxmire
Byrd, W. Va.	Holland	Randolph
Cannon	Hruska	Robertson
Capehart	Jackson	Russell
Carlson	Javits	Saltonstall
Carroll	Johnson, Tex.	Schoeppel
Case, N.J.	Johnston, S.C.	Scott
Case, S. Dak.	Jordan	Smathers
Chavez	Keating	Smith
Church	Kefauver	Sparkman
Clark	Kerr	Stennis
Cooper	Kuchel	Symington
Cotton	Lausche	Talmadge
Curtis	Long, Hawaii	Thurmond
Dirksen	Long, La.	Wiley
Douglas	Lusk	Williams, Del.
Dworshak	McCarthy	Williams, N.J.
Eastland	McClellan	Yarborough
Engle	McGee	Young, N. Dak.
Ervin	McNamara	Young, Ohio
Fong	Magnuson	

The PRESIDING OFFICER. A quorum is present. The Senator from Tennessee has the floor.

Mr. ERVIN. Mr. President, will the distinguished Senator from Tennessee yield, without losing his right to the floor, to enable me to offer amendments?

Mr. KEFAUVER. I yield for that purpose.

Mr. ERVIN. Mr. President, I offer amendments to the pending bill and ask that they be read and printed, and that they lie on the desk until they are called up.

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table; and without objection, the amendments will be read.

The Chief Clerk read as follows:

On pages 20 and 21, it is proposed to insert an additional paragraph between line 25 on page 20 and line 1 on page 21 reading as follows:

"The provisions of this subsection shall apply only to an election at which a candidate for the Senate of the United States or for the House of Representatives of the United States or for Resident Commissioner of Puerto Rico is voted for, and the words 'election' or 'elections' as used in this subsection shall be construed accordingly."

On page 16, line 12, it is proposed to:

1. Change the period on line 12 to a colon.

2. Insert between such colon and the word "such" on line 12 these words: "*Provided, however,* the court shall hear and determine such application in accordance with the Rules of Civil Procedure for the United States District Courts."

On page 17, lines 20 and 21, strike out the words "In a proceeding before a voting referee, the applicant shall be heard ex parte," and insert the following in lieu thereof: "The proceeding before the voting referee shall be conducted according to the provisions of rule 53 of 'The Rules of Civil Procedure for the United States District Court.'"

On page 19, line 14, strike out "(c)".

On page 18, lines 24 and 25, and page 19, lines 1 and 2, strike out these words: "Or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court."

On page 16, lines 3 and 4, strike out these words: "for one year and thereafter."

On page 16, insert an additional paragraph between line 16 and line 17 reading as follows: "The provisions of this subsection shall apply only to an election at which a candidate for the office of President, Vice President, Presidential elector, member of the Senate or member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico is voted for, and the words 'election' or 'elections' as used in this subsection shall be construed accordingly."

Mr. KEFAUVER. Mr. President——

Mr. KEATING. Mr. President, will the Senator from Tennessee yield to me?

Mr. KEFAUVER. I yield briefly to the Senator from New York.

Mr. KEATING. Mr. President, I send to the desk an amendment to the bill. The amendment is the original part 4, dealing with technical assistance to school districts. I ask unanimous consent that the amendment be ordered to be printed and to lie on the table, and be read; and then I ask unanimous consent—inasmuch as I have explained the amendment—that the reading of the amendment, under the rule, be dispensed with, but that the amendment be considered to have been read under the requirements of rule XXII.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEATING. I thank my friend, the Senator from Tennessee, for yielding to me.

The amendment submitted by Mr. KEATING is as follows:

On page 2, line 3, after the number "101.", insert "(a)."

On page 3, after line 19, insert the following:

"(b) Technical assistance. Section 104 of the Civil Rights Act of 1957 (71 Stat. 635) is amended by adding the following new subsections at the end thereof:

"(d)(1) The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (B) on May 17, 1954, the Supreme Court of the United States ruled that under the fourteenth amendment to the Constitution segregated education is inherently unequal; (C) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (D) State and local governments and agencies which had relied upon the 'separate but equal' doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (E) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

"(2) It is therefore the intent of Congress and the purpose of this section to assist State and local governments and agencies in carrying out their constitutional obligations by sharing certain of the additional expenditures directly occasioned by desegregation programs and by providing information and technical assistance in connection therewith.

"(e)(1) For the purpose of assisting State and local educational agencies which, on May 17, 1954, maintained segregated public schools to effectuate desegregation in such schools in a manner consistent with pertinent Federal court decisions, there are hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine.

"(2) Appropriations under this subsection shall be available for grants to help finance—

"(A) costs incurred by local educational agencies in the provision of supervisory or administrative services, pupil placement, school social worker, or visiting teacher services, and other special, nonteaching, professional services, the need for which is occasioned by the desegregation of their public schools, and

"(B) costs incurred by State agencies in developing and carrying out State policies and programs for desegregation in public schools, including technical assistance to local educational agencies in connection therewith.

"(f)(1) The Commissioner of Education (hereinafter called the 'Commissioner') shall for each fiscal year allot to each State, from the sums appropriated pursuant to subsection (b) for such year, an amount which bears the same ratio to such sums (or to such larger sum as may be specified in the Act making the appropriation) as the number of students who attended segregated public schools in such State during the school year 1953–1954 bears to the number of students who attended such schools during such year in all the States. The number of students who attended segregated public schools in each State during the school year 1953–1954 shall be estimated by the Commissioner on the basis of the best available data on the average daily attendance of local educational agencies during such school year.

"(2) From a State's allotment under paragraph (1) for a fiscal year, the Commissioner shall, except as otherwise provided in subsection (e), pay to such State an amount equal to one-half of the expenditures of local educational agencies in carrying out the purposes specified in subsection (b)(2)(A) under applications approved by the State agency (designated as provided in subsection (d)(1)(A)) pursuant to the State plan approved under subsection (d), and one-half of the expenditures of such State agency in carrying out the purposes specified in subsection (b)(2)(B) under such plan, including its expenditures in administering the State plan. Payments under this subsection and subsection (e) shall be made from time to time by the Commissioner on the basis of estimates of amounts to be expended in a quarter or other period or periods determined by him, with necessary adjustments on account of any overpayment or underpayment for any prior period or periods.

"(g)(1) A State plan shall be approved by the Commissioner for purposes of this section if such plan—

"(A) designates the State educational agency to administer or supervise the administration of the plan, or designates another single agency of the State for such purpose and in such case provides methods for effective coordination between such agency and the State education, and

"(B) sets forth the methods and criteria for approving applications of local educational agencies for funds under this section, and describes the activities to be carried on by the State agency with the aid of funds under this section;

"(C) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the State plan;

"(D) provides that the State agency will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to assure expenditure of grants under this section solely for the purposes for which made and otherwise to perform his functions under this section.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising administration of the State plan approved under paragraph (1), finds that—

"(A) the State plan has been so changed that it no longer complies with any of the requirements of paragraph (1), or

"(B) in the administration of the plan there is a failure to comply substantially with any such requirement,

the Commissioner shall notify such State agency that no further payments will be made to the State under this section (or, in his discretion, that further payments to the State will be limited to parts of or programs under the plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this section (or shall limit payments to parts of or programs under the State plan not affected by such failure).

"(h) If the Commissioner determines, with respect to any State for which an allotment has been made under subsection (c)(1) for any fiscal year, that such State will not for such year submit and have approved a State plan under subsection (d), and either (1) that such State has consented to the making of applications by local educational agencies pursuant to this subsection, or (2) that such State has indicated that it assumes no responsibility with respect to the desegregation of public schools, the Commissioner shall, notwithstanding the provisions of subsection (c)(2), pay to local educational agencies, with applications approved by him under this subsection, one-half of the expenditures of such agencies during such year in carrying out the purposes of subsection (b)(2)(A), but such payments may not exceed, in the aggregate, the State's allotment for such year. The Commissioner shall by regulation prescribe criteria and procedures, for approval and withdrawal of approval of applications under this subsection, which will, in his judgment, best effectuate the purposes of this section.

"(i) For purposes of this section—

"(1) The term 'public school' means a public school which provides elementary or secondary education, as determined under State law, but does not include a school of any agency of the United States.

"(2) The term 'segregated public school' means a public school to which students on May 17, 1954, could not, under the constitution or laws of the State in which such schools are located or under ordinances or rulings of the appropriate local educational agency pursuant to such constitution or laws, be admitted without regard to race or color.

"(3) The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"(4) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a city, county, township, school district, or political subdivision in a State; and includes any State agency which directly operates and maintains public schools.

"(j)(1) The Commissioner shall collect and disseminate such information on the progress of desegregation in the public schools in the several States as may be useful to educational and other public officials, agencies, and organizations in effecting desegregation in such schools.

"(2) The Commissioner shall, upon request, provide information and technical assistance to State or local officials, which will aid them in developing plans and programs for effecting desegregation in public schools, and, upon request of such officials, shall initiate or participate in conferences dealing with the educational aspects of problems arising in connection with efforts to comply with applicable court desegregation decisions or decrees.

"(3) The Commissioner may delegate to any officer or employee of the Office of Education any of its powers and duties under this section, except the promulgation of regulations.

"(4) No appropriations may be made pursuant to subsection (b) for any fiscal year ending after June 30, 1961. Prior to the close of January 1961, the Secretary of Health, Education, and Welfare shall submit to the Congress a full report of the administration of this section, together with his recommendations as to whether it should be extended and as to any modification of its provisions he deems appropriate.

"(5) There are hereby authorized to be appropriated such sums as may be necessary to administer the provisions of this section."

Mr. KEFAUVER. Mr. President, I address my remarks to the amendment which I presented in the Judiciary Committee on Tuesday night, when the bill was being considered by the committee. The amendment appears on page 17 of the amended bill which now is before the Senate.

In the first place, I wish to make clear that this amendment was written by me, and it was not inspired or drafted by anyone else. I wrote the amendment as a result of study of the bill and after listening to the presentations made by Mr. Rogers, Judge Walsh, and members of the committee.

The purpose I had in mind in offering the amendment was to improve and make more acceptable the referee provision, and possibly to eliminate much of the redtape which would have to be gone through in connection with this part of the bill.

The whole proceeding under this part of the bill is termed a judicial proceeding. But after hearing it described as a judicial proceeding, I was literally amazed when members of the committee who are lawyers, and particularly my friend, the junior Senator from New York [Mr. KEATING], called this amendment a scuttling amendment, when the only purpose was to try to give this part of the bill some vestige of a judicial process.

Mr. President, much can be said about the desirability of making this referee proceeding and adversary proceeding. But that was not my intention, and the amendment does not so provide. My intention was only to do what is right and fair and what I think any proceeding under a district court should provide for, namely, that the proceeding be right and fair and in keeping with the dignity of the district court.

My only purpose was to have the very important hearing at which information would be taken by the Federal Government held in a public office. It is important Mr. President, that the hearing be held in a public office. A little later I shall discuss in more detail that phase of the matter.

It was also my intention to try to have it be an open hearing, a public hearing—as all hearings should be—and not have it be a star chamber hearing. I wished the State and county registrars who would be charged with the responsibility in the first place to have an opportunity to be present. In the amendment I use the words "to appear." However, it is immaterial to me whether the words "to appear" or the words "to be present" are used. In any event, my purpose was to have the registrars given a right to "appear" for the limited purpose of making a transcript of the proceeding. That is all the amendment would do. How anyone who wants to have a fair proceeding and an open proceeding and wants to avoid something which would be repugnant to our entire judicial system of procedure—to wit, star chamber proceedings—can object to this amendment is beyond my understanding.

Mr. President, there will be enough trouble with a proceeding of this kind in any event. So I believe we should include in the bill language which will give the proceeding some status as a judicial proceeding, which it is said to be. We do not want, and I am sure the opponents of my amendment do not want, to have star chamber proceedings. Such proceedings are in conflict with the fundamental notions of democratic procedure.

Now let us consider what could happen under the bill in the absence of this amendment. A Federal voting referee would be appointed in a judicial district, and he could hold a meeting anywhere in the district. He could go from house to house, and could register anyone whom he might feel was entitled to be registered. He could drive through the judicial district in his automobile, and could pick up any citizen—for the bill as it now stands does not provide that the referee must do this work only while he is in his office—and could make a record of what that person had to say; and that would be the basis for registering him.

The referee could hold proceedings in the middle of the night, and he could hold them in his own home or while he was walking down a street or while he was walking in the fields. Under any of those circumstances, if the referee met a person, he could say to him, "You are entitled to be registered, and I will make a record of your case and will send you to the district judge."

Mr. President, to the distinguished lawyers who proposed such procedure, I say it would arouse all sorts of indignation. There must be some rules and regulations at least in line with my amendment.

If some wish to be certain that there will be indignation and a great deal of opposition to the voting referee procedure, then just let the Senate omit from the bill any limitations in regard to how the meetings shall be held or where they shall be held, and omit from the bill any provisions in regard to notice or any other provisions in regard to regulations pertaining to the meeting. I am sure the Senator from New York would say that would not happen. I am sure he would say that the meetings would be held in the daytime, and in the proper office in Federal buildings. If that be true—and I am sure that most referees would feel that way about the matter, and I hope that all of them would—why is there objection to including in the bill a provision that the hearing must be held in a public office?

Mr. President, public business should be conducted in a public office. Public officials should not be allowed to conduct public business wherever they might wish to conduct it, at any hour of the day or night. The public would not long stand for such procedure.

We are told that a referee would not proceed under such circumstances. In any event, this amendment is offered for the purpose of providing some protection to the referee himself.

All of us know that in voting matters there is naturally some political pressure here or there, at one time or another. Suppose an effort were made by a political leader to get the Federal referee to go to someone's home, to register him, and to meet him there at night, a star-chamber proceeding. The pressure would be great. So this provision that the meeting must be held in a public office is for the protection of the referee himself.

Mr. EASTLAND. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. EASTLAND. Does not the history of the old registrar system show us that the registrars would go forth in the very late hours of the night and would register applicants in their homes?

Mr. KEFAUVER. Yes; frequently that happened, and it was a cause of great indignation, not only in the South, but also in other parts of the Nation, against the registrar system.

Mr. EASTLAND. Is there any reason why that same condition could not occur again?

Mr. KEFAUVER. Well, I hope there will never be a repetition of the kind of thing that happened in days long ago. There was great political pressure in some presidential campaigns, and in other elections, in various States, to get people registered. The referees or registrars went to peoples' homes and engaged in star chamber proceedings, in which nobody could be present to make his own record. That happened. It was in many cases the rule rather than the exception. There is no protection in the bill as it stands, without the suggested language, to prevent that condition from happening again.

Mr. EASTLAND. Mr. President, will the Senator yield further?

Mr. KEFAUVER. I yield.

Mr. EASTLAND. Will we not have the same pressures in the future in presidential and State elections?

Mr. KEFAUVER. I certainly hope they will not be as intense and charged with as much bitterness as existed in the days after the War Between the States; but certainly those same types of pressures, perhaps to a lesser degree, will be present. It would be mighty easy, in a close election, for the party in power to insist that referees go around the country, travel all over judicial districts, and meet people in secret.

Mr. EASTLAND. And register members of the candidate's party.

Mr. KEFAUVER. That is correct.

Mr. EASTLAND. Does the Senator know of any reason why those same deplorable conditions would not exist in the future?

Mr. KEFAUVER. I know of no reason why they would not exist. I hope they will not exist, but, in the light of the experience we had at one time in the history of this Nation, I think the public will want a plan similar to mine, and are certainly entitled to the very mild protection I am attempting to give.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to the Senator from North Carolina.

Mr. ERVIN. Does not the Senator from Tennessee know that history attributes to the words "star-chamber proceeding" one of its most hateful connotations?

Mr. KEFAUVER. That is right. It is repugnant to our judicial procedures and the rights we like to think we have under the Constitution of the United States.

Mr. ERVIN. I will ask the Senator from Tennessee if even the star-chamber proceedings under the English law were not in one sense an improvement over the provision in the bill, in its original form, in that, in a star-chamber proceeding, while the English law excluded the public, it did permit and require the man who was being prosecuted, and whose conduct was being inquired into, to be present.

Mr. KEFAUVER. Yes. Even in cases in which the loyalty of Government employees is questioned, when they are being tried by an agency of Government, under some kind of process, I have always insisted on their right to be present. When the Mundt bill was passed in the House of Representatives, my colleague from Missouri [Mr. HENNINGS] fought for the right of the accused to have some kind of judicial hearing and to have the opportunity of confronting his accusers. I spoke against star-chamber proceedings in loyalty cases away back in the 1940's. I am glad to say that judicial students, lawmakers, and members of the Supreme Court, have said the proceedings which have been held in those cases are repugnant to our concept of constitutional rights and jurisprudence.

If the opponents of my amendment do not want star-chamber proceedings, if they do not want a repetition of what happened after the War Between the States, if they do not want a registrar to be made a political tool for the party which may be in power, if they want to give him some protection against the political pressures that are bound to be brought against him, then I think the first thing to do is to provide that the hearing shall be held in a public place or public office, as is provided in the amendment.

Mr. President, so much for that part of the amendment which provides "the hearing shall be held in a public office."

I have read in the papers, and I have heard a great deal of discussion about the point, that the amendment I presented in the Judiciary Committee striking out, on line 20 of page 17, the words "the applicant shall be heard ex parte." I felt that amendment was necessary, or at least, desirable, because I have always been led to believe, and it has always been my conception, that "ex parte" meant a hearing in the absence of the other side. I know Bouvier's Law Dictionary has been cited, but I should like to read the meaning of "ex parte" once again. One of the definitions as contained in that dictionary is:

> The term "ex parte" implies an examination in the presence of one party and in the absence of the other.

I have always understood the term "ex parte" to mean that the proceeding could be secret, need not be held in public, that the other parties who might have an interest in it might not have the opportunity of being present. So I thought it was desirable to strike out the words "ex parte" and specify exactly what should happen. I thought that the words "ex parte" standing in the clause, with the qualification of the term "public officer," and providing for notice, contradicted the term, so that, in order to make it grammatically clear, the words "ex parte" should be stricken out.

If the Senate wants to leave in the words "ex parte" and add the language, "*Provided, however,* That the hearing shall be held in a public office, and provided, that the referee shall give notice." and so forth, it would mean exactly the same thing.

As desirable as it might be to have adversary proceedings before the referee, it was not my intention to make these proceedings adversary. It was not my intention to give State registrars or their attorneys the right to cross-examine, to testify, to harass, to take any part in the proceeding, unless the referee called upon them and asked them to do so.

I want to state my intention very clearly. The Senator from New York and others who have read something else into the words of this amendment have been drawing on their imagination. The amendment provides that they can appear for only one purpose; namely, being there and making a transcript of the proceedings.

We come now to the second part.

Mr. HOLLAND. Mr. President, will the Senator yield at that point?

Mr. KEFAUVER. Yes.

Mr. HOLLAND. I think I understand exactly what the distinguished Senator was trying to do, and I commend him for it. If there is anything that could be un-American, in the opinion of the Senator from Florida, it would be to displace a duly elected local official charged with a responsibility and a duty of importance to the public, without even allowing him to be present and hear what transpired.

I think the Senator not only was within his rights but also was insisting upon a change in the law which would be beneficial from the standpoint of fairness and justice to all concerned.

Mr. KEFAUVER. I thank the Senator very much.

In the first place, Mr. President, if this is going to be a judicial proceeding there should be some vestige of judicial procedure about it. It should be public. It should be held in a public place. The parties who are being talked about ought to have an opportunity to be present.

I think probably the Senator from New York [Mr. KEATING] has been arguing for that same right in connection with loyalty cases. I refer to the right to be present.

This is no reversal of my position. I have always insisted, sometimes unpopularly so, that when a person's job is being put in jeopardy by some secret witness in a star chamber proceeding he ought to have the right to be present. I think that is being recognized more and more.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. EASTLAND. Is not the basis of the applicant's going to a Federal referee the fact that he would be discriminated against by the State registrar and the State registrar would violate the law? Is that not what is basic?

Mr. KEFAUVER. Yes. That is set forth on page 16.

Mr. EASTLAND. That being true, why is it that the man who is charged with having violated the law, with having been guilty of discrimination, is not to be given the opportunity to have a transcript of the record?

Mr. KEFAUVER. There is no reason why he should not have it. I will set out other reasons why he should.

Mr. President, let us consider this matter a little further. Let us consider why the State and county registrar should be given 2 days' notice and should have an opportunity to be present.

There may be some misunderstanding about this. I am sure there have been many changes in the points of procedure, so I may not have them all clear.

In the first place, if any person feels, or if several people feel, that he or they have been discriminated against in connection with our constitutional right to vote, an action may be brought in the district court by the Attorney General. Of course, the person or people could bring the action himself or themselves. This action would be by John Smith, John Jones, and perhaps two or three other people, against the registrar of the county or the State, as the case may be. At that time there would be a hearing. If these people proved their case they would be automatically registered to vote by the district judge of the court. That is set forth on page 16 of the bill.

Mr. JOHNSTON of South Carolina. Mr. President, something has been said about the 2 days allowed.

Mr. KEFAUVER. If the Senator will permit me to continue, I will come to that in just a minute.

Mr. JOHNSTON of South Carolina. Very well.

Mr. KEFAUVER. Thereafter, if the judge found that there was a pattern of discrimination, he would appoint a Federal referee. This Federal referee then would not hear the people who had been ordered to be registered by the judge himself. He would hear anyone else whom he might see, or who might come to see him, or whom he might go to see, as the case might be. That is set forth on page 17, in the language:

> He has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

The important thing I want to point out is that the people who will come to the referee, to say that they have been denied the right to vote or that they have been found not qualified to vote, will not be the people who presented themselves in court in the original proceeding, who had been ordered to be registered.

It will be seen, Mr. President, that these people who will later come before the referee do not have to make any showing that they were deprived of the right to vote because of something covered by the provisions in the 15th amendment; race, color, or previous condition of servitude. It is simply the fact that they have been denied the opportunity to vote or—not "and"—or found not qualified to vote, which gives them the right to come before the referee. The referee may then make a record and send it to the judge, and the proceeding goes on from there.

Mr. President, for several reasons I think it is important for the State and country registrar to have an opportunity to be present. First, it is some kind of dereliction of duty on the registrar's part which is being talked about. That is the reason why the referee has gone to the person or the person has gone to the referee.

I think it is simply a matter of basic right that in any proceeding the person who is being accused of not having fulfilled his sworn obligation ought to have a right to at least be present. Much argument can be made to the effect that such a person ought to have the right to present evidence, or to cross-examine witnesses; but at least he ought to have the right to be present and to hear what somebody says about him. He should be able to hear the dereliction of duty of which he is charged with being guilty. What are the accusations being made against him? Was it a dereliction of duty by him? By some clerk? By some underling? By somebody who might have been in his office, when he did not know anything about it? Before a person can be, in a judicial proceeding, tried for any violation of law, I think he ought to at least have the right to be present.

There is another reason why he ought to at least have the right to be present. It will be seen that all the applicant has to show is that he has been found not qualified to vote. It may be that the applicant was found not qualified to vote because of failure to pass a reasonable literacy test, because he was guilty of committing a felony, because he was an alien, because he was under the voting age, or for any of a number of reasons, whatever the reasons might be. It would seem to me, Mr. President, that the Federal referee would want to have the State registrar present. If the applicant made a good showing—if he showed he was of age, that he was literate, that a mistake was made by some underling—I think we can assume that people will do their duty, in most cases; certainly I hope that in most cases they would do so. I think the registrar might say, "Well, a mistake was made in this case. I will register the man." In such case the whole tedious procedure of going through the Federal judge, the exceptions, the waiting period and all the long, tedious machinery, would be obviated.

Suppose the applicant was before the voting referee and was talking about literacy. If the State registrar was there he might say, "There is no question about the literacy of this man." If the referee called on the registrar to say anything, he might say, "I did not question his literacy. He was not registered because he was an alien." That is something the Federal referee ought to want to know, even though he is not under any obligation to ask the State registrar anything. The State registrar cannot say anything unless he is invited by the referee to do so. But that procedure would certainly obviate a great deal of lost time and effort.

I think this amendment is not only fair, but it is just, and in keeping with our American traditions to have present the one who is accused of some wrongdoing. I think in many cases it would help the Federal referee. It would expedite the process. If everyone were acting in good faith, the proceeding could be concluded without having to go through a tedious court procedure.

In the amendment which I drafted and presented to the committee occur the words "the right to appear." My conception of "the right to appear" was that it meant to appear for the limited purposes set out in the amendment—that is, the right to make a transcript of the proceedings, and nothing else. To me the word "appear" means to be present, to have an opportunity of being there. Some technical lawyers may say that an appearance has some other meaning, but if it has some other meaning, it is always specified as to what that meaning is. So far as I am concerned, the only connotation that I gave to the word "appear" was the right to be present; and if the words "be present" take away some of the objections, or make anyone feel better, well and good. I want it to be known what my intention was, and what meaning I had in mind.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HENNINGS. I have been listening with great interest to the Senator, as I did in committee, when he described his amendment.

Does not the Senator feel that the use of the word "appear" would be very cumbersome, because, as the Senator says, technical lawyers might construe the word "appear" to mean "to represent." Is not that our general understanding when it is said that "so and so appeared" for a given party to a lawsuit, or a legal proceeding? That is the very common connotation and meaning. When one appears, he appears for a purpose, and that purpose is to protect or advance—as the case may be—the rights of the individual whom the lawyer represents. "Appear" is a rather unhappy word.

Mr. KEFAUVER. In Webster's Dictionary, and in the legal dictionaries, the word "appear" has many different meanings. In certain cases it means "to be present." In other cases it means to file a paper on behalf of someone. Sometimes when one goes to a gathering and presents himself, and leaves immediately, in ordinary parlance we talk about "making an appearance." It means going there and leaving immediately.

Mr. HENNINGS. According to Bouvier's Law Dictionary, an appearance by counsel means that counsel is there representing a party.

Mr. KEFAUVER. That is one of the definitions.

Mr. HENNINGS. In order to represent a party to a proceeding, counsel does not sit mute and do nothing. Counsel is there to "appear." I do not think that is a technical understanding of the word. I am sure that my friend from Tennessee is very sincere about his amendment. I believe that superficially it has some merit. But on the other hand, when we discuss an "appearance" we mean activity. A transcript can be furnished to anyone without his being present, because it is a very simple matter for a transcript to be made and given to the party in interest after the proceedings have terminated.

Mr. KEFAUVER. I have explained what I had in mind. As I say, this amendment was not drafted by the legislative counsel, or the Department of Justice. It was written out in longhand with a pencil on a tablet in the committee.

Mr. HENNINGS. I was seated near the Senator in the committee, and I saw the amendment written out in longhand.

Mr. KEFAUVER. My intention as to the meaning of the words was that county or State registrars or their counsel should have the right to be present and to make a transcript; and that the word "appear" was proper as used, because the representative's right to appear was limited to the purpose of making a transcript if he wishes to do so. If we say "appear" meaning to appear for the purpose of entering one's name on the docket, or for the purpose of making a bond, that is something else. If that is what is bothering the Senator, that can easily be cleared up. I wished to explain what I meant.

Mr. HENNINGS. I am sure the learned Senator from Tennessee, whether he means "appear" in the sense in which lawyers understand it or not, will recognize the fact that there is ambiguity about the word, in the light of the Senator's explanation of his intention.

Mr. KEFAUVER. If there is any ambiguity, I am sorry. There is no ambiguity in my mind. My intention was that the word meant appearance for the single purpose of hearing what was going on and making a transcript of the proceedings. That is a kind of appearance. If I had wanted to specify that he should have the right of cross-examination, or the right to enter into the case, I would certainly have specified it.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. ERVIN. When the Senator proposed his amendment and said that the State or county registrar, or his counsel, shall have the right to appear, the Senator added the words "and to make a transcript of the proceedings."

Mr. KEFAUVER. That is correct.

Mr. ERVIN. I ask the Senator from Tennessee if it is not perhaps the most fundamental rule for construing a statute that the expression of one thing is the exclusion of another?

Mr. KEFAUVER. I thought so. I thought that by saying what the purpose of the appearance was, anything else that might be done by an appearance would be excluded.

Mr. ERVIN. Does not the Senator from Tennessee agree with me that the fact that he has stated what the man or his counsel is to appear for, namely, to make a transcript of the proceedings, would exclude any possibility that he had any other authority?

Mr. KEFAUVER. That is a well-settled principle, and I have always understood it to be fully established.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HENNINGS. This language is in the subjunctive, which indicates that the person is to appear and make a transcript. It would be comparable, I think, to say that he may appear and take notes, or he may appear and do thus and so. But I would not concede that under that language, the subjunctive word "and" would indicate that anything else is excluded. The Senator does not say "solely for the purpose of preparing a transcript," or "for the purpose of preparing a transcript." The Senator's amendment says that the county or State registrar, or his counsel, "shall have the right to appear and to make a transcript of the proceedings." Obviously he could not make a transcript unless he appeared.

Mr. KEFAUVER. I appreciate the observation of my colleague.

Mr. HENNINGS. I make no quibble about it, but I think it is a rather fundamental point.

Mr. KEFAUVER. The Senator is one of the very great lawyers in the Senate. If it had been my intention to give the registrar additional rights, such as the right of cross-examination, the right to testify, or the right to object to any proceedings, I would have set them out.

I set forth one right he had, and that is the right to make a transcript. I thought that by not setting forth other rights, it would be clear that he did not have those others. However, if the word "appear" troubles any Member of the Senate, I wish the RECORD to show what I have in mind, that I meant him to be present. If that is troubling anyone, we can clear it up quickly.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. JAVITS. Should the Senate believe that what the Senator's amendment has done is to make the proceeding at this stage an adversary proceeding, would the Senator then feel his amendment has miscarried? In other words, would he feel that it was doing something that he had no intention of doing?

Mr. KEFAUVER. It was not my intention to make the proceeding an adversary proceeding. I felt that "ex parte" largely meant, in the general sense—and looking it up in legal dictionaries also showed it usually means—without the other side being present. I thought that since we were going to give the other side the right to be present, "ex parte" should come out. However, if it is felt that "ex parte" should remain in the text, that is all right with me, if we provide that the hearing shall be held in a public office, and further say that so-and-so shall take place. It is certainly not my intention with this amendment to make it an adversary proceeding.

Mr. JAVITS. If the Senator's amendment should be adopted, and, as a matter of fact, if the court should construe this to mean an adversary proceeding, what would the Senator say to the fact that on page 18, at the bottom of that page, there appear the following words:

> The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by law?

In other words, what would the Senator say should happen at that point, which is an adversary proceeding?

Mr. KEFAUVER. That is clearly an adversary proceeding. The State or county registrar would have the right to file exceptions, and the court could hear the case on the exceptions, or refer it to the referee. That is clearly an adversary proceeding.

Mr. JAVITS. If the court should construe the Senator's amendment to provide for an adversary proceeding, we would then have two adversary proceedings, or at least one sure and one maybe. Is that correct?

Mr. KEFAUVER. I want to be as certain as I can make it with my statement here, which I have repeated several times, that by this language I mean to make it very clear—or by putting in necessary words into the amendment—that it was not intended to be an adversary proceeding, and is not an adversary proceeding. So I do not believe there is any possibility under those circumstances, if that is done, that it will be considered an adversary proceeding.

Mr. JAVITS. Does the Senator take cognizance of the fact that we do have before us a report which indicates that there has been, because of the physical circumstances of registration, restraint or even intimidation in some places with respect to those who wish to try to register at the court house or central place, under State law?

Mr. KEFAUVER. Yes, I understand that the report of the Civil Rights Commission does make that statement.

Mr. JAVITS. So that we should have a solicitude and a respect for that situation which has been reported to us, should we not?

Mr. KEFAUVER. Well, this is a Federal statute, and the power of the Federal Government is substantial. It is made very substantial by some provisions in the bill. I assume that a public office would be a Federal building. I would assume that that is where the referee would have his office, although he may have it in another place. Of course there would be some objection in some places to registration, but I do not feel that the power of the Federal Government is going to be thwarted. Sooner or later the identity of those who are appyling to vote has got to be known. If it is not known when the referee holds a hearing, or a star chamber hearing, if we exclude the public—which I am sure the Senator does not wish to do—it is going to be known when the referee files the report and when the State registrars have the right to file exceptions.

Therefore, if the success of this statute is to be based on that circumstance, it will be necessary to hide the fact about who is applying to register. First, I do not know that that will be the case. In the second place, if it is based on that circumstance, it will not be successful.

Mr. JAVITS. Of course the Senator is a very distinguished lawyer and one of our most valued colleagues.

Mr. KEFAUVER. After that statement I am ready for almost any kind of comment. [Laughter.]

Mr. JAVITS. Of course all legal proceedings are public proceedings unless there is a special statutory or legal right given for the court to impound or seal the proceeding. We give no such right here.

Mr. KEFAUVER. I think the right is given in the bill. It is very clearly stated in the bill on page 17: "In a proceeding before a voting referee, the applicant shall be heard ex parte." That gives the right to hear the applicant anywhere at any time under any circumstances and any place. I do not believe that the Senator, with his desire for orderly proceeding, in compliance with the intention of our Constitution, would want that to happen.

Mr. JAVITS. It does not give him the right to hear it secretly.

Mr. KEFAUVER. It certainly does. It says "ex parte."

Mr. JAVITS. I do not agree with that.

Mr. KEFAUVER. If the Senator does not agree, why does he object to having an open hearing?

Mr. JAVITS. I am coming to that. Suppose we wrote into the bill that the applicant shall be heard ex parte. Is it not a fact that the court would have the authority to make any such provision as the Senator recommends, or different provisions, and that the action of that court would be subject to review on appeal?

Mr. KEFAUVER. Perhaps, although I am not certain about it. I do not see how a court directive could change a statute which states very clearly that it is an ex parte proceeding, and where particularly the proponents of the bill have been fighting an amendment which would make it a public hearing.

Mr. JAVITS. I disagree that the proponents of the bill have been fighting an amendment which would make it a public hearing. I think that what we are fighting for is the fact that we shall not stratify a situation which has resulted in intimidation.

Mr. KEFAUVER. I can only say to the Senator that after the 15th amendment to the Constitution was adopted voting referees were appointed, and that fact constituted a very unpleasant phase in the history of our Nation. These referees went all over the countryside and held secret, star chamber proceedings, under pressure by one political party.

If that happens again, then this section will not find much public acceptance. It would be a good idea to tie it down so that the referee himself would be protected.

Mr. JAVITS. I think that what we are worried about is tying it down so as to nullify it. However, let me ask the Senator——

Mr. KEFAUVER. Let me ask the Senator from New York what he thinks it does.

Mr. JAVITS. I will be glad to tell the Senator now, or I shall be glad to on my own time. What I think it does is to make two adversary proceedings in this situation. I say that because when we couple the striking out of the words "ex parte" with the use of the word "hearing," the use of the word "appearance," and giving notice, I cannot see how any court could construe it as being other than the right to examine, cross-examine, or contest at that particular point, and consider it to be a hearing before the official referee. I cannot see any other construction.

Mr. KEFAUVER. The Senator was probably not present to hear my original explanation. I said that when I prepared the amendment and when I explained the purpose of it after the committee hearing on Tuesday night, I stated it was not my purpose to take away the ex parte provision of the hearing except insofar as to provide that it shall be held in a public office. Certainly notice that it should be an open hearing; certainly notice should be given that the right to make a transcript should accrue. Ex parte is limited to those provisions.

If it will make the Senator from New York any happier, and if he wants to have the language read that the applicant shall be heard ex parte provided the hearing shall be held in a public office, and then change the word "appear" to "to be present," that is what I had in mind, and that is all I had in mind. That does not constitute an adversary proceeding.

Mr. JAVITS. I am opposed to the whole amendment. I think it creates an adversary proceeding. I think the court has full authority to do anything which is required under the legal situation to assure this right without making the proceedings secret.

The Senator from Tennessee has been a lawyer for a long time, as have I. I have applied for thousands of ex parte orders, and so, I feel certain, has the Senator from Tennessee. The court then often will say, "Give your opponents 2 days' notice," or 3 or 4 days, or even 10 hours. The court will call counsel into chambers, or he might even consider an ex parte motion in open court as to whether the judge will or will not sign some preliminary order to show cause, or some preliminary suit or injunction. It gives the court a kind of flexibility, particularly as all of the court's actions are subject to review on appeal.

I must say to the Senator from Tennessee that I hope he does not assume I am flattering him simply because I am trying to knock down his amendment. I do not feel that way, because I have great personal affection and regard for him.

Mr. KEFAUVER. I assure the Senator from New York that his sentiment is reciprocated fully.

Mr. JAVITS. I thank the Senator. What we are concerned about is trying to reach some end point.

If the Senator really feels that something must be done about voting, it would be wrong for us in the course of strengthening the due process feature to really nullify the whole operation in an area where it has been shown to require strengthening. It is a climatic situation, which inhibits and frustrates, especially where it is backed up by traveling the hard road of the record of some violence. Then a threat becomes the real thing to a person who has been living with the situation for 80 or 90 years. I am certain the Senator from Tennessee feels as the rest of us do. It is simply a question as to whether, quite unwittingly, out of the very desire for due process, something is being inserted which will nullify what we are trying to get in terms of making these people feel like any other persons, that they can and should register.

Mr. KEFAUVER. If the Senator's argument is valid, that the whole situation of what is right in connection with our judicial procedure and our constitutional processes of trying to have hearings, and at least give a person a hearing, and enable him to have his right to be present and make a transcript, this is at variance with what we have been talking about under our judicial system all of these years.

This is said to be a judicial process. I think it ought to be. Yet when an amendment is offered which provides some vestiges of making it a judicial process, and for providing a hearing at a public place or a public office, so as to at least give the people talked about a chance to be there, which is as American as it can be, then to hear distinguished lawyers argue against something so obviously fair and reasonable shocks me no end.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. JAVITS. I am one of the lawyers about whom the Senator is talking. Is it not true that upon the filing of exceptions, every one of the things to which the Senator has referred could happen? A person can be an applicant in open court; and he can contest the ruling all the way to the Supreme Court of the United States in the very same situation. What we are talking about is the initial entry, the first time a person crosses the threshold in an effort to register, from which he has been inhibited for years. That is what we are talking about; not the fact that there is an adversary proceeding in the wings. Surely that hearing can be held. We do not want to encumber the first entry over the threshold with anything more than we have to.

Mr. KEFAUVER. I appreciate the Senator's observation that there will later be an adversary proceeding. If the Senator will refer to page 18, line 11, if we leave out the amendment I have filed, where the Federal referee can go around in the quiet of night, as was done years ago, or can go to the houses of people to register them and make a report, and then he files that report with the judge, no one has any notice of the action up to that point. It has been entirely ex parte. I hope it will not have been a star chamber proceeding. However, judging from the past, it might be a star chamber proceeding. Then he files it with the U.S. district judge.

The Senator from New York says that then there is an opportunity to have an adversary proceeding. Let us see the kind of adversary proceeding he might have. I read from line 8, page 18:

> Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within 10 days, or such shorter time as the court may fix, why an order of the court should not be entered in acordance with such report.

In other words, it is within the power of the court to fix one day or one-half a day in which to show cause why an order should not be issued in accordance with the report. How in the world is the State attorney general or the county or State registrar going to file his exceptions unless he has a transcript of the proceeding? He would not even have time to get to the district court within the shorter time the judge may fix. He would not be able to obtain a transcript of the proceeding. He would not know what to file his exceptions to. So while theoretically there might be a chance, the practical effect is that the opportunity might be entirely eliminated.

Mr. KEATING. Mr. President, will the Senator yield for a correction on that point?

Mr. KEFAUVER. I yield.

Mr. JAVITS. I had not quite finished my reply to the Senator from Tennessee, but I will defer to my colleague.

Mr. KEATING. I call the Senator's attention to the language on page 18 above that which he has just read, which provides that—

> The answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

Mr. KEFAUVER. That is only as to literacy. Let us read all of the language. Let us keep it clear. What I have said is true. The referee may hear the applicant in a star chamber proceeding and make his report then. Then he might have 1 hour or 1 day in which to file exceptions. The other side would not even have a transcript, and the order would be entered without the State ever having had a chance to come in. Let us read the entire language, beginning on line 8, page 18.

> Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding with an order to show cause within 10 days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report.

Suppose the court fixes 1 day.

> Upon the expiration of such period, such order shall be entered unless prior to that time—

I interpolate—1 day—

> there has been filed with the court and served upon all parties a statement of exceptions to such report.

How in the world could anybody file exceptions when he had to show cause in 1 day? He would have had no opportunity to get a transcript. He would

not know what to file his exceptions to or what order would be entered.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. ERVIN. I call the attention of the able Senator from Tennessee to the following provision at the top of page 18:

> Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court.

Does not the Senator from Tennessee agree with me, that manifestly, if the situation involved a question of the residence of the applicant, his age, whether he had been convicted of a felony, or whether he was mentally capable of voting, in States which have laws barring lunatics and idiots, the testimony necessarily would be oral?

Mr. KEFAUVER. Or whether he was an alien in the United States.

Mr. ERVIN. The bill itself provides that the only thing required to be taken down is the oral testimony of the applicant concerning his literacy or his understanding of other subjects.

And there is no requirement that any of the evidence on any other phase of the investigation be taken down.

Mr. KEFAUVER. That is correct.

Mr. ERVIN. So no transcript would be made at a later time; and unless the applicant's counsel were permitted to go there and make a transcript, there would be no transcript.

Mr. KEFAUVER. That is entirely correct. Except in regard to matters of literacy, the referee would, presumably, make his report on the basis of an oral examination of the applicant. For instance, there would be an oral examination as to whether the applicant had been convicted of a felony, whether he was a citizen, or whether he was of voting age. The only exception would be as to literacy. There is no requirement that the questions and answers in regard to the other matters be taken down.

Suppose the applicant were turned down because he was an alien or because he had been convicted of a felony: How would there ever be an opportunity to present that matter to a court, unless there had been an opportunity to be present and to make a transcript?

Mr. JAVITS. Mr. President, will the Senator from Tennessee yield?

The PRESIDING OFFICER (Mr. LUSK in the chair). Does the Senator from Tennessee yield to the Senator from New York?

Mr. KEFAUVER. I yield.

Mr. JAVITS. I believe that when we deal with matters of age or residence or conviction of crime, all such matters are matters of public record, and would be picked up and used by way of challenge. As a matter of fact, when a person asks to be registered to vote in my State, he is not asked whether he was ever convicted of a felony. These matters are subjects of challenge.

Mr. KEFAUVER. Who would be there, before the Federal referee, to do any challenging?

Mr. JAVITS. Why should the applicant be subjected to a different type of proceeding, when he appears to be registered to vote? Why should such an applicant be subjected to treatment different from that accorded any other citizen?

Mr. KEFAUVER. This amendment would not subject him to different treatment. This would take him out of the ordinary proceeding for registration.

Mr. JAVITS. Does any other citizen have an adversary proceeding, with lawyers present, and 2 days' notice, and opportunity to be examined?

Mr. KEFAUVER. In Tennessee, when citizens go through the very important function of registering to vote, they go to a public office, and appear in the presence of whoever wishes to be there. If at that time someone—and anyone would have a right to do so—questions the applicant's citizenship or whether he had been convicted of a felony, or wishes to ask any other pertinent questions, the entire procedure is in public.

But this part of the bill would make an exception. This part of the bill provides that if the applicant was turned down because of having been convicted of a felony or because he was not a citizen of the United States, it would be possible for him to go to the voting referee; and the referee, in the dark of night, in a secret place, could talk to the applicant; and the referee would not have to make a written transcript of the conversation. Instead, the referee could simply report to the judge that the applicant was qualified to vote; and that would be the end of the matter.

Mr. ERVIN. Mr. President, will the Senator from Tennessee yield to me?

Mr. KEFAUVER. I yield.

Mr. ERVIN. I wish to call attention to a statute—in view of the statement of the Senator from New York that matters about residence, age, conviction, and so forth, would be only matters of challenge, and would not go——

Mr. JAVITS. I did not say age or residence; I said conviction of a crime.

Mr. ERVIN. Then I ask the Senator from Tennessee whether the laws of many States are in substantial accord with the following law of the State of North Carolina, which appears in the North Carolina general statutes, section 163–24, and reads as follows:

> The following classes of persons shall not be allowed to register or vote—

That is to say, either register or vote—

> in this State: to wit, (1) persons under 21 years of age; (2) idiots and lunatics; (3) persons who have been convicted or have confessed their guilt in open court, upon indictment, of any crime, the punishment of which is now, or may hereafter be, imprisonment in the State's prison, unless such persons shall have been restored to citizenship in the manner prescribed by law.

I ask the Senator from Tennessee whether under statutes of that nature it would be the duty of the voting referee, when sitting in North Carolina, to make inquiry of the applicant concerning all those matters, and to take his testimony concerning them?

Mr. KEFAUVER. It would be; and that North Carolina law is substantially the law of the State of Tennessee. I think all the States have laws similar to the North Carolina law to which reference has now been made.

So, in the absence of my amendment or a similar amendment, this bill would permit these applicants to proceed completely without regard to that law.

Mr. JAVITS. Mr. President, will the Senator from Tennessee yield again to me?

Mr. KEFAUVER. I yield.

Mr. JAVITS. Is it not a fact that the proceeding we are now discussing would follow a proceeding in which the court would make an order that people were being discriminated against unlawfully because of their race or color and were being prevented from voting or registering; and that when that order had been issued, this proposed law would apply only to those who had been discriminated against; and even as to them, it would have to be stated that the applicant was qualified under State law to vote? In other words, there would previously have been made a finding that a wrong had been done in that case.

Mr. KEFAUVER. Some persons have the idea that there would be a double trial—in other words, that such persons would first present themselves in court, to establish a pattern of discrimination, and thereafter they would have to appear before a voting referee. But that is incorrect; the judge would proceed to register them, himself.

But now we are talking about those who did not appear in court. We must always keep in mind that such persons would not have to show to the referee that they had been discriminated against because of race, color, or previous condition of servitude. All they would have to do would be to show that they had been—

> (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or—

And the word is "or", not "and"—

> or (b) found not qualified to vote by any person acting under color of law.

So, in contradiction of the laws of North Carolina and of practically every other State I know of, if such a person were turned down by a voting registrar in a State because the applicant was a felon, because he was not a citizen, because he was a lunatic, or because he was under age, the applicant could go to the voting referee, and nothing would need be said about racial discrimination; and the voting referee could then secretly, without recording any questions and answers, question the applicant, and could then certify the matter to the court; and the court could issue an order in half a day or in 1 day or in 10 days to show exceptions, if any there might be. Under such circumstances, how could the facts be ascertained by the State?

Mr. JAVITS. Mr. President, I think there seems to be a fundamental point of disagreement which I do not quite follow. Does the Senator from Tennessee say that those who would appear

before the voting referee ex parte—if this part of the bill as passed by the House remains in the bill—would be of a class of people who, because of their race or color, the court would find had been discriminated against with respect to voting? If the Senator from Tennessee denies that, then there is no use in my questioning him, because in my opinion this measure applies only to people in that class, as to whom the court would have found that they were being discriminated against because of their race or color.

Mr. KEFAUVER. If the Senator wants to stake his position on this amendment on that assertion, I will withdraw the amendment if he is correct. But I am certain that he is absolutely wrong. As a matter of fact, Judge Walsh said, in testifying before the committee, that there would not even be any inquiry, when such persons were before the voting referee, about their race or color.

On page 17, the Senator will find what they would be asked about. Of course, previously a pattern of discrimination would have had to be found—but not as to this applicant. That finding would have been made generally, and this particular applicant would not then have been in court.

Mr. JAVITS. If the Senator will allow me to interrupt, just so we get ourselves straight, has a pattern of discrimination, because of race or color, been found in the class to which this amendment applies?

Mr. KEFAUVER. I do not know.

Mr. JAVITS. If it has not been, the applicant is not in court.

Mr. KEFAUVER. All he needs to show a voting referee is that he has been—

(a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote—

That language appears on page 17, lines 16 through 18—

or—

Not the conjunctive, but the disjunctive—

(b) found not qualified to vote by any person acting under color of law.

He does not have to show that pattern; and, indeed, Judge Walsh said it would not be pertinent for him to show it in these proceedings.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to the Senator from North Carolina.

Mr. ERVIN. I will ask the Senator from Tennessee if he did not hear me ask a question, substantially in these words, to Judge Walsh. I asked him if the people who came before the voting referee would be the parties in the original proceeding in which the pattern or practice of discrimination had been found. He said, "No."

Mr. JAVITS. Of course not.

Will the Senator yield?

Mr. KEFAUVER. In just a moment. The Senator from New York has asserted these people had already been found to have been discriminated against. He has stated his position on that. I think he now admits he is wrong. We will certainly give him a chance to be heard in a moment.

Mr. ERVIN. I will ask the Senator from Tennessee if Judge Walsh did not testify before the committee, in substance, that even if the State fired the misbehaving voting official, because of a pattern or practice of discrimination, and even though evidence available at that time showed there was no longer any discrimination, still these registrations could be made for a period of at least 1 year, in which time the State could not contest that point, and the only question that could be gone into was whether or not the applicant was qualified under State law or whether he could show the conditions which the Senator from Tennessee has just stated.

Mr. KEFAUVER. Yes. That is the way I remember his testimony.

Mr. ERVIN. That is, the question whether these applicants who applied to the voting referee had been discriminated against, under the 14th amendment, because of color or race, was not in issue.

Mr. KEFAUVER. According to Judge Walsh, that question was not in issue.

Mr. ERVIN. The only question that the voting referee would be allowed to pass on was whether the State election official made a mistake, on the basis of lack of qualifications, when he denied the applicant the right to register or to vote.

Mr. KEFAUVER. That is the only question. That language appears on page 16 of the bill, beginning on line 1:

If the court finds such pattern or practice, any person of such rate or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote—

And so forth. So the order must last for 1 year, even though that practice ceased a month or 6 weeks after.

One of the main reasons why it should be an open hearing and why the State or local registrar should have an opportunity of attending is that the person who appears before the referee will not have been in court before. All he will have to show is that he has been refused registration, whether it be upon grounds of literacy, residence, or anything else. The referee need not make any record as to substance, or questions and answers, except on the matter of literacy, which is taken to the district judge, without the right of the other side to have a transcript of the proceeding. I do not believe the Senator from New York thinks that is right or fair.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEFAUVER. Yes.

Mr. JAVITS. We have gotten far from the fundamental question.

Mr. KEFAUVER. Does the Senator think it is right or fair?

Mr. JAVITS. Yes; it is, because there is an adversary proceeding provided, and to provide two adversary proceedings would frustrate what we are trying to do.

Let me ask the Senator from Tennessee this question: Does the Senator contend that a person who is not of the race or color with respect to which a pattern or practice of discrimination was found can come to the voting referee and be registered? Does the Senator contend that?

Mr. KEFAUVER. I am sorry. I was reading something.

Mr. JAVITS. Let me repeat my question. Does the Senator contend that a person who is not of the race or color with respect to which a pattern or practice of discrimination in respect to voting was found can come to the voting referee and be registered?

Mr. KEFAUVER. That is set forth very precisely on page 17. I think we may as well read it, beginning on line 7:

The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, who shall subscribe to the oath of office required by Revised Statutes * * * to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the findings by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

I think I should read to the Senator what Mr. Walsh said about it, as appears at page 80 of the hearings of March 28 and 29, 1960:

Senator ERVIN. In other words, under this proceeding, voting referees, the State and the State officers are absolutely precluded from even litigating the question that the denial was not on account of race or color?

Mr. WALSH. That is correct.

So it is my contention that, under this provision, if there is to be an order pending for 1 year after a finding of a pattern of discrimination, anyone can appear and contend that he was qualified to vote and was not given the right to register.

Mr. JAVITS. Will the Senator allow me to finish my point? I think, in view of that very fundamental difference between us—and I am very grateful to my colleague for being so courteous and for yielding—I shall go into the question on my own time, because I am firmly convinced that the only one who can appear before the voting referee is one of a class of race or color against which has been found this pattern of discrimination.

Mr. KEFAUVER. Where does the Senator find that?

Mr. JAVITS. I find, on line 12, page 17, the word "applications." I cannot see that it means anything else. If so, I do not think we have the right to legislate about it.

Mr. STENNIS. Mr. President, will the Senator yield, or does the Senator wish to complete the colloquy? Otherwise, before he concludes, will he yield to me?

Mr. KEFAUVER. Yes; I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I highly commend the Senator from Tennessee for the very worthy and very fine amendment which he has offered. I have heard

most of the Senator's explanation of the amendment. It has certainly been clear, and is a contribution to the debate.

This amendment relates to one of the very vitals of the whole concept of the bill which, in the opinion of the Senator from Mississippi, is extremely important. Without the amendment by the Senator from Tennessee on this point, the bill will not only be without due process of law as to this part of the procedure but it will be directly contrary to due process of law.

I invite the Senator's attention to page 17, lines 20 and 21. The italicised words are, "the hearing shall be held in a public office."

That is also a part of the Senator's amendment, is it not?

Mr. KEFAUVER. The Senator is correct.

Mr. STENNIS. It certainly is a very material part, without any reference to the other very far-reaching and effective parts of the amendment. The whole concept of American justice, American judicial procedure, and the determination of any right where parties are involved as adversaries, including the determination of officers' functions, if the hearing is not held in a public place, would be overturned. If we abandon the idea of the proceeding being open or having a hearing in some kind of public office, then we go contrary to the fundamental concept of American justice.

I want to commend the Senator very highly for working this out. Otherwise, the way the bill is written, unless the Senator's amendment is included, the referee would be able to go up and down the back alleys, or go to picnics or church gatherings or every place else, to take on all comers, and say, "Everyone sign on the line," and they would have membership in the movement; is that correct?

Mr. KEFAUVER. That is correct. It may be said by the other side that the referee would not do that, but, if the referee would not do it, I do not see why we should not write in the provision that the proceeding should be in a public office. We should have some safeguard.

Mr. STENNIS. We always find that if loopholes are left there is always someone who will move in to take advantage of the situation; and the practice which such a person starts becomes more or less a pattern itself.

Mr. KEFAUVER. The Senator is correct. I pointed out also that this amendment is for the protection of the referee himself. Assuming the referee wants to hold hearings properly, though there are pressures for him to go here and there to register people, some safeguard ought to be spelled out in the law.

Mr. STENNIS. The Senator's amendment covers that point.

Mr. KEFAUVER. The Senator is correct.

Mr. STENNIS. I invite the Senator's attention to the bottom of page 18, to line 23. What I want to point out is that without the Senator's amendment, as the bill is written it would be possible to take ex parte statements any and everywhere, and to use them to form the basis of a solemn judicial determination, wherein it would not be necessary to any future step for any judge or judicial officer to really make a determination, or to reach a conclusion, or to render a judgment.

I invite the Senator's attention to the language on page 18, beginning on line 23, which says:

> The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court.

In other words, does the language not mean that if for any reason the judge can say he is busy, has other matters to attend to, cannot get to a consideration of the matter, and he thinks it ought to be decided more promptly than he can get to it, whether it be days or even months, he can refer it back to the same referee, who would render, in effect, a final judgment or decision? Is that not correct?

Mr. KEFAUVER. That is correct. If the judge wishes to refer the matter to a referee, after the exceptions have been filed, he may refer it back, and he may refer it to the same referee. I think it should be pointed out that that would be an adversary proceeding.

Mr. STENNIS. Yes.

Mr. KEFAUVER. It would necessarily be public.

Mr. STENNIS. This is away from the question of being public.

Mr. KEFAUVER. Yes.

Mr. STENNIS. My point is that under the language of the bill as written it would not require the judge to actually hear the exceptions and the adversary proceeding and to reach a judicial determination himself. The judge could refer it to the referee.

Mr. KEFAUVER. I assume, however, that the referee would have to report to the judge, and the judge would finally have to act on the matter. I do not see that provision in the language, but I assume that would be the case.

Mr. STENNIS. I submit to the Senator from Tennessee that the bill does not have such a requirement. It merely says:

> They may be referred to the voting referee to determine in accordance with procedures prescribed by the court.

Of course, the matter would doubtless go back to the judge for signature, if it were going to become an adjudication. My point is that there does not have to be a judicial hearing by a judicial officer and a determination by a man learned in the law. Is that not correct, under the language of the bill as written?

Mr. KEFAUVER. That is correct, although I think somewhere along the line the judge would have to approve the final decision of the referee. I do not see that written out, but it must be true.

Mr. STENNIS. It certainly should be spelled out.

The point is that the hearing does not have to be held by the judge, and no judicial determination has to be concluded by him. This makes the Senator's amendment all the more necessary as an additional safeguard against a possible and probable abuse; is that not correct?

Mr. KEFAUVER. I think that is quite true. I think the amendment is fair. I think it is proper. I think it is in accordance with our long established methods and concepts of judicial procedure.

I thank the Senator from Mississippi very much.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. KEFAUVER. Mr. President, I would like to have the attention of the senior Senator from New York [Mr. JAVITS].

I wanted to make clear the point we were talking about a little while ago. My conception is that under the bill the person who presents himself to the referee has to be of the race to which reference is made. However, that person does not have to have been of the class which was before the court in the first instance.

It is my conception of lines 16 through 19 on page 17 that if the person is of that race, and if he shows that he has been denied under color of law the opportunity to register, or found not qualified to vote by any person, then that is all he must show, assuming he is of the race to which reference is made in the first instance.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. KEATING. I think clearly such a person must be of the race concerned. I was trying to interrupt the colloquy to state that at the top of page 16, beginning in line 2, it is stated:

> Any person of such race or color resident within the effected area shall, * * * be entitled, upon his application therefor, to an order—

Mr. KEFAUVER. Yes.

Mr. KEATING. Later comes the application.

Mr. KEFAUVER. That is what I was trying to make clear.

Mr. KEATING. Mr. President, I shall speak briefly on the whole subject, but specifically I should like to ask my distinguished friend from Tennessee whether this is an adversary proceeding. I think clearly, under the wording as it is now phrased, it is an adversary proceeding.

Mr. KEFAUVER. I do not think I can make it any clearer than I have in my past statements. The Senator may have that opinion about it. I have a different opinion. Anyway, my intention was that it not be an adversary proceeding. If the Senator has any question about this language making it so, I shall be very happy to work out satisfactory language which would remove any doubt whatsoever.

Mr. KEATING. Apart from that question, I invite the Senator's attention to the requirement for two days' written notice to a county registrar of the time and place of the hearing. Does not the Senator envision the possibility—having served in the Senate—of some considerable delay in the registra-

tion of these people by reason of the requirement for two days' notice?

Mr. KEFAUVER. Frankly, I will say to the Senator that I think the actual working out of this amendment would in many cases cut out the long route through the courts, and the tortuous procedure provided for in the bill. As I have said before, if some error had been made by an underling, or by the registrar himself—we all make errors—and if a showing were made that the referee had the opportunity to be present, that might eliminate the route through the court.

I believe also that if the reason the person was not registered was because of conviction of a felony, because of being an alien, or because of being a lunatic, if the State registrar were present and the Federal referee should say, "What was your objection to this person?", the registrar might say, "I objected to him because he was convicted of a felony." That might expedite the proceeding. In any event, I cannot see that the two days' delay is substantial. I made it two days for the reason that I assume that the Federal referee may hold much of his registration, if he does not wish to travel over all parts of the district, in the Federal building where the district court is held. In some States it is a good distance from the remote parts of the Federal district to where the court is held.

Mr. KEATING. I am afraid perhaps the Senator did not understand the significance of my question. Perhaps I did not phrase it as well as I might have.

Does the Senator envision that the State registrar and his counsel, who are entitled to be present, will have nothing at all to say?

Mr. KEFAUVER. I envision that they would have nothing to say at all unless called upon to speak.

Mr. KEATING. Does not the Senator think that they would seek to talk, as we do in the Senate?

Mr. KEFAUVER. They might; but this is a matter entirely within the control of the referee.

Mr. KEATING. But the referee is presumably, in most instances, a lawyer, drawn from the particular community. He would not be inclined to shut anyone off if he desired to present a few remarks about the registration of a particular individual. I would envision the likelihood that it would require all of 1 working day, in many instances, to register one person.

Mr. KEFAUVER. The registrar and his attorneys would have no more rights than any other members of the audience, except that they would have the right to bring in a stenographer and make a transcript of the proceedings. If the argument of the Senator holds water, he must be against all public meetings, because at any public meeting someone may speak up and try to be heard. The presiding officer would, of course, have to preserve order.

Mr. KEATING. No; the Senator from New York is very much in favor of public meetings. But what he is seeking to bring about is no more formality with reference to the registration of people under this bill than takes place with regard to any other registrant who walks in and tries to vote. I do not think we should seek to make the procedure any more complicated for the individual dealt with in this bill than for anyone else. It is necessarily more complicated, but we should come as close as we can to fitting this procedure into the procedure in the case of anyone who walks in and wishes to vote.

Mr. KEFAUVER. I agree with the Senator that we ought to try to follow as closely as possible the regularly established registration rules set up in the various States, and have the Federal referee follow as closely as possible the same procedure.

I know of no State in which a registrar can go anywhere he wishes and register anyone ex parte. He must have an office. The Senator would allow the registrar to go anywhere he wished to go. He would not be tied down to any public office. In my State, and in most other States, the law provides certain requirements for registration. The public is present. The county attorney or the registrar can question the applicant about his qualifications under the statute. Under the terms of this bill there could be a star chamber proceeding. I know of no county office with respect to which there is a prohibition against people coming in and observing while other people are being registered. When people are registered, they are not registered ex parte.

Mr. KEATING. I have no reason to think that people could not casually walk in while the person was being registered; but I do not know of any county in which those who are seeking to prevent the registration are entitled to have counsel present to protect their rights against having a man registered when he is trying to exercise the franchise.

Mr. KEFAUVER. I know of no State law under which a registrar of a county or a State cannot be present with his counsel when the regular registration process is being followed. That is all we are asking here. Under some State laws the applicant can be required to take an oath in public. He can be examined. No power of examination or of asking questions on the part of the registrar or his attorney is given here.

The junior Senator of New York is asking something entirely different, separate, and apart from the usual registration procedure in the various States and counties.

He is asking that the registrar be given the power to repeat what happened in a very dark period in our history; namely, a situation in which a man does not do his work in a public office, but goes around registering people on the quiet, under political pressure, and making no report to the district judge of anything except questions and answers bearing on literacy; and a situation in which no one else can be present unless the referee wants him to be.

Mr. KEATING. Does not the Senator concede that normally such a voting referee, appointed by the Federal court, would be some lawyer in the community affected?

Mr. KEFAUVER. It might be any person. I don't know who it might be.

Mr. KEATING. The referee is appointed by the court. Generally speaking referees are lawyers.

Mr. KEFAUVER. I think most of them are, although I know some commissioners who are not lawyers.

Mr. KEATING. That is true so far as commissioners are concerned; but so far as my experience goes, any referee who is appointed is a lawyer.

Let me ask the Senator another question. The Senator spoke about registration in the dead of the night, and so forth. Suppose a voting referee received a telephone call from Mr. X, who said, "I would like to come down to your office and register, but I have been told that if I am seen around your place people will stop trading at my store, or I will lose my job." Does the Senator think it would be improper for the voting referee to go to the man's home and register him there?

Mr. KEFAUVER. His name must come out at some time or other. If it does not come out when he goes to the Federal building to register, it will have to come out when the matter is presented to the court, which may be within 10 days or less.

I really think that the referee would be in a Federal building; I mean, that is where his office would be, and I think that the people would be protected in the Federal buildings.

Mr. KEATING. I will speak briefly on the issue, and I will not take any more of the Senator's time.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. I should like to ask the distinguished Senator from Tennessee if it is not true that normally a registration officer under the law must publish clear notice to the public as to the place where the registration books are open and as to the dates and hours they are open, so that the public is advised when and where they can register?

Mr. KEFAUVER. Yes; I think that is done in all States.

Mr. HOLLAND. In my State that is required; namely, that the public shall be advised as to when the books are open at the courthouse, which is for a good long period of time, and when they are taken to the various precincts in the county, which is for a limited period of time, and it is required that public notice be given as to the time and place, so that citizens may know where and when they may register.

Is there any possible reason why this extralegal registrar, who is provided for in the bill, should not give such public notice and a chance for citizens who might be interested to appear at a fixed time and place in order that they may register?

Mr. KEFAUVER. I see no reason whatever.

I should call to the attention of the Senator from New York [Mr. KEATING] this fact. If he will read the amendment again, he will see that on page 17 there is the requirement stated that the Federal referee shall give notice of who

is going to apply to be registered. It is just a general registration. It might be notice with respect to 10 o'clock during a certain week. The argument about somebody not being able to be registered because he might be frightened, does not have much merit to it.

Mr. HOLLAND. I am glad the Senator has brought out that point. I noticed in the local press last night a statement, attributed to the Department of Justice, to the effect that it might take 400 days to register 200 people. If I understand the situation, those 200 people could register in one day, at one place, at one time, and the notice given would open the door for that, if the court-appointed registrar wanted to operate that way. Is that not correct?

Mr. KEFAUVER. That is certainly correct. That could be done. As quickly as the referee could satisfy himself, he could register the people, and no one could interfere. He could register them as fast as they could furnish the necessary information. I cannot see that somebody's presence at that public place would make any difference one way or another.

Mr. HOLLAND. Then the real point of the Senator's amendment is this, is it not? The Senator thinks that this registration by the referee should be at a public place, and after adequate public notice, with a chance for the duly elected officer, who is being displaced every time an additional person seeks to register, at least to be there, though silently, and hear what is said and to make a transcript if he wishes to do so of the statement made by the person applying to register?

Mr. KEFAUVER. Yes, to know what is going on.

Mr. HOLLAND. I thank the Senator. He is providing machinery which is in the finest American tradition. I cannot see how anyone can possibly oppose it.

Mr. KEFAUVER. I thank the Senator. Our Founding Fathers fought for just these principles, the right of public business being done in public, the right of somebody being entitled to be present, the right of the public to see what is going on. I do not know of any star chamber proceeding such as is proposed here which has not eventually brought disrepute on the very law that is intended to carry it out.

I say in that connection that unless some safeguards are put upon this procedure, and that if we should provide for star chamber proceedings, as someone apparently in this Senate is trying to make possible, there is going to be a great revulsion against this procedure in the days to come, and the procedure will not be successful.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. KEATING. Apropos the statement made by the distinguished Senator from Florida about taking 400 days to register 200 people, I think that statement was made on the assumption that it might be impossible, because of the great forensic eloquence of counsel for the registrar, to register more than one a day. Having heard my distinguished colleagues in this body, many of whom are lawyers of great ability and great eloquence, I can understand the apprehension that was felt over the fact that this might result in being a rather—I will not say tedious—deliberative procedure, and I think that should be said in explanation of the statement that was made on that point.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. My statement was made, I will say to the distinguished Senator from New York, upon the basis of my understanding, which has already been stated by the Senator from Tennessee as being his understanding also, that if the registration official has his counsel there, that does not mean that he is to be heard; that does not mean that he has a right to be heard. It means only that he is there to advise the registration officers and also, if the referee wishes to ask a question, to reply to that question. My understanding is very far from being that Senators are trying to prescribe a type of filibuster which would go on in every county in the Southland. One is enough for the Nation. [Laughter.]

Mr. KEFAUVER. I thank the Senator from Florida. Let me say that I am surprised that the Attorney General should get that impression, and that I am surprised that the Senator from New York should get that impression, because immediately after the conclusion of the hearing of the Judiciary Committee on Tuesday night, I said to the press that it was not my intention to make this a proceeding in which they could ask questions. Then, the very next day, I wrote a statement which I intended to give yesterday on the Senate floor, but which I was prevented from giving because I had to make a trip to Memphis. And I have just returned from there.

Mr. KEATING. I am glad to see the Senator back here.

Mr. KEFAUVER. I thank the Senator. In the statement which I gave to the press yesterday, I said that it was not my intention to make the proceeding an adversary proceeding, but that it was my intention to provide merely that the State or local registrar or his counsel should have the right to be present as an observer and to make a transcript of the proceeding.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. KEATING. What would the Senator from Tennessee or, indeed, the Senator from Florida think would happen if counsel for the registrar said to the referee, "Now, I would like to be heard briefly on this matter at this time?" Do not the Senators feel that the referee would be lenient in that respect, being presumably a lawyer from that judicial district?

Mr. KEFAUVER. Is the Senator asking me?

Mr. KEATING. Yes.

Mr. KEFAUVER. I think the referee would know the purpose for which the attorney was there, whether it was to be useful or whether it was to heckle him. I think he would size up the situation as he saw it. I would think that in many cases, if the attorney for the registrar or any interested citizen said he wished to make a point as to whether the applicant was a citizen, and if he said, "I have information about it," and if he asked the referee to give him a chance to make an observation or statement, I think that probably the referee would let him do so. That is entirely a matter within his discretion.

Mr. KEATING. If it were, I would be afraid that it might involve a rather extended dissertation. After all, counsel for the registrant might be employed on a per diem basis, and he might feel that he had to earn his money, so for that and other reasons he might take some time to state his views.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. It seems to me that the Senator from New York is assuming, first, that the referee will make a mistake twice. If he calls in an attorney and finds that he is longwinded, I do not think he would ever open the door to him again. Second, the Senator from New York is making a mistake, I think—and I humbly suggest this to him—in having the record appear that he does not think the referee would be interested in hearing some real reasons for the disqualification of a person who was applying. I am certain he did not mean that. My own feeling is that no one has a right to control the hearing except the referee.

Mr. KEFAUVER. That is correct.

Mr. HOLLAND. And that the referee may make the hearing move just as fast as he wants to make it move, and there is no right of either the registration officer or his counsel to be other than present and to make a transcript.

Mr. KEFAUVER. That is correct.

Mr. KEATING. Abhorrent as it may seem to the Senator from Florida, I meant very nearly that, because the time when the registrant and his counsel will have the opportunity to be heard will be when the case reaches the court and exceptions are filed to the report of the referee. Then will be the time when the issue will be tried—not before the referee, under the proposal here.

Mr. HOLLAND. The referee certainly will know that fact; and knowing that fact, and advising any person that that is the fact, he certainly will not waste time in allowing a longwinded lawyer to take a lot of time more than once. He may allow it one time, as a matter of custom and courtesy. But I cannot see any timewasting matter here. To the contrary, I see some safeguards which I think every honest referee—and I hope they will all be honest—would want to have. If a person is present who knows, for instance, that the applicant is not a resident of the State; or that he was convicted of a robbery not long ago, and had not told that fact to the referee; or that the person had been committed to the State insane asylum not long ago and had just been released, but had not had his civil rights restored; or if the person knew any of the many things which

would disqualify the registrant, I think the referee would want to have those facts before him, and he very quickly could get them. Nothing is provided in the bill which opens the door any wider than the referee will want it opened. We will assume that persons of discretion will be named by the district judges.

Mr. KEATING. I hope the confidence of the Senator from Florida in the expedition of such a proceeding is well founded, if the amendment should succeed, as I hope it will not.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. JOHNSTON of South Carolina. I have just been reading the law we are amending. We are amending the law which was passed in regard to the same matter in 1957. The law which was passed then provides criminal contempt penalties if the order which is issued is not carried out.

Let us assume that a Federal judge orders a person's name to be put on the register, which will entitle the person to vote as a result of a court order.

Let us assume further that the registrant did not appear because he did not know what had taken place and did not have an opportunity to defend himself, but that he then proceeds to register along the lines the court has ordered.

In many States it is a criminal offense—it is malfeasance in office—for a registrar to register anyone if the registrar knows that the person should not be registered, or if he knows that the person seeking to be registered has committed a crime. That might be a case to come before a judge. Such a State law makes the person ineligible to vote in that particular State. But could it not happen that a Federal court might register such a person, while the State, on the other hand, has a criminal offense pending against him? Could not that happen?

Mr. KEFAUVER. I think it could happen.

Mr. JOHNSTON of South Carolina. The person might get caught anyway. If he did not register, the Federal court might get him. If he registers, the State court might get him.

Mr. KEFAUVER. That is all the more reason why we should provide for a public hearing.

Mr. JOHNSTON of South Carolina. He ought to be given the privilege to know what the testimony is in the case, so that he can defend himself.

Mr. KEFAUVER. That is plain American justice. If one is being charged with failure to obey the law, he ought to be able to hear what people say about him.

Mr. President, my colleague from Tennessee has asked me to yield to him.

Mr. GORE. Mr. President, with the enactment of the bill, and the appointment of a referee in pursuance thereof, will not the referee so appointed be a public official?

Mr. KEFAUVER. Yes. The whole basis of the measure is that what is proposed will be a judicial proceeding, and the referee will be a public official, serving as a Federal public official.

Mr. GORE. Will not the function which the referee will perform be a public function?

Mr. KEFAUVER. It will be a public function, which ordinarily would be carried out by a State or county registrar. Under the circumstances set forth in the bill the referee is to supersede and take over that public function.

Mr. GORE. Is it not customary in our system of society that public officials performing public functions act in public places, and that the public is permitted to witness their performance?

Mr. KEFAUVER. That is a basic principle which has always been fought for and won. In my opinion any kind of procedure which is followed in violation of that basic system usually comes to a bad ending.

Mr. GORE. Should not a public official charged by law with the performance of a public function be facilitated in the proper performance of that function?

Mr. KEFAUVER. He certainly should be; and the public official charged with the performance of that function should want to be facilitated and helped.

Mr. GORE. If the public official in the performance of the public function should have thrown about his function the veil of secrecy, to which the junior Senator from New York [Mr. KEATING] has referred, would that facilitate or encumber the equitable and fair determination of the qualification of a citizen to vote?

Mr. KEFAUVER. It would encumber his qualification. I think also that proceedings of that kind would arouse such indignation that they would not be allowed to stand very long.

Mr. GORE. I thank my colleague.

Mr. KEFAUVER. I thank my colleague from Tennessee. As usual, he very briefly, and to the point, has put his finger upon the important issues, the important matters, which are concerned in legislation. He has certainly done so in this case today.

There is one other reason why this should be a public hearing, and why the county registrar should have the opportunity to make a transcription. This is a very important reason. We have pointed out that as to any matters not appertaining to the literacy of the applicant—matters of age, residence, whether he is a citizen, and so forth—the referee does not have to make a transcript or report of the questions and answers.

The fact that the judge may issue a show cause order within a very limited time is a reason why, I believe, the proceeding ought to be subject to open scrutiny.

On page 18, we find the following in lines 2 through 6:

> Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court.

Unless the county registrar had a chance to obtain a transcript, how could it be known whether the report made by the stenographer, under the direction of the referee, was accurate, and how could the county registrar have anything on which to base his exceptions?

Mr. President, I have stated the purpose of this amendment. I sincerely believe that the amendment will strengthen the bill and will put it in line with our judicial concepts.

To leave the referee in the position he otherwise would occupy—in other words, ex parte, without any requirement of notice—certainly would be an error, certainly should be corrected, and cannot be defended.

Mr. President, I yield the floor.

Mr. KEATING. Mr. President, we repeatedly hear it said that there would be some sort of star-chamber proceeding and that registrars who would want to register applicants for either valid or invalid reasons would not have an opportunity to be heard under this section.

These statements are without foundation. First, there would be a court proceeding in which any party, including the registrar could be heard. Only if a pattern or practice of discrimination were then found could the applicant go to the referee; and only when the applicant showed the referee that he was qualified under State law, and had gone back again to register and had been denied or deprived of the opportunity to register to vote or had been found not qualified, would the applicant state his case to the referee.

As originally presented, the House bill provided that the applicant would be heard ex parte. Then the referee would make his findings, and would report them to the court; and there could be another adversary proceeding, at which the registrar or his counsel would have full opportunity to file exceptions and to be heard; and the issue could be considered on its merits.

Mr. President, I am opposed to the amendment offered by the distinguished Senator from Tennessee [Mr. KEFAUVER]. Indeed, I am opposed to the substitute amendment offered by the distinguished Senator from Colorado [Mr. CARROLL]. In my opinion, neither of those amendments is necessary for the protection of the legitimate interests of anyone; and I believe that both amendments, although admittedly this comment applies more especially to the amendment offered by the Senator from Tennessee, offer an invitation to harassment, intimidation, and reprisals against Negroes who would attempt to vote.

Mr. EASTLAND. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER (Mr. ENGLE in the chair). Does the Senator from New York yield to the Senator from Mississippi?

Mr. KEATING. I yield.

Mr. EASTLAND. When an applicant goes to a referee to register, would a record of the proceedings be kept?

Mr. KEATING. Yes; the referee would have to keep a record of the proceedings, because he would have to make a report to the court.

Mr. EASTLAND. Very well. Suppose a State law provides forms which must be filled out and questions which must be answered in writing, and suppose the

State law also provides that a public record be kept. Would those laws apply to the referee?

Mr. KEATING. The referee would have to have a written record of those proceedings because he would have to make a report as to each applicant. That report would be made to the court, in connection with the recommendation that the applicant be registered.

Mr. EASTLAND. But under the law of a number of States, an applicant who goes to the State election registrar must answer, in writing, certain questions, on a form submitted by the State, and that must be done before the person can qualify. Would the referee have to ask those questions and reduce to writing the answers which would be given?

Mr. KEATING. Yes, if that were a valid provision of State law. The referee would have to report to the court, among other things, the fact that the applicant was qualified under State law to vote.

Mr. EASTLAND. But would the applicant have to answer in writing all the questions on the form, as required by the State registration law?

Mr. KEATING. I would think the referee—subject to later approval by the court—could dispense with a requirement which he believed to be invalid and unconstitutional. But generally speaking, I would think that questions required to be answered under State law would have to be answered by the applicant, because the referee would have to find that the applicant was qualified under State law to vote.

Mr. EASTLAND. If he did not, there would be discrimination against the members of the white race, if that procedure were followed when discrimination against the Negro race were assumed; is not that correct?

Mr. KEATING. I would think the applicant would have to answer the same questions which anyone else would have to answer, when a person tried to register, under State law—subject, perhaps, to the probably unlikely event that a referee might say, "This particular question results in a denial of the right to vote," or something of that kind, "and therefore I will, subject to a later review by the court, not require the applicant to answer this question."

But I cannot imagine that that would happen very often. So, in general, I would say that the answer to the Senator's question is "Yes"; the applicant would have to meet the same rules that would apply to all other residents of that State.

Mr. EASTLAND. The applicant would have to meet the identical tests would he?

Mr. KEATING. I would think so.

Mr. President, I would have no objection to an order by the court, in a voting rights case, requiring registration in a place open to the public. But it seems to me much sounder practice to leave this matter to the judge in each case, rather than to try to write an inflexible requirement into the basic statute. That is why I am also opposed to the amendment in the nature of a substitute which has been offered by the Senator from Colorado [Mr. CARROLL] to the amendment of the Senator from Tennessee.

Certainly, we cannot legislate on this subject in a vacuum. We cannot overlook, in our deliberations here, the findings of the Commission on Civil Rights with respect to conditions in the field of voting. We cannot assume these cases will proceed in a calm, dispassionate, unimpeded manner. We know that every possible obstacle may be placed in the way of the exercise of rights by those disfranchised Americans.

Due process for the State registration officials is guaranteed by any number of provisions in the voting referee section. The amendment offered by the distinguished Senator from Tennessee simply goes too far in its concern for the authorities of the State. While I know it was offered in the utmost good faith, the amendment reflects too little interest, in the plight of the victims of the State's discrimination.

This amendment could, in practice, virtually nullify the objectives of the voting referee section. It could operate, as do so many of these little understood provisions in the other laws on this subject, as a device for defeating the whole purpose of the law.

There are two ways to kill a bill. One is to vote against it, and the other is to insert four or five lines which simply cripple its operation and are tantamount to elimination of the provision.

We need more than paper protections for the victims of voting denials. More than 90 years have passed since ratification of the 15th amendment. We must now do something effective to implement the eloquent provisions of that amendment.

As I said yesterday, no American should be forced to apply for a ballot in a public arena filled with hostile spectators. And that is exactly what could happen under the provisions of these amendments.

In my opinion, the suggestion made by my friend from Tennessee and others, that a nonpublic hearing would resemble a star chamber proceeding, is approaching very closely to the absurd. Well, let me point out what the meaning of a star chamber proceeding is and what its vice is. We bruit that word about, sometimes, rather loosely.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. KEATING. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Has the Senator from New York studied the history of this Government of ours? The Senator will recall that a law somewhat similar to the one now proposed was in effect until 1894. I notice the Senator used the word "90 years." Does the Senator recall that there was a similar law to this, and they had a good deal of trouble with it in New York?

Mr. KEATING. I am not the student of history that my friend from South Carolina is, but I am familiar with some of the history of the country.

Mr. JOHNSTON of South Carolina. The Senator will recall that in the Reconstruction days the colored people took over in South Carolina.

Mr. KEATING. I was not here during Reconstruction days.

Mr. JOHNSTON of South Carolina. I know, but the Senator has studied history.

Mr. KEATING. As I have said, I do not pretend to be the expert in that field which my friend from South Carolina is.

Mr. JOHNSTON of South Carolina. I do not pretend to be an expert, but I know what the conditions were immediately after the War Between the States. I know what laws were passed, which had to be repealed in 1894, and they were somewhat similar to the one which is proposed.

Mr. KEATING. I certainly do not want to see a return to Reconstruction days or to conditions prior to the Civil War. This proposal has no similarity at all to the laws repealed in the 1890's. That question was dealt with in the hearings by the Attorney General. He pointed out the very complete differences between this proposal and the law which was passed in the so-called Reconstruction days, and which was repealed in the 1890's.

Mr. JOHNSTON of South Carolina. I know he tries to deny they are the same, but the laws which were on the statute books were very similar to the ones certain Senators are trying to have passed at the present time.

Mr. KEATING. We are dealing with the present situation, in 1960, in which American citizens in wide areas are denied the right to vote because of race or color, according to the finding of the Commission on Civil Rights, composed of six distinguished men, three from the North and three from the South, three Democrats and three Republicans; and that is the situation with which we are faced today and on which we are seeking legislation.

Mr. JOHNSTON of South Carolina. Let us speak of my State, now, and of local conditions. How many does the Senator think have been registered in South Carolina?

Mr. KEATING. The report of the Civil Rights Commission is right in front of me. I do not see any useful purpose in going over those figures.

Mr. JOHNSTON of South Carolina. I want the public to know the facts. In 1957 and 1958 in South Carolina 160,000 colored people were registered to vote, and I want the public to know that.

Mr. KEATING. The Senator from South Carolina is an eloquent spokesman for his State. I have no doubt that, in his own time, he will point out the large number who are allowed to vote there. He may not refer to the areas where they do not vote. But the summary is that in South Carolina, in one county no Negroes are registered; in 6 counties, less than 5 percent are; in 40 counties, from 5 to 25 percent; and in no county more than 25 percent.

Mr. JOHNSTON of South Carolina. Did the Commission give the number of whites registered in those counties, too? I think the Senator will find the percentage was down in some of them, too.

Mr. KEATING. I am reading from page 47 of the report of the U.S. Commission on Civil Rights. Of the total voting-age population of the State of

South Carolina, 760,000 are white and 390,000 are nonwhite. The nonwhites are 33.9 percent of the total voting-age population. The number of registered voters in South Carolina in 1958 was 537,000. Of this total, 479,000 were white and 57,000 were nonwhite. Thus, the nonwhites were 10.8 percent of all registered voters, and the whites 89.2 percent of all registered voters.

Mr. JOHNSTON of South Carolina. Mr. President, let the facts be spoken truly. This Commission, which was unfair, went into South Carolina and took the figure of 57,000 after the new law went into effect, before the people had time for registration and before we had any election whatsoever to entice them to come in to enroll. The Commission will tell the Senator that, if they tell him the truth.

How many counties did the Commission say South Carolina has? It was 47, was it not?

Mr. KEATING. That is the statement on page 47.

Mr. JOHNSTON of South Carolina. Forty-seven. In every statement the Commission says "47." We have only 46 counties in South Carolina. I should like to know where they found the extra county.

Mr. KEATING. That is a considerably greater error, I concede, than the error made by the lady who was asked, when she came in to register to vote, how old she was. She gave the years and months and days, and missed by 1 day, so she was denied the privilege of voting. I concede that this error on the part of the Commission on Civil Rights is in excess of that error, and on their behalf I apologize to my friend from South Carolina for overstating the number of counties in his State.

Mr. President, if the opposition to this bill comes unanimously from 46 counties of South Carolina, I am glad South Carolina does not have 47.

Mr. JOHNSTON of South Carolina. I am trying to find that other county, to see where it is.

Mr. KEATING. I will try to help my friend find it.

Mr. JOHNSTON of South Carolina. I should like to know. I want to go into the county the next time I am seeking to be reelected, to get some votes.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. KEATING. I yield to my chairman.

Mr. EASTLAND. I understand the distinguished Senator from New York said a few minutes ago that the referee will pass upon the constitutionality of voting qualifications of a State.

Mr. KEATING. I think it would have been simpler if I had simply replied "Yes," when the chairman asked me if the voting referee would require the persons to answer the questions which are required by the State. In an abundance of caution I added that in my opinion, since the referee would be a judicial officer, if there were some provision of the local law which appeared to him to impose an obligation which was tantamount to a denial of the right to vote, the referee would be able to eliminate any such question; subject, of course, to the later action by the court, and on up through the court of appeals and the Supreme Court. I would not anticipate that any referee acting in that capacity would ever take such a burden on his shoulders but I think he might have that power.

Mr. EASTLAND. The Senator does think he would have that power?

Mr. KEATING. I would be inclined to think, this being a judicial proceeding, that he would have the power, exactly as any State election law could be stricken down by the Supreme Court of the United States on the ground that it was unconstitutional.

Mr. EASTLAND. Of course it is a judicial proceeding. Is it not something entirely new——

Mr. KEATING. Yes.

Mr. EASTLAND. In American history——

Mr. KEATING. Not according to the Senator from South Carolina.

Mr. EASTLAND. Let me finish my question.

And in English jurisprudence, that we have a judicial hearing where the other parties are not permitted to be present, are not permitted to cross-examine witnesses, and are not permitted to offer evidence, and the court, or the judicial officer, has his hands bound so that he cannot arrive at the truth? Is that not something entirely new in American jurisprudence or in British jurisprudence?

Mr. KEATING. This procedure involves nothing new. In many proceedings we have referees or commissioners who have ex parte appearances before them. They make findings. Later, as would be the case in this instance, those are passed upon in an adversary proceeding by the court.

I should like to invite the attention of the chairman—I know he does not need to have this brought to his attention, because he is a student of the bill—to the bottom of page 18 of the bill, where it is stated:

> The issues of fact and law raised by such exceptions—
>
> To the referee's report—
>
> shall be determined by the court.

Mr. EASTLAND. I understand that. If we are to give a man the right to vote, or are going to qualify him to vote, he could cast a ballot which would affect the outcome of an election before the referee's report went to the judge.

Mr. KEATING. I do not like to see my chairman vie with the distinguished Senator from Tennessee, when they stood together so well throughout these hearings on these matters. The Senator from Mississippi, then, feels that this should be an adversary proceeding before the referee?

Mr. EASTLAND. Yes, I think it should be, but it is not that.

Mr. KEATING. The Senator from Tennessee says his amendment does not intend to do that.

Mr. EASTLAND. I understand that the Senator from Tennessee makes that statement, and his amendment does not do that. I said in my judgment it should.

I ask the Senator this question: Does not the Senator think that when the outcome of an election can be affected by people who are registered, before the referee's report goes to the judge, it would be a proper thing to have the facts come out, with all the great Anglo-Saxon safeguards of the right of cross-examination, of presenting adverse testimony, at the initial stage?

Mr. KEATING. We shall have had an initial hearing prior to this, and a finding of a pattern or practice of discrimination. We shall have had a lawsuit, where the finding has been made in an adversary proceeding.

Mr. EASTLAND. That does not involve the particular applicant who can affect the outcome of an election. The court, when he considers the referee's report, can rule these people ineligible to vote. They will have voted already. They will have affected the outcome of the election, and the man who was then elected by people not qualified to vote will be in office. There would be no way to remove him from office. Would that be justice?

Mr. KEATING. After the original adversary proceeding, the only persons covered by the language of the bill would be those of the race or color with regard to whom the pattern or practice of discrimination had been found to exist.

Mr. EASTLAND. Of course that is true.

Mr. KEATING. They would then go to the referee and would try to get their names put on the rolls.

Under the language of the bill, as the bill is worded now, these people would have to go back to the registrar and ask him again to put them on the rolls. I hope that provision will be eliminated. Then these people would go to the referee. He would put them on the roll if they were qualified under State law.

Mr. EASTLAND. Very well. He puts them on the roll.

Mr. KEATING. He then reports to the court. Again there is a lawsuit.

Mr. EASTLAND. Very well. He puts them on the roll.

Mr. KEATING. There is a lawsuit with regard to those individuals, over whether they should be on the roll or not.

Mr. EASTLAND. That is the procedure.

Mr. KEATING. I think that is an adequate, full, and complete protection.

Mr. EASTLAND. That is the procedure. The referee qualifies them to vote, does he not?

Mr. KEATING. Subject to the——

Mr. EASTLAND. Wait a minute. These people are qualified to vote subject to the court's decision on the exceptions.

Mr. KEATING. First they have to be qualified under State law.

Mr. EASTLAND. Very well. Then they vote. They vote in an election. Then the court allows the exceptions and says these people are not qualified to vote. They have already influenced the outcome of an election.

Mr. KEATING. Presumably that would not be the chronology.

Mr. EASTLAND. Why would it not?

Mr. KEATING. In most cases the report of the referee would come before any election. There is a provision, in order to avoid undue delay, that on the eve of an election registrants may vote provisionally. Their votes are handled in the same way any other vote which is challenged is handled. We have challenges in every State of the Union at every election. If those challenges are sustained, those votes are not counted. Everyone is taken care of. Everyone in the State of Mississippi, South Carolina, Tennessee, New York, California, or any other State, is taken care of. Everyone is protected under the provisions of the bill. So I see nothing to worry about whatever.

Mr. EASTLAND. The Senator does not want to see anything to worry about.

Mr. KEATING. I should like to see it if there were something to worry about.

Mr. EASTLAND. The Senator is sincere in his position, but the Senator is bound to know that there might be qualification of great numbers of voters by the referee. They might cast their ballots in a primary or in an election, and the court, when it considered the exceptions, might find that they were fraudulent applicants. It seems to me that we are opening the door to fraud, and that under this proposal we would permit people to be elected and to hold office by fraudulent means.

Mr. KEATING. If the court finds fraud, the applicant's vote is thrown out.

Mr. EASTLAND. How is it thrown out after he has voted and the candidate for whom he voted is in office?

Mr. KEATING. Because under the provisions of the bill, if objection is made to his vote there is an impounding of his ballot.

Mr. EASTLAND. Suppose no objection is made?

Mr. KEATING. If no objection is made, it never comes to the attention of anyone. In any case in which someone votes fraudulently, if no one objected and it is not uncovered, there would be no way of stopping it. There have been cases of people voting fraudulently, which have never come to the attention of anyone. In other cases, such people have been prosecuted under other laws.

Mr. EASTLAND. Would not we be on sounder ground if we provided in the bill that notice be given to the county registrar, and that he be permitted to appear with counsel, cross-examine witnesses, and offer testimony, if this is a judicial proceeding? Then the referee would be in a position to find out the truth, instead of having his hands tied as to what the truth is.

Mr. KEATING. I will say, in answer to my friend, that he may be on sounder ground, from the standpoint of the views he holds with regard to the proposed legislation; but those of us who favor strengthening the voting rights of all Americans would certainly not be on sounder ground by making this proceeding an adversary proceeding, and making it even more stringent than our friend from Tennessee is seeking to do by his amendment.

Mr. EASTLAND. Let me see if I understand the Senator from New York correctly. He says this is a judicial proceeding, and the referee is a judicial officer; but he says we would be on weaker ground by permitting the county officer who is charged with discrimination and with violating the law to appear and permitting him to cross-examine witnesses and bring out the truth as to the applicant's qualifications, or to offer evidence to show that the applicant had committed perjury, if he had, so as to permit the decision to be made at that stage. If we do not do that, there may be elections in the Southern States that will be decided on the basis of perjured applications to vote.

Mr. KEATING. If the Senator favors registration by ordeal, I would probably have to say "Yes" to that question.

Mr. EASTLAND. Where is the ordeal?

Mr. KEATING. The registering authority, whatever he may be called, has full opportunity to present his case in court when the referee makes his finding.

Mr. EASTLAND. That is after the man has voted, and after the candidate is in office, after fraud is committed.

Mr. KEATING. In most cases it is before he has voted. In the few cases in which the election is impending, if there is an election even before the court passes upon the question, which is a matter of days, there is specific provision for the impounding of the applicant's ballot pending determination of the application, and his ballot, if thrown out, would not be counted, any more than would the ballot of any other person whose vote might be challenged. As we know, there are challenges in every State at every election.

Mr. EASTLAND. Mr. President, will the Senator yield for another question?

Mr. KEATING. I yield.

Mr. EASTLAND. How long before a primary could an applicant be qualified?

Mr. KEATING. That depends entirely on State law. The bill provides that in the case of an application filed within 20 days prior to an election, the court may make an order for provisional voting, but this does not affect State qualifications for voting.

Mr. EASTLAND. I cannot hear the Senator.

Mr. KEATING. I refer to the provision at the bottom of page 19, which reads as follows:

> Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application.

Mr. EASTLAND. He could be qualified 20 days before a primary, or before a general election.

Mr. KEATING. The word "primary" is not used, but I believe that "election" includes primaries. In the basic Civil Rights Act "election" includes primaries.

Mr. EASTLAND. To begin with, that provision would repeal the State statute.

Mr. KEATING. No.

Mr. EASTLAND. Of course it would.

Mr. KEATING. The Federal Government has no power to repeal valid State qualifications, nor does the Senator from New York claim that it should have.

Mr. EASTLAND. When the State provides that an applicant must register 6 months before the primary, is not the 20-day provision a repeal of the State statute?

Mr. KEATING. He must be fully qualified under State law. That is set out in the document which I hold in my hand, known as House bill 8061.

Mr. EASTLAND. Where the State statute provides for a period of 6 months, the period would be 6 months.

Mr. KEATING. That would be in reference to qualifications.

Mr. EASTLAND. With respect to the 20-day period provided in the bill, does the Senator think that is adequate time for a referee to make his report, to allow exceptions to be filed, and to have a decision by the court?

Mr. KEATING. The court decision affirming or modifying the action of the referee has come ahead of that. It is only in rare cases that an application is filed 20 or more days prior to an election, which application is undetermined by the time of such election.

Mr. EASTLAND. Where is the provision with respect to 20 or more days?

Mr. KEATING. It is found on page 19, line 20.

Mr. EASTLAND. Under the proposed statute could not an application be filed in less than 20 days?

Mr. KEATING. As I understand, the applicant cannot get the provisional voting right if his application is filed within less than 20 days, except by special order of the court.

Mr. EASTLAND. Could he get it within 5 days?

Mr. KEATING. There is a provision which states:

> In the case of an application filed within 20 days prior to an election, the court, in its discretion, may make such an order.

That is right.

Mr. EASTLAND. We have some very highly contested elections in counties in Mississippi. The same is true in other States, I am sure. In such a case only a few votes determine the winner. In my State, for example, in a supervisor election, it would be possible to swing an election by a few votes, by registering people 4 or 5 days before the election. The Senator does not mean to tell the Senate, does he, that the referee would make his report, the exceptions could be filed, and the court could decide the case within that period of time?

Mr. KEATING. Any applicants for registration must be qualified to vote under the State law. That includes their residence and other things.

Mr. EASTLAND. Suppose the registrar says a voter is qualified. Then let us suppose that a man is elected to office. The judge could then say, "The election is fraudulent," and allow exceptions. That is the box the Senator has put himself into.

Mr. KEATING. I do not consider that the Senator from New York is in any box. If the Senator from Mississippi will let him answer the questions which he has been putting to him, the Senator from New York will try to show that there is no box here that anybody is in. The applicants must be qualified under State law as to residence and other things. If an applicant comes under this law and he is held by the referee to be entitled to vote, and this has been confirmed by the court—and there is a provision that this must be determined expeditiously——

Mr. EASTLAND. Suppose it is not determined by the court?

Mr. KEATING. There is a provision which says:

> In the case of any application filed 20 or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally.

Then it says:

> In the case of an application filed within 20 days prior to an election, the court, in its discretion, may make such an order.

In other words, it gives to the court discretion in that case as to whether it will make an order to authorize the applicant to vote provisionally. We must reside some confidence in our Federal judges that they will make only such order as will be appropriate. If it is an appropriate case, then the applicant will be allowed to vote provisionally, even though he did not file his application until less than 20 days prior to the election. Then the bill provides: "in either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application."

If there is anything fraudulent or improper about the action of the referee in having allowed the applicant to vote, that will all be determined after the election, and the votes will be eliminated. If the Senator's opponent, for example, has been elected by this improper voting, and it is found that the difference is three or four votes, which should be thrown out, he will be unseated and the Senator from Mississippi will be seated, although I know that the Senator from Mississippi has such a hold on the voting people of the State of Mississippi, that such a close election in his case is unthinkable.

Mr. EASTLAND. No; it is left discretionary with the Federal judge.

Mr. KEATING. In cases of under 20 days.

Mr. EASTLAND. Yes. The Senator from Mississippi maintains that that is too much discretion to place in any man's hands, because the thing sticks out so that it would be possible to elect people to office by fraudulent ballots, by ballots that are found to be fraudulent by the U.S. district court.

Mr. KEATING. If I might reply to my friend, I would say there is no discretion about the impounding of the ballots. They must all be impounded. If they are found to be improperly counted, then they are thrown out, and we are back where we started. I say to the Senator, however, that this discussion relates to a section which I am not now discussing, although I am happy to respond to my chairman's inquiries. When we get to that section, I presume my friend from Mississippi will have an amendment to change the 20 days. So we can meet that situation in due course. We are now involved with an entirely different part of the bill. If I am permitted to do so, I should like to proceed with my presentation.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. I just heard that part of the colloquy which related to the possible outcome of an election involving the Senator from Mississippi [Mr. EASTLAND] in which improper votes were cast against him and then those votes were cast out later by the court. I wish to remind my distinguished friend from New York that the question would not be determined there, because under the Constitution, as applicable to both the Senate and the House, the two Houses are the last judge of the election of their Members. It presents a great deal more than the hazard of the question of whether a few votes were legally or illegally cast. It would throw the matter into the lap of the Senate or the House, as the case may be, that is, whether the candidate was a candidate for the Senate or a candidate for the House. It would bring about complications much vaster than the matter of an attack in the local courts as to the eligibility of four or five voters who had cast their votes.

Mr. KEATING. I am grateful to my friend from Florida for calling my attention to the inapplicability of the illustration which I unfortunately used. I entirely agree that the House and the Senate are the last judge of the qualifications of their own Members. Rather than using the example of our distinguished colleague from Mississippi, I should have used as an illustration the sheriff of one of the counties, or someone like that, rather than a Senator or Representative in Congress.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield to my friend from Tennessee.

Mr. KEFAUVER. I should like to show my good faith in what I said I meant by my amendment, which I wrote out in longhand in the Committee on the Judiciary, and what the intention of it was. So that there can be no misunderstanding about it, I have a newly worded amendment which I should like to ask unanimous consent to file and to have lie at the desk subject to being called up at the appropriate time. I believe it means exactly the same thing, but it may clarify some of the misgivings of the Senator from New York and others about certain language.

I stated in our colloquy that it would be satisfactory to me to change the wording in the committee amendment in order to carry out the intention. I offer this new amendment and ask that it be printed, lie on the desk, and be read.

The PRESIDING OFFICER (Mr. McGEE in the chair). The amendment will be received, printed, and will lie on the table; and without objection, the amendment will be read.

The LEGISLATIVE CLERK. On page 17, lines 19 to 25, it is proposed to strike out everything between the word "law" on the line 19 down to and including the word "Proceedings" on line 25, and insert the following in the place thereof: "In a proceeding before a voting referee, the applicant shall be heard ex parte: *Provided, however,* notice of the proceeding shall be given, the proceeding shall be held in a public office, and the State or county registrar or his counsel shall have the right to be present and make a transcript of the proceeding."

Mr. KEATING. Mr. President, the Senator from Tennessee heard the colloquy with the Senator from Mississippi, who, I am certain, will be as unhappy about this amendment, or proposed change, as I am, but for differing reasons. The Senator from Mississippi felt that this should be an adversary proceeding before the referee.

Mr. KEFAUVER. I heard the colloquy.

Mr. KEATING. I think the amendment is an improvement over the original wording, because it provides that the proceeding shall be ex parte. It does not leave that wording out. But I still oppose the amendment because of the other provisions.

Mr. KEFAUVER. I understand the position of the Senator from New York; but I wanted to show that this was what I meant, in better language, I assume.

I may state also that this is a matter of fundamental importance to a great many of us. I assure the Senator from New York that my offering of the amendment was not for the purpose of impeding, holding back, or trying to scuttle the bill. During the 21 years I have been in Congress, I have always taken the position— as I am certain the Senator from New York has—that proceedings where the public could not be present, particularly where the person who was being talked about was not present, were not proper. I have taken that position in security cases which involved the discharge of employees as a result of information filed against them.

I call the Senator's attention to a very recent statement of the general principle of American jurisprudence on this very subject. I am certain the Senator knows well the case of Wiliam L. Greene against Neil M. McElroy and others, decided by the Supreme Court of the United States on June 29, 1959, in which the opinion was delivered by Chief Justice Warren. This was an industrial security case, and the question was whether persons should have the right to be present.

I should like to read one paragraph from the decision:

> Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the

evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment which provides that in all criminal cases the accused shall enjoy the right "to be confronted with the witnesses against him." This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, e.g., *Mattox* v. *United States* (156 U.S. 237, 242–244); *Kirby* v. *United States* (174 U.S. 47); *Motes* v. *United States* (178 U.S. 458, 474); *In re Oliver* (333 U.S. 257, 273), but also in all types of cases where administrative and regulatory action were under scrutiny. E.g., *Southern R. Co.* v. *Virginia* (290 U.S. 190); *Ohio Bell Telephone Co.* v. *Commission* (301 U.S. 292); *Morgan* v. *United States* (304 U.S. 1, 19); *Carter* v. *Kubler* (320 U.S. 243); *Reilly* v. *Pinkus* (338 U.S. 269). Nor, as it has been pointed out, has Congress ignored these fundamental requirements in enacting regulatory legislation. *Joint Anti-Fascist Committee* v. *McGrath* (341 U.S. 168–169 (concurring opinion)).

I know that the factual situations are not the same; but I refer to the statement of the general trend in our jurisprudence to try to have public hearings in public offices; and if someone's dereliction is being talked about, then to give him at least an opportunity to be present.

Chief Justice Warren also said, that there should be the right of cross-examination. Of course, that is a right we have not asked for in the nonadversary proceeding which was sought in the amendment.

Mr. KEATING. I assure the Senator from Tennessee that my views on the right of due process are firm and in that respect, the Senator from Tennessee and I are in complete agreement. However, the bill as drawn, I reiterate, gives to everyone the opportunity to be heard and to have his case presented when the matter is passed upon by the court. It is not necessary to go through that procedure twice. It is not only not necessary; it is not desirable. It would frustrate the purpose of the entire voting referee provisions and would lead to possible serious abuses of this provision of the law.

Mr. KEFAUVER. Mr. President, will the Senator further yield?

Mr. KEATING. I yield.

Mr. KEFAUVER. I have heard the Senator from New York say on a number of occasions that the applicant will be going through the procedure twice. I think the Senator must have something else in mind. The Senator does not contend that the person who presents himself before a Federal referee for the purpose of registering will be the person who has gone through the original case upon which the pattern of discrimination has been found.

Mr. KEATING. No; these are separate people of the same race or color as those involved in the original suit, where the pattern or practice of discrimination was found to exist.

Mr. KEFAUVER. But is it not true that the particular applicant who is seeking to be registered goes through the judicial procedure only once?

Mr. KEATING. Yes. He must have already tried to register, but without success.

Mr. KEFAUVER. Yes, that is true; but he does not go through the court twice, as the Senator's remarks might be interpreted.

Mr. KEATING. Under the Senator's amendment, the applicant goes through two proceedings, one of which is now designated by the Senator's revised amendment as a nonadversary proceeding, and then through the court proceeding, which, of course, is an adversary proceeding. Only one trial is required by due process in any case. Perhaps he would not actually try his case under the amendment the Senator has now placed on the desk. But the applicant would be confronted by the fellow who refused to register him previously, and that man's lawyer would be there breathing down his neck in a nonadversary proceeding, with most of those in the streets outside and in the room where the case is being heard, while not adversary in the sense we use it in the law, would, in fact, be adverse to the registration of the particular individual.

Mr. KEFAUVER. Ordinarily, State officials give notice that registration will start at, say, 9 o'clock on April 10, and continue at 9 o'clock on every day thereafter. That is the kind of notice I had in mind. But I think we ought to make it clear that, for instance, in the Senator's State four Puerto Ricans might bring suit against the election commissioners, claiming that as a class or as a race they were denied the right to vote. In the original proceeding, if they were qualified, the judge would register them at that time. Then any other Puerto Rican who might be denied the right to vote, because he could not speak English or because of his age, or whatever the reason might be—I believe the ability to speak English is a requirement in the State of New York—would not have to go into court; he would go to the referee, and the referee would take the information. Then a report would be made to the court; exceptions might be made; and the court would have to make a finding in those proceedings.

Mr. KEATING. That is not true in the case to which the Senator has referred, which is a case in court. The Senator from Tennessee is joining the chorus of those who would try to draw a comparison between the denial of the right of a person to vote on the ground of race or color and the case of the Puerto Ricans in New York. I remind the Senator from Tennessee that in the New York case, the Puerto Ricans are claiming that the State law which requires that a person be able to read or write English in order to vote is unconstitutional. I assure the Senator from Tennessee, knowing the State officials of New York as I do, that if the Supreme Court held that such a requirement was not within the confines of the Constitution, the laws of the State of New York would be changed to conform with the decree of the Supreme Court. Anyone who has been deprived of the right to vote by illegal means will, when that fact has been ascertained by the Supreme Court, be given the right to vote. There is no parallel between the case of Puerto Ricans in New York and citizens in other States who are denied the right to vote on account of race or color. In the Puerto Rican case there is no allegation that there was a denial of the right to vote on account of race or color.

Mr. KEFAUVER. So far as I am concerned, I think every qualified citizen—whether he be of Puerto Rican ancestry or of any other ancestry should be allowed to vote. But, if a pattern of discrimination against Puerto Ricans can be shown—although I am glad to hear the Senator from New York say he believes no such discrimination can be shown, this provision would apply as to them.

Mr. KEATING. There is an allegation that the New York statute which requires that a citizen who wishes to vote must be able to read and write English is unconstitutional.

Mr. ALLOTT. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Colorado?

Mr. KEATING. I yield.

Mr. ALLOTT. I have been examining the new amendment the Senator from Tennessee has submitted. First of all, I wish to state that I am opposed to the so-called Kefauver amendment which previously was before the Senate.

The new Kefauver amendment raises two questions in my mind. One of the questions is purely legal, and the other is partly legal and partly philosophical.

Mr. KEATING. The Senator from Colorado is an expert in both law and philosophy, Mr. President.

Mr. ALLOTT. Mr. President, I appreciate the kind words of the Senator from New York, but I am not entitled to them.

The new Kefauver amendment provides:

> In a proceeding before a voting referee, the applicant shall be heard ex parte; provided, however, notice of the proceeding shall be given, the proceeding shall be in a public office.

In his previous amendment, the Senator from Tennessee called for 2 days' notice, did he not?

Mr. KEATING. Yes.

Mr. ALLOTT. What would be the Senator's opinion with respect to the clause of the new amendment of the Senator from Tennessee "notice of the proceeding shall be given"?

The only interpretation I can make of it is that it would be necessary to hark back to the Federal code of civil procedure, in order to determine what was "notice." Does the Senator from New York have any different idea on that point?

Mr. KEATING. I think a court might well adhere to the rules of procedure, which of course would require much more than 2 days' notice—if that is the point the Senator from Colorado has in mind.

Mr. ALLOTT. Yes; that is exactly the point.

I am not sure what the Federal law on this point is. I know that in Colorado we have statutes which simply require that notice be given. Our Supreme Court has held again and again that "notice" refers to the notice which is required under the code of civil procedure. And since the amendment follows rather closely the Federal statute as to procedure, I assume that the "notice" referred to in the amendment can be interpreted only in light of the requirement of the Federal code.

Mr. KEATING. I do not know that the court would be limited to the Federal Code requirement. I would think that if we did not prescribe the length of notice, the amount of notice required would presuably be more than 2 days' notice—sufficient notice to afford ample time to "get out the band" and all the other paraphernalia which would accompany a proceeding in connection with the registering of such an applicant.

Mr. ALLOTT. I am inclined to believe that under this interpretation, the referee in such a case would have no freedom of choice at all, but would be required to give the notice called for by the Federal Code.

Mr. KEATING. That might well be.

Mr. ALLOTT. The other matter which bothers me somewhat, in connection with the new amendment of the Senator from Tennessee, is in connection with the following part of it:

> And the State or county registrar or his counsel shall have the right to be present and make a transcript of the proceeding.

We understand what is meant by the words "and the State or county registrar or his counsel shall have the right to be present." I do not think that provision would give them the right to an "appearance," as that is known in the law.

But I wonder whether the purpose of this part of the amendment would be just as well met if the amendment were to read "shall have the right to be present and shall be provided with a transcript of the proceeding."

I wonder why this amendment would give the State or the county registrar or his counsel "the right to be present and make a transcript of the proceeding" himself.

Mr. KEATING. I do not know why the amendment is worded in that way. However, that part of it is worded in the same way as the original amendment of the Senator from Tennessee.

Let me say that I do not agree with my friend, the Senator from North Carolina [Mr. ERVIN], who invoked the well known maxim expressio unius est exclusio alterius with regard to making a transcript of the proceeding. I do not think that provision would require the registrar or his counsel to sit there like a bump on a log and not say a word, if the referee thought best to hear him in extenso.

Mr. ERVIN. Mr. President, will the Senator from New York yield?

Mr. KEATING. Mr. President, I have mentioned by name my distinguished friend, the Senator from North Carolina; therefore, I now yield to him.

Mr. ERVIN. Will the Senator from New York agree with me on the proposition that in this entire bill of 21 pages, the only provision which requires the taking down of any oral testimony before a voting referee is the one to be found in lines 6 and 7, on page 18, reading as follows:

> If—
>
> The testimony of the applicant is—
>
> oral, it shall be taken down stenographically and a transcription included in such report to the court.

Mr. KEATING. That is the normal procedure. The referee would then report to the court; and the court could either accept or modify or refuse to accept the report of the referee.

Mr. ERVIN. But my question is whether the Senator from New York will agree with me when I say that those are the only words in all the 21 pages of the bill that require the referee to take down any oral testimony whatsoever, and when I also say that those words are restricted to the oral testimony of the applicant solely in connection with a literacy test or an understanding of other subjects.

Mr. KEATING. Well, the report would not be made by the referee by whispering into the ear of the court. The report must be made in writing.

The requirement does not have to be put in any law that the report of the referee upon which the courts acts must be a written document; and he cannot make a written document unless he has written down the answers of each one of the persons who has come before him.

Mr. ERVIN. Mr. President, everyone is entitled to three strikes at bat. I will ask the Senator a third time if he will not agree with the Senator from North Carolina that the words in reference to the oral testimony of the applicant concerning the literacy test are the only words in this entire bill which require the referee to take down any testimony that is given orally.

Mr. KEATING. I do not think this bill purports to completely cover everything that any judicial officer shall do. Title VI is the only part relating to referees. The rest of it has nothing to do with the referee section. Title VI sets forth in full what he will do, which is to make a report to the court; and he cannot make a report to the court unless he knows what he is reporting. He has to have in his report all the details which show that the applicant has qualified under State law, and all the details of age, residence, and prior efforts to register—which is another requirement. Then the section provides the answer of the applicant as to proof of literacy or understanding of other subjects—whatever that means—shall be included in the report. And if he has taken it orally in his office, he must have a stenographic transcription of it. It is not necessary to have a stenographic transcript of what the man told him as to age, residence, and prior efforts to register. Therefore, he can write down, in his own handwriting, his answers to those questions.

Mr. ERVIN. Since I have pitched to the Senator from New York three times, and he has hit three fouls, I am going to pitch to him a fourth time.

Mr. KEATING. That is not permitted under baseball rules.

The PRESIDING OFFICER. The Chair rules that the baseball season has not officially opened. [Laughter.]

Mr. ERVIN. I should like to ask the Senator from New York, for the fourth time, whether or not he will agree with the Senator from North Carolina that the only provision in this bill requiring a voting referee to take down any oral testimony given before him is the provision contained on lines 6 and 7 of page 18, which merely requires him to take down the oral testimony of the applicant concerning a literacy test.

Mr. KEATING. Is the Senator referring to the bill with or without the Kefauver amendment?

Mr. ERVIN. I am referring to the bill which the Senator has in his hand and which I have in my hand.

Mr. KEATING. The bill in my hand contains the Kefauver amendment, which I hope we are going to strike out.

Mr. ERVIN. I assure the Senator from New York I am not asking him about the Kefauver amendment right now, but I am asking him, for the fifth time, if he does not agree with the Senator from North Carolina that the only provision in this bill which requires the voting referee to preserve any oral testimony is the provision of lines 6 and 7 on page 18, and I will ask him if that provision is not restricted solely to the oral testimony of the applicant concerning a literacy test and his knowledge required of other subjects.

Mr. KEATING. The Senator from North Carolina is greatly worried about the amount of writing which a referee has to do. The referee has to write out, under the Kefauver amendment, notice of the time and place of hearing. It says "written notice." He has to write out the age, residence, and prior efforts of the applicant to register. Any referee who was in full possession of his faculties would not try to register these people without making a record of what they told him about their age, residence, and prior efforts to register.

One of the other qualifications which some of the States require is proof of literacy, and some of them require understanding of other subjects. I do not know exactly what is meant by that, but I assume it has some meaning. But if the latter qualifications, literacy and understanding of other subjects, are required and are valid provisions of State law, then the answers of the applicant must be taken down either in writing or by stenographic transcription, and the stenographic transcription in that event must be included in the report to the court.

If the Senator from North Carolina would be made happier by a statement from me that I do not observe any other point in this bill where the referee is required to pull out his pen or his pencil and write down anything, I shall be happy to make that concession to my friend from North Carolina.

Mr. ERVIN. I would like to have the Senator from New York show me anywhere in this bill where it says the referee has to take down any of the testimony of anybody except the testimony of the applicant, and where the referee is not restricted solely to the testimony of the applicant concerning his literacy test or knowledge of other matter required.

Mr. KEATING. I can assure my friend from North Carolina that if a referee is appointed in the State of New York, and is required to be appointed under this law, he will write down all of these things in order to make a proper report to the court; and I concede to the referees of the great State of North Carolina the same amount and degree of intelligence and fidelity to their task that I do to the referees who will be appointed in the State of New York.

Mr. ERVIN. My good friend from Colorado likes to use the words "vain and futile," and having found it vain and futile to get an answer from the Senator from New York to the question which I have put to him six times, I will ask him no longer.

Mr. KEATING. That is certainly a great relief to the Senator from New York, who does not wish to engage in or be a party to any delaying proceedings. There is a desire to get to a vote, and I shall not yield any further until I have completed my remarks.

Mr. President, we were discussing the allegation that this proceeding before a referee is a star chamber proceeding. The vices of a star chamber proceeding are well known. They are, first, that the defendant was forcibly brought before a secret tribunal. Second, that the defendant could then be sentenced to imprisonment or death. Third, that the defendant had no right to appeal from the decision of the secret tribunal.

There is no possible comparison between a star chamber proceeding and the ex parte hearing before a voting referee—with which we are dealing here. First, the Negro applicant has applied voluntarily for relief. Second, if the referee finds against him, the applicant is certainly no worse off than he was before he made his application. Third, exceptions to the findings of the referee may be taken by any party to the litigation, and any party taking such exceptions will receive a hearing thereon in open court.

The Senator from Tennessee has now eliminated the word "appear," which is pretty much a word of art and, in my judgment, would have made the original proceeding an adversary proceeding, as the distinguished Senator from Mississippi has said he thinks it should be. It is now said by the Senator from Tennessee to be a nonadversary proceeding. Certainly the original language was, at best, ambiguous.

The narrow meaning of the language as it now appears is that State officials are to be given the right to be present in the hearing in the narrowest sense. I do not accept this as the probable meaning, but even if we put in the words "but only to make a transcript," their presence would be for the sole purpose of making a transcript of the proceeding. If this is all that is intended, the amendment is wholly unnecessary, since under the bill before us, which came from the other body, a report of the proceedings is to be made to the court and the proceedings as to literacy and as to this understanding of other subjects are to be actually written down.

If the remarks are taken down stenographically and transcribed they must be transmitted to the court in that form in the referee's report, and they must be served on the chief legal officer of the State and each party defendant. Thus, the only effect of permitting State officials to be present at such a hearing would be to contribute to the official pressures which have already been found by the court to have deprived persons of that race or color of their constitutional rights.

The House bill fully protects the rights of the State and of its officials.

This may be repetitious, but it cannot be said too often, in the light of some of the allegations made by those who support these amendments: A referee cannot even be appointed until there has been a full judicial proceeding in which it has been found that persons have been deprived of their rights under the 15th amendment and that such denials have been a part of or pursuant to a pattern or practice. Moreover, the State and its officials are to be afforded an opportunity to take exceptions to the legal and factual bases for the referees findings and to receive a hearing before the court on those exceptions if they raise a material issue.

To permit another proceeding before the referee as well would clearly provide another opportunity to bring about harassment and trouble for this lone individual who is seeking to get the right to cast his vote, guaranteed to him by the Constitution of the United States. It would delay, obstruct and harass the entire operation of the voting referee provision.

Even assuming the utmost good faith on the part of State officials, such a proceeding would certainly be completely unnecessary. If those State officials or those acting in concert with them were in a particular instance not acting in good faith, this could result in a complete frustration of the proceedings under this section. That is the reason why the Attorney General who has been so interested in working out a plan for the enfranchisement of those who have been denied in so many areas the right to vote, is so emphatic in his statement that the language in line 20 on page 17, the original language, which says that "the applicant shall be heard ex parte," should be retained. Regardless of the meaning of the ambiguous portion of the amendment, which, as I concede, has largely been cleared up by the revision, in any event it would force the individual who is trying to vote to take three steps to qualify to vote.

First, he would have to try to qualify before the State official. Then he would have to apply to the Federal court. Then he would have to return to the referee for the hearing.

The two-step procedure under the House bill may be justified, although I hope that it will be the subject of modification by another amendment.

The three steps required by the Kefauver amendment certainly constitute a wholly unreasonable prerequisite to the exercise of the right to vote.

Mr. President, one sure means of discouraging Negroes from even attempting to avail themselves of this legislation, if it shall be enacted, would be to announce that before they can hope to vote they will be subjected to a number of trials and hearings, with repeated cross-examination, while other citizens continue to be allowed to vote simply by presenting themselves to the State registrar. In other words, these people are required to appear, whether or not they are subjected to cross-examination, in a room full of people who may well be hostile to what they are seeking to accomplish and who may have, by concert outside, banners indicating it is not desirable for these people in their own best interests to try to register, they would be subjected to a kind of harassment which is certainly not in conformity with what was intended by the voting referee provision. It is unequal treatment. It is not the treatment accorded to others who seek to vote. The kind of unequal treatment, in my judgment, envisioned by the amendment, is completely intolerable. I hope the amendment will be rejected.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. CARROLL].

Mr. ERVIN. Mr. President, when I hear all the argument from lawyers who oppose letting a litigant be present when the case against him is tried, I am reminded of an event which is reputed to have happened in Mecklenburg County N.C., many years ago.

One of the most famous lawyers in Mecklenburg County was a Mr. Charles W. Tillett. A young lawyer whom I shall call John Doe brought a suit against the Western Union Telegraph Co., which was one of Mr. Tillett's clients. The young lawyer, John Doe, filed a somewhat vague complaint against the Western Union Telegraph Co., and Mr. Tillett applied to the judge for an order requiring the plaintiff to appear and show cause why he should not make his complaint specific in several respects.

After he issued a notice to show cause, the judge happened to meet the plaintiff's lawyer, John Doe, and he said. "John, why don't you go ahead without putting me to the necessity of having a hearing, and amend your complaint in the specific ways in which Mr. Tillett wants it amended?"

Whereupon, John Doe said, "Judge, if old man Tillett thinks I am going to tell him what this lawsuit is about, he is a blamed fool." [Laughter.]

This is the most unusual argument I have ever listened to from lawyers, and especially from lawyers who profess to have some reverence for the concept of due process of law. They oppose giving the State election official who is being tried an opportunity even to be present at a hearing and to take down the evidence against him, so that he may know what it is that he has to answer.

This is another illustration of what virtually always characterizes the legislative proposals of those who advocate civil rights bills. The first thing they do is to adopt a general presumption that every member of the Caucasian race who happens to reside below the Mason-Dixon line is a dishonorable character, and that the southern people are so dishonorable that they should be denied basic constitutional and legal rights guaranteed to all other Americans.

I have heard the people of the South described by Senators who have spoken here today, and I can truthfully say that the description they gave of those people does not fit any of the constituents I have the honor to represent in the Senate with my colleague. I cannot identify them by such descriptions.

But, having come to the conclusion that all the members of the Caucasian race residing below the Mason-Dixon line are such disreputable and dishonorable people, the proponents of civil rights legislation then take the next step and say that they are not even entitled to the basic constitutional and legal safeguards guaranteed to all Americans, and which we are willing to accord to murderers, dope peddlers, smugglers, kidnappers, and everyone else charged with any other offense against the laws of this country.

I challenge anyone to deny the statement that there is not a single Member of the Senate seeking to strike out the Kefauver amendment to the bill who would be willing to take that position if the only question involved was the guilt or innocence of crapshooters in a 15-cent crap game. They would concede that the crapshooters were entitled to the benefit of due process of law. They would concede that the crapshooters were entitled to know what the accusation against them was. And yet they stand on the floor of the Senate and say that the rights which they would give to murderers, dope peddlers, robbers, burglars, thieves, and crapshooters should be taken away from State and local officials in the South, and presumably nowhere else—because this is pictured as a sectional bill.

I am glad that we have a Constitution; and I am glad that one of the principles laid down in that Constitution is the principle which is found in the fifth amendment:

> No person shall be deprived of life, liberty, or property, without due process of law.

That is the constitutional provision which is binding upon the Federal Government and is binding on Congress when Congress undertakes to exercise the legislative power of the Federal Government.

Let us see what is meant by the expression "due process of law," which the Fifth amendment requires the Federal Government and Congress, when Congress is exercising the legislative power of the Federal Government, to observe in respect to all persons.

The essential elements of due process of law are notice and an opportunity to be heard and to defend in an orderly proceeding adapted to the nature of the case before a tribunal having jurisdiction of the cause.

What is involved in the Kefauver amendment is the question of whether we are going to pay lip service to the due process clause of the Fifth amendment, or whether we are going actually to make the due process clause a living force in the enforcement in this particular bill in respect of the provisions dealing with voting referees, and, I might add, with respect to the provision dealing with those instances where the applications are passed on by the court rather than the referee.

In so far as the proceeding before a voting referee is concerned, we have a very peculiar provision. There are these stages in the proceedings before the referee:

First, a voter of the race of those who have been found to be discriminated against, but who has not been discriminated against himself because of his race or color, must make an application to the referee.

Second, the referee must conduct a hearing on the application. However, under the terms of the original bill this hearing is to be ex parte.

Third, after the referee has conducted this ex parte proceeding, he makes a report to the court, which report is in effect the judgment of the referee.

Fourth, the court thereupon issues a notice to show cause to the State official, which notice to show cause for the first time acquaints the State official with the judgment of the referee.

Fifth, the State official is then permitted to file exceptions to the referee's report and have a hearing before a judge, unless the judge takes the peculiar action which is authorized by this provision of the bill—and I read from line 23 on page 18 to line 2 on page 19:

> The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court.

Under that provision of the bill it is quite possible that the State official never does have a hearing before the judge. This is true because this provision of the bill authorizes the judge to send the matter back to the referee and to let the referee pass on the question of whether he, the referee, has committed an error of law. I would dislike to have to try a case before a man who had already decided the case, when the only chance I would have of winning the case would be the finding by that man that he had made a mistake when he tried the case in the first place. Yet that is the procedure that is possible under the pending bill.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the distinguished Senator from Mississippi.

Mr. EASTLAND. When an applicant is registered by the referee, he can vote, can he not?

Mr. ERVIN. Oh, yes. That is, the bill provides that he has to get an order which entitles him to vote, which the State officials must recognize and abide by. This order can be issued by either the judge or the referee, if the judge permits it.

Mr. EASTLAND. Is it not correct to say that the first time it can be challenged is when the exceptions are filed to the referee's report?

Mr. ERVIN. Yes; that is the first time the State officials know that there is any proceeding at all in existence.

Mr. EASTLAND. That is correct. That could be after the election, or after the primary, or after the person who was registered had voted, and his vote had been counted.

Mr. ERVIN. That is correct.

Mr. EASTLAND. Is it not true, then, that in a close election, which frequently takes place for county and district offices in the various States, a judge could hold that the testimony was perjured and rule that the voter was ineligible, yet the person could have been elected to office by voters who were not qualified?

Mr. ERVIN. That is correct.

Mr. EASTLAND. In fact, a person could be elected to office and could hold office, although he had secured the office by virtue of perjury.

Mr. ERVIN. That is entirely possible.

Mr. HART. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. HART. I should like to ask the distinguished Senator from North Carolina how he interprets the language at the bottom of page 19 and the top of page 20, which, in brief, provides that if an application is filed 20 or more days before an election, but is not determined at the time of the election, the applicant is permitted to vote provisionally; and that in the case of an application filed less than 20 days before an election, the court may make such an order provisionally. Then the language beginning on line 25, page 19, reads:

> In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application.

Am I wrong in assuming that the vote would be set aside pending a decision as to whether it was or was not cast by a qualified voter?

Mr. ERVIN. I think that under this provision, after the election was over, there could be a contest of the vote. The voter having voted, there could be a controversy. However, under the existing State law, the right of a voter to vote is finally determined before election day rolls around.

What I have said about the different steps in this procedure makes this clear: The application is filed with the referee; a hearing is held by the referee in the absence of the party who is charged with having violated the law; the referee makes his decision and sends his decision to the judge before the State election official even knows that the proceeding has been brought. That is absolutely antagonistic to any sense of the due process of law. It is almost like saying that after the horse has been stolen from the stable, the State election official can come and look in and see the empty stall.

The Senator from Tennessee [Mr. KEFAUVER] made a very able argument for his amendment. During the course of his argument, he said, I believe, that public business ought to be transacted in public. That is all that the Kefauver amendment undertakes to do. It merely provides for a hearing to be held in a public office.

Why does anyone object to having a hearing concerning a public matter held in a public office? I should think that every Member of the Senate would favor the proposition that the public business ought to be transacted in public, and that any hearing affecting a public matter should be held in a public office.

The constitution of North Carolina, in section 35, article 1, provides: "All courts shall be open."

A similar provision is contained in the constitutions of virtually all the States of the Union. The people who drew the constitution of North Carolina and the people who drew the constitutions of the other States said that all judicial proceedings should be conducted in courts, and that the courts should be open to everybody.

The reason why provisions of this character were incorporated in the constitutions of virtually all the States of the Union comes out of history. It comes out of the history of the English-speaking race. The men who drew the constitutions of the States knew that there had been at one time in England a court of star chamber, in which the proceedings were conducted in secret, and to which the public was denied admittance.

The persons who drew the constitutional provisions knew that tyranny uses the forms of law to destroy those who oppose her will, and they were determined that the courts should be open to the public, and that judicial proceedings should not be conducted in secret.

But those who operated the star chamber court in England were not quite so inimical in their attitude toward the administration of justice as are those who insist on the enactment of this bill in its original phraseology. This is true because those who operated the star chamber courts in England allowed those who were being tried to come into court and be present.

When the Deputy Attorney General of the United States, Judge Walsh, was before our committee, I put to him a question concerning the following provision of the bill:

> In a proceeding before a voting referee, the applicant shall be heard ex parte.

I asked the Deputy Attorney General of the United States if under that provision of the bill it was not true that only three persons would have to be present: First, the voting referee; second, the applicant; and third, the stenographer.

Judge Walsh said that that was a correct interpretation of that clause. Why should anyone object to a person who has been charged with misconduct being present when the charge is made against him? Why should anyone who believes in justice say that the man should not even be allowed to know what charge was pending against him, until the case had been tried by the referee and until the referee had filed his report?

Mr. President, I insist that the public's business should be transacted in public. I insist that it should be transacted in a public place. I insist that in any system of justice which conforms to the due process clause, those who are to be affected by a judicial proceeding shall have an opportunity to be present when the evidence against them is taken and when the decision against them is made. That is all that the Kefauver amendment provides for. It does not even give the State election official the right to cross-examine the witnesses or to present evidence. It merely gives him the right to insist that he shall be notified, that the hearing shall be conducted in a public place, and that he may make a transcript of what happens at that place.

Mr. President, I have discussed at some length the fact that all the Kefauver amendment does is try to require that the business of the public be transacted in public and at a public place, and that the party who is to be affected by the judgment be allowed to find out what the business is about.

Mr. KUCHEL. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield.

Mr. KUCHEL. I wonder if the Senator will tell us what the bill provides shall be done with the report made by the referee, with or without the Kefauver amendment.

Mr. ERVIN. Yes. I have already told the Senate.

Mr. KUCHEL. I want to be sure I understand it. Will the Senator indicate what happens to that report?

Mr. ERVIN. The first thing that happens is that an application is filed by the person who wishes to vote. There is a hearing on that application held by the voting referee, which hearing is held ex parte. That means the only people who have the right to be there are the referee, the applicant, and the stenographer. The third thing that happens is that the referee makes his decision, puts it in his report, and files the report with the judge. The fourth thing that happens is that the judge issues, to the State official and the attorney general of the State, a notice to show cause, and gives them the opportunity to be heard, either before himself, or he may send it back to the same voting referee, and let him pass on the question whether he has committed an error.

Mr. KUCHEL. My friend certainly has a right to his opinion with respect to the validity of the Kefauver amendment, but I respectfully differ with him. The point I make is, that after the referee's report is made, with or without the Kefauver amendment, there is adequate opportunity, is there not, for any parties to the dispute to be heard?

Mr. ERVIN. There is no adequate opportunity. There is a pretended opportunity to be heard on the report of the referee, but the man does not have the evidence that was taken before the referee and he does not know what the evidence is, and he cannot contest it, not knowing it, because there is no requirement in the bill that when the referee takes the evidence he shall have any of the evidence reduced to writing, except the oral evidence of the applicant concerning his literacy or his understanding of other subjects. That provision appears clearly on lines 2 through 7 on page 18 of the bill. That is the only thing taken down. In other words, the case is tried on oral evidence, and none of the oral evidence is taken down except the oral evidence on this one point.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. EASTLAND. After hundreds of people had voted, the court could find they had voted illegally. Is that correct?

Mr. ERVIN. That is correct. One of the most crucial questions under this bill has to be determined solely upon the basis of the evidence of the applicant. This is the first time in my experience, since I started to study law, it has ever been suggested that when we start to decide a matter in controversy, we shall hear the evidence only of one side, and that the other side shall not have the privilege of introducing any evidence whatsoever. That is provided with respect to the applicant's literacy qualification, as appears on lines 5 to 7 of page 19, which reads:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

In other words, on a most crucial phase of the controversy, the only evidence that can be considered—the court cannot hear any more evidence—is the evidence of the applicant which is taken down ex parte by the stenographer at the hearing, from which the State election official is excluded.

Is not that a proposition? What would anybody think or say if I were to introduce a bill providing that, in any suit for libel against a newspaper in the District of Columbia, the evidence of the people suing the newspaper for damages for libel should be taken down in secret, at a meeting from which the newspaper and its lawyers were excluded, and providing further—since the truth is a defense to libel—that the truth or falsity of the libel should be determined solely on the basis of the testimony of the people suing, taken in secret or at an ex parte hearing, and that a newspaper would not be allowed to introduce any evidence on that point?

Yet, that is precisely what this bill does so far as election officials are concerned. I can imagine what a news-

paper would say about a bill of the character I have outlined. Yet that is precisely the effect of the pending bill with respect to election officials. The only thing I can hope is that if such a provision as that becomes law, what the courts have said in the past about matters of this kind will be said in the future.

State election officials would not be allowed to introduce any evidence whatsoever on the question of applicant's literacy qualifications or matters of that nature.

I wish to read to the Senate from 12 American Jurisprudence, Constitutional Law, section 621, at pages 313 and 314:

> The right under the due process clause to a full hearing includes the right on the part of the party whose rights are sought to be affected to introduce evidence and have judicial findings based on it. A party has the right to the opportunity, when in court, to establish any fact, which, according to the usages of the common law or provisions of the Constitution, would be a protection to his property or his liberty.

Notwithstanding the fact that the courts have held that the due process clause entitles a litigant to the right to introduce evidence on any issue in the case, this bill provides that the State election official shall not be allowed to introduce any evidence whatever on the question of the applicant's possession of literacy qualifications, and qualifications of that kind; but that, on the contrary, the issue shall be determined solely on the basis of the applicant's evidence.

While I am not going to discuss at length the violation of the due process clause of the fifth amendment by the provisions of this bill which begin on line 1 at the top of page 16 and go through line 12 on the same page, I wish to point out that after the adversary proceeding is heard and after an adjudication of a pattern or practice of discrimination has been found, then the judge can proceed to act as a registration official and order persons registered to vote without giving any notice whatever to the State election officials and without giving them any opportunity to be heard, and the violation of the due process clause of the fifth amendment in this respect is even more flagrant than it is with respect to the proceeding before the voting referee.

It was contended by the Deputy Attorney General before the committee that the Federal rules of civil procedure, binding on the Federal courts, would be applicable to this hearing before the judge. I deny that. The provisions of the rules of civil procedure for the Federal district courts are wholly incompatible with the provisions of this bill in respect to the power of the judge to pass on applications after the rendition of the judgment in the adversary proceeding. This is true, among other things, because there is no provision for any summons. There is no provision for any notice. Furthermore, the judge is required by the bill to make a final decision on an application before the time of the defendant for answering expires under the rules of civil procedure governing the Federal district courts.

This is not a civil case under the rules of Federal procedure. It is not a civil case and it is not a civil controversy under section 2 of article III of the Constitution, which says that the judicial power of the United States can only be exercised in civil cases or controversies. Civil cases or civil controversies have been interpreted by the courts to be cases or controversies where there are adverse parties litigant.

One of the parties litigant in this case, under part of the procedure set up with respect to the judge passing on applications, would not be permitted even to know that the applications were filed.

Mr. President, I could argue the point for an hour, but I shall not do so at this particular time. I could show at least 20 different reasons why the Deputy Attorney General is necessarily wrong in expressing the view that the rules which govern the Federal district courts in civil cases apply to the hearings before the judge upon applications. They cannot possibly apply.

It is well established by the decisions of the Supreme Court of the United States that whenever we establish a new kind of procedure we have to provide for notice and an opportunity to be heard, in order to comply with the provisions of the due process clause; in the case of the States of the 14th amendment, and in the case of the Federal Government of the fifth amendment.

Mr. President, I read, on this point, the following from the case of *Coe* v. *Armour Fertilizer Works* (237 U.S.), at pages 424 and 425:

> Nor can extra-official or casual notice, or a hearing granted as a matter of favor or discretion, be deemed a substantial substitute for the due process of law that the Constitution requires. In *Stuart* v. *Palmer* (74 N.Y. 183, 188), which involved the validity of a statute providing for assessing the expense of a local improvement upon the lands benefited, but without notice to the owner, the court said: "It is not enough that the owners may by chance have notice, or that they may as a matter of favor have a hearing. The law must require notice to them, and give them the right to a hearing and an opportunity to be heard." The soundness of this doctrine has repeatedly been recognized by this court. Thus, in *Security Trust Co.* v. *Lexington* (203 U.S. 323, 333), the court, by Mr. Justice Peckham, said, with respect to an assessment for back taxes: "If the statute did not provide for a notice in any form, it is not material that as a matter of grace or favor notice may have been given of the proposed assessment. It is not what notice, uncalled for by the statute, the taxpayer may have received in a particular case that is material, but the question is, whether any notice is provided for by the statute" (citing the New York case). So, in *Central of Georgia Ry.* v. *Wright* (207 U.S. 127, 138), the court said: "This notice must be provided as an essential part of the statutory provision and not awarded as a mere matter of favor or grace." In *Roller* v. *Holly* (176 U.S. 398, 409), the court declared: "The right of a citizen to due process of law must rest upon a basis more substantial than favor or discretion." And in *Louis. & Nash. R.R.* v. *Stock Yards Co.* (212 U.S. 132, 144), it was said: "The law itself must save the parties' rights, and not leave them to the discretion of the courts as such."

Mr. President, under this new procedure, whereby the Federal judge can pass upon applications after the rendition of the final judgment in the adversary proceeding, there is no provision for notice or an opportunity to be heard whatever. Under these decisions of the court, such provisions are clearly violative of the due process clause of the fifth amendment, which binds and operates upon congressional enactments.

There is another strange provision in this bill. The writer of the Book of Ecclesiastes said:

> There is no new thing under the sun.

If he had to write that book today he would have to omit that statement, because there is certainly something new under the sun in this bill.

I wish to invite Senators' attention to lines 18 through 25 on page 20. These lines are couched in legalistic language. This is the way they read, in such language:

> The words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent that those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

That is the legal "gobbledygook." Let me tell Senators what that means in plain English.

It says that although the State law may provide one thing, that is, the statutes enacted by the State legislature may provide one thing, the State law to be administered by the voting referee is not that State law, but it is the practice which the misbehaving State election official followed in passing upon the voting qualifications of persons of the other race, the race other than the one alleged to have been discriminated against.

This is a novel proposition. This provision says that a misbehaving State election official who refuses to abide by the law of the State, and who violates the law of the State, by his mere violation of the law of the State actually amends the State laws to make them conform to his illegal action. If such a provision can be upheld, I am bound to say that the American people no longer have the protection of a written constitution; and I am bound to say that the States of the Union no longer really have any existence. That is the most astounding proposition I have ever seen embodied in any legislative proposal.

To reiterate that proposition in plain English, it is this: When a State election official disobeys the laws of the State in passing upon the qualifications of voters of the other race, the violations of the State law by the State election official become the law of the State.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the able and distinguished Senator from Louisiana.

Mr. LONG of Louisiana. Is not the obvious answer to a case in which there is a person on the rolls who is not at all qualified for one reason or another

to remove him from the rolls, rather than to put other unqualified voters on the rolls because there is an unqualified voter on the roll already? In other words, does not the language to which the Senator refers suggest the doctrine that two wrongs make a right?

Mr. ERVIN. It certainly is the most unusual proposition I have ever seen. As the Senator says, because, forsooth, an election official has qualified someone who has been convicted of a felony in violation of State laws, he then must admit to registration people of the other race who have also committed felonies in violation of State laws. That is the provision.

Mr. LONG of Louisiana. Mr. President, will the Senator further yield?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. I do not know the situation in North Carolina, but in Louisiana most of the inmates of the State penitentiary are located in one particular parish. So it would seem, then, that if the registrar permitted a convicted felon to be on the rolls in the parish where the State penitentiary is located, it would then be the duty of the voting referee to go to the State penitentiary and register all the inmates.

Mr. ERVIN. That is true, except that inmates of the penitentiary would not have a legal residence in the parish. If it were not for that qualification, the situation would be exactly as the Senator from Louisiana has described.

The provision is, in effect, that if the registrar has registered disqualified white persons, thereafter the voting referee must register all disqualified colored people who are disqualified on the same grounds.

Mr. LONG of Louisiana. To go one step further, if the registrar were to register a convicted felon who was not a resident of that particular parish, then, by virtue of the first error, it would be necessary to permit all the inmates of the State penitentiary to register and vote.

Mr. ERVIN. That is exactly what the provision I have just read provides, when stripped of its legalistic verbiage and put in plain English.

When the registrar, in the hypothetical case put by the Senator from Louisiana, registers a convicted felon who does not reside in his voting district, the voting referee thereafter is empowered to register all other nonresident felons he can find in his district, if they are colored. He could not register a white man. He would have to exclude the white man who was also a convicted felon, but he would have to register colored men who were convicted felons. That is what the bill provides.

Mr. LONG of Louisiana. I must say to the Senator that if the law were to operate in that fashion, there could be danger in Louisiana that the sheriff of West Feliciana Parish would be elected by the inmates of the State penitentiary located in that parish.

Mr. ERVIN. I asked the Attorney General what his justification for this provision was. He said that under the equal protection of the laws clause everyone would have to be treated alike; and this is the way of treating everyone alike.

Under the equal protection of the laws clause, according to the decisions I have read, we do not change State laws to conform to the standards of a misbehaving official, but we require him to administer the laws fairly.

Mr. LONG of Louisiana. Mr. President, will the Senator further yield?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. I know that under the laws of Louisiana a citizen does not even have to reside in a parish in order to challenge the qualifications of anyone who is improperly on the rolls in some other parish.

A citizen of one parish can challenge persons improperly registered in any other parish in the entire State. That is based upon the theory that honest elections require that persons not properly qualified should not be voting in elections. This bill apparently proceeds on the opposite theory, that once unqualified people are placed on the rolls, we should permit unqualified people throughout the entire State to register and vote. That would make it impossible to uphold any kind of standards.

Mr. ERVIN. If this bill is enacted into law with the clause I have read verbatim to the Senate in the past few minutes, we shall no longer have the laws of the State made by the State legislatures, but they will be made, so far as election laws are concerned, by those who violate the election laws of the State.

Mr. LONG of Louisiana. I ask the Senator if the section to which he is referring could not be used to put both unqualified white and colored voters on the rolls, in this respect: If we start by finding a single white person who is not qualified—let us say he is a convicted felon and the law does not permit him to vote for that reason—once the registrar proceeds to put all the Negroes on the rolls who are also convicted felons, the remaining whites who are convicted felons are in a position to contend that they are discriminated against, because once all the convicted felons who are Negroes have been placed on the rolls, the whites are thereby discriminated against, and it would appear that they would then be in a position to go into court and say that all of them should be placed on the rolls.

Mr. ERVIN. The Senator is correct. Let us see how absurd this proposal is. Suppose State X, like North Carolina, has 2,300 different voting districts. Suppose that all the State election officials discriminated against colored people because of their race and color, and the Federal Government should take over under the voting referee provision of the bill. Suppose also that a State official who had been guilty of discrimination had discriminated in different areas. The State election laws to be enforced by the voting referee would be different in each one of the 2,300 precincts of the same State, which shows how absurd this provision is when we start to analyze it and see what its practical application would be. The election law would be one thing in one precinct, another thing in the next precinct, and a third thing in the third precinct, and so on throughout the 2,300 precincts. That is nothing fanciful on my part. That is a simple interpretation in plain English of the meaning of this particular provision of the proposed law.

Today the distinguished senior Senator from Tennessee [Mr. KEFAUVER] made an exceedingly able argument, in which he pointed out that permitting the State election official or his counsel to be present and to hear the testimony given by the applicant at a hearing before the voting referee might result in putting an end to a great deal of controversy and litigation, and might result in the applicant being speedily registered, and might also result in the attainment of the objectives of those who urge the passage of this bill.

I believe that is made very plain when we stop to consider what is the issue that comes up on the application that is heard by the voting referee.

I can illustrate that better by taking a concrete law in the State of North Carolina. The law in North Carolina provides that a man is not allowed to register and vote in North Carolina under any of the following conditions: First, if he is under 21 years of age; second, if he is an idiot or a lunatic; third, if he has been convicted of a felony and has not had his citizenship restored in the manner prescribed by law; fourth, if he is not either a native-born or naturalized citizen of the United States; fifth, if he has not resided in the State of North Carolina for 1 year; sixth, if he has not resided in the precinct, ward, or other election district in which he offers to register or vote for 30 days next preceding the election; seventh, if he is unable to read and write a section of the Constitution in the English language.

This is a very peculiar bill, Mr. President, because it is based upon the 15th amendment only. Under the 15th amendment the Federal Government has no power to take any action whatever unless a State, in a case involving a State election, has denied or abridged the right of a citizen of the United States to vote on account of his race or color.

The pending bill, notwithstanding the fact that that is the only condition upon which the Federal Government would have any jurisdiction whatever, does not allow the voting referee to pass on that question. Instead, it requires him to pass on the question, first, whether the voter is qualified under State law; second, whether he has been denied the right to register and vote or been denied the opportunity to register.

So, in North Carolina, and in most States, because most States have similar laws, there would be this number of questions of fact which would have to be passed upon by the voting referee.

If the State election official who has denied a man the privilege of registering could be present, he might simplify the matter by showing on what ground the man was denied the right to register, and he might be convinced of the error of his judgment, or the voting referee

might be convinced of the rightness of the State official's judgment, and that might end the matter then and there.

It would certainly simplify the matter pending before the voting referee. That is one advantage of all codes of procedure which require written pleadings, because then it is possible to find out from the written pleadings what is covered, and it is possible to narrow the issue to the only question that is in controversy.

Under the proposed proceeding, where no adversary pleadings are allowed and no notice is given until after the case has been decided by the voting referee, there is no way in the world except by the presence of the State official or his counsel before the voting referee whereby the issues can be narrowed and settled in an amicable fashion, as the Senator from Tennessee has pointed out this morning.

Mr. President, I shall take this occasion to speak on the other provisions of the bill. I should like to point out that Congress has two separate and distinct powers to legislate in respect to voting. One of these powers is restricted to voting for candidates for the Senate and candidates for the House of Representatives; the other is in respect to voting in State and local elections. The distinction between the power of Congress in one case and its power in the other is as wide as the gulf which yawns between Lazarus in Abraham's bosom and Dives in hell, to state it emphatically.

The power of Congress to legislate in respect to elections for Senators and Representatives is found in article I of the Constitution and in the 17th amendment. The power is found in the following provisions: Article I, section 2, provides:

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Article I, section 4, provides:

The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

I read amendment No. 17:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The three clauses which I have just read confer upon Congress the power to make or alter acts of State legislatures in respect of the time, the place, and the manner of holding elections for U.S. Senators and U.S. Representatives.

The pending bill is not based upon those provisions of the Constitution; it is based upon the 15th amendment. The 15th amendment contains two sections, the first of which reads as follows:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The second section of the 15th amendment provides:

The Congress shall have power to enforce this article by appropriate legislation.

The second section of the 15th amendment is virtually identical with the 5th section of the 14th amendment. The meaning of the two sections is exactly the same. There is a very slight difference in phraseology, however. Section 5 of the 14th amendment provides:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Owing to the similarity of these two provisions of the Constitution, decisions under the 14th amendment as to what legislation is appropriate to enforce the 14th amendment are applicable to the question as to what legislation is appropriate to enforce the provisions of the 15th amendment. This is true not only because of the similarity of the two enforcement clauses but also because the 1st section of the 14th amendment, like the 1st section of the 15th amendment, is a prohibition upon the action of States, insofar as is relevant here.

It is well to remember that there is a great difference between legislation on the part of Congress which is appropriate to enforce an affirmative grant of power to Congress and legislation which is appropriate to enforce merely a prohibition on State action.

I call attention to a few decisions which make it plain that Congress has no power to enact any legislation to control State and local elections except, to some extent, under the equal-protection-of-the-law clause, which power is only the power to prevent treating one group of citizens differently from another group of citizens in the same circumstances or under the 15th amendment.

As a consequence, so far as the legislation is designed to prohibit a State preventing any man or woman who is a citizen of the United States from voting on account of race or color, the 15th amendment is controlling.

One of the early cases on the 15th amendment is that of *United States* v. *Belvin* (46 Federal 381), the decision which was handed down in 1891. In his opinion in that case, Judge Hughes, of the Circuit Court for the Eastern District of Virginia, said:

No constitutional statute could be passed by Congress relating to State and municipal elections, except for the express purpose of protecting voters from being hindered or prevented from voting on account of their race, color, or former slavery.

One of the greatest judges which the Nation has known was Judge Lurton, who was for many years a circuit judge for the sixth circuit. In the case of Lackey against United States, Judge Lurton had occasion to interpret the 15th amendment. On this point the judge said:

But whether the power of Congress to legislate in respect to congressional elections depends upon the effect of the second and fourth sections of article I of the Constitution, or arises out of the implied power to protect such elections against violence and fraud because they are Federal elections so far as Federal officials are thereby directly chosen, it is very obvious that, whether such power be attributed to either the one or the other source, it furnishes no reason for any interference at a purely State election.

A little further, at page 118 of No. 107 "Federal Reporter," Judge Lurton said:

That amendment—

Referring to the 15th amendment—

does not confer a right of suffrage upon anyone, nor does it secure or guarantee any right of suffrage to any class of citizens. It has no other force or effect than to prohibit discrimination by the United States and by the States "on account of race, color, or previous condition of servitude."

Then on page 119, Judge Lurton said:

Having held that Congress was only authorized to interfere with the voting at a State election when the wrongful refusal to receive and count a vote is because of race, color, or previous condition of servitude, the court held that the two sections—

That is, the two sections of the Enforcement Act of 1870—

were beyond the limit authorized by the 15th amendment.

Then on page 120 of the decision in the Lackey case, Judge Lurton said:

If the right conferred, secured, or guaranteed by the 15th amendment is not the right of suffrage, but the right of exemption from discrimination in the exercise of the elective franchise on account of race, color, etc., then the legislation which Congress is authorized to enact in respect of voting at State elections by that amendment must be limited to acts which prevent or punish the discrimination therein forbidden.

The same great judge wrote another leading opinion on this question in the case of Karem against United States, which is reported in 121 Federal 250. I read from page 254:

But the power of Congress to legislate at all upon the subject of voting at purely State elections is entirely dependent upon the 15th amendment.

Then he quoted from the Cruikshank case as follows:

The right to vote in the States comes from the States, but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has been.

Then he proceeded as follows, as appears on page 255:

The 15th amendment is therefore a limitation upon the powers of the States in the execution of their otherwise unlimited right to prescribe the qualification of voters in their own elections, and the power of Congress to enforce this limitation is necessarily limited to legislation appropriate to the correction of any discrimination on account of race, color, or condition. The affirmative right to vote in such elections is still dependent upon and secured by the Constitution and laws of the State, the power of the State to prescribe qualification being limited in only one particular. The right of the voter not to be discriminated against at such elections on account of race or color is the only right protected by this amendment, and that right is a very different right from the affirmative right to vote.

There are certain very obvious limitations upon the power of Congress to legislate for the enforcement of this article: First, legislation authorized by the amendment must be addressed to State action in some form, or through some agency; second, it must be limited to dealing with discrimination on account of race, color, or condition.

In the same opinion, Judge Lurton stated as follows, as appears on page 258:

Appropriate legislation grounded on this amendment is legislation which is limited to the subject of discrimination on account of race, color, or condition.

And now I read from page 261, where we find that Judge Lurton said, also on this subject:

Assuming that exemption from discrimination at a State election is a "right or privilege secured by the Constitution or laws of the United States," it is a right which originates only in the 15th amendment, and can only be enforced by legislation directed to State action in some form, by which otherwise qualified voters are denied the elective franchise on account of race or color. This is the limit of the power of Congress under the article.

Mr. KEATING. Mr. President, will the Senator from North Carolina yield, to permit me to propound a parliamentary inquiry?

Mr. ERVIN. I yield for that purpose, if it is understood that in doing so I shall not lose the privilege of the floor.

Mr. KEATING. Mr. President, I so request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEATING. Then, Mr. President, I rise to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. KEATING. What is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the Carroll amendment.

Mr. KEATING. I thank the Chair.

Mr. MANSFIELD. Mr. President, with the same understanding, will the Senator from North Carolina yield to me, to permit me to propound a parliamentary inquiry?

Mr. ERVIN. Yes, with the same understanding.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I now rise to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. May the Carroll amendment be read at this time?

The PRESIDING OFFICER. Without objection, the Carroll amendment will be read at this time.

The LEGISLATIVE CLERK. On page 17, in lines 20 through 25, in lieu of the language proposed to be inserted by the committee, it is proposed to insert the following:

The applicant shall be heard ex parte, and and all hearings conducted as a part of any such proceeding shall be open to the public.

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. Is this the same amendment as the one which was submitted on yesterday?

The PRESIDING OFFICER. It is.

Mr. MANSFIELD. Does the amendment have any cosponsors?

The PRESIDING OFFICER. Not to the knowledge of the Chair.

Mr. MANSFIELD. Then I understand that this is the original Carroll amendment.

Mr. KEATING. Mr. President, will the Senator from North Carolina yield again to me, to permit me to propound a further parliamentary inquiry?

Mr. ERVIN. Yes, if it is understood that in yielding for that purpose, I shall not lose the privilege of the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEATING. Mr. President, my parliamentary inquiry is as follows: Is the pending amendment to the Kefauver amendment number one or number two?

The PRESIDING OFFICER. The Chair is advised that until the committee amendment appears in the bill, following adoption of the amendment by the Senate, the amendment does not have a specific designation.

The Carroll amendment pertains to page 17 of the bill as printed, in lines 20 through 25.

Mr. KEATING. But the Senator from Tennessee modified his amendment. My question is whether the Carroll amendment is addressed to the original Kefauver amendment or to the modified Kefauver amendment.

The PRESIDING OFFICER. The Chair is advised that although a modification has been suggested, it has not yet been made a part of the amendment.

Mr. KEATING. Then am I to understand that the Senator from Tennessee has not formally modified his amendment?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. JOHNSTON of South Carolina. Mr. President, in order to clarify this matter, I believe it would be well—without causing the Senator from North Carolina to lose the floor—to suggest the absence of a quorum, and thus permit the Senator from Tennessee [Mr. KEFAUVER] to come to the Chamber, to clarify this situation.

Mr. KEATING. I think clarification is much needed.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may permit this colloquy to continue without losing my right to the floor; otherwise, I shall have to ask the Chair to protect me in my right to the floor.

The PRESIDING OFFICER. The Senator from North Carolina has the floor, and is protected in his rights to it.

Mr. ERVIN. I thank the Chair. Under these circumstances, Mr. President, if either Senator wishes me to yield—without causing me to lose my right to the floor—I shall be glad to yield.

The PRESIDING OFFICER. The Chair is advised that what has been referred to as the Kefauver amendment is a committee amendment, and is not the pending question.

The pending question is on agreeing to the Carroll amendment.

Mr. JOHNSTON of South Carolina. Mr. President, that is one reason why I want the Senator from Tennessee [Mr. KEFAUVER] to be in the Chamber at this time—to clarify the parliamentary situation in which we now find ourselves. I think both the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Colorado [Mr. CARROLL] should be present at this time.

Mr. KEATING. I am afraid that would only complicate the matter even more, rather than clarify it.

Inasmuch as I have been in the Chamber throughout the proceedings, I feel certain that the amendment offered by the Senator from Colorado was offered to the committee amendment.

The PRESIDING OFFICER. That is correct.

Mr. KEATING. And that the committee amendment was offered in the committee by the Senator from Tennessee [Mr. KEFAUVER], and that he endeavored—although perhaps unsuccessfully—to modify his amendment here on the floor.

The PRESIDING OFFICER. There has been no modification made on the floor. It was an amendment to the committee amendment.

Mr. JOHNSTON of South Carolina. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that the Senator from North Carolina may yield to me for the purpose of propounding a suggestion at this time, with the understanding that it will not interfere with the Senator's right to the floor when we finish with it. I should like to raise the point of no quorum, if it does not interfere with the Senator's right to the floor. I ask unanimous consent that I may do so.

The PRESIDING OFFICER. Does the Senator from North Carolina wish to yield for that purpose?

Mr. ERVIN. If I can yield for that purpose without losing my right to the floor, I will do so.

The PRESIDING OFFICER. Under those conditions it is in order. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 O'CLOCK A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COOLEY, Mr. POAGE, Mr. ABERNETHY, Mr. JOHNSON of Wisconsin, Mr. HOEVEN, Mr. DAGUE, and Mr. MCINTIRE were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 128) to establish a commission to formulate plans for a memorial to James Madison, and it was signed by the President pro tempore.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I am informed that there are enough speakers today so that we do not expect to have a yea-and-nay vote on any amendments, and we shall probably adjourn at about 7 o'clock. So, in order that the attachés of the Senate and Senators may make their plans accordingly, I think they can understand we do not expect any rollcalls today. We hope we shall be able to get a vote tomorrow. It may be that the Carroll amendment will be modified, and that will be the amendment we shall have our first vote on. I expect the Senate to remain in session as late as possible tomorrow evening, so long as any action can be taken. If it appears tomorrow evening that Senators do not care to vote, I shall not desire to ask the Senate to stay in session when nothing can be accomplished. But Senators can make their plans not to expect any rollcalls between now and 7 o'clock. Sometime in the vicinity of 7 o'clock, either a little before or a little afterward, we will adjourn pursuant to the order entered.

Now I suggest the absence of a quorum——

Mr. PASTORE. Mr. President, will the Senator withhold that request?

Mr. JOHNSON of Texas. Yes.

Mr. PASTORE. Does the Senator expect to have a Saturday session? Can he say at this time?

Mr. JOHNSON of Texas. No, I cannot. If I can accomplish anything by having a Saturday session, I will have one. We shall see tomorrow how things go.

LEAVE OF ABSENCE

Mr. PASTORE. Mr. President, will the Senator yield further?

Mr. JOHNSON of Texas. Yes.

Mr. PASTORE. Mr. President, I ask unanimous consent to be officially excused from attending the sessions of the Senate until Monday next, in order to discharge my obligations in matters very important in my own State of Rhode Island.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PASTORE. Mr. President, I should like to have the RECORD show that I am opposed to the Kefauver amendment to the pending civil rights bill (H.R. 8601).

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, is it agreeable to the Senator from North Carolina for me to suggest the absence of a quorum?

Mr. ERVIN. Yes.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1961—CONFERENCE REPORT

Mr. JOHNSON of Texas. Mr. President, I am informed that we have a conference report on the important District of Columbia appropriation bill, and that there is no controversy involved in it.

I ask unanimous consent that the Senator from Rhode Island [Mr. PASTORE] be recognized to present that report and that, when the Senate shall have concluded action on it, the Senator from North Carolina [Mr. ERVIN] be recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Rhode Island.

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10233) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Mar. 30, 1960, pp. 6971–6972, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PASTORE. Mr. President, the conference report provides for appropriation of a total of $239,470,433. This sum is $618,719 less than the amount recommended in the Senate bill; is $2,352,157 above the amount proposed in the House bill; and is $2,932,567 less than the total budget estimates.

In order that Members of the Senate and other interested persons may know the appropriation details, I ask unanimous consent to have printed at this point in the RECORD a summary of the 1961 appropriation bill for the District of Columbia.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

District of Columbia—Summary of bill

FEDERAL PAYMENT

(Out of the general revenues of the Federal Treasury)

Item	Appropriations, 1960	Budget estimates, 1961	House bill, 1961	Senate bill, 1961	Conference action
Federal payment to District of Columbia (general fund)	$25,000,000	$32,000,000	$25,000,000	$26,000,000	$25,000,000
Federal payment to District of Columbia (water fund)	1,532,000	1,661,000	1,661,000	1,661,000	1,661,000
Federal payment to District of Columbia (sanitary sewage works fund)	686,000	872,000	872,000	872,000	872,000
Total, Federal payment	27,218,000	34,533,000	27,533,000	28,533,000	27,533,000

District of Columbia—Summary of bill—Continued

LOAN AUTHORIZATIONS

(Out of the general revenues of the Federal Treasury)

Item	Authorizations, 1960	Budget estimates, 1961	House bill, 1961	Senate bill, 1961	Conference action
Loans to District of Columbia for capital outlay, general fund	$20,000,000	$14,500,000	$14,500,000	$15,900,000	$15,900,000
Loans to District of Columbia for capital outlay, highway fund	13,100,000	3,500,000	3,500,000	3,500,000	3,500,000
Loans to District of Columbia for capital outlay, water fund	1,200,000				
Loans to District of Columbia for capital outlay, sanitary sewage works fund		700,000	700,000	700,000	700,000
Total, loan authorizations	34,300,000	18,700,000	18,700,000	20,100,000	20,100,000

APPROPRIATIONS

(Out of the revenues of the District of Columbia)

Item	Appropriations, 1960	Budget estimates, 1961	House bill, 1961	Senate bill, 1961	Conference action
OPERATING EXPENSES					
Executive Office	$590,000	$624,000	$576,300	$609,259	$599,260
Department of General Administration	5,119,000	5,831,000	5,719,500	5,719,500	5,719,500
Office of Corporation Counsel	755,000	823,000	798,500	798,500	798,500
Regulatory agencies	1,570,500	1,665,500	1,621,000	1,639,600	1,629,000
Department of Occupations and Professions	327,000	345,000	337,600	342,000	342,000
Public schools	46,882,000	49,115,000	49,232,700	49,232,700	49,232,700
Public Library	2,478,000	2,698,000	2,688,000	2,688,000	2,688,000
Recreation Department	2,647,100	2,994,000	2,855,600	2,855,600	2,855,600

(Out of the general revenues of the Federal Treasury)

Item	Appropriations, 1960	Budget estimates, 1961	House bill, 1961	Senate bill, 1961	Conference action
Metropolitan Police	$22,156,000	$23,800,000	$23,217,000	$23,748,100	$23,517,000
Additional municipal services, inaugural ceremonies		229,000	200,000	200,000	200,000
Fire Department	10,547,000	19,959,000	10,940,000	10,948,000	10,940,000
Department of Veterans' Affairs	107,000	109,500	109,500	109,500	109,500
Office of Civil Defense	60,000	136,000	60,000	107,000	90,000
Department of Vocational Rehabilitation	247,000	304,000	300,000	300,000	300,000
Courts	5,396,000	5,675,000	5,627,900	5,645,320	5,633,600
Department of Public Health	34,883,076	37,319,000	36,551,476	36,910,473	36,910,473
Department of Corrections	6,000,000	7,068,000	7,000,000	7,000,000	7,000,000
Department of Public Welfare	17,370,000	19,508,000	19,000,000	19,145,000	19,145,000
Department of Buildings and Grounds	2,435,000	2,548,000	2,538,000	2,538,000	2,538,000
Office of Surveyor	200,000	205,000	205,000	205,000	205,000
Department of Licenses and Inspections	2,294,000	2,487,000	2,460,900	2,469,800	2,465,000
Department of Highways and Traffic	8,045,000	8,515,000	8,415,000	8,489,600	8,441,000
Department of Motor Vehicles	1,202,000	1,305,000	1,270,600	1,296,500	1,291,600
Motor Vehicle Parking Agency	230,000	187,000	187,000	187,000	187,000
Department of Sanitary Engineering	15,080,000	15,880,000	15,860,000	15,860,000	15,860,000
Washington aqueduct	2,480,000	2,636,000	2,616,000	2,616,000	2,616,000
National Guard	168,000	171,000	172,700	172,700	172,700
National Capital Parks	3,074,000	3,275,000	3,260,000	3,260,000	3,260,000
National Zoological Park	1,125,000	1,272,000	1,228,000	1,272,000	1,250,000
Personal services, wage-scale employees	1,543,000				
Total, operating expenses	[1] 195,010,676	207,684,000	205,048,276	206,365,152	205,996,433
CAPITAL OUTLAY					
District Debt Service	939,000	1,577,000	1,577,000	1,577,000	1,577,000
Public building construction	13,866,400	6,393,000	4,369,000	6,023,000	5,773,000
Department of Highways and Traffic	18,039,000	13,516,000	13,100,000	13,100,000	13,100,000
Department of Sanitary Engineering	10,215,000	13,059,000	12,900,000	12,900,000	12,900,000
Washington aqueduct	3,500,000	100,000	50,000	50,000	50,000
Motor Vehicle Parking Agency	125,000	74,000	74,000	74,000	74,000
Total, capital outlay	46,684,400	34,719,000	32,070,000	33,724,000	33,474,000
Grand total	[1] 241,695,076	242,403,000	237,118,276	240,089,152	239,470,433

[1] In addition, $10,602 was appropriated for settlement of claims and suits.

Mr. PASTORE. Mr. President, if there are any questions with regard to the conference report, I shall be glad to try to answer them at this time.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MANSFIELD. What is the status of the item which deals with the increase for the police force for the District of Columbia?

Mr. PASTORE. The House of Representatives originally allowed 50 patrolmen, of the 150 asked by the District Commissioners. We restored the other 100, through an item of $531,000. In conference we agreed to the sum of $300,000, which will allow an increase of 56 new police officers over the number allowed by the House.

Mr. MANSFIELD. I thank the Senator. I express the hope that if Chief Murray and the District Commissioners find it advisable, and they feel they need more police officers for the District of Columbia, they will come to the Congress with a supplemental request later.

Mr. PASTORE. We discussed that matter in quite some detail in conference. The House conferees were of the feeling, since there were 54 vacancies at the present time, of the 100 we allowed last year, as the Senator from Montana will recall, that the police department would have a difficult task recruiting the full contingent. We agreed in conference that we would watch this item very, very closely.

While there is no binding agreement to that effect, if it should arise that the full number of police officers is recruited and there is found to be a further need for the difference between the 56 and the 100, that might be provided for through some supplemental budget in the future.

Mr. President, if there are no further questions I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 10233, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.,
March 30, 1960.

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10233) entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in

whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes."

That the House recede from its disagreement to the amendment of the Senate numbered 26, and concur therein.

That the House insist upon its disagreement to the amendment of the Senate numbered 1.

Mr. PASTORE. Mr. President, I move that the Senate recede from its amendment No. 1.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Senator from North Carolina has the floor.

Mr. STENNIS. Mr. President, will the Senator yield to me so that I may make an insertion in the RECORD with respect to the distinguished senior Senator from Georgia?

Mr. ERVIN. I shall be happy to yield to the Senator for that purpose. Mr. President, I ask unanimous consent that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

TRIBUTE TO SENATOR RUSSELL

Mr. STENNIS. Mr. President, recognition for one's abilities and achievements may come in several ways. It may be evinced by awards, plaques, or other tangible tokens. It may come in a kindly and affectionate feeling from one's associates and colleagues. It may also come in the form of admiration from an adversary.

Certainly no one in the Senate is held in higher esteem than the senior Senator from Georgia [Mr. RUSSELL]. Many of our truly worthwhile programs had their chance because of his legislative efforts. His influence in matters of national defense, the life of our farmers, and of all Americans everywhere, has been enormous, and it has been an influence born of true statesmanship.

The senior Senator from Georgia is also a constitutionalist. He has demonstrated time and again his love for our Constitution, our State-Federal union and the form of government that has led this Nation to a position of world leadership.

He has been consistent in his support of constitutional government and of the separation of powers among the branches of the Federal Government. Because of his dedication to our form of Government, and because he is a student of our Constitution and our laws, he has risen to a position of leadership in the Senate and has become the vanguard of those among us here who are seriously concerned about the so-called civil rights bills introduced in great quantities annually.

From the standpoint of the national press the position he has taken is unpopular. Nevertheless, on at least two occasions recently he has been the main subject of feature articles in papers whose position on this question is contrary to his own. This is admiration from the adversary.

Mr. President, I think two recent newspaper articles should be perpetuated and also should have further distribution. Therefore, I ask unanimous consent that these two articles—one from the Washington Post and Times Herald of March 6, 1960, and the other from the New York Post of March 11, 1960—be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 6, 1960]

THIS "TALKIE" PLANNED LIKE LEE'S BATTLES

(By Robert C. Albright)

When the Senate last Monday deliberately set out to talk its way around the clock for as many hours, days, or weeks as were needed to resolve pent-up civil rights issues, there was something remarkably different about its approach.

Here was not the sudden welling up of the emotions of an oppressed Senate minority, or a play to the grandstand by an individual prima donna, such as marked the many talkathons of the past.

Instead, the Senate knew exactly what it was doing. This was a cold, calculated effort undertaken after 5 months' notice to all parties. It was planned with the precision of a military campaign.

About the only thing still uncertain is how it all will come out.

A SIMPLE PROBLEM

What it gets down to is this: A large majority of the Senate wants to do something about civil rights problems, particularly the basic issue of Negro suffrage in the South. The only way these Members can get to a vote on those problems is by wearing down physically the 18-member southern opposition or by mustering a two-thirds majority of Senators present to shut off their talk.

Every circumstance would seem propitious to reasonable success of the effort.

Senate Majority Leader LYNDON B. JOHNSON, though hailing from Texas, called up the issue and pledged himself to do all in his power to give the Senate an opportunity to vote.

The Senate Republican leader, EVERETT M. DIRKSEN, of Illinois, worked with him. In fact, the administration civil rights proposals sponsored by DIRKSEN just happen to be the Senate's pending business.

The Senate's unwieldy cloture (debate shutoff) rule was changed at the start of the last session, on JOHNSON's motion, to require the approval of only two-thirds of those present and voting, instead of two-thirds of the entire Senate, to silence the talk.

Addition of the two stars to the flag since the last southern filibuster seemed to add to the accumulating evidence that the old-fashioned Dixie talkathons were doomed. With two Senators each from Alaska and Hawaii, Senate membership increased from 96 to 100 while all-out southern opposition to civil rights dropped from 22 and more in another era to 17 or 18.

For months now, stories have been written about the deteriorated position of the southern minority in the Senate. But they may have reckoned without Senator RICHARD BREVARD RUSSELL (Democrat, Georgia), the man deploying his thin southern forces much as Lee did in the Wilderness.

A WIDESPREAD TALENT

The lone "filibustero" (a word cribbed from West Indian buccaneers) has long had his occasional place in the sun. Iron-lunged Huey Long was one of them. His 15½-hour speech about how to make potlikker, fry oysters, and mix Roquefort cheese dressing became folklore. But it failed to make a dent in the NIRA Act of 1935.

Senator STROM THURMOND (Democrat, of South Carolina) lost the sympathy of his own southern colleagues when he walked off with the alltime filibuster record of 24 hours 18 minutes against the 1957 civil rights bill. Why did the southerners snoot THURMOND? Because his was strictly a one-man show and not a team effort. The southerners, by and large, went along with the 1957 civil rights compromise.

Before THURMOND captured the individual title, a couple of nonsouthern independents had proved that no section has a monopoly on long talk.

The late Senator Robert M. La Follette, Sr. (Wisconsin) once held the floor for 18 hours 23 minutes against the Aldrich-Vreeland financial bill, sustained by drinking a punch of milk and eggs and demanding frequent quorum calls.

And Oregon's Senator WAYNE MORSE, while on the way to becoming a Democrat, ticked off 22 hours 26 minutes, fruitlessly as it turned out, against the tidelands offshore bill of 1953.

These were all legendary, windmill-charging achievements somehow brought off by lone men before Senator RUSSELL perfected the art of the really organized filibuster.

During the nearly three decades RUSSELL has served in the Senate, he has become an authority on agricultural and armed service problems. He has a quick tongue and one of the best minds in the Senate. The Senate listens when he speaks. But for most of those years, RUSSELL's great talents have been funneled into one extracurricular activity—frustrating the wishes of the northern Democratic majority.

THEY SHALL NOT PASS

Who at this hour is the Senate's Ulysses S. Grant may be open to question, but there never has been any doubt who is the Senate's Lee. As chairman of the southern Democratic caucus, he has mounted guard in the Senate, or posted sentinels in his absence, to see that no civil rights bill ever slipped through. The lone exception was the 1957 civil rights bill, and he helped determine the shape of that.

Some have suggested, not unkindly, that had RUSSELL directed the same energy and parliamentary skills into other channels, he would rank with the Senate's alltime great.

As it is, he will go down in Capitol Hill lore as the man who made an indelible print on Senate cloture history and coached the humdinger of all southern filibusters—the coldly methodical blocking action now in progress.

In its early years, the Senate had no cloture rule. It had no filibusters, either. From 1789 to 1806, debate could be ended abruptly by calling for the previous question.

From 1806 to 1917, there was no limit on talk at all. But the filibuster-to-the-death of President Wilson's armed neutrality bill by "a little group of willful men" who, Wilson said, "have rendered the great Government of the United States helpless and contemptible," ended that era of unlimited debate.

The result was the Senate's famed rule XXII, permitting two-thirds of the Senators present and voting to cut off debate.

When the Senate in 1949 tried to forge the rule into a stronger antifilibuster weapon, it was Georgia's RUSSELL, skillfully parrying every liberal move, who turned it instead into reinforced protection for the southerners.

When the revision was completed, cloture not only required the approval of two-thirds of the entire Senate (a so-called constitutional two-thirds), but a clause had been added permitting unlimited talk on a motion to change the rules.

In fact, RUSSELL did so good a job (for the southerners) that the Senate turned out in full voice at the start of the 1959 session in an effort to loosen the rule. What it finally adopted was an amendment by JOHNSON restoring the simple two-thirds of those present and voting requirement.

JOHNSON, therefore, is facing a double hazard in the present civil rights test. Not only is he virtually bound, by 1959 commitments, to put a civil rights bill through Congress. But if he tries and fails to muster the 67 votes needed for cloture, his prestige almost certainly will take a drop.

It was JOHNSON'S amendment which modified the rule, so colleagues say it is now up to JOHNSON to show that it will work.

As for the prematurely "doomed" southern filibuster, RUSSELL, too, has much to gain, more to lose, in the present Senate marathon.

If the around-the-clock southern wordwielders are beaten down physically, weakened by attrition or stopped short it could lead to the end of southern filibusters.

But if the "filibusteros" win this one, RUSSELL'S new three-shift technique (speak 1 day and rest 2) could pave the way for many another victory for the RUSSELL-disciplined, 18-man southern army.

Once again, northern Democrats could be learning to their sorrow that it isn't who gets there fustest with the mostest, but who gets there last with the mostest words.

At the Capitol, some Democrats dream fondly, however, of the day when the civil rights blemish which now splits their party will be an unlovely memory. For a time, they thought they had a possible answer in the 1957 voting rights bill.

If Negroes could and would exercise their franchise as citizens, it was argued that, through the process of the ballot, all the other civil rights would come in good time.

This is still the hope of many of those at the center of the battle to write a more effective voting rights bill. But in every cold dawn of a filibuster, it seems a bleak hope indeed.

[From the New York Post, Mar. 11, 1960]

GEORGIA'S SENATOR RUSSELL: LEADER OF THE FILIBUSTER

(By William V. Shannon)

Roy Wilkins, of the National Association for the Advancement of Colored People, said the other day, in the course of an attack on the leadership of both parties in the Senate, that "the real leader in the Senate, the real 'man who gets things done,' is Senator RUSSELL, of Georgia."

This is one of those statements that is both true and not true. It is true in the sense that RUSSELL commands great power and that he is often in the position of making other Senators, including the majority and minority leaders, come to him and settle on his terms.

However, in another sense, it is untrue because in the field of civil rights, which currently preoccupies him, all that RUSSELL can dictate are the terms under which he will retreat.

He can slow the onward course of the opposition. He can avoid surrender. But he cannot ultimately win a total victory.

This is not to say that he concedes anything. RICHARD BREVARD RUSSELL at 62 has served in the Senate for 27 years and for more than a decade has been the unchallenged boss of the southern bloc. Although "speechifying" is not his strong point, he knows how to put a good face on any case.

"I have hopes that the country is going to get the truth about this so-called civil rights bill," he said this week.

"This is a bogus issue. It is tailored by political organizations who are out to get the votes of Negroes in New York and other Northern States."

RUSSELL has no new or uniquely personal arguments to contribute to the controversy over civil rights. He offers what might be called the time-tested, standard white Southern arguments. Thus, he describes cloture as "a gag rule." He defines the filibuster as the "exercise of the right of free speech in the Senate of the United States." He regards the NAACP and other Negro organizations as "stirring up race haters and bad feeling." He denies categorically that Southern Negroes are denied the right to vote or otherwise discriminated against.

What of the lunchroom sit-ins and other evidences of Negro unrest in the South?

"No one should try to change the customs of the community by force," RUSSELL said. "I know the Negro people of my State. I have worked with them and understand them. There is no ill will between the white and colored races and no problem that cannot be worked out if the people of each State are left to take care of their own affairs."

Then he added: "Force bills and Federal interference are not going to solve anything."

Behind the stock arguments and the somewhat mangy rhetoric, what kind of a man is RICHARD RUSSELL? Newspaper accounts in recent weeks have compared him to Lee leading the thin, wavering line of Confederate troops in a final defense of the Old South. The defect in this analogy is that it suggests that RUSSELL and his cohorts are full of militancy and eagerness.

RUSSELL actually communicates a kind of weariness and stoicism. This is expressed not in his words but in his tone of voice, his gestures, his general demeanor. His racial views are sincerely held; he is not, for example, like Senator FULBRIGHT, Democrat, of Arkansas, who detests the whole issue and who could just as easily represent Connecticut if that were possible. RUSSELL believes in segregation and when he defends it on the floor or in private conversation a note of authentic passion comes into his voice as he gets worked up.

But once the argument has died away, he turns quickly and easily to other subjects. He is not obsessed by this problem.

According to a fellow southern Senator, RUSSELL remarked privately the other day: "It will be a relief to get away from this and back to working on the real business of the country."

RUSSELL, in his strengths and weaknesses and limitations, is an almost exactly typical representative of the white southern middle class. He was born and still lives in Winder, a small, prosperous town in northeast Georgia.

This part of the State is just south of the Blue Ridge Mountains in the rolling, hilly country of the lower Piedmont. The rich, cotton "black belt" lies a short distance to the south. Lumbering and the large-scale raising of chicks (broilers and fryers) have replaced cotton as the leading cash "crops" in RUSSELL'S home area. Winder has mills which are the largest manufacturers of work clothes in the country.

This area has somewhat fewer Negroes than central and south Georgia. The surrounding county in the last census had 10,500 whites and only 2,500 Negroes.

RUSSELL was born on November 2, 1897, the fourth of 15 children. His father was a self-made lawyer of humble background who worked himself up to become chief justice of the State supreme court. RUSSELL followed the classic lawyer-politician route. He attended the local public schools, earned his bachelor of laws degree from the University of Georgia, served 7 months as a naval reservist, and then hung out his shingle.

In 1920, at 23, he was elected to the lower house of the State legislature. Six years later, at 29, he became speaker and in another 4 years at 33, Governor.

He served one term, from 1930 to 1932. It was the bottom of the depression and he was a balance-the-budget, economy-first Governor. He cut State salaries, including his own, and reorganized the State government, reducing the number of departments, bureaus, and commissions from 102 to 17.

During RUSSELL'S second year in office, an incumbent U.S. Senator died. RUSSELL ran for the unexpired portion of his term, was elected, and took his seat in January 1933. At 35, he was the "baby" of the Senate. He faced a tough struggle for reelection in 1936, when he was opposed by Gov. Eugene Talmadge, father of HERMAN, who is now RUSSELL'S colleague in the Senate. RUSSELL defeated "Ole Gene" handily and has never since had serious opposition in the Democratic primary. He is expected to be routinely reelected this year for another 6-year term.

Over the years, RUSSELL has climbed the Senate seniority ladder to a position of enormous power.

He is chairman of the Armed Services Committee. He is second to Senator HAYDEN, Democrat, of Arizona, on the Appropriations Committee. When the aged HAYDEN retires, RUSSELL will succeed him in the honorific post of President pro tempore of the Senate. As chairman of the Agriculture Appropriations Subcommittee, RUSSELL is a power on all farm programs.

He is also a member of the Joint Committee on Aeronautics and Space and the Joint Committee on Atomic Energy. Within the Democratic Party hierarchy in the Senate, he is a member of the party's policy and steering committees.

RUSSELL is not only the senior member of the "inner club" of the Senate. He is practically Mr. Club.

The question is often asked why RUSSELL is held in such high personal esteem by leaders of the Democratic Party who disagree with him completely on the critical issue of civil rights. Adlai Stevenson, for example, has always maintained friendly relations with him. Harry Truman wrote in his memoirs: "I believe that if RUSSELL had been from Indiana or Missouri or Kentucky he may very well have been the President of the United States."

There are several reasons for this high standing. One is that he campaigned for Al Smith in 1928. He was for Roosevelt in 1932 and stayed on good terms with him throughout his time in the White House. He was the southern candidate against Truman at the 1948 convention, polling 263 votes. But when Truman was renominated, RUSSELL refused to have anything to do with the Dixiecrat bolt.

RUSSELL also has a liberal record on many domestic issues. He voted for almost all of the basic New Deal legislation. He was the legislative sponsor of the school-lunch program. Because of his strategic position on the Appropriations Committee, he was instrumental in sustaining certain Roosevelt-Truman programs such as rural electrification, soil conservation, and the TVA.

Through most of his career in the Senate, RUSSELL has also had a good record in foreign affairs. He supported Roosevelt before Pearl Harbor. After the war, he consistently voted for the United Nations, the North Atlantic Treaty, and the Marshall plan. In recent years, he has soured on foreign aid and voted to cut it.

RUSSELL'S record on many matters is creditable. Truman has reason to recall him with gratitude because RUSSELL was of great

help in getting through the armed services unification law in 1947 and as chairman of the committee conducting the MacArthur hearings in 1951, was of invaluable assistance in sustaining Truman's Korean policy in Congress.

If a liberal Democrat is elected to the White House this fall, much as he would dislike RUSSELL'S civil rights views, he could scarcely transact the affairs of the Government in the military and agricultural fields without enlisting RUSSELL'S cooperation.

It is also important to note in understanding RUSSELL'S power that he usually keeps his strong opinions under control. He rarely indulges in wounding personal remarks. And it would be almost impossible to conceive of him saying, as Senator EASTLAND, Democrat, of Mississippi, did last week, that a Supreme Court decision was "crap."

RUSSELL is usually suave and courteous even with those he distrusts. He is the old school politician who "demagogs a bit," as one southern newspaperman put it, "but who is basically a serious fellow." This scarcely endears him to Negroes or liberals, but it makes his political strength comprehensible.

Mr. STENNIS. I thank the Senator from North Carolina.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

THE PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. ERVIN. Mr. President, I have read to the Senate some decisions of the Federal courts holding, in effect, that the power of Congress to legislate in respect to State and local elections is derived from the 15th amendment; that the 15th amendment is a prohibition upon State action and not an affirmative grant of power to Congress; and that, in consequence, the only legislation by Congress appropriate to enforce the 15th amendment is legislation which merely enforces a prohibition; that is, which prevents a State from denying or abridging the right of any citizen of the United States to vote on account of race or color.

As I have stated before, the first section of the 14th amendment, like the 15th amendment, is a prohibition upon State action and not an affirmative grant of power to Congress. Decisions under the 5th section of the 14th amendment, are relevant in determining the proper interpretation to be placed upon the 2d section of the 15th amendment.

I should like to invite attention to certain decisions of the Supreme Court in respect to the 5th section of the 14th amendment. Before I do so, however, I should like to invite the attention of the Senate to a decision of the Supreme Court of the United States which relates in part to the privilege of voting.

I refer to the case of the *United States* v. *Reese*, 92 U.S. 214. I wish to read a passage which appears upon page 318:

> The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another, on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment, there was no constitutional guaranty against this discrimination; now there is. It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous conditions of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by "appropriate legislation."
>
> This leads us to inquire whether the act now under consideration is "appropriate legislation" for that purpose. The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment. The effect of article 1, section 4, of the Constitution, in respect to elections for Senators and Representatives, is not now under consideration. It has not been contended, nor can it be, that the amendment confers authority to impose penalties for every wrongful refusal to receive the vote of a qualified elector at State elections. It is only when the wrongful refusal at such an election is because of race, color, or previous condition of servitude, that Congress can interfere, and provide for its punishment. If, therefore, the third and fourth sections of the act are beyond that limit, they are unauthorized.

In the Reese case, from which I have just read, the court proceeded further and held that the statute involved in that case, which undertook to compel a State election official to permit a citizen to vote upon his affidavit as to his own qualifications was unconstitutional under the the fifth amendment, because the statute did not make a condition precedent that the voter had been deprived of the right to vote on account of his race, color, or previous condition of servitude. I cite this case because it shows that any act of Congress which undertakes to control in any way the right to vote in a State election, as distinguished from an election for Senators or Representatives, is necessarily unconstitutional unless it is based upon the condition precedent that the voter in question has been denied the right to vote because of his race, color, or previous condition of servitude.

Mr. McNAMARA. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I am glad to yield to the able and distinguished Senator from Michigan for a question.

Mr. McNAMARA. I thank the Senator.

The Senator makes reference to the 14th amendment, and he points out over and over that this is a negative or restrictive amendment. Section 2 of the 14th amendment is a positive section, is it not?

Mr. ERVIN. Yes.

Mr. McNAMARA. It states that positive action shall be taken if people are denied the right to vote.

Mr. ERVIN. That is why I specifically referred to the first section of the 14th amendment rather than the second section.

Mr. McNAMARA. I presume we must take into consideration that section 2 is a part of the 14th amendment.

Mr. ERVIN. Of course section 2 is a part of the 14th amendment, but the point I am making is that the first section of the 14th amendment, like the first section of the 15th amendment, is a section which operates only by way of prohibition against certain actions.

Mr. McNAMARA. I agree with the Senator; yet the way he phrased it, it would seem that the whole section was negative. However, the language indicates that—

> the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

That is a positive section.

Mr. ERVIN. It is certainly not merely a prohibition on State action. The Senator from Michigan is correct. I agree with his observation. I make the further observation that the pending bill is not in any wise based upon the second section of the 14th amendment.

Mr. McNAMARA. But such an amendment may be offered.

Mr. ERVIN. It may be offered; and I agree with the Senator from Michigan that it would not be covered by my argument dealing only with a prohibition upon actions, as distinct from an affirmative grant of power.

Mr. McNAMARA. I thank the Senator.

Mr. ERVIN. There is a summation of the power of Congress in respect to elections in 18 American Jurisprudence, under the heading "Elections," section 8, pages 185, 186, and 187. I wish to read this sentence from that statement:

> The power of Congress to legislate at all upon the subject of voting at State elections, unless it may be with respect to elections for Senators and Representatives, rests upon the 15th amendment. The legislation authorized by this amendment is restricted; it extends only to the prevention by appropriate legislation of the discrimination which is forbidden by the provision. Congress has no power to punish the intimidation of voters at purely State elections where the conduct complained of is not grounded upon race, color, or previous condition of servitude.

One of the great cases on the question of what kind of legislation is appropriate to enforce a prohibition upon such action is *United States* v. *Cruikshank* (92 U.S., pp. 553–554). It was said in this case:

> The 14th amendment prohibits a State from depriving any person of life, liberty, or property, without due process of law; but this adds nothing to the rights of one citizen as against another. It simply furnishes an additional guaranty against any encroachment by the States upon the fundamental rights which belong to every citizen as a member of society. As was said by Mr. Justice Johnson, in *Bank of Columbia* v. *Okely* (4 Wheat. 244), it secures "the individual from the arbitrary exercise of the powers of government, unrestrained by the

established principles of private rights and distributive justice." These counts in the indictment—

Referring to the indictment under consideration—

do not call for the exercise of any of the powers conferred by this provision in the amendment.

In discussing this matter further in the same opinion, at pages 554 and 555, the Court had this further to say:

The 14th amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it, and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States; and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guarantee.

Mr. President, I wish to emphasize one of these statements:

That duty—

That is, the duty to accord to all persons the equal protection of the laws—

was originally assumed by the States; and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guarantee.

Mr. President, I argue upon the basis of that decision, and numerous other decisions of the Supreme Court, that Congress has no right under the 2d section of the 15th amendment to register voters or to undertake to pass upon the qualifications of voters to vote in State elections. I argue that under that decision and other decisions of the Supreme Court the only kind of statute which Congress can pass under the 14th amendment is a statute that carries into effect the prohibition against the State denying to a citizen of the United States the right to vote on account of race or color.

Congress does not have the power under the 2d section of the 15th amendment to take charge of the administration of voting laws of the State, or to take charge of the registration of voters, or to take charge of the passing upon the qualifications of voters. This is true because Congress has no affirmative grant of power here. All it can do by way of appropriate legislation is to compel the States to refrain from denying the right to vote to any citizen of the United States on account of race or color. For this reason I argue that the voting rights section of this bill now under consideration cannot be reconciled with appropriate legislation under the 2d section of the 15th amendment, particularly because the Federal Government under the pending bill would step in and by affirmative acts undertake to do what the State itself is required to do in the matter.

In this connection I wish to call attention to another decision of the Supreme Court of the United States, United States against Harris, which is reported at 106 U.S. 637. The Supreme Court said in that opinion:

It is clear that the 15th amendment can have no application. That amendment, as was said by this Court in the case of *United States* v. *Reese*, (92 U.S. 214)," relates to the right of citizens of the United States to vote. It does not confer the right of suffrage on anyone. It merely invests citizens of the United States with the constitutional right of exemption from discrimination in the enjoyment of the elective franchise on account of race, color, or previous condition of servitude.

In a further portion of the opinion, namely, the part on pages 637 to 639, the Court had this to say:

It is, however, strenuously insisted that the legislation under consideration finds its warrant in the 1st and 5th sections of the 14th amendment. The 1st section declares "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

The fifth section declares "the Congress shall have power to enforce by appropriate legislation the provisions of this amendment."

It is perfectly clear from the language of the first section that its purpose also was to place a restraint upon the action of the States. In *Slaughter-House* cases (16 Wall. 36), it was held by the majority of the Court, speaking by Mr. Justice Miller, that the object of the 2d clause of the 1st section of the 14th amendment was to protect from the hostile legislation of the States the privileges and immunities of citizens of the United States; and this was conceded by Mr. Justice Field, who expressed the views of the dissenting justices in that case. In the same case the Court, referring to the 14th amendment, said that "if the States do not conform their laws to its requirements, then by the fifth section of the article of amendment Congress was authorized to enforce it by suitable legislation."

The purpose and effect of the two sections of the 14th amendment above quoted were clearly defined by Mr. Justice Bradley in the case of *United States* v. *Cruikshank* (1 Woods, 308), as follows: "It is a guaranty of protection against the acts of the State government itself. It is a guaranty against the exertion of arbitrary and tyrannical power on the part of the government and legislature of the State, not a guaranty against the commission of individual offences; and the power of Congress, whether express or implied, to legislate for the enforcement of such a guaranty does not extend to the passage of laws for the suppression of crime within the States. The enforcement of the guaranty does not require or authorize Congress to perform 'the duty that the guaranty itself supposes it to be the duty of the State to perform, and which it requires the State to perform.'"

When the case of *United States* v. *Cruikshank* came to this Court, the same view was taken here. The Chief Justice, delivering the opinion of the Court in that case, said: "The 14th amendment prohibits a State from depriving any person of life, liberty, or property without due process of law, or from denying to any person the equal protection of the laws; but this provision does not add anything to the rights of one citizen as against another. It simply furnishes an additional guarantee against any encroachment by the States upon the fundamental rights which belong to every citizen as a member of society. The duty of protecting all its citizens in the enjoyment of an equality of rights was originally assumed by the States, and it remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, and no more. The power of the National Government is limited to this guarantee." 92 U.S. 542.

I wish to emphasize one sentence from the portion of the opinion which I have just read. That sentence reads:

The enforcement of the guarantee does not require or authorize Congress to perform "the duty that the guaranty itself supposes it to be the duty of the State to perform, and which it requires the State to perform."

That statement shows that the bill now before the Senate is beyond the power of Congress to enact, because it undertakes to authorize the Federal Government to perform the duty which the State owes under the 1st section of the 15th amendment. That being true, the bill goes beyond the power of Congress and cannot be sustained as appropriate legislation.

I should like to call attention to one more of the great decisions on this point under the 5th section of the 14th amendment, the case of *In re Rahrer* (140 U.S.), where the Court said, at pages 554 and 555:

The 14th amendment, in forbidding a State to make or enforce any law abridging the privileges or immunities of citizens of the United States, or to deprive any person of life, liberty, or property without due process of law, or to deny to any person within its jurisdiction the equal protection of the laws, did not invest, and did not attempt to invest, Congress with power to legislate upon subjects which are within the domain of State legislation.

As observed by Mr. Justice Bradley, delivering the opinion of the Court in the *Civil Rights* cases (109 U.S. 3, 13), the legislation under that amendment cannot "properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have) are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons, of the equal protection of the laws, is prohibited by the amendment, therefore Congress may establish laws for their equal protection."

Mr. President, I wish to emphasize the statement that the prohibitions of the 14th amendment "did not attempt to invest Congress with power to legislate upon subjects which are within the domain of State legislation."

Yet that is precisely what the bill undertakes to do in respect to voting rights in State and local elections. No one can gainsay that the States have complete rights in this field, subject only to

the limitation of the 15th amendment that they are prohibited from denying to any citizen of the United States the right to vote on account of race or color.

The bill transgresses the second section of the 15th amendment because, if the bill were enacted, it would represent an effort on the part of Congress to legislate upon subjects which are within the domain of State legislation.

Another great set of decisions on this point are the civil rights decisions of 1883. I shall not undertake to read extracts from them, but I commend their reading to every Member of the Senate before the vote on this particular bill, because the civil rights cases of 1883 make it clear that Congress, under the guise that it is enforcing a prohibition against State action, does not have the power to invade the province committed by the Federal Constitution to the States.

All that Congress can do is to enact legislation which is appropriate to compel a State, as distinguished from the Federal Government, to perform the duty of the State under the 15th amendment. That duty is simply to refrain from denying or abridging the right of any citizen of the United States to vote on account of race or color.

There are many strange provisions in the bill. To my mind, one of the strangest is that upon which the whole voting referee provision rests. That provision is found in lines 20, 21, 22, 23, 24, and 25, on page 15, and line 1 on page 16. That language reads:

> In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice.

That provision is the only one in the entire voting rights section which makes any requirement that any court or any referee shall make any finding as to whether or not any person has been denied the right to register or to vote on account of race or color in violation of the 15th amendment. If that finding is made, according to the provisions of the bill, any person of the same race covered by the pattern or practice found can apply to the court or to a voting referee and can ask the court or the voting referee to adjudge that he is entitled to an order to vote in any election conducted anywhere, for any purpose, in the State in which the application is made.

There is no requirement that persons applying to the court or applying to the voting referee for such an order subsequent to the time of the finding in the original case shall be denied the right to register or to vote on account of his race or color. As a matter of fact, the bill does not permit anyone to call this matter into question under any circumstances, because the bill provides, in lines 1 to 12 on page 16:

> If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

There is no requirement that a person who applies to a court or to a voting referee after the original finding is made shall prove the existence of the only condition upon which the power of the Federal Government to act at all in such cases depends, namely, that he has been deprived of the right to vote by State action because of his race or color.

That is certainly a strange provision, Mr. President—that a man should have his right to vote determined by the Federal Government, without first showing that the only condition upon which the Federal Government could act did exist. As a matter of fact, not only does this provision not require that the applicant to the judge or to the voting referee show the existence of the only condition under which that official could possibly act under the provisions of the 15th amendment, but the bill provides, in effect, that such an official could not even question that matter, that it could not even be put in issue.

In this connection, I should like to read certain questions asked by me of the Deputy Attorney General of the United States, Judge Walsh, and certain answers given by him in response to my questions, at the hearing before the Judiciary Committee. I read now from page 80 of those hearings:

> Senator ERVIN. Suppose a man has gone before the referee and the referee relates to the judge he has found in his report that he is qualified to vote under State law and he has applied for registration and been denied.
>
> Mr. WALSH. Yes, sir.
>
> Senator ERVIN. And makes, of course, no finding at all about the question of whether the denial was on the basis of race or color.
>
> Suppose the State attorney general or the State election officer files an exception. Can he put in issue the question of whether the applicant was not denied his right to register and vote on account of his race and color but was denied on other grounds?
>
> Mr. WALSH. He can show, he can put in issue, his qualification to vote or the fact of prior application. Those would be the only two issues.
>
> Senator ERVIN. In other words, he is denied the right to put in issue that the denial was not on account of race or color, and, therefore, that the Federal Government had no jurisdiction at all?
>
> Mr. WALSH. That is right. In other words, he cannot come in and say that "This man is not entitled to vote. I won't let him vote, but it was for some other reason."
>
> Senator ERVIN. In other words, under this proceeding, voting referees, the State and the State officers are absolutely precluded from even litigating the question that the denial was not on account of race or color?
>
> Mr. WALSH. That is correct.

The only question is whether the man is qualified to vote, and whether he has applied to the Satte registrar for that purpose and tried to vote through the State machinery.

> Senator ERVIN. Even if the truth were that the denial was not on account of his race or color, but on some other ground?
>
> Mr. WALSH. Some other erroneous ground.
>
> Senator ERVIN. Then the State would not be allowed to contest the very condition on which the power of the Federal Government to act at all would depend.
>
> Mr. WALSH. In this phase of the proceeding, that is correct.
>
> Senator ERVIN. Well, can he do it before the judge?
>
> Mr. WALSH. No. The only two times, the only places, I mean the only opportunity for that would be if the State registrar wanted to prove that the pattern or the practice of discrimination had ceased, then he could litigate that before the judge, and ask him to vacate the whole referee setup.

Mr. President, that statement by Judge Walsh is correct, under the bill. But in this connection I should like to point out that the State would be denied the right to raise that question, and so would the State official, for at least 1 year after the finding made in that case.

I now read from page 81 of the hearings:

> Senator ERVIN. Well, that is certainly a remarkable thing to me because if there had not been a denial on the basis of race or color the Federal Government would have no power whatever as to this.
>
> Mr. WALSH. This whole machinery would not have been set up if there had not been proof of a pattern of racial discrimination.
>
> Senator ERVIN. Yet under this finding of practice or pattern, it would become conclusive, and not only conclusive, but it would deny to a State the right to even contest it thereafter.
>
> Mr. WALSH. No, Senator, just—the State or anyone else could contest it whenever they wished to prove that the pattern or practice of discrimination had ceased, but there is a 1-year period intervening.
>
> Senator ERVIN. For a year they could not even question it?
>
> Mr. WALSH. Yes, because otherwise you would be trying the same thing over again tomorrow that you just tried yesterday.
>
> Senator ERVIN. No, you are not, because you have somebody coming in before the voting referee who was not a party to the original case, and who was not even a beneficiary of the original case in that he was relied upon as being one of those who was deprived of his rights. And here for a year, even though the truth might be that there was no denial in the case of the people who come before the referee for the first time, on the basis of race or color, yet the State could not contest that for a year, although that would be the only basis on which the Federal Government would have any power whatever to act.
>
> Mr. WALSH. The State would lose the right to raise the issue that this man was turned down erroneously, but on some other theory.
>
> Senator ERVIN. In other words, the 15th amendment, the provisions of the 15th amendment, would, in effect, be suspended?
>
> Mr. WALSH. For that period.
>
> Senator ERVIN. For a period of a year.
>
> Mr. WALSH. No. The theory of the bill is that if you prove an underlying practice of discrimination, and then you prove they have turned down a qualified voter of the race that was discriminated against, that is enough for a year or until they prove that this pattern of discrimination has ceased.
>
> Senator ERVIN. In other words, even though the discrimination ceased as far as the State officials are concerned 1 minute after the adjudication as to pattern or practice as to other people, even though it ceased, they could not even show that fact.

Mr. WALSH. We risk this danger of coincidence that where a pattern of racial discrimination existed——

Senator ERVIN. If that is not nullifying the provisions of the 15th amendment for a period of a year, at least, I do not comprehend what nullification is.

Mr. WALSH. I recognize the point which you are driving at, Senator. It seems to us this came within the 15th amendment.

Senator ERVIN. In other words, on the basis of the finding of the denial of the rights of somebody else, some other men, other than the applicant who presents himself to the voting referee. The bill provides that the State cannot even show the next day that the election officer has ceased to discriminate, but there is a conclusive assumption, or presumption, or whatever you call it, which has to last for at least a year, under which the State cannot show that it has ceased.

Mr. WALSH. In other words, the presumption is that the election officer, if he turns down a man who is qualified to vote for that reason and not for some other erroneous reason, that is all he gives up is the right to turn him down for some other erroneous reason.

Senator ERVIN. The assumption is so strong that it cannot even be litigated and cannot be nullified or disproved by truth for a year.

That interpretation placed upon this bill by the Deputy Attorney General is a correct interpretation. In other words, when there is a finding by the court in the original case that there has been a practice or pattern of discrimination on the basis of race or color as to persons involved in the original case, then a conclusive assumption or presumption arises, which lasts for at least a year, that everybody else of that race who is turned down by the State officer, on any ground, has been turned down because of his race or his color.

What does that mean in plain English? It means what this proposal sets up is a procedure under which it not only denies a State the right to be heard and to establish the truth for a year, but sets up a procedure whereby all the Federal court or voting referee does is merely overrule the finding of a State officer on the question of whether a person who applies to the court or the voting referee possesses the qualifications prescribed by State law. The proposal makes the finding of the Federal court or Federal voting referee supreme, and denies the State the right to reject the application of a person of a particular race for any kind of disqualification he may have under State law.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. ERVIN. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. In the State of Louisiana the registrars are appointed by what is called the police jury of a parish, which is the local governing body.

If one registrar was discriminating against colored persons, and the Federal court appointed a registrar, and the police jury, because of the discrimination, proceeded to fire that registrar and hired one who was pledged not to discriminate in any fashion at all, if I understand the provisions of this bill, the Federal registrar would continue to serve and to undertake to put people on the rolls even if they were not qualified, although the previous registrar might have been fired by the local governing body for the very reason for which another registrar was put in office, to see that colored persons got on the rolls.

Mr. ERVIN. The Senator is exactly correct. If, the day after, or 1 minute after, the court had made a finding of a pattern or practice of discrimination in the original case, the State election officials removed the misbehaving State registrar and replaced him with a man who did not practice any discrimination whatever, the Federal court or the Federal referee would continue to have the power, for at least one year, to pass on the qualifications of State voters and to overrule every honest and bona fide decision made by the State registrar who was practicing no discrimination as to any member of the race concerned.

Someone in Scripture, in the Old Testament, said he could find no place for repentance, even though he sought to find it. Here a State is denied any place for repentance. The State is placed in a subsidiary position to the Federal court and to the Federal voting referee, because the Federal court or the Federal voting referee will act thereafter, and the only thing they are allowed to do under this bill is to pass on the question whether the State registrar made a mistake when he adjudged that a particular man of a particular race was not qualified to vote, either because he had not lived in the State long enough, or in the voting district long enough, or because he had been convicted of a disabling felony, or because he was a lunatic, or because he was an idiot, or because he did not meet a literacy test.

Under the bill neither the Federal court nor the Federal referee could pass on the question whether this man had been denied the right to register or vote because of his race or color.

The result is that the Federal court and the Federal voting referee become, in effect, administrators of State law, to the exclusion of the State official with whom they disagree, even though the State official has exercised no discrimination and has made bona fide decisions on matters committed to him by the law of the States.

Mr. LONG of Louisiana. If the previous misbehaving registrar had permitted a large number of persons to be placed on the rolls who had no business being there, and if, after he was fired, a proper registrar proceeded to register everyone who was qualified, would it not be true that under this proposal the Federal registrar would still be registering persons who were not qualified because they contended they had been discriminated against, although they should never have been on the rolls in the first place?

Mr. ERVIN. The Senator from Louisiana is correct. That occurs by virtue of another provision of the bill, which the Senator from Louisiana and I have discussed previously. In other words, even though as the Senator from Louisiana has said, the State registrar enforces the law of the State and determines the qualifications of the applicant in a correct manner, and without any racial discrimination whatever, the Federal voting referee or the Federal judge would have the power to overrule the decision of the State registrar, on the ground that the State registrar had not applied to the applicant the rules which his predecessor as State registrar had established in violation of the law of the State.

Mr. LONG of Louisiana. Therefore, we could see people who did not belong on the rolls put on the rolls by the Federal referee at the same time that a successor to the previous registrar was striking off the rolls those who had no place on the rolls in the first instance.

Mr. ERVIN. The Senator is correct.

The period of 1 year is applied, in which the State cannot contest the finding with reference to a pattern or practice. This creates what lawyers would call "a conclusive presumption."

It has been held—and held correctly—that the due process of law clause prohibits the creation of a conclusive presumption.

Mr. President, I read from 12 American Jurisprudence, Constitutional Law, section 625, pages 317 and 318, the following:

A conclusive presumption, or a presumption that operates to deny a fair opportunity to repel it, violates the due process clause.

I argue that the bill, if enacted into law, would create a conclusive presumption against the State and the State election officials and not only would deny to the State and to the State election officials a fair opportunity to repel that conclusive presumption but also would deny to the State and to the State election officials any opportunity whatever to repel the conclusive presumption for the period of at least 1 year. I argue that is contrary not only to fair play and not only to justice but also to the due process clause of the fifth amendment, which prohibits the Congress of the United States from creating any such conclusive presumption.

Mr. President, this provision would do more than that. It would do something which cannot be reconciled with any proper consideration of desirable Federal-State relations.

Most of the States of the Union have laws which provide certain definite times for the registration of voters.

In my State of North Carolina we have a provision to the effect that in every election year there will be a registration of voters beginning in May for a period of 4 or 5 weeks to enable those who desire to vote in the forthcoming primaries to vote in such primaries if they are adjudged qualified.

We have another provision which sets aside a certain period of 4 or 5 weeks preceding the general election, for another registration of voters and for passing upon challenges to registered voters, so that the processes may be completed in time to have everyone's right to vote adjudged before the general election is held.

We have similar provisions with respect to registration of voters for municipal elections, for school elections, and in some instances for elections in sanitary districts.

This bill contains the provision:

> If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

I read that provision again, Mr. President, for the purpose of pointing out that although under the laws of most States there are limited periods of time set forth in which persons must register to vote, this bill would step in to say that one of these persons authorized to apply to the Federal court or to the Federal voting referee is not bound by those State laws. Instead of having to prove his eligibility to vote under the law of the State within the limited period of time stipulated by the legislature of the State, such a person could apply to the Federal court or to the voting referee to have his qualifications to vote passed on at any time within a period of a year, and subsequently thereafter, under certain circumstances, even though all other people of the State of the other race would have to register and to prove their qualifications within the limited period of time established by State law. If this is not violative of the principle enunciated by the decisions, which said that the Federal Government could not undertake to enforce prohibitions against State action by legislating in the field committed to the States, I cannot imagine what it would take for the Federal Government to invade that field in violation of these decisions.

Mr. LONG of Louisiana. Mr. President, may I ask the Senator a question at that point?

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. ERVIN. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Would this have anything to do with the situation in which a State requires the registration books to be closed 30 days before an election, in order that the poll list may be compiled for each precinct, for the benefit of all the commissioners?

Mr. ERVIN. It would absolutely nullify that law of the State in any voting districts in which it had been found that a pattern or practice of discrimination existed. While members of the other race would be bound by that law, members of the race covered by the pattern or practice would not be. In other words, we would have one law for one race and another law for another race, in a country where all laws are supposed to apply alike to all men in like circumstances.

Mr. LONG of Louisiana. Do I correctly understand that under the provisions of the bill as presented, even if the State law said the registration books would be closed for the last 30 days prior to an election, a person of a minority race who claimed he had been discriminated against could be registered by a Federal referee within that 30-day period?

Mr. ERVIN. If he lived in a voting precinct in which it had been found, in an action to which he was not a party, that there had been a pattern or practice of discrimination against members of his race.

Mr. LONG of Louisiana. How, under those circumstances, could we expect the commissioners working at the polls and trying to conduct the elections to know who was registered and who was not registered by the voting referees?

Mr. ERVIN. They would be sent a copy of the order. But that is one of the great defects of the provision. As I see it, it violates the 15th amendment. The Congress is empowered by the second section of the 15th amendment to enforce only a prohibition against State action; and yet under the terms of this bill it not only would undertake to act in place of the State, but it would absolutely nullify the laws of the State as to one race of people, laws which are designed to apply to all the people of the State.

Mr. LONG of Louisiana. Am I to understand that even if those particular colored people had never been discriminated against at all, they could still register during the last 30 days before an election, at a time when the white people would be prohibited from registering?

Mr. ERVIN. Except that the colored person would have to show that he made an effort to register. But he would not have to be a party to the suit, and he would not have to be one of those for whose benefit the suit was brought. But he would have to show that he did go before the State official. However, if he was able to show the Federal judge or the Federal voting referee that he had applied to the State official and that he had been turned down by the State official, the Federal judge or the Federal voting referee, at any time within a year, even though the registration books were closed to everyone else, would have the right to give this man an order that he was entitled to vote.

Mr. LONG of Louisiana. Would that be the case even though there had been no opportunity for the local registrar to test the correctness of his original decision not to register the person?

Mr. ERVIN. He has a sort of knock-kneed, bald-headed, spavined right to test that question after the case is tried by the referee. He has the right to come in after the referee has made the decision, and take an exception to his report, and have a hearing before the judge. But the trouble is that he does not have that right when the judge himself passes upon the question. He has no right whatever to have the decision reviewed if the judge passes on the case; and even in a case in which the referee passes on the question, the judge has the power to send the exceptions to the referee's report back to the referee to let the referee pass on the question as to whether he, the referee, had made a mistake.

Mr. LONG of Louisiana. I thank the Senator.

Mr. ERVIN. I respectfully submit that this bill contains many provisions inconsistent with a proper conception of what is desirable in Federal-State relations. Also I think it violates the provisions of the Constitution by providing that only the evidence of the applicant shall be considered, on the question as to whether the applicant is qualified under the literacy law to vote. I think that violates the due process clause of the fifth amendment, because the due process clause of the fifth amendment says that the right to a hearing secured by due process of law entitles a litigant to the right to present evidence to sustain his allegations.

Mr. LONG of Louisiana. Mr. President, will the Senator further yield?

Mr. ERVIN. I am glad to yield.

Mr. LONG of Louisiana. With regard to law enforcement, the Senator does believe, does he not, that when States enact laws they should be enforced; otherwise they should never have been enacted in the first instance?

Mr. ERVIN. I certainly agree with the Senator; and I think the laws of a State in a field which is committed by our constitutional system of government to the State, are laws which should not only be obeyed by the State, but respected by the Federal Government and the Congress. If this bill were to be enacted into law, it would show that the Congress has scant respect for the constitutional laws of the States, because, as I have pointed out before, it provides that those laws would be amended by the violation of a misbehaving election official.

Mr. LONG of Louisiana. If a State provides that voters must be able to read and write, or if it provides that idiots or morons should not be permitted to vote, or that convicted felons should not be permitted to vote, would it not be a better remedy, rather than finding that some idiots were on the rolls, and therefore putting more of them on, to take off those who should not have been permitted to be on the rolls in the first instance?

Mr. ERVIN. I think that would be the sensible thing to do, but that is not the thesis on which the bill rests. The bill rests on the thesis that if some white idiots have been placed on the rolls, the voting referee or the court should place some colored idiots on, too.

Mr. LONG of Louisiana. To pursue the thought we discussed earlier, if a registrar unwittingly and unknowingly had permitted a number of persons improperly qualified for any one of a number of reasons to be on the rolls, and that registrar came to the conclusion, when his attention was called to it, that those persons did not belong on the rolls, and proceeded to do his duty by striking off the rolls the idiots, morons, and criminals that had no business being

there in the first instance, is there any provision in the bill to require the Federal referee to take off the rolls the idiots, morons, and criminals whom he put on his part of the rolls?

Mr. ERVIN. No. He would be required to put them on the rolls if the State officials put them on.

Mr. LONG of Louisiana. If a Good Government League, for example, in any parish or county in which discrimination had been alleged, and where a Federal referee had been appointed, proceeded, on a nondiscriminatory basis, to have stricken from the rolls all those who had been unlawfully placed there, there would be no provision whereby they could get at the criminals, morons, and idiots that the Federal referee had on his rolls. Therefore, that part of the rolls could not be cleaned up.

Mr. ERVIN. The State would have nothing to do with it, because the Federal Government would entirely supersede the States. It would take the place of the States, and the States could not make any decision which the Federal officials would be bound to respect, for a period of at least a year. During that year the Federal court would not even hear any evidence. I have always seen the picture of justice represented by a blindfolded woman. I have always been told that justice is blind. Under the terms of this bill, justice would be not only blind, but deaf, because it could not listen to the truth for a year, and it could not listen to the defendant's testimony.

Mr. LONG of Louisiana. Would it not seem proper that, if the standards were such that the local registrar either voluntarily or by reason of pressure from local citizenry, cleaned the rolls of irregularities and took from the rolls those people who had been placed there illegally and improperly, at least the Federal registrar should be required to clean up his rolls? Is there anything in this provision to require or enable the Federal registrar to clean up his rolls when the local citizenry had cleaned up theirs?

Mr. ERVIN. We must make a distinction between whether they are adjudged entitled to vote by the judge, or adjudged entitled to vote in a proceeding before the voting referee. If they are adjudged entitled to vote on application to the judge after the original decision, there is no provision whatever for anyone to have any opportunity to challenge them. The judge's decision apparently becomes final, because he is not required to give any notice to anyone. He is not required to give anyone any opportunity to be heard. Therefore there is no opportunity to be heard in a case in which the judge himself passes on the question, as he is authorized to do on an application subsequent to the final judgment in the original case.

There is a provision which states that a State election official or the State attorney general can, in a sort of weak-kneed kind of way, challenge any person who has been adjudged by the voting referee to be entitled to vote. After the referee has concluded his hearing, taken the evidence orally, without reducing it to writing, except in one instance, and in the absence of the State official, and after he has made his decision and reported it to the judge, without the State official having any notice of or any opportunity to argue the matter, the provision states that the judge shall issue a notice to show cause, which can be returned at any time, not exceeding 10 days. Then he issues a copy of the report to the official, who does not have an opportunity to know what that report is based on, except in one respect, namely, with reference to the literacy test, and then he is given an opportunity to appear before the judge to show that the decision of the voting referee was erroneous. However, he does not necessarily get that opportunity, because the judge can refer the matter back to the voting referee himself for decision, and the judge does not have to give him an adequate opportunity to investigate the matter, because he must act in not more than 10 days, and he can even shorten the period.

Mr. LONG of Louisiana. Looking at the definition of "qualified under State law," it would seem to mean, in effect, that the definition would be the legal practice at the time rather than the actual law. Is there any provision in the bill that if, by pursuing that standard in violation of the law, the registrar places a person on the rolls, and he belong there, and the Federal registrar follows the same standard, if the State proceeds to enforce the law properly under State law, the Federal referee shall conform to the same standard as originally intended by the law?

Mr. ERVIN. The question asked by the Senator from Louisiana illustrates the absurdity of the bill. This bill says that when the hearing has been held before the voting referee, and he has made his report to the judge, and the judge issues his notice to show cause, the State election official or the Attorney General can file exceptions, and if he excepts on a matter of law he must submit a memorandum as to the law.

How can the State authorities know what the law is that they are talking about and what law is being applied? It is not the law made by the legislature of the State, but it is the law made by the misbehavior of the misbehaving election official. How can anybody know, since the law varies from one precinct to another, what supposed rules of law apply?

Mr. LONG of Louisiana. In effect, the proposed statute, at page 20, by definition makes law violations the law of the State. Is that correct?

Mr. ERVIN. That is right. That is exactly what the situation is and what the effect of the bill would be. That is something nobody has ever attempted to do before.

Mr. LONG of Louisiana. In other words, criminality becomes the law, under this provision of the bill.

Mr. ERVIN. Yes; whatever illegal standard the misbehaving State election officer sets up in his maladministration of the law becomes the law of the State, insofar as the voting referee and the Federal judge are concerned.

Mr. LONG of Louisiana. In other words, if there is a State law making it a crime for the registrar to permit certain types of people to be on the registration rolls, and he proceeds to commit that crime, then that criminal act becomes the law of the State by Federal definition, does it?

Mr. ERVIN. It becomes the legal standard by which the Federal judge and the Federal voting referee determine the qualifications of the persons who seek to vote, provided that the standard is less stringent than that established by the legislature of the State.

If the standard is more stringent than the State law which has been enacted by the State legislature, then the standard found in State law prevails. However, if the standard is less stringent, then the criminal conduct determines what the law is with respect to people belonging to the same race with respect to which a pattern of discrimination has been found to exist.

Mr. LONG of Louisiana. The words "qualified under State law" are given a definition which could make a State law a crime under State law.

Mr. ERVIN. Exactly. In other words, if the conduct of the misbehaving election official, manifested by his illegal conduct, is less stringent than the law enacted by the State legislature, the standard fixed by his criminal conduct becomes the State law instead of the law enacted by the State legislature.

That is one reason why this bill should not be enacted. Instead of being enacted into law, it should be transferred to the Smithsonian Institution and placed among the other curiosities there.

Mr. HART. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. HART. The distinguished and extremely able Senator from North Carolina developed at some length in the hearing a point which leads me to make a suggestion. I wonder if he would object if I inserted at this point in the RECORD the ultimate reply made to his series of questions by the Deputy Attorney General. I think it would give point to the view of those of us who feel that this bill should not go to the Smithsonian Institution.

Mr. ERVIN. I shall be glad to have the Senator do that, provided I do not lose the floor. I attempted to paraphrase the justification made by the Deputy Attorney General. I shall be glad to have the Senator make the insertion. In fact, I will do it myself.

Mr. HART. I did not intend to test the Senator's memory. I was not on the floor during all his address, and I did not know that he had made that comment.

Mr. ERVIN. I understand. However, I will insert in the RECORD at this point the statement made by Deputy Attorney General Walsh, which appears at page 113 of the hearings before the Committee on the Judiciary:

Well, whatever, however you want to characterize it, it certainly is the purpose of this definition to see that the races are treated

equally and that one is not submitted to, subjected to a more difficult test than the other. I think that is about where we come out.

That statement was made, if I may be permitted to say so, in response to this observation on my part, which appears at the bottom of page 112:

Senator ERVIN. But this is a different point, I think. In other words, it says that this is the State law, but it cannot be more stringent than the course of conduct followed by the misbehaving State official in passing upon qualifications of the other race and that is letting the Federal law amend the State law to conform to the misbehavior of the misbehaving officer when the Federal Government acting through the voting referee administers the State law.

The response of the Deputy Attorney General was what I have just read. That is exactly what I said Mr. Walsh had said. I did not repeat it verbatim, but I said that the effect of what the Deputy Attorney General had said was that the State law should be amended by the misbehavior of the misbehaving State election official if the standard created by such misbehavior was less stringent than State law.

He said he thought that was justified because the State ought to treat people of both races alike.

I agree with him that the State should treat its citizens alike regardless of their race. However, I think that when we start to legislate in Congress we ought to observe the Constitution, and Congress should pass laws which would compel the States or State officials to observe the prohibition against State action.

The way to do that is illustrated in acts which have already been passed. For example, title 18, section 242, of the United States Code, makes it a crime for a State election official to deny to any citizen of the United States any right which he has under the Constitution and laws of the United States.

Under this proposal, any State election official who wrongfully or willfully denies any person the right to register and vote under the Constitution can be punished by a fine or imprisonment or both. That is the direct way to enforce the prohibition of the 15th amendment.

Then there is a provision in the Civil Rights Act of 1957 under which the Attorney General can sue at the expense of the taxpayers in behalf of any person wrongfully denied the right to register and vote on account of his race or color. Under that procedure, the court can perform a judicial act and order the State election officials to register the person. If the officials fail to do so, they can be fined or imprisoned for contempt of court.

Legislation of that kind is appropriate, in my judgment, to enforce the prohibition of the 15th amendment, because it is calculated to compel the State to perform its duty. It does not undertake to let the Federal Government do it.

The reason for the opposition to the Kefauver amendment is that it attempts to make an ex parte hearing before a voting referee a judicial proceeding. Those who advocate the bill and oppose the Kefauver amendment say, in effect, that they want the Federal voting referee to act just as a State registrar would act. In other words, they are here converting the Federal courts into registration boards. They are converting them into something other than judicial bodies. That is one of the fatal defects of the entire bill, as I see it.

It has been decided by the Supreme Court of the United States and by virtually every State court in which the question has ever been raised that the act of passing upon the qualifications of a voter is not a judicial act, but, on the contrary, is an executive act. The registration of voters is an executive function. The bill attempts to make the Federal courts, which are supposed to be judicial bodies, registration boards for State and local elections as well as for Federal elections. That is one thing which cannot be done under the U.S. Constitution.

The men who drew our Constitution had studied the history of the past and had found that the surest way to destroy liberty and to establish tyrannical government was to concentrate all the powers of government in one individual or in one body. So when they drafted the Constitution of the United States, they divided all the governmental powers on the Federal level among the legislative branch of the Government, which is Congress; the executive branch of the Government, which is the President, and the judicial branch of the Government, which consists of the Supreme Court and such courts inferior to the Supreme Court as Congress may from time to time establish.

In one of the greatest decisions of all time in the Supreme Court of the United States, the case of Martin against Hunter, reported in 1 Wheaton, at page 304, Justice Story, one of the greatest men ever to adorn that tribunal, said:

The object of the Constitution was to establish three great departments of government; the legislative, the executive, and the judicial departments. The first was to pass laws, the second, to approve and execute them, and the third, to expound and enforce them.

I shall not undertake to read the entire opinion, but Judge Story said, in effect, that it was not possible to vest the powers of one Federal department in another. That is precisely what the bill undertakes to do, except that it goes beyond that point and attempts to vest the powers of the States in one of the departments of the Federal Government, which under the Constitution cannot exercise those powers.

The bill undertakes to convert the Federal courts and the voting referees created by the bill into registration officers for all elections, both elections for Senators and Representatives and elections of officers of State and local governments.

Passing upon the qualifications of voters is an executive function. The bill undertakes to confer upon the Federal courts, which are judicial bodies, empowered only to exercise the judicial power of the United States, the power to execute and to discharge the executive function; that is, to determine the qualifications of voters in all elections of all kinds. I submit that that cannot be done, and that the bill transgresses that constitutional principle.

I had hoped to discuss at a later time the proposition that the bill not only violates the provisions of the Constitution in the respects in which I have stated, but I wish to elaborate upon the contention that the procedure created by the bill in respect of the action of the Federal court and the action of the voting referee subsequent to the adjudication of the original case is not a case or a controversy within the purview of the second section of the Third Article of the Constitution of the United States, and that since the Federal courts can only exercise judicial powers, and since the proceeding established by the voting referee section lies outside the domain of the judicial power and is not a case or controversy under the Constitution, therefore the bill is void.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. JOHNSTON of South Carolina. Mr. President, I should like to ask the Senator from North Carolina a few questions, to show how confusing the bill actually is. I read from page 17 of the bill:

The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, who shall subscribe to the oath of office required by Revised Statutes, section 1757 (5 U.S.C. 16) to serve for such a period as the court shall determine. * * *

Now listen to what the referees are required to do:

To receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections—

Then the bill recites what the referees are to do. One is led to believe that they are to get evidence; that they will be glad to have everybody come in and give them evidence on both sides. One would think that, would he not? But we have heard the argument made on the floor that the referees want evidence only from one side.

Mr. ERVIN. Oh, yes. As a matter of fact, the bill itself provides that on one aspect of the case the referee is not to take evidence except on one side.

Mr. JOHNSTON of South Carolina. That is correct. But what I have just read would lead one to believe that the referees are to take evidence and report to the court their findings as to whether at any election or elections—

(1) Any applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specific been (a) deprived or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

Up to that point, one would believe they would be seeking the true evidence from both sides, would he not?

Mr. ERVIN. That provision would certainly lead one to believe that was true.

Mr. JOHNSTON of South Carolina. I read further:

In a proceeding before a voting referee, the hearing shall be held in a public office. The referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing and such State or county registrar, or his counsel, shall have the right to appear and to make a transcript of the proceedings.

But, as was brought out, the last amendment would strike out the words "the applicant shall be heard ex parte." Before that amendment was submitted, one would have believed that both sides would be heard. But when that amendment was submitted, one would begin to have a different opinion; is that not so?

Mr. ERVIN. Of course, under the original form of the provision, which included the words "ex parte," the applicant could do as old Nicodemus did. Nicodemus went to the Lord by night; and under that provision, the applicant could go to the referee by night.

Mr. JOHNSTON of South Carolina. Nicodemus probably did not want to let all the people he had done harm to know about that.

I read further:

His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote.

Mr. ERVIN. You see, under that provision, they are not required to take down the evidence on that point. So such evidence could be given orally; and then there would be no way in the world for a person to contest it, thereafter, inasmuch as he would have no way of knowing what the evidence had been and whether it was valid or otherwise. That provision would make unreported evidence, which could be concealed, prima facie evidence of the truthfulness of the applicant.

Mr. JOHNSTON of South Carolina. In other words, behind closed doors the official could be condemned, and he would not have an opportunity to know what he was condemned for or what he was charged with or by whom he was condemned.

Mr. ERVIN. And he would not even be informed that anyone was accusing him of having done anything improper.

Mr. JOHNSTON of South Carolina. On page 19, beginning in line 11, we find the following:

Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure.

Mr. ERVIN. You see, those who drafted that language did not want that official to have any of the powers provided under the other subsections of rule 53, because if the official had the powers provided by the other subsections of rule 53, notice would have to be given—just as would have to be given by a master.

Mr. JOHNSTON of South Carolina. That is true.

When we read rule 53(c), we find that it goes into detail and states just what can be covered. But the fact is that according to this proposal, the judge could confine them to certain things, and they could go into only those things. Is that not true?

Mr. ERVIN. Certainly he could confine them to the things listed there—which do not cover the only condition under which the Federal government would have any power to take any action at all in such cases.

Mr. JOHNSTON of South Carolina. Now I should like to read rule 53(c):

The order of reference to the master—

And this is inserted by reference, the same as in the bill—

may specify or limit his powers and may direct him to report only upon particular issues or to do or perform particular acts or to receive and report evidence only and may fix the time and place for beginning and closing the hearing and for the filing of the master's report. Subject to the specifications and limitations stated in the order, the master has and shall exercise the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order.

Mr. ERVIN. That makes it clear that the Senator from South Carolina was correct when, a moment ago, he suggested that the judge could place limitations on and could give directions to the voting referee.

Mr. JOHNSTON of South Carolina. That is true; under this order, the judge could do as he might see fit.

Mr. ERVIN. Mr. President, I yield the floor.

Mr. JOHNSTON of South Carolina. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONNALLY RESERVATION

Mr. EASTLAND. Mr. President, before the debate is over, I am going to speak at some length on title VI and the pending amendment to the civil rights bill. At this time I wish to discuss briefly a question which I consider to be of grave importance to the United States, namely, the proposal of the Vice President and of the Eisenhower administration to repeal the Connally reservation, and leave our country at the mercy of an international court on which Communists have more representation and more influence than has the United States of America.

Almost a year ago, in speaking to the Memphis Bar Association about this proposal, I went on record in opposition to it. As I said then, the proposal is clearly so fundamental that though it may emanate from the White House, it will be decided in the precincts of the country.

I do not know that I was the first to raise my voice against this proposal, but certainly I was one of the first. I think what I said in Memphis on May 1, 1959, has been proven true. The people of this country have learned about this proposal, and are learning more about it all the time; and the more they learn about it, the less they like it. Senators are hearing from their constituents on this matter. And I venture to predict, Mr. President, that what we have heard so far is not a patch on what we shall hear if a bill to repeal the Connally reservation should be reported favorably from the Committee on Foreign Relations and come before the Senate for action.

The essence of the proposal to repeal the Connally reservation is that we surrender one of the most important attributes of sovereignty—the right of a sovereign nation not to be sued without its own consent—and, instead, grant blanket authority for the United States of America to be sued on occasions we cannot control and with regard to questions about which we have not been informed in advance.

The drive to repeal the Connally reservation is basically a movement for world government. World order and world peace under law must mean world government to mean anything at all.

Senator Tom Connally of Texas was a realist. He knew that the vision of world law was a mirage, and will remain a mirage, unless the day comes when world law is backed up by the power of a world government. He believed in putting the interest of this country first. He knew that labels mean nothing when the other fellow has the right to apply his own label. He was not satisfied to leave the definition of what constitutes the domestic affairs of the United States to any arbiter but the Government of the United States. He knew it would do us no good to call a spade a spade as long as pro-Communist judges, constituting a majority of a nine-man panel of an international court, could call it an instrument for the interment of bourgeois and capitalistic fallacies, and make their definition stick.

The phrase "world peace through world law" has a high semantic value, especially to Americans who have a tradition of respect for law and order and courts.

But law can only bring peace where it is either accepted voluntarily or enforced adequately. In the international community today, the great threat to world peace is a bloc of outlaw nations. These nations will not accept any law but their own power. They do not even regard their pledged promises, made in solemn treaties, as binding upon them if their own interest will be served by breaking the pledges.

Mr. President, I ask unanimous consent that this speech be not considered one speech against the pending amendment.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection to the request of the Senator from Mississippi?

Mr. KUCHEL. Mr. President, reserving the right to object, I did not hear the unanimous-consent request.

The PRESIDING OFFICER. Will the Senator from Mississippi repeat his request?

Mr. EASTLAND. Mr. President, I ask unanimous consent that this speech be not counted as one speech against the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KUCHEL. Yes, Mr. President; I object.

The PRESIDING OFFICER. Objection is heard.

Mr. EASTLAND. Mr. President, the suggestion that we create a world law-enforcement agency means, in the last analysis, a superarmy under the control of an international organization. To put such an army under U.N. control would be to make it subject to Communist manipulation, for the Communists have far more power and influence in the United Nations' administration than any other nation or associated group of nations.

This is what we are moving toward when we accept the "world law" concept as the road to "world peace." Greatly as we desire peace, we must not allow ourselves, in the name of peace, to be drawn into a scheme whose only hope for peace would be in the Communist connotation of that word—which means a world in which there is no longer any effective opposition to communism.

We are told to give up a portion of our national sovereignty, to relinquish it to the International Court, and that this will shame the U.S.S.R. into doing likewise. Mr. President, assuming this were true, I am not sure it would be a sound goal; for if both the U.S.S.R. and the United States were to surrender sovereignty to a body upon which the U.S.S.R. has at least two votes and the United States has one as an absolute maximum, I think we might not find we had gained very much.

As for shaming the U.S.S.R. into doing anything, this is a childish suggestion. Why, Mr. President, not even the revulsion of the whole civilized world could shame the U.S.S.R. into stopping the slaughter of Hungarian patriots.

Perhaps a brief history of the International Court of Justice would be helpful in bringing us to an understanding of the questions which are involved in the proposal to repeal the Connally reservation.

The Court now known as the International Court of Justice was not created by the United Nations Charter. It got its present name from that Charter, and the United States became associated with the International Court, for the first time, by signing that Charter; but the Court itself was created 25 years earlier by the statute of the League of Nations.

Although the United States was not a member of the League of Nations, and had not adhered to the statute of the International Court, we had one of the first judges on the Court; because the statute permitted citizens of nonmember states to be chosen as judges. The first U.S. judge was John Bassett Moore, who was picked after Elihu Root, one of the drafters of the Court statute, declined to serve on the new Court because of his age.

John Bassett Moore was, at the time of his appointment to the World Court, the outstanding U.S. authority in the field of international law. He was the author of the "Digest of International Law," which had been the recognized authority in its field for some 20 years. He had served in the U.S. State Department since the first administration of Grover Cleveland; and had been one of the foremost advocates of the settlement of disputes between nations by international arbitration.

Judge Moore took his place as a judge of the International Court in 1922, and served until 1928, when he refuse to accept reelection. Charles Evans Huges took his place on the Court, and when Hughes was named Chief Justice of the United States, his place was taken by Frank B. Kellogg, ex-Secretary of State of the United States.

During all this time, however, the Senate resisted proposals that it take action to adhere to the statute of the World Court; and this situation continued right down to the time the United Nations was formed.

When the United Nations Charter was being framed in San Francisco in 1945, it was obvious no agreement could be reached for the establishment of a World Court which would involve compulsory jurisdiction. In order to have a World Court at all, a compromise was worked out which established the International Court of Justice as a principal organ of the United Nations, but to function only in accordance with a so-called statute of the Court. The U.N. Charter declared that all members of the United Nations were ipso facto parties to this statute; but no nation was made subject to the compulsory jurisdiction of the Court without its own express consent, evidenced in a formal declaration transmitted to the United Nations.

When the United States joined the United Nations, we adhered to the statute of the International Court of Justice, thus becoming associated with the Court for the first time. But we did not accept the compulsory jurisdiction of the Court, and thus the consent of the United States was required, in every case involving this Nation, before the Court could assert jurisdiction to decide the case and have its decision binding upon this country in any way.

The ink was hardly dry on the signatures to the United Nations Charter before the campaign started to get the United States to accept the compulsory jurisdiction of the Court of International Justice.

This drive was successful, in the atmosphere of one-worldism which surrounded the formation of the United Nations; and on August 14, 1946, the Senate consented to the "compulsory jurisdiction" of the Court of International Justice with respect to any purely legal dispute with any nation which had accepted the same jurisdiction in advance.

As it came from the Foreign Relations Committee, the resolution of acceptance provided:

That the United States of America recognizes as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising concerning—

(a) the interpretation of a treaty;

(b) any question of international law;

(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, That this declaration shall not apply to—

(a) disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

(b) disputes with regard to matters which are essentially within the domestic jurisdiction of the United States of America; or

(c) disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States of America specially agrees to jurisdiction; and

Provided further, That this declaration shall remain in force for a period of five years and thereafter until the expiration of six months after notice may be given to terminate this declaration.

On the floor of the Senate, on motion of the then senior Senator from Texas, Tom Connally, eight words were added to the reservation respecting domestic jurisdiction: "as determined by the United States of America."

Formal notification of this country's acceptance of the compulsory jurisdiction of the International Court subject to the reservation noted was signed by President Truman on August 14, 1946, and was deposited with the Court on August 26, 1946.

The reason for the Connally reservation was that under the statute of the International Court of Justice, the Court itself is given the power to make final decision with respect to questions of its own jurisdiction. The Senate Foreign Relations Committee had, as I have explained, placed in the resolution of acceptance of the Court's compulsory jurisdiction a reservation with regard to matters essentially within the domestic jurisdiction of the United States. Debate on the floor of the Senate developed the fact that under the statute of the International Court, the Court would have the right to decide, in case of a dispute, whether any particular matter lay within the domestic jurisdiction of the United States. The whole purpose of the Connally reservation was to make certain that the International Court of Justice may never have the right to claim and exercise jurisdiction over any matter which the United States considers to be essentially within the domestic jurisdiction of this country.

As the Senator from West Virginia, Mr. Revercomb, expressed it on the floor of the Senate at the time, the purpose of the Connally reservation was to "clarify the situation so that we can say, under our Constitution, 'this is a domestic matter'."

The absolute essentiality of such a saving clause should be apparent to everyone. The very first area in which the International Court of Justice is given jurisdiction over disputes is with respect to the interpretation of a treaty. I mention one treaty that would fall within this jurisdiction—the United Nations Charter. Under this charter it would be possible—as Senators pointed out here in this Chamber in 1946—for questions to arise which might affect immigration to the United States, with respect to tariffs and duties, with respect to navigation in the Panama Canal, or with respect to any other subject under the sun which the mind of man might conceive which some foreign nation might consider to be a question of interpretation of a treaty, but which this country might regard as a domestic matter.

There are in the Senate today 12 Senators who voted for the Connally reservation. I refer to the Senator from New Hampshire [Mr. BRIDGES]; the Senator from New Mexico [Mr. CHAVEZ]; the Senator from Rhode Island [Mr. GREEN]; the Senator from Arizona [Mr. HAYDEN]; the Senator from Alabama [Mr. HILL]; the Senator from South Carolina [Mr. JOHNSTON]; the Senator from Arkansas [Mr. MCCLELLAN]; the Senator from Washington [Mr. MAGNUSON]; the Senator from Montana [Mr. MURRAY]; the Senator from Wyoming [Mr. O'MAHONEY]; the Senator from Georgia [Mr. RUSSELL]; and the Senator from Wisconsin [Mr. WILEY]. Among the great Senators who voted for this reservation, and who are no longer with us, were Senator Austin, of Vermont; Senator George, of Georgia; Senator Knowland, of California; Senator La Follette, of Wisconsin; Senator Langer, of North Dakota; Senator Millikin, of Colorado; Senator Revercomb, of West Virginia; Senator Taft, of Ohio; Senator Vandenberg, of Michigan; Senator Walsh, of Massachusetts; Senator Wheeler, of Montana; and Senator Wherry, of Nebraska.

There were 12 votes against the Connally reservation. They were cast by Senator Cordon, of Oregon; Senator Downey, of California; Senator Fulbright, of Arkansas; Senator Guffey, of Pennsylvania; Senator McMahon, of Connecticut; Senator Mead, of New York; Senator Morse, of Oregon; Senator Murdock, of Utah; Senator Pepper, of Florida; Senator Taylor, of Idaho; Senator Thomas, of Utah; and Senator Wagner, of New York.

It is my considered judgment that had there been no Connally reservation to the original agreement of the United States to participate in the International Court, that agreement never would have been approved by the Senate.

Only four nations have accepted the compulsory jurisdiction of the International Court unconditionally and without reservations. These four nations are Finland, Haiti, Nicaragua, and Paraguay. Soviet Russia has not accepted the compulsory jurisdiction of the Court at all, nor has any other Communist country. No Communist country ever will accept this; and I do not believe the Senate of the United States ever will accept it. No leading nation of the world has surrendered its sovereignty in this way; and there is no reason to believe any of them will, no matter what we do.

There are some things we must keep in mind at all times, in considering this question of the jurisdiction of the World Court, and the extent to which we as a nation want to be subjected to that jurisdiction.

This Court is composed of 15 judges, and it is provided that there may be not more than one judge from any one country.

Already, the spirit of this provision has been violated because the Communists have two judges today, one from the Soviet Union and one from Poland; technically from different countries but actually both controlled from Moscow. Nine of the fifteen judges constitute a quorum to decide a case; therefore, any five judges could constitute a majority.

There is no possible appeal from a decision of the World Court, since there is no higher authority to which an appeal could be taken.

Judges of the International Court are named by majority vote in both the General Assembly and the Security Council of the United Nations; but the United Nations has no uniform qualifications for these judges. There is not even a requirement that a judge of this World Court be a lawyer, or skilled in the law. The election of these judges is, therefore, wholly political. And when a judge has been elected, he takes no oath of office, he is not required to commit himself to any principle or set of principles.

Judges of the International Court of Justice serve for 9-year terms. The single U.S. judge will go out of office on February 6, 1961, and we have no way of knowing whether there will be even one U.S. judge on the International Court after February 6, 1961. The chances are good that the post which becomes vacant when the term of the U.S. judge expires next February will be filled by a national of another country, and that for many years thereafter the United States will not be represented among the Judges on the International Court.

As I have pointed out, the Communists have two judges, in spite of the stipulation that no two judges can be nationals of the same State; because Soviet Russia has one judge and Poland has another judge. In any dispute involving the United States, it is a safe bet that the two Communist judges, if they were on the panel considering the case, would vote against the United States. If there should be three other judges on the panel who were inclined against the United States, then we would lose the case.

I will not give specific examples of this nature. I do not wish to impugn the good faith of any judge, except to declare that the judges representing the U.S.S.R. and Poland undoubtedly would act in any case in accordance with good Communist theory, and good Communist theory regards "bourgeois courts" as forums for waging the world struggle against what the U.S.S.R. calls the capitalistic countries, which means us and the rest of the world. But it can do no harm to call attention to the present composition of the Court. As I have pointed out, there is one vacancy. The United States has a judge; Soviet Russia has a judge; Poland has a judge; the others are respectively from Norway, Pakistan, France, the United Arab Republic, Uruguay, the United Kingdom, Argentina, Mexico, China, Greece, and Australia.

In the absence of an accepted body of law to interpret and apply, the judges of the International Court in any particular case necessarily must decide on the basis of their own concepts. A majority of the judges on the International Court come from countries having many legal concepts quite different from ours. To say that when required to decide a case without the guidelines of accepted law, the judges would follow their own concepts rather than ours, is not to impugn the honesty of any judge, or to demean any country. It is just being realistic.

But it is important that we recognize this, and understand that because the International Court considers itself "above" national law, it could not and would not recognize as binding upon it any of the guarantees of the United States Constitution's Bill of Rights.

Questions involving the rights of U.S. citizens must be kept "domestic affairs" to insure that they will be decided according to our constitutional heritage. Many of the rights our citizens prize are unrecognized by a majority of other nations—and by a majority of the nations which are represented by judges on the International Court. Most of the Court's judges come from countries which completely fail to recognize legal concepts that are essential domestic matters to us. For example, most of these countries recognize no individual right to own private property, and to hold it against arbitrary government seizure. This is why the United Nations Covenant on Human Rights failed to recognize this basic property right. The whole United Nations concept of "human rights" is that people have rights granted to them by their governments. But this is a concept which denies our own credo of "unalienable rights" in the people, and limited powers conditionally by the people to the government.

It has been argued that we should not retain the power to say, when the chips are down, what constitutes our strictly domestic affairs, because we cannot be trusted to use this power honestly and fairly. On the other hand, it is contended, the International Court of Justice can be trusted to respect our institutions and to do justice in every instance.

How, Mr. President, can we trust an international court to protect our rights and the rights of the States from the constantly growing power of centralized government, when we cannot even trust the Supreme Court of the United States to do it?

As the Indianapolis Star reported:

The cynical use of the treaty power to enable the Federal Government to evade the Constitution has been established by precedent and upheld by the Supreme Court.

Blanket submission to International Court jurisdiction would place this same tool for nullifying the American Constitution in the hands of forces totally outside the United States.

There is no subject of domestic concern with respect to which this country could not enter into a treaty with some other nation. Under the developed doctrine of executive agreements, what can be done by treaty can be done by the President alone, on behalf of the Nation, and an executive agreement thus concluded binds the Nation, as part of the supreme law of the land, without even being submitted to the Senate.

Mr. President, I shall conclude my address at a later time. I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARROLL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. EASTLAND. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator cannot reserve the right to object. Objection must be made, or the call must continue. Is there objection? The Chair hears none, and further proceedings under the quorum call will be dispensed with.

Mr. CARROLL. Mr. President, I think the debate which has been conducted yesterday and today has certainly clarified the amendment which the distinguished Senator from Tennessee [Mr. KEFAUVER] presented to the Committee on the Judiciary. I was not on the floor all of the time the able Senator from Tennessee was stating his reasons for presenting his amendment to the Committee on the Judiciary. But I am led to believe that the position taken in the debate by the junior Senator from Colorado has been sustained by the position taken today by the able Senator from Tennessee.

Yesterday I said I thought it was the purpose of the Senator from Tennessee, during the executive session of the Committee on the Judiciary, when he presented his amendment to that committee, that there be no secret, clandestine, star chamber meetings held by a voting referee under the bill now being considered.

Second, I thought that the Senator from Tennessee not only demanded a public hearing, but wanted an opportunity for the local registrar to be able to obtain a transcript of the proceedings.

Third, it was my impression—and I think it has been sustained today—that the Senator from Tennessee did not intend to transform the ex parte proceeding into an adversary proceeding. I believe I am correct in assuming that the interpretation of the Senator from Colorado of what the Senator from Tennessee sought to achieve before the Committee on the Judiciary, in executive session, is borne out by my remarks this evening, as will be shown in the RECORD tomorrow morning.

Mr. President, I now pose a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. CARROLL. What is the pending business before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. CARROLL].

Mr. CARROLL. I thank the Chair.

I observe on the floor this evening the distinguished chairman of the Committee on the Judiciary [Mr. EASTLAND], another member of the Committee on the Judiciary, the distinguished senior Senator from North Carolina [Mr. ERVIN], and also the distinguished senior Senator from California [Mr. KUCHEL]. I serve notice this evening that tomorrow at the appropriate time I shall in all probability, if I am permitted to do so, propose a modification to the amendment which I have submitted, and which is now the pending business before the Senate. I trust the modification will be acceptable to all sides because the first thing I seek to achieve is that there will be no secret, clandestine, star-chamber proceedings on the part of the voting referee. Second, I seek to achieve ex parte hearings according to the concept and precept of due process.

Third, I want the RECORD clearly to show that the voting referee has no rights which are superior to those of the court which has appointed the voting referee. To state it differently, if the court breathes life into the voting referee, the voting referee will not have power greater than that of the court which created the office itself.

I think the modification I shall present tomorrow will preserve the constitutional rights of the State and the applicant, and will preserve the constitutional right of the court to function, because some of the words I have used in the modification come from the Constitution itself. I shall not at this time further elaborate my modification, but I hope that all reasonable persons who are interested in the passage of the bill will accept the modification. I may say that it has been presented to both sides of the aisle. There is nothing startling about it. There is nothing which really changes the concept or enlarges the powers already contained in H.R. 8601. The modification is simply a reaffirmation of constitutional principles and of due process. I trust it will be acceptable to both sides.

Mr. President, if there are no other questions to be asked of me at this time, I yield the floor.

TRIBUTE TO MRS. BONY HAMPTON PEACE

Mr. THURMOND. Mr. President, on Monday night, March 28, 1960, the head of one of South Carolina's most distinguished and successful families, Mrs. Bony Hampton Peace, passed away at her home in Greenville, S.C. Mrs. Peace was the wife of the late B. H. Peace, who rose from the position of a journeyman printer to become publisher of two of South Carolina's largest and most widely read newspapers, the Greenville News and the Greenville Piedmont

Together, Mr. and Mrs. Peace reared a fine family of six children, who have reflected much credit and honor on their parents.

One of their children, Mr. Charlie Peace, died in 1958, after serving as vice president and general manager of the Greenville newspapers and as president of the Asheville, N.C., newspapers. The other five children are all living. They are: Mr. Roger C. Peace, now chairman of the board of the News-Piedmont Co., and formerly a distinguished Member of the U.S. Senate; Mr. B. H. Peace, Jr., executive vice president of the News-Piedmont Co.; Mrs. George G. Leake; Mrs. Clarence T. Echols; and Mrs. Allen J. Graham, Jr.

"Mother" Peace, as she was known by so many, was a very gracious lady of high principles and lofty ideals who will be missed by many friends and loved ones. She was truly one of South Carolina's grandest ladies.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks two newspaper articles, one of which is a very beautiful editorial tribute to her memory by the very able editorial writer, Mr. Wayne F. Freeman.

There being no objection, the editorial and the article were ordered to be printed in the RECORD, as follows:

[From the Greenville (S.C.) News, Mar. 30, 1960]

A LONG LIFE WELL LIVED

Mrs. Laura Estelle Chandler Peace was a noble and gracious lady who lived a good life and a long one. She devoted all of it to her family and her friends.

And she had a large family and countless friends in the growing city in which she lived out her 86 years and throughout the United States and part of Canada wherever there were people connected with the newspaper industry.

Mrs. Peace may never have had printer's ink on her hands (we can't be sure, because she was no stranger to the job shop or the composing room during her more active years) but she certainly had it in her blood.

At the age of 20 she married the late Bony Hampton Peace, a journeyman printer. While they reared their family, Mr. Peace started his commercial printing business and went on to purchase the Greenville News in 1914 and the Greenville Piedmont in 1927 to found the Greenville News-Piedmont Co. In the early thirties the family entered another field of communications, radio, and still later, television.

Through the years, Mrs. Peace made friends among people in every phase of the printing and publishing industry. She was equally at home with editors and publishers and printers and suppliers of publishing materials from ink to paper and syndicated columns.

For more than 50 years as the wife, mother, and friend of newspapermen she was a part of what is both a profession and an industry. Until the last few years she was a regular attendant at the meetings of the South Carolina Press Association.

She lived to know and understand more than two generations of writers, editors and printers. Only last fall, even as her final illness was upon her, she pushed the button to start the magnificent new News-Piedmont presses on their first formal run.

She saw the Greenville newspapers, and the entire press of South Carolina, grow from a struggle to recover from an impoverished era to burgeoning maturity.

That was the public side of her life, part of a saga of the growth of a State and region. Her greatest role was in her private life which was an example and an inspiration to all who knew her. The keynotes of that life were strength, faith and serenity.

As the wife and mother of successful men she knew good fortune. But she also knew tragedy. She accepted both with the equanimity that can come only from a combination of strength of character, faith in her God whom she served and worshipped and a serenity of spirit which seldom if ever let her show signs of upset.

To the present News-Piedmont generation she was "Mother Peace," a term which to us designated true royalty.—W.W.F.

[From the Greenville (S.C.) Piedmont, Mar. 29, 1960]

MRS. B. H. PEACE DIES; RITES ARE TOMORROW

Mrs. Bony Hampton Peace, 86, wife of the late publisher of the Greenville News-Piedmont Co., died at the family home, 230 West Mountain View Avenue, at 10:35 p.m. yesterday.

Funeral services will be conducted tomorrow at 4 p.m. at the Mackey Mortuary. Interment will be in Springwood Cemetery. Services will be conducted by Dr. Dotson M. Nelson, Jr. and Dr. Leon M. Latimer.

Pallbearers will be John Sakas, John Harris, E. A. Ramsaur, James Johnston, Robert DeLapp, Charles Sterling, Edward Stall, Norfleet Harte, and Salters McClary.

The body will remain at the mortuary. The family is at the home, 230 West Mountain View Avenue.

Mrs. Peace had been ill for several weeks. She was seriously ill in February 1959, but recovered and was relatively active until recently. Last November she visited the News Building and pushed the button that started the News-Piedmont's new $1 million press on its first actual run.

Mrs. Peace was the former Laura Estelle Chandler, and was born March 12, 1874, the daughter of William and Martha Chandler. She and the late Mr. Peace were married November 28, 1894.

Although she stayed in the background, she was ever helpful to her husband in his rising career as journeyman printer, operator of a commercial printing business, and later as the publisher of Greenville's growing newspapers and operator of Greenville's first radio station, WFBC.

After the death of Mr. Peace, January 24, 1934, at West Palm Beach, Fla., Mrs. Peace continued to give her guidance to her sons as they directed the Greenville papers, the radio station, and other Peace properties.

Thus she had a direct part in the fabulous growth of the Greenville papers. When Mr. Peace acquired the News in 1916, it had a circulation of 5,000. Today the two papers (the Piedmont was acquired in 1927) have a combined circulation of more than 107,000 and are read throughout upper South Carolina.

In 1941 Mrs. Peace saw her eldest son become a U.S. Senator when then Gov. Burnet R. Maybank appointed Roger Craft Peace to fill a vacancy in the Senate. Roger Peace had succeeded his father as publisher of the Greenville papers and is now chairman of the board.

Another son, Charlie Peace, was vice president and general manager of the Greenville papers and president of the Asheville, N.C., newspapers until his death in May 1958.

A third son, B. H. Peace, Jr., is now executive vice president of the News-Piedmont Co.

Other survivors are three daughters, Mrs. George G. Leake, Mrs. Clarence T. Echols, and Mrs. Allen J. Graham, Jr.; 11 grandchildren, and 18 great-grandchildren.

Members of her family were constant visitors at the home of "Mother Peace" in Greenville, at the family's summer home at Caesar's Head, and at the Peace cottage at Pawleys Island. These were places both Mr. and Mrs. Peace loved.

It was a family tradition to keep a standing engagement for Christmas Eve dinner at the Peace home on Mountain View Avenue.

Mrs. Peace was a member of the First Baptist Church and of the Hoyt Bible Class of the Sunday school. She was active in church work in earlier years, and maintained a loving interest in the church during her later years.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 31, 1960, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 128) to establish a commission to formulate plans for a memorial to James Madison.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. EASTLAND. Mr. President, under the order previously entered, I move that the Senate do now adjourn until tomorrow at 10 o'clock a.m.

The motion was agreed to; and (at 7 o'clock and 2 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Friday, April 1, 1960, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate March 31 (legislative day of March 30), 1960:

FARM CREDIT ADMINISTRATION

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1966:

Lester Clyde Carter, of Arkansas.
Robert T. Lister, of Oregon.

CALIFORNIA DEBRIS COMMISSION

Col. John A. Morrison, Corps of Engineers, to be a member of the California Debris Commission, under the provisions of section 1 of the act of Congress approved March 1, 1893 (27 Stat. 507) (33 U.S.C. 661), vice Col. John S. Harnett, Corps of Engineers, to be reassigned.

U.S. PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by laws and regulations:

I. FOR APPOINTMENT

To be senior surgeons

David Brand
Louis S. Gerber

To be senior assistant surgeon

George W. Douglas, Jr.

To be senior sanitary engineer

Edwin L. Ruppert

To be senior assistant sanitary engineer

Leo Weaver

To be senior scientists

Alfred S. Lazarus
Olaf Mickelsen

To be scientists

Herbert T. Dalmat
John E. Porter

To be veterinary officer

James Lieberman

To be nurse officer

Marie H. Van Son

To be health services officer

Claudia B. Galiher

II. FOR PERMANENT PROMOTION

To be senior assistant surgeons

John W. Dickson
S. Paul Ehrlich, Jr.

To be senior assistant sanitary engineers

Delbert A. Larson
Thomas N. Hushower

To be assistant sanitary engineer

Joseph H. Meier

To be senior assistant pharmacist

Donald B. Hare

To be senior assistant nurse officer

Marie Herold

IN THE REGULAR ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298. All officers are subject to physical examination required by law:

To be first lieutenants

Adams, Jack E., O75478.
Adcock, Thomas G., O75479.
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Stevens, Francis R., Jr., O75822.
Stinson, Kenneth B., O76669.
Stipe, Aquila E., O76670.
Stockhausen, William T., O85803.
Stokes, John H., 3d., O75823.
Stone, Charles B., 4th, O75824.
Stout, Bruce F., O75825
Sturgis, Barry B., O75826.
Sullivan, Garland W., O76677.
Summers, Wallen M., O75827.
Swann, Roscoe A., Jr., O77946.
Swenson, James A., O75828.
Swindler, Murray G., O75829.
Szvetecz, Edward, O75830.
Takenaka, Harold H., O76685.
Tate, Lester B., O75831.
Taylor, James Van P., O75832.
Teale, Willis E., Jr., O75833.
Tedeschi, Joseph R., O75834.
Tener, Robert K., O75835.
Tengan, James T., O76690.
Thomas, David N., O75836.
Thomas, Robert W., O87640.
Thompson, Chadwick C., O76695.
Thompson, Ross E. G., O87946.
Thompson, Thomas G., O75837.
Thompson, William R., O75838.
Tilton, Robert C., O75839.
Timmons, Robert W., Jr., O76698.
Tobin, Kenneth D., O75840.
Tomaka, Karl S., O87950.
Toole, Jay C., O75842.
Traficante, Anthony J., O76703.
Trainor, James L., O75843.
Trees, Lester W., Jr., O76704.
Tribe, Donald S., O75844.
Tullington, Bernard J., Jr., O75845.
Turnbull, Robert B., O75846.
Tweddell, Johnny B., O76711.
Tynes, Theodore R., Jr., O77953.
Vail, Robert B., O76714.
Vaille, John D., O76715.
Van Buskirk, Kenneth C., Jr., O76717.
Van Cleave, Henry D., Jr., O78141.
Vanden Boom, James R., O76718.
Vardamis, Alexandera, Jr., O75847.
Varner, VeLoy J., O75848.
Vaughan, William A., O76719.
Vaughn, Norman M., Jr., O75849.
Vermillion, Robert V., O75850.
Vickers, John H., O75851.
Vockery, William L., O76722.
Voorhees, Theodore B., O75852.
Vuono, Carl E., O75853.
Waldenmaier, Carl H., O75854.
Walker, Jack E., O76726.
Wallace, Guy E., O75855.
Walsh, Fenwick A., Jr., O76729.
Walton, Clifford A., Jr., O75856.
Ward, William A., O77958.
Waters, John L., O75857.
Watson, Gerald G., O76734.
Weber, Andrew M., Jr., O75858.
Webster, Howard E., Jr., O75859.
Wells, David K., O85697.
Wells, Donald G., O75860.
Westerfeldt, Robert C., O75861.
Weston, Ray D., O76741.
Whalen, Donald P., O75862.
Wheatley, Charles W., O75863.
White, Lofton H., O75864.
White, Stanley Z., O76748.
Wilhelm, Edmund A., O75865.
Wilkinson, John C., O75866.
Willett, Frank W., O75867.
Williams, Charles L., 3d, O75868.
Williams, Graybill E., O76753.
Williams, Jerry R., O77964.
Williams, Ross S., O87972.
Williamson, Duane E., O76756.
Williamson, James C., O76757.
Wilson, Albert H., 3d, O76759.
Wilson, Gordon E., O76760.
Wilson, Nicholas B., O75869.
Winters, Donald L., O75870.
Winters, Robert E., O75871.
Wise, Joseph R., O88233.
Wishart, Leonard P., 3d, O75872.
Witbrodt, Donald J., O76762.
Witherow, John M., O75873.
Witmer, John A., O75874.
Wittman, Clarence E., O75875.
Wolff, Robert A., O76763.
Wood, James G., Jr., O75876.
Wood, Peter W., O76765.
Woolnough, James P., O75877.
Wright, Stuart E., O75878.
Wright, William K., O75879.
Wynd, William R., O87983.
Yates, William E., O75880.
Young, Lloyd D., O76775.
Yuhn, John T., O76777.
Yuill, Stuart J., O85710.
Zabriskie, Cedric J., O75881.
Zachgo, Durl D., O75882.
Zirkle, Michael N., O77966.
Zoeller, Robert J., O88236.

To be first lieutenants, Women's Army Corps

Clifford, Margaret F., L570.
Raines, Ruth D., L573.

To be first lieutenants, Medical Service Corps

Bowen, Carl L., O75943.
Fisher, George A., O76124.
Geringer, Gerald G., O86179.
Gourley, John H., O85754.
Herndon, Joseph E., Jr., O85765.
Merten, George D., O76386.
Mills, Freddie J., O76430.
Muglia, Joseph R., O84234.
Naylor, Donald L., O76460.
Oliger, Raymond S., O76479.
Reue, David N., O76547.
Santori, Luis A., O76588.
Schulze, Howard D., O84266.
Starr, Jon L., O76665.
Turner, James G., O76708.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3285, 3286, 3287, and 3288:

To be majors

Cichanski, William Joseph, O411005.
Graham, James Elliott, O825838.
McDugald, Lunsford Vaughn, O796409.
Meyers, Lowell Jerome, O2029525.
Olson, Charles Marshall, O678561.

To be captains

Bourgeois, Randolph Cosmos, O1886033.
Brown, Jack Walter, O996293.
Cain, Robert Osborne, O985257.
Ciolek, Robert Walter, O1883670.
Duke, Richard John, O2014800.
Fox, Lothar, O1937701.
Frank, Edward Roy, Sr., O1936769.
Howell, William Caudy, O990058.
Katt, Beaufort Charles, O1937618.
Koen, Clyde Hall, Jr., O1932508.
Lupton, Johnnie Edward, O1924861.
McDowell, Chester Woodford, Jr., O1885299.
Needles, Paul Edward, O2097757.
Rosenstein, Marvin, O4005147.
Schnepp, William H., O87606.
Thomas, Monroe Glenn, O989738.
Tisch, Donald Calvin, O1885187.
White, Richard Roland, O87665.
Wisyanski, David Anthony, Jr., O4018694.
Young, Clarence Joseph, O1879319.

To be first lieutenants

Abramoski, Leo Bert, O4083174.
Branch, John Henry, Jr., O4036541.
Gruber, Robert Eugene, O2269592.
Hammond, Robert Dale, O2298558.
Hartsock, Frank Eugene, Sr., O1926745.
Hermes, George Albert, O997205.
Hesson, James Marsh, O1931838.
Hunter, Joseph Louis, O4035624.
Lee, Curtis Don, O4057802.
Lopes, Francis Joseph, O1924814.
Lyle, John Allen, O4077796.
McCormick, James Cale, O1933747.
McGowan, Richard Milton, O4071807.
McKinley, Martin Ellsworth, O4052722.
McNider, Henry Bennett, III, O4030925.
Morrell, Richard Stuart, O4058051.
Moscovic, Paul Stephen, O4031622.
Ruttman, Lloyd Jewell, O4026290.
Schneeman, Douglas, O4074548.
Shaylor, Thomas Clyburn, O4030840.
Smith, Laurence Dale, O4030252.
Spence, John Dwight, O1933553.
Timlin, Jerome Paul, O4047446.
Walker, Travis Lloyd, O4028754.
Woods, Robert Paul, O4065585.

To be second lieutenants

Allingham, Edgar Robert, O2298500.
Amazeen, Charle Porter, Jr., O5701164.
Anderson, James Carl, O4042220.
Ashley, Alvie Owen, O5401060.
Avillar, Frank Manuel, O5002626.
Barge, Walter Shepherd, O5302070.
Barnebey, Hoyt Warren, O5701805.
Bayha, William Thomas, O5307173.
Bloedorn, Gary Warren, O5301832.
Brown, Oreal Lynnwood, O5502483.
Butcher, Robert Paul, O5210069.
Callahan, Donald Joseph, O5302909.
Carbone, Anthony Joseph, O5001027.
Carlson, Carl Emil, O5210071.
Chapple, Gerald Richard, O5400105.
Collamore, Jerry Allan, O5001320.
Cook, Kenneth Julian, O5303758.
Correa, Manuel, Jr., O5700944.
Courtney, Clayton Albert, O5209356.
Dardy, Leo Joseph, O5200656.
Davis, Billy Gene, O5400020.
Dearing, David Palmer, RA17517767.
Distefano, Herbert Cole, Jr., O5401358.
Eggleston, Howard Carpenter, O5509384.
Goodman, Donald Wayne, O5305783.
Greer, Robert Bunn, O4025806.
Hair, Henry Horry, III, O5303814.
Heinmiller, Arthur Edwin, O4084475.
Hill, Frederick Panknin, Jr., O5301975.
Hodges, Harvey Duane, O5509692.
Hollingsworth, Lindy Edison, O4076117.
Holm, Duane Arlo, O5700950.
Hubbard, Robert Vernon, O5502178.
Jameson, Gene Lanier, O5401395.
Jennings, Gerald Ritchie, O5702418.
Keller, Nicholas Michael, O5505061.
Liepins, George, O5405251.
Lindsey, Charles Ruben, O5205167.
Lord, Frederick John, Jr., O5304358.
Mahalko, Gerald John, O5503788.
Massey, Lee Thompson, O5400112.
McCann, Thomas Patrick, O5503118.
McCarthy, Patrick Francis, O5200339.
McDonough, John Martin, O5405322.
Miller, Charles Edgar, O5200340.
NeeSmith, Delmus Morrison, W3150372.
Norton, Graham James, Jr., O5000320.
Oliva, Albert John, Jr., O5302998.
Parkhurst, Henry Adams, O5304143.
Pendarvis, Donald Ray, O2298130.
Richards, Gene Max, O5401226.
Rochester, James Virgil, O5403893.
Rougeau, James Louis, O5402967.
Sambol, Donald George, O5507648.
Schultz, Kenneth Redmore, O5506647.
Skelly, James George, O4059601.

Skidmore, John Don, O5402282.
Spaulding, Richard Alden, O4084688.
Strandes, Peter Kurnik, O5001468.
Talbot, Ralph, IV, O5304271.
Thomas, Ronald Elayne, O5700362.
Tucker, Woodson Coleman, III, O5304934.
Valimont, Benjamin Franklin, O5506359.
Wilkins, Jesse Bradsher, Jr., O5303376.
Williams, Michael Kent, O5704557.
Wilmot, Richard Wayne, O5503021.

The following-named persons for appointment in the Regular Army of the United States, in the grades and corps specified, under the provisions of title 10, United States Code, sections 3285, 3286, 3287, 3288, 3291, 3292, and 3294:

To be captain, Army Nurse Corps

Lewis, Agnes Katherine, N776827.

To be captains, Medical Corps

Blackburn, Dwight Leroy, O4043780.
Carter, Samuel Chase, O5202327.
Chollet, Hillary Anthony, O4039801.
Knight, Lee Roger, O2282869.
Peterson, Karl Ralph, O5202370.
Pyke, Thomas Walter, O1931162.
Wiese, Lowell Merton, 980655.
Wilson, William Berry, Jr., O2295812.

To be captain, Medical Service Corps

Meadows, James Herman, O967618.

To be captain, Veterinary Corps

Eckermann, Edgar Hugh, O1941806.

To be first lieutenants, Army Nurse Corps

Farrell, Joanne Teresa, N902698.
McLeod, Alva Juanita, N902535.

To be first lieutenants, Dental Corps

Allwein, John Bowman, O5206525.
Bass, Kenneth David, O52011340.
Beachum, Jerry Robert, O1942315.
Haden, Jackie Lee, O2295613.

To be first lieutenants, Judge Advocate General's Corps

Davis, Alonzo Franklin, O5704086.
Radosh, Burnett H., O2297121.

To be first lieutenants, Medical Corps

Anderson, Carl Andre.
Bezreh, Anthony Andrew, O2295791.
Brott, Walter Howard, O2297900.
Downes, Hall, O4053465.
Grauman, David Willis, A2297945.
Hardy, David Lopp, O4057775.
Libcke, John Hanson, O2295535.
McAndrew, John Burton, O2295418.
McCaffery, James Michael, O2297985.
Rudman, Harold Leon, O4051957.
Vines, Donald Hoyt, O2295471.
Vuksinick, Louis Martin.
Ylitalo, Elmer Waldemar, O2297991.

To be first lieutenants, Medical Service Corps

Collins, William Stanley II, O1929615.
Crosley, John Kenneth, O2285021.
Eldridge, Bruce Frederick, O2284222.
Wilson, Robert Geoffrey, O2287523.

To be second lieutenant, Army Nurse Corps

Kingsbury, Betty Jane, N2295424.

To be second lieutenants, Medical Service Corps

Brown, Thomas Joseph, O2299078.
Mendell, James Martin, RO10736281.
Miller, Roger Curtis, O2299094.
Nelson, Jerald Oliver, O5509914.
Pedersen, Edward Robert, O2279251.
Thompson, George Edwin, O2298436.

The following-named person for appointment in the Regular Army by transfer in the grade and corps specified, under the provisions of title 10, United States Code, sections 3285, 3286, 3287, 3288, and 3292:

To be first lieutenant, Judge Advocate General's Corps

Poydasheff, Robert Stephen, O71856.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade and corps specified, under the provisions of title 10, United States Code, sections 3285, 3286, 3287, and 3288.

To be second lieutenants, Medical Service Corps

Neal David Beinhacker
Veltin Joseph Boudreaux, Jr.
Raymond Lee Brown, Jr.
Billy Ray Caldwell
John Robert Cauble
Rogers Leon Coats
Ralph Donald Coffey, Jr.
Charles Edwin Delane
Dennis Blaine Forrer
James Lawrence Gore
Fredrick Lynn Greene
John Crawford Hamilton
Carlos Harris
Cecil Bernard Harris
Phillip Frank Hudson
Johnnie Ray Jackson
John Joseph Kilfoil
Charles Dean Larsen
Wayne Miller McLaughlin
John William McNeil
William Joseph Mullins, Jr.
William Duncan Oswald
Ronald Crandall Payette
Larry Gene Powell
Russell Edward Prescott, Jr.
Roy Stephen Roach
Michael James Rudick, Jr.
Calvin Philip Sandifer VI
Dyre Frederick Sibrans
Robert David Snoddy
Horace Grady Taylor
Leonard Joseph Timpone
John Wesley Turner, Jr.

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3285, 3286, 3287, and 3288:

Donald Bruce Abel, Jr.
Robert Benjamin Adair
Frank Sidney Adams
Glen Thomas Adams
Roy Bernard Adams
Stewart Edward Adams
Jerry Wayne Adcock
David Lawrence Adderley
Thomas Henry Agamenoni
Larry Pat Aikman
Jesse Calvin Aldridge
Joseph Daniel Alexander
Robert Thornton Alguire
James Evans Alling
William Thomas Allison
Luis Alvarez-Garcia
Robert Joseph Amirault
Anthony John Anastation
Donald Anthony Anchors
James Young Anderson, Jr.
Powell Robins Anderson
Robert Alexander Anderson
Warren Hargis Anderson
William Campbell Andrews
Michael Neil Appell
Donald Lee Applegarth
C. A. Archer
Robert Farr Armstrong
Dixon Arnett
Warren Austin Arthur
Edward Barrett Atwood, Jr.
Douglass Bradford Auer
George Robert Ax
Wallace Riddick Baker, Jr.
Richard Arnold Baldwin
Richard Stewart Bartlett
Stephen Ralph Bartlett
James Francis Baur
George John Baxter
Robert Carleton Bearse
Ronald Andrew Beauchamp
Lawrence Alphonse Beaudin, Jr.
George Wood Beeler, Jr.
William Henry Beird
Gary Lee Beiswanger
David Paul Belanger
Donald David Belcher
Alexander Bernard Belenski
Philip Robert Belisle
Thomas Jon Belzer
Louis Joseph Benedict
Carl Alton Benner, Jr.
Hugh Clements Bennett, Jr.
James Lineau Bennett
David Italo Bertocci
David Arnold Bevis
James Humbert Bianchi
Randolph Tracy Bibb, Jr.
Alvin Arthur Bicker
Barry Basil Billings
Ronald Eugene Bilyeu
James Willis Bingham
Hugh Hamlett Blackwell
Milton Pearce Blake
William Benjamin Blake
John Howard Blewett
Harold Hersey Bloch
William Vande Bogart
Joseph Paul Bohn
Phil Knox Bomersheim
Leslie Randolph Borland, Jr.
Kenneth Cobb Bowden
Joseph Milton Bowers, Jr.
William Hampton Bowers
Wilbur Grant Bowersox
Joseph Raphael Bowling, II
Albert Julian Boyer
Harry Ward Boyles, Jr.
Marvin Preston Braden
Larry Newell Bradford
Marvin Delano Brailsford
Harold James Brand, Jr.
Gordon Taylor Bratz
William Waddell Brett
Orlan Hiers Briant
Patrick Joseph Briody
Charles Christian Brown, Jr.
George Newell Brown, Jr.
James Harrison Brown
James Peter Brown
Samuel Lee Brown
Shirley Maurice Brown, Jr.
William Kenneth Brown, Jr.
Willie Claiborne Brown
Larry Don Brugh
Robert Hal Brumblay
Joe Stephens Bryan
Robert Louis Bryant
James Ansel Buford, Jr.
William Henry Bumgardner
Ralph Thorne Bunten, Jr.
Raymond Clarence Burdick, Jr.
George Winburn Burkley
John William Burns
Timothy Frederic Burns
Alan Archer Butchman
Billy Carl Butler
Michael Anderson Butterworth
Kenneth Arnold Byrd
John Joseph Byrne
Robert William Byron, Jr.
James Wright Cafky
Eugene Joseph Callahan
Joseph Charles Callahan
William Edward Callender
Jack Arnold Campbell
Terry Marcus Carlton
Roger Francis Xavier Carney
John Michael Carr
Milton Baxter Carr
Louis Arthur Carville III
John Barry Cary, Jr.
Joseph Glen Casanova
Thomas Aquinas Cavanaugh
Gordon Harrison Chader
Harry Chaffin, Jr.
Robert Lyman Chick
Robert Mahlon Chiles
James Ralph Choplick
Frederick Nels Christophersen
Herbert Nathaniel Clark
Jack Lee Clark
Thomas Campbell Clay
Conrad Stephen Cleale
Donald Edward Cleaver
Donald Francis Clement
David Garrett Cleveland

Corwyn Milton Cline
Keith Edward Clum
Robert Haslup Cole
Theodore Robert Cole
Barry Smith Collins
Conrad Green Collins, Jr.
Francis Chandler Collins
Anthony Peter Combriato, Jr.
Jon David Cook
Clinso Copeland, Jr.
Thomas Henry Cornick
Neil Laird Corry
Joseph Costa, Jr.
Louis Philip Costa
Emile Pierre Coulon
James Eugene Covan
Jerry Gordon Crampe
Robert Philip Crandall
William Sherman Creighton, Jr.
William Frank Cressall
Raymond Francis Crickenberger
James Raymond Crinan
Don Warren Crockett
Ross William Crossley
Ralph Lerance Crutchfield, Jr.
Joseph Cuccaro
William John Cully
Clovis Ray Culp
Richard Berg Culp
Emmitt Lee Curry
Weldon Kennerly Curry
James McRee Cushman
William David Cutler
Jerry Robert Daily
Robert Henry Damm
James Patrick Daniel
Harold W. Darden, Jr.
Jimmie Solomon Daughtry
Joseph D'Aulerio, Jr.
Robert Matthew Davidson
Lynn Evan Davis
Voy Leland Davis
Jerry Avery Day
Richard John Day
James Welborne Dearlove
Jones Thomas Deaton, Jr.
Roger Berryl Decker
Wellington Paul Degener
Javan Michael DeLoach
Louis Joseph Demarest
J. Thomas Heflin Denney
Edward Cornelis de Vente
Samson S. Dickens
Myron Diduryk
Joseph Andrew Dion
Eugene Joseph Dobrzelecki, Jr.
Paul Sargent Donahue
Benjamin Lewis Donaldson
Daniel Joseph Dorf
Hunter Riley Douglas
Joel Melvin Douglas
William James Doyle
Earle Avon Drake
Warren Edgar Drew
Lewis Frazer Driver
Ronald Edward Drumheller
Larry Carl Dubberly
John A. Duff
Jerry Gene Duncan
John Malloy Dunham
Rockwood Sweeney Dunham
Gerald Dwight Dupree
Ronald Samuel Durian
George James Dwyer
Robert Emerson Dyer
John Howard Dynes
Curtis Duncan Earp, Jr.
William Richard Easterling
Charles William Edgette
George Victor Edwards
Robert Henry Edwards
Harvey Leonard Eidinoff
Robert Eller
David Edward Ellis
Bruce Blake Ellsworth
Jerry Lee Endsley
Richard Alan Erickson
William Christian Erickson
Lester Andrew Erlemeier
Bobby Glenn Estep
David Owen Faist
Paul Wayne Falls
Jack Arthur Fecht
Robert John Federico
Raymond Eugene Fedynak
George Wood Feisthamel
Harlin LaVern Fenn, Jr.
George Albert Ferguson, Jr.
Robert Valentine Fernandez
Paul Frederick Ferrence
James Cecil Fields
Michael Joseph Finn
John William Fisher
Thomas Patrick Flanagan, Jr.
Thomas Whitney Flood
John Gerald Flora
Wilbert Flowers
Howard Joseph Floyd
George Quitman Flynn
John Michael Flynn
Stanley Lee Fonken
Philip Albert Forbes
Franz Josef Forster
Thomas Harman Foster
Willard Blake Foster
Donald Eugene Fowler
Robert Gary Francis
Charles Edward Frankenberger, Jr.
Weldon Clifford Franklin
Louis Dean Frederic Frasche
Howard Daniel Fraser
William Walter Freitag
William Carter French
Joe Allen Frerking
George Chisholm Frigard
Robert Craig Fulton
Robert Edward Gale
Robert Francis Galgano
Dwight Fred Garner
Gordon Gilbert Garney
Edward James Garrigan
John Raymond Garrison
Larry Daniel Gedney
Richard Stockwell Geehr
Thomas Lee Gensman
Barry Frederick Gentzler
Sabin Joseph Gianelloni III
Jerry Budinger Gibbs
John James Gibbs
George Peter Gick
Jerrold Lee Gilliland
Marco Louis Patrick Gilliam
Kenneth Robert Glaser
Francisco Gonzalez-Cruz
Eldon Byron Good
Arnold Jacob Gordon
Dewitt Farr Gordon, Jr.
Arthur Kazuo Goto
Brian Thomas Grattan
Bernard William Gratzer III
Edward Robert Green
Grant Sherle Green, Jr.
Jimmy Wayne Green
Norris Barratt Green, Jr.
William John Greif
Norman Dale Grimmett
Douglas Lamar Grindle
Frederick Dudley Griswold
Kenneth Dudley Grundborg
James Adrian Guest
Charles Emil Guetle
William Robert Guffey
Max Guggenheimer, Jr.
Douglas Carew Guiler, Jr.
Richard George Guindon
Lars Bernt Hagen, Jr.
Charles Aloysius Hall
James John Hallihan, Jr.
George Arthur Hamilton
William Louis Hamilton
Frederick Reid Harder
Alva Valdora Hardin, Jr.
Albert Sidney Hardy III
William Elmont Harmon
James Adam Harper
Ernest Lee Harrison, Jr.
Joseph James Harrison, Jr.
Kent Edwin Harrison
Robert Bradley Harrison
Donald Scott Edward Hart
Edward Donald Hart
George Washington Hart
Trapier Keith Hart
William Francis Harvey III
Kenneth Charles Haupt
Richard Burdette Hawkins
Ralph Eugene Hayes
Frederick Leslie Haynes
Frederick Joseph Hebert
Roland Charles Hebert
Richard Adolf Hein
Arthur Larry Henderson
Robert Gray Henderson
Christopher Patrick Hendrickson
David Neuman Henigsman
Charles Whitney Henry
George Edley Henry, Jr.
John Franklin Henry III
George Albert Herbster
Alfonso Manuel Hernais
Joseph Henry Herold
Curtis James Herrick, Jr.
John Peter Herrling
Gerald Edward Herrmann
Charles William Herzig
George Philip Higdon, Jr.
James Linton Higginbotham
John Clark Higley
Robert Edwin Hoffman
Ludwig Carl Hoffman III
Donal Doris Hogan
Roger Deane Hohman
Billy Wayne Holbert
Robert William Holcomb
Allyn Adelbert Holland
James Clarence Holland
William Russell Holland
Peter Harvey Hollister
Allen Eldridge Holmes
Artemas Lawrance Holmes, Jr.
Simon Howard Holmes
Robert Page Holton
Harry Takeshi Honda
Samuel Wallace Hopkins, Jr.
Clifford Charles Horstman, Jr.
Leland Hollis Horton
Charles Edward House
Donald Eugene Houston
John Joseph Hovan
James Ralph Howard
Sherwin Ward Howard
Marvin Eugene Howell
Orvil Glade Hunsaker
William Homer Hunscher
John Woodrow Hunt
Robert Lance Hunter
Thomas Weston Hutchinson
Charles Albert Hutz
Ronald Shinichi Ichiyama
Anthony Edward Infantolino
Joseph Freeman Isenstein
Charles Henry Jackson, Sr.
Richard Michael Jacobson
Joseph Normand Jacques, Jr.
Robert Camille Jacquet
Ronald Richard Jalbert
Carlton Mize James, Jr.
Stephen Janowitz
Edward Roman Januszkiewicz
Jay Henry Jarrett
Charles William Jarvis
Clarence Edward Jewett, Jr.
James Gregory Johnson
Robert Bruce Johnson
Ronald Dale Johnson
Thomas Mee Johnson
Donald Houston Jolly
Arland Arthur Jones
Arthur Murlin Jones
James Charles Jones
Robert Ernest Jones
Paul George Jordan, Jr.
William James Jordan
Ernest Francis Jost
Meyer Kabot
Harold Frederick Kaiser, Jr.
George Robert Kane
Peter Paul Karabashian
James Walter Karaman
Kurt Lee Keene
John Thomas Keller
Richard Renker Keller
Robert Roy Kelly

Richard Herbert Kenyon
Bobby Gray Kiger
Harold Gene Kimes
Jack Junior King
James Roland King
Robert Allen Kirchgraber
Francis Bernard Kish
David Julian Klock
Douglas Frank Klosen
Bruce Evans Kniskern
Lawrence Rowland Knowles
Norman Tsutomu Kobayashi
John Kocis, Jr.
Richard Oscar Koford
Anthony James Kolodziejski, Jr.
Theodore Phineas Konkle
Robert Joseph Kopecky
Dale Michael Kopinski
Francis Stanislaus Kowalczyk
Francis Xavier Krahe
Gerald Kroll
Wayne Bellinger Kuhn
Jon Nicholas Kulish
William David Kutac
Simmin Neil Labell
George Thomas LaBlonde, Jr.
Salvatore Francis LaForgia
Nicholas Mathew Legattuta
William Richard Laird
Joseph Robert Lambert
Walter Kraft Lambert
Joseph Samuel Laposata
Aaron Jerome Larkins
Robert Alton Larson
Gerald Don Lasater
Billy Ray Lawson
Edward Kirby Lawson III
Samuel Murray Learned, Jr.
Charles William Lechner
Gene Harvey Lee
Stanley Martin Lee
Charles Stuart Lehrer
Charles Frederick Leonard III
Theodore J. Leonard
Ray Stewart Leuty
Stanley Burton Levy
John Meade Linebaugh
Stephen David Linn
James Earl Linton
Arthur Robinson Littlewood III
James Kerr Lloyd
George Joseph Logan, Jr.
Richard Allen Lohr
Russell Charles Lohrman
Roy Stephen Lombardo, Jr.
George Burnham Lott, Jr.
Reinhard Mann Lotz
Max Jay Loudenslager
Daniel Joseph Loughery
Neal Wallace Lovsnes, Jr.
Gary Oscar Lozier
Martin Lu
Ira Talmadge Luster, Jr.
David Bertram Lutton
David Francis Lynch
Robert Carlo Maccarini
James Craft Maccracken III
Joseph John Machado
James Anthony Macinko
David Maddox
Edward Reeves Maddox, Jr.
James John Mahoney
Ferdinand Maksimowski, Jr.
Carlton Alvin Mallory
Edward Joseph Manley, Jr.
Lawrence Michael Marafka
Joseph Richard Marotta
Dahl Marshall
Marion Howard Marshall
Stanley Joseph Martin
Patrick Nicholas Martone
Richard Mashburn, Jr.
John Thomas Mason III
Linn Hindman Matthews
Richard Jordan Matusoff
James Joseph Maul
Antonio Michael Mavroudis
John Oscar Mayo, Jr.
John Bernard McBennett
John Patrick McBennett, Jr.
Alan Robert McCahan
Francis Daniel McCann, Jr.
Daniel Joseph McCarthy
William John McCarthy
Clyde Robert McClelland
Michael Joseph McCollum
Michael Henry McCormick
John Edington McCown
Francis Benedict McCullough
Richard Raymond McDade
John Frederick McDermott
James Isaac McDowell
Martin Nelson McGeary, Jr.
James Byrne McGough, Jr.
Edward Francis McGushin
Frederick Stroman McKay
Michael Rudd McKee
Horace McKenzie
Wesley Garner McNett, Jr.
James Thomas McWain
Gerald Vernon McWilliams
Jay Bonnett Meador
Kenneth Ray Mechling
Philip Clarke Medenbach
John Frederic Melcher, Jr.
Roger Lynn Menchinger
Joseph Anthony Mercurio
Joseph Henry Mergler
Richard Dean Meriaux
Carroll Wayne Merlick
Leon Benjamin Metz, Jr.
David Kent Meyers
Robert Wesley Meyers, Jr.
Raymond David Michels
Robert Dent Middleton
John Lawrence Miles
George Patrick Miller
Gerald Cree Miller
Richard Sidney Miller
John Martin Minick
Keith Camden Mollohan
Thomas Shannon Molskow
Lawrence Anthony Monaco, Jr.
John Paul Montgomery
Frederick Thompson Moore, III
Thomas Peter Moore, Jr.
Jon Ralph Morgan
Kearney Hall Morgan, Jr.
Jimmy Ray Morris
Thomas McNamara Morse
John Ashby Morton
Albert Anthony Muehlberger
Robert Bruce Mulholland, Jr.
John Francis Mullen, Jr.
William Joseph Mullen
William Ronald Mullins
James Thomas Munsch
Don Black Munson
Fredrik Hugh Murrill
Robert Myers
Clarence Siefert Naatjes
Joseph Eugene Nadeau
Brian Thomas Napier
Richard Livingston Naughton
Robert Bell Neal, Jr.
Richard Hartwell Negus
Karl Franz Nehammer
John Robert Newman
John Franklin Niblack
James Albert Nicholas, Jr.
Lester Doyle Nichols
George Pleasants Noble III
Howard Joseph Nolan
Dale Frank Norton
Joel Thomas O'Brien
Richard John O'Brien
Thomas Francis O'Brien III
Danny Edward O'Connor
William Donald O'Hara, Jr.
George Werner Ohlendorf
Michael Lee O'Kane
William Duncan O'Neill
Edward James Osborne
Douglas Bruce Ostien
Matthew Henry Pachosa
Donald Edward Painter
William Lee Painter, Jr.
Lawrence Henry Paletti
Larry Brien Palm
Michael Anthony Paolino
Frank Ward Parker
Henry Bennett Parker
Jerry Wayne Patten
Kenneth Paulin
Hans Werner Paulsen
Larry Carmon Payne
Carl Alan Peabody
David Lee Pearce
Michael James Pepe
Whitman Coolidge Perham II
Alfred George Peterson
Levi Arnold Peterson
John O'Keefe Phelps
Paul Lawrence Pilanski
Rudolph Alton Pitcher, Jr.
Thomas Benton Pitcher
Arnold Ray Pleasant
Robert Charles Poe
Fred Rooks Pope
Edward Glenn Porterfield
Sidney Harold Powers
Eric Leroy Prall
Robert Roland Prevost
Howard George Pugh
Terry Clyde Pursel
Marida Ray Purvis
Richard Granville Pyle
John Anthony Quadrini
David Norwood Radike
Emile Anton Rainold III
Franklin Delanor Rains
Edward Lewis Ramsey III
Charles Gustav Rapp
Edward Gerard Rapp
Arthur Norman Rappaport
Ernest Herman Rautter
Charles Walker Raymond 3d
Fred Eric Redd III
Forrest Richard Redden, Jr.
Frank Siddall Reece
Alan Trask Reed
Henry McDavid Reed II
Clyde Milstead Reedy
Robert Willard Reese
Patrick Lambert Regan
Birge Douthitt Reichard, Jr.
Jonathan Drake Reiff
George Adam Rentschler, Jr.
Joseph Christian Reynolds
Richard Gardner Rhoades
Max Charles Richards
Jack Richens
Paul Kenneth Riley
James Lewis Rivers, Jr.
Edward Herndon Robertson, Jr.
Lawrence Lee Robertson
John Sanborn Rogers
Louis Rose
Richard Grayson Rose
Thomas Lee Rose
Arnold Louis Ross
Kenneth Lee Ross
William Paul Rovan
Christopher Charles Rudolph
Lawrence Glenn Runnion
Edward John Russell
Jerry William Russell
Francis John Russo
Joseph Edward Ryan
Michael Francis Ryan
William Joseph Ryland
Donald Bailey Safford
Clyde Frederic Saum
Charles Andrew Sawicki
James Christian Schaaf, Jr.
Robert Joseph Schaffhauser
Richard Riordan Schalk
Lynn William Scheirer
Paul Joseph Schmelzer
Michael Carl Schmidtman
David John Schneider
Frank Andrew Schollett
Roger Hart Schonning
Bruce Edward Schoppe
John Henry Schreiber, Jr.
Robert Charles Schroeder
David Brian Schuler
Richard Stephen Schultz
Lawrence John Schumann
Gilbert H. Schumpert, Jr.
Peter Milton Schuyler
Sheldon Alan Schwartz
Malcolm Paul Schwarzenbach, Jr.

William John Schweickert, Jr.
Carroll Thomas Sciance
Eric Harry Seagren
Richard Francis Sette
Donald Eugene Sexton
Billy Jack Shepherd
George Leo Shevlin, Jr.
James Gerard Shields
Richard Samuel Shumway
Edward Gresham Sills
Gerald W. Silver
Denis LeRoy Simmons
Kenneth Eugene Simmons
Andrew Robertson Simpson
William Caroll Simpson
James Lister Skinner
Stephen McLean Slattery
Anthony Stephen Slovacek
Sam Taylor Smathers
Peter John Smilikis
Don Allen Smith
Irving Benedict Smith
James Charles Smith
Stewart Edward Smith
William Henry Smith
Jerry Patrick Soderberg
Myron Bernard Sokolowski
James Lewis Sowell
Joel Charles Spaeth
William Herbert Spain, Jr.
Raymond Fasho Spigarelli
Michael Francis Spigelmire
William Allan Spin
Joseph Franklin Spitz
Allen Peterjohn Splete
Raymond Anthony Spunzo
Donald Leigh State
Gordon Stewart Steadman
Marion Archibald Steele, Jr.
Robert Jules Steffen
Kenneth Edward Steppe
William Lamson Stockman III
Gerald Benton Stofer
Rayburn Clifton Stovall
William Mitchell Strother
Carl Albert Strunk
Leonard Stanley Strzelecki
Walter Beynon Sturek
William Frederick Sturm
Barney Alan Sugg
Anthony Dwyer Sullivan
James Arnold Sullivan, Jr.
Richard Parker Sullivan
Robert Charles Swedberg
Richard David Sweeney
Homer George Taggart
Roger Jerome Tancreti, Jr.
Frank Andrew Tapparo
Harry Inett Taylor
Hurl Richmond Taylor, Jr.
James Franklin Thacker
Tommy Lennard Thorne
William Furman Thornton
James Doc Thurman
Joseph Leo Tierney
Clifford Richard Tillman
Henry Young Tillman, III
Felix Alberto Torres, Jr.
Ronald Alan Tourgee
Eugene Otto Trautmann
John Peter Trombino, Jr.
Robert Symons Troth
dePaul Richard Trunk
Richard Wesley Tuxill
David Harold Tyre
Richard Lee Tyson
James Girard Unger
Raymond Charles Valentine
Gordon David Van Amburgh
Bela Jozsef Vasvary
Herbert Edward Vaughan
Carl Parker Vermilyea
Anthony Michael Vickers
Ralph Lewis Waddell
Richard Ward Wagner
Louis Gregory Waldhour
William Roger Waldrop
James Henry Walker
Hubert Dalton Wallace
Bobbie Jack Waller
Charles Cornelius Washington
Robert Lee Waters
James Elwyn Watson, Jr.
Pitt Marvin Watts III
William Cleon Weathersby
James Howard Weaver
Gerald Edwin Webb
Richard Olin Webb
Faustin Neff Weber
Gerard Jenson Weber
Richard Ross Weisner
Michael Norton Welch
Herbert Daniel Wells
True Franklin Wells
Anthony Daniel Weyland
Gene Child Whaples
J. Dee Whisenhunt
Jerry Donald White
Berkley Allan Whipple
Basil John Whiting, Jr.
Lee Roy Whitley
Nathaniel Olmstead Whitlaw, Jr.
Rush Robert Wicker, Jr.
Thomas John Wilbanks
Charles Earl Williams
Samuel Douglas Williams
Stephen Beryle Williams
Charles Cole Wing, Jr.
Lawrence Jerome Winston
David Bitner Wirthlin
James Michael Wisby
Gerald Smithers Wolf
Robert Raymond Wolff
Larry Wayne Wood
George Satterwhite, Jr.
Thomas John Woodall
Lawrence Leonard Woodman, Jr.
Edward Richard Wynn
Phillip Takeshi Yamaguchi
Joseph Paul Yannuzzi
Donald York
Robert Laverne Yoxtheimer
Lawrence Paul Zaborowski
John Zebrowski, Jr.
William James Zimmer
Carl Edward Zoubra
Ervan Eugene Zouzalik

CONFIRMATION

Executive nomination confirmed by the Senate March 31 (legislative day of March 30), 1960:

POST OFFICE DEPARTMENT

Frank E. Barr., of Kansas, to be an Assistant Postmaster General.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 31, 1960

The House met at 12 o'clock noon.

Rev. Clark Robbins, First Methodist Church, Huntington Park, Calif., offered the following prayer:

Almighty God, our Father, Thou who art the way, the truth, and the life, come close to us each one in these quiet moments that we share together. Remind us that we are debtors to the past, to giant souls who have labored in these Halls and throughout the Nation. Remind us and help us to a larger love for freedom and for liberty. Save us from blindness to sins at home while we ask for reforms abroad. Make straight in the deserts of our time a highway of righteousness and peace and help us to walk thereon.

We ask these things in the name of Jesus Christ, our Lord and our Saviour. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

NAVAJO TRIBE OF INDIANS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6329) to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Amend the title so as to read: "An act to convey certain land in McKinley County, New Mexico, to the Navajo Tribe of Indians."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PROGRAM FOR NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time for the purpose of inquiring of the acting majority leader as to the program for the balance of the week and for next week.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, in response to the distinguished minority leader, Monday is Consent Calendar day. Then there are five suspensions: H.R. 10550, extend Export Control Act of 1949; S. 1062, mergers, Federal Deposit Insurance Act; House Joint Resolution 397, resettlement of refugees; House Resolution 431, White House Conference on Narcotics; H.R. 10087, taxes, foreign tax credit.

On Tuesday the Private Calendar will be called. Any rollcalls on Monday or Tuesday, except on rules, will go over until Wednesday, due to the Wisconsin primaries.

On Wednesday there will be a joint meeting for the purpose of receiving the President of Colombia as a distinguished guest of the Congress, and also H.R. 10959, employment retired commissioned officers.

Thursday and the balance of the week is undetermined. Then there are the usual reservations that any further program will be announced later, and conference reports may be brought up at any time.

Mr. HALLECK. I thank the gentleman.

HSIAO-LI LINDSAY

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the

Speaker's desk the bill (H.R. 9444) for the relief of Hsiao-li Lindsay—nee Li-Hsiao-li—with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Lines 5 and 6, strike out "notwithstanding the provisions of section 202(a) and 202(b) of that Act" and insert "and the provisions of section 201(a), 202(a)(5), and 202(b)(2) of that Act shall not be applicable in this case".

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ADJOURNMENT UNTIL MONDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that, when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SUSPENSION OF DUTY ON IMPORTS OF CASEIN

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7456) to extend for 3 years the suspension of duty on imports of casein, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

(1) Line 7, strike out "'1960'" and insert "'March 31, 1960'".

(2) Line 7, strike out "'1963'" and insert "'July 1, 1960'".

Amend the title so as to read: "An Act to extend until July 1, 1960, the suspension of duty on imports of casein."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, as the Members of the House will recall, as it passed the House H.R. 7456 provided for an extension of 3 years, until the close of March 31, 1963, of the existing suspension of import duties on casein. The Senate has amended the bill to provide that the suspension be continued for 3 months only, until July 1, 1960.

The Senate Finance Committee has scheduled a hearing to be held on this bill today, March 31, 1960. By extending the existing suspension for 3 months, ample time will be afforded for all interested parties to be heard, and at the same time the suspension will not lapse before appropriate action can be taken.

I urge that the House accept the amendment of the Senate.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, I have concurred in the action in agreeing to the Senate amendment to H.R. 7456.

It will be recalled that the House passed version of this legislation would have continued for an additional 3 years to April 1, 1963, the existing law suspension of import duty on casein. The Senate-approved amendment would continue the suspension for 3 months to July 1, 1960. Under present law this suspension is scheduled to terminate tomorrow April 1, 1960.

The original legislative action suspending the duty on casein occurred in 1957. The duty has been suspended for the entire period from September 3, 1957, to the present time.

In anticipation of the scheduled expiration of this suspension at the end of the current month, the Committee on Ways and Means on August 10, 1959, unanimously reported to the House legislation which had been introduced June 1, 1959, to continue the suspension for 3 additional years. On August 18, 1959, the House unanimously passed this bill and sent it to the other body.

To my knowledge no objection has ever previously been raised to the suspension of the import duty on casein during the time the suspension has been in effect. Recently an objection was made in the other body after the Senate Finance Committee had favorably reported H.R. 7456 to the Senate without amendment. This objection resulted in a Senate floor amendment to the legislation so as to provide the 3-month continuation of the suspension of duty to July 1, 1960. A 3-month extension of the suspension will give opportunity for public hearings on this matter to ascertain the merit of the objection. It is my understanding that the Senate Finance Committee has scheduled such public hearings. The interim 3-month suspension will alleviate to some extent the disruption of procurement practices of casein users.

I have agreed to concur in the Senate amendment so as to allow such public hearings to be held with the understanding that a more realistic extension of the suspension will receive congressional action during the present session of Congress.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

COMMISSION OF FINE ARTS

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the bill (S. 2778) to amend the act relating to the Commission of Fine Arts and for the immediate consideration therof.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. GROSS. Mr. Speaker, reserving the right to object, what bill are we considering, S. 2778 or H.R. 7923, under this procedure?

Mr. JONES of Missouri. We are considering S. 2778, which I hope to amend by inserting language of H.R. 7923 which was reported unanimously from the House Committee on Administration.

Mr. GROSS. The gentleman intends to take some time to explain the bill and will yield for questions?

Mr. JONES of Missouri. When we get down to the amendment, I shall be glad to.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act Establishing a Commission of Fine Arts," as amended (40 U.S.C. 106), is amended to read as follows:

"SEC. 2. That to meet the expenses made necessary by this Act an expenditure of not exceeding $100,000 a year is hereby authorized."

Mr. JONES of Missouri. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Missouri: On page 1, strike out lines 6, 7, and 8 and insert:

"SEC. 2. There are hereby authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act."

Mr. JONES of Missouri. Mr. Speaker, I am now glad to yield to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. What is this bill going to cost under the amended version?

Mr. JONES of Missouri. I would say to the gentleman from Iowa that whereas there is a present limitation of $35,000 for appropriations to the Commission of Fine Arts, this would lift that limitation. I might say that for the past 3 years that limitation has not been adhered to in the appropriations that have been made. We feel that that limitation was set many years ago and is not now a realistic figure. Rather than accept the limitation fixed by the other body at $100,000, which we felt might be used as a goal for them to shoot at, we think that the House language with the limitation as reported by our committee would be more practical. The members of the committee felt that there would be less money spent in that way.

Mr. GROSS. I think the gentleman is correct in assuming that adoption of the Senate provision would mean the Fine Arts Commission attempt to obtain the full $100,000. The limitation now is $35,000.

Mr. JONES of Missouri. We are taking off all the ceiling.

Mr. GROSS. There is no limitation in the language which the gentleman would insert in the bill.

Mr. JONES of Missouri. I agree with the gentleman that there is no limitation, but it was the opinion of the com-

mittee, in which I concur, that in this case the ceiling of $100,000 would encourage the spending of more money than by taking off the ceiling entirely, because justifications would have to be made before the Committee on Appropriations.

Mr. GROSS. What does the gentleman think this Fine Arts Commission ought to have by way of an increase?

Mr. JONES of Missouri. I will say to the gentleman from Iowa this is like many other things in our Government. I feel that at least with the present makeup of the Commission they would spend probably in the neighborhood of $45,000.

Mr. GROSS. A $10,000 annual increase, in other words.

Mr. JONES of Missouri. It would be approximately that, I would think.

Mr. GROSS. What has the Committee on Appropriations been giving them up to this point?

Mr. JONES of Missouri. The highest figure, as I recall, and I would not want to be held to it, is in the neighborhood of $45,000.

Mr. GROSS. So the Appropriations Committees of the House and Senate have been violating the law to the extent of $10,000 a year?

Mr. JONES of Missouri. I would not want to comment on that.

Mr. GROSS. The limitation was $35,000, was it not?

Mr. JONES of Missouri. I think the gentleman is correct.

Mr. GROSS. And if the committees have been giving them $45,000, they have been bending the law pretty much out of shape, have they not?

Mr. JONES of Missouri. The gentleman can draw his own conclusion as to that.

Mr. GROSS. Does this have anything to do with the cultural center that is to be built down in Foggy Bottom?

Mr. JONES of Missouri. I am sorry; I cannot answer the gentleman's question about that. Foggy Bottom was not discussed in connection with this bill.

Mr. GROSS. What does this Fine Arts Commission do?

Mr. JONES of Missouri. It is the official advisory body of Government upon matters of art. It makes recommendations concerning the artistic aspects of design and location of public statues, fountains, monuments, buildings, and similar Federal projects, within the District of Columbia. I would say it is solely an advisory commission. I would also state to the gentleman that many of the people who serve on the Commission are serving without any compensation. They do have employees, a staff who draw salaries, but our committee felt that they were not being overpaid. They felt it was a necessary function to have such a commission.

Mr. GROSS. The appropriation has not been made for this year?

Mr. JONES of Missouri. I could not answer the gentleman's question.

Mr. GROSS. I am confident that I cannot stop the passage of this legislation, but I am opposed to it and I am certainly going to be watching for the appropriation when it comes in.

Mr. JONES of Missouri. As the gentleman well knows, I am only representing our committee here.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 7923) was laid on the table.

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. THOMPSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, as author of H.R. 7923, I wish to take this opportunity to express myself on its behalf. I also desire to present a brief explanation of its real objective. The bill simply seeks the removal of a fixed limit of $35,000 for fiscal expenditures by the Commission of Fine Arts. This limitation of authorization was established in May 1955 and after 5 years of very difficult financial programing the officials of that great Commission are now seeking permission to have its necessary activities annually reviewed, and its estimates justified, by the Committee on Appropriations in both Houses. They made an excellent case before our committee, pointing up the extensive work being done in our country's ever-growing demand for the fine arts and the importance of such a public service. The committee was unanimous in its endorsement of the proposal.

I compliment the course taken by the gentleman from Missouri [Mr. JONES] who recommended passage of a similar Senate bill, S. 2778, and amended it so as to include the provisions of H.R. 7923. The Senate-passed measure would limit the Commission's authorization to $100,000 instead of the present $35,000. The gentleman from Missouri [Mr. JONES], who is chairman of the Subcommittee on Library and Memorials, carefully followed the views of our committee, which was advised by the distinguished Chairman of the Commission, Dr. David E. Finley, who stated:

> As it is not possible to anticipate what the workload will be several years from now, or to foresee what legislation there may be which will affect the workload or the costs, the Commission hesitates to recommend a specific limitation amount.

The Bureau of the Budget has approved H.R. 7923, and has concurred in the views expressed by Dr. Finley as to the necessity of enactment of this legislation as being in the best interests of the Commission of Fine Arts and the Nation.

The Commission of Fine Arts has been very careful in its expenditures of Government funds over the 49 years of its existence but it has found that its actual operating expenses have increased to a degree which makes it impossible adequately to discharge its functions within the $35,000 limit.

In fact, the appropriations for the Commission have exceeded the $35,000 limitation for the last 3 years. The excess for 1958 and 1959 and a portion of that for 1960 was required by the Federal Employees Salary Increase Act of 1958—Public Law 85–462. An additional $4,600 was requested and appropriated for the fiscal year 1960 to cover additional travel costs by reason of the appointment of a member from New Mexico to the Commission by President Eisenhower.

During fiscal year 1959, it was necessary for the Commission of Fine Arts to hold three extra meetings of the architect and landscape architect members of the Commission with the Executive Secretary, outside of Washington, D.C., in order to develop acceptable designs for the Theodore Roosevelt Memorial Bridge and for the exterior and interior of the addition to the Department of State. The cost of these three meetings, plus the cost of travel for the new member of the Commission appointed from New Mexico, together with the in-grade salary raises made mandatory by law, made it impossible for the Commission to hold the regular monthly meetings scheduled for May and June 1959.

It is important to point out that the Commission of Fine Arts will complete 50 years of service to the Federal Government and to the Nation in 1960. During these 50 years the Government has had the benefit of services, free of charge, of more than 60 of the country's most distinguished architects, landscape architects, painters, sculptors, and distinguished judges of the fine arts.

I would agree with Dr. David E. Finley in his statement that—

> It would be fair to say that from no other agency has the Government received so much in the way of expert services for so small an outlay of funds.

If, today, the Nation's Capital is one of the most beautiful and impressive cities in the world, far outweighing many European capital cities, particularly Moscow and the provincial capitals of the Soviet Union, it is due to the devoted services of the members of the Commission of Fine Arts.

Among the great Americans who have contributed their services to the work of the Commission of Fine Arts are the following:

Daniel H. Burnham, architect, Chairman; appointed June 15, 1910; died June 1, 1912.

Frederick Law Olmsted, landscape architect; appointed June 15, 1910; reappointed June 15, 1914. Term of service expired September 11, 1918.

Thomas Hastings, architect; appointed June 15, 1910; reappointed June 15, 1914. Term of service expired September 21, 1917.

Daniel Chester French, sculptor; appointed June 15, 1910; appointed Chairman July 5, 1912; resigned June 15, 1915.

Francis D. Millet, painter; appointed June 15, 1910; died April 5, 1912.

Cass Gilbert, architect; appointed June 15, 1910; reappointed June 15, 1914; resigned September 20, 1916.

Charles Moore; appointed June 15, 1910; reappointed June 15, 1914; elected Chairman July 29, 1915; reappointed for third term September 11, 1918; reelected Chairman October 4, 1918; reappointed for fourth term November 3, 1922; reelected Chairman December 18, 1922; reappointed for fifth term December 9, 1926; reelected Chairman January 6, 1927; reappointed for sixth term December 8, 1930; reelected Chairman January 6, 1931; reappointed for seventh term December 18, 1934; reelected Chairman; resigned as Chairman September 29, 1937. The term of service of Mr. Moore expired January 18, 1940. Mr. Moore died September 25, 1942.

Edwin H. Blashfield, painter; appointed May 31, 1912, to fill the vacancy caused by the death of Francis D. Millet. Term of service expired September 1, 1916.

Pierce Anderson, architect; appointed July 5, 1912, to fill vacancy caused by the death of Daniel H. Burnham. Term of service expired September 1, 1916.

Herbert Adams, sculptor; appointed June 15, 1915, to fill the vacancy caused by the resignation of Daniel Chester French.

J. Alden Weir, painter; appointed September 1, 1916, to fill vacancy caused by termination of term of service of Mr. Blashfield. Mr. Weir died December 8, 1919.

Charles A. Platt, architect; appointed September 1, 1916, to fill vacancy caused by termination of term of service of Mr. Anderson.

William Mitchell Kendall, architect; appointed September 20, 1916, to fill vacancy caused by resignation of Mr. Gilbert.

John Russell Pope, architect; appointed September 21, 1917, to fill vacancy caused by termination of term of service of Mr. Hastings.

James L. Greenleaf, landscape architect; appointed September 11, 1918, to fill vacancy caused by termination of term of service of Frederick Law Olmsted; reappointed February 1, 1923.

William Sergeant Kendall, painter; appointed April 10, 1920, to fill vacancy caused by the death of J. Alden Weir.

James E. Fraser, sculptor; appointed May 7, 1920, to fill vacancy caused by termination of service of Mr. Adams.

Louis Ayres, architect; appointed February 19, 1921, to fill vacancy caused by termination of service of William Mitchell Kendall.

Henry Bacon, architect; appointed February 21, 1921, to fill vacancy caused by termination of service of Charles A. Platt. Mr. Bacon died February 16, 1924.

H. Siddons Mowbray, painter; appointed February 24, 1921, to fill vacancy caused by resignation of William Sergeant Kendall. Mr. Mowbray died January 13, 1928.

Milton B. Medary, Jr., architect; appointed December 2, 1922, to fill vacancy caused by termination of service of John Russell Pope.

William Adams Delano, architect; appointed April 8, 1924, to fill vacancy caused by the death of Henry Bacon.

Lorado Taft, sculptor; appointed February 14, 1925, to fill vacancy caused by termination of service of James E. Fraser.

Abram Garfield, architect; appointed November 2, 1925, to fill vacancy caused by termination of service of Louis Ayres.

Benjamin W. Morris, architect; appointed January 7, 1927, to fill vacancy caused by termination of service of Milton B. Medary, Jr.

Ferruccio Vitale, landscape architect; appointed September 28, 1927, to fill vacancy caused by termination of service of James L. Greenleaf.

Ezra Winter, painter; appointed June 6, 1928, to fill vacancy caused by the death of H. Siddons Mowbray.

John W. Cross, architect; appointed October 25, 1928, to fill vacancy caused by termination of service of William Adams Delano.

Adolph A. Weinman, sculptor; appointed February 23, 1929, to fill vacancy caused by termination of service of Lorado Taft.

John L. Mauran, architect; appointed October 22, 1930, to fill the vacancy caused by the termination of service of Abram Garfield. Mr. Mauran died September 23, 1933.

Egerton Swartwout, architect; appointed August 10, 1931, to fill the vacancy caused by the termination of service of Benjamin W. Morris.

Gilmore D. Clarke, landscape architect; appointed April 21, 1932, to fill vacancy caused by the termination of service of Ferruccio Vitale; reappointed April 18, 1936; elected Vice Chairman May 1, 1936; elected Chairman September 29, 1937; reappointed and elected Chairman April 18, 1940; reappointed and elected Chairman March 16, 1945.

Lee Lawrie, sculptor; appointed January 18, 1933, to fill the vacancy caused by the termination of service of Adolph A. Weinman.

John Mead Howells, architect; appointed January 25, 1933, to fill the vacancy caused by the termination of service of John W. Cross.

Eugene F. Savage, painter; appointed February 11, 1933, to fill the vacancy caused by the termination of service of Ezra Winter; reappointed January 26, 1937, and term of service expired March 28, 1941.

Charles A. Coolidge, architect; appointed December 14, 1933, to fill the vacancy caused by the death of John L. Mauran. Mr. Coolidge died April 1, 1936.

Charles L. Borie, Jr., architect; appointed February 17, 1936, to fill the vacancy caused by the termination of service of Egerton Swartwout.

Henry R. Shepley, architect; appointed April 28, 1936, to fill the vacancy caused by the death of Mr. Coolidge; elected Vice Chairman August 10, 1938.

William F. Lamb, architect; appointed January 19, 1937, to fill the vacancy caused by the termination of service of Mr. Howells; reappointed March 24, 1941; elected Vice Chairman May 9, 1941.

Paul Manship, sculptor; appointed January 22, 1937, to fill the vacancy caused by the termination of service of Mr. Lawrie.

Edward Bruce, art critic; appointed January 19, 1940, to fill the vacancy caused by the termination of service of Mr. Moore. Mr. Bruce died January 26, 1943.

Paul P. Cret, architect; appointed April 25, 1940, to fill the vacancy caused by the termination of service of Mr. Borie. Reappointed March 17, 1945. Dr. Cret died September 8, 1945.

John A. Holabird, architect; appointed May 3, 1940, to fill the vacancy caused by the termination of service of Mr. Shepley. Reappointed March 19, 1945. Mr. Holabird died May 4, 1945.

Henry V. Poor, painter; appointed March 29, 1941, to fill the vacancy caused by the termination of service of Mr. Savage.

Ralph Stackpole, sculptor; appointed October 6, 1941, to fill the vacancy caused by the termination of service of Mr. Manship.

David E. Finley, museum director; appointed May 11, 1943, to fill the vacancy caused by the death of Mr. Bruce; reappointed May 16, 1947; reappointed June 4, 1951.

William T. Aldrich, architect; appointed August 30, 1945, to fill the vacancy caused by the death of Mr. Holabird.

L. Andrew Reinhard, architect; appointed August 31, 1945, to fill the vacancy caused by the termination of service of Mr. Lamb.

Maurice Sterne, painter; appointed September 4, 1945, to fill the vacancy caused by the termination of service of Mr. Poor.

Frederick V. Murphy, architect; appointed November 30, 1945, to fill the vacancy caused by the death of Dr. Cret.

Lee Lawrie, sculptor; appointed December 5, 1945, to fill the vacancy caused by the termination of service of Mr. Stackpole.

Joseph Hudnut, architect; appointed June 28, 1950, to fill the vacancy caused by the termination of service of Mr. Clarke.

Edward F. Neild, Sr., architect; appointed June 26, 1950, to fill the vacancy caused by the termination of service of Mr. Aldrich.

Felix W. deWeldon, sculptor; appointed June 26, 1950, to fill the vacancy caused by the termination of service of Mr. Lawrie.

Pietro Belluschi, architect; appointed June 30, 1950, to fill the vacancy caused by the termination of service of Mr. Reinhard.

Elbert Peets, landscape architect and city planner; appointed August 4, 1950, to fill the vacancy caused by the termination of service of Mr. Murphy.

George Biddle, painter; appointed August 8, 1950, resigned August 19, 1951; reappointed to succeed himself January 20, 1953.

SECRETARIES AND EXECUTIVE OFFICERS

The officer in charge of public buildings and grounds, ex officio.

Col. Spencer Cosby, U.S. Army, 1910–13; served until detailed as military attaché at the American Embassy, France.

Col. William W. Harts, U.S. Army, 1913–17; served until relieved and assigned for military duty in France.

Maj. C. S. Ridley, U.S. Army, 1917–21.
Lt. Col. C. A. Sherrill, U.S. Army, 1921–22.
H. P. Caemmerer, 1922–54.
Linton R. Wilson, 1954 to date.

SIGNING OF ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SPECIAL MILK PROGRAM FOR CHILDREN

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. COOLEY, POAGE, ABERNETHY, JOHNSON of Wisconsin, HOEVEN, DAGUE, and MCINTIRE.

FARM MARKETING EXCESS OF WHEAT

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4874) to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That section 334 of the Agricultural Adjustment Act of 1938, as amended, is further amended by inserting a new subsection (d) between subsections (c) and (e) to read as follows:

"'(d) For the purposes of subsections (a), (b), and (c) of this section, any farm—

"'(1) to which a wheat marketing quota is applicable; and

"'(2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and

"'(3) on which the marketing excess is zero

shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1959 and subsequent years in the apportionment of allotments beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) for any year shall not be regarded as a farm to which a wheat marketing quota is applicable for such year, even though such exemption should become null and void because of a violation of the conditions of the exemption.'"

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. COOLEY]?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, would the gentleman from North Carolina explain the nature of the Senate amendment?

Mr. COOLEY. Mr. Speaker, the Senate amendment is technical. It does not change the substance of the bill, but merely makes it clear that the bill does not apply to those farms which are exempt from the quotas, that is, the 15-acre feed wheat exemption. It clarifies the effective date of the legislation.

Mr. HOEVEN. And it does not change the substance of the bill whatsoever?

Mr. COOLEY. It does not change the substance of the bill one bit.

Mr. HOEVEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PRESERVING ACREAGE ALLOTMENTS ON CERTAIN LAND TAKEN UNDER EMINENT DOMAIN

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8343) relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain, with an amendment of the Senate thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 7, strike out "one year" and insert "two years".

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, will the chairman explain the nature of the Senate amendment?

Mr. COOLEY. Mr. Speaker, I have a brief explanation prepared which I will be glad to read.

Mr. Speaker, in 1958, Congress enacted a law—Public Law 85–835—providing a uniform policy for the transfer of acreage allotments to new farms when a farm having such an allotment is taken by a public agency having the power of eminent domain. By oversight, no provision was made for instances, which are becoming increasingly common, where the previous owner is permitted to occupy and operate the land under lease until it is actually needed for the purpose for which it was taken.

This bill takes care of such situations by providing that if the former owner is permitted by the acquiring agency to continue to operate the land under lease for some period of time, he will be permitted to grow crops subject to allotment at the time title was acquired by the public agency.

The House bill gave former owners 1 year after the enactment of this bill in which to make such a lease and have their allotment returned. The Senate amendment changes this to 2 years. It is the only change in the bill.

Mr. HOEVEN. Then, Mr. Speaker, my understanding is the Senate amendment only makes this one change, from 1 year to 2 years?

Mr. COOLEY. That is right.

Mr. HOEVEN. Mr. Speaker, I have consulted with the gentleman from Kansas [Mr. SMITH] who is interested in this legislation and he agrees to the amendment.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

THE LATE HARRY S. TANSEY

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, it is my sad duty to inform the House of the death of Harry S. Tansey. For 23 years he served the House faithfully, many years as one of our doorkeepers. During this long period of loyal service he endeared himself to all the Members. There is deep grief in this Chamber at his passing. His heart was in this House, and now that he has left us the hearts of all are deeply touched. To his wife, his daughter, and his sisters flows our sympathy.

Harry Tansey came from the district that I have the honor to represent and from the ward in Chicago in which for many decades I have had my home. During these years Harry Tansey has been my valued friend, and his brother, the late John P. Tansey, was one of my closest and dearest friends for over half a century.

Last night I visited the funeral home to say my last farewell. Today in Chicago a multitude of men and women in the Second District will be paying the last homage to his memory. He will be missed there, sadly missed, and he will be missed so very much here.

We in this House, in a personal sense, are one family that embraces in a family affection both the Members and those who work in our offices and work with us here in the Capitol. Together we do the work of the Congress. Harry Tansey long was of that family, and long will he be missed.

I yield to the gentleman from Illinois [Mr. KLUCZYNSKI].

Mr. KLUCZYNSKI. Mr. Speaker, it is with a truly heavy heart that I rise today and attempt to express with mere words my genuine sorrow at the death of a longtime and valued friend, Harry S. Tansey. He was a kind and gentle person who loved his fellow man. He served as a Doorkeeper in the House of Representatives for many years and was the senior man in point of service in the House gallery. He also served with the Capitol Police force in the document room and folding room. During his period of service there never was a complaint of any kind ever registered against him as he knew well how to be kind to people.

To his bereaved widow Catherine, to his daughter, Mrs. Catherine Tanner, and family, and to his sisters, Mrs. Kluczynski and myself offer our heartfelt sympathy and condolence.

Mr. O'HARA of Illinois. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I rise with a great deal of emotion today to pay my respects to the late Harry Tansey. It was just a week ago Sunday that I attended church with him and escorted him for several blocks in a walk toward his home. I feel that with 20 years' service in this body as doorkeeper, and my acquaintanceship with the gentleman during that period and also my friendship with him in the city of Chicago, it was a great shock to learn of his death. I want to extend to his bereaved wife and daughter my heartfelt sympathy.

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to take this time to extend my condolences to the widow of Harry Tansey and his daughter and family. Harry was very well liked by all of us here in the Congress and I know that he was very helpful to many of my constituents from Massachusetts. Always very kind and courteous and with a kind word each day to those who visited in the gallery, he will be greatly missed by me and many other Congressmen here in the House.

Mr. O'BRIEN of Illinois. Mr. Speaker, in the death of Harry S. Tansey I have lost a friend of many years. His elder brother, John P. Tansey, was one of the leaders of the Democratic Party in Cook County when I was a young man and our friendship had continued until his death not many months ago. Harry Tansey was a good man and in his 23 years of service with the House he was faithful in the performance of his duty and won the respect and affection of the Members and his fellowworkers.

Mrs. O'Brien joins me in expression of deep sympathy to his wife, his daughter, and his sisters.

Mr. PUCINSKI. Mr. Speaker, I would like to join in the tribute being paid to the late Harry Tansey, a native of Chicago, who for the last 23 years has been one of the most devoted employees in the Congress of the United States.

Mr. Tansey's untimely death will indeed leave a most saddened void in Gallery C, where this kind and gentle employee had served as doorkeeper, of the House of Representatives.

Mr. Speaker, it would be difficult to estimate the thousands upon thousands of people who had occasion to ask Mr. Tansey for guidance during these past 23 years when they made their visits to this Chamber. But I can assure you and my colleagues that no one would find any difficulty in assessing the high regard and respect these people engendered as a result of their meeting Mr. Tansey. He had a unique ability to make strangers feel completely at ease and at home in this austere Chamber. In his quiet and gentle way, he made every American who had occasion to pass through the door of Gallery C feel at once proud of his Government and the principles for which it stands.

Mr. Tansey reflected the high caliber of those thousands upon thousands of dedicated Government employees who, day in and day out, in their own quiet and obscure way, make such a profound contribution toward the operation of our Republic.

We will all feel his loss deeply. To his family, I extend my most sincere condolences.

CHEMICAL PESTICIDES COORDINATION ACT

Mr. WOLF. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WOLF. Mr. Speaker, I have today introduced a bill to avert the serious and unnecessary losses of fish and wildlife that have occurred in many areas as a result of the careless or uninformed use of chemical pesticides. The principle of my bill is simple. It would merely require any Federal department or bureau engaged in, or planning to engage in, a program or operation utilizing insecticides, herbicides or other chemicals designed for mass biological controls, to consult in advance with the U.S. Fish and Wildlife Service and the appropriate State wildlife authorities. Through such advance consultation, the probable effects upon wildlife resources can be studied and techniques devised to minimize losses.

This would be a Chemical Pesticides Coordination Act. The principle of such legislation has already been firmly established by the Congress. Our precedent is to be found in the Fish and Wildlife Coordination Act (60 Stat. 1080) passed in 1946 and strengthened only 2 years ago by the adoption of modernizing amendments. This earlier and highly successful Coordination Act has to do with water development projects. It assures that before a stream is dammed, dredged or otherwise manipulated, there shall be advance study of the effects upon fish and wildlife, and advance planning coincident with the blueprinting of the project, to mitigate wildlife losses or, as is frequently possible, actually to enhance wildlife resources. The results have included a vast expansion of recreational opportunities for sportsmen and for the millions of others who enjoy the music and beauty of wild things. Impoundments and the streams below them have been turned into good fish producers, and new waterfowl marshes have been created, as a result of the law permitting—nay, requiring—the wildlife experts to get in on the ground floor with the engineers in planning our flood-control, reclamation, and watershed projects.

I am confident that in many operations involving chemical controls, benefits rather than damages will accrue to wildlife if there is proper coordination between the pest-control agency and the agencies responsible for wildlife conservation. Biologists on the King Ranch in Texas, for example, have shown that brush removal, while detrimental to wildlife if applied uniformly across thousands of acres, can actually benefit deer and other game if applied in alternate strips with intermediate strips left to supply cover.

The need for coordination in the use of pesticides has been amply demonstrated, Mr. Speaker. This is but another example of the problems we encounter in this age of technology when man's invention of new tools frequently outruns his wisdom in using them. In his effective work to secure larger appropriations for research into the fish and wildlife effects of chemical pesticides, the gentleman from Montana [Mr. METCALF] has told the House how careless use of DDT in the forested watersheds of Montana resulted in serious and prolonged damage to famous trout streams of that State.

Serious wildlife damages resulted from the hasty and large-scale aerial application of toxic chemicals in the fire ant control program carried out in certain Southeastern States by the U.S. Department of Agriculture. These losses have been carefully and irrefutably documented by Federal and State research biologists.

The Southeastern Association of Fish and Game Commissioners reported in a statement dated February 25, 1960, for example:

In an east Texas area bird life decreased 92 to 97 percent in 2 weeks along ranch roads in treated areas. In acre plots studied, bird populations were reduced 85 percent

and nesting success 89 percent. An Alabama 9,900-acre area experienced an 88 percent decrease in its quail population following treatment and a Georgia area, even after two breeding seasons following poisoning, showed considerably less than half the normal number of quail found on adjacent and comparable untreated land.

Numerous other instances of fish and wildlife losses can be cited.

That the fire ant program was ill-planned and carelessly executed has now been admitted in actions, if not conceded in words, by the U.S. Department of Agriculture Plant Pest Control Division. After tens of thousands of acres had been treated with 2 pounds per acre of heptachlor or dieldrin—both chlorinated hydrocarbons highly toxic to warm-blooded animals as well as to insects—and in the face of mounting protests against the damages to wildlife, the Division reduced the recommended rate to 1¼ pounds per acre. Still later the method was changed to one-fourth pound per acre in each of two applications, spaced 3 to 4 months apart.

The point is this: Needless kills of game birds, furbearers, songbirds, fish and other valuable wildlife could have been avoided, while the nuisance aspects of the imported fire ant were controlled, if the research, experimentation and consultation had been carried out in advance of large-scale operations. My bill would assure that in any program proposing to drench the land with powerfully toxic chemicals, we know what we are doing before we expose wildlife, domestic animals—and man himself—to unknown hazards.

The hazards to human health, although not so well understood nor so amply demonstrated to date as those to wildlife, are no less important. It will be more practical, I think, to deal with the human health problems in a separate bill. For this reason my present introduction deals only with the wildlife problem. Suffice it to say here, with respect to the overlapping questions of human health, the chemical heptachlor, already spread over hundreds of thousands of acres of farmland in the fire ant program, has been shown in laboratory tests to be highly hazardous to human health. Accordingly, the Pure Food and Drug Administration has declared a zero tolerance for heptachlor and the epoxides of heptachlor in foodstuffs. Fish and wildlife research has discovered that heptachlor and its epoxides are stored in the tissues of wild birds, such as quail and pheasants, that pick up insufficient quantities to be fatally affected.

I raise this question: In view of the zero tolerance for heptachlor in farm-produced foodstuffs, what about the health of the sportsmen-hunter and his family who will dine on the quail carrying this poison in their otherwise delectably edible breasts?

The chemical manufacturers probably will oppose my bill, because they fear any control that might affect the fast-growing pesticide market. However, unless reasonable control procedures are established, like the simple one proposed here, an indignant public will demand and get rigid controls.

Control entomologists will argue that a law requiring advance consultation and coordination with wildlife agencies is impractical because insect outbreaks often occur suddenly and without warning. Before interdepartmental redtape could be cleared, they will say, many farmers would be seriously hurt by an outbreak of army worms, for example, or of grasshoppers, or Japanese beetles. This is not a valid objection, Mr. Speaker, because under my bill the control procedures, the materials to be used, the methods and rates of application, and so forth, all could be worked out with the Fish and Wildlife Service in advance of actual outbreaks with respect to any of the common insect pests. Once the approved procedure for Japanese beetles has been agreed to, for example, subject to later modification as research finds better methods, those procedures could be applied immediately by the control agency whenever and wherever a new outbreak occurs. The same would be true of any of the common economic insect pests.

The problem of the imported fire ant in the Southeastern States was no sudden crisis. Believed to have become established in the Mobile area as long as 40 years ago, this South American import has been slowly spreading its infested area through Alabama and adjoining States. Alabama farmers have been using cultural methods effectively to control the fire ant nuisance for a generation.

The commonsense approach would have been to research the fire ant and its life-cycle weaknesses carefully, and to test various control methods thoroughly, utilizing the contributions of wildlife and soil scientists as well as entomologists, instead of plunging headlong into a large-scale spraying program using powerfully poisonous chemicals that were largely untested under field conditions.

My bill, of course, would apply only to Federal control programs. It would not affect activities by State control agencies or by private individuals on private lands, except indirectly by example. However, Uncle Sam cannot do everything. The States and local agencies must accept some of the responsibility. The fact that most of the States have not as yet enacted controls in this area is no reason why Congress should not require desirable coordination among the Federal agencies.

Mr. Speaker, I am not wedded to the specific language of my bill. I do believe it proposes a sensible solution to a problem of increasing urgency. I hope it may serve as the vehicle for early committee hearings and lead to enactment of a workable Chemical Pesticides Coordination Act.

The text of the bill follows:

H.R. 11502

A bill to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Chemical Pesticides Coordination Act."

SEC. 2. No officer or agency of the Federal Government shall initiate, or provide any financial or other assistance for, any program involving the use of any chemical insecticide, herbicide, fungicide, rodenticide, or other chemical used in biological control until such officer or agency has consulted with the United States Fish and Wildlife Service and with the head of the agency exercising administration over the wildlife resources of each State to be affected by the program. Before such consultation occurs, the Federal officer or agency concerned shall furnish the United States Fish and Wildlife Service and each such State agency with complete information about the proposed program.

SEC. 3. The United States Fish and Wildlife Service shall advise the officers and agencies consulting with it, as required by section 2, of the damage to wildlife resources which might result from any proposed program. Such Service shall cooperate with such Federal officer and agencies in developing programs involving the use of chemical insecticides, herbicides, fungicides, rodenticides, and other chemicals used in mass biological controls, or other methods with a view to achieving the results desired while minimizing the undesirable effects of the program on the wildlife resources of the area. In the event any Federal officer or agency shall fail to take any action recommended by the United States Fish and Wildlife Service, such Service shall make a report thereof without delay to the Congress for referral to the appropriate committees.

SEC. 4. The Secretary of the Interior may, by regulations, make exceptions from the application of this Act where, by reason of the limited nature of the program or by reason of the proved harmlessness of the chemical involved, little or no damage to wildlife resources could result from the program.

THE REPUBLICANS AND HOME RULE FOR WASHINGTON, D.C.

Mr. WOLF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WOLF. Mr. Speaker, this morning the Washington Post carried an editorial entitled "Hazard for the GOP." I hope my Republican friends will not take kindly the following editorial and will prove the falsity of its charges by immediately signing the discharge petition for home rule.

The editorial reads as follows:

HAZARD FOR THE GOP

Whether or not they intend to do so, Republican Members of the House are strangling the local home-rule movement. More than 180 signatures have now been obtained to the petition to release the District self-government bill from the death grip of the House District Committee, but only 40 of these have been provided by Republican legislators. The recent drive for signatures resulted in the addition of 43 names to the home-rule honor roll, but only 7 of these legislators wear the GOP label.

This ought to be a matter of grave concern to President Eisenhower and Vice President NIXON as well as to the voteless residents of the District. The restoration of voting rights to 870,000 citizens of the District—through the home-rule bill as well as

through the proposed constitutional amendment to permit voting for President and for Delegates in Congress—is a civil rights project of foremost importance. Editors, lecturers, public servants, and a vast number of other persons have come to recognize that elimination of this blot of disfranchisement is essential to the good standing of the United States among the free peoples of the earth. The Republican Party cannot be indifferent to this local demand for justice and democracy without condemning itself in the eyes of mankind.

This throttling operation is the more amazing because it is the administration's bill that is being done in. How can Republican legislators stand by and watch their Democratic rivals claim nearly all the credit for advancing this vital civil rights measure? The situation ought to be of special concern to Vice President NIXON in his capacity as the prospective Republican presidential candidate in the forthcoming campaign. A few words from the Vice President should be enough to make Minority Leader HALLECK see the handicap that the Republicans in the House are creating for themselves.

It is said that about 25 additional Republican signatures are needed to dislodge the discharge petition and make home rule here a reality. The Democrats have done their part well. It is difficult to believe that the Republican leaders in and out of Congress will permit this civil rights venture to topple on their own heads on the eve of an election.

ESTABLISHMENT OF COMMISSION ON NOXIOUS PRINTED AND PICTURED MATERIAL

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. ST. GEORGE] may extend her remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mrs. ST. GEORGE. Mr. Speaker, on Tuesday, March 29, my colleague, the gentleman from Maine [Mr. OLIVER], introduced a resolution entitled "A bill to establish a Commission on Noxious Printed and Pictured Material."

Mr. Speaker, I was unfortunately not on the floor when the gentleman from Maine spoke to his resolution. I want to take this time to commend the gentleman for doing something concrete and constructive in this very difficult and controversial field. I think his idea of a commission of experts to deliberate on, and finally settle, what harm this flood of pornography does to our people as a whole, and our youth in particular, is excellent. I am also glad to see that this resolution calls for a terminal date, June 30, 1961, for the labors of this Commission, so that in this case we will not be appointing another merry little band that will meander on and on, like the proverbial brook, accomplishing far less than said brook, and making far more noise.

I would like to associate myself with the gentleman from Maine, as I have worked with him on the subcommittee that has been handling this problem under the able chairmanship of the gentlewoman from Pennsylvania [Mrs. GRANAHAN].

I have only one suggestion; that is, that I hope that in naming "one who shall be a prominent citizen who is a parent of a school-age child or children"—section 3(a)(9)—he will specify that this citizen be a woman and, therefore, a mother.

FINANCING OF NURSING EDUCATION

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ROBERTS. Mr. Speaker, the nurses of the country are essential members of the health team. We know of their importance in times of peace and we know of their services in times of war. It is imperative that we have adequate numbers of well-trained nurses if we are to continue our progress on the road to good health.

Today we do not have enough nurses, and the means for their education and training are increasingly inadequate; we must enable our schools of nursing to prepare a greatly increased number of our young women to serve in this essential profession. The cost of nurse education constitutes at present a heavy burden on hospital services because such education is provided mainly in nonprofit voluntary hospitals and the cost of the education is a charge upon the patients cared for in these institutions.

I am convinced that the problem is of such magnitude and of such a serious nature as to be of direct national concern, and that the Congress should at this time make a beginning toward dealing with it. This Federal concern is in keeping with the thinking which we have followed on numerous other important national matters in the health field. I am, therefore, introducing a bill which I believe recognizes the essential elements of the problem. Through hearings on this bill, and on the subject in general, I would hope that we may agree upon a program of action, and thus assist in assuring the increased numbers of well-trained nurses which we need.

In 1957, the latest year for which comprehensive facts about nursing are available, there were about 837,000 graduate nurses living in the United States, 460,000 of whom were in active practice in their profession. There were approximately 113,000 student nurses in training, and 30,523 nurses graduated from nursing schools that year. There were 44,281 new students enrolled that year.

If we are to keep pace with the growing population and its need for nurses, as well as the increasing demands of more intensive health care, it is estimated we should have a 1956–70 annual average admission of 57,000 new students, as compared with the current annual rate of about 44,000, or 5 new students for every 4 currently admitted. About 15 percent of students in nursing are enrolled on collegiate programs, and the other 85 percent are in programs conducted by hospitals. Students enrolled in the collegiate programs, of course, are dependent upon their training in hospitals also for a large part of their education.

About 900 of the Nation's hospitals conduct programs of nurse education. The graduates from these schools constitute the major part of our single nationwide pool of professional nurses, from which the needs of Federal, State, and local governments, those of industry and other private nonhospital employers, as well as those of the thousands of hospitals which do not operate schools of nursing, all must be supplied. The financial burden imposed on the 900 hospitals conducting schools of nursing is borne by the sick who use the hospitals. This deficit now runs as high as $1,000 per nurse trainee per year, and the cost of the education is increasing as the standards are improved.

Because of the continually increased pressure hospitals feel with respect to rising costs of hospital care, many boards of trustees are seriously concerned about their ability to continue their nursing schools. A good many schools have already closed. It is unlikely that many hospitals which do not now have nursing schools will open such schools under these circumstances. Without some new source of financing nurse education, there is no prospect of our having the increased numbers of nurses needed for the future.

The problem for hospitals which conduct schools of nursing has another aspect. The distribution of schools of nursing is very uneven geographically across the country. There are a few States which contribute a major proportion of nurses to the national pool. There are many other States which contribute very little to the Nation's need, and where nurse educational programs are far below the needs of these States alone. It is very frustrating, for example, for hospitals in the State of Massachusetts to educate a large body of nurses, as they do, only to have most of them move to other parts of the country. It is difficult for these hospitals to justify the charge which must be borne by their patients.

Federal, State, and local governments are involved in varying degrees in health matters and in the operation of hospitals which require the services of graduate nurses. About 25 percent of all nurses active in their profession are employed by government. In the main, the education of nurses required by government is not carried on in educational institutions supported by government. Whereas State and local governments participate to a limited extent in nurse education, the Federal Government is a user of nurses completely provided by others, and does not itself participate in meeting the cost of the basic training of professional nurses. This, I believe, ought to be corrected.

It is true that the Federal Government is supporting scholarships for advanced training of nurse educators, administrators, and supervisors. It is also true that the Federal Government is participating in the financing of training programs for practical nurses through the vocational educational system. But it is doing

nothing with respect to the basic education of the graduate professional nurse. This is the great area of need.

We are now seeing greatly increased numbers of young people coming out of our high schools as a result of the increase in the number of births in recent years. We, therefore, have available a much larger group of potential candidates who might enter the field of nursing, and I believe we must plan now so that they are enabled to do so.

THE PROPOSED LEGISLATION

In considering the problem, it has seemed to me that there are certain principles which should guide any Federal action in this area. These principles, I may add, are in accord with views which have been developed by the American Hospital Association in its studies of this problem over a number of years.

The first of these principles is that aid in meeting the problem is a joint responsibility of National and State Governments, and one altogether appropriate for the traditional pattern of Federal grant-in-aid to be matched by the respective States.

The second basic principle is that the aid must be so designed that it will effectively assist the schools themselves, and thus the hospital patients who are now carrying the burden; it is not enough to grant scholarships to selected students, since the essential problem is not a dearth of candidates but the financial burden upon the institutions and their patients.

The third basic principle is that the aid should be made as widely and equally available as possible to all of the schools, so that it will help to meet the problem as it exists on a broad front.

The bill I am introducing would provide Federal grants of $200 per student per year, provided that the States matched these grants with amounts ranging from $50 to $100, depending upon the wealth of the State.

The program would be administered by the Surgeon General of the Public Health Service, who would approve plans for participating States. If an entire State did not wish to participate, it could permit participation by localities which might choose to do so. The aid would be limited to schools licensed or approved by the State, and so far as possible would be made available to all such schools within the State or the locality.

My proposal would assist the degree-granting collegiate schools as well as the diploma-granting hospital schools. Both types of schools are essential and both need assistance.

The proposal is limited to the financing of the education. I felt it was unnecessary to include any provisions for the construction of schools of nursing because I believe this would complicate the proposal, and more importantly, because the Federal Government through the Hill-Burton grant-in-aid program is already assisting in the construction of facilities needed by such schools.

I also thought it unnecessary to provide any funds for scholarships to students on the basis either of individual merit or individual need, since the problem is one of the cost to the institution rather than any lack of applicants for the courses.

I present this bill as a basis for discussion, and I hope that hearings may more fully acquaint Congress with the problem and enable us to develop legislation which may soon be enacted.

WHAT ARE WE WAITING FOR?

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, the subject of the Federal Government's role in transportation is one of continuing interest and concern. It is a subject of such complexity and importance as to be deserving of serious study and evaluation by each of us.

Recently, Mr. Anthony Arpaia, an extremely able public servant, retired from membership on the Interstate Commerce Commission after 8 years of service. Mr. Arpaia, who at one time served as Chairman of the Commission, is recognized for his knowledge of, and ability to penetrate, the problems related to this complex field.

On March 11, 1960, Mr. Arpaia made his last speech as a member of the Commission. Speaking before the Chicago chapter of ICC Practitioners at the Palmer House Hotel, Chicago, Ill., he outlined his thoughts on the problems facing public transportation and his ideas about what should be done to solve them.

This was an important speech, Mr. Speaker, because in it Mr. Arpaia brought together the experiences and observations of almost a decade of active participation in the government-transportation relationship. This speech capsulized the ideas of a very competent person on what we are and are not doing and what we should do to permit the full realization of the public transportation potential.

It is unfortunate that this was Mr. Arpaia's final speech as a member of the Commission. He was a fine and able public servant. He had a particular ability for cutting through irrelevancy to find the heart of a problem. A keen mind, equipped with a thorough knowledge of transportation, made Mr. Arpaia a real asset to the Commission and to the Nation. We all will miss him, but he has our gratitude for a job well done.

At this point in the RECORD, I would like to insert Mr. Arpaia's speech, "What Are We Waiting For?" I recommend it to all Americans as a remarkable analysis of public transportation and government regulation of it. A provocative document, indeed.

The speech follows:

WHAT ARE WE WAITING FOR?

(Address of Anthony Arpaia, member, Interstate Commerce Commission, before the Chicago chapter of ICC Practitioners, Palmer House Hotel, Chicago, Ill., March 11, 1960)

Because of my experience of only 2 months as a Commissioner, when I made my first talk before the New York chapter of the Practitioners' Association on September 17, 1952, I chose to speak in the capacity of a dues-paying member of your association. Now I shall summarize some previously expressed views as a Commissioner. It will be my last occasion to talk in that capacity. Beginning next Wednesday, whenever I stay up until the wee hours of the morning, it will be because I am engaged in a hot game of cribbage, hearts, or gin rummy; and, if I work on weekends, it will be in my garden.

As I look back and review the past 8 years, it seems to me that substantially the same problems that were with us then are still with us. I won't catalog them. You know them as well as I do. First I shall ask: Hasn't the Government itself contributed to the exercise in frustration which characterizes some aspects of public transportation? If so, what can be done to help develop a system of public transportation in this country which serves the public and national interest?

I shall state some basic premises:

1. That transportation from a public aspect is a single problem although made up of many parts and it should be treated in a unified manner by the Government.

2. That the economic regulation of transportation by the Federal Government should be correlated so that there will be a single direction and policy by the major regulatory agencies. It is now divided principally between the ICC, the CAB, and the Maritime Board.

3. That all other Government nonregulatory activities affecting transportation, such as location and construction of facilities and other Federal assistance programs, should conform to a basic, overall, coordinated plan, whether applicable to air transportation, railroads, highways, rivers, and harbors.

4. That the responsibility and action in the various committees of the Congress should be likewise correlated.

5. That the collection of data and statistics should be organized and centralized. One of the principal deficiencies to appropriate Government action at any level is lack of sufficient information. There is a vital need for research and statistics to provide the basic facts and figures so that the regulatory, planning, administrative, and enforcement job can be performed with a sense of direction and without waste. In this connection allow me to point out that, at present, at least 40 different Government agencies are engaged in some kind of transportation research and compilation of data and we still don't have all the facts and statistics which are needed.

6. That the structure and procedures of the independent agencies affecting transportation should be reformed so that they can perform their proper functions with consistency, efficiency, and expedition.

7. That the cost to the taxpayer to support such amorphous, confusing, ineffectual, and duplicative Government activities, and the direct expense to individual parties who must deal with the present conglomeration of agencies, should be reduced without delay by grouping these activities into three separate agencies with the scope of their activities and jurisdiction clearly defined: (1) Planning, (2) economic regulation, and (3) administrative or executive.

8. That the functions of Government in the economic regulatory area properly belong to the Congress and should be exercised through an independent instrumentality which would continue to report directly to the Congress without executive interference and influence. As Justice Holmes pointed out, ratemaking is legislative in kind.

There may be some who will disagree with these general propositions, but I doubt that they are familiar or close to the contemporary problems of transportation. If I had time I could again document each one of

them in more detail. However, within the limits of time available to me, I will develop as far as I can the general thesis that, to the extent that Government participation may be necessary, transportation should be treated as a unified whole. The present methods obviously have proved to be wasteful and ineffectual.

A good place to start is with the Interstate Commerce Act itself, which covers the large field of surface transportation, since, in my opinion, the structure of the law as presently constituted may be partly responsible for the divisive forces which weaken transportation. I don't mean by this that the act has not been changed in an attempt to meet new developments as they arose. In fact, it has been amended about 200 times since its origin. Nevertheless, the Interstate Commerce Act as it is now constituted resembles a patchwork quilt. The reason is that, in the last 40 years, practically every amendment has been made under the stress of emergency. Pieces were added to meet the problems of the moment, with little regard for consistency, uniformity, and harmony. There was no opportunity for the development of a congruous plan of legislation.

This was not true in the beginning. To use a simile—a structure was engineered in the 1880's to fit the conditions which existed at that time. After several years of careful evaluation of conditions, circumstances, and needs of the public, a plan of regulation was devised. The shell of the structure was finally erected in 1887. It was perfected by subsequent legislation, without disturbing the original design, up until the First World War.

Since 1920, a job of patching has been performed, when changed conditions required. The present law, therefore, is a bizarre accumulation of additions to the structure. As you know, the law now consists of five parts, four of which separately treat a major segment of transportation. Some parts don't fit the original design at all. A few pieces are modern and useful, others have become obsolete and unnecessary. I think the lack of a single basic uniform law has heightened the difficulties facing public transportation ever since competitive forms of transportation were brought under regulation. If there was justification for separate treatment then, times have changed.

Some of the inequalities in the law are not of major consequence. Nevertheless, they psychologically operate to create a feeling of unfairness, part real, and part fancied. There are other inconsistencies and inequalities which are more fundamental and which do not foster the public purposes of regulation. I won't list them but will give a ready example or two insofar as they unequally affect the public: It is difficult to justify affording no redress to a shipper for past unlawful charges merely because he uses a motor carrier, while giving a rail shipper the right of reparation for unreasonable charges on past shipments; or to permit a motor carrier to be free to route traffic on interline movements over a more expensive route, contrary to shipper's routing instructions, while a rail carrier who does not follow routing instructions of a shipper does so at his peril.

We talk about integration or coordination of the various kinds of transportation, but a prerequisite is the integration of the laws affecting them. I think the time is overdue for a comprehensive overhaul of the act. Transportation in all of its forms is a single fabric and presents but a major single problem.

The entire law should be reviewed and rewritten with an eye to formulating a practical and workable scheme for the regulation of all transportation, including air. There may still be sound reasons for some separate treatment of each form, but each such deviation should be justified. The present parts of the law are unrelated to the other. They were written almost as if the other forms of transportation did not exist. Realities of the transportation requirements of our economy do not permit regulating transportation in isolation, and that is what we have now.

There are many worshippers of the status quo. They will not concede that in the long run they and the country and the economy might be better off with some reorientation of the Government's role in transportation. They insist that established patterns are safe. Safe for whom? Those who resist any improvement or change resort to the convenient escape: "In spite of defects, things are not too bad—freight and people are being moved and the economy of the country has not suffered." The need for improvement becomes obscured by the attitude of self-interest groups, competitive tensions, and political pressures against a background of public apathy.

But Government action in the field of regulation, if it is to be continued at all, is serious business and has a vital purpose.

The fact that the use of public transportation is not proportionate to the quantity of freight moved in this country is a danger sign for all forms of regulated transportation. To the extent that the law is responsible, however slightly, it ought to be corrected if we are to preserve and encourage economic stability for public transportation as one of the basic segments of our economy.

Government interest is not intended to comfort the afflicted or afflict the comfortable. It is to provide an efficient and economical transportation system to meet the commercial and defense needs in this country. Perhaps an ideally perfect law will not result but the force of common sense could supplement its inadequacies as time goes on. Unless the beginning is made soon, the deterioration of public transportation may become so aggravated that more drastic measures will follow.

The present attitude of the carrier industry toward competition is truly unique. It is fostered by the law itself. The big central problem is hidden by the emotional and spontaneous outcries of self-interest which the law itself engenders. Competition normally means that one tries to develop a service or a product which is better than that of its competitor at the lowest possible price. The normal aim is to obtain consumer satisfaction and to produce a profit. In transportation, competitors, following the alinement they are given in the law, have placed less emphasis on improving service and more emphasis on impeding, obstructing and defeating any such purpose or ambition on the part of a competitor. It is unnecessary to point out that such obstructionism has proved to be of no productive value to either the participants, the general public, or the economy.

There should be competition because it is necessary for progress and is in the public interest. But the competition must be such as to preserve competitors, not efface them. The millennium will come when one combination of services of various forms will compete with another such combination. I was hoping to see this happen before I left the Commission, but I have been disappointed.

At present the problem has always struck me as a curious and explosive mixture of unscientific economics and human relations. Any step which can eliminate frictions and dissension should be undertaken. Setting up an appropriate governmental structure to handle the several aspects of the problem, as I shall point out later, and creating more perspective by means of a basic law affecting all of them equally to the extent possible will help.

Regardless of whether or how soon the law is restated and reformed, the machinery of regulation should be improved as soon as possible.

As far back as 1941, the Commission, in its annual report, said:

"So great is the volume of business to be transacted by a Federal administrative agency like the Commission that extensive delegation of authority is an obvious necessity. * * * More and more it is becoming difficult for members of the Commission to avoid becoming buried in an avalanche of detail and to find time for the thorough study and constructive thought which ought to be given to the major issues which come before it."

I only ask: How many times greater is the mass of detail borne by Commissioners today?

The Commission's organization should be geared to handle the economic problems of transportation expeditiously and well. To do so Commissioners must be relieved of trivia, in addition to duties which are inconsistent with the performance of the Commission's real mission as stated in the national transportation policy. It should stop treating every matter, however insignificant, with the same time-consuming formalism which it should accord only to matters of policy and major importance. There are several procedural changes which can be made to decrease delay. These are now and have been under study. The practitioners, through their advisory council, can give them a push.

Furthermore, many more specific functions could be delegated to boards of employees, or even to single employees if section 17 of the Interstate Commerce Act were amended to so provide. Besides staff-processing, Commissioners and their examiners now give time and attention to many matters which can have no perceptible impact on the economics of transportation.

Let me give only a couple of extreme examples. Almost 20 years after the Commission had warned that its growing volume of business made extensive delegation of authority a necessity, even such things as the simple withdrawal of a complaint or application still requires the preparation of the draft of an order of dismissal by a bureau, a recommendation in an accompanying memorandum, and approval by a Commissioner. A voluntary request by a carrier for revocation of his authority makes the rounds the same way and must be acted upon by division I. With the burning problems before the Commission, this paper shuffling and waste of time and manpower is inexcusable.

In the same year in which the Commission's annual report called attention to the need for more delegation of authority, former Commissioner Aitchison, speaking before the ICC Practitioners' annual meeting in New York, said: "The members of the Commission daily are confronted with an enormous volume of administrative detail which insistently demands from them a wholly disproportionate part of their time, attention, interest and energy."

Experience has shown that when authority and responsibility for performance of administrative duties are divided among several coequal executives, inefficiency, waste, delays, poor coordination and poor programing result. This can be cured by separating from the ICC such functions as policing, enforcement, safety, education, collection of statistics and accounting.

I don't know what Commissioner Aitchison included when he referred to administrative duties, but let me emphasize that when I talk about administrative matters, I am not talking about housekeeping. Every organization needs a housekeeper to take care of budget, personnel, space: to furnish the

pencils or paper clips, so to speak. I am talking about substantial and important administrative functions. These are sometimes called executive functions. They are not suitably performed by a broad-type organization. The contribution men of the stature of Commissioners can make, individually and collectively, is by the exercise of independence of thought and expertness of judgment in the decision of matters involving substantial economic problems affecting the welfare of the public and the carriers.

The separation of administrative from quasi-judicial functions also will have an important bearing on the effectiveness of economic regulation. Let me give you an example. The Commission has developed the strict judicial approach. Some think that it has been overdone. Nevertheless, it usually waits for parties to come in and decides each matter on a record, good or bad, without regard to its effect on the public or on transportation. When it does institute an investigation on the theory that the situation involved is important and critical, it simply sets the matter down for a hearing and depends on shippers, carriers and other interested parties to furnish the facts. Often the investigation flops not because the basis for the investigation has envanesced but merely because an unsatisfactory record is made. Yet the act places an affirmative duty upon the Commission to protect the public interest and keep transportation sound.

The fault is not entirely that of the Commission. Under the Administrative Procedure Act, it cannot and should not play the role of party and arbiter at the same time. To authorize its own employees to take a position in the case would come close to doing so. It has no public counsel. Therefore, the best it could do is to place in the record official statistics and information under the doctrine of official notice. This might require further hearing and more delay since the record has already been made before the matter reaches the Commissioners.

If the administrative functions were separated, the administrator could come in as a party and the making of an adequate record would be assured. It is for this reason that the assignment to the administrator should include what is now the entire operations of the Bureau of Economics and Statistics and the Bureau of Accounts, including its Section of Cost Finding, so that he will be equipped to make a record.

In conclusion, let me say a word about a planning agency. Planning, especially when it is fostered by Government, is sometimes considered a dirty word. Its connotation is that we are dealing with a socialized state. On the other hand, without intelligent planning, disorganization, overlapping and confusion follow. Public transportation has now reached a turning point. A growing America needs a completely modern transportation network by rail, motor, water, and air.

Highways and airports are being constructed without relation to each other or to existing facilities whether water or rail. Operating authority is being granted in a vacuum. There is no overall plan—just a churning out of grants piece by piece with insufficient knowledge of the existing pattern or of their relationship to the whole transport picture. Railways, highways, waterways, airways, pipelines, and other means of transportation under way or still to be devised are now being constructed and located as separate entities. They all should fit into an overall scheme in which each form of transportation efficiently and economically supplements, complements, and supports the other.

The planning now is distributed among several agencies of the Government. It should be centralized in order to provide a sound and orderly growth of all public transportation in the public interest. The programs for airport location, river and harbor improvements, highway location and construction, and rail assistance should be coordinated and related to the present use and prospective demand. Before they are undertaken, there should be a unified and comprehensive appraisal of how each will fit into the total public welfare and thereby produce a substantial contribution to the national good. Proper coordination and adaptation of the various services will come about more readily with such correlation.

It will require real strength of purpose and real moral courage by all concerned with the project, but, in my judgment, only if steps such as I have outlined in a general fashion are taken can expensive duplication of services and wasteful competition be subordinated to the ultimate benefit of all users of transportation and to the national defense. When this has been accomplished, we will no longer have the transportation problem which now faces the Nation. Then we can look forward more confidently to the adequacy of public transportation for a flourishing and expanding economy.

MADISON AVENUE, USP

Mr. HOSMER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOSMER. Mr. Speaker, the promotion of prescription drugs and medicines in this country costs the staggering sum of between $250 million and $300 million annually. There is only one answer to the question, Who pays for this greatest medicine show on earth? It is America's sick.

During recent investigations of the high price of prescriptions, drug manufacturers said little about their extravagant promotional campaigning responsible for cruel and unnecessary hikes in the price of their products. Attempting to drown out this static, they rapped loudly on their beakers and piously announced, "We're spending $194 million this year for research." Admittedly, research is a necessary and proper factor in the retail price of their products. But what is the morality of factoring in another $250 million to $300 million for extravagant promotion? Some expense must be incurred to advise physicians of the availability of new health-giving, life-giving drugs. But common humanity would seem to dictate that drug manufacturers should be bound to the same ethical standard in purifying the cost of their products from promotional extravagance as binds them to assuring their chemical purity.

At least two dozen advertising agencies specialize in the promotion of ethical drugs. Some have staffs ranging from 50 to 250 "men in grey flannel suits" and supporting personnel, including M.D. consultants. Research and development of terramycin cost about $4 million, but the first 2 years terramycin was on the market, the manufacturer reportedly spent $7½ million for advertising and promotion. This $7½ million did not come out of a pump. It could only, and did in fact, come out of the pockets of ill or injured persons for whom the drug was prescribed.

The prescription pitch aimed solely at the Nation's physicians is as varied and enterprising as it is expensive. Its cost is further multiplied by drug industry practices of (a) marketing an identical drug under several trade names, and (b) marketing the same drug under different potencies or slightly different formulas, to which different trade names are given.

It is my purpose today to review some of the more blatant promotional abuses and to propose a solution.

Journal advertising: About 5,000 medical journals appear annually in the United States. Their pages are jammed with drug advertising, some of which has been described by Dr. Louis Lasagna, chief of clinical pharmacology at Johns Hopkins University, as "downright sleazy." Dr. Lasagna objects particularly to ads containing scissored quotes from medical manuscripts which leave in the "pros" for a product, but scissor out the "cons."

Detail men: The drug industry employs around 20,000 representatives whose only job is to call on physicians and tell them the real or alleged merits of their employers' products. Although some physicians refuse to see detail men at all, many physicians see up to five per week. Each call takes about 10 minutes and the cost, passed along in drug price, is about $12 per call. Assuming the correctness of these figures, the drug industry could be spending up to $3,000 per year per doctor on the detail men's call lists.

Mailers: The average doctor receives more than 50 pieces of advertising mail from pharmaceutical companies each week, or over 2,600 pieces a year. The barrage includes expensive colored brochures, reprints of medical papers mentioning a drug by trade name, ad reprints, and similar type materials. In a recent issue of the AMA news, one doctor wrote:

> It is difficult for me, a psychiatrist, whose name has appeared in the directory of medical specialists for years, to understand why I should be deluged with circulars and samples intended to promote the sale of drugs intended to cure or relieve skin conditions, peptic ulcers, "lazy bowel," and a variety of other ailments. Since thousands of other physicians must be subjected to the same barrage, the cost of this waste must be consequential.

Gimmicks: But the barker's barrage is not limited to mere pieces of paper. Not long ago doctors of the Nation received expensive and beautifully mounted butterflies in the mail from one pharmaceutical house—not as an apt reminder for stomach pills, but with literature comparing them to an antibiotic, and claiming both to be "unique in nature." One drug house sent the Nation's doctors red golf balls to remind them of its large, red "cold" pill. Doctors are swamped with such gimmicks as fountain pens, desk calendars, desk decorations—example, miniature skeletons—and even pencils attached to tiny bedside urinals.

Sample: Mailing drug samples to doctors is a heavily used advertising device. When the antibiotic aureomycin was placed on the market, its manufacturer reportedly mailed out $2 million worth of samples to more than 140,000 physicians.

Pill payola: Luncheons, dinners, cocktail parties, prizes for tournaments, and the like are other reported promotional expense items for drug firms. There is not a single record of any doctor's prescription having been influenced in this manner. Thus, whether or not the practice is questionable from an ethical standpoint is immaterial. What is material is that its effectiveness as a promotional device is nil and therefore a wholly unwarranted factor in the consumer's ultimate drug bill.

Trade names: The same identical drug is often advertised and promoted by different firms under different trade names. Example, the antibiotic tetracycline is marketed under at least five different trade names, Achromycin—Lederle, Panmycin—Upjohn, Polycycline—Bristol, Steclin—Squibb, and Tetracyn—Pfizer. Not only has each of these firms conducted separate and parallel promotion campaigns for this only single drug, but because pharmacists cannot substitute the same drug labeled by a different trade name when a doctor's prescription specifies one trade name, pharmacies all over the country must stock a drug not once, but as many times as there are different trade names for it. This very considerable unwarranted expense also finds its way into the prescription prices paid by the sick. Multiplicity in trade names occurs not only from different firms engaging in production of a drug, but from one firm manufacturing and selling it retail under one trade name, while selling it in wholesale quantities to one or more additional drug firms for packaging and sale under the latter's different trade names. It also occurs by the same firm bringing out the same drug under slightly different potencies or slightly different formulas. Example, a company brings out a drug called Bigshow. Then alters a chemical bond in the drug and starts promoting its chemical relative under a new trade name like Reallybigshow. Physicians may then be told that Reallybigshow is "more potent" than Bigshow because only 10 milligram dosages are required for Reallybigshow compared to 100 milligrams for Bigshow, notwithstanding that both do the same job at their respective dosages.

Regarding all these serious extra burdens on the sick, Dr. Austin Smith, president of the Pharmaceutical Manufacturers Association said:

> Unquestionably enthusiasm in promotional efforts can get out of hand at times. The important thing is that members of the pharmaceutical industry are setting up increased controls to insure the presentation of facts.

They may be setting up controls, but none is obvious at this point. "Pharmaceutical industry, heal thyself," is an appropriate current-day adaption of an old adage. And, adding "do it quickly" also seems appropriate. For if that industry fails to do it, and do it quickly, it can be assured that the patience of the American people is approaching the exhaustion point where it will be done for them by legislation.

I have in mind relatively simple means whereby healing processes can be imposed on the industry quickly and efficiently by statute. The doubling, trebling, and even further multiplication of the cost of introducing the same precise new drug to physicians under a variety of different trade names and other extravagant practices can be wiped out by the stroke of a legislative pen requiring standardization of drug names and prohibiting slight variations in composition or strength to be subject to repromotion. Such listing and regulations might easily be compiled and policed by the U.S. Public Health Service, the Food and Drug Administration, or other appropriate Federal agency. Meanwhile the American Medical Association might take on the worthwhile project of getting its members to write prescriptions in terms of drug name rather than trade name.

What I am actually seeking to do by bringing the various facts out that I have today is to point up to the pharmaceutical industry the desirability of setting up its own drug czar in the pattern of the motion picture, baseball, and football industries. Self-imposed discipline, standardized pharmacopaeia, and ethical standards could be adopted and enforced by the czar, aiming at the same purity in pricing drugs as there is in manufacturing them. I believe the moral obligation for the industry to do so is clear and undeniable.

If it does not do so, and unless Dr. Smith's promises are backed by performance and reforms extend further than to the most obviously outrageous and extravagant practices now current, it is my intention to introduce and seek passage of legislation compelling the industry to make the reforms it shall have failed to make as a matter of self-discipline and moral obligation.

The details of drug promotion malpractices upon which my remarks today are based appeared in a series of three articles in the Long Beach Independent-Press Telegram written by Mr. Ben Zinser. For the information of my colleagues who wish to refer to these sources, I have asked unanimous consent that they appear in today's RECORD.

Mr. Zinser is an able, experienced, and highly regarded writer on medical subjects. Both he and his publishers have done the country a distinct service in publicizing these facts for the public. I agree fully with Mr. Zinser's belief that promotion plays a necessary part in bringing new and useful drugs to the attention of the medical profession. It is the excesses, the extravagance, the poor judgment, and the lack of fundamental ethics in which the drug industry indulges itself in this regard that are objected to on behalf of all who must, necessarily, purchase its products.

NATIONAL LOTTERY IN AMERICA

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, while we persist in raising moral, social, and economic objections to the enactment of a national lottery in America, our foreign neighbors continue to make hay with their own government-run lotteries.

The recent worldwide sale of tickets for the 98th Irish Sweepstake is a very good example. The total gross receipts for last Saturday's sweepstake were a record high of $17,134,852.

Of this amount, Mr. Speaker, $9,761,920 went for prizes, $3,154,320 for building and improving hospital facilities, and $1,051,439 for the Irish Government.

A few million dollars will come back to the United States bringing great joy and happiness to some lucky ticketholders. But these people will learn, very shortly, that the Federal Government will become their partner to the tune of 60 percent or better. Also, the State governments will step in and claim their tax share.

This big Government grab raises these questions: What happens to the sanctimonious attitude the Government has about gambling? What about the so-called economic, social, and moral issues leveled against gambling revenue? Does hypocrisy permit and allow the Government to play a double role?

Mr. Speaker, I think we have carried this hypocrisy too far. The time has come to remove the blinders and recognize the indisputable fact that the urge to gamble is deeply ingrained in most human beings and that we should start to regulate and control this natural desire for our own benefit.

By proper supervision and control, a national lottery would not only cut off the flow of billions of dollars now siphoned off by the racketeers and gamblers in the United States and by foreign-run lotteries, but we would also bring $10 billion a year in additional revenue to our Government Treasury.

Mr. Speaker, if we stopped this pussyfooting and showed some good American horsesense; if we tie the gambling spirit of the American people together with the Government's need for revenue, we can, with a national lottery, bring pleasure to our taxpayers and financial gain to our Treasury.

EXTENSIVE PRACTICE OF "PAYOLA"

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. O'NEILL. Mr. Speaker, in recent days I, like many of my colleagues, have had the opportunity to meet with a number of responsibile citizens who are delegates to the White House Conference on Children and Youth. During the course of our conversations, I have noted that many of these good people are deeply concerned about a very serious problem

which can be resolved by the combined action of the Federal Communications Commission and persons who have been granted the privilege of broadcasting to the American people. We are all aware that radio and television licensees, in addition to the right to make substantial profits, have the duty to act in the public interest.

The hearings held by the well-known subcommittee chaired by the very capable gentleman from Arkansas [Mr. HARRIS] and the investigations by the Federal Trade Commission have revealed many things, not the least of which is the extensive practice of commercial bribery known as "payola." Perhaps the most insidious effect of this conduct is best realized in the knowledge that a few paltry dollars have bought a widespread type of demoralizing influence. Not only have the American people been deceived, but the captive audience of our youth has been exposed to a type of sensuous music that is hardly fit for impressionable minds.

I feel confident that the majority of the broadcasting industry have refused to participate in such practices. I am also aware that the FCC is presently engaged in a rulemaking proceeding to require the licensees to avoid certain situations, yet I am somewhat apprehensive that the present FCC policy is ineffective with regard to the licensees whose employees have been engaged in this demoralizing practice.

On March 4, the Honorable Earl W. Kintner, chairman of the FTC, testified that his Commission up to then had found evidence of "payola" in 56 cities. No mention was made of the number of licensees involved. Presently the FCC is calling to task only those licensees listed by the FTC, whose license renewals are up for consideration. We all know that time dampens enthusiasm and I wonder how vigorously this problem will be pursued with licensees whose renewals will not be considered for months or years to come?

Therefore, in order to determine how much responsibility will be assured by the possible numerous licensees listed in the FTC report to the FCC, I have suggested that letters be sent to these licensees by the FCC advising them that evidence has been obtained of "payola" involving their employees. The FCC letter, I feel, should require an immediate reply from the licensees requiring them to state the actual steps being taken to prevent further deceit and demoralizing influence over our youth.

The following is a copy of my letter of today to the chairman of the FCC:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 31, 1960.

HON. FREDERICK W. FORD,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MR. CHAIRMAN: Like many people, I have followed with interest several matters of widespread news coverage pertaining to the very distasteful practices pursued by a group of people who have blatantly perverted the communication privilege granted by the Federal Government to be used in the public interest.

As a result of a series of discussions with a number of delegates presently in Washington for the White House Youth Conference, I find my own beliefs to be in agreement with theirs. There appears to be great concern for the very serious moral consequences that have been brought about by the practice known as "payola." The impact of rock and roll music on the maturing minds of a captive teenage audience can only be measured in a cultural decay of the years to come.

We are all aware of the passing fads experienced in different generations. My comments are not to be considered as a condemnation of our modern youth because theirs has been a circumstance far beyond their control. The trash which has been played on radio by some unscrupulous disc jockeys in return for under-the-table payments by some equally obnoxious record manufacturers and distributors, can have but a singularly disgusting effect on a captured audience.

The responsibility of preventing these practices rests with the Federal Communications Commission as an arm of the Congress. I noticed during the testimony taken by the Subcommittee on Legislative Oversight, chaired by the distinguished and able gentleman from Kansas, Mr. HARRIS, that the Honorable Earl W. Kintner, Chairman of the Federal Trade Commission, testified on March 4, 1960, that the FTC had found evidence of payola in 56 cities. It has also come to my attention that the FTC has, or is, supplying your Commission with the names of the employees and the licensees involved and that the FCC is examining the replies to your inquiries from licensees and comparing it with the information provided by the FTC at the time of a licensee's application for renewal.

Since license renewal applications are staggered over a 3-year period on a geographical basis, is it not possible that in several months' time there will be less enthusiasm in pressing the extent of this practice with licensees named by the FTC? Therefore, I strongly urge that as a matter of responsible action the FCC immediately communicate with the licensees whose employees were named by the FTC as having received payola and inquire of these licensees what actual steps are being taken by them now to prevent the continuance of these practices.

I would appreciate a brief analysis of the replies by these licensees without reference to their identity. This analysis should include:

1. How many licensees whose employees were named by the FTC denied payola activities in their letter to the FCC?

2. Is the FCC accepting at face value the assurances of the named licensees that they are presently preventing these practices even though they previously assured the FCC that the practices were not going on?

3. What worthwhile safeguards are being taken by the licensees in this group? Please specify the safeguards.

The purpose of these questions is, of course, to assure my colleagues and myself that every possible step is being taken now to examine these practices and their demoralizing effect on the youth of America.

Your reply, as is this letter, will be included in the CONGRESSIONAL RECORD for the benefit of all Members.

Sincerely,

THOMAS P. O'NEILL, Jr.,
Member of Congress.

WAR BY MISCALCULATION

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, war by miscalculation is far more probable than war by intentional act. Yet the administration is doing nothing constructive about this danger. And Defense Department policy fails to square with statements by the Secretary of State.

Thousands of nuclear warheads, most of them ready for instant dispatch and detonation, exist in the world today. All are in the hands of fallible human beings. An accidental or unauthorized nuclear explosion is not merely probable. It is inevitable.

The interpretation of such an explosion will be difficult. There will be no witnesses to interrogate and no wreckage to examine. How to turn back the planes, uncock missiles and call off the resulting alert is a real problem which deserves intensive research and study.

The editor of Parade magazine recently suggested a "hot line" between the Kremlin and the White House as a useful safeguard. Constant communication could be important but how, under conditions as they are today, could either side rely on the words spoken by the other? Other measures must be devised and adopted—and without delay.

In the March 5, 1960, issue of The Nation I discussed my reasons for feeling our Nation must take the leadership in disarmament before the finale of the missile race results in a barren globe.

We are smart enough to survive but time is terrifyingly short. The task is tremendous. In the article I concluded:

An ever-increasing number of devoted men and women are responding to the unprecedented challenge of unprecedented weapons. That gives me faith that we frail human beings and our free nations will not, for a while anyway, perish from this earth.

The article "Accident or Aggression" evoked thoughtful responses from men and women in many parts of the Nation. Here are a few comments:

My husband and I find it heartening that some voices are raised in warning. We also welcome your positive proposals toward a world law by strengthening the United Nations and your stand for the repeal of the Connally reservation in order to increase the effectiveness of the International Court of Justice.

This is, indeed, a most frightening sobering statement but it should be read by every American * * * you wisely point out the error plays a large part in the danger that confronts us.

Your excellent article "Accident or Aggression," in March 5 Nation deserves a hearty thank you from every American citizen. * * * Wishing you much success in your efforts to stimulate interest in a sane policy on disarmament.

These excerpted remarks pretty well summarize the letters I have received since The Nation article was published. The letters come from citizens who are ready to fight for peace.

The fight means that we must reaffirm our freedom by making sure we are making the best use of our minds. To do this we must provide the tools: education, research, language, technical know-how and the other items which placed together mean a fruitful way of life for all.

Documenting and enlarging upon the above assertions are the following correspondence between myself and Herbert B. Loper, Assistant to the Secretary of Defense—Atomic Energy; the full text of "Accident or Aggression" article by myself, Nation, March 5, 1960; editorial by George G. Kirstein, same issue, Nation; and various letters I have received commenting upon my article:

JANUARY 29, 1960.

Hon. THOMAS S. GATES, Jr.,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I would like to inquire whether the Department of Defense is making any studies in connection with the question of accidental or unauthorized nuclear explosions as a possible or probable cause of war. If there are such studies I should like to have the reports made available to me. If there are not, I should like to urge that such studies be made particularly with reference to the problem of what measures can be taken to prevent misinterpretation of an accidental nuclear explosion.

The situation I have in mind is this: Thousands of nuclear weapons exist in the world today. Most of them are ready for instant detonation. All are in the hands of fallible human beings and under these circumstances it is probable that there will be an accidental or unauthorized explosion. When this occurs I am informed that we will go on our highest condition of alert and, probably within 20 minutes, the Soviet Union will do the same thing.

Even if we are convinced that the explosion was an accident, not the precursor of an all-out attack, what proper assurance can we get in this situation that the Soviet Union will order its planes to turn around and, in effect, uncock its guided missiles system?

It seems to me that this situation gets worse as the manned bombers give way to missiles and the decision times get shorter and shorter.

I suggest, as I have suggested before, that the Defense Department should immediately embark on a public relations program to inform our citizens and the world that accidental or unauthorized nuclear explosions are probable despite elaborate safeguards. In my opinion the public today believes that an accidental or unauthorized nuclear explosion is only remotely possible. This has been the impression fostered both by your department and by the AEC. Under the circumstances, therefore, and quite apart from the question of whether a war would result, there is a substantial chance that there would be considerable panic in the United States, especially in the cities, in the event of an unauthorized or accidental nuclear explosion.

With best wishes.

Sincerely,

CHARLES O. PORTER,
Member of Congress.

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., February 12, 1960.

Hon. CHARLES O. PORTER,
House of Representatives.

DEAR CONGRESSMAN PORTER: Your letter of January 29, 1960, on the question of accidental or unauthorized nuclear explosions has been referred to me. As explained in detail below, studies are made covering each weapon system upon which safety rules and procedures are based. Since these studies include classified technical details it is not possible to pass them to you in this unclassified correspondence. Representative safety rules have been provided the Joint Committee on Atomic Energy and it may be possible for you to make arrangements with the staff of that committee to review them.

In developing the safety rules, each of the nuclear weapons systems is analyzed in complete detail by the most qualified personnel available to the Department of Defense and the Atomic Energy Commission. Safety analyses are a continuing process beginning as early as possible in the development of the weapons system and continuing throughout its life.

While I do not wish to minimize the consequences of such an accident if it should occur, I do want to assure you that the possibility of a nuclear explosion through accident or deliberate human act or system malfunctions is extremely remote. This statement of possibility represents the sincere opinion of those officials responsible for reviewing the detailed safety studies conducted on each weapons system employing a nuclear warhead or bomb. Safety rules for each system are the result of the conclusions and findings of the detailed studies and are the rigid enforcing regulations governing the handling and use of the system.

It is mandatory that the safety rules on each system meet the following standards:

(1) There will be positive measures to prevent weapons involved in accidents or incidents or jettisoned weapons from producing a nuclear yield.

(2) There will be positive measures to prevent deliberate arming, launching, firing or releasing except when directed by the proper authority.

(3) There will be positive measures to prevent inadvertent arming, launching, firing or releasing.

(4) There will be positive measures to insure adequate security.

I am inclosing two statements on the subject which continue to accurately portray the danger to the public that may be expected from an atomic accident.

Sincerely yours,

HERBERT B. LOPER,
Assistant to the Secretary of Defense (Atomic Energy).

FEBRUARY 23, 1960.

Hon. HEBERT B. LOPER,
Assistant to the Secretary of Defense (Atomic Energy), Washington, D.C.

DEAR MR. SECRETARY: Thank you for your letter of February 12. There has never been any doubt in my mind that all possible care in the handling of nuclear weapons was provided for in the regulations and was intended by the persons responsible. Where we disagree is with regard to your statement that "the possibility of a nuclear explosion through accident or deliberate human act or system malfunction is extremely remote." I refer you to Secretary Herter's speech February 18 before the National Press Club, particularly the portion where he refers to miscalculations that result in war "without either side really intending that this should happen."

Regardless of our disagreement in this respect, I should appreciate your commenting on what plans the Defense Department has to prevent such an explosion from triggering a war. I particularly refer you to my letter of January 29 and specifically the last sentence of the second paragraph and the last three paragraphs in the letter.

I should also like to repeat my request for information as to any studies which are being made with regard to accidental or unauthorized nuclear explosions as a possible or probable cause of war.

With best wishes.

Sincerely,

CHARLES O. PORTER,
Member of Congress.

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., March 3, 1960.

Hon. CHARLES O. PORTER,
House of Representatives.

DEAR MR. PORTER: I regret that my letter of February 12, 1960, replying to yours of January 29, 1960, failed to cover two points raised in your letter.

With respect to plans for preventing an accidental or unauthorized explosion from triggering a war, it appears that the concern here is that the detonation of a nuclear weapon by accident or through deliberate human act would precipitate retaliatory action on the part of the injured party without adequate investigation as to the cause or source of the act. Obviously, the Department of Defense cannot control the reaction of some other country to such an event. We firmly believe, however, that our own directives and procedures, which require the transmission of positive orders of the President through secure command channels, preclude the possibility of such precipitative action on the part of the United States. In other words, positive directives, rather than plans, issued to and thoroughly understood by all commands preclude any retaliatory action with nuclear weapons on the part of our military forces without the specific authority of the President.

In brief, our effort has been focused on—

(a) Safety in design features; limited and controlled access to weapons; personnel selection; physical security, and handling procedures to provide maximum insurance against an accidental or unauthorized detonation. The effectiveness of these measures is under constant scrutiny in the interests of continuing improvement.

(b) Positive command controls to insure against precipitate action in the event of an accidental or unauthorized detonation no matter how remote the possibility of such an event.

I have noted that portion of Secretary Herter's speech before the National Press Club on February 18, 1960, to which you have referred. While not attempting to interpret the reference to "miscalculation," I would consider the term to have a much broader meaning than "reaction to an accidental or an unauthorized detonation." In any case, I consider it impossible that the Department of Defense might "miscalculate" the cause of an accidental or unauthorized detonation and initiate retaliatory action without thorough investigation and positive instructions from higher authority based on a thorough analysis and understanding of the international situation.

To the best of my knowledge the Department of Defense is not undertaking any studies of the type to which you refer. There are, of course, a number of basic plans and directives in effect for dealing with nuclear weapon incidents and accidents, the purposes of which are to minimize the hazardous effects of such events and to insure immediate investigation and report of the cause and circumstances to higher authority. Typical of these is the inclosed chapter 6 of the USCONARC Basic Plan. Similar plans and instructions have been issued by the other services and by the unified and specified commands. While such plans and instructions do not deal directly with accidental or unauthorized explosions as a cause of war they do provide for prompt and thorough investigations of such events as a basis for appropriate decisions by competent authority.

Sincerely yours,

HERBERT B. LOPER,
Assistant to the Secretary of Defense (Atomic Energy).

[From the Nation, Mar. 5, 1960]

ACCIDENT OR AGGRESSION?

(By Charles O. Porter)

If you place six chimpanzees in a small room with a couple of baskets of live hand grenades, a minor catastrope is inevitable. If you place error-prone human beings in proximity to thousands of nuclear weapons, a major catastrophe is inevitable and the triggering of an all-out massive exchange is probable.

Brigadier (Ret.) C. N. Barclay, British military expert, correctly describes the problem in the New York Times magazine of August 23, 1959, but he reaches the conclusion that the real danger is 10, 15, or 20 years ahead when many more nations possess nuclear weapons. The risk of a fatal mistake now, he thinks, is "much less than most people suppose."

I respectfully but emphatically dissent. In my opinion, the danger is now and it is extreme. As for what "most people" may suppose about the risk, I can only say I wish more people in and out of Government and the Military Establishment, thought about the situation at all.

Two attitudes, often not fully articulated, seem to predominate. One is that our atomic doom is inevitable and that nothing will avert it. The other is that something will turn up, as always. Both points of view provide ready excuses for doing nothing.

Barclay recognizes that while nobody wants a full-scale nuclear war, a war by "mistake" or "accident" is likely because of the "necessity for maintaining weapons of obliteration in instant readiness." He points out that this is an unprecedented situation for which history has little guidance. I agree with that definition of the situation, but I have to leave him when he seeks to minimize the risk of a mistake by stating that "we can be sure" missiles have to be made "live" by "teams under responsible leaders * * * especially selected * * * controlled by headquarters and highly trained staffs."

Barclay writes, "In these circumstances the chances of a mistake, although not entirely removed, are remote." He cannot conceive that one explosion could trigger a worldwide nuclear war, nor that a tactical atomic war could become a fullscale nuclear war. I think the cards are stacked now for vast destruction and death. The facts, simple and undisputed, add up, in my opinion, to world war III in the very near future as the result of an unauthorized or accidental nuclear explosion. This is the war nobody wants and everybody fears.

The facts can be stated in a few words. First, thousands of nuclear weapons, many of unthinkable power, exist today. Second, almost all of them are ready for instant detonation. Third, their custodians are human beings.

A nuclear explosion resulting from mechanical defect or inadvertence is only remotely possible, but the same is not true with respect to human fallibility. I discussed this matter last year with Herbert B. Loper, Assistant Defense Secretary for Atomic Energy. He agreed that, given the prevalence of such human errors and weaknesses as drunkenness, mental breakdown, misinterpretation, misguided idealism, venality or treason, an accidental nuclear explosion is probable.

Of course, precautions are taken to prevent accidental or unauthorized explosions; the regulations and safeguards are carefully and cunningly devised. But any rule ever devised by man can be circumvented by man. You can't legislate error and weakness out of humanity.

I saw for myself the operation of some of the safety procedures established to prevent the unauthorized dispatch of the Royal Air Force Thor missiles in England. Because these procedures are classified as secret by the Defense Department, I cannot describe how an apparently foolproof system was being wholly frustrated without malice or deceit on the part of anyone. These were able and honest men doing an important job but, as so often happens, they were blithely ignoring regulations calculated to prevent an irreparable disaster.

When I sought permission to describe the bypassing of these very procedures in this article, the Department of Defense, through its congressional liaison officer, expressed great chagrin and surprise. The officer informed me that a complete investigation would be made immediately. There will be no one around to investigate violations that lead to an unauthorized firing.

Almost everybody knows that a gun, allegedly unloaded or not, is dangerous. Every day some person is wounded or killed by mishandling these puny weapons. The custodians of the atomic weapons are errorprone mortals.

If you had been the marshal of Dodge City in its heyday you would have kept a loaded six-shooter handy. We, too, must keep our nuclear weapons handy, and you don't need to know the details to realize that they are poised for instant use. In fact, they are being modified to facilitate quick detonation. On October 28, 1957, Admiral Stump, supreme U.S. commander in the Pacific and Asia, affirmed that the United States must retaliate instantly, possibly with atomic weapons, at the first sign of Communist aggression anywhere in the world. The following month, the late Secretary Dulles stated that the order to shoot back in the event of an attack on NATO forces "like that on Pearl Harbor" would be given by the commanders "on the spot."

An explosion caused by a meteor has been mentioned as the possible occasion for confusion and misinterpretation leading to such an order in a world made tense by atomic warheads. And everybody knows that decision times are becoming shorter as countdowns for missiles are simplified or in some cases, reportedly in the Soviet Union, eliminated.

This brings us to the question of whether or not one accidental or unauthorized nuclear explosion would be likely to trigger the full-scale massive exchange. Brigadier Barclay wrote that he couldn't "conceive" of such a thing.

In December of 1957, I visited Strategic Air Command Headquarters in Nebraska and was briefed on this problem. Since then I have checked my conclusions many times with other high military officers in and out of the Pentagon. It is agreed that if there were a mystery atomic explosion which could not be identified either as an act of aggression or as an accidential or unauthorized explosion, our forces would immediately go into their highest condition of alert.

This means that the ready planes get off the ground and start heading for their targets. It means that other crews and planes are prepared with all speed to get off the ground. The count downs would start on our missiles and hold firm just this side of ignition. Of course, bases and missile sites would be the primary targets of the enemy.

If we were to go on our top alert, the Soviet Union would soon follow suit, just as we would do if the Soviet Union had the unexplained atomic explosion in their territory. This leads to a problem for which no one, military expert or not, has given me the solution.

Here is the situation:

Our planes are making for the Soviet Union; theirs are headed toward us. Our missiles are made ready for immediate dispatch; so are theirs. I remind you that we cannot look to the gaping hole and its lethal radioactivity to tell us who caused the explosion and for what reason. There is no wreckage to examine, and there are no witnesses to interrogate.

But less than 20 minutes after the explosion, if it happens in the United States, the Soviet Union's condition of top alert will be reported to the White House by our intelligence officers. The tough question is, How can we tell whether the intensive preparations are defensive or offensive?

The answer is that we cannot make any such determination because the preparations for defense and offense are identical.

Our planes can turn back when they reach a certain point, called the fail-safe line, but on what basis do we dare allow them to return when we know the Soviet planes are heading toward us? Is this the time when the President calls up Khrushchev and says, "Tell me the truth now, was that explosion the beginning of an attack on us? Or if it wasn't, are you planning to use our defensive preparation as an excuse for an attack on us?" It seems hardly worth while to make the call, yet how do we extricate ourselves in such a crisis?

Before I venture to propose any remedies, let me suggest a further complication—public panic. Consider the immediate and intensive coverage such an explosion would receive on TV, radio, and in the newspapers. Think of the impact on our great urban centers of population—the TV coverage and the descriptions of the magnitude of the physical damages, the numbers of dead and injured. Think of the terrible, unbearable suspense of wondering if this is only the first of many atomic missiles being directed at our country by a powerful and implacable enemy.

It seems likely that an almost universal breakdown in law and order might ensue in the cities as people sought, not unreasonably, to take shelter or, in most cases, get out into the countryside. There would be rioting and looting. The President would appear on TV and his voice would be heard on radio. "Be calm," he would enjoin us, "my information is that this is not part of an attack on us. It was just an unfortunate accident. Please return to your homes." But even he couldn't know for sure that it was an accident.

Let us be optimistic and say that this announcement, along with other measures, does deter a wave of panic. What happens 20 minutes later when the news comes (and it could not be withheld from the American people even if the President so wished) that the Soviet military forces are mobilizing at top speed? Would our people believe the President if he told them that in his opinion the Soviets were only doing this as a defensive measure and that it was not in fact a threat against us? It would be difficult to present a convincing basis for such an opinion.

This introduces one of the remedies that I suggest we begin to apply without further delay—namely, public recognition of the problem presented to us by this mixture of maximum weapons, minimum decision times, and mere mortals. At present the official position of both the Defense Department and the Atomic Energy Commission is that accidental or unauthorized nuclear explosions are but "remote possibilities" hardly worth discussing. This position must change.

The truth is that such explosions are more than probable. They are inevitable. A healthy skepticism of man's ability to manage safely such weapons is the beginning of wisdom; and an acknowledgment of the real odds favoring accident will make public reaction more rational when the accident occurs.

Secondly, further efforts to lessen tensions between the East and West must be made along the lines of the President's example in agreeing to exchange visits with Khrushchev. Increased communication through visitor exchanges can help lead to the sort of understanding which must be the foundation for any honorable, stable peace.

Thirdly, self-enforcing, arms-length disarmament agreements must be negotiated. The most important is with respect to nuclear tests. Once international inspection has been established for one type of armament, its application to wider areas is unlimited and of immensely hopeful potential.

Finally, we must understand that the only alternative to rule of force is the rule of law. The President believes this, so did

the late Secretary of State Dulles. So do Vice President NIXON, President de Gaulle, all the top British governmental leaders and, I would estimate, almost every other responsible political leader in the world.

It is essential that the United Nations Charter be reviewed. Indeed, we have delayed too long. High level studies should start immediately throughout the world, not only within governments but among the peoples themselves. The danger of nuclear doom is clear enough for those who will open their eyes. The dream of a world rule of law may seem impractical at first, but how practical, I have to ask, is a nuclear arms race? Just about as practical, I'd say, as offering those chimpanzees I mentioned earlier more baskets of live grenades.

An essential first step, now awaiting enactment by the U.S. Senate, is the repeal of the Connally reservation, which permits us at will to deny the jurisdiction of the International Court of Justice.

Last year I attended a meeting at which Philip Noel-Baker, Member of Parliament, Nobel Peace Prize winner and noted disarmament expert, said in an informal conversation that he was an optimist in that he believed universal disarmament was feasible in terms of providing safeguards against one nation's getting an advantage over another, if the nations all decided they wanted that equality.

"But," he added thoughtfully, "I'm also a pessimist in that I believe that in 10 years we will all be dead and the earth will be an incinerated relic."

The man standing next to him, a top scientific adviser in our Government, declared, "I believe so too."

I don't believe so. Nuclear doom is not one of the inevitables I intend to accept. The inevitable accidental or unauthorized nuclear explosion need not mean world war III.

I think we are smart enough to survive, but I realize that time is terrifyingly short and that the task is tremendous. An ever-increasing number of devoted men and women are responding to the unprecedented challenge of unprecedented weapons. That gives me faith that we frail human beings and our free nations will not, for a while anyway, perish from this earth.

[From the Nation, Mar. 5, 1960]

NONSURVIVABILITY PLUS

(By George G. Kirstein)

The way to disarm is to arm. A country has to have more arms than its potential enemy in order to negotiate disarmament from a position of strength. Once we have arms superiority, the Russians will presumably be forced to disarm. One odd thing about this prevailing current doctrine is that it is not expected to work in reverse. If the Russians gain arms superiority over us, we will not begin to disarm—we will "close the gap." Another curious thing about it is that when we did have arms superiority—when we had the A-bomb and the Russians didn't—neither they nor we disarmed. They closed the gap.

But just because the theory has not worked so far in either direction is no reason to abandon it. The task before us is to compose a logic to justify our immutable theory, and for this purpose we need a new language. Fortunately such an instrument is already at hand, for both the armed services and the research centers of the great universities have men trained in the manufacture of a new jargon which will serve as a framework for the new logic. For simplicity's sake and to differentiate it from English, this language may be called Desperanto.

For example, all reasonable men know that the way to stop an enemy from attacking us is to have the capacity to destroy him if he makes the first move. This ability for "instant and massive" retaliation is labeled "deterrence" and for it to be effective we must have overwhelming "deterrent capability." General Power points out that if we have sufficient "deterrent capability," it will be impossible for an aggressor to develop a "confidence factor." "Deterrent capability," the very keystone of the new logic, has several synonyms, of which the one most frequently used is "kill" power. Fortunately, we are told that at the present time our "kill" power—take it for all in all—is superior to the Russians'. However, we are still in danger because of the "missile gap." It is not enough to have overall superior "kill" power; paradoxically, we must have a surplus of it in order to guarantee our survival. A surplus of "kill" power is called "overkill" and the key equation of the new theory is, "Overkill equals total nonsurvivability plus." In this equation, of course, we have the "overkill" and the enemy has the "nonsurvivability plus."

Unfortunately, we do not have enough deterrent capability even when we have lots of "overkill," as we now have. "Overkill" doesn't take care of limited aggression in what Representative WALTER calls fourth-dimensional war. In order to stop this limited aggression threat, we must have limited deterrents or clearly there will be a deterrent gap. We must have an overall military posture capable of defending ourselves by every means from launching preventive war (this used to be called attack in the old language) to repelling invaders armed with slingshots. I feel myself that the military is guilty of overlooking our slingshot capability, but perhaps we should not be too harsh, for they have overlooked little else. Nonetheless, the Democratic candidates, particularly Senator SYMINGTON, may have a real campaign issue in this slingshot gap. Fortunately, there is not a correlative bow and arrow gap, because we have a ready reserve or militia of sportsmen skilled with this weapon.

The logicians of deterrence may at last be satisfied when we perfect, as we are sure to do soon, the doomsday bomb. This weapon, when hitched up to an electronic brain, will be able to destroy the remainder of mankind even if no survivors are left in the attacked country to set it off. This is what spokesmen of the new logic call an invulnerable deterrent. Apparently this cobalt-coated hydrogen bomb creates a radioactive fallout so excessive that "On the Beach" can become fact—not fiction. This is total "overkill," or the end of the line. Indeed, the doomsday bomb may be the fantastic new weapon about which Mr. Khrushchev recently bragged. So the doomsday bomb gap may be already upon us, although, due to the intelligence gap and a reappraisal of Soviet intentions as contrasted with capabilities, it may be some time before we can know whether we are in this jeopardy. Unless a doomsday bomb can be set up in each free country the potential enemy's confidence factor may become absolutely overwhelming, because according to the experts only a weapon guaranteeing unacceptable damage will deter all rational rulers from aggression.

But I foresee a future gap even after we announce that we and all our friends, great and small, also have the doomsday bomb. Let us suppose that the Russians beat us to the moon. Suppose then that there are two Russians or even a couple of Russian dogs on that satellite when the doomsday bomb goes off. Clearly we have failed to reduce survivability to zero. We need a doomsday moon bomb—one capable not only of destroying mankind on earth but on the moon as well, preferably simultaneously. Without such a deterrent we are at the absolute mercy of the enemy. Let's have no spiritual flabbiness nor lack of zeal in perfecting this weapon. Let's have a crash program to meet this problem. Here is a gap which can be foreseen and definitized. Without possession of this supermassive retaliatory defense deterrent, we can't finalize our future.

EUGENE, OREG., *March 10, 1960.*

Representative CHARLES O. PORTER,
House Office Building,
Washington, D.C.

DEAR SIR: My husband and I read with great interest and approval, your recent article, "Accident or Aggression," in the Nation, March 5, 1960. I am enclosing a clipping from the Vancouver Sun, British Columbia, February 27, 1960, of which you may or may not be aware, but which I think is a step in the right direction and shows signs of constructive action. It seems to us regrettable there is no concerted, similar movement in the United States. It is also unfortunate there is a tendency to criticize those individuals in the United States, who attempt to draw attention to this problem, as though they were invariably indulging in Communist propaganda, whatever that is.

We were gratified to know you had attended the London conference and felt it should have been given more publicity here. Again we wish to offer our compliments on your fine article.

Sincerely,

THELMA M. PIERRON (Mrs. Wm.)

SYRACUSE, N.Y., *March 7, 1960.*

DEAR MR. PORTER: I have just read your article in the Nation. I am convinced that a growing number of people are concerned that we will have war by accident. Please keep talking and writing of this possibility.

GENE GILMORE.

CHARLESTON, W. VA., *March 6, 1960.*

DEAR SIR: Your article in the Nation is about the best I have read to date. It has the further advantage of being written by one whose motives and reasoning are above suspicion. I would like to see this reprinted in Life or Time, for example, in order that it would receive the highest possible readership—next to a 2-page color ad of "Atlas."

CHARLES CHRISLIP.

MADISON, WIS., *March 7, 1960.*

The Honorable CHARLES O. PORTER,
House of Representatives Office Building.
Washington, D.C.

MY DEAR MR. PORTER: We have just read your article in the March 5, Nation, "Accident or Aggression?"

It is superb. We find it especially heartening to know that a Member of our Congress is thinking and speaking so clearly. We wish to thank you for your clear and courageous statement of what should be elemental facts.

Will you be having this article put into the CONGRESSIONAL RECORD? If so would reprints be available? The movie, "On the Beach" is to start in Madison on March 9 and we feel this would be a telling moment to call attention to what most of us believe to be but a weird nightmare, not possible. We feel and hope as you do "that we are smart enough to survive," but also that "time is terrifyingly short and the task tremendous."

Is there some way in which we can help you in your great fight for survival?

Very sincerely,

Dr. and Mrs. KARL PAUL LINK.

CORNELL UNIVERSITY,
Ithaca, N.Y., March 14, 1960.

The Honorable CHARLES O. PORTER,
House Office Building,
Washington, D.C.

DEAR MR. PORTER: I wish to express my appreciation of your fine frank article in the Nation of March 5 "Accident or Aggression?" and my horror at the facts you so forcefully set out. With most of them I had some familiarity already but not with your veiled statements on the lack of observance of safety procedures (pp. 203–204). You have done a great public service in writing this article. I wish there were some way in which knowledge of these facts could be brought

home to more people that know them, perhaps, intellectually but pay no real attention.

Sincerely yours,

BERTRAM F. WILLCOX.

(This needs no acknowledgment; nor any answer unless there is conceivably any way in which I could be of help in your battle to stave off a mass tragedy which we can talk about but not begin actually to comprehend.)

BOSTON, MASS., *March 4, 1960.*

MY DEAR MR. PORTER: I have just read your article, "Accident or Aggression?" in the Nation and wish to thank you most wholeheartedly for your timely discussion of some of the most dreadful aspects of the nuclear arms race. When you write, "Nuclear doom is not one of the inevitables I intend to accept," I believe you are speaking for virtually every citizen who brings himself to face the possibilities of nuclear war, and certainly you are speaking for a substantial proportion of citizens whose opinions do not readily find outlets in the press or radio, but who represent the most responsible part of the electorate.

I have expressed similar ideas in letters to officials who support the arms policies of the Government and feel that it is futile to waste one's time and efforts talking logic to people upon whom logic makes no impression whatever.

But I do think that it is time (and perhaps this is our only hope) for those who share your views to move together in a display of unity impressive enough to cause the Government to have grave doubts as to the national support it would have for a nuclear war.

It would seem that the first task of Congress is educating the administration in the facts of nuclear war would be the formation of united and impressive opposition to this suicidal continuation of the arms race within its own ranks. I think you already have an implicit mandate for such action from the people. There must be national support for such a movement, judging by the statements of Gov. G. Mennen Williams, Gov. Robert Meyner, Adlai Stevenson, etc. Either there is a new orientation to American foreign policy thinking or the generals will have their way and we will get our nuclear holocaust.

Why, for instance, do we insist that the Soviets take no unilateral action to decide Germany's fate and yet we refuse to negotiate the question of the altitude of our flights to Berlin? This is a question for civilian negotiators, not for the generals to decide.

Is it not fitting, in this time of remembrance of the American Civil War, to remind ourselves that it, too, was a war which nobody wanted or intended but which was made inevitable by the resort to violence instead of rationality which we see occurring today.

I hope and pray that there are enough men like you in Congress to act in the name of reason while there is still time, and again many thanks for your efforts on behalf of truth, and be assured of my very sincere appreciation and best wishes.

Yours very truly,

J. MURRAY FORBES.

THE INDEPENDENT BANKERS ASSOCIATION,
OFFICE OF THE SECRETARY,
Sauk Centre, Minn., March 7, 1960.

Hon. CHARLES O. PORTER,
House Office Building,
Washington, D.C.

DEAR MR. PORTER: In the March 5 issue of the Nation, your article, "Accident or Aggression?" portrays in a realistic way the situation that confronts us. We are galloping toward destruction.

The hopeful sign, if there is any, is that Russia is doing too well to intentionally bring about chaos, but miscalculations can occur, as you have so ably stated and the more nations that perfect these diabolical machines of destruction, the more chance the people of the world will be taking.

Yours is a thoughtful article. I wish the Nation had a larger circulation, so that it would be brought to the attention of more people.

With best regards, I am,

Yours very truly,

BEN DUBOIS.

WASHINGTON, D.C., *March 4, 1960.*

Hon. CHARLES O. PORTER,
Member of Congress, Old House Office Building, Washington, D.C.

DEAR MR. PORTER: Your article in the March 5 issue of the Nation presents one side of an argument with most unusual clarity and force. Naturally, I would prefer to side with those who claim the odds are against an accidental war, but your arguments are very persuasive. Certainly everyone would agree that whether the odds are on one side or the other, national survival has become the subject of an international lottery.

Persuasive though your arguments are, they prove only that something must be done—presumably something new, bold and imaginative. Your conclusion, that we must work for world peace through world law by amending the charter of the United Nations, does not seem to be supported in the least by what has gone before. At the most, you are saying that we must have world law and, therefore, we can get it. At the least, you are saying that we must have world law and, therefore, we should start working toward it. As the first is obviously a non sequitur, I assume that the second implication is the correct one. In principle, of course, all would agree with it, and yet strictly speaking it is not quite an accurate statement either. As Professor Wolff of the Harvard philosophy department wrote to me a month or two ago, "In a way, the Western Community has the noble, but tragic, task of keeping alive as well as possible an ideal of human existence which has not been known before, and may never be known again." His point, of course, is that the continued existence of Western democratic values is very important to him as it is to you and me, but nothing about it is either necessary or even probable. If we wish to preserve them or even to lengthen their existence, we will have to strengthen them where they are and extend them wherever possible.

Professor Wolff was commenting on a brief disquisition on this subject which I wrote about a year ago. You may find it of interest.

With every good wish.

Sincerely yours,

JUSTIN BLACKWELDER.

GREENSBURG, PA., *March 7, 1960.*

Hon. CHARLES O. PORTER,
U.S. Congressman from Oregon, House Office Building, Washington, D.C.

DEAR MR. PORTER: Those powerful articles by you and Publisher Kirstein in the current, March 5, issue of the Nation, should be seen by all other Representatives in our Congress, both Houses. Also copies furnished all beribboned Pentagon moguls who underpin our bipartisan military plutocracy.

Commendingly yours,

J. R. KEISTER,
LL.B. Harvard 1912.

CALIFORNIA STATE POLYTECHNIC COLLEGE,
San Luis Obispo, Calif., March 4, 1960.

DEAR CONGRESSMAN PORTER: I have just read your article, "Accident or Aggression?" It is the best piece I have ever read on our most vital problem. Congratulations. I have written to Reader's Digest pleading with them to reprint it.

Sincerely,

WILLIAM M. ALEXANDER,
Assistant Professor of Political Science.

The NELSON-NORA METHODIST CHURCHES,
Nelson, Nebr., March 8, 1960.

Hon. CHARLES O. PORTER,
House Office Building,
Washington, D.C.

DEAR MR. PORTER: I appreciate so much your article in the Nation, "Accident or Aggression." I read it with deep interest and growing concern. After a day of thought and prayer, I wrote to the Nation publishers for 500 reprints of the article. I plan to use some of the "Lord's fund" to send these to Members of Congress and to other friends and members of my congregation.

Yesterday a close friend was telling of his visit last week to the SAC headquarters in Omaha. He said that there are red telephones that are in direct contact with missiles armed with H-bombs. He said that if a man gives the secret code, electronic brains take over and start the machinery moving so that these weapons can be in the air in about 10 minutes and on target within 30 minutes. If this is true, if someone who knows the code should go insane it would be possible for him to literally blow up the world. Do you have information on this? If this is true, every American citizen should know it. I would appreciate any official information (which gives the true picture) on the possibility of such a thing happening.

There are many of us who are willing and able to throw our energy and thought into a fight for lasting peace. The only thing that holds us back is the lack of leadership from our National Government. If we would mobilize for peace as we have done for war, we will be able to tap the unused energy buried deep in the desire for peace that is in the hearts of all the common people of the world. We would be able to think through the economic, social, and political problems involved in shifting to a nonmilitary economy. Who can we get to take such leadership except the President? Any help you can give in this No. 1 issue will be appreciated by all of us.

You may find the enclosed letter sent to a number of my friends of interest. Thanks again for your good work.

Sincerely,

LINCOLN B. JUSTICE.

COLORADO STATE UNIVERSITY,
Fort Collins, Colo., March 10, 1960.

The Honorable CHARLES O. PORTER,
The House Office Building,
Washington, D.C.

DEAR MR. PORTER: Thank you for your article "Accident or Aggression" in the Nation, March 5, 1960. Your article and the effort lying behind it are of great value in the struggle for peace. Here in Colorado there is great concern about these problems. The film "On the Beach" dealing with the threat of nuclear destruction has drawn large audiences, and people are eager to find ways to eliminate the threat of radiation.

Most Americans, I believe, welcomed the initiative of President Eisenhower in seeking an exchange of visits with Premier Khrushchev. However, more needs to be done. Our position, it seems to me, is over-rigid. We want disarmament in theory, yet we are insistent to the extreme on the need for foolproof controls. But the Russians are just as aware as we of the impossibility of a major nuclear war. Further, while they certainly strive to expand communism, I see no reason to believe that they want to spread it through world war. If we would just agree to a ban on weapons tests and then to a ban on nuclear weapons with a moderate control system such as the Russians would

agree to, the immediate threat of destruction would be removed. Surely we can trust the Russians that much, because the actions would be in their own self-interest, and the burden of armaments is surely heavier on their economy than on ours.

While seeking disarmament on a reasonable basis, we should plan for a changeover to a large-scale peacetime economy. With proper planning, we need fear no economic disaster. I sincerely hope that the leaders of the Democratic Party will start stressing peace and disarmament.

Thank you again for your excellent and helpful article.

Sincerely yours,

DR. PAUL A. BATES.

LOMBARD, ILL., *March 7, 1960.*

DEAR MR. PORTER: Your excellent article "Accident or Aggression," in March 5 Nation deserves a hearty thank you from every American citizen.

I only wish that more than subscribers to the Nation could read this article. It is very disheartening, as you bring out in your article, that so few people think about the terrifying situation at all and I can verify this attitude among my own acquaintances.

Our Government's give away program of nuclear know-how to Germany and other nations, complicates the future and makes a nightmare of living.

My husband and I have written our Senators and the President about the extreme danger of this policy but I fear to no avail.

The most disheartening thing is the total lack of a Democratic program for a sane world.

In fact PAUL DOUGLAS is such a confirmed warmonger that it neutralizes his efforts on civil rights.

I'm afraid the Democrats have no place to go this next election.

Wishing you much success in your efforts to stimulate interest in a sane policy on disarmament.

Very sincerely yours,

HELEN J. TEFFT.

HICKSVILLE, LONG ISLAND, N.Y.,
March 4, 1960.

DEAR REPRESENTATIVE PORTER: Let me start by introducing myself. I am the chairman of the professional interests committee of the Roslyn Teachers Association—a group of teachers and administrators numbering about 275. It is my job to organize a day during which we hear and discuss vital issues from the educational and political worlds. The day commences with a keynoter and, sir, after reading your article in the Nation of March 5, I am convinced that what you have to say is worth hearing.

I think our staff must hear from someone of your stature the truisms that confront us today. As a matter of fact, I don't think I am exaggerating when I say it is vital to hear these things. I am afraid we educators are not the best informed people in the world, and it is most important we should be * * *.

It is with the same note of urgency I felt in your article that I write this letter.

Yours truly,

GEORGE HIRSHFIELD.

FIRST UNITARIAN CHURCH,
Los Angeles, Calif., March 8, 1960.

HON. CHARLES O. PORTER,
House of Representatives,
Washington, D.C.

MY DEAR MR. PORTER: May I express my deep appreciation for your article, "Accident or Aggression?" in the Nation for March 5. This is, indeed, a most frightening sobering statement but it should be read by every American. I am wondering if you have reprints that we might distribute to the members of the First Unitarian Church. If you have I could use 500 copies, if there is a printing charge that is not excessive we will certainly pay it. Are you seeing to it that this article gets to all Members of the Congress and to the Executive Office of the President, and to members of the Atomic Energy Commission? I would like to know how rank and file Americans can cooperate in stopping this madness that involves us all. I dare say you saw the papers this morning that indicated that in Santa Barbara, Calif., by error a Conelrad tape was played saying "this is not a test, this is it, seek bomb shelter," etc. The station has been apologizing all morning for the mistake. I mention this because you wisely point out that error plays a large part in the danger that confronts us.

Sincerely yours,

STEPHEN H. FRITCHMAN.

LINCOLN PARK, MICH., *March 11, 1960.*

The Hon. CHARLES O. PORTER,
House of Representatives,
Washington, D.C.

SIR: Your article, "Accident or Aggression?" in the Nation, March 5, 1960, should be read by every American. The complacency and downright blindness in matters of the so-called "defense" among our leaders as well as among the general public is staggering.

My husband and I find it heartening that some voices are raised in warning. We also welcome your positive proposals toward a world law by strengthening the United Nations and your stand for the repeal of the Connally Reservation in order to increase the effectiveness of the International Court of Justice.

We feel strongly that a complete, universal disarmament controlled and enforced by the United Nations should be our goal. This is a goal worthy of all the effort on earth.

Yours very truly,

MAIMU FRANOSCH.
Mrs. Hans. Franosch.

THE CHESAPEAKE & OHIO RAILWAY CO.,
Cleveland, Ohio, March 8, 1960.

Hon. CHARLES O. PORTER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PORTER: Your brilliant discussion of "Accident or Aggression?" in the March 5 Nation deserves the widest readership. Public as well as official opinion urgently needs to become thoroughly acquainted with this terrifying but realistic possibility.

With all good wishes.

Sincerely yours,

CYRUS EATON.

FEDERAL ASSISTANCE IN ELEMENTARY AND SECONDARY SCHOOL CONSTRUCTION

Mr. FRELINGHUYSEN. Mr Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, on January 5, 1955, the opening day of the 84th Congress, I introduced a bill to provide Federal assistance in the construction of classrooms in elementary and secondary schools. Since that time I have made strenuous and continuing efforts, as a member of the Education and Labor Committee, to develop a soundly conceived Federal program in this area.

On February 9, 1959, I introduced H.R. 4268, which incorporated the administrations specific recommendations at that time. Since then it has seemed advisable to make certain revisions in language and in specific provisions. Last March 11 I introduced H.R. 11122, which represents a revised version of the original administration proposal. These revisions were prepared by the Department of Health, Education, and Welfare.

The provisions of H.R. 11122 are substantially the same as those incorporated in the substitute offered by Senator DIRKSEN on February 4, 1960, during the Senate debate on S. 8—see pages 2084–2088 of the CONGRESSIONAL RECORD.

In my opinion H.R. 11122 offers a more constructive and effective program of action for the Federal Government than does H.R. 10128 as amended. For that reason when H.R. 10128, which has been reported favorably by the Committee on Education and Labor, comes up for consideration on the House floor, I expect to offer H.R. 11122 as a substitute. It may be, therefore, that Members will desire to familiarize themselves with the most recent form of the administration's proposal. For that reason I have had prepared an explanation of the bill identifying the principal differences between H.R. 4268 and H.R. 11122.

EXPLANATION OF H.R. 11122 IDENTIFYING PRINCIPAL CHANGES FROM H.R. 4268

GENERAL

The bill would authorize a 5-year program of assistance to needy school districts in meeting the annual installments of principal and interest on bonds or other obligations issued to finance construction of urgently needed elementary or secondary public school facilities. This assistance would be in the form of Federal grants to pay one-half the annual principal and interest on such bonds, with the States providing the other half. (H.R. 4268 provides for assistance in the form of repayable Federal advances.)

PROHIBITION AGAINST FEDERAL CONTROL

Federal interference, in the administration of the bill, with the personnel, curriculum, or program of any school would be prohibited.

ALLOCATIONS

The bill provides for allocating amounts each year among the States to serve as maximums of school construction bonds on which the Federal Government would undertake to pay half the principal and interest. This maximum for a State would apply for the year for which the allocation was made, but any part of it not used in that year would be available for the same purpose for the next year (along with the new allocation for that year). H.R. 11122 contains a provision (not in H.R. 4268) permitting a State to postpone the availability of its first year's allocation (or of all of its allocations) for 1 year.

The total available for allocation among the States for this purpose for any year would be the amount, not exceeding $600 million specified in appropriation or other law for such year.

The allocations to the States would be based on a combination of three factors—the relative income per child of school age of the State, the relative number of public school children of the State, and the relative financial effort for school purposes made by the State (school effort index). Subject to adjustment on account of the State's school effort index, each State's allocation for the year would be equal to an amount bearing the same ratio to the total available for allocation for that year as the product of (1) the number of children in

average daily attendance in public elementary or secondary schools in the State multiplied by (2) the State's allocation ratio, bears to the sum of the corresponding products for all the States.

A State's allocation ratio would depend on the income per child of school age for the State as compared with the income per child of school age for the United States, with the ratio for the State at the national average being 0.50 and the ratios for the other States varying inversely with their relative incomes per child of school age between a minimum of 0.25 and a maximum of 0.75.

The income per child of school age for any State would be the total personal income for the State divided by the number of school-age children in the State. The income per child of school age for the United States would be similarly computed.

The allocation ratios are to be promulgated as soon as possible after enactment of the bill and again in the third calendar quarter of 1962. They will be based on data averaged for the 3 most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first promulgation will be conclusive for the period from July 1, 1960, through June 30, 1963, and the second for the period from July 1, 1963, through June 30, 1965.

Special provisions are provided for Alaska prior to the time satisfactory per capita income data are available for it. Before such data are available for a full year, Alaska's allocation ratio will be 0.75.

STATE SCHOOL EFFORT INDEX

Allocations determined as provided above would be reduced by the percentage (if any) that the State's school effort index was less than the national index; and the total of the reductions would be added to the allocations of the States not so reduced, in proportion to their original allocations for the year, determined as provided above.

A State's school effort index would be determined on the basis of the ratio of school expenditures per child in average daily attendance in public elementary or secondary schools to the State's income per child of school age. The national index would be based on these figures for the United States (which excludes the District of Columbia and, for a temporary period until income data becomes available, Alaska).

The State and national indexes would be deemed equal for Puerto Rico, the Virgin Islands, and Guam and for any State whose expenditures per child in average daily attendance in public elementary or secondary schools were not less than those for the United States. This assumed equality would also apply temporarily in the case of Alaska.

The school expenditures referred to above would include expenditures by States and subdivisions thereof for elementary or secondary education made from funds derived from State or local sources. These would be determined by the Commissioner of Education for the most recent school year for which satisfactory data from the States are available to him. The number of children in average daily attendance would be similarly determined.

The income per child of school age for the States and the United States would be determined on the basis of data for the most recent year for which satisfactory data are availble from the Department of Commerce.

STATE PLANS

Before the Commissioner of Education could undertake to make Federal commitments to pay half the principal and interest on bonds or other obligations issued to finance the construction of schools in any State, the State would have to submit and have approved a State plan which provides for administration by the State educational agency.

The State plan would provide for limiting the Federal (and State) grants to local educational agencies which undertake to exert a reasonable tax effort (determined under the plan) in financing their school construction needs, and which would be unable, if they exerted this reasonable tax effort and fully utilized resources from all sources to pay the principal and interest on bonds issued to finance the buildings they need. Federal (and State) assistance must also be limited to bonds issued to finance the construction of urgently needed schools, i.e., schools needed to relieve or prevent overcrowding, double shifts, or unhealthful or hazardous conditions.

The plan would set forth standards and procedures for determining a reasonable tax effort for each applicant local educational agency. The standards and procedures would assure that the tax effort so determined will be a reasonable one in the light of the taxable resources of the local educational agencies, the local and State shares in financing school construction, and the tax effort and methods of financing used by local educational agencies in the State. H.R. 11122 contains a further provision, not contained in H.R. 4268, that such standards and procedures shall also take account of the tax effort which local educational agencies should reasonably exert to meet other public elementary or secondary educational expenses including payment of teachers' salaries, and may, if the State so elects, provide for a reduction in a local educational agency's reasonable tax effort for school construction financing if and to the extent such agency exerts more than a reasonable tax effort to meet such other educational expenses.

An approvable plan would also set forth priority standards and procedures which assure that the highest priority will be accorded to local educational agencies which are least able to finance the full cost of urgently needed school facilities, and that the order of priority will in other respects be based on relative need for financial aid in construction of such facilities and relative urgency of need for such facilities.

Finally, approvable State plans would provide for establishment of State standards for planning and construction of school facilities, for affording an opportunity for a hearing to unsuccessful project applicants, and for the making of the reports to the Commissioner of Education which he needs to administer the act.

FEDERAL COMMITMENTS

For each local educational agency whose application is approved, the Commissioner would make a Federal commitment obligating the Federal Government to make payments of one-half of the annual principal and interest on the obligations covered. These obligations could be to finance all or a portion of the construction of a school facilities project. The latest maturity of obligations, in any issue thereof, would have to occur in 20 to 30 years, with the first payment of principal due before the end of the third year after issuance.

Applications of local educational agencies would be submitted by the State educational agency to the Commissioner with a request for a Federal commitment. The State would certify that—

(1) The local educational agency is eligible for the commitment and the construction project is entitled to priority over other projects in the State under the priority standards and procedures in the State plan.

(2) The project is consistent with applicable State redistricting plans or policies and is in accord with applicable State construction laws and standards.

(3) The financing of any portion of the cost of the project which is not to be financed from obligations covered by the commitment has been arranged.

The State educational agency would also have to accompany its request for the commitment with satisfactory assurance that the local educational agency will take appropriate steps to secure the most favorable rate of interest and other terms for the obligations to be issued to finance the construction of the project, and that the local educational agency will, during the life of the obligations, exert the tax effort determined to be reasonable under the State plan and apply any surplus of revenues thereby produced to payment of the principal and interest on the obligations until they are retired. (H.R. 4268 extended the requirement of exertion of reasonable tax effort for a period of 10 years after the obligations are retired, during which period one-half of any surplus revenues produced was to be applied to repayment of the Federal assistance advanced during the life of the obligations.)

The amount of surplus produced by the local educational agency's reasonable tax effort would be the amount which remained after applying the proceeds of this effort (and any other resources available to the agency for paying school construction debts) to payment of financing charges on school construction debts incurred prior to the request for Federal assistance, and on debts for school facilities projects incurred after the request but approved by the State educational agency as being needed to prevent or relieve overcrowding, double shifts, or unhealthful or hazardous conditions.

STATE MATCHING REQUIREMENTS

No Federal commitment could be made under the bill to pay half the principal and interest on any obligations unless the State made an equal commitment to pay the other half. However, instead of so committing itself, the State could make a capital grant covering a portion of the cost of the construction project; in such case the Federal commitment would be to pay the full principal and interest annually becoming due on so much of the obligations issued to finance the rest of such cost as did not exceed the amount of the capital grant by the State. The Federal Government and the State would share equally in the annual principal and interest payments on any remaining obligations.

FEDERAL PAYMENTS

Payments by the Commissioner of Education on the Federal Government's one-half of the annual principal and interest becoming due on obligations covered by any Federal commitment would be made by the Commissioner from time to time, in advance or otherwise, to the agency, person, or persons designated in the State educational agency's request for the Federal commitment. As previously indicated, Federal payments in any year would be reduced to the extent of any surplus revenues produced through exercise of the required reasonable tax effort and applied toward such principal and interest becoming due.

RESERVATION OF ALLOCATION

H.R. 11122 contains a provision (subsec. 7(c) not contained in H.R. 4268, whereby a State educational agency may, in case of a school construction project eligible for a Federal commitment, but for State legal restrictions prohibiting the issuance of obligations by the local agency concerned, have all or part of its allocation reserved for a Federal commitment to be made on the project any time until June 30, 1968.

STATES EXCLUSIVELY RESPONSIBLE FOR SCHOOL CONSTRUCTION FINANCING

In some States or territories, a State agency may have exclusive responsibility for financing the construction of school facilities. In others, a State agency may

have exclusive responsibility for financing such construction for particular areas, such as unorganized territory. The Commissioner would be authorized to modify or make inapplicable to such State, or area of a State, any provisions of the bill which he determined to be inappropriate by reason of the absence of a local educational agency or agencies responsible for school construction financing, to the extent he deemed such action necessary in order to achieve the purposes of the bill.

FAILURE TO EXERT REASONABLE TAX EFFORT

If any local educational agency with respect to whose obligations a Federal commitment has been made fails, in any period during the life of the obligations, to exert the reasonable tax effort required pursuant to the State plan, it would be obligated to repay to the United States the additional amount it would have paid toward the annual principal and interest for the period involved had it exerted the required reasonable tax effort.

ABANDONMENT OF FACILITIES

The Federal payments (or such lesser amount as may be determined to be reasonable by agreement or Federal district court suit) would have to be repaid to the United States if the construction of facilities financed by obligations with respect to which the Federal payments were made is abandoned or not completed within a reasonable time.

LABOR STANDARDS

The Commissioner would not be able to make a Federal commitment for financing the construction of school facilities except upon assurance that labor standards, relating to payment of prevailing wages and overtime pay for work in excess of 40 hours per week or 8 hours per day, would be observed in such construction.

ADMINISTRATIVE PROVISIONS

The Commissioner would be authorized to agree to modifications of Federal commitments and of the obligations with respect to which commitments have been made. He would also be authorized to waive or compromise claims. His financial transactions under the bill, while subject to audit by the General Accounting Office, would be conclusive on all other Government officials.

COURT ACTION

Suits would be authorized in the district courts of the United States by any person holding bonds covered by a Federal commitment, to enforce any undertaking of the Commissioner under the commitment.

DEFINITIONS

A number of terms used in the bill are defined. These terms are "Commissioner," "State," "State educational agency," "local educational agency," "school facilities," "obligations," and "construct," "constructing," and "construction."

WITHHOLDING OF FUNDS AND JUDICIAL REVIEW

Notice and hearing to the State educational agency would be required before Federal commitments to the State could be suspended for failure to comply with the required provisions of approved State plans. A State agency dissatisfied with such suspension could obtain judicial review thereof in the Federal circuit court of appeals.

MISCELLANEOUS

Utilization of other Federal agencies in administration of the bill would also be authorized, as would be delegation of the Commissioner of Education's functions under the bill to personnel of the Office of Education.

THE IDEOLOGY THAT WINS—A CHALLENGE TO COMMUNISM

The SPEAKER. Under previous order of the House, the gentleman from Iowa [Mr. WOLF] is recognized for 1 hour and 20 minutes.

Mr. WOLF. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include various articles.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WOLF. Mr. Speaker—

A Nation without an ideology is self-satisfied and dead.

So stated Konrad Adenauer in the statement released in the New York Journal American, Sunday, January 31, 1960.

The democracies are on the defensive because of lack of a moral ideology superior to communism. In the ideological war there is no neutrality nor coexistence.

So said Prime Minister Kishi of Japan.

We are in a world war of ideas, and our greatest need is to go on the offensive. We must awaken America to the need of arming our Nation with an ideology as well as through economic and military means. Subversive forces are tearing down and undermining the moral strength of America. At the same time, with ruthless duplicity Moscow is sweet one day and tough the next with a strategy which the free world has failed to comprehend.

So said Adm. William H. Standley, former Chief of Naval Operations and former U.S. Ambassador to Moscow.

Mr. Speaker, I would like to discuss this afternoon an ideology that I believe can and will conquer communism. The ideology of which I speak is known as Moral Re-Armament.

Today as I speak, 75 million copies of a booklet entitled "Ideology and Coexistence" have been distributed in 24 languages in many areas of the world. I think it is safe to say that literally hundreds of millions of people by this day have heard for the first time of this greater ideology. We in Washington were the first city in America to be selected for mass distribution of this booklet.

I would like to place at this point in the RECORD the comments of various newspapers in the area:

[From the Washington Post, Dec. 9, 1959]

MORAL RE-ARMAMENT DRAWS TASS ATTACK

LONDON, Dec. 8.—Tass today said "the notorious organization known as Moral Re-Armament is opposed to the relaxation of international tension."

The agency said Moral Re-Armament, which "unites several politicians and industrial magnates, retired generals and various businessmen," now is "especially active in Scandinavia," where its agents are "circulating a pamphlet, 'Ideology and Coexistence,' written in typical cold-war language."

[From the Washington Evening Star, Mar. 28, 1960]

MORAL RE-ARMAMENT DISTRIBUTING BOOKLET

Moral Re-Armament yesterday began a campaign to distribute its handbook "Ideology and Coexistence" to the 552,000 homes in the Washington area.

At a meeting at the Willard Hotel, presiding officer Dr. Douglas Cornell, Executive Officer of the National Academy of Sciences, said the aim of the booklet is intended "to strengthen the backbone of freedom and to instill the will to fight for what is right."

[From the Suburban Record, Mar. 24, 1960]

MORAL RE-ARMAMENT—HANDBOOK PROPOSING MORAL FIGHT AGAINST COMMUNISM GOING IN MAILS

Every home in the Washington area will receive a handbook next week which is clarifying for hundreds of millions of people across the world the issues created by the cold war.

Area residents will be participating in a worldwide distribution which has been described as the most massive simultaneous circulation of a single publication ever undertaken. Already 75 million homes in Britain, France, Switzerland, Germany, Italy, the Scandinavian countries, Australia, Canada, and in the key areas of South America, Africa, and Asia have received copies translated into 24 languages.

"Ideology and Coexistence," prepared by Moral Re-Armament, is a 31-page handbook which describes the Communist plan for world takeover and explains how democracy can become an effective force to answer it. It has been published as a weapon to put America and the free world on the offensive in the ideological struggle.

Moscow has vigorously attacked the handbook on a world scale through Tass (Soviet news agency), Pravda, Izvestia, Trud, and the World Marxist Review. In recent months there have been 100 attacks over the Moscow, Tashkent, and Peiping radios noting that the handbook "is putting an end to the ideological softening up of the free world."

The world distribution is being financed by voluntary contributions and the efforts of thousands of people.

[From the Alexandria (Va.) Gazette, Mar. 26, 1960]

MRA BOOKLET DISTRIBUTION SLATED IN AREA

WASHINGTON.—The 75 millionth copy of a handbook, "Ideology and Coexistence," which is being distributed throughout the free world, was presented to Commissioner Robert E. McLaughlin yesterday by Rear Adm. Adolphus Staton, U.S. Navy, retired. Admiral Staton holds the Congressional Medal of Honor and the Navy Cross.

The handbook, produced by Moral Re-Armament, goes Monday to the 552,000 homes in the Washington metropolitan area.

Admiral Staton told the Commissioner that the handbook "presents the best answer that we know in the ideological field to communism."

Admiral Staton said that the handbook had been bitterly attacked by the Communist press and radio for, in their words, "putting an end to the ideological softening-up of the free world." Already it had gone to every home in Germany, France, Britain, Italy, the Scandinavian countries, Canada, and Switzerland, and to key areas of South America, Africa, and Asia. It had been translated into 24 languages.

Commissioner McLaughlin said, "This is very important to our way of life. Moral Re-Armament has been a great help to us," he told Admiral Staton. "I personally have taken a great interest in our integration and racial problems and I sincerely feel that these problems have not been anything like as keen and sharp and difficult to deal with since your plays were put on here at the National Theater in 1958. Much better racial relations have existed since then."

Copies of the handbook were also presented to Commissioner David B. Karrick and Engineer Commissioner Alvin C. Welling.

There will be a meeting in the Willard Hotel, Washington, Sunday at 4 o'clock to launch the distribution of the handbook to every home.

[From the Alexandria (Va.) Gazette, Mar. 28, 1960]

IDEOLOGY BOOKLET DISSEMINATION PLANNED

The distribution of the handbook "Ideology and Coexistence" to the 552,000 homes in the Washington area was launched at a public meeting Sunday at the Willard Hotel in Washington.

Rear Adm. Adolphus Staton, U.S. Navy (retired), holder of the Congressional Medal of Honor and the Navy Cross said, "Khrushchev says 'we will bury you,' but we don't need to make it easy for him by sticking our heads in the sand. 'Ideology and Coexistence' has the best answer to communism we know."

"In this cold war, which is an ideological war, every man, woman, and child has a battle station. Everyone is now on the front line," he added.

Dr. Douglas Cornell, Executive Officer of the National Academy of Sciences, presiding, told the meeting that the handbook had already been distributed to 75 million families in the free world.

"This handbook," Dr. Cornell said, "draws the battleline for our times. The issue is man control or God control. The aim of the handbook is to strengthen the backbone of freedom and to instill the will to fight for what is right."

[From the Bethesda-Chevy Chase Advertiser, Mar. 31, 1960]

I COVER SUBURBIA

(By "Tar" Paulin)

HURRICANE OF COMMON SENSE

A thin little pamphlet an average reader can digest in 20 minutes came to my desk over the weekend. I opened it with somewhat the same cynical attitude with which I approach all propaganda.

As I progressed through its 31 pages of text, something almost wondrous and magical happened to me. My cynicism gave way to a deeper, greater emotion—moral rearmament.

By the time you read this column you too should have a copy of this same pamphlet—552,000 copies have been mailed in the Washington area. It is titled, "Ideology and Coexistence." Read it and reread it. It's powerful. It takes the offensive against communism; it uses a devastating weapon, greater than all the bombs of all the nations of the world combined. Devastating, yet simple * * * superior ideology.

I'm a dedicated anticommie. I cheer Moral Re-Armament. Its little pamphlet is like a hurricane of common sense sweeping away the fog of confusion.

[From the Suburban Record, Mar. 31, 1960]

MORAL RE-ARMAMENT

District of Columbia Commissioner Robert E. McLaughlin and Rear Adm. Adolphus Staton, retired, of Chevy Chase, look at the 75 millionth copy of the Moral Re-Armament handbook, "Ideology and Coexistence," which was presented to the Commissioner Sunday. He and Admiral Staton attended the meeting launching the mail distribution of the handbook to 552,000 homes in the metropolitan area. Admiral Staton, holder of the Congressional Medal of Honor, said Sunday: "Khrushchev says, 'We will bury you,' but we don't need to make it easy for him by sticking our heads in the sand. This handbook has the best answer to communism we know."

I might also add that the radio and television stations have given considerable assistance to the spreading of the pamphlet in the Washington area. It is quite significant when speaking of Moral Re-Armament to state at the outset that Moscow and the Communists have vigorously attacked not only this handbook but the whole idea of Moral Re-Armament. To quote from a recent item in the Alexandria (Va.) Gazette, Admiral Staton said that the handbook had been bitterly attacked by the Communist press and radio. Further, Admiral Staton commented:

In this cold war, which is an ideological war, every man, woman, and child has a battle station. Everyone is now on the front line. Khrushchev says, "We will bury you," but we don't need to make it easier for him by sticking our heads in the sand. "Ideology and Coexistence" has the best answer to communism we know.

To quote again from Konrad Adenauer:

Communism has gone through many phases, Marxism, Leninism, Stalinism, now Khrushchev, but one thing has remained unaltered, its aim of world domination. We must be prepared to continue the ideological struggle for several decades yet, but I am convinced Khrushchev's grandchildren will not be Communists.

And now, Mr. Speaker, I would like under unanimous consent to place in the RECORD certain exhibits which prove the logic of Konrad Adenauer's statement. I would like to quote the Department of Justice memorandum of April 1, 1949:

Moral Re-Armament is a world force having as its principal objective adequate ideological preparedness of free nations for the ideological conflicts in which the world is now engaged, and its objectives are recognized by the Department as worthy and helpful in the strengthening of democratic forces throughout the world.

WORLD DISTRIBUTION OF "IDEOLOGY AND COEXISTENCE"

The handbook "Ideology and Coexistence," prepared by Moral Re-Armament, has been published as a weapon to put America and the free world on the offensive in the ideological struggle. It lays bare the Communist plan for world takeover and shows how every man can arm himself with a superior ideology.

A nationwide distribution of this handbook is being prepared for mailing to the 50 million households of America in the next few months. This distribution will begin in Washington, D.C. In the next few days 545,000 copies will go to every home in the Washington area.

Seventy-five million homes in Europe, Canada, Africa, and Asia will have received this handbook by the end of March, in 24 languages. The following distribution has already taken place: 6,700,000 homes of Denmark, Norway, Sweden, Finland, and Iceland; every family in Holland and Switzerland; 4,340,000 homes of Canada; the leadership of Japan, the Philippines, India, and Latin American countries; 50 million families of Germany, France, Britain, Italy, and Australia (by end of March).

In Cyprus former EOKA fighters distributed the handbook to every Greek home. In the Nordic north of Scandinavia it was delivered by dogsled or dropped by post bag from airplanes. In the South Indian State of Kerala 3 million people read the manifesto in their newspapers before the recent elections, in which the Communists were defeated.

Moscow has vigorously attacked this handbook on a world scale through Tass (Soviet News Agency), Pravda, Izvestia, Trud, and the World Marxist Review. In recent months there have been 100 attacks over the Moscow, Tashkent, and Peking radios, noting that this handbook is putting an end to the ideological softening up of the free world.

The world distribution of this handbook is being financed entirely by voluntary contributions and the sacrifice of many people. The cost of printing, publishing, and distributing this handbook in the United States of America will be borne by patriotic Americans determined to cut through the present confusion and clarify the cold war issues, and who see in this manifesto the safeguarding of their heritage.

For the distribution to every home in America, $2,500,000 is needed. For the distrfbution to every home in the Washington area, $35,000 is required.

Don Belding, former chairman of Foote, Cone & Belding, leading U.S. advertising agency, and civilian aide to the Secretary of the Army for southern California, says, "Moral Re-Armament is the strongest single force in the world today from the ideological standpoint in answering communism. We must multiply it a hundred times to create a wave of ideological pressure that will roll back communism. Major investment in this force is essential to maintain freedom."

I would like to quote from the booklet itself a morsel of the kind of contents it is giving to the world that reads it:

But of course we must realize that we cannot coexist eternally. One of us must go to his grave. We do not want to go to the grave. They (the Western powers) don't want to go to their graves either. So what must be done? We must push them to their graves.

So said Khrushchev in Warsaw in 1956. In answer, Mr. Sid Fuller, the well-known west coast news commentator, in a broadcast over NBC in Los Angeles said in part:

How to deal with such a corrosive thing? There is only one way. With an ideology diametrically opposed. This is the ideology of Moral Re-Armament. Here in MRA is a catalyst that first unites and then releases the enormous moral potential of all men of good will, whatever their racial or spiritual background.

Mr. Speaker, at this point I include the entire booklet in the RECORD.

IDEOLOGY AND COEXISTENCE—MORAL RE-ARMAMENT

"Upon a foundation of changed lives permanent reconstruction is assured. Apart from changed lives no civilization can endure," (Dr. Frank Buchman, 1934.)

"There is a wrong way and a right way for statesmanship. Moral Re-Armament has conclusively demonstrated in some of the most critical national and international deadlocks that when the fear, hate, and greed in man is changed, solutions are rapidly achieved. This is the panorama before us—so simple that many miss it, so fundamental we cannot do without it." (Dr. Frank Buchman, 1959.)

"The choice for America is Moral Re-Armament or communism." (Adm. William H. Standley, Former Chief of Naval Operations and U.S. Ambassador to Moscow, March 24, 1959.)

"The choice for America is war or coexistence. And you must choose." (Premier Nikita Khrushchev, to Vice President NIXON, July 24, 1959.)

We are at war. World war III has begun. Even while we were celebrating the end of the war of arms in 1918, the Soviet was planning to defeat and enslave the free world through the war of ideas.

There are two ideologies bidding for the world today. One is Moral Re-Armament, which believes that God's mind should control the world through human nature that has been changed; the other is communism, which believes that man's mind should control the world through human nature that has been exploited. One or the other must win.

Communism is an ideology. That is, it is an idea that dominates the whole of a person—his motives, his thinking, his living—so that he fights with a strategy to get everybody else to live the same way. It cannot, therefore, be met on the military or economic level alone, but only by a superior ideology.

Communism has a plan to take over our country. We hear of people behind the Iron and Bamboo Curtains whose minds have been brainwashed, but we may not realize that our own minds are being brainwashed by much of what we read in the newspapers, by what we see on television or in the theater, by what we hear on the radio and even in the pulpit. The Communists do not need to start any new organization when they have so successfully infiltrated those that exist already. It is extremely foolish to believe that a man who follows the party line is not a Communist.

Moral Re-Armament is a superior ideology, with a superior strategy, because it meets the needs of the whole man and because it is available for all men everywhere—non-Communist and Communist alike. It is far more than the answer to communism. It is the revolutionary idea that is putting right what is wrong and producing for every nation the incorruptible and inspired leadership that alone can create a full and free life for every nation. Radio Moscow itself has said (January 1953):

"Moral Re-Armament is a global ideology with bridgeheads in every nation in its final phase of total expansion throughout the world. It has the power to capture radical revolutionary minds. It is contaminating the minds of the masses. It substitutes for the inevitable class war, the eternal struggle between good and evil."

William Penn put the alternative of Moral Re-Armament or communism clearly when he said:

"Men must choose to be governed by God or they condemn themselves to be ruled by tyrants."

Our life and liberty depend not only upon our making the right choice and having the right strategy but also upon our knowing the intentions of the Communist and what he is doing in our midst.

These pages are written that the nature of the ideological conflict may be clearly seen and that the evidence of the victorious answer, given at the Moral Re-Armament summit strategy conferences at Mackinac Island, Mich., and in Caux, Switzerland, may be more widely known and acted upon.

Dr. Hans Koch, who represented the German Foreign Office at the Moral Re-Armament Summit conference at Mackinac in 1957, and who was Chancellor Adenauer's adviser on Soviet affairs said:

"The summit conferences that will produce true unity in the world will be those held by Moral Re-Armament in Europe and America. They are concerned with the whole world and every aspect of current events.

"What Stalin feared most was the ideology which could unite countries as far apart as Japan and Germany; which could unite all other nations with these two; which could unite free East and West and black and white in an ideological answer to communism.

"Moral Re-Armament is preparing the way for the next great phase in history. It provides the platform where East and West, Germany and France, the Anglo-Saxons and the colored races unite."

THE AIM OF MORAL REARMAMENT

At a birthday celebration given in his honor in the Hans Sachs Haus in Gelsenkirchen, Germany, on June 4, 1950, Dr. Frank Buchman recounted how 12 years earlier he was walking in the Black Forest near Freudenstadt:

"The world was on the edge of chaos," he said. "Just as today, everyone longed for peace and prepared for war.

"As I walked in those quiet woods one thought kept coming to me—'moral and spiritual rearmament, moral and spiritual rearmament. The next great movement in the world will be a movement of moral rearmament for all nations'.

"A few days later I was in London in the East End where the British labor movement began. The workers responded. Moral Re-Armament went to the world * * *

"Only the very selfish or the very blind person is content to leave the world as it is today. Most of us would like to change the world. The trouble is, too many of us want to do it our own way.

"Some people have the right diagnosis, but they bring the wrong cure. They reckon without God and without a change in human nature, and the result is confusion, bitterness, and war. Other people are quite sure they have the answer in theory, but they always want somebody else or some other nation to begin. The result is frustration and despair.

"When the right diagnosis and the right cure come together, the result is a miracle. Human nature changes and human society changes.

"What are you living for? What is your nation living for? Selfish men and selfish nations can drag the world to total disaster. A new type of man, a new type of statesmanship, a new type of national policy—this is our instant need, and this is the purpose for which Moral Re-Armament has come to birth."[1]

THE AIM OF COMMUNISM

The trained Communist knows what he is fighting for. He has said it and sung it for years:

" 'Tis the final conflict,
Let each stand in his place.
The International shall be the human race."

The objectives and problems of life are for him straightforward. They have only to be referred to one standard, one motive—do they or do they not help forward world revolution and world domination? Lenin knew no other test for conduct. "Promises," he said, "are like piecrusts—made to be broken." Radio Moscow said (Aug. 20, 1950):

"From the point of view of Communist morality, only those acts are moral which contribute to the building up of a new Communist society."

The man or nation without an ideology is bound to be confused by the twists and turns of Soviet diplomacy. Nobody can see clearly if he is fearful, self-seeking, or without an ideology. Little crumbs of encouragement are thrown before him and as he greedily pecks them up, he is led down the garden path.

To true revolutionaries the issue has always been clear. As early as 1914 Trotsky said:

"The time for fireside politics is over. We are now in the phase of permanent revolution. It will go on, without interruption, until one side or the other is lying conquered on the ground."

George Dimitrov, when Secretary-General of the Communist International, in his speech to its Seventh Congress, underlined the steadfastness of purpose of the party. He said:

"We are sometimes accused of departing from our Communist principles. What stupidity, what blindness! We should not be Marxists and Leninist revolutionaries, not disciples of Marx, Engels, Lenin, and Stalin, if we were not capable of completely altering our tactics and our mode of action as circumstances may dictate. But all the ins and outs of our tactics are directed to a single end—the world revolution."

Khrushchev feels that that day is drawing near. In 1959 he said:

"Communism will sooner or later rule the world. We live in the epic of revolution."

In the same year he told visiting American industrialists that "the day will come when we will bury you." His chief weapon is ideology. He said (June 1957):

"The Communists will destroy capitalism, not with nuclear weapons but through the spread of the ideology. We are as sure of this as we are sure the sun will rise tomorrow. All we have to do is grease our ideology with butter."[2]

Kozlov said (July 1959): "My trip to America has only confirmed what I thought of this country before I arrived. I repeat the words of Mr. Khrushchev who asserted that 'the children of the present-day Americans will live in a Communist society.' "

Communists change their tactics; their goal remains the same. Whether they talk peace or talk war they remain at war. Today it is not expedient for them to advance their revolution by physical force. They believe they are winning without it.

COMMUNIST STRATEGY

The strategy outlined by Lenin has been, and is being, followed. He said:

"First we will take Eastern Europe, then the masses of Asia, then we will encircle the United States, which will be the last bastion of capitalism. We will not have to attack. It will fall like an overripe fruit into our hands."

The new party line for the United States was laid down in Moscow in January 1959, during the 21st Congress of the Soviet Communist Party, the Washington staff of the Scripps-Howard newspapers report (Aug. 15, 1959). Their statement says that the two American representatives who attended brought back this directive: "Tone down 'militant action'; get back into the 'mainstream' of American life" and that the details now quickly being planned call for—

1. Infiltration of the labor movement, particularly steel, auto, and transportation unions.

2. Formation of a Communist youth movement to develop replacements for aging Communist leaders.

3. Getting more Negro members; stressing integration troubles.

4. Putting Communists into neighborhood associations (Parent-Teachers Associations, etc.)

Speaking at the Moral Re-Armament Conference at Caux, August 1959, Mr. Arthur Baker, 22 years chief of parliamentary staff of the Times of London, outlined four current aims of Communist strategy to divide Europe. He said:

"First. Divide Britain from Germany, France, and the United States. We fall for that in Britain as ripe apples fall from trees. We even attack Chancellor Adenauer to whom we owe so much, who has been an ideological rock to Europe's security.

[1] This and other quotations from Dr. Frank Buchman are taken from "Remaking the World."

[2] In Budapest, Dec. 1, 1959, Khrushchev said: "We shall never forgo our ideological principles. We are waging and shall wage an implacable struggle for the Marxist-Leninist ideology, for the triumph of the ideals of communism."

"Second. Promote Western trade with Russia and China to the detriment of trade with the free nations. For example, we have recently signed a trade agreement with Russia which will reduce our timber imports from Finland and make both British and Finnish economy more dependent on Russia.

"Third. Encourage steady organized breakdown of moral standards and so weaken Britain's moral fiber.

"Fourth. Advocate the abolition of nuclear weapons and promote a concept of peaceful coexistence that will mean death. Russia encourages people in the West to do as they please while communism takes over their country.

"Thank God," he added, "we have this force of Moral Re-Armament—that is the only thing standing between us and Communist takeover."

STAGES OF COMMUNIST EXPANSION

It is well to recall the stages by which the Soviet has arrived at its present position and how divine initiative has given moral Re-Armament the answering strategy.

(A) Military: In 1939 the Soviet was the only country under Communist control. Of the three main powers ultimately engaged in the war against Nazi Germany only she gained territory.

"She became enriched by the addition of Estonia, Latvia, Lithuania, the eastern provinces of Poland, Bessarabia, and Bukovina from Rumania, the Carpathian-Ruthenia province of Czechoslovakia, half of East Prussia from Germany, slices of Finland, Tannu Tura, Dairen, and Port Arthur from China, and the Kurile Islands and Sakhalin from Japan. Quite an impressive record for a power said to be 'in the forefront of the fight against imperialism'." [3]

(B) Political: All this gave the Soviet strength for her second stage of expansion. As the Red army deployed across Eastern Europe it was accompanied by trained Communists of many countries. While warweary nations refused to be disturbed and the government in Britain hoped for the best from its late, heroic allies, the Communists went to work. A pattern soon emerged. United fronts were formed in which Communists demanded the key positions. Then opposition was removed by intimidation, exile, or execution. Rigged elections followed and another country was absorbed into the Communist bloc with every appearance of legality.

By 1947 the democracies had almost collapsed. In Italy and France, in particular, there was widespread and growing disorder. In Britain there was heavy and increasing unemployment coupled with the slackening of production. Coal was the key. "Give me coal and I will give you a foreign policy," said the Foreign Minister in 1947. The Soviet thought that their hour had come. Three things prevented this:

(1) On June 5, 1947, the announcement of the Marshall plan. It was violently opposed by the Communists because it saved Europe from collapse.

(2) The formation, November 24, 1947, of the Schuman Government in France and its resolute action.

(3) The ideological initiative of Moral Re-Armament in creating through changed men, totally committed to a superior ideology, the conditions under which the Marshall plan and the Schuman plan could work and particularly in effectively defeating the Communist plan to take over the Ruhr and the British coalfields.

The president of the Warwickshire miners, Mr. Frank Painter, said (June 1948):

"We had no ideology at all in the British coal industry except that of materialism. But Moral Re-Armament has brought a better idea. It has not only given real teamwork and better output, but it has sent many miners like myself across the world to give evidence of an answer, tried and tested in our British coalfields; and now given to the nations."

Commenting on this development, the Birmingham Post said:

"The new spirit is so revealing itself in increased output, that, according to one computation based on recent figures, if the same results were obtained in all British coalfields, the target of 200 million tons a year (1947) would be exceeded by 30 million tons." [4]

British coal miners helped to take the answer to the Ruhr. Herr Fritz von Velsen, managing director, Nordstern Coal Mines (4,000 miners), Gelsenkirchen, Germany, writes (July 1959):

"The simple facts are that in the economic and political breakdown in Germany following the war the Communists had made themselves so strong that they had an average of 73 percent of their men in the workers' councils of the coal and steel concerns of the Ruhr. After that training and the change of heart that many of us found in Moral Re-Armament this Communist influence has gone down to 8 percent and the power of the party on a mass scale has been broken. In my own mine, Nordstern, where the men had elected 90 percent Communist representatives and which had become notorious throughout Europe for its messages of greeting to Communist countries, the men and the atmosphere have so changed that people come from many countries to find the answer here. The Indian Minister of Labor and Planning, Mr. G. L. Nanda, has just told me that he learned more after 2 days with us last week than in the rest of his European tour together."

The failure of the Communist plan to take over in 1947 led to a change in their tactics. The American determination, shown by the European recovery plan and the point 4 plan coupled with their resistance in South Korea (1950) and possession of the atom bomb, meant that their objectives could not be immediately achieved by revolution or armed force.

(C) Economic: The strategic target of the Communists now became the crippling of the economies of the free world. Britain in Europe and Japan in Asia were particularly vulnerable for, if they cannot produce and sell enough goods to pay for the food they need, they must starve or lose their independence. Trade is the Soviet weapon to bring this about, just as trade is their weapon to capture millions for the Communist ideology.

The Prime Minister of Canada, Mr. John Diefenbaker, speaking in London in the Albert Hall said (November 4, 1958):

"The Communist world having changed its direction from open or concealed aggression to trade requires counteraction by the free world.

"Trade has become a major weapon in the Communist world offensive. First it was the U.S.S.R., and now Red China has joined in an Asian trade onslaught, intended to capture markets, and with and through them, the minds of free men. The Communist drive is designed to undermine the economic strength of the free world."

Molotov clearly outlined the policy when, in 1946, he said:

"We are not fighting America as yet. But once we have deprived her of her markets, crisis will follow and cause confusion. After we have taken her markets in Europe, expelled her from Asia and elsewhere, she will have no market where to dump her merchandise. She will curtail her production and then will follow unemployment. Our opportunity to square accounts with America will be at hand."

To achieve control over her intended victims it has been the constant Communist strategy for the last 12 years to increase the economic strength of the Soviet bloc, and to decrease the economic strength of the free world.

(1) Increasing the economic strength of the Soviet bloc: To reach this end the Soviet subordinates the standard of living in the countries she controls to strategic requirements and organizes each country to produce what it can most effectively contribute to the common goal, irrespective of its own needs. The cumulative strength of this combined force is already having a marked effect and is on the increase. It has also succeeded in severing trade links with the free world and in binding countries to the Soviet bloc by economic ties on which their existence comes to depend.

The Soviet no longer has to begin with military or political conquest. She puts out economic baits that are particularly tempting to countries with newly won independence, who feel that their shaky economy cannot afford to turn down these below-market priced goods or loans. The Soviet plan is to make these "client states" into dependent states, controlled states and, where possible, satellite states.

In 1952 Finland signed a 5-year trade agreement with Soviet Russia. Trade with Russia increased to 17 percent of the exports. In 1958, when the Communist Party won 25 percent of the seats in Parliament, Russia began a trade boycott to force Finland to change the composition of the Cabinet.

The Finnish Parliamentarian, Mrs. Borg-Sundman, who is also Vice-President of the World Council of Women, speaking at the Moral Re-Armament Conference, at Mackinac, July 1959, warned other nations to equip themselves with the positive ideology before trading with nations ruled by a negative ideology.

"One part of the world uses trade as an ideological weapon to gain control," she said. "The other part uses trade for selfish, divisive ends."

Finland failed to heed the warning the general secretary of the Finnish Communist Party had given in 1953 when he said: "Our plan is to increase trade with Communist countries up to a point where it plays a decisive part in the national economy. Then Russia's markets will suddenly be withdrawn, resulting in economic chaos and panic. In the resulting chaos we will demand seats in the Cabinet and this time they will not throw us out."

"This," said Mrs. Borg-Sundman, "is what nearly happened in the autumn of 1958 and only through a series of miraculous events in which men united by patriotic and ideological conviction played an effective role were the Communists kept out of the Cabinet."

Trade, subsidized goods, loans, are all part of an ideological plan. The Czechoslovak Statistical Institute, in a reference to the Soviet trade campaign in southeast Asia and the Middle East, states (1955):

"Czechoslovak participation in this expansion of trade is not guided by purely practical considerations. * * * It follows a plan carefully drawn up in accordance with political considerations." [5]

Khrushchev has said:

"Through trade we can destroy other powers that are opposed to us." [6]

[3] See "The Third World War," by Harry Welton (p. 8)—a book which has been helpful in thought and quotation.

[4] For the facts and figures of the increase in the production of coal wherever the MRA play "The Forgotten Factor" was shown, see "The World Rebuilt," by Peter Howard.

[5] See "The Third World War," p. 16.

[6] Russian sales to the world at large have grown from $250 million in the late 1930's to $1,600 million in 1950, to more than $4 billion in 1958. Import figures for those years are about the same as the export figures. (New York Times, July 4, 1959.)

(2) To decrease the economic strength of the free world: The Soviet has concentrated on decreasing the quantity of goods produced in the free world for export by fomenting strikes and unrest and on increasing their cost by raising wages and the cost of production so that they are priced out of the world markets. Uncertainty itself furthers the Soviet plan. Many markets and contracts have been lost by the industrial unrest which meant that no fixed price or firm delivery date could be given.

In 1948 the Communist Party's national executive of Great Britain laid down the basic principle "that the factory or industrial group is the most important form of Communist organization." It was an inevitable decision in economic war. John Gollan, now secretary general of the Communist Party of Great Britain, stated: "The factory branch is the most important unit of Communist organization."

The Communists concentrated on those industries and places which contribute most to the export trade and where a few men pulled out can cause the greatest resulting stoppage of work. As the London Daily Herald said, "If they cannot stop exports at the factory they always end by fomenting strikes at the docks." But here, as in the coalfields, Moral Re-Armament had a counter strategy. Tom Keep, a militant member of the Communist Party for 22 years, brought a delegation from industrial Britain to Mackinac in 1951. He said in September 1957:

"We were the leaders of the local, national, and international strikes which had more or less regularly paralyzed the London docks, lifeline of Britain. For 7 years prior to that time there had been one or more major stoppages which we led in the docks of Britain every year.

"At Mackinac we found something superior to any economic materialistic formula or theory. We found an answer to class war, violent revolution, poverty, and suffering embodied in four absolute moral standards. We found a universal ideology of love capable of changing men. It reunited my family and brought me back from communism to the Catholic Church.

"We returned to London pledged to take this ideology and apply it in negotiation of some very difficult problems. It was an entirely new approach.

"By persistence and faith we succeeded—to the extent that since 1951 not a single strike has occurred on the level we had known in the past and there have only been two serious stoppages."

The Communists set out to control the trade unions, especially through the shop stewards. Bill Carron, president of the Amalgamated Engineering Union of Great Britain, has described these men in key positions as subversives "acting under the dictates of a foreign power with the declared purpose of wrecking Britain's economy." [7]

Lenin said:

"It is necessary * * * to resort to all sorts of stratagems, maneuvers, illegal methods, to evasion and subterfuge, only so as to get into trade unions, to remain in them and to carry on Communist work within them at all costs."

Councillor John Pate, of Sheffield, Amalgamated Engineering Union shop steward, said:

"But for MRA all Britain's basic industries would have been taken over by communism. MRA came to Britain and gave workers a positive alternative and a strategy to build a new world."

THE ANSWER MORAL RE-ARMAMENT BRINGS

Moral Re-Armament is giving men a moral ideology, a new motive for industry and trade, and a new basis for united action. Dr. Buchman says:

"Only a new spirit in men can bring a new spirit in industry. Industry can be the pioneer of a new order, where national service replaces selfishness, and where industrial planning is based upon the guidance of God. When labor, management, and capital become partners under God's guidance, then industry takes its true place in national life."

The new type of man that Moral Re-Armament is producing finds that the basic problem of industry is not economic but moral. The four moral standards—absolute honesty, absolute purity, absolute unselfishness, absolute love—make it possible to decide issues on the basis of what is right and not who is right.

This is the alternative to the class struggle for industry and is through the adoption of class struggle by labor and management that communism has been able to make such inroads into key industries. Its grip can only be broken by men and women armed with the strategy, the unity, and the commitment of a superior ideology. This comes through the acceptance of the guidance of God when every man can know the immediate action he can and must take.

Kommunisti, the Finnish monthly Communist paper, published (March 1956) a 15-page article by a leading Communist, Jorma Simpura, which gave the warning that Moral Re-Armament is no bourgeois movement but an ideology with its roots well grounded in labor whose impact should not be underrated. It described the philosophy of MRA as "simple and straightforward," said that it demanded change from employer as well as employee, that it spoke to big masses with a punch and followed up its ideological spadework with "reckless" infiltration and penetrating attack.

Illustrations of the effectiveness of this ideology in industry could be taken from all around the world. One of the "five giants of American labor" lay dying. He said to a Senator, "Tell America that when Frank Buchman changed John Riffe he saved American industry $500 million." On his appointment as executive vice president, of the CIO (5,500,000 workers) in April 1953—13 years after meeting Dr. Buchman—John Riffe listed these aims for labor:

"(1) To set the pace for unity in the Nation by achieving unity within its own house.

"(2) To create with industry a pattern of teamwork that will sell democracy to the millions.

"(3) With the united strength of labor and industry to back the Government in a foreign policy that will win all nations."

"Whatever you have done to John Riffe, I'm all for it," said Phillip Murray, president of the CIO and United Steel Workers. Murray publicly said of Moral Re-Armament:

"It is a call to action against the divisive materialism which is our unseen enemy. It must appeal to all whose fight is for a new social order as an essential defense of democracy."

Maurice Mercier, Secretary-Treasurer of the Textile Workers' Union (Force Ouvrière) France, said:

"Not one cry of hate, not one drop of blood shed, not 1 hour of work lost—this is the greater revolution to which MRA calls management and labor alike."

The ideology of Moral Re-Armament enables wage structures to be quickly altered, taxes lowered, and the standard of living raised. It enables the enforced planning of the Soviet bloc to be met by the voluntary joint action that is necessary to make effective the European Common Market, NATO, and all schemes to save and extend the free world.

Adenauer and Schuman have both testified again and again to the major part played by Moral Re-Armament in creating unity in Europe. As a sign of their appreciation both countries have conferred high decorations on Dr. Frank Buchman. Just before he launched the Schuman plan, Robert Schuman wrote:

"Moral Re-Armament brings us a philosophy of life applied in action. * * * To provide teams of trained men, ready for the service of the state, apostles of reconciliation and builders of a new world, that is the beginning of a far-reaching transformation of society in which the first steps have already been taken."

"My plan will never succeed," Schuman went on to say, "unless hearts are changed on both sides of the Rhine."

The chairman of the advisory council of the coal and steel pool of the Schuman plan's high authority, Helmuth Burckhardt, said (September 1953):

"The framework and organization we have been able to set up has sprung in large measure from the ideas and philosophy of Caux. * * * Caux shows us how to deal with the problems that are raised by the need to bring unity to Europe."

Dr. Adenauer wrote to Dr. Buchman in 1951 and said:

"In recent months we have seen the conclusion, after some difficult negotiations, of important international agreements. Here, also, Moral Re-Armament has played an unseen but effective part in bridging differences of opinion between the negotiating parties."

In June 1958 in another of his many messages to Dr. Buchman, Dr. Adenauer wrote:

"Now is the time to work more strongly than ever for European unity through Moral Re-Armament. Unless the work of Moral Re-Armament is carried forward, peace in the world cannot be maintained."

A TRAINED COMMUNIST SPEAKS

Gerry McManus, who was on the central executive of the Canadian Communist Party for 19 years and who was national secretary of the Canadian Seamen's Union before breaking with the party in 1950, said at Mackinac in June 1959:

"It burns me up to see our business leaders trotting off to Moscow for brainwashing and then coming back to try to brainwash the rest of us without even realizing what they are doing.

"If the leadership of the free world is sincerely interested in saving civilization, they will come to Mackinac, which is the only place in the free world where anybody can be equipped with a moral ideology. The choice is Moscow or Mackinac.

"In Canada the same fight is taking place as in other parts of the world. Tim Buck, the leader of the Communist Party of Canada, told the press in Vancouver: 'The party is gaining few new members in Canada, but is advancing because of nationwide acceptance of Communist-inspired issues.'

"The campaign for trade with the Communist countries is, of course, part of a worldwide drive for the recognition of Red China. For the Communists, trade is an ideological weapon. If you deliver even 10 percent of your national trade to the Communist world, you give them the perfect chance to create a crisis in your country any time they wish to pull the economic rug out from under you.

"For ideological reasons they are prepared to undersell any commodity on the world market. The Communists know more about using the Western economy to further their purposes than Western economists know about meeting the needs of mankind.

"If you refuse to listen to me, then at least have the common sense to listen to Lenin, who said, 'When the capitalist world starts to trade with us, on that day they will begin to finance their own destruction.'

"Moscow's strategy in promoting the recognition of Red China is to shatter our unity with America, penetrate our highest coun-

[7] See "The Third World War," p. 174.

cils, and to disrupt Canada's own national unity. Do we not realize the bitter division such a recognition will cause between French and English Canadians? As a Canadian I am convinced that Quebec will not agree to trading with the Communist world.

"Thousands like me have been standing idly by watching this world disaster take place before our eyes. We are afraid of losing our material security but forget that world security is in grave danger. We babble and play like innocent lambs while we are being led to the final slaughter.

"Dr. Frank Buchman, the initiator of Moral Re-Armament, said in his speech at the opening of the summit strategy conference: 'Could it be that the hate, greed, fear, and selfishness which create confusion and division in our own society, are the strength and essence of communism? Millions who would never join the Communist Party make its advance inevitable by the way they live. MRA has conclusively demonstrated in some of the most critical national and international deadlocks that when the fear, hate, and greed in man is changed, solutions are rapidly achieved.'

"In Canada and the United States the floodtide of communism washes over the Nation every day. The choice for us all is Moral Re-Armament or communism, and today I totally commit myself under God in the fight to build a new world which MRA has pioneered. We will win."

THE ARMED FORCES SPEAK

Gen. John J. Pershing, during World War II, wrote the foreword to the Moral Re-Armament handbook, "You Can Defend America." In it he said, "I commend its message to every American." The U.S. War Department, Bureau of Public Relations, termed this manual "probably the most challenging statement of this Nation's philosophy of national defense that has yet been written." Rear Adm. Richard E. Byrd called Moral Re-Armament "the fight for a new world, strong, clean, united, that should fire the hearts of all red-blooded Americans and stir their wills to action."

The commander in chief of the NATO forces in Central Europe, General Valluy, speaking at Caux, September 1959, promised his full support for Moral Re-Armament. The deputy chief of the French Defense Staff, General Stehlin, at the same conference, said:

"If the free world is not to be outmaneuvered by this new and very powerful weapon, ideology, we must meet the enemy on his own ground and with the same weapons. That weapon is Moral Re-Armament. If we can unite the ideological and military factors we will have a real defense of freedom. We will achieve peace and be able to build a new world."

General Béthouart, Member of the French Senate for Morocco and Vice-President of the Parliamentary Conference of NATO, also spoke and said:

"A recent congress organized by the Parliamentary Conference of NATO brought together leaders from 15 countries for the defense of the values of the free world. A unanimous resolution expressed the wish that an ideology be established as quickly as possible in opposition to the Communist ideology which is the greatest danger we face at present. That ideology is found here. It is the ideology of Moral Re-Armament. We must have the courage to say so and to spread it."

Air Commodore Nigel Blair-Oliphant, Director of Weapons Engineering of the British Air Ministry, said at Mackinac (August 1959):

"World War III is a total war because it is an ideological war that is being fought for the hearts and minds of men and nations. In the past wars have been fought on three fronts—military, economic, and political. In this war ideology controls all three fronts.

"Therefore you cannot take initiative on any one of these fronts without an ideology. Without an ideology we are being defeated separately on each front.

"There is only one answer and that is Moral Re-Armament. The summit strategy conferences at Mackinac and Caux are the ideological bases without which our missiles are worthless. Here is where men are being enlisted and trained to fight.

"At Mackinac and Caux men and women are being given the answer to the Communist line of pacifism and neutralism instead of being disarmed by it.

"In Britain the Communist line is 'better Red than dead.' In America the line is 'coexistence or war.' But the real choice in America and Britain is whether we continue to allow communism to advance or whether we match it with the superior ideology of Moral Re-Armament."

General Guisan, wartime hero and Commander-in-Chief of the Swiss Army, in a foreword to the Swiss editions of "Ideology and Coexistence," which went to every home in the country, said:

"Ideological neutrality plays the enemy's game. In Moral Re-Armament, which I have known for 20 years, a world strategy is being worked out to attack the roots of the world's ills."

Vice Adm. Morton L. Deyo, wartime commander of the North Atlantic Destroyer Fleet, said at Mackinac (October 1959):

"This is an ideological age. We in the United States are late in realizing it. Trying to run the world through politics, military measures, and foreign treaties alone is no longer adequate. Moral Re-Armament has provided an ideology so simple that all peoples can understand it, yet so effective that it can remake the world."

THE FAR EAST

The Communist strategy for the Far East is to unite the manpower of China with the industrial might of Japan and the natural resources of Indonesia. Then they would be ready for further advance.

Dr. Frank Buchman, who knows the Far East well, has paid nine visits to Japan since 1915 and enjoyed personal friendship with four generations of Japanese leadership. In 1956 he received the Order of the Rising Sun.

Japanese leaders who came to the MRA assembly at Caux made this statement, which appeared on the front page of the Observer of London (July 1950):

"Russia has advanced in Asia because the Soviet Government understands the art of ideological war. It fights for the minds of men. We appeal to the governments and peoples of the West to do the same—to make themselves expert in the philosophy and practice of Moral Re-Armament, which is the ideology of the future. Then all Asia will listen."

Niro Hoshijima, senior member of the Japanese Diet, told the press in Los Angeles (January 1959):

"History will record five events in the Pacific that have been brought about by the spirit of MRA:

"(1) Reconciliation between Japan and the Philippines and payment of reparation by Japan.

"(2) Release of tension between Japan and Formosa.

"(3) Wresting of power from the Communists in the Seinendan (the 4,300,000-strong youth organization of Japan).

"(4) Signing of Japan's reparation agreements with Indonesia and Vietnam.

"(5) Giving the basis for diplomatic talks between Japan and South Korea."

In a message to Dr. Buchman, Prime Minister Kishi said (October 1959):

"The democracies are on the defensive because of the lack of a moral ideology superior to communism. In the ideological war there is no neutrality nor coexistence.

"I am grateful for Dr. Buchman's initiative in calling this special conference at Mackinac Island to provide the basis of unity for the free nations which will put them on the offensive.

"The leaders of the free nations must pay serious attention to the work of Moral Re-Armament throughout the world if we are to win in the decisive struggle for the future of mankind."

A decisive step in the forwarding of the Communist plan would be the recognition of Red China by America and its admittance into the United Nations. It is to further this end that the Communist strategy is to get the nations to trade with Red China. They know that where businessmen have enough interests involved they will put pressure on their government to protect them.

Moral Re-Armament also enables the uncommitted nations to find an acceptable basis for cooperation. Shri R. N. Mirdha, Speaker of the Rajastan State Assembly, India, said at Mackinac, 1959:

"India is neutralist because she does not want either the materialism of Russia and China or the materialism of America. Here at Mackinac I see the choice is not between one form of materialism and another. We have another choice—to build a world based on absolute moral standards of honesty, purity, unselfishness, and love. This is the great message I take back with me."

Rajmohan Gandhi, grandson of the Mahatma, said (July 1959):

"The Indian Government took a wrong and costly step when it recognized Red China. Unless and until free Asia is fully armed and united by a superior ideology in addition to its economic and military strength, recognition of Red China by the free countries will only aid the Communist plan to further expansion in Asia.

"Why flirt with the Communists when, with the ideology of MRA, free Asia and the free world can find the unity and power that will answer communism? The Communists change, not when we compromise, but when we demonstrate a superior ideology."

COMMUNIST FRONTS

Communists frequently do not show themselves as Communists. They find they can infiltrate more effectively, for instance, as anti-Communists. They put their men and their money on both sides so that they can stir up trouble they can use. Their object is neither economic nor political but ideological. They are least likely to be spotted in their feeding of the party line and in their brainwashing by those living in moral defeat or without an ideology. Any person who is not clear morally can always be taken over somewhere and part of the Communist attack is to discover, foster, and use men's moral failures. Lenin once said, "Postpone operation until the moral disintegration of the enemy makes the delivery of the mortal blow both possible and easy."

Chou En-lai of Red China has said, "We can slip in our Communist ideology through the weak spots in men's character." The greatest fear of the Communists, therefore, is that their ideology will be countered by a superior moral ideology. Moral Re-Armament provides the security of an incorruptible leadership.

A recent Finnish visitor to the Kremlin was told that the greatest obstacle to the advance of communism was Moral Re-Armament. The Communists therefore do their best in every country to keep people away from Moral Re-Armament by misrepresentation or silence in the press, by threats, or by a whispering campaign of the lies thought to be most suitable for each community or country. At the same time they

unscrupulously and uninterruptedly push forward the plan they have for each country through a wide variety of fronts of which the following are examples:

(A) The peace front

To screen the economic war, a peace movement was launched at the same time. In September 1947 the Cominform was set up, of which the battlecry and name of its journal was "For a Lasting Peace, for a People's Democracy." To the accompaniment of talk of "peaceful coexistence" and "friendly competition" the Soviet set about destroying the foundations upon which the economy of the free world rested.

As long ago as 1931 Dimitri Manuilsky, then of the Lenin School of Political Warfare, declared:

"War to the hilt between communism and capitalism is inevitable. Today, of course, we are not strong enough to attack. Our time will come in 20 to 30 years. The bourgeoisie will have to be put to sleep, so we will begin by launching the most spectacular peace movement on record. There will be electrifying overtures and unheard-of concessions. The Capitalist countries, stupid and decadent, will rejoice to cooperate in their own destruction. They will leap at another chance to be friends. As soon as their guard is down we shall smash them with our clenched fist."

Peace remained the cry but war remained the reality. In 1955 Khrushchev said:

"Certain people misunderstand the Geneva Spirit. They ought to remember once and for all that we never renounce and never will renounce our ideas, our struggle for the victory of communism. There will never be such a thing as our ideological disarming." In the same year he said:

"Victory for socialism? We don't have to go to war to obtain this victory. Peaceful competition will be enough."

(B) The cultural-exchange front

(1) Playing the Soviet game: The peace campaign launched with the trade war today increasingly takes the form of persuading people that Communists are really people just like ourselves—peace loving and reasonable and that it is to our mutual interest to understand and do business with each other.

We should learn from recent history. Chiang Kai-shek was sold out and the mainland and Manchuria lost to Red China by our falling for the same tactics. Men, later found to be giving the Communist Party line, were successful with their deceptions and achieved the change of direction in American policy. Writers gave the party line discrediting Chiang Kai-shek (just as today they would discredit Adenauer) and saying, "When we speak of the Chinese Communists we should remember that they stand for something rather different from what is ordinarily meant by the word 'Communist'" (Eleanor Lattimore). Raymond Gram Swing went so far as to describe Chinese Communists as "agrarian radicals trying to establish democratic processes."[8]

It is a cardinal policy of war to deceive your enemy. Are we to let him succeed again? Every move of the Communist is designed to lull us and make us feel that all is well and will be well if we go on as we are now—when in fact we are heading straight to disaster. This is the purpose of all cultural exhibitions, of Mikoyan's visit, of Kozlov's visit and his appeal to spiritual values, and for "a return to the Soviet-American 'comradeship' of World War II." When Stalin was first asked by an American to send over the Bolshoi Ballet he replied that he would like to but that he was having trouble on the Manchurian border and needed it there. It is a weapon of war.

When a Montgomery, a Billy Graham, a group of Governors, Senators, or industrialists visit Moscow they are entertained there by those who are planning their funeral. Younger and weaker countries are encouraged to do business with the Soviet or Red China and so to start the process by which client states can become satellites. The youth leaders around the world are, likewise, encouraged to accept honeyed invitations to Communist-inspired youth festivals like that held in Vienna. Fortunately, many find a superior plan in Moral Re-Armament.

When a strong group of African leaders visiting Mackinac read that the Governors of nine States were to visit Moscow, they wrote to them saying:

"The British and American officials in our countries have always emphasized the dangers inherent in the Communist way of life. They tell us not to go to Russia. They tell us that the Western way of life is best and that we must imitate it.

"We came to America looking for an answer to communism and an adequate way of life for our people. But to our surprise we learn that certain American Governors and business leaders are going to Moscow. We were amazed to hear this. It has raised many questions in our minds as to whether we have been misdirected. Think of the effect of this one action on the nations of Africa.

"This is reinforced in Africa as well as in Asia, when subversive forces tell us that communism is the same thing as Christianity. What are we to think when we hear from your outstanding Christians who said in Moscow that they have seen the Cross of Christ in the Kremlin? What are we to believe? Think of the diabolical cleverness of these men who use the gullibility of American leaders to sell communism to the world.

"In Africa we say the thief is cleverer than the owner of property. He will watch you, know the time you fall asleep, and then take what he wants."

Only those with an ideology stronger than communism are ready to visit Communist-controlled countries, and only countries so armed are ready to invite trained Communists into their midst. A Member of the Finnish Parliament says:

"Statesmen need to learn to live an ideology which cures human weakness before they try to deal with nations ruled by an ideology which exploits human weakness."

(2) Playing the right game: The status quo cannot be maintained against an ideology. It is necessary to have a positive strategy and "to put right what is wrong everywhere in the world, beginning not tomorrow but today."

In an official Soviet report, July 1959, Moscow said that Khrushchev had canceled his proposed visit to Scandinavia in view of the position taken by the press and certain personalities in the northern countries. Among these were those Nordic leaders who had planned at the Moral Re-Armament strategic conferences at Caux and Mackinac, how to arouse public opinion to the ideological trap concealed in Khrushchev's visit. In a widely publicized open letter to the leadership of Scandinavia, Bishop Bengt Jonzon, of Sweden, said:

"Inviting Khrushchev to our country is the same as letting the enemy through the front line in a shooting war. It is wrong, unwise, and stupid. When we without an ideology are in contact with the Russian dynamic, the current runs towards us, but the current can be changed."

The bishop added that the only alternative to communism is to choose Moral Re-Armament, and he sent a message to Caux and Mackinac in which he said:

"Khrushchev's grandchildren will be revolutionary Christians. The trouble with Khrushchev is that he is not revolutionary enough. He could be a magnificent revolutionary Christian."

The leader of the German Party in the Federal Republic, Heinrich Hellwege, speaking at Caux (August 1959) said:

"Despite any party political differences, I take my stand wholeheartedly beside Chancellor Adenaeur in his conviction that the choice facing the world today is between moral rearmament and communism. Governments who are as convinced of Moral Re-Armament as Moscow is of communism will lead the world immediately into a new era of unity, peace, and freedom.

"If America is to face Khrushchev and his global ideological strategy without having herself an ideology, then the cause of freedom and peace will only lose out. There are in the world today only two global ideologies—communism and MRA."

Cardinal Cushing in an article headed "Background Against Which Visit Must Be Judged" (Boston Pilot, August 1959) wrote:

"Khrushchev is a dedicated man. Therein lies his strength. But he is dedicated to a godless ideology, leading to slavery. That is what makes him so dangerous.

"Men like him have been won to nobler beliefs and have become their greatest champions. But whoever thinks that we can influence Khrushchev merely by showing him how our democracy functions and how well off we are, has no conception of the passionate, hate-filled contempt for our way of living which possesses Khrushchev and company.

"Day and night, in thought and in deed, he is working with cunning determination together with his associates for the world-wide victory of communism. Every problem or situation—Berlin, Geneva, friendly visits, cultural exchanges—are used to further one primary purpose—world revolution.

"Every Christian prays: 'Thy will be done, on earth as it is in heaven.' It is nonsense to pray like that without seriously desiring what we are praying for.

"If I really want it, then I must stand up for it, in my own life and in the life of others, in the life of the Nation, and in the life of the whole world, with all that I am and have, led by God, in community with others who feel the same obligation.

"Then indeed the miracle will be achieved and other nations and peoples will be impressed. They will follow genuine moral leadership, not material progress.

"That is ideology. That is Christianity. That is moral strength. If we do not choose this way and live it, as individuals and as nations, we choose communism, as Khrushchev wants us. His only purpose of accepting an invitation to any country is to propagate communism.

"The Scandinavian countries knew that and their people protested with such vigor that Mr. Khrushchev canceled his visit."

(C) The church front

It may serve the tactics of a Communist to appear religious, but his real purpose remains that expressed by Lenin when he said:

"Our struggle will never cease until the myth of God has vanished from the mind of man."

A former Communist of great distinction and authority, Mr. Eudocio Ravines,[9] at one time a member of the Comintern, told the Moral Re-Armament Assembly at Mackinac (July 1959) that Khrushchev and Mao Tse-tung met in Peking in 1958 and architected the next phase to destroy the United States

[8] See "No Wonder We Are Losing," by Robert Morris, ch. VIII.

[9] Mr. Ravines is the founder of the Communist Party of Peru and a former professor at the Leninist Academy of Moscow. He headed the Russian delegation to mastermind the Communist takeover of Chile in the thirties, directed the second stage of the Civil War in Spain, and since his break

by capturing Latin America. He laid stress on the role to be played by the churches and said:

"Communism aims to penetrate those sections of society which are not antagonistic, to get inside them and to use them and destroy them.

"The work of infiltration goes on much more tenaciously than open party work—communism never shows its own face. This is being done through the universities of North, South, and Central America and particularly through the churches of the United States to which Russia attaches great importance.

"The fundamental crisis is spiritual, but religion itself is not enough to fill the ideological vacuum. Therefore communism is able to exploit the irrational feelings deepest in the hearts of men such as exalted nationalism and racial division."

Mr. Ravines went on to give the answer:

"There is need for an ideology—a superior thinking that will satisfy the hunger for the absolute which burns in the heart of the illiterate and the educated alike. That is why Moral Re-Armament can and must make possible a new type of revolution—a revolution of the spirit. The only thing that can defend our hemisphere at this time when we face the greatest danger of our history is ideological armament. The task of all of us is to advance Moral Re-Armament throughout this hemisphere and the whole world."

Theodore Guething, a machine tool executive, said at Mackinac:

"We American businessmen don't like being fooled. As chairman of a committee I helped raise $140,000 for one of the largest Methodist churches in Michigan. Last week the Detroit Conference of the Methodist Church adopted a policy which couldn't have been written better by Mr. Khrushchev himself. The program calls for total world disarmament, admission of Red China to the United Nations, an end to selective service, curtailment of civil defense, and the establishment of Berlin as a free city under U.N. supervision."

To try and keep Christians from an effective ideology the Communists have started a new line. Walter Ulbricht, East German Communist leader, said (July 1959): "We can put up with the church so long as it has no ideology."

"Anyone who says that we have Christianity and therefore we do not need Moral Re-Armament does not know either Christianity or Moral Re-Armament," says Bishop Jonzon of Sweden.

"So many of us Christians," he continues, "use God for our purposes instead of letting God use us for His purposes. This is Christianity. This is Moral Re-Armament. Anything less is not Christianity."

Speaking at Mackinac on the occasion of the death of Senator Don Luigi Sturzo (the patriot-priest who founded the Christian Democratic Party of Italy and inspired the postwar leadership of Chancellor Adenauer of Germany, Robert Schuman of France and Prime Minister de Gasperi of Italy), Angelo Pasetto, a former leader in the Italian Communist Party who refound his Catholic faith through Moral Re-Armament, quoted Don Sturzo as saying to him:

"We must fight together because the world is in grave danger. Communism is a great menace. We must bring Christians back to living their Christianity before it is too late. That is what Frank Buchman and Moral Re-Armament are doing. Frank Buchman is a great man. You are our best allies in this fight."

(D) The coexistence front

In the Communist dictionary "coexistence" means takeover by every method short of a shooting war.

Khrushchev observed in Warsaw in 1956:

"But of course we must realize that we cannot exist eternally. One of us must go to his grave. We do not want to go to the grave. They [the Western Powers] don't want to go to their graves either. So what must be done? We must push them to their graves."

R. Vaitheswaran, lecturer in economics at Hyderabad University, India, was for 6 years a member of the Communist Party. Of those 6 years he spent two and a half in jail. Recently in the Indian Administrative Service examination he was placed first among 23,000 candidates. Speaking at the MRA assembly at Mackinac, July 1959, he said:

"How can there be coexistence when the Communists have decided to fight until they rule the world? Communism would not be communism if it were not a fight to the bitter end.

"By 'coexistence' Khrushchev means that Russia retains the right to rule unrestrictedly in her own sphere. He also means freedom for Russia to spread her own ideological poison through her state-subsidized theater and propaganda. And to engineer internal revolutions and crises through the Communist Parties of the world.

"The Communist Party in every country is a united force fighting for a single world revolution.

"Coexistence gives the Soviet the right to infiltrate the democracies without the democratic countries having the right to say what they like about Soviet behavior.

"Russia goes unchallenged when she publicizes on every continent the racial division of Little Rock and the decadence of Hollywood. But America is met by strong opposition when she expresses sympathy for the captive nations.

"China is free to destroy Tibet, but America is not free to rescue Hungary.

"And the most shocking thing of all is, not that China and Russia are what they are, but that we have become what the Russians and Chinese would like us to be—their willing tools for our own destruction.

"Moral Re-Armament is democracy's true ideology. It gives democracy the moral fiber it lacks today. That is why the choice for the world is not war or coexistence. It is Moral Re-Armament or communism."

IDEOLOGY WILL DECIDE

Dr. S. D. Cornell, Executive Officer of the National Academy of Sciences, against the background of long experience in military weapons development at the top levels of the Department of Defense, speaking in Washington, in March 1957, said:

"We scientists know that the world can be destroyed between the lunch and the cocktail hour. We need, of course, to maintain our armed and scientific and productive strength. We need to develop them. But as Admiral Radford has said, the most we can do by these means is to buy time. Victory must be won by other means.

"What is basically an ideological struggle can be won only by a superior ideology. Moral Re-Armament is that ideology."

Mr. Don Belding, a leading American businessman, in a statement at Caux, July 1959, called upon American industry to support the force that was giving the ideological answer. He said:

"The solution is not military defense alone, on which we have spent $400 billion since the end of World War II. It is more an ideological problem—not an economic, political, or merely military one. We must do more ideologically.

"The work that MRA is doing is the most important thing to answer communism. We must multiply it a hundred times to create a wave of ideological pressure that will roll communism back. If this force does not win, people in the United States will not only not have their fortunes—they will not have their lives.

"Major investment in this force is essential to maintain freedom."

Mr. Sid Fuller, in a broadcast over NBC in Los Angeles (July 23, 1959) told of his visit to the Summit Strategy Conference at Mackinac and gave the diagnosis and cure for the situation in this ideological age. He said:

"Today because of an idea, Mackinac Island may well be the arsenal of freedom. Because of Mackinac all men may yet be brothers, may look ahead to a world in which their children will walk the earth in dignity and peace.

"Like many of you, I, too, have sensed the disturbing feeling that World War III has already begun. The enemy has outsmarted us, outwitted us, by not using the weapons we had expected him to use. He is using an even deadlier tool of war. He is waging an ideological war against us. His objective is not the material wealth we have accumulated. He does not want that destroyed. He wants it for himself and in good time he means to have it.

"Instead of the material, his immediate objective is spiritual. It is the spirit of God-fearing men that he would first weaken, and then destroy. Men without the will, the moral fiber, the deep spiritual fortitude to stand firmly in defense of what is right are doomed to see their freedom lost, their God-given rights denied, their hope of love and laughter unfulfilled. The enemy knows this. He knows that without the spirit there is no will. The man corrupted is the man defenseless.

"How to deal with such a corrosive thing? There is only one way. With an ideology diametrically opposed. This is the ideology of Moral Re-Armament. Here in MRA is a catalyst that first unites and then releases the enormous moral potential of all men of good will, whatever their racial or spiritual background.

"It is impossible to visit Mackinac and come away without a firm, fresh faith that free men with God's guidance and only with God's guidance will yet remake the world and achieve lasting justice and an honorable peace for all men."

Now, Mr. Speaker, I would like to outline a bit of the effectiveness of the work in many areas of the world. In order to do this, under unanimous consent, I place the "Ideology and Coexistence" outline of world distribution in the RECORD:

IDEOLOGY AND COEXISTENCE

The handbook "Ideology and Coexistence" has been published as a weapon to put the free world on the offensive in the ideological struggle. It lays bare the Communist plan for world takeover and shows how every man can arm himself with the superior ideology.

By the end of March it will have run to 75 million copies in 24 languages. A simultaneous distribution takes place in March to every home in Britain, France, Western

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with Moscow has exposed their tactics in "The Yenan Way." He is now writing a book that is to be called "The Mackinac Way."

Speaking in Washington, January 5, 1960, Mr. Ravines said: "When I broke with communism I became a bitter anti-Communist and Moscow paid little attention to me because I was an ineffective man. But as soon as Moral Re-Armament filled the ideological vacuum in my life I became an effective force. Since then I have been the object of ruthless, repeated, Communist attacks. There are millions like me who would leave the Communist Party if they knew there was something big enough to fill the vacuum."

Germany, and Italy—50 million. Already, 15 million copies have been distributed to every home in Switzerland, Holland, and the Scandinavian countries. A nationwide distribution of "Ideology and Coexistence" to 4,300,000 homes in Canada has been completed.

WORLDWIDE DISTRIBUTION

Switzerland

In one week the handbook was published in all three languages of Switzerland and distributed through the post office to 1,600,000 homes in the country, with a foreword by the wartime Commander-in-Chief and national hero, General Guisan. He wrote:

"On the ideological plane neutrality can be dangerous, for refusal to fight for what is right plays the enemy's game. I long that our whole people should face realistically the forces which confront each other today, that we draw from our traditions a relentless determination to safeguard at all costs the freedoms we inherit."

Scandinavia

A committee of Scandinavian patriots, determined to end the ideological softening up of their countries in the face of Khrushchev's offensive, met in Stockholm in November. Within a month an edition of 6,700,000 in 5 languages was being distributed to every home in Norway, Sweden, Denmark, Finland, Iceland, Greenland and the Faroe Islands.

It immediatly became a national issue. From all over the Nordic north people wrote: "Thank God someone has at last had the courage to speak out." It triggered off violent attack in the Communist Party press in each country. The Moscow news agency, Tass, complained indignantly that "Ideology and Coexistence" has been spread in "astronomical numbers throughout Scandinavia."

Holland

Following a national press and radio campaign the handbook was distributed to 3 million homes in Holland. Four printers worked together to do it and 5,000 people were employed in the distribution of the 90 tons of printing.

Germany

The great nephew of Frederick Engels, who 112 years ago sent out Marx's "Communist Manifesto," sent the handbook to 23,000 industrialists of Western Germany. One wrote in reply asking for copies for each of his employees.

On the day that 60,000 miners marched to Bonn to protest against the government's fuel policy, German miners published the handbook in the Bonn "General Anzeiger" with the heading, "Not too much coal but too little ideology." Two Berlin newspapers printed the text of the handbook in full. Seventeen million are going to every home in Germany.

Italy

Half a million were distributed to every home in Milan. The agency carrying out the distribution reported on the very great interest aroused. People ran after their workers in the street asking for their copies.

Great Britain

Half a million have been distributed on a house-to-house basis in the Welsh mining villages, Clydeside and the boroughs of East London by a Moral Re-Armament international force in December. Every member of Parliament, every Church of England and Free Church clergyman and the leaders of the National Union of Teachers have received a copy.

As with West Germany, Italy, and France, every home in Great Britain will receive a copy. A national distribution company employing 8,000 women who will walk 350,000 miles in 10 days will cover 13,200,000 homes in the main urban areas.

Cyprus

Fifty thousand copies in Greek went to every Greek family on the island, the first copy going to Archbishop Makarios, the President-elect of Cyprus. The distribution was mainly carried out by former EOKA fighters who were convinced that an independent Cyprus needed the ideological clarity that the handbook gives. This is especially significant in view of the fact that during the present deadlock leftwing circles have been pressing the Cypriot leaders to turn to the Soviet bloc for economic assistance rather than to the Commonwealth and the Western countries. In some areas the political and trade union leaders took on the distribution. They sent it on rickety country buses to the villages where their friends took it from door to door. In Nicosia 20,000 copies were distributed by a group of students in one afternoon. A Greek Orthodox abbot took it to the villages surrounding his monastery in wild EOKA country. One man with a mobile shop distributed it in the villages where he sells his wares.

A Turkish translation has been prepared and will shortly be sent to the whole Turkish community on the island. Other copies will go to Turkey.

South Africa

An edition of a million in English and Afrikaans is being distributed in the major cities. "Die Berger," the Nationalist Party paper, wrote of it, "South Africa cannot exist in a Communist continent. That is the problem that stares us in the face. It is a serious situation but also a great opportunity. South Africa, armed with the right idea, is the one country that can yet tip the scales in Africa and Asia * * * this means that there must come a new attitude and a new decision to live for something greater than ourselves."

Nigeria

"Ideology and Coexistence" has gone to every member of the Federal and Regional Parliaments. The bar society sent it to their 600 lawyers in the country. A similar number has gone to the doctors and to the headmasters of secondary and primary schools.

Japan

Thirty thousand copies have been taken by the Defense Bureau to issue to every Army officer.

General Doi, foremost expert on Russian affairs, described the pamphlet as the best analysis of the ideological situation he had ever seen. Printed in Japanese, half a million have gone out. Each cabinet minister, diet member, and ambassador received one, as well as every top businessman and city mayor. Twelve thousand have been sent to the 46 governors and prefectural assemblymen.

Each of Japan's 40,000 schools received it, sent by the Kyodanren, the non-Communist teachers' union, with their 3-page supplement on MRA, as well as 20,000 educational officials.

South America

Portuguese and Spanish editions have been printed for the Latin American countries. Since Mikoyan's visit the Communist plan for these countries has been stepped up. Brazil is an immediate target. Two leading newspapers in Rio de Janeiro and Sao Paulo have just printed the handbook across two pages. In Uruguay, Argentina, and Peru it has gone to the national leadership. Widespread distributions are planned.

A magazine of the Franciscan order in Peru published sections of the handbook.

Taiwan

The Secretary General to General Chiang Kai-shek, Mr. Chang Chun, writes, "Your efforts to awaken the American people to the true nature of communism, to the increasing moral breakdown and materialism in your country, and to the global ideological offensive which needs to be launched, are indeed admirable. As one long convinced that Moral Re-Armament tolerates neither communism nor materialism, I am gratified to see your booket 'Ideology and Coexistence' as another forward step in clarifying the current confusion."

India

There is no doubt that the handbook had a real influence in the defeat of the Communists in the recent Kerala elections. It appeared in 12 daily newspapers of all communities—Hindu, Moslem, and Christian—with an estimated readership of 3 million. Fifteen thousand copies reached the key men of the city of Trivandrum and throughout the state.

A man helping with the distribution reported that in his village it changed the outlook of a number of men who had previously supported the Communists. He himself spent two evenings reading the book to a night class of 150 people. A thousand local councils received copies and 2,500 libraries in villages and towns throughout the state. A foreword to this Malayalam edition was written by Mannath Padmanabhan, the leader of the liberation movement, who used his organization to secure the maximum distribution. A further edition of 100,000 is now being printed.

"Ideology and Coexistence" has already been printed in five Indian languages and sent to all members of both houses of parliament and ministers in the central and state governments. Every delegate to the All-India Medical Conference received a copy, also every delegate to the national conference of the Praja Socialist Party. The handbook has been published serially in leading papers in Uttar Pradesh and Bengal.

Canada

To launch the national distribution of 4,340,000 handbooks to every home, 82 daily papers carried full pages, and 14 dailies carried half pages. The Canadian Broadcasting Corp. carried the news coast to coast.

MOSCOW'S REACTION TO RIVAL IDEOLOGY

The publication of "Ideology and Coexistence" in Scandinavia drew an immediate and violent reaction from Moscow. The Finnish-Soviet Society tried unsuccessfully to bring pressure to bear on the Finnish Government to prevent its publication. Tass (Soviet news agency) pointed out in a full statement that it was couched in typical cold war language and placed Moral Re-Armament among the most stubborn political circles. A series of feature articles and cartoons followed in Pravda, Izvestia, and Trud. Broadcasts from Radio Moscow repeated earlier attacks on the "apostles of class reconciliation * * * who have the power to capture radical revolutionary minds * * * an ideology in its final phase of total expansion throughout the world."

The Communist press and Communist writers in other national newspapers launched a simultaneous attack in many countries. A thousand articles appeared in Denmark alone in 1 month. Three weeks after this manifesto went out it was still the subject of editorials in the daily papers.

The pattern of Communist attack shows first that the Soviet is thoroughly scared and on the defensive. It is a new experience for them to lose the ideological initiative. They clearly fear the effect of the manifesto and of an alternative ideology, both upon their own party members and upon the mass of the people who have falsely swallowed a semi-idealistic conception of communism. Naturally, their determined attempts to get the Finnish Government to ban the book merely made the Finns read it the more.

WORLDWIDE RESPONSE

Everywhere "Ideology and Coexistence" has provoked widespread response.

In Sweden the post office made a test and found that 72 percent of copies were actually read. This compared with the previous highest readership of 40 percent from a normal postal distribution. Letters were received at the MRA headquarters at the rate of 500 a week. In marked contrast to the hostility of much press comment, practically all welcomed the clarity of the manifesto.

"MRA has dared to draw our attention to what is really going on," said one of the many letters published in the press. "For those who long to see a clear road ahead and to play their part in the battle, MRA's manifesto is marching orders." Everywhere the demand for MRA literature has zoomed in the bookshops.

In Denmark, a student at a teachers' training college asked for 200 copies at the request of his professor for use in their history classes. Study groups have been formed in every country to go through the manifesto in detail and plan the application of its truths.

A Swedish worker who had previously left the Communist Party because of his touch with Moral Re-Armament had been ostracized by his fellow workers. However, from the time that "Ideology and Coexistence" had its mass distribution in Scandinavia they not only began talking to him again, but appreciating the stand he had taken.

The general secretary of the Communist Party in Norway turned up at the MRA office in Oslo and asked for literature, saying he wanted to study the ideology of Moral Re-Armament. He went away loaded.

One of the well-known personalities in Norway, a great poet, said in a personal letter, "With the distribution of the manifesto and the debate in the press this has been the great breakthrough of Moral Re-Armament."

A group of students in Holland sent the manifesto to every student in the country. A fierce discussion took place in the student press. One student writing for further information commented on "the university storm you have evoked here." The Minister of Defense approved the distribution to the army at the discretion of commanders. One platoon commander read it—then asked for 100 copies to use in instruction classes.

Volksrant—the mouthpiece of the Prime Minister's Catholic Peoples' Party in Holland, and owned by the Catholic Trade Union Council—on November 21, 1959, reported that "the Catholic community of Holland wholeheartedly subscribes" to the manifesto.

In Japan leading political figures, including a former Ambassador to Washington and Senator Kimura, former Defense Minister, met to plan an ideological strategy for the nation. Two Diet Members said that since reading the manifesto they had changed the lines of a party publication about coexistence. Another Diet Member took action to have deleted from the draft of the constitution a sentence recommending the acceptance of "peaceful coexistence."

A pilot distribution in a town of 17,000 homes in Canada drew an immediate attack in the Communist Party national organ, the Canadian Tribune. On the other hand, the head of the non-Communist union of 16,000 men drew attention to the manifesto in the union paper. The vicar apostolate of the Catholic Church asked that the French as well as the English edition should be made available. Some days later a letter came asking for 300 copies in German.

The foreword to the Swiss edition appeared in practically every newspaper in the country and the manifesto was the subject of editorial comment in 100 papers throughout Switzerland. One hundred letters a day were received asking for further information. The president of the Catholic Students' Union asked for copies for delegates to the annual student conference and for speakers to explain more of the ideology of MRA.

Catholic leaders of Switzerland have warmly supported the manifesto and the Benedictine monasteries near Lucerne have recently entertained an international MRA force as a result. The St. Gallen Catholic newspaper, Ostschweiz, wrote: "Shouldn't we Christians enlist in this battlefront—we above all? He who may still have doubts should read how fighting Communists found in Caux the Catholic faith of their fathers * * * it is perhaps our bad conscience that makes us feel superior to Moral Re-Armament, to Frank Buchman's movement, to Caux. Let us take care we do not miss the bus, that we don't exclude ourselves from these pioneering, sound-thinking people who are summoning us to this mighty movement of the Spirit."

The reaction to the gauntlet being thrown down so clearly in Cyprus has been immediate. "MRA or communism" is discussed on street corners and in coffee shops and clubs in every town and village. All the main papers have carried articles. A well-read column in one paper has been occupied every day with readers' letters.

The beginning of the Greek distribution was marked by a prominent article in the leading paper, Ethnos. This coincided with an announcement over the radio by the Cyprus Broadcasting Corp., and in many of the leading newspapers, of an invitation by Archbishop Makarios to Dr. Buchman to come to Cyprus.

One of the leading Finnish businessmen said, "The distribution brought new courage to the whole country."

A well-known international figure was due to speak on Oslo Radio on nuclear disarmament and the banning of the bomb. Radio authorities said that since the distribution of the manifesto they could not afford to have him talk. Peoples' eyes were opened. The talk was canceled.

WHERE DOES THE MONEY COME FROM?

Up to now this operation in Europe and Asia is costing roughly $2,800,000—the distribution to the 15 million homes in Great Britain $560,000.

This money is being raised through the sacrifice and conviction of men and women who see in MRA the one hope of the free world. Businessmen have realized capital assets and made them available. One man sold a block of apartments and gave $56,000. Many have sold life insurances, property, jewelry. A company lawyer who has already given all his capital pledged his life insurance. A married man who had just inherited $25,200 gave the entire amount. A musician gave her grand piano.

This operation has involved the enlistment of the paper, printing and distribution industries on a vast scale.

Paper for the next Malayalam edition has been given free of charge by a Bengal firm. Ten thousand copies of the Hindi edition are being given by another firm.

In Finland, 60 tons of paper were required for the manifesto. The usual delivery time is 3 months. It was needed immediately in order to be ready for distribution before December 1, 1959, which was the last day on which the post office accepted bulk deliveries before Christmas. The paper was obtained in 5 days from those who appreciated the ideological effort being made—an example of how industry becomes interested ideologically when the program is big enough to be effective.

Two hundred tons of paper were specially made for the British edition at a minimum profit by the British paper industry. Swedish pulp and paper firms have made a contribution for the French edition. The printing costs are being borne by Germany, a unique gift to meet a unique crisis in world affairs.

The scale of the distribution is one of the greatest ever undertaken for any publication on record. The copies distributed in Scandinavia were sufficient to fill a freight train of 33 cars. In parts of Greenland the manifesto was dropped by airplane. Reindeer sled carried it to parts of Lapland and it was delivered by dog sled to huts in tiny villages.

AMERICA'S OFFENSIVE

The Communist ideology is spread in America through the vast financial resources of Moscow; the superior ideology of Moral Re-Armament is spread through voluntary and sacrificial giving by those who want to fight to restore to America her true heritage. It is a priority investment for free men who treasure their freedom and are determined to see freedom extended to the whole world.

To print and distribute and advertise the distribution of 545,000 copies to every home in an area like Washington, D.C., costs approximately $35,000.

To reach each of the 50 million homes of America with a copy will cost approximately $2,500,000.

Don Belding, former chairman of Foote, Cone & Belding, leading U.S. advertising agency, civilian aid to the Secretary of the Army for southern California, says, "Moral Re-Armament is the strongest single force in the world today from the ideological standpoint in answering communism. We must multiply it a hundred times to create a wave of ideological pressure that will roll back communism.

"If this force does not win, people in the United States will not only not have their fortunes—they will not have their lives. Major investment in this force is essential to maintain freedom."

The last paragraph of this outline closes with the following:

If this force does not win, people in the United States will not only not have their fortunes, they will not have their lives. Major investment in this is essential to maintain freedom.

I might like to demonstrate now, Mr. Speaker, some of the tools that are used with the investments made. Under unanimous consent I place a full page which appeared in the December 17, 1959, Washington Evening Star, entitled "The Ideology That Will Win," at this point in the RECORD:

THE IDEOLOGY THAT WILL WIN

"I earnestly make this suggestion as I start this journey tonight. That you, and those close to you, join with me in a renewed dedication to our moral and spiritual convictions, and in that light reexamine our own record, including our shortcomings." (Dwight D. Eisenhower, December 3, 1959.)

There are two ideologies bidding for the world today. One is Moral Re-Armament which believes that God's mind should control the world through human nature that has been changed; the other is communism, which believes that man's mind should control the world through human nature that has been exploited. God's ideology will win.

Time is running out. No man or nation can escape the choice—Moral Re-Armament or communism. Khrushchev offers the false alternatives of coexistence or war, disarmament or nuclear annihilation. William Penn put before America the only alternative: "Men must choose to be governed by God or they condemn themselves to be ruled by tyrants."

The world awaits a miracle to transform the attitudes of our time and create unity. We need a miracle of the spirit that will bring the light of an answer to Washington, Moscow and the whole wide earth. We need

a miracle in men that will make a summit conference work and without which all summit conferences are doomed to failure.

Moral Re-Armament is changing human nature drastically and at a speed and scale adequate to prepare nations to live in the world that faces us.

It is curing the causes of division, economic injustice, fear, hatred and communism.

It is rapidly multiplying the secret of God-centered unity without which civilization inevitably will destroy itself.

In the words of Gabriel Marcel, the great French Catholic philosopher, "It is a hope—perhaps the hope."

Moral Re-Armament has been tried, tested, and found to be true in many critical areas of the world.

ALGERIA

French political and military leaders and North Africans found at an MRA assembly fresh hope for a solution to the Algerian conflict. General Bethouart, Member of the French Senate, said, "There is no way out of the impasse of Algeria except Moral Re-armament." The French Minister of Justice said, "I have seen and heard miracles."

CYPRUS

Greek and Turkish leaders including Zenon Rossides, representative of Archbishop Makarios, and Rauf Denktash, president of the Turkish Federation of Cyprus, were reconciled at an MRA assembly. They brought a message from Archbishop Makarios: "We had the opportunity to follow closely the work of Moral Re-Armament and particularly appreciate its contribution to the solution of the Cyprus problem."

GERMANY

Chancellor Adenauer says: "You know what great significance I attach to the ideological fight which Moral Re-Armament is waging in the whole world." And again: "Unless the work of Moral Re-Armament is carried forward, peace in the world cannot be maintained." Berlin knows the reality of communism. Ernest Scharnowski, chairman of the West Berlin Trade Union Federation, said: "MRA is the only force capable of conquering and curing the creeping paralysis of communism."

HOLLAND

An editorial in Volkskrant, largest Catholic daily newspaper in the Netherlands, and the official organ of the government party, says, "In an age in which statesmen from the West are negotiating with great difficulty with the Kremlin to achieve peaceful coexistence, in which excited youth flock to youth festivals to fraternize with the Communist world, where businessmen contract profitable business with Communist countries, where representatives of trade unions and parliaments hurry to Moscow to undergo friendly brainwashing—in this age, MRA hoists the storm signal: Coexistence is impossible. The battle is between Christ and anti-Christ.

JAPAN

Prime Minister Kishi said: "The democracies are on the defensive because of the lack of a moral ideology superior to communism. In the ideological war there is no neutrality nor coexistence. The leaders of the free nations must pay serious attention to the work of Moral Re-Armament throughout the world if we are to win in the decisive struggle for the future of mankind."

KERALA

The leaders of the uprising against the Communist government in the Indian state of Kerala went to the Moral Re-Armament assembly in Caux, Switzerland, to find a sound democratic ideology. Rajmohan Gandhi, grandson of Mahatma Gandhi, says: "The real choice before the world is Moral Re-Armament or communism. The free nations of Asia look today to Moral Re-Armament as the one hope."

LITTLE ROCK

This summer leaders of both white and Negro communities from Little Rock went to MRA's Summit Strategy Conference at Mackinac Island, Mich.

Among them was Edwin B. Cromwell, one of Arkansas' best known architects. He declared, "Little Rock will become a symbol of hope, not hatred, for the world through Moral Re-Armament."

Later MRA spokesmen were invited to address the Arkansas State Convention of the National Association for the Advancement of Colored People. They were given a standing ovation.

An outstanding Negro leader said, "Through Moral Re-Armament for the first time in my life I have lost my bitterness against the white people. I am convinced that the answer to Little Rock can come through MRA."

MAU MAU

Nahashon Ngare, a leader of 230,000 Mau Mau, who traveled through America with a colleague and the British officers who had been in charge of the camps where they were imprisoned, said: "The night of the long knives is past in Kenya but without MRA dark days lie ahead for our continent. Africa's choice is godless communism or Moral Re-Armament."

PITTSBURGH

Steelworkers of Pittsburgh last month invited the MRA plays to the Carnegie Auditorium in Duquesne, in the heart of the steel mills. Pittsburgh radio and TV stations have given 40 broadcasts featuring MRA speakers and music. The newspapers have carried news daily for the past month.

Harry Burton, President of United States Steel Workers Local 1256, Duquesne Works, said: "If the leaders of both sides of our present conflict met in the spirit of MRA, within a week's time they would negotiate the best contract ever. MRA shows how we can build the world as it should be."

SOUTH AMERICA

Eudocio Ravines, former Comintern member and founder of the Communist Party of Peru, said: "The only thing that can defend our hemisphere at this time when we face the greatest danger of our history is ideological armament. The task of all of us is to advance Moral Re-Armament throughout the world."

Our heritage is written on our coins: "In God we trust." America is in danger of losing that faith. And a country without a faith today is a country without morals tomorrow.

It has long been the policy of the Communists to soften up America from inside, to confuse and corrupt her living so that she may lose her will to resist or fight for what is right. As long ago as 1931 Dimitri Manuilsky, then of the Lenin School of Political Warfare, declared:

"Our time will come in 20 to 30 years. The bourgeoisie will have to be put to sleep, so we will begin by launching the most spectacular peace movement on record. There will be electrifying overtones and unheard-of concessions. The capitalist countries, stupid and decadent, will rejoice to cooperate in their own destruction. They will leap at another chance to be friends. As soon as their guard is down we shall smash them with our clenched fist."

A training officer at Lackland Air Force Base, where every airman receives his first four weeks' basic training, reports: "I have yet to hear a single man say that every man owes his country a duty. Not once have I seen one drop of patriotism in these kids. The rights and the privileges they know. But not their duties and obligations." (Quoted by Hanson W. Baldwin, New York Times, Dec. 12, 1959.)

America needs more than good will. She needs morally rearming. She needs an ideology. She needs to accept the President's challenge to join with him "in a renewed dedication to our moral and spiritual convictions and in that light to reexamine our own record, including our shortcomings."

George Washington listened to God at a time of conflict and gave the Nation freedom. Abraham Lincoln listened and preserved the Nation's unity. He knew the secret of God-control. He said: "I have so many evidences of God's direction that I cannot but admit this power comes from above. I am satisfied that when the Almighty wants me to do or not to do any particular thing, He finds a way of letting me know it."

Scientists tell us that "the world can be destroyed between the lunch and cocktail hour." Human wisdom has failed. Today, more than ever, we need the answer of God's wisdom. Dr. Frank Buchman, the initiator of Moral Re-Armament, says:

"We need a fourth dimensional thinking—a gift from God—that will lighten our darkness and bring a speedy answer. Wise men came from afar guided by a star, at that first Christmas. May each one of us, illumined from afar, bring a gift to all mankind that will be more acceptable than any earthly award. Ours is the eternal unity of being guided by a star to give every man and the statesman the gift of a new world."

FROM THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA

OCTOBER 29, 1959.

DEAR DR. BUCHMAN: At this critical hour, when all the resources of the free world need to be mobilized against communism, the global work of Moral Re-Armament is of the utmost significance.

The people of Washington recall the splendid reception given your plays in the city last year and we feel that the time has come for another series of performances. We warmly invite you to send to Washington one or two of the ideological dramas produced at Mackinac this past summer.

Sincerely yours,

ROBERT E. MCLAUGHLIN,
Commissioner.
DAVID B. KARRICK,
Commissioner.
Brig. Gen. ALVIN C. WELLING,
Engineer Commissioner.

NATIONAL THEATER

Moral Re-Armament presents two outstanding new stage plays, December 20–27

"Pickle Hill"

A drama with music which brings to vivid life Penn State College campus, 50 years ago when Frank Buchman began his life's work—a worldwide transformation of society through remade men.

Sunday, December 20, 8 p.m.
Monday, December 21, 8:30.
Tuesday, December 22, 8:30.
Saturday, December 26, 2:30 matinee and 8:30 p.m.

"Annie the Valiant"

The true story of how a remarkable woman took the answer from the mills to the millions. A deeply moving human drama full of laughter.

Wednesday, December 23, 2:30 matinee and 8:30 p.m.
Thursday, December 24, 8:30.
Friday, December 25, 8:30.

For reserved seat tickets without charge phone National 8-9460.

Public meetings, Sunday afternoons, December 20 and 27, 2:30 p.m.

Hear spokesmen from around the world, part of the force of 200 men and women from 28 countries. They will give firsthand evidence of an answer to deadlock and division.

Music by the MRA International Chorus.

"JOHN RIFFE OF THE STEELWORKERS"

Just published, this stirring book tells the colorful life story of John Riffe, last Executive Vice-President of the CIO.

Author William Grogan has been an officer of the Transport Workers since 1922.

Published by Coward-McCann. Hardbound $4.50. Paper $1.25. Obtainable through your bookstore.

"IDEOLOGY AND COEXISTENCE"

Here is the manifesto attacked by Moscow last week in a Tass news agency report. Fifteen million copies published in 15 languages in the past 3 months.

The booklet develops the theme expressed by Adm. William H. Standley, "The choice for America is Moral Re-Armament or communism."

For copies, 15 cents each, write to MRA, Willard Hotel, Washington 4, D.C.

(This page has been contributed by a group of citizens as a national service.)

The above advertisement from the Evening Star includes several pictures with the following captions:

Chancellor Adenauer talks with Hans Wesolek, German mineworkers' official and Communist Party district chairman until won over by Moral Re-Armament. Adenauer recently commissioned a group of these MRA-trained miners to take a play they had written to Berlin, Britain, France, and Holland to strengthen the unity of Western Europe.

A Little Rock delegation is introduced to Dr. Frank Buchman, initiator of Moral Re-Armament, at the MRA Summit Strategy Conference this summer at Mackinac Island, Mich., by Edwin B. Cromwell, prominent Arkansas architect.

In Pittsburgh, Steelworker's local union presidents talk with labor leaders from Germany, Brazil, and Japan—some of MRA's 300-man task force invited to the steel center this month.

Another method of communication is the biweekly MRA Information Service Bulletin, a copy of which, under unanimous consent, I place in the RECORD, on the subject of the mass distribution just discussed:

[From MRA Information Service Bulletin, Mar. 26, 1960]

MASSIVE WORLD DISTRIBUTION—86,000,000 HOMES GET MANIFESTO

Eighty-six million copies in 24 languages! And the presses around the world are still rolling.

These are the facts to date on the distribution of the Moral Re-Armament handbook "Ideology and Coexistence." And they represent possibly the most massive simultaneous distribution of a single book ever undertaken.

Great crises in history have produced their notable pieces of writing that have helped to shape events. In the Revolutionary War it was "Common Sense" and the other pamphlets of Tom Paine. In the industrial revolution in Europe it was the "Communist Manifesto." Today in the cold war it may be a simple, 32-page revolutionary handbook which puts in plain, unassailable language what free men everywhere need to know and long to hear.

Mr. Khrushchev has made the word "coexistence" a golden dream for some and a hideous nightmare for others. He says it is the only alternative to war, and "you must choose."

His strategy to lull the free world has confused millions. "Ideology and Coexistence" exposes the real aim of communism which has not changed. This manifesto offers the world an alternative ideology and presents the choice for every man—Moral Re-Armament or communism.

General Guisan, Swiss wartime commander in chief and national hero, wrote the foreword to a Swiss edition which went in 3 languages to 1,600,000 homes. "On the ideological plane neutrality can be dangerous, for refusal to fight for what is right plays the enemy's game. I long that our whole people should face realistically the forces which confront each other today, that we draw from our traditions a relentless determination to safeguard at all costs the freedoms we inherit."

A committee of Scandinavian patriots, determined to end the ideological softening up of their countries in the face of Khrushchev's offensive, met in Stockholm last November. Within a month an edition of 6,700,000 in 5 languages was being distributed to every home in Norway, Sweden, Denmark, Finland, Iceland, Greenland and the Faroe Islands. The copies distributed in Scandinavia were sufficient to fill a freight train of 33 cars. In parts of Greenland the manifesto was dropped by airplane. Reindeer sleds carried it to parts of Lapland and it was delivered by dogsled to huts in tiny villages.

Now every home in West Germany, as well as in Britain and France, and the principal cities of Italy, are to have the manifesto in a bold bid to undergird European unity with a moral ideology that wins the loyalties of Communist and non-Communist alike.

A Greek edition has gone to every Greek family in Cyprus, the first copy going to Archbishop Makarios. They were distributed mainly by former EOKA fighters. It has been translated into Turkish and is going to every Turkish household as well.

Following a national press and radio campaign the manifesto was distributed to 3 million homes in Holland. Four printers worked together and 5,000 people were employed in the distribution of the 90 tons of printing.

During this month it has been sent to 4,340,000 homes in Canada. Korea and Taiwan are other countries where it goes widely throughout the nation. Hong Kong has printed an edition in Chinese for distribution there and in southeast Asia.

"Ideology and Coexistence" has already been printed in five languages of India and sent to all members of both Houses of Parliament and ministers in the central and state governments.

In Japan 30,000 copies have been taken by the Defense Bureau to issue to every army officer. The first edition of 500,000 has gone to the leadership of the country.

Meanwhile a million copies are being printed in South Africa in English and Afrikaans. In Nigeria it has already gone to every member of the federal and regional parliaments.

The edition in French went to the Cameroon Parliament on the eve of their independence. Editions are being planned in Arabic for north Africa and the Middle East and in Swahili for east Africa.

Portuguese and Spanish editions have been printed for the Latin American countries.

What is the overall effect of such a global offensive?

1. The handbook has been very widely read and deeply studied. In Sweden the post office made a test and found that 72 percent of copies had been read. This compared with the previous highest readership of 40 percent from a normal postal distribution. Letters were received at the MRA headquarters at the rate of 500 a week.

Study groups have been formed in every country to go through the manifesto in detail and plan the application of its truths. In Holland it is the subject of instruction classes in the army.

2. It has been the subject of editorial comments and news stories everywhere. A thousand articles appeared in Denmark alone in one month. The Swiss foreword of General Guisan appeared in practically every newspaper in the country and there were editorials in 100 papers.

In Canada the handbook has been hailed in a series of notable editorials from coast to coast.

3. Moscow has attacked this handbook on a world scale through Tass, Pravda, Izvestia, Trud, and the World Marxist Review. In recent months there have been 100 attacks over Moscow, Tashkent, and Peking radios.

4. This great undertaking is calling out the sacrifice and conviction from thousands of people who see in MRA the one hope.

Up to now the operation in Europe and Asia alone is costing roughly $2.8 million. Businessmen have sold capital assets and made them available. One man sold a block of apartments and gave $56,000. Many have sold life insurance, property, jewelry. A company lawyer who has already given all his capital pledged his life insurance. A married man who had just inherited $25,200, gave the entire amount. A musician gave her grand piano. It has involved the enlistment of the paper, printing, and distributing industries on a vast scale. Swedish pulp and paper firms have made a contribution for the French edition. The printing costs are being borne by Germany, a unique gift to meet a unique crisis.

5. The handbook is focusing everywhere the will to fight for freedom based on absolute moral standards and an ideological answer to communism.

The distribution in Finland (in the face of violent Soviet opposition) "brought new courage to the whole country," said one of the leading businessmen.

From all over the Nordic North people wrote, "Thank God someone has at last had the courage to speak out."

"MRA or Communism" is discussed on street corners, in coffee shops and clubs in every village in Cyprus.

Observers in Kerala report that the statewide distribution 8 days before the crucial elections last month had a wide influence in helping to sweep the Communists out of office, and in cementing the unity of the different political and religious groups opposing communism.

1960 is a year of choice. The future depends on the willingness of free men to make the right choice of the right alternative.

TUMULTUOUS WELCOME IN TOKYO FOR MRA FORCE

An MRA international force from 15 countries, including the cast of the German miners' play, "Hoffnung," was given an overwhelming reception in Tokyo this month just before Chancellor Adenauer's arrival there from Washington.

Prime Minister Kishi, leaders of Government and Opposition parties in the Diet, of organized labor, of the military, and of the press, joined in receiving this global force at the time when the free world most needs the power and clarity of a uniting ideology.

"The Prime Minister welcomes you from the bottom of his heart," said Saburo Chiba, Chairman of the Security Committee of Japan's Government Party, personally representing Mr. Kishi at Tokyo International

Airport for what was described as a "tumultuous" reception on the part of dozens of pressmen, batteries of cameramen, a brass band, and hundreds of eager citizens.

"Since you left Germany," Mr. Chiba continued, "you have done a great work in Italy, Cyprus, and India to promote real peace. You will bring Japan the change we need."

On hand to welcome the German miners dressed in their traditional costumes, were representatives of the German Embassy in Tokyo, along with members of both Houses of the Japanese Diet, and Kensuke Horinouchi, former Ambassador to Washington. Flower bouquets were presented to the miners' wives by the wife of the Korean Ambassador, Mrs. Yiu.

Only a few weeks previously these miners with their play, "Hoffnung," had been commissioned by Chancellor Adenauer on a similar ideological mission to Britain prior to his historic visit there to confer with British leaders.

"On behalf of the Japanese workers," declared Renzo Yanagisawa, National Chairman of the Japanese Shipbuilders' Union, "I welcome you. We used to say, 'Workers of the world unite.' That is out of date today. Dr. Buchman says, 'Workers unite the world.' You are showing that through your example. As your play gave unity to Europe it will give unity and clarity to Japan."

The international force was later welcomed in a meeting and press conference at the new Ozaki Memorial Buildings erected across the road from the Diet to commemorate Yukio Ozaki, father of Japanese parliamentarianism, who presented the famed cherry trees to Washington, D.C. This was the first use of the new buildings.

Viscountess Sohma, daughter of Ozaki, told the German miners, "You represent a new Germany with the right idea to unite the world. We need here the answer you have found in your country."

Lt. General Inoue declared, "Wars are won on the offensive. The free world is on the defensive. We need an ideological weapon to put us on the offensive. It is MRA. At the age of 68 I give the rest of my life for this ideology."

Meanwhile, news of the international force in Tokyo went to scores of millions in Japan over all TV channels and in the biggest dailies. The German miners were interviewed on a popular news telecast by senior commentator Ejiri, bringing forcefully into Japanese homes the choice of MRA or communism.

The three Colwell brothers of Hollywood, on their fourth visit to Japan with MRA, captured the Japanese journalists and photographers with their songs and convictions about an answering ideology for Asia, just at the time when the Japan-America Security Pact was under debate in the Diet. Along with the Colwells, representatives from Europe, the Middle East, Africa, Asia, and America were interviewed.

Reporting the miraculous turn of events in Cyprus, Andreas Vassiliou told the pressmen, "Moral Re-Armament has done more than any other force to reconcile the Greeks and Turks. Through this superior ideology, Cyprus will maintain peace and unity in the Middle East."

On their arrival in Tokyo the German miners were informed that already 20,000 requests had come in for the 14,000 seats available for the Tokyo showings of their play, "Hoffnung."

Ideology Enters Every Home in Canada

From coast to coast last week every home in Canada—4,340,000—received through the mail a copy of the handbook, "Ideology and Coexistence," in English and French language editions.

Homes off the fog-shrouded Newfoundland coast that can only be reached irregularly by boat, snowed-in and isolated farms on the prairies, every Indian village and Eskimo outpost, in the historic cities of French Canada and throughout the oil and mineral rich areas of western Canada—every householder received this book.

The massive response was demonstrated by the flood of letters, phone calls, contributions and editorial and news comment that quickly poured in.

After reading the booklet an intelligence officer said, "This is the finest thing I have ever seen and exactly what the world needs." The mother superior of a convent school wrote enclosing a dollar and asking for information about MRA films. "This is what I have always thought and taught," she said. "Please send further copies. We are very poor financially but I believe rich in ideology." A university student wrote, "This has awakened me from my apathy."

Thoughtful editorial comment evaluated this book against the ideological crisis the free world faces today.

The leading editorial in the Calgary Albertan said, "The massive web of Communist propaganda and subversion has never before been challenged on a scale comparable to the effort being made right now by the Moral Re-Armament movement with its distribution of the vigorous handbook, "Ideology and Coexistence." What is the importance of "Ideology and Coexistence"? The answer is that it has provided for the first time for many millions of people a clear understanding of the meaning and intent of communism as well as a cohesive ideology with which to fight it."

La Presse, largest French language paper on the American Continent and the second biggest newspaper in Canada, wrote under the headline, "Moral Re-Armament Challenges All Men of Faith." "This organism is a challenge to all men of faith of whatever creed to form a united front against atheism. It aims to point out to the world the indisputable choice facing humanity—in the words of William Penn, 'Men must choose to be governed by God or they condemn themselves to be ruled by tyrants.'"

Another French language paper from the Province of Quebec, La Voix de l'Est, clearly pointed out the strategic importance of this manifesto at this time. In a lead editorial it said, "'Ideology and Coexistence' expresses in clear terms the true ideology of the free world and offers an answer to communism. The whole Christian world recognizes today the supreme significance of the universal action of Moral Re-Armament. We must bring the answer to atheistic communism."

In an article entitled, "Fundamental Point in the Fight To Answer Communism," L'Action Catholique, Quebec City daily, wrote, "A revolution of the heart and beyond that of arms is the fundamental point of the battle to answer communism undertaken by Moral Re-Armament."

On the morning of Chancellor Adenauer's arrival in New York, Canada's most quoted editorial page, the Ottawa Journal, said, in an editorial on "Clarity and Moral Power," "'We need,' says Konrad Adenauer, 'an ideology that brings clarity and moral power into shaping international relations.' The West German Chancellor goes on to say, 'A nation without an ideology is self-satisfied and dead. A nation with an ideology is always on the offensive.'"

"New Weapon in Our Hands" Jensen Tells Congress

The Honorable Ben F. Jensen speaking before Congress on March 14, 1960, said:

"Mr. Speaker, it is by a most happy combination of events that at this time [of Chancellor Adenauer's visit to Washington] a new weapon in the ideological struggle is being put into our hands. It is this handbook, 'Ideology and Coexistence,' prepared by Moral Re-Armament. It has been published as a weapon to put America and the free world on the offensive in this war of ideologies. It sets forth in pungent sentences the true nature of communism and presents the one effective universal answer.

"The strength of the statements in this handbook and the ideology which it represent is proved by the violence of the attacks which Tass—the Soviet News Agency—Pravda, Izvestia, Trud, and the Moscow, Tashkent and Peiping radios have launched against it, noting that this handbook 'is putting an end to the ideological softening up of the free world.'

"To my knowledge this handbook is receiving one of the most massive simultaneous distributions in the history of the world."

Adenauer's Statesmanship Honored

"Mr. Speaker, during these days we are honored and happy to welcome to this country the distinguished Chancellor of West Germany.

"In the years since World War II he has stood out as a dauntless fighter for freedom and an architect of the unity of the West. Better than most he understands the nature of the ideological struggle we are in right now. For he and his country are on the very front line of that struggle.

"He and his family were among a group of 150 picked leaders of Western Germany who, at the end of the war, came to the Moral Re-Armament Assembly at Caux, Switzerland. There began the close friendship of the Chancellor with Dr. Frank Buchman, the initiator of Moral Re-Armament, an association which has grown and deepened over the years, and which has had a profound effect on this history of Western Europe.

"It is fitting that at the time of Chancellor Adenauer's stay in this country means such as this (the distribution of the handbook 'Ideology and Coexistence') are available to strengthen the fundamental beliefs and qualities of the American people and restore to new life and power the precious heritage of our forefathers and the great destiny of our land."

Analysis of the World Scene

(By Graham Turner)

The manifesto "Ideology and Coexistence" is born into a world confused and divided against itself. As nations falter in the search for an effective policy, the man-in-the-street is the prey of views he cannot test, and falls foul daily of the prejudices, the hotheaded sensation and the deliberate distortion which large sections of the national press, radio and TV offer him.

Many a heart turns hopefully toward the summit. The hopes and fears of millions of ordinary men express themselves thus as they watch the statesmen perambulate, striving for solutions but never reaching a resting place.

Berlin Center of Ideological Clash

One fact, clear and undeniable, emerges from the confusion. It is that for the last 9 months Russian threats against Berlin have paralyzed Western policy to such a degree that our entire thinking has focused on the fear of crisis there.

But it has had another repercussion. It has turned Germany into the stumbling-block to peace in the mind of the peace-loving public. Chancellor Adenauer, who has stood uncompromisingly for the freedom of Berlin, has been painted as a stubborn, illogical old man who bars the way to agreement.

As this mood has been developed, the way has been prepared for an open smear campaign to undercut Adenauer and West Germany. The British Foreign Secretary, Mr. Selwyn Lloyd, put the simple fact in the House on February 10 when he said, "There has been a sustained propaganda cam-

paign against Dr. Adenauer and the Federal Government. It is part of a campaign to disrupt NATO by detaching Germany from it. It has been skillfully done by playing on the emotions of the past."

The swastika rash was a perfect illustration of the way in which the smear worked. There were 1,000 incidents in 34 countries. They were used to inform the world that the Nazis were returning to power in West Germany. The Daily Worker day after day took up the theme. Other British newspapers, of the political right and left, joined in the chorus. But the Paris Le Figaro of January 7 spotted the point and wrote: "Who but international communism could have an interest in sowing suspicions about West Germany on the eve of the East-West meetings? To make people believe in a renaissance of anti-Semitic nazism in Germany * * * is the best way to isolate Chancellor Adenauer."

When the swastikas had played their part, they went as swiftly as they had arrived. They were merely the opening salvo in a mighty smear attack which will continue on every possible issue until May and beyond. The next line of attack was German bases in Spain.

Leaked to the press, the news that Germany had approached Spain for supply bases was seized, magnified and distorted as evidence of a Franco-Adenauer pro-Fascist front with atomic weapons lurking somewhere in the background.

Mr. Dean Acheson, former American Secretary of State who has just returned from a thorough tour of Germany, exposed Soviet aims in the New York Times of February 29. The first stage of their plan, he says, is to make it plain that the United States, and hence NATO, has neither the will nor the power to protect Berlin. The second is to secure the withdrawal of American forces from Europe and the dissolution of NATO.

Chancellor Adenauer understands our feelings well. He recently said in Bonn, "We Germans must never forget the wounds we have caused other nations by following a wrong ideology." And his understanding is not only in words; he has suffered himself in the concentration camps of the same Nazis with whom the Communists now compare him.

So, by Khrushchev's choice, we have spent our time thinking about Berlin and West Germany. But what has been happening elsewhere in the meantime? Here is the real point, because it is in Latin America, Africa, and Asia that the Communists have made their real progress.

STRATEGY FOR SOUTH AMERICA

Take South America, for example. We hear from many sides that there is a rift between Russia and China. The nonsense of it is clearly revealed when you observe their operations in South America. Only a few weeks ago Radio Peking said, "Latin America has become the frontline of the ideological battle." Fourteen hours a week broadcasts in Spanish go to Latin America from Radio Peking. The continent is being flooded with Chinese magazines.

At exactly the same time Mikoyan is in Cuba, on a friendship visit. He was feted by the Government. When Castro asked for a loan of $20 million, Mikoyan suggested that it might look less blatant if he approached Czechoslovakia. Lenin's strategy was: "First we will take Eastern Europe, then the masses of Asia, then we will encircle the United States." Has it altered one jot?

Now the strategy is followed in Africa, too. Recently the East Germans opened a trade fair in Ghana. In his opening speech, the East German spokesman accused West German troops of having taken part in the French atom bomb explosion in the Sahara disguised as Legionnaires. This was the same accusation as appeared in the British left-wing press, but that is incidental. The East German Premier, Grotewohl, sent a telegram to Nkrumah.

Much of the press has given the impression that the Khrushchev visit to Indonesia was a flop. Yet Sukarno has accepted a large trade and aid program which gives the opening for thousands of Russian scientists, technicians, and students to pour into the country. Have we in Britain considered Indonesia in these last weeks? Yet Indonesia has taken another step toward the Bamboo Curtain.

PEACEFUL COEXISTENCE

The Communists have a clever, bold, and mobile strategy which exploits blind idealism as easily as it mobilizes bitterness. It touches the longing for peace which is in the heart of every man. Take the phrase "peaceful coexistence." What does it mean?

In the Western nations it means a wave of strikes in key industries, designed to destroy their economy. In Cyprus it means an all-out fight to wreck the London and Zurich agreements, in alliance with the right wing opposition to Makarios if necessary. In Algeria it means the reverse—opposition to the rightwing and support of a quite unviable solution entailing the breaking of all French connections with the Sahara oil companies. "Peaceful coexistence" means that, suiting your tactics to the situation, you do everything to subvert and destroy.

"Ideology and Coexistence" is a clear challenge to a world which will not face reality. Its choice is simple: Moral Re-Armament or communism.

ANSWER FOR INDIA'S MILLIONS: "WHEN MRA MEETS COMMUNISM HEAD ON, MRA ALWAYS WINS"

The scrawlings of hammer and sickle in the city streets were overshadowed. Gay banners proclaiming the MRA play "Hoffnung" now dominated the scene. Kerala, for 2 years under Communist rule, was welcoming a new idea to her capital.

In 1957 the 16 million people of this beautiful State of timber and tea plantations voted in a Communist government. Two years later what Pandit Nehru termed a "mass upsurge" forced the President of India to dissolve the Communist government and order fresh elections.

Only 7 days after the formation of the new democratic cabinet the MRA force arrived. They came on the invitation of the Chief Minister and the leaders of the State.

Fifteen thousand people managed to pack into the University Convocation Hall during the 6-day run of "Hoffnung" in Trivandrum, Kerala's capital city. On March 1, premiere night, official cars with pennants flying and a steady stream of people moved in the main gate where the great trees were decorated with colored lights.

"It seemed as if all the traffic of Trivandrum" said one journalist, "bicycle, bus or on on foot, was heading in one direction only—to the theater."

Sri Mannath Padmanabhan, 83-year-old leader of the Liberation Movement which ousted the Communists, introduced the play, saying, "Kerala can never be grateful enough to the ideology of MRA. Through transforming human nature it is answering forever the onrushing menace of communism." In the front row sat Gov. Ramakrishna Rao, and four cabinet ministers.

Night after night, thousands poured into the theater. Members of Parliament flew specially from New Delhi to see the play. Those who could not get in read daily front-page press accounts of the progress of the MRA force.

Chief Minister P.T. Pillai asked the MRA force to call upon him and discuss how to solve the urgent problems of Kerala. "I highly value your ideology," he said. "I am wholly with you in bringing this answer to communism. Your ideology is the continuation of the work of great teachers like Buddha, Mohammed and Gandhi."

Nine out of the eleven members of the new Kerala cabinet, the university vice chancellor, a Catholic bishop, and senior government officials attended a dinner at Kanakakunnu Palace and conferred with the miners.

COMMUNIST REACTION

The Communists were alarmed by the MRA advance. The alliance of the democratic parties was being cemented. After 8 days of deliberations, the State Council of the Communist Party launched a statewide campaign of protest. Janayagan, the official Communist organ, carried a page-length editorial attacking the Governor. His decision to give Convocation Hall free for performances of Hoffnung and to make a State treasury contribution toward the MRA force was the talk of Kerala.

The chief minister's own paper, Kerala Janatha, carried a two-column leading article refuting the attack. Under the headline, "Unintelligent Thinking of M.P." this spirited article says, "The way in which a certain Member of Parliament has been discussing MRA we have ignored because it is not worth thinking about. The attack by the Communist paper and this M.P. against Moral Re-Armament shows the deep degradation into which they have fallen. We feel this M.P. is off his head and his pronouncements are against the culture of Kerala. Kerala is not Russia or China but India.

"When Chou En-lai entered the northern frontier of India like a thief, what was this M.P. doing then? Will he kindly tell us how Chou En-lai should be received? MRA is not a danger to this country and not an enemy, whereas Chou En-lai with his force is an enemy, and yet he is going to be welcomed like a king. To unintelligence and nonsense there must be a limit, but this Member of Parliament has exceeded that limit."

P. S. Abraham, registrar of the university said, "When MRA meets head on with communism, MRA always wins."

Kerala life is focused on education. It was here that Communist efforts to indoctrinate the youth had triggered the freedom struggle last year.

At University College this month students crammed doorways and windows to hear MRA spokesmen. Mr. V. R. Pillai, the rector, said, "MRA is an ideology which is neither anti-Communist or anti-capitalist but for the whole world. It brings change in the thinking and living of men."

After many years as director of public instruction in Kerala, which boasts the highest literacy rate in India, Mr. A. N. Tampi gave as his experience that "education and literacy by themselves do not give the secret of how to live together. Every means has been tried, but only MRA has succeeded. You are bringing back the readiness to sacrifice that should be normal. You bring what Gandhi brought and we have stopped living."

STUDENTS PACK HALL

Students stood 20 deep at the back of the hall in Mahatma Gandhi College, the leading educational institution of the state, to hear international speakers. Manmathan, principal of the college, said, "MRA has created an indelible impression on the minds of the people of Kerala. It is creating a new age through people united in remaking men and nations."

In Kottayam, in the same college hall where the liberation movement was launched, MRA was proclaimed to an enthusiastic crowd. The principal of the Hindu college declared, "This is the most important event to take place in the history of our institute."

A leading Communist student said, "I have never seen students so completely gripped."

In New Delhi, Rajmohan Gandhi, grandson of the Mahatma, and Peter Howard, noted British journalist, both traveling with the MRA force, were received by Dr. Rajendra Prasad, the President of India.

"HOFFNUNG" IN MADRAS

In Madras, the governor of the 30 million people of the state, gave a reception for MRA. The city's largest theater could not contain the crowds who turned out for the performance of "Hoffnung." The speaker of the Madras state assembly, Dr. Krishna Rao, said that MRA is democracy's answer to hate and division in the world.

T. V. Ananham, General Secretary of the 52,000 South India Railway Workers, speaking to a crowded union meeting, stated that since both management and labor had seen the MRA plays in 1953 there had been no strikes and conditions had improved. "The Southern Railwaymen are greatly indebted to MRA," he said. "We stand now for what is right and the moral principles of Dr. Buchman."

The leading women of Madras received the force. Muda Krishnamurthy, the secretary of the Women's Indian Association, said, "East and West meet in the ideology of MRA. It brings a revolution in people like me. Your ideals must run faster than sputnik."

In Thiruvella, P. S. George, treasurer of the state congress committee, said, "You leave a rich heritage here—people committed to MRA. We have a big responsibility. We have got to do the job."

AFRICANS ROUSE NORDIC NORTH

(By Derek Gill)

In ice-bound Oslo they rubbed their eyes when they saw two Africans, wearing traditionally colorful robes, and striding down the main shopping street. John Amata, a political leader from Nigeria, and Manasseh Moerane, a former president of 10,000 teachers in South Africa, were 2 of the 5 members of an African force which has been on a whirlwind tour of four Nordic countries.

"Africa," they told the Finns, "is fighting shoulder to shoulder with you in presenting the nations with an ideology that will win the world for God." "Africa," they told the Swedes, "is finding the answer to racialism, to the fear born of hatred and greed." "Africa," they told the Danes, "demands permanent freedom, and needs the help of free people everywhere to prevent a new and more sinister imperialism feeding on new-found independence." "Look at your map of Africa," they told the Norwegians. "Think what would happen to your fair country of forests and fjords were Africa to become another Red China."

With Amata and Moerane were three white South Africans, members of a racial group which, in the eyes of the world, symbolizes the dark passions of the color bar. But these three white South Africans were men freed of bitterness and fear—freed by an ideology which united them with the Africans.

"You have hit our country with the force of a nuclear explosion," a Swedish politician told the MRA African force. "You have persuaded me that I too am at war," said a Norwegian churchman. "Out of the dark continent has come a light to show us the enemy," said a Danish businessman.

FINLAND

In Finland, the grand old man of Nordic Socialism, Dr. Vaino Tanner, invited the visitors from the South to speak to his party's parliamentary faction. Finnish Education Minister Keikki Hosia, greeting the visitors, was photographed by a battery of newsreel and press cameras. In Finland, where, in the words of an industrialist, "we feel the hot breath of communism down our necks," men and women listened with surging hope as the Africans outlined the global struggle.

When a Finnish student asked cynically where was the association between Africa and his country, we told him that in Africa there were 4 million white people with fear in their hearts for 200 million black people. In Finland, we said, there were 4 million people with fear in their hearts for a neighboring state of 200 million. "The answer to fear is the same in every language," we told the Students' Association. "The answer begins in the heart of the individual, and the answer will end when the world is freed of the hate and the beastliness that are its fruits."

In a 40-minute television program from a Helsinki studio, the African MRA force pierced the Iron Curtain.

SWEDEN, DENMARK, NORWAY

At the Stockholm Airport, the King's Chamberlain, Mr. James Dickson, was the first to greet the visitors. Dining with the highest military leaders in the country, the Africans discussed the global strategy of the ideological conflict.

Arriving in Copenhagen in subfreezing weather—conditions vastly removed from the familiar hot veld and steaming plantations—the Africa force were whisked to a television studio where they were featured in a live peak-hour program, seen by over one million viewers.

A glittering dinner attended by Copenhagen's most influential citizens and members of the diplomatic corps climaxed a dawn to midnight schedule, which included sessions with the Foreign Minister Jens Otto Krag, and Deputy Speaker Ole Bjorn Kraft.

Thus to Norway, where the MRA Africa force found itself hot on the heels of Soviet Minister Mikoyan, who, 3 days earlier, had paid Oslo, a purposeful visit. Indeed, Mikoyan had been drawn into public debate on the ideology of MRA when, before a vast crowd, he was asked by noted Norwegian journalist, Erik Egeland, to compare his creed with the only other world ideology—and to choose the better.

Here again the Africa force found doors opened to the homes and offices of the most important in the land—including the Foreign Minister Hallvard Lange, the Chairman of the Nobel Peace Prize Committee, Mr. Jahn, and the Speaker Mr. Langhelle, who, in precedence, stands next to the King.

As the Africa force flew out today, they were told that after the sledgehammer blow of the manifesto ("Ideology and Coexistence") and the follow-up punch of the visitors from the sunny south, the north was ablaze and ready to take on the remaking of the world.

AND ON TO ICELAND

The President of Iceland, Asgeor Asgeirsson, officially received in Reykjavik an MRA force, both white and black, from South Africa, Rhodesia and Kenya. In an hour-long interview he heard them present the global ideological alternative of Moral Re-Armament or communism.

Others who received the force included the Minister of Culture, the bishop of Iceland, the Chairman of the Trades Union Congress, the Danish, Norwegian, and German Ambassadors. The chief editors of the three largest newspapers dined with the Africans and the press carried extensive coverage of their visit.

A packed audience, with 100 standing, saw the premiere of "Freedom," the full-length African feature film, at Reykjavik's largest theater.

ON THE OFFENSIVE

(By Air Commodore N. Blair-Oliphant)

We are being brainwashed.

The Communists would have us believe that we have only to give up our nuclear weapons for the world to live in peace. Their promotion of the concept of peaceful coexistence is part of their plan to undermine our will to resist.

The democracies are already on the defensive. Our defense strategy, based on nuclear weapons, has been one of deterrence and massive retaliation. It has been successful in preventing a war of arms. Right now, however, the Communists are engaged in a war of ideas. In this field defense by itself is not enough. The only effective strategy is a massive offensive with an ideology superior to communism.

We need to prevent the war of arms, but we must win the war of ideas.

Armament is the expression of a nation's will to resist.

Moral Re-Armament is the expression of a nation's will to win.

In "Ideology and Coexistence" we have a weapon for massive offensive action.

The above issue of MRA includes several pictures with the following captions:

The Governor of Kerala, H. E. Ramakrishna Rao, gives a reception at his residence to launch the Moral Re-Armament offensive of German miners with a force drawn from 14 nations. Seated at the center is Mannath Padmanabhan, 83-year-old leader of the liberation struggle which ousted Communists from power. Padmanabhan, who invited Moral Re-Armament to Kerala, said, "We must give a permanent answer to communism and unite all those who believe in God."

Hans Herrig, former veteran Communist leader and ex-chairman of the Communist Party in Castrop Rauxel in the Ruhr, speaks to workers of the Kerala state Transport Workers Union at the union headquarters in Trivandrum.

The president-elect, Archbishop Makarios, receives German miners from the Ruhr at the archbishopric where they talked together for 45 minutes.

It is a unique event in Cyprus to see more than a thousand members of the Greek, British, and Turkish communities, not only assembled in one place, but unitedly acclaiming one idea.

The Vice-President-Elect of Cyprus, Dr. Kutchuk, receives the MRA force which includes German miners from the Ruhr.

The Governor Sir Hugh Foot on the lawns at Government House receives a miniature miner's lamp from Robert Wegerhoff, Ruhr miner, who is part of the MRA ideological force presenting the German play "Hoffnung."

I would like to outline another method by which the Moral Re-Armament program conducts its work. Under the leadership of outstanding Americans in the U.S. Senate, such as Senator HUMPHREY and others, a play called "Hoffnung"—Hope—on the subject of Moral Re-Armament, given by German miners from the Ruhr, is being brought to America. Following is a news item dealing with this subject:

U.S. SENATORS INVITE PLAY, ADENAUER SUPPORT ASKED

Eleven U.S. Senators cabled Chancellor Konrad Adenauer for support to "cement the unity of our two countries," by sending the Moral Re-Armament play, "Hoffnung" (Hope) to Washington.

"We have heard of the effective work performed by German miners with this play in uniting Western Europe," they said. "We believe that it can do much to cement the unity of our two countries at this critical time.

"We warmly invite the miners to bring their play to Washington this spring, and would value your support for this important ideological move."

They added their birthday greetings and said, "We are grateful for your statesmanship in face of the strategy of world communism."

The signatories are Senator EVERETT DIRKSEN, minority leader, and Senators FRANCIS CASE, JOHN SHERMAN COOPER, HUBERT H. HUMPHREY, ESTES KEFAUVER, OREN E. LONG, RUSSELL B. LONG, EUGENE MCCARTHY, JOHN MCCLELLAN, GEORGE SMATHERS, and ALEXANDER WILEY.

"Hoffnung" is an ideological weapon of historic importance which is creating unity between Britain, France, and Germany and is answering Moscow's bid to divide Europe. Performed by former Communist German miners it has played to packed houses in Bonn, Berlin, London, Amsterdam, and Paris.

After the Chancellor's visit to Britain 3 months ago he said the play gave him specially effective support.

Former Prime Minister and Foreign Minister Guy Mollet invited the play to France to bring ideological clarity before Khrushchev's arrival in the spring.

Many newspapers have been extremely cooperative in telling the story of Moral Re-Armament. At this point I place in the RECORD the full-page story from the San Marino (Calif.) Tribune, of Thursday March 24, 1959, entitled "MRA: The Answer to Communism":

MRA: THE ANSWER TO COMMUNISM

(By Adm. William H. Standley, former Chief of Naval Operations and former U.S. Ambassador to Moscow)

SAN DIEGO, March 24, 1959.—It is well known to all my friends in San Diego and for that matter to all San Diego residents that I am and have been for years a definite and outspoken enemy of communism. My stand on the McCarthy issue is well known to them all.

We are in a world war of ideas and our greatest need is to go on the offensive. We must awaken America to the need of arming our Nation wih an ideology as well as through economic and military means. Subversive forces are tearing down and undermining the moral strength of America. At the same time with ruthless duplicity Moscow is sweet one day and tough the next with a strategy which the free world has failed to comprehend.

Moral Re-Armament, which came to San Diego with an international ideological force of 150 men and women from 23 nations is at the same time effectively operating with similar forces in Europe, Asia, and Africa. I have known Moral Re-Armament for 20 years. I know it is effectively answering communism. Moscow attacks it for that reason. Subversive forces, aiming to weaken the free world and destroy Moral Re-Armament, have accused it of being pacifist, and are behind this mischievous propaganda.

Moral Re-Armament strives to make men and nations incorruptible and therefore a bulwark against the advance of communism in this country as well as every other free country. Moral Re-Armament provides strength for democracy. It is a continuation of the American Revolution on a world scale. With Moral Re-Armament America can go on the offensive in the world war of ideas.

To set the record straight, Moral Re-Armament is not and has never been pacifist. It shares equally in importance with material rearmament. Both are essential to our survival. Men trained in Moral Re-Armament have served and are serving with honor on many battlefields of the world. When the Second World War was over these men knew that the real battle had just begun. In the last 20 years a force of men has been built on every continent with the training adequate to the need. Moral Re-Armament ranks with the highest form of patriotism and is providing an irreplaceable national service.

Dr. Frank Buchman, the founder of Moral Re-Armament and a great American, 30 years ago saw the need for an ideological force in the free world and started then to create the answering force. He says, "We need an idea in the head and an answer in the heart as well as a gun in the hand."

Moral Re-Armament is being recognized as a superior ideology to communism throughout the world. Statesmen in key areas are turning to it. Chancellor Adenauer of West Germany in inviting an MRA force to Germany says, "Unless the work of Moral Re-Armament is carried forward, peace in the world cannot be maintained."

Prime Minister Kishi of Japan, inviting the MRA force to Japan, says, "This idea is the most needed one at this crucial time in our history."

Rajmohan Gandhi, grandson of Mahatma Gandhi, said to me, "For India the choice today is Moral Re-Armament or communism."

I believe the same choice confronts America: Moral Re-Armament or communism.

Moral Re-Armament is bringing a rebirth of democracy and is restoring God to leadership in the lives of men and nations. I have witnessed these ideological plays recently presented in San Diego by Moral Re-Armament and am more convinced than ever that they are bringing the answer for all mankind.

The excerpts from the San Marino Tribune contains several photos with the following captions:

Adm. William H. Standley, the former Chief of Naval Operations and formerly U.S. Ambassador to Moscow, in a statement printed on this page called MRA "the continuation of the American Revolution on a world scale." He adds: "The choice that confronts America is Moral Re-Armament or communism."

SAN DIEGO.—Gen. J. W. O'Daniel, seen here with some of the cast of the MRA Asian play, "The Road to Tomorrow," after a presentation in San Diego last week. General O'Daniel, who commanded the famous "Hell on Wheels" 3d Division, which fought through Italy into Germany, and was known as "Iron Mike" by his men, called MRA "the answer to communism for the whole world."

PALM SPRINGS.—Mayor Frank Bogert greets Rajmohan Gandhi, grandson of the Mahatma. The mayor presented the keys of the city to Gandhi and the MRA force following performances of the MRA play at the Palm Springs High School Auditorium. The mayor said the visit of this MRA force was "the best thing ever to happen to Palm Springs." The school board has since passed a resolution inviting the MRA youth play, "The New American," for a presentation in the high school at a school assembly.

WASHINGTON.—Two missile experts, Dr. S. D. Cornell, Executive Officer of the National Academy of Sciences, Washington, D.C., and B. F. Coggan, general manager, Convair, San Diego. The MRA task force has been in San Diego this week at the invitation of Coggan and other senior citizens. Speaking in Los Angeles recently, Cornell said: "Today we face three alternatives. Atomic war, world dictatorship, or renaissance for all men through MRA."

EL TORO MARINE BASE.—Maj. Gen. S. S. Jack, Commanding General AirFMP Pacific, with members of the MRA task force, following a presentation of the MRA plays at the Marine Base this week. With General Jack is a Japanese who spent 11 years in a Russian prisoner-of-war camp in Siberia. In Russian periodicals there he read attacks on MRA. The MRA plays were invited to the base by the base commander, Brig. Gen. Ronald Salmon.

BEVERLY HILLS.—Chief of Police Clinton Anderson talks before the MRA play with Kichizaemon Sumitomo of Japan. Sumitomo is head of the well known banking and industrial family which employed half a million men before the war. He has been in Los Angeles with the MRA task force.

CYPRUS.—John McGovern, member of the British Parliament for 28 years, and Zenon Rossides, Greek U.N. Delegate, and political advisor to Archbishop Makarios, confer on the Cyprus problem at the MRA assembly in Los Angeles. Rossides then flew directly to the Cyprus Conference in London, where he played a significant part. The Greek Ambassador to the U.N. recently wrote MRA expressing his "thanks for the valuable contribution made by MRA toward the settlement of Cyprus."

INDIO.—A high school audience in Coachella Valley High School sees the MRA play, "The New American," during a school assembly. This play, written by high school and university students, has had an enthusiastic response all through southern California.

An excellent article on the famous meeting between Konrad Adenauer and the founder of Moral Re-Armament, Dr. Frank N. D. Buchman, from the Tucson (Ariz.) Daily Star of March 22, 1960, follows:

ADENAUER, BUCHMAN CONFER—GERMAN, MRA HEAD RENEW FRIENDSHIP

Dr. Frank N. D. Buchman, initiator of the Moral Re-Armament program and Tucson winter resident, has just returned from 3 days spent in Los Angeles on the invitation of Chancellor Konrad Adenaur of West Germany.

Adenauer, who has been a close friend of Dr. Buchman for a number of years, had hoped to visit him in Tucson, but his official program left inadequate time for the return journey from Los Angeles, where the Chancellor received an honorary degree from the University of California and addressed the Los Angeles World Affairs Council.

Press reports of the university ceremony said that the Chancellor called for "the moral arming of youth for the struggle with communism as the major objective of education in the free world."

Adenauer, who first came with his family and staff to the Assembly of Moral Re-Armament in Caux, Switzerland, in 1948, has taken an active part in the development of MRA throughout the world. Speaking to Dr. Buchman on Saturday at a luncheon for old friends among the California leadership, he said: "I must tell you how much I value you and your work of Moral Re-Armament. It is absolutely essential for the peace of the world."

In an article which the Chancellor recently wrote in the American press entitled, "Moral Re-Armament—the World's Hope," the Catholic Statesman said, "At this time of confusion in Europe and especially in divided Germany, we need an ideology that brings clarity and moral power into shaping international relations. A nation with an

ideology is always on the offensive. A nation without an ideology is self-satisfied and dead.

"Dr. Frank Buchman, founder of Moral Re-Armament, is making a great contribution to international unity and to the establishment of social justice. The way he has labored to establish relations between men and nations on firm foundations of moral values, will never be forgotten. Unless this work is carried forward, peace in the world cannot be maintained."

On his arrival in Tokyo this week, Adenauer will be greeted by a force of 100 men and women from the Ruhr coal and steel industries of Germany, whom he commissioned to precede him to Japan with the MRA ideological play, "Hoffnung." They were invited by Premier Kishi and leaders of government and the opposition.

Following this article is a photo with following caption:

Dr. Frank N. D. Buchman, initiator of Moral Re-Armament, is questioned by Chancellor Konrad Adenauer, left, of West Germany about a historic cane which he carries. It is a replica of a famous stick belonging to Frederick the Great of Prussia and was given to Dr. Buchman by Prince and Princess Adelbert of Prussia. The two friends met at a luncheon given by the German Consul-General in Los Angeles during the Chancellor's visit.

Another article by Konrad Adenauer which appeared in the New York Journal American on Sunday, January 31, 1960, entitled "Adenauer Calls MRA World's Hope," follows:

ADENAUER CALLS MRA WORLD'S HOPE

(The ideology of Moral Re-Armament is seen by West German Chancellor Konrad Adenauer as vitally important at this stage of world affairs. His government has awarded the Grand Cross of the Order of Merit to Dr. Frank Buchman, founder of Moral Re-Armament. In the following article written exclusively for the New York Journal-American, Chancellor Adenauer discusses this ideology.)

(By Konrad Adenauer)

At this time of confusion in Europe we need, and especially in divided Germany, an ideology that brings clarity and moral power into shaping international relations. A nation with an ideology is always on the offensive. A nation without an ideology is self-satisfied and dead.

Communism has gone through many phases—Marxism, Leninism, Stalinism, now Khrushchev. But one thing has remained unaltered—its aim of world domination. We must be prepared to continue the ideological struggle for several decades yet, but I am convinced Khrushchev's grandchildren will not be Communists.

Dr. Frank Buchman, founder of Moral Re-Armament, is making a great contribution to international unity and to the establishment of social justice. A lasting memorial to his work is established in the hearts of mankind of this age. The way he has labored to establish relationships between men and nations on firm foundations of moral values will never be forgotten.

Now is the time to work more strongly than ever for European unity through MRA. A Europe in which freedom and brotherhood should reign can only be created when nations are mutually conscious of their moral responsibility. MRA has given most valuable stimulation to the great work of uniting Europe. Unless this work is carried forward, peace in the world cannot be maintained.

If all nations are to continue to live together, one of the most pressing tasks of our age is to overcome prejudices that exist between people, races, and nations. In this field MRA has made an important contribution.

May it above all pass on the truth that the one real hope of nations living together in peace can only be found through a change in the human heart.

We can be grateful to the men and women of Moral Re-Armament that in this world of destruction they have had the courage to raise the banner of moral values. MRA has become a household word in postwar Germany.

The German people gratefully recognize the help which has come so readily to them through MRA. Very soon after the end of the war this ideology reached out a hand to the German people and helped them make contact again with other nations. In Western Germany MRA has worked very forcefully in the creation of good relations between management and labor.

Men and nations cannot outwardly enjoy stable relations until they have been inwardly prepared for them. In this respect MRA has rendered great lasting services.

We have seen the conclusion after some difficult negotiations of important international agreements. MRA has played an invisible but effective part in bridging differences of opinion between negotiating parties. It has kept before them the objective of peaceful agreement in search for common good which is the true purpose of human life.

Begin with yourself—that, in my opinion, is the basic challenge of MRA. May this challenge ring out far and wide across the whole world and into all nations.

The Morning Call of Allentown, Thursday, December 31, 1959, published an article entitled "Admiral Sees MRA Key Red Foe," by Rear Adm. Adolphus Staton, graduate of the Naval Academy. With 40 years' service in the U.S. Navy, he holds the country's two highest battle awards, the Medal of Honor and the Navy Cross. The article follows:

ADMIRAL SEES MRA KEY RED FOE

(By Rear Adm. Adolphus Staton)

Tass, the official Moscow news agency, in two successive attacks on Moral Re-Armament 2 weeks ago, triggered off a wave of virulent accusations in the principal Kremlin propaganda organs.

The reason is obvious.

Intelligence sources in Washington reveal that MRA has been discussed in the top echelons in Moscow and Peiping and made a high priority target of world communism. One Middle East Ambassador said this week in Washington to one of my friends, "MRA is high on the Kremlin agenda because they got into Africa ahead of them."

A Finnish visitor to the Kremlin was told that the greatest obstacle to the advance of communism was MRA.

Gabriel Marcel, the noted French Catholic philosopher and author, writing in the Paris newspaper Figaro, said: "One fact which proves the scope of Moral Re-Armament is that the men of the Kremlin are troubled about it. They make many broadcasts as a warning against a movement which is undermining the very foundations of the Communist ideology."

A great American, Adm. William H. Standley, put it very clearly. He said: "I have known MRA for 20 years. I know it is effectively answering communism. It strives to make men and nations incorruptible and therefore a bulwark against the advance of communism in this country as well as every other free country. MRA provides strength for democracy. It is a continuation of the American Revolution on a world scale. With Moral Re-Armament, America can go on the offensive in the world war of ideas."

Standley knows what he is talking about. He was Ambassador to Moscow and, of course, was chief of naval operations.

The points he made were stressed by 96 Members of Congress, including the Speaker and the minority leader, in a message to Allentown's Dr. Frank Buchman expressing their gratitude on his 76th birthday. They said, "You have given a uniting idea to nations that can turn the ideological tide in the world today."

The Chaplain of the Senate, Dr. Frederick Brown Harris, described MRA as "a global crusade to win the world to the actual practice in individual lives of the New Testament. Here is the way which can turn the tide of communism."

UNDENIABLE RESULTS

My experience in naval intelligence work has shown that a force as effective as this will inevitably draw fire. It all serves to underline the undeniable results being achieved.

Those of us who understand the vital necessity of NATO realize the importance of Franco-German-British unity.

Just this week, Frank Buchman received a letter from Chancellor Konrad Adenauer, of Germany thanking him for the part MRA has played in making his recent visit to Britain the success it was. Adenauer said that MRA had upturned the thinking of Britain. He, of course, credits MRA with the miracle of postwar Franco-German unity. He says it prevented the German Ruhr from going Communist after the war. It is an established fact that Communist representation on the works councils of the Ruhr dropped from 72 percent to 25 percent in 2 years. This is what Adenauer describes as "the test case of MRA's effectiveness."

In a recent cable to Dr. Buchman, the Chancellor said, "Unless the work of Moral Re-Armament is carried forward, peace in the world cannot be maintained."

On the southern flank of NATO is the strategic island of Cyprus. Last year its bloody divisions nearly tore NATO apart.

Then came a settlement acclaimed by the London Times as "a miracle," and which Greek and Turkish leaders said was largely due to what MRA had done. It is significant that the first joint statement by the newly elected president, Archbishop Makarios, a Greek, and the vice president, Dr. Kutchuk, a Turk, was a Christmas message sent to Frank Buchman last week.

BLACK MARK

The blackest mark in America's page apparently came to a close last week with a handshake in Little Rock between Daisy Bates, president of the Arkansas NAACP, and Governor Faubus. Papers all across the country carried the picture of the two shaking hands.

Mr. Bates, as reported in the Pittsburgh Sun-Telegraph, said: "It was my wife's experience in MRA that gave her the courage to ask for this appointment with the Governor, and it was probably something of MRA in him that made him accept. This may be a turning point." The editorial continues, "MRA is one of the most effective counter ideologies to communism in the world."

Today America is in a global war of ideologies. MRA is in the forefront of this fight. That is why Holland's largest Catholic daily states in an editorial: "In an age in which statesmen from the West are negotiating with great difficulty with the Kremlin to achieve peaceful coexistence • • • when representatives of trade unions and parliaments hurry to Moscow to undergo friendly brainwashing—in this age MRA hoists the

storm signal: Coexistence is impossible. The battle is between Christ and anti-Christ. The Catholic community of Holland wholeheartedly subscribes to the present call."

I agree with my comrade in arms, the late Adm. Richard E. Byrd, who said of MRA, "This is the chance for every red-blooded American to go into action to save civilization."

Of course, there are some who consciously or unconsciously misunderstand the scope of this work. A senior military figure from Washington once wrote Frank Buchman: "Your work for the establishment of practical Christianity as a vital force in the defense of our democracy brought attack from the Communist press both during the war and since. Many patriotic circles were misled by such attacks."

I am one of hundreds of thousands in this country and abroad who owe an eternal debt of gratitude to Frank Buchman. He as none other has reached down deep into our hearts to touch that spark of patriotism and roused us to stand and fight that freedom may be preserved.

By now you must have guessed that I am a bit enthusiastic about this program, but I could not close without demonstrating some of the victories that have already been achieved to prove this program will work.

Archbishop Makarios, regarding the influence of Moral Re-Armament in the well-known Cyprus crisis, stated:

We need Moral Re-Armament now more than ever to make the Cyprus agreement work.

Dr. Kutchuk, leader of the Turkish community on Cyprus, said:

Those who have seen the MRA ideology at work will create a happy island free from hate and bitterness and a true democratic government.

Perhaps hardest to prove, but equally significant, is the value of Moral Re-armament in the relations between France and Germany. The very fact that Khrushchev feels called upon to spend this long period of time in France trying to stir up new animosities between the German and the French people is significant.

Another conquest for democracy that Moral Re-Armament entered into was the province of Kerala in Southern India. Kerala had gone Communist. It was a well-known fact in the world. Rioting and violence were erupting all over the province. All of India and all of the non-Communist world feared that the fate of Kerala might become the fate of all of India. But, as we know, as a result of the activity of the Moral Re-armament forces in the province, the various political factions were drawn together to present a common front, which won a victory over communism in the elections. Writing on this, the New York World Telegram and Sun, on Saturday, March 19, 1960, stated:

Kerala with Moral Re-Armament will root out communism from India.

This was a quote of one of the leaders of this province.

Under unanimous consent I include the entire article in the RECORD at this point.

MRA, KERALA CALLED ANSWER TO INDIAN REDS

TRIVANDRUM, SOUTH INDIA., March 19.—"Kerala with Moral Re-Armament will root out Communism from India."

This is the verdict of Mannath Padmanabhan, grand old man of the crucial south Indian state, Kerala, at the end of the first 10 days of the offensive there by the international Moral Re-Armament force.

Mr. Padmanabhan is the man who, as president of the liberation movement, led a statewide campaign to oust the earlier Communist government and is called the man most responsible for the recent election victory of the non-Communist front.

At the invitation of Mr. Padmanabhan and other state leaders, the Moral Re-Armament force of German mineworkers came to Kerala with the ideological drama "Hoffnung." In 6 nights 15,000 people crowded the university Convocation Hall, the largest theater in south India in Kerala's capital, Trivandrum.

The governor, chief minister of the new cabinet and thousands of university students, Marxist leaders and Catholic and Protestant dignitaries saw the play.

Kerala has the highest Christian percentage in India, yet it was the first to elect a Communist government. A Catholic priest said after studying the impact of MRA on the state, "This is the way to answer communism."

Kerala's need is twofold. One is to keep the non-Communist alliance united. The Communist strategy is to divide the different non-Communist leaders through personal ambitions.

The second great question in Kerala is, can non-Communists win over convinced Communists? Even though the Communists were beaten in the elections they increased their total poll by a million.

The popular dailies and weeklies of Kerala, India's most literate state, carried news of the MRA offensive on front pages. Even the Communist newspaper conceded that "Moral Re-Armament has now become very popular in Kerala."

Where is the wellspring for this movement, Mr. Speaker? The wellspring begins in the hearts of people. Once they have admitted to themselves that they are listening to their innermost thoughts, perhaps it is then time to go to one of the great Moral Re-Armament centers of the world to learn how to direct the drives of the heart. In America our center is at Mackinac Island in the Great Lakes, where the facilities include living quarters for over a thousand people, a great central meeting hall, a television production studio and theater. To this island have come thousands of people from all over the world of all races and all religious creeds, meeting and crystallizing their ideas toward the concept of the true brotherhood of man. Hates and fears of generations have been wiped away on Mackinac Island. People who have not spoken to each other for years have found a common meeting ground on this little island. Similar work is being conducted at Caux—pronounced Co—Switzerland. These are training centers in the war of ideas which equip men and women to live and to apply the great truths on which this country was founded.

One demonstration of the way this work is conducted is shown by a full-page advertisement which appeared in the Arkansas Gazette in Little Rock, Ark., on Thursday, August 13, 1959, at the peak of the demonstrations involved in the segregation fight at Central High School:

A MAGNA CARTA FOR THIS MODERN GENERATION

(By Muriel Smith)

(This call to America was given at the Summit Strategy Conference for Moral Re-Armament at Mackinac Island, Mich., by this internationally known concert, stage, and opera star. Miss Smith stars in the forthcoming MRA film "The Crowning Experience." The film is inspired by the life of Mary McLeod Bethune, born of slave parents, who became adviser to U.S. Presidents, and who said of MRA, "to be a part of this great uniting force of our age is the crowning experience of my life." In the musical "The Crowning Experience," Miss Smith played in Atlanta, Ga., for 4 months last year. It later broke the 123-year attendance record of the National Theater in Washington, D.C. Miss Smith started her career as the original lead in "Carmen Jones." During her 5 years at London's famed Theatre Royal, Drury Lane, she gave a command performance for King George VI. Then in the Royal Opera House at Covent Garden, London, she played the name role in "Carmen" during 1956 and 1957.)

Born and raised with the race question in America, I have through my life and through my career tried to bring an answer to this problem. The results were ineffective and bordered on disaster. Then I met the force of Moral Re-Armament and discovered that the answer to that great wound in this Nation could begin in my heart and in my life. It meant I had to be honest about my past, clarify my motives, and unselfishly to strike out with no thought of personal gain or ambition with the love for the world that comes when we surrender our wills to be wholly committed to the power of God.

What can I do, I asked myself, to bring the answer to the American Negro? To the American people? How can I help to make a positive out of a situation which has turned into one of the least attractive aspects of democracy? Could the lessons of slavery be used to help men? We have given our Nation and the world the music of our spirituals out of that suffering. Is there something else we might give?

I thought of my days at the Curtis Institute of Music in Philadelphia. I was a scholarship student. Occasionally I was able to earn extra money as a soloist with the chorus of Lincoln University. This is the university which helped to produce two men who have become leaders in their countries, Dr. Nnamdi Azikiwe of Nigeria and Prime Minister Kwane Nkrumah of Ghana. It is one of the universities of America which means a great deal to me. Unless Lincoln and all other colleges are equipped with the right idea they will be taken over by the wrong one.

With all my heart I believe that Moral Re-Armament is the ideology we need desperately in America. I believe too, that we are 15 minutes into the hour God has given us to fight, that democracy becomes what it is meant to be—a system which enlists the total resources of everyone to remake the world.

There must be no hold back because of old patterns of bitterness and hatred which have caused so much division in our country. The ideology of communism grows on these weaknesses. The ideology of Moral Re-Armament teaches us how to heal them. When we allow our lives to be ruled by our passions, we become unwittingly the tools of men whose purpose is to control the world by any means. The end of this is slavery.

The historical past of my people and their emergence from the bonds of slavery are on the records of history as one of the great miracles of this age. We are equipped to

understand the meaning of slavery. We know what is the real meaning of victory through persecution.

I implore you in this hour of great urgency in the free world to accept this ideology of Moral Re-Armament and use it to cure the sickness of our Nation. Division can only reproduce the same conditions of slavery, but this time it will be on a global scale. Before we Americans are free to speak to the world we must be free to speak to our neighbors.

Why do we, through the unhealed hurts of the past, permit ourselves to be used to create again the same human dilemma when there is an answer? The issue is not color, it is character. The choice is communism or Moral Re-Armament.

When we rearm ourselves morally, we are free to fight to change human nature. It gives us that new character, that extra dimension of thought and action. It replaces the petty preoccupation of self with the dedicated purpose of living for a great idea.

The struggle of my people has been for full participation in the affairs of our Nation. This is the time to take the offensive with the ideology of Moral Re-Armament which alone can achieve that goal. We have been prepared by history for the supreme part in this our Nation's task in setting the whole world free.

(Moral Re-Armament is incorporated in the State of New York as a nonprofit corporation. It is supported by voluntary, unsolicited gifts. All its workers serve without salary. Checks made out to Moral Re-Armament are deductible for income tax purposes. If you wish more information write to: MRA, 640 Fifth Avenue, New York 19, N.Y., or Cedar Point, Mackinac Island, Mich.)

(This page has been contributed as a national service by a group of patriotic citizens.)

The above also includes three other pictures with the following captions:

Rajmohan Gandhi, grandson of Mahatma Gandhi, receiving the keys to the City of Washington from the President of the Commissioners of the District of Columbia on the occasion of the presentation of "The Crowning Experience" in Washington. Gandhi states, "The choice for Asia today is Moral Re-Armament or communism. I have committed my life to Moral Re-Armament."

Gabriel Marcel, eminent French Catholic philosopher tells Mr. Camille Alliali, vice president of the Ivory Coast Legislative Assembly, "the Geneva Conference will either fail entirely or wind up in compromise or disillusionment. Moral Re-Armament alone shows us the way."

Germany's Chancellor Adenauer with Phra Bimaladharma, head of 200,000 Buddhist monks of Thailand. The Chancellor cabled Mackinac, "You know what great significance I attach to the ideological fight that Moral Re-Armament is waging in the whole world against communism."

Perhaps the power of this program can best be stated by quoting from Miss Muriel Smith, the great dramatic Negro actress, who stars in the forthcoming Moral Re-Armament film, recently shown privately in Washington entitled, "The Crowning Experience," when she asid:

When we rearm ourselves morally, we are free to fight to change human nature. It gives us that new character, that extra dimension of thought and action. It replaces the petty preoccupation of self with the dedicated purpose of living for a great idea. The struggle of my people has been for full participation in the affairs of our Nation. This is the time to take the offensive with the ideology of Moral Re-Armament, which alone can achieve that goal. We have been prepared by history for the supreme part in this our Nation's task in setting the whole world free.

I would like to challenge mankind to learn to know the power of Moral Re-Armament.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I shall be happy to yield to the gentleman from Texas who I understand is going to speak about a subject very similar in nature.

Mr. POAGE. If the gentleman will yield to me I would like to discuss a matter involved in the legislation which the gentleman from Iowa introduced, as well as the gentleman from Texas.

Mr. WOLF. I am always happy to be on the same side with the gentleman from Texas.

Mr. POAGE. I thank you.

Mr. Speaker, most of us have been in politics long enough to know that there will be different interpretations placed on our actions. We know that different individuals will honestly arrive at different conclusions. It is perfectly proper that there should be criticism of proposals which I make and which I think would be of outstanding benefit. Other citizens just as sincerely think that these proposals will be hurtful.

No one can complain about this kind of criticism. It is the way we determine the merits and demerits of pending legislation. Nor am I going to be completely upset when the chairman of the Republican National Committee accuses me, as he did last night in Lincoln, Nebr., of proposing a program to "make virtual serfs of farmers" or of presenting a "discredited blueprint for the regimentation of all agriculture."

I assume that he included the gentleman from Iowa as well as me in that statement.

Mr. WOLF. I am sure he did.

Mr. POAGE. These are more or less figures of speech and they only indicate to me that Mr. Morton recognizes in the pending Family Farm Income Act of 1960 a serious effort to deal with the ever-worsening problem of low farm income and ever-rising surplus stocks.

I do not for a minute charge that either Mr. Morton, or any other responsible Republican Member of Congress, doesn't want a solution to the farm problem. He simply wants it to be a Republican solution. And he is alarmed to find that there is real and widespread sentiment supporting the basic idea that we should establish some guidelines here in Congress which would require the actual balancing of supply with demand, the elimination of further buildup of surpluses in the hands of the Government and the reduction of Government expenditures on the agricultural program, and that we should then let the producers of each commodity work out their own programs within these guidelines.

But, Mr. Speaker, it is an entirely different thing when a newspaper and/or a farm publication circulates an alleged statement of the contents of a bill which involves direct and categorical false statements.

I would not be particularly concerned with the truth or falsity of anything that appears in the Chicago Tribune. I do not know of many people who rely on that publication for any factual information. The Tribune's reputation for bias and irresponsibility is too well known. Last week the Tribune said:

But just let anybody try to claw his way loose from the straitjacket and the commissar comes down on him like a ton of bricks. For exceeding quota or allotment, the producers "shall forfeit to the United States a sum equal to three times the current market value of such excess." For violators of any order under the Poage bill, the fine is to run from $50 to $500 for each violation and for each day it is continued.

These are indeed wonderful ways to fight collectivization and to promote free enterprise. They couldn't be improved upon if they were invented in Russia.

This statement just happens to be completely false, and I am not talking about any false implication or interpretation. I am talking about the phrases which are in quotation marks and which are said to be taken from my bill. They are just not in the "Family Farm Income Act of 1960," either as I introduced it or as any of the other two dozen authors introduced it.

Mr. WOLF. Including me.

Mr. POAGE. Including the gentleman from Iowa [Mr. WOLF], but the language quoted is not in the gentleman's bill. It just is not there. Nothing like it is there, but I am not particularly concerned by anything printed in the Chicago Tribune.

I am concerned when the American Farm Bureau Federation official Newsletter picked up this irresponsible scandal and published it on the front page of the issue of March 28, 1960. I was concerned, Mr. Speaker, both because of the false statements which attacked me as a Congressman and because of the fact that as a longtime member of the Farm Bureau, I may have been an unwitting party to this "blow below the belt."

I wonder, Mr. Speaker, if it would be appropriate for me, as a member of the Farm Bureau, to here and now apologize to me as the author of this bill. If it is, Mr. Speaker, I hereby offer my apology. Our statements—that is, the statements of us Farm Bureau members in our official publication—are false and we are sorry we made them.

As a Congressman I invite the officials of my farm organization to publish in the Chicago Tribune, Farm Bureau official newsletter, and in a letter to me which I may insert in the RECORD, the page and the line in the Poage bill—H.R. 10355—where the words occur which were quoted in the above-mentioned article as having been lifted from the Poage bill.

If Mr. Donnelly, the editor of this Farm Bureau paper, or some other responsible official of the organization, will go over the bill, page by page, and line by line, and simply show me on what page and in what line this language occurs, I will reverse my apology and put it in the RECORD. The statement to which I refer is published in quotation marks as if lifted directly from the bill. The truth of the matter, Mr. Speaker, is that neither the Poage bill, or any other family farm income bill now pending in

the Congress, establishes any quotas or allotments and they do not contain any criminal penalties of any kind nor do they provide for any forfeitures.

Somebody has had a bad dream, Mr. Speaker. Somebody has built up a strawman against which they are carrying on a heroic fight. I do not object to this attack on windmills but I do not like for them to misrepresent me in order to make their attack look good.

No wonder the Farm Bureau's newsletter and the Chicago Tribune have only added to confusion in regard to the farm problem. Obviously, one who cannot, by reading, obtain a clear understanding of legislation or make a more objective report on what legislation contains, can hardly be expected to give the members back home a very clear picture of what is going on in Washington. So, again, Mr. Speaker, as a member of the Farm Bureau, I apologize for what my organization's paper has printed and I assure you that many of my fellow members back home, on the farms and in the local bureaus, will be interested in trying to get leadership in Washington and Chicago which can and will give a more factual and unbiased review of what efforts are being made by the Congress in behalf of the farm people throughout the Nation.

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from South Dakota.

Mr. McGOVERN. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Texas. I noticed in the press this morning that the administration has announced compensatory payments to cranberry growers of about $10 million. Last night, in Mr. MORTON'S speech in the State of Iowa, he seemed to single out compensatory payments as a special object of his ire, and he referred to it as putting the farmers in chains. I am wondering if the gentleman knows of any special virtue that cranberries might have that entitles that crop to compensatory payments but denys it to everything else.

Mr. POAGE. No, I do not. Since I do not know that cranberries are grown in the State of Utah, I am surprised that the administration decided that compensatory payments were good for them. I do know that two of the major crops in the State of Utah are sugar beets and wool, and I do know that for years we have had compensatory payments for sugar beets and wool and that they have been highly successful and have been looked upon as right respectable programs in the State of Utah.

Mr. McGOVERN. May I also ask the gentleman to comment on Mr. MORTON'S contention that we are putting farmers in chains under a program that is entirely voluntary. As the gentleman knows our bill provides machinery whereby the producers of any given commodity that participate in this program would first have to engage in a nationwide referendum and endorse it by a two-thirds majority. Does the gentleman think that there is any regimentation in a program based on two-thirds majority rule?

Mr. POAGE. Of course, I do not think there is any regimentation to it at all. But, as I pointed out earlier in my discussion, I am willing to let people adopt different interpretations and come to different conclusions. But, I am talking about just plain lifting words, putting them in quotation marks, and saying they came from a place when they did not come from that place. I am not talking about any misinterpretation; I am talking about plain, outright, misrepresentation. That is what I am talking about.

Mr. McGOVERN. I wholeheartedly endorse what the gentleman is saying. If the administration would show as much concern about other farmers as it does for the cranberry grower, we would have a much better agricultural economy today.

Mr. POAGE. And yet the publication of a great farm organization and a well known scandal sheet in one of our great cities makes the positive statement—not implication, but the positive statement and quotes the words which they say they lifted from the Poage bill.

Mr. WOLF. I thank the gentleman for his helpful contribution on the question of the farm problem.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HARMON (at the request of Mr. ALBERT), on account of death in his family.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. WOLF, for 1 hour and 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. PASSMAN and to include articles.

Mr. LEVERING and to include extraneous matter.

Mr. SAYLOR.

(At the request of Mr. BREWSTER, and to include extraneous matter, the following:)

Mr. MULTER in two instances.

Mr. COLMER.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 128. Joint resolution to establish a commission to formulate plans for a memorial to James Madison.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on March 30, 1960, present to the President, for his approval, bills of the House of the following titles:

H.R. 24. An act to provide that certain real property of the United States situated in the State of Nevada shall be held in trust for members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, Nev.;

H.R. 1540. An act for the relief of the estate of John Steve;

H.R. 2164. An act to reduce the cabaret tax from 20 percent to 10 percent;

H.R. 2740. An act to amend section 2734 of title 10, United States Code, to extend the statute of limitations in the case of certain foreign claims;

H.R. 2849. An act for the relief of Oscar A. LaBranche;

H.R. 4483. An act to amend the act of December 24, 1942 (56 Stat. 1086, 43 U.S.C. 36b), entitled "An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey";

H.R. 4586. An act to amend section 4021 of the Internal Revenue Code of 1954;

H.R. 5270. An act to authorize the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all right, title, and interest of the United States in certain lands located in Salt Lake County, Utah;

H.R. 5301. An act for the relief of Harry E. Nelson;

H.R. 5887. An act to amend the Tariff Act of 1930 to place ground, powdered, or granulated seaweeds on the free list;

H.R. 6023. An act for the relief of William J. Kaiser;

H.R. 6027. An act for the relief of Joseph J. O'Loughlin;

H.R. 6132. An act relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies;

H.R. 6136. An act to authorize the sale of certain tribal land of the Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin;

H.R. 6402. An act for the relief of Victor Stiglic;

H.R. 6516. An act to approve a contract with the Conejos Water Conservancy District, Colorado, to ratify its execution, and for other purposes;

H.R. 6885. An act for the relief of Neal E. Andersen;

H.R. 6948. An act for the relief of Miss Marion A. Cramer;

H.R. 7037. An act for the relief of Carl J. Fisher, captain, U.S. Army, retired;

H.R. 7079. An act for the relief of Don L. Herring;

H.R. 7116. An act for the relief of George W. Gibson;

H.R. 7365. An act for the relief of Mrs. Nell C. Player;

H.R. 7447. An act for the relief of Paul Levitt;

H.R. 7636. An act for the relief of Mrs. Viola H. Rooks;

H.R. 7889. An act to require marketing quotas for rice when the total supply exceeds the normal supply;

H.R. 7933. An act for the relief of Mrs. Virginia Bond;

H.R. 8106. An act to provide for the relief of certain members and former members of the Department of the Navy for the expenses of temporary storage of household effects;

H.R. 8318. An act to amend the Internal Revenue Code of 1954 to exempt bicycle tires and tubes used in the manufacture or production of new bicycles from the manufacturers excise tax on tires and tubes;

H.R. 8801. An act for the relief of the Maco Warehouse Co.; and

H.R. 9599. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in

the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation.

ADJOURNMENT

Mr. BREWSTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, April 4, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2004. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Panama Canal Company and the Canal Zone Government for the fiscal year ended June 30, 1959 (H. Doc. No. 366); to the Committee on Government Operations and ordered to be printed.

2005. A letter from the Secretary of Commerce, transmitting a report by the Department of Commerce relating to a study of the effect of the increases in postage rates of third-class bulk mail matter, pursuant to Public Law 85-426; to the Committee on Post Office and Civil Service.

2006. A letter from the Director of the Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation to the Department of Justice for "Support of U.S. prisoners," for the fiscal year 1960, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

2007. A letter from the President, Export-Import Bank of Washington, transmitting the report of the Export-Import Bank of Washington covering the period July to December 1959, pursuant to section 9 of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking and Currency.

2008. A letter from the Secretary of Labor, transmitting a draft of proposed legislation entitled "A bill to amend the Federal Employees' Compensation Act, as amended, to make benefits more realistic in terms of present wage rates, and for other purposes"; to the Committee on Education and Labor.

2009. A letter from the Administrator, General Services Administration, transmitting the report of the Archivist of the United States on records proposed for disposal under the law; to the Committee on House Administration.

2010. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill for the relief of Ndue F. Zefi"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HENDERSON: Committee on the Judiciary. S. 634. An act for the relief of Grace C. Ream; without amendment (Rept. No. 1442). Referred to the Committee of the Whole House.

Mr. TOLL: Committee on the Judiciary. H.R. 1725. A bill for the relief of Martin Pysz; with amendment (Rept. No. 1443). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 3107. A bill for the relief of Richard L. Nuth; without amendment (Rept. No. 1444). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 8806. A bill for the relief of the Philadelphia General Hospital; with amendment (Rept. No. 1445). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9106. A bill for the relief of John E. Simpson; without amendment (Rept. No. 1446). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9226. A bill for the relief of Pietro Mela; without amendment (Rept. No. 1447). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9249. A bill for the relief of Marlene A. Grant; with amendment (Rept. No. 1448). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9470. A bill for the relief of E. W. Cornett, Sr., and E. W. Cornett, Jr.; with amendment (Rept. No. 1449). Referred to the Committee of the Whole House.

Mr. KASEM: Committee on the Judiciary. H.R. 10230. A bill for the relief of Louis J. Rosenstein; with amendment (Rept. No. 1450). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 10947. A bill for the relief of Aladar Szozoszlay; without amendment (Rept. No. 1451). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAHILL:

H.R. 11489. A bill to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, insure the protection of the public interest, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11490. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CEDERBERG:

H.R. 11491. A bill to provide a different basis for determining the amount of money to be made available to the State of Michigan because of the location of national forest lands within such State, and for other purposes; to the Committee on Agriculture.

By Mr. DINGELL:

H.R. 11492. A bill to prohibit the use of Federal funds to further any policy of discrimination; to the Committee on Government Operations.

By Mr. FRELINGHUYSEN:

H.R. 11493. A bill to amend the Federal Employees' Compensation Act, as amended, to make benefits more realistic in terms of present wage rates, and for other purposes; to the Committee on Education and Labor.

By Mr. GILBERT:

H.R. 11494. A bill to provide an allowance for work clothing for certain postal field service employees; to the Committee on Post Office and Civil Service.

By Mr. GOODELL:

H.R. 11495. A bill to amend the Federal Employees' Compensation Act, as amended, to make benefits more realistic in terms of present wage rates, and for other purposes; to the Committee on Education and Labor.

By Mr. HALEY:

H.R. 11496. A bill to require the Secretary of the Interior to issue new or supplemental patents in certain cases where lands have been classified as nonphosphate in character; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 11497. A bill to amend title II of the Social Security Act to increase benefit amounts, provide disability insurance benefits without regard to age, to provide full retirement benefits for men at age 62 and women at age 60, to increase the limitation on the amount of outside earnings permitted from $1,200 to $2,500, and for other purposes; to the Committee on Ways and Means.

By Mr. HENDERSON:

H.R. 11498. A bill to readjust third-class postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McCORMACK:

H.R. 11499. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the use of surplus personal property by State distribution agencies, and for other purposes; to the Committee on Government Operations.

By Mr. PHILBIN:

H.R. 11500. A bill to provide for flood control activities in the Chicopee River Basin; to the Committee on Public Works.

By Mr. ROBERTS:

H.R. 11501. A bill to authorize grants to assist the States in strengthening professional nurse education, in order to relieve the shortage of well-trained professional nurses and to meet the requirements of Federal, State, and local government hospitals and health agencies, as well as of nongovernmental hospitals and other employers; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLF:

H.R. 11502. A bill to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls; to the Committee on Merchant Marine and Fisheries.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. FORAND: Memorial of the Rhode Island General Assembly memorializing the Congress of the United States with respect to raising the allowable income for persons receiving less than the maximum amount under the Social Security Act; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislature of the State of Maryland, memorializing the President and the Congress of the United States urging the U.S. Army Engineers to participate in the creation of an inland waterway between the Delaware Bay and the Chesapeake Bay; to the Committee on Public Works.

Also, memorial of the Legislature of the State of Rhode Island, memorializing the President and the Congress of the United States with respect to raising the allowable income for persons receiving less than the maximum amount under the Social Security Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. KELLY introduced a bill (H.R. 11503) for the relief of Rosolino Profeta, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

High Praise for Zablocki's Work in Congress

EXTENSION OF REMARKS
OF
HON. WILLIAM PROXMIRE
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Thursday, March 31, 1960

Mr. PROXMIRE. Mr. President, one of the ablest and finest Members of the U.S. Congress is the dean of our Wisconsin Democratic delegation—the Honorable CLEMENT ZABLOCKI, of Wisconsin's fourth district, that is Milwaukee.

CLEM ZABLOCKI recently was the object of a well-deserved testimonial dinner here in Washington for his vital role in pushing a Polish Children's hospital.

In one of the most impressive displays of popularity seen in a long time—more than 100 Members of Congress turned out to honor CLEM ZABLOCKI, including Speaker SAM RAYBURN and House Majority Leader JOHN MCCORMACK. The Speaker spoke for many people who have known ZABLOCKI when he called him "a man with a headful of common sense." JOHN MCCORMACK called ZABLOCKI, "one of the finest legislators I have ever known."

I ask unanimous consent that the complete text of the Milwaukee Journal article describing the event be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PULASKI GROUP PAYS TRIBUTE TO ZABLOCKI—MILWAUKEE DEMOCRAT GETS AWARD FOR ROLE IN PROMOTING POLISH CHILDREN'S HOSPITAL

WASHINGTON, D.C.—The Pulaski Foundation gave a testimonial dinner Monday night for Representative ZABLOCKI, Democrat, of Milwaukee, to honor him for promoting better understanding between the peoples of the United States and Poland. ZABLOCKI was awarded Polonia's "man of the year" award for his role in providing funds for a $4 million children's hospital and pediatric center in Cracow, Poland.

PRIVATE CONTRIBUTIONS

As a high ranking and influential member of the House Foreign Affairs Committee, ZABLOCKI quietly inserted a necessary one line amendment into the foreign aid bill last year.

The amendment makes it possible to use for the hospital about $2,500,000 from funds in the form of Polish zlotys that are accumulating to the credit of the United States in return for our sale to Poland of surplus farm products.

The remainder of the money is being raised from private contributors in this country by the American Research Hospital for Children Committee.

The presence of more than 100 Members of Congress among the hundreds of diners at the swank affair at the Mayflower Hotel attested to ZABLOCKI's popularity among both Republicans and Democrats. It was a remarkable bipartisan show of affection and respect. It also demonstrated why he was able to get his amendment through Congress. They let it go through "as a favor to CLEM."

Speaker RAYBURN, Democrat, of Texas, told the diners that he was happy "to be here to pay tribute to a great young American who has established a reputation of rare intelligence and boundless patriotism."

"HEADFUL OF COMMONSENSE"

RAYBURN, certainly one of the most powerful men in this Capital, called ZABLOCKI "a man with a headful of common sense." Turning to the Congressman from Milwaukee's south side, RAYBURN concluded:

"I'm glad, CLEM, that you're being honored, and that's why I'm here."

In the same vein, the House Democratic leader, Representative MCCORMACK, of Massachusetts, said that talking about ZABLOCKI was a "pleasant task," because he epitomizes everything that is noble and sincere.

MCCORMACK, who rarely attends dinners, praised ZABLOCKI for his high ideals and called him one of the most outstanding Americans I have ever served with.

"CLEM ZABLOCKI is one of the finest legislators I have ever known," MCCORMACK went on. He praised him for idealism and said he was humble but distinguished.

Senator MORTON, of Kentucky, chairman of the Republican National Committee, sent a message of best wishes to ZABLOCKI from the committee, noting that the children's hospital would help carry out President Eisenhower's people to people program.

Speaking for the Republican lawmakers present, Representative DERWINSKI, of Illinois, said the hospital project was a great accomplishment of ZABLOCKI'S.

The principal speaker of the evening was Maj. Gen. Anthony J. Drexel Biddle, adjutant general of Pennsylvania and former Ambassador to Poland.

After the speeches were over, Representative FLOOD, Democrat, of Pennsylvania, the toastmaster, asked ZABLOCKI whether he had any opposition back home this year.

"We certainly have the varsity out for you tonight," FLOOD told ZABLOCKI.

ZABLOCKI, deeply moved, accepted the award with sincere humility. He insisted that the credit for proposing the project in the first place should go to W. O. Biernacki-Poray, architect, of Montclair, N.J.

Biernacki-Poray also was to have been honored, but he is in Poland working on the hospital which he designed.

The Pulaski Foundation is a nonprofit organization dedicated to the rebuilding of the birthplace in Warka, Poland, of Gen. Casimir Pulaski, Revolutionary War hero.

Unemployment

EXTENSION OF REMARKS
OF
HON. JOHN P. SAYLOR
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 31, 1960

Mr. SAYLOR. Mr. Speaker, to those of you whose constituencies are not plagued by pockets of unemployment, I ask that you consider the circumstances of thousands of your fellow American citizens in various areas of the several States where there are not enough jobs to go around. Many are without proper nourishment for themselves and their families. Homes are without repair. Children are improperly clothed. It is a shameful reflection on a Nation which boasts of the world's highest living standards.

Our people want a chance to recover their status as members of the economic community. Congress can provide this opportunity by enacting the depressed area legislation which I and numerous other Members of both the House and Senate have introduced and long supported. I realize that some of these bills have been tampered with in normal political maneuverings, but I am confident that a majority of the Members of this legislative body will cast affirmative votes if the leadership of the House will present a reasonable measure intended to stimulate business and industrial activity in chronically depressed regions.

I have time and again pledged to support sound legislation of this nature regardless of authorship. Many excellent bills introduced by our friends on the Democratic side of the aisle have been awaiting action for more than a year. I would be happy to vote for passage of any one of these particular measures. And I firmly believe that there are a sufficient number of members of both parties, concerned about the prevailing pockets of unemployment in Pennsylvania and elsewhere, to pass a distressed area bill without hindering political amendments if we are but given a chance.

Mr. Speaker, is it asking too much to expect the Rules Committee, which is in control of the Democratic side, to bring out the distressed area bill now before it?

Birthday of Hans Christian Andersen

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 31, 1960

Mr. MULTER. Mr. Speaker, April 2 marks the 155th anniversary of the birth of Hans Christian Andersen, Denmark's most famous author. As we pause to celebrate this day we feel particularly close to our good friends and allies, the Danish people. Indeed our toast to Hans Christian Andersen is also a toast to Denmark and to the Danish people because this great author and his country are so closely tied together in the minds of most Americans.

Hans Christian Andersen is so beloved by Americans because generations of our people have grown up knowing the joy and adventure that are found in Andersen's fairy tales. Who among us as children has not laughed when he read the story of the emperor's invisible new clothes and later in life reflected upon the insight into human behavior shown in some of these simple tales. "The Snow

Queen," "The Red Shoes," "Great Claus and Little Claus," and "The Ugly Duckling" are all familiar to American readers as they are to children in many other lands.

Hans Christian Andersen wrote much that was fine besides his fairy tales. But these have become so famous that it seems fair to say that they are common to the experience of growing up anywhere in the Western World. The fairy tales by Hans Christian Andersen have thus become woven into the cultural heritage that is the common memory of Western civilization.

It is well that we take a moment on the birthday of this great man to express this slight tribute.

Electricity Is Boon to Farmers

EXTENSION OF REMARKS

OF

HON. ROBERT W. LEVERING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1960

Mr. LEVERING. Mr. Speaker, since the Rural Electric Administration was established 25 years ago 95 percent of the farms in America have been electrified which demonstrates how free enterprise and a sympathetic government can work together to solve vexing and difficult problems for human beings.

Those who have been active in the REA movement know from the history of the agency that rural electrification has been a real fight, all during its history, and even before the Rural Electrification Administration was born. I did not know the men, but I knew of them, who had a hand in opening up rural America to electricity, and I should like to pay tribute to them. Foremost among them was Senator George W. Norris, the Independent of Nebraska, who for 25 years reigned supreme in the Senate as the man who thought the most about the future of his country. Among those early fighters there was a Congressman named John E. Rankin, of Tupelo, Miss., who no longer sits in the House of Representatives but still is remembered by the oldtimers there. John Rankin will always be numbered among the founders of the REA. And then there was Judson King, who died only a few months ago in his home outside of Washington. Judson King was a public relations man for the people. For most of his life, he battled, through his writings, for projects that would benefit all the people of this country, as opposed to ideas and ideals that were designed to help the few at the expense of the many. And, I am happy to report, my father-in-law, former Representative Usher L. Burdick, was in that valiant and limited group that originally fought the battles for rural electrification. I am also happy to report that Usher Burdick, although he retired from Congress at the end of the 85th Congress, still is alive and happy and as rambunctious as ever. While, as I noted, I did not know many of these men personally, I know them by reputation, and I am sure that there is today, among us, several individuals who may have known one or the other of them. It behooves us, I believe, to remember these stalwarts of other days, for we can gather strength from their struggles and their victories for the battles that may lie ahead.

In 1935, before the REA came into being, only 1 farm in every 10 in the United States had electricity. For all practical purposes, rural America was in the dark. Of course, there were kerosene lamps, and there were hand-operated water pumps, and other back-breaking tools and equipment on the farms throughout the land. Today, due principally to the foresight of the men who worked for the REA to be enacted in the law, we have seen electricity transform the rural home into a modern, convenient place to live.

In the past 25 years some 1,000 REA cooperatives—completed owned and operated by local people in as many communities—have borrowed and used about $3 billion from the Federal Government to build modern electric power systems to serve rural areas. I doubt seriously if $3 billion of Federal funds ever has been used more economically or with more lasting benefit to the comfort and welfare of as many people in the whole history of government anywhere on earth.

Back in 1935, when the REA experiment was just beginning, it was argued that all farmers who wanted electricity had it and that there was no market for power out in the country. Experience in the last 25 years has demonstrated how wrong this contention was. Rural people are using electricity at an ever-increasing rate, doubling their use of power every 5 to 7 years.

Mr. Speaker, the success of the rural electrification program has been so overwhelming that many opponents no longer try to attack it openly, instead they are coming forth with proposals labeled "improvements" of the program. For the past few years the administration has asked Congress to jack up the REA interest rate. This is being done despite the fact that the evidence indicates that such an increase would necessitate higher electric bills for the consumers served and many co-ops, especially those in the thinner territories would be driven out of business. As we know, REA is prohibited by law from serving towns with a population of more than 1,500, which means that it is barred from participating in the cream of the electric industry market. There have been proposals recently to permit the Secretary of Agriculture to turn a part of the loan business over to the Wall Street bankers.

These proposals have been so drastic, however, that no Member is willing to fight for them.

Mr. Speaker, it should be pointed out that REA has been good not only for farmers but the country as a whole. An important result of the rural electrification program is the increased business it brings into rural communities. It stimulates private business both locally and nationally. Surveys indicate that for every dollar invested in rural power facilities, the farmers invest $3 to $4 in wiring, plumbing, and electrical appliances. Also, when power is available, the establishment of industry in rural areas is encouraged.

Mr. Speaker under leave to extend my remarks in the RECORD, I include a fine article by Virginia Cruikshank contained in the March 26 edition of the Delaware Gazette of Delaware, Ohio, which carries a graphic account of how REA has changed the "face of America":

ELECTRICITY IS BOON TO FARMERS

(By Virginia Cruikshank)

Some of us may have forgotten just how rugged life was in the rural areas before we had electricity.

Remember the coal stoves, kerosene lamps, washboards, water buckets, hand milking, and all the other hand-powered chores that made the farmer and his wife old before their time?

No one would want to return to that kind of rural living, although we may sometimes wax sentimental about the old days. We are even digging around in the attic and cellar for some of those items mentioned above because our city neighbors who are moving to the country prize them as antiques.

Electric power has changed the face of all rural America. Not only has it brought an end to a lot of the drudgery, but it has changed the entire outlook of rural people. They are no longer "country hicks." Their life has become the envy of many city people.

This year the Nation is paying tribute to its rural electric systems on the 25th anniversary of REA. President Roosevelt signed the Executive order May 11, 1935, that brought the Rural Electrification Administration into being.

Use of electricity today has passed the wildest dreams of 1935. USDA researchers have found that there are 450 ways to use electricity on the farm and in the farm home.

And just wait until we get all those bulk tanks installed around here in the next year. Consumption of power will zoom.

Only about 4 percent of the farms in the United States are still without electric power. In the territory of the Delaware Rural Electric Cooperative, there are only two farms and two houses without power, but the company is willing to build the lines to them whenever the owners are ready.

Recapitulation on Foreign Aid Funds Available for Expenditure

EXTENSION OF REMARKS

OF

HON. OTTO E. PASSMAN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1960

Mr. PASSMAN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following letter:

CONGRESS OF THE UNITED STATES,
Washington, D.C. April 1, 1960.

DEAR COLLEAGUE: As chairman of the Foreign Operations Subcommittee on Appropriations, it has been my practice to prepare an annual verified and simplified recapitulation on foreign aid funds available for expenditure. The current recapitulation is attached hereto.

Many billions of dollars in foreign aid funds are not carried in the mutual security bill. The aggregate not carried in the bill exceeds the amount carried in the bill. Therefore, you may wish to ascertain from the proper agencies the total amount of other aid programs such as grants and loans under seven separate lending institutions not carried in the mutual security bill, the amount available under Public Law 480, oversea military construction, and the billions in accumulated local foreign currencies which may be used.

The total foreign aid cost, including interest on what we have borrowed to give away, now exceeds $10 billion annually.

Our committee is working against tremendous odds in an endeavor to write a reasonable bill. The pressure and propaganda from many quarters are shocking. The 43,000 employees and 10,000 trainees of the mutual security program scattered in 76 nations of the world; the White House and its prestige; the State Department and its prestige; the Defense Department; scores of large manufacturers who profit from the program; colleges and universities which also profit from the program; church organizations; much of the press and radio; and literally hundreds of other organizations which have been misinformed are whipping it up for more foreign aid. It is indeed amusing to observe departmental witnesses who have spent unlimited time preparing answers to anticipated questions. In a great many instances their replies sound reasonable, although they are not even good educated guesses as related to facts.

Your committee will continue to resist the unwarranted propaganda and pressure for an excessive amount of foreign aid. Your support of the committee's efforts to bring this grandiose, worldwide spending program under control will be appreciated. With your cooperation, the committee will report a bill that will provide adequate funds, one based on need and not on desire.

The comptroller general has stated that the weakness of the program is too much money, not too little.

Sincerely yours,

OTTO E. PASSMAN,
Member of Congress.

Mutual security funds by program and amount (available for expenditure (fiscal 1960))

		Total available for expenditure
1. Military assistance:		
Unexpended, June 30, 1959	$2,547,998,755	
New funds, fiscal 1960	1,831,247,000	
Sale military material, fiscal 1960	30,200,000	
		$3,909,445,755
2. Defense support:		
Unexpended, June 30, 1959	787,500,953	
New funds, fiscal 1960	695,000,000	
Sale military material, fiscal 1960	500,000	
		1,483,000,953
3. Development Loan Fund:		
Unexpended, June 30, 1959	782,010,480	
New funds, fiscal 1960	550,000,000	
Loan repayments, fiscal year 1960	15,700,000	
		1,347,710,480
4. Development assistance, unexpended, June 30, 1959		97,768,490
5. Special assistance:		
Unexpended, June 30, 1959	173,389,255	
New funds, fiscal 1960	245,000,000	
Estimated reimbursement, fiscal 1960	100,000	
		418,489,255
6. President's Asian fund, unexpended, June 30, 1959		85,846,438
7. President's contingency fund:		
Unexpended, June 30, 1959	139,789,149	
New funds, fiscal 1960	123,753,000	
		263,542,149
8. Technical cooperation, bilateral:		
Unexpended, June 30, 1959	158,717,287	
New funds, fiscal 1960	150,000,000	
Estimated reimbursement, fiscal 1960	700,000	
		309,417,287
9. Technical cooperation, U.N.:		
Unexpended, June 30, 1959	8,292,101	
New funds, fiscal 1960	30,000,000	
Estimated reimbursement, fiscal 1960		
		38,292,101
10. Technical cooperation, Organization of American States:		
Unexpended, June 30, 1959	1,307,960	
New funds, fiscal 1960	1,200,000	
		2,507,960
11. Joint control, unexpended, June 30, 1959		472,167
12. Atoms for peace:		
Unexpended, June 30, 1959	$9,280,648	
New funds, fiscal 1960	1,500,000	
		$10,780,648
13. North Atlantic Treaty Organization, unexpended, June 30, 1959		1,088,558
14. Intergovernment Committee for European Migration:		
Unexpended, June 30, 1959	10,829,222	
New funds, fiscal 1960	7,371,000	
		18,200,222
15. U.N. Refugee Fund:		
Unexpended, June 30, 1959	1,200,000	
New funds, fiscal 1960	1,100,000	
		2,300,000
16. Escapee program:		
Unexpended, June 30, 1959	6,887,757	
New funds, fiscal 1960	4,632,000	
		11,516,757
17. U.N. Children's Fund:		
Unexpended, June 30, 1959	8,925,635	
New funds, fiscal 1960	12,000,000	
		20,925,635
18. U.N. Relief and Works Agency:		
Unexpended, June 30, 1959	8,956,957	
New funds, fiscal 1960	25,000,000	
		33,956,957
19. Ocean freight:		
Unexpended, June 30, 1959	1,662,992	
New funds, fiscal 1960	1,910,000	
		3,572,992
20. Control Act, unexpended, June 30, 1959		119,101
21. Administrative expenses, ICA:		
Unexpended, June 30, 1959	$4,956,497	
New funds, fiscal 1960	38,000,000	
Estimated reimbursement, fiscal 1960	800,000	
		43,756,497
22. Administrative expenses, State:		
Unexpended, June 30, 1959	708,341	
New funds, fiscal 1960	8,100,000	
		8,808,341
Total		8,111,521,750

RECAPITULATION

	Total available for expenditure
Unexpended funds, June 30, 1959	$4,837,708,750
New funds, appropriated, fiscal 1960	3,225,813,000
New funds, other, fiscal 1960	48,000,000
Total	8,111,521,750

Nuclear Sub "Sculpin" Launched

EXTENSION OF REMARKS
OF

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1960

Mr. COLMER. Mr. Speaker, a milestone in the history of shipbuilding on the Gulf of Mexico was passed at 11:45 this morning when the *Sculpin* slid down the ways of the Ingalls Shipbuilding Corp. shipyard in the bustling city of Pascagoula, Miss.

The *Sculpin*, SS(N)–590, the second submarine of any type ever built on the gulf coast, is the first of four nuclear-powered attack-type boats being built in my hometown for the U.S. Navy, and I hail its launching with, I hope, pardonable pride.

The "590" is of the *Scamp* 588 class. Its design follows the prototype of the radically new attack submarines, the *Skipjack*, SS(N)–585, whose bullet-nosed bow, bulbous-shaped hull, and single propeller, driven by a nuclear powerplant, have won for her the title of the fastest submarine in the world. The primary mission of the attack submarines in the event of war will be to seek out and destroy enemy ships of all types.

The *Sculpin* is expected to be capable of performing at high speeds both on the surface and at great depths beneath the sea. It is designed to stay submerged for long periods of time, thus giving her great advantage in both offense and defense over the conventional type submarine. Incidentally, the last of the old fleet type submarines, the *Blueback*, was also built by Ingalls and was recently commissioned, with Lt. Comdr. Robert H. Gautier, a native of Pascagoula, as its skipper.

The christening of the *Sculpin* is the culmination of 4 years of planning, research, and training by the personnel of the very efficient Ingalls shipyard. It is also a token of the faith of the people of Jackson County, Miss., in spending several millions of dollars in the development of the Pascagoula Harbor, an effort in which the Federal Government last year joined.

Speakers at the launching ceremonies were Hon. Cecil P. Milne, Assistant Sec-

retary of the Navy for Material, and Rear Adm. M. J. Lawrence, U.S. Navy, Assistant Chief of the Bureau of Ships for Field Activities.

Others participating in the colorful ceremonies were Messrs. Robert I. Ingalls, Jr., chairman of the board of Ingalls; Monro B. Lanier, Ingalls, vice chairman of the board; Fred J. Mayo, president of Ingalls; and Capt. R. W. Johnson, U.S. Navy, supervisor of shipbuilding at Pascagoula.

The ship was christened by Mrs. Fred Connaway, widow of the commander of the first *Sculpin* when it was lost on its ninth war patrol in the Pacific on November 19, 1943. Mrs. Connaway's daughter, Mrs. Joseph D. Pope, was her matron of honor.

Small Business Investment Act Amendments, 1959

EXTENSION OF REMARKS
OF

HON. ABRAHAM J. MULTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1960

Mr. MULTER. Mr. Speaker, on March 9, 1960, it was my privilege to appear before Subcommittee No. 3 of the House Banking and Currency Committee in connection with the Small Business Investment Act Amendments, 1959. My statement was as follows:

STATEMENT OF HON. ABRAHAM J. MULTER, A REPRESENTATIVE IN CONGRESS FROM THE 13TH DISTRICT OF THE STATE OF NEW YORK

Mr. MULTER. Thank you, Mr. Chairman, it is always a pleasure to appear before my own committee or a subcommittee thereof as a witness and to give my colleagues a chance to go after me as I go after some of the witnesses who appear before us.

May I first, Mr. Chairman, apologize for not having a prepared statement. I just haven't had the time to get it up and I will try to be very brief.

I think I should direct the attention of the committee to the fact that while the Small Business Committee of the House, under the distinguished chairmanship of the chairman of this subcommittee, the gentleman from Texas [Mr. PATMAN], did submit a report which was unanimously adopted by the Evins subcommittee, and the full committee did adopt the report unanimously, that unanimous adoption of the report was the action of those who attended the meeting.

Unfortunately I was unable to attend the meeting and although I did put in writing to the chairman of the subcommittee some of my objections to the report, the report was adopted that way by the committee, and that is one reason why I wanted to be heard here.

In that report, which incidentally was rather a well prepared report and the result of much hard work and intelligent effort, there nevertheless are some things recommended that I disagree with, and I want to briefly refer to those matters here.

First, there is a recommendation that loans be made to unincorporated small businesses. I think that is a very unwise recommendation. It is no problem and it's a matter of small inconvenience and expense to any small businessman or any small firm, to incorporate today.

Now, it may be that the tax law should be amended so as to give to the small businessman who is incorporated the same tax privileges of reporting as an individual or as a partnership, instead of as a corporation, if part of his stock is owned by a small business investment company. It has been pointed out that the exemption permitting a small business corporation to file a return and pay the taxes as though it were a partnership, does not apply in the event some of the stock is owned by a small business investment company.

If that is the only objection to making loans to corporations rather than individuals, I think the remedy should be by changing the tax law, and not by permitting loans to be made to unincorporated businesses. As you know, whether it is a partnership or an individual proprietorship, upon death the business must be liquidated and, where you are making long-term loans, that is an extreme disadvantage. I doubt whether any intelligent lending officer will make a long-term loan to a partnership or individual, having in mind that in the event of the accident of death he can't continue the business to pay off his loan, nor is there any successive management that can come in.

The business must either be liquidated or sold to new owners, whereas in making the loan in the first instance he has taken into account the competency of management, and he might not be willing to make the same loan to other management.

Your hands are tied if you are lending the money to an unincorporated business in the event of, as I say, the accident of death. There is nothing to do except liquidate the business and do the best you can to get your money back unless you want to let other management come in that you might not approve of.

So I say the provision in the regulation is a wise one, that these loans and these investments be made only to, and in, corporation.

Now, I hope the committee will have in mind that the purpose of this bill, the Small Business Investment Company Act, was to attract long-term loans which would be in the nature of equity capital and which would not be actually loans, but investments. You should not broaden this statute now so as to make this a general lending agency.

I think we had in mind when we enacted the bill that we didn't want to set up any new banks or any new private lending agencies as such. We didn't want these new small business investment companies to go into general competition with the banks and other financial institutions that are already operating.

We had in mind that the banks and other lending institutions were not making money available for long-term loans and equity capital, and we set this institution up to make that money available. We ought to keep that in mind as to any amendments we are going to offer to this law. That brings to mind the suggestion that we strike out of the act the word "primary" when referring to equity capital.

I think the statute now provides that the primary purpose of the law is to make equity and long-term loans and the suggestion has been made that we strike out "primary."

If you do that, you are just going to convert this into a general lending agency; and that is not, I am sure, the present congressional intent.

It would also open the door to the banks invading this field through the back door. You have already heard that there are some 29 banks which now control these small business investment companies, and if you are going to give them the opportunity to say to a customer coming in for a loan, "You go next door to the small business investment company that we control and make your arrangements there, and then come in here and we will give you subsidiary financing," they are going to evade the intent of this act.

Mr. PATMAN. Isn't there any encouragement in the law for that, Mr. MULTER, in that a 100-percent tax deduction is allowed on losses on convertible debentures purchased by the bank's subsidiary small business investment company, whereas if the transaction was in the form of a loan made directly by the bank it would not get the benefit of that deduction?

Mr. MULTER. That is right.

Mr. PATMAN. Therefore, your statement, I think, is entirely correct that the inducement will be to refer loans to the SBIC.

Mr. MULTER. Yes, and that also brings to mind the situation that I think the chairman has indicated he is concerned about, and which gives me considerable concern. That is the fact that we already have about one-third of the small business investment companies controlled by banks.

Now, if we intended that the banks should be able to set up these small business investment companies, or if the Congress intends that that be permitted to be done, then let's be forthright about it and change the statute.

We said in the first instance that it requires at least 10 individuals to form a small business investment company. In every one of those 29 instances where a bank has formed a small business investment company, the bank named 10 dummies, and the bank controls the corporation, and the bank names the directors.

Now, if that is what we want, let's change the law. Let's not have them do by indirection what they should be permitted to do directly.

On the other hand, if we intended what we said, that this requires 10 individuals, then let's make sure it is 10 individuals who are putting in their own money and who are going to elect the directors and run the institution.

Now, maybe the banks can come in and make a good argument as to why they should be permitted to own, control, and operate these small business investment companies. If they can make such an argument, let's change the law and let them come in through the front door. Don't have a law, as we have now, which says that there must be 10 individuals, and permit a bank to come in through the back door and name 10 dummies.

I don't think we intended that, and I don't think we should permit it to go on. I think we ought to say something in any report that may accompany any bill coming out of this committee on that point.

That brings us to the question of whether or not additional loans should be made without the consent of the small business investment company.

If they are going to the small business investment company for long-term financing, and it is going to be just that—long-term financing; not interim financing—and on top of that they are going to go to the bank which controls the small business investment company and get subsidiary financing, you can be sure that somewhere along the line we are going to run into trouble. If the bank is in a position to do this subsidiary financing, it should certainly be in a position to do it as primary financing.

They shouldn't put the small business investment company that they control in a position of making the primary financing, at, as you have heard, up to 15 percent interest, and they take the secondary financing at 5 or 6 percent.

If that loan is good enough for the bank as secondary financing at 5 or 6 percent, they ought to make the primary loan at 5 or 6 percent instead of letting the small business company grab off the cream and let them hold the subordinate financing.

There has been a suggestion that the so-called cross-stream loan provisions of the Bank Holding Company Act of 1956 be waived to permit a bank that is a subsidiary of a holding company to invest in a small business investment company owned by the same holding company.

I think we may have gone too far already in permitting bank holding companies to establish small business investment companies. I did not realize the Small Business Investment Act of 1958 would have that result, and I find it a little difficult to follow the complicated interpretations of the 1958 act, the Bank Holding Company Act, and the Revised Statutes which lead to that result. This interpretation may be the opening wedge to destroy the Bank Holding Company Act's prohibitions against banks engaging in nonbanking businesses. We may be going right back to the days when all the trouble in the banking field was caused by allowing investment bankers to own and control commercial banks. This must not be permitted to spread.

Mr. PATMAN. Is this the only exception you know of, Mr. MULTER? Is this the only instance in which a bank holding company is permitted to own a nonbanking business?

Mr. MULTER. There are, of course, limited exceptions under section 4(c) of the Bank Holding Company Act, but none which violate the basic principles of the act as I think this does.

But there is another basic principle of the Bank Holding Company Act which so far has not been violated, and it is embodied in section 6 of the act. Section 6 prevents a holding company from forcing one of its subsidiary banks to make loans to another of its subsidiaries, or to invest in any other fashion in another subsidiary. When we enacted that prohibition, we had before us at least one concrete example of the abuses which can result from self-dealing between two subsidiaries of the same holding company. The best way to protect a subsidiary bank from being forced into making a bad investment in another subsidiary is to prevent such dealing altogether.

So I cannot go along with the argument that the proposed amendment would simply treat holding company subsidiary banks the same as other banks. This self-dealing situation does not arise for other banks. If they invest in a small business investment company, they do so at arm's length. But the subsidiary bank is not dealing at arm's length with the small business investment company when they are both under the common control of a holding company. I think perhaps we have already gone too far in breaking down the sound restrictions of the Bank Holding Company Act when we permitted bank holding companies to form small business investment companies. Let's not go any further with it; let's not take this proposed next step of creating a situation where their subsidiary banks can be forced to invest in their subsidiary investment companies.

Now, there is one other suggestion that has been made, and that is that we grant the small business investment company an exemption from the Investment Company Act.

Now, the only reason to do that is to permit the small business investment company to issue stock options. I think there is nothing worse in the field of corporate law—and that includes banks and insurance companies—than this granting of stock options, usually done by the directors for the benefit of the officers, who are in control of the situation, most of the time without notice to the stockholders.

It is an unfair way of diluting the capital, or diverting capital of a company to those who control it. If they are under the Investment Company Act, they would at least have to make the disclosures required by the Investment Company Act. I urge you not to amend this Small Business Investment Company Act so as to grant that exemption.

That, in the main, is my statement, Mr. Chairman and gentlemen.

Mr. PATMAN. Thank you very much, Mr. MULTER. We value your judgment on these matters, and what you have said will receive very careful consideration by the members of this subcommittee.

Are there any questions, gentlemen?

If not, thank you very kindly, Mr. MULTER.

If you desire to supplement your remarks and extend them to include anything germane, you may do so.

Mr. MULTER. Thank you very much, Mr. Chairman. You are always very kind.

A Blueprint for American Space Leadership: Rockets for Peace

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES

Thursday, March 31, 1960

Mr. WILEY. Mr. President, it was my distinct pleasure and honor this afternoon to speak before the American Rocket Society, National Capitol Section. The talk which I gave was entitled "A Blueprint for American Space Leadership: Rockets for Peace."

Mr. President, I ask unanimous consent that the address be printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A BLUEPRINT FOR AMERICAN SPACE LEADERSHIP: ROCKETS FOR PEACE

(By Senator ALEXANDER WILEY, Republican, of Wisconsin, ranking Republican on the Senate Foreign Relations Committee, and member of the Aeronautical and Space Sciences Committee, before the American Rocket Society, National Capitol Section, on March 31, 1960, Washington, D.C.)

Ladies and gentlemen, appearing here today before this distinguished group of industry representatives, military brass and scientific highbrows, I must confess that I know only little about high military strategy, or the complexities of space engineering. Neither am I running for the Presidency as an expert on these matters. Yet, I am very pleased to respond to your invitation and meet with you, because you are the actors and the directors of the most colossal—and as a thrifty Republican let me add, most expensive—human adventure drama, ever.

Since the days of antiquity, man has constantly been moved by his innate restless spirit to explore the unknown about him. What would human life and human history have been without this constant search and thirst for discovery—this determination to know what is beyond the horizons—physical and spiritual?

In world history, Homer's Odyssey still stands out as a symbol of man's search. My ancestors, the Vikings, continued this search in their daring explorations—which in all likelihood brought them to this continent long before Columbus. The American West gave our own youth, during last century and this, another frontier for discovery. And now, as if to guarantee that the youth of tomorrow may not be deprived of its own unknown frontiers—nature is beginning to unlock the unbound horizons of space. The inquiring mind is on the go.

THE MILITARY ASPECTS OF SPACE

Space has many uses: Peaceful and martial, constructive and destructive. In recent weeks I spent long hours listening to testimony after testimony on the U.S. defense program before the joint sessions of the Senate Space and Preparedness Committees. We had many experts before us. Somebody jested that it was obvious they were all experts—because they disagreed with each other.

I heard much debate about whether there is or there is not an American "space lag". There was much debate—yet there was the basic agreement that we have nuclear weapons that far exceed the destructive power of U.S.S.R. weapons, and that our total carrying capacity for a long range delivery of a nuclear attack far exceeds theirs.

I also feel it incumbent upon myself in this connection to stress that I do not always agree with the "military mind," which too often equates security with numbers. I do not necessarily believe that in order to possess security and military deterrence this country must match every Soviet ICBM, submarine, tank and cannon, one for one. Security and deterrence against aggression consist of much more than mere numbers.

We must give full credit to the strength and determination of our allies. We must recognize the moral, psychological, and economic force of the new uncommitted nations who cry for peace in order to survive and flourish. And we need remember, furthermore, that the one billion people behind the Iron and Bamboo Curtains are constantly striving—because such striving is inherent in human nature—to better their lives, to have their voices heard—and to keep out of war. These and other factors must be taken into account in determining whether this Nation is sufficiently equipped not only to defend itself, if the need may arise, but also to deter any aggressor from undertaking such a dangerous escapade.

Yet, this is not what I want to discuss with you today. This meeting today between you, the technical experts, and myself, a representative of the people and one of their political spokesmen—offers an excellent opportunity to discuss not merely the technical and military aspects of the space challenge—but some of its political and philosophical implications.

SPACE—A POSITIVE PROGRAM FOR INTERNATIONAL COOPERATION

The challenge of space is not new. In fact, it is probably as ancient as man himself. For since the beginning of time there has never been a period when man has not been actually aware of space and of certain manifestations of space—the vastness of the sky, the sun, the moon, the myriad stars, the alternation of day and night, the procession of the seasons, and the vagaries of the weather. Man has always felt it his destiny to conquer nature; but while he was able to make the land and the water serve his purpose, the realm of the air and the vastness of the universe that might lie behind seemed denied him.

Now, only some 190 years after Watt's invention of the first effective steam engine, and 50 years after the first heavier-than-air flying machine, the dream of space knowledge, travel, and conquest may become a reality. American and Russian breakthroughs in recent years now suddenly make the whole wide horizon of space open for human exploration.

You, physicists, engineers, and space experts of all types will guarantee—I am sure—that progress continue. But to me, technical space progress does not suffice. I am constantly concerned not merely about whether the launching of our next rocket will be a

success, but also about what this technical progress will mean to society, to this Nation, and to the individuals inhabiting this earth and this big country.

Recently we heard much discussion and much propaganda about peaceful coexistence, arms curtailment, and even total disarmament. Disarmament is a fine concept and an aim worth striving for.

Still, disarmament by itself, if effective, is merely a passive act—one which guarantees what the nations will not do. Disarmament fails, however, to provide for an active constructive substitute. But I ask: What will take the place of the arms race? Let me give you an example from every day's life—from the memories of my youth and of yours.

Disarmament between nations can be compared to two boys who have been quarreling for a long time and who have finally been made to put down their clubs. Yet, there is nothing to prevent them from picking up these clubs again at any time, or from engaging in a fist fight, or from expressing their hostility in any other manner. To have peace between these boys it is not sufficient merely to have the club put down; what is more important is to give these boys an undertaking in which they could both participate. To accomplish true disarmament and lasting peace, it is likewise important to give the nations an undertaking in which they could all participate—in which their youth could take part; towards which their ingenuities could be utilized, and in which their pent-up energies and ambitions could find release. It is for such positive and productive peaceful endeavor that I am calling here today.

ROCKETS FOR PEACE

Rockets have long been terrifying symbols of warfare and destruction. In the last days of the Hitlerite empire, Nazi rockets became a symbol of world conquest and subjugation. Of all frightening sounds, the high-pitched whistle and cry of the V–2 was the most terrible to the ears of the inhabitants of London. Rockets meant indiscriminate destruction, dismemberment, death. And worse yet—they meant fear, terrible fear. At this time again, rockets are a potential threat to the life of every citizen of this world, in military uniform, and without uniform, on the front lines and on the home front.

Fear has again become an overpowering element in human life. But in the language of a recent best seller and motion picture—"On the Beach"—I would like to say to you today: "It is not too late, brother." It is not too late to have fear changed into hope, to have destruction replaced with construction.

Here is an opportunity for statesmen to break through the manmade barriers of distrust and hate. We must not, in this exploratory age, repeat the mistakes of the past centuries when the nations explored and warred and bled. Wars were then the order of the day. Cannot this great desire to know be made a vehicle that will bring the human family together?

It is especially because of the tremendous destructive potential of rockets that an emphasis on their peaceful utilization can be most dramatic. The same equipment that can be used to launch warheads can also be used for useful scientific research in space. The same wealth and manpower that can be wasted on schemes of destruction can be used for a worldwide program of space cooperation and construction. To me, the future of closer international cooperation lies more in a positive and aggressive program of this type than in a mere preventive program of disarmament.

The new horizons of outer space, which all nations share, offer new frontiers for cooperation on a supernational level. In the progress of mankind from its less complex social organization to the elaborate modern state—each new structure was designed not to replace those already existing, but to supplement them. The future of international cooperation lies, therefore, not in an endeavor to supersede the family, state, or nation—but in an effort to provide new structures and tools for enterprises that require the mental and physical resources of many nations.

Future international cooperation will thus be most effective in the development of regional economic units, in international planning of social and economic developments, and in the maintenance of a machinery for the preservation of peace. But unparalleled opportunities are offered by new scientific endeavors which would require the combined skills and resources of our whole planet.

The atoms for peace program, initiated in 1953, is an excellent example in point. More exciting yet, is the opportunity for close international cooperation in space. The unlimited territories of space make us realize more than anything else the unity of this globe. They emphasize the need for all nations to work as a team in order to conquer outer space for the benefit of the race.

This is why I am proposing here today the formal adoption of a rockets for peace program as a national goal. This program that I now propose, and for which I shall endeavor to obtain the support of my colleagues in Congress, will be designed to emphasize the peaceful uses of space. It will be designed to provide America and the free nations with their own independent space programs—regardless of what the Kremlin may be doing or planning, though we feel the job is big enough to wipe out differences, even with the Kremlin.

ROCKETS FOR PEACE—A PRACTICAL PROGRAM FOR SPACE LEADERSHIP

The rockets for peace program will be devoted to the study of climate, its forecasting and its improvement. Last year I made a proposal for the setting up of an international weatherman. I said at that time that we could build a satellite for weather forecasting, and make available to all people our code of communication with it. Thus, meteorologists the world over could direct their inquiries to the satellite and obtain whatever information they desire. By advanced warnings such a satellite could save lives and property the world over. I am now informed that a weather satellite will soon become a reality.

Recently the Russian papers carried a proposal for the creation of eternal spring on this planet—through the sprinkling of chemicals in space. But before we treat this proposal seriously, let us first look to see how much it is going to cost—remember, this is election year—and what eternal spring will do to the temperament and energies of our people.

Peaceful space research could be utilized for the improvements of communications. Communication satellites offer the promise of relaying interference-free transmissions between any two points on the globe at any time. They can make transatlantic television a reality. But I am sure you know more about the technicalities of this than I do.

Research vehicles will be able to make measurements in space, and report on the various extra-terrestrial hazards that man must face when he follows these instruments into the heavens. Space stations serving as laboratories will also offer us an opportunity to conduct experiments that will better reveal to us the mysteries of plant and animal origin, growth and change. Possibly, changes in plant and animal life which may require thousands or millions of years to accomplish on earth, could be undertaken in hours or days under space conditions.

Space is the frontier of tomorrow. How shall we conquer it? I believe that in calling today for a rockets for peace program as a national goal, I am proposing a practical program. As part of this program I envision the following:

1. Close cooperation between the Government and scientists of America and other countries in establishing satellite observation and tracking posts.

2. Making training facilities in this country available for promising space scientists from this country and from abroad.

3. Cooperation between American scientists and scientists of other nations in an international braintrust.

4. Cooperation between American scientists and American Government with the existing space research agencies in the United Nations and elsewhere.

5. Making small scientific rockets available to other nations to conduct their own experiments; some of the scientific rockets are very small and inexpensive. We can make them available at cost to other nations—who may proceed to use them and thus add the obtained information to the total store of space knowledge.

6. Provisions for cooperative international projects in the launching of rockets and missiles. NASA, I understand, has been negotiating for such projects with several other nations, including England, Australia, and Canada. More should be forthcoming.

7. The establishment of a space academy to train both those going into space and those directing such missions.

Ladies and gentlemen, if we undertake cooperative peaceful projects that make the fruits of space research available freely to all nations—we could well maintain a national pride in our space efforts, and in international prestige essential to the position of world leadership which we now enjoy, and which we have no intention of relinquishing.

It has been said that whether we like it or not we are engaged in a worldwide prestige race with the Soviets. Our competitor in the space race is tough and determined. He is willing to deprive his people of consumer goods in order to channel more resources into space research. Can we afford to be second best? Should we not channel our riches to exploration and improvements rather than luxury? Or should we not see if the Kremlin would go along in a cooperative effort to widen the horizons of the human mind? They have not usually joined us in our previous international cooperation programs—but possibly we could get their cooperation this time.

This country is in an economic and political position to marshal the scientific resources of the free world for such peaceful uses of outer space. Surely, the other nations and the other people will be enthusiastic and local partners when they are invited to share in this great human adventure—and the push into space, into the wonders and mysteries of the origin of matter and of life, can offer an unbound challenge.

SPACE—A FRONTIER FOR MATERIAL AND SPIRITUAL EXPLORATION

We all realize that, as yet, we do not fully know and cannot fully predict what space exploration may mean in years to come. In future years, it may well be said of our space pioneers what was once said of Columbus:

"When he started out he didn't know where he was going, when he got there he didn't know where he was, when he got back, he didn't know where he had been, and he did it all on borrowed money."

We may not know exactly where we are going, or what we may find. Yet, there is a great feeling of exuberance and a great sense of human mission in the work that lies before us. Let us make sure our aims are high and our purpose worth while.

Rocket expert Wernher von Braun recently said:

"It is impossible to predict the nature of all these discoveries; their cumulative effect will be tantamount to a scientific revolution. But it will also be a revolution of human perspective. We need not fear that future space explorers on their heaven-storming journey will lose their humility. The heavens will surround them as an eternal reminder that there is a force greater than the thrust of their rocket ships and a spirit greater than the cold logic of their computers."

It is on this note that I want to close today.

We have, up to now, been discussing material rockets for peace. But let us remember that the biggest rockets in the world today are ideas. Someone once said:

"Beware of a man with an idea, he will turn the flank of history." We have seen how ideas have changed the course of history. Our own concept of popular government has overturned kingdoms and empires and brought into the hearts of the discouraged and the have-nots hope for a better day.

Today we are adventuring out beyond the horizons of yesteryear in every direction, we are plumbing the depths of the sea, the far reaches of the sky. We are talking about putting the human being on the moon, or further still, on some of the other galaxies. While we are doing that let us always remember what Browning said:

"That life has meaning and to find its meaning is man's meat and drink."

Let us remember that the meaning of the real life lies not only in the exploration of the material frontiers but in the exploration of the things of the spirit.

We must, therefore, match our material discoveries with spiritual counterparts, or else we will find out that we are spiritually poor in a world of material plenty. For spiritual rejuvenation we need a new type of rocket. Some that will pierce the minds of mankind, cleanse them of daily weaknesses and petty blindnesses, so that man can venture free from creeds and limitations to find the meaning of life and God.

A few years ago the publisher of a small weekly newspaper in a small North Carolina town proposed that to counter the Soviet sputniks America send up a special type of satellite: one that has no practical mission—one that will be designed to merely shine in the skies and serve as a symbol of hope and good will. I can think of no more dramatic a means for launching our rockets-for-peace program than the sending up of such new star of hope—possibly in time to shine aloft and to symbolize our spiritual inspirations—during the coming Christmas season, this year yet.

Ladies and gentlemen, it was a great pleasure meeting with you today.

The Truth Gap

EXTENSION OF REMARKS

OF

Hon. EVERETT McKINLEY DIRKSEN

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Thursday, March 31, 1960

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an address delivered by the Secretary of Commerce at the Executives Club of Chicago on March 25, entitled "The Truth Gap."

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE TRUTH GAP

(Address by Secretary of Commerce Frederick H. Mueller before the Executives Club of Chicago, Hotel Sherman, Chicago, Ill., March 25, 1960)

"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of light, it was the season of darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us."

Every student has read that introduction to "A Tale of Two Cities" by Charles Dickens.

He was describing other times. Yet, any reader of today's headlines and today's political speeches might conclude that history is repeating itself, for current talk also swings in sharp contrasts.

The important question about present conditions is simply this: What is the truth?

For the shortage of the year is the truth gap in many discussions on both our economy and our defense.

I believe that an honest doubting Thomas will find in the sum total of facts this assuring answer: The United States is not on the skids—a washed-up, has-been nation.

The United States is first in military power, first in economic power, and first in capacity to hold the lead against any competing combination. We are continuing to build unprecedented power to strengthen both prosperity and peace. The American people are not standing still or retreating. They are going forward under the wise, strong, capable leadership of President Eisenhower.

Only self-generated fear or folly can hold back our progress. Only our own tongue can dig our grave. Only blind eyes can fail to see our overall capability and our gigantic means already in gear for tremendous growth.

I would refrain from such a credo of confidence did I not believe I have evidence to back it up. I propose to present some of that evidence for your appraisal—and let the chips fall where they may.

Are we on the verge of a recession?

Jot down a big no to that one.

Recent flip-flops of the stock market have produced a bit of indecision in temperamental Wall Street. Some are wondering if New Year forecasts need to be sharply revised downward.

Wall Street, however, is not Main Street. The stock ticker is a barometer of its own bailiwick's feelings. It may accurately reflect reaction on stocks. It does not pretend to measure the entire production, development and mood of 180 million Americans. It could be that the market is merely getting back to normal after a lost weekend of inflationary boom talk.

Today's well informed businessman doesn't chicken at the growl of a Wall Street bear.

While it is important to watch the big board, it is even more important to watch the trustworthy national economic indicators. Many of these are collected by the unbiased statisticians and economists of the Commerce Department—taking the economic pulse of the entire Nation.

These objective surveys are more reliable than Wall Street blues, winter worries, and the home-brewed pessimism of certain self-seeking politicians.

The overall reading clearly indicates the vigorous health of the economy. We are not rushing into a frenzied inventory grab through fear of impending inflation. We are not shooting up in the roller coaster of boom which might later plunge down into a bust. That would not be good.

Instead, the indicators show that we are running along at a much higher level of business activity than last year and the outlook is for continuous progress for the year as a whole.

Where do we stand now?

Let's start our economic checkup with exports, a subject now very much in the news since President Eisenhower launched a national promotion campaign to sell more goods overseas. An adverse factor in the economy is the continuing deficit in our balance of international payments. The new export drive is designed in part to help correct this situation. The value of exports has climbed from $16.3 billion last year to an annual rate of $18 billion so far this year. The drive should help keep up the pace. Sales abroad reward business and make jobs at home.

The initiation of residential housing is a major area where there has been some decline since the middle of last year with a consequent sag in business in this particular segment. This has meant a letup on financial pressures in the mortgage field and has been one of a variety of influences which has resulted in the easier tendency noted today in interest rates.

An evidence of economic muscle is that 64.5 million people had jobs in February—up 1.8 million over last February and at an alltime record for the month. The job total figures were higher than January, even though record snowdrifts and ice kept farmers and construction workers indoors.

By far, the most revealing indication of the economic state of the Union is our recently published report from businessmen on their plans for investment in plant and equipment. They expect to boost capital outlays from $32.5 billion last year to $37 billion this year—an increase of $4.5 billion.

This uptrend in spending means more business for the industries supplying the basic materials and equipment—more employment and more purchasing power which will find reflection in markets generally. This is the sort of economic activity that spells real growth.

One of the broad benefits flowing from capital outlays is the greater and improved technical capacity of plants to turn out a wider choice of better quality products, thus further raising the level of living and adding fresh strength to the economy.

The survey also gives us another set of predictions. In addition to asking businessmen their investment intentions, we also inquire what they estimate in the way of company sales during the year.

The composite answer we received is that major industries anticipate favorable sales for 1960. Trade companies foresee a 5-percent sales increase over 1959 and manufacturers look forward to an 8-percent rise.

How have we fared so far this year?

The answer is, "Very well."

When in the New Year period the press at various times asked for my opinion on the outlook, I replied that upon appraising the then foreseeable facts I expected the gross national product to reach the record peak of $500 billion by midyear.

Some scoffed and suggested I was wearing rose-colored glasses. But my forecast is becoming a fact. It is 3 months this side of midyear. And yet the GNP already has reached an annual rate of close to half a trillion dollars, the highest national economic peak in the world and in all history.

The GNP has made a sharp spurt in these 3 months from the year-end 1959 quarter, when total output of goods and services was approximately $484 billion.

And, remember, the GNP is the most inclusive of all the measurements of the economy.

The substantial rise in output from the last quarter results in part from the removal of the steel-strike shadow, but it also demonstrates a firm foundation of business strength. As compared with early 1959, the current output is 6 percent higher.

Income in this first quarter is moving up along with output—with consumer purchasing power also running some 6 percent better than a year ago. This rise in income has not been fully reflected in retail sales which, thought up, have been curtailed by unusually bad weather in many sections.

You may have read reports that department store total sales have not been doing so well lately. But here again blizzards in some cases even shut down large suburban stores and the blocked roads kept women customers at home. But once the ice and snow melts, increased income is bound to have a favorable impact on consumer purchasing and business sales.

Prices generally are stable and current advances in production and consumption are mainly volume increases valued in constant currency and not in rubber dollars.

Now, let's turn from economic data officially collected by the fact-finding agencies of the Federal Government to the prospect for 1960 as seen by the Nation's outstanding business executives.

How do business leaders themselves size up the situation?

This meeting of the private industry leaders of America's great Middle West gives me the opportunity to share with you the latest expert opinion of the members of the business advisory council, representing a cross-section of the Nation's foremost business executives, who assemble periodically in Washington to give the Secretary of Commerce advice on the business situation.

As heads of great enterprises involving huge investments, mass production and big payrolls, they have access to the best possible fact-gathering resources—far removed from guesses or rumors. As successful heads of giant industries, their judgment has to be tops.

At their regular March meeting last week, the consensus for 1960 was as follows:

The mood: Down-to-earth optimism.

The outlook: Substantial business progress.

The length: All through the year.

Reports of council members added up to a 1960 first quarter well ahead of both a year ago and the 1959 last quarter, with improving sales and income. The consensus was that the announced 14 percent increase in capital outlays over last year—to which I referred earlier—represented firm commitments under steady price conditions.

They reported that severe weather had put a recent crimp in some retail sales, but that buying in stores generally was good. The business leaders were of the opinion that, with consumer income up some 6 percent over 1959, this gain would be reflected in store sales once spring really gets into business.

The importance of controlling costs was recognized, but the difficulties of such control were stressed.

As executive after executive gave rundowns on the prospect for his specific industry, a unified pattern of progress emerged. None forecast a superheated boom of such proportions as would complicate progress through price instability. But the general expectation was for a better year than 1959—and, remember, last year made an all-time record in prosperity.

After reading unbiased government indicators and hearing the voice of expert business, what's the verdict?

I would sum up the outlook in this short phrase: "Not a boom, but another record."

Let's consider another truth gap of the day—in respect to overall national defense. Are we now second rate in military power? The facts prove otherwise.

The United States is the most powerful nation on earth with the capacity at hand today not only to survive a sneak attack, but also to hit back and destroy a suicide-bent aggressor.

It is a commendable patriotic attitude for the American people to be very much interested in defense. They have every right to ask searching questions and to insist upon complete factual answers not only from those in authority, but from every other person in or out of Government who sets himself up as an expert on the subject—be he sincere zealot or deplorable scaremonger.

The more truth the American people get on the whole subject, the more firm will be their conviction that the guardianship of peace is still in the strong hands of the greatest economic and military power in the world, the United States of America.

Constructive criticism is wholesome. But the American people are the real losers whenever anyone of prominence carelessly, ignorantly, or deliberately uses one piece of the jig saw picture and omits the rest.

For this truth gap might cause uneasiness among our allies and dangerous miscalculations as to our true strength among our foes.

We hear talk from some quarters that President Eisenhower's administration considers a balanced budget more important than national security. Ignorance or infamy could make no more unfair charge.

The same general who successfully led the great crusade that saved civilization from Nazi desolation today is leading a peace crusade to save the world from the unspeakable horror of nuclear war. To him no goal is too daring, no price too high, no sacrifice too great to build an impregnable defense for that peace.

And that is what he has built—despite the irretrievably lost time in long-range missile development he faced in 1953.

Let everyone clearly understand that the Eisenhower administration believes strongly in the importance of intercontinental ballistic missiles—now and in the future. We are rapidly making up for previous neglect.

The former administration obligated $800,000 for long-range ballistic missile programs in fiscal year 1952. We obligated in fiscal year 1960 $3.3 billion for IRBM's and ICBM's alone, and for all missile programs about $7 billion. We are now spending each day 10 times as much as was spent for the entire year in fiscal 1952. And in the fiscal year 1961 budget now before Congress we are recommending $3.4 billion for IRBM's and ICBM's and a total of about $7 billion for all missile programs. We're building an ever-increasing long-range ballistic capability for the future.

The critics of military policy, for the most part, center their fire on one single segment, the intercontinental ballistic missile, overlooking everything else in our diversified arsenal of defense—a balanced capability which I will describe in a moment.

They say that our salvation depends entirely on matching the Soviet Union in this one category. Our chief military and scientific advisers disagree strongly with that shortsighted argument and have experience and logic to back up their case.

You will remember the tragic lesson of recent history. The brave French put their eggs in one basket. They concentrated their defense almost entirely in what they sincerely believed was the ultimate, all-powerful single defense system the Maginot line, and neglected other fully as vital branches.

In contrast, their enemy had a balanced military system of great strength, variety and dispersion. The Maginot line was not enough—and gallant France went down in defeat. We don't intend to be trapped that way.

We do have missiles—many kinds—but unlike the Soviet Union we have not been forced because of geography and other factors to rely primarily on a single weapons system—the ICBM. The long-range missile may be the best weapon capable of maximum use by the Soviet Union—not so with us. Since it is against our principles to launch a surprise war, we will not try to get a sneak jump on an enemy. Therefore, although we have missiles on the alert they are diversified and not restricted to the intercontinental type.

Some Atlas missiles are on the firing line right now, but how often do you hear of our intermediate range missiles? Right now the allied forces in the United Kingdom are equipped with 60 IRBM's, each with a nuclear punch many times more powerful than the first atomic bomb. These missiles carry a big payload and give us a deterrent capability almost equal to that provided by missiles launched from this hemisphere. What about the Snark, Regulus, Matador, Mace, and other missiles in our arsenal, any one of which can deliver nuclear havoc, all formidable weapons, but still not our first line of defense. We must rely more on manned bombers and other means for the bulk of our protection and the extent of our retaliatory power.

Our strategic striking forces include over 2,000 long-range bombers, greatly outnumbering their Soviet opposite numbers. The force is highly trained, fully equipped, many on 15-minute ground alert, with some actually airborne all the time.

A B–52 can attack several targets, not one to which a missile is limited, and can load up for successive attacks. Each of our bombers can deliver nuclear blows many times the destructive power of an ICBM. A large number of these bombers are deployed at our worldwide bases within close range of potential targets.

We have 14 aircraft carriers—difficult targets because they can move—whose planes could hit about every area of the world with nuclear bombs many times more destructive than those used in the last war.

The Soviets, no doubt, are not standing still. Neither are we. We are ahead now and plan to stay ahead. We're adding this year two atomic-powered submarines with more to follow and each to be equipped with 16 Polaris missiles.

By 1963 we'll have 13 Atlas ICBM squadrons and others with the Minuteman ICBM. Our B–52 bombers will soon be equipped with Hound Dog missiles, enabling the bomber to reach heavily defended targets by softening up the air defense system with nuclear blasts from several hundred miles out. The first ballistic missile early warning system becomes operational this year, making it almost impossible for a mass attack of enemy missiles to reach here undetected.

Added soon to our already massive forces will be a whole arsenal of supermodern missiles and many other weapons.

One final point sometimes raised by earnest questioners: "Is the President so preoccupied with other weighty matters that he does not give enough attention to study and action on defense?"

This great career soldier did everything necessary to win the last war. Do you really think he now would neglect the same effort to win the peace?

His is the final decision on our massive balanced defense policy. But he has the advice of the Nation's best informed and best qualified authorities with widest experience in the entire subject, including the Secretary of Defense, the Joint Chiefs of Staff, and other great military and scientific authorities and intelligence experts.

As of yesterday, the President has presided at 296 out of 326 meetings of the National Security Council, the Nation's topmost policy forum. And he also has daily contact with others with high responsibility in America's safety.

But military competence and command is not the President's only dedication to national security. The greatest war deterrent on earth is the spirit embodied by this sincere man.

He circles the globe—reinforcing the bonds of unity and power of the free world's unnumbered millions—convincing even those behind the Iron Curtain that America always will go "the second mile" for peace with freedom and justice.

Under President Eisenhower's inspiring leadership and without lowering our guard, all-powerful America is using disarmament conferences, summit meetings, and other promising steps in a never-ending effort to replace mankind's dread of nuclear disaster with a strong, fresh hope of universal good will and lasting peace.

SENATE

FRIDAY, APRIL 1, 1960

The Senate met at 10 o'clock a.m., and was called to order by Senator GALE W. MCGEE, of Wyoming.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, in the midst of the distracting problems of today, with all our unhappy divisions, grant us a vision of our dear land fair as she might be—a land of justice, where none shall prey on others; a land of plenty for all, where vice shall cease to fester and where slums will have disappeared; a land of true brotherhood, where success shall be based on service, and where honor shall be given to worth alone. Hear Thou, O Lord, the silent prayer of our hearts for these servants of the state, as they give their strength and dedication to hastening the arrival of the day of our America's coming beauty and righteousness. We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 1, 1960.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GALE W. MCGEE, a Senator from the State of Wyoming, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. MCGEE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 31, 1960, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 2778) to amend the act relating to the Commission of Fine Arts, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H.R. 4874. An act to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty;

H.R. 8343. An act relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain; and

H.R. 9444. An act for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li).

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 6329. An act to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians; and

H.R. 7456. An act to extend for 3 years the suspension of duty on imports of casein.

LEAVE OF ABSENCE

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Senator from Nebraska [Mr. HRUSKA] may be absent from the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Justice for "Support of U.S. Prisoners," for the fiscal year 1960, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT OF U.S. ADVISORY COMMISSION ON INFORMATION

A letter from the Chairman, U.S. Advisory Commission on Information, Washington, D.C., transmitting, pursuant to law, a report of that Commission, dated March 1960 (with an accompanying report); to the Committee on Foreign Relations.

AUDIT REPORTS ON GOVERNMENT SERVICES, INC. AND EMPLOYEE RETIREMENT AND BENEFIT TRUST FUND AND PENSION PLAN

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on audits of Government Services, Inc., and of Government Services, Inc.'s employee retirement and benefit trust fund and supplemental pension plan, for the year ended December 31, 1959 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the Panama Canal Company and Canal Zone Government, fiscal year 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON CONTRACTS FOR EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on contracts negotiated for experimental, developmental, or research work, during the 6-month period ended December 31, 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON PROVISION OF AVIATION WAR RISK INSURANCE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the provision of aviation war risk insurance, as of December 31, 1959 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

AMENDMENT OF ACT RELATING TO ADJUSTMENT OF CERTAIN CLAIMS OF POSTMASTERS

A letter from the Acting Postmaster General, transmitting a draft of proposed legislation to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

NDUE F. ZEFI

A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of Ndue F. Zefi (with an accompanying paper); to the Committee on the Judiciary.

CLARIFICATION OF STATUS OF CERTAIN CIRCUIT AND DISTRICT JUDGES

A letter from the Director, Administrative Office of the United States Courts, Washington, D.C., transmitting a draft of proposed legislation to clarify the status of circuit and district judges retired from regular active service (with an accompanying paper); to the Committee on the Judiciary.

FEDERAL EMPLOYEES' COMPENSATION ACT AMENDMENTS OF 1960

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Federal Employees' Compensation Act, as amended, to make benefits more realistic in terms of present wage rates, and

for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

RECOMMENDATIONS ADOPTED BY INTERNATIONAL LABOR ORGANIZATION

A letter from the Assistant Secretary of State, transmitting, pursuant to law, recommendations adopted by the International Labor Conference, at Geneva, June 19, 1959 (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT ON SURVEY OF ECONOMIC EFFECTS OF THIRD-CLASS BULK MAIL RATE INCREASE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on a survey of economic effects of third-class bulk mail rate increase, dated March 1960 (with an accompanying report); to the Committee on Post Office and Civil Service.

PAY PERIOD FOR DEPARTMENT OF THE NAVY UNGRADED EMPLOYEES

A letter from the Assistant Secretary of the Navy (Personnel and Reserve Forces), Washington, D.C., reporting it has been determined that the Department of the Navy will continue to pay its ungraded employees on a weekly basis; to the Committee on Post Office and Civil Service.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report of the Archivist of the United States on a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. JOHNSTON of South Carolina and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Interstate and Foreign Commerce:

"HOUSE JOINT MEMORIAL 51

"To the Honorable Dwight D. Eisenhower, the President of the United States; the President of the Senate and Speaker of the House of Representatives; and to the Senate and House of Representatives of the United States, in Congress assembled:

"Your memorialist, the Legislature of the State of Alaska, in first legislature, second session assembled, respectfully submits that:

"Whereas in the newly created State of Alaska, the future development of the State will depend upon the orderly development of transportation facilities to, from and within the State of Alaska; and

"Whereas the Senate Interstate and Foreign Commerce Committee has held hearings in Alaska concerning the problems of transportation; and

"Whereas in 1957 at the request of the Senate of the United States, the Interstate Commerce Commission made a comprehensive survey and analysis of the regulatory problems affecting transportation to, from and within Alaska; and

"Whereas certain of the transportation facilities are now operating under the Federal statutes regulating transportation and subject to the jurisdiction of the Interstate Commerce Commission; and

"Whereas the Interstate Commerce Commission in its report to the Senate of the United States has recommended that the Alaska Railroad, a Government corporation, should be subject to the rate and service regulations of the Commission; and

"Whereas other transportation facilities in Alaska are not now subject to the same or similar regulatory procedures and control; and

"Whereas this lack of uniformity of regulation has permitted inequitable and discriminatory rate practices to the detriment of the shippers and receivers of freight in Alaska and such inequities and lack of uniformity will continue to exist until proper amendments to the Interstate Commerce Act have been promulgated by Congress: Now, therefore, be it

"Resolved, That we, the Senate and House of Representatives of the State of Alaska, do hereby respectfully present to the Congress of the United States and particularly to the Senate and House Committees on Foreign and Interstate Commerce that they give due and immediate consideration to the questions involved with relation to the proper amendments to laws governing interstate commerce affecting the broad problems of transportation to, from, and within the newly created State of Alaska; and be it further

"Resolved, That copies of this memorial be transmitted to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Honorable E. L. BARTLETT and the Honorable ERNEST GRUENING, Senators from Alaska and the Honorable RALPH J. RIVERS, Representative from Alaska, each Senator and Representative in Congress from the State of Washington, and to each Member of the Senate and House Committees on Foreign and Interstate Commerce. Passed by the house February 25, 1960.

"WARREN A. TAYLOR,
"Speaker of the House.

"Attest:

"ESTHER REED,
"Chief Clerk of the House.

"Passed by the senate March 1, 1960.

"WILLIAM E. BELTZ,
"President of the Senate.

"Attest:

"KATHERINE T. ALEXANDER,
"Secretary of the Senate."

A joint resolution of the Legislature of the State of Maryland; to the Committee on Public Works:

"JOINT RESOLUTION 11

"Resolution to urge the Congress of the United States and the U.S. Army Engineers to participate in the creation of an inland waterway between the Delaware Bay and the Chesapeake Bay

"Whereas constant competition between the many ports of the United States for foreign trade of the Nation has resulted in certain extensive waterway projects throughout the Nation; and

"Whereas shipping trade and commerce in this area would be greatly aided by an inland waterway between the Delaware Bay and the Chesapeake Bay with an alternate route by way of the Pocomoke River; and

"Whereas planning and construction of such a project will require the efforts of the State involved plus necessary aid from the Federal Government: Now, therefore, be it

"Resolved, That the General Assembly of Maryland urges and requests the Congress of the United States and the U.S. Army Engineers to participate in the planning and construction of an inland waterway between the Delaware Bay and the Chesapeake Bay with an alternate route by way of the Pocomoke River; and be it further

"Resolved, That copies of this joint resolution be sent to the President of the U.S. Senate; the Speaker of the House of Representatives; to each of the members of the Maryland delegation to the U.S. Congress, and to Congressmen THOMAS N. DOWNING, of Virginia, and HARRIS B. MCDOWELL, of Delaware; and to the commanding officer, U.S. Army Engineers; all under the great seal of the State of Maryland."

A resolution of the General Assembly of the State of Rhode Island; to the Committee on Finance:

"H. 1389

"Resolution memorializing Congress with repect to raising the allowable income for persons receiving less than the maximum amount under the Social Security Act

"Whereas the allowable income under the present provisions of the Social Security Act is the same for all persons receiving the maximum amount or an amount less than the maximum under the said act; and

"Whereas it would be more equitable and just to give such person receiving less than the maximum amount under the Social Security Act an allowable income which aggregates an amount equal to the total if such person was receiving the maximum amount under the said act: Now, therefore, be it

"Resolved, That the Members of the Congress of the United States be and they are hereby respectfully requested to consider the feasibility of increasing the allowable income for persons receiving less than the maximum amount under the social security act so that the aggregate amount would equal the total if such person was receiving the maximum amount under said act; and be it further

"Resolved, That the secretary of state be and he is hereby authorized and directed to transmit duly certified copies of this resolution to the Senators and Representatives from Rhode Island in the Congress of the United States and to the respective Presiding Officers in both branches of said Congress."

A resolution adopted by the San Joaquin Valley Supervisors Association, at Bakersfield, Calif., favoring the enactment of House bill 7155, authorizing the construction of the Federal share of the San Luis unit of the Central Valley project; to the Committee on Interior and Insular Affairs.

PENSIONS FOR VETERANS OF WORLD WAR I—RESOLUTIONS

Mr. CARLSON. Mr. President, the Emporia, Kans., chapter of the Kansas State Association of the American War Dads and the American War Dads Auxiliary of Emporia, at their regular meeting on March 11, adopted resolutions urging that the veterans of World War I be granted a pension of $100 per month as stated in H.R. 9336.

The Kansas State Association of the American War Dads and the auxiliary are excellent organizations composed of veterans who have rendered service, or whose sons or daughters have been a part of our defense organization.

I ask unanimous consent that these resolutions be printed in the RECORD and referred to the Senate Finance Committee.

There being no objection, the resolutions were referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

RESOLUTION OF KANSAS STATE ASSOCIATION OF THE AMERICAN WAR DADS

Whereas the American War Dads are a nonprofit organization, dedicated to work for the relief and rehabilitation of veterans whether it be in the hospital or in the home, and to work for a just and lasting peace and a more understanding world; and

Whereas the veterans of World War I seek a just and honorable pension of $100 a

month under conditions granted to veterans of former wars, as stated in H.R. 9336:

It was resolved in our regular meeting March 11, that Emporia Chapter 87, American War Dads, working with all the veterans organizations in Emporia, urge the support of this legislation, and that a copy be sent to our Senators and Fourth District Congressman in Washington.

BURRILL RODEE,
President.
F. JAY SOUTH,
Secretary.

RESOLUTION OF AMERICAN WAR DADS AUXILIARY

Whereas the American War Dads Auxiliary is a nonprofit organization dedicated to work for the relief and rehabilitation of the veteran whether it be in the hospital or the home, and to work for a just and lasting peace and a more understanding world; and

Whereas the veterans of World War I seek a just and honorable pension of $100 per month under conditions granted to veterans of former wars, as stated in H.R. 9336:

It was resolved in our regular meeting, March 11, 1960, that Emporia chapter, American War Dads Auxiliary, working with all of the veterans organizations in Emporia, urge support of this legislation and copies be sent to our Senators and Fourth District Congressman in Washington.

IRENE B. MILLARD,
President.
HAZEL KNOEPPEL,
Secretary.

RESOLUTION OF CITY COUNCIL OF SCHENECTADY, N.Y.

Mr. JAVITS. Mr. President, I present, for appropriate reference, a resolution adopted by the City Council of the City of Schenectady, N.Y., favoring the enactment of the bill (S. 105) relating to the provision of scholarships and fellowships for certain children. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

RESOLUTION 6919

Whereas U.S. Senate bill 105, known as the Veterans' Children Scholarship Act, has been referred to the Senate Education and Scholarship Committee by Senator SMATHERS, of Florida, at the request of the National American Legion and has gained the support of the Schenectady Board of Education, the Rotterdam Town Council, and the board of supervisors; and

Whereas U.S. Senate bill 105 is set up "to provide scientific scholarships and fellowships for children of veterans and other individuals from interest resulting from the investment of certain funds obtained under the provisions of the Trading With the Enemy Act, and to provide for the repayment from such funds of certain American war claims against Germany and Japan"; and

Whereas U.S. Senate bill 105 provides that scholarships would be granted under the direction of the National Science Foundation and would benefit approximately 2,000 students each year studying toward careers in science, technology, and engineering, and toward teaching careers in those fields; and

Whereas passage of the bill would not represent any cost to the taxpayers, since the Federal Government now holds $600 million surrendered by Germany and Japan after World War II in lieu of war reparations: Now, therefore, be it

Resolved, That the Council of the City of Schenectady interested in education of not only citizens of the city of Schenectady but of our populace throughout the Nation joins with the American Legion, Schenectady Board of Education, Rotterdam Town Council, and the board of supervisors in requesting the passage of U.S. Senate bill 105; and be it further

Resolved, That copies of this resolution be sent forthwith by the clerk of the city of Schenectady to Congressman SAMUEL S. STRATTON and Senators KENNETH B. KEATING and JACOB K. JAVITS.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 1268. A bill to provide for notice to States owning surface of lands in which minerals are reserved to Federal Government of proposals to lease such minerals (Rept. No. 1210);

S. 2576. A bill to authorize the addition of certain donated lands to the Everglades National Park (Rept. No. 1211);

H.R. 725. An act to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri (Rept. No. 1213);

H.R. 1805. An act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland (Rept. No. 1214);

H.R. 9543. An act to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes (Rept. No. 1215); and

S.J. Res. 9. Joint resolution to provide for the removal of a reservation of timber rights from a patent issued to Ivan H. McCormack (Rept. No. 1212).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1066. A bill to revise the boundaries and change the name of Fort Donelson National Military Park, and for other purposes (Rept. No. 1216);

S. 2128. A bill for the relief of the West Virginia Pulp & Paper Co. (Rept. No. 1217);

S. 2174. A bill to permit M. Margaretta Van Horne to file application for a patent to certain land in Florida (Rept. No. 1218); and

S. 2674. A bill to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes (Rept. No. 1219).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 7359. An act to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the Colorado River Commission of Nevada acting for the State of Nevada (Rept. No. 1220).

By Mr. GOLDWATER, from the Committee on Interior and Insular Affairs, without amendment:

S. 939. A bill to authorize the establishment of the Fort Bowie National Historic Site, in the State of Arizona, and for other purposes (Rept. No. 1221).

By Mr. GRUENING, from the Committee on Interior and Insular Affairs, without amendment:

S. 1411. A bill to amend the act of August 1, 1956 (70 Stat. 898) (Rept. No. 1222).

By Mr. LUSK, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 3676. An act to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg. (Rept. No. 1223).

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1833. A bill authorizing the establishment of a national historic site at Bent's Old Fort, near La Junta, Colo. (Rept. No. 1224).

By Mr. FREAR, from the Committee on the District of Columbia, without amendment:

H.R. 9451. An act to amend the act of July 19, 1954, to exempt from taxation certain additional property of the Veterans of Foreign Wars of the United States in the District of Columbia, and to provide that the tax exemption granted the property of the Veterans of Foreign Wars of the United States in the District of Columbia shall be effective with respect to taxable years beginning on and after July 1, 1959 (Rept. No. 1225).

By Mr. FREAR, from the Committee on the District of Columbia, with an amendment:

S. 2671. A bill to exempt from taxation certain property of the American War Mothers, Inc. (Rept. No. 1226).

By Mr. FREAR, from the Committee on the District of Columbia, with amendments:

S. 2306. A bill to exempt from taxation certain property of the National Woman's Party, Inc., in the District of Columbia (Rept. No. 1227).

By Mr. HARTKE, from the Committee on the District of Columbia, without amendment:

H.R. 10683. An act to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes (Rept. No. 1229).

By Mr. HARTKE, from the Committee on the District of Columbia, with amendments:

S. 2446. A bill to amend the act entitled "An act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes," approved August 11, 1950 (Rept. No. 1228).

By Mr. BEALL, from the Committee on the District of Columbia, without amendment:

H.R. 9737. An act to amend the act of March 3, 1901, to eliminate the requirement that certain District of Columbia corporations be managed by trustees the majority of whom are citizens of the District of Columbia (Rept. No. 1230).

By Mr. BEALL, from the Committee on the District of Columbia, with amendments:

S. 2131. A bill to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended (Rept. No. 1231).

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL EMPLOYMENT AND PAY

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of February 1960. In accordance with the practice of several years' standing, I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, FEBRUARY 1960 AND JANUARY 1960, AND PAY, JANUARY 1960 AND DECEMBER 1959

PERSONNEL AND PAY SUMMARY

(See table I)

Information in monthly personnel reports for February 1960 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized.

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In February numbered—	In January numbered—	Increase (+) or decrease (−)	In January was—	In December was—	Increase (+) or decrease (−)
Total [1]	2,331,883	2,329,442	+2,441	$1,026,721	$1,148,434	−$121,713
Agencies exclusive of Department of Defense	1,284,723	1,281,142	+3,581	566,695	648,306	−81,611
Department of Defense	1,047,160	1,048,300	−1,140	460,026	500,128	−40,102
Inside the United States	2,172,136	2,170,430	+1,706			
Outside the United States	159,747	159,012	+735			
Industrial employment	557,175	556,645	+530			
Foreign nationals	179,419	179,298	+121	21,629	23,494	−1,865

[1] Exclusive of foreign nationals shown in the last line of this summary.

Table I breaks down the above figures on employment and pay by agencies.

Table II breaks down the above employment figures to show the number inside the United States by agencies.

Table III breaks down the above employment figures to show the number outside the United States by agencies.

Table IV breaks down the above employment figures to show the number of Federal employees inside and outside the United States in industrial-type activities by agencies.

Table V shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during February 1960, and comparison with January 1960, and pay for January 1960, and comparison with December 1959*

Department or agency	Personnel				Pay (in thousands)			
	February	January	Increase	Decrease	January	December	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	83,733	84,321		588	$35,342	$39,141		$3,799
Commerce [1] [2]	34,334	35,464		1,130	15,128	[3] 19,139		4,011
Health, Education, and Welfare	59,853	59,930		77	26,512	[3] 28,659		2,147
Interior	49,832	49,608	224		23,835	26,554		2,719
Justice	30,313	30,106	207		16,482	18,014		1,532
Labor	6,571	6,304	267		3,164	3,430		266
Post Office	555,811	556,347		536	243,631	294,341		50,710
State [4]	36,478	36,280	198		15,956	17,287		1,331
Treasury	78,554	75,421	3,133		36,782	39,629		2,847
Executive Office of the President:								
White House Office	415	412	3		237	263		26
Bureau of the Budget	425	429		4	328	346		18
Council of Economic Advisers	32	33		1	31	29	$2	
Executive Mansion and Grounds	71	72		1	27	31		4
National Security Council	63	64		1	44	47		3
Office of Civil and Defense Mobilization	1,790	1,776	14		1,093	1,186		93
President's Advisory Committee on Government Organization	3	3			2	3		1
President's Committee on Fund Raising Within the Federal Service	5	4	1		3	3		
Independent agencies:								
Alaska International Rail and Highway Commission	2	2			2	2		
American Battle Monuments Commission	478	484		6	82	85		3
Atomic Energy Commission	6,749	6,723	26		4,079	4,425		346
Board of Governors of the Federal Reserve System	591	584	7		342	364		22
Boston National Historic Sites Commission	3	2	1		1	1		
Civil Aeronautics Board	732	730	2		450	493		43
Civil Service Commission	3,564	3,573		9	1,796	1,989		193
Civil War Centennial Commission	6	6			4	4		
Commission of Fine Arts	4	4			2	3		1
Commission on Civil Rights	70	73		3	38	40		2
Commission on International Rules of Judicial Procedure						[5] 7		7
Development Loan Fund	99	98	1		68	70		2
Export-Import Bank of Washington	227	226	1		146	153		7
Farm Credit Administration	249	251		2	165	338		173
Federal Aviation Agency	35,049	34,593	456		19,584	20,570		986
Federal Coal Mine Safety Board of Review	7	7			4	4		
Federal Communications Commission	1,291	1,268	23		734	805		71
Federal Deposit Insurance Corporation	1,237	1,238		1	670	736		66
Federal Home Loan Bank Board	975	967	8		530	573		43
Federal Mediation and Conciliation Service	335	335			251	273		22
Federal Power Commission	822	827		5	488	531		43
Federal Trade Commission	748	743	5		467	510		43
Foreign Claims Settlement Commission	46	48		2	33	34		1
General Accounting Office	4,996	5,000		5	2,633	2,865		232
General Services Administration [6]	27,620	27,516	104		11,322	12,322		1,000
Government Contract Committee	36	34	2		18	18		
Government Printing Office	6,514	6,518		4	3,287	3,439		152
Housing and Home Finance Agency	10,900	10,946		46	5,716	6,256		540
Hudson-Champlain Celebration Commission	3	3			2	2		
Indian Claims Commission	16	16			16	11	5	
Interstate Commerce Commission	2,333	2,306	27		1,302	1,407		105
Lincoln Sesquicentennial Commission	5	6		1	4	4		
National Aeronautics and Space Administration	9,670	9,604	66		5,643	6,013		460
National Capital Housing Authority	329	324	5		132	143		11
National Capital Planning Commission	44	43	1		27	29		2
National Gallery of Art	319	316	3		117	127		10
National Labor Relations Board	1,647	1,663		16	941	1,001		60
National Mediation Board	119	117	2		81	84		3
National Science Foundation	652	555	97		302	326		24
Outdoor Recreation Resources Review Commission	37	38		1	22	21	1	
Panama Canal	13,854	13,786	68		4,142	4,210		68
Railroad Retirement Board	2,237	2,257		20	1,023	1,130		107
Renegotiation Board	286	287		1	202	219		17
St. Lawrence Seaway Development Corporation	163	164		1	89	92		3
Securities and Exchange Commission	958	959		1	555	598		42
Selective Service System	6,260	6,251	9		1,675	1,826		151
Small Business Administration	2,155	2,137	18		1,160	1,242		82
Smithsonian Institution	1,122	1,103	19		457	515		58
Soldiers' Home	1,020	1,022		2	292	326		34
South Carolina, Georgia, Alabama, and Florida Water Study Commission	41	40	1		24	24		

See footnotes at end of table.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during February 1960, and comparison with January 1960, and pay for January 1960, and comparison with December 1959*—Continued

Department or agency	Personnel				Pay (in thousands)			
	February	January	Increase	Decrease	January	December	Increase	Decrease
Independent agencies—Continued								
Subversive Activities Control Board	27	28		1	$21	$22		$1
Tariff Commission	235	237		2	148	175		27
Tax Court of the United States	149	149			100	107		7
Tennessee Valley Authority	14,175	13,980	195		7,390	7,718		328
Texas Water Study Commission	36	35	1		21	22		1
U.S. Information Agency	10,876	10,820	56		3,644	3,953		309
Veterans' Administration	173,297	173,025	272		65,565	71,767		6,202
Virgin Islands Corporation	1,025	500	525		89	90		1
Total, excluding Department of Defense	1,284,723	1,281,142	6,048	2,467	566,605	648,306	$8	81,619
Net change, excluding Department of Defense			3,581				81,611	
Department of Defense:								
Office of the Secretary of Defense	1,818	1,806	12		1,176	1,292		116
Department of the Army	385,745	[3] 385,227	518		162,696	176,222		13,526
Department of the Navy	345,064	346,123		1,059	159,513	174,051		14,538
Department of the Air Force	314,533	315,144		611	136,641	148,563		11,922
Total, Department of Defense	1,047,160	1,048,300	530	1,670	460,026	500,128		40,102
Net decrease, Department of Defense			1,140				40,102	
Grand total, including Department of Defense [6]	2,331,883	2,329,442	6,578	4,137	1,026,721	1,148,434	8	121,721
Net change, including Department of Defense			2,441				121,713	

[1] February figure includes 190 seamen on the rolls of the Maritime Administration, and their pay.
[2] February figure includes 261 enumerators for the census of agriculture as compared with 2,232 in January, and their pay.
[3] Revised on basis of later information.
[4] February figure includes 13,394 employees of the International Cooperation Administration as compared with 13,287 in January, and their pay. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The February figure includes 3,184 of these trust fund employees, and the January figure includes 3,135.
[5] Includes 3 employees of the Federal Facilities Corporation.
[6] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during February 1960, and comparison with January 1960*

Department or agency	February	January	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	82,698	83,295		597
Commerce [1]	33,803	34,963		1,160
Health, Education, and Welfare	59,403	59,484		81
Interior	49,384	49,162	222	
Justice	30,013	29,813	200	
Labor	6,489	6,235	254	
Post Office	554,640	555,192		552
State [2]	8,915	8,834	81	
Treasury	78,013	74,877	3,136	
Executive Office of the President:				
White House Office	415	412	3	
Bureau of the Budget	425	429		4
Council of Economic Advisers	32	33		1
Executive Mansion and Grounds	71	72		1
National Security Council	63	64		1
Office of Civil and Defense Mobilization	1,790	1,776	14	
President's Advisory Committee on Government Organization	3	3		
President's Committee on Fund Raising Within the Federal Service	5	4	1	
Independent agencies:				
Alaska International Rail and Highway Commission	2	2		
American Battle Monuments Commission	14	13	1	
Atomic Energy Commission	6,707	6,681	26	
Board of Governors of the Federal Reserve System	591	584	7	
Boston National Historic Sites Commission	3	2	1	
Civil Aeronautics Board	732	730	2	
Civil Service Commission	3,561	3,570		9
Civil War Centennial Commission	6	6		
Commission of Fine Arts	4	4		
Commission on Civil Rights	70	73		3
Development Loan Fund	99	98	1	
Export-Import Bank of Washington	227	226	1	
Farm Credit Administration	249	251		2
Federal Aviation Agency	34,205	33,740	465	
Federal Coal Mine Safety Board of Review	7	7		
Federal Communications Commission	1,289	1,266	23	
Federal Deposit Insurance Corporation	1,235	1,236		1
Federal Home Loan Bank Board	975	967	8	
Federal Mediation and Conciliation Service	335	335		
Federal Power Commission	822	827		5
Federal Trade Commission	748	743	5	
Foreign Claims Settlement Commission	46	48		2
General Accounting Office	4,925	4,929		4
General Services Administration [3]	27,615	27,511	104	
Government Contract Committee	36	34	2	
Government Printing Office	6,514	6,518		4
Housing and Home Finance Agency	10,765	10,807		42
Hudson-Champlain Celebration Commission	3	3		
Indian Claims Commission	16	16		
Interstate Commerce Commission	2,333	2,306	27	
Lincoln Sesquicentennial Commission	5	6		1
National Aeronautics and Space Administration	9,668	9,602	66	
National Capital Housing Authority	329	324	5	
National Capital Planning Commission	44	43	1	
National Gallery of Art	319	316	3	
National Labor Relations Board	1,623	1,639		16
National Mediation Board	119	117	2	
National Science Foundation	652	555	97	
Outdoor Recreation Resources Review Commission	37	38		1
Panama Canal	409	387	22	
Railroad Retirement Board	2,237	2,257		20
Renegotiation Board	286	287		1
St. Lawrence Seaway Development Corporation	163	164		1
Securities and Exchange Commission	958	959		1
Selective Service System	6,105	6,096	9	
Small Business Administration	2,135	2,118	17	
Smithsonian Institution	1,111	1,092	19	
Soldiers' Home	1,020	1,022		2
South Carolina, Georgia, Alabama, and Florida Water Study Commission	41	40	1	
Subversive Activities Control Board	27	28		1
Tariff Commission	235	237		2
Tax Court of the United States	149	149		
Tennessee Valley Authority	14,173	13,978	195	
Texas Water Study Commission	36	35	1	
U.S. Information Agency	2,733	2,739		6
Veterans' Administration	172,214	171,944	270	
Total, excluding Department of Defense	1,227,124	1,224,353	5,292	2,521
Net increase, excluding Department of Defense			2,771	
Department of Defense:				
Office of the Secretary of Defense	1,774	1,762	12	
Department of the Army	335,553	335,048	505	
Department of the Navy	323,075	324,086		1,011
Department of the Air Force	284,610	285,181		571
Total, Department of Defense	945,012	946,077	517	1,582
Net decrease, Department of Defense			1,065	
Grand total, including Department of Defense	2,172,136	2,170,430	5,809	4,103
Net increase, including Department of Defense			1,706	

[1] February figure includes 190 seamen on the rolls of the Maritime Administration.
[2] February figure includes 1,882 employees of the International Cooperation as compared with 1,889 in January.
[3] Includes 3 employees of the Federal Facilities Corporation.

TABLE III.—*Federal personnel outside the United States employed by the executive agencies during February 1960, and comparison with January 1960*

Department or agency	February	January	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,035	1,026	9	
Commerce	531	501	30	
Health, Education, and Welfare	450	446	4	
Interior	448	446	2	
Justice	300	293	7	
Labor	82	69	13	
Post Office	1,171	1,155	16	
State [1]	27,563	27,446	117	
Treasury	541	544		3
Independent agencies:				
American Battle Monuments Commission	464	471		7
Atomic Energy Commission	42	42		
Civil Service Commission	3	3		
Federal Aviation Agency	844	853		9
Federal Communications Commission	2	2		
Federal Deposit Insurance Corporation	2	2		
General Accounting Office	71	72		1
General Services Administration	5	5		
Housing and Home Finance Agency	135	139		4
National Aeronautics and Space Administration	2	2		
National Labor Relations Board	24	24		
Panama Canal	13,445	13,399	46	
Selective Service System	155	155		
Small Business Administration	20	19	1	
Smithsonian Institution	11	11		
Tennessee Valley Authority	2	2		
U.S. Information Agency	8,143	8,081	62	
Veterans' Administration	1,083	1,081	2	
Virgin Islands Corporation	1,025	500	525	
Total, excluding Department of Defense	57,599	56,789	834	24
Net increase, excluding Department of Defense			810	
Department of Defense:				
Office of the Secretary of Defense	44	44		
Department of the Army	50,192	[2] 50,179	13	
Department of the Navy	21,989	22,037		48
Department of the Air Force	29,923	29,963		40
Total, Department of Defense	102,148	102,223	13	88
Net decrease, Department of Defense				75
Grand total, including Department of Defense	159,747	159,012	847	112
Net increase, including Department of Defense			735	

[1] February figure includes 11,512 employees of the International Cooperation Administration as compared with 11,398 in January. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The February figure includes 3,184 of these trust fund employees, and the January figure includes 3,135.

[2] Revised on basis of later information.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during February 1960, and comparison with January 1960*

Department or agency	February	January	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,329	3,306	23	
Commerce	2,397	2,299	98	
Interior	6,716	6,616	100	
Treasury	5,202	5,159	43	
Independent agencies:				
Atomic Energy Commission	155	154	1	
Federal Aviation Agency	785	750	35	
Federal Communications Commission	13	13		
General Services Administration	1,226	1,207	19	
Government Printing Office	6,514	6,518		4
National Aeronautics and Space Administration	9,670	9,604	66	
Panama Canal	7,033	6,924	109	
Tennessee Valley Authority	1,411	11,220	191	
Virgin Islands Corporation	1,025	500	525	
Total, excluding Department of Defense	55,476	54,270	1,210	4
Net increase, excluding Department of Defense			1,206	
Department of Defense:				
Department of the Army:				
Inside the United States	[1] 134,750	[2] 134,573	177	
Outside the United States	[1] 8,200	[2] 8,210		10
Department of the Navy:				
Inside the United States	198,661	199,073		412
Outside the United States	514	519		5
Department of the Air Force:				
Inside the United States	158,172	158,539		367
Outside the United States	1,402	1,461		59
Total, Department of Defense	501,699	502,375	177	853
Net decrease, Department of Defense			676	
Grand total, including Department of Defense	557,175	556,645	1,387	857
Net increase, including Department of Defense			530	

[1] Subject to revision.

[2] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of February 1960 and comparison with January 1960*

Country	Total		Army		Navy		Air Force	
	February	January	February	January	February	January	February	January
Belgium	12	12					12	12
England	3,491	3,393					3,491	3,393
France	21,774	21,725	17,384	17,326	4	3	4,386	4,396
Germany	81,631	81,527	69,189	69,213	57	57	12,385	12,257
Japan	61,952	62,212	[1] 20,206	[1] 20,442	16,026	16,072	25,660	25,698
Korea	6,121	6,011	6,121	6,011				
Morocco	3,822	3,806	2	2	846	845	2,974	2,959
Netherlands	43	43					43	43
Norway	23	23					23	23
Saudi Arabia	1	2					1	2
Trinidad	549	544			549	544		
Total	179,419	179,296	112,902	112,994	17,482	17,521	48,975	48,783

[1] Revised on basis of later information.

STATEMENT BY SENATOR BYRD OF VIRGINIA

Executive agencies of the Federal Government reported civilian employment in the month of February totaling 2,331,883. This was a net increase of 2,441 as compared with employment reported in the preceding month of January.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1960, which began July 1, 1959, follows:

Month	Employment	Increase	Decrease
1959			
July	2,370,694	3,703	
August	2,364,320		6,374
September	2,345,359		18,961
October	2,348,807	3,448	
November	2,372,247	23,440	
December	2,364,342		7,905
1960			
January	2,329,442		34,900
February	2,331,883	2,441	

Total Federal employment in civilian agencies for the month of February was 1,284,723, an increase of 3,581 as compared with the January total of 1,281,142. Total civilian employment in the military agencies in February was 1,047,160, a decrease of 1,140 as compared with 1,048,300 in January.

Civilian agencies reporting the larger increases were Treasury Department with 3,133, Virgin Islands Corporation with 525, and Federal Aviation Agency with 456. The increase in Treasury Department was largely seasonal. The larger decreases were reported by Commerce Department with 1,130, Agriculture Department with 588 and Post Office Department with 536.

In the Department of Defense, decreases in civilian employment were reported by the Department of the Navy with 1,059, and the Department of the Air Force with 611. The Department of the Army reported an increase of 518.

Inside the United States civilian employment increased 1,707, and outside the United States civilian employment increased 735. Industrial employment by Federal agencies in February totaled 557,175, an increase of 530.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

FOREIGN NATIONALS

The total of 2,331,883 civilian employees certified to the Committee by Federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 179,419 foreign nationals working for U.S. military agencies during February who were not counted in the usual personnel reports. The number in January was 179,298. A breakdown of this employment for February follows:

Country	Total	Army	Navy	Air Force
Belgium	12			12
England	3,491			3,491
France	21,774	17,384	4	4,386
Germany	81,631	69,189	57	12,385
Japan	61,952	20,266	16,026	25,660
Korea	6,121	6,121		
Morocco	3,822	2	846	2,974
Netherlands	43			43
Norway	23			23
Saudia Arabia	1			1
Trinidad	549		549	
Total	179,419	112,962	17,482	48,975

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BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HART:

S. 3306. A bill for the relief of Tadeusz (Kraszewski) DeMuch; to the Committee on the Judiciary.

By Mr. KEFAUVER:

S. 3307. A bill for the relief of Rocky River Co. and Macy Land Corp.; to the Committee on the Judiciary.

By Mr. BUTLER:

S. 3308. A bill to amend section 5 of the Administrative Procedure Act; to the Committee on the Judiciary.

(See the remarks of Mr. BUTLER when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (for himself and Mr. JACKSON):

S. 3309. A bill to amend the act entitled "An act to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Indian Reservation, and for other purposes," approved July 28, 1955;

S. 3310. A bill to amend the act entitled "An act to transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes," approved August 5, 1954; and

S. 3311. A bill to authorize the Secretary of the Interior to make loans to the Yakima Tribes of Indians of the State of Washington for the purpose of purchasing Indian lands; and

S. 3312. A bill to authorize the Secretary of the Interior to establish, in the State of Washington, an institution for the care, custody and education of certain juvenile dependents and delinquents; to the Committee on Interior and Insular Affairs.

By Mr. KERR:

S. 3313. A bill for the relief of Thomas J. Morris; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 3314. A bill for the relief of Ellsworth W. Thiele; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey:

S. 3315. A bill for the relief of Helena Palin Kalemba; to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 3316. A bill to amend the Act of September 16, 1959 (73 Stat. 561), with respect to the construction, operation, and maintenance of the Spokane Valley project, Washington, under the Federal reclamation laws; to the Committee on Interior and Insular Affairs.

By Mr. KUCHEL (for himself and Mr. ENGLE):

S. 3317. A bill to provide authority for the Secretary of State to conclude an agreement with the Government of Mexico and the city of San Diego for collection, treatment, and disposal of sewage originating in Tijuana, Mexico, with a proviso that the agreement contain provisions for payment by the Government of Mexico in an amount and under such terms and conditions as deemed appropriate by the Secretary of State; to the Committee on Foreign Relations.

(See the remarks of Mr. KUCHEL when he introduced the above bill, which appear under a separate heading.)

By Mr. LONG of Louisiana (for himself and Mr. ELLENDER):

S.J. Res. 182. Joint resolution to provide for the designation of June 4, 1960, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

CONCURRENT RESOLUTION RESTORATION OF FREEDOM TO CAPTIVE NATIONS

Mr. DOUGLAS submitted a concurrent resolution (S. Con. Res. 102) relating to restoration of freedom to captive nations, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. DOUGLAS, which appears under a separate heading.)

AMENDMENT OF SECTION 5 OF ADMINISTRATIVE PROCEDURE ACT

Mr. BUTLER. Mr. President, I introduce for appropriate reference a bill to amend section 5 of the Administrative Procedure Act.

I ask unanimous consent to have printed in the RECORD a statement I have prepared in connection with the bill.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 3308) to amend section 5 of the Administrative Procedure Act, introduced by Mr. BUTLER, was received, read twice by its title, and referred to the Committee on the Judiciary.

The statement presented by Mr. BUTLER is as follows:

STATEMENT BY SENATOR BUTLER

During the 2d session of the 85th Congress I introduced a bill, S. 3521, as an amendment to section 5 of the Administrative Procedure Act which would make unlawful any ex parte discussion of certain matters pending before Federal agencies. I wish to reintroduce a modified version of that bill at this time.

The purpose of my bill is to equate the members, officers, and employees of agencies, in their adjudicatory functions, with Federal judges insofar as a standard of ethical conduct is concerned.

I feel that it is important for their own protection that these men have some standard or criterion which they can utilize in governing their activities and contacts with members of the industry they are charged with regulating.

Much has been said and printed recently about the impossibility of legislating ethics. While I agree that it is inherently difficult to regulate a man's ethics, I submit there are areas where rules can be applied. Specifically, I do not believe agency members should be isolated from contact with their industry simply because they are in a regulatory position. Daily contact is often necessary to keep abreast of new developments. Agency members cannot and should not be criticized for such contact.

With or without legislation, however, they should be discreet in their discussions with industry representatives. In this respect they should conform to a code of conduct similar to that followed by Federal and other judges and not discuss pending cases.

The legal profession has for years operated on the theory that there should be no ex parte discussion with a judge of pending cases. To do so is a breach of professional and judicial ethics. On the whole, the practice has been highly successful.

A judge is usually selected from the bar that will subsequently practice before him. No one could logically argue that from the

day of his selection or election he is to disassociate himself from his longtime friends of the bar. The judge can and should continue to be active in his local bar association and maintain his contact with the profession. He must, of course, be careful not to accept unusual hospitality. The prudent judge, however, will never discuss pending cases outside the presence of all parties. The prudent lawyer will never ask that he do so.

The same is true of the agency head or member. He must of necessity if he is to be of any value at all in the position, be selected from some segment of the industry he is to have a hand in regulating. Should he thereafter divorce himself from all contacts, new or old, in the industry? Of course not. He should, however, conduct himself with the same degree of judicial and professional demeanor that governs a judge. He should not talk about cases before his agency which have been designated for hearing. Any self-respecting industry member or attorney practicing before the agency should act with equal discretion.

The bill would make it unlawful and unethical for any person to discuss the facts of a case with an agency official or member after it has been designated for hearing without first giving notice and opportunity for all parties to be present. It would likewise make it unlawful and unethical for any agency official to solicit such ex parte discussions.

While this bill would establish a code of conduct, it would leave to the discretion of the respective officials the degree of contact, social and business, he would have with the industry. This is consistent with the respect accorded the gentlemen of the judiciary.

Further, it has been brought to my attention that agencies receive suggestions and ideas on the variety of matters before them not only from the industry and the public but from Members of Congress and other Government officials as well. I understand this occurs during the regular working day as well as at evening social affairs. While such may or may not be good practice when applied to some of the various functions of the agencies, it should not be carried over to those cases pending before the agencies which have been designated for hearing. My bill will prevent the practice referred to and would give to administrative hearings the judicial-like atmosphere and procedure which was intended by the Administrative Procedure Act. The application of legal ethical standards to the agencies would give public and professional confidence to the decisions of those officials which apparently does not exist at the present time.

While my bill does not provide for a penalty, it would nevertheless serve as a valuable guide and deterrent as do the existing codes of judicial and professional ethics. It would protect the officials not only from their enemies but, of equal if not more importance, from their friends. Violation could be the basis for prohibiting an individual from practicing or appearing before the agency the same as unethical conduct can be the basis for disbarment or suspension of an attorney. That, however, is a matter which should be left with the agency, the same as disbarment and suspension procedures are determined by the court concerned.

To impose any greater standard of conduct on these officials in their adjudicatory function than that imposed upon Federal judges cannot be justified; to require less would affect the confidence given their decisions.

I submit that law is the cornerstone of a society's ethical code and that my bill would alleviate, to a considerable extent, existing suspicion and mistrust of the Nation's regulatory agencies.

PROPOSED LEGISLATION TO RESOLVE THE BORDER SANITATION PROBLEM BETWEEN MEXICO AND THE UNITED STATES

Mr. KUCHEL. Mr. President, on behalf of myself and my colleague the junior Senator from California [Mr. ENGLE], I introduce, for appropriate reference, a bill to authorize the Secretary of State to conclude an agreement with the Government of Mexico and the city of San Diego, Calif., for the collection, treatment, and disposal of sewage originating in Tijuana, Mexico. Included in the bill is a requirement that the agreement must contain provisions for payment by the Government of Mexico, the details of payment to be determined by the Secretary of State.

Mr. President, this proposed legislation is urgently needed to remedy a critical situation threatening the health and welfare of residents from San Diego southward to Baja, Calif. Without it, both the Mexican and southern Californian residents of the affected area will continue to face a dangerous health menace, the secondary effects of which will spread to other larger areas.

Prior to the construction of the international outfall sewer, the sewage facilities in Tijuana, Mex., consisted of a system serving 500 people. Effluent was discharged into the drainage system of the Tia Juana River on the Mexican side of the border Inadequately treated sewage began flowing across the border into California, creating a health hazard; and in May 1933 the county of San Diego lodged an official complaint with the International Boundary and Water Commission. The Commission subsequently agreed upon a plan for the construction of an international trunkline sewer, commencing in Mexico and extending through San Ysidro and along the border to the Pacific Ocean. Through the use of emergency relief funds, the portion of the international sewer line in the United States was completed in 1938.

Treatment facilities provided for Tijuana were minimal in nature, consisting of a septic tank designed to serve a population of 5,000. Today the population of Tijuana has skyrocketed to an estimated 160,000, with 50,000 to 60,000 people connected to the sewage system. Flows of between 4.5 million and 5 million gallons per day of sewage now cross the border from Tijuana. There have been few changes in the plant since its construction. Operation of the plant as a limited settling facility has generally not worked out, with the result that sewage entering California and flowing to the Pacific Ocean is virtually raw. It is swept back up on the beaches of California communities in this State. Emergency measures to treat the raw sewage by chlorination has been inadequate. In fact, the county of San Diego health officials closed the beaches and restricted the use of a major section of the beaches known as the Silver Strand in the Imperial Beach area because the chlorination method of treating raw sewage did not reduce the bacterial count to a safe level.

Mr. President, officials from the Mexican Government, the State Department, the State of California, the county and city of San Diego, the city of Imperial Beach, and the International Boundary and Water Commission have worked tirelessly with Representative WILSON to work out a mutually satisfactory solution to the problem. These efforts have extended over a long period, beginning in 1946, when the danger to health from the Outfall in the vicinity of bathing beaches became apparent.

The proposed legislation I have introduced today will permit our Government to propose a plan to the Government of Mexico which will solve this problem on a long-term basis. The Mexican Government, including its distinguished Chief of State, Adolfo Lopez Mateos, and his representative on the Mexican Section of the International Boundary and Water Commission, have pledged their full cooperation with the United States in developing a master sewage project to remove the hazard to health currently resulting from inadequate facilities.

Sanitation engineering experts have recommended that the most reasonable proposal is to have the Tijuana area join in the master sewage-treatment and disposal facility to be constructed by the city of San Diego. Tijuana would be connected with this system through an extension, thus enabling sewage from below the border to be collected, treated, and disposed of by the city of San Diego.

Under the provisions of the proposed legislation, Mr. President, the Secretary of State would be required to act, through his representative on the International Boundary and Water Commission, to enter into an agreement with the Government of Mexico to provide, first, that Tijuana, Mexico, join the sewage-treatment system of San Diego, Calif.; second, that the Government of Mexico pay an equitable share of the cost involved in connecting Tijuana with the San Diego system, the Secretary of State to determine the fair share of the cost.

This plan has the sincere support of all U.S. governmental agencies affected by the Tijuana sewage problem. Their collective effort has produced a sound and reasonable means for solving a critical problem. Mr. President, I urge the highest priority for this proposed legislation.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3317) to provide authority for the Secretary of State to conclude an agreement with the Government of Mexico and the city of San Diego for collection, treatment, and disposal of sewage originating in Tijuana, Mexico, with a proviso that the agreement contain provisions for payment by the Government of Mexico in an amount and under such terms and conditions as deemed appropriate by the Secretary of State, introduced by Mr. KUCHEL (for himself and Mr. ENGLE), was received, read twice by its title, and referred to the Committee on Foreign Relations.

RESTORATION OF FREEDOM TO CAPTIVE NATIONS

Mr. DOUGLAS. Mr. President, I submit for appropriate reference a concurrent resolution relating to freedom for the captive nations.

I previously submitted on March 21, 1960—a concurrent resolution of similar purport, but in a somewhat different form; it is Senate Concurrent Resolution 95. Since this subject matter has been submitted in the House in the two different forms, it seems desirable that the Senate Foreign Relations Committee also have before it both forms of the concurrent resolution. For that reason, I am glad to submit this concurrent resolution today in the same language as presented by the able Representative from Wisconsin, Mr. ZABLOCKI.

I ask unanimous consent that the resolution be printed in the RECORD at the conclusion of my remarks, and lie at the desk until the close of business on April 8, 1960, in order that any other Senators who may wish to join in sponsoring this resolution may have the opportunity to do so.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred, and, under the rule, will be printed in the RECORD; and, without objection, the concurrent resolution will lie on the desk, as requested by the Senator from Illinois.

The concurrent resolution (S. Con. Res. 102) was referred to the Committee on Foreign Relations, as follows:

Whereas the rulers of the Soviet Union have repeatedly declared their determination to pursue relentlessly their political, economic, and ideological drive for a worldwide victory for communism; and

Whereas, in its efforts to attain that objective, the Soviet Union, through force of arms, subversion, infiltration, and other methods, has imposed puppet Communist regimes upon the people of the captive nations of Eastern and Central Europe and exerted tireless effort to crush their spirit and to transform their countries into replicas—on political, economic, social, cultural, and administrative levels—of the Soviet Union; and

Whereas, in direct violation of the provisions of the Yalta agreement, the people of the captive nations are still being denied the opportunity to solve their problems by democratic means and to choose, through free and unfettered elections, national governments of their own free choice; and

Whereas, in contravention of duly ratified treaties of peace, of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of expressions of the United Nations General Assembly, the people of the captive nations are being systematically deprived of the exercise of fundamental freedoms and basic human rights; and

Whereas the United States of America has consistently refused to sanction, either directly or by implication, the political status quo of the captive nations; and

Whereas the United States of America has stood firmly on the principle of self-determination, welcoming the enlargement of the area of freedom and self-government and insisting on the inalienable right of the people of the captive nations to live under governments of their own choice; and

Whereas the establishment of just and lasting peace is inconceivable without the restoration of freedom, independence, and national sovereignty to the captive people of Eastern and Central Europe, which objective the United States of America is determined to pursue by all feasible means: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress of the United States calls for the respect of the fundamental freedoms and human rights of the people of the captive nations;

(2) the Congress of the United States reaffirms its belief in the inalienable right of the people of the captive nations to live under governments of their own choice; and

(3) the Congress of the United States urges the President to pursue energetically at the forthcoming summit conference the restoration of the fundamental freedoms and basic human rights of the people of the captive nations.

Mr. LAUSCHE. Let me ask the Senator from Illinois whether the concurrent resolution he has just submitted deals at all with the captive people within the Soviets—the Yellow Russians, the Ukrainians, and certain others who are dominated and exploited by the Soviets?

Mr. DOUGLAS. I covered that in the concurrent resolution I submitted on March 21, and that resolution was similar to the one submitted by Representative FEIGHAN, of Ohio; and I believe in that concurrent resolution.

But, in addition, Representative ZABLOCKI, of Wisconsin, submitted a resolution which was confined to the peoples of eastern and central Europe, and it has received the support of a large number of Members of the House of Representatives.

Today I am submitting a similar concurrent resolution, in order that the Senate Foreign Relations Committee may have both resolutions before it, and may choose the one it wishes to adopt, if it wishes to adopt either of them.

Mr. LAUSCHE. Mr. President, I should like to associate myself with the Senator from Illinois in sponsoring the concurrent resolution.

Mr. DOUGLAS. I thank the Senator from Ohio; and, Mr. President, I ask unanimous consent that the name of the Senator from Ohio be added to the list of sponsors of the concurrent resolution.

CIVIL RIGHTS ACT OF 1960—AMENDMENTS

Mr. HART submitted amendments, intended to be proposed by him, to the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, which were ordered to lie on the table and be printed.

Mr. LONG of Louisiana submitted an amendment, intended to be proposed by him, to House bill 8601, supra, which was ordered to lie on the table and be printed.

Mr. ERVIN (for himself and Mr. MCCLELLAN) submitted an amendment, intended to be proposed by them, jointly, to House bill 8601, supra, which was ordered to lie on the table and to be printed.

Mr. McCLELLAN submitted amendments, intended to be proposed by him, to House bill 8601, supra, which were ordered to lie on the table and to be printed.

Mr. EASTLAND (for himself, Mr. STENNIS, Mr. THURMOND, Mr. BYRD of Virginia, and Mr. HILL) submitted an amendment, intended to be proposed by them, jointly, to House bill 8601, supra, which was ordered to lie on the table and be printed.

Mr. MCNAMARA submitted an amendment, intended to be proposed by him to House bill 8601, supra, which was ordered to lie on the table and be printed.

Mr. MCNAMARA (for himself, Mr. HART, and Mr. CLARK) submitted amendments, intended to be proposed by them, jointly, to House bill 8601, supra, which were ordered to lie on the table and to be printed.

AMENDMENT OF FEDERAL AVIATION ACT OF 1958, RELATING TO REDUCED-RATE TRANSPORTATION FOR CERTAIN PERSONS—AMENDMENT

Mr. MAGNUSON. Mr. President, a problem has arisen in connection with the granting of reduced-rate transportation for military personnel on furlough traveling between Alaska or Hawaii and the other States. While Alaska and Hawaii were Territories, air transportation between the States and Alaska or Hawaii was "oversea air transportation" as defined in the Federal Aviation Act. Such transportation under the provisions of section 403(b) is not subject to the same rigid prohibitions against free and reduced-rate transportation as applies to interstate air transportation, and therefore it was possible for the carriers, subject to Civil Aeronautics Board regulation, to grant reduced rates to military personnel traveling on furlough between the States and Alaska or Hawaii. Now that these Territories have become States, the same transportation is no longer "oversea air transportation" but has become "interstate air transportation" and authority to grant reduced rates is lacking. Therefore, in order to permit the carriers to offer reduced rates for furlough travel of military personnel in interstate air transportation an amendment of the Federal Aviation Act will be necessary.

There is now pending in the Aviation Subcommittee of the Committee on Interstate and Foreign Commerce a bill—H.R. 4049—to authorize free or reduced-rate transportation for certain persons. The subcommittee plans to hold hearings on that bill on Monday, April 4. In order that the problem which I have described may receive consideration at that hearing, on behalf of myself, and the distinguished senior Senator from Alaska [Mr. BARTLETT], I submit, for appropriate reference, a proposed amendment to H.R. 4049, which, if adopted, will permit the airlines to grant reduced-rate transportation to military personnel traveling on furlough between Alaska or Hawaii and the other States.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and referred to the Committee on Interstate and Foreign Commerce.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Richard A. Chappell, of Georgia, to be a member of the board of parole for the term expiring September 30, 1966—reappointment.

William F. Howland, Jr., of Virginia, to be a member of the board of parole for the term expiring September 30, 1966—reappointment.

On behalf of the Committee on the Judiciary notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Friday, April 8, 1960, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. KEATING:

Letter written by President Eisenhower, addressed to Mr. Robert Kopple, executive vice president of the New York World's Fair 1964 Corp.; and letter written by him, addressed to Mr. Kopple, both relating to the 1964 American World's Fair in New York City.

THE NUCLEAR RACE WITH TIME IN THE U.S. SENATE

Mr. PROXMIRE. Mr. President, in all the discussion of the wisdom or foolishness of making a treaty with the Russians to suspend nuclear testing, there has been little talk on the floor of the Senate or in the press of the very heart of the issue—time.

The precious time to stop the nuclear arms race—the spread of the power of infinite destruction to the Maos and Castros—the chance for human survival—this time is now whizzing by.

In this morning's papers Marquis Childs nails the time problem squarely on the door of the U.S. Senate when he writes:

> Within the administration there is at least the professed hope that a nuclear-test treaty can be approved at the summit conference and ratified by the Senate within 90 days or before adjournment of Congress on July 1. The Senate leaders say it is quite impossible.
>
> The value of time depends, of course, on the use that is made of it. In the Senate it has been squandered. With 10 days or more of the civil rights controversy still to run, a whole month or more has gone with the wind.

Mr. President, because of the great urgency of this problem, when the survival of all mankind may hang in the balance, I ask unanimous consent that one of the first and certainly one of the most perceptive and intelligent articles dealing with the urgency per se, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WORLD BEGINS A RACE WITH TIME

(By Marquis Childs)

As the days, and weeks, the months tick off, the most priceless commodity is time. The race is against the spread of nuclear weapons to keep them from the possession not of the present 3 or 4 powers but of 6 and then 7 and 8 and then 10 or 12.

If this happens the hope of checking the competition for nuclear arms will have been foreclosed and the chances of an accidental war will have been enormously increased. The realization of this was clearly behind everything President Eisenhower said at his press conference.

One remark went almost unnoticed. That was the possibility of newer and, while he did not add this, far more economical ways of producing the hydrogen fusion. At least one such method is now theoretically possible. And if we have learned one thing in the past two decades, it is that what is theoretically possible soon becomes practically possible.

The nightmare grimly visible behind the President's measured words is a world in which Red China has nuclear weapons; and in a decade or perhaps a little longer a Castro in Cuba and a Nasser in Egypt with the ultimate power of destruction. This is a nightmare that should give pause to even the most determined proponents of continued testing to perfect the American nuclear arsenal.

Of President Eisenhower's 8 years in the White House only 295 days remain. The question is whether in this short span of time it will be possible to get an agreement on nuclear testing. That is of paramount importance both as a beginning and symbol.

Within the administration there is at least the professed hope that a nuclear test treaty can be approved at the summit conference and ratified by the Senate within 90 days or before adjournment of Congress on July 1. The Senate leaders say it is quite impossible.

The value of time depends, of course, on the use that is made of it. In the Senate it has been squandered. With 10 days or more of the civil rights controversy still to run, a whole month or more has gone with the wind.

Time figures heavily in the calculations on whether at least a small start can be made in checking the nuclear arms race. Under the American system the President cannot hold his successor to any commitment that he makes. Thus a proposed moratorium on low-level explosions, falling outside the range of inspection, cannot be assured beyond next January 20.

The President was given a chance to say that continuity might come through the participation of Democratic Senators at the summit. They will be in command of the same key committees after next January. But except on the narrowest terms—when an international conference is actually considering a treaty—he rejected this opportunity.

Time has been wasted in so many ways. The impetus toward agreed disarmament and an interim settlement of Berlin was strong after Premier Khrushchev's visit to this country. President Eisenhower plainly showed his disappointment when a summit meeting in December was blocked by Charles de Gaulle of France.

Here, too, it is a question of how the time was used. De Gaulle was able to stem a new army revolt in Algeria that seemed for a time about to topple the Fifth Republic. But there is no evidence that the Algerian war is any nearer to settlement and, without a settlement, France remains under a grave handicap.

A dictatorship can take decisions that in a free society mean a prolonged hassle with conflicting forces. Khrushchev could go to India and Indonesia and give immediate and definite assurances of further substantial aid. While we ourselves are confident of the advantages in a free choice, this swiftness and immediacy of decison have a dangerous attraction of peoples struggling to overcome seemingly insurmountable economic problems.

Those who oppose the President on the negotiation of a test ban that cannot be 100-percent guaranteed fail to understand one thing. That is that time will not stand still. The forces set in motion will move on to their inexorable end unless positive, unceasing, constructive effort is made to halt them.

Again and again it has been assumed since 1945 that the United States was all powerful and could remain so no matter what any other nation did or said. It is another kind of isolationism that we see today in a singularly dangerous manifestation.

THE HUMPHREY SPARK OF GREATNESS

Mr. PROXMIRE. Mr. President, the great senior Senator from Minnesota [Mr. HUMPHREY] has won a very extensive following in my State of Wisconsin, not only in the current campaign, but over the past 15 years—as mayor of neighboring Minneapolis and as Senator from Minnesota. In fact, he is still referred to in our State as the third Senator from Wisconsin; and I must confess that he is referred to by some Members of our own Wisconsin delegation in the House of Representatives as the best friend Wisconsin farmers have in the Senate.

But above and beyond all this, HUBERT HUMPHREY has been brilliantly serving his Nation and his sensitive humane conscience.

This morning's newspapers carry a column by Drew Pearson properly pointing out that, popular and politically potent as HUBERT HUMPHREY is, he is "the best living example of the sardonic fact that courage seldom pays off with people and politicians."

Mr. President, I ask unanimous consent that this excellent tribute to a great Senator, edited to bring it into conformance with Senate rules, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUMPHREY CALLED "RIGHT TOO SOON"

(By Drew Pearson)

HUBERT HORATIO HUMPHREY is the best living example of the sardonic fact that courage seldom pays off with people and politicians. History is littered with skeletons of dead heroes who stick their necks out for what was best for mankind and who are honored in death, not in life.

It is too early of course to judge the bestowed niche of HUBERT HUMPHREY, but certainly in this campaign to pick a President he is paying the penalty of being right too soon.

Four years ago he took a stand against nuclear bomb testing, and stuck to the position to which Eisenhower has come around today. Seven years ago he formed a State Department committee to explore ways of halting the arms race—with proper inspection—exactly the position pushed by Eisenhower at Geneva today.

Twelve years ago at the Democratic Convention he stood up before bitter southern delegates and demanded that the Democratic Party "get out of the shadow of States rights and walk forthrightly in the bright sunshine of human rights." That battle for civil rights has cost HUMPHREY the undying opposition of the South today. Yet Congress and the Eisenhower Administration this month will write his several ideas into law.

OTHER CRUSADING "FIRST"

For 7 years he has opposed Secretary of Agriculture Benson's flexible price supports, a position to which his chief rival for the Democratic nomination, Senator JACK KENNEDY, has just come around in the last 2 years.

He proposed an International Health Year modeled after the International Geophysical Year and went to Moscow to get Khrushchev's support. He originated the idea of the Great White Fleet which was picked up by Life magazine and has resulted in a mercy ship now calling at southeast Asian ports with American doctors and nurses.

Finally, he has been the consistent champion of labor, a devoted friend of Israel, a battler for religious tolerance and the most articulate Senate spokesman for small business.

Yet with the exception of the farmers, none of these groups is really in HUMPHREY's corner. Though he risked fanning the flames of southern ire only last year by delivering the main address before the National Association of Colored People, there is no great rush of the Negro vote in his direction.

Though he has gone down the line for labor more consistently than any other Senator save WAYNE MORSE of Oregon, the attitude of labor is best described by the remark of Joe De Silva, potent head of the Los Angeles retail clerks: "This time we want a winner. HUMPHREY's all right, but he can't win."

SELDOM FIRES BLANK

Harry Truman and Adlai Stevenson reacted differently, but the net result was the same. When Senator HUMPHREY consulted them before he took the presidential plunge, Stevenson said he wouldn't seek the nomination, but wouldn't turn it down if offered. But he was not willing to release his long-time political supporters to work for HUMPHREY.

Truman told the Senator from Minnesota that he would support SYMINGTON as Missouri's favorite son, though he left open the possibility that he might change candidates in later balloting.

Only Mrs. Roosevelt, matriarch of the liberal Democrats, has been in HUMPHREY's corner. "HUMPHREY," she has said, "possesses the spark of greatness."

Chief criticism of HUMPHREY is that he talks too much. This is true. And sometimes he gives the impression of shallowness because of his glibness. He talks in machinegun bursts, yet seldom fires blanks. Even his enemies admit that he thinks as fast as he talks.

His small, boyish face, likely to pucker into un-Presidential expressions, adds to the impression he is not profound. Yet he has an ability to electrify those he meets.

HUMPHREY's mind drives his 170 pounds at such a frenetic pace that he gives the appearance of perpetual motion. He tries to cram more activity into each day than his time will permit. This is the man whose political fate will largely be decided in Wisconsin next week.

Mr. JOHNSON of Texas. Mr. President, has morning business been concluded?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1960

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the Carroll amendment to insert certain language in lieu of matter inserted by the committee on page 17, in lines 20 through 25.

Mr. STENNIS. Mr. President, I shall address myself briefly to the bill as a whole, but particularly with reference to the Kefauver amendment.

I again commend the Senator from Tennessee for the very fine analysis he made yesterday, of the problem sought to be solved by the amendment, as well as for his efforts to restore the due process of law steps, the judicial processes, to the referee part of the bill, since it purports to be a judicial approach.

Mr. President, this debate has centered many days upon various phases of the administrative process of getting at the election question, which was reflected in part in the registrar bill as recommended by the Civil Rights Commission and as actively opposed—very properly, I think—by the Attorney General. This is certainly not an administrative or executive function. The matter of trying out these rights with reference to elections at the Federal, State, and local level is not an administrative procedure.

The main part of the registrar plan was reflected in the so-called Hennings bill or the Hennings amendment. It has been rather thoroughly demonstrated through several votes that the Senate has rejected the idea of the registrar process or the executive method and favors the approach through the judicial process. I think that decision was sound. It affords more protection for everyone. It is in keeping with the American system. I would much rather have these matters within the judicial branch of the Government than within the executive or the administrative part, regardless of who might be President or who might be Attorney General.

Mr. President, in spite of that basic decision which has been made by the Senate and by the House of Representatives, in rejecting the registrar plan and the executive approach, which would have permitted the President of the United States to appoint referees or registrars or whatever these men might be called, in spite of the plan having been repudiated and voted down, nevertheless it has not been abandoned, because in essence it is found again in the bill. The referee plan as reflected in the bill pending before the Senate is shown by title VI, beginning on page 15. It starts out as an amendment to the Civil Rights Act of 1957. It starts out following the judicial processes or the judicial method as a real court matter.

The first step is that the Attorney General shall proceed on behalf of someone whose civil rights are alleged to have been violated. We will assume that the evidence in the case proves there was a discrimination against such person because of race or color. That would be done under the old Civil Rights Act of 1957.

The further step set up under the bill, very briefly put, is for someone else in addition to the original defendant to come in to petition the court to hear his cause in a judicial manner. This is to be a matter pending in court. The ordinary rules of evidence and procedure would apply, and evidence and procedure would be ruled on by a sitting judge, a man learned in the law. Up to that point, the provisions thoroughly follow the judicial approach and plan.

Mr. President, at that point the bill abandons the regular judicial processes and judicial approach and begins to take on the executive or the administrative approach. That is the point where the referee is provided for. The bill says:

> The court may appoint one or more persons who are qualified voters in the judicial district—

That is an improvement—

> to be known as voting referees, who shall subscribe to the oath of office—

And so forth—

> to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings.

Mr. President, that is a matter which starts out in the executive trend and the executive pattern. The court is to be authorized to appoint referees who can go out in the country at large, vested with the authority to receive applications and to take evidence. That evidence would be a part of a judicial proceeding. It would form the basis for a decision sometime later. It would be reported back to the court, not only in the form of testimony, but also in the form of findings. So it is nothing less than trying a case.

Mr. President, at this point I point out that part of the proceedings I shall now discuss would come about only after the Attorney General had persuaded the court that the discrimination which was found in the initial case represented a pattern in an area. That would be a judicial determination itself. That would be a case not with regard to any

individual, but a case merely to establish a condition of facts as the court understands them, so as to permit the referee to operate.

Mr. President, this would not vary one bit from the concept that the proceeding is supposed to continue to be a judicial proceeding. There would not have been any determination by the judge with reference to the case as to the individuals before him. There would not have been any determination that X, Y, and Z plus 100 or plus 1,000 in the area had been discriminated against. That would not yet be in court, so far as those individuals were concerned and so far as the officials were concerned.

To clothe this referee with all these executive powers or administrative powers, or to clothe him with any authority to use the powers without the requirements of what is considered to be elemental due process of law, would be simply to go back to the old registrar system, or to the appointment of these supervisors or registrars by the executive branch of the Government.

The judge, when he decides there is probably a pattern in the area, has not yet decided on any rights of any individual, the judge has not decided on any rights of any election officials, or anything of that kind. The judge has merely drawn an order which permits the referee to come in. When the referee comes in, what are to be his powers? Are they to be executive or are they to be semijudicial?

Mr. President, I submit to any impartial mind that the pattern we are asked to adopt at that point in the bill before us is to clothe the referee not with judicial power, semijudicial power, or quasi-judicial power, but to clothe him with purely executive and administrative power, because the provision is actually written in the bill that the applicant in this territory "shall be heard ex parte." That is, he shall be heard alone. That is the provision in the bill as it came from the House of Representatives. That hearing could be held in any place without any kind of prior notice or an opportunity for the interested parties to be heard.

Mr. President, that is supposed to supply a remedy for what we will agree may be a wrong in some places, but we would be burning down the house in order to roast the pig. We would be going entirely away from and abandoning the judicial processes. Under the guise of judicial power this man would proceed to hold hearings or to accumulate the evidence and partly decide the case. We would say, in effect, that he is to put a hood over his head and a hood over the heads of all the applicants. We would say, "We will take this testimony in secret, ex parte. No one shall know when nor where nor how long these hearings will be held or this testimony will be taken."

Mr. President, under the American system of justice we cannot do that.

Mr. TALMADGE. Mr. President, will the distinguished Senator from Mississippi yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. I congratulate the able Senator from Mississippi on the excellence of his statement.

Mr. STENNIS. I thank the Senator.

Mr. TALMADGE. The Senator was an outstanding judge before he became a Member of the U.S. Senate. He not only is thoroughly experienced in legal procedure, but also is without peer in his knowledge of the provisions of the Constitution.

Mr. STENNIS. The Senator is very generous. I appreciate his support in any matter, especially the one I am now discussing.

Mr. TALMADGE. Does the Senator from Mississippi know of any other act, State or Federal, which authorizes the taking of evidence ex parte?

Mr. STENNIS. Under the American system, when we are trying the rights of parties and taking steps to make a judgment against them, there is no exception to the rule that would permit the testimony to be taken ex parte. Under certain circumstances the evidence can be explored, and ex parte affidavits can be made, but when it comes to proof it must be in court, with the right to cross-examination, after notice given, and in a public place.

Mr. TALMADGE. In view of the language of the bill, would not the Senator agree that the ex parte provision, which enables only one side to be present and give evidence, means, in the final analysis, that only that side heard can prevail?

Mr. STENNIS. The Senator is correct, and he has put it well. I commend the authors of the bill for writing it so plain and making the language so clear that it can be understood.

Mr. TALMADGE. Therefore, it is not true that there would be no hearing at all—rather only a kangaroo court into which anyone could come and prevail against a State officer.

Mr. STENNIS. That is correct. That is particularly to be emphasized, and the Senator has emphasized it in an unusually forceful way.

This proposal is really the beginning of what is likely to ripen into a final judicial decision and a decree of the court, for the violation of which men can be pitched into jail without a jury trial.

In its very inception the procedure is nonjudicial. It is not due process of law. Assuming that there is some wrong here and there, it is proposed to burn down the whole courthouse and destroy our American system.

Mr. TALMADGE. Does the able Senator agree that under the terms of the bill Federal referees could be appointed to supervise an election for city councilman in the smallest village of any State of the land?

Mr. STENNIS. The Senator is correct. The application of the bill reaches to the farthest point. It is nationwide. It includes village elections, elections for village school trustees, city marshal, or mayor, in any small political unit that can be found under the American Government.

Mr. TALMADGE. Does the Senator from Mississippi also agree that there is nothing more local in nature than determining who is qualified to vote, conducting elections, and counting the votes?

Mr. STENNIS. I believe that from the time of the Constitutional Convention until now it has been recognized by all those who have closely studied the machinery and the status of constitutional government, that there is certainly no more powerful way to control the affairs of local government than to control the election laws.

As the Senator from Georgia knows, that was the most controversial subject in the Constitutional Convention. It involved the question as to where the power should lie with reference to determining who should be qualified to vote in the States. It was only by adjustment on that point that the Constitution was made possible. Only by retaining that power in the States was the Constitution made possible. Today, as then, the most effective way to destroy the States is to destroy the election laws of the States. There are some in this country who do not want States any longer. They want a centralized government. There is no more effective way to destroy the States than to destroy the election laws of the States. This proposal is an assault on that very structure.

Mr. TALMADGE. Would not this proposal substitute the coercive influence of the Federal Government for the authority of State and local governments in operating their election machinery?

Mr. STENNIS. It would do that exactly, as the Senator has said before.

This proposed legislation would make the Attorney General, whoever he might be, this year, next year, or any other year, in effect the director general of elections, if he chose to exercise that power, in certain areas of the country. This measure would give him the power. There is only one judicial decision he must get from a Federal judge. Once the Federal referees are appointed, with roving powers, no one will have notice; there will be no cross examination; and there will be no testimony for the other side. There would be a wildfire of disruption and control of local and State, as well as Federal, elections.

Mr. TALMADGE. I ask the able Senator from Mississippi if there is any more justification for appointing Federal referees to control elections than for appointing referees to be Governors of the 50 States of the Union.

Mr. STENNIS. I think not. We have already covered the idea of the election laws, and we see how vital the power to regulate and control the election laws is to the Federal-State relationship under our form of government.

Mr. TALMADGE. Would it not be just as destructive of constitutional processes to appoint referees to be election officials as to appoint referees to be the chief executives of the 50 States?

Mr. STENNIS. Yes; it would lead to that and worse. It would require some years longer, perhaps, to do it.

Mr. TALMADGE. Would not the same principle be involved if Federal

referees were to be appointed to constitute the memberships of the general assemblies of the respective States?

Mr. STENNIS. That is a good analogy; and there is much in common between the idea of elections and the general assemblies themselves.

Mr. TALMADGE. Is not the same principle involved, namely, substitution of Federal power for State power in a local area?

Mr. STENNIS. The answer to the question is "yes."

Mr. TALMADGE. I agree with the capable Senator from Mississippi. I know of nothing which would go further toward destroying the vitals of local self-government than the passage of an act to deny local officials the right even to be heard.

Mr. STENNIS. That is correct.

Mr. TALMADGE. These referees would be appointed by Federal judges holding office for life. They would be given authority to register anyone they saw fit and to invade the privacy of the ballot box, thereby destroying the secret-ballot laws of the respective States.

They would interfere with the duly constituted officials in the counting of votes.

That is nothing less than the exercise of naked power by the Federal Government seeking to supplant State governments. Identically the same principle is involved as if referees were to be appointed to serve as Governors and members of State legislatures. The principle is the same—that of adjudicating local officials to be incompetent and substituting in their stead Federal officials who are declared by law to be competent. The same principle would be involved if Congress were to adjudicate a Governor to be incompetent and appoint a referee to administer his office in accordance with his caprices and whims or those of any organized minority.

I commend the eloquent and erudite Senator on his speech. He is rendering a noble service to our country. If ever our Government needed people who will speak out in defense of basic rights and constitutional principles of government, that time is now. If the present trend toward concentration of all power in Washington continues for much longer, we shall not have to preserve our defenses against Russia, because we will have the Russian system here. The trend is to compress us all into one great, monolithic common denominator through the application of Federal regulatory power.

I thank the able Senator for yielding to me.

Mr. STENNIS. I thank the Senator from Georgia for his fine contribution to the debate.

Mr. President, I wish once more to emphasize that if I were given the task or job of trying, through legislative process of some kind, to liquidate the States of the United States, and evolve them into units without power, and therefore without any respect for our system of government, I would first try to do it through controlling the elections, the suffrage, the qualifications of the electors, and the elections themselves, because through that control I could gradually accumulate to the Federal Government power which the States could never recover.

I believe that some are battering on the door right now, with the danger of destroying the fundamental structure, in order to cure a few scattered wrongs or evils that may exist here and there in voting, as some wrongs and evils exist in many other patterns of our public life, of course.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to my colleague from Mississippi.

Mr. EASTLAND. On page 16, line 17, I find the following provision:

> Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election.

Does not that mean that the Federal Government would pass a law for a State?

Mr. STENNIS. It certainly would; it would be sweeping aside laws and also passing additional law.

Mr. EASTLAND. For the State.

Mr. STENNIS. Yes.

Mr. EASTLAND. Is that not unheard of in our system?

Mr. STENNIS. It is unthinkable, and has been unheard of until the last few years.

Mr. EASTLAND. As the Senator knows, the 15th amendment is a prohibition against State action.

Mr. STENNIS. Yes.

Mr. EASTLAND. It does not give the Federal Government the power to take positive action.

Mr. STENNIS. The Senator is correct. He has clearly put the matter. This provision is just the reverse of what the true situation is under the Constitution.

Mr. GORE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GORE. Just prior to the Senator's colloquy with the able Senator from Georgia, he remarked in his address that the powers given to the Attorney General under the proposed legislation would stem from one judgment of a court. I wonder if the able Senator would identify that particular decision or finding of the court which would be necessary to loose the power to which he referred.

Mr. STENNIS. The language is found in the referee section. That language is as closely drawn language and as tightly drawn language as is found in most acts that are drawn to determine court procedure and court rights. I have read this title many times. I believe that under its terms the only real judicial decision or conclusion that is required under the proposed act, which the judge himself shall reach, is the one where he determines that there is a pattern or a practice of discrimination in an area.

It is clear to me that he does have to determine that. But once he has done it, after a case is in court on the subject matter—and I read now from the bottom of page 15—"the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice."

That is a determination, one might say, or a judicial decree, even though it is not a final one, that a practice does exist.

Thereafter—and I now read from page 17, line 7:

> The court may appoint one or more persons who are qualified voters in the judicial district—

And so forth—

> to serve for such period as the court shall determine, to receive such applications—

That is, just as many as he wants to—

> and to take evidence—

It is given the dignity of a judicial proceeding—

> and report to the court findings—

And so forth. Dropping down to line 19 of page 17, we find that the evidence referred to is not going to be taken as we ordinarily understand, but in an ex parte proceeding, anywhere, any place, any time, at midnight or any other time, on Sunday, holidays, at picnics, at meetings, gatherings, or anywhere else, without any notice or chance to be heard.

Going on further, to the bottom of page 18, we find further language.

In the first place, Mr. President, unless these cases are contested, that is the last that is ever heard of them. They go right through the mill, and the man gets a certificate, and no one else is ever notified. However, if they are contested, the matter would come back to the judge, apparently, but not of necessity. I read from page 18, line 23:

> The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. STENNIS. I should like to finish this thought first. My point is that if the "due and speedy administration of justice requires" can refer to approaching elections, to be held in a few days, or it can mean that a judge is busy elsewhere on other cases that he must try, and therefore cannot get to this matter. If for any reason he determines that he cannot hear the case, he can refer the case back to the referee, and the referee shall sit in judgment on the work of the referee, to determine whether he made an error. In other words, the jury would come back and say, "We the jury render a verdict in favor of the jury."

So I say it is not necessary under this language even to have a judicial determination at that point.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. STENNIS. I should like to make one other point.

The language continues, on page 19, line 8:

> The court or, at its direction, the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

The judge does not have to act. We can say that the decision is a ministerial act, and he does not have to act. However, if the man holding the certificate which the judge has never seen—the judge has never adjudicated the case—goes to the election and the honest election official will not let the man vote, he will be in contempt of court. He will be in contempt of court under the Government's interpretation of this bill. It will be argued under this bill that the decision is equal to a decree of a court, and if a man violates it, he would be pitched into jail. I do not believe he would be if this is ruled to be a nullity, which I believe it is.

A possible interpretation could be that there would be another judicial examination. That is a possible interpretation. However, in the uncontested cases it would never come to that. The machinery of this bill will run on automatically and the man would get the certificate.

I do not like to cut off the Senator from North Carolina, but I yield once more to the Senator from Tennessee.

Mr. GORE. Do I correctly understand the Senator to maintain that after the first decision of the court, finding a pattern or practice of discrimination to exist, thereafter judicial determination may not be necessarily required, but that a determination by the referee himself may, under the terms of the bill, be substituted for a judicial determination?

Mr. STENNIS. The Senator's statement is exactly correct.

I now yield to the Senator from North Carolina.

Mr. ERVIN. I simply invite the attention of the Senator from Mississippi to lines 2, 3, 4, 5, and 6, on page 20, which read:

> The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees.

It has been stated by the proponents of the bill that that language does not permit the bringing in of a carpetbagger to enforce the laws of the several States of the Union.

I ask the Senator from Mississippi if the provision that the court may appoint not only a referee, who must be a resident of the district, or such other person as he may designate, does not permit the court to bring in carpetbaggers to administer the law, without any distinction being made in the bill as to the kind of action the carpetbaggers can take.

Mr. STENNIS. The Senator from North Carolina is so clear in putting his question that he has already answered it. I pointed out a while ago that the authors of the bill are to be commended for their frankness in spelling out that it is an ex parte hearing they are talking about. It raises a flag one knows what they were talking about.

The language quoted by the Senator from North Carolina is so vague and obscure that it wraps up more power in one sentence than can be found in any other section of the bill. Under the section which the Senator has quoted "the court may take any other action and may authorize such referee or such other person as it may designate to take any other action"—the action could be a watching action—watching the counting of ballots, or doing anything else that could be conceived of. That language cannot mean anything else.

Mr. ERVIN. It means that the other person, who is not required to have any qualifications at all, and who is not required to reside in the State where the case is brought, can determine for himself what he thinks are the necessary appropriate actions for him to take.

Mr. STENNIS. The Senator has summed it up so well. It is provided that the referee will have to take an oath.

Mr. ERVIN. Under this language, evidently, he does not have to take an oath; he does not have to have any qualifications.

Mr. STENNIS. The section which the Senator from North Carolina has pointed out is one of the most far reaching in the entire bill as it is now written. It covers far more than the express provisions about having watchers and about seeing that the ballots are counted. It leaves off all the safeguards, as the Senator has stated. I think that unmistakably it spells out again a pattern of concerted action, conducted partly in secrecy, under an ex parte statement, to carry on a scheme of their own, which some Attorney General—I do not say this one or the next one, but some Attorney General—can utilize to his own party's benefit, or to the benefit of any other particular groups he might wish to assist, entirely without responsibility.

I should like to discuss one more point, this one with reference to the procedure I was outlining, namely, that this provision is an abandonment of the judicial approach, and goes over, lock, stock, and barrel, to the registrar or the executive approach concept. It is unmistakably shown in the fact that no provision is made for giving notice or for holding a hearing, and no opportunity is afforded to hear both sides of the case. Unless there is a notice and an opportunity for both sides to be heard, the proceeding is simply not a judicial proceeding, regardless of the name which may be given it.

Under the American concept, before a board of supervisors or any other government authority can assess property for as much as 10 cents in taxes, a notice must be given by the assessing authority that a hearing will be at a certain time and place designated in the notice. The location must be a public place, at which all parties in interest shall have a chance to be present and to be heard, if they request it; and the board will then consider whether or not to impose the tax. The amount involved does not matter; it is the principle that is involved. It would apply with equal force if the tax on Citizen A was 10 cents or $100,000. The notice of hearing and the chance to appear are considered basic and elemental. A legal tax or a levy of any kind cannot be imposed if there has not been compliance with due process of law.

Still, there is actually on the face of the bill a provision that a quasi-judicial officer, acting under a grant of power from a Federal judge, can go out on the highways and byways, around to the firesides, or up back alleys—anywhere, at any time, with no notice being given, and no opportunity for any interested party or official or election officials to be present, much less to be heard—to take the proof, hearing one side only, and convert the proceeding into a foundation for a judgment later, whether the court ever sees it or not, a judgment which will permit the issuance of an election certificate to a person. If the judgment is not obeyed, the person can be subjected to a criminal prosecution under the section of the bill which provides very severe penalties. In some cases he could be subjected to punishment for what is called contempt of court, so that he would be entitled even to a jury trial.

Does anyone want to argue about the necessity of having such a provision or the need for it? Let him argue it all he pleases. But with all deference, let us not call the proceeding a judicial procedure or a judicial act, because this part of it does not connote the first elements of due process of law or the first elements of what is so basic and necessary for a function under the Federal-State relations, or under the basic relations of constitutional law, apart from any Federal-State relations.

So the Kefauver amendment is very simple, and does not go very far. It simply strikes out the words "The applicant shall be heard ex parte," and instead provides that the hearing shall be held in a public office.

That is as far as the language goes on that point. It simply requires that the hearing shall be held at some kind of public place or public office.

A further provision of the Kefauver amendment provides:

> The referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing.

We are really getting back to constitutional law when we talk about giving the affected parties, or the adverse parties, or the adverse State, notice of bringing the hearing into a public place, and telling them at what place the matter will be heard. The amendment does not go any further than that, except to provide that the registrar may be present, or may be permitted to be present, with his counsel. The registrar is the one who has already been condemned without a hearing and has been accused of being in the wrong. There might be cases in which he would be wrong on the facts. There might be cases in which he would be accused of being wrong, but in which he would not be wrong. Cases of both sorts occur in life.

But under this amendment for the first time would that wrongdoer be given a chance—to come in and be heard? No; the amendment does not go that far. But under the Kefauver amendment he would at least be told where the hearing would be held and when it would be held,

and he would be allowed to be present, but not to take part in the hearing in which he would be tried.

The words used at this point in the amendment are "shall have the right to appear." They do not mean, it seems to me, that he would have the right to appear and be heard.

Mr. KEATING. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). Does the Senator from Mississippi yield to the Senator from New York?

Mr. STENNIS. I shall yield when I finish expressing this thought, Mr. President.

I repeat that I do not think the words which appear in line 24 of the amendment, on page 17—I refer specifically to the words "to appear"—mean that he will have the right to appear and to be heard. But, for the first time, this amendment would at least give that alleged wrongdoer—one who had been so wrong that his own district would be just putrid with evils that he had done—an opportunity to know where the case would be tried; and he or his counsel would have an opportunity to be there—but for only one purpose, namely to let him know what was going on and to have a transcript of the proceeding made. That would be all that he would be allowed to do.

So I cannot see how anyone could object to the elemental parts of this Kefauver amendment, as proposed to be written into this law. My only criticism of it is that it does not go far enough.

Now I am glad to yield to the distinguished Senator from New York.

Mr. KEATING. Mr. President, I ask the distinguished Senator from Mississippi to envision a case in a specific city in Mississippi where the Federal judge would have made an initial finding that a practice or pattern of discrimination existed, and then a referee was appointed by the court; and more likely than not—although not required—the referee would be a lawyer in that community; and the registrar of the election district would appear there with his counsel; and presumably, also, they would be from the same county; and the counsel would address the referee, and would say to him, "Mr. Referee, I should like to be heard on this point," and he would arrive there with lawbooks piled high. Does the Senator from Mississippi believe that in that event the referee would be unlikely to give the registrar or his counsel an opportunity to present his case at that point?

Mr. STENNIS. I think the referee certainly would have the discretionary power to permit the counsel or the registrar to be heard at that hearing, particularly if not many persons were involved. I cannot be certain what the inclination of the referee would be; but I assume that if not many persons were involved and present, the referee would very likely give the registrar or his counsel a chance to be heard. But if many persons were involved and present, I assume that the referee would not give the registrar or his counsel a chance to be heard, unless the referee was required, under the law, to permit him to be heard. In short, that would depend upon the whole temper of things at that time, I believe.

After all, the Attorney General of the United States is the one who initiated this entire matter; and even though ordinarily, under our American system, the registrar or his counsel would be allowed to be heard, if we enact a law which does not require that that opportunity be afforded, it could be held that the Congress did not intend him to be heard.

Mr. KEATING. I appreciate the Senator's response.

But I judge there is no doubt in the mind of the Senator from Mississippi that the registrar and his counsel would have full opportunity to be heard at an adversary proceeding in the case in chief before the referee made his report.

Mr. STENNIS. If they contested the case.

Mr. KEATING. Yes; if they contested the case.

Mr. STENNIS. Yes; if they contested the case. They could not come into court with a plea of non est factum or not guilty, or anything of the sort, and then be heard. If they were to be heard, they would have to contest the case.

Mr. KEATING. In that event the registrar and his counsel would have at least two days in court—one, at the proceeding before the voting referee; the other, at the time when they contested the referee's report—instead of only the usual one day in court; is that correct?

Mr. STENNIS. Well, Mr. President, ordinarily "to have your day in court" does not mean to have it in the appellate court. "To have your day in court" means to come in at the ground level and let the judge know about your side of the cause, if you have any, right then.

Mr. KEATING. Is not the ground level, under this bill, after the initial judgment, the adversary proceeding in which the exceptions to the report of the referee would be filed and the registrar and his counsel would be heard? Would not the appeal come later?

Mr. STENNIS. With all deference to the Senator from New York, I think he is reversing the major parts of the ordinary procedure in connection with providing an opportunity to be heard. One must get in on the ground floor and must impress the trier of the matter with one's facts, in the very beginning; otherwise, one's case is likely to be lost in the shuffle.

But the major point here is that one should not proceed to try a man without giving him a chance to be heard.

Mr. KEATING. I am entirely in accord with that principle. But it seems to me that under this bill, as now drawn, there will be such an opportunity to be heard.

Mr. STENNIS. Then let me ask the Senator from New York this question: Does not the Senator agree that the registrar would be "boxed out" of court on the first round—in the ex parte proceeding.

Mr. KEATING. He would not then be in court; he would not then be "boxed out," because he would not then be in court. When a person goes to register to vote, that is not normally a court proceeding.

Mr. STENNIS. With all deference to the Senator from New York, would not the court then take the position that the registrar was, nevertheless, then being tried? I agree that the registrar would not then be in court, because he would not be permitted to be there. But is it not a fact that, nevertheless, he would then be tried for action taken in his official capacity?

Mr. KEATING. No; not at all, because as the bill is drawn, it does not indicate that the registrar or his counsel would be there at all; and there would be no trial unless the referee's report was challenged. At that time, if the registrar or his counsel saw fit to do so, he could file exceptions to the referee's report. If the registrar or his counsel thought the referee's report was correct and that the one who had applied to register and to vote should vote, of course no exceptions would be filed. But if the registrar or his counsel thought the applicant should not vote—for any reason—then the exceptions could be filed; and at that time there could be a full trial in the court, and that would be the first time following the court's initial judgment that there would be a court procedure.

Let me ask the Senator another question: Does the distinguished Senator from Mississippi anticipate that we shall be able to dispose of the Kefauver amendment today; or does he have any views on that point?

Mr. STENNIS. I have no idea about that. Of course, I am not speaking for the purpose of consuming time.

Mr. KEATING. I understand.

Mr. STENNIS. I am speaking on what I consider fundamentals, and I believe they are considered fundamentals.

Mr. KEATING. I do not wish my question to be misunderstood.

Mr. STENNIS. I fully understand.

Mr. KEATING. The Senator from Mississippi is making a very fine legal argument—although it is one with which I do not agree. But my question does not contain any imputation that the Senator from Mississippi is unduly taking up time.

I merely wish to observe that it seems to me that today will be a singularly appropriate day on which to dispose of this amendment. If the amendment is rejected—as I hope it will be—then we shall be able to proceed with the rest of the bill, and I believe the voting referee section will be preserved intact.

But if the amendment is adopted—although I hope it will not be—then it seems to me that the first day of April will be the most appropriate time for the amendment to be adopted, because in my judgment the amendment will completely fool anyone who thinks the voting-referee provisions of the bill will, in that event, be effective. I sincerely believe that if this amendment is enacted, they will not be effective.

Mr. STENNIS. Mr. President, I understand the Senator's point of view. I

assure him that I also understand that there was no critical imputation in his question.

I wish to point out that that very proceeding at the ground level by the referee would be the first effective foundation in the case for a court decree that would have all the implications I have already described.

On the very next page, the bill provides that after the report is made and after it has been on file for 10 days or for such shorter time as the court may see fit to fix, the State attorney general shall be given notice to show cause why an order of the court should not be entered in accordance with such report.

It would put the burden of proof upon the election officials or the State, whomever it may be, to upset and override a report, when the facts upon which the report was based were presented when the official was not even there.

That is why I say to the Senator from New York it is a preliminary judgment. It is the beginning of a serious, solemn judgment of the court that must be obeyed. I have never argued here that an unappealed or uncanceled order of the court should be anything but obeyed.

Mr. President, the present title VI, the latest of a series of similar proposals, is highly objectionable in that it would use the enforcement powers of the U.S. courts to enforce administrative decisions made under a loaded set of rules. It would confer vast political power on the Attorney General and, in effect, could give that officer the legal authority to interfere with local election machinery to the extent that he actually could control the outcome of elections not only to the so-called Federal offices, but also to State and local offices.

The bill as now before the Senate operates to deprive the defendants, in a suit brought under the Civil Rights Act of 1957, of many procedural and substantive rights which have always been regarded as inherent to the constitutional requirement of due process of law. The procedure outlined in the part of title VI relating to voting referees explicitly removes these protections, and could be interpreted to provide for a judicial determination being made without a lawyer ever passing on the legal questions involved.

It invests the Attorney General with almost an untrammeled prerogative in manipulating the course of litigation and determining the scope and content of the final decree.

Unless the Attorney General decides to bring a suit under the Civil Rights Act of 1957, the unusual administrative and legal machinery in this title is inoperative. Once he has decided to bring a suit under that earlier act, and once some person has been found to have been deprived of the right to vote because of race or color, the Attorney General may then decide whether the court must make a finding as to whether the deprivation was or is pursuant to a pattern or practice. Thus, the procedural remedies under this act depend upon two unreviewable decisions of the Attorney General. If the court makes such a finding, then the Attorney General has only to decide to what extent he and the so-called voting referee—if one is appointed—will go in rounding up large numbers of unsuccessful applicants in order to accord them the special privilege of circumventing State election machinery found in the remaining language of this bill. This proposal makes the Attorney General the nationwide director general of elections and election laws.

The bill itself is a sort of shotgun wedding of two separate legal theories advanced by civil rights proponents on opposite sides of the political fence. The first part of title VI, down through page 15, all of page 16, and the first paragraph of page 17, contemplates a legal remedy. As open as this remedy may be to attack on constitutional grounds, procedurally, the bill is written in a lawyerlike manner and the rights of all parties to the bare essentials of due process of law are not abrogated by its terms. However, from there on title VI seeks to vest in an officer to be known as a voting referee vast powers to make administrative and judicial determinations without adequate safeguards for parties defendant in the original suit and without adequate safeguard for judicial consideration of legal questions. This voting referee differs from the familiar master in chancery or master in equity, in that his prerogatives and procedures are unique, being spelled out in detail in the provisions of this bill. By contrast, the powers and limitations on a master are defined and spread upon the statute books in rule 53 of the Federal Rules of Civil Procedure. It was not enough that a master could be authorized to conduct extensive hearings and make recommendations and findings to the court, as is customary in every other type of case. In the politically sensitive field of voting rights, it is necessary to straitjacket the court and make a mockery of our judicial system by empowering these voting referees to utilize a high-handed procedure cut and tailored to meet the political requirements of a so-called civil rights bill. In effect, the referee could interview a large number of unsuccessful applicants for State registration, make his own findings, hear the appeal that would be brought by outraged local officials who have a far greater knowledge of the facts and circumstances than would this referee, and make a decision on his own appeal, issuing a certificate to the applicants he personally sought to favor. I repeat, for the sake of emphasis, the points just made: After an initial finding was made in the basic case that the deprivation of voting rights was made pursuant to a pattern or practice, the court could turn over to the voting referee each and every decision remaining to be made, including the issuance of a certificate authorizing the applicant to vote, without the matter ever coming back before the trial judge.

In the first instance, the proceeding before the referee is loaded. An affidavit is declared to be prima facie evidence as to an applicant's age, residence, and prior efforts to register or otherwise qualify to vote. All of these matters are legitimate considerations for registration; yet no opportunity is offered at this stage for conclusive proof to be put in evidence that statements contained in the applicant's affidavit are false. It must be borne in mind that these proceedings are carried out under a pending legal case. Defendants who would, in effect, be accused of wrongdoing must sit idly by while unilateral charges of misconduct are hurled against them. They have no opportunity to reply. They have no opportunity to confront or cross-examine the affiant. They are deprived of this basic concept of due process of law even though they are parties defendant in a lawsuit.

It is a serious matter to deny a qualified citizen the opportunity to register to vote.

The facts I have related are true, because they are involved in a case that is already pending in court. As to this part of the case, these defendants are cut out.

The procedure renders the local official liable for criminal prosecution—that is so under existing law; he becomes liable for criminal prosecution—for damages in a civil case, and puts him in jeopardy of being a defendant in a case brought under the Civil Rights Act of 1957.

I do not believe there is any analogy in the American system of jurisprudence. I do not believe one can find a counterpart of this procedure in all American jurisprudence, under State constitutions and under the Federal Constitution, wherein a man is put under the burden of carrying the load, running the risk of being criminally prosecuted, being liable to damages in civil cases, without having an opportunity even to know where the hearing is going to be that originates the ascertainment of these facts and starts the case off against him, or when it is going to be held, and not having the privilege even of being present, much less to be heard, or having a record made of the proceedings which later will condemn him. This procedure throws the burden of proof on him and forces him to controvert all these matters, rather than putting the burden of proof on those who allege he is the wrongdoer—which procedure is exactly the reverse of the American system.

Charges that a local registrar maliciously or corruptly deprives someone of the opportunity to register amounts to a criminal accusation. Yet in substance, that would be the area covered by these affidavits. This would be the first time the defendant saw the affiant in the lawsuit. The affiant would not be an original party to the suit. The registrar may or may not know him. There is no pleading. The affiant may or may not be telling the truth with regard to his prior efforts to register and vote. The registrar has no opportunity of knowing who the next person will be. He cannot be prepared to make a defense either on the issue of fact or of law, and even if he were prepared, he would not be permitted the opportunity under this bill to present his defense. Yet he runs the risk of being subjected to public scorn, ridicule and the danger of criminal prosecution as a result of the sworn statements of some unknown affiant. Is this due process of law? Of course not.

Even in administrative hearings the elements of due process have consistently been held to be: a fair and impartial hearing after notice to all parties concerned, with the opportunity of confrontation and cross-examination, the opportunity to call and question witnesses and cross-examine adverse witnesses. These are the elements of due process of law. Most of them are denied in the procedure prescribed in title VI of this bill. It is true that the local election official has an opportunity later to submit evidence, but the damage to his character, his reputation and his official standing has already been done in a unilateral and loaded hearing, and the burden of proving his innocence falls heavily upon him in complying with the loaded procedural rules for consideration of issues of fact. The law specifically provides:

> A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception discloses the existence of a genuine issue of material fact.

Thus he must prove that the evidence he seeks to introduce in defense of himself is legal evidence before it will even be accepted. Further, this hearing may be held by the same voting referee who held the first proceeding. He would be called upon to review his own decision in the matter. The voting referee might also be called upon to decide issues of law supported by the "appropriate memorandum of law" required to be submitted. There is no requirement that the voting referee be a lawyer or even a law student. Yet he would be called upon to make the initial decision in the first hearing in which the accused official had an opportunity to be heard.

While it is true that the court retains jurisdiction of the case, there is no necessity that the judge pass on the record prior to the time when the referee issues a certificate to one of his proteges. Clearly the burden of proof to overcome the record made by the voting referee is on the local election official.

Mr. President, in addition to rejecting what is ordinarily the due process of law steps to be taken, we would also be throwing the burden of proof on these parties who are accused of wrongdoing, to overcome the case. Furthermore, unless they could do so completely, the affiant would be given the certificate of election, which would be a passport to take part in these elections, with Federal agents standing by, under another provision of the bill. If the officials should honestly think there was no right for the person to vote and should not let him vote, then they could be held in contempt of court under the bill, if it becomes a law, even though, as I repeat, there had never been a valid determination of the rights of the election officials or of the registrars. It would be an ex parte judicial decree.

This procedure is certainly not judicial. It does not have the administrative procedural safeguard of any other statute that I know of. It would not meet the requirements of the Administrative Procedure Act. The whole proceeding is loaded against the local election officials and the matter of which they are accused comes dangerously close to being one of a criminal nature. This bill would encourage legalized slander. It would deprive the accused official of the opportunity to introduce timely evidence in order to save his reputation. It would encourage perjury and put a premium on fanciful exaggeration. It makes a mockery of the judicial process and, of course, it must rely upon the enforcement powers of the court, for in no fair and impartial trial would the Attorney General stand any reasonable chance of displacing the State election machinery and registering large numbers of unqualified voters. Judicial safeguards would prevent that. So this scheme was devised to cloak this star chamber type proceeding in judicial robes, giving it a semblance of legality while depriving the defendants of the opportunity to a fair trail, which has been the crowning glory of Anglo-American jurisprudence.

Mr. President, I do not see how the considered judgment of the Senate—eager as Senators may be, for political reasons or for other reasons which are valid—in the anxiety of the pressure of the times, could set such a precedent, or how Senators could turn their backs upon these fundamental and elemental principles of American justice which were conceived more than a thousand years ago, which have been written and rewritten into the basic laws of our land, over all the years.

As each State came into this Union, the State considered what it wanted to have for its own basic laws, and each State wrote those selfsame fundamental principles into the State constitution.

Even when the 14th amendment was itself written, prior to the 15th amendment, the Congresses which framed the language of the amendment brought in the phrase "due process of law."

When we go to the lawbooks today, there are more annotations and more decisions and more determinations under that section of the Constitution than there are under any other single section.

Mr. President, I have no desire to take up the time of the Senate.

Mr. JAVITS. Mr. President——

Mr. STENNIS. Mr. President, may I suggest the absence of a quorum?

Mr. JAVITS. Mr. President, I seek the floor. If the Senator will allow me to obtain the floor, I shall suggest the absence of a quorum, if that will suit the Senator.

Mr. STENNIS. That will be fine.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 145]

Aiken	Bridges	Capehart
Allott	Brunsdale	Carlson
Anderson	Bush	Carroll
Bartlett	Butler	Case, N.J.
Beall	Byrd, Va.	Case, S. Dak.
Bennett	Byrd, W. Va.	Chavez
Bible	Cannon	Church
Clark	Jackson	Mundt
Cooper	Javits	Murray
Cotton	Johnson, Tex.	Muskie
Curtis	Johnston, S.C.	Prouty
Dirksen	Jordan	Proxmire
Douglas	Keating	Randolph
Dworshak	Kefauver	Robertson
Eastland	Kerr	Russell
Engle	Kuchel	Saltonstall
Ervin	Lausche	Schoeppel
Fong	Long, Hawaii	Scott
Frear	Long, La.	Smathers
Fulbright	Lusk	Smith
Goldwater	McCarthy	Sparkman
Gore	McClellan	Stennis
Green	McGee	Symington
Gruening	McNamara	Talmadge
Hart	Magnuson	Thurmond
Hartke	Mansfield	Wiley
Hayden	Martin	Williams, Del.
Hennings	Monroney	Williams, N.J.
Hickenlooper	Morse	Yarborough
Hill	Morton	Young, N. Dak.
Holland	Moss	Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

The Senator from Minnesota [Mr. HUMPHREY] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

The Senator from Rhode Island [Mr. PASTORE] is absent on official business.

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent.

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. JAVITS. Mr. President, I shall yield to Senators in a minute for insertions, but in view of the fact that a number of Senators are on the floor I should like to state what I propose to talk about. Then, if Senators are interested, they can remain.

Mr. President, I hope in the course of my remarks, which will not be very extended, to analyze in detail especially the law and the constitutionality of the referee provision as it stands without the Kefauver amendment, and also to deal with the substantive facts upon which the referee provision is based and why it is necessary. I wish to emphasize that my primary discourse will be on the law and the constitutionality of the referee provision as it stands.

Mr. President, I ask unanimous consent that I may yield to the Senator from Ohio for a brief statement, without losing the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INCREASE IN POSTAL RATES ON "JUNK" MAIL

Mr. YOUNG of Ohio, Mr. President, President Eisenhower's proposal to saddle small businessmen and our individual citizens with increased postal rates on first class mail should be rejected. The President claims his recommendations are essential to help meet the deficit in the Post Office Department. Yet, by raising letter rates from 4 to 5 cents and airmal from 7 to 8 cents, he would penalize the users of first class mail, the only class of mail showing a surplus.

In fiscal 1959, first class mail and airmail produced a surplus of more than

$156 million. Despite this, President Eisenhower now proposes to raise rates in order to produce another $427 million a year.

In effect, this would be an added tax, violating every sound principle of just taxation. My view is that taxes should be levied according to ability to pay.

I assert, Mr. President, that probably heavy magazines do not pay their proportionate share. Nevertheless citizens profit intellectually and pleasurably and there is real value to that. Millions of copies of these journals go into the U.S. mail every week.

These heavy publications, plus other business materials and junk mail, are primarily responsible for the $569 million net deficit suffered by the Post Office Department in 1959. Why not increase the rates against junk mail? Also I urge that the Postmaster General should practice rigid economy in operating his Department. No doubt some money could be saved.

May I make it clear, Mr. President, that country newspapers and urban newspapers which also are mailed to some extent are willing to pay their share. It is a fact that major newspaper associations for years have expressed that willingness.

Furthermore, in these grave, fast-changing times, it is of the utmost importance that newspapers—dailies and weeklies—which are so important in informing our citizenry, go into as many households as possible.

It is of little importance whether the Government in fact pays somewhat more than the cost of this service.

I do assert, Mr. President, that rates on junk mail could—and should—be increased substantially. No one asks for this mail. It simply clutters up mailboxes and usually ends up in the wastebasket unread. Why not tax this nuisance mail?

My view is that postal rates on weekly and daily newspapers should not be increased at present. Some newspaper publishers have difficulty in keeping their publications going and their companies solvent in view of rising costs, and I do not advocate increasing their postal rates.

If President Eisenhower's views prevail, newspaper publishers and individual citizens would be dealt with in an unjustified manner, and heavy magazines and junk mail would still cause a deficit.

Instead of yielding to President Eisenhower's proposal, postage rates on junk mail should be increased and possibly rates on second-class mail above a certain weight, to include heavy magazines, should be raised.

Under no circumstances, at this time, should first-class mail users be required to shoulder an additional load.

It is a fact, Mr. President, that the postal service was never intended to serve a profit-making function. It is a service of the Government to its people, it was not intended to be a tool for a select group in the economy, and taxpayers resent its becoming so.

Mr. President, the proposal to increase rates on first-class mail and airmail makes no sense whatever.

In truth, Mr. President, there is no occasion for alarm in the claimed deficit in the Post Office Department.

President Eisenhower should be alarmed over the tremendous waste of taxpayers' money in national defense expenditures due to duplication and waste with each branch of the Armed Forces considering itself the sole savior of our country. Real unification of our Armed Forces would result in saving billions of dollars each year.

The Post Office Department gives our people service, and newspapers and magazines provide information invaluable to our citizens.

I shall vigorously oppose increasing postal rates at this time, except possibly on junk mail. Furthermore, if the Postmaster General would stop, look, and listen before buying expensive electronic equipment—which is used only at peak mail periods—taxpayers' money would be saved.

LAG IN SHIPBUILDING INDUSTRY

Mr. BUTLER. Mr. President, I ask unanimous consent to have printed at this point in my remarks an article authored by Mr. L. R. Sanford, president of the Shipbuilders Council of America entitled "Shipbuilding Lag Worries Industry Unit," which was published in the March 22, 1960, issue of the New York Journal of Commerce. This article points up, among other things, the serious effects the curtailment of our shipbuilding program can have on the welfare and security of our great country. I am sure all Senators know of my feelings about the merchant marine being the fourth arm of defense; therefore, I urge they read this well-written and very informative article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHIPBUILDING LAG WORRIES INDUSTRY UNIT

(By L. R. Sanford, president, Shipbuilders Council of America)

As one to whom the welfare of these United States is paramount, the relation of maritime industry to that welfare has the highest priority with me. Thus it is shocking to hear many of the statements emanating from Washington on this relationship and be forced to realize the fuzzy, unrealistic and inconclusive thinking in this connection with which so many individuals in high places in Washington apparently have been afflicted.

For example, we find representatives of one executive agency making major policy decisions, or at least dictating those decisions, not on their merits, or with any due regard to the welfare and security of our country, but purely on a budget basis, or, more plainly, a dollar basis.

No thinking person should quarrel with the desirability of Government economy or with the objective, not only of a balanced budget, but also of debt reduction. But the means to those ends become somewhat fantastic when the budget components are juggled by amateurs in national security upon whose decision the fate of the Nation rests.

It is disconcerting to see national security currently become a political football, as it inevitably does in an election year. It is just as disconcerting to see high-ranking representatives of the several armed services advocating their individual service specialties, to the exclusion of all others, as the sole panacea, the only possible savior of our country.

Is it not frighteningly clear that, as long as this country is not an aggressor nation, and we never have been nor is there any indication that we will be in the future, the choice of the kind of a war we may have to fight, as a result of being forced into it, is not ours to make, but that of our potential enemy.

Is it not equally clear that we must be in a position to reply in kind, whether it be a massive missile attack which calls first for interception and then equally massive retaliation, or whether it be a land, sea or air attack, or any combination of them, in a limited action at a distant point against one of our worldwide military outposts, or against one of our free world allies. No one armed service need think that it is or can be the cure-all for any kind of action. Joint and integrated action by all the services in their respective spheres is imperative. Nothing less will do.

As a country whose role is bound to be a defensive one, at least until the start of hostilities, we naturally are at a great disadvantage in dealing with a predatory power whose objective is to conquer and control the world by one means or another. Such a power inevitably can make breakthroughs in scientific achievement, military or otherwise. Each time such an event happens, there is a hue and cry of the unthinking in this country to concentrate on that particular breakthrough so as to catch up and surpass our potential opponent in that field.

SEA TIES NEEDED

Then along comes another breakthrough of a different nature and the performance is repeated. And so it goes on and on until ultimately we are trying to go many directions at once and getting nowhere. That is exactly what our potential opponent wants—to keep us jumping around like a flea on a hot griddle until we lose all conception of the forest for the trees.

We have forces deployed around the world—land, sea, and air forces. They are the means by which we keep constant watch on our potential enemies and stand joint guard with our allies ready to assist them should the need arise. These forces deployed around the world can only be so deployed and so maintained by the use of the sea. It is the sea which forms the ties between the mother country, the base of manpower and supplies, and those farflung forces radiating out in all directions. It is a God-given road to the rest of the world.

But it is that road only to the extent that we can use it. The ability to use it is called seapower.

Seapower has dictated the course of civilization back to the dawn of history. It is the verdict of history that those nations with overwhelming seapower, thus able to control the seas, became the leading world powers and remained such just so long as they retained that control of the seas. When they lost that control, they became second-rate nations.

Seapower is just as important a factor in power politics today as it was when Adm. A. T. Mahan enunciated his doctrine on "The Influence of Sea Power on History," in 1889. When Fleet Adm. Chester W. Nimitz retired in 1947, he submitted to the Secretary of the Navy a prophetic paper on "The Future Employment of Naval Forces" in which he argued that the dictum of Sir Walter Raleigh in the 17th century was still valid in the 20th century of A-bombs and missiles.

SELLING OUT HISTORY

Sir Walter Raleigh said that, "whosoever commands the sea, commands the trade;

whosoever commands the trade of the world, commands the riches of the world and consequently the world itself."

But there are those in high places in Washington and elsewhere, in and out of the Government, who either are a bit rusty on history or are willing to assume the responsibility of selling history down the river on the ground that today is a new era of nucleonics and missiles in which seapower no longer matters.

Let us examine that concept. In the first place, just what is seapower and how does it function? The popular concept of seapower is that it consists primarily of a powerful fleet of naval vessels. Unquestionably naval vessels do constitute a fundamental part of seapower. But seapower is far more than naval vessels.

It includes all the ships of the merchant marine, cargo ships, passenger liners, tankers, ore carriers and many other types. Likewise, it includes the shipbuilding and ship repair industry without which naval and merchant vessels could not be built and maintained while in service. Seapower likewise includes all elements which contribute in any way to the production and operation of ships. Collectively all the commercial elements involved in seapower are called maritime industry.

One main end result of maritime industry is the merchant marine. World Wars I and II demonstrated beyond a doubt that the merchant marine is the vital "fourth arm of defense," without which we could not have won in either war.

DEFENSE AT ISSUE

Any further war, the nature of which we cannot now predict, is likely, however, to differ from past wars in that we may not have the opportunity and the time to build additional ships for war service to supplement existing ships.

That possibility, even probability, makes it imperative that we have in existence and in operation at the commencement of any war of whatever nature an adequate fleet of ships qualified to perform the task of lifting troops and supplies, and transporting both to our farflung bases without which support those bases would be doomed. And it certainly is unthinkable that they could be abandoned to their fate. That indeed would be the beginning of the end.

So, it follows that at any time war strikes we must be prepared with a strong Navy able to control the seas and an adequate merchant marine to use those seas subject to that control, not only to supply our oversea bases and our allies, but to import into this country from abroad those strategic components which are not available here but which nevertheless are vital for our domestic industry, whether for war materiel or domestic consumption.

Much present thinking in Washington begs the question of seapower, whether at the moment it be the facet of naval power that is under consideration or the facet of the merchant marine, and appears to be limited to the concept of missiles and airpower. Neither one, important as they are, can control the seas or transport men and supplies needed throughout the world. That takes seapower and that seapower must be in being, not merely projected.

Let us assume a massive missile attack which knocks out a great part of U.S. industry. There is an immediate need for transportation, sea transportation, both for ourselves and our allies. Sea transportation is least likely to have suffered seriously from such an attack because of its dispersion. That transportation may be the means of turning apparent defeat into ultimate victory, but it cannot do that unless it exists at the time.

ENEMY BUILDING SHIPS

Lest there be any question as to the efficacy of seapower in the world of today and tomorrow, why is Russia today feverishly building up its seapower, particularly its submarine fleet, but also surface vessels as well? Because it realizes that, unless and until it can control the seas, it cannot hope for total victory over the United States and its allies.

By the same token, why is Red China building up its merchant fleet? Both are cognizant of the lessons of history. Both know that they must have seapower to achieve their ultimate objectives. Both know that if they singly or collectively can force the United States off the seas, victory is theirs without further fighting.

If that disaster should happen, the United States would have to abandon its allies overseas, also all its oversea bases and personnel. Furthermore, the U.S. industrial complex would falter to a halt for lack of vital components not available in the domestic market. The United States not only would have lost its foreign markets but would be unable to supply its domestic market. All that Russia and China then would have to do would be to wait patiently for our inevitable demise and take over.

In the face of all the foregoing, does it make sense for a high Government official to limit the funds for the Government's share of replacement ship construction to an average of less than one ship per shipyard per year? How will we even complete a replacement program in time to ward off block obsolescence on any such basis as that? How can we have modern ships ready for the emergency that may be just around the corner? How can we hope to continue to compete with the modern foreign-flag ships that our allies and former enemies continue to build in shipyards rehabilitated at our expense after the war?

There seems to be a disposition in Washington for more and more investigation of almost everything. That is particularly true of the merchant marine. There have been many investigations of the merchant marine over the years, most of them at a very high level. They all have come up with practically the same conclusions, viz, that we have to have an adequate merchant marine, that the policy of the Merchant Marine Act of 1936 is sound, and that it should be aggressively implemented.

Most of these reports lie in innocuous desuetude in some almost forgotten pigenhole. Now there is talk of more investigations of the merchant marine. It would almost seem that there is a hope, wishful thinking if you like, that, given enough investigations, ultimately sometime, somehow, somebody will come up with a magic formula for a merchant marine that will not cost the Government any money despite a standard of living in this country far above that of the rest of the world, which, of itself, makes construction and operating merchant marine subsidies necessary to achieve parity with competitive low cost foreign merchant marines.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JAVITS. Mr. President, I wish to address myself to the provision of the bill before the Senate as it relates to official referees.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield to the Senator from Colorado for an affirmative statement without losing the floor.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. CARROLL. Mr. President, I desire to modify my amendment which is now the pending business. I ask that the modification, which is now at the desk, be read.

The PRESIDING OFFICER. The modification of the Senator from Colorado to his amendment will be read.

The CHIEF CLERK. On page 17, lines 20 through 25, in lieu of the language proposed to be inserted by the committee, it is proposed to insert the following: "the applicant shall be heard ex parte, at such times and places as the court shall direct.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the junior Senator from Colorado.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

Mr. JAVITS. Mr. President, I have the floor.

Mr. RUSSELL. Mr. President, I thought the Senator from Colorado had proposed an amendment. The Senator from New York cannot hold the floor and prevent another Senator from making a parliamentary inquiry concerning the modification proposed by the Senator from Colorado.

Mr. JAVITS. Mr. President, may the Senator from New York explain his position?

Mr. JOHNSON of Texas. Mr. President, I wonder if the Senator from New York will not yield by unanimous consent.

Mr. JAVITS. Of course I will.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from New York may yield to the Senator from Georgia, to permit the Senator from Georgia to state his parliamentary inquiry.

Mr. RUSSELL. I am as a matter of right entitled to submit a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York yielded to the Senator from Colorado under a unanimous-consent request. The Chair is advised by the Parliamentarian that the inquiry by the Senator from Georgia is in order, and does not interfere with the right of the Senator from New York to the floor.

Mr. JAVITS. I thank the Chair. I simply wanted to be certain that I had not lost the floor.

Mr. RUSSELL. Mr. President, has the so-called revision or modification been printed?

The PRESIDING OFFICER. The modification of the Carroll amendment has not been printed.

Mr. RUSSELL. Mr. President, I desire to submit a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Have the yeas and nays been ordered on the Carroll amendment?

The PRESIDING OFFICER. They have not been ordered.

Mr. RUSSELL. In that event, the Senator from Colorado has a right to modify his amendment. That right is unchallenged, under the rules. But it may cause some delay in voting until we have had some opportunity to examine the modification.

Mr. CARROLL. Mr. President, will the Senator from New York yield further? I ask unanimous consent that he may yield to me, without losing the floor, to permit me to explain my modification.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from New York yields to the Senator from Colorado.

Mr. CARROLL. The purpose of my modification of my amendment is to use words contained in section 4, article I, of the Constitution, relating to the times, places, and manner of holding elections for Senators and Representatives. It is true that those constitutional words have different meaning in section 4 of article I than here. As I have said numerous times on the floor of the Senate and in the committee, the provisions of this bill shall in no way be construed as a limitation upon the existing powers of the court.

What are we asking to be done? The executive branch will not provide leadership in this field. The legislative branch, as is evident, cannot function in this field. So we are placing a tremendous load upon the judicial branch.

I believe we should not handcuff the courts or hamstring the courts, or try to strangle the judiciary as we give them this tremendous task.

We are saying to the court, by this amendment, "Fix the time and fix the place," And Congress says to the court, "as the court shall direct."

It seems to me that a court of equity, reading the whole history as it has been expressed by Congress, would designate a proper time and place.

I commend the senior Senator from Tennessee for raising this issue. This has been a very important part of the debate. The legislative history which has been made is excellent. I think a court in the future could easily ascertain what is now taking place.

The Senator from Tennessee has been saying that this is a public act. The junior Senator from Tennessee has characterized it as a public act, by a public official, to be conducted in a public forum. A court of equity will consider those words carefully. The court will know the purpose of the legislation.

This is a very simple proposal. It is intended to give to American citizens their fundamental, constitutional right to vote. It is necessary to use this method. As the Attorney General has said, it is a method to expedite matters in order to preserve that constitutional right.

We are not seeking to have any secret sessions or any star-chamber sessions. Yesterday I heard the able senior Senator from North Carolina [Mr. ERVIN] express a fear that there would not be transcripts of the proceedings. Very well. Let us make the legislative record now. Let us examine the House bill. Let us turn to page 16. Before the applicant is entitled to an order, he has to supply proof.

Let us turn to the bottom of page 17. It says in the bill that his statement shall be under oath. Whose statement? The applicant's statement.

Let us move to page 18. He has to give evidence of his age, residence, and prior efforts to register or otherwise qualify to vote.

The able senior Senator from North Carolina was concerned that there would be no transcript. Let us read now from page 18, line 4, of the bill. We are now talking about proof of literacy and understanding of other subjects which is required of an applicant, if it is required by valid provisions of State law.

The answer of the applicant, if written—

Get those words—

shall be included in such report.

What report? The report which includes the applicant's age, residence, and prior efforts to qualify. This is all a part of a judicial hearing. There is proof; there is an oath; and obviously if there is to be a report to the court, no order can issue for the applicant until it is preceded by such report. That report has to be transcribed. Does anyone believe that a public act, by a public official, in pursuance of a public law, will not be transcribed? Of course it will be transcribed.

Does anyone believe that a court will not permit a party in interest or any person, if he pays for it, to get a copy of the transcript?

Of course that would be done. I submit that the many fears of the bill which have been expressed here are unfounded.

This is a good, constitutional bill. It will permit many American citizens who are wrongfully disfranchised, to vote, although it makes the proceedings by the applicant more protracted than I would have desired.

Mr. GORE. Mr. President, will the Senator from New York yield, to permit me to ask several questions of the Senator from Colorado?

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Does the Senator from New York yield to the Senator from Tennessee?

Mr. JAVITS. First, Mr. President, will the Senator from Colorado tell me how long he expects to proceed.

Mr. CARROLL. I have almost concluded.

Mr. JAVITS. Then I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, the Senator from Colorado has made a considered and reasonable statement. He has proposed that the amendment be modified by adding the words "at such times and places as the court shall direct."

Does not the Senator think the applicant who wishes to qualify to vote should be heard within the county in which he seeks to obtain qualification for voting?

Mr. CARROLL. Yes, unless in the county there was massive resistance, unless the machinery of the county was marshaled in opposition to the applicant's attempt to qualify to vote. But let us permit the court to have discretion in such circumstances; let us not handcuff the court. The court should be allowed to make that determination.

If I were serving as the judge in a court of equity in such an area, I would say that of course the applicant to register to vote should be heard within the county in which he seeks to qualify to vote.

However, this situation involves massive resistance to the attempt of thousands of Americans to register and to vote for the first time. So as we proceed to place this burden upon southern jurists, let us be reasonable and permit them to use their own good, commonsense while they serve as courts of equity.

Mr. GORE. It seems to me the Senator has described a strained situation which might not develop at any point. I should like to suggest to him that when the applicant under the law now proposed is qualified to vote, that qualification pertains to the county of his residence. Therefore, if one presumes there would be some massive resistance to the applicant's qualification to vote, with the result that then the public official of the U.S. court, with all the protection and dignity of court orders added to by the terms of the pending bill, would be intimidated and prevented from permitting the applicant to qualify to vote, would not it then be reasonable to presume that the exercise of such a right—which could not be accomplished in some other county, in someplace apart from the applicant's residence—must, in fact, be accomplished not only within the county in which he resides, but also within the precinct in which he resides, and that under such circumstances, such massive resistance, if it existed at all, would relate more to the applicant's exercise of the right to vote, rather than to his appearance before an official of the Federal court to register to vote?

Mr. CARROLL. I am not sure that I fully comprehend what the Senator from Tennessee has in mind. But my point is that I believe we should provide ample discretion. In my opinion a Federal judge would not permit any abuse of his authority, and I believe that would be particularly true of a Federal judge who came from the particular area which was affected.

We are not trying to create any judicial restrictions by this law. This matter must remain fluid. The court itself will be bound by the constitutional principle of due process; the courts cannot stray, either. And we want them to read the record.

I understand the fears of able and sincere men that perhaps we shall be going too far.

Mr. GORE. In my State the custom is for the registration to be accomplished at the county seat. I respectfully suggest to the Senator that in my opinion his amendment would be improved if he were to add to it the words "within the county of the applicant's residence."

Mr. CARROLL. I think that is implicit; I think the registration would occur there. But I am afraid that if we

start to add such a provision here, attempts to have other provisions added elsewhere will be made.

I believe we can safely leave these matters to the discretion and the judgment of the court. I agree with the Senator from Tennessee that it should be within the county, because that is where the applicant would normally have to register.

If I correctly interpret the statement of the Attorney General of the United States, no attempt is being made to give one group of Americans a favored position, as compared to that of another group. So if a white man is able to register in a particular county, a black man should also be able to register in the same county—under the same rules and customs and laws.

Mr. GORE. I agree with the Senator from Colorado that it would be natural to assume that a Federal district judge would take such a reasonable course.

However, since the Senator from Colorado is proposing to write new law, perhaps it should provide that the hearing shall be within the county of the applicant's residence. Unless the judge made a finding of the existence of some extraordinary circumstances which would indicate to him the advisability of doing otherwise, surely the hearing should be held within the county of the applicant's residence.

Mr. CARROLL. Bear in mind that in this case we are dealing with the broad powers of a court of equity.

Mr. President, I am afraid that I have taken too much of the time available to my able friend, the Senator from New York [Mr. JAVITS]. He has been very gracious to give me this much time in which to submit my modification of the amendment. Later, we shall have an opportunity to discuss it further.

Mr. JAVITS. Mr. President——

Mr. KEFAUVER. Mr. President, will the Senator from New York yield briefly, so that I may ask several questions of the Senator from Colorado?

Mr. JAVITS. Mr. President, I prefer at this time, while a few Senators are in the Chamber, to make my fundamental points. Thereafter, I shall be glad to yield.

Mr. KEFAUVER. Very well, Mr. President.

Mr. JAVITS. Mr. President, I believe the bill to be constitutional, and not to be unusual, in terms of the practice and procedure in the courts of the United States.

What has been entirely overlooked in connection with this matter is the fact that the voting referee will be appointed pursuant to the standing rules of Federal procedure.

If Senators will look at page 19 of the bill, line 14, they will see that the powers of the referee are determined by rule 53(c) of the Federal Rules of Civil Procedure. Reference to those rules indicates that the court already has very wide powers in respect to what it can order the referee to do. The court may, by its orders, specify and limit the powers of a referee, may permit him to report on particular issues, do or perform specific acts, receive and report evidence only, and may fix the time and place of the holding of the hearing and the filing of a master's report.

It is very clear this is established procedure. I practiced law for many years, as did many Members of the Senate. We are all familiar with the practices of bankruptcy referees. Bankruptcy referees do many things ex parte. For example, they receive and verify claims, reject claims, throw them out, if they do not have any verification or proper forms to support them—all ex parte. Thousands of lawyers in the United States who apply for orders apply for them every day ex parte.

Mr. President, what does "ex parte" mean? It means that the court may consider whatever is the application before it—or, in this case, the official referee—without notice to the other side. It does not mean in secret. It does not mean somewhere behind a building. It means without notice to the other side. Can anything else be done in these situations, if what we are trying to do is, as nearly as possible, recreate the rights to an individual registrant which have been denied him? Let us not forget that fact. The court has first found that a right has been denied to a class of citizens; so we try to replace, through court order, what he would have gotten through normal action of the administrative office of the registrar.

The referee, no more than the registrar, does not know who is coming in to register. This is not an adversary person. This is someone off the street who is a member of that class, and he says he has been denied the right to register. He walks in the door. The court or referee could not have given notice if he had wanted to. The only thing he can say is that at a certain time and at a certain place he will be there, empowered by the court to make registrations.

That is exactly what the amendment of the Senator from Colorado provides.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JAVITS. I had promised to yield first to the Senator from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. President, I ask unanimous consent that the Senator from New York may yield to me in order that I may ask the Senator from Colorado two or three questions.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KEFAUVER. The Senator from Colorado has, I know, been giving this matter a great deal of thought, and he has been concerned, as many of us have been, with the situation, as has been so ably pointed out by my colleague from Tennessee [Mr. GORE], that this is a public official, doing public business, and that it ought to be done in a public place, upon public notice.

I take it that these are matters which the Senator from Colorado is trying to get at, as I have heard him.

I think, as I read the new amendment the Senator has sent to the desk, while I am not satisfied with it, is an improvement. I think the rights provided in the amendment that was adopted by the committee, with an understanding of what is intended, as I have tried to explain, are minimum rights. I think what the Senator has proposed is some improvement over leaving the matter wide open.

In the Senator's original amendment he had the words "shall be open to the public." Why does he leave out the words "open to the public" in his new amendment?

Mr. CARROLL. I may say to the Senator from Tennessee that I felt this question was one of the issues that concerned the senior Senator from Tennessee with respect to the original amendment. As the junior Senator from Colorado expressed himself in committee and on the floor of the Senate the other day, he is against star-chamber sessions. The junior Senator from Colorado is against all kinds of secret and clandestine referee hearings, whether they be at picnics, church gatherings, and back alleys, as was mentioned in the debate yesterday, or any other place. The junior Senator from Colorado is against registrations in barbershops, and places like that. I do not believe in that sort of thing. I understand it is done in some areas. It is not done in my State.

I hope a court of equity reads our words. We want the times stated. What do we mean by "times"? The dates. What do we mean by "places"? The places where the registrations are to take place. Mention was made of the words "public office." Those words are too restrictive. In my State we use the schools for registration. There is nothing wrong with utilizing the school buildings. I did not want to limit the provision to a public office or public place, but leave the place to the court. That is my argument.

I think the Senator from Tennessee has made a fine record. I think he has clarified some of the thinking. I think the debate which has been going on for the last 3 days will be very helpful to a court of equity.

Mr. KEFAUVER. I thank the Senator from Colorado. Some good may have been done. I hope so. That was our intention. I hope that, by the adoption of amendments, the bill can be improved, as I sincerely think it must be improved.

Does the Senator from Colorado contemplate that the judge shall issue orders that the hearings will be in a place open to the public?

Mr. CARROLL. It is the opinion of the Senator from Colorado that the judge ought to do so. Anything that takes place in connection with such proceedings should be open to the public. This is a public action by an official of the court—a public official. We are enforcing a law of general application.

Mr. KEFAUVER. Is it the legislative history, in the mind of the sponsor of the modified amendment, that it is the intention that the judge should and will have public business of this kind conducted in a public place, or a public office, or a place open to the public?

Mr. CARROLL. I would certainly say so, unless some great emergency would prevent it. I should think that was the general concept. This is commonsense; this is equity we are talking about.

Mr. KEFAUVER. The words "at such times and places as the court shall direct" appear in the amendment. As I have said, it is an improvement, but my point is that while we trust our judges and hope they will do their duty, we in the Senate have a duty to perform also, and to act to prevent star chamber proceedings. The words "at such times and places" imply that notice shall be given of meetings.

Mr. CARROLL. Notice to whom?

Mr. KEFAUVER. I do not know. Notice to the public.

Mr. CARROLL. The court sets the time. The court orders that the hearing shall be open to the public. If the court sets the times and places, we cannot ask the court to notify the newspapers.

Mr. KEFAUVER. There is a very sharp distinction. Does the proposal contemplate that the judge will notify the referee of the time and place that he is to have the meeting, or that he will notify the referee and follow the usual custom of arranging for some public notice?

Mr. CARROLL. I do not know what the court will do. We are talking about two different things. When the court enters its original finding that there is a pattern or a practice, there will be many applicants who will be filing applications. I hope there will be many.

I think the point has been made by able lawyers from the South that many times the county seat in an area will be away from the general area, as much as 200 miles. I would assume that if a Federal voting referee was going into a particular area the court would give the people notice that the voting referee was coming, and the time would be designated and the place would be designated by the court. Would that not meet the Senator's objection?

Mr. KEFAUVER. I have always thought that due process meant notice should be served on the parties affected, giving them an opportunity of being present, at least.

Mr. CARROLL. Due process for whom, may I ask the Senator from Tennessee?

Mr. KEFAUVER. Due process for the applicant, who is going to register.

Mr. CARROLL. He is not going to complain about this.

Mr. KEFAUVER. Well, due process for the party who is alleged to have failed to follow his duty or to have failed to carry out his duty.

Mr. CARROLL. There is no such allegation in the finding. The finding is, of course, of a broad nature. We are not trying to put the stamp of guilt upon anybody, but we are attempting to give some people their constitutional rights. We are considering the mechanism which has been suggested.

Mr. KEFAUVER. If the Senator feels the hearing should be done in a public place and notice should be given in some form, as is the usual case with notices, would it not be worth while to put those provisions in the amendment?

Mr. CARROLL. The junior Senator from Colorado has been working very diligently to try to overcome the harm which was done the other day when the ex parte proceeding provision was stricken out. I think we have a general agreement that we can use the words now suggested; and I do not mean by a small group of people. We have a general agreement. We have taken these words out of the Constitution. While it is true they have a different meaning, the court will carry the great burden as to times and places. As the junior Senator from Colorado has modified the amendment, he has modified it about as much as he can in the circumstances.

Mr. KEFAUVER. My colleague from Tennessee would like to ask the Senator a question, but first let me say that I appreciate the efforts of the Senator from Colorado. I know the Senator has been concerned about the star chamber proceedings, which are repugnant to the American people. That is something we have been fighting against ever since the Founding Fathers wrote the Constitution. It is something about which the Senator feels deeply and about which I feel deeply.

I want to say to the Senator from Colorado, this language is of some help, but it is unclear. I think the Senate has a very important duty to perform. I will discuss that later on.

Mr. GORE. Mr. President, will the Senator from New York yield that I may ask a question of the Senator from Colorado?

Mr. JAVITS. I yield to the Senator from Tennessee.

Mr. GORE. If the court by order designates a place and a time, does not that place, ipso facto, become a public place?

Mr. CARROLL. I should think so. I see no reason why it would not. The very purpose of designating the time and the place is to give the people notice, so that they may come.

Mr. GORE. The order of a court is not a secret order?

Mr. CARROLL. Of course not.

Mr. GORE. The place which the court fixes by order is not a secret place, though it may be in a high school auditorium or in a courthouse or in a building on the square leased for that purpose. It becomes a public place for the performance of a public act by a public official upon order of the court.

Mr. CARROLL. That is correct.

Mr. GORE. May I go one step further? If my questions are properly submitted and if the Senator's answers are correct, then are not the places and the times the remaining unspecified elements? I am willing to presume that a Federal judge would designate a reasonable time. Unless there is some extraordinary circumstance I am willing to assume that the judge would designate a place within the county in which the applicant for qualification for voting would in fact be voting if he voted.

Mr. CARROLL. I agree with that.

Mr. GORE. I see no objection to specifying that this shall be in the county of the residence of the applicant.

Mr. CARROLL. I think we have made the record on that.

I should like to make a reply to the Senator, and then not hold the floor longer from the Senator from New York.

I do not know whether this is true or not, but I have heard that in some areas in the South people are registered in barbershops. If this is true, all I seek is to give equal treatment to the white men and to the black men. If the white men are registered in the barbershops, then we ought to register the black men in the barbershops. I want to leave this open for a court of equity.

Let me say, I do not assert that as being true, because I do not know. I wish to point it out as having been said. I do not know for a fact that people are registered in barbershops.

What we are seeking is equality of treatment. That is all. That is all we ask the court to do. If the white men are registered in a private place, I do not know how one can object to registering a black man in a private place. Let us provide equality of treatment in regard to qualifications to vote. This is the whole purpose of the bill, and it ought to be left in the hands in the court of equity. The judge would come from the area.

Mr. KEFAUVER. That is my purpose, also. I am trying to have the same conditions apply to registration before the voting referee as apply to people who go into a public office to register. When the people go into the public office, it is open. Anybody can be present. Anybody can take a transcript, and anybody can witness what goes on.

Mr. CARROLL. On that point, I wish to say that the Senator from Tennessee is absolutely correct. For example, if white men are going to be registered and somebody else wants to take a transcript of what is asked of the white men, he ought to be permitted to do it. Is that the Senator's point?

Mr. KEFAUVER. The Senator said that he wanted equality of treatment. That is what my amendment is intended to bring about.

Mr. CARROLL. I am sure of that.

Mr. KEFAUVER. When one goes into a public office to register, it is a public office. There is a public official present. Anybody can go into the office and can make a transcript if he wants to. I hope the Senator will be thinking about that. The modified amendment says, "at such times and places as the court shall direct." It does not say that the court shall issue an order directing it, which would be an order of the court. It may be an oral direction.

Is it contemplated that this would be an order which would be made upon the minutes of the court proceedings?

Mr. CARROLL. Yes. The language is, "the applicant shall be heard ex parte at such times and places as the court shall direct." That means by order of the court, because the referee is the court's agent. The court is the master and the referee is the servant function-

ing under the court order which would be in the minutes of the court.

I want the RECORD to show that the court shall direct by a public order, so that the people will be informed.

Mr. KEFAUVER. What is the situation with reference to anybody making a transcript of the proceedings?

Mr. CARROLL. I think there ought to be the same right to make a transcript of the proceedings of a black man being registered as there would be a right to make a transcript of the proceedings of a white man being registered. If it is held in a public place, and the white man's testimony is taken down. A transcript should be available. Some people have found that the white man is not interrogated as sharply as is the black man.

Let a transcript be made at each time and place, and perhaps we can find out what the facts are. The decision ought to be left to a court of equity. That is the whole purpose of my amendment.

Mr. KEFAUVER. I thank the Senator very much.

Mr. KEATING. Mr. President, will my colleague yield to me?

Mr. JAVITS. I yield to my colleague.

Mr. KEATING. Does not the senior Senator from New York feel that in all likelihood adding the words "at such times and places as the court shall direct" would add nothing to what would have been the normal procedure in the first place?

Mr. JAVITS. My colleague is exactly right. I pointed out section 53–C of the Rules of Civil Procedure. That subsection is headed "Powers," and it contains the mandatory provisions written into law.

Mr. KEATING. I see no objection to the amendment as modified. I have conferred with the Attorney General. It neither adds nor detracts, and is much preferable to the Kefauver amendment. The devastating impact the Kefauver amendment would have on the voting referee section of the bill has now become obvious. Various proposed compromises have been sticking out of the pockets of many Members. Some of the compromises I have seen offer very little improvement on the original language of the amendment. I do not believe anything should be accepted which would require Negroes to apply for registration under conditions substantially different from those applicable to other citizens. It will be burdensome enough under the other provisions of the voting referee section to provide the needed relief without adding the additional obstacles contained in the Kefauver amendment or in some of the substitutes therefor.

In my opinion, the only proper course is to leave to the local judge the determination of the times and places of registration. That is exactly what the modified Carroll amendment does. This proposal would permit the judge to apply whatever conditions are customary under State law or whatever conditions are necessary in the particular case. This will not violate any State official's due process but it will protect against the violation of the voting rights of our Negro citizens.

Such court control over the referee is already implicit, but if there is a desire to spell it out, I certainly would have no objection to doing so by specific language. What we must avoid is anything which would encourage the further intimidation and harassment of people who want to vote. After having to apply for State registration (in some cases, twice), after having to await the result of a district court voting right suit, after having to abide the determination of a pattern or practice of discrimination, and after being subjected to a trial on any material issue of fact raised by the referee's report—there should be no requirement that Negroes also must appear for registration in a hostile, public arena. Such a requirement is exactly what the Kefauver amendment would have accomplished. The Carroll amendment, on the other hand, is completely harmless because it adds nothing whatever to the bill which came to us from the House. By it the procedures of the voting referee sections are preserved intact. For that reason, the Carroll amendment neither adds to nor detracts from the force and effect of the House language. Because a vote for it is tantamount to a vote against the Kefauver amendment. I shall support it.

Mr. JAVITS. I thank my colleague. I join him in the statement with respect to the Attorney's General's feeling, that this proposal would not in any way compromise the fundamental purpose of the amendment.

There has been much argument about unconstitutionality. What amazes me is that in arguing unconstitutionality no reference is made to the Constitution. The Congress of the United States, when joined by the President—or, if it can muster the votes to override—can actually establish, without regard to what any State does, the times, places, and manner of holding elections for Senators and Representatives. This authority is contained in section 4 of article I of the Constitution, which reads as follows:

> The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Also, no attention is seemingly paid in this debate about unconstitutionality to the 15th amendment to the Constitution. I point out that on last Wednesday, March 30, we celebrated the 90th anniversary of this amendment, which in many places has been honored more in the breach than in the observance.

The 15th amendment deals with the right to vote. Thousands of Americans lost their lives in the struggle to assert this right, and here we are arguing about whether we shall implement it.

Section 1 of the 15th amendment provides:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 reads as follows:

> The Congress shall have power to enforce this article by appropriate legislation.

The basis, therefore, for the voting sections of this bill is absolutely rooted in the Constitution of the United States, in just so many words. We are not invading what the immutable law has given to the States. We are exercising the authority and the power vested in us by the Constitution; and, indeed—at least by clear implication—we have the duty to see that the Constitution is implemented in these respects. It seems to me, therefore, that those who argue for constitutionality, rather than those who argue against constitutionality, are the ones who start with the Constitution firmly on their side.

Mr. ERVIN. Mr. President, will the Senator yield for a question on that point?

Mr. JAVITS. Certainly.

Mr. ERVIN. I ask the Senator from New York if he does not know that the courts have held time and again that the fourth section of the first article of the Constitution, which the Senator read as giving the Congress the right to alter or make regulations concerning the times and places and manner of holding elections applies only to elections of Senators and Representatives, and does not apply at all to election of State officers?

Mr. JAVITS. The Senator does not need any cases on that point. The Senator from New York read the text of the section. It says:

> The times, places, and manner of holding elections for Senators and Representatives—

In so many words.

The Senator from New York also read the 15th amendment.

The 15th amendment, which is to be implemented by Congress with appropriate legislation, refers to all elections, State and Federal; and the courts have so held time and again. Is not that correct?

Mr. ERVIN. The Senator from New York has not answered my question. I will answer his question when he answers mine.

My question is this: Does not the Senator from New York know that the courts have held time and again that the provisions of section 4 of article I of the Constitution have no application whatsoever to State and local elections, and are confined solely to congressional elections?

Mr. JAVITS. Not only does the Senator from New York know that, but he read the words. Section 4 of article I so states. It relates only to elections for Senators and Representatives, and I so stated in reading it.

Mr. ERVIN. I am sorry. I misunderstood the Senator from New York. He and I agree on that point. I say to the Senator from New York that I agree with him on the proposition that the provisions of the 15th amendment apply to all elections, congressional, State, and local, but that under the provisions of

the 15th amendment the Federal Government has no power save that of enforcing a prohibition which prohibits a State from denying any citizen the right to vote on account of race, color, or previous condition of servitude. That does not authorize the Congress to take charge, and to pass on the qualifications of State voters.

Mr. JAVITS. It seems to me that the question was completely settled by the Classic case, which extended—if it is an extension—this whole concept to the primary. We did not say anything about primaries in the 15th amendment, either. Nevertheless, the court said that under section 2 of article XV, the right to implement the 15th amendment, Congress acted quite properly in saying that primaries were also covered in respect to this situation.

Mr. ERVIN. I ask the Senator from New York if he does not know that the Classic case dealt only with section 4 of article I of the Constitution, and had nothing whatever to do with the 15th amendment?

Mr. JAVITS. Certainly. The reason I cited the Classic case was that the courts held very clearly that we were not confining elections to the direct election process, but that also the necessary and proper cause, which extends, in the Constitution, to section 4 of article I, includes the right to reach primary elections where they frustrate, as was found in that case, the electoral process.

I think it is very clear that Congress has every right to pass laws which will appropriately implement the guarantees which have been given to the individual citizen, not only by section 4 of article I, but by the 15th amendment as well. Whenever we pass a so-called clean elections law, which applies to the States, we are acting almost exclusively within the ambit of our powers, as I have just described them. If anyone has any doubt about that, there is a very recent case, the case of United States versus Raines, decided on February 29, 1960, in which the Supreme Court sustained fully the constitutionality of the 1957 act. That is certainly affirmative legislation.

Whenever the court directs that a person shall have the right to vote in a State election, it is sustaining that concept of the 15th amendment, sustaining the concept that it does not mean merely a prohibition, but that where an act is prohibited, the court may repair the wrong and cause the affirmative act to be done which ought to be done.

So, Mr. President, I respectfully submit that no such narrow interpretation, certainly in view of all the cases, will be considered by the court.

Mr. President, I believe we must put ourselves in the position of the court in assessing the constitutionality of this particular section. We must understand the legislative scheme which is involved. Yesterday my colleague from New York and I argued that what we were trying to do, and what we had the right to do, in view of the State default in this situation, was to try to recreate conditions which would obtain there in the State default, in what it did wrong in terms of the law and the Constitution. We have a right to accommodate the individual who has been wrongfully denied the opportunity to register and vote and on past and across the threshold of that opportunity, without incurring exactly the same difficulties and dangers which had frustrated him up to now. That is exactly what this provision does.

Let us analyze the legislative scheme for a minute. It starts with the action by the Attorney General. The Attorney General must be successful in that action, not only in proving that a particular individual has been denied the right to vote by virtue of his race or color, but also that there is a pattern or practice in a particular community by which persons of a certain race or color have been denied the right to vote. This finding, pursuant to all due processes of law—notice, evidence, hearing, appeals—takes place before any other part of the section becomes operative.

This section therefore proceeds upon that point, namely, that a decree has been entered by the court, after all kinds of due process. Let us assume that now the order of the court is in effect, finding that there is a pattern or practice existing in that community which unlawfully denies people the right to register and to vote because of their race or color.

Then what happens? Any individual of that class, namely, a class which has been discriminated against by virtue of race or color, may upon application be entitled to an order declaring him to be qualified to vote and directing that he shall be permitted to vote. Any person who believes he comes under that provision of the law may go into court himself and apply for an order directing the voting officials to let him vote. The court has the right and power to make that order. We give that right and power to the court.

So far there is no argument.

If the court chooses to do so for any reason—either because there are many people involved or because it is inconvenient to consider individual applications—it may appoint a person called a voting referee, with all the powers of a special master. I referred to this a little while ago. He has all the powers of a special master under the rules of civil procedure. That appointment is made to carry out the functions which normally would be carried out by the court itself.

The language is very clear: "To receive such applications and to take evidence and report to the court," and so forth.

In other words, instead of coming to the court to apply to that court, the individual applicant comes before a referee. At this point the individual applicant is crossing the threshold of the place where he is entitled to register. Instead of the threshold being a courtroom, the court has appointed an official referee, and that threshold is equivalent to that of the court.

If an individual walked into a court and applied for the right to vote, the court could, if it chose, give that right, provided that it proceeded in accordance with its previous decree and finding and then entered an order in accordance with the practices of the court.

But let us suppose that this application is made before the referee, the court having appointed that referee. What does he do? The referee receives the application at such times and places as the court may determine that he shall have the right to do that. Then the referee transmits it to the court with a preliminary determination by him that this person is entitled to register and to vote.

At that point every State official who is entitled to it gets notice, and may interpose an objection, and if he wishes may contest it and may subpena the applicant and any other witnesses, if he has any material question of fact or law that can be raised. In short, there is complete due process at every stage of the proceeding.

What is being argued on the part of those who try to sustain the Kefauver amendment is that there shall not only be a trial with relation to the pattern or practice at the one end, and not only a trial with respect to the final order of the court entitling the man to vote, but also that there shall be a third opportunity which is a trial intermediate.

My colleague from New York and I maintain that to do that would completely vitiate the whole legislative scheme in which we are engaged, because that would be inviting the very repetition of events which bring us to the need for the passage of this legislation.

Let me emphasize that point, Mr. President. It would be inviting a repetition of events which bring us to the need for the passage of this legislation. The record before the Civil Rights Commission—and I shall read from it later—is replete with instances in which the mere climate has its effect. It is the climate in which an individual applicant goes to a public building, to wit, the county courthouse, or some other public building, to register. The report of the Civil Rights Commission, as I say, is replete with instances of an individual going to the courthouse, expecting to register and being confronted by the climate of intimidation, or no attention being paid to him. Obviously that is not a very healthy place for anyone to be.

The same situation would obtain in an adversary proceeding, in which there would appear a whole battery of lawyers and members of the White Citizens Council. We must remember that this would not take place in a hospitable, happy community. We are dealing with people who would seek to register in an unhappy community, where people have been wronged and discriminated against, and where it has been necessary for a person first to obtain a court decree before that proceeding can be started. To repeat the very same thing which has brought us to this posture, and where we are passing a law on the subject, would seem to be the height of folly.

Let us look at the report of the Federal Civil Rights Commission. Again I say there are no arguments about the facts. The Commission is composed of

three northern or western members and three southern members, who joined in the finding of facts. I refer, for example, to page 64 of the report, dealing with Fayette County, Tenn., describing a situation there. Let us see what happened there. It recalls the experience of 12 Negro war veterans who registered there in the fall of 1958. This is what the report says:

Some of those Negro veterans were interviewed by Commission representatives. They stated that they had been subjected to so much intimidation that only 1 of the 12 actually voted and he doubted that his ballot was counted for he thought he had handed it to someone instead of dropping it in the box. Two others who went to the polls were said to have been frightened away when two sheriff's deputies approached them. One was told by his banker that something might happen to him if he tried to vote. One of the 12 who was in the hauling business, lost all of his customers and the police threatened to arrest any of his drivers found on the highway in his trucks.

According to men interviewed, when a Negro registers the sheriff is quickly informed and he, in turn, informs the Negro's landlord and employer. Those who register are soon discharged from their positions and ordered to move from their homes. The police arrest them and impose severe fines—as much as $65 on minor charges, it was alleged. They are unable to get credit. Their wages are garnisheed. Applications for GI loans to buy land are turned down by local lenders.

What do we expect of human beings? Do we expect that they are going to fly in the face of this kind of thing in order to register, and when a finding is made that it is exactly this kind of thing which is taking place in a local community, shall we invite it again by an elaborate judicial proceeding, with cross-examination of witnesses, which is not required by the Constitution, but which is surrounded and protected on both sides, from beginning to end, by full proceedings before a court?

Shall we insist on such action by people whom we have wronged, by committing the very wrong we are seeking to right? It seems to me to be outrageous, when seen in the clear light of day, to do any such thing. If any other evidence were needed, we have an enormous body of evidence of decades of discrimination against Negro voters, in county after county in a number of our Southern States. For example, I read from page 44 of the report of the U.S. Commission on Civil Rights, relating to the State of Georgia, as follows:

In 29 counties, nonwhites were a majority of the 1950 voting-age population. In two of these counties, no nonwhite was registered to vote in 1958. In 11 of the other 27 counties, the number of nonwhites registered in 1958 was fewer than 5 percent of the county's 1950 voting-age nonwhite population.

I refer to page 45, relating to Louisiana, and read as follows:

In eight parishes, nonwhites were a majority of the 1950 voting-age population. In four of these no nonwhite was registered to vote in 1959.

And so on. As one goes through the whole report, he finds it replete with these situations.

As a summary, I refer to page 134 of the Commission's report, as follows:

Our investigations have revealed further that many Negro American citizens find it difficult, and often impossible, to vote.

Then follow the findings of fact. This finding, on page 138, is joined in by every Commissioner without exception:

The Commission finds that the lack of an affirmative duty to constitute boards of registrars, or failure to discharge or enforce such duty under State law, and the failure of such boards to function on particular occasion or for long periods of time, or to restrict periods of function to such limited periods of time as to make it impossible for most citizens to register, are devices by which the right to vote is denied to citizens of the United States by reason of their race or color.

Mr. President, we have heard much said in the course of the debate about how people can go behind some building or can attend a clambake or church supper and take on all comers and register them. This assumes that courts are not courts, but are engaged in some kind of guerrilla activities, and that there are no appellate courts in the United States.

I cannot conceive of any lawyer for a minute not knowing that certainly any court taking it into its head to run counter to the law can do so. Indeed, I believe that a judge who decided he was going to proceed without regard to the law could do a lot of mischief in a particular community, not only in this matter, but in many others.

Do our southern colleagues desire us to believe that the district judges in their courts are any different from district judges in other courts, that they are not men who are learned in the law and will not pay strict attention to the law? Or do they desire us to believe that if any judge should, in deference to the officials of his State, transgress, he will not promptly be taken up on appeal, in an effort to make him stay his order, even up to the Supreme Court of the United States? That is nonsense.

What we are not told is this—and this is the key to the whole situation: Who has frustrated the opportunity to register and vote? Has it been some person who has no standing or responsibility acting on his own? Not at all. Those who have frustrated the right to vote and the right to register have been officials of the State, fully backed by all the legal authority of the State. I say "fully backed," because who defends these cases? Who appears before the Supreme Court of the United States? The attorney general of the State, whether it is Alabama, or Georgia, or Louisiana. It is the full legal power of the State, the power of the attorney general, backed by all the resources of the State, which is fighting the case against the person who has applied for the right to register and vote.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from New York may yield to me for the purpose of making a brief statement and of asking a question of the Senator, without his losing the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, the Senate has consumed many hours, justifiably, I believe, in discussing the very important question now before it. I doubt that any bill in recent years has been so thoroughly discussed and so extensively debated. I believe I speak for the majority of the Members of the Senate when I say that they are ready to resolve some of the questions in issue. We do not want to be impatient or impetuous, but there is much work to do between now and July.

Following our action on this matter, it will be necessary for the bill to be returned to the House. The House of Representatives will have to give due notice to its Members, and they will have to consider the changes the Senate has made.

We spent all day yesterday, from early in the morning until well into the evening, discussing one of the 15 changes which have been made in the Committee on the Judiciary. All Senators had an opportunity to hear that discussion or to read it in the RECORD. The Senate has been in session almost 3 hours today, discussing this subject. I hope that a little later in the afternoon we may vote on the merits of the Carroll amendment. Then I hope that the Senator from New York [Mr. JAVITS] will offer his Commission amendment, and that we can have some debate and then a vote on it. Perhaps we can vote on some other amendments today. If that can be done, I think the schedule of the Senate can be arranged so as to enable Senators to be free on Saturday to catch up with their mail and to fill important speaking engagements.

I think we ought to have some votes today. I hope we can have them. I believe that a substantial majority of the Senate desires to vote. I think a substantial majority is ready to decide whether or not they want to write the Carroll amendment into the bill, to write the Kefauver amendment into the bill, to write the Javits amendment into the bill, or to write other amendments into the bill.

Of course, we do not expect to pass the bill today. We will be back next week. I simply hope that some progress can be made today. I hope we can show the country that the Senate is taking some votes. I hope we can resolve some of the questions which are ready to be resolved.

All of us know that a motion to table the Kefauver amendment could be made at any time a Senator got recognition; and if that motion to table should prevail, it would take the Carroll amendment with it. I hope it will not become necessary to do that.

Nevertheless, I think it is in the interest of our country and in the interest of the Senate—yes, even in the interest of the world—that some of these matters be decided. The bill is not a partisan bill. There is no room for partisanship in it. It is not a Republican bill; it is not a Democratic bill. It is a bill which we hope, when it is written, will serve

the interests of all the Nation. But, Mr. President, the Senate must get along with its work. I hope Senators will bear that in mind. We do not seek to cut off any Senator. If we have erred at all, it has been in the direction of spending too many hours in session.

I am prepared to come back next week, but I should like to have at least two votes, perhaps three, today. I should like the attachés of the Senate to put all Senators on notice that it is anticipated that there will be a vote on the Carroll amendment, if possible, or on a motion to table, if necessary, and a vote on a motion to table the Javits amendment, the so-called Commission amendment. How does the Senator from New York refer to his amendment?

Mr. JAVITS. Will the Senator from Texas permit me to make a statement on that point? I go along with the view of the Senator from Texas in regard to the procedure on the pending amendment to the Kefauver amendment and with regard to the Kefauver amendment itself, and I shall certainly not detain the Senate very long. I hope very much that the plans of the Senator from Texas in regard to those amendments may be consummated.

However, at this point I would not undertake to offer—today—the amendment with respect to the matter of Government contracts. I wish to consider whether I am fully prepared for that.

I may suggest to the Senator from Texas that after we clear up the questions which are involved in the amendments now before the Senate, we shall have completed our action on all the committee amendments; and I respectfully submit that in fairness to other proposals of serious purpose, and without any guarantee on the part of Senators who oppose the entire bill that final action on the bill shall be taken today or Monday, I would prefer—and I might exercise my prerogative either to offer or not to offer an amendment I have—that next week we begin on amendments other than committee amendments, but that today we finish our action on the committee amendments. In that event, we could go home tonight, it seems to me, after having completed our action on all the committee amendments; and in that event we shall have made considerable progress.

Mr. JOHNSON of Texas. Mr. President, I do not want to yield my majority-leader duties to the Senator from New York—yet.

Mr. JAVITS. Mr. President, I think I am one of the Members who is least subject to any such imputation. I have greatly honored the majority leader, and I continue to do so. I think he is a fine American. He and I disagree occasionally, but that is part of the game.

I would never for a minute attempt to intrude upon his course of action, and I was not being in the slightest degree categorical about the suggestion I made. I hope the Senator from Texas understands that very clearly.

Mr. JOHNSON of Texas. I understand what the Senator has said.

But I have talked to the minority leader and to a number of other Senators who sit and sit and sit, and wait and wait and wait, and listen and listen and listen; and if the Senator from New York is not prepared on his contract provision now, I do not know when he will be prepared, because it has been discussed, and it is in existence, and we know all about it, and it has been before us for 7 weeks, now.

The other evening I heard one of my good, liberal friends who is an ardent civil rights advocate say, "I have decided that no votes will be taken today." That decision was made in the middle of the afternoon—for what reason, I do not know. But that Senator was in a position to enforce that decision.

Now the Senator from New York, another ardent civil rights advocate, says to this man who is caught in the middle, this sometimes so-called reactionary leader, that we shall simply take off Friday afternoon, and that we shall not have any more votes until next Monday.

I cannot say to Senators that we shall make motions to lay on the table and proceed to act on the Kefauver amendment, and then say we shall not act on any other amendments until next week. I should like to see the Senate act today on two or three matters, in connection with the bill, and I should like to see the Senate remain in session today until 10 or 11 p.m.; and I think that Senators who want a civil rights bill enacted should be willing to remain here and vote on it, without necessarily speaking all the time, because the amendments and the bill now at the desk are what will be voted on; and large amounts of additional talk will not greatly affect the decision either to pass the bill or not to pass it. I think there has been enough talk about the bill.

Most Members of the Senate have been telling me, for days and days, that they are ready to vote on the bill; and some Senators were ready, weeks ago, to vote for cloture, and thus to allow only 1 hour to each Senator for further debate on the bill itself and on all amendments thereto.

So I hope Senators will not ask us to end the session today at an early hour and then go over until Monday. I am prepared to have the Senate remain in session a long time today. I want a fair and reasonable civil rights bill to be passed. When we began this debate, I said I thought the heart of the matter was a voting rights bill, and I think we have that kind of bill before us.

I believe the Senate committee has improved the bill as it was passed by the House of Representatives. Certainly a number of changes in the bill have been made, by way of amendment.

I believe that even if we were to remain here until doomsday, Senators would not impress any more people or change any votes.

So far as I am concerned, I am ready to have the roll called, and I believe I speak for a majority of the Members of the Senate. A minority can obstruct us if they wish to do so; that can be done either by a minority on this side of the aisle or by a minority on the other side of the aisle. But the last person in the world who I would think would say, "I want to postpone until next week the action on the civil rights bill," is my delightful friend, the Senator from New York, because ever since I have known him, he has been anxious to have action taken in this field, and he has been responsible for, and has contributed to, a great deal of the action that has been taken in this field.

I believe that the statement he made the other day about the House version of the bill—and I hope I did not misunderstand him; I refer to his statement to the effect that it represents progress in this direction—represents the view of a majority of the Members of the Senate; and I believe they will express that view if they are given an opportunity to do so.

All I can do is plead with my colleagues, and that is what I am doing. If I had my way, a yea-and-nay vote on the question of final passage of the bill would be taken tonight. But I am not prepared to force my colleagues to do so. I would not file a cloture petition to force them to do so 48 hours from now.

But I am trying to persuade them, and I have persuaded the minority leader—or perhaps he has persuaded me. Perhaps, in that respect, the situation is like the one when, at one time, the Senator from New Mexico [Mr. ANDERSON] invited me to testify in committee on a reclamation project, and I did so. But after I finished my testimony, and began to look at all the maps and charts that were on display there, I found that most of the project was in New Mexico, instead of in Texas, and that the Senator from New Mexico had permitted me to persuade him to vote in favor of the building of a big project in his own State. [Laughter.] So I think sometimes the minority leader says he is going to be agreeable to the majority leader, after he has persuaded the majority leader to do what the minority leader wants to do.

At any rate, we think some votes should be taken today.

If the Senator from New York does not want to offer his amendment, plenty of Senators who are right here share his views and can offer the amendment; and I will remain here as long as the Senator wants to have the Senate remain in session tonight, to vote on that amendment or on any amendment which the junior Senator from New York [Mr. KEATING] may wish to offer or on any amendments which Senators on this side of the aisle may wish to offer; and I am prepared to have the Senate hold a session tomorrow, in order to vote on the amendments.

But I believe that today we should, if it is at all possible, make just a little progress.

I agree with the Senator from New York that sometimes we find ourselves in disagreement, but I never envisioned that we would be in disagreement about having the Senate vote on the Senator's amendment. I thought he wanted a vote on it.

Mr. JAVITS. Mr. President, I know of few objects for this kind of treatment—and that is what it is popularly called, and that is quite correct—who are less deserving of it than I.

Let us check the record. I proposed a motion to invoke cloture, when it was said to be premature. I argued for it most devotedly. But because the majority leader and the minority leader were against it, it failed. If it had carried, final action on the bill would have been taken by the Senate many days ago.

I would be glad to propose cloture again. But suppose I now proposed a unanimous-consent agreement that by 6 o'clock tomorrow the Senate vote on the bill and on all amendments thereto: Who would be the first Senator to object? Let every Senator answer that question for himself.

Of course I am prepared to stay here to do my job to the best of my ability. I think I have demonstrated that. But I am a Senator of the United States, and I am not prepared to offer an amendment when I am told to offer it. I will offer it when I think I should.

Mr. President, the Senate can vote it down or table it, but I am not going to be told when I should do the business which the people of the State of New York sent me here to do. If anyone else wants to offer the amendment, it has happened before, and I will not object a bit or be angry about it. He is perfectly at liberty to do so. But I will offer my amendment when I think it has the best chance of success.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. JAVITS. I do not yield right now. This lecture had better be reserved for those who made us work here around the clock and stay all night rather than agree to vote on amendment after amendment.

What assurance does the majority leader give that if I sat down and did not say another word this amendment would not be debated for the next 10 or 12 hours by another Senator?

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. JAVITS. I do not yield now. I will yield later.

Mr. JOHNSON of Texas. The Senator from New York is asking the Senator from Texas for assurances. If he will not let me reply——

Mr. JAVITS. I did not interrupt the Senator from Texas. The Senator will have full opportunity to reply in a minute. But I must say I am disturbed and annoyed that I am the one who is picked out for the "treatment" about delay and about waiting and about taking hours of debate. I am one of those—and I am not alone in it; there are many others of us—who do not deserve the "treatment" which is being given us now, when it should be directed to those who have taken hours and days for debate. I do not intend, without objecting, to be picked as the object for this lecture on this subject, when I do not deserve it.

I yield now to the Senator from Texas.

Mr. JOHNSON of Texas. However the Senator may describe it, whether it is a lecture or appeal or expression of the hope, I assure the Senator that I had no desire to annoy him. I had thought I had an understanding with the Senator. I remembered that he indicated he would need at least 30 minutes to get familiar with some of the details of his contract provision, and I thought that he said he would be willing to go along with the judgment of the two leaders who consulted with him.

I am not prepared to give the Senator any assurance about any Member of the Senate. All I am prepared to tell the Senator is that: I am prepared to vote on this bill, and I do not want a "civil rights bill, but wait till next week"; and I am prepared to make progress on this bill, and I am not prepared to "make progress but let us go over until next week and come back and decide then how we will take up amendments."

I think a majority of the Senate is ready to vote on these amendments, and I do not know who wants to delay voting on them.

The Senator from New York did not indicate to me that he wanted to delay more than 30 minutes, and the Senator from New York did indicate that he was willing to follow the judgment of the majority and minority leaders. I think he will confirm that with the minority leader.

I anticipated some problem in getting to a vote, and I think we will have, but I did not anticipate it from the Senator from New York, because I think if there is a genuine, earnest, diligent advocate of civil rights in this body, it is the senior Senator from New York. There is hardly anyone I know of who has spent more time working at that job, unless it is the junior Senator from New York, than has the senior Senator from New York. [Laughter.]

I differ with him on the merits of many of the proposals they advance, as they know, but I never thought they would say to me that "You are trying to rush us into passing a civil rights bill." [Laughter.] And I never thought that the Senator would say to me, an hour ago, that he wanted 30 minutes to prepare himself, and then, when I rose and started to inform some Senators who desired to make longer speeches that I thought we ought to have a motion to table or a vote on the Carroll amendment, and if we did, to vote on some of the other amendments, I did not think he would oppose it. The last place in the world I expected to get the "dagger" from was the Senator from New York.

I hope he will not feel that I have lectured him and he has been dealing softly with me.

I hope he will understand that both of us have the same objects in mind—bringing to a resolution some of the difficult questions before the Senate—and I think the fact that we have been at it for 7 weeks indicates that we have spent a lot of time on it. But we have appropriation bills backed up. We have minimum-wage bills backed up. We have health programs backed up. We have housing bills backed up. And I am going to hear the cry about what the Congress has not done, and I suspect and kind of guess some of the quarters whence that cry will come.

All I can do, in my own humble, ineffective way, is to apply to the reason of Senators, particularly those who are friends of the bill, to stop talking and start voting.

Mr. JAVITS. Mr. President, I was not making any request of the majority leader to go over today or tomorrow. I am perfectly willing to be here. I have been here late before, and on Saturday, and I will be again. The majority leader, who is a great parliamentary leader—and I say that even though it may be considered as an admission against interest—has a way of suggesting that something be done, or even asking us to do something, and assuming that we have agreed.

I think I have a pretty fair reputation both here and in the House of Representatives of standing by my word when I give it; but I also have the right to give it or not to give it as it seems wise for me to do.

I repeat, notwithstanding the warm feeling with which I said it—none of that is in me at all, though I did wish to be very definite about what I said—I am not categorical about not presenting my amendment today. I merely did not want to be committed to it. I understood that, and I thought the majority leader understood it.

Mr. President, in deference to the views of the majority leader, I yield the floor.

Mr. JOHNSON of Texas. Mr. President, before the Senator yields the floor, does the Senator state as a Senator he did not say he would go along with our judgment and that he would need at least 30 minutes?

Mr. JAVITS. The Senator from New York will tell the Senator from Texas——

Mr. JOHNSON of Texas. Is that incorrect?

Mr. JAVITS. I would like to answer. The Senator from New York had a request from both the majority and minority leaders to do exactly that. I said I would suggest we be leapfrogged in this, because I was on my feet, and speaking, while my colleague from New York was getting prepared on his amendment, so when he was presenting his amendment I could get prepared on my own. That suggestion was not, apparently, taken up, and that is where, as I understood it, the matter was left.

Mr. JOHNSON of Texas. The Senator from New York did not say anything about needing at least 30 minutes?

Mr. JAVITS. I said that. I said I would need at least that time in order to properly present that amendment.

Mr. JOHNSON of Texas. Did the Senator express any opposition to voting on the amendment?

Mr. JAVITS. That is the point I made before. When the majority leader makes a request, unless someone jumps up and down, he assumes he says "Yes." That is not the way things are done. I do not want to get into a hassle with the majority leader.

Mr. JOHNSON of Texas. The Senator did not answer my question.

Mr. JAVITS. I did.

Mr. JOHNSON of Texas. Did the Senator from New York express any opposition to calling up his amendment?

Mr. JAVITS. He expressed no opposition or agreement to that. When the majority leader makes a request, he assumes there is agreement. The Senator from New York did not assume that to be the case at all.

Mr. JOHNSON of Texas. Will the Senator yield now?

Mr. JAVITS. Yes.

Mr. JOHNSON of Texas. If the Senator had been in my place and I had stated what the Senator from New York stated, would not the Senator have had reason to believe that I was ready and willing to offer my amendment after 30 minutes?

Mr. JAVITS. The Senator from New York would certainly not have, in the Senate, charged the Senator from New York with having given his word on that subject. The Senator from Texas was not justified in any such conclusion.

Mr. JOHNSON of Texas. I do not know that I have charged anything. I have stated that the Senator said that he would need 30 minutes. I am prepared to see that the Senator gets 30 minutes. The Senator made no mention of going over until next week.

I do not know; perhaps I did say that the Senator had reached an agreement and entered into an agreement with us. I did not think I did, but I think every reasonable person would have reason to believe, when the Senator says, "I will have to have 30 minutes before I can bring up my amendment; I need that much time; I will abide by the Senate's judgment," that when we reached the judgment and announced it, the Senate would have a right to expect cooperation.

Mr. JAVITS. Mr. President, has the Senator from Texas ever found any instance in which I said I would do something and did not do it?

Mr. JOHNSON of Texas. No.

Mr. JAVITS. I thank the Senator.

Mr. JOHNSON of Texas. The Senator from Texas has not. The Senator from Texas would be the last to ever assert that about any of his colleagues.

Mr. JAVITS. I will say to the Senator from Texas the same thing about the Senator from Texas. I know of no instance in which the Senator from Texas has said he would do something and did not do it to the hilt.

Mr. JOHNSON of Texas. I appreciate that compliment. I do not get many of them, and I may not justify many. I certainly hope that so long as I live my word will be as good as my bond.

Mr. KEFAUVER. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Texas. I yield to the Senator from Tennessee.

Mr. KEFAUVER. Mr. President, I have no desire to delay a vote on the Carroll amendment or on any other amendment, but I did want, before the vote was taken, to have an opportunity to sum up very briefly.

Mr. President, the distinguished Senator from Wyoming [Mr. O'MAHONEY] had hoped to be present today to give his views about the pending amendment. The Senator from Wyomining attended several committee meetings last week, and his doctor suggested that he not try to come to the Senate today. The Senator called me and told me he wanted to dictate a brief memorandum giving his views. The Senator asked me to read the memorandum to the Senate after it was prepared.

I think we all agree that on constitutional subjects, on the subject of the protection of civil liberties and trying to see to it that everybody's rights are secured and protected, the Senator from Wyoming [Mr. O'MAHONEY] is one of the Nation's greatest authorities. He is a Senator to whom we all look for advice and guidance. I should like to have the opportunity, as soon as the memorandum is received, to read it before a vote is taken.

Mr. JOHNSON of Texas. Mr. President, I hope that Members of the Senate will adjust their schedules so that they can be in attendance, if we are permitted to have a vote, and I hope that we may have two or three votes today. I express that only as a hope. I cannot given anyone assurance, under our rules, that we can have a vote, but I believe we will have.

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

The Senate will be in order before the Senator from South Carolina proceeds.

The Senator from South Carolina may proceed.

Mr. THURMOND. Mr. President, it is most distressing to me that Members of the Senate exhibit such outrage at the Kefauver amendment. In view of the fact that we refer to the proposed legislation now under discussion as legislation dealing with civil rights, it is even more distressing to hear the oral abuse directed at a provision which would prevent the establishment of a star-chamber proceeding.

Under the provisions of title VI as the bill came to the Senate from the House of Representatives, a referee appointed by the district court has the right to pass on the qualifications of persons of a particular race or color to vote under the provisions of State law. Among other facts which the referee must find in the affirmative is that the particular person into whose eligibility he inquires has been illegally denied the right to vote. Necessarily, then, if the referee's determination is in the affirmative with respect to any applicant, his finding includes the fact that a criminal offense has been committed by some State or local election official or party officer. Under the House language, the person charged by the applicant with denying him the right to vote is given no notice of the hearing by the referee nor the right to be present, even were he to discover that such a hearing was to be held and the time and place therefor.

This procedure has been excused on the pretext that an adversary proceeding is provided at a subsequent time when the court is required to issue an order to show cause within 10 days, or such shorter time as the court may fix why an order should not be entered in accordance with the report. As has been pointed out on the Senate floor, the court is empowered to allow as little as or less than 2 days to show cause. Due to the foregoing star-chamber proceedings by the referee, such a short period for preparation of an opposing case to the referee's report would constitute in itself, in my opinion, a denial of due process.

The accent, Mr. President, in this whole scheme has been on speed. It is not surprising that the zeal for speed by the proponents of this measure has resulted in a complete disregard for due process and traditional judicial procedure in this country.

The committee, very wisely, has recognized that the House language establishes a procedure, which, while judicial in form, calls for such precipitate action by the judicial officers as to constitute a mockery rather than a judicial process. The committee, therefore, adopted a modification which would permit the State and local officials to have 2 days' notice of the referee proceeding and a right to be present and to make a transcript of the proceedings. In essence, it merely provides a party in interest the right to be informed of the actions of the court in order to be prepared at a subsequent date to join the issue in an informed manner on the court's order to show cause.

It is my sincere hope that the Senate will not, in its zeal, deny due process in the name of protecting civil rights. A refusal to accept the Kefauver amendment would do exactly that.

Mr. President, I am sure that no one would consider it a fair proceeding to a State official for a hearing to be held without his having notice.

The first provision of the Kefauver amendment states that in a proceeding before a voting referee the hearing shall be held in a public office. Why should not the hearing be held in a public office? Should it be held in some private office? What is the objection to the phraseology "a public office"?

The question of voting is a public matter. It is of great importance to the public; and therefore, in a proceeding regarding the qualifications of a person to vote, or on the question of whether or not he is to be registered to vote, it seems to me that any fairminded person would feel that it should be held in a public office. It should not be held in someone's home. It should not be held in a cellar or the backroom of a store, or some other place where people would not know where the proceeding was to be held, so that they could not attend it if they wished to do so. It should be held in a public office, where any individual who desires can be present for the proceeding.

This amendment goes further, and provides that the referee shall give the State or county registrar 2 days' written notice of the time and place of the hearing; and such State or county registrar, or his counsel, shall have the right to appear and make a transcript of the proceedings.

If someone is going to charge a county or State official with malfeasance in office, with not performing his official and statutory duty honestly and properly, why should not that State or county official have at least 2 days' written notice of the time and place of the hearing, so that he can arrange to be there; so that he can arrange to have records there; and so that he can controvert the applicant who says he was denied the right to register? Is it not only fair to that public official, a man to whom has been entrusted a public trust, that he should have written notice of the time and place of the hearing, so that he can be present and can defend the action he has taken?

At least he should have the opportunity to present his views at that time, and not be compelled to wait until a later date and present them on as little as 2 and a maximum of 10 days notice to a court. Why should he not be allowed to go before the referee, who is to make a report to the court, in order that the referee may hear his side of the case, if the official desires to be heard, in order that the official's side of the matter can be placed in the record and can be considered by the referee as a part of the proceedings, as a part of the evidence, so that the referee can take everything into consideration when he makes a report to the court?

It is unthinkable that an amendment like the Kefauver amendment should be objected to. We hear a great deal of talk and cries of anguish about civil rights. Is it not a violation of the civil rights of an official, whether he be a State or a county official, not to give him notice when a proceeding is to be held at which his integrity, his ability, his honesty, or trustworthiness may be at stake? Should not that official have the right to be present? Should he not have the opportunity, if he so desires, to bring his records there? And should he not have the privilege to speak out and defend his action before the referee, if he wishes to do so, prior to the time when the referee makes a report to the court? Has procedural due process ceased to be a civil right?

The bill as it came from the House did not contain such a provision. The House bill provides that the statement under oath of the man who claims he was denied the right to register or the right to become a qualified voter shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote.

Is not that giving the person who is complaining against the official an undue advantage? His statements are to be accepted as prima facie evidence; and the county or State official will not be given an opportunity before the referee to show that the age which the man has stated is wrong, to show that the residence he has given is incorrect, to show that the person who applied for a registration certificate has possibly been guilty of false statements in connection with his application. Should not the official be given the opportunity to show that the applicant's statements about his efforts to register or otherwise qualify to vote have been false?

It is almost unthinkable to feel that such a procedure would be followed in a court of law in this country, or under our system of jurisprudence. It is unthinkable to feel that this Congress would enact such a law, and not give the State or county official who is intrusted with election duties the opportunity to be present at the hearing, to have ample notice of it, and to speak out if he wishes to do so.

I read from page 19 of the bill:

> Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53 (c) of the Federal Rules of Civil Procedure.

Rule 53(c) of the Federal Rules of Civil Procedure is headed, "Rule 53—Masters." Subsection (a) refers to appointment and compensation; subsection (b) deals with reference; subsection (c) refers to powers, and reads as follows:

> (c) Powers: The order of reference to the master may specify or limit his powers and may direct him to report only upon particular issues or to do or perform particular acts or to receive and report evidence only and may fix the time and place for beginning and closing the hearings and for the filing of the master's report. Subject to the specifications and limitations stated in the order, the master has and shall exercise the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order. He may require the production before him of evidence upon all matters embraced in the reference, including the production of all books, papers, vouchers, documents, and writings applicable thereto. He may rule upon the admissibility of evidence unless otherwise directed by the order of reference and has the authority to put witnesses on oath and may himself examine them and may call the parties to the action and examine them upon oath. When a party so requests, the master shall make a record of the evidence offered and excluded in the same manner and subject to the same limitations as provided in Rule 43(c) for a court sitting without a jury.

Mr. President, we see from this rule 53(c) of the Federal Rules of Civil Procedure that the master has the power to rule upon the admissibility of evidence unless otherwise directed by the order of reference.

If one of these referees who is to be appointed in connection with determining the qualifications of voters is to have the same powers as the master, it means that a referee will have the power to rule upon the admissibility of evidence unless otherwise directed by the order of reference. That is a very important matter. If the referee sees fit to rule out any evidence which would substantiate the position of the local official or State official in carrying out his duties as he honestly and conscientiously sees them, then he puts that official at a great disadvantage.

It is more important than ever that this hearing be held in a public office, as the Kefauver amendment provides. If it is held in a public office, members of the public can be there, and they can hear the proceedings and they can see whether or not the man is putting up a sham case or whether or not there is some merit to it, and the public can be there and see whether the applicant has any real complaint.

If the matter is held in some private office or in some other private place, the public is excluded. If the referee is a biased referee, he will take such testimony as he wants to take, and he will exclude people from being there that he does not want to have there, and he will submit a report that could be unfair to the local or State official involved, or even to the complainant, himself.

That is a very vital section of this law and deserves a great deal of consideration.

I realize that some people are supporting this proposal as a means to gain more Federal power. That is what it would do. This is another example of an attempt to extend Federal power. There is no question about it. There is no doubt that those who are proposing this so-called civil rights bill this year on voting and several other matters that have been proposed on civil rights, must desire and intend to give the Federal Government more power. If we give the Federal Government more power it must come from the States and the people. The power will either rest in the Central Government in Washington or it will rest with the people in the States.

If the bill is passed it will give the Central Government in Washington the additional power to appoint referees, to exercise the power that is now being held by the State and local officials. It would give the Federal Government the power to appoint officials to perform duties, which under the Constitution, reside in the people, and is delegated to the local and State officials in the States.

We have heard so much about so-called civil rights. The finest civil rights that we have are the civil rights in the Constitution of the United States. I cannot imagine any finer civil rights than those which are itemized in the first 10 amendments to the Constitution of the United States. They are the right to trial by jury, the right to be protected in one's home, the right of freedom of speech, the right of freedom of religion, the right to prevent troops from being quartered in one's home. The various rights that are listed there in the first 10 amendments are the finest civil rights that anyone can imagine.

But this is an election year, and both parties are going down the line, proposing a so-called civil rights bill, in an effort to gain the votes of certain minority bloc groups.

I know in my State that everybody who is entitled to vote and wants to vote has the right to vote. No one is denied the opportunity to vote in the State of South Carolina. Listening to what is being said on this question, one would suppose that the South is persecuting people and denying them the right of franchise. That is absolutely false so far as the State of South Carolina is concerned.

MOTIVATIONS

Invariably, when so-called civil rights legislation is before the Congress, emotion plays an increased part in the thinking of lawmakers, and good judgment is

noticeably impaired—as is evident from the very fact that this issue is now before this body in the form of legislative proposals.

I have serious doubt that the American public, generally, understands the pressures and forces which prompt the continuous effort of many lawmakers to obtain enactment of just as vicious, and just as drastic, legislation in this field as can be forced down the throats of southern Members of Congress. I strongly suspect that there are many in Congress who would prefer that this lack of understanding on the part of the American public continue, for the true motives underlying the consideration of this matter surely fall in the class of dirty linen.

The window-dressing that accompanies the efforts to pass legislation in this field surpasses in deceit the wildest claim of a carnival sideshow huckster. These vicious proposals are cleverly clad in propaganda cloaks containing all the bright and appealing colors of the spectrum of virtuous motives from humanitarianism to constitutionalism. The skill with which this camouflage is applied and exhibited is exceeded only by the zeal of the proponents in concealing at all costs the lining of tyranny and oppression of which the substance of the garment is comprised.

This deceit, unfortunately, is astoundingly effective even when viewed at close range. Undoubtedly there are those in this body whose support of these proposals stems from the most worthy of motives. So intense is the ardor of these misguided legislators that they are blinded by the very heat of their passions to all but the bright flash of the mock altruism which typifies the anguished cries that sympathize with the agitating minority.

In the fact of objectivity, the guise of humanitarianism is thinner than the corporate veil utilized by a bogus-stock peddler. Such phrases as "civil rights," "human rights," and "individual dignity" are so often bantered but seldom respected as to raise presumption of hypocrisy in connection with the user.

For those who are truly imbued with altruistic motives and sympathetic understanding for those who may enjoy a lesser opportunity for exercise of basic human rights, the field of opportunity for application of their efforts are many, and these fields are ripe for harvest; but as the saying goes, the reapers are few. Consider, if we will, the plight of the American tribal Indian. This once proud and noble man was subjugated by our foreparents, and as a consequence of his defeat in battle, was deprived of his birthright of rich treasures that this bountiful land would have supplied in the absence of the white man's coming. Our Government, acting—from the viewpoint of the Indian—like a benevolent despot, awarded the Indian certain rather limited areas of real property in return for his promised good behavior. The unbounded generosity of the Great White Father even went so far as to make these tribal lands tax-exempt—and because of this tax exemption, the tribal Indian is, almost without exception, disenfranchised. As a consequence of his acceptance of this noble act of generosity, the tribal Indian is subjected to perhaps the greatest concentration of administrative absolutism in our Government's structure. As a practical matter, he is a captive.

Yet even a casual reference to the lot of these "first" Americans is rare. His subjugated status obviously strikes no chord of sympathetic understanding in the hearts of what I prefer to denominate as our politically inspired humanitarians. Perhaps it is the thought that the tribal Indian has the alternative of renouncing his heritage along with his membership in the tribe and his slender right in the land so graciously provided by the Great White Father in order to go into the world of the white man to exercise his civil liberties that mollifies the conciences of our politically inspired humanitarians. I suppose that it would be too much to expect that these great crusaders for human rights would be shocked into action at the supreme price put on the tribal Indian's exercise of what we consider the very essentials of human dignity.

Or consider, if we will, the plight of the labor-union captive. It is hard to imagine a more practically essential right than the right to work. The subservience of those workers of the country who are enslaved to labor racketeers fairly shouts for legislative champions to deliver them from their bondage at a lesser price than the loss of their right to earn a livelihood or the payment of tribute. It should be highly significant to the American public that the most demanding of the so-called civil rights advocates are blind—I repeat are blind—to the sufferings of these poor souls and have not even a crocodile tear to shed upon reading the abominable and abundant evidence of the existence of this deprivation which has been uncovered by the McClellan committee.

This single mindedness of purpose of the so-called civil rights proponents cannot be explained in terms of philosophy. The answer lies entirely in the field of politics. Even a casual study of the purely political history which conceived the type of humanitarianism that now continuously spawns vicious anti-South legislation reveals clearly the reasons for the constant one-track approach. One fact stands out like the flare of a red neon light. Only those minorities with a bloc vote comprising, or substantially contributing to, the balance of political power in key areas are eligible for the smile of favor from this peculiar brand of do-gooder. Even so, efforts in behalf of the favored minority are essentially limited to those which can be carefully aimed against relatively politically impotent areas—almost invariably the South.

Thus the Negro minority obtained the advantage—a very dubious advantage, in actuality—of the concern of the politically inspired humanitarians. Unquestionably it is the Negro of the North who has qualified his minority for this particular concern. This we must admit. The concentration of the minority is a basic requirement for this type of political favor. Unfortunately, for the Northern Negro, such a concentration is almost invariably a concentration in squalor and poverty—a condition of existence exemplified by unemployment and underemployment, meager welfare handouts, uncontrolled crime and immorality, and an abysmal absence of the opportunity to improve his condition. As compensation for these conditions—and not incidentally, his vote—the Northern Negro receives the avid and belligerent advocacy of such legislation as has been offered in Congress at this session.

Keep one thing ever in mind. The favor of the so-called civil rights advocate is not—in fact, politically it cannot be—directed at the unfortunate plight of the northern Negro; for to correct the dismal conditions suffered by the northern Negro might well arouse the righteous indignation of the fellow constituents of the northern Negro and thus create a new group to upset the balance of political power in these key areas of population concentration. It is axiomatic, therefore, that the efforts of the so-called civil righters must be directed at the plight, whether good or bad, of only the Negro minority which exists in an area of relative political impotence. Since 1936, the Southern States have been, to an increasing extent, the area which meets this qualification.

Since the war for southern independence and Reconstruction Days, the South has directed its political efforts—with a few notable exceptions—through the channels of the Democratic Party. Prior to 1936, the two-thirds rule prevailed in the National Democratic Convention, and thus the Southern States were able, by their practical power, to veto a nomination for President by the Democratic Party in order to protect to some extent their political interests. Certainly as long as the power attending the two-thirds rule existed, the South did not qualify as an area of relative political impotency. Since no other alternative presented itself, the northern Negro concentration of bloc votes was pacified by pious promises of concern for their politically exaggerated exploitation. In 1936, the two-thirds rule in the National Democratic Convention went down the drain. With it went much of the South's political potency—and it seems that, so far as the Democratic Party organization is concerned, almost all of it then went down the drain. Since that time, only the most vigorous defensive efforts by the Members of Congress from the Southern States have prevented a complete rape of the South.

Thus has the South become the political whipping boy of the Nation. The bid for the favor of the northern Negro has progressed to the extreme extent that it has replaced the pre-1936 maxim that no southerner was eligible for President, with a requirement that any serious candidate for President must not only be a nonsoutherner, but must, indeed, have demonstrated forcibly his anti-South attitudes. When, as at present, we have so many would-be presidential candidates in the Congress, it appears that a contest to determine who can prove the "mostest" hateful deeds against the South is inevitable.

NORTHERN VERSUS SOUTHERN SEGREGATION

As I have mentioned, Mr. President, there are some truly altruistically motivated proponents of the so-called civil rights bills who are tainted only ever so slightly by political motives, they not being presidential candidates. I do not doubt that these persons have a genuine desire to help the southern Negroes. Assuming, then, that they do not share the political inspiration of their fellow proponents—whom I suspect greatly outnumber them—and that their motives are unimpeachable, let us turn to an examination of the practical effects of the proposals of these well-intentioned do-gooders to help the southern Negro.

Mr. President, the emphasis right now seems to be on the vote. The hue and cry at the present are that voting rights constitute the key—that if the southern Negro is given the power of the ballot, all the other rights and benefits due him will follow more or less easily after that. Voting, then, is not looked upon as an end in itself, really, but rather as a means to more important ends. No one could quarrel with that concept, as a matter of fact. In a practical sense, voting is, inherently, by its very nature, a means to various ends, rather than something of substantial inherent value in itself.

Now what are these ends, these ultimate objectives, to which mass voting on the part of Negroes is supposed to be a means to an end?

One that is sometimes mentioned, although usually given only secondary and very scanty attention, is the economic betterment of the Negro. Certainly, so far as this is an objective, no one could quarrel with it. It should be pointed out, of course, that the southern Negro was making very substantial headway economically, without the assistance of any so-called civil rights legislation; and that the pressure for so-called civil rights legislation, and other related policies, threaten to retard, rather than promote, his economic advancement. I shall not take time now, however, to pursue further this line of argument and show why this is so.

To repeat what I was saying, insofar as the economic advancement of the southern Negro is the end sought, no one could seriously quarrel with this—least of all the South. The better off the Negro is economically, the less burden on the health, welfare, and social agencies of our States; and greater purchasing power on the Negro's part would be of great benefit to the southern economy. And if the Negro could improve his economic status and alter some of his economic attitudes, he would be helping himself in many ways, in addition to the purely economic one. This, indeed, is the sort of approach which the late Booker T. Washington advocated for the southern Negro.

But the trouble is, Mr. President, that this approach is not looked upon with much favor by the present-day northern Negro leadership. As I said, this objective of economic improvement of the southern Negro is, if mentioned at all by the backers of so-called civil rights legislation, mentioned only very briefly and secondarily—almost incidentally. The present-day radical Negro leadership in the North has, in fact, very little use for Booker T. Washington. They tend, rather, to despise him for not having been more militant.

No, Mr. President, economic advancement is not the real objective of the so-called civil rights leaders. What they are really interested in, what they consider to be the real end to be served by mass Negro voting, can be summed up in one word—integration.

And, Mr. President, by "integration" these modern Negro leaders do not have in mind merely the integration of one or two Negroes in each white public school nor are they limiting their thinking to schools merely. They aim for the total integration of the Negro into American society.

It is an ironic and tragic fact that, just at this time when the rest of the Negro world is emerging and moving ahead, the American Negro is being led by the NAACP leadership down this path of self-destruction. Unfortunately, the fact that the NAACP will fail of its ultimate objective will not spare the American Negro a great deal of needless anguish and misery. And the NAACP will fail, of course. Its leaders, although they pride themselves on being modern and progressive, are in actuality many years behind the times: They are trying to run counter to the trend of all the rest of the Negro world that is now making itself felt throughout Negro Africa. Just at the time when the Negro world as a whole at last has developed a sense of racial self-respect, when Negroes are at last beginning to take pride in being Negroes—just at this time, the NAACP begins to mount the final stages of its campaign to obliterate the American Negro as an entity.

The result of their effort is actually going to be, rather, the other way—and it will be the other way, Mr. President—from that intended by the NAACP leadership; for already the mounting white reaction to the NAACP's integration pressure is causing in American Negroes a sense of rejection that is inevitably forcing them into a self-conscious group-awareness, quite different from that which they formerly have had; and this sense of rejection, this defensive awareness of themselves as a group will increase in direct proportion to NAACP efforts to force integration on an unwilling white society. We are already witnessing strong evidence of this trend, in certain recent developments in Harlem and in the increasing growth of the black-nationalist Moslem cult in the larger cities of the North and East. See U. S. News & World Report, August 3, 1959. That the result of the NAACP's campaign will not be at all what was intended, does not, however, alter the fact that the intention, the objective sought is the total integration of the Negro into American society. While there may exist some occasional exceptions here and there and around the edges and fringes of white society, as a general and final proposition the people of this country are going to maintain segregation—if not de jure, then de facto. This is beyond discussion, Mr. President—the only point of concern is: What type of segregation?

Just as there are in this country two main, and quite distinct, cultures, a northern—or, more properly, a Greater New England—culture and a southern culture, so there are in this country, Mr. President, broadly speaking, two different species of the genus segregation. There is the northern type of segregation, and there is the southern type of segregation.

In the South, the separation of the races—this is the more accurate term, though for the sake of habit and convenience we shall continue to say "segregation"—is a matter of public policy, regulated by law as well as by custom. Segregation in the South is honest. Segregation in the South is open and aboveboard. It is a less severe form of segregation than that which prevails in the North. While in the North there is almost always an actual physical, geographical separation of Negro residential areas from white, this is not so in the South—it is not necessary. Since law and custom both require that the races shall be separate in certain spheres of activity, there is simply no need to have the races living in total geographical separation. This is why, in many southern towns and cities, one will often find Negro families occupying houses in the same block with whites, with no accompanying decline in property values and no white exodus. In short, one finds perfectly stable residential areas inhabited by both races—a condition which often elicits comments of surprise—and frequently of disapproval—from northerners visiting the South or moving there permanently.

The southern system of segregation also permits a great deal of warm friendship across the color line between white and colored individuals. Under the southern code, everyone knows exactly where he stands, the white man as well as the colored man. Since each side knows where the line is drawn, warm personal friendship across the color line is both easy and frequent.

Nor, it should be added, does the existence of such friendship and goodwill necessarily require on the part of the Negro acquiescence in an inferior position. Such a position on the Negro's part is, of course, quite common, as would be expected in southern society in its present stage of transition, in which the master-servant relationship is, understandably, still quite widespread. But, I repeat, the fact that this is the usually-existing circumstance does not mean that it is necessarily so.

Now, Mr. President—if I may take a few moments to digress somewhat into a closely related topic—does the fact that the separate facilities provided for Negroes have sometimes not been equal—this fact cannot by any stretch of the imagination lend itself to the absurd proposition that separate facilities are necessarily or inherently unequal. Admittedly, in some parts of the South, up until recently at least, facilities may not have in every case been completely equal; but this can in no logical way

be used to condemn their being separate—just because the term "separate" and the term "equal" have commonly been joined together in the phrase "separate but equal." This term—and I wish to take a moment to emphasize this, Mr. President, for I feel that it is rather an important point—this term "separate but equal" is a poor one. As a citizen of my State recently pointed out, "separate but equal" seems to place the two words in opposition to each other; it somehow tends to give a connotation that one condition, which is bad, is balanced by another, which is good—that "separate" is balanced, and justified, by "equal." Thus there is a false implication that separateness is basically undesirable. This is certainly not the feeling or intent or belief of the southern people. The term which accurately and correctly expresses our view toward segregation is not "separate but equal," but rather "separate and equal." This is the term which ought to be used, and in the future I shall use it in place of the other.

Now it is true that in the implementation of our separate and equal policy in the South, the equal has not always in every case been lived up to. The answer in such a case, however, is not to tear down the separate but rather to build up the equal—that is, to make the facilities in question truly equal. And it is this that the South has been striving to do, with, I might note, ever-increasing success; the school equalization program in our own State of South Carolina being an early and outstanding, though no longer an unusual, example.

Even with such imperfections as may still exist, however, our southern type of segregation, which has stood the test of time, has proved itself to be a boon, to the white man, to the colored man, and to society as a whole.

Now let us look, Mr. President, at the other species of the genus segregation. Let us take a look at the northern segregation system, which may be defined as the system prevailing everywhere in the United States, outside the South, where Negroes comprise any substantial proportion of the population.

In contrast to the honest, aboveboard, and definite southern system, the northern type of segregation is founded on hypocrisy and deceit, and fundamentally on geographical separation which is either total or as near total as the northern ingenity can make it in the face of mounting Negro immigration. The prevailing pattern in the North is segregation by flight. The Negro is told that he is equal, that he has all his rights, and that he will not be discriminated against; then he is simply avoided. The whites flee to the suburbs, and, through the housing pattern, de facto segregation is maintained, except in a few unfortunate fringe areas which degenerate into centers of tension and crime and whose whites leave just as soon as they can accumulate sufficient funds to do so.

By and large, the northern system is eminently successful. It may be ruthless, it may be hypocritical and deceitful; but it works. It is tough on the Negroes crowded into the crime-filled ghettoes, it is tough on the comparatively few whites who are left in the fringe areas adjacent to these ghettoes. But never mind this: By and large, the system is a complete success. It works. The overwhelming majority of northern whites is enabled by this system to avoid almost all contact with the Negro.

Mr. President, of the two systems, or styles, of segregation, the northern and the southern, there is no doubt whatever in my mind which is the better. Our southern system too has stood and passed the pragmatic test: It works. And this time-tested southern system of ours has the advantage, so conspicuously absent from the northern system, of being both humane and honest, rather than hypocritical and deceitful.

Of our southern system of segregation, of the South's treatment of the Negro in general, it has been wisely and truly said:

> [The South] has shared its countryside and its cities with him [the Negro] in amity and understanding, not perfect by any means, and careful of established folk custom, but far exceeding in human friendliness anything of the kind to be found in the North. Not segregation of the Negro race as the Indian is segregated on his reservations—and as the Negro is segregated in the urban harlems of the North—but simply separation of the white and Negro races in certain phases of activity is what the South has always had and feels that it must somehow preserve.

Mr. President, in view of these undeniable advantages, to both races, of our southern system, as opposed to the hypocrisy and deceit inherent in the northern system, we of the South would infinitely prefer to continue our southern style of segregation.

Make no mistake about it, we, like the North, are going to have segregation, in one form or the other. We are all going to practice segregation, North and South. Our southern type of segregation is, in our opinion, far preferable to northern-style segregation; and we want very badly, for the Negro's sake as well as our own, to keep our own style of segregation.

It may be, Mr. President, that we shall not be permitted to maintain our own style of segregation. We southerners are a realistic people; history has made us so. We know that this is not the first time in history that a small people have been forced by their aggressive and numerically superior neighbors to make certain changes in their way of life. The southern people have had to yield once before—though it took overwhelming force to make them yield, and in essentials of spirit and mind they yielded nothing.

We will not abandon our own, superior, tested type of legal segregation lightly. If it is ever abandoned at all, some people are going to know that it was fought for, as things which are worth preserving and deeply believed in are always fought for.

Should our fight not be successful, reluctantly—very reluctantly—we would be forced to abandon our southern type of segregation and adopt instead, not integration—I have already pointed out, that is an alternative which will not be accepted by white American society, North or South, and discussion of actual integration, in any meaningful sense of the word, is an academic waste of time—not integration, but northern-style segregation.

We would of course retain our own distinctive attitudes and our sense of kindliness to, and responsibility for, the Negro; but in certain essentials we would be forced to adopt the northern system of complete physical and geographical separation.

This trend is already evident in some of the States of the border South, notably in Maryland, Kentucky, and Missouri. There the integration decrees have only speeded up and accentuated a process which was already under way, for industrialization and urbanization had long tended toward concentrating the Negro populations of those States in their larger cities, and in well-defined portions thereof. The cases of Kansas City and St. Louis in Missouri, Louisville in Kentucky, and Baltimore in Maryland, afford examples of areas which are in transition, or have almost completed the transition, from segregation southern style to segregation northern style—the latter often euphemistically termed "integration."

What has been happening in the States of the border South will soon be happening, on a lesser scale and with certain modifications, to be sure, in the South proper. That is, increasing industrialization and urbanization will tend—in fact are already tending—toward concentration of many hitherto rural Negroes in urban centers. Integration decrees directed at the public schools of these urban centers would—assuming that resistance was unsuccessful and the decrees were enforced—make for residential racial demarcation within these urban centers, after the same pattern as prevails in northern and border cities. And school integration decrees directed at the rural areas would have a threefold effect: First, the flow of rural Negroes to the northern cities would increase. Second, there would be some acceleration of the already considerable movement of rural Negroes into southern urban areas. And third, there would develop in the rural areas a pattern of much stricter geographical separation of the races; that is, a separation between those Negroes who choose to remain in the rural areas and the rural whites. Thus, eventually, there would emerge in the South, in both town and country, a pattern based on geographical separation, with the bulk of the Negroes in the cities, and with the system of northern-style segregation prevailing.

The picture I have just painted is what will happen in the South if the South should be unsuccessful in resisting along its chosen lines, that is, unsuccessful in its fight to retain the traditional southern-style segregation. Should the South lose its fight, everyone would be the loser; and most of all, the southern Negro. As I have tried to point out, he faces a certain amount of dislocation and readjustment anyway, due simply to increasing industrialization and ur-

banization in the South. A considerable portion of our colored population, so long associated with the land, is already having to move to the cities to find employment. But at least the southern Negro still has, even in the city, the same easy, warm, and friendly relations with his white fellow citizens, which the southern code of segregation makes possible. Should the South lose its fight, however, the Negro will find that he has only traded the gentle southern form of segregation for segregation northern style. A residential and housing pattern, segregated to a rigid extent that he has never before known in the South, will seal him off—just as it now does in the North—from virtually all contact with white people. The friendly, day-to-day, interracial contact which has always formed such a feature of southern life would disappear, as the old informal, here-and-there, haphazard residential pattern gave way to the concept, and the reality, of the Negro ghetto—the "Harlem concept," as developed in the North. In short, in its race relations pattern, on the surface at least, the South would become a replica of the North.

Mr. President, we have now come to the heart of the matter. What I set out to examine in this part of my address today, as I pointed out at the beginning, was the basic and underlying psychology behind the so-called civil rights drive. And now I believe we have found it. We have come to the important point, the central motivating factor—aside from politics—that animates the proponents of this type of legislation.

I have said that, if events should take a certain turn—a turn which is entirely possible, though it is one which we still believe we can avoid—the South would become, in its race-relations pattern, a replica of the North. And I venture to predict that, when and if this should happen, the pressure for so-called integration that has been so intensively applied against the South for the past 5 years and more would die down almost completely.

I say this, Mr. President, because what the North is really insisting that the South do is, not actually to integrate—for, as I have pointed out and as the facts of American life constantly bear out, American white society will not practice, nor tolerate, real integration—but to adopt the northern form of segregation. The prevailing spirit in the North does not object to the South's having segregation; what it objects to is the South's having a different kind of segregation from the kind the North has. And if the South would only adopt, on the surface at least, the same approach to race relations as prevails in the North—which is, of course, a far cry from true integration—then the northern mind would be satisfied and northern pressure against the South on the racial front would cease.

The basic motivating psychological factor behind the North's attempt to impose so-called civil rights programs, and racial integration, on the South is this powerful subsconcious desire to make the South conform. This is nothing new, Mr. President. I do not know exactly why it is that the North so strongly objects to the South's being different; I only know that the North does object and that for more than a century it has attempted to make the South conform to northern ways.

Lest anyone gain the impression that this observation is original with me, let me hasten to point out, Mr. President, that this strange feeling on the North's part, this seeming resentment of the South's differentness, has long been noted by many respected and competent observers of American civilization.

As an example, let me quote briefly from the well-known study, "The Mind of the South," by the late W. J. Cash. I do not agree with all Mr. Cash's conclusions about the South; but he was certainly a keen and perceptive observer, and his analysis of the fundamental causes of the War Between the States and Reconstruction is sound indeed. Here is what he had to say on the subject of the North's motives in its dealings with the South a century ago:

> The Civil War and Reconstruction represent in their primary aspect an attempt on the part of the Yankee to achieve by force what he had failed to achieve by political means. First, a free hand in the Nation for the thievish aims of the tariff gang, and secondly, and far more fundamentally, the satisfaction of the instinctive urge of men in the mass to put down whatever differs from themselves—the will to make over the South in the prevailing American image and to sweep it into the main current of the Nation.

Further on, in showing that the North's attempt to remake the southern mind was, despite military success, a dismal failure, Cash again pinpoints this basic motivating intent. He speaks of, as being "the most fundamental drive behind the Yankee's behavior, that will to wean the South from its divergences and bring it into the flow of the Nation."

The North may have failed, but no one could accuse it of not trying. After the bayonets came the first great American attempt at brainwashing. As Frank Lawrence Owsley has written:

> After the South had been conquered by war and humiliated and impoverished by peace, there appeared still to remain something which made the South different—something intangible, incomprehensible, in the realm of the spirit. That too must be invaded and destroyed; so there commenced a second war of conquest, the conquest of the southern mind, calculated to remake every southern opinion, to impose the northern way of life and thought upon the South, write "error" across the pages of southern history which were out of keeping with the northern legend, and set the rising and unborn generations upon stools of everlasting repentance. Francis Wayland, former president of Brown University, regarded the South as "the new missionary ground for the national schoolteacher," and President Hill of Harvard looked forward to the task for the North "of spreading knowledge and culture over the regions that set in darkness."

Mr. President, this old attitude of the North, this obsessive desire to remold the South in the North's image, which manifests itself so strongly today, never really died down, even after the failure of Reconstruction. Southerners who ventured into northern regions always came face to face with this strange obsession, this resentment of the South. Harry Ashmore, liberal editor of an Arkansas newspaper, and a South Carolina native, describes in his recent book the first time, of many, that he encountered this attitude. Attending a gathering of newspaper people in New York many years ago, he was introduced to a northern editor. The editor opened the conversation with the words: "I hope you won't take this personally, but as it happens I hate southerners."

There followed a diatribe—

Writes Ashmore—

> It was not only the southern treatment of Negroes that outraged him. His complaint was formless and passionate, more than anything else a sort of reverse counterpart of the southern mystique. The South's very existence offended him, and to it he attributed most of his country's ills.

The type of mind which has been portrayed in these passages, Mr. President, is a mind which cannot tolerate differences. The holder of this type of mind has been described as "unhappy unless he feels that he is making the world over. For different opinions and ways of life he has not respect, but hostility or contemptuous indifference, until the day when they can be brought around to conform with his own." To label this "the northern mind" might perhaps be a generalization; but it is clear that this is the type of mind that has prevailed in the North during the past hundred years and more. The prevailing feeling of the North seems to be that the United States has to comprise one monolithic culture, that distinctive regional cultures cannot be tolerated.

Not that the northern mind is always vindictive in its approach to the South. To the contrary, very often there seems to be more of sympathy than of venom. Many northerners actually seem to feel that there is something quite sad, something very unfortunate about the South's not being exactly like the rest of the country; they feel sympathetic toward us, rather than vengeful. They seem to consider it almost their duty, as a favor to us in the South, to change us, to mold us in the national image. For instance, there is the senior Senator from Illinois, of whose views I spoke in my testimony before the committee early last year. Certainly his attitude toward the South is a "conquered province" attitude, but at least it is a conquered-province attitude that is tempered by feelings of genuine sympathy. I am sure that the distinguished Senator really feels that by stamping the South with the image of the North, divesting it of its own character and making it just like the rest of the country, he would be doing us an enormous favor. And as for the senior Senator from New Jersey, there is absolutely no doubt that he feels that making the South just like the rest of the country would be doing a great favor to the South. Early in this session, in advocating the enactment of so-called civil-rights legislation—"legislation not vengeful in any sense," as he put it—the able and distinguished New Jersey Senator declared that one reason why such legislation was desirable was

because it would—and I quote from the RECORD of Friday, January 9, 1959—"make it possible for a great section of the country to become wholly a part of the country."

Mr. President, I should like the Senator from New Jersey, the Senator from Illinois, and those of like mind, to know that we of the South appreciate their sympathy and concern for our unfortunate and pitiable state, that we understand their well-meaning desire for us "to become wholly a part of the country." We realize that, to the northern mind, there is something almost abhorrent about the South's being different in its fundamental essentials from the North.

Mr. President, Senators might just as well realize, here and now, that not only is the South different, but we do not really object to being different—in fact, we are rather glad to be different—and that, in any event, we intend to continue to be different. As a matter of fact, what the South has fought for all along, throughout a great part of its history, fundamentally, is simply the right to be different.

Senators who would remake the South might as well accept the fact, at long last, that—despite all the superficial changes, the new industry, the factories, the superhighways, the glass-fronted suburban shopping centers—the South will continue to be, in its essentials, very different from the North. The South, in short, is here to stay.

Despite all the physical destruction and death that violence accomplished, the North failed to destroy the South spiritually by violence in the war and Reconstruction. Nor did the period which followed—the so-called New South period, which saw the early rise of the textile industry and the first phase of commercialization in the South—nor did this period have the effect which was expected and desired by the North, and which was feared by some in the South. Somehow, despite the mills and the railways and the tall new office buildings which were superficially so similar to the North—somehow, the South remained the South. The reason, of course, is this—and this forms the major theme of Cash's study, "The Mind of the South": The true differences between the North and the South are deep seated and fundamental, rooted in the basic philosophies of the two regions; and so long as the base—the southern mind—remained intact, the North's pouring in of soft materials at top could have little real effect on the South.

Again today, in this second and greatly stepped-up phase of the so-called New South, we have the same situation. Since the end of the Second World War, and especially throughout the 1950's, industrialization and urbanization have been proceeding at an unprecedented rate in Dixie; on the surface there appears to be a growing similarity between the South and other regions. Yet, because the mind of the South, the fundamental philosophy of southern civilization, is still intact and has even been strengthened, what a perceptive Virginia editor stated recently is very true, namely, that the South is actually becoming more southern, not less so.

Therefore, Mr. President, in view of the facts which I have outlined here today, I should like to make these recommendations to the northern proponents of so-called civil rights legislation and racial integration:

First, I say to these proponents in the North, engage in a little frank self-analysis and realize that the northerner's basic animating motive in his approach toward the race problem in the South is this resentment of the South's differentness; this desire to reshape the South in the Nation's image—what Cash calls the will to make over the South in the prevailing American image and to sweep it into the main current of the Nation.

Second, study the history of the United States since 1820, and realize that all attempts from then, up to the present, to make the South conform to the national pattern—the war, Reconstruction, the attempted reeducation, the process of industrialization—all have been failures, so far as essentials and fundamentals have been concerned; the reason being, of course, that the real difference between North and South was never a matter of mere superficial qualities but rather of basic philosophies of life, and that the North has never been able really to get at the southern mind.

Finally, realize—for the ultimate sake of the southern Negro, mainly—that the same will be true of this new attempt in the racial field, this attempt to make the South give up its own form of segregation and adopt the northern form. Even if the South should finally be forced to conform, on the surface, to the northern racial pattern, the South's basic attitudes will remain unchanged; in essentials, the South will remain, as it has always been, something different, set apart.

And therefore, since the attempt to remold the South in the national image will ultimately result in failure, so far as essentials are concerned, spare the southern Negro the misery which is about to be thrust upon him. Do not add to his already difficult problem, his problem of uprooting himself from the land and adapting himself to city ways—do not add to this the additional agony of having the southern form of segregation, to which he is accustomed, replaced by the harsh, unfamiliar, and impersonal form of segregation that has been developed in the North.

The southern Negro deserves better than that. He has been for centuries an integral part of southern life, and he has been our friend. We, the white people of the South, serve warning now upon the people of the North, that what they are about to try to do to the southern Negro, in this new and futile attempt to reshape the South in the northern image, will be sternly and steadfastly resisted by us, the people of the South.

Mr. STENNIS. Mr. President, will the Senator from South Carolina yield?

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. THURMOND. I am pleased to yield.

Mr. STENNIS. I wish to commend the Senator from South Carolina for his very fine presentation and handling of this subject matter. In his discussion of certain phases of it he has brought out some viewpoints which really have not heretofore been discussed in the Senate.

The Senator from South Carolina is always thorough and always demonstrates most forcibly that he is a man of great conviction, as well as one of fine background and experience.

He has made very valuable contributions to the debate, and I especially appreciate them, and I commend him.

Mr. THURMOND. Mr. President, I thank the able and distinguished Senator from Mississippi for his kind remarks.

Mr. JOHNSON of Texas. Mr. President, I am about to suggest the absence of a quorum.

I have talked to the minority leader. I am hopeful that, following a quorum call, the Senate will vote now on the Carroll amendment, as modified, to the committee amendment, or Kefauver amendment. After that vote is taken, we hope to have the Senate take up the contract amendment. I should like to have the Senate remain in session until that amendment is disposed of, and perhaps until other amendments which are ready are disposed of. If we are able to dispose of them and make substantial progress, we can go over until Monday. I think that represents the desire of the majority of Senators. Of course, the schedule will depend on how long it will take us to get the debate out of the way.

Mr. KEFAUVER. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. KEFAUVER. Did I correctly understand the Senator from Texas to say that immediately following a quorum call, there will be a vote on the Carroll amendment?

Mr. JOHNSON of Texas. Yes.

Mr. KEFAUVER. I hold in my hand a one and one-half page statement which the Senator from Wyoming [Mr. O'MAHONEY] wishes to have read.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator may have the right to insert it at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR O'MAHONEY ON THE KEFAUVER AMENDMENT TO THE CIVIL RIGHTS BILL

Because no unanimous-consent agreement has been made in the Senate today to vote upon the Kefauver amendment, I undertake to prepare for the RECORD a brief statement of the reasons which motivated me in supporting that amendment to the Civil Rights bill as a member of the Judiciary Committee.

The people of the United States are called upon in this era to lead the whole world to the permanent establishment of liberty. This is a fundamental issue of human rights which cannot be maintained except upon the basis of the Declaration of Independence and

the Constitution of the United States. We have been proud for almost 200 years that the authors of the Declaration of Independence said in ringing words that all men are created equal and are endowed by their Creator with certain unalienable rights among which are "life, liberty, and the pursuit of happiness." We have not repeated as frequently the Preamble to the Constitution, but as every Member of Congress knows that document asserts that the objectives of the establishment of our Government were to "form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense," and to "promote the general welfare."

To insure domestic tranquillity was placed third in this list of five objectives because the framers of that document knew that it would be impossible to provide for the national defense or promote the general welfare unless we preserve domestic tranquility. It is of primary importance, therefore, that we do our best to prevent disorder among our people. To be successful in this effort and to remain free we have no choice but diligently to support the equality of all men and to support the rights with which they were endowed by their Creator.

When Senator KEFAUVER offered his amendment in the Committee on the Judiciary we were considering a measure which authorized the appointment of voting referees to hold hearings upon the application of persons who had not been registered to vote in any area where there was found by the court to be a pattern or practice of denying Negroes the vote. These hearings were expressly provided to be ex parte. This concept of an ex parte hearing in a matter which involves basic human rights seems so basically unsound that one member of the committee, after Senator KEFAUVER's amendment had been offered, expressed the belief that at least the hearing should be held in a public place. The amendment did so provide, but it also provided for 2 days' notice of the hearing, for the presence of the registrar of voters, and for a transcript of the proceedings to be furnished to him. It was clear to me that the amendment of the Tennessee Senator was not intended to make this an adversary proceeding or to give the registrar of voters any authority to take part in the hearing, to examine the witnesses, or to present evidence on his own behalf, but solely that he should be present personally, if he wanted to be, and that he should have a transcript of the proceedings.

It seems to me that nobody in the Congress of the United States would resist such a proposal, particularly when it allows the official who may be accused of wrongdoing to be present. In passing a bill on civil rights certainly we cannot be considering the provision of any punitive action. We are seeking to insure domestic tranquility and we have conclusive evidence before our eyes of the sad events that are caused when men or governments undertake to punish individuals or a whole people because racial tensions exist.

I supported Senator KEFAUVER's amendment because I felt that it was in harmony with the basic principle of our people to be fair and just in dealing with one another, but particularly in passing the laws of the Nation by which we would all be governed. This I say because I believe the time has come when it should be clear to everybody that no people in a free world can any longer hope to maintain racial supremacy. The various races of the world must learn to live together. This is as essential as an international agreement to abandon nuclear warfare. To solve this racial problem we must pursue the policy of moderation.

It was with these thoughts in mind that I supported the Kefauver amendment.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FREAR in the chair). Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I understand that the pending question is on agreeing to the Carroll amendment, as modified, to the committee amendment. On that question, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. On what question is the vote about to be taken?

The PRESIDING OFFICER. On the Carroll amendment, as modified, to the committee amendment.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. Will the Chair advise us what the pending question is and how the amendment is offered? Is the Carroll amendment offered as a substitute for the Kefauver amendment?

The PRESIDING OFFICER. The Carroll amendment, as modified, has been offered to the committee amendment, and would insert new language in the committee amendment.

Mr. STENNIS. So the present situation is that the so-called Kefauver amendment is a committee amendment; and the Carroll amendment is offered as an amendment to that committee amendment. Is that a correct statement?

The PRESIDING OFFICER. That is correct; the Carroll amendment, as modified, is offered as an amendment to the committee amendment.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Rhode Island [Mr. PASTORE] would each vote "yea."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Louisiana would vote "Nay" and the Senator from Massachusetts would vote "yea."

On this vote the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Minnesota [Mr. HUMPHREY]. If present and voting, the Senator from Arkansas would vote "nay" and the Senator from Minnesota would vote "yea."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent, and, if present and voting, would vote "yea."

The result was announced—yeas 69, nays 22, as follows:

[No. 146]

YEAS—69

Aiken	Douglas	McNamara
Allott	Dworshak	Magnuson
Anderson	Engle	Mansfield
Bartlett	Fong	Martin
Beall	Goldwater	Monroney
Bennett	Green	Morse
Bible	Gruening	Morton
Bridges	Hart	Moss
Brunsdale	Hartke	Mundt
Bush	Hayden	Murray
Byrd, W. Va.	Hennings	Muskie
Cannon	Hickenlooper	Prouty
Capehart	Jackson	Proxmire
Carlson	Javits	Randolph
Carroll	Johnson, Tex.	Saltonstall
Case, N.J.	Keating	Schoeppel
Case, S. Dak.	Kerr	Scott
Church	Kuchel	Smith
Clark	Lausche	Symington
Cooper	Long, Hawaii	Wiley
Cotton	Lusk	Williams, N.J.
Curtis	McCarthy	Yarborough
Dirksen	McGee	Young, Ohio

NAYS—22

Butler	Johnston, S.C.	Sparkman
Byrd, Va.	Jordan	Stennis
Eastland	Kefauver	Talmadge
Ervin	Long, La.	Thurmond
Frear	McClellan	Williams, Del.
Gore	Robertson	Young, N. Dak.
Hill	Russell	
Holland	Smathers	

NOT VOTING—9

Chavez	Fulbright	Kennedy
Dodd	Hruska	O'Mahoney
Ellender	Humphrey	Pastore

So Mr. CARROLL's amendment, as modified, to the committee amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Illinois to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The amendment, as amended, was agreed to.

Mr. DIRKSEN. Mr. President, with the concurrence of the distinguished Senator from New York [Mr. JAVITS] I desire to call up an amendment which

in substance is the same as the section 6 of the substitute bill pending at the desk. The amendment deals with the so-called Commission on Equal Job Opportunity Under Government Contracts.

I will say, before the amendment is stated, that I intend to move to table my own amendment, offered in my own right. That may seem like a very awkward position, but the leadership is often expendable and does get itself into awkward positions. I am interested in the enactment of a civil rights bill, and I intend, insofar as I honorably can, to resist any endeavors which may jeopardize that opportunity in the present session of Congress.

So, Mr. President, I call up the Javits amendment numbered "3–31–60—A," and ask to have it read or considered as having been read.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 21, after line 12, it is proposed to insert the following new title and renumber the succeeding title and section:

TITLE VII

SEC. 701. (a) There is hereby created a Commission to be known as the "Commission on Equal Job Opportunity Under Government Contracts", hereinafter referred to as the Commission.

(b)(1) The Commission shall consist of fifteen members appointed by and serving at the pleasure of the President. The Chairman and Vice Chairman shall be designated by the President.

(2) Members of the Commission who are officers or employees of the United States shall serve the Commission without additional compensation. Members of the Commission who are not officers or employees of the United States shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.

(3) Service of an individual as a member of the Commission shall not be considered to be service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

(c)(1) The Commission shall make investigations, studies, and surveys, and shall conduct such hearings as may be necessary or appropriate in the discharge of its duties under this section.

(2) To implement the policy of the United States Government to eliminate discrimination because of race, creed, color, or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services, the Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

(3) The Government agencies contracting for goods or services to be furnished the Government shall perform such duties as may be requested of them by the President to cooperate with the Commission.

(4) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

(5) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

(d) The Commission may employ such personnel as may be required for the effective performance of its duties.

(e) The Commission shall render to the President annual reports for transmission to the Congress.

(f) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this section.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may grant time, within reason, without my losing the floor, to Senators who would like to discuss this amendment. After that I shall exercise my right to make a motion to table the amendment. I believe the distinguished Senator from New York [Mr. JAVITS] would like to be heard. Before that I shall take a minute or two to explain the amendment.

Mr. MANSFIELD. Mr. President, reserving the right to object—and I shall not object—can the distinguished minority leader inform us as to how much time will be required before reaching a vote?

Mr. DIRKSEN. The Senate generally is quite familiar with the subject matter of this amendment. It has been roundly discussed, not only in the past 6 or 7 weeks, but for a number of years. If my friend will bear with me for a moment, I shall lay down the basic premise with respect to this amendment.

The amendment is sometimes referred to as a limited FEPC amendment.

The Committee on Government Contracts was created by an Executive order of the President in 1953. It has been operating with a very distinguished personnel, of which the Vice President of the United States is the chairman. Hon. James P. Mitchell, Secretary of Labor, is Vice Chairman, Mr. Irving Ferman served as the Executive Vice President.

The public members on this Committee are Robert L. Chambers, president, Pacific Foundry & Metallurgy Co., San Francisco, Calif.; Fred Lazarus, Jr., chairman, Federated Department Stores, Cincinnati, Ohio; George Meany, president, American Federation of Labor-Congress of Industrial Organizations, Washington, D.C.; James M. Nabrit, Jr., dean, School of Law, Howard University, Washington, D.C.; Mrs. Helen Rogers Reid, New York, N.Y.; Walter P. Reuther, president, United Automobile, Aircraft, and Agricultural Implement Workers of America, AFL–CIO, Detroit, Mich.; John A. Roosevelt, Bache & Co., New York, N.Y.

The Government representatives on this Committee are Perkins McGuire, Assistant Secretary of Defense; George B. McKibbin, Consultant to the Administrator, General Services Administration; George T. Moore, Assistant Secretary of Commerce; Harry S. Traynor, Assistant General Manager, Atomic Energy Commission; Lawrence E. Walsh, Deputy Attorney General of the United States.

Boris Shishkin, alternate.

George L-P Weaver and Victor Reuther, alternates.

The Committee has been operating substantially for about 7 years. It receives its money by means of contributions from those agencies of Government which engage in contracts. They include the Department of Labor, the Department of Defense, the General Services Administration, and others. It receives no appropriations.

The purpose of the amendment which is pending is to give the Committee statutory authority instead of authority through an Executive order, and then make it possible for the Committee to secure appropriated funds; in addition, to broaden slightly the powers of the Committee with respect to surveys, investigations, studies, and so forth. No subpena power is requested for the Committee.

That is the essence of the amendment. It has a little history, in which I think Senators will be interested.

This amendment was offered in another body when a similar bill was under consideration, and a point of order was made that it was out of order on a civil rights bill. The Chair ruled that it was out of order, and there was an appeal from the ruling of the Chair. The House sustained the Chair by a vote of 157 to 67, or by a majority of 90 votes.

It was included in the substitute package commonly referred to as the Dirksen substitute, which is on the desk; and while it may seem awkward indeed for me to be prepared to move to table an amendment which is an essential part of the bill I introduced when this discussion started nearly 7 weeks ago, I intend to do so for the primary reason that I wish to see a civil rights bill enacted during the second session of the 86th Congress.

We began consideration of this subject on the 15th day of February. In the past few days we have made some progress. I have gone on the theory that legislation is, first, the art of the possible; and secondly, when we cannot get a whole loaf, we get as much bread as we can, content in the belief and conviction that we have made some progress in the civil rights field.

I believe that if we can have the bill now before us, amended as it was with the suggestions by the Senate Judiciary Committee, passed by the Senate and sent to the House, we shall have made progress, and then we can continue with the other matters that are piling up for the attention of the Senate.

Mr. ROBERTSON. Mr. President, will my distinguished colleague yield to me?

Mr. DIRKSEN. I yield.

Mr. ROBERTSON. Does my colleague recall that on the afternoon of March 3 the junior Senator from Virginia spoke for 4½ hours on a provision similar to the amendment now pending? Does the Senator recall that discussion?

Mr. DIRKSEN. In general, I do.

Mr. ROBERTSON. The junior Senator from Virginia wishes to inform his colleague that he has studied this subject for many years. The junior Senator from Virginia has accumulated material on this question for 12 years. He had available on the evening of March 3 232 pages of objections to the bill, of which he used only 120 pages. The junior Senator from Virginia still has 112 pages of objections, which he can use, if necessary.

Mr. GORE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. GORE. Will the Senator press his motion to lay on the table if there are Senators who wish to address themselves further to the merits of the amendment?

Mr. DIRKSEN. I shall be glad to yield to other Senators for limited periods, with the definite understanding that under no circumstances will the Senator from Illinois lose the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. GORE. Mr. President, will the Senator yield?

Mr. DIRKSEN. Does the Senator wish some time?

Mr. GORE. I wish to ask further questions.

I am opposed to the adoption of the amendment, but I appreciate the willingness of the minority leader to afford Senators an opportunity to express themselves on the amendment before he presses his motion.

Mr. DIRKSEN. I shall be decently generous; but the Senate is familiar with this subject. I see no reason for prolonged and extended discussion. It seems to me that after an hour, at the most, the motion to table ought to be made, and this question ought to be disposed of.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield for a question.

Mr. HOLLAND. Does the Senator recall that subsection 4, on page 3 of the amendment, deals with the activities of the proposed Commission in the general field, looking to what is called the elimination of discrimination in all employment? The Senator recalls that, does he not?

Mr. DIRKSEN. The language speaks for itself. Certain educational endeavors will be undertaken.

Mr. HOLLAND. The Senator from Florida would like to ask his distinguished friend if there would be objection to including in the RECORD at this point subsection 4 of the amendment, as found on page 3.

Mr. DIRKSEN. I would ask at this point that the full text of the entire amendment be inserted in the RECORD as a part of my remarks. That will include subsection 4 of the amendment.

Mr. HOLLAND. I think the Senator's suggestion is a better one.

The PRESIDING OFFICER (Mr. FREAR in the chair). The text of the amendment was printed in the RECORD when it was offered.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. LAUSCHE. Will the Senator let me know whether under the provisions of this section discrimination on the basis of race or color is prohibited in Federal contracts only in the direct hiring by the contractor of his employee, or does it also prohibit the indirect achievement of discrimination in instances when the contractor has a collective bargaining agreement with a union which will not admit colored members?

Mr. DIRKSEN. The amendment which is before us, and which is the substance of an Executive order under which the Commission operates, has no prohibitory legal power as such. This is a commission which recommends to the Government contractors on the basis of complaints that discrimination should be terminated whenever possible. The Commission as such operates back through the contracting agency and undertakes by its good offices to eliminate this discrimination if it can.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. Did I understand the Chair to put the question giving the Senator from Illinois unanimous consent to yield to any Senator to whom he desired to yield?

The PRESIDING OFFICER. That is correct.

Mr. JOHNSON of Texas. Mr. President, may we have the yeas and nays on the amendment?

The PRESIDING OFFICER. On what amendment?

Mr. JOHNSON of Texas. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. There is no motion to table before the Senate.

Mr. LAUSCHE. I have asked the Senator from Illinois a question which he has not answered. My question is, Does the language of the bill give some authority to the Commission to bring about nondiscrimination in employment when the contractor does not employ colored people because he has a collective bargaining agreement with a union which will not admit colored members into its union?

Mr. DIRKSEN. Well, I do not know that I am in a position to answer that question, except in this way. This is an exploratory commission. It investigates complaints. They must go back to the contracting agency, because that is all the power the Commission has. The kind of question which the distinguished Senator from Ohio raises might actually come within the jurisdiction of the NLRB, for aught I know. This is a recommendatory agency, and as such must content itself with educational endeavors, with studies and investigations and services and recommendations, whatever they might be.

Mr. LAUSCHE. Mr. President, will the Senator yield for a further question?

Mr. DIRKSEN. I yield.

Mr. LAUSCHE. Does the Senator from Illinois know that the existing Commission appointed under the Executive order has declared that it cannot operate at all on complaints made by colored people that they have been unable to get a job on Federal works because the contractor, the manufacturer, had a collective bargaining contract with a union that refuses to admit colored people as members?

Mr. DIRKSEN. Well, what the Commission was doing was only indicating as a matter of policy what the limits of its authority were. As I have indicated, the authority did not extend to that situation, if there was resistance to even a recommendation in that field.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JOHNSTON of South Carolina. As I understand the amendment, it would put congressional approval on a commission which is already in existence, would it not?

Mr. DIRKSEN. That is correct.

Mr. JOHNSTON of South Carolina. It would do something else, would it not, in that it would be a forerunner for FEPC in all the other fields?

Mr. DIRKSEN. It gives the Commission itself power to hold hearings, in order to make findings of fact. There is, however, no subpena power in the statutory request. The other feature is that it would make it possible for the Commission to continue its work through direct appropriations by the Congress.

Mr. JOHNSTON of South Carolina. In other words, it is similar to the situation that we have in mind when we say that a camel will first get its nose under the tent flap and then pretty soon, of course, it will have its whole body inside the tent—in this case, FEPC legislation.

Mr. DIRKSEN. The Senator from Illinois does not want to pass upon that particular matter.

I wish to say again that I am interested in this matter. I do not want this or any other amendment to jeopardize the chance we have, hopefully, of getting a civil rights bill before too long, so that the Senate can then address itself to the accumulation of other matters that are coming from the various committees of the Senate.

The PRESIDING OFFICER. The Chair is in accord with that statement.

Mr. DIRKSEN. That might be an awkward situation to be in. But it is not the first time the minority leader has been in an awkward position. If it is a sin of commission or omission, I freely confess it now.

How much time does the Senator from New York wish me to yield to him?

Mr. JAVITS. I should like to have 20 minutes.

Mr. DIRKSEN. I yield 20 minutes to the Senator from New York, with the understanding that I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Is the Senator from Illinois yielding time without a unanimous-consent agreement?

The PRESIDING OFFICER. The Chair will state to the Senator from Arkansas that it is being done by unanimous consent.

Mr. McCLELLAN. Very well. I did not know that a unanimous-consent request had been made and granted.

Mr. JAVITS. Mr. President, in the first instance—may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. I believe that the Senate is entitled to an explanation of why I am not offering the amendment myself, even though I submitted it and had it printed. There are two reasons. First, it is well known that this particular section of the bill was a part of the administration package presented by the minority leader. The minority leader subsequently asked me and my colleague from New York [Mr. KEATING] to undertake to present that amendment and——

Mr. STENNIS. Mr. President, may we have order? The Senate has been in disorder for an hour.

The PRESIDING OFFICER. The Chair has done a little business in that hour, but he will attempt to get order. If there are any Senators who would like to talk out loud, they will please retire to the cloakroom, except the Senator who has the floor. If those Senators cannot obey the order of the Chair, the Sergeant at Arms will be requested to evict them.

Mr. JAVITS. I hope it will not be necessary to evict any Member of the Senate. I should like to make my statement very clearly.

The amendment which I was asked to sponsor was a part of the administration's package, just as is the amendment sponsored by my colleague from New York [Mr. KEATING]. I did it at the request of the minority leader. The minority leader has every right to recapture the amendment and to offer it himself. It is his amendment. The reason why I did not choose to offer it this afternoon myself was that I happen to differ with the fundamental proposition that we must have this kind of rather summary action upon an amendment of this importance, which I consider to be important and entitled to deliberate consideration by the Senate.

I am reminded of the situation we always had in the Army. The Army has an expression, "Hurry up and wait." It seems to me that every time something has come from the proponents of civil rights, they have had to hurry up. However, every time something comes from the opponents of civil rights, we have to wait, not hours, but days and weeks.

So, Mr. President, this is a serious amendment affecting many people—and everybody knows it, including the Vice President of the United States; it has been called the Nixon amendment. It has serious implications, which all of us understand. It was my belief that whether or not I offered it this afternoon, I should not be in the climactic situation of knowing that it must be called up and voted down.

Under those circumstances, I prefer to yield the amendment as it is contained in the administration package back to its original sponsor, and let him do with it as he pleases.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SCOTT. In my judgment, the Senator from New York has followed the proper course. I support the amendment.

Mr. JAVITS. I am very, very grateful to the Senator from Pennsylvania for his statement. I may say, following upon what the Senator has said, that there can be an honest difference of opinion as to what is the best and fastest way to have a civil rights bill passed by Congress and become law. I respect and honor my minority leader. My respect for him is in no whit affected by what has taken place with respect to the amendment. I assume simply that it is believed this is the way to proceed. However, it is my judgment that there is another way to proceed. I hope and pray that the judgment of the minority leader is right, and that the matter will come out well. I shall certainly throw my shoulder into the effort to make it come out as he would like to see it, in order to have prompt action on the bill.

I have given some time to the merits of the proposal; hence, I should like to discuss the merits of the proposal, as it is my duty to do, as it may be of help.

First and foremost, this is not an FEPC proposal. The Commission proposed would be nothing but an internal piece of governmental machinery, to enable the Government to carry out more efficiently the provisions of every contract or subcontract in which material or services are furnished to the Government of the United States.

This is not an FEPC proposal. It does not endeavor to reach private employment in any way, shape, or form. It seeks only to create a piece of governmental machinery to enable the Government of the United States to have carried out in an efficient way what it requires of its contractors. We are endeavoring to establish some measure to bring into being a fundamental policy of the United States which has been in effect since 1941, a clause incorporated in every contract, which provides:

> In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin.

I have quoted from the latest of the provisions incorporated in the Executive order of the President, dated September 3, 1954.

When I emphasize that this is a piece of intragovernmental machinery, I mean it is not a part of any law; it is simply an Executive order of the President as it deals with Government contracts.

Second, the amendment provides no legal power whatever. It simply gives to the Commission a standing in law which it has not had before. The reason is that in 1945 the distinguished Senator from Georgia [Mr. RUSSELL] sponsored an amendment to an appropriation bill which barred agencies created by Executive order from existing more than a year unless they got a legislative appropriation. Therefore, the Government Commission which had previously carried out the responsibilities of the Government under this policy went out of existence in 1946, and President Eisenhower subsequently, at a much later date, created this particular Committee under the chairmanship of the Vice President, in 1953, in order to discharge the same responsibilities.

But in view of the law which was then on the books, this could not be a commission having a staff and conducting activities deserving of the dignity of this kind of policy, but it had to be a kind of intragovernmental authority of a very informal character. That is the way it has been functioning. It has been explained time and again, that it has been operating as really an informal arm of the President's own office.

It is felt that the policy of this Committee is so dignified and important that there should be a governmental entity to deal with such matters, and so that that Government entity should have recognition and ability to cooperate with other agencies of the Government, the right to bring people in and require them to testify, a right which it does not have today, and which will be given by the amendment, and the right to seek an appropriation for its staff.

The only power which the amendment gives the Commission is the following, on lines 14 to 17, of page 2:

> The Commission shall make investigations, studies, and surveys, and shall conduct such hearings as may be necessary or appropriate in the discharge of its duties under this section.

That is the only real authority the amendment gives—the power to conduct hearings and to bring persons in to testify.

In line 23, page 2, the new Commission is given power to make recommendations to the President and to Government contracting agencies with respect to what they ought to do about this policy.

On page 3, line 7, is a provision which has been referred to in the discussion as some effort to affect employment everywhere. The provision reads:

> The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civil, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

There is a reason for that. It is not an effort to have a wide-scale foray on that issue throughout the country. I think those who oppose such an educational effort would find themselves on extremely delicate ground, because I certainly do not believe there is anything wrong or immoral in such activity; on the contrary, there is everything moral in an opportunity to provide employment for a citizen, regardless of color. Sixteen States, including my own State of New York, have FEPC laws, and they have been extremely successful.

But what is objected to in terms of a Federal FEPC is a roving commission to

deal either with a criminal statute or a civil injunction statute against employers throughout the country. What is objected to is not the principle involved, but the method of carrying that principle into effect and implementing it. But this provision has no such coloration.

Aside from that reason for this particular amendment is the fact that with the number of contracts which the Federal Government makes—3½ million prime contracts a year, resulting in the expenditure of $15 billion a year—the Government reaches practically every branch of American industry, in every section of the country. Hence, if it really wishes to implement the governmental policy which is contained in Government contracts, it needs to give the widest possible educational circulation to what is being attempted, and to explain why it is done. It cannot, therefore, be effectively limited in terms of simple Government contracts, because the Government would simply be continuing to do the same thing it is now doing. The Government would not be reaching in an educational way those who may not be contractors at the moment, but who may be bidders the next day, if they should undertake to become bidders on Government contracts. So, because the activities of the Government are so widespread and involve so much money, this particular provision should be in the amendment.

As to the merits, in the first place, the tremendous fears which have been expressed about a proposal of this type are negated by the experience of the FEPC agencies in the various States. For example, the State of New York has had an FEPC law since 1945—15 years. There have been somewhere between 2,000 and 3,000 complaints. Practically every one of them was settled prior to hearing. Less than 10 in all that large number went to public hearing, and only 5 actually went to court. So the fears that this proposal is some horrible monster which is going to involve the Government in enormous litigation are groundless.

Also, the question has been asked, "What about the unions?" The President's Committee on Government Practices itself has answered that question. In a release dated February 24, 1960, it called the attention of Government contractors to the fact that it expects unions to comply, as well. The release said:

The President's Committee on Government Contracts today adopted unanimously the following resolution:

"*Resolved*, That this Committee call on contracting agencies of the Federal Government to institute steps to direct all contractors holding Federal contracts for the construction, repair, and alteration of all Federal buildings and, particularly, in the District of Columbia, that they must comply immediately with the nondiscrimination clause presently a part of all contracts.

"Further, that the contractors must find qualified Negro workers, if they exist in the area, and give such workers equal employment opportunity on any work covered by Federal contract.

"The President's Committee will cooperate with the contractor and the contracting agency in seeking to find qualified Negro mechanics. In this effort it will have the full cooperation of the AFL–CIO."

Attending the Committee meeting were:

Vice President RICHARD M. NIXON, Chairman.

Secretary of Labor James P. Mitchell, Vice Chairman.

Mr Robert L. Chambers, president, Pacific Foundry Metallurgy Co., San Francisco.

Mr. Irving Ferman, Executive Vice Chairman, President's Committee.

Mr. George Meany, president, AFL–CIO.

Mr. George B. McKibbin, consultant, General Services Administration, Chicago, Ill.

Hon. George T. Moore, Assistant Secretary of Commerce.

Mr. James F. Nabrit, Jr., secretary and dean of the School of Law, Howard University.

Mrs. Helen Rogers Reid, New York City.

Mr. Walter P. Reuther, vice president, AFL–CIO; president, UAW, AFL–CIO.

Mr. John A. Roosevelt, partner, Bache & Co., New York City.

Judge Lawrence Walsh, Deputy Attorney General.

Alternate members of the Committee attending were:

Mr. Victor Reuther, assistant to the president, UAW, AFL–CIO.

Mr. Boris Shiskin, director, civil rights department, AFL–CIO.

Mr. Myron Silbert, vice president, Federated Department Stores, Cincinatti.

Mr. George L–P Weaver, assistant to the president, IUE, AFL–CIO.

Also attending was:

Hon. Franklin G. Floete, Administrator, General Services Administration.

In the embroglio concerning a particular union in Washington, which was in the construction industry, and which discriminated against Negroes, the greatest efforts have been expended, both by the Government, by the Committee, by George Meany, and by the whole leadership of the AFL–CIO, to have that situation straightened out.

Mr. President, this is not a problem, in the sense that measurable progress can be and will be made with respect to it. But there is the greatest good will on the part of the persons directly concerned to make that progress. Therefore, it is felt that this Committee is entitled to have that backing from Congress which will give it some standing, instead of having it hover somewhere in midair.

Mr. President, one word to my colleagues: President Eisenhower has been much abused on the ground that he does not speak up loudly enough on the question of civil rights and the redress of equality of opportunity. Well, President Eisenhower is not given to loud speaking. But he has done so much for this country that is sound and substantial and historic that no one need apologize for his record.

In this particular field, when a man is basically and heavily to be given the responsibility for eliminating in the District of Columbia a situation which continued for years, until 1953, when, because of the confluence of a good Supreme Court decision in the Thompson case and the appointment of vigorous and courageous Commissioners for the District of Columbia, segregation was actually eliminated in the National Capital, that man does not have to apologize because he does not speak loudly.

Mr. President, the President of the United States himself has constantly been behind this Government Contracts Committee. I personally heard him say to a huge crowd in New York City, in 1952, when I had the honor of introducing him, when he was first running for election to the Presidency, that the one thing he believes in, wherever the money or the credit of the Federal Government is involved, is that it is the duty of the Federal Government to see to it that discrimination in terms of employment opportunity is rooted out and does not exist.

Mr. President, this is but an elementary way in which to make good on that fundamental belief on the part of the President of the United States, which is being carried out by the work of this Committee and by this policy, which is contained in every prime contract and subcontract entered into by the U.S. Government.

Mr. President, one could argue at great length and in great detail about the number of cases and the kind of cases this Committee has handled. But I do not think that those of us who are in favor of the enactment of some kind of civil rights bill—whatever may be our differences of opinion—can seriously question the fact that when the Government of the United States is involved, in view of all the constitutional guarantees of equal opportunity, there is absolutely no excuse for discrimination in employment among Government contractors, regardless of where they may be located.

It is in that spirit that this Committee was established; and it is now headed by the Vice President. It is also in that spirit that this amendment—which calls for the establishment of a commission to perform the same job—is offered. This amendment calls for the elementary redemption of that pledge by the U.S. Government, which has completely within its own power the ability to redeem that pledge to its own citizens.

Mr. President, in conclusion, I repeat that this amendment does not constitute an FEPC bill—although, as I and others and 16 States, by their action, have pointed out, there is nothing wrong with such a bill; but this amendment affords a way for the Government of the United States to give assurance of what it requires of every contractor who has a Government contract.

It seems to me that is the minimum the U.S. Government can do in terms of redeeming this basic pledge to all our citizens.

Mr. DIRKSEN. Mr. President——

Mr. GRUENING. Mr. President, will the Senator from Illinois yield for a question?

Mr. DIRKSEN. I yield for a question.

Mr. GRUENING. Since this is an innocuous amendment, why does the Senator from Illinois feel that its adoption would constitute obstruction and would delay the passage of the civil rights bill?

Mr. DIRKSEN. I do not feel that way at all. The minority leader has included this amendment in the package that is on the desk and has been debated by the Senate.

But I know, from contacts and conversations on the floor of the Senate, on both sides of the aisle, that there are Senators who feel that this amendment is a predicate or something incipient on which it would be possible to build, in the future, at the national level, and create, an FEPC. Of course I am not insensible to the feelings of a great many Senators on this subject.

Consequently, knowing that fact, and having discussed it privately and otherwise with our own Members, I am afraid that we would be jeopardizing the ultimate consummation of this bill if we were to adopt this amendment. For that reason, I have stated the action which I shall propose that the Senate take today.

Mr. GRUENING. I thank the Senator from Illinois.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Illinois yield to me?

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator from Illinois yield to the Senator from Texas?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. I wish to commend the Senator from Illinois for the action he has taken. I have known a great many able, fearless, and courageous leaders, in the almost 30 years that I have been around the Capitol; but I have never known a more courageous or more able or more dedicated leader than the present minority leader.

I share his views—completely and entirely—about the wisdom of adding far-reaching amendments to the bill which has been reported by the committee.

There are some Members of the Senate who want no bill at all in this field passed. They are sincere and earnest and devoted public servants, and it is their view that the best interests of the country would be served by not enacting any legislation in this field. They have withstood what they term the tortures of 200 or 300 hours of sessions, in order to try to modify the bill in almost every respect.

There are some Senators who favor a policy of all or nothing. But such a policy would achieve a result identical with that which would flow from the course favored by Senators who favor having no bill at all in this field enacted into law, because when one insists on all or nothing, he gets nothing.

After all, I would remind the Senate that for 82 years, no bill of any kind along this line was enacted; and it was not until 1957 that the Congress ever passed any legislation of any consequence in this field.

I believe the minority leader is following the only procedure open to us if we wish to have substantial legislation in this field enacted at this session.

I do not want to be placed in the position of making prophecies or predictions; but I still vividly recall the difficulty that those of us who wanted such legislation faced after we passed a bill in 1957. I remember that it was necessary for members of the Rules Committee of the other body to sign a petition to call a meeting in order to get a rule, in order to get the Senate-passed bill to conference.

I would remind each Senator who speaks for constituents who want legislation in this field enacted that in the Congress there cannot be any unicameral legislation; that any legislation we write in this field must have the approval of the House of Representatives, the Senate, and the President.

Mr. President, I think we attain legitimate objectives in the bill as it now stands. It does not make a province out of the South. It gives to every person the legitimate objective we have a right to seek. This bill is not a Republican bill; neither is it a Democratic bill—although it is being passed by a Congress in which my party has the majority. But when we pass this bill and when it is messaged to the other body, and goes on the desk of the Speaker of the House of Representatives, there will be only two ways in which the bill can get off the Speaker's desk and be voted upon. One way is by unanimous consent. However, I do not think unanimous consent would be given. The other way is to obtain a rule.

Mr. President, there was extended debate on this subject in the House of Representatives, and the Members of the House of Representatives expressed themselves on many and various proposals in respect to legislation in this field. I do not believe that any reasonable person can read that record and, from it, can conclude that the House of Representatives is prepared to go much further than it did go when it passed this bill. And if the House of Representatives is not prepared to go much further than it did go at that time, then, Mr. President, if a Senator wants to kill the bill, let him try to make it go further.

As I said, the same result, of having no bill at all, can be achieved by demanding too much.

We are making progress in this field—the Civil Rights Act of 1957, the Civil Rights Act of 1960, we hope, and then I am sure Congress is prepared to move forward. We are not a group that is just going to resist any change.

I say to you, Mr. President, I think we ought to proceed to vote upon this bill as it has been reported to us by the committee, without substantial changes, if we are to expect legislation this session.

The distinguished chairman of the House Judiciary Committee who introduced this bill, Mr. CELLER, I think got the best bill through the House he could get through. He was associated in that endeavor by the ranking member of the committee, Mr. MCCULLOCH. Both leaders in the House supported the bill. It came to this body. Amendments were offered in committee. Fifteen amendments were adopted, a good many being technical changes. Now we are faced with the proposition whether we should adopt any more.

I am not going to close my mind and say no amendment should be adopted, because I do not think that should be done until the third reading of the bill and we are ready to vote. But I do say we should stop, look, and listen, and we should proceed with caution; and I say, responsibly—and I measure my words—that if this bill is loaded down with amendments that the other body will not take, we shall have a bill at the Speaker's desk, but we shall not have a law on the statute books.

I hope that the majority of the Senate will vote for the motion of the able minority leader when he makes that motion, because I think this is one of the Congress' finest hours.

I stated, when this debate began, that it would not be pleasant for the majority leader and minority leader, and I assure Senators I spoke accurately. We have been considering this matter many weeks. The Attorney General says this legislation is reasonable legislation, and that it is acceptable. It is the best that the able chairman of the House Judiciary Committee could get. It was the best that could be reported out of our own Judiciary Committee. We have cast vote after vote and expressed the majority will of the Senate on almost every conceivable adventure into this field. We have been here 7 weeks. I think the Senator from Tennessee corrected me. Did the Senator from Tennessee say 8 weeks?

Mr. HOLLAND. I said 8 weeks.

Mr. JOHNSON of Texas. I am sorry. I am like Rip Van Winkle—I do not know where I was that eighth week. But we have voted on many, many questions, and I think the time has come now to call up these amendments, speak on them, vote on them, and finally send a bill to the President. I believe this bill will go to the President, and I believe it can go, and I believe it will be approved, and if it is, I believe it will be a forward step.

I thank the Senator.

Mr. DIRKSEN. Mr. President, I am grateful to the majority leader for his generous remarks, and I can amplify what he said about the Attorney General by reading this press release from the Department of Justice, which was dated March 24, 1960, after the House acted. I read the release:

Attorney General William P. Rogers today issued the following statement concerning the action of the House of Representatives in passing civil rights legislation:

"The bill which was passed by the House of Representatives today and sent to the Senate is substantial in scope, and, if enacted into law, will result in additional and meaningful progress in the field of civil rights.

"It does not include two important recommendations made by the administration, and it may not fully coincide with the views of any particular group. However, it was fully considered by the House of Representatives and during the debate on the floor was well and ably supported by an overwhelming majority of its Members. The enactment of this bill would represent an historic step forward in the efforts of the United States to make constitutional guarantees fully effective for all citizens in all areas of our country."

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, without losing the floor, and preserving my rights, and not yielding for any motions of any kind, I yield to my distinguished friend from New York [Mr. KEATING].

Mr. KEATING. Mr. President, it impresses me that probably we have risen today to heights appropriate to the 1st day of April. [Laughter.]

First we enacted the Carroll substitute for the Kefauver amendment, which says exactly nothing which was not said in the bill which came over from the House. Now we are asked to debate, in the space of an hour or so, a very important amendment, an integral part of the bill, backed at this minute by the President, the Attorney General, and this administration. We are asked to vote on it at the end of about an hour, with the full expectation, of course, that the amendment will be defeated when the motion to table is made.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KEATING. I would be glad to yield, but I have committed myself to take only 8 minutes. If I have any time left, I shall be very happy to yield to the Senator from Pennsylvania.

Mr. President, all this on this memorable 1st day of April. I want to say that the course taken by my distinguished colleague from New York [Mr. JAVITS] is indeed, in my opinion, exactly the right course. His refusal to submit his amendment under any such conditions as we are confronted with here today seems to me the course which anyone would be required to take who sincerely was advancing an amendment; and I commend him for it.

I want to say this in answer to the remarks of the distinguished majority leader, who is indeed an able leader. He has stressed the fact that this is not a unicameral legislature. That is exactly my point. We are not required in the Senate to swallow whole what is sent over to us from the other body, hard as its Members may have worked, distinguished as its Members may be.

A rule was granted to send this bill to the floor of the House of Representatives. If the votes could be obtained for such a rule, they can be obtained for a rule to send this bill to conference. I feel confident of that, and I feel confident that we can work our will on this bill, and that it is scare talk when it is said that we cannot get a rule in the other body after we have made substantial and worthwhile changes in this bill.

We in this body are a part of the bicameral national legislature, and we are not required to take dictation from the other body.

Mr. President, the adoption of this very conservative amendment will do nothing more than give the congressional seal of approval to the work and objectives of the President's Committee on Equal Opportunity Under Government Contracts.

It seems to me we must encourage the progress which this outstanding committee has made in eliminating discrimination in employment on projects financed by the Federal Government.

The policy of our Government to promote equal job opportunity deserves the support of all fairminded persons. Public morality demands that since all persons contribute to the public treasury without regard to race, religion, color, or national origin, that all persons are equally entitled to fair and equitable treatment on work paid for from public funds. Certainly within the area of employment carried on by the funds of the Federal Government, there can be no question that employment must be made without the blight of racial or religious bigotry.

Let me briefly touch upon the highlights of the proposed amendment.

Under its terms the President is to appoint a Commission of 15 members to carry out the national policy of equal job opportunity. The Commission would execute this program by making recommendations to the President and the Federal contracting agencies for improving and implementing the standard nondiscrimination provision which is contained in all Government procurement contracts. The Commission would encourage the furtherance of educational programs by nongovernmental groups.

That, by the way, is the only reference to nongovernmental groups. It could not, by the wildest stretch of the imagination, be termed properly, as it has been termed by some, an FEPC provision.

Furthermore, the Commission would cooperate with State and local governments as well as other groups to eliminate discrimination in employment, and it would be empowered to make investigations, studies, and surveys as well as to conduct hearings which would be necessary and appropriate in order for it to discharge its assigned duties.

The proposed commission would continue this administration's efforts to eliminate discrimination in employment. These efforts have been carried out, and very successfully thus far, in three areas: compliance, education, and liaison.

In its compliance efforts, acting as a recommendatory, consultative, and advisory group to the Federal contracting agencies it has made considerable progress in seeing that the Federal contracting agencies adopt appropriate procedures to aid the contracting agencies in securing fair employment in the many plants doing business for the Federal Government in every part of the country. It has also assisted the agencies in adopting effective procedures to enable the agencies to resolve complaints filed by aggrieved persons. It has instituted a compliance survey program whereby the employment practices of the major contractors of the Federal Government are reviewed each year without waiting for complaints to be filed with the President's Committee.

The Committee has carried on an extensive educational program with the top leaders of business and industry, labor unions, trade associations, educators, clergy, and other interested and important segments of the general public who are concerned that our country should not countenance or condone intolerance, bigotry, and discrimination.

The President's Committee also maintains effective liaison with the many private and public agencies charged with the responsibility and the duty of eliminating discrimination in employment.

As effective as the work of the President's Committee on Government Contracts has been, the time has come, it seems to me, Mr. President, to advance this program in a more meaningful way. This is the opportunity of the Congress of the United States. The enactment of the amendment would help to achieve the efficient utilization of all our manpower. We must not waste any American's skills because of the irrelevant factors of racial and religious bigotry.

Approval of the amendment will also enhance the unique standing which this country has had as a leader in advancing democratic ideals. Our Nation will be judged by its accomplishments and not by its excuses.

The work of the President's Committee has been meaningful and successful; but we have a right to expect that the concept of equal job opportunity be expressed by the National Legislature rather than by order of the Chief Executive. In our form of government national policies are, and should be, expressed by the Legislature.

When I say that, I mean both branches of the Legislature.

If this policy is worth adhering to, it should be appropriately stated by the Congress as an expression of public policy.

The Vice President of the United States, who is the Chairman of the President's Committee, and the Secretary of Labor, who is the Vice Chairman, have stated that if the amendment is enacted they will resign from the Committee. They will recommend to the President that the Chairman and the Vice Chairman should be public representatives rather than governmental representatives. These recommendations should eliminate the fears which we have heard expressed by those who think that such legislation is being proposed as a vehicle for the personal advancement of any governmental official.

I urge, Mr. President, that we vote down any efforts to table the amendment. This amendment is in keeping with the best traditions of our country. Our country has grown strong by waging a constant struggle against religious and racial bigotry. We will grow stronger by the passage of this amendment, because it is in consonance with the concepts of fair play and the elevation of human dignity for which our country has always stood and always should stand.

Mr. JAVITS and Mr. LAUSCHE addressed the Chair.

Mr. KEATING. I yield to my colleague.

Mr. JAVITS. Mr. President, I should like to congratulate my colleague for one of the most eloquent statements I have ever heard him make on any subject. He is obviously deeply moved, as I was, by the situation.

I am not angry with anybody. I do not think my colleague is. We both feel very keenly about the importance of this amendment and the deliberation with which it should be considered.

I am very grateful to my colleague for his eloquence and for his most gracious personal reference to me.

Mr. KEATING. Mr. President, I am very thankful to my colleague from New York. I do not speak in any anger. I speak from a deep conviction that we should have more than the debate which is contemplated on this amendment and from a conviction that this amendment should be agreed to. It will not disrupt anything. It would simply give statutory authority to the Commission.

If I am permitted, I now yield to my friend the Senator from Ohio.

Mr. LAUSCHE. Mr. President, it is my understanding that the amendment as offered will not protect persons seeking work under Federal contracts, who are barred from getting jobs because they cannot get membership in a union which discriminates on the basis of color. Since I understand that to be the fact, would the Senator from New York not feel that the amendment ought to be so worded that neither directly nor indirectly the colored people could be barred from working on Federal contracts?

I subscribe fully to what the Senator from New York [Mr. KEATING] has said; that all persons in this country, regardless of color or religion or otherwise, pay the taxes which are used for the letting of these contracts, and therefore there ought not to be discrimination. While there should not be direct discrimination by an employer refusing to hire colored people, the discrimination ought not to be achieved through a collective bargaining agreement with a union which refuses to permit membership of colored people.

My question is: Should the amendment not be amended so that on page 2, line 22, after the word "services" there would be inserted "including such discrimination arising by reason of agreements between contractors or subcontractors and labor organizations which discriminate in their membership because of race, creed, color, or national origin"?

Mr. KEATING. I will say to my friend from Ohio, in answer to his question, first, that I know from previous votes and from my contacts with him that the principle of what we are asking for here is one in which he firmly believes, has always believed, and stands for today. I have some doubt, in the light of the action which has been taken by the Committee, of the necessity for this additional amendment, but I wish to say to my friend from Ohio that I share completely his views. I would be happy to support such an amendment. I call his attention to the action taken by the Committee with reference to a recent incident in which the possibility of discrimination arose. The Committee adopted a resolution, as follows:

Resolved, That this Committee call on contracting agencies of the Federal Government to institute steps to direct all contractors holding Federal contracts for the construction, repair, and alteration of all Federal buildings and, particularly, in the District of Columbia, that they must comply immediately with the nondiscrimination clause presently a part of all contracts.

Further, that the contractors must find qualified Negro workers, if they exist in the area, and give such workers equal employment opportunity on any work covered by Federal contract.

The President's Committee will cooperate with the contractor and the contracting agency in seeking to find qualified Negro mechanics. In this effort it will have the full cooperation of the AFL–CIO.

That resolution was signed by the Vice President, as Chairman; by the Secretary of Labor; and, among others, by George Meany, president of the AFL–CIO.

Since we are not proposing to set up a statute to enforce nondiscrimination in employment, but only a commission with certain powers, probably the language of the amendment is broad enough to cover the point made by the distinguished Senator from Ohio. But if he thinks it should be broadened, personally I would have no objection whatever to such an amendment.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. KEATING. I yield to my colleague.

Mr. JAVITS. I should like to join my colleague from New York. He has read what the Government Contracts Committee has said. I thoroughly believe that neither unions nor employers should discriminate. The thrust of this amendment is at those who contract with the Government. A union does not contract with the Government. An employer does. Therefore the resolution adopted was directed at the employer, who was joining the union in those practices, or submitting to them.

If the Senator would feel better about this amendment with the addition of the words suggested, I, too, like my colleague from New York, thoroughly agree that it is the full intention of nondiscrimination to apply to unions as well as to employers.

Mr. KEATING. I thank my friend from New York; and I am grateful to the distinguished Senator from Illinois.

Mr. LAUSCHE. Mr. President, will the Senator yield to me in order that I may put a question to the Senator from Illinois?

Mr. KEATING. I will yield the floor. The Senator from Illinois [Mr. DIRKSEN] has the floor. I express my thanks to him for allowing me this time.

Mr. LAUSCHE. Would the Senator from Illinois accept an amendment to his amendment, adding additional language, so as to make the provision read:

The Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

I would change the period to a comma and add the following words:

Including such discrimination arising by reason of agreements between contractors or subcontractors and labor organizations which discriminate in their membership because of race, creed, color, or national origin.

Mr. DIRKSEN. Mr. President, I would not be interested at this point in accepting any modification of the pending amendment. There is a reason for the amendment. I think we should have a straight-out vote on the language before us, because it has been before us for 41 working days, in the substitute which I offered. It is now before us in the language of the amendment which was drafted by the distinguished Senator from New York [Mr. JAVITS]; but I should emphasize the fact that if the motion to table is successful—and I trust it will be—that is not the end of the Committee. The Committee will continue to function under the Executive order, as it always has done. It has been doing business for 7 years, and it will continue to do business. Of course, it will not do business on the basis of appropriations by the Congress. It will have no authority to conduct hearings. It can go ahead with its educational and exploratory work through the Government agencies which make the contracts. I think it would be far better for the distinguished Senator from Ohio to present at that time the subject matter which he has in mind.

Mr. LAUSCHE. Let me read to the Senator from Illinois from the sixth report, submitted to President Eisenhower by the Committee on Government Contracts. On page 6 I find the following language:

Lack of jurisdiction: Many cases are closed for lack of jurisdiction. The applicable Executive orders restrict the Committee's authority to employers holding Government contracts. Thus, approximately 36 percent of the complaints received have provided no occasion for investigation or the institution of remedial measures. A small proportion of the complaints are against labor unions which are comparable to companies without Government contracts, and therefore are not within the purview of the Executive orders under which the Committee operates.

I think we should reach clear through the problem. We ought not only to prohibit discrimination in direct employment, but also discrimination through the barrier which the union creates by not accepting colored people as members.

Mr. DIRKSEN. Of course, that is a matter which ought to be decided after a hearing by the appropriate committee, which would be the Committee on Labor and Public Welfare of the Senate, as well as the Labor Committee of the House.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. I shall be glad to yield provided I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. I am sure the Senator is familiar with the fact that the new House Office Building is being built by a firm headed by Mr. McCloskey, who is well known to all of us. I am sure the Senator also is familiar with the fact that trouble has arisen recently because one or more of the unions supplying men for that contract do not permit persons of color to become members.

My question is this: Would it not have been a simple and effective course for

the President's Committee, functioning under Executive order, to place in the contract for the erection of that building a provision which would have made it improper and impossible for the contractor to enter into a labor contract with a union which did not permit persons of color to become members?

Mr. DIRKSEN. I think that would have been a happy solution indeed.

Mr. HOLLAND. Mr. President, will the Senator yield me 5 minutes to state why I am opposed to the proposed amendment, and in favor of his proposed motion to table?

Mr. DIRKSEN. I was about to yield to the distinguished Senator from Pennsylvania [Mr. CLARK].

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. I yield.

Mr. CLARK. I have strong views on this subject. I should like to state them at some reasonable length. I realize that my friend from Illinois, under the unanimous-consent agreement, which was entered into when I was unfortunately absent from the Chamber, is able to take me off the floor. I should like to speak for about 25 minutes, unless my friend takes me from the floor. Otherwise I would rather yield in favor of my friend from Florida.

Mr. DIRKSEN. My love and affection for my friend from Pennsylvania is as deep as the deepest sea; and I would be the last one under the canopy of heaven to take him from the floor. I now yield him 25 minutes.

Mr. CLARK. Does the Senator from Florida wish to precede me?

Mr. HOLLAND. I shall be glad to wait, but I hope the Senator from Illinois will yield me 5 minutes.

Mr. DIRKSEN. Mr. President, I yield 25 minutes to the distinguished Senator from Pennsylvania, with the understanding that my rights are preserved, and only for a statement—not for a motion.

Mr. CLARK. Let me say to my friend from Illinois that I shall attempt to complete my statement in 25 or 30 minutes. I think I can, unless some Senators want me to yield to them. If I cannot complete my statement within that time, I shall ask my friend from Illinois to give me an additional 5 or 10 minutes.

Mr. DIRKSEN. I shall be delighted to do so.

Mr. CLARK. In my judgment, the procedure which is being followed this afternoon, with the approval of the minority leader and the majority leader, is an unfortunate procedure. I hope it will not be repeated. In my judgment, it is close to being an oppressive procedure. There are ways in this body, other than by having a Senator take the floor and announce his intention of moving to table an amendment after 1 hour, by which we can get orderly debate on an important matter before the Senate and still come to a conclusion within a reasonable time. Among those ways which have been utilized many times since I have been in the Senate is to have a unanimous-consent agreement to vote at a time certain. Another way is to agree on 3 or 4 hours of debate. There are many ways of skinning this particular cat. Unfortunately, I was called out of the Chamber to answer an inquiry from a member of the press. While I was out of the Chamber, my friend from Illinois made his unanimous-consent request. Had I been here I would have objected. The Senator from Illinois would then have been in the disagreeable position of either having to move to table, even though certain Members of the Senate wanted to speak on the amendment, or permitting Senators to speak for a reasonable length of time without attempting to hold the floor in a most unusual way. I regret that this procedure has been followed. I hope it will never be followed again.

Let me say that I find myself reluctantly compelled to disagree with the statements recently made by both the majority leader and the minority leader. They think there has been enough time in which to debate this provision in the bill. Perhaps there has. I think that it has not been debated sufficiently. They think that they have the votes to table the amendment. No doubt they do. Having that power, they are within their right to move to table it any time. Being within their rights does not necessarily mean that such action is the part of wisdom. I am frankly of the view that every Senator should have an opportunity to speak for a reasonable time on the amendment, and that then we should be permitted to vote on it.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. JOHNSON of Texas. Did not the minority leader and the majority leader assure all Senators that they would be given exactly that opportunity to speak at reasonable length if they desired to speak?

Mr. CLARK. If the Senator from Texas desires me to give a responsive answer to that question, I will give it to him. I told the minority leader that I would like to speak. The minority leader asked, "How long do you want?" I said, "20 minutes to a half hour." He said, "Cut it down to 10 minutes." He gave the junior Senator from New York only 8 minutes.

Mr. DIRKSEN. That is all he asked for.

Mr. CLARK. May I be permitted to complete my statement, or does the Senator wish to interrupt me?

Mr. DIRKSEN. Mr. President, before the Senator makes such a statement he should ask the junior Senator from New York what the facts are. He came to me and asked for 8 minutes. He got 8 minutes. If he had wanted more time, I would have given it to him.

Mr. CLARK. The Senator from Illinois is completely incorrect. While he was out of the room the junior Senator from New York——

Mr. DIRKSEN. I ask that the words be taken down. I make a point of order. I ask that the words be taken down.

Mr. DOUGLAS. Mr. President, I ask for the regular order.

Mr. DIRKSEN. Mr. President, I ask that the Senator from Pennsylvania take his seat, under the rule.

The PRESIDING OFFICER (Mr. CANNON in the chair). Under the rule, the Senator from Pennsylvania must take his seat.

Mr. DOUGLAS. I move that we proceed in the regular order and that the Senator from Pennsylvania may be permitted to proceed.

The PRESIDING OFFICER. The question is on agreeing to the motion of the senior Senator from Illinois.

The motion was agreed to.

Mr. DIRKSEN. We will not close this RECORD until we find out from the junior Senator from New York what time he asked for and what time he got. I will not have the Senator from Pennsylvania impugn my motives or my conduct on the Senate floor. Otherwise, I will have to assert my privilege right now and shut him off. I would not like to do that, but I would have no hesitation in doing it, if that is the way it is going to be. I would prefer not to do it that way.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me?

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Pennsylvania has the floor.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me?

Mr. DIRKSEN. The junior Senator from New York is on the floor. Let the junior Senator from New York speak for himself.

Mr. CLARK. I yield to the Senator from Texas.

Mr. JOHNSON of Texas. As I understood the Senator, he said he was going to be fully responsive. He has been. He said he asked for 20 or 30 minutes. The minority leader assured the Senate that each Senator would be given a reasonable time in which to speak. He said he hoped he could give them whatever time they wanted. If the Senator from Pennsylvania said he wanted 20 or 30 minutes, and he was given 25 minutes, then why does he believe his request was not granted?

Mr. CLARK. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Mr. President, do I have the right to reply to the Senator from Texas without being interrupted?

The PRESIDING OFFICER. The Senator may reply to the Senator from Texas. He does not have to yield to any other Senator.

Mr. CLARK. I intend to make a short, calm statement. I beg my friend, the Senator from Texas, and my friend, the Senator from Illinois, not to interrupt me again until I have concluded it.

Mr. KEATING. Mr. President, would the Senator yield?

Mr. CLARK. Mr. President, I yield the floor.

Mr. DIRKSEN. I yield 2 minutes to the junior Senator from New York, with the understanding that I do not lose the floor.

Mr. KEATING. Mr. President, I hope that my friend from Pennsylvania will again ask for time. I was off the floor for the moment, and someone came to

me and said, "You should get on the floor." I have not even heard the colloquy that has been had on the floor.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. CLARK. Will the Senator permit me to complete a brief statement? If he will do so, it will enlighten him.

Mr. KEATING. All I want to do is get the record straight.

Mr. CLARK. I ask the Senator from Illinois to yield to me.

Mr. DIRKSEN. First I yield to the Senator from New York to tell what time he asked for, and then I will yield to the Senator from Pennsylvania.

Mr. KEATING. I asked for 8 minutes. The Senator from Illinois gave me 8 minutes. I do not know how long I took. Perhaps I ran over a bit. If so, I am sorry. That is the fact. Whether that fits in with what has been said before, I do not know. [Laughter.]

Mr. HOLLAND. Mr. President——

Mr. DIRKSEN. I ask the junior Senator from New York whether he wished any more time than 8 minutes.

Mr. KEATING. I did not ask for more time than 8 minutes. I suspect I ran over a little bit.

Mr. DIRKSEN. I yield 25 minutes to the distinguished Senator from Pennsylvania, with the understanding that I do not lose the floor, and not for any motions.

Mr. CLARK. I thank my friend for his gracious generosity. What actually happened was that the junior Senator from New York was speaking when I came into the Chamber. I asked him to yield to me for a question. He said he regretted he could not do so and—I think I correctly restate his statement, but the RECORD will show—he said, "I have only 8 minutes. I have no time to yield to the Senator from Pennsylvania, unless at the end of my talk I have a little time, in which case I will be glad to do so. I am unable to yield to him at this time."

Mr. KEATING. Mr. President, will the Senator yield to me briefly?

Mr. CLARK. Of course.

Mr. KEATING. I think that is substantially what I did say. I did not mean to imply, however, that the Senator from Illinois would not have given me 10 or 12 minutes if I had asked for that time. That is all I care to say.

Mr. CLARK. I thank my friend for his statement. Now I return to answer more fully the question asked me by the distinguished Senator from Texas. I hope that I may be permitted to make my statement without interruption. I asked the Senator from Illinois to recognize me. He asked me how long I wanted. I said I wanted somewhere between 20 and 30 minutes. He said, "Cut it down to 10." I said, "It is going to take me 20 or 30 minutes to say what I want to say. Of course if you want to take me off my feet, that is your right, but you will have to do so." Then I slapped him on the back and said, "I love you."

I went back to my seat and have now been recognized for 25 minutes. If I cannot finish by the end of that time, I will ask for a further extension of time.

In answer to the whispered inquiry of the senior Senator from Arkansas, as to whether I still love the Senator from Illinois, Yes, I still love him.

Perhaps the only relevant, significant thing about this discussion is that it is April Fools' Day. I suspect that that tends to make all of us, including possibly the senior Senator from Pennsylvania, and certainly certain others—and I hope that in making this comment I will not again be required to take my seat—a little more foolish than we might otherwise be.

Having disposed of that matter as best I can, I should like to comment on the statement made by the majority leader a little while ago, urging the Senate not to further amend the House bill. We all know that the House bill has already been drastically amended by inserting the so-called Lausche amendment, which became a committee amendment, and has thus drastically changed section 1 of the bill. I believe the Senate has made 13 other changes in the House bill. Why should it be assumed that if we make a 14th change, the bill will be any more pickled in the House Committee on Rules than if we had made only 13 changes? I am sure I do not know. The majority leader is wise in these matters. I defer to his judgment in many matters. However, my own view is that if we were to adopt the pending amendment, it would not affect one iota whether the House bill, as amended by the Senate, would be pickled in conference by the Rules Committee.

The majority leader also said that this is not a Republican bill and is not a Democratic bill. With all due respect and great deference to my majority leader—and I love him, too; in fact, I think I love him even more than I love the minority leader—I say that this is a weak Republican bill, watered down by southern and southwestern Democratic votes. It is weakened to such an extent at present that I have grave doubts as to whether I can support it on final passage.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CLARK. I am very happy to yield to the Senator from Tennessee.

Mr. GORE. Why does the able Senator discriminate against the border States?

Mr. CLARK. That is a good question. I have always thought that Richard Rovere, who wrote an excellent article in the New Yorker magazine about this debate on civil rights, was probably correct when he said that Tennessee had joined the North on at least a few matters. I think so, too.

Mr. President, we hear much about responsibility. I believe in responsibility. I do not know of any Member of the Senate who does not. I think we may all have our differing views on what is responsible and what is not. My own view of responsibility is that it is the responsibility of the Senate to pass the best civil rights bill which the majority of its Members think they can pass.

Then I believe it is the responsibility of the House of Representatives to deal freely and fairly with the bill as passed by the Senate, and to send it to conference if they disagree with it.

Then I think it is the responsibility of the conferees to try to work out a reasonable compromise, one which they believe both sides will agree to.

Then, if it is still a responsible bill, I think it is the job of the two Houses to agree to the conference report, and the responsibility of the President to sign the bill. That is my view of responsibility.

I believe it is irresponsible to say that the Senate cannot pass the best bill the majority of its Members want, simply because a relatively small minority does not wish the Senate to do so. With all due deference to the other body, and being keenly aware of the rule of our body which forbids us to criticize the other body, I suggest that the other body has the same responsibility and should not be inhibited by the present membership of its Committee on Rules.

So I say that our greatest responsibility is to pass the best bill which meets the needs of our disfranchised citizens—our discriminated-against citizens—our second-class citizens—and to do it reasonably promptly, but after free and full debate.

So I am not concerned about my own sense of responsibility. I shall leave to other Senators their sense of responsibility, confident that they will make a decision in accordance with their own best judgment.

A point is reached when a bill becomes a sham; when a bill is meaningless and should not be passed because it is pretty close to being a fraud on the country. I say that right now we are on the very borderline. There is a real question in my mind whether the bill as it stands today in the Senate is anything more than a sham which will fool some people into believing that we have done something for the disfranchised citizens who have been discriminated against for years, but which in fact is not going to do them any good at all.

I believe that some of my good friends from the South—and they are my good friends—would admit in private what I can understand they would not want to admit in public, namely, that the bill as it passed the House will help few, if any, Negroes in the South to achieve any more civil rights than they now have. So when we talk in terms of responsibility, we must also talk in terms of whether what we are doing is a sham or is something real and meaningful.

Mr. DOUGLAS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Pennsylvania will suspend his remarks until the Senate is in order.

The Senator may proceed.

Mr. CLARK. Mr. President, we have heard something said about Senators who want all or nothing; who will drag down to defeat any meaningful civil rights bill, because if they cannot have the whole, they do not want any part of it—a half, a quarter, a tenth, or a twentieth. Of course, our decision will have to be whether we will take a twentieth, or whether it is not good enough. I do

not know of any Member of this body who wants all or nothing. I certainly do not. The distinguished senior Senator from Illinois [Mr. DOUGLAS] does not. We are reasonable men. We believe in compromise. We believe in the art of the possible. But, Mr. President, we know when we are being sold a bill of goods. We know when what we are getting is nothing more than a sham. It is no desire for all or nothing which makes some of us want to improve the bill, so that we can in good conscience vote for it. So I hope we will not have a great deal more talk about Senators acting in an irresponsible manner; about Senators who want all or nothing; about Senators who want nothing at all. I think this ought to be a body which is a little more mature than that kind of argument would tend to indicate it is.

The trouble, of course, is the rules. The trouble is the rules of the Senate. The trouble is the rules of the House. I shall not delay the Senate further this afternoon by speaking on that subject, other than to say that if the rules of this body and if the rules of the other body are not modernized within the foreseeable future, Congress will have failed in its obligation to play its part in the defense of Western civilization and in the further progress of the United States of America. I say this in all good conscience, because the times are different from what they were in 1840, when the filibuster came into use. The times are different from what they were when the House Committee on Rules was first established. This is a time which calls for action, and action by a convinced majority. I shall say no more on this subject, but I shall take a moment to yield—and I am happy to do so—to the distinguished senior Senator from Illinois.

Mr. DOUGLAS. Mr. President, I should like to ask the Senator from Pennsylvania if it is not true that this amendment, providing for a committee against discrimination on Government contracts, was not asked for by the Eisenhower administration.

Mr. CLARK. It was.

Mr. DOUGLAS. Was it not included in the so-called Dirksen bill, which was before the Senate for many weeks?

Mr. CLARK. It was.

Mr. DOUGLAS. While I have not been on the floor for some time, do I understand correctly that the minority leader, the junior Senator from Illinois, is proposing that that amendment be tabled and disposed of?

Mr. CLARK. As I understand the parliamentary situation, the amendment which is pending was proposed initially by the Senator from New York [Mr. JAVITS]. He did not care to call it up. The minority leader said he would call it up—and the minority leader is here, and no doubt will correct me if I misquote him. He then said he would request unanimous consent that he might hold the floor and might yield for brief periods of time to other Senators who might wish to speak; and that at the end of that time he would move that the amendment—which he, himself, called up—be laid on the table. He defended his position. I do not criticize him. If he thinks that is the right way to proceed, that is for him to say. So I do not criticize him; but I think it is a little odd.

Mr. DOUGLAS. Does that situation remind the Senator from Pennsylvania of the rhyme:

The King of France with 20,000 men
Went up the hill, and then came down again.

Mr. CLARK. I think that analogy is a very good one, indeed. In this case, a more modern version is that the Senator is pulling the rug out from under his own amendment.

Mr. President, now that I have mentioned the fact that we legislate in the shadow of the rules of both bodies, let me turn to the argument the minority leader made—to the effect that this amendment was defeated in the House of Representatives and therefore should not be adopted here.

In all candor, I believe it should be stated that what actually happened was that in the House a motion was made to include this section in the bill then before the House. The section was not in that original bill. The acting Speaker of the House ruled that the motion was not germane; and that ruling was sustained, following an appeal from the ruling of the Chair. My understanding is that in such a parliamentary situation it is very unusual, indeed, for the Members of the other body not to sustain the ruling of the Chair. It may be that the ruling of the Chair was correct; it was made by a very fine Member of the House of Representatives—Representative WALTER, of Pennsylvania. But I do not understand that the House has had a chance to vote on merits of the amendment. I believe the House should have a chance to vote on it; and I believe that if the amendment were voted on in daylight, outside the shadow of the Rules Committee, the amendment would be agreed to by the House.

Mr. DIRKSEN. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield.

Mr. DIRKSEN. In my introductory remarks—I do not know whether the Senator from Pennsylvania heard them—I made it abundantly clear that in the House of Representatives this amendment was not discussed on its merits. I pointed out that a point of order was made, and was sustained by the Chair, on the ground that the amendment was not germane. Then came the appeal from the ruling of the Chair. In voting on the appeal from the ruling of the Chair, the House voted in Committee of the Whole; and, by a vote of 157 to 67, the House sustained the ruling of the Chair.

If the House of Representatives had wished to consider the amendment, all it would have had to do would have been to vote not to sustain the ruling of the Chair—in other words, to sustain the appeal; and then the amendment would have been before the House. But by a majority of 90 votes, the House preferred not to do so. I made it abundantly clear that the amendment was handled in the House wholly on a procedural basis.

Mr. CLARK. The Senator from Illinois is correct; and I am making it abundantly clear, all over again, because I think the point needs reiteration. I am sorry if my friend disagrees.

Now let me turn briefly to this innocuous little amendment. I suppose it is foolish to get concerned about it; perhaps it would be better just to let it "go down the drain," for the amendment would not accomplish anything of any great importance.

A meaningful amendment in this field would be a fair employment practices law with teeth in it and with enforcement powers, covering the whole field of discrimination in employment, just not the narrow field of discrimination in employment in connection with Government contracts. A meaningful amendment in this field would provide subpena powers, strong enforcement powers—heavy penalties if equal employment opportunities were denied. But no such powers or penalties are now called for by the amendment.

Therefore, one might wonder why there is all the shouting about the amendment. Well, Mr. President, all the shouting is because this little amendment would help to some extent; it would be a little step forward. It would strengthen this weak bill by as much as 2 percent or 3 percent.

Therefore, it has seemed to me that we should be given a reasonable opportunity to debate the amendment. I am happy to say that the Senator from Illinois has now given that opportunity to us—after some controversy about it; and now we know what we shall vote on.

This amendment would give legislative status to a Presidential Commission on Discrimination in Employment Under Government Contracts. All of us know there is a great deal of discrimination. The record of the Commission on Civil Rights is full of testimony or data on it, and it is referred to in the newspapers almost every day. The Vice President has pointed out, in no uncertain terms, that this evil exists; and he has strongly urged the adoption of this amendment.

So I believe this amendment should be included in the bill. Frankly, I would not be frightened about the situation in the House; and in taking that position, I consider myself just as responsible as any other Senator. Neither do I think I am one who wants all or nothing, when I say that I believe this is a wise provision to include in the bill.

Mr. President, I have a particular interest in this pallid little amendment, because I served on the Special Senate Committee on Unemployment Problems, which made a deep study of discrimination in employment, and earlier this week submitted a report which contained some conclusions and some recommendations. At this time I should like to read the recommendations—which are not long—which deal with elimination of discrimination in employment. I read now the committee's recommendation No. 7:

7. ELIMINATION OF DISCRIMINATION IN EMPLOYMENT

The committee recommends that all levels of government, as well as unions and employers, extend their efforts to end discriminatory practices in hiring workers.

(a) The Bureau of Employment Security should expand its programs to reduce discrimination in employment against young people, older workers, nonwhites, women, the handicapped, and other groups.

(b) Increased opportunities for participation in vocational training and the apprenticeship training program promoted by the Bureau of Apprenticeship and Training should be assured.

(c)—

Mr. President, mark this well—

An agency of the Federal Government should be established by legislation to combat discrimination and promote fair employment practices. Legislation such as that recommended by the Subcommittee on the Aged and the Aging should be enacted to require contractors and subcontractors of the Government to eliminate employment discrimination based on age.

There were nine Senators on the committee. There were some dissents on relatively unimportant matters; but all nine Members—six Democratic Senators and three Republican Senators—were in substantial accord that discrimination in employment is widespread, and includes minority groups—which, of course, includes Negroes—and that Federal legislation should be enacted, to combat such discrimination and to permit of fair employment practices.

So, Mr. President, today—3 days after that report was filed with the Senate—the Senate has a chance to implement the recommendations set forth in that report; and in a few minutes the Senate will vote whether to lay on the table that recommendation of the Special Committee on Unemployment—a recommendation which I am frank to say this pallid little amendment does little to help, but will help to some extent.

So I urge my friends on the other side of the aisle to vote against the motion to lay the amendment on the table, because this amendment is one which the Vice President of the United States, who will shortly be the Republican candidate for President, favors; and I hope they will vote to support him, because—although I frequently disagree with him—in this case I believe he is correct.

And I say to my friends on this side of the aisle: Let us not permit partisan politics to stand in the way of eliminating as much as one case of discrimination in employment. Let us not attempt to justify our vote on this question on the ground that we do not happen to like the Vice President of the United States or on the ground that we wish to oppose him in his campaign to be elected President of the United States. Mr. President, this business should rise above partisan politics; and I urge my colleagues on this side of the aisle to oppose the motion to lay the amendment on the table, because they put the country ahead of what some persons—not I—might believe were partisan interests of the Democratic Party. I thank my distinguished, amiable, and kind friend from Illinois for yielding to me. I assure him my affection for him remains unabated.

Mr. President, before I yield the floor, I think the Senator from Ohio [Mr. LAUSCHE] wants to ask me a question. Will the Senator from Illinois yield for that purpose?

Mr. DIRKSEN. Yes.

Mr. LAUSCHE. What would the Senator's attitude be toward the proposed amendment I suggested?

Mr. CLARK. I regret to state that, because of the hurly-burly in the Senate—there were conversations going on on all sides—I did not hear the amendment of my friend from Ohio. I will consider it with an open mind.

Mr. LAUSCHE. Language would be offered to the amendment of the Senator from Illinois placing in this Commission the responsibility of inserting into Government contracts provisions which would eliminate discrimination, on the basis of color, in direct employment by contractors of Government business, and indirect discrimination when the contractor had a collective-bargaining agreement with a union which refused to admit colored people as members.

Mr. CLARK. I would support such an amendment.

Mr. JOHNSON of Texas. Mr. President, I ask the distinguished minority leader to yield me 1 minute.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the distinguished majority leader.

Mr. JOHNSON of Texas. I regret very much that the Senator from Pennsylvania evidently took offense at something I had said, because in speaking about irresponsibility, I did not have the Senator from Pennsylvania in mind. The Senator from Pennsylvania, and every other Senator, has a right to his view and to express that view; and, of course, that right is unchallenged at all times. I was merely expressing my view as to what constituted reasonable progress.

I know there are some persons who believe that reasonable progress is the progress of a hare; there are others who believe that reasonable progress is the progress of a turtle. It is a difference of opinion that this forum permits to be expressed every day, and I would be the last one to ever attempt prematurely to close debate.

I thought the very able Senator from Tennessee covered that question very well when he asked the minority leader if he had any intention of making his motion to table without offering adequate opportunity to every Member of the Senate to address himself to the Senate. The minority leader gave to the Senator from Tennessee assurance that he would extend that opportunity. I thought when the Senator from Pennsylvania asked for 20 to 30 minutes, and received 25 minutes, it constituted reasonable compliance with his request.

So far as the rules are concerned, if a majority of the Senate agrees with the Senator from Pennsylvania and wants to place in this bill a provision regarding a Commisison which is already in existence, which is already spending public funds, which is already doing what it is supposed to do, the majority of the Senate can reject the motion to table. I leave it up to the good judgment of the Senate, and I think the good judgment of the press, whether or not, in their opinion, a well-informed person thinks an amendment like this will either, first, strengthen the bill, or, second, increase the possibility of its becoming law.

Every Member of the Senate knows that this bill is not law yet. We shall be legislating on this subject for a good while yet. I do not think the adoption of this amendment to the bill will increase the possibility of its becoming law. On the other hand, I think every Senator who knows the facts of life and every newspaperman who knows the facts of life knows adoption of the amendment could very well jeopardize the passage of any legislation.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, preserving my rights to the floor, and subject to having only statements made, and no motion, I yield to the distinguished Senator from Florida 5 minutes.

Mr. HOLLAND. I thank the Senator.

Mr. President, I shall speak briefly in opposition to the amendment and in support of the proposed motion to lay it on the table, simply because I do not want this RECORD to indicate that the only opposition to this amendment comes from those who are trying to determine whether it will be helpful or hurtful to the passage of the present bill.

Mr. President, I am unalterably opposed to the philosophy in either a limited FEPC bill or a general FEPC bill, because I regard that philosophy as being socialistic in the extreme and because I regard the selection of one's employers or employees, or one's associates in the case of labor unions, as a very precious constitutional right under our form of government. I have never been willing to support anything that would disturb or seek to set aside that right.

Mr. President, I ask unanimous consent at this time that subparagraphs (4) and (5) of subsection (c) of the amendment, appearing on page 3, may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

(4) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

(5) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

Mr. HOLLAND. Mr. President, those provisions show beyond question that, in addition to creating a limited FEPC, this proposal lays down a program which might easily develop, and which I think is designed to develop, into a general FEPC; and show, likewise, that this limited Commission is authorized, in the 16 States that have FEPC Commissions, to enter into cooperative relationships with those agencies of State and local government, and so forth.

It so happens that the Senate has debated FEPC before, and it has shown its unalterable opposition to FEPC. It

happens that FEPC has been offered in numerous States which have shown unalterable opposition to it. It has been adopted in 16 fine States, and they had a right to adopt it; but more States have declined to have anything to do with it, and 34 States have either declined to adopt it or have not even considered it because they regard it as alien to our form of government.

So while the only thing that would commend this proposal to the Senator from Florida is the idea advanced by some Senators that its adoption would promote the defeat of the pending legislation, the Senator from Florida is so unalterably opposed to the philosophy of either a general or limited FEPC—and both are involved in this amendment, one directly and the other indirectly—that he wants the record to show, not only for himself, but, he thinks, for many other like-minded Members of the Senate, that there is determined, unalterable opposition here to the enactment of legislation which denies in America the right of selection of one's own associates and the selection of one's own employers and employees. That is a precious, inalienable constitutional right, which the Senator from Florida will defend, and has defended before, and wants to defend now, and which he thinks weighs much more than any question of expediency with reference to this bill, and argues much more strongly against the writing of this particular amendment into this proposed law.

Mr. President, I thank the minority leader, and I yield the floor.

Mr. ERVIN. Mr. President, will the minority leader yield to me for 1 minute?

Mr. DIRKSEN. Mr. President, I yield to my distinguished friend and esteemed jurist from North Carolina [Mr. ERVIN] for 1 minute.

Mr. ERVIN. Mr. President, I rise merely for the purpose of saying that I, as one Senator, do not think, as the Senator from Pennsylvania suggested, that this is a mild bill. I think it is one of the most drastic pieces of legislation which ever came before Congress. It is a measure which seeks to alter the scheme of the Federal-State relationships which have prevailed since the drawing up of the American Constitution. It is unwise. It is too drastic, and it ought to be defeated. I do not think it is any milk toast legislation. I think it is an invasion by the Federal Government in a field which the Founding Fathers intended and good sense contemplates should be reserved to the States.

I thank the Senator for yielding.

Mr. DIRKSEN. Mr. President, I yield 4 minutes to my distinguished friend and compatriot from California [Mr. KUCHEL].

Mr. KUCHEL. Mr. President, it is the policy of the U.S. Government to promote equal employment opportunity for all qualified persons employed or seeking employment on Government contracts because such persons are entitled to fair and equitable treatment in all aspects of employment on work paid for from public funds.

Those words, Mr. President, are embodied in the Executive order under which the President's Committee on Government Contracts now operates. That was the policy originally enunciated in 1941 under a Democratic administration, on the eve of World War II and it has been the policy of the Chief Executive ever since. It was carried forward under a Republican administration, and will, I have no doubt, continue to be the policy of the executive branch in the future.

What is wrong with that policy? How can one object to it, honorably and reasonably?

Mr. President, I think it can be fairly said that this policy is acceptable to most of the American people. Pending at the desk is an amendment which would give congressional approval to that policy.

What an invincibly courageous thing it would be, Mr. President, in these opening months of this new decade, for the legislative branch of the great Government of the United States to approve what the executive branch for almost two decades has been consistently following. I hope, Mr. President, that the amendment will be written into the law. I hope, Mr. President, that the Congress will see fit to recognize that when Government moneys are spent in procurement or elsewhere, American citizens, no matter from what part of the country they come and no matter from what part of the world their predecessors came, will be treated equally with respect to the expenditure of the public moneys from the Treasury of the United States when jobs are available, under laws which the Congress has made available in expenditures from the Public Treasury. Mr. President, this is a fair thing that the Government of our country is doing. I say to my brethren in the Senate, regardless of whether the motion to table is agreed to or not, I have not the slightest doubt that the executive branch of the Government in the next administration, if it is Republican or if it is Democratic, will continue this policy of fair treatment to all citizens founded almost 20 years ago.

Mr. President, I oppose the motion to table the amendment, an amendment which would simply give legislative approval to a policy—which, if I may be permitted to say so, springs from the ringing phrases of the Declaration of Independence, when first men sought their freedom here in this land of ours.

Mr. DIRKSEN. Mr. President, are there any more requests for time on either side?

Mr. President, I will take only a few minutes to conclude the debate.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. I yield.

Mr. CLARK. Does the Senator intend to ask for the yeas and nays on his motion?

Mr. DIRKSEN. Yes.

Mr. CLARK. I thank the Senator.

Mr. DIRKSEN. Mr. President, let me make it abundantly clear that if the motion to table prevails this so-called President's Committee on Government Contracts, or Commission on Equal Job Opportunity, will go on just the same. There will be no impairment of its functions. It will continue to get its contributions. There will be no modification in its personnel. All the Committee lacks is statutory authority. All it lacks is money out of the Treasury instead of by contributions from the agencies. There will be the same amount of dollars, and there will be no change in the personnel of the group. The work will go on notwithstanding.

However, there is an apprehension at the present time, and it is not a new apprehension, I want to say to my distinguished friend from Pennsylvania. This is not new. I lived through this thing in the Roosevelt administration, when such a commission was created by Executive order. At that time there was an effort to get statutory authority. I even came from the House of Representatives to the Senate of the United States at that time to help the cause if I could.

A comparable commission was created by Executive order under President Truman.

This Committee, under the Eisenhower administration, has been functioning for a period of 7 years.

I wish to say for myself that before this provision went into the package which is referred to as the administration package I protested. I asked the President—and I am in a position to say so—not to include it, because I knew what was going to happen. So it has happened.

I do not want to jeopardize passage of a civil rights bill. This committee has done good work under our distinguished Vice President. Sometimes it becomes one's duty to administer a "stab" when one does not like to do so.

Somebody handed me a little excerpt from the Ballad of Reading Gaol, written by Oscar Wilde, which I think is most appropriate. It reads:

> Yet each man kills the thing he loves.
> By each let this be heard:
> Some do it with a bitter look,
> Some with a flattering word;
> The coward does it with a kiss,
> The brave man with a sword.

Perhaps this is killing it with a sword, after I brought it here in the first place, but my love is greater for the consummation of a civil rights bill.

I am therefore now prepared to make the motion. I want to say to my distinguished friend from Pennsylvania, and I do love him—I really do—when the Senator from Tennessee [Mr. GORE] asked me whether I intended to yield, I said I certainly would, that I would parcel out time. There was a unanimous-consent request that I could do so.

At the very outset I notified the Senate I would make the motion to table. According to my record, we have spent some 64 minutes in the debate. I think that is about enough. I was not required to do this. I could have made a summary motion, cut off the debate, and stopped all debate on this matter.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the Senator from Texas.

Mr. JOHNSON of Texas. I think the Senator has been most generous. Every Senator who has desired time to speak has had the opportunity.

However, there is one Senator who desires to catch a train. I wonder if the Senator would be willing to make his motion and to ask for the yeas and nays on it now, so that we can try to make it possible for the Senator to catch the train.

Mr. DIRKSEN. Mr. President, I move that the pending amendment be laid on the table, and on this motion I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. JOHNSON of Texas. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Illinois to lay on the table the so-called Javits amendment. On this question the yeas and nays have been ordered.

Mr. DOUGLAS. Mr. President, is this the rollcall for the vote?

The PRESIDING OFFICER. The roll will be called for the vote.

Mr. DOUGLAS. Mr. President, would the Presiding Officer state, for the benefit of those Senators who have recently come to the Chamber, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the motion of the Senator from Illinois to lay on the table the so-called Javits amendment, which was called up earlier by the Senator from Illinois. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the senior Senator from Louisiana [Mr. ELLENDER], who is absent because of illness. If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. ALLOTT (when his name was called). On this vote I have a pair with the senior Senator from Nebraska [Mr. HRUSKA]. If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote " nay." Therefore I withhold my vote.

Mr. BYRD of West Virginia (when his name was called). On this vote I have a pair with the Senator from Kansas [Mr. SCHOEPPEL]. If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." Therefore I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. PASTORE], the Senator from Delaware [Mr. FREAR], and the Senator from Minnesota [Mr. MCCARTHY] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

On this vote, the Senator from Delaware [Mr. FREAR] is paired with the Senator from Minnesota [Mr. MCCARTHY]. If present and voting, the Senator from Delaware would vote "yea," and the Senator from Minnesota would vote "nay."

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Rhode Island [Mr. PASTORE] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent, and his pair has been previously announced by the Senator from Colorado [Mr. ALLOTT].

The Senator from Kansas [Mr. SCHOEPPEL] is necessarily absent; his pair has been previously announced by the Senator from West Virginia [Mr. BYRD].

The result was announced—yeas 48, nays 38, as follows:

[No. 147]

YEAS—48

Aiken	Fong	McGee
Anderson	Fulbright	Martin
Bennett	Goldwater	Monroney
Bridges	Gore	Mundt
Brunsdale	Green	Robertson
Butler	Hayden	Russell
Byrd, Va.	Hickenlooper	Saltonstall
Capehart	Hill	Smathers
Carlson	Holland	Sparkman
Case, S. Dak.	Johnson, Tex.	Stennis
Cotton	Johnston, S.C.	Talmadge
Curtis	Jordan	Thurmond
Dirksen	Kefauver	Wiley
Dworshak	Kerr	Williams, Del.
Eastland	Long, La.	Yarborough
Ervin	McClellan	Young, N. Dak.

NAYS—38

Bartlett	Hart	Morton
Beall	Hartke	Moss
Bible	Hennings	Murray
Bush	Jackson	Muskie
Cannon	Javits	Prouty
Carroll	Keating	Proxmire
Case, N.J.	Kuchel	Randolph
Church	Lausche	Scott
Clark	Long, Hawaii	Smith
Cooper	Lusk	Symington
Douglas	Magnuson	Williams, N.J.
Engle	McNamara	Young, Ohio
Gruening	Morse	

NOT VOTING—14

Allott	Frear	Mansfield
Byrd, W. Va.	Hruska	O'Mahoney
Chavez	Humphrey	Pastore
Dodd	Kennedy	Schoeppel
Ellender	McCarthy	

So Mr. DIRKSEN's motion to table the Javits amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSON of Texas. I move to lay that motion on the table.

The motion to table was agreed to.

Mr. ERVIN. Mr. President, on behalf of the distinguished senior Senator from Arkansas [Mr. MCCLELLAN], and myself, I send forward an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 16, line 12, it is proposed to change the period to a colon and insert the following between the colon and the word "Such":

Provided, however, That the Rules of Civil Procedure for the United States district courts shall govern the hearing and determination by the court of any application made under this paragraph to the extent that such rules are not inconsistent with the provisions of this subsection.

Mr. CARROLL. Mr. President, may we have order? We have not been able to hear the reading of the amendment. May we understand what the amendment is all about?

Mr. ERVIN. Before I proceed to speak on the amendment, I should like to ask the majority leader what the plans are with reference to adjournment.

Mr. JOHNSON of Texas. Does the Senator desire to call up his amendment tonight?

Mr. ERVIN. I would rather just have it made the pending business. I do not care to call it up, because it is now the end of a long day.

Mr. JOHNSON of Texas. I had hoped that we could have some more votes today and make more progress on the bill. I understood that there were several amendments at the desk, and I hoped that we could get some more votes on them. If the Senator from North Carolina feels that he wishes to call up his amendment now to make it the pending business and then have it go over, I would have no choice in the matter. Has the minority leader indicated that several Senators will not be here?

Mr. DIRKSEN. Yes; and the minority leader, speaking for himself, hopes that the majority leader will follow what he deems to be the course of wisdom and prudence at the hour of 5:50 by adjourning the Senate, because many Senators would like to go home. I cannot go home. I live too far away. But I like to subserve the conveniences and the will of the Members of the Senate.

Frankly, Mr. Majority Leader, we have been extremely diligent this week. It has been a hard week for those who were in attendance on the Committee on the Judiciary and who sat long hours there. I think we merit adjournment at about this hour until Monday next at the hour of noon.

Mr. JOHNSON of Texas. Mr. President, time will tell how wise and prudent we are in quitting at 6 o'clock this evening and going over the weekend. For myself, I think it would be the better part of wisdom and prudence to continue to vote these amendments down as they are called up. I think there will be a new crop of amendments on Monday. Senators will then be refreshed and will desire to discuss matters at greater length. We will go on another merry-go-round for several more days before we finally get a civil rights bill.

As one who feels that the Senate ought to act on a civil rights bill this session, and as one who understands that if we

do not act on it within a reasonable time it will not be either wise or prudent, so far as getting the measure to the White House is concerned, I am very reluctant to ask the Senate to quit at this hour.

But the persuasiveness of the minority leader is such that I do not believe anyone who has any understanding of human kindness could possibly resist his appeal. [Laughter.]

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. President, I know that I am frequently wrong, and perhaps this is just another instance when I am wrong, because I know that no one has worked harder or longer, or has fought better, for a civil rights bill than has the minority leader [Mr. DIRKSEN]. If it is his view, from his experience on the committee and in dealing with his colleagues, that it is the better part of wisdom and prudence to adjourn now, then I shall ask that when the Senate concludes its business today, it adjourn until 12 o'clock noon on Monday next.

Mr. President, I make that request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I shall state, then, that we do not expect to have any more yea and nay votes this evening, purely out of respect for my delightful friend from Illinois and his judgment. If there is any judgment that I trust better than my own, it is the judgment of the distinguished minority leader. [Laughter.]

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. DIRKSEN. I was about to observe that amendments are just like whiskers. A fresh crop can be grown overnight. So there is bound to be a crop of fresh amendments on Monday. But we will come in with a new degree of freshness in order to take those amendments in stride when that time comes.

I should say that I am ever solicitous of the well-being of my friend, the distinguished majority leader, and of his compatriots. I want them to be fresh on Monday when they return to the Senate. So it is out of patriotic, almost paternal, solicitude that I seek to prevail upon him, against his own judgment, to move that the Senate adjourn tonight until Monday next at noon.

Mr. JOHNSON of Texas. Mr. President, I think I made my unanimous consent request clear, but I understand that some of our colleagues may not have been here when it was made. I want to be certain that the request I made was that when the Senate concludes its deliberations today, it stand in adjournment until noon on Monday next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. ERVIN. Mr. President, I yield, without losing the floor, to the distinguished senior Senator from Arkansas.

NEED FOR EXTENSION OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

Mr. McCLELLAN. Mr. President, I should like to read to the Senate a bulletin which was published a few minutes ago on the Associated Press news ticker. The item is dated at St. Louis, Mo., and reads:

> A reform group leader charged today that James G. Cross, president of the Bakery and Confectionery Workers International Union, has "squandered" $5,300,000 in union funds to protect his interests.
>
> The charge was made by Ermin Moschetta, chairman of a rank-and-file reunification committee, at a conference in St. Louis of reform group leaders to map strategy for ousting Cross.
>
> The conference is being attended by 80 delegates from 48 locals in the United States. Moschetta said more than 37,000 members of the international's 62,000 membership are represented at the conference.
>
> Moschetta said the purpose of the meeting is to gain new leadership for the union, which was expelled from the AFL–CIO 2 years ago on charges of corruption by its leaders. The AFL–CIO then chartered a new Bakers Union and many members switched to the new union.
>
> Moschetta charged that since the expulsion from the AFL–CIO, Cross has taken $2,500,000 from the union's treasury and $2,800,000 from death benefit reserves in a fight to protect his position.

Mr. President, I desired to call the attention of the Senate to this news report because it concerns one of the union officials and one of the unions concerning which the Senate Rackets Committee exposed corruption, misuse of funds, and dictatorial and autocratic leadership.

As Senators know, the Select Committee on Improper Activities in the Labor or Management Field expired at midnight last night. Because of the parliamentary situation and the legislative business pending before the Senate, we were unable to have called up Senate Resolution 294, which is now on the calendar, and which would have extended the life of the select committee for another year, and would have provided a sufficient amount of funds to put it on a standby basis with the same powers it has had, so that in the most extreme cases further investigations might be made.

A serious effort, or drive, is being made by certain interests to cause the defeat of the resolution, and the idea being that such power should not be further exercised by this body.

I hold in my hand communications asking for the records of the select committee to enable further investigations to be made by State officials in other sections of the country, and also by Government agencies and law enforcement agencies in the National Capital.

Cases involving these matters are coming to trial. The select committee no longer exists. No one has custody over the committee's records. They cannot be made available.

I call this situation to the attention of the Senate, because I think Senators should know, and know now, what situation has developed. It is a situation which ought to be corrected. The power of the select committee ought to be continued either in that committee or in some other committee, so that the problems which have arisen from its investigations can be dealt with. It is important that this be done so that the efforts and the results of the investigations conducted by the select committee, which has given 3 years of diligent and extensive effort to bringing about a revelation of these conditions throughout the country, will not be lost.

I believe Senators ought to be advised of the effort which is being made to prevent action on Senate Resolution 294. Senators should meditate and contemplate the consequences if the Senate no longer is willing to exercise the power to help in the effort to bring about a better situation in labor-management relations, and to get those who have violated the law and have indulged in corruption, extortion, and bribery, and other violations of law, tried in courts of justice, and to have proper penalties imposed wherever guilt is shown to exist.

Mr. MORSE subsequently said: Mr. President, a few moments ago there was a discussion about the continuation of the McClellan committee. I oppose the creation of the McClellan committee in the first instance. I am opposed to its continuance for the reason that the jurisdiction which has been given the McClellan committee in the field of labor relations belongs rightly in the Committee on Labor and Public Welfare, a standing committee of the Senate.

If it could possibly be that the Senate does not have confidence in the personnel of the existing standing Committee on Labor and Public Welfare, then the Senate ought to change that personnel; but it ought to stop circumventing the Committee on Labor and Public Welfare.

In my judgment, these labor issues should never have been referred to any other committee but a standing committee of the Senate. The subject matter which the Senator from Arkansas [Mr. McCLELLAN] discussed this afternoon is one which ought to be referred to the Committee on Labor and Public Welfare, of which the distinguished Senator from Alabama [Mr. HILL] is the chairman. Therefore, in my judgment, there is no substance to the argument of the proponents of the continuation of the McClellan committee that unless that committee be continued, then the subject matter of racketeering in American unions and the abuses of the union leaders who have betrayed their trust, both to the membership and to the public, cannot be changed by legislation.

When the debate begins on that resolution, I shall have more to say as to what the situation was, in my opinion, within the McClellan committee, and in respect to the McClellan committee.

However, I did not want the RECORD to close tonight without a single voice being raised on the floor of the Senate in support of the view of many of us who say the time has come to end the McClellan committee and to transfer the so-called labor jurisdiction back to the standing Committee on Labor and Public Welfare.

If there is a question of whether the Senate wants to change the personnel of

the Committee on Labor and Public Welfare then let us raise it. But so far as the senior Senator from Oregon is concerned, the vote on the resolution to continue the McClellan committee will have to be faced up to on the basis of whether the Senate wants to vote a lack of confidence in the Committee on Labor and Public Welfare.

The McClellan committee is dead. It has been dead in many respects for a long time. But it is dead now, so far as the existing committee is concerned. I believe that the issue now is whether the Senate wants to express confidence or a lack of confidence in the Committee on Labor and Public Welfare, or whether it wants to change the personnel of that committee. The Senate has the power to do that. Under its rules, the Senate elects the members of committees. The Senate has the power to change the membership of the Committee on Labor and Public Welfare at any time it wants to do so.

JURISDICTION BELONGS TO COMMITTEE ON LABOR AND PUBLIC WELFARE

I shall vote against the resolution to continue the so-called McClellan committee, not because I favor an end to investigation into evidence of any kind of racketeering in labor, but because I think that work ought to be done and the investigations carried on by a standing committee of the Senate, a committee which ought to have had the jurisdiction in the first place.

Furthermore, when we discuss that resolution, I shall raise my voice in protest once more against the kind of procedure which existed in the McClellan committee in respect to the guilt or innocence of persons called before them. I warned the Senate, it will be remembered, in the early cases of the McClellan committee, when the city of Portland, Oreg., was held up to the Nation as a racket-ridden city.

I came to the floor of the Senate—and the RECORD will speak for itself—and said, "Reserve your judgment until our judicial processes get through with the charges. Reserve your judgment until the basic protections of Anglo-Saxon justice work on those charges."

COMMITTEE PRODUCED HEADLINES, LITTLE EVIDENCE

Where are the convictions resulting from the investigation of these Portland people? Where are they? Case after case after case was tried. Acquittal after acquittal after acquittal came out of the courtroom. In fact, there was only one conviction, and that conviction was of a man whom the McClellan committee used as a stooge, a stool-pigeon, a man with a criminal record. The jury found how unreliable he was, so far as his being a truthful witness was concerned.

So I have had enough of the kind of procedure which has been used in the McClellan committee in respect to persons whom it has tried to charge with crimes.

In some cases, that has been its main purpose. A Federal judge actually so ruled when he threw out certain perjury charges because the Rackets Committee had called and questioned certain witnesses only to create a perjury charge, not to establish facts on which to base legislation.

The only legitimate purpose of any congressional investigation committee is to establish facts on which to base legislation.

How many times do the courts have to remind Congress that we are not a prosecuting agency?

Certainly there should be Senate committee investigation of any criminal activity in the field of labor which has a bearing upon legislation which ought to be passed by Congress. But I repeat what I said in the first speech when the so-called McClellan cases involving labor leaders in the city of Portland, Oreg., came before that committee. I outlined then the basic procedural protections which any American—however reprehensible a person he might be—ought to have as a matter of protection when a congressional committee inquires into actions which may be criminal actions. I said then that such a person ought to have the same procedural protections of which he is assured in any criminal courtroom in America. He would, in my opinion, get such protection before the Committee on Labor and Public Welfare.

PROCEDURAL PROTECTIONS MUST PREVAIL

The American people will eventually come to understand the importance of the procedures followed by congressional investigations like the one undertaken by the McClellan committee. Eventually they will realize that when such a congressional committee charges a citizen with a crime, that citizen, when he appears before the committee, is entitled to the same procedural protections to which he is entitled in a courtroom.

What are they, Mr. President? They are the right to have a bill of particulars or an indictment served on him in advance; the right to be represented by counsel; the right to be confronted by those who testify against him, and the right to cross-examine them; the right to present his case in chief, uninterrupted, in an orderly fashion; the right to rebut the testimony given against him; and the right of appeal.

Oh, what precious rights of freedom those procedural rights are, Mr. President.

Mr. President, I do not speak disrespectfully of any colleague who serves on the McClellan committee or any other committee which conducts investigations. But I speak out of a deep conviction that in the United States these procedural protections are the stuff of which freedom and liberty are made. Mr. President, congressional committee procedures which do not protect these basic procedural rights, are no more to be countenanced than are court procedures which do not protect the same rights; and the protection of these rights happens to be the duty of the Congress.

Of course the Congress has the power to use any procedures it may wish to use. But in using them, unless the proper procedures are provided, we do not serve with credit the best interests of the Congress. Then, too, the courts may have the last word, as they have in these cases, in finding our procedures are unsound.

So, Mr. President, I have stood for years, here in the Senate, for the procedural reforms which should be adopted and applied by congressional committees in the conduct of investigations.

If there is to be a transfer to the Senate Labor and Public Welfare Committee of jurisdiction over racketeering, corruption, and abuses in American labor unions, I shall fight for those procedures which will give protection to the procedural principles I have once again enumerated tonight.

EMPLOYER PRACTICES NEED INVESTIGATION, TOO

Let me add that I shall also fight for investigation into questionable practices by antiunion employers, practices which appear to be contrary to sound public policy. These involve a series of devices, including strike insurance and the hiring of professional strikebreakers, as a means of ousting established unions.

In many instances, these practices have brought on violence and severe economic dislocation to whole communities.

This is an area of labor-management relations which sorely needs investigation, and which was barely touched on by the McClellan committee.

Mr. GOLDWATER. Mr. President, in relation to the remarks made by the Senator from Arkansas [Mr. MCCLELLAN], relative to the need for the adoption of the resolution he mentioned, I believe that situation constitutes a clear-cut challenge to the Senate. Are we going to operate in a manner which will sustain the dignity of the Senate, or are we going to operate in a manner which will reflect the strength of outside forces which are working within this body to try to prevent the adoption of this resolution, which is so badly needed in order to carry on the work of the McClellan committee?

I sincerely hope the Senate will exercise the proper judgment, will provide the necessary authority, and will reach the conclusion that this piece of legislation is badly needed.

ADDRESS BY SECRETARY OF AGRICULTURE BEFORE DELAWARE STATE GRANGE AND DELAWARE POULTRY IMPROVEMENT ASSOCIATION

Mr. WILLIAMS of Delaware. Mr. President, last night Secretary Benson spoke in Camden, Del., before a meeting sponsored by the Delaware State Grange and the Delaware Poultry Improvement Association.

Before a packed auditorium of over 800 farmers, the Secretary delivered an excellent address on the present farm problem, and reviewed his strong recommendations that the Congress should approve his plan for greater freedom for the American farmer.

The Secretary's remarks were enthusiastically received by this large audience, composed not only of members of the sponsoring groups, but also of a strong representation of the Delaware Farm Bureau and numerous civic organizations.

I ask unanimous consent to have incorporated at this point in the body of the RECORD this excellent address by the Secretary of Agriculture.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SECRETARY OF AGRICULTURE EZRA TAFT BENSON BEFORE STATE GRANGE AND DELAWARE POULTRY IMPROVEMENT ASSOCIATION, CAMDEN, DEL., MARCH 31, 1960

It is always a great pleasure to visit in Delaware, the Diamond State. Tonight I feel especially privileged to meet with representatives of so many organizations who have done so much for the betterment of agriculture throughout the Del-Mar-Va Peninsula.

The idea of combining the annual dinners of the grange and the poultry improvement association was indeed a happy one. And it is good to see here also representatives of the farm bureau, your State department of agriculture, your college of agriculture at the University of Delaware and many of Delaware's leading businessmen.

I understand both the grange and the poultry improvement association celebrate this occasion by awarding scholarships to deserving farm youth. More and more we are coming to see that the future of agriculture depends on precise knowledge and its application. These scholarships testify to your deep and sustained interest in improving agriculture by the soundest of all methods—research and education. We commend your wisdom, and we congratulate the fortunate and successful young people who have been, and are, the beneficiaries.

In the USDA we are well aware of the tremendous contribution the Grange has made through the years to the development of a sound agriculture, both nationally and in Delaware. I personally have been particularly impressed by your support of cooperative endeavors.

There has been a growing diversification in Delaware's agriculture in recent years. Some of you are in the potato business, general vegetable farming, dairying, beef cattle production, and, of course, poultry production.

Delaware farmers have learned to adjust to change. You have kept your eyes clearly sighted on the competitive, free market. I think it is fair to suggest you are not particularly desirous of having either Government or the Teamsters Union meddle in your business.

Along with diversification—the adjustment to change—you have kept pace with the technological revolution in U.S. agriculture. Superbly illustrating this is the amazing growth of the poultry industry—a development in which the Delaware Poultry Improvement Association and similar organizations throughout the country have played a leading role.

The poultry business as I knew it was a far cry from the industry we have today. When I was a boy, we never gathered eggs. We hunted eggs—and it was an apt phrase. In the strawstack, the machine shed, and in many another difficult and unlikely place we would find them, oftentimes beneath a defiant hen who had her own ideas about the hatchery business.

Poultry breeders sought to produce birds with certain breed characteristics and color patterns that would win prizes in exhibitions. Egg production per hen was low, some 110 eggs per year.

Chick mortality was fearfully high. Many deaths were attributed to "pip," which, I am told, has no exact counterpart in modern veterinary medicine. The poultry business lacked science, technology, and prestige. Few men would interest themselves in it; keeping poultry was mostly women's work.

From the consumer's standpoint, buying eggs was something of an adventure, undertaken with hope, but often ending in disappointment. Turkey was for Thanksgiving and Christmas exclusively. Chickens were for Sunday—and not every Sunday either. The nearest thing to the modern commercial broiler was "spring chicken," caught to order from the farm flock with a bent wire at the end of a broom handle.

This was the poultry business of 45 to 50 years ago.

Since then annual egg production per bird has risen from about 110 to over 200; commercial broilers, unknown when I was a boy, now produce most of our chicken meat; turkey production has skyrocketed. Last year the poultry industry produced 1.7 billion broilers, 82 million turkeys, and over 63 billion eggs. Poultry production now brings farmers cash receipts of $3 to $4 billion a year—$3 billion in a poor year, $4 billion in a good year.

Our people consume on the average about an egg a day.

The average person eats nearly 30 pounds of chicken and 6 pounds of turkey per year.

It all adds up to a new era in the poultry industry.

Change is the lifeblood of our American free enterprise system. But changes bring problems, and the poultry industry is finding some of the adjustments difficult.

Whenever problems arise, some people are prone to turn to Government for the solution. As a farmer for much of my life, I do not minimize the seriousness of falling farm prices and increasing costs. They are real, very real problems.

But over the long run, I am deeply convinced that it is better for farmers to make adjustments for themselves than for Government to attempt to make their adjustments for them. You cannot run the farms of this Nation from a desk in Washington.

Four-fifths of agriculture is free of controls. We produce 250 commodities commercially. Only five are under control. All livestock and livestock products are free. And do you realize they bring in 56 percent of farm cash income nationally and 70 percent here in Delaware? Actually, from 55 to 60 percent of Delaware's farm cash receipts come from poultry and eggs.

I want to make this clear. Over the years we have always stood ready to provide help to farmers in time of need. But the assistance we provide should not create other problems for later solution.

The poultry industry faced some tough problems last year. We cooperated with you in an intensive merchandising campaign through buying and distributing dried eggs, mostly to the school lunch program.

But we did not, and must not, put the Government into the poultry business. The Government has been in that business before—in 1950 for example. At that time, various unsound programs for eggs resulted in net realized costs totaling approximately $190 million. Even more important, these attempts to support egg prices failed.

We are not going to repeat the fiasco of 1950. Instead, we are helping the poultry industry to help itself with constructive measures that give producers freedom to make orderly adjustments.

The industry is making adjustments. The laying flock on January 1 of this year was 4 percent below a year earlier. Prices have turned up and are now well above the low level of some weeks ago. We expect producer prices to improve relative to last year.

The January–February hatch of chicks for flock replacement purposes is estimated to be one-third below a year earlier. The number of laying pullets entering flocks during the first 6 months of this year will likely be about 20 percent below the same period in 1959.

Broiler producers, too, are making adjustments. Broiler production during 1959 increased only 3 percent, compared with the previous 5-year average increase of 12 percent per year. Primary breeders cut their output by 14 percent. This means that supplies of hatching eggs and chicks this year will be significantly smaller.

Turkey producers are also taking a more conservative approach to production.

All of these adjustments are very significant. Even though they are not entirely adequate in every instance, they are definitely steps in the right direction.

It is encouraging that the great majority of people in agriculture—and I emphatically include the poultry and vegetable industries here in Delaware—want to keep Government intervention at a minimum. Certainly, you do not want Governnemt telling you how much you can produce.

So it is important that you should know that bills have recently been introduced into the Congress that would provide for the already discredited Brannan plan rigid control approach.

You should know that these bills provide for controls over the production and marketing of virtually every agricultural commodity, all the way from dairy products to poultry and eggs, greenhouse nursery stock, fruits and vegetables—even mint.

The passage of such a bill would require the hiring of so large an army of bureaucrats as to stagger the imagination. This type of legislation would take farmers on the road of socialism.

Not only would these proposed bills sharply restrict production, they would adversely affect employment and business in every community in the United States.

We in the Department strongly oppose these bills. We are convinced that the welfare of agriculture demands freedom to make adjustments—not controls—not regimentation.

We will continue to give producers the statistical tools and marketing services they need. We will continue to help them use these tools to good advantage. We will go on working closely with farmers and ranchers to improve efficiency, quality, and demand for farm products. We will stress markets and new uses.

Speaking of markets, we are tremendously pleased with the results of our poultry export programs in Switzerland and Germany. Switzerland discovered how good U.S. poultry is in 1955. In that year a U.S. Department of Agriculture marketing specialist convinced the head of a large Swiss grocery organization that U.S. poultry meat was tailormade, so to speak, for the Swiss market. When the first trial order of broiler chickens was snapped up by enthusiastic consumers, the grocery firm placed a larger order. Other Swiss food chains, seeing how well these imports were selling, also began to order. I should mention that Ambassador Taylor helped promote U.S. broilers by featuring fried chicken at his annual July 4 banquets in Switzerland.

What started out as a routine trade promotion project has become a real marketing breakthrough. U.S. commercial dollar shipments of frozen poultry to Switzerland rose from virtually nothing in 1955 to 2.9 million pounds in 1956; to 6.5 million in 1957; to 12.5 million in 1958; to 20.2 million in 1959. A further increase is expected this year.

In Germany, too, poultry promotion has been successful. Consumption of U.S. poultry has grown from nothing prior to 1955 to 50 million pounds in 1959.

This is a rather spectacular example of foreign market development.

Because agricultural exports are highly important not only to U.S. farmers generally, but to the whole Nation and to the world, I am going to take the next few minutes to discuss some aspects of this matter.

Our agricultural exports are important to farmers because they put dollars into farmers' pockets.

They are important to the Nation, because they help to promote U.S. foreign policy. Particularly our sharing of the surpluses through donation, barter, and sales for foreign currencies helps to create overseas a humanitarian image of the United States.

Our exports are important to the world, because they play a part in raising standards of living and promoting economic development.

This fiscal year, in addition to record exports of poultry meat, we will have new records for feed grains, soybeans, protein meal, and tallow.

Exports of rice, cottonseed, and soybean oils will be the second largest in history.

Exports of lard will be the second highest since World War II.

Cotton will more than double last year's exports.

Wheat will be close to last year's high level of 433 million bushels.

In the 5 years that will end this June 30, our exports of U.S. farm production will total about $20 billion—an average of $4 billion per year. That is more than in any other 5-year period in U.S. history.

The money value of exports during this current fiscal year is expected to be about $4.5 billion—the second highest in the Nation's history. The physical volume of exports will be the highest ever.

Two-thirds or more of our agricultural exports have been going to the more prosperous countries, such as most of those in Western Europe, Japan, Australia, New Zealand, and South Africa, through regular commercial sales channels. They're being sold for dollars. The rest of our exports are going to the less developed countries which do not have the ability to buy in the dollar market. Here Government programs play a vital role.

You have been hearing quite a bit in recent months about food for peace. The food-for-peace program was inaugurated last year at the suggestion of President Eisenhower. This is not so much a new program as a new emphasis. The food relief operations administered by Herbert Hoover after World War I were a food-for-peace program. The post-World War II food relief program also was a food for peace operation.

With the Agricultural Trade Development and Assistance Act of 1954, known as Public Law 480, we entered a new phase. By means of sales for foreign currencies, and through barter and donation, Public Law 480 has enabled us to move $5.5 billion worth of surplus commodities into foreign outlets.

The food-for-peace program is a continuation and intensification of these activities. It is exploring anew with other surplus-producing nations possibilities of using the surpluses of each in the interest of world peace. We have great hopes for this program.

It is important that we know what benefits we can expect from exports. It would be a mistake either to overemphasize or to minimize the role of agricultural exports.

So I want to clear up a few misconceptions about the world need for our exports. One such misconception is the belief that millions in the world are actually starving. Just to keep the facts straight, we should know that while there are a great many hungry people in the world, there is no widespread starvation.

Our Nation has demonstrated great sympathy for the world's hungry. Since 1953 we have donated nearly $2 billion worth of farm products to the needy abroad. During the past fiscal year some 60 million persons in 91 foreign countries received such donations.

No nation under heaven has ever been so generous to other nations with its abundance.

But it would be another misconception to believe that we have only to release our surpluses and a great improvement in world diets would result. Our surplus tobacco and cotton cannot satisfy hunger for food. As for wheat and rice, there is no world shortage of these commodities—inadequate distribution, yes; but not a world scarcity.

Some people have another misconception—that it is easy to give surplus food away. Actually it is often easier to move food into use by selling it than by donating it. The more prosperous countries are able to buy or trade for food. To throw giveaway surpluses into the stream of trade could wreck world commodity markets and do far more harm than good. As for less-developed countries, here the problems are lack of distribution facilities and organizations through which large amounts of donated food can be channeled to the needy. Often the villages in these countries are connected only by foot trails.

Food alone is not the answer to the living problems of people in the underdeveloped countries. The only permanent solution for these problems is broad scale economic development. This means not only more food, but more industry, more technical skills, better transportation, as well as more fertilizer, irrigation, and agricultural tools to produce good crops.

Nor are increased exports alone—even though they are extremely important—the answer to our own deep-rooted domestic farm problems.

Even if we were able to move all our surplus stocks overnight, it could be only a matter of time, under faulty existing programs, until the surpluses would have built up again. This will continue to be true so long as we maintain unrealistic incentive programs for such commodities as wheat.

We have been struggling against these unrealistic programs ever since this administration came into office. Fortunately, we can report some solid gains.

We have seen some of the rigidity removed from the price-support and acreage-control programs—though not yet enough. Corngrowers last year were finally free to plant as their own good judgment dictated. There has been some helpful legislation for cotton and rice. Very recently, the Congress moved in the right direction, on a very limited basis, for tobacco.

We have been able also to make the role of Government in dairying much more realistic. The dairy situation is much improved.

But we still need legislation for wheat especially.

The costly wheat surplus is our No. 1 national problem in agriculture. It reflects gross meddling by obsolete governmental law.

To put it bluntly, we are in a mess—$1,000-a-minute mess.

Current wheat laws hurt farmers and are costly to taxpayers.

They impose severe acreage cuts on traditional wheat farmers while inducing farmers outside the best wheat-producing areas to grow more. The end result is more wheat than we can possibly use.

Congress drafted the program. Only Congress can correct the situation by changing these outmoded laws.

Here's how senseless the present wheat program is:

1. Enough old crop wheat is stored to meet domestic needs for nearly 2 years without producing another kernel. Yet we operate under a program that will produce additional millions of unneeded bushels.

2. Congress set rules for wheatgrowers, then overruled many of the rules. For example, if the original control formula operated as intended, farmers would not be permitted to grow a single acre of wheat this year.

3. Government price fixing has priced wheat out of the livestock feed market.

4. The unrealistic wheat control laws were originated during depression and redesigned for war. Today, we have neither depression nor war, yet the program staggers on.

5. Government is no substitute for a market, yet present laws make it profitable for farmers to raise wheat solely for the Government.

6. Farmers growing 15 acres or less of wheat are exempt from acreage restrictions. Today there are more farmers growing wheat outside the wheat control program than in it.

7. To remain competitive in world markets, every bushel of wheat exported costs U.S. taxpayers 50 cents.

THE PROGRAM HAS NO DEFENDERS

The wheat crisis may result in public pressure that could blow the lid off all farm programs, destroying the good along with the bad.

President Eisenhower has offered these alternatives:

Either clamp an effective, production-tight lid on wheat output or, preferably, do away with all acreage limitations and adjust Government price supports to levels that will increase demand.

Action is needed now. The total wheat program costs $1½ million daily, drains tax dollars at the rate of $1,000 per minute.

Realistic action along sound, economic lines is needed. We must have a program in the best long-term interests of farmers and of the Nation.

Until Congress acts, agriculture will be burdened with too much government, too much politics and too little commonsense.

I am confident of such sound action, for I have faith in the American farmer and all the people as they express themselves through their Congressmen and Senators.

We must be on guard, however, against measures which are unsound.

One such bill, called the Wheat Marketing Act of 1960, has been introduced into Congress. It is a multiple-price bill. It does not meet the President's guidelines for sound legislation.

We oppose it for the following reasons:

It would require an export subsidy of about $1.15 a bushel.

It would reward past noncooperators in the wheat program.

It would result in distorted feed grain prices that would ultimately hurt the livestock industry.

It would create problems in international trade.

It would raise costs of flour and other wheat products for U.S. consumers.

It would require an army of bureaucrats to police its operations.

Faulty programs in one sector of agriculture inevitably have repercussions all along the line. Never allow yourselves the delusion that, because you don't grow a certain commodity, a program for that commodity does not affect you.

Faulty programs drain off resources that would otherwise be available for sound economic progress. How different the farm picture would be today if some of the funds spent for unrealistic price and control programs had been devoted to needed marketing and utilization research and education. Faulty programs penalize taxpayers—and we are all taxpayers. They are a threat against the fiscal integrity of the Nation. They endanger the freedom and independence of producers. They affect public opinion regarding all farm programs—the good along with the bad.

I urge you, therefore, to take a keen interest in all farm programs. Remember they influence your prosperity, your security, your freedom.

You people of Delaware have a proud history from which to draw inspiration. Yours was the first State to ratify the Constitution of the United States 173 years ago.

Conscious of that noble heritage, I urge you with God's help, to go on doing your part to build a prosperous, expanding, and free

agriculture—a prosperous, expanding, and free economy—in a prosperous, expanding, and free America—an America that is economically, socially, and spiritually sound.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 7456) to extend until July 1, 1960, the suspension of duty on imports of casein, and it was signed by the President pro tempore.

COMMON-SITUS PICKETING: LEGALIZING SECONDARY BOYCOTTS IN THE CONSTRUCTION INDUSTRY

Mr. GOLDWATER. Mr. President, last September, a conference committee of the House and Senate reported out a bill that became the new labor reform law, popularly known as the Landrum-Griffin Act. Since that date a veritable mythology has grown up concerning the events which transpired in the conference during the 12 days which it lasted. A few days ago—on Thursday, March 24—the senior Senator from Oregon, on the floor of the Senate, made a speech on the subject of "Common-Situs Picketing in the Construction Industry," in which frequent reference was made to matters alleged to have occurred in the conference.

Mr. President, in order to prevent mythology from being transformed into an erroneous history which will mislead future historians as well as the present-day electorate, I feel it incumbent upon me to attempt to set the record straight.

It is with regret that I disagree with the senior Senator from Oregon; but my recollection of what took place in conference in connection with the common-situs picketing issue does not coincide with that related by the Senator. As a matter of fact, a number of the events that I recall with complete clarity seem to be exactly contrary to the assertions concerning them made by the Senator from Oregon in his speech to the Senate.

Before I begin to point out what actually happened, I should like to say this: The Kennedy bill, S. 2643, is commonly referred to as a proposal to legalize common-situs picketing at a building construction project. This designation does not reveal the real purpose of the proposal. It should be called a bill to permit unrestricted use of the secondary boycott by the building construction trades unions. However, I shall have more to say on this aspect of the matter later in my remarks. At the moment, I should like to proceed with my recollection of what occurred in the conference meetings last year.

The Senator from Oregon, in his speech, asserted:

> Very often these picket lines are established by a building trade craft because it finds itself confronted by a subcontractor, under a prime contract, who is not hiring union men.

This statement seems to imply that the subcontractor is refusing to hire union men. As is generally known, such a refusal to hire constitutes a violation of the Taft-Hartley Act, which provides an adequate remedy for correcting it. Actually, what occurs, is that the union craftsman refuses to work for any construction employer unless he hires nothing but union men. Not only does the union man make this decision freely, but his object in doing so is to compel the employer to violate the law by establishing a completely closed shop.

Somewhat later in his speech, the senior Senator from Oregon partially let this particular cat out of the bag when he said:

> There is no doubt about the fact that one of the purposes of striking against an employer who might be a subcontractor or jobber on one of the major building contracts is to use economic force to cause him to hire union men.

But that statement, too, is slightly askew. The assertion, in order to be completely accurate, should have ended with the word "only," instead of omitting it. The purpose of the strike is to use economic force to cause the employer "to hire union men" only. In other words, the objective of the strike or picket line is to compel the building contractor to refuse to hire nonunion employees.

This objective is flatly contrary to our national labor policy as expressed in our National Labor Relations Act. That policy unequivocally outlaws the closed shop, that is, the arrangement under which only union members can get a job. It is this proscribed and antisocial goal which the building trades unions are seeking to achieve in their demands for the enactment of the miscalled common-situs picketing proposals.

In the course of his remarks, the Senator from Oregon speaks of the existence of restrictive antilabor legislation which resulted from the political control exercised by big business in the United States. In the face of the overwhelming political strength and influence acquired and now held and exercised by the organized labor movement during the past quarter century, the statement is obviously not correct. But although this is not the time to discuss the issue of union political power and activities, I do want to say this. Even if the Senator's statement was in the slightest degree an accurate description of the existing political situation, it would be irrelevant to his demand for the enactment of the so-called common-situs picketing proposals. These proposals apply only to the building construction industry, an industry overwhelmingly composed of small businessmen. The largest enterprises in this segment of our economy are themselves small potatoes as compared to the giants of the mass-production industries. And it should not be forgotten that it is the small businessman and his employees that have been the chief victims of the secondary boycott. This device is rarely, if ever, used against large employers who operate on an assembly-line basis.

Mr. President, I now turn to a statement by the Senator from Oregon, which if unrebutted, will become part of the mythology of the labor bill conference of 1959. He says:

> I take the Senate to the conference hearings of last year. The Senate had made clear that it was not opposed to situs picketing.

Mr. President, the exact contrary is true. Let me describe what actually took place.

The original Kennedy-Ervin bill, S. 505, contained no provision legalizing common-situs picketing by either the building-trades unions or anyone else. During the hearings before the Senate Labor and Public Welfare Committee, of which I am ranking minority member, and which I attended faithfully, there was practically no testimony presented on that issue. In fact, the only union witness who discussed the matter at all was Mr. Richard Gray, then president of the Building-Trades Department of the AFL–CIO. Other union witnesses, Mr. Biemiller, Mr. Hayes, of the Machinists, Mr. Harrison of the Railway Clerks, Mr. Arthur Goldberg, never mentioned it.

Mr. Gray, himself, devoted only a paragraph of his detailed testimony to advocating a "common-situs" picketing amendment, and another paragraph or two in responding to a couple of questions from the committee.

However, the administration bill, S. 748, contained a provision to permit "common-situs" picketing. Senator KENNEDY asked Mr. Gray what he thought of the language of the provision, and Mr. Gray replied that he preferred the language in S. 505, the Kennedy-Ervin bill. Unfortunately for Mr. Gray, S. 505 contained no language at all on the subject of "common-situs picketing."

Mr. Louis Sherman, who accompanied Mr. Gray as his counsel, intervened at that point to say that the "common-situs" picketing provision in S. 748 was unsatisfactory to the building trades unions of the AFL–CIO.

Mr. President, here is the crowning irony of the situation. The language on "common-situs" picketing in S. 748 which Mr. Gray and Mr. Sherman regarded as unsatisfactory, is the identical language borrowed by the junior Senator from Massachusetts [Mr. KENNEDY] and incorporated verbatim by him in his "common-situs" picketing bill, S. 2643, which the building-trades unions of the AFL–CIO now support despite their dissatisfaction with it last year, presumably because it carried a Republican rather than a Democratic label.

I might add, Mr. President, that the senior Senator from Oregon, as I gather from his speech, also finds S. 2643, the Kennedy bill, equally acceptable. I regret that I cannot discover how he felt about that provision during last year's hearings. A diligent search of the transcripts of those hearings fails to reveal a single setence, a single question, even a single word, uttered by the Senator from Oregon on the subject of "common-situs" picketing.

But, Mr. President, I am still discussing the Senator's assertion that last year "the Senate had made clear that it was not opposed to situs picketing." Certainly, neither the Kennedy-Ervin bill as

introduced nor the course of the hearings support this statement. And, as I shall point out, nothing that occurred last year, either before or after the conference supports it either.

Mr. President, after the hearings the Senate Labor and Public Welfare Committee met in executive session. As ranking minority member, I offered the entire administration bill, S. 748, as a substitute amendment. It was rejected by the majority Members, including the Senators from Oregon and Massachusetts, despite the fact that it contained the provision permitting common-situs picketing. Exactly the same thing happened when I offered the bill's boycott sections which also included the provision permitting common-situs picketing. No other effort was made in committee to get a common-situs picketing amendment, and the bill reported to the Senate, S. 1555, was merely a modified version of the original Kennedy-Ervin bill, S. 505, and like it, contained nothing on common-situs picketing.

When the committee bill reached the floor, Senator DIRKSEN offered as an amendment title V of the administration bill, S. 748. This title consisted exclusively of amendments to Taft-Hartley and included the provision to permit common-situs picketing, the provision which is now incorporated in the Kennedy bill, S. 2643. The amendment was rejected with both Senators MORSE and KENNEDY voting against it. No other attempt was made to insert the proposal in the bill which passed the Senate minus any provision on the subject. Thus far, it is impossible to find any evidence that last year, to quote the Senator from Oregon, the "Senate was not opposed to situs picketing." Parenthetically, I might add, the evidence does show that not only the Senate, but the other body as well, showed very little interest in permitting such picketing. The Landrum-Griffin bill, which passed by an overwhelming margin in the House, contained no such permission, either, whereas the two House bills, the Elliott bill and the Shelley bill, which did contain it, were emphatically rejected.

Mr. President, the only detailed discussion of common-situs picketing occurred in the conference itself, and neither before nor after it during the last session. Actually, the present proponents and supporters of the common-situs picketing proposal are represented in the entire course of the debate on the Senate bill last April by a single statement made on the floor by the junior Senator from Massachusetts. In the course of the debate, Senator KENNEDY said, and here I quote from the CONGRESSIONAL RECORD for April 21, 1959, at page 6434.

> I point to two amendments which I think indicate the careful consideration which this matter should have. The amendment offered by the Senator from Illinois [Mr. DIRKSEN], as I understand, repeals the Denver Building case. (This is the Supreme Court decision outlawing common-situs picketing.) If adopted, it would permit picketing to be practiced on a site against nonunion persons being hired. That in itself is an extremely substantial amendment, one which I am certain Senators would want to consider very carefully. It is not a part of our bill. We do not go that far in relaxing the picketing sections of the Taft-Hartley Act.

This statement, at the very least, indicates a considerable lack of enthusiasm for the proposal on the part of the Senator from Massachusetts. I can find no statement by the Senator from Oregon taking issue with Senator KENNEDY on this point, nor proposing a common-situs picketing amendment in his own right. It would scarcely seem, Mr. President, that we have any indication here of a lack of opposition on the part of the Senate to common situs picketing.

Mr. President, I submit that the evidence is overwhelming that the Senate did object to common-situs picketing and made its objection perfectly plain by everything it did as well as by every vote it cast in which the issue was involved. Even the Senator from Massachusetts did not get around to favoring the proposal until we were in conference.

Mr. President, the Senator from Oregon, in his speech, leaves the impression that in the conference he favored granting exemption from the existing secondary boycott and hot-cargo prohibitions to every union operating in an integrated industry, and that he opposed granting such exemption in specific industries only, as was done by the conferees for the garment industry unions and in part for the building trades unions.

First, I would like to point out that in this part of the speech the Senator again lets the cat at least partly out of the bag. It is an unequivocal admission that what is euphemistically referred to as "common situs" picketing is merely a secondary boycott with a disinfected name, and that legislation to permit such picketing is merely legislation to permit unrestricted use of the secondary boycott.

Second, I would like to discuss my own recollection of what actually transpired in the conference on the question of exemptions from the secondary boycott bans in the present law, and more particularly the role of the Senator from Oregon in this connection.

Mr. President, I can recall no opposition offered by the Senator from Oregon to the action of the conferees in exempting the garment industry unions from the statutory prohibitions against secondary-boycott and hot-cargo agreements, and the building trades unions from the ban on hot-cargo contracts. But I do most distinctly recall that when my distinguished colleague, the senior Senator from West Virginia [Mr. RANDOLPH], proposed a similar exemption for the unions in the coal-producing industry, the Senator from Oregon strongly opposed it, and for the first time, at that point, declared that he was opposed to such special treatment for particular unions and that he proposed instead a blanket exemption of the same kind. His proposal was rejected.

The Senator from Oregon, in his speech, emphasizes that the raising of the problem of a point of order in the other body which resulted in the failure of the conferees to permit common-situs picketing was an inadequate justification for abandoning the proposal, at least on the part of the majority Members of the Senate conferees. I am inclined to agree, but not for the same reasons.

My own conviction is that if the Senate conferees had gone back to the floor on this issue, and requested the Senate to instruct them to insist upon a provision permitting common-situs picketing, the Senate would have rejected the proposal by a substantial margin. I think all of us are aware that the point-of-order obstacle was no real obstacle at all, under either the House or Senate rules; it served merely as a convenient pretext for not putting the issue of common-situs picketing to the test of a Senate vote. After all, there existed exactly the same reasons for raising a point of order on the garment industry union exemption, but that was adopted and approved in both houses with no difficulty at all.

Mr. President, the Senator from Oregon speaks of a commitment made to the building trades unions by persons he fails to identify during or immediately following the conference, a commitment to get a common-situs picketing bill at this session of the Congress. If such a commitment was made, I was not a party to it, nor was it made by any of the conferees as part of the proceedings of the conference. I recall merely that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Illinois [Mr. DIRKSEN], on the floor of the Senate during the discussion of the conference report, stated that they would try to get Senate consideration of the proposal in the second session of the present Congress, and that the Senator from Massachusetts [Mr. KENNEDY] would introduce a separate common-situs picketing bill, which he did in S. 2643, taken literally from last year's administration bill, S. 748.

Mr. President, in discussing this so-called commitment, the Senator from Oregon urges speedy consideration by the Senate Labor Committee and the Senate, and asserts that on this legislative proposal, "we knew all the facts and the evidence was all in." Mr. President, I take sharp issue with that statement. How can we know all the facts, how can all the evidence be in, in the light of the almost complete lack of testimony on the matter in last year's hearings and the almost total absence of any discussion of it in the committee's executive sessions and on the Senate floor? If the Senator from Oregon is correct in his statement, he should, logically, be proposing that the Senate Labor and Public Welfare Committee dispense with any further hearings and vote immediately as to whether to report the bill. But I hasten to point out, there have been no hearings before the subcommittee or the full committee so far this session.

Mr. President, in conclusion I wish to indicate why I am opposed to any legislation to permit common-situs picketing; that is, to legalize secondary boycotts in the construction industry. Let me state a hypothetical case which would become a common occurrence if the Kennedy bill, S. 2643, were to become law.

A merchant decides to build another store and gets a general contractor to do the job. The general contractor gets in-

dividual subcontractors to do the cement work, the electrical work, the painting, plumbing, and so forth. In the middle of the job, the plumbing subcontractor has a dispute with the union plumbers who work for him. Under the Kennedy bill, S. 2643, the plumbers could lawfully picket the store as it was being built.

Other union craftsmen, such as bricklayers or carpenters, could then lawfully refuse to cross the picket line, bringing the whole project to a halt despite the fact that neither the merchant, the general contractor nor any of the subcontractors other than the plumbing subcontractor were parties to the dispute and none of them were having any controversy with their own employees.

Mr. President, we prohibit this type of antisocial activity in practically all other industries; why should we permit it in the construction industry? Let me summarize, briefly, the basic objections to the common-situs picketing proposals of the Senator from Orgeon and Massachusetts:

First. The recently enacted Landrum-Griffin labor reform law closed the loopholes in the Taft-Hartley Act which permitted secondary boycotts in some situations. The Kennedy bill, S. 2643, would not only reopen these loopholes for the benefit of the building construction unions, but would also remove all the other prohibitions against secondary boycotts which have been in the law since 1947 for the benefit of these same unions.

Second. Congress outlawed secondary boycotts because they are devices which cause serious and often irreparable economic injury to neutral employers and their employees who are not involved in any labor dispute with the boycotting union. There is no justification for depriving neutral employers and their employees in the building construction industry of protection against secondary boycotts while neutrals in other industries, justifiably, continue to enjoy such protection.

Third. In the overwhelming majority of cases, building construction unions use the secondary boycott to eliminate all nonunion contractors, subcontractors, and their employees from engaging in any construction project. This is done by picketing the project, pulling all union men off the job, and continuing their economic pressure until all nonunion contractors and employees are replaced exclusively by union employers and employees. This is now unlawful. The Kennedy and Morse bills would legalize it.

Fourth. The inevitable practical effect of such boycotts is to bring about a return of the complete closed shop in the construction industry; that is, no nonunion building craftsman could get a job on a construction project, regardless of his skill or other qualifications. This is contrary to the policy of our Federal labor law, which is to outlaw the closed shop.

Fifth. The Landrum-Griffin Act already includes a substantial special privilege for the building trades unions that is enjoyed by no other class of labor unions. It was made lawful for these unions to enter into collective bargaining agreements making them the exclusive bargaining agent for all the employees even though they have not secured the support of a majority of said employees, and to require them to join the union in 7 days as contrasted with the 30-day grace period enjoyed by employees in all other industries. To give them the benefits of the Kennedy or Morse bills would be to make the construction unions the most privileged unions in the country, while at the same time the employers and the nonunion employees in the construction industry would be the victims of discriminatory treatment as compared with all other employers and employees.

Sixth. The investigations of the McClellan Rackets Committee disclosed that the secondary boycott has been frequently used as a device by corrupt and racketeering unions and labor leaders to further their corrupt and dishonest objectives. Among the unions found by the Rackets Committee to have been guilty of some of the worst abuses revealed by the investigations, are not only the Teamsters but also some of the most important unions in the construction industry. Thus, to enact these bills would be to confer on these unions, some of which are racket ridden and corruptly led, including a segment of the Teamsters, a weapon which would enable them not only to continue the dishonest activities revealed before the committee, but also in many respects to give them an additional immunity from the law in so doing, an immunity which they do not presently enjoy.

Seventh. In any event, even under existing law, construction unions are not completely denied the right to picket a building project on which two or more employers are engaged, contrary to their unfounded assertions to that effect. If the picket signs and other activities of the picketing unions make it perfectly clear that they are picketing only the employer with whom they have a dispute; if they genuinely refrain from attempting to induce the employees of any other employer from walking off the job, or refusing to perform services; and if it is plain, from all the facts, that they are not seeking to induce any employer to cease doing business with any other employer; the contruction unions, may, like the unions in all other industries, lawfully engage in common-situs picketing, that is, picketing at the site of a construction project on which two or more employers are engaged.

Eighth. Enactment of either of these proposals would permit building trades unions to establish secondary boycott picket lines around industrial plants which were attempting to use their own maintenance employees to perform building repairs operations on the plant. Thus, what was intended to be confined to the construction industry would in fact be extended to all other industry, and would result in economic loss not only to employers in all industries, but also to employees outside the construction field, even those who are members of perfectly bona fide nonbuilding trades unions.

Ninth. On March 11, 1957, the Building Trades Department of the AFL–CIO held a conference at which there was approved an agreement reached with management representatives of the building construction industry. In this agreement both parties, labor and management, agreed to support legislation to permit prehire contracts in the industry, to permit employer contributions to collectively bargained apprenticeship training funds, and to permit multiemployer bargaining and certain types of multiemployer cooperative activity in the industry. All three of these objectives have been achieved, and are now part of the law. There is not a word in the agreement in support of permission to engage in common-situs picketing.

Mr. MORSE. Mr. President, I always find the Senator from Arizona interesting when he discusses problems of labor legislation. Nearly always I find myself completely in disagreement with every idea he has on the subject, as I do again tonight, in listening to his discourse.

I do not know what can be gained by the Senator from Arizona in expressing his recollections of what happened in conference, and what the Senator from Oregon said of his own recollection as to what happened in conference; but I only wish to repeat by reference and to stand by every word I said on this subject in my speech on situs picketing, to which the Senator from Arizona has just referred.

SITUS PICKETING HEARINGS SHOULD COMMENCE

The way to resolve our differences and points of view is to get on with the hearings on situs picketing legislation. They are long overdue. In my judgment, in view of the commitments which I believe were clearly given to the leaders of the building trade industry by those who participated in the conference, we ought to have had those hearings over with by now.

When we have those hearings, I propose to cross-examine the representatives of the building trades industry, who say that they did have what they considered to be an understanding, that there would be early hearings and early consideration of situs picketing legislation in this session of Congress.

The Senator from Arizona has made reference to his views on certain positions I took in conference with regard to various issues which were under consideration. I cite one example of how mistaken he is as to the position of the Senator from Oregon, and what a false impression he has left in the RECORD here tonight in regard to the position taken on it by the Senator from Oregon.

He cites the Randolph amendment, in regard to the coal industry, by which the Senator from West Virginia sought to obtain an exemption for the coal industry along the same lines as exemptions obtained for the building trades and garment industries.

UNIFORM TREATMENT FAVORED

The Senator from Arizona says the Senator from Oregon voted against it. Of course I voted against it, but he seeks to leave in the RECORD a false impression as to the position taken by the Senator from Oregon in respect to the so-called Randolph coal amendment. It

was the position of the Senator from Oregon that there ought to be a general amendment applying not only to the garment industry and the building trades industry, as well as the coal industry, but to any industry which met the qualifications of the same classification which it was sought to establish in the conference committee in regard to the garment industry, the building trades industry, and the coal industry. It was the position of the senior Senator from Oregon that if we are to have exemptions, the same exemptions should apply to any and all industries falling under the same classification.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MORSE. I shall be glad to yield in just a moment.

The Senator from Oregon was asked "What other industries are there?" I said, "I do not know." Obviously we did not know in the conference what other industries there were, but whatever industry can be shown to fall under this classification should get the exemption.

There was discussion about the kind of industry that was so integrated, so interrelated, and operated on such a contractor-subcontractor, manufacturer-jobber relationship that because they had this historic pattern, such as exists in the garment industry, they needed the kind of exemption that was sought in the garment industry and the building trades industry.

The senior Senator from Oregon said that the exemption should be uniformly applied, and that we should not engage in special legislation for the benefit of the garment industry and the building trades industry, and, as was then proposed, for the coal industry. I was for the exemption in regard to any industry that met those criteria.

I now yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I wish to make the situation clear. I went to particular pains to make sure that I was not unfair to the Senator from Oregon. He will recall that in my remarks I said:

> He declared that he was opposed to such special treatment for particular unions and that he proposed instead a blanket exemption of the same kind.

I think the Senator from Oregon is wrongly accusing the Senator from Arizona of trying to leave a false impression. I think the Senator must agree that the Senator from Arizona was absolutely correct in stating what the Senator from Oregon said.

Mr. MORSE. I am recording what I heard across the Chamber, or what I believed I heard from the Senator across the Chamber. He left me with the impression that because I had voted against the coal amendment of the Senator from West Virginia, my position was inconsistent.

Of course, the Senator from Arizona did not extend me the courtesy of allowing me to see a copy of his speech, which seeks to reply to remarks I made before he made the speech. I had no idea he was going to speak. So I am doing my best to reply to the Senator, based upon the recollection as to what he said. But I am glad the Senator has made clear his position.

Let me repeat, for emphasis, that the reason why I voted against the garment industry amendment and the building trades industry amendment, as well as the coal industry amendment, was that I felt that there should be a uniform rule applied to any business or industry in this country that met the so-called integration criterion that was being advanced as the reason for having an exemption for the garment industry and the building trades industry, or, as proposed by the Senator from West Virginia [Mr. RANDOLPH], the coal industry.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. GOLDWATER. If the Senator will be any happier about it, I will repeat that I was particularly careful to recall, in my statement, that the Senator from Oregon made the statement he has just reiterated on the floor, to the effect that he did not want to grant special privileges, and that any exemption made for one industry should be a blanket exemption. If that will clear up what the Senator feels was an attempt on my part to leave an unsavory taste with regard to his position, I am very happy to make the statement.

Mr. MORSE. My friend from Arizona, at least twice during his remarks, as I heard them, referred to the Senator from Oregon as letting at least a part of a cat out of the bag.

I have no bag at all in which there are any cats or tricks. Since the historic debate of 1947, when I led the fight in the Senate against the Taft-Hartley law, I have opposed the notion that all secondary boycotts, in some way, somehow, ought to be outlawed, and that all secondary boycotts are bad.

I repeat what I have said so many times. Some secondary boycotts are essential to the protection of the legitimate and vital rights of organized labor in this country.

Congress has waited too long to give to labor the protection to which it is entitled regarding some secondary boycotts. We ought to clarify those secondary boycotts which can be shown upon the evidence to be bad and which ought to be continued to be outlawed. But we ought to remove the outlawry of the secondary boycott by the so-called Denver Building Trades case of 1953, a decision which in effect interprets the Taft-Hartley law as applying to the secondary boycott situation and as involving situs picketing.

We ought to change that. In my judgment, the law as interpreted in the Denver case is a great injustice, not only to the building trades, but also to American labor. That kind of secondary boycott ought to be legalized, just as any outlawed secondary boycott which requires free men and women to work on struck goods upon penalty of going to jail for contempt or being subjected to heavy lawsuits should be legalized. We ought to remove that restriction from free labor in this country.

I have had no bag in which I have concealed any cat on the secondary boycott issue. To the contrary, year after year after year in the Senate the senior Senator from Oregon has deplored the Taft-Hartley law with its secondary boycott provision, because situs picketing involves a secondary boycott situation. The time has come to remove the outlawry of it and give to the building trades in this country among others the protection to which they are entitled with respect to this secondary boycott problem.

Let us wait for the hearings, for the testimony, as to what commitments and promises were made to Mr. Richard Gray of the Building Trades Council of this country and to other legislative representatives, who waited down the hall outside the old Supreme Court Chamber while the 12 days of conferences were conducted on the Kennedy-Landrum-Griffin bill. The various conferees went out to them from time to time and discussed the matter of situs picketing; they came back to the conference room and quoted to the conference time and time again what they were just told by representatives of the building trades in regard to situs picketing—what they were told by the legislative representatives would be acceptable.

I recall as distinctly as though it happened in the last hour, in one of these conversations within that old Supreme Court room, when one of our conferees came back, after talking to Mr. Gray and other representatives of the building trades. He said that they would be willing to go along with what was put in the Kennedy-Landrum-Griffin conference report as it passed the Senate and the House, provided that come this next session of Congress, Congress would take up this matter of situs picketing.

Mr. President, I have very acute hearing. I suffer from no deafness. I know what we talked about in the conference. I am not questioning the veracity of the Senator from Arizona as to his understanding. I am merely surprised at his understanding and his recollection.

But I know what I heard. I know the discussion in which he engaged in that conference. I say here again on the floor of the Senate tonight there was no question in my mind that it was at least understood by the building trades legislative representatives that they would go along with what was in the conference report, with the understanding that come January 1960, an early effort would be made in Congress to adopt a situs picketing bill. That is what I said the other day, in effect, and I repeat it tonight.

When we have our hearings, if we have them, on the situs picketing bill, I shall do some questioning on this matter. I shall give these representatives of the building trades organizations an opportunity at least to speak the truth, if necessary under oath, as to what transpired in the corridor outside the Old Supreme Court room between them and the conferees in that conference.

In short, I stand completely on everything I said on the situs picketing issue a few days ago.

Of course, this is a touchy issue. The boys have been back home, so to speak, since that conference report was voted.

I appreciate the fact that the building trades councils have made very clear that they think that in all fairness we ought to proceed with some hearings on a situs picketing bill. I think so, too.

However, accusations and recriminations and acrimony will not help the situation. I simply want to say again tonight to the chairman of the Committee on Labor and Public Welfare, let us get on with the hearings on the Kennedy bill, or better still, on the Morse bill.

I leave it to all who read the RECORD for an answer to the question: Why did the Senator from Massachusetts introduce a situs picketing bill the very same day the conference report was adopted by the Senate? He will take care of himself when the situs picketing bill comes before the Senate, because the Senator from Massachusetts made crystal clear last year that he was for a situs picketing bill. The Senator from Massachusetts has left no room for doubt as to his position on situs picketing. I share his point of view. To the Senator from California [Mr. KUCHEL], the whip of the Republican Party, who is sitting on the floor of the Senate at this moment, I say that in my judgment there is no doubt as to the record the Senator from California has made in regard to the matter of situs picketing.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. MORSE. This matter has been under discussion for some years in this body. I joined with the Senator from California 2 or 3 years ago when we fought shoulder to shoulder on the floor of the Senate in trying to get this kind of amendment written into law.

It will be a pleasure to join with him once again in doing justice to the building trades industry in this country in order to remove this unfair restriction upon the building trades that is contained in this section of the Taft-Hartley law.

I yield to the Senator from California.

Mr. KUCHEL. Mr. President, my views on this subject are now well known. I have been very glad to sponsor as a coauthor situs picketing legislation. Its enactment is long overdue. The views which I share with the Senator from Oregon, and with other Senators, incidentally, are the views which are likewise shared by the President of the United States. On repeated occasions the President of the United States has sent to the Senate and the House of Representatives his request that situs picketing legislation be enacted into law.

I do not care to speak on the subject now. I intend to speak on it later. I have spoken on it at length. I have tried to be scrupulously careful and crystal clear as to what I believe situs legislation is intended to do and what it is not intended to do and why I believe it is in the public interest. That is all I have to say on this occasion.

Mr. MORSE. Mr. President, I appreciate the remarks of the Senator from California. The Senator has made some arguments that I was about to make.

My final remark on this is that once again the Senator from Arizona finds himself in disagreement with the President of the United States. Of course that is no new experience for me, either. However, I want to say that I find myself in agreement with the President of the United States in his recommendation on situs picketing.

I wish to say something else, too, because I was a participant in the conferences to which I referred. It will be recalled that before the Senator from Ohio, Mr. Robert Taft, suffered his fatal illness, he, the former Senator from New York, Mr. Ives, and the senior Senator from Oregon were engaged in a series of conferences on proposed amendments to the Taft-Hartley Act.

One of the amendments which we were discussing, on which we were in substantial agreement, was an amendment in regard to situs picketing. Senator Taft, in 1949, had come to recognize that as the secondary boycott provisions of the Taft-Hartley Act were operating, they were doing an injustice to the building trades industry of the Nation.

One other thing, and I shall be through with my reply at this time, although I shall be delighted to continue this discussion with the Senator from Arizona in a hearing before the Committee on Labor and Public Welfare, where it ought to be carried on.

The Senator from Arizona cited in his speech this afternoon the situation with regard to what happens in the building trades industry when a subcontractor proceeded to hire nonunion men, and sought to give the impression that the factual situations which I outlined in my speech the other day are not, in fact, operative facts which exist in specific cases in the building trades industry.

So the Senator from Arizona, when he gets through listening to Mr. Gray and other building trades industry witnesses testify, will find that I gave an accurate description in my speech the other day as to what is wrong with the restriction of situs picketing as it relates to the specific factual situations which I described in that speech.

Mr. President, I have lived with the secondary boycott situation in the building trades industry for years. I know whereof I speak as to its injustice in the specific types of cases outlined in my speech the other day.

COST OF MEDICAL CARE FOR THE AGED

Mr. MORSE. Mr. President, the cost of medical care for the aged is a problem which continues to channel much interest among all segments of our population. Last Saturday, I pledged to a meeting of Midwest Democrats that I would press this matter on the Senate floor, if action was not forthcoming in the House of Representatives.

A recent example of this continuing interest is an article entitled "Medical Care and the Aged," published in the March 20, 1960, issue of the Oregon Grange Bulletin.

Because of the timely nature of the subject, and because of my sincere interest as sponsor of the bill, S. 881, which seeks to provide hospital care for social security annuitants, I ask unanimous consent that the article to which I have referred be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDICAL CARE AND THE AGED

If any early relief from the crushing burden of medical expenses is in the cards for our aged citizens, this year—a presidential election year—1960, provides the best hope.

A number of bills have been introduced in both the House and Senate but expectation is that primary attention will be centered on a measure introduced in the House by Representative AIME J. FORAND, Democrat, of Rhode Island.

The Forand bill is an insurance plan to help retired people pay their hospital and surgical bills through our social security system. It will pay for surgery performed in a hospital by the patient's own surgeon, hospital care in a semiprivate room up to 60 days, and convalescence in a nursing home.

The measure provides that the program be financed by an increase in social security taxes for both workers and employers. Each will pay an additional one-fourth of 1 percent. No one will pay more than 25 cents a week.

The growing support for some type of legislation along the lines of the Forand bill has become increasingly evident. It received an additional shot in the arm recently in the report of the Senate Subcommittee on the Aged and Aging under Senator PAT MCNAMARA, Democrat, of Michigan, which recommended medical care for retirees.

The subcommittee held extensive hearings on the problem and gathered some 300 replies from experts and organizations. The committee concluded that retired older people face three major obstacles to adequate medical care:

An increase in medical needs for the aged: The aged, the committee concluded, are far more likely to have chronic illnesses which require more visits to the doctors or home calls by physicians. There is greater need for professional nursing care in the home. Older people spend at least twice as many days per capita in general hospitals than do persons of all ages.

Increased needs compounded by rising cost of medical care: Living costs from the 1947–49 period have risen about 25 percent while the cost of medical care has risen about 50 percent—hospital costs alone about 100 percent.

A nationwide study by McGraw-Hill in 1956 showed that our elderly citizens pay approximately 50 percent more in medical care than do persons of all ages.

Inability to finance medical care: The majority of the aged—about 60 percent—are not covered by hospital insurance. Those with the most serious illnesses are the least likely to be covered.

Older persons usually find that they are considered poor risks by insurance companies and are either denied protection or have to pay enormously high premium rates. Also, private insurance companies drop many of them when they consider the risks too great.

A survey by the Health Information Foundation found that 47 percent of the aged had only one type of asset (such as a home or piece of real estate, life insurance, savings, stocks or bonds, or the help of relatives) or no such assets at all to pay a medical bill of $500 or more.

The subcommittee, in its majority report, declared: "Most groups recommend that the principle of prepaid health insurance with Government assistance—and not socialized

medicine which means a system of Government-owned facilities and Government-employed personnel—is a sensible, practical answer to the problem."

As might be expected, despite such evidence of need, the American Medical Association remains unmoved in its opposition to such a prepaid health insurance program. But forward-looking medical and social service organizations are taking more reasonable views. Here are a few representative quotes:

"We are convinced by all evidence we have seen that the problem of health care and its financing is one of the most serious facing the nonindigent aged, and one of the greatest threats to their economic security."—American Hospital Association.

"Sickness in the aged is being covered to some extent by health insurance, but health insurance does not solve the problem completely. Any real chronic cannot be adequately taken care of by present day health insurance agencies."—Arthritis and Rheumatism Foundation.

"A No. 1 priority should be adequate provision for medical care, especially for those who are living on social security alone. * * * Existing agencies are, therefore, providing only a partial answer to the main problem."—Health and Welfare Council, Philadelphia.

"One of the most serious sources of anxiety which we see in our aged clients, as well as their adult children, is that of anticipated incapacity and inability to meet the future costs of medical care. * * *"—Jewish Family and Children's Service, Detroit.

This live issue cannot be ignored much longer.

TRANSFER OF BOARDMAN BOMBING RANGE TO STATE OF OREGON

Mr. MORSE. Mr. President, on behalf of my distinguished junior colleague from Oregon [Mr. LUSK] and myself, I submit, for appropriate reference, amendments to the bill, H.R. 10777, to authorize transfer of the Boardman Bombing Range, Oregon, to the State of Oregon, in exchange for lands in the State of Oregon suitable for bombing-range purposes.

The proposed exchange is enthusiastically supported by my Senate colleague and myself, by Gov. Mark Hatfield, of Oregon, and by Representative ULLMAN, of Oregon's Second District, in whose area the bombing range is situated.

We support this transfer because we are convinced that it would be of great benefit to the United States and to the State of Oregon if the transfer were promptly consummated; and we are convinced that it is in the general public interest.

The Boardman Bombing Range is located in eastern Oregon, in the vicinity of John Day Dam, which now is under construction in the Columbia River.

My interest was first drawn to the possibility of converting the range to industrial use when my Oregon colleague on the House side, AL ULLMAN, last summer discussed with me the proposed intragovernmental transfer of the range from the Department of the Air Force to the Department of the Navy. At that time, Mr. ULLMAN emphasized the importance of having the lands in the Boardman Bombing Range returned to civilian use.

On December 31, 1959, Governor Hatfield, of Oregon, wrote to me a letter indicating the interest of the Morrow County court and the State department of planning and development in obtaining the release of this land from Government ownership.

Mr. Robert Tarr, Director of the Oregon Department of Planning and Development, and his assistant, Mr. Samuel Mallicoat, have spent several weeks in Washington, D.C., performing excellent services by way of conferring with various departments of the executive branch and briefing those departments on the merits of the proposed exchange. In this respect, Messrs. Tarr and Mallicoat have also been of great help to the Oregon Senators and Members of Congress.

In order that the members of the Armed Services Committee and our other colleagues may have full information concerning this mutually advantageous land-transfer proposal, I wish to ask unanimous consent that there be inserted in the RECORD at the close of my remarks various items of correspondence which supply further details on this proposal.

But, Mr. President, first, I ask unanimous consent to have the amendments I have submitted printed at this point in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

On page 55, between lines 22 and 23, insert the following:

"SEC. 512. (a) Notwithstanding any other provisions of law, the Secretary of the Navy is authorized, upon such terms and conditions as he may determine to be in the public interest, to convey to the State of Oregon the lands, including acquired and public domain lands, comprising the Boardman Bombing Range in the State of Oregon, as delineated on a map designated as War Department-Office of the Division Engineer-North Pacific Division-Real Estate-Boardman Precision Bombing Range, approved 17 February 1947, Drawing No. O-31-52. The conveyance of such lands to the State of Oregon shall be made in exchange for a conveyance, without restriction as to use, to the United States of such lands of the State of Oregon as the Secretary of the Navy shall find suitable for use as a bombing range, and upon payment by the State of Oregon to the United States of such amount as the Secretary of the Navy determine to represent the total of (1) the difference, if any, between the fair market value of the property so conveyed by the Secretary of the Navy and the fair market value of the land accepted in exchange therefor, and (2) the cost to the Department of the Navy of providing a complete substitute facility on the State lands so acquired.

"(b) The State of Oregon shall agree to be primarily liable and hold the United States harmless from any claims for personal injury or property damage resulting from the condition of the lands conveyed by the United States.

"(c) The money to be received by the Secretary of the Navy in connection with such exchange shall be covered into the Treasury as a miscellaneous receipt, except that such amount thereof as represents the cost of providing a complete substitute facility shall be available to the Secretary of the Navy for such purpose."

On page 55, line 23, strike out "SEC. 512" and insert in lieu thereof "SEC. 513".

Mr. MORSE. Mr. President, I now ask unanimous consent to have printed in the RECORD a letter dated December 31, 1959, which I received from the Governor of Oregon, and my reply dated January 5, 1960.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
OFFICE OF THE GOVERNOR,
Salem, Oreg., December 31, 1959.

The Honorable WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Efforts are now under way to obtain release of certain tracts of land now held by the Federal Government which are potentially valuable for industrial development in our State.

Inquiries we have been receiving from industrial organizations indicate that the 96,000-acre Boardman Bombing Range in Morrow County has the most immediate potential. Action to restore this land to the tax rolls has been initiated by the Morrow County Court, and the State department of planning and development is working actively to obtain release of this land.

I am informed that the property has been declared excess by the Air Force, and the Navy has applied for a transfer of title, which already has been approved by the Senate Armed Services Committee.

I have requested the department of planning and development to confer with your staff to determine the most effective joint action in obtaining earliest possible release. We hope to avoid becoming involved in lengthy legal procedures.

I earnestly solicit any support and assistance you are in a position to give in this effort which is so vital to Oregon and its economic growth.

Sincerely,

MARK O. HATFIELD,
Governor.

JANUARY 5, 1960.

The Honorable MARK O. HATFIELD,
Governor of Oregon,
Salem, Oreg.

DEAR GOVERNOR HATFIELD: This will acknowledge your letter of December 31 in which you advise me of your interest in obtaining early release by the Federal Government of the area designated as the Boardman Bombing Range.

In recent months I have received a number of inquiries from interested individuals and county officials in Oregon urging the release of this facility. Under date of November 13, 1959, I received an interim report from the Department of Defense informing me that "a review is being made of the status and intended plans of the Department of the Navy for the use of this facility. You will be further advised."

I am taking the liberty of informing the Department of Defense concerning your views on this matter and as soon as I have the information I requested previously on the project I shall write to you again.

Sincerely yours,

WAYNE MORSE.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter dated January 25, which I received from the Governor of Oregon, and my reply dated February 2.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
OFFICE OF THE GOVERNOR,
Salem, Oreg., January 25, 1960.

The Honorable WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: As a result of a recent trip to Washington, D.C., by Mr. Robert Tarr and Mr. Sam Mallicoat of the depart-

ment of planning and development, I have received reports which indicate substantial agreement in principle with the proposal for State of Oregon acquisition of the Boardman Bombing Range.

This is a very encouraging demonstration of Federal-State cooperation. Many hours of technical work will be required before all the details of the transfer can be accomplished, and we are proceeding with dispatch to perform our part.

I am grateful for your very able assistance in helping to get the project under way. I shall look to you for continued advice and assistance in this matter, knowing that we are all primarily concerned with the ultimate economic benefits that will accrue from Oregon's entry into the space age.

Again, thank you for your cooperation.

Sincerely,

MARK O. HATFIELD,
Governor.

FEBRUARY 2, 1960.

The Honorable MARK O. HATFIELD,
Governor of Oregon,
Salem, Oreg.

DEAR GOVERNOR: Thank you very much for your letter of January 25 in which you commented on the progress made by Messrs. Tarr and Mallicoat of the department of planning and development in connection with the proposed acquisition of the Boardman Bombing Range.

I was highly impressed with the thorough and intensive manner in which Mr. Tarr and Mr. Mallicoat proceeded to explore all phases of this land acquisition project during their recent visit to Washington, D.C. I had the pleasure of conferring with both gentlemen and my administrative assistant accompanied them during a very constructive meeting with officials of the General Services Administration on January 14.

In a letter dated today, addressed to Mr. Tarr, I summarized my understanding of certain legal aspects of this case. A copy of my letter, which I hope will be helpful, is enclosed.

My office will be more than pleased to cooperate in every way possible with you and with all agencies of the State of Oregon on this very meritorious project.

Sincerely yours,

WAYNE MORSE.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter dated February 2, which I wrote to Mr. Robert Tarr, of the Oregon department of planning and development. The letter is dated February 2, 1960.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 2, 1960.

Mr. ROBERT TARR,
Oregon Department of Planning and Development, Portland, Oreg.

DEAR MR. TARR: Since returning to Washington from my recent trip to Oregon I have had occasion to review my file concerning proposed transfer of the Boardman Bombing Range to the State of Oregon or a subordinate agency thereof. Certain important aspects of the case were clarified in my mind as a result of our conferences and the briefing I received from my administrative assistant concerning the January 14 meeting in the office of Mr. Kreger of the General Services Administration.

In order that my office may cooperate to the maximum extent possible on this project, I shall summarize, in the paragraphs that follow, my understanding of certain legal points applicable to this case, and I shall welcome any additional comments you may care to offer.

At the outset I should mention that I enjoyed having an opportunity to confer with you and your associate Mr. Sam Mallicoat. I was very much impressed with the initiative both of you gentlemen displayed and the thoroughness with which you proceeded in your work on all aspects of this land acquisition problem.

Prior to your visit to Washington I had been in communication with the Department of Defense, seeking an expression of the Department's opinion on the possibility of making the Boardman Bombing Range available for disposal as Federal surplus property. My most recent word from the Department of Defense is found in the enclosed copy of a letter dated January 22 addressed to me by Acting Assistant Secretary of Defense Benedict.

I recall that after you conferred with various officials in the Military Establishment you met with Messrs. Kreger and Bronson of the General Services Administration. My administrative assistant, who accompanied you on that occasion, gave me a full briefing concerning the points under consideration. It is my impression that the GSA meeting proved to be very helpful in that the legal basis for a negotiated transfer of surplus Government property was discussed in detail.

The points outlined in the January 14 conference at GSA were based upon a very important assumption, namely, that the Boardman Bombing Range eventually would be declared surplus to the needs of the Departments of the Air Force and Navy, as well as other Federal Government agencies. This matter, as I understand from my conversations with you, is now being explored thoroughly by the appropriate military authorities in Washington as well as locally.

I shall appreciate your keeping me advised of further developments in that respect, and if there is anything I can do to be of additional help on that phase of the case, I shall be pleased to hear from you.

If the range were to be declared surplus to the needs of any State agency, the following considerations would be of special importance:

1. Normally Federal surplus property disposals are made through publicly advertised bids.

This basic requirement appears in United States Code, 1958 edition, title 40, section 484(e)(1).

2. Disposal of Federal property may be made through negotiated sales in exceptional cases as specified by statute.

The exceptions under which negotiated, as contrasted with public, sales are permitted as listed in United States Code, 1958 edition, title 40(e)(3) (A) through (I).

3. Disposals may be made at fair market value, by negotiated sale, to a State, a political subdivision thereof or to a tax-supported agency of the State—United States Code, 1958 edition, title 40, section 484(e)(3)(H).

Construing the legislative history of this latter section, the General Services Administration has concluded that the transfer to the State, political subdivision, or tax-supported agency must be for a public purpose, as such purpose is defined under State law. Illustrative of clear public purposes are transfers of land to be used for public parks, public buildings, or municipal water or sewage disposal systems.

Whether a transfer to a State or subordinate agency of the State to be used for resale in developing an industrial site constitutes a public purpose is problematical. It is conceivable, but not by any means certain, that an acquisition of the Boardman Bombing Range by the State, an industrial development commission, a port commission or by some State agency for the purpose of leasing portions of the tract to industrial firms might meet the public purpose requirement of the proposed transfer, provided such use of the land were to be regarded as a public function under State law.

4. Surplus lands of the Federal Government may be exchanged, under authority of the General Services Administration, for property of equal value—United States Code 1958 edition, title 40 section 484(c).

Under the authority of this section the Boardman Bombing Range, if declared surplus, could be exchanged for State lands or other property provided the military department in possession of the range were to conclude that such an exchange would be desirable from the standpoint of the department and in the interest of the Federal Government. The property to be received in exchange for the Federal land would have to be at least of equal value.

The advantage of this section, so far as the Oregon Department of Planning and Development is concerned, is that the exchange would not have to be preceded by a public offering of the property.

It seems to me that a great many problems can be avoided by a suitable exchange program. I am sure that you intend to discuss this subject thoroughly with State and local officials as well as with representatives of the executive branch of the Federal Government. Please keep me advised of your progress in this connection because I am very much interested in the outcome.

It was my pleasure to meet with you and Mr. Mallicoat during your Washington visit.

Sincerely yours,

WAYNE MORSE.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter, dated March 28, 1960, which I wrote to Mr. Floyd S. Bryant, Assistant Secretary of Defense for Property, Department of Defense, Washington, D.C., and also a letter which I received from Mr. Bryant, under date of March 29, 1960.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH 28, 1960.

Mr. FLOYD S. BRYANT,
Assistant Secretary of Defense for Property, Department of Defense, Washington, D.C.

DEAR MR. BRYANT: May I take this opportunity to thank you very much for the assistance rendered by your office in connection with the conference of March 25 on the Boardman Bombing Range, Oreg., land exchange project. Your assistant, Mr. Cooper Benedict, and the other Department of Defense officials in attendance at the conference were most helpful to those of us who are interested in bringing about an exchange that will be of advantage to the State of Oregon and the United States in this instance.

At the outset, I should indicate I am pleased to know that the executive branch is in agreement with the State of Oregon that the exchange is desirable and that it should be implemented by appropriate proceedings as rapidly as possible.

Had my attendance at an important meeting of the Senate Foreign Relations Committee not prevented my being at your office on Friday, I would have pointed out that I am very much interested in seeing the proposed exchange effected at the earliest possible date. At the same time, I would also have emphasized, as did my administrative assistant on my behalf, that the State of Oregon should supply dollar-for-dollar value for the Boardman Bombing Range lands to be exchanged, and that the appraised fair market value of the Federal lands should reflect their enhanced value occasioned by the construction of John Day Dam in the area.

I had hoped that the administrative type of exchange applicable to Federal property authorized by United States Code, 1958 edition, title 40, section 484(c) could be utilized in this case to bring about the prompt transfer that is so important to industrial development of the area by the State of Oregon. However, the Department of Defense officials who participated in the conference at your office emphasized that in their opinion the exchange cannot be worked out administratively pursuant to the above-mentioned section 484(c). In reaching this conclusion they placed considerable weight on another provision of the law, namely, section 501(b) of Public 534, 83d Congress which reads, in part:

"No real estate not in Federal ownership shall be acquired by a military department except as such acquisition is or shall be expressly authorized by law."

I have not had an opportunity to make an exhaustive study of Public Law 534 and of the reasons underlying the above-quoted language of section 501(b). However, in scanning the reports on the bill that became Public Law 534 of the 83d Congress, I found this interesting statement on page 14 of House Report No. 1707 of the 83d Congress:

"Section 501(b) provides permanent authority in the military departments to secure options on land in advance of specific authorization so as to avoid much of the speculatory price increases that result from the publicity of contemplated base expansions. The section also provides for semiannual reports to the Armed Services Committees to inform them of the operation of this authority."

The language of the House report, just quoted, leads me to believe that section 501(b) was designed to protect the interests of the Federal Government with respect to certain option transactions, and that this particular section may not have been intended to deal with land exchange proposals of the type involved in the Boardman Bombing Range case.

It would be of great help to me, and I am sure that it would also be helpful to officials of the State of Oregon, if we could have the comments of the Department of Defense, indicating clearly why, in the Department's opinion, section 501(b) is deemed to be controlling in the case under consideration.

As herein indicated, it was my hope that an administrative exchange pursuant to section 484(c) of title 40, U.S.C., could be worked out with a minimum of delay in such manner as to assure the receipt of full consideration by the Federal Government in connection with the exchange.

If the Department is still of the opinion that the exchange cannot be effected by administrative action, it is my intention to cooperate in every way possible to bring about passage of whatever legislation may be essential. During the course of Friday's conference, it was suggested that the military construction authorization bill now under consideration by the Senate Armed Services Committee might be amended so as to include appropriate authority for the exchange of the Boardman Bombing Range lands proposed in this case. Accordingly, I would appreciate receiving at the earliest possible moment, as a legislative service, the draft of whatever amendatory language the Department would deem adequate to authorize the proposed exchange. The language should be drafted for the purpose of being included as an amendment to the military construction authorization bill now pending in the Senate Armed Services Committee.

Please accept my thanks for your assistance in the preparation of the amendatory language herein requested.

Sincerely yours,

WAYNE MORSE.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 29, 1960.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR MORSE: Thank you for your letter of March 28. As you know, the Department of Defense has made every effort to explore the various methods by which the Boardman Bombing Range exchange might be effected, and I deeply appreciate the interest and support you have given to these efforts.

Your letter requests an explanation of the Department's view that the exchange cannot be accomplished administratively, and further requests that, as a drafting service, language be furnished to accomplish the exchange by legislation. I have discussed both these matters with counsel, and am enclosing a draft of legislation prepared by the Office of the Secretary of Defense and the Department of the Navy which counsel advises me will accomplish this purpose.

You mention in your letter the possibility of effecting an exchange under section 203(c) of the Federal Property and Administrative Services Act (40 U.S.C. 484(c)). While this statute does give the General Services Administration authority to dispose of surplus property by exchange, and this authority is delegable, I understand there is a legal question whether the Boardman Bombing Range could properly be declared surplus when a continuing need for its facilities exists. Even if it were found excess to the needs of the Department of Defense, however, it would have to be screened by GSA for possible use by other agencies of the Federal Government prior to a determination that it was surplus and subject to GSA's disposal authority. Furthermore, although the Federal Property Act did, as I have said, give GSA the authority to make disposals by exchange, section 501(b) of Public Law 534, 83d Congress (10 U.S.C. 2676), which was subsequently enacted, specifically prohibited the acquisition by the military departments of property outside Federal ownership without specific authorization. Since this is a later statute, which relates specifically to military acquisitions, I am advised by counsel that it must prevail where there is an inconsistency with the Federal Property Act. I am further advised that this prohibition, as originally enacted, was subject to two provisos. The provisos limited the application of this prohibition by permitting the military departments to procure options prior to the enactment of express acquisition authorization, but required that the procurement of options be reported to the Committees on Armed Services. Although, as you point out, the reports of the Committees on Public Law 534 did not discuss this prohibition, but referred only to the option provisions, it is counsel's view that these provisions, since they were enacted as part of the section which contained the prohibition, must be interpreted as a limited exception to it. Counsel has further advised me that since the enactment of section 501(b) there have been a number of statutes providing for the exchange of particular parcels of land, and that this practice of authorizing specific exchanges is an additional indication of Congress intent that exchanges not be effected without such legislation. (Such statutes include, for example, Public Law 929, 84th Cong., authorizing the Secretary of the Army to exchange certain lands with the city of El Paso, Tex.; Public Law 85-181, authorizing the Secretary of the Army to exchange certain land with the State of California; Public Law 85-187, authorizing the Secretary of the Navy to exchange certain land with the Commonwealth of Puerto Rico.)

I trust that this brief statement will serve to clarify the Department's position on this matter, but if you wish a more detailed explanation I shall be happy to ask counsel to furnish you one.

Sincerely yours,

FLOYD S. BRYANT.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter which I wrote to the Senator from Mississippi [Mr. STENNIS], chairman of the Subcommittee on Military Construction, of the Senate Armed Services Committee. The letter is dated March 30, 1960.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 30, 1960.

Hon. JOHN STENNIS,
Chairman, Subcommittee on Military Construction, Senate Armed Services Committee, Washington, D.C.

DEAR JOHN: Enclosed is a proposed amendment to H.R. 10777, sponsored by the undersigned, which proposes congressional authorization for an exchange of the federally owned Boardman Bombing Range, Oregon, for such lands of the State of Oregon as the Secretary of the Navy shall find suitable as a bombing range in lieu of Boardman.

We urge the committee's favorable action on this amendment because we are convinced that an exchange would be in the interest of the Federal Government and the State of Oregon. We are pleased to state that this project has been urged by the Governor of Oregon and by his Department of Planning and Development whose representatives, Messrs. Robert H. Tarr and Smauel H. Mallicoat, are presently here in Washington.

The Boardman Bombing Range is situated in the near vicinity of the reservoir of John Day Dam, where active construction by the United States Army Corps of Engineers started in 1958. Construction of the John Day dam will, in the natural course of events, bring a substantially increased population and economic development to the John Day Reservoir area in close proximity to the Boardman Bombing Range. Eventually, this will pose a serious problem concerning the use of the Boardman site as a bombing range. The Senate Armed Services Committee foresaw this problem when a member of its professional staff wrote to Admiral Peltier, Chief of the Bureau of Yards and Docks, under date of August 11, 1959, advising the Bureau that the Senate Armed Services Committee had conditionally approved the project for Navy acquisition of the Boardman Bombing Range. The committee cautioned, however:

"The attention of the committee has been called to certain local opposition to the continued use of the Boardman Range for bombing practice. It has been pointed out that this range is in close proximity to the entire Columbia River development area and lies immediately adjacent to the reservoir pool of the John Day Dam now under construction, which changes considerably the economic value of the land and makes live ammunition bombing hazardous.

"It is the understanding of the committee that the Department of the Navy has no intentions of using this range for live ammunition bombing. The committee will expect the Department of the Navy to reconsider the continued use of the range upon completion of the John Day Dam project, with due consideration of the purpose for which this other Federal project is being constructed."

Recently, Rear Admiral Hubbard, Director of the Logistic Plans Division, Department of the Navy, referred to the "urgency of completing the arrangements necessary for the transfer of the Boardman property," and assured the complete cooperation of the Navy Department in this connection. Reconsideration of the use of the Boardman site as a bombing range is, therefore, a matter of immediate importance.

The Federal Government will have to face up to the fact that a bombing range such as Boardman, in close proximity to a major multipurpose dam and to a potential concentration of population, presents operational hazards that may outweigh its military usefulness. We feel that the Federal Government should take advantage of the very favorable exchange proposal now offered by the State of Oregon rather than to await future uncertainties and higher costs with respect to the acquisition of an in lieu bombing site.

The State of Oregon desires to acquire the Boardman Bombing Range as the site for a State-sponsored industrial development area and is actively engaged in attracting defense industries to the area. Geographically and climatically the Boardman Bombing Range offers an ideal location for defense missile and other space-age industries, and is in furtherance of the important plan of dispersal of these essential industries.

The site offers transcontinental rail, air, and highway transportation facilities, and an abundance of low-cost electric power is immediately at hand. The Columbia River will provide both industrial water and ideal facilities for barge shipments and ocean-going transshipments of strategic materials.

Our amendment would authorize the conveyance of the Boardman Bombing Range to the State of Oregon upon terms and conditions which the Secretary of the Navy may determine to be in the public interest. It provides for transfer by the State of Oregon of an in lieu bombing site to the United States, together with payment by the State of the difference between the fair market value of the Federal property and the fair market value of the property accepted in exchange. It also assures that the State of Oregon shall pay to the Department of the Navy the cost involved in providing a complete substitute facility on the State lands so acquired.

We are satisfied that the proposed exchange is not only in the general public interest, but is wise from a common sense business viewpoint. We urge your subcommittee's and the full committee's prompt and favorable action on the amendment herewith presented.

With best personal regards.

Sincerely,

WAYNE MORSE.
HALL S. LUSK.

Mr. MORSE. Mr. President, I now ask that the amendments submitted to House bill 10777 be appropriately referred.

The PRESIDING OFFICER. The amendments will be received, printed, and referred to the Committee on Armed Services.

INCLUSION OF BERRIES IN MARKETING AGREEMENTS AND ORDERS UNDER SECTION 8C OF AGRICULTURAL ADJUSTMENT ACT

Mr. MORSE. Mr. President, I introduce—and request its appropriate reference—a bill designed to authorize marketing agreements and orders to be entered into with respect to berries for canning and freezing.

Mr. President, under current provisions of the Agricultural Marketing Agreement Act of 1937, as amended, marketing orders cannot be issued for fruits and vegetables for canning and freezing, except olives, grapefruit, and asparagus. It is my understanding that the Department of Agriculture would not object to the broadening of coverage if industry groups would support such legislation.

Mr. Paul T. Rowell, chief, division of market development of the State of Oregon, has informed me that with the introduction of concrete legislation, producer groups and others interested could make detailed studies and could develop opinions and recommendations upon it.

It is my hope that early consideration can be given by the committee to this proposed legislation. I note that similar proposals affecting other agricultural commodities have been introduced during this session. Since these commodities are also raised extensively in the Pacific Northwest, perhaps the Agriculture and Forestry Committee might see its way clear to hold field hearings upon both legislative measures. Such a procedure would be most helpful to the growers and operators, and would provide an excellent opportunity to acquaint the members of the committee with the particular problems of agriculture in our Western States.

Mr. President, I ask unanimous consent that a letter from the Department of Agriculture, dated July 17, 1959, pertaining to marketing agreements, be printed at this point in my remarks, together with the text of the bill I have just introduced.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter and bill will be printed in the RECORD.

The bill (S. 3318) to authorize marketing agreements and orders under section 8c of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Agreement Act of 1937, as amended, with respect to berries for canning and freezing, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c(2) of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Agreement Act of 1937), as amended (7 U.S.C. 608c(2)), is amended by inserting after the word "olives" a comma and "berries,".

The letter presented by Mr. MORSE is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 17, 1959.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR MORSE: This is in reply to your letter of June 30, 1959, requesting certain information in regard to the Agricultural Marketing Agreement Act of 1937, as amended. Answers to your questions follow in the same sequence as the questions were set forth in your letter.

1. Under the current provisions of the act, marketing orders cannot be issued for fruits and vegetables for canning and freezing except for olives, grapefruit, and asparagus. A marketing agreement may be entered into by the Secretary of Agriculture and the handlers of any agricultural commodity. Such an agreement is a voluntary contract between the Secretary and the individual handlers. However, its terms apply only to those who sign the agreement so it could not effectively contribute to solving the marketing problems of an industry unless all handlers of the commodity signed the agreement. Even if all active handlers signed, there would be no way to preclude new handlers entering the field to take advantage of the improvements resulting from the cooperating regulatory handlers.

2. It has been the position of the Department that it would be desirable for the provisions of the act to be broadened if industry groups supported such enabling legislation so that a marketing order could be adopted by the producers of any fruit and vegetable commodity if they desired to do so.

3. The provisions of the act could be broadened to cover berries for canning and freezing merely by inserting, in section 608c (2), the word "berries" immediately following the word "olives."

4. Briefly, the following steps are necessary to develop a marketing agreement and issue the companion marketing order:

(a) A preliminary proposal is drafted for consideration by industry members. Department representatives often assist the interested industry group in this connection.

(b) After general agreement within the industry as to the provisions of the proposed program, a request for public hearing thereon is submitted to the Secretary. This request should be signed by members or organizations representing a majority of the industry.

(c) Notice of the public hearing must be published in the Federal Register at least 15 days prior to the date set for the hearing. Copies of this notice are mailed to all known growers and handlers of the commodity concerned.

(d) The public hearing is held at one or more places within the area to be covered by the program. All interested parties are given an opportunity to present, under oath, their views concerning the proposed program. At the close of the hearing, a period of time is fixed for the filing of briefs concerning the evidence presented at the hearing.

(e) Following the period for the filing of briefs, the Administrator of the Agricultural Marketing Service prepares, from the record and any briefs filed, a recommended decision. Interested parties are provided a period of time in which to file exceptions to the recommended decision.

(f) Following the period for the filing of exceptions to the recommended decision, the Secretary issues his decision in the proceeding. This decision rules on any exceptions filed and contains the Secretary's findings and conclusions with respect to the terms and provisions of the marketing agreement and order.

(g) The marketing agreement is submitted to handlers for signature. At the same time, a referendum of producers is ordinarily conducted to determine whether the issuance of the marketing order is favored. A referendum is not required by the act but, in most fruit and vegetable industries, it is the most practical means for ascertaining whether the requisite number of producers favor the issuance of the marketing order.

(h) Upon approval of the issuance of a marketing order by the requisite number of producers, which may, or may not, be

accompanied by a marketing agreement signed by the handlers, the Secretary may then issue the marketing order.

Since most of the commercial berry production in Oregon is processed, it is questionable whether a marketing agreement program for fresh berries only would be effective in improving the overall marketing situation. For example, only 2.7 million pounds of the 69.3 million pounds of strawberries produced in Oregon in 1958 were marketed in fresh channels.

Should you have any further questions concerning this matter, we shall be pleased to answer them upon request.

Sincerely yours,

CLARENCE L. MILLER,
Assistant Secretary.

RESOLUTIONS OF HOP GROWERS OF AMERICA., INC.

Mr. MORSE. Mr. President, the Oregon Hop Growers Assocation has called to my attention, recently, resolutions adopted by the Hop Growers of America at their annual convention held on January 28 and 29, 1960.

The importance to Oregon of hop production is best shown by figures contained in the annual summary of Oregon Crop Reporting Service. This State publication shows that in 1959, 5,200 acres were devoted to the growing of hops, and production in 1959 amounted to some 6,968,000 pounds having a value of $3,205,000. This is somewhat of a drop under the average of 1948–57 production figures, which show that the average annual production for that period was 11,110,000 pounds grown upon an average land area of 9,900 acres.

Mr. President, these figures are themselves fairly good evidence that the hop industry is in need of assistance. It is for this reason that I am happy to support programs designed to expand research in this area.

Mr. President, I ask unanimous consent that the resolutions to which I have alluded be printed at this point in my remarks, together with the chart entitled "Oregon Crop Production and Value—1959 and 10-Year Average."

There being no objection, the resolutions and chart were ordered to be printed in the RECORD, as follows:

RESOLUTIONS, HOP GROWERS OF AMERICA, INC., FOURTH ANNUAL MEETING, JANUARY 29, 1960

1

Whereas it has been clearly demonstrated that the areas of specialty crops with their intense demand for labor cannot function without the existence of a supplemental labor force; and

Whereas the year to year extension of Public Law 78 leads to confusion and uncertainty: Therefore be it

Resolved, That the Hop Growers of America request that Public Law 78 be extended without a termination date.

2

Whereas agricultural labor presents unique problems inasmuch as they are in an area requiring specific knowledge and administration not inherent in labor administration in general; and

Whereas it is felt that it is impossible for the Labor Department to properly administer Public Law 78: Therefore be it

Resolved, That the administration of Public Law 78 be transferred from the Secretary of Labor to the Secretary of Agriculture.

3

Whereas it is imperative that corrective legislation be instituted on Public Law 78 at as early a date as possible: Therefore be it

Resolved, That the Hop Growers of America request Congressman PHIL LANDRUM to form a subcommittee for the purpose of holding hearings in all affected areas, on all aspects of Public Law 78.

4

Whereas the members of the Hop Growers of Washington have graciously invited the Hop Growers of America to hold the 1961 convention in Yakima, Wash.: Therefore be it

Resolved, That the Hop Growers of America accept this gracious invitation.

While it is not stated in resolution form, it is implied that the various State organizations forward copies of these resolutions to their selected Representatives in Congress.

Oregon crop production and value, 1959 and 10-year average

[From Annual Summary of Oregon Crop Reporting Service]

Crop	Acreage harvested		Unit	Production		Value, 1959 crop
	Average, 1948–57	1959		Average, 1948–57	1959	
Corn, all	30,000	64,000	Bushel	1,557,000	3,840,000	$5,875,000
Wheat, all	978,000	814,000	do	27,312,000	28,464,000	50,951,000
Winter wheat	779,000	709,000	do	22,205,000	25,524,000	
Spring wheat	199,000	105,000	do	5,107,000	2,940,000	
Oats	300,000	227,000	do	9,635,000	7,718,000	5,480,000
Barley	415,000	538,000	do	14,466,000	19,368,000	19,755,000
Rye	20,000	18,000	do	277,000	279,000	335,000
Hay, all	1,023,000	1,011,000	Ton	1,813,000	1,827,000	45,675,000
Sugar beets	17,700	19,000	do	383,000	513,000	5,797,000
Peas, dry	11,000	12,000	Hundredweight	103,000	174,000	809,000
Potatoes, all	36,000	38,500	do	7,793,000	8,510,000	15,433,000
Late summer	10,200	11,500	do	1,992,000	2,300,000	
Fall	25,800	27,000	do	5,801,000	6,210,000	
Hops	9,900	5,200	Pound	11,110,000	6,968,000	3,205,000
Peppermint	13,900	14,900	do	640,000	968,000	3,291,000
Total field crops	2,854,500	2,761,600	Ton	3,969,000	4,336,000	156,606,000
Alfalfa	6,900	9,000	Pound	1,992,000	3,420,000	1,094,000
Red clover	18,700	13,000	do	3,074,000	2,600,000	702,000
Alsike clover	9,500	5,000	do	3,382,000	1,750,000	332,000
White clover	1,300	1,300	do	191,000	195,000	78,000
Ladino clover	10,000	900	do	1,581,000	135,000	74,000
Merion bluegrass [1]	2,900	6,000	do	536,000	1,620,000	1,944,000
Chewings fescue	16,400	22,000	do	4,826,000	8,800,000	2,508,000
Red fescue	5,500	9,000	do	1,767,000	3,870,000	1,122,000
Tall fescue	15,800	5,000	do	4,977,000	1,950,000	351,000
Bentgrass	17,100	20,000	do	3,308,000	6,000,000	1,320,000
Austrian winter peas	26,000	8,000	do	26,900,000	7,200,000	241,000
Crimson clover	4,900	15,000	do	1,740,000	6,450,000	1,516,000
Hairy vetch	46,300	31,000	do	15,594,000	11,470,000	1,147,000
Common vetch	34,300	10,000	do	15,333,000	4,200,000	218,000
Common ryegrass	98,700	100,000	do	75,303,000	115,000,000	6,900,000
Perennial ryegrass	23,700	40,000	do	18,802,000	38,000,000	3,800,000
Total seed crops	338,000	295,200	Ton	90,000	106,000	23,347,000
Apples			Bushel	2,534,000	2,200,000	3,190,000
Peaches			do	439,000	550,000	1,485,000
Pears, all			Ton	140,202	141,000	11,458,000
Bartlett pears			do	55,922	56,000	3,808,000
Fall and winter pears			do	84,280	85,000	7,650,000
Cherries, sweet			do	21,880	25,100	7,831,000
Cherries, sour			do	3,050	3,500	522,000
Prunes, fresh basis			do	42,000	42,000	2,898,000
Grapes			do	960	1,000	85,000
Filberts			do	7,270	9,000	3,420,000
Walnuts			do	6,690	4,200	1,890,000
Total tree fruits and nuts			do	303,424	291,800	32,779,000

[1] Short-time average of acreage and production.

Oregon crop production and value, 1959 and 10-year average—Continued

[From Annual Summary of Oregon Crop Reporting Service]

Crop	Acreage harvested		Unit	Production		Value, 1959 crop
	Average, 1948–57	1959		Average, 1948–57	1959	
Red raspberries			Pound	7,888,000	10,900,000	$1,493,000
Black raspberries			do	5,250,000	6,300,000	907,000
Boysen and youngberries			do	7,750,000	7,700,000	578,000
Loganberries			do	2,355,000	1,700,000	207,000
Gooseberries			do	1,170,000	1,200,000	88,000
Tame blackberries			do	10,660,000	18,000,000	1,494,000
Wild blackberries and currants			do	944,000	52,000	4,000
Total, caneberries			do	36,017,000	45,852,000	4,771,000
Strawberries [2]			do	59,794,000	89,320,000	12,169,000
Cranberries [2]			do	2,547,000	4,400,000	[4] 510,000
Total berries			Ton	49,000	70,000	17,450,000
Asparagus [3]	400	1,300	Hundredweight	11,000	21,000	228,000
Broccoli [3]	1,680	2,400	do	85,000	120,000	950,000
Cabbage [3]	1,810	1,800	do	338,000	360,000	789,000
Cantaloups	410	600	do	50,000	69,000	235,000
Carrots [3]	1,130	1,400	do	389,000	616,000	734,000
Cauliflower [3]	1,440	1,000	do	202,000	150,000	380,000
Sweet corn, fresh market	2,330	1,400	do	136,000	98,000	475,000
Lettuce:						
Spring	280	200	do	37,000	28,000	74,000
Fall	640	350	do	95,000	46,000	138,000
Onions:						
Eastern Oregon	2,660	2,900	do	1,258,000	1,494,000	1,942,000
Western Oregon	2,120	2,200	do	676,000	825,000	1,114,000
Tomatoes, fresh market	830	650	do	114,000	65,000	370,000
Watermelons	810	900	do	125,000	126,000	195,000
Snap beans for processing	8,100	11,100	Ton	62,400	83,200	10,541,000
Beets for canning	1,500	1,300	do	20,000	20,400	502,000
Sweet corn for processing	13,600	17,700	do	61,800	93,600	2,550,000
Cucumbers for pickles	1,400	300	do	4,656	1,344	67,000
Green peas for processing	53,700	55,900	do	54,400	70,150	6,012,000
Total, commercial vegetables [6]	97,840	104,300	do	388,256	470,644	27,453,000
Total, all crops			do	4,799,000	5,275,000	257,635,000

[2] 9-year (1949–57) average.
[3] Production usually given in 100-pound barrels.
[4] The 1958 season price was used in evaluating production.
[5] Includes fresh market and processing.
[6] Includes totals for lima beans and tomatoes for processing.

EDITORIAL BY WWDC CONCERNING DISTRICT OF COLUMBIA VOTER REGISTRATION

Mr. MORSE. Mr. President, WWDC, a Washington radio station, has the policy of expressing an editorial viewpoint upon important public matters. My attention was recently called to an editorial which was aired on March 2, 1960, concerning the District of Columbia voter registration.

Mr. President, in my judgment, WWDC in this instance is performing a public service function of high caliber. It is my hope that the station will see fit to continue to inform the District citizens of the importance of registering for the primary in May.

Both the station and the management deserve commendation for an educational editorial.

Mr. President, I ask unanimous consent that the editorial to which I have alluded be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DISTRICT VOTER REGISTRATION

Once every 4 years District residents can vote in an official election. It falls on May 3 this year.

This is to remind listeners in the District that to qualify as a voter on May 3 you must register by April 18.

The central registration office is open Monday through Friday from 8:30 a.m. to 4:30 p.m. in room 8 of the District Building.

On March 17, 18, and 19, neighborhood registration stations will be open at 20 locations around the city. These stations will again be open on April 7, 8, and 9.

Don't put it off. You must register in order to show that you are qualified to vote. It also enables election officials to identify you when you go to the polls.

District residents who registered for the 1956 election, who still live at the same address, and who have not changed their party affiliation, need not register again. Everyone else must qualify by April 18.

We think if District residents really care about voting, they should make the most of this opportunity.

WASHINGTON METROPOLITAN COOPERATION IN POLLUTION CONTROL

Mr. MORSE. Mr. President, the problems of the many agencies and civic groups charged with the responsibility of reducing pollution in the Potomac are, I fear, sometimes not fully realized by the Senate.

The dedicated services of those men and women who are actively engaged in seeking to make the Potomac a recreational asset to the Nation's Capital are often insufficiently recognized. In my judgment, recognition ought to be accorded where it is due.

In this connection, I should like to direct the attention of the Senate to the work being carried on by Mr. David V. Auld, Director of Sanitary Engineering for the District of Columbia. Mr. Auld presented to the American Society of Civil Engineers on October 23, 1959, a paper entitled "Washington Metropolitan Cooperation in Pollution Control."

The paper sets forth a history of the efforts that have been made in the metropolitan area to obtain joint action to abate pollution.

I ask unanimous consent, Mr. President, that the paper to which I have alluded be printed in the RECORD at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WASHINGTON METROPOLITAN COOPERATION IN POLLUTION CONTROL

(By David V. Auld, Director of Sanitary Engineering, District of Columbia)

The byproducts of metropolitan life have suddenly pushed themselves into the front rank of national problems. Most of our older cities have enjoyed some generations of placid internal development with little need for concern as to their surroundings. Now—they are discovering themselves to be the focal points of great regional concentrations of people whose presence can no longer be ignored. These great social and economic galaxies have no internal political or corporate homogeneity yet must somehow devise methods of maintaining the countless services now regarded as essential for health, safety, convenience, and public enjoyment.

The District of Columbia is the center of what is known as the Washington metropolitan area. According to the Census Bureau this includes Montgomery and Prince Georges Counties in Maryland, Arlington and Fairfax Counties in Virginia, and the cities embraced therein, the principal ones of which are Alexandria and Falls Church, Va. During the 20th century, there has been a sixfold increase in the urbanized area with the result that the closely built up section which had a diameter of about three miles, in Washington only, now encompasses some 300

square miles. Where at the beginning of this century the central city held over 90 percent of the area population, it now has only about 40 percent. From a position of dominance, it has become relatively subordinate to the area mass. By the end of the century, the central city will contain only one-fifth of the area population.

I. SEWAGE COLLECTION

Beginning about the year 1810, culverts and drains for the confinement of natural streams and control of storm runoff from the streets of Washington were constructed in a haphazard manner in the central city. In about 1840, spring or well water was piped into a few houses with interior plumbing and the city's first waterborne sewage wastes were produced. These of course found their way to the primitive culverts and a combined sewage system was thereupon started—by expedient, not by plan. Since these old drains discharged into the nearest watercourses, sewage pollution in the Nation's Capital thus had a modest and probably unnoticed beginning. The effects of this were to grow and grow, thanks to the modern miracle of a citywide water system first available in 1859, and a population surge stimulated by the Civil War. By 1875 a system of combined sewers serving the present downtown area and discharging to watercourses at convenient points was in existence.

While any connection between polluted streams and disease was unclear at first, their association became unmistakable as time passed. By 1889 the condition of the streams and river had become intolerable—so bad in fact, that President Harrison appointed a Board of Engineers to devise a sewage disposal system. This Board laid out a network of sewers to follow the major water courses to intercept the countless lateral lines then emptying into the waters along these routes. The sewage thus collected was to be delivered to an outfall sewer which would carry it into the Potomac at a point below the city. With adequate dilution and little tidal return to the populated area, the pollution problem of the day appeared to have been solved—according to the standards of that time. Conditions immediately adjacent to the city were dramatically improved, although it was not until 1934 that the extremities of the interceptor sewers were completed and the last was seen of the remaining continuously flowing outlets to the upper Potomac.

With the occupancy of nearly all available land within the District of Columbia, the sewage-collecting system is now rapidly approaching its ultimate development.

The recognition in 1920 that the city's sewage must some day be treated led to the acquisition of a treatment plant site situated at the southernmost corner of the District beside the Potomac River. The operation of a primary plant at this location was started in 1938 and has been continuous since then. During the current year, high rate activated sludge secondary treatment has been introduced at the same location.

The portions of Maryland contiguous to the District of Columbia at first contained only the characteristic small towns and subdivisions separated by open areas and farms. As early as 1911, however, it was apparent that even the scant population of 20,000 people adjacent to the District posed something of a problem since there were no satisfactory facilities for the disposal of their sewage wastes. The General Assembly of Maryland in 1916 directed the formation of a sanitary district to be known as the Washington Suburban Sanitary Commission whose purpose would be the furnishing of water and sewer services and the disposal of refuse. An inventory of the scattered and uncoordinated sewers then in existence showed a total of 60 miles to which only some 1,600 properties were connected. These for the most part discharged into small streams throughout the sanitary district without effective treatment. Since all of the major streams in nearby Maryland flow toward and through the District of Columbia, it was decided that the sewerage systems to be built within the several Maryland drainage areas should be designed to connect with the trunk sewers of the District of Columbia at the District line. Upon the development and acceptance of this principle, by both Maryland and District authorities, the U.S. Congress in 1918 authorized the handling of Maryland sewage by the District of Columbia.

Many years elapsed between the time of this momentous authorization and the actual physical connections. The first of these was made in 1930 in the Rock Creek Valley and the most recent major connection was completed in 1956 in the Anacostia Valley after an interval of 18 years of operation of a primary treatment plant just upstream of the District.

The early recognition of the unsatisfactory sanitary conditions in nearby Maryland and the positive and effective steps taken for their correction do great credit to the grasp and foresight of the engineers and State and local officials of that period.

The city of Alexandria in Virginia was the largest of the early settlements along the Potomac. With the introduction of the public water supply and the subsequent concentration of population, a complete sewerage network automatically developed. This took advantage of the proximity of the Potomac for the disposal of untreated sewage therein until 2 years ago, when the new 8-million-gallon daily secondary sewage-treatment plant of the Alexandria Sanitation Authority was placed in service.

Arlington County, Va., occupies the portion of that State originally included in the District of Columbia but retroceded to Virginia in 1846. It was an essentially rural community with a number of small towns and settlements primarily of subdivision origin which had little or nothing in the way of sanitary facilities before 1930. During the early 1930's, a comprehensive county sewer system was constructed which by 1940 served some 80 percent of the county residents. A primary treatment plant was constructed in 1937 as part of the sewer plan. This plant was extended in capacity and modernized in 1953.

The county of Fairfax, except for four principal towns, Falls Church, Fairfax, Herndon, and Vienna, was essentially rural until World War II. Since then, it has been the scene of the greatest relative population increase of any political jurisdiction in the metropolitan area. During the early part of this expansion, the septic tank was the principal means of sewage disposal. In accordance with usual experience, this proved to be far from satisfactory and as densities increased the county embarked on a $20 million sewerage expansion plan something less than 10 years ago. This has been largely completed and the more populous areas are provided with an adequate sewage collection system.

II. COOPERATIVE DISPOSAL ACTIONS

As each of the major Virginia political jurisdictions reviewed the startling growth which it had experienced during and just following the war, it was obvious that pursuit of individual sewage plans for service within the several political subdivisions would not necessarily provide the most satisfactory ultimate solution of the sewage disposal problem of the locality as a whole. Accordingly, the counties of Fairfax and Arlington and the cities of Alexandria and Falls Church, undertook a joint study to determine the most economical methods of sewage disposal for them as a coordinated group. It was thus determined that a proposed sewage treatment plant for the city of Alexandria could and should provide service for a substantial portion of the Fairfax County population. It was also apparent that the city of Falls Church could best take advantage of disposal facilities to be provided by the counties of Arlington and Fairfax, depending upon the direction of natural drainage within that city. The consolidated treatment of sewage from Arlington and Alexandria and/or Fairfax held no apparent promise of lang-range economy or improved efficiency over that to be provided by several smaller plants if strategically located. The result was two medium-sized plants—Arlington and Alexandria-Fairfax—and several smaller county plants in Fairfax. These latter were dictated by the scatter of certain population concentrations in widely separated drainage areas.

With continued development it is to be expected that these isolated plants can be progressively abandoned with both financial and sanitary benefits. For example, within a year of its completion it was decided to abandon the 1 mgd plant on Pimmett Run in Fairfax which empties into the Potomac opposite the upper boundary of the District. This was precipitated by selection of a nearby site for the Central Intelligence Agency headquarters which changed the entire growth pattern to be expected in the drainage area. Examination of this new problem showed the best solution to be the delivery of all sewage from this and several contiguous valleys in Fairfax to the District of Columbia system for treatment notwithstanding the necessity for a pipeline across the Potomac.

Authority for the District to handle and treat Virginia sewage was granted by Congress in 1958 and an agreement between Fairfax and the District was concluded some months later. Under this the county will save money and the threat of the treated effluent from an eventual 78,000 persons entering the Potomac above the District was removed.

Arlington County has recently indicated a desire to use the new Fairfax river crossing to carry sewage from a small area which is now pumped to the Arlington plant.

Under all interjurisdictional agreements for sewage disposal the costs are distributed to the parties so each pays his own way—either through rates or through sharing capital and operating costs.

The early agreements between the Washington Suburban Sanitary Commission and the District of Columbia provided not only for delivery of sewage from the sanitary district to the District of Columbia but also permitted householders abutting the boundary lines in either jurisdiction to tap the sewers of the other contiguous jurisdiction if available. The payment provisions resulted in charges of only $1 per house per year for each house draining to the District of Columbia—whether directly or through the Maryland sewer system. Charges of this scale obviously were inadequate so in 1954 a new agreement was executed under which Maryland would share on a proportional basis in the capital cost of any sewer or plant in which capacity for Maryland service would be provided if built after July 1, 1955, and would share the actual costs on a pro rata basis for operation and maintenance on sewers and plants including depreciation of existing facilities if previously paid for by the District of Columbia. This provides a realistic and equitable basis on which to plan, construct, and operate facilities for interjurisdictional use.

The metropolitan jurisdictions will have spent about $60 million between 1950 and 1960 for sewage facilities for collection and disposal in addition to the costs of systems for local service.

The recognition throughout the area of the necessity for pollution abatement and control has led to the extensive use of joint facilities where feasible and a spirit of cooperation in pursuit of the common objective has been conspicuous in recent years. As a result, all dry weather sewage flow receives treatment—most of it at the secondary stage. All of this has been on a voluntary and spontaneous basis.

III. OTHER COOPERATION

In 1957 the Washington Metropolitan Regional Conference was formed. This consists of the elected governing board members of the four metropolitan counties and the cities of Alexandria and Falls Church, Va. The District of Columbia Commissioners as well as several key members of the District Committees of the U.S. House of Representatives and Senate and one State senator each from Maryland and Virginia are included. While an entirely voluntary association the group has reached a number of worthwhile decisions.

Acting upon recommendations of its committee on water supply and pollution abatement the conference has taken three significant actions in the pollution abatement field:

1. It has agreed that there should be no sewage or plant effluent discharged to the Potomac River between the head of tidewater and the Monocacy River some 36 miles upstream. This action was to protect the metropolitan water supply and was subsequently formally accepted by the affected counties as their official policy.

2. It has adopted certain water quality objectives for the 63 miles of the Potomac River between the Monocacy and Hollowing Point some 14 miles below Washington.

3. It has sponsored the formation of the Washington Metropolitan Regional Sanitary Board on which are represented all major jurisdictions and sanitary authorities in the area, as well as the regional planning agency, certain health agencies and the Corps of Engineers. This board will consider all sanitary problems of regional scope and as its first task, after formation 2 months ago, has begun the development of a comprehensive metropolitan plan for sewage disposal.

There is a clear metropolitan intent to control pollution and protect the Potomac.

It must be acknowledged that the sewerage systems so far developed took form predominately in areas of relatively high density making it possible to finance them from present or immediately foreseeable area residents. If further development could be confined to territories contiguous to present systems all would be well. It is now apparent, however, that substantial leapfrogging will occur necessitating great expenditures for trunk sewers up the Potomac long before the local jurisdictions can afford to build them and long before their users are sufficiently numerous to carry any significant part of their cost. This is the situation which will be the greatest test as to the sufficiency of voluntary jurisdictional cooperation for continued control of Potomac pollution.

SUMMARY—SEWAGE HANDLING AGREEMENTS, WASHINGTON METROPOLITAN AREA

1. Agreements exist between Alexandria Sanitation Authority, Alexandria, Va., and Fairfax County, Va.; Arlington County, Va., and Alexandria Sanitation Authority; Arlington County and Fairfax County; Arlington County and city of Falls Church, Va.; Fairfax County and Falls Church; District of Columbia and Washington Suburban Sanitary Commission (Maryland); District of Columbia, and Fairfax County, Va.

2. Composition of charges: In general, capital charges and operation and maintenance charges are made only on facilities handling the sewage of a jurisdiction. When a jurisdiction has contributed to the original cost of construction capital charges are not made.

3. Basis of charges: A jurisdiction pays its proportionate share of the above charges based on the number of connections (sewered population), in all of the above cases except that of Alexandria Sanitation Authority, Fairfax County, and the agreements involving the District of Columbia, where the charge is on a volume basis.

BRIEF DESCRIPTION OF INDIVIDUAL AGREEMENTS

Alexandria Sanitation Authority-Fairfax County, Va.

There is no recovery of capital by the authority inasmuch as Fairfax County contributed to construction of sewers and sewage treatment facilities. The county contributed on the basis of capacity required by the county in proportion to total capacity, and contributed only to those facilities in which Fairfax sewage is handled.

A service charge covers maintenance and operation only on those facilities used by Fairfax County and is proportional to the metered flow.

Fairfax County, Va.-City of Falls Church, Va.

Charges to Falls Church by Fairfax County for sewage collection, treatment and disposal include costs of transmission and sewage treatment per family unit connected to the trunk sewers. Capital recovery and cost of maintenance and operation make up the sewage treatment charge.

Arlington County, Va.-Falls Church, Va.

Falls Church bought capacity in the Arlington County trunk sewer handling its sewage at the time it was built and therefore there is no capital recovery by Arlington.

There are no maintenance and operation charges to Falls Church on this trunk sewer inasmuch as these charges are considered balanced by Arlington use of portions of the Falls Church system in transporting its sewage to the Arlington sewage treatment plant.

Only maintenance and operation charges for use of the Arlington sewage treatment plant are made to Falls Church. No capital recovery is included. Charge is based on sewered population and is an annual charge.

Arlington County, Va.-Fairfax County, Va.

Fairfax County pays its proportionate share of the cost of existing facilities handling Fairfax sewage based on number of connections (sewered population). Charges include those for capital and operation and maintenance.

Arlington County, Va.-Alexandria, Va.

The same arrangements hold in this case as with Fairfax County.

District of Columbia-Washington Suburban Sanitary Commission

Maryland pays to the District sewage flow charges for handling, pumping and treating sewage as follows:

A proportion, based upon flow, of the cost to the District for operation, repair and maintenance of each District facility handling Maryland sewage, including overhead.

A rental, proportional to Maryland usage of District of Columbia facilities based on original cost of each such facility existing or being constructed on January 1, 1954.

Maryland bears its proportional share of cost of restoring or replacing each District facility carrying Maryland sewage.

If the District proposes to construct a new facility which will or may handle Maryland sewage, Maryland is so advised. Maryland advises the District whether capacity for Maryland sewage should be incorporated in proposed work and the District agrees to provide such capacity based on Maryland design data. Costs of facilities so constructed are paid by the two parties in proportion to the maximum design capacity assigned to each.

District of Columbia-Fairfax County, Va.

This agreement is essentially the same as that of District of Columbia-Washington Suburban Sanitary Commission outlined above.

PRESENT POSITION OF COOPERATIVE ORGANIZATIONS WITH RESPECT TO TAXATION

Mr. MORSE. Mr. President, recently I had occasion to discuss on the floor of the Senate mass media distributions of the present position of cooperative organizations with respect to taxation. An editorial contained in the March 7 issue of the Farmers Union Herald, entitled "Lies Mark Time's Blast at Co-ops," provides educational information upon this point. It cites statements made by a former distinguished Member of the House of Representatives, the Honorable Jerry Voorhis, presently executive secretary of the Cooperative League of the United States of America, who characterizes five statements in the Time editorial as "untrue," "false," "absolutely untrue," or the "exact opposite of the truth."

Mr. President, I ask unanimous consent that the editorial to which I have alluded be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LIES MARK TIME'S BLAST AT CO-OPS

Time and Life magazines, which exist on the fat advertising rates they charge the big boys of the banking and manufacturing world—and the gratuities of Uncle Sam's postal subsidies (which run into the millions each year)—are in the midst of their chores.

First Life, and now Time, has taken out after cooperatives.

Jerry Voorhis, executive secretary of the Cooperative League of the USA, calls the latest Time editorial, entitled "The Co-op Tax Dodge," a "mish-mash of misinformation and downright untruth." Voorhis pointed to five statements in Time's editorial that he characterized as "untrue," "false," "absolutely untrue," or "the exact opposite of the truth."

"The basic deception is Time's failure to say that most cooperatives pay taxes under exactly the same laws that apply to other business," Voorhis said. "No business pays income tax on refunds to its customers. Time wants cooperatives so taxed * * * but no one else."

Voorhis noted that in the same issue Time Publisher James Linen proclaimed the magazine's defense of "the public's right to know." Said Voorhis:

"If Time wants to advocate a special, discriminatory, punitive tax on co-op refunds, that's your privilege. I question that 'the public's right to know' is well-served by feeding it such a multitude of inaccuracies."

Time statements that Voorhis called untrue are:

(1) Noncash refunds "do not bind the co-ops." Wrong. "These are binding obligations, and they must be paid, just like any other debt."

(2) "Only when a member finally gets cash" does he pay income tax on his refunds. "Not so," said Voorhis. While court decisions have somewhat confused this, co-op members pay income tax on many noncash refunds.

(3) One regional co-op "paid less than one-fourth the tax a non-co-op would have paid." Untrue. The co-op is an oil producer and was entitled to the same tax privileges as any other oil producer.

(4) Tax law amendments in 1951 were enacted "over bitter co-op protests." "This is the exact opposite of the truth," Voorhis wrote. "Seven co-op spokesmen testified at the 1951 hearings, and six of us asked Congress to make the changes it did."

(5) No other country taxes co-ops as the United States does. "Sweden does," Voorhis wrote. "Neither country Time mentions—Canada or Denmark—taxes co-op refunds."

RESOLUTIONS AND STATEMENT UPON INTERNATIONAL FOOD AND FARM POLICY

Mr. MORSE. Mr. President, the International Federation of Agricultural Producers, at its first conference to be held in an Asian country, has produced a series of resolutions and a statement upon an international food and farm policy which I believe to be of high significance and importance to the Senate.

It is my hope that my colleagues will give careful consideration to the recommendations made by this organization and that it will serve in particular to guide our thinking as we pass upon agricultural legislation in this session of the Congress.

I should like to express my thanks to Mr. James G. Patton, president of the National Farmers Union, who very kindly brought this important material to my attention.

Mr. President, I ask unanimous consent that the statement and resolutions to which I have alluded be printed in the RECORD at this point in my remarks.

There being no objection, the statement and resolutions were ordered to be printed in the RECORD, as follows:

STATEMENT OF INTERNATIONAL FOOD AND FARM POLICY CONFERENCE

THE CONCEPT

The main discussions during the IFAP New Delhi Conference centered on the establishment of an International Food and Farm Policy.

"Such a concept," the delegates agreed, "should appeal to and stir the imagination of the vast majority of the citizens of the world."

It was noted that on the one hand the more advanced countries are encountering increasingly difficult surplus problems, while on the other hand a majority of the world's population does not have enough to eat.

"The long-term aim must be to build up the effective buying power of these peoples," the IFAP Conference said, "Accordingly, the conference submits that this can only be done if the nations of the world are prepared to work out and operate together a long-term food development policy. Such a policy must, however, form a part of a wider program of world economic development, since other sections of national economies make a major contribution to raising the effective purchasing power of the peoples concerned."

NO REAL SURPLUSES

The delegates agreed that with so many hungry people in the world, there are no real surpluses. At the same time, however, they noted that in relation to the actual volume of international trade in farm products at present, surpluses now held by industrialized countries represent a very real problem. At the end of the 1958–59 Northern Hemisphere marketing season, wheat producers had carryover stocks amounting to more than twice the annual commercial needs of importers. Carryover stocks of coarse grains, it was noted, were at least four times the annual average volume of international trade in recent years. "This situation in the more developed countries exists side by side with the need of vast areas of the world to raise the living standards of their peoples," the Conference said.

"Such improvement is, however, conditional upon a comprehensive development program, requiring first, the necessary planning expertise; secondly, the capital; and thirdly, the human resources."

WORLD RECOGNIZES NEED

The delegates agreed that to a greater degree than ever before, the world is becoming aware of the need to help the less developed areas. The scale, however, will have to be greatly expanded, it was stated.

The Conference felt a lack of genuine governmental determination to have a long-term expansion in demand has been the major stumblingblock in the past. "Where stocks of a certain product have accumulated in a particular country, the problem of disposal has generally been treated on an ad hoc and bilateral basis with the prospective recipient country," the Conference said, "International cooperation, with one or two exceptions, has been confined to consultation in the hope that discussions about policies and programs would help to avoid harm to the commercial interests of third countries."

For wheat, sugar, coffee, and olive oil, commodity agreements have been made providing some price stability for trade in these products, and for other products such as cotton, rice, cocoa, rubber, etc., the delegates noted there were commodity advisory groups seeking more stable trading conditions. "But with the exception of the special nutritional and development schemes affecting certain milk products, there have been no international efforts consciously designed to raise the level of food and fiber consumption," the Conference declared.

WHAT TO DO?

A new world food policy must be conceived, the delegates said, as part of a general plan for expanding the world economy. In the more advanced countries, the Conference felt the extent to which they will be able to help developing nations will depend on the rate of increase in their gross national products. At the same time, the rate of economic expansion in the less developed nations will determine their ability to buy more food on a commercial basis.

No longer can the surplus problem be treated in the narrow context of disposal operations, the Conference report stated. Surplus utilization must be planned on a long-term basis. "Programs to improve nutritional levels directly or indirectly through technological advancement, must be conceived on a permanent basis and even though surpluses may be used in the initial phase of a development program, provision must be made for continuity of supply, whether from the resources of the recipient country or from oversea producers," the delegates declared.

At the same time, it was added, farmers in advanced countries can hardly be expected to play their role in providing a continuous and expanding supply of food unless there is international machinery set up on the required scale to finance and distribute the food.

"As part of this machinery, the Conference recommends that food reserves be held in places where they can produce immediate results in remedying local food scarcities and evening our excessive price fluctuations," the Conference report said. "Recipient countries should be able to finance their drawings from these reserves by mutually agreed financial arrangements."

FINANCING IMPORTS

It was agreed by IFAP that all conceivable means—"even * * * unorthodox methods"—should be sought to promote a rapid growth exchange of primary products on a world basis. This would help the developing countries expand outlets for their exportable commodities which are their main means of getting the resources to finance their imports.

"To this effect," the Conference said, "attention should be paid to the following techniques: bilateral or multilateral barter deals additional to normal trade which do not prejudice the commercial interests of third countries; international schemes for the stockpiling of temporary unsalable supplies; purchases at special prices."

Great care would have to be taken in the developing countries, the delegates warned, so that products bought on concessional terms do not harm the interests of domestic producers. Any disturbance to the domestic market caused by such sales could mean lower prices for domestic farmers. This, the delegates felt, would not only lower the farmers' purchasing power, but also might well mean lowered food production in the future. Most of any increase in demand for food engendered by development programs will have to be met by domestic farmers, and hence, the IFAP delegates said, it is essential to plan food policy in a way that improves the domestic farmers' ability to boost their own production.

NEW INTERNATIONAL MACHINERY?

The Conference felt only governments working together with a common objective can plan and supervise the carrying out of the International Food and Farm Policy. If they will accept this responsibility, the Conference said the next question is whether some new international agency is needed. No new agency is needed, it was decided, if governments will fully use the existing agencies. The FAO, it was agreed, would undoubtedly undertake the necessary staff work in forming a new policy.

However, it was noted that in order to speed action it might be necessary to establish appropriate machinery under U.N. auspices to coordinate and expand the provisions of technical, financial, and economic aid from the existing international agencies. It was agreed that IFAP should advocate the need of this coordinating machinery at the earliest opportunity before the U.N. Economic and Social Council.

GOVERNMENT WILLINGNESS NEEDED

"Essentially, however, it is not a question of new machinery," the delegates said. "Rather it is a question of the willingness of governments first to rethink their policies along the line indicated in this section of the report and secondly, to instruct their representatives at FAO and other relevant intergovernmental agencies to cooperate to the full in the food development program."

The job, however, cannot be left entirely to international agencies, it was added. Countries that would receive help should carefully consider their own development projects and try to determine how much of a rise in demand for food could be met from domestic farmers. In working out the overall policy, governments should make sure as far as possible that farmers in receiving countries or the industrialized nations are not hurt by surplus utilization. In the more advanced nations, the IFAP said efforts should be made to make sure that an increasing proportion of the gross national product is made available each year to help the developing countries, subject to the limitation of their balance of payments position.

"The issues set out in this paper undoubtedly represent the key agricultural problem in the world today," IFAP declared. "It is a problem which can be resolved only by the adoption of an international food and farm policy. This policy must be conceived and operated by the governments of developed and developing countries with the full support and cooperation of producers and their agencies. The basic principles which should underlie this policy are set out in Resolution No. 1 of this Conference. All member organizations of IFAP are requested to endorse and commend these proposals to their governments."

A Promising Turn

A promising turn is beginning to be made in intergovernmental policies of assistance to developing countries.

That's the view of delegates at the New Delhi IFAP Conference. They noted additional resources have been made available for the World Bank and International Monetary Fund and that an International Development Association is being established. It also was noted that the U.N. Special Fund for Economic Development had started operations. In addition, in the U.N. Economic and Social Council special consideration is being given to commodity problems and to the dangers of price fluctuations on primary producing countries. "Although the outcome of the debate had been disappointing," the Conference said, "it had been recognized that these problems had to be tackled more energetically."

The Conference also mentioned that in GATT, the special difficulties arising out of the repercussions of national farm policies on world trade were under active consideration as well as the means of assuring to developing countries an expansion of profitable outlets for their farm exports.

Optimism about a promising turn in intergovernmental policy was also voiced in reference to the recent FAO Conference where, the delegates said, a new impulse had been given to FAO's technical activities, and surplus disposal principles had been reendorsed. Also FAO showed greater interest in its Washington Consultative Subcommittee on Surplus Disposal. On top of all this, the International Wheat and Sugar Agreements had been renegotiated and ratified by a larger number of countries. Also agreements had been concluded on coffee and olive oil.

"There were therefore," IFAP said, "signs that governments and international organizations were beginning to take a somewhat more practical approach to the world's major food and farm problems. That this was happening was confirmed by the increasing number of those in positions of responsibility who advocated a fresh and bolder attack on the problems of balanced development, primarily as a stimulus to faster economic growth in the developing areas, but also in the interests of more economically advanced countries."

Resolution No. 1—International Food and Farm Policy

The Conference, convinced that the time has come for governments of developed and developing countries to work out together and implement a comprehensive international food and farm policy, recommends that this policy should be based upon the following principles:

1. The world food policy must be conceived as part of a wider program of world economic development, financed on a multilateral basis, in which there should be a balanced allocation of resources between agricultural and industrial development.

2. The potential productive capacity of agriculture should be used for the betterment of the living standards of all peoples.

3. In the interests of both producers and consumers, agricultural products should be produced and distributed internationally at reasonably stable prices which provide a fair remuneration for those engaged in production. The aim must be to eliminate excessive short-term movements in prices without impeding the underlying trends in both supply and demand.

4. Orderly methods should be devised so as to move supplies unsalable commercially into the areas of greatest need, the financial responsibility for doing so to be shared by the nations jointly and equitably. Adequate national food reserves must be established and replenished.

5. Programs to improve nutritional levels must be conceived on a permanent basis and even though surpluses may be used in the initial phase of a development program, provision must be made for continuity of supply. It is not good enough to supply millions of ill-fed people with surpluses on a haphazard basis.

6. It is by greatly expanding production in developing countries that the main potential exists for meeting food needs. In economically advanced countries, international machinery and financing for distribution of food will need to be provided in advance of the expansion of farm production.

7. Though the developing nations will need to improve their own food production, their efforts must be directed toward those crops which are likely on a long-term basis to find markets at reasonably remunerative prices.

8. In order to assure developing countries the expanding outlets required for their exportable commodities, all, even perhaps unorthodox means, may have to be used to promote a rapid growth of trade in primary products.

9. At all times in the course of development of world food use, nations must work together to maintain a balance at the highest possible level between supply and marketing policies on the one hand and the requirements of all consumption outlets on the other.

Wheat Resolution

A most serious gap exists in the case of wheat between output available for export and the present world commercial and noncommercial demand. Present levels of production suggest a continued heavy buildup of stocks unless noncommercial utilization is greatly expanded. Virtually all national governments are involved in wheat production, pricing, and trade policies. On the basis of present information and programs, there are indications that in response to adjustments in national policies in various countries, some reduction in output may occur. Finally, wheat is one of the two or three classes of commodities that lend themselves to international policies aimed at moving food to supplement the diets of underfed peoples. IFAP therefore—

1. Welcomes the renewal of the International Wheat Agreement as an essential prerequisite of orderly international trade in wheat and also welcomes the expanded participation of major trading countries.

2. Welcomes the extension of the International Wheat Council's responsibilities to include an active review and consultation on wheat problems, and urges all governments concerned fully to cooperate in making the work of the Council effective.

3. Welcomes the initiative of major exporters in forming an International Wheat Utilization Committee with broad responsibilities for facilitating expanded consumption of wheat.

4. Emphasizes the critical role of wheat in world food policy and urges careful attention to the need for coordinating and mutually strengthening the activities of the intergovernmental bodies and agencies concerned and particularly of the FAO as the international agency primarily and comprehensively concerned with world food and agriculture policy and progress.

5. Urges on governments the need to arrange for—

(i) The joint international provision of funds for financing expanded noncommercial demand for wheat as part of an adequate international food and farm policy; and

(ii) An improvement in the means of achieving a general exchange of agricultural commodities between developed and underdeveloped countries if commercial as well as noncommercial commodity distribution is to be maximized.

6. Urges intergovernmental bodies dealing with commodity problems, and notably the FAO group on grains, to pay greater attention to the close links between the problems of bread grains and coarse grains, particularly as both are at present in excess supply in some important producing countries and can be used to the benefit of developing economies.

Milk Powder Resolution

Having noted the current unexpected disappearance of surplus stocks of dried milk; the seriousness of this development to the 35 million infants, children, and mothers benefiting from the supplement to inadequate diets that noncommercial distribution of stocks is providing; and to newly established dairy industries of the developing countries where dried skim milk powder is a necessary component of the liquid milk treated in "toning" plants; the inadequacy and instability of an international program of better nutrition depending on the periodic and haphazard accumulation of surplus stocks—

The Conference resolves that the governments represented in FAO should take steps to initiate plans with the object of establishing a reasonably long-term international program for noncommercial availability of dried milk, financed on a regular basis from a fund to which all countries having the ability to do so should contribute according to a preagreed plan. The use of this fund should be subject to an international program including the formulation of priorities;

That such a program should be conceived and implemented as a first step toward the formulation and implementation of an international food and farm policy as recommended in Resolution No. 1 of this Conference.

Discuss Wheat and Dairy Products

Wheat and dairy products, especially dried skim milk, were the major commodity topics discussed by the IFAP delegates at the New Delhi meeting.

Resolutions were passed on wheat and dried skim milk urging greater intergovernmental cooperation in handling surpluses of these products.

All signs point to a continued heavy buildup of wheat surpluses, the delegates noted. They said wheat is one of the commodities that lends itself to international policies to help feed the hungry and thus governments should move in more vigorously in this field.

The wheat resolution approved at the IFAP Conference urged an international fund to finance expanded noncommercial use of wheat.

The milk powder resolution OK'd by the delegates noted the unexpected disappearance of surplus dried milk stocks and warned that those hungry people who had been utilizing the surpluses must continue to receive aid. Governments were urged to set up a long-term international program to make

sure milk powder is made available to these people. Establishment of an international fund was proposed to help maintain such a program.

RESOLUTION NO. 2—FREEDOM-FROM-HUNGER CAMPAIGN

The conference, having received with great interest and appreciation an address by FAO's Director General Mr. B. R. Sen, on the freedom-from-hunger campaign to be launched by his organization in cooperation with other international governmental and nongovernmental organizations during the years 1961–65.

Noting that the first and foremost aim of the campaign was to stimulate and coordinate on a national and international basis all efforts tending to assure the necessary expansion of domestic production and not primarily to cover food needs in some areas from excess production in others.

Recognizing that this aim should be clearly understood by all and national and international efforts be oriented accordingly.

Welcoming particularly the emphasis placed by the name chosen for the campaign on the fact that fighting hunger and malnutrition is the first duty of governments and communities if the hopes of a global progress toward better living standards for the whole of mankind are to be fulfilled.

Believing that it is appropriate to make renewed efforts to awaken the world's conscience to the situation in which large sections of the population in several countries find themselves—namely to the fact that they are currently living on the brink of famine—and to create a current of opinion powerful enough to carry governments along toward concerted action commensurate to the needs.

Resolved, 1. IFAP approves the initiative taken by the Director General of FAO—endorsed by the 10th session of the FAO Conference—and invites him to study the broader concept of IFAP's policy in this respect as outlined at its 11th General Conference in New Delhi. It will, as well as its individual member organizations, participate to the fullest possible extent, particularly through the national campaign committees to be set up, in those aspects of the campaign which are relevant to the Federation's aims and objectives as set out in its constitution.

2. Such participation will include, inter alia, the following:

Informational and educational campaigns through seminars, conferences, publications, broadcasts, etc.

Consultations and cooperation with governmental information and extension services on the technical aspects of the campaign (fertilization, irrigation, seed and breed selection, credit, etc.) in order to assure faster progress of agricultural production.

Renewed efforts by farmers' own organizations to provide and/or improve marketing facilities especially in those areas where means of communication are insufficient or nonexistent.

International assistance between IFAP members in order to secure the establishment of more numerous and stronger farm organizations in the economically less-developed countries, particularly cooperative societies, and to strengthen those already in existence.

3. IFAP's Secretary General is authorized to serve on the Consulative Committee of Nongovernmental Organizations to be established by FAO's Director General under a resolution of the 10th session of the FAO Conference.

4. The next General Conference of IFAP will consider a progress report on the development of the campaign.

NATIONAL POLICIES

Uncoordinated national farm policies may cause much of the misery in world agricultural markets.

So said the IFAP New Delhi Conference. Delegates spent considerable time discussing the adjustment of agricultural production to demand and noted that national policies must be examined closely for effects they may have on international trade.

The Conference said pressure for downward adjustment of production will be lessened if imagination is shown in finding new markets for surplus commodities. Opportunities should be seized, the delegates said "for increased utilization offered by improvement of international aid and development programs, creation of reserves, and economic growth of developing areas."

During discussion on this matter, the delegates said IFAP must recognize the prospective build-up of surpluses and the resulting needs for adjustment of production and marketing to demand that this presents. While cutbacks in production should be avoided if at all possible, the delegates said it must be recognized that output in some industrialized countries is overextended in relation to prospective commercial markets and the existing physical potential for noncommercial distribution.

"The extent to which food production potential is utilized clearly depends upon the willingness of people to tax themselves in order to provide the funds necessary both to pay for noncommercial food distribution and to stimulate the basic economic development of underdeveloped countries, without which it is impossible to expand demand and even to solve the physical problems of distribution," the IFAP declared.

In considering the need for an orderly international organization of markets, the delegates said it is necessary to consider the continuing need for adjustment in relation to the changing competitive position of various suppliers.

Farm organizations in each country, the IFAP said, should pay more attention to the financial implications of international programs aimed at expanding noncommercial use of agriculture's potential and to present the issues to their governments.

The Conference also said such products as pork, beef, poultry, fruits, vegetables, and secondary seed and grains offer the greatest possibility for producer action to adjust production to demand, through their organizations. It should always be kept in mind, however, IFAP said, that certain developing countries have need for additional supplies of feed grains.

BUTTER AND CHEESE PROBLEMS

IFAP delegates spent considerable time discussing international problems for butter and cheese as well as skim milk powder.

They noted that while the butter market is at present relatively stable after a marked recovery from 1958, there are many uncertainties for the future. There are indications of possible renewed fluctuations. Technological progress, the delegates said, may alter the situation unpredictably. "The interest of producers in stable demand is emphasized and for this reason it is important to avoid prices that discourage consumption of butter," the conference report said.

On the other hand, the cheese market generally is satisfactory and there are no signs of a worsening in the near future, the delegates declared. There was great concern expressed at the sudden disappearance of surplus skim milk stocks and a resolution on this matter was approved.

During the overall discussion on dairy products, there was reference to the recent action of the three Farmers' Unions in the United Kingdom in submitting to their government a draft scheme for stabilizing international trade in butter. The British delegation said in mentioning this proposal, they had wished to focus discussion of the butter problem on a concrete plan for achieving a measure of price stability in the interests of both producers and consumers.

The plan envisages establishment of an International Butter Marketing Council which would have three main functions: (1) short-term appraisal of the butter market; (2) examination of long-term national milk and butter production policies; and (3) avoidance of excessive fluctuations in butter prices.

The British delegation suggested the International Butter Marketing Council might meet periodically during the year to appraise current and prospective outlooks and to guide milk producers and their marketing agencies in exporting and importing nations accordingly.

While welcoming the objective of stabilizing trade in butter, the delegates felt the British proposals would have to be examined carefully by producer organizations in the countries concerned before IFAP could make any general recommendations. Organizations were invited by the delegates to study the proposals by the British Farmers' Unions and to submit their comments to the United Kingdom organizations. If the views are favorable toward the British suggestions, the Conference proposed that IFAP consider calling a special conference on dairy products for further discussion of the proposals.

CIVIL RIGHTS ACT OF 1960—AMENDMENTS

Mr. HART. Mr. President, I send to the desk two amendments to the bill which is pending, and ask unanimous consent that the amendments be ordered to be printed and lie on the table.

The PRESIDING OFFICER. Is there objection?

Mr. HART. I also ask unanimous consent that the reading of the amendments under the rule be dispensed with, but that the amendments be considered to have been read under the requirement of rule XXII.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The amendments will be received, printed, and will lie on the table.

Mr. HART. Mr. President, I send to the desk, and ask to have printed and lie on the table, an additional amendment to the pending bill.

The PRESIDING OFFICER. Without objection, the amendment will be received, printed, and lie on the table.

POSTAL FACTS

Mr. HART. Mr. President, I ask unanimous consent that an editorial which appeared in the Detroit Times of March 21, 1960, under the caption "Postal Facts," be printed in the body of the RECORD. It relates to a matter which faces all of us, and I think the attitude expressed by the Detroit Times is sound and worthy of general reading.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POSTAL FACTS

President Eisenhower's special message to Congress urging another postal rate increase presents one of those seemingly plausible arguments which is easily demolished by facts. Let's consider the facts.

In essence the President says the Post Office is losing a lot of money. Therefore mail rates should be raised to wipe out the loss, or at least come close.

This position, which apparently came to the President special delivery from Postmaster General Summerfield, is based on a fallacy.

It is the error of assuming the Post Office is a business. In reality, in historical precedent, and in everyday fact, it is a public service. It cannot possibly be conducted as both.

Certainly it costs taxpayers money to run the Post Office Department. It also costs taxpayers money to run the White House, the Commerce Department, the Federal judiciary system, the FBI—almost every Federal activity.

The costs of such public services are taken for granted. But the costs of the postal service are labeled "deficit" and become issue.

Why? The answer is that the Post Office takes in a great deal of money, about $2½ billion a year. No other Government department produces anywhere near as much revenue.

But because the postal establishment costs more to operate than it takes in, and because a law requires annual reports comparing receipts with costs, the Post Office is singled out and charged with operating at a deficit.

Postal rates actually are a form of taxes. The Post Office does not keep the money it gets for selling stamps, but turns it into the Treasury. Thus in urging a postal rate increase, the administration is seeking an indirect tax increase.

Finally, the theory that the Post Office is a business doesn't make sense. Would a business charge the same fee to deliver a message across the street as it does to handle a letter from Florida to Alaska?

Would a business operate a branch office in every hamlet in the Nation, most of them losing money because of slight patronage? Would a business take on sideline jobs without remuneration, like selling duck stamps or registering aliens?

The Post Office is an essential public service, worth what it costs to operate.

We suggest Mr. Summerfield ought to stop proclaiming (and complaining) how much his Department has lost and concentrate on getting the mails delivered as speedily and economically as possible.

And Congress ought to ignore the request for another boost in rates.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

CIVIL RIGHTS ACT OF 1960—REPORT OF A COMMITTEE—SEPARATE VIEWS (PT. 2, S. REPT. 1205)

Mr. HART. Mr. President, I ask unanimous consent to submit separate views on behalf of the Senator from Missouri [Mr. HENNINGS], the Senator from Connecticut [Mr. DODD], and myself, from the Committee on the Judiciary on the pending bill (H.R. 8601) to enforce constitutional rights, and for other purposes, and ask unanimous consent that the separate views be ordered to be printed as part 2 together with the separate views of the Senator from Colorado [Mr. CARROLL].

The PRESIDING OFFICER. Without objection, it is so ordered, and the separate views will be printed, as requested by the Senator from Michigan.

ADDITIONAL BILL INTRODUCED

Mr. MORSE, by unanimous consent, introduced a bill (S. 3318) to authorize marketing agreements and orders under section 8c of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Agreement Act of 1937), as amended, with respect to berries for canning and freezing, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

CIVIL RIGHTS ACT OF 1960—AMENDMENT

Mr. DOUGLAS (for himself, Mr. MCNAMARA, and Mr. HART) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, which was ordered to lie on the table and to be printed.

LOCATION OF U.S. COURT OF CLAIMS BUILDING—ADDITIONAL COSPONSOR OF BILL

Mr. MORSE. Mr. President, I ask unanimous consent that at the next printing of the bill S. 3279, relating to the location of the new U.S. Court of Claims Building, which I introduced, the Senator from Illinois [Mr. DOUGLAS] may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY

Mr. KUCHEL. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment under the order previously entered.

The motion was agreed to; and (at 7 o'clock and 19 minutes p.m.), under the order previously entered, the Senate adjourned until Monday, April 4, 1960, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

Preparations Under Way for the 1964 American World's Fair

EXTENSION OF REMARKS
OF
HON. KENNETH B. KEATING
OF NEW YORK
IN THE SENATE OF THE UNITED STATES
Friday, April 1, 1960

Mr. KEATING. Mr. President, a great deal of hard work has been done over the past several months in preparing for the American World's Fair in 1964 to be held in New York City. A number of interested citizens in New York have been instrumental in organizing the New York World's Fair Corp. and in getting the administration to select New York City as the site for an American fair in 1964.

These efforts have been highly successful. A great deal of work, of course, remains to be done in arranging with the Bureau of International Expositions in Paris and with foreign nations to finalize arrangements for the fair. Beyond that, plans must be made for Flushing Meadows, the site of the fair, and the construction of buildings, roads, and other facilities must be initiated.

One of the most gratifying aspects of the preparations for the 1964 fair thus far has been the active participation and assistance of the President and of the Department of State in working with foreign nations, which we hope will exhibit at the fair. I ask unanimous consent that the letter from President Eisenhower to Mr. Robert Kopple, executive vice president of the New York World's Fair 1964 Corp., expressing the hope that foreign nations will respond enthusiastically to the invitation of the New York World's Fair in 1964 be printed in the CONGRESSIONAL RECORD.

The permanent organization for the 1964 fair is now being set up. Several weeks ago Mr. Robert Moses was named to head this organization. Many of those who have worked long and hard on the fair up to this point are now stepping aside. I want to commend them for the fine work which they have done. Mr. Thomas Deegan, chairman of the fair corporation, and Mr. Robert Kopple, executive vice president, merit special praise for the efforts which they have devoted to this endeavor.

I ask unanimous consent that a letter which I wrote to Mr. Kopple praising him and the officers and members of the fair corporation for the energy which they have devoted to a 1964 American World's Fair in New York City also be printed in the CONGRESSIONAL RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington.

Mr. ROBERT KOPPLE,
Executive Vice President, New York World's Fair 1964 Corp., New York, N.Y.

DEAR MR. KOPPLE: The World's Fair to be held in New York in 1964 can be a powerful instrument for peace and friendship in freedom.

There is no greater force for good will on this earth than for people of all lands to meet face to face and become better acquainted with each other. This simple but basic truth has been reinforced in my own mind by my travels around the world and my visits here at home with leaders from many nations.

Ignorance of one another can lead to misunderstanding and conflict. The only way to correct this unhappy state is through firsthand knowledge, personal contacts, and a fruitful exchange of ideas.

I hope that all nations will respond enthusiastically to the invitation of the New York World's Fair in 1964. This will be a fine opportunity for their peoples to grow in mutual respect and friendship.

Sincerely,

DWIGHT D. EISENHOWER.

U.S. SENATE,
March 24, 1960.

Mr. ROBERT KOPPLE,
Executive Vice President,
New York World's Fair 1964,
New York, N.Y.

DEAR BOB: The efforts which over the past few months have been devoted to a 1964 American World's Fair in New York City are now coming to fruition.

The job is by no means over. It is just beginning. The President's invitation to foreign countries to participate in a New York World's Fair in 1964 marks a beginning and a challenge—a challenge to fulfill all of our aims for a successful 1964 World's Fair promoting peace through understanding.

I commend all of the members of the New York 1964 World's Fair Corp. for the fine work which you have done. You may be assured of my continuing interest and cooperation in all of your future endeavors.

Very sincerely yours,

KENNETH B. KEATING.

SENATE

MONDAY, APRIL 4, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, we are grateful for unhurried moments of communion with Thee, when spirit with spirit may meet. It is in such spiritual commerce that the swift pace of our lives is slackened and the fevers of haste melt away. Thus, if we so will, by waiting upon Thee we shall see more clearly, think more truly, and in all our decisions choose more worthily.

So, turning from all else to Thee alone, with a surety that there is more wrought by prayer than this world knows of, our hearts come singing in simple trust—

Sweet hour of prayer, that calls us
from a world of care,
And bids us at our Father's throne
Make all our wants and wishes known.

But above all our wishes, which may be tinged by hidden self-interest, we would seek Thy will, and toil that it may come to its coronation in all the affairs of men across all dividing gulfs. And may the petitions our hearts lift and our lips frame be fulfilled in the deeds of this body of the people's rule.

In the dear Redeemer's name we pray. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 1, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On March 31, 1960:

S. 601. An act to authorize and provide for the construction of the Bardwell Reservoir; and

S. 2185. An act to provide appropriate public recognition of the gallant action of the steamship *Meredith Victory* in the December 1950 evacuation of Hungnam, Korea.

On April 4, 1960:

S. 607. An act for the relief of the estate of Sinclair G. Stanley; and

S. 1159. An act to facilitate the acquisition of real property under the District of Columbia Alley Dwelling Act.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 2310) for the relief of Hoo W. Yuey.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 4826) for the relief of Arthur E. Collins; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LANE, Mr. DONOHUE, and Mr. HENDERSON were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. THOMAS, Mr. KIRWAN, Mr. CANNON, Mr. JENSEN, and Mr. TABER were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

H.R. 4874. An act to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty;

H.R. 6329. An act to convey certain land in McKinley County, N. Mex., to the Navajo Tribe of Indians;

H.R. 8251. An act for the relief of Tatsumi Ajisaka and others;

H.R. 8343. An act relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain;

H.R. 10233. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 9444. An act for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li); and

H.J. Res. 283. Joint resolution to authorize participation by the United States in parliamentary conferences with Mexico.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Aviation Subcommittee of the Committee on Interstate and Foreign Commerce was authorized to meet during the session of the Senate today.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the McNamara Subcommittee on the Problems of the Aged and Aging may be authorized to meet during the session of the Senate tomorrow.

Mr. KEATING. Mr. President, I am sorry. I could not hear what the Senator from Texas said.

Mr. JOHNSON of Texas. I have asked unanimous consent that the McNamara subcommittee may meet tomorrow. It has called several witnesses to appear before it.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER DISPENSING WITH THE CALL OF THE CALENDAR

On request of Mr. JOHNSON of Texas, and by unanimous consent, the call of the calendar today under the rule was dispensed with.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

PLANS FOR WORKS OF IMPROVEMENT IN COLORADO, KANSAS, NEW MEXICO, SOUTH CAROLINA, AND WEST VIRGINIA

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on the Vineland area tributary to Arkansas River, Colo., White Clay, Brewery, Whiskey Creeks, Kans., Tortugas Arroyo, N. Mex., Huff Creek, S.C., and Brush Creek, W. Va. (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Treasury Department for "Salaries and expenses, U.S. Secret Service," for the fiscal year 1960, had been reapportioned on a basis indicating the need for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON NATIONAL INDUSTRIAL RESERVE

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on the National Industrial Reserve, dated April 1, 1960 (with an accompanying report); to the Committee on Armed Services.

REPORT ON MILITARY PRIME CONTRACTS WITH BUSINESS FIRMS IN THE UNITED STATES FOR EXPERIMENTAL, DEVELOPMENTAL, AND RESEARCH WORK

A letter from the Assistant Secretary of Defense (Supply and Logistics), transmitting, pursuant to law, a report on military prime contracts with business firms in the United States for experimental, developmental, and research work (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the 6-month period ended December 31, 1959 (with an accompanying report); to the Committee on Foreign Relations.

AMENDMENT OF SECTIONS 22, 23, AND 24, TITLE 13, UNITED STATES CODE

A letter from the Under Secretary of Commerce, transmitting a draft of proposed legislation to amend sections 22, 23, and 24, title 13, United States Code, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

REPORT ON STUDY OF EFFECT OF THIRD-CLASS BULK MAIL RATE INCREASES ON SMALL BUSINESS AND OTHERS

A letter from the Administrator, Small Business Administration, Washington, D.C., transmitting, pursuant to law, a report on the study of effect of third-class bulk mail rate increases on small business and others; to the Committee on Post Office and Civil Service.

APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed amendments to the bill (S. 3084) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (with an accompanying paper); to the Joint Committee on Atomic Energy.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution of the Senate of the State of California; to the Committee on Finance:

"SENATE RESOLUTION 32

"Resolution relative to World War I veterans' pensions

"Whereas many thousands of veterans of World War I are in dire circumstances and subjected to the indignity of public charity: Now, therefore, be it

"Resolved by the Senate of the State of California, That the Congress of the United States is respectfully memorialized to provide for a World War I pension, and that the Senate recommends to the Congress the program approved by the legislative committee of the Veterans of World War I of the United States of America; namely, that such pension be in the amount of $100 a month to those veterans of World War I who have attained the age of 62 years and whose annual income is not greater than $2,400 without dependents, or $3,800 with dependents, excluding social security or other pensions to which the veteran has contributed; and be it further

"Resolved, That the secretary of the senate is hereby directed to prepare and transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

"J. A. BEEK,
"Secretary of the Senate."

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Foreign Relations:

"CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO EXPRESS ITS STRONGEST DISAPPROVAL OF THE RECENT ACTION OF THE STATE DEPARTMENT IN THE UNWARRANTED INTERFERENCE WITH THE DOMESTIC AFFAIRS OF THE UNION OF SOUTH AFRICA

"Whereas this body has learned with great dismay of the unseemly interference in the domestic affairs of a friendly power by the impertinent statement made by the State Department of the Government of the United States in Washington, whereby the United States sought to condemn the Republic of South Africa for its handling of the racial difficulties recently experienced in that country when 72 natives were fatally injured as a result of a clash with local police; and

"Whereas the Secretary of State without even waiting to hear the statement which the representative of the Union of South Africa proposed to make on the motion of the African-Asian block that the events in South Africa be discussed by the Security Council, has further agitated the matter by publicly announcing that the United States favors a discussion of the entire matter before the Security Council; and

"Whereas this body verily believes that the Federal Government in Washington is confronted with a mammoth undertaking, the like and size of which the world has never seen, in just attending to its own affairs and those of the people of the United States, and that if this great responsibility with which the Central Government has been entrusted is conscientiously guarded, little time will be found in which to meddle into internal affairs of any other Nation; and

"Whereas the Department of State of the Federal Government in making a public statement of any kind on a situation so delicate has invaded a field in which it is obviously ill-informed and about which it has shown an unreasonable and ill-conceived prejudice; and

"Whereas the general assembly is conscious of the fact that these are perilous times for our country and for the world wherein the friendship of no nation can be taken lightly and the United States can ill afford to incur the ill will of any foreign country particularly one which is so disposed to friendship as the Union of South Africa; and

"Whereas the General Assembly believes that the Congress of the United States should express its disapproval of this interference by our State Department in the affairs of a friendly nation, and that the State Department should be warned of the serious consequences of a continuation of this policy; and

"Whereas the General Assembly believes that this action on the part of the State Department in presuming to instruct a friendly nation on the operation of its internal affairs is unwarranted, particularly when it is realized that the Government of the United States has failed to properly police the city of Washington, the Capital of the United States, which streets are unsafe for respectable and law-abiding citizens to walk on after nightfall: Now, therefore, be it

"Resolved by the house of representatives (the senate concurring), That the Congress of the United States is hereby memorialized to express its strongest disapproval of the recent action of the Secretary of State in his impertinent interference with the domestic affairs of the Union of South Africa, and that he be directed to attend to the duties in the future for which he was appointed; and be it further

"Resolved, That a copy of this resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to the Prime Minister of the Union of South Africa, the Honorable Hendrick F. Verwoerd."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Public Works:

"SENATE CONCURRENT RESOLUTION 15

"Concurrent resolution requesting Congress to include tidal wave and volcano damage in the Federal flood insurance law of 1956

"Whereas the U.S. Government by the Federal Flood Insurance Act of 1956 has authorized the Housing and Home Finance Agency to provide protection against financial losses from flood; and

"Whereas flood, tidal wave and volcanic activity are similar in their predictability as to area, creating the same problem; and

"Whereas the damage usually resulting from volcanic eruptions and tidal waves is even more catastrophic than the damages generally resulting from floods; and

"Whereas the reasons for providing Federal insurance for flood damage are similar to the reasons why Federal insurance against tidal wave and volcano damage should be provided and because all of these natural disasters should, in fairness, be treated in a like manner: Now, therefore, be it

"Resolved by the Senate of the First Legislature of the State of Hawaii, regular session of 1960 (the House of Representatives concurring), That the Congress of the United States be and hereby is respectfully requested to amend the Federal Flood Insurance Act of 1956 to include tidal wave and volcano damage; and be it further

"Resolved, That duly authenticated copies of this concurrent resolution be sent to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States to the Honorable HIRAM

L. FONG, Senator from the State of Hawaii, to the Honorable OREN E. LONG, Senator from the State of Hawaii and to the Honorable DANIEL K. INOUYE, Representative from the State of Hawaii.

"W. H. HILL,
"President of the Senate.
"WALTER G. CHUCK,
Clerk of the Senate.
"ELMER F. CRAVALHO,
"Speaker, House of Representatives.
"HERMAN T. F. LUM,
"Clerk, House of Representatives."

A joint resolution of the General Assembly of the State of Maryland; to the Committee on Public Works:

"JOINT RESOLUTION 12

"House joint resolution requesting the Congress of the United States to authorize the Army Corps of Engineers to make a survey of the Patuxent River in regard to flood control

"Whereas the Patuxent River flows through Prince Georges County, Howard County, and Anne Arundel County in the State of Maryland; and

"Whereas at the present time, there is inadequate flood control of the Patuxent River; and

"Whereas because of the inadequate flood control, the possible flooding of the Patuxent River constitutes a threat to the health and welfare of the people living in these three counties; and

"Whereas the General Assembly of Maryland believes it is desirable that the Army Corps of Engineers make a survey of this situation with the idea of proposing corrective measure: Now, therefore, be it

"Resolved by the General Assembly of Maryland, That the Congress of the United States be requested to pass legislation authorizing the Army Corps of Engineers to make a survey of the Patuxent River in regard to flood control; and be it further

"Resolved, That the Secretary of State be directed to send copies of this joint resolution, under the great seal of the State of Maryland to the President of the Senate, to the Speaker of the House of Representatives, and to each member of the Maryland delegation in the Congress of the United States."

A joint resolution of the Legislature of the State of New York; to the Joint Committee on Atomic Energy:

"RESOLUTION 139

"Joint resolution of the senate and assembly memorializing the Congress and President of the United States to initiate a program for radioactive fallout protection for all citizens of the United States

"Whereas the people of the State of New York feel deep concern for the international situation and its effect upon the safety and future of each citizen; and

"Whereas they know the freedom of the people of this State and Nation to be fatefully bound to the fate of free peoples throughout the world; and

"Whereas they realize that the future of freedom everywhere depends on the willingness of the American people to defend the right of peoples to determine their own fate; and

"Whereas all free peoples today confront, in the form of the steadily growing force and resources of Soviet communism, a threat without parallel in their history; and

"Whereas the simultaneous evolution of science and weaponry makes this threat a menace of such proportions as has been confronted by no other generation; and

"Whereas the success of diplomatic negotiations with the Soviet Union, involving both the safeguarding of the freedom of Berlin and progress toward disarmament, depends critically upon our national strength and our national resolve; and

"Whereas all levels of concern—moral, political, and military—dictate the need for government to assure adequate defenses for our population, not only to sustain hostile attack but also to deter and to discourage the attempt of such attack; and

"Whereas both the lives and the liberties of all Americans are thus at stake in the military and political decisions of this time; and

"Whereas the President of the United States has declared that 'our total defense is incomplete and meaningless without reliable and responsible home defense' and the Joint Chiefs of Staff have stated that a fallout shelter program is essential both to our military defense and to our policy of seeking peace through deterrence of nuclear attack; and

"Whereas the Secretary of State has made it emphatically clear that there is a direct relationship between a fallout shelter program and the effective conduct of foreign policy; and

"Whereas the Director of the Central Intelligence Agency has indicated that fallout protection for our people is essential to withstand nuclear blackmail; and

"Whereas the health and safety, and the survival of the individual citizen is a matter of paramount State and National concern; and

"Whereas the fallout protection essential to the survival of tens of millions of Americans, in the event of a nuclear attack upon our country, is readily obtainable; and

"Whereas it is a matter of utmost gravity and urgency that protective steps be taken by and for the people of every State in our Union and to make these steps effective that further supporting action be taken by the Federal Government: Now, therefore, be it

"Resolved (if the assembly concur), That the Congress and the President of the United States be and hereby are respectfully memorialized to—

"1. Declare it to be the policy of the United States that every American citizen have effective fallout protection as promptly as possible;

"2. Provide affirmative additional support to State, local, and individual initiative in obtaining essential fallout protection by, among other things,

"(a) authorizing a Federal income tax deduction for the cost of fallout shelters (up to a maximum of $100 per planned shelter occupant);

"(b) making the provision of fallout protection mandatory in all construction built with Federal funds or financed with Federal loans or guarantees; and

"(c) providing fallout protection for the executive, legislative, and judicial branches of the Federal Government and for the Armed Forces of the United States to assure the continuity of their functioning in the event of nuclear war; and

"3. Direct the promulgation of a comprehensive nationwide program of nuclear protection, warning and training; and

"4. Accelerate the establishment with Federal funds of the nationwide, fully automatic system of monitoring for radioactive fallout, using modern computer techniques, supplemented with an improved attack-proof system of radio communication with shelter occupants; and

"5. Direct that an immediate and intensive program of research be undertaken looking to action which will make possible national recovery following a nuclear attack, including vigorous new steps for decontamination, for the prepositioning, preservation, and distribution of food supplies, for the purification of water, for the prepositioning, rationing, and distribution of fuel, clothing, medicines, building materials, and other supplies, and for most effective employment of the surviving population for the national recovery; and be it further

"Resolved (if the assembly concur), That copies of this resolution be transmitted to the President of the United States, to the Secretary of the United States Senate, to the Clerk of the House of Representatives of the United States, and to each Member of Congress duly elected from the State of New York, and that the latter be urged to assert their best efforts to the task of accomplishing the purposes of this resolution.

"By order of the senate.

"JOHN J. SANDLER,
"Secretary.

"By order of the assembly.

"ANSLEY B. BORKOWSKI,
"Clerk."

A resolution adopted by the United Okinawan Association of Hawaii, Honolulu, Hawaii, favoring the enactment of House bill 1157, relating to the economic development of the Ryukyu Islands; to the Committee on Armed Services.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs, without amendment:

S. 2434. A bill to revise the boundaries and change the name of the Fort Laramie National Monument, Wyoming, and for other purposes (Rept. No. 1232).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. BYRD of Virginia, from the Committee on Finance:

Glenn W. Sutton, of Georgia, to be a member of the U.S. Tariff Commission.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCLELLAN:

S. 3319. A bill to authorize the Administrator of General Services to release the recapture provisions contained in the conveyance of certain real property to the city of Little Rock, Ark., and for other purposes; to the Committee on Government Operations.

By Mr. DIRKSEN:

S. 3320. A bill to authorize appropriations for continuing the construction of highways under title 23, United States Code; to the Committee on Public Works.

(See the remarks of Mr. DIRKSEN when he introduced the above bill, which appear under a separate heading.)

By Mr. MURRAY:

S. 3321. A bill to authorize the sale or lease of Indian lands on the Crow Indian Reservation, Mont.;

S. 3322. A bill to provide a standard procedure for the leaving of noncompetent allotted farming and grazing lands on the Crow Indian Reservation; and

S. 3323. A bill to provide compensation to the Crow Tribe of Indians, Montana, for certain lands embraced within the present boundaries of the Crow Indian Reservation, for the validation of titles, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MORTON (for himself and Mr. COOPER):

S. 3324. A bill to authorize and direct the Secretary of the Army to convey part of Lock and Dam No. 10, Kentucky River, Madison County, Ky., to the Pioneer National Monument Association for use as part of an historic site; to the Committee on Public Works.

By Mr. MUNDT:

S. 3325. A bill creating a commission to be known as the Commission on Noxious Printed and Pictured Material; to the Committee on Government Operations.

(See the remarks of Mr. MUNDT when he introduced the above bill, which appear under a separate heading.)

By Mr. CHAVEZ:

S. 3326. A bill to provide for the issuance of a special series of stamps in commemoration of the 100th aniversary of the continuous displaying of the flag of the United States over the Taos Plaza in the town of Taos, N. Mex.; to the Committee on Post Office and Civil Service.

By Mr. O'MAHONEY:

S. 3327. A bill for the relief of Jean Goedicke; to the Committee on the Judiciary.

By Mr. MURRAY:

S. 3328. A bill to grant to the government of Guam certain filled lands, submerged lands, and tidelands; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MURRAY when he introduced the above bill, which appear under a separate heading.)

By Mr. EASTLAND:

S. 3329. A bill for the relief of Constantinos Melisarris; to the Committee on the Judiciary.

By Mr. SCOTT (for himself, Mr. COOPER, and Mr. PROUTY):

S. 3330. A bill to amend title IV of the Social Security Act so as to permit children who are in need and who have been deprived of parental support or care to be eligible for assistance under the State plans for aid to dependent children established pursuant to such title; to the Committee on Finance.

By Mr. CHAVEZ:

S.J. Res. 183. Joint resolution memorializing the continuous displaying of the flag of the United States over the Taos Plaza in the town of Taos, N. Mex.; to the Committee on Post Office and Civil Service.

AUTHORIZATION FOR APPROPRIATIONS FOR CONTINUANCE OF CONSTRUCTION OF HIGHWAYS UNDER TITLE 23, UNITED STATES CODE

Mr. DIRKSEN. Mr. President, I introduce, for appropriate reference, a bill to authorize appropriations for continuing the construction of highways, under title 23, United States Code. In connection with the bill, Mr. President, I ask unanimous consent to have printed at this point in the RECORD an analysis of the bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the analysis will be printed in the RECORD.

The bill (S. 3320) to authorize appropriations for continuing the construction of highways under title 23, United States Code, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Public Works.

The analysis presented by Mr. DIRKSEN is as follows:

The Department of Commerce has prepared and submits herewith as a part of the legislative program for the 86th Congress, 2d session, a draft of a proposed bill "To authorize appropriations for continuing the construction of highways, under title 23, United States Code."

The Federal-Aid Highway Act of 1958 (72 Stat. 89) authorized the appropriation of funds for the Federal-aid primary and secondary systems and extensions thereof in urban areas for the fiscal years 1960 and 1961. The Federal-aid funds authorized for each of those fiscal years have now been apportioned. In accordance with the practice of previous years, it is necessary that Congress give consideration to the enactment of legislation during the forthcoming session of Congress which would authorize the appropriation of funds for the fiscal years 1962 and 1963 for the continuation of the construction of highways on the Federal-aid primary and secondary systems and extensions thereof within urban areas.

It is considered that the sum of $900 million for each of the fiscal years 1962 and 1963 is required for the orderly continuation of the highway program for the Federal-aid primary and secondary systems and extensions of those systems in urban areas. It is believed to be of vital importance that authorizations be continued for those Federal-aid systems in furtherance of the national interest therein as expressed in section 101(b) of title 23, United States Code. The small reduction proposed in the authorizations for this program for fiscal years 1962 and 1963, compared with the authorization of $925 million for fiscal year 1961, would keep this program more in balance with the interstate highway program which has been reduced to conform with current highway trust fund revenues.

It is also considered necessary that authorizations be made for continuation of the forest highway program. The 1958 Act authorized the sum of $33 million for each of the fiscal years 1960 and 1961. These sums have now been apportioned. It is proposed that authorizations in the amount of $33 million be continued for the fiscal years 1962 and 1963 for forest highways on the Federal-aid highway systems.

The Federal-Aid Highway Act of 1958 authorized the sum of $3 million for the fiscal years 1960 and 1961 for public lands highways. It is proposed that authorizations be continued in like sum for each of the fiscal years 1962 and 1963 for public lands highways on the Federal-aid highway systems. These highways, as well as other highways in the Federal domain, constitute extremely important links in our highway systems.

The President, in his budget messages for both fiscal years 1960 and 1961, recommended that appropriations for forest highways and public lands highways be made from the highway trust fund, and that in the future amounts derived from the highway trust fund be expended only in connection with those forest highways and public lands highways which are on one of the Federal-aid systems. This recommendation is based upon the fact that the highway trust fund was established to meet obligations of the Federal Government attributable to Federal-aid highways, and, therefore, the trust fund should be used for financing the construction of all classes of highways which are on a Federal-aid system. The draft bill transmitted herewith includes language to implement the recommendations of the President.

The enclosed draft bill would provide the authorizations necessary for continuing the highway programs referred to herein. Funds have been authorized to be appropriated for the Interstate System annually through the fiscal year 1969 under the Federal-aid Highway Act of 1958 and the Federal-aid Highway Act of 1959. It is not necessary, therefore, to make provision for the Interstate System in the proposed bill.

The proposed bill would also make the following technical amendments to title 23, United States Code, considered essential in connection with the authorizations contained therein as well as for perfecting the substantive law relating to highways.

In section 129(c) of title 23, relating to the availability of Federal-aid funds for expenditure on projects approaching toll facilities, it is proposed that the term "under prior Acts" be deleted. Such deletion would eliminate the limited applicability of this subsection to only the expenditure of funds authorized to be appropriated under the Federal-aid Highway Act of 1958 and previous authorizations.

The language of section 305 of title 23 relating to the use of funds for archeological and paleontological salvage would be interpreted as not permitting the use for this purpose of funds authorized under the proposed bill, as well as subsequent acts. It is proposed that the section be amended as set forth in the enclosed draft bill.

The Department of Commerce recommends this proposed legislation for the favorable consideration of the Congress.

The Bureau of the Budget has advised that it would have no objection to the submission of this draft bill to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

FREDERICK H. MUELLER,
Secretary of Commerce.

THE SMUT RACKET MUST BE STOPPED

Mr. MUNDT. Mr. President, I introduce, for appropriate reference, a bill designed to do something effective about curbing one of the most reprehensible and nauseating rackets ever to flourish in the United States. I refer to the growing menace to the youth and morals of our country which is created by the smut peddlers who have expanded into a near-billion-dollar undercover racket the printing, publication, distribution, and sales of noxious material, so-called obscene literature, pornographic productions, and a filthy family of other supplies and material designed to pervert late illegal sex activities and to pervert the minds and ideals of Americans—both youth and mature.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3325) creating a commission to be known as the Commission on Noxious Printed and Pictured Material, introduced by Mr. MUNDT, was received, read twice by its title, and referred to the Committee on Government Operations.

Mr. MUNDT. Mr. President, the bill proposes to create a Hoover-type special Presidential commission to study and investigate every phase and facet of this revolting racket in obscenity and pornography. It would provide our country with a commission of experts to focus public opinion on this growing problem; to probe into its causes and consequences; to assist in evolving and developing the necessary statutory protections and legal procedures for dealing vigorously and relentlessly with those who operate these rackets and profit

thereby; to help acquaint the general public, and parents of teenage children in particular, with steps to be taken to help expose the sources of these squalid products and to enable them to guard their families against receiving them; and it would explore the whole gamut of possible corrective steps which America and Americans can take to put an end to this horrible campaign to destroy the morals of our citizens.

At this point in my remarks, Mr. President, I ask leave to have printed in full the bill which I am today introducing in the Senate.

There being no objection, the bill (S. 3325) was ordered to be printed in the RECORD, as follows:

A BILL TO ESTABLISH A COMMISSION ON NOXIOUS PRINTED AND PICTURED MATERIAL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS OF FACT AND DECLARATION OF POLICY

SECTION 1. The Congress finds that there is a rapidly increasing commercial traffic in noxious printed and pictured material dealing with acts or suggestive acts of sexuality and sexual deviations and perversions. Effective control of the flow of such material in commerce requires a scientific evaluation of the existence and extent of the casual relationship between the traffic in such material and criminal, delinquent, or other undesirable or antisocial behavior on the part of juveniles and the public generally. The magnitude of the problem is such that the full resources of the Federal Government are necessary to cope with it. The seriousness of the problem is such that adequate scientific information is required for a solution by which this social threat to the general welfare of our people (including our children) may be met.

ESTABLISHMENT OF THE COMMISSION ON NOXIOUS PRINTED AND PICTURED MATERIAL

SEC. 2. (a) For the purpose of carrying out the policy set forth in section 1 of this Act, there is hereby created a commission to be known as the Commission on Noxious Printed and Pictured Material (in this Act referred to as the "Commission").

(b) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914, of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 16 members, appointed by the President, as follows:

(1) One from the Senate;

(2) One from the House of Representatives;

(3) Two from the Post Office Department;

(4) Two from the Department of Justice, one of whom shall be from the Federal Bureau of Investigation;

(5) One from the Bureau of Customs, Department of the Treasury;

(6) Three from the clergy, of whom one shall be Protestant, one shall be Roman Catholic, and one shall be Jewish;

(7) One who shall be prominent in the field of psychiatry;

(8) One who shall be prominent in the field of psychology;

(9) One who shall be a prominent citizen who is a parent of a school-age child or children;

(10) One who shall be a responsible official in the publishing industry;

(11) One who shall be a responsible official in the motion picture industry; and

(12) One who shall be a responsible official in the radio-television industry.

(b) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) CONTINUATION OF MEMBERSHIP UPON CHANGE OF STATUS.—A change in the status or employment of any person appointed to the Commission pursuant to subsection (a) of this section shall not affect his membership upon the Commission.

ORGANIZATION OF THE COMMISSION

SEC. 4. The Commission shall elect a Chairman and a Vice Chairman from among its members.

QUORUM

SEC. 5. Eight members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 6. (a) MEMBERS OF CONGRESS.—Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received for their services in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 7. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

(b) The Commission may procure, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed $50 per diem for individuals.

EXPENSES OF THE COMMISSION

SEC. 8. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this Act.

DUTIES OF THE COMMISSION

SEC. 9. (a) INVESTIGATION AND ANALYSIS.—The Commission shall—

(1) conduct a scientific investigation of the relationship between the production, distribution, and sale and reading or viewing of noxious printed or pictured material dealing with acts or suggestive acts of sexuality, and sexual deviations or perversions, and the commission by the readers or viewers thereof of criminal, delinquent, or other antisocial acts; and

(2) analyze the law pertaining thereto, and recommend appropriate revisions to the Congress.

(b) REPORT.—The Commission shall report to the President and the Congress its findings and recommendations as soon as practicable and in no event later than June 30, 1961, at which date the Commission shall cease to exist.

POWERS OF THE COMMISSION

SEC. 10. (a) HEARINGS AND SESSIONS.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C., secs. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) OBTAINING OFFICIAL DATA.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this Act; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

Mr. MUNDT. Mr. President, a neighbor of mine in Schott's Court where I live in Washington is Representative JAMES C. OLIVER, of Maine. JIM OLIVER and I have discussed this traffic in obscenity at times in our leisure hours at home; he is a member of the House Post Office Subcommittee on Postal Operations and I am a member of the Senate Committee on Appropriations dealing with postal needs and improvements. Congressman OLIVER is an alert and forward-looking Member of the House and a companion counterpart of this legislation was introduced by him in that branch of Congress.

Additionally, this problem of using pornographic material to attempt to despoil the morals of American youth came to my attention years ago when as a member of the old Dies committee of the House of Representatives we learned that the destruction of the ideals and morals of young Americans ranked high on the action agenda of Communists and their sympathizers in America. In fact, much of the narcotic dope traffic in this country is traceable to Communist sources. Later, in the Senate, I endured the most unpleasant assignment of my career in Congress when I was appointed by then Vice President Barkley to serve on a subcommittee to study the extent and sig-

nificance of sex perversion among employees of the Federal Government. It was with great surprise and sorrow that we discovered the alarming extent of these vices. In each of these assignments, Mr. President, the trail of an individual's downfall so frequently led back to practices and purposes established by the receipt and reading of obscene literature that I am convinced a Presidential Commission such as my bill proposes can contribute greatly to the protection of both public and private morals in America.

I am also a cosponsor of Senate Joint Resolution 160 which proposes to set up a White House Conference to deal with noxious, indecent, and obscene literature—it would be my hope, Mr. President, that this Conference and this proposed Commission would supplement each other and that they would reenforce America's determination to deal a death blow to the producers and peddlers of filth in this great country of ours.

Mr. President, much of this revolting and repugnant material is sent surreptitiously through the mails. Our Postmaster General, Arthur Summerfield, has long led a hard-hitting crusade to stop this source of slime from spewing its nauseating material into the family mailboxes of America. He is to be congratulated on his efforts and a great many religious, fraternal, educational, and public welfare groups in America have rallied to his call to arms and are rendering trojan service in helping the public to learn about the steps it can take to help eliminate this trash from the mails and to trap the offenders who stealthily slip it into the channels of communication. However, short of imposing Government censorship of the mails—and this would be unthinkable and highly undesirable in our great freedom-loving Republic—there are severe limitations on what the Post Office Department can do to curb this terrible traffic in the salesmanship of smut.

It is my hope that such a Presidential commission as JIM OLIVER and I propose will discover and evolve methods for stopping this racket at its source and of punishing those engaged in it before they violate the sanctity of the mail and whether they distribute their noxious nostrums by express, by truck, by mail, or by personal delivery. Certainly insofar as this traffic moves across State lines—and most of it does—we should be able to find a way to fix a punishment so certain and severe that this flood of filth can be diminished to a mere trickle if we, indeed, cannot shut it off entirely.

A POISONED MIND IS AS BAD AS A POISONED BODY

Mr. President, imagine the extent of national concern and outrage if the Secretary of Health, Education, and Welfare, or of the Department of Agriculture, were to make public an official estimate pointing to the likelihood that milk served at school lunchrooms and cafeterias would expose 1 out of every 18 children to a crippling infectious disease. Can you imagine the furor which such an announcement would generate—the anxious fears of millions of parents? There would be a universal public demand that our children be protected from such a great danger. Congressional committees would investigate. It would be a rare newspaper columnist or radio and television commentator who would not feel it his duty to demand that no stone be left unturned until American schoolchildren could be assured of a supply of disease-free milk.

Happily, no such danger exists in connection with the school milk program. However, the obscenity racket comprises a threat to the moral and mental health of our schoolchildren. Postmaster General Summerfield has reported that the volume of obscene literature circulated through the mails has doubled in the last 5 years to the point where 1 out of every 35 children of school age now receive material from these merchants of filth. He estimates that if the present trend is not checked, that by 1963 we can expect that 1 child out of every 18 will be recipients of some item or items of lewd and pornographical literature.

It is encouraging to note that the Postmaster General is by far not the only American prominent in public and private life who has manifested serious concern over the traffic in obscene literature, and the effect it may have on our youngsters. I am pleased also to observe this matter has been the subject of discussion during the recent White House Conference on Youth. However, I cannot but feel that public outrage over this situation does not begin to approach the degree it would if we were speaking of a health hazard which might threaten 1 out of 18 school children. Certainly the maintenance of strong moral standards among our people is of no less importance than the maintenance of strong standards for physical health.

From our earliest beginnings we as a nation have been justifiably proud of and prayerfully thankful for the bountiful resources which have been such a contributing factor to our country's strength. Of all our resources I believe we have been most grateful for the wonderful resource we have in our youth. During times of national emergency they have stood physically straight and tall and have mustered the moral strength to carry the Nation through terrible days. A morally healthy youth is not only desirable from an ethical standpoint, but it is a completely indispensibe factor of national survival in this era of imperialistic warlike threats from godless communism.

A potential enemy might well elect to cripple America by simultaneously poisoning her water resources. But, I submit, no easier, or simpler, or more incipient method to crumble America's strength could be devised than a planned program for the erosion of our most precious resource—our youth.

I am of the unshakable opinion that we have here a national problem requiring the best thinking and collective efforts of all Americans. We might well consider it as we would any pathological disease and like any other pathological infection it has its source or sources and its channels of distribution. The symptoms of the disease are the terrible and tragic headlines which so often record the act of a berserk youngster. Law enforcement officials point often to the fact that virtually every sex criminal has a record of affinity for obscene literature and pornography.

WATCH YOUR FAMILY MAILBOX

The most infectious point of the disease is the family mailbox. It is here that so much of the pornographical sewage is dumped into the hands of so many of our children. How can such filth find its way to an 8 or 9 year old? It is not difficult. The collection of names for mailing lists for legitimate purposes is a business which occupies the talents of many industrious and energetic people. Assembling a list may involve the tedious study of telephone or city directors, publications, trade journals, or a controlled advertisement which may require the recipient to write his name on a special moneysaving coupon, the value of which can be redeemed in connection with a subsequent purchase. It has become a science the methods of which are not particularly secret or mysterious. The same methods are adopted by the merchants of filth who want to develop extensive channels of distribution to American youngsters. They may refer to high school yearbooks or graduation lists, or newspaper stories listing the names of youngsters engaging in one church or school activity or another for names. Sometimes the child's fancy is caught by an advertisement in a normal, respectable publication offering stamps or doll clothes or model airplanes at bargain prices. Sometimes with the consent of his parents the child sends for and receives the item. This can be the innocent-appearing device by which his name is added to the mailing list and soon that same child will begin receiving lewd solicitations through the mail.

Unfortunately as is the case with narcotics, obscene literature develops a progressive pattern. Once exposed, the youngster acquires an insatiable appetite or curiosity for the increasingly obscene. Frequently alert parents may discover that a son or daughter is receiving items of such a shocking nature through the mails. All too often, however, the situation is not immediately discovered by parents and as the child develops an appetite for this type of literature he also invents the necessary protective schemes to assure future safe delivery of such material.

Distribution of obscene literature is implemented by the fact that its recipients frequently establish voluntary circulating libraries so that it is available to other children who heretofore may not themselves have received it through the mail. Some youngsters, in order to satisfy their growing appetites for the pornographic and obscene, may help the dealer to peddle his filth in return for a discount on the cost of the material for which he himself is hooked. An indirect but tragic result occurs when a child who has never been exposed to obscene material becomes a victim of the criminal who is affected by it.

Those who traffic in this vile business of smut are finding to their sorrow that increasing numbers of alert parents are furnishing the Post Office Department with the obscene materials which have come to their children through the mails. The Department reports that this accelerated interest of parents in what their children are reading has resulted in an encouraging increase in the number of arrests of these merchants of filth, with their convictions being facilitated by a 1958 revision of the law which makes it possible to prosecute not only at the point of mailing obscene material but in the communities where it is received.

Any proposal to organize a concerted effort to drive publishers of obscene and lewd literature to the wall is certain to be met by cries of "censorship" and "violation of the freedom of the press." Certainly it is not censorship or a violation of civil liberties to prevent the sale of narcotics to high school youngsters or to forbid the sale of liquor to underage girls and boys. There should be little reasonable doubt that a child's moral and mental health is sufficiently important to require that he be protected as much as possible from the degradation constantly depicted in smutty literature. Ways short of censorship and compatible with our wise and proper respect for the privacy of our mails must be developed to deal with this fast-growing menace.

Then there are those who will argue that the exposure of a child to obscene literature is an ordinary thing; that it is something which has been and will be around always; that he should develop discerning reading habits at an early age. They ignore the testimony of psychiatrists who point to the frequent cases where a perfectly healthy child has been continually exposed to the depravities of smutty material and eventually turned into a creature with distorted and immoral ideas—if not an actual pervert.

I observed earlier that the dangerous effects of these racketeers of the obscene has become the active concern of many individuals and groups, public and private. This is indeed encouraging, but I wish it were the concern of more people. Unless public pressure is sufficient in intensity and duration to drive these racketeers completely out of business, the threat will continue to fester and infect more and more children.

CONGRESS MUST ALSO ACT

One of the charges which in most cases cannot be made of Congress is that Members of the Senate and House of Representatives are insensible to the forces of public opinion. The views of the American public on the need for action to prevent the traffic and distribution of obscene literature are well known on Capitol Hill, and for that reason it is surprising that legislative action has not been taken before now. There would be few who would attempt to argue that legislative action at the national level is the one single element necessary to a program to stop this traffic. Certainly, I am not one of them. However, Congress has the responsibility to center and direct national thinking on this subject. There are now pending before Congress a number of bills and resolutions whose objectives are aimed at this direction.

Sufficient time still remains for the consideration of these measures and final action to be taken by Congress before adjournment.

Mr. President, it is encouraging to read reports of the constructive actions now under way by good Americans, everywhere, to sound the warning and to take the steps required to stamp out this profiteering in filth. Our church leaders are doing magnificent work in counseling their parishioners from the pulpit and through religious organizations to fight back against these predatory peddlers of smut. Educational leaders, parent-teacher associations, extension clubs, the Toastmasters Clubs of America, women's organizations, and many others are conducting educational campaigns to advise their members and associates on how best to cooperate with the Post Office Department and with Federal law enforcement officials in exposing and eliminating the money-mad monsters who make a lush living out of producing and purveying materials designed to destroy the good life for others. State and city officials of government are cooperating with the Federal Government to close tight the narrowing ring in which these malicious people operate. But more needs to be done.

Postmaster General Arthur Summerfield said recently:

> We are in effect declaring war on these purveyors of filth, big and little, high and low. We are launching an intense and unrelenting effort to stop this monstrous assault on the Nation's children in every way possible. And we are confident that, with adequate public and legislative support, this job can be done.

He has urged every parent and every uplift organization in America to join in the war against these wanton individuals.

Lewdness through the mails will be short lived, Mr. President, if each of us in our respective capacities picks up the cudgels, now, and joins in the battle to clean up America, and to punish and prevent these "mental litterbugs" by methods which will effectively drive them out of business or put them behind penitentiary bars.

WHAT EVERY CITIZEN CAN DO

Every American can find a place to function in the ranks of those determined to bring this clean-up campaign to victory. Every parent can be of assistance in achieving this victory by taking the following steps when opportunity presents itself:

First. If obscene and noxious literature is received in the family mailbox, save all materials received, including the envelope in which they come, and all enclosures.

Second. Report the arrival of such material to your local postmaster, turning over to him all the items which are received either in person or by mail. Postal inspectors everywhere have been alerted to work with local postmasters to take action on this evidence by applying the Federal laws against the mailing of pornographic materials.

Third. Working with your postmaster, and he with Federal inspectors, parents can write "come-on" letters to the senders of seductive filth to collect additional evidence useful to the FBI and to the other Federal law enforcement officials, making sure to turn over to them every additional letter and bit of evidence received through the mails.

Fourth. Each of us can help to mobilize community support behind adequate law enforcement and in support of severe sentences against those guilty ones who are apprehended in their crimes.

Fifth. Every one of us can help to alert parents and others to be on the alert, so as to detect obscene material upon arrival and to forward the evidence as has just been suggested.

Sixth. In addition to such Federal laws as need to be enacted and such a Presidential commission as I have proposed, each of us, by working through our churches and the organization to which we belong, can press for adequate protective legislation at the State and city levels of government. Special informative programs before adult audiences and organizations of every kind can be most helpful in alerting the general public.

It has been said correctly: "Freedom is everybody's business." It is likewise true that the elimination of such filthy practices as the distribution of noxious, obscene literature or its display on magazine racks and sales counters of decent business places is also everybody's business. A determined American citizenry can help win this campaign to clean up America and it can do it by American methods and in the American way.

I sincerely hope such congressional action will be forthcoming. Indeed, I believe the basic reason why it has not already occurred is the indisputable fact that we have not yet found an acceptable and workable method for dealing with this offensive racket. I feel the proposal to call a White House conference, as proposed by Senator SCOTT and a number of other Senators who have cosponsored Senate Joint Resolution 160 is a step in the right direction, but it lacks the effective followthrough required to complete the job of curtailing this wicked and sadistic operation It is for that reason that Representative OLIVER and I have worked out the details of our measure to propose a special Presidential commission to deal with this problem and to study it sufficiently long and sufficiently hard to come up with recommended actions by both State and Federal officials as well as all others concerned, so that we can make a concerted and successful attack upon one of the most unsavory and destructive rackets ever to function in America. I urge Congress to act favorably upon this proposed legislation at this session.

GRANT TO GOVERNMENT OF GUAM CERTAIN FILLED LANDS, SUBMERGED LANDS, AND TIDELANDS

Mr. MURRAY. Mr. President, I introduce, for appropriate reference, a bill to grant to the Government of Guam certain lands on the island now held by the Federal Government.

This measure was drafted by the Department of the Interior and was submitted to the Congress in an Executive communication dated March 4, 1960.

Despite the quite lengthy metes and bounds description of the lands to be granted, the total area comprises only about 24 acres.

The land is now being used for public purposes, and the bill provides that the Government of Guam must continue to use it solely for civic, park, and recreational uses. Should the territorial government ever attempt to dispose of the tract, title shall revert to the United States.

Mr. President, I ask unanimous consent that the text of the Executive communication from the Acting Secretary or the Interior, transmitting the draft of the bill, be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3328) to grant to the government of Guam certain filled lands, submerged, and tidelands, introduced by Mr. MURRAY, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter presented by Mr. MURRAY is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 4, 1960.

Hon. RICHARD M. NIXON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed herewith is a draft of a proposed bill, "to grant to the Government of Guam certain filled lands, submerged lands, and tidelands."

We suggest that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

Sections 1 and 2 of the draft bill relate to certain filled land in the city of Agana, Guam, which is the capital of the territory. The land described in section 1 is a portion of the area known as the Paseo de Susana, and it is currently being used by the Government of Guam as a public park. The Paseo de Susana is a piece of land roughly in the shape of a triangle and is approximately 24 acres in area. The land within the Paseo de Susana, which projects into Agana Bay on the northern coast of Guam, includes land some of which has been filled. The portion of the land not artificially filled (known as Baker's Point), was used, prior to the enactment of the Organic Act of Guam on August 1, 1950, by the former naval government of Guam in the administration of the island. This land is now held by the Government of Guam under a transfer from the Navy to the Government of Guam, dated October 23, 1950, pursuant to the Guam Organic Act, referred to further below. The remainder of the Paseo de Susana is comprised of land which was made by filling in a portion of Agana Bay, and this portion is the land which is described in section 1 of the bill. Some of this land was filled in prior to World War II by the Navy in the course of its operation of the naval base, but additional land was created after the liberation of the island from the Japanese by the action of the Naval forces in dumping into the water large quantities of debris resulting from the fighting in Agana. The filled area was later enlarged by the naval government of Guam after World War II and used for public purposes.

On October 23, 1950, under the authority of section 28(a) of the Organic Act of Guam (64 Stat. 384, 392; 48 U.S.C., sec. 1421f(a), all real and personal property used in the administration of the civil affairs of Guam by the naval government was transferred to the newly organized Government of Guam by an instrument entitled "Transfer of Lands to the Government of Guam," executed by the Commander Naval Forces Marianas. The portion of the Paseo de Susana known as Bakers Point was included in this transfer. The President in Executive Order No. 10178, dated October 30, 1950 (15 F.R. 7313), reserved to the United States certain lands in Guam owned by the United States and placed them under the control of the Secretary of the Navy. This order transferred the lands not so reserved to the administrative jurisdiction of the Secretary of the Interior who, on February 26, 1952, by an instrument entitled "Transfer of Land to the Government of Guam," conveyed these lands to the territorial government. In none of the above transfer documents is there any reference to lands presently or formerly under water or to the filled portion of the Paseo de Susana.

The Solicitor of this Department in opinion No. M-36449, dated January 31, 1958 (65 I.D. 193), held that title to all tidelands, submerged lands, and artificially filled lands on the coast of Guam remains in the United States and may be alienated only by the express authorization of Congress. The enclosed proposed bill is intended to constitute such express authorization.

By virtue of its location, the Paseo de Susana is the logical site for the establishment of recreational and civil facilities for the capital city of Agana, and it is being used as such. The projection of the Paseo de Susana into Agana Bay provides an excellent view of the line of breakers along the ocean reef, as well as of the whole of Agana Bay and the cliffs of Agana. These scenic advantages, together with the nearness of the Paseo de Susana to the business and residential sections of Agana, make the site eminently suitable for development as a public park and recreational area.

On the basis of these considerations, the Territorial Planning Commission of the Government of Guam in making its study of the rebuilding program for Agana determined that the Paseo de Susana should be developed as a park and recreation area with facilities to serve every age group of the population of Guam. The area of the Paseo, when completely developed, will have a picnic ground, a play area for children, various kinds of athletic facilities, parking sections, and a memorial auditorium.

Sections 3 and 4 of the proposed bill relate to an area of filled and submerged land contiguous to and just to the west of the Paseo de Susana. This portion, which is being used as a boat basin, consists of water and submerged land together with a small hook-shaped projection of land. The hook-shaped piece of land consists of land filled in by the Navy in the course of its operation of the Agana.

The Government of Guam is planning to enlarge and improve this boat basin. The present plans call for the utilization of a small portion of the strip of land existing west of the boat basin as well as a portion of Agana Bay west of the boat basin. Since the Agana Boat Basin, the existing berthing area, and the proposed extension are closely intertwined in their basic objective, the areas in question should be consolidated. The Agana Boat Basin was developed before World War II for the purpose of accommodating the water barges unloading coal for the use of the steam powerplant located in the prewar Agana Navy Yard area. This area presently caters to the berthing and docking needs of the small boat commercial operations serving Guam and the islands of the Marianas as well as the needs of the boat operators engaged in fishing. It currently serves no purpose so far as the Navy is concerned. Because of these needs, the Government of Guam desires that the area be conveyed to it.

The development of the Paseo de Susana and the neighboring Agana Boat Basin in accordance with the plans of the Government of Guam will go far in enhancing the social, recreational, and economic life of the people of Guam. The transfer of these tracts will enable the Government of Guam to proceed to develop them so as to fully utilize their highest potentialities.

This bill will grant to the Government of Guam these filled, submerged, and tidal areas which were formerly used for governmental and public purposes during the period of naval government prior to 1950. After creation of the civilian government in Guam under the provisions of the Organic Act, all of the lands used by the Navy for civil government purposes were authorized by that act to be transferred without reimbursement to the new territorial government to enable it to carry out the responsibility for performing the functions of civil government formerly conducted by the Navy.

However, under the holding of the Solicitor of this Department, that none of the transfers authorized by the Organic Act could legally pass title to tidal lands or submerged or former submerged lands, the new government failed to get title to either the Paseo de Susana or the waters off shore from the Agana Boat Basin needed for the improvement of that project. Since both of these areas are in every way comparable to the other areas transferred under the authority of the Organic Act, and since they are both needed by the Government of Guam to fulfill its mandate from Congress to administer the civil affairs of the territory, they should be transferred to the Government of Guam on the same basis as the areas previously transferred for civil government purposes. This bill is intended to accomplish this purpose.

The Government of Guam, assuming the area to have been transferred to it under the authority of the Organic Act, has made extensive improvements on the Paseo de Susana to meet the urgent needs of the people of Guam for an area suitable for recreational purposes and for the holding of civic functions.

Sections 2 and 4 of the proposed bill provide restrictions as to the use and alienation by the Government of Guam of the transferred lands, in order to insure the maximum development which has been outlined. Should these restrictions be violated, the United States may, as provided in sections 2 and 4, at its option terminate the interests of the Government of Guam by making a reentry on the land. It is, therefore, recommended that this proposed legislation be favorably considered.

The Bureau of the Budget has advised that there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

ROGER ERNST,
Assistant Secretary of the Interior.

CIVIL RIGHTS ACT OF 1960—AMENDMENT

Mr. HENNINGS. Mr. President, on behalf of myself, and two other members of the Senate Committee on the

Judiciary, who voted for it in committee last week, I submit an amendment, intended to be proposed by us, jointly, to the bill (H.R. 8601) to enforce constitutional rights, and for other purposes. It is the plan for Presidentially appointed Federal enrollment officers, as an amendment in the form of an additional title in the House-passed civil rights bill, H.R. 8601. In other words, this title is in addition to the judicially appointed voting referees title now in the bill. I shall call up the amendment for debate at an appropriate time.

This proposal received six votes when presented in the Senate Judiciary Committee on Tuesday, March 29, 1960; eight votes were cast against it.

It appears certain that all that will be produced this year in the way of civil rights legislation is a voting bill. Therefore, the voting provisions must be as substantial as possible, to increase the opportunities of voting for all qualified citizens. With this in mind, I strongly urge the Senate to adopt an additional method—the Federal enrollment officers plan—as a means to enable people to become registered and to be able to vote in elections. Many have expressed doubts about the potential effectiveness of the referee plan. It is felt that if it is the only provision adopted, the legislation this year will not be what everyone seems to have agreed it should be: an effective voting rights bill.

Mr. President, I send to the desk the amendment, which I submit for myself, the junior Senator from Michigan [Mr. HART], and the junior Senator from Connecticut [Mr. DODD], and ask unanimous consent to have it printed in the RECORD at this point as a part of my remarks.

The VICE PRESIDENT. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 21, between lines 12 and 13, insert the following new title:

"TITLE VII

"FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disfranchisement of qualified voters because of their race or color. That Commission has found that, under color of law or by State action, substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments requires the exercise of the congressional authority provided under these amendments.

"DEFINITIONS

"(b) For the purposes of this section—

"(1) The term 'election' means any general or special election held in any State for the purpose of electing any candidate to elective public office and any primary election held in any State for the purpose of selecting any candidate for elective public office.

"(2) The term 'registration district' means an area in a State corresponding with any of the districts established by State law from which the voters elect a Member of the House of Representatives of the United States.

"JUDICIAL DETERMINATION OF DISFRANCHISEMENT

"(c) (1) Whenever, in any action brought under sectiton 2004(c) of the Revised Statutes, as amended by section 131(c) of the Civil Rights Act of 1957 (71 Stat. 637, 42 U.S.C. 1971(c)) a court finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, or the opportunity of registration, or elections because of their race or color, the Attorney General shall notify the President of the United States of such finding.

"(2) Whenever the Commission on Civil Rights, acting under the duties imposed upon it by section 104(a) of the Civil Rights Act of 1957 (71 Stat. 635, 42 U.S.C. 1975c (a)) or in the event of termination of the Commission such other agency or department as the President shall designate to perform the same function (hereinafter referred to as the Commission) finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration or the opportunity of registration, for election because of their race or color, the Commission shall notify the President of the United States of such finding.

"APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS

"(d) (1) Upon any notification of a finding pursuant to subsection (c), the President is authorized to establish a Federal Enrollment Office in each registration district that includes the locality or area for which such finding has been made and to appoint one or more Federal Enrollment Officers for such district from among officers or employees of the United States who are qualified voters within such district. Whenever the President determines that there is no further need for a Federal Enrollment Office, he shall abolish the Office of such registration district. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by this section until such time as he is relieved of such duties by the President.

"(2) The President may, if in his judgment such action appears justified and suitable, delay the appointment of Federal Enrollment Officers in order to permit prompt and continuous good faith efforts by State and local officials to terminate in an affected area deprivation of the right to vote on account of race or color.

"ENROLLMENT BY FEDERAL ENROLLMENT OFFICERS

"(e) The Federal Enrollment Officer for any registration district shall accept enrollment applications from individuals living in localities or areas in such district as to which a finding has been rendered pursuant to subsection (c). All such applicants whom he finds to meet the qualifications for voters under the laws of the State, wherein such district is situated, shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like period as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him. Nothing contained herein shall be construed to authorize an Enrollment Officer to enroll any person who is not of the same race or color as the persons found pursuant to subsection (c) to have been deprived of registration, or the opportunity of registration, for elections. Nothing contained in this section shall be construed as impairing the right of any State to establish nondiscriminatory voting qualifications.

"VOTING IN ELECTIONS

"(f) Each qualified voter who is enrolled pursuant to subsection (e) shall have the right to vote, and to have such vote counted, for candidates for elective public office in elections held in his registration district, and, in the case of a primary election, for persons seeking nomination as candidates for elective public office, subject to the provisions of subsection (g).

"ENFORCEMENT

"(g) (1) Nothing contained in this section shall be construed to deny to appropriate State officials or other interested persons the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity, of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made.

"(2) Federal Enrollment Officers shall ascertain that persons enrolled under this section are afforded the right to vote and to have their votes fairly counted, and for this purpose the Federal Enrollment Officer is authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this section be denied the right to cast his vote or to have his vote counted, the Federal Enrollment Officer shall forthwith notify the Attorney General.

"(3) The provisions of this section shall be enforceable by appropriate civil and equitable proceedings instituted in the district courts of the United States by the Attorney General, for or in the name of the United States. When necessary to assure persons enrolled under subsection (e) of the right to vote and to have their votes counted, the district court shall issue permanent or temporary injunctions or other orders directed to appropriate State or local voting officials, requiring them to permit persons enrolled under the provisions of this section to cast their votes and have them counted subject to the provisions of paragraph (1) of this subsection.

"(4) In all cases of criminal contempt arising under the provisions of this section, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided, however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further,* That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *And provided further,* That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

"This paragraph shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

"Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for vio-

lations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity including the power of detention.

"APPROPRIATIONS

"(h) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

On page 21, line 13, strike out "TITLE VII" and insert "TITLE VIII."

On page 21, line 15, strike out "SEC. 701." and insert "SEC. 801."

Mr. HENNINGS. Mr. President, I also ask unanimous consent that the amendment be read or preferably, be considered as having been read, for the purpose of making it eligible as an amendment to H.R. 8601 under Senate rules, in the event that cloture on debate is invoked.

The VICE PRESIDENT. Without objection, the amendment will be deemed as having been read.

Mr. HENNINGS. Mr. President, in addition I ask unanimous consent to include the following item at this point in the CONGRESSIONAL RECORD, as a part of my remarks:

[From the Wall Street Journal, vol. CLV, No. 64, eastern edition, Friday, Apr. 1, 1960, front page, col. 5]

A major 1962 goal: Administrative, not judicial, protection of Negro voting rights. Critics foresee lengthy court delays under present proposals for court-appointed referees to guard Negro ballot rights.

AMENDMENT OF FEDERAL-AID HIGHWAY PROGRAM—ADDITIONAL COSPONSOR OF BILL

Mr. BARTLETT. Mr. President, at the next printing of the bill, S. 3290, to amend section 120(a) of title 23, United States Code, I ask unanimous consent that the name of the junior Senator from California [Mr. ENGLE] may be added as an additional cosponsor. The bill was introduced by me on March 29, 1960.

The VICE PRESIDENT. Without objection, it is so ordered.

ANNUAL YOUTH APPRECIATION WEEK—ADDITIONAL COSPONSOR OF JOINT RESOLUTION

Under authority of the order of the Senate of March 30, 1960, the name of Mr. WILEY was added as an additional cosponsor of the joint resolution (S.J. Res. 181) providing for the establishment of an Annual Youth Appreciation Week, introduced by Mr. KEATING (for himself, Mr. BENNETT, Mr. BRIDGES, Mr. JAVITS, Mr. PROUTY, and Mr. SCOTT) on March 30, 1960.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. TALMADGE:

Editorial entitled "Senator RUSSELL Lays It on Line in Warning to All Americans," published in the Anderson (S.C.) Independent of April 1, 1960.

ANNIVERSARY OF BIRTH OF HON. WILLIAM P. HOBBY, FORMER GOVERNOR OF TEXAS

Mr. JOHNSON of Texas. Mr. President, a great and good Texan, a great and good American, a great and good friend, celebrated the anniversary of his birth last Saturday. I refer to W. P. Hobby, the beloved former Governor of Texas and president of the Houston Post.

To some men comes the rare good fortune to be of true service to mankind in one field of endeavor. But William P. Hobby was doubly blessed.

As a public servant, he earned the gratitude, the affection, and the esteem of his native State.

As a newspaperman, this able and distinguished Texan occupies an eminent niche in the annals of American journalism.

A descendant of pioneer stock, he was born in Polk County, Tex., on March 26, 1878. He was educated in the public schools of Texas, and soon began his apprenticeship as a newsman.

He was publisher of the Beaumont Enterprise from 1907 to 1931, and in 1924 became president of the Houston Post.

It was in 1931 that this beloved Texan took as his gracious and lovely wife Oveta Culp Hobby, former Secretary of the Department of Health, Education, and Welfare, as well as wartime director of the Women's Army Corps.

A long career as a public servant began in 1914 when he was elected Lieutenant Governor of Texas. He was reelected to the same office 2 years later.

Then, in 1917, he succeeded to the office of Governor, a position to which the citizens of Texas returned him for a 2-year term starting in 1919.

This, Mr. President, is a man of many abilities, distinguished as few men are—yet who has never lost the common touch.

He loves people, and people love him.

His generosity, his counsel and his comfort have made life more interesting and rewarding, not only for me, but for a multitude.

It falls to the lot of many men to be regarded with respect. Some are regarded with esteem. A few are regarded with affection. William P. Hobby is accorded all three.

A man who has earned and deserved all that he has acquired, he possesses those greatest treasures of all—a lovely wife, wonderful children, and an enduring spot in the hearts of thousands of his friends.

In the name of all of these, I salute him.

WASHINGTON, D.C., EXPERIENCE SHOWS EDUCATIONAL INTEGRATION WORKS WELL

Mr. PROXMIRE. Mr. President, in the civil rights debate now going into its eighth week in the Senate, argument has waxed eloquently for and against enacting laws attempting to secure equal rights throughout America. The most eloquent argument made for school integration is the argument of hard, practical experience. Will it work? Will scholastic standards decline or improve? Will delinquency increase or decline? I call attention to an objective, competent appraisal of the impact of educational integration on education here in Washington; I refer to an article published in today's issue of the New York Times.

In no big city in America are conditions more adverse to integration than here. It is an obvious axiom that educational integration increases in difficulty as the proportion of the Negro population to the white population grows. Where less than 10 percent of the school-age population is Negro, integration has proceeded smoothly and with little difficulty. When the Negro population exceeds 10 percent, opposition grows increasingly more intense.

The fact is, Mr. President, that Washington, D.C., has the highest proportion of Negro children in the schools of any big city in the Nation—higher than in any city in Georgia, Mississippi, Alabama, Arkansas, Louisiana, South Carolina, or any other State.

Mr. President, to establish these facts, I ask unanimous consent to have printed at this point in the RECORD a tabulation—published in the current issue of U.S. News & World Report—which shows that in Washington, D.C., 55 percent of the total population is Negro, the largest percentage of Negroes in any city in the Nation. Second in rank is Jackson, Miss., where the Negroes constitute 40 percent of the total population.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

WASHINGTON—THE NO. 1 NEGRO CITY OF THE UNITED STATES

PERCENTAGE OF NEGROES IN TOTAL POPULATION

	Percent
Washington, D.C.	55.0
Jackson, Miss.	40.0
Birmingham, Ala.	39.7
Winston-Salem, N.C.	39.6
Richmond, Va.	38.3
Montgomery, Ala.	37.0
Gary, Ind.	36.1
Memphis, Tenn.	35.9
Newark, N.J.	34.7
New Orleans, La.	34.1

Source: For Washington, report to Congress by District of Columbia Commissioners: for U.S. Census Bureau; for others, State and local sources and public schools.

Mr. PROXMIRE. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD a second tabulation from U.S. News & World Report of April 4. It shows that in the Washington, D.C., public schools, 3 out of 4 pupils are Negroes; the percentages are 76.7 Negroes and 23.3 whites. The tabulation also shows that in the Washington, D.C., public schools, 62 percent of the teachers are Negro, and 38 percent of the teachers are white; and that in the first grade which will be enrolled next autumn, 85 percent of the children will be Negro and 15 percent of the children will be white.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

IN WASHINGTON PUBLIC SCHOOLS—THREE OUT OF FOUR PUPILS ARE NEGROES

Enrollment, 76.7 percent Negroes; 23.3 percent whites.

Teachers, 62 percent Negroes; 38 percent whites.

First grade (next autumn), 85 percent Negroes; 15 percent whites.

Mr. PROXMIRE. Mr. President, Washington ended separate schooling 5 years ago. With about 77 percent of the school-age population Negro, educational integration is undergoing the stiffest test it could endure in this country.

The other day, as I was sitting in the presiding officer's chair, I looked up in the galleries of the Senate and observed a typical Washington grade school class filing into the gallery. The children appeared to be about 10 years old—about 30 of them. I counted 25 Negro children, 1 child of oriental appearance, and 4 white children, a little red-haired boy, 2 towheaded, blond boys and a little brownhaired girl. I wondered how well this courteous and alert-appearing group of American children were doing in their newly mixed environment. This morning's New York Times carries an interesting answer on its front page. It reports that integration has benefited Washington schools. In national merit standard tests, performance of Washington children has greatly improved since 1955, delinquency has declined.

This miracle of social adjustment seems to me an unanswerable argument to those who have been fighting educational integration tooth and nail. If it works here—under the most difficult possible circumstances—it will work anywhere in America.

Mr. President, I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTEGRATION AIDS CAPITAL'S SCHOOLS—STANDARDS FOUND TO IMPROVE STEADILY IN 5 YEARS

WASHINGTON, April 3.—Five years of desegregation are reported to have brought a marked rise in the educational level of the District of Columbia public schools.

Dr. Carl F. Hansen, Superintendent of Schools, told in a report today of steady improvement in academic standards, teacher efficiency and school services, accompanied by a decline in delinquency.

The capital's schools were among the first to accept complete integration under the 1954 ruling of the Supreme Court.

"The Nation's Capital ought to symbolize a national dedication to the principle of superior public education for every child," Dr. Hansen said. "There are many miles to go before we reach this goal."

The rise in academic standards, coinciding with a rise in the number of Negroes enrolled, is testimony to "the capacity of the Negro pupil to respond to educational opportunity," he declared.

His report was distributed by the Anti-Defamation League of B'nai B'rith. It supplemented a 1957 report by Dr. Hansen, "Miracle of Social Adjustment," which dealt with the changeover from a segregated to an integrated system.

Dr. Hansen attributed the Negro enrollment increase to social, economic, and political factors, rather than desegregation.

His report indicated that the Capital's schools lagged behind the average for the Nation in educational level, but it had improved since 1955–56.

He cited tests in the third grade on paragraph and word meanings, spelling and arithmetic reasoning and computation. Against the average 3.5 rating for the country, he said, Washington schools had a median of 3.1. In 1955–56, he noted they were rated at only 2.3 to 2.6 against a national norm of 3.2.

ATTRIBUTED TO MERIT SYSTEM

Comparable improvements have been seen in all the higher grades, he added.

He attributed part of the improvement to a policy in effect since 1954 whereby teachers were assigned and promoted on the basis of merit.

During the same period, he said, delinquency has declined in terms of the number of cases per thousand pupils. He reported a slight increase in the actual number last year, but said no final figures were available yet.

More than 7,000 children were reported to have needed free lunches during 1958–59. Dr. Hansen said Congress had authorized $266,000 for free lunches this year in elementary schools here.

"Children who come to school without adequate nourishment are not in a state of readiness to learn," he observed. "They may not only be unresponsive to their opportunities, but aggressive, rebellious, and negative in their reactions."

While desegregation has not solved "the problem of the hungry," he said, progress being made indicates that a better job will be done than previously.

SECTION 4 OF DIRKSEN PROPOSAL IN CIVIL RIGHTS LEGISLATION

Mr. KEATING. Mr. President, on Saturday I received a letter from Mr. Arthur Flemming, Secretary of the Department of Health, Education, and Welfare—which I shall read later in this debate—emphatically, in the strongest language, endorsing section 4 of the Dirksen bill with respect to technical assistance to State and local government agencies seeking to desegregate their public schools. That is the view of the administration as of this minute, and I hope later the amendment will be called up and debated.

ANNIVERSARY TRIBUTE TO NATO

Mr. KEATING. Mr. President, today we celebrate the 11th anniversary of the founding of the North Atlantic Treaty Organization. NATO was created in 1949 as a collective shield of the free Western World in the face of the aggressive threat to liberty represented by the Communist bloc of nations.

In the 11 years of its history, NATO has amply proved the reasons for its existence. Not only has it been a pillar of power discouraging the Communist design for expansion by conquest, but it has also served as a great coordinating agency tending to develop and solidify bonds of friendship and mutual interest among the member nations. This spirit of community endeavor has transcended the purely military aspects of cooperation, and has been extended to the field of closer social economic and cultural integration.

It is appropriate, therefore, that we mark this historic date with fitting tribute. For the past 11 years the freedom so cherished by the member nations has been armored securely by the massive defensive power of NATO. Let us, on this day, rededicate ourselves to the high purposes of the North Atlantic Treaty Organization, and reaffirm the full faith and cooperation of the United States as the challenges of the future continue to test this mighty shield forged by free men on behalf of freedom.

SUPPORT FOR YOUTH APPRECIATION WEEK

Mr. KEATING. Mr. President, last week I introduced Senate Joint Resolution 181, to designate the second week in November as Youth Appreciation Week. I was joined in sponsoring this proposal by Senators BENNETT, BRIDGES, JAVITS, PROUTY, and SCOTT. I am delighted to report that Senator WILEY subsequently joined as a cosponsor.

It is my feeling that by means of this week each year we can emphasize the fact that the great majority of our young people are not juvenile delinquents, but are actually maturing into fine and useful citizens. During Youth Appreciation Week the Nation can also salute the many organizations and individuals which are striving to insure bright futures for our youth.

On the day after my proposal was introduced in the Senate, I was visited by several constituents who informed me that a similar idea had been proposed by the New York State delegation to the White House Conference on Children and Youth. I ask unanimous consent that a statement outlining this idea be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A recommendation to the Governor of the State of New York to designate the week of March 27 to April 2d as an Annual Children and Youth Observance Week for the next 9 years, until the forthcoming White House Conference in 1970, was today submitted at the conference of the New York State delegation at the Presidential Room, Statler-Hilton Hotel, Washington, D.C.

The proposal reads as follows:

"Whereas the children and youth of the State of New York, the Empire State of our country, are looking to the delegates of the State of New York to bring back with them from the golden anniversary White House Conference on Children and Youth some memorable, tangible and practical results for the benefit of all the young and old citizens of the Empire State: Therefore be it

"*Resolved*, That the conference of the delegation of the State of New York submit to the Honorable Nelson D. Rockefeller, Governor of the State of New York, a recommendation to proclaim the week of March 27 to April 2, the period of the 1960 golden anniversary conference, each year for the next 9 years, until the next White House Conference in 1970, as Annual Children and Youth Week, with a view to keeping alive the spirit, enthusiasm and sense of dedication to the high ideals and goals of the conference. It is further recommended that the theme of such annual observance be 'Our Children Today—Our Nation Tomorrow.'"

The proposal met with general acclaim. A number of leading national organizations have offered to cosponsor this recommendation.

This proposal was submitted by Rabbis David B. Hollander, Nissan Mindel and Jacob J. Hecht, delegates of the Chabad (Lubavitch) movement headed by the world famous Rabbi Menachem M. Schneerson, known as the Lubavitcher Rebbe. The headquarters of the movement is at 770 Eastern Parkway, Brooklyn, N.Y.

The Chabad delegation is taking steps to recommend that a similar resolution be recommended by all the States to their respective Governors, in order to make this a nationwide annual observance.

Mr. KEATING. In addition, Mr. President, I have received a letter and informative material from Optimist International outlining the pioneering work this fine organization has done in this field. I ask unanimous consent that excerpts from a letter from James W. Updegraff, lieutenant governor, zone F, 16th district, Optimist International, dated April 1, 1960, and material outlining the objectives and views of the week as envisioned by the Optimists, be printed at this point in the RECORD.

There being no objection the excerpts were ordered to be printed in the RECORD, as follows:

OPTIMIST INTERNATIONAL,
April 1, 1960.

Hon. KENNETH B. KEATING,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KEATING: It was with great interest that I read in the March 30 issue of the CONGRESSIONAL RECORD of your proposal to establish an Annual Youth Appreciation Week, to be held during the second week of November.

For the past 10 years Optimist International has been sponsoring an annual Youth Appreciation Week and programing their activities for that week in a manner very similar to that which you describe in your Joint Resolution 181. As you point out, the majority of our young people are preparing to become good and useful citizens, and their efforts deserve acknowledgement.

I feel certain that many of your contemporaries will be anxious to cosponsor this resolution, and you may be assured that Optimists Clubs throughout our country, as well as many private individuals, will be ready to work diligently to make an Annual Youth Appreciation Week an outstanding success.

Yours in optimism,
JAMES W. UPDEGRAFF,
Lieutenant Governor.

OBJECTIVES OF YOUTH APPRECIATION WEEK

1. To recognize the accomplishments of youth in the home, school, church, and community.

2. To promote more active participation by families in family affairs.

3. To encourage organizations and other groups to publicly show their respect for youth.

4. To encourage newspapers to devote more space to the news of the 95 percent of youth who are good citizens.

5. To encourage radio and television stations to recognize youth through special as well as regular programs.

6. To encourage national magazines to recognize the accomplishments and contributions of youth.

7. To provide the proper environment, recreation, and social activities for youth.

8. To encourage parents to rededicate themselves to the responsibilities of parenthood.

9. To illustrate the great influence religion has on the lives of youth and to encourage their active participation in religious activities.

10. To encourage a greater interchange of ideas between adults and youth, leading to a broader understanding of each other's problems.

EDITORIAL ON YOUTH APPRECIATION WEEK

A little more than 40 years ago, a group of men gathered in Louisville, Ky., to create an organization for reciprocal trade and friendship. They called themselves optimists.

Shortly after the founding of this organization the members discovered that community needs went far beyond the problems of commerce and camaraderie and the optimists adopted the slogan, "Friend of the Delinquent Boy." A national program of boys' work was developed, and as the scope of the program expanded to include boys of all ages and backgrounds, the word "delinquent" was dropped. Optimists felt the negative connotation of a word like "delinquent" was not in keeping with the organization's optimistic philosophy. Throughout the ensuing years the organization has maintained this positive approach to community needs and problems.

Five years ago, a group of optimists in Charlotte, N.C., conceived a plan to take up the banners of optimism and the positive approach with regard to our Nation's teenagers. They found, through research, that only 5 percent of our youth come in contact with the law, yet from every front we are besieged with delinquent, hoodlum, and incorrigible as synonymns for the term "teenagers." These careless accusations have cause a floodtide of public opinion against the 95 percent of our youth who are leading respectable, responsible lives. The plan these optimists devised to turn public opinion from protest to praise for the worthy 95 percent was called Youth Appreciation Week.

A journey to the State capital brought Gov. Luther Hodges into full agreement with the idea of youth appreciation and, following his enthusiastic endorsement, newspapers, radio stations, civic and community organizations joined in the program. Youth Appreciation Week was a success in North Carolina.

Enthused with their successful venture, the optimists of Charlotte approached optimist international for assistance in promoting the program on an international basis. To gain more experience, it was decided to schedule the activity on a pilot project basis in 1956. In conjunction with this second celebration, Representative CHARLES R. JONAS read a résumé of the activity and a salute to the founder, T. Earl Yarborough, into the CONGRESSIONAL RECORD.

The pilot projects provided enough information for Optimist International to launch the first International Youth Appreciation Week program in 1957. To our knowledge, this was the first activity of this kind ever carried out in the history of man. The results were astounding. More than 1,000 Optimist Clubs throughout North America sponsored the program. Government officials from community to national status lauded the program. Radio and TV stations devoted more than 810 hours of air time to the "Pat 'em on the back" theme and newspaper editors joined the appreciation drive by contributing more than 308,000 column-inches of newsprint.

The program continued last year on an ever-widening basis. Radio and TV air time increased 637 hours over the previous year. Expenditures increased from $73,496 (1957) to $114,671 (1958), and the youth contacted increased from 709,333 in 1957 to 17,134,547 last year.

The future of the Americas depends upon the youngsters we have labeled "delinquent." Yet it has been proven that 95 percent of these youngsters are willing to cooperate in community, home, and school projects, to take a steady, intelligent look at the future and plan ahead with the bold determination to conquer. As the sponsor of Youth Appreciation Week, Optimist International invites you to join in this salute to the younger generation. Join us as we take a good look at the inherent good in our future generation of citizens. Make a conscious effort to demonstrate to these youth that "you don't have to be bad to be noticed." Stick to the positive approach for a brighter tomorrow.

Mr. KEATING. Mr. President, I salute both of these groups for the strong stand they have taken in favor of some kind of appropriate annual observance of the virtues of our young people. I feel certain their backing will help prod action on the proposal to designate a week each year as Youth Appreciation Week.

THE PRIMARY CAMPAIGN IN WISCONSIN

Mr. WILEY. Mr. President, for some weeks now the people of my State have had the benefit of seeing in action two of our associates in the State, and, of course, there is a great deal of conjecture as to the results of that contest.

So far as I am personally concerned, I think it is too early to do any conjecturing of a factual basis. We must first get the facts, and then we have to realize that our own candidate on the Republican side has let the distinguished Senators carry on their battle in their own way.

I am delighted that the national spotlight has been focused upon the electorate of Wisconsin. That electorate is an independent electorate, as was demonstrated in my own election several years ago, when some of the kingmakers in the State decided that the senior Senator from Wisconsin then, and the senior Senator now, was no longer to remain senior Senator from Wisconsin. But the people voted me back into office and gave me the greatest majority I ever received.

As I have said, I am delighted that our senatorial friends in Wisconsin are having, as someone has characterized it, "a three-ring circus."

Symbolic of political campaigns, and it is particularly true in this primary, the preelection air is thick with crystal-ball predictions on the outcome of the election. Interpretive statements made—and I have really never seen so many—focused on what the real meaning of the outcome will be. Wait until November for the real meaning.

In the past weeks, as I have said, Wisconsin has been the target of more than the usual barrage of political speeches, distribution of leaflets, newspaper ads, radio and television talks, and other paraphernalia which are part and parcel of campaigning.

It is years and years and years since I have seen so much money spent in a primary, but we can use it. I believe, when I was a youngster, the issue came up in

the U.S. Senate as to how much money could be spent in a primary. Perhaps since that time the legal phase of the question has been cleared up; but, be that as it may, I am sure the people of Wisconsin welcome the money. We can use it, even if employment in our State is up, as the recent statistics show—not down, but up.

In 1960 we are seeing a new tactic of political strategy. We have seen whole families take the ball, as it were, and seek to carry it. It is interesting to those of us who have not been able to get into our State, but have seen some of the activity on television or have read about it, to realize that perhaps this is the beginning of something new in campaigning. Not simply the candidate, but his wife, his children, and his mother, all get out and campaign. They are all good-looking people, too. No one can criticize anything they have said, or their action, but it is something new in the field of politics for our State.

Anyway, it is a method of getting the people thinking, we trust, so that when November comes around the issues will be clear.

Historically, Wisconsin, as I have said, has been a State with independent-minded citizens. This includes not only the independent thinkers, without party affiliation, but includes also people of both major parties.

Whatever the campaign technique, I have a great faith—along with Lincoln—in the judgment of people to sift through the barrage, and make an independent judgment on the issues, when the fall election comes around.

I think if there is a criticism of the procedure it is that the people have not really gotten down to consider the basic issues. One of the basic issues which the people will have to consider in November, or previous to that time, is the matter of peace or war. The people will have to think in terms of which party will keep America out of war. They will remember which party was in power in the last three wars. They will have to think in terms of who best can handle the foreign situation. They will have to think in terms of the experience and qualification of the candidates. They will think of the long experience and education the Vice President has had, in his long term as Vice President. No one has "gone through the mill" as he has, or has been the recipient of such challenging moments. He is a man who has demonstrated courage, ability, and integrity, to handle the most difficult situations.

Tne people of my State are going to think these things through. Perhaps they will not do so in this primary, but they will think them through in the election next fall.

We realize, of course, that the final decision on Wisconsin's support of presidential candidates will be made not on April 5, but in the election in the fall.

Over the weekend, I was privileged to speak over Wisconsin radio stations on what I felt were some basic considerations in the upcoming elections, as well as on other issues of importance to Wisconsin and the Nation.

I request unanimous consent to have the address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WILEY REVIEWS POST-FILIBUSTER LEGISLATIVE PROGRAM—WARNS AGAINST ENACTMENT OF NEW GAS BILL—SAYS "WATER STEAL" FIGHT IS "TOUCH AND GO"—URGES ALL-OUT VOTE IN WISCONSIN UPCOMING PRIMARY

Senator WILEY. Friends, I welcome the opportunity, once again, to discuss with you significant issues confronting Wisconsin and the country.

Personally, I wish I could report to you that Congress was moving full speed ahead on the hundreds of bills still pending on a wide variety of significant issues. Unfortunately, this would not be true.

As you know, the civil rights debate has tied up Congress—particularly the Senate—for several weeks now. However, there is a glimmer of light that the fight will soon reach its climax. Frankly, I believe it is high time that this is done.

While we recognize that civil rights is important, there is also a great number of highly significant issues pending before Congress which deserve and warrant consideration as early as possible.

Question. As I understand it, Senator WILEY, not only the Senate but its many committees have been stymied pending completion of the civil rights battle?

Answer. That's right. Recently, however, they have again started meeting. Now, however, we who are members of several committees find ourselves with conflicting obligations. As a member of the Space, Judiciary, and Foreign Relations Committees, with several subcommittees, for example, I sometimes find there are several committee meetings at the same time. Naturally, it is not possible to attend them all. As a result, it is necessary to determine which committee has the most important business for the day, attend that meeting, and at the same time, attempt to keep "tuned in" to the deliberations of the other bodies.

Question. Recognizing that you have a heavy, complex schedule, Senator WILEY, what are some of the issues of particular interest to Wisconsin?

Answer. First, I want to review an issue upon which—I hope will not come up; nevertheless I want to wave a "warning flag"—that is the natural gas issue.

As you know, there have been efforts in recent years to exempt producers of natural gas from effective regulation.

Question. Have you opposed this, Senator?

Answer. Yes.

Question. Why?

Answer. Frankly, I believe it is in the best interests of the millions of consumers in the country, including over 400,000 in Wisconsin, to maintain effective control of gas pricing. If controls were lifted, the result would be a skyrocketing of gas prices amounting to many millions of dollars for the American consumers. This would not only be a great blow to the family business and industrial budgets but, also, it would be an inflationary pressure at a time when the Nation is trying wholeheartedly to combat inflation.

Question. Are there any new developments, Senator?

Answer. Yes. Recently, the Democratic leadership in Congress appealed to the Republican leadership in the White House for action on the gas bill.

However, I sincerely hope that the President—in the public interest—will turn a deaf ear to such appeals.

Recognizing that elimination of effective Federal control would mean a rich bonanza for the gas producers—and higher prices for consumers—I believe we must stay alert to try to head off the approval of such ill-advised legislation.

STOPPING THE WATER STEAL

Question. What about the so-called water steal legislation—proposing to divert dangerously large volumes of water from Lake Michigan at Chicago?

Answer. As you know, we have been battling this bill in the Senate Foreign Relations Committee. The issue has been considered at successive meetings.

As a longtime opponent of such a proposal, I frankly feel the committee cannot, in good conscience, favorably report out such a bill.

Question. Why?

Answer. For many reasons, including—

Lowering the lake water levels would endanger port, shipping, travel, trade, residential and other interests around the Great Lakes.

It would threaten the usability of the St. Lawrence Seaway for deep-sea traffic and its power projects. The American people have $140 million invested in this waterway.

The executive branch of the Government—having vetoed similar bills in the past—again, and wisely I believe, considers the measure against our national and international interests.

The Canadian Government, also, has said it is against the water diversion legislation.

If enacted, such a bill could adversely affect our relations with our good neighbor, Canada.

As you know, additional hearings have been requested. However, we recall that again and again hearings have been held on this measure, but the outcome has been defeat.

In addition to being against the best interests of the country, the proposal—by repeated hearings in Congress, is adding up to a substantial cost to the American taxpayer.

Question. Then we can expect on this, Senator WILEY, that you will continue to oppose the measure?

Answer. Yes. I voted against it in Committee, and if unhappily it should come to the floor of the Senate, I shall again make every effort to defeat it.

IMPROVING THE OUTLOOK IN HOMEBUILDING

Question. What is the outlook for housing and homebuilding, Senator WILEY?

Answer. According to reports, progress in the early 1960's is expected to gradually increase the level of homebuilding.

We recognize, of course, that homebuilding is an important aspect of our economy. In 1959, over $23 billion was spent on home construction; an additional $7 billion was spent for repair and maintenance.

For the 11th consecutive year, construction was started on more than 1 million new dwelling units, actually amounting to over 1.3 million for 1959.

Question. What would you recommend for future improvement of the program?

Answer. Such a program, I believe, should include:

1. Encouragement of more people to "own a piece of America";

2. Adoption of money policies that will provide adequate financing funds for the American family;

3. Community efforts for analysis and development of projects for housing, particularly in the areas of blight or slum conditions;

4. In addition to expanding homebuilding, also encourage improvement of existing structures, including modernization; providing for adequate air, light, and open spaces; eliminating accumulations of rubbish, dirt, trash from streets, backyards, alleys, and other places for better community living and insulating residential areas from heavy traffic;

5. Carrying on a constant view of our Federal FHA, VA, and other programs, to assure liberal but sound regulations, and fair interest rates;

6. Adoption of programs to hold down the extra costs of housing and homebuilding projects such as excessive discount rates, undesirable profiteering on community projects, and other factors that may contribute to unrealistic costs or excessive burdens on the home buyer or the project supporters.

VOTE IN PRIMARY

Question. Senator WILEY, we have appreciated your brief review of these major issues still confronting Congress.

Answer. I have welcomed the opportunity.

Before closing, I want to discuss one more issue with you that I feel is of paramount importance to the people of Wisconsin.

On Tuesday, April 5, we have a presidential primary. As voters, you and I have an opportunity and a responsibility to exercise our precious heritage of voting.

During the 1960's, the Nation will face serious decisions relating to security, peace, economic progress, human welfare and almost all other aspects of human life and national progress.

The new President, assuming office in 1961, must be capable of shouldering these great responsibilities, able to provide the leadership for progress, and, as well, possess the ability to safely steer our Nation through the difficulties of a cold-war world.

Question. What are some of the other major specific decisions which will be required of the next President, Senator?

Answer. Overall, the No. 1 issue, of course, is peace, or the prevention of a third world war. To help accomplish this, and other objectives, the next President must be able to:

1. Deal face-to-face, across the conference table, or in other ways, with tough Communists like Khrushchev, Mao Tse-tung, and others on issues affecting security and freedom of the United States and the world;

2. Support policies to maintain a strong economy, promote domestic progress, as well as to support the high costs of a space age defense, needed to deter aggression;

3. Establish humanitarian programs in caring for human needs within our own country, and, as possible and advisable, assist in relieving suffering of less fortunate peoples elsewhere in the world—the breeding places of trouble.

4. And generally designing overall policies to serve U.S. interests in both domestic and international affairs.

As voters, we must therefore ask ourselves which candidate is best able to accomplish these objectives.

Voting is a priceless privilege. Failure to vote weakens, to a degree, our voice in government, in determining the leadership of the future and the design of local, State, and National policy.

Historically, men have dedicated, and many have lost their lives, in attempting to preserve this freedom. The stay-at-homes make their sacrifices a vain gesture.

I say to you, friends: Keep faith with the past and present.

Protect the future. On Tuesday, go to the polls and cast your vote—exercising your priceless American privilege—for the candidate you, after soul searching, believe can best serve as the next President of this great country.

Now, I have appreciated the opportunity to discuss these great issues with you. Thank you for being with us.

EXPANDING RESEARCH FOR COMMERCIAL FISHING ON THE GREAT LAKES

Mr. WILEY. Mr. President, my colleagues will recall that recently I urged the expansion of research necessary to resolving difficulties and problems confronting the commercial fisheries of Wisconsin and the Great Lakes.

In recent years, unfortunately, deadly lamprey eels in the lakes have killed off trout, whitefish and other prized species. As a result, the fishery industry is facing serious difficulties. Since the prize fish have been seriously depleted, the industry has had to turn elsewhere for a livelihood.

Currently, there is an abundance of so-called rough fish in the lakes which can be utilized for animal and pet feed and other purposes. However, a greatly expanded research program is essential to enable the industry to change over to this kind of fish processing.

In the light of these factors, I have urged the Bureau of Commercial Fisheries to expand, as much as possible, their research efforts to resolve the peculiar problem in the lakes region.

In response, the Department has been gratifyingly cooperative, not only recognizing the need but also offering to "do anything in its power to carry out an effective program." The task now, of course, is to undertake constructive steps to get the job done.

However, all too often, I feel the work of the Department and the bureaus of the executive branch are brought into the spotlight only for criticisms—on those occasions when they may fail to cooperate, or do a good job.

At this time, however, I should like to bring to the attention of my colleagues not only the serious problems confronting the fish industry but also the fine way in which the Bureau of Commercial Fisheries is cooperating to constructively resolve these problems.

I ask unanimous consent to have the text of a fine letter from Assistant Secretary of the Interior Ross L. Leffler printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 31, 1960.

Hon. ALEXANDER WILEY,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILEY: We are pleased to have the expressions of continuing interest in the fisheries research program of the Bureau of Commercial Fisheries in the Great Lakes area, as indicated in your letter of March 19 to Mr. McKernan.

We certainly agree that the Great Lakes fishing industry is facing serious difficulties because of the change in species composition, which has resulted in the highly prized species being replaced by species of much lower value.

As indicated in my letter of February 8 to you, the research program presently under way in the Great Lakes area has already shown tangible results. Successful application of these results by the commercial fishing industry indicates that a good beginning has been made in halting the economic decline this industry has experienced in recent years. We are hopeful that through the continued efforts of our staff members, the various State agencies concerned, and the members of the Great Lakes commercial fishing industry, the fisheries of this area will be successfully rehabilitated.

We appreciate your recommendations regarding an increase in the level of our fisheries research program in the Great Lakes area and assure you that, within limits set by the availability of funds and personnel, we will do everything in our power to carry out an effective program.

Sincerely yours,

ROSS LEFFLER,
Assistant Secretary.

BREAKFAST OF THE REPUBLICAN LADIES FROM WISCONSIN

Mr. WILEY. Mr. President, it was my privilege at 8 o'clock this morning to attend the breakfast of the Republican ladies from Wisconsin, who are in Washington, D.C., held in the Congressional Hotel. This was a wonderful group of women dedicated to rendering selfless service to our country. I ask unanimous consent that a list of the names of these women may be printed in the RECORD following my remarks.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

Mrs. Vincent A. Mercurio, conference chairman, Milwaukee, Wis.
Mrs. Joseph Ornat, Milwaukee, Wis.
Mrs. T. W. Norris, Milwaukee, Wis.
Mrs. George Schuricht, Milwaukee, Wis.
Miss Margaret J. Doolan, DePere, Wis.
Mrs. Byron Ising, Oshkosh, Wis.
Mrs. Norris Krohn, Oshkosh, Wis.
Mrs. Henry Baldwin, Wisconsin Rapids, Wis.
Miss Prakeda Golla, in care of Mrs. Henry Baldwin, Wisconsin Rapids, Wis.
Mrs. Ben W. Harff, Sheboygan, Wis.
Mrs. Bernice Carver, Oshkosh, Wis.
Mrs. Marion Schlenorof, Oshkosh, Wis.
Mrs. Robert J. Cunningham, Milwaukee, Wis.
Mrs. C. C. Schroeder, Appleton, Wis.
Miss Gladys Mollart, Watertown, Wis.
Mrs. C. J. Otjen, Milwaukee, Wis..
Miss Christine Baumstart, Milwaukee, Wis.

TRIBUTE TO EDWARD CREIGHTON

Mr. CURTIS. Mr. President, one of the West's great pioneers, Edward Creighton, was recently paid well-deserved tribute in a biographical story appearing in the December 1959, issue of the Catholic Digest. Ed Creighton was a man among stalwart men; his ingenuity and devotion to hard work lead civilization into the midlands. In later years, he gave generously of his time and substantial means to the civic betterment of Omaha, Nebr., and he founded, in Omaha, a great institution of higher learning, Creighton University. His example will, I am sure, be inspirational to my colleagues in the Congress.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Catholic Digest, December 1959]

PIONEER WHO LINKED TWO OCEANS

(By Robert T. Reilly)

Ed Creighton outwitted nature and Indians and built his telegraph line.

Edward Creighton doesn't rate on TV. Yet Creighton, a handsome, genial, fairly tall man, was every bit the western hero. His life had enough drama in it to keep a battery of scriptwriters busy.

A pioneer, he was responsible for linking the east and west coasts of the United States by telegraph. A cowboy, he was one of the

first to realize the possibilities of letting cattle graze on western plains. A gunman—when he had to be—he risked his life often in skirmishes with hostile Cheyenne and Sioux.

Last year, Creighton was made a member of the National Cowboy Hall of Fame in Oklahoma City, Okla. But the place where his memory is constantly hailed is Omaha. Creighton adopted Omaha when it was little more than a collection of frontier huts, and helped it grow into a bustling gateway of the West.

Edward Creighton was born near Barnesville, Ohio, on August 31, 1820. He was the fifth of nine children of James and Bridget Creighton, Irish immigrants who met and married in America. The father provided his brood with lessons in hard work, self-reliance, and justice, while Bridget, a gentle mother, supplied them with a Catholic fervor that remained with them all their lives.

In boyhood, Ed had the reputation of being a daredevil and a scrapper. Occasionally, he made his skill pay dividends: he gave boxing lessons to his youngest brother John in exchange for private tutoring in school subjects. Ed never got beyond 5th grade in school, but he did much reading and had a quick intelligence that made him a man apart later in life. Often at his side during his teens was another Irish Catholic boy named Phil Sheridan, later to ride to fame as a brilliant Civil War general.

His first job was that of a cartboy on turnpikes being built through Ohio. When he was 18, his father gave him a span of horses and a wagon. Ed promptly went into business for himself as a teamster. He did pretty well, hauling freight between Cincinnati and points as distant as Wheeling, W. Va., and Cumberland, Md. Railroads and canals were stretching beyond the frontiers, and young Creighton was a part of that expansion.

When his widowed mother moved the family to Springfield, Ohio, Ed returned home to take his turn in the harvest fields. One day a group of telegraph men passed along the country road which ran by his mother's farm. Ed talked to them, and his imagination was fired by the possibilities of the "singing wire."

The very next day he set out on a journey, first to Springfield and then to Dayton, where he secured a contract for delivering telegraph poles as far south as Evansville, Ind. That was in 1847. For the next 8 years, Creighton hauled poles and wire, or superintended construction of telegraph lines to New Orleans and between various cities and towns in Ohio and Illinois. By 1885, he had no fewer than 40 crews working for him. His young brother John acted as his special assistant.

In 1856 the ambitious young man turned his eye to the Nebraska Territory and traveled to Omaha to see what it was like. Except for its splendid location on the Missouri River, the town had little to recommend it. The streets were ankle-deep mud, the houses few and ramshackle. Yet Ed decided it was the place for him.

He returned to Ohio long enough to wind up his business ties and marry his fiance, Mary Lucretia Wareham. Then he hurried back to Omaha and started a telegraph business. One of his first jobs was to construct a line between his new home and St. Joseph, Mo. By the time the famous Pony Express was spurring out of St. Joseph, Creighton had established himself as the outstanding expert in the field. His greatest achievement was yet to come.

It was 1860, and the practicality of the telegraph had been widely demonstrated. Between Omaha and the east coast existed uninterrupted communication by wire, westward, practically nothing.

Other men discussed what could be done; Creighton acted. He insisted that a telegraph line to California was not only possible but a necessity. If civil war broke out, California might be completely cut off from the rest of the country.

Singlehandedly Creighton set out to survey a telegraph route to the West. He was in trouble from the start. Crossing the icy Platte River, he lost his horse and equipment. He managed transportation to Denver. From Denver, he traveled by stagecoach to Salt Lake City, where he met Brigham Young. The Mormon leader and Creighton became lasting friends.

Young promised to supply men and materials for the projected telegraph line. Later, when wages and prices soared, Young never charged Creighton more than had been originally agreed upon between them.

Despite warnings, Creighton took off from Salt Lake City in midwinter on a 500-mile trek to Carson City, Nev. He pushed on alone through country inhabited only by Indians and a handful of hunters and trappers. For a good part of the way he rode a mule. When he was lucky, he got himself a horse. His route took him through the valley of the Humboldt and over the snow-swept Sierra Nevadas.

Twelve days after leaving Salt Lake City, he stumbled into Carson City, more dead than alive. He was snowblind. The blowing sand and alkali dust had eroded the skin from his face. He made a quick recovery, and went on to cover the last leg of his arduous journey to Sacramento.

Creighton's heroic trip did more than prove his courage and stamina. It convinced Congress that the route was feasible. They granted $400,000 for the project that was to link East and West.

California rivals in the telegraph industry at first gave Creighton and officials of Western Union trouble, but finally their differences were settled. A mutually satisfactory plan was devised.

Creighton was to command a working party under the title of the Pacific Telegraphy Co. (incorporated by Western Union) and start building west from Julesburg, Colo., to Salt Lake City. The Overland Telegraph Co. force would originate on the west coast and join Creighton at the Mormon capital. The team that arrived second would pay their competitors $50 a day for every day they were late.

On July 4, 1861—a few weeks after the Civil War started—Creighton himself set the first pole. He divided his working force into three crews: one to dig holes, one to cut and set poles, and one to string wire. The crews were tough and determined. Ticking off 10 or 12 miles a day, they managed to set from 22 to 25 poles a mile. The thought of a $50-a-day penalty kept them from slacking down. Once, when news of the Union defeat at the first battle of Bull Run reached them, patriotism lent them still greater strength, and they broke their daily record. Creighton kept right up with his men, encouraging them as the line edged gradually across Nebraska and on toward Fort Laramie. When the heat and mosquitoes didn't scourge them, storms did. Floods swept away supplies. They endured prairie fires, dust, wagon breakdowns, lack of supplies.

One big hazard was Indians. The route ran through the territory of hostile Cheyenne and Sioux.

Creighton found it easier to impress the Indians than to fight them. Once he induced two Indian chiefs, one at Scotts Bluff and the other at Chimney Rock, to talk to each other over the "singing wire." The chiefs sent two of their fastest riders to meet between the two points and exchange the same messages orally. When their words were correctly repeated, the Indians were convinced that Creighton possessed powerful magic. He was permitted to continue unmolested.

On another occasion, some Indians received an equally effective demonstration. Two engineers hooked a wire to a battery. Wearing insulated gloves, they passed the wire to a trio of threatening braves. The shock scattered the Indians, and wire stringing progressed.

Creighton could handle renegades, too. Often he would precede his crews with a posse, and clean out the bad elements in a frontier town before his workers arrived. But any man he ran out of town deserved it. Creighton was just and merciful. He once rode back into camp just in time to rescue from lynching a man suspected of horse stealing.

His crews swore by him. They wrote home that the boss was "a steam engine of energy," "a good fellow and fine teacher," and a "man who was close and friendly but could command respect."

Creighton reached Salt Lake City, with 25,000 telegraph poles standing behind him, on October 17, 1861, a full week ahead of the rival team. From nearby Fort Bridger, he telegraphed his wife. "This being the first message over the new line since its completion to Salt Lake, allow me to greet you. In a few days, two oceans will be united."

The continent spanned, the mayor of San Francisco had the following words tapped out to the mayor of New York. "The Pacific to the Atlantic sends greetings. And may both oceans be dry before a foot of all the land that lies between them belongs to any other than our united country."

Ed Creighton had done his job well. As part of his salary, he was given company stock. Part of it he sold at a profit, and invested the money in a freight company. Ultimately, his financial share in Western Union amounted to well over $1 million.

For a time, he served as general manager of the Pacific Telegraph Line, and continued to supervise construction. He proposed running the wire up the Pacific coast to the Bering Strait, across the strait by submarine cable, and on through Russia, finally establishing a link between Europe and America. But the laying of the Atlantic cable ended this dream.

Creighton was close to 50 when his company assigned him to a new task. Sioux and Cheyenne were cutting down and burning telegraph poles. With a cavalry unit of 30—too small to fight—Ed set out to guard 300 miles of wire. He moved slowly, usually repairing the wires at night. He ordered the men to keep their horses' hooves wrapped and padded. They worked silently, speaking only in whispers.

By the end of 1865 communications were seldom interrupted. Occasionally storms or fires would break the link. Once in a while buffalo would rub against the poles and topple them. But the threat by the Indians was quelled.

Almost by accident, Creighton got into another kind of business, cattle raising. While surveying for the telegraph company, he had been forced to abandon some oxen in western Nebraska. He returned to the area a year later, expecting to find skeletons. Instead, he found that the cattle had grown fat. This discovery inspired Creighton to buy large herds of cattle and sheep to graze freely on the prairie grass.

The new vocation added to his personal fortune and provided work for his former crew members. One tragedy marred his many financial and social successes. His only child, Charles David, died at the age of 4.

As a leading Omaha citizen, Creighton couldn't do enough for the city he loved. He built business blocks, a mercantile house,

a hotel. He helped persuade the Union Pacific to make Omaha its eastern terminus, and brought new prosperity to the area. He served as president of the Omaha & Northwestern Railroad, and as president of the First National Bank of Omaha, of which he was a founder. The bank survived the panic of 1873, and its president earned a reputation for having "a word as good as his paper."

The strain of this difficult period did take its toll of Creighton's health, though. On November 3, 1874, he arose early and, as was his custom, knelt with his wife beside their bed and said his morning prayers. Then he went to work at the bank. He collapsed there that afternoon, a stroke victim. He died without regaining consciousness 2 days later.

Every big newspaper across the country front-paged Creighton's death. Scores of organizations paid tribute to his character and recounted his charities.

It remained for his wife and his brother John to devise the most fitting tribute to him. Creighton had always been interested in youth, and often said he wished to build a free school for boys. When his wife died, only 14 months later, she had not forgotten her husband's dream. She left $100,000 in trust for a university to bear his name. Bishop James O'Connor of Omaha was given the task of launching the school, and he called in the Jesuits. The school opened on September 7, 1878, with an enrollment of 120, the first free Catholic college in the United States.

Today, coeducational and with students of all faiths in its seven schools and colleges, Creighton University stands not far from the spot where Ed Creighton dropped the first telegraph pole into place on his way to the Pacific. And he and his brother John (who donated over $1 million to the school) look down from their sculptured positions on the administration building facade at the generations who have profited from a pioneer's determination.

CIVIL RIGHTS ACT OF 1960—AMENDMENTS

Mr. McNAMARA. Mr. President, there are on the desks of all Senators today two proposed amendments to the pending legislation designated as "4–1–60—G" and "4–1–60—H."

Mr. President, I ask unanimous consent that these two proposed amendments may be considered as having been read, so that they will be properly before the Senate in the event cloture is invoked.

The VICE PRESIDENT. Is there objection to the request of the Senator from Michigan? The Chair hears none, and it is so ordered.

THE COMMUNIST PATTERN IN CUBA

Mr. GRUENING. Mr. President, on March 24 our able colleague, the senior Senator from New Hampshire [Mr. BRIDGES] delivered a major address about conditions in Cuba. It pointed out, with ample documentation, how the Communist ideology and methods were being applied in the "Pearl of the Antilles."

Most penetrating was Senator BRIDGES' application of a litmus paper test to determine whether the Fidel Castro Regime was, in fact, crypto-Communist. Our colleague listed 21 steps which had been taken by Soviet Russia and Communist China during their early years of power, which he correctly pointed out are the "characteristic stigmata of Communist takeover and consolidation of power."

Senator BRIDGES pointed out that the Castro regime has made substantial progress in the application of 20 out of 21 characteristically Communist maneuvers.

The 16th of these he described as follows:

> All previous school textbooks and histories are destroyed, or completely rewritten to idolize present leaders and to blacken and defame all non-Communists and anti-Communists.

This morning's Washington Post and Times Herald carried a dispatch from Havana to indicate that the names of Cuban parks and streets carrying American names have been changed to Cuban titles. Leonard Wood Avenue, Roosevelt Avenue, and Roosevelt Park were given new names of Cubans who died in the recent revolt against the dictator Fulgencio Batista.

There was no reason, of course, why a revolutionary regime shouldn't honor those who fell in the revolution. Indeed it is natural and proper that it should thus memorialize its heroes. But the deletion of the name of Roosevelt would seem like a striking confirmation of the purpose to re-write history, which Senator BRIDGES signalized. Few men in American history are more deserving of gratitude from Cuba than those who bear the name of Roosevelt. The Cuban Embassy this morning, which I called for information, was not sure whether this park and street were named after President Theodore Roosevelt or after President Franklin Delano Roosevelt. It was the opinion of the Embassy employee with whom I talked that it was, as he said, "Teddy." "Teddy" brought his famous Rough Riders to Cuba and played an important part in the liberation of Cuba from Spanish rule. The Battle of San Juan Hill, in which he led his troops, was one of the memorable battles in securing that liberation.

And in his first state of the Union message on December 3, 1901, T. R. requested the Congress to enact a substantial reduction in the tariff duties on Cuban imports, urging that the United Sates accede to the expressed wish of the Cuban Government that the new nation "stand, in international matters, in closer and more friendly relations with us than with any other power"; and in pursuance of that wish President Roosevelt added: "and we are bound by every consideration of honor and expediency to pass commercial measures in the interest of her material well-being."

And that was done. And throughout the years of his Presidency, T. R. continued to show his friendship and solicitude for the infant republic he had fought to help free.

One of President Franklin Delano Roosevelt's early acts was to secure the abolition of the so-called Platt amendment, which had established a sort of protectorate by the United States over Cuba.

The Cubans are, of course, free to rewrite history if they wish to. But their performance as revealed in this news dispatch is typically totalitarian. Both Communist and Fascist regimes made a virtue of such performances.

In the not distant Virgin Islands, which came under American sovereignty by purchase in 1917, we Americans have taken pride and satisfaction in preserving all the Danish street names to testify to the generations of Denmark's rule there. Every one of these memorials of Danish culture and history has been gladly preserved as a matter of course.

We trust that a future Cuban administration will restore the now deleted recognition of two great Americans, whose sympathy for and aid to Cuba was repeatedly demonstrated. The Cuban revolutionary heroes could be honored without the elimination of the names of others whose place in Cuban history and in the epic struggle for freedom should be secure.

Mr. President, I desire to address myself to another subject.

The VICE PRESIDENT. The Senator from Alaska.

THE NEUBERGER NATIONAL SEASHORE

Mr. GRUENING. Mr. President, our beloved late colleague, Richard Neuberger, left a legacy of achievement whose benefits will be felt by succeeding generations of Americans for all time. His great concern for the preservation of our natural beauties has found a prompt and thoroughly merited response in the introduction by the Senator from Montana [Mr. MANSFIELD], and the Senator from Califorina [Mr. KUCHEL], of a bill to set aside the Oregon dunes as a national park and to name it Neuberger National Seashore.

In this connection, in introducing the bill, our able and distinguished colleague, Senator MANSFIELD, said, in part:

> Last fall when Dick Neuberger should have been resting he crusaded throughout his State on behalf of the creation of a national park on the Oregon coast. He sought this park for posterity, and it was a project into which he threw all of his energies.
>
> * * * * * *
>
> The conservation experts of our Nation are in agreement that our ocean shoreline, one of our greatest recreational treasures, is rapidly vanishing from public use. They are also in agreement that there are a limited number of outstanding scenic seashore areas, which are today in a relatively undeveloped state. The Oregon dunes is one of these, so we have selected an area which meets the high criteria prescribed to make it qualify as a national seashore. It is entirely fitting and proper that we create this park, and it is equally fitting that it be named Richard L. Neuberger.
>
> * * * * * *
>
> There is no more fitting spot in Oregon to name in honor of Dick Neuberger, than this scenic stretch of coastline. He had the vision and the foresight to see why it must be preserved. This area more nearly typifies his contribution to his fellow man than any other. All through his life he stood on the shores of civilization, looking beyond and thinking of the future. He did not stand on a mountain looking down, nor was he in

a wilderness, his view obscured by trees and mountains. New ideas came to him as the wind and waves which swept in from the sea.

Our able colleague from Montana, our assistant majority leader, concluded with the inspiring thought that in addition to naming the park Richard L. Neuberger, there be placed at an appropriate spot a modest plaque which will read:

To Richard Lewis Neuberger, humanitarian and conservationist. He loved his people and his land.

The cosponsor of this bill, the able assistant minority leader, the Senator from California [Mr. KUCHEL] added:

No tribute we could pay our departed friend would be more symbolic of his life and ideals.

This wonderful project, which will preserve for posterity and for the enjoyment and inspiration of Americans of our time and of Americans as yet unborn was likewise referred to in an excellent editorial entitled "In Memory of Richard Neuberger," by William E. Bohn, the editor of the New Leader, which appears in its April 4 issue. I ask unanimous consent that this editorial be printed at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IN MEMORY OF RICHARD NEUBERGER

In connection with the passing of Senator Richard L. Neuberger the New York Times makes an inspired suggestion. The junior Senator from Oregon had himself introduced a bill to make into a national park a magnificent stretch of dunes along the Pacific Coast in his State. Says the Times: "No more fitting tribute could be paid him by the Congress and the people of the United States than to adopt the Neuberger bill that would set aside forever this area in memory of a fine legislator and great outdoorsman who was determined that future generations should share in the great natural heritage of this country that he knew so well and loved." This bright idea needs but to be suggested in order to win support. The legislation necessary to its fulfillment should be rushed through as rapidly as possible.

In March 9 the morning papers and radio newscasts carried the shocking information that Senator Richard L. Neuberger had died suddenly of a cerebral hemorrhage. The quick sense of loss which swept over the land was altogether extraordinary. Here was a man, only one among a hundred Senators, yet millions of citizens of both parties and all sections suddenly felt that both they and the country were poorer.

The general sorrow was partly due to the man's youth. He was only 47 years old. There had been every prospect of his serving the Senate 20 or 25 years longer. Think of the bills he might have introduced and pushed to passage, of the addresses he might have delivered; imagine what articles he might have written to line voters up on the right side of all sorts of issues. His simple and straightforward speeches and writing were astonishingly effective. He had a way of knowing what he was talking about and his style was from the heart.

Another important element in the situation was that Dick Neuberger loved people. Everyone who had ever shaken his hand or exchanged a few words with him regarded him as a close and long-time friend. No matter how fleeting the contact, the relationship was real. Dick remembered and cared for people by the thousands. When he had that dangerous attack of cancer in the autumn of 1958, the whole country was concerned. When he underwent an operation and the surgeons assured him that his cure was permanent, that he could go on with his busy and rewarding career, it was much more than a personal and private victory for him.

One of his last gifts to the Nation was an article in the January issue of Coronet, "A Crash Program To Beat Cancer." He was thinking of a crash program of billions to fight this killer as we used to develop the atom bomb to crush the dictators. Nothing could show more dramatically the man's sense of public responsibility, how quickly he leaped from personal pain to public welfare. One paragraph pictures the patient on his lonely bed: "I can tell you that the cancer victim is frequently the loneliest person in the world. He feels that nothing can help him. Friends, family, doctors, associates all seem without power to check the malignant growth that perils his life. He wishes desperately and profoundly for some miraculous cure which will bring reprieve."

And here is his plea for public action: "Despite the terrible threat of cancer, we spend far less on research into its causes and possible cures than we do, for instance, to build a half dozen B-58 bombers. Our annual expenditure for doughnuts more than triples what we spend in search of an answer to the curse of cancer."

Dick Neuberger was not just an outdoorsman. He was one of the last frontiersmen. He belonged to the old West, the big West, the clean West. Whatever was messy, dirty, or wasteful repelled him. He wanted American life and American politics to be kept as straight and honest and decent as our forefathers had pictured them. This impulse motivated his campaign in favor of the abolition of private campaign financing. He saw legislators coming into office indebted to the tune of hundreds of thousands or millions of dollars for campaign expenses. The corruption which inevitably accompanies such a system repelled him to such an extent that he could not remain silent. He borrowed from Theodore Roosevelt a plan which, he believed, would abolish the whole unsavory mess. I shall wait with deep interest to see who takes up this cause which he was forced to lay down.

And then, there is the wilderness bill. Dick Neuberger was deeply involved in the effort to preserve and develop all our natural resources. Waters, forests, mountains, all sources of wealth and beauty, he would help to protect and enhance for future generations. He had special interest in the bill which would put the protecting arms of the Federal Government about all of the unspoiled and primitive beauty spots in our national parks and forests. Surely other good western men will rise and do for this bill what Dick Neuberger would have done had he escaped the grim reaper.

COMMUNITIES AND CARRIERS WILL BENEFIT BY EXPEDITIOUS DECISIONS IN TRUNKLINE-LOCAL SERVICE AIRLINE CASES

Mr. RANDOLPH. Mr. President, I desire to commend the Civil Aeronautics Board on a series of decisions it has issued in the past several years, which affect not only our West Virginia but many areas of our country. These determinations have been meritorious and credit is due those members who have served on the Board during the past 3 or 4 years.

There has been an effort to strengthen the local service carriers, either by substituting them for larger trunklines in smaller and medium size cities, or by decertificating long-haul airlines at points which the feeder carriers have already been serving in conjunction with the bigger companies. The purpose of these changes has been to improve service, and particularly schedule frequency, and at the same time to reduce the subsidy of the local carriers. The CAB has applied this program to dozens of cities, and it is significant that, although some communities have raised questions at the time the issue was posed, I know of none which have objected after the alteration in service was instituted.

COMMUNITIES AND CARRIERS BENEFIT

Thus, the communities have benefited, the local carriers have been strengthened, and the trunk carriers, to their credit, have in most instances not objected to this reduction in their operating authority. There have been a few instances of objections on their part, but it does not seem to me that they have suffered to any appreciable degree. And, of course, in a number of cases the change in service pattern has aided the trunklines by facilitating their transition to the larger jet equipment which has been coming into service during the past year.

In some of the initial decisions of the Board in these cases the reasoning was enunciated that the local carriers, specializing as they do in short-haul service to smaller communities, would be better able to provide service, and, further, that their incentive to do so would be greater than that of the trunklines since their corporate function was devoted exclusively to this type of carriage. The wisdom of that reasoning has been proven and I am sure that if every CAB decision worked as satisfactorily there would be less criticism of the Board.

North Central, for instance, is now providing 9½ round trips a day between Detroit and Chicago by way of Battle Creek, Kalamazoo, South Bend and one or two other intermediate cities. This is a route which was formerly operated by a trunkline but was turned over to North Central about 4 years ago. At the time of replacement the trunkline was operating only one round trip a day. Thus, the communities have nine times as many schedules, with excellent frequency. The traffic has risen enormously, and the year following the substitution of service represented one of the best examples in the history of the local service industry of a carrier being able to reduce its subsidy. There is evidence that the local carrier subsidy level can recede as further such changes are approved by the Board.

Of course, the desirability of local carrier replacement of trunklines has been further reinforced by declining volume of rail service and rather limited intercity bus schedules.

SCHEDULES AND TRAFFIC INCREASE

Mr. President, the extent to which these efforts to build the local service carriers have benefited the public is truly remarkable. I recently had the privilege of addressing the members of the

Civil Aeronautics Board, and I brought to their attention a special study which shows the remarkable increase in schedules and traffic enplaned at a number of typical cities in the year immediately following replacement of a trunkline by a local carrier, or suspension of a trunkline where a local carrier was already operating. So far as I know, this is the first compilation of these figures. They do much to evidence the benefits to the public.

I ask unanimous consent to insert in the RECORD at this point the compilation of these figures.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

Aircraft departures

Station	Year prior to change	Following year	Date of change	Carrier	Station	Year prior to change	Following year	Date of change	Carrier
Battle Creek, Mich.	675	2,924	May 1, 1955	American, North Central.	Mansfield, Ohio	658	2,332	Apr. 15, 1953	TWA, Lake Central.
Bristol, Va.	4,559	6,605	Aug. 25, 1952	American, Piedmont.	Miles City, Mont.	708	1,298	Sept. 15, 1954	Northwest, Frontier.
El Dorado, Ark.	708	1,387	June 28, 1953	Chicago & Southern, Trans-Texas.	Pine Bluff, Ark.	697	2,812	June 8, 1953	Chicago & Southern, Trans-Texas.
Erie, Pa.	717	2,255	June 9, 1953	American, Allegheny.	Prescott, Ariz.	702	1,413	Dec. 19, 1949	TWA, Bonanza.
Jackson, Mich.	675	2,924	May 1, 1955	American, North Central.	South Bend, Ind.	674	3,112	May 1, 1955	American, North Central.
La Crosse, Wis.	646	1,364	Apr. 27, 1952	Northwest, North Central.	Terre Haute, Ind.	699	1,539	Dec. 1, 1954	Delta, Lake Central.
Laredo, Tex.	500	901	Dec. 31, 1955	Braniff, Trans-Texas.	Worcester, Mass.	296	1,793	Aug. 1, 1953	TWA, Mohawk.
Longview, Tex.	1,250	3,347	July 5, 1953	Mid-Continent, Trans-Texas.	Yuma, Ariz.	697	1,455	July 19, 1952	Western, Bonanza.
Marion, Ohio	655	2,538	Apr. 15, 1953	TWA, Lake Central.	Zanesville, Ohio	678	1,696	Apr. 15, 1953	TWA, Lake Central.

The next set of significant figures gives the same comparison as to enplaned passengers:

Station	Year prior to change	Following year	Date of change	Carrier	Station	Year prior to change	Following year	Date of change	Carrier
Big Spring, Tex.	1,657	2,748	Nov. 1, 1950	American, Continental, Pioneer.	Mansfield, Ohio	2,961	4,444	Apr. 15, 1953	TWA, Lake Central.
Bradford, Pa.	8,570	16,528	Sept. 6, 1954	United, Allegheny.	Monterey, Calif.	9,346	17,935	Sept. 1, 1952	United, Southwest.
Bristol, Va.	19,195	29,416	Aug. 25, 1952	American, Piedmont.	Pine Bluff, Ark.	485	1,686	June 28, 1953	Chicago & Southern, Trans-Texas.
Duluth, Minn.	995	9,693	Feb. 10, 1952	Northwest, North Central.	Prescott, Ariz.	1,109	1,930	Dec. 19, 1949	TWA, Bonanza.
Eau Claire, Wis.	618	1,504	Mar. 17, 1951	Do.	Ponca City, Okla.	1,965	3,191	July 15, 1954	Braniff, Central.
Elmira, N.Y.	11,372	19,275	Sept. 7, 1955	American, Mohawk.	Quincy, Ill.	1,224	4,304	Oct. 19, 1954	TWA, Ozark.
Jackson, Mich.	1,140	4,218	May 1, 1955	American, North Central.	Santa Barbara, Calif.	3,831	9,441	Sept. 1, 1952	United, Southwest.
Kokomo, Ind.	295	1,744	Oct. 3, 1950	Delta, Lake Central.	Tyler, Tex.	2,418	6,645	July 5, 1953	Braniff, Trans-Texas.
La Crosse, Wis.	1,619	2,797	Apr. 27, 1952	Northwest, North Central.	Wenatchee, Wash.	2,434	3,610	Sept. 28, 1952	Northwest, West Coast.
Laredo, Tex.	3,347	4,754	Dec. 31, 1955	Braniff, Trans-Texas.	Yuma, Ariz.	2,475	5,012	July 19, 1952	Western, Bonanza.
Longview, Tex.	4,415	6,928	Jan. 1, 1956	Delta, Trans-Texas.					

DUPLICATION OF SERVICE WILL BE CUT

Mr. RANDOLPH. Mr. President, what has prompted me to make these remarks is the recent Department of Commerce report "Federal Transportation Policy and Program", which is based on recommendations by a number of leading consultants who submitted studies to the Department. One of the primary recommendations of the report is as follows: "eliminate or reduce duplication of routes between trunkline and local service carriers."

Thus, there has now been given recognition and approval to this line of CAB decisions. It urges the Board to recognize that these decisions have in effect established a specific policy, and that the Board should henceforth pursue the policy energetically until it may be reasonably completed. Emphasis on "eliminate" strongly suggests that Federal officials feel that there are very, very few instances in which this issue will be posed where the Board should not proceed expeditiously to do away with duplicating functions altogether.

Mr. President, it is my believe that the Board should pursue this policy promptly, and I would like to suggest a few approaches which would facilitate this procedure.

The Board might well adopt certain basic principles which would establish a prima facie case for suspension or replacement of trunklines. Such principles need be neither complicated nor numerous. For instance, it would seem clear that if a trunkline is providing only one round trip a day, as was the case I mentioned earlier where North Central came into the picture, and a local carrier is anxious to come in, such a case should be disposed of in favor of suspension and replacement as a matter of good service and sound regulation.

BOARD CAN EXPEDITE SETTLEMENT

I think, moreover, that the Board should consider the settlement of many such cases without a lengthy hearing, because the basic issues have been posed so many times that by now Board members are conversant with them. It is not efficient to review these in detail in case after case, when the Board is so hard pressed to cope with the big and complex cases which, unlike these replacement cases, cannot be decided largely on the basis of broad precedents, and for which it is most difficult to lay down long-range policy guidance. As a matter of fact, I was pleased to note that the CAB did precisely this for a midwestern community early this month, disposing of the case simply on the basis of filed pleadings.

With such approaches, the Board would be able to carry out its policy as to all cities in question by the summer of 1961 at the very latest. This would mean improved service for more communities, and better earnings for the local lines; and it would bring these about sooner than can be attained under the present pace of Board decisions. Progress has been made by the Board in this area, and I hope it will move more swiftly in continuation and completion of this forward-looking policy.

The PRESIDING OFFICER (Mr. JORDAN in the chair). Is there further morning business?

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business? If not, morning business is concluded.

Without objection, the Chair lays befor the Senate the unfinished business.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. ERVIN].

INTEGRATION IN THE PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA

Mr. LONG of Louisiana. Mr. President, while the Senate is considering amendments which seek to forcibly integrate public schools, I should like to point out the statistics which show the progress or lack of progress in school integration in the District of Columbia.

Before I go into these figures, I should like to read from the report of the subcommittee of the House District of Columbia Committee which investigated the conditions in public schools:

Washington, D.C., is the most favorable choice as an integration experiment most likely to succeed. Our best educated Negroes are migrating to the Capital in great numbers. The Negro per capita income in the District of Columbia is higher than the white income in some areas of the Nation. As residents of the Nation's Capital, the people of the District of Columbia enjoy more cultural advantages than people of any other city in America. The District of Columbia Negroes have had school facilities superior to most other school districts in the Nation. No other place in the Nation offers such superior advantages for a successful integration program.

With these thoughts of the subcommittee in mind, I should like to cite the statistical situation in the public schools in Washington, D.C.

In October of 1953, the month in which the enrollment figures for that school year were taken, of the 103,778 pupils enrolled in District public schools, 44,842 were white students. This figure represents 43.3 percent of the total enrollment. During the same school year, there were 58,936 colored pupils, which represented 56.7 percent of the total. As all of us know, the school year of 1953 was the one which preceded the Brown decision in the U.S. Supreme Court.

In the following year, 1954, the enrollment statistics were taken in November and these showed that the white children totaled 41,393, which was 39.3 percent of the 105,473 total. The colored children numbered 64,080, or 60.7 percent of the total.

The figures for October of 1956 show that the white student enrollment declined to 32.1 percent, as they numbered 34,758, and the colored percentage increased to 67.9 percent. The number of colored students was 73,723.

The figures for the present school year, which were taken in October of 1959, show a total of 27,481 white children and 90,403 colored children. Of this total number of 117,844 children, the white percentage is 23.3 percent, and the colored is 76.7 percent. It goes without saying that the number of white children in District public schools is declining rapidly and the number of colored children is increasing.

Let us take a closer look at the integrated school system that now prevails in the District of Columbia.

At the present time, there are 172 separate schools that are in the school system of the District. I have recently made a study of the conditions in these schools, which include, besides the high schools and elementary schools, the Capitol Page School, the Americanization Center, the Teachers College, and the Veterans Center. For the purposes of determining the extent of integration in the schools, I have made a list of those schools which are predominantly white or predominantly colored. In determining a condition of predominance of one race or another, I have set a 75–25 ratio to mean a predominantly white or colored school. Of all the 172 schools, 145 fall into one predominant group or the other. In other words, 84.3 percent of all the public schools are predominantly colored or white; that is, there are three colored children out of every four, or vice versa if the school is predominantly white. Only 27 schools out of 172 are less than 75 percent dominated by one race or the other. Of these 27, all but 10 of them are integrated only at a 60 to 40 percent ratio.

Even more startling is the fact that 70.3 percent of all the public schools are 90 percent or better dominated by one race or the other. These schools number 121.

Imagine that in Washington, D.C., where integration was to be such a success that it was to be a model for other cities to follow, after 5 full school years, 121 out of 172 schools are segragated 90 percent or better. It would not be a wild guess to say that in another 5 years the entire school system will be 100 percent segregated. It appears that all that the order to integrate the public schools has brought about is a rapid exodus of the white people from the District, and mass housing segregation by those who have remained in the District. In the District, 90,403 colored children are attending public schools. 80.5 percent of them are attending the 98 schools which are 90 percent or better dominated by colored children. The number of these children is 72,773, and in the same schools, 21 of which have no white children at all, there are but 1,455 white children.

In the 23 schools which are predominantly white to a 90 percent or better degree, there are 11,451 white children and only 189 colored children. Only four schools in the entire system are 100-percent white schools.

The school integration program in the District of Columbia has caused two effects: First, the white people are leaving the District in great numbers; and, second, the public schools are coming closer and closer to being all colored. Three tables for different schools will show how the white school population is decreasing and the colored students are becoming more and more predominant in the different schools. It is for these reasons that I say that if things continue as they have been going with regard to the public school picture, the entire system will be 100-percent segregated in another 5 years. There is no reason at all to think that events will not continue at the same pace and in the same direction, because this change did not occur immediately in 1954 with the first school integration, but has occurred since then, and because of the integration order.

This whole picture is but another illustration of the fact that people would rather associate with those of their own kind. These people are not carriers of hatred. They just wish to be left alone, to live their lives as they choose. It is most obvious, by looking at the present picture presented by the District of Columbia public schools, that white people do not want to integrate the schools, and will not submit to an order to do so. It is plain to see that they will do all they can to avoid it, even if it requires that they move their place of living to another area. Thus, in spite of the law which says that the schools must be integrated, if people do not want to send their children to integrated schools, they find legal methods whereby they can avoid it.

It might also be interesting to note that in the District of Columbia, if a parent wishes to send his child to a school other than the one in the child's school district, the parent may submit a request, which will be ruled upon by a transfer committee. I have been informed that if a parent wished to send his child to a different school from the one in the proper district, even for a reason that the school was segregated and another one was not, if the transfer committee felt that such a transfer would be for the best interest of the child, such a request would be honored. From July 1, 1958, to October 31, 1959, 1,962 requests for transfer from one school to another were granted. I am not saying that the sole reason for all of those was to get a child out of a school that was integrated; but that was the total number of transfer requests that were granted.

Mr. President, I now ask unanimous consent to have printed in the RECORD a number of tables and a statement which I have prepared, which show the trend and the movement I have described, in connection with this statistical study of the effect of integration on the public schools of Washington, D.C.

There being no objection, the tables and the statement were ordered to be printed in the RECORD, as follows:

Before Integration, 1953		Integration, 1959 Plus 5 Years
TABLE 1. SENIOR HIGH SCHOOLS		
7 were all-white schools.	Enrollment was 6,456.	3 schools are at least 75 percent white. In them 3,085 are white and 499 are colored.
4 were all-colored schools.	Enrollment was 5,714.	6 schools are at least 75 percent colored. In these, 7,725 are colored and 156 are white. 2 of these 6 schools are 100 percent colored. The 4 schools which formerly were all colored are still 99.9 percent colored. There are 2 white students to 3,663 colored in them.
TABLE 2. JUNIOR HIGH SCHOOLS		
11 were all-white schools.	Enrollment was 9,196.	4 schools are over 85 percent white. In them 3,982 are white and 315 are colored.
11 were all-colored schools.	Enrollment was 13,272.	16 schools are over 75 percent colored. In these, 14,044 are colored and 670 are white. Of these 16 schools, 13 are over 90 percent colored and 1 is 100 percent colored. The 11 schools which formerly were all colored schools are still 98.6 percent colored. There are 138 white students to 9,784 colored in them.

TABLE 3. ELEMENTARY SCHOOLS

64 were all-white schools. Enrollment was 21,781.

58 were all-colored schools. Enrollment was 37,588.

20 schools are over 85 percent white. In them, 7,720 are white and 299 are colored. 3 of these are 100 percent white.

67 schools are over 75 percent colored. In these 56,641 are colored and 2,125 are white. 16 of these are 100 percent colored and 48 are 95 percent or better.

The 58 schools which formerly were all colored schools are at this time 98.4 percent colored. There are 599 white students to 36,138.

TABLE 4.—*Schools which were all white before 1954*

1954–55 ENROLLMENT

	Colored	White	Percent colored
Benning	281	132	67.7
Blair	185	96	65.8
Buchanan	360	378	48.8
Davis	139	589	19.1
Emery	311	171	64.5
Kingsman	327	321	50.5
Petworth	464	95	83.0
Powell	149	198	43.0
Raymond	319	140	69.5
Wheatley	355	311	53.3
Total	2,890	2,431	54.3

1959–60 ENROLLMENT

Benning	628	6	99.1
Blair	382	10	97.4
Buchanan	926	65	93.4
Davis	1,078	12	98.9
Emery	699	31	95.8
Kingsman	1,037	20	98.1
Petworth	708	8	98.9
Powell	350	11	97.0
Raymond	661	34	95.1
Wheatley	1,083	24	97.8
Total	7,552	221	97.2

Mr. LONG of Louisiana. It will be noted from this table that the colored student enrollment is growing quite fast. In these schools there was 100 percent white enrollment in 1953. In 1954 Negro percentage was 54.3 and in 1956 the Negro percentage was 91.8 and in 1959 the Negro percentage was 97.2.

TABLE 5.—*These schools were all white prior to 1954*

1956–57 ENROLLMENT

	Colored	White	Percent colored
Adams	287	115	71.4
Bancroft	336	340	50.0
Bernard	443	271	62.0
Brent	158	126	25.2
Brightwood	57	491	10.4
Brookland	177	145	55.0
Bunker Hill	226	507	30.3
Burroughs	501	148	77.2
Cooke, H. D	480	297	61.8
Edmonds	234	110	68.0
Grant	54	76	41.5
Greenleaf	149	92	61.8
Jackson	39	97	28.7
Kimball	163	539	23.2
Kimball Annex	19	122	13.5
Langdon	389	173	69.2
Military Road	10	10	50.0
Peabody	256	198	56.4
Rudolph	175	220	44.3
Seaton	178	153	53.8
Stanton	382	623	31.4
Thomson	378	140	73.0
Trundell	445	226	66.3
Tyler	474	273	63.5
West	389	152	71.9
Whittier	183	659	21.7
Woodridge	319	145	68.8
Total	6,901	6,448	51.7

TABLE 5.—*These schools were all white prior to 1954*—Continued

1959–60 ENROLLMENT

	Colored	White	Percent colored
Adams	332	92	78.3
Bancroft	529	248	68.1
Bernard	762	41	94.9
Brent	172	105	62.1
Brightwood	319	343	48.2
Brookland	274	99	73.5
Bunker Hill	738	122	85.8
Burroughs	755	74	91.1
Cooke, H. D	610	224	73.1
Edmonds	396	44	90.0
Grant	111	89	55.5
Greenleaf	128	24	84.2
Jackson	21	79	21.0
Kimball	473	260	64.5
Kimball Annex	181	123	59.5
Langdon	485	126	79.4
Military Road	20	11	64.5
Peabody	374	132	73.9
Rudolph	293	48	85.9
Seaton	219	159	57.9
Stanton	776	264	74.6
Thomson	434	103	80.8
Trundell	758	86	89.8
Tyler	686	177	79.5
West	601	59	91.1
Whittier	746	134	84.8
Woodridge	486	119	80.3
Total	11,679	3,085	77.5

In the 1953–54 school year all these schools were 100 percent white. In 1956–57 the colored percentage was 51.7 and now in 1959–60 school year the colored percentage is 77.5. Thus it can be seen that these schools are tending toward the same situation that prevails in those in table 4.

TABLE 6.—*Schools which were 100 percent white before 1954*

1954–55 ENROLLMENT

	Colored	White	Percent colored
	Senior highs		
Eastern [1]	880	965	47.7
McKinley	404	562	41.8
Roosevelt	168	709	19.2
Anacostia	44	1,235	3.4
Total	1,496	3,471	30.1
	Junior highs		
Jefferson	297	393	43.0
Hine	126	493	20.4
McFarland	265	1,002	20.9
Paul	8	1,275	.6
Sousa	109	802	12.0
Stuart	169	532	24.1
Taft	104	809	11.4
Total	1,078	5,306	16.9

1959–60 ENROLLMENT

	Colored	White	Percent colored
	Senior highs		
Eastern [1]	1,707	28	98.4
McKinley	1,461	70	95.4
Roosevelt	887	56	94.1
Anacostia	432	1,241	25.8
Total	4,487	1,395	76.3
	Junior highs		
Jefferson	206	123	62.6
Hine	645	164	79.7
McFarland	1,217	106	92.0
Paul	410	847	32.6
Sousa	488	131	78.8
Stuart	628	127	83.2
Taft	940	403	70.0
Total	4,526	1,901	70.4

[1] Was junior and senior high until 1956.

In the above senior high schools, in 1953–54 there were 3,952 white students. Now, 5 years after integration there are 1,395 and 1,241 of them are in one school. In 1954, the first year of integration the Negro percentage was 30.1 and now in the 1959–60 school year the percentage of colored students is 76.3.

In the junior high schools, the colored students in the 1954–55 school year comprised 16.9 percent of the entire student body. Now in 1959–60, they total 70.5 percent of the enrollment in these schools.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield for a question?

The PRESIDING OFFICER (Mr. JORDAN in the chair). Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. LONG of Louisiana. I yield.

Mr. ERVIN. Did the Senator from Louisiana notice in the recent issue of the U.S. News & World Report an article in which it is stated that of the children who will enter the first grade in the District of Columbia public schools next September, 85 percent will be Negro and 15 percent will be white?

Mr. LONG of Louisiana. I am not at all surprised, because it shows a continuation of the same trend which I have attempted to show.

I understand the National Association for the Advancement of Colored People has made objection to the publication of figures which show what is happening in the District schools. I assume if that organization is intending to continue to advocate forcible intermixture of the white and Negro races, it would obviously want the facts here withheld. The facts tend to show that when a considerable percentage of colored children are placed among white children who have been accustomed to going to school with those of their own kind, the whites tend to move out.

For example, table 4, which I have inserted in the RECORD, I recommend for the Senator's study when he sees the RECORD tomorrow. Here were schools and areas where there was a considerable number of colored children. I used the same grouping that the House District of Columbia Committee used in its first study of this problem. The first year of integration in the schools was in 1954,

and at that time there were 2,800 colored children in the schools and 2,431 white children. That is about what is classified as a 50–50 colored and white attendance. What happened when that percentage was achieved? The table shows that in the year 1959–60 the colored enrollment was 7,552 and the white enrollment was 221, or 97.2 percent were colored children, whereas previously the ratio had been 54.3 percent colored.

Those figures would indicate there was an average of only about five or six white children left in the average integrated school which had previously been composed predominantly of the white race.

I have made some effort to ascertain what happens when there is an attempt to integrate white with colored in schools which are predominantly colored. I find that in senior high schools there had been four all-colored high schools. One of these schools was closed. The other two remained all colored, without a single white student being in those two high schools, although one colored high school has achieved a degree of integration to the point that there are now two white students in one of the colored schools which had been all colored prior to the Brown decision.

It is interesting to note that a number of schools which had been in the category of all white are now practically all colored by virtue of the whites having moved from the District and as a result of transfer of students at their request.

It is very enlightening to see what has happened, and I believe that in another 5 years, by the time we see the 10th anniversary of the Brown decision, there will be a completely segregated school situation under the decision of the Supreme Court.

Mr. ERVIN. In other words, the schools of the District of Columbia are resegregating themselves. Is that not true?

Mr. LONG of Louisiana. There is absolutely no doubt about it. The facts prove it. The schools with a substantial number of white children are those which have the slightest degree, or token, integration. A single colored child would be going to school with 1,000 whites. Apparently, that kind of situation does not seem to cause the whites to start migrating from the District. But when the percentage reaches that which the NAACP advocates, then we get this result. As the Senator knows, anything less than total integration is not acceptable to that organization. When the percentage of Negroes as compared to whites increases to about 15 or 20 percent, from that time on the exodus of the whites begins. We find in the usual case it does not take very long, notwithstanding the great financial sacrifice involved of selling one's home and moving into Virginia, or Maryland, or into parts of the District of Columbia where, by virtue of residential segregation, school segregation is achieved.

Mr. ERVIN. I should like to ask the Senator whether he read the statement in the Washington press several months ago to the effect that during recent years 142,000 white people between the ages of 18 and 45 had moved from the District of Columbia.

Mr. LONG of Louisiana. I have no doubt about it. I have not seen those particular figures, but during my service here we have seen the trend in population continuing with a smaller and smaller percentage of whites and a greater and greater percentage of colored people in the District of Columbia.

Mr. ERVIN. I will ask the Senator if he has not observed in all areas of the Nation, in the North and South, in the East and West, that wherever Americans have the liberty to select their own associates, they virtually always select as their associates members of their own race.

Mr. LONG of Louisiana. There is no doubt about it, and the reason for it is very obvious. People feel more secure and better understood when they are among their own kind. I say that without any disparagement of any race. I think every race has its strong points compared with other races. There is absolutely no doubt about the fact that people prefer to be among their own kind. I say that the great majority do not care to offend anybody about the question by suggesting that their race is far superior to the other. They would rather not discuss the point. But the fact is that people feel more secure, more comfortable, and better satisfied when they are among their own kind. These figures have proved it, just as the House District of Columbia Committee figures showed. As the Republican platform spelled out, the District of Columbia was the place to try an experiment of this kind. If it was to be tried any place, this would be the place to see how the forcing of white and colored children together would work out. Give this trend another 10 years, and there will be only the slightest degree of integration, if there is any left at all, in the District of Columbia schools. That will happen in another 10 years, or perhaps 5 years, if what has happened thus far continues.

Mr. ERVIN. Does not the Senator agree with the proposition that compulsory integration, that is, forced integration, deprives Americans of all races of a very precious right; namely, the right to select for themselves their own associates and to select for their immature children their associates?

Mr. LONG of Louisiana. I completely agree with the Senator. So long as the people have any freedom whatever, these figures show what will happen when an attempt is made to forcibly integrate the races. What has occurred in the District of Columbia will occur in other areas.

Mr. President, I yield the floor.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. ERVIN. Mr. President, on Friday I offered the amendment which is now the pending question. I withdraw that amendment for the time being, with the expectation of offering it later during the course of the debate.

The PRESIDING OFFICER. The Senator has that right.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ROBERTSON. Mr. President, reserving the right to object, I understand the distinguished junior Senator from New York [Mr. KEATING] is going to call up an important amendment. There are very few Senators present. We thought we might give Senators notice so that more Senators will be able to listen to the address.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. DIRKSEN. Mr. President, may we have a moment more?

Mr. ROBERTSON. Mr. President, I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. Mr. President, I offer the amendment which I send to the desk and ask to have made the pending question. I ask unanimous consent that the reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? Without objection, the amendment will be printed in full in the RECORD.

The amendment which was ordered to be printed in the RECORD is as follows:

On page 14, after line 16, insert the following:

"SEC. 503. Section 104 of the Civil Rights Act of 1957 (71 Stat. 635) is amended by adding the following new subsection at the end thereof:

"'(d)(1) The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (B) on May 17, 1954, the Supreme Court of the United States ruled that under the fourteenth amendment to the Constitution segregated education is inherently unequal; (C) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (D) State and local governments and agencies which had relied upon the "separate but equal" doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (E) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

"'(2) It is (therefore) the intent of Congress and the purpose of this section to assist State and local governments and agencies in carrying out their constitutional obligations by sharing certain of the additional expenditures directly occasioned by desegregation programs and by providing information and technical assistance in connection therewith.

"'(e)(1) For the purpose of assisting State and local educational agencies which, on May 17, 1954, maintained segregated public schools to effectuate desegregation in such schools in a manner consistent with pertinent Federal court decisions, there are

hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine.

"'(2) Appropriations under this subsection shall be available for grants to help finance—

"'(A) costs incurred by local educational agencies in the provision of supervisory or administrative services, pupil placement, school social worker, or visiting teacher services, and other special, nonteaching, professional services, the need for which is occasioned by the desegregation of their public schools, and

"'(B) costs incurred by State agencies in developing and carrying out State policies and programs for desegregation in public schools, including technical assistance to local educational agencies in connection therewith.

"'(f)(1) The Commissioner of Education (hereinafter called the "Commissioner") shall for each fiscal year allot to each State, from the sums appropriated pursuant to subsection (e) for such year, an amount which bears the same ratio to such sums (or to such larger sum as may be specified in the Act making the appropriation) as the number of students who attended segregated public schools in such State during the school year 1953–1954 bears to the number of students who attended such schools during such year in all the States. The number of students who attended segregated public schools in each State during the school year 1953–1954 shall be estimated by the Commisioner on the basis of the best available data on the average daily attendance of local educational agencies during such school year.

"'(2) From a State's allotment under paragraph (1) for a fiscal year, the Commissioner shall, except as otherwise provided in subsection (h), pay to such State an amount equal to one-half of the expenditures of local educational agencies in carrying out the purposes specified in subsection (e)(2)(A) under applications approved by the State agency (designated as provided in subsection (g)(1)(A)) pursuant to the State plan approved under subsection (g), and one-half of the expenditures of such State agency in carrying out the purposes specified in subsection (e)(2)(B) under such plan, including its expenditures in administering the State plan. Payments under this subsection and subsection (h) shall be made from time to time by the Commissioner on the basis of estimates of amounts to be expended in a quarter or other period or periods determined by him, with necessary adjustments on account of any overpayment or underpayment for any prior periods.

"'(g)(1) A State plan shall be approved by the Commissioner for purposes of this section if such plan—

"'(A) designates the State educational agency to administer or supervise the administration of the plan, or designates another single agency of the State for such purpose and in such case provides methods for effective coordination between such agency and the State education, and

"'(B) sets forth the methods and criteria for approving applications of local educational agencies for funds under this section, and describes the activities to be carried on by the State agency with the aid of funds under this section;

"'(C) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the State plan;

"'(D) provides that the State agency will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to assure expenditure of grants under this section solely for the purposes for which made and otherwise to perform his functions under this section.

"'(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising administration of the State plan approved under paragraph (1), finds that—

"'(A) the State plan has been so changed that it no longer complies with any of the requirements of paragraph (1), or

"'(B) in the administration of the plan there is a failure to comply substantially with any such requirement,

the Commissioner shall notify such State agency that no further payments will be made to the State under this section (or, in his discretion, that further payments to the State will be limited to parts of or programs under the plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this section (or shall limit payments to parts of or programs under the State plan not affected by such failure).

"'(h) If the Commissioner determines, with respect to any State for which an allotment has been made under subsection (f)(1) for any fiscal year, that such State will not for such year submit and have approved a State plan under subsection (g), and either (1) that such State has consented to the making of applications by local educational agencies pursuant to this subsection, or (2) that such State has indicated that it assumes no responsibility with respect to the desegregation of public schools, the Commissioner shall, notwithstanding the provisions of subsection (f)(2), pay to local educational agencies, with applications approved by him under this subsection, one-half of the expenditures of such agencies during such year in carrying out the purposes of subsection (e)(2)(A), but such payments may not exceed, in the aggregate, the State's allotment for such year. The Commissioner shall by regulation prescribe criteria and procedures, for approval and withdrawal of approval of applications under this subsection, which will, in his judgment, best effectuate the purposes of this section.

"'(i) For purposes of this section—

"'(1) The term "public school" means a public school which provides elementary or secondary education, as determined under State law, but does not include a school of any agency of the United States.

"'(2) The term "segregated public school" means a public school to which students on May 17, 1954, could not, under the constitution or laws of the State in which such schools are located or under ordinances or rulings of the appropriate local educational agency pursuant to such constitution or laws, be admitted without regard to race or color.

"'(3) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"'(4) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a city, county, township, school district, or political subdivision in a State; and includes any State agency which directly operates and maintains public schools.

"'(j)(1) The Commissioner shall collect and disseminate such information on the progress of desegregation in the public schools in the several States as may be useful to educational and other public officials, agencies, and organizations in effecting desegregation in such schools.

"'(2) The Commissioner shall, upon request, provide information and technical assistance to State or local officials, which will aid them in developing plans and programs for effecting desegregation in public schools, and, upon request of such officials, shall initiate or participate in conferences dealing with the educational aspects of problems arising in connection with efforts to comply with applicable court desegregation decisions or decrees.

"'(3) The Commissioner may delegate to any officer or employee of the Office of Education any of his powers and duties under this section, except the promulgation of regulations.

"'(4) No appropriations may be made pursuant to subsection (e) for any fiscal year ending after June 30, 1962. Prior to the close of January 1962, the Secretary of Health, Education, and Welfare shall submit to the Congress a full report of the administration of this section, together with his recommendations as to whether it should be extended and as to any modification of its provisions he deems appropriate.

"'(5) There are hereby authorized to be appropriated such sums as may be necessary to administer the provisions of this section.'"

Mr. KEATING. Mr. President, this amendment represents section 4 of the administration's proposal as embodied in the Dirksen bill with two exceptions. The first is in the next to the last paragraph. The bill as submitted in February of 1959 provided, "No appropriations may be made pursuant to subsection (b) for any fiscal year ending after June 30, 1961." That has been changed to "1962."

The next sentence read, "Prior to the close of January 1961, the Secretary of Health, Education, and Welfare shall submit to the Congress a full report of the administration of this section, together with his recommendations as to whether it should be extended and as to any modification of its provisions he deems appropriate." This date is also changed to "1961."

Obviously, to leave the "1961" in the language would mean that before the law could become practically effective the time would be over.

The other change is that instead of amending title I of the House bill the amendment would amend the title relating to schooling for military personnel, which is title V.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEATING. I yield to my colleague from New York.

Mr. JAVITS. Would the Senator make it clear to the Senate that both of these changes are not at all material to the fundamental point that this is the proposal of the President and of the administration?

Mr. KEATING. This is the proposal of the President and is endorsed emphatically by the Attorney General, as late as this morning. I shall read a letter from the Secretary of Health, Education, and Welfare strongly endorsing the provision.

This is it, Mr. President. This amendment, with two minor and we might say technical exceptions which I have noted, contains the language of section 4 of the Dirksen bill with respect to technical assistance to State and local government agencies seeking to desegregate their public schools. It was a vital part of the civil rights bill when it was first proposed and nothing—I repeat—nothing has

happened in the interim to diminish its importance. It has the full and complete support of the administration, of the President, and of the Cabinet. It had tremendous sponsorship when it was first offered. I know of no valid reason, Mr. President, for us to backtrack now.

Mr. President, this is not a minor omission from the original bill. This is a section of the very first magnitude in connection with the whole problem of school desegregation. It would put Congress squarely on record behind the decision of the Supreme Court in the Brown case and provide the means for voluntary—again I repeat—voluntary combined Federal-State-local drives to implement the requirements of the law of the land.

Let there be no doubt as to where the administration stands on this amendment. The sage of South Bend, Mr. Paul M. Butler, made a statement 2 or 3 days ago that the President had taken no position on Brown against the Board of Education. The President recommended the pending legislation. In it is a position—a strong and emphatic position—on the decision in Brown against the Board of Education. The President stands foursquare behind it. The Attorney General supports it.

I asked the Secretary of Health, Education, and Welfare to submit to me a letter, which I shall read:

APRIL 2, 1960.

DEAR SENATOR KEATING: In response to your inquiry this morning, I wish to advise you that the Department of Health, Education, and Welfare emphatically recommends the enactment of your proposed amendment, numbered 3-31-60—B, to H.R. 8601, the Civil Rights Act of 1960. The amendment contains the provisions of one of the major legislative proposals recommended to the Congress by the President in his civil rights message of February 5, 1959.

The President wrote as follows regarding this proposal in his message:

"I recommend legislation to provide a temporary program of financial and technical aid to State and local agencies to assist them in making the necessary adjustments required by school desegregation decisions.

"The Department of Health, Education, and Welfare should be authorized to assist and cooperate with those States which have previously required or permitted racially segregated public schools, and which must now develop programs of desegregation. Such assistance should consist of sharing the burdens of transition through grants-in-aid to help meet additional costs directly occasioned by desegregation programs, and also of making technical information and assistance available to State and local educational agencies in preparing and implementing desegregation programs.

"I also recommend that the Commissioner of Education be specifically authorized, at the request of the States or local agencies, to provide technical assistance in the development of desegregation programs and to initiate or participate in conferences called to help resolve educational problems arising as a result of efforts to desegregate."

As you know, the proposal was introduced in the Senate as S. 958 on February 5, 1959, by Senator DIRKSEN for himself and for you, Senator SALTONSTALL, Senator JAVITS, Senator BUSH, Senator ALLOTT, Senator BEALL, Senator CARLSON, Senator CASE of New Jersey, Senator SCOTT, and Senator COOPER.

The proposal also appeared as section 4 of S. 3001, a bill, constituting the full administration civil rights program, which was introduced on February 8, 1960, by Senator DIRKSEN for himself and for you, Senator JAVITS, Senator PROUTY, Senator SCOTT, Senator SALTONSTALL, Senator CASE of New Jersey, Senator COOPER, Senator KUCHEL, Senator BRUNSDALE, Senator CARLSON, Senator WILEY, Senator FONG, Senator BUSH, Senator MORTON, Senator HRUSKA, Senator BENNETT, Senator ALLOTT, Senator BEALL, Senator CASE of South Dakota, Senator MARTIN, Senator AIKEN, and Senator SMITH.

Finally, the proposal also appeared as section 4 of Senator DIRKSEN'S proposed amendment, numbered 2-24-60—I, to H.R. 8315.

I am enclosing the text of my prepared statement made in support of this proposal (as title VII of H.R. 4457), before Subcommittee No. 5 of the House Judiciary Committee on Thursday, March 12, 1959. Also enclosed, as you requested, is the departmental estimate of the financial requirements to implement this proposal, prepared as required by Public Law 801, 84th Congress.

The Federal Government has a definite responsibility to respond affirmatively to requests for technical assistance in meeting the temporary but serious financial and educational burdens which may be placed on public school systems in making the transition to desegregation. Your proposed amendment would enable us to render such assistance to States and communities—when requested by them—in their efforts to eliminate segregation in their public schools. Therefore, we heartily support your amendment.

Sincerely yours,

ARTHUR S. FLEMMING,
Secretary.

I hope that after reflection every Member of this body who wants to see a meaningful civil rights bill enacted by the Congress will also support this amendment.

The Supreme Court's decision in the Brown case was a landmark in the development of equal justice for all Americans. It discredited the separate-but-equal doctrine which had prevailed for several decades, and declared that the separation by race of American schoolchildren was inherently discriminatory and a denial of the equal protection of the laws. The Brown case is the law of the land. It is morally right. It is legally right. It is factually right. In my judgment it is morally, legally, and factually wrong to refuse to recognize its force and effect, and to refuse to do everything reasonably necessary to implement its requirements.

Upon determining that the segregation of schoolchildren by race was unconstitutional, the Supreme Court could have declared an immediate end to the segregation laws in effect in 17 States and the District of Columbia, which existed at the time when the Brown decision was rendered. It could have ordered immediate desegregation of all public schools in accordance with its ruling that segregation laws were invalid.

The Supreme Court, however, chose to pursue a more moderate course. It remanded the cases to the district courts in the areas involved, with instructions which required only that school authorities make a prompt and reasonable start toward full compliance with the Supreme Court's decision.

If such a start was made in good faith, the district courts could allow additional time to carry out a program of desegregation. Consideration could be given, in setting up a transition timetable, to such factors as the physical condition of the school plant, the school transportation system, personnel, and other related problems.

The court required only that the States act in good faith, and with "all deliberate speed" in adjusting their practices to the requirements of the Constitution.

Unfortunately the Court's moderation has not been matched by moderation on the part of those who disagree with its ruling. Fanatic activity has been engaged in in some areas by diehard segregationists in order to prevent the colored child from sharing a schoolroom with the white child in a public school. These activities have delayed segregation entirely in a number of States. They have impeded it substantially in others. But progress continues to be made. Those directly involved have been patient, but they have also been persistent.

There is no sign, in the events of the past few years, that the Supreme Court's decision will be allowed to die of old age. I have complete faith in the rule of law; and in my opinion the only questions are how and when, not whether, the Supreme Court's decision will be fully complied with.

Under those circumstances it behooves all of us, regardless of our views as to the merits of the Court's ruling, to support efforts to make the transition to desegregated schooling as unburdensome as possible to the communities involved. What will be gained by active obstruction in noncooperation if the end result is inevitable? Why leave scars if the wounds could be healed with no trace of any injury?

The sole purpose of this amendment is to provide assistance to State and local communities which want help in desegregating their public schools.

It would permit administrative and financial assistance to States which are attempting voluntarily to carry out their responsibilities under the law of the land.

So much attention is centered on the tactics of opposition to desegregation that we sometimes overlook the progress which has been made in a quiet way in many of the school districts involved. The antics of a Faubus or a Kasper crowd out of the news the impressive incidents of adjustment to the requirements of the law. The work of professional obstructionists—"children baiters," I would call them—has made the task of the law-abiding elements of the community more difficult. These hatemongers have stirred an irrational, emotional atmosphere which makes it more imperative than ever that expert knowledge and assistance be utilized to achieve desegregation in a sound and orderly manner. This amendment would make such help available to communities which need it and request it.

It may be useful to briefly review the record to date of the Brown case. According to statistics in the report of the Commission on Civil Rights, programs to eliminate racial discrimina-

tion in public schools have been started in 11 States. The entire school system in the District of Columbia and Baltimore and substantially all the schools in Kansas City, and St. Louis, Mo., are now desegregated. Some action to implement the Supreme Court decision has been taken in all of the biracial school districts of Maryland and West Virginia, in almost 90 percent of the districts in Oklahoma and Missouri, and in 70 percent of the districts in Kentucky. In Delaware steps toward desegregation have been taken in 25 percent of the school districts, in Texas 17 percent, and in Arkansas, North Carolina, Tennessee, and Virginia there has been compliance to a lesser extent.

In all, 793 school districts constituting 27 percent of the 2,907 biracial school districts in the segregating States have initiated some form of desegregation. Of these only 3 percent acted under the direct compulsion of a court order. Although others proceeded only after suit was filed or under a threat of litigation, this still suggests that over 90 percent of all school districts which have started toward desegregation have done so without specific legal direction.

That is important, and it is something which is often lost sight of because it does not make headlines.

This, of course, represents only the positive side of the ledger. A proper balance sheet would have to recount the complete failure to initiate desegregation in several hard-core States; the increasing efforts of some State legislatures to erect one technical evasion after another to avoid compliance with the courts' decisions; the encouragement of mob violence and massive resistance in some instances. In all candor, it must be said that this amendment will deal only indirectly with problems of this nature. It will not be a substitute for specific legal action in areas in which local court action is the only effective way to implement the Supreme Court decision. It will, however, help those of who want to be helped, and if it operates successfully, will demonstrate what can be accomplished by vountary cooperation. It can assure that desegregation is carried out without jeopardizing schooling standards, discipline, or administration. The results it produces may encourage or induce even hard-core school districts to follow good examples rather than bad advice.

This amendment would not impair or alter Federal-State-local relations in the field of education. It would not involve the Department of Health, Education, and Welfare in enforcement proceedinge for which it is wholly unsuited, or make of it a quasi-judicial agency in the field of education. What it would do, however, is to utilize the facilities and expertise of a great Government agency in a cooperative Federal and local effort to complete the transition to desegregated public schooling.

Under the terms of the amendment, grants would be authorized to States which, prior to the Brown decision, maintained racially segregated public schools. These grants would be for the purpose of assisting in public school desegregation in a manner consistent with pertinent Federal court decisions.

The grants could be used to help meet two types of costs:

First, costs incurred by local educational agencies in the provision of certain kinds of special professional services the need for which is occasioned by the desegregation of their public elementary or secondary schools. These services include supervisory or administrative services, pupil placement or school social worker or visiting teacher services, and other special nonteaching, professional services.

Second, the grants could be used to help meet costs incurred by State agencies, administering the State plan for carrying out the purposes of this bill, the developing and carrying out State policies and programs for public school desegregation, including their costs in providing technical assistance to the local educational agencies in connection with their desegregation programs.

Funds appropriated to carry out the purposes of the amendment would be allotted among the States by the Commissioner of Education on the basis of the number of students attending segregated public schools in each of the States during the school year 1953–54.

Provision is also made for payments to local educational agencies in a State in which segregated public schools were maintained on May 17, 1954, but which does not have a State plan approved under the bill. If such a State has consented to the making of applications for grants under the bill by local educational agencies in the State or has indicated that it assumes no responsibility in regard to public school desegregation, then the Commissioner of Education would pay to the local educational agencies in the State amounts equal to one-half of their costs in providing the special professional services, the need for which is occasioned by desegregation of their public schools. Applications of local educational agencies in such States would be approved, and approval thereof withdrawn, in accordance with criteria and procedures, prescribed by the regulations of the Commissioner, which will, in his judgment, best effectuate the purposes of this amendment.

The amendment authorizes the Commissioner of Education to collect and disseminate useful information on the progress of public school desegregation and to provide, upon request, technical assistance to State or local officials in developing their public school desegregation plans and programs. He would also be authorized, upon request by State or local officials, to initiate or participate in conferences dealing with the educational aspects of problems arising in connection with compliance with applicable court decisions or decrees.

The Federal Government has a responsibility to assist States and local school districts in carrying out school desegregation programs in conformity with constitutional requirements. The only pertinent question is: By what means shall the Federal Government discharge its responsibility? In my opinion, my amendment offers the ideal approach to this problem.

The assistance which would be made available under my amendment is greatly needed. This is amply demonstrated by the statements and discussions of State and local school officials at the education conference conducted on March 5 and 6 of last year in Nashville, Tenn., by the Commission on Civil Rights. These school officials were from State education agencies and local school districts—in States ranging from New Mexico to North Carolina—in which programs of desegregation are being carried out. Among the educational problems emphasized was the great need for information about the experiences of other States and communities in desegregating schools.

This is admittedly a difficult problem, and the interchange of views among those who have faced similar problems is highly desirable.

Another common problem was that of achieving desegregation with a minimum of tension and personal disorientation among the students, teachers, and parents, both white and Negro. There exists almost no central source of information, even now, for dealing with the first problem. It is apparent that the second problem is being grappled with on a local basis, most often without professional assistance. Some of the larger communities have been able to obtain the assistance of trained counselors, social workers, psychologists, and additional teachers in their efforts to overcome educational and social problems associated with the desegregation process in the schools. Largely because of the expense involved, these specialized personnel are unavailable to smaller communities where the problems tend to be equally difficult.

This amendment would authorize the Commissioner of Education, through grants, research, and the other means I have described, to assist States and communities to overcome these problems. There is nothing compulsor, about the proposed program. The assistance would be available to States and communities requesting it. This program would in no sense represent an interference with State and local control of public education, but it would provide an effective way to meet the Federal obligation to assist our States and communities in solving educational problems associated with desegregation.

The picture presented at the Nashville Education Conference was one of courageous and decent citizens—teachers, school board members, principals, and superintendents—struggling to comply with constitutional requirements and to preserve the very foundation of freedom and progress—our public school system. This dedicated work often is being done in an atmosphere of hostility and open or latent violence. It is being done without a thorough knowledge of the experiences, successes, and failures of others similarly engaged in other communities and other States. It is being done, in most cases, without the specialized professional assistance required to accomplish desegregation with a minimum of injury to the educational program and to the children affected. The Federal

Government should take appropriate action now to give these citizens the help they need and deserve.

I offered this amendment in the Committee on the Judiciary. It was defeated by only 1 vote in the consideration of the bill, 7 to 6. I sincerely believe that, without such a provision in the law, the burdens on the States of meeting the requirements of the Brown case will be immeasurably increased. This is really a very modest, very balanced, very limited provision, but it is one which will go a long way toward recognizing our responsibility to help in every way those communities which want to comply with the law. It will put us on record in support of the Supreme Court's ruling. It will show that we are just as interested in helping voluntary efforts to obey the law as we are in proscribing forceful obstructions of the law. The chief beneficiaries of this amendment would be the thousands of schoolchildren who would benefit from the combined approach to the solution of school problems allowed under its provisions.

I sincerely hope that the merit of this amendment will appeal to the Senate and that it will be approved.

Mr. COOPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PASTORE in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I wish to announce that I will offer a motion to lay on the table the pending Keating amendment. But before I do so, I ask unanimous consent that I may have the floor, so that I may yield to all Senators who wish to speak on this subject.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Mr. COOPER. Mr. President——

Mr. MANSFIELD. Mr. President, I yield to the Senator from Kentucky such time as he desires.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I submit, and send to the desk, an amendment to the Keating amendment, which I ask to have read.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the Keating amendment, on page 1 it is proposed to strike out paragraph (d) (1).

On page 1, in paragraph (2) it proposed to strike out "(2) It is therefore", and insert "(d) It is".

And it is proposed that the necessary subsections be renumbered.

Mr. MANSFIELD. Mr. President, I now yield 10 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOPER. Mr. President, in view of the fact that a motion will be made to lay on the table the amendment offered by the distinguished junior Senator from New York [Mr. KEATING], the amendment I have offered may not appear to have much purpose. Nevertheless, I offer it, to have an opportunity to discuss for a short time some of my views on the pending civil-rights bill.

Mr. President, the amendment I have offered to the Keating amendment is a controversial one. It would strike out the preamble to the operative subsections of the amendment offered by the junior Senator from New York [Mr. KEATING]—which, as the Senate will recall, was section 4 of the Dirksen amendment to House bill 8315. As Senators will remember, section 4 of the Dirksen amendment provided—as does the Keating amendment—that in certain cases, the Department of Health, Education, and Welfare shall give technical aid, made possible by appropriations for the purpose of aiding schools that are attempting to desegregate under the Brown case decision.

The preamble to section 4 speaks of the Supreme Court findings which prevailed before the Brown case decision was rendered in 1954. It cites the Brown case decision, and then makes certain findings with respect to that decision.

I am sure that many of those who strongly support civil-rights legislation—as I do—may oppose my amendment to the Keating amendment, if they are given an opportunity to do so; and I am sure it will be supported by those who oppose civil-rights legislation.

So I wish to express as clearly as I can my reasons for offering this amendment to the Keating amendment.

First, let me state that I support without reservation the decision of the Supreme Court in the Brown case, which held that the "segregation of white and Negro children in the public schools of a State solely on the basis of race, pursuant to State law permitting or requiring such segregation, denies to Negro children the equal protection of the laws guaranteed by the 14th amendment." I support the decision because of its constitutional and legal reasoning. And even before the Brown decision of 1954, my legal reasoning and my philosophical and moral beliefs led me to believe that such a decision would ultimately be made.

Nevertheless, my beliefs regarding the Brown case, and my conviction that it is the law as the Supreme Court interpreted the 14th amendment, do not convince me that it is proper or effective for the Congress to enact a finding regarding the Brown case, such as that contained in the preamble to the amendment of the junior Senator from New York [Mr. KEATING].

I do not want to be too legalistic; but my first objection to the preamble of the Keating amendment regarding the decision in the Brown case is that it has no legal or constitutional significance at all, so far as the holding of the case is concerned, and that the Congress has no power or authority to say what the law is.

The courts of the land—a police court, a municipal court, higher State courts, Federal courts, and ultimately the Supreme Court—have the power of construction of the Constitution and interpretation of statutes enacted by a legislature, whether State or Federal, in respect of the case before the court.

It is generally agreed that the principle was first recognized in the case of Marbury against Madison, decided in 1803 when Chief Justice Marshall held that it was the particular duty of the courts to interpret the law, that is, "to say what the law is." Years passed before this right was clarified; but today I believe there is no doubt that the Supreme Court has power to construe the Constitution.

The Supreme Court construed the 14th amendment, in the Brown case; and I hold that the Congress of the United States cannot add anything to, or take anything away from, the constitutional holding of the Court. By adopting the preamble we would simply write a nullity into this bill.

The subsection is useless so far as actual enforcement of the law is concerned. In respect to enforcement, the Congress does have a special responsibility arising from the last clause, section 5, of the 14th amendment, which says: "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." It is only through legislation that we enact, pursuant to the authority given the Congress under section 5 of the 14th amendment, that we can effect enforcement of the Court's holding in the Brown case. Enforcement cannot be secured by our comments on the holding of the Court, which is the Court's separate prerogative and power.

My second objection to the inclusion of the preamble is that it would create an unwise precedent.

In this particular case, it is true that a great number in this body would like to express their support of the decision in the Brown case. But if the Congress attempts this formal, though ineffective, approval of this particular case, succeeding Congresses may feel inclined to declare their opposition to constitutional decisions of the Supreme Court which they may not like.

I do not expect that the Supreme Court will change its holdings in the Brown case, and I certainly hope that it will not do so. But called upon as it is to pass on innumerable cases, to give construction to the Constitution, to interpret statutes enacted by the Federal and State legislatures, it does modify, and it has at times reversed, former decisions.

As I have said, I do not want to be too legalistic, but it is true that the Constitution separates the judicial and legislative branches of the Government, and confers upon each special grants of power. While each branch can limit the powers of the other in enumerated ways, I believe it is intended that, with the exception of such limitations and checks, each shall be independent in the exercise of its granted powers.

From a legal viewpoint it is a fact, to me at least, that for the Congress to volunteer an ineffective formal approval or disapproval of a Supreme Court decision is an intrusion on the separate and independent power of the Court.

Our responsibility as provided by the last clause, section 5, of the 14th amendment, is to enact legislation to enforce the 14th amendment.

I should like to make clear that the chief reason I oppose the preamble is that I believe enforcement of the 14th and 15th amendments by way of legislation is the primary responsibility of the Congress. The recital of the preamble is not operative legislation.

I believe there is a second responsibility on the Congress in the field of civil rights, namely, to proceed in such a way as to secure acceptance of and consent to the Brown decision by those sections of our country which now resist it. For upon acceptance and consent, the effective exercise of civil rights, and the harmonious relations of the people of the South, must ultimately rest.

My chief opposition to the preamble in subsection (a)(1) which makes findings regarding the Supreme Court decision in the Brown case—a preamble which has no legal or constitutional effect, and which has no significance as far as the congressional duty of enforcement of rights is concerned—is that it will do no good in obtaining the acceptance or consent of the people of the South for the Brown decision. In my judgment, it will only harden their resentment and their opposition to the Brown decision—and to the school desegregation efforts of school boards, of the courts, and of many people who are working earnestly for both enforcement and acceptance of the law.

During the last 3 years I have had occasion to visit and speak in several Southern States, and to talk with leaders whose attitude toward desegregation is tolerant and understanding. I have heard many of them speak of the great difficulties which they have in this field. And, of course, I have heard in the Senate again and again the constitutional, legal, and social arguments advanced by my colleagues from the Southern States against desegregation and in defense of the traditional system.

It is important that we understand that these attitudes are held by large groups of our fellow Americans. Some are held with sincere belief in their validity.

When we understand the depth and conviction of the opposition to the Supreme Court decision in the Brown case, then the scope and difficulty of the problem of enforcement which confronts our Government and people becomes evident.

When I speak of consent, I do not condone or admit disobedience of the law. For, as Justice Frankfurter said in the case of Cooper against Aaron, arising from the Little Rock situation:

> On the few tragic occasions in the history of the Nation, North and South, when law was forcibly resisted or systematically evaded, it has signaled the breakdown of constitutional processes of government on which ultimately rest the liberties of all.

The question we face with respect to this preamble, in my view, is this: Do we who support the Brown decision want to take a step which has no legal effect, which adds nothing and takes nothing away from the Brown decision—a step which will delay acceptance by the South without serving any useful purpose?

It has been said here that if we enact a voting rights bill, that it will be sufficient; that one who has that right secures to himself all of his rights. In a theoretical and abstract way, that statement may be correct; but, in a practical way, I do not believe it is correct. The Negro people have been denied both their right to vote under the 15th amendment and the equal protection of the laws under the 14th amendment for many, many years, both before and after the War Between the States. They are scores of years behind, and a bill to enforce the right to vote will not bring the equal opportunities which the 14th and 15th amendments intended.

I believe voting rights should be strengthened, and I believe there should be a provision in the bill which would strengthen the right given under the Brown case, the right not to be discriminated against in segregated schools by reason of race or color.

I should like to see placed in this bill an amendment which would permit the Attorney General of the United States to intervene for a person who is discriminated against in his right to attend a school of his choice.

It is my intention, with the distinguished Senator from New York, to offer before this debate is closed, such an amendment giving the Attorney General the right to intervene in such cases.

I have moved to strike the preamble with reference to the findings in the Brown case. I support the Brown case. I do not believe that in its function of legislating it is the duty of Congress to formally approve or disapprove the holdings of the Supreme Court on constitutional issues.

It is our duty to legislate enforcement, and it is our duty to see to it that the kind of legislation that we enact is such that will in time influence the ultimate objective all of us seek—that is, the consent and the acceptance of the Brown case and the 14th and 15th amendments by our brothers in the South. The preamble which it has moved to strike is not legislation of enforcement, and will not move toward consent or acceptance of the law.

Mr. President, I offer my amendment.

The PRESIDING OFFICER. The Senator from Montana [Mr. MANSFIELD] is recognized.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the majority leader.

ANNOUNCEMENT REGARDING DISPLAY OF EXACT COPY OF TIROS IN THE OLD SUPREME COURT CHAMBER BEGINNING AT 3 O'CLOCK THIS AFTERNOON

Mr. JOHNSON of Texas. Mr. President, I would like to inform the Senate that, starting at 3 o'clock this afternoon, an exact copy of Tiros—the world's first successful weather satellite—will be displayed in the old Supreme Court Chamber. I recommend that all those who have the time take the opportunity of seeing it.

As I have indicated before, the successful launching of this satellite is the best space news that we have had for a long time.

By now, we know it is possible to take pictures of the earths' cloud cover from far out in space.

Not only is this a most important step in the exploration of outer space, but it also represents tangible evidence of what can be done toward the peaceful utilization of our space technology.

It has always been the policy of the United States to develop its space technology for peaceful uses.

I am informed by the National Aeronautics and Space Administration that, after the data received from Tiros is properly reduced and correlated, it will be made freely available to the world. This action not only indicates to the world the proof of our peaceful intentions, but also is of great significance to all mankind.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I ask the Senator from Montana to yield to me for the purpose of suggesting the absence of a quorum, with the understanding that I shall request that the order be rescinded before the entire roll is called.

Mr. MANSFIELD. Mr. President, I yield for that purpose.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from Mississippi [Mr. STENNIS].

Mr. STENNIS. Mr. President, I shall address the Senate quite briefly with reference to that part of the amendment which seeks to establish that "the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land."

Mr. President, this is not what the Constitution defines as the supreme law of the land. In article VI the Constitution states:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land;

Thus the Constitution defines the "supreme law of the land" as consisting of (a) the Constitution, (b) treaties, and (c) Federal laws.

Of course, a Supreme Court decision in a case arising under the Constitution, a treaty, or a Federal statute is the law of that case. There is no higher authority to which a case or a controversy may be appealed in our judicial system. The enforcement power of the Federal Government stands behind that court decision to compel obedience and compliance. It is binding on all the parties to the suit, and it must be obeyed. I have never questioned that position, and I never shall.

My complaint as to the language, "as interpreted by the Supreme Court," is that this language is an attempt by the Congress to equate Federal judicial opinions with Federal statute law. This should not be done. It cannot be done. They are not the same, nor were they intended to be the same.

The Supreme Court of the United States has never considered case law as the "supreme law," as the term is used in the Constitution. This is clearly shown in the case of *Swift* v. *Tyson* (41 U.S. Reports (16 Peters) 1, 18 (1842)), when it was urged on the court that the word "laws" should be construed to include judicial decisions. There the court said:

> It is, however, contended that the 34th section of the Judiciary Act of 1789 furnishes a rule obligatory upon this court to follow the decisions of the State tribunals in all cases to which they apply. That section provides "that laws of the several States, except where the Constitution, treaties, or statutes of the United States which otherwise require or provide, shall be regarded as rules of decision in trials of common law in the courts of the United States, in cases where they apply." In order to maintain the argument, it is essential, therefore, to hold that the word "laws," in this section, includes within the scope of its meaning the decisions of the local tribunals. In the ordinary use of language, it will hardly be contended that the decisions of courts constitute laws. They are, at most, only evidence of what the laws are; and are not of themselves laws. They are often reexamined, reversed, and qualified by the courts themselves, whenever they are found to be defective, or ill founded, or otherwise incorrect. The laws of the State are more usually understood to mean the rules and enactments promulgated by the legislative authority thereof, or long-established local customs having the force of laws.

Mr. President, that case was overruled by the court nearly 100 years later in the case of *Erie* v. *Tompkins* (304 U.S. 64 (1938)), but the reasoning of the court on the point now in question was not included in nor affected by this latter decision.

Congress may, within limits, enact a court holding in a particular case, and thus change its status to legislation, but to the court is entrusted the responsibility of building a body of consistent constitutional and Federal case law as bona fide cases and controversies arise affecting private and public legal rights.

Facts vary greatly in cases involving the same points of law. Many legal problems arise in consideration of individual cases. While a Supreme Court decision on a broad legal principle serves as a legal guideline toward court policy in future cases, there is nothing legally binding on parties unconcerned in the original case.

Others who have similar legal problems may be guided by the precedent established, but widely varying factual issues and legal considerations may yield a different result when a subsequent case is tried and appealed.

Valid statutory legislation has universal applicability for persons and subject matter. Class legislation has universal applicability throughout the class of persons and subject matter covered. Court cases, on the other hand, settle specific questions of private or public legal rights arising out of questions of common law, State law, or Federal law.

One source of law is general, the other specific. To attempt to say they are the same is folly.

It is the Constitution which is the supreme law of the land. Until amended, it remains supreme. Court opinions come and go. Opinions vary widely with the beliefs of the justices who sit and hear cases. A court composed of nine men can, to a degree, greatly change the effect of constitutional language. They may contribute to the field of constitutional law, or they may do violence to established precedent and greatly upset settled questions of governmental power. But the enduring law is the Constitution itself. No transitory majority in Congress can change that. None should want to.

Mr. President, these words in this declaratory act of the legislative branch of the Government are merely argument, pure and simple. They are entirely beyond the call of the legislative authority as laid down by the Constitution. They are not only argumentative, but they are a transgression into another field and department, in an attempt to exercise judicial powers.

So I submit, as a matter of policy and as a matter of a clean legislative record, if for no other reason, we should refrain, in this case, and in all other cases, from going over into the preamble argumentative form of legislation, beyond our powers, merely for whatever propaganda or argumentative force or power such declarations may have.

I submit to the legislative branch of the Government that this language should be stricken from the bill, because it is not only unsound, but it cannot possibly be legislative.

I thank the Senator from Montana.

Mr. MANSFIELD. Mr. President, I wonder if I may have the attention of the Senator from Illinois [Mr. DOUGLAS]. How much time does the Senator desire on this amendment?

Mr. DOUGLAS. Mr. President, I understand the pending business is the amendment of the Senator from Kentucky [Mr. COOPER] to the amendment of the Senator from New York [Mr. KEATING].

Mr. MANSFIELD. That is correct.

Mr. DOUGLAS. I did not intend to speak on that subject. I appreciate the courtesy of the acting majority leader, but it is not my intention to speak on that question.

Mr. MANSFIELD. I misunderstood. I had been informed informally that the Senator from Illinois desired to speak on the amendment.

Mr. DOUGLAS. Perhaps later in the day.

Mr. MANSFIELD. Mr. President, I now yield 10 minutes to the Senator from New York [Mr. JAVITS].

I wish to state for the benefit of Senators that if there are no other speakers on the Keating amendment, as proposed to be amended, it is my intention to move that the Keating amendment and all amendments thereto be laid on the table at the conclusion of the discussion by the Senator from New York [Mr. JAVITS].

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is not the pending business the Cooper amendment to the Keating amendment?

The PRESIDING OFFICER. The Senator is correct. Under the unanimous-consent agreement, the Senator from Montana [Mr. MANSFIELD] has the floor. He has yielded for a limited time, with the stated intention that he will move to table the Keating amendment, as proposed to be amended.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is it not a fact that a separate vote will come first on the Cooper amendment?

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

Mr. MANSFIELD. Mr. President, my motion——

The PRESIDING OFFICER. One at a time. The Chair can decide only one parliamentary inquiry at a time.

The Senator is correct, provided that the motion to lay on the table is not pressed. If it is pressed, it will take precedence.

Mr. MANSFIELD. Mr. President, I wish to inform the Senate that it is my intention to move to table the Keating amendment and all amendments thereto.

The PRESIDING OFFICER. When such a motion is made, it will take precedence.

Mr. JAVITS. I thank the Chair.

Addressing my colleague from Montana, I should like 10 minutes to debate the amendment.

Mr. MANSFIELD. I yield 10 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I rise to support the amendment offered by my distinguished colleague from New York [Mr. KEATING]. I shall not endeavor to repeat the arguments so eloquently made by my colleague, except to note that they include, for the benefit of Senators who might not have been present when he spoke, the fact that this is an essential part of the administration's package, and also that it represents an

effort to help school districts which themselves are seeking to come into compliance with the Supreme Court's decree, and is not, standing by itself, an effort to compel compliance with the Supreme Court's decree.

We come now into an area of debate on this bill which relates to a new subject, the subject of desegregation of schools. I think it would be a fatal error for us to cut around that subject merely because the House did not deal with it, or because it might result in considerable debate in the Senate.

It has been contended for a long time by me, by my distinguished colleague from Illinois [Mr. DOUGLAS], and by other Senators, that if rule XXII with respect to debate and the means for ending debate is to be a way of conditioning legislation, it is a minority, not the majority, that is running the U.S. Government through its power in the Senate. It is time we had a showdown on that question. In short, if school desegregation is the bitterly vexing problem that it is, and if a majority of the people of the United States believe that the time has come for the Congress to do something about it and not leave it all to the judiciary, in view of the domestic situation and in view of the world situation, it seems to me that for the Senate to stay its hand because some of our Members may choose to debate this subject at length, and because we do not like to impose cloture—as a matter of taste—is definitely to vitiate the constitutional process and the constitutional purpose which put us here.

This is the essential proposition facing us in connection with the motion to table. I have argued, and my colleague from New York [Mr. KEATING] and other Senators have argued, the slow pace of desegregation, the cost of the schools, the cost to the individual litigant of desegregation, the handicap to the United States in retarding our educational system, and the paramountcy of law over every other consideration; but the issue before us in connection with the motion to table is: Are we afraid that if we refuse to table there will be a filibuster, and that we shall be unable to break it because we are unwilling to invoke our own rule for the purpose of invoking cloture?

That this is true is demonstrated by the fact that on every vote to take up the bill or to deal with some section of the bill with respect to which the majority felt it wanted to go along with the proposal, there have been more than enough votes to invoke cloture. In fact, there are enough votes in this Chamber of Senators who believe that we ought to have some kind of civil rights bill, to invoke cloture.

Yet when we come up against the question, as we do on this vote, I fear that Senators will step away from it, because of the fear of the need for imposing cloture. Yet, when we do that, are we not considering that a small minority of the Senate can determine its legislative policy? I think it is time to come abreast of that situation. I think it is time to end it, and I think this is a particularly great opportunity to do so.

I address myself to only one further point, and that is the Cooper amendment, which seeks to strike out the recital of the Supreme Court's decision in this legislation. We are very familiar with legislation which states its basis in fact, that is, states a factual finding. It follows the practice of findings of fact in any law case. There is no reason why we should step away from such a practice here.

I think the Supreme Court of the United States is entitled to have the Congress, at long last, after almost 6 years, say that it is ready to see what the Supreme Court has decided implemented, provided we think it is right—and I believe the majority of us do believe it is right.

Let us never forget that with all the fulmination against desegregation of the public schools, it is the historic fact that the decision was unanimous. There were no dissents in that case, because there could be none in the present situation, in which we find ourselves, under the Constitution.

Let us not forget, too, that anyone who is surveying the question whether we are or are not passing a meaningful civil rights bill will decide not only on the basis of what we do in connection with voting—nearly everyone agrees on that—but on what we do with regard to school desegregation. This is a hot issue which we have before our country, and everybody knows it.

It is said, in arguing for the adoption of the Cooper amendment, to strike out the fundamental recital of fact to which the Supreme Court of the country is entitled, that it is against precedent to do so, that we do not do that kind of thing by legislation; that one does not actually cite a Supreme Court decision.

While there appears to be no way of collecting all the precedents in which Supreme Court decisions have either been specifically cited or generally referred to in statutory language, a search carried on by various agencies during the last few days has brought to light a substantial number of them which indicate that the proposed findings are not only based upon solid precedent, but are also necessary bases for the operative portions of section 4.

The precedents for such legislation fall into the following groups:

A. Specific mention of Supreme Court decisions in legislation;

B. Legislation based on Supreme Court findings, although there is no specific reference to the decision; and

C. Other legislation containing specific findings of fact deemed necessary for the operative provisions of that act.

A. Specific mention of Supreme Court decisions in legislation:

First. Extra compensation of customs employees (19 U.S.C. 1451):

> Officers and employees assigned to such duty at night or on Sunday or a holiday shall be paid compensation in accordance with existing law as interpreted by the U.S. Supreme Court in the case of the *United States* v. *Howard C. Myers* (320 U.S. 561).

Second. Rivers and Harbors Act of 1930—diversion of Lake Michigan water through Chicago Canal (46 Stat. 929; not in U.S.C.):

> The water authorized at Lockport, Ill., by the decree of the Supreme Court of the United States, rendered April 21, 1930, and reported in volume 281, U.S. Reports, in cases Nos. 7, 11, and 12, original, October term, 1929, of Wisconsin and others against Illinois and others, and Michigan against Illinois and others, and New York against Illinois and others, according to the opinion of the court in the cases reported as Wisconsin against Illinois, in volume 281, United States, page 179, is hereby authorized to be used for the navigation of said waterway.

Third. Portal to Portal Pay Act of 1947 (29 U.S.C. 251):

> (a) The Congress finds that the Fair Labor Standards Act of 1938, as amended, has been interpreted judicially in disregard of long-established customs, practices, and contracts between employers and employees, thereby creating wholly unexpected liabilities.

Fourth. Jenner-Butler bill of 1958 (S. 2646) reported by Senate Judiciary Committee, May 15, 1958, with amended section 4:

> The Congress finds that the distinction made by the Supreme Court of the United States in *Yates* v. *United States*, *Schneiderman* v. *United States*, and so forth, between advocacy of the forcible overthrow of the Government as an incitement to action and advocacy of such overthrow as mere abstract doctrine is, as Mr. Justice Harlan characterized it, subtle and difficult to grasp.

B. Legislation based on Supreme Court findings, although there is no specific reference to the decision:

First. McCarran insurance company antitrust exemption (15 U.S.C. 1011):

> Congress declares that the continued regulation and taxation by the several States of the business of insurance is in the public interest, and that silence on the part of the Congress shall not be construed to impose any barrier to the regulation or taxation of such business by the several States (March 9, 1945, ch. 21 § 1, 59 Stat. 33).

Second. Offshore Lands Act (67 Stat. 29):

> It is hereby determined and declared to be in the public interest that (1) Title to and ownership of the lands * * * be, and they are hereby, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950 (date of decision).

Third. Production of Government documents—Jenks case (18 U.S.C. 3500); while not making specific reference to the basic case, this act was passed to "implement" or "correct" the decision of the Supreme Court in *United States* v. *Jenks* (305 U.S. 657).

Fourth. A number of bills now and perenially pending in the Congress are intended to override various Supreme Court decisions though not making specific mention of them except in the accompanying committee reports. Among the decisions at which these bills are directed are the Nelson Case, the Mallory case, the Yates case, various deportation cases, various habeas corpus cases and numerous tax decisions.

C. Other legislation containing specific findings of fact deemed necessary for the operative provisions of that act:

First. The attached memorandum points out the necessity for specific findings of fact when the provisions of legislation are to be limited to a small group in order to justify the differentiation between those who are to benefit from it and others who at first glance may be similarly situated. The limited group in this case are those States which prior to May 17, 1954, maintained segregated public schools. The memorandum lists similar findings respecting price supports for wool—7 U.S.C. 1781; aid to small business—15 U.S.C. 631; special assistance to poor agriculture areas—7 U.S.C. 347a; and several other acts.

Second. The attached memorandum cites other statutes in which Congress has chosen to make the need for legislation explicit in the statute itself though it may not have required special justification on the "limited application" theory.

On a number of prior occasions, the Congress has seen fit to legislate in terms of recent Supreme Court decisions, either in order to adopt the Court's findings and thus save itself the necessity of spelling out the law in specific detail or in order to reject the findings of the Court as an incorrect interpretation of congressional intent; these factors and the long history of specific congressional findings of need seem ample justification for specific mention of the Supreme Court's decree in section 4. However, while none of these went as far as to describe the Supreme Court decision involved in terms of "law of the land"; they did imply the acceptance of the decisions as having the effect of law.

Mr. President, I ask unanimous consent that certain memorandums dealing with this subject be printed in the RECORD at this point as a part of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

The question has been raised as to the necessity for the congressional findings contained in section 4(a)(1) of the amendment in the nature of a substitute to H.R. 8315 (proposed by Senator DIRKSEN). The findings are that prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting segregation in public schools; that, on that date, the Supreme Court ruled that segregation in education violated the 14th amendment to the Constitution; that the Constitution as interpreted by the Supreme Court is the law of the land; that certain State and local governments and agencies are now obligated to eliminate segregation in their public schools; and that many of these governments and agencies are faced with serious financial and educational problems in making that transition. The section then authorizes technical and financial assistance to such governments and agencies.

The necessity for the findings is caused by the fact that the technical and financial assistance authorized by the section is made available only to a limited group of educational agencies. No aid is provided for educational agencies which did not, prior to May 17, 1954, maintain segregated public schools. Similarly, no aid is provided for educational agencies which are not making a transition from segregated to desegregated public schools. The thrust of section 4 is to afford Federal aid to a limited class of educational agencies which, by virtue of the Supreme Court decision, are now incurring additional financial and technical burdens. The congressional findings in the section merely show why Congress is affording its aid to that limited group.

In the past, where the Congress has enacted legislation authorizing aid to a limited group, it has often supported such legislation by setting out findings justifying the reasons for singling out less than the entire group. Following are but some of the examples of congressional findings justifying such aid:

1. Justifying uniquely high price supports for wool (7 U.S.C. sec. 1781): It is recognized that wool is an essential and strategic commodity which is not produced in quantities and grades in the United States to meet the domestic needs and that the desired domestic production of wool is impaired by the depressing effects of wide fluctuations in the price of wool in the world markets.

2. Justifying aid to small businesses (15 U.S.C. sec. 631): The essence of the American economic system of private enterprise is free competition. Only through full and free competition can free markets, free entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured. The preservation and expansion of such competition is basic not only to the economic well-being but to the security of this Nation. Such security and well-being cannot be realized unless the actual and potential capacity of small business is encouraged and developed.

3. Justifying special appropriations to disadvantaged agricultural areas (7 U.S.C. sec. 347a): The Congress finds that there exists special circumstances in certain agricultural areas which cause such areas to be at a disadvantage insofar as agricultural development is concerned, which circumstances include the following: (1) There is concentration of farm families on farms either too small or too unproductive or both; (2) such farm operators because of limited productivity are unable to make adjustments and investments required to establish profitable operations; (3) the productive capacity of the existing farm unit does not permit profitable employment of available labor; (4) because of limited resources, many of these farm families are not able to make full use of current extension programs designed for families operating economic units nor are extension facilities adequate to provide the assistance needed to produce desirable results.

4. Justifying aid for facilities for water storage and utilization in arid and semiarid areas of the United States[1] (16 U.S.C. 590r): It is recognized that the wastage and inadequate utilization of water resources on farm, grazing, and forest lands in the arid and semiarid areas of the United States resulting from inadequate facilities for water storage and utilization contribute to the destruction of natural resources, injuries to public health and public lands, droughts, periodic floods, crop failures, decline in standards of living, and excessive dependence upon public relief, and thereby menace the national welfare. It is therefore declared to be the policy of Congress to assist in providing facilities for water storage and utilization in the arid and semiarid areas of the United States.

Other examples include congressional findings justifying assistance for public works and facilities where such assistance is not available on reasonable terms from any other source (42 U.S.C. sec. 1491); findings justifying assistance to eliminate air pollution (42 U.S.C. sec. 1857); findings justifying various aspects of the atomic energy programs (42 U.S.C. secs. 2011, 2302); and findings justifying assistance in the form of insurance and loans to protect against flood losses (42 U.S.C. sec. 2401).

[1] This statute has since been amended to apply to the entire United States and its possessions. 68 Stat. 784.

PRECEDENTS SUPPORTING CONGRESSIONAL RECOGNITION OF SUPREME COURT DESEGREGATION DECISIONS

I. SPECIFIC LEGISLATIVE RECOGNITION OF COURT DECISIONS

1. 58 Stat. 269: An act dealing with overtime compensation of certain employees specifically recognized and adopted a decision of the Supreme Court (58 Stat. 270): "Officers and employees assigned to such duty at night or on Sunday or a holiday shall be paid compensation in accordance with existing law as interpreted by the U.S. Supreme Court in the case of *United States* v. *Howard C. Myers* (320 U.S. 561)".

2. 61 Stat. 84: Portal-to-Portal Pay Act changed the interpretation placed on the Fair Labor Standards Act by the Supreme Court in the case of *Anderson* v. *Mount Clemens Pottery Co.* (328 U.S. 680). The first section of the act stated, in part: "The Congress hereby finds that the Fair Labor Standards Act of 1938, as amended, has been interpreted judicially in disregard of long-established customs."

3. In *United States* v. *South-Eastern Underwriters Association* (322 U.S. 533 (1944)), the Supreme Court held that an insurance company whose operations crossed many State boundaries came within the provisions of the antitrust laws. Subsequently Congress specifically changed this interpretation of the Court (59 Stat. 33). The act stated that congressional silence shall not be construed to impose any barrier to the regulations and taxation of insurance companies by the States and that no act of Congress shall be construed to cover the business of insurance unless the act so states.

4. In *United States* v. *Texas* (339 U.S. 707 (June 5, 1950)), the Court decided that ownership in offshore lands was in the Federal Government. Subsequently Congress enacted the Submerged Lands Act (67 Stat. 29, 30), which assigned such lands to the "State or persons who were on June 5, 1950," entitled thereto under State law. While there is no reference to the Supreme Court decision, the statute itself inescapably deals with the earlier Tidelands case, because June 5, the date the assignment was effective, was the date of the Court decision.

5. The so-called Southern Manifesto of March 12, 1956, expressly and in detail discussed and attacked the Supreme Court desegregation decision in *Brown* v. *Board of Education*. This manifesto, while obviously not a statute, was similar to a proposed joint resolution. The reference to the Supreme Court desegregation decision in the civil rights bills now pending before the Congress in its effect is of a similar nature. Copy of the Southern Manifesto is appended hereto.

II. LEGISLATIVE FINDINGS

Congress has on numerous occasions chosen to make the need for the legislation explicit in the statute itself. The following list represents a few examples:

1. 64 Stat. 987: Subversive Activities Control Act. The legislation contains 15 findings by the Congress covering three pages of the statutes at large.

2. 52 Stat. 1060: Fair Labor Standards Act. The act contains explicit findings which demonstrate the need for the enactment of the legislation.

3. 49 Stat. 449: The Wagner Act. The act contains explicit findings which demonstrate the need for the enactment of the legislation.

4. 61 Stat. 84: Portal-to-Portal Pay Act. Section 1, entitled "Findings and Policy," describes the need for and purpose of the act.

5. 61 Stat. 136: Taft-Hartley Act. The legislation contains explicit declaration of the reasons for and the policy underlying the statute.

6. 71 Stat. 18: Act consenting to river control compact between New Hampshire and Massachusetts. The legislation contains lengthly findings as to the need for and purpose of the compact between the two States.

7. 71 Stat. 441: Compulosory inspection of poultry and poultry products. Section 2 entitled "Legislative Findings" makes the need for the act explicit in the statute.

Section 451 of the Tariff Act of 1930 as amended by the act of June 3, 1944, 58 Stat. 269, 19 U.S.C. 1451, relating to overtime compensation of customs inspectors, provides, among other things: "Officers and employees assigned to such duty at night or on Sunday or a holiday shall be paid compensation in accordance with existing law as interpreted by the United States Supreme Court in the case of the *United States* v. *Howard C. Myers* (320 U.S. 561).

Acts having findings

Section	Title	Comment
2	Subversive Activities Control Act of 1950 (64 Stat. 987; 50 U.S.C. 781).	Findings.
101	Emergency Detention Act of 1950 (64 Stat. 1019; 50 U.S.C. 811).	Do.
101	Mutual Security Act of 1954 (68 Stat. 833; 22 U.S.C. 1811.)	Findings and policy.
2	Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86-257, 73 Stat. 519).	Do.
1	Strategic and Critical Materials Stock Piling Act (53 Stat. 811, as amended 60 Stat. 596; 50 U.S.C. 98).	Do.
2,3	Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451).	Do.
1	Labor Management Relations Act, 1947 (61 Stat. 136; 29 U.S.C. 141).	Findings.
2	Housing Act of 1949 (63 Stat. 413; 42 U.S.C. 1441).	Findings in the form of a declaration of policy.
2	Fair Labor Standards Act of 1938 (63 Stat. 910; 29 U.S.C. 202).	Findings and policy.
101	National Defense Education Act (72 Stat. 1581; 20 U.S.C. 401).	Do.
801	National Defense Education Act (72 Stat. 1597; 20 U.S.C. 15aaa (note)).	Do.

Mr. JAVITS. Mr. President, is there any reason why we should shrink away from doing in this case what we have done before in the light of what the situation is in the country? What is the situation in the country? The question is, shall we proceed with all deliberate speed to desegregate our public schools, as found by the Supreme Court to be the law of the land and which is, in my opinion, the view of the overwhelming majority of the American people, or shall we leave it and go along on the basis that education and time and erosion may take their toll in that regard?

Our national situation and our international situation will not let us wait. The sitdowns in the South, with all the implications which they have of anarchy in respect to public order—and no one, not even the most ardent civil rights advocate, will ever condone such conduct—show that when enough people decide that they will violate the law, there is very little we can do about it. We must look for basic causes. The time has come when we must give some meaningful satisfaction to those basic causes. One of the great causes is the dragging of feet, the literal determination of State after State that it will not honor the Supreme Court decree.

I believe that the essence of law and order in our country demands that the Congress must recognize that situation and do something about it.

For these reasons, Mr. President, I hope that we shall defeat the Cooper amendment and then defeat the motion to table the Keating amendment, which is the key part of the administration program.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from California.

Mr. KUCHEL. Mr. President, in the drafting of the amendment offered by the distinguished Senator from New York, the Attorney General supplied language in the nature of a preamble clearly to spell out the basis upon which the legislation, designed to give technical assistance to some public school districts in America, rests.

It has been said that such a technique in legislative draftsmanship is not new. That is correct.

A part of the language incorporated in the first section states: "The Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land." Can anyone honestly quarrel with that statement, as a correct statement of the law of this country? Of course not.

Has the time come in free government in America when anyone would contend and argue that the Constitution as interpreted by the Supreme Court of the United States is not the law of the land? This cannot be.

The preamble goes on to state: "State and local governments and agencies which had relied upon the 'separate but equal' doctrine are now obligated to take steps toward the elimination of segregation in their public schools."

Is that not true? Is not the decision of the U.S. Supreme Court, so long as it stands, an obligation for the people of the United States to follow? There is a way, a constitutional way, for Members of Congress and citizens of the country to change such a decision, and that is by amendment of the Constitution. Short of availing themselves of that avenue, is not the pronouncement by the Supreme Court of what the Constitution of our country stands for the guiding line for Congress and the people of this Nation to follow?

The regrettable fact is that on too many occasions in the last few months and years language has been used, here and elsewhere, against the Supreme Court which has been intemperate and abusive. I have listened to some of my colleagues traduce and denounce the highest Court of this country. On occasion I have done my best to stand on the floor of the Senate, and vigorously to refute their imprecations, so that the record would be clear that we, some of us, indeed most of us, disagreed with those epithets.

The difficulty with the amendment offered by my able friend from Kentucky is that if his amendment were adopted, and the first part of the Keating amendment were stricken, some people in the country would say that the Congress of the United States has walked away from clearly stating that Congress intends to follow the law and the Constitution of the United States as interpreted by the Supreme Court.

I hope the proposed amendment offered by the Senator from Kentucky will be turned down and then I hope the amendment offered by the Senator from New York [Mr. KEATING] will be adopted, so that once again we will have vindicated the doctrine that so far as free, constitutional government is concerned we follow the Constitution.

Mr. MANSFIELD obtained the floor.

Mr. CASE of South Dakota. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. I yield for a question.

Mr. CASE of South Dakota. Would the Senator from Montana find it possible to yield to me, in order that I might make a request to divide the Keating amendment?

Mr. MANSFIELD. Mr. President, I would have to decline. I think we ought to consider the Keating amendment and all amendments thereto.

I move that the Keating amendment and all amendments thereto be tabled.

The PRESIDING OFFICER. The motion has been made to table the Keating amendment and all amendments thereto.

Mr. KEATING. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOUGLAS. Mr. President, should we not have a quorum call?

Mr. MANSFIELD. The attachés on both sides have, supposedly, notified Senators, but I will suggest the absence of a quorum.

Mr. DOUGLAS. I thank the Senator from Montana.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. JOHNSON of Texas. Mr. President, as I understand, the Senator from Montana has moved to table the Keating amendment and all amendments thereto, which would include the Cooper amendment. If the motion to table should prevail, the Keating amendment would be rejected, and along with it would go the Cooper amendment.

The PRESIDING OFFICER. The Senator from Texas is correct.

Mr. JOHNSON of Texas. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. Mr. President, I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Pennsylvania [Mr. CLARK], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], and the Senator from Maine [Mr. MUSKIE] are all absent on official business.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

The Senator from Massachusetts [Mr. KENNEDY] and the Senator from Minnesota [Mr. HUMPHREY] are both necessarily absent.

I further announce that if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticutt [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], and the Senator from Maine [Mr. MUSKIE] would all vote "nay."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The result was announced—yeas 61, nays 30, as follows:

[No. 148]

YEAS—61

Aiken	Frear	Martin
Allott	Fulbright	Monroney
Bennett	Goldwater	Morton
Bible	Gore	Mundt
Brunsdale	Green	Murray
Butler	Hayden	O'Mahoney
Byrd, Va.	Hickenlooper	Prouty
Byrd, W. Va.	Hill	Robertson
Cannon	Holland	Russell
Capehart	Hruska	Schoeppel
Carlson	Johnson, Tex.	Smathers
Case, S. Dak.	Johnston, S. C.	Sparkman
Church	Jordan	Stennis
Cooper	Kefauver	Talmadge
Cotton	Kerr	Thurmond
Curtis	Lausche	Wiley
Dirksen	Long, La.	Williams, Del.
Dworshak	Lusk	Yarborough
Eastland	McClellan	Young, N. Dak.
Ellender	McGee	
Ervin	Mansfield	

NAYS—30

Anderson	Hart	Morse
Bartlett	Hartke	Pastore
Beall	Hennings	Proxmire
Bush	Jackson	Randolph
Carroll	Javits	Saltonstall
Case, N. J.	Keating	Scott
Douglas	Kuchel	Smith
Engle	Long, Hawaii	Symington
Fong	McNamara	Williams, N. J.
Gruening	Magnuson	Young, Ohio

NOT VOTING—9

Bridges	Dodd	McCarthy
Chavez	Humphrey	Moss
Clark	Kennedy	Muskie

So the motion to lay on the table the Keating amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move that the vote by which the amendment was laid on the table be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, as I understand, the Senator from New York [Mr. JAVITS] desires to offer an amendment, to which the Senator from Michigan [Mr. MCNAMARA] will offer part III as a substitute. The Senator from Michigan will speak briefly, and the Senator from New York expects to address himself to the amendment.

If the minority leader is recognized, he will yield time to Senators to debate the amendment; and at the conclusion of the debate there will be a yea-and-nay vote on the question of agreeing to a motion by the minority leader to lay on the table the Javits amendment and any amendments thereto. We cannot now obtain an order for the yeas and nays on the question of agreeing to the motion to lay the amendment on the table, inasmuch as that motion has not yet been made. But if the Senator from Illinois obtains recognition, he then will be able to yield to other Senators such time as they may desire.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. Yes.

Mr. JAVITS. I should like, first, to announce that the amendment being offered is presented by me for myself, the Senator from Kentucky [Mr. COOPER], the Senator from Michigan [Mr. HART], and the Senator from Illinois [Mr. DOUGLAS]. The amendment which I shall describe in detail, gives the Attorney General authority to intervene in school desegregation cases. I should like to get the yeas and nays on the amendment. I see no problem in the procedure that has been here suggested, as it is my understanding the minority leader is prepared to yield whatever time is desired on the part of opponents and proponents of the amendment.

Mr. DIRKSEN. Mr. President, may I be recognized?

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mr. JOHNSON of Texas. Yes, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, under the consideration that I do not lose the floor for this purpose, I yield to the Senator from New York for the purpose of offering his amendment.

How much time does the Senator from New York desire?

Mr. JAVITS. Thirty minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I send an amendment to the desk.

Mr. DIRKSEN. Mr. President, I yield 30 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from Illinois has yielded to the Senator from New York The amendment will be stated.

Does the Senator from New York desire to have the amendment read?

Mr. JAVITS. I should like it read in this case, because it is not too long.

Mr. President, before the clerk proceeds, may I inform my colleagues that I would like to ask for the yeas and nays when the reading is completed. The reading will not take more than 2 or 3 minutes. I hope Senators will indulge me for that time.

The PRESIDING OFFICER. The amendment offered by the Senator from New York, for himself and other Senators, will be stated.

The LEGISLATIVE CLERK. It is proposed: On page 21, between lines 12 and 13, to insert the following, and renumber the succeeding section and title accordingly:

TITLE VII

Intervention by the United States

SEC. 701. (a) Chapter 161 of title 28 of the United States Code is amended by inserting a new section immediately following section 2403 as follows:

"§ 2403A. Intervention by United States: Loss or threat of loss of equal protection of the laws with respect to attendance at a desegregated public school

"In any action, suit, or proceeding in a court of the United States to which the United States or any agency, officer, or employee thereof is not a party, wherein any person alleges an oath or affirmation that he is subject to or threatened with loss of his rights under the Constitution of the United States to equal protection of the laws by reason of race, color, religion, or national origin, with respect to attendance at a desegregated public school, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether such person is subject to or threatened with such loss of his right to equal protection of the laws and the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and law relating to the questions of whether such person is subjected to or threatened with such loss of his right to equal protection of the laws and the relief granted by the court."

(b) Such chapter is further amended by inserting in the analysis at the beginning of such chapter, immediately following section 2403, the following:

"2403A. Intervention by United States: Loss or threat of loss of equal protection of the laws with respect to attendance at a desegregated public school."

Mr. JAVITS. Mr. President, the purport of this amendment is to allow the Attorney General to intervene in school desegregation cases instituted by individuals.

The analogy which I have sought to draft into law is a case where the Attorney General intervenes when the constitutionality of an act of the United States is brought into question. This method of intervention, indeed, is drafted to follow section 2403 of title 28, United States Code, which gives the Attorney General the right to intervene in cases where the constitutionality of the statute is brought into question.

Though I know that my distinguished colleague from Michigan [Mr. MCNAMARA] will offer, as a substitute, or as an amendment, as he may deem to be wise, what has been popularly called

part III—and, as everybody knows, I tried to do that, myself, when we were considering the Dirksen substitute—I think, with all due respect and full respect for his feeling on the other side, the real nubbin of the case which has to be put before the Congress is contained in the intervention amendment. If I am given the opportunity to vote, I shall support the Senator from Michigan, gladly, in his proposal to include part III.

However, I think, from the point of view of the judgment of the Senate, we have, in a sense, passed by that point. We are now coming to the end of what has been a very long and arduous debate. I think we now face, in this intervention issue, the key question whether we will or will not do anything about school desegregation at the point where it needs help.

Again, I would like to put this question in focus in relation to the amendment by my colleague from New York [Mr. KEATING], which has been disposed of. My colleague from New York had taken a part of the administration's package which was considered modest and mild, which was designed to help school districts which sought desegregation where the State consented or needed help, or in cases where the State had no objection, where the State would say, "We are not going to do anything about it," and leave the United States on its own.

Then we come to the other end of the spectrum, the part III proposition, which I think is a bill which the Senate has already passed over, but which is so important it ought to be raised again. The Senator from Michigan will raise it. I shall support it. But, again, this is not a new concept which we shall face for the first time, or for the last time, in this debate.

But the intervention procedure which I propose, confined as it is to school desegregation cases, does represent a very sharp and clear effort to deal with a specific situation which I think most urgently the Senate should deal with. It will make civil rights legislation really meaningful, instead of something that is fine but nothing that is going to shake the earth, and gives the Senate a legislative plan for doing exactly that which is an established and traditional pattern.

The Attorney General of the United States has for years had the right to intervene in certain constitutional cases, and the courts have given him notice of the cases in which a U.S. statute is brought into question under the Constitution. The Attorney General may then choose to intervene or not to intervene, depending upon his views as to the importance of the case.

I think this is the very least, if we want something that is meaningful, that ought to be done about the school desegregation cases, for reasons which I shall outline. But I emphasize that this presupposes that the Congress desires to do something about the school desegregation situation.

If Congress wishes to avoid it completely, it seems to me this is about the clearest vote which can be cast pro or con upon that subject. I think, also, it is a vote which would be, on the part of those who might not be as thoroughly convinced as I am, the easiest to cast, because it deals only with the question of who shall litigate.

I wish to point out that this is very close to a pattern which the Congress itself has adopted, because that is pretty much what we are doing with respect to voting. We are giving the Attorney General the right to institute litigation in voting rights cases. In this instance we would give the Attorney General the right to intervene in school desegregation cases because there is now a pattern of experience in which it appears those cases are started by individuals. The question is, can the cases be carried on? What would it cost? Can they be carried on effectively?

Therefore, if the Congress agrees to my amendment, in which I have the great honor to be joined by my colleague from Kentucky [Mr. COOPER] and my two colleagues from the other side [Mr. DOUGLAS and Mr. HART], the Congress will be saying, "We want about the same thing done in respect to school desegregation that we did in respect to voting. We are not going to pass a part III, which deals with all civil rights, but we are going to give to the Attorney General certain limited authority in respect to the school desegregation cases, following an established pattern, a legislative scheme, which the Attorney General has followed for years in respect to cases in which the constitutionality of a law of the United States is brought into question."

Mr. JOHNSON of Texas. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield to the majority leader.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7947) relating to the income tax treatment of nonrefundable capital contributions to Federal National Mortgage Association; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. FORAND, Mr. KING of California, Mr. MASON, and Mr. BYRNES of Wisconsin were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8684) to provide transitional provisions for the income tax treatment of dealer reserve income; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. FORAND, Mr. KING of California, Mr. MASON, and Mr. BYRNES of Wisconsin were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9660) to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. FORAND, Mr. KING of California, Mr. MASON, and Mr. BYRNE of Wisconsin were appointed managers on the part of the House at the conference.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, if the Senator from New York will permit me to make an observation, my friends on the other side of the aisle have an engagement this evening. We trust there will be no yea-and-nay votes perhaps between 7:30 and 8:15 or 8:30 tonight, but we expect to stay in session late. I would hope we could work as late as 11 o'clock or midnight, to take care of a number of the amendments which have been offered. We will come in early tomorrow and work late tomorrow night, in the hope that we can make further progress on these amendments which have been submitted.

I thank the Senator.

The PRESIDING OFFICER. The Senator from New York has the floor.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JAVITS. Mr. President, the next logical question is, Why do we need this specialized power on the part of the Attorney General? I now shall address myself not to those who have the deepest and sincerest views that desegregation of the public schools system is wrong and that the Supreme Court is wrong, but rather I shall address myself to those who are obviously a very decisive majority of this Chamber, who believe the civil rights need to be safeguarded by congressional legislation, and who seek honestly to find areas in which such legislation should be passed.

I say to these Senators the reasons why this kind of an approach is outlined, in essence, are these: There is such a great lack of adequate progress in respect to the implementation of the Supreme Court's decree in regard to school desegregation as to amount to first, a flouting of the law; second, a countenancing of organized opposition to the law, in governmental circles themselves; third, a nullifying of the law, by the cost to the individual litigant of endeavoring to bring about its enforcement; and fourth, a supporting of legislation within the States which is designed to frustrate the enforcement of the civil right which is assured by the decision of the Supreme Court and by the Constitution of the United States.

Mr. President, I should like now to address myself briefly to each of these matters. First, I shall speak as to the pace which has been taken in respect to this matter and the grave inadequacy which it has shown.

Mr. President, there are five States of the United States in which there has been no effort whatever to meet the constitutional requirement for a desegregated public school education system. Indeed, every engine of State action has been directed toward seeing that such is not brought about. This is true in the States of Alabama, Georgia, Louisiana, Mississippi, and South Carolina. Nothing whatever has been done in almost 6 years in those States. It seems to me, Mr. President, that for the United States to stand still and take that situation is shocking to anyone who believes in law and believes in the proper organization of the powers of our Government. Certainly the Senate should be given every opportunity to seek to strike some blow in respect to sustaining the law of this land on the subject, when States not only have not countenanced the suggestion to take any notice of the law but, more than that, have passed laws and organized the whole State machinery to avoid compliance and indeed to say that they will not comply, for all practical purposes.

Mr. President, in six other States compliance has been so minuscule as to amount to almost the same thing. These are the States of Arkansas, Florida, North Carolina, Tennessee, Texas, and Virginia.

I should like to pick out Texas at once, because there more progress has been made than in all the other five States combined. In Texas there has been desegregation of 125 out of 720 biracial school districts, and the total number of Negroes in desegregated schools is 3,300. That does not sound like very many, for a State such as Texas, with millions of people, but, Mr. President, when we note that 4,192 Negroes are the total in desegregated positions in the public schools in all these 6 States and that 3,300 of the 4,192 are in Texas alone, then by comparison Texas looks like a diamond in the face of a lot of rough.

Mr. President, in the total of these 6 States, only 151 out of 1,459 biracial school districts have been desegregated; in other words, about 10 percent. It is extremely significant to note that about 8 percent of the 10 percent are in Texas alone, with 125 out of 151 biracial school districts having been desegregated in Texas alone.

I am indebted to my colleagues, the three members of the Committee on the Judiciary, who sustained an approach of the general character which I am now describing in their separate views published on April 1, 1960, and who point out that the whole rate of desegregation of the public school systems, beginning in 1954, has been going down; indeed, has been on a toboggan.

In 1954 there were 154 districts desegregated; in 1955 there were 297; in 1956 there were 248; in 1957 there were 61; and in 1958 there were only 37. From there on we have the situation which is going the other way with, for example, the persistence in closing the schools in one of the counties of Virginia rather than doing anything about desegregating, even in response to a court order.

If that were not enough, Mr. President, to show that this is not a matter of deliberate speed, but is instead a deliberate slowdown, and that feet are being dragged without the least hope the situation will get better, but, on the contrary, that it will get steadily worse, as it has been getting steadily worse, we have only to look at the enormous complex of laws which have been passed in the States in order to frustrate desegregation of our public schools.

I introduced those in the RECORD, Mr. President, at pages 3634–3646, in a speech which I made on this subject February 27, 1960. Mr. President, those laws occur in practically every one of the Southern States. They are laws in the greatest of detail and complexity.

Mr. President, I refer again to one of the points which our opponents in this matter made very strongly when the civil rights bill first came up to be debated. It was said that we had offered 5½ pounds of amendments. I ask Senators to think of that, Mr. President—5½ pounds of amendments which have been offered to the civil rights bill.

Mr. President, I have had beside my desk compilations made by the Library of Congress in respect to each of the Southern States, headed "Provisions of the Constitution and Statutes of"—naming the State—"Which Deal With Color, Race, Religion, or National Origin, and Which May Have Some Relation to the Problem of Equal Protection of the Laws."

In other words, a whole body of laws has been created to maintain a segregated pattern or a discriminatory pattern absolutely opposed to the Constitution of the United States. The batch weighs 10 pounds and 12 ounces. It seems to me that with half the weight we were trying to assert the Constitution, while with twice the weight every effort was made to hit the Constitution over the head. So I think our record is not bad at all.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. Is it not true that of the alleged 5 pounds of amendments which would have strengthened the constitutional rights of American citizens, none were enacted into the bill?

Mr. JAVITS. The Senator is exactly correct; yet every one of the others is a State law designed to frustrate the Constitution.

So much, then, for the enormous complication of laws designed to frustrate what the Supreme Court has decided in terms of the Constitution. I invite the attention of my colleagues again to the often expressed idea that what the Supreme Court has decided is not the law of the land, not what the Constitution says.

When the Supreme Court rendered the famous decisions, from Dred Scott down, including the railroad rate cases, the slaughterhouse cases, and dozens of other cases, our colleagues from the South were the first to be out in front telling us, "This is the law of the land. It must be obeyed. If citizens wish to be true Americans they must recognize that the law of the land is the Constitution as interpreted by the Supreme Court."

What was good then is good now. If Plessy against Ferguson was excellent law, as our colleagues from the South contended, Brown against Board of Education is equally good law, in terms of whether or not it ought to be enforced as the law of the United States.

Mr. DOUGLAS. Mr. President, will the Senator further yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. Does the very able Senator from New York remember the address which the late Justice John J. Parker delivered before the Association of Patent Lawyers, in which he not only gave the words of the sixth article of the Constitution, that the Constitution was the supreme law of the land, but went on to say that the Supreme Court was the interpreter of the Constitution? Justice Parker was a citizen of North Carolina, a very distinguished jurist, a man who, I am sorry to say, was turned down by the Senate for appointment to the U.S. Supreme Court, in one of the few mistakes that the liberal Members of the Senate have made. Yet here is this man, a very eminent son of the South, saying that the only body which can interpret the Constitution is the Supreme Court.

Mr. JAVITS. I am very grateful to my colleague. Of course he is exactly correct. I am sure that the walls of the old Supreme Court Chamber have rung with denunciation of those who would question the power or authority of the Supreme Court of the United States to tell us what the Constitution means, in terms of what ought to be the supreme law of the land. Yet these walls ring with exactly the contrary doctrine, because it does not suit those who have found the Supreme Court to be the very rampart, because it applies the same mantle of protection to another minority not quite as popular as themselves.

The next point is the question of specific efforts to inhibit litigation in order to carry out the Supreme Court's decree, which requires litigation, according to its own terms. These specific efforts come under the head of anti-barratry statutes. Specific laws were passed by the States of Arkansas, Georgia, Mississippi, South Carolina, Tennessee, and West Virginia, laws designed to encumber and hamper the opportunity for the individual litigant to start his litigation, through preventing him from getting anyone's help in doing so.

This imperils the lawyer who is involved, because barratry is a subject for disbarment. It imperils the professional life of any lawyer who undertakes such a case. I think everyone will agree that this is a very lethal kind of statute, yet in State after State—and I have named them—additional encumbrances have been placed around the right of the in-

dividual to seek to redress this intolerable injustice to him of being unable to send his child to a desegregated public school. So the antibarratry laws are yet another reason why the Attorney General should have the authority to intervene in such cases.

Finally, there is the question of cost, a very considerable and weighty question. I asked the Federal Commission on Civil Rights to make a study of the cost in cases of this kind. They came forth with an average of $15,000 to $18,000, in this type of case, for the individual litigant; also with a per pupil average of something like $1,000 a pupil, when we consider the broad general average of all the cases.

It was pointed out that in the fundamental cases, such as Brown against Board of Education, the costs run very much higher than the figure I have given, running into the tens of thousands of dollars. In fact, it was estimated that the cost in the celebrated case of Brown against Board of Education was between $50,000 and $100,000. That is absolutely prohibitive. There is a way of denying justice, by the sheer matter of denying the opportunity to the individual litigant because he cannot afford the litigation. This is extremely effective. It results in holding down the number of cases, and therefore results in holding down the progress in asserting the supreme law of the land.

I point out, interesting as it may seem to many, that at the present time there are only 30 cases pending in the Federal courts. With the great number of school districts which have not even given countenance to the decision of the Supreme Court, there are only 30 cases pending in which desegregation in the public school districts is sought.

I think that is an indication of how the antibarratry laws and other laws enacted by the States have operated. There are various discouraging factors, including the expense, laws of opposition, the dragging of feet, and intense local public opinion. All these factors operate to discourage the assertion of this fundamental right.

I predict that if the U.S. Government does not bestir itself about this matter, the whole process will grind to a halt. There will be no place for education. The process will grind to a halt; and the whole design of our Constitution and the determination, in my view, of a great majority of the American people, will have been completely frustrated.

I close on this proposition: This amendment is a reasonable and entirely appropriate, lawful way in which to accomplish a very limited result, by allowing the Attorney General to select those cases which are the most representative, the most illustrative, or the most persuasive, cases which might represent the best prospects, in terms of desegregation of public schools, and allow him to intervene in such cases, following the pattern established in such cases, which raise issues of constitutional law in connection with a particular statute of the United States.

I point out that a new and even more complex effect upon all these issues, and the antibarratry statutes which have been introduced lately into this whole situation, is the decision of the Supreme Court sustaining pupil placement laws on the part of the individual States, which will make the process of litigation infinitely slower, infinitely more complex, and, indeed, infinitely more expensive. Yet the "liberals" are the first to say, "If that is what the Supreme Court thinks is necessary in terms of the particular balance between the States and the Federal Government, we are for it."

But that does not mean that we have to be for it, and tie one hand behind our back and see that the process is made impotent, because we will not allow the United States to participate.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. I think the Senator has made it clear by implication, but I wonder if he would not state specifically, that under the agreement which he has given me the honor of cosponsoring, suits would still have to be initiated by the parents of the children in question.

Mr. JAVITS. The Senator is exactly correct.

Mr. DOUGLAS. They would not know that the Attorney General was going to intervene on their behalf.

Mr. JAVITS. The Senator is correct.

Mr. DOUGLAS. This, therefore, would be a tremendous initial discouragement. But the amendment of the Senator from New York would at least permit the Attorney General to come in, as he has said, in those cases in which he thinks the facts and the law are especially strong, so that the parents would not have to bear the full legal expense and burden of the suit. Is that true?

Mr. JAVITS. That is absoluely correct.

I point out that one objection that has been made to part III is that the Attorney General could range up and down the South starting litigation after litigation, notwithstanding the fact that his opponent in those cases would be a sovereign State, with all the machinery available to a sovereign State.

We say, "All right. However, we should at least give the Attorney General authority to go into selected cases where he can do the most good and set an important precedent and work out the situation."

Mr. BUSH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BUSH. The point is that this amendment would not compel the Attorney General to go into every case, but would authorize him to go into such cases as he thought might be key cases or important cases, and bring about the eventual result.

Mr. JAVITS. That is exactly right.

Mr. BUSH. There is no compulsion for him to take every case that is filed.

Mr. JAVITS. That is exactly right. It is exactly analogous to the authority which is given him to intervene in cases in which the constitutionality of statutes is brought into question.

I close by reading a part of the decision in United States against Raines, and I shall also refer to another decision, both of which I believe go to the real heart of the matter. In United States against Raines the Supreme Court fully sustained the authority of the United States to bring an action in support of private constitutional rights. Indeed, I inserted in the RECORD, on February 27, about 50 statutes in which the Attorney General is given just such authority. The U.S. Supreme Court in the case of United States against Raines, a voting-right case, held:

> It is urged that it is beyond the power of Congress to authorize the United States to bring this action in support of private constitutional rights. But there is the highest public interest in the due observance of all the constitutional guarantees, including those that bear the most directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief.

That excerpt is taken from page 9 of the decision in *United States* v. *Raines* (No. 64), decided on February 29, 1960.

I do not think anything could be clearer in terms of this grant of authority to the United States.

I should like to close on this one note. It is my deeply considered judgment that to rate the title of a meaningful civil rights bill, the pending bill should at the very least do something about the desegregation of the public schools. Other than that, Mr. President, I will simply vote for it. It is a nice thing to try to help voting rights, and to enact a few other provisions, such as with respect to bombings. However, it does not begin to do the things that need to be done in respect of asserting the civil rights of American citizens.

It seems to me that at a time like this, with the grave danger in our own South of anarchical conditions in certain areas, whether based upon sit-ins, or whatever may occur tomorrow, at a time of racial tension which has produced the horror and bloodshed in the Union of South Africa, we cannot do other than rise to the occasion and endeavor to give reasonable satisfaction to people who have such deep complaints.

How can we say we are rising to the occasion if we do not do something at least about the fundamental and much-argued point of the right to have one's children in dignity attend a desegregated public school?

Mr. President, I cannot see it. To those who assert that such an effort interferes with States rights, the States should determine these things for themselves, and should determine what they are going to do, and when and how they are going to do it. I say that they should read the opinion of the U.S. Supreme Court in the case of Massachusetts against Mellon, a 1922 case, at page 484, U.S. 262, in which the Court said that we are not only citizens of a State but we are also citizens of the United States, and that no State may interpose itself between those duties and responsibilities and rights of individual citizens to which

the United States has as much right of access as does the individual State.

The Court in that case stated:

> But the citizens of Massachusetts are also citizens of the United States. It cannot be conceded that a State, as parens patriae, may institute judicial proceedings to protect citizens of the United States from the operation of the statutes thereof. While the State, under some circumstances, may sue in that capacity for the protection of its citizens (*Missouri* v. *Illinois* (180 U.S. 208, 241)), it is no part of its duty or power to enforce their rights in respect of their relations with the Federal Government. In that field it is the United States, and not the State, which represents them as parens patriae, when such representation becomes appropriate; and to the former, and not to the latter, they must look for such protective measures as flow from that status.

Mr. President, it seems to me that endemic to this whole problem is the situation in the world today, and that we must recognize the fact that tremendous forces are shaking the world today; therefore it is our duty to see to it that these forces are given some attention and are given some justice, if we expect them to conform to justice. Furthermore, we must not in the United States fail to recognize the fact that hundreds of thousands of men died to assert it, in the Civil War, in World War I, and in World War II, and in other wars. Are we just to disregard it?

It seems to me that the Supreme Court makes it very clear that we are not to do that. I hope that a majority of my colleagues will feel with me that if we are to do something meaningful about civil rights, action is called for; and to do something meaningful about it, we must do something about public school desegregation. I believe the amendment gives us the minimum that we ought to do on that subject.

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I am a cosponsor of the pending amendment, which the senior Senator from New York has so ably discussed. Since the enactment of the 1957 Civil Rights Act, I have given a great deal of thought to the kind of amendment which would go precisely and directly to the congressional responsibility of enforcing the Brown decision.

As I said earlier today, the Congress has two responsibilities with respect to civil rights. One lies in its duty to enact legislation for the enforcement of the Constitution. The last clause, section 5, of the 14th amendment, provides that "the Congress shall have the power to enforce, by appropriate legislation the provisions of this article."

I know the issue of school desegregation is a grave question. I felt the difficulties of this issue during the debate on the subject in 1957, when the civil rights bill was before the Senate. I know it now because I have listened carefully to the speeches against all measures dealing with school desegregation which have been made during the current debate.

In my State—Kentucky—a border State, we have the opportunity to learn the viewpoint of the people who live in the North and those who live in the South. We have been fortunate in my State, for after the Brown decision—yes, even before the Brown decision was rendered—the school authorities of Kentucky and the leaders of our State had already begun to work toward school integration, first in the colleges, and, when the Brown decision was rendered, in the public elementary schools of Kentucky.

I recognize that school desegregation problems in my State are not as complex as in the Southern States. I understand that. I have said many times that I could not say perfectly what my views on civil rights would have been if I had not been born in Kentucky, and had not lived there. I want to believe, I do believe, that they would have been the same as they are today; but I cannot say.

Our country and the Congress must come to grips with this question of school desegregation. The Supreme Court, in the case of Brown against Board of Education, decided that segregation in the public school of a State on the basis of race, denies to Negro children the equal protection of the laws guaranteed by the 14th amendment. The Supreme Court, in passing upon that issue, understood that time would be required to secure consent and acceptance, and even enforcement, of its decision. Justice Frankfurter said, in the case of Cooper against Aaron, which grew out of the Little Rock crisis:

> The duty to abstain from resistance to law, even the "Supreme Law of the Land," does not require immediate approval of it, nor does it deny the right of dissent. Criticism need not be stilled. Active obstruction or defiance is barred.

In the Brown case decision, and in the decisions rendered by the Supreme Court since, the Court has recognized that local habits and customs, and differing circumstances, permit different desegregation plans. The Brown case speaks of "deliberate speed," and we find such phrases as "only the constructive use of time will achieve what an advanced civilization demands and the Constitution confirms."

The country and the Congress has hoped that compliance would go forward in the States, through local school board plans, as prescribed by the Court in the Brown case. The most hopeful development, of course, would have been action in the Southern States to comply with the law. A certain source of enforcement has been found in the courts when cases have been brought before them. The southern courts have made a magnificent record in upholding the law on school desegregation.

But finally, if there is no compliance, we come to the ultimate question; that is, if consent cannot be obtained, in time, to the law of the land, what then is the duty of Congress? What is the duty of the Government of the United States?

Our crisis, as I see it, is a constitutional one. Shall the principle of the equal protection of the laws, which is guaranteed by the Constitution in its 14th amendment—that is, in this case that children shall not be discriminated against in their right to enter public schools—be flouted? The law is being ignored—flouted. An attempt was made in Little Rock against the action of the school board. It is occurring in other States, where no action has been taken toward desegregation.

So finally, the question must come back to the Congress of the United States—Will the Congress fulfill its duty under the 14th amendment? I believe the amendment which we have offered is a precise amendment, one which goes directly to the issue at stake: that of our duty to enforce.

In 1957 we provided a stronger remedy in the case of voting rights by permitting the Attorney General of the United States to institute a suit in the name of the United States for persons whose right to vote had been denied by reason of race or color.

The remedy which we offer in this amendment is not as strong as that provided in the voting rights amendment, but it would enable the Attorney General, in select cases, in typical cases in areas where the law of the land will not be followed, to intervene on behalf of those who are not able to prosecute their rights. I believe that it is a remedy which would be used wisely by the Attorney General, which would not be used to the extreme, and one which would enable Congress to fulfill its duties under the Constitution.

I said earlier today, when I spoke on the Keating amendment, and I say again, that I do not agree with the statements made by many Senators during this debate that it will be sufficient to pass a voting rights bill and nothing else. I believe the bill we will pass will strengthen voting rights; I have no doubt about that. Theoretically and in an abstract way it can be said that if a person can vote, it is possible to correct the injustices and inequities which may attach to his position, and that it is possible to eliminate the inequities in our national life. In time, this is theoretically and ideally possible.

But, practically speaking, I know that the great body of Negro citizens in my State, and in the South, prior to the War Between the States, did not have opportunities for education. Then after the War Between the States, and until the recent Court decisions, with certain exceptional circumstances, they were not yet accorded the opportunities for the kind of education which I have had, and which thousands of other white persons throughout the country have enjoyed. Voting rights, important as they are, are not enough. There is needed means to give these people the chance through education to catch up with the lost years and to attain not only political voting equality, but also an equality of opportunity which education, equal education, affords.

I do not think I shall speak again during the civil rights debate. I shall close by saying that I feel very strongly that we must support the right—the right of equality in education. It seems to me that the amendment we have offered will be the only means we shall have to do so during this debate on civil rights.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. JAVITS. I congratulate the Senator from Kentucky, who comes from a border State, on his position. He does not always take a position like my own on civil rights, but essentially he has the deep conviction, which I think comes from his reason, that to sustain the power of law rather than to let lawless elements, on whichever side, take over, is the right way to proceed. The Senator from Kentucky has made an address today which is so much in character that I think it should be deeply gratifying, not only to his colleagues, but to all other Americans. I am very grateful to the Senator.

Mr. COOPER. I thank the Senator from New York. What we have to meet is a constitutional crisis. Also we face an ethical crisis. It is whether we really believe in the human dignity of all the people of our land.

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the Senator from Michigan [Mr. McNAMARA.]

Mr. McNAMARA. Mr. President, on behalf of myself, my colleague [Mr. HART], and the Senator from Pennsylvania [Mr. CLARK], I call up my amendment which is designated "4-1-60—G," and ask that it be stated; and I offer it as a substitute for the pending Javits amendment.

The PRESIDING OFFICER (Mr. GORE in the chair.) The amendment in the nature of a substitute for the Keating amendment will be stated.

The LEGISLATIVE CLERK. In lieu of the Keating amendment, it is proposed to insert:

TITLE VII

Equal protection of the laws

SEC. 701. (a)(1) Whenever the Attorney General receives a signed complaint that any person or group of persons is being deprived of, or is being threatened with the loss of, the right to the equal protection of the laws by reason of race, color, religion, or national origin and whenever the Attorney General certifies that, in his judgment, such person or group of persons is unable for any reason to seek effective legal protection for the right to the equal protection of the laws, the Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive such person or group of persons of the right to equal protection of the laws by reason of race, color, religion, or national origin and against any individual or individuals acting in concert with them.

(2) A person or group of persons shall be deemed unable to seek effective legal protection for the right to the equal protection of the laws within the meaning of paragraph (1) not only when such person or group of persons is financially unable to bear the expenses of the litigation, but also when there is reason to believe that the institution of such litigation would jeopardize the employment or other economic activity of, or might result in physical harm or economic damage to, such person or group of persons or their families.

(b) The Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for injunction or other order, (1) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder, any Federal, State, or local official from according any person or group of persons the right to the equal protection of the laws without regard to race, color, religion, or national origin, or (2) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder the execution of any court order protecting the right to the equal protection of the laws without regard to race, color, religion, or national origin.

(c) The Attorney General is authorized, upon receipt of a signed complaint, to institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an application for injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive any person or group of persons or association of persons of any right guaranteed by the fourteenth amendment of the Constitution because such person or group of persons or association of persons has opposed or opposes the denial of the equal protection of the laws to others because of race, color, religion, or national origin.

On page 21, line 13, strike out "VII" and insert "VIII".

On page 21, line 15, strike out "701" and insert "801".

Mr. McNAMARA. Mr. President, this amendment is no stranger to the Senate, and thus it does not need a lengthy description. It is the so-called part III amendment, which got its name in 1957 when it was part III of the civil rights bill we were then considering.

As my colleagues know, it was stricken from the bill in that year by a vote of 52 to 38, as one of a series of maneuvers which left that bill a pallid imitation of civil rights legislation.

Since that time it has become something of an old friend to many of us in the Senate—an old friend who has not yet quite been accepted into the club. We keep bringing him around and introducing him; but, up to now, he has been blackballed each time.

The latest effort to give part III the respectability of adoption was made on March 10, when it was presented as an amendment to the then-pending bill. On a motion to table by the majority leader it was again snubbed by a vote of 55 to 38.

Mr. President, those of us who are genuinely friendly to part III have not been crushed by these blows. Rather, they have made us more determined than ever to make part III a part of the law of the land; and I am hopeful that it will be presented to the Senate at every opportunity.

This determination is based on the confident assumption that no civil rights legislation worthy of the name would be complete without provisions similar to those contained in part III.

Despite the defeats of the past, I predict that justice eventually will triumph, and that, indeed, the provisions of part III will someday be written into law.

The contents of the so-called part III amendment are by this time well known to my colleagues.

In effect, it permits the Attorney General of the United States to initiate civil action in Federal courts when there is ample reason for him to believe that a person or persons have been deprived of equal protection of the law by reason of race, color, religion, or national origin. Furthermore, it would permit such action by the Attorney General against anyone who interferes with the execution of court orders in these cases. And, finally, it would help protect those who seek to help their fellow citizens gain their right to equal protection of laws.

The justification for this amendment is that in some areas the entire power of the State is pitted against the Negro who seeks to assert his rights through court action.

Furthermore, at least five States have adopted so-called antibarratry laws, which make it a crime for someone other than a member of the immediate family to financially assist in a legal proceeding.

At best, this is uneven justice. But the practical effect is to throw roadblock after roadblock in the path of those who are simply seeking protection of their constitutional rights.

The adoption of the part III amendment would even the odds, and would provide real progress in the attainment of civil rights protection.

Mr. President, I send to the desk a more detailed summary of the amendment. The summary was prepared by one of the members of my staff, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A PART III-TYPE AMENDMENT TO THE PENDING CIVIL RIGHTS BILL

The contents of the amendment: It (a) would authorize the Attorney General, upon written complaint, to start, in the name of the United States, a civil action (including application for injunctive or other preventive relief) against any individual (or individuals) who deprives a person (or persons) of his right to equal protection of the laws by reason of the person's race, color, religion, or national origin, if such a person is unable, for any reason, to seek effective legal protection; it (b) would authorize the Attorney General to bring, in the name of the United States, a civil action (including application for injunctive or other preventive relief) against any person hindering any Federal, State, or local official in according any person (or persons) the right of equal protection of the laws, or interfering with the execution of any court order relating thereto; it (c) would authorize the Attorney General, upon written complaint, to start, in the name of the United States, a civil action (including an application for injunctive or other preventive relief) against any individual (or individuals) who deprives any person (or persons) of any right guaranteed to him by the 14th amendment because such person (or persons) has opposed the denial of equal protection of laws to others because of race, color, religion, or national origin.

The scope of the amendment: It would authorize the Attorney General to intervene in all cases where denial of equal protection of laws is alleged—school cases, cases dealing with tax-supported beaches, golf courses, parks; cases dealing with public accommodations such as restaurants, buses, trolleys, trains; voting right denials; exclusions from juries; unfair trial procedures, etc.

The justification of the amendment is that, in Southern States, the whole power of the State is pitted against Negro litigants trying to assert their rights in and through the courts. Elementary fairness would require that the litigant be helped by some commensurate power. In the absence of a right on the part of the U.S. Attorney General to take up the case of a litigant, the litigant (and his friends) has to bear the whole burden (financial and other) of suing his State. The financial burden alone is considerable, as most civil rights cases are appealed all the way to the Supreme Court. What's more, at least five Southern States (Arkansas, Georgia, Mississippi, South Carolina, and Virginia) have enacted so-called antibarratry statutes which make it a penal offense for a person other than a member of the immediate family of the litigant to assist financially in the carrying on of a legal proceeding.

The precedents for authorizing officers of the Federal Government to seek injunctive relief on behalf of individuals may be found in some 50 Federal statutes, including the Labor-Management Reporting and Disclosure Act of 1959.

Mr. DIRKSEN. Mr. President, if the Senator from Michigan has concluded his remarks, I shall move that the pending amendment be laid on the table.

Mr. JAVITS. First, will the Senator from Illinois permit me, at a time when more Senators are in the Chamber, to request that if a motion to lay on the table is rejected, there be a separate vote on my amendment?

Mr. DIRKSEN. Very well; I withhold my motion.

Mr. CLARK. Mr. President, will the Senator from Illinois yield 5 minutes to me?

Mr. DIRKSEN. I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. CLARK. Mr. President, I am under no illusion as to what will happen to the amendment submitted by my good friend, the Senator from Michigan [Mr. McNAMARA]. But before we are again snowed under by the forces in control of the Senate, on both sides of the aisle, I think it worthwhile to say just a few words about this particular amendment.

This amendment—which in a short time will be voted down by a bipartisan coalition—is really the heart of any meaningful civil rights bill. In essence, the amendment is part 3 of the Civil Rights Act of 1957, as it passed the House of Representatives that year, with the support of the President of the United States and the Attorney General of the United States. When the bill came to this body from the House of Representatives, there was, however, a sudden change of mind on the part of the Eisenhower administration. What caused that, I do not know, since I am not—and never have been—in the councils of that administration. But, as the saying is, the administration "pulled the rug out from under" its own recommendation, in the form in which it had passed the House of Representatives.

So this part 3 amendment was defeated when it got to the Senate, 3 years ago.

This provision, to permit the Attorney General to assist citizens of the United States to obtain the equal protection of the laws to which the Constitution entitles them, is—as I have already said—not only the heart of a meaningful civil rights bill, but it is the one most ardently desired by citizens across the country who are interested in protecting civil rights.

I think the vote by which this amendment will shortly be defeated will be some measure of the desperation which is presently felt by those of us who fondly hoped to get a meaningful civil rights bill enacted into law earlier this year. What has happened to the conscience of America, I do not know. What has happened to the conscience of the Senate, I do not know. However, the effect of the defeat of this amendment 3 years ago, and again today, on the foreign policy of the United States can fairly well be surmised. Of course the effect is not catastrophic, but it is serious, substantial, and adverse.

I hope I shall live to see the day when the bipartisan coalition which does not wish to have a meaningful civil rights bill enacted into law, and which controls the situation in the House and in the Senate—where, as I said last week, we operate under the shadow of obsolete and outmoded rules—can be defeated. All I know is that that day will come, and I hope it will come sooner than many persons think.

Mr. President, I shall not describe this amendment in detail, or even argue briefly the reasons why it is so important to the future of America, to the future of giving all our citizens, regardless of race or color, the equal protection of the laws to which they are entitled.

I shall only say that this is a sad day for the Senate and it is a sad day for the entire Congress. It is a sad day because it is now abundantly apparent that we are not going to pass a civil rights bill that will do much of any good to disfranchised American citizens. This is too bad; but we live in a practical world, and eventually the time comes when we must take our licking and subside.

I suspect that time has now come for the Senator from Pennsylvania, both Senators from Michigan [Mr. McNAMARA and Mr. HART], also my good friend from New York [Mr. JAVITS], and my friend from Illinois [Mr. DOUGLAS], whom I see on the floor to cease our talk and take our licking.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CLARK. I am glad to yield.

Mr. JAVITS. I wanted to apprise the Senator of the parliamentary situation, which is that there is at the desk an amendment sponsored by four Senators, with regard to intervention in school desegregation cases, as well as the part III amendment.

The PRESIDING OFFICER. Does the Senator from Illinois [Mr. DIRKSEN] yield?

Mr. DIRKSEN. Mr. President, I yield 2 additional minutes to the Senator.

Mr. JAVITS. I am especially impressed by the Senator's argument on the question of conscience. I think the Senator from Pennsylvania has struck exactly the right note. I tried to say it in a much longer speech than that of the Senator from Pennsylvania. What has happened to the conscience of the Senate? What has happened to the conscience of the country?

I should like to ask the Senator if he does not feel, as I do, sitting, as we are, on the simmering coals, that there are involved acts dangerous to the public order in our own country, and that we have to do something which gives some voice to this tremendous feeling, and make an effort, at least, of measuring up to our elementary responsibilities as legislators and try to head off the need for police action, and not to invite it?

Mr. CLARK. I could not agree more with the Senator. We in this distinguished body live in a sort of odd dream world, surrounded by flattery, remote from reality. The political lag in this body which the progress of this bill through the Senate has made abundantly clear, across the free world, is something which, in my judgment, should frighten us. It does not frighten enough of us, and until it does, I fear for the future of the country.

Mr. President, I yield the floor.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the Senator from Michigan [Mr. HART].

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, I might suggest that one reason why the voice of the people of America may not be raised in support of this effort, the question now asked by implication by the senior Senator from Pennsylvania, is the fact that most Americans believe that the law of the land today, and from the day this Nation was founded, is such that an American who is deprived of the constitutional guarantees does not have to buy a lawsuit, and that the Government is here to protect him.

I think that what has been here described as an extreme demand on the part of those of us who ask for adoption of part III is not regarded by Americans as an extreme demand at all. I think they believe that the law of the land assures the people of this Nation that the Department of Justice will intervene for an American deprived of his constitutional rights. It happens that the voting section alone does not accomplish it.

Mr. DIRKSEN. Mr. President, I move to table the Javits-Hart-Cooper-Douglas amendment, and all amendments thereto.

Mr. JAVITS. Mr. President, I ask unanimous consent that——

The PRESIDING OFFICER. The question is not debatable.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. Am I to understand the motion to table, made by the junior Senator from Illinois, is directed both against the Javits amendment and the amendment thereto by the senior Senator from Michigan [Mr. McNAMARA]?

The PRESIDING OFFICER. The Chair understands that is correct. The motion to table is to the amendment and to all amendments thereto.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield for a parliamentary inquiry, without losing the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. JAVITS. Mr. President, I make this parliamentary inquiry. Is it a fact that if the motion to table is rejected, the vote will then occur separately upon the McNamara, the so-called part III, amendment, and the amendment offered by me, for myself and several of my colleagues, the so-called intervention amendment?

The PRESIDING OFFICER. That will be the parliamentary order.

Mr. DOUGLAS. Mr. President, I ask for the yeas and nays.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the motion to table.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois [Mr. DIRKSEN] to lay on the table the amendment offered by the Senator from New York for himself and other Senators. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. Mr. President, I announce that the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. MUSKIE] are all absent on official business.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

The Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Wisconsin [Mr. PROXMIRE] are necessarily absent.

I further announce that if present and voting, the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. MUSKIE], and the Senator from Wisconsin [Mr. PROXMIRE] would all vote "nay."

On this vote the Senator from Connecticut [Mr. DODD] is paired with the Senator from Wyoming [Mr. O'MAHONEY]. If present and voting the Senator from Connecticut would vote "nay" and the Senator from Wyoming would vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The result was announced—yeas 56, nays 34, as follows:

[No. 149]

YEAS—56

Aiken	Frear	Monroney
Anderson	Fulbright	Morton
Bennett	Goldwater	Mundt
Bible	Gore	Murray
Brunsdale	Hayden	Prouty
Butler	Hickenlooper	Robertson
Byrd, Va.	Hill	Russell
Byrd, W. Va.	Holland	Saltonstall
Capehart	Hruska	Schoeppel
Carlson	Johnson, Tex.	Smathers
Case, S. Dak.	Johnston, S.C.	Sparkman
Chavez	Jordan	Stennis
Cotton	Kefauver	Talmadge
Curtis	Kerr	Thurmond
Dirksen	Long, La.	Wiley
Dworshak	McClellan	Williams, Del.
Eastland	McGee	Yarborough
Ellender	Mansfield	Young, N. Dak.
Ervin	Martin	

NAYS—34

Allott	Fong	Lusk
Bartlett	Green	McNamara
Beall	Gruening	Magnuson
Bush	Hart	Pastore
Cannon	Hartke	Randolph
Carroll	Hennings	Scott
Case, N.J.	Jackson	Smith
Church	Javits	Symington
Clark	Keating	Williams, N.J.
Cooper	Kuchel	Young, Ohio
Douglas	Lausche	
Engle	Long, Hawaii	

NOT VOTING—10

Bridges	McCarthy	O'Mahoney
Dodd	Morse	Proxmire
Humphrey	Moss	
Kennedy	Muskie	

So the amendment offered by Mr. JAVITS for himself and other Senators was laid on the table.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HART. Mr. President, I offer the amendment which I send to the desk and ask to have stated. It is designated "4-1-60—B."

The PRESIDING OFFICER. The amendment offered by the Senator from Michigan will be stated.

The LEGISLATIVE CLERK. On page 16, line 7, after the word "elections" it is proposed to strike out the number "(1)".

On page 16, line 8, after the word "vote", it is proposed to strike out the comma and all that follows down through the word "law" on line 12.

On page 17, line 14, it is proposed to strike out the number "(1)".

On page 17, line 15, after the word "vote" it is proposed to strike out the comma and all that follows down through the word "law" on line 19.

On page 18, line 1, after the word "age", it is proposed to strike out the comma and insert, in lieu thereof, the word "and".

On page 18, line 1, after the word "residence", it is proposed to strike out the comma and all that follows down through the word "vote" on line 2.

Mr. HART. Mr. President, the purpose of this amendment is an attempt to simplify what many of us now fear will be the only voting rights section of the bill. We by no means concede the defeat in advance of the enrollment plan which the distinguished senior Senator from Missouri has pending. But it is our fear that in the event the enrollment approach, the registrar approach, is not added to the bill, the only section which will remain as a whole for the addition of large numbers of Americans to the voting rolls will be the referee plan.

The referee is traditionally a means whereby lawsuits are delayed. Members of the Senate who have practiced law will recall this. If one needs time to prepare a case, find witnesses, or discourage the litigant on the opposite side, it is a delight if one can find a referee.

A referee is a device which is provided in the voting rights section of the bill reported from the Committee on the Judiciary. The amendment I offer would waive, as a requirement of proof before a court or referee, once the Federal court had found a pattern or practice of discrimination to exist in an area, the additional burden upon members of the group discriminated against of going to the local board and again seeking registration.

It is our belief that a difficult course at best is provided by a referee system, but that the difficulty is compounded when it is required that a man or woman——

Mr. CLARK. Mr. President, may we have order?

The PRESIDING OFFICER. The point of order is well taken. Senators will take their seats and refrain from conversation. The Senator will not proceed until the Senate is in order. Senators will desist from conversation. The attachés of the Senate are admonished to be less apparent.

Mr. HART. It is our belief that once a Federal court has made a finding that the deprivation of voting rights is pursuant to a pattern or practice, a member of the group against whom the discrimination runs ought to be required at most thereafter to prove only that he is qualified to vote under State law. We insist that to require additionally that he go to the local registrar and again be registered adds a burden that is unnecessary, and which indeed defeats at best what is the limited basis of the referee approach.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. HART. I am glad to yield for the purpose of the question to the Senator from Missouri.

Mr. HENNINGS. I wish to commend the Senator upon his opening remarks. I shall listen to them with great interest. I wonder whether the Senator has read the Wall Street Journal of last Friday, particularly the article on page 1 under the caption "Washington Wire."

Mr. HART. I have not read that article.

Mr. HENNINGS. The article states:

But civil rights drives promise to become election-year perennials in Congress. Backers already plan a 1962 effort. They claim this year's bill will do little in the Deep South.

A major 1962 goal: Administrative, not judicial, protection of Negro voting rights. Critics foresee lengthy court delays under present proposals for court-appointed referees to guard Negro ballot rights.

Mr. HART. I did not read that article. However, it confirms the fact that if we, after much travail, produce less than an effective instrument to deal with the denial to Americans of the right to vote, the cumulative effect will be inevitable that we shall be faced year after year with the necessity of developing a simple and direct operation whereby Americans may obtain the right to vote.

The President's Civil Rights Commission recommended the registrar approach, because it felt that in the face of massive disfranchisement a simple method of massive enfranchisement had to be developed. It is for that reason that so many of us regret that the referee plan only is proposed as a feature of the bill which we have received from the other body.

Mr. HENNINGS. I thank my very able, diligent, and learned friend for yielding to me. I use those adjectives with all the force with which I am capable. The distinguished and able Senator from Michigan has been of the greatest help on the Committee on the Judiciary in trying to bring about an effective bill for this body to consider. He has labored and studied and worked on this subject, and he has done the very best he could to see to it that we produce a bill of which we can be proud and in which we may take satisfaction. I for one wish to commend the Senator for all that he has done and all that he is doing in that connection.

Mr. HART. I appreciate very much the Senator's expression.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. HART. I yield, with the understanding that I do not lose the floor.

Mr. KEATING. The amendment offered by the distinguished Senator from Michigan, if I understand it correctly—and I ask the Senator to correct me if I do not—goes somewhat further than the amendment which was considered in committee. That amendment would have left in the bill two requirements as a prerequisite to the referee plan, by providing that the court would have the power to dispense with the requirement to go back to the State registrar provided the court found it would be a vague or useless act to do so. Am I correct in my understanding?

Mr. HART. Subject to error on the part of my memory, it is my impression that in committee we considered both situations. The Senator from Colorado, as I recall, offered an amendment such as the Senator from New York has just described, permitting the court to waive the requirement of subsequent effort to register locally if the court felt it would be a vain or useless act. The junior Senator from Michigan offered an amendment similar to the one now pending. Both efforts, as I recall, failed in the Committee on the Judiciary.

Mr. KEATING. As the Senator must be abundantly aware, those of us who want a meaningful civil rights bill enacted are in a rather difficult situation. That, I am sure the Senator will agree, is an understatement. I could live very nicely, speaking for myself, with the two provisions that are in the bill, provided there were added to it the language which the Senator says was offered by the distinguished Senator from Colorado. My objective is the same as that of the Senator from Michigan.

After a pattern or practice of discrimination has been found, it would seem to me to be unduly burdensome to ask people to go back to the registrar and ask for the right to vote.

I wonder whether, if we are given the opportunity to meet this situation on its merits—which is perhaps a forlorn hope—rather than being faced with a motion to table, the Senator from Michigan would feel that as a practical matter, perhaps, an approach such as that suggested by the Senator from Colorado might get more votes, despite the apparent attitude here that any amendment is going to be tabled.

Mr. HART. In response, I assume that the distinguished junior Senator from New York shares the understanding, which is now mine, that all amendments which are offered will be subject to a tabling motion, and that it is the intention to dispose of them in this fashion. Therefore the question is, Which of these approaches is more likely to obtain greater support?

Mr. KEATING. Perhaps the most favorable procedure, if we are to be faced with a motion to table, is to vote first on the amendment of the Senator from Michigan; then, if the Senator from Colorado or someone else offers the alternative, I suspect that perhaps the alternative would get a few more votes, although perhaps not enough to be successful.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HART. I am sorry. I had promised to yield first to the Senator from South Dakota.

Mr. CASE of South Dakota. I desired to raise a somewhat similar question concerning the three parts of the amendment which the Senator from Michigan has offered. As I understand, his amendment would strike out three requirements of the bill as it stands. First, that a person has, since the finding of the court, sought to register; second, the requirement that the person named by the court to report should report that he had made his finding that the effort to register had taken place since the finding of the court; and the final requirement that the affidavit by the applicant himself, under oath, should state that the prior registrar found him otherwise qualified to vote.

Personally, I believe there should be a showing, somewhere, that the person who seeks to register has tried at some time to register and has been a part of a pattern of discrimination.

I should like to vote for the Senator's amendment to strike out the first two requirements insofar as they require the attempt to register take place after the court's finding. I do not see, though, why the person's own statement, under oath, that discrimination existed against him should not be required. That is, I do not see why the person named by the court should come into a picture to accept registration from people who had made no effort otherwise to vote—it seems to me that if the statement under oath is to be accepted as prima facie evidence as to the person's age and residence, he might very well also state that he was one of those who had been a part of the pattern of discrimination.

So I suggest to the able Senator from Michigan that he consider leaving out of his amendment that portion which would strike the language on page 18, which deals only with the affidavit of the applicant himself. I would vote to strike out the portions on pages 16 and 17, which make the applicant state that he had made an effort since the finding by the court and had been thereupon deprived of the right to vote. But I should like to retain the requirement that there be some record that the individual himself was the victim of discrimination. That could be provided by affidavit.

Mr. HART. The point made by the Senator from South Dakota has appeal. I may say, in reply, that we who feel that the requirement that the citizen need not return to a local registrar to make an effort, and second, need not establish or assert that prior to the court finding he had, in fact, sought to register, believe that the waiver of those two requirements is justified, because of the finding by a Federal court that this individual lived in a region where a pattern, over a period of years, presumably had applied, a pattern which would have discouraged all save the most determined ever to have gone to a local registrar.

Mr. CASE of South Dakota. I appreciate the Senator's statement. If the Senator does not modify his amendment, I shall vote against the motion to table; and if that should not prevail—that is, if the motion to table should not prevail, then I would be inclined to ask for a division of his amendment, so that a separate vote could be had on the third part.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. CARROLL. Will the Senator tell me what his amendment is? Is it an amendment directed to H.R. 8601?

Mr. HART. It has specifically to do with the language on pages 16 and 17.

Mr. CARROLL. The purpose of the amendment, as I understand, is to strike out the words "since such finding by the Court" primarily; is that correct?

Mr. HART. Yes.

Mr. CARROLL. I have heard this colloquy, and I may say to the able junior Senator from New York and the able senior Senator from New York that the Committee on the Judiciary considered this matter. I think a little history should be given of how the words got into the bill. The words were not contained in the original provision which came from the House of Representatives. In the closing days of the debate in the House great pressure was developed, and a circumstance arose which created considerable danger to the passage of any civil rights bill. So under great pressure the Attorney General accepted the words "since such finding by the Court," which drastically changed the whole context of the bill.

The junior Senator from Colorado has spent considerable time working on this very provision. I say to the majority leader and to all other Senators that this amendment of the junior Senator from Michigan is not an amendment proposed merely to provide a voting right. I think it is an amendment which is vital to an effective bill.

But I am also realistic. I do not know whether we can get enough votes for the proposal of the Senator from Michigan. I intend to vote for it. But if the proposal of the Senator from Michigan should fail, I intend to offer my amendment. It is not quite so harsh as the one offered by the junior Senator from Michigan. I say "harsh"; perhaps I should say it is not quite so effective, not quite so good.

My amendment deals with the fundamental principle and proposition of an old equitable maxim used by the courts as recently as the segregation decisions, and which has been applied through centuries by the courts. I intend to offer it, depending on the action on the amendment offered by the able junior Senator from Michigan.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. JAVITS. I think we should not fail to emphasize what happens to a motion to table; and such a motion will be made with respect to the Senator's amendment.

First, this is a critically important amendment. If what is now in the bill is left in the bill, it will even vitiate the meaning of the effort to assure voting rights because, looked at in the climate or in the frame of reference of the findings of the Federal Civil Rights Commission concerning what actually happens in areas where voting rights are denied, and where referees will be employed, it is clear that if it is necessary for an applicant to return to the registrar after the litigation, and a pattern and practice has been found, there will be fewer and fewer takers, even though they are very much entitled to vote.

So it is vitally important to make the bill mean anything, even as to what is left in it, and it is little or nothing with respect to voting rights, to realize that on a motion to table we are not voting on any specific amendment, but on an idea.

If Senators reject the motion to table, they can change the amendment any way they choose. They can take the version of the Senator from Colorado or the version of the Senator from Michigan, or my own version—because I have an amendment printed—or the version of some other Senators. But if the motion to table is agreed to, the matter is virtually dead.

This is a critical amendment. It is one which, in good conscience, so far as doing something really tangible is concerned, and thinking of the matter in the light of all the facts, should not be tabled. We should be able, at least, in this amendment, as in the case of the Kefauver amendment—and this is nothing but the other side of the coin—to show that we are working our will, to show that it is not something which can be voted down, if we are to have an effective voting rights bill.

Mr. HART. I thank the Senator from New York. I think he has given an accurate description of the situation in which we find ourselves.

Mr. CARROLL. Do I correctly understand that the motion to table the pending amendment, the Hart amendment, would preclude other Senators from offering amendments on this issue? I might wish to present my amendment tomorrow.

Mr. JAVITS. Mr. President, will the Senator from Michigan yield again?

Mr. HART. I yield.

Mr. JAVITS. I should like to answer the question. Of course, as a matter of parliamentary procedure the Senator from Colorado could at any time offer the amendment. But if the motion to lay on the table is voted on and is agreed to, the Members will feel they have voted "on this proposition," and therefore it will be very unlikely that a majority will vote in favor of the adoption of some other refinement of the same basic idea, because, generally speaking, a motion to lay on the table is voted on on the basis of a basic idea. But of course the Senator from Colorado can offer his amendment. On the other hand, at this time I wish to point out that if the motion to lay on the table is agreed to, the basic idea in this instance will have been disposed of.

Mr. CARROLL. Mr. President, will the Senator from Michigan yield to me?

Mr. HART. I yield.

Mr. CARROLL. My point is that I do not wish to have the basic idea jeopardized. I do not intend to offer my amendment now, unless I am forced to, because the present psychological situation in the Senate is such—unfortunately—that motions to lay on the table are being made and are being agreed to rapidly.

This amendment is, in my opinion, basic to the bill; and I do not want it to be acted on at a time when the psychological attitude of agreeing to motions to lay on the table is widespread.

This amendment involves a basic issue; and I hope to have it discussed fully tomorrow, or at least until such time as its importance to the bill is fully understood.

Mr. HART. I realize, Mr. President, that in not modifying the amendment which I have offered, I may be playing into the hands of those who would generate the psychology the junior Senator from Colorado fears. But it is my belief that the referee device—and my amendment aims at strengthening it—is necessary, and going into the bill. A strengthening amendment to achieve that must be adopted, before this proposal could be described as a referee proposal, at best; and I believe that if we fail in this effort, subsequent, and less extreme—to use the phrase—efforts, even though agreed upon and adopted, would fail to breathe the breath of life into the referee proposal.

However, if I felt that the atmosphere of the moment were such that, by modifying or withdrawing my amendment—and thus providing an opportunity for the adoption of a less sweeping proposal, a less sweeping amendment would have a better chance of success than has my amendment, I would gladly modify my amendment.

However, I believe we have reached a point where Senators have decided what they want. No punishment is directed at those of us who march out of step with what the majority believe to be in the best interests of the Nation, and we are provided this opportunity tonight to express our views in regard to what is necessary before the voting rights section could be described as a significant advance in the effort to provide greater opportunities for many Americans to exercise the franchise. It is for that reason that I am not willing to modify my proposal.

Mr. CLARK. Mr. President, will the Senator from Michigan yield to me?

Mr. HART. I yield.

Mr. CLARK. I should like to congratulate the Senator from Michigan on his amendment, which goes to the heart of the matter in the way it should be dealt with. Of course I would support any less clear-cut amendment, if that be the alternative to which we must eventually come.

But I hope the Senator from Michigan will not withdraw his amendment, but will press for a vote on it, because I believe he is proposing that the matter be approached in the proper way.

Mr. President, this is a very important amendment to the bill. It is one which all Senators should understand before they determine, as part of the speedup in which we seem to be engaged, that they are going to vote it down because it is "just another amendment" proposed by the junior Senator from Michigan.

I ask the Senator from Michigan: Would not this amendment restore the bill to the condition it was first in when it was sponsored by the administration on the floor of the House of Representatives?

Mr. HART. Subject to a check of the record made in the hearings before the Judiciary Committee, it is my impression that the initial approach or initial recommendation by the administration did not require that an applicant establish that since the court finding of a pattern and practice, he did, in fact, seek to be registered locally.

Mr. CLARK. I am sure the Senator from Michigan is correct.

If he will yield further, let me say that, in effect, the present status of the bill represents a so-called compromise with the southern group on the floor of the House of Representatives, which was somewhat reluctantly entered into by the administration; at least, we were told it was reluctant.

So, Mr. President, if the amendment of the Senator from Michigan is adopted, we shall merely be returning to the language which was in the bill when it first came from the office of the Attorney General.

Let me make just a comment to my friend: If we go to the extent of the language which presently is in the bill, does not the Senator from Michigan

think a serious blow will have been struck at the efficacy of the voting-referee pattern?

Mr. HART. Indeed so; and then a somewhat less-than-strong animal will then have been reduced from four legs to two legs, I would say.

Mr. CLARK. Or, to state the matter in another way, a weakling will have been rendered impotent.

Mr. President, I ask that I may continue for 3 or 4 minutes to discuss this vitally important amendment with my friend, the Senator from Michigan.

Mr. HART. Mr. President, I ask unanimous consent that the Senator from Pennsylvania may proceed for 4 minutes, without causing me to lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Mr. CLARK. I should like to call attention to page 61 of the report of the Civil Rights Commission. At that point, the report deals with conditions in Forrest County, Miss. I ask the Senator from Michigan whether he thinks the facts brought out in the report of the Civil Rights Commission with respect to Forrest County, Miss., make it abundantly clear that this provision of the bill, as it presently stands—which would be changed by the amendment of the Senator from Michigan—is an unwise and unnecessary one.

I read the following from the report of the Commission, on page 61:

> Forrest County (29 percent Negro; 7,406 voting-age Negroes; 16 registered):
>
> Forrest County, which has produced numerous voting complaints, has a relatively low Negro concentration, conspicuously high educational level, and significantly high average income level. The registrar who served for many years until his recent death was a stanch advocate of white supremacy and steadfastly refused to register Negroes.
>
> One Negro tried 16 times to register—twice a year for 8 years. Each time the registrar simply told him that he could not register. On the last occasion the citizen asked if there was any reason for this refusal. The registrar replied that there was no reason.
>
> Another citizen, a minister with two degrees from Columbia University, and a former registered voter in Lauderdale County, Miss. (1952–57) and in New York City (1945–48), attempted twice to register in Forrest County. The second time the citizen admitted he was a member of the National Association for the Advancement of Colored People. The clerk insisted that this was a communistic organization and said that the witness was "probably one of them." "That means you are not going to register me," said the witness. "You are correct," replied the clerk.
>
> Others stated that they had repeatedly tried separately and in groups to register, but that the registrar absented himself to avoid seeing them. Evasive answers were given by the registrar's employees as to the whereabouts of the registrar. One witness was told to "register at the YMCA."
>
> While waiting for the registrar to return to his office, one Negro observed two white women being registered without question by the clerk who just previously had denied that she had the authority to register applicants.
>
> Another Negro when attempting to register was asked a variety of questions, including such things as "What is meant by due process of law?" "What is class assessment of land?" The registrar was not satisfied with the answers.

In light of that testimony before an official governmental organization and in light of the fact that before any Negro in Forrest County, Miss., could get any of the benefits of this bill, not only would it have been necessary for some of that Negro's friends or other Negroes from that State to have proved that they had been denied the right to register and to vote, but, in addition, the Federal judge would have had to make a finding of a pattern or practice of discrimination with respect to all the Negroes in Forrest County. I ask the Senator from Michigan what good would be done by requiring that all those persons return to the same registrar or to a registrar like him, and, for the second time, be told that their constitutional rights under the 15th amendment would be denied them?

I wonder if my friend will not agree that if we are to keep this provision in the bill, while it may be pretty good, there is nothing in the voting referee proposal that is going to help many Negroes in Forrest County, Miss., or anywhere else, to achieve their rights as first-class citizens of the United States secured to them by the 15th amendment.

Mr. HART. I think it might be fair to say that to retain the requirement that the Negro must go to the local board, after the court first found a pattern to exist, means we propose that the burden of proof of establishing the pattern no longer exists must be borne by the Negro; he who for generations has found it does, must prove it does not.

Mr. CLARK. I thank the Senator.

I apologize to my friend from Illinois [Mr. DIRKSEN] for delaying so long the vote to lay on the table.

Mr. DIRKSEN. There is no need to apologize.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. GRUENING. I should like to ask the junior Senator from Michigan whether the colloquy which took place in the Judiciary Committee hearings—as reported on page 94—is still pertinent to the bill as it now is. The Senator from Michigan asked Mr. Walsh:

> I just wondered if the Department of Justice would give us an estimate of the number of people to be added to the election rolls if the referee section is included in any bill.

Mr. Walsh began to answer, but he got only as far as the word "Senator." Then the chairman of the committee, the distinguished Senator from Mississippi [Mr. EASTLAND], answered. He said:

> I can answer that. Very few.

Does that situation still obtain as the bill now is?

Mr. HART. Indeed. I think the junior Senator from Michigan and the senior Senator from Mississippi, the distinguished chairman of the Judiciary Committee, share the view that very few would be added to the rolls if the only device that is made available to them is the referee proposal, especially if it includes the requirement that they make repeated visits to the registrar even after the court has made this finding.

Mr. GRUENING. Does the Senator think that there is a better authority in the Senate than the chairman of the Judiciary Committee on the result of the legislation as it now is?

Mr. HART. Feeling so strongly that the bill itself will produce very few new voters, I am reluctant to admit that even the chairman of the committee could entertain a stronger view than the one I hold. But I repeat, his belief that very few would be added is shared by me. What is being done in the Senate is to set up an elaborate pattern of court procedure that would please a law professor and intrigue a student of the law, much as Rube Goldberg devices intrigue amateur engineers, but the net result which we should be seeking, namely, how can we get on the rolls a lot of people that the Civil Rights Commission reports to us are not on the rolls, is lost sight of. We are making available a good lawsuit for anybody who wants to buy it, but we are scarcely adding many to the rolls.

Mr. GRUENING. Would the junior Senator from Michigan then not agree that if the senior Senator from Mississippi, chairman of the Judiciary Committee, who is opposed to all civil rights legislation, and the junior Senator from Michigan, who would like some form of meaningful voting bill, which is all that is left to the Congress to achieve, are in agreement, we would be justified in concluding that this is not a meaningful bill, that it will serve the purposes of those who do not want to see voting rights secured, and that it will be difficult for those of us who would like to see at least voting rights secured to support this measure?

Mr. HART. I think the Senator from Alaska has stated the concern of those of us who feel there should be a meaningful civil rights bill with respect to supporting this bill, if my amendment, or the amendment which the Senator from Missouri [Mr. HENNINGS] will offer, is not adopted. Does not honesty compel us to say that the distinguished chairman of the Judiciary Committee has said that a few new voters may result——

Mr. GRUENING. He said, "very few."

Mr. HART. One could vote for this bill on the basis that at least a very few will be added. One could vote against it on the theory that if we repeat what occurred in 1957 and, with great fanfare, announced that a civil rights advance had been made, and then 3 years later, are faced with a fact which is predicted by both extremes, namely, that only a very few will be added to the rolls as a result of the 1960 action, then those of us who feel strongly that we should have a meaningful bill could very well vote against this bill, reasoning that public opinion will form more strongly behind those who insist we should do something significant.

Mr. GRUENING. Does not the Senator from Michigan think—and I judge he does, from his amendment—if we could adopt a slight, moderate amendment, merely to obviate the necessity for the poor colored voter, who has been discriminated against consistently, who has been intimidated, and may be again, who has been denied the right to vote in an area where discrimination has been found to exist by the court, to be obligated to go back again before the officials who had discriminated against him, it would improve the bill and make it possible for those of us who are more than somewhat doubtful as to the meaningfulness of this bill to support it?

Mr. HART. Of course, I do entertain that belief. That is why I proposed my amendment.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. HART. Yes, I yield to the Senator from Missouri.

Mr. HENNINGS. The Senator is, of course, familiar, is he not, with the pronouncements of an eminent chief justice of the State of New Jersey, Chief Justice Vanderbilt, as well as the great Oliver Wendell Holmes, relating to their opinions as to the system of reference being used by the courts?

Mr. HART. I am familiar with them, and I think earlier in the month the RECORD contains an exact citation of Mr. Justice Vanderbilt's language.

Mr. HENNINGS. I believe I, among others, put both citations in the RECORD. Anybody who is a courthouse lawyer, as some of us have been, knows that there is no better way to delay matters than to have a referee appointed.

I do not know how many young lawyers who are ambitious to get along in the community, and who want to build up a law practice, or even older lawyers, may I say to my esteemed friend from Michigan, who are exceedingly busy, but also hold a high place in the esteem of the community, and who want to retain that esteem in some States who have trouble with this question, would want to accept appointments as referees. Would the Senator say that in some of the States there may be difficulties in finding persons who want to be referees?

Mr. HART. I am sure that would be difficult in some areas.

Mr. HENNINGS. Would the Senator say, as a lawyer, that in some areas of the Southland, a young man who was just commencing the practice of law, who had just hung out his shingle, and was hoping to gain favor in the community and favorable comment, and who would want to succeed, in the words of Horatio Alger, Jr., would consider that becoming a voting referee would be the proper way to start his practice?

Mr. HART. The Senator from Missouri geographically is more likely to be able to answer that than the junior Senator from Michigan. I have my very strong suspicion that that would not be the means of winning friends or influencing people.

Mr. HENNINGS. The Senator may have as many relatives or forebears as I have in the Southland. I think we all know a little bit about conditions in that area. I say that with the greatest spirit of friendship for our friends in the South, our fellow citizens.

Let us assume a busy, older lawyer may accept the appointment as a referee. Is there anything set out in the proposed legislation as to what such a lawyer would be paid?

Mr. HART. No.

Mr. HENNINGS. That is to be within the discretion of the court, is it not?

Mr. HART. I assume that is correct.

Mr. HENNINGS. As is true in other matters, such as with regard to masters, for example.

Mr. HART. There are rules in regard to it.

Mr. HENNINGS. We know that is true with respect to the appointment of masters, do we not?

Mr. HART. Yes.

Mr. HENNINGS. We know that an old, seasoned, experienced lawyer charges fees, and the fees which would be awarded by the court to a lawyer would be somewhat in proportion to the experience of counsel. I am sure our distinguished colleague the Senator from Oregon [Mr. LUSK] will bear me out in that statement. The judge will recall, certainly from his own experience, that the court appointments and compensation therefor are sometimes governed by the experience of counsel. The courts do not look around for lawyers who have not anything much to do, because those lawyers, generally, are not diligent and are not successful.

Therefore, with regard to the referees, there are all the handicaps we have mentioned in the proposed legislation now before us, without substantial amendment. Considering all of that, we would have to find a good, diligent, conscientious referee, assuming we had a good, diligent, conscientious judge, which I certainly would like to assume.

Would the Senator suggest that there might be many problems in connection with the very practical aspect of finding a referee who could function efficiently, with the respect of the community and the cooperation of the community, while at the same time not impairing substantially, in so doing, his own practice?

Mr. HART. That is quite likely.

Mr. HENNINGS. There might be retaliation and the withholding of business. Clients sometimes do not like to have lawyers take unpopular assignments. I am sure the Senator from Michigan has observed that fact.

Mr. HART. Indeed I have. I think there is a fair assumption all of us ought to make. We know there are, and we hope there will in the future prove to be, many courageous Federal judges, and able and courageous lawyers and others who would serve as referees. The aim of the amendment is to enable such a referee and such a judge to be as expeditious about adding people to the voting rolls as is possible within the basic limitations which apply when one tries to use the courts to do what is really an administrative job.

If we are going to make the decision, "We will enroll people through the courts," then the amendment is offered in the hope that we will not place additional burdens upon a device which is, at best, limited in its effectiveness.

Mr. HENNINGS. I wish to make it very clear that I should like to presume, and I do presume, the courts will be fair and diligent and honest in their efforts. I presume the Attorney General will be equally so in his efforts. I should like to presume that we may find competent counsel of standing and experience who will undertake the assignments of referees in these matters. I should like very much to assume all of those things, and I hope that may be the case.

I trust that what I have asked the Senator is not tainted by a degree of skepticism or doubt. I do not like to be a pessimist about these things.

I shall later offer an alternative proposal, not a proposal to supplant the referee system, but one which I think anyone who wants effective legislation in this field can in good conscience support.

No one can in good conscience, if he has studied law at all or if he knows anything about these matters, really object to the alternative proposal, because it will provide another way, together with the referee plan, of getting people registered and to the polls. Of course, that is our common objective.

I am very glad the Senator from Pennsylvania [Mr. CLARK] and the Senator from Alaska [Mr. GRUENING] have remarked as they did about the Senator's amendment, which I shall certainly support. I shall vote against tabling it, should that device be undertaken to be used with respect to it.

I thank the Senator from Michigan.

Mr. HART. The junior Senator from Michigan appreciates very much the questions posed by the Senator from Missouri, which have developed additional points.

Mr. President, I look forward eagerly to the opportunity of supporting the additional proposal or the alternative device which the Senator from Missouri [Mr. HENNINGS] proposes to offer.

Mr. President, in closing my presentation in support of the amendment, I desire to make the point again that this amendment is offered in the belief that if all the bill will contain, so far as voting rights are concerned, is the referee device, we ought to eliminate, so far as we can, the delays and difficulties in the operation of that device. I make this offer in the belief that, far better than referring the matter to a court, the enrollment-administrative route is the way to go. If that road is to be denied to us, and if the only method available, after we conclude these many weeks of effort, is a court referee plan, we now have the opportunity to reduce some of the difficulty involved in that plan while not losing the basic safeguard which it provides, because this plan will not be available until and unless the Federal district court has made its finding that in the region a pattern of discrimination does exist.

Mr. CASE of South Dakota. Mr. President, before the Senator yields the floor will he yield for another question?

Mr. HART. I yield.

Mr. CASE of South Dakota. If the language remains as it is written on page 16, and if the person who had previously been deprived of the opportunity to register went back to register and the regular State registrar again declined to register that person, what penalty would exist against the registrar?

Mr. President, while the Senator is looking at the language, I will say that, after reading the bill simply as a layman, it seems to me there is the possibility of a contempt action if there is a failure to let such a person vote, but I find no such penalty written in the language, at least against the registrar, for failing to register the person.

Mr. HART. It is my impression that except as it relates to the person denied the opportunity to vote, when the man presents himself, there is no penalty at the intermediate stages. This is my impression of the bill.

Mr. CASE of South Dakota. Mr. President, the junior Senator from South Dakota is as objective about this bill as I think anyone can be. I have not been particularly heated about it one way or the other, but I have been committed to the idea that the 15th amendment to the Constitution does intend there shall not be discrimination on the basis of race or color or previous condition of servitude and that Congress was empowered by the 15th amendment to provide appropriate legislation to insure effective voting rights.

I hope that as the result of deliberation by the Senate, when we finally pass a bill, we shall have a bill which at least we can say does something to make the 15th amendment effective, that is, that it does protect the right of the individual to vote, and does offer some safeguards against discrimination by reason of race or color.

Secondly, if a court finds that there is a pattern of discrimination, I want this legislation, when it is finally passed, to provide some effective way for voting. I have voted to add other provisions to the bill, but I want to vote for a bill which will make the 15th amendment effective so far as voting rights are concerned. It seems to me that to require the individual who has been a part of the pattern of discrimination to go back to the officer who previously declined to register him is a futile thing, unless there is some weapon or penalty against the registrar for again refusing to register the applicant. That is why I have thought that the amendment offered by the Senator from Michigan—the first portion of the amendment, at least—is in order, if that could be accomplished. It seems to me that we should strike out the words "since such finding by the court." There ought to be some way for the man to register without having to go back to the person who slapped him in the face before. That is why I am willing to support the referee proposal. I want some penalty against the officer who declines to register the applicant. But it seems to me it is unwarranted to require the individual to go back to the local registrar who previously acted in the pattern of discrimination. It seems to me that would be unwarranted and unwise. I think the effect of it would be to preserve the pattern of discrimination, unless there were some penalty against the registrar for again declining to register the applicant.

I hope the motion to table will not be made until we have an opportunity to explore the field and see if we cannot better protect the right of the individual to register. If an individual is not registered, the officials can decline to let him vote, in good order. If a man is not registered—at least in my State—it is difficult for him to vote, except by a complicated procedure. If there is a general disinclination to let him vote, if there is a pattern of discrimination, the procedure is complicated and discouraging. I should like to see the bill written in such fashion that voting will be made easier for those against whom a pattern of discrimination may have existed.

Mr. HART. If we strike the requirement that the applicant go back to the local registrar after a pattern has been found to exist, the applicant goes to the referee and obtains a certificate or registration slip, and then presents himself to the local election board, and if at that point he is rejected, he has become a part of the court order, in effect, and there is a penalty.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. CARROLL. The Senator from South Dakota has made a very substantial contribution to this debate. He has raised precisely the point at issue. There is no violation of a court order until the court order issues. The court order will not issue in this case until the applicant conforms to the requirements of the act.

Mr. CASE of South Dakota. Until he goes back the second time, after the court order.

Mr. CARROLL. Exactly.

I interrogated the Attorney General very closely on this point. If a suit could be brought on behalf of 10, 20, or 30 persons who offer evidence in the court, they would obtain a court order forthwith. If the registrar violates the order to register them, he is in contempt, under the pattern and practice of discrimination. The Attorney General says this is a mechanism to try to bring people under the umbrella.

What does the applicant have to do? He must prove, as he should be required to prove, that he is qualified to vote under the State law.

What else must he prove? He must prove that since the court made the general finding, he has gone back to the registrar. As I read the law cases—I do not mean propaganda issued by this society or that society—in some of the areas certain individuals have not been registered in 30 years. Some of them have not voted in this generation.

I raised the question with the Attorney General, I said: "If you take out the words 'since such finding by the court' you have gutted the bill." He denied that. I think he has been pressured into this position.

This is one of the most important provisions of the bill. Attorney General Rogers and his Deputy Attorney General, Judge Walsh, say that this issue goes to the heart of this bill.

I must be frank, however, and say that the Attorney General felt that there should be some presumption that a court order will be obeyed, and therefore the applicant ought to go back. The Attorney General thought this might raise a constitutional issue, but when I asked him if such a provision would interfere with the broad powers of a court of equity, on one page he said no; on the next page he said yes; and on the third page he said maybe.

This is why I think we should make a legislative history in this proceeding. If we cannot sustain the amendment of the Senator from Michigan—which I hope can be done—we must make a legislative record to protect the many individuals who have never been permitted to go near a registrar's office.

I thank the Senator for yielding.

Mr. HART. Mr. President, I yield the floor.

Mr. DIRKSEN. Mr. President, this subject was thoroughly discussed in the Committee on the Judiciary, under the mandate of the Senate.

First, there was the question of having to go back and register, the applicant re-presenting himself as an applicant, for the second time. For more than an hour the Deputy Attorney General discussed this question, and he said to the committee:

The language which you propose—

And I proposed some language—

is not necessary, and I hope you will not encumber the bill with additional language.

I think the issue is rather simple, and I submit to my distinguished jurist friend, Judge ERVIN, the question whether I am right or wrong. First, there must be a finding by the court that there is a pattern. Second, there must be an application by a person who thinks he is aggrieved and has been denied the vote. There must be proof of the application. It can be proved without the applicant having gone down to register.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. CLARK. I am rather startled that my friend from Illinois should have made that comment, in view of the language on page 16, line 8 of the bill, which was stressed by the junior Senator from Michigan. That language contains the requirement that he must go back.

Mr. DIRKSEN. Let us see. He files an application. He is entitled, upon his application, to an order declaring him qualified to vote, upon proof that at an election or elections—

(1) He is qualified under State law to vote—

He must be old enough. If there is a literacy test, he must be literate.

Mr. CLARK. The Senator is correct.

Mr. DIRKSEN. Reading further—

and (2) he has since such finding by the court been (a) deprived of or denied under

color of law the opportunity to register to vote or otherwise to qualify to vote.

Perhaps he has not been there before. He could still be qualified to vote, as a matter of fact. It was that point that the Deputy Attorney General made in saying, "I prefer that you do not write this other language into the bill."

Who is going to enforce it? The Attorney General. He said, as plainly as words could express his meaning, that he preferred not to have that modification. At the very time when the distinguished Senator from Colorado had an amendment to present here, vesting power in the court, I had an almost identic amendment to give the court power to weigh the matter, so that there would be no vain or futile act. However, we came to the conclusion that it was not necessary, and the Deputy Attorney General supported that conclusion. He and others are the law enforcement authorities who must do this job. The referee section, the voting rights section, is the one section of the bill in which they were deeply interested. If we cannot accept the Deputy Attorney General's word for it, he having first drafted the bill and, second, having worked with it for a long time, I do not know where in government we are to go to get some authoritative word on this subject. So I not only weighed the language which I had proposed to offer, but I voted against any amendatory language, and the committee did likewise.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. I yield.

Mr. CLARK. Would not the Senator agree with me that the language presently in the bill which my friend from Michigan seeks to strike requires an applicant, after a pattern or practice of discrimination has been found to exist by the court, to prove, further, that since that finding was made, he has been deprived under color of law of the opportunity to register or to vote?

Mr. DIRKSEN. He must have made, in the first instance, an effort to register.

Mr. CLARK. That was not my question. I ask the Senator, if he will, to be responsive to my question. Is it not clear that the present language which the Senator from Michigan seeks to strike requires the applicant to try to register with the local official after a court order finding a pattern of discrimination to exist has been made?

Mr. DIRKSEN. Of course, he has to be denied an opportunity to register.

Mr. CLARK. I think the provision is plain, and I am sure the Senator will agree with me, that first it has been found that a man is within the pattern of discrimination, because he has not been allowed to register or vote, we provide that he must go back to do it all over again.

Mr. DIRKSEN. It is amazing to me that the chief law enforcement officer has said that that was not fatal, and that he preferred not to have in the bill the language suggested. He is the one who must give it effect.

Mr. CLARK. Mr. President, will the Senator yield for one more comment?

Mr. DIRKSEN. I yield.

Mr. CLARK. I think it is amazing, too.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. ERVIN. I should like to ask the Senator from Illinois if it is not a fact that a person who wants to register either before the judge or before the voting referee must show that after the judge has found a pattern or practice of discrimination to exist, he made an effort to register, but he does not have to show that he did that before?

Mr. DIRKSEN. That is correct. There must be one effort along the line, and a denial.

Mr. ERVIN. There is nothing in the bill which requires the applicant to go twice to the State registrar. There is no requirement that he shall have gone before the pattern of discrimination was found to exist, is there?

Mr. DIRKSEN. I did not believe so. The Deputy Attorney General did not believe so. Had I believed so, I would have offered substantially the same language the distinguished Senator from Colorado proposes to offer tomorrow. When we got to that point, and the Deputy Attorney General said it was not necessary, I did not submit my language. I said I would go along with that viewpoint, and would oppose any other amendment that might encumber the bill.

Mr. ERVIN. Is it not true that the bill is based in large measure upon the 15th amendment?

Mr. DIRKSEN. Exactly.

Mr. ERVIN. Is it not true that the authority of the Federal Government to act under the 15th amendment is dependent upon the State having denied a citizen of the United States the right to vote on the ground of race or color?

Mr. DIRKSEN. I thought so.

Mr. ERVIN. Therefore, it is necessary to show that the State had an opportunity to permit this man to register in order to show that there has been discrimination.

Mr. DIRKSEN. That was the burden of the whole long discussion we had in committee before these proposals were voted down.

Mr. ERVIN. Does not the Senator from Illinois believe that there might be grave misgivings about the constitutionality of a provision which would in effect excuse a man from ever going to the State registrar to register?

Mr. DIRKSEN. I have never raised that question, but it entered into the discussion in committee.

Mr. ERVIN. The man who wants to register, after the pattern of discrimination has been found to exist, would be required to go only once to the State registrar, to give him an opportunity to register him.

Mr. DIRKSEN. That is my opinion.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. CARROLL. Did I understand the able Senator from Illinois to say that there had to be one act, one affirmative act on the part of this applicant and one denial?

Mr. DIRKSEN. There must be action by the State authorities.

Mr. CARROLL. I am talking about the applicant. I hope I did not understand the Senator from Illinois to say that, because I think we are in general agreement, and I hope I understood correctly his questioning before the committee. I wonder whether the Senator agrees with me that it is not absolutely necessary that an applicant apply to a registrar since the finding of the court?

Mr. DIRKSEN. Does the Senator mean, does the man have to go twice? If that is the question, the answer is "No."

Mr. CARROLL. I mean does he have to go after the court issues its order?

Mr. DIRKSEN. He has to go sometime and be denied, whether before or after.

Mr. CARROLL. I might say to the Senator from Illinois that that is why there is this confusion in the RECORD. I was trying to pin this thing down, because there is this confusion. If I understand the powers of the court of equity, if such a court says he does not even have to go the first time because it would be a vain or futile act, and would serve no useful purpose, then he need not go. There are many cases on this proposition. In the segregation case at Charlottesville, the district court—not the Supreme Court—with a southern judge sitting in the court, said:

> I will not ask these children to exhaust their administrative remedies.

He said a court of equity would not require the doing of a vain or futile act.

That is what I predicate my position on. My amendment is not as harsh as the amendment of the Senator from Michigan. I want to leave this matter in the hands of the court, in the hands of a southern Federal judge. That court can say in some cases, "Go back and register; things have changed"; or in another case the court might say to the referee, "You register these people, it would be futile to order them back to the registrar."

There may be other areas in the South where there has been massive resistance and where a court of equity will say, "I will not require these people to go back. Here is your order. I will waive the requirement that you go back and attempt once again to register." There is one requirement he cannot waive, and that is the qualification of the voter, because that is a constitutional requirement.

I remind the able Senator from Illinois that on three or four different occasions during the Judiciary Committee meeting I questioned the Attorney General on why the "since" clause was left in the House bill. My questioning starts on page 57 of the hearings. On page 59 of the hearings I questioned Judge Walsh on the same subject. The junior Senator from New York [Mr. KEATING] also questioned Judge Walsh on this matter and got what appeared to be a clear statement. But, whereas at one time he concluded that the equity court had the powers to waive necessity to attempt to

register, on the next question he would almost undermine what he had said before.

Whether or not we accept the amendment of the Senator from Michigan, I intend to offer my amendment. If what I do is surplusage, no harm will be done.

It does not interfere with the enforcement powers of the Attorney General, and it may clarify an expression by Congress as to what we intend. No harm can come from a reaffirmation of one of the great powers of the courts of equity, which has come down to us through hundreds of years.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. LONG of Louisiana. The Senator is familiar, is he not, with the 1957 act, which is now on the books? That act provides that the Attorney General is the tax-paid lawyer for any colored person who feels that he has been deprived of the right to vote. Under the 1957 act, the Attorney General now can file a petition on behalf of a dozen colored persons who say they have been denied the right to vote, and who request that they be placed on the rolls. If the judge finds that they are qualified, he can immediately order that they be placed on the rolls, because they have been found to be qualified. Under the bill, the Attorney General may also request that any other colored person who has been denied the right to vote be placed on the rolls by the voting referee.

I assume that a judge would (a) order that, say, 12 persons who are qualified be placed on the rolls; (b) that a referee be appointed; and (c) that the referee place any other qualified person on the rolls if the registrar has failed to accord such person his rights.

There is already in the law a provision which requires a judge to restore a person to the rolls when he has been deprived of his right to vote. The judge can order him restored to the rolls. Under the 1957 law, the judge has a right to try a registrar without benefit of a jury, in the event that he fails to comply with the court's order.

This pending amendment has to do with a person who has been denied nothing because he has not applied. He has not tried to qualify. He has no right whatever to be placed on the rolls. This proposal applies to a person who has never been denied anything at all, and provides that he shall have the opportunity to be placed on the rolls by the referee because someone else, who has had his denial of the right to vote remedied, has applied and asked that the person be put on the rolls.

It is an entirely different matter for someone to seek a remedy for someone who has tried to vote, than to seek a remedy for one who has never tried at all.

Mr. DIRKSEN. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DIRKSEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. McGEE in the chair). Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Illinois to table the amendment offered by the Senator from Michigan [Mr. HART]. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. MANSFIELD. I announce that the Senator from Minnesota [Mr. McCARTHY], the Senator from Utah [Mr. Moss], and the Senator from Maine [Mr. MUSKIE] are absent on official business.

I also announce that the Senator from Connecticutt [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

On this vote, the Senator from Wyoming [Mr. O'MAHONEY] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from Wyoming would vote "yea," and the Senator from Utah would vote "nay."

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. McCARTHY], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Missouri [Mr. SYMINGTON] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The result was announced—yeas 52, nays 38, as follows:

[No. 150]

YEAS—52

Allott	Ervin	Mansfield
Bennett	Frear	Martin
Bible	Fulbright	Mundt
Brunsdale	Goldwater	Robertson
Bush	Gore	Russell
Butler	Hayden	Saltonstall
Byrd, Va.	Hickenlooper	Schoeppel
Byrd, W. Va.	Hill	Smathers
Cannon	Holland	Smith
Capehart	Hruska	Sparkman
Carlson	Johnson, Tex.	Stennis
Cooper	Johnston, S. C.	Talmadge
Cotton	Jordan	Thurmond
Curtis	Kefauver	Wiley
Dirksen	Kerr	Williams, Del.
Dworshak	Long, La.	Young, N. Dak.
Eastland	McClellan	
Ellender	McGee	

NAYS—38

Aiken	Green	Magnuson
Anderson	Gruening	Monroney
Bartlett	Hart	Morse
Beall	Hartke	Morton
Carroll	Hennings	Murray
Case, N. J.	Jackson	Pastore
Case, S. Dak.	Javits	Prouty
Chavez	Keating	Randolph
Church	Kuchel	Scott
Clark	Lausche	Williams, N. J.
Douglas	Long, Hawaii	Yarbrough
Engle	Lusk	Young, Ohio
Fong	McNamara	

NOT VOTING—10

Bridges	McCarthy	Proxmire
Dodd	Moss	Symington
Humphrey	Muskie	
Kennedy	O'Mahoney	

So the motion to lay Mr. HART's amendment on the table was agreed to.

Mr. DIRKSEN. Mr. President, I move that the vote by which the motion to table was agreed to be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table the motion to reconsider was agreed to.

Mr. HENNINGS. Mr. President——

The PRESIDING OFFICER (Mr. McGEE in the chair). The Senator from Missouri.

Mr. HENNINGS. I send to the desk an amendment, and ask unanimous consent that the reading of it be dispensed with, inasmuch as it has heretofore been printed.

Mr. DIRKSEN. Mr. President, will the Senator yield for an inquiry?

Mr. HENNINGS. I am very glad to yield.

Mr. DIRKSEN. As the Senator may have divined from the papers and elsewhere, there is considerable interest in a meeting that is being held this evening, and Senators on this side are deeply interested in it, along with substantial delegations from every State. How long does the Senator from Missouri expect to discuss his amendment? This is the enrollment officer amendment.

Mr. HENNINGS. May I say to the minority leader, who is also a member of the Committee on the Judiciary, that I was not aware of the meeting until a Senator advised me of it a few moments ago. I shall be very glad to withhold discussion of the amendment, or offer it at some other time, or later in the evening, if Senators feel they must go wherever the meeting is being held.

As the Senator knows, I presided over the hearings on the referee proposal, in addition to hearings on the previous recommendations by the Civil Rights Commission, for a period of something like a month, during which time members of the Committee on Rules and Administration heard both adverse witnesses and witnesses in favor of the proposals submitted by the President's Civil Rights Commission.

Mr. DIRKSEN. Mr. President, will the Senator yield further?

Mr. HENNINGS. I should only like to conclude by saying that I shall try to be as reasonably succinct and brief as I can be, but I might observe to the distinguished minority leader that there are other Senators who may desire to ask questions. Some Senators have told me they wanted to make certain observations with respect to the amendment and cognate matters. So I shall be unable to tell, with any degree of precision, how long the presentation of this amendment may take. If I were to go through an explanation of it, it would be very brief, probably a half hour. But, in view of questions which may be asked, I hesitate to give the Senator any definite assurance.

Mr. DIRKSEN. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator yield further?

Mr. HENNINGS. I yield to the minority leader.

Mr. DIRKSEN. I fully and unequivocally approve and concur in the action of the Senator from Missouri in offering this amendment. It is perhaps the only remaining major amendment to the bill that will be offered, unless there are some that have not come to my attention. This amendment is purely to retain the referee procedure, and add the so-called enrollment officer proposal as a supplement to the referee procedure, which I think the distinguished Senator offered in the Judiciary Committee.

Mr. HENNINGS. The Senator from Illinois is exactly correct. The amendment is precisely the one I offered in the Committee on the Judiciary during the 2 days of hearings, after which we ultimately reported the bill.

Mr. DIRKSEN. I assure the Senator I am trying to get, only for the convenience of our colleagues, some kind of a time picture, as to how long they can be away and visit with their people, and eat a box lunch, and then come back. All we need is an approximate time.

Mr. HENNINGS. I certainly have no objection to any Senator's leaving the Chamber to eat a box lunch. By the same measure, I shall not undertake to set a precise time at which all discussion will cease upon what I think is an exceedingly important amendment.

It is not my desire, and never has been, to inconvenience Members of the Senate. I do, however, believe that this proposal is one which merits the attention of the Senate. I believe it has substance. I believe it has merit. I believe it is feasible.

I for one do not accept the so-called referee plan with the same degree of optimism exhibited by the Senator from Illinois, nor am I as sanguine as he is, that the plan, by itself, will work. I think we should have two strings to our bow. The amendment gives us an opportunity to avail ourselves of both methods.

We do not want to undertake to strike out the section relating to voting referees. We want only to add a provision which establishes an administrative function, and not depend primarily on a judicial function.

Mr. DIRKSEN. I thank the Senator from Missouri, indeed, for that comforting assurance, and I shall come back to the Chamber as quickly as I can, and I am sure other Senators will, to absorb wisdom as the Senator explains this amendment. I want to do him the honor of being present as quickly as I can return from another meeting. I think our colleagues are assured of the merits of the amendment, and that there will be rather substantial discussion, and I know our distinguished colleague will do full justice to it.

Mr. HENNINGS. I thank the able Senator from Illinois for his comment. I am glad to hear him say he thinks the amendment merits serious discussion.

Mr. President, within the limitations of my ability to do so, I shall undertake to give it.

The PRESIDING OFFICER. The Senator from Missouri will please suspend until the Senate is in order. Senators wishing to converse will retire to the cloakrooms.

The Senator from Missouri may proceed.

Mr. HENNINGS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HENNINGS. The Senator from Missouri asked unanimous consent that the reading of the amendment sent to the desk be dispensed with.

The PRESIDING OFFICER. The Chair overlooked asking for such consent. Is there objection to the request of the Senator from Missouri?

Mr. MORSE. Mr. President, I should like to hear the amendment. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will state the amendment for the information of the Senate.

The CHIEF CLERK. On page 21, between lines 12 and 13, insert the following new title:

TITLE VII

FINDINGS AND PURPOSE

SEC. 701. (a). The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disfranchisement of qualified voters because of their race or color. That Commission has found that, under color of law or by State action, substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments requires the exercise of the congressional authority provided under these amendments.

DEFINITIONS

(b) For the purposes of this section—

(1) The term "election" means any general or special election held in any State for the purpose of electing any candidate to elective public office and any primary election held in any State for the purpose of selecting any candidate for elective public office.

(2) The term "registration district" means an area in a State corresponding with any of the districts established by State law from which the voters elect a Member of the House of Representatives of the United States.

JUDICIAL DETERMINATION OF DISFRANCHISEMENT

(c)(1) Whenever, in any action brought under section 2004(c) of the Revised Statutes, as amended by section 131(c) of the Civil Rights Act of 1957 (71 Stat. 637, 42 U.S.C. 1971(c)) a court finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, or the opportunity of registration, for elections because of their race or color, the Attorney General shall notify the President of the United States of such finding.

(2) Whenever the Commission on Civil Rights, acting under the duties imposed upon it by section 104(a) of the Civil Rights Act of 1957 (71 Stat. 635, 42 U.S.C. 1975c(a)) or in the event of termination of the Commission such other agency or department as the President shall designate to perform the same function (hereinafter referred to as the Commission) finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration or the opportunity of registration, for election because of their race or color, the Commission shall notify the President of the United States of such finding.

APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS

(d)(1) Upon any notification of a finding pursuant to subsection (c), the President is authorized to establish a Federal Enrollment Office in each registration district that includes the locality or area for which such finding has been made and to appoint one or more Federal Enrollment Officers for such district from among officers or employees of the United States who are qualified voters within such district. Whenever the President determines that there is no further need for a Federal Enrollment Office, he shall abolish the Office of such registration district. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by this section until such time as he is relieved of such duties by the President.

(2) The President may, if in his judgment such action appears justified and suitable, delay the appointment of Federal Enrollment Officers in order to permit prompt and continuous good faith efforts by State and local officials to terminate in an affected area deprivation of the right to vote on account of race or color.

ENROLLMENT BY FEDERAL ENROLLMENT OFFICERS

(e) The Federal Enrollment Officer for any registration district shall accept enrollment applications from individuals living in localities or areas in such district as to which a finding has been rendered pursuant to subsection (c). All such applicants whom he finds to meet the qualifications for voters under the laws of the State wherein such district is situated shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like period as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him. Nothing contained herein shall be construed to authorize an Enrollment Officer to enroll any person who is not of the same race or color as the persons found pursuant to subsection (c) to have been deprived of registration, or the opportunity of registration, for elections. Nothing contained in this section shall be construed as impairing the right of any State to establish nondiscriminatory voting qualifications.

VOTING IN ELECTIONS

(f) Each qualified voter who is enrolled pursuant to subsection (e) shall have the right to vote, and to have such vote counted, for candidates for elective public office in elections held in his registration district, and, in the case of a primary election, for persons seeking nomination as candidates for elective public office, subject to the provisions of subsection (g).

ENFORCEMENT

(g)(f) Nothing contained in this section shall be construed to deny to appropriate State officials or other interested persons the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made.

(2) Federal Enrollment Officers shall ascertain that persons enrolled under this section are afforded the right to vote and to have their votes fairly counted, and for this purpose the Federal Enrollment Officer is authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this section be denied the right to cast his vote or to have his vote counted, the Federal Enrollment Officer shall forthwith notify the Attorney General.

(3) The provisions of this section shall be enforceable by appropriate civil and equitable proceedings instituted in the district courts of the United States by the Attorney General, for or in the name of the United States. When necessary to assure persons enrolled under subsection (e) of the right to vote and to have their votes counted, the district court shall issue permanent or temporary injunctions or other orders directed to appropriate State or local voting officials, requiring them to permit persons enrolled under the provisions of this section to cast their votes and have them counted subject to the provisions of paragraph (1) of this subsection.

(4) In all cases of criminal contempt arising under the provisions of this section, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided, however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further,* That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *And provided further,* That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

This paragraph shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity including the power of detention.

APPROPRIATIONS

(h) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. HENNINGS].

Mr. HENNINGS. Mr. President, the Senate has now been debating for some 8 weeks various aspects of the civil rights bill of 1960, H.R. 8601. As the legislative process has advanced up to this point, it appears that the only really important and possibly fruitful legislation that is likely to be enacted by the Congress this year will deal with the protection against discrimination because of race or color of the right to vote guaranteed by the 14th and 15th amendments to the Constitution.

It, therefore, does not take prophetic discernment, Mr. President, to say that the only real and basic issue now before the Senate in the pending measure is whether the Congress will enact effective legislation designed to protect the right of all citizens who are qualified under State law and who wants to vote, to cast their ballots and have them counted. The question is whether the Senate will act in a manner that really puts into effect the great guarantees of the 14th and 15th amendments that all citizens, regardless of race or color, shall receive equal justice under law.

To any person who has never had the privilege of voting in an election the voting booth is as unfamiliar as a foreign land that he has heard about, has never seen, but hopes to visit; and an election registration certificate, or other similar qualification to vote, is like a passport to that foreign land. If the Congress desires to make it realistically possible for persons now unconstitutionally disfranchised to vote, the Congress will have to enact legislation providing for a simple routine procedure without encumbrances and delays and involved court procedures. Let us examine the two principal proposals with this in mind—the Attorney General's court referee procedure, now in the bill, and the enrollment officer procedure which I have advanced, and in which I have been joined by certain colleagues in the Committee on the Judiciary. I have not sought massive sponsorship of this amendment because it seemed to me that, after all, while I welcomed sponsors, at the same time perhaps it would be better to have Senators who had supported this amendment in the Committee on the Judiciary act as sponsors.

On Tuesday, March 30, during the time H.R. 8601 was being considered by the members of the Committee on the Judiciary under instructions of the Senate, I urged my colleagues on that committee to adopt an amendment that I thought would add as an additional title to the bill—the Federal enrollment officer procedure I first introduced in the Senate on March 10. This amendment would provide an additional and alternative procedure to the court referee plan, now contained in the bill under which the voting rights of racially disfranchised citizens could be further protected.

Six members of the Judiciary Committee supported my motion to add this amendment to the bill. After carefully considering the problems involved, the junior Senators from Colorado, Connecticut, and Michigan joined with me in filing a joint statement of separate views concerning H.R. 8601 as it was amended and reported by the Judiciary Committee to the Senate. Our statement of separate views on this matter was printed on April 1 and is now available for the consideration of Senators and interested members of the public. The junior Senators from Michigan and Connecticut have joined me in cosponsoring in the Senate this same amendment adding the Federal enrollment officer procedure to the House bill. This amendment I submitted earlier today during the morning hour.

Mr. President, even though my cosponsors and I have doubts about the effectiveness of the court referee proposal we do not advocate striking it from the bill. No; our proposal is that an additional and alternative procedure which in no essential way conflicts with the voting referee proposal be added to the bill.

In our statement of separate views, my colleagues and I indicated that after careful study of the lengthy debates in the Senate, and the debates in the House of Representatives, the various revisions of the voting referee proposal, the various amendments adopted, and the testimony of the Attorney General and the Deputy Attorney General and of others given before the Senate Rules Committee and the Judiciary Committee, we are convinced that there are compelling reasons why the Congress should not rely solely on the judicial approach, involved in the voting referee procedure, which is, as we know, of course, the only one relied upon in the so-called voting referee procedure.

In the report containing our separate views we pointed out that we believe the referee proposal now pending would simply not be effective in getting registered or enrolled to vote very many persons now disfranchised because of race or color, in violation of the 14th and 15th amendments to the Constitution. The primary reason for this, other than the measure's possible invalidity on constitutional grounds, is that if it be the only available procedure under which presently disfranchised Negroes are to seek the right to vote, it will place a great burden of administering essentially nonjudicial registration and election functions on the already overburdened Federal courts. This burden will be especially heavy on the Federal courts in the very areas most likely to be affected.

In proposing our amendments my cosponsors and I urge that the Congress provide this additional, feasible method for dealing with the difficult and complex problem of eradicating racial disfranchisement. Our plan would permit the President, in his discretion, to appoint Federal enrollment officers from among Federal officials and employees who live and vote in the areas where it is found that voting deprivations on the basis of race or color have occurred.

Mr. President, we have heard a great deal during the course of the debate about carpetbaggers and nonresidents being sent to the South as Federal officials. Of course, under our plan no one not a resident of the congressional voting district would be appointed to serve in that capacity.

The President would be authorized to make such appointments on notification by the Attorney General that a U.S. judge has found that citizens have been subjected to racial voting deprivations, or upon notification that the Commission on Civil Rights has made a similar find-

ing. The addition of our plan to the bill would provide the President and his Attorney General with the flexibility of alternative procedures. Since the President's authority is entirely discretionary the President and his advisers could use whichever procedure—the court referee approach, or the Federal officer approach—that appeared most effective and the least disruptive of local and State administration of election laws.

Now, I have been asked this question, Mr. President:

Assuming that the Federal enrollment officer procedure is added to the bill, how is the local U.S. attorney to know which procedure to use? This is a proper question, and I think the answer is not too difficult, once we grasp the fundamentals of the procedures proposed. In the first place, the President as the National Executive will be able to coordinate the resources available to deal with the problem. He can in his discretion direct the Attorney General to confer with the Commission on Civil Rights, local U.S. attorneys, local FBI officers, and State officials in making adequate plans. At the proper time, the Attorney General can authorize the local U.S. attorney to bring a civil suit under the Civil Rights Act of 1957, as amended by the present bill. Let us assume a local Federal judge has made a finding that either pursuant to a pattern or practice or without such a pattern persons have been deprived of the right to vote because of race or color. If the court makes the finding of "pattern or practice," the local U.S. attorney on advice from the Attorney General will request the court to appoint a voting referee and thus initiate that procedure. The court's decision would be subject to appeal. In the meantime, the Attorney General will have notified the President that the local court has made a finding that persons have been deprived of the right to vote because of race or color.

The President, after advising with the Attorney General, either defers appointing Federal enrollment officers for the area affected because the court-referee procedure is already in use, or he determines to use the Federal enrollment officer procedure in lieu of the court-referee procedure, and directs the Attorney General not to request the court to appoint a voting referee. Still a third choice is open to the President. He could direct the Attorney General to proceed under the court-referee procedure and supplement this in a particular area by appointing enrollment officers. The two procedures could function quite smoothly side by side in the same area. The court procedure could handle those cases of racial voting deprivation in which the persons affected would not be afraid of a law court atmosphere and its technical procedure. The enrollment officer procedure could handle the cases of persons who would be too frightened, or intimidated, or not disposed to appear before the court referee.

The President, of course, may also appoint enrollment officers after notification by the Commission on Civil Rights that it has found that persons have been deprived of the right to vote because of race or color. This provision would not involve the courts at all unless there was an attempt to interfere with the orderly process of the enrollment procedure and the casting and counting of ballots.

Before exploring further the details of my own proposal—the Federal enrollment officer procedure—and answering the criticism which has been leveled against it, I would like to state more precisely why I think it would be perilous to rely solely on the court-referee procedure. It would seem to me an unwise course to rely on only one method when another procedure is available, especially when we are not at all sure of the first validity and effectiveness of the first method. Why rely on the one procedure when the Congress can quite appropriately adopt two without any basic conflict between them? I have already suggested that insofar as each method is effective the two procedures can supplement and strengthen each other. The first may be more suitable to one set of circumstances and the second to other circumstances. In order to achieve the broad objective of our legislation, we would provide the President and his Attorney General with both procedures.

But, an even more important reason in my opinion for adopting my proposal in addition to the court-referee procedure is that I do not think the court-referee proposal will be effective. We would warn the Congress against relying on only one procedure when I have grave doubts as to the strength of that procedure. Let me say here and now that I think it will be a most formidable task to get any large number of Negroes registered to vote under any or all systems that may be employed.

Therefore, we believe that we should not be overly optimistic in this matter, irrespective of whether the referee proposal is adopted or whether the alternative proposal, which I now undertake to suggest, is adopted. We know that the going will be very rough, and there are many obstacles and many difficulties involved. We have set our minds to work, the best we can, to try to remove some of these obstacles and some of these roadblocks on the highway to the voting booth.

There are weaknesses in the court referee procedure. In the first place, the court referee procedure is not beyond constitutional question. Under article III of the Constitution, Congress cannot impose on a court an obligation to make findings or decisions which are not necessary to decide the case or controversy which is properly before it.

Under the revised referee plan as contained in H.R. 8601, the court would, upon request of the Attorney General in cases brought to enforce voting rights guaranteed by the 15th amendment, be obligated to make a supplemental finding as to whether the voting deprivations are pursuant to a pattern or practice. If the court finds affirmatively on the question of pattern or practice, under the bill the court may appoint voting referees to aid it in determining whether Negro applicants are qualified to vote and thus initiate the voting referee procedure. I should say that there is a very serious question whether article III permits Congress to compel the courts to make supplemental findings such as that of existence of a pattern or practice. In the case before it, the court would have made particular findings of deprivation of voting rights. It would have entered an order against the State registration officials who were parties defendant in the case. The supplemental finding that "a pattern or practice of discrimination" exists would not be needed to support the original findings that particular persons had been deprived of their voting rights.

Second, and after having listened to many witnesses, as have so many other Senators, and having studied carefully the voluminous testimony, much of which I heard as chairman of the Committee on Rules and Administration and as chairman of the Subcommittee on Constitutional Rights of the Committee on the Judiciary, I am honestly and deeply of the conviction that the court referee procedure will not work to permit very many Negroes qualified under State law to be registered.

Under the referee plan no qualified Negroes heretofore denied a vote may even take the first step down the long road to the voting booth unless and until the Attorney General initiates a lawsuit in the U.S. district court for that registration area. But let us assume that the case is brought, the original order entered, the supplemental finding made, and the referee appointed. The bill then requires those Negroes who are ambitious for the suffrage and courageous enough to attempt to get a qualifying certificate and order from the court protecting their right to vote, first to attempt to be registered and turned down by the local State registrars. This is the very area in which the court has found a pattern or practice of discrimination against Negro citizens. Only after this experience—a humiliating one, indeed—may they apply to the court-appointed referee for a voting certificate with any hope of success. This was bad enough but a further hurdle was added by a committee amendment. The Negro applicants must face a public trial of their voting qualifications. The local or State registration officials who had previously rejected their request to be qualified as a voter, or the lawyers of such officials, who are to be present at the trial and possibly too the most hostile elements of the white community. One has only to read the report of the Commission on Civil Rights which describes at some length the many varied and unusual techniques used by local and State registrars and others to prevent Negroes from becoming registered voters to realize what a formidable obstacle to Negroes the requirment of the referee proposal will be.

There is one further serious objection to the referee plan as contained in H.R. 8601. It provides as follows:

Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared

qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

This provision means that State election officials can only at the peril of being held in contempt of court challenge the right to vote of a Negro who has been declared qualified to vote by a Federal court order. This language appears absolute and makes no provision for exceptions and contingencies. It makes no exception for the case of a person who, after being found qualified to vote by the court, moves away from the election district or area, or fails to pay his poll tax or, for some other reason occurring since the court's order, would not be qualified under State law. The State election officials faced with a court order, would permit such a person to vote, and might well be in violation of State law. Perhaps the State election officials could let the Negro voter, protected by a court order, vote under a challenge but the language of the bill makes no explicit provision for such a contingency.

Our enrollment officer amendment, on the other hand, especially provides that State election officials and other appropriate and interested persons may challenge any prospective voter registered by the Federal enrollment officer subject to later determination by the appropriate Federal court in an action brought by those making the challenge. In this wise, the enrollment officer procedure protects the valid interest of the State and of individual citizens to prevent unqualified persons from voting, and at the same time allows all Negro applicants who are certified to cast their ballots.

The court referee plan as originally sponsored by Attorney General Rogers made no provision for permitting Negroes, declared qualified to vote by court referee, to vote during a time when the litigation or court procedure would be still in process at the time an election occurred. Because of the obvious advantage in my own proposal for permitting enrolled Negroes to vote, subject to challenge, language was added to the court referee plan in the House of Representatives under which a court would be authorized to enter an order permitting all voters qualified by the court to vote provisionally.

The provision relating to provisional voting was not in the Attorney General's original proposal; but when this proposal was offered in the House, a portion of it relating to provisional voting was, and now is, embodied in the so-called referee proposal in the House bill, which is now before the Senate.

This was a great improvement in the court referee procedure. For the several reasons I have outlined, I think the Congress should not rely solely on the referee plan to enforce the right to vote of qualified Negroes presently disfranchised because of their race or color.

No, to the contrary, I think the enrollment officer procedure should be added to the bill to insure, insofar as we can, an effective piece of legislation.

The enrollment officer plan avoids the constitutional problem that arises when the Congress attempts by legislation to compel the courts to make supplemental findings that voting deprivations are pursuant to a pattern or practice. It does this by providing that whenever in an action brought by the Attorney General a court finds that a State official, acting under color of law, has deprived Negroes of the right to vote because of their race or color, the Attorney General is to notify the President of this fact. In his discretion, the President then may appoint an enrollment officer, but only after the President has been notified. The court is not required to make a finding that the deprivation of voting rights is done pursuant to a pattern or practice as would be the case under the court referee proposal.

The Attorney General may bring a few actions to enforce voting rights. Since 1957 he has in fact brought only four cases of this type. For this reason, in the enrollment officer plan a second basis is provided for the Presidential appointment of enrollment officers. If the Commission on Civil Rights, acting under its present authority, makes a similar finding of racial voting disfranchisement, it is to notify the President of this fact. The President may then in his discretion use these findings as a basis for appointing enrollment officers for the area where the voting deprivations occur.

Once the enrollment officer for a given area is appointed, it becomes his responsibility to determine whether, under the State law, applicants who appear before him are properly qualified. There is no court procedure, and no State or local officials are made defendants of a lawsuit—other than the original suit and none at all if the President acts on the basis of a finding by the Civil Rights Commission rather than a finding by a judge. The enrollment officer carries out his function. He is on the other side of the street from the State or local registrar, and in no way interferes with State officials. He merely registers Negroes qualified to vote under State law. The State officials on the other hand, are given the right to challenge the prospective Negro voter—but at the right time—on election day, at the polls. The ballots are cast and counted, and those challenged are impounded for later court decision. This procedure would be direct, simple, and effective. It is constitutional, and it protects the legitimate rights of the States.

Mr. President, it has been said of the enrollment officer plan that it would be ineffective because it would not insure that the voter, registered under it, would actually be permitted to vote.

It has been argued that under this procedure the prospective voter would end up with nothing but the certificate of the enrollment officer, which would be worthless because the State or local election officials would refuse to honor it. I do not agree.

Those who take this position overlook the extent of the powers the Attorney General now has under existing law and of those which would, in addition, be given him under the enrollment officer procedure. Our amendment provides that the Federal district courts would be authorized to enforce the provisions contained in our amendment, including the provision giving enrolled voters the right to vote, subject, of course, to proper challenge at the polls. To enforce the act, the courts would be empowered to issue, on request of the Attorney General, "permanent and temporary injunctions or other orders." In the first place, if the local U.S. attorney has advance information substantiating his probable belief that State officials or others intend to interfere with a Negro voter's rights on election day, he can properly ask for an injunction restraining the suspected persons from any contemplated interference.

Even if as late as the day of election the Attorney General learns that local election officials are preventing or are about to prevent enrolled voters from voting, under section (b) of rule 65 of the Federal Rules of Civil Procedure he could request the issuance immediately of a temporary restraining order compelling local officials to refrain from interfering, on pain of otherwise being held in contempt of court. On the basis of specific facts shown by a verified complaint or affidavit by the U.S. attorney that immediate and irreparable injury, loss or damage—defeat of the constitutional guarantees and of the authorization to Congress to enforce them contained in the 15th amendment—would otherwise result, rule 65 provides that a Federal judge may grant the temporary restraining order to which I have referred. This temporary restraining order can be granted on the basis of a very brief ex parte hearing without notice to the State officials or others who may be restrained by such temporary order. While an extraordinary remedy, this type of order can be secured within a matter of minutes, on a proper showing. For instance, if the polls on election day are opened at 6 o'clock, and if by 6:30 Negroes are being denied the right to vote, by 8 a.m. the judge should have signed the order compelling the State election officials to honor the enrollment certificate, and the U.S. marshal should have served it on these officials.

All the Attorney General has to do is carry out his oath of office with appropriate zeal, industry, and ingenuity. He certainly can plan ahead for possible violations, alert his attorneys, and the local FBI offices, shore up weak spots in his organization, and notify both Federal judges and State officials that he will protect the rights of registered voters with all the resources and vigor of which the Department of Justice is capable. If this be done, the certificate given a qualified Negro voter will not be worthless, but, on the contrary, will be honored. We ask the Congress to provide the necessary machinery for the task.

Mr. GRUENING. Mr. President, will the Senator from Missouri yield for one or two questions?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Does the Senator from Missouri yield to the Senator from Alaska?

Mr. HENNINGS. I am glad to yield to my friend, the learned Senator from Alaska.

Mr. GRUENING. I note that the able and distinguished senior Senator from Missouri has stated that it is his conviction that, under the pending bill, the referee plan as proposed and urged by the Attorney General of the United States and by the administration will not permit very many Negroes to be registered. Do I correctly understand that to be the view of the Senator from Missouri?

Mr. HENNINGS. I must say that is my view and my fear. It is also the view of the Chairman of the Judiciary Committee, the Senator from Mississippi [Mr. EASTLAND], and I believe it is also the view of a number of other Senators who think that what we have embodied in the referee proposal and in some of the other proposals heretofore offered, including the registrar proposals—or by whatever name they may be called—calls for an approach which is going to be of very doubtful value. In other words, we are undertaking to avail ourselves of only one course, although another course is open to us. But apparently at least some Members of the Senate seem to be very happy to swallow the opinion of the Attorney General of the United States, in the form of the proposed legislation sent here by him, without, I am constrained to say, very much scrutiny or discussion and with relatively little argument about the merits or demerits of what the Attorney General has seen fit to send to the Congress.

I think there are in the Senate a few Senators who are lawyers who may know almost as much as does the Attorney General, or if not, they know where in the law books to find what they seek.

I would say there are many Senators in this body—let me excuse myself—who need not defer to the opinion of the Attorney General in any and all matters, and certainly not in this matter. There are many Members of this body, I think, who can hold their own with the Attorney General in any encounter in court, or in committee, or, indeed, in any matter requiring the exercise of judgment, together with an understanding and appreciation of the law, and some ability, of course, to know where to search for the law.

So I say to the Senator from Alaska, unfortunately, we seem to have accepted the Attorney General's plan without giving various alternative plans very much attention.

It might be of interest to the Senator to know we had hearings for a considerable period of time. We invited the Attorney General to appear early in the course of the hearings. The Attorney General was unable to appear until the last day of the hearings. We heard very little from any of the witnesses, both witnesses for and against the registrar plan as proposed by the President's Commission on Civil Rights, or the referee plan. Later we received a good many written statements from law professors and other interested persons. There had been no evidence or testimony in support of such a plan. And the Attorney General appeared upon the scene, and, as a sort of Moses with a blast from Sinai, handed us the so-called referee plan. We were told what it was, and that it would solve the problem.

Mr. GRUENING. I should like to ask the Senator from Missouri whether he was present at the hearings held as recently as March 28 and 29, before the Senate Judiciary Committee, when the civil rights bill came over from the House, and whether he heard the reply of the chairman of the committee, the senior Senator from Mississippi [Mr. EASTLAND], when the junior Senator from Michigan [Mr. HART] inquired of the Department of Justice representative, Mr. Walsh, for his opinion as to how many people would be included on the election rolls under the bill as written, and as it now is.

Mr. HENNINGS. I was present, may I say to the Senator from Alaska, and I heard the discussion; I heard the question asked, and I heard the answer given.

Mr. GRUENING. And what was the answer?

Mr. HENNINGS. The answer was, "Very few, if any," as I recall, or words to that effect.

Mr. GRUENING. That is correct.

Mr. HENNINGS. Is that not precisely what the answer was?

Mr. GRUENING. I find, on page 94 of the report of these hearings, when the Senator from Michigan [Mr. HART], being naturally interested to know whether the legislation urged by the administration would be effective, asked Mr. Walsh how many would be added to the election rolls, the chairman of the committee interposed before Mr. Walsh had a chance to reply and said, "I can answer that—very few."

We now have a situation where two very distinguished Members of this body, both the chairman of the Judiciary Committee, Senator EASTLAND, and the chairman of the Rules and Administration Committee, who is none other than the senior Senator from Missouri, are in agreement that this legislation will permit very few colored people to vote.

Is it not rather striking that two Members of this body who are on opposite sides of this question—one might say at the two opposite poles—one opposed to all civil rights legislation and one who has tried, not only in this Congress, but in previous Congresses, to secure meaningful civil rights legislation, are agreed that the pending bill would be worthless to afford opportunity for more than a very few colored people to vote? Is that a correct statement?

Mr. HENNINGS. The chairman of the Judiciary Committee most emphatically said that the legislation would not be effective. I would say most emphatically it is of doubtful value, and possibly unconstitutional. I could say a great many other things about it, I may say to the Senator from Alaska.

Mr. GRUENING. Is it not a fact that during the course of the 8 weeks of debate, we have gradually stripped the civil rights bill of all provisions other than that relating to voting? We have prevented affirmative legislative action on the matter of segregation in schools, the matter of supporting verbally the Supreme Court decision on a school segregation, the elimination of discrimination based on race in employment on Government contracts. We have stripped the bill of nearly everything down to a mere effort to secure voting rights. Is that correct?

Mr. HENNINGS. What the Senator from Alaska has said is accurate. I would say, further, that what we have is not very much.

Mr. GRUENING. Then, in other words, we get down to voting rights, and we find that this legislation is virtually worthless, in the informed opinion of the two Members of the Senate who have, I think I can say without fear of successful contradiction, more experience than any other two Senators, one of whom has, for years, on the one hand, been opposing civil rights legislation, and one of whom has, on the other hand, been supporting it.

I wonder whether the Senator from Missouri would hazard an opinion as to whether those who would want to salvage something out of the civil rights bill so it will be a meaningful voting rights bill would be far out of line if they voted against the bill when it came up for final passage, unless some such amendment as that offered by the Senator from Missouri, or some such amendment as may be proposed by the junior Senator from Colorado [Mr. CARROLL] tomorrow, or some other amendment which would be designed to strengthen the bill and make it a real voting bill, were adopted?

Mr. HENNINGS. I will answer the Senator by saying that is a matter, of course, within the conscience and judgment of each Member of this body. I would certainly concur with the Senator in saying that if the bill is utterly without force or meaning, it would be proper to vote against it.

I think some persons will be registered under the bill, and some persons will be allowed to vote, thanks to the House having acted upon, and the committee having adopted, our original provisional voting section, which was not in the Attorney General's original suggestion, as I recall it.

Mr. GRUENING. Then, the question will probably come down to a quantitative estimate, whether instead of having half a loaf, or a quarter of a loaf, those who want a meaningful voting rights bill should be satisfied with a crumb. It that correct?

Mr. HENNINGS. The Senator confuses me. I know it is not intentional. I hear the word "meaningful" resounding and echoing through this Chamber time after time after time. The term "meaningful bill" has become so redundant and has so draped itself over

the doors and columns of this Chamber and is so sententious in its effect that I think the word is really stripped of all meaning. When we say "meaningful bill" now, it has all the undesirable qualities of a cliche. The term "meaningful bill" may mean one thing to the Senator from Alaska and to me, and another thing to another Senator. I do not know what "meaningful" means, unless we mean we want to get rid of this legislation, get it out of the way, get on to something else, and tell the people of the country the Senate has labored and finally produced a monumental achievement. I say the Senate has done nothing of the kind.

We had sort of a marathon for a few weeks, with 24-hour sessions around the clock. That was considered to be quite an endurance test. Of course it was. We heard a lot then about meaningful legislation. Everybody wants a meaningful bill.

Some of us want an effective bill. Some of us want a bill which will do something. Some of us want a bill which will not only result in people being registered but will get them to the polls and enable them to cast their ballots.

I would say that if the Attorney General's plan or scheme had not been swallowed by some in its entirety, many Members would want to scrutinize and to study more carefully some of the other plans which have been offered, including the one to which I am now undertaking to address myself.

As those things go, the Senator well knows people become tired of a subject and of proposed legislation. Unhappily we are human to that extent, and I think there is a disposition generally to pass what we call "a bill." There will be "hosannas" and much interchange of compliments about cooperation and of the fine piece of legislation which has been produced by this august body, sometimes referred to as "the greatest deliberative body in the world." Then we will rock along, and we will find by next year that the law will not work. We will have this subject back in our laps again. I may have the pleasure of sitting again for another month, every morning and some afternoons, listening to all the witnesses for and against an enrollment officer bill or some other device which may be worked out by some of us who, I fear, are going to be vastly disappointed when we see the limitations and the barrenness of this bill as effective voting legislation.

I took a little longer to answer the question than I had expected. I apologize to my friend, and thank him for his courtesy.

Mr. GRUENING. I would suggest to my friend that the adjective "effective" as he uses it and the adjective "meaningful" as used in recent weeks are almost synonymous.

Mr. HENNINGS. "Meaningful" sounds fine when one sententiously drapes it around the doors and windows to say, "This is a meaningful bill. Have we not done nobly?"

Mr. GRUENING. I would say that some of us who have followed the gradual attrition of the civil rights legislation during the last 8 weeks, until it has gotten down to a mere proposal to insure the right of American citizens to vote, feel we should make our judgments upon the evidence of the two most qualified men in the Senate in this field. I say that without reflection on other Senators. We have, on the one hand, the chairman of the Committee on the Judiciary, who has long studied the issue from his point of view; and, on the other hand, we have the chairman of the Committee on Rules and Administration, who at the same time is the chairman of the Subcommittee on Constitutional Rights. These two authorities agree that very few—those are their words—will be allowed to vote under this legislation. I find it difficult not to conclude that we now have little more than next to nothing in the pending civil rights bill.

Mr. HENNINGS. I thank the Senator for developing his points as emphatically as he has. I read earlier today an excerpt from the Wall Street Journal of Friday last:

> Civil rights drives promise to become election-year perennials in Congress. Backers already plan a 1962 effort. They claim this year's bill will do little in the Deep South. A major 1962 goal: Administrative, not judicial, protection of Negro voting rights. Critics foresee lengthy court delays under present proposals for court-appointed referees to guard Negro ballot rights.

That is to be found in column 4 of the Wall Street Journal of April 1, 1960, last Friday.

I think that is about the size of it. Simply because of a somewhat intransigent attitude on the part of our learned Attorney General and on the part of some others who do not want anything of this sort, perhaps because its origin does not happen to be the office of the Attorney General or the administration, the present situation has come about.

For my part, I would be very happy to embrace anything, irrespective of its source, if I thought it to be workable, and if I thought it to be really effective in its application and in its ultimate consequences.

I would hope that the referee bill might be more effective than some of us think, but I rather despair that it will be an instrument for the real fulfillment of justice to the Negro citizens of this country when it is put into operation as it will be passed by this body.

Mr. GRUENING. I should like to ask my friend from Missouri whether he thinks the record of the Attorney General's office during the past 2 years, since the enactment of the civil rights bill of 1957, showed a great zeal, or even appreciable enthusiasm, and determination to secure these rights with the legislation the Attorney General has had available, which some of us have felt was adequate for him at least to make a far better showing than he has made, since he has brought only four cases in that 2-year period?

Mr. HENNINGS. Certainly the Senator is possessed of a fine sense of humor. I have known the Senator for a long time. I am sure the question he is asking is purely rhetorical.

If the Senator wants me to answer in gravity I will say no, of course, the Attorney General has not made any great effort. There has not been any great effort. There have been four cases. The Senate labored mightily when we passed the bill authorizing the Civil Rights Commission. Thereafter, the Civil Rights Commission labored mightily and produced something which was, we might say, treated cavalierly, with a lighthearted spirit, and tossed aside as worthless. That Commission included such "incompetents" as Dean Storey. I do not mean that Dean Storey is actually incompetent, when I say that, and I put the word in quotation marks. The Commission included men such as Dean Storey, Commissioner Hannah, and Father Hesburgh of Notre Dame. The Commission included men of that character and stature and ability. They came to the U.S. Congress with recommendations, as they were empowered and directed to do. The recommendations went virtually for naught.

In the report the Commission criticized the Attorney General for his failure to use more effectively the instrumentalities under the law which are placed in his hands for enforcing these basic constitutional rights.

Mr. GRUENING. And these members of the Commission were men of stature and integrity, whose judgment is entitled to respect.

Mr. HENNINGS. They were men of exceedingly high stature and integrity. Three of them were from the Deep South, as we speak of the South as being the territory below Mason and Dixon's line.

Mr. GRUENING. If, then, as appears to be true, the answer to my question, which my friend deems rhetorical, but which I asked in all sincerity——

Mr. HENNINGS. I did not question the Senator's sincerity.

Mr. GRUENING. I know that.

Mr. HENNINGS. I simply assumed, from the Senator's intonation, that it was rhetorical.

Mr. GRUENING. Sometimes the interrogative form is a useful method of bringing out a set of facts.

Mr. HENNINGS. It is indeed.

Mr. GRUENING. I have been trying to use that method.

It seems to me—and this is pertinent to the very fine proposal and amendment the Senator from Missouri is now presenting for action—that if we have had for 2 years what might be called a pattern and practice of indifference, a pattern and practice of lack of enthusiasm, a pattern and practice of virtual nullification, there is no reason to suppose that that pattern and practice will not be continued by the present desire of the Attorney General and the administration to present and support a bill which is obviously ineffective, and to refuse to accept amendments which would make it effective. I think that is becoming increasingly evident, and it is my hope, as one of those who will hope for something to be saved from this legislation, that the Senator from Missouri's amendment will be accepted, as I had hoped the amendment of the distinguished

junior Senator from Michigan [Mr. HART] would have been accepted, or that the proposal which will be made on the morrow by the distinguished junior Senator from Colorado [Mr. CARROLL] will be accepted. If none of those proposals is accepted and incorporated in the bill, we can only conclude that we have wasted 8 or more weeks of precious time and achieved nothing.

Mr. HENNINGS. I thank the Senator for his very thoughtful and very helpful contribution.

At this time I should like to pay tribute to all who have stood fast—not only those who propose to support this amendment, the distinguished Senator from Michigan [Mr. HART] and the distinguished Senator from Connecticut [Mr. DODD], but the distinguished Senator from Pennsylvania [Mr. CLARK], the able and learned Senator from Colorado [Mr. CARROLL], and many others I might name, who have fought this battle all the way down the line, in committee and on the floor of the Senate, and who have devoted many hours of precious time to study and effort to come to an understanding, and to come to grips with one of the great problems of our time in this Nation, not only at home, but as bearing upon our responsibilities in the entire world today in the 20th century. To those men I should like to pay sincere and high tribute.

This business is complex. It can be very tiring. I have found that the law becomes harder and more difficult all the time. It is more difficult all the time for me, because I see more and more of the complexities of some phases of it.

But this amendment, particularly the amendment I offered today, is not complex, and the procedures involved are not complex. It is for that reason that I can see no legitimate basis, other than that some want an administration bill—just because it is an administration bill—and the Attorney General of the United States has placed his imprimatur of approval on it—for being willing to accept without question, without scrutiny, and without careful examination, everything the Attorney General sends up to the U.S. Senate. I think we have a duty, and I think that duty in many respects transcends that of the Attorney General of the United States. I do not think this body is so lacking in capacity surely as not to be able to determine for itself what legislation it desires to have. It need not be completely subservient, completely amenable to anything and everything that Attorney General Rogers presented to the Committee on the Judiciary, and before that, to the Committee on Rules and Administration.

These gentlemen are very tenacious of purpose and of mind, of course. They are very sure, indeed, of themselves. They are possessed—and I refer, of course, to their testimony—of a pervasive assurance about what they think they know they have presented in the so-called referee bill. They point to it with pride. As the Senator from Alaska and the Senator from Mississippi, the distinguished chairman of the Committee on the Judiciary, have well pointed out, very few people in my opinion will be registered under it. I would undertake to make the same prediction as my friends the Senator from Mississippi and the Senator from Alaska.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HENNINGS. I am happy to yield to the distinguished Senator from Pennsylvania, who has been very diligent in this case. No one has contributed more to the discussions of the subject, and the work relating to it, than has the senior Senator from Pennsylvania.

Mr. CLARK. I thank my friend. I should like, if I may, to obtain the floor in my own right in order to support the amendment of the Senator from Missouri. If he desires to hold the floor further, however, I shall be glad to indulge him.

Mr. HENNINGS. I appreciate very much indeed the courtesy of the able and learned Senator from Pennsylvania. Inasmuch as there seem to be no further inquiries to be put to me, I shall be very happy to yield the floor and let the Senator from Pennsylvania proceed in his own fashion, unhampered and untrammeled by any parliamentary shackles whatsoever, in order that he may present his case as he desires to present it.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. HENNINGS. I am very happy to yield to my friend and colleague on the Committee on the Judiciary, the able and exceedingly diligent and scholarly Senator from Michigan, who has been of the greatest help in this special matter. He is a most valuable member of the Committee on the Judiciary in all respects.

Mr. HART. I thank the Senator. There is one question which I should like to ask, which was suggested by the distinguished Senator from Missouri in his remarks.

The Senator from Missouri commented on the composition of the President's Commission on Civil Rights. He stressed the fact that three of the six members were from the South, and that all were men of great ability, whose objectivity—to the extent that any human can be said to be free of bias and prejudice—has been assailed by no Member of this body, nor could it be.

Was it not from the recommendation of the President's Commission on Civil Rights that the enrollment officer approach originally sprang?

Mr. HENNINGS. It was, indeed.

Mr. HART. Was it not by a vote of 5 to 1 of that Commission that the recommendation was made that, in the face of the dreary recital of thousands of Americans denied the opportunity to vote, the only effective means of achieving a cure was by the simple administrative device?

Mr. HENNINGS. As the Senator from Michigan well knows, the administrative process is the process that is generally availed of in elections. Of course, the Senator is exactly correct. The Senator testified in behalf of his own bill. He appeared before the Committee on Rules and Administration and testified most learnedly and helpfully before the committee.

The enrollment officer plan does derive—with some changes and modifications—from the recommendation of the Civil Rights Commission, appointed by the President of the United States and, as the Senator says, and as we all know, it is composed of eminent lawyers, men of ability, and men of the highest integrity.

Mr. HART. I should hasten to add that the bill presented by the senior Senator from Missouri, which I am privileged and delighted to be permitted to cosponsor, but which he developed, is an improvement upon the basic recommendation of the Commission. This is not said in criticism of the Commission, but reflects the opportunity available to us over a period of months to improve an initial suggestion, which is always easy to do.

Mr. HENNINGS. I appreciate the comment of the Senator. We always may have something which we think is about what we like at a given time. If we are given more time to reflect upon it, consider it, study it, search the law, and carry the problem with us as one of importance engrossing our minds and attention, we know that we can improve upon almost anything we might develop.

I will not be so vain as to say that I have improved upon the plan, except to say that we have had the benefit of hearings on it. We have had the benefit of some time to study the proposal, and more opportunity to refine it and to enlarge upon it than had the Commission on Civil Rights.

Mr. HART. Will the Senator yield to me once again?

Mr. HENNINGS. I am very happy to yield to the Senator from Michigan.

Mr. HART. The Senator mentioned the fact that one of the members of the Commission on Civil Rights was the president of Notre Dame University, Father Hesburg. Necessarily, the Commission's report is in formal language. This member of the Commission, Father Hesburgh, recited in less formal fashion the reasoning of the Commission, when he addressed a civil rights conference at South Bend, Ind., on the 14th of February of this year. I believe that those of us who insist that an administrative approach is the one most likely to produce the results which virtually all here insist they want to see achieved will agree that Father Hesburgh on that occasion reflected in a very informal fashion the motivation behind the Commission's report, when he said:

> Literally millions of people qualified to vote were not able to vote.

He was describing his experience and the experience of his brother Commissioners. He went on to say:

> We all knew that something must be done about this situation, and done as simply and as quickly and as cleanly as possible. That is how we came up with the idea of Federal registrars.

The full text of Father Hesburgh's remarks was inserted in the RECORD of March 10. I thought that the motivation of the senior Senator from Missouri, in urging that the Senate now add as an alternative, the enrollment device,

springs from the motivation described by Father Hesburgh. We seek a simple and quick method to correct what I have heard no one in this body deny to be a very serious blot on America's face as we present ourselves to the whole world, which has become so tiny in this 20th century.

I join in the commendation rightfully extended to the senior Senator from Missouri for the leadership he has given to all of us, not alone in the Committee on the Judiciary but also on the floor of the Senate, in our effort to provide that administrative remedy. I feel sure that if the bill which is finally passed contains only the referee device, then within a predictable period—2 or 3 years—again the Commission will report that the blot has not been removed and that the referee device was not effective; therefore, we shall face again the need for something simple and direct. It is the simple and direct method that the Senator from Missouri offers in this amendment, which I hope we will adopt.

Mr. HENNINGS. I thank my very able and distinguished friend from Michigan for his generous comments and for his consistent dedication to this work, as I have said, and for his contributions today and every day to our general progress.

I yield the floor, if the Senator from Pennsylvania wishes to address the Senate.

Mr. CLARK. Mr. President, I desire to speak in support of the amendment offered by the distinguished Senator from Missouri.

In my judgment the senior Senator from Missouri has made a speech which every Member of this body should have heard or should have the opportunity to read before we vote on his most important amendment. In my opinion he has with irrefutable logic demolished the objections to the Federal enrollment officer plan which have been voiced by the Attorney General. He has rebutted in every regard the objections made by the Attorney General to this plan in a letter which was read to the Senate last week by the distinguished minority leader.

I do not see how any openminded Senator, having listened to the Senator from Missouri, could still contend that there were any substantial constitutional, legal, or administrative objections to the Federal enrollment officer plan.

In my opinion, the Senator from Missouri has demolished by his logical argument the effectiveness of the referee plan supported by the Attorney General and apparently supported by a majority of our colleagues. The deficiencies of that referee plan have been abundantly demonstrated by my good friend from Missouri. He needs no help from the senior Senator from Pennsylvania to prove to anyone who will listen that the referee plan will not work.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to my friend from Missouri.

Mr. HENNINGS. To my learned and able friend, who in his own right is a splendid lawyer and advocate, I may say that I certainly need all the help I can get. Certainly the able Senator from Pennsylvania needed all the help he could get when he presented his amendments. Indeed, I think the U.S. Senate will need all the help it can get, and then some, after this bill is passed, and we explain, a year or 2 or 3 years hence why it was passed so halfheartedly, after 8 weeks of debate on it; why it was passed with such acceleration and such quickening of pace when we got down to the heart of some of the more substantial, alternative, balancing amendments. The U.S. Senate will face its own conscience in that respect, and the Senate will be judged by the people of the Nation.

Mr. CLARK. The Senator from Missouri is entirely correct in that regard. I associate myself with his remarks. I think the only difficulty is that he and I do not have help enough, because while we have a good deal of help, we do not have the help which will add up to 51 votes.

Mr. HENNINGS. I thank the Senator from Pennsylvania.

Mr. CLARK. Mr. President, it occurred to me that since about all we are doing at this point is to make a record on which we can make our case to the country, and on which we can come back another year to attempt to complete what we have failed to do this year, it would not be amiss to attempt to apply the provisions of the Federal enrollment officer plan and the referee plan to a particular Federal judicial district and test it against such a factual situation, to determine which of the two plans holds the most promise of obtaining voting rights for disfranchised citizens.

I selected for this purpose, more or less by chance, the southern district of Mississippi. My staff has done some research in that regard, and I should like to place it before the Senate.

The southern district of Mississippi comprises the 44 southern counties of that State, covering about 26,856 square miles. Approximately 900 to 1,000 voting precincts are scattered among those 44 counties.

There is one Federal judge, the Hon. Sidney C. Mize, who was born on March 7, 1888, and who lives in Biloxi. His appointment was sponsored by Senators Theodore G. Bilbo and Pat Harrison a good many years ago.

The court sits in five divisions in the southern district: in Jackson, Hinds County; in Meridian, Lauderdale County; in Vicksburg, Warren County; in Biloxi, Harrison County; and in Hattiesburg, Forrest County.

The backlog of civil cases pending in the district court, according to the Administrative Office of United States Courts numbered 448 cases on July 1, 1959. One hundred and ninety-six cases were commenced between July 1 and December 31. During that same period, only 161 cases were terminated. As of December 31, 1959, 483 civil cases were pending.

The national average is 250 cases pending per judge. So in the southern district of Mississippi, the backlog of cases is not quite, but almost, twice the national average.

On the 1st of July 1959, 59 criminal cases were pending in the district. One hundred and forty-seven criminal cases were commenced between July 1 and December 31, 1959, and 126 cases were terminated during that period. Therefore, 78 criminal cases are still pending. The national average of criminal cases commenced per judge during a similar period is only one-third as many as were commenced in the southern district of Mississippi.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. CLARK. I do not want to tell the Senator from Mississippi that I will not yield to him, because I will yield; I should like to complete my speech before I yield. I appreciate the Senator's courtesy at this point.

The Judicial Conference has recommended one additional district judgeship for this district. The Senate Judiciary Committee has reported a bill—S. 2673, Senate Report 997—proposing one additional district judgeship for the district.

The southern district of Mississippi is in the jurisdiction of the Court of Appeals for the Fifth Circuit, which covers Mississippi, Alabama, Louisiana, Florida, Texas, and Georgia. The court of Appeals does not sit in Mississippi at all. It holds court in New Orleans, Atlanta, Fort Worth, Montgomery, and Jacksonville. There are six circuit judges, and one additional judgeship has been recommended by the Judicial Conference and is proposed in the committee bill.

So it can be seen that there is a substantial backlog of pending cases, both civil and criminal, in the southern district of Mississippi—a backlog substantially larger than the national average. When it comes to invoking judicial procedures to assist in the registration and voting by disfranchised citizens, we have for consideration a district with one judge. I have no doubt he is a very fine judge, a judge who is in the later years of his life, who presides in a district where there is already a substantial delay in the trial and disposition of cases.

Mr. President, I ask unanimous consent to have printed at this point in my remarks a brief summary of the major provisions of Mississippi law regarding voting qualifications. The summary indicates that in addition to the normal requirements of many other States, there is a requirement that the voter must pay a poll tax by February 1 of the year in which the vote is sought to be cast, and produce receipts for 2 preceding years.

There is a requirement for a loyalty oath, and there are requirements that the voter must have an understanding of citizenship, be able to read and write any section of the Constitution, and give a reasonable interpretation of the section.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the summary of Mississippi laws regarding voting

qualifications was ordered to be printed in the RECORD, as follows:

MISSISSIPPI LAWS REGARDING VOTING QUALIFICATIONS

1. Residence: 2 years in State; 1 year in election district (city, town, precinct, or ward) (sec. 3130).

2. U.S. citizenship.

3. Literacy: The registrant must be able to read or write any section of the Constitution and give a "reasonable interpretation" of the section (sec. 3130).

4. Understanding of citizenship: The registrant must have a "reasonable understanding" of the duties and obligations of citizens of a constitutional form of government (sec. 3130).

5. Poll tax: $2, paid by February 1 in year in which vote is sought to be cast. Receipts for 2 preceding years are required.

6. Loyalty oaths:

(1) Registrant must swear that he is not disqualified under law; and

(2) Swear to support the United States and State Constitutions.

7. Age 21.

8. Disqualifications: Idiocy, insanity, conviction of felony or infamous crime; Indians who pay no tax; not excluded by "regulations of parties holding the election" (sec. 3130).

9. Registration deadline: 4 months prior to general election.

Mr. CLARK. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table based on table 34 of the Civil Rights Commission report, appearing at pages 578 to 580 of that report, which sets forth Negro registration figures for the 44 counties comprising the southern district of Mississippi.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Negro registration statistics, 44 counties in southern judicial district, Mississippi

44 counties in southern district of Mississippi	Nonwhite percent of total 1950 population	Negro population over 21, 1950	1955 number Negroes registered	Percent Negroes over 21 registered
Adams	49.9	9,338	641	6.9
Amite	52.2	4,598	3	.1
Claiborne	74.8	4,728	111	2.3
Clarke	40.7	3,849	0	-------
Copiah	53.4	7,841	16	0.2
Covington	32.5	2,354	419	17.8
Forrest	28.8	7,406	16	.2
Franklin	39.4	2,294	70	3.1
George	12.3	618	0	-------
Greene	18.3	758	38	5.0
Hancock	17.1	1,131	449	39.7
Harrison	16.0	7,858	1,569	20.0
Hinds	45.0	35,021	4,089	11.7
Holmes	73.5	11,468	45	.4
Issaquena	67.4	1,790	0	-------
Jackson	21.5	3,752	900	24.0
Jasper	51.4	4,313	9	.2
Jefferson	74.5	4,304	0	-------
Jefferson Davis	55.5	3,923	1,038	26.4
Jones	26.3	8,046	872	10.8
Kemper	59.4	4,023	20	.5
Lamar	15.9	1,118	0	-------
Lauderdale	36.4	12,965	1,039	8.0
Lawrence	37.6	2,229	268	12.0
Leake	42.4	3,835	66	1.7
Lincoln	32.9	4,507	516	11.4
Madison	73.6	11,586	431	3.7
Marion	35.0	4,103	331	8.1
Neshoba	25.9	2,984	8	.3
Newton	34.6	3,687	52	1.4
Pearl River	21.8	2,454	0	-------
Perry	24.3	1,136	58	5.1
Pike	44.7	7,608	137	1.8
Rankin	47.3	7,295	33	.5
Scott	43.2	4,329	15	.3
Sharkey	71.3	4,533	1	.02
Simpson	33.3	3,351	61	1.8
Smith	20.3	1,400	6	.4
Stone	21.8	746	25	3.4

Negro registration statistics, 44 counties in southern judicial district, Mississippi—Con.

44 counties in southern district of Mississippi	Nonwhite percent of total 1950 population	Negro population over 21, 1950	1955 number Negroes registered	Percent Negroes over 21 registered
Walthall	46.0	3,017	0	-------
Warren	50.7	12,312	1,099	8.9
Wayne	36.6	2,857	0	-------
Wilkinson	69.1	4,558	40	.9
Yazoo	61.8	11,126	81	.7
Total	-------	252,787	[1] 13,582	5.37

[1] Governor Coleman testified that only 8,000 (36 percent) of the registered Negro voters in the State paid their poll tax and were eligible to vote in 1955. Applying this ratio to the southern district total above, only 4,889 of the Negro registrants in the district were eligible to vote. Civil Rights Commission report, p. 58.

Source: Civil Rights Commission report, table 34, pp. 578-580.

Mr. CLARK. Mr. President, in eight counties in the southern district of Mississippi no Negroes at all are registered to vote. I invite the attention of Senators to the number of Negroes who reside in those counties, which appears in the table I have just placed in the RECORD. I shall read the names of the counties and the number of voting precincts in each county:

Pearl River, 31; Lamar, 14; Wayne, 24; George, 14; Walthall, 12; Jefferson, 13; Issaquena, 7; and Clarke, 29.

It seems obvious, therefore, that a great many Negroes in Mississippi would desire to assert their constitutional right to vote, who perhaps could meet the quite stringent qualifications of Mississippi law, and who under the referee proposal would have to apply to the Federal court in order to assert those rights. The figures I have obtained from the Civil Rights Commission indicate that there are 252,787 Negroes of voting age in the 44 counties comprising the southern district of Mississippi, of whom only 13,582, are registered to vote. Because of the failure to pay poll taxes or because of the inability to pay poll taxes, the actual number of those eligible to vote might well be less than 5,000.

In addition, located in Jackson are one U.S. attorney and two assistant U.S. attorneys who serve that district. I believe, also, that one Federal marshal, one deputy marshal, and three assistant marshals serve the entire district. That is the setup in which the referee proposal would take hold in the southern district of Mississippi. I leave to my colleagues to judge how effective it would be to have Negroes from any of those counties go through the tortuous procedures of the referee proposal before the single Federal judge, in order to become qualified to register and to vote.

In the first place, a Negro would have to try to register or to vote, and would have to be turned down by the local officials in one of the 44 counties, or perhaps at one of the voting precincts. After being denied that right, and believing that it was because of his race, he would have to complain to the United States attorney or to one of his two assistants in the State capital at Jackson. It is 191 miles by road from the most southeasterly town in the State to the State capital in Jackson.

Such Negroes would then have to persuade the United States attorney to bring a suit in the name of the United States against the responsible local official. If the United States attorney decided to bring a civil action or other proceeding for equitable relief—although he would not be required to do so—the Negroes who had complained to the United States attorney would be named in the pleading which would be filed and would be served on the local official; and from that time on their identity would be known in their community.

Because of the backlog of cases pending, I would think a considerable number of months would elapse between the time of the filing of the suit and the time of the trial. When the trial was had, the Negroes would be the main United States witnesses, and would be required to take the stand and to testify about the actions of the local officials in depriving them of the right to register or to vote.

The Department of Justice is of the view that the defendants would not, as of right, be entitled to jury trials, in such a proceeding; but that point has not been litigated. The officials in Terrell County, Ga., to which the proceedings in the Raines case were remanded by the Supreme Court last month, have moved for a jury trial as of right. The Department of Justice is going to move to strike the motion, but has not yet done so. However, it is generally conceded that the judge can submit any and all issues to a jury under the Federal Rules of Civil Procedure 39(c), if he wishes to avoid the responsibility for making the determination that discrimination and denial of voting rights has existed.

No doubt the defendants would object to the presentation of any evidence tending to show voting right denials in any cases except those being testified to by the complaining witnesses, and the judge probably would rule out such evidence in cases in which a jury had been convened, and also in other cases, if he were of a mind to do so, although it is fairly clear that he could accept such evidence in a nonjury trial if he chose to do so. However, the judge might be of a mind to rule out such evidence on the ground that it would be irrelevant and immaterial to the rights of those Negroes to register and to vote. If he did so I think he would be right.

I suggest that it is questionable whether the judge or the jury would determine that those disfranchised Negro citizens were entitled to be registered and to vote. Certainly one cannot be confident that a jury drawn from citizens in the southern district of Mississippi would be eager to make such a finding in favor of Negro fellow citizens who had been denied the right to vote.

But let us assume that the finding was made, and that specified persons who were found to have been deprived of their voting rights were told that they could register and could vote. If the local officials contested that finding, it seems to

me there would be a real possibility of an appeal to the court of appeals, because that could be considered a final finding on the merits. Of course, there would be a possibility that it would be considered an interlocutory decree, and that no appeal would lie at that time, although my own view, as a lawyer, is that an appeal would lie.

After the appeal had been disposed of there would have to be another court proceeding, brought at the request of the Attorney General, at which it would be determined whether a pattern or practice of discrimination existed in any one or more of the voting precincts in the district with respect to which those Negroes had requested the Attorney General to ask the court to make such a finding.

It occurs to me that at that point there would be another, and a rather involved, judicial proceeding; and again an advisory jury might be convened. Finally a pattern of discrimination might or might not be found to exist; and, again, an appeal might or might not be found to lie.

At that point I suggest that perhaps one or two or three elections would have taken place and would have been over, and none of those Negroes would yet have voted.

Once the pattern of discrimination were determined and were found to be a fact, the judge would be entitled to appoint one or more referees to register the voters. Normally, one would think the referees would be lawyers, members of the bar, because in a sense they would be judicial officers of the court; and in the course of enrolling these persons, they probably would have to pass on legal questions. That raises the question as to whether the local district judge, even with the best will in the world, would be able to find in the southern district of Mississippi members of the Mississippi bar, who would be willing to serve as such referees. But for the moment let us assume that he would find them, and then let us assume that in each of the 44 counties there were Negroes who desired to register and to vote—because, after all, a great many Negroes in that district are disfranchised. Would that mean the appointment of 44 separate referees—one for each county? I wonder whether it might not mean the appointment of almost 1,000 referees, or one for each voting precinct. In that event, I wonder whether it might not be necessary to call out the National Guard, and to ascertain how many lawyers were serving in the National Guard, so they could take charge of the problem of holding hearings and determining whether these Negroes should be permitted to register and vote or not.

Then let us assume that all of those Negroes came in, and all of them testified before the referee, and all of them proved that under the State law they were entitled to vote. I have no doubt that then the referee would say to them, "Have you been back to the local authorities, so that you can testify under oath that you tried to register again, even after the pattern of discrimination was found?"

Mr. President, this evening the Senate has refused to adopt the amendment submitted by the distinguished junior Senator from Michigan [Mr. HART], which would have eliminated that additional and, to my way of thinking, unnecessarily onerous requirement.

So now we find that there would have to be another proceeding before the disfranchised citizen would be permitted to register. Even then he would not have voted; and if thereafter he went to vote, and if the local officials refused to permit him to vote, then—as pointed out earlier in the debate this evening—there would not be any court proceeding which would result in permitting him to cast his vote unless he had been back again, and again had been denied the right to register and vote, after the pattern of discrimination had been found.

After all that had been gone through, there would be an opportunity for the State officials to protest, first, that the citizen was not properly registered, and, second, that he did not have any right to vote, anyway.

Again, we have a finding by the referee, an appeal from the referee's finding to the district court, an affirmance or rejection of the referee's report by the district court, the possibility of an appeal to the Court of Appeals of the Fifth Circuit, a writ of certiorari to the Supreme Court of the United States; and, Mr. President, I wonder when this would end.

Let us contrast this clumsy judicial procedure with the straightforward Federal enrollment officer procedure advocated by the distinguished senior Senator from Missouri [Mr. HENNINGS]. We find, in the first place, that while the proceeding can be triggered by a court finding that one or two or more citizens of a registration district have been denied the right to vote, it may also be triggered by a finding of the Civil Rights Commission that certain citizens in a registration district have been denied the right to vote. In either event, the President may appoint an administrative officer, who must be a Federal employee living within the Federal judicial district, to be a Federal enrollment officer, and from there on the matters are not judicial, but administrative.

I point out again that the proceedings may be initiated entirely by an administrative proceeding in the first instance, because if the Civil Rights Commission finds disfranchisement, then the President is entitled to appoint a Federal enrollment officer. From that point the procedure moves with expedition, just as the procedure for registration takes place under State law in all those States of the Union where disfranchisement does not exist.

I think there is no State in the Union in which it is not true that registration of voting is an administrative, and not a judicial, function. I see no reason to change that universal rule when the Federal Government moves into the picture. In fact, I see every reason to keep it that way, because, in my judgment, that is the only way in which we can achieve what we want, which is to get citizens who have been denied the right to vote their civil right of voting, to get it for them promptly, and to protect them in that right, giving, at the same time, to State officials and local officials, an adequate right of appeal through that same unchallenged procedure which is a part of the laws of every one of the 50 States.

So I suggest that if we apply the two procedures, one the Federal enrollment officers and the other the judicial referee procedure, to the facts of a particular judicial district where we know that widespread disfranchisement exists, we are forced to the irresistible conclusion that the Federal enrollment officer procedure holds forth great promise of doing what we want to do, which is to permit American citizens denied the right to vote to have their right.

I suggest we come also to the conclusion, which it is difficult indeed to resist, that the referee proposal just will not work.

So, in conclusion, Mr. President, I hope very much that the amendment of the Senator from Missouri will be adopted. I join him in his pessimistic view that, if it is not adopted, we are not going to do very much to help the voting rights of individuals who have been denied the privileges which the 15th amendment to the Constitution of the United States extends to them.

I said on the floor of the Senate last week that whether a conscientious advocate of a meaningful civil rights bill could vote for the measure now pending before the Senate was a question of grave doubt to me. I still have that doubt. Today we rejected amendments which would have vastly improved the bill.

Unless we are able to strengthen this bill before its third reading, I say, in all good conscience, that if it is any step forward at all, it is so small a step that I think we would not be doing our duty to the people of the United States if we did not tell them, in words of one syllable, that the Senate of the United States has labored since February 15, 1960, like an elephant, and has produced nothing more than a mouse.

Mr. President, I yield the floor.

APPROPRIATIONS FOR COAL RESEARCH

Mr. CARROLL. Mr. President, last Tuesday evening the Senate debated and passed the Interior appropriations bill, which has now gone to conference with the House.

At the time the bill was debated on the floor I was occupied with the civil rights bill in the hearings and executive session of the Judiciary Committee.

I had intended on that day to call to the attention of the Senate the significance of an action taken by the Senate Appropriations Committee in which I concurred.

The Senate committee had recommended an increase of $250,000 in one section of the Bureau of Mines budget, to accelerate research in the processing and utilization of bituminous coal.

I was happy to see, when I left the Judiciary executive meeting to come to the floor and vote on the Interior bill, that the Senate had retained in the bill the additional sum for bituminous coal research.

I am hopeful now that the conferees will agree to keep this added research appropriation in the final bill.

I would like, for a moment to tell the Members of the Senate, and especially the Senate members of the conference committee, why this appropriation is of special significance to the people of Colorado.

This $250,000 added by the Senate will be used to study development of a coal-fired gas turbine which would increase the efficiency of utilizing coal in the generation of electric power.

A coal-fired gas turbine will be of principal value in semiarid regions of the United States where the supply of water is limited.

This is because this type of turbine requires much less water than conventional steam generation.

In Colorado water is one of our most precious resources. For this reason research on a coal-fired gas turbine is of special interest to the southeastern part of my State.

It would be especially adaptable to this part of Colorado because: it is semiarid, needs power development, and is rich in coal reserves.

The city of Walsenburg, Colo., situated in the heart of rich bituminous coal deposits, has been anxiously and diligently attempting to secure construction of an REA generating and transmission power plant in its area.

The Walsenburg area is an economically depressed region, principally because of the decline in its major industry, coal mining.

Good, industrious people are today unemployed in Walsenburg.

To correct this situation the city officials have, with great imagination and initiative, attempted to persuade a southeastern Colorado REA generating and transmission cooperative to build in their city a much-needed powerplant, fueled by coal.

This plant would tie in with other generating plants on the co-op's system to furnish additional power to almost one-quarter of the State of Colorado.

However the economics of locating and operating the plant in Walsenburg at this time have deterred the REA co-op from locating there, although they have been partial to the Walsenburg region.

The appropriation of an additional $250,000 to accelerate research on coal-powered electric generation will be good news to the Walsenburg people and to the Colorado REA's and the generating and transmission cooperatives.

It is entirely possible that if by such research, the cost of generating power through a coal-fired gas turbine can be measurably reduced, the REA G. & T. Co-op in southeastern Colorado might very well be inclined to reconsider Walsenburg as a powerplant site. It would be sound economics to locate such a vital new plant in the heart of a coal-producing area where natural and human resources are readily available and can be quickly put to use.

Mr. President, I commend the Senate Appropriations Committee for the wisdom it showed in adding $250,000 to the Bureau of Mines budget for this worthy research project.

It is my ardent hope that this additional research sum will prove the necessary stimulus to a fast and satisfactory resolution of the remaining problems in the development of a coal-fired gas turbine.

This research has beeen going on for 12 years under private and Government auspices.

We are now down to the last three or four problems.

Perhaps with the additional research funds we are providing this year we will see a breakthrough and the coal-fired gas turbine will become a practical device for generation of cheap power in semiarid areas.

I hope the conferees will agree to leave in the bill the sum added by the Senate.

Mr. President, I ask unanimous consent that there be included at this point in my remarks a statement made by the Bureau of Mines in justification of research on a coal-fired gas turbine.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Need for increase: The increase is requested to conduct research and development, particularly in turbine blade design in the development of an economic coal-fired gas turbine for power generation in stationary plants. The program will take advantage of more than 12 years of research and development carried out by the Locomotive Development Committee of Bituminous Coal Research, Inc. Approximately $5½ million has been spent since 1945 by coal companies and railroads sponsoring that program. More than 125 patents have been made available to the Bureau of Mines by the above committee in addition to the use of a full-scale, 4,200-horsepower gas turbine installation valued at $1,200,000.

The solution to the problems of (1) feeding coal to the combustion chamber at elevated pressures, (2) burning coal at high temperatures and pressures, and (3) ash control and elimination, was essentially accomplished by the Locomotive Committee. However, the Bureau of Mines is concerned with the development of a coal-fired gas turbine plant capable of fulfilling the long life requirements of stationary plants. Under this new program, better fly ash control will be investigated, and the Bureau will work toward improving turbine blade design and improving materials of construction. In attempting to extend the life of the gas turbine blades, the Bureau will take advantage of the technical knowledge and experience gained by the Locomotive Development Committee. In addition, because we will not be restricted by the space limitations of a locomotive, other plant design changes are possible that should improve the operation of the turbine.

Plan of work: The funds requested under this program will be used at Bureau laboratories and experiment stations for research to be conducted by Bureau personnel. The work will be coordinated with work of other Government agencies and private industry concerned with such research.

Studies will be conducted on low-temperature carbonization to determine the amount and quality of char, tars, and gas that can be obtained from lignitic and bituminous coals. If economical processes can be developed for converting the tar to marketable products, a new market for coal will be opened.

The Bureau will continue studying various methods of gasifying coal to produce synthetic gas. This is the first and most expensive step in converting coal to high B.t.u. gas, synthetic liquid fuels, and coal chemicals; consequently, advances in this field can have wide application. New technical knowledge and engineering data will be needed when coal must supply increased energy demands in the form of gaseous and liquid fuels and as a source of chemicals.

The basic nature and structure of coal will be investigated by a number of modern techniques to provide fundamental data essential for scientific advancement in all fields of coal research and development. Microbial action on coal and neutron, X-ray, electron, light, infrared, ultraviolet, magnetic resonance, and mass spectrometric techniques are revealing facts about the complex coal molecule that will be helpful in the rational development of new methods for processing and using coal.

Combustion research will be continued on slagging and external erosion of boiler tubes, pollution of air by fly ash and noxious gases, and sludge deposits in the corrosion of water, steam, and condensate lines.

Work on stationary coal-fired gas turbines is being undertaken to further increase the efficiency of converting coal to electric power. In addition, the turbine requires much less water than conventional steam generation use and, if a coal-fired gas turbine is developed, it should be used in the arid regions of the United States where water is in short supply.

APPROPRIATIONS FOR RESEARCH AND DEVELOPMENT ON COAL, OIL, AND MINERALS IN THE ROCKY MOUNTAIN AREA

Mr. CARROLL. Mr. President, I also support the action taken by the Senate in approving the $500,000 which the Senate Appropriations Committee provided for intensified research and development on coal, oil, and minerals in the Rocky Mountain area.

I am advised that the portion of these funds pertaining to oil research will be expended at the Bureau of Mines facility at Laramie, Wyo.

The coal research to be carried out with the added funds will be used in several important studies.

I am further advised that coking coal research will be conducted in Denver and mining exploration on thick beds will be carried out in Wyoming and Utah.

The coking coal work in Denver will include investigation of new sources of coke, coke quality, and basic coking mechanisms.

If the Senate-House conferees agree to appropriate the $500,000, I am hopeful that the additional work loan in oil research for the Laramie, Wyo., station will make unnecessary any further study of shifting coal research work by the Bureau of Mines from Denver to Laramie. It is my understanding that the additional coal and oil research funds will adequately utilize the Laramie facilities and personnel.

It seems to me, Mr. President, that a very thorough study of the Denver Coal Research Laboratory of the Bureau of Mines is included in the House Interior Appropriations hearings on pages 438, 439, and 440.

I note that in answer to questions about economics in moving the Denver coal research facilities the Director of the Bureau of Mines in his report to the House said:

It would result in increased costs to the Bureau of Mines if the coal research program

were moved from its present location. Furthermore, the type of space required for much of the coal research activities is not available at Laramie and very considerable capital investments would have to be made to house the pilot plant equipment.

This statement, Mr. President, is emphatic and conclusive. It would be costly, wasteful, and detrimental to the research program to move the Denver coal research facilities.

I hope the conferees will accept the $500,000 as provided in the Senate bill.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. ROBERTSON. Mr. President, as the junior Senator from Virginia has indicated on a previous occasion, it is very difficult for us to keep track of the many proposals which have been presented to us during the 7 weeks in which we have been engaged in a debate on the subject of civil rights. I hold in my hand the hearings of the Committee on Rules and Administration, which deal with proposals very similar to but not exactly like the pending amendment.

Before that committee we had S. 2684, S. 2719, S. 2783, S. 2814, S. 2272, S. 2785, and S. 2535. There were about 750 pages of testimony on those bills, none of which is now before us.

It seems that everyone has given up the job of counting the number of bills and amendments. We refer to them by poundage—5 pounds, five and a half pounds, and so many ounces, dealing with registration and voting; others dealing with many different subjects.

The amendment sent to the desk late this afternoon, I am told, is quite similar to the amendment previously presented by the distinguished Senator from Missouri [Mr. HENNINGS] on March 10. That was then an amendment to House bill 8315, a Missouri bill, I believe, which related to transferring some Government property for a schoolhouse.

The Senator from Illinois offered seven or eight amendments to that bill. One amendment offered by the Senator from Illinois was a voting provision that was recommended by the Attorney General of the United States.

I have great respect for the legal ability of the distinguished Senator from Missouri [Mr. HENNINGS] and when he says that he is convinced that the voting section proposed by the Attorney General is not constitutional, I agree with him. Of course, I realize that in great sincerity he is offering an amendment now which he thinks is constitutional, and which he thinks would be effective in providing the privilege of voting for those who claim that they are now denied that privilege.

As I say, I have enjoyed a warm friendship through the years with my distinguished colleague from Missouri. I have great respect for his legal ability and his knowledge of the Constitution.

Mr. HENNINGS. Mr. President, will the Senator yield to me?

Mr. ROBERTSON. I yield.

Mr. HENNINGS. I wish to acknowledge the tribute my friend and colleague has paid to me. Our friendship began some 25 years ago, when we were both in the House of Representatives together. Praise from the junior Senator from Virginia is praise indeed.

I should like to say also that his many scholarly contributions of law, his interpretation of the Constitution, and his remarks on the pending legislation have been exceedingly enlightening and, indeed, worthy of one possessed of the keen understanding, scholarship, and devotion to duty and the belief which he holds. I salute my good and learned friend.

Mr. ROBERTSON. Mr. President, I appreciate that high tribute from my colleague. We served in the House together. We have been very close friends over a period of years.

There is one situation which frankly has me—and I am sure Members of the House—greatly disturbed. A senior Member of the Senate, a distinguished member of the Committee on the Judiciary, says that the main section—and it is said that section 6 of the House bill is the main section, and that the others are more or less window dressing—is not constitutional.

I do not think so either. Yet we find, with respect to the registrar proposals, that the Attorney General wrote a letter which was printed in the RECORD, saying that the proposal for registrars, which is in essence what is before us now, was unworkable. He used a great deal of language that was not complimentary. Before that, he had stated that constitutional and legal problems would arise under plans based upon determination by a nonjudicial body that State officials have discriminated against citizens in violation of the Federal Constitution.

Mr. HENNINGS. Mr. President, will my friend yield to me?

Mr. ROBERTSON. Let me say, in that connection, that that is diplomatic language for saying, "Your plan is not constitutional."

I yield to the Senator from Missouri.

Mr. HENNINGS. My friend knows how I have cherished his friendship through the years, and he knows the basis of our association. He knows what great respect I have for his intellect and his intellectual integrity.

The Attorney General was, indeed, rather reckless. I believe he was referring at that moment to an amendment known as the Javits amendment.

Mr. ROBERTSON. He has offered plenty of them.

Mr. HENNINGS. The Attorney General was very free in his language. He said the proposals were worthless.

I do not intend to be as unkind to the Attorney General as he has been to some of us. Some of us do not dwell on that great plateau of infallibility upon which the Attorney General seems to have placed himself with some modesty.

I would not say that the referee plan was worthless. An expression has been tossed back and forth that seems to have been stripped of all its meaning. I refer to the expression "meaningful legislation." Just what that means, I do not quite know, but I should say that the Attorney General's referee plan is spacious with error and lacking considerably is some understanding, perhaps, of the Constitution, and, indeed, many phases of effective administrative law.

Mr. ROBERTSON. Would the Senator from Virginia misunderstand the meaning of his distinguished colleague when he said that in framing the voting referee plan our distinguished Attorney General lacked some understanding of the Constitution, if he took that to mean that that is protocol for saying that his plan is unconstitutional?

Mr. HENNINGS. I would not like to pontificate. The Attorney General was very ready and willing to pontificate, and give us offhand opinions.

Mr. ROBERTSON. He simply undressed the Senator's plan in public. There is no question about that.

Mr. HENNINGS. Whether it was my plan or someone else's plan, the Attorney General, of course, is a very lofty and eminent figure in our Republic, and we must be very generous and tolerant in our comments about him, if we want to conform to protocol. In any event, I should say that the gentleman who occupies that position does not know all the law. He does not suspect a great deal of it. Let me say, in all modesty, that I, for one, do not defer and yield to him in his interpretation, in what I think is his limited understanding of the great body of the law, including constitutional law, administrative law, and other phases.

Mr. ROBERTSON. Far be it from the junior Senator from Virginia to challenge that "soft impeachment" of the Attorney General.

Mr. ERVIN. I should like to ask the Senator from Virginia a question which might put an end to all this difference of opinion.

I should like to ask the Senator from Virginia if he does not agree with me when I say that what the distinguished Senator from Missouri has said about the voting referee bill of the Attorney General, namely that it is unconstitutional, is true.

Mr. ROBERTSON. Undoubtedly. I think it is true.

Mr. ERVIN. I should like to ask the Senator from Virginia if he does not also agree with me in the observation that what the Attorney General has said about the proposed amendment of the able and distinguished Senator from Missouri, namely that it is unconstitutional, is also correct?

Mr. ROBERTSON. I would rather put it this way. Once upon an occasion a stranger was traveling in Scotland, and he said to the Scotsman, "Is this the road to Edinburgh?"

The Scotsman said, "Yes, my friend, but you will have to turn around."

I am always glad to be on the same road with my friend from Missouri but we must keep our directions straightened out.

Mr. ERVIN. The Senator from Virginia is eminently correct in that observation, notwithstanding my great affection for the able and distinguished senior Senator from Missouri. I should like to ask the Senator from Virginia one more question.

Mr. ROBERTSON. I yield.

Mr. ERVIN. I ask the Senator if he does not agree with me that those of our brethren who wish to put upon us, in addition to our State registrars not only the voting referee but also the Federal enrollment officer, are like the fellow who had what he considered to be a cantankerous mother-in-law, and who received a telegram from the undertaker saying, "Your mother-in-law died today. Shall we cremate or bury?"

I ask the Senator whether this chap was not like our friends who wish to add to the voting referee provision the enrollment provision, when he wired back to the undertaker, "Your telegram received. Take no chances. Cremate and bury." Does not the Senator believe that our friends are trying both to cremate and bury us?

Mr. ROBERTSON. Sometimes when we weigh all these proposals, we are more or less forced to the conclusion that someone is really trying to do a job on us. The junior Senator from Virginia wishes to call attention to the fact that so far as our State is concerned the great, burning issue has not been that people cannot register there.

I recall that when we had this issue up in 1957 an article was printed in the Richmond News-Leader from the leader of the NAACP in Virginia, from which I should like to quote a paragraph. The article was published on July 31, 1957. The headline reads "Protests Cleared Promptly." In part, it reads:

No serious or effective efforts are made in Virginia to prevent Negroes from registering or voting, according to W. Lester Banks, secretary of State conference of branches of the National Association for the Advancement of Colored People.

Banks was asked for comment today in light of charges and countercharges being aired in the Senate in debate over the pending civil rights bill.

"Since 1951 and 1952," he said, "most complaints we have heard have been minor in nature." He added that all such complaints had been "cleared up promptly" by telephone calls either to individual registrars or to Levin Nock Davis, secretary of the State board of elections.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROTESTS CLEARED PROMPTLY

(By William B. Foster, Jr.)

No serious or effective efforts are made in Virginia to prevent Negroes from registering or voting, according to W. Lester Banks, secretary of the State conference of branches of the National Association for the Advancement of Colored People.

Banks was asked for comment today in light of charges and countercharges being aired in the Senate in debate over the pending civil rights bill.

"Since 1951 and 1952," he said, "most complaints we have heard have been minor in nature." He added that all such complaints had been "cleared up promptly" by telephone calls either to individual registrars or to Levin Nock Davis, secretary of the State board of elections.

Banks cited as examples two complaints his organization had received in which disputes arose over the payment of poll taxes by Negroes applying for registration for the first time. In each case, he said, the applicant complained that a registrar was misinterpreting the law that permits registration without paying the tax in the case of a person becoming 21 years of age between January 1 and the November general election date.

LEGAL EXEMPTION

Banks said that Davis' office instructed the registrars as to the legal exemption and registration was effected. Banks said these cases may well have reflected a lack of knowledge of the law, rather than racial discrimination on the part of the registrars.

Banks said his organization "hasn't had any complaints of intimidation or acts of violence to prevent Negroes from voting," but said there had been a few instances called to his attention in which election officials "apparently tried to make it a little more difficult for Negroes than for whites."

These cases, he said, involved demands for production of poll tax receipts by Negroes who had been regular voters for years. Banks acknowledged, however, that similar demands also are made of white persons and said he did not regard such challenges as serious efforts to interfere with voting rights of Negroes.

HELD RELUCTANT

Banks said he believed that the NAACP probably would be the agency to which most Negroes would turn for help if they felt that discriminatory practices were being attempted.

The NAACP secretary said some instances had been called to his attention in which Negroes in rural communities are reluctant to go alone to the residence of a white woman registrar to qualify themselves to vote.

"This isn't a discriminatory act on anybody's part," he said, "but it's a kind of psychological reluctance on the part of some Negroes to go to a big imposing house where a white woman is the registrar unless somebody else goes along with them."

Banks said this situation is being eliminated as more and more counties turn to centralized registration, where books are kept at a registrar's office, open for business at specified times and operating under a uniform system of procedure.

IRREGULAR HOURS

In counties where this is not done, Banks said, some Negroes have complained about irregular hours for receiving registrants and some varieties in procedure from one registrar to another.

In such circumstances, Banks said, he is unwilling to say whether registration difficulties stem from racial discrimination, lack of knowledge of the law by the registrar, uncertainty on the part of prospective voters, or general laxness of the system.

Regardless of causes, he said: "We haven't had to do anything about irregularities except to call them to the attention of Mr. Davis. Usually things are straightened out pretty quickly."

Mr. ROBERTSON. The essence of the article was that back at that time there were only minor complaints, and they had been cleared up, and there was no litigation.

There has been some complaint about a law in Virginia, passed 2 or 3 years ago, that we would not give the applicant for registration a printed form. In other words, he would have to know what he wanted to do and fill out the information and hand it to the registrar.

There was no discrimination against colored people in that practice, because, as a matter of fact, the colored people are going to better schools than the whites in some sections. Anyway, the colored people complained that that was discrimination. My senior colleague [Mr. BYRD] knows that at the last session of the legislature that law was repealed, and we went back to the printed form, to facilitate the registration of those who did not have much education. It is evidence of the fact that in Virginia we have not been trying to keep the colored people from registering on account of their race. Neither have we tried to intimidate them at the polls. I have never heard it said that anyone in Virginia was trying to intimidate a colored man at the polls.

I come back to the fact that we have a great multitude of bills on all phases of civil rights, but right now dealing primarily with the charge that we in the South look down upon the colored people as not being human beings; nothing could be further from the truth.

I have just received some translations of radio broadcasts in the Soviet Union, out of Moscow. Judging by those broadcasts, one would think that at no time in history have minorities been treated as badly as colored people are being treated in the South. They are trying to whip up propaganda abroad on an issue on which we cannot get agreement even in the Senate among our best constitutional lawyers with respect to what we should do. The Senator from Missouri [Mr. HENNINGS] is one of our best constitutional lawyers. The Attorney General is one of the highest ranking constitutional lawyers in the country—I will not say that he is the best—and he says something quite different from what the Senator from Missouri says. I would certainly rank very highly our distinguished colleague from North Carolina [Mr. ERVIN]. With all due deference, I am inclined to agree with him that both the Attorney General and our friend from Missouri are wrong—that both of them are advocating unconstitutional provisions. They do it with the greatest of sincerity, of course. Yet they cannot get together.

Hence the burden of my theme tonight is that we have adequate laws, which we should try first before we rush in and try to pass a great many other laws on which none of us can agree. Would that not indicate that we should stop, look, and listen? Should that not indicate that we should let this matter go over and try to operate under the laws that we have? Should we not do that until all these various proposals can be duly considered by our great Committee on the Judiciary, which is composed of the best

lawyers in the Senate, and let it go over until next year, so that the committee can give us a report on the kind of legislation we need, if at that time they still think we need it? Of course, in the meantime we will have had an election in November. If they still think that we would need this legislation, then certainly we would be in a better position to legislate on it than we are at the present time.

Mr. President, on February 29, 1960, in the course of my statement on the voting referee proposal, I called to the attention of the Senate facts which lead me to believe that the voting referee proposal is premature. I should like for the benefit of the Senate to bring this matter to its attention again, because I think events have reinforced the argument I made in February.

In 1957, in the so-called Civil Rights Act of 1957, the Congress enacted a statute which authorized the Attorney General to initiate injunction proceedings in the Federal district courts "whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person" of the voting rights secured by the previous provisions of the subsection.

What language could be broader, more distinct, more comprehensive?

These previous subsections included, in subsection (a) what might be described as the right to be free from discrimination through State action on account of race or color in voting at any election, and in subsection (b) the right to be free from intimidation or coercion by any person at any primary or general election for Federal officers.

In addition, the 1957 act provided for contempt trials for violations of injunctions obtained in these proceedings, in which the defendant would have no right to a trial by jury if the fine imposed did not exceed $300, and the imprisonment imposed did not exceed 45 days in each proceeding.

The provisions of the 1957 act are, of course, in addition to all the previous civil and criminal statutes prohibiting interference with civil rights.

The 1957 statute has hardly been used at all. When the Attorney General testified before the Rules Committee, the following colloquy occurred:

> The CHAIRMAN. Mr. Attorney General, under the Civil Rights Act of 1957, how many suits if any have been instituted?
>
> Attorney General ROGERS. Actually five or six. Two of them involved the Civil Rights Commission itself, and four involved action which was started by the United States. The two involving the Civil Rights Commission are in the Supreme Court. Judge Walsh, the deputy, argued those cases before the Supreme Court. The other cases involved Terrell County, Ga.; Macon County, Ala.; one in Louisiana; and one in Tennessee. I might say on that point that it seemed wise to me to make certain that the test cases which we brought under that act, and I use the words "test cases" because it was assumed that the first ones would all be challenged, and that we would make law in the first cases, that those test cases be very strong in their facts, and we tried to be certain that those four cases which were started first would be strong so we could get the constitutional and other legal questions resolved with strong factual support.
>
> Once those things are decided by the courts, and I hope they will be soon—I think they will be soon—then we can bring other cases with a little less concern about the complete strength of the facts in the case.
>
> We can review the other complaints we have in the light of the decision of the court and decide whether to proceed or not.
>
> I might say, Mr. Chairman, that I have been surprised how few complaints we have had—

Mr. President, I want to read that over again.

Mr. HILL. Yes; read it over again.

Mr. ROBERTSON. We have between 6 and 7 pounds of bills and amendments because a grave, burning issue is before us. A minority is being downtrodden, overridden, and denied constitutional rights. But the Attorney General testified only a few weeks ago:

> I might say, Mr. Chairman, that I have been surprised how few complaints we have had, and I would hope that if Congress does give support to these proposals, this one and the one about preserving election records, which is vitally important, that there will be greater effort on the part of the Negro to register and vote, because constitutional rights cannot be enforced unless the people attempt to exercise them (1960 hearings on Federal registrars, p. 360).

Neither can the people be made to vote if they do not have any interest in voting, whether it is to register or, if they are registered, to go to the polls on election day. That is just as true as what the Attorney General said about getting persons to register if we simply pass more laws.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that there is a Federal statute which makes it a crime unlawfully to deny a person the right to vote?

Mr. ROBERTSON. That is true; and there are State laws to the same effect; and then there is the civil right to collect damages.

Mr. HILL. Mr. President, will the Senator further yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that the statute gives to an aggrieved party the right to sue or file a claim for damages?

Mr. ROBERTSON. It absolutely does.

Mr. HILL. Is it not true, as the Senator brought out in connection with the act of 1957, that the Attorney General of the United States becomes a counsel for the aggrieved party, without any cost or expense to the aggrieved party, the costs being paid by the taxpayers of the whole United States?

Mr. ROBERTSON. That is the law now, in the act of 1957; and there were only five or six cases brought under that act. The Attorney General was surprised that there were so few cases brought.

Two of the cases mentioned by the Attorney General, the Terrell County, Ga., case, U.S. against Raines, and the Louisiana case, U.S. against Thomas, were decided on February 29, 1960, both in favor of the Government. The Georgia case, as I read it, upheld the constitutionality of the 1957 act against the challenge that the section on which that case was based, section 1971(a), covered both State and private action.

I call attention to the fact that one of the main or most serious objections to all the voting proposals is the lack of constitutionality, and the provision that the prosecution may be of a criminal nature, and without a jury trial.

As I pointed out at length on March 8, the right of trial by jury comes down to us from Magna Carta, in 1215. It was cherished by the Englishmen who were our ancestors. We have always cherished it, and have mentioned in our Declaration of Independence the denial of it as one of the reasons we were fighting for our freedom.

We have put it in several places in the Federal Constitution, and it is written into all the State laws.

I am reminded at this point of a saying I read some years ago by the English poet, Coleridge. He was a good poet, but not of top rank. He was a social reformer, and he wrote some essays. In one of them he condemned the British criminal laws which provided capital punishment—the hanging of a man—for the smallest theft, what we would call petit larceny. At that time, it seems, a very beautiful woman—I have forgotten her name—was in jail because she claimed she should be the Queen. Two peasants were in the same jail, sentenced to be hanged for stealing a few pennies. Yet everyone was in mourning over the beautiful woman who was accused of treason, but no one was paying any attention at all to the poor fellows who had stolen a few cents and who were to be hanged in a few days. This is what I remember of Coleridge's essay; it has been a long time since I read it:

> We pity the plumage, but forget the dying bird.

Shall we crucify the States simply because someone says that we in the South have kept someone from voting? I go back to the English principle. It certainly seems to me that we are trying to carry the business of forcing persons to be registered and getting them to the polls to the point where we forget that all of our prosperity, freedom, and happiness is due primarily to the fact that we have a written constitution, a constitution which Daniel Webster, standing on the steps of the Capitol—steps which were torn down over the protest of the junior Senator from Virginia—said, on the 100th anniversary of the birth of George Washington, was an instrument which unites national sovereignty with States rights and the liberty of the people.

He went on to say in that great address that if we destroy that great instrument, we will never rebuild it. That certainly is true. That is one of the principles for which the 18 Senators from the South have felt we should make a determined fight. Some day the rest of the Nation undoubtedly will be alerted to the fact that these bills are aimed at destroying our Constitution.

As I shall point out later, if a great need exists for a change, we should follow the recommendations of the Civil Rights Commission and amend the Constitution. That is what the Commission recommended—at least, three members did. I will point out where that statement was made. That is a significant thing, coming from the Commission. Now we have pound after pound of bills seeking to do what it is said the Commission called for.

But, as I shall point out, only two members of the Commission, really recommended the enactment of any new law at all on a permanent basis. Two of them said no new law is needed. Two of them said we might have a stopgap law. But only two wanted any permanent new legislation; and they said it should be limited—mark you, Mr. President—to national elections, because they did not think the Federal Government had any constitutional right to try to control State and local elections, as is being proposed in title VI of the House version of the bill and in the Hennings amendment which calls for the employment of registrars.

Mr. President, in the two cases I have mentioned, the court held that regardless of whether that section covered private action, it did cover State action and was valid. In the Louisiana case the court in a brief per curiam opinion apparently reached the conclusion that any private action which made use of any public instrumentality, however mechanical and ministerial, was State action, and sustained an injunction which covered what would seem to be purely private discrimination: successful challenges by private citizens directed at colored voters, by reason of disqualifying statements appearing in the registration statements of the colored voters, not accompanied by similar challenges against white voters who were alleged to have similar disqualifications. A great many of them were automatically ordered to be registered in the Raines case, in Louisiana. That is the only one in which that was reasonably tested. And it worked; there is no question about it. Some have said, "The law has not been tested." But it has been tested, Mr. President. But some persons want more law, even though they have not utilized the existing law that is available to them, the tools and the law they already have been given.

Mr. President, I call attention to the fact that that was a per curiam decision, and I wish to have the former member of the North Carolina Supreme Court, our distinguished colleague, the senior Senator from North Carolina [Mr. ERVIN], tell us again the meaning of a per curiam decision.

Mr. ERVIN. This might not be the technical definition, but it is a true definition: A per curiam decision is one made by the court when no member of the court is willing to be identified as the putative father of the decision. [Laughter.]

Mr. ROBERTSON. That might not be a technical definition, but it is something we can understand.

Mr. HILL. Mr. President, will the Senator from Virginia yield?

The PRESIDING OFFICER (Mr. LUSK in the chair). Does the Senator from Virginia yield to the Senator from Alabama?

Mr. ROBERTSON. I yield.

Mr. HILL. When the distinguished Senator from Virginia asked the distinguished Senator from North Carolina that question, did the Senator from Virginia think the Senator from North Carolina would speak with exceptional authority on the subject, having been a member of the Supreme Court of the great State of North Carolina?

Mr. ROBERTSON. As I said earlier in the evening, I yield to no one in my high regard for the high legal ability of the Senator from North Carolina, and when I asked him that question I felt that he would give a comprehensive and accurate answer. And I feel that he has done so.

Mr. HILL. Let me say that I share with the Senator from Virginia his very high esteem and great appreciation of the distinguished Senator from North Carolina. The Senator from North Carolina has a very great legal ability.

Mr. ERVIN. Mr. President, if I may do so without impairing in any manner the right of the able and distinguished junior Senator from Virginia to the floor, I should like to take this occasion to express my deep appreciation for the far too generous remarks of the Senator from Virginia and the Senator from Alabama.

However, I still maintain that my definition of a per curiam decision is correct. [Laughter.]

Mr. ROBERTSON. Mr. President, the present generation in Virginia feel that many of our friends in North Carolina have misunderstood our attitude, because some years ago someone in North Carolina, in referring to Virginia and South Carolina, said that North Carolina was a valley of humility between two mountains of conceit. [Laughter.] But when it comes to a knowledge of civil rights and of the law, Virginia takes off its hat to our distinguished leader from North Carolina [Mr. ERVIN], whose services to us have been second only to those of our great leader from the State of Georgia, Senator RICHARD RUSSELL.

Mr. President, to return to some brief comments on why this whole proceeding is premature, I wish to call attention to the fact that a third question is involved in the Alabama case, which I understand is to be argued during this month. That is whether the statute authorizes suits against States, as distinguished from suits against persons engaged or about to engage in prohibited acts.

The question of the right to sue a State, which is involved in the Alabama case, would be resolved by paragraph (b) of section 601 of H.R. 8601.

Ordinarily it is not good practice to amend a statute while that statute is under judicial consideration. In this case I take it that the Justice Department has so little hope of winning the Alabama case that it feels it necessary to have the statute amended specifically, in order to do by amendment what it thinks it cannot get the Supreme Court to do by interpretation.

That means that when a case is pending in the Supreme Court and when the Attorney General has some doubts about whether he will win the case, he attempts to get Congress to change the rules of the game while the case is still pending, in order that the Court will be forced to give him the kind of decision he is seeking, because he has inserted in one of the provisions—section 7—of the Dirksen amendment and in section 6 of the bill as passed by the House a provision that a State can be made a party to the suit. That is the issue in the Georgia case which is to be argued next month. The Attorney General now is resorting to that means of carrying his point.

The Civil Rights Commission, in commenting on the Justice Department activities under this new statute, made it clear that they thought the Justice Department was very slow to take action under the 1957 law.

I now quote from the comment by the Civil Rights Commission:

> In the Civil Rights Act of 1957, the Congress sought to remedy these "prosecutive difficulties" of criminal sanctions by reinforcing and extending Federal civil powers to protect the franchise through injunction suits.
>
> But in terms of securing and protecting the right to vote, the record of the Department of Justice's Civil Rights Division under the Civil Rights Act of 1957 is hardly more encouraging than it was before.

That is the criticism leveled by the Civil Rights Commission against the Department of Justice—that it has not acted with any diligence or zeal in carrying out the laws we already have.

I continue to quote from the comment by the Civil Rights Commission:

> Nearly 2 years after passage of the act, the Department of Justice had brought only three actions under its new powers to seek preventive civil relief—in Terrell County, Ga.; Macon County, Ala.; and Washington Parish, La. In a presentation to a subcommittee of the House Appropriations Committee it was revealed that of 32 Civil Rights Division cases pending in court at the end of fiscal 1958, only 7 were properly in the category of "civil rights" as that term is generally understood, 3 were in the field of voting and elections, and no more than 4 were racial cases.

Think of that, Mr. President.

I read further from the comment by the Civil Rights Commission:

> During the same period, 11 civil rights cases were presented to grand juries and in 4 cases the jury returned a true bill.

In other words, there was not sufficient evidence to lay an adequate foundation for the return of a true bill.

I read further from the comment by the Civil Rights Commission:

> Some of the members of the subcommittee were apparently not impressed with the record of the Civil Rights Division. A large part of its energies, according to testimony, had been channeled into compiling statistics and compiling and digesting State election laws. With full allowance for the fact that the Division had deferred to State court action in Massachusetts, New York, and Pennsylvania where civil rights agencies exist, and in a few other States where

the good faith of State officials was clear, its legal actions were disappointing in number, nature, and results (at p. 131).

Mr. President, from the point of view of the Civil Rights Commission, I can see why they said that Justice Department's legal actions were "disappointing in number, nature, and results." I can also see why the Attorney General would be anxious to make sure that his test cases would be very strong in their facts, so he could get the constitutional and other legal questions resolved with strong factual results. As a practicing lawyer and a bureaucrat, I think he was wise to proceed with caution, even though it resulted in a scathing comment by the Civil Rights Commission.

But I do not see how, in the light of this cautious and time-consuming approach by the Attorney General, it is possible to say that the sweeping provisions of the 1957 statute, as they have been broadly interpreted so far by the Supreme Court, are inadequate. I do not see how it is possible to say experience has shown that we need new laws, when both the Civil Rights Commission and the Attorney General are very clear and very explicit that the existing laws have not yet been tried.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from Alabama.

Mr. HILL. Is it not true that the Civil Rights Commission recommended laws which it proposed should apply only to Federal elections?

Mr. ROBERTSON. That is true, and I am going to comment on that point and give the sections of the Constitution which apply. The Commission did not think there was any constitutional right to have the laws apply to other elections, and the Senator from Alabama and I do not think so, either. That is one of our objections to this voting provision.

Mr. ERVIN. Mr. President, will the Senator yield for several questions?

Mr. ROBERTSON. I yield to the distinguished Senator from North Carolina.

Mr. ERVIN. I read from lines 15 to 18 of page 2 of the proposed amendment:

> The term "registration district" means an area in a State corresponding with any of the districts established by State law from which the voters elect a Member of the House of Representatives of the United States.

When that is put into short and plain English, it means that the term "registration district," corresponds to a congressional district. Is that correct?

Mr. ROBERTSON. I would think so.

Mr. ERVIN. Then the amendment proceeds to say that if either the court or the Civil Rights Commission finds that a single voting registrar or State or local officer has deprived persons in any locality or area of registration of the opportunity of registration for election because of their race or color, the Commission shall notify the President of the United States of such a finding, and the President shall then appoint enrolling officers.

In my congressional district there are approximately 240 voting precincts, in each of which there is a State registrar.

I will ask the Senator from Virginia if, under this proposal, only 1 State registrar, in 1 of the 240 precincts of my congressional district, had failed to register any citizen of the United States on account of his race or color, a Federal enrollment officer could be appointed to take charge not only of that voting precinct, but of the other 239 voting precincts. Is that correct?

Mr. ROBERTSON. That is undoubtedly what the language means.

Mr. ERVIN. Does not the Senator from Virginia agree with me that is certainly visiting the sins of the guilty upon the innocent with a vengeance?

Mr. ROBERTSON. It certainly is. That language also means citizens can vote in any election, even in a primary, a board of supervisors election, or any other election.

Mr. ERVIN. And if two men were running against each other for the office of justice of the peace in any township, anywhere, this proposal would apply to them likewise, would it not?

Mr. ROBERTSON. Undoubtedly, it covers all elections.

Mr. ERVIN. I call the attention of the Senator from Virginia to lines 4 to 15 on page 3 of the amendment, wherein it provides that if the Commission on Civil Rights makes an equivalent finding, like consequences can ensue.

Mr. ROBERTSON. Yes.

Mr. ERVIN. I ask the Senator from Virginia if there is any requirement therein for the Civil Rights Commission to give any notice or any opportunity to be heard to the election official who it is alleged is guilty of discrimination.

Mr. ROBERTSON. None whatever. The provision violates the due process clause of the 14th amendment. It also does not comply with the requirements of the 15th amendment, which provide for individual, and not blanket enrollment. It requires enrollment of an individual who has been denied his right of suffrage because of his race, color, or previous condition of servitude.

Mr. ERVIN. As a matter of fact, I will ask the Senator from Virginia if, under this proposal, Federal enrollment officers cannot be appointed to take charge, so far as the Federal Government is concerned, of the registration of voters throughout a congressional district if the court or Civil Rights Commission finds that one man has been denied the right to vote on account of his race or color.

Mr. ROBERTSON. That would be, in my opinion, the proper construction of the language; but I understand the Senator from Colorado [Mr. CARROLL] plans to offer an amendment to the voting referee plan to make it clear that there will not be any delay about registering a whole group if it can be established that a pattern has been established, and that persons will not have to wait for this, that, or the other.

Mr. ERVIN. I will ask the Senator from Virginia if he agrees with me in this construction, that if they should use the voting referee provision, to which this proposal is to be added, and also use this provision, they would have three sets of registration officers running around, registering voters in the same district.

Mr. ROBERTSON. With all due deference to the Attorney General, he said about the registrar plan, "It is not legal." It is not proper to ask a member of the executive branch of the Government—which a registrar appointed by the President would be—to pass on a judicial question, which would be whether or not an individual's constitutional rights have been discriminated against.

Mr. ERVIN. That is right.

Mr. ROBERTSON. I thought he was on sound ground when he said that.

Mr. ERVIN. I will ask the Senator from Virginia if this proposal does not violate the due process clause of the fifth amendment in that it provides for no notice or opportunity to be heard.

Mr. ROBERTSON. It is ex parte all the way through.

Mr. ERVIN. I will also ask the Senator from Virginia if it does not also violate the principle of the distribution of governmental powers by the first, second, and third articles of the Constitution among the legislative, executive, and judicial branches of the Federal Government, in that it takes the Civil Rights Commission, which is an agency in the executive branch of the Government, according to the statute which creates it, and undertakes to give it the power to discharge a judicial function, namely, to adjudicate rights and liabilities and to determine the advisability of doing what the bill provides for.

Mr. ROBERTSON. That is true, and that is one reason, among others, why the junior Senator from Virginia said in the beginning he fully agreed with his colleague from North Carolina that both voting plans are unconstitutional, and we should not adopt either one.

Mr. ERVIN. I thank the Senator.

Mr. ROBERTSON. Mr. President, the recent decisions by the Supreme Court completely undermine many of the recommendations of the Civil Rights Commission. For example, on page 140, in urging their temporary Federal registrar proposal, the Commission, after discussing the Alabama case involving the right to sue a State under the 1957 act, which is now before the Supreme Court, continued as follows:

> The two other suits brought by the Attorney General under the same act had not at this writing resulted in a single registration. The suit in Georgia had been dismissed and was on appeal; the one in Louisiana was pending.
>
> In short, no one had yet been registered through the civil remedies of the 1957 act.

That is a blanket denunciation that nothing had been done, although the man to do it was the Attorney General. They criticized him for delay and, in effect, inefficiency.

These statements were true on September 9, 1959, when the report was submitted. But these statements are no longer true. Both the Georgia case and the Louisiana case have been decided in

favor of the Department of Justice, and the Alabama case is about to be argued. In the Louisiana case, the Supreme Court affirmed the decree of the district court which in effect directed the registrar of Washington Parish, La., to place upon his rolls of qualified voters the names of approximately 1,377 persons whose names had previously been struck pursuant to challenge. Perhaps Governor Battle was more foresighted than the other Commissioners when he gave the following dissent from the recommendation for temporary Federal registrars at page 142 of the report:

DISSENT BY COMMISSIONER BATTLE

I concur in the proposition that all properly qualified American citizens should have the right to vote but I believe the present laws are sufficient to protect that right and I disagreed with the proposal for the appointment of a Federal registrar which would place in the hands of the Federal Government a vital part of the election process so jealously guarded and carefully reserved to the States by the Founding Fathers.

I think we should also bear in mind the fact that only two of the Commissioners, Dean Storey and Governor Carlton, actually considered that the temporary Federal registrar proposal was a satisfactory solution to the problem. Three of the Commissioners, Messrs. Hannah, Hesburgh, and Johnson, recommended a constitutional amendment which would take away from the States their constitutional right to establish any qualifications for voters except for age, length of residence, and legal confinement at the time of registration or election. These three Commissioners thought that "the proposed measure is clearly a stopgap." Their comments on the qualifications which States now have are interesting.

Only 19 States now require that voters demonstrate their literacy. Michigan, New Hampshire, Pennsylvania, Tennessee, and Vermont have suffered no apparent harm from absence of the common provisions disqualifying mental incompetents. With minor exceptions, mostly involving election offenses, Colorado, Maine, Massachusetts, Michigan, Pennsylvania, Utah, Vermont, and West Virginia have no provisions barring certain ex-convicts from the vote, and of the States which do have such provisions, all but eight also provide for restoration of the former felon's civil rights. In only five States is the payment of a poll tax still a condition upon the suffrage.

The number of Americans disqualified under each of these categories is very small compared with the approximately 90 million now normally qualified to vote. It is also small in relation to the numbers of qualified nonwhite citizens presently being disfranchised by the discriminatory application of these complex laws. The march of education has almost eliminated illiteracy. In a nation dedicated to the full development of every citizen's human potential, education has almost eliminated illiteracy that may remain. Ratification of the proposed amendment would, we believe, provide an additional incentive for its total elimination. Meanwhile, abundant information about political candidates and issues is available to all by way of television and radio (p. 144).

The separate statement of Dean Storey and Governor Carlton, in which Governor Battle agreed, set forth on page 145 of the report, punctures the balloon of the 23d amendment.

As an additional comment, one might ask why it is that the three Commissioners recommending a 23d amendment are willing to concede to the States the authority to specify age and length of residence requirements. My own guess is that there is no more reason to let the States continue to set the age requirements than there is the other requirements. The real reason is that the Commissioners do not dare take away the vote from 18-, 19-, and 20-year-old Georgians and Kentuckians, and from 19- and 20-year-old Alaskans, by putting in a universal age of 21, and they know that they could never prevail upon States which now have a 21-year voting age to reduce the voting age to 18. They are in just the same situation, as far as age and length of residence requirements are concerned, as the Founding Fathers were when they decided that they could not establish a standard voting qualification, and therefore left voting qualifications to the States.

The Commission's voting referee proposal seems somewhat different, viewed as a temporary stopgap, good only for the 1960 election, than it does viewed as a permanent piece of legislation. I wonder whether Senators who favor some action with respect to voting, and who consider that the Civil Rights Commission and the Civil Rights Commission's report supports them, have given full weight to the significance of the statements by the Commissioners, particularly the statement that the Federal registrar proposal is clearly a stopgap, pending a constitutional amendment which will deprive the States of most of their authority to prescribe the qualifications of voters.

I think I have said enough to show that there is no factual basis for any legislation directed toward registration of voters, whether the Civil Rights Commission's temporary Federal registrar proposal, the administration's voting referee proposal, or the Hennings congressional Election Commission proposal.

This leads me to my next point—not only do we no longer have any demonstration of need for any legislation—we have the most violently conflicting views, even among those who think some legislation is needed, on the form of legislation they consider necessary.

The Civil Rights Commission would establish a temporary Federal registrar organization, in the executive branch, applicable only to Federal elections. The Attorney General in a press statement of January 26, 1960, and in his February 5, 1960, testimony before the Rules Committee, objected to this proposal because it would raise legal and constitutional questions and also because it would involve serious practical difficulties. I agree heartily with this position of the Attorney General. My reasons for opposing the Commission's temporary Federal registrar proposal were given to the Rules and Administration Committee, and many others have joined in this opposition.

Objecting to the Commission's temporary Federal registrar proposal, but unwilling to take the responsibility for having failed to carry out the existing statute, the Attorney General came up with his proposal—the voting referee proposal. This would place the job of registering voters in all elections in the hands of the judicial branch, and they would carry it out by the use of ex parte proceedings, void of due process, and using irrebuttable presumptions instead of proof of facts. I gave my reasons for thinking this proposal unconstitutional and impractical in the Senate on February 29. And opposition to the Attorney General's proposal has not been limited to Southern Senators. The Yale Law School professors who support the Civil Rights Commission proposal, as embodied in the Javits bill, S. 2783, make the following statement at page 79 of the hearings before the Rules Committee:

The first basic issue is whether the administration of a system of Federal registrars should be a function of the executive or of the judiciary. The Javits bill (S. 2783) vests this function in the executive; the Attorney General's bill in the judiciary. In our view the Javits bill is sound on this issue, and the Attorney General's bill is not.

Of course, these Yale Law School professors, like the Civil Rights Commission, did not have the benefit of the Supreme Court's decision in the Georgia and Louisiana cases. So the factual basis for their comments is subject to criticism in this respect, as well as in many other respects.

I am glad to see also that a number of Senators have joined in the criticism of the Attorney General's proposal.

The third arrangement which has been proposed is the Congressional Elections Commission approach, under which the elections of Senators and Representatives would be carried on entirely separate from all other elections. I commented on this proposal, as it was embodied in S. 2535, in my testimony on February 4 before the Rules and Administration Committee.

This wide array of proposals to cure problems which are said to face the country—all incidentally made before the Supreme Court's decisions of February 29, 1960—is further evidence that we are not in a position to legislate intelligently on this subject. The only hearings that in any way dealt with the question of Federal registrars or voting referees or Congressional Election Commissions were held before the Rules and Administration Committee in late January or early February of this year. Those hearings which, of course, could not reflect the changed situation resulting from the Supreme Court's decision of February 29, barely touched upon the administration's voting referee proposal. The Rules and Administration Committee has not reported any bills, and we do not have the benefit of reports from the Rules and Administration Committee on the proposals which we are discussing from day to day. The Judiciary Committee, to which the voting referee proposal was referred, has not held hearings on the voting referee proposal or on

the Federal registrar proposal, and we have not had the benefit of any reports from that committee on this subject.

New versions of these voting proposals are being introduced daily, involving different versions of each of the proposals and involving different combinations and permutations of the various proposals. Many of these involve the kind of shotgun weddings to which the Attorney General referred to when testifying before the Rules and Administration Committee at page 366. And we do not have the benefit of hearings or reports on these new proposals.

We are following very poor legislative practices, in trying to find our way through this blizzard of legislative proposals. Good legislative procedures, with hearings and committee reports, would, I am quite convinced, make it clear to all concerned that the factual basis no longer exists for any legislation creating voting referees, voting registrars, Federal Election Commissions, or any other form of Federal registration of individual voters.

As Governor Battle said, the present laws are sufficient to solve any case which may arise, and we do not need any new laws on this subject.

Mr. President, I yield the floor.

Mr. DIRKSEN. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Illinois yield to me so I may suggest the absence of a quorum?

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the Senator from Texas so that he may suggest the absence of a quorum, without my losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 151]

Aiken	Ervin	McGee
Allott	Fong	McNamara
Anderson	Frear	Magnuson
Bartlett	Fulbright	Mansfield
Beall	Gore	Martin
Bennett	Green	Monroney
Bible	Gruening	Morse
Brunsdale	Hart	Murray
Bush	Hartke	Pastore
Butler	Hayden	Prouty
Byrd, Va.	Hennings	Randolph
Byrd, W. Va.	Hickenlooper	Robertson
Cannon	Hill	Russell
Capehart	Holland	Saltonstall
Carlson	Hruska	Schoeppel
Carroll	Jackson	Scott
Case, N.J.	Javits	Smathers
Case, S. Dak.	Johnson, Tex.	Smith
Church	Johnston, S.C.	Sparkman
Clark	Jordan	Stennis
Cooper	Keating	Talmadge
Cotton	Kefauver	Thurmond
Curtis	Kerr	Williams, Del.
Dirksen	Kuchel	Williams, N.J.
Douglas	Lausche	Yarborough
Dworshak	Long, Hawaii	Young, N. Dak.
Eastland	Long, La.	Young, Ohio
Ellender	Lusk	
Engle	McClellan	

The PRESIDING OFFICER (Mr. LUSK in the chair). A quorum is present.

Mr. DIRKSEN. Mr. President, before I move to table the pending amendment, I wish to say this: The pending amendment was offered in the Judiciary Committee and it was rejected by the committee. The Attorney General has opposed it. Not only did he say it was unnecessary, but he said it was unworkable, it was impractical, and there was about it a doubtful constitutionality. On the basis of the Attorney General's testimony and that of the Deputy Attorney General, I believe this amendment ought to be rejected, and therefore I move to table the amendment.

On this motion I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. KUCHEL (when his name was called). On this vote I have a pair with the distinguished senior Senator from Wisconsin [Mr. WILEY]. If he were present and voting he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], and the Senator from Maine [Mr. MUSKIE] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

On this vote, the Senator from Wyoming [Mr. O'MAHONEY] is paired with the Senator from Maine [Mr. MUSKIE]. If present and voting, the Senator from Wyoming would vote "yea," and the Senator from Maine would vote "nay."

I further announce that, if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Missouri [Mr. SYMINGTON] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The Senator from Wisconsin [Mr. WILEY] is detained on official business and his pair has been previously announced.

The Senator from Arizona [Mr. GOLDWATER], the Senator from Kentucky [Mr. MORTON], and the Senator from South Dakota [Mr. MUNDT] are also detained on official business.

If present and voting, the Senator from South Dakota [Mr. MUNDT] would vote "yea."

The result was announced—yeas 58, nays 26, as follows:

[No. 152]

YEAS—58

Aiken	Eastland	McGee
Allott	Ellender	Mansfield
Anderson	Ervin	Martin
Bennett	Fong	Monroney
Bible	Frear	Prouty
Brunsdale	Fulbright	Robertson
Bush	Gore	Russell
Butler	Green	Saltonstall
Byrd, Va.	Hayden	Schoeppel
Byrd, W. Va.	Hickenlooper	Smathers
Cannon	Hill	Smith
Capehart	Holland	Sparkman
Carlson	Hruska	Stennis
Case, S. Dak.	Johnson, Tex.	Talmadge
Church	Johnston, S. C.	Thurmond
Cooper	Jordan	Williams, Del.
Cotton	Kefauver	Yarborough
Curtis	Kerr	Young, N. Dak.
Dirksen	Long, La.	
Dworshak	McClellan	

NAYS—26

Bartlett	Hartke	Magnuson
Beall	Hennings	Morse
Carroll	Jackson	Murray
Case, N.J.	Javits	Pastore
Clark	Keating	Randolph
Douglas	Lausche	Scott
Engle	Long, Hawaii	Williams, N.J.
Gruening	Lusk	Young, Ohio
Hart	McNamara	

NOT VOTING—16

Bridges	Kuchel	O'Mahoney
Chavez	McCarthy	Proxmire
Dodd	Morton	Symington
Goldwater	Moss	Wiley
Humphrey	Mundt	
Kennedy	Muskie	

So Mr. DIRKSEN's motion to table Mr. HENNINGS' amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, do any Senators have amendments which they desire to call up at this time? If not, pursuant to the order previously entered——

Mr. CARROLL. Mr. President, I cannot hear the Senator. I was under the impression that other amendments were to be offered, but not this evening.

Mr. JOHNSON of Texas. I asked if any Senators had amendments which they desired to offer now. I did not hear any Senator state that he had an amendment he wanted to call up, so I was addressing the Chair and was about to move that, pursuant to the order previously entered, the Senate adjourn until 10 o'clock tomorrow morning, because Senators would not call up their amendments.

I hope that after the morning hour tomorrow, Senators who desire to amend the bill will call up their amendments, because we want to proceed to the third reading and pass the bill some time this week.

The PRESIDING OFFICER. What is the pleasure of the Senate?

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I move in accordance with the previous order, that the Senate adjourn until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 9 o'clock and 56 minutes p.m.) the Senate adjourned, under the order previously entered, until Tuesday, April 5, 1960, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 1, 1960:

The following officers to be placed on the retired list in the grade of lieutenant general, under the provisions of section 8962, title 10 of the United States Code:

U.S. AIR FORCE

Lt. Gen. Glenn O. Barcus, 87A (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Richard C. Lindsay, 476A (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Oliver S. Picher, 540A (major general, Regular Air Force), U.S. Air Force.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 4, 1960

The House met at 12 o'clock noon.

Dr. Dick L. Van Halsema, Christian Reformed Church, Grand Rapids, Mich., offered the following prayer:

Our help is in the name of the Lord, Who made heaven and earth (Psalm 124: 8).

Almighty God, by whose power the heaven and earth were made, by whose pleasure this people became a nation, and by whose providence we have been preserved until this day.

We worship Thee for Thy greatness, we praise Thee for Thy goodness, and thank Thee for Thy mercies;

We confess that we are not worthy of Thy favor, not deserving of Thy presence. Yet, in the name of Thy Son we make our needs known:

Bless each Member of this House—the Speaker and every Representative and all who assist them;

Grant them health, that they may be strong for the demands of duty.

Give them wisdom, that they may distinguish between the true and false, the important and expedient.

Free them today, both in committee and in this Chamber, from all other pressures than the pressure of Thy will.

And in these days of danger from within and from without, grant these men and women the perfect peace of those whose mind is fixed on Thee.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 31, 1960, was read and approved.

SECOND SUPPLEMENTAL APPROPRIATION BILL 1960—APPOINTMENT OF CONFEREES

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none and appoints the following conferees: Mr. THOMAS, Mr. KIRWAN, Mr. CANNON, Mr. JENSEN, and Mr. TABER.

COMMUNICATION FROM THE CLERK

The SPEAKER laid before the House the following communication from the Clerk, which was read:

APRIL 4, 1960.

The Honorable the SPEAKER,
House of Representatives.

SIR: Pursuant to the authority granted on March 31, 1960, the Clerk received from the Secretary of the Senate on April 1, 1960, the following message:

That the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10233) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes"; and

That the Senate recede from its amendment No. 1 to the above-entitled bill.

Respectfully yours,

RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

HOUSE BILL ENROLLED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had, on April 1, 1960, examined and found truly enrolled a bill of the House of the following title:

H.R. 7456. An act to extend until July 1, 1960, the suspension of duty on imports of casein.

ENROLLED BILL SIGNED

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, March 31, 1960, he did on April 1, 1960, sign the following enrolled bill of the House:

H.R. 7456. An act to extend until July 1, 1960, the suspension of duty on imports of casein.

HOO W. YUEY

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2310) for the relief of Hoo W. Yuey, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill and the Senate amendments, as follows:

Strike out all after the enacting clause and insert: "That the Comptroller General of the United States is hereby authorized and directed, notwithstanding the provisions of an Act providing for the barring of claims against the United States (54 Stat. 1061), to accept and consider any claim filed on his own behalf by Hoo W. Yuey for the return of $704 which was deducted from his Army pay as his contribution to a family allowance payable to his dependents but which was not in fact paid to such dependents and also any claim filed on behalf of his dependent children for the portions of the family allowance contributed by the Government which would have been payable on their behalf but which was not in fact paid, such claim or claims to be filed within 1 year after the enactment of this Act."

Amend the title so as to read: "An Act for the relief of Hoo W. Yuey and his dependent children".

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ARTHUR E. COLLINS

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4826) for the relief of Arthur E. Collins, with Senate amendments thereto, disagree to the amendments of the Senate, and ask for a conference with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. LANE, DONOHUE, and HENDERSON.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

GREAT LAKES PILOTAGE

The Clerk called the first bill (H.R. 57) to require pilots on certain vessels navigating U.S. waters of the Great Lakes, and for other purposes.

Mr. BONNER. Mr. Speaker, I ask unanimous consent that this bill be stricken from the calendar.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

FEDERAL SHIP MORTGAGE INSURANCE

The Clerk called the bill (S. 107) to amend title XI of the Merchant Marine Act, 1936, relating to Federal ship mortgage insurance, in order to include floating drydocks under the definition of the term "vessel" in such title.

Mr. BONNER. Mr. Speaker, I ask unanimous consent that this bill be stricken from the Consent Calendar.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AGRICULTURAL ATTACHÉ ROTATION

The Clerk called the bill (H.R. 8074) to amend section 602 of the Agricultural Act of 1954.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING THE ESTABLISHMENT OF THE HUBBELL TRADING POST NATIONAL HISTORIC SITE, ARIZ.

The Clerk called the bill (H.R. 7279) to authorize the establishment of the Hubbell Trading Post National Historic Site, in the State of Arizona, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I object.

HOOD COUNTY, TEX.

The Clerk called the bill (H.R. 5726) for the relief of Hood County, Tex.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Commissioners Court of Hood County, Texas, the sum of $10,279. The payment of such sum shall be in full settlement of all claims of the Commissioners Court resulting from flood damages during the period April 19, 1957, to April 27, 1957, for which application was not timely filed under administrative agreement between the State of Texas and the executive branch of the United States as a result of the President's declaration of this area as a disaster area under the provisions of Public Law 875, Eighty-first Congress, as amended: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 4, strike out "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORD CITY, PA.

The Clerk called the bill (H.R. 5850) for the relief of the borough of Ford City, Pa.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NATIONAL TRANSPORTATION WEEK

The Clerk called House Joint Resolution 602, authorizing the President to proclaim henceforth the week in May of each year in which falls the third Friday of that month as National Transportation Week.

There being no objection, the Clerk read the joint resolution, as follows:

Whereas transportation has changed the United States from a wilderness to a rich homeland and brought the shores of the Atlantic seaboard close to the waters of the Pacific and is even today by land, by water, and in the air knitting the United States more firmly into one Nation indivisible; and

Whereas transportation has given the farmer a market in the city for his products and the city worker an outlet in the country for the goods he has manufactured; and

Whereas a prosperous and efficient transportation industry is vital to the defense of the United States: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is requested and authorized to officially proclaim that henceforth the week in May of each year in which falls the third Friday of that month shall be designated as National Transportation Week, during which the people of the United States are invited to observe such period, with appropriate ceremonies and activities, as a tribute to the men and women who, night and day, move goods and people throughout our land.

Strike out the "whereas" clauses.

Page 2, line 4, strike out the word "henceforth".

Page 2, line 5, strike out "each year" and insert in lieu thereof "1960".

The committee amendments were agreed to.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill authorizing the President to proclaim the week in May of 1960 in which falls the third Friday of that month as National Transportation Week."

A motion to reconsider was laid on the table.

WEST VIRGINIA CENTENNIAL CELEBRATION

The Clerk called House Joint Resolution 208, providing for participation by the United States in the West Virginia Centennial Celebration to be held in 1963 at various locations in the State of West Virginia, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the House joint resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if someone who is interested in this bill will tell us how much this is going to cost. It starts out with $15,000. What is this eventually going to cost?

Mr. BAILEY. Mr. Speaker, may I advise the gentleman from Iowa that the $15,000 provided in this legislation is for the use of the Department of the Interior and covers the cost of bringing exhibits from over the Nation for showing at this annual celebration. None of it goes to the State. The States are financing their part of the cost and this is just for the use of the several departments, I think most of it for the Department of the Interior.

Mr. GROSS. Is this $15,000 the total cost to the Federal Government?

Mr. BAILEY. That is right.

Mr. GROSS. The gentleman will not be back here asking for more money?

Mr. BAILEY. We do not anticipate that. We will try to finance it.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. MOORE. On that point there was pending before the Committee on the Judiciary a bill calling for an appropriation in the neighborhood of a quarter of a million dollars. That bill was tabled by the committee and this bill as presented has been approved by the committee. This is the total amount of money to be used, and it is for the Department of the Interior to ascertain whether or not the existing exhibits under the control of the Federal Government will be used in the West Virginia Centennial.

Mr. GROSS. Does the gentleman from Massachusetts [Mr. LANE] agree with the statements already made in reference to the use of Federal funds for this purpose?

Mr. LANE. This is an initial cost of $15,000 to enable the Secretary of Commerce to study the matter and to see if the United States shall participate in this celebration. There are further plans to be followed as far as this recommendation is concerned. As I understand it, this can be taken from the regular appropriation for the Secretary of Commerce to bring about participation in that celebration, the West Virginia Centennial, to be held in 1961.

Mr. GROSS. Do I understand that the administration is opposed to this bill?

Mr. LANE. May I say to the gentleman that the administration is opposed to the bill. They called our attention to Public Law 317 of the 85th Congress. They passed an identical bill in which they simply gave at that time the President of the United States authorization to issue a proclamation concerning the State of Oregon for its admission to the Union; a proclamation calling upon the people of the United States to actively participate in that celebration. As far as the State of Oregon is concerned, they never asked for the same consideration that West Virginia has, but after some consideration by your Committee on the Judiciary they felt that it was meritorious and that we should participate in this West Virginia centennial celebration, although the Department felt, as I have stated, that a proclamation sufficed for the State of Oregon, and perhaps we ought to have the same thing in this bill. But, in spite of the adverse report of the Department, your committee felt favorably disposed toward this bill.

Mr. MOORE. Mr. Speaker, if the gentleman will yield further, in the last session we passed legislation providing $9.5 million for the State of Washington.

Mr. GROSS. Oh, yes. I can remember when we had a bill here that provided some $5 million for Squaw Valley in the State of California.

Mr. MOORE. I only call that to the gentleman's mind to simply indicate that it was a direct appropriation to the State. This money just simply goes to the Federal Government to ascertain whether or not the Federal Government should even participate in the celebration.

Mr. GROSS. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

Whereas the State of West Virginia will celebrate the one-hundredth anniversary of its statehood during 1963; and

Whereas the national commemoration of the Civil War will be concurrently celebrated and marked for public attention by the Civil War Centennial Commission during the years 1961 through 1965; and

Whereas the State of West Virginia was created by Executive order of the President as a part of the Federal policy during that war and the origins of the State of West Virginia were heavily influenced by the activities of the United States Government: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby recognizes the West Virginia Centennial Celebration (hereinafter referred to as the "celebration"), to be held at various locations in the State of West Virginia during 1963, as an event designed to reinforce the national unity of purpose of the United States and the determination of the people of the United States to continue this Nation as a bulwark of individual freedom.

SEC. 2. (a) To implement the recognition declared in the first section of this Act, the President, through the Secretary of Commerce, shall cooperate with the West Virginia Centennial Commission in the planning of the celebration and shall conduct a study of the celebration to determine the manner in which and the extent to which the United States shall be a participant in and exhibitor at the celebration.

(b) Such study shall be made, in the discretion of the Secretary of Commerce, by personnel of the Department of Commerce or under contract by one or more recognized professional experts in the field of industrial showmanship; and the findings derived from such study, together with such recommendations as the Secretary may deem appropriate (including detailed recommendations with respect to the manner and extent of United States participation in the celebration and the estimated itemized cost of such participation) shall be submitted to the Congress at the first session of the Eighty-seventh Congress.

SEC. 3. There is authorized to be appropriated the sum of $15,000 to enable the Secretary of Commerce to carry out his duties under section 2.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INDIANS OF THE YAKIMA RESERVATION

The Clerk called the bill (H.R. 1176) to amend the act of August 9, 1946 (60 Stat. 968), providing for the preparation of a membership roll of the Indians of the Yakima Reservation.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HALEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HALEY. Mr. Speaker, the members of the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs are convinced that this is good and necessary legislation. Since 1946, because of certain language in the Yakima Enrollment Act, there have been many inconsistencies in the enrollment procedures on the Yakima Reservation. Many enrollees have been stricken from the list. Other members whose brothers, sisters, and children have been placed on the roll have been unable to meet the requirements. In addition, there are many inequities in the inheritance of property on the reservation. Many spouses and children are unable to inherit property because they are Indians from another reservation. For example, a widow who is an enrolled member of the Umatilla Tribe cannot inherit the property of her deceased Yakima husband. As a result, the Umatilla Tribe is requesting retaliatory legislation against the Yakima. The Colville Indians have also complained about this inequity.

Legislation similar to H.R. 1176 was considered during the 84th and 85th Congresses. Extensive hearings have been held over a 5-year period. In each case, tribal council members opposed the legislation, whereas representatives of the general council were in strong support.

There are over 4,000 Yakima Indians widely scattered over the Northwest. The Yakimas have no constitution but operate under a tribal resolution dated December 6, 1955. This resolution provides for a general council of all members and a Yakima Tribal Council consisting of 14 elected members.

Under the tribal resolution, the general council holds its annual meeting during the last week of November. By a majority vote of the tribal council special general council meetings may be called. These general council meetings and the agenda thereof shall be advertised for not less than 30 days, and notice of the meeting shall be posted in all communities for a period of not less than 30 days.

In order to do business at a general council meeting a quorum of 250 enrolled members of the Yakima Tribe must be present when the meeting is called to order. Voting may take place after the call to order, providing 175 members are present, but it is very difficult to obtain a quorum. Voting is done by a show of hands and no provision is made for secret voting or absentee balloting on any issue.

On May 25, 1959, the tribal council passed a resolution opposing H.R. 1176 and recommending alternative suggestions for consideration by our Subcommittee on Indian Affairs. Not until February 10, 1960, was it possible to get a quorum present at a general council meeting to vote on this resolution. At that meeting it was voted 120 to 80 to table the resolution. The committee proceeded to report H.R. 1176 on March 2. We did not file the report until March 14, however.

On February 16, another special general council meeting was called for Thursday, March 3 to reconsider the February 10 vote. Although only 16 days had been allowed for the calling of the special meeting instead of 30 as required by the 1955 resolution, the session was held in the midst of a blizzard that prevented off-reservation Indians from attending. It is interesting to note that this meeting was scheduled for a Thursday, when it would be difficult for off-reservation Indians to arrange to get away from their jobs. By a vote of 203 to 22, the general council decided to oppose H.R. 1176. In neither case was there anywhere near a majority of the eligible voters present. I have received many letters from off-reservation Yakimas who were caught in the blizzard trying to get to the meeting or were unable to arrange for leave of absence from their jobs to attend on such short notice.

I am reluctant to hold up H.R. 1176, as amended. For at least 4 years the tribal council has been aware of hearings we have held on this legislation. On several occasions we have urged the tribal council members who came to Washington in opposition to this legislation to take steps to remedy the inequities of the Enrollment Act of 1946 but we have had little in the way of cooperation.

I recommend the enactment of H.R. 1176, as amended, and urge its approval by the House.

HEADQUARTERS FOR MOUNT RAINIER NATIONAL PARK, WASH.

The Clerk called the bill (S. 1358) to authorize the Secretary of the Interior to provide a headquarters site for Mount Rainier National Park in the general vicinity of Ashford, Wash., and for other purposes.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA

The Clerk called the bill (S. 1185) to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I understood that there was, at least the last time the Consent Calendar was before us, some reservation about this legislation.

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield, there was one reservation about the legislation, and the gentleman from Colorado now speaking asked that the bill go over to this time to present a committee amendment. The gentleman from Colorado has the amendment, if consideration is permitted.

Mr. FORD. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to further the policy set forth in the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461–467), by specifically providing for the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency.

SEC. 2. (a) Before any agency of the United States shall undertake the construction of a dam, or issue a license to any private individual or corporation for the construction of a dam, it shall give written notice to the Secretary of the Interior setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if such construction is undertaken.

(b) Upon receipt of any notice, as provided in subsection (a), the Secretary of the Interior (hereinafter referred to as the "Secretary"), shall cause a survey to be made of the area proposed to be flooded to ascertain whether such area contains historical and archeological data (including relics and specimens) which should be preserved in the public interest. Any such survey shall be conducted as expeditiously as possible. If, as a result of any such survey, the Secretary shall determine (1) that such data exists in such area, (2) that such data has exceptional historical or archeological significance, and should be collected and preserved in the public interest, and (3) that it is feasible to collect and preserve such data, he shall cause the necessary work to be performed in such area to collect and preserve such data. All such work shall be performed as expeditiously as possible.

(c) The Secretary shall keep the instigating agency notified at all times of the progress of any survey made under this Act, or of any work undertaken as a result of such survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of such agency.

(d) A survey similar to that provided for by section (b) of this section and the work required to be performed as a result thereof shall so far as practicable also be undertaken in connection with any dam the construction of which has been heretofore authorized by any agency of the United States, or by any private person or corporation holding a license issued by any such agency.

(e) The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, and private institutions and qualified individuals, with a view to determining the ownership of and the most appropriate repository for any relics and specimens recovered as a result of any work performed as provided for in this section.

SEC. 3. In the administration of this Act, the Secretary may—

(1) enter into contracts or make cooperative agreements with any Federal or State agency, any educational or scientific organization, or any institution, corporation, association, or qualified individual; and

(2) procure the temporary or intermittent services of experts or consultants or organizations thereof as provided in section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and

(3) accept and utilize funds made available for salvage archeological purposes by any private person or corporations holding a license issued by an agency of the United States for the construction of a dam or other type of water or power control project.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: On page 2, line 13, after the word "undertaken," change the period to a colon and insert the following: "*Provided,* That with respect to any floodwater retarding dam which provides less than 5,000 acre-feet of detention capacity and with respect to any other type of dam which creates a reservoir of less than 40 surface acres the provisions of this section shall apply only when the constructing agency, in its preliminary surveys, finds, or is presented with evidence, that historical or archeological materials exist or may be present in the proposed reservoir area."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL HISTORIC SITE AT BENT'S OLD FORT, COLO.

The Clerk called the bill (H.R. 6851) authorizing the establishment of a national historic site at Bent's Old Fort near La Junta, Colo.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would point out to the Members that the House has approved the purchase of high-priced land for a $75 million cultural center in Washington, D.C. The House has also approved the purchase of a building site for a Pan American Building at a rate of somewhere near $20 a square foot, and I understand the Congressional Women's Club will be in with a bill for some land on which to erect a new building. I simply point out that we cannot do all these things, establish historic sites all over the United States and buy land in the District of Columbia. There just is not that kind of money to be spread around. Somewhere we have got to call a halt.

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

KURE BEACH, N.C.

The Clerk called the resolution (H. Res. 470) providing for sending the bill H.R. 10919 for the relief of the town of Kure Beach, N.C., to the Court of Claims.

Mr. WEAVER. Mr. Speaker, at the request of another Member, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

CLAIMS OF MILITARY AND CIVILIAN PERSONNEL

The Clerk called the bill (H.R. 10978) to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Personnel and Civilian Employees' Claims Act of 1960."

SEC. 2. As used in this Act—

(1) "agency" includes an executive department, independent establishment, or corporation primarily acting as an instrumentality, of the United States, but does not include any contractor with the United States;

(2) "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; and

(3) "settle" means consider, ascertain, adjust, determine, and dispose of any claim, whether by full or partial allowance or disallowance.

SEC. 3. (a) Under such regulations as the head of an agency may prescribe, he or his designee may settle and pay a claim arising after the effective date of this Act against the United States for not more than $6,500 made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency, for damage to, or loss of, personal property incident to his service. If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind. This subsection does not apply to claims settled and paid before its enactment.

(b) If a person named in subsection (a) is dead, the head of the agency concerned, or his designee, may settle and pay any claim made by the decedent's surviving (1) spouse, (2) children, (3) father or mother, or both, or (4) brothers or sisters, or both, that arose before, concurrently with, or after the decedent's death and is otherwise covered by subsection (a). Claims of survivors shall be settled and paid in the order named.

(c) A claim may be allowed under subsection (a) for damage to, or loss of, property only if—

(1) it is presented in writing within two years after it accrues, or within one year after the date of the enactment of this Act,

whichever is later, except that if the claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such a war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than two years after that cause ceases to exist, or two years after the war or armed conflict is terminated, whichever is earlier;

(2) it did not occur at quarters occupied by the claimant within the fifty States or the District of Columbia that were not assigned to him or otherwise provided in kind by the United States; or

(3) it was not caused wholly or partly by the negligent or wrongful act of the claimant, his agent, or his employee.

(d) For the purpose of subsection (c)(1), the dates of beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by a determination of the President.

(e) The head of each agency shall report once a year to Congress on claims settled under this section during the period covered by the report. The report shall include for each claim the name of the claimant, the amount claimed, and the amount paid.

SEC. 4. Notwithstanding any other provision of law, the settlement of a claim under this Act is final and conclusive.

SEC. 5. Chapter 163 of title 10, United States Code, is amended as follows:

(1) Section 2735 is amended by striking out the figure "2732," and the comma after the figure "2733".

(2) The analysis is amended by striking out the following item:

"2732. Property loss: incident to service; members of Army, Navy, Air Force, or Marine Corps and civilian employees."

(3) Section 2732 is repealed.

SEC. 6. Section 2 of the Act of June 7, 1956, chapter 376 (70 Stat. 255), is repealed.

With the following committee amendment:

Add a new section as follows:

"SEC. 7. Chapter 13 of title 14, United States Code, is amended as follows:

"'(1) The analysis is amended by striking out the following item: "490." Settlement of claims of military and civilian personnel."

"'(2) Section 490 is repealed.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WHITE HOUSE CONFERENCE ON NARCOTICS

The Clerk called the resolution (H. Res. 431) expressing the sense of the House of Representatives that the President shall call a White House Conference on Narcotics.

Mr. GROSS. Mr. Speaker, reserving the right to object, is this resolution to be called up under suspension of the rules?

The SPEAKER. It will be.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PAYMENT FOR LANDS CONVEYED TO THE UNITED STATES

The Clerk called the bill (H.R. 9142) to provide for payment for lands heretofore conveyed to the United States as a basis for lieu selections from the public domain, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall certify to the General Accounting Office for audit the claim of any person who conveyed lands to the United States as a basis for a lieu selection in accordance with the provisions of the fifteenth paragraph under the heading "Surveying the Public Lands" in the Act of June 4, 1897 (30 Stat. 11, 36), as amended and supplemented by the Acts of June 6, 1900 (31 Stat. 588, 614), March 3, 1901 (31 Stat. 1010, 1037), and March 3, 1905 (33 Stat. 1264) and who has not heretofore received his lieu selection, a reconveyance of his lands, or authority to cut and remove timber, as provided by law, and there shall be paid to each such person whose claim is found to be proper the sum of $1.25 per acre for the lands conveyed by him to the United States with interest thereon at the rate of 4 per centum per annum, compounded annually, from the date on which application was last made by said person for a lieu selection, for reconveyance, or for authority to cut and remove timber or, if no such application has been made, from the date of this Act. Said payment shall be made from moneys appropriated under the heading "Claims for Damages, Audited Claims, and Judgments." No person shall receive, or be entitled to receive, payment under this Act except upon demand therefor made in writing to the Secretary, or any officer of the Department of the Interior to whom the Secretary delegates authority to receive such demand, within one year from the date of this Act.

SEC. 2. (a) The right to receive payment under this Act shall not be assignable.

(b) For purposes of payments under this Act, the term "person who conveyed lands to the United States" includes (i) the heirs and devisees of any such person and (ii) any other person to whom he or his heirs or devisees lawfully assigned, before enactment of this Act, their right to a lieu selection or a reconveyance, or their right to receive authority to cut and remove timber. If more than one heir, devisee, or assignee is entitled to share in a payment to be made under this Act, each may individually claim and receive his proper share of the total amount of $1.25 per acre, with interest, which is payable hereunder.

(c) No agent or attorney acting on behalf of another to procure a payment under this Act shall demand, accept, or receive more than 10 per centum of the payment made, and any agreement to the contrary shall be null and void.

SEC. 3. The Act of September 22, 1922 (42 Stat. 1017; 16 U.S.C. 483) is hereby repealed. No reconveyance of lands to which section 1 of this Act applies shall hereafter be made under section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872).

With the following committee amendment:

Page 1, line 4, after the word "who", insert "relinquished or".

Page 1, line 10, strike out the word "and".

Page 2, line 1, preceding the word "and" insert "and the Act of September 22, 1922 (42 Stat. 1067; 16 U.S.C. 483),".

Page 2, line 5, strike out the word "proper" and insert in lieu thereof the word "valid".

Page 2, lines 7 and 8, strike out the words "compounded annually,".

Page 2, strike out all of line 13, and insert in lieu thereof: "'Claims for Damages, Audited Claims, and Judgments,' and acceptance thereof shall constitute a full and complete satisfaction of all claims which the person to whom payment is made may have against the United States arising from the transaction in connection with which the payment is made."

Page 3, following line 15, add a new section to read as follows:

"SEC. 4. Any land for which the United States makes payment under section 1 of this Act, or any land for which it might make payment thereunder upon application by the proper party, but for which no demand is made, shall (unless it has heretofore been disposed of by the United States) be a part of the national forest, national park, or other area within the boundaries of which it is embraced, shall be administered as a part thereof, and shall be subject to the laws, rules, and regulations applicable to land set apart and reserved from the public domain in that national forest, national park, or other area."

The committee amendment was agreed to.

Mr. SISK. Mr. Speaker, I wish to present a brief explanation of my bill (H.R. 9142), to provide for payment for lands heretofore conveyed to the United States as a basis for lieu selections from the public domain.

We in California are very conscious of the importance of the national parks and the national forests.

The chief natural resources of California are the soil, timber, forests, water, and minerals. The basic industries of the State include lumbering, mining, and recreation, each of which is dependent to a substantial degree upon the integrity of our national forests. The proper management of our mountain watersheds—where the water so vital to our agriculture originates—is a primary element in the health and welfare of the State. Watershed protection and management is an important factor in the multiple uses of national forest lands, and a significant element in the administration of national parks.

For these reasons, I am sure that my colleagues will sense the great public loss that would be involved if tens of thousands of acres of highly valuable national park and national forest lands were to be lost by the Government. Yet, losses of thousands of acres have taken place and a potential loss of 100,000 acres or more of such lands is threatened in the Western States.

The lands that are threatened include some exceptionally valuable and indispensable tracts.

A national forest tract that has already been lost is the northeast quarter of section 15, tract 6 south, range 244 east, Mount Diablo meridian, which was quitclaimed by the Bureau of Land Management, Department of the Interior, to a Mr. and Mrs. Messersmith on January 28, 1958. The quitclaim, issued under the act of September 30, 1930, was on the basis of the relinquishment of this same tract to the United States prior to March 3, 1905, and the lack of completion of any conveyance by the Government in lieu of the tract in the intervening period.

The timber of this Messersmith tract had already been sold by the Forest Service and it had already been cut and removed. It became necessary, in view of the conveyance of the land to the Messersmiths, for the Government, after more than 50 years of protection, management, administration, to turn over to the private claimants all of the receipts from the timber sale, less sale expenses.

Evidence that many more requests for quitclaim deeds under the 1930 act are in the making is supplied by the official county records of several California counties.

I shall not at this time trace the series of laws and the events which over the years have resulted in this present dangerous situation. The detailed account is available in the committee's printed hearings and report; however, I will present a general view of the relationship between the United States and the present or potential claimants as I see it.

The essence of the act of June 4, 1897, was that the owner of a patented tract of land, or a settler on an unpatented land claim, located within the exterior limits of a national forest reserve, could voluntarily relinquish all title in the land to the United States, whereupon a right was established to select other public land of equal acreage, provided it was subject to homesteading. Because of widespread questionable practices that grew up under the act, it was repealed on March 3, 1905. It seems obvious that the owner of the land or the land claimant had to make an election: either he was to retain title to the land he had or he was to relinquish it and it was to become the property of the United States, to be administered for national forest purposes.

Later, when congressional studies made it plain that many of the lieu selections had not been consummated, Congress, by enacting the act of September 22, 1922, provided a limited time in which the selection could be perfected, or if not perfected a quitclaim deed could be obtained from the United States. The time limit for filing proof of relinquishments under the 1922 act was 5 years. This seems to have been a fully ample period, and it must have been intended to operate as a statute of limitations. Thus, if any parties having unsatisfied claims under the 1897 act failed to act within 5 years after the enactment of the 1922 act, it would seem that they had given up all rights or interests in the transactions, and had abandoned such rights or interests as they might have had to the United States.

Nevertheless, section 6 of the act of April 28, 1930 (46 Stat. 257), was held by the Department of the Interior in a decision dated September 30, 1930, to have directed the Department to execute and deliver a quitclaim deed for the conveyed land in any case in which a lieu selection had not been consummated, and the party showed himself to be entitled thereto.

In view of the running of the statute of limitations on such claims, under the 1922 act it would seem that the 1930 act could only be viewed as offering the land back as an act of grace, or as a gift, on the part of the Government.

If, as I have suggested, quitclaims issued under the 1930 act are of the nature of acts of grace or gifts on the part of the United States then there is no necessary obligation on the part of the United States to continue with such gifts in the future. Certainly there is no obligation that the Government must continue to give away highly valuable and essential or key tracts within national forests and national parks in view of the record of relinquishment and abandonment of private claims to the lands over a long period of time.

From this standpoint, the payments of money provided in my bill are liberal.

The bill, briefly, would repeal the 1922 act, and provide that no reconveyance of lands conveyed to the United States under the 1897 act shall be made under section 6 of the 1930 act.

Despite the questionable nature of private claims that may in some sense persist as a result of such conveyances, where no lieu selection was consumated, the bill provides for payment to authorized private parties in settlement thereof, after audit by the General Accounting Office. Attorneys would not be authorized to receive more than 10 percent of the payments. The payments would be computed at a basic rate of $1.25 per acre, plus interest at 4 percent.

Enactment of the bill will confirm the title of the United States to the lands in question, and assure their continued administration and multiple-use management by the Federal agencies concerned.

I would not want to close this statement without mention of numerous citizens within my district who have aided and encouraged me in my study of this matter. I would like to mention Lester J. Gendron, district attorney of Madera County, who is alert to the situation and is using the authority of his office for the protection of the people of his county. I have been assisted also by Philip Lucas, county assessor of Tulare County; the late George Philpot, of the Fresno County Sportsmen's Association; and various Government officers, including Supervisor Walter Puhn, of the Sierra National Forest; and Joseph Flynn, and Eldon Ball, of the Sequoia National Forest; and Superintendent Walker, of the Sequoia-Kings Canyon National Park; and many others.

Mr. Speaker, enactment of this legislation will stop the threatened loss of tens of thousands of acres of key tracts in national parks and national forests, yet it offers a fair and liberal cash payment in view of old unsettled claims. I urge prompt enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORT LARAMIE NATIONAL MONUMENT, WYO.

The Clerk called the bill (H.R. 8567) to revise the boundaries and change the name of the Fort Laramie National Monument, Wyo., and for other purposes.

Mr. HECHLER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

RESETTLEMENT OF CERTAIN REFUGEES

The Clerk called the joint resolution (H.J. Res. 397) to enable the United States to participate in the resettlement of certain refugees.

Mr. WALTER. Mr. Speaker, this joint resolution is on the list of those matters to be considered under suspension. I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MEMBERSHIP ROLL OF INDIANS OF YAKIMA RESERVATION

Mr. TOLLEFSON. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Consent Calendar No. 359, the bill (H.R. 1176) to amend the act of August 9, 1946 (60 Stat. 968), providing for the preparation of a membership roll of the Indians of the Yakima Reservation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. GROSS. Mr. Speaker, I object.

EXTENSION OF EXPORT CONTROL ACT OF 1949

Mr. SPENCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10550) to extend the Export Control Act of 1949 for 2 additional years.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Export Control Act of 1949 (63 Stat. 7), as amended by Public Law 33, Eighty-second Congress (65 Stat. 43), Public Law 62, Eighty-third Congress (67 Stat. 62), Public Law 631, Eighty-fourth Congress (70 Stat. 407), and Public Law 85-466, Eighty-fifth Congress (72 Stat. 220), is hereby amended by striking out "1960" and inserting in lieu thereof "1962".

The SPEAKER. Is a second demanded?

The question is, Will the House suspend the rules and pass the bill?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REGULATION OF BANK MERGERS

Mr. SPENCE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1062) to amend the Federal Deposit

Insurance Act to require Federal approval for mergers and consolidations of insured banks, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 18 of the Federal Deposit Insurance Act is amended by striking out the third sentence and inserting in lieu thereof the following: "No insured bank shall merge or consolidate with any other insured bank, or either directly or indirectly acquire the assets of, or assume liability to pay any deposits made in, any other insured bank without the prior written consent (i) of the Comptroller of the Currency if the acquiring, assuming, or resulting bank is to be a national bank or a District bank, or (ii) of the Board of Governors of the Federal Reserve System if the acquiring, assuming, or resulting bank is to be a State member bank (except a District bank), or (iii) of the Corporation if the acquiring, assuming, or resulting bank is to be a nonmember insured bank (except a District bank). Notice of any proposed merger, consolidation, acquisition of assets, or assumption of liabilities, in a form approved by the Comptroller, the Board, or the Corporation, as the case may be, shall (except in a case where the furnishing of reports under the seventh sentence of this subsection is not required) be published, at appropriate intervals during a period (prior to the approval or disapproval of the transaction) at least as long as the period allowed under such a sentence for furnishing such reports, in a newspaper of general circulation in the community or communities where the main offices of the banks involved are located (or, if there is no such newspaper in any such community, then in the newspaper of general circulation published nearest thereto). In granting or withholding consent under this subsection, the Comptroller, the Board, or the Corporation, as the case may be, shall consider the financial history and condition of each of the banks involved, the adequacy of its capital structure, its future earnings prospects, the general character of its management, the convenience and needs of the community to be served, and whether or not its corporate powers are consistent with the purposes of this Act. In the case of a merger, consolidation, acquisition of assets, or assumption of liabilities, the appropriate agency shall also take into consideration the effect of the transaction on competition (including any tendency toward monopoly), and shall not approve the transaction unless, after considering all of such factors, it finds the transaction to be in the public interest. In the interest of uniform standards, before acting on a merger, consolidation, acquisition of assets, or assumption of liabilities under this subsection, the agency (unless it finds that it must act immediately in order to prevent the probable failure of one of the banks involved) shall request a report on the competitive factors involved from the Attorney General and the other two banking agencies referred to in this subsection (which report shall be furnished within thirty calendar days of the date on which it is requested, or within ten calendar days of such date if the requesting agency advises the Attorney General and the other two banking agencies that an emergency exists requiring expeditious action). The Comptroller, the Board, and the Corporation shall each include in its annual report to the Congress a description of each merger, consolidation, acquisition of assets, or assumption of liabilities approved by it during the period covered by the report, along with the following information: the name and total resources of each bank involved; whether a report has been submitted by the Attorney General hereunder, and, if so, a summary by the Attorney General of the substance of such report; and a statement by the Comptroller, the Board, or the Corporation, as the case may be, of the basis for its approval."

The SPEAKER. Is a second demanded?

The question is, Will the House suspend the rules and pass the bill?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on both bills which have just been passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SPENCE. Mr. Speaker, there is a recognized need for better Federal laws to regulate bank mergers. Bank mergers have been taking place at a rapid rate in recent years. During the past 10 years, there have been 150 bank mergers a year on the average. And these mergers have involved our biggest banks. For example, if you look at the list of the largest banks in the country today, you will see the second, third, fourth, and fifth top spots occupied by banks which owe their tremendous influence in large measure to absorptions of other banks by mergers.

The need for a better bank merger law has been recognized by both the President and the Congress. Both Houses of Congress passed bills on the subject in 1956, but their differences were not reconciled and so no legislation went to the White House. The Senate passed a bank merger bill again in 1957 but the House did not act. This bill, of course, passed the Senate last year.

The present Federal banking laws on this subject have several serious defects when it comes to controlling bank mergers. Many mergers can take place without approval of any Federal bank supervisory agency. Even where the Federal banking laws require such approval as a condition of a merger, they do not provide for uniform standards and in no case is the effect on competition even mentioned. The Federal antitrust laws also offer little help in controlling bank mergers. The Clayton Act is ineffective as to bank mergers because in the case of banks it covers only stock acquisitions and bank mergers are not accomplished that way. The Sherman Act has been invoked only once in court to stop a bank merger, and that case is still pending.

So I think you will agree there is a real need for this type of legislation.

The bill the committee has reported meets this recognized need by giving the Federal bank supervisory agencies control over all bank mergers resulting in banks that are federally insured. All such mergers would be judged by a uniform set of standards. The bill spells out seven factors the supervisory agencies are to consider. Six of these are banking factors, covering such matters as the prospects of the banks involved and the needs of the community, and the seventh factor is "the effect of the transaction on competition—including any tendency toward monopoly." After considering all these factors, the agency must find the merger would be in the public interest before approval may be given.

This puts control in the banking agencies, which have expert knowledge of the problems involved. At the same time, they will be required to get a report from the Attorney General, whose experience in the antitrust field qualifies him to furnish valuable advice in the administration of the bill.

This bill was reported out of the Banking and Currency Committee without a dissenting vote, and I urge you to vote for it in the hope it can be sent to the President without further delay.

Mr. BROWN of Georgia. Mr. Speaker, I am happy to recommend this bill to the House. It is a compromise bill, which I believe offers a sound solution to difficult problems that have proved a stumbling block to legislation in this field in recent years. Members of the House will recall that a bill to regulate bank mergers passed the House in 1956. Different bank merger bills passed the Senate in 1956, 1957, and 1959. The President has also urged Congress to enact legislation in this field. Until today, however, there has been considerable argument as to what form this legislation should take. I am privileged to serve as chairman of the subcommittee of the Banking and Currency Committee which undertook the task of reconciling these differences, and I am pleased to report that we had splendid cooperation from the chairman of the House Judiciary Committee, Hon. EMANUEL CELLER, as well as from the Federal bank supervisory agencies and the Department of Justice in working out the bill we have recommended to you. This bill was reported unanimously to the House by the Banking and Currency Committee.

As Chairman SPENCE has explained to you, the bill provides that no merger which is to result in a bank insured by the Federal Deposit Insurance Corporation may take place unless it has been approved by one of the Federal bank supervisory agencies—the Comptroller of the Currency for national banks, the Federal Reserve Board for State member banks, and the Federal Deposit Insurance Corporation for insured nonmember banks. This puts the responsibility for acting on a proposed merger where it belongs—in the agency charged with supervising and examining the bank which will result from the merger. Out of their years of experience in supervising banks, our Federal banking agencies have developed specialized knowledge of banking and the people who engage in it. They are experts at judging the condition of the banks involved, their prospects, their management, and the needs of the community for banking services. They should have primary responsibility in deciding whether a proposed merger would be in the public interest.

The bill specifies six banking factors to be considered in acting on a proposed merger: That is, it requires the banking agency to take into consideration, for

each of the banks involved, the financial history, the adequacy of its capital structure, its future earnings prospects, the general character of its management, the convenience and needs of the community to be served, and whether or not its corporate powers are consistent with the purposes of the Federal Deposit Insurance Act. In addition to these six banking factors, the bill requires the agency to take into consideration the effect of the proposed transaction on competition—including any tendency toward monopoly. The agency will not approve the transaction unless, after weighing all these factors, it concludes that the proposed merger will be in the public interest.

In determining whether a merger is in the public interest, the banking agency will consider the several factors listed in the bill; after weighing them, the agency will determine whether the net balance is favorable or unfavorable, and will approve the merger only if the merger is in the public interest in the sense that this balance is favorable.

We want to be sure that the three different banking agencies are all using the same standards in passing on mergers; so the bill requires the agency handling the application to request reports from the other two banking agencies as to the competition factors involved before it approves or disapproves the merger. Also, the bill provides for a similar report from the Attorney General, so that the banking agencies will have the benefit of the long experience of the Antitrust Division in protecting competition in business generally. Normally, the other banking agencies and the Attorney General will have 30 days in which to submit their advisory reports. In emergencies, however, this may be shortened to 10 days. In an extreme emergency—that is, where immediate action is needed to save a failing bank—consultation will not be required. While this may seem somewhat cumbersome procedure, I feel it can work smoothly with proper cooperation among the agencies concerned and the results will be worth it.

There is general agreement that stronger, clearer, more uniform controls over bank mergers are needed. This bill will meet this need, in a way that assures a balanced consideration of the total effects of a merger, with appropriate consultation among all interested agencies. In this way, we can expect that bank mergers which will be beneficial will be approved, and those which will not will be stopped.

I urge the House to approve this bill.

Mr. CELLER. Mr. Speaker, I urge enactment of S. 1062 which would provide additional and vitally needed safeguards against bank mergers and consolidations which might lessen competition or tend to monopoly in the field of banking. This measure is, in my considered judgment, the minimum necessary to maintain a sound, vigorously competitive unit banking system in this country and to arrest a merger trend which is contributing substantially to the control of the Nation's banking business by fewer and larger financial institutions.

Our Antitrust Subcommittee, a few years ago, made a lengthy study and report which demonstrated dramatically the extent of concentration in banking that has been taking place in recent years, largely because of unfettered merger activity and inadequate Federal legislation. Our subcommittee study showed that while there were approximately 13,500 commercial banks in this country, the 100 largest controlled approximately 46 percent of the Nation's total bank assets, and more than 48 percent of the bank deposits. It showed that in 10 of the Nation's 16 leading financial centers, 4 banks owned more than 80 percent of all commercial assets; that in 9 of these financial centers, 2 banks owned more than 60 percent of all commercial bank assets; and that in each of the 16 leading financial centers, the first 2 banks owned more than 40 percent of all the commercial assets, the first 4 banks, 60 percent.

Such concentration is contrary to the fundamental premise that the banking system of the United States should rely for its vitality on vigorous competition by a multitude of independent banks, locally organized, locally financed, and locally managed. For unlike other countries, such as Great Britain, France, and Germany, where a few mammoth institutions control nearly all the banking facilities, the American system is based on competition as one of the strongest factors safeguarding a sound banking system.

A corollary matter of serious concern resulting from merger activity is the gradual decline in the total number of banks in the Nation. The fact is that the banking population of our country is at a 38-year low despite the postwar boom, despite the 286-percent growth in bank assets, despite the new high level of loans and deposits, despite the greatly increased use made of banking services, and despite the enormous growth in the number of depositors. As a consequence of this diminution of banks through mergers, competition among banking institutions has been lessened in communities through the Nation. Over 76 counties in the United States have no commercial banking facilities whatsoever; hundreds of small American communities have become bankless towns; and many others are served by only one bank in place of the two or three which existed in the 1920's.

In these circumstances, I think that the bill, provided it is properly administered, constitutes a significant step forward. True, it does not contain all the safeguards that I believe necessary to cope with the rash of bank mergers that have beset the Nation. For example, it would, in my opinion, have been preferable to have made provision for a hearing on the record and the right of court review, together with adoption of the competitive test contained in section 7 of the Clayton Act with specific exceptions for cases involving probable failures, management problems, inadequate capital or unsound assets, or overbanked communities.

But this should not obscure the fact that the bill represents a real achievement, due in large part to amendments added by the House and Senate Banking and Currency Committees, and by the Senate. Thus the bill has been materially strengthened by an amendment making mandatory agency consultation with the Attorney General on competitive factors and requiring the Attorney General to submit a report to the agency on such factors. In proposing such an amendment before the Senate Banking Committee, I testified that "it would be little short of folly to require the appropriate Federal bank supervisory agency to obtain the views of the other two banking agencies (with respect to competitive considerations), but not impose the same requirement in respect to seeking the informed advice of the Department of Justice—the agency specifically charged by Congress with responsibility for examining into competitive implications of proposed mergers." Pursuant to the amendment, it is clear, of course, that at the time of the request made to the Attorney General, the Federal banking agencies will make available to the Department of Justice all information in their possession which would be relevant to the Attorney General's determination of the competitive aspects of the merger. Such cooperation, it must be stressed, is essential to the prompt and complete performance of the responsibilities given to the Attorney General under the terms of the amendment.

The bill was also strengthened through adoption by the House Banking and Currency Committee of an amendment establishing as the competitive test "the effect on competition—including any tendency toward monopoly." This amendment alters the test contained in the Senate bill, namely, whether the merger "may lessen competition unduly or tend unduly to create a monopoly." As I testified, adoption of such a grotesque standard as "unduly" would mean that it "is the policy of Congress that a bank merger which tends to monopoly is in the public interest; that only if it tends unduly to monopoly should it be banned." That test, I emphasized, would do little, if anything, to insure competitive enterprise in banking.

Parenthetically, it may be pointed out that in construing the term "any tendency toward monopoly" specified by the House committee amendment, such cases as *United States* v. *DuPont* (353 U.S. 586, 592, 593), and *Transamerica Corp.* v. *Board of Governors* (206 Fed. 2d, 163, 169), will serve as a most useful guide.

Further amendments to the bill requiring annual reports to the Congress and publication in a newspaper of notice of proposed mergers, are salutary in the public interest. They are salutary because they will enable the Congress and the public to be informed of bank merger activity. And most important, they will enable the appropriate congressional committees to exercise close and continuing scrutiny of the manner in which the banking agencies administer the competitive standards contained in the bill. Such scrutiny is of the utmost importance. For unless the banking agencies

prohibit those mergers which have an anticompetitive effect as intended by this measure, there is the very real possibility indeed that our Nation's banking system will—and in short order—become dominated to a far greater extent than now by a handful of financial interests.

Mr. MULTER. Mr. Speaker, for many years Congress has been concerned with providing proper safeguards against mergers and consolidations of banks which tended to lessen competition or tended to create monopolies in banking.

The enactment of the present bill before the House is another step in improving the legislation on the subject.

The Sherman Antitrust Act and the Clayton Act apply in this field. But not to every phase of it and not as effectively as is desired. This bill in no way limits the Sherman Antitrust Act or the Clayton Act nor will its enactment in any way affect any pending actions or prosecutions under existing statutes.

The bill provides for control of all mergers by banks whose deposits are federally insured. In using the word "merger" I use it in its most all-inclusive sense because under the terms of the bill it will apply to mergers and consolidations and acquisitions of assets, no matter how accomplished.

The enactment of the bill will prohibit future mergers unless approved by the appropriate Federal banking agency. If the resulting bank is to be a national bank, the Comptroller of the Currency must approve; if a State bank which is a member of the Federal Reserve System, the Federal Reserve Board must approve; and if it is an insured State bank that is not a member of the Federal Reserve System, the Federal Deposit Insurance Corporation must approve.

In every case the approving agency must, in advance of approval, request a report from the Attorney General of the United States as to the competitive factors involved, except in such instances where immediate action is needed because of the emergencies that occasionally confront the supervisory agencies in dealing with banks. The Attorney General's report is advisory. In addition, each of the other supervisory agencies must be consulted by the agency charged with considering the application in order to standardize the practice in dealing with such applications.

Much controversy arose during the course of the hearings on this bill in both Houses of Congress with reference to the extent that the competitive and monopolistic factors should be considered as determinative of these applications. All concerned agreed that all of the banking factors must be considered. There also seemed to be no disagreement that the competitive and monopolistic factors should also be considered. Under the Sherman Antitrust Act and under the Clayton Act the sole tests revolve around the lessening of competition and the creation of monopolies.

The language of S. 1062 as amended by the House Banking and Currency Committee and as it appears in the bill we are now about to pass in the House makes it clear that the competitive and monopolistic factors are to be considered along with the banking factors and that after considering all of the factors involved, if the resulting institution will be in the public interest, then the application should be approved and otherwise disapproved.

The banking agencies are thus free to approve a merger to save a failing bank, or to approve a merger brought about by emergent conditions even though such action necessarily lessens competition or creates a monopoly in the particular community involved.

Like most legislation of this type, it depends for its implementation upon the agencies of Government paying heed to the intent of the Congress. If this legislation does not have the desired and desirable effect of calling a halt to the rash of bank mergers that we have witnessed in this country over the last several years, with the undesirable effect of constantly reducing the number of banks which are serving the public and increasing to inordinate size the big banks of the country at the expense of the small and independent banks, then much more restrictive legislation will be called for.

Under no circumstances is the enactment of this bill to be taken as an indication that the Congress acquiesces in any of the bank mergers and consolidations that have heretofore occurred.

RESETTLEMENT OF CERTAIN REFUGEES

Mr. WALTER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 397) to enable the United States to participate in the resettlement of certain refugees, with amendments.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That under the terms of section 212(d)(5) of the Immigration and Nationality Act, the Attorney General may parole into the United States, pursuant to such regulations as he may prescribe, an alien refugee-escapee defined in section 15(c)(1) of the Act of September 11, 1957 (71 Stat. 643) if such alien (1) applies for parole while physically present within the limits of any country which is not Communist, Communist-dominated, or Communist-occupied, (2) is not a national of the area in which the application is made, and (3) is within the mandate of the United Nations High Commissioner for Refugees.

SEC. 2. The Secretary of State is hereby directed to submit to the Attorney General, prior to January 1 and July 1 of each year, an advisory report indicating the number of refugee-escapees, as specified in section 1 of this Act, who within the preceding six months period have availed themselves of resettlement opportunities offered by nations other than the United States. The Attorney General shall not parole into the United States pursuant to section 1 of this Act, in any six months period immediately following the submission of the Secretary of State's advisory report, a number of refugee-escapees exceeding twenty-five per centum of the number of such refugee-escapees indicated in such advisory report as having been resettled outside of the United States. The Attorney General shall submit to the Congress a report containing complete and detailed statement of facts in the case of each alien paroled into the United States pursuant to section 1 of this Act. Such reports shall be submitted on or before January 15 and June 15 of each year. If within ninety days immediately following the submission of such report, either the Senate or the House of Representatives passes a resolution stating in substance that it does not favor the continuation of the authority vested in the Attorney General under section 1 of this Act, the Attorney General shall, not later than at the expiration of sixty days immediately following the adoption of such resolution by either the Senate or the House of Representatives, discontinue the paroling into the United States of such refugee-escapees. The Attorney General shall discontinue paroling refugee-escapees pursuant to section 1 of this Act on July 1, 1962.

SEC. 3. Any alien who was paroled into the United States as a refugee-escapee, pursuant to section 1 of this Act, who has been in the United States for at least two years, and who has not acquired permanent residence, shall forthwith return or be returned to the custody of the Immigration and Naturalization Service and shall thereupon be inspected and examined for admission into the United States, and his case dealt with in accordance with the provisions of sections 235, 236, and 237 of the Immigration and Nationality Act.

SEC. 4. Any alien who, pursuant to section 3 of this Act, is found, upon inspection by the immigration officer or after hearing before a special inquiry officer, to be admissible as an immigrant under the Immigration and Nationality Act at the time of his inspection and examination, except for the fact that he was not and is not in possession of the documents required by section 212(a)(20) of the said Act, shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival.

SEC. 5. Nothing contained in this Act shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

The SPEAKER. Is a second demanded?

Mr. MOORE. I demand a second, Mr. Speaker.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. WALTER. Mr. Speaker, the joint resolution under consideration is designed to implement the participation of the United States in what has been described as World Refugee Year promulgated by the United Nations Assembly in a resolution sponsored by the United Kingdom and cosponsored by this country.

In a proclamation issued on May 19, 1959, the President of the United States, in expressing the acceptance of the participation of the United States in the World Refugee Year, ending June 30, 1960, has outlined the extent of our participation, stressing the necessity of additional financial contributions for the rehabilitation of refugees and the need of more opportunities for their resettlement. A substantial financial contribution to the funds of the United Nations High Commissioner for Refugees in the amount of $4 million has already been made by the President pursuant to the authority granted him by the Congress last year.

The legislation under consideration is primarily designed to eliminate the remaining camps in Europe in which numbers of refugees have resided for a long period of time.

The Committee on the Judiciary reported this joint resolution by a vote of 30 to 1, I believe.

In taking up this joint resolution the committee considered the ability of the United States to absorb more people, having in mind the rate at which our population is increasing.

We believe that we have written into this legislation the safeguard which will prevent violence from being done to our basic concept of the admission of immigrants. By that I mean that everybody admitted, assuming this joint resolution will be adopted, will be required to comply with the provisions of the basic law. In addition, we have set up a provision under which by action of either the House or the Senate the entire program may be terminated within 60 days after the filing of a report by the Attorney General.

The joint resolution is designed to offer resettlement opportunities under the existing law, to wit: section 212(d)(5) of the Immigration and Nationality Act, to a number of refugees which will be determined depending on how many refugees are admitted by other cooperating countries.

Time is of the essence because the special refugee programs originated in the World Refugee Year should, of course, start in that year, if the participating countries are to implement what they have undertaken to do. Any delay in the enactment of this legislation will tend to impair the position of leadership which the United States has assumed in the field of internationally concerted humanitarian efforts.

In addition to that, there is a very important session of the Council of the Intergovernmental Committee for European Migration scheduled for the early part of May of this year. That session is to convene in Naples, Italy, instead of the usual meeting place which is Geneva, Switzerland. The main reason for this change of meeting place is the desire of the 29 member nations of ICEM to dramatize the departure of the one-millionth migrant moved from Europe by the organization which began its operations in February 1952. It is quite important that this legislation be well on its way to final enactment by the time ICEM's council convenes next month.

There have been recently certain proposals made in the field of immigration which appear to be based on the idea that the absorptive capacity of the United States is practically unlimited. The proposals I have in mind have apparently not been based on sufficient studies of the implications which the fast-growing population of the United States, the inadequacy of employment opportunities, and the lack of facilities for housing, education, and medical care have made urgently necessary. No study of these matters has been made prior to the submission of recommendations under which the United States population would be further increased by a very considerable influx of immigrants. It appears to me that the interest of the United States has not been taken into consideration by the authors of those proposals.

This legislation does not belong in that category. It does not provide for any sizable increase in our annual immigration intake while it opens our doors to a reasonable and assimilable number of desirable people who need a safe haven and an opportunity to start a new life and who deserve to benefit from the blessings of freedom and American opportunities.

How many will come under this resolution? The answer to that question depends on the extent of cooperation which this country will obtain from our friends abroad. For example, according to the latest report I received from the Director of the Intergovernmental Committee for European Migration, that organization transported from Europe to oversea countries in the calendar year 1959, a total of 42,166 refugees; 9,652 of them came to the United States under the now expiring provisions of section 15 of the act of September 11, 1957. Consequently, the number of refugees admitted in 1959 by countries other than the United States was 32,514. Assuming that all of these refugees were subject to the mandate of the United Nations High Commissioner for Refugees and further assuming that in the year 1960 countries other than the United States will admit the same number of refugees, the Attorney General would be authorized to admit 25 percent of that number to the United States, which would be 8,126 persons. Provided, of course, that the Secretary of State has made that finding and has advised the Attorney General as to the precise number of those whom he may parole into the United States in each of the 6-month periods.

However, if the Secretary of State finds that the other nations have curtailed the size of their total semiannual intake of refugees of the category specified in this resolution, our intake will automatically diminish proportionately in the immediately following 6 months.

The legal concept of this resolution is based on the experience gained in 1956 and in 1957 when the very efficient administration and the successful results of the use of the parole provision of the Walter-McCarran Act has permitted us to assume the position of leadership in providing safety and resettlement of those who escaped the Soviet massacre of the heroic Hungarian revolution.

We have maintained then, and we still maintain, that position of leadership which we first assumed in providing resettlement for displaced persons and refugees in the years since 1945 up to the present time. I stress this point not because of a desire to boast about our achievements. I believe that it is necessary to remind certain facts, from time to time—not so much to our friends and enemies abroad who realize very well what the United States has done—but to some of our own people at home, who seem to tend too often to minimize our actions. As an example, let me remind you that just about 2 weeks ago it was stated in the other body that little Venezuela has done infinitely more for displaced persons and refugees than the United States. Suffice it to say that in the period of ICEM's activities, from 1952 until 1959, Venezuela has admitted 1,700 refugees while the United States has admitted 300,000. I do not say that in order to belittle Venezuela's contribution which has apparently done what she was able and willing to do, and we appreciate that, but to point out that the criticism of our own deeds by our people has about reached the high point of absurdity.

Mr. Speaker, I hope that the House and the other body will act promptly on this truly necessary and meritorious legislation. I am convinced that this resolution, after it is placed on our statute books, will be administered carefully and wisely, and that the required cooperation between the Secretary of State and the Attorney General will be as friendly and efficient as it was in the past. The functions of the Department of State and the Department of Justice in the administration of this legislation are of great importance, indeed. While the powers and duties of the Attorney General under section 212(d)(5) of the Immigration and Nationality Act as well as under all pertinent provisions of that law and under this resolution are preserved intact and inviolate, the prerogatives and functions of the Secretary of State in the area of foreign relations remain equally intact under the opening paragraph of section 2 of the joint resolution.

I urge the House to vote overwhelmingly in favor of this legislation.

There has been much said about the problem of refugees. Many of the nations have issued stamps, but many of them, outside of the Iron Curtain, have made contributions. Funds have been raised from various sources.

In this legislation we deal with the camp population, with those people who are subject to the mandate of the United Nations High Commissioner for Refugees, and nobody else. We are exposed, in my judgment, to about one-fourth of 22,000 people.

There has been much discussion as to the number of refugees, and conflicting figures are being presented from various sources all the time. Some months ago, I said there were 28,000 people in the camps. This caused considerable consternation in the ranks of those people who have made this business of moving refugees a very profitable one. Just this morning, I talked with some people at the United Nations in New York. I was advised that the number is not 28,000 but it is now about 22,000. As I said earlier, we have written into the bill a provision under which the number we take will be determined by the total number of defined refugees taken by other nations participating in this program. That number is readily ascertainable so that in the opinion of your committee, the maximum number that could be taken, assuming that everybody in the camps wants to move, and I am sure that is not the case, our share will always represent 25 percent of those moved elsewhere.

If my colleagues will indulge me for a moment, I would like to tell of a conversation I had with a cabinet minister of the appropriate agency of the Austri-

an Government. He pointed out that most of these people are old. He said that emigration is not an attractive thing when people are over 35. I am sure that is the case. As I was saying, the numbers that would be moved would be relatively small. In view of the fact that we have actually been a participating sponsor of this World Refugee Year, it seems to me we are almost compelled to adopt the kind of legislation which will indicate our desire to participate and also the limits within which that participation will take place.

Mr. BURLESON. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield.

Mr. BURLESON. As I understand the situation, the type of people calculated to come in under this measure are old people—people who are sick and those ordinarily described as hard core refugees; is that correct?

Mr. WALTER. May I say to the gentleman that everyone who is admitted for permanent residence will come under the terms of the basic code.

Mr. BURLESON. When we have had this type of legislation before this body on several other occasions, including the so-called Refugee Relief Act which has expired, the plea was that we should have that type of people in this country who would contribute something to the welfare of our country. Now this seems to me to be the very opposite. Is this strictly on a humanitarian basis?

Mr. WALTER. This is designed to meet the demand of some people that the United States do something in this field. May I say again in that connection, that just recently, in the other body it was stated that the United States had not done as well in the refugee field as little Venezuela. As I stated a few minutes ago, ICEM's records show that Venezuela had admitted since 1952, a little over 1,700 refugees in these categories and we had admitted over 300,000. Now, what useful purpose is served by minimizing our efforts, I do not know, but I would like to point out to the gentleman that ever since the cessation of hostilities in 1945, the United States has done its full share. We can certainly be proud of our efforts; but still, the camps there remain. It seems to me that by the enactment of this legislation we will indicate to the world that we can eliminate them. When the question of the number arose, the gentleman from California [Mr. SMITH] visited the camps in Europe, and as a result of his investigation we reached what we believe to be a proper conclusion with respect to the modus operandi of elimination of the camps.

Mr. BURLESON. Did I understand the gentleman to say that many of these 22,000 would not wish to enter this country or any other country?

Mr. WALTER. My guess is that only a small percentage would want to move, and a correspondingly smaller one will enter this country.

Mr. BURLESON. Then in that case the camps are not going to be eliminated.

Mr. WALTER. Yes, they will, because other nations and local economies will also be absorbing these people.

Mr. BURLESON. We contribute something through the United Nations to the upkeep of the camps?

Mr. WALTER. That is right.

Mr. BURLESON. And we would continue to do so. If they do not want to come to this country or any other country they would remain there and we would continue our contribution. I assume that that would eliminate the humanitarian angle of bringing them into this country.

Mr. WALTER. I would like to feel that after the enactment of this legislation the United Nations would take steps immediately to eliminate those camps. They have already eliminated a great many. People have been concentrated in just a few camps.

Mr. BURLESON. If the gentleman will yield further, you have a bill before the Committee on the Judiciary which deals with immigration, ordinarily referred to as the administration bill, which would about double the 154,000 annual admissions provided under present law. This number represents regular quotas, but as I understand that proposal, an unpredictable number of immigrants would be permitted to come to this country if the President so desired. How is this related to that legislation?

Mr. WALTER. May I say this to the gentleman, that before the subcommittee, of which I happen to be chairman at the moment, considers that legislation, we will complete studies that we are now undertaking to determine the capacity of the United States to absorb more people. Personally, I hope there will be no action before this study is completed. I am almost sure there will be no action at this session, because the studies will not be completed. It is very important in that connection to note, particularly in those areas where we have much distress, the coalfields of Pennsylvania, for instance, that a vast majority of people coming to the United States seeking new homes, come to those areas. We certainly are not going to relieve unemployment in the United States by bringing unemployed from other places in the world.

Mr. BURLESON. I am delighted to hear the gentleman's remarks on that subject. If the Federal Government is going to provide public housing, unemployment compensation, medical care, and all other benefits which flow from Washington, it would seem we do not need to bring more people in for that purpose.

Mr. WALTER. I agree with the gentleman completely, but we are talking about something entirely different now. We are talking about the participation of the United States of America in a worldwide movement to relieve a very bad situation.

Mr. BURLESON. Mr. Speaker, if I could feel that House Joint Resolution 397 was purely a humanitarian act, certainly I would feel more kindly toward it. If it is humanitarian, then certainly our benevolence should extend to the teeming thousands of Arab refugees expelled from Israel. In this instance, our own policies contributed to this wholly unsolved, pitiable situation. I think there is no doubt that the refugees with whom we are dealing in this bill are cared for in luxury, as compared to these people living almost like animals with no hope for tomorrow.

It is difficult to obtain definite information as to the type of people remaining in the refugee camps in Europe. Some years ago before the Special Refugee Relief Act expired, the argument was made that we should admit people of special skills and abilities who would contribute something to our American life. The camps were supposedly drained of this type of individual, many of them coming to this country. I doubt seriously if very much has been contributed, and I opposed that legislation. However, the point to be considered now is why, after these several years, we are going back to the hard-core type which is left in the camps. If my information is correct, these people are mostly those who are diseased, with criminal involvement of some nature, or whose true status cannot be determined.

We are now going to take these people, which I have an idea is more or less on an indiscriminate basis, based on the challenge of other nations to take three-fourth of the total. They are being admitted on a permanent basis. They become eligible for permanent citizenship, and it is a circumvention of our immigration laws.

The most I can see coming out of this legislation is the hope that the administration's liberalizing bill now in the Committee on the Judiciary may get no further than it is at the present time.

It is difficult to understand why there are those who want to chip away and widen the breaches in the present Walter-McCarran Act. At a time when, in my opinion, we should be tightening immigration laws, we are loosening them up.

The gentleman from Pennsylvania [Mr. WALTER], chairman of the Subcommittee on Immigration, in response to my query a few minutes ago indicated he was not for liberalizing our immigration laws as proposed and requested by the President of the United States. He further indicated that he recognized the inconsistency of admitting more people to the United States who will contribute to that group for which there is always a hue and cry for more welfare benefits of one sort and another. Do you want to bring more people into this country for more public housing, more unemployment compensation and all the welfare benefits which can be dreamed up by those who would take care of everybody and everything from Washington?

Mr. Speaker, it seems the most I can do at this time is to give notice that I shall oppose with every possible effort any further legislation which weakens and liberalizes our present immigration laws. I simply do not think it is in the best interest of our country, and further believe that it is already one of the principal taproots of many of the difficulties our Nation is now experiencing. I know very well that there are those who will say this is a narrow view. I know very well there are those who

will want to say it is an attitude of anti-this and that. But, I know in my heart it is no such thing.

It is a matter of seeing that there are no more people in this country than are already here who do not understand the American system. There are those already here who do not distinguish between license and freedom. There are many who do not understand that responsibility goes with liberty. Mr. Speaker, this is not a flag-waving statement, because the record will prove it, and as to that matter, most any day a newspaper out of any of the big cities will prove it in their reporting.

I am not going to support this resolution, and particularly do I repeat that the bill now considered by the Judiciary Committee, which can more than double the present immigration quota, will be resisted. I trust that you here who believe as I do will indicate your attitude to the Judiciary Committee to such a degree that the committee itself will reject the proposed legislation.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WALTER. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. MOORE].

Mr. MOORE. Mr. Speaker, the joint resolution before the House was the subject of extensive studies and hearings. After a great deal of work by the individual members of the committee, we have presented what we think is the best legislation we could devise in that complex field. I think the gentleman from Pennsylvania [Mr. WALTER] has fairly and ably presented the contents and the impact of this bill to the Members of the House. The joint resolution has adequate safeguards built into it. Specifically, we do not undertake to take any refugees until a certain number of them is moved into other countries of the world. We limit our participation to 25 percent of those during the next 2½ years.

A great deal of pressure was brought upon the committee to bring this legislation to the House last year, but we delayed our action because we thought it was necessary to get a more accurate understanding of just how many refugees there were under the United Nations mandate, and just what sort of exposure was taking place with the passage of this resolution as far as the United States was concerned.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I yield.

Mr. GROSS. How many refugees are there in the world?

Mr. MOORE. That is a problem we have been dealing with for a long period of time. The voluntary agencies in this country seem to think there are upwards of a hundred thousand emigrable refugees in the world. Our best estimates which come through the personal work of the gentleman from California [Mr. SMITH] and the work of the gentleman from Pennsylvania [Mr. WALTER] is that there are approximately 28,000 refugees affected by this legislation.

This legislation is limited to refugees who come within the mandate of the High Commissioner of the United Nations. It is limited to European nationals; it does not take into consideration the vast numbers in the Middle East; it does not take into consideration the even greater numbers in the Far East.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. MOORE. I yield.

Mr. GROSS. Did I understand the gentleman from Pennsylvania [Mr. WALTER] to say a few moments ago that the United States has taken 300,000 people in this category?

Mr. MOORE. That is correct; since 1952, yes.

Mr. GROSS. Have we not done our share and more than our share?

Mr. MOORE. I think it is fair to say to the gentleman, yes, I believe the United States has done its share; and, certainly, the record will indicate not only that we are taking refugees, but that we provide very considerable sums of money.

This is an endeavor on the part of your committee here in the House to wipe out this question of refugees in camps located in Western Europe. We feel that we have limited the joint resolution in such manner that there is a minimum amount of risk for the United States; that in all probability not more than 2,500 to 3,000 people annually would come in; and bear in mind the fact that those who do come in must meet the statutory provisions as every individual must qualify for admittance to the United States for permanent residence.

I yield to the gentleman from Pennsylvania [Mr. WALTER], for further answer to the gentleman's question.

Mr. WALTER. I would like to point out, Mr. Speaker, that the figures we have been supplied, come from the Intergovernmental Committee for European Migration and are based on actual count and on estimates submitted by the United Nations High Commmissioner for Refugees.

They are as follows: number of emigrable refugees: in Austria, 10,329; in Italy, 5,394; in Germany, 5,000; in Greece, 1,000; in other Western European countries, 4,000, or a total of 27,753.

These figures were prepared about 4 months ago. The latest figures I received this morning indicate that over 5,000 have left since.

But may I point out one thing further? The most we could be exposed to under either of the figures would be 25 percent of those taken by other nations, assuming that the 25 percent could qualify under the provisions of the Walter-McCarran Act.

CALL OF THE HOUSE

Mrs. CHURCH. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 40]

Alexander	Gary	Morris, N. Mex.
Anfuso	Giaimo	Moss
Ashley	Gilbert	Nix
Barden	Goodell	Osmers
Barr	Granahan	Passman
Barrett	Grant	Pelly
Barry	Gray	Philbin
Bass, N.H.	Halleck	Porter
Bentley	Halpern	Powell
Blatnik	Hargis	Quigley
Boggs	Harmon	Randall
Bosch	Healey	Ray
Bowles	Henderson	Reece, Tenn.
Brewster	Herlong	Reuss
Buckley	Hess	Rhodes, Ariz.
Cahill	Hoffman, Ill.	Riley
Canfield	Hull	Rivers, S.C.
Carnahan	Inouye	Roberts
Casey	Jarman	Rodino
Chamberlain	Jennings	Rooney
Coffin	Jones, Ala.	Rostenkowski
Cooley	Judd	Santangelo
Corbett	Karth	Saund
Curtis, Mo.	Kasem	Schwengel
Daddario	Kelly	Sheppard
Daniels	Kilgore	Short
Davis, Ga.	Kluczynski	Siler
Diggs	Kyl	Staggers
Dooley	Lafore	Sullivan
Dowdy	Landrum	Taber
Dulski	Lesinski	Taylor
Durham	McCormack	Teller
Dwyer	McCulloch	Thompson, N.J.
Evins	McMillan	Toll
Fallon	Madden	Vanik
Farbstein	Magnuson	Wallhauser
Fenton	Mailliard	Willis
Fino	Mason	Withrow
Flynn	May	Wolf
Fogarty	Merrow	Yates
Forand	Metcalf	Zablocki
Frelinghuysen	Milliken	Zelenko
Gallagher	Mitchell	
Garmatz	Monagan	

The SPEAKER. On this rollcall 299 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RESETTLEMENT OF CERTAIN REFUGEES

Mr. MOORE. Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Speaker, I rise in support of the committee bill, House Joint Resolution 397, which would enable the United States to participate in the resettlement of certain refugees. This is World Refugee Year. The United States, by Presidential proclamation, is one of 69 nations which has fixed upon this year as the time when at long last we must find some permanent solutions for the refugee problem.

However, I regard this resolution as only a step in the right direction. I would much prefer an overall facing up to the problem of refugees throughout the world, especially in these days when the victims of Communist oppression continue to flee from behind the Iron Curtain to freedom in Western Europe. We must establish legislation on a permanent basis, which will enable our Government intelligently and compassionately to meet its fair share of responsibility for refugee relief.

I have introduced the administration bill which specifies that the President may direct the Secretary of State and the Attorney General to parole into this country annually upwards of 10,000

"refugee-escapees" and "nonsettled hard-core refugees." If the President should proclaim that an emergency exists, a greater number may be admitted. The Secretary of State and the Attorney General would be given discretion to provide such measure of relief as is consistent with our world responsibility working closely with the United Nations High Commissioner for Refugees. This should be the goal of refugee legislation. House Joint Resolution 397, the bill we are now discussing, is limited in that it restricts eligibility to refugees who now fall under the United Nations mandate. This limitation precludes any relief for certain other refugees principally in the Middle East and the Far East. There are no specific provisions for the emergency situations such as we met following the Hungarian revolt.

This resolution confines itself to diminishing the residue of unsettled refugees now in United Nations camps located in Europe. What is ignored is the constant flow of new refugees who continue to flee tyranny in many corners of the globe. It amounts to short-term sedation in the hope that the problem will go away. I submit that what is needed is not sedation but surgery. We must consider this problem in its full scope. We must allow for complete flexibility to meet the problem today as well as emergency situations that may arise in the future.

The problem is fully recognized but let us not be satisfied with a minimal solution.

Mr. MOORE. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, this bill again raises an old, old question, which has been before us many times in the past. Some of our people in our districts, wanting to be helpful, sponsor someone who wishes to come in from some other country. Our people pay their way here, provide jobs for them, living quarters, and everything that is necessary to live as does the ordinary American. Then the refugee pops up and away he goes. Often when located on a farm, he will stay maybe a week or so. Then he will find that farm work requires more time, the hours are longer, than those in a town or factory. He learns he can get more money in the city or in the factory. So he is through with his sponsor.

Just recently, within the last week, there was a situation where a family in rather moderate circumstances sponsored a refugee and gave the family an opportunity. They spent something like $900 to get him here. That gentleman was not content to just move and to leave the farm.

But read the story.

Here is the complaint. It is a familiar one:

SODUS, MICH., *March 12, 1960.*

The Honorable CLARE HOFFMAN,
House of Representatives,
Washington, D.C.

DEAR MR. HOFFMAN: I have recently talked to Representative HARRY LITOWICH who suggested I write to you. I am Doris Handy, wife of John Handy, Sodus, Mich., whom I think you know.

I am writing about an immigration problem—a man and wife whom we feel should not be allowed to become American citizens—in fact I wonder how bad one can be before deportation.

This man's name is Werner Stritzel—sometimes called Peter Stritzel. He arrived from Germany on the SS *Neptune*, pier 88, West 18th Street, New York, on March 28, 1955. He and his family arrived in Niles, Mich., the following day. I met them and brought them to our farm. Stritzel's name had been given to Mr. Handy through our minister and a parishioner of his, as a farm person anxious to come to the United States. Since we had already sponsored several Latvian families, we agreed to again lend a helping hand and sponsor him. It was a very bad mistake on our part.

After doing everything possible in an attempt to be fired, since he did not want farm work, yet was supposed to stay 2 years—he got his wish. He had wantonly destroyed farm property—refused to work when needed, used our car without permission—even threatened to kill my husband. John finally fired him the early part of July 1955.

His debt to us at that time was $983.68. We tried in vain to get our money. He held no job long enough for wage attachment. After many calls and a year's lapse of time he sent us $100. Further attempts at settlement resulted only in sneers and insults. Finally we went to a lawyer who thought us overcritical but started an agreement with Stritzel to repay at $5 a month. None was ever received.

He lost one position on moral charges, he lies, he steals.

In the fall of 1958 he was jailed for passing bad checks. Just before jailing he was forced by police to pay the Streamline Trailer Co. $212 after attempting to pass them a bad check. He was finally released for lack of evidence. We knew nothing of this until too late to appear against him. The police took $1,000 from him when arrested, and though the court ordered the money returned, still no debts were paid. He owes many others including the Memorial Hospital and the Nowlen Lumber Co.

The lawyer who cleared him told me before he knew of my interest that he advised him to leave the State. Later the lawyer denied this. Stritzel now lives in Wisconsin. The last address I had was 613 Vista Drive, Caledonia, Wis.

Though we would like our $800, there is something more important. He will be eligible for citizenship papers this spring. I think this should be prohibited. He is a very clever crook and lies so well many are "taken in" and wish to help until they, too, get burned.

On two occasions I talked to immigration officials from Detroit who were at the St. Joseph courthouse for naturalization procedures. Both just laughed at me saying it was my word against Stritzel's and any complaint would do no good.

Mr. Handy wrote to Bureau of Immigration, Investigation Section, 3770 East Jefferson, Detroit, and received no answer at all.

Since I started this letter he has gone into bankruptcy; further evidence I should say, of a nondesirable citizen.

Is there any place where we can get action or does one more clever crook become a citizen of our United States?

Sincerely yours,

DORIS G. HANDY
Mrs. John Handy.

Mr. WALTER. I know of no way that a sponsor can guarantee that a person will remain in their place of employment. After all, the law that would require that would be unconstitutional. So that the only thing that a sponsor has to rely on is the good faith of the person to whom he is extending a great deal.

Mr. HOFFMAN of Michigan. Well, we have had several cases of a similar nature. Some seem to make a business of soliciting our people to accept sponsorship. Some moved over to Kalamazoo where they are now based and can get more clients, and they get maybe $25 or $50 or $100 to bring in a refugee and locate him with a sponsor and no sooner he and family hit the farm or the job and away he goes. What can you do about that? Can we do anything at all to end that practice?

Mr. WALTER. May I call the gentleman's attention to the fact that everybody who comes to the United States under the provisions of this resolution is subject to the provisions of the basic code. Under the code, where an alien commits a crime within 5 years after his admission into the United States, he is deportable. That is provided for in the code and it is a felony under the law.

Mr. HOFFMAN of Michigan. That is all right if we can find an offender, but he keeps moving around committing crimes here and there before he goes to another State. I want to thank the gentleman for the wonderful service he has rendered along this line of trying to correct and prevent some of these evils.

Mr. MOORE. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. GROSS].

Mr. GROSS. Mr. Speaker, first I want to protest the change in legislative procedure whereby the House started early in this session to consider bills under suspension of the rules. I do not like this procedure and I want to again protest. I can see no reason for bypassing the Committee on Rules and the normal, established procedures of the House of Representatives by bringing up so many bills under suspension.

Mr. WALTER. Mr. Speaker, will the gentleman yield in that connection?

Mr. GROSS. I yield.

Mr. WALTER. I might state to the gentleman that this bill was on the Consent Calendar.

Mr. GROSS. Yes, I understand that it was on the unanimous Consent Calendar, and it seems now to have become the rule that if a bill is objected to on the Consent Calendar, then it goes under suspension.

The SPEAKER. The Chair must state to the gentleman from Iowa that that statement is not correct. Thousands of bills are on the Consent Calendar and are objected to and they never are taken up under suspension of the rules.

Mr. GROSS. I will say, Mr. Speaker, I doubt very much that the records will show that in the past several sessions, the House started with suspensions so early in the session, and in the number of bills that we have had under suspension this year. I do not think the record will bear it out.

The SPEAKER. The gentleman from Iowa, of course, knows that the rules of the procedure of the House provide

for special legislative days on which days the Speaker may recognize Members to suspend the rules.

Mr. GROSS. Certainly it is not a violation of the rules. I am protesting the bypassing of the Rules Committee with suspensions so early in the session when there has been plenty of time for the normal procedure.

If I may ask the gentleman from Pennsylvania, what sort of a precedent are we setting if any, with this bill? What is going to happen to the million refugees still in camps in the Middle East? Are they any different from these people; and if so, what is the difference?

Mr. WALTER. I would only mention one difference. It would, of course, be futile to pass a resolution authorizing to admit people under the provisions of our basic law if we knew that they could not obtain a sponsor in this country. I am certain that Hong Kong Chinese would be unable to find sponsors in the event the U.S. Congress should do, what I do not think it would ever do; that is, find that these people are the kind of people we need in the United States.

Mr. GROSS. Is the gentleman speaking of individual sponsors or sponsors in the nature of nations?

Mr. WALTER. Under the legislation under consideration in conjunction with the basic statute there must be an individual sponsor for each person guaranteeing against such person becoming a public charge. All that this legislation does is to provide that those people who are under the mandate of the United Nations, either 5,500 or 7,000, somewhere in between, become eligible to enter the United States by virtue of the fact that they are unable to return to their own country because of fear of persecution on political, racial, or religious grounds.

Mr. GROSS. And this has very little meaning from the standpoint of a legal sponsor.

Mr. WALTER. I do not know what the gentleman means, except that there must be an individual sponsor in each case; whether this is legally meaningful or not, I do not know. We hope that it is. I know there are confusing court decisions, but within our constitutional limits, we have tried to make it mean something.

Mr. GROSS. Was there not a recent court ruling which held that a sponsor was not legally responsible for an individual who might be brought in?

Mr. WALTER. That is precisely what I have in mind. A New York court in a California case, I believe, held that the guarantee that a person would not become a public charge was not a legal contract but merely a moral obligation. Shockingly enough, a religious organization has set up the defense that this is only a moral obligation, and therefore they do not feel they are required to pay for this person who did become a public charge at considerable expense to the people of California.

Mr. GROSS. So the gentleman does not think this is setting a precedent and that the United States will not be called upon by the United Nations to take care of the million refugees now in camps in the Middle East? He does not think that is going to happen?

Mr. WALTER. Participating organizations today are doing as much in this situation as they possibly can. For example, the National Catholic Welfare Conference has instituted a perfectly magnificent program. They have provided Hong Kong refugees with machinery for the manufacture of macaroni. Somewhat they are thereby changing the rice diet of the Chinese people. Through the use of surplus wheat and this machinery to make macaroni, in addition to providing food, the NCWC has established a new business for refugees in that section of the world.

The SPEAKER. The time of the gentleman from Iowa [Mr. GROSS] has expired.

Mr. MOORE. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. GROSS. Mr. Speaker, we have done far more than our share in taking care of refugees. I simply cannot support a bill of this nature, which I am convinced establishes something of a precedent. I am fearful that we are going to be called upon next to take care of a million refugees now in camps in the Middle East. I cannot understand why so many other nations of the world are not joined in the program proposed in this bill. Where are all the rest of the nations throughout the world? Are they not interested in World Refugee Year and in taking care of these people?

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. SMITH of California. If the gentlemar will note the amendatory language in this particular resolution I think he will see that possibly we are starting a precedent which I think is very good; in other words, instead of just passing a World Refugee Year measure to allow the Attorney General to permit as many refugees to enter this country as the Secretary of State asks him to, we place some important restriction by which we, first, cannot take into the United States any refugees except those under the mandate of the United Nations High Commissioner for Refugees between now and July 1, 1962, and, second, not more than 25 percent of the total number that the other countries of the world take in. That will come down, actually, to 20 percent of the residue. Actually we may take in a hundred; we may have to take in 25, or 125, but always only 25 percent of what the others will be taking.

This is the first time that we have had some language that will stop these organizations that pressure and pressure the Congress to bring in millions of people, in what they call a resettlement program; this language stops that. Now we may end up and close these camps and this refugee problem in the course of 2 years, by July of 1962. We are giving these other countries 2 more years to join in our continuous effort.

Let us get rid of this problem. I think this bill contains language that the gentleman and I can accept. I say I can accept it. I think the gentleman will find that this is good legislation.

Mr. GROSS. Mr. Speaker, in conclusion, I, too, want to commend the gentleman from Pennsylvania [Mr. WALTER] for the excellent work that he has done with respect to immigration in the past. I regret that I cannot agree with him on this bill.

Mr. MOORE. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in support of House Joint Resolution 397.

Mr. Speaker, while I support the presented resolution, I feel that there are certain inadequacies which merit discussion.

Certainly, in keeping with the World Refugee Year and the President's message which specifically refers to this problem, it is proper that legislation of this nature receive consideration and action.

This resolution, while affording temporary relief, does not solve the refugee problem on a permanent basis. It is here where the need exists for legislation which will be able to cope with a problem which will always be with us as long as forced rule is imposed upon nations within the Soviet orbit. However, refugees exist in other areas and for reasons which make them also bona fide. This resolution, first of all, discriminates against bona fide refugees by taking recognition of only those who are within the mandate of the United Nations High Commissioner for Refugees. As such, it will prevent many others, who are bona fide refugees, for entrance. This seems to me to be a severe drawback to this resolution. Another, even more important, is the lack of any provision to allow for rapid admission of refugees who are the result of a precipitous upheaval. The recommendation for power by proclamation for the President to cope with such an immediate crisis is not considered in this resolution. I believe this to be a serious omission.

Unlike the 10,000 refugees to be admitted each year, under the President's program, this resolution provides for 25 percent of those who are within the U.N. High Commissioner's mandate. A number considerably less, plus the fact that certain groups are being discriminated against, seems to be a contradiction of what should be done for a problem which is not only current, but which will be presented to us, it seems, for many years hence.

These refugees cannot be allowed to remain unnoticed whether we like it or not. Many valuable contributions to the stream of daily American life can be made by these people.

I have received many letters from Americans who are deeply concerned with the seemingly insoluble problem of the refugees. These people are motivated by the sincere desire for the compassion worthy of a nation like ours and in accord with the basic principles of its foundation. An act to offer relief to these people would exemplify America's continued sincerity during World Refugee Year and at any time this humane need exists in the world.

Mr. MOORE. Mr. Speaker, I would like simply to remark with respect to the concern of the gentleman from Iowa, that the bill now has the 25 percent feature embodied in it; that is, the rest of the nations of the free world must take 75 percent.

The fact also remains that any who are taken into this country under this bill are carefully screened before and after entry to the United States, and do not come in on a permanent basis in the first place. So we have added safeguards in the resolution in that respect.

Also I would say to the gentleman from Iowa that a proposal originally considered by the Subcommittee on Immigration and Nationality included practically all the refugees of the world. After very, very careful studies of this matter our subcommittee limited it to those who were under the mandate of the High Commissioner of the United Nations. So I think that in part the subcommittee has answered some of the fears the gentleman from Iowa expressed here today.

Mr. Speaker, I have no further requests for time on this side.

Mr. WIER. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Minnesota.

Mr. WIER. I am disturbed about one thing, and that is what is the difference between this and resettlement? I would like to ask either the chairman or the ranking member of the committee, What is the difference between accepting these refugees under this bill and accepting them under a proposed bill for further increases in immigration quotas? Is not the end result exactly the same? They get their citizenship, and their limitations are about the same.

Mr. MOORE. Exactly the same. The only difference is that here we authorize the admission of a proportionate number of certain class of aliens, to wit, refugees under the mandate of the United Nations.

Mr. WIER. So in both cases they get citizenship until such time as they can be returned. This is merely resettlement.

As I understand it, they are admitted, and they can be permitted to obtain citizenship?

Mr. WALTER. Under this legislation and under the permanent law, they become eligible for citizenship after they have been residents of the United States for a period of 5 years.

Mr. WIER. That applies to immigration, too?

Mr. WALTER. Yes; that is right.

Mr. WIER. I thank the gentleman.

Mr. MOORE. Mr. Speaker, I yield such time as he may desire to the gentleman from Illinois [Mr. DERWINSKI].

Mr. DERWINSKI. Mr. Speaker, I rise to support House Joint Resolution 397 and commend the committee on the practicality of this proposal, and the humanitarian principles that are so obvious in this area. It is certainly commendable that our Nation participates in the resettlement of refugee-escapees by admitting a proportionate number of refugees into the United States. The procedure to adjust the number of refugees to be admitted in proportion to the number admitted by countries other than the United States is a practical solution.

We have always taken a great deal of pride in regarding our country as a haven for people seeking freedom in a land of opportunity. Certainly, history will bear out the thesis that the waves of immigrants that have reached this country throughout its entire history have been a worthwhile contributing factor to our political, economical, and social development. We know from experience that the vast majority of immigrants to this country become responsible, law-abiding citizens who are assets to the communities in which they settle and to the Nation at large. Certainly it is fitting, with this tremendous history of contribution that immigrants and refugees have compiled, that the United States coordinate with the various worldwide bodies in accepting a reasonable share of refugees on a sound basis. The fact that this legislation has the support of the Department of Justice and the Department of State is an indication of its soundness.

Mr. Speaker, I wish to commend the members of the Judiciary Committee for their hard work in connection with this bill and to compliment them for their great understanding of the plight of refugees who are in need of the humanitarian approach toward solving the great international problem that they present.

GENERAL LEAVE TO EXTEND REMARKS

Mr. WALTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks at this point in the RECORD on the bill under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BOLAND. Mr. Speaker, I rise in support of House Joint Resolution 397 which enables the United States to participate in the resettlement of alien refugee-escapees who are now under the mandate of the United Nations High Commissioner for Refugees.

The Congress cannot show a more sincere manifestation of this Government's desire to actively participate in the World Refugee Year than by the adoption of this resolution which would admit to this country a proportionate number of refugees, up to 25 percent of those admitted by other non-Communist countries.

Mr. Speaker, the report of the Immigration Subcommittee points out that an internationally concerted effort is being made this year to find resettlement opportunities in the countries of the free world for these refugees. I am sure my colleagues agree with me that we in the United States have room for many of these refugees. We should welcome them to our free shores during this World Refugee Year and thus do our part to help close several of the refugee camps that are still operating in Europe 15 years after the end of World War II.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to join with many of my colleagues in support of the House Joint Resolution 397, which will enable the United States to participate in the resettlement of alien refugees and escapees who are presently under the mandate of the United Nation's High Commissioner for Refugees.

While I would like to go further than what this resolution allows, I believe it is a step in the right direction.

We in America have always opened our hearts to those who are in need of our help.

Let us welcome them to our shores; let us renew their faith in their fellow man; yes, let us take them to our bosom so that America can demonstrate, once again, our concern for the oppressed.

This resolution will make more meaningful the immortal words written by Emma Lazarus inscribed on the Statue of Liberty:

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these the homeless, the tempest tossed, to me;
I lift my lamp beside the golden door.
—*New Colossus* (Inscription for the Statue of Liberty).

The SPEAKER. The question is on suspending the rules and passing the House joint resolution.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the House joint resolution was passed.

WHITE HOUSE CONFERENCE ON NARCOTICS

Mr. LANE. Mr. Speaker, I move to suspend the rules and pass House Resolution 431.

The Clerk read as follows:

Whereas the smuggling of narcotics and the illicit use of narcotics are serious national problems; and

Whereas the inability to achieve both a tighter control over the unauthorized importation of narcotics into this country and over the illicit use of narcotics by addicts and others in this country is causing increased nationwide concern; and

Whereas the traffic in, and addiction to, narcotics are serious problems affecting the Federal Government and the several States; and

Whereas narcotics contribute to juvenile delinquency and greatly add to the expenses of law enforcement and the cost of running the courts and judicial system of our country: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should call a White House Conference on Narcotics, patterned after previous White House conferences. Such conference should be broadly representative of persons dealing with such problems at the State and local levels, and shall also include—

(1) an appropriate number of the Members of the House of Representatives and the Senate; and

(2) representatives of the Departments and agencies of the Federal Government concerned with such problems, including, but not limited to, the Department of Justice; Department of the Treasury; Department of Health, Education, and Welfare; and the Department of State; and be it further

Resolved, That it is the sense of the House that this narcotics conference should undertake to recommend—

(1) ways and means of securing more uniformity in State and Federal enforcement of narcotic statutes and their penalties, and to delineate more clearly Federal, State, and local authority;

(2) the substance of a directive clearly defining procedures and jurisdictions between existing governmental agencies in this field;

(3) machinery for a continuing consultation between the United States and other nations, in order to obtain the maximum international cooperation, working through existing United Nations facilities, as well as engaging in unilateral contact and consultation when the facts or situation so require;

(4) a proposal for a Federal-State hospitalization program for the purpose of protecting the narcotics addict from the inevitable results of his addiction, and to protect society from the danger and expenses of the uncontrolled actions of the addict; and

(5) such other matters as will contribute to the solution of the national problem of narcotics; and be it further

Resolved, That it is the sense of the House that the White House Conference on Narcotics should submit a report to the President and the Congress setting forth its recommendations with respect to the problems relating to the traffic in, and addiction to, narcotics, and any other results of its deliberations.

The SPEAKER. Is a second demanded?

Mr. SMITH of California. Mr. Speaker, I demand a second.

Mr. LANE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. The purpose of House Resolution 431 is to express the sense of the House that the President call a White House conference on narcotics problems. This resolution was one of a group of resolutions which were the subject of a hearing before the subcommittee of the Judiciary Committee.

This resolution concerns the unpleasant fact that our country has a serious problem in connection with illicit narcotics and their control. There is a clear-cut need for the study of the problem on the Federal, State, and local level in order that there may be the practical planning and the development of means for the control of illicit narcotic drugs and the elimination of the problems they produce. A White House conference such as that urged in House Resolution 431 would serve to bring together representative people from all over the Nation and from all levels of government who are concerned with these problems. Such a conference would provide a forum where these representatives could make known their experience and thinking on the subject, and thereby provide the basis for a concerted effort on all levels of government for an assault on the problems stemming from illicit narcotics.

The resolution provides that such a conference should make definite recommendations as to ways for securing uniformity in State and Federal enforcement of narcotics statutes and penalties, and the delineation of enforcement authority; the definition of procedures and jurisdictions between governmental agencies; consultation between our country and other nations; a Federal-State hospitalization program, and any other recommendations which the conference might formulate.

As I stated previously, the purpose of this resolution is to express the sense of the House of Representatives that the problems created by the smuggling of narcotics and their illicit use are so great and widespread, and the health and moral standards of large areas of the country are being so detrimentally affected as to reach epidemic proportions in certain areas, that a White House Conference on Narcotics will be an effective and forceful medium for coordinating a harmonized and united assault on the scourge.

By means of such a conference, employing the prestige of the President, the collective experience and thinking on the subject by those who are directly occupied with the problems can be coordinated.

Through such coordination problems concerning disparity of legislation in the various States, international cooperation, participation by law enforcement and health officers, and the treatment of addicts can be resolved. And a continuing and coordinating program can be instituted and sustained.

The need for such action has indicated the growing aspect of this menace despite all present efforts. The Commissioner of Narcotics reported on February 15, 1960, that California had 6,471 known narcotics. The California State Board of Correction estimates that in 1959 there were 10,000 narcotics in that State alone. The Los Angeles County medical association describes the situation as "a public health and safety problem."

The hearings before the subcommittee established the necessity for such a conference notwithstanding the fact that an Interdepartmental Committee on Narcotics functioning since 1954 made a report with certain recommendations in 1956. The conditions described to the subcommittee as prevailing, prevalent, and propagating were, in the opinion of the committee sufficiently serious and of immediate concern to all areas of the country to justify the emphatic action which such a conference would produce.

Mr. Speaker, I now yield 5 minutes to the gentleman from California [Mr. ROOSEVELT], who is the author of this legislation. I might also say that there are many companion bills of a like tenor.

Mr. ROOSEVELT. Mr. Speaker, I would like to commend the distinguished chairman of the subcommittee, the gentleman from Massachusetts [Mr. LANE] for his very clear explanation of this resolution, and also the members of the committee for the very fine hearings which were conducted on the need for this resolution and on the extent of the narcotics problem as a serious national situation which affects not only the older members of our population but particularly the youth of the Nation.

Mr. Speaker, I would like also to take this opportunity to commend most highly my colleagues from California [Mr. H. ALLEN SMITH and Mr. JOE HOLT], who, in a most statesmanlike and bipartisan manner, explained the need for this legislation and with great patience have undertaken to do what they can to bring about full cooperation and coordination by the Federal Government with the State and local officials in order that there may be a well coordinated attack upon this scourge which we now have with us in our country.

Mr. Speaker, I think the committee has made all of the arguments so clear that it would be redundant at this time to repeat them. In connection with the narcotics conference to be called by the White House, I emphasize that this is only an expression of opinion by the House of Representatives. There is nothing mandatory upon the President, but we sincerely hope that he will call such a conference. If he does, I think you will find, as the committee had testimony before it, that there are not only State officials but local officials across the Nation from Massachusetts, from Illinois, from New Mexico, from California, from New York, and from many other States who will, out of their own local funds, come to Washington to try to coordinate State legislation and Federal legislation in order that this problem may be attacked in a unified manner.

Mr. Speaker, again I want to thank my many colleagues on both sides of the aisle who have done such great work in bringing this resolution to the House this day.

Finally, Mr. Speaker, I would like to have the RECORD show at this point the names of my honorable colleagues who also introduced resolutions calling for a White House Conference on Narcotics. Such a list includes Mr. JOE HOLT, of California; Mr. H. ALLEN SMITH, of California; Mr. ROMAN PUCINSKI, of Illinois; Mr. HARLAN HAGEN, of California; Mr. JOHN MCFALL, of California; Mr. GEORGE KASEM, of California; Mr. JOSEPH MONTOYA, of New Mexico; Mr. SEYMOUR HALPERN, of New York, Mr. D. S. SAUND, of California; and Mr. HUGH ADDONIZIO, of New Jersey.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I am happy to.

Mr. GROSS. Is it my understanding that California has one of the worst problems of all of the States as far as narcotics is concerned?

Mr. ROOSEVELT. I regret to have to say to the gentleman that that is true. As the gentleman well knows, we have two great ports. We also have a border with a neighboring nation from which many of these narcotics come, and we have, unfortunately, found that what enters into California is then sent across the Nation into many other States. It does not all stay in California but enough of it stays so that today our local board has said openly that we have probably a higher number of addicts in California than any other State of the Union. Therefore we have a very particular interest.

Mr. GROSS. I think we are all very sympathetic with California and its misfortune in connection with narcotics, but what does the gentleman think this White House conference is going to cost?

Mr. ROOSEVELT. In my opinion it would cost almost nothing at all because, in the first place, as I mentioned, most State representatives who come will come at their own expense. I believe if the President will take it up with those who are already in a position to organize such a conference within the executive branch of the Government, it will be found that all that will be necessary, and even that may not be necessary, is to provide a place for the conference to meet. I feel that the Federal Government has the machinery already and such expense as there may be would be very, very incidental.

Mr. GROSS. The gentleman thinks that officials who would come from the State of California would pay their own expenses?

Mr. ROOSEVELT. The Attorney General of the State of California has already so indicated, as have many of our local officials who appeared before the committee, I believe.

Mr. GROSS. I thank the gentleman.

Mrs. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I yield to the distinguished gentlewoman from Ohio.

Mrs. BOLTON. Mr. Speaker, I am wondering if the gentleman and his California people know what was done in Ohio 2 or 3 years ago. We had a very high rate of narcotics addiction. That is not true now, because we tightened our laws and our judges have worked with the law instead of being careless about it. We had, I think, only 31 new addicts last year and we had been having them by the hundreds. We are also a port of entry; in fact, we have numerous ports of entry in Ohio through which we get marijuana and the other drugs. We have found that doing a real job inside the State was what changed the whole character of that situation in Ohio.

It would be my hope that California and New York, which are the two highest in number of addicts at this point, would really get busy inside their own frontiers and close those frontiers, and develop a situation that would protect their people. They certainly need protection. I have worked in this field of narcotics for many decades and I do know the problem. I know the particular problem in California very well. I should not want to do anything that would prevent proper action.

Mr. Speaker, I thank the gentleman and I simply hope that this may be the action that will be taken in California and in New York, if I may add that State, too.

Mr. ROOSEVELT. Mr. Speaker, I thank the distinguished lady and should like to tell her that is exactly why we want this conference. Ohio did do a most outstanding job.

Mrs. BOLTON. Without a conference.

Mr. ROOSEVELT. And I might add that because Ohio did do an outstanding job, many of the addicts and much of the traffic turned from Ohio to other States; for instance, Illinois. Therefore, we feel that if we can have this national conference and let all these officials know what can be done, standardize the legislation, unify the attack, maybe we will not have such a national problem any more. That is the purpose.

Mrs. BOLTON. The national problem is so much smaller than it was. Sympathetic as I am to what the gentleman wants to do, I do not think the solution lies merely in national conferences.

Mr. ROOSEVELT. No, it takes action after the conference.

Mrs. BOLTON. The problem must be attacked at the source.

Mr. ROOSEVELT. We have had many conferences, White House Conferences on other subjects and they have proved that it is possible to get better local action because of the prestige of a White House Conference. I would be the first to say that the conference itself is not the end to be sought. The end result is what they learn at the White House Conference.

Mrs. BOLTON. May I say that if we have sent some addicts to other States, to California, for instance, that California sent us some problems out of Hollywood a few years ago.

Mr. SMITH of California. Mr. Speaker, I yield such time as he may desire to the gentleman from California [Mr. HOLT].

Mr. HOLT. Mr. Speaker, I want to compliment the gentleman from Massachusetts [Mr. LANE] and the subcommittee of the Committee on the Judiciary as well as the full committee for reporting out this resolution. I want to compliment my colleague the gentleman from California [Mr. ROOSEVELT] who served as chairman of the California delegation Subcommittee on Narcotics. We made a thorough investigation of this situation in California. While it is true that we do have a unique problem in California, being on the border of Mexico, this is really a nationwide problem.

It is vital that the question of hospitalization for addicts be gone into very thoroughly because at present we have only two Federal hospitals. Something that has concerned me very much is the fact that we actually do not know how many addicts there are. We only know the number of those who are caught. There is an increasing flow of marihuana and heroin into America indicating that we have many more addicts. We need, I think, better coordination not only with the local and State governments, but there are three or four, or five or six Federal bureaus that are involved in this matter. I think they could use a little look-see at their own procedures.

A recent news item here in Washington showed how it was necessary for both the local police and the Federal people to move in to capture some heroin. This is even more complicated as far as law-enforcement procedure is concerned in other areas.

I for one, who am not seeking reelection, do request my colleagues to look into the fact that perhaps one agency of our Government alone should be responsible for the enforcement of the narcotics laws, because I think it is a growing national problem. Much of these drugs originate in countries that are our enemies, and they use dope as a weapon against all free people.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HIESTAND].

Mr. HIESTAND. Mr. Speaker, I appreciate very much what the gentlewoman from Ohio has said. I think Ohio should be complimented for handling their problem as they did. However this is an interstate problem. Much has been said about the amount of heroin imported across the border from Mexico and elsewhere, but much of it in California has also come through the port of New York. This in my judgment is the most vicious interstate traffic we know. It should be put under the enforcement power of the strongest interstate enforcement agency we have, namely, the Department of Justice and the FBI. They have the power to investigate and to prosecute. I do not believe we are going to solve our problem until we do that.

I have introduced several times in previous Congresses in 1953 and 1955 measures to stiffen heavily the penalties and effect this transfer of responsibility. The Congress stiffened the penalties but did not transfer that responsibility. I am hopeful that as a result of the passage of this measure and the White House conference the Congress will be impelled to take action along those lines.

Mr. SMITH of California. Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Speaker, as a member of the subcommittee that is responsible for this resolution I rise in its support.

The drug problem, particularly as it relates to the addict, is one that is sadly in need of reappraisal. It has been abundantly shown that the present attempt to stamp it out by means of Draconian penalties has failed miserably in its objective. While the number of Federal commitments or marihuana charges has dropped, the number of commitments on narcotics charges has remained virtually unchanged. It was 1,151 in 1950, and it was 1,123 in 1959.

To this record of failure must also be added the fact that the present narcotics statutes and their mandatory penalties have vastly increased the work of the Federal courts, with no constructive result. The number of pleas of guilty to narcotic charges has dropped from 89.3 percent in 1950 to 72.9 percent in 1959.

The number of acquittals on narcotics charges in the 86 Federal district courts has gone up from 11 percent in 1950 to 21 percent in 1959. And the number of narcotics convictions appealed has increased from 63 in 1955, the first year for which these statistics were kept, to 204 in 1959, the latter figure incidentally representing 20 percent of all criminal appeals although narcotics cases represented only 5 percent of all criminal cases terminated by the district courts.

The States of California and New York account for the bulk of the drug problem in this country. Yet, despite the severe Federal narcotics law enacted in 1956,

the total number of State and Federal narcotics commitments in California went up from 1,557 in 1954 to 1,844 in 1959. In New York State the total number of commitments went up from 2,732 in 1954 to 4,096 in 1958—New York State's figures for 1959 are not yet available. Even in Pennsylvania the number of State convictions on narcotics charges increased from an average of 418 for the years 1950 through 1953 to an average of 696 for the years 1954 to 1958. And in these States, as in the Federal courts, the number of acquittals have gone up sharply.

Our Federal judges are very much concerned about the manner in which the present narcotics law has robbed them of all discretion. It forces them to send to prison for long periods of time virtually all persons convicted under its provisons, for it deprives the judges of authority to make any distinction between a conscienceless narcotic racketeer and his victim. The viewpoint of the judges is expressed in a resolution adopted by the ninth circuit judicial conference at Glacier Park, Mont., on July 10, 1959, and I ask unanimous consent to make this resolution a part of the RECORD.

It is time to make a calm and objective study of the narcotic problem.

A White House conference is badly needed in order that we might study the facts surrounding the Nation's drug problem and come up with a workable solution, a solution which can be supported not by a fury of emotionalism but by calm reason. There are many new aspects of the problem that are continually arising, many new types of medical treatment being developed, and new drugs being synthesized that offer hope to the victim. The British, for example, have adopted techniques from which we can benefit. All these ought to be discussed. Also we badly need to secure greater cooperation and understanding between State and Federal agencies and among the doctors, the psychiatrists, and the correctional agencies. Nothing could better assure this much desired end than a conference sponsored and supported by the Federal Government.

This could be obtained at no cost to the Federal Government as any needed funds would be supplied by private foundations and the many public-spirited citizens deeply interested in this problem. It is hard to see how there could be any valid objection to this intelligent effort to find a better way to deal with one of the most baffling problems of our times.

RESOLUTION ADOPTED BY JUDGES AT NINTH CIRCUIT JUDICIAL CONFERENCE ON JULY 10, 1959, GLACIER PARK, MONT.

Whereas the Boggs-Daniel Narcotic Control Act with its fixed and inflexible penalties has been on the Federal statute books for almost 3 years; and

Whereas the value and effectiveness of this inflexible approach to the control of the nefarious traffic in narcotic drugs has been questioned by a joint committee of the American Medical Association and the American Bar Association as well as other qualified groups; and

Whereas the Federal courts have been deprived of all discretion in providing for the individualized treatment of the victims of the drug traffickers; and

Whereas Federal judges in sentencing violators of the Narcotic Control Act are given no opportunity to distinguish, when pronouncing sentence, between the greedy narcotic racketeer on the one hand, and his hapless victim on the other, or between those addicted to opium and its derivatives and those who use marihuana: Now, therefore, be it

Resolved, That the chairman of the Ninth Circuit Conference be authorized to appoint a committee to cooperate with appropriate Federal and State agencies, groups, and institutions studying the possibilities of a more constructive approach to the control of narcotic drugs, and report thereon with its recommendations at the next session of this conference.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I have no objection to the White House conference but I do not see what it is going to accomplish. What is needed is action by the legislatures of New York and California to stiffen their penalties as has been done in Ohio, Massachusetts, and other States.

Recently before our Subcommittee on Narcotics and Customs we had Dr. Anslinger. We asked him about the problem of narcotics, and how Federal law affected the overall picture of peddling and addiction. He said, that since amending the Federal Narcotic Act which stiffened penalties for narcotics peddlers, the addiction rate has been cut down from 1 in every 400 persons, to 1 in every 4,000.

He further stated that in New York and California penalties should be at least equal to those under Federal law, especially because these two States are the only ones which have this terrific problem.

Then we told him that the New York Governor when he came down here to Washington to testify before a Senate subcommittee dealing with the narcotics problem, that Mr. GARY said this about the testimony presented before that subcommittee:

Knowing the New York situation, I was reminded of the passage of Shakespeare where it was said, "The fault, dear Brutus, is not in the stars, but in ourselves that we are underlings."

He went on to say, Mr. Speaker, that if the State of New York and the State of California passed some good laws with stiffer penalties, and if the judges in those States handed out stiffer sentences to narcotic peddlers, you would see in a short period of time that both the number of peddlers and addicts in those States would be cut down considerably. As I said, Mr. Speaker, I have no objections to this conference. Some good always comes out of any conference, but I think the fault lies within those particular States and should be corrected on the homefront.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield.

Mr. ROOSEVELT. Mr. Speaker, I appreciate very much what the gentleman has said. Of course, one of the problems here is the problem of coordination between the Federal officials and the State officials. Of course, that has been one of our problems in the State of California because in many instances an addict can be brought either into the Federal court or into the State court, and because there has been no uniformity of procedure, in many instances the matter is not handled as expeditiously or as firmly as it should be handled. I recognize that we have much to do in the State of California as, I am sure, other States also recognize that they have a great deal to do in their States as well. But, this is an effort to try to pull these things together and we hope the conference will make a valuable contribution toward the solution of this problem.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, we have so many conferences that it is difficult to keep track of them all. We are always talking about something. Always enacting some new law. If the Department of Justice or someone down there who is charged with the enforcement of the law, and I think I can persuade my friend, the gentleman from Iowa [Mr. GROSS] to vote for a bill to buy a copy of young Bob Kennedy's book "The Enemy Within," to present to the Department, because he has a whole chapter in there telling how the Department of Justice failed to put up an adequate case against Jimmy Hoffa. He said, or at least the substance of what he said is that, if the Department had hired a justice court lawyer from somewhere out in the sticks and prosecuted that case, as it should have been prosecuted, Hoffa would have been in jail by this time—no—not yet—I disagree with Kennedy about that—but it would be on the road to the Supreme Court anyway—and, finally, he would land in jail. Three-fourths of our trouble, at least in my estimation, grows out of the fact that the gentlemen in the Department of Justice know too much law but have too little practical experience. They do not know enough about trying lawsuits. I refer to criminal cases. I ask, seriously—get a copy of the book and read that chapter or the two of them, one on how to prosecute and the other on how to hold committee hearings. Then we may be able to get more convictions, when the defendants are absolutely guilty.

The book is really worth while. You do not have to pay any attention to the political implications in the book. Of course, Robert wants his brother nominated and elected as President. We can all understand that. That runs naturally in the family. No one is criticizing that and JACK KENNEDY is a fine young man. I hope he carries Wisconsin tomorrow. But, I go back to my original

text to say that if we could just get a little efficiency in the trial of lawsuits, we would not need so many conferences. Everybody knows what ought to be done with the gangsters. They ought to be stuck in jail. Why not appropriate something, just a very few dollars would do it, hire some country lawyer with trial experience—I am not practicing any more so I am not looking for a job—from out in the sticks and then perhaps we could have a little old-fashioned justice administered because that is what we now need, rather than conference after conference and new laws. The laws are on the books. Enforce those we have.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I require.

Mr. Speaker, I would like to commend the gentleman from Massachusetts [Mr. LANE] for the very fine hearings that he held. These were very fair and thorough hearings on this matter, and I congratulate him on the way he has presented the matter here on the floor. I think this is a very fine resolution. This resolution does not demand that the President call this particular White House Conference. It allows him to do so, if in his judgment he feels it is warranted. I do not say either that this particular measure is going to be the solution to solve this entire narcotics problem because it will not. As to the discussion here on the floor as to the penalties, and on the question that we should have uniform penalties in the United States, the Federal Government passed a law before my coming to the Congress. This was the Federal Narcotics Control Act of 1956 which had some very strong penalties that are provided in that act. There is no double jeopardy. We do not see today individuals who get caught in California and are given 5 years—we do not see them also prosecuted in the Federal courts. In other words, if we can get this thinking together and get the benefit of the results in New York and in the State of California where we are faced with this very serious problem, and get all of the experts collected together, I think it would result in a great deal of benefit without being too costly.

Mr. Speaker, I urge the favorable consideration of this measure.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield.

Mr. GROSS. What about the annual Governors' conference that we hear so much about? Would it not provide a proper forum for this subject?

Mr. SMITH of California. What Governors' conference are you talking about?

Mr. GROSS. There is an annual Governors' conference.

Mr. SMITH of California. I think I can answer that. In the first place we have to identify the individual that either sells or possesses narcotics. It is not like a robbery, where you see somebody commit the robbery. You have to either possess it or sell it. Following that, we have to have a prosecutor, a judge, a bureau of prisons, and a probation board. We have to have an investigative officer, a judge that has handled some of these cases; a bureau of prisons, who could recommend how long they should keep them in; how long should the probation be. I think the Governors cannot do it any more than the district attorneys can do it.

Mr. GROSS. I hope this business of White House conferences does not become a fashion and an end to all things.

Mr. SMITH of California. I agree with that statement. I hope so, I hope it will not be that way.

Mr. Speaker, I have no further requests for time.

Mr. LANE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. KASEM].

Mr. KASEM. Mr. Speaker, I happen to be both a member of the California Delegation Subcommittee on Narcotics and a member of Subcommittee No. 2 of the Judiciary, which reported out this bill favorably. At first I was not very sympathetic to this approach. I would remind you this is a very serious problem, in California in particular. We approach this problem, because of that fact, through the California delegation. Five of us who sat on that committee did not make an investigation into the proper action that should be taken, but we made that kind of survey directed to what should be the proper approach to the problem. After we had testimony from the U.S. Commissioner of Narcotics and the attorney general of California, and we heard such disparity in the report of the sources, we decided that there certainly had to be some better coordination and centralized direction available to us. The device of the White House conference was suggested. I have been skeptical as to that device solving much of anything. I think the findings usually go into the files and simply make excellent matter for somebody to write a paper on later.

But this will be a different kind of White House conference, because it will be composed of people who have special qualifications by virtue of the experience in the office they hold and by the fact that the membership of the conference and scope of subject matter will not be comparable to the conferences on other subjects. We will be dealing with a limited specific problem. People with special experience to offer in this field will be heard. I think we can expect that out of this kind of a conference we will get some specific recommendations which will have powerful persuasive power. We can get something in the nature of a tacit agreement between the various governmental entities.

Surely we can expect there will be a resolution of differences on very important matters, such as the question of where the narcotics come from. We learned that the Maline process of determining addiction was hardly known outside of California. California has much to offer. Ohio has certainly contributions it can offer to the State of California.

The cost involved in this, as White House Conferences go, are really negligible; and in the light of the magnitude and seriousness of the problem which it is designed to confront it is infinitesimally small. Therefore, I urge, Mr. Speaker, that this House pass this resolution which merely urges the President of the United States to use a device that has been invented for him, is available to him, and which he has used on other occasions for proposals no more serious, and with far less prospect of accomplishing worthy results.

Mr. Speaker, I yield back the balance of my time.

Mr. LANE. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. MONTOYA].

Mr. MONTOYA. Mr. Speaker, I am very interested in this resolution and urge its passage. I want to commend the gentleman from Massachusetts and the members of his subcommittee, and the chairman of the full Judiciary Committee, for having given this matter an early hearing and having brought it to the floor for early consideration. I think this subject is one of great national concern. We might talk about the stiff penalties that are provided in both Federal and State laws, we might ask why a locality cannot under our criminal statutes cope with this problem. Penalties and enforcement alone will not eradicate this menace. We forget that juvenile delinquency has not been stamped out by Federal criminal statutes or by State criminal statutes. We forget that excessive drinking is not stopped by laws provided against it.

We must go to the core of this problem and search out many other problems which affect our social structure. We must go into the civic clubs, into the parent-teachers associations; we must disseminate information which brings out the evils of addiction to opium and other drugs; and I believe that the White House conference will bring into the open and focus attention on the problems that exist not only on the part of law enforcement officers at the Federal level and at the local level, but also on the part of parents who are plagued with the dangers of delinquency among their children. We will be able to recruit the help of local civic clubs and parent-teachers associations to expose these evils and to educate our young children to guard themselves against those who would menace their social welfare.

It is in this spirit that this resolution is offered, I know; and I think it will do great good to the American structure, social and otherwise.

Mr. LANE. Mr. Speaker, I yield such time to the gentleman from California [Mr. MCFALL] as he may desire.

Mr. MCFALL. Mr. Speaker, I rise in support of House Resolution 431, which is identical to House Resolution 433, of which I am the author.

The smuggling of narcotics and illicit use of narcotics are serious problems that has so far defied solution.

Our special narcotics subcommittee in the California delegation has been studying this question for more than a year now, meeting with local, State, Federal, and Mexican officials charged with narcotics enforcement.

We in California are particularly concerned with this situation.

California Attorney General Stanley Mosk told our committee that the manufacture and illicit crossing of narcotics from Mexico into the United States "far exceeds figures given to the committee by other agencies."

Mosk testified that California now has an estimated 10,000 narcotics addicts and "the list is growing at alarming proportions."

A White House conference, attended by representatives of local, State, Federal, and international agencies, which now share responsibility in this field, will most certainly emphasize the severity of the problem, and it is also hoped that it will generate a new spirit of cooperation among the many agencies that now have overlapping jurisdiction.

I strongly urge a favorable vote on this resolution.

Mr. LANE. Mr. Speaker, I yield the remainder of the time at my disposal to the gentleman from Illinois [Mr. PUCINSKI], one of the authors of a companion bill.

Mr. PUCINSKI. Mr. Speaker, I rise in support of House Resolution 431 submitted by my colleague from California, Mr. ROOSEVELT, and my own companion measure, House Resolution 448, which calls upon the President of the United States to hold a White House Conference on Narcotics. I wish to thank the chairman and his committee for recommending passage of the resolution.

We all know the disastrous effects that smuggling of narcotics and illicit use of these drugs have on the people of America. We in Chicago have been fighting this menace for a very long time, and while we have made tremendous progress in stamping out much of this hideous traffic, it still continues to plague us as it does most communities in America.

I should like to call attention to a statement recently made by Albert E. Aman, for a long time head of the U.S. Narcotics Bureau in Chicago. According to the statement which appeared in Chicago's American, Mr. Aman believes that crime in Chicago could be reduced by at least 50 percent in 1 year if we did not have the narcotics menace. Mr. Aman said that the 50 percent figure is conservative. He believes that crime directly traceable to narcotics is actually 65 percent to 67 percent of the total. That includes burglaries of homes and stores, shoplifting, robberies, auto stripping, prostitution, and even murders.

According to Mr. Aman, "A junkie who cannot get his 'fix' is a wild man. He will do anything to raise the $10 or $15 a day he needs to keep him going. He will steal, rob, even murder to get that little pinch of heroin."

Mr. Aman estimates there are about 6,500 narcotics addicts in Chicago alone. I do not know how many there are throughout the Nation.

To give you some idea of the money involved in the illicit narcotics traffic, I should like to call your attention to the fact that if each narcotics addict spends $10 a day on dope, which Mr. Aman believes is not unreasonable, in Chicago alone a minimum of $65,000 is spent daily on the acquisition of dope by addicts. Practically all of that money comes from some form of crime committed by these sick people.

I have had a great deal of personal experience, as a newspaperman in Chicago, dealing with this problem of dope addiction. One of the great difficulties incurred in this traffic in dope is that while communities like Chicago make a determined effort to reduce this problem, it keeps reoccurring because of the tremendously shifting population of America. This is why I so strongly believe that the entire problem of dope smuggling and addiction must be handled on a well-coordinated national level.

Too frequently we dismiss the small communities of this Nation as not playing a particularly significant role in this problem. Experience has shown that the dope addict gets his start in some small community and then heads for the big city because his crime wave to obtain funds for dope in his own community has run its course. He becomes too well known to the local authorities and infiltrates into the big city, where his identification cannot be as quickly established.

I am particularly disturbed over the fact that recent studies on this subject indicate that this plague of dope addiction is sweeping the younger age groups at an alarming rate. We Americans are now so thoroughly preoccupied with so many problems confronting our Nation both at the domestic and international levels that it appears to me, at least, that in recent years there has been a de-emphasis of this particular problem when, in fact, it has been mounting. We need only visit the juvenile courts of many of our communities to see firsthand the shocking infiltration that dope peddlers have made among the young people of this Nation.

I strongly urge passage of this resolution so that through a White House conference we can again focus attention on this problem and place it in its proper—even though alarming—perspective.

The SPEAKER. The question is on suspending the rules and passing the resolution, House Resolution 431.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. LANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks at this point in the RECORD on the resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HAGEN. Mr. Speaker, I am most gratified that the House Judiciary Committee has seen fit to report House Resolution 431 by Congressman ROOSEVELT, of California. I am a coauthor of the original Roosevelt resolution and feel that the committee has done an excellent job of polishing it and refining it. In its present form it has my wholehearted support.

The resolution is a directive to the President to call a White House Conference on Narcotics. If such a conference is held it will lend the prestige of the Presidency to investigation of the cause and cure of the growing problem of narcotic sale and addiction in this country. The fact of such growth is indicative of the fact that present programs of control are inadequate and it is apparent to everyone that this is a nationwide problem rather than the problem of any single State or group of States. I can foresee that such a conference will animate our national community into taking action. It is the method best designed to activate each citizen and best designed to activate the media of mass communication in this country to engage in constructive action. The problem of control of narcotics is more than a problem of passing sterner laws. Complete control requires the awareness of every family group in the country of the dangers and of the methods of securing prevention through the family unit, which is the base of our society.

Mr. HALPERN. Mr. Speaker, as a cosponsor of House Resolution 431, I commend the Judiciary Committee for its action in reporting it out, and I urgently appeal for its enactment by the House.

There is a crying need for the pooling of the best brains in the Nation on ways and means for developing programs adequate for the waging of an effective, nationally coordinated attack on this terrible menace.

As a legislator in New York State I was very close to the problem of combating the narcotics scourge, and for many years I concentrated my efforts in that field. As a New York State senator, I sponsored the bill that brought about a probe of the narcotics situation by the State attorney general. His report highlighted the seriousness of the problem particularly as it affected teenagers. I was privileged to sponsor the bill providing for mandatory treatment of teenage addicts in New York. At present, I am the chairman of the board of Riverside Hospital in New York City which is devoting its efforts to the treatment of these teenage addicts. To indicate the scope of the problem, more than 4,000 youths, aged 13 to 21, have passed through this hospital.

The need for a White House Conference on Narcotics is directly related to the fact that the problem of narcotics is far too big, too complex, and too all-encompassing to be effectively met without a concentrated national effort. That is the basic objective of the proposed conference.

The narcotics problem engages the activities of all levels of government—Federal, State, and local. Of necessity, such a situation demands coordination of effort and clear delineation of authority among the agencies concerned. It requires the development of an overall program under which an effective allocation of responsibilities among the various public agencies can be established. To devise such a program, there must be a full appraisal of the scope and extent of the problem and of the numerous exigencies to be met, and there should be an analysis of existing as well as additional resources that may be needed to fully combat the menace.

Such factors as weaknesses in existing laws, as well as adequacy of the number of enforcement personnel, need to be ex-

amined, and provision should be made for closer cooperation with other nations.

Ways and means to promote deeper public understanding of the narcotics problem should receive high priority.

I believe that only by bringing together representatives of all levels of government along with professional and lay people who are working in the field can the programs essential to the waging of an effective assault against the scourge be developed.

The idea of a White House conference is to bring together the best brains and experience in the Nation on the subject, as well as parties from all walks of life, to pool their collective thinking and to mutually benefit from the wealth of information and the research, new concepts, and theories which are being developed in various sections of the country.

A White House conference would create a focal point for broad consideration of the problem of narcotics and would provide a medium for establishing greater exchange of ideas as well as closer cooperation among those most intimately involved in this field.

We have made tremendous strides toward combating the problem, and our Federal, State, and local authorities are to be congratulated, but the seriousness of the narcotics menace is causing increased nationwide concern.

Some of the ramifications of the problem in the United States include shortage of treatment facilities, insufficient enforcement personnel, lack of uniformity in criminal laws, increase in illicit narcotics traffic, and the absence of an overall approach utilizing most efficiently the resources of all levels of our society.

The coordination and encouragement for efforts to mitigate the problem which a White House conference would stimulate, would prove of incalculable benefit to the Nation.

Mr. Speaker, I trust the resolution will prevail.

Mr. DOYLE. Mr. Speaker, I rise in support of House Resolution 431, resolution by my distinguished colleague from California, Mr. JAMES ROOSEVELT. Said resolution was filed by him January 27, 1960, and referred to the House Committee on the Judiciary, from which committee it comes to the floor today with appropriate amendments embodied in the text. Whereas this very timely resolution, in effect, recommends to the President of the United States that he call a White House Conference on Narcotics, and asks that emanating therefrom said White House Conference on Narcotics should report back to the President of the United States and to the U.S. Congress setting forth recommendations with respect to the problem of narcotics as found to be, and the traffic therein, and any other pertinent and germane results of the deliberations of said White House conference, I concur with and join with all of my colleagues who have previously spoken in favor of this resolution.

But, I wish to make further crystal clear that it is not only my native State of California which is afflicted with the smuggling of narcotics, and the illicit use thereof, but other States as well. The justification, of course, of this resolution is that there has developed a very substantial traffic in the narcotics system itself in and across the borders of several other States. There being no question but that the traffic in and use of narcotics definitely contributes to juvenile delinquency and adds materially to the expenses of law enforcement, to say nothing of the deterioration and destruction of the individual user thereof in his mental, moral, physical person, it should be crystal clear that such White House conference as is indicated in Congressman ROOSEVELT's timely resolution should undertake to recommend to the President of the United States and to the U.S. Congress adequate and practical and feasible ways and means of obtaining substantial uniformity as between State and Federal enforcement of narcotics statutes and of their penalties, and in like manner to delegate the area and jurisdiction which must be occupied as between Federal, State, and local authorities on the subject. These and other related and germaine purposes are clearly set forth in the resolution before us and it is my sincere hope that the President of the United States, even though this resolution makes it entirely optional, of course, with the President to call such conference, may find it entirely appropriate to promptly call such White House Conference on Narcotics and set the machinery in motion to promptly organize and have such conference expedited and its results made known and put into practical effect.

OVERALL LIMITATION ON FOREIGN TAX CREDIT

Mr. MACHROWICZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10087) to amend the Internal Revenue Code of 1954 to permit taxpayers to elect an overall limitation on the foreign tax credit, with committee amendments as printed in the bill.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 904 of the Internal Revenue Code of 1954 (relating to limitation on foreign tax credit) is amended by striking out subsection (a) and inserting in lieu thereof the following new subsections:

"(a) ALTERNATIVE LIMITATIONS.—

"(1) PER-COUNTRY LIMITATION.—In the case of any taxpayer who does not elect the limitation provided by paragraph (2), the amount of the credit in respect of the tax paid or accrued to any foreign country or possession of the United States shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

"(2) OVERALL LIMITATION.—In the case of any taxpayer who elects the limitation provided by this paragraph, the total amount of the credit in respect of taxes paid or accrued to all foreign countries and possessions of the United States shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources without the United States (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

"(b) ELECTION OF OVERALL LIMITATION.—

"(1) IN GENERAL.—A taxpayer may elect the limitation provided by subsection (a)(2) for any taxable year beginning after December 31, 1960. An election under this paragraph for any taxable year shall remain in effect for all subsequent taxable years, except that it may be revoked—

"(A) with the consent of the Secretary or his delegate, with respect to any taxable year, or

"(B) without the consent of the Secretary or his delegate, with respect to any taxable year following the fifth taxable year (whether or not the taxpayer chooses to have the benefits of this subpart with respect to each such year) to which the election applied.

"(2) ELECTION AFTER REVOCATION.—If a taxpayer has made an election under paragraph (1) and such election has been revoked, such taxpayer shall not be eligible to make an election under paragraph (1) for any taxable year before its fifth taxable year (whether or not the taxpayer chooses to have the benefits of this subpart with respect to each such year) which begins after the taxable year with respect to which the revocation was made, unless the Secretary or his delegate consents to a new election for an earlier taxable year.

"(3) FORM AND TIME OF ELECTION AND REVOCATION.—An election under paragraph (1), and any revocation of such an election, may be made only in such manner as the Secretary or his delegate may by regulations prescribe. Such an election or revocation with respect to any taxable year may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for such taxable year."

(b) Subsection (b) of such section 904 is amended—

(1) by striking out "(b)" at the beginning and inserting in lieu thereof "(c)"; and

(2) by striking out "the limitation under subsection (a)" and inserting in lieu thereof "the applicable limitation under subsection (a)".

(c) Subsection (c) of such section 904 is amended—

(1) by striking out "(c)" at the beginning and inserting in lieu thereof "(d)"; and

(2) by striking out "the limitation under subsection "(a)" each place it appears in the first sentence and inserting in lieu thereof "the applicable limitation under subsection (a)".

(d) Such section 904 is amended by adding at the end thereof the following new subsection:

"(e) CARRYBACKS AND CARRYOVERS WHERE OVERALL LIMITATION IS ELECTED.—

"(1) FOREIGN TAXES TO BE AGGREGATED FOR PURPOSES OF SUBSECTION (d).—With respect to each taxable year of the taxpayer to which the limitation provided by subsection (a)(2) applies, the taxes referred to in the first sentence of subsection (d) shall, for purposes of applying such first sentence, be aggregated on an overall basis (rather than taken into account on a per-country basis).

"(2) FOREIGN TAXES MAY NOT BE CARRIED FROM OVERALL YEAR TO PER-COUNTRY YEAR.—No amount paid or accrued for any taxable year to which the limitation provided by subsection (a)(2) applies shall (except for purposes of determining the number of taxable years which have elapsed) be deemed paid or accrued under subsection (d) in any taxable year to which the limitation provided by subsection (a)(1) applies.

"(3) FOREIGN TAXES CARRIED FROM PER-COUNTRY YEAR THROUGH AN OVERALL YEAR TO ANOTHER PER-COUNTRY YEAR.—Any amount paid or accrued to any foreign country or possession of the United States for any taxable year to which the limitation provided by subsection (a)(1) applies, which (by reason of subsection (d)) may be carried (whether as a carryback or as a carryover) through one or more taxable years to which the limitation provided by subsection (a)(2) applies to another taxable year to which the limitation provided by subsection (a)(1) applies, shall (under regulations prescribed by the Secretary or his delegate) be properly adjusted for such intervening taxable year or years on the basis of the ratio which—

"(A) the excess paid or accrued to such foreign country or possession for the taxable year from which carried, bears to

"(B) the aggregate of the excesses for all foreign countries and possessions of the United States for the taxable year from which carried."

SEC. 2. (a) Subsections (a) and (b) of section 901 of the Internal Revenue Code of 1954 (relating to taxes of foreign countries and of possessions of the United States) are each amended by striking out "the limitation of section 904" and inserting in lieu thereof "the applicable limitation of section 904".

(b) The second sentence of subsection (a) of such section 901 is amended to read as follows: "Such choice for any taxable year may be made or changed at any time before the expiration of the period prescribed by making a claim for credit or refund of the tax imposed by this chapter for such taxable year."

(c) Section 6501 of such Code (relating to limitations on assessments and collections) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) FOREIGN TAX CARRYBACKS.—In the case of a deficiency attributable to the application to the taxpayer of a carryback under section 904(d) (relating to carryback and carryover of excess foreign taxes), such deficiency may be assessed at any time before the expiration of one year after the expiration of the period within which a deficiency may be assessed for the taxable year of the excess taxes described in section 904(d) which result in such carryback."

SEC. 3. The amendments made by the first section and subsection (a) of section 2 of this Act shall apply with respect to taxable years beginning after December 31, 1960. The amendment made by subsection (b) of section 2 of this Act shall apply with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954. The amendments made by subsection (c) of section 2 of this Act shall apply with respect to taxable years beginning after December 31, 1957.

The SPEAKER. Is a second demanded?

Mr. BAKER. Mr. Speaker, I demand a second.

Mr. MACHROWICZ. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MACHROWICZ. Mr. Speaker, this bill comes before the House with the unanimous vote of the Committee on Ways and Means. It involves an amendment to the Internal Revenue Code which is designed to improve the equity of existing law. The provisions relate to limitation of foreign tax credit.

Section 904 of the present law permits taxpayers to offset their U.S. tax liability by the amount of income taxes paid to each foreign country, but this credit is limited to the amount of the U.S. tax attributable to foreign income on a per-country basis. Taxpayers operating in two or more countries sometimes pay taxes to one foreign country in excess of this limitation and thus under the per-country limitation receive no credit for the excess amount.

The bill would give the taxpayer the opportunity to elect to use the so-called overall limitation, which would limit the foreign tax credit to the aggregate U.S. tax on all foreign income.

I might say that the Treasury report on this bill stated that this proposal to give the taxpayer the advantage of the overall limitation might encourage investment in some of the underdeveloped countries that in some instances impose taxes that are higher than those in the United States.

This bill was introduced by five members of the Committee on Ways and Means, namely, the late gentleman from Pennsylvania, Mr. Simpson; the gentleman from Michigan, Mr. Knox; the gentleman from Florida, Mr. Herlong; the gentleman from Louisiana, Mr. Boggs; and the gentleman from Texas, Mr. Ikard.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MACHROWICZ. I yield to the gentleman from Iowa.

Mr. GROSS. Does this bill relate to H.R. 5, the bill that is on dead center around here somewhere?

Mr. MACHROWICZ. This bill does not have any relation to H.R. 5. That bill deals with deferral of tax. This bill deals with the computation of credits on the current tax liability. It has nothing to do with deferral.

Mr. GROSS. What is this going to cost the U.S. Treasury, if anything?

Mr. MACHROWICZ. I may say that the Treasury has at various times estimated it differently. The last estimate of the Treasury Department as of February 19, 1960, was that the loss would range from $20 to $40 million. I might say that estimate was based on the fact that the bill did not originally have the section which we put in by amendment providing that any taxpayer who chooses the overall limitation is bound to continue with that method of computation for 5 years. I may say in that connection Mr. Lindsay of the Treasury Department stated in public hearings before the committee as follows:

> There may not be a substantial difference in revenue impact in comparing the overall limitation on a consistent basis with the per country limitation on a consistent basis, but there is revenue loss where each company may use the more favorable limitation each year regardless of consistency.

By amendment of the committee, that has been taken care of. As the bill stands now, a company cannot change from year to year from one method of computation to another. Once it selects a method of computation it cannot change that method for at least 5 years.

Mr. GROSS. With the amendment to which the gentleman refers what is the amount of loss to the U.S. Treasury?

Mr. MACHROWICZ. No one can tell because no one will know how many corporations will avail themselves of one method or the other. It will be much less than the amount originally estimated by the Treasury Department.

Mr. GROSS. What is the Treasury Department position on this bill?

Mr. MACHROWICZ. Mr. Lindsay, testifying before the committee, said that "in principle we do not quarrel with the principle of overall limitation. It makes a great deal of sense."

I might say the objection they had was because of the revenue loss involved. They agreed that the overall limitation provided by this bill makes a great deal of sense.

Mr. GROSS. Was Mr. Lindsay's testimony in the nature of damning it with faint praise, or was it an endorsement by faint praise?

Mr. MACHROWICZ. It is not an endorsement by the Treasury Department. The objection of the Treasury Department was to the revenue loss. I might state also that statement was made by the Treasury Department before the amendment I suggested.

Mr. GROSS. Then, this is a benefit to American investors going abroad; is that correct?

Mr. MACHROWICZ. I would say so, yes.

Mr. GROSS. And tends to build up American investors abroad?

Mr. MACHROWICZ. No. I would say that it tends to equalize the benefits of the American corporations abroad with those of the foreign based corporations.

Mr. GROSS. But it is an inducement to Americans to take their money and go abroad to invest in foreign securities.

Mr. MACHROWICZ. No, I would not say so.

Mr. RAINS. Mr. Speaker, will the gentleman yield?,

Mr. MACHROWICZ. I yield to the gentleman from Alabama.

Mr. RAINS. I have listened with a great deal of interest to the discussion. Just what is our country getting for the tax loss that we are admitting that we will take on this bill?

Mr. MACHROWICZ. Well, we are not taking any tax loss. We are equalizing the corporations doing business in foreign countries. We are permitting a company which does business in two or more foreign countries to compute its tax not on a country-per-country basis but on an overall limitation and, as the Treasury Department has said, this may tend to benefit and help the underdeveloped countries where the tax rates are often very high.

Mr. RAINS. We have had similar bills to this before our committee in connection with the lending of money for industry in those countries. Does this not simply mean that we are subsidizing by a tax rate the building of foreign industry?

Mr. MACHROWICZ. I will yield to the chairman of our committee to answer that question.

Mr. MILLS. Let me observe to the gentleman from Alabama that what is involved here is a problem of equity. An American corporation may operate in half a dozen countries. Under existing law the tax credit with respect to taxes paid to each of the foreign countries is limited to the amount of income that is derived from each of the countries. In one country the American corporation may be paying as much as 65-percent tax. In another country there may be a tax of 30 percent. The United States has a 52-percent tax. As the bill applies to this situation, it allows the taxpayer to elect to use the overall limitation on his foreign tax credit and this election when made must be followed for a 5-year period. Under the overall limitation, he would combine his income and tax in the 65-percent country with his income and tax in the 30-percent country and he could take a foreign tax credit for the combined foreign taxes to the extent that they did not exceed 52 percent of the combined foreign income.

Now does the gentleman think that it is unfair for us to protect the American businesses that operate abroad from a 65-percent tax that may be collected there where that situation could be equalized by averaging the 65-percent tax with the 30-percent tax? I see nothing unfair about that. In a spirit of equity I think we should try to tax income in an equal manner no matter from what source derived.

Mr. RAINS. If I may have just a second, I do not think that we should tax them in excess of what they would be taxed in this country, but I do not think in the light of the fact that we are making so many loans available at good rates, that we should give any foreign operator, even though he is from our country, a tax advantage.

Mr. MILLS. We are doing in this program and in this bill just exactly what the gentleman says we ought to do. We are not giving them any advantage whatsoever over American businessmen.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. MACHROWICZ. I yield to the gentleman from Illinois.

Mr. PUCINSKI. As I understand, then, under this legislation a company doing business in country A and country B—if the tax rate in country A is 65 percent and the tax rate in country B is 30 percent—and permitting them to claim their tax credit in both of these countries combined, we would actually be encouraging industry to invest more money in country B where the tax rate is lower? Would not this lead to that kind of encouragement?

Mr. MACHROWICZ. Not necessarily. I do not think it would. I think it would just as well have the opposite effect.

If the company was already in the 30 percent rate country it would encourage investment in the high tax rate country which might be the underdeveloped one. This merely prevents the overtaxation of foreign incomes and in no case can the credits be over the 52 percent which is the tax rate that the United States has.

Mr. KNOX. Mr. Speaker, will the gentleman yield?

Mr. MACHROWICZ. I yield to my colleague from Michigan [Mr. KNOX], who is also the author of a similar bill.

Mr. KNOX. Mr. Speaker, I desire at this time to associate myself with the gentleman from Michigan [Mr. MACHROWICZ] in support of this legislation. I believe it is in the right direction, and will permit greater equity in the areas of taxation where U.S. industry engages in commerce abroad.

I personally opposed H.R. 5. This bill has no relation to H.R. 5 at all. This is a bill that would provide for the equalization of taxation of U.S. corporations doing business in foreign countries. I concur in the arguments offered by my colleague from Michigan [Mr. MACHROWICZ]. I will have more to say on the merits of this legislation later in the debate.

Mr. BAKER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 10087.

Mr. Speaker, the legislation before the House this afternoon corrects a problem that I have long regarded as an inequity in our Federal tax law. The legislation deals with the foreign tax credit. Under existing law there is in effect a "per country" limitation, and the legislation before us would merely provide an election to treat the foreign tax credit under an overall limitation.

The foreign tax credit is directed to the principle that with respect to U.S. taxpayers the same amount of income should pay the same total tax.

Since the first Revenue Act of 1913, U.S. corporations have been taxed on their foreign income. In the Revenue Act of 1918 Congress for the first time granted to American taxpayers a credit against their U.S. tax liability for all foreign income taxes and this credit has been the basic method by which the United States has ever since eliminated international double taxation. I believe it proper to assert that without this credit technique the double taxation of international transactions would discourage, if not destroy, foreign commerce.

Prior to 1954 there was available to U.S. taxpayers an overall limitation on the foreign tax credit which permitted a U.S. taxpayer to put all his foreign income in one basket and apply against that income his combined foreign tax credit for the purpose of determining the U.S. tax due on that foreign income. The 1954 Code approach repealed the overall limitation and retained the existing law per country limitation which requires that the foreign tax credit with respect to income from a foreign country be applied only to that income in determining U.S. tax liability on such income. Therefore the taxes paid to a particular foreign country which may be taken as a credit are limited to the same proportion of U.S. tax which the income from that foreign country is of the taxpayer's total taxable income.

The bill H.R. 10087 would provide an election that is to be available to U.S. taxpayers at 5-year intervals to be taxed under either the per country method or the overall method.

Most entrepreneurs regard their operations as being divided into two parts—the domestic operations and their foreign operations. The tax paid with respect to foreign income and allowed as a credit against U.S. tax should I believe in all fairness take into account the income in taxes from all foreign operations combined and not endeavor to compartmentalize them country by country.

Mr. Speaker, H.R. 10087 would be a very substantial step in achieving this tax fairness and I believe it should receive the approval of the House membership.

May I respond further to the question of the gentleman from Iowa about revenue loss. The point is this, and I think our chairman covered it. Whatever revenue loss there is, is due to the fact that American corporations have, under certain circumstances, paid more than 52 percent combined U.S. and foreign tax on foreign operations. I believe the chairman of the committee is in agreement with me on that statement. It is eminently unfair that an American corporation, for example an American manufacturing corporation manufacturing goods within the United States and shipping those goods abroad, which we certainly want to encourage to stimulate employment in this country, should by reason of existing tax law be required to pay more than 52 percent when its next-door neighbor would only be required to pay 52 percent. What this bill does in essence is to achieve tax equity.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman assure me that this legislation is not made necessary by virtue of the fact that so many American manufacturers are going abroad and establishing plants in foreign countries? This legislation is not necessary to serve their interests in so doing? Is that correct?

Mr. BAKER. I would say the able gentleman from Iowa is absolutely correct with this qualification. It will help those corporations to receive what they are entitled to, that is, fair tax treatment, but it is certainly not as an incentive to go abroad that this legislation is offered. It is merely to equalize the tax treatment whatever the source of the income may be, abroad or at home, so it will not exceed the 52 percent. I think it is good legislation.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Ohio.

Mr. BOW. May I inquire of the gentleman from Tennessee whether or not, in the words of the gentleman from Michigan, this will encourage the investment of funds of American manufacturers in underdeveloped countries. Are we going to establish industries in these countries which will in fact attract American jobs, so that we will be manufacturing things in these countries

which, if we do not grant this privilege, would be manufactured here, keeping the jobs in the United States?

Mr. BAKER. I do not see that at all as even an unintended object of this bill. On the other hand, we want to reach especially the foreign trade that will not be reexported back into the United States. This will encourage American corporations to go, for instance, into Mexico to produce doors and windows to be sold in Mexico for housing to make money and spend it in that foreign country; whereas if our domestic producers had to pay 58, or 60, or 62 percent in tax, they simply would quit.

Mr. BOW. So the gentleman feels this is not going to take jobs away from industries in the United States?

Mr. BAKER. I certainly do not think it will take away U.S. jobs. If I felt that way I would oppose the bill.

Mr. GROSS. If the gentleman will yield further, this in no way changes the tax benefit for a favored few, in other words, the 27.5 percent oil depletion allowance, does it?

Mr. BAKER. No; it does not.

Mr. GROSS. Does the gentleman anticipate that the 27.5-percent depletion allowance can ever be reduced?

Mr. BAKER. That question is not before the House, as I see it. I would require more time than is left to present the answer fully.

Mr. WIER. Mr. Speaker, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Minnesota.

Mr. WIER. May I say that, after looking at this bill, I have reached an area of disagreement on all of these bills that are coming out of the House Committee on Ways and Means. It encourages our manufacturers to take their institutions over into foreign countries. There has to be a limit to this. It seems that we are encouraging American industry to go into foreign lands. This is only one of several bills aimed in that direction, in my opinion.

Mr. BAKER. I would disagree with the gentleman and say that this bill is not directed to providing incentives to produce abroad. This bill would be a very minor element of world trade, and it is only for the purpose of equalizing the tax treatment. It certainly cannot be classed, in my judgment, as a bill to take away American industry. On the contrary, it is my feeling, and I am for protecting American industry, that we must go into world trade. We cannot simply build a shell around ourselves in this country.

Mr. KNOX. Mr. Speaker, it was my privilege to join in sponsoring legislation identical to the bill now before the House. As stated by my distinguished committee colleague, the gentleman from Tennessee [Mr. BAKER], whom I regard as one of the ablest authorities on tax legislation in the House of Representatives, the purpose of this bill is solely to achieve tax equity. The inequity under existing law arises from the fact that the per country limitation sometimes operates to require a U.S. taxpayer to pay more than a 52-percent tax rate on income that he derives from foreign operations. This legislation would tend to correct that problem by permitting the U.S. taxpayer to, in effect, treat his foreign operations as one undertaking.

Mr. Speaker, this legislation is not an inducement to export U.S. jobs; it is an important step in facilitating the export of U.S. goods that are manufactured within the borders of the continental United States. This bill will assist our domestic producers in competing in world markets to some extent, but its most important purpose is the removal of what I regard as an unfair method of taxation applied against our U.S. taxpayers.

I would stress the fact, Mr. Speaker, that this important and meritorious legislation was unanimously reported favorably by the membership of the Committee on Ways and Means, and such unanimity would not have resulted if there had been any prospect that the legislation would serve to encourage industrial expansion abroad to the detriment of industrial expansion in the United States.

It will not be my purpose to speak at length in support of this bill. Its enactment is in the interest of tax equity—I am for tax equity—and I urge my colleagues to join me in this position.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. BAKER. I yield.

Mr. PUCINSKI. Does the gentleman support legislation along lines that would give American industry a greater depreciation writeoff so that American plants could be modernized in this country and so that we could stimulate our American productivity and increase our production inasmuch as we are talking about giving relief to foreign countries?

Mr. BAKER. I would say to the gentleman that in the past 4 years I have introduced bills to liberalize the depreciation allowances. I have introduced one bill that would cut in half the useful life prescribed in Bulletin F. That is a problem that the committee is fully cognizant of. I think whatever revenue loss there would be would be more than offset by the increased production and increased employment and increased tax receipts from a greatly expanded economic base. I would favor such suggested legislation and I am sure many members of my committee would.

Mr. COLLIER. Mr. Speaker, would the gentleman yield?

Mr. BAKER. I yield.

Mr. COLLIER. Did I understand the gentleman to say that the purpose of this bill is not to offer incentive for business to go into an underdeveloped country?

Mr. BAKER. It would work in an underdeveloped country the same as in any other country, but I think it would, perhaps, be more productive to an industry in an underdeveloped country than in a country such as Western Germany, for example.

Mr. COLLIER. Then, as a matter of fact, it would be an incentive, otherwise, there would be no purpose in having the legislation here at all; is that not correct?

Mr. BAKER. I would answer that question—yes, but it is an incentive only insofar as equalizing tax treatment is concerned.

Mr. COLLIER. I thank the gentleman.

Mr. MACHROWICZ. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill, H.R. 10087, with an amendment.

The question was taken; and on a division (demanded by Mr. WIER) there were—yeas 34, nays 26.

Mr. MACHROWICZ. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, is the gentleman asking for a record vote?

Mr. MACHROWICZ. I am asking for a vote on the ground that a quorum is not present.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that further proceedings on this matter go over until Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TRANSITIONAL PROVISIONS FOR THE INCOME TAX TREATMENT OF DEALER RESERVE INCOME

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8684) to provide transitional provisions for the income tax treatment of dealer reserve income, together with Senate amendments, disagree to the Senate amendments, and request a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none and appoints the following conferees: Mr. MILLS, Mr. FORAND, Mr. KING of California, Mr. MASON, and Mr. BYRNES of Wisconsin.

TO AMEND SECTION 6659(b) OF THE INTERNAL REVENUE CODE OF 1954

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9660) to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax, with Senate amendments, disagree to the Senate amendments, and request a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none and appoints the following conferees: Mr. MILLS, Mr. FORAND, Mr. KING of California, Mr. MASON, and Mr. BYRNES of Wisconsin.

H.R. 9322—COARSE CARPET WOOL BILL

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that later during this week, the gentleman from Arkansas [Mr. MILLS], chairman of the Ways and Means Committee, will call up the bill H.R. 9322, the coarse carpet wool bill.

FUTURE HOMEMAKERS OF AMERICA FACE FUTURE WITH COURAGE AND HOPE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. Mr. Speaker, this year National Future Homemakers of America Week is being celebrated from April 3 through 9, and it gives me great pleasure at this time to commend the members of this organization on the outstanding job they are doing in preparing themselves for the important role they will play in the future of America.

The Future Homemakers of America is a national organization of students studying homemaking in junior and senior high schools. Membership now totals over 500,000 and there are 10,081 chapters in the United States, Puerto Rico, and the Virgin Islands. The U.S. Office of Education and the American Home Economics Association serve as cosponsors and cooperating groups are home economics sections of the National Education Association and American Vocational Association.

In focusing attention on the many and varied activities of the Future Homemakers of America, we can readily see how these young women will develop into accomplished homemakers, welding the family together with love, know-how, and faith.

FHA chapter programs on time, energy and money management, conducting surveys of safety hazards in the home, school, and community, and discussing problems with family members trains the young woman to later care for the physical and personality development of her children, and to manage her home with efficiency, intelligence, and imagination. Good citizenship is encouraged by working closely with civic groups to learn more about their own community, urging adults to vote and helping them to do so by free baby sitting on election day. In this shrinking world a better understanding of other nations is vital, and FHA'ers broaden their knowledge by entertaining foreign visitors, hearing guest speakers and corresponding with youth overseas. Poise and self-confidence are developed through such activities as serving on committees, being a hostess at social events and planning and presenting programs. It is important that today's modern woman be equipped to participate in the many civic, political, educational, and social groups through which community and family life is enriched. Constant evaluation of present activities and progress enables these young ladies to improve the quality of current work and gives them a sound basis for further planning.

The modern wife and mother must not only be trained in the traditional duties of homemaking such as marketing, cooking, cleaning, and child raising, but must also be accomplished as a hostess, chauffeur, nutritionist, educator, psychologist, practical nurse, efficiency and budget expert, and at times a mechanical engineer to keep the many new labor-saving machines properly functioning. However, the most important quality of a successful homemaker is the ability to bring love and harmony to the family unit. Only by instilling in our children a true faith and reverence for God, an honest and intelligent approach to government, a basic integrity in their relationships with their fellow man, and a deep understanding of America's goals can we expect to produce citizens of the caliber needed to maintain our position as a first-class nation of the world. The role of homemaker is vital to our strength as a free and Christian nation, and the Future Homemakers of America "face the future with warm courage—and high hope."

Mr. Speaker, the Commonwealth of Kentucky was the first State to charter the Future Homemakers of America. In the Second Congressional District of Kentucky, which I have the honor to represent, local FHA chapters are well organized and they exert an immeasurable influence for good on their communities. Members of this organization are ably assisted in their endeavors by their home economic teachers, home demonstration agents, and other enthusiastic women who appreciate the purposes and high ideals of the Future Homemakers of America.

SPEAKER RAYBURN AND THE OWNERSHIP OF TIDELANDS

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THORNBERRY. Mr. Speaker, one of the greatest political issues in the history of Texas was the fight to retain ownership of the tidelands. In this long drawn out controversy, Speaker SAM RAYBURN played a major role.

In the March 6, 1960, issue of the Sherman Democrat, an outstanding Texas journalist, Mr. Stuart Long, who covers the Texas State Capital for the Democrat and a number of other Texas newspapers, recalled with great accuracy Speaker RAYBURN's part in the tidelands fight and called attention to what the State of Texas would have received had the Speaker's wise suggestion been followed that the States be entitled to receive one-half the revenues beyond the 3-league—10.5-mile—limit. The article by Mr. Long is as follows:

RAYBURN COULD SAY "I TOLD YOU SO" ON TEXAS TIDELAND BONANZA

(By Stuart Long)

AUSTIN.—If Speaker SAM RAYBURN were a vindictive man, he could pull a multimillion dollar "I told you so" on some of the top State officials—past and present.

The proof of RAYBURN's rightness came the other day in dramatic form when the Federal Government sold oil and gas leases on 400,000 acres of land outside the 10-mile limit off the coast of Texas—the so-called "tidelands" beyond the area claimed by Texas to which Federal title was conceded by the State officials who have made the tidelands fight over the years.

The Federal Government got $35,732,031 for the leases off the Texas coast, and $285,180,648 for leases on 1,500,000 acres off the Louisiana coast. A highlight of the Federal lease sale was a $5,911,200 cash bonus for a lease on 5,760 acres 25 miles south of Galveston, more than $1,000 an acre.

ONLY 5 BIDS

By contrast, the last Texas School Land Board offering of oil and gas leases on tracts inside the 10-mile limit found 24 tracts offered, and bids received on only 5 of them. Gulf Oil Corp. got them all, totaling 3,707 acres, for a cash bonus of $251,840, an average of $67 an acre compared with the average of more than $200 an acre received for the Federal leases beyond the area claimed by Texas and Louisiana.

Turn back the pages of Texas tidelands history to 1949, after President Harry Truman and Speaker SAM RAYBURN had worked out a compromise tidelands bill with Attorney General Tom Clark, aimed at solving the controversy over who owned what off the Texas coast.

Geologists had advised RAYBURN that the real mineral wealth of the Gulf of Mexico was beyond the 10-mile limit claimed by Texas. So RAYBURN came up with a compromise bill, which he refused to call a compromise. Then Land Commissioner Bascom Giles endorsed it, and the then Lt. Gov. Allan Shivers endorsed it.

Under the terms of the bill, Texas would have received 62.5 percent of the oil and other mineral revenues inside the three-league (10.5-mile) limit, and half of the revenue from the rest of the Continental Shelf, which extends as far as 140 miles at some points off the Texas coast. It would have confirmed Texas ownership of the land out to the 10.5-mile line, the question which is still before the U.S. Supreme Court despite passage of the so-called quitclaim bill in 1953.

MORE INCOME

But the big point is that it would have given Texas far more income than the 1953 law which finally emerged.

The other two members on the School Land Board with Giles in 1949 were Gov. Beauford Jester and Atty. Gen. Price Daniel. Daniel came out against the Rayburn proposal. Then Governor Jester died, and Shivers became Governor and member of the School Land Board with the deciding vote in his pocket.

Daniel, Giles, and Shivers went behind closed doors for a meeting, and emerged somewhat shaken to announce that the board had rejected the compromise and would stick with the view that Texas should get all of the revenues out to 10.5 miles period.

Placed within the political parenthesis of the period, here was Shivers, a new Governor, fearful that Daniel would oppose him in the 1950 elections. So he elected to forget his

earlier endorsement of the compromise, and cast his deciding vote with Daniel to reject the compromise, and fight it out in court. There Daniel lost the lawsuit, and all the offshore land was held to belong to the Federal Government.

BILL FINALLY SIGNED

RAYBURN took this as the official State view, and passed the bill on giving the offshore land to the States. It was vetoed. He later got it through again, and this time it was signed.

But the gamble Daniel took by insisting on rejecting the Rayburn compromise can now be seen as one in which the school fund could not win. Even if it finally turns out that the school fund gets all the land out to 10.5 miles, the bids of oil companies show that this is the least valuable land, and that the real oil and gas production lies largely beyond that point.

Daniel has since said that he and Shivers felt it should be fought on a matter of principle, and not on compromise. RAYBURN hasn't commented on it, but when Adlai Stevenson spoke in Dallas in his 1952 campaign, he told Texans that they would be far better off had their officials accepted RAYBURN'S 1949 proposal instead of rejecting it. At that time, Stevenson had only the word of RAYBURN and the geologists to support his view. But now it is confirmed by the dollars oil companies are laying out for the land beyond the three-league mark, and by the dollars they fail to offer for the lands inside that mark.

The U.S. Supreme Court is expected to rule this month or next on what the language on the 1953 act means—whether it restores to Texas only 3 miles instead of 3 leagues of offshore land. If it says 3 miles, then RAYBURN will have to go to work once more to save the tidelands—which he has saved so many times before.

SOCIAL SECURITY REFORM

Mr. KNOX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KNOX. Mr. Speaker, one of the greatest needs in the area for reform in the social security law today relates to the retirement test that prevents beneficiaries between the ages of 65 and 72 to engage in employment paying more than $1,200 yearly and receive their entire social security benefit entitlement.

To many such people who are eligible for OASI benefits these years are a period of transitional adjustment from a very active life of employment to one of semiretirement. We should not force these still productive citizens out of the labor market and make them feel they are unwanted. Their rights should be protected just as strongly as the younger employed individuals. I am today introducing legislation to amend the social security act so as to increase to $1,800 a year the amount of outside earnings permitted without deductions from benefits.

For many people between the ages of 65 and 72 their children have grown and are raising families of their own; their immediate households have diminished for other reasons. How inconsistent with our American traditions to say to them, "you cannot work, get out a rocking chair and stay there the remainder of your life." There are thousands of our retired who have given substantially of their time, intellect, and ability so that we are now benefiting from their talents and their previous employment. Why should we deprive them of some realistic part-time employment that will keep them active by using their abilities and help them know they are still contributing to this great country in which we live.

I received a letter in the mail of March 28 from the director of the department of legislation, AFL–CIO in opposition to the some 175 bills that would liberalize this retirement test in the Social Security Act. We heard much talk over the last weekend from this same organization hypocritically professing a belated concern for the aged. If this group is so interested in the welfare of the aged why do they continually interfere with the rights of Americans to work, Americans who want to work. The real answer to helping the aged adjust to retirement is by allowing them to have freedom in their retirement choice to earn additional money in their older years. In this way they would be providing more adequately for themselves in their golden sunset years and thus not be dependent upon the Federal Government as the AFL–CIO position would make them be.

KATYN FOREST MASSACRE OF POLISH OFFICERS

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONTE. Mr. Speaker, I rise to address this great body in reverence to the memory of a tragic event which is commemorated on March 30—the murder of about 10,000 Polish officers in Katyn Forest, a crime so shocking and heinous that history has accorded it a place of rank among atrocities. Its grisly occurrence prompted the Congress to investigate its validity. It concluded with revulsive horror, after a thorough investigation, that in our century such had, indeed, taken place.

Neither the passing of time nor the use of amicable diplomacy can erase the fact that such bestiality is a capability of men in our age, no matter how impressive the progress of technology.

It is fitting, therefore, that the reverent memory of those murdered Polish officers be kept alive by a solemn observance of this deed as a gruesome reminder that communism shows its immorality and rotten methods when it is faced with the power and spirit of free men.

KEATING SPEECH

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BARRY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BARRY. Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to call to the attention of the Congress a splendid speech by my friend and colleague from New York, Senator KEATING. It was delivered recently before the great society of the Friendly Sons of St. Patrick of Yonkers, the city where I live in my district. Senator KEATING, along with all fellow Americans of Irish descent, among whom the Senator and myself are proud to be numbered, pays tribute to St. Patrick, the undying symbol of the great Irish people. He also makes an eloquent plea for friendship between the people themselves of the various nations of the world.

In my view this speech should be of serious interest to us all.

The speech follows:

ST. PATRICK'S DAY ADDRESS BY SENATOR KENNETH B. KEATING, REPUBLICAN, OF NEW YORK, DELIVERED BEFORE THE SOCIETY OF THE FRIENDLY SONS OF ST. PATRICK OF YONKERS, AT TAPPAN HILL RESTAURANT, TARRYTOWN, N.Y., ON MARCH 12

Tonight we do honor to a great Irish saint who had, so far as I know, only one shortcoming. He wasn't born an Irishman. But he soon saw the error of his ways, and lost no time getting to Ireland. Saint Patrick's wonderful life has inspired many sermons. It is no less an inspiration for a speech. What made this fine and lovable saint so celebrated was his missionary zeal—his God-given art of touching the minds and hearts of men—of turning the whole great Emerald Isle of his day into—let us say it literally—God's country.

In this, our own day, the world has sore need of men like the sainted Patrick. God's country in the greater global sense is under the menace of attack. In some cases its frontiers have been rolled back, its citizens have been robbed of their birthright of the free practice of their faith. More ominously still, the Godless aggressor, feeding on his success, seeks to plant his red flag of nihilism in this world wherever freedom dwells, wherever man worships someone greater than man, wherever the human soul is enshrined rather than disavowed.

If Saint Patrick were here with us today—I like to think that I know what he would say. He would tell us that to fight a battle the first requisite is to know that you're in it—to realize that the sword of the enemy is unsheathed and busy—striking at all you hold dear, all that makes life on this earth a spiritual experience rather than a utilitarian existence.

And peace, Saint Patrick would say—is not a predestined state of man—inevitable as a sunrise—constant as the stars—it is rather a precious, yet ever fragile victory—a consequence of unremitting struggle—something achieved rather than something received—a prize that can slip away unless it is guarded with the arm free men must never lay down—the arm of vigilance.

Too few Americans are aware that we are fighting a war today. The battle is silent, but it is none the less deadly. We speak, in this modern era, of conventional weapons of the atomic age. The explosions we don't talk about are those that are set off in the minds of men—yet they are being fused and detonated night and day—in a massive campaign to blast away the truth—to destroy the good and the beautiful—and, in the ruins, to erect a new system of values, a

system that would remove the Lord and put Lenin in his place, a system dedicated to the subjugation of the human spirit rather than its exaltation.

This is the unconventional weapon we hear so little about—the weapon never even mentioned in disarmament proposals. It makes no mushroom clouds. It is as silent as a knife is silent—and as fatal, if it meets no shield of vigilance. It is the ideological ICBM that has thousands of preselected targets, and zeroes in on them night and day with a precision and an effect that rewrites history before our eyes.

Each of us yearns for peace. That yearning is intensified in a world where a grim dress rehearsal for disaster goes on unceasingly. But this tremendous nuclear confrontation has, I fear, fascinated us into inaction, as a people. We are prone to stand by like spectators at a giant collision of worlds, hoping and praying the spectacle will never begin. We feel hopeless in the face of the gigantic power masses that are involved. We feel we have no more control over events than a floating cork has over its ocean voyage. In a word we feel submerged by history, we feel that the monster we have created is a Frankenstein beyond our powers of control.

What too many of us fail to see is that, in this stalemate, in this no man's land of peace, the territory of freedom is slowly, stealthily being encroached upon in a bloodless weaponless attack. The raiding parties of communism literally flourish in this climate of opportunity. The arsenal of lies, promises, concessions, slander, intimidation—these are weapons that work. If they can shoot at freedom long enough they can kill it.

We have, sad to say, examples close to home, of this kind of marksmanship. What has happened in Cuba did not happen overnight. It has been a calculated campaign of invasion by stealth, a slow, but fatal erosion of the values and the principles of freemen and free government.

There is the saying that nuclear war is too terrible for any world power to contemplate. Let not this fact lull us or blind us to the silent war of attrition that is being waged by communism night and day, that is chipping away at liberty, seeking to reduce the areas of freedom throughout the world.

The intelligent, alert citizen, aware of this undeclared war, instinctively asks: What can I do? Can one man—an individual citizen—do anything in counteraction to the present danger? Or is this kind of war a contest between two power masses, with the individual helpless to bring his inteligence, initiative, and energy into play?

It is my firm belief that individual efforts in this struggle represent a tremendous potential, untapped for the most part, a potential that can be decisive in creating the climate of true security and true peace.

Let us not forget that President Eisenhower is an individual—that he took a personal, not an officially dictated decision in undertaking his recent historic journeys to understanding. It was a decision born of his personal conviction that good might be accomplished in such a mission. In the truest sense of the word he made a trip to foreign hearts rather than to foreign governments. He showed millions of foreigners the true image of the United States as contrasted with the twisted, disfigured image that anti-American propaganda had painted into their minds. He has brought a message of truth where there was error, leading man to brotherhood.

This kind of initiative is a positive act of counterattack in a world where one system of government is engaged in the unholy mission of attempting to control the destiny of man. To put it another way, it is going on the offense, instead of maintaining a frozen defensive posture.

If you'll forgive a slight departure from the text, the word "offensive" reminds me of a football story I heard at the Touchdown Club when I had the pleasure of awarding Syracuse University the National Team Championship Award.

At the end of the last football season, as the story goes, a reporter boarded the train carrying the Notre Dame team to the Southern Methodist game. Thinking to get a new slant on a story, he asked for the student manager. "I understand," he said, "that you carry a chaplain to pray for the team." "Yes; that's right." "Would you mind introducing me to him?" "Be glad to. Which one do you want, the offensive chaplain or the defensive?"

Someone has said that America exports her machinery and keeps her ideals and values at home. This fact is regrettably too true. All too often we have helped the Communists in their campaign of misrepresenting America. Not consciously, but by default. You don't buy friends in this world, no matter how much you spend. You make friends, in the oldfashioned way of common purposes, shared aspirations, and personal contacts. And on a globe where friendship may be considered, literally, as a "deterrent force" to aggressive designs, it is of utmost importance that we project as often as possible, as far as possible, the same true image of America that President Eisenhower has personified.

I said that the individual American need not feel lost and helpless in shaping his own fate in this nuclear age. He can participate, he can do something positive as his own personal counterforce to the march of Communist influence and takeover.

It may not be a dramatic participation—as the President's has been but even the slightest act or gesture of brotherhood is a sinew added to the strength of the free world. The sending of a CARE package is a handshake. So too, is the mere sending of a book or a magazine—the writing of a letter—or the courtesy and kindness of an American traveler in a strange land.

As you may know, there is a rich and growing opportunity for such oversea contacts through the medium of the people-to-people program established in 1956. This program is completely nonpartisan and outside Government control. It depends solely upon the people of America for its program and its success.

In essence, people to people is a massive program of communication set up to establish the kind of two-way international relationships on which friendship and understanding can grow. It's not a closed corporation. It's no more exclusive than a heartbeat is. Some of you are probably familiar with the working of the program. It operates in a multitude of fields of human effort and interest. Indeed, 33 separate committees—in areas ranging from fine arts to sports, from fraternal organizations to law and medicine, form the nucleus of the people-to-people campaign.

Just as examples of the direction this effort takes, the Book Committee recently collected 16,000 volumes for oversea distribution. Another vital people-to-people contribution is the sponsoring of a 48-page booklet, "Americans Abroad," which is a long-needed "briefing session" that helps our travelers to avoid error through ignorance in their contacts overseas.

Among the most far reaching and significant of contributions is that provided under the "sister city" program of exchanges, whereby an American city enters into a direct affiliation with a foreign city, with periodic exchanges of visits between civic officials and citizen groups.

You have undoubtedly heard of Project Hope. Operating under the People-to-People Health Foundation, this ambitious project involves the outfitting of a hospital ship, privately supported, privately operated, and sent overseas as a "floating medical center" that will moor at points of greatest need in foreign lands. This tremendous effort—truly a people-to-people gesture in the fullest Christian sense—is more than an act of charity. It is an act of peace—because it extends the frontiers of friendship—because it reaches the hearts of those who have known of us too often by lies rather than by truth.

The impressive and meaningful fact about the people-to-people program is that it is a channel by which the citizen can take a part in helping to create the kind of world he wants for himself and for his children. That help, that personal participation, may take the form of a letter, a sports exchange, a CARE package, a city-to-city relationship, the gift of a book or magazine, or the welcome you extend to a visitor from a foreign land. And since we have the honor of Bishop Kearney's company, let us not overlook the splendid people-to-people effort that has been quietly but effectively going on year after year in the form of the annual clothing collection for oversea relief undertaken by the Catholic bishops of the United States. This, as you know, is a part of the program of the three great faiths, Catholic, Protestant, and Jewish, each of which takes a different form but shares a common purpose—extending the hand of brotherhood to the needy peoples of the world.

And so there is a place for everyone in the people-to-people program, either as an individual or working with an established group or committee. We do not have to sit by and let history happen to us. We can shape history. We can help, in no matter how small a way, to create the climate of lasting peace.

I would leave one last thought with you. There has been far too much hand wringing over the present state of the world—and far too little handshaking to make it a better, safer, happier world. And, as sure as the good Lord painted shamrocks green, I believe that St. Patrick himself would say, were he to walk among us today—"People-to-people diplomacy makes sense—because it makes friends—and friendship is the finest, most durable cement that ever joined one nation to another."

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill—H.R. 7947—relating to the inccme tax treatment of nonrefundable capital contributions to Federal National Mortgage Association, together with Senate amendments, disagree to the Senate amendments, and request a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none and appoints the following conferees: Mr. MILLS, Mr. FORAND, Mr. KING of California, Mr. MASON, and Mr. BYRNES of Wisconsin.

EXPORTS AND IMPORTS AND U.S. BALANCES OF INTERNATIONAL PAYMENTS

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I know that a great many Members of this body and the other body, as well as the public generally, have been concerned about the matter of exports and imports and U.S. balances of international payments. I thought the Members of the House would be interested to know that the Library of Congress has prepared quite a detailed analytical memorandum discussing this entire issue. I call it to the attention of the membership.

WE IGNORE AN OBVIOUS DANGER

The SPEAKER pro tempore (Mr. BASS of Tennessee). Under the previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 30 minutes.

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include certain newspaper articles.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, we ignore an obvious danger while we worry about communism.

We fear we lack an adequate national defense.

Russia is about to destroy us.

Recently a high-ranking industrialist, Thomas G. Lanphier, Jr., through the press told us we had already lost world war III.

Reckless spending threatens disaster.

On March 7, 1960, without hearing, without any showing as to necessity, the House authorized an appropriation of $915 million, almost a billion, to explore outer space. Just one example of how we authorize spending.

We have spent more than $80 billion in an unsuccessful effort to buy friends throughout the world, to protect us from Communist aggression.

But the greatest danger to our way of life, the danger from within—of which we are all aware—but ignore—is just around the corner.

There lurk Walter Reuther and Emil Mazey, president and secretary-treasurer of the UAW–CIO, with their millions of dollars, their trained powerful, brutal, ruthless bruisers, enforcing the law of the jungle, believing that might makes right. They have $25 million which they can use in the next election—many times the amount available to both major political parties. They replace "equal justice under law" with "business will yield to our demands or else."

That is similar to the philosophy of Rexford Guy Tugwell, Assistant Secretary of Agriculture, who in 1933 said, "Business will logically be required to disappear."

The Communist Party president, Earl Browder, told us that industrial unionists would take over the factories because they needed them, wanted them, and had the power to get them.

The sit-down strikes came to Michigan in 1937.

The CIO, Reuther, and those with similar views, have many times made good the threats of Tugwell and Browder—taken over many a factory. They failed at Kohler because Kohler and his attorney, Conger, believed their personal and property rights were protected by the 5th and 14th amendments—stood firm.

As stated by Robert Kennedy, counsel for the McClellan committee, in "The Enemy Within," pages 275–276:

> He [Counsel Conger] would permit no interference by anyone from the outside. Particularly he would countenance no interference by a leftwing labor union. It was Mr. Kohler's company, and Mr. Kohler or his delegate was going to run it—not Walter Reuther or the UAW. Before giving in on his principle, Conger made it clear, the company would close down.

Must the owner of a business or an industry permit a leftwing union to dictate the conditions on which it may operate?

"Yes" seems to be the answer suggested by Robert Kennedy in his book "The Enemy Within."

Today, business operates under the terms imposed by a half dozen dictatorial labor leaders, with Reuther and Mazey at the top. Their lawless activities—although even more detrimental than those of Hoffa—were not exposed by the committee.

Just how inconsistent, how blind—when the White House is in view—can a man become?

Please note and remember: No matter what may be here said, no question is raised as to the ability, the political thinking, or the patriotism of the candidate for the Presidency, JACK KENNEDY.

During the last 2½ years, the committee known and hereafter referred to as the Senate McClellan committee, following the investigatory trails blazed by prior committees, has through public hearings, the press, radio, and TV disclosed to the public a picture of wicked lawlessness, of brutal beatings, the malicious destruction of property, the effective denial of human and legal rights.

An aroused public, impatient and angered, last year forced the Congress to pass remedial legislation which, if enforced, will be helpful, but which is not an effective answer to our labor problems.

Much of the trouble resulting from labor disputes and which has been destructive of our civil rights, as guaranteed by the 5th and 14th amendments, grows out of the fact that we have conferred special privileges upon labor organizations which have been misused and abused.

The picture disclosed by the McClellan hearings is frightening to all who think of the future, who believe that our form of government will give to us more of those things which men desire than will any other.

Labor organizations are exempt from laws which restrict all other individuals and organizations from obtaining, through monopoly, a stranglehold upon our people.

When those laws were enacted, industry was strong, arbitrary, often unjust, and oppressive. Labor organizations were weak, and a man who belonged to one was barred from—denied the right to—work.

Today, union organizations have millions of members, millions of dollars in their treasuries.

They exercise the power to tax—a power granted solely to the Congress.

When, by strikes, through violence or fear, unions force compliance with their demands, they impose upon all of us an additional cost for necessities—increase the cost of existence. Called by any name, it is still a tax.

In effect, they levy a sales tax upon all things, all services—upon necessities as well as upon luxuries.

Their political organizations have what might well be termed unlimited funds, more money to influence legislation, than do both political parties or all other special group organizations.

The McClellan committee rendered a tremendous service when it exposed the corrupt, illegal practices of the Becks, the Hoffas—their allied professional criminals.

Unfortunately, because politics again became injected into the picture, the McClellan committee did but part of its job.

Nothing more will here be said of Beck. He is on his way to prison, his lawlessness has been established. Nor will there be further comment at this time about Hoffa. The records show that Hoffa is an extortionist. He is on his way out.

It is my hope that, under the able direction of the Senator from Arkansas, Senator JOHN L. MCCLELLAN, the Senate will again appoint a bipartisan committee to finish the job so greatly needed.

Because ambition is sometimes irresistible, no attempt will be made to determine why the committee did not investigate the UAW–CIO, which in its way is just as corrupt, arbitrary, and lawless as—in some ways far more dangerous than—were and are the Beck, Hoffa, and some other groups.

The Becks, Hoffas, et al., reached into our pocketbooks.

The Reuthers, Mazeys, and others gave us a brainwashing—robbed us of commonsense, of sound thinking.

The committee counsel charges that the Republicans—and the committee was equally divided—for political reasons demanded an investigation of the UAW–CIO. If we assume that to be true, we may also assume the committee counsel had a similar reason for opposing such an investigation.

Senator MCCLELLAN in his report wrote that the "UAW-Gosser investigation was conducted by the Republican members of the committee and their counsel" and intimates that any failure to adequately expose Reuther rests upon their shoulders, and he added:

> Therefore, they are entitled to all credit and chargeable with all blame for the adequacy or inadequacy and for the character of the record made, which record now speaks for itself.

Be that as it may, it is equally true that the investigation, speaking broadly, was undertaken to disclose what, if anything, was improper in connection

with labor organizations, management and labor troubles, and to learn whether additional legislation was needed.

The committee was authorized and directed by the Senate to, among other things, "conduct an investigation and study of the extent to which criminal or other improper practices or activities are or have been engaged in in the field of labor management relations and to determine whether any changes are required in the laws," and so forth—Senate Resolution 74, 85th Congress, hearings, part 1, page 1.

Not a word about limiting the investigation to Beck-Hoffa or unions supposedly controlled by Republican officers.

The chairman himself stated—hearings, part 1, page 2:

It shall be the purpose of this committee to inquire into and expose any illegal or improper practices or activities in these areas, and to ascertain what changes, if any, are needed in the laws of the United States to prohibit and protect both labor and management and the public interest against a continuation or recurrence of such wrongdoing.

Nowhere can the chairman or committee staff find even a suggestion that Reuther or the UAW–CIO was exempt from investigation by the full committee and its staff.

The committee, nevertheless, turned the investigation of the Kohler and the Perfect Circle strikes over to the Republican members of the committee and a few staff members who, as all well knew, were not equipped to do a job.

In justification of the committee's failure to adequately investigate the activities of Reuther, Mazey, the officers and employees of the UAW–CIO, counsel Robert Kennedy, in "The Enemy Within," wrote—page 298:

Reuther and the UAW have made mistakes, as I have pointed out, but as a general proposition the UAW is an honest union and Walter Reuther is an honest union official who attempts to run an honest union. For some people that is unfortunate but nevertheless it is true.

Two Democratic members of the committee issued a release containing this statement—CONGRESSIONAL RECORD, March 16, 1960, page 5798.

2. There is no credible evidence of corruption, misappropriation of union funds, or collusion with the underworld in the United Automobile Workers. The union and its leaders have worked hard to keep the union clean, and the appointment of a public review board to deal with this problem is to be commended.

What an absurdity to state that there has been no misappropriation of union funds or collusion with the underworld in the UAW.

Apparently, even Reuther does not believe that union funds have been properly spent, for, as may be gathered from the March 12, 1960, issue of Business Week, at page 43, Reuther requested the public review board created by him and the union to give him and the UAW a clean bill of health on the charges made by Republican committee members that he had corruptly used union funds.

Apparently, he is now attempting to withdraw that request.

The record is clear that Reuther and the UAW spent millions, much of it to employ and pay strong-arm men to intimidate Kohler workers. If that is not corrupt, let Reuther tell us the reason which justifies it.

In whitewashing Reuther, Mazey, and the UAW–CIO, counsel for the McClellan committee paid high tribute to investigator Carmine Bellino, who was an expert in the accounting field. Bellino, conducting an examination of UAW–CIO books for the committee, came up with a clean financial bill of health for Reuther and the CIO.

To claim that Reuther and the UAW–CIO did not misuse union funds is, on its face, in view of the testimony, an absurdity. Counsel Kennedy admits the check was but a partial one.

Committee Counsel Kennedy can praise Bellino for his ability and his thoroughness. He is challenged to turn Bellino loose on the books of the UAW–CIO and tell us how many thousands of dollars were spent to support the lawless activities of the strikers during the last 20 years. That is one question Bellino apparently did not go into and presumably because his orders were not to do so. How much was paid jailbirds Gunaca and Vinson?

If Carmine Bellino will investigate the UAW's books, looking for money spent to hire men to violate the law, serve on a picket line, he will find thousands upon thousands of dollars spent for that very purpose.

Grasskamp, president of the local union—page 8342—asked how much money was spent in connection with the strike, testified:

Well, I do not have the entire access to the financial records, but to my knowledge it was around $10 million to this date (Feb. 26, 1958.)

Senator CURTIS. Around $10 million?

Mr. GRASSKAMP. Yes, sir.

And he further testified that the money came out of the international union's strike fund, and from Detroit.

He added that the expenditure was authorized by President Walter Reuther, Secretary-Treasurer Emil Mazey, the four vice presidents and the regional directors of the UAW–CIO. As the vice presidents, he named Richard Gosser, Leonard Woodcock, Norman Matthews, and Pat Greyhouse.

When we remember that much of the money so authorized and spent went to hire goons to commit crimes, what becomes of the assertion that Reuther was honest? That the union was honest?

On Monday, March 14, 1960, Senator GOLDWATER put into the CONGRESSIONAL RECORD, pages 5407–5417, a list of some 800 violations of the law which occurred in connection with the Kohler strike. Gunaca, Ferrazza, Vinson, expert bruiser thugs known as such, were members of Reuther's union. Mazey, a high officer of the union, Reuther's "enforcer," a coworker of Reuther, has long boasted of the intention of the union to enforce its demands by force.

In principle and effect, what is the difference between Hoffa's hiring of goons to force employers to unionize their shops or pay for protection, and Reuther's practice of enforcing his and the union's demands by terrorizing employees and employers through brutal beatings, the malicious destruction of property, the destruction of a business?

Reuther and the union authorized the Kohler strike, which began on April 5, 1954, and is still pending.

Under the union's direction and subject to the command of Mazey, criminals such as the Ferrazza brothers, Gunaca, Vinson, Burkart, and many, many others, who were not members of the local in Sheboygan, but went from Detroit and other places outside of Wisconsin into Sheboygan, and there, openly violated the law. To state it in another way, Reuther and his union hired and paid goons to violate the laws of the State of Wisconsin.

BROWDER, THE COMMUNIST, THREATENS TO TAKE OVER INDUSTRY—LISTEN TO WHAT REUTHER DID

Two Democratic members of the committee, FRANK CHURCH and JOHN F. KENNEDY, released a statement which, among other things, stated—CONGRESSIONAL RECORD, March 16, 1960, page 5798:

3. The strikes at Kohler and Perfect Circle do not reflect credit upon either union or management. But it is noteworthy that the UAW has had no such difficulties with thousands of employers who, as contrasted with these companies, are willing to accept the letter and spirit of the law of the land and to live in good faith with the trade-union movement of America.

Previous congressional hearings have demonstrated beyond any argument that ever since the coming of the sitdown strikes in 1937, when the CIO took over not only factory after factory but more than one city—and in at least two cities were driven out by force, in Monroe by the American Legion and in another by citizens—has forced the granting of its demands by the organized defiance of law and court orders.

Brutal beatings and malicious destruction of property have been the trademark of the strikes of the UAW and the CIO. The record is clear, both from the public press and by pictures from court records now in my possession, that the UAW–CIO has consistently used force and intimidation in support of its demands.

It has obstructed the mails. It has burned and destroyed railroad cars. It has torn up railroad tracks. It has overturned and damaged trucks on public highways. Its violence has in not a few cases been so excessive that in a number of States troops have been called out to quell its lawlessness.

Governor Youngdahl in the Wilson strike at Albert Lea in March 1948, because of violence, called out the militia.

Again last year—1959—10 years later—Governor Freeman, again because of violence, called out State troops at the same plant in Albert Lea, Minn.

To aid the pickets, Mazey took $25,000 to support violence in the Albert Lea strike.

Pictures of the strike against Ford in 1941, which have been on the walls of my office for almost 20 years, show goons such as the Ferrazza brothers, and others, engaging in violence, and also in

my possession are pictures of the same gentlemen, more than 10 years later, engaged in the same job of beating up innocent nonstrikers in the Kohler strike. Two, Gunaca and Vinson, have been convicted and sent to prison for their lawless activities, and cases are still pending in Wisconsin against some of the other goons employed by Mazey and Reuther. Mazey, who is Reuther's enforcer, has time and again asserted under oath that he would use, and he has used, violence to force compliance with the union's demands.

And after the violence at Sheboygan, after the conviction of Gunaca and Vinson, Reuther, asked about the violence at Kohler, would only say—Kennedy's book, pages 294–295:

> On the question of whether they (the strikers) should have kept people (nonstrikers) out, we have no argument. I think that was an improper activity. The question is, picket lines are not formed in vacuums. * * * I think if I was sitting here today and you said to me would you do that again, I would have made a trip to Wisconsin to see that it did not happen.

On October 16, 1945, Nathan Cowan, appearing before the House Committee on Expenditures in the Executive Departments—the chairman, Carter Manasco—when the Unemployment Act of 1945 was under consideration, was questioned by me about violence in the CIO. After stating that he appeared at the request of Philip Murray, then president of the CIO, as Murray's representative, among other things, he was asked:

> Question. Do you believe in mass strikers, shoulder to shoulder, trying by force to prevent others from entering a factory where they want to go to work, and these people want to keep them out?
>
> Mr. COWAN. Yes, indeed.
>
> * * * * *
>
> Question. Block the gates so that men cannot go into the plant and go to work when they want to work?
>
> Mr. COWAN. That is true. Labor has to do something to gain its proper place. (McClellan hearings, pp. 9366–9367.)

My knowledge of the lawlessness of Reuther is not hearsay. Nor is it derived wholly from news stories. On several occasions when the UAW–CIO had taken over, opportunity was given to view some of its lawlessness. Twelve hearings of a special subcommittee in which I participated disclosed it was the fixed policy of the UAW–CIO to enforce its demands by violence.

Employers yielded or else.

Did the two Senators who, referring to the Kohler and Perfect Circle strikes, stated, "but it is noteworthy that the UAW has had no such difficulties with thousands of employers who, as contrasted with these companies, are willing to accept the letter and spirit of the law of the land," have in mind the obvious fact that Kohler and Perfect Circle refused to surrender to the UAW–CIO the right to operate their own property, as did the other employers to whom they refer? As did the great, wealthy, politically powerful New York Times when the Teamsters demanded concession?

The strikes referred to were replete with instances of violence and destruction of property. In connection with more than one strike the homes of nonstrikers were damaged.

It is not only commonsense, but has always been the law, that the master is responsible for the acts of his servant, the organization for the acts of its officers and agents, when acting within the scope of their authority.

It cannot be denied that the UAW–CIO has forced the granting of many of its demands by force and fear.

Reuther's enforcer, Mazey, under oath, characterized nonstrikers as "enemies", and advocated that they should be treated as enemies. On many an occasion, that has been the policy and the practice of the UAW–CIO.

The committee members who signed the report giving Reuther a clean bill of health just ignore or are unaware of the acts and the practices, the methods and the means, employed by the CIO and the UAW–CIO over the years.

The UAW–CIO and some other unions, disregarding the law, have, by force and violence, so thoroughly demonstrated their power that today at times, there is need for no more than a nominal picket line. They have so much power that the mere threat of violence forces the closing of a plant—the taking over, we might say—as did Browder, of an industry.

THE REMEDY

But it is futile to talk about either what has happened or what may hereafter happen in connection with strikes unless a remedy is offered.

During the past 23 years, many bills have been proposed by me which, if adopted, would remedy much of our trouble, tend to bring peace in connection with labor disputes.

The Wagner Act, passed in 1935, gave to employees the right to organize, to join in concerted action. It imposed penalties upon employers—comparatively none upon employees while giving them special privileges.

The Taft-Hartley Act, which it was my privilege to assist in writing and on which I was one of the conferees, retained the right of employees to join unions; in some ways restricted their activities. It gave them the right to bargain collectively on a nationwide basis.

Years ago, to the provision that gave employees the right to join a union, an amendment was offered by me—just four little words—which would have written into the act the right of employees to join "or not to join" a union.

It was obvious to every thinking man that the prior practice of refusing employment to individuals who were members of a union was un-American.

It should be equally obvious today that refusing an acceptable job to an individual because he does not belong, and pay tribute to a union, is equally wrong.

In my judgment, under no circumstances should we enact legislation which compels a man to work without his consent, deny the right to strike. Nor is it equitable to deny to an individual to whom there is available an acceptable job the right to work.

The right to strike should be protected. But it does not follow that those who do not choose to work should be permitted by force and violence to deny that right to others.

We should have legislation which would provide that, when a man went on strike and, after a reasonable time spent in negotiations, still refused to work, he should no longer be permitted the privilege of an employee.

We should have legislation which prohibits strikes in government and in public utilities.

No segment of the population should be permitted to deprive others of the opportunity to obtain necessities, such as light, power, food, and water.

Last spring, in hearings before the House Committee on Education and Labor, George Meany, president of the AFL–CIO, when questioned, approved of that type of legislation. Congress refused to adopt it when offered by me when Landrum-Griffin was under consideration.

The laws which prohibit business, industry, from using monopolistic practices, that is, the antitrust, antimonopoly statutes, which apply to everyone else, should be made applicable to union organizations and their members. Again Congress refused to even give my proposal consideration.

To put it in a few words, the proposition is that necessary remedial legislation should be made to apply to everyone, all citizens—employee and employer.

But no legislation, however carefully drawn, will provide an adequate remedy, is worth any more than the paper it is printed on, unless it is enforced. Lack of enforcement of the laws now on the books is the major cause of many existing evils.

Much of the foregoing was given to the dairymen at Cincinnati, Ohio, March 31 last. The legislation proposed will again be pressed in this session of Congress.

THE MORAL RE-ARMAMENT PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. CLARK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CLARK. Mr. Speaker, I would like to include in the body of the RECORD a copy of a telegram sent to Chancellor Konrad Adenauer, Bonn, Germany, on his birthday, by Members of Congress. Also a statement from Konrad Adenauer on the effectiveness of the Moral Re-Armament program and the world impact of the Moral Re-Armament force with the cast of the play "Hoffnung"—Hope—and the editorials and evaluation by the statesmen where this play was shown.

Dr. Frank Buchman, a fellow Pennsylvanian, the initiator of Moral Re-Armament, and his friendship with Konrad Adenauer has made it possible for these

men who represent the new Germany to give their message to the world. Dr. Frank Buchman has been decorated by many countries which have been visited on this tour.

My hope is that this group can visit western Pennsylvania in the near future, as there is a message for all to hear.

The telegram and other material follows:

WASHINGTON, D.C., *January 4, 1960.*
Chancellor KONRAD ADENAUER,
Bonn, Germany:

Warmest greetings on your birthday. We Members of Congress are grateful for your statesmanship in face of the strategy of world communism. We have heard of the effective work performed by German miners with their play "Hoffnung" in uniting Western Europe. We believe that this play can do much to cement the unity of our two countries at this critical time. We warmly invite the miners to bring their play to Washington this spring, and would value your support for this important ideological move.

Senator EVERETT M. DIRKSEN, Minority Leader; Senator FRANCIS CASE; Senator JOHN SHERMAN COOPER; Senator HUBERT HUMPHREY; Senator ESTES KEFAUVER; Senator OREN E. LONG; Senator RUSSELL B. LONG; Senator EUGENE J. MCCARTHY; Senator JOHN L. MCCLELLAN; Senator GEORGE A. SMATHERS; Senator ALEXANDER WILEY.

STATEMENT BY KONRAD ADENAUER

"I have followed the work of Moral Re-Armament closely for many years and I am fully behind it. The success it achieved in answering communism in the Ruhr was for me the test of its effectiveness." These are the words of Dr. Konrad Adenauer, Chancellor of Germany, referring to the fact that in the 4 years following the visit of Moral Re-Armament to the Ruhr in 1948 the Communist representation on the works councils dropped from 73 to 8 percent.

Today, many of these miners who at that time were won from communism to the superior ideology of Moral Re-Armament have dramatized their experiences in the form of a play entitled "Hope." This play had its premiere performance at the Moral Re-Armament training center at Caux-sur-Montreux, in Switzerland.

The play "Hope" penetratingly reveals the disillusion with communism of an East German worker which drives him to the West, and the callous cynicism, petty living, and delinquency he encounters and that almost make him welcome the party officials urging him to return. At the last minute the film "Freedom," an African with the answer to bitterness, and a force of westerners with new discipline, a sense of direction and concern for his destiny win both the worker and a trained Communist functionary to the superior ideology of Moral Re-Armament.

Speaking after the final curtain, the author, Hans Hartung, a shop steward who plays the role of the young worker, declared, "I work 800 meters underground. We who have presented this play are all workers with our wives. We come from the coal and steel industries and the professions. We have given this play and will give everything to open the eyes of our Nation to the ideological situation in which we live. We invite you to do it with us. We are the builders of a new world and also the stones on which a new world is built."

Walking onto the stage, Paul Kurowski, for 26 years a Communist official in the Ruhr until he met Moral Re-Armament, said, "I have been very moved by this play. It has everything. It must be made into a film. We will fight to do that. I think back 10 years and what miners can do. During that time I have been on 5 continents in 38 countries, and I have helped to give this ideology to many people. I don't have much money, but I will give 100 marks." He was followed by one after another who offered money in a similar way as well as their time, and dedicated their lives to bring this play to the Nation.

Robert Wegerhof, who himself first met Moral Re-Armament when he was given indoctrination against it at a Communist ideological training school in Russia, played a key role of a Communist agent in the play. He introduced an African in the cast, Andrew Peppetta, who said that he had come to fight with the men of the Ruhr to bring an answer to bitterness and hatred which he himself found through Moral Re-Armament. "With this ideology, Germany will save Europe and Africa. The choice is between communism and Moral Re-Armament, and I have chosen Moral Re-Armament."

Fritz Heske, who before he met Moral Re-Armament was a Communist miners' leader in the Ruhr, played the part of a Communist official in an East German factory. He voiced the gratitude of the cast and presented a miner's lamp to the producer. An industrialist said, "My wife and I have seen what this play can do. We will give everything and contribute financially to make possible the fullest use of it." A refugee who only recently came over from the East said, "I fled from the Soviet zone because of the pressure the Communists put on me to give information about my brother in Washington. The opening act of this play is exactly like in the Soviet zone of Germany today. I was left speechless after seeing it. Hartung has expressed in it the real truth that confronts us."

"This is by far the greatest treasure that ever came out of the Nordstern Mine," said British journalist Peter Howard. It is in this mine that the author of the play, Hans Hartung, works. This mine used to send birthday greetings to Russian leaders but now greets Frank Buchman on his birthday. "Chancellor Adenauer," continued Howard, "told these miners in Moral Re-Armament, 'I know I can rely on you.' This play is the sort that will pierce through the hearts of statesmen and the millions."

IF WE DON'T RESIST WE WON'T EXIST—BERLIN

Following its premiere in Caux, the miners were invited to the Ruhr and to Berlin. In Berlin they were greeted at the airport by the city mayor, Mr. F. Amrehn. "In the Ruhr we have seen we must choose between MRA and communism. We have chosen MRA," said Hans Hartung. TV cameras and radio microphones covered the event for East and West.

Long before the first performance they had twice as many requests for tickets as were seats available. The premiere took place in the Kongresshalle. This theater, America's gift to Berlin, is a stone's throw from the famed Brandenburg Gate, on the East Zone border. Three nights later it moved to Titania Palace where there were capacity crowds of 2,000.

"The plays of MRA in Berlin are always packed," said Radio Berlin, "But for this presentation by the miners from the Ruhr there is a very special interest." People knew that they would see much more than a play. The paper in Bochum (Ruhr) had written after the performance there: "Tonight we saw the convincing portrayal of an ideology superior to communism."

The Berlin papers—Der Tag, the Socialist Telegraf, and Berlin Morgenpost—all carried articles in appreciation of the play. Morgenpost in a typical assessment said, "It is good for us Berliners for once to have guests among us who have understood the seriousness of our situation and who voluntarily take upon themselves the political battle which we have been compelled to take on for years by the Communists. Loud and long applause was a tribute to the play and the stand taken by its performers."

That is the reason hundreds came from East Germany. Men who led the 17th of June uprising against the Communist government in East Germany in 1953 are in the forefront of this battle. They had fought with stones against Russian tanks, and the survivors escaped to the West.

"Frankly we were deeply disappointed," said one of them, "when we discovered what people in the West were living for. When we put this question to our countrymen in the West they would after some hesitation say: 'For a car, or an icebox, or a washing machine.' That is why they could not meet the deepest needs of us in the East. We are fighting with MRA because in it we found an ideology worth giving everything for."

A GLOBAL ISSUE

"We believe that Berliners and Ruhr miners have a common destiny," declared Hans Hartung in an interview with Radio Free Europe.

"Today the ideological fight is a global issue that runs right through Europe. The world strategy of the East is to soften us in the West through materialism.

"They are also trying to divide Germany from our neighbors. They have no fear of a Europe divided within itself, but they do fear a Europe with a uniting ideology.

"But we know communism is not invincible. In our own experience we have seen Communist takeover in the Ruhr averted because key Communists were won to the superior ideology of Moral Re-Armament.

"What we are doing here is part of a great world strategy. We know we will win."

CHANCELLOR ADENAUER SPONSORS "HOPE" IN BONN

Thunderous applause frequently interrupted the opening performance of "Hoffnung" in the Universal Theatre in Bonn. An overcapacity audience included Members of Parliament and high officials from the Ministries of Defense, Foreign Affairs, and the Interior. While in Bonn, an invitation was received from representatives of the British Parliament, press, the steel industry, docks, mines, and armed services of Britain. The invitation read, "A visit to Britain with your play would be a master stroke to build the European unity which is needed urgently at this time. We deeply deplore the hostility shown to Chancellor Adenauer by some sections of our national press. We assure you this does not represent the true feelings of the British people who join the Government in welcoming him to the country."

Before the miners set out for Britain, Chancellor Adenauer left a crucial coal industry debate in the Bundestag to spend an hour with them in the Cabinet room. In the following words he commissioned them before their journey, "I have followed the work of Moral Re-Armament for many years and am fully behind it. The success it achieved in answering communism in the Ruhr was for me the test of its effectiveness. I am particularly glad to have a part in it while taking on the sponsorship of the showings of this play in the Federal Capital. I am deeply concerned about the ideological confusion in the West amongst many intellectuals. A nation without an ideology is self-satisfied and dead. Communism has gone through many phases, Marxism, Leninism, Stalinism, now Khrushchev; but one thing has remained unaltered—its aim of world domination. We must be prepared to continue the ideological struggle for many decades yet. But I am convinced that Khrushchev's grandchildren will not be Communists.

"I thank you for taking your play to Wales, Scotland, and England at this time. Many of us Germans do not realize how deep the wounds are in other countries caused through what we did through having the wrong ideology. I have to warn you, there is a fog between our country and Britain. You must go there and change the climate. Both our countries must possess a strong ideology to resist communism.

"Your task will be to influence the British people and the press. I will speak to Macmillan. You must speak to the British themselves. Through you I believe the British will see the new Germany."

On arrival in England, Adenauer's first appointment after Prime Minister Macmillan's welcome was to receive at the German Embassy the miners and their British hosts. The miners had spoken to millions through the press, national radio, television, and stage in London, Wales, and Scotland. They reported to the Chancellor the wholehearted response their play had received. Speaking in the Europe Room of the London Embassy, the Chancellor thanked the miners for their ideological initiative in the uniting of Europe. "You are doing a great service to Britain and Germany and to the cause of world peace."

The Adenauer visit made front-page headlines in all the papers. The Daily Mail headlined his speech at the Anglo-German Association, "I Expected Hostility and I Found Friendliness." Macmillan, speaking with him, said, "Many of us spent the best years of our youth seeing our countries locked in bitter conflict. How splendid it is then to feel we are now partners in the great enterprise of the preservation of peace and liberty throughout the world. You have gone beyond the confines of your country."

Under the headline "Fond Farewell to Dr. Adenauer, General Agreement with the Premier," the Manchester Guardian wrote, "If the main object of the visit was to show Adenauer there is good feeling toward West Germany in Britain, the crowd at Victoria Station seems to have made a substantial contribution. There were cheers for Macmillan and more cheers for Adenauer as he arrived * * * tremendous applause as he went across to greet some German miners. The crowd sang 'For He's a Jolly Good Fellow' as he said goodbye to Macmillan."

In a letter to Dr. Frank Buchman, released in Washington, the Chancellor said, "My visit to London received especially effective support from showings of the MRA ideological play 'Hoffnung' (Hope) in the different cities of Great Britain. I am most grateful for the help given by this excellent play."

"Frankfurter Allgemeine Zeitung," the most influential newspaper in Western Germany summed up the visit of Chancellor Adenauer to Britain in these words: "Anyone who is unable to believe in the miracle of sudden change in politics will have difficulty in explaining the almost uncanny peacefulness and happy understanding that marked Adenauer's time in Britain. There can be no doubt that after the weeks and months of icy mistrust and ill temper and the scornful attitudes of hostility in which all real contact is lost, a breakthrough has occurred."

"Hoffnung" and Its Historic Journey

The Ruhr is the industrial heart of Germany. It is also the ideological heart of Europe.

When the force of Moral Re-Armament was invited to the Ruhr in 1947, 73 percent of the works councils were Communist-controlled. Four years later that figure had dropped to 8 percent. Hubert Stein, the vice president of the German Mineworkers' Union said that this was because thousands of German workers were responding to the ideology of Moral Re-Armament.

The play "Hoffnung" is the story of these miners, why many of them became Communist and why they changed. It is the story of modern Germany. At the beginning of the play a refugee escapes from East Germany. But he is disillusioned by the materialism and decadence of the West and thinks of returning. There is great conflict in his heart. Then he meets people who help him find the answer. It is an ideology that cures the materialism of East and West, and so creates a hate-free, fear-free, and greed-free world.

Thousands from the East and West Zones saw the play in Berlin. From there the miners took their play to the capitals and coalfields of seven European countries. Audiences of diplomats and industrialists in London, Paris, and The Hague responded equally with the workers of Milan, Rotterdam, south Wales, and northern France. There was an outstanding response from four of the monastery schools of eastern Switzerland.

The miners went to Luxembourg at the invitation of the Government and the High Authority of the European Community for Coal and Steel. Prime Minister Pierre Werner spoke from the balcony at the close of the premiere of "Hoffnung." He said, "I salute this performance with my whole heart. It is a challenge to me. I am fully with you in your fight for moral renaissance."

The play was invited to France by former Prime Minister Guy Mollet who is also secretary of the French Socialist Party. He said to the cast, "As a democrat and socialist I am fully with you."

After special performances in Rome the miners flew to Cyprus and they will spend 2 weeks in Kerala on the way to Japan.

Press Reviews of "Hoffnung"

West Germany

Bulletin, official organ of the Federal German Government: "Impressively staged and performed, the play describes the reality of the ideological struggle in the world today, especially in divided Germany."

Westfalische Rundschau (Socialist): "The fact that many of the actors had firsthand knowledge of communism and dictatorship gave their performance its convincing power. The play itself has an astonishingly sharp and polished dialogue. It shows the importance of ideology as compared to economic considerations."

Britain

Rhondda Leader, South Wales: "Never a play like this before. A crusade of great power to reach heart and mind."

Holland

Elsevier, leading Dutch weekly: "The play is a success because it outlines simply and directly not only the threatening danger but also the possibility of averting it through millions morally rearmed."

France

La Voix du Nord, largest daily of northern France: "The German miners are pioneers of a united Europe. 'Hoffnung' is the expression of their determination to give once again to the nations of Europe cohesion and an ideological dynamic. Magnificent in its simplicity, played with perfection."

Switzerland

Vaterland, leading Catholic paper of German-speaking Switzerland: "The message which the miners bring is of shattering relevance to the whole free world. The play possesses great power of conviction. Its rocklike faith in an ideology far superior to communism possesses a tremendous penetrating power that can move mountains."

Italy

Corriere Della Sera: "The play—an appeal to reality—held the attention of the audience which packed the theater. It was an unusual theatrical evening—remarkable."

La Nazione, Florence: "The play shows the answer to the Communist ideology."

This Is Right—Britain, France, and Germany

When the miners met with Chancellor Adenauer in London and told him of their invitation to come to France, he said, "Britain, France, and Germany—this is right."

Guy Mollet, former Prime Minister and Foreign Minister; Gabriel Marcel, distinguished Catholic philosopher; and trade union and civic leaders invited them to bring the ideological clarity needed before Khrushchev's arrival in the new year.

Last week Guy Mollet conferred with the miners in Arras, in northern France, where he is mayor.

Hans Hartung, the author of "Hope," told Mollet: "We Socialists who know that coexistence is not possible with the Communist nations should stand up and warn the world. The only purpose of Khrushchev's visit to France is to switch points on the track and put the train down his line."

Mollet fully agreed with Hartung's conviction and expressed his concern that the idea of coexistence would lead to a dangerous softening up of the free democracies, and that Khrushchev's coming visit to France would be used by the Soviets to split Western unity.

He thanked the miners for the "valiant way they have fought in the mining region of France." He added, "It is my conviction that we will carry the fight through to victory. As a democratic Socialist I am fully with you."

A New Germany

Speaking at the French National War Cemetery near Arras, Hartung, a Ruhr coal-face miner, said, "Chancellor Adenauer told us before we started on our journey through Europe that we Germans must never forget the wounds we have inflicted on other nations by following a false ideology.

"We have taken our Chancellor's words as a commitment in our lives," Hartung continued, "to demonstrate a new Germany."

Facing the thousands of white crosses that stretched before him in the cemetery, Hartung declared, "We cannot ask you to forget, but we humbly ask you to forgive. We will fight shoulder to shoulder with the French people for the liberty, equality, and fraternity of the world."

After the miners had laid a wreath at the foot of the monument the priest in charge of the national cemetery gave a prayer of blessing to the work of this MRA task force.

Deputy Mayor M. Brunet, welcoming them to Arras in the heart of the coal-mining industry, said to the German miners, "You are the apostles of free Europe, united in the face of the totalitarian ideology of the East."

France Forgives the Past

On the day of the Western summit meeting in Paris, an historic event took place the nearby fortress of Mont Valérien. It demonstrated as a living reality the unity between nations that the statesmen are striving to achieve.

The national shrine commemorates the 4,500 French patriots who were shot there during the German occupation. Here leaders of the French Resistance, and survivors of the Nazi concentration camps received the first group of Germans to visit the fortress since the war.

The German delegation consisted of mineworkers from the Ruhr who have been presenting in Paris the Moral Re-Armament ideological play "Hoffnung."

"This spot marks one of the darkest places in our past," said Hans Hartung, author of the play, speaking for the miners, "We have decided to give our lives that such tragedies do not happen again."

Madam Antonioz, General de Gaulle's niece, herself a former prisoner at Ravensbruck, replied on behalf of thousands of French who were deported or imprisoned

during the war. "We fought and died not only for patriotism and the defense of our land," she said. "Far more it was to maintain the spiritual values which were under attack by a false ideology. That is why we can be united here with you." Madam Antonioz thereupon went to each German miner and shook him by the hand.

Other French leaders present included Madam Ely, wife of the French Commander in Chief of the Combined Staff, and Col. Pierre Stuck, garrison commander.

At the first performance of "Hoffnung" in the French capital, the cast was welcomed by Senator Georges Dardel, mayor of Puteaux. In the packed theater, diplomats from many Western countries and Soviet Russia mingled with French leaders.

Madam Irene Laure, former Secretary General of the Socialist Women of France, and Resistance leader, said at the end of the play, "How could we find an idea to unite two peoples who have always been considered hereditary enemies and to create the unity of Europe? Moral Re-Armament enabled me to believe in the possibility of such unity."

FROM ROTTERDAM

ROTTERDAM, THE NETHERLANDS, December 9, 1959.—The Dutch premiere of "Hoffnung," MRA ideological play written and acted by a cast of German miners from the Ruhr, was given in Rotterdam this evening.

Rotterdam, the world's second largest port and one of Europe's most modern cities, was largely destroyed by German bombs in May 1940. While the war was still being fought, Dutch architects envisaged a new Rotterdam which was to rise out of the ruins of the old, and it is here that German miners have come with a Moral Re-Armament force from 15 nations to bring new clarity and unity to the whole of Europe. Their visit follows closely upon the mass distribution of the MRA manifesto, "Ideology and Coexistence," to every home in Holland.

"These miners represent a hope for the whole world," said Herman Hintzen, well-known Rotterdam banker, in introducing the play. "Tonight you are seeing the new Germany."

Hans Hartung, author of "Hoffnung," told the audience how the miners had been received by Chancellor Konrad Adenauer for an hour before commencing their offensive in Europe. On this occasion the Chancellor told them, "Many of us Germans do not realize how deep are the wounds in other countries which were caused by what we did through having the wrong ideology." "This is our conviction also," said Hartung. "We cannot ask you to forget the past, but we do ask you to forgive and together with us to build a future in which our children will find freedom, peace and happiness."

"I risked my life during the war," said Mrs. Charlotte van Beuningen, one of the great women of Holland, who was decorated by Queen Juliana for her work in relieving prisoners in the concentration camps during the war. "Now there is this greater fight, and I have decided to give the rest of my life to work for a new world free from hate, fear, and greed so that our children and grandchildren can grow up in it as free men and women."

There has been a massive response in the Dutch press to the initiative of these Ruhr miners. Today six newspapers gave wide coverage with stories and pictures.

DUTCH SENATOR SEES "NEW GERMANY WITH NEW POSSIBILITIES"

ROTTERDAM, THE NETHERLANDS, December 10, 1959.—An enthusiastic audience rose to its feet to give a resounding ovation to "Hoffnung" in Rotterdam tonight. Ichizo Nonoyama, general secretary of the All-Japan Council of the Traffic and Transport Workers' Union, who is attending the conference of the ICFTU in Brussels, made the journey to Rotterdam especially to see the play. At the close of the play Dirk de Loor, mayor of Delft and well-known Socialist senator, stood before the MRA cast from 15 nations massed on the stage with the miners.

"There may be some of you who had a strange feeling in your heart when you heard the Germans speaking and saw that play," said De Loor. "Something starts to happen inside us when we hear Germans speak. I can understand that some of you are full of mistrust toward the Germans. I understand it because I have felt it before. During the war my father died of starvation here in Rotterdam and three of my family died in the bombing.

"This evening I have seen something completely different," continued the senator. "I have seen a new Germany with new possibilities. I have lost my mistrust and hatred toward the Germans because I know that a new Germany is being built by these people who are standing behind me on the platform. We do not need to distrust them and do not need to fear them for with them we can forge unity—we must forge unity. Only this way will we ever create a new heart in Europe which the world so desperately needs.

"This can be the basis of a new unity between all peoples. There is a glorious future ahead of us, but it is something we have to do with all our heart and soul. It takes a new decision. We can fight for a renewed Europe and a new world when we decide to listen to what God tells us every day. That is the glorious future in which we all have a part," the senator concluded.

Adenauer's statement, "Through you, the British will see a new Germany," made to the miners before they left for Britain was included in a 3-minute broadcast on Moral Re-Armament given at the peak hour of the news program by the Dutch national radio this evening. The Dutch commentator went on to say, "It is the hope of Hans Hartung, the author of the MRA play 'Hoffnung,' that this will be the same in Holland." He continued, "When an ex-S.S. man writes a play and a former resistance fighter such as Mrs. Van Beuningen invites the play to Holland, something special must have happened. This special thing is Moral Re-Armament's aim. MRA is out to remake the world through change in human nature, freeing it from hate, fear, and greed."

The commentator quoted Adenauer: "Many of us Germans don't realize how deep are the wounds in other countries which were caused by what we did through having the wrong ideology."

Five newspapers today carried the news of last night's premiere. Among them was Nieuwe Rotterdamse Courant, leading national daily, and the Socialist Het Vrijke Volk, the paper with the largest circulation in Holland.

CATHOLIC COLLEGES HAIL MRA PLAY

(Vaterland, leading Swiss Catholic daily, carried following report.)

The rectors of Kollegium Maria Hilf in Schwyz and the monastery schools of Einseideln and Sarnen invited the miners of the Ruhr to bring their play "Hoffnung" so that the students could get to know the ideology of MRA. The issue at stake, one of the rectors emphasized, was that we should not let ourselves be deceived by the Communist tactic of coexistence. Only with a uniting ideology could the free nations face the ideology of materialism.

In all three colleges the miners—among whom are former Communists and National Socialists who have been won through Moral Re-Armament to a superior ideology—were received by the students and staff with enthusiasm. The play drew storms of applause. Hours after the performances students and professors could be seen deep in spirited conversation with the miners and their fellow fighters from Africa, America, and different countries of Europe.

The rector of Schwyz, Dr. Scherrer, himself joined the actors on the stage at the end of the performance. Following the play the miners described the victorious fight of MRA in the Ruhr, through which the Communist membership of the works councils had gone down from 73 percent to 8 percent. They also told how during the last months in Germany, Britain, Holland, and France, they had set about creating closer teamwork and the strengthening of trust between these countries in order to counter Communist efforts to divide and soften up the free nations of Europe ideologically. One of the miners related how, after 28 years of membership in the Communist Party, through MRA he had found his way back to his faith and his church.

Rector Scherrer then declared: "We feel completely at one with you. We can all subscribe to the principle of MRA although it is not based on religion because it includes Christians and non-Christians. To recognize absolutely the domination of God or to bow down under the domination of human tyrants—that is the alternative which should unite us all whether we are Catholics, Christians, or non-Christians."

The miners were more than amazed when, on the following day on their visit to Einseideln, the gilt towers of the monastery church suddenly glittered amidst the snow-covered mountain sides and the glorious baroque facade of the monastery rose before them. After taking part in a ceremonial vespers service on the eve of the festival of St. Meinrad, they were conducted through the monastery by the rector, Father Raeber.

In Einseideln, too, there was colossal interest and enthusiasm among the student body for the clear messages of the play, the fire of genuine conviction in the miners and the gripping power of the songs after the play. The rector, visibly moved, threw out to the monastery students and the miners the challenging sentence, "Our abbot is with us with his full heart in beginning to rearm morally. We will stand at his side to carry it through as well as we can. We stand with you on the front line. It is a holy task to protect and forge the weapons that will win the fight on the side of God. In God we are united, and that is the road to the future and the kingdom of God."

Father Rector Thommen of Kollegium Nikolaus von der Flue, in Sarnen, welcomed the miners on the 21st of January to the country of Brother Klaus. "Hatred must be torn down," he declared. "We rejoice that there is a group who take Christianity seriously, for only Christianity lived out will save the world."

After the tumultuous applause for the miners' play had died down, Rector Thommen got up again, and in the presence of the recent father primate, Kaelin, spoke from the front of the balcony to the miners and the student body. "I thank you all wholeheartedly. We all wish you happiness and success. You bring us nothing new—only old truths. In our holy faith we need to be absolutely honest, clean, pure, and unselfish. Love ought to radiate from us. Because you live what you believe we can wholeheartedly accept this ideology. It is not pretense but real honesty. That is why it is so effective."

LUXEMBOURG PRIME MINISTER: "THIS IDEOLOGY CAN SAVE THE WEST"

Luxembourg, at the industrial heart of Western Europe, officially welcomed this month the ideological force of Ruhr miners with their play "Hoffnung." The miners were invited by the Government of the Grand Duchy and of the High Authority of the European Community of Coal and Steel.

They had been commissioned by Chancellor Adenauer, in the spirit of the new Germany, to carry through Europe the uniting

ideology to answer communism. To President Josef Bech of the Luxembourg Parliament they quoted the Chancellor's words: "Many of us Germans do not realize how deep are the wounds in other countries which were caused by what we did through having the wrong ideology."

The miners' mission had already taken them to Britain, France, and Holland, and to the great Catholic colleges of Switzerland. In all these countries they had drawn the firm ideological battleline, "It is Moral Re-Armament or communism."

The premiere of the play in Luxembourg was a major state occasion, with Prime Minister Pierre Werner heading the list of distinguished guests. He had with him, in the front row of the balcony, President of the Parliament Bech, who was for 32 years Foreign Minister of Luxembourg; Victor Bodson, leader of the Socialist opposition; Emile Colling, Minister of Labor; and Prince Richard of Hesse.

At the close of the performance the Prime Minister rose and spoke to the audience.

"I salute this presentation with my full heart. The moral and spiritual values on which your action is based are the ideology which can save the Christian West from its enemy."

At receptions and dinners, leaders of all sections of the country's life and of the Coal and Steel Community honored the miners and sought their help in the application of this ideology.

Piero Malvestiti of Italy, President of the High Authority, said that only as moral and spiritual content was given to the economic framework of the Coal and Steel Community could a new Europe arise.

"We must create a new type of man," he told the miners. "You are with us in this task. You have worked for years for the peace of Europe. We shall be permanently linked in the preparation of a new Europe and in the common task of building liberty and peace."

A reception by the Bishop of Luxembourg set the keynote for the response of both clergy and laity in this predominantly Catholic country.

Writing in the Grand Duchy's major paper Luxembourg Wort, the noted Catholic journalist Monseigneur Turpel called Moral Re-Armament "the platform which is otherwise lacking for the ideological unity of all spiritual forces." It was, he said, "a dam against destructive materialism, whether Communist or capitalist."

Monseigneur Turpel continued: "This noble fight of Moral Re-Armament, which is really nothing else than the original Christian thinking, should be an inducement to us to reflect on the inexhaustible values of our holy faith. These values can only save humanity from destruction if they are renewed in us and win the people around us and so are translated into action and become effective."

The cultural weekly Letzeburger Land published a full-page article by Ambassador Als, Luxembourg's envoy to Paris. Als called MRA "one of the West's last chances—a fact of which Communists are only too well aware."

Communist awareness was evidenced by the bitter attacks in the party's official paper and by a determined subversive strategy against the miners' work. A striking instance of the importance of Luxembourg in Communist plans is the size of the Russian Embassy, with its staff of 80. The Grand Duchy's population is under half a million.

In the steel city of Esch, where "Hoffnung" was presented, one-quarter of the population is Communist. Votes in some of the factories are 50 percent Communist, although wages are among the highest in Europe. Men go regularly to Russia for training.

The party expressly forbade its members to see the play, but Communists were among the audiences in spite of the ban.

In Esch the miners were the guests of the city and were welcomed by Mayor Antoine Krier, who is head of the mine metalworkers of Luxembourg. The audience there included Jean Fohrmann, vice president of the Council of Europe, and two representatives of the Prime Minister of the Saar, who were sent especially for the performance.

Radio and television carried news reports and interviews with the miners to the country.

Italy's Verdict: Answer to Communist Ideology

On the eve of its departure for Asia, "Hoffnung" swept triumphantly through Italy, with performances at Milan, Florence and Rome.

As the train carrying the miners rolled into Milan station, an honor guard of police with their purple capes and swords saluted smartly. The press photographers swarmed on all sides leaning out of carriage windows and standing on benches to photograph the German miners in their traditional uniforms.

They were received in this industrial heart of northern Italy by Commendatore Baldini, president of the National Institute of Industrial Training, by national trade union secretaries, and by Signor Tastore, officially representing the Free Trade Unions of Milan.

The German miners were also especially welcomed by Countess Cicogna, sister of Prince Castelbarco and member of one of the leading noble families of Italy, one of whom became Pope over a century ago.

NEW LIFE FOR EUROPE

At a dinner given in honor of the German miners, Commendatore Baldini said that two diseases were eating out the body of mankind—selfishness and materialism. "MRA," he said, "is proof that cure is possible. It is simple, fundamental and convincing." The German miners were providing new life for Europe through the moral ideology initiated by Dr. Frank Buchman. "Their message must penetrate everywhere," he concluded.

Commendatore Baldini, former personnel director of the Montecatini Chemical concern, was followed by Angelo Pasetto, former Communist cell leader in the same company. Pasetto said, "MRA is the ideology that answers the materialism of the right and the left. It is more needed than ever today."

Among those attending the dinner were men from the great industries of the area, the president of the 10,000 strong Swiss Community, the Swiss vice consul and the German consul general, under whose patronage the performances of "Hoffnung" will take place.

It was acclaimed in Florence by the government commissioner as "a work of genius." In Rome, the great ceremonial hall of the Grand Hotel was transformed for the premiere. Church dignitaries, diplomats, generals, parliamentarians and leaders of Italian society rose to their feet applauding at the close of the play.

Carmine de Martino, Italian Under-Secretary for Foreign Affairs, received the MRA force on behalf of Foreign Minister Giuseppe Pella. He stressed the need to support the action of Moral Re-Armament in undergirding European unity, saying, "The great majority of Italians share your views."

The German miners had just flown in from Florence. There they had startled the city by laying a wreath at the memorial to the carabinieri killed by the Germans during the war. The Giornale Del Mattino had described it as a demonstration of a new Germany.

The Government Commissioner to Florence, Comte Salazar, gave a reception in the Palazzo Vecchio, the 700-year-old city hall. "I thank you from the bottom of my heart for coming to this city," he said. "We cannot afford to neglect the task of Moral Re-Armament. * * * Long live the Germany of Bonn."

La Nazione in a review of "Hoffnung," wrote, "It is the answer to the Communist ideology."

Rajmohan Gandhi, grandson of the Mahatma, introduced the play in Rome. "We in Asia and Africa must now unite with the West in face of a common deadly danger—communism," he said. The message of the play, he declared, was "the concrete hope that the tide can be turned. I am giving my life to MRA until full victory is ours." Miss Muriel Smith was cheered loudly when she sang to the distinguished audience.

Among the many diplomats at the performance was the Ambassador of the Federal Republic of Germany to the Holy See.

Before embarking on their journey eastward, the miners were received in the German and Nationalist Chinese Embassies. Yu Tsune-chi, Ambassador from Nationalist China, told the MRA force: "History will record Moral Re-Armament as one of the greatest factors that have saved mankind."

The German Chargé d'Affaires, von Tanstein, thanked the miners for their visit to Italy. He told them that it had been very timely and a significant support for Chancellor Adenauer's fight for European unity.

German Chancellor Sends Message

Chancellor Konrad Adenauer, who originally commissioned the German miners when they began their European tour in November, sent them this further message on the eve of their departure for Cyprus, India, Japan, and the United States:

Bonn, February 25, 1960.

Best wishes for your journey to India and Japan where you will perform the play "Hoffnung." May your play have the same great success as heretofore, and thereby contribute to the maintenance of world peace and the promotion of understanding between nations.

Konrad Adenauer,
Federal Chancellor, West German Republic.

Cyprus: Greeks, British, Turks Acclaim One Idea

"You are presenting a superior ideology—better than communism. Through changing men it will create a new world."

With these words Archbishop Makarios, President-elect of Cyprus, last week welcomed in Nicosia the Moral Re-Armament force of 80 headed by the cast of the German miners' play "Hoffnung."

Dr. Kutchuk, Vice President-elect and leader of the Turkish community in Cyprus, who with Archbishop Makarios had invited the miners to bring their play, said, "Your power of reconciling countries and of giving a strong moral foundation to every nation is what Cyprus needs at this very crucial hour in her history." Before the Council of Ministers, Dr. Kutchuk further stated, "Today we see how the different communities can live together. I am completely with you."

Sir Hugh Foot, Governor of Cyprus, told the MRA delegation at Government House, "Cyprus will be regarded in the future not as a source of trouble but as a symbol of how troubles can be overcome. I congratulate you on your contribution."

Cyprus leaders of all sections of the island's life were unanimous in their conviction that the presence of the MRA force would largely contribute to a solution of the existing deadlock.

MAKARIOS INTERVIEW

Archbishop Makarios spoke with the miners and other members of the international force for 45 minutes. He told them, "Moral Re-Armament has taken root in Cyprus. The world needs the hope you are bringing. It is an ideology which shows the way out of the present world situation. If we change men, we are able to change the world. I am happy you came to Cyprus, not only because of 'Hoffnung,' but because you bring the ideology of MRA and unity."

When an African member of the force said, "MRA is the only hope for Africa," the Archbishop replied, "I know it is."

A former EOKA fighter and trade union leader told of his commitment to give his whole life to fight for MRA and in the next months to fight with the miners. The Archbishop immediately gave his blessing to this decision.

Speaking at the premiere of "Hoffnung," Peter Howard, noted British journalist and author, said, "My country has made very serious mistakes on this island. I am deeply sorry for them. If we treat Cyprus as our enemy, the military bases, no matter how large, can never be secure. If we treat Cyprus as our friend, the problem of the bases and every other problem will be speedily solved."

HUGE TURNOUT

So huge was the turnout to the Cyprus premiere of the German miners' play that hundreds were taken to a private preview performance of the new technicolor musical film, "The Crowning Experience," arranged to run simultaneously with "Hoffnung."

It was a unique event in Cyprus to see more than a thousand members of the Greek, British, and Turkish communities not only assembled in one place but unitedly acclaiming one idea.

Leaders from all over the island thronged the Ledra Palace Hall to launch the MRA force on their Asian-American tour. "You could not have come at a more appropriate time," said Raghip Malyali, leading Limassol advocate, at the reception given in the hall where the first EOKA bomb was thrown. "You have brought the spirit that will make the London and the Zurich agreements work," he asserted.

The German miners from the Ruhr were taken in bus cavalcade, accompanied by EOKA fighters, to visit Machaeras Monastery, heart of the Cyprus struggle for freedom. They were received there by Abbot Ireneos and the monks. Clothed in his ceremonial robes and sitting in the bishop's chair at the chapel, the abbot said, "Machaeras was the center of the EOKA fight. It will now be the center of the fight for Moral Re-Armament."

After blessing the MRA force, the abbot addressed the miners. "You are not only miners of coal but miners of men. Your presence reminds me of another great miner of the hearts of men—Frank Buchman. This is the greatest day in the monastery during my 10 years as abbot."

The front pages of the English, Greek, and Turkish newspapers, the Cyprus radio, and the forces radio network for the Middle East featured the visit of the miners and the international force. Over 30 articles appeared in the Cyprus papers concerning the miners, who were on the island for 36 hours.

KERALA: "WHEN MRA MEETS COMMUNISM HEAD ON, MRA ALWAYS WINS"

An all-out bid to answer communism and the causes of communism has been launched in Kerala. Just 7 days after the formation of the new democratic government, 4 special planes, carrying the cast and equipment of the German miners' play "Hoffnung," and an MRA force drawn from 14 nations, touched down at Trivandrum.

For days the newspapers had prepared the state for this event and hundreds of people were waiting to receive the visitors. "These are going to be historic days for Kerala," said Mannath Padmanabhan, the 83-year-old leader of the liberation struggles which ousted the Communists from power. "We must give a permanent answer to communism and unite all those who believe in God."

At the airport with him was the Minister of Law and Revenue representing the committee of hosts, which includes the Chief Minister (Praja Socialist Party), the deputy Chief Minister (Congress Party), the President of the Muslim League and the former President of the Catholic Association of Travancore.

"Your visit could not have been better timed," said P. S. George, treasurer of the Kerala State Congress Committee. "The whole state is agog with a sense of welcome," said P. S. Abraham, for 6 years registrar of the university, which has 35,000 students in 75 colleges.

"The colleges are clamoring for members of the Moral Re-Armament force to address the students," he said. "Families are competing to have you as guests in their homes." And it is in the homes of the people that the MRA force is staying, while the Government has put at their disposal Kanakakunnu Palace, former residence of the Maharaja of Travancore.

Demand for tickets mushroomed for the premiere of "Hoffnung" in the University Convocation Hall, the finest theater in south India, which was given free. V. C. Viswanathan, past president of the 26,000 university students of Madras, commented: "Everybody says you should stay 2 years."

Led by Rajmohan Gandhi, Mahatma Gandhi's grandson, and Indians committed to make Moral Re-Armament their country's policy, the MRA force went straight into action.

One hundred and fifty leaders invited by Ramakrishna Rao, Governor of the 15 million people of Kerala, met them at Rajbhavan, the Governor's residence, for more than 2 hours. The guests, including Padmanabhan, Government Ministers, and department heads, as well as Roman Catholic and Anglican bishops, listened with rapt attention to the whole dimension of MRA's global outreach.

A military band and a police orchestra, military aides and red-turbaned chaprasis splashed color into the reception, whose urgency and significance for Kerala's future was apparent to all.

The German miners began the afternoon by singing their traditional song, "Glueck Auf." Men who had been for over 30 years at the heart of the German Communist Party told how, through MRA, they had found a superior ideology. They were soon surrounded by Kerala leaders anxious to know how their experiences could be applied to the state.

Governor Rao declared, "All our issues, political, economic, cultural, domestic, individual, must be solved in the spirit of MRA." He said he had been privileged to meet Dr. Buchman at Hyderabad in 1953. "Moral Re-Armament is expanding and attracting people in India and the world," he declared, "because of its essential human appeal to every man."

At a reception in Kanakakunnu Palace where Trivandrum's mayor welcomed the MRA force, V. O. Abraham, president of the 7,000-strong Association of Private School Managers, who was treasurer of the liberation struggle, said that the Communists had been successfully removed from office but added, "The Communist menace is still here. The next step is to tell the people about the ideology superior to communism—Moral Re-Armament. We are looking forward to your help."

In this state, which boasts the highest literacy rate in India, A. N. Tampi, for many years director of public instruction, declared, "Every means has been tried. Only MRA has succeeded in bringing people together—not through politics or economic necessity but through faith in God. Education and literacy by themselves do not give the secret of how to live together; that comes through people who, sacrificing, put service before themselves."

P. S. George, treasurer of the Kerala State Congress Committee, summed up the significance of the visit: "The need of the hour is to realize that by succeeding in the elections we have not arrived. Communism is not the cause but the result of prevailing evils. We have been given victory, but it will only be temporary unless the evils are removed.

"Your visit is a chance for heart-searching—the change of personal ambition, jealousy and falling apart at the slightest provocation. It was fear of communism, not a common ideology, that united us. Let us now take an ideology into our own house first and then present it to others. MRA will be of immense help. "Hoffnung" brings real hope to Kerala."

Fifteen thousand people managed to pack into the university convocation hall during the 6-day run of "Hoffnung" in Trivandrum, Kerala's capital city. On March 1, premiere night, official cars with pennants flying and a steady stream of people moved in the main gate where the great trees were decorated with colored lights.

"It seemed as if all the traffic of Trivandrum," said one journalist, "bicycle, bus, or on foot, was heading in one direction only—to the theater."

Sri Mannath Padmanabhan, 83-year-old leader of the liberation movement which ousted the Communists, introduced the play, saying, "Kerala can never be grateful enough to the ideology of MRA. Through transforming human nature it is answering forever the onrushing menace of communism." In the front row sat Governor Ramakrishna Rao, and four cabinet ministers.

Night after night, thousands poured into the theater. Members of Parliament flew specially from New Delhi to see the play. Those who could not get in read daily front-page press accounts of the progress of the MRA force.

Chief Minister P. T. Pillai asked the MRA force to call upon him and discuss how to solve the urgent problems of Kerala. "I highly value your ideology," he said. "I am wholly with you in bringing this answer to communism. Your ideology is the continuation of the work of great teachers like Buddha, Mohammed, and Gandhi."

Nine out of the eleven members of the new Kerala cabinet, the university Vice-Chancellor, a Catholic bishop, and senior government officials attended a dinner at Kanakakunnu Palace and conferred with the miners.

COMMUNIST REACTION

The Communists were alarmed by the MRA advance. The alliance of the democratic parties was being cemented. After 3 days of deliberations, the state council of the Communist Party launched a statewide campaign of protest. Janayagan, the official Communist organ, carried a page-length editorial attacking the Governor. His decision to give convocation hall free for performances of "Hoffnung" and to make a state treasury contribution toward the MRA force was the talk of Kerala.

The Chief Minister's own paper, Kerala Janatha, carried a two-column leading article refuting the attack. Under the headline, "Unintelligent Thinking of M.P." this spirited article says, "The way in which a certain member of Parliament has been discussing MRA we have ignored because it is

not worth thinking about. The attack by the Communist paper and this M.P. against Moral Re-Armament shows the deep degradation into which they have fallen. We feel this M.P. is off his head and his pronouncements are against the culture of Kerala. Kerala is not Russia or China but India.

"When Chou En-lai entered the northern frontier of India like a thief, what was this M.P. doing then? Will he kindly tell us how Chou En-lai should be received? MRA is not a danger to this country and not an enemy, whereas Chou En-lai with his force is an enemy, and yet he is going to be welcomed like a king. To unintelligence and nonsense there must be a limit, but this Member of Parliament has exceeded that limit."

P. S. Abraham, registrar of the university, said, "When MRA meets head on with communism, MRA always wins."

Kerala life is focused on education. It was here that Communist efforts to indoctrinate the youth had triggered the freedom struggle last year.

At University College this month students crammed doorways and windows to hear MRA spokesmen. Mr. V. R. Pillai, the rector, said, "MRA is an ideology which is neither anti-Communist nor anti-capitalist but for the whole world. It brings change in the thinking and living of men."

After many years as director of public instruction in Kerala, which boasts the highest literacy rate in India, Mr. A. N. Tampi gave as his experience that "education and literacy by themselves do not give the secret of how to live together. Every means has been tried, but only MRA has succeeded. You are bringing back the readiness to sacrifice that should be normal. You bring what Gandhi brought and we have stopped living."

STUDENTS PACK HALL

Students stood 20-deep at the back of the hall in Mahatma Gandhi College, the leading educational institution of the state, to hear international speakers. Manmathan, principal of the college, said, "MRA has created an indelible impression on the minds of the people of Kerala. It is creating a new age through people united in remaking men and nations."

In Kottayam, in the same college hall where the liberation movement was launched, MRA was proclaimed to an enthusiastic crowd. The principal of the Hindu college declared, "This is the most important event to take place in the history of our institute."

A leading Communist student said, "I have never seen students so completely gripped."

In New Delhi, Rajmohan Gandhi, grandson of the Mahatma, and Peter Howard, noted British journalist, both traveling with the MRA force, were received by Dr. Rajendra Prasad, the President of India.

ANSWER FOR INDIA'S MILLIONS: BOMBAY HAILS GERMAN MINERS

India—the nation whose present choice may mark the future destiny of all Asia—welcomed a Moral Re-Armament task force in Bombay last week.

One of the six men who drafted the Indian constitution, Sri K. M. Munshi, received the group of over 80 from 14 nations. Speaking before representatives of the city, state, Parliament, and the press, Munshi declared, "The basic world conflict * * * is between those who are God-minded and those who deny God." He welcomed Moral Re-Armament as "a cementing bond for all God-minded people."

Immediately the German miners, members of the cast of "Hoffnung," were hailed with a wave of receptions and meetings. The Governor and the chief minister of Bombay State received the force at their own residences.

Professor Dandavate, general secretary of the Praja Socialist Party, welcomed the German miners to a Socialist meeting held in their honor.

The audience were standing 10 deep at the back for the Asian premiere of "Hoffnung." Mahatma Gandhi's grandson, Rajmohan Gandhi, introduced the evening. "We need this to unite our country," he said. "We need it to defend our country. We need it if we are not to be enslaved by communism. If we get its point, we will yet keep India free."

Widespread response followed the arrival of the Moral Re-Armament force in the city. The wife of the former Governor of India's largest province of 60 million people paid tribute to MRA's initiator, Dr. Frank N. D. Buchman. "What the prophets did for people of old Dr. Buchman has done for the modern age," she said. The speaker of the Bombay Legislative Assembly, a personal friend of Dr. Buchman, told the cast, "You have brought an ideology that will unite Africa, Asia, and Europe."

R. V. Murthi, who is chairman of the Press Guild, said at the reception men like Rajmohan Gandhi should lead this new revolution in India.

"HOFFNUNG" IN MADRAS

In Madras the Governor of the 30 million people of the state gave a reception for MRA. The city's largest theater could not contain the crowds who turned out for the performance of "Hoffnung." The speaker of the Madras State Assembly, Dr. U. Krishna Rao, said that MRA is democracy's answer to hate and division in the world.

T. V. Anandhan, general secretary of the 52,000 South India railway workers, speaking to a crowded union meeting, stated that since both management and labor had seen the MRA plays in 1953 there had been no strikes and conditions had improved. "The southern railwaymen are greatly indebted to MRA," he said. "We stand now for what is right and the moral principles of Dr. Buchman."

The leading women of Madras received the force. Muda Krishnamurthy, the secretary of the Women's Indian Association, said: "East and West meet in the ideology of MRA. It brings a revolution in people like me. Your ideals must run faster than sputnik."

In Thiruvella, P. S. George, treasurer of the state congress committee, said: "You leave a rich heritage here—people committed to MRA. We have a big responsibility. We have got to do the job."

JAPAN: KISHI SEES GREAT DESTINY FOR GERMANY, JAPAN

At the historic meeting of Chancellor Adenauer and Prime Minister Kishi in Tokyo on March 26, members of the 16-nation MRA force in Japan were on hand with the Cabinet and Diplomatic Corps to welcome the German leader.

Paris radio, recognizing the ideological impact of Moral Re-Armament in Japan at this critical time, broadcast the news of the MRA force in Tokyo immediately following the news of Khrushchev's arrival in Paris.

"Adenauer and Kishi can give Khrushchev and Chou En-lai a superior ideology," declared John McGovern, veteran Scottish Labor Member of Parliament who is accompanying the MRA force in Japan. "Adenauer has shown great courage and wisdom. Recognizing that something new was required—but not communism—he stood for Moral Re-Armament. A new bold Japan, together with this new Germany, can fashion the moral road for the future of all mankind."

In a series of notable events covering a 2-week period in Tokyo the MRA force, along with the German miners' play, "Hoffnung," has received nationwide acclaim through Japan's great daily newspapers, as well as by national television and radio.

Yomiuri, one of the outstanding dailies, featured the three-fold purpose of MRA: "To secure the peace and make it permanent all over the world, to cure the causes of communism, and make the wealth and work of the world available for all, and to unite East and West with the ideology superior to communism."

KISHI INSPIRED BY MRA

Prime Minister Kishi, at a reception in his official residence, told the MRA force, "Moral Re-Armament is the moral backbone of the world. The world will rally to its work of building peace, based on true freedom and moral standards."

"Germany and Japan have a great common destiny to make these values a world reality," the Prime Minister continued. "The world work of MRA has been for a long time a great inspiration to me."

The Prime Minister insisted that he meet personally all the MRA force. He, with leading Senators and Diet Members from the Government and opposition parties, listened attentively as Rajmohan Gandhi, grandson of the Mahatma, Peter Howard, noted British journalist and author, Fritz Hirschner, editor of a leading German paper, and a group of German miners gave their convictions.

Peter Howard conveyed to the Prime Minister Dr. Frank Buchman's message: "Japan and Germany can give ideological clarity to the world."

Howard said, "As Prime Minister you have done three things which have affected a whole generation. First, your amazing visit to the countries of Asia with 'the statesmanship of the humble heart.' If leaders of nations like mine had learned that secret, the world today would be united. Second, your clear message to the youth not to go to the left, nor to the right, but straight—not to be dominated by Russia or China, nor to imitate America or any other country, but to go straight ahead to your destiny. Third, your absolute clarity on communism. Governments, to rule successfully, must learn the secret of changing men. To stay free, nations must have an ideological answer to the materialism of right and left."

JAPAN AT THE CROSSROADS

Receptions for the MRA force were also given by His Imperial Highness Prince Mikasa, brother of the Emperor, by the Diet, by the German Embassy, by the mayor of Tokyo, by the rival Sohyo and Zenro labor federations, by the executive committee of the Socialist Party, and by the abbot of Kamamura at the foot of the famed bronze statue of Buddha. The MRA force was also given the honor of being invited to the Imperial Palace for a special performance by the Court Musicians of Gagaku, ancient Japanese music and dance.

At the Diet reception on the day when 50,000 demonstrated in Tokyo against the Japan-America Security Pact now being debated, Speaker Ichiro Kiyose told the MRA force, "You come at just the right time. 'Hoffnung' and the German Chancellor will both have a great moral influence on our national life. National unity is the only path to save the free world from confusion. MRA is essential."

Deputy Speaker Nakamura added, "We need today supranational thinking. Our lives can be changed through MRA."

Night after night the Toshi Theater in Tokyo, just a few hundred yards from the Diet Building and from the Imperial Palace, has been packed with audiences that have included members of the imperial household, Cabinet Ministers, Ambassadors from Asia, Europe and America, Members of the Government and Opposition in Parliament, 500 senior military men, industrialists, labor leaders, university professors, and youth. On March 29 the 100th performance of the German miners' play, "Hoffnung," since its inception last summer at Caux, Switzerland,

was given at the Toshi Theater in the presence of Princess Chichibu, the Emperor's sister-in-law, Prince Midasa, the Emperor's brother, and Princess Mikasa. The entire play was filmed by three cameras with Japanese sound track to reach the millions of the nation by television.

The premiere performance of "Hoffnung" in Tokyo was attended by Prince Yoshinomiya, son of the Emperor.

Kozo Kimura, Director of the National Police Public Safety Bureau, who arranged a special showing of "Hoffnung" for the police, introduced the play for one of its presentations at the Toshi Theater. "East and West are in the midst of an ideological war," Kimura told the audience. "Its visible expression—gasoline bottles, Molotov cocktails, demonstrations—can be seen and dealt with. But the invisible expressions—selfishness, corruption, materialism, subversion, infiltration—spread before we know it. They can destroy this nation. The force of MRA gives us moral straightness and ideological strategy. We must not remain apathetic observers, used in the Communist strategy of subversion. We must choose MRA."

Kimura, speaking alongside his wife and son, said, "I and my family are committed to fight with MRA to bring the clear answer."

As chief of public safety, Kimura observed, "I face many problems, but my biggest worry is the blindness to the ideological battle. We are at the crossroads—the road to hope or destruction. You must give people the right ideology. If the police change, Japan will change."

JAPAN WILL CHANGE

A special matinee of "Hoffnung" was given for labor and management of the Japanese National Railways. It received a prolonged ovation. Governor Sogo of the railways, the industry described as the key to the nation's labor force and the focus point of the ideological struggle, told the cast of German miners that if MRA could win the railwaymen, Japan could be saved from communism.

Renzo Yanagisawa, head of the Japanese Shipbuilding Workers Union, told a TV audience, "MRA has shown a new road for the new type of worker. It has given us the hope and the passion to save Japan. Now is the time to accept absolute moral standards of honesty, purity, unselfishness and love, and become the nation with the answer for Asia." Yanagisawa spoke with Masahide Shibusawa of the great industrial family. Shibusawa declared, "Japan faces either a Communist or a moral revolution—a totalitarian dictatorship or Moral Re-Armament, which is the new way for mankind. This is the last chance. We will fight together for the right choice."

One of Japan's most noted Socialist leaders, Kanju "Fireball" Kato, formerly Minister of Labor, told a distinguished audience in the Toshi Theater, "Our party is in a shameful condition, as you know. The unity we learn from MRA is based on absolute moral standards. We must apply these not only within the party, but bring them to bear on the nation." Madame Kato, his wife, herself a Socialist member of the Senate, declared, "If we really lived the four standards, it would end the division of the party. Ambitions, rivalries, jealousies, and bitterness amongst the leaders of the nation are answered only by MRA."

Senior leaders of Japanese political life have conferred with the MRA force in Tokyo, including Mr. Ishii, chairman of the executive committee of the Liberal Party, and Saburo Chiba, chairman of the security committee of the Liberal Party. Hosting a special lunch for the MRA force, Mr. Chiba declared, "From today we are your cofighters. Your message is simple, courageous and straight."

Senator Tokutaro Kimura, former Defense Minister, called for the establishment of an MRA training center in Japan. "The way Japan goes," he said, "all of Asia will go. I am as convinced of MRA as Khrushchev is of communism."

On the occasion of a luncheon given by the Speaker of the House of Representatives, leaders of the Diet heard one of the German miners, Robert Wegerhof, formerly a prisoner in the Soviet Union state, "Millions think communism is the problem. Millions think communism is the answer. Both are wrong. The problem is selfishness, greed, and materialism in each one of us. The answer is the superior ideology of MRA."

WHAT MOSCOW FEARS

On March 29 the National Press Club of Japan invited Peter Howard, Rajmohan Gandhi, and Fritz Hirschner to speak on the role of MRA in the present world situation.

Gandhi told the press men, "Immoral, corrupt, and selfish men will never answer communism. They don't deserve to. Selfless, united patriots will. Such men are produced by the revolutionary ideology of MRA. Red China is determined to make Asia Communist. Japan has the destiny not only to answer Red China's bid but to win her to the superior ideology."

Fritz Hirschner gave the press club three instances of Chancellor Adenauer's statesmanship. "Adenauer invited the MRA force to the Ruhr after the war," he said, "to turn the tide of communism there. He built with Robert Schuman a bridge between France and Germany. And he saw clearly, when many wavered, that coexistence leads to nonexistence, and that the road for West Germany must be with the West."

Earlier Hirschner had told Japanese leaders, "That men can change is the great sensation of this century. That men not only can change but do change is the great political revolution of our times. That individuals can begin with themselves and have a part in creating a new world is the start of the great transformation of our age. To serve that cause we have come to Japan. We will fight with you for the freedom and peace of the world."

"What Moscow fears," Hirschner pointed out in a feature article for Mainichi, "is the same fear expressed once by Stalin—an ideology which could unite countries as far apart as Japan and Germany, together with the other countries of Asia, Europe, and the white and colored races. It is a simple decision that faces both Japan and Germany. The decision William Penn once expressed: 'Men must choose to be governed by God or they condemn themselves to be ruled by tyrants.'"

FIRST TO ANSWER ATOM BOMB

Peter Howard brought the Press Club to spontaneous applause as he expressed his vigorous convictions. "It is damnable," Howard said, "that it has become fashionable not to love one's country."

Howard said the Communists wanted to rub the nose of Japan in the mistakes of the past, as part of a plan to prevent her from assuming leadership in Asia. "But, we've all made mistakes." Howard declared, "and it is wrong that China should give ideological leadership to Asia with a false ideology. Japan with MRA will answer the materialism of Western democracy and Russian communism, and pattern the inspired democracy everyone will want."

Earlier Peter Howard had told the senior officers of the Japanese National Police, "Japan, the only country to suffer under the atom bomb, can through MRA be the first to answer it."

Yomiuri carried to the nation Peter Howard's convictions given to Members of the House of Representatives. "Divided nations will surely fall to communism," Howard declared. "We have learned this costly lesson in the West. We cannot keep our compromises, corruption, mistresses—and our freedom. Democracy is as strong as the men and women who speak in her name. Without a superior ideology democracy in Japan has no hope whatsoever of survival. But with MRA this marvelous country will lead Asia to a new world."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MAILLIARD (at the request of Mr. BALDWIN), for the week beginning April 4, 1960, on account of official committee business in connection with the International Conference on the Law of the Sea, in Geneva, Switzerland.

Mr. FASCELL (at the request of Mr. ALBERT), indefinitely, on account of illness in his family.

Mr. THOMPSON of New Jersey (at the request of Mr. JOHNSON of Wisconsin), for April 4 and 5, on account of official business.

Mr. BREWSTER (at the request of Mr. ALBERT), for Monday, April 4, 1960, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MACK, for 15 minutes, tomorrow.

Mr. BAILEY, for 30 minutes, on Thursday, April 7.

Mr. HOFFMAN of Michigan, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. HECHLER.

Mr. MORRIS of Oklahoma.

Mr. FORD and include an editorial.

Mr. ROOSEVELT and include extraneous matter.

Mr. HOFFMAN of Michigan and include a letter in his remarks made on House Joint Resolution 431.

(The following Members (at the request of Mr. CHAMBERLAIN) and include extraneous matter:)

Mr. DIXON.

Mr. SAYLOR.

Mr. MCGOVERN and include a resolution.

Mr. HOLIFIELD in two instances.

Mr. LEVERING in two instances, in each to include extraneous matter.

Mr. BERRY.

(At the request of Mr. ALBERT, and to include extraneous matter, the following:)

Mr. BOWLES in two instances.

Mr. BOYKIN.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found

truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4874. An act to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty;

H.R. 6329. An act to convey certain land in McKinley County, N. Mex., to the Navajo Tribe of Indians;

H.R. 8251. An act for the relief of Tatsumi Ajisaka and others;

H.R. 8343. An act relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain;

H.R. 9444. An act for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li);

H.R. 10233. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes; and

H.J. Res. 283. Joint resolution to authorize participation by the United States in parliamentary conferences with Mexico.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on April 1, 1960, present to the President, for his approval, a bill of the House of the following title:

H.R. 7456. An act to extend until July 1, 1960, the suspension of duty on imports of casein.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 28 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 5, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2011. A letter from the president, Girl Scouts of the United States of America, transmitting the 10th Annual Report of the Girl Scouts of the United States of America for the fiscal year ending September 30, 1959, pursuant to Public Law 272, 83d Congress (H. Doc. No. 368); to the Committee on the District of Columbia and ordered to be printed with illustrations.

2012. A letter from the Chairman, U.S. Advisory Commission on Information, transmitting a copy of the 15th Report of the U.S. Advisory Commission on Information, dated April 1960, pursuant to Public Law 402, 80th Congress (H. Doc. No. 369); to the Committee on Foreign Affairs and ordered to be printed.

2013. A letter from the Acting Director of the Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to the following watersheds: Vineland area tributary to Arkansas River, Colo.; White Clay, Brewery, Whiskey Creeks, Kans.; Tortugas Arroyo, N. Mex.; Huff Creek, S.C.; and Brush Creek, W. Va., pursuant to the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005) and Executive Order No. 10654 of January 20, 1956; to the Committee on Agriculture.

2014. A letter from the Director of the Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation to the Treasury Department for "Salaries and expenses, U.S. Secret Service," for the fiscal year 1960, had been reapportioned on a basis indicating a need for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

2015. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a report on a violation of section 3679 of the Revised Statutes, as amended, concerning an overobligation in an Atomic Energy Commission allotment account as of October 31, 1959; to the Committee on Appropriations.

2016. A letter from the Assistant Secretary of Defense (Properties and Installations), transmitting the 12th Annual Report on the National Industrial Reserve, pursuant to Public Law 883, 80th Congress; to the Committee on Armed Services.

2017. A letter from the Assistant Secretary of Defense (Supply and Logistics), transmitting reports on Army, Navy, and Air Force prime contract awards to small and other business firms completed during January 1960, pursuant to section 10(d) of the Small Business Act as amended; to the Committee on Banking and Currency.

2018. A letter from the president, the Foundation of the Federal Bar Association, transmitting a report of the audit of the Foundation of the Federal Bar Association for the fiscal year ended September 30, 1959, pursuant to Public Law 662, 83d Congress; to the Committee on the District of Columbia.

2019. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the 11th semiannual report of the Foreign Claims Settlement Commission of the United States on its activities as of December 31, 1959, pursuant to (62 Stat. 1240; U.S.C. App. 2001–2016), as amended, and (64 Stat. 12; 22 U.S.C. 1621–1627), as amended; to the Committee on Foreign Affairs.

2020. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting proposed amendments to H.R. 10656, pursuant to section 261 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2017); to the Joint Committee on Atomic Energy.

2021. A letter from the Chairman, U.S. Tariff Commission, transmitting a report of the Commission's investigation with respect to lead and zinc, pursuant to Senate Resolution 162 of the 86th Congress; to the Committee on Ways and Means.

2022. A letter from the Comptroller General of the United States, transmitting a report on examination of subcontracts awarded by Western Electric Co., Inc., Winston-Salem, N.C., to Telecomputing Corp., Whittaker Gyro Division, Van Nuys, Calif., under Department of the Army contracts; to the Committee on Government Operations.

2023. A letter from the Administrative Assistant, Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to provide agencies of the Government of the United States with the authority to pay in advance for required publications"; to the Committee on Government Operations.

2024. A letter from the Assistant Secretary of the Interior, relative to an application for a loan by the Eastern Municipal Water District, in Riverside County, Calif., for the construction of distribution facilities, pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

2025. A letter from the secretary, National Trust for Historic Preservation, transmitting a report relating to a comparative condensed balance sheet for the calendar year 1959, pursuant to Public Law 408, 81st Congress; to the Committee on Interior and Insular Affairs.

2026. A letter from the Under Secretary of Commerce, transmitting a draft of proposed legislation entitled "A bill to amend sections 22, 23, and 24, title 13, United States Code, and for other purposes"; to the Committee on Post Office and Civil Service.

2027. A letter from the Administrator, Small Business Administration, transmitting the study made by the Small Business Administration relating to the effect of bulk third-class mail rate increases on small business enterprises and on the users of the mail and the national economy generally, pursuant to Public Law 85–426; to the Committee on Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Montana:

H.R. 11504. A bill to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, insure the protection of the public interest, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BREEDING:

H.R. 11505. A bill to repeal the tax on transportation of persons; to the committee on Ways and Means.

By Mr. BUDGE:

H.R. 11506. A bill to clarify the law with respect to transportation of airmail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BYRNES of Wisconsin:

H.R. 11507. A bill to amend the Internal Revenue Code of 1954 so as to provide that lawful expenditures for legislative purposes shall be allowed as deductions from gross income; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 11508. A bill to clarify the law with respect to transportation of airmail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FALLON:

H.R. 11509. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. MORGAN:

H.R. 11510. A bill to amend further the Mutual Security Act of 1954, as amended, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FARBSTEIN:

H.R. 11511. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. FLYNN:

H.R. 11512. A bill to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, insure the protection of the public interest, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY:

H.R. 11513. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the donation and other disposal of property to tax-supported public recreation or park agencies; to the Committee on Government Operations.

By Mr. GATHINGS:

H.R. 11514. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. GIAIMO:

H.R. 11515. A bill to provide for the construction of a shellfisheries research center at Milford, Conn.; to the Committee on Merchant Marine and Fisheries.

By Mrs. GRANAHAN:

H.R. 11516. A bill to create a judicial officer for the Post Office Department; to the Committee on Post Office and Civil Service.

By Mr. GUBSER:

H.R. 11517. A bill to amend the Walsh-Healey Act to make it apply in the same fashion to males and females; to the Committee on the Judiciary.

By Mr. HALEY:

H.R. 11518. A bill to provide compensation to the Crow Tribe of Indians, Montana, for certain lands embraced within the present boundaries of the Crow Indian Reservation, for the validation of titles, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 11519. A bill to incorporate the Legion of Guardsmen; to the Committee on the Judiciary.

H.R. 11520. A bill to prevent the use of stopwatches, work-measurement programs or other performance standards operations as measuring devices in the postal service; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of Colorado:

H.R. 11521. A bill to amend the Federal Water Pollution Control Act to expand research, extend State and interstate water pollution control program grants, and strengthen enforcement procedures, and for other purposes; to the Committee on Public Works.

By Mr. JONES of Alabama:

H.R. 11522. A bill to amend the act of August 26, 1935, to permit certain real property of the United States to be conveyed to States, municipalities, and other political subdivisions for highway purposes; to the Committee on Public Works.

By Mr. KARSTEN:

H.R. 11523. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KING of Utah:

H.R. 11524. A bill to clarify the law with respect to transportation of airmail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KNOX:

H.R. 11525. A bill to amend title II of the Social Security Act to increase to $1,800 a year the amount of outside earnings permitted without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. MATTHEWS:

H.R. 11526. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

H.R. 11527. A bill to amend title II of the Social Security Act so as to eliminate the age 50 requirement for entitlement to disability insurance benefits; to the Committee on Ways and Means.

By Mr. METCALF:

H.R. 11528. A bill to amend section 170(b)(1) of the Internal Revenue Code of 1954 with respect to certain charitable contributions to historic societies or agencies; to the Committee on Ways and Means.

By Mr. MICHEL:

H.R. 11529. A bill to amend the Rural Electrification Act of 1936 to prohibit certain borrowers under that act from holding certain financial obligations of the United States; to the Committee on Agriculture.

By Mr. MOORHEAD:

H.R. 11530. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. MURRAY:

H.R. 11531. A bill to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. O'HARA of Illinois:

H.R. 11532. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REES of Kansas:

H.R. 11533. A bill to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RIVERS of Alaska:

H.R. 11534. A bill to amend section 120(a) of title 23, United States Code; to the Committee on Public Works.

By Mr. WALTER:

H.R. 11535. A bill to amend the District of Columbia Alcoholic Beverage Control Act to provide that class C and D licensees shall not be prohibited from serving alcoholic beverages in their establishments on New Year's Day when New Year's falls on Sunday; to the Committee on the District of Columbia.

By Mr. WIER:

H.R. 11536. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. WITHROW:

H.R. 11537. A bill to amend the act of August 26, 1935, to permit certain real property of the United States to be conveyed to States, municipalities, and other political subdivisions for highway purposes; to the Committee on Public Works.

By Mr. WRIGHT:

H.R. 11538. A bill to amend the Internal Revenue Code of 1954 to eliminate all authority to pay rewards to informers in tax cases except in cases involving alcohol taxes; to the Committee on Ways and Means.

By Mr. ALFORD:

H.R. 11539. A bill to authorize the Administrator of General Services to release the recapture provisions contained in the conveyance of certain real property to the city of Little Rock, Ark., and for other purposes; to the Committee on Government Operations.

By Mr. BOW:

H.R. 11540. A bill to strengthen State governments, to provide financial assistance to States for educational purposes by returning a portion of the Federal taxes collected therein, and for other purposes; to the Committee on Education and Labor.

By Mr. BROYHILL:

H.R. 11541. A bill to abolish the Arlington Memorial Amphitheater Commission; to the Committee on Interior and Insular Affairs.

By Mr. DERWINSKI:

H.R. 11542. A bill increasing the rates on third-class mail which consists of circulars, merchandise, books, catalogs, seeds, plants, etc., in parcels weighing less than 16 ounces; to the Committee on Post Office and Civil Service.

H.R. 11543. A bill relating to the interest rates on loans made by the Treasury to the Department of Agriculture to carry out the programs authorized by the Rural Electrification Act of 1936; to the Committee on Agriculture.

By Mr. KILDAY:

H.R. 11544. A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; to the Committee on Armed Services.

By Mr. MONTOYA:

H.R. 11545. A bill to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians; to the Committee on Interstate and Foreign Commerce.

By Mr. RIVERS of Alaska:

H.R. 11546. A bill to authorize the modification or reconstruction of certain works of the Eklutna project, Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALTER:

H.R. 11547. A bill to improve the working conditions of migratory and other farm labor in the United States; to the Committee on Ways and Means.

By Mr. ADDONIZIO:

H.J. Res. 669. Joint resolution calling upon the President to issue a proclamation designating the last Friday in April as Arbor Day; to the Committee on the Judiciary.

By Mr. KITCHIN:

H.J. Res. 670. Joint resolution to authorize the use of surplus grain for feeding wildlife during emergencies created by heavy snows; to the Committee on Banking and Currency.

By Mr. MORRISON:

H.J. Res. 671. Joint resolution to provide for the designation of June 4, 1960, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

By Mr. SHELLEY:

H.J. Res. 672. Joint resolution authorizing and requesting the President to issue a proclamation with respect to the 1960 Pacific Festival, and for other purposes; to the Committee on Foreign Affairs.

By Mr. THOMPSON of Louisiana:

H.J. Res. 673. Joint resolution to provide for the designation of June 4, 1960, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

By Mr. McGOVERN:

H. Con. Res. 653. Concurrent resolution requesting the President of the United States to issue a proclamation designating 1961 as the year of the Dakota Territory Centennial; to the Committee on the Judiciary.

By Mr. METCALF:

H. Con. Res. 654. Concurrent resolution that it is the sense of the Congress that the Department of Agriculture continue for 1 year the uniform storage agreement contracts now in effect and also provide a basis for recapture of excessive profits; to the Committee on Agriculture.

By Mr. FLYNN:

H. Res. 494. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the Federal Power Commission; to the Committee on Rules.

By Mr. ROOSEVELT:

H. Res. 495. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the Federal Power Commission; to the Committee on Rules.

By Mr. WALTER:

H. Res. 496. Resolution providing for additional copies of hearing held by the Committee on Un-American Activities, current session, entitled "Issues Presented by Air Reserve Center Training Manual"; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the Speaker: Memorial of the Legislature of the State of Hawaii, memorializing the President and the Congress of the United States to amend the Federal Flood Insurance Act of 1956 to include tidal wave and volcano damage; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of Maryland, memorializing the President and the Congress of the United States to authorize the Army Corps of Engineers to make a survey of the Patuxent River in regard to flood control; to the Committee on Public Works.

Also, memorial of the Legislature of the State of South Carolina, memorializing the President and the Congress of the United States to express its strongest disapproval of the recent action of the State Department in the unwarranted interference with the domestic affairs of the Union of South Africa; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAY:

H.R. 11548. A bill for the relief of Krishna Kallianpur; to the Committee on the Judiciary.

H.R. 11549. A bill for the relief of Gopinath Kallianpur; to the Committee on the Judiciary.

H.R. 11550. A bill for the relief of Yanni J. Vatikiotis; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 11551. A bill for the relief of Wladyslawa Jarzmik-Stempniak; to the Committee on the Judiciary.

H.R. 11552. A bill for the relief of Stephanie Jedlicka; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 11553. A bill for the relief of Dent R. Spaur; to the Committee on the Judiciary.

By Mr. HAGEN:

H.R. 11554. A bill for the relief of Wade H. Ashley; to the Committee on the Judiciary.

By Mr. JONES of Alabama:

H.R. 11555. A bill for the relief of Henry James Taylor; to the Committee on the Judiciary.

By Mr. McDONOUGH:

H.R. 11556. A bill for the relief of Peter Kevin Sweeny; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 11557. A bill for the relief of Donica Dopudja; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 11558 A bill for the relief of Henry Wu Chun and Arlene Wu Chun; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 11559. A bill for the relief of William G. Fettes; to the Committee on the Judiciary.

By Mr. SCHENCK:

H.R. 11560. A bill for the relief of Eugene C. Harter; to the Committee on the Judiciary.

By Mr. WATTS:

H.R. 11561. A bill to authorize and direct the Secretary of the Army to convey part of lock and dam No. 10, Kentucky River, Madison County, Ky., to the Pioneer National Monument Association for use as part of a historic site; to the Committee on Public Works.

By Mr. WILSON:

H.R. 11562. A bill for the relief of Maritime Museum Association of San Diego; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

403. By Mr. STRATTON: Petition of 101 residents of the 32d Congressional District of New York urging passage of the Forand bill as a minimum first step toward providing decent medical care (hospitalization, surgical services, and nursing home care) for those persons eligible (retired or not) for social security benefits; to the Committee on Ways and Means.

404. By the SPEAKER: Petition of the president, Hawaii Okinawa-jin Rengo Kai, Honolulu, Hawaii, petitioning consideration of their resolution with reference to requesting passage of the bill H.R. 1157, which would make available to the Ryukyuan economy the sum of up to $6 million annually; to the Committee on Armed Services.

405. Also, petition of deputy executive director, Hawaiian Government Employees' Association, Honolulu, Hawaii, petitioning consideration of their resolution with reference to "protesting the reduction of the 20-percent cost of living allowance for U.S. postal employees proposed by the U.S. Civil Service Commission, as being unfair and unreasonable"; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

Wesleyan's Colloquium on Freedom—A Great University Accepts the Challenge

EXTENSION OF REMARKS

OF

HON. CHESTER BOWLES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 1960

Mr. BOWLES. Mr. Speaker, with freedom under daily attack in many areas of our country and of the world, I was glad to note recently that a university in my congressional district has been taking positive steps to advance the cause of freedom. In fact, the National Broadcasting Co. thought so highly of this educational innovation that they reproduced part of it on their weekend coast-to-coast "Monitor" radio program.

I am referring to the 2-day colloquium on freedom which was conducted this spring by the graduate summer school for teachers at Wesleyan University in Middletown, Conn.

There are two notable things about this freedom conference which lead me to draw it to the attention of my colleagues in the House of Representatives. In the first place, it was, so far as can be discovered, the first in which high school students, high school teachers, college teachers, and a college president all participated. For a private university thus to concern itself directly with the education of high scchool students as well as their teachers indicates an awareness of the challenge of public education and a readiness to accept that challenge which I find commendable.

In the second place, it was an occasion when hard thinking—tough, sustained intellectual effort—was required. There was no facile repetition of slogans, no lazy acceptance of cliches, no easy and comfortable repose in established answers. Adult problems were dealt with in an adult way.

The participants, whether adolescents or adults, grappled with such problems as those of reconciling the highest degree of individual liberty with the legal restraints necessary to insure equal liberty for all; with the distinctions between spiritual, intellectual, and physical freedom; with the presuppositions on which our constitutional guarantees of freedom of speech and assembly rest; with integration and segregation; with the puzzling contradictions involved in such matters as censorship and loyalty oaths, the attitude of our country toward France as a member of NATO, a traditional friend, and also a contestant in the Algerian struggle; and with the attitude of the United States toward the Cuban people, the Castro regime, and the protection of United States investments in Cuba.

The colloquium grew out of the course called the philosophy of freedom which is given every year in the graduate summer school for teachers at Wesleyan University. This course was established because of Wesleyan's conviction that, though freedom is our priceless heritage, it will not be cherished unless it is understood, and not understood unless it is studied. The tragic record of the American soldiers who were captured by the Communists in the Korean struggle is only one of a number of evidences that many Americans do not understand, and therefore do not properly value, the freedom which is theirs by birth.

In attendance at the colloquium were eight high school teachers who had previously taken the philosophy of freedom course at Wesleyan, and 27 of their pupils from public and private schools in Connecticut and Massachusetts. Some of them were interviewed on the NBC "Monitor" program by Ross Miller, of station WTIC in Hartford. Throughout their statements both the teenagers and their teachers emphasized this theme: "Don't take freedom for granted." It was this mistake, taking freedom for granted without understanding its true significance and depth, that left many of our captured GI's in Korea unable to explain or defend the precious liberties for which they were fighting.

Proper understanding of freedom comes not through indoctrination, but through the study of history, government, economics, and suitable literary works. Courses in all these subjects, as well as in the philosophy of freedom, are provided by the graduate summer school for teachers at Wesleyan University.

The freedom discussion opened with a short statement by Dr. Victory L. Butterfield, president of Wesleyan University, on the morality and psychology of liberal education and its meaning in a free society. Three of his basic assumptions are worth repeating. They are:

First. That a liberal education is one which helps men gain greater measures of personal freedom for purposes of more significant living in ways that can help sustain or strengthen a free society.

Second. That the heart of personal freedom lies in the autonomy of the self—in that balance of inner compulsion, judgment, taste, and conscience, that constitute the will to appropriate action.

Third. It is this experience of being able to decide for ourselves what is true or false, wise or unwise, lovely or ugly, right or wrong, and to take appropriate thought and action that give us our positive sense of autonomy and freedom.

A later conference session was devoted to various aspects of political and social freedom. Dr. S. Hugh Brockunier, professor of history at Wesleyan, opened this session by quoting part of the report on the Communist brainwashing of U.S. soldiers in Korea made by Maj. William E. Mayer, of the U.S. Army Medical Service School. Dr. Brockunier's central theme was that freedom cannot be taken for granted, and that the only people who have freedom are those who continually learn by study and experience how to fight for it. He supported his thesis by quoting a number of memorable statements, including these:

By the late Senator Borah:

> The safeguards of our liberty are not so much in danger from those who openly oppose them as from those who, professing to believe in them, are willing to ignore them when found inconvenient for their purposes.

By the late Justice Jackson:

> Freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the existing order.

In each age man has to relearn the lessons of freedom. Our captured soldiers in Korea had to relearn through suffering. Most of us are more fortunate and may relearn the meaning of freedom in our homes, our libraries, and our educational institutions.

I find that the entire curriculum of Wesleyan's Graduate Summer School for Teachers serves the cause of freedom directly. From ancient to modern times, great men have repeatedly asserted the connection between freedom and education.

Jefferson summed it up for many when he wrote, "Enlighten the people generally, and tyranny and oppression of body and mind will vanish like evil spirits at the dawn of day."

All liberal study, whether of history, physics, philosophy, music, or mathematics—all intellectual effort which leads to a wider view and a deeper human sympathy, builds, and supports the love of freedom.

The Wesleyan Summer School deserves commendation for pioneering in the field of education for freedom. This recent conference on freedom is exciting because it represents an unusual and valuable approach to one of our most important educational problems. I am confident that it will serve as a good beginning for further inquiries into the meaning of freedom both at Wesleyan and at other educational institutions.

Civil Rights Bill, H.R. 8601

EXTENSION OF REMARKS
OF
HON. TOBY MORRIS
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. MORRIS of Oklahoma. Mr. Speaker, I voted against H.R. 8601, the designated civil rights bill, which passed the House on March 24 and which is mainly to protect and secure the right of all qualified citizens to vote, for the reason that I felt deeply that the referee system provided for therein is very probably unconstitutional and definitely a wrong approach toward such purpose. It gives the Federal Government the power to take over State and local election machinery which I am afraid may do more harm than good toward all of our citizens—colored and noncolored—and will probably defeat the very objective of the bill.

I do not know, of course, what the final version of this legislation, nor what my vote on same, will be, as we have not as yet reached that stage. I am in hopes a good bill can and will be presented for my vote before this session of Congress ends. I most certainly will vote for one that I feel will properly help to so prevent discrimination against our citizens because of race or color.

The debate in the House on this bill up to this time has been overall gratifying to me. Except for a few words that I feel were ill considered and should not have been spoken, the debate generally was dignified and enlightening and I hope and feel beneficial to all our citizens, colored and noncolored.

Representative Chamberlain's Views on Defense Reassuring

EXTENSION OF REMARKS
OF
HON. GERALD R. FORD, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. FORD. Mr. Speaker, an editorial in the Flint Journal for Thursday, March 31, 1960, entitled "Representative CHAMBERLAIN'S Views on Defense Reassuring," is a fine tribute to our colleague and helps to put into proper perspective the discussion on defense policy. Under leave to extend my remarks in the RECORD, I include a copy of the editorial, as follows:

REPRESENTATIVE CHAMBERLAIN'S VIEWS ON DEFENSE REASSURING

Representative CHARLES E. CHAMBERLAIN is to be commended for once again seeking out the opinions and views of those he represents in Congress.

His questionnaire to qualified voters in Michigan's Sixth District represents a sincere effort to learn directly from the people what problems concern them and what legislation they favor. By knowing their desires, he can do a more adequate job as their Capitol Hill representative.

He further demonstrated his interest in his constituents by acknowledging each questionnaire and personally answering many which asked specific questions. One such letter summed up his own ideas about the controversy of national security. Inasmuch as he is a member of the Armed Services Committee, his thoughts on the issue are significant.

In part he wrote:

"It is certainly no wonder that the American people are confused about the status of our defense program when they read the divergent views expressed through various news media.

"As a member of the Armed Services Committee, I have spent a major portion of my workdays in recent weeks listening to and studying testimony in closed sessions with our military leaders, including the Secretary of Defense, the Service Secretaries, the chairman and the members of the Joint Chiefs of Staff.

"While I readily admit there are many areas for honest differences of opinion regarding our military posture, I certainly want to assure you that from all I have heard from these top military men, I do not share the grave apprehension of those who say that our defenses are grossly inadequate and that our planning for the future is deficient.

"You will recall that last year we were hearing much of the same talk from most of the same people—and what happened? The Congress voted to reduce the President's defense requests.

"While I make no inference that our defense is not a proper subject for public discussion, I regret that the issue has become so political. Neither do I mean to gloss over the areas in which we need more progress. We have many complex problems and it is

understandable that brilliant men of integrity would differ as to specific solutions. Yet I have an inherent faith that when all the talking is over, what America needs will be provided.

"As for myself, my policy has always been to resolve all areas of doubt in favor of our security. I would rather provide too much than too little. With this, I feel you must agree."

Few persons are fully aware of the facts and figures of national defense. They are classified top secret. This doesn't prevent many self-styled experts from speaking on the subject in an authoritative tone of voice.

It is reassuring in the midst of the resulting confusion to hear an expression of faith in our defense from a member of the Armed Services Committee, which has the advantage of briefings by military men and intelligence officers on what the U.S. program is and what the enemy's capabilities are believed to be.

And it is comforting to know that we are represented by a man who has at heart not only the interest of his country but that of the people in his district who put their faith and fate in his hands.

Problem of Humane Medical Attention for a Large Segment of our Population

EXTENSION OF REMARKS
OF
HON. CHET HOLIFIELD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. HOLIFIELD. Mr. Speaker, few people are aware of the growing problem involved in the need for health protection for the aged and unemployed people of our Nation. The problem cannot be solved by propaganda, scare slogans, or indifference. We must face the problem and solve it on the basis of facts. We must explore our capabilities for solution, both from the standpoint of economics and political possibilities. We must, and I believe we can, solve this problem within the structure of our American way of life, as we have solved many of our great national social problems. Let us study this problem calmly and objectively in the light of present facts and our past history.

By 1980, according to estimates prepared by the Senate Subcommittee on Problems of the Aged and Aging, 26 million Americans will be over 65 years of age. Eighty-five percent of them will have incomes under $2,000 a year. What private insurance companies are going to insure them adequately at rates they can afford to pay? It is doubtful that any private company can pay for all the surgical and nursing and hospital care these elderly persons are indisputably going to need.

There are, of course, a great many companies in the United States selling health insurance of protective value, and some make a special point of catering to elderly folk; but no more than about one-third of the persons over 65 have hospital insurance, most of it with inadequate benefit coverage. Private insurance companies provide splendid protection for wage earners. But the cost of insurance inevitably goes up as the likelihood of illness increases with age, and sometimes is prohibitive for those who have retired. Most of the policies can be canceled on the basis of an age limitation or after paying a stipulated maximum level of benefits.

The one practical way to provide insurance against the health hazards of retirement years is to let people pay the premiums in the form of social security taxes while they are earning wages and are able to do so. This is precisely how they now provide retirement income for themselves under the social security program, and this kind of protection is made compulsory because the lack of it would have a disastrous social impact. Those who denounce this proposal as socialistic without proposing any workable alternative are foolishly doctrinaire. They might just as sensibly oppose as socialistic the Nation's public schools, fire departments, and parks because these represent communal efforts financed through taxation. One of the fundamental purposes for which the U.S. Government was established was to promote the general welfare.

It is a fact of record that the American Medical Association has violently resisted our present social security system ever since its inception in 1937. Today it is supported by both political parties. Although it is far from perfect, it does form the basic hope for security in old age and retirement for more than 58 million working people. At the present time 13,750,000 people have qualified and are drawing social security benefits.

The average doctor—secure in his own relatively high income bracket—refuses to consider the plight of the 22 million people over the age of 65, whose income ranges from zero to $2,000 annually. These people are no longer able to work or cannot find employment. It is common knowledge that our large industries resist the employment of individuals beyond the age of 45 or 50 years.

Even though the aged husband or wife may have a modest retirement annuity totaling $1,500 or $2,000 annually they cannot afford adequate hospitalization, surgical and medical expenses which are involved in chronic illness or major sickness. Many of these people are not eligible for social security benefits of even a meager type. This group of people are completely dependent on public or private charity.

The doctors of America will not solve this problem through blind opposition to every attempt on the part of Congress to find a solution to this growing problem. The denunciation of every legislative approach in terms of socialized medicine will not stem the tide of humanitarian sympathy and social responsibility for the millions who are unable to pay the cost of decent treatment for their physical survival.

It might be wise for the members of the American Medical Association to take a leaf from past history and remember their fruitless tactics in opposition to social security. If they want to forestall the adoption of a system of universal socialized medicine in its worst and most inadequate form, they might well support a reasonable and constructive solution.

If there is a better solution than our present formula for providing retirement annuities under the social security system, let the American Medical Association members and doctors everywhere come forward with a better plan. Their suggestions to date have proven inadequate to meet the humane problems involved. Let me sound a note of solemn warning.

Under our system of Government you cannot ignore the just and humane needs of a large segment of our society for a long period of time. Our great system of mechanized industry has proven its ability to produce goods and services in such an abundance as to meet tremendous and abnormal needs in times of war. It must be called upon to produce the relatively smaller needs to conserve and preserve human values in times of peace.

Tennessee-Tombigbee Waterway Would Bring Industry

EXTENSION OF REMARKS
OF
HON. FRANK W. BOYKIN
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. BOYKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein a wonderful editorial by the Mobile Register of March 22, 1960. The Mobile Register is one of the oldest papers in our beloved Southland and one of the best, and I think this is really and truly a great editorial about one of this Nation's greatest men, our U.S. Senator, ROBERT S. KERR, of Oklahoma, who is chairman of a Select Committee on National Water Resources. What a great speech Senator KERR made in addressing the New York State Waterways Association. Some of his statements are included in this great editorial.

I had the pleasure of entertaining Senator BOB KERR in our marvelous Mobile and showed him there our great water development, our great State docks, our wonderful industries, the beautiful Azalea Trail, the Bellingrath Gardens, that look like heaven, or I imagine that is what it looks like, because heaven would have to really be beautiful, if it were any better than this.

I have known and worked with BOB KERR for many, many long years. He is a great man. I remember him at the Chicago Democratic Convention. I was a delegate, and I wish everybody could have heard this great BOB KERR when he made the nominating speech there, with the thousands of people from every State in this Union. Well, I have a picture of it, a photograph, but I do not need it, because I have a picture of BOB KERR and what he said in my heart and in my mind, and I have often wondered, when

I hear of so many people being suggested as President of the United States, why they do not include this great Senator from the State of Oklahoma.

I have visited him out there, and he has been such a success—in business, in politics, in his church, and in all of his undertakings. Truly, I have never met a better or a greater man in the U.S. Senate or the Congress of the United States or anywhere else. He has brains and ability and experience and a wonderful understanding heart; and he has done and is doing so much for his State and his Nation.

I am so glad that my own hometown newspaper saw fit to print what BOB KERR said about one of the greatest undeveloped waterways on earth—the Tennessee-Tombigbee. It will be developed some day, and what a great day that will be. We will have a direct route from Sioux City, Iowa, clear down through all of those wonderful States—Cairo, Ill., and on down to my district at Demopolis, Ala., where it will come on down and meet the Warrior River, the Alabama, the Mobile River and on out to Mobile Bay and the Gulf of Mexico. That will really and truly be a great day, and they should sing then—not "A great day is coming," but "It is already here."

I wish everybody knew what that would mean to so many States, to so many counties, cities, and villages. This development of the Tennessee-Tombigbee, in my judgment, will be greater, so much greater than even the Panama Canal. It is the greatest undeveloped waterway in the world, and our great Representatives in the long years—over a hundred, so the record shows—have been working for the development of the Tennessee-Tombigbee, and we in Alabama, Mississippi, and Tennessee and everywhere appreciate what this great man, Senator BOB KERR, of Oklahoma, had to say in his great speech about the development of these great waterways—not only the Tennessee-Tombigbee, but all of the wonderful waterways all over this Nation.

Senator KERR spent many hours looking over the port of Mobile and the many rivers that run into this great city. He looked at our great Brookley Field there where we have over 15,000 men and women, where this great Brookley Air Force Base has deep water, with ships coming in from all over the earth; where we will have a waterway from the State docks to the gulf, about 30 miles, with a depth of 42 feet, that will take any ship from any part of this earth. Then, we are developing on up at Jackson, Ala., and Demopolis, which has been completed and is such a wonderful development—the Demopolis lock and dam; another great development in ARMISTEAD SELDEN'S district, the Eutaw lock and dam; and of course, you all know, gentlemen, of the great work that has been done on the Warrior, and the wonderful work that is being done in Congressman CARL ELLIOTT'S district and Congressmen ALBERT RAINS' and KENNETH ROBERTS' districts on that great Coosa River that runs down and empties into the Alabama River, and then on into the Tombigbee River.

Both of our Senators, Senator LISTER HILL and Senator JOHN SPARKMAN, and our entire delegation have worked and worked hard for the development of these rivers, and we have made some success, but not nearly enough, and we are so glad to have these encouraging words from a great man, Senator BOB KERR, of Oklahoma.

The editorial follows:

[From the Mobile Register, Feb. 22, 1960]

WATERWAY WOULD BRING INDUSTRY

The important relation between navigable waterways and industrial development is a major argument for linking the Tennessee and Tombigbee Rivers by canal to serve barge traffic between a broad inland area of the Nation and the port of Mobile.

A noteworthy comment on the value of waterways has been made by U.S. Senator ROBERT S. KERR, of Oklahoma, chairman of a Select Committee on National Water Resources.

Senator KERR, addressing the New York State Waterways Association observed:

"A significant fact about the industrial development in the past 10 years has been growth of new industrial plants, facilities, and capacities along our navigable waterways.

"In 10 years we have seen a $15 billion expansion of industrial plants in the Ohio Valley.

"At the same time we have seen tremendous developments along the Mississippi River and its navigable tributaries, as well as on the gulf coast.

"This expanded industry along our navigable waterways not only enables our country to grow more rapidly than would otherwise be possible, it feeds a constantly increasing volume of business to the entire Nation, including all other forms of transportation."

A navigation canal connecting the Tennessee and Tombigbee Rivers would form a steppingstone to much industrial and commercial growth in an extensive region by opening a new advantageous route in inland waterway transportation.

This long advocated needed improvement of the Nation's inland waterway system should be pushed energetically not only in Alabama, Mississippi, and Tennessee, the States currently associated in a joint movement to promote it, but in various other States in which the benefits of the improvement would also be felt.

Senator KERR'S impressive remarks on the expansion of industry in territory where navigable waterways exist should help arouse increased activity for the Tennessee-Tombigbee Waterway.

Questionnaire to the People of the 17th District of Ohio

EXTENSION OF REMARKS

OF

HON. ROBERT W. LEVERING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 1960

Mr. LEVERING. Mr. Speaker, I recently circulated a questionnaire among the constituents it is my honor to represent in the 17th Ohio District and I want to say that I am extremely gratified by the response received from people in all walks of life. It is indeed reassuring to learn that so many of our people in the midst of the daily routine of making a living are willing to take whatever time is necessary to think and write about the important public issues of the day. This kind of citizenship responsibility at the local level assures continuance of vigorous representative government.

I was especially impressed with the fact that most people not only answered the specific questions asked, but in addition, made their views known on many other matters, such as disarmament, food additives, TV programing, high taxes, high interest, tight money, and inflation.

It is apparent from tabulating the returns of a typical cross section of central Ohio that the subject uppermost in the minds of the people is waste, extravagance in all departments of Government, and particularly in the foreign aid program. The items most frequently mentioned were the interservice rivalry in the Defense Department, the high cost of storing surplus farm commodities, and the losses involved in procurement and disposal of defense equipment.

The tabulation in percentages follow:

1. Do you favor an acceleration of our defense effort in such fields as long-range ballistic missiles, nuclear weapons, and the satellite program? Yes, 55 percent; no, 35 percent; no opinion, 10 percent.

2. Would you favor an increase in taxes to meet any added expenditures for the defense program? Yes, 33 percent; no, 61 percent; no opinion, 6 percent.

3. The President, in his recent budget message, proposed appropriations of $4.2 billion for our foreign aid program. Do you favor the appropriation of the entire sum? Yes, 19 percent; no, 61 percent; no opinion, 20 percent.

4. The President, in his budget message, indicated a surplus of about $4 billion for fiscal 1961. This comes about chiefly through an increase in revenue rather than from a reduction in services. In which way would you favor our arriving at a surplus? Present taxes with some increases, 9 percent; reduction of spending, 86 percent; no opinion, 5 percent.

5. Do you favor Federal assistance to elementary and secondary schools? Yes, 34 percent; no, 57 percent; no opinion, 9 percent.

6. Are you in favor of amending the Social Security Act to include medical expenses, the financing to be shared by the employers and employees? Yes, 39 percent; no, 54 percent; no opinion, 7 percent.

7. Do you favor lifting the restriction of $1,200 on what a retired person may earn and still collect his social security payments? Yes, 66 percent; no, 31 percent; no opinion, 3 percent.

8. What kind of program should Congress adopt to solve the farm problem?

(a) Institute farmers self-help plan whereby bona fide farmers would be given greater freedom to develop a program of their own liking with provisions against Government buying and storing commodities. Yes, 58 percent; no, 10 percent; no opinion, 32 percent.

(b) Enlarge the soil bank program by paying farmers to take approximately 60 million acres out of production at an estimated cost of $1.5 billion. Yes, 15 percent; no, 52 percent; no opinion, 33 percent.

(c) Free farmers of all controls allowing them to plant as much as they wish to plant of any crop on any land; and, do away with all price supports and other subsidies to farmers. Yes, 53 percent; no, 20 percent; no opinion, 27 percent.

9. Are you in favor of stronger civil rights legislation? Yes, 45 percent; no, 20 percent; no opinion, 35 percent.

10. Do you favor an increase in the Federal gas tax to meet the additional cost of the Federal highway construction program? Yes, 26 percent; no, 59 percent; no opinion, 15 percent.

11. Do you favor the establishment of a youth conservation corps as one means whereby we can combat juvenile delinquency? Yes, 48 percent; no, 34 percent; no opinion, 18 percent.

In Support of Family Farm Income Act of 1960

EXTENSION OF REMARKS
OF
HON. JAMES ROOSEVELT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. ROOSEVELT. Mr. Speaker, under leave to extend my remarks, I insert in the RECORD my statement, "In Support of Family Farm Income Act of 1960," which I submitted on March 30 to the House Committee on Agriculture.

I am proud to be a cosponsor of a proposal which reflects the thinking of Representatives from both rural and urban areas. Its sensible and workable approach will benefit the farm community, the consumer, and the taxpayer.

My statement follows:

IN SUPPORT OF FAMILY FARM INCOME ACT OF 1960

(Statement by Congressman JAMES ROOSEVELT submitted to House Committee on Agriculture, Mar. 30, 1960)

Mr. Chairman and members of the committee, I am grateful for the opportunity to supplement my brief remarks which I made before you on March 2.

I join with my colleagues in support of the Family Farm Income Act of 1960. This legislation would raise family farm income, which will reach a new low in 1960, and would, at the same time, drastically reduce cost of the Federal farm program. I believe that in the long run the legislation is not only to the advantage of those engaged in agricultural pursuit who suffer gross inequality in the marketplace, but to the advantage of consumers.

Family farmers are entitled to sufficient income to maintain their families at a decent standard of living—a standard of living, I might add, which compares with the standards of people living off farms.

Other groups, including labor and business, are protected by many Federal laws and in addition, because of the nature of our industrial organization, have been able to increase their bargaining power greatly. As a result, business as a whole—particularly big business—is in a favorable position. Labor, where it is organized, is able to maintain a relatively good income.

Farmers, on the other hand, as the largest segment of our economy which is unorganized, have comparatively little bargaining power. Every farmer is competing against every other. When there is a surplus, prices may be driven to below cost of production. Industry, on the other hand, maintains its prices and merely reduces production when demand falls off. The record indicates that farmers, partly because their costs are fixed and partly because of the competitive situation, must go on producing more and more as prices decline.

That is the reason, Mr. Benson's effort to reduce surpluses by increasing production has fallen on its face. Last year the Secretary of Agriculture turned corn loose, lowered the support price but told farmers they could produce all they wanted to. The result is that corn is running out of our ears and the corn situation constitutes another farm scandal. According to the Wall Street Journal, the inevitable result of reduced price is increased acreage. Here is a quote from the March 16, 1960, issue of that publication which never, to my knowledge, has been called irresponsible:

"DE KALB, ILL.—Husky farmer Joseph Faivre may be planting something more than corn on his 640-acre farm this spring. What comes up next fall could be the biggest crop of trouble the administration's farm program has faced so far.

"In 1958, the Government's price support for corn was $1.36 a bushel; Mr. Faivre planted 52 acres. Last year, the support dropped to $1.12 and the Illinois farmer planted 186 acres. 'This year,' he says, 'it will drop to $1.06, so I'm going to plant 287 acres.'

" 'With price supports going down, I have to increase my volume to end up with the same income,' Mr. Faivre explains."

This bill—the Family Farm Income Act of 1960—would cost the Government very little by providing for payment-in-kind to the farmer who reduced his acreage. It would authorize a 10 percent deduction in acreage for which the farmer would receive nothing and an additional 30 percent reduction for which the farmer would receive payment out of the Commodity Credit Corporation holdings. Thus, the surplus which is costing so much and which constitutes a major scandal would be reduced. In addition, the bill provides that farmers can get together and plan their production and vote on such a plan, a two-thirds majority being required to put it into effect.

I firmly believe that if something is not done to maintain and stabilize the family farmer that inevitably agriculture will be taken over by big business. Investigations of the House Small Business Subcommittee No. 5, of which I am privileged to be chairman, indicate that national corporations are putting out of business small distributors of food products. Often the result of price wars carried on by large corporations is higher prices for consumers and lower prices for farmers. In some areas, where dairy companies carried on price wars, the consumer benefitted during the price war, but after the large corporations had accomplished their purpose of destroying local competition, they raised prices to a point higher than they were before the price war.

Investigations of the House Small Business Subcommittee indicate that chain stores are, to some extent, now taking over in the area of agriculture. They are engaging in cattle feeding and packing and they are manipulating the market, by-passing the Government regulated stockyards and paying the farmer the lowest possible price. At the same time, they have been raising prices to the consumer. For example, lamb producers a year or two ago experienced a net loss on their operations. Safeway stores at the same time raised the price of lamb chops to the consumers. I have introduced legislation which will prevent chain stores from engaging in agricultural activities.

The Family Farm Income Act of 1960 proposal is complementary to my proposed legislation which would prevent, or check, vertical integration in the food industry. It would give the farmer bargaining power and enable him to protect himself from price manipulation and discrimination practices of giant corporations.

The urban consumer, although he naturally wants to get his money's worth for food, has no desire to grind down American farmers to the status of peasant or peon. The urban consumer, I believe, is for fair play and not economic discrimination.

Critics of this 1960 proposal have not produced any convincing arguments against it. They talk wildly of regimentation. The farmer who is losing his farm, or is reduced to a state of penury because of low prices, is the one that is regimented—not the farmer who participates in a farm program to determine his own destiny. According to some of the gentlemen on the other side of the aisle, this regimentation seems to consist of two-thirds of all the farmers participating in a referendum to determine what kind of a program they want.

What could be more democratic and more in the spirit of free enterprise? A referendum by farmers is no more undemocratic than a congressional election.

Mr. Chairman, I respectfully submit that this Congress has a pressing obligation to act to resolve the farm dilemma created by a bungling administration. I likewise submit, respectfully, that the Family Farm Income Act of 1960 merits support and enactment as a practical, workable and fair means to resolve this dilemma—a dilemma which is costly to the farmer and the American taxpayer.

Anderson Independent Praises Russell Speech

EXTENSION OF REMARKS
OF
HON. HERMAN E. TALMADGE
OF GEORGIA
IN THE SENATE OF THE UNITED STATES
Monday, April 4, 1960

Mr. TALMADGE. Mr. President, in its issue of April 1, 1960, the Anderson (S.C.) Independent featured an editorial praising and endorsing the recent address before the Senate by my distinguished senior colleague [Mr. RUSSELL] in which he warned that continuation of attacks upon private property by organized pressure groups will result in national anarchy. I concur in the conclusions of this editorial which is entitled, "Senator RUSSELL Lays It on Line in Warning to All Americans," and I ask unanimous consent to have the text of it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR RUSSELL LAYS IT ON LINE IN WARNING TO ALL AMERICANS

Senator RICHARD B. RUSSELL of Georgia told his colleagues in no uncertain terms that the planned attacks upon private property rights by the NAACP and its allies will result in nationwide anarchy if upheld by the Ike-Warren Supreme Court.

The Senator's remarks will stand as a milestone in the continuing battle of reasonable Americans to safeguard the liberties of our people.

Thurgood Marshall, the chief of the NAACP's highly paid legal army, has announced that every fine levied against Negro demonstrators at lunch counters will be appealed on up to the U.S. Supreme Court.

Marshall said the NAACP lawyers "are in agreement that use of public force either in the form of arrest by the police or conviction by the courts is in truth State enforcement of private discrimination and is in violation of the 14th amendment."

Senator RUSSELL said that "in the simplest terms, it is claimed that if a person refuses to do business with a Negro, the Negro has

the right under the 14th amendment to take possession of the business of such person and he has no legal remedy."

Further, the Georgian pointed out, that under this twisted NAACP interpretation, "if any person undertakes to assert the unchallenged right, long enjoyed under existing law, to do business with whomever he chooses to the exclusion of a Negro citizen, it is claimed that his property may now be taken away or withheld by a group of trespassers. Under this contention, the equal protection clause of the 14th amendment denies the property owner any police protection whatsoever."

He wonders eloquently just "how fantastic we can get in groveling before the ever-increasing demands for special privilege asserted by the National Association of Colored People and their lawyers?"

In the "climate of equality" rampant in Ike's Washington, and in view of the Supreme Court's sociological decisions so far removed from the true meaning of the Constitution, it could be that the NAACP view will be upheld.

If that happens, Senator RUSSELL warns, they will have succeeded in having the Court rewrite the 14th amendment so as to read:

" 'No State shall be permitted to protect the property or other rights of a white person contrary to the wishes of a Negro.' "

Further, the NAACP construction "can be used to deny the right of property to any white citizen of this country. Under this construction, no white person can claim equal protection of the laws if any Negro desires to invade his property. Marshall even contends that no policeman can intervene to protect private property rights in cases where they are challenged by a Negro."

If the owner of a property has no right to invoke the police power to protect his property, what are his rights?

"Must," inquires Senator RUSSELL, "he surrender his property to any casual trespassers who might claim discrimination?

"If he is to be denied the police protection that he is taxed to create, what will happen if he employs a guardian to protect his property?

"Under the common law, the owner of property is entitled to use such force as is necessary to repel unwanted trespassers from his property.

"Under the common law, the owner of a business establishment is entitled to do business or refuse to do business with any other person as he sees fit."

What happens if this right is denied?

"This," the Georgia leader declared, "will be a throwback to the Stone Age and the law of the jungle. This means the destruction of the police power of the State to protect citizens who have violated no law. This is what we are told that the Supreme Court should decide our sacred Constitution to mean.

"What a travesty. This is neither equality nor equal protection of the laws. This is special privilege. This is anarchy."

And anarchy it would be.

The 14th amendment—as the Senator reminded some of his colleagues who seem to have forgotten—does not deal exclusively with the rights of Negroes. The words "race" or "color" are not used.

"It may be surprising to some," he said, "to learn that this provision is supposed to protect the life, liberty, and property of white citizens equally with the Negro."

What does this mean? It means that if the NAACP view prevails, any group—white or Negro—would invade any place of business, any industrial plant, any home, or any private property whatsoever—and be immune from prosecution.

Let the citizens of all other States look to themselves at this grave hour. If it is "legal" for trespassers to take over private property in the South, they can do so anywhere in the United States.

"One of the outstanding differences between our system and the Communist is the right of property that free Americans enjoy," Senator RUSSELL pointed out, and he charged that Communists who would change our form of government have seized upon the present "hate-the-South" campaign as a wedge for knocking out all property rights.

Senator RUSSELL called upon all candidates for presidential nominations to take their stands, saying:

"If the people who own property are to be denied the protection of the police power of their States and communities are compelled to resort to the law of the jungle to protect their property, let them be told it now from the candidates for the Presidency—one of whom will appoint future Justices of the Supreme Court."

This is a timely and proper demand. The answers will be of vital importance to all Americans. Senator RUSSELL has laid it on the line in no uncertain terms. Let us hear the answers from presidential aspirants.

Buy American

EXTENSION OF REMARKS
OF
HON. ROBERT W. LEVERING
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. LEVERING. Mr. Speaker, I wish to make reference to certain remarks I made on the floor on March 29 concerning my profound feeling with reference to the protection of our American industry and our people against foreign competition. In my address, I specifically cited the case of the Plymouth Locomotive Works of the Fate-Root-Heath Co., a fine small business located in my congressional district, which is faced with losing an order for 39 towing locomotives for the Panama Canal to the Mitsubishi Co. of Japan.

It seems that on the same day certain remarks were made in the other body which indicate a fundamental misunderstanding of the facts surrounding this procurement. I have reference to the concern expressed lest foreign bidders feel mistreated if their bid be disqualified. In this connection, I feel that a fine American small business has already been mistreated.

It should be noted that the present invitation to bid, issued by the Panama Canal, is the second invitation issued covering the same equipment. The Plymouth Locomotive Works has expressed great concern with respect to the preferential treatment accorded the foreign bidder in the rebidding. This bidder while not technically responsive to the first bid invitation, was permitted to participate in the rebid, thereby receiving nearly 90 additional days in which to prepare a new responsive proposal.

At this point, I feel it is well worth our while to consider the background and surrounding circumstances relative to this procurement. Approximately 1 year ago the Panama Canal Company had two representatives call at the plant of the Plymouth Locomotive Works in an effort to obtain ideas and proposals regarding their requirements for new modern towing locomotives and locomotive cranes. It would appear that recognition should be given to the technical engineering and consultation provided, without remuneration, by the Plymouth engineering staff. Plymouth sent engineering personnel to the Canal Zone and designed at their own expense a locomotive which meets all requirements. A prebid conference was held in Panama and two of the Plymouth representatives attended this meeting. Prior to this meeting neither the Japanese nor any other prospective bidders had ever been to Panama to study the problem in any detail.

On August 28, 1959, the first bids were opened in Panama. Mitsubishi of Japan was low bidder, but did not meet the technical requirements of the bid invitation and thereby were disqualified. Fairbanks Morse was the next low bidder, but Plymouth was the lowest bidder that met, or exceeded, all significant requirements of the specifications.

After a meeting of the Board of Directors of the Panama Canal Company in the Pentagon in October, the Panama Canal Company officials offered to negotiate with the two low responsive bidders. Plymouth offered a substantial price reduction and allowed an official survey of their plant facilities to be made by a member of the Army Engineers. This gentleman submitted a favorable report to the Panama Canal Company and Plymouth was led to believe that they would be awarded a contract on a negotiated basis, since they were most nearly responsive to the Canal Company's requirements. However, approximately 10 days later all bidders were notified that all bids were rejected "for varying degrees of nonresponsiveness." Plymouth was never given an official explanation of why their first bid was rejected. They were never told on what details their proposal failed to meet specifications.

In December 1959 new invitations to bid were issued by the Panama Canal Company. The locomotive described in the new specification was fundamentally an exact copy of the locomotive offered by Plymouth in their first proposal.

At this point, through some misunderstanding of policy, Panama Canal Company officials in Panama allowed the technical portions of Plymouth's first bid to be opened for inspection by their competitors. This gave the competitors the advantage of studying the Plymouth design in detail. This also put Plymouth at a disadvantage in that they would have to again quote the same locomotive lowering their price to try to compete with a low foreign bidder who had been given over 90 days to prepare a new responsive proposal. We must keep in mind that this foreign bidder also had an opportunity to inspect the Plymouth specifications.

On February 12, 1960, the new bids were opened in Panama. Mitsubishi was low bidder, but had raised their price by approximately $1 million. Plymouth was the low domestic bidder and had lowered their price approximately $1 million by cutting costs and profits to an absolute minimum. After evaluation of the bids,

it was determined that both Plymouth and the Japanese were technically responsive.

No mention was made in the other body of the fact that Plymouth is a small business employing less than 250 people, and are bidding in this instance against the Mitsubishi combine of Japan, one of the world's largest monopolies with one of the world's cheapest labor supplies.

A further point which was passed over is the fact that Federal, State, and municipal tax revenue which will be lost if this contract is awarded to a foreign bidder will more than equal the difference between the two bids in question.

It seems to me that one of the most vital factors to be considered in the awarding of this contract should be the availability of and access to an assured source of supply for spare parts, maintenance, and service. This consideration takes on added significance when it is related to the strategic importance of the Panama Canal to our national defense, as well as to the orderly conduct of shipping and commerce.

From my own personal knowledge, I am aware that there is a critical labor situation building up in the Plymouth area. This fine small company desperately needs this order, since it has already found it necessary to cut back to a 35-hour week and to dismiss some of its help.

I think it would be well for our colleagues in the other body and for the administration to first make sure that American industry is being treated fairly and accorded every consideration which it deserves. In keeping with this policy and with the present efforts of our Government to halt outflows of vital gold reserves, it would seem that this contract, amounting to almost $5 million, should be awarded to the low domestic bidder.

Newsletter

EXTENSION OF REMARKS
OF

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 4, 1960

Mr. BERRY. Mr. Speaker, under leave to extend my remarks, I include the following newsletter under date of April 4, 1960:

An unwieldy and unguided Congress is slowly lumbering through the 2d session of the 86th Congress with the spenders in complete control of both Houses. Strangely enough, however, the leadership is unable to muster sufficient strength to put its centralizing budget-busting plan through either House as an overall program.

The result of this inability has been that the leadership is moving like a shifty football quarterback, taking one bill for an end run, one through the line, one on a backfield lateral, and one on a long forward pass. All this maneuvering is being done while the cheerleaders on the sidelines carry on a propaganda barrage through the newspapers, radio, and television to condition the people of the Nation for the next spending play.

It should be pointed out again that it is the Congress, and not the administration, that is wholly responsible for the spending program of the Federal Government. Congress enacts the laws, the administration merely administers the laws Congress passes. It should also be pointed out again that since 1953 President Eisenhower has had only one Republican-controlled Congress, the 83d. The 84th, 85th, and 86th have been Democrat controlled, and in the present 86th Congress the Democrat majority is almost 2 to 1, with every committee in both Houses controlled by almost 2 to 1. All bills and all legislation are under the complete control of the Democratic Party.

The questionnaire I recently mailed out to each boxholder in western South Dakota indicates that a large majority of the people of our State favor less spending, less Government regulations and controls, balanced budgets and greater economy.

Various groups and organizations have tabulated the votes and records of all Members of Congress. In order that you may know how your Representatives in Congress have been voting on measures that vitally affect you as a citizen and a taxpayer, I am setting out the voting record as tabulated by three of such organizations.

CIVIC AFFAIRS ASSOCIATES, INC.

The first is the tabulation of an independent survey organization known as Civic Affairs Association, Inc., an organization staffed by men formerly associated with the U.S. Chamber of Commerce. They chose 11 votes out of 87 rollcalls cast in the House last year, which in their judgment were the 11 most basic votes insofar as maintaining the free-enterprise system is concerned.

These votes include: Vote No. 19, to reduce grants-in-aid to States for airport construction; No. 34, sustaining the Presidential veto of bill placing final REA loan authority in Administrator rather than Secretary of Agriculture; No. 39, to eliminate features lessening protection of taxpayers' investment in TVA; No. 49, to eliminate "backdoor spending" for housing subsidies; No. 50, to keep expenditures for public housing at budget levels; No. 69, increasing Federal grants for constructing municipal sewage disposal plants; No. 72, to reduce by 5 percent the public works appropriation bill; No. 102, to curtail Federal preemption of State authority; No. 130, to substitute the Landrum-Griffin labor reform bill for the committee bill; No. 164, authorizing President to increase interest rates on long-term Government bonds when necessary to finance Federal debt; No. 174, motion to override President's veto on second public works bill.

In this analysis a "plus" represents the economy vote, a "minus" represents a free-spending vote.

House rollcalls—Key votes

	Airports	REA veto	TVA	Backdoor spending (housing)	Housing	Sewer construction	Public works	Smith bill	Landrum-Griffin	Interest rates	Public works veto (2d)
Rollcall No.	19	34	39	49	50	69	72	102	130	164	174
South Dakota (by congressional district):											
1. McGovern (Democrat)	−	−	−	−	−	−	−	−	−	−	−
2. Berry (Republican)	+	−	+	+	+	+	+	+	+	+	+

CONGRESSIONAL QUARTERLY

The second is the tabulation compiled by the Congressional Quarterly, an independent publishing company of Washington, D.C., whose purpose is to report facts on Congress and to Congress. Since the publication is copyrighted, it cannot be duplicated in full text.

The Congressional Quarterly, however, took 29 rollcall votes cast in the 1959 sessions, the outcome of which would clearly mean an increase or decrease in Federal spending. On these votes in support of moves to limit spending, the percentage was: McGOVERN, 0 percent; BERRY, 83 percent. On the percentage of 29 economy-issue rollcalls in the 1959 session, which were in opposition to moves to limit Federal spending, the percentage was: McGOVERN, 90 percent, BERRY, 10 percent.

ADA COMPILATION

The Americans for Democratic Action, an ultraliberal organization supported in a large part by Walter Reuther, made a compilation of the voting record on issues supported by them. In making their report they point out: "The voting record is offered as a guide for liberals in judging the performance of their Congressman on issues of importance." Then they report votes on nine of the issues they supported.

Vote No. 1—Hawaiian statehood; No. 2—authorize TVA to issue bonds; No. 3—provide direct Treasury financing for public housing and urban renewal; No. 4 for public housing authorization and urban renewal; No. 5—Foreign Aid program; No. 6—reject States rights antipreemption bill; No. 7—reject move to upset Supreme Court Mallory decision; No. 8—against substitution of Landrum-Griffin labor reform bill; No. 9—to establish a food-stamp plan in United States.

Of this a plus vote is a vote which ADA believes to be in harmony with liberal policies, a minus vote is one which ADA believes to be contrary to liberal policies.

	1	2	3	4	5	6	7	8	9
South Dakota:									
1. McGovern	+	+	+	+	+	+	+	+	+
2. Berry	+	−	−	−	−	−	−	−	−

Several organizations such as the Committee on Political Education (COPE) of the AFL–CIO, for instance, prints a voting record in every election year showing whether the Member of Congress voted "right" or "wrong" on the basis of what top labor leaders lay down as policy.

SOUND PROGRESS

Sound progress should be the primary purpose of every man's life. Sound progress is a source of strength. But progress is not sound unless it is based on sound financing.

As I previously indicated, it is the Congress which controls the purse strings of the Nation. Congress determines all Federal income through the exclusive power to levy taxes and it controls all Federal spending through the exclusive right of appropriation.

On June 30, 1959, Representative CLARENCE CANNON, Democrat of Missouri, chairman of the House Appropriations Committee, placed in the CONGRESSIONAL RECORD, volume 105, part 9, page 12307, a tabulation of the decline in the purchasing power of the dollar between 1939 and 1959. Of course, his purpose

was not to demonstrate this point, but I would call your attention to the fact that in only 2 of the 20 years did the value of the dollar increase. Those 2 years were 1949 and 1955. These are the years following the only Republican-controlled Congresses since 1932. The 80th Congress in 1947 and 1948 balanced the budget and made substantial payments on the national debt. The dollar value increased. The 83d Congress in 1953 and 1954 again balanced the budget and reduced the national debt, again increasing the value of the dollar.

In 1939 the national debt was $40 billion. In 1959 it had climbed to $295 billion, the result of 24 deficits in 29 years. Half of these deficits were incurred during years when we were fighting neither war nor depression.

It may surprise you to know that the greatest increases in this period were not for military or foreign aid. They were in domestic-civilian programs which during the past three Congresses have increased nearly 83 percent.

Subsidies and inflation feed on each other and both of them feed paternalism and centralization of power in a strong Federal bureaucracy. This was the very thing our forefathers fought the Revolutionary War to free themselves from to establish a system of local and State control.

Federal control and spending are the foundation of most of our trouble. Easy money through Federal paternalism, and an economy which is continually doped up with inflation, created by living on borrowed money, will never produce national strength. These things are destructive of character and initiative, both for the individual and his government.

Don M. Leary, Sr., a Dedicated Employee of the Federal Government

EXTENSION OF REMARKS
OF
HON. CHET HOLIFIELD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. HOLIFIELD. Mr. Speaker, there are more than 2,300,000 civilian employees of the Federal Government. Today, I will speak briefly about one Federal employee from that great number.

Although I often hear disparaging remarks about the average Federal employee, from my personal experience I find them, in most instances, undeserved. During my 17 years as a Member of Congress, I have had occasion to make many requests for governmental services from many Federal employees. As a member of the Post Office and Civil Service Committee for many years, I have listened to and read a great amount of testimony from legislative representatives of Federal employee groups.

I am convinced our Federal employees represent the most efficient, the most loyal, and dedicated group of employees in the world. I would challenge any great private industry to match the capabilities and the high standard of character possessed by our Federal employees.

In February 1943, as a freshman Congressman in Washington, I moved my family to a house in nearby Alexandria, Va. We soon became acquainted with our next door neighbors, Mr. and Mrs. Don M. Leary, Sr., and their son and daughter. Mr. Leary had been employed by the Federal Government some 8 years at that time. In the summer of 1945 he started working at the National Airport as an operating engineer in the air-conditioning and heating department. He was dedicated to his family and his job. For the past 15 years he has worked at the airport and he has become the superintendent of his department.

Hours of work meant nothing to Don Leary. I know he was on call day and night for emergencies of different kinds at the airport.

Don began the week of April 4, 1960, like all the previous weeks for 25 years, with a heavy schedule of work. He had reached the age of 69 in March of this year, but he worked with the vigor of a man of 40. His hours of work were long each day of that week. On Friday, April 8, Don worked his full day; went home for dinner and then returned to the airport where he worked until midnight.

On Saturday, April 9, he left for work at the usual hour of 8 a.m. and worked until 1:30 p.m. At about 1:30 p.m. Don crawled into a large new air conditioning duct to inspect the work of his men. One of the younger men asked to be allowed to crawl into the pipe to do the inspection job for him, but Don wanted to be sure everything was perfectly done and insisted on doing the job personally.

We do not know what happened exactly. His men heard him call to them—then silence. Don Leary's devotion to his work ended at that moment. His crew lifted him from the air duct. He was unconscious and almost immediately his heart beat no more. Later, the doctor's autopsy revealed his sudden death was caused by an acute coronary attack.

Don Leary could have retired with a pension 4 years ago, but he chose a different course. He loved his work and respected his responsibility for the safety and comfort of the millions who rush through the crowded corridors of our great national airport each year.

When Don Leary's labors ceased he had an accumulated sick leave of more than a thousand hours. He was entitled to take those hours off with full pay on the many days when he did not feel so well, but he never did. A person who does not understand love of one's work, nor dedication to the job which needs to be done, might say that Don was foolish. They might say Don should have used those hours for rest, a rest to which he was entitled.

His family will receive no compensation for his more than a thousand hours of sick leave. They are lost forever to Don and his family. However, they represent only a small part of that extra loyalty which one Federal employee gave to his employer, his family, and to the best ideals to which most of our Federal employees subscribe.

Don Leary was a quiet man with the dignity that comes from goodness. He bore no high-sounding title, but his life of love for his family and his dedication to his work gave him a high measure of respect and love from hundreds of fellow workers and friends who grieve because he walks no more among us.

In the sadness of his passing, like all those who were privileged to know him, I feel a deep sense of pride in knowing he considered me a friend.

There are many Federal employees who possess the same type of loyalty and devotion to their work. Whether they knew Don Leary or not, they can be proud their fellow employee, Don M. Leary, Sr., lived the life he lived and set the example he set for all of us to follow.

Depressed Areas Legislation

EXTENSION OF REMARKS
OF
HON. JOHN P. SAYLOR
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. SAYLOR. Mr. Speaker, the policies of government are sometimes most difficult of interpretation. Without challenging the basic philosophy of foreign aid at this time, I cannot understand how or why the application of this beneficence should under any circumstances supersede consideration for our own people. America stands ready to provide the funds for a powerplant in the Middle East, a highway in South America, a steel mill in Europe, or a railroad in Asia, yet there is no response when representatives of seriously depressed regions of the United States ask for a medium of stimulating the economy of these areas.

Several millions of Americans may be unemployed, yet the United States will go on and on bestowing cash so that foreign nations may purchase—wherever in the world they may chose—automobiles, generators and other electrical apparatus, machine tools, coal, petroleum products, glass, aluminum products, chemicals, textile products, mining equipment, paper products, leather goods, and a myriad of other items that may be in surplus awaiting purchase here at home. When one of our many charity agencies exhausts its annual allowance, a loan office of convenience will be established to assure continuance of the flow of dollars abroad.

For years we have had pockets of heavy surplus labor in Pennsylvania and a number of other States, but getting a very small percentage of the sum lavished on foreign countries to provide employment for these unfortunate Americans is perennially denied us.

Mr. Speaker, is it asking too much of the Democratic leadership in the House to permit us the opportunity to vote on a depressed area bill? We have waited patiently in line while our foreign friends march by and have the cash ladled out to them. Should not Americans be given just one turn through the turnstile? Our people are not looking for handouts, but just a chance to get back to earning a living.

Leader in Conservation Twice Honored

EXTENSION OF REMARKS
OF
HON. HENRY ALDOUS DIXON
OF UTAH
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. DIXON. Mr. Speaker, C. J. Olsen, retired leader in intermountain forest conservation for 39 years, is being twice honored for his outstanding services: First, by the Subcommittee on Forests of the House Committtee on Agriculture; and second, by a testimonial banquet given by a board representing fire conservation-concerned organizations in Utah.

The tributes to Mr. Olsen by the Forests Subcommittee and the announcement of the banquet in the Salt Lake Tribune follow:

MARCH 22, 1960.

Mr. CHESTER J. OLSEN,
Ogden, Utah.

DEAR MR. OLSEN: It has been brought to our attention that you are resigning for health reasons, effective April 1, from your position as Utah parks director.

We regret that the Nation must lose such an able administrator who has dedicated 33 years to forest preservation, the last 7 of which were as chief of the 30 million acre intermountain region, and the last year or two to the establishment of an ambitious Utah park system.

The committee greatly appreciates the fairness you have shown in handling the multiple-use principle of the forests. We have found that the public and all users of the forests are almost in unanimous agreement on your statesmanlike adjudication of the many conflicting interests.

We have been continually impressed by your dedication to the conservation of our Nation's natural resources and your outstanding research on the preservation of watersheds.

In addition to all of this, we have found you to be a real friend and particularly appreciated your hospitality on our trip west.

Our committee joins your family and many friends in wishing for you a speedy recovery and hopes that your health may yet permit many happy and productive years.

Sincerely,

Forests Subcommittee: GEORGE M. GRANT, Chairman; JOHN L. MCMILLAN; LESTER R. JOHNSON; D. R. (BILLY) MATTHEWS; W. PAT JENNINGS; HAROLD B. MCSWEEN; CLIFFORD G. MCINTIRE; HENRY A. DIXON; CHARLES M. TEAGUE; CATHERINE MAY.

P.S.—This letter is written as a result of a resolution passed by the Subcommittee on Forests of the House Committee on Agriculture.

[From the Salt Lake Tribune]

BOARD TO CITE OGDENITE ON FORESTRY

LOGAN.—Receiving the annual forest conservation award during Utah Conservation Week will be C. J. Olsen, Ogden, former intermountain regional forester for the U.S. Forest Service, and until recently director of the Utah State Park and Recreation Commission.

Mr. Olsen will receive the award April 8 at a conservation banquet. The award is annually presented to one who has made an outstanding contribution to forest conservation in Utah.

He was chosen by a board representing five conservation-concerned organizations in the State.

From 1919, when he became a ranger in Nevada, Mr. Olsen held numerous forestry positions including regional forester, until his retirement in 1957.

After his retirement from the Forest Service, Mr. Olsen became the first director of the Utah Park Recreation Council. He is now retired from that post.

He received Utah State University's distinguished service award in 1956.

A West Virginian Proves American Ingenuity Is Not Dead

EXTENSION OF REMARKS
OF
HON. KEN HECHLER
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. HECHLER. Mr. Speaker, today we hear many stories about the lassitude and softness in American life, the loss of our drive and incentive, the decline of rugged individualism.

Particularly singled out for criticism are our younger people, who are said to be without ambition or sense of purpose.

I do not believe this is true—and I would like to call the attention of the House to a shining example that refutes the claims that young Americans no longer can control—or want to control—their own destinies and to make a name for themselves on their own.

A young man from my district, in less than 10 years, starting with a minimum education and absolutely no venture capital, has parlayed his talents and energy into the presidency of a growing electronics and telemetry firm.

And while doing this, he has contributed several valuable developments to our Nation's defense efforts in one of its most critical areas—the science of missilry and missile communications. I believe his success story is worthy of attention.

His name is Wheeler McKendree "Mack" Turner, and he is now only 32 years old. Many of my senior colleagues may remember his father, the late Maj. Francis Turner, who served as assistant to my able predecessor in this seat, the Honorable M. G. Burnside.

Mack, like the young Edison, found academic studies too regimented and confining for his imaginative mind. He did well in school, but preferred to think, tinker, and experiment in his own way. He completed less than 2 years at Marshall College in Huntington, W. Va., before his first invention—a small and highly efficient television antenna—was placed on the market.

Mack left school to work on the promotion and manufacture of the antenna. The small antenna did not prove a commercial success, however—because, as Mack tells it, people regarded a big, unwieldly television antenna on their roofs as a status symbol in those early days of TV—and the business failed, leaving Mack without an income and in debt.

Mack, then living in Milton, W. Va., in my district, decided at that time to move into the mushrooming aircraft and missile industry.

With his wife and child, he loaded all his belongings into an old car and headed west to an uncertain future, not really much unlike the pioneers who trekked westward in frontier days, determined to carve a better life for themselves.

In Texas, he applied for a job at an aircraft plant, and despite the lack of an engineering degree, insisted he be allowed to take engineers' qualification and aptitude tests. He scored so high that he was hired as an engineer.

He stayed on here for a time, learning and absorbing all he could about the intricate communications and electronic systems then being built for supersonic aircraft. But the rigidity of corporation life did not appeal to him, so he transferred to California at a time when the field of missilery was just opening up in earnest.

At a California aircraft plant, Mack began studying the science of telemetry, and recognized the vast benefit to our Nation's strength which could be reaped if accurate, swift systems of communication between earth and a missile in flight could be developed.

After a few years of study, theorizing, testing, and plenty of good hard work in his own garage, Mack unveiled a telemetry system which cut to a tenth the former time required to receive, decode, and assess the signals emitted by a missile.

This was a great contribution to the development of communications in the infant missile industry, and Mack won high praise and reward for his invention.

His profit from this "decommutator" system enabled him at last to throw himself headlong into his favorite subject—full-time research in communications.

With the support and encouragement of a small electronics firm in Santa Barbara, Mack began a program of research which already has meant a great deal to our country's defense effort.

Just recently, he contracted to furnish some of his devices for the most thrilling and promising American space experiment in process today—Project Mercury, which one day will put the first American into space.

In addition, he is near to perfecting a modulating system which will clear away static and any form of interference in radio communications and bring in a human voice loud and clear. This device holds tremendous potential for our air age, for it has widespread application for both civilian and military aircraft. He also is hard at work on further telemetry refinements.

Mack in the meantime has organized and become president of his own firm, Astrometrics, Inc., of Santa Barbara. I expect one day we shall hear even more from this small firm, for its founder is determined to bring about more advancements to make our country more prosperous and strong.

As a member of the House Science and Astronautics Committee, Mr. Speaker, I can attest that America needs all the Mack Turners it can find. In the deadly serious race for missile supremacy and the conquest of space, young men with his devotion and energy are at a premium, and they ought to be encouraged

wherever possible to experiment and dream in an atmosphere of freedom and lack of pressure.

As a West Virginian, I am proud of this man's success and achievements—although I am sorry that since West Virginia is ignored and bypassed by the Defense Department in the allocation of contracts and installations, he could not make his mark in his home State. But I am glad to see this young man doing so much to prove the West Virginians still are characterized by perseverance, independence of action, and high ingenuity.

Young men like Mack Turner prove the American dream, the American spirit of adventure are not dead.

Dakota Territory Centennial

EXTENSION OF REMARKS
OF
HON. GEORGE S. McGOVERN
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. McGOVERN. Mr. Speaker, next year, 1961, marks the 100th anniversary of the establishment of the Dakota Territory.

South Dakota and other States comprising the original Dakota Territory will be commemorating this centennial year.

Believing that a matter of such historical importance should be recognized by the U.S. Government, I am today introducing a resolution calling upon the President to designate 1961 as the Year of the Dakota Territory Centennial.

The text of my resolution is as follows:

HOUSE CONCURRENT RESOLUTION 653

Whereas the year 1961 marks the one hundredth anniversary of the establishment by President Lincoln of the Dakota Territory of the United States of America, comprising the States of South Dakota, North Dakota, Wyoming, Montana, and Minnesota; and

Whereas recognition of the territorial government in 1861 was one of the most significant milestones in America's history in that it symbolized the new and greater strength of the pioneers who settled in this area and signaled the beginning of a century which was to be one of continuous and rapid progress; and

Whereas the centennial will commemorate the history these early settlers lived and recorded, along with the progress of the people and the communities since that early beginning; and

Whereas this anniversary is to be commemorated with ceremonies, celebrations, and festivals in the State of South Dakota and other territorial States; and

Whereas all the people of the United States should be given an opportunity in educational, religious, business, agricultural, labor, and governmental units to participate in this historic observance; Therefore be it

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is authorized and requested to issue a proclamation designating 1961 as the Year of the Dakota Territory Centennial and calling upon all citizens to join in commemorating the early pioneers who came by covered wagon to develop this area that now holds a position of greatness in our Nation.

The Federal Government and the Cities

EXTENSION OF REMARKS
OF
HON. CHESTER BOWLES
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. BOWLES. Mr. Speaker, one of the most stimulating and courageous speeches delivered in Washington in recent weeks was given by the distinguished senior Senator from Pennsylvania, JOSEPH S. CLARK, at the George Washington University on March 28. His speech, entitled "Toward National Federalism," was one of a series on the subject "The Federal Government and the Cities." I do not recall reading a more incisive or more challenging analysis anywhere of the central problem of bringing the structure of American government into line with the realities of 20th century American life.

Going directly to the heart of the fiscal problems now distorting Federal, State, and local relations, Senator CLARK probes behind the cliches and commonplaces of our current political debates. His appeal is directed squarely at all thoughtful Americans who wish to be honest with themselves and with public policy.

Clarity and candor are not in abundant supply in our national life today, but we can all be grateful to this speech and this speaker for giving us both. Under leave to extend my remarks, I include Senator CLARK's speech as follows:

TOWARD NATIONAL FEDERALISM

When we examine the picture of local governments in America, we see three trends:

First, metropolitan areas are expanding rapidly across city, county, and State lines.

Second, local budgets, tax rates, and bonded debt are shooting steadily skyward.

Third, despite these increases, the level of public services is far from satisfactory, and is in many cases dangerously deteriorating.

From these last two facts, we can draw a fundamental conclusion: That many billions of dollars must come from somewhere to raise the level of public services up to where it ought to be.

I am not going to pause long to argue the case for a higher level of public services. The need is obvious to anyone who looks about him.

Consider education. The White House Conference on Education estimated that the amount spent on education at all levels should be doubled in 10 years—from $20 to $40 billion annually. We are not gaining on the backlog of school construction needs. Teacher salary scales have been declining for years in relation to the rest of the community. The capacity of higher education institutions is not keeping pace with the number of able students who should be admitted.

Or consider housing. The Census Bureau found in 1956 that 13 million urban housing units were substandard—and about half of these are not even fit for rehabilitation. The Rockefeller Brothers Fund puts the urban renewal need at about $3 billion a year, or about seven times the current rate of renewal.

Or consider the losing fight our cities are waging against juvenile delinquency—or the inadequacy of public recreation—or the kind of traffic jams every one of us encounters in going to work in the morning—or the poison in our streams and rivers. As Senator FULBRIGHT said the other day, we have toilet water at every drugstore and polluted streams in nearly every State.

Of course, there are always those who do not consider the deterioration of public service to be any kind of crisis.

But not all Americans, thank heaven, are indifferent. Some of us are fond of reiterating Mr. Justice Holmes' comment that "taxes are the price we pay for civilization." The mark of a civilized society is its concern for the common good as distinct from the individual good—a shared sense of responsibility for the larger community beyond the family and the tribal boundary.

My remarks today are addressed only to the civilized. Those who feel no distress at the appalling inadequacy of public services—or who think the ultimate purpose of an economy is to produce more consumer goods—may leave the room or permit their minds to wander. I have no message for them.

The first question is, How did the distribution of our resources come to be so distorted that we who boast the highest level of luxury consumption the world has ever known must be ashamed of our public schools, our public playgrounds, and our public welfare services?

I think there are two reasons:

First, the organization of local government is obsolete.

Second, the revenue structure of local government is obsolete.

Our units of local government—our cities, counties, townships—are with a few conspicuous exceptions, essentially the same as when the Nation was established.

And the basic revenue source of local government—the property tax—is fundamentally unchanged from colonial times, even before there was a United States of America.

Meanwhile, of course, we have passed through social and economic revolutions. A rural Nation has become an urban Nation. Metropolitan areas have spread pellmell across city, county, and State lines. A localized economy has become a national economy. The old America with its wealth and income in land has become an expense-account, diner's-club, charge-a-plate, no-down-payment, stock-option, capital-gains economy.

We will solve the problem of providing adequate local public services when we evolve new concepts of federalism in line with the realities of modern life—and not until then.

Let me speak first about finance.

There are some deficiencies in local government that more money alone will not cure—but few that can be cured without money.

Why are local budgets inadequate? Is it a lack of willingness to tax, or a lack of real resources? Undoubtedly some of both, but the latter is more important than the former.

The conservative organs of opinion are full of dire claims that it is Federal spending which is breaking the back of the American taxpayer. Yet the figures indicate otherwise:

Since 1946, Federal revenues have risen by 74 percent, which is considerably less than the economy has grown. But State and local revenues have more than tripled. The Federal Government still collects 63 percent of all tax revenues—but this is down from 77 percent in 1946.

Federal tax rates are high, but State and local tax rates have risen steadily, while Federal taxpayers have enjoyed tax reductions—the last one in 1954.

Since 1946, Federal indebtedness has risen 5 percent. But State and local debt has risen 309 percent—or 62 times as fast.

Clearly it is not the Federal taxpayer but the State and local taxpayer who is under the greatest strain.

Many units of local government have already reached the practical limit of their tax resources. Others would reach that

limit long before they could, unaided, lift the level of public services to the point where public needs are truly met. This is especially true in areas of heavy unemployment, where the need for public services is greatest.

Seven of every eight local tax dollars are still collected from the real property tax. That tax was perhaps well suited to colonial America when almost all wealth was in real property and most income came from the land. Land by its nature was spread evenly across the country; each political subdivision had its share. A tax levied on a man's real estate measured quite accurately his relative ability to pay. Only a small fraction of wealth was in intangibles which escaped taxation.

Today, the situation is reversed. Today only a fraction of total wealth is represented by equities in real property. A poor man or a middle-class suburbanite, it is true, may have all his accumulated wealth in his mortgaged home. He will thus be taxed on his entire wealth, at least, and ordinarily on somewhat more property than he actually owns. Indeed, with a VA loan he may begin paying taxes when he has no equity at all. In some of our more modest suburban subdivisions, I suspect, the total property tax base exceeds the net accumulated wealth of everybody in it.

But the man who is better off—who has accumulated additional wealth—will have then additional wealth largely in a safety deposit box, in the form of stock certificates, or bonds, or other intangibles. And the local property tax does not penetrate the secret confines of the safety deposit box.

In short, while the rich man pays local property taxes on what may be a tiny fraction of his accumulated wealth, the average-income man pays on what may be 2 to 10 or more times his accumulated wealth. As it affects individuals, a more inequitable tax system could hardly be devised. And because the property tax is thus inversely related to ability to pay, its limit is reached early—when it strikes too hard at the resources of the lower-and-middle-income groups who bear the brunt of it.

Corporations, of course, pay their share of property taxes. But with the growth of large concentrated industries, corporate real property is distributed most unevenly across the land. One of the largest industrial plants in the world, located in my Commonwealth, pays property taxes to only one small school district. It does not contribute to the support of the schools to which most of its employees send their children, because they live across the district line.

Faced with the defects and limitations of the property tax, local governments have found two other broad based taxes—the wage tax and the local sales tax. But together they provide less than 10 percent of local tax revenue, and both, like the property tax, are regressive in their effects. The wage tax is levied upon the entire income of the wage earner but only a part of the income of the higher bracket person who has earnings from dividends or rent or interest as well as salary. And the sales tax is ill-suited for local application because of competition between city and suburban merchants.

So much for local taxes. Every State of the Union, by now, has recognized their limits and is providing some State money for the provision of local services. In some States, more than half the State budget consists of local grants. Yet what kind of taxes do the States rely upon?

Over half of all State tax revenue now comes from sales and excise taxes, which, as I have said, are regressive.

In my own Commonwealth, our sales tax has just been raised to 4 percent. It is hard to believe that it can be pushed much higher. Yet we are still forbidden by our constitution from levying a progressive income tax. And every effort to change the constitution has been defeated.

The competition among the States to get and keep industry within their boundaries is so keen—and particularly so as long as we continue to tolerate a less-than-full-employment economy—that no State dares shift the burden to progressive taxes.

Some years ago, Governor Williams, of Michigan, proposed a new corporation tax to pay for education. The following day, General Motors announced that if the tax were passed GM would never build another plant in Michigan. Within a matter of hours, other auto manufacturers had joined in this campaign of blackmail. The reaction of the State legislature was predictable.

In Wichita, Kans., a city election turned on whether an industrial area should be deannexed from the city because of reports that the packing company located there would move elsewhere if it had to pay its share of city taxes. The packing company won.

This year, the State of Mississippi cut the top bracket of its personal income tax from 6 to 3 percent. The announced purpose? To persuade business executives to move their plants and come to live in Mississippi.

Industrial journals these days publish comparisons of the "business climate" in the several States. What this euphemism means is the extent to which the corporations and their executives escape taxation.

I personally doubt that industry would flee wholesale from a State that raised its business or individual income taxes, but it can certainly threaten to—and ordinarily the threat suffices. Certainly the chance of getting new industry is adversely affected if a State develops the reputation of having an adverse "business climate." So State governments, like local governments, are putting greater and greater loads upon limited, regressive, and inequitable tax structures.

The Federal tax system, by contrast, is well adapted to a modern industrial economy. Its corporate and individual income taxes seek out the main earning streams of the economy, wherever they happen to be located. General Motors could conceivably flee from Michigan to escape Governor Williams' tax, but it cannot flee the United States. If the corporation executive is enticed to locate in Mississippi, he may escape New York's heavier income tax but his Federal tax liability goes with him. The industrial plant I spoke of may not pay much property tax to its school districts but it pays half its income to the United States. And the Federal tax system makes no distinction between income invested in property and income invested in paper encased in a safety deposit box.

I hasten to add that, year after year, loopholes and inequities have been written into the Federal tax laws, to favor the same corporations, investors, and executives who have so successfully fought State taxation. Yet these can be corrected. And even with its faults, the Federal tax structure is still highly progressive and adapted in general to the realities of the organization of a modern industrial society.

Let me summarize at this point. I have suggested three conclusions:

First, spending for public services, particularly in metropolitan areas, must continue to increase.

Second, many States and communities have reached or are approaching the practical limit of what can be raised through existing State and local tax structures.

Third, the Federal tax structure is far more productive, far more equitable, and under far less strain.

From these three propositions a fourth flows automatically. The Federal tax system should be used to an increasing degree to finance services which have been heretofore strictly State and local.

You may ask: Isn't there an alternative? Cannot Federal tax sources be relinquished to the States to permit them to finance the functions themselves?

As a former mayor, I can testify that the organized mayors and the organized Governors never ask for Federal aid until they have first demanded that the Federal Government return tax sources which it has usurped so that the States can take care of themselves. Indeed, the Joint Federal-State Action Committee was recently created for the express purpose of identifying taxes and functions that could be returned—or, to use a more accurate word, abandoned—to the States. The utter failure of that committee to find either should be enough to persuade discerning people that it can't be done. Yet I note that Mr. Robert Merriam, who preceded me upon this platform, expects the new Commission on Intergovernmental Relations to undertake the self-same mission of futility.

My fourth proposition is, I admit, heretical. The deliberate expansion of Federal aid runs counter to all that all of us learned in school about the concepts underlying American federalism. It runs counter to what Mr. John Kenneth Galbraith calls the "conventional wisdom." Decentralization, home rule, local self-reliance, government close to the people, States rights, "that government is best which governs least"—all of the slogans and symbols of the American tradition are against my proposition.

Of course, we often act in accord with my proposition. But we do not openly acknowledge it.

Thus we disguised our 1958 education act as the National Defense Education Act. Similarly, when the Federal Government took over a 90 percent share of the cost of our major highways, it was also in the guise of national defense—even though the Defense Department just now found out that the bridges on the new highways will not clear its military vehicles.

Another disguise is to call our aid programs temporary emergency measures. Thus the National Defense Education Act carries a 4-year limit. The general aid to education bill the Senate passed this year only received the winning margin of votes when we put a 2-year limit on it. The Airport Act, the Stream Pollution Control Act, the Hill-Burton Hospital Construction Act, the Urban Renewal Act, all carry time limits, on the theory that thus no permanent damage is being done to our traditional concept of federalism.

Any one of you who could spend a day going through a Senator's incoming mail would be surprised at the incessant repetition of the States rights cliches. Writer after writer, particularly those writing under business or professional letterheads and editors of smalltown newspapers, demands that the Federal Government stay out of education, housing, or what have you, and let the States and cities take care of themselves.

Their views are derived from chamber of commerce bulletins, trade associations or bank newsletters, civic club speeches, and all the newspapers and magazines which collectively may be termed the "organs of plutocratic opinion". And these in turn publicize such authorities as Budget Director Stans, who in his recent widely reprinted speech said, "We carry on massive Federal programs which States and local governments could do better."

You may be wondering, don't these people, all the way from Mr. Stans to the local businessman, understand the stringent limits on State and local taxes and the great superiority of the Federal tax system?

The answer is: Of course they do. Nobody understands it better.

That is what the shouting is all about.

I realize that it is not considered quite nice to refer in America to anything like a

"class struggle." That is too Marxian. In America, it is considered nicer to pretend that, "What's good for General Motors is good for the country."

Yet the tax issue is at heart a class issue. The brunt of Federal taxation falls upon the corporations and the upper-income families. State and local taxes fall far more heavily upon the average-and-lower-income families.

My Republican colleague in the Senate from Pennsylvania loves to point out that under Federal-aid programs, Pennsylvania taxpayers pay more than Pennsylvania gets back. Hence, he argues, they pay more than they would if the State itself paid for the service. But what he does not point out is that it is not the same taxpayers. The breaking point in our State is about $6,000 in family income. Even though we pay more than we get back, families under $6,000—and that is about two-thirds of our families—pay less when programs are financed through Federal aid. It is only the one-third with incomes above that level who pay more.

This is what the great political issue between the "spenders" and the "savers" really amounts to.

When we passed the aid-to-education bill, the same editorials which attacked the Senate as "reckless" and "extravagant" admitted that the money for education must be spent.

Then why do they hate the Federal Government so and love local governments so? Is it truly a reverence for the ideas of Thomas Jefferson? Is it a genuine affection for the town meeting and government close to home? Is it a sincere belief that city councils and school boards are inherently wiser than the Congress?

Not at all. These are smokescreens. They hate the Federal Government and love local government because the former taxes them heavily and the latter lightly. Federal aid redistributes the wealth downward. A shift of responsibility to the States would redistribute the wealth upward. It is that simple.

The corporations and high-income taxpayers own the journals of opinion; they control the taxpayers' leagues and the business organizations; they finance the civic club lecture circuits; they even influence, I am afraid, some of the colleges and universities which they help finance. Through all these means they create the conventional wisdom about Federal-State-local relations.

Fortunately, there are voices on the other side. The cry of States rights is not being shouted by progressive Governors concerned about the level of public services. Local self-reliance is not being praised by mayors who have seen that only the Federal Government can make real the vision of urban renewal. Local autonomy is not defended by educator groups and parent-teacher associations who know how local tax limits can limit the horizons of education.

Those who support Federal aid are, I believe, the authentic voices of democracy. And the issue is one older than our country—whether democracy or plutocracy shall govern.

An essential aspect of my proposal for expanded Federal aid is that administration of these programs should, to the maximum extent, remain local.

In this regard, I am a traditionalist. I do not believe that local governments will always make wiser decisions as to how money should be spent. But the reverse is certainly true, also. And I do believe that if the details of local programs are reviewed in Washington the relationship will tend to become unworkable.

In the recent Senate education bill, we wrote in a flat prohibition against Federal control of any kind over curriculum or any other phase of school operations. We were attacked, of course, by those who said that despite this protestation Federal control was inevitable. I was also challenged by a Pennsylvania editor who said school districts should be supervised because otherwise they would waste the Federal money.

I disagree with both points of view.

As long as there is a substantial local financial stake in the total spending, the local share can be designed so as to remove any incentive toward waste.

We do make a mistake, I believe, if we use the equivalent of a cost-plus-percentage contract. The interstate highway program is a case in point. In that program, the effective point of decision on matters affecting costs is in the States, yet the Federal Government pays 90 percent of the total cost. Thus, for every $1,000 that costs are increased, $900 comes into the States from the Federal Government. This positive incentive to higher costs will, I am afraid, embroil the highway program in scandal sooner or later—if indeed it has not done so already.

The urban renewal program has a one-third local share, plus careful Federal review and approval of individual projects. So far, both the Scylla of waste and the Charybdis of onerous Federal review procedures have been avoided—although the accumulation of redtape must constantly be guarded against.

Our education bill proceeds on still another theory. Money is allocated to the States according to a fixed formula, the only requirement being that the States increase their contributions also. Because the Federal share is fixed, the marginal expenditures are financed 100 percent by the States and local school districts. Any savings accrue wholly to them, and any waste comes wholly out of their funds. Under these circumstances, I do not see the need for any Federal control at all, beyond a minimal reporting for accounting purposes. While every program differs, I think we should move in the direction of fixed grants, as in this bill, given without controls.

It is noteworthy, I believe, that of all aid programs the highway program has the largest Federal proportion, while education is scarcely yet accepted as a Federal responsibility. This distinction can be assuredly traced to the fact that major business interests—not mere children—are the direct or indirect beneficiaries of highway building. Principles about States rights yield readily to self-interest, even among the plutocracy.

Perhaps Federal aid must be authorized separately for particular programs—at least for a while—in view of the readier acceptability of some functions of Government. But I believe we might well look toward the eventual development of grants not restricted as to purpose, as is now the case in some foreign countries and in some States.

The essential point in constructing our new federalism—which we might call "national federalism"—is to look separately at taxing and spending. Revenues should be collected preponderantly at the Federal level because a national tax system can best tap an economy that is national in its character. But where decision making can best be made at the local level and national uniformity is not essential, then the scheme should be so designed that—as in our education bill—the money can safely be distributed to the States and localities for administration. The Swiss system, whereby all taxes are, I believe, collected centrally and then shared among all levels of government, deserves our careful study.

I shall deal more briefly with the second great handicap to the provision of local public services—obsolete organization—because most of its aspects do not come under the heading of federalism.

The problems have been oft described. Numerous, overlapping governmental units—most of them too tiny to be effective in dealing with metropolitan problems; the irrational pattern of State boundaries, which slice through rivers and valleys and metropolitan areas; the absence of any layer of government coterminous with the metropolitan areas; the proliferation of special purpose authorities; obsolete city charters; outmoded political machines—these defects are generally beyond action at the Federal level, although there may be an occasional avenue through which the Federal Government can exercise influence. We might, for example, borrow the "workable program" idea for urban renewal and make certain grants or loans conditional on the development of a workable program on a metropolitan scale. If this were the case in regard to Federal aid for mass transit, the financial incentive might force the municipalities that comprise a metropolitan area to get together for effective areawide transit planning. Water development, which can be rationally organized only by river basins, surely demands greater Federal participation, which might be conditioned on new forms of organization among the States and their local governmental units.

The States, likewise, cannot be reformed from Washington. Urban underrepresentation in State legislatures; obsolete State constitutions; limited tax structures—these can only be dealt with by the people of the several States. But there is this safety valve: If the States cannot be made effective participants in dealing with metropolitan problems, they can always be bypassed—as they have been, generally, in such fields as housing and urban renewal.

But what we at the Federal level can do is reorganize the Federal Government itself for purposes of the new federalism. Our structure, too, is obsolete. A visitor from another planet, studying the makeup of our Government, would surely conclude that ours is still a rural nation. We have a Department of Agriculture, with a budget of $6 billion. We have a Department of the Interior concerned with millions of acres of empty land. But we have no department of the Government concerned with the problems of the metropolitan areas where most of our people live and where the need for expansion of public services is so heavily concentrated.

I have prepared and will introduce this week legislation to create a Department of Housing and Metropolitan Affairs, to consist of the present Housing and Home Finance Agency, which would be given, in addition to its operating functions, a general role as spokesman within the Government for urban communities.

I have reviewed the attack which Mr. Merriam made upon proposals for a new department. With all due respect to Mr. Merriam, I must say that he indulged in the old trick of setting up a strawman and then knocking it down. He ridiculed the idea of putting the Federal Aviation Agency, the Bureau of Public Roads, the Bureau of Public Assistance, and the Corps of Engineers in a Department of Urban Affairs. But I know of nobody who has made any such proposal.

Under my conception, these functions of Government which serve the whole population, urban and rural, would remain in their existing departments. Assigned to the new Department would be only functions which relate directly and either exclusively or predominantly to cities and metropolitan areas, and these have already been clustered in an agency which is bigger than several of our existing departments—the Housing and Home Finance Agency. This Agency administers not only the programs to spur homebuilding, but such generalized urban programs as urban renewal, loans for community facilities, and aid to urban and metropolitan planning.

You may ask, why a department? Why not a coordinating committee such as Mr. Merriam advocated?

Frankly, because we need a vital center of thought and action, and—again with all due respect—committees just are not suited to that purpose. A committee is the sum of its members, nothing more. It has no life of its own. What is needed is an executive and a staff with a broad responsibility for studying the problems of metropolitan areas and for thinking creatively about the role of the Federal Government in the solutions. If no member of the committee has such responsibility, then the committee will not have it. A committee can, in Mr. Merriam's illustration, make sure that the highway builders have been introduced to the urban renewal administrators, but it can do little more.

The cities of America need a voice at the summit equal in status to the voice of agriculture. A Department headed by a Secretary is suited to that purpose. A committee, consisting of 20 busy men taking time out periodically for a meeting or a quick luncheon together, is hardly a suitable substitute.

An alternative suggestion, advanced by Louis Brownlow among others, has more merit. That is to create an agency in the Executive Office of the President with staff of its own and with a planning and coordinating responsibility. Yet it is my experience that the most productive planning is that which is closely associated with the vitality of action programs. An agency which daily administers planning grants, urban renewal and slum clearance, public housing, and community facility loans can best nourish the creative thinking that is the missing ingredient.

Let us promote the Housing and Home Finance Agency to Cabinet level and rename it a Department of Housing and Metropolitan Affairs, with a broad charter to concern itself with the problems of metropolitan living and to conduct research, develop ideas, and initiate legislation and program recommendations. If there were still need for Mr. Merriam's committee or for a coordinating unit in the Executive Office of the President, I would see no objection. But I suspect that once the Secretary of Housing and Metropolitan Affairs were seated at the Cabinet table, the demand for additional coordinating mechanisms would quickly disappear.

The great weakness of democracy, and the ever-present threat to its survival, is political lag. A dictatorship can quickly remold its institutions, save only the institution of dictatorship itself; a democracy cannot. A democracy inevitably lumbers along, therefore, with outmoded and creaky machinery. Unfortunately, short of a crisis it rarely modernizes its machinery. But those who see the need cannot do other than keep trying.

Our traditional concept of federalism—outmoded in the last century by the nationalization of our economy and in this century by the urbanization of our society—is a case of political lag which urgently deserves our attention. I hope that university communities such as this one, located here in the Nation's Capital, will assume leadership in rethinking and reshaping our concepts of federalism to accord with the realities of modern life.

SENATE

TUESDAY, APRIL 5, 1960

The Senate met at 10 o'clock a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, our Father, as in the pavilion of prayer at the day's beginning we fling open the shuttered windows of our darkened lives to the flooding light of Thy love, enable us, in the tasks committed to our hands, to reflect some broken rays of Thy glory. Teach us by the adventure of faith how to be victors over life, and not victims of the forces we encounter; and that to live victoriously, we must have a faith fit to live by, a self fit to live with, and a cause fit to live for. Grant us such a vision of our world, with its appalling need, as to make us sharers with Thee in saving it from the worst that is in man, to the best that is in Thy plan for all mankind when Thy kingdom comes.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 4, 1960, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 1185) to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1062) to amend the Federal Deposit Insurance Act to provide safeguards against mergers and consolidations of banks which might lessen competition unduly or tend unduly to create a monopoly in the field of banking, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 5726. An act for the relief of Hood County, Tex.;

H.R. 10550. An act to extend the Export Control Act of 1949 for 2 additional years;

H.R. 10978. An act to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes;

H.J. Res. 208. Joint resolution providing for participation by the United States in the West Virginia Centennial Celebration to be held in 1963 at various locations in the State of West Virginia, and for other purposes;

H.J. Res. 397. Joint resolution to enable the United States to participate in the resettlement of certain refugees; and

H.J. Res. 602. Joint resolution authorizing the President to proclaim the week in May of 1960 in which falls the third Friday of that month as National Transportation Week.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated:

H.R. 5726. An act for the relief of Hood County, Tex.;

H.R. 10978. An act to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes;

H.J. Res. 208. Joint resolution providing for participation by the United States in the West Virginia Centennial Celebration to be held in 1963 at various locations in the State of West Virginia, and for other purposes;

H.J. Res. 397. Joint resolution to enable the United States to participate in the resettlement of certain refugees; and

H.J. Res. 602. Joint resolution authorizing the President to proclaim the week in May of 1960 in which falls the third Friday of that month as National Transportation Week; to the Committee on the Judiciary.

H.R. 10550. An act to extend the Export Control Act of 1949 for 2 additional years; to the Committee on Banking and Currency.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Aviation Subcommittee of the Committee on Interstate and Foreign Commerce and the Production and Stabilization Subcommittee of the Committee on Banking and Currency were authorized to meet during the session of the Senate today.

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Committee on Foreign Relations and the Veterans Affairs Subcommittee of the Committee on Labor and Public Welfare were authorized to meet during the session of the Senate today.

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on the Problems of the Aged and Aging of the Committee on Labor and Public Welfare was authorized to meet during the session of the Senate tomorrow.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the new report on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. If there be no reports of committees, the new report on the Executive Calendar will be stated.

U.S. TARIFF COMMISSION

The Chief Clerk read the nomination of Glenn W. Sutton, of Georgia, to be a member of the U.S. Tariff Commission, for a term expiring June 16, 1966.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF JOINT MEETING OF THE TWO HOUSES TOMORROW TO HEAR ADDRESS BY PRESIDENT ALBERTO LLERAS CAMARGO OF COLOMBIA

Mr. JOHNSON of Texas. Mr. President, I should like to announce, for the information of the Senate, that on Wednesday next, that is, tomorrow, at 12:30 p.m., the Senate will join the Members of the House of Representatives in a joint meeting to hear an address by President Alberto Lleras Camargo, of Colombia. I want all Members to be on notice that we expect to go as a body to the House Chamber in order to hear an address by this Latin American leader.

The PRESIDENT pro tempore. Morning business is in order.

MEDICAL CARE FOR THE AGED—RESOLUTIONS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a series of resolutions adopted by organizations in the State of New York protesting against the enactment of House bill 4700, the Forand bill, relating to medical care for the aged.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION OPPOSING FORAND BILL (H.R. 4700) OR ANY SIMILAR TYPE BILL

Whereas there is now before the U.S. Congress a bill known as H.R. 4700 (Forand bill) which would provide certain medical care services to the social security beneficiaries; and

Whereas the problems concerning the aging population are not limited to medical care alone but involve housing, environment, and other socioeconomic factors; and

Whereas the existence of problems concerning any segment of the population does not inevitably require intervention by the Federal Government to provide a solution, particularly when voluntary health insurance plans are meeting the needs of the people; and

Whereas with Government paternalism must also come Government supervision and direction; and

Whereas because of the outstanding work that has been done by capable and patriotic organizations in New York State, there is no one in the State who has sought medical care who has not received it regardless of economic circumstances; and

Whereas it has been amply demonstrated in New York State that the problems concerning the aging can be met at the county, city, and State levels without Government interference and domination: Now, therefore, be it hereby

Resolved, That the Nassau-Suffolk Pharmaceutical Society goes on record as strongly opposing the enactment of the Forand bill, or any bill of a similar type; and be it hereby further

Resolved, That this opposition be made known to the Congressmen of the First, Second, and Third Congressional Districts, the two U.S. Senators from New York, and Hon. WILBUR MILLS, chairman, House Ways and Means Committee, House Office Building, Washington, D.C.

RESOLUTION OF THE NASSAU SURGICAL SOCIETY TO PRESERVE OUR AMERICAN FREE ENTERPRISE SYSTEM OF MEDICAL CARE

(Unanimously adopted at a regular membership meeting of the society held at Garden City, N.Y., on March 22, 1960.)

Whereas there is now in existence a plan known as H.R. 4700 (Forand bill) to put the Federal Government into the business of controlling and dominating medical care for the senior population of this country; and

Whereas the evidence presented to date concerning problems of the aging is neither complete nor conclusive, and may contain misinterpretations and misrepresentations; and

Whereas it has not been fully proved that the voluntary health insurance plans which are growing at a remarkable rate have not and cannot meet the needs of the aging population; and

Whereas the bill would set up a system whereby a Federal agency would establish arbitrary standards for medical care and dictate fees and charges; and

Whereas the law would destroy the doctor-patient relationship: Now, therefore, be it hereby

Resolved, That the Nassau Surgical Society is vigorously and unalterably opposed to H.R. 4700; and be it hereby further

Resolved, That the Nassau Surgical Society's opposition to this bill, or any other bill of similar type, be brought to the attention of our New York State Congressmen, our two U.S. Senators, as well as the chairman of the House Ways and Means Committee.

STUART T. ROSS, M.D.,
President.

RESOLUTION OF ROME CHAMBER OF COMMERCE OPPOSING THE FORAND BILL (H.R. 4700)

The Rome Chamber of Commerce, although recognizing a need for our senior citizens in the field of medical care, does not believe that the Forand bill is realistic nor sound for the following reasons:

1. It assumes all senior citizens are in need of aid. Benefits would be provided regardless of social need.

2. Cost of administering the program has no relationship to actual taxes paid, therefore threatens the financial stability of the social security program.

3. Since it does not provide cash benefits, as the present Social Security System does, the claimant has no freedom of choice as to doctor, hospital, or nursing home.

Therefore, the Rome Chamber of Commerce recommends further action on this bill await a complete study of the needs of our senior citizens scheduled in 1961 at the White House Conference on the Aging, as authorized by legislation in 1959.

RESOLUTION OF WOMAN'S AUXILIARY TO THE MEDICAL SOCIETY, COUNTY OF QUEENS

Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

Whereas amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

Whereas it would be most difficult, if not impossible, to provide the best medical care under a Government dominated program, which the passage of the Forand bill, or any bill of a similar type would bring about: Now, therefore, be it hereby

Resolved, That the members of the Woman's Auxiliary to the Medical Society, County of Queens, marshal all their resources for the purpose of preventing the enactment of the Forand bill, or any bill of a similar type; and be it further

Resolved, That a copy of this resolution be sent to Senator JACOB K. JAVITS, Senator KENNETH B. KEATING, and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives.

RESOLUTION OF HIGHLAND HOSPITAL OF ROCHESTER, N.Y.

Whereas the voluntary health insurance program in this country has shown remarkable progress in recent years; and

Whereas there now is before Congress a proposal known as H.R. 4700 (Forand bill) to provide certain health care services for social security beneficiaries under Government control and domination; and

Whereas the enactment of the Forand bill into law would mean further increases in social security taxes which are constantly rising each year; and

Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

Whereas the problems concerning the aging are not limited solely to medical care but involve many other segments to our economic and social life: Now, therefore, be it hereby

Resolved, That the Highland Hospital Staff Auxiliary calls attention of Congressmen OSTERTAG and WEIS, Senators JAVITS and KEATING and Hon. WILBUR MILLS, chairman, House Ways and Means Committee, House Office Building, Washington, D.C., to the fact that it is vigorously opposed to the Forand bill, or any other proposed law of the Forand type; and be it hereby further

Resolved, That copies of this resolution be forwarded to these legislators with the urgent request that they take action against the Forand bill.

IMPORTATION OF WOMEN'S FINE LEATHER DRESS GLOVES—RESOLUTION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the board of supervisors of Fulton County, N.Y., relating to the importation of women's fine leather dress gloves.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 60

Whereas the National Association of Leather Glove Manufacturers, Inc., made an application to the U.S. Tariff Commission for relief under the escape clause of section 7 of the Trade Agreements Act of 1951, requesting that a quota be set on the import of women's fine leather dress gloves; and

Whereas the U.S. Tariff Commission made a decision that relief under such escape clause was not warranted and denied such application; and

Whereas the glove manufacturing industry accounts for 70 percent of all manufacturing employment in Fulton County; and

Whereas 95 percent of all of the domestic production of women's fine leather dress gloves is manufactured in Fulton County; and

Whereas Fulton County is rated by the U.S. Bureau of Employment in groups E and F (that is, "jobseekers considerably in excess of job opportunities" and "jobseekers substantially in excess of job opportunities"); and

Whereas as of January 14, 1960, there were in Fulton County 3,660 people unemployed out of a labor force of some 20,000 people; and

Whereas the average gross weekly earnings of gloveworkers is $48.91 per week as against an average of $81.08 per week for industrial workers in the State of New York; and

Whereas the cost of home relief has increased from $76,469.99 in 1957 to $104,998.75 in 1958; and

Whereas the cost of aid to dependent children has increased from $147,755.40 in 1957 to $205,148.95 in 1958; and

Whereas self-help activity in Fulton County has been vigorous and that in the last 5 years 4 new industries have settled in Fulton County, such efforts are canceled out by 10 of our own glove factories being forced out of business in the same period; and

Whereas in 1946 there were 152 glove factories in Fulton County, as against 76 in 1956, and as against 65 at the present time; and

Whereas in 1950 there were produced in Fulton County 259,000 dozen dress gloves as against 137,000 dozen in 1958; and

Whereas from 1950 to 1959 the ratio of imports to domestic production of table and pattern cut gloves has jumped from 29 percent to 150 percent; and

Whereas Fulton County has for many years been regarded as a distress area; and

Whereas the people of Fulton County have felt the effects of such distress not only to their financial well-being but their confidence in the future of Fulton County as a place for themselves to live and bring up their families is seriously affected: Now, therefore, be it

Resolved, That the Board of Supervisors for the County of Fulton, N.Y., hereby go on record as protesting the decision of the U.S. Tariff Commission to the effect that the import of women's fine leather dress gloves are not being imported in such a quantity as to warrant the relief requested by the National Association of Leather Glove Manufacturers, Inc., and let it be further

Resolved, That a copy of this resolution be forwarded to the U.S. Tariff Commission; Senators Jacob Javits and Kenneth Keating; Representative Stratton; and to Gov. Nelson Rockefeller; and to any and all other persons who may be in a position to exert any influence in this regard; and let it be further

Resolved, That the Fulton County Board of Supervisors go on record asking the aforesaid Senators, Congressmen, and Governor to initiate and sponsor any and all legislation necessary to protect the leather glove industry of Fulton County and the people therein.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance, without amendment:

H.R. 8649. An act to continue for a temporary period the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof (Rept. No. 1233); and

H.R. 9820. An act to extend the period during which certain tanning extracts, and extracts of hemlock or eucalyptus suitable for use for tanning, may be imported free of duty (Rept. No. 1234).

By Mr. BYRD of Virginia, from the Committee on Finance, with amendments:

H.R. 9307. An act to continue for 2 years the suspension of duty on certain alumina and bauxite (Rept. No. 1235).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S.J. Res. 162. Joint resolution authorizing the Secretary of the Interior during the calendar years 1960 and 1961 to continue to deliver water to lands in certain irrigation districts in the State of Washington (Rept. No. 1236).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3331. A bill to provide for the allocation of portions of the costs of Davis Dam and Reservoir to servicing the Mexican Water Treaty, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3332. A bill to permit certain service performed by employees of the Walker Irrigation District, of Yerington, Nev., to constitute "employment" for purposes of the insurance system established by title II of the Social Security Act; to the Committee on Finance.

(See the remarks of Mr. BIBLE when he introduced the above bills, which appear under separate headings.)

By Mr. ELLENDER (by request):

S. 3333. A bill to amend the act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton, as amended, by defining certain offenses in connection with the sampling of cotton for classification and providing a penalty provision, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. BEALL:

S. 3334. A bill to authorize the Secretary of the Navy to lease certain facilities of the United States to the Board of Management of the Temporary Home for Soldiers and Sailors; to the Committee on Armed Services.

By Mr. HICKENLOOPER (for himself, Mr. LAUSCHE, and Mr. DIRKSEN):

S. 3335. A bill to amend the Soil Bank Act, as amended, and the Agricultural Act of 1956, as amended; and

S. 3336. A bill to help restore the balance between the production of and the market demand for wheat, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. HICKENLOOPER when he introduced the above bills, which appear under a separate heading.)

RESOLUTION

SELECT COMMITTEE ON FEDERAL SUBSIDIES

Mr. LAUSCHE submitted a resolution (S. Res. 300) establishing a select committee to be known as the Select Committee on Federal Subsidies, which was referred to the Committee on Interstate and Foreign Commerce.

(See the above resolution printed in full when submitted by Mr. LAUSCHE, which appears under a separate heading.)

ALLOCATION OF PORTIONS OF COSTS OF DAVIS DAM AND RESERVOIR TO SERVICING THE MEXICAN WATER TREATY

Mr. BIBLE. Mr. President, on behalf of myself and my colleague, the junior Senator from Nevada [Mr. CANNON], I introduce, for appropriate reference, a bill providing for the allocation of portions of the costs of Davis Dam and Reservoir to servicing the Mexican Water Treaty.

The Davis Dam project was authorized in April 1941 under the provisions of the Reclamation Project Act of 1939. The principal purposes of the project are to furnish supplemental power for the Southwest, to afford reregulation of the Colorado River flows in coordination with the fluctuating releases from the Hoover Dam powerplant, and to service the terms of the U.S.-Mexican Water Treaty of 1944, which provides for a metered delivery of certain waters beyond the boundaries of the United States. The project also contributes to flood control, navigation improvement, irrigation and municipal water supplies, reduction in silt pollution, recreation, wildlife protection and related conservation purposes.

On August 14, 1957, the Senate Interior and Insular Committee filed its report No. 868, accompanying S. 33, an identical measure. Therein it was stated:

> It is the view of the committee that Congress, when it agreed to the Mexican Water Treaty of 1944, recognized that a reasonable share of the construction costs of Davis Dam should be charged to servicing the international agreement. Obviously, it was not contemplated that these costs should be borne by the power users within the United States who will, through rates fixed under reclamation law, repay the remaining construction costs in 50 years, with interest.

As sponsors, we thoroughly agree that the power consumers are, therefore, entitled to the relief provided by this proposal.

The PRESIDING OFFICER (Mr. LONG of Hawaii in the chair). The bill will be received and appropriately referred.

The bill (S. 3331) to provide for the allocation of portions of the costs of Davis Dam and Reservoir to servicing the Mexican Water Treaty, and for other purposes, introduced by Mr. BIBLE (for himself and Mr. CANNON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

TO PERMIT CERTAIN SERVICE BY EMPLOYEES OF WALKER RIVER IRRIGATION DISTRICT, NEVADA, TO CONSTITUTE "EMPLOYMENT" FOR PURPOSES OF TITLE II OF SOCIAL SECURITY ACT

Mr. BIBLE. Mr. President, on behalf of myself and my colleague, the junior Senator from Nevada [Mr. CANNON], I introduce for appropriate reference, a bill to permit certain service performed by employees of the Walker River Irrigation District, of Yerington, Nev., to constitute "employment" for purposes of the insurance system established by title II of the Social Security Act.

The purpose of the proposal is to validate the wage credits of employees of this organization for the period for which contributions have been paid. From 1951 to 1960 the Internal Revenue Service accepted contributions on these employees on the premise that they were eligible for coverage under the act.

In 1959, as a result of the determination by the legal division of the Board, it was held that the coverage was not proper and the employer was requested to file applications for refund for the last 3 years of the covered period, and that coverage be canceled. The employer has concluded coverage, but requests that contributions heretofore paid be retained and credits allowed the employers. Since the initiation of the program employees have died, others have retired or have gone to other employment. Should the wage credits be canceled, elderly persons who are now or have been eligible to draw benefits will be cut off without the retirement they had anticipated would be available for their old age.

I am assured that the payments were made in good faith on the part of both the employer and employees. The only way that this matter can be equitably settled is by the passage of this proposed legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3332) to permit certain service performed by employees of the Walker Irrigation District, of Yerington, Nev., to constitute "employment" for purposes of the insurance system established by title II of the Social Security Act, introduced by Mr. BIBLE (for himself and Mr. CANNON), was received, read twice by its title, and referred to the Committee on Finance.

A BALANCED WHEAT, FEED GRAIN, AND CONSERVATION PROGRAM

Mr. HICKENLOOPER. Mr. President, on behalf of myself, the Senator from Ohio [Mr. LAUSCHE], and the Senator from Illinois [Mr. DIRKSEN], I introduce, for appropriate reference, two bills, with reference to agriculture. One is the so-called wheat bill, and the other is the acreage reduction bill.

In brief, the acreage reduction bill proposes to eventually put into the conservation reserve a total of some 60 million acres, which will reduce the area of production in this country. The wheat bill proposes to adjust the wheat program in relation to other grains. The bills also have other purposes.

Mr. President, I ask unanimous consent to have printed in the RECORD, the statement which I am releasing in connection with these two bills, as a part of my remarks at this time, rather than take the time of the Senate to discuss the matter.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the release will be printed in the RECORD.

The bills, introduced by Mr. HICKENLOOPER (for himself, Mr. LAUSCHE, and Mr. DIRKSEN), were received, read twice by their titles, and referred to the Committee on Agriculture and Forestry, as follows:

S. 3335. A bill to amend the Soil Bank Act, as amended, and the Agricultural Act of 1956, as amended; and

S. 3336. A bill to help restore the balance between the production of and the market demand for wheat, and for other purposes.

The release presented by Mr. HICKENLOOPER is as follows:

Senator BOURKE B. HICKENLOOPER, Republican, of Iowa, today introduced two bills designed to provide a balanced wheat, feed grain, and conservation program for the Nation's farmers.

The Iowa Senator, a member of the Committee on Agriculture and Forestry, said the objectives of his bills are to encourage market expansion for grains; to reduce production incentives for wheat; and to avoid shifting the burden of adjustment to producers of corn, other feed grains, and livestock, dairy, and poultry products.

Considerable adjustment in the wheat price support program is long overdue. Any and all change is painful to some of the people directly affected, Senator HICKENLOOPER said. In this connection, he emphasized the importance of the conservation reserve provisions of his bills, which he said will cushion the shock of these necessary adjustments.

The first of the Hickenlooper bills provides authority for the Department of Agriculture to continue to enter into contracts with farmers to retire cropland under the conservation reserve program.

Three annual increases of $65 million in conservation reserve funds are authorized by the bill. These funds would make possible the retirement of 5 million additional acres of cropland each year. Added to the 28 million acres now in the conservation reserve, the annual increases authorized in his bill provide for a total of 43 million acres being placed in the reserve by the end of 1963.

Although the launching of a new program inevitably is accompanied by difficulties, the conservation reserve gives evidence of being a very worthwhile program, Senator HICKENLOOPER said. Experience to date indicates that adjustment in farm production through the conservation reserve costs about half as much as it does under the old acreage allotment, price support, and storage program, he added.

Senator HICKENLOOPER'S second bill provides for a further enlargement of the conservation reserve as a part of a new wheat program.

This bill provides for the elimination of wheat acreage allotments and marketing quotas beginning with the 1961 crop. Coupled with the removal of these restrictions on the operation of individual farms would be the establishment of wheat price supports based on the support level for corn, with adjustments for differences in weight, nutritive value, and buyer preference.

For the 1961 crop of wheat the price support would not be less than 120 percent of the price support for corn. It is presumed that the figure for future years would come close to maintaining this relationship; however, this is something that can be satisfactorily determined only on the basis of experience.

"The approach to adjustment provided for in these two bills allows the market system to function and permits relative prices to guide the production and distribution of individual farm commodities," Senator HICKENLOOPER said.

To cushion the impact of the elimination of acreage allotments and marketing controls and the reduction in the support level on farmers producing wheat and other feed grains, Mr. HICKENLOOPER'S wheat bill authorizes a substantial further expansion of the conservation reserve program. Total land in the reserve would be raised to 60 million acres at the end of 1963. The Department of Agriculture would be directed to place greatest emphasis on signing conservation reserve contracts with farmers during the first year of this expanded program.

The net effect of the two Hickenlooper bills on the size of the conservation reserve program would be about as follows:

[In millions of acres]

Year	Proposed acres in regular program (1st bill)	Additional acres under wheat program (2d bill)	Total acres in reserve
1960	28		28
1961	33	9	42
1962	38	13	51
1963	43	17	60

Mr. HICKENLOOPER emphasized the necessity to provide adequate protection for all farmers from the competition of sales of accumulated wheat stocks by the Commodity Credit Corporation.

"Farmers seeking to produce for the market should not have to carry the extra burden of surpluses built up under past programs," Senator HICKENLOOPER said.

His bill provides that no wheat could be sold for domestic use by CCC at less than 150 percent of the effective support price, plus reasonable carrying charges.

Future foreign sales of wheat from CCC stocks under Public Law 480 (the Agricultural Trade Development Act) would be restricted to the average of such sales in 1957, 1958, and 1959, when a substantial portion of such sales came out of current marketings.

This would allow a similar share of future Public Law 480 export sales to be made from the current market, thus strengthening the market price received by farmers.

There would be no limit on foreign donations of CCC-owned wheat for famine and disaster relief.

The Senator said the special expanded conservation reserve program and the restrictions on CCC wheat sales are essential and integral parts of his wheat bill.

"This wheat program is fair to all," Senator HICKENLOOPER said.

"It offers the wheat grower both a realistic price and freedom to operate his own farm. Traditional wheat growers have a vital stake in this.

"It protects the producers of corn and other feed grains from the price-depressing effects of having subsidized wheat 'dumped' on their markets.

"It also protects livestock, dairy, and poultry farmers against the price-depressing effects of Government-subsidized feed grain production.

"It will give substantial relief to taxpayers by reducing the expense of the present farm program, under which storage costs for wheat total about $450 million per year and current wheat export subsidies amount to $264 million annually.

"It is consistent with good foreign relations."

Mr. HICKENLOOPER, who is also a member of the Senate Committee on Foreign Relations, emphasized that the wheat program proposed in his bill would not jeopardize the legitimate interests of nations which are customers of American wheat farmers and also our wheat-producing allies such as Canada and Australia.

"In this respect," he added, "it avoids the pitfalls of the three-price certificate plan for wheat which would, among other things, almost double the export subsidy rate for wheat.

"This legislation provides no direct subsidy payments to farmers," Senator HICKENLOOPER said.

"It does not invite our friends abroad to take harmful countermeasures against our own farm exports.

"It does not hurt any group of farmers in an effort to assist another group.

"It is consistent with the guidelines laid down by President Eisenhower in his special message.

"It should be and can be passed by Congress.

"Action in this field is overdue. Farmers, consumers, and taxpayers are demanding it.

"If Congress fails to act soon, the future of all farm price support programs will be endangered."

SELECT COMMITTEE ON FEDERAL SUBSIDIES

Mr. LAUSCHE. Mr. President, I submit, for appropriate reference, a resolution to establish a Senate select committee to be known as the Select Committee on Federal Subsidies.

There is not available anywhere a compilation of general and analytic information on the subjects of subsidies and subsidylike programs and special concessions in which the Federal Government is entrenched, and which in only the past several decades have involved the expenditure, directly or indirectly, of more than $100 billion, and now, relatively speaking, annually total many more known or unrevealed billions of dollars.

From the very limited material available on this general subject, it is impossible fairly and prudently to evaluate the effectiveness of the many subsidy and subsidy-like programs, either as to their possible curtailment or their expansion.

It appears that both subsidies and subsidylike programs were born of emergencies, and prudently would have expired at the expiration of the emergencies. Few have ceased to exist, however. Most of them are continuing, some far beyond the period of necessity.

Federal subsidies throughout the years have been expanded and broadened by the Congress without the benefit of a definite policy or formula, or without the benefit of data or other material on the history and analysis of the ultimate effect on the recipient, the Federal Government, or the taxpayer.

Mr. President, our interest in the subject of Federal subsidies, in which billions of dollars are annually involved, either through moneys given away directly or through moneys lost indirectly through tax dispensations, ought to be directed primarily toward an accumulation and documentation of the history of and the experience with all programs which fall into this category.

If the Congress and the executive branch had available to them documented reports on the history of the many programs of this type and analyses of their effects, they could more prudently and effectively determine their future courses of action, not only relative to existing subsidies, but also in evaluating the need for their continuation, and for future programs.

Mr. President, with world trade growing more competitive, our balance of payments fluctuating from plus to minus, our Federal expenditures reaching new peacetime peaks, and with the Federal Government entering into new services and programs, it now becomes imperative that we immediately review the past, in order that we may have the facilities and the recorded experience to enable us properly and prudently to guide our future course.

Mr. President, briefly, the composition of this select committee would be as follows:

It will be a 12-man committee, to be composed of 3 members of the Committee on Finance, 3 members of the Committee on Interstate and Foreign Commerce, 3 members of the Committee on Government Operations, and, finally, 3 members to be chosen at large from the Senate body, and who would not be members of any of the 3 aforementioned committees. The members who would represent the 3 committees would be chosen by the chairmen of those committees.

Mr. President, I ask unanimous consent that the text of this resolution be printed in the RECORD following my remarks.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD, as requested by the Senator from Ohio.

The resolution (S. Res. 300) was referred to the Committee on Interstate and Foreign Commerce.

(See exhibit 1.)

Mr. LAUSCHE. Mr. President, I suggest the establishment of this select committee to study the subject of subsidies primarily because in the committees of which I am a member, and especially the Interstate and Foreign Commerce Committee, practically at every meeting some new proposed subsidy is mentioned, or some old Federal subsidy is mentioned with the suggestion that the subsidy be increased.

I have especially in mind the fact that the railroads of the United States, which for years have been without subsidies, have now come before the committee and are suggesting that the taxpayers of the United States must contribute to the railroads' funds, if those railroads are to continue to exist.

I think it is a grave problem. I think it has reached the stage where too many segments of our economy are saying to the taxpayers of the United States, "Unless you give, out of your pocket, as a donation to our industry, we cannot continue in existence."

If that course is to continue and to be followed, I humbly say to my colleagues on the Senate floor, and to the citizens of the United States, we are moving in the direction of governmental operation of our private industry. And if we are moving in the direction of governmental operation of our private industry, the day is not far removed when the attributes of our governmental operations will parallel the attributes of other governmental operations to which we do not subscribe.

We are moving gradually, constantly, into governmental operation of business. I do not subscribe to it.

I believe a study ought to be made so we shall know what we have done in the past and what we are heading into in the future.

Mr. President, I yield the floor.

EXHIBIT 1

SENATE RESOLUTION 300

Resolved, That (a) there is hereby established a select committee of the Senate to be known as the Select Committee on Federal Subsidies (referred to hereinafter as the "Committee").

(b) The Committee shall be composed of three members of the Committee on Government Operations, three shall be members of the Committee on Finance, three shall be members of the Committee on Interstate and Foreign Commerce, all such members to be designated by the chairmen of the respective committees, and three members shall be appointed by the President of the Senate from Members of the Senate who are not members of any such standing committees, and at least one member from each of the above committees and those appointed by the President of the Senate shall be selected from the minority membership thereof. The chairman of the Committee shall be chosen by the members thereof.

(c) Vacancies in the membership of the Committee shall not affect the authority of the remaining members to execute the functions of the Committee, and shall be filled in the same manner as original appointments thereto are made.

(d) The Committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate. A majority of the members of the Committee shall constitute a quorum thereof for the transaction of business, except that the Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(e) No legislative measure shall be referred to the Committee, and it shall have no authority to report any such measure to the Senate.

(f) The Committee shall cease to exist on January 30, 1962.

SEC. 2. (a) It shall be the duty of the Committee to conduct comprehensive study and investigation with respect to—

(1) the identity, nature, and effects of existing laws and programs of the Federal Government under which subsidies (including grants, payments, benefits, allowances, concessions, and relief in the nature of or having the effect of subsidies) are accorded to firms, enterprises, or organizations, or to classes of firms, enterprises, or organizations, engaged in or affecting the domestic or foreign trade or commerce of the United States;

(2) the extent to which each such subsidy is productive of public benefits commensurate with the cost or burden thereof; and

(3) legislative and other means whereby the cost or burden of such subsidies may be reduced or may be employed to greater public benefit.

(b) On or before January 30, 1961, the Committee shall transmit to the Senate a preliminary report concerning its activities and its findings and conclusions upon the subjects described in subsection (a). In January 1962 the Committee shall transmit to the Senate a final report of its findings and conclusions upon those subjects.

SEC. 3. (a) For the purposes of this resolution, the Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants as it deems advisable, except that the compensation so fixed shall not exceed the compensation prescribed under the Classification Act of 1949, as amended, for comparable duties.

(b) Upon request made by the members of the Committee selected from the minority party, the Committee shall appoint one assistant or consultant designated by such members. No assistant or consultant appointed by the Committee may receive compensation at an annual gross rate which exceeds by more than $1,200 the annual gross rate of compensation of any individual so designed by the minority members of the Committee.

(c) With the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, the Committee may (1) utilize the services, information, and facilities of any such department or agency, and (2) employ on a reimbursable basis the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Committee determines that such action is necessary and appropriate.

(d) Subpenas may be issued by the Committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the Committee or any member thereof may administer oaths to witnesses.

SEC. 4. The expenses of the Committee under this resolution, which shall not exceed $125,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee.

PROGRAM OF PUBLIC HEARINGS BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a press release from the Committee on Foreign Relations, with regard to the program of that committee.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON FOREIGN RELATIONS, PRESS RELEASE, APRIL 5, 1960

Senator J. W. FULBRIGHT, chairman of the Senate Committee on Foreign Relations, announced today that on April 12, 1960, at 10 a.m. in room 4221, New Senate Office Building, the committee will hold a public hearing on the following subjects:

1. Executive A, an agreement between the United States of America and the Republic of Austria regarding the return of Austrian property, rights, and interests signed at Washington on January 30, 1959.

2. S. 3072, a bill to authorize the Secretary of the Treasury to effect the payment of certain claims of foreign nationals against the United States.

3. S. 3008 and S. 2634, bills to amend the International Claims Settlement Act of 1949, as amended.

Any persons interested in testifying on the matters set forth above are urged to communicate with the clerk of the Committee on Foreign Relations without delay.

PRESERVATION OF WILDERNESS AREAS

Mr. KUCHEL. Mr. President, about a month ago, here in Washington, I said:

If any of the primeval beauty of America is to be saved for future generations, Congress needs to act and to act now.

I sound that warning again here in the Senate Chamber today. After 3 years of intensive hearings, the Senate Interior and Insular Affairs Committee has pending before it a carefully prepared bill to preserve the few areas of true wilderness which yet remain in our country in their pristine primitive beauty. I do not believe any useful purpose would be served by any further hearings on the matter. This is the time for action. We need the earliest approval of the wilderness bill in our committee, so that we may take it up in the Senate and, as I hope and believe, pass it here in time for similar action in the House of Representatives.

The bill would create a national wilderness preservation system. It would serve the American people now and in all the future. It is urgently supported by sound conservation groups. I think it can truthfully be said that the plain people support it. It should be enacted into law in this present session of Congress. Failure to adopt this measure, in my view, would be a national tragedy.

Mr. President, I ask unanimous consent that at this point in my comments there be printed in the RECORD the following: First, a newspaper article on the matter under date of March 12, 1960, published in the Sacramento Bee of Sacramento, Calif.; next, an editorial from the Sacramento Bee of March 16, 1960; next, an editorial from the Los Angeles Mirror-News of Los Angeles, March 22, 1960; next, an editorial of recent date from the San Diego Evening Tribune, San Diego; next, an editorial from the Nevada County Nugget of Nevada City, Calif., March 23, 1960; next, an editorial dated March 15, 1960, from the San Francisco Examiner, San Francisco; next, an editorial dated March 11, 1960, from the Pasadena Star-News, Pasadena; and next, an editorial dated March 23–24, 1960, from the San Francisco Progress, San Francisco.

Mr. President, I also ask unanimous consent that next in order there be printed in the RECORD a copy of a letter dated March 21, 1960, which I wrote to the distinguished chairman of the Committee on Interior and Insular Affairs [Mr. MURRAY] asking that we be given an early opportunity to vote on the wilderness measures; next, the letter to me from the chairman dated March 25, 1960, in which the chairman indicates he has asked the able junior Senator from Washington [Mr. JACKSON] to act as chairman of the committee for continuation of the bill and, last, a letter to me under date of April 1 from the distinguished junior Senator from Washington [Mr. JACKSON] in which he tells me he wants to have a meeting of our committee as soon as possible so that final committee action may be taken forthwith.

There being no objection, the articles, editorials, and letters were ordered to be printed in the RECORD, as follows:

[From the Sacramento (Calif.) Bee, Mar. 12, 1960]

KUCHEL, ENGLE URGE CONGRESS ACTION TO PRESERVE WILDERNESS AREAS

(By Edward H. Dickson)

WASHINGTON.—Both California Senators today declared Congress should act to preserve wilderness areas for the enjoyment of future generations of Americans.

Senator THOMAS H. KUCHEL, the Republican assistant minority leader, gave a strong endorsement to a bill developed by the Senate Interior and Insular Affairs Committee of which he is a member.

Senator CLAIR ENGLE, Democrat, was less specific as to the legislative vehicle to employ but emphasized that some sort of wilderness measure should be passed.

KUCHEL STATEMENT

Senator KUCHEL declared:

"If any of the primeval beauty of America is to be saved for future generations, Congress needs to act and to act now.

"Nature lavishly has endowed our country with a scenic grandeur sweeping across mountains and valleys, fields and streams, verdant forests, and colorful plains.

"Too much of it already has suffered from a despoiling unmistakenly documented in 3 years of public hearings before the Senate Interior and Insular Affairs Committee. Wilderness legislation, designed to protect lands in the public domain which are yet unspoiled, is long overdue.

"Pending before the committee is a carefully prepared bill, the result of 3 years of study. It has been revised and refined. It recognizes the public purposes of recreation, scenic, educational, conservation, and historical use in wilderness areas. It is entirely reasonable."

Against set-asides

"The bill authorizes, under proper procedures, the withdrawal of areas in the wilderness system. It provides against set-asides which would be unreasonable to the

mining, grazing, or lumbering industries. In no sense would it upset our economy.

"The bill simply and at long last provides for the preservation of certain Federal lands in their historic natural beauty.

"The value of this kind of legislation has been recognized by the Interior and Agriculture Departments. Their suggestions are incorporated in the present wording of the bill.

"I look forward eagerly for an opportunity to vote for the wilderness bill now before our committee.

"I will oppose amendments to it which would delay action and probably send it down to a wholly undeserved defeat."

ENGLE STATEMENT

Senator ENGLE had this to say:

"I think we should have some wilderness areas to preserve, at least a small part of our national forests and public domain in their original state for future generations, as nearly as that can be done.

"There are several proposals before Congress.

"I don't know which one of these is best calculated to accomplish the desired preservation of wilderness areas in the most practical manner but I think that legislation for that purpose can and should be passed."

HEARINGS HELD

Extended hearings have been held on wilderness legislation by the Senate committee during the last 3 years, both in Washington, D.C., and in the field.

As is often the case, proponents and opponents were miles apart when the proposal first was made and the present measure represents a compromise which appears to be satisfactory generally to both sides. There still are some, however, who feel the bill does not go far in preserving the wilderness and those who contend it locks up too much acreage against multiple-use purposes.

KUCHEL AMENDMENT

Important to California during consideration of the measure was the adoption of an amendment offered by Senator KUCHEL which permits States to utilize water in a wilderness system. This protects the California State water plan and was backed by the State government.

Senator JOSEPH O'MAHONEY, Democrat, of Wyoming, is pressing for amendments which backers of the legislation claim would cut the heart out of the bill by allowing the exploitation of wilderness areas for grazing, mineral prospecting, and oil and gas development.

The fate of the bill is uncertain and if it is not passed at this session of Congress an entirely new start will have to be made in the new Congress convening in January of 1961.

The Senate, as a result of the civil rights filibuster, has a heavy calendar to dispose of before the scheduled adjournment early in July. This is a definite advantage to the opponents who can adopt delaying tactics.

Furthermore, the House Interior Committee has not even scheduled hearings and the House, as well as the Senate, must pass the bill before it can become law.

It is unlikely that opponents would accept the Senate bill without House committee hearings. The House committee itself probably would be highly reluctant to pursue such a course.

[From the Sacramento (Calif.) Bee, Mar. 16, 1960]

KUCHEL FOR WILDERNESS

U.S. Senator THOMAS H. KUCHEL, of California, makes some excellent points in supporting legislation to set aside parts of the public domain as wilderness areas.

Such action, he stated, is long overdue to preserve areas of great natural and scenic beauty for future generations; all too much of these lands already has suffered irreparable spoliation.

KUCHEL termed the measure, as now pending before the Senate Interior Committee, a reasonable bill which deals fairly with mining, grazing and lumbering interests.

The Republican minority whip properly takes the position that a wilderness program cannot be developed on a piecemeal basis and he served notice he will oppose any amendments to curtail the scope of the bill.

The emphatic words of Senator KUCHEL should have a strong bearing on the outcome of the deliberations over the measure inasmuch as some members of his party in the past have not supported the wilderness program.

He has earned the gratitude of those who believe a part of America should be preserved in its natural, majestic state for the enjoyment of this and future generations.

[From the Los Angeles (Calif.) Mirror-News, Mar. 22, 1960]

A VITAL ISSUE

Senator KUCHEL, of California, has thrown his support to the bill to preserve 55 million acres of Government-owned land across the Nation as unspoiled recreation areas.

Senator KUCHEL's position as minority whip in the Senate makes his assistance important on a vital issue.

The Mirror-News is on record in favor of designating surviving areas of natural beauty as national playgrounds for all time. We will leave a shameful heritage of despoiled woodlands, mine tailings dumps and hot dog stands to future generations unless this bill is made law.

[From the San Diego (Calif.) Evening Tribune]

PROTECTION FOR SCENIC BEAUTY

Senator THOMAS H. KUCHEL, Republican, of California, is backing a bill in Congress to create a wilderness system in the public domain to preserve areas of great natural beauty for future generations of Americans.

This is a proposal that deserves thoughtful study.

"Nature has lavishly endowed our country with a great scenic grandeur, sweeping across mountains and valleys, fields and streams, woodland forests and colorful plains," KUCHEL said recently.

"All too much of it already has suffered from spoliation which has been unmistakably documented. So-called wilderness legislation, designed to protect lands in the public domain which are yet unspoiled is long, long overdue."

There are, of course, other valid interests that need to be protected. In this respect, KUCHEL says the bill now in the Senate Interior and Insular Affairs Committee "deals fairly" with mining, grazing and lumbering industries. States rights to use water from any areas included in the wilderness system also are protected.

Once lost, our natural beauties seldom can be recaptured. An overall plan for preserving them now is preferable to piecemeal legislation.

[From the Nevada County (Calif.) Nugget, Mar. 23, 1960]

WILDERNESS BILL IS VITAL LEGISLATION

Senator THOMAS KUCHEL, California Republican, is quoted in a recent edition of the Sacramento Bee as being strongly in favor of S. 1123, the wilderness bill, now before the Senate. For his stand, and for his intelligent appraisal of this vital bill, he deserves warm praise.

For in attempting to preserve wilderness you do not make compromises, or you wake up one fine overpopulated morning without any wilderness at all.

The wilderness bill has been argued for 3 years. It has been refined to the point where further refinement would serve to open up wilderness areas to the very exploitation the bill seeks to prevent.

The basic provisions of the bill are simple, and, we believe, sound. All Government-owned land now technically designated and protected as wilderness, would become a part of a national wilderness system. It would no longer be possible for a wilderness area to lose its status simply by the decree of a nonelected Government administrator.

In effect, the bill would prevent a national administration not in sympathy with wilderness preservation from turning wilderness to other uses before consulting the owners of the land, the people of the United States, through their Representatives in Congress.

Any who have traveled to the Desolation Valley area west of Lake Tahoe, or to any of the other magnificent wilderness areas along the crest of the Sierra Nevada, know that wilderness is not just an idea, it is a living reality, a heritage of beauty and inspiration and history which we must pass on to our children as our fathers have passed it to us (there is little enough in today's world that we can be proud to hand to our children).

As a further practical matter, we of the Sierra counties have a vital interest in the wilderness bill. For it seeks to protect what is the essential appeal of the Sierra as a vacationland—wide open spaces providing fine fishing, camping, hiking, and all-around "horseplay." Even though there is no technically designated wilderness in Nevada County, we surely benefit—and will benefit more as the years pass—by the Sierra's reputation as a harbor of wilderness. (And of course Nevada County does possess the finest of high mountain scenery.)

The wilderness bill, S. 1123, should be voted on in this session of Congress, and passed without crippling amendments. We urge our readers to write Senator KUCHEL supporting his intention to vote "yes."

[From the San Francisco (Calif.) Examiner, Mar. 15, 1960]

THE FIGHT TO SAVE OUR WILDERNESS

Few areas of true wilderness remain in our country, and each day they grow more precious because more scarce. They do not belong to living Americans in fee simple, to do with as we like. They came to us in trust, as part of our inheritance, with the obligation that we pass them on undisturbed to future generations.

Today the pressures to break that trust are heavy. In part they come from exploiters, though these are not numerous. The greatest pressure is one for which none of us and all of us are responsible. It is the massive, all-pervasive, all-encompassing force of explosive population growth. Unless the trust is made all but unbreakable, it will not stand against that pressure. And time is short.

Pending in the U.S. Senate is a measure, S. 1123, to create that kind of trust. Commonly called the wilderness bill, the measure would create a National Wilderness Preservation System. Into that system would be deposited virtually all of the federally owned areas now designated as wild, wilderness or primitive areas, the unspoiled back country of national parks and monuments, and some wildlife refuges and other minor areas.

No private lands would be added to Federal ownership by this bill, nor would any Federal lands be designated as wilderness that are not already so designated. Why then, you may ask, is the bill necessary?

Because these lands have a wilderness status only by administrative decree, and could lose that status by another administrative decree. Bitter experience has shown that such losses do occur. The wilderness needs the protecting arm of a strong, un-

ambiguous law, and would get it under the wilderness bill. That is why we strongly urge public support for its passage.

The bill is particularly vital to Californians. They have the most wilderness to protect; at the same time the threat is acute here because of our abnormally rapid population growth and great tourist popularity.

Twenty-seven areas in California, constituting 9,000 square miles, would be preserved as wilderness. More than half of that is contained in just three areas. Death Valley National Monument, Joshua Tree National Monument, and the Yosemite National Park back country. Most of the remainder is in northern California's national forests.

These are all places where man is a visitor, not an inhabitant, and so they should always be. For man the urban dweller remains a child of nature, with a deep-seated need for wilderness where he can go and refresh his spirit, but not stay. He will destroy the last remaining wilderness only at his peril.

[From the Pasadena Star-News, Mar. 1, 1960]

PRODDING IS INDICATED FOR WILDERNESS BILL

The voice of the electorate is needed to encourage favorable action on the bill now in Congress that would protect an estimated 55 million acres of wilderness already lying within such federally controlled areas as national parks, forests and wildlife refuges.

The measure has wide support from conservationists, newspapers, and others. Its opponents are easily identifiable as lumber, mining, livestock, and oil industries, and road and dam builders.

Exactly what would this bill do? It would prevent any Federal official, from a Cabinet member on down, from abolishing or reducing a wilderness area by Executive order. The measure simply would establish a line of authority. It involves no appropriations and no additional personnel.

The small amount of publicly owned, unspoiled wilderness remaining in this country is under constant assault by interests that want to penetrate it and exploit it economically. We owe our national parks to the successful battles waged by conservationists to set these areas aside. Had not conservationists intervened, for example, there would not be a single redwood tree in California today.

Very little remains of unspoiled wilderness areas. Allen H. Morgan, executive vice president of the Massachusetts Audubon Society, has warned, "What we save in the next few years is all that will ever be saved."

The citizenry, to whom public lands belong, can save the situation by writing to their legislators at once.

[From the San Francisco (Calif.) Progress, Mar. 23, 1960]

SAVE THE WILDERNESS—MONUMENT TO A MAN

Though Richard L. Neuberger, of Oregon, was in but his first term in the Senate when he died at the age of 47, 2 weeks ago, he was already one of the greatest of our contemporary Senators.

To such men we usually erect monuments. For Richard Neuberger there could be no finer monument than the passage of the National Wilderness Preservation Act setting aside large areas of our country forever to remain as they were created by nature.

Richard Neuberger had many causes. He pushed for Government support of medical research—particularly in the field of cancer, a disease which he, himself, had conquered. There was no stronger spokesman in the Senate for the protection and advancement of human rights and the fulfillment of human needs.

But he also loved the wild, and fought to preserve our great scenic areas from destruction: whether from the pressures of population, the exploiting buzz saws and drills of private firms, or the billboards of the Interstate Highway System.

"Three billion years is a long time for each of us to be occupying the dark recesses of some sarcophagus," he wrote. "Why not be under the sun and bright heavens and stars during our fleeting hours above ground? Should we immolate ourselves in steel and masonry when we are alive?"

The wilderness bill, now before Congress, provides that thousands of acres of public land, currently designated as parts of national forests, national parks and monuments, national wildlife refuges, and Indian reservations, shall be preserved as wilderness and be subject to the surveillance of a National Wilderness Preservation Council. Reads the bill:

"A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."

The measure is of transcendent importance to Californians. With each passing year, the population of this State leaps, and open land becomes scarcer. The bill, if enacted, would mean that 1,551,371 acres of land in California would be preserved as wilderness for us and future generations. Most of this land is in the Sierra, with other large areas designated in the far north and in the Los Angeles region. Thousands of acres are accessible within a 4-hour drive from San Francisco.

The bill has the strong support of Senator THOMAS KUCHEL. "If any of the primeval beauty of America is to be saved for future generations, the U.S. Congress needs to act and to act now," he declared.

But the California Chamber of Commerce is on record as opposing the measure. Instead, these gentlemen urge that such areas be designated for multiple use. By this, they mean that lumbering, mining, and other commercial activities be allowed in the wilderness.

What the chamber fails to understand is that wilderness is incompatible with any other use. The moment a piece of the wild is transformed by an act of man, that area is no longer wild. Wilderness is the living record of the powers of the universe at work, a place where men can go to observe and learn about the natural laws and forces that govern our existence.

The hardheaded, practical leaders of the business world do not yet realize that space—as forest, as mountain, as lake, as prairie—is today America's most precious natural resource.

MARCH 21, 1960.

Hon. JAMES E. MURRAY,
Chairman, Interior and Insular Affairs Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR: The needs of present and future generations of the American people impose an inescapable duty upon the Congress to adopt farsighted policies and programs for preserving and maintaining portions of the public domain which are endowed with extraordinary grandeur, unique geological and topographic features, and significant inspirational characteristics.

For 3 years, study has been made of the proposed means by which this responsibility may be discharged. In the meantime, the constant pressures of growth of our Nation present increasing threats to the sanctity of such areas which must not be despoiled by strong and ever-present forces of growing population and economic advancement.

The remarkable scenic and recreational resources which are embraced in federally owned lands must be protected and set aside with the least delay. In my estimation, legislation for this purpose is long overdue.

It is my belief that no further deliberations are necessary on this legislation to establish a wilderness system in the public domain. The time for positive action has arrived. Failure to pass a bill at this session enabling the executive branch of the Federal Government to embark on a sound program in the immediate future would be both a tragedy and a shameful dereliction.

I believe that the bill in its present form is an entirely reasonable measure. It provides procedures, for example, for withdrawal of areas in the wilderness system. It contains provisions against set-asides which would be unreasonable to the mining, grazing, or lumbering industries. Suggestions from the Departments of Interior and Agriculture have been incorporated into the bill.

I am writing to urge you to schedule at the earliest practicable date a decisive vote of our committee on legislation which has been revised and perfected, after extensive hearings and discussion, to safeguard and perpetuate in all their magnificence and naturalness these precious resources. I very much hope that a meeting will be called in the very near future so that we may report a bill in sufficient time for its consideration and action by the Senate with encouraging prospects for final passage at the present session.

With warm personal regards, I am,

Sincerely,

THOMAS H. KUCHEL.

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
March 25, 1960.

Hon. THOMAS H. KUCHEL,
U.S. Senate, 1327 New Senate Office Building, Washington, D.C.

DEAR SENATOR: I agree with everything you say about the wilderness bill in your letter of March 21.

Because of other commitments, I have asked Senator JACKSON to chair the committee for continuation of the bill. I know he is going to call meetings on it as quickly as possible, but I shall refer your letter to him.

Sincerely yours,

JAMES E. MURRAY,
U.S. Senator.

U. S. SENATE,
COMMITTEE ON ARMED SERVICES,
April 1, 1960.

Hon. THOMAS H. KUCHEL,
U.S. Senate, 1327 New Senate Office Building, Washington, D.C.

DEAR TOM: Senator MURRAY has forwarded me a copy of your letter of March 21 to him concerning the pending wilderness bill, and a copy of his reply of March 25 to you.

I am anxious to schedule a further meeting on the bill as soon as possible in order for the committee to take final action. In the meantime, I want you to know how much I appreciate your constructive approach to the measure and how much I value your support for the bill in its present form.

Warmest regards.

HENRY M. JACKSON,
U.S. Senator.

VOTES FOR CITIZENS OF THE DISTRICT OF COLUMBIA

Mr. YOUNG of Ohio. Mr. President, it is high time that the residents of the District of Columbia be given home rule and local self-government. In fact, the hour is very late, and before adjournment of this session of Congress the Congress should accord to the residents of the District of Columbia the same voting rights as other citizens of America.

Residents of the District of Columbia pay taxes to support the Government,

yet at the present time they are not permitted to vote. We Americans believe in home rule and local self-government. Why should we deny this right to Americans who reside in the District of Columbia?

The city of Washington, D.C., functions under the indulgence—or lack of it—of the Congress, which appropriates funds for District governmental operations.

Mr. President, an excellent editorial in the great Scripps-Howard paper, the Columbus Citizen-Journal of Columbus, Ohio, calls for a square deal for District of Columbia residents.

Entitled "Washington Is in Trouble," the editorial points out that Washington's higher income groups and businesses have been moving out of the District. It warns if this trend continues the city will become nothing but magnificent Federal buildings surrounded by slums.

I ask unanimous consent to have this editorial printed in the RECORD at this point, and I embody it as a part of my remarks. The editor and those associated with him in the editorial department are familiar with problems of the Capital of the United States as Columbus is the capital city of Ohio.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WASHINGTON IS IN TROUBLE

Our Scripps-Howard colleague, Editor John T. O'Rourke, of the Washington Daily News, appeals for some help from us outlanders.

The city of Washington, District of Columbia, is our National Capital and all, but it's also the home town of thousands who are born, live, and die there.

If we have trouble at our city hall, imagine Washington's troubles. It has to look to Congress for some of the dough to pay its police and firemen, sweep the streets, and do all the other things a city needs.

If we don't like our city government, we can vote it out, as we frequently do. But while Congress sweats and strains over civil rights and the vote for Negroes in the South, citizens of Washington smile grimly.

They can't vote at all. The paternal care of Congress for these voteless people has been pretty unfatherly of late.

Hear Editor O'Rourke:

"About half of the District of Columbia's total area is occupied by the Federal Government (the town's principal industry), and organizations and establishments connected with it, such as embassies, and so on. All this area is tax free."

We can understand that in Columbus, for we, too, have much area occupied by State government buildings, institutions, and the State university.

"This fact was recognized by Congress," Mr. O'Rourke admits, "and as an offset Congress set up a system of proportional payments, later changed to a lump-sum system.

"But as the city's costs rose this lump sum grew smaller. From a fixed percentage of 50 percent during the period of 1879 to 1921, the Federal payment has been cut until it is only 16 percent of the budget for 1960."

The 16 percent would be $32 million, if paid. But, as Congress frequently does, it authorizes without appropriating. It's mumbling in its beard now about paying only $26 million instead of the $32 million.

Washington citizens pay real estate and excise taxes comparable to those in neighboring communities in Virginia and Maryland.

Washington's higher income groups and businesses have been migrating to the suburbs, even more rapidly than in other cities. If this goes on, and if Congress continues to starve the municipal government of Washington, our proud Nation's Capital will become a city of magnificent Federal buildings set amid a clutter of private slums.

Since the people of Washington can't vote the rascals out themselves, it behooves us as politically potent fellow citizens of theirs to urge our Congressmen to treat them more humanely.

So, Senators LAUSCHE and YOUNG, Representative SAM DEVINE and all the other Ohio Congressmen, see that you treat Washington—which is our National Capital, too—and the people who live there, better than you are now.

Either give them a square deal or give them the vote and autonomy. Then they can do what Columbus does—collect city income taxes on all salaries paid within its borders, including the salaries of Congress and of the man who lives in the White House.

THE PROMISE OF TIROS I

Mr. CASE of South Dakota. Mr. President, orbiting the earth at this moment is a picture-taking weather satellite, Tiros I, that ranks as one of the greatest scientific achievements of all time.

This satellite shows the world that the United States is not looking at space with military supremacy alone in mind. Our Nation has now demonstrated that scientific exploration of space for the good of mankind is just as important to us as the ability to launch long-range missiles with hydrogen warheads.

It has been indicated, of course, that such satellites could be used to observe military movements or installations of potential enemies, as well as their missile shots.

But, of greater significance to the world, it gives us the ability to piece together cloud-cover pictures of an area 3,500 miles long and 1,700 mile wide.

This will permit more accurate daily forecasts, better long-range predictions and more useful warnings about hurricanes and other violent storms.

And, as the Washington Daily News points out: "Indeed, scientists say, such a system of satellites might even shed new knowledge on nature's weather factory which someday could be used to tame hurricanes, curb lightning, make rain, prevent hail and calm winds."

As one who has long been interested in weather modification research, I applaud the technological excellence of our space scientists which has made this major breakthrough possible. I congratulate Dr. T. Keith Glennan, Director of NASA, who has directed this project and I commend this administration which encourages the nonmilitary exploration of space while improving our defense capabilities.

While it is necessary, of course, to continue our efforts in the missile field for defense purposes alone, there is little benefit for mankind in the successful launching of a military missile. If such experiments can be combined with scientific aspects, then the whole human race profits.

It is a striking challenge to our competitors in the space race. Now it is up to them to show the world that they are not concentrating on military missile muscle-flexing alone.

The promise held out to the farmers and livestock producers of my State alone by the implications of Tiros I would warrant this research.

For years the farmers of South Dakota, whose greatest nemesis is unfavorable weather, have been dipping into their own pockets to finance experiments aimed at increasing rain. With the help of weather satellites like Tiros I, perhaps their dream of exercising some control over the weather that can make or break a whole year's work will be realized.

Mr. President, articles appearing on April 2 in the Washington Daily News and Washington Post indicate the clear preponderance of American successes in space and show that these successes have been linked with peaceful intent.

I ask unanimous consent that these three articles be included in the RECORD at the close of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Apr. 2, 1960]

U.S. AIM IS GALAXY OF WEATHER SATELLITES

(By John Troan)

CAPE CANAVERAL, FLA., April 2.—U.S. space scientists set their sight today on a global girdling galaxy of weather satellites.

Buoyed by yesterday's launching of a 270-pound cloud-scanning "moon," the scientists are eyeing the feasibility of orbiting a family of seven satellites to act as around-the-clock robot weathermen.

The whole idea is still but a vision on the research horizon. Yet scientists with the National Aeronatics and Space Administration and the Army Signal Corps, who teamed up for yesterday's launching here, are confident the weather-satellite network will be a reality by 1970.

Six of these satellites would travel in north-south directions, thus scanning cloud formations and other weather disturbances over the entire world.

The seventh would remain fixed 22,000 miles above the equator, staring at suspicious spots where storms might be brewing.

RELAY

From them, information would be relayed to the ground to help weathermen draw up more accurate day-to-day forecasts, better long-range predictions and more useful warnings about hurricanes and other violent storms.

Indeed, scientists say, such a system of satellites might even shed new knowledge on nature's weather factory which someday could be used to tame hurricanes, curb lightning, make rain, prevent hail and calm winds.

Tiros I, the satellite fired here yesterday, is now circling the earth every 99 minutes at an altitude of 435 to 468 miles. With its two television cameras, each the size of a drinking class, it is taking pictures of the clouds and transmitting these to the ground on command.

Though the satellite can see for 1,600 miles across and is expected to yield a wealth of information, Tiros I has two major shortcomings:

1. It can't view the clouds over the entire world because it's traveling from west to east instead of north and south.

2. It sees only in the daytime, when the cloudtops are lit up by the sun.

[From the Washington Daily News, Apr. 2, 1960]

OUR EYE IN THE SKY COULD BE A SPY

The spectacular photos flashed back to earth by America's new Tiros TV satellite made it clear today that such eyes in the sky eventually could be used to spot Russian military moves.

Scientists emphasized that the 270-pound Tiros, carrying two TV cameras, was designed only to snap pictures of the earth's cloud cover that will lead to more accurate weather forecasts and could help man control climate.

But the Tiros pictures, whose clarity surprised even scientists working on the project—plainly were a giant step toward a military reconnaissance satellite.

LAUNCHED YESTERDAY

The drum-shaped Tiros was launched yesterday by a three-stage Thor-Able rocket from Cape Canaveral. It is circling the earth once each 99.15 minutes.

The Tiros pictures released were not sharp enough to disclose ground details that would be of military value.

But there was no way of knowing how many possibly clearer photos were withheld on security grounds. The satellite's orbit takes it over Russia.

The Tiros project is not connected with military reconnaissance satellite programs. Scientists, however, are sharing data.

The Defense Department is planning a Midas infrared satellite to detect the flaming exhaust of Russian intercontinental ballistic missiles almost as soon as they are launched and a Samos military spy-in-the-sky satellite.

NEW VISTAS

Even without its military implications, Tiros opens new vistas for weather forecasting and control.

Scientists will relate the Tiros photos to the weather the earth was having at the moment. This will enable them to read meaning into pictures from a second Tiros satellite planned for later this year.

The second Tiros also will carry infrared sensing devices to give scientists a picture of heat patterns on the earth.

Russia is planning space weather stations but has not yet launched one. In its first few circuits, the U.S. satellite spotted a big storm over the American Midwest.

At its lowest point the satellite is 435.5 miles above the earth and at its highest point 468.28 miles. The orbit is at an angle of 48.327 degrees northeast from the equator, almost exactly what the scientists wanted.

HOW IT WORKS

Tiros' TV cameras and transmitting radios will operate for about 3 months but the satellite will continue orbiting the earth for "tens of years."

The two TV cameras transmit pictures to ground stations where they are pieced together. In this way a panoramic view can be obtained of an area 3,500 miles long and 1,700 miles wide.

Connected to each camera is a magnetic tape recorder. When out of ground station range, the satellite can record up to 32 photographs for later relay to earth.

[From the Washington Post and Times Herald, Apr. 2, 1960]

NEW SATELLITE IS THIRD HEAVIEST NOW IN EARTH'S ORBIT

(By the Associated Press)

Tiros I took its place yesterday as the third heaviest satellite now in orbit around the earth.

The meteorological satellite weighs 270 pounds.

In orbit also is the 50-pound casing of the third stage of the launching vehicle, which was forcibly detached from the satellite after both started their journey round the earth.

The heaviest of the dozen earth satellites now in orbit is the Soviet Union's Sputnik III, a cone 11 feet long and 5 feet 8 inches wide at its base, which weighs 7,000 pounds, including its 2,925 pounds of instruments.

Sputnik III is expected to fall from its orbit soon.

The heaviest U.S.-made artificial moon now in orbit is considered sky garbage because it was not designed to go into orbit and provide useful information. It is the once-called "mystery satellite," later identified as the 300-pound capsule of the Discoverer V satellite launched August 13, 1959.

Discoverer V fell into the earth's atmosphere last September 28, but the capsule, designed to be ejected downward and recovered by plane, by chance went into orbit and has remained there.

Besides Tiros I, two other satellites are broadcasting information to earth by radio.

They are the 3¼-pound Vanguard I, launched March 17, 1958, and the 92-pound Explorer VII, launched last October 13.

The other satellites, all silent, are Explorer I, 30.8 pounds; Beta I, the 50-pound third stage of the rocket that launched Vanguard I; Vanguard II, 20.75 pounds; Alpha II, the 50-pound rocket body of Vanguard II; Explorer VI, 142 pounds; Vanguard III, 50 pounds, plus a 50-pound attached third stage; and Iota II, the third-stage rocket body of Explorer VII.

In addition to these satellites, there are in orbit the Pioneer IV, Pioneer V, Lunik I and Lunik III space probes. Pioneer V still is broadcasting information back to earth from some 2 million miles out in space.

The heaviest U.S. satellite ever launched was the Atlas talking satellite, which weighed 8,750 pounds, but carried a scientific instrument load of only 150 pounds. During its brief lifetime, from December 18, 1958, to January 21, 1959, the satellite, for the first time, beamed a human voice to earth from space.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CANADIAN-AMERICAN RELATIONS

Mr. JAVITS. Mr. President, a bright picture of the friendly relations that exist between Canada and the United States was drawn by the Honorable Richard B. Wigglesworth, U.S. Ambassador to Canada, at the dinner held March 23 by the Massena, N.Y., Chamber of Commerce. Ambassador Wigglesworth emphasized the growing importance of trade between the United States and Canada, and the many ways by which greater understanding and cooperation are constantly being developed in addition to normal diplomatic and consular channels.

A pattern of action exists between our two countries which sets an example for the rest of the free world. It shows the way to greater integration of the free world as economic and social aims assume mounting importance.

I had the honor to serve with Ambassador Wigglesworth in the House of Representatives. I had the honor of visiting him in Ottawa. I also had the honor of attending a luncheon given by the distinguished Prime Minister of the Dominion of Canada and his Cabinet for Ambassador Wigglesworth and myself, to discuss the relations and interests of our two countries. It is with great pleasure, therefore, that I noted that there was printed in the CONGRESSIONAL RECORD of March 31, 1960, an address on Canadian-American relations by Hon. Richard B. Wigglesworth, former Representative in Congress from Massachusetts, and now Ambassador from the United States to the Dominion of Canada.

DESEGREGATION IN THE DISTRICT OF COLUMBIA SCHOOLS

Mr. JAVITS. Mr. President, I think all of us should be deeply interested in a report from the Superintendent of Schools in the District of Columbia, which was published by the Anti-Defamation League of B'nai B'rith. The report is from School Superintendent Carl F. Hansen, and it shows that desegregation in the public school system in the District of Columbia has resulted in better education and higher standards for all schoolchildren, rather than a debasement of standards, which is an argument constantly being used against school desegregation.

In my view, the Supreme Court was right. We cannot have a country in which 10 percent of the population finds its children relegated, in major sections of the country where population is very heavy, to schools which are clearly earmarked as segregated schools. This is bound to have an effect upon their characters, upon their educational advancement, and upon their capability for giving the full benefit of their talents to the United States. We cannot waste this asset.

This is essentially the argument of the pro-civil-rights advocates on school desegregation. I am glad to be numbered among them. I believe that our contention is borne out by the actual experience in the District of Columbia, which is far better than all the speeches in the world.

I ask unanimous consent that an article entitled "Schools Reported Better in Wake of Desegregation," published in the Washington Post of April 4, 1960, dealing with the report of School Superintendent Hansen, be printed in the RECORD at this point as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCHOOLS REPORTED BETTER IN WAKE OF DESEGREGATION

(By Erwin Knoll)

Five years of public school desegregation in the Nation's Capital have given students rising achievement levels, better teacher efficiency and more educational services, School Superintendent Carl F. Hansen reported yesterday.

The District's prompt compliance with the Supreme Court's 1954 desegregation decision "prepared the ground for a total attack upon the improvement of instruction," Hansen said.

His findings were published by the Anti-Defamation League of B'nai B'rith as a 32-page pamphlet called "Addendum: A 5-Year Report." It supplements another pamphlet, "Miracle of Social Adjustment," written by Hansen for the league in 1957.

In the new study, Hansen reviews the progress of the schools under the momentum of a new concept, as a system operating in the American tradition to meet the educational needs of all the children.

MANY YOUNGSTERS LAGGED

Citywide pupil testing after desegregation revealed to an appalled community that many Negro youngsters lagged far behind white children in school achievement, Hansen says.

"Although school desegregation does not eliminate the deep-seated causes of social, economic, and cultural development," he notes, "it does provide the opportunity for an equal sharing of educational resources, for a greater amount of acculturation resulting from the joining together of teachers and pupils in the school setting and for a united effort to improve educational services to all children."

Citywide averages on standardized tests, which showed lags of several months to several years behind national achievement standards 5 years ago, have climbed steadily since desegregation to approach—and in some instances match or surpass—national norms, Hansen reports. He adds:

"Integration has not retarded the advancement of high-ability students, Negro or white, and educational standards in the District public schools, when examined in relation to students' preparation and ability for learning, are high."

Hansen cites three major educational changes introduced in recent years, although he says they "should not be directly related to desegregation:"

"The track system of ability grouping, introduced several years ago at the senior high school level and this year in junior high and elementary schools, which supplies maximum challenge for the gifted as well as the slow.

"The increase in required subjects, reducing the cafeteria-like selection of courses, the window shopping and bargain hunting for easy grades characteristic of the system it replaced.

"The new stress on systematic, organized instruction in the basic subjects, which," Hansen asserts, "is bringing a return to the point of view that the teacher is the director of instruction in the classroom, the dynamic source of interaction between pupil and materials or content of instruction, the cultivated adult who can instruct pupils in what he knows and who can induce them to reach out for knowledge and to enjoy the satisfactions of accomplishment."

Hansen notes that the academic gains of recent years have been accomplished in the face of a steady increase in the proportion of Negro pupils which began long before desegregation and has continued since. This year, some three-quarters of the District's school enrollment is Negro.

He says it is "a defect in analysis" to blame desegregation for population shifts because "an examination of the problems of every major city in this country will show that like massive amoebas they are ingesting, without plan or reason, masses of economically deprived people of every race.

"In most of these cities, schools have been integrated from the beginning. In some, schools are still segregated. The least that can be done for the children of the economic and social ghettoes is to provide the best possible education."

STANDARDS NOT LOWERED

Hansen says desegregation has brought no lowering of teachers' standards, though recruiting teachers has been complicated in part by the extensive adverse treatment given the schools by segregationists.

Special school services such as classes for handicapped children have expanded substantially since 1954, Hansen says, because of "community unification for school improvement."

Racial incidents in the schools are "relatively infrequent," he reports, and behavior problems are usually "those of children, not of Negroes or whites."

Some problems still confront the schools—among them the high drop-out-rate of students when they reach the age of 16. Hansen says these conditions "are not caused by desegregation. It is equally clear that desegregation does not correct them."

FRIEND OF HONEST TAXPAYERS

Mr. BUTLER. Mr. President, the distinguished senior Senator from Delaware [Mr. WILLIAMS] has won for himself an enviable and well-deserved record as a friend of the American taxpayer for his efforts to reduce unnecessary Government expenditures and as a foe of these taxpayers who try to evade and avoid proper income tax payments. A recent editorial in the Washington Daily News commented upon Senator WILLIAMS' unflagging fight to reduce tax delinquency.

I ask unanimous consent to have printed in the RECORD the editorial, entitled "Friend of Honest Taxpayers."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Mar. 31, 1960]

FRIEND OF HONEST TAXPAYERS

Senator JOHN J. WILLIAMS, of Delaware, is hard on taxpayers who don't pay, which makes him a top friend of those who do. Every unpaid tax dollar is an extra dollar out of the pockets of those who do pay.

For 6 years Senator WILLIAMS has been beating the Internal Revenue Service over the head to get busy and collect the tax delinquencies. His only weapon was public exposure. He stood on his legs in the Senate and hollered.

Now he is getting results. In 1954, when the Senator began his one-man show, the total tax delinquency was $1,614,494,000, owed by 1,725,474 delinquents. The other day he was able to report the delinquency after 1959 collections was down to $1,071,016,000, and the number of delinquents reduced 949,146.

Last year alone the Internal Revenue Service cut the delinquencies by more than 22 percent, by far the best record since Senator WILLIAMS took up his campaign.

The Senator has been especially hard on employers who withheld income and social security taxes from their employees and then didn't fork it over to the Treasury. There was a 17.7-percent reduction in this delinquency last year.

Senator WILLIAMS said it was a pleasure for him to make this report, although he didn't think anyone should be satisfied until more delinquents have paid up.

It is a pleasure for us, too, to loudly applaud Internal Revenue Commissioner Dana Latham (in office only 16 months) and his staff for this impressive record, hoping, meanwhile, that he and IRS will keep shagging those laggards. Even more loudly, we applaud the persistent Senator WILLIAMS, who put on the heat.

THIS, TOO, SHALL PASS AWAY

Mr. BYRD of West Virginia. Mr. President, there is an old Turkish legend that gives comfort to one in time of trial.

A king, who had suffered many years of discouragement, urged his courtiers to devise a motto, short enough to be engraved on a ring, which should be suitable alike in prosperity and in adversity. After many suggestions had been rejected, his daughter offered an emerald bearing the inscription in Arabic, "This, too, will pass."

So, Mr. President, when the days press us with trials and burdens which seem too great to face and too onerous to bear, we may be cheered and strengthened by the poetic lines written to fit the inscription on the oriental jewel of the ancient legend:

Whate'er thou art, where'er thy footsteps stray,
Heed these wise words: This, too, shall pass away.
Oh, jewel sentence from the mine of truth!
What riches it contains for age or youth.

No stately epic, measured and sublime,
So comforts or so counsels for all time
As these few words. Go write them on your heart
And make them of your daily life a part.

Art thou in misery, brother? Then I pray
Be comforted! Thy grief shall pass away.
Art thou elated? Ah, be not too gay;
Temper thy joy. This, too, shall pass away.

Fame, glory, place, and power,
They are but little baubles of the hour.
Thus, be not o'er proud,
Nor yet cast down. Judge thou aright.
When skies are clear, expect the cloud,
In darkness, wait the coming light.
Whatever be thy fate today,
Remember, even this shall pass away!

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

CIVIL RIGHTS ACT OF 1960

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. ERVIN. Mr. President, on behalf of the Senator from Arkansas [Mr. MCCLELLAN] and myself I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 16, line 12, change the period to a colon, and insert the following between the colon and the word "Such":

Provided, however, That the Rules of Civil Procedure for the United States district courts shall govern the hearing and determination by the court of any application made under this paragraph to the extent that such rules are not inconsistent with the provisions of this subsection.

Mr. KEATING. I thank the Senator.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, the Senator from North Carolina desires the yeas and nays on his amendment.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second?

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, the amendment to which I address myself is the amendment which was offered last Friday by the able and distinguished senior Senator from Arkansas [Mr. McCLELLAN] and myself. The amendment is very simple in nature and is easily understood. It reads as follows:

On page 16, line 12, change the period to a colon and insert the following between the colon and the word "Such": *"Provided, however,* That the Rules of Civil Procedure for the United States District Courts shall govern the hearing and determination by the court of any application made under this paragraph to the extent that such rules are not inconsistent with the provisions of this subsection."

The amendment is addressed solely to the provisions of the bill which regulate the proceedings before a Federal district judge upon application made to him after the Federal district judge has made an adjudication that discrimination has occurred in the voting district concerned on the basis of race or color, pursuant to a pattern or practice. The amendment relates solely to the portions of the bill which deal with an applicant's claim before the judge, after that adjudication has been made.

As I see it, the amendment is necessary to insure the constitutionality of this particular provision of the bill.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. ERVIN. Yes; I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. I notice that the language of the Senator's amendment provides:

That the Rules of Civil Procedure for the U.S. district courts shall govern the hearing and determination by the court of any application made under this paragraph to the extent that such rules are not inconsistent with the provisions of this subsection.

The subsection at the bottom of page 18, beginning in line 23, reads:

The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court.

Does that language imply any modification if the action were taken by the referee, or is it to be expected that the court would direct the referee to proceed in all matters the same as the court itself?

Mr. ERVIN. This amendment has no relation whatever to the portion of the bill which the Senator has read. The bill sets up two procedures, alternative in nature, which are to be conducted subsequent to the finding of discrimination on the basis of race or color pursuant to a pattern or practice.

Under the provisions on page 16, applications may be made to the judge of the Federal district court who is authorized to pass on those applications.

The other procedure is followed when the judge appoints voting referees, and the voting referees pass upon the applications.

The provisions just read by the able and distinguished Senator from South Dakota relate to the proceeding where the applications are passed on by a voting referee. This amendment relates to the situation where the applications are passed on by the district judge, as distinguished from a voting referee.

Mr. CASE of South Dakota. That was the point I sought to clarify, because apparently the court could delegate certain responsibilities to the referee, if the due and speedy administration of justice required that, in the judgment of the court.

Then it says they may be referred to the voting referee, to be determined in accordance with the procedures prescribed by the court. So the Senator is saying that his amendment is limited to applications which are considered by the court itself; is that correct?

Mr. ERVIN. That is correct.

Mr. CASE of South Dakota. But that the court might modify those procedures somewhat if in his judgment he had to refer them to the referee. Then the procedures would be those prescribed by the court and the referee; is that correct?

Mr. ERVIN. The bill sets up a procedure to be followed when the applications are passed on by the voting referee. But the bill does not set up any procedure to be followed when the applications are passed on by the judge. And that is the object of this amendment.

Mr. CASE of South Dakota. This subsection does, of course, set forth some procedures. But I was thinking particularly of the language used. Perhaps it does not have the meaning I thought it had. But at the bottom of page 18 and the top of page 19 we find the following:

They may be referred to the voting referee to determine in accordance with the procedures prescribed by the court.

Mr. ERVIN. That makes reference to the situation where the voting referee has filed a report, and the report has been served, together with a notice to show cause, on the attorney general of the State and the appropriate election official of the State; and those words describe what will happen when exceptions are filed. That part of the bill states, as the Senator from South Dakota has pointed out, that the exceptions will be ruled on by the judge, unless the interest of speedy justice requires that they be referred by him to the referee—a provision which, I may add, is a rather singular one, inasmuch as the exceptions which would be filed would state that the voting referee had committed error, either in fact or in law. Under this provision, the judge, instead of passing on that matter himself, could send it back to the referee, and let the referee determine whether he, himself, had made an error of fact or of law. This is a very peculiar provision. I would hate to have to base a case on the proposition that the referee had committed an error of fact or of law, and then have him pass on that matter, himself. I think that would be letting a man pass on the correctness of his own acts, which would be contrary to the spirit, if not the letter, of the principle of sound procedure.

Mr. CASE of South Dakota. Does the Senator from North Carolina have any doubt that the referee would decide that he had decided correctly?

Mr. ERVIN. I think there is no doubt that he would uphold his own decision.

Mr. McCLELLAN. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I am delighted to yield to the cosponsor of my amendment.

Mr. McCLELLAN. The language referred to by the Senator from South Dakota applies only after exceptions have been filed, does it not?

Mr. ERVIN. Yes, where exceptions have been filed to the report of the referee in a hearing conducted by the referee, not by the judge.

Mr. McCLELLAN. Yes.

The pending amendment simply states that where this new law and the procedures do not conflict, and where an application is made to the court to have removed the discrimination which the applicant thinks has been imposed against him, the civil procedures shall be followed.

Mr. ERVIN. Yes. It is to make it conform to two provisions of the Constitution. The first is the due-process clause of the fifth amendment; and the second is the third article of the original Constitution, which provides, in effect, that the Federal courts do not have any jurisdiction in anything except cases or controversies. This amendment is to make it clear that the court shall act as a court, not as an executive officer, namely, a registrar of votes; and the amendment is also for the purpose of making it clear that the proceeding is a civil action, not a kangaroo proceeding of some kind.

Mr. McCLELLAN. Mr. President, will the Senator from North Carolina yield further?

Mr. ERVIN. I am delighted to yield.

Mr. McCLELLAN. I recall that both the Senator from North Carolina and I interrogated the Attorney General or his assistant in regard to the advisability of inserting in the bill this amendment or some other provision requiring that the rules of civil procedure be followed. As I recall, the Attorney General or his assistant maintained that the court would be bound to follow those anyway, irrespective of whether this amendment were adopted. Am I correct?

Mr. ERVIN. The Senator is correct. While the Senator from Arkansas was questioning Mr. Charles J. Bloch, one of the greatest lawyers in America, concerning this precise point, the Deputy

Attorney General, Judge Walsh, interposed and said that Mr. Bloch was mistaken in saying that this was not a civil case under article III and under the Federal Rules of Civil Procedure. Judge Walsh said those rules would apply automatically. Here are his exact words, as they appear on page 141 of the hearings:

Mr. WALSH. I say that Mr. Bloch overlooks the fact that the Federal Rules of Civil Procedure apply to the extent that they are not expressly excluded or contradicted by the statute. There is not any doubt, I do not think. We have a fundamental disagreement on that, but we believe that the Federal rules of practice apply, and they require the service on each party of this application.

Mr. McCLELLAN. Mr. President, will the Senator from North Carolina yield further?

Mr. ERVIN. I am delighted to yield further to the cosponsor of the amendment.

Mr. McCLELLAN. Then, if the interpretation by the Attorney General of this proposed legislation is correct, no violence would be done by expressly stating that it is the intent of Congress to have the rules of civil procedure apply. Is that correct?

Mr. ERVIN. That is correct, and that is precisely what this amendment undertakes to do. It says these rules shall apply to the hearing of applications by the judge, to the extent that these rules are not inconsistent with the provisions of this bill.

Mr. McCLELLAN. In other words, in this amendment we seek to do nothing that the office of the Attorney General says is not already assured by the language of the bill.

Mr. ERVIN. That is correct. The Senator from Arkansas and I and Mr. Bloch and many other lawyers disagree with the interpretation made by the Deputy Attorney General; and all we are trying to do is to make certain something which the Attorney General says is already certain.

Mr. McCLELLAN. In other words, we are trying to write his interpretation into the bill, so it will do exactly what the Deputy Attorney General says he expects the bill to do.

Mr. ERVIN. That is precisely what this amendment undertakes to do, and no more.

Mr. McCLELLAN. Mr. President, let me say that this morning I have a meeting of the Subcommittee on Public Works, of the Appropriations Committee; and I have here constituents who are to testify there. I am very much interested in the pending amendment, as a cosponsor of it, with the distinguished Senator from North Carolina. But I feel that I should be present while my constituents are testifying on the appropriation matter.

I wish to express the hope that this amendment will be favorably considered, because, as I understand it—and no question about it has been raised—this amendment would do no violence to what is declared to be the intent and purpose and the interpretation of the law or of the proposed act, as made by the Attorney General of the United States. In other words, this amendment would write in this language simply to make sure that the bill will do what apparently all of us want it to do.

Mr. ERVIN. The amendment is simply to remove any possibility of argument about the meaning of the bill in this particular respect.

Mr. McCLELLAN. And about the intent of Congress.

Mr. ERVIN. Yes, and about the intent of Congress.

I am constrained to say that if the Senate does not accept the amendment, it will leave one with the grave suspicion that the reason for rejecting the amendment would be that some prefer darkness to light, and would rather have an area of confusion, than an area of clarity.

Mr. McCLELLAN. It would also, I think, leave this confusion: As the court undertook to ascertain the legislative history of the act, it might leave the impression that the court would perhaps be justified in assuming that the Congress did not intend the rules to apply, when this amendment was offered and rejected. Therefore, if the Senate really wants the rules of civil procedure to be followed, it occurs to me the prudent thing to do is to write this provision into law.

Mr. ERVIN. I think that suggestion of the Senator from Arkansas is undoubtedly sound and wise, because if the Senate rejects this amendment, the Senate will be saying, "We do not intend the judge to be a judge in this proceeding; we intend that he shall act as an executive officer, namely, a registrar of voters, rather than a judicial officer."

Mr. McCLELLAN. I wish to thank the Senator from North Carolina for yielding to me. I wanted to express my views and say for the RECORD I am very happy to cosponsor the amendment, and hope it will be adopted. I must leave. I feel I should attend a meeting of the Appropriations Committee. I wanted to make these observations. I thank the Senator for yielding to me.

Mr. ERVIN. I thank the Senator for his valuable contribution making plain the intent of the amendment.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. ERVIN. Yes; I am delighted to yield to the able and distinguished Senator from New York.

Mr. KEATING. Do I correctly understand it is not the intention of the Senator from North Carolina to include in this amendment provision for a hearing before the referee, but only a hearing before the court itself?

Mr. ERVIN. That is correct. If the Senator will notice, the amendment is proposed to be made on page 16, line 12, of the bill. It is proposed to insert the words of the amendment between the word "law" and the word "Such." It relates solely to the procedure which should prevail where the application is to be passed on by the judge, subsequent to the adjudication of a practice or pattern. In substance, the amendment is virtually couched in the words of Judge Walsh, because it provides that the rules shall apply only to the extent that they are not inconsistent with the provisions of the subsection.

The Senator will notice that the amendment is restricted to the applications made under this paragraph. I refer to the paragraph which begins on the bottom of page 15 of the bill and ends at the end of line 16 on page 16. In other words, it is restricted to applications made under the paragraph, which relates to the actions of the court, as distinguished from the action of the voting referee. But it proceeds further, in the last part, and provides that the rules shall apply only to the extent that they are not inconsistent with the provisions of this subsection. So it will not affect the other provisions of the subsection, as I see it.

Mr. KEATING. If this language does apply to the court and does not apply to the referee, does that not amount to imposing upon the court which is passing officially upon the applications under this title greater limitation than where the proceedings is before the referee?

Mr. ERVIN. It would impose upon the court fewer limitations than are imposed on the court in respect to any other civil case of any kind, because it does not impose on the court the requirement to follow any rule which is inconsistent with the provisions of this proposal; and his burden would be lighter under this language than it would be under the law generally.

Mr. KEATING. But my question is, if a referee is appointed and the referee makes the finding set forth later in the bill, as I understand the amendment of the Senator, this language would not apply to the proceeding before the referee. It would seem, offhand, that the court is having a more rigorous restriction placed upon it in making this finding than is the referee.

Mr. ERVIN. Yes; it would require the judge to hear testimony. It would require the judge to conduct a hearing in open court. But I cannot see any hardship imposed on any judge in such a restriction, and I can see a great hardship imposed upon fundamental constitutional principles if a judge can make a determination otherwise.

Mr. KEATING. Of course, the referee is required to take evidence also, as appears on page 17 of the bill.

Mr. ERVIN. Yes. The judge is required, in the event of exceptions, to pass on what the referee has done. If I were a judge, I would rather pass on the matter in the first place than be bothered with the other proceeding. But if the judge wanted to be bothered with the other proceeding, he could appoint a referee and let him do the first part of it.

Mr. President, as I see it, there are three constitutional provisions which are relevant to this situation. For all practical intents and purposes, this bill is based upon the 15th amendment to the Constitution. I say that is true because the bill applies, according to its phraseology, to any election, of any character, held anywhere in the United States.

Section 1 of the 15th amendment reads:

The right of citizens of the United States to vote shall not be denied or abridged by

the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 of that amendment reads:

The Congress shall have power to enforce this article by appropriate legislation.

There is no procedure whatever established to govern the action of the judge when he himself passes on applications subsequent to the finding of a pattern or practice of discrimination. It would make a mockery of the Constitution for the Congress, while professing to implement the 15th amendment, to adopt a bill which is inconsistent with the due process clause of the 5th amendment, which binds Congress, or with the provisions of the 2d section of the 3d article of the Constitution, defining the judicial power of the United States and the circumstances under which it can be exercised by the Federal courts.

After more than a century and a half of experience, the United States adopted the Rules of Civil Procedure for the U.S. District Courts, and the first of these rules reads:

These rules govern the procedure in the district courts of the United States in all suits of a civil nature whether cognizable as cases at law or in equity, with the exceptions stated in rule 81.

The exceptions stated in rule 81 are not germane to our discussion here.

That was what we said when we adopted the rules of civil procedure. We stated they should apply to all civil cases, in the Federal district courts regardless of whether they are cases at law or in equity.

It has been held by the courts of the land that whenever a legislative body sets up a new procedure which is not to be administered according to the regular course of legal procedure, it is essential that the act which sets up the new procedure shall make provision which will insure that due process of law will be observed in such a procedure. It cannot be said that the procedure set up by the bill, subsequent to the time of making of the adjudication with reference to the pattern or practice, is to be enforced in the courts according to the regular course of legal procedure, and for that reason it is essential, in my judgment as a lawyer, to the constitutionality of the provisions of this bill authorizing the judge, as distinguished from the voting referee, to pass on applications, for Congress to make some provision which will insure that due process of law will be observed.

The relevant provision of the Constitution with reference to that is found in amendment V, which provides:

No person shall be * * * deprived of life, liberty, or property, without due process of law.

The fifth amendment applies to the Congress of the United States, when the Congress of the United States is exercising the legislative power vested in the United States by the first article of the Constitution.

As to the necessity for making provision for making sure that due process of law shall be observed by the judge when he passes on applications, subsequent to the finding of the pattern or practice, I invite the attention of the Senate to the case of *Coe* v. *Armour Fertilizer Works* (237 U.S.), at pages 424 and 425. I should like to read the statement from that opinion. I shall read it because it is germane to the argument that a judge will necessarily give notice and an opportunity to be heard even when there is no requirement to that effect in the bill. I read this passage from that opinion:

Nor can extra official or casual notice, or a hearing granted as a matter of favor or discretion, be deemed a substantial substitute for the due process of law that the Constitution requires. In *Stuart* v. *Palmer* (74 N.Y. 183, 188), which involved the validity of a statute providing for assessing the expense of a local improvement upon the lands benefited, but without notice to the owner, the court said: "It is not enough that the owners may by chance have notice, or that they may as a matter of favor have a hearing. The law must require notice to them, and give them the right to a hearing and an opportunity to be heard." The soundness of this doctrine has repeatedly been recognized by this court. Thus, in *Security Trust Co.* v. *Lexington* (203 U.S. 323, 333), the court by Mr. Justice Peckham, said, with respect to an assessment for back taxes: "If the statute did not provide for a notice in any form, it is not material that as a matter of grace or favor notice may have been given of the proposed assessment. It is not what notice, uncalled for by the statute, the taxpayer may have received in a particular case that is material, but the question is, whether any notice is provided for by the statute" (citing the New York case). So, in *Central of Georgia Ry.* v. *Wright* (207 U.S. 127, 138), the court said: "This notice must be provided as an essential part of the statutory provision and not awarded as a mere matter of favor or grace." In *Roller* v. *Holly* (176 U.S. 398, 409), the court declared: "The right of a citizen to due process of law must rest upon a basis more substantial than favor or discretion." And in *Louis. & Nash. R.R.* v. *Stock Yards Co.* (212 U.S. 132, 144), it was said: "The law itself must save the parties' rights, and not leave them to the discretion of the courts as such."

That ends the passage from the Coe case.

Mr. STENNIS and Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does the Senator from North Carolina yield, and, if so, to whom?

Mr. ERVIN. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I should like to ask the Senator a question about the very fine exposition he has read. Is that not settled law? That has been the law all the time, and is not questioned now in any forum, is it?

Mr. ERVIN. The Senator from Mississippi is absolutely correct. That has been the uniform interpretation placed upon the due-process clause both under the 14th amendment, where a State is concerned, and under the 5th amendment, where the United States is concerned. Why anyone would object to spelling out this matter in the bill is something I cannot understand.

Mr. STENNIS. Is it not true that the courts at all levels—State, Federal, and every level—have said over and over again that that is the rule, that anything short of those requirements is simply invalid because it lacks the essentials of due process?

Mr. ERVIN. That is correct, as the decision states very well. If the law creating the new procedure does not provide for the adjudication of the matter according to the usual rules of law governing judicial proceedings, then that law itself has to give a party due process of law, which guarantees to him the right to notice and the right to a hearing, in order to be valid.

Mr. STENNIS. In other words, on that point due process of law means process by law and not by courtesy or some other extended line. It must be in the heart of the procedure itself.

Mr. ERVIN. As the Senator suggests, it must be demandable by the litigant as a matter of right. It is not sufficient to give it to him as a matter of grace or favor.

Mr. STENNIS. Has the Senator heard any real reason given why such practice should not be followed by the Congress? I submit the courts will follow their own rules, anyway, but why should the Congress seek to depart from them?

Mr. ERVIN. The only reason that has been advanced by anyone, so far as I have heard, against incorporating an amendment of this character in the bill was the statement of the Deputy Attorney General, Judge Walsh, who said that he was afraid that if the procedure were spelled out here it might have to be spelled out everywhere. This is obviously not correct, because if the act provides for trial according to the due course of law, the provision is already there by implication. It is only when we create a procedure which is not to be handled by the court as a judicial proceeding, according to the usual course of judicial proceedings, that such a provision is necessary.

Mr. STENNIS. The Senator has well answered the Deputy Attorney General.

Mr. ERVIN. Mr. Walsh made a statement which appears on page 141 of the hearings. Mr. Charles J. Bloch, one of the greatest constitutional lawyers in America, said that the Rules of Civil Procedure did not apply, that there was no provision for notice, and that this could not possibly be a civil case, triable according to the established remedy enforceable in the course of regular legal procedure. He stated that the rules did not apply. Mr. Walsh said:

I say that Mr. Bloch overlooks the fact that the Federal Rules of Civil Practice apply to the extent that they are not expressly excluded or contradicted by the statute.

In other words, what we are trying to do is to put in the bill what Judge Walsh says is already implied in it. We do not agree that it is implied, and we want to make it clear that the court is to act as a judicial body, and not as an executive agency, in connection with these applications.

Mr. STENNIS. If I correctly understand the Senator, Judge Walsh, the able Assistant Attorney General, did not undertake to deny the rule which has been read by the Senator from North Carolina, but agreed to it and said it would have to be followed. Is that correct?

Mr. ERVIN. That is correct—except to the extent of inconsistency between the rules and this bill.

Mr. STENNIS. The Senator has that provision in his amendment, has he not?

Mr. ERVIN. Exactly. In other words, if any provision of this subsection would be inconsistent with the rules, the provisions of the subsection would apply, and not the rules.

Mr. STENNIS. If the courts should undertake to rule that this procedure should not be followed, would they not be compelled to hold the act unconstitutional?

Mr. ERVIN. In my judgment they would be. That is the only misgiving I have about adopting my amendment. It might make an otherwise unconstitutional provision constitutional and enforcible. But I do not wish to see the Congress professing to enforce one provision of the Constitution and at the same time making a mockery of other provisions of the Constitution.

Mr. STENNIS. The Senator has well expressed the issue.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the Senator from New York.

Mr. JAVITS. Will the Senator explain to us why he uses two different references in his amendment? In line 6 he refers to the provision that the rules shall govern any determination of the court on any application "made under this paragraph." Then he goes on—"to the extent that such rules are not inconsistent with the provisions of this subsection."

If what the Senator is trying to do is applicable only to the paragraph, why is there reference to inconsistency with the subsection?

Mr. ERVIN. I am happy to explain the difference in the use of those terms.

If the Senator will notice, the paragraph to which I refer in this amendment is found on page 16. The amendment refers to applications "made under this paragraph." Since the amendment applies to line 12 on page 16, the applications referred to are only applications mentioned in the paragraph, which begins in line 20 on page 15, and ends in line 16 on page 16. The provisions found from line 1 on page 16, through line 16 on page 16 refer to applications made to the court, as contradistinguished from applications made to the voting referees. The provisions with respect to voting referees begin in line 7 on page 17.

I refer to applications "made under this paragraph" to make it clear that the only applications this amendment would apply to are applications made to the court, as distinguished from applications to the voting referee. There is a procedure spelled out in the case of the voting referee, but there is no procedure spelled out in the case of the judge. The reason I include reference to "provisions of this subsection" in line 7 is that there are other provisions elsewhere in the subsection with reference to the time within which the court shall act. I wished to make it clear that in any case, any provision anywhere in the subsection which may be inconsistent with the rules shall control, over the rules. That is the reason for the references to two different divisions, one reference being merely to make it certain that it refers only to applications made to the court, as distinguished from the voting referee, and the other reference to make it certain that any other provision of the subsection outside that paragraph which may be in conflict with or inconsistent with the rules, shall govern, over the rules.

Mr. JAVITS. If it is intended only to affect the paragraph, why make the question of inconsistency apply to the whole subsection? Does not that introduce uncertainties in the mind of whoever might seek to interpret the amendment?

Mr. ERVIN. According to my understanding, instead of introducing uncertainties, it makes the situation as clear as the noon day sun. It makes it clear, in the first place, that this amendment refers only to applications mentioned in the paragraph in which it is found, that is, applications handled by the court. It makes it equally certain that any procedure that we set up, that could apply anywhere in the subsection, if it is inconsistent with the rules, shall prevail over the rules.

Mr. JAVITS. I notice that the colloquy which ended with Judge Walsh's observation on the subject discussed by Mr. Bloch appears on pages 140 and 141 of the record. It related to Mr. Bloch's views on the procedure which should guide the official referee. At the end of that discussion Mr. Bloch made the statement to which the Senator has referred:

> As I pointed out, Senator, I think it was before you came in, that in a proceeding before the judge, the attorney general of the State, the board of registrars of the State, nobody is given any notice of this proceeding, not only not an opportunity to be heard and to submit proof, but they are not even served with it. That is what I was discussing before the Senator came in.
>
> Senator CARROLL. What do you say to that, Judge Walsh?

Then follows the statement by Mr. Walsh, which the Senator has read.

Does not that juxtaposition of the subject which the parties were discussing with the answer of Judge Walsh and the answer of Mr. Bloch indicate some connection between the practice which will guide a voting referee and the procedure of the court with respect to voting referees? That is what puzzles me about this amendment.

Mr. ERVIN. Judge Walsh said, in his answer to the Senator from Colorado [Mr. CARROLL] at the bottom of page 141, that he took issue with Mr. Bloch's statement that there would be no notice, and no opportunity to be heard, because there was no provision in the bill for them. Judge Walsh took issue with Mr. Bloch, and said that the Federal Rules of Civil Practice would apply to the extent that they are not expressly excluded or contradicted by the statute.

All my amendment does is to spell out and make it certain that what Judge Walsh said shall be the law, in case the bill is enacted into law.

Mr. JAVITS. I wanted to get my colleague's views on the RECORD. I shall address myself to this subject independently, but I wanted to get my colleague's reasons for his position.

Mr. ERVIN. I am glad to make that statement to the senior Senator from New York.

Mr. KEATING. Mr. President, will the Senator yield to me?

Mr. ERVIN. I yield to the junior Senator from New York.

Mr. KEATING. I should like to address myself to what I feel is perhaps a more fundamental objection to the amendment than the one discussed by Judge Walsh. We have defeated an attempt to make the proceeding before the referee an adversary proceeding. If the court should elect to make these findings, and if the amendment of the Senator from North Carolina were adopted, would that not in effect make the second proceeding before the court, rather than before the referee, in fact an adversary proceeding?

Mr. ERVIN. It would make the proceeding conform to due process of law. I do not know how it is possible to have a lawsuit without having an adversary proceeding. The court has held many times, under section 2 of article 3 of the original Constitution, that a case or controversy implies that there are disputing litigants.

Mr. KEATING. In further explanation of my position I would say that it is the same argument in which the Senator from North Carolina and I found ourselves in difference when the other amendment was before the Senate. I refer to the amendment dealing with the referee section. There is the first adversary proceeding, where the pattern or practice of discrimination is found. Then there is the proceeding before the referee or, if the court chooses, before the court. It is the proceeding following a man's attempt to be registered by the State registrar. Then when the referee, later, makes a report as to these matters there is another adversary proceeding.

The language on page 16 of the bill appears to me to endeavor to make the proceeding before the court—if the court elects to conduct the proceeding—the same as the proceeding before the referee, if the court appoints a referee. After that comes the actual adversary proceeding, in which a full opportunity is given to all the parties to question what has been done before. I wonder if the Senator would comment on that. I believe the Senator and I differ on it, but I wonder whether I have analyzed it correctly.

Mr. ERVIN. It is a question whether, in professing to enforce the 15th amendment, Congress will ignore the 5th amendment and the 3d article of the original Constitution. I do not know how it is possible to have a lawsuit which is noncontroversial. Moreover, I cannot conceive a valid procedure which does not comply with the fifth amendment or with the third article of the Constitution.

Of course, if we wish to convert the Federal court into an executive agency, in violation of the constitutional doctrine of the distribution of governmental

powers, we can do it, but we will have an unconstitutional bill. I cannot conceive why a person should be deprived of his rights of due process of law, by being denied an opportunity to be heard in a case affecting him. When the applications are passed on by the judge, there is no provision for any opportunity for that man to be heard. I do not understand how it is constitutionally possible to convert a Federal district judge into an executive officer. I do not believe we can confer on him Executive power. The only power he can exercise is judicial power.

Mr. KEATING. The Senator from North Carolina has made a number of legal observations with which I would be in complete agreement, in general. I return to my question. Is it the intention of the Senator to assure that the proceeding before the judge, if the judge elects not to appoint a referee—where one man is trying to be registered—will be an adversary proceeding, if his amendment is adopted?

Mr. ERVIN. I am trying to convert the proceeding before the judge into a judicial proceeding which will conform to the due process clause of the fifth amendment. This clause requires that every person shall be given notice and have an opportunity to be heard. Without my amendment I believe we will have the practice which a justice of the peace down in my county followed in his justice of the peace court. A young lawyer was trying a case before the justice of the peace. The young lawyer kept jumping up and saying, "I object, Your Honor; that is not according to the law." The justice of the peace got a little restive, and finally said to the young man, "Do not keep on jumping up and saying 'I object; that it is not according to law.' I will have you to know that I'm running this court. The law hasn't got a damn thing to do with it."

The Senator from New York would have us follow the kind of practice that justice of the peace followed. He would have the Congress deprive a man of the protection of the fifth amendment and ignore the second section of the third article of the original Constitution, which limits the judicial power of the United States to cases and controversies. Moreover, he would ignore the first and second and third articles of the Constitution, which divide the powers of the Federal Government among Congress, the President, and the courts. The Senator from New York would say, in effect, that the Constitution has nothing to do with this bill. I am trying to do something which Judge Walsh said is already in the bill by implication, but I am trying to spell it out, so that relevant constitutional provisions will be observed. In so doing, I am trying to make a bad law less obnoxious to the Constitution.

Mr. KEATING. I do not find anything in Judge Walsh's statement which indicates an admission or concession on his part that there are to be two lawsuits before the same judge, one where the original pattern of discrimination is found, and the second at the time when Mr. X or Mr. Y walks in and tries to register to vote. I do not believe it is the intention of the bill as drawn to provide that there shall be a new trial before the same judge with respect to each one of the individuals who tries to vote; nor do I think that there is any requirement under any due process clause that such be done.

Mr. ERVIN. I cannot agree with everything the Senator has said. However, I can agree with the observation of the Senator that there is no intention in the bill that the State election officials will be given the same constitutional rights that everyone else in the United States is entitled to under the due process clause.

Mr. KEATING. I should not like to have my friend believe that that statement was implicit in my remarks. If he agrees with me as to that, then he is in disagreement with me.

Mr. ERVIN. I do not say that I sense this in the Senator from New York, but I do sense a feeling in a great many people that for some peculiar reason Southern State officials are not entitled to the same constitutional and legal rights to which all other Americans are entitled. Otherwise we would not have a bill like this before us, which absolutely fails to give them the right to due process of law.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. LAUSCHE. Directing the attention of the Senator from North Carolina to the statement made by Mr. Walsh, which appears on page 144 of the transcript, I read what Judge Walsh said:

> I say that Mr. Bloch overlooks the fact that the Federal Rules of Civil Practice apply to the extent that they are not expressly excluded or contradicted by the statute. There is not any doubt, I do not think. We have a fundamental disagreement on that, but we believe that the Federal Rules of Practice apply, and they require the service on each party of this application.

Is my understanding correct that the bill now before the Senate provides a specific procedure to control when an application is made to a referee, and that it is on page 17 of the bill?

Mr. ERVIN. That is true; it is when the application is passed upon by the voting referee. But no procedure whatever is provided for the case where the application is passed upon by the judge. This amendment simply attempts to do what Judge Walsh says is already implied, namely, that where the application is passed upon by the judge, the Rules of Civil Procedure shall apply to the extent that they are not inconsistent with the provisions of the bill.

Mr. LAUSCHE. On page 17 of the bill the following statement appears:

> In a proceeding before a voting referee, the hearing shall be held in a public office. The referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing and such State or county registrar, or his counsel, shall have the right to appear and to make a transcript of the proceedings.

Mr. ERVIN. The Senate did not think that the State election official or his counsel ought to find out what the lawsuit is about or even to know that a lawsuit has been started. Consequently, the Senate struck out that provision. It was stricken out by the Carroll amendment.

Mr. LAUSCHE. That is, that the referee shall give the county or State registrar 2 days' notice?

Mr. ERVIN. Yes. Apparently the Senate believes the State official and his counsel should be kept in ignorance of the fact that any proceeding is taking place. The Senate struck that out. In so doing, the Senate, in effect, said that the State official is not entitled to be present, even though he is a party to be affected by the lawsuit. For some strange reason, some of the proponents of the bill—not all of them, but some of them—think that the 15th amendment cannot be enforced without throwing away the due process clause of the fifth amendment.

Mr. LAUSCHE. Where in the bill is the language that prescribes the procedure to be followed in governing the applications filed with the referee?

Mr. ERVIN. It was put back in the language which provides that the proceedings before the voting referee shall be ex parte. As the Senator from Ohio knows, "ex parte" means that a case will be heard with only one of the parties to the case being present. The other party has no right to be there, has no right to notice, has no right to cross-examine witnesses, has no right to be represented by counsel, has no right, even, to know that the proceeding is taking place. That is the procedure which was devised for the voting referee; and it is provided, furthermore, that after the voting referee has heard one side of the case only, he is to make his decision based upon what he has heard on that one side of the case only. He does not hear the other side.

Under this procedure, the situation of the defendant is comparable to the unenviable position of the defendant in a certain case before a justice of the peace. When the plaintiff had rested his case, the justice of the peace looked at the defendant and said: "I would appreciate it very much if you would not offer any evidence. When I hear both sides of a case, it tends to confuse me."

That is the situation created by the bill in this instance. It has been decided by the Senate that the voting referee will not be allowed to become confused. To make this certain, the bill provides he is to hear only one side of the case. So the provision that the other side should have notice and an opportunity to be present has been stricken out by the Carroll amendment. The bill now says that the State election officer is not to be permitted to hear or take part in the case before the referee. Only one side of the case will be heard, to keep the referee from becoming confused.

Then the judge will have to pass on the report of the referee, which was decided on the testimony of one side of the case only, the other side having been absolutely barred from the courthouse.

This is the first time I have ever heard anyone who professes any veneration for due process of law advocating a bill which provides, in substance, that the courthouse door shall be nailed shut so

as to bar those on one side of the case from getting into the courthouse, much less to be heard.

Mr. LAUSCHE. Is it not true that under the bill, as at present drawn, at the ex parte hearing the adverse party, if I may so designate him, has a right to make a transcript of what has been said?

Mr. ERVIN. No; that provision has been eliminated, too. What has been substituted for it is that the proceeding shall be ex parte, and the court shall fix a time and place for the proceeding. The procedure which has been devised in respect to the voting referee is one which has never heretofore been advocated by anyone who professes to believe in a fair system of justice. It is certainly incompatible with the rule that any party who may be affected by a judgment shall have notice and an opportunity to be heard, according to due process of law.

Mr. LAUSCHE. Accepting it as a fact that the hearing before the referee shall be on an ex parte basis, except that notice shall be given 2 days beforehand——

Mr. ERVIN. No; that has been stricken, too. No notice whatsoever is to be given. That language was stricken by the Carroll amendment. Unless the State election official to be affected by the judgment hangs around the Federal judge all the time—and that could be difficult, because most Federal judges hold court in five or six different places—he would have no way to find out when and where the referee is to conduct his ex parte hearing.

Mr. LAUSCHE. On page 18, line 8 of the bill, the language reads:

> Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report.

Does not that give the election officials and State officials an opportunity to be heard in court?

Mr. ERVIN. Only when the proceeding is brought before the voting referee. But, mind you, the proceeding has already been tried by a voting referee before the State official is given that notice. It has been tried on the evidence of one side of the case only.

Mr. LAUSCHE. Yes; but is not this a notification that after the court has caused the Attorney General to transmit a copy of the report to the adverse parties, they shall have an opportunity then to submit their proof?

Mr. ERVIN. They could come in after the case had been tried in the first instance, in their absence, without notice to them of what the case was about, and without their having the privilege of cross-examining adverse witnesses or offering evidence. They could do it under these circumstances under the voting referee provision. The amendment relates only to the proceeding authorized on page 16, where the application is made to the judge, and is heard by the judge. There is no provision in that instance that the judge shall give notice or afford an opportunity to be heard. In fact, the junior Senator from New York [Mr. KEATING] thought it would be bad to have notice given in that situation, because, he said, there might be some controversy, instead of a peaceful proceeding. I have paraphrased his remarks.

Mr. KEATING. I simply make the comment that it is an overparaphrasation.

Mr. ERVIN. In other words, this amendment applies only to applications passed on by the judge, and merely carries out what Judge Walsh said he thought was already implied. I do not agree with Judge Walsh. Mr. Charles J. Bloch, who was testifying to the contrary before the Judiciary Committee, and who is one of the Nation's greatest constitutional lawyers, also did not agree with Judge Walsh. All this amendment does is to make certain that Judge Walsh's idea of what is implied is incorporated in the bill.

Mr. LAUSCHE. Let me ask the Senator from North Carolina why he has reached the conclusion that the rules governing civil procedure do not apply unless it is specifically stated in the bill that they shall apply?

Mr. ERVIN. I shall state the reason: In the first one of the Rules of Civil Procedure for the U.S. District Courts, we find the following:

> These rules govern the procedure in the U.S. district courts in all suits of a civil nature whether cognizable as cases at law or in equity, with the exceptions stated in rule 81.

But rule 81 is not material to this matter. As Mr. Bloch pointed out so well in his testimony before the Judiciary Committee, the only power the Federal courts have is that derived by them from article III of the Constitution, which provides that the Federal judicial power shall extend only to cases and controversies. That provision has been construed many times as applying only to cases and controversies where the law provides a remedy enforceable in the courts according to the regular course of legal procedure.

But the procedure established by the bill is not according to the regular course of legal procedure. The Supreme Court of the United States has held in a multitude of cases—and I placed in the RECORD an extract from one of them—that wherever there is established a procedure which is not to be conducted according to the ordinary course of legal procedure, it is necessary to see to it that the act which establishes that procedure should guarantee to the parties to be affected by it notice and opportunity to be heard according to due process of law. The act creating the new procedure must do this in order to be valid. Even though a party may be given notice and opportunity to be heard as a matter of grace, that is not sufficient; the law creating the procedure has to secure that right to him.

All I am trying to do is make clear that what Judge Walsh says is already so is actually so, so there can be no dispute about it.

Mr. LAUSCHE. I thank the Senator from North Carolina.

Mr. COOPER. Mr. President, will the Senator from North Carolina yield to me?

The PRESIDING OFFICER (Mr. LUSK in the chair). Does the Senator from North Carolina yield to the Senator from Kentucky?

Mr. ERVIN. Yes, I yield to the able and distinguished Senator from Kentucky.

Mr. COOPER. First, I should like to say, as I have previously stated, that I think those who write such civil rights legislation, and who say that due process of law has been denied in the Southern States, should be very certain that the bill itself provides for due process of law.

Mr. ERVIN. Let me say that the Senator from Kentucky has at all times fought to see to it that all basic constitutional provisions are observed.

Mr. COOPER. I should like to suggest that this section does provide for notice and for hearing and for a determination by the court, and it seems to me it does provide due process of law.

I now read from the bill itself: It provides that after a referee has made a finding, the report of the referee shall be made to the court. Then the bill provides that the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding, together with an order to show cause within 10 days or such shorter time as the court may fix why an order of the court should not be entered in accordance with such report.

It seems to me that is a provision that notice shall be given not only to each party, but also to the State attorney general.

Mr. ERVIN. But I say to the Senator from Kentucky that the amendment is not directed to that part of the bill. The amendment is not directed to the hearing before the voting referee, because a procedure is spelled out for a case in which the application is heard by a voting referee. This amendment is directed only to a situation in which the judge himself, as set forth at the top of page 16, passes on the application. There is absolutely no provision anywhere in the bill for any notice to be given to the State election official or to the attorney general of the State in cases in which the judge—as distinguished from the voting referee—passes on an application.

Mr. COOPER. Let me pursue for just a moment the other section—namely, that after notice has been given, there is to be a hearing and there is to be a determination by the court.

Here I differ with my distinguished friend, the Senator from New York. I think these provisions would be applicable to a single applicant, as well as to a group of applicants, and that each applicant or the State or the local election officials, if they thought their rights had been denied in any way, would have the right of appeal under the 1957 act. I think the Senator from North Carolina will agree as to that.

Mr. ERVIN. Yes; but they would not have a right to notice or a hearing. This is an unusual procedure. If the Senator from Kentucky will notice, the bill provides two different ways in

which an application can be passed on. In one, the judge will pass on it, as set forth on page 16; in the other, the referee will pass on it, as set forth on page 17, I believe.

In a case where an application is passed on by a voting referee, a procedure is established by the bill, as the Senator from Kentucky has so well stated. But the bill does not set forth any procedure to guide or govern a judge who passes on applications after the adjudication of a pattern or practice of discrimination has been made.

Mr. COOPER. I turn now to page 15, line 20:

> In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice.

Would not that provision give notice and an opportunity to be heard to all the parties?

Mr. ERVIN. It would give notice and an opportunity to be heard only to those who were parties to the original suit in which the pattern or practice of discrimination was found. Those who make applications to the judge come in afterward. They would not be parties to the original suit. They would not be persons for whose benefit the original suit was brought. If persons are parties to the original suit or those for whose benefit the original suit is brought, then the court in the original suit adjudges their right to vote, and orders their registration under the 1957 act.

But the persons who make applications to the judge are new people who come in for the first time subsequent to the finding of the pattern or practice of discrimination. This is the interpretation which was placed on the measure by the Attorney General and by Judge Walsh and I think that all members of the Senate Judiciary Committee who heard their testimony would agree as to that, namely, that the persons making application to the judge come in subsequently to the adjudication concerning the practice or pattern of discrimination.

Mr. COOPER. I agree. But first there will be a hearing at which the court can make a determination that there have been deprivations of the right, pursuant to a pattern or practice of discrimination. On page 15 it is provided that at such hearing each party will be given notice and an opportunity to be heard. Does the Senator think that satisfies the requirement of due process?

Mr. ERVIN. No, I do not think so. The right of the Federal Government to do anything whatsoever in this field is dependent upon the State's having denied an individual the right to vote—a right possessed by him as a citizen—solely on account of his race or color. I think that is an individual question in every case. Even apart from the matter of notice and a hearing, I doubt the constitutionality of the bill. It undertakes to establish a conclusive presumption which cannot be contradicted for at least a year, respecting the only condition authorizing the Federal Government to take any action whatsoever under the 15th amendment. As a consequence of this conclusive presumption, the State cannot even raise the question of whether there has really been any discrimination on the basis of race or color after the finding of a pattern or practice. Since the court is denied the right to pass on the question of discrimination as to the new applicants and can only pass on the question whether they possess qualifications prescribed by State law, and whether their applications have been rejected, I think the officials are entitled to notice and a hearing on each claim, because each claim is advanced by a new individual.

Mr. COOPER. As I understand the Senator's objection, it goes to that part of subsection (a) of title VI of the proceedings which would follow findings by the court that there was a deprivation of the right in certain areas pursuant to a pattern or practice, because, following that language, it is provided that:

> Any person of such race or color resident within the affected area shall * * * be entitled, upon his application therefor, to an order declaring him qualified to vote.

Is it in that section that the Senator from North Carolina asserts there is no due process provided?

Mr. ERVIN. That is correct. That is the section to which my amendment is directed. I agree with the Senator from Kentucky that up to the time of the finding of a pattern or pratice by the court, there is notice to everybody concerned. But when these new people apply, they bring new matter and new claims into court, and the provision ought to be spelled out that the court will follow the Rules of Civil Procedure insofar as they are not inconsistent with the provisions of this bill,

Mr. COOPER. It would be a civil procedure, of course.

Mr. ERVIN. It should be a judicial proceeding. I am trying to make it certain that Congress is establishing a judicial procedure, instead of attempting to confer on the Federal courts what is essentially an executive function, namely, the registration of voters.

Mr. COOPER. As I understand the Senator from North Carolina, there is one part of the provision which he asserts would not be due process. After there has been a finding of a pattern or practice of discrimination, the Senator believes there should be notice given in the case of applications made by individuals of a certain group.

Mr. ERVIN. That is correct. That is the point. The amendment is directed solely to that point.

Mr. KEATING. Mr. President, will the Senator yield to me on that point?

Mr. ERVIN. Yes.

Mr. KEATING. The Senator's view is correct, in that regard, where a referee is appointed. The Senator contends it is not due process in that case not to make it an adversary proceeding, I take it.

Mr. ERVIN. I think it is not due process where the matter is heard by the judge, because there is no requirement of notice and hearing which are essential under the due process clause. I do not believe Congress can pass a valid law that would deny to one party to litigation the right to offer evidence. This bill contains a provision that evidence shall be taken by the voting referee with respect to a person's literacy and knowledge of other subjects where required by State law; that the decision of both the referee and the court shall be based solely on the applicant's evidence in this respect; and that no evidence by the other party shall be considered. I do not believe that Congress can pass a law and provide that when the Senator sues me his evidence is going to be the only evidence considered on a crucial issue in the case, and that I shall be denied the right to introduce evidence to the contrary. I think that the full hearing to which due process of law entitles every litigant requires that he shall be given the opportunity to present any competent evidence tending to sustain his claim or defense. While a bill which denies a party notice and a hearing may establish a process, it is not due process.

Mr. KEATING. Again, there is much in the generalizations which my friend has made with which I would find myself in complete agreement, but I am trying to pinpoint the objective of the amendment and how it fits in with what we have already done in dealing with the proposal before the Senate. We have defeated the effort to make the hearing before the referee an adversary proceeding. The effect of the amendment of the Senator, as I envision it, would be to make the proceeding before the judge, after he has found a pattern or practice of discrimination, a procedure in which, when each individual tries to register to vote, there will be a full adversary procedure, a lawsuit, with due notice to everybody involved, and a full trial in each and every one of these cases—which is not envisioned by the bill, as I understand it. I am saying this only for the purpose of trying to pinpoint the difference between the Senator's position and my own position.

Mr. ERVIN. I agree with the Senator from New York that that is not envisioned by the provision of the bill to which this amendment is directed. I think that provision of the bill is designed to deny due process of law to a person affected by the bill, namely, the State election official.

I happen to be a person who comes from a State that has a constitution which provides that the courts shall be open. Under such a constitution, no judicial proceeding can be conducted in secret or hidden from the public or the people who are to be affected by the proceeding.

I happen to be one who believes that all cases ought to be tried in open court, and that notice and an opportunity to be heard are basic to any system of justice worthy of the name. That is what my amendment is trying to protect.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. FULBRIGHT. I should like to associate myself with the last statement just made by the Senator. I compliment him on his amendment.

There is one other provision in this general subsection about which I should like to ask the Senator. Would his amendment have any effect upon the subsection which appears on page 20, line 18? That language is "the words 'qualified under State law' shall mean," and so forth. That seems to be an unusual provision.

Mr. ERVIN. My amendment would have nothing to do with that particular language. I agree with the Senator from Arkansas in what he has said about it. If the writer of the book of Ecclesiastes had not written, "There is no new thing under the sun," he could not have written it after this provision was proposed. This is the first time I have ever heard it suggested that, instead of the law enacted by a State legislature being applied to determine whether a person is a qualified voter, we shall be governed on that point by the violations of that law by the State official who has been guilty of discrimination, provided those violations are less stringent than the State law enacted by the legislature. It is the first time it has been proposed anywhere, in any legislative body, anywhere on the face of the earth, that a criminal who violates the law of the State automatically amends the law of that State to conform to his criminal act.

Mr. FULBRIGHT. I was wondering how the Senator reconciles that provision with the due process of law which he so eloquently describes in the other section.

Mr. ERVIN. I cannot reconcile it with anything on the face of the earth.

The provision says, in substance, that the laws of the State, enacted by the State legislature, shall be deemed to be amended by the misconduct of one who violates those laws, to conform to his violations unless his violations are more stringent than the State laws.

Mr. FULBRIGHT. According to that language, the law of the State in this respect, with regard to qualifications, may vary day by day, each time there is a different degree of violation of the State law; is that correct?

Mr. ERVIN. That is true. Let us consider a State which has a thousand election districts; if a State election official violates the election law of the State in his district, this provision would make such offending official a legislature. There could thus be 1,000 legislatures in session, amending the election law of the State by this violation of these laws. The law would be one thing one day and another thing another day in the same election district. The law would be one thing in one precinct and another thing in another precinct. That is what the language of the provision amounts to.

Mr. FULBRIGHT. I cannot see how that could possibly be applied under any due process of law concept.

Mr. ERVIN. It cannot be. The only authority the Federal Government has to enter into the field of voting in State elections is the 15th amendment. That would be on the basis of State action violating the amendment. What is State action under the 15th amendment has been decided time and time again by the Supreme Court of the United States, and this provision cannot possibly be harmonized with the decisions. It cannot be harmonized with anything in the constitutional or legal fields. This provision provides, in essence, that criminal acts shall amend the law of the State which prohibits those criminal acts. That is what the language provides.

Mr. FULBRIGHT. That is a new concept, and a very original one.

Mr. ERVIN. Yes.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. ERVIN. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. I should like to ask the Senator from North Carolina if it is not true that Judge Walsh stated the bill carried along with it the rights the Senator is now offering in the amendment.

Mr. ERVIN. Absolutely. That is stated on page 141.

Mr. JOHNSTON of South Carolina. What harm would there be to incorporating that into the bill in black and white, if that be true?

Mr. ERVIN. For the life of me, I cannot see what harm would be done. I think a bad bill would be made less obnoxious by the incorporation of the amendment into the bill.

Mr. JOHNSTON of South Carolina. Of course, the bill would take away a lot of rights which people have at the present time. Is that not correct?

Mr. ERVIN. A great number. The bill creates an entirely new procedure unlike any now in existence.

Mr. JOHNSTON of South Carolina. This procedure is something new, which I have never heard of before. It says, does it not, that if one is a sinner today, one must be a sinner for a year, and until the court stops one from being a sinner?

Mr. ERVIN. That is correct.

Mr. JOHNSTON of South Carolina. This is the way the language reads: "If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased"—one would have to come back into court again and prove to the court the sinning had stopped, and it would run for a year, anyway.

Mr. ERVIN. It could not be proved within a year.

Mr. JOHNSTON of South Carolina. Nothing could be done about it for a year.

Mr. ERVIN. That is true. If the State election officials fired the offending registrar the next day and put in his place a man who would not discriminate against anybody under any circumstances, still for a year the Federal Government would assume the power to pass on the qualifications of voters in State elections, notwithstanding the fact that discrimination had ceased and notwithstanding the fact that the Federal Government has no power under the 15th amendment to do anything unless there is discrimination. The bill would deny to the State the right to show the truth for at least a year.

As the Senator from South Carolina knows, we are accustomed to seeing justice depicted as a blindfolded lady. This provision of the bill says that justice shall not only be blind, but that justice shall be deaf to the truth for at least a year. If it can be done for 1 year, it can be done for 10 years, and if it can be done for 10 years, it can be done for 50 years. Under this pretext the Federal Government would do something which the 15th amendment says the Federal Government has no power to do; namely, take over the registration of the voters in State elections.

Mr. JOHNSTON of South Carolina. And if the people did not abide by that rule in a State and did not abide by the court order, the Federal court would find them guilty of contempt; is that not correct?

Mr. ERVIN. That is correct.

Mr. JOHNSTON of South Carolina. We have laws in the States which say to the individual, "You cannot do a certain act, and if you do it is a malfeasance." That is a provision of State law.

Mr. ERVIN. The Senator is correct.

Mr. JOHNSTON of South Carolina. If somebody who was guilty of some crime which made him ineligible to become a voter had been registered, the State court would have authority to take action, is that not true?

Mr. ERVIN. Exactly.

Mr. JOHNSTON of South Carolina. Either way a person could be convicted in court.

Mr. ERVIN. Even though a State might try a State election official for violation of the State law and send that official to the penitentiary for his misdeeds, the section of the bill mentioned by the junior Senator from Arkansas provides that the laws of the State would be amended to conform to the criminal acts for which that person was sent to the penitentiary.

Mr. JOHNSTON of South Carolina. When the Federal courts and the State courts both have authority, the man would be convicted one way or another. It would make no difference which way he went.

Mr. ERVIN. The bill is a good illustration of what I have often asserted about the bills which are called civil rights bills. I have never seen one of them, of modern vintage, which was not based upon the theory that the civil rights program cannot be consummated without robbing other Americans of constitutional and legal rights as precious as any civil rights on earth.

Mr. JOHNSTON of South Carolina. In other words, we are here asked to take away the constitutional rights of people under the provisions of the bill, are we not?

Mr. ERVIN. Yes. I would say to the Senator from South Carolina, there is something radically wrong with a bill which says, in effect, "We cannot enforce the 15th amendment without violating the due process clause of the 5th amendment, the provisions of the 3d

article of the Constitution, and the distribution of governmental powers made by the 1st, 2d, and 3d articles of the Constitution."

That is precisely what the bill would do.

I thank the Senator.

Mr. President, I yield the floor.

Mr. FULBRIGHT obtained the floor.

Mr. JAVITS. Mr. President, will the Senator yield at that point so that we may get an idea as to what are the Senator's intentions?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. Is the Senator going to speak on the pending amendment?

Mr. FULBRIGHT. I am going to speak generally on the subject of registrars and referees, but not with specific reference to the pending amendment.

Mr. JAVITS. Would the Senator tell us about how long he will speak?

Mr. FULBRIGHT. I would say about an hour.

Mr. JAVITS. I thank the Senator.

Mr. FULBRIGHT. That will be time enough for the Senator to go to lunch.

Mr. President, I yield to the Senator from South Carolina so that he may make an insertion in the RECORD.

THE RIGHT TO DEMONSTRATE

Mr. JOHNSTON of South Carolina. Mr. President, I wish to bring to the attention of the Senate, the editorial appearing in the April 11, 1960, issue of U. S. News & World Report entitled "The Right To Demonstrate" written by Mr. David Lawrence.

This editorial most outstandingly points out the difference between "mobocracy" and "democracy." In short, as Mr. Lawrence points out in his editorial, "mobocracy" is the condition which is now prevailing in South Africa and which some people have attempted to make prevail in America through illegal sitdown strikes and other violent demonstrations; whereas in a "democracy" we have what is known as the right of peaceful demonstration.

When a mob of people violates the sanctity of private property and attempts to force itself upon unwilling people, then is when "mobocracy" replaces "democracy," and violence supplants peaceful demonstration.

In his editorial Mr. Lawrence says:

The difference between a "mobocracy" and a "democracy"' is that in one there is no rule of law, while in the other there is respect for law and order—a willingness to submit to the wishes of the majority of the people as expressed in a system of representative government.

Mr. Lawrence continues in his editorial to point out the standards of law and order recognized over the world, and goes into the matter of "right to demonstrate." Rightfully, Mr. Lawrence questions the right of a mob of 20,000 to march on a police station in South Africa which contained only 25 policemen, and throw stones and taunt and threaten the local recognized authority. This, as Mr. Lawrence pointed out, is not a "peaceful assembly" but the actions of a "mobocracy."

Then Mr. Lawrence states:

In our own country, the right to demonstrate is likewise being abused. Negroes and whites have a right to gather in peaceful meeting to deplore the separation of the races at lunch counters, but they have no right to create disturbances inside stores which are private property.

Does the National Association for the Advancement of Colored People have the right to urge the public, by telephone call or handbills, to refrain from patronizing certain stores? Secondary boycotts by persons who are not parties to a labor dispute are prohibited by Federal laws that have been upheld by the Supreme Court.

It may be questioned whether marching on police stations or State capitals in big numbers is a wise exercise of the right to demonstrate. Cannot the same points be made and the same publicity obtained by smaller, well-behaved groups? When a large group is formed to march on a particular objective, the danger is that such a group can readily be converted into a mob by encouraging bystanders to join in demonstrations, which too often become lawless.

The Supreme Court of the United States has frequently upheld the right of free speech under our Constitution, but it has also ruled that it is not free speech to cry "fire" in a crowded theater. It is the impact of free speech and the circumstances surrounding otherwise peaceful gatherings which must be carefully considered. Certainly there is no right to form groups that defy the police in their efforts to maintain order, nor any right to invade private property or to conspire to destroy anyone's business if he is obeying the laws of the land.

There is only the right to demonstrate peacefully and with proper respect for the lawful rights of others in the community.

Mr. President, I bring this to the attention of the Senate for several reasons. First, because I think this editorial is a long overdue lesson in realistic and idealistic democracy. There must be a recognition of the difference between mob rule and the right of peaceful demonstration.

I hope the citizens of our country who have previously engaged in "mobocracy" will pay heed to the words of David Lawrence, and I hope those in high positions in and out of our Government who, in the past, have lent their support to "mobocracy" may retrench in their thinking for the welfare of our country.

Mr. President, I ask that the editorial "The Right To Demonstrate," by Mr. David Lawrence, be printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the U.S. News & World Report, Apr. 11, 1960]

THE RIGHT TO DEMONSTRATE

(By David Lawrence)

The difference between a "mobocracy" and a "democracy" is that in one there is no rule of law, while in the other there is respect for law and order—a willingness to submit to the wishes of the majority of the people as expressed in a system of representative government.

To determine what form of government shall prevail is the sovereign right of a community. Where self-government is denied, the right of revolt is recognized as the inalienable privilege of the people.

These are principles that we in America have espoused ever since the days when we rebelled against the tyranny of a king and established our own republic.

The whole world has accepted the doctrine of self-government and self-determination as a basic principle of human conduct, and, when we see it violated as it was in Hungary in 1956 and in Tibet in 1959, free men everywhere express their disapproval and horror. By doing so, we hope to encourage the downtrodden and the oppressed, though we may not feel an obligation to render them assistance by military force.

For a long time, international law has recognized the right of an outside government to demand respect for the lives and property of its citizens and, if necessary, to take forceful measures by military intervention to protect its own citizens.

To what extent, however, may nations express themselves on what appear to be purely internal matters? The United Nations has been debating lately, through the Security Council, the tragic situation in South Africa. The Government of the Union of South Africa objects to such a discussion on the ground that the recent riots are purely an internal matter relating to the preservation of law and order against mobs.

Our own Government has taken the position that, where a controversy exists as to whether an external or internal situation is involved, there should be full debate on that very point. Great Britain, France, and Italy, while expressing regret over the developments in South Africa, appear to regard them as internal.

What is happening, of course, is that 29 Asian and African nations in the United Nations are expressing their "right to demonstrate." This is a proper expression of opinion and a rightful use of moral force. For, unless we are willing to debate in the court of public opinion any issue—including our own behavior—we cannot expect to make progress toward law and order and the establishment of human rights.

But what of the "right to demonstrate" when public officials are challenged? Did the mob of 20,000 which "marched" on the police station in South Africa—containing only 25 policemen—have the right to throw stones and taunt and threaten so that the police grew frightened and opened fire? This was an example not of a "peaceful assembly" but of a "mobocracy."

The net result has been the taking of severe measures of repression and the declaration of a national emergency by the South African Government so as to prevent further tragedies. The acts of lawlessness which have taken the form of burning the identity papers required of all citizens, irrespective of race, are indefensible. They are not in accord with the doctrines of "peaceful demonstration," but are a defiance of law.

In our own country, the "right to demonstrate" is likewise being abused. Negroes and whites have a right to gather in peaceful meetings to deplore the separation of the races at lunch counters, but they have no right to create disturbances inside stores which are private property.

Does the National Association for the Advancement of Colored People have the right to urge the public, by telephone call or handbills, to refrain from patronizing certain stores? "Secondary boycotts" by persons who are not parties to a labor dispute are prohibited by Federal laws that have been upheld by the Supreme Court.

It may be questioned whether marching on police stations or State capitals in big numbers is a wise exercise of the "right to demonstrate." Cannot the same points be made and the same publicity obtained by smaller, well-behaved groups? When a large group is formed to "march" on a particular objective, the danger is that such a group can readily be converted into a mob by encouraging bystanders to join in demonstrations, which too often become lawless.

The Supreme Court of the United States has frequently upheld the right of free speech under our Constitution, but it has also ruled that it is not free speech to cry "Fire!" in a crowded theater. It is the impact of

free speech and the circumstances surrounding otherwise peaceful gatherings which must be carefully considered. Certainly there is no right to form groups that defy the police in their efforts to maintain order, nor any right to invade private property or to conspire to destroy anyone's business if he is obeying the laws of the land.

There is only the right to "demonstrate" peacefully and with proper respect for the lawful rights of others in the community.

Mr. FULBRIGHT. Mr. President, before I make some comments of my own, I wish to pay tribute to the Senator from North Carolina [Mr. ERVIN] because of his discussion today on one of the most important aspects of the bill. I wish to associate myself with his remarks regarding the inherent difficulty which all these bills have encountered when it comes to trying to solve a problem which actually is not solvable by legislative means. That argument has been made on many occasions.

I wish for a few minutes to discuss generally the subject of registrars, which bears directly and indirectly upon the subject of referees. I wish to examine some of the history which should lead us to a sounder judgment on the validity of the approach which is attempted in these provisions.

Historians who have surveyed and examined critically the period from 1865 to 1872 are virtually unanimous in labeling it as one of the darkest and most unhappy eras since the founding of this Nation. These students of U.S. history reflect a concurrence of opinion which is very unusual in academic controversy, when they lay bare the viciousness of the radical Congresses and the baneful effects of the legislation of the Reconstruction period on the future of the South and its relations with other sections of the United States. These unrestrained Congresses which conceived and executed Reconstruction exemplify striking instances of legislative bodies whose programs reflect not the moderate and balanced judgment characteristic of Anglo-American political policy and philosophy but the vindictiveness of those whose need for vengeance dominated the soundness of their logic.

Recalling this historical period from whence sprung most of the sectional differences which plague this Nation today, I regret that a great number of my colleagues, and perhaps even a majority, support legislative proposals which are similar in many respects to those enacted nearly 100 years ago. As an example, I recall that on March 23, 1867, the Congress passed an act specifying that the respective commanders of the five military districts into which the Southern States had been divided, were to "cause a registration to be made of the male citizens of the United States, 21 years of age and upward, resident in each county or parish in the State or States included in his district." Later in September of the same year, Congress elaborated this unique legislation by providing that the commanding generals of each district were to appoint "as many boards of registration as may be necessary—consisting of three loyal officers or other persons—to make and complete the registration; superintend the election and make return to him of the votes, lists of voters, and of the persons elected as delegates by a plurality and make proclamation thereof." Thus, for the first time in our history, voters were to be selected and elections were to be conducted by officials not native to the locality. Procedures completely alien to those traditionally employed at elections in the South were instituted under this legislation.

As might have been predicted, the registrars selected pursuant to this authority were partisan and corrupt in drawing up the voting lists. They gained a reputation throughout the North as well as the South for the imperious and arbitrary manner in which they included and excluded citizens from the rolls of eligible voters. The National Intelligencer, one of the most respected periodicals in this country from the earliest days of the 19th century, printed an article on these bureaucratic party hacks entitled "The Arbitrariness of Petty Officials," in which the registrars were characterized as "the little despots."

In order to secure the dominance of the Republican radicals in the State assemblies and in the State congressional delegations, these registrars disenfranchised around 150,000 southerners who had traditionally been the bulwark of enlightened and moderate government in the Southern States. As a result, the radicals, most of whom were alien to the South and had never lived there until the end of the war, along with the just-freed and almost totally uneducated Negroes, were elevated to positions of power in the States.

Incredible accounts of corruption emerged from the constitutional conventions selected under these federally controlled elections and from the legislatures which grew out of this abortive attempt to restore order to the devastated South. As one example, I recall that less than half of the members of the first State Legislature of South Carolina after the war were literate: One northern newspaperman cited this legislature as an example of "barbarism overwhelming civilization by physical force." Specific documentation of the corruption of this period would only burden the record unnecessarily; it is sufficient to remark that there was a total eclipse of decent democratic government in the South.

The results of this period of Federal intervention in the South were, of course, catastrophic. Not only was there complete prostitution of government in the areas affected but there was also a lower political tone in the Federal Government, as evidenced by the abuses present during the Grant administration. It resulted in a one-party system in the South, a system highly criticized by many political theorists. Above all, it left a legacy of ill feeling and prejudice between the several sections of the country, a difficulty which continues to plague the effectiveness of American democracy ever today.

And yet, Mr. President, in spite of the clear historical testimony against Federal intervention in and control of elections, we find ourselves embroiled in controversy over whether or not this country should again resort to the use of federally controlled referees. The parallel between this legislation and that of the last years of the 1860's is as clear as it is disturbing. At a time when we have begun to congratulate ourselves on the demise of sectional prejudices and hatreds which afflict our national life, there are those who would resurrect that very system which gave birth to and nourished the development of these divisive attitudes. This Congress could make no greater mistake than the reopening of the wounds inflicted upon our country by a tragic Civil War. The South accepted the decision imposed upon her by superior force. The young men of the South have fought bravely in two World Wars. The South has made and is making a not inconsiderable contribution to the economic growth of this Nation. I submit that it is high time our northern brothers cease to treat the South as a conquered territory and conquered people.

Mr. President, the issues being raised in this body today are the same as those raised during the congressional debates on repeal of the Reconstruction period election laws. It would be well for every Senator to refer to these debates and study them carefully. The CONGRESSIONAL RECORD for this Congress unfolds a sad story of this Nation's only experience with national election laws. It would seem that the unfortunate results of that period would have taught us an unforgettable lesson. Obviously, this is not so, since here we are again faced with similar proposals for Federal control of the election processes. The future is indeed dark if we cannot learn from our past mistakes.

I expect to bring out some of the points which were made during the controversy on the repeal bill. Then, as now, the question raised bitter arguments and uncovered latent animosities which had been dormant for many years. I think the proponents of the measures now under discussion in the Senate would be enlightened if they would take the time to read the House committee report on the repeal bill. I realize that those who are advocating this legislation do not wish to be enlightened in this direction and I do not expect that many will follow my advice. For this reason, I find it advisable to point out to them some of the information contained in the committee report as well as in the Senate debates on the bill. I would like to read the majority report in its entirety but I shall not burden the RECORD to that extent. I do, however, wish to quote several of the most pertinent paragraphs from the report. The majority states on page 6:

But again, the States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities. With this State of things we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States. This of itself must

create friction, and the history of the country since the enactment of these laws, has demonstrated their unwisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized. The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of supervision. How then can the United States, by its supervisors and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

Mr. President, the States still have election laws capable of protecting the right to vote for all citizens. The statement that Federal supervision of State election officials creates friction between the States and the Federal Government is a restrained and temperate comment on the results of such intervention. The minimum effect of such Federal controls would be relegation of State officials to an inferior and dishonorable status. We have sufficient difficulty today attracting qualified people to enter State politics without officially designating them as lackeys of an alien supervisor.

Qualified persons are not likely to offer their services in connection with the election processes when they are faced with harassment by Federal officials. Certainly, one of the end results of passage of the proposal before us would be the lowering of the caliber of State officials, especially those who are connected in any way with the election processes.

The committee majority went on to point out other reasons for repeal of the Reconstruction election laws. On pages 7 and 8 there appears a concise summary of the basic reasons for their desire to wipe those inequitable laws from the statute books, They said:

But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union. The inference is irresistible that they were enacted because of a lack of confidence in the honesty if not in the ability of the States to conduct their own elections. With such an intention plainly on their face, with what consideration could they be met by the people for whom they were intended except that of distrust and suspicion? Would the U.S. Government suffer less by the prevalence of fraud in elections than the State whose officers we sent to represent it in the Government of the United States?

Let every trace of the Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections, many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State in the Union.

Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability or indisposition to properly guard the elections, which, if ever true, has now happily passed away; and last, but not least, because their repeal will eliminate the judiciary from the political arena, and restore somewhat, we trust, the confidence of the people in the integrity and impartiality of the Federal tribunals.

These arguments are as valid today as they were 67 years ago. It is obvious that our Nation's only experience with Federal control over the election processes was a complete failure. The old saying that experience is the best teacher does not seem to have any validity for the proponents of the proposal now being discussed in the Senate. I would think that the unworkability and disruptive results of the old election laws would have taught our Nation a lesson which we would never forget. I can only assume that history does not teach some people much, if anything.

I am pleased that a distinguished senator from my State, Senator James Berry, took the lead in the move to repeal these vicious laws. As I pointed out the other day, I occupied the seat in the house of representatives once held by this distinguished statesman. After moving to take up the repeal bill in the senate, Senator Berry made an extremely able speech. I wish to quote a few brief excerpts from his speech, and I urge that those Senators on the floor, who are already convinced of the merits of the pending bill, ponder his remarks carefully. He said:

I propose to advocate the repeal of these laws and the passage of this bill, for the reason that I believe the laws now on the statute book to be vicious in principle and bad in policy, passed for an unjust purpose, and tending in their character to defeat the very object for which it is claimed they were enacted—that is, free and fair elections.

I take it for granted, Mr. President, that each senator upon this floor is anxious to secure honest elections everywhere, and that each ballot cast by the citizen should be honestly counted, and any assumption upon the part of the Republican Party, the Republican press, or Republican Senators that we desire the repeal of these laws in order that fraud may be perpetrated in elections is unwarranted by the facts, unjust to us, and an insult to all honest men. We are American citizens equally interested with you in the preservation of free institutions, and equally anxious to maintain the purity of elections. The only real question at issue is: Can this purity and this fairness be best secured by the general Government or by the several States?

The issues stated by Senator Berry as to whether the Federal Government or the State governments were best qualified to maintain the integrity of the election processes is exactly the issue which confronts the Senate today; granted that extraneous matter has been injected as Senator RUSSELL so ably pointed out. Similarly, the opponents of the legislation now before us are equally interested in the preservation of our free institutions, including voting rights, as are the proponents of the pending legislation.

Senator Berry went on to point out the basic reasons why the supervision of elections is more properly a subject for State control. He said:

In the nature of things it will always follow that the purity of elections can be better secured by officials appointed by the State government than those appointed by the general Government. The election officers of the State are invariably selected from the immediate locality where the elections are held. They are as a rule reputable citizens who have homes and families in the county. They know that any fraud upon their part will inevitably blacken their character and lose them the esteem of their neighbors. They know that all such frauds sooner or later produce ill feeling and tend to destroy the peace and good order of society and threaten the security of their property.

Where the entire responsibility rests upon them local pride will be a strong restraint upon any inclination they may have to falsify the returns. They know that it is absolutely impossible that practices of this character can be carried on to any great extent without detection, and however strong a partisan a man may be, it is only the basest of men who would be willing for their neighbors to know that they had deliberately stuffed a ballot box or falsified a return.

On the other hand, officers appointed by the Federal courts, supervisors, and deputy marshals, do not bear the same responsibility to the local authorities and to the immediate community where the election is held as would judges of elections and deputy sheriffs selected by the authority of the State government. The Federal courts are comparatively few in number, and the presiding judge cannot have an intimate acquaintance and knowledge of men in every portion of the State, and therefore do not have it in their power to make the best selections for these officials. And the same may be said of the marshals of the United States, whose authority extends over many counties, while that of the sheriff is confined to the county in which he resides.

These, it seems to me, are unanswerable reasons why the power to hold and supervise elections for all officials, including Members of Congress, should be conferred upon the States themselves and not the National Government. While these laws which it is now proposed to repeal remain upon the statute book there is something of a divided responsibility and a divided control, which in the very nature of things produce jealousies, suspicion, and antagonisms which are liable at any time to bring about conflicts between the authority of the General Government and that of the State, and which in many instances will tend to defeat the will of the people as expressed at the polls.

Supervisors and deputy marshals appointed by the Federal authority to overlook and direct State officials in the discharge of their duty carries with it a suspicion of the integrity of the State officials, and tends to diminish the causes that induce men to do right for the sake of right, and to destroy that confidence and respect which all good citizens should have toward the officers of both the State and Federal Governments. A man is far more likely to be honest when he will get full credit for his good deeds, than where he is placed under suspicion and supervised by the officers of the General Government.

The point he raised concerning the implication of distrust of State officials exemplified in the then election laws is

uniquely applicable to the present controversy. The philosophy expressed in the proposal now before us is that the officials of the Southern States cannot be trusted. I submit, Mr. President, that Southern officials are no more corrupt or dishonest than officials in any other section of the Nation. The South has no monopoly on disrespect for law and order. And the basic implication of this legislation that this is so does a grave disservice to the millions of law-abiding citizens from those States.

I recall, incidentally, that a great hullabaloo followed my own election, which took place in 1944. A committee composed of a Senator from Rhode Island and a Senator from Michigan went to Arkansas, looked into the election very closely, and found no evidence of corruption. I suppose they were very much disappointed in not finding any.

At this point, Mr. President, I should like to digress to cite examples of what officials in my State accomplished in incidents which have some bearing on the pending issues. Senators will recall the black and blatant headlines carried in the Nation's press when, on Labor Day 1959, the school board offices, the mayor's office, and the automobile of the fire chief of the city of Little Rock were bombed. The account of this violent episode was sent around the world via television, radio, newspapers, and magazines. Subsequent to the bombings the Little Rock Chamber of Commerce offered a $25,000 reward for the apprehension of the bombers. The local law enforcement officers went into action immediately, and within a period of 3 months the perpetrators of these shocking offenses were apprehended, arraigned, tried, found guilty, and sentenced by local juries. Unfortunately, the accounts of the outstanding work of the police, the prosecuting attorney, and the juries did not make as spectacular reading as did the bombings, and one had to search the back pages of the newspapers to follow the progress of this case.

Similarly, on February 9 of this year, when the home of Carlotta Walls, a Negro student attending Central High School, was bombed, the shrieking headlines again appeared in the Nation's press. Again, the Little Rock Chamber of Commerce offered a reward for the apprehension of the bombers, the law enforcement officials went into high gear, and within 10 days the perpetrators were apprehended and charged. In this instance, however, the offenders happened to be members of the same race as the person whose home was bombed, and this, too, apparently was not headline material, for again one had to search the back pages of the Nation's newspapers to learn of the subsequent developments.

Even in that instance, in most of the newspapers one could find nothing about the efficiency of the law-enforcement officials. I know it is not, perhaps, agreeable to our northern friends to be reminded of it, but daily we can find in the press instances of how their law-enforcement officials do not succeed in bringing to justice nearly as rapidly as did the officials of Arkansas the culprits in similar offenses.

Senator Berry, in his presentation of this subject, went on to point out that democratic governments are founded on the principle that people are basically honest and need no coercion to observe the rights and privileges of their fellow men. He said:

> The whole structure of our Government is founded upon the theory that the great body of the people are honest, and if the time should ever come when the people are corrupt then the Government will fall; and if the people of any State cannot be trusted to conduct their own elections then no kind of force used by the General Government will suffice to produce an honest result. The whole history of the Government shows that it is better to trust the people of the States, to permit them to control their own local affairs in their own way. Such was the intention of the framers of the Constitution, and every attempt to turn from their teachings has proven disastrous to our institutions.

As a final comment, the senator reiterated the very basic principle that the South deserves equality of treatment with other sections of the Nation. His pertinent remarks should be heeded by those who would widen the cleavage which already exists between the South and the North. I urge all Senators to ponder these words:

> The people of the South are back in the Union. This is our country as well as your country. We are entitled to the same rights and the same privileges to which all other citizens are entitled; no more, and no less. We have the right to express our views upon public questions without being eternally reminded that there was a time when we were in rebellion against the Government. We believe in this Government now; we are anxious to do all in our power toward its upbuilding, to contribute to its honor and glory; we are ready to stand by it, to protect and defend it at home and abroad under all circumstances and conditions, to speak for it, to work for it, and, if need be, Mr. President, to fight for it.

Mr. President, the South is still in the Union, and we are tired of being singled out for abuse and scorn which I am certain is no more warranted by citizens of the South than by those of other areas.

The South lost the war in 1865. Why are there so many in the North who wish to prolong it? I wonder if it could be for current political advantage.

The distrust of the South and the ability of its officials to assure full rights and privileges for all citizens, regardless of race, is allegedly the primary motivation for the proposal before us, aside from political motives. This was also the reason for the passage of the Federal election laws during the Reconstruction era. The fault with this line of reasoning was well stated by Senator Palmer of Illinois during the 1894 debates when he said:

> I have said already that the mistake when we passed these laws was the failure to trust those who were to be governed. The doctrine I mean to assert as being one necessarily opposed to this legislation is that the laws are based upon a distrust of the people, those for whom governments are ordained and for whom governments should be conducted. That is the radical fault of the laws, and at this moment I present that as a distinct line of objection.

What was the Nation's experience with the Reconstruction election laws as contrasted with the experience before enactment of those laws? Senator Turpie of Indiana pursued this point in the following manner:

> From 1779 up to 1870 we had no Federal election laws. We had no inspection, supervision, or examination. No U.S. marshal and no Federal inspector were ever seen, nor did the Federal Government in any way concern itself with the management and control of the elections in the several States. And I say, sir, and I think it will be borne out by every impartial gentleman who hears me, that, contrasted with the present time and with the time since the adoption of this legislation, that was an age of purity. It was an age of electoral purity. There was less corruption, less bribery, less fraud, less of every kind of electoral irregularity than there has been since the passage of these laws, I recollect—not being very old, either—when we had no law in Indiana against bribery at elections.
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> Sir, we needed none. I question if at that time there was any law in any State west of the Alleghenies against bribery at elections. This multiplication of legislation, this mass and cloud of enactments upon the subject of the purity of the ballot and upon the subject of the conduct of elections, is not an index or a sign of increased purity, increased honesty, increased honor. It is a mark of decadence, and it is a mark of decadence which these electoral laws have themselves made very largely—the great scar, the historical scar planted upon electoral administration in this country.
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> The fraud of 1876 and the lesser frauds which followed it were consummated under the administration of the Federal election laws. No such frauds occurred—they were not, sir, even conceived of—before the passage of these laws. It had not entered into the minds of men to conceive that kind of fraud, that sort of villainy, that description of felony which we now find set forth in the various enactments upon this subject. They have made and created in great part the very evils and crimes which they denounce. Pretended remedial legislation, wrong in itself, always aggravates the evils which it professes to cure.
>
> It is true that Senators on the other side talk as if these laws were the only protection of the ballot box. Mr. President, we have made great progress since the age of purity I have spoken of. There is no State now in the Union which does not denounce as a crime all the violations of law prescribed in the Federal enactments, except those personal ones which relate to the obstruction of process or the resistance to an officer necessary for their operation.

I want to repeat one significant statement he made. He said:

> This multiplication of legislation, this mass and cloud of enactments upon the subject of the purity of the ballot and upon the subject of the conduct of elections, is not an index or a sign of increased purity, increased honesty, increased honor.

This statement expresses a profound truth which is as valid today as it was then. We cannot legislate honesty. The enactment of every civil-rights bill before us would not change any person's proclivity toward dishonesty or corruption. The proposals being advanced would be, in effect, sumptuary laws on those which attempt to establish a standard of conduct or regulate personal morals.

Experience has shown that such laws are not a proper subject for legislative action. Our Nation's experience during the prohibition era should prove to the satisfaction of all that this is so.

Senator Palmer also referred to the failure of the election laws, in this manner:

Mr. President, it is remarkable that since this law was passed there has been more corruption and more in the spirit of resistance to this despotic legislation than there ever was before. I know that it is believed by many that the American people in some sense or other need continual nursing and continual watching, and there is an idea somewhere that some person, somebody, may be intrusted with the guardianship of popular liberty, while the essential truth of our American idea is that liberty must be maintained by the people themselves, and the only apology for a despotism or for despotic legislation is that the people can no longer be trusted.

As the debate on the repeal bill proceeded, Senator after Senator rose to condemn the philosophy and practical effects of those laws. Senator Vest, of Missouri summed up the dangers to our form of government from Federal election controls, in this manner:

When you admit that the people of the United States are not intelligent enough, are not patriotic enough to govern their own affairs and to protect their own interests, you abandon the theory upon which this Government is based and declare it an absolute failure. And when you inject into the suffrage of this country, as a part of the controlling and administrative forces of the Government, suffrage which is dangerous through ignorance, you weaken to that extent the doctrine upon which the Government must stand or fall.

Mr. President, whenever we admit that coercion either by National or State Government is necessary to make the people protect themselves we give up popular institutions in this country.

This whole legislation is based upon distrust of the people. It must be assumed that there is here in Washington and in these Halls some mystic, necromantic, and subtle influence that purifies the political atmosphere of the country when it emanates from this great source of wisdom and purity. It is absolutely believed that when we send men clothed with Federal authority amongst our constituents an aroma of patriotism is diffused in the immediate vicinity and throughout the State.

The presumption that the Federal Government is omnipotent in solving any problem which confronts us mentioned by Senator Vest apparently still prevails in this body. The proponents of the pending legislation have assumed that Federal intervention will automatically solve any supposed voting rights problems. As I have already pointed out these proponents failed to recognize that our existing body of law is sufficient to protect the civil rights of all citizens if they would only utilize these existing remedies.

Mr. President, Senators who heard the testimony given this morning before my committee heard quite a severe criticism by some Senators of the administration of the foreign-aid program. If all Senators had heard that criticism, they would not be so certain that Federal laws with respect to the electoral process would necessarily bring about any improvement in it. It is curious that in our Government it is assumed that, with respect to any activity, if we only inject the Federal Government into it, all in that field will be done properly, smoothly, and honestly. However, when we examine programs which already are under the Federal Government, we find a completely different attitude on the part of many Members of this body, many of whom now strongly advocate the enactment of this proposed legislation to inject Federal power and procedure into the election processes in the Southern States.

Another argument advanced during the repeal debates was that the election laws were bad because they introduced the judiciary into political affairs—which certainly is one of the evils of the proposal now before us. Senator Daniel of Virginia had this to say on that point:

Mr. President, there is another reason why this law should be repealed. It introduces the judiciary of this country into its political affairs. In my judgment the judiciary should be as separate from the political elements of the Government as possible. We should do everything to segregate the judge from the transient current of political agitation and ambition. This law interjects him into it nolens volens. It stimulates and inspires partisanship in the very spot where partisanship is the greatest evil.

Mr. President, what wisdom some of our forebears had, compared to the present. I should call the attention of the present Supreme Court to that very wise statement by Senator Daniel of Virginia, delivered in this body some years ago. The injection of partisanship into the deliberations and decisions of the Supreme Court is one of the greatest evils that has befallen our country.

The analogy between this point and the operation of the Attorney General's referee proposal is so striking as not to need further comment.

Senator Turpie also discussed the effects of court intervention into the election processes in this manner:

A respect for law is always closely connected with the courts that administer it, and with the officers of the courts, the judges who have charge of that administration. A very large proportion of that decadence in respect for the law, for the administration of justice, and for the judges of the courts, especially in the Federal judiciary, is due to enactment, in the first place, and the existence and administration since, of what are known as the Federal election laws, the repeal of which is the object of the bill now pending.

I do not know anything better calculated to degrade the courts, to lower the character of judges and to shake the confidence of the people in the administration of justice than to connect the judges and the courts closely with those animated contests, not always pure, not always honest, not always of the most scrupulous character, which political parties make as a part of the necessity of a free government in the various States and communities where they exist.

I urge all Senators to carefully consider the sound logic of Senator Turpie's statement. The practical effect of the referee plan would certainly tend to bring about the result described by this distinguished Senator. One of the most pertinent speeches made during that debate was by Senator Bate, of Tennessee. His comments indicated a unique understanding of problems of the South which could only be held by one who had lived in the region. His remarks on the sources for a real solution to the problem are valid today. I quote from his speech for the information of the Senate:

Leave the races to the creative influences of industry, mutual dependence, and social contact to correct the political evils. Education has done much and will do more to set matters right. It is social, moral, and political development that is demanded, not the interposition of Federal agents, that only act as dangerous irritants. They can but stimulate the most dangerous feelings between the races under their present relations. It is not so much the abstract power of Congress as the personal authoritative presence of officials.

It is admitted that under the 14th and 15th amendments, there is ample authority to protect the rights, privileges, and immunities of any citizen; and under the 13th article of amendments, the Negro race may be fully guarded by Federal laws, so far as race, color, or previous conditions of servitude are involved.

It is the persistent efforts upon the part of those who do not live in the same locality of the Negro, and know practically but little or nothing of his capacity, tastes, and habits, that keep up political agitation which brings no good to him and no peace to the society in which he lives. This question is an old sore; it is healing under the influence of natural and social causes. Do not "tear agape the healing wound afresh," but let the balm of time soothe and cure.

Mr. President, the distinguished former Governor Battle, of Virginia, who served as a member of the Civil Rights Commission, testified before the Senate Rules Committee on the question before us. His testimony points out the striking similarity between the pending measures and the old Federal election laws. No one can criticize Governor Battle's sincerity or integrity on the question of voting rights. His great understanding of the peculiar problems involved in this field, due to his southern background and his experience as a member of the Commission, provides him with unique qualifications to discuss this subject. Governor Battle said of the administration's referee plan that the:

bill is nothing more nor less than refinement of the old act of 1870, as amended, described as the Enforcement Act and generally known as the force bill of Reconstruction days.

It resurrects the specter of Reconstruction which those of us who live in the southern portion of our reunited country had hoped and believed had been forever buried. The force bill, which was so obnoxious, was, in 1894, repealed by the Congress by an act which sets out the various code citations of the Enforcement Act, and not being satisfied with that, concludes—the author of this act seems to have been very anxious that he wipe out the whole works, for he concludes: "All statutes and parts of statutes relating in any manner to supervisors of election and special deputy marshals be and the same are hereby repealed"

The bill of 1870 provides for supervisors of election. The Attorney General's bill, in an effort apparently to make it more palatable, provides for voting referees, but their powers and duties are substantially the same.

I want to emphasize the language which he quoted from the repeal bill evidencing the intent of Congress that all provisions relating to supervisors of elections and special deputy marshals

were to be repealed—not just those sections specifically mentioned in the repeal bill. This clearly indicates the intent of Congress to remove the Federal Government from any type of direct supervision of elections. In my opinion, the events in the last 66 years have not disputed the wisdom of that action.

As I mentioned in my speech on Tuesday, March 1, 1960, Governor Battle took the position, in his dissent to the Commission's report last year, that existing law was adequate to protect voting rights for all citizens. I certainly agree with his position, and I again refer to the citations to the laws on this subject which I discussed in that speech. In his testimony before the Rules and Administration Committee, Governor Battle reiterated the position which he took in the Commission's report, and I quote from his statement for the information of the Senate:

In my judgment, Mr. Chairman, the present laws are ample to take care of the situation as revealed in the report of the Civil Rights Commission.

I do not for one moment condone conditions such as were recited in the report of the Commission on Civil Rights, but I believe the remedies proposed are worse than the malady, and I am further of the opinion that there is ample legislation already enacted which, if properly invoked, would correct the conditions complained of. I would refer in this connection to, first, 18 U.S.C.A. 242, which makes it a crime for State election officials willfully to deprive any qualified person of the right to register, vote, or have his vote counted as cast.

Second, to 42 U.S.C.A. 1983, 1985, and 1988, which vests in each citizen the right to sue State election officials for damages or for preventive relief if he is actually denied or threatened with denial of his right to register, to vote, or to have his vote counted as cast.

Third, under the Civil Rights Act of 1957, now 42 U.S.C.A. 1971, the Attorney General may sue State election officials to prevent any qualified citizen from being denied his right to register or vote.

I, too, cannot condone deprivation of anyone's constitutional rights regardless of race. I cannot conceive that the conditions alleged by the Civil Rights Commission would continue to exist if the Attorney General would enforce the laws on the statute books and individuals would avail themselves of the remedies now in existence. I think it would be pertinent at this point to refer to statements made by former Attorney General Brownell before the House and Senate Judiciary Committees during consideration of civil rights legislation in 1957. In his statement before the House Committee Brownell had this to say about civil remedies available to individuals who have been deprived of their constitutional rights:

In the civil rights field itself, we have numerous statutes which authorize private persons to seek civil remedies. As a matter of fact, most of the large body of judicial precedent and decision which has been built up in the courts defining the constitutionally protected rights has been handed down in these private civil cases.

I wish to remind the Senate that this statement was made before the 1957 law, authorizing the Federal Government to intervene to protect voting rights, was enacted. Brownell went on to comment on the criminal statutes pertaining to protection of voting rights in this manner:

Yet at the present time criminal sanctions are the only remedy specifically authorized by the Congress.

I think it is quite obvious to you that in addition to the unnecessary difficulties that they impose upon the Government, they are often unduly harsh in particular situations. Nevertheless, under the present law we have no alternative but to proceed with criminal prosecution.

In the hearings before the Senate Judiciary Committee, Brownell again mentioned his concern about the harshness of the criminal laws for protection of voting rights. He said:

Furthermore, I think it is fair to point out that criminal prosecutions are often unduly harsh in this peculiar field where the violators may be respected local officials. What is needed, and what the legislation sponsored by the administration would authorize, is to lodge power in the Department of Justice to proceed in civil suits in which the problem can often be solved in advance of the election and without the necessity of imposing upon any official the stigma of criminal prosecution.

As a result of the Attorney General's recommendations the 1957 act was passed giving civil remedies. Obviously additional remedies are not now needed—all that is needed is enforcement of existing laws.

Mr. President, it is obvious to anyone who has studied the debates on repeal of the Reconstruction election laws that they were a failure, and a blot on the history of the election processes of this Nation. It is a backward step that a serious attempt is being made to revive the animosities and conflicts which were created by that law. The reenactment of Federal controls over elections will be a terrible price to pay for supposed political advantage. The South is an area of great potential development. It has and can continue to make a great contribution to the strength of this Nation if it is treated with reasonable respect and consideration.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, my purpose is to informally address the Senate quite briefly with reference to the merits of the pending amendment, the Ervin amendment, which has to do with the requirement that the Rules of Civil Procedure for U.S. District Courts shall govern with reference to the hearings on any applications before the court after the so-called pattern or practice has been found and adjudicated by the court.

The Ervin amendment reads as follows:

On page 16, line 12, change the period to a colon and insert the following between the colon and the word "Such": *"Provided, however,* That the Rules of Civil Procedure for the United States District Courts shall govern the hearing and determination by the court of any application made under this paragraph to the extent that such rules are not inconsistent with the provisions of this subsection."

Mr. President, I do not know to what extent it is realized that under the terms of the pending bill another lawsuit is set up. That lawsuit is merely tried under the canopy of the original proceeding and under the protection of a mythical pattern or practice.

In the first place, it is a long, long call from the concept of the Senator from Mississippi, that a Federal district court, a court of unlimited jurisdiction, a court of dignity and responsibility, should be converted into a registration board or a supervisor of elections or a supervisor of registration in the manner this bill proposes.

I should like to inquire, from what quarter comes this concept of creating a pattern or practice area, and requiring the court to take up an extraordinary duty and a new procedure?

What place does that have in a Federal district court?

It is more like a finding of an sanitary district that a certain area of a city is infested, or of a military board that an area has some unexploded bombs in it, or of a board or commission on health finding that a certain area of a county is infected with certain germs or viruses. It is not in keeping with a court's function to be running various areas of a county or State through the election processes of registering voters and carrying on in such a fashion as is proposed, more particularly since the pending bill does not even require that the rules of civil procedure as prescribed by the courts be followed. That in itself is an admission on its face, it seems to me, that it is not really intended to be a judicial function. It seems clear to me that the bill does not intend that these cases shall represent a judicial function, as laid down in article III, sections 1 and 2 of the Constitution of the United States, which is the only source of judicial power of the Federal judiciary.

I do not believe that Congress has any authority to bestow any other power on the court except judicial power.

Where does the idea come from in the first place of converting the courts into a governmental body of some kind, such as a sanitary district? In the first place, who is going to represent the man who comes in from this pattern area? Will he be represented by the Attorney General? The bill does not so state. That is not clear. He comes in with a halo over his head, according to the procedure outlined in the bill, with presumptions in his favor, because he is from the area.

He walks into what has been a court. I say the bill would convert the court into a judicial commission, or a commission of some kind. All he has to say is that he has been found not qualified to vote. There is no provision for any adversary party in this litigation. There is not any party defendant provided for.

This is purely an executive proceeding by nature, but not by name. The proceeding is held before a judicial officer, that is true, but certainly he is not exercising judicial functions unless we require the rules of civil procedure to apply, with the parties being given notice and an opportunity to be heard.

As the Senator from North Carolina [Mr. ERVIN] has so clearly pointed out this morning, it is not a question of what one judge may do by giving the other parties notice, or refusing to proceed until notice has been given and a hearing set. That is not the question at all. We are legislators. We have certain limited powers. If we are to set up this procedure, the only authority we have to exercise is the constitutional authority, and it is mandatory that in a proceeding of this kind the rules of civil procedure must apply as a matter of law; not that the judge will apply them as a matter of courtesy. It must be written into the face of the law that these requirements shall be met. Anything less than that, I respectfully submit, is a bill which does not comply with the fundamental and elemental principles of due process of law.

So I raise the question: What is the nature of the proceeding under which an applicant comes in from the pattern or practice area? I wish the Presiding Officer of the Senate [Mr. LUSK], if he has a chance to do so, would study this particular part of the bill and say what he thinks about this proceeding. Is it a lawsuit? Is it a determination of judicial facts? Is a district court of the United States converted into a mere board of registrars?

If we do not write into the bill the provision for the application of the rules of civil procedure there is no doubt that the court will be converted into a board of supervisors, or a board of overseers, or a board of corrections of some kind with reference to a function pertaining to voting and qualifications of electors.

It is elemental and fundamental that if this is going to be called a judicial proceeding, with a judicial finding, we must make the proceeding conform to the ordinary rules of elemental due processes of law. I am not referring now to the case which is brought by the Attorney General originally. I am not referring to all the mass of things that can happen under the so-called referee proposal. I am directing my attention to the "party or parties," covered at the top of page 16, beginning at line 2, who may come to one court or many courts with this halo over their heads from this so-called protected area.

Furthermore, with reference to the requirements for the hearing and the disposition of the application—that is what the bill calls it—the provision at the top of page 17 states that the court shall hear this matter within 10 days.

It is most extraordinary to write into a bill a provision that a Federal district court shall hear a matter within the short span of 10 days. That emphasizes another point: that such a proceeding is highly irregular. It will not really have the dignity of a judicial proceeding unless we adopt at least the Ervin amendment to require the Federal Rules of Civil Procedure to be followed.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from North Carolina. I am glad he is on the floor.

Mr. ERVIN. I ask the Senator from Mississippi if the courts have not held in many cases that the constitutional right of a person to be represented by counsel of his own choosing requires that his counsel be given an adequate opportunity to prepare the case for trial; and when counsel has been denied an adequate opportunity to prepare the case for trial, has not that been held by the courts, time and again, to be the denial of due process?

Mr. STENNIS. It is reversible error on those facts. As the Senator says, that goes to the basic principle of the denial of due process of law.

Mr. ERVIN. The Senator from Mississippi has had a most distinguished career as a trial lawyer and a trial jurist.

Mr. STENNIS. The Senator from North Carolina is too generous. I have simply had slight experience in that field.

Mr. ERVIN. Does not the Senator from Mississippi, based upon his experience, believe that a period which cannot be more than 10 days, and which may be shortened to less than 10 days, is not adequate time for counsel to prepare a serious controversy for trial?

Mr. STENNIS. Ten days in a matter of any consequence at all is not considered long enough for a person to obtain counsel, a lawyer of ability, to get a copy of the proceedings or a history of the case, to read the pleadings, and then to prepare and file a preliminary showing or motion, much less go to trial.

Mr. ERVIN. Mr. President, will the Senator yield for one or two other questions?

Mr. STENNIS. I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. The pending amendment provides, among other things, that the Federal Rules of Civil Procedure, which apply to all litigants in civil cases in the Federal courts, shall apply to a proceeding before a judge when he passes on these applications. I call the Senator's attention to rule 43, which provides:

> In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by these rules.

Does the Senator from Mississippi believe that anyone can justify the refusal to take the testimony of witnesses in open court pursuant to that rule?

Mr. STENNIS. There is no conceivable reason. The rule of law requiring confrontation and cross-examination is so elemental that the question should not be argued.

Mr. ERVIN. Does the Senator from Mississippi agree with me that basic fair play as well as due process requires the observance of that rule?

Mr. STENNIS. Of course. Anything less than that would indicate that someone is seeking an advantage.

Mr. ERVIN. Does not the Senator believe that a grave suspicion is cast upon the administration of justice when it is proposed that the testimony of witnesses shall be taken in secret, in the absence of the party to be affected by the judgment to be based on such testimony?

Mr. STENNIS. It is simply not a judicial proceeding. It is a reflection on a judicial tribunal to call upon it to perform in any such way. That is another reason why I believe the bill is invalid and unconstitutional.

Mr. ERVIN. I call the Senator's attention to Rule 77–B, which provides:

> All trials upon the merits shall be conducted in open court and so far as convenient in a regular court room.

Does not the Senator believe that to try all cases in open court and in a regular court room, so far as possible, is the absolute minimum requirement, if persons are to have confidence in those to whom the administration of justice is committed?

Mr. STENNIS. The Senator is correct. It is written into the basic law of the State constitutions that that will be the procedure, except if a judge, in his wise discretion, for some special reason, should order a closed session.

Mr. ERVIN. The rules from which I have been reading apply to every person and every corporation which has litigation in a Federal court in any of the 50 States or in the possessions of the United States. Can the Senator from Mississippi find any justification for saying that all Americans, of all races, shall have the benefit of these rules in all cases, of all kinds, in all the Federal courts of the Nation, except southern State officials?

Mr. STENNIS. There is no conceivable reason or basis to warrant any such conclusion, and particularly in this instance to solemnly legislate it into the law of the land.

I believe the Senator from North Carolina has rendered a great service. It is a service which seems to be overlooked somewhat. He has rendered a great service in pointing out—and I hope he will continue to point them out—the very provisions by which we are operating, which are so elemental.

Mr. ERVIN. Does not the Senator from Mississippi agree with me in the view that any system of justice which is worthy of bearing the name of justice shall have a system of laws which applies equally to all men in like circumstances?

Mr. STENNIS. Of course. That is the basis for any fundamental approach to the application of justice.

Mr. ERVIN. Does not the Senator agree with me that the bill is an effort to govern one group of people—namely, the southern State and local officials—by laws which apply to no other Americans under any circumstances, anywhere in the Nation?

Mr. STENNIS. Some of the provisions of the bill which started out that way have been removed or have been amended by the Senate; but the one which the Senator seeks to amend remains as one of those which is directed as the Senator suggests.

Mr. ERVIN. I thank the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from North Carolina for his contribution to the discussion.

Mr. President, I have no long debate; no prepared or written remarks. I am concerned about the fundamental points involved, the basic principles of American liberty. As one who carried the responsibilities of a trial judge for a good number of years, I am shocked that the Senate of the United States should seriously consider passing a bill under which a Federal judge will be called upon, in solemn mockery, I say, to pass upon, adjudicate, and decide cases mandatorily under a 10-day shotgun provision which is pressed on him.

In the second place, there will be no notice given to any adverse party. No chance will be afforded him to be heard. There is nothing except a bare, naked provision about what the procedure shall be, and then the provision that the court—the judge—shall, within 10 days, proceed. There is a further provision—I think it applies in this instance—that the ballots will be counted anyway. Relatively speaking, I think that part is incidental. I shall not become disturbed because someone votes who may not be qualified, or because those who are qualified cannot vote at some particular election.

In a nation having a population of 180 million, things like that will happen with reference to elections and with respect to voting rights.

What I am concerned with, not only in this bill but in others, is our failure to look to the origin of our power—the Constitution of the United States—to see if there is authority in such a provision to come within the exercise of the ordinary rules of caution and the regular rules of practice. In our zeal to "get to a fire" somewhere, we abandon all reason, all wisdom, all experience, all the practice which has been built up over the decades, even over the centuries, and which has been written into our basic law and used over and over thousands, yes, hundreds of thousands, of times, doing all those things to convert our courts, the judicial branch of the Government, which is the most important of all three branches, into the mere category of a commission or a sanitary board or an election board to be running registrations and supervising elections and carrying on, not in Federal affairs alone, but in all affairs—Federal, city, village, town, and State. Someone naturally would think that I might be aroused because of the general subject matter of the bill. But that is not the point. Mr. President, here we are dealing with fundamentals and principles, and we are running past a great many red lights; and such action will plague us in connection with many other subjects in many, many days to come.

So I most earnestly call especial attention to the Ervin amendment, and the splendid argument the Senator from North Carolina made this morning in its behalf, and the quotations from the Supreme Court of the United States, right down the line, which will not be answered because they cannot be answered. We should also be warned by the experience of the decades and the warnings written into our law.

So let us either strike out the provisions for this hybrid proceeding about the mythical man who will come in with a halo over his head and will demand that a Federal judge stop all other business and give him an order within 10 days, or else make the provision conform not only to the fundamental, elemental principles of justice, but also to the constitutional judicial procedure.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I should like to discuss this amendment briefly.

I am opposed to the amendment. My reasons for being opposed to it can be summarized as follows:

At worst, this amendment is an attempt to enter by the back door, whereas the rejection of the Kefauver amendment shut the front door; and this amendment is an effort to make an adversary proceeding out of what the Senate has decided should not be an adversary proceeding.

At best, the amendment would add something unnecessary to the bill, and would encourage litigation and, therefore, would further bedevil the bill, which at the present time does not do too much about civil rights, or, indeed, does not do too much about voting.

Now let me enlarge upon those points:

First and foremost, everyone agrees, it seems to me, upon at least one thing—namely, there is to be a proceeding, especially as it exists in court. It is to be a civil proceeding, and the rules are very clear in regard to the applicability of the Rules of Civil Procedure to a civil proceeding. The distinguished Senator from North Carolina, the author of this amendment, has already read rule 1, as follows:

> These rules govern the procedure in the U.S. district courts in all suits of a civil nature whether cognizable as cases at law or in equity, with the exception stated in rule 81.

And I believe both of us agree that rule 81 does not at all affect this situation; that rule deals with a number of special matters which are not here in question.

Therefore, if the rules of civil procedure will apply to this situation in court, why include this amendment in the bill, unless the amendment has some purpose or unless it will be productive of litigation.

I believe we begin to perceive the purpose of the amendment when we analyze the legislative scheme here involved, and then apply it to the provisions of this amendment.

The legislative scheme breaks down into two proceedings as to subject matter, to wit, the proposal brought to us by the Judiciary Committee, which for most practical purposes is the same as the one voted by the House of Representatives. It deals with the following: First, there is a litigation under the Civil Rights Act of 1957. Let us not forget that. That act gives the Attorney General authority to institute suits in order to establish voting rights, where voting rights are being denied or where a person who is entitled to them is being deprived of them. Why do we need any legislation in that connection? We need legislation because we find that the wrong is that voting rights are often denied in the mass, by virtue of a pattern or practice of denial of voting rights in a particular community. That is what the Federal Civil Rights Commission found.

So the first proceeding which we shall newly authorize, and which is not now authorized by the 1957 Act, is one by which a court will make a decree that a pattern or practice of denial of voting rights to those who have qualified to receive them exists within a given area. The two things the court will have found under those circumstances are, first, the pattern or practice; and, second, the area in which the pattern or practice is located. That is legal proceeding No. 1. There is no question about the fact that that will be an adversary proceeding, and that all the rules of civil procedure will apply to that proceeding. Indeed, the provision to be found at the foot of page 15 provides that the court shall, upon the request of the Attorney General, and after that party has been given notice and the opportunity to be heard, make a finding, and so forth.

In short, it will be a proceeding in which the State itself—not just an individual party or a registrar—will be an adverse party, I assume; and certainly the provision contemplates that. It would go to a regular adversary trial. There could be many witnesses, and there could be appeals. We have the Raines case—decided only a month or so ago—which went to the Supreme Court of the United States; and other cases are pending in the Supreme Court of the United States. In short, before a pattern or practice is found, there will have been a completely adversary proceeding.

What the author of this amendment would have us believe is that if we do not have an adversary proceeding at every stage of the proceedings—and I emphasize "at every stage of the proceedings"—there will not be due process of law. But that is not a fact, and it is not the law. The courts have held many, many times that due process of law depends on the kind of proceeding being engaged in. Ex parte orders may be made. Indeed, in this very part of the bill there is provision for ex parte orders. Other interlocutory proceedings might be engaged in, and there could be serious punishment for contempt, without jury trials. The courts have sustained that time and time again. In short, what is or is not due process of law and what is an adversary proceeding are two very different things.

So we have one thing clearly nailed down; namely, that in the first stage, before there is a finding of a pattern or practice of denial of voting rights, there will be a completely adversary proceeding, subject to all the rules of civil procedure. When that finding has been entered, then someone will have been found wrong. In that instance the State will have been found to be denying, through

its officers, a constitutional right. It is a fundamental rule of law that when a wrong has been found to exist and when the court comes to afford a remedy for that wrong, the court may proceed upon the assumption that the facts which underlay the finding continue to be present, until there is some reason to say that they do not. And there is always the right of one who has been a party to the original proceeding to come in and move to dissolve any order, upon a showing that there is no pattern or practice.

A great deal of the debate about this matter assumes that no one will have the right to come into court. However, the attorney general of the State—and in these cases the attorneys general of the States are always on the other side; the very provision contemplates that—will have the right to come in at any time and move to vacate the order, on the ground that there is no pattern or practice, that everyone is being registered, that the community has learned its lesson, and that that is the end of all that. And that can be taken up on appeal as far as anyone may wish to take it.

I pointed it out in some detail in order to make very, very clear the area which we are discussing, that is, the difference between the proceeding to establish a pattern or practice and what ensues.

Having found that the community is engaged in the denial of a fundamental constitutional right which is elementary, the Congress, in action to be implemented by the courts, has devised a legislative plan which will enable people to get what the community has denied them.

We carry out that legislative plan, according to this provision, in two ways. We now come to the amendment of my colleague from North Carolina. One way is by appointment of an official referee. The other way is by the action of the court itself. It is in that part of the latter proceeding that there is danger. I do not say I know it beyond question and with certitude, but from what we have been able to discover in the course of interrogating the Senator from North Carolina and from our study of the language something new is being added which the Senate has no intention or desire to add. That something new is to make the proceeding before the court, which will result in giving a certificate of registration to an individual where there is no official referee appointed, itself an adversary proceeding, notwithstanding the fact that the State has already decided it does not wish to make the same proceeding before the referee an adversary proceeding.

It seems to me, therefore, Congress should not be forced into the artificial posture of preferring to have the matter brought to the voting referee because the voting referee has greater freedom of action than the court itself.

Therefore, that is the key, the fulcrum, of the reason why the amendment has to be rejected.

There is a court proceeding, either preceding or following the point I have just described—the point at which the individual has his preliminary determination as to whether or not he is entitled to registration and qualification for voting. At the stage beyond that, again there is no question about the fact that we are in a civil proceeding, with the right of objection, where a substantial question is involved; and the court again operates in an adversary proceeding way.

That is exactly what the referee proposal provides, if we do not add a word to it. I should like to analyze it, because it bears out, in its own text and words, exactly what I have been saying.

In the first place, if one looks at the bottom of page 15, lines 23 to 25, one finds specific reference to notice to the Attorney General and to all other parties and all the provisions which we normally establish for an adversary proceeding.

Then if one looks at page 18, beginning on line 8, to page 19, ending on line 7, we find again that when the referee has made his report, there is a complete procedure prescribed, normal adversary proceeding, to which, of course, the Rules of Civil Procedure will apply.

Where, however, in the interim, there is a proceeding before the voting referee, we have already determined we want that proceeding to be ex parte, we want notice of the time and place at which the ex parte proceeding will be held to be given by an order of the court, and we also have provided, on page 19, lines 11 to 17, that we wish to apply to the voting referee only a limited amount of the Federal Rules of Civil Procedure, the provisions contained in subsection (c) of rule 53.

The only thing we have not pinpointed specifically is, What does the court do where it, itself, chooses to act, in the intervening period, that is, between the finding of a pattern or practice and the final order, on notice, that a voting right is being given to a particular individual? What does the court do when it decides it does not want to appoint a referee, for whatever reason—there may not be enough cases, for example—and that the court will act, itself?

The danger is if we adopt the amendment, at that point we say it shall be an adversary proceeding in that intervening period.

It seems to me it would defeat the legislative intent, it is unnecessary under due process of law, and therefore, we should not invite difficulties into which it is likely to bring us, because at that particular point there is no need to protect any adversary party. Such a party has a full opportunity, before and after. We are not denying him any of it. Such a party can contest any question of fact. Such a party can contest any question of law. He can take as many appeals as he wishes.

What we are trying to avoid is a repetition of the drama which we are told, not only by northern members of the Civil Rights Commission, but by southern members of the Civil Rights Commission, has taken place decade after decade upon the stage of our Southern States. I assure Senators that fact is no source of pride to any of us as Americans, including anyone from the South. A climatic picture has been created that is unhealthy or inhospitable and one who attempts to register to vote would be better off not to try it.

So we are trying, through legal procedures which are entirely constitutional and proper under law—and I shall come to the constitutional question in a minute—to give as much help as we can—and I emphasize the words "as much as we can"—because this will still be a procedure which will be different from the case of the normal citizen making a normal entry into a normal registrar's office and being greeted with friendliness while dong his civic duty of registering to vote. We are trying to create, as well as we can, that kind of atmosphere for individuals who have been deprived of that right. If we wish to do it, we, ourselves, cannot incur the responsibility of making the procedure at that stage, whether it is before the judge or an official referee, an adversary proceeding.

I point out this amendment is not quite as innocuous as it may seem. I draw, as evidence of that fact, on the discussion which has been held in the Senate and the discussion before the Judiciary Committee, which first heard evidence upon this subject. It will be noted that in the debate in the Senate there has been no confining of this question of applicability of the rules of civil procedure to the particular procedure before the court. On the contrary, the friends of the amendment have argued it was wrong to do what was done about the voting referee, and so at least that wrong should be slightly righted by this amendment, at one and the same time that it is hotly contended it has no application to the voting referee.

Again, I think, it is subject to misconstruction which becomes possible when one reads the amendment and seeks to apply the rules of procedure, determined by the court, to any application made under this paragraph, to this subsection of the bill which we are discussing. Then the amendment goes on to say, however, in a complete change of direction, the rules shall apply to the extent that such rules are not inconsistent with the provisions of this whole subsection, which includes the voting referee provision.

Therefore, it seems to me we are pinpointing formally that we may not be talking only about the paragraph, but that the whole subsection on the voting referee is included. We at least give somebody an opportunity to make that argument and to take the question up to the Supreme Court of the United States when we write such a provision into the legislation.

I point out that is not such a farfetched matter, because it took several years to defeat the decision of the lower court on what Congress was trying to do, in the Civil Rights Act of 1957, not in the case before the court, that it might be held to apply to individuals and not to State officers.

For that reason, Mr. President, the whole enforcement of the law was delayed for several years, while that question was tested in the Supreme Court of the United States. That was based on nothing in the statute, simply upon the

ideas of the judge. We can think of what could be made of the fact that the text of the statute itself indicates, by the writing in of something which is completely unnecessary, that the Senate and the Congress must have had something in mind; thereby allowing the court, which is trying very hard to find something, to play around with the language and to speculate on it.

Finally, Mr. President, I should like to speak on the issue of constitutionality.

Mr. KEATING. Mr. President, before the Senator does so, will he yield to me?

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the Senator from New York yield?

Mr. JAVITS. I yield to my colleague.

Mr. KEATING. Does not the Senator view this amendment as seeking to do in a proceeding simply before the court what the Senate has already voted not to do in a proceeding before the referee, namely, to make it an adversary proceeding?

Mr. JAVITS. Exactly. The Senator from New York thanks his colleague, because this morning in the colloquy that was precisely, with the greatest of finesse, I will say, the point my colleague developed in cross-examining the Senator from North Carolina. I must say, with all deference, I think the Senator made that crystal clear from the colloquy with the Senator from North Carolina, the author of the amendment.

Mr. KEATING. I will say, with the utmost of respect for my very good friend from North Carolina, I would not agree with the senior Senator from New York that it was made clear by the answers of the Senator from North Carolina. I think it was made clear by my questions.

Mr. JAVITS. I think that is very true.

Mr. KEATING. The bill seeks to spell out procedures before the voting referee, which will conform as nearly as possible to those procedures which are generally applicable to registration before State officials. It cannot be made equally easy for these people, but we should try to make it as nearly as possible the same procedure for registering any person, regardless of color.

The amendment is addressed to those cases where the court elects not to name a referee but to handle the proceeding before the court. We have voted once that we will not have an adversary proceeding before the referee. I think we should vote against the amendment, because we certainly do not want that kind of a proceeding before the court, since there is a prior and a later opportunity to have a full day in court on the part of everyone.

Mr. JAVITS. I thank my colleague. Before my colleague came into the Chamber, when I was addressing myself to the due process of law provision, I pointed out, as my colleague has said in shorter space, that there is a complete adversary proceeding before, on the question of the pattern or practice, and a complete adversary proceeding afterward, after the entering of the interlocutory order that the court has found the person to be eligible to vote under State law and has proposed to have him vote. In both cases, in front and in back, the man could go up to the Supreme Court without any problem.

I pointed out, as my colleague knows, since he is a fine student of this bill and of the law, in this case we not only have the ordinary party defendant but also we have the Attorney General of the United States specifically referred to in the legislation. The whole legal machinery of the State would see to the adversary proceeding, both before and after.

The real reason for what we did on the referee question and for what we ought to do in regard to this provision, by turning down the amendment, is to expressly try to avoid the adversary proceeding, which has plunged us into all of the difficulties we are now having in regard to voting rights in the Southern States, where the climate has been inhospitable to the individual. That is what we would be perpetuating, if we agreed to the amendment; exactly what we are trying to avoid.

I am grateful to my colleague for again bringing out, as he did earlier in the day, this particular distinction. It has been a very great aid to me in presenting this matter, and I thank my colleague very much.

Mr. KEATING. I thank my colleague very much.

Mr. JAVITS. Mr. President, I have one other point, on the issue of constitutionality.

This is really strange, Mr. President. Now we have the opponents of this measure—who argue that it is a wrong measure, that it invades States rights, that we should not pass it, that we should leave this matter for the States—expressing their grave doubts as to whether the whole idea is constitutional.

Mr. President, by the amendment the opponents of the bill tell us they want to save us from our own mistake of making the legislation fall because it may be unconstitutional, because it fails to contain provisions with respect to due process of law.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. JAVITS. I will yield to the Senator in a minute. I hope the Senator will permit me to finish my thought.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. JAVITS. Mr. President, I have said this a thousand times, and I hope to live long enough to say it a thousand times more. It seems to me, as I have said and as I feel, and as I repeat, that the opponents of this proposed legislation are as sincere as are those of us who are in favor of it and in favor of even stronger legislation. I have never questioned that.

I will add a point, and then I will yield to my colleague, the proponent of the amendment. I believe that in all good faith as a lawyer—as a thoughtful and extremely able lawyer—my colleague, in designing this amendment, would feel he was doing what ought to be done with respect to the proposed legislation. I also think it is only fair for those who are for the proposed legislation and who are extremely sympathetic to its basic purpose to point out that when we are considering an amendment which purports to be designed to fortify and to buttress something that a man is inherently against, we have a right to evaluate it and to analyze it with extreme care, to determine whether it really would help the proposed legislation or would serve some purpose, in which the Senator may believe very deeply, of making the legislation what he would consider to be more protective to the particular interests which he feels need to be subserved in respect to it.

That is all I say about the matter. I say it is a little odd that the arguments on constitutionality, the thought that constitutionality will be buttressed, should come from those who think this whole approach is unconstitutional.

I now yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I simply want to assure the Senator from New York that I have great veneration for the Constitution and I am sincere in urging the amendment, because if we are to be hanged we want to be hanged in a constitutional manner.

Mr. JAVITS. The Senator has great color, great eloquence, and great charm. Now that I have been in the Senate for some time, I think those are the most attractive attributes of many of the men who come from the Senator's section of the country. However, I still think we have to hold ourselves, as it were, to the task of appraising these amendments in the light of an intensive analysis of the facts and of the law.

Mr. President, I wish to conclude with one other statement. I have taken up the question of the amendment with the Attorney General. I find that there is also objection to the amendment based fundamentally upon the ground which I stated when I began; that is, the danger of introducing an ambiguity, where none exists today. The Attorney General made that very clear in his testimony before the Committee on the Judiciary, to which reference has been made, at page 141 of the record before the committee. There is also objection on the question of giving ground for litigation where no ground for litigation now exists. Finally, there is the danger that this may actually be accomplishing a purpose which the Senate has already turned down in respect to an equivalent situation affecting voting referees.

For all of those reasons, Mr. President, I hope the amendment will be rejected.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 153]

Aiken	Bush	Case, S. Dak.
Allott	Butler	Chavez
Anderson	Byrd, Va.	Church
Bartlett	Byrd, W. Va.	Clark
Beall	Cannon	Cooper
Bennett	Capehart	Cotton
Bible	Carlson	Curtis
Bridges	Carroll	Dirksen
Brunsdale	Case, N.J.	Douglas

Dworshak	Johnson, Tex.	Muskie
Eastland	Johnston, S.C.	Pastore
Ellender	Jordan	Prouty
Engle	Keating	Proxmire
Ervin	Kefauver	Robertson
Fong	Kerr	Russell
Frear	Kuchel	Saltonstall
Fulbright	Lausche	Schoeppel
Goldwater	Long, Hawaii	Scott
Gore	Long, La.	Smathers
Green	Lusk	Smith
Gruening	McCarthy	Sparkman
Hart	McClellan	Stennis
Hartke	McGee	Symington
Hayden	McNamara	Talmadge
Hennings	Magnuson	Thurmond
Hickenlooper	Mansfield	Wiley
Hill	Martin	Williams, Del.
Holland	Monroney	Williams, N.J.
Hruska	Morton	Yarborough
Jackson	Mundt	Young, N. Dak.
Javits	Murray	Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Oregon [Mr. MORSE] and the Senator from Utah [Mr. Moss] are absent on official business.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

The Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from West Virginia [Mr. RANDOLPH] are necessarily absent.

The PRESIDING OFFICER (Mr. LUSK in the chair). A quorum is present. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. ERVIN]. The yeas and nays have been ordered.

Mr. ERVIN obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. MANSFIELD. I wonder if it would be possible to come to an arrangement under which 5 minutes of debate would be allowed to each side, and then have the Senate vote on the pending amendment.

Mr. ERVIN. That would be entirely satisfactory to me. In fact, I urge that that course be taken.

Mr. CARROLL. Mr. President, how many Senators desire to speak on the other side of the question?

Mr. MANSFIELD. I will be glad to ask for 15 minutes. I do not care.

Mr. CARROLL. Can we ascertain how many Senators would wish to speak on the amendment? I should like to have 3 or 4 minutes.

Mr. MANSFIELD. So far as I know, only the Senator from North Carolina intends to speak on it. I do not know of any Senators who wish to speak on the other side. So I suppose the Senator from Colorado could use the other 5 minutes.

Mr. CARROLL. I do not wish to preclude anyone else. Are we going to proceed to vote on the amendment, or are we going to vote on a motion to table?

Mr. MANSFIELD. It will be a vote on the amendment.

Mr. President, I withdraw my request.

Mr. BUTLER. Mr. President, will the Senator yield before he withdraws his request? I should be glad to yield 5 minutes to the Senator from Colorado.

Mr. CARROLL. Mr. President, I have no objection.

Mr. MANSFIELD. Mr. President, I renew my request. I ask unanimous consent that the time for debate on the amendment be limited to 10 minutes, with 5 minutes allowed to each side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CARROLL. Does the Senator from Maryland yield me time?

Mr. BUTLER. I am prepared to yield 5 minutes to the Senator from Colorado.

Mr. ERVIN. Mr. President, I believe I can explain the amendment in 5 minutes. I have offered it as a lawyer rather than as a southerner. It has been held by the courts of this country many times that when a new procedure is created, it is necessary to require that there shall be notice and an opportunity to be heard by the adverse party. The bill sets up two procedures to be followed, one by the judge and the other by the referee. A procedure is spelled out which is to be followed by the referee, but there is no procedure spelled out for the judge to follow in cases where the judge passes on the application itself after he has made the adjudication that discrimination exists, based on race.

I offer the amendment to provide that the rules of civil procedure adopted by the Federal courts shall be followed by the judge in that case where there is no procedure prescribed, except to the extent where those rules are inconsistent with other provisions of the bill.

In any case where there is an inconsistency between the rules of civil procedure prescribed for the Federal district courts and the provisions of this subsection, then the provisions of the subsection will override and will govern.

This question came up in the Committee on the Judiciary. Mr. Charles J. Bloch, one of the ablest lawyers in the country, said that the rules of civil procedure prescribed for Federal district courts would not apply to a proceeding before a judge. A different position was taken by Deputy Attorney General Walsh. Judge Walsh said, at the bottom of page 141 of the hearings before the Committee on the Judiciary:

> I say that Mr. Bloch overlooks the fact that the Federal rules of civil practice apply to the extent that they are not expressly excluded or contradicted by the statute.

Mr. Bloch, a distinguished lawyer, disagreed with Deputy Attorney General Walsh.

The amendment merely makes it certain what Deputy Attorney General Walsh said is true. How anyone can object to the amendment is something which surpasses my powers of comprehension. The amendment simply makes certain what Judge Walsh said is actually the case. That is all the amendment provides. That is why it is offered by me and the Senator from Arkansas [Mr. MCCLELLAN] as lawyers rather than as southerners. We hate to see the United States Senate pass a bill which will make a mockery of what we conceive to be the true interpretation of the due process clause of the fifth amendment.

I trust that Senators will support the amendment, because it does nothing whatever except to make certain what Judge Walsh said is so.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield, if I have time.

Mr. LAUSCHE. Is there a limitation of time?

Mr. ERVIN. Yes. I have a minute remaining. I yield.

Mr. LAUSCHE. I raise the same question which was raised earlier today.

On line 6 of the Senator's amendment are the words "under this paragraph." Why should it not be "under this subsection to the extent that such rules are not inconsistent with the provision of this subsection"?

Mr. ERVIN. Because "this paragraph" deals with applications on which a judge will pass. The other paragraph deals with applications which will be passed upon by the voting referees. I simply wanted to make it plain that this amendment would not affect the bill so far as the voting referees are concerned.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr KUCHEL. Mr. President, do I understand correctly that the unanimous-consent agreement provides 5 minutes for the proponents and 5 minutes for the opponents of the amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. KUCHEL. I was called from the Chamber at a time when apparently one of my——

Mr. RUSSELL. Mr. President, on whose time is the Senator from California speaking?

The PRESIDING OFFICER. The Senator from California is propounding a parliamentary inquiry.

Mr. RUSSELL. The Senator from Georgia did not hear a parliametnary inquiry propounded.

Mr. KUCHEL. Mr. President, I make this parliamentary inquiry, if the Senator from Georgia will permit me to do so: Would it be in order for me to ask that the 5 minutes allocated to the opponents be allocated 2½ minutes to the Senator from Colorado [Mr. CARROLL] and the remaining 2½ minutes to be reserved by the acting minority leader?

Mr. CARROLL. Mr. President, to help the Chair reach a decision, if I may, without losing any time, I understood before I gave my consent to the time limitation that I might have 5 minutes to speak.

Mr. RUSSELL. Mr. President, I move the regular order.

The PRESIDING OFFICER. The Chair has made up his mind and believes he needs no advice. The answer is "Yes."

Mr. KUCHEL. Mr. President, I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Colorado is recognized for 2½ minutes.

Mr. CARROLL. Mr. President, it is difficult to answer in 2½ minutes the statement made by the Senator from North Carolina. The Senator from North Carolina is a distinguished lawyer, and he is supported in his views by another distinguished lawyer from the

South, Mr. Bloch, who testified in most of the congressional hearings on this subject.

There was a dispute between Mr. Bloch and Assistant Attorney General Walsh. Judge Walsh did not agree with the distinguished Senator from North Carolina and he did not agree with Mr. Bloch on this amendment, for the simple reason that he believed that the insertion of this amendment at this place in the bill might cause a weakness and cause problems in other sections of the bill.

I put a question to the Deputy Attorney General because I was impressed with the simplicity of the problem as it appeared to me at the time. In substance, I asked the Deputy Attorney General at the hearing of the subcommittee of the Committee on the Judiciary, "Why should not this provision be included in the bill?"

Judge Walsh gave his reasons. They are outlined in the record of our Judiciary Committee hearings at page 142. I do not have time to read them in 2½ minutes. But I say this is a dangerous amendment. I say "Beware of the Greeks bearing gifts." We had better look out for them and this amendment. The Deputy Attorney General said we had better look out for it.

The bill contains ample provisions to protect all substantial rights. We should not be misled by this amendment if we want to pass a good bill.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired. The time is under the control of the acting minority leader.

Mr. KUCHEL. Mr. President, I yield 2 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I simply want to make now, when many Senators are in the Chamber, a point which was made earlier. The Attorney General made it very clear that this amendment is, in his view, unnecessary, at best. At worst, the amendment could cause litigation which would further bedevil what is already a bill going only a minimal way toward meeting the needs which are shown even in the voting rights field.

As to the due process of law argument, there is completely adversary proceeding at the beginning, when a pattern of practice is found. There is a completely adversary proceeding at the end, when, whether the court acts or the voting referee acts, the question comes up for determination, subject to any appeal and any objection, and any trial on all the facts, as to whether the particular individual whose name is to be recorded may be permitted to register and vote under the order originally made by the court. In the intervening period, the proceedings are ex parte. That is the way the Senate decided it wants to keep them. This should be true whether the proceedings are before a court or before a voting referee. We should do the same thing for both, in order to carry out the full legislative scheme.

In view of the fact that at best, the amendment is unnecessary, I hope the Senate will reject it.

The PRESIDING OFFICER. All time for debate has expired. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. ERVIN]. The yeas and nays have been ordered.

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Oregon [Mr. MORSE] and the Senator from Utah [Mr. Moss] are absent on official business.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

The Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from West Virginia [Mr. RANDOLPH] are necessarily absent.

I further announce that if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. Moss], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from West Virginia [Mr. RANDOLPH] would each vote "nay."

The result was announced—yeas 29, nays 64, as follows:

[No. 154]

YEAS—29

Bible	Gore	Robertson
Butler	Green	Russell
Byrd, Va.	Hill	Smathers
Cannon	Holland	Sparkman
Cooper	Johnston, S.C.	Stennis
Eastland	Jordan	Talmadge
Ellender	Kefauver	Thurmond
Ervin	Long, Hawaii	Williams, Del.
Frear	Long, La.	Young, Ohio
Fulbright	McClellan	

NAYS—64

Aiken	Dworshak	Magnuson
Allott	Engle	Mansfield
Anderson	Fong	Martin
Bartlett	Goldwater	Monroney
Beall	Gruening	Morton
Bennett	Hart	Mundt
Bridges	Hartke	Murray
Brunsdale	Hayden	Muskie
Bush	Hennings	Pastore
Byrd, W. Va.	Hickenlooper	Prouty
Capehart	Hruska	Proxmire
Carlson	Jackson	Saltonstall
Carroll	Javits	Schoeppel
Case, N.J.	Johnson, Tex.	Scott
Case, S. Dak.	Keating	Smith
Chavez	Kerr	Symington
Church	Kuchel	Wiley
Clark	Lausche	Williams, N.J.
Cotton	Lusk	Yarborough
Curtis	McCarthy	Young, N. Dak.
Dirksen	McGee	
Douglas	McNamara	

NOT VOTING—7

Dodd	Morse	Randolph
Humphrey	Moss	
Kennedy	O'Mahoney	

So Mr. ERVIN's amendment was rejected.

Mr. DIRKSEN. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER (Mr. MCGEE in the chair). The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill is open to further amendment.

Mr. DIRKSEN. Mr. President, the third reading.

The PRESIDING OFFICER. The third reading——

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum call has been requested. The clerk will call the roll——

Mr. CASE of South Dakota. Mr. President, a point of order.

Mr. JAVITS. Mr. President, a point of order.

Mr. CASE of South Dakota. No business has been transacted since the last quorum call.

Mr. ERVIN. Mr. President, I move that the Senate stand in recess for 15 minutes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was rejected.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO MORRIS L. COOKE

Mr. MURRAY. Mr. President, on March 10 I paid tribute to the memory of the late Morris L. Cooke, first Administrator of the Rural Electrification Administration, who contributed in many ways during his lifetime to our national development. At that time I announced that I would offer tributes of several of his friends for the RECORD. I now ask unanimous consent that a number of such tributes, giving glimpses of Mr. Cooke's great public services, be printed in the RECORD.

For the benefit of those who read these tributes, I would like to identify the authors very briefly.

Mrs. Eleanor Roosevelt is the widow of President Franklin D. Roosevelt, leader of the New Deal to which Morris L. Cooke contributed much. She is an outstanding national and international personage in her own right.

Gordon R. Clapp is a former Chairman of the Tennessee Valley Authority and one of the architects of that great agency, a world model of regional development.

Hugh H. Bennett was the first Administrator of the Soil Conservation Service and "Mr. Conservation" to my generation of American citizens.

Perry R. Taylor was a pioneer with Mr. Cooke in the REA movement, and in small watershed, pollution abatement, and other conservation fields.

David Cushman Coyle is an economist, author, and conservationist of great renown.

Benton MacKaye, a research forester with the Forest Service from 1905 to 1918, aided in developing the regional plans of TVA, proposed the plan for the Appalachian Trail, and has served the Government with distinction in numerous conservation fields.

Benton J. Stong, a member of my staff, was associated with Mr. Cooke in power, watershed, and other conservation projects.

Ralph Kaul, Arlington County, Va., county board member, was with Mr. Cooke in Mexico during the settlement of our oil dispute with that nation.

Judson C. Dickerman, an old friend now living at Charlottesville, Va., knew Mr. Cooke's work in Philadelphia, aided him in stimulating development of power supply in Puerto Rico, and in other projects.

William O. Lechtner, of Brookline, Mass., served with Mr. Cooke on his successful wartime mission to Brazil and other undertakings.

Edward A. Harris is a distinguished Pulitzer Prize winning Washington reporter and author.

Dewey Anderson, director of the Public Affairs Institute, was on the staff of the Temporary National Economic Committee, staff director of the Senate Small Business Committee for several years, and was chief of the American Hemisphere Division of the Board of Economic Warfare in World War II which stimulated Mr. Cooke's mission to Brazil.

Leland Olds, director of Energy Research Associates and former Chairman of the Federal Power Commission, worked with Morris Cooke on the New York Power Authority and on President Truman's National Water Resources Policy Commission.

James B. Carey is vice president of the AFL–CIO and president of the International Union of Electrical, Radio & Machine Workers, AFL–CIO.

There being no objection, the tributes were ordered to be printed in the RECORD, as follows:

NEW YORK, *March 14, 1960.*

Hon. JAMES E. MURRAY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The Nation's loss in the death of Morris Llewellyn Cooke will be felt by many. I feel constrained to write to you about him and his distinguished career because of your long record of concern and effort in helping to shape national policy for the wiser conservation and use of our natural resources.

Mr. Cooke worked and labored for the same objectives. On the occasion of his death it seems appropriate to commemorate in some way the contribution of this determined, wise and competent friend whose individual efforts over many years made so much difference in the public policy decisions affecting—for better—the lives of millions. In the course of his long and distinguished career in and out of the public service, the vigor and courage of his clear, articulate and persuasive competence and concern were felt far beyond the immediate post he occupied at the time.

He never turned his back on controversial questions about which he believed he was qualified to speak. Throughout his lifetime, the policies and practical measures affecting the conservation of our natural resources—the frequent subject of public controversy—were an almost constant object of his attention and dedicated study. In these days when citizen participation in controversy over public policy is discouraged in some quarters, the example of Morris Llewellyn Cooke and what he accomplished by speaking out on public issues should encourage others to do so now.

As an engineer and as a knowledgeable layman, he demonstrated an exemplary persistence in trying to get the public to understand the pros and cons of alternative courses of action—and he never hesitated to make his own view and his own position on these matters unequivocally clear.

He had a knack for bringing big issues in this field within reach of decision on the basis of specific and concrete cases. He marshaled facts, assembled and assessed engineering judgments, and contributed to the creation of workable choices of policy alternatives which made it possible for other citizens—and policymakers—to assess which side of an argument was favored by a concern for the general welfare. The issues concerning minerals, forests, grazing lands, the small watershed and the big river valley never ceased to command his energies and creative interpretation to arouse greater and more enlightened citizen interest in the outcome. Whether one agreed with his particular view in a specific case, one respected and valued his method and his purpose—and always learned something by listening.

All citizens owe him a great debt: for his contribution to the Nation's strength and conscience and for his personal demonstration of the wisdom of the thesis that men and their views clearly and forcefully expressed do make a difference in the outcome of public debate and decision.

I am glad to join with you in commemorating Morris Cooke's life of service, and through you, with many others who know of his work and prize his example.

Sincerely,

GORDON R. CLAPP.

NEW YORK, N.Y., *March 11, 1960.*

DEAR SENATOR MURRAY: My husband trusted and admired Morris Llewellyn Cooke. He would have wanted to pay tribute to him as a man and as an ornament to his profession.

I am glad that this tribute is being paid to Mr. Cooke and I would like to join his friends in highest praise of him.

Very sincerely yours,

ELEANOR ROOSEVELT.

MORRIS L. COOKE'S NOTABLE CONTRIBUTIONS TO CONSERVATION AND OPTIMUM USE OF NATURAL RESOURCES

(By Hugh H. Bennett)

At the outset I want to say that Morris Cooke made the greatest alltime contribution to the Nation's program of optimum use and protection of its basic natural resources. This evaluation is based on my intimate knowledge of his endeavors and accomplishments in the broad field of resource use and conservation.

My first acquaintance with this soft-spoken gentleman was early in 1934. He was chairman of the Mississippi Valley Committee of the Public Works Administration. I was directing the newly established Soil Erosion Service of the Department of the Interior. He had come over to my office to ask a few simple questions as to my ideas about the relation of soil erosion and soil conservation to the broad problem of water management and optimum use. Just before departing, he very politely asked if I would, on the following day, come over to his office and talk to his committee about my ideas with respect to the relationships we had discussed. My compliance sealed a closely working and long-lasting relationship that was never seriously interrupted.

I came to understand him best shortly afterward while serving as a member of the President's Great Plains Committee, of which Cooke was Chairman.

Protracted drought had brought the agricultural outlook of the region to gloom and disappointment. In the Texas Panhandle, near Dalhart, vegetation had so completely disappeared, a plains crow had built its nest of fragments of wire picked up about the deserted homes of farmers and ranchers. Great numbers of hungry cattle had been shipped to eastern pastures. Dust storms, dust pneumonia and sun-parched fields had started thousands on westward migration. Even some members of our Committee seemed to think the country was "not worth saving," and wearied of the long and desolate journey from Amarillo, Tex., to Bismarck, N. Dak., more than a thousand miles to the north.

But not Cooke. No sign of lagging interest or weariness with him. All day, day after day, he talked with farmers and ranchers who said they were moving out. He talked longer with those who declared they were hanging on. The rains will come again; we'll stay if we can find the means to keep us alive. During overnight stops in towns along the way, he interviewed merchants, bankers, and representatives at governmental agencies, local, State and Federal, recording their ideas about the immediate and longtime future.

I couldn't keep awake long enough to find out whether Cooke ever went to bed. At breakfast, he was there on time always, cheerful, hungry and ready for an early start northward.

At Bismarck, we reported to the President in his private car parked with the Great Plains train that had brought him from Washington. He listened attentively to our reports and recommendations, although interrupting to ask about the practicability of actions we thought might be undertaken.

Later, in transmitting our condensed Committee report to Congress as a message from the President, Document No. 144, 74th Congress, 1st session, the President said:

"This report indicates clearly that the problem of the Great Plains is not merely one of relief of a people * * * who have been stricken by several years of drought during a period of economic depression. It is much more fundamental. The problem is one of arresting the decline of an agricultural economy not adapted to the climatic conditions because of lack of information and understanding at the time of settlement and of readjusting that economy in the light of later experience and scientific information now available."

The Upstream Engineering Conference held in Washington, September 22 and 23, 1936, accomplished more, in my opinion, to educate the Nation with respect to the widely

ramifying aspects of sound use and conservation of our basic natural resources than all preceding conferences combined.

I first heard of it from Morris Cooke. Circumstances convinced me he had obtained the President's approval before a step was taken. He very wisely took the precaution to look carefully into the reaction from the higher echelons of Government before going into action, particularly where governmental agencies were to be involved. This, with proper handling, eliminated possible embarrassing situations.

In the conference, outstanding leaders in science, engineering, education, and other allied fields presented papers on 61 aspects of the resource problem. Proceedings of the conference containing all of the papers and discussions pertaining thereto indicate virtually no overlapping of subject matter.

In his letter to the Secretary of Agriculture regarding instructions for the meeting, the President had said:

"Upstream engineering seeks, through forestry and land management to keep water out of streams, to control its action once in streams and generally to retard the journey of the raindrop to the sea."

Cooke, in his address to the Congress said:

"If we visualize all the waters of a drainage basin, we perceive that between the sector where engineers are concerned with farm and forest conditions and problems and the * * * sector where engineers are * * * concerned with navigation, floods, and power on major rivers is an intermediate sector of ponds, creeks * * * and small tributaries which engineering has not taken actively into consideration. * * * Today there is appearing * * * concern * * * all along the line from * * * the trickle of raindrops on farmers' fields to * * * control of navigation, floods, and reservoirs on main stems.

"The purpose * * * is to emphasize several aspects of unity and to urge a farflung attack on pressing national problems in which engineering in many specialized forms—agricultural, soil conservation, forest, sanitation, small stream and big stream—are integrated into a single enterprise for the national welfare.

"I desire at this time to indicate my own position unequivocally and emphatically. I am convinced that the national welfare * * * is at stake. Obviously in a conference such as we are now holding, with an attendance representative of all fields of engineering and of all parts of the United States, each selected differently, there are gradations of opinion as to the gravity of erosion and other aspects of the present situation. Every such opinion must be respected, even if not accepted. * * * We may not yet know how to cope with water and land waste problems in all their phases, but we should mark ourselves down as mice rather than as men, were we not to rise to the attack with all the resources at our command expecting to strengthen our present knowledge in the course of a hard-fought campaign.

"The menace to the United States is a complex problem created largely by uses of land and water in many places in a manner not warranted by basic physical conditions. It has varying aspects: An appalling rate of soil erosion; minor and major floods; low dry-season stream flow; pollution of lakes and streams; inadequacy of clean water supply; diminution of the ground-water store; and failure to use waters to greater social advantage as they flow to the seas."

Enough has been said, I think, to explain—and to justify—Cooke's tendency to find engineering aspects in many of our problems of land use and water use. Engineering principles are involved with most conservation problems except those that run more or less along lines of economic and legal procedures and attitudes of mind. I cannot recall having heard of a single objection raised against the Upstream Engineering Conference, its name or working methods. Actually, it was, in a large degree, a conference of headwaters control and use. This it is called on the volume of proceedings published cooperatively by the Soil Conservation Service, Forest Service, U.S. Department of Agriculture, and Rural Electrification Administration—of which Cooke was Administrator at the time.

The Upstream Engineering Conference led into the World Power Conference held at Washington shortly afterward. There is little point going into further detail with respect to Morris Cooke's endeavors and accomplishments. One followed another until broken health brought the end. What he did followed, from beginning to end, a pattern of optimum use and protection of our limited supplies of natural resources. Many years ago I rated Morris L. Cooke as a great patriot of the Nation by reason of his unceasing efforts to keep our country strong through wise use and protection of those natural resources upon which a nation's strength depends. Such evaluation of the man was strengthened within myself as the years passed.

An incident that revealed Cooke's outstanding convictions with respect to soil conservation I cannot overlook. It took place when the Soil Erosion Service—predecessor of the Soil Conservation Service—was still using relief funds from Public Works Administration.

An allotment board was set up by the President to handle the big public-works allotment of 1935. Secretary Ickes, head of Public Works Administration, was chairman. Other members were Silcox (Chief of Forest Service), Tugwell, Morris Cooke, Harry Hopkins, myself, and some others I seem to have forgotten. The President always met with us.

We had requested $25 million for Soil Erosion Service expenses. Harry Hopkins refused to consent, arguing that our cost per man given employment was too high. Explanations had failed. It looked like the end for the Nation's soil-conservation program, which had made a highly successful start. At this gloomy juncture, Morris Cooke spoke up, addressing a request directly to the President. He asked for 3 weeks to prepare for the board's consideration a special report in support of the allotment requested for soil conservation. As well as I remember, the President immediately replied, saying, "Your request has my approval, Morris, but try to bring in your report in 2 weeks."

At the end of 2 weeks, Cooke's report, all neatly printed and profusely illustrated, was passed around. As well as I can recall, it stressed, among other things, that dollars spent every year for control of soil erosion meant a much larger annual saving of dollars through soil conservation. Silence prevailed for some time. No objection was heard—and soil conservation is still going a quarter of a century after that narrow escape.

Finally, let me ask, Could I possibly feel toward Morris Cooke any less than most grateful for what he did to help the Nation's program of soil conservation?

The answer is, "I could not."

The Birth of REA—An Example of Expeditious Operation

(By Perry R. Taylor)

Morris L. Cooke was a most inspiring leader. He could bring the best out of subordinates without appearing to try to do so. To be in his presence even for a short time was a stimulating experience, which never seemed to fade even after 37 years of intermittent association. This remarkable quality was due in part to his dynamic nature and partly to his stature and breadth.

On May 1, 1935, the President called on Mr. Cooke to undertake the none too easy task of initiating a rural electrification program using funds appropriated by the Emergency Relief Act of 1935. Secretary Ickes was in the White House at the time and offered help in obtaining personnel and office facilities. Mr. Cooke was quick to take advantage of that offer by having a memorandum drafted asking the Secretary for the immediate detail of five men, who were specifically named, and for the privilege of negotiating with division chiefs of agencies under the Secretary's jurisdiction for the detail of clerical personnel. The memorandum also arranged for me to enlist Mr. Burlew's "good and immediate offices" to secure temporary quarters and furniture in the Interior Building. The Secretary penned the following note on this memorandum, "Approved, H. L. I." With this authority, things began to happen.

The next day a shingle was hung out of the temporary quarters labeled "Rural Electrification Unit." Of course, the question was immediately raised, "Unit of what?" The answer, "Just a unit." But Mr. Cooke was able to report to the President that he was ready to do business less than 24 hours after receiving the go-ahead signal.

The painstaking task of developing an executive order, having it cleared through many important places and obtaining the President's signature took 2 weeks. The order, No. 7037, was made official on May 11. In the meantime business was really booming. Nothing official could be done, but lawyers, engineers, and clerks were taken on, some without any immediate compensation, but all were interested in and willing to take part in this trail-blazing enterprise. All requests for construction of rural lines were noted and promises made to consider them in due time.

The time was not to be very long. Although the legal right existed as of May 11 to operate a program, nothing could be done until an administrator could be appointed and qualified. This required confirmation by and with the advice and consent of the Senate, which might have taken considerable time. The contemplation of any delay was most distasteful to a man of Mr. Cooke's energy and resourcefulness. His natural reaction was to do something forthright about the problem and so he asked the President to appoint a temporary executive officer to exercise and perform the functions and duties prescribed for the Rural Electrification Administration pending the appointment and qualification of the Administrator. It was my privilege to undertake this responsibility, under the authority of Executive Order No. 7040 of May 15.

Under Mr. Cooke's guidance, the various formalities of organizing a new agency in Government were executed. People were employed, furniture and supplies obtained and office space secured. The Rural Electrification Administration occupied the former James G. Blaine Mansion at 2000 Massachusetts Avenue on May 18. In only a few days, Senate confirmation of Mr. Cooke's appointment came about and the story from that point is, of course, well known.

But what is not perhaps so well known is the impact of that marvelous personality on the members of his organization. With charm and dignity and resource, he built morale in the organization which earned for it the well-deserved credit of being the finest in Washington at that time. Such accomplishments do not just happen; they must be activated through an art—the gifted art of superb leadership. This art was possessed in a marked degree by Morris Llewellyn Cooke.

Although the creation of the Rural Electrification Administration was the most exciting association which I have had with Mr. Cooke, there were many others over a period of nearly 40 years, the recollections of which reminds me of having the rare opportunity of being close to a truly great man.

A PIONEER IN POWER AND CONSERVATION

(By Leland Olds)

We may well look to the Pennsylvania Giant Power Survey of 1925, directed by Morris Cooke under the governorship of the great conservationist Gifford Pinchot, for many of the sprouts that grew to full stature in New Deal power and resources policy. There we find his concept of the wedding of democracy and science, management engineering applied to the Government's necessary planning functions.

Thus, in the 1925 giant power report we find important roots of many developments associated with the New Deal President; the TVA and Bonneville giant power systems; the New York Power Authority distribution cost studies; the REA program; the new emphasis on multipurpose conservation storage in river basin programs; and the final codification of water policy in the report of President Truman's Water Resources Policy Commission.

In fact, we know that during the early formative days of the New Deal attempt to restart the Nation's economic life on a more secure basis, Morris Cooke was a member of the little group at the White House working close to the President, giving birth to ideas. It was there that REA was born—but the foundation was laid back in the days of the giant power survey.

It is interesting to note some of the names in the giant power advisory committee. It included Charles W. Eliot and Charles E. Merriam later to play parts in the New Deal's National Resources Planning Board; Arthur E. Morgan, first Chairman of TVA; and Senator George W. Norris, father to both the TVA and REA Acts. It included E. F. Scattergood, dynamic general manager of the Los Angeles municipal electric system, responsible for the first important engineering reconnaissance of the lower Colorado's power potential and for the drive that led to the great Boulder Canyon project (misnamed Hoover Dam). It also included Samuel Gompers, president of the American Federation of Labor, and author of three important articles on the interests of labor in giant power, the first published in the American Federationist in December 1923.

Space does not permit full justice to the substance of Cooke's report as director of the giant power survey or to the six pioneering technical reports on which it was based. But, before turning to the background for the later REA program, I will quote two paragraphs which have great relevance to the later New Deal program and to the future of electric power in America.

First, he saw storage of floodwaters as contributions to the larger flows required for condensing water for large steam generation near coal mines. Then he went on to amplify on the value of water storage. He said:

"All sorts of benefits flow from water storage or water regulation on a large scale, as they do from financial or banking stability. Water is the currency of life and industry. The steadier the supply and demand the greater the direct and indirect economies. By water storage flood destruction may be reduced, waterpower increased, municipal supplies provided and stream beds flushed out and otherwise purified during the hot summer days when sewage, mine and industrial wastes are most in evidence. While it might not pay to store water for condensing purposes alone yet the combination of uses, each aiding the other is distinctly profitable to the whole group of uses, industrial, sanitary and recreational as well" (p. 31).

This was 2 years before Congress authorized the Corps of Engineers to undertake the famous "308" plans for multiple-purpose development of the country's rivers. It reflected the thinking of the conservation movement, of which Governor Pinchot was an outstanding leader.

In this report Morris Cooke emphasized especially the importance of integration of power supply as contrasted with mere interconnection of vertically organized electric utilities "to give the whole territory thus integrated the advance of the cheapest possible electric generation at the lowest possible transmission cost." Speaking as a management engineer, he concluded:

"To produce power at the lowest cost mass production in the full meaning of that term must be practiced all the way from the face of the coal seam to the distributor's substation. This means not only large-scale production carried on at the most advantageous sites and under the most favorable conditions but practicing every economy, 'Ford methods' in short. The development of such giant power industry can be accomplished through the cooperative efforts of the Commonwealth and the electric power utilities."

This point of view was echoed 25 years later in the 1950 report of the President's Water Resources Policy Commission of which Cooke was Chairman. Recent reports indicate that, aside from TVA and Bonneville, Soviet Russia and Western Europe may have jumped ahead of us in adopting this concept.

THE GENESIS OF REA

In Morris Cooke's Giant Power Survey report, supported by a technical report with an extensive appendix devoted to the subject, we find him developing the factual basis on which 10 years later the REA was launched. Actually, 2 years earlier in August 1923, the Farm Journal had carried his article on "Farm Electric Power Two-thirds Cheaper—Cost of Current to Farmers of Ontario From the Hydroelectric Commission."

In his report as director of the survey, Cooke noted that out of 202,250 farms in Pennsylvania, 178,666 were without electric service of any kind, while only 12,452 were served by public utilities. He saw the farmer as essentially a power user rather than a light user. He wrote:

"Rural electrification means more than simply connecting the farms with the distribution system. It means a rate structure so arranged as to encourage a constantly increasing use and rates themselves based on the actual cost of service plus a fair profit. Only by bringing about large rural use of current can electric service vitally affect rural life" (p. 38).

His use of the words "actual cost" can only be understood in terms of his management engineer approach to lower costs. He had previously commented on costs under utility regulation as follows:

"It should be remembered that regulation at present affords almost no incentive to efficiency. The influence toward better methods exerted by competition in private industry has been largely eliminated among utilities and thus far nothing has been found to take its place. With rates based theoretically at least on what a service costs and with almost no reference to what it should cost there is no very strong urge for a service company to pioneer in any large way" (p. 15).

Pioneering in lower costs of electric service was one of Cooke's major interests in both the TVA and REA programs, as it was in the work which J. D. Ross was doing as superintendent of Seattle City Light. In fact, he saw to it that "J. D." (Ross) told the story of "The Effect of Cost of Electricity on Use," at the Institute of Public Engineering which launched the pioneer attack on the cost of distributing electricity to homes and farms.

Giant Power Survey Technical Report No. 5, with its detailed appendix, was prepared as a basis for the Survey Director Cooke's recommendations on rural electrification. It develops the potential uses of electricity on the farm, many of them only partially realized today. It also goes into the cost of extending rural service and the question of rates. In a sense, it provided a real basis for the report, prepared by Morris Cooke in the spring of 1934, which caught the President's eye and started the REA on its way as a joint contribution to the farmers and to industrial employment. It is interesting that George H. Morse, engineer and scientist, assigned by Cooke to this job, later played an important part in the New York Power Authority's first distribution cost study and moved on to participate in the late thirties in the Federal Power Commission's first national power survey.

As Marquis Childs points out in "The Farmer Takes a Hand," Cooke's most important contribution to the start of the rural electrification program was his analysis of the cost of distributing power. According to Childs:

"Determined to crack the secret of distribution costs, Cooke and a staff of assistants itemized the expense of all the elements that went into the building of a power-line. * * * Making generous allowance for error, he still came up with the construction costs of powerlines $300 to $1,500 cheaper per mile than that given by the private power companies" (pp. 46–47).

Childs says that the importance of the study Cooke initiated can scarcely be stressed too much. He adds:

"By stripping away the mask of higher distribution costs he proved that it would be possible for the power companies to bring their lines out into the country for a fraction of the charge that had been standard up to then" (p. 47).

Childs refers to Cooke's widespread emphasis on "the necessity of spreading electricity far beyond the easy confines of town and city," on the policy of area coverage, as a "major element in the whole complex of events that combined to bring about a revolution in rural America" (p. 17).

PIONEER STUDY OF DISTRIBUTION COSTS

The New York Power Authority sponsored Institute of Public Engineering, which Morris Cooke organized to launch the study of the cost of distributing electricity, was typical of his way of mobilizing a wide range of technical competence and bringing it to bear on a problem of major public interest. The results appeared in a paper-backed book of nearly 300 pages called "What Electricity Costs in the Home and on the Farm." A symposium, edited by Morris Llewellyn Cooke and published in 1933 by the New Republic, Inc.

Cooke had Clayton W. Pike, past president of the Engineers Club of Philadelphia, and former chief engineer of the Philadelphia Electrical Bureau, an old member of his team, prepare a preliminary report embodying technical conclusions based on the then average home use of electricity. He made Pike's analysis available to an extraordinary group of experts and asked them to discuss the problem in the light of the report.

The list of participants included James C. Bonbright, professor of finance at Columbia University, and trustee of the New York Power Authority; John Maurice Clark, professor of economics at Columbia and author of "Economics of Overhead Cost"; Chairman Milo R. Maltbie of the New York Public Service Commission and the chief of the commission's bureau of research; Chairman Clyde L. King of the Pennsylvania Public Service Commission; President Samuel Ferguson of the Hartford Electric Co.; E. F. Scattergood, chief electrical engineer and general manager of the Los Angeles Bureau of Power & Light, together with his electrical engineer in charge of operation; J. D. Ross, superintendent of the Seattle Lighting Department; and an outstanding group of consulting electrical and management engineers. A significant member of the group

was General Manager E. V. Buchanan of the London, Ontario, Public Utilities Commission.

Cooke, in a foreword, recognized that the failure of the industry to deal constructively with the cost of distributing electricity was just part of the larger failure to deal with the excessive cost of distribution throughout our whole economic system. He wrote:

"American mass production techniques have lowered unit costs of practically all products in sensational fashion. But at the point where the distributive process begins we seem to lose our cunning. * * * Our splendid achievements in simplifying, mechanizing, and speeding up the manufacturing and production process are in obvious contrast with the way in which the distribution process becomes always more detailed and cumbersome and self-frustrating. The task of getting the products of agriculture and industry into use at the least possible expense, which means the complete rationalization of the distribution process, is one of the master longrun problems confronting the Nation" (pp. XIII–XIV).

In his later résumé of the discussion of Pike's distribution cost paper he found "the confirmation of Major Pike's conclusions both as to detail and in summary" quite remarkable. He continued: "It means that the foundation stones of electric distribution cost finding have been laid. To engineers and other technicians we can confidently look for the completion of the structure" (pp. 103–104).

This represented a fundamental contribution to the future possibilities of low electric rates, the essential basis for large residential and farm use. A year later the continuing study by the power authority led to a statement, signed by Morse (formerly author of the Pennsylvania Giant Power Study of rural electrification) as engineer-in-charge, eight field engineers working under his direction, and five consultants, including Mr. Cooke. The statement found that the overall average cost of local distribution of electricity in communities where average consumption exceeds 100 kilowatt-hours per month would be 1 cent or less per kilowatt-hour. It continued:

"Distribution costs per kilowatt-hour go down as use goes up. By doubling the consumption the unit cost per kilowatt-hour is about cut in half. The annual distribution cost per average domestic consumer is almost a fixed amount independent of the quantity of electricity used. Cost factors other than use tend to offset one another. Such are the conclusions which may fairly be drawn from the data gathered in the survey and submitted in detail herewith."

Here was the foundation for the all-electric home and the all-electric farm of the future. And it is significant that this first broad study of the cost of distributing electricity was submitted to the President of the United States, as well as to the Governor of the State of New York. It was submitted in November 1934, in the critical period when Morris Cooke's recommendation for a Federal rural electrification program was under consideration.

DETONATING FORCE WHICH STARTED RURAL ELECTRIFICATION

Early in 1934 Morris Cooke came to me as executive secretary of the power authority of the State of New York, and asked to borrow George Hyde, an engineer who had shown an unusual capacity for preparing graphic material illustrating the public interest in electricity. Cooke had resigned from the authority and was working in close contact with the White House in the creative burst that led the country out of fear. He felt that, if a rural electrification program could be presented in such a way as to catch the eye and imagination of Secretary of the Interior Ickes and the President, the way would be opened.

On the basis of the joint work of a group of engineers and others who composed his team in Philadelphia, with George Hyde's illustrative skill, Cooke was able to present to President Roosevelt, with the support of Secretary Ickes, who was also PWA Director, his "National Plan for the Advancement of Rural Electrification Under Federal Leadership."

This report, prepared for 12 minutes reading, with illustrations and supporting appendices, Cooke told me later, appealed to the President as offering a practical program for reaching an objective in which he had been interested for some years. Although a year was to pass before the program was launched, Cook considered this memorandum the detonating force which started rural electrification.

In October 1934 the Mississippi Valley Committee, of which Cooke was chairman, reported that electrification of rural areas within reasonable time depended on active leadership of the Federal Government. Two months later the National Resources Board reported favorably and Congress included rural electrification as one of eight broad groups of projects specifically mentioned in the Relief Appropriations Act of 1935.

Thus the ground was laid for President Roosevelt's Executive order of May 11, 1935, creating the Rural Electrification Administration "to initiate, formulate, administer, and supervise a program of approved projects with respect to the generation, transmission, and distribution of electric energy in rural areas." Mr. Cooke became the first REA Administrator and started a program which substituted the engineering planning of areawide rural service for the haphazard, piecemeal approach under which private power companies had brought electricity to only about 1 farm in 10.

It is small wonder that, at its annual convention last February, celebrating the silver jubilee of REA, the National Rural Electric Cooperative Association, representing some 4 million rural families now blessed with electricity, gave Morris Llewellyn Cooke one of its rarely bestowed Distinguished Service Awards.

SUMMING IT ALL UP

Fifteen years later Morris Llewellyn Cooke served as Chairman of the President's Water Resources Policy Commission, appointed by President Truman to provide the country with a unified policy for the management of its river basins. The report of this Commission was issued in three volumes: "A Water Policy for the American People," "Ten Rivers in America's Future," and "Water Resources Law" (1950–51).

In a sense this Commission summed up or codified, if you will, the broad policies which had expressed themselves in the giant power survey report, in the Power Authority Institute of Public Engineering, the plan for a Federal rural electric program, the Mississippi Valley report, and more broadly, the conservation movement which President Theodore Roosevelt launched in 1908.

The Commission recommended that the policy embodied in its recommendations "be incorporated in a single statute stating both principles and policies, together with provisions requiring their application to all Federal water resources activities irrespective of the agency or agencies concerned." The Commission offered the draft of such a statute and Mr. Cooke subsequently had it reprinted for wide circulation. So far no action has been taken on it by either President or Congress.

My memorandum reflects only one man's contact with a great management engineer who fully accepted his responsibility to use his talents for the benefit of the society in which he lived. In the field of electric power and resources he was a leader in the application of practical planning to achievement of higher standards of living for all the people.

Morris Llewellyn Cooke, as I knew him, was essentially a planner basing his work on mastery of the facts, a catalyzer, a starter of great undertakings who expected others to carry out the programs which he in a sense invented. The program which extended electrification to rural life is going forward mightily. But the program which would assure rural as well as urban distribution systems unlimited supplies of low-cost power from regional giant power is still our responsibility.

A GENUINE GEOTECHNIST

(By Benton MacKaye)

Morris Cooke was one of the few engineers whom I ever knew who was a genuine geotechnist. For his eye never left the ultimate aim of making the earth more habitable. In this, indeed, he was the "ultimate engineer." Shorn of doctrine for this or that utopia, he fell not for the worship of the iron calf of mechanism nor of the bonny satyr of pantheism. His was the straight and rugged course toward a land worth living in, both the making and enjoying.

My own contacts with Cooke concerned his work on "giant power" and on water resources. In both of these, he saw every river whole. As a dynamo of energy to relieve the backs of men. As a sanctuary to relieve their souls. Too often be these concepts in head-on collision. Hence the need of the ultimate engineer. (Alas, some "penultimate" is usually in charge.) But here it was that I knew Morris Cooke—his head and hand ever on highest habitability. His sage decisions in the court of terrestrial justice belong in every course in the schools of his profession.

FRIEND OF LABOR

(By James B. Carey)

The American labor movement and the working men and women of our Nation will always be indebted to Morris Cooke for his enduring contributions to a better world not only for Americans but for the peoples of all countries.

I recall that Kenneth T. Trombley, in his biography of Morris, wrote:

"As a young financial writer, he discovered to his amazement a fact that nearly everyone else knew: that a relatively few men largely controlled business in the United States. He was shocked when he learned that one—J. Pierpont Morgan—had so much money that the Federal Government borrowed from him. And, to take another Mr. Big, it didn't make sense to Cooke that in 1 year Andrew Carnegie should make 23 million tax free dollars while his laborers made about $4.37 a week."

This little story of Cooke's early life reveals the characteristics which made Cooke a great and useful citizen. He was always looking for the facts and willing to face up to them when he found them. He had an unshakable faith in democracy and democratic processes. He had a great feeling of sympathy for the underdog, and a corresponding lack of servility for the rich and powerful.

Many years later he coauthored a book with the late Philip Murray, president of the CIO, in an effort to pave the way for more effective cooperation in production in order that the lives of all people might be enriched, and also that owners, managers and workers might work amicably for the development of new social and economic understanding.

Years later, while working in the garment industry, Cooke had this observation to make on the extremely bad working conditions in this industry: "I remember hundreds of garment workers standing in line to answer to a company's call for 10 employees. They were made to write the wages they expected on a piece of paper, and hand it in when they reached the hiring table. Watching the proceedings, I became expert at estimating what was on an individual's sheet of paper. It was easy—all one had to do was study the condition of the man's shoes and the elbows of his jacket. One hole, $10 a week. Two holes, $8 a week, and so on."

In the steel industry he found 200,000 men working 12 hours a day (and almost 30 percent of them worked 7 days a week (for an average weekly wage of $15. Cooke worked hard to bring about a reorganization of the industry with a shorter day and higher wages based on greater productivity.

All Americans are indebted to Morris Cooke for his work under FDR on the Mississippi Valley report, the report on the Great Plains, his work as the first Administrator of REA, his later work on the settlement of the Mexican oil dispute and his work with Sidney Hillman on the National Defense Advisory Commission.

It is possible to mention only a tiny fraction of the major works performed by this gentle, kindly and creative believer in the democratic process, but those of us who knew him know that we, indeed all of the people of the world, have suffered a profound loss. We have lost more than a friend who was humorous and charming. We have lost a fine creative mind and a restless, untiring spirit that was throughout life dedicated to the creation of a rational, functional society in which man could have enough of the good and necessary things of life and continue to enjoy freedom and equality.

MORRIS L. COOKE'S EARLY CONTRIBUTIONS TO THE AMERICAN LABOR MOVEMENT

(By Florence Calvert Thorne)

Morris Llewellyn Cooke had many friends and devoted followers in the trade union movement as a result of years of direct and indirect contacts and services. It was in the period of World War I that his contacts with American Federation of Labor headquarters began. His apprenticeship in the machine industry had made him aware of Frederick Taylor's efforts to eliminate unnecessary production costs. When he became concerned with production under naval war contracts he began meeting national union leaders. He found them willing to cooperate constructively when consulted.

Samuel Gompers, president of the American Federation of Labor at the time, as a member of the War Administration at a top level, was contributing responsible leadership by encouraging affiliated unions to cooperate for national defense. There was growing awareness of the potentialities of unions for service to the Nation as well as to union members.

It was part of my responsibilities as assistant to Mr. Gompers to note individuals and organizations whose work had implications for labor and who were disposed to consider labor experience and welfare. Mr. Cooke was then ardently promoting more efficient management policies generally and specifically on critically necessary war production. He accepted as basically sound Taylor's emphasis on accumulating factual data for the determination of policies and decisions. He urged that the value of time and motion studies would be increased by making them in cooperation with producing workers. Such cooperation came more readily when growing out of understanding the value of economies in production. With equal clarity of vision, Mr. Cooke was promoting the development of vocational training for managers as members of a profession. Approach to these objectives was along two roads: Organization of the Taylor Society for discussion of Taylor's methods and their application, and by promoting academic facilities at the graduate level for the professional training of engineers and others preparing for management positions. Mr. Cooke was active in both. There were two groups in the Taylor Society. One held that workers were human beings who wanted to promote their own welfare and could realize that their welfare was interrelated with that of the whole economy and society generally. The other group believed scientific management should be developed by management, and the workers required to conform to production orders. Several industries and Government agencies introduced time and motion studies without discussion with employees. Workers countered by denouncing scientific management as a heartless, slave-driving procedure for the purpose of undermining established standards of work and pay, and the substitution of practices derived by authoritarian procedure often based on inadequate factual area. Many craftsmen found that greater productivity by stopwatch methods was equated with less pay. Resolutions denouncing time study and the stopwatch as unmitigated evils were adopted by unions without reservations and as not needing further consideration.

During the year I was in the War Labor Administration I heard and learned more of developments to promote industrial management as a profession and as a necessity for larger production units developing rapidly. It was obvious the experiments of Taylor and his coworkers pointed the way to procedures and efforts for large scale production and would help focus attention on recording of experiences and on expansion of cost and production accounting needed for mass production industries.

I remembered a question posed by Dr. Robert Hoxie when he stopped to see me after serving as Chairman of the Commission on Scientific Management for the Federal Commission on Industrial Relations in the Wilson administration: "Why don't unions study 'scientific management' and learn to participate and direct developments for their own protection and advantage?" So when Morris Cooke asked me to arrange a meeting between Mr. Gompers and several engineers and members of the Taylor Society who wanted to know more about labor's industrial policies, I was eager for labor to cooperate. The conference held in New York City included five engineers. Discussion revolved around two developments—scientific management and corporate organization of large-scale industries. Mr. Gompers believed large-scale industry (or trusts as they were called then) was inevitable and not necessarily an evil. As a result of this conference, Mr. Gompers was invited to address the annual joint conference of the Taylor Society and a liaison committee of the American Society of Mechanical Engineers held in the Engineers Building. When Mr. Gompers' acceptance was announced, some of the older members of the profession felt a sacred tradition was being violated. Others, after hearing the head of the federation speak on workers' education, hailed the dawn of a new era.

Workers' education on lines developed at Ruskin College Oxford was sponsored by the federation in cooperation with the Workers Education Bureau organized by Charles Beard and Spencer Miller. Morris Cooke and Harlo S. Person, the executive director of the Taylor Society, made that organization a forum for discussion of union experience with scientific management and experiments to increase production without detriment to quality standards. More cooperative developments for efficient production followed as Otto Beyer and Bert Jewell extended union-management cooperation to the railway industry.

Union cooperation, with professional groups for developing the tools and methods of cooperation on production continued under President Green who succeeded Mr. Gompers to the presidency of the American Federation of Labor. As Mr. Cooke and kindred engineers uncovered the wider aspects of industrial planning there were more opportunities for unions to contribute constructive experience and cooperation such as Giant Power and various other public power projects. Power has always been a conditioning factor of civilization and its wise use for the benefit of the greatest number of projects and groups leads to lasting progress. Out of these efforts more unions concerned sought and obtained representation in industrywide policymaking organizations. Morris Cooke, active in this field, consistently urged inclusion of the larger aspects of human welfare in industry planning and consultation between groups concerned when policies affected their welfare. The increasing complexities of industrial organization made these practices essential to justice as well as to better management.

As observed from federation headquarters, the engineering work of Mr. Cooke was characterized by intense concern for better procedures and sound principles on the material side of industrial production and illumined by an overriding concern for their repercussion on the human beings affected. As an apprentice in the machine industry he was concerned for Taylor's failure to advise with his workers as well as to protect Taylor from too great humiliation due to unjust abuse and attacks from workers whom he neglected to keep informed. Morris Cooke relied on consultation and education as the best methods for good human relations. He was a pioneer in organizing the Taylor Society with its bulletin as the agency for educating management to early approaches to scientific management and the joint conference with the American Society of Mechanical Engineers to keep engineers informed. Later he had joint responsibility in organizing the International Management Bureau located in Geneva to collect experience and make it available internationally.

He was instrumental in the preparation of the report on the 12-hour day in the steel industry which President Harding submitted to the steel conference he invited to the White House to consider transition to the 8-hour day.

He was one of a small group Mr. Gompers asked to advise him on how to have available research information on the proposals to be considered by the U.S. labor representatives to the first annual conference of the International Labor Organization. That was before the U.S. Senate denied the U.S. participation in that organization whose charter Mr. Gompers had helped to draft.

The challenging work of Herbert C. Hoover for relief for European war victims and as Food Administrator rallied a number of engineers to his leadership and resulted in the Federated American Engineering Council of which he was president. Mr. Cooke and a number of members of the Taylor Society were in this group. The council initiated a number of research studies headed by that on waste in industry. This study allocated responsibility for wastes in production equally to management and labor. The council did the spadework in establishing principles which guided reorganization of the Department of Commerce beginning

with standardization and simplification of products for competitive markets. Mr. Cooke's pioneering work and services in these various capacities furthered the practice of consideration of human values involved in procedures and plans. This emphasis was inherent in his philosophy of life.

As I think over his many interests and dynamic energy, I remember the comment of a young man helping on the program to include business administration in academic studies: "Mr. Cooke is an important public citizen ranking second only to President Wilson." Certainly his ability to detect trends and to distinguish key problems, as well as the will to do something about them by rallying those concerned for cooperation to deal with them, earn him honor for distinguished service. He was a man of integrity and high value to his fellow men.

HE CARRIED DREAMS TO ACCOMPLISHMENT

(By David Cushman Coyle)

Morris Llewellyn Cooke was of the highest type of free engineer. He was free to dream of improvements in human life that could be achieved by the bold use of means that were beyond the grasp of reactionary minds such as those in control of the electric utilities. In addition, he had the personality and the untiring energy to inspire as well as charm the men of political power who could muster the resources for carrying his dreams to accomplishment. He had the faith that moves mountains, and the capacity to pass on that lifegiving faith to his many enthusiastic friends.

The Cooke project that grew to the most conspicuous success while he was still alive to observe it was rural electrification. The roots of REA reached back to the early 1920's when he worked with Gov. Gifford Pinchot, of Pennsylvania, on a giant power project, for a grid to serve both town and countryside. Their studies convinced them that farmers would buy enough current to pay for rural lines, if correctly engineered and financed. Then in 1931, when F.D.R. was Governor of New York, he appointed Morris Llewellyn Cooke to conduct a study on the cost of delivering electricity to farmers. In this work, the friendship was established between these two men that later made possible the founding of REA as well as many less conspicuous public services of that era.

The technical contributions of this free engineer to rural electrification were of crucial importance. He saw, from the first, that the point for a breakthrough had to be in lowering the price of electricity and he had the imagination to see that it could be done. He did not fear to solve the problem of low interest by calling for Government investment. Beyond that, he was not afraid of boldly redesigning the conventional electric lines and equipment so as to cut their cost in two. When the private companies still dug in their heels, he was free to turn to cooperatives. So by faith, courage, and sound engineering, he and his men broke through into a new field of service that has already transformed rural life in the United States.

Other projects, such as the Missouri Valley Authority, may seem now to have been defeated. And yet, who knows? This man planted many seeds, some of slower growth than others yet no less having life that some day may grow and flourish.

Meanwhile, there are many people still living, who sooner or later will grow old, and who through all the chances of life will continue to draw strength and courage from the living memory of Morris Llewellyn Cooke.

AN ENGINEER OF MOVEMENTS

(By Benton J. Stong)

Walking across the Capitol Grounds one evening, after a meeting on Missouri River Basin development, Morris Cooke told me a story which ever after characterized him in my mind.

A fishworm had emerged from the ground one morning to find a sunny day, the grass sparkling with dew, and apple blossoms, dogwood, azaleas, violets, and other early flowers in bloom.

"My," said the worm, "this is a wonderful world."

As he enjoyed the scene, a second worm emerged an inch or two away, surveyed the situation and exclaimed:

"My, this is a wonderful world."

Struck by the coincidence of the identical remarks, the first worm turned to his new companion and commented that they should get on well—they had made an identical comment.

"We should," said worm No. 2, "for you are the other end of me."

Morris Cooke believed this was applicable between men around the world, between resources, and between men and resources. Hence, everything was of interest to him, and every useful activity was worthy of any contribution he could make to it. Whatever his most useful role, he was prepared to undertake it.

My first meeting with Morris L. Cooke was at the old Resources Planning Board. A newsman new to Washington, I had been told by aids to other executives to come back when there was a press conference. But Mr. Cooke took an hour to answer my questions, cross-examine me about the Tennessee Valley, where I had resided for several years, and to recount one of his own experiences with a pioneer attempt at rainmaking as a reporter for the Rocky Mountain News.

There was a drought and arrangements had been made for a balloonist to go aloft and dynamite clouds. Cooke and a Denver Post reporter were to go up with the balloonist. With a little careful planning, Cooke managed to arrive after the takeoff. The balloon took an unexpected course when it got aloft and finally landed on an isolated mountainside. For several hours, Cooke relayed his paper news of the misadventure and the failure of the dynamiting to produce rain while the Post's reporter was still "up in the air." Back at the office, Cooke was praised for his "scoop" and good discretion, instead of being reprimanded for lack of valor. He remained skeptical of rainmakers for life, "in defense of my youthful judgment," he explained.

Mr. Cooke's interest in getting people to participate in civic affairs—a personal crusade be conducted especially vigorously within his own engineering profession—he dated back to college days when he was sent as a poll watcher to a waterfront precinct in an eastern city. After a pummeling, he was tossed out of the polling place, convinced that it would take more than a lone college student to cleanse election practices in the city. The same conclusion he found applicable to other movements.

Not the least of Mr. Cooke's abilities was to maintain friendships which permitted him to practice a little welcome "management engineering" in each of their lives, involved them with others in useful undertakings, thus achieving the concerted action by groups of individuals which he considered essential to get results.

FOE OF MUNICIPAL CORRUPTION

(By William O. Lichtner)

The passing of Morris L. Cooke was a source of deep sorrow to me. He was a friend as well as a professional colleague over a period of some 50 years.

In 1909 I met Mr. Cooke through Dr. Frederick W. Taylor, with whom he was intimately working in promoting the scientific management concept for industry and the operation of public works projects. During the ensuing years Mr. Cooke had me serve with him on several very unusual and important projects which only Mr. Cooke seemed to have the faculty and personality to handle successfully. Such a project occurred when he became Philadelphia's director of public works during the regime of the reform mayor, Rudolph Blankenburg. This project proved to be a classic fight against dishonesty, the power of money, and the type of futility in municipal administration through which everybody suffers.

Another high point in Mr. Cooke's career occurred when he was asked by President Franklin D. Roosevelt to "head up an American technical mission to Brazil." The group consisted of nine specialists and I was honored to be asked to serve as the chief of technicians. This mission was unique in that the project being of mutual economic interest on the part of Brazil and the United States of America it was conducted through President Vargas of Brazil having a counterpart Brazilian technical mission manned entirely by native technicians with the intimate background and experience of Brazil's needs.

This project was one of imminence and extreme gravity due to the submarine attacks on shipping between Brazil and the U.S. ports which seriously influenced the conduct of the war against the Axis powers. It also affected drastically the internal economy of our good neighbor.

The mission accomplished its purpose. The basic objectives of the mission as outlined in a White House statement were: (1) To increase local production of essential products; (2) to convert local industries to the use of substitute raw materials; (3) to maintain and improve transportation facilities; and (4) to lay the foundation for a long-range strengthening of Brazil's whole industrial economy.

Mr. Cooke's many other interesting achievements are replete with successes so characteristic of him. He was always willing to listen to and try new ideas, and was a liberal in every sense of the world. He fought for his convictions in a wide variety of business, engineering, and political issues.

I shall always cherish in gratitude the memory of my years of friendship with Morris L. Cooke.

FOE OF THE TIDELANDS BILL

(By Edward A. Harris)

The death of Morris Llewellyn Cooke brings back memories of my most interesting years as a Washington correspondent. For while it was never disclosed before, he was one of the leading figures behind the scenes in the determined inquiry into the tidelands oil situation.

At stake in this inquiry were billions of dollars worth of oil in the so-called marginal sea extending from low tide to the 3-mile limit. This immense wealth could be conserved underground for the future needs of the Nation; it could be partially exploited under Federal control to prevent drainage loss with its proceeds used for schools and other worthy causes. Or, if these tidelands could be declared the property of the States off whose shores they are located, then the prospects were greatly increased of private oil operators reaping huge profits from their development.

Morris L. Cooke had long been a close student of the politics of oil, starting with his engineering experience as the reform head of the public utilities system of his home city of Philadelphia beginning in 1912. Franklin Roosevelt chose him to represent the United States in the settlement of the Mexican-American oil disputes in 1942. He knew the chief personalities in American oil, and had some among them tagged as "bad actors" in his book of what makes men tick.

Never a seeker after publicity, but a stanch champion of conservation of natural resources, Mr. Cooke was a colonel be-

hind the scenes in the tidelands oil fight. He cataloged the personalities in the oil lobby in that fight. And when one of their leading members was nominated to the strategic post of Secretary of the Navy, he went into action in his quiet but most effective way.

His files, his catalog of men and events, his wide acquaintanceship with sources of facts were put to use in mustering a substantial record which the chairman of the Senate Confirmation Committee, the late eminent Senator Charles W. Tobey, had put at his disposal. It was an important factor in the investigation that resulted in the withdrawal of the oilman's nomination to the sensitive post.

While the immediate victory was gratifying, the larger issue for which Mr. Cooke fought, that of conserving the tidelands for all the people in future generations was not won. But a man is not judged by his victories alone. So long as there are Americans who fight vigorously for just causes, a battle may be lost here and there but in the end the war will be won—the war to save the Nation from predatory interests and thus insure its endurance as a dynamic democracy.

I cite this instance of high-level operation by Morris L. Cooke as one facet of a rich life spent entirely in the public interest. As the reporter assigned the task of digging out the facts and writing them for the public, I went to reliable sources, and Mr. Cooke was a most valuable one. I can see him now, pacing up and down the length of his sitting room in his suite in the Hay-Adams, a sheath of papers in his hand, indignant to the point of anger at the attempt of a handful of giant corporations seeking to capture the great oil wealth of the Nation through the actions of their hired lobbyists.

Watchful, patient, knowing, the trained man at work on public issues, dealing with these issues at the top policy level where broadest results could be obtained, Morris L. Cooke lived a quiet life of great effectiveness for many years in Washington. His rare counsel and solid advice will be sorely missed in these trying days by a circle of leaders. His enduring friendship will remain with us for many years to come.

Builder of Good Will With Mexico

(By Ralph Kaul)

I was assistant to Morris L. Cooke when he served as the U.S. Commissioner, appointed by President Roosevelt, on the United States-Mexico Oil Commission.

This Commission in 1942 settled by friendly negotiation the long standing dispute between the United States and Mexico and provided reasonable compensation to the expropriated American oil companies. The settlement coming at the beginning of World War II was a major breakthrough in establishing strong friendly ties with Mexico which have endured to this day. Morris Cooke deserves the credit.

In my experience I have never known a person to serve the public with greater courage, skill, and devotion. When problems seemed unsurmountable, he was always confident and cheerful and a source of inspiration to his associates and staff.

Our Nation has had many outstanding public servants. No one more deserves a lasting place in our hearts and memories than Morris Llewellyn Cooke.

A Friend of Puerto Rico

(By Judson C. Dickerman)

When in 1912 as director of public works, city of Philadelphia, Pa., Morris L. Cooke came to negotiate contracts with privately owned public utilities, he found their policies and practices not in the public interest and in his opinion restricting the useful progress of the industries. He soon found those policies were general over the Nation. From then on, he devoted a goodly part of his energies to advance the widespread beneficial use of electric power.

When private corporations were reluctant or unable to take adequate measures, he encouraged publicly owned enterprises to take over. The writer was frequently associated with Morris L. Cooke in many such activities from 1912 up to his death in 1960.

The late President Franklin D. Roosevelt, considering the problems of administration of the island of Puerto Rico, found a public-spirited, farsighted engineer, Antonio Lucchetti, operating a small electric utility system under the island government in conjunction with irrigation facilities. Lucchetti was pressing to enlarge the system to utilize to a maximum the island's potential water-power resources and to ultimately provide electric service to the entire island as one publicly owned utility.

The President appointed Morris L. Cooke and Frank H. McNinch, then chairman of the Federal Power Commission, to investigate the existing development and the feasibility of Lucchetti's program. These gentlemen sent the late Roy Husselman and the writer to the island in January 1934 to study and report. The two engineers reported favorably as to the existing development, the advantages to the island of expanding the electric service and the necessity of acquiring some supplementary steam electric power. Messrs. McNinch and Cooke accepted the report.

An immediate result was the purchase by the island authority, without controversy, of the privately owned steam electric plant and system in the city of Ponce. In 1941 the Puerto Rico Water Resources Authority was set up within the Puerto Rico Department of Public Works to operate and expand the publicly owned hydroelectric power and irrigation services. In 1944 that Authority purchased the electric systems serving Jan Juan and vicinity and Mayaguez and soon after acquired the few locally operated small plants, to complete an islandwide system, competently and progressively managed, to be an important factor supporting the island's growing prosperity.

While remaining much in the background, Morris L. Cooke maintained an active interest in the continuing political and economic development of Puerto Rico and its water resources authority. In their later years Mr. and Mrs. Cooke spent several winters in Puerto Rico where both found much of interest. Thus Puerto Rico benefited by Morris L. Cooke's clear perceptions, advice, and influence up to the time of his death, as have many other situations, nationally and internationally.

Builder of International Good Will and Peace

(By Dewey Anderson)

Morris Llewellyn Cooke was a rare personality. A trained engineer, he was forever innovating, reaching out into new and unknown fields, seeking the right answers to besetting public problems that required solution in order to strengthen democratic institutions. His mind was ageless, and as each new day brought with it a new set of problems he applied that keen intellect to finding the right way to put men and institutions to work under policies beneficial to the public.

Others will tell of his pioneering leadership in the fight for low-cost energy to power the wheels of our emerging American industry at a time when engineers were scarce, who would champion the entrance of the Government into this field to yardstick the activities of the private utilities.

Or his conception of "catching the raindrop where it falls" to prevent floods and devastation in a natural way, and to harness the falling waters in a river valley for the benefit of all who reside there, an idea that took concrete form in the establishment of the TVA and the Soil Conservation Service.

Or, his persuasive voice convincing that strong man of the first New Deal cabinet, Harold Ickes, to support his petition to the President to create the REA.

Any one of these achievements would accord the ordinary leader his place in our social history. But for Morris Cooke they were routine.

On the international frontier he also displayed his unusual combination of wisdom, persistence, integrity, true gentlemanliness and diplomacy. These rare qualities were early recognized by Franklin D. Roosevelt who have become well acquainted with Mr. Cooke during the First World War, and later when he appointed Morris Cooke to the giant power commission of New York.

I know something of the service he rendered our second war effort, having served as Chief of the American Hemisphere in the Board of Economic Warfare. It was our duty to obtain the maximum cooperation from our Latin American neighbors. Brazil, with its tremendous raw materials, its strategic air flight location, and its growing industrialization, was the key to this. Morris L. Cooke was ideally suited to the task of using that key. He had settled the Mexican-American oil dispute in 1942, and received the highest award of merit that good neighbor had to offer. He was an engineer who looked at problems through trained eyes.

Mr. Cooke was chosen to head an industrial mission to Brazil and the results are written into our diplomatic history. Out of it came a complete accord and fullest participation between the two countries, a cementing of friendship that has carried on to this day.

When the Second World War was drawing to a close, Morris L. Cooke was busy meeting with groups and individuals to find the way to continue the allied collaboration which had made the prosecution of the war a success. His meetings with the French leader Monnet led to Mr. Cooke becoming a champion of the union of European economies. One of the French leaders came all the way from France to meet him so recently as his final illness, arriving at the hospital the last day of his life. The distinguished Frenchman's grief at the passing of this understanding friend was a warm tribute to the power of that friendship with the French Republic.

Always seeking practical ways to attain peace and preserve it and to promote freedom and democracy among men, Morris L. Cooke was in the first group that discussed what became point 4 in the inaugural address and international program of President Harry S. Truman. In the first comprehensive treatment of that topic, the bold new program series issued by Public Affairs Institute, he wrote the study "Groundwork for Action," a description of the nature and extent of the task of aiding the underdeveloped two-thirds of the world to join with the more industrialized nations in their march toward economic and political freedom.

He continued this abiding concern for our less fortunate free world neighbors to the very end of life. His pen and his person were ever available in case of need. Thus, in the serious need of India for food grains, he was among the handful of leaders who wrote, worked, and prevailed upon the administration and the Congress to provide that grain. He formed and led a Committee of One Hundred Americans in the formulation of peace programs, and stimulated widespread interest in effective disarmament and cooperation to advance the participation of the free world countries in the economic development of the less privileged nations.

Morris Llewellyn Cooke lived a long and useful life. He continued that usefulness

in a remarkable degree right up to the surrender of its spark on his last day with us. Within the month of his death he paid a final visit to Washington, held court in his Hay Adams suite of the men and women who had led this Nation out of the trough of the depression and built the New Deal institutions by which we now live. It was not a court of reminiscence but a discussion of new frontiers of mind and action just ahead. Ever young, he died at the age of 87, a tribute to the best America has to offer its people, a warm friend and loyal colleague in the struggle for better living for us all.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. CLARK. Mr. President, I should like to join my distinguished colleague from Montana in the tribute he has paid to the distinguished Philadelphian, Morris Llewellyn Cooke. Mr. Cooke was one of the great engineers of our country. He was a member of the cabinet of Mayor Rudolph Blanckenburg of Philadelphia as long ago as 1911. He did everything possible during the period of his service to bring the public works and engineering programs of our city out of a very bad and obsolete situation. When he resigned as director of public works, Philadelphia had been well served.

Mr. Cooke was an outstanding follower of Theodore Roosevelt, a great "Bull Mooser." He served actively in the ranks of the "Bull Moosers" until the early days of the New Deal, when he became an ardent disciple of Franklin Delano Roosevelt. He came to Washington, D.C., and did a magnificent job. His influence was far beyond the positions he held.

All of Philadelphia and all of Pennsylvania join the Senator from Montana in the tribute to this distinguished member of our Commonwealth.

Mr. President, I ask unanimous consent to have an editorial which was published in the Washington Post and Times Herald of March 9, 1960, in tribute to Mr. Cooke, printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MORRIS L. COOKE

The death of Morris Llewellyn Cooke at the age of 87 must have brought not only a sense of personal loss but a keen nostalgia as well to many who knew him in his long and devoted career of public service. He was as much a Washingtonian as a resident of the Philadelphia suburb which was his home and to which he retired in his final years. During the 1930's and 1940's when he was active and influential in the Capital, he was an exemplar of the very best qualities of the New Deal and perhaps its leading philosopher in the area of conservation and resource development.

Morris Cooke was so modest and quiet a man that few realized the extent of his influence in the Roosevelt administration. An outstanding engineer, he became director of public works in Mayor Rudolph Blanckenburg's reform municipal administration in Philadelphia in 1911. Later he served as a member of the New York State Power Authority during the Roosevelt governorship and became Chairman of the Rural Electrification Administration under President Roosevelt in 1935. He played an important role in the development of the TVA concept.

An ardent exponent of public power, Mr. Cooke had personal integrity, professional competence, and sound judgment that commanded the highest respect among private power advocates. He was the natural choice to direct the Water Resources Section of the National Resources Board in the Roosevelt administration and the Water Resources Policy Commission in the Truman administration. His enthusiasm and idealism no less than his extraordinary understanding of resource problems made him an invaluable contributor to the growth of his country.

Mr. CLARK. Mr. President, I thank my friend from Montana for yielding to me. I invite the attention of my friend from Montana to the fact that my colleague from Pennsylvania desires to have the Senator from Montana yield to him.

Mr. SCOTT. Mr. President, will the Senator from Montana yield?

The PRESIDING OFFICER. Does the Senator from Montana yield for a question?

Mr. MURRAY. I yield.

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senator from Montana may yield to me so that I may speak, not in the form of a question, but affirmatively, with respect to the death of Mr. Cooke.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, while I did not know the late Morris Llewellyn Cooke well, he served in the same cabinet under Mayor Blanckenburg with my uncle, the city solicitor of the city of Philadelphia. He was a great man, a distinguished citizen, and an outstanding engineer. I should like to associate myself with the sentiments of those who have spoken and to express the grief of my city and of my Commonwealth at the passing of one who contributed so much in civic well-being to all the agencies and causes which he served.

TRIBUTE TO BRIG. GEN. FRANK T. HINES

Mr. CASE of South Dakota. Mr. President, one of the great public servants of our generation passed away yesterday. I refer to Gen. Frank T. Hines, who for many years was Administrator of the Veterans' Bureau, later the Veterans' Administration. He also served as our Ambassador to Panama for a number of years. He was called upon during his life to fill many posts of honor and responsibility. He served with credit to himself and to his country.

I regard it as one of the privileges of public service to have known General Hines and to have been associated somewhat with his activities, when I served on the Subcommittee on Appropriations for Independent Offices in the House of Representatives, which subcommittee dealt with appropriations for the Veterans' Administration.

Mr. President, I ask unanimous consent that there may be printed in the RECORD, following my remarks, the newspaper article published in the Washington Post and Times Herald this morning in tribute to General Hines.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Apr. 5, 1960]

GENERAL HINES, FIRST VA HEAD

(By Alan L. Dessoff)

Brig. Gen. Frank T. Hines, U.S. Army, retired, head of the Veterans' Administration under five Presidents and the man who got the troops home after World War I, died Sunday of bronchial pneumonia at Mount Alto Veterans' Hospital. He was 81.

General Hines was once described by J. Edgar Hoover, Director of the Federal Bureau of Investigation, as "the one man in Washington whom everybody respects" because "he has ability and never played politics."

Sumner G. Whittier, present Administrator of Veterans' Affairs, was by coincidence in Salt Lake City, General Hines' birthplace yesterday, when he learned of the general's death.

"The State of Utah and all of America lost an outstanding citizen and patriot," Whittier said in a statement, adding, "General Hines served his fellow men with distinction in a long and useful life."

President Warren Harding picked General Hines to head the Veterans' Bureau in 1923. Previously, the agency had been under severe criticism and touched by scandal as it was directed by as many as three men at one time.

In 1930, when the Bureau was consolidated with other veterans' relief agencies into the Veterans' Administration, General Hines became its first administrator and served until 1945.

SET UP REGIONAL AREAS

Working with "cold, deadly efficiency"—he signed his initials, never his name during 12- to 16-hour working days and kept a seven-sided appointment calendar on his desk—he divided the VA into district and regional offices for the convenience of veterans around the country.

It was largely due to his efforts that Congress permitted a veteran of any war to be hospitalized without regard to the nature or cause of his disability.

General Hines also proposed that a man entering military service know exactly what compensation he or his dependents would receive in case of his death or injury, under a uniform policy by which all veterans would have equal consideration relative to their needs.

At the end of World War II, General Hines was in charge of administering the Servicemen's Readjustment Act of 1944, known as the GI bill of rights. He controlled an agency with scores of hospital facilities, more than 50,000 employees, and over 100,000 claims from veterans awaiting action.

ENLISTED AT 19

General Hines rose from private in the National Guard. He enlisted in Utah at 19 and served in 14 Spanish-American War engagements. He was recommended for the Medal of Honor for bravery in action in the Philippines but it was never voted by Congress.

Despite his early record, his first application for a commission in the Regular Army was rejected because of his age. He finally got it in 1901 and as a captain went to Europe in 1914 as a technical adviser for the Bethlehem Steel Co. working on Greek coastal defenses.

When World War I broke out, he headed home from Athens but the War Department stopped him in Rome and ordered him to evacuate Americans from Italy. He returned 3,100 citizens to the United States in 2 months.

MOVED 2 MILLION MEN

His major contribution during the war was organization of a transportation system that

moved 2 million soldiers to Europe in 18 months and got them home again in 8 months.

It was estimated that his return of the men earlier than expected and his readjustment of transportation rates with Great Britain saved the Government more than $130 million.

It was during this period that General Hines first won J. Edgar Hoover's respect. Hoover, in charge of extraditing anarchists from the United States, had difficulty getting a ship, and called General Hines, who ordered one.

"You put them on the ship," the general told Hoover, "and I'll take them out of the country."

Commissioned a brigadier general in 1918, General Hines retired from the Army in 1920 but returned to public life 3 years later on President Harding's request.

After leaving the Veterans' Administration, he served as Ambassador to Panama for 3 years. He then moved to California, but returned here to serve until recently as a director of the Acacia Life Insurance Co.

He is survived by his wife, Nellie, whom he married in 1901, of the Towers Apartments; a son, Frank T., Santa Monica, Calif.; a brother, Brig. Gen. Charles Hines, U.S. Army, retired, 2800 Quebec Street NW.; and a sister, Mrs. Frank M. Barrell of Millbrae, Calif. Services will be held at 2 p.m., Wednesday, at Fort Meyer Chapel, with burial in Arlington Cemetery.

Mr. HILL. Mr. President, I should like to associate myself with the remarks of the distinguished Senator from South Dakota in his tribute to the late General Hines. I knew General Hines well. I had a lot of contact with him. I worked with him on many occasions on many matters. I never knew a finer, more devoted or more faithful public servant. He was a great soldier, a great patriot, and a great American.

CONSOLIDATION OF INTERNATIONAL COMMUNICATIONS—THE KEY TO PEACE

Mr. MUNDT. Mr. President, the Advisory Commission on Information has just filed its 15th report. I wish to call this report to the attention of the Members of the Senate because I believe that it is a forward-looking document, outlining guideposts in foreign relations, which may well channel our information and cultural relations activities into new areas, with new programs, and new management.

I was highly gratified to note that the report suggests that the time has come to consolidate all the foreign cultural, education, and information programs in one agency of Cabinet status. The report suggests that this total combined effort should be conducted as a single operation, involving an overall public relations project.

The committee stated:

> To meet the competitive ideological and propaganda challenge of the future, the time has come for the United States to consolidate all the foreign cultural, educational, and information programs in one agency of Cabinet status. The purpose is to insure maximum coordination and unified direction of the total U.S. communications effort.
>
> Although U.S. foreign information, education, and cultural programs have shown much improvement, their impact, from a total communications point of view remains difficult to discern when the U.S. information and education program is evaluated, country by country. Consolidation of all U.S. foreign communications in one agency will result in more unified and comprehensive planning, more economical use of what are essentially scarce resources, and a cumulative impact that will be more apparent. Previous bureaucratic divisions and differences should now be subordinated to the common purpose of achieving mutual understanding between the people of the United States and the people of other countries, in this most critical area of international communications.
>
> Communication techniques in reaching foreign audiences are essentially similar. Combining the diverse cultural, information, and educational programs will give belated recognition to this fact. It will enable the United States to enter into the competitive communications struggle in 1960 with a strengthened capability tested and matured by its past experiments and experiences.
>
> The Commission believes the United States has the brains, the ideas, the techniques, and the resources that are necessary to meet this challenge successfully today and in the future. The Commission believes, however, that the essential task is to marshal and organize resources more effectively and to release creative ideas and energies that will be required in the long contest that looms ahead. If the ideas of freedom are to prevail they must be mobilized, organized, and communicated to the people of the world.

The importance of information and cultural relations programs has never been more clearly outlined in the history of our Nation than at present. As this report indicates, the quantity of such programs from the Communist orbit is increasing sharply, by leaps and bounds, especially from Red China. The challenge to the United States is greater, and will continue to grow.

We cannot fail to provide all the programs we need to meet this challenge. We cannot afford to sustain a dormant effort, without creating new methods, new ideas, and new techniques. Upon this project of communicating with the peoples of the world, and of projecting the truthful image of America depends our national safety.

In that connection I wish to salute the Senate on the fact that, after only 2 days' deliberation, it recently approved the expenditure of $100,000 by the Voice of America to purchase from commercial stations in Georgia and Florida programing time with which to beam Spanish language broadcasts to the oppressed people of Cuba. Today in conference the conferees on the supplemental appropriation bill agreed that this money should be utilized for this purpose, and should be taken from the unobligated balances which, happily, the Voice of America has available to it at this time.

Our great defensive strength lies not alone in our great weapons programs, or in our missiles and atomic weapons. Our real strength rests in the faith, confidence, and friendship which the peoples of the free world—and many of the satellite countries—have in the United States and its people.

The job we have to do is to make sure that such confidence remains unshaken, and that such trust is never violated.

I agree with the observations of the Advisory Committee which points out that to maintain a strong program does not necessarily mean that we have to match the quantity of Communist propaganda, but that we should outdo them with quality. Money may very well be far less important than method in achieving our objective.

If we want the quality of our information and cultural relations programs to improve, we must search constantly for new methods and techniques for handling them.

The friends we have abroad will remain constant if we continue to inform them of our purposes. New friends will be won when we find how best to approach them and when we find what their interests are. This is a continuing challenging and existing task.

I am not making this statement as one of criticism of the administration of the present programs. Indeed, I have nothing but high praise for much of their work and most of the administrators of them. We may have been more fortunate than we deserved in getting people of such high caliber to man them.

This is true, also, of the Advisory Commission which wrote the report to which I refer. I list the names of members of the Advisory Commission for the information of the Senate. I am sure that the names of most of these distinguished Americans are already well known in this body.

Mark A. May, chairman, director, Institute of Human Relations, Yale University, New Haven, Conn.

Erwin D. Canham, editor, the Christian Science Monitor, Boston, Mass.

Sigurd S. Larmon, chairman of the board, Young & Rubicam, Inc., New York, N.Y.

Philip D. Reed, New York, N.Y.

Lewis W. Douglas, Sonoita, Ariz.

For some time I have been talking about more coordination of our cultural relations, exchange of persons, and information programs. Considerable coordination has taken place, but I am sure no one will say that the job is ended. Such coordination must be aimed at strengthening the programs. Often, we find in government that coordination merely means creation of some new superstructure of administration, with little change in programs, or improvement in the agency output. These cultural contacts are so important that we must give them every support, without draining their appropriations for administration.

That is why, during the past year or two, I have been picking at the idea that perhaps these programs need to be placed in a separate agency, at Cabinet level, with Cabinet status, where their full importance can be appreciated, and their potential expanded.

Early last year, in an address before the third plenary session of the National Conference Institute of International Education here in Washington, as author of the Smith-Mundt Act, which established the overseas programs of information, suggested that the time had come when we should consolidate all of our programs of international human relations into one department of Cabinet-level status. Later I authored an

article for the July 1959 issue of the Publice Relations Journal entitled "A Department of International Public Relations for the U.S.," in which I spelled out the importance of merging our programs of information, educational exchange, and cultural relations into a single operational agency. The favorable response to this article from distinguished experts in the field of public relations was most gratifying and encouraging. Based on the reaction to my article I counseled with Dr. Mark May; and I would like to think that my conversations with this distinguished expert and leader in the field of public relations on human relations have played some small part in the genesis of the recommendation contained in the 15th Annual Report of the Advisory Commission on Information. I enthusiastically concur with the Commission's conclusion that the challenge of the sixties demands the ultimate coordination of all programs designed to communicate the image of America to citizens of other nations.

I firmly believe that this will not only give us increased efficiency, but will provide better results with better economy.

It seems to me that this proposal merits the special consideration of the Senate, especially since the advisory committee, which gave considerable study to the matter, gives rather strong endorsement to the plan.

Many hearings have been held on the cultural relations and information programs. Perhaps one of the most useful was the so-called Fulbright-Hickenlooper hearings back in 1952. I would suggest, however, that the findings of 8 years ago may not be totally valid today and that some extension should be made on them.

Later, independent inquiry was made by Government commissions outside of Congress, but these, too, are now 6 or 7 years old. This field is one which changes rapidly, and which constantly poses new and involved problems. Further investigation into the merits of proposals regarding them are now in order.

I do not have in mind today introducing any resolution calling for the establishment of a new department at this time, or any resolution calling for some special investigation or new study; but I think this is a subject which requires the attention of Congress. It is a field in which careful studies might be valuable.

I believe that we have in the Senate such a mechanism for making an impartial, nonpartisan, and objective study and I hope that we can utilize this mechanism for positive operations without delay.

The Government Operations Committee of the Senate, of which I am ranking Republican member, recently established a subcommittee under the chairmanship of the able Senator from Washington [Mr. JACKSON]. The subcommittee is functioning for the purpose of studying the policymaking machinery of Government. At its inception, the purpose of the subcommittee was set forth as being an impartial, nonpartisan study group. This was emphasized many times by Senator JACKSON, both on the floor of the Senate and in our committee sessions, and at the time the resolution creating the subcommittee was adopted.

So, I think that we have already established the means of making such an inquiry as I have outlined. We have by now recruited an excellent professional staff.

Therefore, I am making the suggestion that the committee to which I refer, the Subcommittee on Policy Making Machinery, undertake to interview experts or to hold hearings on this subject. I am today sending a letter to the distinguished chairman of our subcommittee, the Senator from Washington [Mr. JACKSON], pursuing this request.

I do not believe that any study has been given to the proposal, other than that which the advisory group has made. I am sure that there are many experts in this area whose opinions and suggestions have not been sought. There are some additional ramifications and proposals for expansion to include other programs in such an agency, and all should be studied in the atmosphere provided by our subcommittee. We should all approach this entire problem with an open mind. We must evolve the optimum administrative machinery, by which we can get the best results, with a minimum of Federal expenditures.

The ideas of all of us change as the times change. New circumstances call for new answers. For instance, I was once very much opposed to the idea of moving the USIA out of the Department of State because I felt that we would lose something in the way of coordination of policy. Now, I do not feel that these fears have been justified by developments, though I think coordination can be further strengthened and improved.

Perhaps the reason USIA has functioned so well is due, not to any special machinery of operations so much as it is due to the high quality of administrators which it has had and the unofficial coordination which has taken place. The present head of USIA, George Allen, serves his country well, and administers his agency most capably in this his second tour of duty. He deserves the commendation of Congress for his great success.

I have not inquired of George Allen what his thinking is on the special proposal I have made for putting all these functions in a Cabinet level agency. I am sure, however, that he feels that USIA has not filled its potential—that there are gaps to be filled—that new techniques need to be acquired—and that bigger jobs lie ahead as the Soviet cold war effort expands at a greater percentage of increase than even its missile program.

The Communist challenge is a never ending one, and it reaches not only to our doorstep, but right into our country. The case of Cuba points up rather dramatically what inroads have been made. I was happy to have the Senate approve so rapidly the proposal I made to have special appropriations given to USIA to meet the situation in Cuba and to provide information programs which would give the people of Cuba the truth about our country and its relationships with them. I think this is an effort which will pay big dividends.

The case of Cuba also demonstrates what is needed in the way of coordination between our information programs, and other cultural activities, assistance programs, and overall aggressive techniques to combat the slander aimed at us or to help resolve the international tensions created by the Castro-led government.

We lack the flexibility to handle the critical situations resulting from dictatorial posturing of little men in big britches, when, like gadflies, they tease and taunt their neighbors, or take punitive actions against them. It is true that, because of our economic strength, we could bring the Government of Cuba to its knees. But that is not what we want. We want the Cubans to enjoy freedom and economic prosperity. We want them to have free speech, freedom to worship, a free enterprise system, and we want them to enjoy the advantages of good relationship with our own country, and with their Latin American neighbors. To convince them that is our aim, and that we are not an all-powerful giant trying to work our will through economic coercion or displays of force, requires skillful communications, proper approaches, and coordinated programs.

We have numerous programs around the world which can be brought into play. Most of them are highly successful, but, from the viewpoint of the foreign national with whom we are working, there is confusion and cross purpose. There are many Americans in these foreign capitals working toward common goals, but approaching them by diverse routes, with either unrelated or overlapping and sometimes even contradictory programs. To have our activities observed as stemming from one center, with one method or approach, and thus demonstrating unity, would do much to increase our prestige abroad, and bring better results to our efforts.

I could discuss at length some of the problems that arise abroad from lack of centralized guidance and coordination, but I believe that my purpose is best served here by merely pointing out the report of the Advisory Commission which reflects the thinking of experts on this question.

I see on the floor of the Senate the distinguished chairman of the Committee on Agriculture and Forestry, and a distinguished member of the Committee on Appropriations, the Senator from Louisiana [Mr. ELLENDER], who has probably traveled as much and has studied as hard in analyzing the various ramifications of our oversea activities as any Members of the Senate. I have heard him discuss publicly and I have heard him hold forth privately on the contradictions and duplications which occur. It seems to me that in our fighting the cold war through to victory, so that we do not become engaged in a hot war, we must coordinate our efforts to get the best results possible with the economic use of manpower and money.

Again, I wish to request that our subcommittee take this matter under study at once. I feel that it is of more urgency

than many of the studies which are contemplated or which have been taken thus far. It has the advantage of being an up to date, current problem, as well as being on the subject which is most pressing in the field of foreign relations. America is public-relations conscious. It is a special skill that has been most highly developed in our Nation. It is time that we used this special public relations knowledge to improve the image of America abroad, by winning the hearts and minds of people around the world, convincing them that we expect to live at peace, and that our total effort is toward that end. If our committee can develop special information and do necessary research which can help us in our deliberations on the worth of upgrading and coordinating the work of this special agency, the committee headed by the Senator from Washington [Mr. JACKSON] will have served a useful and constructive purpose.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. THURMOND obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator yield to me, without in any way affecting his right to the floor?

Mr. THURMOND. I am glad to yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I offer an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. On page 16, line 9, it is proposed to insert the following:

After "(a)" insert "on account of race or color".

On page 16, line 11, after "(b)" insert "on account of race or color".

On page 17, line 16, after "(a)" insert "on account of race or color".

On page 17, line 18, after "(b)" insert "on account of race or color".

Mr. THURMOND. Mr. President, as an example, of the pitfalls encountered when concern for speed overshadows consideration for due process guarantees, I would like to refer briefly to one of the constitutional defects apparent in title 6 of the pending bill.

In his testimony during the brief period in which the Judiciary Committee was required to consider this legislation, the Attorney General testified with respect to section 6 that it had as its constitutional basis the 15th amendment of the Constitution. Mr. President, as is well known by Members of this body that particular section is as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Mr. President, as any student of constitutional law knows, the language of the section is in negative terms. This particular amendment, the legitimacy of which is open to serious question, in no way justifies an affirmative course of action set forth in legislation by Congress. Any legislation which seeks to justify its existence must do so on two grounds. First, a prudent Congress must be convinced that there exists evidence that "the right of citizens of the United States to vote" is being denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. Secondly, the legislation must assume the character of negating this discrimination. In other words, the legislation must be negative in character as opposed to a positive approach or affirmative course of action. This has been summarized in 18 American jurisprudence, elections, page 26, paragraph 8, as follows:

The power of Congress to legislate at all upon the subject of voting at State elections rests upon the 15th amendment. The legislation authorized by this amendment is restricted. It extends only to the prevention by appropriate legislation of the discrimination which is forbidden by the provision. Congress has no power to punish the intimidation of voters at purely State elections where the conduct complained of is not grounded upon race, color, or previous condition of servitude.

Prior to the adoption of the 14th and 15th amendments, the field of voting, so far as State elections were concerned, was reserved exclusively to the several States. The adoption of these amendments in no way granted the right to vote to anyone. The 15th amendment prescribed that the States and the Federal Government could not use race, color, or previous conditions of servitude as a qualification. When these three factors do not serve as the basis by denying a citizen the right to vote, there is no legislation which can be enacted by the Congress under the 15th amendment to assure that this citizen or citizens shall vote. It is on the basic constitutional principle, Mr. President, that I challenge the constitutionality of title 6 of H.R. 8601. The pertinent principles of title 6 are as follows:

In any proceeding instituted pursuant to subsection (c)—

That is, of the Civil Rights Act of 1957—

in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice.

The following sentence is of particular interest as to the constitutionality of this section:

If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for 1 year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

It is at once apparent, Mr. President, that the language of this legislation does not meet the requirements for legislative provisions of the 15th amendment. The only requirement stipulated in this particular provision to require the State to register the applicant is that he shall have been a member of the same race as the persons involved or for whom the original suit was instituted. A perusal of the section will reveal that there is no requirement that the person shall have been discriminated against on account of race or color. The system embraced within the provisions of title 6 is an affirmative process whereby the Federal Government undertakes to pass on the qualifications of a citizen who is not required to have been discriminated against on account of race or color.

Mr. President, an amazingly similar corollary may be drawn between this section and the statute which was before the Circuit Court of Appeals in Karem against U.S. In that case the court was called upon to pass upon the constitutionality of 18 U.S.C. 51 which had for its objective the punishment of all persons who conspire to prevent the free enjoyment of any right or privilege secured by the Constitution or laws of Congress, without regard as to whether the persons so conspiring are private individuals or officials exercising the power of the United States or of a State and which did not draw any distinction between a conspiracy directed against the exercise of the right of suffrage based upon race or color.

It is obvious that the state of facts existent in the Karem case is not dissimilar from the situation presented by the language of title 6, which I have previously quoted. It is patent that this legislation is not appropriate for the enforcement of the 15th amendment.

Mr. President, the proposed legislation derives its innumerable defects by virtue of the fact that the normal legislative process has been ignored and abandoned in its consideration. The violence to normal procedures in both Houses of Congress has in turn resulted from the fact that the motives prompting the consideration of this legislation are not based on need, or even demand, but rather on political expediency. This is an election year. The minority bloc votes in the country have for a number of years exercised, or at least have claimed to exercise, such a major influence on national elections that both parties now seem to think that they must

bait their voting hooks with a lure of so-called civil rights legislation. In selecting the lure, there seems to be a partiality for the extreme. The need for protection of constitutional safeguards and due process pales into oblivion at the prospect of landing, by fair means or foul, the minority bloc vote. Apparently, no holds are barred.

I implore the Senate to control their emotions and let reason prevail for a time. In the years since our Republic was founded, many candidates, officeholders, and even political parties, have appeared on the public scene, performed or failed in their functions, and have disappeared. The impression they made, and their contributions to, or detractions from, the liberties and well-being of the American citizens have, fortunately, for the most part, accomplished little change in the concepts embodied in the Constitution which guarantee a continuation of liberty in the United States. The Constitution, however, has from its origin remained on the whole inviolate in the basic safeguard of American liberty. The candidates and officeholders in this election year of 1960, and possibly even the political parties now existing, will also pass from the political scene. Let us not, therefore, as an expedient for temporary political gain, and relatively short-lived political power, destroy the very political framework within which we seek to exercise the responsibilities of office, and thereby surrender the American citizens to despotism.

Mr. President, I hope that the Members of this body are not so blinded in their zeal to attract the minority bloc vote that they will ignore the constitutional principles which have regulated our actions since the founding of this great Republic. It is with this sincere hope that I offer an amendment to the so-called civil rights bill in an attempt to cure one of the more flagrant abuses of our Constitution. The amendment which I offer would amend section 601, the section which I have previously discussed, so as to require that any person who is seeking an order from the Federal court with respect to his right to vote must justify such action on the ground that he has been deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote on account of race or color; or in the alternative, on account of race or color, fund not qualified to vote by any person acting under color of law. The effect of this amendment, Mr. President, would be to bring this section within the purview of appropriate legislation as contemplated by the 15th amendment.

At the present time, the only requirement of section 601 of the pending bill with reference to an applicant being entitled to an order declaring him qualified to vote is that he shall be a member of the same race as the person involved in or for whom the first suit was brought. Section 601 makes no requirement that the applicant shall have been denied the right to vote on account of race, color, or previous condition of servitude, as is required by the 15th amendment, before legislation is appropriate. In other words, Mr. President, this section allows the Federal Government to pass upon the qualifications of a man to vote in State elections without any finding that the particular man has been denied the right to vote on account of his race or color. It is to cure this constitutional defeat that I propose this amendment to the bill.

Mr. President, I call up my amendment.

Mr. ERVIN. Mr. President, I wish to commend the able and distinguished junior Senator from South Carolina [Mr. THURMOND] for pointing out, in the very eloquent speech which he has just made, the fundamental vice or defect in the voting provisions of this bill.

As he pointed out, the Federal Government has no power whatever to act in this field other than that conferred upon it by the 15th amendment. Yet this bill undertakes to allow the Federal Government to exercise that power, without any finding being made that those who make application for an order subsequent to the adjudication of a pattern of discrimination have been denied the right to vote or have had that right abridged by the State on account of race or color—the only condition under which the Federal Government has constitutional power to act.

The distinguished and able junior Senator from South Carolina has always fought intelligently and courageously for the preservation of constitutional government in America. He merits the thanks of the country in so doing. I sincerely hope his amendment will be adopted.

Mr. PROUTY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from South Carolina [Mr. THURMOND].

The amendment was rejected.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting sundry nominations, and withdrawing the nomination of Robert C. Miller, to be postmaster at Pontiac, Mich., which nominating message was referred to the Committee on Labor and Public Welfare.

(For nominations this day received, see the end of Senate proceedings.)

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ELLENDER. Mr. President——

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. ELLENDER. Mr. President, I move that title VI be stricken from the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

Mr. ELLENDER and Mr. DIRKSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KUCHEL. Does the amendment have to be read at the desk, before we act upon it?

The PRESIDING OFFICER. The motion is to strike out a title from the bill.

Mr. DIRKSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I yield for a question.

Mr. DIRKSEN. I wanted the Senator to yield for more than a question.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. ELLENDER. I have the floor, and I do not want to lose my right to the floor.

Mr. DIRKSEN. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. DIRKSEN. I should like to inquire of the distinguished Senator whether he expects to address himself to this motion at considerable length?

Mr. ELLENDER. Yes.

Mr. DIRKSEN. May I inquire how long the Senator would interpret "considerable length" to mean?

Mr. ELLENDER. Oh, I do not know; 5 or 6 or perhaps 10 hours.

Mr. DIRKSEN. Five or six or ten hours?

Mr. ELLENDER. Or perhaps 15. [Laughter.]

Mr. DIRKSEN. Without interruption?

Mr. ELLENDER. Well, that depends.

Mr. DIRKSEN. Of course, there is a big disparity between 5 hours and 15 hours.

Mr. ELLENDER. I shall try to answer questions, also.

Mr. DIRKSEN. Could the Senator say 6 hours or 7 hours?

Mr. ELLENDER. It depends upon when the majority leader desires to recess. I do not know about that.

Mr. DIRKSEN. Mr. President, I wish my distinguished friend from Louisiana well in his endeavor.

The PRESIDING OFFICER. The Senator is not stating a question. The Senator from Louisiana has the floor.

Mr. LAUSCHE. Mr. President, will the Senator from Louisiana allow me to ask the Senator from Illinois to put a question to the Senator from Louisiana?

Mr. ELLENDER. Provided I do not lose my right to the floor.

Mr. DIRKSEN. I do not have the floor, Mr. President.

The PRESIDING OFFICER. The Senator may proceed.

Mr. LAUSCHE. The Senator from Ohio would like to know, on the basis of what the Senator from Louisiana has said, whether it would be safe for him to leave and return at about 7 p.m.

Mr. ELLENDER. It would.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. ELLENDER. Mr. President, during the course of the debate in connection with the pending bill and its predecessor, the so-called Dirksen substitute, suggestions were made that if this proposed legislation should be enacted the representatives of the Southern States—may we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Louisiana may proceed.

Mr. ELLENDER. Mr. President, during the course of debate in connection with the pending bill, and its predecessor, the so-called Dirksen substitute, suggestions were made that if this proposed legislation should be enacted the representatives of the Southern States could look for some kind of a respite, and that our concurrence in the pending bill might mean that a moratorium on such nefarious legislation might be declared for the future, at least for the next few years.

Mr. DIRKSEN. Mr. President, I am sorry to interrupt, but will the Senator yield again?

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. ELLENDER. I yield for the question.

Mr. DIRKSEN. It is not quite a question; it is an observation. The Senator will protect his right to the floor, of course.

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. ELLENDER. I yield, provided I do not lose my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, at the point when the Senator from Louisiana concludes his remarks I expect to be in the Senate Chamber, whatever the hour, and I shall move to table the motion.

The PRESIDING OFFICER. The Senator from Louisiana may proceed.

Mr. ELLENDER. Mr. President, I sincerely wish that I could believe there would be the respite to which I have referred, but there is no indication that such, indeed, will occur. Similar bills have been coming before the Senate almost annually, ever since I first took my seat in this body on January 3d in 1937.

It strikes me, Mr. President, that efforts to "nibble" away at the sovereignty of our States, and the rights of our people to govern themselves, and to live in peace without Federal coercion, will never cease until proponents of the nefarious bills decide to stop making a political whipping boy out of the South.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Those Senators who desire to converse will please retire to the cloakrooms.

The Senator from Louisiana may proceed.

Mr. ELLENDER. Mr. President, until and unless this happens, there will be no respite. There will be no legislative peace. There will be no end to the agitation.

These bills will continue to come before us as a means of wooing and winning votes of minority groups in the North, by encouraging and fostering a strong—yes, overpowering—centralized Federal Government, and the forging of a legislative spear pointed at the hearts of our southern people.

Mr. President, we were given to understand in 1957 that if the Civil Rights Act, which is presently on the statute books, were passed without strong southern opposition, it would end the so-called voting right drive. "Do not oppose this bill," we were told; "at least, do not filibuster against it, and you will not only foster peace and harmony among the ranks of Senators, but you will also see the end of so-called civil rights legislation for quite a few years to come."

As a result of these pleadings, and because we were vastly outnumbered then as, indeed, we are now, the southern caucus agreed to oppose the measure, but, further, we agreed that we would not try to talk it to death.

The same pleadings are before us again today. Again we are vastly outnumbered. Again we are about to be trampled upon should the vast and overwhelming majority determine to destroy the fragile legislative safeguards which presently protect us from an engulfing tide of majority rule.

And, despite the indications of future peace which were given to us, another nibble is being taken in the rights of our people. As a matter of fact, Mr. President, more than a nibble is involved. This bill would take a wholesale bite out of the diminishing fabric of constitutional liberties created by our Founding Fathers.

There is no end to it, Mr. President. There is no possibility of compromise or agreement with the proponents of this vicious legislation any more than there is compromise or agreement available with some of the other political forces which gnaw and nibble at the vital organs of our body politic.

I know just as certainly as I stand here that should we compromise today, it will only be a matter of a few short months before we are again pressed to the wall by those who advocate political hate bills as a means of securing their own partisan advantage.

For this reason, Mr. President, I want to serve notice that I will not compromise. There are matters of basic principle involved in this debate, and to my way of thinking, there can be no compromise on principle.

If Senators doubt that this bill would place the Federal Government in the business of conducting local elections, let me review the provisions of title VI of this bill. Once this review is completed, I believe that any fair thinking person will agree with me that this so-called right to vote section would put the long arm of Uncle Sam into each and every election which might be held in our respective States—not only Federal elections, but State, parish, and municipal elections as well.

Mr. President, the final section of the bill under consideration, the so-called voting referees section, is very complex, and most difficult to understand. The analysis and discussion which follows is as complete as I was able to make during the intervening time since the bill was reported by the Senate Judiciary Committee of this body. Never have I witnessed such a legislative spider web. It lumps and mixes together practically every form of governmental power known to us. Involved are judicial powers, legislative powers, administrative powers, and the good Lord only knows what else. It is my sincere belief that under no circumstances should this motley checkered, tattered patchwork be enacted into law.

As I understand the section, the machinery provided therein would be set into motion by the filing of a suit by the Attorney General of the United States under the authority of the 1957 Civil Rights Act. This would involve, initially, a finding by the Attorney General that a person or persons had engaged, or that the Attorney General had been given reasonable grounds to believe that a person or persons were about to engage, in any act or practice which would have the effect of denying a citizen of the United States his right to vote, on account of race or color.

This suit would, of course, be filed in the appropriate district court of the United States. It would be a suit in the name and on behalf of the United States, although, as is obvious, the right sought to be vindicated is an individual right. Certainly, the U.S. Government has no right to vote; thus, the practical effect of the 1957 act is to vest in the U.S. Government a right of action founded upon the violation, alleged violation, or threatened violation, of an individual right.

Under the 1957 act, the Attorney General is authorized to don the robes of public defender, and, armed with the majesty of Federal power, to go forth and litigate, not public rights, but purely private, individual rights, and to do so at the expense of the Public Treasury. As is evident, this, in and of itself, accords to those whose individual rights the Attorney General may choose to vindicate, privileges unknown to the great mass of our people. As the junior Senator from the State of Georgia so aptly put it, on a nationally televised program recently, Negroes who believe their right to vote may be about to be interfered with can

have the services of a taxpaid lawyer, in order to vindicate those rights.

I voted against the 1957 act, and, if I had it to do over again, I would vote against that legislation once more. But the 1957 act is now law; it is on the statute books, and I am realistic and reasonable enough to understand and appreciate that it is not going to be repealed any time soon. This, of course, does not preclude my disagreement with that statute, both as to procedure and purpose, and, disagree with it I do. But the truly vital fact to be realized and appreciated is that any aggrieved individual has the right to call upon the services of a legion of lawyers in the Justice Department to file suit, at public expense, to vindicate his individual rights. Once it is appreciated that such suits are filed in the name of, or on behalf of, the U.S. Government, once it is understood that two of the three branches of the Federal Government—the judiciary and the executive—are thus permitted to be allied against individual State officers, or, at best, individual States, even individuals, then the obvious question arises, "Why is anything else needed?"

At this point, Mr. President, I do not believe it is asking too much for the Senate to endeavor to answer that very question. Why is any more legislation needed in this area?

After studying the Senate and House debates on these issues, it seems to me that the reasons most often advanced to support the alleged need for such legislation are the following:

First, the fact that in several counties throughout our country, and principally in the South, there is a lower than average Negro registration.

Mr. President, these data, standing alone, do not mean anything. They do not prove anything. They do not even tend to prove anything.

As quite a few other Senators have tried to point out, there is no way of telling just how much of the apparently low Negro registration in some southern areas is the result of apathy. Furthermore, it has been stated, and doubtedless with some justification, that perhaps the lack of an active Republican Party in the South is the cause of much of the lack of interest on the part of Negroes, insofar as participation in the electoral processes of our country, and of our States, may be involved. Let me remind Senators, too, that citing bare percentages in support of general propositions is a dangerous practice. Senators know, for example, that the percentage of white students enrolled in Howard University here in Washington is very low. I do not have the precise figures before me, but I would guess that less than 10 percent of Howard's student body is white. Applying the same logic to Howard University as is sought to be applied to voting registration in the South, it is obvious that Howard University is discriminating against white students. Yet, according to my information, Howard will and does admit white students, but, for some reason, not many white students desire to be integrated into the campus of Howard University. Are the white children of Washington being discriminated against because only 23 percent of the students are white and 77 percent are Negroes?

Thus, Mr. President, it is clear that the promiscuous, bare, and naked use of statistical raw data involving voting registration in the South is syllogistic reasoning of the rankest kind. Now, if Senators want to use some of this data properly, they might point out that registration of Negro voters has been growing by leaps and bounds throughout the South. during recent years. I have in my possession a table headed "Louisiana Voter Registration—Racial Statistics—Totals, 1888 Through January 31, 1959." This table shows remarkable evidence of increased Negro interest and participation in voting in my State. In 1940, for example, there were only 886 registered Negroes in the entire State of Louisiana. By 1948, this number had increased to 28,177. As of January 31, 1960, this table shows that nearly 157,000 Negroes were registered to vote in Louisiana. In other words, Mr. President, the trend has been upward; more Negroes are being registered in Louisiana than at any time subsequent to Reconstruction. Great progress is being made, but those who so glibly quote statistics in the Senate fail to take note of the progress. They desire to use statistics in order to support their own biased views and objectives.

I want to state, too, that these individuals have been aided and abetted by the so-called Civil Rights Commission. Now, Mr. President, I opposed the creation of this Commission, and, at the time, I predicted that it would simply develop into another organization of agitators. Unfortunately, my predictions have come true. Instead of performing an objective, unbiased task, the Commission proceeded to go out and stir up antagonisms, to agitate, and, I must add, Mr. President, to blatantly misrepresent the facts.

For example, on page 140 of its first report, the Commission blandly states:

> No one had yet been registered through the civil remedies of the 1957 act. * * * The delays inherent in litigation, and the real possibility that in the end litigation will prove fruitless because the registrars have resigned make necessary further remedial action by Congress.

In brief, the Commission found that the 1957 act was not sufficient—that something more was needed.

Now, Mr. President, let us see just how well founded in fact the Commission's findings were.

First, the Commission undertook to evaluate the entire field of voting rights on the basis of only one 2-day hearing, held in Montgomery, Ala. That was the only hearing involving voting rights held by the Commission from its creation, through the date of the report it filed with the President on September 9, 1959. As a matter of fact, Mr. President, only two voting rights hearings were scheduled at all by the Commission during this period, the Alabama hearing, which was held on December 8 and December 9, 1958, and the Louisiana hearing, scheduled for Shreveport, La., on July 13, 1959, which hearing was enjoined by the appropriate Federal district court.

I know of no comprehensive report which could, in all fairness, have been based on only one hearing. If the Congress endeavored to evaluate a complex problem such as voting rights in all the States in our Union on the basis of only one 2-day hearing, in one State the newspapers would mimic our report out of circulation. Yet, when the Civil Rights Commission files comprehensive, sweeping findings, and recommends changes in both statutory and constitutional law, on the basis of only one hearing, then, for some reason, the Congress is supposed to bow down and worship at the feet of this "oracle."

The Commission also found that the 1957 Civil Rights Act was not strong enough. On what was this finding based?

It must be remembered, Mr. President, that the report in which this finding was outlined was submitted to the President on September 9, 1959. As of that date, only three suits had been filed by the Attorney General under the authority of the 1957 act. Yet, on the basis of these three suits, the Civil Rights Commission issued a finding that the 1957 act was not strong enough.

If any conclusion were to be drawn from the record of the Attorney General under authority of the 1957 act it should be that the act is unnecessary, and that any further remedies in the field of voting rights would be highly superfluous If, indeed, voting deprivations are as prevalent in the South as the Commission would have Congress believe, then why have only four suits in all been filed under the 1957 act? If Negroes are denied the right to register and vote on a wholesale basis, then the dockets of our courts should be clogged with suits. In the alternative, the fact that, to date, only four such suits have been filed is eloquent evidence that conditions are not nearly so bad as the Commission would lead Congress to believe.

Bear in mind, Mr. President, that the only "trigger" required in order to initiate a suit under the 1957 act is a "reasonable belief" on the part of the Attorney General that—and I quote the statute—

> Any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b).

Since only four suits have been filed by the Attorney General, I believe it is reasonable to conclude that in only four instances did such "reasonable grounds" exist, and, based upon this assumption, the inference to be drawn is not that additional remedies are needed, but that allegations of denial of the right to vote have been grossly exaggerated.

Let the record also show that the Commission's assumption that the 1957 act is not strong enough was made prior to the time that any of the suits filed by the Attorney General under the authority of the 1957 act had proceeded to final judgment. Since that time the Supreme Court, in the case of U.S. against Thomas, has upheld a lower court decision restoring to the voting rolls the names of over 1,300 Negro voters in Washington Parish, La.

Furthermore, in the case of U.S. against Raines, the constitutionality of the 1957 act was sustained. Frankly, Mr. President, in the light of the Washington Parish decree alone, I fail to see how any further remedies are deemed necessary. Since the 1957 act has been utilized on only four occasions since its passage, nearly 3 years ago, and since one of these four suits has resulted in restoring 1,300 challenged voters to the rolls in one fell sweep, so to speak, it strikes me that all the possible authority required is already present.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a schedule of events occurring under the authority of the 1957 act from the date of its enactment through November 16, 1959, some 2 months subsequent to the filing of the report of the Civil Rights Commission.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

Chronology of activities, Civil Rights Commission and Civil Rights Division, 1957–59

1957

September 9: Civil Rights Act becomes law.

November 7: President sends nominations of members of Civil Rights Commission to Senate.

December: Civil Rights Division created in Department of Justice.

1958

February 18: Tiffany nominated as Staff Director of Commission.

February 24: Hearings held on nominees to Commission.

March 4: Commission members confirmed.

April 2: Hearings on Tiffany nomination.

May 14: Tiffany confirmed.

August 14: First sworn complaint as to voting rights received by Commission.

September 4: First suit filed by Attorney General under 1957 act—*U.S.* v. *Rains* (U.S. Dist. Ct., Middle Dist., Ga., civ. action A–442).

December 8 and 9: Commission holds vote hearings in Montgomery, Ala.

1959

February 2 and 3: Commission holds hearings on housing in New York City.

February 6: Suit filed by Attorney General under 1957 act—*U.S.* v. *Alabama* (Mid. Dist., Ala., Eastern Div., No. 479E).

March 5 and 6: Commission holds hearings in Nashville on desegregation of Nashville schools.

April 10: Commission holds hearings on housing in Atlanta.

May 5 and 6: Commission holds hearings on housing in Chicago.

June 10: Meeting of Commission with officials of Federal housing agencies in Washington.

June 29: Suit filed by Attorney General under 1957 act—*U.S.* v. *Thomas* (Eastern Dist., La., N.O. Division, No. CA–9146).

July 13: Hearings on voting rights complaints scheduled to be held in Shreveport, La.; hearings restrained by Federal court.

September 9: Civil Rights Commission Report submitted to President.

November 16: Suit filed by Attorney General under 1957 act—*U.S.* v. *Fayette County Democratic Executive Committee* (West. Dist., Tenn.).

Mr. ELLENDER. Mr. President, this timetable demonstrates that the Commission's evaluations and findings of fact in the field of voting rights were based upon only one public hearing in one State, and that, despite this lack of any solid foundation, the Commission proceeded to evaluate and condemn registration laws in all of the States of the South. If this is not bias, I do not know what bias is. Two days of hearings is certainly not a sufficient basis to warrant the wholesale condemnation of electoral processes in our Southern States, and, further, to support the broadside allegation the 1957 act needs to be strengthened.

Yet, despite the facts which I have laid before the Senate, the Civil Rights Commission is quoted as "authority" for the need for this legislation. As a matter of fact, much of the pending bill far exceeds the Commission's recommendations, and the great bulk of the measure proceeds far beyond the field of voting rights.

Reverting to title VI of the House bill, let us see what this obnoxious illegal concoction involves.

First, as I have already indicated, the machinery it envisions would be set in motion with a suit filed under the 1957 act by the Attorney General, in the name of, or on behalf of, the United States. Once this suit is filed, the Attorney General may request that the court find that the deprivation or denial of the right to vote alleged in the Attorney General's original pleadings is the result of a pattern or practice.

This brings us to the first grave fault in the bill, Mr. President. Nowhere are the terms "pattern or practice" defined. At no point in the bill are guidelines laid down as to what constitutes a "pattern," or what constitutes a "practice."

Webster defines "pattern" as follows:

Pattern: (1) Anything proposed for or worthy of imitation; exemplar; as a pattern for men. (2) Anything designed as a guide or model for making things; as, a dressmaker's pattern. (3) Archaic: A representation or copy; a likeness. (4) A specimen; sample. (5) Design; specif: (a) Form; shape; outline; as vases in many patterns; (b) a decorative figure or motive; as a chintz with a small pattern; (c) an arrangement or composition that suggests or reveals a design; a configuration; as, a poem with a pattern. (6) United States: A length of cloth sufficient for a garment. (7) Founding; a model for making the mold into which molten metal is poured to form a casting. (8) Gun: Distribution of shot from a shotgun or bullets from an exploded shrapnel. (Syn.: See model: v.t. (1) To fashion with reference to a pattern—usually with after, on, upon. (2) Rare: (a) To foreshadow; (b) to match; (c) to imitate. (3) To furnish with a pattern.)

The only portion of this definition which might be applicable here would be portion 5-c of this definition, namely, "an arrangement or composition that suggests or reveals a design."

Mr. President, it strikes me that this is a pretty vague definition as to what may be found, and, as a result of that finding, to throw the entire electoral processes of a State into receivership. What, pray tell, is "an arrangement—that suggests a design"? For that matter, what is a "design"? Obviously these terms are not capable of precise definition, and, for that matter are so vague as to be indefinite.

Reference to the definitions of "practice" cast no further light on this problem. Actually, Mr. President, it should not be necessary to have to refer to the definition of "practice" in order to see what might be meant by "pattern," since the two terms are in the disjunctive, in the alternative. A finding of either a "pattern" or "practice" would be sufficient to permit a Federal judge to throw a State into Federal receivership.

Thus, since the first of the two alternative factual standards outlined in the bill is so vague and indefinite as to violate any known concepts of due process of law, the entire "standard" should fall. However, for the purpose of further clarification, let us turn to the definitions given in Webster's dictionary for the word "practice":

Practice, practise: (1) To do, perform, carry on, or exercise, esp. often or habitually. (2) To perform or work at repeatedly; to acquire proficiency; as to practice music. (3) To follow or work at, as a profession; as, to practice law. (4) To teach or accustom by practice; train; drill. V.i. (1) To act, operate, proceed; (2) to perform certain acts often for proficiency; (3) to pursue an employment or profession actively, esp. medicine or law; (4) now rare: to scheme, plot, intrigue; (5) to put something into practice, as to practice rather than to preach. (Syn.: Practice, exercise, drill, mean to perform or make perform repeatedly. Practice further implies an accustoming and acquirement of proficiency; exercise a strengthening or developing by keeping busy or at work; drill, a formation of correct habits by mechanical repetition.)

Practice, v.t.: (1) Actual performance or application of knowledge, distinguished from theory, profession, etc.; as, engineering practice. (2) Repeated or customary action, usage; habit; as, the practice of rising early. (3) Usual mode or method of doing something; as, the practice is to use local anesthetic; in plural usually derogatory; as the practices of tricksters. (4) Stratagem; a scheme; a plot. (5) Systematic exercise for instruction or discipline; as, practice makes perfect; also, practical acquaintance proficiency, etc. so, acquired; as, to be out of practice. (6) (a) The exercise of any business or occupation; as, the practice of law; (b) professional business or work, esp., as an incorporeal property; as, he sold his practice. (7) Arith: A compendious method of performing multiplication by means of aliquot parts. (8) Law: established mode of conducting suits and prosecutions.

The most appropriate of the various definitions recited herein is "usual mode or method of doing something." Thus, this standard would require a Federal judge to make a factual determination that an alleged denial of the right to register to vote, or to vote, as to one individual was, in effect, "the usual mode or method of doing something." I most respectfully submit, Mr. President, that this standard, as well as the alleged standard of "pattern" both require factual determinations which are beyond the purview of any judge. By all means, since the determinations are to be, in effect, the finding of facts which are, further, found to be true and valid, the finding of such facts, at least the evaluation of them, should be the province of a jury, not a judge. It is just this simple:

If a Federal judge were to decide to make the finding of a pattern or practice, nothing under the sun could prevent him from implementing such a finding, even

though it might be the result of bias, antagonism, or related factors. On the other hand, there is nothing to prevent the judge from suggesting to the Attorney General, or his agent in the litigation, that perhaps a request for such a finding should be made. Bluntly, Mr. President, the findings of a pattern or practice could well be the result of a judge's preconceived notions, his inherent bias, or even his dislike for or his personal animosity toward certain State officials, since the standards upon which such a finding are proposed to be rested are so vague and indefinite.

Furthermore, what would be the practical effect, once such a finding were made? I have already referred to the fact that such action would throw the electoral processes of a large area of a State—perhaps an area as large as an entire Federal judicial district—into receivership.

This would be accomplished by means of the court's finding, which, as has already been pointed out, would create a conclusive presumption that because Mr. A had been discriminated against, every member of Mr. A's race had suffered similar discrimination.

I understand that Mr. Rogers and Mr. Walsh do not like the term "conclusive presumption"; they prefer the term "statutory presumption," and the reason for this preference is obvious. "Statutory presumption" is broader, and is not nearly as accurate in describing the real effect of this finding. There are many varieties of "statutory presumption," the two main types being the conclusive presumption and the prima facie presumption. The prima facie presumption is rebuttable; all it does is shift the burden of proof, and requires the individual or entity against whom the presumption operates to come forward and by independent proof to rebut the presumption. On the other hand, a "conclusive presumption" is not rebuttable. It stands, no matter how contrary the evidence may be. As a matter of pure reality, a "conclusive presumption" is not a presumption at all, but, once it has been created, establishes a rule of law.

These distinctions become of vital importance, since the rule seems to be clear that a legislature cannot create conclusive presumptions except under severely limited circumstances. To this effect is section 9 of the American Jurisprudence Treatise on Evidence—20 Am. Jur. 39—which states:

> The distinctions generally observed by the courts regarding the validity of statutes which made one fact evidence of another are between legislative declarations that certain facts shall be conclusive of another fact and those that they shall be prima facie or presumptive evidence of another fact. While the legislature cannot constitutionally make one fact conclusive evidence of another, it is well established that it may provide by statute or ordinance that certain facts shall be prima facie or presumptive evidence of other facts, if there is a natural and rational evidentiary relation between the facts proved and those proved.

Section 10 of the same work is more specific, and I quote from volume 20, American Jurisprudence, page 41:

> 10. Conclusive evidence.—Statutes which declare one fact conclusive evidence of another material fact in controversy are unconstitutional if the former is not, in and of itself, by virtue of its own force, conclusive.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield for a question which bears directly on the point to which he has just now referred?

The PRESIDING OFFICER (Mr. McGEE in the chair). Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. ELLENDER. I yield for a question.

Mr. ERVIN. Does the Senator from Louisiana agree with me on the proposition that if one can possibly support the provision which would make this conclusive presumption binding for a year, under the Constitution, then one could also support the proposition to make it conclusively binding for 40 years or 50 years?

Mr. ELLENDER. Yes; or indefinitely.

Mr. ERVIN. And thus a State could be denied the right to manage its own affairs and its own elections, notwithstanding the fact that all discrimination based on race or color had ceased immediately after there was a finding of the existence of a pattern or practice of such discrimination.

Mr. ELLENDER. I fully agree.

Mr. ERVIN. In other words, if the State the very next day discharged the election officials, and placed in office a new set of election officials who never practiced discrimination against anyone on the basis of race or color, nevertheless the State would be robbed of the power to pass on the qualification of its own voters, the 15th amendment to the Constitution to the contrary notwithstanding; is that correct?

Mr. ELLENDER. That is correct. That is my understanding.

Mr. President, I continue to quote:

> This rule, although frequently applied in criminal cases, is not limited to such cases but applies to civil cases as well. Such statutes violate the due process clause of the Constitution. The rule that the legislature cannot constitutionally make certain facts conclusive evidence finds illustration in that class of cases involving the question of validity of a statute or ordinance purporting to regulate weights as between buyer and seller.

With further reference to presumptions, I quote from section 158 of the American Jurisprudence Treatise on Evidence—20 Am. Jur. 161–163:

> 158. Definitions, nature, and characteristics.—The courts have propounded a plethora of definitions in their attempts to describe the basic characteristics of a presumption. Generally, however, a presumption may be defined as a rule of law that attaches definite probative value to specific facts or draws a particular inference as to the existence of one fact, not actually known, arising from its usual connection with other particular facts which are known or proved. It is the conclusion of law which the court draws of the existence of one fact from others already proved. The genesis of any presumptive concept is dependent upon the character of the particular presumption. Thus, some presumptions have their origin in broad common-law concepts or statutes, while others are founded upon basic principles of justice, laws of nature, the experienced course of human conduct and affairs, or the connection usually found to exist between specific agencies. But, in any event, presumptions must always conform to the commonly accepted experiences of mankind and the inferences which reasonable men would draw from such experiences. Thus, a practice, if well established, is presumed to have been followed in individual cases, and is accepted as sufficient proof of the fact in question where primary evidence of such fact is lacking.
>
> Similarly, in some instances the law creates a conclusive presumption based upon well-demonstrated facts, as where, after a lapse of a stated number of years, proceedings relative to transfer of real property are conclusively presumed to have been had in accordance with law. But a presumption will never be construed or defined in such manner as to extend its application beyond the realm of reasonable probability or certitude. Accordingly, courts will not define presumptions in such manner as to imply superiority over established facts. Where facts appear, presumptions recede. • • •

This final sentence is important, and I read it again: "Where facts appear, presumptions recede." Yet, in the case at hand, there would be no opportunity to offer facts to rebut the presumption created as a result of the court's finding, since the presumption would be conclusive.

There was considerable debate on this point in the House, and despite the clear and lucid discussion offered by the distinguished Representative from the Third Congressional District of Louisiana, EDWIN WILLIS, proponents of the "pattern or practice" presumption insisted that fair and adequate opportunity would be offered to the State, or any other defendant, to rebut this presumption. This is not correct, and to those who, during House debate, made the mistake of confusing the pattern or practice finding with the presumption it would erect, I wish to say this:

It is true that there could be an opportunity accorded any defendant in a suit brought under the 1957 act to offer evidence on the facts of "pattern" or "practice." But the finding of a "pattern" or "practice" is not, of itself, a presumption. On the contrary, the finding is what creates the presumption; it is not the presumption itself. Thus, while there could be adversary proceedings in conjunction with a prayer from the Attorney General to the court that a "pattern" or "practice" be determined, the offering of any further evidence on this point, at any other time, would be precluded.

And what would this "finding" of a "pattern or practice" create in the way of a presumption? Simply put, the finding of a "pattern or practice" as to one individual—and that is what we are dealing with, one individual—would give rise to a conclusive presumption that each and every denial of registration of all members of that same race was based upon racial grounds, and for no other

reason. Thus, if applicant B, a member of the same race as A, had been denied the right to register, or to vote, then the finding of the fact that I had been denied of his right to register to vote, or to vote, as a result of a pattern or practice based on race, would be applied as a conclusive presumption, as a rule of law, if you please, that B had been similarly denied. There would be no opportunity offered to the State, or to others, to prove that B had actually been refused registration for some other bona fide reason. On the contrary, once the finding issued, then the State electoral machinery would grind to a halt, and would be supplanted by Federal machinery.

It is interesting to note that during House debate, and specifically, during consideration of the presumption which the pattern or practice finding would create, several proponents of this legislation pointed to other "conclusive presumptions" known to the law, such as: A child under a stated age cannot create a felony, a boy of 14 is not capable of committing rape, and so forth. Yet, each and every "conclusive presumption" recited, every one pointed to during House debate, is a presumption erected in order to prevent injustice to a defendant. Thus, by conclusively presuming that a child of 5 cannot commit murder, as being incapable of possessing the required "mens rea," or state of mind, additional protection—reasonable protection—is accorded to children of tender age.

Yet the presumption created under the terms of the House bill would be applied, against defendants—defendants who might be sovereign States, or agencies or officials of such States, or even private individuals.

Was ever a more obnoxious prospect devised?

Much has been made of the fact that State officials, or other appropriate defendants, would be given an opportunity to be heard, and to oppose any determinations made by a referee acting under the "conclusive presumption" at the time the referee filed his report. Yet, Mr. President, in the light of the terminology of the bill, and its legislative purpose, as often stated by proponents, it is obvious that this "opportunity" is more illusory than real.

For example, the bill, as passed by the House, specified that the hearing before a referee must be ex parte. Fortunately, this feature of the bill was modified by the Senate Committee on the Judiciary, to the extent that the ex parte requirement was stricken, and provision was made for 2 days' notice to the county or State registrar of the time and place of any hearing. It was further specified that such hearing must be held in a public office, and that any such State or county registrar shall have the right to appear and make a transcript of the proceedings.

It is worth noting that this modification was greeted with moaning and lamenting on the part of the psuedo-liberal press, and the alleged-liberal proponents of the measure. The Senator from New York [Mr. KEATING], declaimed that the modification I have referred to gravely damaged the purpose of the bill; the Washington Post declared that the committee language resulted in a "watered down" measure.

If any meaning is to be determined from this weeping and wailing, it can only be that, under the House version, the intent was that hearings before referees were not only to be ex parte, but that they were to also be "in camera," that is, behind closed doors, in a secret place, completely insulated from public view and scrutiny of any kind. If, indeed, this was the intent, and the rantings of proponents of this bill and the wailings of the Washington Post so indicate, then, Mr. President, we have here further evidence of the devious schemes and evil purposes of this so-called right to vote bill. I might say that proponents evidently desire to adopt an electoral "Code of Hammurabi"—Senators will remember he was a Babylonian King who had his own rules and regulations—with presumptions of guilt at every corner, and remedies based upon the doctrine of "an eye for an eye, a tooth for a tooth," and two wrongs for every one alleged.

In any event, although the bill as reported still does not accord to any defendant the right to cross-examine his applicant-accusers, although it still does not guarantee to defendants the right to offer evidence on the points developed during any "hearing," although the legal stench arising from this section should certainly offend the nostrils of all but the most dedicated of the political agitators, at lease some improvement has been made.

Yet, even with the right of accused to observe the machinations of their accusers and the referee guaranteed, the remaining language of the measure still gives rise to the conclusion that so-called rights accorded to defendants to overcome the presumptions created by the bill, are more illusory than real. For instance, the bill makes the statement of any applicant, under oath, before the referee, prima facie evidence of his age, residence, and prior efforts to register or to otherwise qualify to vote. This reference to "prima facie" has the effect of creating another presumption—a rebuttable presumption—but one which requires the defendant in the suit—the State or agent thereof—to assume the burden of proof. In other words, we have here a presumption on top of a presumption—a presumption that any statement under oath before the referees is correct, while the existence of referees, themselves, is predicated upon a conclusive presumption that State electoral processes are riddled with fraud, and unconstitutional action.

However, what makes purely illusory the so-called "right" of defendants in these suits to refute referee findings is the fact that in each and every instance the defendants must carry the burden of proof to upset what I feel sure will be essentially ex parte statements by applicants before the referee. With the understanding that, in each instance, the burden rests upon the defendants to accomplish this fact, it must also be realized that this "burden" must be met in a very narrow and tightly defined manner, and under a rigorous time limit. The bill states that defendants have only 10 days at the most to show cause why a court order endorsing the referee's conclusions should not issue.

Now, time after time, proponents of this measure have declared that its purpose is to "mass enfranchise" members of the colored race in the South. Mass enfranchisement necessarily presumes mass applications to the referee, and the reference back to the court by the referee of the names of all such applicants to the judge for approval. How, in the name of common sense, is any defendant, State or otherwise, going to manage to carry the burdens of proof imposed upon him under this bill, as to hundreds of individuals, in only at the most, 10 days' time? I believe merely asking the question answers it.

Drafters of this bill have used every "gadget" known to the law to apply harsh and unfair treatment to defendants. They have specified, or attempted to specify, and largely succeeded in that effort that hearings before the referee are to be ex parte, in order, we are told, to avoid delay. They have denied to defendants a fair opportunity to meet evidence as it is given, before the referee, and, further, have enveloped such ex parte evidence in the gown of a rebuttable presumption. When the time comes for them at last to pay token tribute to the requirements of due process of law, by according to defendants an opportunity to refute the evidence adduced against them, the proponents of this legislation have managed to so severely limit the "hearing" which due process of law requires as to practically negate it. In other words, Mr. President, after conclusively presuming that State electoral processes are infected with unconstitutional action, this bill turns right around and creates a presumption that the Federal agents who supplant State officials are infallible. I particularly want to emphasize that this "pro-Federal" presumption is, by the nature of the bill's wording, made a rebuttable presumption only, but the opportunity to rebut is so limited, the manner of rebuttal is so proscribed, as to render even this presumption a conclusive presumption in practice, if not in law.

It should also be emphasized that the entire "referee" proceeding bears a taint which should not be embodied into our law. The manner in which it is drafted raises serious questions of constitutionality, not the least of which being that the proceeding before the referee is not, by any stretch of the imagination, a "case or controversy," within the judiciary article of the Constitution. The fact that these proceedings are ex parte fortifies this conclusion, but, over and beyond this, is the further fact that the rules of civil procedure have been tormented and twisted in order to deny to defendants a fair "day in court."

During the limited hearings held on this measure, as well as during House consideration thereof, the statement was made on many occasions that the bill merely applies the well-established concept of "special masters" to voting right cases. On the contrary, Mr. President, this measure applies only a portion of such concept to these proceedings.

Rule 53 of the Federal Rules of Civil Procedure, dealing with the rights and duties of masters, presupposes an adversary proceeding. This right is written into the rule, in section (d), which reads as follows:

1. Meetings: When a reference is made, the clerk shall forthwith furnish the master with a copy of the order of reference. Upon receipt thereof unless the order of reference otherwise provides, the master shall forthwith set a time and place for the first meeting of the parties or their attorneys to be held within 20 days after the date of the order of reference and shall notify the parties or their attorneys. It is the duty of the master to proceed with all reasonable diligence. Either party, on notice to the parties and master, may apply to the court for an order requiring the master to speed the proceedings and to make his report. If a party fails to appear at the time and place appointed, the master may proceed ex parte or, in his discretion, adjourn the proceedings to a future day, giving notice to the absent party of the adjournment.

2. Witnesses: The parties may procure the attendance of witnesses before the master by the issuance and service of subpenas as provided in rule 45. If without adequate excuse a witness fails to appear or give evidence, he may be punished as for a contempt and be subjected to the consequences, penalties, and remedies provided in rules 37 and 45.

3. Statement of accounts: When matters of accounting are in issue before the master, he may prescribe the form in which the accounts shall be submitted and in any proper case may require or receive in evidence a statement by a certified public accountant who is called as a witness. Upon objection of a party to any of the items thus submitted or upon a showing that the form of statement is insufficient, the master may require a different form of statement to be furnished, or the accounts or specific items thereof to be proved by oral examination of the accounting parties or upon written interrogatories or in such other manner as he directs.

Yet, under the clear terms of the bill, only subsection (c) of rule 53 is made applicable to proceedings before the referee. Initially, this was done as a backhanded means of assuring that such proceedings would be ex parte. Now, however, the drafters have come out into the open and, in the House bill, specified that the hearings before the referees must be ex parte. The hue and cry in the Senate as to the right accorded under the Judiciary Committee's bill to State officials to be present, and to make a transcript of proceedings, demonstrates that the ex parte approach involves more than merely a one-sided proceeding. In reality, not only do the proponents want proceedings before the referee to be one sided, but they also want them to be star chamber, in private, behind closed doors, perhaps in the dead of night.

Their contention that the amended bill would, in the words of Senator KEATING "require 400 days to register 200 individuals," is completely without merit. As a matter of fact, 200 individuals could be heard during the course of one proceeding and, as I read the measure, all that is required is 2 days' notice of a proceeding—not 2 days' notice as to each individual, but 2 days' notice per proceeding. Certainly, there should be no objection to this.

Furthermore, since a subsequent section of the bill, that appearing on page 19, lines 11 through 12, declared that referees have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure, it becomes clear that the actual proceedings before the referee are to remain ex parte, and that the so-called Kefauver amendment merely required that such one-sided proceedings be open to the public.

Now, the Senator from New York [Mr. KEATING] evidently believes such a practice would be terrible. He is opposed to public hearings, he says. For example, on March 30 he told the Senate in a colloquy with the junior Senator from Colorado [Mr. CARROLL]:

Does the Senator share my apprehension that if that language—referring to the Kefauver amendment—is adopted it may require a public hearing before the referee when the one who has been disenfranchised comes in to file his application? Any number of persons could be present at a public hearing.

Mr. President, I have never lived in New York, but I cannot believe that the public officials of New York conduct public affairs as the Senator from New York would evidently like for such affairs to be conducted—namely, behind closed doors, perhaps in the dead of the night, with no opportunity given the public to peek in and see how their business is run. I cannot believe that the great newspapers of New York, the New York Times, the New York Herald Tribune, and others, those newspapers which have campaigned long and vigorously for "freedom of information" and "the public's right to know," would countenance such a practice. I cannot believe that any true liberal would oppose legislative language which merely seeks to accord to the public the right to see how public affairs are conducted. Yet here are Senators, hailed as great liberals, who proclaim their championship of individual rights, actually declaring that a provision of this bill is evil because "any number of persons could be present at a public hearing."

It should also be noted that "liberal" opposition resulted in the elimination of the requirement that the proceeding before the referee be held in a public building, as specified in the Kefauver amendment. Without this safeguard, it is possible for the referee to go forth and "solicit" only those applicants he might desire to solicit and register to vote. He would be empowered to pick and choose those whom he might want to hear. What a political windfall this would be.

Furthermore, it strikes me that the "liberals" are impaled upon the horns of a dilemma in this regard. They have declared time after time that one of the devices used to disenfranchise Negroes in the South is the alleged practice on the part of registrars of voters to close their offices at times when Negro applicants might desire to appear. Actually, Mr. President, this contention is just so much garbage, since the election laws of my State, for instance, impose mandatory duties upon registrars of voters to keep their offices open, to keep them open on certain days, for certain hours, and to make their services freely available to citizens desiring to register to vote during such periods. State law also prohibits a registrar from having his office in a boat or other similar vehicle. At this point I quote the pertinent sections of Louisiana law:

SEC. 71. Parish of Orleans; office and office hours; Algiers office.

A. In the parish of Orleans the registrar's office shall be on the ground floor of some building in the central business district of the city of New Orleans, as equally accessible to voters in all parts of the city as possible. All acts required by this chapter for registration shall be done only in the office of the registrar.

In the parish of Orleans the registrar shall keep his office open daily, Sundays and legal holidays excepted, from 9 a.m. until 4 p.m. He shall, in addition, keep his office open until 6 p.m. on one day of each week, to be specified in advance and publicly announced. For 30 days preceding the time for closing of the registrations before an election, the office shall be kept open from 9 a.m. until 1 p.m. and from 2 p.m. until 8 p.m.

B. In the parish of Orleans the registrar shall maintain permanent office in the 15th ward of the city of New Orleans for the registration of voters. The city of New Orleans shall make an office available, without cost to the State, in the courthouse at Algiers, now housing the recorder's court of the 15th ward, on the ground floor of said building. This office shall be kept open on Wednesday, Thursday, Friday, and Saturday of each week, legal holidays excepted, from 9 a.m. until 4 p.m. In addition, the registrar shall keep this office open until 6 on one of the above days, to be specified in advance and publicly announced. (As amended Acts 1952, No. 206, sec. 1.)

SEC. 72. Location of office at parish seat; office hours.

In parishes other than the parish of Orleans the principal office of the registrar shall be in some suitable and proper location at the parish seat, to be designated by the governing authority of the parish.

In all such parishes containing municipalities of 12,000 or over, the registrar or his assistant shall keep his office open daily, Sundays and legal holidays excepted, from 9 a.m. until 1 p.m and 2 p.m. until 6 p.m. In all other parishes he or his assistant shall keep his office open for 40 hours of each week, including a Saturday, until the registration equals 90 percent of the total previous registration, and after the registration exceeds 90 percent of the total previous registration he or his assistant shall keep his office open 3 days, including a Saturday of each week. During a period of 30 days immediately preceding the closing of the registration prior to any general, special, or primary election, he or his assistant shall keep his office open daily, Sundays and legal holidays excepted. The office hours in any event shall be from 9 a.m. until 1 p.m. and from 2 p.m. until 6 p.m. It shall be lawful to register voters on Sundays. (As amended Acts 1950, No. 15, sec. 3.)

SEC. 72.1 Office hours on election days.

In all parishes of the State on election days the office of the registrar of voters shall remain open from 6 a.m. until 9 p.m. (Added Acts 1952, No. 331, sec. 1.)

SEC. 73. Office on boat or watercraft prohibited; penalty registration other than at office; notice; office at or near polling places;

publication of list of places for registration; offices in municipalities; traveling expenses; time for registering.

A. No registrar shall open his office on a boat or watercraft. He shall remain in his office on the days and at the periods fixed by this chapter, and such other days as are required by the parish governing authority, except when registering voters at other points in the parish, under the circumstances hereafter in this section provided, and shall at no time go to unusual places under the pretense of affording an opportunity to voters to register. He shall remain in each appointed place during the full period named in a public notice, and shall not attend places to register voters of which he has not given notice, as required by this chapter.

Whoever violates this prohibition shall be imprisoned for not less than 60 days nor more than 6 months.

B. In all parishes other than the parishes of Orleans, East Baton Rouge, and DeSoto, the registrar, in every year in which a general election is held or a primary election is held for State officers or Representatives to Congress may, 70 days before the closing of the registration, establish his office for at least 1 day at or near each polling place. Each year in which a municipal election is held he may, prior to the closing of registration, 30 days before the municipal primary, establish his office for at least 1 day in each municipality in the parish. However, he shall, during the last 30 days of the period, Sundays and legal holidays excepted, keep his office open as herein provided. During those 60 days he shall publish at the expense of the parish, in its official journal, a list of the places of registration and the length of time they shall remain open. If there is no official journal, the registrar shall post the list at or near the polling precinct.

C. In any parish containing a municipal corporation of more than 2,000 persons when such parishes do not elect to come under the provisions of a permanent registration law the registrar, or his duly appointed deputy, shall establish an office in the municipal corporation twice each calendar year, for a period of not less than 7 days in any 2 consecutive weeks, Sundays and legal holidays excepted, with office hours the same as prescribed in R.S. 18:72. The 7-day period shall be at any time during the calendar year but at least 30 days before the closing of the registration, where the registration is required to be closed before an election, as provided in this chapter.

D. No person may register within 30 days of any general or primary election held in the parish, provided that the registrar in the parish of Orleans be and he is hereby prohibited from making changes of addresses between the first and second primary. No act of any kind necessary or pertaining to the registration of voters shall be performed in any other place or in any other manner than as provided in this chapter. (As amended acts 1952, No. 249, sec. 1; acts 1954, No. 563, sec. 1.)

Yet, proponents of legislation, designed, it is said, to correct such alleged practices, do not want the corrective agents to be required to transact their business in public buildings. They do not want to apply to referees the very standards which they claim should be applied to State officials. Yet, without the Kefauver amendment, there is no guarantee that a referee would not be moving around from place to place, or holding the proceedings authorized in the back room of a store, or in some other secret place.

Mr. President, earlier during the course of my remarks I referred to the fact that this bill would accord to State officials a "right to oppose" findings made by a referee, which "right" would be more illusory than real. I shall return to that element in a few moments, but, first, I wish to point out that this "referee" proposal involves a complete and utter prostitution of the system of masters provided for under the Federal Rules of Civil Procedure. Proponents have made much of the fact that "referees" are involved. They have even had the temerity to state that this legislation involves merely applying the well-established system of special masters to voting rights. As usual, Mr. President, advocates of such an approach are, at best, only telling half the story.

The most prominent argument offered in justification of the "referee" system proposed herein is that reference of individual voting applicants to such "referees" would reduce the possibility of delay. As I understand their approach, they feel that individual appearances by applicants before Federal judges, particularly under circumstances assuring that such proceedings would be adversary, could result in some delay. Hence, they tell us, all they desire to do is to make it possible for the court to appoint "referees" to hear applicant in order to eliminate any delay. Referring matters to referees, it is stated, will clothe the proceeding in haste. I most respectfully submit that haste should not be the touchstone of any judicial proceeding, or even any quasi-judicial proceeding. However, throughout the fabric of arguments of proponents runs the same thread—namely, that the measure merely seeks to extend to voting rights cases powers which courts presently have in other cases—bankruptcy and accounts, for instance—to appoint special masters, or referees.

Mr. President, no new legislation is needed to make the use of special masters possible in voting rights cases. The Federal Rules of Civil Procedure, rule 53, presently permit courts to appoint special masters, or referees—and I quote from the rule:

> Each district court, with the concurrence of a majority of all the judges thereof may appoint one or more standing masters for its district.

In other words, Mr. President, district courts presently have the authority to appoint full-time, standing masters, or referees, upon a majority vote by all the judges thereof. Furthermore, and I read, again, from rule 53 of the Federal Rules of Civil Procedure:

> And the court in which any action is pending may appoint a special master therein.

Thus, even if a majority of a Federal district court should not desire to appoint a standing master, any judge of that court can appoint a special master to hear any cause pending before it.

Thus, under the present Federal rules, authority is present for the appointment of either standing masters, or special masters, or both.

Once this is realized, the question naturally arises, "Why, then, is this new authority presently demanded needed at all?"

The answer lies in the present requirements of rule 53 of the Federal Rules of Civil Procedure which specify that the appointment of a master is to be the exception and not the rule. The rule states:

> A reference to a master shall be the exception and not the rule. In actions to be tried by a jury, a reference shall be made only when the issues are complicated; in actions to be tried without a jury, save in matters of account, a reference shall be made only upon a showing that some exceptional condition requires it.

By the terms of the rule itself, Mr. President, a rule based upon general and well-understood practice before Federal courts prior to its formal adoption, references to masters are not to be undertaken on a wholesale basis. In the case of jury actions—and, as I have already stated, the proceedings contemplated here should be jury actions, since findings of fact are involved—references can be made only by showing that the "issues are complicated." However, even in nonjury actions, such as that contemplated under title VI of the bill, reference can be made "only upon a showing that some exceptional condition requires it."

Within the purview of rule 53, is the mere threat of delay grounds for the appointment of a master? In other words, are proponents of this bill being fully candid with us in stating that in order to avoid delay, the procedures of appointment "masters" or "referees" are justified? The answer is a most emphatic "No."

The cases decided by Federal courts demonstrate that a mere threat of delay is not a sufficient ground for reference to a special master. I refer specifically to the case of *Hartford-Empire Co.* v. *Shawkee Manufacturing Co., et al.*, 5 Federal Rules Decisions 46 in which the District Court for the Western District of Pennsylvania held:

> This order (requesting reference to a master) cannot be made. Reference to a special master is made, with a few rare exceptions, only in cases involving an accounting. It will be noted that the counterclaims of defendants are for damages, not for a mere accounting. The trial lists of this court bid fair to be heavy in the immediate and succeeding future, and the hearing in the present matter will undoubtedly be burdensome, but that does not present an "exceptional condition" such as contemplated by rule 53.

In other words, Mr. President, despite the indications from proponents of this legislation that their approach is really nothing new, the facts clearly demonstrate that the approach is a radical departure from the principles which have consistently governed proceedings before masters, at least since the adoption of the Federal Rules of Civil Procedure, and probably since long before that time.

This departure becomes obvious when it is understood, as I indicated earlier, that proceedings before any "referee" appointed under the terms of the measure would be ex parte.

Mr. President, I have dwelt in some detail upon the referee provisions of title VI, because I am convinced that appointment of referees under this bill would, indeed, be the rule instead of the exception. At this point, I wish to cover

for the Senate's benefit the "rights" defendants would have upon the submission of findings to the court by the referee.

As Senators will recall, I earlier pointed out that the "right" of defendants to be heard is more illusory than real. We have heard much about the provision according to the defendants 10 days in which to be heard on the referee's findings. This procedure is not quite as simple as proponents of the bill would have us believe. For one thing, there is no guarantee that the 10-day "show cause" period would be a minimum. Actually, it is the maximum, because the court could cut that period down to less than 1 hour if it so desired. The pertinent portion of the bill states:

> Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within 10 days or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report.

The key words are "or such shorter time as the court may fix." Thus, it is possible for the court to declare that the attorney general, or other appropriate defendant, shall have only 5 days, or 2 days, or 1 day, or 1 hour, in order to show cause why the referee's findings should not be made the findings of the court, and a decree issued based thereon. If the possibility of such a burdensome time limitation is coupled with the previously referred to provision which creates a presumption in favor of an applicant's statements before the referee, it will be easily seen that the rights accorded to defendants are narrow indeed.

But there are even more restrictions imposed.

First, the type and method of proof available to defendants to meet the referee's findings are severely circumscribed For example, as to issues of fact, the court can consider only two kinds of evidence:

First, duly verified copies of public records; and, second, affidavits of persons having personal knowledge of such facts or by statements or matters contained in such report.

The restrictive kinds of evidence which can be offered, plus the rigorous time limit imposed in the bill for such evidence to be gathered and placed in the required form, plus the presumption of validity given to ex parte statements of applicants, assure defendants that, although they are given the right of a "hearing," they are, in fact, being denied a fair hearing.

But, just to tie up any loose ends, there is another gadget provided to make things as hard as possible on defendants. The bill provides that the court, if it so wishes, can actually redelegate to the referee the job of hearing opposition to his own report. I read from the bottom of page 18 and the top of page 19 of the bill:

> The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures described by the court.

Mr. President, how silly can we get? Just imagine giving authority to a voting referee, or, for that matter, any other "master," to hear opposition to his own findings. If this is fair, then, certainly, fairness does not have the same definition it once had.

Furthermore, under this redelegation clause, the referee would be entitled to rule upon issues of both fact and law; yet, nowhere in the bill does the requirement appear that the referee be learned in the law. As a matter of fact, prior to adoption of the committee amendments, there was not even the requirement of taking an oath imposed upon the referee.

Just how far do proponents of this legislation desire to go? Evidently they want to make it possible for a nonlawyer to be placed in the position of deciding not only issues of fact, but issues of law. Now, I am fully aware that on at least one occasion, on May 17, 1954, the Supreme Court abandoned stare decisis and the rules of law in order to apply psychological and sociological factors as determinative of legal issues, but I am not yet of the opinion that this departure has become the general and usual method of fixing rights and duties before all Federal courts.

Mr. President, this bill does not provide for due process of law; it does not even contain sensible procedural requirements.

It, instead, purports to accord such rights to individuals with one section, and then, in succeeding sections, completely dilutes such rights—dilutes them to a point where they no longer exist, as a practical matter.

Senators should note, too, that on page 19, further restrictions are imposed upon the rights of defendants in any such hearing as may be given them on a referee's report. The bill declares that:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the referee.

Mr. President, this is ridiculous. The referee might decide that an applicant was literate if he could spell the word cat. On the other hand, in a prior proceeding before the appropriate State election official, evidence might have been adduced that conclusively showed that the applicant was not literate. In my State, applicants are required to fill out an application form. Yet, the use of any such previously-completed form, any prior evidence of lack of literacy, would be foreclosed in proceedings before a court on a referee's findings. The bill would require that the applicant's literacy be determined solely upon the basis of answers included in the report of the voting referee. Thus, if the referee merely asked the applicant to spell the word cat or the word dog, or should the applicant merely be required to recognize his own name, these things, alone, would be required to be used as the sole basis for determining literacy.

Senators should note, too, that this section declares that literacy shall be determined solely on the basis of answers included in the referee's report. The referee could have asked 500 questions to test the applicant's literacy, before getting an answer that would indicate literacy. Yet, he would not have to put before the court the 499 unsatisfactory questions and answers. He would only have to include the questions and answers he wanted to include, in which event only those answers could be considered.

To revert to a previous portion of the bill, it should be noted that the portions of title VI which deal with referees would come into play only in the event a court decided it wanted to appoint referees. As I indicated earlier, there is no doubt in my mind but that in almost every instance the court would so appoint referees, but the alternative should be examined as well.

In this connection, the language of the bill is clever, indeed. It states, in essence, that once the pattern or practice finding is made, then any person of the same color as the original plaintiff shall be entitled to an order declaring him qualified to vote, upon certain showings. The court, in other words, will not have any discretion at all insofar as other applicants are concerned, should they meet the requirements of the bill. Furthermore, this shall clause would impose upon the judge the duty of registering the applicant for the "longest period for which such applicant could have been registered or otherwise qualified under State law."

Mr. President, this is a direct and vicious attack upon the electoral systems of our 50 States. It constitutes, as a practical matter, a means by which the Federal Government, through the Federal courts, would fix the qualifications of electors, a right which is expressly reserved to the States under article I. The 15th amendment offers neither authority nor excuse for such action, nor does the 14th amendment. Their force and effect will have been exhausted by the court, once it finds a pattern or practice. Any action from that time forward would constitute Federal determinations of voting qualifications, a practice in direct contravention of the Constitution.

There are, of course, in the bill certain other little gadgets which require discussion. For example, there is a mandatory provisional voting section, plus discretionary provisional voting authority.

Under the bill, "any application filed 20 or more days prior to an election" entitles the applicant, as a matter of right, to a certificate permitting him to vote provisionally.

In my State, Mr. President, State law requires that the registration books be closed 30 days prior to an election. Yet, under the bill, as I interpret it, an applicant who, let us say, 22 days before an election, applies to a Federal court, will, per se, be entitled to a certificate entitling him to vote in that election. As I read the bill, there would be no need for a prior effort to register with State officials, should the application with the court be filed 20 or more days prior to an election. This is in direct conflict with State law as to the time of closing of registration books; and, furthermore, it would work a discrimination upon voters not a member of the class involved under

the pattern or practice finding, since members of that class would be entitled to vote in the election, although the registration books had been closed as to others. It would give Negro applicants a 10-day advantage over white citizens. As a matter of fact, Mr. President, the entire section is discriminatory, since it accords to Negroes denied registration a second "bite at the apple," while white people who have been refused registration are given no such preferential treatment.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield for a question relative to the statement he has just now made?

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. ELLENDER. I yield.

Mr. ERVIN. In North Carolina we have a period of about 5 weeks in the month of May in which the books are open for the registration of persons who wish to vote in the primary. Then in the fall the registration books are open for another period of approximately 5 weeks, for the registration of voters who desire to vote in the general election. I ask the Senator from Louisiana whether, under this bill, white people would be compelled to present themselves for registration within one of those periods of 5 weeks, and would be denied the right to register at any other time?

Mr. ELLENDER. That is entirely correct. As I pointed out, in Louisiana if a person applies for registration to vote 29 days before an election is held, he is denied the right to vote. Yet, under this measure, if a Negro voter desired to do so, he could apply to register 20 days before the primary, and he would be accorded a right which would be denied to the white voters.

Mr. ERVIN. Furthermore, under this bill could not the Negro voter apply at any time within 1 year, and even after 1 year, until there had been a rescission by the court of its finding of the existence of such a pattern or practices?

Mr. ELLENDER. Yes. That is correct.

Mr. ERVIN. In other words, under this bill a colored man would have the right to register at virtually any time, whereas a white man would be restricted to registration during a certain limited period of time. Is that correct?

Mr. ELLENDER. That is correct, once such a pattern or practice were found and were made applicable.

Mr. ERVIN. The justification given for that is that thereby the law would be supposed to be giving equal protection of the laws to the members of both races?

Mr. ELLENDER. Yes. As I have pointed out, the act is discriminatory, without question.

And, Mr. President, what about this "provisional voting" procedure? The bill specifies that it is to be accomplished by impounding the ballots of individuals permitted to vote provisionally.

I should like to ask my friend, the Senator from North Carolina, to consider what would be the situation in his own State.

The bill specifies that the "provisional voting" procedure is to be accomplished by impounding the ballots of individuals who are to be permitted to vote provisionally. In my own State the paper ballot is no longer in use; our State law requires that voting machines be used. Just how is a tally on a voting machine to be "impounded"? The only method I can see is to require the individual who was permitted to vote provisionally to declare before officers of election or others the names of the candidates for whom he had voted. In that case, what would have happened to the secret ballot?

Here is a clear demonstration of the manner in which some rights are prejudiced at the expense of enforcing others. In other words, under this portion of the bill, the right of a voter to cast a secret ballot would become a second-class right.

Proponents of this legislation have cried great tears and have expressed the fear that without this bill, or some similar bill, Negro voters might be intimidated. If the proponents want to open the door to intimidation, if they really want to make intimidation of voters possible, then all they have to do is vote in favor of this "provisional voting" scheme. That language, coupled with the "impounding" provision, is an invitation to intimidation, particularly in States which use voting machines.

Talk about "equal protection of the laws," Mr. President. This bill denies "equality" to white people in my State. Should a registrar of voters deny registration to a white person, any such white person would have to be content with the remedies available to him under State law. But should a Negro be refused registration, he could, under this bill, run to a Federal court or a Federal referee, and, at the taxpayers' expense, have another chance to prove his qualifications—and to prove them under conditions which virtually assure the enfranchisement of myriads of persons not meeting bona fide State qualifications.

Mr. President, there is one other portion of title VI which I wish to discuss briefly, and I refer specifically to that portion appearing on page 20 of the bill, which reads as follows:

> The court may take any other action and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees.

I think it is very important that the legislative history of this one sentence makes it abundantly clear that in no way does the Congress intend for this sentence to authorize the use of Federal agents, or deputy marshals, to oversee elections.

As the distinguished and able attorney from Louisiana, the Honorable EDWIN E. WILLIS, who represents the congressional district in which I make my home, so that he is in effect my Congressman, pointed out on the floor of the House of Representatives on March 23, the legislative history of this sentence in the House makes this very clear.

As originally considered, this bill contained a provision under which the court could authorize any person or persons to attend at any time and place for holding any election at which any person named in the court's original or supplementary decree is entitled to vote and report to the court whether any such person had been denied the right to vote and whether any vote cast by any such person had not been properly counted.

This language appeared on page 3, lines 13 through 24 of H.R. 10035. Language along the same line appeared on page 5, lines 6 through 14 of H.R. 10625. It also appeared on page 5, line 9 through line 13 of H.R. 11160.

Congressman WILLIS, along with the distinguished chairman of the Rules Committee, Congressman SMITH, of Virginia, conferred with both Democratic and Republican leaders on this provision.

They pointed out that this provision was unprecedented, dangerous, and inflammatory, and that if a person with a voting certificate were denied the right to vote and/or his vote was not properly counted, the proper remedy would be a contempt citation.

They stated that they, of course, would move to strike this language or any similar language from the bill, and they also expressed the hope that such a move would be accepted.

Both Congressman WILLIS and Congressman SMITH later said they received the impression that their amendment would either be agreed to, or certainly not seriously challenged.

On Tuesday, March 15, 1960, Congressman MCCULLOCH, of Ohio, offered an amended version of H.R. 11160, intending to delete the provision of the bill referred to. This amendment appears on page 5655 of the CONGRESSIONAL RECORD of March 15. I quote from colloquy that appears on page 5657 of the CONGRESSIONAL RECORD:

> Mr. CELLER. Having been reminded that H.R. 11160 contains the verbiage of the gentleman's amendment, do I understand the gentleman has stricken out on page 5 lines 9 to 13, inclusive?
>
> Mr. MCCULLOCH. That is correct. That material changes the bill and takes away from the referee the authority in a field and in a manner which has been objected to, so seriously, by our distinguished colleagues, the gentleman from Louisiana [Mr. WILLIS] and the gentleman from Virginia [Mr. SMITH].
>
> Mr. CELLER. The court, of course, has inherent power, but you have by striking out that language which was originally in the bill given something in the nature of an admonition to the court that might have the effect of curbing that power so that the court—and I say this for the edification of those who might oppose this amendment—would not actually have the voting referee substituted for the State official in the actual counting of the ballots.
>
> Mr. MCCULLOCH. That is right, but I want to make the record unmistakably clear.
>
> It is my intent to lessen the authority that is inherent in courts of equity to effectuate their decrees by whatever manner is inherent in the Anglo-Saxon system of jurisprudence.

In reading the amendment, the House Clerk, nevertheless, read the language to

be deleted, but both Congressman HALLECK, the minority leader, and the ranking member of the Judiciary Committee, Congressman MCCULLOCH, insisted that it was the intent of the House to delete that language.

It was then that the chairman of the Judiciary Committee, Congressman CELLER, of New York, in light of the parliamentary situation, offered a substitute to the McCulloch amendment. This substitute definitely did not contain the general provision under discussion.

It is clear, then, without the slightest doubt, that the proponents of this bill in the House of Representatives, those from both sides of the aisle, agreed to remove and did remove this obnoxious and unnecessary provision without the necessity of either Congressman SMITH or Congressman WILLIS having to introduce an amendment to accomplish the same purpose.

However, an amendment was then offered by Congressman O'HARA of Michigan, which appears on page 5755 of the CONGRESSIONAL RECORD of March 16, 1960.

It can be seen, on page 5767 of the RECORD, that the debate on the O'Hara amendment was limited, that it ended at 3:15 p.m. of that day, and the very few Members standing and desiring to talk on the amendment, as distinguished from those who wished to extend the remarks, were limited to 3 minutes.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me, with the understanding that he will not lose the floor?

Mr. ELLENDER. I yield.

Mr. JOHNSON of Texas. I wonder if the Senator would yield to me for the purpose of suggesting the absence of a quorum, with the understanding that he would not lose the floor.

Mr. ELLENDER. Very well.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW, ORDER FOR RECESS AT 12:30 TOMORROW, AND ORDER FOR RECOGNITION OF THE SENATOR FROM LOUISIANA TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today it stand in recess until 10 o'clock tomorrow morning; and I further ask unanimous consent that at 12:30 o'clock tomorrow the Senate stand in recess subject to the call of the Chair, and, when the Senate resumes its session, following the call of the Chair, after we have had the joint meeting with the House of Representatives, that the Senator from Louisiana [Mr. ELLENDER] be recognized for not to exceed 3 hours.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Committee on Agriculture and Forestry was authorized to meet during the session of the Senate tomorrow.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I announce that we anticipate no yea-and-nay votes this evening. The Senate will meet at 10 o'clock in the morning. We will have the usual morning hour, and transact business up until 12:30. Senators may transact any business they wish which may come before the Senate. At 12:30 tomorrow we will go to the other body for a joint meeting, to hear a distinguished Latin-American visitor. We will return as soon as that joint meeting is over.

When the Senate reconvenes, the Senator from Louisiana [Mr. ELLENDER] will be recognized for 3 hours, at the conclusion of which time I would anticipate the minority leader would make a motion to table the pending motion.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. ELLENDER. The O'Hara amendment had not been made available to all Members, and it was only after debate had already been limited that most Members, including Congressmen WILLIS and SMITH, had an opportunity to study it. It was during this limited time for debate that an effort was made to develop legislative intent with respect to the O'Hara amendment.

This appears on pages 5766–5768 of the RECORD of Wednesday, March 16. Many Congressmen who opposed this complete package of civil rights bills were shocked beyond words to discover that they were precluded, because of the parliamentary situation, to offer corrective amendments.

Congressman WILLIS raised the issue as to whether or not the purpose of the amendment was to restore the deleted language. Congressman SMITH attempted to introduce a corrective amendment but was ruled out of order because the amendment would have been in the third degree.

However, at this point, Congressman MCCULLOCH, of Ohio, assured opponents of this language that there was no intent to restore the deleted language.

He said:

Mr. Chairman, again I want to say that which is known to all the good lawyers on the committee, that since there was first a court of chancery in England, a court of conscience, if you please, and ever since we have had a court of equity or chancery in America, that court has had the inherent power to do all things necessary to make effective its orders and decrees. Even without the language which has so disgusted my good friend and prominent lawyer, the gentleman from Louisiana, the authority would have been there nonetheless. However, Mr. Chairman, I was ready, willing, and anxious to request my very good friend from Louisiana to strike out the major part of the language to which he referred in H.R. 10625, for the very reason which I suggest. We have been marching up the hill and we have been marching down again. I for one in the final analysis would be satisfied to depend upon the inherent authority of the court, if that be necessary.

In view of that statement, further attempts to clarify the language were not continued.

However, I want it to be very clear, for the sake of legislative history, that this provision which would authorize the sending of Federal agents to police elections is out of the bill, and that the court has no authority under color of this bill to send Federal agents to the polling places and to actually conduct elections.

Mr. President, I would now like to adress my remarks to a broader field—the entire field which is covered by the measure which is pending before us today. This measure, which its proponents contend is a civil rights bill, is, in my opinion, nothing more or less than political claptrap.

Mr. President, the Senate is today engaged in one of the most momentous debates of its long history. These hallowed Halls have seen many climactic days in the history of our young Republic. Robert Morris, John C. Calhoun, Daniel Webster, Robert Taft, and all the other great names of the U.S. Senate met here and discussed the problems which have faced our country over the years.

I say here and now that the subject now under consideration by the Senate is just as important, just as far-reaching, as any matter discussed by the Senate in all its glorious history.

The so-called liberals like to say that the voting rights of minorities are at stake. This is pure subterfuge. The issue really at stake is whether or not the Federal Government is going to force the individual States to surrender a large measure of the sovereignty that they still possess.

Also at stake is whether or not this country shall abandon those principles which have brought us progress and wealth—the right of individuals to live their lives in peace, without heavy-handed Federal control over their daily activities.

Why, I ask, should it be necessary to eviscerate our constitution and desecrate the sovereignties of the 50 State governments, which is apparently what the proponents of all these so-called civil rights measures seek.

Is it not plain, Mr. President, that in the guise of protecting and securing the civil rights of a few Americans, we are about to violate and compromise the civil rights of our entire populace?

I would never raise my voice in objection to, or lift my hand in obstruction of, a legislative program which would seek to secure the maximum exercise of

the electoral franchise on the part of all qualified voters, irrespective of race, color, creed, or any other reasonable criteria—provided the guarantee of the right to vote were accomplished in a constitutional manner and in compliance with the procedures embodied in the U.S. Constitution. As a matter of fact, Mr. President, we already have in the law the machinery whereby any person who has been denied the right to vote in a Federal election, can obtain an injunction through a Federal court proceeding—either directly, on his own behalf, or by way of the Justice Department—directed to State and local election officials, and thereby enforce his constitutional, Federal right to vote.

The measure we now consider will, if enacted, place the Federal Government in the position of being the sole judge and director of qualification of a certain class of voters—a function which is clearly in violation, not only of the Constitution, but of the concepts of our Founding Fathers who wrote the Constitution.

Debates of the constitutional-drafting period show very clearly that if this right of the individual States to determine voter qualification had not been left in the hands of the sovereign States, the Constitution would never have been ratified.

It is my hope that I will have the opportunity during the course of this debate to discuss in more detail the patent inequities and—even more important—the latent dangers that are so neatly tucked away in this so-called right to vote legislation. Before embarking upon that subject, however, an even more basic and fundamental aspect of the problem before the Senate requires our attention and scrutiny. I refer to the necessity for a full discussion and analysis of those provisions of our Constitution which relate directly to the election of Federal officers—those portions of the Constitution dealing with the qualifications of electors, and with the fixing of the times, places and manner of holding elections.

Section 2 of article I of our Constitution provides that:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Section 4 of article I proclaims that:

> The Times, Places and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

There are also the two amendments which have to some extent contracted the otherwise unqualified right of the States, as guaranteed in section 2 of article I, to establish the qualifications of voters—I refer to the 15th amendment, which provides that a citizen of the United States may not be denied the right to vote on account of race, color, or previous condition of servitude; and the 19th amendment, which establishes the same protection against discrimination based on sex. And then, of course, there is the 17th amendment, adopted in 1913, whereby the right of the States to establish the qualifications of electors was again reaffirmed, this time with respect to the choosing of U.S. Senators.

Mr. President, our Nation has profited greatly from the rich heritage of learning left to us from the great constitutional lawyers of years gone by. One of the greatest of those illustrious pioneers of American constitutional history was George Ticknor Curtis. Mr. Curtis' name will live forever in the annals of American history for many reasons; first and foremost, of course, because he was the author of two monumental works; the first, which was to become a standard authority, ranking alongside of Justice Storey's "Commentaries on the Constitution," was published in 1854 in two volumes and entitled "History of the Constitution of the United States." The second of this great constitutional lawyer's legal compositions was entitled "Constitutional History of the United States," published in 1896, 2 years after his death. Mr. Curtis also will be remembered by students of American history for his able and successful defense of President Andrew Johnson in the impeachment proceedings instituted against the American Chief Executive in 1867; George Ticknor Curtis is remembered, too, for the brilliant and cogent argument he presented to the U.S. Supreme Court on December 18, 1856, in the famed Dred Scott case.

During the course of his presentation to the Supreme Court, in the Dred Scott case, Mr. Curtis made this significant statement as a preface to his analysis and interpretation of the Constitutional provisions in issue in the Dred Scott case—that is, the provisions of our Constitution relating to the status and government of American territories:

> I wish, in the next place, to say, may it please your Honors, what indeed is obvious to everyone—that this is eminently a historical question. But I shall press that consideration somewhat further than it is generally carried on this subject, and much further than it has been carried by the counsel for the defendant in error; for I believe it to be true of this, as it is of almost all questions of power arising under the Constitution, that when you have once ascertained the historical facts out of which the particular provision arose, and have placed those facts in their true historical relations, you have gone far toward deciding the whole controversy. So true is it that every power and function of this Government had its origin in some previously existing facts of the national history, or in some then existing state of things, that it is impossible to approach one of these questions as one of mere theory, or to solve it by the aid of any merely speculative reasoning. Hence it is eminently necessary on all occasions to ascertain the history of the subject supposed to be involved in a controverted power of Congress, and, above all, to approach it with the single purpose of drawing that deduction which the constitutional history of the country clearly warrants. ("Constitutional History of the United States," George Ticknor Curtis, p. 502.)

Mr. President, keeping these words of George Ticknor Curtis in mind, I shall ask the indulgence of the Senate while I embark upon the task of reviewing the circumstances surrounding the genesis of the constitutional provisions at issue in the right to vote legislation now before the Senate. It is with the utmost humility that I undertake the enormous assignment of refreshing the memories of Members of the U.S. Congress, and the public at large, with the historical backdrop against which the language of article I, sections 2 and 4, of our Constitution was framed.

It was no easy job, I can assure Senators, to research and assemble the vast amount of data that I am about to present to the Senate. It was a monumental task, but it will be well worth the effort if it helps to awaken in Senators a better understanding and awareness of the precarious, perilous ground we are about to tread upon—to point up the misguided, imprudent, unwise course that is being urged upon us.

It is sheer folly, Mr. President, for the Congress of the United States to seek to enact laws aimed at undermining and destroying our one great constitutional bulwark against despotism—our time-tested system of local elections controlled and operated by the 50 sovereign State governments, free from coercion or subversion from a Federal bureaucracy. Heaven help us if this precious birthright is lost forever to us and and to our posterity because we here today are unable to distinguish between political expediency and commonsense.

Mr. President, a study of colonial history reveals that regulation of suffrage was one of the first tasks to concern the American pioneers. From their inception the Colonies maintained qualifications of voters. As I shall point out during the course of these remarks, when the Colonies formed the original 13 States of our Union, they still jealously and zealously guarded their right to prescribe qualifications for voting. Even a cursory reading of the discussions that took place during the Constitutional Convention at Philadelphia, and of the debates in the 13 States while the proposed Constitution was up for ratification, leads to the inescapable conclusion that a majority of the 13 States would never have formed a Union and bound themselves under the Federal Constitution if clear and unmistakable language had not been included to guarantee to the respective States the right to establish qualifications of electors. Nor is there any doubt, Mr. President, that the 13 Colonies did not intend to surrender to the Federal Government their primary right to control the time, manner, and places of holding elections; all evidence points to the unmistakable conclusion that they intended to vest in the Central Government only secondary authority to regulate elections, limited to those situations where extraordinary circumstances prevailed or where the States refused to conduct elections for Members of the House of Representatives and thereby threatened the very existence of the Federal legislative branch.

Later during these remarks I shall discuss more fully the meaning given to section 4 of article I by the framers of our

Constitution. Right now I want to direct the attention of Senators to the interpretation placed by our Founding Fathers on the language found in section 2 of article I—the requirement that "the Electors in each State shall have the qualifications requisite for Electors of the most numerous Branch of the State Legislature."

As early as 1750 there were different qualifications for voting in the different Colonies. I quote from "Formation of the Union," 1750–1829, by Hart, page 15:

In each there was an elective legislature; in each the suffrage was very limited; everywhere the ownership of land in freehold or other property, or the occupancy of a house was a requisite, just as it was in England for the country suffrage. In many cases there was an additional provision that the voter must possess a specified large quantity of land or must pay specified taxes. In some Colonies there was a religious requirement.

Mind you, Mr. President, all these requirements I have just mentioned were prerequisites for the exercise of the voting privilege.

While there were few specific provisions concerning suffrage in the charters of the Colonies, popular elections existed in each of the Colonies from the earliest date down to the Revolution. Popularly elected assemblies carried on local government. Virginia had a House of Burgesses as early as July 30, 1619.

What was the first consideration of these colonial groups who were fiercely protective of their rights?

One of the first tasks of these colonial assemblies was to regulate the elective franchise. See McCulloch, "Suffrage and Its Problems," at page 18.

While the qualifications were vague and indefinite, there were many requirements, each a proof of the local regulation of voting qualifications. Even the Crown and the English Parliament made no serious attempt to modify or harmonize the various suffrage regulations. I quote from the same volume, page 19:

This left each colony practically free to pass its own laws providing for the franchise. By the time of the Revolution this practice became thoroughly established, thus allowing each commonwealth to make suffrage laws to fit its peculiar electoral problem.

Down to 1776 there were seven qualifications for the elective franchise. The outstanding one was the landed-property qualification, which probably arose because of the business corporation-like nature of the early Colonies. A piece of land was considered as giving a person the freedom of the company, as provided by Massachusetts in 1621, just as a block of stock entitles its holder to vote in a corporation.

Porter, "History of Suffrage in the United States," pages 3 and 4:

But this very simple test of property-holding could not long hold out alone, although it was the first and the dominating consideration for almost 200 years following. The population became so complex, the interests of colonists expanded so far beyond mere commercial enterprise, that other standards of fitness for participation in the affairs of the community were sought out and established. Strict limitations had been put upon the right to join the company, and after the companies ceased to exist and the Colonies became exclusively political institutions, the same limitations were carried over for the suffrage with some elaboration. They dealt with all the various things which are supposed to determine capacity to take intelligent interest in community affairs. Race, color, sex, age, religion, and residence were now investigated before the applicant was admitted to the suffrage. The theory was that only those who clearly had an interest in the Colony—measured in terms of tried standards—should exercise the right of suffrage.

There we find a yardstick or a method of providing qualifications for voters during colonial days.

Virginia had varying requirements. In 1655 a voter had to be a habitant and a householder; in 1699 he had to be 21 years of age, a male habitant and freeholder, papists barred. By 1762 this had been further refined by the freeholder being particularly required to own 50 acres, or 25 acres and house 12 by 12.

Massachusetts first required religious standards, Puritan and Orthodox, in 1631. By 1691 Massachusetts required a voter to be English and to own 40 shillings freehold or £40 of property.

Connecticut in 1638 required a voter to be a habitant, a Puritan, and a freeman, and varied this by 1702 to specify that he have 40 shillings freehold or £40 of property.

Rhode Island, as early as 1665 required a competent estate and barred Christian papists. By 1767 Rhode Island added to this requirement of living in a town, plus owning 40 shillings freehold or £40 of property.

New Hampshire in 1680 required that a voter be 24 years of age, English, Protestant, and have an estate of £20. By 1728 the last requirement was increased to £50 realty.

North Carolina in 1669 required a voter to be a deist and to have a 50-acre freehold. By 1760 this had varied. The qualifications were 21 years of age, 1½ years residence, British nationality, and a 50-acre freehold.

South Carolina in 1669 required a person to be a deist and to have 50 acres freehold. By 1759 a South Carolina voter had to be white and 21 years of age, Protestant, and have a settled freehold.

Georgia demanded a man to be 21 years of age and to have 50 acres of land, papists barred. In 1775 the land requirement took on a subtle change. It was replaced by the word "taxpayer," plus one-half year's residence required, and papists barred.

Pennsylvania in 1683 required a voter to own 100 acres, 10 cultivated—or 50 acres, 20 cultivated—or taxes. In 1700 Pennsylvania required a man to be 21 years of age, a 2-year resident, English, and own 50 acres, 12 cultivated—or £50 in property.

Delaware, in 1701, had a 2-year residence requirement, 21-year-age requirement, and land ownership of 50 acres—12 cultivated, or £50 in property. By 1733 British citizenship had been added to the list.

Maryland's only requisite in 1637 was that voters be freemen. In 1718, Maryland had barred Catholics and required 50 acres or £40 property.

New York in 1683 accepted a vote from any freeholder. In 1701, 21 years age requisite and £40 realty was necessary, and Papists and Jews were barred.

New Jersey in 1668 allowed any freeholder to vote. In 1725 that freeholder had to be a 1-year resident, and must own 100 acres or £50 of property.

It is interesting to regard some of the varying reasons for the above requirements. The very fact that they have varied in each State with the particular conditions of growth and the existing population adds undeniable power to the case I am presenting for each State in the Union to continue to have the right to judge its own needs and to provide therefor.

I read from Porter's "History of Suffrage in the United States," pages 4 and 5:

Standards of character and fitness varied from one part of the country to another. In Massachusetts the Puritans believed that only by restricting suffrage to men in their churches could the future well-being of the colony be insured. The problem of the "right" to vote became distinctly subordinate. They restricted the suffrage for the good of the community. The fact that their standard of good character (church membership) was narrow is not at all surprising. The character of the man's employment was often considered a criterion of his ability to vote intelligently, and thus college men and clerical officers were presumed to be especially fit for the suffrage.

The philosophy of suffrage has always been more or less opportunistic, if the word is permissible. Suffrage qualifications are determined for decidedly materialistic considerations, and then a theory is evolved to suit the situation. In the early days riot and disorder might accompany an election. The authorities would thereupon fix the qualifications so that the disorderly people could not vote next time. Then would come the theory to justify it—only those owning a certain number of acres would be considered fit to vote, only those of a certain religious faith, etc. Unquestionably this has happened in times of stress, for theory did not come to be the preliminary determining factor until complete peace and order prevailed, and even then theory was not uncolored by materialistic consideration. Suffrage limitations were bound to adapt themselves to social and economic conditions. In rural Virginia the freehold requirement of 50 acres excluded very few of the best type of men. But such a requirement in an urban community would have been intolerable. Obviously an absolute criterion could not obtain. It became necessary to adopt whatever criterion was calculated to embrace the best men.

Moral qualifications were restricted almost exclusively to New England. It was sometimes necessary for the voter to show proof of his good character. At other times if one were accused of improper conduct it would cost him his vote, although the particular offense was not mentioned in the law. In the South there were restrictions against men of certain race—foreigners and Negroes were excluded.

I read further from Porter's "History of Suffrage," bottom of page 5 and all of page 6:

All of the restrictions and qualifications can be seen to support one of two fundamental principles: One may be called the theory of right and the other the theory of the good of the State. Every qualification imposed had one of these two principles in view. Either it was established in order to

fulfill the right which certain people were supposed to have, or else it was established simply in order to serve the best interest of the State. It might have been said that a man had a right to vote because he owned property, or because he was a resident, or because he paid taxes, or simply because the right to vote was a natural right. And this would be the guiding consideration without regard to the effect it might have on the well-being of the community. Thus in some places nonconformists were allowed to vote because their property right was recognized. Nonresidents were permitted to vote where they owned property solely because they were supposed to have a right to vote on account of their holdings. This theory of right was the first to appear and has always persisted. Each generation would seek to add a new subhead to the title, as it were, and base a right to vote on some new ground.

The other great principle or theory had to do with the good of the State. It developed as soon as the narrow business-corporation concept was abandoned, and it was most emphasized by the Puritans. It continues to the present day but has never been entirely divorced from the theory of right. Under this theory of the good of the State men were excluded because they were not church members, because they were criminals, because they had not been residents a long-enough time. It is not always possible to classify every restriction definitely, but it may be said that one of these two theories controls every modification of the suffrage.

Mr. President, in the North, there were no race qualifications, because the few free Negroes scattered through the northern Colonies seemed to have caused little alarm along suffrage lines. North Carolina, Georgia, South Carolina, and Virginia were the only Colonies which disfranchised Negroes before the time of the Revolution—showing that either very few of them tried to vote or there was little aversion to it, the former probably being correct. At any rate, no race issue was injected generally into the suffrage regulations. Another generation saw a marked change.

In none of the Colonies except Pennsylvania was there rigid residence requirement of 2 years. And why the particular need there, true locally, yet not present elsewhere? Probably because of the conservative proprietor's desire to limit the influence of the many recent immigrants.

The property test was the most frequent and weightiest qualification. The cheapness of land led, in some instances, to the requirement above stated, namely, that the land be worth a certain sum in money or produce a certain income. Again we see the ever-present variations in the different Colonies. In Georgia there could not be the same money value requirement that there could be in more thickly populated New England; and, conversely, a voter in crowded New England could not have been required to own the same quantity of land that a voter in sparsely settled Georgia could be required to own. In Virginia, the varying standard of 50 acres of land, or 25 acres of land being worked and occupied by a house 12 feet square, or a town lot with a house of similar dimensions, was the answer to the rural-versus-urban problem. The city dwellers could not acquire land to a broad extent, and the rural dwellers resented having a value fixation set on the land to be held.

Five of the Colonies allowed the substitution of personal property for real estate.

I read now from Porter's "History of Suffrage in the United States," page 9:

This indicates a distinct concession of the urban communities, and it is significant that four of these States are in the small New England group, where the supply of real estate was limited. This adaptation of the suffrage qualification to the particular economic situation illustrates the willingness of men to adjust their ideas of what is fundamentally right to the needs of the dominant group.

The next breakdown in this type of requirement is from personal property to taxpaying. As conditions change, a trend emerges, the picture alters, and the statutory machinery with which we are equipped permits each State to shift or vary its position with the times.

Religious tests were decisive in New England, and were common everywhere except in Pennsylvania. In the South, Papists were usually specifically barred. New York barred Jews. Maryland also barred Catholics. Massachusetts supplemented the religious tests by moral character qualifications. Later a property qualification was inserted as an alternative. Later the religious test disappeared. South Carolina, with her requirement that a voter acknowledge the being of God, was the last State to have the statutory religious standards for suffrage and religion as a qualification for voting pass out with the colonial period.

Citizenship and residence were of comparatively little importance in a new country, predominantly British.

Before turning to the Articles of Confederation and our Constitution, the following words concerning voting qualifications in the Colonies seem particularly appropriate:

It is of moment to note that there were no efforts at uniformity in the regulation of suffrage. In each colony by charter, or more often by acts of the assembly, the elective franchise was controlled independently. This commonwealth treatment of suffrage was the natural result of colonial history. So thoroughly grounded was this policy that when the Colonies seized sovereignty and organized a Federal Government the suffrage program was undisturbed. It continued as the basic foundation on which all Federal elections must rest. (See McCulloch, "Suffrage and Its Problems," p. 29).

The truth of the proposition that each State best knows its own conditions and is best equipped to handle them, is shown by the direction of the Continental Congress, on May 10, 1776, following the outbreak of the Revolution, to each of the Colonies to "adopt such governments as shall best conduce to the happiness and safety of their constituents in particular, and America in general"—Hart, "Formation of the Union," 1750–1829 at page 89. Following these instructions, the Colonies had already begun, before July 4, 1776, to draw up written instruments of government. I now desire to read a few paragraphs from McCulloch on "Suffrage and Its Problems." I read from page 30, the first paragraph:

With the separation from the mother country came very little change for the Colonies severally. The Union took the place of the Crown, while the various commonwealth governments went on very much as before. Therefore, suffrage regulations were not disturbed at all; each commonwealth continued to regulate the elective franchise independently. The several States sought directions of the Continental Congress as to framing constitutions to replace the old charters which had been granted by the King.

But after this had been done, the two sets of governments moved along independently. The Central Government under the Articles of Confederation interfered with the States as little as possible, and they do not seem to have looked to it even for advice.

The only point at which the two governments could touch even indirectly on suffrage matters was article V, which provided that the delegates to the Confederation Congress should be "appointed in such matter as the legislatures of each State should direct."

Also, quoting directly from the Articles of Confederation, and to demonstrate the doctrines that remained ever uppermost in the minds of the founders of our country, I quote article II:

Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled.

I now read from the "Federalist Articles of Confederation," article V, the first paragraph:

For the more convenient management of the general interest of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year." Also:

In determining questions in the United States in Congress assembled, each State shall have one vote.

The above provisions show clearly that matters of voting qualifications were to be left strictly to each State. The Articles of Confederation were inadequate and hurried, and later proved insufficient to cope with the changing United States and its manifold problems. A new and farsighted instrument was needed, a considered and well-debated structure built on framework with a future. But, it is noteworthy, before we turn from the Articles of Confederation, that even though the country was in the midst of revolution, torn by varying doctrines and lacking in all organization at the time they were written, there was one thing that was not left out. Many important things were left out, much was left a blank, but even in a time of crisis these men, who were struggling for a workable governing organ to suit their needs and their hopes, kept one thing before them, the inviolable right of each State to determine the qualification of its voters and to control its own elections. They did not fail to preserve this right in the articles they drafted.

When the Articles of Confederation, which were adopted in time of stress without full cognizance of the problems to be solved and with the States themselves ill defined geographically

and politically, proved unsatisfactory and insufficient, it was suggested by Hamilton in 1780, and later by Tom Paine, that a convention be called to revise the Articles of Confederation, and to draft a Constitution of the United States of America.

Let us go back to that convention. There is drama in the air. Vital provisions for the constitutional structure of a new country are in the making. Each delegate has his own theories, his own pet beliefs to advance. All are filled with a desire for the best in Government for their new country.

Maj. William Pierce, of Georgia, made some notes of the membership of the convention. Among those historically well known to us today who were prominent in drafting provisions affecting voting qualifications was Rufus King, about whom Major Pierce said:

Mr. King is a man much distinguished for his eloquence and great parliamentary talents. He was educated in Massachusetts, and is said to have good classical as well as legal knowledge. He has served for 3 years in the Congress of the United States with great and deserved applause, and is at this time high in the confidence and approbation of his countrymen. This gentleman is about 33 years of age, about 5 feet 10 inches high, well formed, a handsome face, with a strong expressive eye, and a sweet high-toned voice. In his public speaking there is something peculiarly strong and rich in his expression, clear, and convincing in his arguments, rapid and irresistible at times in his eloquence but he is not always equal. His action is natural, swimming, and graceful, but there is a rudeness of manner sometimes accompanying it. But take him tout en semble, he may with propriety be ranked among the luminaries of the present age ("U.S. Formation of the Union," documents, p. 96).

There was Nat Gorham, about whom it is said:

Mr. Gorham is a merchant in Boston, high in reputation, and much in the esteem of his countrymen. He is a man of very good sense, but not much improved in his education. He is eloquent and easy in public debate, but has nothing fashionable or elegant in his style; all he aims at is to convince, and where he fails it never is from his auditory not understanding him, for no man is more perspicuous and full. He has been President of Congress, and 3 years a Member of that body. Mr. Gorham is about 46 years of age, rather lusty, and has an agreeable and pleasing manner ("U.S. Formation of the Union," documents, p. 96).

One of the high lights was Alexander Hamilton.

Colonel Hamilton is deservedly celebrated for his talents. He is a practitioner of the law, and reputed to be a finished scholar. To a clear and strong judgment he unites the ornaments of fancy, and whilst he is able, convincing, and engaging in his eloquence the heart and head sympathize in approving him. Yet there is something too feeble in his voice to be equal to the strains of oratory; it is my opinion that he is rather a convincing speaker, than a blazing orator. Colonel Hamilton requires time to think, he inquires into every part of his subject with the searching of philosophy, and when he comes forward he comes highly charged with interesting matter, there is no skimming over the surface of a subject with him, he must sink to the bottom to see what foundation it rests on. His language is not always equal, sometimes didactic like Bolingbroke's, at others light and tripping like Stern's. His eloquence is not so defusive as to trifle with the senses, but he rambles just enough to strike and keep up the attention. He is about 33 years old, of small stature, and lean. His manners are tinctured with stiffness, and sometimes with a degree of vanity that is highly disagreeable ("U.S. Formation of the Union," documents, p. 98).

From Connecticut came Oliver W. Ellsworth, who was on the committee of detail charged with forcing the provisions affecting elections:

Mr. Ellsworth is a judge of the Supreme Court in Connecticut; he is a gentleman of a clear, deep, and copious understanding, eloquent, and connected in public debate, and always attentive to his duty. He is very happy in a reply, and choice in selecting such parts of his adversary's arguments as he finds make the strongest impressions, in order to take off the force of them, so as to admit the power of his own. Mr. Ellsworth is about 37 years of age, a man much respected for his integrity, and venerated for his abilities ("U.S. Formation," supra, p. 98).

From Pennsylvania, on this committee, came Mr. James Wilson:

Mr. Wilson ranks among the foremost in legal and political knowledge. He has joined to a fine genius all that can set him off and show him to advantage. He is well acquainted with man, and understands all the passions that influence him. Government seems to have been his peculiar study, all the political institutions of the world he knows in detail, and can trace the causes and effects of every revolution from the earliest stages of the Grecian commonwealth down to the present time. No man is more clear, copious, and comprehensive than Mr. Wilson, yet he is no great orator. He draws the attention not by the charm of his eloquence, but by the force of his reasoning. He is about 45 years old ("U.S. Formation, supra, p. 101).

From Virginia came James Madison and Edmund Randolph:

Mr. Madison is a character who has long been in public life; and what is very remarkable, every person seems to acknowledge his greatness. He blends together the profound politician with the scholar. In the management of every great question he evidently took the lead in the convention, and though he cannot be called an orator, he is a most agreeable, eloquent, and convincing speaker. From a spirit of industry and application which he possesses in a most eminent degree, he always comes forward the best informed man of any point in debate. The affairs of the United States, he perhaps, has the most correct knowledge of, of any man in the Union. He has been twice a Member of Congress, and was always thought one of the ablest Members that ever sat in that Council, Mr. Madison is about 37 years of age, a gentleman of great modesty, with a remarkable sweet temper. He is easy and unreserved among his acquaintance, and has a most agreeable style of conversation ("U.S. Formation," supra, p. 104).

Mr. Randolph is Governor of Virginia, a young gentleman in whom unite all the accomplishments of a scholar and a statesman. He came forward with the postulate, or first principles, on which the convention acted, and he supported them with a force of eloquence and reasoning that did him great honor. He has a most harmonious voice, a fine person, and striking manners. Mr. Randolph is about 32 years of age ("U.S. Formation," supra, p. 105).

Robert Morris, with James Wilson, Benjamin Franklin, Gouverneur Morris, and others, represented Pennsylvania:

Robert Morris is a merchant of great eminence and wealth; an able financier, and a worthy patriot. He has an understanding equal to any public object, and possesses an energy of mind that few men can boast of. Although he is not learned, yet he is as great as those who are. I am told that when he speaks in the Assembly of Pennsylvania, that he bears down all before him. What could have been his reason for not speaking in the convention I know not, but he never once spoke on any point. This gentleman is about 50 years old ("U.S. Formation," supra, p. 101).

These were among the men who drafted our Constitution.

On May 29, 1787, Edmund Randolph presented the following resolution:

Resolved therefore, That the rights of suffrage in the National Legislature ought to be proportioned to the quotas of contribution, or to the number of free inhabitants, as the one or the other rule may seem best in different cases.

Resolved, That the National Legislature ought to consist of two branches.

Resolved, That the Members of the first branch of the National Legislature ought to be elected by the people of the several States every ——— for the term of ——— ("U.S. Formation," supra, p. 116).

Then Mr. Charles Pickney laid before the House the draft of a Federal Government which he had prepared, to be agreed upon between the free and independent States of America ("U.S. Formation of the Union," p. 119).

By all these statesmen the United States was referred to as a Union of free and independent States, a group of varying entities with varying problems, soils, industries, populations, having in mind future additions of more States, united for the common good of all.

Article III of Mr. Pickney's draft reads: "The Members of the House of Delegates shall be chosen every ——— year by the people of the several States; and the qualifications of the electors shall be the same as those of the electors in the several States for their legislatures" (Elliott, "Constitutional Debates," vol. 1 (1st ed.) p. 145).

Pickney also provided in article 5 of his plan:

Each State shall precribe the time and manner of holding elections by the people for the House of Delegates. (See III Records of the Federal Convention, p. 597—App. D.)

Alexander Hamilton's suggested provision was a general one:

III. The Assembly to consist of persons elected by the people to serve for 3 years ("U.S. Formation of the Union," p. 979).

When Mr. Randolph's plan was considered, what was the feeling concerning the provision for election of Members of the first branch of the National Legislature by the people of the several States? The discussion is illuminating in showing the angles considered, which make clear the meaning of the provisions ultimately adopted.

Mr. Sherman opposed the election by the people, insisting that it ought to be by the State legislature. The people, he said, immediately should have as little to do as may be about the Government. They want information and are constantly liable to be misled.

Mr. GERRY. The evils we experience flow from the excess of democracy. The people do not want virtue, but are the dupes of pretended patriots.

In Massachusetts it had been fully confirmed by experience that they are daily misled into the most baneful measures and opinions by the false reports circulated by designing men, and which no one on the

spot can refute. One principal evil arises from the want of due provision for those employed in the administration of government. It would seem to be a maxim of democracy to starve the public servants. He mentioned the popular clamor in Massachusetts for the reduction of salaries and the attack made on that of the Government though secured by the spirit of the Constitution itself. He had, he said, been too republican heretofore: He was still, however, republican, but had been taught by experience the danger of the leveling spirit.

Mr. President, I may say the word "republican" as there used was spelled with a small "r," not with a capital "R."

Mr. Mason argued strongly for an election of the larger branch by the people. It was to be the grand depository of the democratic principle of the Government. It was, so to speak, to be our house of commons—it ought to know and sympathize with every part of the community; and ought therefore to be taken not only from different parts of the whole Republic, but also from different districts of the larger members of it, which had in several instances, particularly in Virginia, different interests and views arising from difference of produce, or habits, and so forth. He admitted that we had been too democratic but was afraid we should incautiously run into the opposite extreme. We ought to attend to the rights of every class of people. He had often wondered at the indifference of the superior classes of society to this dictate of humanity and policy; considering that however affluent their circumstances, or elevated their situations might be, the course of a few years, not only might but certainly would, distribute their posterity throughout the lowest classes of society. Every selfish motive therefore, every family attchment, ought to recommend such a system of policy as would provide no less carefully for the rights and happiness of the lowest than of the highest order of citizens.

Mr. Wilson contended strenuously for drawing the most numerous branch of the legislature immediately from the people.

He was for raising the Federal pyramid to a considerable altitude, and for that reason wished to give it as broad a basis as possible. No government could long subsist without the confidence of the people. In a republican government this confidence was peculiarly essential. He also thought it wrong to increase the weight of the State legislatures by making them the electors of the National Legislature. All interference between the general and local government should be obviated as much as possible. On examination it would be found that the opposition of States to Federal measures had proceeded much more from the officers of the States, than from the people at large.

Mr. Madison considered the popular election of one branch of the National Legislature as essential to every plan of free government. He observed that in some of the States one branch of the legislature was composed of men already removed from the people by an intervening body of electors. That if the first branch of the general legislature should be elected by the State legislatures, the second branch elected by the first—the executive by the second together with the first, and other appointments again made for subordinate purposes by the executive, the people would be lost sight of altogether; and the necessary sympathy between them and their rulers and officers, too little felt. He was an advocate for the policy of refining the popular appointments by successive filtrations, but thought it might be pushed too far. He wished the expedient to be resorted to only in the appointment of the second branch of the Legislature, and in the executive and judiciary branches of the Government. He thought too that the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves, than if it should stand merely on the pillars of the legislatures.

Mr. Gerry did not like the election by the people. The maxims taken from the British Constitution were often fallacious when applied to our situation which was extremely different. Experience he said had shown that the State legislatures drawn immediately from the people did not always possess their confidence. He had no objection, however, to an election by the people if it were so qualified that men of honor and character might not be unwilling to be joined in the appointments. He seemed to think the people might nominate a certain number out of which the State legislatures should be bound to choose.

Mr. Butler thought an election by the people an impracticable mode.

On the question for an election of the first branch of the National Legislature by the people. (Massachusetts, aye; Connecticut, divided; New York, aye; New Jersey, no; Pennsylvania, aye; Delaware, divided; Virginia, aye; North Carolina, aye; South Carolina, no; Georgia, aye. ("Formation of the United States," p. 125.))

In the final report on Mr. Randolph's plan the Committee of the Whole merely said:

3. *Resolved*, That the Members of the first branch of the National Legislature ought to be elected by the people of the several States for the term of 3 years ("U.S. Formation of the Union," p. 201).

And nothing about voting qualifications, leaving this for specific provision in the States.

On Monday, August 6, the Committee of Detail reported finally the following provision:

ART. IV, SEC. 1. The Members of the House of Representatives shall be chosen every second year by the people of the several States comprehended within the Union. The qualifications of the electors shall be the same, from time to time, as those of the electors in the several States of the most numerous branch of their own legislature ("U.S. Formation of the Union," p. 472).

It is particularly interesting to turn to the reports the work of the Committee of Detail to see through what stages article IV, section 1—which is article I, section 2, of our Constitution today—progressed. The very regulations being proposed at this time in this body were suggested in 1787 at the Constitutional Convention and rejected at that time. On June 19 one draft was set forth. It provided:

That the Members of the second branch of the Legislature of the United States ought to be chosen by the individual legislatures—to be of the age of 30 years at least; to hold their offices for the term of 6 years, one-third to go out biennially; to receive a compensation for the devotion of their time to the public service; to be ineligible to and incapable of holding any office under the authority of the United States (except those peculiarly belonging to the functions of the second branch) during the term for which they are elected, and for 1 year thereafter (II Farrand, "Records of Federal Conventions," pp. 129 and 130).

The next step was as follows:

The qualification of electors shall be the same (throughout the States, viz) with that in the particular States unless the legislature shall hereafter direct some uniform qualification to prevail through the States (II Farrand, "Records of Federal Convention," p. 139).

(Citizenship; manhood; sanity of mind; previous residents for 1 year, or possession of real property within the State for the whole of 1 year, or enrollment in the militia for the whole of a year.)

Next:

The Members of the House of Representatives shall be chosen biennially by the people of the United States in the following manner. Every freeman of the age of 21 years—having a freehold estate within the United States—who has—having—resided in the United States for the space of 1 whole year immediately preceding the day of election, and has a freehold estate in at least 50 acres of land (II Farrand, supra, p. 151).

Then:

The Members of the House of Representatives shall be chosen every second year—in the manner following—by the people of the several States comprehended within this Union—the time and place and the manner of holding the elections and the rules. The qualifications of the electors shall be (appointed) prescribed by the legislatures of the several States; but their provisions—which they shall make concerning them shall be subject to the control of—concerning them may at any time be altered and superseded by the Legislature of the United States (II Farrand, supra, p. 153).

Mr. President, that was a proposal which was made at one time, and I am citing all these various proposals to show how the members of that convention finally drifted to the provision of the Constitution which is now in that sacred document. In my mind any Senator who will take the time to read these excerpts, to read the history of the present article of the Constitution which gives to the States the right to prescribe qualifications of voters, will come unequivocally to the conclusion that this was to be done by the States and not by the Congress.

Again, see the next report:

The Members of the House of Representatives shall be chosen every second year, by the people of the several States comprehended within this Union. The qualifications of the electors shall be prescribed by the legislatures of the several States but these provisions concerning them may, at any time, be altered and superseded by the Legislature of the United States—the same from time to time as those of the electors, in the several States, of the most numerous branch of their own legislatures.

Mr. President, that was another proposal.

That proposition was submitted in debate, and I cite it to show the varying views of the members of the Convention and the manner and method proposed by each of them. I cite it merely to show that I do not believe anyone overlooked any argument. In other words, there was free debate on the entire subject, and everyone knew what it was all about. After long debate the present amendment to the Constitution was finally adopted by the Convention, and later ratified by three-fourths of the 13 States.

Every one of these suggestions was thought of long ago. They were discussed and wisely rejected by the framers

of our Constitution, when they finally agreed on the form above set out; that is—

The Members of the House of Representatives shall be chosen every second year by the people of the several States comprehended within this Union. The qualifications of the electors shall be the same, from time to time, as those of the electors in the several States, of the most numerous branch of their own legislatures (See Farrand, p. 178, art. IV, sec. 1.)

This point, as all others in the much-debated text, was discussed fully. It is interesting to note what such well-informed and brilliant men as Gouverneur Morris; James Wilson, who was a Justice of the United States; Oliver Ellsworth, who was later Chief Justice of the Supreme Court; Colonel Mason; Benjamin Franklin; John Rutledge, who was also a Chief Justice of the United States; and James Madison, thought of the proposed resolution.

I now quote from "Formation of the Union," pages 487, 488, 489, 490, 491, and 492:

Mr. Gouverneur Morris moved to strike out the last member of the section beginning with the words "qualifications of electors," in order that some other provision might be substituted which would restrain the right of suffrage to freeholders.

Mr. Fitzimmons seconded the motion.

Mr. Williamson was opposed to it.

Mr. Wilson: "This part of the report was well considered by the committee, and he did not think it could be changed for the better. It was difficult to form any uniform rule of qualifications for all the States. Unnecessary innovations he thought too should be avoided. It would be very hard and disagreeable for the same persons at the same time, to vote for representatives in the State legislature and to be excluded from a vote for those in the National Legislature."

Mr. Gouverneur Morris: "Such a hardship would be neither great nor novel. The people are accustomed to it and not dissatisfied with it, in several of the States. In some the qualifications are different for the choice of the Governor and the Representatives; in others for different houses of the legislature. Another objection against the clause as it stands is that it makes the qualifications of the National Legislature depend on the will of the States, which he thought not proper."

Mr. Ellsworth thought the qualifications of the electors stood on the most proper footing. The right of suffrage was a tender point, and strongly guarded by most of the State constitutions. The people will not readily subscribe to the National Constitution if it should subject them to be disfranchised. The States are the best judges of the circumstances and temper of their own people.

Colonel Mason: "The force of habit is certainly not attended to by those gentlemen who wish for innovations on this point. Eight or nine States have extended the right of suffrage beyond the freeholders, what will the people there say, if they should be disfranchised? A power to alter the qualifications would be a dangerous power in the hands of the Legislature."

Mr. Butler: "There is no right of which the people are more jealous than that of suffrage. Abridgments of it tend to the same revolution as in Holland where they have at length thrown all power into the hands of the senates, who fill up vacancies themselves, and form a rank aristocracy."

Mr. Dickinson had a very different idea of the tendency of vesting the right of suffrage in the freeholders of the country. He considered them as the best guardians of liberty; and the restriction of the right to them as a necessary defense against the dangerous influence of those multitudes without property and without unpopularity of the innovation it was in his opinion chimerical. The great mass of our citizens is composed at the time of freeholders, and will be pleased with it.

Mr. Ellsworth: "How shall the freehold be defined? Ought not every man who pays a tax to vote for the representative who is to levy and dispose of his money? Shall the wealthy merchants and manufacturers, who will bear the full share of the public burdens be not allowed a voice in the imposition of them—taxation and representation ought to go together."

Mr. Gouverneur Morris had long learned not to be the dupe of words. The sound of aristocracy therefore had no effect upon him. It was the thing, not the name, to which he was opposed, and one of his principal objections to the Constitution as it is now before us, is that it threatens the country with an aristocracy. The aristocracy will grow out of the House of Representatives. Give the votes to people who have no property, and they will sell them to the rich who will be able to buy them. We should not confine our attention to the present moment. The time is not distant when this country will abound with mechanics and manufacturers who will receive their bread from their employers. Will such men be the secure and faithful guardians of liberty? Will they be the impregnable barrier against aristocracy? He was as little duped by the association of the words "taxation" and "representation." The man who does not give his vote freely is not represented. It is the man who dictates the vote. Children do not vote. Why? Because they want prudence, because they have no will of their own. The ignorant and the dependent can be as little trusted with the public interest. He did not conceive the difficulty of defining freeholders to be insuperable. Still less that the restriction could be unpopular. Nine-tenths of the people are at present freeholders and these will certainly be pleased with it. As to merchants, etc., if they have wealth and value the right they can acquire it. If not, they don't deserve it.

Colonel Mason: "We all feel too strongly the remains of ancient prejudices, and view things too much through a British medium. A freehold is the qualification in England, and hence it is imagined to be the only proper one. The true idea in his opinion was that every man having evidence of attachment to and permanent common interest with the society ought to share in all its rights and privileges. Was this qualification restrained to freeholders? Does no other kind of property but land evidence a common interest in the proprietor? Does nothing besides property mark a permanent attachment. Ought the merchant, the moneyed man, the parent of a number of children whose fortunes are to be pursued in his own country, to be viewed as suspicious characters, and unworthy to be trusted with the common rights of their fellow citizens."

Mr. Madison: "The right to suffrage is certainly one of the fundamental articles of republican government, and ought not to be left to be regulated by the legislature."

When he spoke of the legislature, he meant Congress, of course.

"A gradual abridgment of this right has been the mode in which aristocracies have been built on the ruins of popular forms. Whether the constitutional qualification ought to be a freehold, would with him depend much on the probable reception such a change would meet with in the States where the right was now exercised by every description of people. In several of the States a freehold was now the qualification. Viewing the subject in its merits alone, the freeholders of the country would be the safest depositories of republican liberty. In future times a great majority of the people will not only be without land, but any other sort of property. These will either combine under the influence of their common situation; in which case, the rights of property and the public liberty, will not be secure in their hands; or what is more probable, they will become the tools of opulence and ambition, in which case there will be equal danger on another side.

"The example of England had been misconceived (by Colonel Mason). A very small proportion of the representatives are there chosen by freeholders. The greatest part are chosen by the cities and boroughs, in many of which the qualification of suffrage is as low as it is in any one of the United States, and it is in the boroughs and cities rather than the counties that bribery most prevailed, and the influence of the Crown on elections was most dangerously exerted."

Dr. Franklin: "It is of great consequence that we should not depress the virtue and public spirit of our common people, of which they displayed a great deal during the war, and which contributed principally to the favorable issue of it."

He related the honorable refusal of the American seamen who were carried in great numbers into the British prisons during the war, to redeem themselves from misery or to seek their fortunes, by entering on board the ships of the enemies to their country, contrasting their patriotism with a contemporary instance in which the British seamen made prisoners by the Americans, readily entered on the ships of the latter on being promised a share of the prizes that might be made out of their own country.

This proceeded, he said, from the different manner in which the common people were treated in America and Great Britain. He did not think that the elected had any right in any case to narrow the privileges of the electors. He quoted as arbitrary the British statute setting forth the danger of tumultuous meetings, and under that pretext narrowing the right of suffrage to persons having freeholds of a certain value; observing that this statute was soon followed by another under the succeeding Parliament, subject the people who had no votes to peculiar labors and hardships. He was persuaded also that such a restriction as was proposed would give great uneasiness in the populous States. The sons of a substantial farmer, not being themselves freeholders, would not be pleased at being disfranchised, and there are a great many persons of that description.

Mr. Mercer: "The Constitution is objectionable in many points, but in none more than the present."

He objected to the footing on which the qualification was put, but particularly to the mode of election by the people.

The people cannot know and judge the characters of candidates. The worst possible choice will be made. He quoted the case of the senate in Virginia as an example in point. The people in towns can unite their votes in favor of one favorite, and by that means always prevail over the people of the country, who being dispersed, will scatter their votes among a variety of candidates.

Mr. Rutledge thought the idea of restraining the right of suffrage to the freeholders a very unadvised one. It would create division among the people and make enemies of all those who should be excluded.

On the question for striking out as moved by Mr. Gouverneur Morris, from the word qualifications to the end of the article III:

New Hampshire, no; Massachusetts, no; Connecticutt, no; Pennsylvania, no; Delaware, aye; Maryland, divided; Virginia, no; North Carolina, no; South Carolina, no; Georgia, not present.

WEDNESDAY, AUGUST 8, IN CONVENTION

Article IV. Section 1 being under consideration—Mr. Mercer expressed his dislike of the whole plan, and his opinion that it never could succeed.

Mr. Ghorum: He had never seen any inconvenience from allowing such as were not freeholders to vote, though it had long been tried. The elections in Philadelphia, New York, and Boston where merchants and mechanics vote are at least as good as those made by freeholders only. The case in England was not accurately stated yesterday (by Mr. Madison). The cities and large towns are not the seat of Crown influence and corruption. These prevail in the boroughs, and not on account of the right which those who are not freeholders have to vote, but of the smallness of the number who vote. The people have been long accustomed to this right in various parts of America, and will never allow it to be abridged. We must consult their rooted prejudices if we expect their concurrence in our propositions.

Mr. Mercer did not object so much to an election by the people at large including such as were not freeholders, as to their being left to make their choice without any guidance. He hinted that candidates ought to be nominated by the State legislatures.

On the question of agreeing to article IV, section 1, it passed nem con. (Quoted from "U.S. Formation of the Union," p. 487.)

How timely this discussion is today. How true and to the point. I have no need to search for reasons or to manufacture a logician's arguments. I need only take the very words of men whom history has stamped with greatness and foresight to prove my position.

I repeat some of these well-considered words, in fact, I delight to dwell upon their wisdom:

The right of suffrage was a tender point, and strongly guarded by most of the State constitutions.

The States are the best judges of the circumstances and temper of their own people.

A power to alter the qualifications would be a dangerous power in the hands of the legislature (referring to the National Legislature—Congress).

Particularly note what Benjamin Franklin, noted for his practical, earthy, common sense, said:

He did not think that the elected had any right in any case to narrow the privileges of the electors.

Turning now from the remarkable document of James Madison, recording the activities of the Constitutional Convention, to the notes of Rufus King, a delegate from Massachusetts to the Constitutional Convention, corroborating the Madison papers, here is King's record of the debate over the clause, "electors to be the same as those of the most numerous branch of the State legislature":

Morris proposed to strike out the clause and to leave it to the State legislatures to establish the qualification of the electors and elected, or to add a clause giving to the national legislature powers to alter the qualifications.

Ellsworth: "If the legislature can alter the qualifications, they may disqualify three-fourths, or a greater portion of the electors—this would go far to create aristocracy. The clause is safe as it stands—the States have staked their liberties on the qualifications which we have proposed to confirm."

Dickinson: "It is urged that to confine the right of suffrage to the freeholders is a step toward the creation of an aristocracy. This cannot be true. We are all safe by trusting the owners of the soil; and it will not be unpopular to do so, for the freeholders are the more numerous class. Not from freeholders, but from those who are not freeholders, free governments have been endangered. Freeholds are by our laws of inheritance divided among the children of the deceased, and will be parceled out among all the worthy men of the State; the merchants and mechanics may become freeholders; and without being so, they are electors of the State legislatures, who appoint the Senators of the United States."

Ellsworth: "Why confine the right of suffrage to freeholders? The rule should be that he who pays and is governed, should be an elector. Virtue and talents are not confined to the freeholders, and we ought not to exclude them."

Morris: "I disregard sounds and am not alarmed with the word 'aristocracy,' but I dread the thing and will oppose it, and for this reason I think that I shall oppose this Constitution because it will establish an aristocracy. There cannot be an aristocracy of freeholders if they are all electors. But there will be, when a great and rich man can bring his poor dependents to vote in our elections—unless you establish a qualification of property, we shall have an aristocracy. Limit the right of suffrage to freeholders, and it will not be unpopular, because nine-tenths of the inhabitants are freeholders."

Mason: "Everyone who is of full age and can give evidence of his common interest in the community should be an elector. By this rule, freeholders alone have not his common interest. The father of a family, who has no freehold, has this interest. When he is dead his children will remain. This is a natural interest or bond which binds men to their country—lands are but an artificial tie. The idea of counting freeholders as the true and only persons to whom the right of suffrage should be confided is an English prejudice. In England, a Twig and Turf are the electors."

Madison: "I am in favor of entrusting the right of suffrage to freeholders only. It is a mistake that we are governed by English attachments. The Knights of the Shires are chosen by freeholders, but the members of the cities and boroughs are elected by freemen without freeholds, and who have as small property as the electors of any other country. Where is the Crown influence seen, where is corruption in the elections practiced? Not in the counties, but in the cities and boroughs."

Franklin: "I am afraid that by depositing the right of suffrage in the freeholders exclusively we shall injure the lower class of freemen. This class possess hardy virtues and great integrity. The Revolutionary War is a glorious testimony in favor of plebeian virtue—our military and naval men are sensible of this truth. I myself know that our seamen who were prisoners in England refused all the allurements that were made use of to draw them from their allegiance to their country—threatened with ignominious halters, they still refused.

"This was not the case with the English seamen, who on being made prisoners entered into the American service and pointed out where other prisoners could be made—and this arose from a plain cause. The Americans were all free and equal to any of their fellow citizens—the English seamen were not so. In ancient times every freeman was an elector, but afterward England made a law which required that every elector should be a freeholder. This law related to the county elections. The consequence was that the residue of the inhabitants felt themselves disgraced, and in the next Parliament a law was made authorizing the justice of the peace to fix the price of labor and to compel persons who were not freeholders to labor for those who were, at a stated rate, or to be put in prison as idle vagabonds. From this period the common people of England lost a great portion of attachment to their country."

WEDNESDAY, AUGUST 8. QUALIFICATIONS OF ELECTORS OF REPRESENTATIVES

Gorham: "The qualifications (being such as the several States prescribe for electors of their most numerous branch of the legislature) stand well.

"Gentlemen are in error who suppose the electors of cities may not be trusted. In England the members chosen in London, Bristol, and Liverpool are as independent as the members of the counties of England. The Crown has little or no influence in city election, but has great influence in boroughs, where the votes of freeholders are bought and sold. There is no risk in allowing the merchants and mechanics to be electors; they have been so, time immemorial, in this country and in England. We must not disregard the habits, usages and prejudices of the people" (pp. 873, 874, 875, to top p. 876).

Mr. President, that debate, with the resulting provisions duly considered, was again recorded by Dr. James McHenry, delegate from Maryland. See "U.S. Formation of the Union," pages 934 and 935.

When all the views were aired, and the pros and cons of leaving the qualifications of voters for the National Legislature to be decided by the several States had been debated, the considered result was article I, section 2, of the Constitution of the United States, adopted September 17, 1787:

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Every word of that provision had been torn apart in open discussion, until there can be no possible doubt that it was the intention of the framers of the Constitution to leave to State control the field of voting qualifications.

In submitting the Constitution, Dr. Samuel Johnson, the delegate from Connecticut, added to it the following letter:

The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities should be fully and effectually vested in the General Government of the Union; but the impropriety of delegating such extensive trust to one body of men is evident—thence results the necessity of a different organization.

It is obviously impracticable in the Federal Government of these States to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject we kept steadily in our view that which appeared to us the greatest interest of every true American, the consolidation of our

Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid in points of inferior magnitude than might have been otherwise expected, and thus the Constitution, which we now present, is the result of a spirit of amity and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable. That it will meet the full and entire approbation of every State is not perhaps to be expected, but each will doubtless consider that had her interest alone been consulted the consequences might have been particularly disagreeable and injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish (p. 713, "Formation of the United States").

Thus we see that at a time when all rights of independent sovereignty could not be secured to each State, when the interest of each State alone could not be considered, when the greatest interest of every American was the consolidation of the Union, even then, when the line was drawn between the rights which had to be surrendered and those which would be reserved, the right to determine the qualification of voters was reserved to each State.

A comment on this is found in McCulloch, "Suffrage and Its Problems," at page 30:

When the more perfect union was formed under the Constitution of the United States, each State had the right to frame its own laws respecting suffrage. Hence article V was carried over into the new Constitution and became article I, section 2: "The franchise for the election of the Members of the House of Representatives shall in every State be the same as for the 'most numerous branch of the State legislature.'" The Constitution did not disturb the diversities of suffrage regulations existing in the several Commonwealths; it adopted them. For the Constitution to have been anything but silent on the regulations of suffrage would have been an innovation, and, as Viscount Bryce observed, the members of the Constitutional Convention were too sound political scientists to ignore precedents. Only in three amendments (and only directly in the 15th and 19th) has the Constitution trenched on the Commonwealth right to regulate suffrage—and even then under extraordinary circumstances.

These amendments I shall discuss later, when I have fully covered the formative period.

McCulloch, further commenting, says:

While there has been a revolution in the conception of citizenship, there was no such change in the regulation of suffrage, the determining and regulating power continued to rest with the States. However, much as publicists and reformers may desire a uniform national suffrage law, it is unattainable; expediency and constitutionality are both adverse. In fact such a plan was considered by the Constitutional Convention itself, but it received the vote of only one Commonwealth—Delaware. "The provision made by the Convention appears to be the best that lay within their option." The Fathers were satisfied for the States to continue to make their own suffrage tests, rather than to further prolong the Convention and so further endanger the rather slim chances of ratification by the several Commonwealths. The prospect in the Convention itself was anything but promising. Even Franklin moved to call in a parson that they might invoke the assistance of heaven.

The Constitution conferred the franchise on no one. Likewise citizenship does not bestow suffrage, either upon the natural born or the naturalized alien. The several States have the unqualified right to impose qualifications and regulate suffrage subject only to the limitations in the amendments referred to above. In handing down the decision in the case of *Corfield* v. *Coryell*, Judge Washington, in enumerating the privileges and immunities that are usually associated with citizenship, said: "To which is to be added the elective franchise, as regulated and established by the laws or constitutions of the State in which it is exercised" (McCulloch, "Suffrage and Its Problems," p. 32).

Also note what Hart says in his "Formation of the Union," at pages 136–137:

The real boldness of the Constitution is the novelty of the Federal system which it set up.

This was the best of the few elaborately written constitutions ever applied to a federation; and the details were so skillfully arranged that the instrument framed for 13 little agricultural communities works well today for 48 large and populous States. * * * The Convention knew how to select institutions that would stand together; it also knew how to reject what would have weakened the structure.

It was a long time before a compromise between the discordant elements could be reached. To declare the country a centralized Nation would destroy the traditions of a century and a half; to leave it an assemblage of States, each claiming independence and sovereignty, would throw away the results of the Revolution. The convention finally agreed that while the Union should be endowed with adequate powers, the States should retain all power not specifically granted, and particularly the right to regulate their own internal affairs ("Formation of the Union," p. 137).

Mr. President, history records that in 1788 there appeared the first edition of the now famous "The Federalist," a collection of essays written in favor of the new Constitution as agreed upon by the Federal Convention on September 17, 1787.

Mr. President, the authorship of "The Federalist" has been the subject of great research and argument. It is now conceded that a number of the papers were written by Alexander Hamilton, some by Madison, and a few by Jay. I quote from an introduction to the work by Henry Cabot Lodge:

"The Federalist," furthermore, was the first authoritative interpretation of the Constitution, and was mainly written by the two principal authors of that instrument. It was the first exposition of the Constitution and the first step in the long process of development which has given life, meaning, and importance to the clauses agreed upon at Philadelphia. It has acquired all the weight and sanction of a judicial decision, and has been constantly used as an authority in the settlement of constitutional questions ("The Federalist," intro. p. XIiii, 2d par.).

In No. 45, by Madison, in a paper concerned with the question of whether the whole of the mass of Federal power would endanger the State's authority, the author said:

The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State ("The Federalist," p. 290).

Next, let us turn to "The Federalist," No. 52. From the more general inquiries pursued in the four last papers, I pass on to a more particular examination of the several parts of the Government.

I shall begin with the House of Representatives:

The first view to be taken of this part of the Government relates to the qualifications of the electors and the elected.

Those of the former are to be the same with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States, would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule, would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention.

The qualifications of the elected, being less carefully and properly defined by the State constitutions, and being at the same time more susceptible of uniformity, have been very properly considered and regulated by the Convention. A Representative of the United States must be of the age of 25 years; must have been 7 years a citizen of the United States; must, at the time of his election, be an inhabitant of the State he is to represent; and, during the time of his service, must be in no office under the United States. Under these reasonable limitations, the door of this part of the Federal Government is open to merit of every description, whether native or adoptive, whether young or old, and without regard to proverty or wealth, or to any particular profession of religious faith.

That is from "The Federalist," No. 52, pages 327 and 328. The provision in section 4, clause 1, of article I, provides that:

The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of chusing Senators.

"Manner" here refers to manner of holding elections, the mechanics thereof. Obviously there is no bearing upon voting qualifications. The Congress treated the person of the elector in article I, section 2, and the form or procedure of the election in article I, section 4. That even this power was only to be exercised only in case of national emergency, or failure of a State to provide for an election is made clear by Hamilton in his

discussion. I quote from "The Federalist," No. LIX:

They have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which, in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.

Nothing can be more evident, than that an exclusive power of regulating elections for the National Government, in the hands of the State legislatures, would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it, by neglecting to provide for the choice of persons to administer its affairs.

That is from "The Federalist," page 369, line 22.

Even so, this procedural provision caused considerable objection and discussion in the State conventions which clarified its meaning by argument and emphasized its procedural application only, before they adopted the Constitution. I will discuss this fully in my treatment of the adoption of the Constitution by the various States, which I shall begin at this point.

I read from "Formation of the Union," by Hart, pages 140 to 145:

The text of the Constitution was printed and rapidly distributed throughout the Union. It was still but a lifeless draft, and before it could become an instrument of government the approving action of Congress, of the legislatures, and of State conventions was necessary. On September 28, 1787, the Congress unanimously resolved that the Constitution be transmitted to the State legislatures. The Federal Convention was determined that the consideration of its work should not depend, like the Articles of Confederation, upon the slow and unwilling humor of the legislatures; but that in each State a convention should be summoned solely to express the will of the State upon the acceptance of the Constitution. It had further avoided the rock upon which had been wrecked the amendments proposed by Congress by providing that when nine State conventions should have ratified the Constitution, it was to take effect for those nine. On the same day that Congress in New York was passing its resolution, the Pennsylvania Legislature in Philadelphia was fixing the day for the election of delegates; all the State legislatures followed, except in Rhode Island.

The next 6 months was a period of great anxiety and of national danger. The proposed Constitution was violently attacked in every part of the Union: the President, it was urged, would be a despot, the House of Representatives a corporate tryant, the Senate an oligarchy. The large States protested that Delaware and Rhode Island would still neutralize the votes of Virginia and Massachusetts in the Senate.

The Federal courts were said to be an innovation. It was known that there had been great divisions in the Convention, and that several influential members had left, or at the last moment refused to sign. "The people of this Commonwealth," said Patrick Henry, "are exceedingly uneasy in being brought from that state of full security which they enjoyed, to the present delusive appearance of things."

As the State conventions assembled, the excitement grew more intense. Four States alone contained within a few thousand of half the population of the Union: they were Massachusetts, Virginia, New York, and North Carolina. In the convention of each of these States there was opposition strong and stubborn, one of them—North Carolina—adjourned without action; in the other three, ratification was obtained with extreme difficulty and by narrow majorities. The first State to come under the "new roof," as the Constitution was popularly called, was Delaware. In rapid succession followed Pennsylvania, New Jersey, Georgia, and Connecticut.

In Massachusetts, the sixth State, there was a hard fight; the spirit of the Shays Rebellion was still alive; the opposition of Samuel Adams was only overcome by showing him that he was in the minority; John Hancock was put out of the power to interfere by making him the silent president of the Convention. It was suggested that Massachusetts ratify on condition that a long list of amendments be adopted by the new government: The friends of the Constitution pointed out that this plan meant only to ratify a part of the Constitution and to reject the rest; each succeeding State would insist on its own list of amendments, and the whole work must be done over. February 6, 1788, the enthusiastic people of Boston knew that the Convention, by a vote of 187 to 167, had ratified the Constitution; the amendments being added not as a condition, but as a suggestion. Maryland, South Carolina, and New Hampshire brought the number up to nine.

Before the ninth ratification was known, the fight had been won also in Virginia. Among the champions of the Constitution were Madison, Edmund Randolph, and John Marshall.

James Monroe argued against the system of election which was destined twice to make him President. In spite of the determined opposition of Patrick Henry, and in spite of a proposition to ratify with amendments, the convention accepted. New York still held off. Her acquiescence was geographically necessary; and Alexander Hamilton, by the power of his eloquence and his reason, made clear the advantage of the Constitution to a future commercial State and the 11th ratification was obtained.

During the session of the convention in Philadelphia, Congress continued to sit in New York; and the northwest ordinance was passed at this time. Congress voted that the Constitution had been ratified, September 13, 1788; and that elections should proceed for the officers of the new government, which was to go into operation the first Wednesday in March 1789.

What, meantime, was the situation of the two States, Rhode Island and North Carolina, which had not ratified the Constitution, and which were, therefore, not entitled to take part in the elections? They had in 1781 entered into a constitution which was to be amended only by unanimous consent; their consent was refused. Had they not a right to insist on the continuance of the old Congress? The new Constitution, they considered, was flatly unconstitutional; it had been ratified by a process unknown to law. The situation was felt to be delicate, and those States were for the time being left to themselves. North Carolina came into the Union by a ratification of November 21, 1789. It was suggested that the trade of States which did not recognize Congress should be cut off, and Rhode Island yielded. May 19, 1790, her ratification completed the union of the old 13 States.

Keeping this summary in mind, let us consider in detail the proceedings and debates in the various States as they pertain to voting qualifications.

Delaware's ratification was the first one to be reported in general convention. Elliott's accounts of the constitutional debates contain nothing on Delaware's convention.

Pennsylvania was second to ratify the Constitution. In a speech by Mr. Wilson, on October 28, 1787, on behalf of the Constitution, he made the following observation:

The legislative department is subdivided into two branches—the House of Representatives and the Senate. Can there be a House of Representatives in the General Government, after the State governments are annihilated? Care is taken to express the character of the electors in such a manner, that even the popular branch of the General Government, cannot exist unless the governments of the States continue in existence.

How do I prove this? By the regulation that is made concerning the important subject of giving suffrage. Article I, section 2: "And the electors in each State shall have the qualifications for electors of the most numerous branch of the State legislature." Now, sir, in order to know who are qualified to be electors of the House of Representatives, we are to inquire who are qualified to be electors of the legislature of each State.

If there be no legislature in the States, there can be no electors of them: if there be no such electors, there is no criterion to know who are qualified to elect Members of the House of Representatives. By this short, plain deduction, the existence of State legislatures is proved to be essential to the existence of the General Government (Elliott II, "Constitutional Debates," p. 438).

Concerning section 4 of article 1, Mr. Wilson, who was one of the members of the committee of detail, said:

I will read it: "The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators."

And is this a proof that it was intended to carry on this Government after the State governments should be dissolved and abrogated? This clause is not only a proper, but necessary one. I have already shown what pains have been taken in the convention to secure the preservation of the State governments. I hope, sir, that it was no crime to sow the seed of self-preservation in the Federal Government; without this clause, it would not possess self-preserving power. By this clause, the times, places, and manner of holding elections, shall be prescribed in each State, by the legislature thereof. I think it highly proper that the Federal Government should throw the exercise of this power into the hands of the State legislatures; but not that it should be placed there entirely without control.

If the Congress had it not in their power to make regulations, what might be the consequences? Some States might make no regulations at all on the subject. And shall the existence of the House of Representatives, the immediate representation of the people in Congress, depend upon the will and pleasure of the State governments? Another thing may possibly happen; I don't say it will, but we were obliged to guard even against possibilities, as well as probabilities.

A legislature may be willing to make the necessary regulations; yet the minority of that legislature may, by absenting themselves, break up the house, and prevent the execution of the intention of the majority. I have supposed the case, that some State governments may make no regulations at all; it is possible, also, that they may make improper regulations. I have heard it surmised by the opponents of this Constitution, that the Congress may order the election for Pennsylvania to be held at Pittsburgh, and thence conclude that it would be improper for them to have the exercise of power. But suppose, on the other hand, that

the assembly should order an election to be held at Pittsburgh; ought not the General Government to have the power to alter such improper election of one of its own constituent parts? But there is an additional reason still that shows the necessity of this provisionary clause. The Members of the Senate are elected by the State legislatures. If those legislatures possessed, uncontrolled, the power of prescribing the times, place, and manner of electing Members of the House of Representatives, the Members of one branch of the General Legislature would be the tenants at will of the electors of the other branch; and the General Government would lie prostrate at the mercy of the legislatures of the several States.

I will ask now, is the inference fairly drawn that the General Government was intended to swallow up the State governments? Or was it calculated to answer such end? Or do its framers deserve such censure from honorable gentlemen? We find, on examining this paragraph, that it contains nothing more than the maxims of self-preservation, so abundantly secured by this Constitution to the individual States. Several other objections have been mentioned. I will not, at this time, enter into a discussion of them, though I may hereafter take notice of such as have any show of weight; but I thought it necessary to offer, at this time, the observations I have made, because I consider this as an important subject, and think the objection would be a strong one if it was well founded (Elliott II, supra, pp. 440–441).

Again:

The power over elections, and of judging of elections, give absolute sovereignty. This power is given to every State legislature; yet I see no necessity that the power of absolute sovereignty should accompany it. My general position is, that the absolute sovereignty never goes from the people (Elliott II, supra, pp. 464–465).

Mr. Wilson leaves no doubt as to the meaning of the Constitution as he reiterates:

Permit me to proceed to what I deem another excellency of this system: All authority, of every kind, is derived by representation from the people, and the democratic principle is carried into every part of the Government. I had an opportunity, when I spoke first, of going fully into an elucidation of this subject. I mean not now to repeat what I then said.

I proceed to another quality that I think estimable in this system: It secures, in the strongest manner, the right of suffrage. Montesquieu, book 2, chapter 2, speaking of laws relative to democracy, says:

"When the body of the people is possessed of the supreme power, this is called a democracy. When the supreme power is lodged in the hands of a part of the people, it is then an aristocracy.

"In a democracy the people are in some respects the sovereign, and in others the subject.

"There can be no exercise of sovereignty but by their suffrages, which are their own will. Now, the sovereign's will is the sovereign himself. The laws, therefore, which establish the right of suffrage, are fundamental to this Government. And, indeed, it is as important to regulate, in a republic, in what manner, by whom, to whom, and concerning what, suffrages are to be given, as it is, in a monarchy, to know who is the prince, and after what manner he ought to govern."

In this system, it is declared that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. This being made the criterion of the right of suffrage, it is consequently secured, because the same Constitution guarantees to every State in the Union a republican form of government. The right of suffrage is fundamental to the republic (Elliott II, supra, p. 482).

In response to further objections to article I, section 4, Mr. Wilson said:

It is repeated, again and again, by the honorable gentleman, that the power over elections, which is given to the General Government in this system is a danger power. I must own I feel, myself, surprised that an objection of this kind should be persisted in, after what has been said by the honorable colleague in reply.

I think it has appeared, by a minute investigation of the subject, that it would have been not only unwise, but highly improper, in the late Convention, to have omitted this clause, or given less power than it does over elections. Such powers, sir, are enjoyed by every State government in the United States. In some they are of a much greater magnitude; and why should this be the only one deprived of them? Ought not these, as well as every other legislative body, to have the power of judging of the qualifications of its own members? "The times, places, and manner of holding elections for representatives may be altered by Congress." This power, sir, has been shown to be necessary, not only on some particular occasions, but even to the very existence of the Federal Government. I have heard some very improbable suspicions indeed suggested with regard to the manner in which it will be exercised. Let us suppose it may be improperly exercised; is it not more likely so to be by the particular States than by the Government of the United States? Because the General Government will be more studious of the good of the whole than a particular State will be; and therefore, when the power of regulating the time, place, or manner of holding elections, is exercised by the Congress, it will be to correct the improper regulations of a particular State (Elliott II, supra, p. 509).

Mr. McKean enumerated the arguments against the Constitution. No. 4 was that Congress could, by law, deprive the electors of a fair choice of their representatives by fixing improper times, places, and modes of election. He answered that argument as follows:

Every house of representatives are of necessity to be the judges of the elections, returns and qualifications of its own members. It is therefore their province, as well as duty, to see that they are fairly chosen, and are the legal members; for this purpose, it is proper they should have it in their power to provide that the times, places, and manner of election should be such as to insure free and fair elections (Elliott II, supra, p. 535).

Obviously this text had reference to procedure only, and insures against the failure of a State to provide for an election; it had no bearing upon the qualifications of the electors, or voters, which was specifically left to the States in article I, section 2.

However, being zealous in their guard of their rights, a group of citizens of Pennsylvania gathered at a meeting in Harrisburg suggested a number of amendments to be submitted to the new Constitution. Among them was the following provision:

That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue (Elliott II, supra, p. 545, sec. 4).

Pennsylvania ratified the Constitution December 12, 1787; New Jersey, December 18, 1787.

Connecticut was fourth on the list to come under the roof. I have found no argument specifically on the point of State control of voting qualifications, so I shall only note, in passing, the general observation of Governor Huntingdon, of Connecticut:

The State governments, I think, will not be endangered by the powers vested by this Constitution in the General Government. While I have attended in Congress, I have observed that the Members were quite as strenuous advocates for the rights of their respective States, as for those of the Union. I doubt not but that this will continue to be the case; and hence I infer that the General Government will not have the disposition to encroach upon the States.

On September 17, 1782, Connecticut ratified the Constitution—Elliott II, supra, page 199.

The Massachusetts convention entered upon the consideration of the proposed Constitution on January 9, 1788. Here we find an extensive discussion of section 4, of article I:

Mr. Pierce (from Partridgefield), after reading the fourth section, wished to know the opinion of gentlemen on it, as Congress appeared thereby to have a power to regulate the time, place, and manner of holding elections. In respect to the manner, said Mr. Pierce, suppose the legislature of this State should prescribe that the choice of the Federal representatives should be in the same manner as that of Governor—a majority of all the votes in the State being necessary to make it such—and Congress should deem it an improper manner, and should order that it be as practiced in several of the Southern States, where the highest number of votes makes a choice—have they not power by this section to do so? Again, as to the place, continues Mr. Pierce, may not Congress direct, that the election for Massachusetts shall be held in Boston? And if so, it is possible that, previous to the election, a number of the electors may meet, agree upon the eight delegates, and propose the same to a few towns in the vicinity, who agreeing in sentiment, may meet on the day of election, and carry their list by a major vote. He did not, he said, say that this would be the case; but he wished to know if it was not a possible one.

Mr. Bishop rose, and observed that, by the fourth section, Congress would be enabled to control the elections of representatives. It has been said, says he, that this power was given in order that refractory States may be made to do their duty. But if so, sir, why was it not so mentioned? If that was the intention, he asked why the clause did not run thus: "The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof;" but, "if any State shall refuse or neglect so to do, Congress may," etc. This, he said, would admit of no prevarication (Elliott II, supra, p. 22).

He proceeded to observe, that if the States shall refuse to do their duty, then let the power be given to Congress to oblige them to do it.

But if they do their duty, Congress ought not to have the power to control elections. In an uncontrolled representation, says Mr. Bishop, lies the security of freedom; and he thought by these clauses, that that freedom was sported with. In fact, says he, the moment we give Congress this power, the liberties of the yeomanry of this country are

at an end. But he trusted they would never give it; and he felt a consolidation from the reflection.

The fourth section, which provides that the State legislatures shall prescribe the time, place, and manner of holding elections, and that Congress may at any time make or alter them, except in those of Senators, though not in regular order, under deliberation.

The Honorable Mr. Strong followed Mr. Bishop, and pointed out the necessity there is for the fourth section. The power, says he, to regulate the elections of our Federal representatives must be lodged somewhere.

I know of but two bodies wherein it can be lodged—the legislatures of the several States, and the general Congress. If the legislative bodies of the States, who must be supposed to know at what time, and in what place and manner, the elections can best be held, should so appoint them, it cannot be supposed that Congress, by the power granted by this section, will alter them; but if the legislature of a State should refuse to make such regulations, the consequence will be, that the representatives will not be chosen, and the General Government will be dissolved. In such case, can gentlemen say that a power to remedy the evil is not necessary to be lodged somewhere?

Mr. J. C. Jones said, it was not right to argue the possibility of the abuse of any measure against its adoption. The power granted to Congress by the fourth section, says he, is a necessary power; it will provide against negligence and dangerous designs. The Senators and Representatives of this State, Mr. President, are now chosen by a small number of electors; and it is likely we shall grow equally negligent of our Federal elections; or, sir, a State may refuse to send to Congress its representatives, as Rhode Island has done. Thus we see its necessity.

To say that the power may be abused, is saying what will apply to all power. The Federal representatives will represent the people; they will be the people; and it is not probable they will abuse themselves. Mr. Jones concluded with repeating, that the arguments against this power could be urged against any power whatever.

Reverend Mr. West: "I rise to express my astonishment at the arguments of some gentlemen against this section. They have only stated possible objections. I wish the gentlemen would show us that what they so much deprecate is probable. Is it probable that we shall choose men to ruin us? Are we to object to all governments? And because power may be abused, shall we be reduced to anarchy and a state of nature? What hinders our State legislatures from abusing their powers? They may violate the Constitution; they may levy taxes oppressive and intolerable, to the amount of all our property. An argument which proves too much, it is said, proves nothing. Some say Congress may remove the place of elections to the State of South Carolina. This is inconsistent with the words of the Constitution, which says, 'that the elections, in each State, shall be prescribed by the legislature thereof,' and so forth, and that representation be apportioned according to numbers; it will frustrate the end of the Constitution, and is a reflection on the gentlemen who formed it. Can we, sir, suppose them so wicked, so vile, as to recommend an article so dangerous?" (Elliott II, supra, p. 23.)

The debate continued at length, while men sought to construe and interpret, to assure themselves that the State control of its elections was not superseded. The Honorable Mr. King, in the course of his speech, said:

The idea of the honorable gentlemen from Douglass, said he, transcends my understanding; for the power of control given by this section extends to the manner of election, not to qualifications of the electors (Elliott II, supra, p. 51).

The temper of the Convention was well illustrated by the words of Mr. Adams, speaking to the Chair, John Hancock presiding, of the Convention.

Another of your excellency's propositions is calculated to quiet the apprehensions of gentlemen lest Congress should exercise an unreasonable control over the State legislatures, with regard to the time, place, and manner of holding elections, which, by the fourth section of the first article, are to be prescribed in each State by the legislature thereof, subject to the control of Congress. I have had my fears lest this control should infringe the freedom of elections, which ought ever to be held sacred. Gentlemen who have objected to this controlling power in Congress have expressed their wishes that it had been restricted to such States as may neglect or refuse that power vested in them; and to be exercised by them if they please. Your excellency proposes, in substance, the same restriction, which I should think, cannot but meet with their full approbation (Elliott II, supra, pp. 131 and 132).

Mr. Mason was still worried over the possibilities of section 4. Said he:

We now come, sir, to the fourth section. Let us see: The time, place, and manner of holding elections, shall be prescribed in each State by the legislature thereof. No objections to this: but, sir, after the flash of lightning comes the peal of thunder. "But Congress may at any time alter them," etc. Here it is, Mr. President, this is the article which is to make Congress omnipotent. Gentlemen say, this is the greatest beauty of the Constitution; this is the greatest security for the people; this is the all in all. Such language have I heard in this house; but, sir, I say, by this power Congress may, if they please, order the election of Federal Representatives for Massachusetts to be at Great Barrington or Machias; and at such a time, too, as shall put it in the power of a few artful and designing men to get themselves elected at their pleasure" (Elliott II, supra, pp. 135 and 136).

On February 7, 1788, Massachusetts ratified the Constitution, and added to its report these words:

And, as it is the opinion of this convention, that certain amendments and alterations in the said Constitution would remove the fears and quiet the apprehensions of many of the good people of the commonwealth, and more effectually guard against an undue administration of the Federal Government, the convention do therefore recommend that the following alterations and provisions be introduced into the said Constitution. Thirdly, that Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases where a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeable to the Constitution (see Elliott II, supra, p. 177).

With the qualifications of voters definitely to be regulated by the States under the Constitution, still the people of Massachusetts were so concerned with the possible abuse of the power of Congress over the "time, place, manner," or procedure of an election that they wished it clearly understood that Congress should assume the exercise of such power only in case of extreme necessity, where neglect of duty by a State compelled it.

As pointed out on several occasions, the part of the Constitution dealing with the times, places, and manner of holding elections, and so forth, dealt only with the mechanics of an election, not with the qualification of voters. That was reserved to the States, as I have been trying to demonstrate. The States themselves, in ratifying the Federal Constitution, saw to it that the right to spell out the qualifications of their electors should be a prerogative of the State, and was not to be exercised by the Congress under any condition.

No. 6 to ratify the Constitution was Georgia on January 2, 1788.

No. 7 was Maryland. Among the amendments proposed to be suggested by the States was the following:

2. That the Congress shall have no power to alter or change the time, place, or manner of holding elections for Senators or Representatives, unless a State shall neglect to make regulations, or to execute its regulations, or shall be prevented by invasion or rebellion, in which cases only, Congress may interfere, until the cause be removed (see Elliott II, supra, p. 552).

However, so many amendments were suggested that, through fear of obtaining no security at all for the people, the Constitution was ratified.

In speaking to the Maryland House of Delegates, Mr. James McHenry, referring to the section in the Constitution providing that the qualifications of electors be the same as those of electors for the State legislature, said:

To this section it was objected that if the qualifications of the electors were the same as in the State governments, it would involve in the Federal system all the disorders of a democracy; and it was therefore contended, that none but freeholders, permanently interested in the Government, ought to have a right of suffrage. The venerable Franklin opposed to this the natural rights of man—their rights to an immediate voice in the general assemblage of the whole Nation, or to a right of suffrage and representation, and he instanced from general history and particular events the indifference of those, to the prosperity and welfare of the States who were deprived of it. (Quote III Farrand, Records of the Federal Convention, p. 146.)

Also concerning section 4, he said:

It was thought expedient to vest the Congress with the powers contained in this section, which particular exigencies might require them to exercise, and which the immediate representatives of the people can never be supposed capable of wantonly abusing to the prejudice of their constituents—convention had in contemplation the possible events of insurrection, invasion, and even to provide against any disposition that might occur hereafter in any particular State to thwart the measures of the General Government (Farrand III, supra, p. 148).

On May 23, 1788, Maryland ratified the Constitution.

South Carolina met in convention to consider the Constitution, on May 12, 1788. Speaking of the much-debated fourth section of article I, giving Congress supervisory power over the time, place, and manner of elections, Mr. Pinckney, who was also one of the delegates to the Federal Convention, and in excellent position to know the intention of that body, said:

But if any State should attempt to fix a very inconvenient time for the election, and

name (agreeably to the ideas of the honorable gentlemen) only one place in the State, or even one place in one of the five election districts, for the freeholders to assemble to vote, and the people should dislike this arrangement, they can petition the General Government to redress this inconvenience, and to fix times and places of election of representatives in the State in a more convenient manner; for, as this House has a right to fix the times and places of election, in each parish and county, for the members of the house of representatives of this State, so the General Government has a similar right to fix the times and places of election in each State for the Members of the General House of Representatives. Nor is there any real danger to be apprehended from the exercise of this power, as it cannot be supposed that any State will consent to fix the election at inconvenient seasons and places in any other State, lest she herself should hereafter experience the same inconvenience; but it is absolutely necessary that Congress should have this superintending power, lest, by the intrigues of a ruling faction in a State, the Members of the House of Representatives should not really represent the people of the State, and lest the same faction, through partial State views, should altogether refuse to send representatives of the people to the General Government (IV Elliott, supra, p. 303).

When South Carolina ratified the Constitution, May 23, 1788, they added this observation, or recommendation, to the ratification:

And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operations of a general government, that the right of prescribing the manner, time, and places, of holding the elections to the Federal Legislature should be forever inseparably annexed to the sovereignty of the several States, this convention doth declare that the same ought to remain to all posterity, a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same, according to the tenor of the said Constitution (I Elliott, supra, p. 323).

New Hampshire acted ninth of all the States, and we find no discussion there of the sections involving voting qualifications. However, we do find New Hampshire, equally watchful, recommending the following amendment, among others, to the Constitution:

III. That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned (Elliott I, supra, p. 326).

On September 17, 1787, Virginia ratified the Constitution. The Virginia Convention was lengthy, the debates heated and protracted. Article I, section 2, providing that the electors of the delegates to the House of Representatives shall have the qualifications for electors of the more numerous branch of the State legislature, was read. Mr. George Nicholas spoke as follows—Elliott III, supra, pages 8, 9, 10:

Secondly, as it respects the qualifications of the elected. It has ever been considered a great security to liberty that very few should be excluded from the right of being chosen to the legislature. This Constitution has amply attended to this idea. We find no qualifications required, except those of age and residence, which create a certainty of their judgment being matured, and of being attached to their State. It has been objected that they ought to be possessed of landed estates; but, sir, when we reflect that most of the electors are landed men, we must suppose they will fix on those who are in a similar situation with themselves. We find there is a decided majority attached to the landed interest; consequently, the landed interest must prevail in the choice. Should the State be divided into districts, in no one can the mercantile interest by any means have an equal weight in the elections; therefore, the former will be more fully represented in the Congress; and men of eminent abilities are not excluded for the want of landed property. There is another objection which has been echoed from one end of the continent to the other—that Congress may alter the time, place, and manner of holding elections; that they may direct the place of elections to be where it will be impossible for those who have a right to vote to attend; for instance, that they may order the freeholders of Albemarle to vote in the county of Princess Anne, or vice versa; or regulate elections, otherwise, in such a manner as totally to defeat their purpose, and lay them entirely under the influence of Congress.

I flatter myself that, from an attentive consideration of this power, it will clearly appear that it was essentially necessary to give it to Congress as, without it, there could have been no security for the General Government against the State legislatures. What, Mr. Chairman, is the danger apprehended in this case? If I understand it right, it must be that Congress might cause the elections to be held in the most inconvenient places, and at so inconvenient a time, and in such a manner as to give them the most undue influence over the choice, nay, even to prevent the elections from being held at all—in order to perpetuate themselves. But what would be the consequence of this measure? It would be this, sir, that Congress would cease to exist; it would destroy the Congress itself; it would absolutely be an act of suicide; and, therefore, it can never be expected. This alteration, so much apprehended, must be made by law; that is, with the concurrence of both branches of the legislature.

Will the House of Representatives, the Members of which are chosen only for 2 years, and who depend on the people for their reelection, agree to such an alteration? It is unreasonable to suppose it.

But let us admit, for a moment, that they will: What would be the consequence of passing such a law? It would be, sir, that after the expiration of the 2 years, at the next election they would either choose such men as would alter the law, or they would resist the Government. An enlightened people will never suffer what was established for their security to be perverted to an act of tyranny. It may be said, perhaps, that resistance would then become vain; Congress is vested with the power of raising an army; to which I say, that if ever Congress shall have an army sufficient for their purpose, and disposed to execute their unlawful commands, before they would act under this disguise, they would pull off the mask, and declare themselves absolute. I ask, Mr. Chairman, is it a novelty in our Government? Has not our State legislature the power of fixing the time, places, and manner of holding elections? The possible abuse here complained of never can happen as long as the people of the United States are virtuous. As long as they continue to have sentiments of freedom and independence, should the Congress be wicked enough to harbor so absurd an idea as this objection supposes, the people will defeat their attempt by choosing other representatives, who will alter the law. If the State legislature, by accident, design, or any other cause, would not appoint a place for holding elections, then there might be no election till the time was past for which they were to have been chosen; and as this would eventually put an end to the Union, it ought to be guarded against; and it could only be guarded against by giving this discretionary power to the Congress, of altering the time, place, and manner of holding the elections.

It is absurd to think that Congress will exert this power, or change the time, place, and manner established by the States, if the States will regulate them properly, or so as not to defeat the purposes of the Union. It is urged that the State legislature ought to be fully and exclusively possessed of this power. Were this the case, it might certainly defeat the Government. As the powers vested by this plan on Congress are taken from the State legislatures, they would be prompted to throw every obstacle in the way of the General Government. It was then necessary that Congress should have this power.

I read from Elliott III, pages 8, 9, and 10:

Another strong argument for the necessity of this power is, that, if it was left solely to the States, there might have been as many times of choosing as there are States. States having solely the power of altering or establishing the time of election, it might happen that there should be no Congress.

Not only by omitting to fix a time, but also by the elections in the States being at 13 different times, such intervals might elapse between the first and last election, as to prevent there being a sufficient number to form a house; and this might happen at a time when the most urgent business rendered their session necessary; and by this power, this great part of the representation will be always kept full, which will be a security for a due attention to the interest of the community; and also the power of Congress to make the times of elections uniform in all the States, will destroy the continuance of any cabal, as the whole body of representatives will go out of office at once.

Governor Randolph, although he would not sign the Constitution at the time it was designed, defended it in an impassioned address.

Mr. Henry was equally impassioned in his plea to turn down the Constitution. Note what he says of section 4, article I, as outlined in Elliott III, page 60, as follows:

What can be more defective than the clause concerning the elections? The control given to Congress over the time, place, and manner of holding elections will totally destroy the end of suffrage. The elections may be held at one place, and the most inconvenient in the State; or they may be at remote distances from those who have a right of suffrage; hence 9 out of 10 must either not vote at all, or vote for strangers; for the most influential characters will be applied to, to know who are the most proper to be chosen. I repeat, that the control of Congress over the manner, etc., of electing, well warrants this idea. The natural consequence will be that this democratic branch will possess none of the public confidence; the people will be prejudiced against representatives chosen in such an injudicious manner.

Mr. Corbin, answering Mr. Henry, in part, said:

Do the people wish land only to be represented? They have their wish: for the qualifications which the laws of the States require to entitle a man to vote for a State representative are the qualifications required by this plan to vote for a Representative of Congress; and in this State, and most of the

others, the possession of a freehold is necessary to entitle a man to the privilege of a vote.

This is from Elliott III, pages 110 and 111.

Governor Randolph, also answering Mr. Henry, said:

The State will be laid off and divided into 10 districts: from each of these a man is to be elected. He must be really the choice of the people, not the man who can distribute the most gold; for the riches of Croesus would not avail. The qualifications of the electors being the same as those of the representatives for the State legislatures, and the election being under the control of the legislature, the prohibitory provisions against undue means of procuring votes to the State representation extend to the Federal representatives; the extension of the sphere of election to so considerable a district will render it impossible for contracted influence, or local intrigues, or personal interest, to procure an election. Inquiries will be made, by the voters, into the characters of the condidates. Greater talents, and a more extensive reputation, will be necessary to procure an election for the Federal than for the State representation. The Federal representatives must therefore be well known for their integrity, and their knowledge of the country they represent. We shall have 10 men thus elected. What are they going yonder for? Not to consult for Virginia alone, but for the interest of the United States collectively. Will not such men derive sufficient information from their own knowledge of their respective States, and from the codes of the different States?

Elliott III, pages 125, line 24, to line 5, page 126.

Mr. Henry retorted at length and resorted to bitter vituperative remarks. He said:

I shall make a few observations to prove that the power over elections, which is given to Congress, is contrived by the Federal Government, that the people may be deprived of their proper influence in the Government, by destroying the force and effect of their suffrages. Congress is to have a discretionary control over the time, place, and manner of elections. The Representatives are to be elected, consequently, when and where they please. As to the time and place, gentlemen have attempted to obviate the objection by saying, that the time is to happen once in 2 years, and that the place is to be within a particular district, or in the respective counties. But how will they obviate the danger of referring the manner of election to Congress. Those illumined genii may see that this may not endanger the rights of the people, but in my unenlightened understanding, it appears plain and clear that it will impair the popular weight in the Government.

Look at the Roman history. They had two ways of voting—the one by tribes, and the other by centuries of wealth. By the former, numbers prevailed; in the latter, riches preponderated. According to the mode prescribed, Congress may tell you that they have a right to make the vote of one gentleman go as far as the votes of 100 poor men. The power over the manner admits of the most dangerous latitude. They may modify it as they please. They may regulate the number of votes by the quantity of property, without involving any repugnancy to the Constitution. I should not have thought of this trick or contrivance, had I not seen how the public liberty of Rome was trifled with by the mode of voting by centuries of wealth, whereby one rich man had as many votes as a multitude of poor men. The plebians were trampled on till they resisted. The patricians trampled on the liberties of the plebians till the latter had the spirit to assert their right to freedom and equality. The result of the American mode of election may be similar.

Perhaps I may be told that I have gone through the regions of fancy—that I deal in noisy exclamation and mighty professions of patriotism. Gentleman may retain their opinions; but I look on that paper as the most fatal plan that could possibly be conceived to enslave a free people. If such be your rage for novelty, take it, and welcome; but you never shall have my consent. My sentiments may appear extravagant, but I can tell you that a number of my fellow citizens have kindred sentiments and I am anxious, if my country should come into the hands of tyranny, to exculpate myself from being in any degree the cause, and to exert my faculties to the utmost to extricate her. Whether I am gratified or not in my beloved form of government, I consider that the more she has plunged into distress, the more it is my duty to relieve her. Whatever may be the result, I shall wait with patience till the day may come when an opportunity shall offer to exert myself in her cause (Elliott III, pp. 175 and 176).

Mr. President, the legislation we have before us today only vindicates what at that time were seemingly wild and hysterical apprehensions on the part of Mr. Henry. As I have pointed out earlier in the debate on this so-called right-to-vote bill, it seeks to inject the long arm of the Federal Government into the conduct of State elections. It seeks not only to empower the Federal Government to bypass, override, and overrule State election regulations in the guise of protecting the right of U.S. citizens to vote, but as has been brought to the Senate's attention by my distinguished colleague and friend, the senior Senator from Virginia [Mr. BYRD], there is a real possibility that the Supreme Court may hold, following the line of reasoning in the case of *Pennsylvania* v. *Nelson* (350 U.S. 497), involving sedition laws, that the Congress will have by approving the pending legislation, preempted the field of State elections, to the exclusion of the States. Should this occur, Mr. President, the all-powerful Federal "Frankenstein" envisioned in the warning words of that great patriot, Patrick Henry, will have become a reality in our day and time.

Governor Randolph, in answering Mr. Henry, was sure that the language in article I, section 4, could not possibly be stretched to the extent visualized by Mr. Henry. Governor Randolph felt that section 2 of article I, which says that the qualifications of electors shall be fixed by the States, was sufficiently clear to negative any possibility of the Federal Government taking over State elections. I quote from Governor Randolph's answer:

His [Mr. Henry's] interpretation of elections must be founded on a misreprehension. The Constitution says, that the time, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof, but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators. It says, in another place, "that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." Who would have conceived it possible to deduce, from these clauses, that the power of election was thrown into the hands of the rich? As the electors of the Federal representatives are to have the same qualifications with those of the representatives of this State legislature, or, in other words, as the electors of the one are to be electors of the other, this suggestion is unwarrantable, unless he carries his supposition farther, and says that Virginia will agree to her own suicide, by modifying elections in such manner as to throw them into the hands of the rich. The honorable gentleman has not given us a fair object to be attacked; he has not given us any thing substantial to be examined (Elliott III, p. 202).

Mr. John Marshall, speaking in behalf of the Constitution said:

If there be no impropriety in the mode of electing the representatives, can any danger be apprehended? They are elected by those who can elect representatives in the State legislature (Elliott III supra, p. 230).

When article I, section 4, was read in its proper turn in the Virginia convention, having been previously discussed in general with the rest of the document:

Mr. Monroe wished that the honorable gentleman, who had been in the Federal Convention, would give information respecting the clause concerning elections. He wished to know why Congress had an ultimate control over the time, place, and manner of elections of Representatives, and the time and manner of that of Senators, and also why there was an exception as to the place of electing Senators (Elliott III, supra, p. 366).

It was found necessary to leave the regulation of tense, in the first place, to the State governments, as being best acquainted with the situation of the people, subject to the control of the General Government in order to enable it to produce uniformity and prevent its own dissolution. And, considering the State governments and general governments as distinct bodies, acting in different and independent capacities for the people, it was thought the particular regulations should be submitted to the former, and the general regulations to the latter.

Again, we see the framers of the Constitution intent on the protection of the provision for election by the States, in the event of their negligent failure to provide therefor. At all times they conceded the States' rights to provide for voting qualifications in their own limits more suitably than Congress could.

When Virginia finally ratified the Constitution they added a list of amendments which they suggested and sought. Among these was the following:

16. That Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections for Senators, or Representatives, or either of them except when the legislature of any State shall neglect, refuse, or be disabled, by invasion or rebellion, to prescribe the same (Elliott III, supra, p. 661).

Again we see a State convention desiring that the meaning of the framers be put into unquestionably plain language.

New York, the 10th State to act, ratified the Constitution July 26, 1788. Apparently, as in most of the State conventions, section 2 of article I, met with approval, as there was no fault to be found with the provision that the qualifications of the electors should be the same as for those of the most numerous branch of the State legislature. But again we find dissatisfaction with the possibilities of abuse latent in section 4 of article I:

Mr. Jones rose and observed that it was a fact universally known that the present

confederation had not proved adequate to the purposes of good government. Whether this arose from the want of powers in the Federal head or from other causes, he would not pretend to determine. Some parts of the proposed plan appeared to him imperfect or at least not satisfactory. He did not think it right that Congress should have the power of prescribing or altering the time, place, and manner of holding elections. He apprehended that the clause might be so construed as to deprive the States of an essential right, which, in the true design of the Constitution, was to be reserved to them. He, therefore, wished the clause might be explained and proposed, for the purpose, the following amendment:

"Resolved as the opinion of the committee, That nothing in the Constitution, now under consideration shall be construed to authorize the Congress to make or alter regulations, in any State, respecting the times, places, or manner of holding elections for Senators or Representatives, unless the legislature of such State shall neglect or refuse to make laws or regulations for the purpose, or, from any circumstance, be incapable of making the same, and then only until the legislature of such State shall make provision in the premises."

The Honorable Mr. Jay said that, as far as he understood the ideas of the gentleman, he seemed to have doubt with respect to this paragraph, and feared it might be misconstrued and abused. He said that every government was imperfect, unless it had a power of reserving itself. Suppose that, by design or accident, the States should neglect to appoint representatives; certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power, by law, to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal Convention (Elliott II, supra, p. 325).

Mr. Smith expressed his surprise that the gentleman should want such an explanation. He conceived that the amendment was founded on the fundamental principles of representative government. As the Constitution stood, the whole State might be a single district for election. This would be improper. The State should be divided into as many districts as it sends Representatives. The whole number of Representatives might otherwise be taken from a small part of the State, and the bulk of the people, therefore, might not be fully represented. He would say no more at present on the propriety of the amendment. The principle appeared to him so evident that he hardly knew how to reason upon it until he heard the arguments of the gentlemen in opposition.

Mr. Duane: "I will not examine the merits of the measure the gentleman recommends. If the proposed mode of election be the best, the legislature of this State will undoubtedly adopt it. But I wish the gentleman to prove that his plan will be practicable and will succeed. By the constitution of this State, the representatives are apportioned among the counties, and it is wisely left to the people to choose whom they will, in their several counties, without any further division into districts. Sir, how do we know the proposal will be agreeable to the other States? Is every State to be compelled to adopt our ideas on all subjects? If the gentleman will reflect, I believe he will be doubtful of the propriety of these things. Will it not seem extraordinary that any one State should presume to dictate to the Union? As the Constitution stands, it will be in the power of each State to regulate this important point. While the legislatures do their duty, the exercise of their discretion is sufficiently secured. Sir, this measure would carry with it a presumption which I should be sorry to see in the acts of this State. It is laying down as a principle that whatever may suit our interest or fancy should be imposed upon our sister States. This does not seem to correspond with that moderation which I hope to see in all the proceedings of this Convention."

Mr. Smith: "The gentleman misunderstands me. I did not mean the amendment to operate on the other States. They may use their discretion. The amendment is in the negative. The very design of it is to enable the States to act their discretion, without the control of Congress. So the gentleman's reasoning is directly against himself.

"If the argument had any force, it would go against proposing any amendment at all, because, says the gentleman, it would be dictating to the Union. What is the object of our consultations? For my part, I do not know, unless we are to express our sentiments of the Constitution before we adopt it.

"It is only exercising the privilege of free men; and shall we be debarred from this? It is said it is left to the discretion of the States. If this were true, it would be all we contend for. But, sir, Congress can alter as they please any mode adopted by the States. What discretion is there here? The gentleman instances the constitution of New York as opposed to my argument. I believe that there are now gentlemen in this house who were members of the convention of this State, and who are inclined for an amendment like this. It is to be regretted that it was not adopted. The fact is, as your constitution stands, a man may have a seat in your legislature who is not elected by a majority of his constituents. For my part, I know of no principle that ought to be more fully established than the right of election by a majority."

Mr. Duane: "I neglected to make one observation which I think weighty. The mode of election recommended by the gentleman must be attended with great embarrassments. His idea is that a majority of all the votes should be necessary to return a member.

"I suppose a State divided into districts. How seldom will it happen that a majority of a district will unite their votes in favor of one man? In a neighboring State, where they have this mode of election, I have been told that it rarely happens that more than one-half unite in choice. The consequence is they are obliged to make a provision, by a previous election, for nomination and another election for appointment, thus suffering the inconvenience of a double election. If the proposition was adopted, I believe we should be seldom represented—the election must be lost. The gentleman will, therefore, I presume, either abandon his project or propose some remedy for the evil I have described."

Mr. Smith: "I think the example the gentleman adduces is in my favor. The States of Massachusetts and Connecticut have regulated elections in the mode I propose, but it has never been considered inconvenient, nor have the people ever been unrepresented. I mention this to show that the thing has not proved impracticable in those States. If not, why should it in New York?"

After some further conversation Mr. Lansing proposed the following modification of Mr. Smith's motion:

"And that nothing in this Constitution shall be construed to prevent the legislature of any State to pass laws, from time to time, to divide such State into as many convenient districts as the State shall be entitled to elect Representatives for Congress, nor to prevent such legislature from making provision that the electors in each district shall choose a citizen of the United States, who shall have been an inhabitant of the district for the term of 1 year immediately preceding the time of his election, for one of the Representatives of such State."

Which being added to the motion of Mr. Jones the committee passed the succeeding paragraphs without debate, till they came to the second clause of section 6 (Elliott II, supra, pp. 327–329).

On July 26, 1788, the ratification of the Constitution was effected, accompanied by a number of suggested amendments, among which was the one specifically defining those occasions on which Congress might exercise any power over the "time, place, and manner" of elections, as follows:

That the Congress shall not make or alter any regulation in any State respecting the times, places, and manner of holding elections for Senators and Representatives, unless the legislature of such State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same, and then only until the legislature of such State shall make provisions in the premises; provided that Congress may prescribe the time for the election of Representatives.

North Carolina remained reluctant and refused to ratify the Constitution until a convention of States was called and certain proposed amendments adopted. Again no exception was taken to section 2 of article I.

The first clause of the fourth section was read.

Mr. Spencer: "Mr. Chairman, it appears to me that this clause, giving the control over the time, place, and manner of holding elections to Congress, does away with the right of the people to choose the Representatives every second year, and impairs the right of the State legislatures to choose the Senators. I wish this matter to be explained."

Governor Johnson: "Mr. Chairman, I confess that I am a very great admirer of the new Constitution, but I cannot comprehend the reason of this part. The reason urged is that every government ought to have the power of continuing itself, and that, if the General Government had not this power, the State legislatures might neglect to regulate elections, whereby the Government might be discontinued. As long as the State legislatures have it in their power not to choose the Senators, this power in Congress appears to me altogether useless because they can put an end to the General Government by refusing to choose Senators. But I do not consider this such a blemish in the Constitution as that it ought, for that reason, to be rejected. I observe that every State which has adopted the Constitution and recommended amendments has given directions to remove this objection, and I hope, if this State adopts it, she will do the same."

Mr. Spencer: "Mr. Chairman, it is with great reluctance that I rise upon this important occasion. I have considered with some attention the subject before us. I have paid attention to the Constitution itself, and to the writings on both sides. I considered it on one side as well as on the other, in order to know whether it would be best to adopt it or not. I would not wish to insinuate any reflections on those gentlemen who formed it. I look upon it as a great performance. It has a great deal of merit in it, and it is, perhaps, as much as any set of men could have done. Even if it be true, what gentlemen have observed, that the gentlemen who were delegates to the Federal Convention were not instructed to form a new Constitution, but to amend the confederation, this will be immaterial, if it be proper to be adopted. It will be of equal benefit to us, if proper to be adopted in the whole, or in such parts as will be necessary, whether they were expressly delegated for

that purpose or not. This appears to me to be a reprehensive clause; because it seems to strike at the State legislatures, and seems to take away that power of elections which reason dictates they ought to have among themselves. It apparently looks forward to a consolidation of the Government of the United States, when the State legislatures may entirely decay away.

"This is one of the grounds, which have induced me to make objections to the new form of government. It appears to me that the State governments are not sufficiently secured, and that they may be swallowed up by the great mass of powers given to Congress. If that be the case, such power should not be given; for, from all the notions which we have concerning our happiness and well-being, the State governments are the basis of our happiness, security, and prosperity. A large extent of country ought to be divided into such a number of States as that the people may conveniently carry on their own government. This will render the government perfectly agreeable to the genius and wishes of the people. If the United States were to consist of 10 times as many States, they might all have a degree of harmony. Nothing would be wanting but some cement for their connection. On the contrary, if all the United States were to be swallowed up by the great mass of powers given to Congress, the parts that are more distant in this great empire would be governed with less energy. It would not suit the genius of the people to assist in the government. Nothing would support government, in such a case as that, but military coercion. Armies would be necessary in different parts of the United States. The expense which they would cost, and the burdens which they would render necessary to be laid upon the people, would be ruinous. I know of no way that is likely to produce the happiness of the people, but to preserve, as far as possible, the existence of the several States, so that they shall not be swallowed up.

"It has been said that the existence of the State governments is essential to that of the General Government, because they choose the Senators. By this clause, it is evident that it is in the power of Congress to make any alterations, except as to the place of choosing Senators. They may alter the time from 6 to 20 years, or to any time; for they have an unlimited control over the time of elections. They have also an absolute control over the election of the representatives. It deprives the people of the very mode of choosing them. It seems nearly to throw the whole power of election into the hands of Congress. It strikes at the mode, time, and place of choosing representatives. It puts all but the place of electing Senators in the hands of Congress. This supersedes the necessity of continuing the State legislatures. This is such an article as I can give no sanction to, because it strikes at the foundation of the governments on which depends the happiness of the States and the General Government. It is with reluctance I make the objection. I have the highest veneration for the characters of the framers of this Constitution. I mean to make objections only which are necessary to be made. I would not take up time unnecessarily. As to this matter, it strikes at the foundation of everything. I may say more when we come to that part which points out the mode of doing without the agency of the State legislatures."

Mr. Iredell: "Mr. Chairman, I am glad to see so much candor and moderation. The liberal sentiments expressed by the honorable gentleman who spoke last command my respect. No time can be better employed than endeavoring to remove, by fair and just reasoning, every objection which can be made to this Constitution. I apprehend that the honorable gentleman is mistaken as to the extent of the operation of this clause. He supposes that the control of the General Government over elections looks forward to a consolidation of the States, and that the general word 'time' may extend to 20, or any number of years. In my humble opinion this clause does by no means warrant such a construction. We ought to compare other parts with it. Does not the Constitution say that Representatives shall be chosen every second year? The right of choosing them, therefore, reverts to the people every second year. No instrument of writing ought to be construed absurdly, when a rational construction can be put upon it. If Congress can prolong the election to any time they please why is it said that Representatives shall be chosen every second year? They must be chosen every second year; but whether in the month of March, or January, or any other month, may be ascertained, at a future time, by regulations of Congress. The word 'time' refers only to the particular month and day within the 2 years. I heartily agree with the gentleman, that, if anything in this Constitution tended to the annihilation of the State government, instead of exciting the admiration of any man, it ought to excite the resentment and execration. No such wicked intention ought to be suffered. But the gentlemen who formed the Constitution had no such object; nor do I think there is the least ground for that jealousy. The very existence of the General Government depends on that of State governments. The State legislatures are to choose the Senators. Without a Senate there can be no Congress. The State legislatures are also to direct the manner of choosing the President. Unless therefore there are State legislatures to direct that manner, no President can be chosen. The same observation may be made as to the House of Representatives, since, as they are to be chosen by the electors of the most numerous branch of each State legislature, if there are no State legislatures, there are no persons to choose the House of Representatives. Thus it is evident that the very existence of the General Government depends on that of the State legislatures, and of course that their continuance cannot be endangered by it.

"An occasion may arise when the exercise of this ultimate power in Congress may be necessary; as, for instance, if a State should be involved in war, and its legislature could not assemble—as was the case of South Carolina, and occasionally of some other States, during the late war—it might also be useful for this reason—lest a few powerful States should combine, and make regulations concerning elections which might deprive many of the electors of a fair exercise of their rights, and thus injure the community, and occasion great dissatisfaction. And it seems natural and proper that every government should have in itself the means of its own preservation. A few of the great States might combine to prevent any election of representatives at all, and thus a majority might be wanting to do business; but it would not be so easy to destroy the Government by the nonelection of Senators, because one-third only are to go out at a time, and all the States will be equally represented in the Senate. It is not probable this power would be abused; for, if it should be, the State legislatures would immediately resent it, and their authority over the people will always be extremely great.

"These reasons induce me to think that the power is both necessary and useful. But I am sensible, great jealousy has been entertained concerning it; and as perhaps the danger of a combination, in the manner I have mentioned, to destroy or distress the General Government, is not very probable, it may be better to incur the risk, than occasion any discontent by suffering the clause to continue as it now stands. I should, therefore, not object to the recommendation of an amendment similar to that of other States that this power in Congress should only be exercised when a State legislature neglected or was disabled from making the regulations required."

Mr. Spencer: "Mr. Chairman, I did not mean to insinuate that designs were made, by the honorable gentlemen who composed the Federal Constitution, against our liberties. I only meant to say that the words in this place were exceeding vague. It may admit of the gentleman's construction; but it may admit of a contrary construction. In a matter of so great moment, words ought not to be so vague and indeterminate. I have said that the States are the basis on which the Government of the United States ought to rest, and which must render us secure. No man wishes more for a Federal Government that I do. I think it necessary for our happiness; but at the same time, when we form a government which must entail happiness or misery on posterity, nothing is of more consequence than settling it so as to exclude animosity and a contest between the general and individual governments. With respect to the mode here mentioned, they are words of very great extent. This clause provides that a Congress may at any time alter such regulations, except as to the places of choosing Senators. These words are so vague and uncertain, that it must ultimately destroy the whole liberty of the United States. It strikes at the very existence of the States, and supersedes the necessity of having them at all. I would therefore wish to have it amended in such a manner as that the Congress should not interfere but when the States refused or neglected to regulate elections."

Mr. Bloodworth: "Mr. Chairman, I trust that such learned arguments as are offered to reconcile our minds to such dangerous powers will not have the intended weight. The House of Representatives is the only democratical branch. This clause may destroy representation entirely. What does it say? 'The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.' Now, sir, does not this clause give an unlimited and unbounded power to Congress over the times, places, and manner of choosing Representatives? They may make the time of election so long, the place so inconvenient, and the manner so oppressive that it will entirely destroy representation. I hope gentlemen will exercise their own understanding on this occasion and not let their judgment be led away by these shining characters, for whom, however, I have the highest respect. This Constitution, if adopted in its present mode, must end in the subversion of our liberties. Suppose it takes place in North Carolina; can farmers elect them? No, sir; the elections may be in such a manner that men may be appointed who are not representatives of the people. This may exist, and it ought to be guarded against. As to the place, suppose Congress should order the elections to be held in the most inconvenient place in the most inconvenient district; could every person entitled to vote attend such a place? Suppose they should order it to be laid off into so many districts and order the election to be held within each district; yet may not their power over the manner of election enable them to exclude from voting every description of men they please? The democratic branch is so much endangered that no arguments can be made use of to satisfy my mind to it. The honorable gentleman has amused us with learned discussions and told us he will condescend to propose amendments. I hope

the Representatives of North Carolina will never swallow the Constitution until it is amended."

Mr. Goudy: "Mr. Chairman, the invasion of these States is urged as a reason for this clause. But why did they not mention that it should be only in cases of invasion? But that was not the reason, in my humble opinion. I fear it was a combination against our liberties. I ask, when we give them the purse in one hand and the sword in the other, what power have we left? It will lead to an aristocratical government and establish tyranny over us. We are free men, and we ought to have the privileges of such."

Governor Johnston: "Mr. Chairman, I do not impute any impure intentions to the gentlemen who formed this Constitution. I think it unwarrantable in anyone to do it. I believe that were there 20 conventions appointed, and as many constitutions formed, we never could get men more able and disinterested than those who formed this; nor a Constitution less exceptionable than that which is now before you. I am not apprehensive that this article will be attended with all the fatal consequences which the gentleman conceives. I conceive that Congress can have no other power than the States had. The States, with regard to elections, must be governed by the articles of the Constitution; so must Congress. But I believe the power, as it now stands, is unnecessary. I should be perfectly satisfied with it in the mode recommended by the worthy Member on my right hand. Although I should be extremely cautious to adopt any constitution that would endanger the rights and privileges of the people, I have no fear in adopting this Constitution, and then proposing amendments. I feel as much attachment to the rights and privileges of my country as any man in it; and if I thought anything in this Constitution tended to abridge these rights, I would not agree to it. I cannot conceive that this is the case. I have not the least doubt but it will be adopted by a very great majority of the States. For States who have been as jealous of their liberties as any in the world have adopted it, and they are some of the most powerful States. We shall have the assent of all the States in getting amendments.

"Some gentlemen have apprehensions that Congress will immediately conspire to destroy the liberties of their country. The men of whom Congress will consist are to be chosen from among ourselves. They will be in the same situation with us. They are to be bone of our bone and flesh of our flesh. They cannot injure us without injuring themselves. I have no doubt but we shall choose the best men in the community. Should different men be appointed, they are sufficiently responsible. I therefore think that no danger is to be apprehended."

Mr. McDowell: "Mr. Chairman, I have the highest esteem for the gentleman who spoke last. He has amused us with the fine characters of those who formed that government. Some were good, but some were very imperious, aristocratical, despotic, and monarchical. If parts of it are extremely good, other parts are very bad.

"The freedom of election is one of the greatest securities we have for our liberty and privileges. It was supposed by the members from Edenton, that the control over elections was only given to Congress to be used in case of invasion. I differ from him. That could not have been their intention, otherwise they could have expressed it. But, sir, it points forward to the time when there will be no State legislatures—to the consolidation of all the States. The States will be kept up as boards of elections. I think the same men could make a better constitution; for good government is not the work of a short time. They only had their own wisdom. Were they to go now they would have the wisdom of the United States. Every gentleman who must reflect on this must see it. The adoption of several other States is urged. I hope every gentleman stands for himself, will act according to his own judgment, and will pay no respect to the adoption by the other States. It may embarrass us in some political difficulties, but let us attend to the interest of our constituents."

Mr. Iredell answered that he stated the case of invasion as only one reason out of many for giving the ultimate control over elections to Congress.

Mr. Davie: "Mr. Chairman, a consolidation of the States is said by some gentlemen to have been intended. They insinuate that this was the cause of their giving this power of elections. If there were any seeds in this Constitution which might, one day, produce a consolidation it would, sir, with me, be an insuperable objection, I am so perfectly convinced that so extensive a country as this can never be managed by one consolidated Government. The Federal convention were as well convinced as the Members of this House, that the State governments were absolutely necessary to the existence of the Federal Government. They considered them as the great massive pillars on which this political fabric was to be extended and supported; and were fully persuaded that, when they were removed, or should molder down by time, the General Government must tumble into ruin. A very little reflection will show that no department of it can exist without the State governments.

"Let us begin with the House of Representatives. Who are to vote for the Federal Representatives? Those who vote for the State representatives. If the State government vanishes, the General Government must vanish also. This is the foundation on which this Government was raised, and without which it cannot possibly exist.

"The next department is the Senate. How is it formed? By the States themselves. Do they not choose them? Are they not created by them? And will they not have the interest of the States particularly at heart? The States, sir, can put a final period to the Government, as was observed by a gentleman who thought this power over elections unnecessary. If the State legislatures think proper, they may refuse to choose Senators, and the Government must be destroyed.

"Is not this Government a nerveless mass, a dead carcass, without the executive power? Let your representatives be the most vicious demons that ever existed; let them plot against the liberties of America; let them conspire against its happiness—all their machinations will not avail if not put in execution. By whom are their laws and projects to be executed? By the President. How is he created? By electors appointed by the people under the direction of the legislatures—by a union of the interest of the people and the State governments. The State governments can put a veto, at any time, on the General Government, by ceasing to continue the executive power. Admitting the Representatives or Senators could make corrupt laws, they can neither execute them themselves, nor appoint the executive. Now sir, I think it must be clear to every candid mind, that no part of this Government can be continued after the State governments lose their existence, or even their present forms. It may also be easily proved that all Federal governments possess an inherent weakness, which continually tends to their destruction. It is to be lamented that all governments of a Federal nature have been short lived.

"Such was the fate of the Achaean league, the Amphictyonic council and other ancient confederacies; and this opinion is confirmed by the uniform testimony of all history. There are instances in Europe of confederacies subsisting a considerable time; but their duration must be attributed to circumstances exterior to their government. The Germanic confederacy would not exist a moment, were it not for fear of the surrounding powers, and the interest of the Emperor. The history of this confederacy is but a series of factions, dissensions, bloodshed, and civil war. The confederacies of the Swiss, and United Netherlands, would long ago have been destroyed, from their imbecility, had it not been for the fear, and even the policy, of the bordering nations. It is impossible to construct such a government in such a manner as to give it any probable longevity.

"But, sir, there is an excellent principle in this proposed plan of Federal Government, which none of these confederacies had, and to the want of which, in a great measure, their imperfections may be justly attributed—I mean the principle of representation. I hope that, by the agency of this principle, if it be not immortal, it will at least be long lived. I thought it necessary to say this much to detect the futility of that unwarrantable suggestion, that we are to be swallowed up by a great consolidated government. Every part of this Federal Government is dependent on the constitution of State legislatures for its existence. The whole, sir, can never swallow up its parts.

"The gentleman from Edenton, Mr. Iredell, has pointed out the reasons of giving this control over elections to Congress, the principle of which was, to prevent a dissolution of the Government by designing States. If all the States were equally possessed of absolute power over their elections, without any control of Congress, danger might be justly apprehended where one State possesses as much territory as four or five others; and some of them, being thinly peopled now, will daily become more numerous and formidable. Without this control in Congress, those large States might successfully combine to destroy the General Government. It was therefore necessary to control any combination of this kind.

"Another principal reason was, that it would operate in favor of the people, against the ambitious designs of the Federal Senate. I will illustrate this by matter of fact. The history of the little State of Rhode Island is well known. An abandoned faction have seized on the reins of government, and frequently refused to have any representation in Congress. If Congress had the power of making the law of elections operate throughout the United States, no State could withdraw itself from the national councils without the consent of a majority of the Members of Congress. Had this been the case, that trifling State would not have withheld its representation. What once happened may happen again; and it was necessary to give Congress this power, to keep the Government in full operation. This being a Federal Government, and involving the interest of several States, and some acts requiring the assent of more than a majority, they ought to be able to keep their representation full. It would have been a solecism, to have a government without any means of self preservation. The confederation is the only instance of a government without such means, and is a nerveless system, as inadequate to every purpose of government as it is to the security of the liberties of the people of America. When the councils of America have this power over elections, they can, in spite of any faction in any particular State, give the people a representation.

"Uniformity in matters of election is also of the greatest consequence. They ought all to be judged by the same law and the same principles, and not be different in one State from what they are in another. At present, the manner of electing is different in different States. Some elect by ballot, and other viva voce. It will be more convenient to have the manner uniform in all the States.

"I shall now answer some observations made by the gentleman from Mecklenburg.

He has stated that this power over elections gave to Congress power to lengthen the time for which they were elected. Let us read this clause coolly, all prejudice aside, and determine whether this construction be warrantable. This clause runs thus: 'The times, places, manner, of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators.' I take it as a fundamental principle, which is beyond reach of the general or individual governments to alter, that the representatives shall be chosen every second year, and that the tenure of their office shall be for 2 years; that Senators be chosen every sixth year, and that the tenure of their office be for 6 years. I take it also as a principle, that the electors of the most numerous branch of the State legislatures are to elect the Federal Representatives.

"Congress has ultimately no power over elections, but what is primarily given to the State legislatures. If Congress had the power of prolonging the time, and so forth, as gentlemen observe, the same powers must be completely vested in the State legislatures.

"I call upon every gentleman candidly to declare, whether the State legislatures have the power of altering the time of elections for Representatives from 2 to 4 years, or Senators from 6 to 12; and whether they have the power to require any other qualification than those of the most numerous branch of the State legislatures; and also whether they have any other power over the manner of elections, any more than the mere mode of the act of choosing; or whether they shall be held by sheriffs, as contradistinguished from any other officer; or whether they shall be by votes, as contradistinguished from ballots, or any other way. If gentlemen will pay attention, they will find that, in the latter part of this clause, Congress has no power but what was given to the States in the first part of the same clause. They may alter the manner of holding the election, but cannot alter the tenure of their office. They cannot alter the nature of elections; for it is established, as fundamental principles, that the electors of the most numerous branch of the State legislature shall elect the Federal Representatives, and that the tenure of their office shall be for 2 years; and likewise, that the Senators shall be elected by the legislatures, and that the tenure of their office shall be for 6 years. When gentlemen view the clause accurately, and see that Congress have only the same power which was in the State legislature, they will not be alarmed. The learned doctor on my right, Mr. Spencer, has also said that Congress might lengthen the time of elections. I am willing to appeal grammatical construction and punctuation. Let me read this, as it stands on paper." (Here he read the clause different ways expressing the same sense.) "Here, in the first part of the clause, this power over elections is given to the States, and in the latter part the same power is given to Congress, and extending only to the time of holding, the place of holding, and the manner of holding the elections. Is this not the plain, literal, and grammatical construction of the clause? Is it possible to put any other construction on it, without departing from the natural order, and without deviating from the general meaning of the words, and every rule of grammatical construction? Twist it, torture it, as you may, sir, it is impossible to fix a different sense upon it. The worthy gentleman from New Hanover, whose ardor for the liberty of his country I wish never to be damped, has insinuated that high characters might influence the members on this occasion. I declare, for my own part, I wish every man to be guided by his own conscience and understanding, and by nothing else. Every man has not been bred a politician, nor studied the science of government; yet, when a subject is explained, if the mind is unwarped by prejudice, and not in the leading strings of other people, gentlemen will do what is right. Were this the case, I would risk my salvation on a right decision." (Elliott IV, supra, p. 50.)

Note particularly what Mr. Davie said:

They cannot alter the nature of the elections; for it is established as fundamental principles that the electors of the most numerous branch of the State legislature shall elect the Federal Representatives.

Continuing with Mr. Davie's remarks:

This clause, sir, has been the occasion of much groundless alarm and has been the favorite theme of declamation out of doors. I now call upon the gentlemen of the opposition to show that it contains the mischiefs with which they have alarmed and agitated the public mind, and I defy them to support the construction they have put upon it by one single plausible reason. The gentleman from New Hanover has said, in objection to this clause, that Congress may appoint the most inconvenient place in the most inconvenient district, and make the manner of election so oppressive as entirely to destroy representation. If this is considered as possible, he should also reflect that the State legislatures may do the same thing. But this can never happen, sir, until the whole mass of the people become corrupt, when all parchment securities will be of little service. Does that gentleman or any other gentleman who has the smallest acquaintance with human nature or the spirit of America suppose that the people will passively relinquish privileges or suffer the usurpation of powers unwarranted by the Constitution? Does not the right of electing Representatives revert to the people every second year? There is nothing in this clause that can impede or destroy this reversion; and although the particular time of year, the particular place in a county or a district, or the particular mode in which elections are to be held, as whether by vote or ballot, be left to Congress to direct, yet this can never deprive the people of the rights or privilege of election. He has also added that the democratical branch was in danger from this clause, and with some other gentlemen took it for granted that an aristocracy must arise out of the General Government. This, I take it, from the very nature of the thing, can never happen. Aristocracies grow out of the combination of a few powerful families, where the country or people upon which they are to operate are immediately under their influence, whereas the interest and influence of this Government are too weak and too much diffused ever to bring about such an event. The confidence of the people, acquired by a wise and virtuous conduct, is the only influence the members of the Federal Government can ever have. When aristocracies are formed, they will arise within the individual States. It is, therefore, absolutely necessary that Congress should have a constitutional power to give the people at large a representation in the Government in order to break and control such dangerous combinations. Let gentlemen show when and how this aristocracy they talk of is to arise out of this Constitution. Are the first members to perpetuate themselves? Is the Constitution to be attacked by such absurd assertions as these and charged with defects with which it has no possible connection? (Elliott IV, supra, p. 66).

Mr. Maclaine said:

Mr. Chairman, I thought it very extraordinary that the gentleman who was last on the floor should say that Congress could do what they please with respect to elections, and be warranted by this clause. The gentleman from Halifax, Mr. Davie, has put that construction upon it which reason and commonsense will put upon it. Lawyers will often differ on a point of view, but people will seldom differ about so very plain a thing as this (Elliott IV. supra, pp. 68, 69).

Mr. Steele: "Mr. Chairman, the gentleman has said that the five Representatives which this State shall be entitled to send to the General Government, will go from the seashore. What reason has he to say they will go from the seashore? The time, place, and manner of holding elections are to be prescribed by the legislatures. Our legislature is to regulate the first election, at any event. They will regulate it as they think proper. They may, and most probably will, lay the State off into districts. Who are to vote for them? Every man who has a right to vote for a representative to our legislature will ever have a right to vote for a Representative to the General Government. Does it not expressly provide that the electors in each State shall have the qualifications requisite for the most numerous branch of the State legislature? Can they, without a most manifest violation of the Constitution, alter the qualifications of the electors? The power over the manner of elections does not include that of saying who shall vote: The Constitution expressly states the qualifications which entitle a man to vote for a State representative. It is, then, clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way. Is it not a maxim of universal jurisprudence, of reason and commonsense that an instrument or deed of writing shall be so construed as to give validity to all parts of it, if it can be done without involving any absurdity? By construing it in the plain obvious way I have mentioned, all parts will be valid" (Elliott IV, supra, p. 71).

These words should be italicized and underscored in our minds. They state absolutely, that under the Constitution as written, Congress can never constitutionally regulate the qualifications of electors. I agree wholeheartedly with Mr. Steele's interpretation of article I of our Constitution. Yet in spite of this clear and unequivocal reservation to the States of the right to fix the qualifications of electors, the Congress has been besieged in recent years with proposals to supplant the States and place this power in the hands of the Federal Government. The proposal to abolish State poll-tax requirements is one example of the legislation I refer to. Certainly our Founding Fathers had no intention of having the States judgment as to what qualifications an elector should have, superseded by the judgment of the Federal Government. I believe I have quoted sufficiently from the statements of those who took an active part in drafting the Constitution, and in having it ratified by the Thirteen Colonies, to refute any arguments to the contrary. The right of the States to restrict suffrage to freeholders, or to deny suffrage to persons who had been convicted of crimes, and so forth, was never disputed; therefore, I ask, how could the Congress today pass legislation abolishing the poll-tax requirements of certain States, without doing violence not only to the express language of the Constitution, but to the obvious and clearly enunciated wishes of

our Founding Fathers? Likewise, Mr. President, how can we now, today, be contemplating the enactment of the right-to-vote bill presently before us, which would enable the Attorney General to disregard State laws establishing administrative remedies for assuring all qualified persons of the right to vote? Can Senators not see that this provision, when coupled with the provision for Federal injunctive powers which has also been considered by the Senate, will result in the Federal judge who grants the findings substituting his judgment—that is, the judgment of the Federal Government—for the judgment of the registrar of voters or other State or local election officer—that is, the judgment of the State government—as to the qualification of the voter? Is this not a clear violation of the constitutional requirement in article I, section 2, that the States shall establish the qualifications of electors?

Now, Mr. President, reverting to the debates surrounding the ratification of the Constitution, we find that the North Carolina convention suggested this amendment:

4. That Congress shall not alter, modify or intefere in the time, places, or manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse or be disabled by invasion or rebellion to prescribe the same. (See Elliott, 4, supra, p. 249.)

The convention adjourned August 4, 1788.

On May 29, 1790, Rhode Island ratified the Constitution, and listed a number of proposed amendments; among these was:

That Congress shall not alter, modify or interfere in, the times, places, or manner, of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse or be disabled, by invasion or rebellion to prescribe the same, or in case when the provision made by the State is so imperfect as that no consequent election is had, and then only until the legislature of such State shall make provision in the premises (Elliott, I, supra, p. 336, amendment II).

Before discussing the two amendments to our Constitution which have to some extent infringed upon the right of the States to fix the qualifications of electors—that is, amendment No. 15 and amendment No. 19—it might be helpful for us to turn back the pages of history to the 1890's, to review and meditate upon what some of our predecessors in the Halls of Congress believed to be the proper construction and interpretation of article I of the Constitution.

In 1893 the Congress had before it for consideration H.R. 2331, a bill to repeal the Federal election laws. I have already discussd these Reconstruction period election laws, and because I intend to dwell upon them at some length further on in this address, I shall not burden the Senate with a full discussion of them at the moment. I should like to point out, however, that the Federal election laws, the repeal of which was before the 53d Congress, 1st session, and which was accomplished during the 2d session of the 53d Congress—these election laws, when stripped down to their basic provisions—were the forerunner of the pending right to vote bill. As I shall show the Senate at the appropriate time, the Federal election laws provided the teeth for the enforcement of section 2004 of the Revised Statutes. The 53d Congress repealed the Federal election laws in 1894. In effect, the Congress pulled the teeth from section 2004—it removed the power of the Federal Government to enforce the provisions of section 2004, and thus lifted the Federal yoke that had lain upon the election machinery of the Southern States since the close of the Civil War.

During the course of its deliberations on the bill repealing these Federal election laws, the House Committee on Election of President and Vice President and Representatives in Congress presented a report to the House embodying its recommendations in favor of repealing the election laws. The committee dwelt upon the constitutional provision relied on by proponents of Federal regulation of elections in the post Civil War period—article I, section 4, of the Constitution, which reads:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

I should like now to read the analysis by the House committee, headed by Mr. Tucker, as to the meaning and scope of that constitutional provision. I quote from page 2 of Report No. 18 of the House of Representatives, 53d Congress, 1st session, September 20, 1893:

We shall invoke the simple method of construction laid down by the writers, of seeking first, from the words themselves, their intrinsic meaning, and then invite the testimony of those who made them as to their meaning and their intent in making them, and, finally, the construction put upon them by Congress itself and recognized authors on the Constitution.

We notice, first, that "the times, places, and manner of holding elections, etc., is primarily confided to" the legislature of each State; secondarily, it is given to the Congress.

The language itself and the arrangement of the two clauses show this:

"The times, places, and manner, etc., shall be prescribed by the legislature of each State.

"But the Congress may, by law, at any time make or alter, etc."

The first is original and primary, the second is permissive and contingent. The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who draughted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities coequal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section.

We cannot believe that the intelligence which framed that great instrument, careful in avoiding any conflicts that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding, etc.," was intended, without reason or cause, to be taken from them and arbitrarily assumed by Congress; and that, too, when there had been no failure on the parts of the States to provide the necessary machinery and no impropriety in the machinery provided.

We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the legislature of each State should have the primary authority to prescribe "the times, places, and manner of holding elections, etc." and that Congress should have such power ultimately. When? For what cause? What circumstances or conditions prevailing in the States shall be sufficient to cause a forfeiture of this right in the legislatures of each? This section and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.

Of the original 13 States that framed the Constitution seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.

The language of some of them is most striking and instructive. On the 6th of February, 1788, Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to "remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government," the following alteration of and provision to the Constitution is suggested:

"That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution."

Not satisfied with the mere suggestion of such amendment, and with a prophetic fear that, if such suggestions were not adopted by the first Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might some day waver in his support of those principles in the Halls of Congress, the convention added this strong language:

"And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in the said article."

South Carolina ratified on the 23d of May, 1788, with the following recommendation:

"And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal legislature, should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases

where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution."

New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

Virginia, on the 26th of June 1788, ratified with a recommendation in the following words:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same."

August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable clauses. The convention recommended an amendment in the same language as did the State of Virginia.

New York ratified July 26, 1788, and the recommendations of its convention are in some respects the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find:

"That nothing contained in the said Constitution is to be construed to prevent the legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and to apportion its Representatives to and amongst such districts.

"Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates * * * do, by these presents, assent to and ratify the said Constitution.

"In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulations in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same, and that in those cases such power will duly be exercised until the legislature of this State shall make provision in the premises."

That was in the State of New York.

And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger. The above extracts have been made that it might be seen how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so, or from any cause could not do so.

Not alone did the States above enumerated speak out with no uncertain sound, but in the debates in the Pennsylvania convention to ratify the Constitution, James Wilson, a member of the Federal convention that framed the Constitution, and a member of the State convention, explained this provision to mean in effect that the States were primarily to act, and Congress only in case of their failure to do so; and the convention recommended an amendment in the following words:

"That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue."

In the 58th number of the Federalist Mr. Hamilton discusses this subject and says:

"They (the convention) have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which in ordinary cases, and when no improper views prevail may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety."

Judge Storey, in his Commentaries on the Constitution, volume 2, chapter XI, discusses the whole subject and holds that the power will not be exercised by Congress unless "an extreme necessity or a very urgent exigency" should arise (secs. 820, 823, 824, et seq. See also I Tucker's Black. Comm. App., 191, 192; Curtis on the Constitution, 479, 480).

We conclude, therefore, that Congress has the power to "prescribe the times, places, and manner of holding elections" for Members of Congress, but that such power is contingent and conditional only, not original and primary.

Under what conditions or upon what contingency?

If we accept the evidence of the States in their State conventions, ratifying the Constitution, and that of the men who made the Constitution, the conditions are—

First. Where the States refuse to provide the necessary machinery for elections; and

Second. Where they are unable to do so for any cause, rebellion, etc.

Mr. Madison, in the Virginia convention, when asked his opinion of this section, said:

"It was found necessary to leave the regulation of these (times, places, and manner) in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. * * * Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised."

Mr. John Jay, subsequently Chief Justice of the United States, in the New York convention said, when this clause was under discussion.

"That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal convention."

Again, Mr. Madison says:

"This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether" (Madison Papers, vol. 3, 1282).

Has any State refused to provide the necessary election machinery, or is any State unable to do so for any cause, or what "extraordinary circumstances," what "extreme necessity," what "urgent exigency" exists now for the exercise of this power by Congress? None has been suggested, and we confidently assert none can be.

For Congress to attempt to exercise this power now in this bill against the protests of a majority of the States that made the Constitution, and when those States only ratified it upon the faith and assurance that this and other powers would never be exercised except under certain conditions, which have not arisen, is a fraud upon the Constitution that should not be tolerated.

But, conceding for the moment that section 4, article 1, gives to Congress the full powers claimed by the advocates of this bill, still it must be construed in the light of the subsequent section (8) of the same article, which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Admit the power to be ample in the Constitution, yet the same authority limits the legislative branch of the Government in the enactment of laws, to such as shall be "necessary and proper" for carrying into execution the foregoing power. In *Hepburn* v. *Griswold* (8 Wall., 614), Chief Justice Chase, in defining these words, says the words "necessary and proper were intended to have a sense, to use the words of Justice Story, 'at once admonitory and directory,' and to require that the means used in the execution of an express power should be 'bona fide appropriate to the end.'"

But again, the States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities. With this state of things we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States.

This of itself must create friction and the history of the country since the enactment of these laws has demonstrated their unwisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized. The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of the supervision. How then can the United States, by its supervisors and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

We have the same conditions now, Mr. President. They are no different; and I daresay that the Attorney General got his cue from that very act, in proposing the referee provision.

I read further:

The second section of article I of the Constitution declares: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

This leaves the right of suffrage and the conditions of suffrage in the States. By what authority, then, can a Federal officer, by challenge or otherwise at the polls or on registration day, determine the question of suffrage which the Constitution of the United States has left solely to the States to determine?

Mr. President, the question asked in the year 1893 by the House Committee on Elections of the 53d Congress could not then—that is, in the year 1893—be answered in anything but the negative. I ask the question again today: By what authority can a Federal officer—under the Federal elections laws of the Reconstruction Period—or a Federal judge—under the pending "right to vote" bill—determine the question of suffrage which the Constitution of the United States has left solely to the States to determine? Surely there can be but one answer, Mr. President: No such authority exists; and any legislation passed by the Congress in attempting to vest such authority in a Federal officer, be he an agent of the executive, judicial, or legislative branch of the Federal Government, is clearly unconstitutional. It is even more than that, Mr. President; in the words of our predecessors of the 53d Congress, "It is a fraud upon the Constitution," and it should not be tolerated.

I turn now to examine the amendments to our Federal Constitution as they affect section 2 of article I, which says, again, that "the electors of representatives to Congress shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Some amendments have affected suffrage problems. I shall list, first, the amendments, and then discuss them.

Section 2 of article XIV says that as to any State which denies the right to vote to any male citizen over 21 years of age, except for participation in rebellion, or other crime, the basis of representation therein shall be proportionately reduced. This regulation in itself recognizes the right of the State to deny such right if it wishes.

Article XV, which deals with Negro suffrage, is as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

This was proposed by Congress on February 26, 1869—915 Stat. L. 346—and was ratified by three-fourths of the States by February 3, 1870.

Article XVII, election of Senators:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Article XIX, woman's suffrage:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

This was proposed by Congress on June 5, 1919—41 Stat. L. 362—and was ratified by three-fourths of the States by August 26, 1920.

Article XV, as we all know, came on the heels of the Civil War, and as a result thereof. It is rather significant, to my mind, that even at that time Congress made no attempt to interfere by legislation with the right of the States to establish qualifications of electors, and recognized that an amendment to the Constitution was the only method of modifying or limiting that right constitutionally.

That is, with the Civil War a recent memory, and the subject of former slavery still a bitter topic, with the abolitionists riding high, and the victorious North contending only with carpetbag governments of the worst type in the as yet unreconstructed South, Congress still knew its limitations sufficiently to realize that the qualifications of electors had been left entirely to the State governments by the Constitution, and that the only way to vary such qualifications or affect them at all was to amend the instrument. The amendment itself is specifically self-limiting in scope, and leaves the rest of the field in the States' hands.

Though the sovereignty is in the people, as a practical fact it resides in those persons who by the constitution of the State are permitted to exercise the elective franchise. The whole subject of the regulations of elections, including the prescribing of qualifications for suffrage, is left by the national Constitution to the several States, except as it is provided by that instrument that the electors for representatives in Congress shall have the qualifications requisite for electors of the most numerous branch of the State legislature, and as the 15th amendment forbids denying to citizens the right to vote on account of race, color, or previous condition of servitude.

Participation in the elective franchise is a privilege rather than a right, and it is granted or denied on grounds of general policy; the prevailing view being that it should be as general as possible consistent with the public safety. Aliens are generally excluded, though in some States they are allowed to vote after residence for a specified period, provided they have declared their intention to become citizens in the manner prescribed by law. The 15th amendment, it will be seen, does not forbid denying the franchise to citizens except upon certain specified grounds, and it is a matter of public history that its purpose was to prevent discriminations in this regard as against persons of African descent (Cooley, "Constitutional Limitations," p. 752).

While I shall discuss later some decisions on the subject of the 15th amendment, and also shall go into detail on the State constitutions, I should like here to quote a general statement concerning conditions between 1812 and 1867 concerning the Negro vote:

Race: Increasing race prejudice had well-nigh eliminated the Negro as an elector. All but six States had written "white" in their constitutions: Massachusetts, New Hampshire, Vermont, Rhode Island, Maine, and New York. However, in the latter State, in order to vote, the Negro must own $250 worth of property on which he had paid the taxes and reside in the Commonwealth "2 years longer than was required of a white man." It is alleged that public opinion was so averse to his voting even in the New England States that the Negro was kept away from the polls in all but two. Chancellor Kent says that the Negro really voted in Maine alone. At least it is a significant fact that New Hampshire (1857) and Vermont (1858) found it necessary to enact laws that Negroes should not be excluded from the polls. Therefore, it fell out that just before the Negro was to have suffrage granted him as a special favor by the 15th amendment he was kept from the exercise of the elective franchise most completely. The aforesaid amendment was revolutionary in more ways than one; it struck the word "white" from the constitutions of over 30 States. As an indication of what was to become a local, though intensely bitter race and suffrage problem about the middle of the following period, note that Oregon in 1857 disfranchised Chinese. Yet the general race test disappeared (McCulloch, "Suffrage and Its Problems," p. 47).

Speaking of the period immediately following the Civil War, McCulloch says:

Period of problems: This period inherited three growing problems: The question of Negro suffrage, deadlocked in the preceding period, at once became paramount as a post-war measure; the agitation for woman suffrage, stilled during the time of civil strife, was renewed by its zealous advocates; the tendency to allow aliens to vote on mere declarations of intent to become citizens was increased notably. During the epoch some sort of solution is attempted for each of these problems.

At the outset of the period the elective franchise was secured for the Negro by constitutional amendment. The 13th amendment had made him a man instead of a chattel. The 14th amendment conferred citizenship upon him and incidentally endeavored to insure the ballot to him by providing that when any male citizens over 21 years of age were excluded from the elective franchise (except for crime) the basis of representation of said State in Congress should be proportionately reduced. This incidental treatment of the problem of Negro suffrage not promising satisfactory results, more direct and drastic means were found. The 15th amendment (1870) provided that the right of citizens of the United States to vote shall not be denied or abridged on account of race, color, or previous condition of servitude.

Therefore, the out-and-out race test for suffrage was displaced irrevocably. However, it should be noted that suffrage was still a Commonwealth matter. The United States, through congressional action or court decision could interfere in questions affecting the elective franchise only when the provisions of the 14th and 15th amendments were violated (McCulloch, supra, pp. 51 and 52).

In the struggle to preserve the Union, which incidentally freed the slaves, the North experienced at least a partial change of sentiment. Especially as the difficult work of Reconstruction wore on, the expedient of giving the newly made freemen the ballot gained ground. Yet even in 1865 the Republican Party was opposed to the extension of the franchise to the Negroes. Neither Lincoln nor Johnson proposed such a measure. But finally Sumner's plan prevailed as a party policy. Argument: The Negro was still in subjection, while the South had been

freed from slavery; the ballot would make him free indeed. In fact, at that time, it seemed to be a choice between maintaining an army at the South or securing the ballot for the Negro; the latter was regarded as the lesser of two evils. The weapon proved a boomerang (McCulloch, supra, pp. 80 and 81).

The radical Republicans insisted on the Negro becoming an elector in the South, while he was disfranchised in the vast majority of the northern Commonwealths. The North threw theories and prejudices to the winds and sought to find a practical solution of the vexing question, "What to do with the Negro?" The 13th Amendment destroyed slavery; the 14th made the Negro a citizen, but not a voter. Finally the 15th sought to secure the elective franchise for and to him, in spite of race prejudice and existing adverse and discouraging conditions. Shellenbarger, who proposed a substitute prohibiting any disfranchisement of males 21 years of age, except for crime, pointed out that this amendment would suggest other disqualifying tests than race, color, and so forth. Subsequent events have shown that this desperate expedient was futile. While the amendment secured temporarily the widest extension of the elective franchise to the Negro, it was extreme and unwise.

What was secured for the Negro by the 15th amendment? It did not confer suffrage upon him nor upon anyone. The States were still left wide latitude aside from its inhibitions. It merely prevented discrimination on account of "race, color, or previous condition of servitude." However, it has been held to confer suffrage indirectly; in extending the franchise to any class of inhabitants, Negroes may not be excluded. To secure a decision under the 15th amendment it has been held that the indictment must specify that the elector was excluded because he was a Negro—just such an inference is not sufficient. While power is conferred upon Congress to legislate upon the subject of Commonwealth elections, this may not be done except when an otherwise qualified voter is denied that privilege because of race, color, or previous condition of servitude. Hence, the redress formerly secured by this amendment was not so sweeping as would at first appear.

The suffrage issue was injected into a Mississippi case, but the Supreme Court upheld the decisions of the State court; while in a Virginia contention the Court refused to assume jurisdiction. The decision in the case of an Alabama Negro, wherein it was held by the Supreme Court that that tribunal did not have jurisdiction, maintained that the offense, and hence a remedy, was political rather than judicial. The inference was that recourse must be had through Congress acting under the 14th amendment. There has been little likelihood of such action. However, the decision declaring the Oklahoma grandfather clause unconstitutional is a departure from precedent. It would seem that the 15th amendment is to become more effective. The disappearance of shifty and temporary expedients, used under the guise of legality to disfranchise the Negro in the South should be welcomed. Even the South seems to accept this view of this matter.

The immediate result of the Reconstruction policy was to put the southern Commonwealth under Negro rule. Led by political adventurers, the ignorant Negroes gave the South such a government as has been a nightmare to that section ever since. The big offices were appropriated by the carpetbaggers—the little ones being left to the ignorant Negroes. There was a reign of fraud and extravagance. Preceding 1861 South Carolina's average annual stationery bill had been $400; for 1873 it was $16,000. Six million dollars went through fraudulent bonds; this shameless plundering of the South went on for a time unchecked. The estimated carpetbag deficit of the 11 Southern States totaled $298,020,641.80. They spell "pray" with an "e," and thus spelled, they obey the apostolic injunction to "pray without ceasing." Such a state of misgovernment could not long endure (McCulloch, supra, pp. 82, 83, and 85).

It is interesting historically to note what some of the Nation's leaders thought of the 15th amendment.

Neither Lincoln nor Johnson wished universal manhood suffrage immediately extended to the freedman. Lincoln preferred that it be conferred gradually, first securing it to the very intelligent (those able to read and write) and to those who had served in the Union Army. Johnson advised a similar plan: extending the ballot to those Negroes owning a little property and those able to read and write. The evident purpose was to allow the southern Commonwealths to solve the problem—the National Government insisting those Negroes qualified be allowed to vote. Nor was this plan of solution vain or hopeless. While the South was deeply prejudiced against Negro suffrage, many of the leading men of that section took the same view of the matter. Wade Hampton and L. Q. C. Lamar may be taken as typical men of the South who saw the issue clearly.

Wade Hampton, of South Carolina wrote: "I realized in 1867 that when a man has been made a citizen of the United States he could not be debarred from voting on account of his color. Such an exclusion would be opposed to the entire theory of republican institutions." But for the untoward events that preceded the adoption of the 15th amendment the South might have been spared much of the bitterness of Reconstruction and the Nation the vexing problems arising from indiscriminate Negro suffrage. The whole people lost their only friend in Lincoln; the troublesome times needed his great mind and greater heart. While the South was proud and unbending even in defeat, Congress was actuated by unstatesmanlike motives and forced upon the prostrate Commonwealths an intolerable political situation.

The ablest men of the time were averse to conferring the ballot on the Negro irrespective of his fitness for it. Beecher in 1865 pointed out the futility of such a course and concluded: "You will never be able to secure the elective franchise for the Negro and maintain it for him, except by making him so intelligent that men cannot deny it to him." And so it has fallen out. But the cautious method of treatment was abruptly ended with Lincoln's death and Johnson's unfortunate quarrel with Congress. The extreme faction gained control with dire results for the great suffrage problem. As the hasty system inaugurated by the Reconstruction policy of Congress began to bear fruit, even the Negroes deplored the increased degradation of their race. They realized that they were merely tools. The political adventurer from the North pulled the strings (McCulloch, supra, pp. 91, 92, and 93).

Mr. President, McCulloch says, and with emphasis, that this particularized provision in the Constitution to protect the voting rights of the Negro does not affect State control over every other voting qualification. Certainly there is nothing in the 15th amendment which denies to the States the right to fix other qualifications for voters, provided those voting qualifications do not discriminate against a prospective voter on the basis of race, color, or previous condition of servitude. The rights of States to impose, if they see fit, a requirement that voters first pay a State poll tax before being eligible to vote is not prohibited to the States under the 15th amendment. Neither is it prohibited to the States under article I, section 2, which our Supreme Court has interpreted to bestow a "Federal right to vote" upon U.S. citizens which not only cannot be abridged by the Federal or State governments, but by private persons as well. And the same argument holds true, Mr. President, as to the provisions of the pending "right to vote" bill—which would permit Federal judges to usurp the administrative discretion of State registration and election officers, in passing upon the qualifications of voters.

State control is reaffirmed in article XVII which quotes word from word the tests for electors of Representatives in the first article, second section, of the Constitution, and makes that apply to the electors of Senators as well. In other words, the test that all electors qualified to vote for the most numerous branch of the State legislature shall be qualified to vote for Representatives, set out in 1787 at the Constitutional Convention, is reaffirmed and extended 150 years later.

The 19th amendment extends the right to vote to women.

I quote further from McCulloch:

The agitation for woman suffrage became more intense after the enfranchisement of the Negro and began to bear fruit in the multiplication of the number of States that granted school suffrage to women. Also municipal and bond suffrage was extended to women in a few instances. In the West a few Commonwealths bestowed upon woman the full elective franchise. Wyoming led in this movement; her full suffrage law bears the date of 1869.

The number of such States gradually but very slowly increased, extending the movement eastward. Then came the World War and another suffrage revolution. Woman suffrage became a war measure of almost spontaneous proportions. Because constitutional amendments were too slow, a number of State legislatures followed the questionable expedient of granting women the franchise for nonconstitutional offices. Years before, an amendment to the Constitution of the United States, following the lines of the 15th amendment and thereby securing the ballot for women, had been offered; but such proposals usually died in a congressional committee. During the war this amendment was brought forward with marked difference in its reception. As the prospective 19th amendment it was passed by Congress and submitted to the several States for ratification in 1919 and received the endorsment of the requisite number of Commonwealths in 1920. Like the former amendment (15th), the 19th amendment disturbs the Commonwealth regulation of suffrage as little as possible; it provides that the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex" (McCulloch, supra, pp. 52 and 53).

Until this period, in spite of the agitation of women suffragists, the elective franchise had been confined to males. The constitution of every State so specified. The sagebrush territory of Wyoming had granted women full suffrage in 1869; but this departure only emphasized the universality

of the rule. Yet insistent agitation accomplished something. Following the chivalrous example set by Kentucky in 1838, other States allowed women to participate in school elections. While this was a sop thrown to the troublesome agitators for woman suffrage, there was also the idea in the minds of legislators that educational matters rather belonged in woman's sphere. This practice grew until 26 States had extended school suffrage to women. Along with this innovation came another, closely associated with the ownership of property: women were permitted to vote in municipal elections and in voting bonds. This extension of suffrage to women was not so general as that of school suffrage; only nine States saw fit to grant some sort of municipal suffrage to women. Meanwhile a few of the sparsely settled States of the Rocky Mountain region followed the pioneer, Wyoming, and extended full suffrage to women. In this section there were no large cities, and equally significant, the number of men greatly exceeded that of women. However, the movement gathered weight very slowly and by 1910 but four States had taken this advanced stand: Wyoming, Colorado, Utah, and Idaho. But, nothing having happened of startling nature because of woman suffrage in these Commonwealths, and agitation becoming more widespread and more insistent, the movement spread; and at the outbreak of the World War the number of States in which women had full suffrage had more than doubled: Washington, California, Oregon, Kansas, and Arizona had fully enfranchised women. During the World War suffrage events moved rapidly: Nevada and Montana were early added to the list, and then the movement invaded the East. After the United States entered the war, New York, Michigan, South Dakota, and Oklahoma extended the ballot to women. This secured full suffrage for women in 15 States. But even a more significant thing was happening. Since constitutional amendments move slowly, the legislatures of 15 States proceeded to grant women suffrage for nonconstitutional offices, this permitted women to vote for Congressmen and presidential electors. Frankly, woman suffrage had become a war issue. Under this stress the Anthony amendment was revived and, with the help of the President, pushed through Congress—receiving the required extraordinary majority, June 5, 1919. Then began the ratification by States. Few State legislatures were to meet at an early date in regular session, hence it was necessary for the Governors to call extra sessions—if the amendment was to be ratified in time for women to vote in the election of 1920. With remarkable celerity 35 States ratified. All States west of the Mississippi, excepting Louisiana, had approved the amendment. Most Southern States had rejected it or their legislatures had not been convened; while some New England Governors had refused to call extra sessions. This was the situation in midsummer. President Wilson, the chairmen of central committees, and presidential nominees brought great pressure to bear in the border States, which had neither ratified nor rejected the amendment; for each party was eager to secure the credit for ratification and thus have a catch appeal to women voters. Finally, after a bitter and close struggle, Tennessee ratified the 19th amendment, August 18, 1920; and the word "male" was stricken from the constitutions of 33 States (McCulloch, supra, pp. 60–62).

In an academic sense, woman suffrage is as old as Plato. However, his dream of women sharing in the political burdens of the state was no more real than were his asses frisking along the highway in the exuberance of republican freedom. It is a far cry from Greek civilization to that of the 20th century, and the enfranchised woman of today looks out on a vastly different world. The social position of modern women rests on a foundation laid far back in the past. It was for Christianity to give woman a new worth and dignity; she possessed an immortal individuality—a soul. Accordingly, the position of women has ever been the great and outstanding difference between pagan and Christian civilizations. However, it takes time for even religious truth to overcome fixed ideas and customs. Slowly and painfully the world achieved progress. The rise of the Puritan home in England marks the beginning of the highest position ever assigned to woman. Even then, with marked gains in individual liberty and social standing, political equality for woman was far in the future. If the relative estimate of womanhood is a sure criterion of civilization, then America enjoys the highest in the world. Therefore, in the United States has come the first agitation for and the widest extension of sexless political equality.

The question of woman suffrage in the United States has been closely associated with that of the Negro. The half dozen women delegates sent from America to the World's Antislavery Convention, which met in London in June 1840 were emphatically refused seats. Therefore, these women came home pledged to agitate for woman suffrage. Thus, in trying to free the Negro from the bonds of slavery, was the question of woman suffrage precipitated. After several years of local agitation, the first woman's-rights convention met in Seneca Falls, N.Y., in July 1848. Other sections of the country followed this example, and the woman suffrage question was fairly launched. The movement in England did not get under way until 1865. English women had enjoyed municipal suffrage, based like that of men on guild, freehold, and property bases. Thereafter the struggle was begun for parliamentary suffrage. The contest there has been long and bitter. The methods employed by the agitators, while quite British, would have been wholly out of place in America. Finally under stress of the World War, partial success was achieved: In 1918 parliamentary suffrage was extended to some 6 million women, and in 1928 to all.

At the Declaration of Independence universal manhood suffrage was not even a future event in the minds of publicists. Certainly no one contemplated the extension of the ballot to women. Yet, soon thereafter women actually voted. The first instance of undoubted authenticity was in New Jersey in 1797. Women then voted under the Constitution of 1776, which declared that all inhabitants were electors—if otherwise qualified. This was clearly an oversight on the part of the lawmakers and was corrected by a more exact definition in 1807. In the "History of Woman Suffrage" it is asserted that women had voted in Massachusetts under the charter from 1691 to 1780 and under the Constitution from 1780 to 1785. However, this is mere conjecture. There were no further instances of women exercising the right of suffrage, during the early periods of our national history.

During the decade preceding the Civil War there was considerable agitation for woman suffrage, but the preponderance of the slavery issue kept it in the background. The only tangible result of this early agitation for woman suffrage appears to have been the action of Kansas in 1861, following the earlier example of Kentucky, granting school suffrage to women. When the Negro became a citizen and later an elector—both by amendments to the Federal Constitution—the women agitators for suffrage became impatient in their demands for the ballot. Some presumed to vote, claiming that privilege under the 14th amendment. A Mrs. Ricker voted without protest in New Hampshire in 1872. When Susan B. Anthony insisted on voting the same year, she was fined $100—which was never paid. Finally, in 1875, a decision was handed down by the Supreme Court of the United States asserting that the amendment had not contemplated women voting and that the regulation of the elective franchise was entirely within the province of the various States. This stopped women from voting a second time.

Meanwhile, the leaders of the movement were not idle. In 1869 what was known as the 16th amendment was urged upon Congress: The right of suffrage in the United States shall be based on citizenship and shall be regulated by Congress; and all citizens of the United States, whether native or naturlized, shall enjoy this right equally without any distinction of discrimination whatever founded on sex. This proposed amendment had two significant features besides its main intent: it would have invalidated at one stroke the declaration of intent tests in a number of States and it would have wrought a suffrage revolution by vesting in Congress the regulation of suffrage instead of leaving this function to the several Commonwealths—which had been the custom for colonial day. The first vote obtained on the proposed amendment was in 1887, when the Senate refused to submit it to the States for ratification by a vote of 34 to 16. To have been constitutionally effective, this vote would have had to have been the reverse of what it was. Eleven favorable committee reports have been had on the proposition: Five from the Senate and six from the House—the first in 1871, the last in 1893. Since the latter date attention has been directed principally to obtaining favorable action on the part of the States, through woman-suffrage amendments to the Commonwealth constitutions. However, the insistent agitation was bearing some fruit: school suffrage was being extended to women quite generally, and by the opening of the World War 26 States had made such a concession to women, while 9 had conferred either municipal or bond-voting suffrage.

The Territory of Wyoming was the first Commonwealth to grant full suffrage to women. This was done in 1869, while the Territory was not erected into a State until 20 years later. Yet even in 1889 the pioneer State stood alone. There seems to be some doubt as to the facts about the case of Wyoming. The action on 1869 appears to have been treated as a joke. There was no political significance in the measure. However, when the Territory was admitted as a State the opposition to woman suffrage had well-nigh ceased. In 1893 Colorado adopted an amendment to her constitution extending suffrage to women. The majority for the amendment was 6,347; a similar measure lost in 1877 by 5,844. Again it is difficult to get at the facts. Men outnumbered women in the Centennial State by 49,761. However, the measure seems to have been largely the result of the panicky and chaotic condition prevailing there then, and a sort of byproduct of populism. Idaho and Utah extended suffrage to women in 1896. The later Commonwealth thus returning to its territorial regulation, which had been annulled by the Federal Government because of the prevalance of polygamy. A woman critic attributed the adoption of woman suffrage in Wyoming to a political trick, in Colorado to populism, and in Utah to polygamy. Anyhow, there were no further concrete results for a number of years. In fact, since New York and Massachusetts had just rejected woman suffrage by overwhelming majorities there seemed little probability that other States would extend the franchise to women. In contrast to Colorado, in the latter State women outnum-

bered men by over 70,000. Frankly, it was an isolated western fad—ignored by the South and ridiculed by the North. For further advance of woman suffrage the time element was necessary.

Around 1910 the movement took on new life. A number of things contributed to this revival of interest in woman suffrage. Agitation, while persistent, was dignified; it took on more the nature of an educational propaganda. Also the novel suffrage venture of a few sparsely settled States had not caused either an upheaval of the social order or the moral downfall of woman. The rest of the Nation began to look with more respect on the whole question of woman suffrage. Other States began to adopt like amendments enfranchising women. In 1910 Washington gave woman the ballot, in 1911 California extended suffrage to women, and in 1912 Oregon did likewise, thus uniting the Pacific coast in the movement. The same year Arizona and Kansas granted suffrage to women. While the movement had reached beyond the West of high altitudes, it was still confined to the great West, where the States were not adverse to trying experiments. The conservative North and South were content to remain on the sidelines. No ordinary course of events would have caused even the North to adopt woman suffrage by a mass movement, much less the ultraconservative South.

Then came the World War. At that time nine States had granted women the elective franchise. When the United States entered the conflict two more had extended political suffrage to women—Nevada and Montana, both in 1914. However, at once woman suffrage became a war measure; the unselfish and heroic war work of the women of America and elsewhere was an unanswerable argument. Whatever woman wanted she should have as a fitting reward for her patriotism. As Mrs. Medill McCormick put it: "We have sacrificed as you have in its defense." Events moved rapidly. The greatest suffrage victory came in New York in 1917. As recently as in 1915, woman suffrage had been lost in that State by an adverse majority of over 185,000. Two years later the women framed a monster petition with over a million signatures of women asking for the ballot and the suffrage amendment carried that year by over 100,000 votes. The advocates of woman suffrage were greatly encouraged and the movement gained momentum. The next year Michigan, South Dakota, and Oklahoma enfranchised women. Similar amendments were submitted in five other States; but, the amending process was too dilatory to suit aroused woman suffrage sentiment and more speedy methods were adopted. The unique plan was devised to enfranchise women by mere legislative action, allowing them to vote in elections for "nonconstitutional offices," such as electors for President and sometimes Members of Congress. Illinois had adopted this expedient in 1913. During the year 1917 Michigan, Nebraska, North Dakota, and Rhode Island enacted similar legislation. Two years later, Tennessee, Missouri, Iowa, Minnesota, Wisconsin, Indiana, Ohio, and Maine did likewise; while Arkansas in 1917 and Texas in 1918 permitted women to vote at primaries only. Therefore, at the close of hostilities women had acquired political suffrage in some form in 29 States—15 by amendments to the Commonwealth constitutions and 14 by legislative enactment.

As great as was this victory for woman suffrage, an even more sweeping one was on the way.

Meanwhile the Anthony amendment to the U.S. Constitution had been urged upon Congress. President Wilson endorsed it as a war measure and brought his influence to bear upon the members of his party in Congress. While he had been uniformly successful in having his way with Congress, the proposed amendment failed of the necessary two-thirds majority in the Senate—though it had passed the House by a vote of 274 to 136, January 10, 1918. The succeeding Congress, while less obedient to the wishes of the President, took up and pressed forward the proposed amendment with such vigor that on June 5, 1919, it was passed by both Houses with the requisite majorities and submitted to the States for ratification (McCulloch, supra, pp. 109–116).

By September of 1920 a sufficient number of States had ratified for the amendment to become effective.

So what do we have? A Constitution which, since 1787, its inception, has given the control over voting qualifications to the States. This control has been twice abridged, once after the Civil War, in favor of the Negro, once after the World War, in favor of women. It took two wars and sweeping movements to accomplish these changes, and then they were accomplished by amendment to the Constitution. After the 15th amendment, the 17th amendment reaffirmed the States' rights to control over voting qualifications.

These rights are unchanged in the Constitution today; article I, section 2, stands as an effective and absolute bar to any attempts by the Congress or the executive branch of our Federal Government to enact laws establishing, modifying, or in any manner affecting the qualifications of electors, except to prohibit the States from discriminating on the basis of race, color, previous condition of servitude, or sex. Congress has no power or authority or right to pass laws abolishing or altering State poll tax laws; neither does it have the authority to enact legislation like that pending before us now which would bypass State administrative machinery in elective franchise matters. I say again, Mr. President, that the pending "right to vote" bill is unconstitutional because it infringes upon the rights of the States to fix the qualifications of its voters; as presently drafted, it would permit a Federal judge, at the instigation of the U.S. Attorney General, to usurp the functions of State election officers to pass upon the qualifications of voters, without regard to administrative review procedures and other safeguards established by the State to prevent abuses and arbitrary actions by its election officers.

As I have demonstrated in remarks that I made earlier in the course of this debate, it would be possible under this pending right-to-vote bill for the Attorney General of the United States, acting on behalf of or in the name of some disgruntled citizen who had been denied registration or denied the right to vote because he lacked the requisite qualifications as established by the State legislature—a denial not based on color or race—to enjoin the State election officer and by compulsion of Federal law—the armed fist of the United States, if you please—this voter who might be otherwise unqualified under State law, would be enabled to cast his ballot. An action for injunction brought within a few days of an election could be tried on affidavit of the aggrieved party, and without a hearing under existing Federal court rules; by the time the temporary restraining order or temporary injunction expired, the question would be moot because the election would be over, and the case would never be decided on its merits. I say, Mr. President, that procedure of this kind is an outright and flagrant invasion of our States' constitutional rights to establish the qualifications of their voters, and this Congress should never give its sanction and blessing to a diabolical scheme of this kind.

Mr. President, I have completed the first of three phases of my presentation of the suffrage problem—that concerned with the U.S. Constitution. The second phase, which I now approach, is concerned with the original State constitutional provisions and their changes.

Should Senators ask "Why go into all the State constitutional regulations to prove the unconstitutionality of the pending right-to-vote bill?"—the answer is that a full discussion and study of the origin and development of the constitutional provisions of the 50 States affecting the elective franchise is essential to a complete understanding of the question before the Senate today. Whenever the Federal Government undertakes to invade an entirely new field—whenever the legislative branch of the Federal Government proceeds to the consideration of a bill that on its face will infringe upon rights specifically guaranteed to the States in the Constitution—then there can be no doubt that a full and thorough discussion of each and every facet of the problem is not only in order but is obligatory upon the Senate. It is in the discharge of the solemn duty I assumed when I took the oath of United States Senator to uphold the Constitution of the United States of America that I stand before the Senate today to warn Senators, and Congressmen, and the American people at large, that the pending bill gives to the Federal Government, acting through the U.S. Attorney General and through the Federal judiciary system, the power to alter, to modify, to abolish, if you please, State-established qualifications for voters for reasons other than discrimination based upon race, color, sex, or previous condition of servitude.

To get the full impact of the legislation upon the States' constitutional mandate to establish the qualifications of electors, it is necessary for us to go back to the early days of our history and trace the development of the States' election machinery. In this connection, Mr. President, I quote from Porter's excellent work on this subject, entitled "History of Suffrage in the United States," page 14.

Mr. KUCHEL. Mr. President, will the Senator from Louisiana yield with the usual guarantees?

Mr. ELLENDER. I yield, provided I do not lose the floor.

Mr. KUCHEL. I have listened to the able Senator conclude phase 1 of a remarkable presentation. I am wondering if it would be possible for us to look forward to being enriched by phase 2 tomorrow, rather than this evening, if

our friend might, with his usual charity of spirit, indicate his own desire in the matter.

Mr. ELLENDER. I have no intention to punish my good friend, the Senator from California.

Mr. KUCHEL. To the contrary; I must say that I have listened with interest to the Senator from Louisiana.

Mr. ELLENDER. The Senator from California has been very attentive to what I have had to say.

Mr. KUCHEL. Indeed I have.

Mr. ELLENDER. I did not see him go to sleep.

Mr. President, I have made a long study of this question. It has not developed in the last 2, 3, or 4 months. As I said earlier in my remarks, this subject has been before Congress almost every year since I became a Member of Congress. There seems to be no end to it. Little by little, the rights of the sovereign States are being nibbled away.

I was in hopes of making this presentation to the Senate, so that they could look at it, so that they could read it, and see for themselves that there is no constitutional basis for the bill, particularly title VI, which I have asked to be stricken.

Mr. President, I see in the Press Gallery a few sleepy-eyed reporters who want to go home. Inasmuch as I have completed the first phase of my presentation to the Senate, I hope to start the second phase tomorrow.

RECESS UNTIL 10 A.M.

Mr. ELLENDER. Mr. President, under the order previously entered, I move that the Senate stand in recess until 10 o'clock this morning.

The motion was agreed to; and (at 12 o'clock midnight) the Senate took a recess, under the order previously entered, until Wednesday, April 6, 1960, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 5, 1960:

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by laws and regulations:

I. FOR APPOINTMENT

To be senior assistant surgeons

Harry P. Anastopulos	Leon I. Goldberg
Robert P. Balderson	Betty E. Hathaway
Richard F. Barbee	Lowell R. Hughes
Robert N. Barnes	Robert A. Jordan
Frank C. Bigler	Karl M. Johnson
Aaron B. Brill	Marion E. Kintner
Ray A. Brinker	Charles E. Koch, Jr.
Willard L. Brown	Frederick L. Lang
Willard R. Brown	William C. Larsen
Gerald E. Caplan	Dale Lindholm
Leo J. Castiglioni	Robert P. Locey
Ruth Coffin	William R. Martin
John F. Dotter	Samuel Milham, Jr.
Arvo B. Ederma	Barry Miller
Richard W. Emmons	John P. Nasou
Earl R. Feringa	Alvin H. Novack
James P. Fields	John A. Oates, Jr.
Paul J. Fry, Jr.	William M. O'Brien
George G. Glenner	Gerald H. Payne
John E. Glennon	Paul G. Pechous
Darwin J. Prockop	Michio Takahashi
H. McDonald Rimple	John B. Titmarsh, Jr.
Marcus N. Rogers	Fred E. Tosh
Saul W. Rosen	Robert C. Vander Wagen
William B. Sheldon	Cecil C. Vaughn, Jr.
Richard A. Smith	Richard D. Wasson
Roland W. Sonntag	Charles L. Whetstone
Richard A. Stamm	Harold W. Wylie, Jr.
Barron H. Stillman	

To be assistant surgeons

William J. Atkinson	George T. Harding, Jr.
John R. Baugh	Otto L. Loehden
Frederick V. C. Featherstone	Robert J. Warren

To be senior assistant dental surgeons

George L. Crocker	Richard B. McDowell
Raymond D. Haslam	James J. McMahon
Phillip K. Humphreys	Joseph P. Moffa, Jr.
Donald P. Jelinek	James M. Power
Karl K. Kreth	Gunnar E. Sydow

To be assistant dental surgeons

Robert W. Baumann	George R. McGuire
Lawrence I. Carnes	John R. Stolpe

To be senior assistant sanitary engineers

John M. Rademacher
Leo A. St. Michel

To be assistant sanitary engineers

Eugene J. Donovan, Jr.	Edwin L. Johnson
John A. Eckert	Jack W. Keeley
Robert L. Elder	Donald S. Licking
	Paul J. Traina

To be junior assistant sanitary engineers

R. Frank Grossman
Alfred W. Hoadley

To be senior assistant pharmacists

Lowell F. Miller
Billy G. Wells

To be assistant pharmacists

Robert P. Chandler	Samuel Merrill
James R. Gates	James E. Norris
Jacob H. Hendershot	Joseph F. Toomey
Luis Hernandez	John R. Wiseman
Philip R. Hugill	

To be junior assistant pharmacists

Ray D. Crossley II	Joe M. Holman
Jerome A. Halperin	Harley A. Mills

To be senior assistant scientist

Jay D. Mann

To be assistant scientists

John C. Feeley III
Sheldon D. Murphy

To be senior assistant veterinary officer

Robert K. Sikes

To be assistant veterinary officers

Garland D. Lindsey
Roger E. Wilsnack

To be senior assistant nurse officers

Lawrence A. Levine
Marjory E. Lewis

CONFIRMATION

Executive nomination confirmed by the Senate April 5, 1960:

U.S. TARIFF COMMISSION

Glenn W. Sutton, of Georgia, to be a member of the U.S. Tariff Commission, for a term expiring June 1, 1966. Reappointment.

WITHDRAWAL

Executive nomination withdrawn from the Senate April 5, 1960:

POSTMASTER

Robert C. Miller to be postmaster at Pontiac, in the State of Michigan, which was sent to the Senate on January 11, 1960.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 5, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

John 8: 31–32: *If ye continue in my word, then are ye my disciples indeed and ye shall know the truth and the truth shall make you free.*

Eternal God, our heavenly Father, united in a fellowship of common needs, we are beseeching Thee earnestly to answer our loftiest aspirations with the divine inspiration of Thy holy spirit.

May that inspiration endow us with a clearer insight and wiser understanding of our most difficult problems and renew within us a faith that constrains us to be faithful and fruitful in Christlike character and service.

Inspire us to live humbly and reverently, trusting that the future will be as bright as the promises of God and that if any man will do the will of God he shall know the truth and the truth shall make him free.

Hear us in His name who is the way, the truth, and the life. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

PUBLIC BUILDING ALTERATION AND REPAIR PROJECTS

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Appropriations:

APRIL 4, 1960.

The Honorable SAM RAYBURN,
Speaker of the House,
The Capitol, Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959, the Committee on Public Works of the House of Representatives approved on March 31, 1960, a prospectus for each of the following public building alteration and repair projects which were transmitted to this committee from the General Services Administration:

LOCATION AND TYPE

Alabama, Birmingham—PO CT.
California, San Francisco—Appraiser's Building.
Delaware, Wilmington—PO CT.
District of Columbia—Agriculture, Administration Building.
District of Columbia—Agriculture, annex.
District of Columbia—Agriculture, South Building.
District of Columbia—GSA Building.
District of Columbia—Treasury annex.
District of Columbia—Weather Bureau.
Florida, St. Petersburg Beach—Don-Ce-Sar Office Building.
Illinois, Chicago—Main Post Office.
Iowa, Des Moines—Federal Building.
Louisiana, New Orleans—Customhouse.
Louisiana, New Orleans—FOB.
Maryland, Bethesda—NIH.
Maryland, Suitland—FOB No. 4.
Massachusetts, Boston—Customhouse.
Missouri, St. Louis—CT CU.
New York, Brooklyn—PO CT.
New York, Foley Square—CT.
Ohio, Toledo—CT CU.

Pennsylvania, Philadelphia—128 North Broad.
Pennsylvania, Philadelphia—5000 Wissahickon Avenue.
Virginia, Arlington—FOB No. 2.
Virginia, Arlington—Pentagon Building.
Washington, Seattle—FOB.
Wisconsin, Milwaukee—PO CT.
Illinois, Chicago—Railroad Retirement Board.

The committee also approved on the same date a revised prospectus for a Federal building project at Bismarck, N. Dak.

Sincerely yours,

CHARLES A. BUCKLEY,
Member of Congress, Chairman, Committee on Public Works.

THE DISASTROUS FLOOD DAMAGE IN THE UPPER MISSISSIPPI VALLEY

Mr. SMITH of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. SMITH of Mississippi. Mr. Speaker, the upper Mississippi Valley is already feeling the effect of a disastrous flood. The possibility looms that flood damage will become greater if there are new storms at any time within the next few weeks.

The vast property loss which is already being felt is the most convincing answer we have to the folly of the "no new starts" policy of the present administration in the field of flood control. Our water problem simply will not stand still; we must continually meet the challenge of proper control of flood threats and conservation of the water supply that is so desperately needed for so many useful purposes.

I hope that the House Appropriations Committee will continue the policy adopted last year of ignoring the Bureau of the Budget edicts in respect to new projects. We cannot afford to continue to accept this policy of false economy.

COMMITTEE ON BANKING AND CURRENCY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 2 of the Committee on Banking and Currency may sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GEORGE HENRY OBERLE, JR.

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the newspaperboy represents all that is best in American youth. The lad who delivers the news is a familiar figure in the neighborhood. No matter how hot or cold or stormy the weather may be, he never fails us. We can count on finding the copy of our favorite newspaper in the back hallway right on schedule.

In addition to his schoolwork, he is learning the virtues of initiative and responsibility on his own.

As we look out the window and watch him covering his route, we feel a glow of admiration for this plucky little businessman. Although we may not know whether he wants to become a teacher, doctor, scientist, or even President, we can be sure that he is working and saving to educate himself for a worthy career.

In the biographies of many American leaders we find this wholesome beginning of success stories that read: "Newspaperboy makes good."

This enterprising spirit of youth renews itself in every generation, giving us confidence in their future and in the future of our Nation.

George Henry Oberle, Jr., is a newspaperboy with vision and determination. He is 14 years of age, resides at 44 Webster Street, Revere, Mass., and is an honor student at Garfield Junior High. Although his parents died when he was a youngster, he found a loving home with his brother and sister-in-law, who have become "mom" and "dad" to him.

In the Newspaperboys Trip to Australia Contest, he placed third, but that did not discourage him. Responding to challenge, he decided to work harder and do better next time. He entered the Boston Record-American-Sunday Advertiser Newspaperboys Contest, open to boys between the ages of 12 to 18. It was based on a point system, where an important factor was the greatest total sales increases between November 8, 1959, and March 14, 1960.

George worked overtime because he had his heart set on winning. As a result of his perseverance, he came in first, and has been honored with the title of "Junior Diplomat of Goodwill."

Easter Sunday is a joyous day for all, but for George it will be one of the happiest and most thrilling of his whole life. He will be the special guest on the newspaperboys radio show which will be broadcast over WEZE at 9:30 a.m. Later in the day he will fly on a Qantas jet to London, England, bearing letters of greeting from famous Americans to famous Englishmen.

That is the beginning of an exciting itinerary, climaxed on April 22, when he will attend a performance of "The Merchant of Venice" at the Shakespeare Memorial Theatre. Then he will cut a record with the stars for the newspaperboys radio show, and present honorary membership awards to Peter Hall, producer of "The Merchant of Venice," and to his wife, the beautiful moving picture actress, Leslie Caron.

The city of Revere is proud of its young champion.

Mayor Raymond E. Carey will proclaim a George Oberle Day and will arrange a program to express the community's appreciation of the "Junior Diplomat of Goodwill."

In winning this honor, George has helped his school. For part of his prize award is a Calculo Analog computer from the science department of Jordan Marsh Co., which he will present to Garfield Junior High School.

Congratulations to George Oberle, Jr., who is a praiseworthy example of all the many qualities that characterize the American newspaperboy.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the calendar.

PATRICIA CROUSE BREDEE

The Clerk called the bill (S. 231) for the relief of Patricia Crouse Bredee.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

NORTH AMERICAN PHILIPS CO., INC.

The Clerk called the resolution (H. Res. 451) providing for sending the bill, H.R. 7901, with accompanying papers, to the Court of Claims.

There being no objection, the Clerk read the resolution, as follows:

Resolved, That the bill (H.R. 7901) entitled "A bill for the relief of North American Philips Company, Incorporated, 100 East Forty-second Street, New York 17, New York," together with all accompanying papers, is hereby referred to the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code; and the court shall proceed expeditiously with the same and report to the House, at the earliest practicable date, such findings of fact, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitation should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy, and conclusions based on such facts as shall be sufficient to inform Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BETTY KEENAN

The Clerk called the bill (H.R. 5033) for the relief of Betty Keenan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Betty Keenan, of 311 Oneida Street, Pittsburgh, Pennsylvania, the sum of $499.06 in full settlement of her claim against the United States for a refund of the amounts deducted from her salary as a Federal employee for retirement fund purposes in the period from December 14, 1942, to January 31, 1948: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or

received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PLACID J. PECORARO ET AL.

The Clerk called the bill (H.R. 6121) for the relief of Placid J. Pecoraro, Gabrielle Pecoraro, and their minor child, Joseph Pecoraro.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Gabrielle Pecoraro, the sum of $25,000, to Placid Pecoraro the sum of $10,000, and to Placid and Gabrielle Pecoraro for the benefit of their minor child, Joseph Pecoraro, all of Rochester, New York, the sum of $100,000. Payment of such sums shall be in full settlement of all claims arising out of the permanent personal injuries sustained by Gabrielle and Joseph Pecoraro at the time of the birth of Joseph Pecoraro on September 18, 1948, at the United States Army Hospital at Paris, France, as the result of improper handling of the delivery, and the medical and other expenses thereby incurred by Placid Pecoraro: *Provided,* That no part of either of the sums appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim settled by the payment of such sum, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That, notwithstanding laches or any statute of limitations, jurisdiction is hereby conferred upon any United States district court to hear, determine, and render judgment in accordance with the procedures of the Federal tort claims provisions of title 28 of the United States Code, upon the claims of Placid J. and Gabrielle Pecoraro and of their minor child, Joseph Pecoraro, all of Rochester, New York, against the United States for expenses, losses, damages, or injuries alleged to have resulted from the improper handling of the delivery and improper medical care at the time of the birth of the said Joseph Pecoraro on September 18, 1948. The action authorized by this Act must be commenced within one year of the date of enactment of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAY HOURANI

The Clerk called the bill (H.R. 2007) for the relief of May Hourani.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, May Hourani shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

On page 1, line 10, after the words "from the" strike out the remainder of the bill and insert in lieu thereof the following: "Number of visas authorized to be issued pursuant to the provisions of section 15 of the Act of September 11, 1957 (71 Stat. 643)."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JESUS CRUZ-FIGUEROA

The Clerk called the bill (H.R. 2645) for the relief of Jesus Cruz-Figueroa.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(22) of the Immigration and Nationality Act, Jesus Cruz-Figueroa may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

With the following committee amendment:

Page 1, line 11, insert: *"Provided further,* That nothing in this Act shall be construed to waive the provisions of section 314 of the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEANDRO PASTOR, JR., AND PEDRO PASTOR

The Clerk called the bill (H.R. 1402) for the relief of Leandro Pastor, Jr., and Pedro Pastor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Leandro Pastor, Junior, and Pedro Pastor shall be held and considered to be the natural-born alien minor children of Leandro Pastor, a citizen of the United States.

With the following committee amendment:

On page 1, at the end of the bill, add a new section 2 to read as follows:

"SEC. 2. Notwithstanding the provision of section 212(a)(19) of the Immigration and Nationality Act, Pedro Pastor may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHAN KAREL CHRISTOPH SCHLICTER

The Clerk called the bill (H.R. 1463) for the relief of Johan Karel Christoph Schlicter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Johan Karel Christoph Schlicter shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Page 1, line 4, strike out "Schlicter" and insert "Schlichter".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Johan Karel Christoph Schlichter."

A motion to reconsider was laid on the table.

DAVID TAO CHUNG WANG

The Clerk called the bill (H.R. 1486) for the relief of David Tao Chung Wang.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, David Tao Chung Wang shall be held and considered to have been lawfully admitted to the United States for

permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

On page 1, line 7, after the words "visa fee" change the period to a colon and insert the following: "*Provided*, That a suitable and proper bond or undertaking approved by the Attorney General, be deposited as prescribed by section 213 of the said Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAVID JOHN MARIA ET AL.

The Clerk called the bill (H.R. 8888) for the relief of David John Maria, Angela Maria, and John Elias Maria.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, David John Maria, Angela Maria, and John Elias Maria, shall be held and considered to be the natural-born alien minor children of Larry Keighley, a citizen of the United States, and the provisions of section 212(a)(7) and (15) of the said Act shall be held to be inapplicable in this case: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

With the following committee amendments:

On page 1, lines 4 and 5, strike out the name "David John Maria,".

On page 1, line 5, strike out ", and John Elias Maria,".

On page 1, line 6, strike out "children" and substitute "child".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "For the relief of Angela Maria."

A motion to reconsider was laid on the table.

ROMEO GASPARINI

The Clerk called the bill (H.R. 8798) for the relief of Romeo Gasparini.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Romeo Gasparini, shall be held and considered to be the natural born alien child of Mr. and Mrs. Romy Gasparini, citizens of the United States.

With the following committee amendment:

At the end of the bill, strike out the period and add the following: ": *Provided*, That the natural mother of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPORTATION OF CERTAIN ALIENS

The Clerk called the joint resolution (H.J. Res. 638) relating to deportation of certain aliens.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds, which may have issued in the cases of Albert Stummer, Imre Seykeli, Margareta Seykeli, Rena (Regine) Carmi, Marie Haladjian, Anastasia Stamathioudakis, Vahe Proudian, and Alice Proudian. From and after the date of the enactment of this Act, the said persons shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

With the following committee amendments.

On page 1, line 8, strike out the word "and".

On page 1, line 8, after the name "Alice Proudian" change the period to a comma and add the following: "Rosa Povarchik De Rosenberg, Hannah Jane Jackson, George N. Panagiotou, Berta Rakovsky de Spikilis, and Aida Rosen."

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BIAGIO D'AGATA

The Clerk called the bill (H.R. 1542) for the relief of Biagio D'Agata.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a) of the Immigration and Nationality Act, Biagio D'Agata may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act.

With the following committee amendments:

On page 1, line 3, after "section 212(a)" insert "(9)".

On page 1, line 5, after the words "may be" insert "issued a visa and".

On page 1, line 7, after the word "Act" change the period to a colon and add the following: "*Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANGELA D'AGATA NICOLOSI

The Clerk called the roll (H.R. 1543) for the relief of Angela D'Agata Nicolosi.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

IDA MAGYAR

The Clerk called the bill (H.R. 3253) for the relief of Ida Magyar.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ida Magyar shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIGIOSA LUIGIA FRIZZO AND OTHERS

The Clerk called the bill (H.R. 3805) for the relief of Religiosa Luigia Frizzo, Religiosa Vittoria Garzoni, Religiosa Maria Ramus, Religiosa Ines Ferrario, and Religiosa Roberta Ciccone.

Mr. AVERY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

JAN P. WILCZYNSKI

The Clerk called the bill (H.R. 3827) for the relief of Jan P. Wilczynski.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States, Jan P. Wilczynski may be naturalized at any time after the date of the enactment of this

Act if he is otherwise eligible for naturalization under the Immigration and Nationality Act and if he applies therefor within the one-year period beginning on the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSETTE A. M. STANTON

The Clerk called the bill (H.R. 4763) for the relief of Josette A. M. Stanton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 301(b) of the Immigration and Nationality Act, the continuous physical presence of Josette A. M. Stanton in the United States during the period beginning July 18, 1940, and ending October 20, 1947, both dates inclusive, shall be held and considered to be continuous physical presence in the United States by her after attaining the age of fourteen years.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, in the administration of section 301 (b) of the Immigration and Nationality Act and section 16 of the Act of September 11, 1957, Josette A. M. Stanton shall be held and considered to have complied with the provisions thereof if she establishes residence in the United States prior to attaining the age of twenty-five years."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GIUSEPPE ANTONIO TURCHI

The Clerk called the bill (H.R. 4834) for the relief of Giuseppe Antonio Turchi.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Giuseppe Antonio Turchi shall be deemed to be a nonquota immigrant and shall be admitted to the United States for permanent residence if he is otherwise admissible under the provisions of that Act.

With the following committee amendment:

On page 1, line 5, strike out the words "shall be" and insert in lieu thereof the following: "may be issued a visa and".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEGAL GUARDIAN OF EDWARD PETER CALLAS, A MINOR

The Clerk called the bill (H.R. 1519) for the relief of the legal guardian of Edgar Peter Callas, a minor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $50,000 to the legal guardian of Edward Peter Callas, a minor, of Brooklyn, New York, in full settlement of all claims against the United States. Such sum represents compensation for the personal injury, and all expenses incident thereto, sustained as a result of an accident involving the explosion of a round of ordnance on the beach at Kwajalein, Marshall Islands, on February 20, 1955, such explosives being left on the beach by the United States Armed Forces: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike "$50,000" and insert "$20,000".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OUR LADY OF THE LAKE CHURCH

The Clerk called the bill (H.R. 5150) for the relief of Our Lady of the Lake Church.

Mr. AVERY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

MRS. CLARA YOUNG

The Clerk called the bill (H.R. 6400) for the relief of Mrs. Clara Young.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Clara Young, Bronx, New York, the sum of $500. The payment of such sum shall be in full settlement of all claims of the said Mrs. Clara Young against the United States for refund of the amount of a departure bond deposited by her on behalf of the alien Hermina Vidor. Such bond was declared breached, and the amount thereof forfeited, because of the failure of such alien to depart from the United States on the date prescribed for her departure: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RICHARD SCHOENFELDER AND LIDWINA S. WAGNER

The Clerk called the bill (H.R. 8457) for the relief of Richard Schoenfelder and Lidwina S. Wagner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the limitations contained in section 33 of the Trading With the Enemy Act, as amended (50 App. U.S.C. 33), with respect to the filing of claims and the institution of suits for the return of property or any interest therein pursuant to section 9 or 32 of such Act (50 App. U.S.C. 9 or 32), Richard Schoenfelder, a United States citizen, and Lidwina S. Wagner, a British national, both residing in Chile, may, within six months after the enactment of this Act, file a claim for the return of certain property, namely, their interests under the trust established by an agreement between Mathilde Bauer, late of the United States, and Fidelity Union Trust Company, Newark, New Jersey, trustee, under date of March 8, 1933, and supplemental amendatory agreements, the title to their interests having been acquired by the United States under the Trading With the Enemy Act by vesting order Numbered 12870 of the Office of Alien Property; and that claim shall be considered on its merits in accordance with the remaining provisions of that Act. If no such return is made within a period of sixty days after the filing of such claim, the said Richard Schoenfelder and Lidwina S. Wagner shall be entitled, within one year of the expiration of such period, to institute suit pursuant to section 9 of such Act (50 App. U.S.C. 9) for the return of such property.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MOCK FOOK LEONG

The Clerk called the bill (H.R. 9043) for the relief of Mock Fook Leong.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

MRS. ICILE HELEN HINMAN

The Clerk called the bill (H.R. 9751) for the relief of Mrs. Icile Helen Hinman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Icile Helen Hinman, Arlington, Virginia, widow of Lloyd J. Hinman, shall be held and considered to be the widow of the said Lloyd J. Hinman within the meaning of sec-

tion 4(b) of the Civil Services Retirement Act of May 29, 1930, from and after the time of his retirement under such Act.

With the following committee amendments:

Page 1 line 3, following "That" insert: "notwithstanding the restriction on the use of the retirement fund imposed by the paragraph headed "Civil Service Retirement and Disability Fund" in section 101 of title I of the Act of August 28, 1958 (72 Stat. 1064),".

Page 1, line 6, strike "Services" and insert "Service".

Page 1, line 7, following "1930," insert "as amended,".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SECOND LIEUTENANT JAMES F. RICHIE

The Clerk called the bill (H.R. 10564) for the relief of 2d Lt. James F. Richie.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Second Lieutenant James F. Richie, O5405212, United States Army, the sum of $932.75, in full settlement of all claims against the United States for the loss sustained by the said Second Lieutenant James F. Richie as the result of damage to and destruction of his personal property in the warehouse of Greyvan Lines, Incorporated, Fayetteville, North Carolina, by a fire which occurred on August 23, 1959: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRAND LODGE OF NORTH DAKOTA, MASONS

The Clerk called the bill (H.R. 8417) for the relief of Grand Lodge of North Dakota, Ancient Free and Accepted Masons.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Grand Lodge of North Dakota, Ancient Free and Accepted Masons, the sum of $1,155.26. The payment of such sum shall be in full settlement of all claims of such lodge against the United States for refund of customs duties which were assessed on Masonic jewels, consisting of insignia or emblems composed of metal and other material, imported from Canada and paid by such Grand Lodge of North Dakota, Ancient Free and Accepted Masons, on June 10 and 12, 1959. Such Masonic jewels, consisting of insignia or emblems composed of metal and other material, were denied free entry in spite of the fact that they were of the type granted duty-free status by paragraph 1773 of the Tariff Act of 1930: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violatthe provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, lines 7 and 8: Strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEIRS OF FRANK L. WILHELM

The Clerk called the bill (H.R. 3122) directing the Secretary of the Interior to issue a homestead patent to the heirs of Frank L. Wilhelm.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to issue a patent conveying to the heirs of Frank L. Wilhelm, deceased, a fee simple title for the land and minerals included in homestead entry Cheyenne 043849, comprising lots 3, 4, section 7; lot 1, northeast quarter northwest quarter section 18; township 57 north, range 97 west, sixth principal meridian, Wyoming, on the basis of rights earned by compliance with the homestead laws effective January 17, 1929.

SEC. 2. Upon issuance of a patent pursuant to section 1 of this Act, the owners of such patent shall be substituted for the United States as lessor under oil and gas lease Cheyenne 067759 issued as of January 1, 1946, to Dorothy Atwood Fox, insofar as said lease covers land included in said patent, effective as of the date of approval of this Act.

SEC. 3. Nothing contained in section 1 or 2 of this Act shall prejudice determination by the Court of Claims, in accordance with the law in effect prior to enactment of this Act, of any claim of right by the heirs of Frank L. Wilhelm to have paid to them moneys which have heretofore accrued or been paid to the United States under oil and gas lease Cheyenne 067759, and said court is hereby authorized, notwithstanding lapse of time, to hear, determine, and render judgment in any such suit that may be brought within one year from the date of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN E. AND MRS. CAROLINE ALMEIDA

The Clerk called the bill (H.R. 4428) for the relief of Staff Sergeant John E. and Mrs. Caroline Almeida.

Mr. VAN PELT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PATRICIA CROUSE BREDEE

Mr. WALTER. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Calendar No. 377, the bill (S. 231) for the relief of Patricia Crouse Bredee.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the immigration and nationality laws, Patricia Crouse Bredee shall be held and considered to have resided in and to have been physically present in the United States for a period of five years after she had attained the age of sixteen years.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ANGELA D'AGATA NICOLOSI

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Calendar No. 424, the bill (H.R. 1543) for the relief of Angela D'Agata Nicolosi.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Angela D'Agata Nicolosi, who lost United States citizenship under the provisions of section 401(e) of the Nationality Act of 1940, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Angela D'Agata Nicolosi shall have the same citizenship status as that which existed immediately prior to its loss.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1960

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the managers on the

part of the House have until midnight tonight to file a conference report on H.R. 10743, the second supplemental appropriation bill, 1960.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

U.S. MERCHANT VESSEL AND WATERFRONT SECURITY ACT OF 1960

Mr. WALTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, I have just introduced a bill providing that no individual who willfully fails or refuses to answer or falsely answers certain questions relating to Communist activities, when summoned to appear before certain Federal agencies, shall be employed on any merchant vessel of the United States or within certain waterfront facilities in the United States.

Mr. Speaker, in Parker against Lester, decided October 26, 1955, and in Graham against Richmond, decided November 5, 1959, the Ninth Circuit Court of Appeals and the Court of Appeals for the District of Columbia, respectively, following a series of decisions by the Supreme Court, for all practical purposes ruled invalid the entire security screening procedures administered by the U.S. Coast Guard. Prior to these decisions, under the merchant marine screening program which had been authorized by law in 1950, the U.S. Coast Guard had screened off over 1,800 seamen from merchant vessels. Since these Court decisions, over 300 of the seamen who had been screened off have procured seamen's documents. Just a day or so ago I noticed in the press an account to the effect that all of the seamen who have been screened off merchant vessels will now become eligible for seamen's papers. In other words, our entire seamen security program has been destroyed.

The bill which I have just introduced is a companion to the Federal Employee Communist Activities Testimony Act of 1960 which I have likewise introduced today. It follows the same general pattern and is based on similar legal principles.

I expect to press for early consideration and enactment of both of these measures.

The text of the bill follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States Merchant Vessel and Waterfront Security Act of 1960."

SEC. 2. The Subversive Activities Control Act of 1950 (64 Stat. 989) is amended by inserting, immediately preceding section 4 thereof, the following new section:

"EMPLOYMENT OF CERTAIN INDIVIDUALS AT WATERFRONT FACILITIES AND ABOARD MERCHANT VESSELS OF UNITED STATES

"SEC. 3B. (a) No individual who willfully fails or refuses to appear before any Federal agency, when subpenaed or ordered to appear, or to answer under oath before such Federal agency any question concerning—

"(1) the membership of such individual, or any other individual, in the Communist Party,

"(2) the activities of such individual, or any other individual, as a member of the Communist Party, or

"(3) the participation of such individual, or any other individual, in activities conducted by or under the direction of the Communist Party or any member thereof,

shall be employed in any capacity aboard any merchant vessel of the United States or within any waterfront facility in the United States. The prohibition against employment contained in the first sentence of this subsection shall also apply with respect to any individual who commits perjury in answering any question referred to in such first sentence.

"(b) The President of the United States shall institute such measures and issue such rules and regulations as he may deem necessary to carry out the provisions of this section and, for such purpose, he may utilize such departments, agencies, officers, and instrumentalities of the United States as he may deem appropriate.

"(c) As used in this section—

"(1) the term 'waterfront facility' means all piers, wharves, docks, and similar structures to which vessels may be secured, buildings on such structures or contiguous to such structures, and equipment and materials on such structures or in such buildings;

"(2) the term "United States,' when used in a territorial sense, includes all places and waters, continental or insular, subject to the jurisdiction of the United States;

"(3) the term 'Communist Party' means the Communist Party of the United States, or any successors of such party regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any State, District, Commonwealth, or possession thereof, or the government of any political subdivision therein by force and violence, and includes subsidiary organizations of such party; and

"(4) the term 'Federal agency' means any department, independent establishment, or other agency or instrumentality of the executive branch of the Government of the United States, and any congressional committee or subcommittee."

STABILIZING COTTON PRICE SUPPORT FOR THE 1961 CROP

Mr. SMITH of Mississippi. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. JONES] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. JONES of Alabama. Mr. Speaker, today I have introduced in the House a bill to stabilize cotton price support for the 1961 crop.

Two years ago, we were faced with the possibility that Secretary Benson would lower the national cotton allotment from over 17 million acres in 1958 to about 14 million acres for 1959. To avoid this situation, the Congress passed the Agricultural Act of 1958, fixing the minimum level of the national cotton allotted acreage for any year at 16.3 million acres. In the same act were price support provisions considered necessary to satisfy the many cotton industry groups and producing areas. The time is now approaching when some of these provisions will take effect with respect to the 1961 crop. As I understand them, it is clear that these provisions of the 1958 act authorize reductions in the price of cotton far beyond that which farmers can reasonably be expected to absorb. Furthermore, the allotment acreage for 1961 may well be reduced more than a million acres from 1960. If so, this would be the lowest cotton allotment in the 27-year history of the crop control programs.

Price support has been reduced from 90 percent of parity in 1955 to 75 percent of parity for 1960 crop choice A cotton. Present law would let the Secretary next year set price support for 1961 cotton at as little as 70 percent of parity and would require him to shift the price support base from middling seven-eighths-inch cotton to average of the crop cotton. Dropping the support price to 70 percent would mean a reduction of $9 or $10 a bale for cotton, and changing the middling base would mean a further reduction to farmers of $4 or $5 a bale. And this is not all; in 1962 the Secretary could lower support to 65 percent of parity.

Per acre yields of cotton have moved up sharply in recent years and we are now producing a bale an acre on land formerly yielding 20 pounds or less. But the cost of producing a crop has even run ahead of this progress in production methods, and the cost spiral continues upward. We cannot permit the provisions of current law to take effect under conditions farmers are now facing. Our cotton farmers cannot spend more to make a crop in 1961 than in 1960 and take $12 to $15 less a bale for it. Not only they, but the entire economy of the cotton area and of the Nation will suffer from such an unrealistic program for this great agricultural commodity.

This bill, I have introduced today, is in the nature of emergency legislation. It will provide a floor of 75 percent of parity for the 1961 crop and will postpone until 1962 the change in the price support base. Passage of this bill will protect our cotton farmers from ruinous prices for the 1961 crop and permit needed program changes to be made after thorough study during the next session.

I invite the careful study and support of this bill by my colleagues. Surely, we need this much protective legislation for our next year's cotton crop, and I fervently hope that we can enact this bill into law before adjournment.

BIOLOGICAL AND CHEMICAL WEAPONS

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I rise today to report to the Congress a disturbing chronology of events. Last

September 3, I introduced in the House a resolution, House Concurrent Resolution 433, which would reaffirm American policy never to use biological and chemical weapons unless they are first used against us.

That resolution was referred to the House Foreign Affairs Committee. On September 7 the committee requested the opinion of the State Department on the resolution. On September 15 the State Department acknowledged the receipt of the request. From that day to this, the committee has not heard further from the State Department concerning my resolution against first use of chemical and biological weapons.

Perhaps this delay of 7 months might not be considered terribly unusual, but there is one special factor in this case: On January 13 the President himself stated that his own instinct would be against starting such a thing as biological or chemical attack first. The precise wording of the press-conference question and answer follow:

PRESIDENTIAL PRESS CONFERENCE, JANUARY 13, 1960

Ronald W. May, Capital Times, Madison, Wis.: "Mr. President, Representative KASTENMEIER, of Wisconsin, has suggested that there might be a change in our traditional policy of not using chemical, germ, or poison gas warfare first. He said that Army people have tried to—indicated that they believe that maybe we should change our policy and use these first either in a large or even in a small war. Is this true?"

Answer: "I will say this: No such official suggestion has been made to me and so far as my own instinct is concerned is to not start such a thing as that first."

It might be presumed that once the President had spoken, the State Department could arrive rather quickly at a formal opinion on the no-first-use resolution. Yet no such opinion has been received. Naturally, questions immediately arise as to the reasons for this failure to report.

Is it possible that there are differences between the State Department and other departments on whether the United States should use gas and germ weapons before an enemy uses them? Are there perhaps even disagreements within particular departments on this issue? I do not know. I do not know what effect such differences of opinion would have or ought properly to have, once the President has expressed his opinion.

But I do know that this enormous delay in presenting a report to the Foreign Affairs Committee of this House is delaying the consideration by the committee and by Congress of this crucial moral and philosophical question, involving the world image of the United States. The weapons that are involved are more and more being discussed as the next dread possibilities in the worldwide arsenals of mass annihilation. Therefore, Mr. Speaker, it behooves the Congress and the American people to begin serious discussions of how to deal with this deadly possibility, and the executive departments should be willing to aid such discussions by providing prompt reports. I call upon the President to direct that a report now be filed, in order to give effect to his January 13 statement.

FOREIGN IMPORT DUTY ON TOBACCO

Mr. BONNER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BONNER. Mr. Speaker, my statement is in behalf of the tobacco grower and exporter.

The Journal of Commerce of April 4 contained the encouraging news that there is hope for a cut in the 30-percent ad valorem tariff imposed on American tobacco by the European Common Market.

This is encouraging because it will assure a continuing market for one of our major agricultural products upon which the economy of a considerable part of the country depends. As time goes on we are faced with increasing dangers of restriction of our markets through development of other agricultural areas and tariff and other restrictions placed upon our agricultural products for selfish reasons by various nations of the world.

Local pressures in the Philippines and elsewhere in the world have drastically reduced our exports to the lasting detriment of our agriculture. There is every reason to believe that the State Department has been less than vigilant in safeguarding our interest in this area. A classic example is the fact that Philippine sugar is admitted to the United States under preferential tariff, while our tobacco faces increasingly stringent restrictions over the past years in that area. It is hoped that the State Department will exhibit a keener consciousness of the problems of American agriculture in its dealings with foreign governments. Its opportunity to protect the interest of the United States in this field will come in the course of tariff negotiations with the Common Market. It is devoutly to be hoped that we will not come out second best, as has happened all too frequently in the past.

Another aspect of this problem that severely affects the interests of our tobacco producers is freight rates. Over the years the United States has expended vast sums for the maintenance and development of an American merchant marine, not only for our defense, but also in the interests of our commerce.

In recent months we have had the sad spectacle of the very companies that have been thus aided manipulating freight rates on tobacco to the detriment of our producers. Within recent months within one conference the rate has fluctuated over 50 percent, as a result of which our customers have been upset and have been faced with the possibility of severe financial losses. This, I submit, is no way to build up the sale of our agricultural products, which is so necessary to the welfare of our country.

It is to be hoped that the steamship carriers will recognize their obligation to the United States by doing their part to encourage the export of agricultural products. This does not necessarily mean reduction of freight rates, but it definitely means stability. Production and disposal of agricultural commodities is fraught with enough difficulties without the addition of the necessity of gambling on freight rates.

The situation in which the tobacco exporters have found themselves affects me very greatly, and I feel a serious concern for that great industry. Coming, as I do, from a predominantly agricultural area, where the growing and processing of tobacco is the backbone of our economic well-being, I wanted to call to the attention of this body the facts which I have set before you today, in the hope that serious consideration and deliberation will be given to an effort to try to alleviate these conditions.

DEFENSE OF AMERICA

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, STUART SYMINGTON, one of the announced candidates for the Democratic nomination for President has made a recent explanation that he resigned as Secretary of the Air Force in 1950 just before the Korean war broke out in protest over President Truman and Secretary of Defense Louis Johnson programing a 48-group Air Force instead of the 70-group Air Force the 80th Congress provided the financing for.

I am placing in the RECORD an article from the New York Times of April 25, 1950, which reports this retirement and a simultaneous promotion of Mr. SYMINGTON to Chairman of the National Securities Resources Board, the czar of mobilization as some of the press referred to this new job at the time.

The New York Times quotes Mr. SYMINGTON as follows:

Although convinced that a 70-group Air Force was necessary, Mr. SYMINGTON added, he was convinced of the importance of economy "since the Nation can be defeated by economic disaster as well as military disaster," and therefore he supported President Truman's 48-group program "without any reservation whatever."

Perhaps Congressman MOULDER who announced the candidacy of Mr. SYMINGTON for President on the floor of the House the week before last would enlighten us on this matter. As it stands, Mr. SYMINGTON'S resignation in protest is like something out of "Alice Through the Looking Glass."

The article follows:

SYMINGTON, ON RETIRING, FINDS AIR FORCE FIGHTING VALUE CUT

(By Charles E. Egan)

WASHINGTON, April 24.—A flight of 48 jet fighters, the largest formation of such planes ever to fly over Washington, paid an aerial salute today to W. STUART SYMINGTON, retiring Secretary of the Air Force. The display was part of the formal ceremonies with which the Air Force said goodby to the first man to head the unit under President Truman's armed services unification program.

Before he stepped from the Pentagon building to be greeted by a 19-gun salute, a

guard of honor, the Air Force band and the aerial salute, Secretary SYMINGTON had taken part in the swearing-in ceremonies of his successor, Thomas K. Finletter. He had also presided at a farewell news conference where he again voiced his belief that the Nation required a 70-group Air Force as a minimum insurance for its security.

Mr. SYMINGTON leaves the Air Force post he has held since September 1947, to become chairman of the National Security Resources Board. He assumes his new responsibilities on Wednesday.

At his news conference, Mr. SYMINGTON said the combat effectiveness of the Air Force had declined in the last 6 months because of a reduction in numbers but its efficiency had increased.

"There is a tendency to mix up those two words—effectiveness and efficiency—and some misunderstanding has resulted," he added.

Although convinced that a 70-group Air Force was necessary, Mr. SYMINGTON added, he was convinced of the importance of economy "since the Nation can be defeated by economic disaster as well as military disaster," and therefore he supported President Truman's 48-group program "without any reservations whatever."

He added, however, that he did not see how a balanced budget could be achieved with world conditions in the state they were now. Until differences between Russia and the United States were ironed out, he added, expenditures for arms and for other security purposes must continue on a heavy scale.

Allocation of manpower in the event of emergency, the retiring Secretary said, was probably the No. 1 problem now faced by the National Security Resources Board. He added he understood that that subject was now being taken up by the Board and would be pressed to an early conclusion.

He said also that civil defense planning would be pressing, but added that standby mobilization legislation was in good shape and might be submitted to Congress soon.

TWO HUNDRED SEE FINLETTER TAKE OATH

More than 200 well-wishers, ranging from Secretary of State Dean Acheson, Secretary of Defense Louis Johnson, who administered the oath, and high-ranking officials of the Armed Forces, Joint Chiefs of Staff and others were on hand to see Mr. Finletter take the oath as Mr. SYMINGTON's successor. Air Force generals and personnel expressed satisfaction over the fact that such a strong supporter of a 70-group Air Force as Mr. Finletter had been chosen for the post vacated by Mr. SYMINGTON.

Mr. Finletter, a New York lawyer, headed the President's Air Policy Commission in 1947–48, and it was that Commission that fixed upon the 70-group goal as the ultimate minimum requirement for U.S. domination of the air. At the time his nomination to be Secretary of the Air Force was announced, Washington reports had it that Mr. Finletter had come to an agreement with the President to support the 48-group program, but the Air Force feels it has a strong advocate for increased strength in the person of the new Secretary.

Secretary Johnson praised Mr. Finletter for his many services to the Nation, before administering the oath of office. Later, Secretary Johnson, the new Air Force Secretary, and Mr. SYMINGTON held a reception in Mr. Johnson's office for Air Force officials and the many civilian visitors who had come to witness the swearing-in of Mr. Finletter.

The day of ceremonies at the Pentagon was marked also by the retirement of Arthur S. Barrows, Under Secretary of the Air Force. Mr. Barrows received the Air Force Exceptional Service Award from Mr. SYMINGTON in the morning, and the well-wishes of Secretary Johnson and other officials when he made his formal departure from his office this afternoon.

No successor has been named for Mr. Barrows' post yet by President Truman.

DOMESTIC TRUNK AIRLINES

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. MACK] is recognized for 15 minutes.

Mr. MACK. Mr. Speaker, in May of 1958, I introduced a bill to prohibit payment of subsidy to domestic trunk airlines. Due to the pressure of other activities, and because there appeared to be hope that no trunklines would apply for subsidy, I did not reintroduce the bill in 1959. But I feel that its reintroduction is necessary at this time.

At the time of introducing the earlier bill, I pointed out that Congress, when it included the subsidy provision in the Civil Aeronautics Act of 1938, intended to help the domestic trunklines obtain a firm start, but did not intend that the taxpayers of the United States serve as a continuous financial crutch to the airlines. We all know that most of the carriers have prospered richly. The Federal Government has spent nearly $200 million in subsidizing the trunklines since 1938. There are very few industries which have received such lavish assistance, and certainly after 22 years a continuation of subsidy can no longer be justified on the theory of helping these companies to get started. They are no longer infants, nor are they even small. They are large, mature corporations with very large revenues. They were expected to stand on their own feet long before this, they should do so, and the legislation which I am reintroducing is intended to insure that they shall.

In 1958, I also summarized some of the principal arguments for this legislation. I pointed out that very few other regulated industries are eligible for such subsidies. Obvious examples are the railroads and the power and light companies.

I said the legislation would mean that route awards would henceforth have to be based on more careful analysis of economic factors, and that this would reduce regional and local pressures for service which could not be justified by any true test of public necessity.

And finally, I said that it would save the taxpayer from the needless burden of subsidizing competition, which can result only from more carriers on a route than the traffic requires.

Nonetheless the question of subsidy for trunklines has arisen again, and calls for hardheaded facing of the facts of airline economics. The facts are that you cannot avoid risking a return to subsidy until you have a sound route structure, but you will not achieve such a route structure so long as subsidy is available because subsidy eliminates any economic penalty for operation of unnecessary routes. For the carrier, it is simply a case of applying for a route, knowing that if it is a moneymaker the carrier is well off and that, if it is not, the Government will bail the carrier out. The only sure loser is the U.S. taxpayer.

Is there anything in the past record which can possibly justify continuation of trunkline subsidy?

The Civil Aeronautics Act of 1938 was passed at the constant urging and behest of the carriers themselves. They were the ones that thought of it and lobbied for it from 1936 to 1938. In so doing, their trade association told the Congress that it expected little or no payments to be made under the subsidy provision of the act.

What happened? The very first year after enactment of the law the trunklines received in the neighborhood of $10 million in subsidy, and higher amounts immediately thereafter. Thus the carriers immediately began getting from the taxpayer a great deal more than they had told the Congress was to be expected.

As to the subsequent history, the trunklines have received nearly $200 million in subsidies. The high water mark for any one year was about $27 million just after World War II. By contrast, the subsidies for the local service carriers, which, of course, operate on an infinitely smaller scale, are already running at a level of $60 million per year. The difference in the size of the operation appears from the fact that I believe no local service carrier has operating revenues above about $10 million or $11 million per year, whereas the smallest of the trunklines has revenues some four times larger than that. Revenues of the larger trunks run to several hundred million dollars per year. If the local carriers, on their small scale of operations, require subsidies of $60 million, and the trunklines required over $25 million nearly 15 years ago when they were much smaller than they are today, it is perfectly obvious that the magnitude of trunkline operations today is such that a general return to subsidy could easily exceed $100 million per year for the trunklines alone.

This may sound unthinkable, but it was only about 4 years ago that the Board was pointing with pride to the fact that local carrier subsidies were then only $25 million.

Thus I submit that the past record and every logical evaluation of future possibilities tells us that we absolutely have to call a halt to trunkline subsidies.

Now then, what causes subsidy? It is either a route structure that makes no economic sense, or it is bad management. You cannot attribute it to accidents or weather or other transitory features. Weather affects everybody and it does not last very long. And, despite accidents, the industry's business has been growing by leaps and bounds year after year. Every knowledgeable person knows that the affect of accidents on traffic is a matter of a few days or weeks at most. Furthermore, you cannot use such transitory factors to explain losses in 4 successive years when other carriers were showing profits.

It is obvious, of course, that subsidy cannot be paid to bail out bad management. The law says that now. But neither can we go on using it to bail out the results of bad route grants made pursu-

ant to now discredited theories of strengthening a carrier.

Mr. Speaker, I hope that we will be able to give attention to this legislation. In the meantime, I hope it will be the sense of this House that there absolutely must be not one more penny of trunkline subsidy. I hope that the Civil Aeronautics Board will make this clear. I hope that it will acknowledge that the Department of Commerce has practically said as much in its recent recommendation against any subsidy once a carrier has been off subsidy for 5 years. I hope that the Board will face up to such mergers and route adjustments as may be necessary in order to carry out this policy. I believe the Congress is tired of excuses for costly and unnecessary operations, and determined to see that the hard but realistic decisions are made. This is not a case of taking advantage of companies which have come upon difficult times. It is quite the reverse, for it is the companies which would continue to take advantage of the U.S. taxpayer, irrespective of the true transportation requirements of the Nation. This we should not permit, for we do not need subsidy to operate the best competitive trunkline system in the world.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. LINDSAY.

Mr. ALGER.

(At the request of Mr. ALBERT, and to include extraneous matter, the following:)

Mr. INOUYE.

Mr. PATMAN.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on April 4, 1960, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 4874. An act to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty;

H.R. 6329. An act to convey certain land in McKinley County, N. Mex., to the Navajo Tribe of Indians;

H.R. 8251. An act for the relief of Tatsumi Ajisaka and others;

H.R. 8343. An act relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain;

H.R. 9444. An act for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li);

H.R. 10233. An act making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes; and

H.J. Res. 283. Resolution to authorize participation by the United States in parliamentary conferences with Mexico.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 19 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 6, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2028. A letter from the Deputy Secretary of Defense, transmitting the semiannual report of the Department of Defense for the period July 1 through December 31, 1959, relating to the payment of claims arising from the correction of military or naval records, pursuant to Public Law 220, 82d Congress; to the Committee on Armed Services.

2029. A letter from the clerk, U.S. Court of Claims, relative to the claim of *Bernard J. Hoffman, doing business under the trade name of Pyro Guard Service Company* v. *The United States* (Congressional No. 9–58), pursuant to sections 1491 and 1492, title 28, United States Code, and H.R. 6390, 85th Congress; to the Committee on the Judiciary.

2030. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation for certain persons, pursuant to section 244(a)(5) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1254(a)(5)); to the Committee on the Judiciary.

2031. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order granting the application for permanent residence filed by Chong Yue Wah also known as Chong Wak Yue, A10491451, pursuant to section 6 of the Refugee Relief Act of 1953; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee of conference. H.R. 10743. A bill making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes (Rept. No. 1452). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDONIZIO:

H.R. 11563. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. BURDICK:

H.R. 11564. A bill to promote the utilization of Indian-owned resources by Indians of the three affiliated tribes of the Fort Berthold Reservation; to the Committee on Interior and Insular Affairs.

By Mr. CEDERBERG:

H.R. 11565. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CELLER:

H.R. 11566. A bill to amend section 457 of title 28 of the United States Code to protect the right of the public to information; to the Committee on the Judiciary.

H.R. 11567. A bill to clarify the status of circuit and district judges retired from regular active service; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 11568. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. FRELINGHUYSEN:

H.R. 11569. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 11570. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 11571. A bill to supplement and revise the criminal laws prescribing restrictions against conflicts of interest applicable to employees of the executive branch of the Government of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HEMPHILL:

H.R. 11572. A bill to amend section 17 of the War Claims Act of 1948; to the Committee on Interstate and Foreign Commerce.

By Mr. IKARD:

H.R. 11573. A bill to provide for the duty-free importation of scientific equipment for educational or research purposes; to the Committee on Ways and Means.

By Mr. JONES of Alabama:

H.R. 11574. A bill to stabilize cotton price support for the 1961 crop; to the Committee on Agriculture.

H.R. 11575. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. KILDAY:

H.R. 11576. A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; to the Committee on Armed Services.

By Mr. MACHROWICZ:

H.R. 11577. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PUCINSKI:

H.R. 11578. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. SMITH of Mississippi:

H.R. 11579. A bill to amend the Federal Property and Administrative Service Act of 1949 so as to permit donations of surplus property to certain educational institutions; to the Committee on Government Operations.

By Mr. WALTER:

H.R. 11580. A bill to amend the Subversive Activities Control Act of 1950 so as to provide that no individual who willfully fails or refuses to answer, or falsely answers, certain questions relating to Communist activities, when summoned to appear before

certain Federal agencies, shall be employed on any merchant vessel of the United States or within certain waterfront facilities in the United States; to the Committee on Un-American Activities.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to retain and expand the 6-percent differential allowed for bids of west coast shipyards for the construction of ships by supporting H.R. 9899; to the Committee on Merchant Marine and Fisheries.

Also, memorial of the Legislature of the State of New York, memorializing the President and the Congress of the United States to initiate a program for radioactive fallout protection for all citizens of the United States; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AVERY:

H.R. 11581. A bill for the relief of Mah Ngim Hay (Joe Mah); to the Committee on the Judiciary.

H.R. 11582. A bill for the relief of Mah Ngim Bell (Bill Mah); to the Committee on the Judiciary.

By Mr. GARMATZ:

H.R. 11583. A bill for the relief of Mrs. Seto Yiu Kwei; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

406. By Mr. STRATTON: Resolution of the Town Board of the Town of Rotterdam, Schenectady County, N.Y., urging the passage and enactment of Senate bill 105, the Veterans' Children Scholarship Act; to the Committee on Interstate and Foreign Commerce.

407. Also, resolution of the Schenectady County Board of Supervisors, urging the passage and enactment of Senate bill 105, the Veterans' Children Scholarship Act; to the Committee on Interstate and Foreign Commerce.

408. Also, resolution of the Schenectady City Council urging the passage of Senate bill 105, the Veterans' Children Scholarship Act; to the Committee on Interstate and Foreign Commerce.

409. Also, resolution of the Board of Education of the City School District of the City of Schenectady, N.Y., urging the enactment into law of Senate bill 105 for the granting of scholarships to children of veterans under certain circumstances; to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

Pacific Northwest-Hawaii Renewal Case

EXTENSION OF REMARKS
OF
HON. DANIEL K. INOUYE
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 5, 1960

Mr. INOUYE. Mr. Speaker, it was my pleasure recently to associate myself with the Governor of Hawaii and the two Senators of the 50th State in protesting the report of a Civil Aeronautics Board examiner which would have drastically curtailed air service between the mainland and Honolulu.

A grateful Hawaii now commends the CAB for its infinite wisdom in voting, unanimously, to continue to have the excellent services of both Pan American World Airways and Northwest Orient Airlines on the route from Seattle and Portland to Honolulu.

Rather than comment on the obvious inequities of the examiner's report I prefer to express myself on the final findings of the CAB. Certainly nothing has excited the imaginative traveler as much as the new accessibility to Hawaii and the Pacific generally. Air service to Samoa, to Tahiti, to the Fiji Islands, and on to the great and beautiful countries of Australia and New Zealand has whetted the appetites of mainland travelers. Fortunately for us in Hawaii, virtually all of these people will be processed through Hawaii. Once there, we believe they will either remain or will immediately make plans to return.

Now that both Pan Am and Northwest will be operating on permanent certificates the travel potentials between Honolulu and the mainland are limitless. Now, from Los Angeles, San Francisco, Portland, and Seattle there exists the best possible air schedules. I am told that there are on drawing boards supersonic aircraft which will be able to operate from the east coast of the United States to Hawaii in 3 hours.

Mr. Speaker, there is often a tendency to criticize the CAB—and other quasi-judicial bodies, I might add—for ultimate decisions which are unpleasant to at least a few of the interested parties. In the current instance, however, there seems to be unanimous feeling that the Board acted with economic and judicial forthrightness.

As far as Hawaii is concerned, Mr. Speaker, we are delighted to learn that the great Pacific Northwest will be only as far from Hawaii as the Pan Am jets of the present and the Northwest jets of the future make us.

Tribute to the National Herald, a Greek-American Newspaper

EXTENSION OF REMARKS
OF
HON. JOHN V. LINDSAY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 5, 1960

Mr. LINDSAY. Mr. Speaker, in the helter-skelter of our daily living we more often than not overlook those who silently help foster unity and understanding among our populace.

One of our "silent" partners in this great endeavor is the National Herald, a Greek-American newspaper in my district, which is celebrating this year its 45th anniversary of publication.

A fitting tribute to the National Herald's management and staff for splendid public service is the message by the President of the United States which I include in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., March 30, 1960.

Mr. B. J. MARKETOS,
Publisher, the National Herald,
New York, N.Y.:

Through Congressman JOHN V. LINDSAY, I have learned of the 45th anniversary of the National Herald, and it is a pleasure to join in the observance of this event.

Over the years, the National Herald has contributed much to the life of our Greek-American community. In the tradition of democracy, printing the truth with freedom and responsibility, this newspaper has performed a splendid service for its readers.

Congratulations and best wishes.

DWIGHT D. EISENHOWER.

The Case of the Disappearing Money, or Why Financial Writers Rise With the Government Bond Market or Vice Versa

EXTENSION OF REMARKS
OF
HON. WRIGHT PATMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 5, 1960

Mr. PATMAN. Mr. Speaker, during recent weeks the Government bond market has been rising rather nicely. Interest rates have not been brought down to any major extent, but they have been eased somewhat.

Only a month ago the administration and the Federal Reserve were still waging an allout campaign to have Congress remove the traditional 4¼ percent interest rate ceiling on Government bonds. At that time both the Treasury and the Federal Reserve were taking the position that if the Treasury attempted to sell any new bonds, it would push the yields on bonds already outstanding above 4¼ percent, and the bonds could not be sold.

The Treasury has, as we know, had a change of heart and is now offering up to $1.5 billion of a new 4¼ percent bond to mature in 25 years. This offer has not driven bond prices down as we were told that it would. On the contrary, the outstanding bonds most nearly comparable to the new issue rose by eight thirty-seconds of a dollar yesterday. This is the Treasury 3¼s of 1985, which, according to the Wall Street Journal this morning, were being bid yesterday at $86^{24}/_{32}$, which would yield the buyer 4.11 percent. In

other words, market yields on the 25-year bond yesterday were considerably lower than the 4.25 percent at which the new bond is being offered.

Why are Government bond prices now rising? The explanation we hear on all sides is that it is because the stock market is declining, and investors are putting their money into bonds rather than into stocks.

For example, a feature story carried by the Wall Street Journal yesterday puts it this way:

> The bond market has been winning investors away from the stock market. Stock prices surged to record highs at the end of 1959, buoyed by widespread forecasts of sharp gains in corporate sales and earnings in 1960. Since then, however, doubts have grown that this will quite measure up to the forecasts. In this atmosphere of uncertainty, many investors have been marking time by putting funds into bonds and other fixed income securities, rather than stocks.
>
> The enthusiasm for stocks in 1959 pushed prices so high that dividend yields in many cases sank below the yields available on bonds of comparable quality—in some cases to 1 percent or below.

And so on. This happy little explanation is what I call the "Case of Disappearing Money." It is based on a premise that money invested in stock somehow disappears. Normally we might think that when Mary Smith buys stocks from John Brown, John Brown will then have the money to invest in bonds or to put in the bank, in which case it will either be invested in bonds or free some third party's money for investment in bonds. But the financial writers obviously have a different theory, their theory being that when people are putting more money into the stock market, and thus driving stock prices up, that money somehow evaporates.

My point is the public is treated to all kinds of nonsensical explanations about money and financial markets. It seems to matter not to the explainers that their explanations today contradict the explanation of yesterday.

The "Case of the Disappearing Money" is exactly comparable with Chairman Martin's recent boast which suggests that the high interest rates of last year brought about and stimulated a record increase in savings. This suggestion, which is now being reported as fact by some of the financial writers, rests merely on the fact that combined purchases last year of interest-bearing and dividend paper by individuals and nonbanking companies reached an alltime high.

Chairman Martin's original statement on this matter—the one which made the headlines—was given before the Joint Economic Committee early in February. The extraordinary bit of news which he gave at that time was stated as follows:

> The activity last year of the nonbank public—meaning for the most part consumers and business concerns—in supplying borrowers with funds through the process of investment was truly extraordinary, and it did not stop with the purchase of Government securities sold by the banking system. The upswing in this activity shows up strikingly in the flow-of-funds data that I mentioned earlier. There, it appears that consumer and business investors increased the net amount of their purchases made directly in securities markets from about $4 billion in 1958 to almost $20 billion in 1959—a jump of 400 percent in a single year.
>
> The efficient and economically healthy flow of funds from savers to borrowers, directly and through intermediaries, did not come about without a price. The price was, of course, a rise in interest rates. These rates, representing a penalty to those who use someone else's money and a reward to those who save and risk their funds in loans and investments, rose in some instances to the highest levels in three decades. What happened is readily apparent: the pressure of demand for funds arising from a combination of forces converged to bring about a competition to borrow that drove interest rates upward; the rise in interest rates, in turn, operated to induce the savings and investment necessary to supply borrowing demands.

This statement comes very close to saying categorically that the high interest rates of last year were caused by an unusually high demand for credit, and, further, that the high interest rates of last year brought about an unusually large volume of savings. We need not debate the question whether the statement actually says these things or only suggests them. We need point out only that on the basis of the available evidence, what the statement suggests is contrary to fact.

Yes, there was an unusually large purchase of securities by the nonbank public, but what does this mean? It simply means that after the Federal Reserve drove the yield on 91-day Treasury bills up to astronomical heights, many nonbank corporations withdrew their demand deposits from the banks and put the funds into these short-term bills. But this does not mean that business firms and individuals saved any more of their incomes than in previous years, nor that the same funds would have not been invested in Treasury bills if the funds had been left in the commercial banks.

When interest yields on short-term Treasury bills are low, as they normally are, the industrial and utility corporations do not bother to draw their working funds out of the bank to invest them in these bills. Rather, they leave their working funds in demand deposits in the commercial banks and the banks use these funds to invest in the short-term bills.

But when the rate on Treasury bills goes very high, the nonbank corporations find it worth their while to take funds out of demand deposits, where they draw no interest, and put these funds into these bills. They can buy bills which mature in 3 months, 1 month, 1 week, or in any number of days they choose. In other words, they can buy a bill which will mature and return their cash at the time the cash is needed in corporate operations.

But does the fact that the nonfinancial corporations reduced their demand deposits with the commercial banks and bought more Treasury bills, because of the high interest rates, mean that more money was saved and less spent? Or does it mean that the demand for credit was greater last year than in previous years? It does not.

The flow of funds data which Chairman Martin has referred to as his basis for suggesting these things do not support his suggestions. These data, which are available only for the first 9 months of 1959, indicate that national savings last year, both on a net basis and on a gross basis, was a smaller percentage of the national income than was true in the years 1955, 1956, and 1957. Similarly, these data indicate that the demand for investment funds was a lesser percentage of national income last year than in the previous years I have mentioned, plus probably many other earlier years.

In other words, the high level of interest rates which the Federal Reserve maintained throughout the whole of last year simply meant that this Nation paid a higher price for the same amount of savings that would have been made in any case.

Why have Government bond prices gone up and interest rates gone down? I suggest that neither the theories advanced by the financial writers nor by the Federal Reserve people explain it.

It is not because stock prices have come down, because when one person buys stock from another, the money does not disappear.

And it is not because the Federal Reserve has now decided to encourage the American people to spend more and save less, for the simple reason that the Federal Reserve has had no luck whatever in changing this Nation's savings habits by raising or lowering interest rates.

The main reason that bond prices have improved and interest rates have gone down is that the political weather has been improving. It has been becoming more and more evident that Congress will not repeal the 4¼ percent ceiling on Government bonds, and it is becoming more and more evident to the people who buy most of the Government bonds that the long-term outlook is for a policy of more moderate interest rates. Their expectations of higher interest rates have declined and, inevitably, interest rates themselves have declined.

Washington Report

EXTENSION OF REMARKS

OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 1960

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following newsletter of April 2, 1960:

WASHINGTON REPORT

(By Congressman BRUCE ALGER, Fifth District, Texas)

Representative Russell Mack, of Washington, dropped dead while answering a quorum call on Monday, and the House adjourned in his memory. Truly, he died with his boots on. We shall miss him. Eleven Members of the 86th Congress have now passed on.

The Health, Education, and Welfare (HEW) appropriation bill passed 362 to 10. Actually, the $4.2 billion bill provided the money to finance two departments—Labor

($542 million) as well as HEW ($361.9 million). This amount exceeded the budget by $184 million, and last year's expenditures by $128 million. I opposed the bill for a number of reasons. (1) $183 million over the $4 billion budget figure which was more than enough. (2) Various programs financed by this bill are subject to criticism, including water pollution, school construction and school payments in lieu of taxes in "impacted areas." I cannot understand the reluctance of many in Congress to say no to any spending for projects which sound good. Take medical research, for example. Of course, we are all for medical research of all kinds, as we are all interested in the welfare, health, and education of our people. It does not follow that recognition of such needs means in every case more Federal law, spending, and control.

Many Members want to protest but wonder how you go about opposing a $4 billion "package", larded with boondoggle, when it also contains worthwhile projects and others that sound equally good—all for the general welfare of the people. How? Simply by voting against it. A vote "against" need not mean a Member is against trying to solve that need—rather that (1) it is not a matter of proper Federal concern, or (2) there is already enough money in the program without adding more, or (3) we can delay here and there until we can afford further spending.

For my part, I intend to remember my pledge of preserving fiscal responsibility by (1) balancing the budget, (2) reducing the debt, and (3) revising and reducing taxes. This course also assures keeping the dollar worth a dollar. True, it may not always be as appealing politically as the proffer of Federal money to constituents. In this cold war year, I suspect most Dallas folks would question, as I did, the urgency, if not the need, for Federal expenditures just now to finance studies on (1) the circulatory physiology of the octopus, (2) biological effects of parental age of mealworm beetles, (3) aging and ovaries of cockroaches, and (4) causes af alcoholism.

The White House Conference on Children and Youth brought to Washington a number of representatives from Dallas, as it did from all over the Nation, to discuss various problems affecting the Nation's youth. Capital newspapers reporting the event abound with suggestions for parents, educators and all levels of government. Federal aid to education, desegregation, birth control, and juvenile delinquency were in the forefront of attention. I couldn't help but wonder at some of the speeches I read—assuming they were reported accurately. It seems to me that in trying to solve some of these problems, action by the Federal Government should be a last resort because Federal action always imperils local initiative. Could it be that some of our trouble stems from too heavy a reliance on Government already—that we have tried inappropriately and foolishly to solve all our problems by transferring parental and community responsibility to the Washington bureaucracy? It is well to study our problems in a conference like this. It is my hope, though, that we do not end up expecting more Federal aid and direction to solve them. I wonder, too, if the Conference will recognize the spiritual base on which our society and government rests. Will the Conference even mention America's greatest strength throughout our history, our spiritual beliefs and the individual responsibility that, by definition, accompanies them? Surely nothing could be more ludicrous than for a people who have all but banished any word of God from our public schools to turn, then, to seek wisdom and guidance from the Federal bureaucracy.

This week's TV feature (WFAA, Sunday, 10:30 a.m.) was Dr. Keith Glennan, head of NASA (National Aeronautics and Space Administration) who discussed our space programs. The United States is making rapid strides in all areas, and concedes only a temporary lead to Russia in but one field, that of "launch vehicles."

Correction of last week's newsletter—Senator BARRY GOLDWATER's speech on foreign affairs was made in Washington, not Dallas where he spoke on labor management before the Public Affairs Luncheon Club.

SENATE

WEDNESDAY, APRIL 6, 1960

(Legislative day of Tuesday, April 5, 1960)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, in spite of all the clouds of doubt and falsehood which so often hide the sun, we know, as we turn to Thee, that the blue sky is the truth. We thank Thee for the dreams of our highest and best hours—visions of wildernesses now parched, which shall yet blossom as the rose.

We come seeking once more the faith that makes our dreams come true. Grant us the endurance of those who, in past dark and despairing days, were called to find their way, as we must, by the flame of a courage and a trust that no darkness can put out.

In these sacred weeks, as a lone cross looms against the sky, may our spirits be inspired as we behold a cruel object of torture changed into the shining splendor of the most sublime triumph of the ages.

We ask it in the name of the Redeemer who despised the shame and endured the cross for the joy that was set before Him. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 5, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 231) for the relief of Patricia Crouse Bredee.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 1402. An act for the relief of Leandro Pastor, Jr., and Pedro Pastor;

H.R. 1463. An act for the relief of Johan Karel Christoph Schlichter;

H.R. 1486. An act for the relief of David Tao Chung Wang;

H.R. 1519. An act for the relief of the legal guardian of Edward Peter Callas, a minor;

H.R. 1542. An act for the relief of Biagio D'Agata;

H.R. 1543. An act for the relief of Angela D'Agata Nicolosi;

H.R 2007. An act for the relief of May Hourani;

H.R. 2645. An act for the relief of Jesus Cruz-Figueroa;

H.R. 3122. An act directing the Secretary of the Interior to issue a homestead patent to the heirs of Frank L. Wilhelm;

H.R. 3253. An act for the relief of Ida Magyar;

H.R. 3827. An act for the relief of Jan P. Wilczynski;

H.R. 4763. An act for the relief of Josette A. M. Stanton;

H.R. 4834. An act for the relief of Giuseppe Antonio Turchi;

H.R. 5033. An act for the relief of Betty Keenan;

H.R. 6121. An act for the relief of Placid J. Pecoraro, Gabrielle Pecoraro, and their minor child, Joseph Pecoraro;

H.R. 6400. An act for the relief of Mrs. Clara Young;

H.R. 8417. An act for the relief of Grand Lodge of North Dakota, Ancient Free and Accepted Masons;

H.R. 8457. An act for the relief of Richard Schoenfelder and Lidwina S. Wagner;

H.R. 8798. An act for the relief of Romeo Gasparini;

H.R. 8888. An act for the relief of Angela Maria;

H.R. 9142. An act to provide for payment for lands heretofore conveyed to the United States as a basis for lieu selections from the public domain, and for other purposes;

H.R. 9751. An act for the relief of Mrs. Icile Helen Hinman;

H.R. 10564. An act for the relief of 2d Lt. James F. Richie; and

H.J. Res. 638. Joint resolution relating to deportation of certain aliens.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated:

H.R. 1402. An act for the relief of Leandro Pastor, Jr., and Pedro Pastor;

H.R. 1463. An act for the relief of Johan Karel Christoph Schlichter;

H.R. 1486. An act for the relief of David Tao Chung Wang;

H.R. 1519. An act for the relief of the legal guardian of Edward Peter Callas, a minor;

H.R. 1542. An act for the relief of Biagio D'Agata;

H.R. 1543. An act for the relief of Angela D'Agata Nicolosi;

H.R. 2007. An act for the relief of May Hourani;

H.R. 2645. An act for the relief of Jesus Cruz-Figueroa;

H.R. 3253. An act for the relief of Ida Magyar;

H.R. 3827. An act for the relief of Jan P. Wilczynski;

H.R. 4763. An act for the relief of Josette A. M. Stanton;

H.R. 4834. An act for the relief of Giuseppe Antonio Turchi;

H.R. 5033. An act for the relief of Betty Keenan;

H.R. 6121. An act for the relief of Placid J. Pecoraro, Gabrielle Pecoraro, and their minor child, Joseph Pecoraro;

H.R. 6400. An act for the relief of Mrs. Clara Young;

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H.R. 8457. An act for the relief of Richard Schoenfelder and Lidwina S. Wagner;

H.R. 8798. An act for the relief of Romeo Gasparini;

H.R. 8888. An act for the relief of Angela Maria;

H.R. 10564. An act for the relief of 2d Lt. James F. Richie; and

H.J. Res. 638. Joint resolution relating to deportation of certain aliens; to the Committee on the Judiciary.

H.R. 3122. An act directing the Secretary of the Interior to issue a homestead patent to the heirs of Frank L. Wilhelm; and

H.R. 9142. An act to provide for payment for lands heretofore conveyed to the United States as a basis for lieu selections from the public domain, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9751. An act for the relief of Mrs. Icile Helen Hinman; to the Committee on Post Office and Civil Service.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be the usual morning hour, subject to a 3-minute limitation on statements.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS AT 12:20 P.M.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that at 12:20 p.m. today, the Senate stand in recess, subject to the call of the Chair, and proceed to the other body, for a joint meeting to hear a distinguished visitor from Latin America.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., reporting, pursuant to law, on the overobligation of an appropriation in that Commission; to the Committee on Appropriations.

REPORTS ON REAL PROPERTY EXEMPT FROM TAXATION IN THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting, pursuant to law, a report on real property exempt from taxation in the District of Columbia, during the calendar year 1957 (with an accompanying report); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting, pursuant to law, a report on real property exempt from taxation in the District of Columbia, specifically prior to passage of the act of December 24, 1942 (with an accompanying report); to the Committee on the District of Columbia.

RESTORATION TO THE UNITED STATES OF CERTAIN AMOUNTS EXPENDED IN THE DISTRICT OF COLUMBIA

A letter from the Acting President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to provide for the restoration to the United States of amounts expended in the District of Columbia in carrying out the Temporary Unemployment Compensation Act of 1958 (with an accompanying paper); to the Committee on the District of Columbia.

ADVANCE PAYMENT BY GOVERNMENT AGENCIES FOR REQUIRED PUBLICATIONS

A letter from the Administrative Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide agencies of the Government of the United States with authority to pay in advance for required publications (with an accompanying paper); to the Committee on Government Operations.

REPORT ON EXAMINATION OF CERTAIN SUBCONTRACTS AWARDED UNDER DEPARTMENT OF THE ARMY CONTRACTS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of subcontracts awarded by Western Electric Co., Inc., Winston-Salem, N.C., to Telecomputing Corp., Whittaker Gyro Division, Van Nuys, Calif., under Department of the Army contracts, dated March 1960 (with an accompanying report); to the Committee on Government Operations.

REPORTS ON RECEIPT OF APPLICATIONS FOR LOANS UNDER SMALL RECLAMATION PROJECTS ACT OF 1956

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that the Eastern Municipal Water District, in Riverside County, Calif., had applied for a loan to be used for the construction of distribution facilities; to the Committee on Interior and Insular Affairs.

A letter from the Under Secretary of the Interior, reporting, pursuant to law, that the South Sutter Water District, in Sutter County, Calif., had applied for a loan of $4,875,600 (with accompanying papers); to the Committee on Interior and Insular Affairs.

AMENDMENT OF UNITED STATES CODE, RELATING TO ASSAULTS UPON, AND HOMICIDE OF, CERTAIN OFFICERS AND EMPLOYEES OF THE UNITED STATES

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to include certain officers and employees of the U.S. Department of Agriculture within the provisions of the United States Code relating to assaults upon, and homicide of, certain officers and employees of the United States as constituting a crime (with accompanying papers); to the Committee on the Judiciary.

REPORT ON PAYMENT OF CLAIMS ARISING FROM CORRECTION OF MILITARY OR NAVAL RECORDS

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the payment of claims arising from the correction of military or naval records, for the period July 1, 1959, through December 31, 1959 (with an accompanying report); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration, and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

STATUS OF PERMANENT RESIDENCE FOR A CERTAIN ALIEN

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a copy of the order granting the application for permanent residence filed by Chong Yue Wah, also known as Chong Wak Yue, together with a statement of the facts and pertinent provisions of law and the reasons for granting such application (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Agriculture and Forestry:

"ASSEMBLY JOINT RESOLUTION 11

"Resolution relative to agricultural economy

"Whereas the well-being of the agricultural industry of the United States is vital not only to those actively engaged in the farming, ranching, animal production and other segments of the industry but also to the entire Nation, for the economic stability of agriculture directly affects all citizens of this country; and

"Whereas, many segments of our agricultural industry are presently experiencing ever-increasing difficulty in maintaining that stability so essential to a vigorous, growing economy and unless steps are taken to insure such stability this weakness may well threaten the entire economy of our Nation; and

"Whereas California has for many years found the use of self-help type of stabilization and marketing orders a most effective means to provide such stability with equitable treatment to all persons concerned from the individual producer, the many handlers and processors, the retail seller, to the ultimate consumer, and

"Whereas, the present Congress has before it measures which will allow such programs to be used to aid the poultry industry, which is in great need for such help, and other legislation which would make available to farm producers generally the use of self-help type of marketing programs and including measures which will aid in the further development of family farms and stabilize their income; Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the Congress of the United States to favorably consider the enactment of self-help legislation to authorize poultry stabilization and marketing programs and legislation to further family farm development and stabilize such farm income; and be it further

"Resolved, That the chief clerk of the assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Appropriations:

"ASSEMBLY JOINT RESOLUTION 6

"Resolution relative to the Merced County stream group flood control project

"Whereas in 1955, the U.S. Corps of Engineers completed construction, as part of the authorized flood control work on the Merced County stream group, of dams and reservoirs on Bear, Burns, Owens, and Mariposa Creeks, and diversion channels from Black Rascal Creek to Bear Creek and from Owens Creek to Mariposa Creek; and

"Whereas the State of California, acting through the reclamation board, has completed the enlargement of the channels downstream from the above dams in conformity with the plans of the Corps of Engineers; and

"Whereas while the above completed works provide a substantial degree of protection, the floods during December of 1955 and the spring of 1958 graphically indicate that there are some inadequacies with respect to capacity and the areas protected by the flood control works; and

"Whereas there are no protective works on Fahrens Creek and Canal Creek, which creeks produce floodflows that endanger the Castle Air Force Base installation of the Strategic Air Command; and

"Whereas the runoff from Castle Air Force Base into Canal Creek has been continually increasing due to the expansion of runways and building areas, which runoff has increased peak flows in Canal Creek to the detriment of properties both upstream and downstream from the base; and

"Whereas in addition, the reaches of Bear, Owens, Miles, and Mariposa Creeks downstream from the westerly boundary of the authorized Merced County stream group flood control project are unimproved, thereby leaving the adjacent lands subject to periodic flooding; and

"Whereas the rapid economic growth of the city of Merced and the surrounding areas and the proximity of Castle Air Force Base would appear to justify a higher degree and larger area of protection than originally contemplated in connection with the Merced County stream group project; and

"Whereas in 1958, the Public Works Committee of the House of Representatives authorized a review study of the Merced County stream group project by the Corps of Engineers, the total estimated cost of which was $80,000, of which $15,000 can be used effectively by the Corps of Engineers during the fiscal year commencing July 1, 1960: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the Congress of the United States to appropriate the sum of $15,000 for expenditure by the U.S. Corps of Engineers during the fiscal year beginning July 1, 1960, to initiate the review study of the Merced County stream group flood control project; and be it further

"Resolved, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"ASSEMBLY JOINT RESOLUTION 3

"Resolution relative to west coast shipbuilding

"Whereas a bill, H.R. 8093, has been introduced in the Congress of the United States to delete subsection (d) of section 502 of the Merchant Marine Act, 1936 (49 Stat. 1985), which allows a 6-percent differential for bids of west coast shipyards for the construction of ships to be operated by steamship companies whose home office is located at Pacific coast ports; and

"Whereas Congressman JOHN F. SHELLEY has introduced H.R. 9899 to extend the allowance of a 6-percent differential for bids of west coast shipyards for the construction of all ships regardless of the location of the home port of the steamship company; and

"Whereas the retention and expansion of the 6-percent differential is vital for the preservation of the west coast shipbuilding industry because of the higher construction costs of this area; and

"Whereas the security of the Untied States requires a healthy and vigorous shipbuilding industry on the Pacific coast as well as on the Atlantic and gulf seaboards; and

"Whereas not only California but the other 12 Western States including Alaska and Hawaii will be affected by the proposed repeal or extension of the 6-percent differential, since they furnish both raw materials and manpower to the shipbuilding industry on the Pacific coast: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to retain and expand the 6 percent differential allowed for bids of west coast shipyards for the construction of ships by rejecting H.R. 8093 and supporting the Shelley bill H.R. 9899; and be it further

"Resolved, That the chief clerk of the assembly is directed to send copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California, and the other 12 Western States, in the Congress of the United States, and to Jeremy Ets-Hokin, chairman of the California Governor's Committee for Ship Construction and Repair, Thomas A. Rotell, executive secretary of the Pacific Coast Metal Trades District Council, Hugh Gallagher, chairman of the San Francisco Mayor's Committee for Shipping, Shipbuilding and Ship Repair, and Louis Ets-Hokin, president of the Western Shipbuilding Association."

Two joint resolutions of the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION 4

"Resolution relative to the Federal cabaret excise tax

"Whereas the existing 20-percent rate of the Federal so-called cabaret excise tax on admissions to roof gardens, cabarets, and other similar places has resulted in a serious loss of customers by such places; and

"Whereas 500 of such places of entertainment operated by the hotels of the Nation were, among others, thereby forced to close; and

"Whereas 40,912 job opportunities were lost to musicians, the loss of which accounts for one-half of the present unemployment among this group; and

"Whereas 200,000 cooks, waiters, service help, and other entertainers have also lost job opportunities which otherwise would be available; and

"Whereas the Federal Government loses $11 million annually as a direct result only of the unemployment of such musicians, which amount represents income and business tax revenues in excess of what is presently collected under the cabaret tax; and

"Whereas the American people have uniformly supported the reduction or repeal of such cabaret tax since the termination of the wars during which the existing rates were adopted; and

"Whereas numerous measures have been introduced in the Congress of the United States which would provide tax relief from the cabaret tax; and

"Whereas the enactment of this legislation will contribute immeasurably to the economic health of the Nation, result in more employment among the affected groups, and increase the revenues in the U.S. Treasury: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation giving the American people relief from the cabaret tax, either by the repeal of it or reduction of its rates; and be it further

"Resolved, That the chief clerk of the assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

"ASSEMBLY JOINT RESOLUTION 7

"Resolution relative to the Veterans' Benefits Act of 1957

"Whereas the Veterans' Benefits Act of 1957 does not now provide a presumption that the death of a veteran resulted from disease or injury incurred or aggravated in line of duty while on active duty regardless of the number of years of active duty he may have served; and

"Whereas the deaths of most servicemen with 30 years or more active duty can be shown to have been the result of disease or injury incurred or aggravated in line of duty while on active duty; and

"Whereas it is often very difficult or impossible to establish the cause of death of servicemen with over 30 years' service and there is no adequate procedure to establish such cause of death; and

"Whereas many injustices have arisen due to the death of servicemen who have died after years of service without adequate provision and compensation being made to their families and widows; and

"Whereas adequate protection to widows and families would be to the material benefit of the Armed Forces of the United States and to the national defense; and

"Whereas there are many bills in the Veterans' Affairs Committee of the House of Representatives which would establish a presumption that the deaths of servicemen with over 30 years of active duty service are service connected: Now, therefore, be it

"Resolved by the Assembly and Senate of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend the Veterans' Benefits Act of 1957 to provide a conclusive presumption of service connection in case of death of servicemen with 30 years active duty service and to extend the benefits which would arise from this amendment to the widows and families of servicemen who would be affected by this amendment but who died prior to its enactment; and be it further

"Resolved, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION 13

"Resolution relative to the Palace of Fine Arts in San Francisco

"Whereas the people of San Francisco are desirous of restoring the beautiful Palace of Fine Arts built for the Panama Pacific Exposition of 1915; and

"Whereas to accomplish this purpose, philanthropist Walter S. Johnson has magnanimously donated the sum of $2 million; and

"Whereas the remaining funds required for undertaking this project have been provided by the State of California and the city of San Francisco; and

"Whereas when the site of the palace was deeded to the city for the 1915 exposition, the Federal Government reserved to itself a right-of-way along Lyon Street; and

"Whereas it will be necessary to obtain a release of the right-of-way before San Francisco can deed the land to the State for commencement of the reconstruction: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully requests the Congress of the United States to approve the release of the right-of-way which it holds at the site of the Palace of Fine Arts in San Francisco; and be it further

"Resolved, That the chief clerk of the assembly is directed to transmit copies of this resolution to the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"ASSEMBLY JOINT RESOLUTION 8

"Resolution relative to the extension of educational and training benefits to persons entering the Armed Forces after January 31, 1955

"Whereas the Congress of the United States has recognized the justice, equity, and benefits to the Nation arising from giving educational and training benefits to veterans by enacting the Servicemen's Readjustment Act of 1944 (Public Law 346 of the 78th Congress) and the Veterans' Readjustment Act of 1952 (Public Law 550 of the 82d Congress); and

"Whereas the benefits under these acts are no longer provided to servicemen who entered the Armed Forces after January 31, 1955, notwithstanding the fact that the Nation has continued its compulsory military service program; and

"Whereas the result is that many young men who serve in our country's armed services will lose educational and economic opportunities even though the need for education for the purpose of competing in civilian life continues to be of great importance; and

"Whereas our Nation has found it necessary to its security, well-being, and position among nations to increase the educational level, professional competence, and technical skill of its citizens; and

"Whereas the increased earning power, increased efficiency in commerce and industry, and increased national product and income directly attributable to the program of educational and training benefits for servicemen results in increased tax revenues of the U.S. Government so that the cost of the program is largely repaid by the increased tax revenues: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to extend educational and training benefits similar to benefits provided by Public Law 550 of the 82d Congress as amended, to all persons who served, or who may serve, subject to such changes by law or regulation as Congress may deem fit to impose, in the Armed Forces of the United States during any period in which compulsory military service was or remains in effect; and be it further

"Resolved, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"ASSEMBLY JOINT RESOLUTION 10

"Resolution relative to flood control on the Eel, Mad, and Smith Rivers in the State of California

"Whereas storms along the north coastal area of California have caused excessive flood runoff in the Eel River 20 times during the past 50 years, three of which floods occurred in the last five years, with the largest record occurring in 1955; and

"Whereas the high water and floods in the lower reaches of the Eel River in December 1955, February 1958, and February 1960, exceeded the river capacity and overflows of the river banks caused erosion, damaged buildings, property, and roads and endangered the welfare and safety of residents of this area; and

"Whereas such damage or destruction due to flood waters will continue to occur at frequent intervals in the future unless remedial measures are taken to alleviate this condition; and

"Whereas preliminary examinations and surveys of Eel and Mad Rivers in Humboldt County were authorized by section 6 of the 1936 Flood Control Act (Public Law 738, 74th Congress; approved June 22, 1936); and

"Whereas a review of reports on Eel River in Mendocino County was authorized by a resolution of the House Committee on Public Works in August 1939, and a resolution by that committee in June 1956, provided additional authority for review of reports; and

"Whereas it is understood that it will be several years before a basinwide flood control project on the Eel River can be justified under the standard criteria; and

"Whereas no date has been established for the initiation of the investigation for a review of an unfavorable report submitted July 22, 1950 authorized by Congress on July 12, 1954 and June 13, 1956; and

"Whereas high water and floods in February 1960 again flooded the lower reaches of the Smith River, overflowing Lake Earl, Lake Talowa, and the agricultural lands, roads, bridges, and buildings in the Smith River Delta; and

"Whereas under the multiple use policy of Congress, this entire area, including 10 miles of beaches, urgently requires the making of this review and of bringing up to date engineering studies for flood control, conservation, shore and beach protection, recreation and wildlife habitat: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the Corps of Engineers of the United States Army to take all steps necessary to complete its investigations, studies and review of reports in connection with flood control on the Eel, Mad, and Smith Rivers in Humboldt and Mendocino Counties so that the urgently needed flood control and protection works can be undertaken and completed at the earliest possible time; and be it further

"Resolved, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the Army, and to the Chief of Engineers of the U.S. Army."

A concurrent resolution of the Legislature of the Territory of American Samoa; to the Committee on Interior and Insular Affairs:

"HOUSE CONCURRENT RESOLUTION 27

"Resolution requesting the Congress of the United States of America to enact organic legislation establishing a civil government for our country

"Whereas our people expressed a keen desire for organic legislation in a petition signed by all our leaders, the matais of Tutuila and Manu'a, at a general assembly held in 1945 at Gagamoe, a historical meeting place of our people; and

"Whereas a committee consisting of the Secretary of State, the Secretary of the Navy, and the Secretary of the Interior, recommended to the President of the United States in 1947 the enactment of organic legislation for our Territory as a step toward the fulfillment of the obligation assumed by the United States under article 73 of the United Nations Charter; and

"Whereas in 1949 the Department of the Interior, with the strong support of the President of the United States, recommended immediate enactment of organic legislation for our country in order to extend to us U.S. citizenship, a bill of rights, local legislative powers, an independent judiciary, and representation by a Resident Commissioner in the U.S. Congress; and

"Whereas we firmly believe that the enactment of organic legislation for American Samoa is the most effective and satisfactory way to discharge the responsibility of the United States under the United Nations Charter and to maintain fully its traditional role as the champion among nations of dependent people, of representative government, of justice under law, and of fundamental rights and human freedom for everyone everywhere; and

"Whereas with respect to organic legislation, it is the policy of the Department of the Interior to support such legislation when our people desire it and are ready for it, and our people, through their duly elected representatives, are asking for such legislation, believing firmly that our people are ready to begin their God-given right to make their own local laws; and

"Whereas the enactment of organic legislation for our country will not only furnish our people the fruits of democracy but will also serve notice to all nations in the Pacific Ocean area that the right of self-determination and freedom from oppression are granted by the Constitution of the United States by acts as well as by words: Now, therefore, be it

"Resolved by the House of Representatives of the Sixth Legislature of the Territory of American Samoa (the Senate concurring), That the Congress of the United States of America be, and it is hereby, respectfully requested to enact H.R. 4500, introduced in the House of Representatives of the 81st Congress of the United States of America, as the same will be amended by the 6th Legislature of the Territory of American Samoa and approved by a convention of the people of American Samoa called for that purpose; and be it further

"Resolved, That duly certified copies of this concurrent resolution be forwarded to the President of the United States of America, to the President of the Senate and Speaker of the House of Representatives of the 86th Congress, to the chairman of the House Committee on Interior and Insular Affairs, to the chairman of the Senate Committee on Interior and Insular Affairs, to the Secretary of the Interior, and to the Governor of American Samoa."

A resolution adopted by the Board of Supervisors of Merced County, Merced, Calif., favoring the enactment of House bill 7155, authorizing the construction of the

Federal share of the San Luis unit of the Central Valley project, California; to the Committee on Public Works.

By Mr. SALTONSTALL (for himself and Mr. KENNEDY):

Resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION AMENDING THE SOCIAL SECURITY LAW

"Whereas it is advisable to raise the maximum which an individual can earn while obtaining full social security benefits from the present $1,200 a year to $2,500 a year, and to permit wives to earn more than the present maximum of $1,200 a year: Therefore be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the enactment of legislation to amend the social security laws to raise the maximum which may be earned under the social security laws; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

"Adopted by the house of representatives February 9, 1960.

"LAWRENCE R. GROVE, *Clerk*.

"Adopted by the senate, in concurrence, March 2, 1960.

"IRVING N. HAYDEN, *Clerk*.

"Attest:

"JOSEPH D. WARD,
"*Secretary of the Commonwealth*."

Resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Public Works:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT A FEDERAL AREA REDEVELOPMENT ACT

"Whereas passage of a Federal area redevelopment act would provide Federal aid for the revitalization of older mill and factory areas, and thereby enable the Commonwealth to compete more effectively with other States for new industry and provide funds for the retraining of workers in areas of chronic unemployment: Therefore be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the passage of a Federal area redevelopment act; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

"Adopted by the house of representatives, February 29, 1960.

"LAWRENCE R. GROVE,
"*Clerk*.

"Adopted by the senate, in concurrence, March 2, 1960.

"IRVING N. HAYDEN,
"*Clerk*.

"Attest:

"JOSEPH D. WARD,
"*Secretary of the Commonwealth*."

RESOLUTION OF SENATE OF STATE OF NEW JERSEY

Mr. CASE of New Jersey. Mr. President, the New Jersey State Senate has adopted a resolution honoring Abe J. Greene of Paterson, the managing editor of the Paterson Evening News, and one of New Jersey's best known and best respected citizens. The Nation as a whole has known of Mr. Greene's positive contributions to the world of boxing. For years he was head of the National Boxing Association, and his interest in promoting clean sports is as strong as ever. His contributions to the civic life of his home city and county—indeed, our entire State—are immeasurable.

The resolution was adopted by the New Jersey Senate, and none of the "whereases" which detail, in fact, his many contributions to our people, can ever measure my regard for him as a friend. I am grateful to M. Martin Turpanjian, president of the New Jersey League of Weekly Newspapers, who has been good enough to forward to me a copy of the senate resolution honoring Abe Greene, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas Abe J. Greene, of Paterson, has been proclaimed Editor of the Year for 1959, by the New Jersey League of Weekly Newspapers, for being an effective and impressive super goodwill ambassador of the fourth estate of New Jersey for his illuminating editorial analysis of the national and international problems confronting our modern American civilization; for his adherence and loyalty to the pioneer concept of the true American way of life, with its lofty ideals of free speech, free press, and free religion guaranteed by our constitutional Bill of Rights; for his recognition as the foremost boxing commissioner of the United States; for his honored reelection for many years; and his advocacy for clean, wholesome sports. A plaque has been presented to Mr. Abe J. Greene by President M. Martin Turpanjian of New Jersey League of Weekly Newspapers on behalf of all the officers and members of the said organization. Mr. Turpanjian is also the editor of the Waldwick Jersey Parade and North Bergen Hudson Gazette. Mrs. Conrad Lyons, editor and publisher of Spotlight, America's picture news weekly of Newark is chairman of the board of directors of the league; and

Whereas Abe J. Greene has been in the newspaper writing field for a period of 40 years, as of January 2, 1960, he has demonstrated by his deeds of constructive service that he is a man possessing a great inherent reverence and respect for logical facts, for his influence has been felt as a power for good in all the communities served by the Paterson Evening News, which is regarded and appraised as the third peak of the evening newspapers of the State of New Jersey. He has inspired his newspaper editorials with the rare sense of impartiality and judicial poise of self-restraint which has endeared his opinions and ideas to his many readers throughout the Garden State; and

Whereas Abe J. Greene has the unique individuality and freedom from all conventional dogmas, by discarding all mental uniformity and conformity and always seeking to present nothing but factual logic and realistic conclusions; for his inspiring method of throwing the searchlight of truth on all our international relations aimed to stimulate and radiate in the American citizen a sense of patriotic fervor for the truly traditional concept of life. A great credit is due for the fortunate foresight and sagacious judgment of Harry B. Haines, the editor and publisher of the Paterson Evening News for his wise selection of Abe J. Greene 40 years ago as a member of his editorial staff; and

Whereas Abe J. Greene is widely known for his wisdom of mind, dignity of spirit, benevolence of heart, for his eloquent extemporaneous oratory and yet his deep sense of humility and his rare self-discipline has at all times during his four decades of unselfish civic service been demonstrated by his deeds and not mere words for he has made many loyal friends in Canada, South America, and the United States who admire him affectionately: Now, therefore, be it

Resolved, That the State Senate of the State of New Jersey extend to Abe J. Greene our felicitations in rounding out the 40th year as a newspaperman and for being selected Editor of the Year by the New Jersey League of Weekly Newspapers; and be it further

Resolved, That a copy of this resolution, signed by the president of the senate and attested by the secretary, be sent to Mr. Abe J. Greene.

RESOLUTION OF STUDENT ASSEMBLY OF UNIVERSITY OF TEXAS

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the student assembly of the University of Texas on March 24, 1960, favoring the Kennedy-Clark amendment to the National Defense Education Act.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION PRESENTED IN THE STUDENT ASSEMBLY OF THE UNIVERSITY OF TEXAS

Now, therefore, be it

Resolved by the student assembly of the University of Texas, That the student assembly of the University of Texas favors the Kennedy-Clark amendment to the National Defense Education Act; be it further

Resolved, That the president of the Students' Association is hereby directed to use all means under his power to urge the passage of the Kennedy-Clark amendment to the National Defense Education Act.

Respectfully submitted.

JIM INFANTE,
Assemblyman Graduate.

Resolution 9–60, being adopted by the student assembly on March 24, 1960, is hereby certified as expressing the will of said assembly.

FRANK C. COOKSEY,
President, Students' Association.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KERR (for himself and Mr. MONRONEY):

S. 3337. A bill to amend section 3(b) of the act of May 9, 1958 (72 Stat. 105), relating to the preparation of a roll of the members of the Otoe and Missouria Tribe and to per capita distribution of judgment funds; to the Committee on Interior and Insular Affairs.

By Mr. McCLELLAN (for himself and Mr. FULBRIGHT):

S. 3338. A bill to remove the present $5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a United States Air Force aircraft at Little Rock, Ark.; to the Committee on the Judiciary.

(See the remarks of Mr. McCLELLAN when he introduced the above bill, which appear under a separate heading.)

By Mr. KERR:

S. 3339. A bill to provide that the Secretary of the Army shall establish a national cemetery in Fort Reno, Okla., on certain lands presently under the jurisdiction of the Secretary of Agriculture; to the Committee on Agriculture and Forestry.

By Mr. KEATING:

S. 3340. A bill to amend title 18, United States Code, to authorize certain communications to be intercepted in compliance with State law, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above bill, which appear under a separate heading.)

By Mr. BEALL:

S. 3341. A bill for the relief of Bernard Jacques Gerard Caradec; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3342. A bill to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings;

S. 3343. A bill to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain authority over radio receiving antennas; and

S. 3344. A bill to amend the act of October 9, 1940 (54 Stat. 1030, 1039) in order to increase the periods for which agreements for the operation of certain concessions may be granted at the Washington National Airport, and for other purposes; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under separate headings.)

RESOLUTION

COMMENDATION OF POSTMASTER GENERAL'S CAMPAIGN AGAINST OBSCENE LITERATURE

Mr. WILEY submitted a resolution (S. Res. 301) commending the Postmaster General's campaign against obscene literature, which was referred to the Committee on Post Office and Civil Service.

(See the above resolution printed in full when submitted by Mr. WILEY, which appears under a separate heading.)

AMENDMENT OF TITLE 18, UNITED STATES CODE, RELATING TO INTERCEPTION OF CERTAIN COMMUNICATIONS

Mr. KEATING. Mr. President, I introduce, for appropriate reference, a bill to amend chapter 223 of title 18 of the United States Code to authorize certain communications to be intercepted in compliance with State law, and for other purposes.

An identical bill is today being introduced in the House of Representatives by Representative EMANUEL CELLER, the chairman of the House Committee on the Judiciary.

This bill is designed to relieve a law enforcement problem in New York and in other States which require court orders for wiretapping.

Effective action against organized crime in New York has been jeopardized by a series of court rulings virtually nullifying New York's wiretapping laws. These decisions interpret the Federal Communications Act to prohibit wiretapping by State authorities even under court order. This has resulted in the suppression of vital evidence in a number of important criminal cases in New York.

The evils of unrestricted wiretapping are well known. The New York statute on this subject, however, is most carefully drawn to protect against any unauthorized, uncontrolled snooping either by the police or by so-called "private eyes." Under present court decisions, this carefully worked out legislative scheme for safeguarding the public against electronic snooping without crippling effective police work, has been made almost inoperative.

We shall try our utmost to impress upon the Congress the critical importance of this problem to law enforcement, and we are hopeful that relief will be obtained before Congress adjourns.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3340) to amend title 18 of the United States Code to authorize certain communications to be intercepted in compliance with State law, and for other purposes, introduced by Mr. KEATING, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 223 of title 18 of the United States Code is amended by adding at the end thereof the following:

"§ 3501. Evidence of intercepted communications

"No law of the United States shall be construed to prohibit the interception, by any law enforcement officer or agency of any State (or any political subdivision thereof) in compliance with the provisions of any statute of such State, of any wire or radio communication, or the divulgence, in any proceeding in any court of such State, of the existence, contents, substance, purport, effect or meaning of any communication so intercepted, if such interception was made after determination by a court of such State that reasonable grounds existed for belief that such interception might disclose evidence of the commission of a crime."

SEC. 2. The analysis of chapter 223 of title 18 of the United States Code is amended by inserting immediately below "3500. Demands for production of statements and reports of witnesses." the following:

"3501. Evidence of intercepted communications."

CLARIFICATION OF POWERS OF CIVIL AERONAUTICS BOARD IN CONSOLIDATION OF CERTAIN PROCEEDINGS

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings. I ask unanimous consent that a letter from the Chairman of the Civil Aeronautics Board, requesting the proposed legislation, be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3342) to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. MAGNUSON is as follows:

CIVIL AERONAUTICS BOARD,
Washington, March 25, 1960.

Hon. RICHARD M. NIXON,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: The Civil Aeronautics Board recommends to the Congress for its consideration the enclosed draft of a proposed bill to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings.

The Board has been advised by the Bureau of the Budget that there is no objection to the presentation of the draft bill to the Congress for its consideration.

Sincerely yours,

JAMES R. DURFEE,
Chairman.

STATEMENT OF PURPOSE AND NEED FOR PROPOSED LEGISLATION

A bill to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings

One of the most persistent problems the Board has encountered, particularly in large area route proceedings, has been the contention of applicants at the consolidation stage, based on the doctrine of *Ashbacker Radio Corp.* v. *F.C.C.* (326 U.S. 327 (1945)), that they are entitled as a matter of legal right to consolidation of particular applications. Such an applicant usually asserts that the grant of an application which the Board proposes to hear will preclude a subsequent grant of its own application, and that the Board therefore must also hear its application in the proceeding and accord it comparative consideration. In many instances in the past, a refusal by the Board to consolidate has resulted in an appeal to the courts from the consolidation order, with a request that the court stay further procedural steps in the Board proceeding pending disposition of the petition for review.

The Board recognizes that essential fairness sometimes requires contemporaneous consideration of applications and that consolidation for hearing is often the most expedient means for achieving this end. We have, however, taken the position that failure to consolidate applications for hearing does not in and of itself result in any deprivation of right, and that, in any event, legal error in consolidation, like any other that may be committed in the course of a particular case, is not judicially reviewable except as an incident to judicial review of the Board's final order entered at the conclusion of the proceeding.

It is believed that legislation is needed which will (1) recognize the Board's right, in its sound discretion, to hear particular applications individually or in conjunction with others, (2) provide that any judicial review of alleged errors in consolidation can be obtained only at the conclusion of a proceeding, (3) provide that the Board shall not be required to hold, prior to a hearing on the merits, a preliminary hearing on consolidation, and (4) provide that the burden of establishing that applications should be consolidated for hearing or given contemporaneous consideration shall be on the person making request therefor.

CERTAIN AUTHORITY OF FEDERAL COMMUNICATIONS COMMISSION OVER RADIO RECEIVING ANTENNAS

Mr. MAGNUSON. Mr. President, by request, I introduced, for appropriate

reference, a bill to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain authority over radio receiving antennas. I ask unanimous consent that a letter from the chairman of the Federal Communications Commission requesting the proposed legislation, be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3343) to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain authority over radio receiving antennas, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. MAGNUSON is as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., March 28, 1960.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: The Commission wishes to recommend at this time for consideration of the Congress the enactment of legislation amending the Communications Act of 1934 (as amended), to authorize control over the installation, height, and location of receiving antenna towers. Attached is a copy of the bill as we drafted it as well as the justification (47 U.S.C. 302).

The Bureau of the Budget has advised the Commission that it has no objection to the submission of this letter.

The Commission considers the enactment of this legislation, which has been coordinated with the Air Coordinating Committee and its member agencies, of importance in facilitating a solution to the problems raised by the joint use of airspace by the aviation and broadcast industries so as to minimize the hazards to aviation safety. It is believed that the proposed legislation will protect the interests of aviation and at the same time will not impose an unreasonable burden on the broadcasting industry.

It is hoped, therefore, that this proposal will receive early and favorable consideration by the Congress. The Commission will be glad to furnish any additional information that may be desired by the Congress or by any committee to which this proposal is referred.

By direction of the Commission.

FREDERICK W. FORD,
Chairman.

JUSTIFICATION FOR PROPOSED AMENDMENT TO SECTION 302 OF THE COMMUNICATIONS ACT OF 1934, TO AUTHORIZE FEDERAL COMMUNICATIONS COMMISSION CONTROL OVER THE INSTALLATION, HEIGHT AND LOCATION OF RECEIVING ANTENNA TOWERS, 47 U.S.C. 302

The Commission wishes to recommend at this time for the consideration of the Congress the enactment of legislation amending the Communications Act of 1934, as amended, to authorize control over the installation, height, and location of receiving antenna towers (47 U.S.C. 302).

Concern has been expressed by aviation interests, both Government and non-Government, and by the general public, over the steadily increasing number of tall antenna towers which may, under certain circumstances, present a serious hazard to safety in the field of aviation. The current trend toward many high antenna towers presents a much more acute problem than that which has existed in the past, due to the much greater speeds attained by modern aircraft and due to the fact that towers built in the past are, as a general rule, of much less height than those currently being constructed. Furthermore, radio towers, being of latticed construction, are inherently less visible than solid structures such as buildings, water towers, smokestacks, and the like.

This concern about the present and potential hazard to aviation safety prompted the Air Coordinating Committee to establish a Joint Industry/Government Tall Structures Committee (JIGTSC) to investigate the problems raised in the joint use of airspace by the aviation and broadcast industries, and to recommend appropriate action establishing the position of the Federal Government in this matter. One of JIGTSC's recommendations was that "the FCC, supported by other interested agencies, seek legislation empowering it to control the installation, height, and location of receiving antenna towers. Such legislation would not provide any more stringent restrictions on receiving towers than on transmitting towers."

This Commission, after study and consideration of this JIGTSC recommendation, concluded that it would be of public benefit to control the installation, height, and location of receiving antenna towers, and that the Communications Act of 1934, as amended, does not now empower the Commission to exercise jurisdiction over receiving antenna towers unless such towers are a component part of a licensed radio transmitting facility. Therefore, a request for such authority is both necessary and appropriate.

Section 303(q) of the Communications Act of 1934, as amended, and as implementeed by part 17 of the Commission's rules, provides authority for requiring the painting and/or illumination of radio transmitting towers. Similarly, the courts have sustained the Commission in denying an application for a radio station license on the ground that there is a reasonable possibility that the contemplated transmitting tower would be a menace to air navigation. (See *Simmons* v. *Federal Communications Commission* (145 F. 2d 578 (1944).) Such authority, however, does not extend to receiving towers unless such a tower is a component part of a licensed radio transmitting facility which comes within the purview of the Communications Act. Therefore, if the hazard to air navigation which is presented by the existence of tall receiving towers is to be minimized, statutory authority to control the installation, height, and location of receiving antenna towers is necessary.

The Commission considers the enactment of this legislation, which has been coordinated with the Air Coordinating Committee and its member agencies, of the utmost importance in facilitating a solution to the problems raised by the joint use of airspace by the aviation and broadcast industries so as to minimize the hazards to aviation safety. It is believed that the proposed legislation will protect the interests of aviation and at the same time will not impose an unreasonable burden on the broadcasting industry.

INCREASED PERIODS FOR OPERATION OF CERTAIN CONCESSIONS AT WASHINGTON NATIONAL AIRPORT

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the act of October 9, 1940 (54 Stat. 1030, 1039), in order to increase the periods for which agreements for the operation of certain concessions may be granted at the Washington National Airport, and for other purposes. I ask unanimous consent that a letter from the Administrator of the Federal Aviation Agency, requesting the proposed legislation, be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3344) to amend the act of October 9, 1940 (54 Stat. 1030, 1039), in order to increase the periods for which agreements for the operation of certain concessions may be granted at the Washington National Airport, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. MAGNUSON is as follows:

FEDERAL AVIATION AGENCY,
Washington, D.C., March 24, 1960.

Hon. RICHARD M. NIXON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: It is requested that the attached proposed bill "to amend the act of October 9, 1940 (54 Stat. 1030, 1039), in order to increase the periods for which agreements for the operation of certain concessions may be granted at the Washington National Airport, and for other purposes" be introduced in the Senate at your earliest convenience.

At the present time the need for first-class hotel facilities and services at the Washington National Airport is becoming increasingly evident. Several private investors, well known and established in the hotel industry, are extremely interested in providing this type of facility. These concerns have all made long-term proposals for the construction of a $3 to $5 million hotel to be located adjacent to the Washington National Airport. They have proposed a lease period of from 35 to 50 years for the purpose of borrowing long-term capital.

Under the provisions of the act entitled "An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes," approved October 9, 1940 (54 Stat. 1039), agreements for the operation of any concession, except the restaurant at Washington National Airport, are prohibited for a period exceeding 5 years. The construction of a permanent facility such as a hotel of the size required by this location, represents a potential investment of several million dollars. Obviously, the 5-year lease period is not sufficient to allow for amortization of the investment.

I feel certain that the Congress can appreciate the need for an adequate first-class hotel which would serve the large number of travelers arriving at and departing from Washington National Airport. The construction of large first-class hotels at other major airports in the United States, for example the hotel located at New York International Airport, is proof that such facilities are necessary for the benefit of the traveling public.

It should be pointed out that the granting of a long-term lease for the construction of such a hotel could be an extremely profitable venture and would provide additional funds to offset the operating costs of the airport.

Other important areas may be cited in which it would be advantageous to have longer leases than are now permitted. Among them are rental car maintenance buildings and in-flight commissary buildings which require considerable capital investment totaling upward of a million dollars.

Therefore, in the best interest of the Government, the 1940 Supplemental Appropriations Act should be amended as it pertains to the length of time for which leases and

concessions may be granted, so that in certain cases long-term leases could be made when it appears that a substantial capital investment for the permanent construction of buildings of substantial value, such as a hotel or in-flight commissary, may be required. This will be necessary before potential investors will show more than a casual interest in these must needed facilities.

It is the considered opinion of this Agency that the proposal will provide the necessary stimulus to encourage the construction of a hotel at the Washington National Airport, providing first-class facilities for travel, and a new means of revenue to offset the cost of operating the airport. It will also enable the airport to provide necessary improvements in its in-flight commissary facilities with resultant added revenues.

The Bureau of the Budget has advised that there would be no objection to the submission of this draft bill to the Congress.

Sincerely,

E. R. QUESADA,
Administrator.

THE POSTMASTER GENERAL'S CAMPAIGN AGAINST OBSCENE LITERATURE

Mr. WILEY. Mr. President, on June 5 of last year I introduced a bill, S. 2123, providing stiffer penalties for willful and continuing violations of the Federal obscenity laws. I said at that time that unscrupulous racketeers are doing a half-billion-dollar a year business in sending obscene magazines, books, records, and films to grownups and youth alike, all over the country. Our mails are being misused for this direct attack on the American family and American morals. The Post Office Department estimates that up to 1 million children will receive unsolicited pornographic literature this year.

In asking for stiffer penalties for those who violate the Federal antiobscenity laws, I stressed that the illicit dealers, making thousands of dollars a year, regard fines as a mere cost of doing business. The bill I introduced requires mandatory prison sentences for continuing violators.

But strengthening the Federal laws must be only one part of a broader program, for the major portion of the battle against this type of material must be carried out by the State and local authorities, by parent organizations, and by the public at large.

Since last year much community support has been mobilized behind law enforcement, in order to help apprehend mailers of and dealers in pornography. A most praiseworthy undertaking has been that of the St. Catherine's Holy Name Society in Milwaukee, Wis. Responding to the call for community action, the 1,700 men in the St. Catherine's Parish, their wives and children, have undertaken to assist the Post Office Department in its campaign.

At the request of the St. Catherine's Society I should like to submit a resolution commending the Post Office Department and the Postmaster General for their excellent national leadership in this endeavor. I should also like to have inserted, at this point of my comments, a letter from Mr. Walter L. Merten, president of the St. Catherine's Holy Name Society in Milwaukee, which calls attention to the need for alerting the public to the increasing menace of obscene literature.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, the resolution and letter will be printed in the RECORD.

The resolution (S. Res. 301) commending the Postmaster General's campaign against obscene literature, was referred to the Committee on Post Office and Civil Service, as follows:

Whereas the traffic in obscene materials constitutes a threat to the national welfare; and

Whereas the complete suppression of this illicit traffic requires (1) the vigorous administration and enforcement of existing laws by Federal, State, and local governments, (2) stronger laws to facilitate administration and enforcement at all levels of government, and (3) the support and cooperation of the public; and

Whereas the Post Office Department, which exercises an extremely important role in combating such traffic, has been conducting a vigorous campaign to prevent the use of the mails for the dissemination of such materials, and has sought to obtain in that connection the cooperation of an alert and informed citizenry: Now, therefore, be it

Resolved, That the commendation of the Senate is hereby extended to Postmaster General Summerfield, and to the Department which he heads, for the vigorous and continuing efforts of the Post Office Department to prevent the use of the United States mails for the transmission of obscene materials, and for the significant response which that Department has received in its drive to obtain the cooperation of an alert and informed citizenry in furtherance of such efforts.

The letter presented by Mr. WILEY is as follows:

ST. CATHERINE'S HOLY NAME SOCIETY,
Milwaukee, Wis., March 31, 1960.

The Honorable ALEXANDER WILEY,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILEY: The public service rendered by the Post Office Department and Postmaster Summerfield in joining the fight against obscene literature is most commendable. The Department's efforts in seeking the public's cooperation in reporting instances in which the U.S. mails are used as the transporting vehicle of pornography and smut has been effective.

The posters furnished to postal stations, pointing out that the mails are being used as a delivery media of obscenity and that only public cooperation will bring it to a stop, have alerted the public as to the increasing menace of this type of material.

There are 1,700 men in St. Catherine's Parish. These men through their holy name society request that the efforts and vigilance of the Department against pornographic material be recognized and commended. I have no hesitancy in saying that their wives and children join in this request.

On behalf of the Holy Name Society of St. Catherine's Parish, I respectfully request that a resolution be introduced in the U.S. Senate commending the Post Office Department and the Postmaster for their excellent work.

Please forward a copy of this resolution to me, after it has been printed and introduced, so that we can reproduce it and distribute it.

Very truly yours,

WALTER P. MEEKER,
President.

AMENDMENT OF MUTUAL SECURITY ACT OF 1954—AMENDMENT

Mr. MURRAY submitted an amendment, intended to be proposed by him, to the bill (S. 3058) to amend further the Mutual Security Act of 1954, as amended, and for other purposes, which was referred to the Committee on Foreign Relations, and ordered to be printed.

TREATY OF FRIENDSHIP WITH PAKISTAN, AND CONVENTION OF ESTABLISHMENT WITH FRANCE—REMOVAL OF INJUNCTION OF SECRECY

Mr. JOHNSON of Texas. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive F, 86th Congress, 2d session, a treaty of friendship and commerce between the United States of America and Pakistan, together with a protocol relating thereto, signed at Washington on November 12, 1959, and Executive G, 86th Congress, 2d session, a convention of establishment between the United States of America and France, together with a protocol and a joint declaration relating thereto, signed at Paris on November 25, 1959, and that the treaty and convention, together with the President's messages, be referred to the Committee on Foreign Relations, and that the President's messages be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the injunction of secrecy will be removed, and the treaty and convention, together with the President's messages, will be referred to the Committee on Foreign Relations, and the messages from the President will be printed in the RECORD.

The messages from the President are as follows:

THE WHITE HOUSE, *April 6, 1960.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty of friendship and commerce between the United States of America and Pakistan, together with a protocol relating thereto, signed at Washington on November 12, 1959.

I transmit also, for the information of the Senate, the report by the Secretary of State with respect to the treaty.

DWIGHT D. EISENHOWER.

(Enclosures: 1. Report of the Secretary of State. 2. Treaty of friendship and commerce, with protocol, signed at Washington November 12, 1959.

THE WHITE HOUSE, *April 6, 1960.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a convention of establishment between the United States of America and France, together with a protocol and a joint declaration relating thereto, signed at Paris on November 25, 1959.

I transmit also, for the information of the Secretary of State with respect to the Senate, the report of the Secretary of State with respect to the convention.

DWIGHT D. EISENHOWER.

(Enclosures: 1. Report of the Secretary of State. 2. Convention of establishment, with protocol and joint declaration, signed at Paris November 25, 1959.)

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Editorial entitled "Standstill at Geneva," published in the New York Times of April 5, 1960.

DEMOCRATIC PARTY REAL WINNER OF THE PRESIDENTIAL PRIMARY IN WISCONSIN

Mr. PROXMIRE. Mr. President, yesterday was a great day for the Democratic Party in the State of Wisconsin. I think the real winner of the presidential primary in Wisconsin was the Democratic Party.

The fact is that Wisconsin has been an overwhelmingly Republican State, for more than 50 years, in fact, throughout this century until 1958. The fact is that never before has the Democratic Party received nearly as many votes in Wisconsin, in a presidential primary, as has the Republican Party.

So I am happy to report that yesterday the Democratic Party received more than twice as many votes in the Democratic primary in Wisconsin as the Republican Party did—more than two-thirds of the primary votes. To be precise, Democrats won a handsome 71 percent of the total primary vote, and this was a huge record primary turnout.

Of course, it has to be recognized that the Democrats had a very vigorous contest in that primary, and the Republicans did not. At the same time, I think this should be evaluated in terms of what happened before. In 1954, when I ran for election as governor, I had a very vigorous contest against a man who was widely supported in the State. Very vigorous, all-out campaigns were conducted on both sides. The Republican candidate for governor had no opposition. Despite that fact, he received 60 percent of the primary vote, and we together received only 40 percent. Incidentally, I went on from the Democratic primary to come within 1 percent of winning the governorship.

In the past 6 years our party has grown most dramatically and decisively in Wisconsin.

Mr. President, there has been some talk to the effect that the Kennedy victory in Wisconsin was below expectations. I suppose there are some who expected the Senator from Massachusetts to win everything. But any time a man from Massachusetts can come into Wisconsin and can win by more than 100,000 votes—as a matter of fact, by more than 102,000 votes—and can win 6 of our 10 congressional districts, including districts which are predominantly rural, I think that is a very, very impressive showing particularly when KENNEDY's opponent is a vigorous and popular midwestern campaigner like HUBERT HUMPHREY.

At the same time, I believe it must also be recognized that the Senator from Minnesota [Mr. HUMPHREY] ran a gallant race against the No. 1 votegetter of the Democratic Party; and if we analyze the voting, I believe it is clear that the farmers of Wisconsin enthusiastically supported Senator HUMPHREY, who has been their great champion in the U.S. Senate. They recognize that, and they gave him a great tribute in the votes they cast yesterday.

I believe that Senator HUMPHREY's candidacy for the Presidency is still very much alive, because he ran a very strong race against the No. 1 votegetter of our party.

However, the real winner was the Democratic Party.

Mr. President, I yield the floor.

NEW ISSUE OF LONG-TERM GOVERNMENT BONDS

Mr. BUSH. Mr. President, the Treasury's decision to offer on the market, this week, its first long-term bond issue in nearly a year deserves commendation.

It was not unexpected. The Treasury has long made clear that whenever conditions in the Government securities market permit, it will undertake long-term financing at rates of 4¼ percent or less.

The recent decline in interest rates has now reached a point where an offering of a long-term bond issue has a chance to be successful. I am sure that all Senators hope it will succeed.

I anticipate, Mr. President, that some of my colleagues on the other side of the aisle will indulge in self-congratulation, pat themselves on the back, and seek to claim credit for the drop in interest rates which has permitted the Treasury to attempt a new long-term bond issue.

However, the recent decline in interest rates resulted, not from speeches on the Senate floor, but from an easing off in business conditions, resulting in a reduced demand for credit.

It will be argued, as it has been argued, that there is no longer any necessity to lift the 4¼ percent interest rate ceiling on Treasury obligations with maturities of more than 5 years.

It will be a dangerous gamble, Mr. President, to accept that argument. Interest rates can rise just as quickly as they fell.

As I have remarked before on the Senate floor, we have a new class of speculators on the Government bond market. They are the Senators who are gambling that business conditions will remain slack, thus reducing demands for credit and an easing of interest rates. These Senators are indulging in a dangerous speculation, involving people's savings and the credit and the security of the Nation. They may have to hang their heads in shame if business recovery, as seems likely, results in more demands for money and higher interest rates, which may again lock the Treasury out of the long-term bond market.

Increased business activity in the months ahead would certainly bring new demands for credit. If Congress fails to lift the interest rate ceiling on long-term bonds, it may find that it has again forced the Treasury into the short-term money market exclusively, with consequences as unfortunate as those which already have been experienced.

What have been those consequences? Because the Treasury was forced into the short-term money market, interest charges were increased for all Americans who had to borrow—for the worker who financed a new automobile, for the housewife who bought a refrigerator on consumer credit, and for the businessman who needed working capital to meet his payrolls.

Because the Treasury was forced into the short-term market, funds available for mortgage lending were depleted, with unfortunate effects upon homebuyers and the homebuilding industry.

It is significant that only recently the National Home Builders Association protested on this very issue, and recommended the enactment of legislation to remove the interest rate ceiling on bonds—action which previously had been taken by the Real Estate Association of America, the Lumber Dealers Association, and, of course, others.

Mr. President, the stubborn resistance against permitting the Treasury the freedom it needs to manage the huge national debt already has cost the American people millions of dollars, and has had damaging effects upon the entire economy. It may have contributed to the temporary interruption in the growth of the economy which we now witness. Thus, the proponents of growth at any price have placed a stumbling block in the path of growth.

Mr. President, I ask unanimous consent that an article by J. A. Livingston, which appeared in the Washington Post of March 30, and an article by Edwin L. Dale, Jr., which appeared in the New York Times of March 31, be printed in the RECORD following these remarks. Both these articles contain valuable information on the background of events which led to the decision of the Treasury which was announced last week.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 30, 1960]

DISAPPOINTMENT FOR SMALL INVESTORS

(By J. A. Livingston)

Many small investors—people who didn't get Government magic 5s—will be disappointed this week.

The U.S. Treasury's new financing program won't contain anything as juicy as the 5s.

The rally in Government bonds since the first of the year has made possible the sale of Treasury issues near the 4¼ percent bond ceiling.

Therefore, the rates which will be offered won't be sufficiently higher than those for E-bonds or savings accounts to generate demand from purchasers in $1,000 to $5,000 lots.

Many persons are apt to credit the fight in Congress against raising the 4¼ percent ceiling for the drop in interest rates. There's no connection.

CREDIT DEMAND LESSENS

The facts are these: First, the high interest rates brought into the Government bond

market people who had never before bought Government bonds. A record 100,000 individual subscriptions were received for the magic 5s.

Second, the demand for credit at banks has not been as great this spring. Money has been easier than expected.

Third, the hesitation in business prompted fears of a recession. And, if a recession developed, the Federal Reserve Board would make credit easy. Therefore, speculation forced down money rates. And, the Federal Reserve, as a matter of precaution, let money and credit become looser.

Consequence: The 4¼ percent interest rate ceiling, which President Eisenhower asked Congress to remove, may not be an immediate bar to the sale of long-term bonds. A small issue—probably under a billion—might squeak through at or under 4¼ percent.

COULD BE IN BIND AGAIN

But this doesn't make the ceiling a virtue. Just the reverse. Interest rates can turn up as quickly as they turned down. Then the Treasury will be in the same bind again.

Congress should lift the ceiling—merely to give the President and the Secretary of the Treasury the "proper tools" to handle the $290 billion debt. Too much of the debt is short term; more ought to be pushed beyond 5 years.

Authority to sell bonds bearing a coupon above 4¼ percent is permissive, not mandatory. Raising the ceiling won't raise interest costs. If interest rates stay below 4¼ percent or go lower, then the Treasury will finance below the ceiling—like any prudent borrower.

A loophole bigger than Texas, Alaska, and the other 48 States make the 4¼ percent ceiling possible. The Treasury isn't permitted to sell bonds that mature in more than 5 years at a rate above 4¼ percent. Yet it is not limited on securities of less than 5 years. That made the magic 5s possible. They mature in 4 years and 10 months from date of issue.

AN ECONOMIC PARADOX

Thus, the ceiling has forced the Government into selling short-term securities. And this has had an unexpected repercussion. The National Association of Home Builders formally endorsed House bill 10590, which would empower the Secretary of the Treasury to sell bonds carrying coupons above 4¼ percent. Yet home builders like low interest rates.

Question: Why has the NAHB come to the aid of the Treasury? Wouldn't the sale of high-coupon bonds take money out of the mortgage market?

Answer: No. This is an economic paradox. Purchasers of E-bonds or depositors in savings institutions want rainy-day funds intact. They don't want to take risks from fluctuation in price.

The short maturity anchors the principal close to 100 cents on the dollar. This does not apply to long-term bonds. Example: The Treasury's 3s of 1995 rose from $790 a bond to more than $860 in 11 weeks. They can go down just as fast as they went up.

Homebuilders, therefore, want to clear the way for the Treasury to sell bonds. Bonds would not compete with the usual flow of funds to savings institutions. Savers would not be as well advised to buy 8-, 10-, or 12-year bonds as less than 5-year notes.

In any case, given a choice between 4 percent issues in Government securities, which fluctuate in price, and 3½ percent or 3¾ percent available through E-bonds or savings institutions, which can be withdrawn at 100 cents on the dollar, the small saver is better off with what he has been used to.

Thus, what the Treasury has to announce this week won't bring small investors running.

[From the New York Times, Apr. 1, 1960]

TREASURY TO SELL A 25-YEAR BOND—SETS INTEREST RATE AT LEGAL CEILING OF 4¼ PERCENT—AMOUNT OF OFFERING IS OPEN

(By Edwin L. Dale, Jr.)

WASHINGTON, March 31.—The Treasury announced today that it would put on the market next week its first long-term bond in nearly a year.

The bond will run for 25 years, but is callable after 15 years. It will have an interest rate of 4¼ percent, the legal ceiling that the Democratic-controlled Congress has refused to repeal or modify.

The ceiling has prevented sale of new long-term bonds for nearly a year because already outstanding bonds were selling in the market at prices that brought the buyer a return of more than 4¼ percent.

In the last month, however, Government bonds have gone up in price in the market, with the result that the interest yield has gone below 4¼ percent. Thus the Treasury now thinks it can sell at least some bonds within the ceiling.

It left the amount of the offering open—an unusual device—although it imposed a maximum of $1,500 million. In effect, the Treasury wants to test the market to see how much it will take in the way of long-term bonds at 4¼ percent.

The decision to offer the bond may diminish the Treasury's already-slim chances of inducing Congress to modify the ceiling, though the administration is still eager for the legislation.

Democrats are expected to argue, in effect, "I told you so," and to contend that their refusal to act has saved the taxpayers millions of dollars in interest payments.

The Treasury's view is that rates could easily rise once more making the ceiling again an obstacle to sale of bonds. Besides, officials said today that the change in market conditions had still not gone far enough to permit massive sales of long-term bonds.

In particular, the Treasury feels the ceiling still bars it from using the device of advance refunding of issues approaching their maturity date. This is the Treasury's main hope for getting the debt in the shape it wants. At present the debt is overconcentrated in short-term issues, in the Treasury's view.

Besides the bond, the Treasury will sell next week $2 billion of 2-year, 1-month notes bearing 4 percent interest. The two offerings will raise the cash the Treasury needs between now and June 30, the end of the fiscal year.

TAX REVENUES LAG

The day also brought these other major announcements.

Corporation tax revenues are running about $500 million below estimates for the current fiscal year. By itself, this would turn the estimated budget surplus of $200 million into a deficit. But spending, particularly on farm price support, also appears to be running behind estimates, and officials said the best guess now was that the budget would be almost exactly balanced.

The Treasury indicated that it might use a wholly new system for handling maturing issues. Instead of offering a new issue to holders of the old, it will on some occasions pay off the old issue and simultaneously sell a new issue or issues for each. This is an important technical change, one of whose purposes would be to curb harmful speculation.

Regardless of any possible adverse political consequences for the interest rate legislation, the Treasury was on record with a pledge that it would sell long-term bonds as soon as market conditions permitted. The recent improvement has been dramatic, for the typically slow moving bond market.

For example, in early February the 3¼ percent bond due in 1985 sold at a price of 83, $830 per $1,000 bond, meaning an actual yield of 4.35 percent to anyone who bought it in the market. This morning, those same bonds were quoted at 86⅝, to yield only 4.13 percent.

NEW BONDS "SWEETER"

The new bonds, with a 4¼ percent interest rate, thus are slightly "sweeter" than the going rate for existing bonds. This is the usual procedure, to make sure the new bonds sell.

Officials said they are counting on selling only about $500 million, and anything above that would be "gravy." The Treasury's actual need for cash is only $2,500,000 in total. With $2 billion to be raised from the 2-year notes, any sales of bonds above $500 million would provide extra cash.

The Treasury said it would use any extra cash acquired in that way to reduce slightly the amount of the regular weekly issues of 91-day bills.

While today's bond runs for 25 years, the Treasury can call it in and pay it off any time after 15 years. Thus, if interest rates are lower any time after 1975, the Treasury can save itself money by exercising the call.

Commercial banks buying the bonds can do so by simply crediting the Treasury's account—in effect, by creating the money. This is a privilege that helps the sale of new securities. The banks can "use" this money until the Treasury calls on it, and officials said today the money on this occasion would remain with the banks for an unusually long time.

Banks buying the new notes can use this money-creating privilege to the extent of 75 percent of their purchases.

MOVE COMES AS SURPRISE

Today's announcement of the new technique for handling maturing issues by selling replacement issues for cash came as a complete surprise. The next maturity is May 15, and officials would not commit themselves as to whether the new technique would be used.

A major reason for the new device is the painful experience of June 1958, when speculators bought huge quantities of an issue in a refunding with very small "margin" (cash downpayment). Shortly afterward the bond market went into a tailspin, and the overspeculation in this one issue was a cause of the steepness of the decline. Heavy losses were suffered.

This sort of speculation is possible only in a system whereby buyers can purchase with little cash the almost-matured issue—the so-called "rights" to the new issue. Under a system of paying off old issues in cash and simultaneously selling new ones for cash, the Treasury can require cash downpayments on the new issue.

Officials listed several other advantages for the new technique.

In the case of refundings including a choice of two or more new issues, it lets the Treasury decide the exact amount of each issue that will be sold.

It permits the Treasury to make preferential allotments to various types of investors, if it wishes to do so.

For various technical bookkeeping and tax reasons, the new system would make it possible for certain types of investors, such as State retirement funds, to participate in refundings where they cannot or will not do so now. Thus the market would be broadened.

Finally, the Treasury—which is always able to sell new issues for cash—would always know that it could refund the whole amount of a maturing issue. There would be no "attrition"—the refusal of some holders of an old issue to take the new one because they prefer to be paid in cash.

DEFENSE SPENDING

Mr. BUSH. Mr. President, as a member of both the Joint Economic Committee and the Armed Services Committee, I have listened with great interest to the speeches that have been made by various Senators, including presidental nominee aspirants, warning of the dangerous state of the Nation's defense and, in some ininstances, urging that more be spent for defense.

There seems to be a mistaken idea prevalent that simply by spending more money, we get more defense; that by increasing an appropriation, we get more and better missiles.

It seems to me that we should, first of all, determine that we are getting dollar value for what is already being spent. I have not heard any speeches urging that we take a long, hard look at the $41 billion defense budget to see where there is budgetary fat that could be cut without taking a dollar from funds earmarked for military hardware.

I feel that the recent hearings before the Defense Procurement Subcommittee of the Joint Economic Committee on "The Impact of Defense Procurement" and the excellent staff report published subsequent thereto have provided the answer as to whether we are getting dollar value and where there is budgetary fat that can be cut.

This commmittee has taken a look at this situation not just from the limited area of concern of the several legislative committees, but on a much broader scope which recognizes the impact of this massive part of our Federal budget on our industrial resources and our national economy per se.

These hearings have shown clearly that there continues to be wasteful duplication by the Armed Forces in procurement and related supply functions.

This staff report gives, I believe for the first time, the complete background of frustrated efforts by Congress to achieve unification in this area with resulting economy and efficiency.

I strongly urge each of my colleagues in the Senate, and those in the House, too, to read particularly the 10 pages of part V of this report, "What to do about unification of common-use supplies and services."

The Washington Daily News on March 21, 1960, published a thought-provoking editorial on this subject, in which it pointed out that the Armed Forces continue to resist all efforts to control this most wasteful business.

I ask unanimous consent to have printed in the RECORD the editorial entitled "Surface Only Scratched," which appeared in the Washington Daily News of March 21, 1960, and also an editorial, entitled "Fat in the Defense Budget," which was published in the Washington Evening Star of February 4, 1960.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Mar. 21, 1960]

SURFACE ONLY SCRATCHED

For sheer size, there is no business to match our armed services. In buying, supplies on hand, and surplus disposal, a congressional committee reports, the Defense Department is "without parallel." It is also, the report proceeds to make plain, the most wasteful business.

Consider the magnitude: National Defense spending now is 3½ times greater than in 1950. The annual cost is near $47 billion—9 percent of the total business of everybody in the United States.

For years, Congress, top Government officials, and others—such as the Hoover Commission—have been trying to get the Armed Forces to pool their buying on so-called common use items—of which more than 1.8 million have been cataloged. The late Defense Secretary James Forrestal practically made a career of this effort.

The new report of the Joint Subcommittee on Defense Procurement says:

"But efforts to date have only scratched the surface."

Just making up a list of all the things the services buy cost $200 million—but even with this list, less than a sixth of the common use items have been standardized for purchasing purposes.

As a result, the armed services now have surplus supplies costing $26.7 billion. The job of disposing of this excess material is so staggering the Defense Department estimates it will take 3 years—and more surplus is accumulating all the time.

"The net return to the Government on surplus disposal sales," says the subcommittee, "is less than 2 percent of the acquisition cost."

Billions of taxpayer dollars are simply vanishing.

This is bureaucracy in action—a bureaucracy so vast, so glued to its ways and so cumbersome that it is able to resist all efforts to control it. Congress, a succession of Defense secretaries, the Hoover Commission—all have tried—in vain.

Despite this sorry record, we believe this problem can be licked if some military heads are bashed together and firm orders issued.

[From the Washington Star, Feb. 4, 1960]

FAT IN THE DEFENSE BUDGET

Testimony before the Joint Economic Committee of Congress has made it clear that millions, or even billions, can be cut from the Nation's defense bill—without taking a dollar from funds earmarked for missiles or other military hardware. In fact, the money saved by elimination of budgetary fat might well be used to buy more military strength.

We refer to disclosures of continued wasteful duplication of services in the logistical field by the various Armed Forces. According to competent witnesses before the committee, the defense agencies have made little progress in eliminating duplication and overlapping of many supply and related services since the Hoover Commission called for centralization of procurement and supply activities. It has been estimated by members of the Hoover Commission that some $2 billion might be saved the taxpayers by centralization.

Comptroller General Joseph Campbell cited to the committee a number of glaring examples of blind buying and selling by military departments that, but for action by his office, would have cost the Government millions of dollars. "In one case," he said, "we found that during the same period one service had a long supply and excess of aircraft engines and accessory parts available for interservice use, while another service was placing orders for identical items." In another case the Army planned to buy helicopter parts from private industry, although the Air Force had more than $6 million worth of the same items left over from a reduced program.

One of the persuasive critics of military waste was Perry M. Shoemaker, railroad president and vice chairman of the committee of Hoover Commission Task Force members. He pointed out that although Congress has authorized the Defense Department to integrate supply functions, as recommended by the Hoover Commission, military officials seem reluctant to use the authority. Their only move so far, the committee was told, has been to set up a single manager system for procurement of a few items used in common by the three services. Under this system one branch will purchase food or clothing or fuel or medical supplies for the other branches—but without information as to present stocks, usage rates, or other important details. Richard Newman, a staff member of the congressional committee, stressed that the particular service doing the buying "cannot evaluate requests or take steps to redistribute excess stocks and reduce inventory investments."

Defense officials pointed to the single manager system as proof of their concern over waste and their desire to cooperate in reducing overlapping of housekeeping activities. But Mr. Shoemaker and other witnesses declared that this was only a first step, a temporary expedient that is not a real substitute for a permanent centralization of purchasing and distribution functions in the Defense Department. And if, as the Hoover task force of outstanding businessman and other specialists has asserted, billions of defense dollars are being wasted through uncoordinated procurement and supply management, it is time to put military buying on a businesslike basis and use the savings to build up our lagging weapons arsenal.

ADDITIONAL LIST OF REPUBLICAN WOMEN FROM WISCONSIN ATTENDING THE REPUBLICAN WOMEN'S CONFERENCE IN WASHINGTON

Mr. WILEY. Mr. President, it has come to my attention that the following ladies were not included on the list of Republican women from the State of Wisconsin attending the Republican Women's Conference in Washington this week as appears in the April 4 CONGRESSIONAL RECORD. I ask unanimous consent to correct this inadvertence by listing the additional names.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

Mrs. Wesley Canfield, Potosi, Wis.
Miss M. Ethel Utt, Lancaster, Wis.
Mrs. Charles J. Becker, West Milwaukee, Wis.
Mrs. Immo Heckel, Milwaukee, Wis.
Mrs. Harold Austin, Lancaster, Wis.
Mrs. Willis Hutnik, Ladysmith, Wis.
Mrs. O. B. Johnson, Ladysmith, Wis.

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

INTERNATIONAL TARIFF CONFERENCE AT GENEVA

Mr. DWORSHAK. Mr. President, I was shocked to read the United Press

International news dispatch stating that the State Department wants $900,000 to send delegates to an International Tariff Conference at Geneva and to hire chauffeurs to drive them around. The dispatch also added that the United States plans to send 138 experts and staff members, mostly from Government agencies, and hire 13 staffers at Geneva to attend a conference beginning September 1, 1960, aimed at lowering tariffs among 37 participating nations, which is expected to last a year or more. The article published today stated that the State Department has asked a House Appropriations Subcommittee for $900,000 to cover the 151 persons' expenses through June 30, 1961. This proposed budget included $26,320 to buy four cars and hire chauffeurs for them; $20,270 to ship 300 pounds of baggage apiece for 115 delegates; and $8,000 for entertainment of other delegations.

Mr. President, in view of the fact that the United States has had an unfavorable balance annually in 1958 and in 1959 of about $4 billion; and, with our gold reserves constantly dwindling, I have compiled some information on this apparent effort to insure final interment for American business and industry. I deplore very much that our State Department is so utterly unaware of the fact that we have been pricing ourselves out of world markets, and that obviously, this proposal will totally destroy American industry, with resultant widespread unemployment.

A copy of the hearings before the subcommittee of the House Appropriations Committee on the budget for the Department of State contains some information which should be presented to the Senate so that there will be an opportunity to make protests to this proposal for international tariff negotiations. On Thursday, February 25, 1960, Mr. Horace E. Henderson, Deputy Assistant Secretary for International Organization Affairs, testified that the State Department is requesting an appropriation of $900,000 to support the U.S. participation during fiscal year 1961 in the fifth round of international tariff negotiations.

Mr. President, it is timely to point out that the General Agreements on Tariffs and Trade, which is the sponsoring body for these international negotiations, has never been officially approved by the Congress, and thus has a questionable status insofar as international agreements are concerned.

Mr. Henderson testified:

> There have been four general rounds of multilateral tariff negotiations whose results have been embodied in tariff schedules forming a part of GATT: Geneva (1947); Annecy, France (1949); Torquay, England (1950–51); and Geneva (1956). Tariff concessions granted by GATT countries to one another in these negotiations cover some 60,000 items and $40-billion worth of trade annually.

Mr. Henderson testified that preparations for U.S. participation in the forthcoming conference were begun more than a year ago by the Inter-Agency Trade Agreements Organization. He emphasized that "the aim of the United States will be to bring about a lowering of tariffs by all participating countries, which will benefit the U.S. economy and contribute to the expansion of mutually beneficial world trade." He also testified that "the forthcoming round of international tariff negotiations will begin in Geneva, Switzerland, beginning September 1, 1960, and will last a year or more."

Mr. President, it is difficult to justify Mr. Henderson's testimony that the appropriation for $900,000 will enable the United States to take a positive and active part in this forum with a view to expanding and promoting world trade.

When claims are made that these international GATT conferences promote beneficial trade results for the United States, it is interesting to point out that our exports are decreasing and our imports are increasing. It is a debatable question whether there are any advantages for the United States involved in these international negotiations, which have become a farce. All we have to do is to examine the record, which indicates that in 1958 and in 1959 the United States lost about $4 billion because of changes in foreign holdings of gold and dollars through transactions with the United States.

It is interesting to note that in the past decade there has been a constant decline in the unfavorable payment balances which this country has had.

Mr. President, does it mean that the State Department, through these international conferences, should continue to bargain away tariff advantages which have built up in the past our U.S. economy to a commanding position of leadership? Does it mean that we must continue to give concessions to foreign countries which will enable them to flood our markets with commodities which might advantageously be produced by American labor? Does it mean that we must submit to an imposition of fantastic and indefensible concessions which will weaken our economic structure and seriously jeopardize the ability of the United States to provide leadership so vitally necessary to the free world?

Mr. President, I am making these brief remarks to alert the Senate and the Appropriations Committtee to the submission of this budget by the State Department with a total of $900,000, of which personal services will amount to $228,200; and travel will amount to $605,000. It is proposed to make provision for 30 round trips between Geneva and Washington for members of the delegation who may be required to return to Washington for consultation.

The testimony before the House Committee also indicated that the last GATT conference was held in Geneva in 1956 and that its budget amounted to $265,000. Mr. President, this is quite insignificant when it is compared with the $900,000 which is now being requested for a similar conference. It is also pertinent to note that Mr. Henderson said:

> We are not paying the salaries of any members of the delegation other than those in the Department of State. The other agencies are providing the salary costs of the personnel that they are providing for the delegation.

The State Department will provide only 37 of the 151 personnel.

Mr. President, this simply means that far in excess of $1 million will probably be expended by our Government to send a delegation to a Geneva Conference to bargain away what little security remains for American business and industry.

Mr. President, I shall not take more time to explain some of the details of this nightmarish proposal of the State Department. It is timely to observe that this country is facing the most serious challenge in its history to meet the influx of commodities and manufactured products originating in countries with wage levels far below those prevailing in the United States.

We are constantly given reassurances that the Trade Agreement Act and the International Negotiations under GATT are a real advantage to our country. However, every segment of agriculture and industry has been adversely affected by our competition from low-cost producing countries. How much longer can we continue to isolate ourselves from competitive world trade and permit the State Department to misrepresent the interests of our people?

Mr. President, I have abiding faith that this Congress, through its Appropriations Committee, will not be duped by this preposterous proposal to approve a program which has never received congressional sanction to continue its depredations on our American way of life. Elected representatives of the people have certain responsibilities, while the 151 persons who would be delegated under this budget proposal to represent this country at Geneva would not be accountable in any way because they would hold nonelective positions. It is most unfortunate that the President and the Secretary of State do not restrict the activities which are proposed under GATT far transcending any authorized jurisdiction given by the Congress for such tariff-cutting negotiations.

CIVIL RIGHTS ACT OF 1960

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RACE PROBLEMS

Mr. JOHNSTON of South Carolina. Mr. President, there appeared in the April 11 issue of U.S. News & World Report an article entitled "How One Northern City Handles Its Race Problem." In

this article, a report datelined from Philadelphia, Pa., the U.S. News & World Report's reporter brings to light the fact that this northern city, where one of every four residents is a Negro, has just recently gone through one of the most frightful experiences in its modern history.

The article states that only "swift and stern action" by the local authorities prevented "the dread of a major racial explosion."

The article tells of death and brutal beatings carried out by Negro and white groups in this City of Brotherly Love. The article answers the question, "How did Philadelphia react to this crisis?" by telling how hundreds of police were put on round-the-clock patrols, how hundreds of police leaves were canceled, and how hundreds of police were rushed into the trouble area. The article also pointed out how police stopped cars and how scores of troublemakers, white and Negro, were arrested.

The article sums up the situation in Philadelphia by quoting the police commissioner, Thomas J. Gibbons, who said:

After every day that ends without a serious bit of trouble, we breathe a sigh of relief.

Mr. President, I commend the U.S. News & World Report for going to Philadelphia and reporting the situation there for the benefit of the Nation. While this situation existed in Philadelphia, there was no report of it, to my knowledge, in the northern and liberal newspapers. Certainly if there were reports of these troubles in Philadelphia, they were not given prominence in the northern liberal papers, but were probably buried in the classified sections of these papers.

No, Mr. President, the northern liberal newspapers did not report in huge headlines anything of the Philadelphia situation. They were too busily engaged in brandishing headlines of sit-down demonstrations in the Southern States, and too busy writing editorials encouraging violence in the South, and too busy criticizing the way in which the South African Government handled a race riot in that country.

It is strange to me that the State Department and the northern liberal press had the nerve to criticize South African police for shooting at a mob of 20,000 people who were attacking 25 policemen in a building, yet did not have time to make criticism of the situation in American cities such as Philadelphia where hundreds of extra police have had to be put on round-the-clock shifts, where they are arresting scores of people, halting automobiles, and searching hundreds of people. This is what is happening in Philadelphia, the City of Brotherly Love, while the National Association for the Advancement of Colored People is busily encouraging more violence in the South. If the NAACP, the State Department, and the northern liberal newspapers were interested in preserving peace, they would lend their weight and support to efforts to halt killings, beatings, and robbings in the large northern cities before they would worry about forcing a private businessman in the South to destroy his business by forcing integration upon people who do not wish to integrate—both white and colored. I believe I can speak for both races in my State.

Mr. President, again I commend the editor of the U.S. News & World Report for its frank report of conditions in Philadelphia, which, no doubt, exist in many other large northern cities where integration has become the forced law of the land against people's will. I ask unanimous consent that this article be printed in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW ONE NORTHERN CITY HANDLES ITS RACE PROBLEM

PHILADELPHIA.—This northern city—where one of every four residents is a Negro—has just gone through the frightening experience of living from day to day in dread of a major racial explosion.

Only swift and stern action to head off outbreaks of violence, city officials believe, averted serious clashes in areas where Negro and white neighborhoods meet.

Even so, a rash of racial incidents during the closing days of March kept police and community leaders in a state of constant alert—never knowing when big trouble might develop.

DEATH OF A SCHOOLBOY

Philadelphia's big scare was touched off by the fatal stabbing on March 21 of 17-year-old John A. Campiglia, Jr., a white student at the integrated South Philadelphia High School. The Campiglia boy, walking home alone from school in daylight was attacked and beaten with fists and chains by 11 Negro teenagers—some of them fellow students—before one of the group knifed him.

The killing, called brutal and senseless by Police Commissioner Thomas J. Gibbons, occurred 4 days after two of the Negroes in the attacking gang had been beaten by white teenagers.

Tension gripped the city. Normal community activities in some mixed neighborhoods all but ceased. School attendance in those areas fell off sharply.

A cross was burned in front of a Negro-owned home. A group of white youths attacked five young Negro couples. Negro youths waylaid and beat up a white man. A 12-year-old Negro girl was wounded by shotgun pellets fired by youths in a passing car.

How did Philadelphia react to this crisis? Here's what happened when one more northern city came face to face with racial tensions that are spreading through the big cities:

THREE'S A CROWD

Police leaves were canceled as hundreds of extra patrolmen were rushed into the south Philadelphia area for round-the-clock patrols. Teenagers in groups of more than two were searched for weapons and dispersed. Cars were stopped and searched. Scores of troublemakers—white and Negro—were arrested.

Top officials of 70 civic and religious organizations—white and Negro—met in an emergency session and issued an appeal for an end to violence. Fieldworkers from youth groups poured into the troubled areas to urge restraint on both sides and cooperation with the police.

By April 1, calm appeared to have returned to this troubled city.

A PHENOMENAL JOB

Maurice B. Fagan, executive director of the Fellowship Commission, says the police and community groups "have done a phenomenal job in keeping the peace as well as we do" in view of the city's racial tensions.

A steady decline in the number of racial incidents for the last 2 years until the recent outbreaks is reported by George Schermer, executive director of the Commission on Human Relations. Mr. Schermer calls for a greater effort to cope with emotional and character problems of kids that come from homes where training is less than adequate.

Nochem S. Winnet, head of the Crime Prevention Association, calls for fuller reporting of racial incidents in the city's press as a means of alerting the public to the need for more effort in trying to solve the city's problems.

Newspaper and police officials reply that all such incidents are reported on their merit and that there is no conspiracy of silence.

A CHANGING CITY

As more and more Negroes move into Philadelphia from the South, and white residents move out to the suburbs, the city's problems with crime, juvenile delinquency, and rising welfare costs continue to mount.

Says Police Commissioner Gibbons: "After every day that ends without a serious bit of trouble, we breathe a sigh of relief."

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. RUSSELL. Does the Senator know of any southern city with a percentage of Negro population as high as in Philadelphia in which conditions exist such as he has described?

Mr. JOHNSTON of South Carolina. I do not know of any condition like that existing in a southern city where the colored population is as high as it is in Philadelphia.

Mr. RUSSELL. The condition the Senator describes undoubtedly flows in large measure from the complete and indiscriminate mixing and integration of the races by the force of State law.

Mr. JOHNSTON of South Carolina. That is correct.

Mr. RUSSELL. The Senator, of course, is describing a condition which we are desperately striving to prevent from being forced on the people of the South, whom we have the honor to represent.

Mr. JOHNSTON of South Carolina. I agree with the Senator from Georgia that that is what we are doing at the present time.

We know that whenever integration is forced on people against their will we find this kind of trouble developing. This is the sort of thing that will result from forced integration.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Louisiana [Mr. ELLENDER] to strike out title VI of the bill.

Mr. ERVIN. Mr. President, I call up my amendment identified as "3-31-60-F," and ask for its immediate consideration.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 20, after line 25, it is proposed to insert a new paragraph as follows:

The provisions of this subsection shall apply only to an election at which a candidate for the Senate of the United States or for the House of Representatives of the

United States or for Resident Commissioner of Puerto Rico is voted for, and the words "election" or "elections" as used in this subsection shall be construed accordingly.

The PRESIDENT pro tempore. This is a perfecting amendment.

Mr. JOHNSON of Texas. Mr. President, how long does the Senator from North Carolina expect to discuss his amendment?

Mr. ERVIN. I would want about 10 minutes, so far as I am concerned.

Mr. JOHNSON of Texas. I ask unanimous consent that I may yield 10 minutes to the Senator from North Carolina to discuss the amendment.

Mr. ERVIN. Mr. President, the Founding Fathers were wise men. They knew the history of the experiences of the colonies. They knew from that history that the 13 colonies had suffered much at the hands of a government far removed from the people. Therefore, when they came to draft and ratify the Constitution of the United States, they adopted a system of Federal Government by which they committed to the National Government the power necessary to enable it to function as a national government, and by which they reserved to the States the right to manage their own internal affairs.

I think the best explanation ever made in brief compass of the fundamental objectives of the Constitution of the United States is that which appears in the celebrated case of Texas against White, which is reported in 7 Wallace, pages 700 to 743. I wish to read that portion of the opinion of Chief Justice Salmon P. Chase which appears on page 725:

> But the perpetuity and indissolubility of the Union, by no means implies the loss of distinct and individual existence, or of the right of self-government by the States. Under the Articles of Confederation each State retained its sovereignty, freedom, and independence, and every power, jurisdiction, and right not expressly delegated to the United States. Under the Constitution, though the powers of the States were much restricted, still, all powers not delegated to the United States, nor prohibited to the States, are reserved to the States respectively, or to the people.
>
> And we have already had occasion to remark at this term, that "the people of each State compose a State, having its own government, and endowed with all the functions essential to separate and independent existence," and that "without the States in Union, there could be no such political body as the United States." Not only, therefore, can there be no loss of separate and independent autonomy to the States, through their Union under the Constitution, but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.

Mr. President, we stand today at one of the most crucial points in our history. This is true because the bill before the Senate, and especially the part of it which undertakes to deal with voting rights, provides a test for Congress. Does Congress desire to destroy the States of the Union? Does Congress believe we should have a centralized government, and that a Union composed of indestructible States shall cease to exist? That is the issue which confronts Congress at this time. It is especially emphasized by the provisions of the bill which undertake to confer upon the Federal Government the power to pass upon the qualifications of those who are to vote in State elections.

Mr. President, there are two separate sets of constitutional principles governing what may be called congressional elections, on the one hand, and State and local elections, on the other. The provisions of the Constitution which relate to congressional elections are sections 2 and 4 of article I, and the 17th amendment. Section 2 of article I reads as follows, insofar as it is pertinent to the present discussion:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Section 4 of article I provides:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The 17th amendment, so far as it is pertinent to the present discussion, reads as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

These three provisions deal with the election of Senators and Representatives, who are elective officers of the United States. In "The Federalist," where the purposes of the Constitution are outlined in the clearest manner, it it stated that the provision of section 4, article I, providing that "Congress may at any time by law make or alter such regulations"—that is, regulations prescribed by the States as to "the times, places, and manner of holding elections for Senators and Representatives"—was intended to be made effective only in cases where the State failed to make any provision of the election of Members of Congress.

The Constitution was designed to establish an indestructible Union composed of indestructible States. So the Constitution was always interpreted, until the 15th amendment, to mean that the States should have the sole power to regulate all State and local elections.

Furthermore, both the 2d section of the 1st article and the 17th amendment provide in express words that even the qualifications of those who were to vote for Senators and Representatives are to be prescribed by the States. These two constitutional provisions do that by providing that persons shall be eligible to vote for Senators and Representatives only if they possess the qualifications prescribed by State law for electors of the most numerous branch of the State legislatures.

Mr. STENNIS. Mr. President, will the Senator from North Carolina yield for a question?

Mr. ERVIN. I am glad to yield.

Mr. STENNIS. Mr. President, I call on the Senator from North Carolina to point out what section of the Constitution if any gives the Congress the authority to invest the courts with positive power to register voters and, more especially, to supervise either State or local elections. What grant of power does the Congress have in that respect?

Mr. ERVIN. The courts of the land have held that prior to the ratification of the 15th amendment, the Federal Government had no power whatever to do anything of any character whatsoever in respect to any State or local election.

When the 15th amendment was ratified, it inserted in the Constitution the following new provision:

> ARTICLE XV
>
> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The courts have quite properly held that the only power Congress has over State or local elections is the power to see to it that the States observe the prohibition placed upon them by the 15th amendment; and that prohibition is merely that no State shall deny or abridge the right of any citizen of the United States to vote on account of race, color, or previous condition of servitude.

Mr. STENNIS. Have the courts ever read into the constitutional provision an affirmative power or positive power of the Congress to give the courts the responsibility and authority to supervise elections and register voters?

Mr. ERVIN. I have searched for a decision to that effect; and I assert that there is no decision whatsoever which states that Congress has a right to do anything affirmative in that connection. But, on the contrary, all the decisions say that the only appropriate legislation which Congress can pass under the 2d section of the 15th amendment, to enforce the 15th amendment, is legislation which is designed to enforce the prohibition it contains. The 15th amendment does not grant to Congress any affirmative power whatever. And in decisions of the Supreme Court of the United States, construing the 5th section of the 14th amendment, which is similar to the 2d section of the 15th amendment, the Court has held that the obligation to refrain from discrimination rests upon the States, and that the enforcement of that obligation cannot be assumed by the Federal Government, except by way of enforcement of the prohibition.

Mr. STENNIS. I thank the Senator from North Carolina. He is a very able lawyer, and formerly he was a judge of the supreme court of North Carolina. He has made that search of the decisions and of the authorities. During the course of this entire debate has the Senator from North Carolina heard, or heard of, any proponent of this legislation who has

come here and has pointed out any authorities to the contrary of what the Senator from North Carolina has asserted?

Mr. ERVIN. No authority to the contrary has been cited by anyone. Even when the Attorney General of the United States appeared before our committee and I undertook to make inquiry of him concerning that matter, he had to content himself with the assertion that he believed this measure to be constitutional.

Mr. STENNIS. I thank the Senator from North Carolina.

Mr. ERVIN. I should like to say to the Senator from Mississippi that if the voting provisions——

The PRESIDENT pro tempore. The time yielded to the Senator from North Carolina has expired.

Mr. ERVIN. Mr. President, I should like to have 5 minutes more, if I may.

Mr. JOHNSON of Texas. Mr. President, I yield 5 additional minutes to the Senator from North Carolina.

The PRESIDENT pro tempore. The Senator from North Carolina is recognized for 5 additional minutes.

Mr. ERVIN. Mr. President, as I was about to say to the Senator from Mississippi, I wish to state that if the voting provisions of this bill, in which it is stipulated that the Federal Government for the first time shall undertake to pass upon the qualifications of those who vote in State and local elections, are held constitutional by the Supreme Court of the United States, then I say in solemnity that the American people will have lost the protection of their written Constitution. This is true because such a decision could not possibly be made without nullifying the express provisions of the Constitution of the United States.

Mr. STENNIS. And then the States will have lost their identity to the Federal Government, will they not?

Mr. ERVIN. That is true. I thank the Senator from Mississippi for his contributions to this debate.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I yield.

Mr. JOHNSTON of South Carolina. Has anyone been able to find in the Constitution any provision which gives the Federal Government the right to go into State or local elections?

Mr. ERVIN. Not one syllable of the Constitution would justify such a course of conduct on the part of the Federal Government.

Mr. JOHNSTON of South Carolina. Therefore, if such a provision is not contained in the Constitution of the United States, we must bear in mind that article X of the Constitution provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

So that provision prohibits the Federal Government from regulating primary or other State or local elections; is not that true?

Mr. ERVIN. There is no doubt about that fact.

Mr. JOHNSTON of South Carolina. The proponents of this bill claim authority for it under what is known as the 15th amendment of the Constitution, which reads as follows:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

But have they pointed out in what respect the provisions of this bill in regard to voting qualifications or the management of elections have anything to do with the right of a person to vote or not to vote?

Mr. ERVIN. The answer to that question is self-evident. The courts have held that the Congress has no power whatever to do anything in respect to State and local elections except under the 15th amendment, and that the Congress does not have any right to do anything under the 15th amendment except to enforce the prohibition that no citizen of the United States shall have his right to vote abridged or denied by a State on account of race, color, or previous condition of servitude.

Mr. JOHNSTON of South Carolina. In other words, that amendment, stated simply, means that citizens shall not be discriminated against in that way when they come to vote.

But does not the Senator from North Carolina agree that nothing in the Constitution gives the Federal Government the right to set up specifications in regard to the conduct of elections, and so forth?

Mr. ERVIN. Nothing in the Constitution provides the Federal Government with such a power. Indeed, it is highly doubtful whether the Federal Government could take any positive step looking to passing on the qualifications of voters preliminary to registration, even in elections for Senators and Members of the House of Representatives, under the fourth section of the first article of the Constitution. All that is authorized by it to be done by Congress in respect to congressional elections is to alter the regulations prescribed by the States with respect to the times, places, and manner of holding such elections. It is certainly true that the fixing of the times and places of holding such elections has nothing to do with the registration of voters. Moreover, the words the "manner of holding election" imply the existence of a body of voters whose qualifications have already been determined. This view harmonizes with the definitions which have been given to those words. They have often been construed to refer simply to receiving, and counting votes and certifying election returns.

But, Mr. President, even if it were constitutional for the Congress of the United States to enact a law conferring upon the Federal Government the power to pass upon the qualifications of voters in State or local elections, it would be extremely unwise for Congress to enact any such law. This is true because whenever government is far removed from the people, government becomes the master of the people, not their servant. I have always found it easier to deal with the government of North Carolina, than it is to deal with the Government of the United States. I have found that those who exercise the authority of State government are approachable persons who assume that the States' citizens are people of character, and merit a hearing. But I have found exactly the opposite situation in many cases in respect to those who exercise bureaucratic power under the Federal Government. For these reasons, it is wise to keep government close to the people.

A certain way to destroy liberty in America is to remove Government far from the people and concentrate it in Washington. And a certain way to do that is to confer on the Federal Government the power to determine who is to vote in State elections.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The time of the Senator from North Carolina has expired.

Mr. JOHNSON of Texas. Mr. President, how much time does the Senator desire?

Mr. ERVIN. One minute.

Mr. JOHNSON of Texas. I yield 2 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from Texas yields 2 minutes to the Senator from North Carolina.

Mr. ERVIN. The question which confronts the Congress of the United States at this time is this: Shall the indestructible Union composed of indestructible States cease to exist? Shall we substitute for that kind of a Union a centralized government in which the States are deprived of the power to conduct their own elections? The question is a solemn question, because, in the last analysis, it comes to this: Are the Members of the Senate and the Members of the House, willing to sell the birthright of the American people, for a sorry mess of political pottage, in order to pacify, in order to appease, a few organizations which, in their blind zeal, are willing to emulate the example of Samson and tear down the pillars which support our system of constitutional government?

That is the issue—no more, and no less—and it is time for those who believe we have the finest governmental system on earth to stand up and be counted, not only for this generation, but for the generations yet to come.

Mr. STENNIS. Mr. President, may I commend the Senator from North Carolina——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Mississippi?

Mr. JOHNSON of Texas. I yield the Senator from Mississippi such time as he may need.

The PRESIDING OFFICER. The Senator from Texas yields to the Senator from Mississippi such time as he may need.

Mr. STENNIS. I merely wanted to commend the Senator from North Carolina for his speech. Even though it has been a short one, it has been sound, based on the governmental philosophy of America.

The PRESIDING OFFICER. The question is on agreeing to the Ervin amendment as a perfecting amendment.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without losing the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 155]

Aiken	Fong	McNamara
Allott	Frear	Magnuson
Anderson	Fulbright	Monroney
Bartlett	Gore	Morse
Beall	Green	Morton
Bible	Gruening	Moss
Bridges	Hart	Mundt
Brunsdale	Hartke	Murray
Bush	Hayden	Muskie
Butler	Hennings	Prouty
Byrd, Va.	Hickenlooper	Proxmire
Byrd, W. Va.	Hill	Randolph
Cannon	Holland	Robertson
Capehart	Hruska	Russell
Carlson	Jackson	Saltonstall
Carroll	Javits	Schoeppel
Case, N.J.	Johnson, Tex.	Scott
Case, S. Dak.	Johnston, S.C.	Smith
Chavez	Jordan	Sparkman
Church	Keating	Stennis
Clark	Kefauver	Symington
Cooper	Kerr	Talmadge
Cotton	Kuchel	Thurmond
Curtis	Lausche	Wiley
Dirksen	Long, Hawaii	Williams, Del.
Douglas	Long, La.	Williams, N.J.
Dworshak	Lusk	Yarborough
Eastland	McCarthy	Young, N. Dak.
Engle	McClellan	Young, Ohio
Ervin	McGee	

Mr. JOHNSON of Texas. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Montana [Mr. MANSFIELD], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Iowa [Mr. MARTIN] are detained on official business.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). A quorum is present.

Mr. JOHNSON of Texas. Mr. President, if any Senator desires time to discuss the Ervin amendment, before I yield the floor, I will be glad to yield time. Otherwise the distinguished acting minority leader will move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the perfecting amendment offered by the Senator from North Carolina [Mr. ERVIN].

Mr. KUCHEL. Mr. President, on behalf of the minority leader, as well as on my own, I intend now to move to lay the pending amendment on the table. I wish to repeat what the distinguished majority leader has said. Does any Senator desire to speak on the amendment?

Mr. CASE of South Dakota. Mr. President, will the Senator yield me 2 minutes?

Mr. KUCHEL. I ask unanimous consent that I may yield 2 minutes to the Senator from South Dakota without my losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE of South Dakota. Mr. President, the junior Senator from South Dakota merely wishes to take this opportunity to point out what for him is the deciding issue on the pending bill. The amendment would strike from the bill language making the right to vote applicable to all elections, and would limit the bill to voting for candidates for Congress.

I point out that the 15th amendment deals with the abridgment of the right to vote on certain grounds. The 15th amendment reads:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 reads:

> The Congress shall have power to enforce this article by appropriate legislation.

If the right to vote is abridged, or if the court finds it to be abridged by reason of race, color, or previous condition of servitude, it is abridged whether it is the right to vote for constable, sheriff, Governor, Members of Congress, or any other office. It is for that reason that I think, if we believe the 15th amendment means what it says, we should enact appropriate legislation to prevent abridgment of the right to vote on those grounds.

This question is entirely different from the questions which deal with the conduct of elections. Here we are dealing only with the abridgment of the right to vote by reason of race, color, or previous condition of servitude.

Therefore, I shall vote against the amendment, which would limit the application of the bill to voting in certain elections. The right to vote is at stake.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CASE of South Dakota. I yield.

Mr. JAVITS. Is it not a fact that the 1957 act, which we passed, applies to all elections, including the State elections, and that the constitutionality of the act was sustained a few days ago by the Supreme Court of the United States in the United States against Raines?

Mr. CASE of South Dakota. That is correct.

Mr. JAVITS. Should that not be conclusive upon the Senate?

Mr. CASE of South Dakota. It is my opinion that it is, and that this is appropriate legislation.

Mr. JAVITS. I thank the Senator.

Mr. KUCHEL. Mr. President, if no other Senator desires to speak further, I move——

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

The PRESIDING OFFICER. The Senate will be in order. Senators will cease audible conversation or retire to the cloakrooms.

Mr. HOLLAND. Mr. President, I should like to ask the Senator if it is not true that the bill as drawn would apply to referendum and recall elections?

Mr. CASE of South Dakota. Mr. President, is the Senator addressing that question to me?

Mr. HOLLAND. I am addressing it to the assistant minority leader, but I shall be glad to address it to the Senator from South Dakota.

Mr. CASE of South Dakota. Does the Senator from California yield to me?

Mr. KUCHEL. I shall be glad to yield to the Senator from South Dakota, to answer the question. Then I shall make a comment myself.

Mr. CASE of South Dakota. I am not a lawyer, certainly not a constitutional lawyer. However, as a layman it seems to me that if the right to vote in an initiative or referendum were abridged, or sought to be abridged, because of race, color, or previous condition of servitude, the bill as drawn would apply.

Mr. KUCHEL. I merely say that, so far as I am concerned, the 15th amendment to the U.S. Constitution is the answer to the question of the Senator from Florida.

Mr. HOLLAND. Mr. President, will the Senator yield for another question?

Mr. KUCHEL. I yield.

Mr. HOLLAND. Besides applying to referendum and recall elections, is it not true that the legislation would also apply to elections for the authorization of bond issues?

Mr. KUCHEL. Again I would say to my friend from Florida that the 15th amendment to the Constitution as written provides that no State shall abridge the right of franchise because of certain conditions, namely, race, color, or previous condition of servitude. I suggest to my friend that if one of those elements were present in any type of election, the bill would also apply.

Mr. HOLLAND. Mr. President, will the Senator yield for one more question?

Mr. KUCHEL. I yield.

Mr. HOLLAND. I should like to ask the Senator if it is not true that the bill would also apply to an election to set up a drainage district or a conservancy district, or to set up some special public improvement or some special public administrative office.

Mr. KUCHEL. My opinion is that if the 15th amendment were violated and if the State were guilty of interfering with the right of franchise because of the enumerated conditions, the proposed legislation would apply, and the answer would be yes.

Mr. HOLLAND. I wish to make this one statement, if the Senator will yield once more. The constitution of my State confines the voting cases that I have mentioned to freeholders, people who have ownership of property and who

pay taxes upon real estate. Considering the tendency of courts to hold any such conditions as an attack upon somebody rather than a preservation of the stability of government, I recognize the fact that the Federal courts as now constituted might hold very easily that these provisions, salutary as they are, were designed to prevent general participation by colored citizens in our State in voting. That is not the case, and I shall not lose sight of that fact. I believe we should amend the proposed legislation to bring it more nearly in line with the specific rights given to the Federal Government and the specific recognition of the right of States to fix the qualifications of electors for the election of Senators, presidential electors, and Members of the House of Representatives. I shall therefore support the amendment offered by the distinguished Senator from North Carolina.

Mr. KUCHEL. Mr. President, I yield 1 minute to the Senator from Colorado.

Mr. CARROLL. We ought to have the record clear, Mr. President, because these questions were asked before the Senate Committee on the Judiciary. I agree with the able Senator from California that this is under the 15th amendment and applies to all elections except as to qualifications of voters—I see the concern of the able Senator from Florida—a State may set different qualifications of voters concerning each separate election, if it is a municipal election or a bond issue or an improvement district, and the qualifications of the voters may differ somewhat; but the certificate of the judge or of the voting referee will cover every election. That is my understanding of the bill.

Mr. KUCHEL. Mr. President, I move to lay the pending amendment on the table; and on the motion, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. Moss in the chair). The yeas and nays have been requested on the motion to lay on the table. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California [Mr. KUCHEL] to lay on the table the amendment of the Senator from North Carolina [Mr. ERVIN]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Montana [Mr. MANSFIELD], the Senator from Wyoming [Mr. MCGEE], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

The Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

On this vote the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Montana [Mr. MANSFIELD]. If present and voting, the Senator from Louisiana would vote "nay" and the Senator from Montana would vote "yea."

The Senator from Connecticut [Mr. DODD] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Florida would vote "nay."

I further announce that if present and voting, the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Rhode Island [Mr. PASTORE], and the Senators from Wyoming [Mr. MCGEE and Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I anounce that the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Iowa [Mr. MARTIN] are detained on official business.

The result was announced—yeas 72, nays 16, as follows:

[No. 156]

YEAS—72

Aiken	Douglas	McCarthy
Allott	Dworshak	McNamara
Anderson	Engle	Magnuson
Bartlett	Fong	Monroney
Beall	Frear	Morse
Bible	Gore	Morton
Bridges	Green	Moss
Brunsdale	Gruening	Mundt
Bush	Hart	Murray
Butler	Hartke	Muskie
Byrd, W. Va.	Hayden	Prouty
Cannon	Hennings	Proxmire
Capehart	Hickenlooper	Randolph
Carlson	Hruska	Saltonstall
Carroll	Jackson	Schoeppel
Case, N.J.	Javits	Scott
Case, S. Dak.	Johnson, Tex.	Smith
Chavez	Keating	Symington
Church	Kefauver	Wiley
Clark	Kerr	Williams, Del.
Cooper	Kuchel	Williams, N.J.
Cotton	Lausche	Yarborough
Curtis	Long, Hawaii	Young, N. Dak.
Dirksen	Lusk	Young, Ohio

NAYS—16

Byrd, Va.	Johnston, S.C.	Sparkman
Eastland	Jordan	Stennis
Ervin	Long, La.	Talmadge
Fulbright	McClellan	Thurmond
Hill	Robertson	
Holland	Russell	

NOT VOTING—12

Bennett	Humphrey	Martin
Dodd	Kennedy	O'Mahoney
Ellender	McGee	Pastore
Goldwater	Mansfield	Smathers

So Mr. KUCHEL's motion to lay Mr. ERVIN's amendment on the table was agreed to.

Mr. DIRKSEN. Mr. President, I move that the vote by which the motion to lay on the table was agreed to be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER (Mr. Moss in the chair). The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. I yield to the Senator from South Carolina [Mr. JOHNSTON], in order that he may submit his amendment.

Mr. JOHNSTON of South Carolina. Mr. President, I submit, and send to the desk, an amendment which I ask to have read at this time.

The PRESIDING OFFICER. The amendment submitted by the Senator from South Carolina will be read.

The CHIEF CLERK. On page 9, in line 14, it is proposed to strike out "general, special, or primary," and in lieu thereof to insert "general."

On page 11, in line 24, it is proposed to strike out "general, special, or primary," and in lieu thereof to insert "general."

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the amendment offered by the Senator from South Carolina [Mr. JOHNSTON] be in order at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from South Carolina for such time as he may desire, in order that he may discuss his amendment.

Mr. JOHNSON of Texas. Mr. President, first, will the Senator from Illinois yield to me?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. Let me ask whether it is the desire of the Senator from South Carolina to have the yeas and nays taken on his amendment?

Mr. JOHNSTON of South Carolina. I do.

Mr. JOHNSON of Texas. Then, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second?

The yeas and nays were ordered.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Illinois yield further to me?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. Several Senators have engagements; and the Senate must go to the other body at approximately 12:25. So obviously it will not be possible to have the yeas and nays taken between now and then.

I wonder whether at this time the Senator from South Carolina will explain his amendment for about 20 minutes, with the understanding that immediately after the Senate reconvenes, following the joint session, the yeas and nays will be taken.

Mr. JOHNSTON of South Carolina. Does the Senator from Texas intend to have a quorum had before the Senate goes to the other body?

Mr. JOHNSON of Texas. No. We have just finished taking a yea-and-nay vote, and no doubt there are now more Senators on the floor than there would be following a quorum call.

So if the Senator from South Carolina will now proceed to discuss his amendment for approximately 15 or 20 minutes, the yea-and-nay vote could be taken after we return from the joint session with the other body.

Mr. DIRKSEN. Mr. President, if there is no objection, I yield 15 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that immediately upon the reconvening of the Senate, following the joint session with the other body, it be in order for the Senator from Illinois [Mr. DIRKSEN] to move to lay on the table the amendment of the Senator from South Carolina, and that the yeas and nays be taken on that motion, notwithstanding the order which was entered on yesterday.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none; and it is so ordered.

Mr. JOHNSTON of South Carolina. Mr. President, my amendment merely will eliminate the words "special, or primary election," and will confine the bill to general elections only. I believe that should be done in order at least to comply with the Constitution and at the same time not interfere with the large number of primary elections in the Nation.

In many parts of the Nation various political parties hold no primary elections. They nominate by convention their candidates for various offices covered under title III of this bill. In fact, our national parties nominate our candidates in this manner. In many areas of the Nation the major parties, as well as splinter parties and minor parties, nominate candidates for office by the convention method, and never even know what a primary election is.

Primary elections are voluntary elections, paid for by the members of the parties holding the primary elections, and are not mandatory, to my knowledge, in any State.

Primary elections are elections allowed by State laws to be held if the parties concerned desire to hold these elections.

Mr. ROBERTSON. Mr. President, at this point will the Senator from South Carolina yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. ROBERTSON. With respect to primary elections and conventions, let me state that I cannot recall any instance in the present century when the Republican Party has ever made a nomination for a Federal official in a primary in Virginia.

Mr. JOHNSTON of South Carolina. And the same is true in South Carolina.

So, unless my amendment is agreed to, one party would be penalized by this provision of the proposed law; and the other party would, as a result, be benefited. This situation is that simple.

There is no reason in the world for the Federal Government to have anything to do with these primary elections.

For this reason, I have submitted the amendment which would remove primary elections from coverage by title III of this bill.

It will be noted that my amendment has nothing to do with discrimination against any citizen because of race, color, or creed. My amendment simply will confine the bill to dealing with general elections.

The very nature of title III, as it applies to primary elections, is discriminatory, and it will do a great injustice to the Democratic processes.

The various parties in the various States which do hold primaries for the benefit of allowing their people to give free expression toward the selection of candidates set up the primaries at great expense and great trouble. I also wish to point out that in each primary in the various States there is a different set of rules and regulations about the qualification of voters.

Thousands of people volunteer their services and contribute their dollars to pay for these primaries. The Federal Government pays no part of the expense of holding any primary election in the Nation.

If the Senate insists upon title III and the inclusion of primaries and the exclusion of conventions, then we shall in effect, write a law which will abolish State primaries. As the bill now stands, it will encourage doing away with primaries—the very thing which, I believe, Members of the Senate, as good citizens of the United States, do not want to be a party to.

I doubt if any political party would continue to hold primary elections at the great financial expense that will be caused by title III of this bill, if it can accomplish the nomination of its candidates by convention method at little or no expense and, at the same time, exclude itself from the law.

For example, the South Carolina Democratic Party, which holds primaries, would be covered by this bill. However, if, after passage of this bill, the South Carolina Democratic Party decided to no longer hold primaries, it would not be covered by this bill.

So, in effect, if the South Carolina Democratic Party were to abolish primaries to escape the provisions of this law, then this legislation will be taking away from the people the right to nominate candidates in primary elections. It will destroy primary elections. People who believe in primaries will be penalized by this bill.

It is highly unfair to require political parties that give to the people the right to vote and select their nominees in primaries to comply with this law, which excludes nomination of candidates by the closed shop or convention method.

That method is not touched in this bill. I may later make such an offer. If this bill is to apply to primaries, then it should apply to conventions also, where, in New York, they make nominations.

I feel that what is good for the goose is good for the gander, and so I offer my amendment, which simply provides that no primary elections shall be covered by this bill.

I have here, too, what I think are more valid, legal arguments to support my position. One of the main sources of these arguments comes from the Constitution of the United States, which is the supreme law of the land.

In the first place, there are no such things as Federal elections. All elections, whether they be for town councilmen or for the U.S. Senators from the States, are local elections, because in every instance, persons who cast their ballots are casting them for local representation. Senators in this body represent the localities they come from. This is a fact which is indisputable. The individual votes for candidates in order to get individual representation if possible.

In the second place, the 10th amendment to the Constitution of the United States gives States the power to control elections and to make laws outlining qualifications of voters. Let me quote the 10th amendment.

I call attention to the fact that there cannot be found written in the Constitution any right of the Federal Government to dictate anything in regard to elections, but we do find that the 10th amendment of the Constitution reads as follows:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

That is the end of the quotation from the 10th amendment to the Constitution.

Mr. President, nowhere in the Constitution can we find a section which gives the Federal Government control over local elections, or anything to do with local elections. Nor can we find a section which prohibits the States' acting in this field. Therefore, the States have express power to govern their own elections. It is that simple.

Some may take issue with this premise, but let us return to the constitutional provisions. In article I, section 4, we find the following, which is the only basis for a bill of this nature:

> SEC. 4. The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

Mr. President, I call to the attention of every Member of the Senate that this section refers only to elections—not primaries—of Senators and Representatives—and we are elected in the general election—and that the States, through their legislatures, not the Federal Government, can prescribe the time, the place, and the manner of such elections.

True, the Congress can pass laws which alter State laws concerning the time and manner of elections of Senators and Representatives, and congressional districts can be changed by Congress so that the places of choosing Representatives can be changed.

However, note the limiting words: Time, places, and manner. "Time" necessarily refers to general elections. Shall we have a general election in November or March? Congress has the power to establish for the whole Nation a uniform time at which each State shall elect its Members of Congress. Our forefathers saw the need for such a provision so that each session of Congress would be uniform and predictable, and so that Members of Congress from

every part of the Nation would be elected at the same time.

"Places" refers to congressional districts from which the Senators and Representatives are elected. Since U.S. Senators are elected from the whole State which they represent, the Federal Government does not have the power to regulate these districts, and so this exception is expressly incorporated into section 4 of article I.

In my estimation, the Federal Government cannot set up polling places under this section.

The big question may arise when the word "manner" is sought to be explained. However, Mr. President, I firmly believe that "manner" applies to the democratic principle of this secret ballot. Note also that the section states "manner of holding elections," and not "manner of elections."

"Manner" in this sense refers back to both "time" and "places"—that is the distinction between those two terms—and should not be enlarged to mean that the Federal Government can control State elections by the passage of laws through the Congress. This would clearly be unconstitutional.

Mr. President, the foregoing arguments may seem pointless to some persons, but I am only trying to bring out the fact that primaries are not elections of Senators and Representatives, but are voluntary party elections of candidates to run for these offices in general elections.

There is a very big difference in voluntarily having an election to select a candidate to run for Senator, and electing a Senator in a general election. This fact should be noted before we attempt to include primaries in the meaning of elections.

I realize that someone in this Chamber will probably say to me, "but, in your State of South Carolina, being elected in a primary is tantamount to being elected in the general election." While that may be true in some cases, it is not true as a matter of law.

I point out again that insistence on including primaries under the law may cause the abolishment of primaries in the various States, thereby disfranchising more Negro and white voters than the proposed law will ever help.

The Democratic primary in South Carolina does elect by preference the candidates who will be certified by the general election, but it is not impossible to have a Republican to oppose these candidates in the general election, and if there is interparty opposition, the candidate with the highest number of votes wins. The fact is that Republicans do nominate candidates to oppose Democrats, but they do it by convention method, which is not covered by the bill.

Mr. President, the argument that primaries in some States are tantamount to election fails for another reason. If we, as Members of Congress, pass legislation because of this reason, we are passing sectional legislation aimed at certain areas only, and we are failing in our duty by doing that. In fact, the very inclusion of primaries in this piece of legislation is discriminatory.

The PRESIDING OFFICER. The Senator will suspend. The hour of 12:20 has arrived.

Mr. JOHNSTON of South Carolina. May I have 1 minute more?

The PRESIDING OFFICER. A previous order has been entered.

Mr. DIRKSEN. Mr. President, with the understanding that I reserve my right to the floor, I yield 1 minute.

The PRESIDING OFFICER. The order has been entered.

Mr. DIRKSEN. The majority leader is not present.

The PRESIDING OFFICER. The order, I am informed, applies nevertheless.

Mr. JOHNSTON of South Carolina. If primaries are to be included, then the convention method of choosing candidates should also be included within the provisions of the bill. From the standpoint of law, however, neither should be included. Both primaries and conventions have the very same purposes and aims—to choose candidates or delegates, as the case may be, and therefore they should be given the same treatment in legislation. This is only fair.

Discrimination should and can be eliminated by the mere act of adopting my amendment. In my estimation, this would be the more sensible approach to the problem.

One last word of warning: It does not take a brilliant lawyer to tell that, by enactment of this bill into law, without excluding primaries, this bill will disfranchise more Negro voters in the South than it will ever help or enable to vote. This is true, because I predict that practically every Southern State's Democratic Party will abolish primary elections and go back to the conventional convention system of nominating candidates for public office.

I hope the Senate will adopt my amendment out of a sense of justice and fair play, as well as to preserve the holding of primary elections throughout the United States.

Mr. DIRKSEN. Mr. President, with the further understanding that I reserve my right to the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess and will then proceed to the Hall of the House of Representatives to hear the address to be delivered by the President of Colombia.

Thereupon, at 12 o'clock and 26 minutes p.m., pursuant to the order previously entered, the Senate took a recess, subject to the call of the Chair.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE HONORABLE ALBERTO LLIERAS-CAMARGO, PRESIDENT OF COLOMBIA

The Senate, preceded by the Secretary, Felton M. Johnston, the Sergeant at Arms, Joseph C. Duke, the Vice President, and the President pro tempore, proceeded to the Hall of the House of Representatives for the purpose of attending the joint meeting of the two Houses to hear the address to be delivered by the Honorable Alberto Llieras-Camargo, President of Colombia.

(For the address delivered by the President of Colombia, see the House proceedings of today's CONGRESSIONAL RECORD.)

RESUMPTION OF LEGISLATIVE SESSION

The Senate returned to its Chamber at 1 o'clock and 25 minutes p.m. and reassembled when called to order by the Presiding Officer (Mr. CANNON in the chair).

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. DIRKSEN. Mr. President, if there are no further requests for time, I move to table the amendment of the distinguished Senator from South Carolina [Mr. JOHNSTON] and I ask for the yeas and nays.

Mr. JOHNSON of Texas. Mr. President, may we have the yeas and nays ordered?

The PRESIDING OFFICER. The order already entered covers the yeas and nays. The yeas and nays are ordered.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Illinois [Mr. DIRKSEN] to lay on the table the amendment of the Senator from South Carolina [Mr. JOHNSTON]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Montana [Mr. MANSFIELD], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the

Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

I further announce that if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Connecticut [Mr. DODD] would each vote "yea."

On this vote, the Senator from Florida [Mr. SMATHERS] is paired with the Senator from Montana [Mr. MANSFIELD].

If present and voting, the Senator from Florida would vote "nay" and the Senator from Montana would vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Indiana [Mr. CAPEHART], the Senator from Kansas [Mr. CARLSON], the Senator from Kentucky [Mr. MORTON], and the Senator from Kansas [Mr. SCHOEPPEL] are detained on official business.

I further announce that, if present and voting, the Senator from Indiana [Mr. CAPEHART] would vote "yea."

The result was announced—yeas 68, nays 18, as follows:

[No. 157]

YEAS—68

Aiken	Engle	Magnuson
Allott	Fong	Martin
Anderson	Frear	Monroney
Bartlett	Goldwater	Morse
Beall	Gore	Moss
Bennett	Gruening	Mundt
Bible	Hart	Murray
Brunsdale	Hartke	Muskie
Bush	Hennings	Pastore
Butler	Hickenlooper	Prouty
Byrd, W. Va.	Hruska	Proxmire
Cannon	Jackson	Randolph
Carroll	Javits	Saltonstall
Case, N.J.	Johnson, Tex.	Scott
Case, S. Dak.	Keating	Smith
Church	Kefauver	Symington
Clark	Kerr	Wiley
Cooper	Kuchel	Williams, Del.
Cotton	Lausche	Williams, N.J.
Curtis	Lusk	Yarborough
Dirksen	McCarthy	Young, N. Dak.
Douglas	McGee	Young, Ohio
Dworshak	McNamara	

NAYS—18

Byrd, Va.	Holland	Robertson
Eastland	Johnston, S.C.	Russell
Ellender	Jordan	Sparkman
Ervin	Long, Hawaii	Stennis
Fulbright	Long, La.	Talmadge
Hill	McClellan	Thurmond

NOT VOTING—14

Bridges	Green	Morton
Capehart	Hayden	O'Mahoney
Carlson	Humphrey	Schoeppel
Chavez	Kennedy	Smathers
Dodd	Mansfield	

So Mr. DIRKSEN's motion to table the amendment of Mr. JOHNSTON of South Carolina was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to table was agreed to.

Mr. JOHNSON of Texas. Mr. President, while Members of the Senate are on the floor, I should like to make a unanimous-consent request, so that Senators may know what it is. In 30 or 35 minutes we expect another yea-and-nay vote, on the Carroll amendment. I ask unanimous consent that on the Carroll amendment we may have not to exceed 30 minutes of debate on each side, 30 minutes to be controlled by the author of the amendment, the Senator from Colorado [Mr. CARROLL], and 30 minutes to be controlled by the minority leader, the Senator from Illinois [Mr. DIRKSEN]. The minority leader informs me that he does not expect to take all of the 30 minutes. Then he will make a motion to table the Carroll amendment. We will have the yeas and nays on the motion to table. I hope, therefore, that Senators will remain in the Chamber during this period, if the request is agreed to.

Mr. ELLENDER. Is it understood that I am to follow the disposition of the Carroll amendment?

Mr. JOHNSON of Texas. Yes.

Mr. McNAMARA. Mr. President, has this request been cleared with the Senator from Colorado?

Mr. JOHNSON of Texas. Yes. The Senator from Colorado is here.

Mr. CARROLL. Yes.

Mr. McNAMARA. I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PERMISSION FOR SENATOR McCLELLAN TO TESTIFY IN CONTEMPT PROCEEDING IN U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Mr. McCLELLAN. Mr. President, on August 8, 1958, pursuant to Senate Resolution 362, 85th Congress, 2d session, the Senate voted to cite Maurice A. Hutcheson, general president of the United Brotherhood of Carpenters, for contempt of the Senate arising out of his appearance before the Senate Select Committee on Improper Activities in the Labor or Management Field.

The U.S. district attorney for the District of Columbia has asked me to appear voluntarily without subpena to testify on matters which are part of the published public record of the hearings of the Senate Select Committee on Improper Activities in the Labor or Management Field.

Since the Senate is in session, there is some question as to whether a Senator can testify without the consent of the Senate. I therefore request unanimous consent that the Senate authorize me to appear and testify in the U.S. District Court for the District of Columbia in this contempt proceeding during this session of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the request is granted.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. Under the unanimous-consent agreement entered a moment ago, as I understand, the distinguished Senator from Colorado [Mr. CARROLL] has 30 minutes in support of his amendment, and I shall have 30 minutes at my disposal. I expect to take very little of my time. At the expiration of that time, I shall offer a motion to table.

The PRESIDING OFFICER. The understanding of the Senator from Illinois is correct. The Chair recognizes the Senator from Colorado.

Mr. CARROLL. I call up my amendment designated "3-30-60—E," which I submitted on behalf of myself, Mr. HENNINGS, Mr. CHURCH, Mr. CLARK, Mr. HART, Mr. WILLIAMS of New Jersey, Mr. JAVITS, Mr. KEATING, and Mr. SCOTT, and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. On page 16, line 12, after "law" it is proposed to insert ": *Provided*, That proof of the requirements set forth in clauses (2) (a) and (b) may be waived by the court with respect to any applicant if the court finds that the acts necessary to fulfill such requirements would be vain and futile, or serve no useful purpose, as applied to such applicant".

On page 17, line 15, after "and" insert ", unless waived by the court with respect to such applicant pursuant to the first paragraph of this subsection,".

The PRESIDING OFFICER. The Senator from Colorado is recognized. How much time does the Senator yield himself?

Mr. CARROLL. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. CARROLL. Mr. President, I believe this is perhaps one of the most important amendments left to be offered to the pending bill. It has been said by the President of the United States, by the Attorney General, and by other persons, that we now, at this stage, have a good civil rights bill. I think it is not as good as it ought to be. One of the reasons why I offer the amendment is my desire to strengthen the bill where there is a weakness, a defect, which was inserted in the bill by the other body, inserted, I believe, under strange and unusual circumstances.

The purpose of the amendment is very simple. We know that a court of equity has certain powers but I want to spell out one of them. I wish to make a legislative record, and I think the best way to do so is by a discussion of the amendment. I trust the amendment will be agreed to.

The purpose of the amendment is to provide that a court of equity may waive the requirement that the applicant go back and attempt to register since the finding by the court of the pattern or practice.

Let us assume that a number of Negroes have been denied their constitutional right, their fundamental right, to vote, and that the Attorney General, in behalf of the people of the United States, institutes a suit. After the Attorney General has brought suit, evidence will be heard and based upon it the court will make a finding.

The court may make a finding of a pattern or a practice. In the bill as it came from the other body, the words were inserted "since such finding by the court."

In my opinion, those simple words have imposed an undue restriction, and require action on our part. This phrase has gutted the effectiveness of the bill.

I know that many Senators, after 8 weeks, are tired of debating the bill. But now we are in the clutch; we are in the closing days of the debate on the bill. If the proposed legislation is to have any meaning at all, there must not be a continued denial of the right to vote, as has been the case for so many years.

Under this bill, the applicant must prove, first, that he is qualified under State law to vote. That is proper. That is constitutional. What else must he prove? He must prove that since the court's finding he has gone back to the registrar, and that the registrar under color of law has either failed or refused to register him, or, that the registrar, under color of law, has found him not qualified to vote.

I think this may create an undue hardship in some areas. I think that such a requirement puts the individual whom the law was supposed to help in an almost hopeless predicament; a truly unworkable predicament.

The purpose of the amendment is to leave the question to a court of equity. The court will determine whether it is necessary for the applicant to go back and register since the finding of the pattern or practice, or it will determine, according to the circumstances of the case, whether he will not require this act to be performed because it would be vain and futile, or would serve no useful purpose.

I have discussed the matter with the Attorney General of the United States. I have discussed it with the Deputy Attorney General of the United States, Judge Walsh. Not only have I discussed it, but I have asked many questions of them. On several occasions I have had conflicting opinions from them as to whether the words beginning on line 6, page 20, would be controlling or decisive in the matter. I shall read the sentence:

> This subsection shall in no way be construed as a limitation upon the existing powers of the court.

All I seek to do is delineate one of those powers.

I see in the Chamber the Senator from Illinois, the distinguished minority leader [Mr. DIRKSEN]. He is a member of the Judiciary Committee, and I wonder whether he would be willing to answer some questions at this time. Let me say that I have no illusions about what will happen to my amendment; but I want to make a record for future reference, because I seek to strengthen the hand of the executive branch and the hand of the judicial branch, for the benefit of applicants who will seek an opportunity to vote.

In saying that I have no illusions about the fate of this amendment, I point out that evidently the White House is not in favor of the amendment, and the majority leader is not in favor of the amendment, and the minority leader is not in favor of the amendment. Under those circumstances, it would appear that the entire machinery of the Senate, in terms of a substantial number of Senators, is geared in opposition to this amendment.

Nevertheless, I believe that the legislative history in connection with this matter should be made clear. Therefore, I ask the Senator from Illinois whether he recalls that, the other day, when this matter was before the Judiciary Committee, I asked questions of the Attorney General, in an attempt to clarify this matter. Does not the Senator from Illinois agree?

Mr. DIRKSEN. I agree that this matter was roundly discussed in the committee, and that the Deputy Attorney General, with all the finality that words can convey, said the amendment was absolutely unnecessary and was surplusage, and that they did not want it incorporated in the bill.

Mr. CARROLL. Did he say why it was surplusage?

Mr. DIRKSEN. I believe that the Deputy Attorney General indicated, among other reasons, that, if the action now proposed were taken, it would seem as if we were trying to pinpoint the equity jurisdiction of the court, and that it is fair to assume—and I think the Senator from Colorado shares this conviction—that a court has the equity power to make it unnecessary to engage in a vain or futile act, without our having to write that power specifically into a statute.

Mr. CARROLL. If the amendment is surplusage and is not needed, do the existing inherent powers of a court of equity cover this problem? That is the information I sought to obtain from the Deputy Attorney General.

I should like to know whether a court of equity, sitting in judgment in such a case, would have this power, under this bill, in the absence of this amendment, when one applicant or a group of applicants came before the court.

Mr. DIRKSEN. That was the opinion of the Deputy Attorney General when he appeared before the committee.

Mr. CARROLL. The Senator from Illinois is an able lawyer, and I should like to know whether that is his opinion. Does he believe that is the situation—namely, that in view of the legislative history of the bill a court of equity would have that power, in the absence of this amendment?

All I seek is to remove an obstacle from the path of an applicant who would be a party to such an application. If the court could find that such an act by an applicant would be vain and futile, and would not serve any useful purpose, and therefore waive the requirement of such act, that might place a different aspect on the situation, insofar as this amendment is concerned. But I want to be sure that the court has this power; that is the sole purpose of this amendment. In one case, a court of equity might say, "I think it advisable, in view of the order of the court and the changed situation, to have the State registrar given the opportunity to register you"; but in another case, where the situation is impossible, I want the court to have this power.

The PRESIDING OFFICER (Mr. BIBLE in the chair). The time of the Senator from Colorado has expired.

Mr. CARROLL. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional 3 minutes.

Mr. CARROLL. Mr. President, we know that, for a generation, some of these people have been prevented from registering. So, in a situation in which 100 or 500 or even 1,000 persons in that class might be involved, the court should be able to say it would be vain and futile for them to stand in line to register. Does the Senator from Illinois care to comment on that point?

Mr. DIRKSEN. Yes. I think the best comment I could make is set forth in a memorandum on this very point, submitted no later than midafternoon on yesterday by the Deputy Attorney General.

Mr. CARROLL. Will the Senator from Illinois be willing to read that on his time?

Mr. DIRKSEN. Yes.

Mr. CARROLL. I shall be very happy to have it in the RECORD.

Mr. DIRKSEN. I shall read it in my time, Mr. President.

This is the language of the Department of Justice:

THE CARROLL AMENDMENT

The Carroll amendment should be opposed simply because it is surplusage. This is clear both from the express language of the bill itself and from well-established equity doctrine.

The authors of the amendment presumably have in mind a situation where it would be vain and futile for a Negro applicant to attempt to qualify to vote before State officials. But the bill clearly covers this situation, for requirement (2) is fulfilled whenever an applicant has been "deprived of * * * the opportunity" to qualify to vote. It has always been intended that that requirement would be fulfilled in the event that State officials had in effect closed their doors to Negro applicants.

Moreover, it is settled equity doctrine that the doing of a futile act will never be demanded as a prerequisite to relief. Thus, for a second reason the proposed language would be surplusage.

Of course, placing unnecessary language in a bill is always unwise. This would be especially true in the present case. For if the Carroll amendment were adopted with respect to requirement (2), it might imply a congressional intent not to have the equity futility doctrine applicable in other areas of the bill. Thus, the net effect of the Carroll amendment might be seriously to weaken the bill.

Mr. CARROLL. I thank the Senator from Illinois. I had heard there was such a communication from the Attorney General, and I am very happy to have it in the RECORD.

Mr. President, the argument of the Attorney General was presented yesterday, at the time when the distinguished Senator from North Carolina [Mr. ERVIN] offered his amendment; and in the committee I "bought" that argument. I said, "If that amendment is put in this section of the bill, it may operate in this section only to the exclusion of other sections." So I supported the position of the Attorney General.

I submit that, if the amendment is surplusage, why do some threaten to filibuster on the amendment? If it is so simple, why is there such great opposition to this amendment—so great that some are spreading fears and doubts in the halls and corridors of this building. This type of opposition does not come from the administration; it comes from those who do not wish any bill at all enacted in this field.

Therefore, the memorandum from the Attorney General does not impress me at all, because this language which I shall read applies to the entire subsection. Again, I read the language on page 20, in line 6:

This subsection—

Referring to the entire subsection——

shall in no way be construed as a limitation upon the existing powers of the court.

I merely seek to implement that provision, knowing what the other body did with respect to this particular page, and knowing of the great effort being made here to hamstring the court and to interfere with its operation.

That is why I made the proposal, just a few days ago, to include the words "the times and places the court shall direct," because I was trying to delineate that power of a court of equity. I believe the court should have that power, because for the first time in the history of this Nation we are proposing to use the judicial process when necessary for a voting procedure, and none of us is able to foresee all of the problems that will come before the judge.

I want to use everything at my command to make a part of the legislative history of the Senate and of the House the desire that the Congress wants the court to use its full equity powers in the fullfillment of and the protection of fundamental constitutional rights of individuals for whom this needed legislation is designed.

I thank the Attorney General for that portion of the memorandum which says that my amendment is surplusage because the court of equity does have such powers, but to give us the specious argument that the amendment may interfere with other sections of the bill, considering the lines I have just read, seems to me to be overcritical of the amendment.

Does the Senator from Illinois, having read the memorandum into the RECORD, have a copy?

Mr. DIRKSEN. I have only the one copy here, but the Senator is welcome to use it.

Mr. CARROLL. May I have it and make reference to it? I shall be happy to return it.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired. Does he yield himself additional time?

Mr. CARROLL. Is the Senator from Illinois willing to take some time on the amendment?

Mr. DIRKSEN. No; not at this time.

Mr. CARROLL. There is no point in unduly laboring the amendment; its purpose is self-evident, and its need has been demonstrated.

The PRESIDING OFFICER. Does the Senator from Colorado wish to yield himself 2 additional minutes?

Mr. CARROLL. Yes; I yield myself an additional 2 minutes.

Mr. President, now that I have the Attorney General's memorandum before me, I want to read the first line:

The Carroll amendment should be opposed simply because it is surplusage.

If it is such a simple surplus amendment, why is there mention of this prospect of filibuster on something that is mere surplusage, and why is the fear and doubt being spread through this body that if the Carroll amendment is adopted, the bill will have to go to conference, and if it goes to conference, it will not get out of the House Rules Committee?

It seems to me that if this little, simple amendment cannot be accepted, there is "something rotten in Denmark" with this bill, and its provisions for securing voting rights for people.

I desire to read again from this memorandum of the Attorney General.

The PRESIDING OFFICER. The additional time of the Senator from Colorado has expired. Does the Senator wish to yield himself an additional 2 minutes?

Mr. CARROLL. Yes, an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 additional minutes.

Mr. CARROLL. I wish to read this part of the memorandum, because I want to analyze it:

The authors of the amendment presumably have in mind a situation where it would be vain and futile for a Negro applicant to attempt to qualify to vote before State officials.

The Attorney General says further:

But the bill clearly covers this situation, for requirement (2) is fulfilled whenever an applicant has been "deprived of * * * the opportunity" to qualify to vote. It has always been intended that that requirement would be fulfilled in the event that State officials had in effect closed their doors to Negro applicants.

It means such an applicant would have to offer further proof. That is what I am trying to avoid in a proper case; that we do not force a man to go back and make an application and then offer further proof, when such an application would be vain and futile or serve no useful purpose. I think a court of equity would not require it in a proper case.

I read further from the memorandum:

Moreover, it is settled equity doctrine that the doing of a futile act will never be demanded as a prerequisite to relief. Thus, for a second reason the proposed language would be surplusage.

I think that is excellent. The Attorney General believes that. The junior Senator from Colorado believes it. The able minority leader believes it. If we are all of this belief, we have established legislative history for the aid of courts of equity. But I think there is one way to clearly proclaim the belief. Some Members of this body do not believe it. They think the amendment is a very dangerous amendment. There is one way to settle the question, and that is to put it in the bill.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. CARROLL. Mr. President, I observe the Senator from New York [Mr. JAVITS]. I yield 5 minutes to him.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I realize we are trying to bring our part of this debate to a conclusion and I think we have tried to cooperate to that end. No one seems to know what those who are against the civil rights bill will do. We come now to an amendment which I consider to be of vital importance to the bill, even if we were to go so far in this bill as it is desired to go according to a majority of the Senate.

I must say I regret very deeply, from the appearance in the Chamber, that there is obviously a feeling on the part of the Members of this body that at this stage no amendment is worth considering. I thoroughly disagree with that view in respect to this amendment, which I think is essential to the legislative scheme which we are trying to create by the bill, and essentially to meet the obvious defect in the Civil Rights Act of 1957 which has been demonstrated in the last 3 years.

Whatever the Attorney General may say, whether he considers the amendment surplusage or not, the fact is that here is a catechism of words which was written into the particular bill which is before us by a considered vote of the House of Representatives. I can hardly see how any court, notwithstanding the legislative record which we are making in the Senate, could say that the same words mean nothing, though they have been inserted, as contrasted to what the provision meant prior to the time the words were inserted.

For all practical purposes, the Attorney General is telling us that the insertion of these words has not changed the situation. I cannot believe that if we pass this bill containing these words, a court will come to the conclusion that the words mean nothing. There will be at least a straining after some construction of the meaning of these words. It seems to me that if the words had been omitted, then a court of equity might have had some freedom with respect to the question of making a demand upon a registrar even though the demand would be futile. It seems to me a court is being hindered very much in coming to that conclusion by the inclusion of these words.

That it should be within the power of a court of equity seems to me to be elementary when we see the tremendous body of evidence which was found by the Civil Rights Commission, and the unanimous finding of that Commission that the right to vote and to register in case after case—not one case, but a whole legion of cases—was frustrated by the mere fact of the atmosphere, the climate of intimidation, of danger—which fact was buttressed by evidence that there were assaults and other actual acts of intimidation to back up the fact that when there was a climate of what actually happened, that condition actually inhibited the whole voting process.

In short, if we are trying to reach a situation in which the mere effort to make a demand to register and vote is one of the limits in frustrating the right to vote, it seems to me we should do our utmost to eliminate the need for that demand, which will only serve to intimidate, rather than leave in the bill words which can, according to the best construction of the pro-civil-rights advocates, give the court far more trouble than it has now in believing that the words are futile and therefore not called for.

I believe, Mr. President, this is a matter of conscience for those of us who feel that at least, if it is the voting right about which we are going to legislate, we ought to make that copper riveted and ought to do our utmost to make this change in the bill, as recommended by the Senator from Colorado.

Finally, Mr. President, I wish to point out——

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, will the Senator yield me 1 more minute?

Mr. CARROLL. I yield 1 minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. If we are really going to do this job the way it ought to be done, the amendment really should provide for striking out the words inserted in the House bill, to make the provision exactly as drafted by the Attorney General. The proposal of the Senator from Colorado is distinctly a compromise, because it requires an additional finding of fact of the court.

Mr. President, it seems to me this is the very least we can do to keep integral the essence of what the majority in this Chamber really seeks to accomplish. I hope very much the motion to table will fail and that the amendment will be agreed to.

I thank the Senator.

Mr. CARROLL. Mr. President, I thank the Senator from New York for his able presentation.

Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the loss of any time for either side. I have only about 7 minutes left. The able minority leader has not used any of his time.

The PRESIDING OFFICER. The minority leader has used 3 minutes of his time, and has 27 minutes remaining.

Mr. CARROLL. Mr. President, I ask unanimous consent that we may have a live quorum, and then proceed to the vote.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado?

Mr. DIRKSEN. Mr. President, the unanimous-consent request was that there be a live quorum and that the Senate proceed to vote.

Mr. CARROLL. The Senator from Illinois, of course, has 27 minutes remaining.

Mr. DIRKSEN. The minority leader is going to take perhaps only 3 minutes. I did not want the unanimous-consent request to pinpoint the fact that the minute the quorum is obtained, after Senators are summoned to the Chamber, we shall vote, without my having an opportunity to use about 3 minutes of my time, at least.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CARROLL. The Senator from Colorado also wants about 3 minutes.

Mr. CLARK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Colorado?

Mr. DIRKSEN. If the Senator from Colorado will modify the request, so that it will be a request to suggest the absence of a quorum without the time being charged to either side, I will have no objection.

Mr. CLARK. Mr. President, will the Senator yield for a suggestion?

Mr. DIRKSEN. I yield.

Mr. CLARK. I wonder if my two colleagues would agree that we have a live quorum, the time not to be charged to either side, and that thereafter each side have 5 minutes, after which the Senate would proceed to vote.

Mr. DIRKSEN. No. The previous unanimous-consent request was for 30 minutes on each side. I am the only one, apparently, who is going to take time on this side. I do not believe we need to modify that agreement by changing the limitation on the time.

Mr. CARROLL. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

[No. 158]

Allott	Engle	Murray
Bartlett	Green	Pastore
Beall	Hayden	Proxmire
Bible	Hill	Randolph
Bush	Holland	Russell
Byrd, Va.	Javits	Saltonstall
Byrd, W. Va.	Johnson, Tex.	Schoeppel
Carroll	Keating	Smathers
Clark	Kuchel	Smith
Cotton	Lusk	Stennis
Curtis	McClellan	Wiley
Dirksen	McNamara	Williams, Del.
Dworshak	Magnuson	Young, N. Dak.
Eastland	Morse	

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ANDERSON, Mr. BENNETT, Mr. BRIDGES, Mr. BRUNSDALE, Mr. BUTLER, Mr. CANNON, Mr. CAPEHART, Mr. CARLSON, Mr. CASE of New Jersey, Mr. CASE of South Dakota, Mr. CHAVEZ, Mr. CHURCH, Mr. COOPER, Mr. DOUGLAS, Mr. ELLENDER, Mr. ERVIN, Mr. FONG, Mr. FREAR, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. GORE, Mr. GRUENING, Mr. HART, Mr. HARTKE, Mr. HENNINGS, Mr. HICKENLOOPER, Mr. HRUSKA, Mr. JACKSON, Mr. JOHNSTON of South Carolina, Mr. JORDAN, Mr. KEFAUVER, Mr. KERR, Mr. LAUSCHE, Mr. LONG of Hawaii, Mr. LONG of Louisiana, Mr. MARTIN, Mr. MCCARTHY, Mr. MCGEE, Mr. MONRONEY, Mr. MORTON, Mr. MOSS, Mr. MUNDT, Mr. MUSKIE, Mr. O'MAHONEY, Mr. PROUTY, Mr. ROBERTSON, Mr. SCOTT, Mr. SPARKMAN, Mr. SYMINGTON, Mr. TALMADGE, Mr. THURMOND, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio entered the Chamber and answered to their names when called.

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment of the Senator from Colorado [Mr. CARROLL].

The Senate is operating under a unanimous-consent agreement. Under the agreement the Senator from Colorado [Mr. CARROLL] has 7 minutes remaining. The minority leader has 27 minutes remaining.

Mr. CARROLL. Does the Senator from Illinois desire to speak at this time?

Mr. DIRKSEN. Mr. President, I shall use only about 3 minutes. Then I shall make a motion to lay on the table the amendment of the Senator from Colorado. I suggest to my esteemed friend from Colorado that he use the remainder of his time.

The PRESIDING OFFICER. The Senator from Colorado has 7 minutes remaining.

Mr. CARROLL. I yield myself 3 minutes at this time.

I desire to make a few points. I think we understand the issue fairly well.

The first point I wish to make is in connection with the memorandum of yesterday from the Attorney General. The Attorney General says in his memorandum:

> The Carroll amendment should be opposed simply because it is surplusage.

If it is opposed simply because it is surplusage, why all the fear and doubt that has been engendered in the corridors, that if this amendment is adopted the House will not accept it in conference; or, that if the amendment is accepted it will be the beginning of a filibuster? As I indicated before, there is something terribly wrong with the bill in its present form if this little amendment is not acceptable.

What is the purpose of the amendment? It is only to give to a court of equity the powers which the Attorney

General says it already has. The Attorney General says in his letter:

> Moreover, it is settled equity doctrine that the doing of a futile act will never be demanded as a prerequisite to relief. Thus, for a second reason, the proposed language would be surplusage.

As I have said on another occasion, I do not know whether this amendment will be agreed to. If it does nothing more than create a legislative history to indicate that nothing contained within the provisions of section 2(a) and 2(b), which I seek to amend, will interfere with the powers of a court of equity, we shall have achieved something substantial in the discussion this afternoon.

The distinguished Senator from South Dakota [Mr. CASE], who is not now present in the Chamber, raised a very important question earlier. The question raised was, "When a voting referee or a court issues a certificate of registration, in which elections may the applicant vote?"

Obviously, he cannot vote in a State election unless he qualifies under State law. Obviously, he cannot vote in a municipal election unless he qualifies under municipal law. Obviously, he cannot vote in a bond election unless he can qualify under State or municipal law. How many times are we going to make this man go back to the registrar?

The PRESIDING OFFICER (Mr. BIBLE in the chair). The 3 minutes the Senator has yielded to himself have expired.

Mr. CARROLL. I yield myself 2 additional minutes. How often are we going to make this applicant go back to the registrar? No one in this body is so wise that he can foresee and foretell all the circumstances which could arise before a court of equity. Have we such little confidence in the courts, in southern judges, who have taken an oath under the Constitution, and who we know will determine what is wise under the law? We have written out minimal standards. Can we not write into this bill this ancient rule of equity, that the court will not require the applicant to do a vain, useless, and futile act? This has been the law for centuries. It is the law today. What is wrong with the amendment?

If the bill is as weak as I think it is, the amendment will strengthen it. That is why there is this spirited opposition.

I wish to say to my able friend from Illinois that I have promised to yield some time to the able Senator from Idaho. I have no desire to foreclose him. The Senator from Idaho is on his way to the Chamber. I have promised to yield some time to him. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 2 minutes remaining.

Mr. CARROLL. Mr. President, will the Senator from Illinois yield me a little time from the time he has at his disposal?

Mr. DIRKSEN. No. Under the unanimous-consent agreement, 30 minutes was allotted to each side. I shall make my motion to table in about 2 minutes.

The PRESIDING OFFICER. Is the Senator yielding himself additional time?

Mr. CARROLL. Yes; I am yielding myself 2 minutes, unless another Senator wishes to speak on the subject. I think all that needs to be said has been said.

Mr. CLARK. Mr. President, will the Senator yield me 1 minute?

Mr. CARROLL. I yield 1 minute to the Senator from Pennsylvania.

Mr. CLARK. I hope Senators will vote to support the amendment. It is an important amendment, and we should give it careful attention. The argument that the amendment will result in the bill being sent to conference and not being passed is, to my way of thinking, specious.

I yield back the remainder of my time.

Mr. CARROLL. Mr. President, I yield the remainder of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator yields 1 additional minute, his remaining time, to the Senator from Idaho.

Mr. CHURCH. Mr. President, I commend the distinguished Senator from Colorado for offering the amendment. I shall be disappointed if the Senate turns it down. The objective of the pending bill is to furnish legal relief to citizens who are found by the court, after a full adversarial proceeding, to have been systematically denied the right to vote. It appears to me to be a kind of travesty for the Senate, 185 years after the Declaration of Independence, and a full century after the Civil War, to require nearly 2 months to pass a bill of this character.

All that the Carroll amendment does is to apply an ancient rule of equity, that once the court has made such a finding, if the evidence before the judge, in a given case, is such as to demonstrate that it would be a futile thing to require the people aggrieved to go back to the local registrar, they need not do it.

The amendment accords with the principle that equity never requires a futile act. It is a sound and just amendment. The bill ought to be modified in this respect.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. DIRKSEN. Mr. President, the pending amendment has been labored at great length.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. DIRKSEN. I yield myself 3 minutes. The Deputy Attorney General has already opposed it. Yesterday he sent me a memorandum, and he still opposes it. The Attorney General's office is the enforcing office for this whole bill, particularly the referee section. We would now say to the chief enforcement officer of this Government, if the amendment were adopted, "We are going to give you something that you do not want." He has made it abundantly clear that he does not want it. He said it was surplusage.

Well, the argument is made, if it is surplusage, it will not hurt.

Mr. President, even if language in a bill is surplusage, when it comes before the eyes of a judge, it is subject to interpretation. I remember when I took my first bar examination. I volunteered a great deal of information in that examination. At that time I learned from one of the professors a very compelling truth. He said, "Your answers were very good, but you decided to go on and volunteer things. And you volunteered things that were wrong. So we gave you a zero on the question."

I failed to pass that bar examination. That is what happens when we volunteer. If we put surplus language into the bill, it is language which a judge will interpret.

The Attorney General made one other point. There is equitable jurisdiction of the court. If we pinpoint one thing in the bill, will that be an implication to the court that insofar as this particular item is concerned we invoke an equitable doctrine, but as to the rest of the bill there will be some doubt that Congress intended that equitable principles ought to apply? That is the danger of adopting such an amendment.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. DIRKSEN. No.

The PRESIDING OFFICER. The Senator from Illinois declines to yield.

Mr. DIRKSEN. The chief enforcement officer of the Government has stated that he does not want this language. He is the one who will enforce it. Congress ought to heed his expression in this matter.

So, Mr. President, I move to table the amendment.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. DIRKSEN. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois makes a motion to table the Carroll amendment.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McCARTHY (when his name was called). On this vote I have a live pair with the Senator from Montana [Mr. MANSFIELD]. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. JOHNSON of Texas. I announce that the Senator from Montana [Mr. MANSFIELD] is absent on official business.

The Senator from Minnesota [Mr. HUMPHREY] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Massachusetts [Mr. KENNEDY] would each vote "nay."

Mr. KUCHEL. I announce the Senator from Vermont [Mr. AIKEN] is detained on official business.

The result was announced—yeas 62, nays 32, as follows:

[No. 159]

YEAS—62

Aiott	Eastland	McClellan
Bartlett	Ellender	McGee
Beall	Ervin	Martin
Bennett	Fong	Morton
Bible	Frear	Mundt
Bridges	Fulbright	Murray
Brunsdale	Goldwater	O'Mahoney
Bush	Green	Prouty
Butler	Hayden	Robertson
Byrd, Va.	Hickenlooper	Russell
Byrd, W. Va.	Hill	Saltonstall
Cannon	Holland	Schoeppel
Capehart	Hruska	Smathers
Carlson	Johnson, Tex.	Sparkman
Case, S. Dak.	Johnston, S.C.	Stennis
Chavez	Jordan	Talmadge
Cooper	Kefauver	Thurmond
Cotton	Kerr	Wiley
Curtis	Lausche	Williams, Del.
Dirksen	Long, Hawaii	Young, N. Dak.
Dworshak	Long, La.	

NAYS—32

Anderson	Hennings	Muskie
Carroll	Jackson	Pastore
Case, N.J.	Javits	Proxmire
Church	Keating	Randolph
Clark	Kuchel	Scott
Douglas	Lusk	Smith
Engle	McNamara	Symington
Gore	Magnuson	Williams, N.J.
Gruening	Monroney	Yarborough
Hart	Morse	Young, Ohio
Hartke	Moss	

NOT VOTING—6

Aiken	Humphrey	McCarthy
Dodd	Kennedy	Mansfield

So Mr. DIRKSEN's motion to lay Mr. CARROLL's amendment on the table was agreed to.

Mr. DIRKSEN. Mr. President, I move that the vote by which the amendment was laid on the table be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER (Mr. BIBLE in the chair). The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, I was about to ask the majority leader what he foresees for the next several hours or so in connection with the business of the Senate.

Mr. JOHNSON of Texas. Under the order entered on yesterday, the distinguished senior Senator from Louisiana [Mr. ELLENDER] is to be recognized at this time. I understand he is ready to make his address. At the conclusion of his address, I hope the Senate will vote on the motion, if the Senate is willing to do so, and if at that time the Senator from Illinois cares to move that the motion of the Senator from Louisiana be laid on the table.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. As I understand, the motion now before the Senate is to strike out title VI, the referee title of the bill. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. It is to that motion that the Senator from Louisiana is about to address himself, is it?

The PRESIDING OFFICER. That is also correct.

Under the unanimous-consent agreement, the Senator from Louisiana [Mr. ELLENDER] is to be recognized at this time for 3 hours.

The Chair now recognizes the Senator from Louisiana.

Mr. ELLENDER. Mr. President, three or four Senators have asked me to yield for the making of insertions or brief statements. I ask unanimous consent that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President——

Mr. ELLENDER. Then, Mr. President, I yield first to the Senator from Arkansas [Mr. McCLELLAN].

REMOVAL OF LIMITATION ON AMOUNT FOR SECRETARY OF AIR FORCE TO SETTLE CERTAIN CLAIMS AT LITTLE ROCK, ARK.

Mr. McCLELLAN. Mr. President, I ask unanimous consent, out of order, to introduce a bill, for appropriate reference, and to make some brief remarks regarding the bill.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred, and the Senator from Arkansas may proceed.

The bill (S. 3338) to remove the present $5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a U.S. Air Force aircraft at Little Rock, Ark., introduced by Mr. McCLELLAN, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, 1 week ago, on March 31 at approximately 6 o'clock in the morning, a tremendous explosion occurred in the sky above the city of Little Rock, Ark. A B–47 jet bomber from the Little Rock Air Force Base, Strategic Air Command, had exploded in midair. It disintegrated, and the principal parts of it fell into three sections of that capital city. One section of town was struck by the nose of the plane, together with the front wheel; the fuselage fell in another; and the wing came down in yet another. Flaming debris was scattered over a wide area of the entire city.

The Air Force officials advise me that the known damage consists of:

Six homes totally destroyed.

Over 100 other homes damaged.

Twenty-five homes with major structural damage.

Fifty-two homes with minor structural damage.

Forty-one homes with window damage only.

Nine or ten places involving major landscape damage.

Twelve automobiles either destroyed or partially destroyed.

Mr. President, in addition to property damage, there were two civilian deaths—one, a 65-year-old married woman, the other, a 25-year-old man. There are seven known cases of minor injuries to persons, both white and colored. I am advised that the Air Force's estimate of the total amount of damage to persons and property is approximately $500,000.

Originally it was believed that this accident was caused by a midair collision between the B–47 jet and a privately-owned aircraft. As a result of this thinking, the FBI immediately assigned 20 agents to do a complete investigation at Little Rock. Approximately 10 hours later it was determined that the accident was caused by a midair explosion rather than a collision, and the FBI was called off the case. However, the Air Force has the benefit of the FBI investigations and interviews with the people of Little Rock, including those whose homes were damaged as well as those who sustained personal injury.

The Air Force officials also advise that the Little Rock police were extremely helpful in the investigation as to the damages. The police went from door to door, inquiring whether anyone had received injuries or whether property had been damaged. All of the investigative data collected by the Little Rock police has been made available to the Air Force and will be utilized to determine claimants and their damages in order that settlements may be made as promptly as is possible.

Immediately upon the flash report of the accident the Air Force opened a claims office in the city hall to help the people present claims, answer questions, and with the help of General McConnell, who set up an office in a local church, assured the people that everything possible would be done for them to alleviate their distress.

Mr. President, under existing law there is a $5,000 limitation on the amount which the Secretary of the Air Force can pay out in the settlement of any single damage claim. This limitation is imposed by section 2733 of title 10, United States Code. Because, Mr. President, the Air Force has available to it the information, police and FBI reports mentioned before, I am advised that it is now in a position to settle very quickly the claims that have arisen out of this very unfortunate occurrence.

There are, however, a substantial number of claims which indisputably are in excess of the $5,000 jurisdictional limitation on the Secretary of the Air Force. The only alternative for such claimants for relief is to file suit in a Federal district court under the Federal Tort Claims Act or request the passage of a private bill. All of us are aware of the crowded condition of our Federal court dockets, and that litigation is often a slow and time-consuming process. Something must be done, and done quickly Mr. President, to alleviate the suffering and distress of the citizens of Little Rock who have suffered most from this tragic incident.

It should be observed that the only question involved here is whether the claimant suffered injury or damage, and, if so, to what extent, because there could be no contributing cause on the

part of any claimant to the damage which may have been sustained.

Consequently, Mr. President, I am introducing, for appropriate reference, this bill, which will remove the $5,000 limitation on the Secretary in settling the damage claims to persons and property at Little Rock arising from this aircraft crash.

I have been advised that the Secretary of the Air Force and the Bureau of the Budget both look with favor on this bill that I am introducing. A direct precedent for it lies in Public Law 907 of the 84th Congress. That bill provided similar relief for the citizens of Minneapolis, Minn., who suffered losses and injuries as the result of military aircraft crashes there on June 5 and 9, 1956.

I assume the bill will be referred to the Judiciary Committee of the Senate, and I trust we can expedite action on it there, to the end that this authority may be granted and that those who suffered this tragedy and damage may be properly and fully compensated without any undue and prolonged delay.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. I think there was a somewhat similar case in Texas. Was there not?

Mr. McCLELLAN. The Senator refers to the oil or gas explosion, I think.

Mr. JOHNSTON of South Carolina. That is right.

Mr. McCLELLAN. I am sure there is a precedent for this. I believe this action can be taken.

Mr. JOHNSTON of South Carolina. The proposal covers only this particular instance. Is that correct?

Mr. McCLELLAN. Yes.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the Senator from Florida.

Mr. HOLLAND. Of course, I have the deepest sympathy for the citizens of Little Rock, Ark., who have been so adversely affected. I think they should be quickly afforded the monetary relief to which they are entitled. But I want to call attention to the fact that I introduced in the 85th Congress a bill, S. 1066, to raise the limitation to $50,000. It was my understanding that the Air Force strongly desired it, but the Department of the Army, for some reason which I have never been able to understand, opposed it.

I am hoping that, in an effort to do justice not only to the victims of this great disaster, which encompassed so many, but also to those of smaller disasters, in terms of number of individuals affected, but who suffer just as gravely as a result of such disasters, the matter may be handled so that relief may be given to such victims.

In my own State there was a case where an entire family, except one, was destroyed, as a result of a similar accident. The survivor, a child of the family, still languishes and probably will never have his full health. That case had to be brought in court, and has been in court now, as I recall it, for about 2 years. The Department of Justice has not pushed it, in spite of much prodding from the Senators from Florida and the Representative from the district involved. The sole surviving individual has been suffering, and suffering intensely.

I hope the Judiciary Committee, in its wisdom, which is great, will appreciate the necessity for enacting general legislation which will enable the prompt handling of these matters.

I have the deepest sympathy for those who are involved in the disaster to which the Senator from Arkansas has referred. I want them to receive relief in the quickest possible way. I am not arising to oppose in any way the remedial legislation proposed by the Senator from Arkansas.

Mr. McCLELLAN. I thank the Senator.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to my colleague from Arkansas.

Mr. FULBRIGHT. I wish to join the senior Senator from Arkansas in his request. I spoke to the majority leader about the matter. I think we will get his cooperation. I believe we have authority for such legislation.

I wish to express my deepest sympathy to the families of the victims of this most tragic accident. It was one of the most widespread, destructive tragedies I ever heard of. Certainly it is the worst that has happened in my State. It is another example of the great contributions which many of our citizens have to make in our defense efforts and the effort to secure this country.

I thank the distinguished senior Senator from Arkansas for introducing the bill. I shall do everything I can to assist him.

Mr. McCLELLAN. I hoped that the Senator would cosponsor it. I was unable to arrange it because of the parliamentary situation which exists.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that my name may be added as a cosponsor of the measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR DIRKSEN

Mr. GOLDWATER. Mr. President, appearing in today's Washington Evening Star is an article by that eminent columnist, William S. White, entitled "A Recognition of Senator DIRKSEN."

The very first paragraph I think expresses the feelings, certainly, of the Republicans in this body, and, I suspect, all of the Democrats, also. I will read it:

If there were any real justice in politics—as, of course, there isn't—the Republicans would now be designating Senator EVERETT M. DIRKSEN as their legislative man of the year.

I wholeheartedly concur in that statement. I think we on this side of the aisle are extremely fortunate in having the dedicated services and hard work of this distinguished man. He has done something that other leaders of this party on the floor have not been able to do in years past; namely, he has held the Republicans together more effectively than anyone else in the few years I have been in this body.

I do not think there is a man in this body, either, whom the country can thank more for the ultimate enactment of a just, fair, and equitable civil rights bill. He has worked diligently, hard, and long on this bill, to the end that the country would have proper legislation.

In this, as in all other matters of legislation, and in all matters of his association with others, he has been a fair man and an honest man. His work, I suggest, has aided not only the Republican Party, but, more importantly, his work in this body has helped our country.

I wish to commend Mr. White for his foresight in recognizing Senator DIRKSEN and in dedicating his column to him. I wish to join him in his tribute, and to express my own.

Mr. President, I ask unanimous consent to have the article to which I made reference printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Apr. 6 1960]

A RECOGNITION OF SENATOR DIRKSEN—REPUBLICANS' LEGISLATIVE "MAN OF YEAR" LAUDED FOR RECORD AS MINORITY LEADER

(By William S. White)

If there were any real justice in politics—as, of course, there isn't—the Republicans would now be designating Senator EVERETT MR. DIRKSEN as their legislative "Man of the Year."

He has now entered the last lap of his first session as the GOP Senate leader. Simple fairness compels this report, from a correspondent who once had no difficulty in restraining his admiration. This Senator is doing a good job, a responsible job, for his party and even for his country.

Senator DIRKSEN is actually a better floor leader than was either of his far more famous immediate predecessors, Senators Robert A. Taft and William F. Knowland.

Old cliches die hard, perhaps because a cliche usually becomes one only because it is based on truth. Senator DIRKSEN was long seen by most Washington observers as a man of few fixed convictions and many thousands of purplish words—an overripe Shakespearean actor tossing his graying locks and skipping nimbly about among the issues.

As a Member of the House of Representatives from Illinois, he had been an isolationist and then an internationalist and then an isolationist again through eight terms in Congress. When, in 1951, he came to the Senate this was the blunt but wide estimate: His promotion could be described as the Senate's loss and the House's gain.

Even in a body, the Senate, which relishes a good deal of what is called corn, EVERETT MCKINLEY DIRKSEN was considered to be quite too abundantly blessed with that commodity. On nearly any insider's list of those new Senators who were not going far, the name of EVERETT MCKINLEY DIRKSEN, of Illinois, would surely have led most, if not all, the rest.

Thus when last January the Senate Republicans set out to make Senator DIRKSEN their new leader there was much shaking of heads. Both Senators Taft and Knowland, whatever might have been said about them otherwise, had been leaders of extraordinary

strength of character. It was suggested, not too delicately, that this quality—strength of character—was notably absent in Senator DIRKSEN.

But what has since happened? The DIRKSEN who had so long been thought so weak began repeatedly to show undeniable strength, both in his convictions and his work. Soon the Senate, at least, was aware that the new GOP spokesman was an abler tactician than either Senator Taft or Senator Knowland. Moreover, once he had given his word, he stood with it as bravely as either of them ever did.

The plain truth today may seem surprising. Senator DIRKSEN has behaved with efficiency, with courage, with honor, with faithfulness to his partisan obligations but with a higher faithfulness to the interests of the United States of America.

The latest of many instances was in the Senate's civil rights fight. The Senator stood for a reasonable bill. Stoically he resisted all pressure from other Republicans for a punitive measure for which the South, of course, would have blamed the Democrats. He was unwilling to play that kind of politics with that kind of an issue—an issue involving the unity of the United States in a world of peril.

Were his detractors ever right in the past? Having been one of them, this columnist cannot with good taste attempt an answer.

But one thing is sure—either they were wrong all along or EVERETT MCKINLEY DIRKSEN is another living illustration of one of the saving things about the American political system. This is that men thrown into positions of high responsibilities have a remarkable capacity to grow up to those responsibilities and ably to discharge them in the showdown.

Such a man is EVERETT MCKINLEY DIRKSEN. And while the Republican Party may hardly pause this year to salute him, he has this anyhow: The awareness of the earned respect of one of the most acute judges of men in this world—the collective membership of the U.S. Senate.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from California.

Mr. KUCHEL. Mr. President, I have the same gratification, which all of us on this side of the aisle, and I know Senators on the other side of the aisle, have on this occasion, when this distinguished newspaperman has once again commented favorably on the indefatigable devotion to duty which has characterized the minority leader in the U.S. Senate this year and last year.

On every occasion when the President of the United States has taken a position with respect to legislation and has asked consideration of it in the Congress, the leader for the administration has worked without stint, without minding the cost to himself, in advancing those legislative requests which have come from the Chief Executive of our country.

To Senator GOLDWATER I say I am happy to join in the sentiments he has indicated and to see that the record once again is emblazoned with the great abilities which the distinguished Senator from Illinois, EVERETT DIRKSEN, has demonstrated as a Senator, most important as an American, and also, I can say for this side of the aisle, as a dedicated Republican. We all salute him on this occasion.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Arkansas.

NUCLEAR TEST SUSPENSION TREATY

Mr. FULBRIGHT. Mr. President, in recent weeks there has been speculation about the role of the Senate, should there be a successful culmination to present test suspension negotiations. It is recalled that the Constitution endows the Senate with a unique role in the field of foreign policy. Although we cannot appoint an Ambassador, we can deny the confirmation of his appointment. Although the Senate cannot negotiate a treaty, it can reject a treaty. The skeleton of the Versailles Treaty which died in the Senate has been hauled from the closet. The administration has been advised by some prominent publicists to woo the Senate in general and the Foreign Relations Committee in particular, else its carefully negotiated treaties may fail.

Our somewhat negative role as a treatymaking institution has led to speculation in the press, comment in the Senate, and concern at the other end of Pennsylvania Avenue.

How is the Senate to be brought into the negotiating process so as to preclude the possibility of Senate rejection of a reasonable treaty? Enhancing this concern is the fact that the Senate is controlled by Democrats while the Executive is Republican and, therefore, partisan considerations may influence action on any treaty. Furthermore, it has been suggested that past differences between the administration and the chairman of the Foreign Relations Committee as an individual bode ill for future treaties on controversial subjects.

On these points, I, as that chairman, wish to make my position clear.

In the first place, there has been Senate participation in the negotiating process. Members of the Senate from the Joint Committee on Atomic Energy served as observers during early stages of the test suspension negotiations. Now that negotiations have moved from the atomic energy technical phases to the international political arena, I anticipate that if progress is made in the weeks ahead, members of the Committee on Foreign Relations, and perhaps members of other committees with direct interests, will be invited by the President to work with the Executive to the end that their views will be considered by the President during the negotiation of the treaty and to assure that any treaty signed would reflect those views. I am sure there would be no reluctance in this body, should the President believe any Member of the Senate could serve in a useful role in these negotiations.

Second, the fact that the Senate is controlled by a Democratic majority while the Executive is Republican should not, in my view, make one iota of difference. We have all sworn to support and defend the Constitution against all enemies, foreign and domestic. Every member of the Committee on Foreign Relations, I am sure, desires to avoid partisanship in dealing with any issue of foreign policy. In all my years as a member of the committee, I recall only one instance when the committee split along partisan lines on a relatively minor matter. We have had our differences, but those differences have been matters of principle and judgment, not of politics.

The same is true of the Senate as a whole in foreign policy matters. Should it be possible to conclude a reasonable test suspension treaty, I know it will receive nonpartisan consideration by this body.

Finally, on this point, let me note that while I have had vigorous differences of opinion in the past with some aspects of this administration's conduct of our foreign policy, those differences have been based on substance, not on partisanship.

I have every desire to work closely with this administration, or any other, in the promotion of our national interests. This can be done if every individual judges our foreign policies on their merits, and not on the basis of political or partisan advantage, an advantage which is ephemeral at best, and highly dangerous to the Nation at worst.

There have been comments to the effect that should a treaty be signed at the summit, it could not be expected that the Senate could act on such a treaty prior to adjournment, which is assumed to be in early July. This is not necessarily true.

Should a treaty be signed in mid-May, it could be acted upon by the Senate by early July. Indeed, I should think there might be certain advantages to early action, should a treaty be successfully negotiated. Consideration by the Senate prior to the election would preclude the possibility of such an important subject becoming an issue in the campaign.

It would give our new President, whoever he may be, a firm basis upon which to continue our national efforts to achieve a degree of disarmament with adequate inspection and control. It would show to the world that our democratic system is able to deal promptly with issues of such transcendent importance as the limitation of armaments or the suspension of atmospheric nuclear tests.

In conclusion, I hope the fact that I have commented on the negotiations now under way and the possibility of concluding a test-ban treaty will not be interpreted as a naive estimate on my part that a treaty is ready for signature, and that all that remains to be done is to affix the seal.

Obviously, there are many difficult problems facing the negotiators. Some of those problems will probably be unresolved until the time of the summit conference, and only then will we know whether the Soviet Union is serious in desiring a treaty which might become the first realistic step toward a halt in the atomic and armaments race. Until that time, we can only hope that the Soviet Union and its leaders have at last realized that the world as we have

known it is in dire peril unless we can begin now to bring atomic weapons under international control.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 6, 33, 34, 35, 36, 37, 38, 39, and 45 to the bill, and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 4, 8, 15, 19, and 40 to the bill, and concurred therein severally with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 231. An act for the relief of Patricia Crouse Bredee; and

H.R. 2310. An act for the relief of Hoo W. Yuey and his dependent children.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. ELLENDER. Mr. President, when the Senate recessed this morning I had completed one of the three phases of the address which I have prepared, covering the history of suffrage in the United States.

During the initial portion of my address I had traced the development of the suffrage clauses of the Constitution through the constitutional debates, the ratifying debates of the Thirteen Original States, and through the subsequent procedures which resulted in the submission to, and the ratification by, the States of the 15th amendment, the amendment providing for the direct election of U.S. Senators and the so-called women's suffrage amendment.

Mr. President, I am undertaking to trace the historical development of these elections in order to demonstrate two major points to the Senate which are most pertinent in the light of the pending bill.

First, since this measure would, as a practical matter, permit the Federal Government to fix and determine the qualifications of electors, it dilutes, erodes, and, in a large measure, destroys, a right which the original States and the Founding Fathers exercised great diligence in preserving, namely, the right of the States to fix the qualifications of electors, not only insofar as State or local offices might be concerned, but as to Federal offices, as well.

Second, as the constitutional debates and the histories of subsequent developments so amply show, the very same power which is sought to be vested in the Federal Government under the pending bill, was thoroughly considered during times past and, on each occasion, was rejected.

At this time, Mr. President, I wish to discuss point II of this study of the history of suffrage in the United States, that dealing with various constitutional and legislative enactments by the Original Thirteen Colonies with regard to the franchise.

Of course, the basis upon which any study of suffrage must be founded involves the constitutional provisions in the various States. Altogether there have been about 120 constitutions drawn up and put in operation since the Declaration of Independence, and the suffrage provisions in these constitutions must be the structural work on which a history of suffrage may be built. They indicate the actual turning points and show in unembellished outline form the trend of thought on the matter of suffrage. But the question at once occurs, Is it necessary to take account of the acts of State legislatures and add statutes to the outline structure? However, a study of the constitutional law on the subject and a survey of statutory acts concerning suffrage lead to the conclusion that the legislative acts are of scarcely any importance and do not need to be added to the constitutional provisions in order to form an adequate basis for a history of suffrage. Writers on constitutional law and the law of elections dispel all scruples on this matter. The footnote, M. H. Throop "Law of Public Officers," page 129, says:

> The power of the State to regulate the elective franchise is exercised universally by means of provisions in the constitution of each State.

He goes on to point out that there is a very small field left for statute law. Acts are sure to be declared void if they prescribe further qualifications than the Constitution contains, or if they grant suffrage to any person who does not possess the qualifications stipulated for. However, requirements not in conflict with the spirit of the Constitution may be superadded, such as terms of residence in election districts, exclusion of certain public officers from the suffrage, and so forth. But anything the legislature may do is likely to be of small importance. But it occasionally happens that the Constitution permits the legislature to use discretion in the matter of enlarging the suffrage. Thus in recent years legislatures have been permitted to levy poll taxes as a prerequisite to voting and to impose literacy tests. But authority for these must always be positively found in the Constitution itself.

First, New Hampshire: In 1776, at the time of the Declaration of Independence, New Hampshire's Congress drew up a constitution. It is said that congress was chosen and appointed by the free suffrages of the people of said colony—see Thorpe No. 4, "Charters and Constitutions," page 2451.

This was the first constitution framed by an American Commonwealth. In 1784, a complete constitution was ratified for New Hampshire.

The bill of rights, contained in part first of the 1784 constitution, proclaimed the following:

> ART. XI. All elections ought to be free, and every inhabitant of the State having the proper qualifications has equal right to elect and be elected into office.

In 1792 the Constitution of 1784 was revised and amended, but article XI of part first remained unchanged until 1902, when it was amended to waive the literacy requirement for persons with physical disabilities and to impose a modified form of the "grandfather clause":

> ART. XI. All elections ought to be free and every inhabitant of the State having the proper qualifications has equal right to elect and be elected into office; but no person shall have the right to vote, or be eligible to office under the constitution of this State, who shall not be able to read the constitution in the English language, and to write, provided, however, that this provision shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be 60 years of age or upwards on the first day of January, A.D. 1904.

In 1912 article XI of part first was again amended to deny the vote to persons convicted of a specified category of crimes:

> ARTICLE XI
>
> Elections and elective franchise: All elections ought to be free, and every inhabitant of the State, having the proper qualifications, has equal right to elect, and be elected, into office; but no person shall have the right to vote or be eligible to office under the constitution of this State who shall not be able to read the constitution in the English language and to write: *Provided, however,* That this provision shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be 60 years of age or upwards on the first day of January, A.D. 1904: *And provided further,* That no person shall have the right to vote, or be eligible to office under the constitution of this State who shall have been convicted of treason, bribery, or any willful violation of the election laws of this State, or of the United States; but the Supreme Court may, on notice to the Attorney General restore the privileges of an elector to any person who may have forfeited them by conviction of such offenses.

In 1942, an amendment to article XI of part 1 gave the general court authority to promulgate absentee voting procedures, so that the article now reads:

> ARTICLE XI
>
> Elections and elective franchise: All elections ought to be free, and every inhabitant of the State, having the proper qualifications, has equal right to elect, and be elected, into office; but no person shall have the right to vote or be eligible to office under the constitution of this State who shall not be able to read the constitution in the English language and to write: *Provided, however,* That this provision shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote,

nor to any person who shall be 60 years of age or upwards on the first day of January A.D. 1904: *And provided further*, That no person shall have the right to vote, or be eligible to office under the constitution of this State who shall have been convicted of treason, bribery, or any willful violation of the election laws of this State, or of the United States; but the Supreme Court may, on notice to the Attorney General restore the privileges of an elector to any person who may have forfeited them by conviction of such offenses. The general court shall have power to provide by law for voting by qualified voters who at the time of biennial or State elections or of city elections are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election.

As I pointed out yesterday, and as I hope to point out today, every State reserves to itself the right to declare who shall and who shall not vote. The States themselves define the qualifications. As I pointed out yesterday, some of the Original Colonies even prevented Catholics from voting. New York prevented Jews from voting in the early days. It was a sacred right that was maintained by the States through the years. Every change that has ever been made, as I shall indicate, in the constitutions of the various States, and statutes passed in pursuance of such constitutional provisions jealously guarded the right of the States to say who shall and who shall not vote.

Mr. President, as I pointed out on several occasions yesterday during the course of the debate, and previously, except for the fact that the States of this Union, particularly the Original Thirteen States, had retained the right to declare who shall or who shall not vote, we would not have a Federal Constitution today. The States jealously guarded the right to define who shall and who shall not vote.

Mr. TALMADGE. Mr. President, will the distinguished Senator from Louisiana yield for a question at this point?

Mr. ELLENDER. I yield.

Mr. TALMADGE. Is it not true that the question of voting qualifications was one of the most divisive matters in the Constitutional Convention, and that it threatened to divide and destroy the Constitutional Convention; and that a compromise was finally worked out by which the Constitution stated specifically that the States themselves would determine the qualifications of those who should vote?

Mr. ELLENDER. The Senator is eminently correct. As I pointed out, when the States of the Union, even the great State of Georgia, ratified the Constitution, they offered or suggested amendments to the ratification of the Constitution, particularly with respect to section 4 of article I, dealing with the times, places, and manner of holding elections.

The States guarded that right very jealously. Except for the fact that it was made plain that the States would retain that right, there would have been no Constitution.

Mr. TALMADGE. Mr. President, will the Senator from Louisiana yield further?

Mr. ELLENDER. I yield.

Mr. TALMADGE. Is it not true that the Constitution plainly and clearly states, without any ambiguity, that those who are qualified to vote for the most numerous branch of the legislatures in the respective States are also qualified to vote for Federal officers?

Mr. ELLENDER. The Senator is correct.

Mr. TALMADGE. I thank the distinguished Senator, and I congratulate him on an excellent speech.

Mr. ELLENDER. I thank the Senator.

The qualifications of electors are fully set out in the original 1784 Constitution, in part second:

The Senate shall be the first branch of the legislature: and the senators shall be chosen in the following manner, viz. Every male inhabitant of each town and parish with town privileges in the several counties in this State, of 21 years of age and upward, paying for himself a poll tax, shall have a right at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March; to vote in the town or parish wherein he dwells, for the senators in the county or district whereof he is a member.

And every person qualified as the Constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State, in that town, parish, and plantation where he dwelleth and hath his home.

The selectmen of the several towns and parishes aforesaid, shall, during the choice of Senators, preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns and parishes present and qualified to vote for Senators, and shall sort and count the same in the meeting, and in the presence of the town clerk, who shall make a fair record in the presence of the selectmen, and in open meeting, of the name of every person voted for, and the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and town clerk; and shall be sealed up and directed to the secretary of the state, with a superscription expressing the purport thereof, and delivered by said clerk to the sheriff of the county in which such town or parish lies, 30 days at least before the first Wednesday of June; and the sheriff of each county, or his deputy, shall deliver all such certificates by him received, into the secretary's office, 17 days at least, before the first Wednesday of June.

And the inhabitants of plantations and places unincorporated, qualified as this constitution provides, who are or shall be required to assess taxes upon themselves toward the support of government, or shall be taxed therefor, shall have the same privilege of voting for Senators in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places for that purpose, shall be holden annually in the month of March, at such places respectively therein, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this constitution (Thorpe, 4 supra, beginning p. 2459, par. top p. 2460).

All persons qualified to vote in the election of Senators shall be entitled to vote within the town, district, parish, or place where they dwell in the choice of Representatives. Every Member of the House of Representatives shall be chosen by ballot; and for 2 years at least next preceding his election shall have been an inhabitant of this State, shall have an estate within the town, parish, or place which he may be chosen to represent, of the value of 100 pounds, one-half of which to be a freehold, whereof he is seized in his own right; shall be at the time of his election an inhabitant of the town, parish, or place he may be chosen to represent; shall be of the Protestant religion; and shall cease to represent such town, parish, or place immediately on his ceasing to be qualified as aforesaid (Thorpe, 4, supra, last paragraph p. 2461 through second line top p. 2462).

In 1792 this was modified somewhat, and the section numbered XXVIII.

SEC. XXVIII. The Senate shall be the first branch of the Legislature, and the Senators shall be chosen in the following manner, viz: Every male inhabitant of each town and parish with town privileges, and places unincorporated, in this State, of 21 years of age and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the annual or other meeting of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March, to vote in the town or parish wherein he dwells for the Senator in the district whereof he is a member (Thorpe, 4, supra, p. 2478, sec. XXVIII).

The 1902 revisions and alterations to the 1784 Constitution changed the time of holding elections for Senators to biennially and the month of election to November, as compared to March under the 1784 Constitution; also its number within part 2 was changed to article 27:

ARTICLE 27

The Senate shall be the first branch of the Legislature, and the Senators shall be chosen in the following manner, viz: Every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this State, of 21 years of age and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the biennial or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden biennially, forever, in the month of November, to vote, in the town or parish wherein he dwells, for the Senator in the district whereof he is a member.

The present version of the 1784 Constitution is identical with the 1902 version with respect to qualifications of electors for Senators, except that its number within part 2 has been changed back to article 28:

ARTICLE 28

Senators; how and by whom chosen; right of suffrage: The Senate shall be the first branch of the Legislature; and the Senators shall be chosen in the following manner, viz: Every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this State, of 21 years of age and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the biennial or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden biennially, forever, in the month of November, to vote in the town or parish wherein he dwells, for the Senator in the district whereof he is a member.

In the original 1784 Constitution it was provided that the qualifications of elec-

tors for Representatives should be the same as the qualifications of electors for Senators:

All persons qualified to vote in the election of Senators shall be entitled to vote, within the town, district, parish, or place where they dwell, in the choice of Representatives.

The above provision remains unchanged in the current version of the 1784 Constitution, appearing today in part second as article 13:

ARTICLE 13

Qualifications of electors: All persons, qualified to vote in the election of Senators, shall be entitled to vote, within the district where they dwell, in the choice of Representatives.

(NOTE.—The phrase "town, district, parish, or place" was shortened to "district" in the engrossed copy of 1793, apparently without authority.)

Chafee sets out the qualifications in summarized form in his report:

Who may vote: Persons who have resided in the town 6 months and have paid all taxes assessed during the preceding year. Women are liable to tax.

Registration: No person shall vote whose name is not on the check list unless it was omitted by mistake and his right to vote was known by the supervisors when list was made.

Need not be renewed by voters who voted at the preceding election. Persons voting at the primary need not reregister for the following general election.

May be effected—how: By personal appearance before the supervisors.

When: (1) In Claremont and Newport last session October 31 when list is revised.

(2) In towns with more than 600 voters, supervisors are in session October 27, November 2, and additional days if necessary.

Absent voting: Is permitted only in presidential elections. Apply to city or town clerk during the 30 days before the election on a blank obtained from secretary of state, city, or town clerk. (Chafee, "Summary of General Election Laws of the United States.")

New Hampshire was one of the first four States to set up a tax payment as the sole qualification, omitting the requirement of owning property. It is also of passing interest to note that while almost all States require an elector to be a citizen, New Hampshire clings to the ancient word "inhabitant." However, the meaning probably is not changed. Also New Hampshire was one of the first to require the educational test, namely, that a voter must read and write English. Also, New Hampshire was one of the six States which never excluded the Negro—see Porter, "History of Suffrage in the United States," page 90.

Delaware was chartered in 1701. At this early date the State had assumed control over the qualifications of electors. In article II there was this provision:

And that the qualifications of electors and elected, and all other matters and things relating to elections of representatives to serve in assemblies, though not herein particularly expressed, shall be and remain as by a law of this government made at Newcastle, in the year 1700, entitled "An act to ascertain the number of members of assembly and to regulate the elections." (See Thorpe, I, supra, p. 559.)

In 1776 the Delaware Constitution employed the "property test," then quite a general one.

ARTICLE 3

One of the branches of the legislature shall be called "the house of assembly," and shall consist of seven representatives to be chosen for each county annually of such persons as are freeholders of the same.

ARTICLE 4

The other branch shall be called "the council," and consist of nine members; three to be chosen for each county at the time of the first election of the assembly, who shall be freeholders of the county for which they are chosen, and be upward of 25 years of age.

ARTICLE 5

The right of suffrage in the election of members for both houses shall remain as exercised by law at present; and each house shall choose its own speaker, appoint its own officers, judge of the qualifications and elections of its own members, settle its own rules of proceedings, and direct writs of election for supplying intermediate vacancies. (Thorpe, I, supra, p. 562, arts. 3 and 4, through words "25 years of age"; also art. 5, p. 563, through sentence ending intermediate vacancies.)

In 1792, Delaware, in convention at Newcastle, drew up a new constitution. They provided:

SECTION 1. All elections of Governor, Senators, and Representatives shall be by ballot; and in such elections every white free man of the age of 21 years, having resided in the State 2 years next before the election, and within that time paid a State or county tax, which shall have been assessed at least 6 months before the election, shall enjoy the right of an elector; and the sons of persons so qualified shall, between the ages of 21 and 22 years, be entitled to vote, although they shall not have paid taxes.

SEC. 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them (Thorpe I, supra, art. IV, p. 574).

We see here the departure from the property test, which was replaced by the payment of a tax. In 1831 Delaware again changed its constitution:

SECTION 1. All elections for Governor, Senators, Representatives, sheriffs, and coroners shall be held on the second Tuesday of November, and be by ballot; and in such elections every free white male citizen of the age of 22 years or upward, having resided in the State 1 year next before the election, and the last month thereof in the county where he offers to vote, and having within 2 years next before the election paid a county tax, which shall have been assessed at least 6 months before the election, shall enjoy the right of an elector; and every free white male citizen of the age of 21 years, and under the age of 22 years, having resided as aforesaid, shall be entitled to vote without payment of any tax: *Provided*, That no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no idiot, or insane person, or pauper, or person convicted of a crime deemed by law felony, shall enjoy the right of an elector; and that the legislature may impose the forfeiture of the right of suffrage as a punishment for crime.

SEC. 2. Electors shall in all cases except treason, felony, or breach of the peace, be privileged from an arrest during their attendance at elections, and in going to and returning from them (Thorpe I, supra, art. IV, p. 589).

It is interesting to note the variations in all the State laws. A mere reading of them shows their vital differences. Each State has suited its own peculiar problems and citizenry, perhaps even its own geographical position. This is entirely proper and to be expected, contrary to the uniformity proposed here to be imposed by unconstitutional legislation.

In 1897 there was another Delaware constitution, providing for the choosing of Representatives, among others, by qualified electors. While the various bills of rights always provide that elections are to be free and equal, it has long been accepted, as stated by many whom I have quoted heretofore, and as shown by decisions which I shall discuss later, that the right to vote is a privilege rather than an absolute right, which must be exercised in accordance with certain regulations set up by each State. In 1897 Delaware ruled:

ARTICLE 5

SECTION 1. The general election shall be held biennially on the Tuesday next after the first Monday in the month of November, and shall be by ballot; but the general assembly may by law prescribe the means, methods, and instruments of voting so as best to secure secrecy and the independence of the voter, preserve the freedom and purity of elections and prevent fraud, corruption, and intimidation thereat.

SEC. 2. Every male citizen of this State of the age of 21 years who shall have been a resident thereof 1 year next preceding an election, and for the last 3 months a resident of the county, and for the last 30 days a resident of the hundred or election district in which he may offer to vote, and in which he shall have been duly registered as hereinafter provided for, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, and in which he shall be registered, for all officers that now are or hereafter may be elected by the people and upon all questions which may be submitted to the vote of the people: *Provided, however*, That no person who shall attain the age of 21 years after the 1st day of January, in the year of our Lord 1900, or after that date shall become a citizen of the United States, shall have the right to vote unless he shall be able to read this constitution in the English language and write his name; but these requirements shall not apply to any person who by reason of physical disability shall be unable to comply therewith: *And provided also*, That no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no idiot or insane person, pauper, or person convicted of a crime deemed by law felony, or incapacitated under the provisions of this constitution from voting, shall enjoy the right of an elector; and the general assembly may impose the forfeiture of the right of suffrage as a punishment for crime (Thorpe I, supra, p. 620, secs. 1, 2, of art. V).

Here a new refinement is seen—the "education test" is coming in at the end of the century. These are the prevailing qualifications today.

Summarizing the qualifications for electors, plus certain administrative provisions concerning soldiers and absentees, Chafee furnishes the following:

Who may vote: Persons who have resided in the State 1 year, in the county 3 months, and the election district 30 days.

Residents who leave to enter the Federal service or are temporarily absent because of the nature of their business.

Registration: General registration, 1940. Permanent as long as voter retains qualifications.

May be effected: How—In person only, before registrars of the election district. When—1 day each week in April, May, and June. Board gives notice of days and hours.

Supplementary registration before registrar August 13 to October 17.

Absent voting: Civilian—The constitutionality of voting by mail is pending in the Supreme Court; nevertheless, the legislature at its last session passed a vote-by-mail law.

Any qualified elector absent from the State or election district, in Federal or State employ, or because of the nature of his work or business, may vote by mail at any general election. Apply to the clerk of peace not more than 20 nor less than 3 days prior to election for official ballot on form furnished by the clerk. The ballot will be accompanied by full instructions.

Armed Forces: An election is held at the quarters of the commanding officer of each camp. The Governor sends two persons to deliver the necessary supplies, including the ballots. They collect and return the votes and all equipment at the close of the election to the State (Delaware, Chaffee report).

SEC. 3. No person who shall receive or accept, or offer to receive or accept, or shall pay, transfer, or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of anyone qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general or special or municipal election in this State, shall vote at such election; and upon challenge for any of said causes the person so challenged before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or accepted, or offered to receive or accept, or paid, transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed, or offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of anyone qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at such election.

Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation; but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and no conviction thereof shall bar any prosecution under section 8 of this article.

SEC. 4. The general assembly shall enact uniform laws for the registration of voters in this State entitled to vote under this article, which registration shall be conclusive evidence to the election officers of the right of every person so registered to vote at any general election while his or her name shall remain on the list of registered voters, and who is not at the time disqualified under the provisions of section 3 of this article; and no person shall vote at such general election whose name does not at that time appear in said list of registered voters.

There shall be at least 2 registration days in a period commencing not more than 120, nor less than 60 days before, and ending not more than 20 days, nor less than 10 days before, each general election, on which registration days persons whose names are not on the list of registered voters established by law for such election, may apply for registration, and on which registration days applications may be made to strike from the said registration list names of persons on said list who are not eligible to vote at such election: *Provided, however,* That such registration may be corrected as hereinafter provided at any time prior to the day of holding the election.

From the decision of the registration officers granting or refusing registration, or striking or refusing to strike a name or names from the registration list, any person interested, or any registration officer, may appeal to the resident associate judge of the county, or in case of his disability or absence from the county, to any Judge entitled to sit in the Supreme Court, whose determination shall be final; and he shall have power to order any name improperly omitted from the said registry to be placed thereon, and any name improperly appearing on the said registry to be stricken therefrom, and any name appearing on the said registry, in any manner incorrect, to be corrected, and to make and enforce all necessary orders in the premises for the correction of the said registry. Registration shall be a prerequisite for voting only at general elections, at which representatives to the general assembly shall be chosen, unless the general assembly shall otherwise provide by law.

The existing laws in reference to the registration of voters, so far as consistent with the provisions of this article, shall continue in force until the general assembly shall otherwise provide (amended 34 Del. Laws, ch. 1, approved Mar. 2, 1925).

SEC. 4A. The general assembly shall enact general laws providing that any qualified elector of this State, duly registered, who shall be unable to appear to cast his or her ballot at any general election at the regular polling place of the election district in which he or she is registered, either because of being in the public service of the United States or of this State, or because of the nature of his or her business or occupation, or because of his or her sickness or physical disability, may cast a ballot at such general election to be counted in such election district (added 44 Del. Laws, ch. 1 (1943), approval not required).

SEC. 4B. The general assembly shall enact uniform laws for the registration of voters of this State entitled to vote under this article who are temporarily absent therefrom and in the Armed Forces or merchant marine of the United States, or retainers or persons accompanying or serving therewith, or who are absent from the State because of illness or injury received while serving in any such capacity, upon application in person or in writing (added 46 Del. Laws, ch. 325 (1947), no approval date).

SEC. 5. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest, during their attendance at elections, and in going to and returning from them (Delaware Code Annotated, pp. 289, 290, 291, 293, 294).

The problems each State has had to cope with can be seen by the nature of its laws concerning qualifications. Delaware was one of the first States to lengthen the period of residence required The reason was increased immigration, which was creating an alien problem. Such a problem would not and did not exist in many other States. Likewise, Delaware was one of the first States to allow women to participate in school elections, a phase which preceded women's right to vote generally. In that connection, I refer to McCulloch, "Suffrage and Its Problems," pages 38 and 126.

Pennsylvania was chartered as a province in 1681. It is notable that even in that original instrument some consideration of elections and of who could vote was shown. In speaking of the power of William Penn to make laws, and so forth, it says:

According to their best discretions, by and with the advice, assent, and approbation of the freemen of the said country, or the greater part of them, or of their delegates or deputies—

And so forth. Here I refer to 5 Thorpe, supra, page 3037.

Further election laws are found in Penn's "Charter of Liberties," 1682, as follows:

2. That the freemen of the said province on the 20th day of the 12th month which shall be in this present year 1682 meet and assemble in some fit place of which timely notice shall be beforehand given by the Governor or his deputies and then and there shall choose of themselves 72 persons of most note for their wisdom, virtue, and ability who shall meet on the 10th day of the 1st month next ensuing and always be called and act as the provincial council of said province (see 5 Thorpe, p. 3048, par. 2).

A similar provision was in the frame of the government of Pennsylvania. See 5 Thorpe, supra, page 3055. Furthermore, we find there this provision:

III. That all elections of members, or representatives of the people and freemen of the province of Pennsylvania to serve in provincial council, or general assembly, to be held within the said province, shall be free and voluntary: and that the elector, that shall receive any reward or gift, in meat, drink, moneys, or otherwise, shall forfeit his right to elect; and such person as shall directly or indirectly give, promise, or bestow any such reward as aforesaid, to be elected, shall forfeit his election, and be thereby incapable to serve as aforesaid: and the provincial council and general assembly shall be the sole judges of the regularity, or irregularity of the elections of their own respective members (see 5 Thorpe, supra, p. 3060, art. III).

Here we see, in varied form, a provision similar to the bribery prohibitions of today.

The following provisions are found in the frame of government of 1696:

For the electing of which representatives, it shall and may be lawful to and for all the freemen of this province and territory aforesaid, to meet together on the 10th day of the 1st month yearly hereafter, in the most convenient and usual place for election, within the respective counties, then and there to choose their said representatives as aforesaid, who shall meet on the 10th day of the 3d month yearly, in the capital town of the said province, unless the Governor and council shall think fit to appoint another place.

And, to the end it may be known who those are, in this province and territories, who ought to have right of, or to be deemed freemen, to choose, or be chosen, to serve in council and assembly, as aforesaid, be it enacted by the authority aforesaid, that no inhabitant of this province or territories, shall have right of electing, or being elected as aforesaid, unless they be free denizens of this government, and are of the age of 21 years, or upwards, and have 50 acres of land, 10 acres whereof being seated and cleared, or be otherwise worth 50 pounds, lawful money of this government, clear estate, and have been resident within this government for the space of 2 years next before such election (see Thorpe, p. 3071, line 18).

There is also a provision that any elector who receives a reward for giving his vote shall forfeit his vote. See 5 Thorpe, supra, page 3073.

The constitution of Pennsylvania in 1776 was established by general convention in Philadelphia. In the declaration of rights thereof is the following provision:

VII. That all elections ought to be free; and that all freemen having a sufficient evident common interest with and attachment to the community, have a right to elect officers, or to be elected into office (see 5 Thorpe, supra, p. 3083).

What constitutes an "evident common interest" is defined as follows:

SEC. 5. The freemen of this commonwealth and their sons shall be trained and armed for its deference under such regulations, restrictions, and exceptions as the general assembly shall by law direct, preserving always to the people the right of choosing their colonels and all commissioned officers under that rank, in such manner and as often as by the said laws shall be directed (see 5 Thorpe, supra, p. 3084, sec. 5).

In 1790, another constitution was framed. Article III provides as follows:

SECTION 1. In elections by the citizens, every freeman of the age of 21 years, having resided in the State 2 years next before the election, and within that time paid a State or county tax, which shall have been assessed at least 6 months before the election, shall enjoy the rights of an elector: *Provided,* That the sons of persons qualified as aforesaid, between the ages of 21 and 22 years, shall be entitled to vote, although they shall not have paid taxes.

SEC. 2. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote viva voce.

SEC. 3. Electors shall, in all cases except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them (see 5 Thorpe, supra, p. 3096, art. III).

In 1838 a new Constitution was ratified by a close margin. Article III thereof was:

SECTION 1. In elections by the citizens, every white freeman of the age of 21 years, having resided in this State 1 year, and in the election district where he offers to vote 10 days immediately preceding such election, and within 2 years paid a State or county tax, which shall have been assessed at least 10 days before the election, shall enjoy the rights of an elector. But a citizen of the United States, who had previously been a qualified voter of this State and removed therefrom and returned, and who shall have resided in the election district and paid taxes as aforesaid, shall be entitled to vote after residing in the State 6 months: *Provided,* That white freemen, citizens of the United States, between the ages of 21 and 22 years, and having resided in the State 1 year and in the election district 10 days as aforesaid, shall be entitled to vote, although they shall not have paid taxes.

SEC. 2. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote viva voce.

SEC. 3. Electors shall in all cases, except treason, felony, and breach of surety of the peace, be privileged from arrest during their attendance on elections and in going to and returning from them (see 5 Thorpe, supra, pp. 3108–3109, art. III).

Here, for the first time, Mr. President, we find the significant word "white," indicating a new consciousness of the Negro problem even in the Atlantic States.

The year 1874 saw another constitution come into effect in Pennsylvania. The suffrage provisions are detailed in article VIII:

SECTION 1. Every male citizen 21 years of age, possessing the following qualifications, shall be entitled to vote at all elections:

1. He shall have been a citizen of the United States at least 1 month.

2. He shall have resided in the State 1 year (or, if having previously been a qualified elector or native-born citizen of the State, he shall have removed therefrom and returned, then 6 months) immediately preceding the election.

3. He shall have resided in the election district where he shall offer to vote at least 2 months immediately preceding the election.

4. If 21 years of age or upwards, he shall have paid within 2 years a State or county tax, which shall have been assessed at least 2 months and paid at least 1 month before the election.

It was made to read as set forth in the text by amendment of November 5, 1901, by adding to the first sentence the clause, "subject, however, to such laws requiring and regulating the registration," and so forth, and by substituting in the last sentence for the phrase "or upwards" the phrase "and upwards."

SEC. 2. The general election shall be held annually on the Tuesday next following the first Monday of November, but the general assembly may by law fix a different day, two-thirds of all the Members of each House consenting thereto.

SEC. 3. All elections for city, ward, borough, and township officers, for regular terms of service, shall be held on the third Tuesday of February.

SEC. 4. All elections by the citizens shall be by ballot. Every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the elector who presents the ballot. Any elector may write his name upon his ticket or cause the same to be written thereon and attested by a citizen of the district. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted unless required to do so as witnesses in a judicial proceeding.

SEC. 5. Electors shall in all cases except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

SEC. 6. Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a requisition from the President of the United States, or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election.

SEC. 7. All laws regulating the holdings of elections by the citizens or for the registration of electors shall be uniform throughout the State, but no elector shall be deprived of the privilege of voting by reason of his name not being registered.

SEC. 8. Any person, who shall give, or promise or offer to give, to an elector, any money, reward, or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received (see 5 Thorpe, supra, pp. 3138–3139, art. VIII, first 8 sections).

SEC. 13. Residence of electors: For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poorhouse or other asylum at public expense, nor while confined in public prison.

Section 1 of article VIII was changed in 1901 to authorize the legislature to pass laws "requiring and regulating" registration:

SECTION 1. Qualifications of electors: Every male citizen 21 years of age, possessing the following qualifications, shall be entitled to vote at all elections, subject however to such laws requiring and regulating the registration of electors as the general assembly may enact:

1. He shall have been a citizen of the United States at least 1 month.

2. He shall have resided in the State 1 year (or, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then 6 months), immediately preceding the election.

3. He shall have resided in the election district where he shall offer to vote at least 2 months immediately preceding the election.

4. If 22 years of age and upwards, he shall have paid within 2 years a State or county tax, which shall have been assessed at least 2 months and paid at least 1 month before the election (amendment of November 5, 1901).

In 1933 section 1 of article VIII was modified to eliminate the requirement of a poll tax:

SECTION 1. Qualifications of electors: Every citizen 21 years of age, possessing the following qualifications, shall be entitled to vote at all elections, subject, however, to such laws requiring and regulating the registration of electors as the general assembly may enact.

1. He or she shall have been a citizen of the United States at least 1 month.

2. He or she shall have resided in the State 1 year (or, having previously been a qualified elector or native born citizen of the State, he or she shall have removed therefrom and returned, then 6 months) immediately preceding the election.

3. He or she shall have resided in the election district where he or she shall offer to vote at least 2 months immediately preceding the election (amendment of Nov. 7, 1933).

Two amendments to section 1 of article VIII were proposed in 1957. The first of these proposed to change section 1 as follows:

Every citizen 18 years of age or over, possessing the following qualifications, shall be entitled to vote at all elections subject to such laws requiring and regulating the registration of electors as the general assembly may enact.

1. He or she shall have been a citizen of the United States at least 1 month.

2. He or she shall have resided in the State 1 year (or having previously been a qualified elector or native born citizen of the State he or she shall have removed therefrom and returned, then 6 months) immediately preceding the election.

3. He or shall shall have resided in the election district where he or she shall offer to vote at least 2 months immediately preceding the election.

The second proposal read as follows:

Every citizen 21 years of age, possessing the following qualifications, shall be entitled to vote at all elections subject, however, to such laws requiring and regulating the registration of electors as the general assembly may enact.

1. He or she shall have been a citizen of the United States at least 1 month.

2. He or she shall have resided in the State 1 year (or, having previously been a qualified elector or native born citizen of the State, he or she shall have removed therefrom and returned, then 6 months) immediately preceding the election.

3. He or she shall have resided in the election district where he or she shall offer to vote at least 60 days immediately preceding the election, except, that if qualified to vote in an election district prior to removal of residence, he or she may, if a resident of Pennsylvania, vote in the election district from which he or she removed his or her residence within 60 days preceding the election.

Both proposals were rejected.

Section 2 of article VIII was altered in 1909, changing the date of the general election:

SEC. 2. General elections: The general election shall be held biennially on the Tuesday next following the first Monday of November in each even-numbered year, but the general assembly may by law fix a different day, two-thirds of all the members of each house consenting thereto: *Provided*, That such election shall always be held in an even-numbered year (amendment of Nov. 2, 1909).

Section 3 of article VIII, as amended in 1909, changed the date of local elections from February to November:

SEC. 3. All judges elected by the electors of the State at large may be elected at either a general or municipal election, as circumstances may require. All elections for judges of the courts for the several judicial districts, and for county, city, ward, borough, and township officers, for regular terms of service, shall be held on the municipal election day, namely, the Tuesday next following the first Monday of November in each odd-numbered year, but the general assembly may by law fix a different day, two-thirds of all the members of each house consenting thereto: *Provided*, That such election shall always be held in an odd-numbered year.

Then in 1913, section 3 was again amended to permit judges whose terms of office would end in an odd-numbered year, to continue in office until January of the next succeeding even-numbered year:

SEC. 3. Municipal elections; election of judges and county officers: All judges elected by the electors of the State at large may be elected at either a general or municipal election, as circumstances may require. All elections for judges of the courts for the several judicial districts, and for county, city, ward, borough, and township officers, for regular terms of service, shall be held on the municipal election day; namely, the Tuesday next following the first Monday of November in each odd-numbered year, but the general assembly may by law fix a different day, two-thirds of all the members of each house consenting thereto: *Provided*, That such elections shall be held in an odd-numbered year: *Provided further*, That all judges for the courts of the several judicial districts holding office at the present time, whose terms of office may end in an odd-numbered year, shall continue to hold their offices until the first Monday of January in the next succeeding even-numbered year (amendment of Nov. 4, 1913).

Nineteen hundred and one brought a change in section 4 of article VIII, authorizing the legislature to prescribe methods of conducting elections, and repealed the specific methods outlined in the original version of section 4:

SEC. 4. Method of conducting elections; secrecy: All elections by the citizens shall be by ballot or by such other method as may be prescribed by law: *Provided*, That secrecy in voting be preserved (amendment of Nov. 5, 1901).

Nineteen hundred and one also brought a change in section 7 of article VIII; the amendment struck out the constitutional prohibition against an elector being deprived of his right to vote because he was not registered:

SEC. 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State.

Mr. President, what I am reading may all sound monotonous, but I merely cite it to show how the States themselves regarded the ballot, and the States themselves passed laws upon the qualifications of their electors.

Section 7 of article VIII was again modified in 1928 to permit the legislature to require registration of electors in cities only and to authorize the use of voting machines:

SEC. 7. Uniformity of election laws; registration of electors: All laws regulating the holding of elections by the citizens, or for the registration of electors, shall be uniform throughout the State, except that laws regulating and requiring the registration of electors may be enacted to apply to cities only, provided that such laws be uniform for cities of the same class, and except further, that the general assembly shall, by general law, permit the use of voting machines, or other mechanical devices for registering or recording and computing the vote, at all elections or primaries, in any county, city, borough or township of the commonwealth, at the option of the electors of such county, city, borough or township, without being obliged to require the use of such voting machines or mechanical devices in any other county, city, borough or township, under such regulations with reference thereto as the general assembly may from time to time, prescribe.

The general assembly may, from time to time, prescribe the number and duties of election officers in any political subdivision of the commonwealth in which voting machines or other mechanical devices authorized by this section may be used (amendment of November 6, 1928).

Pennsylvania, like Delaware, felt the alien problem, and was one of the first to require a long residence period.

Pennsylvania was one of the few States in the North to have a taxpaying qualification.

As a matter of interest, Mr. President, to show that the privilege of suffrage has always been qualified by the State, according to its own needs and situations, I quote:

In the Pennsylvania convention of 1789 all pointed heartily in the following statement and had it printed in large bold type:

"All power being originally vested in, is derived from, the people, and all free governments originate from their will, are founded on their authority, and instituted for their peace, safety, and happiness; and for the advancement thereof; they have, at all times, an unalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper" (from Pennsylvania convention, 1789, minutes, p. 45).

In spite of this acceptance of an abstract principle, a vigorous effort was early made in the convention to establish a property qualification for suffrage. Almost feverish eagerness was manifest to get such a restriction in, and it was proposed almost before the business of the convention was well underway. Eventually there was apprehension that it would not carry, and it did not; in its stead the usual compromise of a taxpaying qualification was introduced. Both these large States and their smaller neighbors were extravagant in formal announcements of the rights of "the people." But Massachusetts considered "the people" to be the property owners. Pennsylvania was one step in advance of Massachusetts and considered "the people" to be the taxpayers. Abstract pronouncement sounded well until specific definition of the terms was sought, and when the radicals said that "the people" included all men 21 years of age the fight was on in earnest (quote Porter, "History of Suffrage in the United States," p. 28, second paragraph to end first paragraph, p. 29).

Also, there is a remark of interest on Pennsylvania's exclusion of Negroes.

In tracing out the story of the suffrage a year or two later, Pennsylvania looms up large, for in 1837 a convention was held in that State, the records of which filled more than a dozen large volumes, in which the suffrage question fills its share of pages. The property interests made a tremendous effort to come back, as the saying is, but they were only able to cling to the taxpaying requirement; the hot debate which bade fair to lead either side to victory concerned the right of the free Negro to vote. A new tone was struck in this convention in connection with the Negro problem. Heretofore it had been treated almost solely as a political problem; now the other phase of the question was presented with greater emphasis, and it was maintained that other than political considerations would inevitably determine the question despite any action the lawmakers might take. It was pointed out that public sentiment, even where the law was in doubt, arose above all law and the Constitution and would keep the Negro from the polls.

I am referring to Pennsylvania, Mr. President.

It was very significant that men frequently asserted that to give the Negro suffrage would be to imply a promise that could never be carried out. It implied an equality that race characteristics belied. The Indian could not be elevated—he died out; the Negro could not be elevated? They did not undertake to answer the question, and it has not been answered yet, but they stuck tenaciously to the proposition that he could not be elevated and should not be incorporated into the body politic.

That was in the great State of Pennsylvania.

The prospect of Negroes sitting in legislatures, in the jury box, on the bench, at the bar, in all positions of respect and honor, repelled men with such force as to cause them to lose sight of all abstract political doctrine.

Up to about this time the Negro had not been a serious problem, for he was not present in sufficient numbers even to threaten to exercise any great influence in the Government. But the menace was

growing. The slavery controversy was waxing hot; the abolitionists were carrying fiery brands wherever they went; in a word, the political situation over slavery was coming to a crucial point, and race prejudice was developing to a point it had never reached before. This race prejudice, or consciousness of racial distinction, was present in the Pennsylvania convention in a way that it was not in the earlier conventions. This accounts for the sort of argument outlined above. Arguments telling of the Negro's rights and extolling his virtues and good qualities could have no effect. No matter what was said men were conscious of a distinction between the races which they viewed with jealousy and growing alarm, and all the old arguments pro and con fell upon deaf ears. From now on men were likely to vote from prejudice one way or the other.

I repeat, Mr. President, that was in the State of Pennsylvania.

Much opprobrium was heaped upon those who were said to vote against the Negro simply because his skin was dark. But few men really did that; the dark skin was to them merely an outward indication of qualities which fostered the racial antipathy. But in the midst of this illogical prejudice it is satisfying to discover an argument based on expediency. One of the speakers in the convention pointed out that Negroes had all the rights and privileges of citizenship and that it was not expedient to let them vote. They were no more discriminated against than were minors, women, and nontaxpayers. The elective franchise should only be given to those through whom the peace and prosperity of society would be promoted.

The defenders of the Negro followed the usual line. One delegate struck a new chord when he opposed the exclusion of the Negro because the basis of exclusion was a fact over which he had no control—his color. A suffrage qualification, said he, should be such that any man could attain it. A high property test, a taxpaying test, a long residence, age, literacy, were qualifications which a man could acquire, but race or color violated sound principles of democracy and left nothing to strive for; such men were hopelessly disfranchised. This man invoked a new principle of democracy, but his principle would have included women, too, although no one thought of that. It merely shows how inevitably both sides were driven to decide the whole proposition on the issue of expediency.

It may be well to consider briefly the question as to whether the Negroes as a group needed special representation. It has been characteristic of the political parties in this country since the breakdown of the Federalists in the early part of the 19th century that they have cut athwart all social and economic groups. There has been no labor party, no capitalist party, no religious party, no conservative or radical party. All parties have appealed to all classes, rich and poor, east and west. But the advent of the Negro presented a very distinct group, and it was considered by some that such a group needed special representation that could not be attained through any existing parties. However, it is significant that, while the Republican Party has claimed most of the Negroes, there is no essential reason why they should not distribute themselves as the white men have done throughout the other parties. Fortunately no deliberate attempt was made to treat this group as deserving special representation, even though it was considered at this time.

Of course, the usual compromises were suggested to let the Negro in, but they were all repudiated, and the Negro was denied the suffrage by a vote of 77 to 45.

I repeat, that was in the great State of Pennsylvania.

This denial of the suffrage to Negroes gave rise to considerable opposition throughout the State, where the abolition movement was relatively strong. The action of Pennsylvania in excluding the Negro marks a turning point in the development of the Negro-suffrage controversy. In a number of States Negroes had not been excluded in the past and never were excluded. There were some other States which had not excluded Negroes in the first place, but as time went on it was found desirable to do so. Pennsylvania was the last of these States. From this time on the actual Negro-suffrage situation did not change until the 14th amendment was in effect (quote Porter, supra, bottom of p. 85 through line 24, p. 89).

I am attempting to show by the heterogeneous laws of the 50 States the diversified conditions underlying the variations, and the different peoples, different habits, different economic, industrial, and agricultural setups which make it a matter of prime necessity to "render unto Caesar the things which are Caesar's" and cease this attempted unconstitutional meddling with States' affairs.

New Jersey, in the agreement of 1664, which was the concession of the province of New Caesarea, or New Jersey, provided as follows for elections:

That the inhabitants being freemen, or chief agents to others of the province aforesaid; do as soon as this our commission shall arrive by virtue of a writ in our names by the governor to be for the present (until our seal comes) sealed and signed, make choice of 12 deputies or representatives from amongst themselves; who being chosen are to join with the said governor and council for the making of such laws, ordinances, and constitution as shall be necessary for the present good and welfare of the raid province. But so soon as parishes, divisions, tribes, and other distinctions are made, that then the inhabitants or freeholders of the several respective parishes, tribes, divisions, and distinctions aforesaid, do by our writs, under our seals (which we engage, shall be in due time issued) annually meet on the first day of January, and choose freeholders for each respective division, tribe, or parish to be the deputies or representatives of the same: which body of representatives or the major part of them, shall, with the governor and council aforesaid, be the general assembly of the said province, the governor or his deputy being present, unless they shall wilfully defuse, in which case they may appoint themselves a president, during the absence of the governor or the deputy governor (quote 5 Thorpe, supra, p. 2537).

In 1683 in the Fundamental Constitutions for the province of East New Jersey it was provided:

The persons qualified to be freemen, that are capable to choose and be chosen in the great council, shall be every planter and inhabitant dwelling and residing within the province, who hath acquired rights to and is in possesson of 50 acres of ground, and hath cultivated 10 acres of it; or in boroughs, who have a house and 3 acres; or have a house and land only hired, if he can prove he has 50 pounds in stock of his own: and all elections must be free and voluntary, but were any bribe or indirect means can be proved to have been used, both the giver and acquirer shall forfeit their privilege of electing and being elected forever (see 5 Thorpe, supra, p. 2575, par. 2, No. III first 10 lines).

In 1776 came the first constitution of New Jersey as such framed by convention. Article IV contains the voters' qualifications:

ART. IV. That all inhabitants of this colony, of full age, who are worth £50 proclamation money; clear estate in the same, and have resided within the county in which they claim a vote for 12 months immediately preceding the election, shall be entitled to vote for representatives in council and assembly; and also for all other public officers, that shall be elected by the people of the county at large (see 5 Thorpe, supra, p. 2595).

In 1844, New Jersey drew up another constitution. Here we see the provisions closely following the previous ones.

Right of suffrage: Every male citizen of the United States, of the age of 21 years, who shall have been a resident of this State 1 year, and of the county in which he claims his vote 5 months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be, elective by the people; provided, that no person in the military, naval, or marine service of the United States shall be considered a resident in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector; and provided further, that in time of war no elector in the actual military service of the State, or of the United States, in the Army or Navy, thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery (5 Thorpe, supra, p. 2601, art. 11).

New Jersey in 1947 adopted a new constitution. The provisions relating to suffrage are found in article II, sections 1 through 7.

SECTION 1. General elections: General elections shall be held annually on the first Tuesday after the first Monday in November; but the time of holding such elections may be altered by law. The Governor and members of the legislature shall be chosen at general elections. Local elective officers shall be chosen at general elections, or at such other times as shall be provided by law.

SEC. 2. Questions for submission to people of entire State: All questions submitted to the people of the entire State shall be voted upon at general elections.

SEC. 3. Elections; qualifications: Every citizen of the United States, of the age of 21 years, who shall have been a resident of this State 1 year, and of the county in which he claims his vote 5 months, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people.

SEC. 4. Electors in military service; absentee voting: In time of war no elector in the military service of the State or in the Armed Forces of the United States shall be deprived of his vote by reason of absence from his election district. The legislature may provide for absentee voting by members of the Armed Forces of the United States in time of peace. The legislature may provide the manner in which and the time and place at which such absent electors may vote, and

for the return and canvass of their votes in the election district in which they respectively reside.

SEC. 5. Residence of military personnel stationed within State: No person in the military, naval or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State.

SEC. 6. Persons denied right of suffrage, idiots, and insane persons: No idiot or insane person shall enjoy the right of suffrage.

SEC. 7. Persons denied right of suffrage, conviction of crime; restoration of right: The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of such crimes as it may designate. Any person so deprived, when pardoned or otherwise restored by law to the right of suffrage, shall again enjoy that right.

An explanation and background of the 1947 constitution appears at pages 13 through 36 of the New Jersey Statutes Annotated, volume entitled "Constitution," 1954 edition:

The year 1947 is easily recognized as the most eventful thus far in the history of State government in New Jersey. For those many valiant citizens who had toiled long and hard for constitutional revision, this was a year of rekindling of hopes dimmed by the decisive defeat at the polls in 1944 of a revised charter which had been agreed upon and submitted to the voters by the legislature. For all the citizens of New Jersey, this was a year which brought to fruition a model State constitution.

While 1947 was the year of accomplishment of constitutional reform, the movement for revision of the State's basic charter was then by no means new. It had, as Gov. Alfred E. Driscoll pointed out in his inaugural address to the legislature on January 21, 1947, "pursued an uncertain course ever since the annual message of Gov. Joel Parker in 1873, in which he advocated a constitutional convention.

A large scale drive was launched in 1941 by outstanding public-spirited citizens and organizations, with the establishment of broad research and educational programs demonstrating the need for extensive revision of the 1844 constitution. The campaign for constitutional reform was inspired by bipartisan support led by Democratic Gov. Charles Edison and Republicans Arthur T. Vanderbilt, of Essex County, formerly president of the American Bar Association and later dean of the New York University Law School (presently chief justice of the New Jersey Supreme Court), and Robert C. Hendrickson, of Gloucester County, then State senator (presently U.S. Senator), who was the Republican nominee for Governor in 1940. By joint resolution, approved November 18, 1941, the commission on revision of the New Jersey constitution was established, charged "with the duty of inquiring into the subject of constitutional revision and of suggesting in what respects the constitution of New Jersey should be changed and make recommendations to provide for the more effective working of present-day representative processes. The commission, which was generally referred to as the Hendrickson commission, after its chairman Senator Robert C. Hendrickson, a former Member of this body, was continued by joint resolution approved January 24, 1942, and submitted its report in May 1942, setting forth and unanimously recommending a revised constitution. The commission also recommended that a referendum be held at the September 1942 primary election, requesting that authority be given the legislature to submit a revised constitution at the 1942 general election. Following receipt of the report, the legislature, by concurrent resolution adopted June 15, 1942, established a joint committee of the legislature "to hold public hearings to ascertain the sentiment of the people of the State as to the various proposals and recommendations made by said commission (the commission on revision of the New Jersey constitution) in its report and to ascertain, also, the sentiment of the people of the State as to whether or not they desire the fundamental law of the State to be changed."

Public hearings were conducted by the joint committee during the summer of 1942, at which was disclosed strong sentiment for constitutional revision. However, the majority report of the committee (Sept. 28, 1942), concluded with a recommendation "that no further action for change in the New Jersey State constitution be taken until after the termination of the present war." Separate minority reports were submitted by two members of the committee—urging a public referendum at the 1942 general election on the question of authorizing the 1943 legislature to formulate a revised constitution to be submitted to the people, for adoption or rejection, at the 1943 general election.

Sustained public interest in revision continued during 1943, fortified by the added vigorous support of former Gov. Walter E. Edge. The legislature that year adopted legislation calling for a referendum at the 1943 general election to authorize the 1944 legislature to agree upon a revised State constitution retaining the then existing constitutional bill of rights and basis for representation in the legislature—to be submitted to the people, for approval and ratification or rejection, at the 1944 general election. The 1943 referendum was carried by a decisive plurality—the people wanted constitutional revision. With strong support from Governor Edge (elected to a second term at the 1943 general election), the legislature in 1944 established a joint legislative committee to formulate a draft of a proposed revised constitution. The committee held public hearings on its proposals. Thereafter, the legislature agreed upon a revised basic charter for the State and submitted it to the people at the November 1944 general election. Nonetheless, that document was rejected by a decisive plurality.

It was not until January 21, 1947, that the clouds of despair, which had hung over the revision movement since the 1944 defeat, were dispersed. On that day, Governor Driscoll, in his inaugural address, urged the legislature to submit to referendum the question of calling a constitutional convention to consist of 60 members to revise the State constitution with retention of the then existing basis for legislative representation—the work of the convention to be submitted, as a whole or in parts, for approval or rejection by the people at the general election in November 1947. Enabling legislation was adopted, with the convention to consist of 81 rather than 60 members, and with provision for the convention to retain the existing territorial limits of the respective counties, as well as the basis of representation in the legislature. On June 3 the plan was approved by referendum and delegates elected. Nine days later, on June 12, 1947, in New Brunswick, at Rutgers University, the State University of New Jersey, the convention began its hard task of molding a modern, forward-looking, fundamental law for New Jersey. Clearly evident in the selection of delegates and in the operation of the convention was the effectuation of the hope and thought expressed by Governor Driscoll in his inaugural address when he said:

"The convention will be successful in direct proportion to the widest possible participation of our citizens and the selection of the highest possible talent that our State so abundantly affords. May we, as we undertake this obligation, lay aside partisanship and select our best qualified citizens to represent us in the convention."

The document agreed upon by the delegates, after deliberations which extended through the hot summer months of 1947, received enthusiastic bipartisan support and was overwhelmingly adopted at the November 1947 general election.

The successful conclusion of the revision movement—the fact that New Jersey today has a model State constitution—is predominantly attributable to the dynamic leadership of Governor Driscoll and the vigorous and sustained support which he gave to the work of the convention.

A discussion of some of the major changes incorporated in the 1947 constitution follows.

Permeating the overall drive for constitutional revision was the basic need for a clear and unambiguous expression in the State charter of the traditional American principle of distinct separation of powers among the three departments of government—legislative, executive, and judicial—tempered only by a system of reasonable checks and balances which would provide for responsive as well as responsible government. The doctrine of separation of powers found only limited and ineffectual expression in the constitution of 1844. A chief illustration in this respect was the constitutional diffusion of considerable executive power among the legislative and judicial branches of the government. Thus, in revising the legislative, executive, and judicial articles, the delegates undertook to define more consistently the powers and functions of each branch of government, as well as to provide for their more efficient and effective operation. The task was accomplished in admirable fashion.

LEGISLATIVE

The previous constitution contained no provision prohibiting the legislature from providing for the election by itself of executive, administrative, or judicial officers. The absence of such a prohibition resulted in legislative enactments providing that certain essentially executive or administrative offices be filled by election by the legislature in joint session. A notable illustration in this respect was the office of commissioner of alcoholic beverage control. Moreover, the prior constitution itself required that the State treasurer and comptroller be appointed by the senate and general assembly in joint meeting. This failure to give adequate expression to the doctrine of separation of powers was effectively remedied by the inclusion in the 1947 constitution of a provision that "Neither the legislature nor either house thereof shall elect or appoint any executive, administrative, or judicial officer except the State auditor." The logical exception was made in the case of the State auditor, since by reason of his function of post-auditing State accounts he is, as the convention's committee on the legislature pointed out, "essentially an agent of the legislature and, therefore, should be elected by the legislature."

Other major improvements in the legislative article include:

To "effectively cure the evil of rushing bills from second to third reading without giving the members of the legislature an opportunity to study their contents," the convention's committee on the legislative recommended, and the convention adopted, a new provision (art. IV, sec. IV, par. 6) which has contributed immeasurably to the more orderly conduct of the legislative process. This provision prohibits any bill or joint resolution from being read a third time in either house until after the intervention of one full calendar day following the day of the second reading. The committee on the legislative recognized "that the inclusion of this provision might make it difficult, or even impossible, for the legislature to deal with real emergencies, which might require immediate action." To guard against such a contingency the committee proposed, and the convention adopted an

exception to the 1 day layover clause which permits a bill or joint resolution to proceed forthwith from second to third reading in either house if that house resolves by vote of three-fourths of all its members, signified by yeas and nays entered on the journal, that it is an emergency measure.

In proposing the provision requiring a full day's intervention between second and third reading of a bill or joint resolution, the convention's committee on the legislative expressed "confident expectation" that the provision "will not only bring about more orderly sessions of the legislature but will also improve the character of legislation by affording an adequate opportunity to the members to become acquainted with bills which they know will be moved to third reading."

This provision, as well as the exception which permits its suspension on a three-fourths vote, has worked well. Their effective operation has greatly improved the orderly conduct of the work of the legislature.

While the number of assemblymen and senators remained unchanged in the new constitution of 1947, their terms were lengthened. The terms of assemblymen were increased from 1 to 2 years, and those of senators from 3 to 4 years. The obvious objective was to permit them to devote more time to their legislative duties and less time to campaigning.

The provision for $500 annual salaries for members of the legislature, which was included in the earlier constitution in 1875, was found to be grossly inadequate. Accordingly, the new constitution allowed the compensation of members of the legislature to be fixed at the first legislative session after the constitution took effect, and further provided that such compensation might be increased or decreased by law from time to time thereafter; but no increase or decrease to be effective until the legislative year following the next general election for members of the general assembly. In 1948 the annual compensation was established at $3,000 (Public Law 1948, c. 16; N.J.S.A. 52: 10A–1).

The 1844 constitution provided for calling of special sessions of the legislature by the Governor alone. This the convention's committee on the legislative termed "an unwarranted restriction on the legislative power." Although the new constitution continues this power in the Governor, it also requires him to call special sessions of the legislature upon petition of a majority of all the members of each house.

By amendment to the 1844 constitution in 1927, the legislature was empowered to enact "general laws under which municipalities, other than counties, may adopt zoning ordinances limiting and restricting to specified districts and regulating therein, buildings and structures, according to their construction, and the nature and extent of their use * * *." This limited zoning provision was broadened in the 1947 constitution (art. IV, sec. VI, par. 2) to the extent of authorizing, in addition, general legislation under which municipalities may adopt zoning ordinances providing regulation according to "the nature and extent of the uses of land." Suggestion was made to the committee on the legislative that the authority to adopt zoning ordinances be extended to counties. This the committee rejected because it feared that such an extension "would eventually lead to a conflict between counties and municipalities with relation to the exercise of zoning powers."

The 1844 constitution contained no provision authorizing excess condemnation. This was remedied in the 1947 constitution by inclusion of paragraph 3, section VI, article IV, which provides that "any agency or political subdivision of the State or any agency of a political subdivision thereof, which may be empowered to take or otherwise acquire private property for any public highway, parkway, airport, place, improvement, or use, may be authorized by law to take or otherwise acquire a fee simple absolute or any lesser interest, and may be authorized by law to take or otherwise acquire a fee simple absolute in, easements upon, or the benefit of restrictions upon, abutting property to preserve and protect the public highway, parkway, airport, place, improvement, or use; but such taking shall be with just compensation."

One of the most vexing problems which confronted both the committee on the legislative and the convention as a whole was that relating to the provision on gambling. The 1844 constitution, as amended in 1939 (art. IV, sec. VII, par. 2) prohibited the legislature from legalizing any form of gambling except parimutuel betting at duly licensed racetracks.

Substantial differences of opinion arose before the committee as to the nature and extent of any provision on the subject to be included in the new charter. In view of the divergence of opinion, the committee concluded that the people should be permitted to express their preference on the issue of whether or not the then existing gambling clause should be liberalized. Accordingly, it proposed that alternative propositions on the subject be submitted at the November 1947 election; "the first alternative being the retention of the present gambling clause; the second being a liberalized gambling clause which would permit not only parimutuel betting, but would also permit the legislature to authorize and regulate the conduct of specified games of chance by bona fide charitable, religious, fraternal and veterans organizations or associations, and volunteer fire companies, subject to local option."

After considerable discussion on the subject, the convention discarded the proposal for alternative propositions in favor of a provision (art. IV, sec. VII, par. 2 of the 1947 constitution) which in effect authorized continuance of legislation permitting parimutuel betting at duly licensed racetracks, and prohibited gambling of any other kind to be authorized by the legislature unless the specific kind, restrictions and control thereof was thereafter submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election.

The previous constitution prohibited the passage of private, local or special laws regulating the internal affairs of towns and counties (par. 11, sec. VII, art. IV of the 1844 constitution, as amended). Although a similar provision is contained in the 1947 constitution (art. IV, sec. VII, par. 9), with the term "municipalities formed for local government" substituted for the term "towns," an exception is provided (1947 constitution, art. IV, sec. VII, par. 10), authorizing the legislature, by vote of two-thirds of all the members of each house, to pass such private, special or local laws regulating the internal affairs of any municipal corporation formed for local government or of any county, upon petition by the governing body of such municipal corporation or county, the petition to be authorized in a manner to be prescribed by general law, and to specify the general nature of the law sought to be passed. Such law would become operative only if adopted by ordinance of the governing body of the municipality or county or by vote of the legally qualified voters thereof; the legislature to prescribe either in the particular private, special, or local law, or by general law, the method of its adoption, and the manner in which the ordinance of adoption may be enacted or the vote taken, as the case may be. Legislation implementing this provision was enacted in 1948 (Public Law 1948, c. 199; N.J.S.A. 1: 6–10 to 1: 6–20).

The purpose of this new provision, as pointed out by the convention's committee on the legislative "is to allow the legislature to deal with situations which can only be remedied by private, special, or local laws, as for instance, the changing of a provision in a charter of a specified municipality." The committee further pointed out that its proposal "amply safeguards municipalities against discriminatory action, since the legislative process can only be initiated on petition of the municipality, and the law, when passed, must be adopted by the municipality by ordinance or referendum."

The legislative article of the 1947 constitution contains another new clause (art. IV, sec. VII, par. 11), which requires the provisions of the constitution and of any law concerning municipal corporations formed for local government, or concerning counties, to be liberally construed in their favor; and also, that the powers of counties and such municipal corporations shall include not only those powers granted in express terms but also those of necessary or fair implication, or incident to the powers expressly conferred, or essential thereto, and not inconsistent with or prohibited by the constitution or by law.

EXECUTIVE

The objective of the recommendations of the convention's committee which had the task of revising the executive article was, as the committee expressed it "to bring the powers of the Governor into line with the popular impression of the powers of that office and to provide for a centralization of authority and power in the office of the Governor under reasonable checks and balances, so that the chief executive may be truly responsible to the people for the conduct of the executive branch of the government." The committee added that "while all three branches of the government should be improved and the responsibility more clearly defined, the greatest need has been to raise the relative position of the executive, which under our present constitution (the 1844 constitution) has been the weakest of the three branches."

Accordingly, the committee on executive, militia, and civil officers recommended, and the convention adopted, extensive improvements in the new executive article, including the following:

The term of office of the Governor was changed from 3 years to 4 years; and a Governor is permitted to seek reelection for one successive term, after which he is ineligible for the office until the lapse of 4 years (art. V, sec. I, par. 5).

While continuing the duty of the Governor expressed in the previous constitution to "take care that the laws be faithfully executed," the 1947 constitution implements this requirement by empowering the chief executive, to this end, "by appropriate action or proceeding in the courts brought in the name of the State, to enforce compliance with any constitutional or legislative mandate, or to restrain violation of any constitutional or legislative power or duty by any officer, department, or agency of the State; but this power shall not be construed to authorize any action or proceeding against the legislature" (art. V, sec. I, par. 11).

The new constitution has provided a proper role for the executive in the legislative process. Additional time is now afforded the Governor for the consideration of legislation passed by both houses. Previously, the Governor was required to act upon any bill within 5 days (Sundays excepted) after it had been presented to him by the legislature. If, within that time, he had not returned it to the house in which it originated, with his objections, the bill became a law in the same manner as if he had signed it—unless the legislature, by adjourning, prevented its return, in which case it did not become a law but was "pocket vetoed."

The 1947 constitution (art. V, sec. I, par. 14(a)) extends the time allowed the Governor for consideration of bills presented to

him by the legislature to 10 days (Sundays excepted) while the legislature is in session. If the bill is not returned to the house of origin within such 10-day period, it becomes a law on the 10th day, unless the house of origin is in adjournment on that day. If, on the 10th day, the house of origin is in temporary adjournment during the course of a regular or special session, the bill becomes a law on the day that house reconvenes, unless the Governor returns the bill to it on that day.

A completely new provision is added (1947 constitution, art. V, sec. I, par. 14(b)), governing the situation when the legislature is in adjournment sine die on the 10th day (Sundays excepted) after the bill has been presented to the Governor. In such case the bill becomes a law if the Governor signs it within 45 days (Sundays excepted) after such adjournment. If the Governor fails to sign the bill within the 45-day period, it becomes a law on the 45th day without his signature, unless at or before noon of that day he returns it with his objections to the house of origin at a special session of the legislature which automatically convenes on that day, without petition or call, for the sole purpose of acting on bills so returned by the Governor. Under the terms of the constitution, such a special session is not convened whenever the specified day falls on or after the last day of the legislative year in which the adjournment of the legislature is taken—and in such case any bill not signed by the Governor within the 45-day period does not become a law.

Another important feature is the new provision which authorizes the Governor, in returning with his objections any bill for reconsideration at any general or special session of the legislature, to recommend that specific amendments be made in the bill—in which case the legislature may amend and reenact the bill. If a bill is so amended and reenacted, it is again presented to the Governor, but becomes a law only if he signs it within 10 days after presentation. No bill may be returned by the Governor a second time.

It is apparent from the above discussion of the Governor's new veto power that the pocket veto has been practically eliminated. It is still possible in only two instances, i.e., where the 45th day after sine die adjournment occurs on or after the last day of the legislative year in which the adjournment is taken, and in cases where a bill has been conditionally vetoed (returned with recommended amendments), amended and reenacted by the legislature, and not signed by the Governor within 10 days after it is presented to him as amended and reenacted.

While the exercise of the conditional veto power has placed substantial new burdens upon the Governor and his staff, it has had the salutary effect of saving many meritorious bills which contained serious constitutional or technical deficiencies, omissions, or conflicting or overlapping provisions, and which without this opportunity for correction would have had to be vetoed outright.

In addition, the veto power of the Governor has been effectively strengthened by requiring a two-thirds vote of the membership of each house to override any veto, rather than a bare majority as was previously the case; and by authorizing the Governor to veto in part (in effect, to reduce) any item of appropriation of money in any bill, as well as to veto entire items.

The constitution of 1844 contained no provision for State administrative organization. It left the legislature free to create as many independent State administrative agencies as it deemed advisable. The general pattern was the creation of new and independent administrative agencies for the performance of new functions undertaken by the State, rather than the allocation of these functions to existing agencies. Although partial consolidation was effected on a few occasions, after exhaustive surveys by legislative and other committees, nevertheless, over 70 independent State administrative agencies existed in 1947 through legislative action. Moreover, although the 1844 constitution did, in terms, provide that "the executive power shall be vested in a Governor" (constitution of 1944, art. V, par. 1), it not only failed to implement this provision adequately but actually weakened it seriously in several respects. For example: the terms of the three constitutional administrative officers appointed by the Governor with the advice and consent of the senate (the attorney general, the secretary of state, and the keeper of the State prison) were longer (5 years) than the Governor's term of office (3 years). Since the Governor could not succeed himself, the terms of these administrative officers necessarily extended into or beyond the next Governor's term.

Further, the appointment of the remaining two constitutional administrative officers (the State treasurer and comptroller), was vested in the senate and general assembly. In addition, the 1844 constitution made no provision for the exercise by the Governor of a power to remove appointed administrative officers, and failed to vest in him general power to supervise or investigate the conduct of State administrative agencies.

All of these deficiencies were effectively remedied in the constitution of 1947. Section IV of article V of the new constitution provided the mandate for a modern, forward-looking structure of State administrative organization. All executive and administrative offices, departments, and instrumentalities of the State government, including the offices of secretary of state and attorney general, and their respective functions, powers, and duties are required to be allocated by law among and within not more than 20 principal departments, in such manner as to group them according to major purposes so far as practicable. Temporary commissions for special purposes are permitted to be established by law, and these need not be allocated within any principal department. Each principal department is made subject to the supervision of the Governor. The head of each principal department must be a single executive, as distinguished from a board, commission, or other body, unless otherwise provided by law. Single executives are required to be nominated and appointed by the Governor, with the advice and consent of the senate, and serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of their successors—except that the secretary of state and the attorney general are similarly appointed but for terms which are coterminous with that of the Governor. Where a board, commission, or other body is by law made the head of a principal department, its members are nominated and appointed by the Governor, with the advice and consent of the Senate, and may be removed in the manner provided by law. When authorized by law, such a board, commission, or other body may appoint a principal executive officer, but the appointment is subject to the approval of the Governor. Any principal executive officer so appointed, moreover, is removable by the Governor, upon notice and an opportunity to be heard.

Effective legislative implementation of these provisions has provided a State administrative structure which is looked upon as a model by many States. Fourteen principal departments—six less than the maximum number allowed by the constitution—have been established. These are the departments of agriculture, banking and insurance, civil service, conservation and economic development, defense, education, health, institutions and agencies, labor and industry, law and public safety, public utilities, state, the treasury, and the State highway department.

There were incorporated in this administrative reorganization program, the major principles of modern State administrative reorganization which had been developed over the 30 years preceding the new State constitution.

These principles, directed toward the achievement of maximum efficiency and economy in the execution of State administrative activities, are:

(1) Integration of all administrative activities of the State along functional lines within a few well-balanced principal departments;

(2) Establishment of direct lines of responsibility for the administration of such functions and activities—from the Governor, through the department heads, to the subordinate officers of each department;

(3) Providing the Governor with executive authority commensurate with his responsibilities to the people of the State; and

(4) Requirement for coordination of administrative activities, the elimination of duplicating and overlapping functions, and full utilization of all staff facilities within each principal department.

In addition to the above mentioned removal power of the Governor, the new constitution authorizes him (art. V, sec. IV, par. 5), to cause investigations to be made of the conduct in office of any officer or employee who receives his compensation from the State, except a member, officer or employee of the legislature or an officer elected by the senate and general assembly in joint meeting, or a judicial officer; and to require such officers or employees to submit to him written statements, under oath, of such information as he may call for relating to the conduct of their respective officers or employments. After notice, the service of charges and an opportunity to be heard at public hearing, the Governor may remove any such officer or employee for cause. The officer or employee is given the right of judicial review, on both the law and the fact, in such manner as shall be provided by law.

Another provision of the executive article of the 1947 constitution (art. V, sec. IV, par. 6) prohibits the taking effect of any rule or regulation made by any department, officer, agency or authority of the State (except such as relates to the organization or internal management of the State government or a part thereof) until it is filed either with the secretary of state or in such manner as shall be provided by law.

Although the legislature is required to provide for the prompt publication of such rules and regulations, general legislative provisions on the subject have not as yet been adopted. Several comprehensive administrative procedure bills which have been introduced in the legislature over the past 6 years did include effective uniform provisions governing publication of administrative rules and regulations; but none was enacted.

The previous constitution failed to make proper allocation of the power of executive clemency; nor did it provide any distinct separation between executive clemency and parole functions. It authorized the Governor (art. V, par. 9) to suspend collection of fines and forefeitures, and to grant reprieves, not to extend beyond 90 days after conviction—excluding application of this power to cases of impeachment. It also conferred upon the Governor, the chancellor, and the six judges of the court of errors and appeals, or a majority of them including the Governor, authority to remit fines and forefeitures, and grant pardons, after conviction, in all cases other than impeachment (art. V, par. 10). This body, which became known as the court of pardons, accordingly exercised both executive clemency and what amounted to parole functions.

This diffusion of executive power into the judicial branch of the government was eliminated in the new constitution of 1947, and at the same time a clear-cut distinction was made between executive clemency and parole. The Governor now has authority to grant pardons and reprieves in all cases other than impeachment or treason, and may suspend and remit fines and forfeitures (art. V, sec. II, par. 1).

The same paragraph authorizes the adoption of legislation establishing a commission or other body to aid and advise the Governor in the exercise of executive clemency. The new constitution also requires legislation providing a system for the granting of parole (art. V, sec. II, par. 2). This provision has been effectively implemented by the adoption of legislation in 1948 establishing a State parole board in the State department of institutions and agencies and defining its functions and duties (P.L. 1948, c. 84). Provision is made for this board to aid and advise the Governor in the exercise of executive clemency.

JUDICIAL

Recently, Chief Justice Arthur T. Vanderbilt, of the New Jersey State Supreme Court, pointed out that "the first essential of a sound judicial establishment is a simple system of courts, for the work of the best bench and bar may be greatly handicapped by a multiplicity of courts with overlapping jurisdictions" (Arthur T. Vanderbilt, "The Essentials of a Sound Judicial System," Northwestern University Law Review, March–April 1953, vol. 48, No. 1).

The effective incorporation of this essential is one of the fundamental characteristics of the judicial system prescribed by the constitution of 1947, which has been lauded by the Journal of the American Judicature Society as "America's best."

The committee on the judiciary of the constitutional convention set forth in its report three basic principles which guided it in framing the judicial article. These were, as the committee pointed out:

First, unification of courts: By this means, the judicial system is simplified and the condition for economical and efficient administration established. It is the sole known technique for abolishing jurisdictional controversies which delay justice and waste the time and money of litigants and courts.

Second, flexibility of the court system: By assignment of judges according to ability, experience, and need, and apportion of judicial business among courts, divisions, and parts according to the volume and type of cases, judicial resources can be fully utilized and litigation promptly decided.

Third, control over administration, practice, and procedure by rules of court: Exclusive authority over administration, and primary responsibility for establishing rules of practice and procedure, secures businesslike management of the courts as a whole and promotes simplified and more economical judicial procedures.

The extensive application in the new constitution of these fundamental principles of sound judicial organization effectively eliminated the outstanding defects of the previous court structure. As the committee pointed out, these defects, according to nearly all the witnesses who appeared before it, might be grouped in three categories:

The intolerable evil of jurisdictional controversies engendered by rival courts of law and equity dealing with the same subject matter.

The multiple functions of appellate court judges and reiterated appeals of the same case.

The total lack of businesslike organization, coordination, and supervision of the courts as a whole. A corollary feature of this condition is the practice of resigning responsibility for the formulation of practice and procedure to intermittent revision by the legislature.

The judicial reorganization provided by the constitution of 1947, coupled with the State supreme court's effective streamlining of judicial procedures, under the constant dynamic leadership and tireless efforts of its chief justice, has given the people of New Jersey by far the most effective judicial system in the Nation.

The principal features of the new judicial article (art. VI) include:

The judicial power is vested in a supreme court; a superior court, divided into an appellate division, a law division, and a chancery division; county courts; and inferior courts of limited jurisdiction. The inferior courts (e.g., county district courts, criminal judicial district courts, juvenile and domestic relations courts, joint municipal courts and municipal courts) and their jurisdiction may from time to time be established, altered, or abolished by law. In this respect it should also be noted that authority is granted for the alteration by law, as the public good may require, of the jurisdiction, powers, and functions of the county courts and of the judges of the county courts (art. VI, sec. IV, par. 4).

The new court of last resort, the supreme court, consists of a chief justice and six associate justices, and replaces the previous 16-member court of errors and appeals. The chief justice is the administrative head of all the courts in the State. He appoints an administrative director who serves at his pleasure. Appeals may be taken to the supreme court—

(a) In causes determined by the appellate division of the superior court involving a question arising under the Constitution of the United States or this State;

(b) In causes where there is a dissent in the appellate division of the superior court;

(c) In capital causes;

(d) On certification by the supreme court to the superior court and, where provided by rules of the supreme court, to the county courts and the inferior courts; and

(e) In such causes as may be provided by law (art. VI, sec. V, par. 1).

The supreme court is empowered to make rules governing the administration of all courts in the State and, subject to law, the practice and procedure in such courts; and is granted jurisdiction over admission to the practice of law and the discipline of persons admitted (art. VI, sec. II, par. 3). The phrase "subject to law" in this constitutional provision refers to substantive law, and, accordingly, the court's constitutional rule-making power is not subject to overriding legislation on the subject of practice and procedure (*Winberry* v. *Salisbury*, 5 N.J. 240, 74 A. 2d 406 (1950)).

The superior court, which replaces the former supreme court, court of chancery, prerogative court, and circuit courts, has original general jurisdiction throughout the State in all causes (art. VI, sec. III, par. 2). It consists of such number of judges as may be authorized by law, but not less than 24 (the number is presently set at 38). They are assigned to the divisions and parts of the court by the chief justice of the supreme court. Subject to supreme court rules, the law division and chancery division of the court are each required to exercise the powers and functions of the other "when the ends of justice so require, and legal and equitable relief shall be granted in any cause so that all matters in controversy between the parties may be completely determined" (art. VI, sec. III, par. 4).

The appellate division hears appeals from the law and chancery divisions, the county courts, and in such other causes as may be provided by law. The supreme court and the appellate division are authorized to exercise "such original jurisdiction as may be necessary to the complete determination of any cause on review" (art. VI, sec. V, par. 3).

While prerogative writs are superseded, there is afforded, in lieu thereof, review, hearing, and relief in the superior court "on terms and in the manner provided by rules of the supreme court, as of right, except in criminal causes where such review shall be discretionary" (art. VI, sec. V, par. 4).

A county court is established in each county, with the jurisdiction previously exercised by the court of common pleas, orphans' court, court of oyer and terminer, court of quarter sessions, and court of special sessions, and such other jurisdiction consistent with the constitution as may be conferred by law (art. VI, sec. IV, par. 1). Each county court has at least one judge, and such additional judges as provided by law. The judges are appointed by the Governor, with the advice and consent of the senate, for 5-year terms. Subject to law, in civil causes including probate causes, within their jurisdiction, the county courts "may grant legal and equitable relief so that all matters in controversy between the parties may be completely determined" (art. VI, sec. IV, par. 5).

The justices of the supreme court and the judges of all courts, except inferior courts with jurisdiction limited to a single municipality, are nominated and appointed by the Governor, with the advice and consent of the senate. At least 7 days' public notice of any proposed nomination to such an office is required to be given by the Governor before the nomination is sent to the senate for confirmation (art. VI, sec. VI, par. 1). As the committee on the judiciary pointed out, "The interval should provide an opportunity, not always afforded in the past, for an expression of public opinion."

Justices of the supreme court and judges of the superior court hold their offices for initial terms of 7 years, and upon reappointment they hold their offices during good behavior and are required to be retired at the age of 70. Provisions for pensioning of the justices of the supreme court and the judges of the superior court are required to be made by law (art. VI, sec. VI, par. 3). Legislation implementing this provision has been enacted.

Pointing out that "despite the excellence of our judicial system, this bulwark of our republican form of government may further be strengthened and improved," Governor Driscoll, in his sixth annual message to the legislature, on January 13, 1953, urged the integration of the present county courts with the superior court. He noted, among other things, that "a separate county court means separate judges who have neither the status nor the security of superior court judges"; that "the judicial assignment of county judges can only be on a temporary basis, and the present arrangement necessitates the undesirable practice of having some part-time county judges assigned to try matters pending in a higher court"; and that "existing constitutional distinctions between the superior court and the county courts require special treatment, procedures, schedules of fees, records, and trained personnel." Legislation to effectuate integration was introduced at the regular session of the legislature in 1953, but was not enacted.

BILL OF RIGHTS

Article I of the constitution of 1947, the revised and extended bill of rights, is widely recognized as the most forward-looking document of its kind in the Nation. It expresses, as Governor Driscoll pointed out in his annual message to the legislature on January 11, 1949, "the social, political, and economic ideals of the present day in a broader way than ever before in American constitutional history."

The 1844 constitution provided that "no person shall be denied the enjoyment of any

civil right merely on account of his religious principles" (1844 constitution, art. I, par. 4). The new provision (1947 constitution, art I, par. 5) is far more comprehensive, as well as far more specific. It provides that "no person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry, or national origin" (art. I, par. 5).

This provision has been effectively implemented by executive and legislative action. New features were incorporated into New Jersey's civil rights legislation. Segregation in the New Jersey National Guard was abolished—a step which has since been followed by a number of other States.

Another new provision of the bill of rights guarantees to persons in private employment the right to organize and bargain collectively (art. I, par. 19). The same paragraph guarantees to persons in public employment "the right to organize, present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals through representatives of their own choosing."

The legislature is authorized (art. I, par. 9) to "provide that in any civil cause a verdict may be rendered by not less than five-sixths of the jury." This provision has been implemented by legislation adopted in 1948 (P.L. 1948, c. 120; N.J.S.A. 2A: 80–2).

It should be noted here that other significant improvements in respect to rights and privileges are to be found in other provisions of the constitution. These include the specific provision of equal constitutional rights for women. Article X (general provisions), paragraph 4 requires that whenever in the constitution "the term 'person,' 'persons,' 'people,' or any personal proncun is used, the same shall be taken to include both sexes."

Also, the previous provision prohibiting paupers from voting (1844 constitution, art. II, par. 1) has been eliminated.

OTHER CHANGES

Other important changes in the constitution include:

Taxation and finance: By amendment adopted in 1875, the previous constitution provided that "property shall be assessed for taxes under general laws, and by uniform rules, according to its true value" (1844 constitution as amended, art. IV, sec. VII, par. 12). The 1947 constitution, while prescribing that property be assessed for taxation under general laws and by uniform rules, requires that real property assessed and taxed locally or by the State for allotment and payment to taxing districts, "be assessed according to the same standard of value," and further requires such real property to "be taxed at the general tax rate of the taxing district in which the property is situated, for the use of such taxing district" (1947 constitution, art. VIII, sec. I, par. 1).

Provisions governing exemptions from taxation have also been included in the new constitution (art. VIII, sec. I, par. 2). These authorize the granting of such exemption only by general laws; and continue, until otherwise provided by law, "all exemptions from taxation validly granted and now in existence." In addition, exemptions from taxation are subject to being altered or repealed, with the exception of "those exempting real and personal property used exclusively for religious, educational, charitable or cemetery purposes, as defined by law, and owned by any corporation or association organized and conducted exclusively for one or more of such purposes and not operating for profit."

Specific provision is also made for certain exemptions to citizens and residents of the State who are honorably discharged or released war veterans and to widows of citizen and resident servicemen who die on active duty in time of war (1947 constitution, art. VIII, sec. I, par. 3).

The new constitution incorporates the principle of one general appropriation law for each fiscal year; and prohibits enactment of any law appropriating money for any State purpose "if the appropriation contained therein, together with all prior appropriations made for the same fiscal period, shall exceed the total amount of revenue on hand and anticipated which will be available to meet such appropriations during such fiscal period, as certified by the Governor" (1947 constitution, art. VIII, sec. II, par. 2).

The previous constitutional limitation imposed upon the legislature with respect to creation of any State debt or liability, other than such as were authorized in enactments meeting specified requirements and approved by referendum, has been revised. Any such debt or liability, together with prior debts or liabilities outstanding, could not, under the 1844 constitution, exceed $100,000 except for purposes of war, or to repel invasion, or to suppress insurrection (art. IV, sec. VI, par. 4). The $100,000 limitation has been changed to 1 percent of the total amount appropriated by the general appropriation law, for the fiscal year in which the debt or liability is created. The exceptions contained in the 1844 constitution, above noted, are extended by making the limitation also inapplicable to the creation of debts or liabilities for the purpose of meeting an emergency caused by disaster or act of God (1947 constitution, art. VIII, sec. II, par. 3).

The taxation and finance article of the new constitution also makes provision for stimulation of clearance, replanning development or redevelopment of blighted areas (art. VII, sec. III, par. 1).

It also authorizes the legislature, within reasonable limitations as to distance to be prescribed, to provide for the transportation to and from any school, of children within the ages of 5 to 18 years, inclusive (art. VIII, sec. IV, par. 3).

Civil service: The principle of the merit system in civil service is specifically incorporated in the new constitution (art. VII, sec. I, par. 2): "Appointments and promotions in the civil service of the State, and of such political subdivisions as may be provided by law, shall be made according to merit and fitness to be ascertained, as far as practicable, by examination, which, as far as practicable, shall be competitive; except that preference in appointments by reason of active service in any branch of the military or naval forces of the United States in time of war may be provided by law."

Amendments: Under the amending provision of the 1844 constitution any proposed amendment to the constitution was required to be adopted by a majority vote of each of the two houses of the legislature at each of two sessions (by consecutive legislature, with publication as required prior to election of the second legislature) and thereafter submitted to referendum at a special election (1844 constitution, art. IX). In adition, no amendment could be submitted to the people by the legislature oftener than once in 5 years.

The 1947 constitution extensively liberalizes the amending process by authorizing any proposed amendment to be submitted to the people if the same is agreed to by three-fifths of all the members of each house at one session or by a majority at each of two sessions (in separate legislative years) (art. IX, par. 1). The proposed amendment is required to be printed and placed on the desks of the members of each house of the legislature at least 20 calendar days prior to the first vote thereon in the house in which it is introduced. Thereafter and prior to such vote, public hearing must be held on the proposed amendment.

Each proposed amendment so adopted by the legislature, and published as required, must then be submitted to the people at the next general election. Accordingly, the expense of conducting a special election is eliminated. If at the election the proposed amendment is not approved, then neither the same proposed amendment nor one to effect the same or substantially the same change in the constitution can be submitted to the people before the third general election thereafter (art. IX, par. 7).

At the 1953 general election, two amendments to the constitution were approved: one relating to the conduct, under certain conditions, of games of chance called bingo and raffles (amendment to art. IV, sec. VII, par. 2); and another extending the veterans' widows' tax exemption features of article VIII, section I, paragraph 3.

More and more students of constitutional government throughout the Nation and even in far distant lands have come to hail the product of the New Jersey Constitutional Convention of 1947 as a model State charter. Its effective implementation has achieved extensive tangible improvement in each of the branches of the State government, and accordingly continues to yield mounting benefits to all the people of New Jersey.

Chafee summarizes the New Jersey rules prior to the adoption of the 1945 constitution by saying all persons living in the State 1 year and county 5 months can vote; all voters in municipalities must have registered since December 20, 1941; and registration in rural sections is to be by house-to-house canvass and personal appearance. At one time, long before the 19th amendment, women were allowed to vote in New Jersey for a short period. See Porter, "History of Suffrage in the United States," page 67.

Woman suffrage was almost unheard of up to the middle of the 19th century. The exceptional case in New Jersey proves the rule, and the facts have been retold so many times that apologies should be offered for giving them here. In the New Jersey constitution of July 2, 1776, the privilege of voting for assemblymen was given to "all inhabitants of full age who are worth 50 pounds proclamation money." There was nothing to indicate that anybody expected women to take advantage of this clause, and it seems that they did not do so in sufficiently large numbers to attract any attention, for in 1797 the new constitution contained the phrase "all free inhabitants," etc. But some closely contested elections a few years later stimulated interest to such an extent that women did seek to vote, and no legal impediment could be discovered to prevent them. The action ultimately led to such disorders that in 1807 the legislature took proper steps to put a stop to woman suffrage for good and all (Porter, supra, p. 136, first paragraph).

New Jersey was one of the first States to allow women to vote in school elections.

In 1820 the Negro problem was felt even in New Jersey, and they altered their constitution to exclude Negroes by defining their qualifications in terms of "white males." See Porter, supra, page 90.

It is also of interest to note the trend away from property requirements in the absence of the former one when the 1844 constitution was drawn.

Georgia was one of the early colonies which later fell heir to the problems of all Southern States. Georgia was char-

tered in 1732. At a convention in Savannah, Georgia's first constitution was framed and agreed to in 1777. Article IX provided for the qualifications of voters:

All male white inhabitants, of the age of 21 years, and possessed in his own right of £10 value, and liable to pay tax in this State, or being of any mechanic trade, and shall have been resident 6 months in this State, shall have a right to vote at all elections for representatives, or any other officers, herein agreed to be chosen by the people at large; and every person having a right to vote at any election shall vote by ballot personally (II Thorpe, supra, p. 779, art. IX).

Here we find the exclusion of the Negroes in the first constitution because of their presence in that State in sufficient numbers at that time to raise the issue. The lack of that presence is reflected in Northern and Western States by their failure to make any such provisions.

In 1789 another constitution was framed. Here we find:

The electors of the members of both branches of the general assembly shall be citizens and inhabitants of this State, and shall have attained to the age of 21 years, and have paid tax for the year preceding the election, and shall have resided 6 months within the country.

All elections shall be by ballot, and the house of representatives, in all appointments of the State officers, shall vote for three persons; and a list of the three persons having the highest number of votes shall be signed by the speaker, and sent to the senate, which shall from such list determine, by a majority of their votes, the officer elected, except militia officers and the secretaries of the Governor, who shall be appointed by the Governor alone, under such regulations and restrictions as the general assembly may prescribe. The general assembly may vest the appointment of inferior officers in the Governor, the courts of justice, or in such other manner as they may by law establish (II Thorpe, supra, p. 789, art. IV, secs. 1 and 2).

The "liable to tax" has changed to "have paid tax."

The electors of members of the general assembly shall be citizens and inhabitants of this State, and shall have attained the age of 21 years, and have paid all taxes which may have been required of them, and which they may have had an opportunity of paying, agreeably to law, for the year preceding the election, and shall have resided 6 months within the county; *Provided*, That in case of an invasion, and the inhabitants shall be driven from any county, so as to prevent an election therein, such refugee inhabitants, being a majority of the voters of such county, may meet under the direction of any three justices of the peace thereof, in the nearest county not in a state of alarm, and proceed to an election, without having paid such tax so required of electors; and the persons elected thereat shall be entitled to their seats (II Thorpe, supra, p. 800, art. IV, sec. 1).

This is found in the 1798 Constitution. In 1865, just after the Civil War, another constitution came into being. Again note the prominence of the Negro problem:

The electors or members of the general assembly shall be free white male citizens of this State, and shall have attained the age of 21 years, and have paid all taxes which may have been required of them, and which they have had an opportunity of paying, agreeable to law, for the year preceding the election; shall be citizens of the United States, and shall have resided 6 months either in the district or county, and 2 years within this State, and no person not qualified to vote for members of the general assembly shall hold any office in this State (Thorpe II, supra, p. 820, art. V, sec. 1).

In 1868 Major General Meade called a convention in Atlanta and submitted a constitution to the people, which was ratified by a narrow margin:

SECTION 1. In all elections by the people the electors shall vote by ballot.

SEC. 2. Every male person born in the United States, and every male person who has been naturalized, or who has legally declared his intention to become a citizen of the United States, 21 years old or upward, who shall have resided in this State 6 months next preceding the election, and shall have resided 30 days in the county in which he offers to vote, and shall have paid all taxes which may have been required of him, and which he may have had an opprtunity of paying, agreeably to law, for the year preceding the election (except as hereinafter provided), shall be deemed an elector; and every male citizen of the United States of the age aforesaid (except as hereinafter provided) who may be a resident of the State at the time of the adoption of this constitution shall be deemed an elector, and shall have all the rights of an elector as aforesaid: *Provided*, That no soldier, sailor, or marine in the military or naval service of the United States shall acquire the rights of an elector by reason of being stationed on duty in this State; and no person shall vote who, if challenged, shall refuse to take the following oath:

"I do swear that I have not given or received, nor do I expect to give or receive, any money, treat, or other thing of value, by which my vote, or any vote, is affected, or expected to be affected, at this election, nor have I given or promised any reward, or made any threat, by which to prevent any person from voting at this election."

I know it is monotonous for me to read the qualifications of electors of the various States, but I simply do it to show how jealous the various States are of their rights to fix qualifications of voters. These qualifications were not only written into the constitutions of the States, but were also supplemented by statute.

Here we have a bill before us which seeks to put the big arm of the Federal Government into the affairs of the individual States and qualify electors.

Mr. President, I am still reading from the constitution of the State of Georgia, just as I read from the constitutions of the States of New Jersey, Delaware, and Pennsylvania.

SEC. 3. No person convicted of felony or larceny before any court of this State, or of or in the United States, shall be eligible to any office or appointment of honor or trust within this State, unless he shall have been pardoned.

SEC. 4. No person who is the holder of any public moneys shall be eligible to any office in this State until the same is accounted for and paid into the treasury.

SEC. 5. No person who, after the adoption of this constitution, being a resident of this State, shall engage in a duel in this State, or elsewhere, or shall send or accept a challenge, or be aider or abetter to such duel, shall vote or hold office in this State; and every such person shall also be subject to such punishment as the law may prescribe.

Imagine, Mr. President, dualists were disenfranchised.

SEC. 6. The general assembly may provide, from time to time, for the registration of all electors, but the following classes of persons shall not be permitted to register, vote, or hold office: (1) Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, crime punishable by law with imprisonment in the penitentiary, or bribery; (2) idiots or insane persons.

SEC. 7. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest for 5 days before an election, during the election, and 2 days subsequent thereto.

SEC. 8. The sale of intoxicating liquors on days of election is prohibited (Thorpe II, supra, p. 825, art. II, first eight sections).

A problem indigeneous to the particular State has arisen here in the prevalence of the custom of dueling. The State has taken this mode of discouragement; namely, deprivation of voting privilege.

In the constitution of 1877 the provisions were slightly varied in form but not in substance.

By amendment, the Georgia Constitution was made to read:

ARTICLE II, SECTION I

PAR. I. Registration: After the year 1908, elections by the people shall be by ballot, and only those persons shall be allowed to vote who have been first registered in accordance with the requirements of law (added by an amendment adopted October 7, 1908).

This refers to State law, not Federal law.

PAR. II. Qualifications of voters: Every male citizen of this State who is a citizen of the United States, 21 years old or upward, not laboring under any of the disabilities named in this article, and possessing the qualifications provided by it, shall be an elector and entitled to register and vote at any election by the people: *Provided*, That no soldier, sailor, or marine in the military or naval services of the United States shall acquire the rights of an elector by reason of being stationed on duty in this State (as amended October 7, 1908).

PAR. III. Residence—Poll tax: To entitle a person to register and vote at any election by the people, he shall have resided in the State 1 year next preceding the election, and in the county in which he offers to vote 6 months next preceding the election, and shall have paid all poll taxes that he may have had an opportunity of paying agreeably to law. Such payment must have been made at least 6 months prior to the election at which he offers to vote, except when such elections are held within 6 months from the expiration of the time fixed by law for the payment of such taxes (as amended November 8, 1932).

PAR. IV. Additional qualifications: Every male citizen of this State shall be entitled to register as an elector, and to vote in all elections in said State, who is not disqualified under the provisions of section 2 of article 2 of this constitution, and who possesses the qualifications prescribed in paragraphs 2 and 3 of this section or who will possess them at the date of the election occurring next after his registration, and who in addition thereto comes within either of the classes provided for in the five following subdivisions of this paragraph:

1. Veterans: All persons who have honorably served in the land or naval forces of the United States in the Revolutionary War, or in the War of 1812, or in the war with Mexico, or in any war with the Indians, or in the War Between the States, or in the war with Spain, or who honorably served

in the land or naval forces of the Confederate States or of the State of Georgia in the War Between the States; or

2. Descendents of veterans: All persons lawfully descended from those embraced in the classes enumerated in the subdivision next above; or

3. Good character: All persons who are of good character and understand the duties and obligations of citizenship under a republican form of government; or

4. Literacy: All persons who can correctly read in the English language any paragraph of the Constitution of the United States or of this State and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely because of physical disability are unable to comply with the above requirements but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States or of this State, that may be read to them by any one of the registrars.

5. Land ownership: Any person who is the owner in good faith in his own right of at least 40 acres of land situated in this State, upon which he resides, or is the owner in good faith in his own right of property situated in this State and assessed for taxation at the value of $500 (Constitution of the States and United States, p. 360, art. II, pars. 1–4).

Georgia adopted another constitution in 1945, in which it is provided:

ARTICLE II. ELECTIVE FRANCHISE

SECTION I

2–701. (6395) PAR. I. Elections by ballot; registration of voters: Elections by the people shall be by ballot, and only those persons shall be allowed to vote who have been first registered in accordance with the requirements of law.

2–702. (6396) PAR. II. Who shall be an elector entitled to register and vote: Every citizen of this State who is a citizen of the United States, 18 years old or upward, not laboring under any of the disabilities named in this article, and possessing the qualifications provided by it, shall be an elector and entitled to register and vote at any election by the people: *Provided,* That no soldier, sailor, or marine in the military or naval services of the United States shall acquire the rights of an elector by reason of being stationed on duty in this State.

Throughout the constitution of Georgia there are written qualifications, in the same manner as I pointed out to be the case in Louisiana, in my speech on yesterday.

2–703. (6397) PAR. III. Who entitled to register and vote: To entitle a person to register and vote at any election by the people, he shall have resided in the State 1 year next preceding the election, and in the county in which he offers to vote 6 months next preceding the election.

2–704. (6398) PAR. IV. Qualifications of electors: Every citizen of this State shall be entitled to register as an elector, and to vote in all elections in said State, who is not disqualified under the provisions of section II of article II of this constitution, and who possesses the qualifications prescribed in paragraphs II and III of this section or who will possess them at the date of the election occurring next after his registration, and who in addition thereto comes within either of the classes provided for in the two following subdivisions of this paragraph:

1. All persons who are of good character and understand the duties and obligations of citizenship under a republican form of government; or

2. All persons who can correctly read in the English language any paragraph of the Constitution of the United States or of this State and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely because of physical disability are unable to comply with the above requirements but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States or of this State that may be read to them by any one of the registrars.

2–705. (6400) PAR. V. Appeal from decision of registrars: Any person to whom the right of registration is denied by the registrars upon the ground that he lacks the qualifications set forth in the two subdivisions of paragraph IV shall have the right to take an appeal, and any citizen may enter an appeal from the decision of the registrars allowing any person to register under said subdivisions. All appeals must be filed in writing with the registrars within 10 days from the date of the decision complained of, and shall be returned by the registrars to the office of the clerk of the superior court to be tried as other appeals.

2–706. (6401) PAR. VI. Judgment of force pending appeal: Pending an appeal and until the final decision of the case, the judgment of the registrars shall remain in full force.

SECTION II

2–801. (6404) PAR. I. Registration of electors; who disfranchised: The general assembly may provide, from time to time, for the registration of all electors, but the following classes of persons shall not be permitted to register, vote, or hold any office, or appointment of honor, or trust in this State, to wit: First, those who shall have been convicted in any court of competent jurisdiction of treason against the State, of embezzlement of public funds, malfeasance in office, bribery, or larceny, or of any crime involving moral turpitude, punishable by the laws of this State with imprisonment in the penitentiary, unless such persons shall have been pardoned; second, idiots and insane persons.

SECTION III

2–901. (6405) PAR. I. Privilege of electors from arrest: Electors shall, in all cases, except for treason, felony, larceny, and breach of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from the same.

SECTION IV

2–1001. (6406) PAR. I. Holder of public funds: No person who is the holder of any public money, contrary to law, shall be eligible to any office in this State until the same is accounted for and paid into the treasury.

Here are a number of clauses which merit attention. We find the education clause so called, the literacy tests, and good character clause. Also, it is odd to find a provision requiring property ownership in some form inserted as late as 1908. Georgia had abandoned the property qualification in 1789. See Porter, "History of Suffrage in the United States," page 22. Georgia has recently amended its constitution permitting persons who have reached the age of 18 years to vote. Poll taxes have been abolished and I may add that they have been abolished as provided for by the constitution of the State of Georgia.

Connecticut was chartered early in the 17th century but it was 1818 before a constitution was drawn in convention at Hartford. Article 6 governed the qualifications of electors:

Article 6 of the qualification of electors:

SECTION 1. All persons who have been, or shall hereafter, previous to the ratification of this constitution, be admitted freemen, according to the existing laws of this State, shall be electors.

SEC. 2. Every white—

"White"—accent on "white"—

SEC. 2. Every white male citizen of the United States, who shall have gained a settlement in this State, attained the age of 21 years, and resided in the town in which he may offer himself to be admitted to the privilege of an elector, at least 6 months preceding; and have a freehold estate of the yearly value of $7 in this State; or, having been enrolled in the militia, shall have performed military duty therein for the term of 1 year next preceding the time he shall offer himself for admission, or being liable thereto shall have been, by authority of law, excused therefrom; or shall have paid a State tax within the year next preceding the time he shall present himself for such admission; and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

SEC. 3. The privileges of an elector shall be forfeited by a conviction of bribery, forgery, perjury, dueling, fraudulent bankruptcy, theft, or other offense for which an infamous punishment is inflicted.

SEC. 4. Every elector shall be eligible to any office in this State, except in cases provided for in this constitution.

SEC. 5. The selectmen and town clerk of the several towns shall decide on the qualifications of electors, at such times and in such manner as may be prescribed by law.

SEC. 6. Laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct.

SEC. 7. In all elections of officers of the State, or members of the general assembly, the votes of the electors shall be by ballot.

SEC. 8. At all elections of officers of the State or members of the general assembly, the electors shall be privileged from arrest during their attendance upon, and going to, and returning from the same, on any civil process.

SEC. 9. The meetings of the electors for the election of the several State officers by law annually to be elected, and members of the general assembly of this State, shall be holden on the first Monday of April in each year (Thorpe I, supra, p. 544, art. 6).

Section 2 of article VI of the 1819 constitution was amended by article VIII of the articles of amendment, in 1838, to delete the property requirements:

Every white male citizen of the United States, who shall have attained the age of 21 years, who shall have resided in this State for a term of 1 year next preceding, and in the town in which he may offer himself to be admitted to the privileges of an elector, at least 6 months next preceding the time he may so offer himself, and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector (Gen. Stat. of Conn., art. VIII, p. 47).

In 1855, section 2 was amended by article XI of the amendments, to impose a literacy test:

Every person shall be able to read any article of the constitution or any section of the statutes of this State before being admitted as an elector (Gen. Stat. of Conn., art. XI, p. 48).

Mr. President, it is singular that in most of these State constitutions almost identical language is used. Almost the

same exceptions are made as to those who can and those who cannot vote. What I am presenting to the Senate at the moment is the constitutions and the amendments thereto of the Thirteen Original States. I had the hope of completing that resolution this evening, but I doubt whether I shall be able to do so. I suppose I shall have to do so at some later time. As I understand, I was permitted to hold the floor for only 3 hours.

Article XXIII of the amendments, approved in 1876, amended article VIII of the amendments to remove the racial requirement:

Every male citizen of the United States, who shall have attained the age of 21 years, who shall have resided in this State for a term of 1 year next preceding, and in the town in which he may offer himself to be admitted to the privileges of an elector, at least 6 months next preceding the time he may so offer himself, and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector (Gen. Stat. of Conn., p. 47).

Article XXIX of the amendments, adopted in October of 1897, amended the literacy requirement by declaring that not only must electors be able to read any article of the constitution or any section of the statutes of Connecticut before being admitted as an elector, but they had to be able to read the constitution or the statutes "in the English language":

Every person shall be able to read in the English language any article of the constitution or any section of the statutes of this State before being admitted an elector (Gen. Stat. of Conn., art. XXIX, p. 53).

Section 3 of article VI was amended in 1875 by article XVII of the articles of amendments, to permit the general assembly to restore the privileges of an elector to persons convicted of crime. That amendment read:

The general assembly shall have power by a vote of two-thirds of the members of both branches to restore the privileges of an elector to those who may have forfeited the same by a conviction of crime (Gen. Stat. of Conn., art. XVII, p. 50).

Section 5 of article VI was amended in 1932 by article XXXVIII of the amendments, to permit selectmen and town clerks, or assistant town clerks, to determine the qualifications of electors:

Section 5 of article VI is amended to read as follows:

"The selectmen and town clerks or an assistant town clerk of the several towns, shall decide on the qualifications of electors, at such times and in such manner as prescribed by law" (Gen. Stat. of Conn., art. XXXVIII, p. 55).

Voting machines were authorized in 1905 for use in Connecticut elections, with the ratification of article XXXIII of the articles of amendment:

Voting machines or other mechanical devices for voting may be used in all elections in this State, under such regulations as may be prescribed by law; provided, however, that the right of secret voting shall be preserved (Gen. Stat. of Conn., art. XXXIII, p. 54).

Now I may pose a question. How in the name of common sense can the ballots in Connecticut be impounded when voting machines are used? As I pointed out yesterday, we have voting machines in the State of Louisiana, and we would be unable to comply with the requirements of the proposed law. As I pointed out, it would violate the secrecy of the ballot, because the only thing that could be done would be to have the elector state under oath for whom he votes, and impound that ballot. What would become of the secrecy of the ballot, which is provided for in the constitution of practically every State in the Union?

Section 9 of article VI was amended in 1875 to change the dates of election and terms of office of State officials:

SECTION 1. A general election for Governor, Lieutenant Governor, secretary of state, treasurer, comptroller, and members of the general assembly, shall be held on the Tuesday after the first Monday of November 1876 and annually thereafter for such officers as are herein and may be hereafter prescribed.

SEC. 2. The State officers above named and the senators from those districts having even numbers elected on the Tuesday after the first Monday of November 1876 and those elected biennially thereafter on the Tuesday after the first Monday of November shall respectively hold their offices for 2 years from and after the Wednesday following the first Monday of the next succeeding January. The senators from those districts having odd numbers elected on the Tuesday after the first Monday of November 1876 shall hold their offices for 1 year from and after the Wednesday following the first Monday of January 1877, the electors residing in the senatorial districts having odd numbers shall on the Tuesday after the first Monday of November 1877 and biennially thereafter elect senators who shall hold their offices for 2 years from and after the Wednesday following the first Monday of the next succeeding January. The representatives elected from the several towns on the Tuesday after the first Monday of November 1876 and those elected annually thereafter shall hold their offices for 1 year from and after Wednesday following the first Monday of the next succeeding January.

SEC. 3. There shall be a stated session of the general assembly in Hartford on the Wednesday after the first Monday of January 1877 and annually thereafter on the Wednesday after the first Monday of January.

SEC. 4. The persons who shall be severally elected to the State offices and general assembly on the first Monday of April 1876 shall hold such offices only until the Wednesday after the first Monday of January 1877.

SEC. 5. The general assembly elected in April 1876 shall have power to pass such laws as may be necessary to carry into effect the provisions of this amendment (Gen. Stat. of Conn., art. XVI, pp. 49–50).

Section 9 was again amended by article XXVII of the amendments in 1884, and, once again, the time of general elections was changed:

SECTION 1. A general election for Governor, Lieutenant Governor, secretary, treasurer, comptroller, and members of the general assembly shall be held on the Tuesday after the first Monday of November 1886, and biennially thereafter, for such officers as are herein and may be hereafter prescribed.

SEC. 2. The State officers above named and members of the general assembly elected on the Tuesday after the first Monday of November 1896, and those elected biennially thereafter on the Tuesday after the first Monday of November, shall hold their respective offices from the Wednesday following the first Monday of the next succeeding January until the Wednesday after the first Monday of the third succeeding January, and until their successors are duly qualified.

SEC. 3. The compensation of members of the general assembly shall not exceed $300 for the term for which they are elected, and one mileage each way for the regular session at the rate of 25 cents per mile; they shall also receive one mileage at the same rate for attending any extra session called by the Governor.

SEC. 4. The regular sessions of the general assembly shall commence on the Wednesday following the first Monday of the January next succeeding the election of its members.

SEC. 5. The senators elected on the Tuesday after the first Monday of November 1885, shall hold their offices only until the Wednesday after the first Monday of January 1887 (Gen. Stat. of Conn., art. XXVII, p. 42).

In 1955 Connecticut repealed articles I to XI of its constitution, and articles of amendment I to XLVII. In their place Connecticut substituted a completely revised constitution. Article VI dealing with the qualifications of electors, reads as follows:

Article VI of the qualifications of electors.

SEC. 1. Every citizen of the United States, who shall have attained the age of 21 years, who shall have resided in this State for a term of 1 year next preceding, and in the town in which he may offer himself to be admitted to the privileges of an elector, at least 6 months next preceding the time he may so offer himself, and shall be able to read in the English language any article of the constitution or any section of the statutes of this State, and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

SEC. 2. The general assembly shall by law prescribe the offenses on conviction of which the privileges of an elector shall be forfeited and the conditions on which and methods by which such rights may be restored.

SEC. 3. Every elector shall be eligible to any office in this State, except in cases provided for in this constitution.

SEC. 4. The selectmen and town clerks or an assistant town clerk of the several towns, shall decide on the qualifications of electors, at such times and in such manner as prescribed by law.

SEC. 5. Laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct.

SEC. 6. The general assembly shall have power to provide by law for voting by qualified voters of the State who are absent from the city or town of which they are inhabitants at the time of an election or because of sickness or physical disability are unable to appear at the polling places on the day of election, in the choice of any officer to be elected or upon any question to be voted on at such election.

SEC. 7. In all elections of officers of the State, or members of the general assembly, the votes of the electors shall be by ballot, either written or printed, except that voting machines or other mechanical devices for voting may be used in all elections in this State, under such regulations as may be prescribed by law; provided, however, that the right of secret voting shall be preserved.

SEC. 8. At all elections of officers of the State, or members of the general assembly, the electors shall be privileged from arrest, during their attendance upon, and going to,

and returning from the same, on any civil process (1955 supp. to Conn. Gen. Stat., art. VI, pp. XXXIX, XL).

Connecticut was one of the five States, with New Jersey, Rhode Island, Virginia, and Tennessee, which stuck to the property test to the last believing the landed man was most to be trusted.

Only property holders were deemed to have a permanent interest in the government and therefore to be the only safe repository of the elective franchise (see McCulloch, "Suffrage and Its Problems," pp. 36–39).

Also, as the older property qualifications broke down, individuals began to be disfranchised for other reasons. As early as 1650 Connecticut—long before their constitution—provided in the Andrus Code, that one publicly whipped was disqualified as a freeman and denied the franchise—see McCulloch, supra, page 39—Connecticut was one of the first States to allow women to participate in school elections.

The alien problem was felt in Connecticut, an Eastern State with industrial and manufacturing areas. In Connecticut:

A constitutional amendment was passed in 1855 prescribing that ability to read the constitution or statutes would be a requirement for exercising the right of suffrage. There is no doubt that this was aimed directly at the foreigners, although natives must have come under it also (see Porter, "History of Suffrage in United States," p. 118).

Massachusetts was first chartered in 1620 by King James, under the charter of New England, which was surrendered in 1639 to King Charles. In 1780 was drawn up the first constitution or form of government for the Commonwealth of Massachusetts. Part the first, article IX, provides:

All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments (Thorpe, 3, supra, p. 1891, art. IX).

What these qualifications are we find in part the second, chapter I, section II, article II:

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz.; there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth; to be called by the selectmen, and warned in due course of law, at least 7 days before the first Monday in April for the purpose of electing persons to be senators and councilors and at such meetings every male inhabitant of 21 years of age and upward, having a freehold estate within the Commonwealth, of the annual income of 3 pounds or any estate of the value of 60 pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant and to remove all doubts concerning the meaning of the word "inhabitant" in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this State, in that town, district, or plantation where he dwelleth, or hath his home.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of voices against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth for the time being, with a superscription, expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, 30 days at least before (the last Wednesday in May) (annually); or it shall be delivered into the secretary's office 17 days at least before the said (last Wednesday in May) and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, 17 days before the said (last Wednesday in May).

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councilors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually on the same first Monday in April at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated qualified as aforesaid who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councilors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly (Thorpe, 3, supra, p. 1895, art. II, p. 1896).

The provisions of this article as to the time of the meetings for the election of senators who have been superseded by article XV—section 117—of the amendments, as amended by article XLIV, section 201, of the amendments.

Article XV, section 117, of the amendments, ratified in 1855, provided for annual elections:

SEC. 117; ART. XV. Time of election of Governor and legislature: The meeting for the choice of Governor, Lieutenant Governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November (annually); but in case of a failure to elect representatives on that day, a second meeting shall be holden for that purpose on the fourth Monday of the same month of November.

Article LXIV, section 201, of the amendments, approved in 1918, calls for biennial elections:

SEC. 201; ART. LXIV. Biennial election of State officers, councilors, senators and representatives; terms of office: Section 1, the Governor, Lieutenant Governor, councilors, secretary, treasurer and receiver-general, attorney general, auditor, senators and representatives, shall be elected biennially. The Governor, Lieutenant Governor and councilors shall hold their respective offices from the first Wednesday in January succeeding their election to and including the first Wednesday in January in the third year following their election and until their successors are chosen and qualified. The terms of senators and representatives shall begin with the first Wednesday in January succeeding their election and shall extend to the first Wednesday in January in the third year following their election and until their successors are chosen and qualified. The terms of the secretary, treasurer and receiver-general, attorney general, and auditor, shall begin with the third Wednesday in January succeeding their election and shall extend to the third Wednesday in January in the third year following their election and until their successors are chosen and qualified.

The article relating to election of senators was modified by section 74 of the original constitution, chapter II, section III of part the second, which in turn was modified by article X, section 112, and article XIII, section 115, of the amendments, and finally superseded by Article XVI, section 118, of the amendments.

Section 74 of the original constitution read as follows:

Nine councilors shall be annually chosen from among the persons returned for councilors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room: and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.

Article X, section 112, of the amendments, ratified in 1831, modified section 74 by changing the date of the beginning of political years:

SEC. 112; ART. X. Political year; assembling of general court, etc.: The political year shall begin on the first Wednesday of January instead of the last Wednesday of May, and the general court shall assemble every year on the said first Wednesday (of) January, and shall proceed at that session to make all the elections, and do all the acts which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the next day preceding the first Wednesday of January, without any proclamation or other act of the Governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the Governor. (The Governor, Lieutenant Governor and councilors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.)

(The meeting for the choice of Governor, Lieutenant Governor, senators and representatives shall be held on the second Monday of November in every year, but meetings may be adjourned if necessary, for the choice of representatives, to the next day, and again to the next succeeding day but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.)

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered as to have like reference to the first Wednesday of January.

(This article shall go into operation on the first day of October next following the day when the same shall be duly ratified and

adopted as an amendment to the constitution;—and the Governor, Lieutenant Governor, councilors, senators, representatives, and all other State officers, who are annually chosen, and who shall be chosen for the current year when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer—and the first election of the Governor, Lieutenant Governor, senators, and representatives to be had in virtue of this article shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation pursuant to the foregoing provision.

All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby wholly annulled.),

Then article XIII, section 115, of the amendments abolished in 1840 the requirement of real property ownership as a qualification for holding State office:

SEC. 115; ART. XIII. Property qualifications for certain offices abolished: No possession of a freehold or of any other estate shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

In 1855, Massachusetts adopted article XVI, section 118, of the amendments, which superseded section 74, specifying the number, qualifications and manner of electing councilors:

SEC. 118; ART. XVI. Councilors; number, qualifications, and election of: Eight councilors shall be (annually) chosen by the inhabitants of this Commonwealth, qualified to vote for Governor. The election of councilors shall be determined by the same rule that is required in the election of Governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafterward, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councilor: *Provided, however,* That if, at any time, the constitution shall provide for the division of the Commonwealth into 40 senatorial districts, then the legislature shall so arrange the councilor districts that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councilor who has not been an inhabitant of the Commonwealth for the term of 5 years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of Governor. (Whenever there shall be a failure to elect the full number of councilors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and the vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be after such vacancies shall have happened.) And that there may be no delay in the organization of the government on the first Wednesday of January, the Governor, with at least five councilors for the time being, shall, as soon as may be, examine the return copies of the records for the election of Governor, Lieutenant Governor, and councilors; and 10 days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; (but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers).

By referring to article LXIV, section 201, of the amendments, above quoted, it will be seen that the provision for annual elections of councilors, as called for in article XVI, section 118, of the amendments, was changed in 1918 to biennial elections.

Furthermore, the provisions in article XVI, section 118, of the amendments, relating to vacancies, were superseded in 1860 by Article XXV, section 127, of the amendments, which reads as follows:

SEC. 127; ART. XXV. Vacancies in the council: In case of a vacancy in the council, from a failure of election or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person, from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the Governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Returning now to part the second, chapter I, section II, article II, dealing with the qualifications of electors for senators, we find that the provisions of this article as to the qualifications of those electors were superseded by article III, section 105; article XX, section 122; article XXVII, section 130; article XXX, section 132; article XXXI, section 133; article XXXII, section 134; and article XL, section 142, of the articles of amendment.

Article III, section 105, of the articles of amendment, was approved in 1821. It specified the qualifications of voters for Governor, Lieutenant Governor, senators, and representatives, leaving them much as they were previously, with the exception that ownership of property was no longer a prerequisite:

SEC. 105; ART. III. Qualifications of voters for Governor, Lieutenant Governor, senators and representatives: Every (male) citizen of 21 years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the Commonwealth 1 year and within the town or district in which he may claim a right to vote 6 calendar months (next preceding) any election of Governor, Lieutenant Governor, senators, or representatives (and who shall have paid, by himself or his parent, master or guardian, any State or county tax, which shall, within 2 years next preceding such election, have been assessed upon him in any town or district of this Commonwealth; and, also, every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned), shall have a right to vote in such election of Governor, Lieutenant Governor, senators, and representatives; and no other person shall be entitled to vote in such election.

This article of amendment was subsequently amended in 1924 by article LXVIII, section 208, of the amendments, which removed the sex qualification for voting.

The clause relating to the payment of taxes was annulled by article XXXII, section 134, of the articles of amendment, above quoted, in 1891.

Language disqualifying persons found guilty of corrupt practices in elections was added in 1912 by article XL, section 142, of the articles of amendment.

The requirement of residence in town or precinct for 6 months next preceding the election was modified in 1890 by article XXX, section 132, of the articles of amendment, which reads as follows:

SEC. 132; ART. XXX. Voters not disqualified by reason of change of residence until, etc.: No person, otherwise qualified to vote in elections for Governor, Lieutenant Governor, senators, and representatives, shall, by reason of a change of residence within the commonwealth, be disqualified from voting for said officers in the city or town from which he has removed his residence, until the expiration of 6 calendar months from the time of such removal.

An amendment in 1859 restricted the vote of naturalized citizens—article XXIII, section 125, of the amendments—reads as follows:

No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for 2 years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: *Provided,* that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *Provided, further,* that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.

This amendment was repealed in 1863 by article XXVI section 128 of the amendments.

Article XX, section 122, of the amendments, adopted in 1857, imposed a literacy requirement on electors:

SEC. 122; ART. XX. Reading constitution in English and writing, necessary qualifications of voters: No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language, and write his name: *Provided, however,* That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be 60 years of age or upwards at the time this amendment shall take effect.

Article XXVIII, section 130, of the articles of amendment, was adopted in 1881 to remove the pauper disqualification from ex-servicemen receiving public aid:

SEC. 130; ART. XXVIII. Ex-servicemen receiving public aid, etc., not disqualified to vote: No person having served in the Army or Navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of (being a pauper); or (if a pauper) because of the nonpayment of a poll tax.

In 1890 we find that this article—that is, article XXVIII, section 130, of the amendments—was amended by article XXXI, section 133 of the amendments, to make it possible for ex-servicemen receiving aid from cities or towns to vote:

SEC. 130. Article XXVIII, ex-service men receiving public aid, etc., not disqualified to vote: No person having served in the Army or Navy of the United States in time of war,

and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town.

Article XXX, section 132, of the articles of amendment was approved on November 4, 1890. Its terms, already quoted, relaxes the requirements as to residence of electors.

Article XXXI, section 133, of the amendments, already has been referred to in connection with article XXVIII, section 130, of the amendments.

Article XXXII, section 134, of the amendments, annulling the requirement of the payment of a tax as a voting qualification, to which I have already referred, was ratified in 1891.

Article XL, section 142, of the articles of amendment, was ratified in 1912. With its adoption, along with the amendments previously referred to, part the second, chapter I, section II, article II, was in effect made to read as follows:

SEC. 105. Article III, qualifications of voters for Governor, Lieutenant Governor, senators, and representatives: Every citizen of 21 years of age and upwards, excepting paupers and persons under guardianship and persons temporarily or permanently disqualified by law because of corrupt practices in respect to elections, who shall have resided within the Commonwealth 1 year, and within the town or district in which he may claim a right to vote, 6 calendar months next preceding any election of Governor, Lieutenant Governor, senators, or representatives, shall have a right to vote in such election of Governor, Lieutenant Governor, senators, and representatives; and no other person shall be entitled to vote in such election.

The qualifications for voting for the house of representatives is similar; it is found in part the second, chapter I, section III, article IV, as adopted in 1780.

Article IV. Every male person, being 21 years of age, and resident in any particular town in this Commonwealth for the space of 1 year next preceding, having a freehold estate within the same town of the annual income of 3 pounds, or any estate of the value of 60 pounds, shall have a right to vote in the choice of a representative or representatives for the said town (Thorpe, 3, supra p. 1898, art. IV).

In 1821 Massachusetts amended the above constitutional provision relating to qualifications of electors for representatives, by approving article III, section 105—as above cited, under qualifications of electors for senators—by eliminating the property requirements.

In 1857 a literacy requirement was imposed by article XX, section 122, of the amendments—as above cited under qualifications of senators.

In 1881 the provision denying the vote to paupers was qualified by permitting honorably discharged veterans on pension rolls to vote. This was accomplished by approving article XXVIII, section 130, of the amendments—as above cited under qualifications of senators.

In 1890, article XXXI, section 133, of the amendments was ratified broadening the sources of such pensions to include cities or towns—as above cited under qualifications of senators.

Article XXXII, section 134, of the amendments, adopted in 1891, annulled the requirement that voters shall have paid assessed taxes as a prerequisite to voting—as above cited under qualifications of senators.

In 1917 article XLV, section 147, of the amendments was ratified, to permit absentee voting, as follows:

SEC. 147. Article XLV, powers of the general court to provide for absentee voting: The general court shall have power to provide by law for voting, by qualified voters of the Commonwealth who, at the time of an election, are absent from the city or town of which they are inhabitants (in the choice of any officer to be elected or upon any question submitted at such election).

This provision was subsequently modified in 1944 to extend the privilege of voting in absentia to persons physically disabled, by article LXXVI, section 216, of the amendments. This amendment resulted in article XLV, section 147, of the amendments, reading as follows:

SEC. 147. Article XLV, powers of the general court to provide for absentee voting: The general court shall have power to provide by law for voting, in the choice of any officer to be elected or upon any question submitted at an election, by qualified voters of the Commonwealth who, at the time of such an election, are absent from the city or town of which they are inhabitants or are unable by reason of physical disability to cast their votes in person at the polling places.

In the early days Massachusetts had the property requirement frequently found in constitutions and later outmoded. Porter says:

Ideal starting points could readily be found in the abstractions of the Declaration of Independence. Here is a resolution passed in the Massachusetts constitutional convention of 1779. *"Resolved,* That it is the essence of a free republic that the people be governed by fixed laws of their own making." This particular convention was perfectly honest in this declaration and still considered it thoroughly consistent to restrict "the people," who should govern the State, to property owners. Such resolutions as this were later turned against the very men who made them. Abstract propositions of right continually proved to be boomerangs and struck with telling force. "All elections ought to be free, and all the male inhabitants of this Commonwealth, having sufficient qualifications, have an equal right to elect officers." The little phrase about having sufficient qualifications was weak indeed against the contention that all the male inhabitants had an equal right to elect officers. (Porter, "History of Suffrage in United States," p. 28.)

In speaking of Massachusetts and Pennsylvania, "Massachusetts," says Porter, "considered the people to be the property owners."

The transition from the property-owner requirement in Massachusetts was a very slow one.

In Massachusetts the property qualification for suffrage had made its last stand in 1820, when a constitutional convention was called to amend the old constitution. Popular interest was aroused in the matter of suffrage extension, and there was every indication that property was going to be hard pressed to hold its own. The sentiment prevailed that every man who was subject to do service for the State or who contributed to its support in the way of taxes was entitled to a vote. The practical side of the issue was stressed much more than the philosophical. Why the ballot should have been looked upon as the only fitting reward for paying taxes it is hard to see. The State protects life, liberty, and property and performs all the obligations and functions implied thereby. But these seem not to have been recognized as a return for taxation. Suffrage extensionists seem to have blinded themselves to the many good things they have received from the State as citizens, not as voters.

The defenders of property tests quickly demolished the theory of right invoked by those seeking to extend the suffrage. The argument was then immediately shifted to the question of expediency. It was said that the property test encouraged industry, economy, and prudence and gave dignity and importance to those who chose and those who were chosen. Further, it was said that men who had no property should not act, even indirectly, on those who had, and exploit their wealth. To permit these things would work ruin to the State. Other men believed that the property qualification had a very salutary effect on young men, inducing them to practice industry and careful habits.

It is also interesting to note some perversions of the old democratic arguments. It was said that to let the unpropertied vote would surely mean their exploitation by employers, and then the State would have, not a free electorate, but one controlled by capitalists able to swing elections at will. Another perversion that had been used before was utilized to defend the taxpaying qualification. Instead of "no taxation without representation," it was declared there should be "no representation without taxation." The most talented statesmen of the country were present and defended the property test in one way or another. The venerable John Adams was there and painted dire pictures of what would happen if the franchise were extended. Daniel Webster and Joseph Storey gave ample support. But in spite of all this talent, property tests did not stand a chance. The arguments were attacked sometimes with able retorts, more often with fallacious reasoning; but it made no difference, men had had enough of special privilege and were determined to get rid of discrimination on the basis of property. Men said that they had a natural right to vote, but it only took a few words to ruin their argument utterly. Men said that they should not be governed without their consent, but the others pointed to the Negroes. Men said that they should not be taxed without being represented, but the others pointed to women. Men said that universal suffrage was a glorious ideal, but the others pointed to minors. Men said that they should be permitted to vote in order to defend their rights, but the others pointed to manifold benefits received from the Government even by those who could not vote. Finally men said that they were going to vote anyhow, and the others threw up their hands in despair.

The best talent in the country, profound arguments, historical evidence presented by the learned Adams, all the conservative forces of the State, could not stay the onward sweep of suffrage expansion. The only thing that accounts for it is a deep-seated, firm, but more or less unreasoning, conviction that all men should vote. Rude men from rural districts would stand helpless before the intellectual statesmen thundering at them in resounding periods. They would voice a few idle arguments and then vote on the strength of their inbred conviction. The most impressive thing about this entire movement toward broader suffrage is that men came to be filled with a fixed determination that as this country was a democracy all men should have a hand in running it. They were ready to argue, but were determined to have their way in any event. The political thought of the past 20 years had brought men to a realization that they were part of the Gov-

ernment, and now they wanted to get their hands in it. But in Massachusetts the process had been very slow. It will be remembered that the normal progress was from real estate property tests to a personal property alternative, to taxpaying, and then to no limitation. Massachusetts had reached only the point of transition from the personal property alternative to taxpaying, for this convention provided an amendment to the Constitution that all who paid a State or county tax should vote (Porter, "History of Suffrage in United States," pp. 69–72).

In 1853 a convention was held in Massachusetts and the taxpaying qualification came in for thorough debate. As it was the last time the question was discussed on the basis of the old standards it may be worth while to give the arguments some attention, although not much that was new appeared. The history of suffrage in Massachusetts had been typical. There had first been real estate qualifications, then the personalty alternative, then the substitution of taxpaying, and now even that was nearly worn out. The smallness of the tax was much dwelt upon. As it was only a dollar and a half, advocates thought that no objection should be made. But it was pointed out that whether or not the poor man could afford that small sum, or ought to afford it, he simply would not. It would seem to him like throwing money away, and he would prefer to lose his vote. This undoubtedly was true, and it was also true that the conservatives hoped that just that thing would happen.

It is unnecessary to review the old arguments. "All governments derive just powers from the consent of the governed. Nontaxpayers are part of the governed. Men should be represented in government—not their dollars."

NOTE.—Massachusetts Convention, 1853, Debates: A member said that he quoted Benjamin Franklin, as follows: "You require that a man shall have ¢60 worth of property, or he shall not vote. Very well, take an illustration. Here is a man today who owns a jackass, and the jackass is worth $60. Today the man is a voter and goes to the polls with his jackass and deposits his vote. Tomorrow the jackass dies. The next day the man comes to vote without his jackass and he cannot vote at all. Now tell me, which was the voter, the man or the jackass?" Fortunately, someone informed the gentleman that he was quoting Tom Paine and not the venerable Franklin.)

On the other hand, "representation should only go with taxation"; "those who pay for supporting the government should have the exclusive right to control it." All these and other arguments were of course exploited. And the never-failing natural rights philosopher was also present.

(NOTE—Mr. Simonds spoke thus: "You have no right to deprive him of this privilege. And I ask if it is not time that we should assert this declaration of the Bill of Rights, that this is a right which belongs to every man—a right which we can neither give nor take away from him?")

A strong effort was made to introduce a new sort of compromise. It was proposed to retain the taxpaying qualification for town meetings. Indeed, it was remarkable that so many were willing to grant full suffrage for everything except town elections. They seemed not to care so much who voted for President and Governor, but only the best men in the community should vote for hogreeve. It is a striking illustration of the reverence and jealousy men held for the time-honored town meetings. In the rural districts it was the most important thing in their lives.

The small tax requirement hung on, however, for 10 years longer, and finally gave way in 1863. North Carolina abolished her requirement in 1868. That left Delaware, Pennsylvania, and Rhode Island. The first of these did not give it up until 1897, and it still holds in the other two States; but it must be remarked again that any kind of a tax requirement connected with suffrage since 1860 has been practically nothing but a registry fee, and several States accomplish the same end by requiring that men must pay their poll taxes before voting. The old-fashioned taxpaying test as a compromise with property qualifications was gone before the Civil War (Porter, supra, pp. 108–111).

As immigration was heavier in Massachusetts and neighboring States than almost anywhere else, the antialien feeling ran higher.

In Massachusetts there was an even more determined effort to get rid of the foreigner, and more elaborate steps were taken there than anywhere else. In 1857 an amendment to the constitution was passed requiring that all voters must be able to read the constitution and write their own names. And in order to pacify a certain portion of the native element that would find such a test prohibitive, it was not to apply to anyone over 60 years of age or to anyone who already exercised the franchise. Two years later another amendment was passed requiring foreigners to remain in the State for 2 years after naturalization before they could vote. This seems to mark the highest point in the opposition to aliens, and it is worth noting that it was the ignorant, poverty-stricken, famished, unwashed Irish Catholic rowdy whom the country may thank for bringing forth literacy tests. They were applied freely to the Negro in future years and today are being used on general principles, but they originated practically for the benefit of the Irishman (Porter, supra, pp. 118–119).

When the women's suffrage problem arose, the arguments advanced were the old ones turned to a new use:

There was no trouble in adjusting the old arguments to suit the new occasion. For more than half a century the advocates of broader suffrage had been filling up their arsenal with weapons to use upon conservatives. Many of the liberals were shocked beyond expression and left speechless when the women raided their armory, took their weapons, and went forth to use them as they had seen them used by men. Natural, inalienable, inherent right. No taxation without representation. Government by consent of the governed. All that oldtime revolutionary philosophy with its mixture of truth and abominations was revived once more and spread broadcast by the abolitionists and woman-suffrage advocates alike.

Characteristic of this sort of argument is a statement to be found in the records of the Massachusetts constitutional convention of 1853: "I maintain first that the people have a certain natural right, which under special conditions of society manifests itself in the form of a right to vote. I maintain secondly that the women of Massachusetts are people existing under these special conditions of society. I maintain finally, and by necessary consequence, that the women of Massachusetts have a natural right to vote."

That is the sort of argument that marked the beginning of the woman-suffrage movement. Once more the strange phenomenon appeared—the suffrage expanding on a wave of specious doctrine. But it caught the popular fancy and served to bring the issue forward (Porter, supra, pp. 140–141).

However, at that time Massachusetts voted the measure down by a large majority.

Mr. President, the next State in my discussion of the history of suffrage among the Thirteen Original Colonies would be Maryland, but, since my time has expired under the unanimous-consent agreement, it will be necessary for me to postpone until some future time the remainder of my historical survey. At this time I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER (Mr. CANNON in the chair). The Senator will state it.

Mr. ELLENDER. I have had the floor now for 3 hours. When I took the floor at 3:15 p.m. I asked unanimous consent to yield to several Senators, and they took 10 minutes. Am I charged with that time? Is that the parliamentary situation?

The PRESIDING OFFICER. According to the records of the Parliamentarian, the Senator from Louisiana yielded to other Senators during the period 3:03 p.m. until 3:13 p.m. The Senator's 3 hours commenced to run at 3:15 p.m. Therefore, at 6:15 p.m. his 3 hours will have expired. It is that time now.

Mr. ELLENDER. Very well. I appreciate the indulgence of the majority and minority leaders.

Mr. DIRKSEN and Mr. EASTLAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIRKSEN. Mr. President, has the Senator from Louisiana finished? Have I been recognized?

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I understand the distinguished Senator from Mississippi [Mr. EASTLAND] is prepared to make some extended remarks on the subject.

Mr. EASTLAND. That is correct.

Mr. DIRKSEN. Mr. President, I ask unanimous consent to yield for the statement to be made by the distinguished Senator from Mississippi, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. EASTLAND. Mr. President, let me make clear I am speaking now, of course, by unanimous consent, but I want the RECORD to show I strenuously oppose the pending bill, and I am going to oppose the bill with every ounce of strength I possess. Later in this debate I shall speak in my own right.

I have been on the floor now a great number of times for nearly 2 months, day and night. I am opposed to this bill. I am opposed to its passage in any form. I am going to continue to oppose it.

Mr. President, the voting referee proposal contained in title VI of H.R. 8601 is a new, novel, unique, and revolutionary plan for the Federal Government to take over control of the entire voting machinery of the Southern States. Unveiled for the first time when Attorney General William P. Rogers testified before the Senate Committee on Rules and Administration on February 5, 1960, this short, less than 2 month period since that time, has been an entirely inadequate period to give to the plan the care and consideration it deserves.

Since the debate on proposed civil rights legislation started on February 15,

1960, and has been continuous since that time, opponents of the voting referee plan have had no opportunity to engage in the legal study and research necessary to develop the legal and constitutional questions that are raised by every line, sentence, and paragraph of this proposed constitutional monstrosity.

I daresay that only a handful of Senators have yet had the time to read the revealing testimony that was developed before the Senate Judiciary Committee on March 28 and 29, 1960. The Attorney General and Deputy Attorney General, Lawrence E. Walsh, were the two witnesses favoring the plan, and the only opposition witness was the Honorable Charles J. Bloch, of Macon, Ga. Mr. Bloch, in addition to being one of the greatest trial lawyers in the United States, is also recognized as one of the most competent of all the members of the American Bar Association in the complex field of constitutional law.

Unfortunately, not only for the Senate, but for Congress as a whole, and the people everywhere, Mr. Bloch, although occupying the witness chair for 3½ hours, was able to cover only the first paragraph of the proposal, which contains a total of 10 paragraphs. This most graphically illustrates the handicap under which the opponents of this proposed measure must labor. Mr. Bloch advised me that he could spend an equal, or even greater, length of time, developing the legal deficiencies of the remaining nine paragraphs, and that he would not then even begin to exhaust the subject matter.

This whole business started with a recommendation that was made to Congress by the Civil Rights Commission that the President of the United States be authorized by law to appoint so-called Federal election registrars to take over the election machinery insofar as elections involving Members of the House of Representatives, Senators, and presidential electors are concerned. The Attorney General publicly, and repeatedly, expressed grave doubts as to the constitutionality of many aspects of the "Registrar Plan." Then he countered by devising the scheme that is now before the Senate. Remarkable as it may seem, although I do not intend to discuss the Federal Registrar today, the Attorney General's substitute plan is even more unconstitutional, if such is possible, than the one which was proposed by the Civil Rights Commission. At least it can be said that the Commission stopped with an attempt to control elections involving only Federal officeholders. The Attorney General proposes to effect Federal control over all State, district, county, and even municipal elections. The offices involved extend all the way from constable, coroner, and ranger, officeholders in the smallest of the county subdivisions, through the mayors and municipal offices, to that of the highest in the State, the Governor.

The Attorney General seeks the new powers for the Federal Government through the instrumentality of the 15th amendment to the U.S. Constitution. He admits this kind and character of power has never been sought before, even in the dark ages of the Reconstruction period. What he proposes to do is to convert a negative, a prohibition, into a positive and an affirmative. Alchemists of old were never able to transform baser metals into gold. But the Attorney General sees no particular difficulty in converting the prohibition, and it is only a prohibition, contained in the 15th amendment, which says:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Title VI of H.R. 8601 attempts to convert this "thou shall not" in the 15th amendment into a "thou shall." Instead of prohibiting a course of conduct, which is the extent of Federal power in this field of voting, it attempts to prescribe the course of conduct and convert the Federal district court judges into agents of the Government who will be authorized to take over and supervise the entire election machinery of the State.

The Civil Rights Act of 1957, obnoxious as it may be, recognized the principle that the scope of the 15th amendment extended to only preventive relief. Subsection (c) of section 1971, title 42, United States Code, provides:

(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

The only possible relief the Attorney General can seek here is preventive relief—thou shalt not relief—not thou shall relief. Now, Mr. President, when we pass this point the Constitution is left behind. And the voting referee plan in title VI starts beyond this point.

Title VI says:

In any proceeding instituted pursuant to subsection (c)—

That is, subsection (c) of the Civil Rights Act of 1957 which I just quoted—

in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a)—

This is the subsection that provides against denial or abridgment by the State of the right to vote on account of race or color—

the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard, make a finding whether such deprivation was or is pursuant to a pattern or practice.

The $64 question involved in this sentence is, "What is a pattern or practice?" The judge is entitled to know what this means. The defendant registrar needs to know what it means in order to defend against the action. Congress ought to have some idea of what it means before it writes it into law. Mr. Bloch testified that he made every effort to find its legal meaning and the best he could do was this:

Now then, you run into a definition of the phrase, "What do you mean by pattern or practice?"

I could not find in "words and phrases" the words coupled up at all, any adjudicated meaning, but I do find that "practice" standing alone, has been defined by a New York court as "custom." Other courts define it as a habit or regular conduct. The cases are given in my memorandum, and there used to be or maybe there still is—I am sorry Senator HENNINGS had to go, he could have told us—a Missouri constitutional provision which provides that nothing therein was intended to justify the practice of wearing concealed weapons. The word "practice" there was defined as having reference to an existing custom of wearing such weapons concealed, more or less generally among citizens, and not to the practice of any particular individual accused of the crime of wearing such weapons.

In fairness, Mr. President, if Congress is to pass this legislation it should spell out the meaning of "pattern or practice." This, as soon will be seen, is the key that opens the door to the entire procedure of voter qualification. This is the basis on which the State election machinery is to be proscribed by the Federal courts. We have a right to know what it means and how its determination will be made.

Judge Walsh was asked about this business of a "pattern or practice." This is the colloquy which occurred in the Judiciary Committeee:

Senator MCCLELLAN. Now, what constitutes a pattern?

Mr. WALSH. A pattern of discrimination would be discrimination that was widespread beyond an individual case. It would be the burden to be carried by the Attorney General which would be to prove this was the usual rather than the unusual situation.

Senator MCCLELLAN. What constitutes a practice?

Mr. WALSH. Practice would be very much the same thing. Not only was it usual but it has been indulged—I mean the words have their generic meaning; there is no word of art involved.

Senator MCCLELLAN. No. But certainly the turning down, if you proved that you had turned down one Negro or even two Negroes at the same time, that would not necessarily establish a pattern or practice, would it?

Mr. WALSH. Not necessarily.

Senator MCCLELLAN. To establish a practice wouldn't there have to be repeated acts?

Mr. WALSH. I think that would be the general sense of it; yes, sir.

Senator MCCLELLAN. In other words, the fact that they come in and show that one fellow complains and you get a suit in there, and the evidence shows that that would be insufficient to establish a pattern or practice——

Mr. WALSH. In any case I can think of; yes, sir.

Senator MCCLELLAN. In other words, to establish either there would have to be a repetition.

Mr. WALSH. Yes, sir.

Senator MCCLELLAN. Would that repetition, could that repetition, occur in just one election?

Mr. WALSH. Yes.

Senator MCCLELLAN. Or must it occur over a period of years?

Mr. WALSH. There is no limit provided in the bill.

Senator MCCLELLAN. What is your interpretation of it as a judge?

Mr. WALSH. I think it would depend on the facts of the individual case, but it could be one election.

Senator MCCLELLAN. Then can you give us any facts where it would require extension over a period of years?

Mr. WALSH. It would seem to me if you could show that was the uniform practice for a single election, that would certainly satisfy the statute.

Senator MCCLELLAN. How can you establish a practice by just one single act or one or two acts, is what I am trying to find out.

Mr. WALSH. Well, the number of individual acts related to a single election would vary. I do not know how many there would be.

The CHAIRMAN. Would that be in a county now or a judicial district?

Mr. WALSH. It could be either one—really, it would relate to the area administered by the single officer.

The CHAIRMAN. You mean by the judge, the district judge?

Mr. WALSH. No; I was thinking of the State officer, Senator, Mr. Chairman.

The CHAIRMAN. Well, it would be on a county basis, then?

Mr. WALSH. It would depend; I do not know whether all States have registrars on a county basis or not.

The CHAIRMAN. Well, they do.

I fail to see where Judge Walsh here casts any real light on the meaning of "pattern or practice." Courts and litigants both need guidelines. If Congress is going to enact statutes, it should include these guidelines.

Fortunately, I recalled a case that may cast some light on this matter of pattern or practice. It arose in Mississippi and it involves voting rights under the same statutes to which the presently proposed legislation is directed. You will not hear or find this case cited by the Attorney General or any of the proponents of civil rights legislation. These judges were not concerned with politics, or corralling Negro voters; their concern was with the Constitution, applicable statutes, and the facts. Their findings, both as to law and facts, while conclusively true, are distasteful to both the Department of Justice and civil wrongs proponents.

The court hearing this case was a three-judge constitutional court composed of Judge Ben Cameron, of the U.S. Court of Appeals for the 5th Circuit, and U.S. District Judges Sidney Mize and Claude Clayton. The style of the action is H. D. Darby, on behalf of himself and others similarly situated, plaintiff, against James Daniel, circuit clerk of Jefferson Davis County, Miss., and Joe. T. Patterson, attorney general of the State of Mississippi. The case is reported in 168 Federal Supplement 170, 194–195. This case was not, I repeat, was not appealed to the U.S. Supreme Court as the plaintiff had a right, and the NAACP sufficient money so to do. In the first part of the portion of the opinion that I am now going to read it will be noted that the court is concerned with an alleged "practice" of voter discrimination. Reading now from part III of the opinion:

(1) This brings us to the contention that plaintiffs, along with other Negroes, were actually discriminated against in the administration of the constitution and laws of Mississippi by defendant Daniel. If such discrimination was practiced against plaintiffs, the actions of defendant would certainly come under the condemnation of the 15th amendment, or the 14th amendment, or both. Plaintiffs put on the witness stand a number of other Negroes, but we look first to their own testimony to determine if either plaintiff proved that he was qualified to register under the constitution and laws of Mississippi and was denied registration because of his race.

While this next portion of the opinion is not pertinent and relevant to "pattern or practice," it so thoroughly covers the matter of "qualified voters under State law" that I now desire to read it:

Plaintiff Dillon, conceding that she was properly given the written test provided by the amendment, failed to produce a copy of that test for the court's inspection. She did not demonstrate in her oral testimony the possession of the qualifications provided in the Mississippi constitution and statutes, and there is no proof at all, therefore, that she had any status to maintain this action.

According to the testimony of his attorney, Plaintiff Darby approached him in April or May 1956, about the time he wrote President Eisenhower. The attorney called the NAACP, which, some time later, agreed that its legal fund would pay the attorneys and the expense of any litigation which might be brought by Reverend Darby.

This was before his first written application of June 29, 1956, in which he stated that he was a farmer. The application was signed by him but was not filled in. It is not claimed that, in this application or the oral tests which came after it, Plaintiff Darby showed himself qualified to register. The entire case is predicated on the sworn written application of June 22, 1957, which he took under his attorney's advice and direction. This document, read in the light of the testimony of Plaintiff Darby, reveals several deficiencies.

He made no answer to question No. 14 inquiring if he had ever been convicted of the crimes enumerated in the question; considerable portions of the answers written by plaintiff are illegibile. In response to question No. 18 calling upon him to copy section 123 of the constitution of Mississippi, he wrote six lines not called for by the question and not possessing marked coherence. In giving his reasonable interpretation of that section he wrote: "The Govenner govends all the works of the State and he is to see that all the vollatores be punished and als he can pardon out the penetenter ane pherson." In answering question No. 20 which directed him to write his understanding of the duties and obligations of citizenship under a constitutional form of government, he wrote five lines which could hardly be called accurate or responsive to the question.

That he could not write legibly is exemplified by examination of the several documents in the record written by him, and is further attested by the fact that the letter he sent the President was written entirely by someone else, including the signature. He did not attempt, while on the witness stand, to demonstrate that he could read. Every other Negro witness he placed on the stand was given a section of the Mississippi constitution to read before the court, but plaintiff himself did not attempt to show his ability to read. The evidence does not, therefore, support the burden imposed on the plaintiffs to show that they were qualified to be registered as voters. A fortiori it does not establish that Defendant Daniel did not act in good faith or exercise a sound discretion when he made his decision that plaintiffs had not passed the examinations given them.

In passing judgment on this phase of the case we cannot leave out of view that defendant Daniel knew that he was under surveillance by Federal officials and that he was dealing with one party who was acting under advice of counsel.

It is fundamental that plaintiffs must stand or fall on the merits of their own case. The Supreme Court stated the principle in *McCabe* v. *A.T. & S.F. Ry. Co.* (1914, 235 U.S. 151, 162), in these words:

"But we are dealing here with the case of the complainants, and nothing is shown to entitle them to an injunction. It is an elementary principle that, in order to justify the granting of this extraordinary relief, the complainant's need of it, and the absence of an adequate remedy at law, must clearly appear. The complainant cannot succeed because someone else may be hurt. Nor does it make any difference that other persons, who may be injured are persons of the same race or occupation. It is the fact, clearly established, of injury to the complainant—not to others—which justifies judicial intervention."

This citation from McCabe against A.T. & S.F. Railway Co. is most interesting in view of what title VI proposes to be done—give to one or more persons a substantive right because it is established that other persons or person of the same race have suffered an alleged wrong. This is a matter I will later discuss.

Returning to the opinion and the matter of a pattern or practice, the opinion states:

(2) Plaintiffs served subpenas on 25 Negro witnesses, of whom 15 were placed upon the stand. Despite the principles last above quoted and such cases as *Reddix* v. *Lucky* ((5 Cir., 1958) 252 F. 2d 930, 938), holding that "obviously the right of each voter depends upon the action taken with respect to his own case," we permitted this testimony to be introduced over objection to give plaintiffs a chance to show that there was a class whose rights they might carry if they established their own case, and also that the testimony might be considered as furnishing circumstantial evidence of discrimination in favor of the case of plaintiffs. Although some of the written applications exhibited in connection with the testimony of these witnesses were sufficient to raise an issue of fact as to their qualifications, it is not our province to set ourselves up as registrar of voters.

Some of the testimony certainly demonstrated the absence of qualifications of the applicants. For example, when called upon by question 18 to copy section 198 of the Mississippi constitution, Johnnie B. Darby, plaintiff Darby's wife, wrote: "I have so agreed to be as good a citizen as I possible can I have not yet read the constitution of Mississippi I do try to abide by truth and right as the almighty God provide the understanding and wisdom."

Another witness called upon to copy section 16 of the constitution wrote: "Ex post facto laws or laws impaitring obligations contrace St. Shall Be passed." Interpreting that section this same witness wrote: "A man must pay pold tax befor he eagable to voat." This witness gave his occupation as that of teacher.

None of these witnesses took appeals from Daniel's ruling declining to permit them to register. Four of the fifteen passed the written examination, and of those who failed, the wives of two passed. He gave the test to some of the witnesses as many as four times and he invited plaintiff Dilon to come back and try again. The testimony of these witnesses adds little to the solution of the problem before us.

(3) Plaintiffs introduced 1 bound volume containing 78 original applications. The documents do not show whether the applicants were white or colored. It seems

probable that the purpose of introducing this volume was to show that, during this period, all applicants were required to take the written examination, whereas under the constitutional amendment those who were registered voters on January 1, 1954, were required to take only the oral test habitually given under the original constitution. This does not prove anything which was not readily admitted by defendant Daniel. From the time Daniel came into office January 1, 1956, until the attorney general of Mississippi advised him of his error, he had been using the forms furnished him by the State election commissioners and testing all applicants by written examination. As far as the testimony goes, none had objected. The point of this testimony, however, is that undisputedly white and colored were treated exactly alike. Since, according to the undisputed proof, there were only 40 to 50 Negro voters registered in the county, the 78 applicants, all of whom passed, necessarily included some white people.

The wrongful interpretation, or the misapplication of Mississippi law alone, would not give this court jurisdiction or amount to deprivation of any constitutional rights. Under this phase of the case discrimination alone, resulting from the fact that plaintiffs are Negroes, can justify maintaining the action or granting the relief sought. The Supreme Court announced the principle in explicit terms in *Snowden* v. *Hughes et al.* (1944, 321 U.S. 1, 8), (a case in which *Williams* v. *Mississippi, supra,* was cited with approval) where the dismissal of an action for want of jurisdiction was approved where a candidate for office sought equitable relief against party officials who refused to certify him as a candidate.

The essence of the action before us, therefore, is discrimination on the part of the defendant Daniel—discrimination against plaintiffs, Negroes, and in favor of white persons. After listening to the oral testimony and examining the documents carefully we are unable to find any tangible or credible proof of discrimination. There is no proof that any white person was ever treated in any manner more favorably than plaintiffs or any other Negroes.

The mere showing that of 3,000 qualified voters in Jefferson Davis County, only 40 to 50 are Negroes is not sufficient. Plaintiffs carry the burden of showing that plaintiffs have been denied the right to register because they are Negroes, and that white people similarly situated have been permitted to register. This record contains no such proof. The disparity between numbers of registrants, as has been so often pointed out, results doubtless from the fact that one race had a start of several centuries over the other in the slow and laborious struggle toward literacy. This record does not, in our opinion, show that defendant has practiced discrimination. From our observation of his demeanor during the trial and while on the witness stand and of the evidence generally we are convinced that he has shown himself to be a conscientious, patient, and fair public official, exerting every effort to do a hard job in an honorable way.

Mr. President, I knew this circuit clerk of Jefferson Davis County, Miss. He is a very honorable man and a very high-class man, and he performed the duties of his office in a most conscientious and honorable way. This county has not permitted outside agitators to come in and take over the local governmental affairs of their county.

The court, as a matter of grace, gave to these plaintiffs every right. The Attorney General is now seeking to show that a pattern or practice of discrimination existed in Jefferson Davis County. The plaintiffs were granted the privilege of introducing a mass of incompetent, immaterial, and irrelevant evidence which the court carefully considered. There was no practice or pattern. The court found and demonstrated that the argument of 3,000 qualified voters in Jefferson Davis County, with only 40 to 50 being Negroes, is not sufficient to establish discrimination. The court was accepting evidence and information. It had no guideline, and did not try to establish one, as to what a pattern or practice might be. So when this Congress is asked to enact this device of a "pattern or practice" into law, for the use and benefit of the Attorney General, it should be defined, and its limits established and determined. "Pattern and practice," as it now is in title VI of this bill, is no more or less than a blank check, signed by Congress, with the unknown amount to be later entered by the Attorney General.

Mr. President, at this point in the proposed proceedings the Attorney General has been engaged in a lawsuit, representing one or more named plaintiffs, with the defendant being a county registrar of voters, and possibly the State attorney general, as was true in the Mississippi case I have cited. The Government won the case. The Court held that the named complainants were in fact qualified voters under the law of the State, and had been discriminated against on account of their race or color. An order is issued against the defendant registrar, requiring him to qualify the complainants as voters, and that they be permitted to vote. An injunction is directed against the registrar, directing him to cease and desist from discriminatory practices—this is according to the Deputy Attorney General's testimony. Then the new step comes into play: The Attorney General requests that the Court make a finding as to whether a pattern or practice of discrimination exists. This is mandatory on the Court. He must make such a finding.

There is a serious question here as to whether this finding is to be made in a normal adversary proceeding. The precise language of the bill is, "upon request of the Attorney General after each party has been given notice and the opportunity to be heard." The question posed here is whether "opportunity to be heard" connotes a regular adversary proceeding in court, or some special or different type of hearing. I am not going to labor this point, but I do want the Senate to have the benefit of Mr. Bloch's views on it. At pages 118, 199, and 120 of the printed hearings this appears:

Mr. BLOCH. * * * .

Let us stop right there for the present—"upon application after each party has been given notice."

Now, the only parties to that case would be the United States of America as plaintiffs, and the members of the Board of Registrars of Terrell County, Ga., defendants. They are the only parties. They are given notice "and an opportunity to be heard."

Now, on yesterday I think it was Senator MCCLELLAN who asked either the Attorney General or Judge Walsh what the meaning of that phrase "opportunity to be heard" was.

It so happens that I had made some investigation of that, and I read to you from page 3 of my prepared statement:

"We must suppose that the phrase in the bill, 'opportunity to be heard' contemplates a listening to facts and evidence before adjudication and an opportunity on the part of the defendants to interpose a defense. The phrase 'opportunity to be heard' connotes such (*People* v. *Caralt,* 241 N.Y.S. 641, 644; *Ex parte Morse,* 284 Pac. 18; 141 Okla. 75). The case of *People* v. *Oskroba* (111 N.E. 2d 235, 237; 305 N.Y. 113), however, might indicate that the drafters of this bill did not contemplate that the phrase 'opportunity to be heard' required formal procedure. Another New York case is to the same effect: *People ex rel. Massengale* v. *McMann* (184 N.Y.S. 2d 922)."

So that if you leave the status as it is, with simply the phrase "opportunity to be heard" in it, we do not know what rights the board of registrars, the defendants in that case, would have, because in applying the Federal statute we do not know whether the Federal courts would apply the Oklahoma rule or what seems to be the New York rule. It is all important because what is the question upon which that board of registrars is given the opportunity to be heard? The question is, under the proposed bill, under the bill passed, as passed by the House, the question is whether the court will make a finding that the deprivation was or is pursuant to a pattern or practice.

And that is fundamental in this bill because whether or not the court makes that finding as to the existence vel nom of a pattern or practice determines entirely all the so-called registrations, subsequent registrations, under the act.

So that the first question to be decided there is, as I have said, is whether the registrars would be given a chance to be heard on that question.

Then would come the question of what is the pattern or practice.

Senator MCCLELLAN. May I interrupt at this point. What you are stating—

Mr. BLOCH. Would you mind speaking loud to me. I broke my hearing aid and I am in trouble.

Senator MCCLELLAN. Maybe I should not interrupt. You mean the finding that there was a pattern and practice can be made, that is your contention, under the proposed statute, without the hearing and without the inerested parties having the opportunity to appear?

Mr. BLOCH. I say this. I will go this far, Senator, that under the act it is doubtful, very doubtful, whether the board of registrars, the defendants in the main case, would have a right to cross-examine witnesses, a right to be there, a right to introduce contrary evidence to that put up by the United States of America.

I say that the act would require judicial construction to determine the meaning of the phrase "opportunity to be heard." And I say that in light of the case of the *People* v. *Oskroba* (305 N.Y. 113, 111 N.E. 2d 235); and the *People ex rel Massengale* v. *McMann* (183 N.Y.S. 2d 922).

Now, the Oklahoma Supreme Court has held that the phrase "opportunity to be heard" contemplates that there shall be a full hearing with the right to cross-examine witnesses, represented by counsel, and to introduce evidence to the contrary.

But the New York courts have decided, so far as I read the cases, to the contrary. So that my suggestion in that connection was this: Why leave that, if you are going to pass this, if this bill should be reported out. If this bill should be passed in any form, why leave that phrase "opportunity to be heard" in doubt. Why not spell out what that phrase "opportunity to be heard" means, so that when another case comes up down South some months or some years

hence, we shall not be confronted with the suggestion or argument by counsel for the Government:

"Opportunity to be heard, you can be heard all you please, say what you want, but you have got no right to introduce evidence to the contrary under the decisions of the Supreme Court of New York and the Court of Appeals of New York."

Now, I apprehend that those who drafted this bill, are responsible for the drafting of this bill, are New York lawyers, some of them are certainly, so that they must have had in mind the New York meaning of the phrase "opportunity to be heard" when they inserted it in there.

So my whole point is there, why leave it open, why leave it in doubt? Tell us lawyers who may have to try cases under it just what you mean, particularly in the light of the fact that you are making a finding, that the court will be making a finding there as to whether that deprivation was or is pursuant to a pattern or practice.

Senator JOHNSTON. Will you suggest that they insert that probably at the word "here" and to offer testimony, would that clarify it?

Mr. BLOCH. I would say that the clarification would be a full opportunity to be heard including the right to be represented by counsel, to cross-examine witnesses for the Government, and to introduce testimony contrary to that offered by the Government, and then there would be no doubt about what the phrase "opportunity to be heard" meant.

Senator JOHNSTON. Who could object to anything like that? I think a person has a right to be heard and offer testimony and put up his defenses.

Mr. BLOCH. I do not see that anybody ought to object to it, and I do not know that anybody will. But certainly the bill ought to be clarified in that respect.

I agree with Mr. Bloch. The proposed legislation certainly should be clarified in this respect.

Turning to the second sentence of this title, which reads as follows——

Mr. KEATING. Mr. President, will the Senator repeat that last statement? I was not able to hear it.

The PRESIDING OFFICER (Mr. LONG of Louisiana in the chair). Does the Senator yield for a question or request?

Mr. EASTLAND. I yield only for a question.

Mr. KEATING. I did not hear the last statement of the Senator.

Mr. EASTLAND. The Senator can sit closer to me, and get a good education.

Mr. KEATING. I shall be glad to come closer.

Mr. EASTLAND. Come over closer. It will be worth a year's instruction on constitutional law.

Mr. President, I read the second sentence of the title:

If court finds such pattern or practice, any person of such race or color resident within the affected area shall, for 1 year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

This sentence means simply that after the court has found there is a pattern in the area that all applicants who prove that they are qualified to vote under State law or that they have, since the finding by the court of the pattern or practice, been deprived or denied under color of law the opportunity to register to vote or to otherwise qualify or found not qualified to vote by State officials, that the court will order these persons entitled to be registered and to cast their vote. This proceeding would use the court's finding of a pattern or practice as a basis for permitting persons of that same race who were not parties to the original suit to vote without being required to make proof on individual basis that the denial of their right to register was because of their color. This language would eliminate the need for the applicant to allege and prove the discrimination, but would instead, force the registrar to register the voters under the court's order or face the contempt power of the court.

Judge Walsh, under questioning before the House Judiciary Committee, conceded that this provision is indeed the very heart of the bill, for it is here in this provision that Judge Walsh stated very clearly what is intended to be accomplished, when he stated during the House hearings at page 21:

If you found a pattern and practice against Negroes and he is a Negro, I think Congress is justified in jumping the gap and establishing a conclusive presumption that that is the reason for his trouble.

Judge Walsh continued:

I think it is a reasonable presumption. I think if you have had a pattern found, the likelihood of any other reason for refusing to let him register even though he was qualified is nil so I think there is a reasonable basis for such a presumption.

Judge Walsh continued:

Not only is it reasonable but it is necessary, because for an individual to prove each case that he had been a victim of prejudice is very difficult. Therefore, I think he needs Congress' help in that regard.

Mr. HILL. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Will the Senator from Mississippi yield to the Senator from Alabama for a question?

Mr. EASTLAND. I yield provided it does not count as two speeches.

The PRESIDING OFFICER. The Chair will inform the Senator from Mississippi that he may yield for a question without in any wise prejudicing his right to the floor.

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama without losing my right to the floor and without its being counted as two speeches on this matter.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HILL. Mr. President, will the Senator yield to me so that I may suggest the absence of a quorum?

The PRESIDING OFFICER. The Senator from Mississippi has yielded to the Senator from Alabama with the understanding that the Senator from Mississippi will not in any way prejudice his right to the floor. The Senator from Mississippi has yielded under those circumstances. Does the Senator from Alabama desire to suggest the absence of a quorum?

Mr. HILL. Yes, under those conditions.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EASTLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND. As Judge Walsh ceded during his testimony, Congress is asked to provide that where the court has found a pattern or practice of discrimination against Negroes, it is to be conclusively presumed that this pattern is the only reason for the denial of registration to a qualified Negro, and based on that presumption the Federal courts be authorized to register persons who are never parties to the original action, and forcing registrars to register these applicants without the applicants being required to prove on an individual basis that the denial of their right to register was because of that pattern or practice. By the use of this device State officials will be required to register all applicants in an area without those applicants being required to prove that the only reason they were denied registration is because of their race or color. This difficult element of proof would be eliminated by this statute if it were enacted. As Judge Walsh stated:

Congress would in effect provide that where the court has found a pattern of discrimination against Negroes, it is so obvious that this pattern is the only cause for the denial of registration to a fully qualified Negro that the applicant need not prove this casual link.

I am of the strong opinion that the Congress is without power to create, by legislation, a conclusive presumption which clearly is violative of due process. The essential elements of due process are notice and opportunity to be heard and to defend an orderly proceeding adapted to the nature of the case before a tribunal having jurisdiction of the case.

Wigmore on "Evidence," third edition, volume 9, section 2492, says of conclusive presumptions:

Wherever from one fact another is said to be conclusively presumed, in the sense that the opponent is absolutely precluded from showing by any evidence that the second fact does not exist, the rule is really providing that, where the first fact is shown to exist, the second fact's existence is wholly immaterial for the purpose of the proponent's case, and to provide this is to make a rule of substantive law, and not a rule apportioning the burden of persuading as to certain propositions or varying the duty of coming forward with evidence.

In line with Professor Wigmore's concept of conclusive presumptions, this bill, if enacted, therefore would enact into law a rule of substantive law which would deprive defendants of the opportunity to present evidence in opposition or in any way to be heard or to offer testimony

rebutting this presumption. I submit that Congress has no power to create a conclusive presumption, one incapable of being overcome by proof of the most positive character. This conclusive presumption which the Attorney General would have the Congress enact flies squarely in the face of the holding by the Supreme Court of the United States in *Heiner* v. *Donnan*, 285 U.S. 312, wherein the Court stated:

> If a legislative body is without power to enact as a rule of evidence a statute denying a litigant the right to prove the facts of his case, certainly the power cannot be made to emerge by putting the enactment in the guise of a rule of substantive law.

If the presumption is not unreasonable and is not made conclusive of the rights of the person against whom raised, it does not constitute a denial of due process of law (*Mobile, J. & K.C.R.R.* v. *Turnipseed*, 219 U.S. 35, 43).

In the *Western and Atlantic Railroad* v. *Henderson* (279 U.S. 639, 642), the Court, in distinguishing between rebuttable and irrebuttable presumptions, stated:

> Legislation declaring that proof of one fact or group of facts shall constitute prima facie evidence of an ultimate fact in issue is valid if there is a rational connection between what is proved and what is to be inferred. A prima facie presumption casts upon the person against whom it is applied the duty of going forward with his evidence on the particular point to which the presumption relates. A statute creating a presumption that is arbitrary or that operates to deny a fair opportunity to repel it violates the due process clause of the 14th amendment. Legislative fiat may not take the place of fact in the judicial determination of issues involving life, liberty or property (*Manley* v. *Georgia*, ante, p. 1, and cases cited).

I call attention to the fact that the most vivid demonstration of the constitutional difference between rebuttable and irrebuttable presumptions is the comparison of the two cases that I have just cited—the Turnipseed case and the Western Railroad case. In the Turnipseed case the Court held a "presumption statute" valid because its only legal effect was to cast upon the defendant the duty of producing some evidence to the contrary. However, in the Western Railroad case the Court held a similar statute invalid because it created an inference that was given the effect of evidence to be weighed against opposing testimony and was to prevail unless such testimony was found by the jury to preponderate. How much more would a statute be unconstitutional if it did not afford those affected by it the opportunity to introduce any evidence or to repel the presumption.

A prima facie presumption casts upon the person against whom it is applied the duty of going forward with his evidence on the particular point to which the presumption relates. A statute creating a presumption that is arbitrary or that operates to deny a fair opportunity to repel it violates the due process clause of the 14th amendment—*Bailey* v. *Alabama* (219 U.S. 219, 233).

Legislative fiat may not take the place of fact in the judicial determination of issues involving life, liberty or property—*Manley* v. *Georgia* (279 U.S. 1, 7).

The Attorney General is asking the Congress of the United States to enact a statute creating a conclusive presumption which operates to deny a fair opportunity for defendants to repeal it, and therefore in line with consistent Supreme Court decisions violates the due process clause of the Constitution.

I submit, Mr. President, that there is absolutely no way of justifying what is sought by this language, that is, the creation of a conclusive presumption or substantive rule of law, by the use of which applicants be permitted to vote without requiring those applicants to prove that the denial of their right to register was because of a pattern or practice. It is my firm conviction that what is sought here is violative of due process and beyond the power of the Congress to enact.

Mr. Bloch in testifying before the Senate Judiciary Committee on Tuesday of last week in discussing the conclusive presumption created in this bill took the position that because the conclusion created is irrebuttable, and the defendant is denied the opportunity to present evidence in rebuttal, such a presumption is unconstitutional. I agree entirely with the position reached by Mr. Bloch.

On this point, I wish to read a pertinent portion of Mr. Bloch's testimony before the committee which highlights the unconstitutionality of this provision of the bill.

> On page 6, and this is on a presumption which still lurks in the bill, and which I developed pretty thoroughly in my appearance before Senator HENNING's committee, citing the Tennessee case and the Georgia case that went up to the court of appeals, *Western Atlantic Railroad* v. *Henderson, Bailey* v. *The State of Alabama*, and *Manley* v. *The State of Georgia*, all of which were in that printed memorandum, that you have got an unconstitutional presumption lurking in this bill.

The quotations from Judge Walsh's testimony before the House committee tend to demonstrate that.

On the bottom of page 6, Judge Walsh says:

> Ordinarily, when you open up a proceeding like that, and a person wants to take advantage of a judgment which somebody else has obtained, he would have to come in and prove to the referee that he was in exactly the same position as the persons under consideration in the original case; in other words, that he was a qualified voter, that he tried to vote, and that he had been discriminated against because of his race.
>
> The great value of this proposed bill is that it eliminates that last element of proof. Where a judge has just found a pattern or a practice of racial discrimination, it seemed a silly thing to leave it to the master or the referee to fight it out all over again.
>
> Senator ERVIN. But isn't that the crucial thing as to each individual, the question of whether an individual is qualified, being purely a question which can only be determined by an examination of that individual?
>
> Mr. BLOCH. Let me show you how that works, Senator, to show you just how, practically speaking, your question applies.
>
> Suppose there is a Negro who is very well educated, and he is 25 years old, but he has been guilty of a felony, he has killed somebody, and he was sentenced, say, to serve 5 years in the penitentiary.
>
> He goes before a State board of registrars and he seeks to be qualified to vote. He reads the Constitution perfectly, he is perfectly well educated. He is of age. But somebody on the board of registrars happens to know that he has been found guilty of a disenfranchising felony, so he asks some questions:
>
> "John, aren't you the same John Jones who was convicted down here about 7 years ago for murder?"
>
> "Yes, sir; but I served my time."
>
> "Well, we can't register you."
>
> He is turned down now. He goes before the Federal judge, after a pattern of discrimination has been found, and he does not say anything about that conviction of a felony. He proves that he can read and write, he proves that he is 25 years of age, he proves that he has been turned down by the board of registrars of that county, and the judge must necessarily, under this statute, grant him a certificate, because the judge does not know of his other disqualifications, his criminal disqualification.
>
> The Negro does not choose to make it known, and there is nobody contesting the application who might have knowledge of the fact, who has a right to prove it.
>
> Senator ERVIN. That will be all right, Judge, so far as I am personally concerned.
>
> Mr. BLOCH. I think there are just one or two more.

On page 14, if I can count these lines, line 30, Judge Walsh states:

> The proposal of this bill, the essence of this bill, is to take congressional notice that if there is a pattern of discrimination against Negroes, a qualified Negro who is deprived of the right to vote because of that pattern. That is a difficult element to prove for an individual voter, but it is both reasonable as an inference to be drawn by the Congress, and, in view of the almost impossibility of proof in each case, it is a conclusive presumption, so to speak, which it is recommended that the Congress here enact into statute.

On page 15, the paragraph toward the top of the page, Mr. Walsh commences:

> As I would visualize the proceeding, it would be ex parte, but it would lead to an adjudication; the referee spares the judge the job of testing as to whether a man can read and write, how old he is, and where he lives. The referee gets that.
>
> The CHAIRMAN. Would you say that is adjudicative, judicial?
>
> Mr. WALSH. It is not adjudicated until the judge has ratified it. It is a step in an adjudicative process.
>
> The CHAIRMAN. It is a step in the judicial process, as an aid to the court.
>
> Mr. WALSH. Yes. But before the court acts finally, the referee's tentative findings and recommendations are given to the State registrar and all of the other parties in the underlying proceeding, so that they may challenge them, if they see fit.
>
> Then, if they challenge them—supposing the Negro applicant says, "I live on the corner of Third Street and First Avenue in this congressional district," and the State registrar has information that he does not live there, that he really lives in another county altogether, in a different congressional district. I would assume that the judge in these circumstances, as a matter of consistent practice, will require that the referee's report be served on the State registrar or the other State defendant in this action; and that then, if that State registrar files exceptions to that portion of the report and indicates that there is a substantial issue of fact as to where this man lives,

there will be a hearing, the same as there would be in any kind of a court proceeding.

Mr. HOLTZMAN. And the court would finally determine that.

Mr. WALSH. That is right. I suppose the court could refer that back to the referee himself, or he could determine it himself.

The CHAIRMAN—

Mr. President, that is the chairman of the House Judiciary Committee, Mr. CELLER, not the chairman of the Senate Judiciary Committee.

Let us assume a pattern of practice where a group is involved. Does that mean the voting referee would have to make a determination based on the deprivation or the discrimination in each individual case in that group?

Mr. WALSH. No, sir. The voting referee would not make that determination. That is the whole purpose of this statute, to avoid the need for that determination in each individual case. Once the judge has found the existence of a pattern or a practice of discrimination which involves a State official who has something to do with the voting process, then all the applicant has to show is that (1) he is qualified to use the voting process and (2) that that State official is not letting him do it.

On page 15, in the paragraph toward the bottom of the page, Mr. Walsh states:

Congress, if this bill prevails and passes, will have made a legislative finding that the probability is so high that that is the only reason for not letting Negroes register, there it may be assumed a conclusive presumption or statutory rule, and therefore need not be found in each individual case.

Then on page 17, toward the middle of the page, Chairman CELLER asked this question:

What I was concerned about in the case of the Federal registrar's making a determination that an individual was qualified to vote and was refused registration is that if it is a justifiable question or a disputed question, there would have to be a confrontation of witnesses and cross-examination, and so forth; would there not?

Mr. WALSH. You would have to have due process, and it is harder to generalize about it.

I think the question that concerns you at the moment is this idea of letting a Federal officer be appointed without such a preliminary judicial finding that there is a pattern of discrimination.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. EASTLAND. I yield for a question.

Mr. LONG of Louisiana. Does the Senator from Mississippi recall that many of our liberal friends fought very strenuously in days gone by to protect the right of due process for persons accused of subversive activities?

Mr. EASTLAND. Yes; I do recall.

Mr. LONG of Louisiana. Did not many of our distinguished liberal friends also fight vigorously to protect the right of due process on behalf of those who were found to be subversives and engaged in Communist activities?

Mr. EASTLAND. The Senator is exactly correct.

Mr. LONG of Louisiana. If a Communist or a labor leader—and I do not put the two in the same category at all——

Mr. EASTLAND. Of course not.

Mr. LONG of Louisiana. If a Communist or a labor leader, or a member of some other group—almost any other group under the sun—is entitled to the benefit of due process—felons, Communists, traitors—can the Senator from Mississippi tell me why an honorable elective or appointive public official, holding an office of trust, should not be entitled to due process to redeem his honor?

Mr. EASTLAND. Of course he should be. A thug, a thief, an embezzler, a murderer, or a Communist is entitled to due process; but an upstanding white citizen of the South is not under this title.

Mr. LONG of Louisiana. Can the Senator from Mississippi give any logical reason why a person who is respected by his fellow citizens and holds an office of trust should not be accorded the same privileges which some Members of Congress would use to defend and protect Communists?

Mr. EASTLAND. I know of no reason except pressure to capture the Negro vote in urban areas. That is the only reason I know of. Of course, that is not a valid reason, but we must face it.

The distinguished junior Senator from Louisiana has made a strong point in saying that a Communist or a traitor is entitled to due process, and that such protection has been supported by our liberal friends in the Senate. But a lawyer who is a white southerner is not entitled to the same rights; and the liberals in the Senate attempt to deny those rights.

Mr. LONG of Louisiana. Did not some of our liberal friends, in trying to protect the right of due process for Communists, keep the Senate in session all night long, around the clock, for a considerable period of time when the subversive control bill passed the Senate some years ago?

Mr. EASTLAND. The Senator is exactly correct.

Mr. LONG of Louisiana. Did they not exert every effort to assure due process in order to protect those who were found by the FBI and other investigative agencies to be traitors to the country?

Mr. EASTLAND. Of course; but the liberal groups and the pressure groups were all lined up to make certain that due process was accorded Communists. Now they do not want to extend the same rights to the white people in the South.

Mr. LONG of Louisiana. After the Subversive Control Act was passed, did not the Supreme Court rule that the Communist organizations had to be accorded every privilege of due process, including confrontation of their accusers, even though the FBI thought it was damaging to the interests of the United States?

Mr. EASTLAND. That is exactly correct.

Mr. President, without prejudicing my right to the floor, I should like to ask the Senator from Louisiana a question.

The PRESIDING OFFICER (Mr. HILL in the chair). Without objection, it is so ordered.

Mr. EASTLAND. Does the distinguished Senator from Louisiana believe that the present Supreme Court would extend that same right to the very fine white people of the South?

Mr. LONG of Louisiana. One would think, I might suggest to the Senator, that it would be unconstitutional to try to deny a person the right of due process. Does not the Senator recall that in the Greene case, a case which I think involved Communists, the Court itself held that Congress had no power to deny traitors the right of due process?

Mr. EASTLAND. The Senator is correct.

Mr. LONG of Louisiana. Can the Senator from Mississippi inform me how the Supreme Court can possibly arrive at the conclusion that Communists are entitled to the protection of due process, but that honorable persons, elected and respected by their friends and associates, and by the public in general, are not entitled to the same privileges?

Mr. EASTLAND. They are entitled to the same privileges; but the distinguished Senator asked me how the Court could rule as it did. I do not see how the Court could make that decision or such a decision as in Brown against Board of Education case and base it on psychology and Communist teachings. They left out an explanation of how psychology would affect a white student in school. Has he no rights? A white man is deemed to have no rights. This proposal is an attempt to deprive the white man of his basic rights under the Constitution. Is there any question in the Senator's mind about that?

I believe in giving the Negroes constitutional rights; but we should certainly place the races on a parity and not have privileged classes of people under the law. That is what the Supreme Court has done.

Mr. LONG of Louisiana. I thank the Senator from Mississippi.

Mr. EASTLAND. Mr. President, I resume my quotation from the hearings:

I think the question that concerns you at the moment is this idea of letting a Federal officer be appointed without such a preliminary judicial finding that there is a pattern of discrimination. In other words, a pattern to permit a Federal officer to supplant a State officer merely upon the view of the committee proceeding along the lines of a congressional committee, in which there has been no cross-examination or confrontation extended to the State officer.

Chairman CELLER. You mean that Congress can justify that presumption?

Mr. WALSH. Yes, sir. I think it is a reasonable presumption. I think if you have had a pattern found, the likelihood of any other reason for refusing to let him register even though he was qualified is nil. So I think there is a reasonable basis for such a presumption.

Not only is it reasonable, but it is necessary, because for an individual to prove each case that he had been a victim of prejudice is very difficult. Therefore, I think he needs Congress' help in that regard.

Mr. WILLIS. Would the chairman yield?

The CHAIRMAN. Is there any precedent where Congress has created such a presumption?

Mr. WALSH. The first thing that occurs to me is in the antitrust cases, where the presumption is not conclusive, but presumptive. Where there has been a Government antitrust case, a private plaintiff who claims to

have been the victim of the same pattern of restraint of trade which the Government has proved may cover his burden of proof by relying on that proved in the Government case.

This is not a conclusive presumption; that would establish a prima facie case.

Then, lastly, on page 29, Representative WILLIS, speaking, says:

Then you say, "This difficult element of proof is the one which the statute would eliminate. Congress would in effect provide that where the court has found a pattern of discrimination against Negroes, it is so obvious that this pattern is the only cause for the denial of registration to a fully qualified Negro applicant that the applicant need not prove this casual link."

Mr. WALSH. That is the heart of the bill.

The fallacy in that presumption is demonstrated by the fact that there ought not to be any such thing in law as conclusive presumptions, and that is demonstrated in the hypothetical case that I stated a while ago, and that Negro, indicted and tried for murder or whatnot, has served his sentence, or guilty of any other crime which disenfranchises under State law, applies to a State board of registrars, county board of registrars, to be permitted to vote, and they turn him down because he is not qualified to vote because of the Georgia statute which prohibits criminals convicted of felonies from voting, or any other State.

That was the reason for it—that he was denied the right to vote; in the language of the bill, he has been denied under color of law the opportunity to register to vote or otherwise qualify to vote.

He proves that; he proves his age; he proves his mental qualifications, and you have got a presumption then, conclusive presumption, that the reason that that board of registrars did not let him vote was because he was a Negro. It is a conclusive presumption, whereas the real reason they did not let him vote was because he was not qualified under the laws of Georgia to vote.

That shows you what presumptions do for you.

Senator ERVIN. I know you pointed out in the hearing before the House very effectively that a conclusive presumption or any presumption which denied an adversary party a fair opportunity to contradict it or disprove it, violates, when created by statute, the due process clause.

Mr. BLOCH. It violates the due process of law, and even if it should be a rebuttable presumption, the person against whom the presumption exists is given no opportunity under this bill to rebut it at any stage of the proceeding, either before the judge or the referee.

It is indeed incomprehensible to me that the Attorney General urges legislation, allegedly based upon the 15th amendment, which empowers a Federal court to decree that State officials are guilty of depriving an individual of his 15th amendment rights, and then, by reason of that decree, to compel State officials to permit other persons, not parties to the original suit, to vote at its elections.

I find no constitutional basis for Congress to convert Federal courts into registration boards and supplant State officials.

Uniformly appraised as a legislative arrogation of judicial power, whereby courts are rendered unable to conduct an investigation of evidence preliminary to a determination of the facts to which relevant principles of law are to be applied, conclusive statutory presumptions consistently have been held to deprive defendants of due process of law, by denying them a fair opportunity to present facts pertinent to their defense.

Nowhere in the record of hearings, either before the House committee or the Senate committee has there been presented by the administration any constitutional basis to justify the enactment of a conclusive presumption measure. During the House committee hearings, Judge Walsh was asked on what grounds a conclusive presumption could be justified. Judge Walsh replied that in his opinion it was reasonable and necessary that Congress provide such a statutory conclusive presumption, not on the basis of its constitutional validity, but solely because it was necessary.

It seems to me, Mr. President, that the Attorney General would have the Congress turn its back on the well-established principles that conclusive statutory presumptions deny due process of law and are unconstitutional. It would appear that in its zeal to enact civil rights legislation, the Congress is asked to disregard constitutional limitations.

I, for one, am not willing to go that route, and will oppose with all my strength any proposed legislation which is violative of due process of law. In the guise of political expediency we are asked to change defendant's rights which heretofore have been consistently preserved.

It would seem to be so self-evident that this proposal contravenes all rules of civil procedure that it would be unnecessary to cite existing law. It appears, however, that that is not the case.

Mr. President, all of the powers, functions, and duties of either the court or an appointed referee, after the pattern or practice has been found, as set forth in title VI of H.R. 8601, are clearly nonjudicial functions. They are ministerial and administrative. The court or referee is simply turned into a registration board, and it is the admitted purpose of the proponents of this legislation to make it possible for applicants to be registered with the same degree of ease that they could be registered before the appropriate State election officials.

All a Negro applicant has to do, when he has a conclusive presumption in his pocket, is to apply to the court or a designated referee and allege, first, he is qualified under State law to vote; and second, he has, since such finding by the court, been (a) deprived or denied under color of law the opportunity to register to vote or (b) been found not qualified to vote by any person acting under color of law.

Regardless of whether the application is made to the court or to a referee, the ensuing hearing involves only the applicant. Insofar as the referee is concerned, he must take the applicant's own word, under oath, as prima facie evidence of age, residence, and his prior efforts to register or otherwise qualify to vote. Regardless of whether the term "ex parte" is used, the hearing is one-sided; there is no contest or controversy; there is no defendant; no one is allowed to challenge or controvert the witness. The individual who has caused the damage to the applicant, redress of which is the right he now asserts, is barred from participating in the proceeding.

This judicial travesty that would be created by title VI is outside the scope of power conferred upon the Federal courts under article III of the U.S. Constitution. Article III, section 1, of the Constitution provides that:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

After the courts are established, it is then provided, in section 2 of this article, that:

The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.

And, in a later clause of this section "to controversies to which the United States shall be a party."

The case of *Muskrat* v. *United States* (219 U.S. 346) clearly delineated the extent of the judicial power inherent in U.S. courts. Mr. Justice Day, who delivered the opinion, stated, in part:

It therefore becomes necessary to inquire what is meant by the judicial power thus conferred by the Constitution upon this court, and with the aid of appropriate legislation upon the inferior courts of the United States. "Judicial power," says Mr. Justice Miller in his work on the Constitution, "is the power of a court to decide and pronounce a judgment and carry it into effect between persons and parties who bring a case before it for decision" (Miller on the Constitution, 314).

As we have already seen by the express terms of the Constitution, the exercise of the judicial power is limited to "cases" and "controversies." Beyond this it does not extend, and unless it is asserted in a case or controversy within the meaning of the Constitution, the power to exercise it is nowhere conferred.

What, then, does the Constitution mean in conferring this judicial power with the right to determine "cases" and "controversies"? A "case" was defined by Mr. Chief Justice Marshall as early as the leading case of *Marbury* v. *Madison* (1 Cranch 137) to be a suit instituted according to the regular course of judicial procedure. And what more, if anything, is meant in the use of the term "controversy"? That question was dealt with by Mr. Justice Field, at the circuit, in the case of *In re Pacific Railway Commission* (32 Fed. Rep. 241, 255). Of these terms that learned justice said:

"The judicial article of the Constitution mentions cases and controversies. The term 'controversies,' if distinguishable at all from 'cases,' is so in that it is less comprehensive than the latter, and includes only suits of a civil nature. *Chisholm* v. *Georgia* (2 Dall. 431, 432; 1 Tuck. Bl. Comm. App. 420, 421). By cases and controversies are intended the claims of litigants brought before the courts for determination by such regular proceedings as are established by law or custom for the protection or enforcement of rights, or the prevention, redress, or punishment of wrongs. Whenever the claim of a party under the Constitution, laws, or treaties of the United States takes such a form that the judicial power is capable of acting upon it, then it has become a case. The term implies the existence of present or possible adverse parties whose contentions are submitted to the court for adjudication."

As this opinion so clearly points out, cases and controversies, which are the extent of the judicial power, must involve persons, parties, litigants—always those who have adverse interests. Then, too, if the party or parties who were responsible for the wrong charged were not given their contemporaneous day in court, Congress would also be violating the fifth amendment in enacting this proposed legislation—depriving the adverse party of due process of law.

Edward S. Corwin, who was selected by Congress to edit the 1952 edition of the Constitution of the United States, Analysis and Interpretation, has this to say on the subject of cases and controversies:

> The meaning attached to the terms "cases" and "controversies" determines therefore the extent of the judicial power, as well as the capacity of the Federal courts to receive jurisdiction. As Chief Justice Marshall declared in *Osborn* v. *Bank of the United States*, judicial power is capable of acting only when the subject is submitted in a case, and a cases arises only when a party asserts his rights "in a form prescribed by law." Many years later Justice Field, relying upon *Chisholm* v. *Georgia*, and Tucker's edition of Blackstone, amended this definition by holding that "controversies," to the extent that they differ from "cases," include only suits of a civil nature. He continued: "By cases and controversies are intended the claims of litigants brought before the courts for determination by such regular proceedings as are established by law or custom for the protection or enforcement of rights, or the prevention, redress, or punishment of wrongs. Whenever the claim of a party under the Constitution, laws, or treaties of the United States takes such a form that the judicial power is capable of acting upon it, then it has become a case. The term implies the existence of present or possible adverse parties whose contentions are submitted to the Court for adjudication." The definitions propounded by Chief Justice Marshall and Justice Field were quoted with approval in *Muskrat* v. *United States*, where the Court held that the exercise of judicial power is limited to cases and controversies and emphasized "adverse litigants," "adverse interests," and "actual controversy," and conclusiveness or finality of judgment as essential elements of a case.

Again, at a later point Corwin says:

> Because judicial review is an outgrowth of the fiction that courts only declare what the law is in specific cases, and are without will or discretion, its exercise is surrounded by the inherent limitations of the judicial process and notably the necessity of a case or controversy between adverse litigants with a standing in court to present the issue of unconstitutionality in which they are directly interested. The requisites to a case or controversy have been treated more extensively above, but it may be noted that the Supreme Court has repeatedly emphasized the necessity of "an honest and actual antagonistic assertion of rights by one individual against another," and its lack of power to supervise legislative functions in friendly proceedings, moot cases, or cases which present abstract issues.

Even the case of *Ex parte Siebold* (100 U.S. 397), sustains the principle set forth in the Muskrat case. Under the old Davenport Act, providing for supervision of elections, Congress vested in the courts the duty to name these supervisors. At page 397 of the opinion the Court says:

> Finally, it is objected that the act of Congress imposes upon the circuit court duties not judicial, in requiring them to appoint the supervisors of election, whose duties, it is alleged, are entirely executive in their character. It is contended that no power can be conferred upon the courts of the United States to appoint officers whose duties are not connected with the judicial department of the Government.

Note carefully that the duties to be performed by the election supervisors were duties that were "not connected with the judicial department of the Government." They were not only not connected, but after the Court named a supervisor of election, the Court had no further control or supervision over the appointee. He carried out the duties provided for under the later repealed Federal election law. The Siebold opinion states further:

> The Constitution declares that "the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments." It is no doubt usual and proper to vest the appointment of inferior officers in that department of the Government, executive or judicial, or in that particular executive department to which the duties of such officers appertain. But there is no absolute requirement to this effect in the Constitution; and, if there were, it would be difficult in many cases to determine to which department an office properly belonged. Take that of marshal, for instance. He is an executive officer, whose appointment, in ordinary cases, is left to the President and Senate. But if Congress should, as it might, vest the appointment elsewhere, it would be questionable whether it should be in the President alone, in the Department of Justice, or in the courts. The marshal is preeminently the officer of the courts; and, in case of a vacancy, Congress has in fact passed a law bestowing the temporary appointment of the marshal upon the justice of the circuit in which the district where the vacancy occurs is situated.
>
> But as the Constitution stands, the selection of the appointing power, as between the functionaries named, is a matter resting in the discretion of Congress. And, looking at the subject in a practical light, it is perhaps better that it should rest there, than that the country should be harassed by the endless controversies to which a more specific direction on this subject might have given rise. The observation in the case of Hennen, to which reference is made (13 Pet. 258), that the appointing power in the clause referred to "was no doubt intended to be exercised by the department of the Government to which the official to be appointed most appropriately belonged," was not intended to define the constitutional power of Congress in this regard, but rather to express the law or rule by which it should be governed. The cases in which the courts have declined to exercise certain duties imposed by Congress, stand upon a different consideration from that which applies in the present case. The law of 1792, which required the circuit courts to examine claims to revolutionary pensions, and the law of 1849, authorizing the district judge of Florida to examine and adjudicate upon claims for injuries suffered by the inhabitants of Florida from the American army in 1812, were rightfully held to impose upon the courts powers not judicial, and were, therefore, void. But the duty to appoint inferior officers, when required thereto by law, is a constitutional duty of the courts; and in the present case there is no such incongruity in the duty required as to excuse the courts from its performance, or to render their acts void. It cannot be affirmed that the appointment of the officers in question could, with any greater propriety, and certainly not with equal regard to convenience, have been assigned to any other depositary of official power capable of exercising it. Neither the President, nor any head of department, could have been equally competent to the task.

What could be more analogous to the voting qualification procedure than the unconstitutional function Congress attempted to confer on the Federal courts in adjudicating the Florida claims. The parallel is exact and deadly. It is ironic that this Siebold case, which did sustain in part the powers of Congress to exercise some supervisory control over voting for national officers, now rises to deny the proponents of the presently devised vote control plan the very constitutional basis for their scheme.

Now, let me read from a case decided by the Supreme Court in 1930, *Federal Radio Commission* v. *General Electric Co.* (281 U.S. 464). A review was sought of a decision of the Court of Appeals of the District of Columbia given on appeal from an order of the Radio Commission. The Court held that Congress could properly vest in the courts of the District of Columbia legislative and advisory powers. Justice Van Devanter said, in part:

> It is recognized that the courts of the District of Columbia are not created under the judiciary article of the Constitution but are legislative courts, and therefore that Congress may invest them with jurisdiction of appeals and proceedings such as have been just described.
>
> But this Court cannot be invested with jurisdiction of that character, whether for purposes of review or otherwise. It was brought into being by the judiciary article of the Constitution, is invested with judicial power only and can have no jurisdiction other than of cases and controversies falling within the classes enumerated in that article. It cannot give decisions which are merely advisory; nor can it exercise or participate in the exercise of functions which are essentially legislative or administrative.

The same limitation that the Supreme Court here places on itself is also applicable to all U.S. district courts outside of the District of Columbia. Courts cannot perform functions which are essentially legislative or administrative. Qualifying applicants under the voting referee plan is nothing more nor less than an essentially administrative function, whether performed by the judge or the referee.

Mr. President, these decisions I have cited are but a few, but cases are legion to prove and demonstrate that the powers, functions, and duties proposed by title VI to be bestowed on Federal district courts are beyond the powers bestowed upon the judicial branch of our Government under article III of the Constitution. At a later time I shall review some or possibly all of the additional cases.

Mr. President, I am going to speak during this debate several other times. I want the RECORD to show repeatedly

that I am opposed to the bill in any form, and that I am going to do everything within my power to prevent its passage.

I yield the floor.

ADDRESS BY SENATOR MORTON AT DES MOINES, IOWA

During the delivery of Mr. EASTLAND's remarks,

Mr. HICKENLOOPER. Mr. President, will the Senator yield to me for an insertion in the RECORD?

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Iowa, with the understanding that it will not prejudice my rights to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

Mr. FREAR. Mr. President, reserving the right to object—and I shall not object—I wonder if the Senator from Mississippi will give us any idea as to the length of the short speech which he has in front of him.

Mr. EASTLAND. I make no promises.

Mr. FREAR. Mr. President, I do not object.

Mr. HICKENLOOPER. Mr. President, I am happy to join in that request. That was the condition under which I made the request for the Senator to yield. I also ask unanimous consent that my remarks be printed in the RECORD after the conclusion of the Senator's speech.

The PRESIDING OFFICER. Is there objection to the requests of the Senator from Mississippi and of the Senator from Iowa? The Chair hears none, and it is so ordered.

Mr. HICKENLOOPER. Mr. President, on the 31st of March of this year the Senator from Kentucky [Mr. MORTON], who is the chairman of the Republican National Committee, addressed the annual Iowa Republican finance dinner in Des Moines, Iowa, at which he gave an address largely devoted to the subject of agriculture.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. HICKENLOOPER. I yield.

Mr. EASTLAND. What did the Senator say about agriculture which would interest the farmer?

Mr. HICKENLOOPER. Among other things, the Senator from Kentucky said, Mr. President, that it is high time we stopped tinkering with the problems of agriculture on a political basis and started to solve them on an economic basis.

Mr. EASTLAND. What did the Senator advocate for corn? What did the Senator promise? Did he promise more for corn?

Mr. HICKENLOOPER. I suggest that the Senator read the address.

Mr. EASTLAND. Did he promise to increase the price of hogs?

Mr. HICKENLOOPER. No. The Senator from Kentucky did not confine himself to such details.

Mr. President, I ask unanimous consent——

Mr. EASTLAND. How does he propose to help the farmers? I think he is dealing in some political medicine. That is what the Senator from Mississippi thinks. The Senator made a speech in which he said he wanted to help the farmers, but he did not promise to do anything for the farmers.

Mr. HICKENLOOPER. I will say in general the speech advocates doing something for the farmers, rather than the general Democratic program of doing something to the farmers.

Mr. EASTLAND. What would he do for the farmers? I expect he will do something to them.

Mr. HICKENLOOPER. I suggest that the Senator read the address which I am offering for the RECORD. Mr. President, I ask unanimous consent that this very excellent address by the Senator from Kentucky be printed as a part of my remarks at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS BY SENATOR THRUSTON B. MORTON, REPUBLICAN, OF KENTUCKY, CHAIRMAN OF THE REPUBLICAN NATIONAL COMMITTEE, IOWA REPUBLICAN FINANCE DINNER, VETERANS' AUDITORIUM, DES MOINES, IOWA, MARCH 30, 1960

It is a great pleasure to visit Iowa again and to have the opportunity of meeting with so many active Republican workers.

In the year that I have served as chairman of the Republican National Committee, it has been my privilege to participate in meetings such as this in more than 40 States. I can report to you that our party is on the march everywhere but the greatest resurgence of Republican strength I have encountered is right here in Iowa and its neighbor States.

As all of you know, the Republican Party has suffered serious losses in the Midwest in recent elections—in Senate and House seats, in governorships, and in other important political offices. I strongly believe this trend will be sharply reversed in 1960. Republicans will recapture many of the elective positions which went to Democrats in 1954, 1956, and 1958.

It seems to me that Iowa's special election of last fall in the Fourth Congressional District clearly points to such a probability. This was a crucial contest—one of genuine national significance. The election of JOHN KYL to Congress represented a smashing Republican Party victory.

I know firsthand of the organizational work and the tremendous campaign effort which the candidate and hundreds of active Republican Party workers put into this winning drive. I know that with equal determination and dedication, this great Republican victory can be duplicated in many election contests next November. Here in Iowa, for example, it seems to me that it is possible to win all of the three House seats now held by Democrats. I believe that our chances of unseating Democratic Congressmen are as bright in other Midwestern States.

It seems to me that the Republican resurgence is attributable to several factors. First, and most importantly, this Republican administration has maintained the peace and a great majority of the American people believe that the best hope of achieving a permanent easing of world tensions lies in the election of another Republican administration. Second, there is the indisputable fact that most segments of the economy are expanding to unprecedented heights, with more people at work, earning more, investing more, building more and buying more than at any time in our history. A third powerful factor in the improved outlook for Republican success is the increased organizational activity within the party itself. This is evident everywhere. More people are now willing to work actively for the party and its candidates.

Currently I sense the emergence of a fourth positive factor, one which could be vitally important here in the Midwest. I believe that many traditionally Republican farm people, who had become discouraged over their failure to share fully in the Nation's record prosperity, now see that the Democrats have been seeking only to exploit and not to solve the problems of agriculture.

Since the 1954 elections, the Democratic Party has controlled Congress—and it is Congress alone which can write farm legislation. Since the 1958 elections, the Democrats have held both branches of Congress by a virtual 2-to-1 majority. Nevertheless, through all of these years the Democratic majority has dodged its responsibility to face up to the farm problem. Instead, its individual members have sought to fasten responsibility for all of agriculture's ills upon the executive branch of the Government. And this they have done with the full knowledge that the President and the Department of Agriculture can do only those things which the laws passed by Congress permit or direct.

At this point, may I digress for a moment? A couple of Sundays ago I watched with keen interest a combination documentary-television news show on the farm problem. Some of you may have seen it. It touched on the increasing costs of moving food from the farms to the dining tables of consumers. But it pinpointed the heart of the problem in this way: prices received by farmers have failed to keep pace with the costs of the goods and services they must buy. The familiar "cost-price" squeeze we have heard so much about in recent years.

I might add, however, that the film and the comment on this show were not about agriculture in the United States. This was a presentation of the problems of the farmers of France. And, although the major problems of French farmers were startlingly similar to those of farmers in our own country, somehow it was not even suggested that the Republican Party was responsible for the situation.

Canada, our good neighbor to the north is beset by farm problems not unlike our own—mounting surpluses, the "cost-price" squeeze and the constant battle to hold and expand export markets.

I strongly suspect that if an Iowa farmer were to sit down and discuss the world agricultural situation with farmers from France, Canada, Australia, Argentina and most of the other free nations, it would soon become apparent that all of them have many common problems. I have purposely excluded farmers from Russia, China, and the satellite countries from this hypothetical roundtable meeting because their problems are different and they wouldn't dare to talk about them anyway.

What all of this suggests to me is that the farm dilemma is much bigger and broader and far more complicated than the people with the quick and easy solutions are willing to admit. It is in no small part an economic problem but it represents a social problem as well. Farmers are people and farming is more than just a business.

Agriculture, as every Iowa farmer knows, has been going through a tremendous technological revolution, particularly in the last two decades. The end is not in sight and who can say with certainty that this great flood of new farm know-how will not one day in retrospect appear as a mere trickle?

The improvement in farm income and living standards which farm people want and rightly deserve will be found not on the road which leads backward but rather along the one which lies ahead. The outmoded programs designed to serve agriculture in time of war cannot be made to fit the needs

of farmers today. Political gimmicks won't solve basic economic problems, either.

And the Brannan plan—dusted off and repackaged by the Democrats, and now being put forward as their farm program—this discredited blueprint for the regimentation of all agriculture represents the worst of all possible approaches to the problems of agriculture. It would make virtual serfs of farmers. While farmers clearly would suffer most under its oppressive provisions, there is room for debate as to whether labor, business, or consumers would be the next hardest hit. One thing is certain, it would adversely affect every American citizen.

The resurrected Brannan plan now bears the innocent-sounding title: "Family Farm Income Act of 1960." It has been introduced in bill form, with some slight variations, by nearly a score of Democrats, including three Democratic Congressmen from Iowa. Governor Loveless and several other Democratic Governors have spoken out in support of this approach to the farm problem. The leading candidates for the Democratic presidential nomination have also been flirting with the idea. It represents, as nearly as anything can prior to convention time, the farm program of the Democratic Party. It is interesting to note that after 12 years the Democrats are back where they started, back to the Brannan plan.

For the last 7 years the Democrats have had no farm program which could be definitely tied to them as a party. They were content, without offering real alternatives, just to attack the Republican administration and the farm laws on the books—even though the present price-support programs are based essentially upon measures passed by Democratic Congresses.

For the first time since the Democrats went to the Farm Belt with the Brannan plan and were repulsed in the elections of 1950, there is now the opportunity for a meaningful, full-dress debate of the entire farm problem. Farmers will be presented a clear-cut choice between the all-out regimentation of the revived Brannan plan and the premise that farm income can be bolstered without putting farmers in chains. Obviously I cannot present you with a preview of the party's 1960 farm plank because it has not been written. I cannot anticipate the thoughts and ideas our presidential nominee will have, but I know that much work is being done by factfinders in the farm field. I can assure you that we Republicans won't be running on the Brannan plan. We will stand forthrightly for the farmer, for his security, and for his freedom.

President Eisenhower, on February 9 of this year, once again called the attention of Congress to the serious problems confronting agriculture and urged early corrective action. In that special farm message he said:

"I have repeatedly expressed my preference for programs that will ultimately free the farmer rather than subject him to increasing governmental restraints. I am convinced that most farmers hold the same view. But whatever the legislative approach, whether toward greater freedom or more regimentation, it must be sensible and economically sound and not a political poultice. And it must be enacted promptly. I will approve any constructive solution that Congress wishes to develop."

The President then went on to lay down broad guidelines for congressional action. He said that within those guidelines he was constantly ready to approve any one or a combination of constructive proposals.

I sincerely hope, as I am sure most farmers do, that the Democratic Congress will come forward with constructive farm legislation which would meet the standards outlined by the President. This would represent a long step toward the solution of agriculture's more pressing problems. If the Democratic Congress fails to act constructively, certainly the Republican Party must go to the people on this vital farm policy issue.

There are so many things wrong with the Brannan-type bills now pending in Congress that I shall not attempt to list them in detail here this evening. A few will suffice.

Under the provisions of this proposed legislation, the four-fifths of agriculture which is now entirely free of Government controls could be brought under Federal regimentation. The program offered to hog producers would force an estimated production cut of 30 percent. Cattle producers could be similarly regulated, with cattle prices fixed by grades. (Remember when we had the Government in the business of fixing cattle prices?) Egg production would be cut an estimated 30 to 40 percent under the proposed program. Wheatgrowers would be confronted with a forced allotment reduction from 55 million acres to less than 25 million—a cut of more than one-half.

Although the proposed measure is designated as the "Family Farm Income Act of 1960," nowhere in the language of the bill is any income goal spelled out. The many Democratic sponsors of this proposal are seeking to imply that family farm incomes would rise if it were adopted. It seems clear to me that the reverse would occur. The harsh cutbacks in total farm production would more than offset the increased prices which are promised.

Moreover, large numbers of farmers specializing in one type of operation would find themselves reaping the consequences of programs adopted by other producer groups. For example, many corn-hog-cattle operators here in the Midwest utilize on their own farms all of the feed they produce. Because they don't market the required $500 worth of feed grains a year, they would be ineligible to vote in referendums which could impose heavy cutbacks on their own production of such grains. This is nothing less than confiscation without representation.

There are other far-reaching implications of the Brannan-plan approach which its Democratic sponsors have not thought through. Obviously, it would take fewer packinghouse workers to slaughter and process fewer cattle and hogs. It would require fewer employees in the farm-equipment plants to turn out machinery for an agriculture geared to scarcity rather than abundance. Fewer transportation workers would move a sharply reduced volume of farm products to market. It would require fewer retail and service businesses, with smaller numbers of employees, to provide the goods and services which a straitjacketed agriculture would need—less farm machinery, less petroleum products, less feeds and seeds, less lumber, less fencing, etc.

Consider for a moment what this would mean in terms of jobs and income here in Iowa and across the Nation. Think what it would mean to your city or town and to you personally. Those labor leaders who are lending their support to the pending Democratic farm legislation would do well to take a long, hard look at what this program would do to their membership, both in terms of jobs and living costs. As a matter of cold economics, it would be impossible to reduce total farm output by 20 or 30 percent, without reducing employment in allied agricultural industries and businesses by nearly as large an amount. And any labor leader who believes food becomes cheaper as it becomes less plentiful can get himself straightened out by having a little talk with his wife.

In summary, here is an alleged "family farm income" program which would cut farm income, drastically reduce jobs both on and off the farm and sharply increase food prices and other living costs to consumers. The only offsetting job effects I can conceive are these: a vastly augmented army of bureaucrats would be required to police and enforce the compliance features of the program; more adding machines, file cabinets and double-entry ledgers would be needed by farmers to keep the intricate records Federal inspectors would demand.

The Nation's farmers would never knowingly trade their birthright for this mess of pottage. The danger is that this monstrous farm program could be foisted upon them by fast-talking politicians under the guise of a "family farm income" plan, which it clearly is not.

It seems to me that one of the greatest services Republicans can perform in every farm State of the Nation is to acquaint farmers, and the millions of others who would be directly affected, with the grave threat which confronts them in the form of the retitled Brannan plan.

If this is done effectively, I shall have no doubts as to how a great majority of farm people will vote in the elections of 1960.

Mr. EASTLAND. Mr. President, will the Senator yield for another question?

Mr. HICKENLOOPER. I yield.

Mr. EASTLAND. How much money did the Republicans raise?

Mr. HICKENLOOPER. We fed over 3,000 people at $25 each. I do not know what the expenses were, but they were a small portion of the $25 each. It was the biggest political crowd of that kind which ever sat in the State of Iowa at a similar meeting, either Democratic or Republican.

I will say to the Senator that I am very, very happy about the success of the meeting, and I was stimulated by the speech of the Senator from Kentucky.

I suggest that there is some pretty good philosophy in the speech of the Senator from Kentucky. The Senator from Mississippi, with whom I have sat on the Committee on Agriculture and Forestry for many years, has, in the main——

Mr. EASTLAND. That is wrong.

Mr. HICKENLOOPER. The Senator has, in the main, been quite sound on his approach to the problem of agriculture.

Mr. EASTLAND. I thank the Senator.

Mr. HICKENLOOPER. I will say to the Senator from Mississippi that the only possible resentment I might hold against the Senator from Mississippi—and otherwise I have the highest regard for him—is the fact that a great deal of the prosperity of Mississippi, and especially of that loamy belt along the river, is due to the alluvial wash which we send down the Mississippi from the State of Iowa. Some day I hope that the State of Mississippi will be kind enough to sort of help us out a little bit, when we get in bad financial straits, because of the use of all this soil over the years.

Mr. EASTLAND. Mr. President, that is a captive product. But I wish to make it clear that the farmer evidently got a rooking. The Republican national chairman went out to the great fertile State of Iowa, the heart of the Corn Belt of the world with a great corn, hog, and livestock production, and made a farm speech. According to my friend from Iowa, he did not offer anything that would increase the income of the farmer. He got by with it——

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. EASTLAND. Just a moment.

Mr. HICKENLOOPER. Mr. President, I am getting beaten over the head now.

Mr. EASTLAND. To add indignity to insult, he charged them $25 a plate for 50 cents worth of food, and the money went into the Republican war chest. As the Senator says, he did not promise to raise the price of corn. He did not promise to raise the price of cattle. He did not promise to raise the price of hogs. In other words, the farmers of Iowa got a rooking. They ought to vote Democratic.

Mr. HICKENLOOPER. I may say to the Senator from Mississippi that the Democrats have been in general control of the Congress for 24 of the past 28 years. During all that time the Republicans have been trying to do something for the farmers, rather than give them mere promises. We leave the promises for the Democrats. But if we get a chance we will actually do something for the farmers in the agricultural program.

So far as the substance of the speech of the Senator from Kentucky is concerned, it is a very good speech.

Mr. EASTLAND. The Senator has not answered the question. There is no substance to it.

Mr. HICKENLOOPER. It was a very good speech. I did not want to read the speech into the RECORD. I suggest to the Senator from Mississippi that he read the speech in the morning when it is in the RECORD. I think he will find that it is very sound economic philosophy.

Mr. EASTLAND. It is economic philosophy, but the farmer cannot eat that. He cannot pay his debts with economic philosophy.

The Senator referred to how long the Democrats have been in control of Congress. The distinguished Senator knows that we cannot get a farm bill by the White House. American agriculture would be floating in prosperity if the White House would let the Democratic farm programs by.

Mr. HICKENLOOPER. Let me say to the Senator from Mississippi that the farmer can come nearer to eating well if his problems are solved on the basis of economics, than he can on the promises of the Democratic Party, which are never fulfilled.

Mr. EASTLAND. He cannot get by on 12-cent hogs. That is the Republican farm program. We have passed farm bills that would help him, and the President has vetoed them.

Mr. HICKENLOOPER. I think the 12-cent hogs were under the Democratic control of Congress.

Mr. EASTLAND. Everyone knows that Mr. NIXON will be the Republican nominee for President.

Mr. HICKENLOOPER. Let me correct that and say that he is going to be the next President. We might as well jump that hurdle.

Mr. EASTLAND. Is he going to adopt the present farm philosophy of the White House?

Mr. HICKENLOOPER. I think Mr. NIXON will adopt his own philosophy. I do not know that he is going to adopt any philosophy merely because it is someone else's.

Mr. EASTLAND. Will the Senator answer the question? Is he going to adopt it?

Mr. HICKENLOOPER. I do not know exactly what philosophy he will adopt.

Mr. EASTLAND. In other words, the Senator is saying that Mr. NIXON might repudiate the present farm policies of the Republican leadership?

Mr. HICKENLOOPER. All I said was that I do not know what philosophy he is going to adopt. I think he will make his position clear at the proper time.

Mr. EASTLAND. I venture to say that the farmer will get another rooking then. I have heard for years from Republicans that "At the proper time we are coming up with a farm program." There has never been a thing that would add 10 cents to the price of hogs. There has never been a thing that would add two bits a bushel to the price of corn. That is what the farmer must have—not the economic philosophy about which we have heard for 30 years. It has not given the farmer a mouthful to eat in the 30 years. It is Republican hogwash.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. AIKEN. I thank the Senator from Mississippi for yielding.

I wonder if we are not getting our national chairmen a little confused. If I read the ticker correctly, the national chairman of the Democratic Party has been in Iowa making a speech at an agricultural convention. I gather the Senator from Mississippi is not happy with the speech made by the Republican national chairman. I was wondering if it could be correct to presume that the Senator from Mississippi is extolling the virtues of the Democratic national chairman.

Mr. EASTLAND. No, I am not. I think he should be fired. But my distinguished friend from Iowa stood on the floor of the U.S. Senate and adopted the philosophy of the chairman of the Republican National Committee, and even described in detail how the Republican farmers of his State were rooked at a $25-a-plate dinner, for food that cost 50 cents. The only thing the farmers were fed was economic philosophy, which they cannot eat, and with which they cannot pay their debts.

Mr. AIKEN. How did the Democratic national chairman feed the group of college students in Iowa?

Mr. EASTLAND. The Democratic Party will pass a farm bill when we get control of the White House, that will make American agriculture lush with prosperity.

Mr. HICKENLOOPER. I thought it was the Congress that passed farm bills.

Mr. EASTLAND. We have been passing farm bills, and they have been vetoed.

Mr. HICKENLOOPER. The Democratic Party is in control of the Senate by 2 to 1, and in control of the House of Representatives by 2 to 1.

Mr. EASTLAND. The American people made the mistake of putting a Republican in the White House.

Mr. HICKENLOOPER. They made a fantastic mistake when they elected Democrats to the control of both Houses.

Mr. EASTLAND. How are the farmers to be fed with economic philosophy, which the Senator said the speech was? I have heard all my life about economic philosophy. I have heard big businessmen say, "We must handle this on an economic basis," and every time the farmer got his throat cut.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. LONG of Louisiana. Is it not true that one of the very few bills that has been signed since the Republicans captured the White House was a bill which they themselves sent down here, the Benson farm bill? Under that bill things got worse instead of better, as many of us predicted.

Mr. EASTLAND. I do not remember the details of any bill, but I know that it is to the interest of the American farmer in the South, the great Midwest, and in the Far West, that we have a sound Democratic President, with a Democratic Congress, and agriculture will be better off. We shall not have 12-cent hogs, and 75-cent corn, and feed the farmers economic philosophy.

Mr. HICKENLOOPER. I wish to emphasize to the Senator from Mississippi that it would be helpful in this country if once we had a sound Democratic President. That would be rather unique in recent times.

Mr. EASTLAND. We have had some sound Democratic Presidents.

Mr. HICKENLOOPER. I earnestly hope that a Democratic President would be sound, but I am not so certain that the prospects are good.

Mr. EASTLAND. Mr. President, I appeal from the judgment of my distinguished friend the senior Senator from Iowa to the judgment of the people of Iowa, when they overruled him and elected Harry Truman President of the United States.

Mr. HICKENLOOPER. Mr. President——

Mr. EASTLAND. Mr. President, I do not yield. I have the floor.

Mr. HICKENLOOPER. I renew my request that this address be printed at the conclusion of the Senator's remarks.

Mr. EASTLAND. Mr. President, may we have order? I am against the civil rights bill, and I propose to explain it in detail.

COMPENSATION OF YAKUTAT COMMUNITY OF TLINGIT INDIANS, ALASKA, FOR EXTINCTION OF THEIR ORIGINAL INDIAN TITLE

During the delivery of Mr. EASTLAND's speech in opposition to civil rights legislation,

Mr. BARTLETT. Mr. President, I ask unanimous consent, out of order, to introduce, for appropriate reference, a bill to provide compensation to the Yakutat local community of Tlingit In-

dians of Alaska for extinction of original Indian title. That community is 1 of 13 such native Tlingit communities recognized in the Tlingit and Haida special Jurisdictional Act of June 19, 1935, and in the findings annexed to the October 1959, decision of the Court of Claims. Today the Yakutat local community is the joint community of and successor in interest to the several native clans of Tlingit Indians which among them held original Indian title to the coastal area extending along the Gulf of Alaska from Cape Fairweather to the Copper River. Since February 6, 1953, this coastal area has been made the subject of numerous oil and gas leases by the United States.

The traditional policy of the United States has been to establish its vast public domain by purchase from the Indians rather than by confiscation. Evidence of this policy may be found in the statement of the President of the United States when he signed the Indian Claims Commission Act of August 13, 1946, and the Supreme Court decision in the Tee-hit-ton case at 348 U.S.

The jurisdictional acts implemented that policy by providing for appropriate compensation in the exceptional instances where taking by the United States had, for one reason or another, occurred without full provision having been made for reasonable and proper compensation. Both acts applied to Alaska—the 1935 act exclusively so, and the 1946 act to the entire Nation, including Alaska. Indeed, the Court of Claims has already decided that the Indians are entitled to judgment for the taking of vast areas of southeastern Alaska which had been incorporated into the Tongass National Forest and two other reservations.

Both acts, however, contained statutory limitations confining their application to causes of action—takings—which had accrued prior to their enactment. Thus, the final deadline under that legislation was 1946. The leases of approximately 2 million acres to which the present bill is directed were not made until 1953 and 1956.

The net result is that, as of today, unless this bill or comparable legislation to the same general effect is enacted, these leases stand as the only exceptional instances which have come to my attention either in Alaska or stateside, in which Indian title land is being taken and no available provision for making the traditional compensation has been enacted. Clearly the discrepancy must be remedied.

Unlike many instances of taking of Indian title, the United States has already received substantial revenues from these leases. Since the passage of the act of July 10, 1957, 71 Stat. 282, it has redistributed most such receipts back to the Territory and the State of Alaska as a whole. However, the United States has never shared any part of the proceedings with the original Indian owners, and I am advised that out of the receipts prior to July 10, 1957, the Federal Government has retained more than $500,000, according to Department of the Interior's records. Therefore, $500,000 would seem to be an appropriate amount for an award to the Indian community as proposed in this bill.

Mr. President, I believe the bill introduced today is equitable. I am convinced that approval of the bill by Congress will promote fairness and reflect favorably upon the Government and people of the United States.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred.

The bill (S. 3345) to provide compensation to the Yakutat local community of Tlingit Indians of the State of Alaska for the extinction of their original Indian title, introduced by Mr. BARTLETT, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. BARTLETT. Yes.

Mr. EASTLAND. Who are the Tlingit Indians?

Mr. BARTLETT. The Tlingit Indians are one of the three Indian groups in that geographic area of Alaska commonly known as the "panhandle," which is occasionally referred to as "southeastern" Alaska. I wish to inform the Senator from Mississippi they have been there since, as the phrase runs, time immemorial. They are a wonderful group of people. They are civilized Indians.

Mr. EASTLAND. They are very fine people, I am sure.

Mr. BARTLETT. They are excellent people.

Mr. EASTLAND. Will the Senator continue to describe the Tlingit Indians? I am very interested that the Senate should be educated on the subject of the Tlingit Indians.

Mr. BARTLETT. I shall be glad to make whatever contribution I can in that respect.

Mr. EASTLAND. I will tell my distinguished friend from Alaska that I would be glad to help the Tlingit Indians in their problems with the Federal Government.

Mr. BARTLETT. I am delighted to learn of the Senator's interest. I know the Tlingit people of Alaska will likewise share in my gratification. The Tlingit and Haida Indians in this geographic area I have already described number about 6,000 people who, since ancient times, have lived chiefly from the sea. They also have certain land rights. In a recent court of claims decision in respect to their brethren a bit farther to the South those rights have been recognized.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. BARTLETT. I yield gladly.

Mr. EASTLAND. I should like to know about their neighbors to the south. Who are they?

Mr. BARTLETT. The other Tlingit people.

Mr. EASTLAND. I see.

Mr. BARTLETT. Their claims were recognized in the court of claims decision. These particular people, the people in whose behalf I have now introduced the bill, were not recognized in the decision. The bill seeks to grant justice to this relatively small group of Tlingit Indians living in north southeastern Alaska.

Mr. EASTLAND. May I ask the Senator another question?

Mr. BARTLETT. I would be glad to respond to the best of my ability.

Mr. EASTLAND. Do these people vote Democratic or Republican?

Mr. BARTLETT. I should like to inform the Senator that they almost always vote Democratic.

Mr. EASTLAND. Then they vote for my distinguished friend from Alaska. I am certainly for the bill, Mr. President.

Mr. BARTLETT. On occasion they do, and sometimes they do not.

Mr. EASTLAND. Does the Senator mean to tell me that those people use bad judgment at times?

Mr. BARTLETT. Sometimes. They are a group of people who are not fixed in any one political party. They are like all American citizens anywhere. They sometimes vote Democratic and sometimes vote Republican. I am happy, though, to be able to relate to the Senator that the majority of them on the majority of occasions do vote Democratic.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. BARTLETT. I yield gladly.

Mr. EASTLAND. Is my distinguished friend sure they will vote Democratic this year?

Mr. BARTLETT. No; I cannot be positive of that.

Mr. EASTLAND. Then possibly we should pass the bill.

Mr. BARTLETT. Even if they did not vote Democratic, the bill is an excellent one.

Mr. EASTLAND. Is it meritorious?

Mr. BARTLETT. It is meritorious, notwithstanding. I thank the Senator for his interest in this particular bill.

Mr. EASTLAND. Does the distinguished Senator desire to have me vote for the bill?

Mr. BARTLETT. Yes; I would appreciate it.

Mr. EASTLAND. Mr. President, I am going to support the bill. The Senator has at least one vote. I think the distinguished Senator from Alaska is very able and very intelligent. A bill he introduces for the people of his State should certainly be meritorious. I am going to support it.

Mr. BARTLETT. If the Senator will permit me to so state, if I can convince the other Members of the Senate so speedily of the correctness of this policy we will all be much happier.

Mr. EASTLAND. I thank the Senator. I am sure, as persuasive as is my friend, he will have no trouble convincing the Democrats and the Republicans of the merits of the bill.

Mr. BARTLETT. Once more I want to thank the Senator for his exceeding courtesy.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. STENNIS. Mr. President, during the course of this long debate, and especially since that section which is now title VI has taken on its main form, particularly with reference to the referee section, I have been formulating in my mind some points in connection therewith, which I want to bring to the attention of the Senate as forcibly as I know how. I shall bring them to the Senate's attention particularly with reference to the viewpoint of what I imagine would be the attitude of a court or of a judge who had these extra duties imposed upon him. I also want to consider these points from the standpoint of a court which would be called upon to pass upon the validity of the act.

Mr. President, when one reviews in its entirety the ramifications of this title VI, the so-called referee plan, one is really grievously concerned and surprised that a rambling measure of this kind involving the judiciary could emanate from some mind within the Attorney General's office. Apparently it did not all come from there, because the germ of it is supposed to have come from the Civil Rights Commission, which recommended a plan including a floating registrar or Federal registrar of some kind, who was to be appointed by the executive branch of the Government. I am compelled to say that simply from the standpoint of whether the remedy to be supplied, if one is needed, is going to be executive or judicial, it is far better that it be taken from the judiciary than from the executive branch of the Government. The President, of course, does not have an opportunity to give such matters personal attention, nor does the Attorney General, as far as that is concerned, except in setting a general policy.

To usurp the powers of registrars and election officials, as this bill contemplates, under executive appointments by the Federal Government, would be unthinkable. Certainly I do not believe this bill will ever become operative, because in my opinion it will be declared invalid and beyond the purview of the Constitution of the United States. I am referring now to title VI. But certainly if the bill should become operative, it would be far better to have it under some kind of judicial decision than otherwise.

I mention another thought, Mr. President, which has come to me during this long debate. It has given me a greater appreciation of the Constitution and a further realization of the neglect and disuse, as well as misuse, of our organic law, when I have contemplated the extent to which this country had departed from that organic law.

I say deliberately and in all seriousness, Mr. President, that I believe a Senator of the United States could better serve his country if he would resign his committee assignments and spend his entire time on the floor of the Senate, rather than devoting so much of this time and talent to the innumerable, endless committee hearings on voluminous bills. A Senator could better serve his country in that manner, after making special preparation therefor in constitutional law, refreshing what knowledge thereof he has, and renewing and augmenting that knowledge. Then the Senator could spend his time on the floor doing what he could toward steering the mass of proposed legislation as it comes along, from day to day and month to month, keeping that proposed legislation within the constitutional confines of our organic law.

Following such a course, Mr. President, not much headway could be made for a considerable period of time, but within the span of 10 years or so perhaps real progress could be made in reeducating the American people to a greater realization of exactly what is the guardian of our rights, the protector of our essential rights, which constitute freedom, so that there might be a reorientation of the points of view of our entire Nation, the Congress included, toward applying the yardstick of the Constitution to legislation that may seriously be considered for passage.

Such a rule should be applied, Mr. President, whether the legislation be group legislation or be sponsored by particular pressure groups, or whether it be for any segment of our economy.

We talk about frontiers and new plateaus—the old terms as well as the new terms of science and technology and military development. But what America needs, Mr. President, is a new plateau of earnest consideration and real adherence to the basic principles of our fundamental law.

I have found that this entire bill, Mr. President, referring particularly to title VI, is honeycombed with illegal and unlawful provisions in regard to the control of Federal and State elections through an alleged judicial supervision by the Federal courts. It has been said, Mr. President, that if existing standards are followed by the courts, the Federal judiciary will refuse to allow its powers to be corrupted in this fashion and, to use a Biblical term, will "spew" this act out of its mouth and expressly declare it invalid and unconstitutional.

As one who has followed the law for a good number of years, Mr. President, I do not believe that the Federal court is going to permit itself, as an institution, to be prostituted and to be made an administrative or supervisory agency to the extent that is provided in this bill, over and over and over again.

Mr. President, as to some of the provisions of the bill which would be brought before the Federal court, that court would be acting more in the nature of a sanitary board or commission, a very low level in government.

Article III, section 1 of the Constitution of the United States, is the only line of law which has to do with the judicial power of the United States. That section provides as follows:

> The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Omitting the latter portion of section 1, section 2 then provides:

> The judicial power shall extend to all cases—

And then omitting a few phrases—

> and to controversies.

Thus we have a vesting of the judicial power in the courts, and a further provision that this power shall extend to "cases" and "controversies." Such is the entire import of sections 1 and 2 of article III.

The case or controversy in question, in the proceedings provided for in title VI, would be the original suit brought by the Attorney General under the Civil Rights Act of 1957, which title VI of this bill proposes to amend. When that case or controversy is decided by the Federal judge, and a decree then entered, the court will have exhausted its authority, except to see that its orders are carried out.

This was the conception of a case or controversy at the time the Constitution was written, and this is the conception today, and has been, without interruption, over the decades. This is, of course, elemental law. I have prepared this argument not from a so-called legalistic standpoint. There are numerous cases to reiterate and affirm what I have said here. I am trying to present my argument in a manner that will be understood by laymen who might care to read it. I repeat that this kind of cases or controversies, which contemplate that evidence shall be heard by a court and a decree entered, represent a conception of the power conferred when it was conferred, and has been since and still is.

These simple words define the beginning and the end and the boundary of this judicial power of the United States, and of our grant of authority to create the courts and vest them with this power.

However, in the bill we would undertake to compel the court—not permit it, but compel the court—to make a further finding that a certain pattern or practice exists. The exact language to which I refer at this point in my argument appears at page 15 of the printed text of the bill, beginning near the middle of line 23, and reads as follows:

> The court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice.

I call particular attention to the fact that this is a mandatory provision in the bill. It applies after a decision has been rendered in a case or controversy before the court. Another person not connected with the other parties, unless the Attorney General is his attorney and an additional matter have been presented to the court. We compel the court, on the motion of the Attorney General, to make a finding whether a certain pattern or practice exists as to an alleged discrimination.

The point is that the court has authority to exercise such power in this extraneous matter, but the Congress has no authority to compel the court to go out on this venture. These are serious

matters we are dealing with. This is not a trivial matter. The district court of the Federal Government is not a trivial matter. This is not a summary proceeding. This is a constitutional court. Congress cannot compel it to go out in this extraneous matter. We are compelling the court, through legislation, to make a finding. We say it shall make a finding on request of the Attorney General. Certainly Congress cannot dictate to the court as to how it shall proceed in a particular case; neither can it dictate to the court to make a finding on an extraneous matter. The court would be, in effect, a weapon of the Attorney General in making a purely administrative decision.

The Federal judiciary should, and I believe will, highly resent any such attempt at legislative mandate. I believe that the court will spew this act out of its mouth and certainly declare section 6 unconstitutional. I wish to repeat for emphasis that this matter of a pattern or practice that we have heard so much about is purely an additional and unnecessary transaction so far as the case is concerned.

I do not like to refer to myself or to my experience. However, I know as a trial judge, the concern and responsibility a judge feels in having to rule on cases and in deciding matters.

After a court has made its ruling, they would come in and say, "We want the court to go back. This does not relate to the litigant's rights. This is not a part of the case or controversy. This is proof that has come out today. We want the court to go back and raise an umbrella over a certain area. We have a mandate from Congress that the court shall make a finding."

Mr. President, plain commonsense would teach anyone who has thought through this matter that just because that matter is in the courtroom does not make it a court matter or a judicial matter, but that it is an additional or extraneous matter, and a fishing expedition on another course of action. That is what it is.

We are asked to give it a certain solemnity. They say that the President has approved it and that the Attorney General has recommended it. They have filed their case with both political parties, but it is still fatally defective, because it does not come within the purview of the Constitution, this basic law, and it is not a part of the case and not a part of the controversy, and it has no standing in a court of law or a Federal district court, and should be stricken out of this bill.

Under the Constitution, Congress has no grant of authority to bestow such power on a Federal court to make such a general finding. Under the Constitution, the court has no grant of authority to use any such power. The only power a court has is judicial power, and it is so stated on the face of the Constitution itself. The bill provides no judicial power with reference to the plan or pattern which paves the way for the referee. This is not an administrative matter setting the stage for more cases. It is litigious. It is the stirring up of litigation in a decree.

I am not arguing that a remedy may not be needed or that a problem may not exist in places, although not as serious as has been blown up in the press. That is not the point. My point is that title VI does apply a legal remedy. If Congress really wants to go into the matter, why not simply pass a law which provides that anyone charged with registration duties who discriminates against any applicant because of race or color is guilty of a Federal crime, and provide a certain punishment therefor. That is a matter over which Congress no doubt has jurisdiction. We now have a law along that line. If it is not specific enough, or if the punishment provided is not severe enough, Congress can take action so as to approach such problems as may exist. That is the way other matters are approached. If they are not reached in that way, the action is beyond the authority of the Constitution.

Has any other law like this ever been passed to take care of a similar problem? This is the congressional way, this is the legal way, to approach the problem. But it seems that no one is interested in that approach. It is not dramatic enough. It is not backed by any organization. It has not been recommended by any commission.

Still, that is the way to approach this problem. It will preserve constitutional principles. Where results are sought they can be obtained by going right down the middle of the constitutional road.

I submit again, and I repeat for emphasis, that under the Constitution, Congress has no grant of authority to bestow on a Federal court such power as is provided in the pattern or practice idea. Moreover, under the Constitution, a Federal court has no grant of authority to use such power. So the entire concept of the pattern or practice plan, which is an umbrella under which the remainder of title VI operates, therefore falls, and with it the further provisions of title VI fall.

Mr. President, I do not mind having to speak against several Senators who are conversing on the floor, but I do not like to have to compete with a Senator who is using a telephone on the floor, and who is talking perhaps louder than he intends to. With the permission of the Chair, I shall cease and desist speaking now until Senators on the floor who are using the telephones are finished. I hope the Chair will protect me and that I will not lose the floor.

The PRESIDING OFFICER. The Senator from Mississippi may now proceed.

Mr. STENNIS. I thank the Chair.

Mr. President, the next step in the pattern or practice plan falls for the same reason. It is beyond the power of Congress to bestow such power, and it is beyond the authority of the court to use such power. I refer now to page 17 of the bill, beginning in line 7:

> The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees.

We must remember, Mr. President, that voting referees are not to be appointed as an ancillary step in the trial of the original case filed by the Attorney General. That case or controversy will already have been completed. The applicant will also have been adjudicated and will be entitled to vote or will not be entitled to vote. We must also remember that the conduct of the referees in the performance of their acts is a part of the compliance with the decree of the court in the original case or controversy.

I can find no real connection between the referees and compliance with the original decree of the court which was filed under the 1957 Civil Rights Commission Act. That decree stands on its own bottom and the referees have no power under title 6 to have anything to do with it.

So the proceedings before the referees are purely additional proceedings, operating under the guise of judicial functions, but in fact and in reality they are purely administrative matters, and are not only beyond the needs of the case which was actually tried, but are beyond the judicial function of the court.

I am willing to have my own argument stand or fall upon these assertions. The referees are not connected, top, side, or bottom, with the case on which the Attorney General went into court. That case has already been decided, and a decree rendered therein.

Referring again to the measure which is before the Senate, on page 17, line 11, the language provides that the referees are "to serve for such period as the court shall determine."

What are they going to do? The language sounds really judicial. They are to receive applications and take evidence. That sounds like the proceeding will be a case in controversy. Then the referees are to make a report and submit findings to the court.

When we get down into the fine print, we find it is somewhat similar to the old saying about the language of an insurance policy. There are very pleasing sentences at the top about all the protection the person will get; but upon reading the fine print, we find that much of the protection has been taken away.

When we drop down to line 20, which deals with the referee, we find that the meaning of the big print used in line 11, which sounds so judicial when it speaks of taking evidence and reporting findings to the court—all of which would seem to mean conclusions based on the evidence and deliberately arrived at—is entirely taken away, because in line 20 we find that the applicant is to be heard ex parte. Mr. President, does that sound as if the proceeding would be a judicial proceeding? Does that sound as if there would be a weighing of the evidence and a real report of the findings, based on that evidence? Does that carry with it the idea of hearing both sides to the controversy? Certainly all those things are essential parts or elements of due process of law, the very foundation stones of due process of law. Does that carry with it the idea of confrontation of the parties and confrontation of the witnesses? There would not be a scintilla of that, Mr. President. Does that carry with it the idea of cross-examination, another essential part of due

process? Certainly there would not be a scintilla of such things.

Then, Mr. President, how can that finding be anything in the nature of a judicial process or a judicial conclusion? That would make a farce out of the words used at the top of the page—to talk about taking the evidence and reporting the findings—and then a little farther down on the page we find that there would be taken away from the proceeding every vestige of a judicial nature which apparently was vested in the proceeding by means of the provisions used in the first part of this proposed grant of power.

So, Mr. President, for that additional reason, I say that this proposed grant of power in title VI has no place in any judicial functioning of a court and has no place in the realm of congressional grants of authority in connection with legislation to provide for a hearing in connection with such a matter. In other words, this is just a scheme based upon the original idea of the Civil Rights Commission—the idea of having Federal registrars.

As I have said, some protection and some guidance would be had in connection with the exercise of responsibility by a judicial officer. But certainly the proceeding would not be a judicial proceeding just because it would be brought into a courthouse and just because an attempt would be made to give the judge some authority and some responsibility under this act.

But, Mr. President, that is not all that gives an indication of the real nature of the proposed proceeding. I turn now to page 19; and in line 5, I read the following:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

Mr. President, if there had heretofore been any doubt or if there had been lacking any unmistakable sign of the nature of the proceeding, if there had been any doubt that it would be nonjudicial and nonjudicious in character, those lines, as I have just read them—a proposed solemn mandate by the Congress—take away the last vestige of any such doubt. This is the same voting-referee proposal that started out with the very high-sounding words to the effect that the referee was going to take evidence and was going to report his findings to the court. But this provision winds up with the proposed mandate I have just now read, and which I shall now repeat, for emphasis—and I quote once more from the bill:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

Mr. President, I never before heard, and I do not think anyone else ever before heard, of a serious proposal that Congress create a judicial proceeding and provide that a matter be put into court, but in the next breath talk about ex parte hearings in which no one except the applicant in the case would be heard; and thereafter talk about making findings, but in the next breath say that the testimony of the party in interest must be taken, and that on those particular points that would be the conclusion of the so-called findings.

In other words, Mr. President, under the guise of laying down semirules of evidence, we would merely be creating conclusive presumptions on the basis of the most flimsy and most uncertain kinds of proof.

I say that would make a monstrosity out of the term "due process of law" in our Constitution, and would make a joke and a farce out of the entire proceeding, insofar as concerns the adoption of any such rules of procedure for a Federal court; and I repeat that the Court ought to spew the whole thing out of its mouth and declare it unconstitutional; and I believe that is what the Court will do.

Mr. RUSSELL. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. STENNIS. I yield.

Mr. RUSSELL. Mr. President, I ask the Senator from Mississippi to yield to me, with the understanding that his action in doing so will not in any way affect his right to the floor. Let me state that at this time I should like to suggest the absence of a quorum.

Mr. STENNIS. Mr. President, I so request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RUSSELL. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I understand that the Senator from Illinois has a proposal to submit.

Mr. DIRKSEN. That is correct.

Mr. STENNIS. Under the circumstances, Mr. President, I now yield the floor.

Mr. DIRKSEN. Mr. President, in behalf of the majority leader and myself, I desire to submit two requests to the Senate.

First, I ask unanimous consent that when the Senate ends its session today, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, inasmuch as the motion by the distinguished Senator from Louisiana [Mr. ELLENDER] to strike title VI is pending, and my motion to table that motion is pending, I ask unanimous consent that at the hour of 11 o'clock tomorrow morning we vote on a motion which I expect to make then to table the Ellender amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. I think I am authorized, then, to announce that there will be no votes tonight, and I do not know whether other Members of the Senate——

The PRESIDING OFFICER. May the Chair remind the Senator from Illinois that his motion to table has not been made.

Mr. DIRKSEN. That is correct, except that the Senator from Illinois does have the floor.

The PRESIDING OFFICER. The Senator is correct, and if the Senator maintains the floor and is holding it at 11 o'clock tomorrow morning, he can make the motion to table without unanimous consent.

Mr. DIRKSEN. Mr. President, all these requests and suggestions I make subject to the reservation that I do not lose my rights to the floor at the hour of 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Illinois that he be entitled to the floor at 11 o'clock tomorrow morning for the purpose of making the motion to table? The Chair hears no objection, and it is so ordered.

Mr. DIRKSEN. Mr. President, may I inquire of the distinguished Senator from Mississippi whether he proposes to continue his discussion tonight?

Mr. STENNIS. Mr. President, I should like to continue, briefly, tomorrow.

Mr. DIRKSEN. Tomorrow?

Mr. STENNIS. Yes. There will be a morning hour after the vote, will there not?

Mr. DIRKSEN. We shall ask consent for a morning hour.

Mr. STENNIS. We can divide the time, I am sure.

Mr. RUSSELL. Mr. President, if the Senator will yield, I thought the distinguished Senator from Illinois had asked to have the time divided.

Mr. DIRKSEN. I did not, because if we are going to have a morning hour——

Mr. RUSSELL. Will the time be divided evenly?

Mr. DIRKSEN. Whatever time is available.

Mr. STENNIS. But I will have the floor, will I not?

Mr. DIRKSEN. Mr. President, I include in my request that when the Senate convenes at 10 o'clock tomorrow morning—there will doubtless be a request for a morning hour—after the morning hour is concluded, the remaining time between then and 11 o'clock, shall be equally divided.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. DIRKSEN. Yes.

Mr. STENNIS. There are other Senators who wish to speak on this motion. May the Senator from Mississippi suggest that we have the morning hour after the vote, and have at least 1 hour for discussion?

Mr. DIRKSEN. I would have no objection to that. So the understanding is that the Senate will convene at 10 o'clock, that the time from 10 until 11 o'clock will be equally divided between the opponents and proponents of the pending motions, and that the Senate vote at 11 o'clock.

Mr. STENNIS. Mr. President, can the Senator from Mississippi have the floor for 10 minutes?

The PRESIDING OFFICER. The Chair will state that the Senator from Illinois will have control of the time. As the Chair understands, it is agreed the time will be equally divided.

Mr. DIRKSEN. Yes, and it is understood that the Senator from Illinois retains his rights to the floor. With that understanding, of course, the Senator from Illinois will be generous indeed to his distinguished friend from Mississippi.

The PRESIDING OFFICER. May the Chair inquire of the Senator from Illinois as to who will control the time for the proponents of the motion? The Chair presumes the Senator from Illinois will.

Who will control the time for the opponents?

Mr. DIRKSEN. The majority and minority leaders will control the time.

The PRESIDING OFFICER. May the Chair ask one other question for clarification. With reference to the morning hour, is it intended to be included in the agreement that following the vote on the motion to table, the morning hour will come?

Mr. DIRKSEN. That will have to be done by consent.

The PRESIDING OFFICER. At that time?

Mr. DIRKSEN. Yes.

The PRESIDING OFFICER. Is there objection to the unanimous consent request by the Senator from Illinois? The Chair hears none, and the request is agreed to.

The unanimous-consent agreement, as subsequently reduced to writing, is as follows:

Ordered, That, effective on Thursday, April 7, 1960, during the further consideration of the amendment by the Senator from Louisiana [Mr. ELLENDER] to strike out title VI of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, all debate be limited to 1 hour, beginning at 10 o'clock, to be equally divided and controlled by the majority and minority leaders, and that at 11 o'clock the Senate proceed to vote on a motion to be offered by Senator DIRKSEN to table the amendment by Senator ELLENDER.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Mississippi?

Mr. DIRKSEN. Mr. President, does the Senator from Mississippi wish to proceed at this time?

Mr. STENNIS. No.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILL INTRODUCED

Mr. BARTLETT, by unanimous consent, introduced a bill (S. 3345) to provide compensation to the Yakutat local community of Tlingit Indians of the State of Alaska for the extinction of their original Indian title, which was read twice by its title, and referred to the Committee on the Judiciary.

(See the remarks of Mr. BARTLETT when he introduced the above bill, which appear under a separate heading.)

RECESS TO 10 O'CLOCK A.M. TOMORROW

Mr. DIRKSEN. Mr. President, under the circumstances, unless there are insertions to be made in the RECORD, or other business, and in conformity with the order just entered, I move that the Senate now recess.

The motion was agreed to; and (at 9 o'clock and 15 minutes p.m.), pursuant to the order previously entered, the Senate recessed until tomorrow, Thursday, April 7, 1960, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 6 (legislative day of April 5), 1960:

IN THE NAVY

The following-named midshipmen (Naval Academy) to be ensigns in the line of the Navy, subject to the qualifications therefor as provided by law:

Dean A. Ablowich
Alan B. Adler
Daniel J. Affourtit, Jr.
William L. Aldrich
James W. Allen
Robert E. Allison
Robert J. Amend
Albert M. Ames
Roger A. Anderson
Thomas M. Anderson
John A. Anthony III
Richard C. Antolini
Robert J. Antonio
Francis J. Aragona
Paul C. Ausley, Jr.
Malcolm A. Avore
Ronald C. Babcock
William E. Babiash
Charles E. Bailey, Jr.
Stanley J. Bailey, Jr.
Arthur J. Baker III
Robert P. Baker
Gary D. Ballard
William C. Ballard
Charles L. Ballou
Richard M. Banister
David R. Banner
Charles C. Barcus
Harley H. Barnes, Jr.
Larry E. Barringer
Frank S. Bartolett III
Glenn L. Barton
William F. Bass
John K. Batchellor, Jr.
Henry W. Bates
James C. Beam
Fred A. Bee
William R. Bees
Nolie L. Bell
Robert W. Bell, Jr.
Robert G. Bengston
Roger L. Bennett
Jerome E. Benson
Perry S. Benson
Edwin W. Besch
John A. K. Birchett III
Richard Birtwistle III
Allen M. Bissell
Charles R. Blair
Warren J. Blanke, Jr.
Alvin F. Blockinger, Jr.
Norman C. Bloom
Donald V. Boecker
Dallas B. Boggs
David R. Bolden
Gordon A. Bonnel
Joseph E. Bonneville, Jr.
Ronald "J" Booth
Peter G. Bos
Robert H. Bourke
Robert J. Bowman
Larry A. Boyer
Roland Brandquist
Harry W. Branson, Jr.
Frank B. Braun
Robert J. Brenton
William Bringhurst, Jr.
John C. Broach
Donald E. Broadfield
John L. Brockman, Jr.
Carl E. Bruntlett
Roy R. Buehler
James P. Bullock
Ronald E. Burdge
Walter W. Burns, Jr.
Eugene S. Burroughs III
Harry P. Butler
Barry J. Byrne
Robert A. Byrne
William E. Callaway, Jr.
William R. Calvert
James J. Cameron
Patrick J. Carlson
John D. Carpenter, Jr.
Paul L. Carwin
Gordon C. Caswell
John P. Cecil
Peter G. Chabot
David A. Chain
Eugene J. Chancy
John H. Chenard
David G. Chew
Henry G. Chiles, Jr.
Charles E. Christopher
Michael A. Ciocca
John S. Claman
Daniel B. Clark
Kenneth G. Clark
Spencer Cleveland
Edward W. Clexton, Jr.
Gary B. Cogdell
Thomas J. Cogdill
Joseph D. Cole
Robert J. Colegrove
Glenn W. Coleman
Michael C. Colley
Charles R. Collicott
Jean-Loup R. Combemale
Charles I. Cook
Jerry A. Cooper
Paul W. Cooper, Jr.
Robert A. Correll
Robert D. Correll
Andrew G. Cotterman
Daniel T. Coughlin, Jr.
William G. Counsil
Charles J. Cox
Larry G. Cox
William D. Craver
Denis H. Crawford
Charles H. Crigler
David M. Criste
Hugh E. Crow
Walter S. Cumella
Thomas G. Curtis
Dennis M. Davidson
William G. Davidson III
George W. Davis 6th
Richard B. Davis
Howard D. DeLude
George E. Denn, Jr.
William Dimsdale
John V. Dirksen
Joseph C. Dobes
Richard E. Dodson
Peter B. Dolan
Thomas M. Donahue
George W. Dowell III
James I. Dudley, Jr.
Francis K. Duffy
James F. Duffy
Edward H. Duggan, Jr.
James M. Dunn
Lawrence E. Dunne
Ronald L. Earle, Jr.
Bernard E. Eberlein
James T. Eilertsen
Donald G. Eirich
Jon H. Esslinger
James R. Evans
William R. Evans
Leon E. Everman
Dennis J. Falk
Joel W. Febel
Jerome J. Fee
Michael R. Fenn
Robert A. Fisher
Charles F. Fischer II
James F. Fitzgerald
Raymond N. Fitzgerald
Charles H. Fleming, Jr.
Donald G. Foery
William H. Foley, Jr.
Kenneth D. Folta
William L. Foster, Jr.
Robert L. Freehill
Alfred R. Friedmann
Robert V. Gamba
Heisey E. Gardner
Peter J. Garfield
Robert E. Gasser
David P. Gauthier
Michael W. Gavlak
David W. Geer
John B. Geller
David S. Gilbreath
William M. Gillespie
Lewis C. Gillett, Jr.
James R. L. Gilstrap
Gordon T. Godwin
Mark M. Golden
David J. Goniea
Walker R. Goodrich, Jr.
Jay T. Grafton
Samuel J. Greenberg
John E. Greenhalgh
Gary J. Gretter
Robert H. Gridley
Robert N. Griffin
George S. Grossman III
John F. Groth
Ralph S. Hagelbarger
John M. Hagen
Frederick G. Hale
Bruce Halliday
Benjamin H. Hallowell, Jr.
William C. Hamilton, Jr.
Roger G. Hamm
Charles M. Hammond, Jr.
Richard W. Hamon
James E. Hancock
David R. Hand
Eigil L. Hansen, Jr.
Ralph E. Hanson, Jr.
Jon D. Harder
Bruce H. Hardin
Richard T. Harper
Carl E. Harris, Jr.
William D. Harrison
William J. Hastie
David E. Haughton
Russell O. Hays
Paul C. Hazucha
Louis W. Heacock
Thomas A. Head
David M. Heath
Lawrence S. Helms
Harold E. Henning
James J. Henry, Jr.
John G. Herbein
Nathan A. Heuberger
Dennis J. Hickey IV
Lewis F. Hilder
Ronald W. Hinkel
Richard G. Hoecker
Drake A. Hoffman
Joseph F. Hoffman, Jr.
David H. Hofmann
John R. Hoke II
Thomas B. Hoppin
Michael D. Hornsby
James R. Howard
Terrence C. Hubbard
Royston C. Hughes
Frank M. Hunt, Jr.
Thomas E. Hutt, Jr.
Thomas A. Hyde
Robert J. Ianucci
Raymond P. Ilg
William T. Inderlied III
Joseph D. Jaap
Wendal L. Jenkins
Frederick N. Jerding
Robert E. Johannesen
Albert P. Johnson, Jr.
Clinton B. Johnson
Frederick B. Johnson
Douglas M. Johnston, Jr.
Keith S. Jones
Raymond G. Jones, Jr.
Walter R. Jones
Alexander J. Jordan, Jr.
John L. Jordan, Jr.
David G. Kalb
Angelo N. Karampelas
Francis D. Kay
William D. Kee, Jr.
Edward N. Kelilikoa
Gene P. Kesler
Charles R. Khoury, Jr.
Edwin E. Killinger
James R. Kinney
Gene F. Kishel
David J. Knorr
Charles E. Koch II
Ronald L. Koontz
Elmer M. Kopp, Jr.
Robert J. Kowall
Harvey F. Kramer
Robert A. Krese
Gail A. Kristensen
George P. Kroyer

Alan H. Krulisch
Robert E. Kunkle
Lennis L. Lammers
Walter R. Land
James R. Lang
Alan E. Lansdowne
Peyton R. Latimer
Larry B. Laudig
John M. Lavelle
Richard J. Lavery III
Henry A. Lawinski
John F. Leahy III
Michael J. Lees
Girard T. Lew
Harry C. Lewis
Porter Lewis, Jr.
Roy T. Lewis, Jr.
William E. Lewis, Jr.
Walter J. Lippold
James W. Littlefield
Roger W. Lloyd
Alexander S. Logan
Gaeton A. Long, Jr.
Harold L. Longaker
Edward B. Longton
Kenneth W. Loveland
Robert W. Lowe
Ivon H. Lowsley, Jr.
John M. Lusignan
John F. Lynch, Jr.
Robert E. McAfee
Carl P. McCallum
Charles E. McCaskill, Jr.
Ted McClanahan
Ralph G. McClarren
Thomas W. McClure
James M. McConnell
Jimmy H. McCoy
John C. McCrork, Jr.
Larry D. McCullough
Michael S. McCullough
William M. McDonald
Thomas F. McDonough
Charles E. McHale, Jr.
Milton R. McHenry
Douglas E. McKinley
James B. McKinney
James R. McLean, Jr.
John M. McNabb
Richard C. Macke
Kenneth L. MacLeod III
Norman J. Magnussen
George S. Makovic
Edmund L. Mangan
William S. Manning
Robert J. Manser
George G. Marburger, Jr.
David L. Mares
Gilbert T. Mariano, Jr.
David R. Marquis
George M. Marr
Frederick G. Marsh
Ronald P. Marshall
Thomas J. Marti
Clifford I. Martin
Charles M. Maskell
Robert D. Matulka
Myrel LeR. Maxson
William W. Medaris
Thomas A. Meinicke
John C. Mendelis
Douglas K. Menikheim
Benjamin F. Mercer III
Richard B. Meredith
Martin P. Merrick
Michael H. Merrill
Robert A. Meyer
John J. Michalski, Jr.
Michael T. Midas, Jr.
Donald L. Miller
Norman W. Mims, Jr.
David C. Moerschel
Gerald F. Montague
David R. Montgomery
David K. Moore
Dennis A. Moore
Alfonso H. Morales
Maurice J. Moran
Jon E. Morrissey
Frederic I. Morrow
Carleton E. Mott
Marvin F. Mucha
William S. Muenster
Francis X. Munger
Allan W. Murray
John J. Murray
George C. Myers, Jr.
James J. Neal
Gerald A. Nelson
Donald W. Newman
Jack G. Newman
Murray C. Nixon
Paul S. Norton
George D. O'Brien, Jr.
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James T. O'Farrell
William P. Olsen
Ronald G. Overstrom
Joseph L. Pace
Joseph Paletta, Jr.
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Richard R. Pariseau
Charles S. Parker
David L. Parkinson
William T. Parlette
Ira E. Parry, Jr.
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James H. Patton, Jr.
Michael F. Paul
Thomas D. Paulsen
Alvin H. Pauole
Robert G. Pearce
Joseph H. Peek
Lyman S. A. Perry
Charles H. Peterson
Harold A. Peterson
John A. Pethick II
Walter A. Pezet III
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James E. Phelan
Larry LaM. Phemister
James W. Philbrick, Jr.
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Glen R. Phillips
Henry L. Phillips, Jr.
Paul H. Ploeger III
Grant W. Plummer
Chris H. Poindexter
Jack O. Polk II
Roderick H. Potter
William L. Powell, Jr.
Byron L. Powers, Jr.
Robert C. Powers
Robert J. Powers
James T. Prather
George J. Prebola
Francis I. Previte, Jr.
James B. Ramsey
William F. Ramsey
Edward A. Ransom
Francis R. Rapasky
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Robert W. Raymond
Evan P. Reese
Ronald M. Reese
Robert R. Renner
Russell Rentfro, Jr.
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James C. Reynolds
Forrest T. Rhodes
John R. Richardson
Howard L. Richey
John H. Rickelman
John T. Riley
Roy "G" Riley
Henry J. Rinnert
William M. Roark
Charles K. Roberts
Bernard F. Roeder, Jr.
Eric M. Roemish
John L. Rogers
Roy L. Rogers
Robert P. Rognlien
Robert C. Rohr
Joseph R. Rosengren
William M. Ross, Jr.
Daniel McK. Roth
James E. Rowley
George E. Ruckersfeldt
George H. Rudy III
John F. Ruhenberger
Robert R. Rutherford
Kevin T. Ryan
Larry E. Ryan
Albert Ryder
Colin H. Saari
Donald W. Sanders
Lawrence F. Sarno
Franklin H. Saunders
Kenneth D. Savage
Fred R. Scalf, Jr.
John R. Scarborough, Jr.
Stephen J. Scheffer
Donald L. Schlicht
John A. Schmidt
Luther F. Schriefer
Raymond C. Schroeder, Jr.
William A. Schroeder III
Robert J. Schulz
Earle G. Schweizer, Jr.
Frederick A. Schwer, Jr.
Sidney L. Scruggs III
Stewart R. Seaman
Joseph L. Sestric
William W. Shafer
Peter A. Shanley
Michael E. Shanok
Grant A. Sharp
John B. Sharp, Jr.
John F. Shaw
Richard S. Shawkey
Brian M. Shea
Jimmie S Shipp
Frank T. Simpson
Howard L. Sipple, Jr.
Gerald T. Skidgel
Norman L. Slezak
Hugh J. Smith, Jr.
Robert C. Smith
Robert E. Smith
Ronald C. Smith
Roy C. Smith IV
Walter I. Smits
Wendell D. Snell
Melvin H. Sollberger
Paul W. Sparks
William R. Spearman
Harris Sperling
Nicholas J. Stasko
Robert L. Steele
Robert G. Stevenson
Richard H. Stoakley
David P. Stromberg
Stanley C. Stumbo
Jewel J. Suddath, Jr.
Patrick H. Sullivan
Richard N. Super
Jon E. Surratt
Robert C. Sutliff, Jr.
Dennis V. Taff
James R. Tague, Jr.
John H. Tait
Raynor A. K. Taylor
Robert G. Taylor
Thomas W. Taylor
Turner W. Taylor
William E. Taylor
Thomas H. Teal III
Nicholas B. Temple
Dennis H. Terry
John R. Terry
Thomas J. Terry, Jr.
Lewis H. Thames, Jr.
Christopher R. Thomas
Frank A. Thomas
Larry D. Thomas
William E. Thomas
Jeremiah V. Tierney, Jr.
Duane M. Tollaksen
David P. Topp
Robert L. Towle
William J. Townsend
Robert E. Traister
Joseph Tranchini
Michael F. Treacy
William M. Truesdell
Richard M. Treseder
Harry B. Trulli
Robert E. Tucker, Jr.
Jesus B. Tupaz
Ellis L. Turner
Donald K. Tyler
Peter R. Van Ness
Dennis H. Vied
Eduard L. vonFischer III
Henry vonKolnitz, Jr.
Joseph W. Wade, Jr.
Edward F. Wagner
Edward T. Walker, Jr.
Charles E. Wangeman, Jr.
Sibley L. Ward III
Larry W. Waterman
Gary N. Wax
Milton W. Weaver
Lowell E. Webb
George R. Weeks, Jr.
Arthur E. egner
Donald R. Wheeler
John F. Whelan, Jr.
Robert E. White
John E. Whitely, Jr.
Marshall R. Willenbucher
Alan K. Williams
Douglas A. Williams
Hugh T. Williams
John C. Williams
John D. Williams
Morris B. Williams
John M. Willsey
James R. Wilson
Thomas E. Wilson, Jr.
William H. Wilson
William O. Wilson
Thomas T. Wishart
Murray H. Witcher, Jr.
John S. Woodard
John D. Woodward
James T. Worthington
Hendon "O" Wright
Richard K. Young
William E. Zierden

The following-named midshipmen (Naval Academy) to be ensigns in the Supply Corps of the Navy, subject to the qualifications therefor as provided by law:

Champe O. Bachelder
Edwin H. Bailey
Leeland M. Bathrick
Kenneth A. Baum
Frank L. Bessenger, Jr.
Charles E. Bingemer
Joseph J. Bosco
Anthony C. Brennan
John O. Carlson
William E. Cartwright, Jr.
Jose Chavez
Thomas A. Ciccone, Jr.
Lawrence V. Covington
Bobby W. Cox
Robert M. DeMaio
Angelo E. DiFilippo
Robert A. Dropp
David G. Eason
Robert M. Eldridge
Robert B. Fraser
Donald S. Freeman, Jr.
Don J. Frost
Vance H. Fry
Melvin A. Fulkerson
John H. Fulton
Arthur C. Goldtrap, Jr.
George A. Gould III
Jon H. Graf
William L. Griffin
Gerald R. Hill
John R. Hunt
Charles R. Kiger
Lawrence W. Lavely
Spencer J. Leech, Jr.
Sotir Liakos
Terry K. Lingle
Henry J. Maguder, Jr.
George L. P. Mahelana
Joseph A. Matais
William J. Mitchell
Herbert J. A. Mossman
Robert E. Osmon
Malcolm C. Reeves II
John J. Santucci
Francis T. Shotton, Jr.
James N. Shughart
Charles J. Simmons
Robert W. Stewart
Donald E. Stone
John L. Swanson
Charles L. Terry
Alton K. Thompson
George W. Van Houten
Robert C. Walker
Harvey D. Weatherson

The following-named midshipmen (Naval Academy) to be ensigns in the Civil Engineer Corps of the Navy, subject to the qualifications therefor as provided by law:

Albert A. Arcuni
Richard D. Eber
Norman D. Falk
James M. Greenwald
Robert S. Jones
Robert J. Kennedy
Jay C. Metzler
Robert D. Parker
Michael D. Porter
Lucian B. Purinton II
Carl V. Ripa
Tracy C. Tucker
Kenneth A. Vaughn

The following-named (Naval Reserve Officers' Training Corps) to be ensigns in the line of the Navy, subject to the qualifications therefor as provided by law:

William S. Abbott
Bert L. Allen
David H. Allen
Larry D. Allen
Charles P. Allison, Jr.
Richard D. Alrick
Charles E. Anderson
Dean T. Anderson
James L. Anderson
James L. Anderson
James W. Anderson
Lewis G. Anderson
Donald S. Armes
Thomas M. Arrasmith III
Charles I. Ashbaugh
Roger T. Ashley
Merlin G. Askren
Charles B. Aycock
John P. Ayers
William L. Babcock
Daniel K. Bacon
Grover C. Bailey III
Joseph G. Baker
Robert F. Baker
Edward W. Bales
Richard A. Ball
James O. Ballard, Jr.
Roy G. Ballinger
Peter M. Banks
Richard Banks
Stephen W. Barber
Stephen A. Bard
John F. Barell
Thomas M. Barney
David W. Barns
Daniel B. Barnum
Charles T. Barr
Robert W. Barrett
Kenneth R. Barry
Albert L. Bartels
John D. Bartram
Thomas J. Bartsch
Marion E. Bartusek
William J. Baskin
James R. Bassett
George E. Bates, Jr.
John E. Baublitz
Roger A. Bauer
Christopher T. Bayley
Henry H. Beam
Elmer W. Beardshall, Jr.
Bruce A. Beebe
Stephen D. Beguin
Gary E. Bell
George A. Benedict
Henry M. Bennett
Leo Benson III
William D. Berberich
George W. Berg, Jr.
Gordon O. Berg
Walter E. Berger III
James W. Bergert
Ross Berkowitz
Robert C. Berreman
Raymond E. Berube, Jr.
Jerry D. Beveridge
Stephen J. Beyers
Gilbert W. Bickum
Charles B. Bidwell
Robert A. Billings
Donald Binder
Karl C. Bittenbender
Phillip R. Black
Richard W. Blacker
Peter B. Blackford
Richard L. Blanding
Richard J. Blankmeyer
Robert B. Bliss II
Dennis J. Blome
John L. Bloore
Gary J. Bobay
Michael W. Bodie
Robert J. Bogle
David M. Booher
Edwin R. Boquist
Alfred Bornemann
Joseph A. Bosco
Peter B. Bowman
John V. Bowser
Ronnie A. Bradley
John B. Brady
Roland E. Brandel
John R. Brandon
Donald R. Breckenridge
Shelby T. Brewer
Don J. Briselden
Ronald E. Broadwell
William R. Broadwell
Gary M. Broemser
Neal J. Broerman
Elbert L. Brown, Jr.
James M. Brown
Marion L. Brown
Estel E. Bruce
James W. Bruce, Jr.
Philip J. Brust
Timothy E. Bryan
Robert C. Bubeck
John R. Buchart
Peter R. Buenz
Jerry L. Bundy
John T. Burhoe
Robert C. Burnham

Daniel R. Burns
David F. Burns
Robert E. Burton
Thomas O. Bush
David E. Butler
Marvin B. Butler
George M. Cadwell, Jr.
Douglas M. Cain III
Thomas J. Callahan
Jack D. Calvert
Allan W. Cameron
Gerald B. Carleton
Frederick P. Carlson
William R. Carlson
Frederick T. Carter
John W. Cary
Calvin W. Case
Stephen H. Casey
Clark L. Chalifour
Jay W. Chapman
Stephen Charlesworth
Paul E. Chevalier
Joseph A. Clark
Theodore L. Clark
Glen E. Clover
Dana A. Coe
Horace G. Cofer
Richard E. Colburn
Wilmer G. Collier, Jr.
Michael L. Collins
Paul L. Collins, Jr.
Richard B. Collins, Jr.
Charles R. Comeau
William T. Conner, Jr.
James R. Connolly
Laurence D. Connor
Donald J. Coolican
Robert G. Costello
Thomas D. Coughlen
David E. Cowles
Lynn O. Cox
Paul L. Cox
Jay V. N. Crane
Charles Creutz
Dan Cromack
Ramsey L. Cronfel
Thomas E. Crowder
Daniel H. Crowley, Jr.
Glenn J. Cunningham
Grant R. Curtis
Francis E. Dahlem
Charles E. Dahlgren
Robert M. d'Alessio
David W. Damon
William L. Danforth
Joseph F. Daschbach
Robert T. David
Harry A. Davidson
Robert L. Davies
Francis J. Davis
John H. Davis
Vibert H. Davis
John P. Decker
Michael J. De Haemer
George D. Delp
Thomas A. Derr
Thomas W. Devine
David M. Diaz, Jr.
John P. Diefenderfer
Karl F. Dietsch
Martin C. Dillon
Theodore G. Dimitry
James J. Dineen
Robert W. Dodt
Arthur G. Doege
Michael F. Donlon
Leroy M. Dorman
Ronald J. Dostal
James B. Dougher
Harry C. Draughon, Jr.
William K. Drummond
Bruce R. Drury
Bartlett S. Dunbar
Joseph W. Du Rocher
Bruce M. Dutton
Frank S. Earl
Dean C. Eayre
William R. Eddins
Justin R. Edgerton
Dean W. Eighme
Frank T. Ellett
Hugh C. Embry
James A. Ericson
James C. Ervin, Jr.
John E. Evans
Frederick O. Fay
David B. Fell, Jr.
Walter P. Fethke, Jr.
Leroy W. Fetterman
Milton M. Finkelstein
Harold B. Finn III
Thomas J. Fitzgerald
Alan H. Flanigan
Michael J. Fleming
Robert W. Flesch
Thomas E. Fletcher
James C. Flint
Edward J. Flynn, Jr.
Henry M. Flynn, Jr.
Roger H. Folts
Richard C. Fowler
James B. Fox III
Donald J. France
Robert A. Frank
William N. Franklin
Michael H. Freeman
Harold M. Freiberg
Norman C. Frost, Jr.
William R. Fussell, Jr.
Robert W. Gage
James E. Gagliardo
Andrew L. Gaines
Michael T. Gallagher
Francis P. Galletti
Earl W. Galloway
Thomas G. Gans
Glenn D. Gardner
Clair E. Garman
Bruce M. Garver
Ronald E. Gast
Joseph W. Gaut
Cyril M. G. Gaydos
Thomas E. Gehman
Terry L. Geiling
Lee J. Geronime
Val Gerstenschlager
Vernon W. Gerth, Jr.
William D. Gieseke
William G. Gingles
Joel E. Gingold
Wilford D. Godbold, Jr.
George R. Goetsch
Bradley W. Gordon
Daniel H. Gould
Gerald E. Gneckow
Bruce A. Gniffke
Roy S. Gohara
David Gonsalves
Donald L. Grafton
William B. Graham
Carroll D. Grant
Peter H. Gray
Albert W. Green, Jr.
Lorin D. Green
Alan N. Grisemer
Roger K. Gulick
Richard H. Gwinn
Harry M. Hall, Jr.
Stephen M. Halloran
Jack T. Hankins
Kirby W. Hansen, Jr.
Jon G. Harder
Rex J. Hardister
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Erskine L. Harkey, Jr.
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Irving H. Hart III
Richard D. Haskell
Samuel A. Haubold
Kenneth H. Hauck, Jr.
Gene W. Hauser
Robert I. Hawkins
James W. Hayes
John B. Hays
Leonard C. Hays
Patrick R. Healy
Allen D. Heasley
Ronald W. Heckman
Wayne F. Heger
Roger F. Heilpern
Edwin B. Helmick
John T. Hennessey
"J" M. Herring
Gary A. Hershdorfer
John C. Hervey, Jr.
Herman F. Heuser
Robert W. Hicks
Bernice B. Hight, Jr.
Charles W. Hill, Jr.
James D. Hill
Norman T. Himmelein
Elliott P. Hinely
Harry F. Hixson, Jr.
John D. Hixson
Robert G. Hoch, Jr.
Robert T. Hogan
Walter M. Holmes, Jr.
Albert C. Holt II
Gregg W. Hornaday
Arthur R. Horsch
Jack O. Horton, Jr.
Leslie A. Horve
Robert G. Houghtlin, Jr.
Albert O. Howard, Jr.
Dan R. Huber
Peter J. Huber
Benjamin Huberman
Charles E. Hull
Frederick W. Hulvershorn
Joseph W. Hungate
George W. Hunt, Jr.
Raymond B. Hunter
Kent S. Huntzinger
William Husta
Bruce R. Hutchinson
Patrick H. Hutton
Charles H. Ide
Henry C. Ide
Fredric E. Ieuter
David L. Ingram
Gary S. Irons
Gerald W. Jackson
Robert T. Jackson III
John D. James
Robert E. Jeffreys
Dale A. Jenkins
Robert E. Jensen
John A. Jessop
Donn R. Johnson
Eugene H. Johnson, Jr.
Michael O. Johnson
Ronald B. Johnson
Ronald E. Johnson
James R. Johnston
Lawrence H. Johnston, Jr.
David H. Jones
Gordon S. Jones
Herbert W. Jones
Ronald L. Jones
Rodney E. Joost
Kenneth C. Juergens
Billy D. Justice
James N. Kaelin
Harold G. Kaeser
Robert C. Kahler
Garland H. Kanady, Jr.
Peter J. Karsten
Melvin E. M. K. Kau
Lawrence B. Kauffman
Ed Kaufmann
Daniel N. Keck
Jamieson C. Keister
William W. Keithline
Dermod Kelleher
John M. Kenney
Roger L. Kerlin
Glen R. Kessel
Paul L. Key II
George H. King, Jr.
Jerry C. King
Kenneth P. King
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Jack G. Knebel
Joseph E. Knepley
Larry D. Knippa
Peter W. Knopf
Charles E. Knowles
John A. Koberg
Barry Koh
Charles F. Kohlmeyer
Joseph J. Kohut
Norman C. Koon
Joseph N. Korte
Richard J. Kreassig
Michael A. Kubishen
Gail S. Kujawa
Patrick J. Lafferty
John T. Lake
Jay W. Lamb
Rufus N. Lamb, Jr.
Richard R. Lamontagne
John W. Lane
Samuel D. Lane
Stewart D. Langdon
Michael S. Lanham
Phillip E. Lantz
Eugene F. Larkin, Jr.
Henry L. H. Lawrence
John C. Leader
Douglas B. Leathem
Ernest R. Leduc
Jerald K. Lee
Thomas C. R. Legare, Jr.
Richard M. Lehn
Sigitas Leimonas
Thomas F. Lettington
Jules I. Levine
Edwin Levy, Jr.
William F. Lineberger
Robert R. Little
James M. Livingston
Roger M. Lloyd
William B. Lloyd, Jr.
Valmore J. Loiselle, Jr.
Robert S. Longdon
Thomas W. Longmire
Donald L. Loy
Frederick M. Lund
Robert M. Lunny
Daniel B. Lyons
Michael J. McCabe
Roy S. McCartney, Jr.
Terry J. McCloskey
Harry A. McCormack
Theo H. McCourtney, Jr.
Robert F. McCracken
William P. McCracken
Robert P. McCullough
Brian J. McDowell
Mark McGargill
Ross McGlasson
Monte N. McGlathery
Robert A. McKean III
Kenneth W. McKinney
Franklin D. McKnight
Arthur T. McManus
James B. McNeill
David N. McQuiddy, Jr.
Hugh B. McSurely
William B. MacKinnon
Robert L. Maines
Norman R. Malmberg
Harry P. Malone
John P. Malone
James C. Manlove
John F. Manuel
Neil D. Markee
William J. Marker
James L. Markley
James E. Marsh, Jr.
John R. Marshall
Walter D. Marshall
Guy G. Martin, Jr.
Robert E. Martin
Charles C. Mason
Ronald R. Mason
Jay R. Massey, Jr.
Robert D. Mathews
George F. Matouk
Robert S. Matthews
Jack M. Maxfield
Lawrence A. Maxham
Theodore W. Maynard
John B. Mayo, Jr.
Carl A. Mazzan, Jr.
Maurice F. Meagher, Jr.
Henry T. Mehl
Wayne "J" Mehl
Alan P. Mehldau
Harry P. Meislahn
James Mengason
James R. Merikangas
Alan E. Michel
George E. Miller
Richard A. Miller
William E. Miller, Jr.
Frank T. Milligan
Richard B. Mills
Thomas R. Mongan
Joseph A. Montanaro
James O. Moore III
Richard M. Moore, Jr.
Theodore C. Moore, Jr.
William S. Moorehead, Jr.
Robert D. Moran
Charles C. Moroney
Ambler H. Moss, Jr.
William S. Mullen
Geoffrey Naab
David J. Nagel
James V. Neef
John D. Neher
Roger E. Nelson
Roger W. Nelson
Kirk R. Newell
Timothy E. Newerski
Winston P. Newton
Richard N. Nitschke
Carl S. Norbeck
Robert E. Nystrom
Kenneth L. Oates
Clifford C. Oberlander
Thomas O'Brien
Thomas P. O'Brien
Patrick G. O'Connell
Robert T. O'Connell
Daniel O. Oldfather
David D. Olds
William E. O'Neil
James B. Oney
Gene A. Onken
Ralph W. Ortengren, Jr.
Kenneth R. Ostrom
Paul K. O'Sullivan
John W. Otis
Phillip C. Otness
Keith M. Ott
Thomas L. Overly
Bruce H. Owens
David C. Owens
John M. Pankratz
Daniel A. Panshin
Allen H. Parker
Clayton J. Parr
Selwyn S. Paskowitz
Robert W. Paterson
Granville E. Paules III
William H. Peace III
George B. Peden
Marshall A. Peeples
Carl J. Pekala
Reid Pendleton, Jr.
Dennis R. Penley
James A. Penman
John E. Pepper, Jr.
Ronald M. Pereira
Richard A. Perkins
Donald L. Peters
Peter M. Petersen
Benny M. Petty
Peter M. Phillipes
Grady H. Phillips
Stephen L. Phillips
Robert P. Pike, Jr.
Russell S. Pimm
Edward R. Pingenot
Ronald B. Piritz
William M. Pitt
Charles W. Pittman, Jr
Hugo P. Pomrehn
Jack R. Porter
William M. Porter
James D. Potter, Jr.
Jan P. Potterveld
Paul L. Poore
Joel S. Pratt
Michael W. Pratt
Gary J. Price
Vernon E. Pringle, Jr.
John C. Provine
Elmer W. Prueske
Raymond M. Przybylski
John S. Pugh
Leonard A. Pullen
Joseph L. Quarterman, Jr.
Robert F. Quasius
William E. Queen
Kenneth R. Rand, Jr.
Thomas C. Raup
Robert L. Raymond
Dennis K. Rathbun
William J. Raymond
James W. Reece
Ross M. Reed
Philip S. Reichle
William "G" Reid
Vernon A. Reisenleiter, Jr.
Arthur G. Reitsch
John T. Repp
Jack C. Reutelhuber
Llewellyn R. Reinstra
Stewart E. Reuter
Melton E. Rhodes, Jr.
Robert M. Rhodes
William R. Rice
William M. Rich
John M. Richardson, Jr.
Peter G. Richter
Emmons Riddle
Charles E. Riehm, Jr.
Jon T. Rietzke
Warren C. Ringer
Ernest P. Roberts
Richard H. Robinson
James G. Roche
George R. Rogers
John E. Rogers
Raymond H. Rogers
Edward F. Rogus
Phillip R. Romig, Jr.
Earl F. Ronneberg, Jr.
John A. Rorem
Robert W. Ross
Stephen G. Rothschild
Donald H. Ruliman
Clifford S. Russell
Jerry T. Russell
Louis J. Rutigliano
Robert P. Sangster
Thomas J. Sarnowski
Ronald L. Schaaf
Joseph F. Schaefer, Jr.
Donald G. Schneeberger
George T. Schneider
John S. Schneider
Joseph D. Schneider
Richard W. Schult
Clarence P. Scoboria III
John R. Scott
Peter D. Scott
Frederick W. Scoville
Robert C. Seabring
Eugene B. Seale
George A. Seaver
James E. Seebirt
Howard G. Seitz
Roger M. Seitz
Linus A. Senhen
John E. Senterfitt
Thomas F. Sessions II
Lloyd E. Seyler, Jr.
Walter R. Shade III
John G. Shaffer
Robert M. Shanahan
Joe L. Shaw

Michael E. Shellenbarger
Charles E. Shepard
Albert W. Sheppard, Jr.
John M. Sherman
Gordon L. Shilling
James A. Shreckengaust
Thomas J. Shuell
Curtis R. Shuler
Louis A. Shumway
Karl "J" Siebers
Gordon B. Silcox
Edwin L. Silliman, Jr.
Henry J. Simon
John W. Skillman
Charles E. Slack III
David W. Smith
Edward H. Smith, Jr.
John F. Smith
Lawrence J. Smith
Norman H. Smith
Peter D. Smith
Peter H. Smith
Regis R. Smith
Robert W. Smith
Vance G. Smith
Alva P. Smithson
James B. Sortor
Paul T. Souval
Paul L. Sovey
Theodore M. Space
Dan T. Spencer, Jr.
Edmund B. Spencer
James P. Staes
Richard A. Stampfle, Jr.
Howard C. Stanley
William M. Stanley
Charles F. Stephan
Laurence A. Stephens
Rowland St. John Stevens II
Bill B. Stevenson
John Stites, Jr.
David L. Stone
Russell E. Stratton
David A. Strawbridge
James F. Strother
Edward J. Sturm
Harold F. Sturm, Jr.
Richard R. Sur
Elzie R. Surles
William G. Sutcliffe
John K. Sutor
David E. Swearengin
James M. Syck
Peter McC. Tackney
David N. Tait
James R. Tallman
Donald E. Taylor
Nelson D. Taylor
Paul D. Taylor
Ronald P. Teemley
Stanley M. Teigland
Grove N. Thomas
Clifford K. Thompson, Jr.
John R. Thorderson
Eric J. Thorgerson
Tommy R. Tickle
Daniel J. Tobin
Kiefer A. Tobin
Douglass S. Tolderlund
Ronald H. Tonkyro
Michael A. Toth
Orlin E. Trandahl
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Donald L. Turner
Richard J. Ugoretz
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Bruce T. Venner
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John S. Von Kleeck, Jr.
Carl R. Walker
Richard L. Walker
Anthony L. Walsh, Jr.
Thomas B. Ward
Norval L. Wardle
Paul N. Ware
Donald E. Watkins
John W. Watson
Judson D. Watson, Jr.
Louis H. Watson
John H. Watts III
Thomas C. Way
Paul H. Webb
William J. Weinhardt
Gregory W. Wendholt
Peter K. W. Wert
Albert L. Wertheimer
John F. Westbrook
John P. Westerman
Joseph M. Whalen II
Thomas E. Whalen
Charles E. White
Lawrence W. White
Stuart C. White
Terence M. White
Thomas L. White, Jr.
Jay E. Wichmann
Thomas W. Widener
Robert D. Widergren
David S. Wiggins
Paul J. Wilbur
Wayland E. Wilcox
Marshall L. Willey
Jerry G. Williams
John R. Williams
Peter L. Williams
William A. Wilsen
Donald M. Wilson
James A. Wilson, Jr.
John O. Wilson
Richard VanN. Wilson
Robert M. Wiltgen
Thomas E. Wing
Lloyd H. Winter II
Thomas M. Wolf
Dan A. Woolley
Edmond V. Worley, Jr.
William F. Worley
Robert P. Wren
Charles N. Wright
Lanny A. Yeske
Ronald F. Zellinger
Frank P. Zmorzenski
Martin Zwick

The following-named (Naval Reserve Officers' Training Corps) to be ensigns in the Supply Corps of the Navy, subject to the qualifications therefor as provided by law:

Richard G. Bentley
Dennis R. Bierbaum
Donald A. Bloxom
Paul R. Bosworth
Edward L. Cameron
Frank A. Coombs
Thomas L. Cordle, Jr.
Robert L. Crawford
William J. Deters
John R. Doggett III
Richard E. Dowell
Clyde O. Draughon, Jr.
James E. Eckelberger
Neil K. Emge
Frank R. Faistl
Shirley J. Francois
James G. Ganz
Ellsworth K. Gerritz
Sydney Goldsmith
Robert H. Gunn, Jr.
Henry W. D. Harris
Alan G. Hayes, Jr.
David L. Herndon
Paul L. Hodgdon
Wendell E. Koerner, Jr.
John G. McEachen
Clyde M. Marshall
Phillip D. Matthews
Daniel R. Mays
Alan J. Nissalke
Richard E. Nordgren
Robert A. Norman
Edward E. Pettis
Richard C. Raish
John C. Sargent
Frederic W. Schaen
John A. Schmidt
James F. Shedd
John D. Simcox
Andrew D. Smith
Charles T. Smith
Charles A. Sprenkle, Jr.
Paul E. Stallings
Philip W. Stichter
Rodger A. Swan
James H. Taylor
Warren G. Weber
Ronald C. Wolf

The following-named (Naval Reserve officers) selected as alternates to be lieutenants (junior grade) in the Dental Corps of the Navy and to be promoted to lieutenants when their line running mates are so promoted, subject to the qualifications therefor as provided by law:

Frank R. Barbieri
Alan B. Luke
John M. Scarola

The following-named (Naval Reserve officers) to be lieutenants (junior grade) in the Dental Corps of the Navy and to be promoted to lieutenants when their line running mates are so promoted, subject to the qualifications therefor as provided by law:

Keith W. Besley
Vincent Domenech, Jr.
George T. Eden
Ronald R. Eklind
Robert W. Farish
David L. Fishel
Cedric L. Hayden
Jack H. Keller
Richard G. Klug
Alfred D. Loizeaux
Thomas J. McShera
Thomas J. Pallasch
Thomas J. Proteau
Allen W. Schaffer
Jerome T. Scholl
Richard G. Shaffer
John A. Shattuck
Raymond C. Terhune

Donald W. McKinnon (Naval Reserve officer) to be a lieutenant in the Dental Corps of the Navy and to be promoted to a lieutenant commander when his line running mate is so promoted, subject to the qualifications therefor as provided by law.

Paul T. Kennedy (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

Richard D. Bush
James A. Casper
Robert W. Corsello
David N. Firtell
Albert P. Hodges, Jr.
Richard S. Hulse
Myron R. Porter
Ray A. Walters
William J. Watson
Robert C. Westcott

The following-named (Naval Reserve officers) to be permanent lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

William A. Shackelford, Jr.
Everan C. Woodland, Jr.
James LeR. Workman

Donny A. Myrlo (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

Jack M. Witchen (civilian college graduate) to be a permanent lieutenant in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

The following-named (civilian college graduates) to be permanent lieutenants (junior grades) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Joseph F. Krivda
Abbot G. Spaulding

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Philip E. Bentley
Ivar W. Birkeland, Jr.
Paul L. Black
Robert C. Block
Donald V. Blower
Robert E. Chmielewski
Paul J. Corcoran
Peter A. Flynn
Maxwell W. Goodman
William F. J. Gordon
Barry McA. Green
Eugene J. Haag
Howard C. Harrison
Jay F. Lewis II
George E. McLaughlin
Martin Magi
Richard W. Martin
Norman G. Mireault
Carl N. Muto
Thomas M. Nichols
Kenneth K. Pavlik
Augustus B. Scott
Lee C. Sheppard, Jr.
Theodore N. Smith
Waller C. Tabb
Robert E. Walker

The following-named (Naval Reserve officers) to be lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Kenneth R. Dorner
Donald W. Hopping
Jimmy J. King
Italo C. Mazzarella
Dennis E. Mills
Hayden D. Palmer, Jr.
Jack A. Voight
Robert E. Walker

Merril M. Cooper (Naval Reserve officer), to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

Robert C. Kaiser, U.S. Navy retired officer, to be a permanent lieutenant in the line of the Navy pursuant to title 10, United States Code, section 1211.

James T. Schermerhorn, U.S. Navy officer revertee to be a permanent chief warrant officer (W–4) in the Navy, subject to the qualifications therefor as provided by law.

The following-named to be ensigns in the Navy, limited duty only, for temporary service, in the classification indicated, subject to qualifications therefore, as provided by law:

DECK

Cleve W. Albaugh
Michael B. Andrasko
Robert F. Beyrle
Baldwin B. Brown
George R. Capito
George N. Clark
Thomas M. Clayton, Jr.
Wiley E. Coffey, Jr.
Michael A. Colonna
Arthur J. Cote
Henry Dale
Joseph D. Dimartino
Harry C. Divers
Elden A. Ekberg
Richard E. Evers
Arthur R. Faller
Alan R. Field
Earl L. Foreman
Jalmar F. Forsman, Jr.
Kendall L. Frazier
Jack C. Furr
Thomas J. Gallagher
Frank Gordon
Richard J. Hadley
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Joseph J. Harnadek
Ernest R. Hazelwood
Francis J. Henderson
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Delbert H. Ireland
David K. Iwatsu
Kenneth S. Johnson
Melvin E. Johnson
John R. Jones
Oscar V. Kitzmiller
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Sidney J. Sasser
Frank R. Smith
George R. Smith
Lowell E. Smith
Mark G. Snyder
Duncan McL. Steedley
Wesley L. Steelhead
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Clifford A. Hart
Edward G. Haskell
John W. Havery
Marlon Hendrix
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Roy S. Gustavson
Junior D. Hickman
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Malcolm T. Runyon, Jr.
Gilbert E. Sanders
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Cornell M. Janes
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Donald C. Joerres
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William H. Jones
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James R. Kilgallon
Paul M. Koruga
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Henry R. Leblanc
Lynn S. Loveland
George B. Luce
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Arthur E. Moller, Jr.
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William H. Walker
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Frederick J. Young

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James C. Atchison, Jr.
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Charles D. Jones
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Fred P. Kaullen
Robert V. Kephart
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Calvin E. Lain
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Thomas M. Presley
William V. Schultz
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Raymond Bryant, Jr.
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Ralph Conrad
Jean L. Countryman
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Robert A. Dickinson
Thomas D. Dolly
Palmer L. Drachenberg
Forrest E. Durnell
Charles L. Fenwick
William A. Ferrell
Donald E. Forquer
Charles W. Freeman
Lawrence G. Gau
William E. Glisson
Frank N. Grayson
John D. Groom
Richard G. Guenther
James E. Hagans
Robert Harrison
James M. Heider, Jr.
Harold J. Henninger
Lester B. Hillen
Clifford J. Holmes
Ralph N. Howard, Jr.
Robert L. Howard, Jr.
Roy L. Huddleston
Herbert K. Huneycutt
John A. Hutto
Eugene F. Ionadi
John R. Jenkins
Edward M. Johnson, Jr.
John A. Johnson, Jr.
Richard W. Jones
George W. Kramer
Joseph Kraus
Vincent Lanza
Arthur B. Larsen
Arthur R. Leduc
Victor P. Maness
Robert K. Marshall
Harold J. McCarthy
John W. McCartney
Charles P. Meys
Douglas L. Michi
William M. Miles
Jack K. Mullen
John P. O'Donnell
William W. Olin
Earl A. Olson
Leroy J. Orr
Donald L. Ostergard
Arthur E. Overfelt
James C. Owens
Anthony E. Parish
Alvin L. Paulson
Theodore H. Prehodka
Billy J. Roland
Edward A. Ross
Spencer Rush
Raymond L. Rutter
John E. Schuerman
Harlan L. Simeon
Billy G. Smith
Thomas W. Smith
James A. Sprague
William T. Stinson
John W. Sumner, Jr.
Nicholas W. Tarr
Robert L. Turner
Harry K. VanDoren
James R. Wachutka
Paul M. Wethington
Raymond C. Widowski
Walter W. Wilkins, Jr.

CIVIL ENGINEER CORPS

John J. Baltzer
Norman D. Criss
Paul L. Gleman
Thomas E. Hale
Leslie L. Hines
Edward H. Hubel
Marion W. Lubich
Robert G. McManus
Francis M. Oxley

The following-named to be lieutenants (junior grade) in the Navy, limited duty only, for temporary service, in the classification indicated, subject to qualifications therefor as provided by law:

AVIATION OPERATIONS

Lewis D. Keller
Richard R. Leaverton

PHOTOGRAPHY

Clyde T. Kirkman

AEROLOGY

Neil F. O'Connor

AVIATION ELECTRONICS

William G. Dugan
James F. Southerland

AVIATION MAINTENANCE

Eugene P. Moccia

The following-named selected as alternates to be ensigns in the Navy, limited duty only, for temporary service, in the classification indicated subject to qualifications therefor as provided by law:

DECK

Harlan L. Barnes
Robert F. Cameron
Linnaeus T. Callaway

OPERATIONS

Seifert T. Sperry

ORDNANCE SURFACE

Vito Stanley
Douglas B. Tipton

ORDNANCE CONTROL

Jackie D. Harris
Elwood G. Ellis

ORDNANCE UNDERWATER

Hardin C. Story

ADMINISTRATION

Francis E. Bittner
George W. Pratt
Donald A. Harker

ENGINEERING

Lilbourne E. Draper
John A. Dankievitch
Robert A. Norman
Leo N. Remenak, Jr.
Robert F. Suggs
Richard E. Teeter

HULL

Donald C. Prater
Ira O. McGilbery

ELECTRICIAN

Carl K. Hoffman
Robert E. Thompson
Howard E. Sherman

ELECTRONICS

Louis F. Standard
Clarence W. Rupert
Lyle L. Slagg
Harold L. Meeker
Edward F. Laukaitis

CRYPTOLOGY

Thomas J. Clements

AVIATION OPERATIONS

William J. Porter

PHOTOGRAPHY

Charles L. Stoltz

AEROLOGY

Edwin V. Trefry

AVIATION ORDNANCE

Lloyd Bowman

AVIATION ELECTRONICS

Raymond F. Lanouette
Walter L. McCoy, Jr.
Jack M. Hemry
Donald E. Huntley

AVIATION MAINTENANCE

William C. Purcell
Russell E. Heyneman

SUPPLY CORPS

Herbert H. Vieweg
Eugene M. Gallagher
Russell R. Cawley
Alfred C. Zirnheit

The following named (Naval Reserve Officers Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Donald A. Albright
Walter P. Aleksic
Joseph H. Alexander
Clifford H. Anderson
Gary H. Anderson
John E. Anderson
George W. P. Atkins, Jr.
Earl R. Babbie
James A. Bartel
Murray Bass, Jr.
Thomas W. Baxter
Richard P. L. Bland
Ralph A. Blythe, Jr.
Lawrence J. Boller
Samuel W. Bowlby
James H. Bowman
Donald L. Bradbury
Martin L. Brandtner
Robert A. Braun
James V. Bronson
Carl E. Brooks, Jr.
John H. Brown
Robert J .Brown
James P. Burns III
Larry E. Byers
Robert B. Carl
Robert A. Carlson
Louis A. Cassel
Alfred F. Cazares

Roger L. Clawson
Richard F. Clements
Bruce A. Cochran
William Collins
Raymond C. Conklin
Frederick A. Conrad
George E. Core
Robert S. Coulter
Donald C. Cox
James H. Crampton
John L. Culver
Michael H. Curley
Brian P. Davis
Ernest J. Desautels
George O. Deshler
Michael G. Dickerson
Bonneau H. Dickson, Jr.
Chris G. Dokos, Jr.
Nathan C. Douthit
Leiland M. Duke, Jr.
Ronald J. Dusse
George D. Eggleston
Arthur C. Elgin, Jr.
David J. Elpers
George H. Enochs
Edward A. Eppinger
Louis F. Erb
Charles E. Farnsworth
Richard A. Fehnel
Joseph Y. Feitel, Jr.
Ken W. Fesler
John R. Filson
John G. Forti
Karl A .Foster
Richard C. Friedl
Gerald E. Friend
David J. Friis
Beverly B. Fuqua
Robert T. Gale
Peter F. Gamer
Robert B. Gann
Henry A. Germer, Jr.
Joel W. Gibbons III
John P. Gill
Jan R. Gilbert
Douglas Glover
Edward C. Goldhill, Jr.
George W. Goodwyn, Jr.
Harold C. Gosnell, Jr.
Herbert A. Grant, Jr.
John A. Gregg
William C. Hadley
Henry W. Harris III
Maynard A. Hatfield
George T. Hawley
Thomas C. Heil, Jr.
Roger P. Heinisch
Earl W. Hildebrandt
Larie W. Holmes
Harvard V. Hopkins, Jr.
Eugene E. Hracho
Gerald C. Huggin
Richard W. Hughes
Ed Varner Hungerford III
Lajon R. Hutton
John T. Jerbasi
James A. Kealey
Gordon L. Kelly
Steven J. Kemp
Robert J. Kew
Dennis G. King
Ned B. Kisner
Donald M. Koenig
Daniel J. Kraft
James W. Kreider
Conrad W. Lantz
Kenneth P. Larson
Vincent R. Lee
Neil R. Lincoln
Terry K. Lindquist
Thomas F. Little
Lawrence A. Luther
Joseph A. Lutheran
William J. Lytle
Lawrence G. Martin
William R. Martin
Tom E. Massey
Ernest W. McAfee, Jr.
William J. McCallum
William A. McIntyre III
David M. McKenney
Clarence I. Meeks III
Larry G. Mitchell
James L. Moore
Thomas J. Moran
Robert F. Morgan
Gerald R. Mueller
Richard J. Murphy
Bruce K. Nestande
Joseph C. Olson III
Lynn F. Oxenreider
Robert M. Pennell
James L. Pierce
George E. Pynchon
Ronald E. Reagan
William H. Reams
John H. Reimer, Jr.
Richard D. Roark
George K. Robinson, Jr.
Lance R. Robinson
James M. Ross
James B. Ruyle
Charles L. Sale
Carl R. Sawyer, Jr.
Lawrence E. Seaman, Jr.
Walter C. Shaw
Vincent M. Smith
Robert J. Smolenski
Richard C. Sneed
Howard M. Snook
Jacque E. Sohm
John E. Solomon, Jr.
Wesley F. Spence
Louis M. Spevetz
Richard M. Stacy
Anthony R. Strickland
Phil E. Stuart
Roderick E. Swetman
Laurence A. Taylor
Frederick S. Tener, Jr.
John B. Terpak
James N. Thomas
James G. Thompson
Richard K. Thompson
John H. Todd
Howard P. Troutman
Rudolph G. Tschida
Karl A. Tunberg
Carlon N. Turner
Paul J. Van Wert
Jean P. C. Vaughan
Richard F. Wallace
Jack H. Watson, Jr.
John R. Watson
Steven S. Webster
Arthur D. Weren
George M. Wilkins
Paul R. Williams
Herbert H. Wood
Harry C. Young, Jr.

The following named (U.S. Military Academy graduates) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Alfred D. Bailey
Edward O. Bierman
John D. Dobak
Theodore R. Dunn
Berlis F. Ennis
Robert P. Koontz
Ronald S. Smith
James J. Stewart

The following named (meritorious noncommissioned officer) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Kenneth N. Jones.

The following named (platoon leaders class) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Thomas R. Betz
Peter H. Cathell
Vincent S. Coll

The following named (Naval Academy graduates) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Steve R. Balash, Jr.
Duane C. Beck
Charles N. Bikakis
Alfred H. Bivens
James W. Bower
Claudius J. Britell
Richard S. Burgess
Bernard J. Cauley
Francis S. Clark
David H. Cutcomb
Donnie L. Darrow
David G. Derbes
Gary T. Dilweg
Phillip E. Gardner
Paul B. Gaynor
Merle W. Gorman
Wayne G. Griffin
Warren G. Hahn
Lynn A. Hale
Chester E. Hanson
Robert R. Harlan
Richard I. Harris
Frank S. Hayes
Robert S. Holman
Carl R. Ingebretsen
Gerald M. Johnson
William M. Keys
Joe J. Kirkpatrick
Frank P. Kolbe, Jr.
Charles L. Lynch
David Mayers, Jr.
Samuel K. McKee III
Paul A. McLaughlin
Robert S. Meck
Allen H. Miller
Jay A. Newbern
Alan L. Orr
David B. Prue
En Sue Paung Puaa
David A. Quinlan
Tom V. Richardson
Karl Rippelmeyer
William A. Roche
Torrence W. Rogers
George C. Ross
Robert A. Ross
Norman W. Sammis
James R. Shea
Gid B. Smith
Thomas J. Solak
Robert J. Spolyar
William C. Stensland
Robert H. Strand
Harold D. Sullivan
Warren E. Sweetser III
Edward H. Szweda, Jr.
Joseph R. Tenney
Martin N. Tull
Allen P. Whitaker
Justin H. Wickens

The following named officers of the Marine Corps for permanent appointment to the grade of first lieutenant, subject to the qualifications therefor as provided by law:

Hugh F. Anderson, Jr.
Ronald C. Andreas
Louis J. Black
Marine V. Rosewaine
Joseph C. Baldwin
Norman G. Becker, Jr.
Harry Black
Charles W. Brown
Samuel P. Brutcher
Franklin D. Bynum
Robert L. Cantrell
David H. Carrigan
Alfred I. Clayes, Jr.
Richard P. Connolly
John G. Cooper
Charles L. Cronkrite
James P. Dawson
Gary A. Davis
Roger E. Deitrick
Patrick L. Derieg
John J. Dolan
Glenn H. Downing
Cleveland L. Dunning
Wallace H. Ekholm, Jr.
Harry H. Gast, Jr.
Thomas J. Gligorea
Robert B. Goodman
Donnie M. Griffay
Everard E. Hatch
Edward L. Howe, Jr.
Jesse N. Keathley
Gerald G. Kemp
John M. Kretsinger
Stanley P. Krueger
Phillip B. Layman
Dale E. Lewis
John L. H. Mason, Jr.
John E. Morgan
Terrence P. O'Mahoney
Ralph B. Orey
Jack H. Pulcheon
John T. Radich
William H. Ridings
Benny D. Rinehart
Roland W. Root
Edwin Sahaydak
Marvin E. Schwaninger
Clyde C. Simon
Barry F. Skinner
James L. Skinner
Dale J. Uhlenhake
William K. Wehrell, Jr.
Lawrence A. Whipple

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant, subject to the qualifications therefor as provided by law:

Edward L. Adner
Russell T. Antonille
John P. Atherton
John M. Barberi
David M. Busse
Jean P. Cole
Frank J. Cox, Jr.
Thomas J. Dalzell
David S. Drum
Charles R. Dunlap
Herbert B. East
George P. Edgell
Donald Festa
Robert G. Flynn
Mark T. Fulmer
Michael S. Gering
William Gilfillan III
Robert C. Gregor
William O. Hambler
Leo J. Hayward
Donald F. Herman
Bobby N. Jackson
Donald W. Johnson
Gregory W. Jordan
Charles T. Knight
John Koyiades
Robert W. Lafon
Michael W. Laing
Gerald E. MacDonald
Albert J. McCarthy, Jr.
John C. McDonald
Michael I. Opean
Milton C. Otto
Allen B. Ray
Stephen M. Rohr
James D. Scrivner
James P. Sheehan
Harry L. Solter, Jr.
Arthur D. Thatcher, Jr.
Richard E. Theer
Michael L. Tuggle
Lewis D. Vogler
Lauritz W. Young

NATIONAL SCIENCE FOUNDATION

Malcolm M. Willey, of Minnesota, to be a member of the National Science Board, National Science Foundation, for the remainder of the term expiring May 10, 1964, vice T. Keith Glennan, resigned.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 6, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Hebrews 11: 6: *Without faith it is impossible to please God.*

Almighty God, whose resources of divine wisdom are inexhaustible and abundantly adequate for all our needs, may this moment of prayer be one of earnest desire to know Thy truth and of sincere determination to do Thy will.

Grant that the deep and desperate things, which so frequently baffle us and dim our way, may never tempt us to yield to doubt and despair.

Help us to believe that we can conquer all those devastating moods and attitudes, which assail our minds and hearts, by cultivating and possessing a faith that is strong and radiant.

May we be eager to keep inviolate the faith of our God-fearing fathers and may the spiritual ideals upon which they built our Republic continue to be the guiding principles which we are seeking to enthrone in our own individual and national life.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

WATERSHED PROTECTION AND FLOOD PREVENTION

The SPEAKER. The Chair lays before the House the following communication.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, U.S.,
COMMITTEE ON AGRICULTURE,
Washington, D.C., April 5, 1960.

Hon. SAM RAYBURN,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture has today considered the work plans transmitted to you by Executive Communication No. 2042 and

referred to this committee and unanimously approved each of such plans. The work plans involved are:

STATE AND WATERSHED

Mississippi: Chiwapa Creek, Mulberry Creek.
Nebraska: Wilson Creek.
New York: Conewango Creek.
North Dakota: North Branch Forest River.
Tennessee: Bear Creek, Cypress Creek.
Tennessee and Mississippi: Porters Creek.
Virginia: Buffalo Creek.

Sincerely yours,

HAROLD D. COOLEY, *Chairman.*

The SPEAKER. The communication will be referred to the Committee on Appropriations.

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess, subject to the call of the Chair.

JOINT MEETING OF THE TWO HOUSES OF CONGRESS TO HEAR AN ADDRESS BY HIS EXCELLENCY THE PRESIDENT OF COLOMBIA

The SPEAKER of the House of Representatives presided.

At 12 o'clock and 12 minutes p.m. the Doorkeeper announced the Vice President of the United States and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. On the part of the House the Chair appoints as members of the committee to escort His Excellency the President of Colombia into the Chamber the gentleman from Massachusetts, Mr. MCCORMACK; the gentleman from Indiana, Mr. HALLECK; the gentleman from Pennsylvania, Mr. MORGAN; and the gentleman from Illinois, Mr. CHIPERFIELD.

The VICE PRESIDENT. On the part of the Senate the Chair appoints as members of the committee of escort the Senator from Missouri, Mr. HENNINGS; the Senator from Rhode Island, Mr. GREEN; the Senator from Illinois, Mr. DIRKSEN; and the Senator from Wisconsin, Mr. WILEY.

The Doorkeeper announced the following guests, who entered the Hall of the House of Representatives and took the seats reserved for them:

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The members of the President's Cabinet.

At 12 o'clock and 40 minutes p.m., the Doorkeeper announced His Excellency the President of Colombia.

His Excellency the President of Colombia, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk. [Applause, the Members rising.]

The SPEAKER. Members of the Congress, I deem it a high privilege, a great pleasure, and a distinct honor to be able to present to you the President of a great, a free, and a friendly Republic to the south of us, the President of the Republic of Colombia. [Applause, the Members rising.]

ADDRESS OF HIS EXCELLENCY ALBERTO LLERAS-CAMARGO, PRESIDENT OF THE REPUBLIC OF COLOMBIA

President LLERAS-CAMARGO. Members of the Congress of the United States, I have come to your country by your President's most kind invitation. I have no specific mission here. I am not here to make any overtures on behalf of my Government to yours; both yours and mine manage to get along satisfactorily together through the ordinary broad and friendly channels. [Applause.]

Neither have I come here to get acquainted with this Nation, though it would be well worth my while to leave the cares of office to do so. It has been my privilege tc live long years among you, right here in Washington. The admiration I feel for your country, your laws, your political institutions, for this Congress, for your harmonious balance of powers and estates, came to me by dint of long and deep deliberation, when I contemplated your behavior as a people in peace and in war.

At that time, during which there were some hard and trying moments for you, it fell to my lot as an agent of the American international organization, to help in maintaining the interest of the public, the interest of Congress, and of successive administrations in the affairs, fortunes, problems, and future of those enormous geographical and human latitudes which lie south of your country and cover the islands of the Caribbean.

Everywhere I found good will, affection for our people, mindfulness of their affairs. Presidents Roosevelt, Truman, and Eisenhower, no less than Secretaries of State Hull, Stettinius, Byrnes, Marshall, Acheson, Dulles, and Herter renewed their faith in the regional organization, while the two Houses of Congress took the initiative to strengthen it, despite the harassing anxieties which had pulled the attention of the public in other directions, toward the immediate points of conflagration and conflict.

At that time your isolationist policy ended forever, and you pledged yourselves as the greatest world power to maintain the peace and security of our planet. That was when the Senate, under the joint or alternating influence of Senators Connally and Vandenberg and with the wholehearted assistance of several of its present members, set its seal, both in the Charter of the United Nations and in the Organization of American States, on the enlargement and definition of the regional covenants entered into by the United States of America. What intense activity to create a world of law after Armageddon. Conference followed conference—Dumbarton Oaks, Yalta, Chapultepec, San Francisco, Rio de Janeiro, Bogota. In all of them one thing emerged clear to you and to the other American States: whatever may happen, we are, above all, members of the most ancient regional community in existence, partners in the most effective enterprise for the elimination of war, for collective defense and peaceful cooperation. Our related lives are ruled by the clearest statutes of reciprocal obligations and rights amongst our 21 nations, statutes which are at once a kind of inter-American constitution and, as Franklin Delano Roosevelt would have it, a declaration of interdependence. [Applause.]

During that process you also proved yourselves to be a great nation. How easy it would have been for you to turn your backs, as some of your experts advised you to do, on the circumscribed regional organization and, instead, to rush headlong into the tasks, duties, and dangers of your new position in the world organization so fraught with unforeseen consequences. Nevertheless, you did not forget that in the American society of nations your finest statesmen had learned how to treat with other peoples, how to restrain the imperialistic zest of a young and ambitious nation, how to submit to the sway of international laws which were in essence hardly different from those which governed your country. And, indeed, was it not from the inter-American experience that Wilson's idea came forth to create the League of Nations? The only reward sought on America's entering the Second World War was the foundation of a rule of law and a worldwide association of nations. That demand, posed by the United States both on the first occasion and on the second, was made in tacit representation of a hemisphere in which the system proposed not only was of long standing, but had also proved its civilizing effectiveness.

I quite understand how it is that some European, Asiatic, and African states have feared and still look askance upon your sudden appearance on the scene of world decisions; for, indeed, never before has so mighty a power, after so decisive a military victory, intervened in world affairs for the first time without insisting that the prevalent geographical, political, and economic structure should be refashioned to the measure of its ambition. [Applause.] But we the nations of Latin America could hardly claim the right to join in that chorus of distrust, misunderstanding, and suspicion, for our experience with your country does not in the least resemble that of other peoples who have lived or survive under the baleful shadow of some implacable imperialism.

True it is that your nation, in her full-blooded and heady youth, followed the best-known pattern of what up to then was supposed to be a great power, and that some of our Latin-American states felt the unbridled harshness of that mood. But at the hemisphere's round-table she surrendered her weapons one by one, she cut her claws, she eschewed privilege and exception, and clung only to one common law, identical for the smallest and feeblest states, but more rigorous for the greatest. [Applause.] That is why when it was announced in Montevideo that the United States had

decided to abandon every form of intervention in the hemisphere, we the unarmed peoples of the south realized that the international organization that was foundering in Geneva might yet be rescued in America, and that democracy among nations was not merely desirable, but absolutely possible.

Notwithstanding, the rest of the world was not quite so ready for such a doctrine and such a policy. Already in San Francisco, when the structure of the United Nations was being discussed, there resounded the first clash against certain rampant tendencies to aggression. What for you and for us was the beginning of the law that directed and submitted the relations between state and state to a juridical order, signified for others nothing more than a yielding to the doctrinarian whim of a powerful ally. Or else it might be—so they fancied—an instrument of unilateral political power with such indispensable reservations as to make sure that no imperial ambition of predominance should come to naught.

It was the peoples of Latin America who clearly saw the new perils and who understood and admired the behavior of your Nation, pledged as she was to safeguard, within the international organization and outside of it, those very principles which had led her to war and to victory. It was they who understood why it was necessary to pour out over a devastated world, without making any distinction between friends and foes, all the wealth and bounty of the United States. It was they who realized that this generous strength was especially needed in those areas where the civilization of the West had been demolished and had to be set up again; and especially needed, too, wherever age-long despotism and misery and the enslavement of millions of human beings, shaken out of their lethargy by the war of liberation, could not be prolonged without kindling their unfulfilled craving into explosion. Thus, for the mission which you had assigned to yourselves, we saw poor, undernourished peoples of Latin America proffering food and money, rather in the spirit of complete agreement than in the hope of lending any substantial aid. It was in the same spirit that some of us offered military contingents to the United Nations in order to repel aggressions condemned by the international organization.

It is principally through your action, supported by our enthusiasm, that this second half of the 20th century is destined to be the period of economic and social development of the backward populations of the world. The war, as could be foreseen, brought about the dissolution of ancient empires. Something like this had happened after the Napoleonic wars which originated the independence of the Latin-American nations. Thus, too, after 1918 new states sprang into being; and, in like manner, the process set in motion by the Second World War has not yet run its course. Look at all these tyro states. Does it seem, in the political order, an easy thing to create an independent nation? Well, it is much harder—it is, in fact, amazingly difficult—to maintain the autonomy of a people burning with desire for a better existence which political freedom has brought within its vision, but not within its reach. Such a nation, eager to develop, stands at the crossroads of two fundamental choices. It can follow the Communist pattern, and sacrifice all the freedoms and the privileges of the human person in the hope that, after three or four generations of privation and bloodshed, the survivors may at last know and acquire some of the goods, services, and facilities of a higher civilization. Or it can be guided by those principles and procedures through which you yourselves have come to be one of the richest, most fairminded, and happiest of nations [Applause.] We have seen how the backward peoples of the Eastern Hemisphere rush into either alternative, and how they often fail to see that if once they commit themselves to the former choice, even by way of experiment, there is no turning back. Of course, for several of those nations, who never knew freedom before the Second World War, there is no great sacrifice in accepting a new tyranny which holds out to them the promise of industries, dwellings, vehicles, clothing, and food for the offspring of their grandchildren.

The Latin American nations, fortunately, are not in this situation. Since their inception they have known the unforgettable taste of freedom. In spite of civil wars and occasional dictatorships, they always come back to freedom, which is their historical constant. [Applause.] This freedom, in fact, is what makes it possible for them to perceive the process through which mankind is passing in Japan, in China, in Indonesia, in India, in Africa, in Western and in satellite Europe. This is what makes them understand that if they do not in the near future emerge from their backwardness, they will be unable to avoid the effects of impatience and desperation, of revolt and anarchy, and new dictatorships. In all those states it has already been possible to measure almost accurately how many more yards they have to go in order to finish a race that will bring them to the point of satisfying the vital needs of a growing population; how much they can achieve through an industrial and agricultural development calculated to raise the standard of living to reasonable human levels.

Latin America has been struggling, even by such unorthodox means as inflation, to produce at least the illusion of development, but these methods create very serious social problems and financial instability, which can only make it still more difficult to acquire the capital goods that have to be paid for in hard cash. What these countries need—and not in some way or other, but urgently and amply—is foreign aid, which ought to take the specific form of credit for the undeferable and profitable enterprise of their economic development. If the principles of free enterprise and private initiative, as well as the principles on which the political organization of the hemisphere is founded, are true; if your own experts and those of the United Nations are right, then in 10, or 15, or 20 years, provided that the Latin American countries have been greatly boosted with foreign capital, the whole hemisphere will, by its very prosperity, be proof against any attempt to reduce it to anarchy with a view to favoring the domination of alien politics. It is equally certain that these countries will then be able to pay back loans extended to them for this purpose.

Without such aid the lag in our economic development would ominously falter toward paralysis—but not before millions of beings without schools, without hospitals, without industries enough to create employment, without sufficient food, without land and, worse than all, without hope have repudiated their democratic leading classes and taken leap after leap in the dark. Each of those leaps, like your historic cannon shot, would be heard around the world, and here, louder than anywhere else.

The admiration, affection, and gratitude I have for your people compel me to show you with unsparing clarity the plight of Latin America as I see it. But I also want to make it quite clear that I do not consider you bound to help in the economic development of any part of the world—even the nearest to your frontiers and your sympathies. We in Latin America do not think ourselves entitled to claim your collaboration in our economic development, even though this has been your way of promoting your international policies and ours in other regions in dire peril. Our situation is not one of unilateral rights and obligations. But it so happens that we need to purchase a decisive stake in the material civilization of the West, so that this civilization may not wholly perish from our countries through frustration, through impotence, through desperation. We are unable to buy it outright from those who own it—that is, from you—in your own currency. We can neither solicit nor accept a gift without retribution; we will neither beseech nor receive aid from you without restitution to the American taxpayer, for such an action on our part, even were it possible, would engender only bitterness, resentment, mistrust, and irritation in the popular relations between North and South.

So far as I am aware, the people of Latin America, with perhaps a solitary exception, have asked for nothing but credit for their economic development. [Applause.] But this must be a high operation of reciprocal confidence in a great common destiny, and an act of faith, on your part and on ours, in the political, economic, and social principles that we share. It cannot be, then, an operation subject to the all-too-rigid tests and the common standards of ordinary banking and private business. On this occasion neither you nor we can run the risk of discovering when we agree to do something that it is too late or too little. The pan-American operation that our States have been proposing is remunerative, sure, and clear. But it is fundamentally a political act which cannot be judged by traditional banking criteria. No doubt there are better deals and better investments than the economic development of a backward part of the world.

But it is a political function of the State to decide on the priority of this enterprise.

I am well aware that this message of mine, if it is at all worthy of consideration, could be delivered in no fitter place than this admirable Congress of the United States, where there is reflected without hindrance or deceit the public opinion of a great and friendly nation.

I wish to say, too, that if I speak like this I do not do so merely on my own initiative or by a mandate of my people. Nearly every day I receive in the Presidential House in Colombia visits from fellow citizens of yours, Senators and Congressmen, public functionaries, professional men, university men, businessmen, trade-union leaders, and all of them, with some perplexity, with a sincere desire to find out the truth, and with the noblest spirit of inter-American fraternity, ask the same question: "What must we, what can we, do for Latin America?" To all of them I have given the same answer, and they have asked me to repeat it from the highest tribune of your Nation: Help those people to come forth from their backwardness by lending them the goods and capital they need. You will thus enable them to leave behind them the last stage of their underdevelopment. But give them this help before their backwardness becomes a retreat, a rout, a historical disaster.

I have never, outside of my own country, felt more honored and more responsible for each word I say than at this solemn moment when I am being listened to by those who, in either House, belong to that institution which has decided the history of the United States and, at times, of humanity. Let me say, however, that you have not been listening merely to the voice of a citizen of the hemisphere; you have heard another voice, one that has the right and the credentials to be listened to in the unsullied forum of liberty—the voice of my country, Colombia, a free people, governed by institutions that have their origin in Philadelphia. This is the voice of a people who have followed your finest examples and who profess for your Nation an undeviating friendship tested by historical difficulties which no longer exist. It is, then, the voice of a friendship proven in our time by a long, respectful, rewarding, and reciprocal collaboration, which I hope and trust will continue without impairment into the future. [Applause, the Members rising.]

At 1 o'clock and 12 minutes p.m., His Excellency the President of Colombia, accompanied by the committee of escort, retired from the Chamber.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purposes of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Thereupon (at 1 o'clock and 15 minutes p.m.) the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 15 minutes p.m.

PRINTING OF PROCEEDINGS DURING RECESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONSTRUCTION OF MODERN NAVAL VESSELS

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 497, Rept. No. 1456) which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10474) to authorize the construction of modern naval vessels. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1960

Mr. THOMAS. Mr. Speaker, I call up the conference report on the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report was agreed to.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1452)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 18, 23, 24, 25, 27, 28, 29, and 43.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 7, 9, 11, 12, 17, 26, 32, 41, and 44, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,400,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$24,000,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,750,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$142,500"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$80,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$200,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,650,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$17,500,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$550,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$300,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,025,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amend-

ment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$300,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 6, 8, 15, 19, 33, 34, 35, 36, 37, 38, 39, 40, and 45.

ALBERT THOMAS,
MICHAEL J. KIRWAN,
CLARENCE CANNON,
BEN F. JENSEN,
JOHN TABER,
Managers on the Part of the House.

CARL HAYDEN,
RICHARD B. RUSSELL,
DENNIS CHAVEZ,
ALLEN J. ELLENDER,
LISTER HILL,
WARREN G. MAGNUSON,
SPESSARD L. HOLLAND,
STYLES BRIDGES,
LEVERETT SALTONSTALL,
MILTON YOUNG,
KARL MUNDT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

DEPARTMENT OF AGRICULTURE

Amendment No. 1: Appropriates $1,400,000 for the Commodity Stabilization Service for acreage allotments and marketing quotas instead of $1,000,000 as proposed by the House and $1,666,800 as proposed by the Senate.

Amendment No. 2: Appropriates $675,000,000 for the Commodity Credit Corporation for restoration of capital impairment as proposed by the Senate.

DEPARTMENT OF COMMERCE

Amendment No. 3: Appropriates $24,000,000 for Maritime activities for operating-differential subsidies instead of $16,000,000 as proposed by the House and $32,000,000 as proposed by the Senate.

Amendment No. 4: Reported in disagreement.

DEPARTMENT OF DEFENSE—CIVIL FUNCTIONS

Amendment No. 5: Appropriates $2,750,000 for the Department of the Army for rivers and harbors and flood control operation and maintenance instead of $2,700,000 as proposed by the House and $2,800,000 as proposed by the Senate.

DISTRICT OF COLUMBIA

Amendment No. 6: Reported in disagreement.

Amendment No. 7: Appropriates $36,000 for the Fire Department as proposed by the Senate.

Amendment No. 8: Reported in disagreement.

Amendment No. 9: Inserts language proposed by the Senate to finance $38,000 of the increased cost of utility services from the water fund.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Amendment No. 10: Deletes Senate proposal to appropriate $7,362,000 for payments to school districts for fiscal year 1959.

Amendment No. 11: Appropriates $22,343,000 for payments to school districts for fiscal year 1960 as proposed by the Senate instead of $8,330,000 as proposed by the House.

Amendment No. 12: Appropriates $131,000 for grants for library services as proposed by the Senate instead of $100,000 as proposed by the House.

Amendment No. 13: Appropriates $142,500 for the Public Health Service for communicable disease activities instead of $125,000 as proposed by the House and $160,000 as proposed by the Senate.

Amendment No. 14: Appropriates $80,000 for sanitary engineering activities instead of $350,000 as proposed by the Senate. The amount allowed is for the Colorado River Basin enforcement investigation.

Amendment No. 15: Reported in disagreement.

Amendment No. 16: Appropriates $200,000 for Indian health activities instead of $350,000 as proposed by the Senate.

Amendment No. 17: Appropriates $4,000,000 for the Social Security Administration for grants to States for public assistance as proposed by the Senate instead of $9,500,000 as proposed by the House.

INDEPENDENT OFFICES

Amendment No. 18: Deletes Senate proposal to appropriate $3,000,000 for the Office of Civil and Defense Mobilization.

Amendment No. 19: Reported in disagreement.

Amendment No. 20: Appropriates $1,650,000 for the Housing and Home Finance Agency for urban planning grants instead of $1,500,000 as proposed by the House and $1,800,000 as proposed by the Senate.

Amendment No. 21: Appropriates $17,500,000 for capital grants for slum clearance and urban renewal instead of $35,000,000 as proposed by the Senate.

Amendment No. 22: Appropriates $550,000 for the National Labor Relations Board for salaries and expenses instead of $500,000 as proposed by the House and $600,000 as proposed by the Senate.

Amendment No. 23: Deletes Senate proposal to appropriate $100,000 for the United States Information Agency for Spanish language radio broadcasts to cultivate friendship with the people of Cuba. The conferees agree that this proposal should receive careful consideration in the executive branch and if so decided can be implemented with funds presently unobligated under the regular appropriation for salaries and expenses.

DEPARTMENT OF THE INTERIOR

Amendment No. 24: Appropriates $2,450,000 for the Bureau of Land Management for management of lands and resources as proposed by the House instead of $2,860,000 as proposed by the Senate.

Amendment No. 25: Appropriates $310,000 for the Bureau of Indian Affairs for resources management as proposed by the House instead of $360,000 as proposed by the Senate.

Amendment No. 26: Appropriates $735,000 for the Bureau of Reclamation for operation and maintenance as proposed by the Senate.

Amendment No. 27: Appropriates $125,000 for the National Park Service for management and protection as proposed by the House instead of $150,000 as proposed by the Senate.

Amendment No. 28: Appropriates $3,135,000 for the National Park Service for construction as proposed by the House instead of $4,982,300 as proposed by the Senate.

DEPARTMENT OF JUSTICE

Amendment No. 29: Appropriates $200,000 for salaries and expenses of United States attorneys and marshals as proposed by the House instead of $300,000 as proposed by the Senate.

Amendment No. 30: Appropriates $300,000 for the Immigration and Naturalization Service for salaries and expenses instead of $500,000 as proposed by the Senate.

DEPARTMENT OF LABOR

Amendment No. 31: Appropriates $1,025,000 for labor-management reporting and disclosure activities instead of $750,000 as proposed by the House and $1,300,000 as proposed by the Senate.

LEGISLATIVE BRANCH

Amendment No. 32: Inserts heading as proposed by the Senate.

Amendments Nos. 33 through 40, inclusive: Reported in disagreement.

Amendment No. 41: Appropriates $12,000 for the Architect of the Capitol for Senate Office Buildings as proposed by the Senate.

DEPARTMENT OF STATE

Amendment No. 42: Appropriates $300,000 for Administration of Foreign Affairs for salaries and expenses instead of $210,000 as proposed by the House and $395,000 as proposed by the Senate.

Amendment No. 43: Deletes Senate proposal to appropriate $220,000 for the International Boundary and Water Commission, United States and Mexico. The conferees gave the matter careful consideration and recommend that it be further reviewed.

TREASURY DEPARTMENT

Amendment No. 44: Appropriates $1,500,000 for the Bureau of the Public Debt as proposed by the Senate instead of $750,000 as proposed by the House.

Amendment No. 45: Reported in disagreement.

ALBERT THOMAS,
MICHAEL J. KIRWAN,
CLARENCE CANNON,
BEN F. JENSEN,
JOHN TABER,
Managers on the Part of the House.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 4: Page 3, line 6, insert the following:

"STATE MARINE SCHOOLS

"For an additional amount for 'State marine schools', $20,000; and the limitation under this head in the Department of Commerce and Related Agencies Appropriation Act, 1960, on the amount available for the maintenance and repair of vessels loaned by the United States, is increased from '$150,000' to '$170,000.' "

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Senate amendment No. 4: Page 3, line 6, insert the following:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 4, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"STATE MARINE SCHOOLS

"For an additional amount for 'State marine schools', $15,000; and the limitation under this head in the Department of Commerce and Related Agencies Appropriation Act, 1960, on the amount available for the maintenance and repair of vessels loaned by the United States, is increased from '$150,000' to '$165,000.' "

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: On page 4, line 16, insert the following:

"DEPARTMENT OF GENERAL ADMINISTRATION

"For an additional amount for 'Department of General Administration', $20,000, to remain available until expended."

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 8: Page 4, line 23, insert the following:

"PERSONAL SERVICES, WAGE-SCALE EMPLOYEES

"For pay increases and related retirement cost for wage-scale employees, to be transferred by the Commissioners of the District of Columbia to the appropriations for the fiscal year 1960 from which said employees are properly payable, $284,000, of which $19,000 shall be payable from the highway fund, $35,500 from the water fund, and $21,500 from the sanitary sewage works fund."

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 8, and concur therein with an amendment, as follows: In lieu of the sum of $284,000 named in said amendment insert "$270,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: Page 8, line 1, insert the following:

"HOSPITALS AND MEDICAL CARE

"The limitation under this head in the Department of Health, Education, and Welfare Appropriation Act, 1960, on the amount available for payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (37 U.S.C. ch. 7), is increased from '$2,167,000' to '$2,367,000'."

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 15, and concur therein with an amendment, as follows: In lieu of the sum of $2,367,000 named in said amendment insert "$2,267,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 19: Page 9, line 14, insert the following:

"FEDERAL COMMUNICATIONS COMMISSION

"Salaries and expenses

"The limitation, established by section 102 of the Independent Offices Appropriation Act, 1960, on the amount available under this head for travel expenses of employees during the current fiscal year, is increased by $10,000."

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 19, and concur therein with an amendment, as follows: In lieu of the sum of $10,000 named in said amendment insert "$7,500".

The motion was agreed to.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the amendments of the Senate numbered 33, 34, 35, 36, 37, 38, and 39 be considered en bloc.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

Senate amendment No. 33: Page 16, line 9, insert: "For payment to Emma Langer Schaeffer, Lydia Langer Irwin, Mary Langer Gokey and Cornelia Langer Noland, daughters of William Langer, late a Senator from the State of North Dakota, $22,500."

Senate amendment No. 34: Page 16, line 13, insert: "For payment to H. Maurine Neuberger, widow of Richard L. Neuberger, late a Senator from the State of Oregon, $22,500."

Senate amendment No. 35: Page 16, line 16, insert:

"SALARIES, OFFICERS AND EMPLOYEES"

Senate amendment No. 36: Page 16, line 17, insert: "For an additional amount for administrative and clerical assistants to Senators to provide additional clerical assistants for each Senator from the States of Maryland and Wisconsin so that the allowances of Senators from the State of Maryland will be equal to that allowed Senators from States having a population of over three million, the population of said State having exceeded three million inhabitants, and so that the allowances of Senators from the State of Wisconsin will be equal to that allowed Senators from States having a population of over four million, the population of said State having exceeded four million inhabitants, $6,600."

Senate amendment No. 37: Page 17, line 5, insert: "For an additional amount for Office of the Secretary, $1,915: *Provided,* That the basic amount available for clerical assistance and readjustment of salaries in the disbursing office is increased by $3,720."

Senate amendment No. 38: Page 17, line 9, insert:

"CONTINGENT EXPENSES OF THE SENATE

Senate amendment No. 39: Page 17, line 10, insert:

"FURNITURE

"For an additional amount for furniture, $8,690."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendments of the Senate numbered 33, 34, 35, 36, 37, 38, and 39, and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 40: Page 17, line 12, insert:

"EXPENSES OF INQUIRIES AND INVESTIGATIONS

"For an additional amount for expenses of inquiries and investigations, $662,000."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 40, and concur therein with an amendment, as follows: In addition to the matter inserted by said amendment insert the following:

"HOUSE OF REPRESENTATIVES

"For payment to Laura E. Mack, widow of Russell V. Mack, late a Representative from the State of Washington, $22,500."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 45: Page 21, line 12, insert:

"CLAIMS FOR DAMAGES AND JUDGMENTS

"For payment of claims as settled and determined by departments and agencies in accord with law and a judgment rendered against the United States by the United States Court of Claims, as set forth in Senate Document Numbered 87, Eighty-sixth Congress, $4,948,934, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided,* That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided, further,* That unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 45, and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

PERMISSION TO SIT—SUBCOMMITTEE NO. 5 OF THE COMMITTEE ON THE JUDICIARY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may be permitted to sit on Wednesday and Thursday afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALL OF THE HOUSE

Mr. KLUCZYNSKI. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair believes a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 41]

Addonizio	Burdick	Dent, Pa.
Ashley	Canfield	Diggs
Auchincloss	Casey	Dowdy
Bowles	Coffin	Edmondson
Brewster	Cooley	Elliott
Brown, Mo.	Curtis, Mo.	Fenton
Buckley	Daddario	Goodell

Granahan	Milliken	Saund
Grant	Mitchell	Siler
Hargis	Morris, N. Mex.	Springer
Hoffman, Ill.	Passman	Sullivan
Jones, Ala.	Porter	Taylor
Magnuson	Powell	Weaver
Mailliard	Reuss	Willis
Mason	Rhodes, Ariz.	Wolf
Metcalf	Rodino	
Miller, George P.	Rogers, Colo.	
	Rogers, Mass.	

The SPEAKER. On this rollcall 380 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

OVERALL LIMITATION ON FOREIGN TAX CREDIT

The SPEAKER. The unfinished business is the question on suspending the rules and passing the bill H.R. 10087, to amend the Internal Revenue Code of 1954 to permit taxpayers to elect an overall limitation on the foreign tax credit.

The question was taken, and the Speaker announced that in his opinion two-thirds had voted in favor thereof.

Mr. GROSS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EMPLOYMENT OF RETIRED COMMISSIONED OFFICERS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 487 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10959) relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 487 provides for the consideration of H.R. 10959, relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces, and for other purposes. The resolution provides for an open rule with 3 hours of general debate.

The purposes of the bill are to, first, attempt to curb, insofar as possible, the potential for influence, in the field of military procurement, of retired commissioned officers and active-duty commissioned officers employed by contractors furnishing anything to the Department of Defense or an Armed Force of the United States; second, to make the laws pertaining thereto equal to all of the services; and third, to provide exemption for the five-star generals and admirals from the law relative to outside employment of active-duty officers.

H.R. 10959 equalizes for retired officers of all of the armed services the prohibition against selling to the Department of Defense and the Armed Forces. It also provides that a retired officer may not sell as the representative of a company doing business with the Department of Defense for a period of 2 years from the date of his retirement without losing his retired pay for such period up to the 2 years that he may engage in such selling. The only exception is in the case of any officer who served on active duty less than 8 years and whose primary duties during his period of active duty at no time included procurement, maintenance, or supply.

Section 2 of H.R. 10959 will further lessen the possibility of influence in this field by limiting outside employment of commissioned officers on active duty to those positions which can in no way be conceived as affecting the procurement practices or policies of the Department of Defense or an Armed Force of the United States. The only exception thereto is in the case of the five-star generals and admirals.

Those affected by this exemption are Generals of the Army MacArthur and Bradley, both of whom are on the active list of the Army but without any duty assignments and are employed by organizations which furnish material to the Armed Forces of the United States.

Section 3 of the bill will repeal the existing lifetime ban on selling to the Navy by retired Navy commissioned officers.

The bill would prohibit selling as a matter of principle and as a matter of law for a period of only 2 years after an officer retires.

Congressman HÉBERT and the members of his subcommittee investigating the procurement operations of the Defense Department, are to be congratulated for the outstanding job they have been doing in exposing some of the questionable methods of contract letting in our mammoth defense program. Having heard the testimony presented by members of the Armed Services Committee before the Rules Committee on H.R. 10959, I am very much opposed to this bill in its present form. I am not opposed to the adoption of a rule as I do believe the Members should be given an opportunity to learn all the facts connected with the loose methods adopted by leaders in our Defense Department in granting contracts involving the expenditures of billions of dollars annually. Congressman HÉBERT'S committee has held extensive hearings and startling facts have been recorded in the testimony of wanton waste and questionable methods used in negotiating contracts with large industries who could afford to hire retired military officers at fabulous salaries. I understand that during the 5-minute rule, Congressman HÉBERT and some of the members of his subcommittee will sponsor an amendment to this bill which will more effectively curb some of the deplorable procurement operations of our Defense Department.

As a Representative in Congress of the industrial Calumet region, I can say that during the last dozen years a great number of small industries in my area have been completely estopped from even a remote consideration of their application for securing defense contracts by reason of an inside munitions lobby operated by retired military officers.

In Drew Pearson's column some time ago, an article stated that General Electric, next to Boeing and General Dynamics, is the third largest defense contractor in our Government. The article also stated that in 1958 General Electric had as high as 35 retired Army, Navy, and Air Force officers on its payroll at fabulous salaries. It also stated that General Electric ranked fifth in the list of firms employing retired "brass hats." One of these brass hats was a highly paid admiral who formerly was Chief of Naval Personnel and hired some of the men who were issuing defense contracts before he retired from the service.

In an article in the February 9, 1960, Washington Post, it was revealed that a former admiral, after retirement, was receiving a pension from the Government of $1,072.18 per month in addition to a $25,000 salary from the Bankers Trust; $12,000 annually from Philco; $12,000 annually from Molybdenum Co.; and $15,000 annually from Champion Paper, and $2,400 per annum, plus $100 for each directors meeting from Worthington Pump Corp.

I am merely mentioning a couple of the numerous instances where retired military officers step into fabulous salary bonanzas after retirement merely because of their close connections with the Pentagon and other defense operations. I am glad that the Armed Services Committee is finally taking a definite step to present legislation that will terminate this sloppy method of negotiating defense contracts that have cost the American taxpayers wasted billions in the last dozens of years. Congressman HÉBERT'S amendment will substitute criminal penalties instead of the court-martial trials set out in the committee bill.

An item in the Washington Post and Times Herald recently revealed that the Glen Martin Co., one of the Nation's largest contractors in the making of vital missiles, entertained a number of retired and active admirals and Air Force generals at the swank Cotton Club in the Bahamas. The paper also recorded the efforts of the company to deduct this payola operation from its income tax as legitimate business expense.

I do hope the Members will remain on the floor when Congressman HÉBERT presents his amendment to this bill and listen to his presentation along with other members of the Armed Services Committee who believe that the present

form of H.R. 10959 is more of a skimmed-milk slap-in-the-wrist piece of legislation that will not completely eliminate this deplorable method of negotiating contracts which involve billions in taxpayers money every year.

Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee [Mr. REECE], and reserve the balance of my time.

Mr. REECE of Tennessee. Mr. Speaker, I yield 8 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, this rule makes in order, with 3 hours of general debate, the consideration of the bill H.R. 10959, under House Resolution 487 as reported by the Committee on Rules.

This is a rather peculiar situation. I do not think I have ever seen a situation just like this in the past in connection with any legislation which has come to the floor of the House under a rule of this type.

This rule makes in order the bill, H.R. 10959, which bears the name of Mr. HÉBERT, of Louisiana. However, the bill as it was reported actually was not the Hébert bill, as originally introduced, and has been more or less repudiated, may I say, by the Member whose name it bears, Mr. HÉBERT, who as you know for a great many years has been, during the Democratic controlled Congresses, the chairman of the special investigating committee or subcommittee of the Committee on Armed Services of this House. During the Republican control of the House, Mr. HESS, of Ohio, served in the same capacity.

These two men, working with their subcommittee, named by the Committee on Armed Services, of course, have done a great job throughout the years in exposing waste, extravagance, and sometimes corruption, in connection with defense contracts. By their work they have saved literally hundreds of millions of dollars for American taxpayers.

Mr. Speaker, this bill was brought to us in the Committee on Rules after the Committee on Armed Services of the House, under the leadership of its distinguished chairman, the gentleman from Georgia [Mr. VINSON], had made a great many changes which resulted in taking out most of the teeth from the originial bill—which resulted in destroying the value of the original Hébert bill. The gentleman from Georgia, the chairman of this great Committee on Armed Services, is the friend of all of us. He has served longer than any other Member of the House of Representatives except the Speaker of the House. He is indeed a distinguished Member. The very fact that this bill came before the Committee on Rules with the Committee on Armed Services divided within itself for, perhaps, the first time since the memory of man runneth not to the contrary. This alerted some of us in the Committee on Rules to look behind the scenes. I must say, frankly, out of all fairness to both the chairman, the gentleman from Georgia [Mr. VINSON], and the gentleman from Louisiana [Mr. HÉBERT], it took considerable pressure on the part of members of the Committee on Rules to bring out into the open the conflict which had gone on between Mr. HÉBERT and his group on the one hand and Mr. VINSON and his followers, who are always large in number in the committee, on the other.

Mr. Speaker, before I say more, I want to pay tribute to Chairman VINSON, as well as to the subcommittee chairman, Mr. HÉBERT, for their past services. Mr. VINSON is not only a great American, he is a national institution so far as most of us are concerned, and he knows full well how to write legislation. Rather peculiarly, the job that he did, if I may use that language, on the original Hébert bill was quite effective in destroying its worth, even though he came before our Rules Committee and urged that it be given a rule and insisted that it was satisfactory as amended.

Incidentally, I brought to the attention of the committee at that time the statements which appeared in the committee's report on this original bill, which showed that there was a total of 3,353 retired staff officers altogether. That is on page 18. Then, rather peculiarly, if you refer to page 21, when we get down to these people who would be affected by this legislation, and that would only be the retired officers who were selling to the Government—just selling to the Government and not being in high positions in connection with these defense industries—if you will look closely—you will find that engaged in sales, there were just six officers—just a half dozen. There might be some other answer, but we did not get it in the Committee on Rules from Chairman VINSON if there is some answer.

Of course if we are only dealing with six officers we might as well not enact any legislation. But, as I said a moment ago, this original legislation did not seem to be entirely satisfactory to the chairman after all. I told Chairman VINSON frankly I did not think I could go along with him on the original bill as amended. He told me there was now another bill written by the gentleman from Texas [Mr. KILDAY]. I have not had an opportunity to study and analyze that one as I would like. It is H.R. 11544; and then I find another bill, H.R. 11576, 32 numbers higher. I do not know the reason why we have these two bills or what the differences between them are, but I know they are both quite different from the original amended Hébert bill that the chairman brought to the Rules Committee. That is what we are voting on now, the original Hébert bill, as amended, at the suggestion of the Armed Services Committee and as reported out by that great committee.

We are not children. Most of us have been here at least 15 or 16 months, even if we are freshmen Congressmen, and some of us have been here a quarter of a century, and some even longer. We know, and anybody that has any connection with the Government knows, that there is something wrong when so many of these officers are retired and so many of them immediately go out and get high paying jobs with industry that is manufacturing something to sell to the Government of the United States—that has to be purchased under contracts that have to be approved by other officers—with whom some of these men served, and perhaps whom they even promoted before they left the service—that something is seriously wrong.

Another thing that gripes me is that a great many of these officers who are retiring and going into industry are upon retirement found physically incapacitated and are given tax exemption on their retirement benefits. A poor old Congressman, who pays at least half of his retirement costs—it does not make any difference how unfit he may be—cannot get any tax reduction. He just pays his taxes anyway. There is a reason why these things are happening. The people of America know there is something wrong. I cannot point a direct finger at any of it. But I believe the men who have investigated these things, like Mr. HÉBERT and Mr. HESS, can tell you about it and give you the facts and the cases. As far as I am concerned I resent that somebody thinks I am stupid enough to swallow the story that there are only six retired officers who have anything to do with military sales. The American people will not buy that, either.

These new bills, and the amendments that will be offered by Mr. HÉBERT and others deserve serious consideration by this House. I agree with the gentleman from Indiana, when he says this is one of the most important bills to come before this Congress in a long time, because the taxpayers are demanding that we do something to cut down on this kind of activity, and on the huge cost of defense, all of which reflect these high salaries that are paid to these men, many of whom are hired for one reason only, and that is because of their influence at the Pentagon.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Florida.

Mr. HALEY. Is there not some prohibition in other departments of Government?

Mr. BROWN of Ohio. Oh, yes. If a lawyer, who has been employed in a Government agency, takes any fee to represent any client before a Government agency or department within 2 years after retirement, he is subject to a criminal penalty. But here we just say, "You will lose your retirement pay for 2 years." If you are getting $100,000 per year for your influence you do not mind losing $10,000 a year in retirement benefits.

Mr. MADDEN. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. SANTANGELO].

Mr. SANTANGELO. Mr. Speaker, I support the Hébert bill insofar as it goes. I believe the Kilday bill is a milquetoast approach to a very serious problem. I believe that there should be a complete ban on employment for a period of 2 years if we seek to remedy the situation and reduce the cost of our military operation and remove the waste.

This Hébert bill, H.R. 10959, seeks to eliminate or do away with possible influence by retired military officers in obtaining defense contracts. Members of the House may remember that during

the consideration of the defense appropriation bill on June 3, 1959, I introduced an amendment which provided that none of the funds in the appropriation bill could be used to enter into a contract with any defense contractor which provided compensation to a retired or inactive military or naval officer who has been an active member of the Armed Forces within 5 years of the date of the enactment of this act.

This amendment was a complete ban on employment of retired military officers. It was not a partial ban on employment of these retired commissioned officers. It, in effect, prohibited a defense contractor from being paid if it hired a retired officer, flag or commissioned, who had left the service within the past 5 years. On that occasion, in discussing my amendment, I said among other things on page 9741 of the CONGRESSIONAL RECORD, volume 105, part 7, that this amendment is designed to eliminate influence by a retired military officer above the rank of colonel and to reduce the cost of our defense program. It will permit those who grant procurement contracts to let them without offending their former bosses or colleagues.

It has become rather general practice for high-ranking military officers to accept important positions in defense industry after their retirement from active military service. We have approved the budget request of $715 million for retired pay of military personnel. Retired officers receive substantial retirement benefits. In some cases such officials take positions with companies which have large contracts for the furnishing of war materiel to the Defense Department.

There can be little doubt that this is a very unhealthy situation and should be changed immediately. It can have a very definite effect on contracting policies and procedures within the Defense Department. It can result in unnecessary expenditures and waste.

Persons within the Department who may be looking forward to possible employment within a certain organization after retirement can display partiality and favoritism without ever realizing it. Further, prominent military figures in retirement can have a great influence over their former subordinates who are still in the Department. Contact at social and professional gatherings between active and retired officers can provide a perfectly natural setting for influence and favoritism.

As you may remember, my amendment, after being approved by a voice vote, was dramatically defeated by one vote on a division after the House was assured that an investigation would be held by a subcommittee of the Armed Services Committee headed by the gentleman from Louisiana [Mr. HÉBERT]. Such hearings were extensively held and my statements which I made on June 3 in connection with the defense appropriation bill have been borne out fully by the disclosures and the testimony in those Hébert hearings. I commend the gentleman from Louisiana [Mr. HÉBERT] for the wonderful work he did in the investigation by his subcommittee.

We have seen from the testimony how extensive has become the practice of hiring retired officers. On pages 8 and 9 of the report of the subcommittee of the special investigation on employment of retired commissioned officers by Defense Department contractors, we see the startling disclosure that the 100 biggest defense contractors have hired 1,401 retired commissioned officers, which includes 251 flag or general officers. The seven defense contractors which have the greatest number of retired flag and commissioned officers on their staff are as follows:

Company	Defense position	Number of retired military officers	Number of retired flag officers
General Dynamics	2	186	27
Lockheed	4	171	27
Martin Co	9	63	9
RCA	15	35	15
General Tire & Rubber Co	26	66	11
I.T.T.	30	44	14
Boeing	1	61	5

These retired men are receiving pensions from the U.S. Government, with the average annual pensions ranging from $2,400 to $8,400. Some officers receive more than $8,400 in pension or retirement benefits. The defense industry annual salaries paid to retired flag officers range from a low of $5,000 to a high of $100,000. Approximately 180 of the 251 retired flag officers receive in excess of $10,000 salary annually from these defense contractors. About 25 flag officers receive more than $25,000 per year in salary and 8 of them receive over $50,000 per year in salary from these defense contractors.

These are certainly lucrative salaries for men who have retired and are receiving pensions. Do you think, gentlemen, that officers who are looking forward to retiring are tempted to favor defense contractors with whom they might join after they retire? Do you think our procurement policies and our high military costs are affected by this temptation? Do you think that flag officers have no influence on their former subordinates in obtaining defense contracts for their new employers?

The 1961 hearings on procurement show that $8 billion to $10 billion worth of supplies and equipment is declared surplus by the Armed Forces every year. To what extent is the $8 billion to $10 billion worth of declared surplus every year the result of influence peddling in our procurement policies? For 20 years the armed services have been saying they are streamlining and improving their procedures in procurement, but the $8 billion to $10 billion of declared surplus and waste still continue, so much so that the chairman of the Appropriations Subcommittee on Defense spoke with a feeling of frustration when he said that what the services say that they are doing in improving procedures of procurement was not encouraging to him.

I cannot condone, and I am certain that this body does not approve the practice of certain defense contractors in entertaining at their expense our highest military officers, past or present, in the Bahamas or in private clubs. The Hébert subcommittee explored a phase of this practice and exposed the entertainment by the Martin Co., one of the largest defense contractors which does exclusively defense contracts. This company has hired 63 retired commissioned officers and resists payment of their income taxes on their excess profits after the Federal Renegotiation Board has determined that the Martin Co. for a period covering 3 years made in excess of $25 million of excess profits.

I believe the subcommittee has done an honest job and the gentleman from Louisiana [Mr. HÉBERT] has tried and sought to bring out an effective bill which is designed to eliminate influence peddling or any aura of influence peddling. His bill is more limited than my amendment which I introduced last year to the appropriations bill. His bill does not ban the employment of retired officers, but prohibits the selling by retired officers to any of the armed services. The Department of Defense concurs in the thought that there should be a cooling-off period. Responsible and high military officers agree that there should be a cooling-off period. The committee report indicates the meaning and intent of the word "selling," but the bill does not spell out or give the definition of the word "selling." The report provides that any action in the proposal, development, or production of an article is a link in the chain of selling and would be banned during the proscribed period.

Congressman HÉBERT, in his original bill, sought to impose sanctions in two forms: First, a loss of pension, and second, imprisonment and fine for violation of the ban against selling. The full committee deleted the criminal penalties. To eliminate criminal penalties or sanctions and to limit penalty only to a loss of pension for a period of 2 years is in effect to require a license to sell with a license fee most likely being paid for by the defense contractor in the form of a higher salary to the retired commissioned officer. This is no penalty whatsoever and is a milquetoast approach. By eliminating the criminal provision, the full committee has scuttled the bill and made the enforcement provisions ineffective.

I believe that sanctions and penalties should be placed upon the one who profits by the violation of law, and that is the defense contractor. I believe that where the defense contractor knowingly permits a retired officer to sell to the Armed Forces in violation of law that the defense contractor would forfeit his rights under the contract which was obtained through the prohibited influence and would also be prohibited from doing business with the Government thereafter for a period of 1 year. However, I would provide a safety valve and would permit the Secretary of Defense to waive the forfeiture and prohibition if the Secretary of Defense thinks that it is in the interest of national defense that he so do, but if he does, he must notify the appropriate Armed Services Committee of the House and Senate of the reasons which compel his action.

Only an effective bill will reduce the waste and high cost in our military procurement which after all is the major objective of eliminating influence peddling. The 1961 budget for our national security is $45,600 million of which $13,602 million is for the purchase of aircraft, missiles, ships, and other military equipment. We cannot afford the purchase of supplies and equipment which are wasteful and not usable. Too long have billions of dollars of military equipment and supplies been declared surplus. If we want to help our Nation grow strong, we must get our dollars value for the dollars we spend. Our Nation and the taxpayers are prepared to spend billions of dollars for defense, but they disapprove the expenditure for waste and inefficiency or influence peddling.

We must take effective action now.

Mr. REECE of Tennessee. Mr. Speaker, I yield myself 12 minutes.

Mr. REECE of Tennessee. Mr. Speaker, I am in favor of the rule and I am in favor of the bill, but I question if the bill goes far enough to accomplish the objectives of its sponsors. In my service on the Armed Services Committee, I had some opportunity to make some observations in this area which gave me great concern. It is with mixed feelings that I am saying what I do today. I am not one who carries lightly the responsibilities of membership in this body to which I came as the youngest Member 39 years ago.

In what we now refer to as World War I, I had the honor of serving in the U.S. Army. My duties took me overseas where active combat fell to my lot. This in turn resulted in my country's honoring me with certain awards which I have always prized more highly than any other honors which it has been my good fortune to receive.

Upon being first elected to Congress in 1920, among my early committee assignments was one to the old Military Affairs Committee, the forerunner of our present Armed Services Committee on which I have served also. With the exception of my good friend, Chairman VINSON, only Speaker RAYBURN was serving in this body when I was first elected. During all these years my respect for the armed services has been high, and my deep attachment to and regard for our Army has never wavered. With this for a background, I now feel it is my duty to indict that branch of the armed services in which I served for a severe dereliction of duty.

Its part in the one segment of the missile program that I have studied indicates a sorry and a sordid role which, in my opinion, stems from the very problem with which this legislation is concerned.

Broadly speaking, that segment of the Army's missile program which I have studied and about which I am speaking today, the Army's efforts have not been directed exclusively toward the defense of our country. They have been directed almost solely toward benefiting financially a few very large corporations who are in almost complete control of the Army's missile program. That the pursuit of this policy has, or will, benefit certain highly placed Army personnel is all too obvious. To this indictment I wish to specifically exempt the ABMA project, or projects, headed by Dr. Wernher von Braun. I also wish to make plain that I in no way mean to question the integrity and good faith of the Honorable Wilber M. Brucker, Secretary of the Army, with whom I served in the Rainbow Division.

The facts uncovered show clearly that these unworthy manipulations have been carried on in such a manner and at such a level that, due to the constant pressure of his high office, he could not be acquainted with all of the sordid maneuvers that have come to my attention.

With the limited means and time at my command, I have been unable to inquire intelligently into but one of the many Army missile projects; namely, the Nike system, which includes Nike 1, Nike 2, Nike-Ajax, Nike-Hercules, and Nike-Zeus. The facts revealed are appalling. The Army actually has no control over this situation. Through means and methods effective but obscure, the Army has become the captive of industrial forces of great power, particularly Bell Laboratories and Douglas Aircraft. These controls apparently extended from the low of lieutenant colonel and civilian levels up to and including both the former Assistant Secretary of the Army for Logistics—another term for procurement—Mr. Frank Higgins and his former deputy, Mr. Courtney Johnson, who was recently named to succeed him, and the Director of Research and Development, a former Bell Laboratories employee, Dr. William H. Martin and his deputy, Dr. Edward C. Whitting.

In passing from the bottom to the top, this sinister influence touches a section of the Office of Chief of Ordnance, certain sections of the general staff in Washington, and certain sections of Redstone Arsenal. At Redstone, Nike decisions ceased to be made except with the concurrence and consent of the above named great corporations. This in spite of the fact that the Redstone Arsenal was charged with the responsibility for the entire Nike system.

We have a condition existing where no new material or process can be introduced if it runs counter to the financial gains presently accruing to the industrial system controllers, in this particular case, Bell and Douglas. This pressure from these industrial giants is so great that the Department of the Army is captive to them, and by them is almost wholly controlled. This is true even when new materials and processes have produced in prototype an article proven by the Army's own tests to be superior to those presently being produced. It does not matter, either in the Pentagon or at Redstone, that the using services charged with the defense of our country urge the adoption of the new, better and cheaper materials. This does not weigh with those in control and in turn controlled. I was personally told by the then Assistant Secretary Frank Higgins himself that the general officer then in charge of the antiaircraft defense of this country had no say in determining what weapons would or would not be given him with which to conduct this defense. And this is at a time when we are advised by the military themselves that we stand in great peril.

That an almost complete monopoly has been established by Douglas and Bell, with their subsidiaries, in this particular field is irrefutable. This goes so far that if other organizations can supply that which Douglas cannot supply, Douglas will demand, and, what is worse, receive the prime contract. They then, because they are incapable of doing this particular work, subcontract to other organizations and receive the same percentage of profit as if they had done the work themselves. This results in multiplying the costs to the Government in that this system of prime contracts and of subcontract piled on top of subcontract sometimes costs the Government up to 30 percent more for the product received.

Why and by whose authority has this shameful condition come about? Who are those responsible for this condition of affairs? How many hundreds of millions or of billions of Government money has been poured into the maintaining of this monopoly? What has the overall profit, not only in dollars but in facilities, been to the monopoly holders? In one instance called to my attention some time ago there was a cancellation of a missile production contract. Subsequent to this cancellation, the contractor was able to declare a million dollar bonus to each of its five principal officers.

In the case of the Nike-Ajax, which, together with its successors, the Nike-Hercules and Zeus, constitute our principal defense against incoming aircraft and air breathing missiles, there are now surrounding all of our great cities hundreds, perhaps thousands, of installations for the firing of these missiles. In connection with these installations, there arose one problem of great magnitude which the Army recognized but was unable to solve.

As long as 6 years ago, high officers in the Research and Development Section of the Office of Chief of Ordnance realized that the heavy metal booster engine that got the missile into the air would invariably fall back to earth. They began to worry because the metal cylinder performing this task might fall in the cities' most populous areas. The public did not know that the heavy booster engine, quite a missile in itself, if fired, with or without a warhead, could land on and pierce any building, thus causing great destruction and loss of life. Thus was born what the military termed "the disposable problem."

The public were led to believe that the Army controlled the selected areas into which the heavy booster engine would fall. Actually, the Army did not nor does not own an acre of ground dedicated to this purpose. Had the public known the truth regarding this threat to their safety they would have demanded, and now would demand, that the Army solve this frightening problem.

Faced with these facts, the Research and Development Division of the Office of Chief of Ordnance directed Redstone Arsenal to procure a booster engine that

would disintegrate in the air after separating from the missile proper.

Bell Laboratories, Douglas, and others, then engaged, through subcontractors, in making, very profitably, the metal boosters at a high rate of production, informed the Army that no such booster could be produced. They were wrong.

In 1955 the frangible booster made of Fiberglas, self-destroying and falling from the sky like corn flakes, became a reality. This was accomplished as a result of a small research and development contract issued by Redstone Arsenal to an independent contractor who specializes in molded and spun Fiberglas construction. This corporation, spending only a fraction of the moneys allotted to its big competitors for similar purposes, met the Army's rigid requirements, and actually in so doing very greatly improved the overall performance of the entire missile. Incidentally, although given many times as much money, the big competitor never produced a single acceptable article. The new Fiberglas booster was tested at the Army's proving ground at White Sands, N. Mex., after which it was passed by Board 4, the Army's highest testing authority. Redstone Arsenal then certified this frangible booster as ready for production and so recommended.

Later, the commanding general charged with the continental antiaircraft defense, recommended by letter the discontinuance of the production of the metal monstrosities, and the incorporation into the entire Nike system of the new and more effective Fiberglas booster. That was more than 3 years ago.

The Army officers and civilian personnel who had brought about this development were elated and urged its immediate adoption. The dreaded disposal problem, this threat to life and property, a veritable nightmare to Army's high command, had been solved and in a manner that greatly improved the performance of the missile.

This development employed a relatively little known material, Fiberglas, about which neither of the big corporations in control of the program had much knowledge. Also they had not succeeded in mastering the processes involved. Therefore, if these new units went into mass production, the big boys would not be able to make them. Being unable at the moment to compete, they simply had this new development suppressed.

The developers of the new frangible Fiberglas booster were divided into two categories: First, dedicated personnel under military control who were proud of the result of their efforts; and second, the small industrial corporation that had brought to fruition this successful development. When both sets of these developers protested against the tyranny that suppressed this scientific advancement, they were promptly treated to what is called "proper discipline." The military-controlled personnel were threatened with dismissal or were sent to far-off places—in Army slang, this is referred to as "banishment"—while the protesting small industrial developer was unofficially blacklisted, all of its contracts canceled, all of its prepared and approved publicity suppressed, and all Army-controlled personnel forbidden to communicate with them.

These actions not only constitute a violation of oath of office but, in my opinion, indicate a near criminal conspiracy on the part of highly placed officials in the Department of the Army and certain representatives of industry.

Because the demand for an improved nonmetallic self-destroying booster continued to come from so many sources, it was decided and agreed upon at a very high level to try it out in a larger field, that is, the Nike-Hercules, but because Douglas had not yet mastered the Fiberglas technique, this decision was held in suspension for over a year, and to this day the Hercules is, unless a switchover has been made recently, using four of the old obsolete and easily corroded metal boosters needed to get it off the ground. Thus, for each single error in the Nike-Ajax, there are now four such errors in the Hercules. Where there was a certain amount of additional drag or air resistance for the Ajax, caused by the metal booster, this defect—and many others—is multiplied four times in the Hercules.

After 2 years delay and many false starts a small development contract was awarded the small successful developer, but, as phase 1 was being successfully completed, evidence began to mount that phases 2 and 3 would be canceled and that the big industrial system controllers would finally completely suppress or at least delay it until they could master the production techniques of Fiberglas.

There is in my possession actual data that indicates an arrogance on the part of the monopoly holders that makes them immune to any questioning.

I have also encountered at Assistant Secretary levels a blandness, a laissez faire attitude, repeated promises cynically made and never kept.

When we stop to think of what a very small segment of the whole missile program I am speaking of, and if we apply to this situation the simple rule of multiplication, we begin to have some idea of why our present relative position in this atomic age is questioned and why those dedicated men manning our ramparts all over the world are crying to us not to risk destruction in order to increase the dividends and resources of these huge corporations who hold large segments of our Army procurement agencies captive.

In plain language, the actions of those responsible for bringing about and maintaining this condition constitute an almost criminal breach of duty and such persons should be ferreted out and banished. This will take time and effort, but it is a responsibility our service Secretaries should assume regardless of the cost in time and effort.

Legislation may help in correcting the situation but, in my opinion, it will not be corrected until the service Secretaries assume full responsibility and devote the time and effort necessary to advise themselves of the condition and assume the responsibility for correcting it.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. KILDAY].

Mr. KILDAY. Mr. Speaker, I want to make it perfectly clear that the practice of defense contractors employing former officers of the military services for the purpose of selling their products to the Defense Department is not endorsed or condoned by me. I know of no member of the Committee on Armed Services who is not now prepared and attempting to put a stop to that practice. So that the debate that has been going on here is not quite germane to the situation which exists, as we have the parliamentary situation before us.

I join in the request of the gentleman from Indiana and the gentleman from Ohio that you listen carefully to what the gentleman from Louisiana [Mr. HÉBERT] has to say and his contentions with reference to the bill that is before us. I also ask that you pay rather close attention to others of us who may discuss this matter after the rule has been adopted. I will tell you now what I anticipate the parliamentary situation will be.

We have pending before us a bill by the gentleman from Louisiana [Mr. HÉBERT], reported out of the Committee on Armed Services.

That is the bill which the rule makes in order. At the proper time either the chairman of the Armed Services Committee or I, in accordance with the instructions of the Committee on Armed Services, will offer as a substitute for the bill reported by the committee the language now contained in H.R. 11576 offered by me on yesterday. This is the language which was approved in the Armed Services Committee yesterday. After debate of about an hour and a half, in which the gentleman from Louisiana [Mr. HÉBERT] participated, and after rollcall vote, this version was approved 24 to 10, specifically over the Hébert version.

The language contained in my bill that I will offer as a substitute at the proper time, in prohibiting former officers from working for defense contractors in selling, is the identical language of the Hébert bill. It is the language written by Mr. HÉBERT and his subcommittee. I then attached to it a penalty involving the forfeiture of retired pay for a period of 2 years. The loss is for 2 years regardless of when the transaction occurs during the 2 years after retirement. The bill of the committee forfeited it only for the time he was engaged in selling. I have also added to this bill a new section 3, which provides that any retired commissioned officer subject to the Uniform Code of Military Justice who violates any provision of this act shall be tried by court-martial, and shall upon conviction be punishable as the court-martial shall direct. The gentleman from Louisiana proposes that it be made a criminal offense under title XVIII of the United States Code, punishable by a fine not in excess of $10,000 or confinement for not more than 1 year, or both. So the only issue between us is whether a man is to be tried by a U.S. district court or by court-martial. That

is the only issue. There is nobody in the Committee on Armed Services who has endorsed any of the action detailed by the gentleman from New York [Mr. SANTANGELO] or any of the other proposals mentioned here.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Louisiana.

Mr. HÉBERT. The gentleman has clearly stated the parliamentary situation. Will the gentleman allow me to get before the House an opportunity to have a vote on that issue?

Mr. KILDAY. I trust the House will act upon this bill upon the debate that appears in the House, the hearings and the report on the bill, and not those things that have been written in the newspapers.

Mr. HÉBERT. I hope that is correct, but I hope nobody raises a point of order against the language in my bill. If the gentleman raises a point of order and it is sustained, the House will not have the privilege of coming to grips with the issue.

Mr. KILDAY. The Committee on Armed Services never had jurisdiction to require a criminal penalty which the gentleman proposes. It is a matter within the jurisdiction of the Committee on the Judiciary. It is not within the jurisdiction of the Committee on Armed Services. That is the parliamentary situation. We have been accused of writing a milk toast bill for having done something we had no right under the rules of the House to do.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. ARENDS. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield further?

Mr. KILDAY. I yield.

Mr. HÉBERT. I am glad the opportunity came up now. I will read you this language:

Title 18, United States Code, is amended by adding a new section as follows:

"SEC. 292. Whoever, being a retired commissioned officer of the Uniformed Services not on active duty, retired after having completed 20 or more years of active duty, within two years after his retirement, knowingly sells, or assists in selling, any article, including the parts thereof, in which the officer was directly connected within five years immediately prior to his retirement, to any department or agency of the Department of Defense; or recommends or suggests, to any person in any department or agency of the Department of Defense, the purchase of any article or part thereof in which the officer was directly connected within five years immediately prior to his retirement; or communicates in any way with any person in any department or agency of the Department of Defense in connection with any article or part thereof manufactured by or capable of being manufactured by any person or corporation from whom such officer receives compensation for services performed shall be fined not more than $10,000, or imprisoned for not more than one year, or both."

This language came to my attention.

Mr. KILDAY. I do not yield further on that point.

Mr. HÉBERT. The gentleman says he cannot yield. I want to prove that the gentleman's name is on the letter of transmittal.

Mr. KILDAY. There is no question but when this was under consideration many of us did write letters.

I think that that is one proposal; you can probably find ten more. I do not know who wrote it; I may have written it myself; maybe the staff of the committee, or maybe the chairman. That is not the point. The point I am talking about is that we have been pilloried for having failed to do something that we could not do.

And I want to say this further, I will argue it on the merits in much more detail—unless I can get more time now—as to why a military man should be subject to trial by court-martial rather than in the U.S. district court. The military authorities have absolute jurisdiction over the enforcement of discipline in every other category. Why should we now pick out this one category and say that this portion of discipline shall be divorced from the military and from the courts-martial and placed in the Department of Justice and before the U.S. courts? Are you not going too far?

There is another matter to think about: A little bit of knowledge is a mighty dangerous thing. There does not seem to be general understanding of what section 1161 of title 10 of the United States Code involves. It gives to the President of the United States the authority to drop from the rolls any officer convicted and confined, if he is convicted in any tribunal other than a court-martial. So if you go by the civil court rule you place in the hands of the President, meaning, of course, the military departments concerned, not only the right to punish the guilty officer but to visit punishment upon his widow and orphans. Mr. Speaker, there is a great deal to be explored here and many things to be considered.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. MADDEN. Mr. Speaker, I yield such time as he may desire to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. Mr. Speaker, I sincerely hope that this bill, however amended, will promptly become law in a form which will effectively protect our country against the improper influence activity which has made it necessary. Although the vast majority of military personnel on active duty and retired have done and do a fine job for their country in every respect, the exceptional or unusual cases of abuses have cried out for the correction we seek in this legislation. I also hope that the House Judiciary Committee may soon report favorably legislation which will make similar legislative reforms needed in the broad field of all Federal employment in all Government departments. I have been a sponsor of legislation in this field continuously since 1951 and it is very encouraging to me that now in 1960 we seem to be making very concrete progress.

Mr. REECE of Tennessee. Mr. Speaker, I yield the remainder of my time to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, last week when the House had under consideration the $4.2 billion appropriation bill for the Department of Health, Education, and Welfare, I called attention to some of the fellowship grants under the National Defense Education Act which provided for studies in music, folklore, jazz, the theater, the ecology and economics of flowing water, and a score of other subjects wholly unrelated to national defense. In studying the hearings I also came across a research grant which is almost beyond belief. This is in the field of international research grants, and was in effect as of January 1, 1960. I was one of ten who voted against the appropriation bill and I would like to call this to your attention, those of you who voted for the bill. Here is a grant of $33,101 to the Israel Institute of Applied Social Research, Jerusalem, Israel; the project is this, and I will read it verbatim from the record of the hearings:

A test of husband and wife relationship. The aim is to develop a diagnostic pictorial test of both intrapersonal and interpersonal aspects of the role of relationship of husband and wife. The test should be sensitive to the perceptions of actual behavior and norms, and to the consonance perceived between these.

Mr. Speaker, I find no words to comment further on this utter waste of the taxpayers' money and I yield back the balance of my time.

Mr. MADDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. FORAND].

Mr. FORAND. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. FORAND. Mr. Speaker, yesterday marked the 25th anniversary of the social security bills being reported out of the Ways and Means Committee of this House.

The social security law I am sure all of you will admit is a most salutary one and one that I doubt anybody would want to see wiped off the statute books. It has been expanded gradually. I have been trying to expand it so as to encompass the health care of the aged.

Three years ago I introduced a bill in this Chamber for that purpose. In January of 1959 I reintroduced the same bill. Hearings have been held on it but I am unable to get it out of my own committee, the Committee on Ways and Means, to bring it before the House for a vote. Therefore, today, the first day following the 25th anniversary of the reporting of the social security law, I have placed on the Clerk's desk discharge petition No. 4.

Many, many Members of this House have been pressing me for action for a long time. Having exhausted every means at my command to bring the bill out for a vote, I had to resort to the discharge petition. After serving here

for 22 years it is the first time I have resorted to a discharge petition and to resort to discharge my own committee hurts me. But now it is entirely up to you, the Members of this House. If you want to vote on health insurance for the aged under the social security law it is up to you to sign the petition. If 219 Members sign it I assure you I shall continue to do my best to get the bill not only to a vote but to have it passed.

Mr. MOORHEAD. Mr. Speaker, fear darkens the lives of millions of our elderly citizens.

It is the fear, Mr. Speaker, which comes when one is old and facing serious illness.

It is the fear which is fed by realization that all of the meager savings set aside to maintain a dignified old age will be washed away by the expenses of only one serious illness.

It is a fear made worse when there are no resources at all to pay for prolonged medical care.

Fear is the negative, wasteful type of emotion we Americans do not like to talk about. Nevertheless, it is real and must be recognized. There are times when a sense of compassionate humanity and a sense of what is right and good for the individual and the strength of the entire country require us to take decisive action to remove a particular fear at its very roots.

On January 6, 1941, in this Chamber a great American struck out against fear in a ringing declaration of the four freedoms aspired to by millions. Two of the four freedoms that President Franklin D. Roosevelt called for were freedom from want and freedom from fear.

Mr. Speaker, our older citizens today are not free from want—they are not free from fear.

We can make them free. We have the means before us now, if we will but use it, of rescuing millions of our elderly from their most pressing fear—the fear of illness which finances cannot meet.

The gentleman from Rhode Island [Mr. FORAND] has given us such a means.

He has just prepared a petition which could discharge from committee and bring to the floor of the House his bill providing hospital, surgical, and other medical benefits for millions of our older citizens.

I consider myself privileged to be among the first signers of that petition.

I hope a majority of my colleagues will sign it, for legislative responsibility, in its deepest sense, requires that we debate the Forand bill now.

An outpouring of arguments has swirled about this question. There have been millions of words eloquently favorable and acrimoniously opposed to the concept of providing prepaid medical benefits for the 15 million Americans most directly affected.

I do not, nor does the author of the bill, insist that this proposed legislation cannot be improved. I myself would like to hear debate on proposals to increase the benefits and reduce the administrative costs of the Forand bill the way automobile collision insurance is handled. Insurance companies reduce overhead by providing a $25 deductible policy for collision insurance. Statistics show that hospitalization benefits could be increased from 60 days to 365 days at the same or less cost if benefits did not cover the first 3 days of hospitalization illness.

Such amendments would strengthen the program actuarially and completely demolish arguments now used by those who oppose the bill with the scareword "socialized medicine."

Mr. Robert J. Myers, chief actuary of the Social Security Administration, has submitted to me, at my request, a memorandum in which he states:

> A 3-day deductible would reduce costs by an estimated 17 percent. An increase in the maximum duration from 60 days to 180 days would increase costs by 12 percent and an increase from 60 days to 365 days would increase costs by 15 percent. Thus, the introduction of a 3-day deductible and an increase in the maximum duration to 365 days would result in a proposal that would have a cost slightly lower than the original basis.

If such amendments are necessary in order to pass this legislation, I certainly would not oppose them, because the important thing to do is to enact legislation which recognizes the need and the moral obligation to take care of it.

There is no doubt that the need exists.

Letters now being delivered by the thousands to both House Office Buildings express this need more eloquently than can any of us here on the floor secondhandedly.

In addition to my own regular correspondence on this subject and my meeting with many of the elderly in my district face to face last fall during hearings of a Senate Subcommittee on Problems of the Aged in Pittsburgh, I have added reason to know how vital the problem of paying for medical care is to the elderly.

Early in January, after the first session of this present Congress had been well assessed and the second session was beginning, I sent to my constituents an annual report.

At the end of that report I left a blank space beneath a notation inviting citizens to check legislative subjects in which they had the greatest interest.

I did not specifically request replies, nor did I provide postage for this purpose. Yet, nearly 2,000 of my constituents were so interested that they voluntarily wrote to me.

On the basis of these replies, social security clearly emerged as the legislative subject of greatest interest, with many of the people saying that, when they listed social security legislation, they had in mind passage of the Forand bill.

My colleagues know well the type of letters these were.

An 81-year-old widow receiving social security writes:

> By the time I pay rent, insurance, and medicine, I have little left for food. * * * I applied for old-age assistance and, because I saved enough furniture to furnish a vacant room, I was told to sell all my possessions and live in a furnished room with a hot plate to cook on. * * * Social security does not supply doctor fees or hospitalization. * * * My eyes need examined. * * * Anything you can do will be truly appreciated.

Another writes of the Forand bill:

> It will be a blessing to many poor old folks who cannot afford medical and hospital care. It will also assure doctors and hospitals of being paid. * * * You are no doubt familiar with the racket in drugs being investigated. * * * It's pretty hard for the poor to pay as much as 500 percent on drugs as indicated by the * * * investigation.

A retired man in my district wrote of the plight of the elderly:

> These people are badly neglected. They built this country. I, myself, worked hard for 12 cents per hour, 10 hours a day and 6 days a week, and raised a family. * * * How could I possibly have saved any money to take care of my old age?

A 72-year-old woman needing an operation for which she was unable to pay wrote:

> To get public health care I would have to sign my house over to them and I don't think this is fair.

A man 78 expressed the need eloquently when he wrote:

> I need medical attention at times that is high. Medicine is higher. My $69 doesn't go for luxuries, I assure you. I pray you can do something about this.

How does one answer such letters, Mr. Speaker?

Not by words. Words are empty in such cases. In decency and humanity we must answer them by action.

Consider these letters for a moment, or any other of hundreds and thousands like them which come in to us.

We learn something here about the new status of our elderly. What is this new position the older citizens occupy?

For one thing, most of them want to live independently. We have outlived the era of three and four generations in the same households.

For another thing, social security and pension programs are giving our elderly limited means to live independently, except when it comes to meeting medical expenses.

Great advances in geriatrics have given us the key to making old age a more golden time of life than it has ever been. Is this key to be denied millions? Is it to be given to millions more only in exchange for their last scrap of dignity and modest comfort, in exchange for poverty and despair?

There is something dreadfully wrong, morally wrong, Mr. Speaker, in a system which has achieved the greatest standard of medical care in the world, yet serves all too many only at the price of their entire life savings.

Medical science can do wonders in making the older years the best years if we can bring these advances to every elderly man or woman, husband and wife, in such a way that their modest retirement income can be left unencumbered to be spent for food, clothing, shelter, and small comforts.

The Forand bill will give this new life to our aged. It will give them the hospital and nursing home care and the medical and surgical treatment they need.

Critics tell us such a program is underfinanced. This argument begs the question. Let us, all citizens, finance it

at whatever social security payment rate be required. The savings and peace of mind will be well worth it for every citizen.

Critics tell us we lack the hospitals and doctors for such a program. Mr. Speaker, we have lacked adequate hospital beds and a sufficient number of physicians for some years now and it is about time we build the hospitals and train the physicians necessary for the needs of all citizens of whatever age. This is the very least the greatest nation on earth can afford.

Critics tell us private insurance can meet the need, yet only a mere handful of insurance companies provide any service whatsoever for the elderly and most elderly can neither afford nor qualify for private policies.

Critics tell us such a program of benefits will cause people to go to the hospital unnecessarily. The simple device of requiring a $5 or $15 fee to cover initial administrative costs and a possible requirement that the program run from the third day of hospitalization to the 365th would render such complaints as idle as they are heartless.

The inexplicable fact remains that the administration has proposed nothing to meet this need.

The administration left its own Secretary of Health, Education, and Welfare, an able man of social conscience, out on a limb and then sawed the limb out from under him by refusing to approve any plan whatsoever, thereby compelling the Secretary to sit in painful silence when his Department, the arm of Federal Government dealing most intimately with matters of health, was asked for its views.

If a real program is blocked by the administration and the subject does find its way into the campaign, it will be as justified a domestic issue as was ever placed before the American electorate.

The simple fact is that we need a forward-looking bill of the Forand type.

I and many of my colleagues, Mr. Speaker, stand ready to consider refinements, improvements, and even compromises in this program within the broad concepts of the Forand bill.

First, however, we must bring this bill to the House floor.

I hope and pray that there will be affixed to the petition the 219 signatures necessary to do this.

In the interest of decency and humanity I urge that this be done.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. VINSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10959) relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10959 with Mr. FORAND in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. VINSON. Mr. Chairman, I yield myself 40 minutes.

Mr. VINSON. Mr. Chairman, I consider this one of the most important bills that the House will consider during this session; so, therefore, I am bold enough to respectfully request the attention of the membership while I try to explain the various provisions of this bill so that it will enable you to reach an independent viewpoint when the vote comes.

Mr. Chairman, the subject of the improper use of influence by former Government officers in connection with Government purchases is not new.

The Congress of the United States has heard charges, year in and year out, for as long as I can remember, about ex-Government officials influencing the decisions of active Government officials.

As a matter of fact, I know of no words that arouse the ire and wrath of the Congress to a higher degree than that of "influence peddling."

Recently, a new allegation has arisen concerning the employment of retired military officers, particularly those of high rank.

These allegations have increased almost in direct proportion to the increase in the defense budget.

Prior to World War II, the matter received scant attention, even though a statute was enacted as long ago as 1896 prohibiting the payment of appropriated funds to active duty naval officers if they were employed by any person or company furnishing naval supplies or war material to the Government.

This law also prohibits the payment of retired pay to retired regular naval officers who are engaged in selling, contracting, or negotiating for the sale of naval supplies or war materials to the Navy Department.

Since 1923, retired Regular Army officers have been subject to the loss of retirement pay for the 2 years following retirement if they engage in selling or negotiating for the sale of supplies or war materials to the Department of Defense.

Because of the various interpretations placed upon the word "sell," and the interpretations placed upon the words "supplies" and "war materials," these limitations do not appear to be satisfactory deterrents to the possible exercise of improper influence in defense purchasing.

As the defense budgets have grown in recent years, and as the number of retired officers has increased, more and more defense supporting industries have turned to retired military officers for their aid and assistance in producing the products so vital to our security.

Today there are about 47,000 Regular officers of the Army, Navy, Marine Corps, and Air Force on the retired lists.

In addition, about 5,000 Regular officers now retire each year.

An increasing number of Reserve officers with 20 years of active duty to their credit are also retiring.

The number of Reserve officers on the retired list will increase sharply in 1961, 20 years after the beginning of World War II.

I mention this because it is important that we bear in mind the total number of retired personnel who may be affected by whatever legislation we enact.

There are more than 100,000 officers on the retired lists—from all sources and all services, and in all grades, who would be affected by this bill.

Mr. Chairman, we are dealing with a highly emotional subject. Every time the question is raised for discussion, rumors begin to fly throughout the width and breadth of Washington concerning the alleged influence these officers have on the procurement of defense items.

Last year, when the Defense Appropriation Act was being debated, an amendment was offered on the floor of the House that would have barred the employment of retired officers by defense contractors, and prohibited payment to those contractors who employed retired officers within a period of 5 years after separation from active duty notwithstanding the type of work they did.

Fortunately, this amendment was defeated, but it sounded a clarion call that the House was again aroused about retired officers of the military services who are employed in defense supporting industries.

Many persons are convinced that retired officers influence the sale of defense items to the Nation and by inference it is implied that such items are unnecessary overpriced, or are tainted in one form or another.

The Committee on Armed Services took cognizance of the fact that this House wanted a thorough inquiry into the whole question of the employment of retired officers by the defense supporting industries.

I assigned this difficult, complex, emotion-packed subject to the special investigating subcommittee of our committee, under the chairmanship of the very able and distinguished gentleman from Louisiana [Mr. HÉBERT].

The Hébert subcommittee began its hearings on July 7, 1959. They released their very thorough final report, which I approved, on January 18, 1960.

The subcommittee conducted a survey of 72 of the largest defense supporting companies to determine the number of retired military officers employed by these contractors.

The survey disclosed that there were 1,426 retired officers employed by these 72 companies. Of these 1,426 officers, 251 were retired generals or admirals.

The subcommittee, in my opinion, did an outstanding job in analyzing the entire problem.

In fact, no subcommittee could have worked harder in its effort to bring into proper perspective all of the complexities surrounding the matter.

The subcommittee filed its report on January 18, 1960, and then submitted a bill to the full committee in order that the full committee might share its com-

bined judgment with that of the subcommittee in an effort to present to this House a recommended solution to the problem.

Mr. Chairman, we all know what we are trying to prevent.

We are trying to prevent retired officers, and particularly retired officers of high rank, from using their past connections with the military services in such a way as to influence the selection, or purchase, by the Government, of an item manufactured by the company for whom they work.

Now this is what we are trying to stop. We are trying to stop influence from being improperly exercised by retired officers of high rank.

But note this: The subcommittee, after inviting every Member of the House to testify, and after hearing the testimony of Members and others, did not disclose a single instance in which an officer, retired from the military service, had exercised influence on someone in Government to the extent that the product manufactured by his company was selected.

No evidence of improper use of influence was disclosed.

Notwithstanding this, everyone seems to be in accord that "improper influence" either exists or comes so close to existence as to be identifiable.

Even though no case was established—in fact, even if no influence has ever been exercised by any retired officer on the procurement of any item by any armed service—nevertheless, it is time for the Congress to write a law that will make the improper use of influence by retired military officers much less likely than that which may be possible under present law.

Our objective, then, is to deflate influence, publicize its availability, lessen its marketability, and yet preserve human dignity and the defense effort.

Now, how do we accomplish these objectives in the bill before the House today?

Well, here is what the committee bill, H.R. 10959, as reported by the Committee on Armed Services, will do.

First. The bill says that a commissioned officer, other than an officer who served on active duty for less than 8 years, who, within 2 years after release from active duty, for himself or any other person, engages in any transaction the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense shall not be entitled to receive his retired pay while employed during this period.

Second. It provides that a retired commissioned officer who agrees to accept compensation from anybody in any transaction, the purpose of which is to sell or to aid or assist in selling anything to the Department of Defense, shall file a statement with the Secretary of the Department concerned, of the fact and time of such agreement, together with such additional information concerning the duties to be performed in such transaction as the Secretary may require.

If there is any change in his status, after filing this information, he is required to notify the Secretaries of the Departments concerned.

Third. Each of the Secretaries of the Military Departments will be required to establish an enrollment office for the filing of the information required by the proposed legislation.

The information obtained will be open to public inspection—and this, I might add, is important.

Finally, a person, firm, or corporation awarded a defense contract shall, as soon as the contract has been awarded, advise the Secretary concerned of all retired military officers employed by said contractor. The prime contractor is required to obtain this information from his subcontractors.

The proposed legislation also provides that all invitations for bids or proposals must contain this information.

Any retired officer, or company, who fails to comply with the provisions of the proposed legislation will have his retired pay, or contract payments, whichever may be the case, suspended until the information is furnished.

Now, in addition to this, the House will note that the word "sell" has been broadened from existing law to include aiding or assisting in the selling of anything to the Department of Defense. Existing law is confined to "supplies or war materiels" and is susceptible to many interpretations.

Finally, the proposed legislation repeals a Navy statute which puts a lifetime ban on the receipt of retired pay for Navy and Marine Corps officers who sell naval supplies or war materiel to the Navy Department at any time after their retirement.

All retired officers will be subject to the same 2-year ban after retirement under the proposed legislation if they engage in any transaction, the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense.

In the report, we define "selling" as "all negotiations which bring a contractor and his representative into contact with officials of the Department of Defense or to the Armed Forces for the purpose of obtaining contracts from those Departments for the procurement of tangibles or intangibles in existence at the time or to be produced in the future. The participants in such transactions are a part of that process."

Now what have we accomplished?

First, we make the laws uniform for all retired officers.

Today the law is different for the Navy than it is for the Army and Air Force, and it is different for the Reserve than it is for the Regular, even though their retired pay may be the same.

Second, we say to a retired officer that for 2 years following retirement or release from active duty he may not, for himself or for any other person, engage "in any transaction, the purpose of which is to sell, or to aid or assist in the selling of anything to the Department of Defense or an armed force of the United States."

If an officer, notwithstanding that caveat, does engage in selling, or aids or assists in the selling of anything to the Department of Defense or an armed force of the United States, he may not draw his retired pay, for 2 years following his retirement, while so employed.

Now that is not all that this bill does. It also broadens the definition of selling to include all transactions which result in contracts with the Department of Defense.

But beyond that, it requires retired officers who receive compensation from any company for any transaction the purpose of which is to sell or to aid or assist in selling anything to the Department of Defense or an armed force of the United States after he enters into that agreement, to file a statement with the Secretary of the Department with which he intends to do business stating the fact and time of such agreement and any other additional information concerning his duties the Secretary may require.

And this is also true if he engages in business for himself.

A retired officer after filing this information is required to notify the Secretaries of the Departments with which he does business, of any change in his status.

This will be a permanent requirement, with no expiration date.

Now this is to be the requirement imposed by the proposed law on the retired officer. If the officer fails to comply with this proposed requirement, there is no question that he can be court-martialed under the Uniform Code of Military Justice.

But, in addition to this, the Secretary of each Department will establish an office for the enrollment of retired officers who are requested to furnish the information I have just mentioned.

Officers now on the retired list within 6 months after this bill becomes law will be furnished a suitable form upon which the information required may be supplied.

So far, what I have discussed concerns the enrollment of retired officers who are engaged in selling, or aiding or assisting in the sale of anything to the Department of Defense.

Thus, this is what the law imposes upon the retired officer.

But the bill also says that any company awarded a defense contract shall advise the Secretary concerned in the Department of Defense of all retired military officers employed by said contractor.

And it even goes further to say that the prime contractor must obtain similar information from the subcontractors and file that information with the Secretary concerned. This requirement will also be included in all invitations for bids and proposals.

The retired officer who fails to comply with the provision of this section can have his retired pay suspended until the information is furnished; and the contractor who fails to file the information can have his contract payments suspended until the information is furnished.

We thus deflate influence by publicizing its availability, and as a result, reduce its marketability.

Now, Mr. Chairman, on Tuesday, April 5, the Committee on Armed Services met in open session.

At the request of the distinguished gentleman from Texas [Mr. KILDAY], the committee at that time adopted a substitute bill, which Mr. KILDAY will offer at the conclusion of the general debate on the bill before the House.

At the same time the committee rejected, by a vote of 24 to 10, a substitute bill offered by Mr. HÉBERT, which sought to impose a criminal penalty, as a part of the criminal code, upon any retired officer who engaged in selling within 2 years after retirement, or any company who employed such a retired officer. After rejecting the substitute offered by Mr. HÉBERT, the committee, by a vote of 25 to 8, adopted the substitute bill offered by Mr. KILDAY which was introduced yesterday, and is now H.R. 11576.

The substitute bill, which Mr. KILDAY will offer, contains the identical language of H.R. 10959, which is now before the House for general debate, except for three important additions.

Thus, the substitute provides that a retired officer who engages in any transaction, the purpose of which is to sell or to aid or assist in selling anything to the Department of Defense within any time during the 2-year period following his release from active duty, shall forfeit 2 years of his retired pay.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Did you not also go further and adopt the language which I submitted, and make the act an unlawful act?

Mr. VINSON. We made the act an unlawful act yesterday.

Mr. HÉBERT. That is correct. That was the language of my proposal. You adopted my words, "It shall be unlawful."

Mr. VINSON. The Armed Services Committee is indeed fortunate that it has the benefit of the counsel and advice of our distinguished friend from Louisiana. We profit oftentimes by his words, and I say that sincerely.

Mr. HÉBERT. But you did adopt my language.

Mr. VINSON. If we did, we thought it was language that was correct. We adopt anyone's language, irrespective of the source, if we think it is correct. We reject that, no matter where it comes from, if we think it is wrong.

Mr. HÉBERT. But you did adopt it.

Mr. KILDAY. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Texas.

Mr. KILDAY. I suppose I should say, inasmuch as the proposed substitute which the gentleman says bears my name was adopted, that you did adopt it.

Mr. VINSON. That is right.

Mr. HÉBERT. I thank the gentleman from Texas very much. It would be so much simpler if our chairman was so direct.

Mr. VINSON. I wanted to compliment the gentleman. I did not want just to say "Yes." That would not have been sufficient.

The substitute bill adopted by the committee makes it unlawful for any commissioned officer of the Armed Forces of the United States, within 2 years after release from active duty, to engage in any transaction, the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense.

Now why do we make this unlawful?

Well, we make it unlawful so that there will be no question that a retired officer who actually engages in any transaction, the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense within the 2 years following his release from active duty, subjects himself to the jurisdiction of a court-martial.

The Uniform Code of Military Justice, under article 134, permits the armed services to court martial a retired officer of a regular component who brings discredit upon his service. An officer who commits an unlawful act under the substitute bill will bring discredit upon his service, and thus subject himself to court martial under the Uniform Code of Military Justice.

Under the bill now before the House, it would be possible for a retired officer to be employed for 1 month, in violation of the law, and only lose 1 month's retired pay.

The substitute bill imposes a clear loss of 2 years of retired pay upon any retired officer who, within 2 years following his release from active duty, engages in any transaction the purpose of which is to sell or to assist or aid in the selling of anything to the Department of Defense.

The forfeiture under the substitute bill will be clear; the forfeiture will be meaningful; the forfeiture will mean the loss of 2 years of retired pay.

And, finally, the substitute bill, to remove any doubt, adds a new section 3 which provides that any retired commissioned officer subject to the Uniform Code of Military Justice who violates any provision of the proposed legislation shall be tried by court-martial and, upon conviction, shall be punished as the court-martial shall direct.

Thus, the substitute bill imposes a clear 2-year loss of retired pay; it makes a transaction involving the sale of anything to the Department of Defense within 2 years following release from active duty unlawful; and, finally, any retired officer who violates such a provision of law will clearly be within the provisions of the Uniform Code of Military Justice, and thus subject to court-martial.

It also contains the identical requirements with regard to the enrollment of retired officers and the publication of such information as is contained in the bill now before the House.

Now, Mr. Chairman, I think there is unanimous agreement on what we are trying to accomplish.

There are some, I am sure, who will insist that any retired officer who engages in selling or assists or aids in selling anything to the Department of Defense following his retirement should be branded a criminal.

The Committee on Armed Services is of the opinion that its approach is proper and effective, and can accomplish the desired result without resorting to criminal sanctions.

What we are dealing with here involves a question of morals, and the conduct of men who, for the most part, have, for more than 30 years, held in their hands the responsibility for the defense of the Nation.

If we adopt a law which makes it a crime we will deny these men hereafter retired the right to earn a livelihood in the one field in which they are experts, because no reasonable, honorable, intelligent man will go mountain climbing on the jagged and unknown edges of the criminal code.

No intelligent man, and certainly no honorable man, would consider exposing himself and his family to the possible loss of his reputation by being branded a criminal.

No sensible man will knowingly engulf himself in a rubber-band law that can be stretched to include him, and snapped to break him.

The loss of retired pay for 2 years, the public disclosure of those who are engaged in selling, exposure to military court martial, together with the disclosure of those who work for defense-supporting industries is a reasonable, sound approach to the problem we seek to solve.

But if we make this law a part of the criminal code, we will do grave injury to the defense efforts of the Nation.

These men have a special type of knowledge that is valuable to our defense effort.

We must protect anything that aids our defense effort.

But of even greater significance is the fact that we will deny to the Nation the special knowledge that these men have acquired if we convert this proposal to a criminal statute.

In our struggle with world communism, and in this age of galloping technology, during this transition period from the conventional field to the missile era, we can use every ounce of gray matter that is in the heads of our citizens.

A criminal statute will become an iron curtain for 2 years to the utilization of this great talent within these individuals.

We cannot afford to jeopardize our defense efforts at this critical point in our history by making it a crime for a retired officer to be employed by a defense-supporting industry.

The Committee on Armed Services does recommend that we deprive an individual of his retirement pay for 2 years if he engages in any transaction, the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense. We do recommend that he be subject to court-martial.

But we do not recommend that such action subject an officer to criminal sanctions.

The Committee on Armed Services agrees that we must make every reasonable effort to deflate any possible use of influence. We state very clearly, in the committee substitute, which I have previously discussed, that an officer who violates any provisions of the proposed legislation will be subject to court-martial.

Mr. Chairman, I do not believe that any of us wants to injure the security efforts of the Nation by depriving the Nation, through its defense contractors, of the services of men who make highly significant and extremely valuable contributions to our security interests.

Because we sense that there is something unethical about an officer immediately following his retirement engaging in the actual sale of anything to the Department of Defense, I think it is proper that we expose him to court-martial and the loss of his retired pay for a period of 2 years should he engage in that kind of activity.

We all want to stop any possible unethical exercise of influence by retired officers, and anyone else as far as that is concerned, but in our effort to solve a problem that so far has not been identified, let us not create another obvious problem by bringing about an irreparable break in the defense efforts of the Nation.

In an effort to solve the headache of influence peddling, let us make sure that the solution consists of proper medicine to eliminate the headache, and not decapitation. Both have the same results, but each employs a different method of procedure.

Mr. Chairman, we believe that the substitute bill that will be offered by the distinguished gentleman from Texas [Mr. KILDAY], and which has been approved by a vote of 25 to 8 by the Committee on Armed Services, is the proper solution and the proper approach to this entire matter.

We ask the House to support this substitute bill when it is offered.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Mr. WHITTEN. As the gentleman knows, I am a member of the subcommittee handling defense appropriations. As I read this bill the question that arises in my mind is that the bill is limited to selling. The gentleman, of course, is familiar with the instance where high ranking officers were entertained by the Martin Company in Bermuda, high ranking military officers who may not be selling but who may have great influence in determination at the policy level in the Defense Department as to which company will get which contract. In that case they were Regular officers. It strikes me that this bill does not touch a situation which could result in far greater expense to the country than the influence of a man who might actually be selling material. I just wonder if the gentleman investigated that feature of it.

Mr. VINSON. The Committee on Armed Services has an immense amount of responsibility. We cannot do everything in 1 day at one time. We are working all the time, when Congress is in session and when Congress is not in session. We will try to look into that phase. It is a very pertinent question.

I was shocked, we all were shocked, when these high officials who have the power to grant contracts began fraternizing with officials of the interested companies.

Government officials must be like Caesar's wife, above suspicion. That is probably one reason why I myself do not accept many engagements. When the sun goes down I generally go home and stay there. I just do not want to be placed in an atmosphere such as that.

I thank the gentleman for his suggestion. We will try to follow it out. We will look into it, but we cannot look into it in this bill right now.

Mr. WHITTEN. If the gentleman will yield further, does the gentleman believe our Appropriations Subcommittee should look into that area with regard to fixing limitations on these funds? That is our responsibility.

Mr. VINSON. I will say that is not the way to legislate.

Mr. KILDAY. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Mr. KILDAY. The instance to which the gentleman from Mississippi refers involved officers on active duty.

Mr. VINSON. That is right.

Mr. WHITTEN. May I say the point I was getting was that "selling" in the bill is a limited and narrow field, and if we confine the bill to that we are probably letting off those whose actions may have a much bigger effect on the cost of contracts.

Mr. KILDAY. What I wanted to say was that adequate authority now exists for the punishment of persons on active duty. Adequate authority exists with the executive branch of the Government to discipline even civilians, as the Chairman of the Federal Communications Commission recently learned to the extent of forcing his resignation; and the Uniform Code of Military Justice contains a number of specific provisions under which the Department can proceed. The President can proceed in his own right as Commander in Chief against an officer on active duty with practically no limitation on what he does.

Mr. WHITTEN. I would like to clean this up.

The point I was making is this: I refer to the penalties in this bill which, in the first place, are limited to losing retired pay for 2 years. If he is getting $100,000 a year in salary that is not important.

Mr. VINSON. He is subject to court-martial.

Mr. WHITTEN. I quote: "Who is to sell or to aid or assist in the selling of anything to the Department." If a retired admiral or general, and there are some in that category, have sufficient influence that at the Defense Department level they can convince them as to whether they should go for submarines or for carriers or Bomarcs or go for another missile, it may be 10 times more expensive in dollars. But apparently he would not be covered under this bill.

Mr. VINSON. I think the language is so broad that it would cause a great many retired officers to hesitate to ever walk into the Pentagon again.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from New York.

Mr. LINDSAY. The key word here is "transaction." Supposing you had a retired officer who was seeking to obtain a contract for research purposes only, service purposes, but a very lucrative one, where there are no sales as that term is generally used. Would this bill cover it?

Mr. VINSON. I would say if the word "sale" is strictly interpreted, if it contributed to giving birth to anything, I would say that it is possible.

Mr. LINDSAY. I have one more question, if the gentleman will yield further. Why is it necessary—and I am really looking for enlightenment on this—to broaden this out to a transaction involving sales in every area? Why would you not cover the purpose by limiting the bill to those areas where the retired officer had previously had some jurisdiction or responsibility?

Mr. VINSON. We want to stop this constant talk that there is influence peddling. The country is concerned and also the Congress, and there must be some justification because of all this smoke that rises every year on this subject matter, that the time has come to write some law with teeth in it to stop it, and the committee has brought in a bill that can accomplish it.

Mr. GROSS. Mr. Chairman, will the gentleman yield for a question to clarify this situation?

Mr. VINSON. I yield.

Mr. GROSS. There is no use to pay any attention to H.R. 10959, then.

Mr. VINSON. You are correct.

Mr. GROSS. The bill that the gentleman now supports is what, H.R. 11576?

Mr. VINSON. That is right. That is the bill that the committee yesterday, 25 members in the affirmative and 8 in the negative, voted out, which will be offered by the gentleman from Texas [Mr. KILDAY] to take the place of H.R. 10959.

Mr. GROSS. H.R. 11576 and the amendments that the gentleman from Louisiana will attempt to offer?

Mr. VINSON. I am talking about the committee bill.

Mr. MEYER. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Mr. MEYER. I would like a little clarification as to the true objective of this bill. In connection with the question asked by the gentleman from Mississippi, are we trying merely to prevent the officers from getting their retirement pay and also serving in a defense industry, or are we attempting to block any possibility that there could be charges made of influence peddling, collusion, or corruption? What is the real objective?

Mr. VINSON. The real objective is to stop all that the gentleman is talking about. That is the real objective.

Mr. MEYER. Then, how can we do this if we merely stop him from getting his retirement?

Mr. VINSON. Because he is also subject to court-martial, and that can involve a penalty. My recollection is that

the maximum penalty in courts-martial can run as high as 5 years. Now, I know this: that, the way things are happening, oftentimes in a Federal court a man has a far better chance in that court than he does before a court-martial. A court-martial is a pretty severe thing.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman.

Mr. MEADER. Mr. Chairman, first I may say that I have the privilege of sitting on a subcommittee of the Committee on the Judiciary which has been considering conflict-in-interest legislation and heard extensive testimony. This is not an easy field in which to legislate.

Mr. VINSON. That is right; exactly.

Mr. MEADER. My question relates to the report of the Hébert committee. As I recall it, the gentleman said that there were some 1,426 retired officers employed by 72 defense contractors.

Mr. VINSON. That is right.

Mr. MEADER. And of those there were some 250 generals and admirals.

Mr. VINSON. That is right.

Mr. MEADER. Can the gentleman tell me for what function those retired officers were employed by those defense contractors?

Mr. VINSON. Of course, I do not know. The questionnaire that we sent out I had the privilege of helping draft, and contributed my limited, mediocre ability to the shaping of it. We tried to find out what they were there for and we got some explanation of it.

Mr. MEADER. Were any of them salesmen?

Mr. VINSON. They said they did not sell. But there is a gray area. It is an area in which the Congress should legislate through this bill. If you pass this bill you will accomplish something worth while by stopping, at least, all of this conversation and newspaper talk that something crooked or improper is going on in the Pentagon.

Mr. MEADER. If the admiral or general became a salesman he would be affected by this bill. But if he were doing something else, perhaps as president of the company, or if he were doing something concerned with design or research, he would not be touched by this bill?

Mr. VINSON. That is the reason I read the definition of sale.

Mr. BECKER. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman.

Mr. BECKER. Mr. Chairman, I would like to associate myself with my distinguished chairman of the Committee on Armed Services and compliment him for the very able statement he has made.

I might say in conclusion that I have done this without any persuasion by the chairman, and willingly from the very beginning.

Mr. Chairman, I compliment the gentleman, the chairman of my committee, for the very fine way he has presented the matter and I hope his views will prevail.

Mr. VINSON. I thank the gentleman and I trust the House will sustain the Committee's position. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore, Mr. WALTER, having assumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10959) relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes, had come to no resolution thereon.

COMMITTEE MEETING DURING SESSION OF HOUSE

Mr. MULTER. Mr. Speaker, I ask unanimous consent that the Small Business Committee may sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

BROADCASTING IN THE PUBLIC INTEREST

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. In taking the floor today, Mr. Speaker, I have no intention to condone any of the grave abuses which have cast discredit on the broadcasting industry, or to deprecate the need for remedial legislation. On the other hand, I feel that we will do well if any such legislation is considered calmly, in an atmosphere free from the heat engendered by some of the more flagrant disclosures. In this atmosphere there has been a tendency for wholesale condemnation of broadcasters' practices, whether justified or not. Too often we are deterred by the impact of disclosures of wrongdoing from examining the total picture and recognizing positive and significant contributions in the public interest. Yet, unless we evaluate the entire picture—taking into account the achievements of broadcasting as well as its failures—we will be in no position to legislate effectively in the public interest.

The dark side of the broadcasting picture is clear to see, and it is an unhappy fact that the confidence of the American people in the great broadcasting media of radio and television has been severely shaken. This is perhaps an inevitable consequence of recent broad-scale revelations of rigged quiz shows, of payola in the exploitation of music, of deceptive advertising in radio and television presentations.

These revelations come on the heels of earlier disquieting disclosures by the Antitrust Subcommittee, of which I am chairman, concerning seriously restrictive practices on the part of networks and others in the television broadcasting industry and a tendency by the Federal Communications Commission to identify the functions of its office with the private interests of those subject to its jurisdiction.

On top of these reflections upon the morality displayed by some persons in the broadcasting industry, and upon the discretion of those charged with the responsibility for industry regulation, come charges leveled at the general quality of broadcast programs. I, too, have often been impelled to protest the lack of taste and imagination which sometimes characterizes broadcast programs.

Public exposure of the problems with which the broadcasting industry is faced has been followed by a substantial number of proposals designed, in one way or another, to improve the situation. The recommendations of the Antitrust Subcommittee for removal of specific anticompetitive restraints in television network broadcasting have been followed by parallel recommendations of the FCC's own network study staff, though the Commission itself has yet to take effective action in this area. Beyond this, it may be necessary to make legislative provision for direct regulation of the networks themselves. At the present time it is the network organizations that possess power over broadcasting policies, but they are only indirectly, that is, through their affiliated stations, subject to FCC control. Congress will have to give careful consideration to this matter.

In addition, I believe that Congress will feel impelled to remedy the shocking situation, with respect to informal, ex parte communications, which has on occasion characterized the conduct of the FCC's quasi-judicial function. Attention should also be given to the possibility that sales of stations should be much more closely supervised in the public interest than at present. Other proposals that deserve to be thoroughly explored include the idea that a specified amount of broadcast time should be set aside for public service programing.

I need not labor the obvious by dwelling further upon the present shortcomings of broadcasting.

But is this the entire picture?

In an effort to obtain a balanced view of the entire situation, at least as it applies to New York City broadcasters, I requested that a study be made to ascertain the extent to which these broadcasters, both radio and TV, have, in fact, served the public interest in connection with their exercise of the license to broadcast. For purpose of this study, nine stations operating in the metropolitan area—all members of the New York State Broadcasters Association—were requested by me to supply specific and detailed information, both about their programing policies and about their actual performance, in four basic areas of activity in the public interest. The outlets participating include seven radio stations—WQXR, WMCA, WCBS, WNEW, WABC, WRCA, and WOR—and two television stations—WRCA–TV and WOR–TV.

The areas of inquiry were:

First. Civil defense, including both free time donated for spot announcements such as tests and information on

what to do in an emergency, and participation in an effective conelrad system.

Second. Noncommercial spot announcements provided without charge to charities and other worthwhile causes.

Third. So-called community service programing, which involves planned programing devoted to the health and welfare of the community, such as traffic, transit, and weather reports; special charity shows; and announcements of civic and community events, and

Fourth. So-called public affairs programing. This embraces, first, programs for which the normal broadcasting schedule is interrupted and the time preempted. News coverage of events, issues, and personalities as well as urgent community problems and issues fall in this category as do the planned support or discussion of current community and civic problems, and coverage of events, issues, and personalities of special interest.

The data I have received are voluminous and impressive. A summary will, I think, be of great interest to the members of the House.

CIVIL DEFENSE

On the basis of the study, I can now report the little-publicized facts about the part that New York broadcasters have played in the vital civil defense program. Under Federal directive, a New York State advisory committee was appointed some time ago with responsibility to establish and operate emergency communications during time of crisis, and to provide participation in the Conelrad—control of electromagnetic radiation—system in the event of enemy attack.

It is contemplated that during such an attack all civilian broadcasting will be restricted to two wave lengths, corresponding to 640 and 1240 on the radio dial. The cooperation of the broadcasting stations in these plans involves regular and frequent tests to make sure that the public is aware of the emergency dispositions and, more particularly, to see that special equipment used in the various emergency hookups is in working order. It means that entire engineering staffs have had to be trained in conelrad procedures. What is more, it means a 24-hour a day vigil by station personnel at the conelrad receiver. Finally, the broadcasting stations have devoted large numbers of spot announcements, free of cost, to the dissemination of civil defense information and advice. In all, during 1959, the New York City broadcasters as a group have contributed thousands of staff man-hours and many thousands of dollars in the cost of equipment, broadcast time, and tests to implement civil defense plans and so make sure that the city of New York is part of a trained and effective civil defense communications network ready for all contingencies. Working under the direction of the National Defense Commissioner of the FCC, they also cooperate closely with the New York State Civil Defense Commission, as well as with the State and municipal governments and local civil defense offices. It is significant, I think, that this is voluntary public service, contributed at the stations' expense.

A further noteworthy contribution by a New York station in the area of civil defense which was brought to light in the present study was a 10-week television series highlighting man's need to adjust in a nuclear age. Produced in cooperation with the Office of Civil and Defense Mobilization, this series examined America's apparent reluctance to face potential peril, laid a groundwork for acceptance of the facts of nuclear weapons and their effects and demonstrated that with knowledge and the proper protective steps, survival in a nuclear crisis is possible.

NONCOMMERCIAL SPOT ANNOUNCEMENTS

The contribution of free air time for spot announcements made by these New York stations to worthwhile organizations and causes during 1959 was most substantial. It is difficult to convey the breadth of the range of interests and campaigns embraced by these free announcements. Organizational beneficiaries included every kind of welfare, religious, social, health, educational, cultural, and civic group, and these were local, regional, national, and international in scope. Campaigns, other than civil defense which I have already noted, which were furthered by these spot announcements included the encouragement of fire prevention, safe driving, and good citizenship, and the combating of such evils as juvenile delinquency, racial tensions, and hit-and-run driving, to name but a few of many. Appeals were made for charitable contributions and for blood donations. Announcements covered such various matters as traffic and road conditions, weather reports, and church bazaars and sales. In all, the study shows, free air time contributed for these noncommercial spot announcements aggregated over 90,000 minutes, valued at more than $6½ million, and provided more than 110,000 announcements to over 2,400 organizations. I consider that the sheer magnitude of these figures is worthy of note.

COMMUNITY SERVICE PROGRAMING

All the stations which participated in the study devoted a substantial amount of broadcast time in 1959 to so-called community service programing. This category comprised a more substantial contribution to the public welfare even than the noncommercial spot announcements, for it involved entire programs planned and executed by the stations. The study indicates, however, that these programs were not all outright contributions of the broadcasters, for portions of the programs have been supported by sponsors.

Here again, great variety characterized the community service programing. One station, for example, worked out and placed into operation an elaborate and ingenious system for notification and broadcast announcements in the event of school closings on account of inclement weather. This involved giving each school in the metropolitan area and nearby suburbs a code number and designating not more than three persons authorized to use that number in reporting the school's intention to remain closed.

Another station specialized in programs explaining and supporting the work of departments of the city government—specifically the department of health and the department of education—and rounded this out with a program on the New York Academy of Medicine.

A third station carried programs in support of the Heart Fund, the Greater New York Fund, the League of Women Voters, the National Council of Christians and Jews, and the National Association for the Advancement of Colored People, as well as a program on the FBI and an income tax forum, and also found time to feature sports lessons.

A fourth station stressed, among other things, the encouragement of musical talent in the schools.

A fifth station, emphasizing safety issues, ran programs on fire prevention and a very popular campaign to prevent juvenile fatalities from the misuse of plastic garment bags, which resulted in 4,000 requests for the script.

A sixth station, regularly at Christmas, caps a busy program with a campaign to supply gifts to children in hospitals.

These random examples should give some idea of the variety, scope, and value to the community service programing carried on by the broadcasting stations of New York City. Last year alone, such programing on the part of the nine stations which participated in the study accounted for more than 220,000 minutes of broadcasting time of an estimated value in excess of $10 million.

PUBLIC AFFAIRS PROGRAMING

All the stations that participated in the study have placed what appears to me to be considerable emphasis on so-called public affairs programing. Here I refer not so much to the interruption of scheduled programs to make room for events of particular interest, but to the planned programing worked out by each station to meet its own conception of what the public interest requires. In this area, special mention should be made of the extent to which the stations have covered the very troublesome problem of juvenile delinquency. One station's effort was particularly noteworthy, I think. It assembled an Athletes for Juvenile Decency Committee to fight delinquency by using name athletes to work on a person-to-person basis with delinquents and potential delinquents.

Another station specialized in a program in which officeholders are interviewed by viewers in their homes.

A third, stressing music and musical events, gave particular attention to Van Cliburn's cultural triumph abroad.

A fourth mounted full-scale debates on such important and controversial public issues as the proper attitude toward and treatment of drug addiction.

A fifth carried timely programs on problems created by Puerto Rican migration and on the apparent upsurge of anti-Semitism.

All these, which constitute the sparsest sampling, were, of course, in addition to regular news coverage. In all, the 9 stations which participated in the

study provided over 1,500 public affairs programs during 1959, and these programs represented 42,000 minutes of air time of an estimated value in excess of $1.3 million.

Behind the bare statistics of time and dollars are the specific achievements of these stations in the public interest. Time does not permit me to dwell further on these. I have said enough to indicate that they bespeak imagination and creative energy in programing for particular audiences.

From a review of the materials submitted by the stations, certain generalizations may be drawn. It would appear that these broadcasters are making significant day-to-day contributions to their community.

They have made their services freely and fully available in times of emergency or disaster.

They have acted as a communications medium for the United Nations, carrying the concept of international cooperation to children and adults alike. These programs are often carried on school broadcasting systems.

They have contributed to greater international understanding through presentation, for broadcast here, of programs provided by foreign stations, such as BBC.

They have made air time available to a full range of community groups representing all races, religions, and creeds.

And they have helped the cause of America abroad by providing programing both to the Voice of America and the Armed Forces Radio.

Broadcasting has come to occupy a unique place in the national scene. Perhaps we have become overly accustomed to receiving and enjoying its many services. Perhaps we are taking its many contributions too much for granted.

The facts which the study of the New York stations has brought to light indicate that radio and television have been utilized as an important instrument for the public good. These facts, I believe, deserve to take their place alongside some of the less creditable facts which have been developed in recent disclosures.

As in other areas, when evil occurs the instrument is not necessarily the offender. In the case of broadcasting, the instrument has been used extensively in the public interest, and also is a vital part of our defense facilities. Over the years the broadcasting industry has played an important part in our Nation's growth and welfare. The people and policies that contribute to this are, I believe, entitled to recognition and encouragement. Simple fairness and equity would seem to require no less.

THE LEAD-ZINC ISSUE

Mr. BAKER. Mr. Speaker, I have today introduced H.R. 11584. This legislation is largely based on the report of the Tariff Commission dated March 31, 1960, made pursuant to Senate Resolution 162, 86th Congress, and adopted unanimously by the other body on August 21, 1959.

The lead-zinc issue is one which has become increasingly familiar to us over the course of the past 7 years. And I say again, only last Thursday the U.S. Tariff Commission released its fourth report on this subject since 1954. I feel it is my responsibility to propose legislation which will implement the exhaustive findings of this valuable and competent agency of the legislative branch of our Government.

Before explaining the provisions of my bill, I think it will prove valuable to refresh our memories by outlining the tortuous and frustrating path the domestic lead-zinc industry has been following since 1953 in its attempt to obtain lawful protection from injurious import competition. As we all know, the so-called escape clause provisions of section 7 of the Trade Agreements Act provides that upon establishment of injury or threat of injury to a domestic industry from absolute or relative increases in imports of a like or comparable article, the Tariff Commission shall report its findings to the President along with recommendations for appropriate protective measures.

Soon after the cessation of hostilities in Korea it became apparent that the domestic lead-zinc industry was qualified for relief under this provision of the law. As a matter of fact, in 1953, the Congress itself recognized this position in the form of a request that the Tariff Commission report to it a finding of fact on this industry's then current condition. Shortly thereafter the industry itself initiated an escape clause request with the Tariff Commission. The two reports were made to the Congress and the President, respectively, in the spring of 1954. The Commission was unanimous in its finding of injury and its report to the President recommended increases in the specific rates of duty on lead and zinc.

As a substitute for these duty increases the administration instituted a lead and zinc acquisition program under the sponsorship of strategic stockpiling and agricultural bartering. As anticipated, these programs had the desired effect of increasing the prices of the two metals but it later became abundantly clear that the programs also encouraged the development of low-cost foreign production of the two metals. This was done on the quite logical theory that the U.S. Government was in the business of providing a market for quantities of free world lead and zinc which could not be absorbed industrially.

For equally logical fiscal reasons the administration was forced to halt these programs in the spring of 1957. The result was inevitable. Domestic and world prices for lead and zinc declined over 25 percent in 5 short months and by November of the same year, 1957, a second escape-clause request was before the Tariff Commission. Again the finding of injury was unanimous and again higher levels of specific duties were recommended to the President, although at this time it was the opinion of three of the Commissioners that the industry's position was so acute that higher duties should be coupled with a temporary imposition of absolute import quotas.

The recommendations were made to the President in the spring of 1958. For the second time the administration deemed it unwise to implement the recommendations for higher duties and on October 1, 1958, absolute import quotas on lead and zinc metal and ore were imposed. These quotas remain in effect today. The increased duty levels twice found appropriate and twice recommended by the Tariff Commission to the President remained unimplemented.

For the third time on March 31, last Thursday, the Tariff Commission has found serious injury and for the third time recommended increased duty rates as the only practical solution to the lead-zinc industry's problem.

I emphasize the word "only" since this most recent report positively rejects quotas as a suitable instrument for the protection of lead-zinc products.

However, I wish to point out to my colleagues that in the two previous cases the Commissioners unanimously recommended increases in duties in varying amounts but in this last case four of the Commissioners felt that recommendations could be extra legal in their nature and two Commissioners made the duty recommendations. I wish to further emphasize that the Commissioners unanimously reiterated that there was serious injury and rejected the use of quotas.

I quote from the Tariff Commission's report, pages 109–110:

> Import quotas affecting such a large and complex industry as lead and zinc have not proved a satisfactory means of curtailing excessive imports of these metals. The quotas adopted are rigid and inflexible and, being incapable of adjusting the changing elements of domestic supplies to the changing and varied needs of industrial consumers, have tended to increase, rather than to reduce, instability of market prices, and thereby to thwart the best interests both of domestic producers and consumers of lead and zinc. The system of import quotas has been discriminatory in its effects upon various producers, importers, and consumers, and has created unusual difficulties for some while it has brought windfall advantages to others. In zinc smelting, especially, the absolute quota system has tended to eliminate small, though efficient, producers who, with little or no control over domestic ore supplies, are rendered increasingly dependent upon precarious foreign ore supplies. On the one hand, this has tended to reduce nearby markets for ores produced by domestic mines in areas near the location of such smelters. On the other hand, it has tended to concentrate control over domestic ore supplies in the hands of a few powerful integrated corporations, and, with imports strictly limited by quotas, to increase their control over domestic supplies and market prices. Finally, import quotas have seriously interfered with normal trade relations between smelters or importers and their suppliers and between producers or importers and their customers, thereby forcing unusual, unnatural, vexing, and often uneconomic, adjustments.

With this background I feel sure my colleagues will understand and support my decision to introduce legislation which is designed to implement the findings of this most recent report of the Tariff Commission.

H.R. 11584 does just this; for the basic unmanufactured products of lead and

zinc ores and metals, and, as further recommended in last Thursday's report it provides the necessary commensurate protection for a limited number of semimanufactured products whose substantial or chief value is lead or zinc.

The bill—following the findings of two members of the Tariff Commission—provides a tax on lead ores of 2.1 cents per pound on the lead content and on lead metal of 3 cents per pound; a tax on zinc ores on the zinc content, of 1.75 cents per pound and on zinc metal of 2.5 cents per pound with commensurate protection on certain related products.

This latter mentioned duty coverage for semimanufactured products may cause you some concern as indeed it did me. However, when you have had an opportunity to study the interrelated economics of the two categories, unmanufactured and semimanufactured, all articles of active international commerce, I am certain you will become as convinced as I am that it would be impractical, if not to say fatal, to afford protection to the unmanufactured articles and leave it to the time consuming processes of the Tariff Commission to plug semimanufactured loopholes.

In this connection, it should be recalled that escape clause action is not possible until after injury or threat of injury has been established and at that time it has to be considered on an article-by-article basis. This study involves locking the barn door not only after the horse has been stolen but also after the roof and the walls are taken as well.

The State of Tennessee last year became the Nation's largest mine producer of zinc. East Tennessee is responsible for 100 percent of this production.

May I emphasize here that in the case of hard rock mining, such as lead and zinc, reasonable protection has a chronological implication of the utmost importance. If higher levels of duties are established under escape clause proceedings, these duties are constantly subject to downward adjustment on an annual or biannual basis. This condition of short-range price stability in no way meets the requirements of the lead-zinc industry. The risk capital required for exploration and development of new deposits generally will require 5 or even up to 10 years before return on investment can be anticipated. Only legislation will afford investors the essential prerequisite of long-range stability required to place this industry on a sound and stable basis.

In summary, I wish to repeat that this Tariff Commission report of March 31, 1960, supplements the investigations of the Commission of July 1953 which were reported in April 1954 under section 332 of the Tariff Act of 1930 pursuant to a resolution of the Senate Committee on Finance and a resolution of the House Committee on Ways and Means. Those resolutions directed that the report of the Commission should set forth the facts relative to the production, trade, and consumption of lead and zinc in the United States and take into account all relevant factors affecting the domestic economy, including interests of consumers, processors, and producers and including the effect of imports of lead and zinc on the livelihood of American workers.

Not only the people of east Tennessee need and deserve the stability and expansion of the mining areas of this basic industry. The people of the mining areas of the country, the employees of the smelter areas in the South-Southwest, and Central and Eastern States will be benefited. Not only will labor be benefited, but, in addition, our merchants and our communities. This legislation will also add substantial wealth to the overall economy of our Nation.

There may be some in the lead-zinc industry who believe in good faith that higher rates of duty than those contained in the bill are required to solve the problems of the industry and certainly their views will receive consideration by the Ways and Means Committee as will the views of those in the industry who believe that the proposed rates are too high.

Seven years is long enough to ponder this problem. We have the facts and the recommendations of the Tariff Commission and now we should translate them into sound, proper, and constructive legislative action.

FOREIGN TAX CREDITS

Mr. VANIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, I was shocked by the parliamentary proceedings and the legislative apathy which permitted the passage of H.R. 10087, a bill to amend the Internal Revenue Code of 1954 to permit certain taxpayers to elect an overall limitation on the foreign tax credit, without a rollcall vote. This legislation deserved more careful consideration by every Member of the House, since it provided tax relief for a very special group of American corporations doing business abroad.

I oppose this legislation because of my fear that it will provide special tax escape routes for those enterprises which engage in oil development in nations like Saudi Arabia and Venezuela. Several years ago royalty agreements which divided profits with these nations on a 50-percent basis were substituted by taxes levied by the respective governments equivalent to these royalties.

The treatment of these payments as royalty would have provided these corporations with ordinary business deductions. The conversion of these arrangements into a 50-percent tax arrangement instead of a 50-percent royalty arrangement permits these American corporate beneficiaries to enjoy an extra special tax benefit as a foreign tax credit deductible against income earned in other countries and in the United States.

The unfortunate part of this legislation is that it would increase and spread foreign tax credits in situations where the foreign tax was merely arranged for the tax benefit of certain American corporations.

A SENSIBLE APPROACH TO THE PROBLEM OF INFLUENCE BY RETIRED OFFICERS

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an article.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, there has been some tendency in the House today to approach the whole question of influence by retired officers in a burst of emotionalism. I hope we will remember that what we are legislating on here in the bill reported from the Committee on Armed Services is nothing less than the security of our Nation, and the men who make up the Armed Forces on which our freedom must depend today and in the years to come as we face the menace of Soviet communism. Let us in our zeal to "soak the brass" not be tempted into anything that will weaken this Nation in its struggle to survive and win out over godless communism.

I came across today in the New York Times an article by the distinguished military editor of that newspaper, Mr. Hanson W. Baldwin, which puts the issue before us into what I regard as sensible, reasonable perspective.

Under leave to extend my remarks I include the article herewith and commend it to my colleagues before we vote on tomorrow:

TWO BATTLES ON HOMEFRONT—HOUSE FACING CLASHES ON RETIREMENT PAY AND CONFLICT-OF-INTEREST CURBS

(By Hanson W. Baldwin)

Two subjects of great importance to military personnel, but of even broader concern to the social fabric of the Nation, are before Congress this week.

Yesterday the House Armed Services Committee started consideration of a bill to equalize service retirement pay. The floor of the House is also expected to be a cockpit for struggle over new legislation defining conflict of interest for retired officers. The history of the retirement-pay legislation is a narrative of frustration. It provides, in a nutshell, one of the reasons the Government has found it so hard to attract highly qualified young officers to a professional career in the Armed Forces and why it has found it difficult to retain them.

SENSE OF LOYALTY LACKING

The reason is the lack, on the part of too many civilian officials in the Executive department, of a fierce sense of "loyalty down." The uniformed officer robbed of much of his authority by the "civilianization" of the services since World War II, is nevertheless always held responsible by his civilian superiors.

But the "loyalty up" so easily demanded by the civilians is not so often reciprocated in "loyalty down."

The retirement-pay legislation has been before Congress now for 2 years in one form or another. It was introduced, first, on the initiative of individual members, to right an inequity in the 1958 pay bill.

This act created two classes of retired officers. All those who retired before the bill went into effect received a 6-percent pay increase; those who retired afterward generally received much more for the same retired rank and length of service.

The act thus broke with tradition and the past in changing the proportionate relationship of retired, to active duty, pay. It created two economic classes of retired officers.

The Defense Department did little or nothing to try to prevent this inequity. Despite vigorous objections from the individual services, it has done little in the last 2 years to modify it.

Yesterday, Secretary of Defense Thomas S. Gates Jr., as leading administration witness, took the opportunity to remedy this neglect. He strongly supported the current attempt to right a wrong.

The conflict-of-interest measure may provide a congressional donnybrook, Represntative F. EDWARD HÉBERT, Louisiana Democrat, headed a subcommittee of the Armed Services Committee that studied conflict-of-interest laws governing employment of retired officers.

As a result of his investigation, which revealed no wrongdoing but some bad judgment and poor ethics, he has prepared a bill to modify existing legislation.

Mr. HÉBERT's bill provides for a $10,000 fine and imprisonment for retired officers or civilian employees of the Defense Department employed by private companies who, within 2 years after retirement, engage in selling anything directly or indirectly to the Department of Defense.

However, the full House Armed Services Committee, under the chairmanship of Representative CARL VINSON of Georgia, amended the Hébert bill drastically. It eliminated the fines and imprisonment penalties but provided for loss of retired pay.

Yesterday, in a stormy session, it again rejected Mr. HÉBERT's criminal penalties, but added a provision for trial by court-martial of any retired officer who engaged in "selling" to the Defense Department within 2 years after retirement.

The House debate, unless it is averted by an off-the-floor settlement, will argue the two versions of the bill.

The importance of both of these measures, not only to the military services but also to the Nation, is implicit in their terms. Discriminatory provisions—either in pay or in job opportunities—against military retired personnel obviously are harmful to morale.

A FACTOR IN BUDGET

On the other hand, it is essential that any abuses be curbed, whether out-and-out and corruption, "influence peddling," or even bad ethics, though practiced only by a few.

The Bureau of Social Science Research, and Albert D. Biderman, a member of the Bureau, who has made a special study of the military retirement problem, have pointed out that the number of persons receiving military retired pay will increase from 213,557 in 1958 to an estimated 1,163,000 in 1983. Present costs of $715 million annually will rise to more than $1 billion by 1964.

But "outweighing these costs," the Bureau notes, "is the great potential for contributions, both economic and civic, that this group (of retired military personnel) will possess.

"Most of its members will be well educated, broadly experienced, and relatively young"—a reservoir of tremendous value to the Nation.

Obviously Congress should do nothing to impair this asset.

FEDERAL EMPLOYEE COMMUNIST ACTIVITIES TESTIMONY ACT OF 1960

Mr. KING of California. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. WALTER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALTER. Mr. Speaker, I have just introduced a bill providing that any Federal officer or employee who willfully fails or refuses to answer questions relating to Communist activities, when summoned to appear before Federal agencies, shall be removed from his office or employment.

The bill, titled the "Federal Employee Communist Activities Testimony Act of 1960," is patterned after a California statute which was recently held valid by the U.S. Supreme Court in the case of Nelson and Globe against County of Los Angeles, decided February 29, 1960.

As chairman of the Committee on Un-American Activities, I am frequently asked this question: "Are there Communists now in the Government?" The only answer I can give is that under present procedures the Committee on Un-American Activities is precluded from finding out whether or not there are Communists in Government, although we know that since the 1956 decision of the Supreme Court in Cole against Young, 109 employees of the Federal Government who had been dismissed as security risks have been restored to Government service, including employment in such agencies as the Air Force, the Army, and the Navy. It will be recalled that in Cole against Young the Supreme Court ruled that an employee of the Federal Government could not be dismissed under the Summary Suspension Act in the interest of national security unless he occupied what the Court described as a "sensitive position." In other words, according to the Court's opinion, it is perfectly proper to have a Communist in the file room where security reports are kept so long as his official position does not technically entitle him to have access to the security reports.

The Committee on Un-American Activities has repeatedly attempted to procure from the executive agencies identifying information on the security risks who have been restored to Government service, but this information has been adamantly refused by the executive agencies concerned and, indeed, by the White House itself.

In Nelson and Globe against County of Los Angeles, the Supreme Court examined a provision of the California Code which made it the duty of any public employee when summoned before an appropriate Government agency to give the information of which he was possessed on communism and other subversive activity. The California Code provides for dismissal of any such public employee who fails or refuses to appear or to answer the questions propounded.

In sustaining the validity of the California statute, the Court found that, notwithstanding the public employee's invocation of the fifth amendment, his refusal to reply to the questions propounded was sufficient basis for his discharge because the State may legitimately predicate discharge on refusal of a public employee to give information touching on the field of security.

The text of the bill follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employee Communist Activities Testimony Act of 1960."

SEC. 2. The Subversive Activities Control Act of 1950 (64 Stat. 989) is amended by inserting, immediately after section 3 thereof, the following new section:

"DUTY OF FEDERAL EMPLOYEES TO TESTIFY AS TO COMMUNIST ACTIVITIES

"SEC. 3A. (a) It shall be the duty of any officer or employee of the Government who may be subpenaed or ordered to appear before any Federal agency to appear before such agency and to answer under oath any question concerning (1) the membership of such officer or employee, or any other individual, in the Communist Party, (2) the activities of such officer or employee, or any other individual, as a member of the Communist Party, and (3) the participation of such officer or employee, or any other individual, in activities conducted by or under the direction of the Communist Party or any member thereof.

"(b) Any officer or employee of the Government who willfully fails or refuses to appear or to answer under oath on any ground whatsoever any question referred to in subsection (a), or who commits perjury in answering any such question, shall be guilty of insubordination and shall be removed from his office or employment in the manner provided by law.

"(c) As used in this section—

"(1) the term 'officer or employee of the Government' means—

"(A) an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States;

"(B) an officer or employee of the government of the District of Columbia; and

"(C) a member of the Armed Forces, the Coast and Geodetic Survey, or the Public Health Service;

"(2) the term 'Federal agency' means any department, independent establishment, or other agency or instrumentality of the executive branch of the Government of the United States, and any congressional committee or subcommittee; and

"(3) the term 'Communist Party' means the Communist Party of the United States, or any successors of such party regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any State, district, commonwealth, or possession thereof, or the government of any political subdivision therein by force and violence, and includes subsidiary organizations of such party."

MODEL CONGRESS, 1960

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OSTERTAG] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. OSTERTAG. Mr. Speaker, a number of schools in the congressional district which I represent in New York conduct a model congress each year for the purpose of providing high school students with a better knowledge of the issues, programs, and procedures of the Congress of the United States. This is

an excellent and worthwhile program, which adds a great deal to the students' knowledge and understanding of our Republic and its Government. It is a program which might be followed with great benefit by any school in our land.

This year the sixth annual model congress was held at the Byron-Bergen Central School in Genesee County. More than 150 students from 8 schools in the area participated in the congress and considered 126 bills within the framework of 10 committees; 9 bills were acted upon in a plenary session which followed the committee action.

After general debate, bills were adopted which dealt with, first, voting rights and segregation in public schools; second, discrimination in employment; and, third, labor disputes. The model congress adopted a resolution relating to foreign intervention in Cuba.

At the same time, the congress defeated proposals which would, first, reduce the voting age to 18; second, abolish the electoral college system; third, reorganize the Supreme Court; fourth, permit Congress to override a Supreme Court decision; and, fifth, expand the Air Force.

This program is a fine example of the efforts of our schools to add depth and meaning to classroom studies; the persons who devised and continue the program are to be highly commended.

SUMMIT MEETING

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. JACKSON] may extend his remarks at this point in the RECORD and include an article.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. JACKSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include an article by Secretary of State Dr. Albert Hilger van Scherpenberg, Department of Foreign Affairs, Bonn, Germany, which appeared in the bulletin of January 9, 1960.

The article follows:

Since the visit of the Soviet Prime Minister Khrushchev to the United States of America, the peoples of the world have once more begun to cherish the hope that the international political tension will be eased. In countless speeches and articles reference is made to the "spirit of Camp David," a formula which reminds one of the "spirit of Geneva" of 1955 and whose contents are vague. It is frequently interpreted as though Eisenhower and Khrushchev in the course of their talks in Camp David had come to a far-reaching agreement on basic questions, which would now enable them to pursue a joint policy aimed at easing the tension. And this romantic interpretation is occasionally supplemented by the assumption that the only reason why details of the agreement reached have not been published, is that one does not want to endanger this joint policy.

These reflections are ridiculous for the simple reason that they imply that the American Government has reached agreements without consulting its allied governments. Actually, no decision was reached in Camp David which could prevent the West from testing the sincerity of the Soviet policy at any time. And nothing happened in Camp David which could force the West to sanction wrongs that have been committed and to accept the present state of affairs, which exists as a result of such wrongs. People in the United States know perfectly well that the peaceful coexistence must be more than the recognition of the status quo, which the Soviet Government would like to consolidate precisely because it is aware that this state is a violation of international law, and regards this fact as prejudicial to its interests. Under the present circumstances, the status quo would hardly offer more than a new and better initial position for further Communist aggression.

It is possible that this danger of aggression has shifted from the military to the ideological, propagandist, and commercial sphere. The certainty that an atomic war would mean self-destruction, is as widespread in the East as in the West. But the Soviet leadership is also convinced that it does not need a general war in order to assert its far-reaching aims. Now more than ever is it certain that it has time on its side. "Our Socalist ideology is a reflection of the indisputable fact that the setting up of the Communist order of society in the whole world is inevitable," so it was affirmed in a statement issued on November 3, 1959, by Radio Moscow. This messianistic faith of the Communist leadership is strengthened still more by its conviction that the Western World shows increasing symptoms of decadence and is thus contributing to its own downfall.

Those who do not tend to wishful thinking will be obliged to admit that this psychological situation is not exactly favorable for a basic understanding between East and West. The West can only meet this situation with patience and firmness. The political leadership of the East bloc will only be prepared to revise its way of thinking if it is made to realize that its ultimate aim—the "setting up of the Communist order of society in the whole world"—is unattainable. The defeat which the Soviet Union suffered on the Hungarian question in the United Nations may be regarded as a gain in this sense. It proved that the free peoples are not prepared to abandon the principle of the right of self-determination and to accept a state of affairs which is undoubtedly a violation of international law. And the insight which Khrushchev gained into the mentality of the American people and their sources of help during his visit to the United States of America, has no doubt also left a certain impression.

It is extremely gratifying to the West, however, to know that the U.S. President during his visit to 11 south European and Afro-Asian capitals was given an ovation such as has never before been accorded to any statesman. This cordial reception, which exceeded all expectations, would appear to indicate that even the peoples that are not politically engaged regard the President of the most powerful Western country as a symbol of freedom, security, and prosperity and feel that the ideological offensive of the East bloc is a threat. The cooperation of the West with the so-called developing countries is likely to intensify this impression, since this cooperation is not influenced by political factors but is carried out in the spirit of genuine partnership. I am of the opinion that the community of the free peoples, in adopting this policy, is on the right course. In addition, however, they should also maintain their readiness for defense, since any relaxation in their vigilance might endanger the results of the negotiations which we hope to achieve in the future.

In this respect we can regard with considerable satisfaction the issue and success of the recent conference of the West in Paris, that is to say the Ministers' Conference of the NATO and the conference of the three Western state and governmental chiefs and the German Federal Chancellor, Dr. Adenauer. Whilst the four statesmen once again confirmed their determination to protect the position and the rights of the West in Berlin and to safeguard the right of free access to that city, they also affirmed that it was desirable that questions of reciprocal interest should be discussed with the Soviet Prime Minister. These questions include, above all, East-West relations, universally controlled disarmament, as well as the German question, including the Berlin problem. It is to be hoped that the Soviets will not only conjure up the spirit of Camp David at the forthcoming summit conference, but will also clearly show that they are willing to conduct serious negotiations.

AID TO EDUCATION

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. BOW] may extend his remarks at this point in the RECORD and may include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BOW. Mr. Speaker, my proposal—H.R. 11540—to return to the States for aid to education a portion of the Federal cigarette tax has met with favorable response throughout the Nation. Apparently citizens who are concerned about support for our schools welcome a proposal that would provide support without permitting Federal control.

Substantial and increasing amounts would be available to each State, to be used as the State legislature directed, if the Secretary of the Treasury is authorized to return to each State 2 cents of the 8 cents collected by the Federal Government on each package of cigarettes sold. For the convenience of my colleagues, I include a table showing the amounts that would have been available in 1959 in those States that have a State cigarette tax. Computations for the remaining States can be made with relative ease from other statistics.

Included also is a copy of my newsletter to constituents setting forth my reasoning on the measure.

I sincerely regret that a similar proposal by the junior Senator from New Hampshire was not acted upon when the other body considered Federal aid to education. I hope that it will be considered when the House takes up education bills.

State	Cigarette sales (in millions of packs)	Education fund, H.R. 11540
Alabama	287.2	$5,744,000
Alaska	21.9	438,000
Arizona	142.6	2,853,000
Arkansas	147.9	2,958,000
Connecticut	358.5	7,170,000
Delaware	65.2	134,000
District of Columbia	133.0	2,660,000
Florida	613.3	12,266,000
Georgia	352.7	6,054,000
Idaho	64.1	1,282,000
Illinois	1,304.1	26,082,000
Indiana	558.9	11,178,000
Iowa	295.9	5,918,000
Kansas	223.4	4,468,000
Kentucky	343.8	6,876,000
Louisiana	320.5	6,410,000
Maine	128.2	2,564,000
Maryland	369.3	7,396,000
Massachusetts	637.8	12,756,000
Michigan	988.8	19,776,000
Minnesota	357.9	7,158,000
Mississippi	169.6	3,392,000
Missouri	550.5	11,010,000

State	Cigarette sales (in millions of packs)	Education fund, H.R. 11540
Montana	75.5	$1,510,000
Nebraska	148.3	2,966,000
Nevada	50.1	1,002,000
New Hampshire	112.8	2,256,000
New Jersey	778.2	15,564,000
New Mexico	89.1	1,782,000
New York	2,346.7	46,934,000
North Dakota	58.6	1,172,000
Ohio	1,199.5	23,990,000
Oklahoma	242.5	4,850,000
Pennsylvania	1,292.1	25,842,000
Rhode Island	119.6	2,392,000
South Carolina	213.6	4,272,000
South Dakota	68.7	1,374,000
Tennessee	328.3	6,566,000
Texas	1,029.1	20,582,000
Utah	57.0	1,140,000
Vermont	52.0	1,040,000
Washington	294.6	5,852,000
West Virginia	191.2	3,824,000
Wisconsin	416.4	8,328,000
Wyoming	41.8	836,000

NOTE.—California and Virginia, cigarette tax not effective in 1959; Colorado, North Carolina, and Oregon, no cigarette tax.

YOUR CONGRESSMAN REPORTS FROM WASHINGTON

(By FRANK T. BOW, Member of Congress)

Some of my old friends in the teaching profession, whose judgment deserves respect, are changing their minds about Federal aid to education.

For years they have stanchly opposed it, because they agreed with me that schools are a local responsibility and, more important, our schools must be free. Our schools must be free from the regimentation, regulation, and restrictions that would be imposed by any Federal program.

But my friends are changing their minds, and some of them write to me that the needs of the schools are so pressing, the demands upon local revenue so heavy, that they are willing to risk Federal aid.

I am not ready to risk Federal control, but I am willing to give up some Federal funds to help the States provide for education, if Federal control can be avoided.

Two years ago I offered such a proposal. I thought it was a positive and constructive approach. I suggested that each district collector of internal revenue should return to each State, to be used for education as the State legislature directed, 1 percent of the income tax collected in each State. This could have been a simple bookkeeping operation, with no possibility of Federal control. It was rejected.

This year I am going to propose another positive and constructive alternate that will help schools without danger of Federal control. I am introducing a bill that will return to the States for education one-fourth of the Federal tax on each package of cigarettes. That means 2 cents of the tax on each package sold would be returned to the State where the sale was made. It would mean about $400 million per year for education.

This proposal is easily administered, with little or no overhead. All but three States have State cigarette taxes and per capita sales figures are available. No increase in taxes is required. State legislatures will direct the expenditure so that no Federal control can be exerted. And to some degree at least, the bill will serve another purpose—that of leaving to the States a greater share of the revenue produced from their citizens.

Those who believe in Federal control of education will oppose me, as they did in the past. Those who sincerely believe in providing more money for educating our children should rally to my support.

H.R. 11540

A bill to strengthen State governments, to provide financial assistance to States for educational purposes by returning a portion of the Federal taxes collected therein, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress hereby finds and declares that responsibility for and control over education is one of the powers not delegated to the United States but reserved to the States or to the people under the tenth amendment to the Constitution.

(b) The Congress hereby reaffirms and reenacts a portion of article III of the Ordinance of 1787, adopted by the Confederation Congress, July 13, 1787, as follows: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

(c) The Congress further finds that continued encouragement of the means of education requires the strengthening of State governments.

SEC. 2. (a) There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, for the fiscal year beginning July 1, 1960, and for each fiscal year thereafter, to each State, to be used by such State for educational purposes only, an amount equal to 25 per centum of the Federal tax on cigarettes (computed as provided in this Act) collected on cigarettes sold within such State during the preceding fiscal year.

(b) The Secretary of the Treasury shall, on or before October 1, 1960, and on or before October 1 of each succeeding year, pay to each State the amount authorized to be appropriated to such State pursuant to subsection (a) of this section. For the purpose of determining the amount of payments under the provisions of this section, the Secretary of the Treasury shall estimate the number of cigarettes sold in each State in each fiscal year on the basis of such statistics as may be available.

(c) For the purposes of this section the term "State" includes the District of Columbia.

SOUTH AFRICA

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. POWELL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. POWELL. Mr. Speaker, today the dark continent of Africa moves with rapidity toward its goal of freedom. Last week's tragedy in South Africa has drawn racial tensions to a critical point when the police shot more than 250 African political demonstrators, at least 72 of them fatally, by official count. South Africa and the entire civilized world are still in a state of shock over this grim affair.

Such acts of tyranny and despotism against a helpless people could well serve as the perfection of a triggering mechanism which could be fatal to these self-appointed masters. The mechanism of a boycott would strangle the South African Government into changing their sad and hopeless course into a course where liberty and equality for black as well as white would prevail.

There is a growing realization among South Africans that their country is out of step in its racial policies, not only with the rest of sub-Sahara Africa but with the rest of the world. The feeling received considerable stimulus from a speech last month in Capetown by Prime Minister Macmillan's warning that a "wind of change" was blowing throughout the continent.

Nevertheless, the Nationalist Party of the Government headed by Prime Minister Hendrik F. Verwoerd has thus far shown little disposition to make any basic change in its policy of white supremacy and continued segregation, other than a stepped-up program of maiming and killing African natives.

The root of the problem is in numbers. There are 3 million white and about 11,500,000 persons whose skins are black or brown. Nearly 10 million of these are Africans. The whites, fearful they will be overwhelmed, are afraid to grant the African full political rights and freedom.

Let us dwell for the moment on the speech of Prime Minister Macmillan of Great Britain in South Africa. Certainly it was drafted in London more than 2 months before it was delivered. There has probably never been so polished, so adroit a speech made in that South African parliamentary dining room or in any other chamber of the Union Parliament. History was in the making. It was a fit and proper occasion for the British Prime Minister, the first to visit South Africa while in office. He looked lonely on the dais, rather like a prisoner, standing between the Speaker and the President on one side, the Prime Minister of the Union and the leader of the opposition on the other. Gazing out, he could look up at the painting portraying the whole National Convention of 1909. Suddenly, they seemed to have turned in their seats to listen to him.

The speech was not heavily applauded by his audience, except when Mr. Macmillan said he deplored the boycott. But Macmillan was speaking to a much larger unseen audience, even though not one black representative was amongst the 230 listeners. His words, curiously hesitant and yet flowing, were far more disturbing. Never before in the history of South Africa had the lords and leaders of white supremacy been spoken to so poignantly.

The recent riots can in no way be described as reactions against the Government's apartheid policy alone. These disturbances are the result of the present day fight for freedom by the enslaved people of Africa.

Dr. Verwoerd and his government have attempted to place the mass murders of unarmed Africans by white soldiers and gendarmerie in prospective. His views and the views of his butcher Minister of Justice, Francois Christiaan Erasmus, are brutally simple in that, according to their theory, mass repres-

sion must be regarded as the normal pattern of life in South Africa for the blacks.

Human thought, like God, makes the world in its own image. It transforms the social world into a better understanding of its fellow beings. The renaissance, or new birth, for the native South African is therefore in the essence a sublime and impassioned spirituality. This spirituality has a divine and universal ideal. This is a reason why its passions have spread beyond its borders and received acclaim. Therefore, those who confine it mutilate the superiority of moral sovereignties, namely: The sovereignty of right over force, intelligence over prejudice, people over government, equality and reasoning over forced authority. They mutilate the revolution of ideas and ideals, the gospel of social rights and the broad charter of humanity.

History is filled with epochs of the human race as man can view, when decayed branches fall from the tree of humanity, when governments and their order of things grow old and outmoded. It is then that those who fail to leave space for fresh ideas by their successors, which lifts the country to a much higher plane than before, only recast a less solid foundation for its people.

Therefore, let us take account and lend our strength to these unarmed hordes who are daily sacrificing their blood in their forward march to freedom, equality, and democracy.

Therefore, I propose the following; No. 1, that we ask for the immediate resignation of the Honorable Douglas Dillon, present Under Secretary of State, appointed June 12, 1959; formerly Under Secretary of Economic Affairs of the U.S. Government, appointed June 30, 1958. Because of conflict of interest, Mr. Dillon is the chairman of the Dillon, Read Corp. He has floated all bond issues for the Union of South Africa. On December 2, 1958, he was instrumental in raising a loan of $25 million. I do not see how it is possible to protest in the United Nations Security Council, while the No. 2 man of the Department of State is doing business with the bloody Boers in the Union of South Africa.

In the second place, we should call for a boycott of the Union of South Africa's diamonds. In 1957 the total sales were $48 million; the duties on this paid to the government of the Union of South Africa was $5 million—and the diamond profits tax was $6 million. The Governments of Guinea, Ghana, and Sierra Leone—black and free—produced more diamonds than the Union of South Africa. We should, therefore, shift our purchases from South Africa to West Africa.

Item 3: One of the largest businesses is the importation of African lobster tails. From this meeting today should go a resolution urging the AFL–CIO, and the longshoremen in particular, to refuse to unload any shipments of South African lobster tails.

Item No. 4: According to information furnished me by the Economics Division of the Library of Congress, the statistical abstract of the United States, and the foreign grants statistics of the U.S. Department of Commerce, we, the United States of America, while raising our voices in protest, have nevertheless loaned in credits to the Union of South Africa the following: 1952, $26 million; 1953, $35 million; 1954, $31 million; 1955, $21 million. From the 1st of July 1945 to the 30th of September, last year, gross credit was $148 million. This was used mainly for military equipment only.

Owed to the Export-Import Bank is $92 million.

This I demand should be stopped immediately.

Next, we should demand that the International Bank for Reconstruction and Development stop its hypocrisy. As late as 1956, in answer to my protest, they said that they had loaned the Union of South Africa $75 million to expand its railroad service and $60 million was to increase the supply of electricity. As a result of sharp protest by me, the International Bank wrote me that "benefits would be expected to accrue to the colored and native populations of the Union of South Africa as a result of projects financed with the help of the World Bank."

Finally, we should lay plans to picket the Union of South Africa's headquarters here in New York and should make a study of what Members of Congress are in favor of backing up our congressional program.

The Africa we must help to create, the Africa we must bequeath to posterity, the Africa of our dreams, must be an Africa that is free from foreign domination. It must be also an Africa that the world will look toward and say, "Here is a continent of human beings who live up to the ideals of human society."

Any man's death diminishes me because I am an integral organ of mankind. Today, the bells toll throughout the world for those who died seeking recognition, freedom, and a rightful place in the community of a free world. "They toll for thee."

THE PROMISE, THE PRESIDENT, THE PHILIPPINES—SUGAR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. FLOOD] is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, under date of January 11, 1960, I called attention to my colleagues that in the 1956 amendments to the Sugar Act the Philippines alone received no increase in quota. It was my sincere hope at that time that in the present Congress when consideration is given to a further extension of the act more equitable provision for Philippine sugar producers will be made. As I stated in my statement of January 11, 1960, and I quote:

Such action in behalf of the Philippines has been promised. When the President signed the law in 1956 extending the Sugar Act for 4 years, he expressly indicated that when new amendments were being prepared at the conclusion of the present act, consideration should be given to increasing the Philippine share of U.S. sugar consumption. A press release to this effect was issued on May 29, 1956, which I take the liberty of quoting in full:

"STATEMENT BY THE PRESIDENT

"I have today approved H.R. 7030, to amend and extend the Sugar Act of 1948, as amended, and for other purposes.

"In addition to extending the Sugar Act for 4 years, the bill restores to the domestic areas the right to supply 55 percent of this country's increased requirements of sugar. The amendments also permit foreign countries to supply as much as they have been, plus 45 percent of the increases in our requirements. These increases will be most important relatively for the countries that heretofore have been minor suppliers."

It was not considered feasible to recommend an increase in the Philippine quota at this time. I believe, therefore, that when new amendments are being prepared at the conclusion of the present act, consideration should be given to allowing the Philippines to share in increased consumption as is now provided for other foreign countries by this bill.

On April 4, 1960, in answer to a telegram of March 17, 1960, from the President of the Philippines asking an increase in the Philippine sugar quota, the President of the United States advised him that "sugar quotas are determined by Congress and any modification would require congressional action. Since the Sugar Act of 1948 as amended in 1956 expires this year, Congress is expected to consider its extension during the present session." The President has concluded after weeks of careful study that "the time is not propitious to recommend any change in the present structure of quotas assigned to foreign countries." I take the liberty of inserting at this point President Eisenhower's letter of April 4, 1960, in full:

DEAR MR. PRESIDENT: I have received your telegram of March 17 asking that I increase the Philippine sugar quota. As you know, the sugar quotas are determined by Congress and any modification would require congressional action. Since the Sugar Act of 1948 as amended in 1956 expires this year, Congress is expected to consider its extension during the present session.

The administration has been giving considerable thought to what recommendations it should make to Congress for its consideration. After weeks of most careful study of this problem, I have concluded that the time is not propitious to recommend any change in the present structure of quotas assigned to foreign countries.

Accordingly, I have recommended to the Congress only certain minimum changes in the present Sugar Act. The most important of these would give me the authority to reduce the quota for a calendar year for any foreign country, except, of course, the Philippines, and to make required replacements from any source when I determine it to be in the national interest or necessary to insure adequate supplies of sugar. I have requested this authority primarily to enable me to protect our sugar consumers should our supplies of sugar from foreign sources be endangered for any reason. The final decision as to whether I am to be given this authority, however, rests with Congress. I regret therefore that it has not been possible for me to comply with the wishes of the Philippine sugar producers. I wish to assure you, however, that the position of the Philippines has

been given full consideration by the administration in arriving at the position which I have recommended to Congress.

With assurances of my continued esteem.

Sincerely,

DWIGHT D. EISENHOWER.

The recommendations of the executive branch spell out carefully that in new allocations reductions of quotas for any calendar year for any foreign country shall not be applicable to the Republic of the Philippines. Of course, reductions are not applicable anyway to the basic quota of the Philippines of 980,000 tons per year since this has been fixed by law. Certainly the Department of Agriculture and the President do not think that the Philippines will accept as an advantage the provision that the basic quota of the Philippines shall not be reduced. This is the situation from which we started. What we argued in 1955 and what we urge now is that the Philippines should be permitted to share with other foreign suppliers in the annual increases in U.S. sugar requirements. This, I apprehend, is what the President meant when he said that "when amendments are being prepared at the conclusion of the present act, consideration should be given to allowing the Philippines to share in increased consumption, as is now provided for other foreign countries by this bill."

Certainly a benevolent offer not to reduce the basic quota of the Philippines established by law is not a fulfillment of the President's promise.

May I call to the attention of my colleagues that for 13 years, due to the physical and economic dislocation occasioned by the war, the Philippines were denied a normal outlet for sugar in the United States. May I call to your attention again that the Philippine sugar industry pulled itself up by its bootstraps to a point where with rehabilitated fields and mills the industry has again put itself in business. We have recognized in the Congress, the Department of Agriculture must have perceived and the President must have had in mind when he gave his promise embodied in the press release of May 29, 1956, that the Philippine situation should be among the "developments abroad" which the Executive must constantly apprise not only to provide sugar but to do justice.

Those of us who advocate consideration for Philippine sugar suppliers now do not for one moment propose any cut in the quotas of domestic producers both beet and cane. Further, we recognize realistically that any provision for additional Philippine sugar to supply part of the annual increase requirements of the United States or to make up deficits from other areas must in the last analysis come from the Cuban allocation. And why not? If the Cuban situation is "delicate" diplomatically, may I suggest that the Philippines have a continuing call upon our loyalty, our spirit of cooperation and specifically upon our promise to give their sugar industry consideration at this time of amendment and extension of the Sugar Act.

Finally, the 25 million Filipinos can rightfully conclude that the statement containing the promise by the President that "when new amendments are being prepared at the conclusion of the present act, 1960, consideration should be given to allowing the Philippines to share in increased consumption, as is now provided for other foreign countries by this bill" has been forgotten.

As President Eisenhower aptly points out the sugar quotas are determined by Congress and any modification would require congressional action. In an appeal to their many friends in the Congress of the United States the Philippines sincerely trust that they will not be taken for granted.

EXPANDING THE FOOD FOR PEACE OPPORTUNITIES FOR CHURCHES AND OTHER AGENCIES

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. McGOVERN. Mr. Speaker, it is my conviction, and it is the feeling of a great many Americans, that bread and butter may yet become more effective than bullets and ballistics in the protection and preservation of freedom in the world.

The bounteous production of our farms might win the battle for world peace.

To this purpose, Mr. Speaker, I am introducing today legislation intended to enlarge the distribution of our abundance of food among needy people in other countries who are, or who want to be, our friends. This legislation would vastly expand the great work now being done by American churches and other voluntary agencies abroad.

The bill proposes to—

First. Remove a great barrier to the delivery of food to landlocked areas of the world.

Second. Authorize the use of the food we send abroad to compensate persons employed in the construction of public works which are being undertaken on a community effort basis.

Third. Permit the use of the food to compensate persons in the nation where the commodities are used, for their work in processing the commodities into a more readily usable form.

Mr. Speaker, Public Law 480, title III, authorizes the Commodity Credit Corporation to donate for foreign distribution the commodities owned by our Government and which are in excess of our needs. No nation on the face of the earth has such abundance as our farmers have provided, and certainly no nation is more generously sharing its blessings with the people of other lands.

I am advised today by the Department of Agriculture that, under the program, our food now is reaching 60 million people in 80 nations.

For this great work of distribution, I salute the American Council of Voluntary Agencies for Foreign Service, Inc. Many agencies made up of people of many religious faiths are banded together in this organization in a demonstration of devoted service to mankind which has no equal on a worldwide basis.

These people have seen the humanitarian effects of their work with our Government, in feeding hungry people. They are consecrated to this work. They want to expand it, to reach more people. The bill I am introducing today grows out of my consultations with these devoted people. This legislation would make their job easier, and they would serve more people.

Many countries have no seaport. At the present time, we can ship our gift commodities to a port of a neighboring country, with the Government participating in the ocean freight cost. There now is no Government participation in the land freight costs from seaport to the interior country. My bill would facilitate food distributions in landlocked countries by making funds available to move food to these interior countries, from the nearest port, as we now aid ocean shipments. Thus, the distribution in landlocked countries should be on an equal basis with those countries having seaports. Such distribution as heretofore, of course, would be related to need and availability of the commodities.

I am advised that all food now available to voluntary agencies must be distributed to the needy abroad without requiring any form of recompense from them. This means, in effect, that these foods cannot be used to pay workers on public or private projects. Many voluntary agencies are interested in projects of a public-interest nature in the countries where they are operating, and they have suggested that the food from America might be used as a recompense to people who would work on such projects as building schools, small roads, drainage ditches, dikes, and bridges. My bill would authorize such use of our donated foods.

In some areas of the world, our voluntary agencies have encountered difficulty in delivering our donated foods to needy people in a form readily usable. My bill would permit the use of part of the donated food to compensate persons for their work in processing the commodities into readily usable form.

Mr. Speaker, I believe that many Members of Congress will want to join me in implementing our Nation's food for peace efforts, by introducing or supporting legislation similar to my bill. I therefore, under unanimous consent, include the text of my bill at this point in the RECORD:

A BILL TO BROADEN THE PROVISIONS OF LAW GOVERNING THE DISTRIBUTION OF OUR SURPLUS AGRICULTURAL COMMODITIES TO THE NEEDY IN FOREIGN NATIONS

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C., sec. 1723) is amended by striking out "ports of entry abroad" and inserting in lieu thereof "points of entry into the nation where the commodities are to be used."

SEC. 2. Section 416 of the Agricultural Act of 1949 (7 U.S.C., sec. 1431) is amended by adding at the end thereof the following new sentence: "For the purpose of clause (4),

food commodities shall be considered to be used in the assistance of needy persons if they are used (1) for recompensing persons employed in projects for the construction of public works which are constructed on a community effort basis, or (2) for compensating persons in the nation where the food commodities are to be used for processing such commodities into a more readily usable form."

Mr. Speaker, last year the American Council of Voluntary Agencies for Foreign Service, headed by Rt. Rev. Msgr. Edward E. Swanstrom, offered a moving statement to the House Committee on Agriculture reviewing the work of the churches and other voluntary agencies in distributing surplus food overseas.

The member churches and organizations participating in the council are as follows:

American Baptist Relief.
American Friends of Russian Freedom, Inc.
American Friends Service Committee, Inc.
American Fund Czechoslovak Refugees, Inc.
American Jewish Joint Distribution Committee, Inc.
American Middle East Relief, Inc.
American National Committee to Aid Homeless Armenians—ANCHA.
American ORT Federation, Inc.
American Relief for Poland, Inc.
Brethren Service Commission.
Catholic Relief Services, National Catholic Welfare Conference, Inc.
Church World Service, Inc., National Council of the Churches of Christ in the U.S.A.
Cooperative for American Relief Everywhere, Inc.
Coordinated Hungarian Relief, Inc.
General Council of the Assemblies of God, Foreign Service Committee.
Hadassah, the Women's Zionist Organization of America, Inc.
Hadassah Medical Relief Association, Inc.
Heifer Project, Inc.
International Rescue Committee, Inc.
Iran Foundation, Inc.
Lutheran Refugee Service, National Lutheran Council and the Church-Missouri Synod.
Lutheran World Relief, Inc.
Mennonite Central Committee, Inc.
Near East Foundation.
Polish American Immigration and Relief Committee, Inc.
Salvation Army.
Selfhelp of Emigres from Central Europe, Inc.
Seventh-Day Adventist Welfare Service, Inc.
Tolstoy Foundation, Inc.
Unitarian Service Committee, Inc.
United Friends of the Needy and Displaced People of Yugoslavia, Inc.
United HIAS Service, Inc.
United Lithuanian Relief Fund of America, Inc.
United Seamen's Service, Inc.
United Ukrainian American Relief Committee, Inc.
World Relief Commission of the National Association of Evangelicals.
World University Service.
Young Women's Christian Association of the U.S.A.—Foreign Division.

Under unanimous consent I include the council's testimony of July 29, 1959, at this point in the RECORD:

TESTIMONY BEFORE THE HOUSE COMMITTEE ON AGRICULTURE CONCERNING EXTENSION OF PUBLIC LAW 480, JULY 29, 1959

During the past 9 years, while surplus foods have been available for distribution, the voluntary agencies associated in the American Council of Voluntary Agencies for Foreign Service have worked in 67 countries and areas of the world to confront with programs of aid, rescue, and rehabilitation an immensity of human need.

While in some places this need has shown significant decrease, in other large areas of the world it is not only still critical but is on the increase.

For example, as human suffering diminished in Western Europe it became intensified in areas such as north Africa and the Far East where new waves of refugees are testimony to the continuing unresolved crises in many sections of the world.

The voluntary agencies—both church related and secular—in addition to conducting programs of migration, of resettlement of refugees, of self-help and health building, have met the immediate problem of human hunger through large-scale feeding projects, made possible largely through Public Law 480. In these programs besides their own purchased food supplies, the voluntary agencies have utilized in the past 9 years 3¼ million tons of American surplus food products.

In all of their oversea programs, the primary aim of the people-to-people agencies is to express fraternal human concern for the welfare of peoples deprived of homes, often of governmental protection and of the opportunity to decide their own fate or to help themselves.

As they work side by side with the needy and dispossessed around the world, the agencies speak by deeds for the great majority of Americans, giving witness to the basic international concern of the American people—to build peace—by reaching out a helping hand to the less fortunate members of the family of man.

Concerning the subject of this hearing—the extension of legislation dealing with American abundance—I would like to make the following points in the name of the executive committee of the American Council of Voluntary Agencies for Foreign Service:

1. We would warmly commend legislation which expressed recognition of American abundance as a potential force for peace in the world, rather than a problem in mere disposal.

2. We are keenly aware of the food crises which threaten many areas of the world today. In India, for example, already hundreds of thousands are suffering from hunger and in the next decade millions may starve to death. In almost all cases, the food crises which not only endanger the lives of hundreds of thousands but which also endanger the peace and security of the world are long-term crises which necessarily require years for solution.

Therefore we, in the depth of our consciences, must strongly urge that the legislation enacted at this session of Congress make adequate and definite provision for long-term planning.

3. For people whose energies are depleted by prolonged hunger and insufficient protection from the elements (either in clothing or shelter), a protective food is of the essence for survival. An oil or fat is such a food—particularly as the winter approaches. Despite permissive legislation, the high protein oils and shortenings which meant so much in feeding programs for refugees and other groups are not currently available for voluntary agency distribution.

4. The reason for the absence of these drastically needed oils from the voluntary agency overseas distribution programs likewise illustrates the reasons for the absence of many other food products. Under existing legislation the Department of Agriculture feels—and perhaps quite justifiably—that it is directed first to dispose of CCC acquired foods through sale or barter, even if on market depressive terms, before offering them for donation purposes.

The agencies believe that the situation requires clarification and urge that if the Congress desires additional food commodities to be made available for distribution programs overseas, it should say so very explicitly in the forthcoming legislation.

Since supplies of U.S. foods were first sporadically made available to American voluntary agencies 9 years ago, resulting programs, based on annually reenacted congressional authority, have proved their enormous value in assisting the needy of the world.

But the problem of need still continues; the programs go on. We are besieged by crying human want on all fronts, wherever we are, in our many outposts overseas.

Meanwhile at home our warehouses continue overflowing; in the use of our abundance we are being tested before the nations of the world.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ROGERS of Colorado (at the request of Mr. ALBERT), on account of official business, until April 11, 1960.

Mr. CHENOWETH, for the remainder of week, on account of annual visit of Board of Visitors to the Air Force Academy at Colorado Springs, Colo.

Mr. DENT (at the request of Mr. ALBERT), for today and tomorrow, on account of illness.

Mr. BREWSTER (at the request of Mr. GARMATZ), for the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. LINDSAY (at the request of Mr. CHAMBERLAIN), for 15 minutes, on tomorrow.

Mr. BROCK (at the request of Mr. STRATTON), for 10 minutes, on tomorrow.

Mr. FLOOD (at the request of Mr. STRATTON), for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BOW.

(At the request of Mr. CHAMBERLAIN, and to include extraneous matter, the following:)

Mrs. MAY.
Mr. BOSCH.
Mr. CRAMER.
Mr. WESTLAND.

(At the request of Mr. STRATTON, and to include extraneous matter, the following:)

Mr. RODINO.

Mr. ANFUSO in two instances.

Mr. CELLER in two instances.

Mr. HOGAN.

Mr. IRWIN.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2310. An act for the relief of Hoo W. Yuey and his dependent children.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 231. An act for the relief of Patricia Crouse Bredee.

ADJOURNMENT

Mr. STRATTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p.m.) the House adjourned until tomorrow, Thursday, April 7, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2032. A communication from the President of the United States, transmitting amendments to the budget for the fiscal year 1961 involving a decrease in the amount for the Federal Aviation Agency and a decrease in the amount for civil functions of the Department of the Army (H. Doc. No. 371); to the Committee on Appropriations and ordered to be printed.

2033. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation, entitled "A bill to include certain officers and employees of the U.S. Department of Agriculture within the provisions of the United States Code relating to assaults upon, and homicide of, certain officers and employees of the United States as constituting a crime"; to the Committee on the Judiciary.

2034. A letter from the President, Board of Commissioners of the District of Columbia, transmitting a draft of proposed legislation, entitled "A bill to provide for the restoration to the United States of amounts expended in the District of Columbia in carrying out the Temporary Unemployment Compensation Act of 1958"; to the Committee on the District of Columbia.

2035. A letter from the President, Board of Commissioners, of the District of Columbia, transmitting a list of institutions or organizations whose real property in the District of Columbia was specifically exempted from taxation by special acts of Congress in force at the time of passage of Public Law 846, 77th Congress, and use made of such specifically exempt property in the calendar year 1957; to the Committee on the District of Columbia.

2036. A letter from the President, Board of Commissioners, of the District of Columbia, transmitting copies of reports of every institution, organization, corporation, or association other than the U.S. Government, Government of the District of Columbia, and foreign governments, owning property exempt from taxation in the District of Columbia under provisions of Public Law 846, 77th Congress; to the Committee on the District of Columbia.

2037. A letter from the Secretary of the Interior, transmitting a certified copy of House Concurrent Resolution No. 27, adopted by the Legislature of the Territory of American Samoa, November 9 to 16, 1959, requesting the Congress of the United States of America to enact organic legislation establishing a civil government for American Samoa; to the Committee on Interior and Insular Affairs.

2038. A letter from the Under Secretary of the Interior, transmitting an application for a loan to the South Sutter Water District, in Sutter County, Calif., under the provisions of the Small Reclamation Projects Act of 1956 (August 6, 1956, 70 Stat. 1044, as amended June 5, 1957, 71 Stat. 48), pursuant to section 4(c) of the act as amended; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLMER: Committee on Rules. House Resolution 497. Resolution for consideration of H.R. 10474. A bill to authorize the construction of modern naval vessels; without amendment (Rept. No. 1456). Referred to the House Calendar.

Mr. DAWSON: Committee on Government Operations. H.R. 9983. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments; without amendment (Rept. No. 1457). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. S. 899. An act to provide for the discontinuance of certain reports now required by law; with amendment (Rept. 1458). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORRESTER: Committee on the Judiciary. Senate Joint Resolution 61. Joint resolution to amend Public Law 305 of the 85th Congress relative to the establishment of a commission to commemorate the 100th anniversary of the Civil War, to authorize the manufacture and sale of a Civil War Centennial Medal; with amendment (Rept. No. 1459). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. House Joint Resolution 598. Joint resolution to extend the time for filing of the final report of the Lincoln Sesquicentennial Commission; without amendment (Rept. No. 1460). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. H.R. 9071. A bill for the relief of the Houston Belt & Terminal Railway Co.; without amendment (Rept. No. 1453). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9752. A bill for the relief of K. J. McIver; without amendment (Rept. No. 1454). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 11388. A bill for the relief of Dr. Henry H. Cohan; without amendment (Rept No. 1455). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER:

H.R. 11584. A bill to amend the Internal Revenue Code of 1954 to impose import taxes on lead and zinc; to the Committee on Ways and Means.

By Mr. ANDERSEN of Minnesota:

H.R. 11585. A bill authorizing the construction of certain improvements in the interest of flood control and allied purposes on the Redwood River at Marshall, Minn.; to the Committee on Public Works.

By Mr. BALDWIN:

H.R. 11586. A bill to amend section 4 of the Watershed Protection and Flood Prevention Act; to the Committee on Agriculture.

By Mr. BETTS:

H.R. 11587. A bill to amend the Internal Revenue Code of 1954 to exclude tips from the compensation taken into account for purposes of the Federal Insurance Contributions Act, the Federal Unemployment Tax Act, and the collection of income tax, at source on wages and to include tips for purposes of determining self-employment income; to the Committee on Ways and Means.

By Mr. BYRNES of Wisconsin:

H.R. 11588. A bill to regulate the labeling of hazardous substances for nonmanufacturing purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER (by request):

H.R. 11589. A bill to amend chapter 223 of title 18 of the United States Code to authorize certain communications to be intercepted in compliance with State law, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 11590. A bill to amend section 1461 of title 18 of the United States Code with respect to the mailing of obscene matter, and for other purposes; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 11591. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DULSKI:

H.R. 11592. A bill to name the Veterans' Administration hospital at 3495 Bailey Avenue, Buffalo, N.Y., the General William J. Donovan Veterans' Hospital; to the Committee on Veterans' Affairs.

By Mr. FASCELL:

H.R. 11593. A bill to provide for the appointment of two additional judges for the fifth circuit, and two additional judges for the southern district of Florida; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 11594. A bill to extend the unemployment compensation program to employees of certain nonprofit organizations; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 11595. A bill to equalize increases in annuity for certain employees retired before October 1, 1956, under the Civil Service Retirement Act of May 29, 1930, with the an-

nuities of other employees; to the Committee on Post Office and Civil Service.

H.R. 11596. A bill to increase annuities payable to certain annuitants from the District of Columbia teachers' retirement and annuity fund; to the Committee on the District of Columbia.

H.R. 11597. A bill to amend and extend the benefits of the act of May 29, 1944, as amended, entitled "An act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal," to certain additional civilians and employees; to the Committee on Merchant Marine and Fisheries.

By Mr. FRIEDEL:

H.R. 11598. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. GALLAGHER:

H.R. 11599. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. INOUYE:

H.R. 11600. A bill to amend the Federal Flood Insurance Act of 1956 to provide insurance against volcanic eruption damage; to the Committee on Banking and Currency.

H.R. 11601. A bill to provide for a study by the Secretary of the Army of the feasibility of constructing certain works to protect lives and property from lava flows; to the Committee on Public Works.

H.R. 11602. A bill to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JACKSON:

H.R. 11603. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KASEM:

H.R. 11604. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KEARNS:

H.R. 11605. A bill relating to the denial of exemption from income tax in the case of certain charitable trusts and corporations; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 11606. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of irrigation and other water district assessments; to the Committee on Ways and Means.

H.R. 11607. A bill to provide that the Secretary of Agriculture shall reimburse the occupants of certain cottage sites within the Stanislaus National Forest, Calif., for the cost of moving improvements on such lots to new sites or for the fair market value of such improvements; to the Committee on Agriculture.

By Mr. McGINLEY:

H.R. 11608. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. McGOVERN:

H.R. 11609. A bill to broaden the provisions of law governing the distribution of our surplus agricultural commodities to the needy in foreign nations; to the Committee on Agriculture.

H.R. 11610. A bill to extend the veterans' home loan program to February 1, 1965; to provide for direct loans to veterans in areas where housing credit is otherwise not generally available; and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MAY (by request):

H.R. 11611. A bill to authorize the Secretary of the Interior to establish, in the State of Washington, an institution for the care, custody, and education of certain juvenile dependents and delinquents; to the Committee on Interior and Insular Affairs.

H.R. 11612. A bill to amend the act entitled "An act to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Indian Reservation, and for other purposes", approved July 28, 1955; to the Committee on Interior and Insular Affairs.

H.R. 11613. A bill to authorize the Secretary of the Interior to make loans to the Yakima Tribes of Indians of the State of Washington for the purpose of purchasing Indian lands; to the Committee on Interior and Insular Affairs.

H.R. 11614. A bill to amend the act entitled "An act to transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes", approved August 5, 1954; to the Committee on Interstate and Foreign Commerce.

By Mr. CLEM MILLER:

H.R. 11615. A bill to amend section 4 of the Watershed Protection and Flood Prevention Act; to the Committee on Agriculture.

By Mr. GEORGE P. MILLER:

H.R. 11616. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. GIAIMO:

H.R. 11617. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. MOELLER:

H.R. 11618. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MONTOYA:

H.R. 11619. A bill to amend section 5001 of title 38, United States Code, to provide for the establishment of domiciliary facilities in each State for the care of war veterans; to the Committee on Veterans' Affairs.

H.R. 11620. A bill to provide for the issuance of a special series of stamps in commemoration of the 100th anniversary of the continuous displaying of the flag of the United States over the Taos Plaza in the town of Taos, N. Mex.; to the Committee on Post Office and Civil Service.

By Mr. MORRIS of New Mexico:

H.R. 11621. A bill to provide for the issuance of a special series of stamps in commemoration of the 100th anniversary of the continuous displaying of the flag of the United States over the Taos Plaza in the town of Taos, N. Mex.; to the Committee on Post Office and Civil Service.

By Mr. MOULDER:

H.R. 11622. A bill to amend the Internal Revenue Code of 1954 to deny any deduction for advertising which is not designed to promote the sale of goods or services; to the Committee on Ways and Means.

H.R. 11623. A bill to amend the Federal Power Act so as to prohibit the Federal Power Commission from treating propaganda advertising, lobbying, and other political expenditures as operating expenses in computing rates and charges by licensees and public utilities; to require licensees and public utilities to report such expenditures; and to require the Commission to investigate and report upon such expenditures by licensees and public utilities; to the Committee on Interstate and Foreign Commerce.

By Mr. OLIVER:

H.R. 11624. A bill to provide for the conveyance to the State of Maine of certain lands located in said States; to the Committee on Armed Services.

By Mr. RABAUT:

H.R. 11625. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SAUND:

H.R. 11626. A bill to authorize the classification, segregation, and disposal of public lands chiefly valuable for urban purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL:

H.R. 11627. A bill to amend the act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 635) to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians, and for other purposes; to the Committee on Interior and Insular Affairs

By Mr. WALTER:

H.R. 11628. A bill to amend the Subversive Activities Control Act of 1950 so as to provide that any Federal officer or employee who willfully fails or refuses to answer, or falsely answers, certain questions relating to Communist activities, when summoned to appear before certain Federal agencies, shall be removed from his office or employment; to the Committee on Un-American Activities.

By Mr. BOGGS:

H.J. Res. 674. Joint resolution to provide for the designation of June 4, 1960, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

By Mr. CARNAHAN:

H.J. Res. 675. Joint resolution providing for the establishment of an annual Youth Appreciation and Honor Week; to the Committee on the Judiciary.

By Mr. LIBONATI:

H.J. Res. 676. Joint resolution to designate the Veterans' Administration hospital at Chicago, Ill., as the A. A. Sprague Memorial Veterans Hospital; to the Committee on Veterans' Affairs.

By Mr. MAILLIARD:

H.J. Res. 677. Joint resolution authorizing and requesting the President to issue a proclamation with respect to the 1960 Pacific Festival, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SHORT:

H. Con. Res. 655. Concurrent resolution requesting the President of the United States to issue a proclamation designating 1961 as the year of the Dakota Territory Centennial; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN:

H.R. 11629. A bill for the relief of Maria Luisa Furtado Cardosa; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 11630. A bill for the relief of Casimir Lazarz; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 11631. A bill for the relief of Mrs. P. Gabor; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 11632. A bill for the relief of George A. McDermot; to the Committee on the Judiciary.

By Mr. FLOOD:

H.R. 11633. A bill for the relief of Bela Gittel Segal; to the Committee on the Judiciary.

By Mr. FRIEDEL:
H.R. 11634. A bill for the relief of Kwong Fuk Lum; to the Committee on the Judiciary.

By Mrs. KEE:
H.R. 11635. A bill for the relief of Michael H. Dugan; to the Committee on the Judiciary.

By Mr. KILGORE:
H.R. 11636. A bill for the relief of Jesus Garza Lopez; to the Committee on the Judiciary.
H.R. 11637. A bill for the relief of Justo Sanchez Resendez; to the Committee on the Judiciary.

By Mr. McDONOUGH:
H.R. 11638. A bill to authorize Otto K. Olesen, the postmaster of the U.S. post office at Los Angeles, Calif., to accept and wear the decoration tendered him by the Government of the Kingdom of Denmark; to the Committee on Foreign Affairs.

By Mr. MARTIN:
H.R. 11639. A bill for the relief of Mrs. Asuncion Y. Colvin; to the Committee on the Judiciary.

By Mr. MONAGAN:
H.R. 11640. A bill for the relief of Guerino Venditti; to the Committee on the Judiciary.

By Mrs. ST. GEORGE:
H.R. 11641. A bill for the relief of Mario L. Minichini; to the Committee on the Judiciary.

By Mr. SANTANGELO:
H.R. 11642. A bill for the relief of Aleksandra Rudnicka; to the Committee on the Judiciary.

By Mr. YATES (by request):
H.R. 11643. A bill for the relief of Hugo Anderson; to the Committee on the Judiciary.

By Mr. WALTER:
H.J. Res. 678. Joint resolution relating to the entry of certain aliens; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

410. Mr. IRWIN presented a petition of the American Legion of Connecticut relative to the U.S. Coast Guard Academy at New London, Conn.; which was referred to the Committee on Merchant Marine and Fisheries.

EXTENSIONS OF REMARKS

Saline Water Program Is Progressing Rapidly

EXTENSION OF REMARKS
OF
HON. JACK WESTLAND
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. WESTLAND. Mr. Speaker, as a member of the House Committee on Interior and Insular Affairs, I have watched the progress of the Office of Saline Water with great interest and I am pleased with its efforts. There are, however, those who have expressed disappointment at the progress of the saline water conversion program. This disappointment is based on a misconception of the facts, because the program is progressing rather rapidly.

Public Law 85–883 became effective September 2, 1958. In essence it called for the establishing of five different processes at 3-month intervals beginning March 2, 1960.

The processes have been selected and were announced on or ahead of the schedule established by the Congress. The law further requires that the construction of the demonstration plants were subject to the following conditions:

Three were to be for the conversion of sea water. Two plants so designed must have a capacity of not less than 1 million gallons a day. In addition not less than two plants were required for treatment of brackish water and one of these must have a capacity of not less than 250,000 gallons a day.

Mr. Speaker, bids will be opened for the first plant in May of this year. This plant will be constructed at Freeport, Tex. Bids for the second and third plants in all probability will be opened in July if appropriations are available. The specifications and designs are being studied for the fourth plant at Roswell, N. Mex.

The Site Selection Board will meet April 28 and 29 to determine the location of the fifth plant, which will be a freezing process on the east coast.

Dr. A. L. Miller, Director of the Office of Saline Water, has informed me that a pilot plant at Harbor Island, N.C., has been used to develop the process on sea water. A conference of prospective bidders is scheduled at the test site April 11, 1960, to witness completion of a test. Engineers will be on hand to answer questions that might be posed by the prospective bidders.

Mr. Speaker, these facts indicate that the program is off the ground and is moving forward. I believe Dr. Miller, his staff, and the Office of Saline Water are doing a commendable job.

The Milan Trade Fair—A Showcase for Free Enterprise

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. ANFUSO. Mr. Speaker, with the growing recognition in the United States of international trade fairs abroad as one of the most important showcases in which to present the story and the products of our system of free enterprise, I should like to call to the attention of my colleagues the opening in Italy on April 12 of the largest international agricultural, industrial and commercial fair in the world—the 38th International Milan Trade Fair.

The fairgrounds, utilizing nearly 4½ million square feet and containing 47 miles of display frontage, is situated in the center of the city of Milan, the geographical center of the European Common Market. From April 12 until the 27th, 13,500 exhibitors will show more than 1 million products made in 120 countries and territories in North and South America, Asia, Africa, the Middle East, and Europe to the expected record attendance of 4,350,000 persons.

Among the 33 national pavilions at the fair will be those of the Soviet Union and the U.S. Government. In addition to our official exhibit, there will be exhibited independently the products of 550 large and small U.S. companies. I am informed that advance registration at the fair indicates a greater U.S. attendance than ever before because of the growing interest in our country of the needs for the enhancement of economic well-being, both here and abroad, through foreign trade and investment in all the areas of the world which are represented at the fair.

This year the permanent fairgrounds have been enlarged and five complete new international expositions have been added. A vast new agricultural pavilion, covering a total area of nearly 200,000 square feet, is bringing into one integrated exposition all exhibits related to farm machinery and farm products of all types. In addition, the hall devoted to nuclear power applications in industry, opened last year, has been enlarged.

Exhibits at the 1960 fair will cover 120 product classifications. They will be arranged in eight main groups of displays, each one almost a complete international exposition in itself. These main sections of the fair include:

Agricultural produce and equipment; industrial and agricultural chemicals and related equipment; construction materials and machinery; manufacturing machinery, equipment and materials, and office equipment; electrical, electronic, and optical products; aircraft, marine, and automotive products, equipment, and supplies; consumer goods, including household appliances and furnishings, textiles and apparel, and sporting goods; national pavilions of the many governments officially participating, including the United States and the U.S.S.R.

Products on exhibit will range in size from housewives' needles to the largest construction and manufacturing machinery and will include light and heavy industrial and agricultural equipment and products, photographic equipment and supplies, automobiles, aircraft, boats, furniture, printing machinery, hotel supplies, oil country goods, raw materials, office supplies, nuclear power equipment, paints, toys, highway, and homebuilding machinery and materials, engineering goods, machine tools, textile machinery, foods and beverages, glassware and ceramics, plastics, refrigerating equipment, radio and television equipment,

lumber products, farm machinery, motion picture equipment, livestock, pharmaceuticals and veterinary supplies, and virtually all other types of products from all parts of the world.

One of the unusual aspects of the Milan Fair is that throughout the 2 weeks' exposition, economic, technical, and trade discussions and conferences are held to enable both government officials and business executives from all over the world to meet and discuss their problems and to explore ways by which they might increase trade, commerce and investment between their countries. I commend the American businessmen who will take part in this truly fine vehicle for international collaboration and hope that their number will continue to grow.

Joseph M. Healey, Mayor of Kearny

EXTENSION OF REMARKS
OF
HON. PETER W. RODINO, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. RODINO. Mr. Speaker, on Saturday, April 9, the Wilson-Gugelman Post No. 1302, Veterans of Foreign Wars, will award the VFW citizenship medal to an outstanding citizen of the community. This is the first time in its 35-year history that the Wilson-Gugelman Post has made such an award, and they have chosen as the first recipient, Joseph W. Healey, mayor of Kearny.

In announcing their award to Mayor Healey the post wrote:

> The example you have set to all men has been the inspiration of this award. With your energy, high morality, and sense of neighborhood and public responsibility, you have brought to Kearny, the State, and the Nation a new kind of citizenship. Times like these require men of strong minds, stout hearts, true faith, and ready hands. These you have provided and we of the Veterans of Foreign Wars honor you for this.

I can personally attest that this is a well deserved tribute. Mayor Healey's background as a public servant, his outstanding and unselfish contributions to civic and community affairs, and his significant record of personal accomplishment make him a most worthy candidate for this high commendation. Indeed, I can think of no one who is more worthy, or more deserving; Mayor Healey has been aptly named as the outstanding citizen in the community.

As a close and personal friend of Joe Healey, and as one who has been in close association with him in community affairs, I well know his dedication and devotion to public service. I know how deeply interested he is in the welfare of the people—all of the people and each of them individually. I do not believe there is anyone in public office who has a better or more dedicated understanding of his community's needs and problems. He has given of himself unsparingly and tirelessly for the good of the people.

I therefore join in this salute to Joseph M. Healey, a great mayor and an outstanding public servant and citizen. In my opinion the Wilson-Gugelman Post made an inspired choice by designating Joe Healey as the outstanding citizen in the community.

Obscene Literature

EXTENSION OF REMARKS
OF
HON. WILLIAM C. CRAMER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. CRAMER. Mr. Speaker, some progress has been made in the all-out clashing struggle against the nationwide peddlers of filth, but the battle is far from over. Lewd material is still being sent into millions of American homes despite all that local law enforcement agencies, the Post Office Department, and the Department of Justice have been able to do. This business of trafficking lewd material is estimated as being in excess of a half billion dollars annually.

Today I have introduced a bill, H.R. 11590, which deals specifically with section 1461 of title 18 of the United States Code. That section provides a criminal penalty for use of the mails to sell and distribute obscene literature and medicines and devices designed to prevent conception or produce abortion. So far as it goes, the present statute is entirely commendable. However, the paragraph pertaining to obscene literature has proved to be entirely inadequate. Accordingly, while my bill would retain and preserve the other paragraphs of section 1461, it would drastically amend and greatly strengthen the obscene literature paragraph. In so doing, it treats the problem in four separate parts:

First. The first part concerns the mailing of obscene literature to school children and other children under the age of 19 years.

Second. The second part concerns all persons other than such children.

Third. The third part concerns those who use the mails for transporting obscene literature to middlemen or retailers for further circulation or disposition.

Fourth. The fourth part applies to those who receive the literature from the mails for such future circulation or distribution.

While my bill effectively covers every link in the filthy chain of depraved smut merchants who employ the U.S. mails as the vehicle for their despicable trade, it also maintains the "continuing offense" concept whereby violators can be prosecuted either, first, in the judicial district in which the obscene literature was deposited in the mails, second, in any judicial district through which the mails passed, or, third, in the judicial district where the literature was delivered. This is the concept which Congress originally wrote into section 3237 of title 18, but which the 1958 Supreme Court decision, in the case of United States against Ross, repealed. The concept was revived and refortified in the last Congress, with the enactment of legislation similar to my bill, H.R. 11185, which became Public Law 85–796.

One of the most important features of my bill is its more comprehensive and more specific definition of obscene matter. It includes not only literature, but any article, matter, thing, device, or substance of any kind which would suggest, induce, arouse, incite, or cause, directly or indirectly, first, lewd, libidinous, lustful, indecent, obscene, immoral, or depraved thoughts, desires, or acts; second, the use of such things for any illegal purposes or in any illegal manner, or third, cause a corruptive, depraved, or immoral effect.

The argument might be espoused that this definition is too broad and overly restrictive and might outlaw the use of the mails for the transportation of certain legitimate medicines and devices. However, my bill contains a saving clause which exempts such mailing for bona fide medical, educational, and research purposes.

There is also the argument that there is no statutory test to apply to the interpretation of the definition of obscenity. However, my bill does contain such a test, one which grew up with the formulation of common law and case law, viz, the so-called "reasonable man" test. There can be no conviction and no penalty under this bill unless the literature or device in question is obscene "in the opinion of the normal, reasonable and prudent individual."

There are those who would contend that this legislation would make the Government an arbitrary censor and would violate the freedom of the press and speech clause of the Constitution. Such an argument is entirely without foundation. With respect to censorship, the Supreme Court has frequently interpreted the first amendment, and Mr. Justice Murphy in 1942 said, Chaplinsky against New Hampshire:

> There are certain well-defined * * * classes of speech, the prevention and punishment of which have never been thought to raise any constitutional problem. These include the lewd and obscene * * * which by their very utterance inflict injury or tend to incite an immediate breach of the peace.

This, of course, applies with equal force to the publication of obscene ideas and speech or pictures.

My bill provides a penalty of $5,000 or 5 years' imprisonment, or both, for the first offense and $10,000 or 5 years, or both, for each subsequent offense under this new subsection. The records of the Post Office Department disclose repeated convictions of the same violators operating under assumed names, aliases or different trade names. These indecent people follow the practice of incorporating their "businesses" under the laws of their State of domicile. As soon as the corporation is convicted, they simply dissolve the corporation and form a new one. The penalty provisions of my bill would constitute a substantial deterrent and a just punishment.

I have praise only for the postal authorities and the enforcement officers of the Justice Department—they have done a good job with the tools they have. However, they need more tools and better tools. I sincerely believe those tools have been forged in my bill—possibly they need more polishing and sharpening, but it is up to the Congress to finish the task, and, I urgently feel, should proceed to do so immediately. We have here something of paramount national interest. Every year, a horde of criminals, using the mails as a vehicle of extortion, fleece thousands of our people of millions of dollars with a variety of fraudulent schemes which defy the ingenuity of the honest man. We cannot afford it, and as a moral matter we cannot tolerate it. We must stop the flow of obscenity.

Airline Competition

EXTENSION OF REMARKS
OF
HON. EMANUEL CELLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. CELLER. Mr. Speaker, historically, my interest has been focused on business activities or Government fiats which lead to the creation of a monopoly. Except in the case of certain public utilities, where the best interests of the subscriber are served by having a single company provide a service, I am militantly against procedures and practices which offer no competition.

As a consequence I registered my opposition several months ago when an examiner for the Civil Aeronautics Board came forth with the shocking suggestion that one airline be given a monopoly between the Pacific Northwest and Hawaii.

At a time when New York and other east coast cities are seeking direct air routes to the Orient it seemed inconceivable that the CAB would consider curtailing an existing service that had been operational for 12 years and which was being flown for the first time by long-range jet aircraft.

New York and the east coast are now within 14 hours of Tokyo. New jet aircraft, already operating and on order, can whisk a traveler from Idlewild Airport nonstop to one of a couple of Alaskan cities and, after refueling, again nonstop to Tokyo.

The CAB's overwhelming reversal of the examiner's recommendations is very gratifying. Every Board member participating concluded that public convenience and necessity, plus continuing the CAB's historic concept of competition, are best served by continuing both Pan American and Northwest on the route between Seattle and Portland and Honolulu. And by putting each carrier on a permanent instead of temporary basis, the Board supplied them with additional incentive to invest in new equipment and to make long-range plans for making their respective services even more attractive to the traveling public.

Standstill at Geneva

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Wednesday, April 6, 1960

Mr. WILEY. Mr. President, around the globe, one of the major challenges that continues to confront all peoples and nations is finding a way to reduce tensions and conflicts of interest and prevent—if at all possible—a third world war.

A major task, of course, is to find a way to reduce armaments. The purpose, of course, would be twofold: First, to reduce the risk of war; and, second, to lift the heavy burden of costly armaments programs from the backs of people all over the earth.

At Geneva, the Western Powers have been striving diligently—and realistically, I believe—to get agreement on proposals for step-by-step reductions in armaments.

Unfortunately, the Communists continue to put forward the old ruses—behind deceptive facades—of getting the Western Powers committed to reduction of armaments. At the same time, they, themselves, would be free—if deceptively so—to possibly develop a secret striking power that could be utilized to attempt to intimidate, or overpower, the West.

As we know, the major obstructionist Communist tactic has been that of refusing to agree to any realistic method of inspection. Without such safeguards, the history of Communist treaty-breaking provides sufficient evidence to conclude that any agreement would be worthless and futile—more than that, dangerous.

The Communists also have raised the issue of U.S. bases around the periphery of the Communist bloc.

We can understand, of course, their interest in reducing our capability for preventing Communist aggression—and providing them greater opportunity to play power politics.

However, their demands for evacuating our bases, I believe, would receive more favorable consideration if the Soviets offered to release the so-called satellite nations from the iron grip of Moscow, pull out troops, and allow these nations the right of self-determination; and, in addition, if they offered to encourage their "partner in conspiracy," Red China, to relinquish its tyrannical hold on Tibet.

From long years of experience, however, we have learned that deceptive tactics are part and parcel of the Communist policy designed to make the road to realistic disarmament as difficult as possible. If possible, they would lure the Western Powers into the trap of disarming, while they, themselves, would be free to further develop military prowess to use for support of Communist policy, for blackmail, and for outright aggression.

We can expect, of course, that the Communists will continue to follow these tactics. We must be careful not to fall prey to them.

Realizing the great issues involved, however, we must patiently—but firmly—continue our efforts to find solid grounds for safeguarded agreements that will not only lead toward ultimate reduction of armaments, but also, the lessening of conflicts in other fields of interest.

Yesterday, the New York Times published an informative editorial on the situation entitled "Standstill at Geneva." Reflecting on this very serious world problem, I ask unanimous consent to have the editorial printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

STANDSTILL AT GENEVA

At Geneva yesterday Soviet Delegate Zorin rejected the Western plan for a balanced and controlled step-by-step approach to general disarmament. He also ruled out any progress at the Conference unless the West first accepts as a basis of negotiation Premier Khrushchev's plan for total disarmament in 4 years—this to be accomplished prior to effective controls and without any international police to keep the peace. Mr. Zorin continued to pay lipservice to controls, but refused to answer Western queries as to what he meant by them; and by accusing the West of trying to avoid disarmament by "endless talk" on control he indicated that once the Soviets obtain a blank check on Western disarmament they would do the "endless talking" on control without making it effective.

The Soviet delegate conceded that even the Khrushchev plan provides for the alternative of partial disarmament measures. But he served notice that he would consent to talk about such measures only if the West first puts itself on record as rejecting total disarmament, envisaged in the Western plan as the final goal.

In keeping with this stand, but also for another propaganda purpose, the Soviet delegate also rejected the American proposal for an immediate and easily controlled ban on nuclear space vehicles unless the United States simultaneously abandons all of its oversea bases—that is, gets out of Europe, Asia, and Africa. He charged that a ban on nuclear space vehicles would deprive the Soviets of weapons in which they were "superior." And he distorted the issue by ignoring the fact that, while the Soviets hold all Eastern Europe as a military base, the American bases abroad are there under collective defense agreements with the host countries, for their own protection as well as ours, and that they are abandoned whenever the host country believes that it can get along without them, as in the case of Morocco.

All this may be merely preparation for the summit meeting. But it has dimmed the hope of any early progress at Geneva.

Questionnaire Results Revealing

EXTENSION OF REMARKS
OF
HON. CATHERINE MAY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mrs. MAY. Mr. Speaker, during the months of January and February of this year, I sent a questionnaire into each of

approximately 83,000 homes in the Fourth Congressional District of the State of Washington, so that I might be as fully informed as possible as to the views of my constituents on a number of vital issues which currently face the Congress. Thirteen thousand two hundred and four questionnaires were returned to me in time to be included in the tabulation, made by an independent statistical firm after my study of the individual views of the many persons who are taking an active interest in affairs of their Federal Government.

Because I feel that the views of my constituents are most revealing, I am placing the tabulated results in the CONGRESSIONAL RECORD so that all Members of Congress may have the opportunity to study the answers I received to the eight questions asked.

First, I would like to announce that nearly 9 out of 10 adults who live in the 12 counties of the Fourth Congressional District of the State of Washington agree with President Eisenhower's pay-as-you-go emphasis in balancing the Federal budget. These same residents are nearly as decisive that the Federal Government should stay out of subsidizing teachers' salaries, and have indicated, nearly 2 to 1, that medical expenses should not be included in the Social Security Act.

Other results of my questionnaire show that the vast majority feel that Communist China should not be seated in the United Nations, and that the Federal Government should assume more leadership in the juvenile delinquency problem. The majority of those who returned the questionnaire would rather not see an overall minimum wage of $1.25 an hour.

In a two-part question regarding choice of legislation to help solve the farm surplus problem, the questionnaire reveals that 79.6 percent favor a gradual reduction in Government controls and gradual removal of price supports. In this regard, I feel that it should be pointed out that my district is not a heavily populated urban area, but, rather, an agricultural district of 12 counties heavily dependent upon an agricultural economy.

The complete tabulation is as follows:

Questionnaire results

[In percent]

Questions	Yes	No	No opinion
1. Do you agree with the President's pay-as-you-go emphasis on having a balanced budget?	87.2	6.3	6.5
2. Do you feel the Federal Government should provide grants to States to meet school construction needs?	36.8	56.2	7.0
3. Do you favor continued reliance on local and State support for teachers' salaries, rather than Federal grants for this purpose?	77.8	16.6	5.6
4. Do you favor a Federal minimum wage law making it mandatory to pay workers in all classifications (business, farm, industry, etc.) $1.25 an hour?	42.3	50.1	7.6
5. Do you think that Communist China should be seated in the U.N.?	15.3	72.6	12.1
6. To help solve the farm surplus problem, would you—			
A. Favor strict production controls with price supports fixed at flexible levels from 0 to 90 percent of parity?	13.2	49.5	37.3
B. Favor a gradual reduction in Government controls on farm commodities with a resultant gradual removal of price supports on crops, including wheat?	79.6	7.7	12.7
7. Are you in favor of amending the Social Security Act to include medical expenses, the increased cost to be paid by additional contributions by employees and employers?	33.4	60.1	6.5
8. Do you feel the Federal Government should assume more leadership in the juvenile delinquency problem by urging stronger local and State laws dealing with youthful offenders?	64.1	27.8	8.1

I would also like to point out, Mr. Speaker, that, in addition to providing me with the information just given, three out of five persons who returned the questionnaires took the time to enlarge upon their answers or to give me their thinking on other issues and problems.

I am glad to make the tabulation of results available to all Members of Congress for their personal study.

The Census

EXTENSION OF REMARKS
OF
HON. ALBERT H. BOSCH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. BOSCH. Mr. Speaker, I have had several constituents discuss with me the question of the census and they were somewhat concerned that in some instances immediate neighbors are enumerators and that the information disclosed, while not of an incriminating nature, is in the form of disclosure of personal information which the citizen would like to feel is not the subject of common knowledge or information. It was suggested that in connection with this the individual citizen might, at his option, provide and forward to the Secretary of Commerce in Washington, D.C., the information required of him in connection with the census without disclosing such information or surrendering any report or return to the enumerator.

Therefore, at the request of these citizens of my area who have evidenced this concern, I have today introduced legislation which would permit the citizen to forward the information directly to the Census Bureau. The regulations to carry out the above could be prescribed by the Census Bureau in the form of an affidavit certifying to the date when the required information was mailed to the Census Bureau, this affidavit to be surrendered to the enumerator.

Democrats or Campocrats in Puerto Rico?

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. ANFUSO. Mr. Speaker, in the RECORD of March 29, I had a statement pertaining to the Democratic Party of Puerto Rico. That statement was prompted by the fact that on March 19 that party had been officially registered for the first time in the history of Puerto Rico and that it would actively participate in local elections next November. The chairman of the Democratic Party there is my good friend Jose A. Benitez.

It seems that certain powerful elements in Puerto Rico are not particularly anxious to have a growing and active Democratic Party on the island, particularly one that advocates strong ties with the Democratic Party on the mainland. The result is that a controversy has been cooked up and a splinter group formed under the leadership of one Enrique Campos del Toro, and his followers are now known as Campocrats. It is no secret, however, throughout Puerto Rico that the real force behind Campos is Gov. Luis Muñoz-Marín who is not very anxious to have a live and vibrant Democratic Party there which supports statehood.

In its issue of March 29, 1960, the San Juan Star published an article under the title "Democratic Birthright Sold?" The last two paragraphs of that article read as follows:

> A Democratic withdrawal from insular elections leaves a clear field for the GOP, and Governor Muñoz frantically claims that the Republican White House is intervening here already.
>
> If Puerto Rico wins statehood, on the shoulders of the GOP, island Congressmen will be Republicans despite the normal Democratic preference of Puerto Ricans.

The significance of the views expressed in the above Puerto Rican newspaper should not escape the Democratic Party and Democratic leaders in the United States. Governor Muñoz, Mr. Campos, and their followers, in their blind opposition to statehood for Puerto Rico, will drive the overwhelming majority of the Puerto Rican people into the arms of the Republican Party. Despite all that the Democratic Party and past Democratic administrations in Washington have done for Puerto Rico, it should be clearly understood that if statehood ever comes to the island it will be the Republican Party that will receive all the credit for achieving it. And for that we shall

later have to thank Governor Muñoz and his friends.

The efforts of the Democratic Party to aid the people of Puerto Rico achieve self-government is a matter of record, which dates from the 1930's during the administration of President Franklin D. Roosevelt. These efforts were continued under the administration of President Harry S. Truman who in 1946 appointed Jesus T. Pinero as Governor of the island, the first Puerto Rican to be named to this office. Various reforms followed in subsequent years, culminating in the adoption of Public Law 600 by the U.S. Congress on June 4, 1951, establishing the Commonwealth of Puerto Rico. I vividly recall that action in Congress for I was then a freshman Member of the House and I voted for that act.

All that good will that had been built up over the years by the Democratic Party is now in danger of being dissipated, because of the divisive and frustrating action taken by the Campos group. Their convention was illegal since it was not officially called by the Democratic Party of Puerto Rico. They are only a rump group which is not interested in building a Democratic Party on the island. They will function on paper only, and their primary purpose will be to maintain status quo and to keep others from doing anything worth while.

The ones who will suffer will be the Democratic Party, in Puerto Rico and on the mainland. But not only will the Democrats be hurt, the Republican Party too will suffer because the Muñoz tactics are actually antistatehood maneuvers and the perpetuation of the present system and leadership of government.

Furthermore, the real aim behind this movement called Campocrats, which is supported by Governor Muñoz, is to eliminate the influence of any party in Puerto Rico which is attached to the mainland.

The Democratic Party in the United States should not overlook these maneuvers and their true significance in the future. If we do, our party and our country will be greatly hurt in Puerto Rico for many years to come.

In the meantime, the people of Puerto Rico may rest assured that the Democratic Party of the island, which is headed by the very able and energetic Jose A. Benitez, will continue to maintain close ties with the Democratic Party of the mainland as in the past and that it will exert all efforts to build up a strong and influential party in the interests of the people.

Mr. Speaker, under leave to extend my remarks, I insert into the RECORD the article referred to above from the San Juan Star:

[From the San Juan Star, Mar. 29, 1960]

DEMOCRATIC BIRTHRIGHT SOLD?

(By Harold J. Lidin)

Once upon a time, many, many, many years ago, a young idealist named Luis Muñoz-Marín weaned the jibaros from their vice of vote selling with the slogan "Verguenza Contra Dinero" (Self-respect versus money).

The ballot is every man's birthright. Muñoz taught them, and is not to be sold, slighted, or bartered.

But last Sunday in the Ateneo Puertorriqueño, the minions of Muñoz took a step that smacks of birthright barter.

MAXIMUM ECONOMIC CONTRIBUTION

Assembled to reorganize the "Democratic Party," the delegates pledged to deliver the "maximum" economic contribution to the Democratic 1960 presidential campaign.

In a second motion, the delegates voted not to enter the Democratic Party in island elections.

Purpose of this second motion was to repudiate the drive of rival Democratic Leader Jose A. Benitez to register the Democratic Party here for elections—in other words, to use his party's birthright.

Prominent Popular Victor Gutierrez Franqui, who handled Sunday's meeting with the same finesse he formerly demonstrated as Muñoz' senate floor leader, says the promised campaign contribution will be "at least" $25,000.

Whatever the goal, it will be reached.

RATTLE THAT TINCUP

For the treasurer of the new "Democratic" state committee is Teodoro Moscoso, a stanch Popular who happens to head Fomento. If by any chance Moscoso needs help, he can turn to Max Goldman, another prominent Popular present at the "Democratic" reorganization. As former chief of the tax-exemption office, Goldman also knows where to rattle that tincup.

To pick up the smaller gifts, the Muñoz-backed Democratic committee can use for legmen the same pack of Popular Party ward leaders and city hall employees who crowded Sunday's "Democratic" assembly.

National Democratic Chairman Paul Butler need lose no time wondering whose contribution will be larger, that of the Muñoz-backed Democrats or the Benicrats who favor elections and statehood.

For nobody in Puerto Rico can match the Popular Party fundraising apparatus.

HIGH PRICE OF BIRTHRIGHT

But Butler, and other Democratic chieftains, should take time to assure themselves that acceptance of the Muñoz-Moscoso contribution does not cost the party its birthright.

A Democratic withdrawal from insular elections leaves a clear field for the GOP, and Gov. Muñoz frantically claims that the Republican White House is "intervening" here already.

If Puerto Rico wins statehood, on the shoulders of the GOP, island Congressmen will be Republicans despite the normal Democratic preference of Puerto Ricans.

Affairs of Germany in Good Hands

EXTENSION OF REMARKS

OF

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 1960

Mr. CELLER. Mr. Speaker, the reassurances by Secretary of State Christian Herter in his speech before the National Association of Broadcasters in Chicago on April 4, 1960, against the possibility that the United States will capitulate before the menacing Soviet propaganda with respect to Germany, came at a timely moment for all of us.

Less than 1 month ago, the Federal German Chancellor accompanied by his Foreign Minister, Dr. Heinrich von Brentano, visited President Eisenhower to ask his support for a firm stand on the Berlin issue, especially in the forthcoming summit talks in Paris.

At a luncheon given in honor of the foreign minister by two of my distinguished colleagues, Senator STYLES BRIDGES of New Hampshire and Senator JACOB K. JAVITS of New York, Dr. Von Brentano declared that the German people are counting on America for leadership and strength in this showdown struggle against Soviet aggressive imperialism. He indicated that any sign of American weakness in these delicate negotiations with Khrushchev, would give aid and encouragement to the Communists. Under Secretary of State Dillon bespoke the important, nay, vital contribution made by Germany to the Western Alliance, and also stated our position as being unyielding on Berlin.

I have great faith and confidence in Dr. Adenauer and Dr. Von Brentano. They have done wonderfully well in their management of German affairs in cooperation with Economic Minister Erhard and other members of the Adenauer Cabinet. Furthermore, the people of our Nation are fully behind the statement delivered by the representatives of our Department of State.

I regret that I was unavoidably absent from the luncheon that was tendered to Dr. Von Brentano by Members of the Senate. I would have congratulated him in person on the fine work that he is doing.

Subsidies in American Life

EXTENSION OF REMARKS

OF

HON. EARL HOGAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 1960

Mr. HOGAN. Mr. Speaker, one of the little appreciated facts in American history is the role the Federal Government has assumed in providing substantial, tangible assistance to the various productive branches of the American economy, assistance that over the years has amounted to many billions of dollars. No part of our economy has been free of such aid. It has taken a multitude of forms. It consists in part of free services provided by the Government, such as basic statistical data, maps, charts, and other navigational aids, weather forecasts, research in agriculture, mining, industry. It includes tariffs, loans at less than the market rate of interest, various kinds of insurance, grants to many forms of business—such as railroads, airlines, shipbuilding, and ship operating companies—surplus disposal programs, stockpile purchase programs, tax concessions, irrigation projects, rural electrification, and price support programs.

How many of these programs should be included within the term "subsidy" depends, of course, on how narrowly or

how broadly the term "subsidy" is to be defined. The arguments as to what is and what is not to be interpreted as a subsidy need not be of great concern at this point. The economic effects are much the same, regardless of whether a program involves direct payments to a particular business, a remission of charges, sales by the Government at less than market prices, loans at less than prevailing interest rates, or price supporting or raising devices such as the tariff or farm price supports. In each case a specific economic individual or class of individuals benefits directly while the cost is borne by the taxpayer or the consumer.

It is futile to approve or condemn subsidies, however defined, as a whole. Each subsidy must be judged on its own merits, in terms of its cost to the Nation, and the benefits derived. There can be no doubt that some subsidies have contributed greatly to the development of our Nation. Without the enormous land grants given to the railroads of our country, the economic expansion of the West, and indeed of the entire Nation, which characterized the latter half of the 19th century, would have been impossible. The American merchant marine, essential to the defense of our country, could not survive without a certain subsidy. Subsidies have been used to prevent business failures when such failures would have had disastrous repercussions throughout the economy. They have been used to prevent price declines that would have paralyzed large segments of our economy.

There have, of course, also been subsidies which have been widely criticized as being contrary to the public interest, where the benefits received were not sufficient to justify the cost. In several cases, subsidies to shipping companies and to airlines have been disclosed to have been associated with graft and corruption. Many tariffs are widely considered to have little economic justification. Similarly, for example, depletion allowances to the petroleum and mining industries and low postal rates for second-class mail have been widely criticized as being unwarranted.

In practice we cannot go through our daily round of activities without almost continually being in contact with subsidies. The very house we live in has in all likelihood its mortgage insured by a Government agency; thereby the interest charges are lower than would otherwise be the case. The food on the breakfast table has been safeguarded by the Federal meat inspection program and the Food and Drug Administration. Our children's education is, in part, subsidized, by the taxes paid by childless wage earners of our community. The school lunch program makes it possible for 12 million of our children to get a hot lunch for far less than would otherwise be possible and the special milk program in 78,000 schools benefits millions more. Every time we buy gas, we share in the benefit the petroleum industry gets from the depletion allowance—a depletion allowance which permits the industry to cut its annual operating expense by about $2 billion a year. Every time we read a magazine, we receive some of the benefit of having the post office bring it to us for far less than the cost of carrying it. Magazine publishers are saved millions of dollars as a result of low second-class mail rates. Steel in our cars or refrigerators may well have been produced in a plant very largely paid for at Government expense during the war and then sold to the private operator for a fraction of the original cost.

In short, we live in a world where we are continually affected by subsidies which reach into every phase of the economy.

Since there is no standard definition for subsidy, and since the benefits from subsidies can frequently not be measured with any accuracy, it is not possible to give a total figure for all Government subsidy programs during a given year. It is possible, however, to show what the budget of the United States calls the current expenses for aids and special services to the various segments of our society. These current expenses are defined in the 1961 budget as "expenditures which provide aids or special services to specific economic groups primarily in the current year, including administrative and other operating expenses attributable to investment-type programs and the costs of maintaining the related physical assets. Benefits accruing to various groups through tax provisions or the Government aids which do not call for expenditures are not included." Table 1 shows these expenditures as follows:

TABLE I.—*Current expenses for aids and special services, fiscal year 1959*

[In millions of dollars]

Agriculture:	
Direct Federal programs:	
Department of Agriculture:	
Commodity Credit Corporation:	
Sales of surplus commodities for foreign currency	1,022
Price support, supply, and related programs	872
Transfer to supplemental stockpile	315
Soil bank programs	68
International Wheat Agreement	48
National Wool Act	20
Other	33
Commodity Stabilization Service:	
Acreage reserve	609
Sugar Act	67
Other	−3
Agricultural Research Service	46
Agricultural Marketing Service	42
Farmers Home Administration	32
Rural Electrification Administration	10
Other	8
Other agencies	3
Total direct Federal program	3,192
Grants-in-aid: Department of Agriculture:	
Removal of surplus agricultural commodities	127
Commodity Credit Corporation	154
Forest Service	11
Total grants-in-aid	292
Total agriculture	3,484

TABLE I.—*Current expenses for aids and special services, fiscal year 1959*—Con.

[In millions of dollars]

Business:	
Civil:	
Post Office Department	736
Federal Aviation Agency	228
Civil Aeronautics Board: Payments to air carriers	53
Treasury Department: Coast Guard: Navigation aids	177
Department of Commerce:	
Maritime activities: Ship operating subsidies and administration	133
Patent Office	21
Other	29
Department of Defense—Civil	64
Other agencies	10
Total civil	1,451
Major national security: Expansion of defense production:	
Administrative expenses and losses on transactions	42
Total business	1,493
Labor:	
Direct Federal programs:	
Temporary unemployment compensation	447
Other	17
Total direct Federal programs	464
Grants-in-aid: Administration of unemployment compensation and employment service	297
Total labor	761
Homeowners and tenants:	
Direct Federal programs:	
Housing and Home Finance Agency	−149
Federal Home Loan Bank Board	−41
Total direct Federal programs	−190
Grants-in-aid: Housing and Home Finance Agency:	
Public housing	111
Urban renewal fund	76
Total grants-in-aid	186
Total homeowners and tenants	−4
Veterans:	
Veterans' Administration:	
Compensation and pensions	3,275
Hospital and medical care	852
Readjustment benefits	585
Other	206
Other agencies	54
Total veterans	4,972
International:	
Civil:	
Mutual security—economic	1,390
Other	47
Total international, civil	1,437
Major national security: Department of Defense—military	2,316
Total international	3,753
Other aids and special services:	
Direct Federal programs—total	122
Grants-in-aid:	
Department of Health, Education, and Welfare:	
Public assistance	1,966
Other	1

TABLE I.—*Current expenses for aids and special services, fiscal year 1959*—Con.

[In millions of dollars]

Other aids and special services—Con.	
Grants-in-aid—Continued	
Department of Agriculture:	
School lunch program	142
Other agencies	5
Total grants-in-aid	2,114
Total other aids and special services	2,237
Total current expenses for aids and special services	16,697

Source: Budget of the U.S. Government for the fiscal year ending June 30, 1961, pp. 921-923.

In this classification, it can be seen that the current aids to agriculture, even using the classification of the Bureau of the Budget, accounts for only 20.9 percent of all current aids and special services. Business accounts for 8.9 percent, labor for 4.6 percent, veterans for 29.8 percent, international—primarily grants under the mutual security program—for 22.5 percent, and all other for 13.4 percent. It should be noted that even here, by no means all of the current aids for agriculture are designed exclusively for the benefit of farmers. The largest single item, sale of surplus commodities for foreign currencies, has enabled the United States to acquire substantial amounts of strategic and critical raw materials which are deemed to be essential for national defense. The soil bank programs serve not merely to maintain farm income while curtailing production but also to preserve the fertility of the soil for all future generations. Rural Electrification Administration administrative expenses help a program which has been a great boon to producers of electrical machinery and equipment as well as to farmers themselves. Market research undertaken by the Department of Agriculture benefits the processors, shippers, and distributors of agricultural products fully as much as it benefits farmers. The Federal meat inspection program is designed to assure the public a clean, wholesome supply of meat. It is actually a program of inspection and supervision of the meatpacking industry. The primary purpose of the Department of Agriculture's brucellosis program is public health protection. The International Wheat Agreement helps not only farmers, but also helps members of the grain trade expand their export business and profits. The work of the Forest Service benefits all those who use the national forests for recreation, grazing, and other land utilization, as well as all concerned with better forest management and research in the protection and better utilization of the Nation's timber resources.

It should be noted further that the Federal Government provides much assistance to the various segments of the economy that is not included under current aids and special services. In the case of agriculture, this would include CCC price support and grain storage and loans of the Farmers Home Administration and the Rural Electrification Administration, conservation payments, water development projects, the school-lunch program, and various international and other programs not designed primarily for the support of agriculture. For business, not included in current aids and special services are Small Business Administration loans, highway, airport, and other public works projects, ship construction subsidies, and grants to States for building private hospitals and other health facilities. For the homeowner and tenants, loans and mortgage purchases provide assistance that is not classified among current aids.

It may be illuminating to consider the extent of subsidies to the two related industries of the United States, the shipbuilding and shipping industry. Under the Merchant Marine Act of 1936, the United States pays both construction-differential and operating-differential subsidies in an effort to maintain an efficient merchant marine on the high seas, a merchant marine that can operate as an important defense auxiliary in times of war or threat of war. The Chairman of the Federal Maritime Board and Maritime Administrator, Clarence G. Morse, reported in September 1957 that from 1937 to June 1956 the total amount paid out as subsidy for new construction totaled $437.9 million. Since then, and including estimates through June 1960, an additional $325.1 million has been spent on construction differentials, half of it in the fiscal year 1960. Thus $763 million has been spent since 1937 on construction differentials alone. These include major subsidies on the present giants of the American fleet, the SS *United States*, the SS *Constitution*, and the SS *Independence*. The cost of the *United States* is reported as $76.8 million, including $25.4 million for national defense features. The United States Lines purchased this from the Government for $28.9 million. The American Export Line paid $14 million for the *Independence*, built at a cost of $26.5 million, and $14.4 million for the *Constitution*, built at a cost of $27.2 million.

Related to the construction differential subsidy is the sales program undertaken by the Maritime Administration under the Merchant Ship Sales Act of 1946. Under this program 843 ships, built for the Maritime Commission during World War II, were sold to United States citizens for United States flag operations at a price of from one-fourth to one-fifth of their replacement cost. By December 31, 1956, ship sales under the Merchant Ship Sales Act of 1946 totaled $1,776.3 million. Net sales after vessel trade-in allowances have been deducted were $1,697.4 million. This represented about a 40.1 percent return on the war cost of these ships. The operating differential subsidy has amounted to $1,197 million for the calendar years 1947 through 1959. Actually each subsidized voyage, including a pro rata construction subsidy is estimated to cost $2.8 million over the typical 20-year contract.

Altogether, as estimated in a study compiled by Representative FRED MARSHALL, and published in the hearings, "Department of Agriculture Appropriations for 1959," of the House Committee on Appropriations (p. 158) subsidies to maritime organizations for the period 1938 through fiscal 1957 amounted to $3.5 billions.

The trend of these subsidies is, if anything, upward. It is reported that Congress may be asked to appropriate about $118 million in 1960 for a sister ship to the U. S. Lines' *United States*, the *America*, which the company will purchase for about $47 million; and about $36 million for a Pacific American President superliner, the *President Wilson*, which will be purchased by the line for about $35 million. A substantial portion of the cost of these vessels to the taxpayer is due to the incorporation of certain national defense features, which do not enter into subsidy calculations. Maritime interests now are urging relaxation of the provision in the Merchant Marine Act of 1936, which states that in no case may a construction-differential subsidy exceed 50 percent of the cost of the vessel—excluding national defense features. These interests point out that the cost differential between construction in a foreign yard and in the U.S. yard is increasing and that even with a subsidy of 50 percent of the cost of a ship (excluding national defense features) shipping companies find it more economical to buy ships built in foreign shipyards.

Certain other major subsidies or subsidylike benefits may also be mentioned. In the 10-year period from July 1, 1948, to June 30, 1958, the postal deficit totaled $5,367 million, $926 million of which was incurred in the most recent of these years, the fiscal year 1958. The largest single factor contributing to this multibillion deficit is the losses incurred in carrying second-class mail—publishers' mailings of magazines and newspapers. These losses on second-class mail totaled $2,324 million over the same 10-year period.

Airlines continue to receive subsidies in connection with carrying mail. The subsidy to certificated air carriers has been estimated by the U.S. Civil Aeronautics Board at $554 million for fiscal years 1951 through 1960. In recent years almost all of this has gone to smaller local service carriers, for helicopter service and for foreign operations. However, it may be noted that in the last week of March 1960, a major trunkline operator, Capital Airlines, Inc., petitioned to the Civil Aeronautics Board for a subsidy that would amount to $12,949,000 for the year ending March 15, 1961, citing "particularly heavy losses," its inability to arrange financing, and a critical cash position.

In addition to direct subsidies, air carriers also benefit from such governmental assistance as airport and airway facilities, other navigation aids, aeronautical research and development conducted under governmental sponsorship, and the sale of surplus aircraft both to new and existing companies engaged in civil transport.

Accelerated amortization on certain facilities built for defense purposes has permitted companies owning such facilities to cut their tax obligations substantially. In 1955 the Joint Committee on Internal Revenue estimated that from 1950 through 1960 tax collections would

be reduced by some $5,196 million as a result of certificates of necessity permitting accelerated amortization. However, after 1960, when facilities whose value has already been written off under the accelerated amortization provisions are still operative, the tax collections would be greater than they would have been without accelerated amortization. On the basis of current tax rates, it is estimated that for the period 1961–76 tax collections will be increased by $2,426 million and thereafter by another $2,326 million. Of course, for the period up to 1960, when tax collections were lower, companies benefiting from the accelerated tax amortization provisions were receiving the equivalent of an interest-free loan.

Some students feel that all or part of the depletion allowances permitted as tax deductions should be interpreted as subsidies. The depletion allowances to mining, petroleum, sulfur, and gas interests permit producers to deduct from income for tax purposes a substantial percentage of income earned and are intended to encourage development of these resources. Depletion reported on corporation income tax returns averaged $2.1 billion annually for the 10 years, 1947–56.

To some extent the disposal of Government surplus property involves a subsidy. After World War II about $15.1 billion worth—reported cost—of surplus property was sold by the War Assets Administration with a sales realization of $4.1 billion. The difference between the reported cost and sales realization is not all subsidy, since the reported cost does not take into account such factors as depreciation, deterioration, obsolescence, and so forth. However, some purchasers were undoubtedly able to obtain surplus goods at lower prices than prevailed on the open market for comparable items.

It is sometimes claimed that subsidies tend to reduce the incentives for efficiency and growing productivity. Whatever may be the merits of this argument in other industries, it clearly is not valid in agriculture. Farm productivity has been growing at an astounding rate, much faster than productivity in most other occupations, and substantially more than in industry as a whole. Output per man-hour on the American farm has increased 37 percent from 1950 to 1958. This has made it possible for a single farmer in 1958 to provide food and fiber for 23.5 persons in 1958, compared to 15.9 persons in 1950, 10.6 persons in 1940, and 6.9 persons in 1900. This increase has been due in large measure to extensive mechanization on millions of American farms. The average farm today represents an investment in machinery of about $20,700 per worker, compared to about $15,300 per worker in industry. Further, it has been estimated that farmers have $3 invested in production for every $1 that is invested in the marketing of their products.

With the growing productivity of the individual farmer, total farm population and farm employment have declined. This is continuing to happen. In April 1959 farm population was 21,172,000 or 10 million less than in 1937. Similarly farm employment in 1959 was 7,384,000, down 5 million from the 1936 level.

This decline in farm population and employment has been somewhat offset by increases in employment in the processing, packaging, and distribution of food and fiber. Thus the decline, if any, of the total number of persons engaged in the production and distribution of products from the American farm to the consumers of the Nation, has been much less than the decline in the number of farmers or in farm employment alone.

The mechanization of the American farm has made the farmer an increasingly significant customer for American industry. It is estimated that the investment by farmers in machinery is twice that of the entire steel industry and five times that of the automobile industry. To keep the 12,500,000 farm cars, trucks, and tractors running, the farmers buy some $1,500 million of oil products each year, making them the petroleum industry's largest single customer.

Increased farmer efficiency has unfortunately not been converted into corresponding gains in real income. Farmers still lag behind the rest of the Nation in income received. In 1958, per capita farm income was $1,066 while per capita nonfarm income was $2,066, nearly twice as much. Two hundred and ninety-eight dollars of the farmer's $1,066 was for work done off the farm. During 1958 the hourly income for farm labor and management was 97 cents while workers in manufacturing industries received $2.13. Even excluding the smaller noncommercial farms, in 1956 farm families operating the Nation's 2,213,000 "commercial" farms received an average income of $5,415 while all nonfarm families received incomes averaging $6,900.

A common misconception is that farmers are receiving unfair economic benefits as a result of the price support programs and other so-called subsidies to farmers. However, almost every indicator of farm income and farm prices shows that far from receiving undue economic advantage from subsidies, farmers have consistently lagged behind other groups in the economy. Total realized net farmers' income from agricultural sources—excluding net change in inventory—was $11 billion in 1959, down from 13.1 million in 1958 and the lowest for any year since 1943, except for 1957. The index of prices received by farmers compared to prices paid—including interest, taxes and wage rates—was down to 80 in 1959, the lowest since 1939. Prices paid by farmers have climbed every year since 1955 and bring the index of all items paid to 298—1910–14 equal 100. Prices received by farmers for all farm products in 1959, on the other hand, were down to an index figure of 240—1910–14 equal 100—the lowest for any year since 1947 with the exception of the 3 years 1955, 1956, and 1957.

Food price increases to consumers have brought about many complaints from housewives. Unfortunately, they have usually tended to blame the farmer for this increase. He has actually been receiving an ever smaller share of the consumer's dollar. In 1947–49, the farmer received, on the average, 50 cents of the consumer's food dollar. By 1958 this had shrunk to 40 cents.

Put another way, between 1947 and 1958 the annual cost of the family's food marketbasket increased by $154. However, the farm value of the food actually dropped by $40. Labor costs increased $100. Transportation costs rose $31. Other business expenses advanced $60. Charges to pay Federal corporate income taxes were up $8. And the profits of marketing corporations decreased $5.

As a matter of fact, whereas wholesale prices have gone up on the average 19.4 percent since 1947–49, the prices of farm products have gone down 11 percent and the prices of processed foods only up 7 percent.

Actually for the housewife, food and clothing prices have risen far less than other items comprising the cost of living since 1947–49. In 1959 the Consumer Price Index as a whole was 24.5 percent above the 1947–49 level. Food had increased by only 18.3 percent and clothing by 7.8 percent. On the other hand, medical care had increased by 50.6 percent, rents by 39.6 percent, and transportation by 46.1 percent.

With the increases in average incomes of nonfarm families, the relative cost of food has actually gone down. The following table shows how much could be bought of certain basic foods in 1929 and again in 1958 with 1 hour's pay of a worker in manufacturing:

	1929	*1958*
Loaves of bread (in pounds)	6.4	11.0
Steak (in pounds)	1.2	2.0
Milk (in quarts)	3.9	8.4
Butter (in pounds)	1.0	2.7
Bacon (in pounds)	1.3	2.7
Eggs (in dozens)	1.1	3.5
Potatoes (in pounds)	17.7	33.8
Oranges (in dozens)	1.3	2.8

Taking a comparison with a more recent period, between February 1950 and February 1959, the average retail price of a pound of rib roast beef increased from 68.2 cents to 82.4 cents. During the same period weekly earnings of factory workers increased from $56.37 to $88. Thus, beef prices increased 20.8 percent while weekly earnings increased 56 percent, and the amount of working time required to buy a pound of beef dropped from 29 to 22 minutes.

A similar situation exists in milk prices. In 1952, when producer prices were supported at 90 percent of parity, consumers were paying an average of 22.8 cents per quart for milk. In the second quarter of 1959, producer price supports had dropped to 77 percent of parity and consumer prices had advanced to 24.2 cents per quart. Nevertheless, in 1947 it took 9.1 minutes of the average factory worker's time to buy a quart of milk; in 1959 it took only 6.7 minutes of his work time.

This report has been designed to demonstrate the prevalence of subsidies throughout our economy. Too many people tend to associate the term subsidy exclusively or almost exclusively

with farmers and maintain that they are, therefore, being unfairly supported by the rest of the people. As has been shown above, not only are farm subsidy programs only a fraction of all governmental subsidy programs, but the farm programs themselves help many persons besides farmers. It is an illusion that subsidy programs have given farmers an enviable economic position in the economy. Despite enormous advances in farm productivity, farmers still lag behind other segments of the population. It is not within the scope of this report to praise, or condemn, any specific subsidy program. Its purpose is limited to indicating how subsidies enter into the lives of all Americans and how they relate to practically every business enterprise and to provide related data on farm and nonfarm income, prices, and production which may help to place the facts relating to farm and nonfarm subsidies in a better perspective.

Hoover Commission's Recommendations Bogged Down After 5 Years

EXTENSION OF REMARKS
OF
HON. FRANK T. BOW
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. BOW. Mr. Speaker, 5 years have elapsed since the second Hoover Commission completed its monumental research and laid out prudent, sensible guidelines for reorganization of the executive branch.

Many Members of Congress will recall that one of the Hoover Commission's primary fields of interest was Government competition with private enterprise. Former President Hoover and his colleagues on the bipartisan Commission urged prompt, effective steps to curtail and eliminate many Federal activities competing unfairly with taxpaying private business. I was happy to support this recommendation and introduced legislation to implement it.

Over the years the administration has restated many times its policy on this issue—a policy squarely in line with the recommendations of the Hoover Commission.

Yet, somewhere in the lower echelons of the executive branch, this policy seems to have bogged down. Five years have passed since the Hoover Commission posted unmistakable signals to steer the executive branch to those areas where unjustified Federal competition was concentrated. But from all I have been able to gather, these signs have been largely ignored, or somebody missed a turn somewhere.

Now we find that the Bureau of the Budget, which was assigned responsibility to implement the administration's policy and keep track of its progress, has polled the various executive agencies to find out just where the program stands.

Until this survey is completed, therefore, nobody really knows how many of the Government's unnecessary business-type activities have been closed down or curtailed. Nor, for that matter, does anyone know how many new enterprises have sprung up.

All we do know is that 5 years should allow plenty of time for considerable progress, and there are few, if any, signs that such progress has been made.

Fortunately, one of our eminent colleagues, the gentleman from Ohio [Mr. BROWN], the legislative sponsor and member of the Hoover Commission, is making it his business to find out. He is alarmed, as others of us are, by the apparent lack of interest and achievement in this program and by evidence that 5 valuable years may have been wasted. I invite the attention of all Members of Congress to the following pertinent correspondence:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 22, 1960.

The Honorable MAURICE H. STANS,
Director, Bureau of the Budget, Executive Office Building, Washington, D.C.

DEAR MR. STANS: As I am sure you know, as the legislative father and a member of the two Hoover Commissions, I joined in preparing the Commissions' recommendations to get the Federal Government out of business competition with taxpaying private enterprise, and I have written you a number of letters on this subject.

As a result of the Commission's recommendations, some action has been taken and the President has shown a great interest in the elimination of Government competition with private enterprise.

Over 5 years ago, on January 15, 1955, the Bureau of the Budget issued a directive (Bulletin No. 55–4) setting forth a phased program to curtail certain business-type activities conducted by the executive branch in competition with taxpaying private enterprise.

One noteworthy result of this directive was an inventory of those activities that provided products or services for the Government's own use. This inventory, you may recall, listed 19,771 such activities with 266,521 Federal employees and capital assets totaling $11,863,990,569.

I am writing now to inquire as to what important results in reducing these Government activities have been accomplished over the past 5 years.

Bulletin No. 60–2, issued by the Bureau of the Budget at the direction of the President in 1959, requires a thorough inventory of all commercial-industrial-type activities within the Department of Defense. I am interested in learning the outcome of this inventory and, more importantly, the expected action to result from it.

I would like to particularly invite your attention to a passage from a report issued by the Joint Economic Committee:

"The administration appears to have lost some of its earlier enthusiasm for this program. When the program was initiated in January of 1955 it called for the phased evaluation of all commercial-industrial type activities as quickly as possible. The Director of the Bureau of the Budget testified before the Senate Select Committee on Small Business on April 16, 1957, that the Government agencies had completed the evaluation of manufacturing and service-type activities and stated that 'subsequent reviews of other classifications of commercial activities, such as construction, transportation, communications, etc., will be scheduled.' Yet it was about 2½ years after this testimony that the Bureau of the Budget got around to requesting agencies to conduct the next series of its phased evaluations program of governmentally conducted commercial-type activities. As pointed out, the administration's program has been inactive for over 2 years. As a result of this delay certain competitive Government activities have not yet been evaluated under this program."

In view of the concern expressed by a great many businessmen and their State and national organizations, as well as critical comments such as have been made by the Joint Economic Committee, I believe it is urgently important for the Bureau of the Budget to act promptly when it has evaluated the pertinent data from its current summary. A period of 5 years should have allowed time for considerable progress on this program.

As I understood the Bureau's Bulletin No. 55–4, there were to be four phases of the program to curtail unnecessary competitive activities producing goods or services for the Government's own use. These phases were as follows:

1. The inventory. As I noted earlier, this research survey disclosed the vast dimensions of the Government's commercial-type enterprises.

2. Evaluation of these enterprises.

3. Action to close or curtail these enterprises, on the basis of the evaluation process.

4. Action to limit starting new enterprises.

It would seem to me that whatever progress report the Bureau compiles should cite specific instances of progress in each of these phases of the program. This would permit a more meaningful appraisal of the results achieved, thus far, by pinpointing areas where progress may have lagged.

Illustrative of the type of comment I am receiving from business organizations on this important problem, I am taking the liberty of enclosing a letter I have just received from Elton Kile, president of National Associated Businessmen, Inc. So your consideration of this matter and the request I have made will be deeply appreciated.

If there is any further information you desire, please advise me.

Respectfully submitted.

CLARENCE J. BROWN,
Member of Congress,
Seventh Ohio District.

NATIONAL ASSOCIATED
BUSINESSMEN, INC.,
Washington, D.C., March 18, 1960.

The Honorable CLARENCE J. BROWN,
House of Representatives,
Washington, D.C.

DEAR MR. BROWN: National Associated Businessmen, Inc., a coalition of 700 independent businessmen, is gravely concerned about the apparent lack of progress in reducing the number of Government commercial activities that compete with taxpaying private enterprise.

Recalling your own consistent interest in this matter, both as a Member of Congress and as legislative sponsor and member of both Hoover Commissions, our organization respectfully asks your assistance in our efforts to revive governmental interest in this matter.

As you know, the Bureau of the Budget, by direction of the President, specifically called for curtailment of certain commercial-industrial activities of the various agencies in Bulletin No. 55–4 of January 15, 1955.

This bulletin declared, in part, that "It is the general policy of the administration that the Federal Government will not start or carry on any commercial activity to provide a service or product for its own use if such product or service can be procured from private enterprise through ordinary business channels. Exceptions to this policy shall be made by the head of an agency only where it is clearly demonstrated in each case that it is not in the public interest to procure such product or service from private enterprise."

Elsewhere in the bulletin, the Director of the Budget stipulated that "Except where such congressional action would be required, activities should be discontinued as soon as the agency head determines that it is reasonably possible to do so. Where congressional action would be necessary to permit discontinuance, the agency head shall seek such action promptly."

Five years have passed since this program was initiated. In that period the Bureau of the Budget has issued two other bulletins dealing with this same general problem. As you are aware, the Bureau of the Budget in September of 1959 issued its directive 60–2 by order of the President requesting the Defense Department to conduct an inventory on all commercial-industrial-type activities within their organization. This inventory is scheduled to be completed within a month. National Associated Businessmen is profoundly interested in the results of this inventory and hope that strong efforts will be made in the implementation of the administration policy when the facts are made public.

This audit, we are sure, will show that relatively little has been accomplished, even in the rather narrow area of Government competition covered in Bulletin No. 55–4.

This bulletin only dealt with those business-type activities which provide products or services for the use of the Federal Government itself. It did not deal with those activities which provide products or services for the general public, such as public power projects, or those activities which serve Federal employees, such as military commissaries.

Yet, even though Bulletin No. 55–4 covered only one of the three broad classes of Federal business-type activities, it still resulted in an inventory that listed 19,771 commercial-industrial activities with capital assets of $11.9 billion and 266,000 employees.

National Associated Businessmen believe that prompt and vigorous action to remove the Federal Government from unjustified and unnecessary competition with private enterprise is essential to our Nation's economic progress. Failure to do so, in direct contradiction of repeated pledges by the administration, constitutes a tragic drain of public funds and contributes to the inflationary pressures that threaten our prosperity and growth.

We hope you will see fit to make such inquiries as you deem necessary in order, first, to determine precisely the extent of compliance with the 1955 and subsequent directives of the Bureau of the Budget, and secondly, to recall to the attention of the Congress and the executive branch the need for strong action when the audit required by directive 60–2 is completed.

Respectfully,

ELTON KILE,
President.

Mr. Speaker, I commend the National Associated Businessmen for once again drawing attention to this problem, and I hope that all Members of Congress will take it upon themselves to examine carefully the forthcoming report of the Bureau of the Budget.

If it confirms the signs of disinterest and inaction, as I suspect it will, Congress would be well advised to place this entire matter under severe scrutiny.

I am also delighted that my distinguished friend and colleague, the gentleman from Ohio [Mr. BROWN], has again taken an interest in this matter. His action in the past has no doubt saved hundreds of millions, yes, perhaps billions, of dollars for the taxpayers of this Nation.

Report to the People

EXTENSION OF REMARKS
OF
HON. DONALD J. IRWIN
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. IRWIN. Mr. Speaker, it is my firm conviction that one of the most important services a Member of Congress can perform for his constituents is to keep them informed of his activities through publication of a regular newsletter "Report to the People."

Because I feel it may be of equal importance to keep my fellow Members of Congress similarly informed of my activities, I am introducing into the RECORD today the latest issue of my own "Report to the People":

A VISIT TO PUERTO RICO AND CUBA

Partly responsible for the delay in issuing this first newsletter of the second session of the 86th Congress was my absence from the country as a delegate to the Caribbean Assembly on the United States and Latin America, which was held in San Juan, P.R., early in March. There were some 60 participants—30 Latin Americans and 30 North Americans—representing a variety of professions and occupations and varying points of view. President Eisenhower addressed the delegates in Puerto Rico en route home from his recent Latin American good-will tour.

I took advantage of my attendance at the Assembly conference to make a personally financed side trip to troublesome Cuba. I want to emphasize this trip was at my own expense and that I took it, brief though it was, so that I could get firsthand, on-the-spot impressions of the situation in Cuba. While I spent but 24 hours in Havana and another 24 hours on an American-owned ranch in eastern Cuba, my fluency in Spanish helped tremendously in my efforts to find out what the controversy between Cuba and our own country is all about.

I came away with several impressions and, with the understanding that a weekend is a brief time to probe into a problem as involved and delicate as United States-Cuban relations, I want to pass them on to you.

For one thing, I failed to notice any spontaneous anti-Americanism during my entire visit. There was no evidence of it certainly on the part of the Cubans I encountered on the streets who couldn't mistake me for anything but an American. Nor was there evidence of anti-Americanism displayed elsewhere.

I also was especially impressed by the fact that no one in Cuba, no matter how his interests were being affected by the Castro government, appeared to want a return of the Batista regime.

Yet I left Cuba convinced that a poor job of administering the country by the Castro government will in itself bring serious economic troubles to Cuba in the near future.

WHAT MUST WE DO CONCERNING CUBA?

It is important, I think, that we respond with vigor to unfavorable and unwarranted attacks upon us by the Castro government. We must do so, I feel, with the idea in mind of protecting our interests in the rest of Latin America. At the same time, we must take every step to prevent any untoward incident that will give Castro an opportunity to attack us further. Specifically, we must halt unauthorized flights by American planes over Cuba, for such flights only weaken our position at home and abroad.

I am very much opposed, incidentally, to proposals for broadcasting directly from the United States to Cuba. Such plans, it seems to me, would be repeating a fatal mistake made during the days of Peron in Argentina when our Ambassador tried to interfere. If we broadcast anti-Cuban programs, then we will be identified as the only anti-Castro force in Cuba and all Cubans will rally behind Castro. This suggestion only underlines the need for a full-blown Voice of America program for all of Latin America which would bring to the Latin Americans a clear idea of what the long-range U.S. objectives are. The VOA would spell out specifically what our programs and hopes are for the free people of Latin America.

President Eisenhower's recent trip aroused all kinds of hopes for the roles we are to play in the future development of Latin America and we must be ready to help meet these expectations. I disagree with Mr. Eisenhower's claim upon his return from his recent good-will tour, however. The President maintained that our prestige was never higher in Latin America. In my opinion, our position in Latin America has never been more perilous.

It is of vital importance, I believe, that we explain our democratic system of government and outline the role that private enterprise can play in the development of Latin American countries. Private American capital invested abroad can do much to help Latin America meet its needs.

THE BATTLE FOR CIVIL RIGHTS

Another reason for the delay in issuing this newsletter was my desire to wait until I could report to you about the battle for civil rights legislation in Congress. At this writing, the House had passed a civil rights bill and the Senate, a record filibuster behind it, was struggling to do likewise. It seemed virtually certain, however, that civil rights legislation would be enacted by this session of Congress despite many obstacles to be overcome.

I supported the House civil rights bill and would have voted for the strongest possible bill which could be proposed. As you may know, I have been a strong advocate of civil rights for a long time. I was the 23d Member of the House to sign a discharge petition which ultimately gathered more than 215 signatures and was instrumental in getting the Rules Committee to bring a civil rights bill to the floor for action. Then, too, I was a signer of a discharge petition designed to bring home rule legislation for the District of Columbia to the House floor. This legislation, of course, is closely linked with civil rights legislation.

Unquestionably, the House-passed bill could be improved upon, but under the circumstances I think it is of greater importance to get an adequate bill out now than to spend endless time arguing about every phrase or provision it should contain.

Richard H. Rovere, writing in New Yorker magazine, summed up rather well, I think, the task still before us in this problem of civil rights. "It may take two or three more bills, in two or three more Congresses," he wrote, "to achieve anything like complete protection of the franchise, but scarcely anyone doubts that in time the protection will be achieved and that it will be seen as the one civil right that can, if it is put to use, achieve most of the others."

I would like to express my pride in the House of Representatives, incidentally, for the sobriety and dignity with which it approached the civil rights problem, finally passing what I thought essentially was a good bill. It made me glad to be a Member of this great body.

THE COMMUTER CRISIS

Since my last newsletter, there have been many developments in the New Haven

railroad commuter crisis. These developments included:

A personal on-the-spot survey of the New Haven's commuter operations.

My introduction of legislation to provide $500 million in long-term, low-interest Federal loans to local or regional agencies for the purchase of equipment which would be leased to railroads or other transit systems.

An Interstate Commerce Commission-ordered investigation of the New Haven.

When I inspected the New Haven's operations in late December, I found that poorly kept trains, stations, and working areas were depressing employee morale and detracting from passenger comfort. I found that admittedly improper maintenance was causing breakdowns jeopardizing passenger and train crew safety.

My bill, introduced in February, got much early support, particularly from members of the House Banking and Currency Committee which would be charged with holding hearings on it. Unfortunately, due to the pressure of other legislative matters, the measure received a setback when Committee Chairman SPENCE advised me it would be impossible to promise hearings on the bill. Meanwhile, Senator WILLIAMS of New Jersey proposed legislation similar to mine but providing for a smaller amount of funds and for the loans to be administered differently. My bill, I feel, represents a sounder approach but I will support Senator WILLIAMS' legislation if it appears it will get a quicker response. The main purpose is to get the job done as soon as possible.

I was heartened when the ICC announced it would investigate the New Haven, for this is an action I had been demanding for many months. I wrote ICC Commissioner Charles A. Webb urging him to make his probe a broad one, covering all aspects of the New Haven's operations over the past 15 years. The fact that the New Haven has demanded a 70-percent increase in fares indicates to me that something is radically wrong with the carrier's management policies. Obviously, the New Haven's abrupt financial crisis stems from developments over a long period of time and isn't something recent.

It is especially important, I think, to keep in mind that the problems created by the poor service on the New Haven must not be looked upon as problems that are irritating and frustrating to the commuters, but in terms of the tremendous economic importance it has on real estate values, on the building industry, on retailers, on the entire economy of Fairfield County and the whole State of Connecticut.

BETTER AIR SERVICE ASSURED

There have been two vastly important developments recently that assure Fairfield County of greatly improved air service. One was approval by the Civil Aeronautics Board of better and more frequent airliner service between Washington and Bridgeport. The other was CAB authorization for helicopter service to Danbury via New York Airways, Inc.

The new direct air service via Allegheny Airlines was scheduled to get under way April 12 with one-stop flights to Washington via Baltimore leaving Bridgeport at 9:40 a.m., 2 p.m., and 6:24 p.m. daily. Flights from Washington via Baltimore to Bridgeport will leave at 7:50 a.m., 1 p.m., and 5:30 p.m. This direct service will be fast and timesaving for many residents of Fairfield County and I hope the people of my district will use and encourage this new air link between Bridgeport and Washington and Bridgeport and New England points to the north. Inauguration of this improved service will be important to me personally in commuting between Washington and my district. Last year many of my trips were made by car whereas as of April 12 I am going to be able to fly quickly right from Washington to Bridgeport.

AND SPEAKING OF PROGRESS

I was delighted over action of the Urban Renewal Administration in earmarking more than $9 million in Federal funds for Bridgeport's redevelopment program. Another welcome announcement from Urban Renewal concerned the Southeast Quadrant redevelopment project in Stamford. The agency approved an advance of $130,490 for planning purposes for the project, which eventually will involve an estimated total Federal grant exceeding $6 million. Additionally, $750,000 is included in the 1961 public works appropriation for development of Bridgeport Harbor for navigational purposes, representing an allocation of Federal funds toward a project that will cost some $3.5 million to complete. Pending, too, is the Stamford hurricane protecting project, now under consideration by the Senate Public Works Committee, with hearings expected shortly.

AVAILABLE FOR THE ASKING

By dropping me a postal card at my Washington office, 1319 House Office Building, you can obtain while the supply lasts:

"The Family Fallout Shelter," a booklet outlining how to go about building your own fallout shelter. I have proposed legislation, incidentally, that would allow income-tax deductions for the cost of civil-defense-approved fallout shelters.

"The Capitol," a pictorial story of the Capitol in general and the House of Representatives in particular.

THE WATER POLLUTION PROBLEM

In the next decade, one of the really critical problems that will confront our Nation will be that of water pollution.

This is a problem that will stem directly from our exploding population with its accompanying swift industrial expansion.

Numerous communities, especially smaller ones, have already been aided through the Federal antipollution program which provides funds to help finance sewage-treatment plants.

Westport, for example, got such a grant in the amount of $250,000. Bethel just recently received one of more than $60,000.

The importance of helping smaller communities, in particular, to solve their increasing water pollution problems makes it all the more unfortunate that legislation passed by the 86th Congress to increase the amount of funds available was vetoed by the President.

I supported this legislation and will support similar proposals when they are brought up.

SENATE

THURSDAY, APRIL 7, 1960

(Legislative day of Tuesday, April 5, 1960)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Senator HOWARD W. CANNON, of Nevada.

Rev. L. B. Reavis, of the Southwestern Baptist Theological Seminary, Fort Worth, Tex., offered the following prayer:

Our Heavenly Father, we thank Thee for these good Senators chosen by the people of this, our fair land, and, we must believe, by Thyself, to lead this, our great Nation, in this crucial hour.

We know that we, ourselves, are not sufficient for these days and for problems greater than the measure of our best wisdom, but we know One who is sufficient.

We believe that these, Thy chosen, want only that which is best for all humanity. We pray that a special portion of Thy wisdom and grace shall be theirs now and always. We ask this in Thy name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The Chief Clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 7, 1960.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HOWARD W. CANNON, a Senator from the State of Nevada, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. CANNON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 6, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on April 5, 1960, the President had approved and signed the act (S. 2482) to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I understand that under the order previously entered, an hour is allotted this morning for further debate on the motion of the Senator from Louisiana [Mr. ELLENDER].

The ACTING PRESIDENT pro tempore. That is correct.

Mr. JOHNSON of Texas. I should like to announce that at the conclusion of the action of the Senate on that motion, I expect to ask unanimous con-

sent that there be the usual morning hour, with statements limited to 3 minutes.

CIVIL RIGHTS ACT OF 1960

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that after the vote on the motion to table the Ellender motion, there be the usual morning hour, with a limitation of 3 minutes on statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. STENNIS. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 15 minutes.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. STENNIS. I will say to the Senator from Wisconsin, I am not declining to yield, but under the agreement reached last evening, it was understood there would be a morning hour after the vote, which understanding has been agreed to this morning.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized for 15 minutes.

Mr. STENNIS. May we have order, Mr. President?

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. STENNIS. Mr. President, last evening when the Senate recessed I was addressing myself to the motion of the Senator from Louisiana to strike title VI. I was discussing various features of title VI particularly as they pertain to the action of the Federal district court acting, in addition to its judicial duties, under the provisions of the proposed law as a supervisory court or a supervisory agency over the registration of voters and the holding of elections.

I have limited time this morning. I shall very briefly summarize some of the points I made last night, and add some further points I think are covered in the provision.

Mr. President, putting it briefly, if this bill is passed and becomes a law I do not believe that the self-respecting Federal district courts and the courts above them will admit that Congress can strike down the status and the station of the judicial system by imposing upon it duties in a rambling supervisory elections bill of this type—imposing the additional duties set out on a court which derives its sole power and its sole station from the direct provisions of the Constitution of the United States.

Article III, section 1, of the Constitution provides:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Skipping sentences which are not pertinent, section 2 reads, in part:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.

It relates to other cases not pertinent here, but a summary of that entire section is that the duties and powers extend to cases and controversies. That phrase has a well-defined meaning in law. It means actual litigation or a contest between people or between States, and the duties and powers cannot be extended into a supervisory role, as the bill undertakes to do.

The judicial power of the Government is vested in the courts, based upon cases and controversies. That was the conception at the time the Constitution was written. It has been the conception from that time until now; and any other category in which we try to place the courts is without authority on the part of Congress and is, therefore, illegal, void, and unconstitutional. I believe it will be so declared.

We are undertaking here, not to authorize the courts to go into this new field, but to compel them to enter the new field, because after the Attorney General has filed a case under the Civil Rights Act of 1957, and that case has been heard, considered, and decided—and that is the adjudication of the case or the controversy—at the bottom of page 15, line 23, we are undertaking to write in this language:

> The court shall, upon request of the Attorney General, and after each party has been given notice and the opportunity to be heard, make a finding whether such deprivation was or is pursuant to a pattern or practice.

That is not necessary for a decision of the pending case or controversy. It is an extraneous matter. It is an additional matter. The constitutional authority of that court has already been exhausted, except for carrying out its decree in the original case. We do not even say that the court may make a finding, but we say that the court shall make a finding.

I submit to anyone who has an elemental knowledge of the basic principles of constitutional law that that is beyond the power of the court, and it is beyond the authority of the Congress to try to authorize the court so to act, much less compel it to so act.

I move along hastily. We set up this plan or practice, and the next step is that referees must be appointed—referees of election and referees to register voters. We say, in very solemn and high-sounding phrases, that the referee shall receive applications and take evidence, and report to the court findings. That certainly implies conclusions based upon the evidence. It is a very elevated position that we are giving the referees and the court; but when we get down to the fine language in line 20 on page 17, we find, notwithstanding the high-sounding language and the powers so generously given, that the powers of the court are really taken away, and it becomes a body of no greater rank than a sanitary district or commission, or a drainage district.

We talk about taking evidence. No; "the applicant shall be heard ex parte." Does that sound like a judicial undertaking or proceeding? We talk about weighing evidence, and about both sides being heard. Of course not. The procedure is ex parte, one-sided.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I have only a limited time to summarize the points, but I yield briefly.

Mr. TALMADGE. If the Senator would prefer, I will withhold my question, but he is dealing with a point which is very interesting.

I read the following language on page 16:

> Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election.

I ask the distinguished and able Senator from Mississippi whether that language does not authorize the judge to make a ruling contrary to the State law, and declares such ruling to be legal.

Mr. STENNIS. That is certainly true. The provision runs roughshod over State laws. That is one more illustration of the whole tenor of the bill.

Mr. TALMADGE. He is empowered to strike down any State law at will, and declare his order to be the law.

Mr. STENNIS. That is correct. That is another illustration of the fact that this entire structure is not only not improvised along judicial lines, but is designed to carry out the "railroading" purpose.

After all the talk about taxing evidence and making a report of the findings, we find that the referee, representing the court, is placed in a straitjacket. He must receive these applications ex parte. There is no hearing on both sides. The proceeding does not have the aroma of a judicial function. It has the foul smell of a star-chamber proceeding. But my point is that it is invalid under the Constitution, because it is not a judicial proceeding. There is no testimony on both sides. Could there be a finding on the facts, or a conclusion after weighing the evidence?

That is not all. The language on page 19, line 5, is of the same tenor:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

That is a farce. We talk about giving the adverse party notice, and bringing him into court. The adverse party may be the attorney general of the State. Yet we say that, as a matter of law, regardless of what the evidence is, the applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers in the report of the voting referee, which report has already been filed and is in court before the adverse party, the county registrar or the State attorney general is summoned to court. We might as well write on the face of the summons, "You are commanded to appear, but we are not going to hear what you have to say. We have already made up our minds."

Is that a judicial proceeding? As I said last night, the court, to use a Biblical term, will "spew" this act out of its mouth if it is to protect its own dignity, its own decency, and its own status as a constitutional body vested with judicial power, and with judicial power alone.

So let us not deceive ourselves. Under the guise of creating rules of evidence we are creating conclusive presumptions, and calling the whole procedure a judicial process. We are creating conclusive presumptions, based upon the flimsiest and most uncertain kind of proof.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JOHNSTON of South Carolina. At the close of the last sentence on page 17, speaking of the applicant, we find this language:

> His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote.

In other words, in our State we have certain laws, as does also the Senator in his State on this subject. Yet under the bill what is proposed would be better evidence than the recorded documents in the State with respect to matters of that kind.

Mr. STENNIS. The Senator is correct. That is another illustration of what I have been saying. It would be prima facie evidence. Further along in the bill there are the arbitrary presumptions, that the court shall hear this matter within 10 days, that the court shall make a finding as to whether or not there is a pattern, and that the court shall let this person vote if the application is filed within 20 days.

The proposed act has no regard and no respect for the judicial system. In addition to giving the powers enumerated, and making the assignments, it is nonjudicial from topside to bottom.

I now refer to the bottom of page 19, and there point to another illustration of what I am arguing. I read:

> In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order.

However, in the preceding sentence, we read:

> In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally.

I shall not go into the provisional feature of it. However, there is a lack of discretion.

There is one other point I should like to make.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. STENNIS. I yield myself an additional 5 minutes. I refer to page 19, line 8, and read:

> The court, or at its discretion the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

That refers to a certificate which comes out of a court. It is not based upon a case that has been heard. It comes through the referee channel. It has not traveled the route a case travels in following the steps of due process of law. It finally winds up with a certificate in the hands of the applicant. The point I raise is this: What status is this certificate to have at the election? Suppose an election manager refuses to abide by it, thinking honestly that it is his duty not to let that person vote.

Certainly it cannot be assumed that he would do that arbitrarily. Let us assume that he honestly thinks that in fairness to other persons whose names are on the registration or poll books this person should not be permitted to vote. Suppose the manager does not let that person vote. Is he going to be held in contempt of court?

This is not a judgment of the court. This is not a decree. It has never gone through the channels of elemental due process of law. How can this piece of paper rise to the dignity of being a decree when the situation is as I have stated it? True, it has gone through the courthouse, but it did not go through judicial channels.

Yet, if a person does not obey the certificate and let the person vote, what is to be his status? Can the court punish him for contempt of court? What is the citizen going to do? How can he know where he stands? He has never been in court himself on this matter.

That is another illustration of the nonjudicial nature of the entire proceeding from the first step.

The provision in the bill that the court shall make a finding as to whether there is a pattern or practice in existence is entirely void and unconstitutional and falls by its own weight, and with it falls the rest of this whole structure, because successive steps follow after the finding of the plan or pattern or practice.

For that reason title VI should be stricken from the bill. I hope that this point, as well as other points, will be seriously considered by the membership of the Senate as it becomes clearer and clearer with each passing day that this method and system is without law and without authority, and that the remedy needed could be supplied and must come from other channels.

It would be a very simple matter, incidentally, if Congress really wished to go into this matter, to write a simple criminal statute providing a special penalty for any election official who ruled against any applicant voter on the ground of race or color. Such a law would be grounded on the Constitution. It would have judicial standing in court because it would be proper for it to be referred to the judiciary for enforcement. Instead of that, we have a great panorama which reads like an insurance policy or a law creating a drainage district. It is without rhyme or reason and without judicial sanction and authority.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. STENNIS. It is pitted with political considerations and political plans. I hope the motion of the Senator from Louisiana will prevail.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I wish to compliment the distinguished Senator from Mississippi for clearly pointing out the many pitfalls of title VI.

During the last few days I have made every effort to document and to emphasize the unconstitutionality of title VI. I have pointed out that the election laws of every State of the Union are based upon the premise, and the Constitution's assurance that the States, and only the States, have authority to fix election qualifications.

As I have pointed out, our Federal Constitution would never have been adopted except for the fact that the right to fix qualifications of electors was left exclusively in the hands of the States.

Here we have a classic example of an effort being made by Congress to put and extend the long arm of the Federal Government into the 50 States of the Union, and to authorize the Federal Government to fix the qualifications of the electors.

Mr. President, during my previous discussions of title VI of this bill, I have tried to emphasize the actual discrimination it would accomplish under the guise of assuring equality of suffrage. More specifically, Louisiana law requires that the registrar's books be closed 30 days prior to an election, yet this bill declares that a member of the race found to be affected by the pattern or practice determined previously by a Federal judge has the absolute right to be registered to vote

provisionally should he apply to the voting referee at any time 20 days prior to an election. It is easy to see, Mr. President, that this provision gives a 10-day advantage to colored applicants, an advantage which prospective white registrants do not have.

Furthermore, under the provisional voting section, ballots of those permitted to vote provisionally are to be impounded. In my State, as in quite a few others, elections are required to be conducted with voting machines. The paper ballot is unlawful. How would the vote of an elector permitted to vote provisionally be impounded in a State where voting machines are mandatory? The only possible method is to require the voter to declare under oath, in writing, and probably in the presence of specified individuals, the names of those for whom he has voted. This procedure would, of course, completely destroy the right to a secret ballot, which is specifically guaranteed under most State laws and which certainly is a very basic and precious right in a free country.

These are just two of the major defects in this title and, as I have endeavored to point out during previous debate on this matter, these two considerations, coupled with the many other fatal flaws, offer ample proof of why title VI should be removed from the bill. Its proponents talk about intimidation. They say they want to permit all citizens to vote and vote without fear of intimidation. Yet, under this provisional voting section alone, an invitation is extended to intimidation by destroying the secrecy of the ballot, by requiring voters to declare in writing for whom they vote. This seems to me to offer assurance of intimidation instead of protection against it.

Mr. President, in all seriousness, I urge Senators to view the impositions levied under title VI against the background of their own States' electoral procedures and to do so in an objective and fair manner. If this is done, then I feel confident my motion will carry. On the other hand, unless Senators do join me in voting down this infamous provision, if they persist in taking the purely political approach, the easy approach, I can assure them they are opening the door to election fraud, election mismanagement and to the destruction of the position assured to the States by the Founding Fathers when the Constitution was drafted.

Mr. TALMADGE. Mr. President, will the distinguished Senator from Illinois yield 5 minutes to me?

Mr. DIRKSEN. Mr. President, I yield 4 minutes to the Senator from Georgia, for I should like to keep 1 minute for myself.

Mr. TALMADGE. I thank the minority leader.

Mr. President, the 15th amendment does not confer upon Congress the right to enact legislation of the type contained in the bill. Appropriate legislation under the 15th amendment is confined to the presentation of denials or abridgements.

Congress cannot, by converting Federal judges into registration officials, or otherwise, compel the States to recognize Negroes as voters. Registration is an individual right. Each case is considered on its own merits and demerits, and whether a person is entitled to be registered or not is determined solely by weighing his qualifications and disqualifications, if any, by the standards outlined in the Constitution and statutes of the State of his residence.

That was decided by *Mitchell* v. *Wright* (62 F. Supp., p. 582).

The fact that a Negro may have had the right to vote denied or abridged by a State does not, ipso facto, entitle him to vote. The 15th amendment empowers Congress to protect the Negro's right to vote against denial or abridgment by the State.

The 15th amendment does not empower Congress to enact legislation qualifying or authorizing that Negro to vote.

In *United States* v. *Reese* (92 U.S. 214, 217), the court said:

> The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States from giving preference in that particular to one citizen of the United States over another on account of race, color, or previous condition of servitude. * * * It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protective power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by appropriate legislation.

This language was cited approvingly by the court in the case of *James* v. *Bowman* (190 U.S. 138).

The 15th amendment is nothing more or less than an injunctive order contained in the supreme law of the land, enjoining States from denying or prejudicing the right of a citizen of the United States to vote on account of race, color, or previous condition of servitude. It is to be construed as if there had been a suit for injunction brought by someone authorized to bring it against all the States of the Union, had that been possible, and injunction granted in words as follows: "The defendant States are enjoined from denying or abridging the right of citizens of the United States to vote on account of their race, color, or previous condition of servitude."

To convert that implied injunctive order into a mandamus order compelling the registration of voters by congressional action is beyond the delegated constitutional power.

I thank the distinguished minority leader for yielding time to me. I yield the floor.

Mr. ROBERTSON. Mr. President, will the Senator from Illinois yield 1 minute to me?

Mr. DIRKSEN. I yield 1 minute to the Senator from Virginia.

Mr. ROBERTSON. Mr. President, on February 28 the junior Senator from Virginia opened the debate on the Dirksen amendment, speaking against title VII which provided for voting referees. I spoke for 4½ hours, pointing out the defects and unconstitutionality of the provisions in title VII.

Title VI of the House bill is substantially the same as title VII of the Dirksen amendment, with this exception: With the adoption of the O'Hara amendment, offered from the floor, relating to the unconstitutional and unworkable provisional voting plan, title VI, or section 6, of the pending bill is far worse than title VII of the Dirksen amendment, which I discussed for 4 hours and a half on February 28. If no one would heed me after 4 hours and a half of speaking, I feel that 1 minute is adequate time for me now to renew my objection.

Mr. JOHNSON of Texas. Mr. President, does any other Senator desire time to speak in support of the motion?

The ACTING PRESIDENT pro tempore. Will the Senator from Texas restate his question?

Mr. JOHNSON of Texas. I was asking if any other Senator desires to speak before 11 o'clock in support of the motion of the Senator from Louisiana to strike section 6. If not, I should like to suggest the absence of a quorum.

Mr. President, I ask unanimous consent that not to exceed 2 minutes may be allowed the minority leader, in addition to the time necessary for a quorum call.

The ACTING PRESIDENT pro tempore. At the conclusion of the quorum call?

Mr. JOHNSON of Texas. Yes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 160]

Aiken	Frear	Martin
Allott	Fulbright	Monroney
Anderson	Gore	Morse
Bartlett	Green	Morton
Beall	Gruening	Moss
Bennett	Hart	Mundt
Bible	Hartke	Murray
Bridges	Hayden	Muskie
Brunsdale	Hennings	Pastore
Bush	Hickenlooper	Prouty
Butler	Hill	Proxmire
Byrd, Va.	Holland	Randolph
Byrd, W. Va	Hruska	Robertson
Cannon	Humphrey	Russell
Capehart	Jackson	Saltonstall
Carroll	Javits	Schoeppel
Case, N.J.	Johnson, Tex.	Scott
Case, S. Dak.	Johnston, S.C.	Smathers
Chavez	Jordan	Smith
Church	Keating	Sparkman
Clark	Kefauver	Stennis
Cooper	Kerr	Talmadge
Cotton	Kuchel	Thurmond
Curtis	Lausche	Wiley
Dirksen	Long, Hawaii	Williams, Del.
Douglas	Long, La.	Williams, N.J.
Eastland	Lusk	Yarborough
Ellender	McCarthy	Young, N. Dak.
Engle	McClellan	Young, Ohio
Ervin	McGee	
Fong	McNamara	

Mr. JOHNSON of Texas. I announce that the Senator from Washington [Mr. MAGNUSON] and the Senator from Montana [Mr. MANSFIELD] are absent on official business.

The Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Idaho [Mr. DWORSHAK] is

absent on official business attending a meeting at the Air Force Academy.

The Senator from Kansas [Mr. CARLSON] and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. DIRKSEN. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized for 2 minutes, pursuant to the unanimous-consent agreement.

Mr. DIRKSEN. Mr. President, the motion pending before the Senate is to strike out title VI of the pending bill. Title VI is the so-called referee provision. It is, in fact, the very heart of the bill. If it were stricken, the bill would be reduced in its effect to the point where, in many respects, it would be meaningless.

This provision is what we have been laboring for, for a long time, and I earnestly hope the Senate will not give itself, at this stage of the proceedings, to striking out the most important provision of this measure.

Therefore, Mr. President, I move that the pending motion be tabled, and on that question I ask for the yeas and nays.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Illinois [Mr. DIRKSEN] to lay on the table the motion of the Senator from Louisiana [Mr. ELLENDER] to strike out title VI. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Washington [Mr. MAGNUSON] and the Senator from Montana [Mr. MANSFIELD] are absent on official business.

The Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. MANSFIELD], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Idaho [Mr. DWORSHAK] is absent on official business attending a meeting at the Air Force Academy.

The Senator from Kansas [Mr. CARLSON] and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The result was announced—yeas 73, nays 18, as follows:

[No. 161]

YEAS—73

Aiken	Brunsdale	Case, S. Dak.
Allott	Bush	Chavez
Anderson	Butler	Church
Bartlett	Byrd, W. Va.	Clark
Beall	Cannon	Cooper
Bennett	Capehart	Cotton
Bible	Carroll	Curtis
Bridges	Case, N.J.	Dirksen
Douglas	Keating	Muskie
Engle	Kefauver	Pastore
Fong	Kerr	Prouty
Frear	Kuchel	Proxmire
Gore	Lausche	Randolph
Green	Long, Hawaii	Saltonstall
Gruening	Lusk	Schoeppel
Hart	McCarthy	Scott
Hartke	McGee	Smith
Hayden	McNamara	Wiley
Hennings	Martin	Williams, Del.
Hickenlooper	Monroney	Williams, N.J.
Hruska	Morse	Yarborough
Humphrey	Morton	Young, N. Dak.
Jackson	Moss	Young, Ohio
Javits	Mundt	
Johnson, Tex.	Murray	

NAYS—18

Byrd, Va.	Holland	Russell
Eastland	Johnston, S.C.	Smathers
Ellender	Jordan	Sparkman
Ervin	Long, La.	Stennis
Fulbright	McClellan	Talmadge
Hill	Robertson	Thurmond

NOT VOTING

Carlson	Goldwater	Mansfield
Dodd	Kennedy	O'Mahoney
Dworshak	Magnuson	Symington

So Mr. DIRKSEN's motion to table Mr. ELLENDER's motion to strike title VI was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JOHNSON of Texas. Under the unanimous consent agreement previously entered into, I think it is now in order to proceed with the morning hour, is it not?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. JOHNSON of Texas. And statements in connection therewith will be limited to 3 minutes?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. JOHNSON of Texas. I should like to state, for the information of Senators, that it is planned to have the Senate remain in session as late this evening as a majority of the Senate will remain here, in an attempt to get action upon the pending bill, which has been before this body 8 weeks.

I know of no bill that has ever been considered by the Senate that has involved more roll calls and more determinations of majority sentiment than has the pending bill.

While there is still some language in the bill which is not understood, and is subject to different interpretations—and we are attempting to arrive at an interpretation that is agreeable to all Senators—I hope Senators will adjust their schedules so that they can be present for any rollcalls this afternoon or evening.

In the event we are unable to conclude action on the bill today, it is planned to have the Senate convene early tomorrow morning, and remain in session late tomorrow evening.

If there are still Senators who desire to speak on the bill, we shall be tolerant and understanding, and try to give every Senator his day in court. If necessary there will be a session on Saturday, in order to accomplish that purpose.

However, I hope the Senate may conclude action on the bill today. I believe it has been apparent, since March 24, that a majority of the Senate desires to take the parts of the original Dirksen proposal that have already been agreed to and add an effective voting rights provision and pass a civil rights bill, the heart of which will be to protect every person's voting rights.

I believe that if we ever have an opportunity to call the roll on that kind of bill, we can pass it and proceed to consider other urgent legislation which must be acted upon between now and the time we anticipate adjournment, in July.

So I appeal to all my colleagues on both sides to indulge us if we ask them to remain here late today, in an attempt to arrive at a meeting of the minds on the various interpretations and let a majority resolve the questions and finally pass a bill. I hope that can be done within the next few days, though I certainly do not wish to pose as a prophet and make any predictions.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield for a question.

Mr. JAVITS. I noted the words used by the Senator, to the effect that if we ever have an opportunity to call the roll and vote, such a bill can be passed. Do I correctly understand—and I know I do—that the majority leader and the minority leader are fully determined that we shall have an opportunity to vote?

Mr. JOHNSON of Texas. I certainly am, and have been since February 15. If I have not demonstrated that to the satisfaction of everyone, I apologize.

Mr. JAVITS. I will say to the Senator, if he will yield further, that I think he has; and that is why I took pains to make clear that there were no other implications in his words.

I thank the distinguished majority leader.

PETITIONS AND MEMORIALS

Petitions, etc., were presented, and referred as indicated:

By Mr. JAVITS:

A joint resolution of the Legislature of the State of New York; to the Joint Committee on Atomic Energy:

"JOINT RESOLUTION 139

"Joint resolution of the senate and assembly memorializing the Congress and the President of the United States to initiate a program for radioactive fallout protection for all citizens of the United States

"Whereas the people of the State of New York feel deep concern for the international situation and its effect upon the safety and future of each citizen; and

"Whereas they know the freedom of the people of this State and Nation to be fatefully bound to the fate of free peoples throughout the world; and

"Whereas they realize that the future of freedom everywhere depends on the willingness of the American people to defend the right of peoples to determine their own fate; and

"Whereas all free peoples today confront, in the form of the steadily growing force

and resources of Soviet Communism, a threat without parallel in their history; and

"Whereas the simultaneous evolution of science and weaponry makes this threat a menace of such proportions as has been confronted by no other generation; and

"Whereas the success of diplomatic negotiations with the Soviet Union, involving both the safeguarding of the freedom of Berlin and progress toward disarmament, depends critically upon our national strength and our national resolve; and

"Whereas all levels of concern—moral, political, and military—dictate the need for Government to assure adequate defenses for our population, not only to sustain possible hostile attack but also to deter and to discourage the attempt of such attack; and

"Whereas both the lives and the liberties of all Americans are thus at stake in the military and political decisions of this time; and

"Whereas the President of the United States has declared that "our total defense is incomplete and meaningless without reliable and responsible home defenses" and the Joint Chiefs of Staff have stated that a fallout shelter program is "essential" both to our military defense and to our policy of seeking peace through deterrence of nuclear attack; and

"Whereas the Secretary of State has made it emphatically clear that there is a direct relationship between a fallout shelter program and the effective conduct of foreign policy; and

"Whereas the Director of the Central Intelligence Agency has indicated that fallout protection for our people is essential to withstand nuclear blackmail; and

"Whereas the health, the safety, and the survival of the individual citizen is a matter of paramount State and National concern; and

"Whereas the fallout protection essential to the survival of tens of millions of Americans, in the event of a nuclear attack upon our country, is readily obtainable; and

"Whereas it is a matter of utmost gravity and urgency that protective steps be taken by and for the people of every State in our Union and to make these steps effective that further supporting action be taken by the Federal Government: Now, therefore, be it

"Resolved (if the assembly concur), That the Congress and the President of the United States be and hereby are respectfully memorialized to—

"1. Declare it to be the policy of the United States that every American citizen have effective fallout protection as promptly as possible;

"2. Provide affirmative additional support to State, local, and individual initiative in obtaining essential fallout protection by, among other things,

"(a) authorizing a Federal income tax deduction for the cost of fallout shelters (up to a maximum of $100 per planned shelter occupant);

"(b) making the provision of fallout protection mandatory in all construction built with Federal funds or financed with Federal loans or guarantees; and

"(c) providing fallout protection for the executive, legislative, and judicial branches of the Federal Government and for the Armed Forces of the United States to assure the continuity of their functioning in the event of nuclear war; and

"3. Direct the promulgation of a comprehensive nationwide program of nuclear protection, warning, and training; and

"4. Accelerate the establishment with Federal funds of the nationwide, fully automatic system of monitoring for radioactive fallout, using modern computer techniques, supplemented with an improved attack-proof system of radio communication with shelter occupants; and

"5. Direct that an immediate and intensive program of research be undertaken looking to action which will make possible national recovery following a nuclear attack, including vigorous new steps for decontamination, for the prepositioning, preservation and distribution of food supplies, for the purification of water, for the prepositioning, rationing, and distribution of fuel, clothing, medicines, building materials and other supplies, and for most effective employment of the surviving population for the national recovery; and be it further

"Resolved (if the assembly concur), That copies of this resolution be transmitted to the President of the United States, to the Secretary of the U.S. Senate, to the Clerk of the House of Representatives of the United States, and to each Member of Congress duly elected from the State of New York and that the latter be urged to assert their best efforts to the task of accomplishing the purposes of this resolution.

"By order of the Senate,

"JOHN J. SANDLER,
"Secretary."

RESOLUTIONS OF FARMERS UNION OF CHIPPEWA FALLS, WIS.

Mr. WILEY. Mr. President, I also received from William A. McIlquhan, corresponding secretary of the Farmers Union of Chippewa Falls, Wis., two resolutions, which I also ask unanimous consent to have printed in the RECORD and appropriately referred.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Whereas the department of Agriculture has notified schools that the Federal reimbursement rate of 3½ cents per half pint of milk would be reduced by half a cent on March 1: Therefore be it

Resolved, That the delegates attending the quarterly convention of the Chippewa County Farmers Union held at Stanley, Wis., on March 19, 1960, go on record against the cutback in Federal school milk program; and be it further

Resolved, That we support bills introduced in Congress to provide additional funds for the program.

Whereas the present farm program, as administered by Secretary of Agriculture, Ezra Taft Benson, has failed to cope with the problem of agricultural surpluses: and

Whereas the overproduction and accumulation of farm commodities have depressed agricultural prices and income so that farmers are not sharing equitably in the fruits of an expanding economy: Therefore be it

Resolved, That the delegates attending the quarterly convention of the Chippewa County Farmers Union held at Stanley, Wis., on March 19, 1960, go on record favoring the support of the passage of the Family Farm Income Act of 1960—bill numbered H.R. 10361.

TAXATION OF COOPERATIVES—LETTER AND RESOLUTIONS

Mr. WILEY. Mr. President, one of the most precious rights of the American people is the right of petition. I received today a letter from the Madison Milk Producers Cooperative Association, of Madison, Wis., enclosing several resolutions.

I ask unanimous consent that the letter and resolutions be printed in the RECORD, and that the resolutions be appropriately referred.

There being no objection, the letter and resolutions were received, appropriately referred, and ordered to be printed in the RECORD, as follows:

MADISON MILK PRODUCERS
COOPERATIVE ASSOCIATION,
Madison, Wis., March 29, 1960.

The HONORABLE ALEXANDER M. WILEY,
The U.S. Senate,
Washington, D.C.

DEAR SIR: Enclosed is a copy of Resolution 9 with regard to taxation of cooperatives, which was passed unanimously at our annual meeting of Madison milk producers held March 19, 1960.

In these days when attacks against cooperatives become increasingly severe it is ever more apparent that certain elements are out to eliminate the competition and stabilizing effects of cooperatives.

We realize, of course, that you are well aware of the reasoning behind the organization of cooperatives. However, it is very obvious that many members of our legislative bodies do not have this understanding and are aiding in the undermining of cooperatives.

On behalf of all Madison milk producers and on behalf of cooperative programs throughout the United States we respectfully request that you do everything possible to preserve the status of cooperatives and to make known to the public the objectives of cooperation.

We are also enclosing a copy of Resolution 10 with regard to public announcements which was also passed unanimously at our annual meeting. Madison milk producers are very concerned that indiscriminate announcements of this type could also be very injurious to the dairy industry.

Very truly yours,
HARVEY E. THEW, *Manager.*

To the Committee on Finance:

"RESOLUTION 9, TAXATION OF COOPERATIVES

"Congress has for many years maintained a public policy of encouraging farmers to improve their own position by organizing and operating agricultural cooperatives.

"As long as farmers' cooperatives are successful in limiting the profits and margins that can be taken at the expense of the farmer, efforts will be made to hamper or destroy the cooperatives. These efforts have taken many forms including proposals for increased tax burdens, attacks on the banks for cooperatives, and propaganda campaigns which tend to undermine public confidence in cooperatives.

"Savings made by farmers through the operation of their own cooperative are subject to a single tax. Thus business enterprises operated by farmers' cooperatives are taxed on the same general basis as similar business enterprises operated by individuals or partnerships.

"A single tax should be currently paid by farmers on the benefits they receive through the operation of their cooperatives; and be it

"Resolved, That the Madison Milk Producers Cooperative Association support legislation and regulations to maintain this objective."

To the Committee on Agriculture and Forestry:

"RESOLUTION 10, PUBLIC ANNOUNCEMENTS

"We extend our concern and sympathy to the innocent cranberry growers, many of whom must face financial ruin as a result of the recent nationwide alarming announcement made by a responsible Government agency. This announcement was made without adequate regard for the rights and property of these growers whose product was not contaminated and before testing had been completed.

"We fully appreciate the need for Government agencies and public officials charged with responsibility in such matters to warn

the public. To the extent necessary they should be forthright in such announcements. The greatest possible care should be used, however, to confine adverse publicity to the products and areas affected. Announcements which can be made in general terms should not be stated in terms of a particular food with resulting unnecessary and unwarranted injury to that industry.

"Whereas this same situation could develop in the dairy industry by indiscriminate announcements with regard to antibiotics, pesticides, and inhibitors: Therefore be it

"*Resolved*, That whenever possible the Madison Milk Producers Association impress upon Government officials and others the extreme importance of not making public announcements in such matters until all of the facts are fully known and then only when other remedies would be inadequate to meet the problem. In any case such announcements should first be cleared with the U.S. Department of Agriculture."

LOYALTY OATH AND DISCLAIMER AFFIDAVIT—RESOLUTIONS AND STATEMENT

Mr. HUMPHREY. Mr. President, I continue to receive messages, statements, and resolutions of faculty and student groups in opposition to the loyalty oath and disclaimer affidavit sections of the National Defense Education Act.

Mr. President, I ask unanimous consent that a resolution of the Winona, Minn., chapter of the American Association of University Professors, March 17, 1960; a resolution of the University of Minnesota senate, adopted March 10, 1960, and a statement by David K. Berninghausen, of Minneapolis, Minn., on the AAUP and the National Defense Education Act be printed in the RECORD.

There being no objection, the resolutions and statement were ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE WINONA CHAPTER OF AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

Resolved, That the Winona Chapter of American Association of University Professors express its opposition to the loyalty oath and the disclaimer affidavit sections of the National Defense Education Act of 1958 and that we request the Minnesota Representatives in Congress and Senators HUMPHREY and MCCARTHY to vote for removal of these sections of the act, and in particular to vote in favor of the bill introduced by Senator KENNEDY to eliminate the disclaimer affidavit.

RESOLUTION OF THE UNIVERSITY OF MINNESOTA SENATE

Whereas loyalty oaths on principle are unsound and in practice serve no useful purpose, we, the senate of the University of Minnesota, urge that the loyalty oath and disclaimer provision of the National Defense Education Act of 1958 be removed. As an immediate first step toward achievement of this goal we hold that the bill in the U.S. Senate providing for repeal of the disclaimer affidavit (S. 2929) should be enacted.

THE AAUP AND THE NATIONAL DEFENSE EDUCATION ACT

(By David K. Berninghausen)

In spite of protests by the colleges and by Arthur Flemming, Secretary of Health, Education, and Welfare, the loyalty oath and disclaimer affidavit are still part of the requirements for benefits to students and teachers under the National Defense Education Act.

On November 1, 1958, the national office of the AAUP drafted a letter to be sent to all Members of the National Legislature, expressing the shock and alarm felt by the association to find "that students and teachers, when they are to receive funds, are placed in a special category and must enter a humiliating disclaimer. The act seems to say to members of the educational community 'You are an important part of American life and you have an admitted real need, but let there be no mistake about the fact that you are a particularly suspect part of the population and will have to pass a special test that other citizens need not take.' This is a prejudgment of the teachers and students of America which we cannot believe the Congress intended to make."

It should be noted that farmers, veterans, and other recipients of Federal benefits are not made objects of suspicion in this fashion. The only potential recipients of Federal benefits now required to sign such a disclaimer affidavit are students and teachers in colleges and universities.

The AAUP statement described three specific objections to the disclaimed affidavit: Vagueness, unconstitutionality of the substance of the disclaimer, and the invidiousness of the requirements. Under the third heading the letter said:

"A disclaimer requirement or 'test oath' by its nature cannot fail to be invidious. If an individual refuses to sign, he raises a suspicion that he is unworthy of public trust or benefit. If he signs, he endorses the pertinency of the general suspicion about him and his kind which is embodied in the requirement. Social safeguards should be directed to specific dangers; they should not, as in this instance, take the form of inescapable and unwarranted derogatory implications directed toward a whole class of persons and all its members."

The AAUP position, which appeared in the 1958 winter issue of the AAUP Bulletin, also emphasizes the point that teachers as well as students are affected by the NDEA. It is indicated clearly that the affidavit requirement appears certain to affect seven categories of staff (including foreign-language teachers, counselors, and others), and four categories of students. It is pertinent, too, that almost one-third of the $44.3 million provided for 1959 went to support projects other than student loans. The argument against firm action by local chapters on the grounds that the act affects only students is invalid.

The NDEA provided $44.3 million for 1959. It will provide $295 million from 1959 to 1962. The future of the program will depend upon how wholeheartedly the colleges and universities support it. During its first year almost no colleges refused funds, but by November 1959 several institutions took a second, more critical look at the conditions of the act.

Princeton was one of the few which refused to participate in the program from the beginning. Later, Harvard, Yale, Oberlin, Carleton, Bryn Mawr, Swarthmore, Haverford, Wilmington, Reed, Grinnell, St. John's, Goucher, Bennington, Amherst, and Sarah Lawrence announced withdrawal. Antioch College is accepting the funds, but holding them in escrow until Congress repeals both the loyalty oath and disclaimer affidavit requirements. At the University of Oregon the AAUP unanimously recommended to its administration that after present agreements expire no further agreements to administer funds should be made until the disclaimer requirement is removed. The Oregon AAUP accepts the loyalty oath requirement without protest.

The New York Times of February 7, 1960, lists 60 colleges which have protested against the disclaimer affidavit requirement in the act. Seven institutions refused to participate from the beginning. Thirteen more have participated, but have withdrawn. Forty others, including nine State universities, are still participating, but have publicly protested. The faculties of Wisconsin, Ohio State, Oregon, and Oregon State Universities have protested against this objectionable feature of the act. What is the position of the University of Minnesota faculty?

At the University of Wisconsin an ad hoc committee of the faculty has given careful study to this issue. Monthly reports are made to the faculty on progress toward repeal of the disclaimer affidavit. This faculty decided, with reluctance, to continue to participate, but they will review the question in their faculty meeting of November 1960.

No statement has been issued by the AAUP at the University of Minnesota, though the committee on academic freedom unanimously recommended an intensification of this university's efforts for repeal.

The urgency of the present situation arises from the fact that bills have been introduced in Congress to repeal the disclaimer affidavit requirement. According to the New York Times, the Kennedy-Clark-Javits bill (S. 2929) will be debated next month. Secretary Flemming, of Health, Education, and Welfare, is supporting the bill. President Eisenhower rates repeal sufficiently important to include it in his budget message. The repeal bill has been introduced in the House by DANIELS and THOMPSON.

President Nathan Pusey, of Harvard, asserts that the "disclaimer represents an affront to freedom of belief and conscience." He adds that Harvard's participation in the program in 1959 was taken in some quarters to indicate a lack of any serious objection in the university to the oath-affidavit requirement. For this reason, he said, Harvard is withdrawing from the program to make its true feeling clear on this matter.

President Pusey's statement highlights several questions that all American professors have a responsibility for answering:

1. Is this a conflict between two worthy principles: academic freedom versus freedom of choice by individual students? If it is, which principle should be given priority?

If this situation actually forced a choice between these principles, it would clearly be more important to society in general, and to the future students of all colleges and universities, to preserve the full integrity of American scholarship.

However, a college or university cannot properly say that it has no responsibility for the choices it puts before needy students. Here it is not a simple choice between two worthy principles.

Unlike the National Science Foundation Act, which placed the responsibility upon the recipient of benefits, the NDEA requires the involvement of the college or university. Any participating institution becomes party to the discriminatory practice, since it must supply 10 percent of each loan from its own resources and it must administer the oath and disclaimer affidavit. It thus entangles itself in something which the national AAUP calls "vague, probably unconstitutional, and invidious." And to the needy student, who may but probably does not comprehend the significance of the threat of political control over scholarship, it will seem that his college sanctions the oath and disclaimer affidavit.

2. Will the oath and affidavit be repealed if the institutions of higher education continue to participate?

No one can give an absolute answer to this, but it is logical to suppose that the longer the period that this program operates and the larger the sum of money involved, the more difficult it will be for colleges to effectively work for its repeal. Even though the colleges "intensify their efforts for re-

peal," Congress can say: "But you have, in fact, accepted the oath and disclaimer. You are participating in their administration."

Unless a stronger position is taken now, the general public and even the professors will come, in time, to accept these requirements as natural and necessary. If most colleges continue to participate, merely protesting the need for repeal, there is much reason to doubt that their protests will be effective.

3. What will be the probable effects upon scholarship if the oath and affidavit become accepted fixtures in a growing financial aid program?

President A. Whitney Griswold, of Yale, provides a historical perspective for judging the seriousness of the threat to free scholarship in his article in the New York Times magazine of December 20, 1959. He says, "It was in no small measure his (Hitler's) use of the oath that drove many German university professors into exile. They have testified to the dangers of all oaths, however innocuous their beginning, in a way that has undoubtedly made their American colleagues sensitive to those dangers."

Dr. Frederick Lilge also describes what happened in Germany in 1932 in his book, "The Abuse of Learning," Macmillan, 1948. In his epilog Lilge writes:

"The universities, then, had ample and direct warning. There was time to prepare for militant resistance against political violations of academic freedom * * * But the critical moment passed without any action * * * One may grant that a majority of German profesors were at first troubled by these developments, yet the fact remains that they acquiesced in them."

Higher education in the United States in 1960 is certainly not at a comparable stage to that in Germany in 1932, but the danger to free, independent scholarship inherent in the disclaimer affidavit is apparent.

It seems improbable that professors in any country ever deliberately decide to surrender the freedom to conduct their research and teaching with complete independence. Rather, the integrity of scholarship erodes gradually from such beginnings as the oath-affidavit requirements in the NDEA. Undoubtedly, every one of the 40,000 members of the AAUP wishes to preserve the freedom essential to scholarship. There may be, however, differences of opinion as to the best means of securing the repeal of the oath and/or affidavit.

But no professor can afford to ignore this basic issue in American higher erducation. After study and analysis of the issue, the members of the AAUP have an obligation to urge their local chapters to adopt the position they feel appropriate. Each member's choice will depend upon his sensitivity to the threat offered, and upon his prediction of what will happen as a result of his choice among the following positions:

A. I urge my chapter of AAUP to recommend to our administration that they continue to participate in the NDEA program, but that they intensify their efforts to effect repeal of both the loyalty oath and disclaimer affidavit, or of either.

B. I urge my chapter of AAUP to emulate the chapter at the University of Oregon, which unanimously adopted a resolution recommending that the university, after the expiration of present agreements, shall decline to administer funds under the act while the recipients are required to file a disclaimer affidavit.

C. I urge my chapter of AAUP to recommend to the administration the tapering off of our participation in the program, declining, after the expiration of present agreements, to make further administration of funds until both the disclaimer affidavit and the oath are removed.

RESOLUTIONS OF PRINCETON, MINN., COOPERATIVE ASSOCIATION STOCKHOLDERS MEETING

Mr. HUMPHREY. Mr. President, I ask unanimous consent that four resolutions adopted at the annual stockholders meeting of the Princeton, Minn., Cooperative Association be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION 1

Whereas the recommendation of the Secretary of the Treasury, urging enactment of a special and discriminatory income tax on cooperative savings, was formally introduced in the House of Representatives on June 19, 1959; and

Whereas this legislation for the first time singles out cooperatives for imposition of an income tax not levied on other business, unless cooperatives pay an interest rate of at least 4 percent on their securities, and redeem securities issued for a patronage refund within a 3-year period; and

Whereas equity investments in all other business corporations are not restricted as to time of redemption or amount of dividend payments; and

Whereas this proposal singles out cooperatives for such unfavorable treatment of its equity capital investment; and

Whereas our Minnesota Legislature in its 1959 session almost unanimously memorialized Congress to oppose such proposed legislation; and

Whereas even the best managed, most efficient, and prosperous co-op associations in our State and the Nation could not comply with such unreasonable restrictions; and

Whereas hearings have already been scheduled on this question when Congress reconvenes the first of the year: Therefore be it

Resolved, That the Princeton Co-op Association ask Congress to spell out the 1951 compromise which was put into Federal law and regulations under the leadership of the late Senator Taft, so that our courts will have clear instructions regarding cooperative patronage refunds.

RESOLUTION 2

Whereas it is quite evident from present and former experience that high interest costs do not control inflation; and

Whereas the tight-money policy of the present administration puts an extra burden on agriculture by forcing extra cost for interest at a time when it is necessary for agriculture to borrow a larger portion of its capital, and when margins are actually decreasing: Therefore be it

Resolved, That the Princeton Cooperative Association support any legislation or workable plan that will help to relieve the high cost of money; be it further

Resolved, That the Princeton Cooperative Association continue to support the farm credit banks in their constant effort to keep adequate money available to agriculture at the lowest possible cost.

RESOLUTION 3

Whereas the maintenance of adequate central station electrical service in rural areas at rates people can afford to pay is of vital importance to the social and economic success of the Nation as a whole; and

Whereas in view of the high cost of rendering electrical service in sparsely settled rural areas this objective cannot be accomplished without the continued availability of a low-cost source of funds with which to finance needed improvements in electrical facilities: Now, therefore, be it

Resolved, That the Princeton Cooperative Association is opposed to any change in the rate of interest applicable to rural electrification loans.

RESOLUTION 4

Whereas price-support programs have been a great help in retarding falling prices and relieved the economic shock of a rapidly changing industry: Therefore be it

Resolved, That such support should be continued until a new program is developed, or the economic adjustments now in progress throughout the economy bring about an equitable relation of prices, costs, and farm income; and be it further

Resolved, That we commend the efforts of Congressman MARSHALL and Senators HUMPHREY and JOHNSON in helping to develop the new program.

Such a program, when developed, should accomplish the following:

1. Provide a standard of living for farm families reasonably comparable with those for other important domestic population groups.

2. Provide adequate farm income to make it possible for farmers to make necessary capital outlays and keep abreast of technical progress and improved efficiency within the industry.

3. Encourage consumption of dairy and other farm products.

4. Provide equality of income between producers and consumers.

5. Be consistent and logical when compared with the prices established in all areas.

RESOLUTIONS OF EAST CENTRAL ELECTRICAL ASSOCIATION, BRAHAM, MINN.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the resolutions adopted by the membership of the East Central Electrical Association of Braham, Minn., at the annual meeting on March 19, 1960, be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION 2

Whereas considerable propaganda has been circulated by the American independent light and power companies in opposition to the rural electrification program and the public power program in general—in many cases distorting the true meaning of the REA program and only telling half of the story, and in that way causing a misconception of the value and the benefits of the program among the general public; and

Whereas the membership of the association is not in many cases able to obtain actual facts to counteract a lot of this propaganda as it is given to the public by the opposition; and

Whereas if adequate information were available, the members would in many instances be able to counteract this information about the program; and

Whereas it has come to the attention of the members of the association that a newsletter is published by the national association known as the Rural Electric Minuteman which gives a lot of this information: Therefore be it

Resolved, by the members of East Central Electric Association, That we go on record to make the Rural Electric Minuteman available to all those members of the association who would desire to receive a copy.

RESOLUTION 3

Whereas the proposal has been made to increase the present 2 percent interest rate to REA associations; and

Whereas the present REA rate has been attacked because it has been subsidized by reason of the fact that it is lower than the present interest rate paid by the Government on money borrowed; and

Whereas it is an established fact that the Government has made a net margin on the money that has been loaned to the REA associations since the beginning of the program in the amount of $49 million on the basis of interest rate that has been in effect throughout the years on the basis of the amount reloaned to REA associations; and

Whereas the rural communities in America had not been able to obtain electric service for years because power companies said it was not profitable to build lines in the rural areas; and

Whereas the rural electrification program has been of great benefit to the entire national economy because for every dollar spent for line construction from $4 to $5 is spent by the members for electric wiring and appliances; and

Whereas because of the present transition over the past several years of people in the country discontinuing farming and seeking employment in the city, without electric service available in the country there would be a greater exodus of the people from the country to the city which, in turn, would make a lot of the small towns headed for the title of "ghost town"; and

Whereas when Congress set the interest rate at 2 percent, they also made a covenant with the REA associations that for the privilege of borrowing money at 2 percent, it would be necessary for them to extend the lines to the rural areas so that everyone could obtain electric service; and

Whereas because of the continued load growth developing among the members of the REA associations, a continuous heavying up and rehabilitation program is necessary—in most cases requiring more capital in the next 20 years than has been needed in the past 20 years; and

Whereas an increase in interest rate would, in many cases, seriously handicap the ability of many REA associations to provide adequate electric service to its membership: Therefore be it

Resolved, That the membership of the East Central Electric Association assembled at its annual meeting this 19th day of March 1960, go on record in opposition to any and all proposals to an increase in interest rate and any proposal to force the rural electric associations to go to the private money markets for their funds.

RESOLUTION 4

Whereas the net proceeds from returns after deducting expenses of a cooperative enterprise belong to the patrons on a patronage basis; and

Whereas any amounts retained by the cooperative are for operating and for fixed capital purposes and are not in any sense income to the cooperative; and

Whereas in the form of patronage refund such amounts are taxable to the patron receiving such refund: Therefore be it

Resolved, That Congress be urged to continue and if necessary clarify the purpose and intent that earnings or savings through the cooperative are income to the patron only and is not income to the cooperative; and be it further

Resolved, That Congress recognizes the fact that capital requirements for cooperatives vary widely depending on the nature of the business in which the cooperative is engaged and the type of plant and equipment which is necessary to conduct its business and because of the wide variation in capital requirements, there can be no fixed period for the return of retained capital to its patrons; and be it further

Resolved, That Congress go on record in opposition to the proposal of the Treasury Department for taxation upon the cooperatives of patronage refunds distributed to patrons.

STRENGTHENING OF INTERNATIONAL COURT OF JUSTICE—LETTER

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a letter I have received from the chairman of the American Civil Liberties Union in Rhode Island in support of my resolution to strengthen the International Court of Justice be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
March 14, 1960.

Hon. HUBERT HUMPHREY,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: I am pleased to inform you that the executive board of the Rhode Island affiliate of the American Civil Liberties Union has unanimously voted to support repeal of the so-called Connally amendment to U.S. adherence to the International Court of Justice.

Very sincerely yours,

MILTON STANZLER,
Chairman, Rhode Island Affiliate,
American Civil Liberties Union.

INTERNATIONAL CADET EXCHANGE—LETTER—RESOLUTION

Mr. HUMPHREY. Mr. President, recently in Charlotte, N.C., the Middle East regional conference of the Civil Aeronautics Patrol was held on March 17 to 19. States participating were North Carolina, Virginia, West Virginia, Delaware, Maryland, and the District of Columbia.

Wing commander of the CAP, Col. F. Joseph Donohue, of Washington, attended the meeting and brought my expression of support for the work of the CAP, as well as my strong endorsement of the idea of an international cadet exchange to include youngsters from behind the Iron Curtain, to the attention of the conferees.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD, my letter to Colonel Donohue dated March 17, together with a list of the officers of the CAP present at the meeting and a resolution taken by the Middle East region of the CAP, dated March 19.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

MARCH 17, 1960.

Col. J. JOSEPH DONOHUE,
Commander of the National Capital Wing,
Civil Air Patrol, Washington, D.C.

DEAR JIGGS: I have just heard that you are to be in Charlotte, N.C., this weekend for a regional conference of the Civil Air Patrol. I hope that you will convey my warm greetings to your fellow CAP officers, to Major General McElroy, and to Col. David Harter, the regional commander.

I want to take this opportunity to commend you and the other men who have given so unsparingly of your time and energy to make the CAP program a success. Men like yourselves, and Col. Barnee Breeskin in Washington, have truly carried the ball for the CAP here in the Nation's Capital.

I hope, Jiggs, that you will urge General McElroy and your fellow officers to continue active consideration of the idea we have discussed for an international cadet exchange which would include youngsters from behind the Iron Curtain. I feel sure that you will agree with me that here is one way to crack through the Iron Curtain and reach the people. The international cadet exchange has been an outstanding success, and I was much impressed by my visit with the cadets last year. It is a wonderfully effective way of keeping alive the intense interest in aeronautics and space science among our teenage youngsters, as well as providing the basis for long-term international friendships.

I hope you will have an opportunity to convey my greetings and good wishes to all the CAP people.

Sincerely yours,

HUBERT H. HUMPHREY.

"RESOLUTION ADOPTED BY THE MIDDLE EAST REGIONAL CONFERENCE OF THE CAP

"Be it resolved by the members of the Civil Air Patrol of the Middle East region, representing the North Carolina, South Carolina, Virginia, West Virginia, Maryland, Delaware, and National Capital wings, at their 1960 regional meeting, That,

"Whereas the Civil Air Patrol, a civilian auxiliary of the U.S. Air Force, is proud of its role in assisting the Air Force, by means of its cadet and senior training program, to attain a capability of maintaining peace through adequate airpower; and

"Whereas the support of its mission by the U.S. Air Force is essential to its success: Now, therefore, be it

"*Resolved*, That the members of the Civil Air Patrol here assembled, express to the U.S. Air Force their deep appreciation for the continuing and invaluable assistance it has given, and is giving to them in support of their program; and be it further

"*Resolved*, That we as members of the Civil Air Patrol are deeply indebted to the U.S. Air Force for having designated Brig. Gen. Stephen D. McElroy as its national commander, to whom we herein express our sincere appreciation for the skill, devotion, and inspiration which he has brought to the Civil Air Patrol, which, under his dedication through leadership, has made a degree of progress unmatched in its history; and be it finally

"*Resolved*, That a copy of these resolutions be sent to the Chief of Staff of the U.S. Air Force; to the members of the national board and of the national executive board of the Civil Air Patrol and to the chairman of the Armed Services Committee of the U.S. Senate and of the U.S. House of Representatives."

Signed at Charlotte, N.C., this 19th day of March 1960.

DAVID S. HARTER,
Regional Commander.
DONALD H. DENTON,
Wing Commander, North Carolina.
JOHN R. TAYLOR,
Wing Commander, South Carolina.
ALLAN C. PERKINSON,
Wing Commander, Virginia.
H. LEON HAGER,
Wing Commander, West Virginia.
EUGENE S. BIBB,
Wing Commander, Maryland.
LOUISA S. MORSE,
Wing Commander, Delaware.
F. JOSEPH DONOHUE,
Wing Commander, National Capital.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, without amendment:

S. 2772. A bill to authorize the Secretary of Agriculture to convey land in the town of Cascade, El Paso County, Colo. (Rept. No. 1237).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with amendments:

H.R. 4781. An act to amend the Watershed Protection and Flood Prevention Act to provide that its loan provisions shall be applicable to certain other projects, and for other purposes (Rept. No. 1238).

By Mr. KUCHEL, from the Committee on Interior and Insular Affairs, with amendments:

S. 1092. A bill to provide for the construction of the Cheny division, Wichita Federal reclamation project, Kansas, and for other purposes (Rept. No. 1239).

Mr. CHURCH subsequently said: Mr. President, on behalf of myself, and the distinguished junior Senator from Alaska [Mr. GRUENING], I submit minority views on Senate bill 1092, and I ask unanimous consent that they be printed, together with the majority views, as part of the report.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON of South Carolina, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Administrator of General Services that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. HUMPHREY:

S. 3346. A bill to prohibit the making, in the District of Columbia, of discriminatory advertisements for the sale or rental of land or any structure thereon; to the Committee on Interstate and Foreign Commerce.

S. 3347. A bill for the relief of Sze-Foo Chien; to the Committee on the Judiciary.

(See the remarks of Mr. HUMPHREY when he introduced the first above-mentioned bill, which appear under a separate heading.)

By Mr. MCNAMARA (for himself and Mr. HART):

S. 3348. A bill to amend the Civil Service Retirement Act to provide for the inclusion of certain additional types of compensation within the meaning of the term "basic salary" for the purposes of such act; to the Committee on Post Office and Civil Service.

By Mr. TALMADGE:

S. 3349. A bill to create a specific tariff classification for certain imported coconut meat; to the Committee on Finance.

By Mr. JAVITS (for himself, Mr. COOPER, Mr. SCOTT, Mr. AIKEN, Mr. CASE of New Jersey, Mr. FONG, Mr. KEATING, and Mr. PROUTY):

S. 3350. A bill to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. HENNINGS:

S. 3351. A bill for the relief of Khalil Ibrahim Moujaes; to the Committee on the Judiciary.

By Mr. HAYDEN:

S. 3352. A bill to amend the act approved August 24, 1935 (ch. 642, sec. 1, 49 Stat. 793), relating to bonds of contractors for public buildings or works and adding workmen's compensation insurance premiums to the obligations of contractors' bonds; to the Committee on Labor and Public Welfare.

By Mr. CHURCH:

S. 3353. A bill to provide for a study and report to Congress on the advisability of establishing a national park in the Sawtooth Mountain region of the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. CHURCH when he introduced the above bill, which appear under a separate heading.)

By Mr. MORSE:

S. 3354. A bill relating to the rates of pension payable to veterans of World War I for non-service-connected disability; to the Committee on Finance.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON:

S.J. Res. 184. Joint resolution to promote the conservation of ocean fish and shellfish; to the Committee on Interior and Insular Affairs.

RESOLUTION

REPRINT OF REPORT ENTITLED "LABOR-MANAGEMENT RELATIONS IN PROJECTS INVOLVING THE DAVIS-BACON ACT"

Mr. HUMPHREY submitted a resolution (S. Res. 302) to print for the Committee on Labor and Public Welfare a staff report on labor-management relations on certain Federal projects, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. HUMPHREY, which appears under a separate heading.)

PROHIBITION OF DISCRIMINATORY REAL ESTATE ADVERTISING IN DISTRICT OF COLUMBIA

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill to prohibit discriminatory advertisement for the sale or rental of land or dwellings in the District of Columbia.

At the present time, the daily newspapers of Washington permit advertisements of real estate for sale by race. I do not question the motives of the policymakers of the papers, for I know that they have often been in the forefront of the battle to wipe out discrimination. Nevertheless, by allowing such an advertising practice, they are contributing toward the establishment of segregated neighborhoods.

Advertising real estate by race helps to create racial ghettos. Through such ads white home buyers are divided to one part of the city and colored home buyers to another. Hence, the advertisements hinder stabilization of integrated neighborhoods.

What is even more serious is that certain unprincipled real estate operators have used such tactics of advertising to stimulate panic selling. This is known as blockbusting. Such operators buy homes from whites at low prices and then sell to Negroes at a high figure, thereby reaping a fast profit. Such tactics encourage segregation which eventually leads to racial ghettos. Surely we should not tolerate practices such as this in the Nation's Capital. Newspapers should not be permitted to be parties to such deceptive advertising and racial zoning.

Yet, for years, the newspapers have been listing real estate for sale by race and have been important factors in encouraging segregated neighborhoods. I do not think that the papers have ever carefully analyzed what the result of their advertising practices have been.

It is worth pointing out that the newspapers of the great cities of New York, Chicago, Philadelphia, Cleveland, Detroit, and Pittsburgh—to name a few—have given up this practice voluntarily. In addition, the States of Colorado and Oregon passed legislation last year which prohibits advertisements of real estate by race. Further, in 1959, six States have enacted broad laws to combat racial discrimination in housing. They are California, Colorado, Connecticut, Massachusetts, Oregon, and Washington.

This is a healthy trend and one that the District of Columbia should be associated with. The Nation's Capital should be an example of progress to the rest of the country. And let us not forget that we are in the international as well as the national spotlight. Archaic practices have no place here.

For these reasons, I urge prompt favorable action on my bill to prohibit discriminatory real estate advertising in the District of Columbia.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3346) to prohibit the making, in the District of Columbia, of discriminatory advertisements for the sale or rental of land or any structure thereon, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

REPRINT OF REPORT ENTITLED "LABOR - MANAGEMENT RELATIONS IN PROJECTS INVOLVING THE DAVIS-BACON ACT"

Mr. HUMPHREY. Mr. President, in 1952 when I was chairman of the Subcommittee on Labor and Labor-Management Relations of the Committee on Labor and Public Welfare a staff report presenting factual case histories on the applications of the Bacon-Davis Act was prepared under my supervision.

The recommendation and conclusions in this staff report proved of great value in preparing the bill which I have introduced in this Congress, S. 1119, to bring the Bacon-Davis Act up to date.

In view of the current widespread interest in removing the inequities existing in the Bacon-Davis Act, it would be of real value to have this report available to all interested persons. Unfortunately the supply of this excellent report is now exhausted.

Therefore, Mr. President, I submit a resolution providing for a reprinting of this staff report entitled "Labor-Management Relations in Projects Involving the Davis-Bacon Act."

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 302) was referred to the Committee on Rules and Administration, as follows:

Resolved, That there be printed for the use of the Committee on Labor and Public Welfare _____ additional copies of the Committee Print of the 82d Congress, 2d session, entitled "Labor-Management Relations in Federal Projects Involving the Davis-Bacon Act," a staff report to the Committee on Labor and Public Welfare.

AMENDMENT OF MUTUAL SECURITY ACT OF 1954—AMENDMENT

Mr. WILLIAMS of Delaware. Mr. President, travel abroad by a congressional committee, by individual Members of Congress, or by representatives of the executive branch can and does serve a very constructive purpose.

With our Government spending billions of dollars in foreign countries under the various foreign assistance programs, it is important that Congress have a firsthand knowledge of how these programs are being administered, and it is only proper that those trips which are made on official business be paid for by the U.S. Government.

However, just as in the expenditures of funds for any other purpose, the American taxpayers, who pay these costs, are entitled to an accounting. Under the present law this accounting is done by the chairman of the committee reporting in a lump sum the expenditures of the various subcommittees with no breakdown as to the expenditures by the individual members nor any breakdown as to what the expenditures represent.

In this foreign travel, very often the expenses of the trip are financed partly by direct appropriations and partly by counterpart funds. These counterpart funds represent foreign currencies held by the U.S. Government. In all cases, however, whether the expenditures be in the form of directly appropriated dollars or counterpart funds, they represent money belonging to the American taxpayers, and the expenditures thereof should be accurately accounted for.

I am confident that the vast majority of congressional travel has been as efficiently conducted as possible, and I again emphasize that I believe that much good has come from many of these trips.

We would, however, be unrealistic if we did not recognize that there have also been cases of abuse, and it is these cases, regardless of how isolated they may be, which give all official travel a black eye.

Therefore, to eliminate this unjust criticism and to place greater emphasis on the responsibility to render an accounting for these expenditures as well as to give the American taxpayers their deserved protection, I am sending to the desk an amendment to S. 3058, the Mutual Security Act, wherein it would be provided that all expenditures by the individual members of the respective committees or staffs must be fully itemized and automatically published in the CONGRESSIONAL RECORD.

This is the same amendment which I cosponsored a couple of years ago with the Senator from Kentucky [Mr. MORTON] and which was approved by the Senate but later rejected in conference. This time, I am hopeful that the amendment may not only be adopted, but also be preserved as a part of the bill.

I send the amendment to the desk for appropriate reference, and at the same time ask that the amendment along with a brief explanation thereof be printed at this point in my remarks.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and referred to the Committee on Foreign Relations; and, without objection, the amendment and explanation will be printed in the RECORD.

The amendment and explanation presented by Mr. WILLIAMS of Delaware are as follows:

On page 7, between lines 11 and 12, insert the following:

"(a) In section 502(b), which relates to the use of foreign currencies by congressional committees, amend the second sentence to read as follows: 'Within the first sixty days that Congress is in session in each calendar year, the chairman of each such committee shall prepare a consolidated report showing the total itemized expenditures during the preceding calendar year of the committee and each subcommittee thereof, and of each member and employee of such committee or subcommittee, and shall forward such consolidated report to the Committee on House Administration of the House of Representatives (if the committee be a committee of the House of Representatives or a joint committee whose funds are disbursed by the Clerk of the House) or to the Committee on Appropriations of the Senate (if the committee be a Senate committee or a joint committee whose funds are disbursed by the Secretary of the Senate).'"

Redesignate subsections (a) to (h) as (b) to (i), respectively.

EXPLANATION OF AMENDMENT

Section 502(b) of the Mutual Security Act of 1954, which permits the use of foreign currencies by congressional committees in defraying local currency expenses, requires members and employees of committees to file with the chairmen of the respective committees itemized reports showing the amounts and dollar equivalent values of each foreign currency expended and the purposes of the expenditure. Within the first 60 days that Congress is in session in each calendar year, the chairman of each committee is required to consolidate the reports of the members and employees of his committee and forward the consolidated report, showing total itemized expenditures of the committee and each subcommittee thereof, to the Senate Committee on Appropriations in the case of a Senate committee or to the Committee on House Administration in the case of a House committee. Each such consolidated report is then required to be published in the CONGRESSIONAL RECORD.

Under the proposed amendment, the report required to be submitted by the chairman of each committee, and to be published in the CONGRESSIONAL RECORD, would disclose not only the total annual itemized expenditures of the committee and its subcommittees but also the total annual itemized expenditures of each member and employee of the committee.

CIVIL RIGHTS ACT OF 1960—AMENDMENT

Mr. ROBERTSON. Mr. President, when H.R. 8601 was pending before the Committee on the Judiciary, I submitted an amendment to strike out all the language in the bill relating to the provisional voting on the ground that it violated the registration laws of the States, that it violated the rules of secrecy of all the States, and certainly, with respect to voting machines, that it was absolutely unworkable.

That amendment, I understand, was presented to the committee in a brief way, and along with a number of others, was rejected.

Mr. President, I now send the same amendment to the desk and ask unanimous consent that it be printed in the RECORD, and lie on the table.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 19, beginning at line 19, and continuing through page 20, line 2, strike out the following:

"In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application."

Mr. ROBERTSON subsequently said: Mr. President, this morning I submitted an amendment to strike out all of the provisional voting section of title VI, saying that I had offered the amendment to the chairman of the Committee on the Judiciary, but that it was not accepted by the committee.

Of course the amendment of the Senator from Illinois [Mr. DIRKSEN] makes the bill more acceptable and betters it; but I felt that there was no real place for any provisional voting section in the bill.

I ask unanimous consent to have printed at this point in the RECORD, a statement which I had planned to make today in support of my own amendment.

Of course, while the Dirksen amendment does not go so far as I think it should, I intend to support it.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ROBERTSON

PROVISIONAL VOTING

The amendment I submitted earlier today, and which is printed in the RECORD, would strike from the voting referee proposal the

three sentences which make arrangements for provisional voting.

These arrangements for provisional voting should be eliminated from the bill because they will encourage and stimulate last-minute swamping of elections in violation of State laws providing for the orderly conduct of registrations and voting, because they are impracticable and unworkable, and because they will inevitably result in destroying the secrecy of the ballot.

The first of the three sentences which my amendment would strike from the bill provides that, if an application is filed 20 days or more before an election, and has not been determined by the time of the election, the court must issue an order authorizing the applicant to vote provisionally.

This provision is mandatory. The mere filing of an application, or of a thousand applications, 20 days before the election, combined with the fact that the applications have not been determined by the time of the election, compels the court to let the applicant vote provisionally. Even if the court's inability to determine the application is entirely the result of the applicant's fault, even if the court is about to deny the application, the court has no alternative but to authorize him to vote provisionally. Unless the court has issued an order rejecting the application, every applicant filing 20 days before an election must be permitted to vote provisionally.

Every State I know of requires that voters who are to vote in an election must register well in advance of the election. In Virginia, for example, a voter must have registered at the place he is to vote at least 30 days before a primary or general election. He is not permitted to register during the 30 days before the primary or general election. I understand that in Arizona a voter must register at least a month before an election; in California, 53 days; in Colorado, 15 days; in Florida, 30 days; in Georgia, 6 months; in Illinois, 28 days; in Indiana, 28 days; in Kentucky, 59 days; in Louisiana, 30 days; in Maryland, 30 days before a primary and 42 days before a general election; in Massachusetts, 31 days before presidential or State primary or a general election; in Michigan, 30 days; and in New Jersey, 40 days.

These requirements are obviously necessary to the orderly conduct of an election. Without knowing the number of voters who are eligible to vote in an election it would be impossible to tell how many ballots were needed if paper ballots were used or how many voting machines were needed if they were used. In addition, in most States candidates wish to send information about their candidacy and their qualifications to voters.

All these State provisions essential to the orderly conduct of an election would be nullified, and the elections turned into a shambles, if hundreds or thousands of voters could file their applications 20 days before an election, in numbers so large that the court could not possibly consider this flood of applications, and thereby get an unchallengable right to vote provisionally.

The disastrous effect of such a last minute flood of voters in the orderly conduct of an election would be bad enough if the election officials actually had 20 days notice of these votes. But there is nothing in the bill to require that the election officials be notified of these applications in advance of the election, and there is nothing which would give them any suggestion in advance of the election as to how many of these applications might be determined before election day, either favorably or unfavorably.

The second of the sentences which my amendment would strike from the bill provides that in the case of applications filed within 20 days of an election the court may authorize the applicant to vote provisionally. This sentence at least gives the judge some discretion under it. He is not compelled to grant every last minute application and if he chooses he can prevent the disorder and confusion which would result from authorizing, on the night before the election, hundreds or thousands of voters to turn up at the polls the next day to vote provisionally. But the bill gives him authority to do this. It creates the threat of such disorderly conduct.

The third sentence which this amendment would strike from the bill provides that the court's order must make "appropriate provision for the impounding of the applicant's ballot" until his application has been determined.

This provision would be difficult, and in many cases impossible, to reconcile with secrecy of the ballot. In addition, in the case of voting on voting machines, this provision is literally impossible to carry out.

The Senate and the Congress should not enact legislation which would violate the secrecy of the ballot. Equally important, the Senate and the Congress should not enact legislation knowing full well that in at least large areas of the country, the statute cannot possibly be carried out.

In Virginia there are a number of provisions to enforce the secrecy of the ballot. For example, under section 24–193 of the Virginia Code, it is a misdemeanor to hinder or tamper with voters in any way so as to prevent the casting of a secret ballot. The only exception is that under section 24–251 of the Virginia Code, a person registered before January 1, 1904, or a person who is physically unable to prepare his ballot without aid, may be helped by one of the judges of election designated by himself. And even in that case the judge must not enter the booth with the voter unless requested by him to do so, and he "shall not in any manner divulge or indicate, by signs or otherwise, the name of the person or persons" for whom the vote is cast. If voting machines are used, section 24–305 of the Virginia Code provides that "the judges of election shall not themselves be, or permit any other person to be, in any position or near any position that will permit them to see or ascertain how a voter votes or how he has voted." Again, the only exception is for voters registered before January 1, 1904, and voters physically unable to prepare their ballots without aid.

The secret ballot has been considered a vital and integral part of American elections for generations. I am sure most, if not all, of the States have statutes comparable to those of Virginia prohibiting interference with this right. In my judgment, this right should be respected, and the Congress should not enact legislation which would nullify these statutes and deprive voters of this right.

It would be possible to make appropriate provision for the impounding of an applicant's ballot, if the applicant cast his provisional vote on a paper ballot. As soon as he has voted, his ballot could be stamped with his name and address, and set aside and kept until his right to vote had been determined. But this would do away with the right to a secret ballot which is given in most States.

It might be possible if sufficient time were available, and if the State's statutes permitted it, to make arrangements for provisional voting under some kind of arrangements comparable to those made for absentee voters. However, all kinds of questions would obviously arise, depending upon the State's statutes—who would prepare the necessary forms, who would pay for them, who would handle them, and the like. At best, making arrangements of this sort would take a great deal of time and expense. If the election officials were given only 20 days, or even worse if they were given only 5 or 10 days, to set up a system of provisional voting, it would probably be completely impossible to work out any practicable arrangements for provisional voting in secret.

Provisional voting, where voting machines are used, raises additional problems. In the first place, it is obviously a literal impossibility to impound the ballot of a person who has cast his vote by pressing down levers on a voting machine, and then recording it on a device in the machine by throwing back a lever. I defy anyone to tell me how such a ballot can be impounded.

Of course, it would be possible for the voting referee to go into the booth along with the provisional voter and make a record of the way he voted, so that if it were later found he had no right to vote, his vote could be deducted from the totals. This would, of course, violate any State laws requiring secrecy of the ballot. It would certainly give the voting referee a most undesirable control over the voters he had registered. A referee who wanted to control an election could ask for little more than the power to register voters at will and the right to go into the booth to make sure they had followed his instructions for voting.

The arrangements for provisional voting are not necessary. Would-be voters can and should file their applications sufficiently far ahead of the election so that applications can be considered and determined well in advance of the election. The bill instructs the courts to determine the applications expeditiously. Early filing of the applications and prompt consideration will make for orderly and well conducted elections.

The arrangements for provisional voting contained in these three sentences of the bill will actually encourage would-be voters to wait until the last minute and then to file applications in such numbers that they cannot be determined in advance of the election.

These impracticable and unworkable arrangements, which will encourage last minute floods of voters, which will make for disorderly elections, and which will imperil the secrecy of the ballot, should be eliminated from the bill.

NOTICE OF HEARING ON NOMINATION OF LELAND BARROWS, TO BE AMBASSADOR TO THE STATE OF CAMEROUN

Mr. FULBRIGHT. Mr. President, on behalf of the Committee on Foreign Relations, I desire to announce that the Senate today received the nomination of Leland Barrows, of Kansas, to be Ambassador to the State of Cameroun.

In accordance with the committee rule, the pending nomination may not be considered prior to the expiration of 6 days.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary.

William L. Longshore, of Alabama, to be U.S. attorney, northern district of Alabama, for a term of 4 years—reappointment.

Ralph Kennamer, of Alabama, to be U.S. attorney, southern district of Alabama, for a term of 4 years—reappointment.

Joseph S. Bambacus, of Virginia, to be U.S. attorney, eastern district of Virginia, for a term of 4 years, vice Lester S. Parsons, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, April 14, 1960, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

INCREASED EXPENDITURE UNDER SPECIAL MILK PROGRAM FOR CHILDREN, FISCAL YEARS 1960 AND 1961

The ACTING PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ELLENDER. Mr. President, I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. ELLENDER, Mr. HOLLAND, Mr. HUMPHREY, Mr. PROXMIRE, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. HICKENLOOPER, conferees on the part of the Senate.

TOMORROW

Mr. BYRD of West Virginia. Mr. President, tomorrow is the chain that binds men to loathsome habit. Tomorrow is the barred and bolted door that shuts man out from the house of his dreams. "Tomorrow" is the epitaph upon the graves of those who failed and came short of life's true goal. Tomorrow is the downward path that leads men into the land of regret.

Tomorrow is the siren's song that seduces men from the path of duty. Tomorrow is the slumber that paralyzes the energies of man. Tomorrow is the snare that traps men's feet. Tomorrow is the sword of self-destruction upon which men fall. "Tomorrow" is the word cut over the realms of the lost. "Tomorrow" is the word which in that kingdom of the lost ever tortures the eyes of the damned.

Mr. President, Edgar Guest's poem, "Tomorrow," should serve to admonish us not to put off until tomorrow that which can be done today:

He was going to be all that a mortal should be—tomorrow.
No one should be kinder or braver than he—tomorrow.
A friend who was troubled and weary he knew,
Who'd be glad of a lift and who needed it, too.
On him he would call and see what he could do—tomorrow.
Each morning he stacked up the letters he'd write—tomorrow.
And thought of the folk he would fill with delight—tomorrow.
It was too bad, indeed, he was busy today,
And hadn't a minute to stop on his way;
More time he would have to give others, he'd say—tomorrow.
The greatest of workers this man would have been—tomorrow.
The world would have known him had he ever seen—tomorrow.
But the fact is he died and faded from view,
And all that he left here when living was through,
Was a mountain of things he intended to do—tomorrow.

AID TO DEPENDENT CHILDREN

Mr. BRIDGES. Mr. President, a great many newspaper articles have been written in the last year on the matter of aid to dependent children. Some newspapers, the Washington Post and the Boston Herald among them, have run a series of featured articles pointing up the growing problems.

This is not a small problem, either in number of individuals or dollars involved. In the last 10 years aid to dependent children, as well as the number of recipients, has doubled. In fiscal year 1961 the amount necessary to meet payments is $1,188,300,000, of which $696,300,000 is Federal and $492 million is State and local.

No one will question the fact that there should be a program so that helpless children will not suffer from the misfortune of circumstances. However, it has seemed to me that our welfare people have been perhaps too prone to merely write checks, without making a sufficiently vigorous effort to recover from delinquent fathers who deliberately desert the situation. Too often the existing machinery for making parents face up to their responsibilities is overlooked.

For the foregoing reasons, I had language put in the report of the labor, health, education, and welfare appropriation bill last year requesting that welfare make a report in regard to the seriousness and scope of the whole program and bearing fully on the so-called illegitimacy racket which had been severely criticized in many newspaper stories which I have read. This report, I am happy to say, has been promised to be available shortly, and I hope that it will be fully informative in regard to the situation.

Because of my pains in requesting a report I was severely criticized in the March issue of a national magazine in an article entitled, "The Campaign Against Helpless Children." I am most happy, Mr. President, to request that there be inserted at this point in the RECORD a letter, commenting on this article, which I have just received from Judge Virgil H. Langtry of the Circuit Court of Oregon, Fourth Judicial District. Judge Langtry writes me at length as one of two judges hearing divorce and juvenile cases "in this metropolitan county of 600,000 population," which includes the city of Portland. Judge Langtry's letter is not that of a starry-eyed do-gooder. It is a letter from one who has based it on years of experience on the bench. I am sure that if there were more Judge Langtrys, or, better yet, if those engaged in the field of public welfare would make better use of the facilities of courts such as Judge Langtry's, the burgeoning costs of aid to dependent children would be checked or reversed with no diminution in effectiveness of program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CIRCUIT COURT OF OREGON,
FOURTH JUDICIAL DISTRICT,
Portland, Oreg., March 15, 1960.

The Honorable STYLES BRIDGES,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR BRIDGES: The March 1960 Redbook magazine had an article in defense of the aid to dependent children program, complaining at length about attacks which you and others have allegedly made on the program. It ends asking that citizens support the ADC program against such attacks by writing to Congressmen, telling them that we want the program enlarged, etc.

I am one of two judges hearing divorce and juvenile cases in this metropolitan county of 600,000 population. I think such articles as that referred to above, written by people who come under the influence of the social welfare profession, are misleading in some particulars. I am concerned when I read statements that indicate there is no sense in trying to get deserting fathers to support their children. Such statements simply are not true, as proven again and again in the court where I sit. Jailing, and fear of jailing, is one method that will produce results. A few hours or days of jail, followed by a suspended sentence, is a sure method for getting most such fellows to support their children, either with cash or orders on paychecks.

I am concerned about the increasing number of illegitimate children who are supported by welfare. Enclosed is a copy of a public letter which I wrote to the Governor of Oregon last spring concerning this. It caused considerable comment in this State. Welfare became defensive of its position, but has been reluctant to change its policies. Since that letter and in the last 4 months on different days before me in juvenile court, on one occasion there were 23 cases involving 79 illegitimate children supported by welfare, and on a later occasion 24 cases involving 120 children supported by welfare. Of the latter, 95 were born out of wedlock by 77 different fathers. None of either of these two series of cases was referred to court by welfare, although most had been on welfare for years. The petitions alleging dependency of the children were rather signed by the welfare recovery division of the State attorney general's office. Welfare was displeased by the referrals. I am informed that another 33 such cases have recently been referred by the welfare recovery division.

Between these series of hearings, I have had the usual steady number of dependency cases where welfare is supporting, brought to the court's attention mostly on petitions signed by police or people other than the welfare workers. One such recent case referred by police involved a family with five children which had been on welfare for years. The youngest, a baby, was so undernourished that the doctor's report said that in another day or two it would have been dead. The report says that the child will probably have permanent brain damage as a result of malnutrition and lack of care.

During its entire life this child had never been properly fed or cared for. At the court hearing, the welfare worker stated she had been in this home three times, but had not gone into the bedroom to see the baby.

Another case involved a woman who has had 14 children. The oldest three are now in State institutions for delinquency and mental retardation. Another 15 or 16-year-old girl is at home with an illegitimate child or her own, and this woman's last 4 children were illegitimately sired by the same man living with his own wife and 9 children in the same neighborhood. A 16-year-old child of his at home already has an illegitimate child of her own. This case was not called to the court's attention by the welfare worker, who knew who the father of the last four children was. Police made an investigation and referred the case to my juvenile court.

Another case involved a married man living in the neighborhood with his wife, and children by her, who had sired four illegitimate children by a welfare recipient. The welfare file revealed that the welfare worker had known about the situation all the time. The referral was made to court by the welfare recovery division. The welfare worker's report, as is usual in such cases, said she could see no reason for juvenile court action.

Another case recently before me, in which the welfare worker did sign the petition, involved a girl 21 years of age who already had five illegitimate children. Her first 3 pregnancies came before she was 18 years old. The law of Oregon clearly indicates that a delinquency petition involving this girl should have been filed in Juvenile Court, but no such petition brought it to court, although an ADC grant had supported the girl and her babies from the beginning. The reason it was called to the court's attention on the fifth child is that the county hospital, where all of the children were born, kept the last baby in the hospital for extra treatment, and when the welfare worker went to find out why, he learned that the mother has chronic syphilis which she has passed on to all of the children. At this point, welfare finally asked the court for help.

I do not criticize the ADC program for its majority of cases that honestly need assistance. I do criticize it when it insists upon ignoring immorality and ignoring the felony statutes of any particular State. I do criticize it when it avoids serious problems with a "holier than thou" answer. Articles like that in Redbook magazine, which gloss over the errors of the program and say that we should forget them because there is a good part, are not doing this country or any of the people under ADC grants any good.

Sincerely yours,

VIRGIL LANGTRY,
Circuit Judge.

ADDRESS DELIVERED BY SENATOR HUMPHREY AT ANNUAL BANQUET OF FARMERS' UNION CENTRAL EXCHANGE

Mr. HUMPHREY. Mr. President, on March 3 it was my privilege to address the annual banquet of the Farmers Union Central Exchange at its 29th annual stockholders' meeting in St. Paul, Minn. I ask unanimous consent that my address, entitled "Lost: Money for Main Street," and the resolutions of the meeting, be inserted in the body of the RECORD.

There being no objection, the address and resolutions were ordered to be printed in the RECORD, as follows:

LOST: MONEY FOR MAIN STREET

(Excerpts from address by Senator HUBERT H. HUMPHREY at annual banquet of Farmers Union Central Exchange, St. Paul, Minn., March 3, 1960)

Republican farm policies are turning this great agricultural region—America's great dairy land and bread basket—into a vast economically depressed area.

There is no longer much argument about the objectives—nor the effects—of the Benson-Eisenhower-Nixon farm program. When the academic euphemisms about "adjustment" and "freedom in the marketplace" are stripped away, the plain truth is clear enough for anyone to see.

Mr. Benson's aim is to drive what he considers "surplus" farmers off their land with low prices, economic ruin, and despair.

From time to time, Republican farm planners get impatient with the stubborn persistence of farm people to stick on their farms even in the face of sliding incomes and discouraging prices. In their impatience, the Republicans even become a little generous. If farmers don't move out fast enough because they're going broke, the Republican administration will speed up the exodus by paying farmers to shut down their whole farms and put them in the soil bank.

The Republican administration has paid farmers more money to plow under their growing crops or simply to leave their land idle than the Democratic administrations of Presidents Roosevelt and Truman spent to support farm prices during the entire 20 years from 1933 through 1952.

The Republican administration has managed, however, to see to it that none of their big-spending generosity stays with the farmers.

Mr. Benson took office in January 1953. Since that time, the annual total farm net income has declined by 23 percent.

This drop in farm income represents $3.5 billion a year that was taken away from the cash registers on the main streets of the farming region of the Nation since 1952.

In the past 7 years the economy of our farming areas had lost a cumulative total of $24.5 billion out of what they would have received if farm income had been maintained at the 1952 level—when farm prices averaged 100 percent of parity.

But comparison with 1952 is not a really adequate measure of what our farmers have lost—and what our rural communities and agricultural States have lost in the way of income. America is a growing country. We have nearly 15 million more people than we had in 1952. Our total national economy has grown. Our per capita incomes have grown—that is, nearly every one's but the farmers.

The full, real extent of what the Benson-Eisenhower-Nixon farm policies have cost us should be measured against what agriculture should have received if farmers had shared fully in the expansion of our overall economy. Farmers shouldn't stand still economically any more than the rest of us. Their incomes should have climbed during the past 7 years—not merely stood still, much less gone down.

If farm income had increased as much during the past 7 years as our overall national income increased, total net farm income would have been $20 billion—which is almost double what it actually was last year.

Think what that $8 or $9 billion more would have made in the cash registers in the towns and cities of our farming communities.

Probably every single man and woman in this audience has some kind of public responsibility in the community in which he lives, as well as his responsibility toward his own home and farm and family. You are on school boards and town boards and county boards; you are officers in your local churches; you help run your community Red Cross drives, and Boy Scouts, and lodges, and chambers of commerce. You are responsible citizens.

You know the toll that the farm depression has taken out of the local governments and the community institutions that are the bedrock foundation of democratic life. You know what it has cost your children in the way of educational opportunity. You know what it has cost your community in the way of public services. You know how sliding farm income has magnified and exaggerated the burden upon local taxpayers of trying to maintain community institutions and local governmental services at decent, adequate levels.

You farm people, in the farmers union, know as clearly as anyone. You foresaw what the result would be of the sliding scale. You foresaw the farm depression—and believe me, many of your neighbors in town didn't believe you when you first warned them what would come, but they believe it now.

The hardship and worry that farmers have been going through is not necessary. Worse than unnecesary—it is senseless and inexcusable.

Our agricultural economy can be managed so that it will provide equality of opportunity for farm people to enjoy their fair share of the good things of life—if we will just apply a little commonsense and a lot of sincere determination to the job.

Last fall I introduced a bill entitled the "Farm Family Program Development Act." This bill would give the major responsibility for designing the details of farm programs right to the people who can handle it best—to the farmers themselves.

My bill spells out the broad, general outlines of public interest which farm programs should follow in order to conform to the public interest and promote the general welfare. It gives farmers the tools they need to start farm income on the way up to full equality. It directs the Secretary of Agriculture to provide the legal machinery and the technical experts that are needed for planning a practical, workable program for the farmers who produce each commodity.

It puts the initiative for planting and launching a program directly in the hands of the producers themselves, through the election of a program development committee for each commodity or interrelated group of commodities. When a plan has been developed by the committee of producers, elected directly by producers, it will be submitted to a referendum of all the farmers whom it would affect. If a two-thirds majority approve it, and if Congress does not object on grounds of public policy, it will move into effect.

They say imitation is the sincerest form of flattery. If that's so, then my Family Farm Program Development Act has been sincerely flattered several times. One of the imitations—and a very good and honest one at that—is the subject of hearings by the House Committee on Agriculture right now.

This approach to the farm problem is one that can work. It is sound, from the standpoint of developing realistic, practical farm programs that will do the job of restoring farmers' incomes. It is sound from the standpoint of the broad public policy that it rates in respect to agricultural production and consumption. It is sound from the standpoint of administration, with a broad scope of powers and influence and detailed administrative responsibility placed directly in the hands of working farmers.

I was tremendously pleased to learn last week about the splendid progress that is being made in Wisconsin, under the leadership of Gov. Gaylord Nelson, in unifying Wisconsin's dairy farmers behind a practical, realistic dairy plan. Governor Nelson's plan, which was outlined with the help of economists at the University of Wisconsin and is being completed in detail with the advice of dairy farm leaders, would give dairy farmers the power and the means for adjusting milk supplies to demand, and reversing the squeeze on dairy farmer's incomes.

Governor Nelson's dairy plan could be implemented under the family farm program development bill I have introduced. It is one example of the kind of program, adapted to meet the special circumstances of each group of producers, that can be developed and put into effect under the direction of farmers and their representatives.

There is no longer any excuse for anyone to pretend that the farm problem will simply evaporate and go away if we continue to drift along with Ezra Taft Benson's assurances of "parity in the marketplace." The Department of Agriculture finally got around to doing the job of economic analysis it was hired for—a job it should have started just as soon as the President and the Secretary of Agriculture started to think about turning our farm programs around toward the so-called free-market direction.

Better late than never—and maybe just in the nick of time—the Senate Agriculture Committee has prodded the Department into taking a look at what would happen to farm prices and farmers' incomes if free-market conditions were put into effect. The conclusions of this study give the lie to the "parity in the marketplace" myth.

If price supports were eliminated, says the Senate report, net farm income would plunge 47 percent below 1958 levels by 1965.

Make no mistake about it, this is the best-informed estimate it is possible to obtain of the probable consequences of the farm policies recommended by Benson and developed, according to Mr. Benson himself, with the aid and advice of RICHARD NIXON. The administration has gone on record time after time in favor of the objective of reducing price supports to the point that they will not "accumulate surpluses," accompanied by the elimination of controls on production. If you don't "accumulate" the surplus and take it off the market, or if you don't give farmers the opportunity to keep their production in line with demand, then you do not have a workable farm program.

It doesn't take much imagination to foresee the economic calamity that would overtake the communities of this great farming region if the Eisenhower-Benson-Nixon farm philosophy is given another 4 years' extension. The handwriting is there on the wall, written in the sorrow and discouragement of living experience during the past 7 years, for all to see.

For farmers and their families it spells out deepening hardship, widening inequality, and spreading defeat of the hope for security, dignity, and a fair share of life's comforts.

For the businessmen on the Main Streets which serve agriculture and depend upon farm income for their own prosperity it spells declining sales, dying opportunity, closed doors, and empty stores.

For the rural communities it spells social decay, inadequate schools and other public services, and the drifting away of young people to seek their fortunes in more promising places.

There is something terribly wrong about this prophetic picture.

In the first place it is wrong because it pictures cruel injustice to farm people and their neighbors in the rural communities who serve them.

Less than two decades ago the people of this great dairy land and breadbasket made a prodigious effort, unmatched in all history, to increase their output of food to energize much of the entire free world's effort to win the war and save millions of lives from starvation.

Right today, the people of this region are contributing a subsidy of $83 to the annual food bill of every urban family in the Nation.

In 1952, when farm prices averaged 100 percent of parity, the market basket of food items purchased annually by the average wage earner's and clerical worker's family sold for $1,034 in the retail store.

In 1959, the market basket cost $1,040—only $6 more than in 1952. But the middleman's charges had gone up $89.

The farmers of America absorbed $83 of this $89 increase in marketing changes in the form of lower prices for their products. If farmers hadn't taken lower prices, the wage earner's groceries would have cost him $83 more than it did.

If that $83 cut in the farmer's pay for the city worker's groceries isn't subsidy, nothing ever was.

The people who have served their Nation so well in war, and who are now serving it only too well for their own benefit in peace, deserve something better than to be shunted off into an economic backwater.

In the second place, the prophecy of Ezra Taft Benson's future for Midwest agriculture contains a serious misconception of America's real needs and opportunities.

We still need food in America. We still need our farmers. We still need busy, bustling, prosperous main streets.

The so-called surplus is really very small, when it is considered in relation to total farm output. It is ridiculous to allow the tail not only to wag the dog, but to make us almost lose sight of the dog altogether.

But more important is the fact that there is no surplus of food at all in a troubled and fearful world in which one-half of the human race lives and dies on the raw edge of hunger.

And what is most important of all, there can be no real peace in such a world as this.

Hunger has become the goad to revolution among a billion people who have barely shook themselves awake from blank, uncomprehending misery. We are living in an age of massive political and social upheaval. The civilization of man is being rocked to its roots; it will be remade in a new image, with drastic implications for our own place in it.

In the human upheavals of our time, food is both a dynamic engine of economic change, and a crucial lever of political power. Soviet rockets have beat ours to the moon, but Soviet farmers can not match the abundance of our fields. No one in America has outdistanced the performance of communism by a greater margin than our farmers have.

Our American agriculture gives us one of the most significant advantages we possess over our communistic competitors. Yet we hide our light under 10 billion bushels—piled up uselessly, unimaginatively, resentfully, in Government storage.

I want to give you one example of how our food is needed to satisfy the demands of common Christian conscience, as well as the requirements for our very survival as a civilization.

I'm sure most of you have read recently about the State of Kerala in India. Kerala had an election campaign about a month ago. The outcome of that election was heralded in the headlines as a great victory over communism.

But I read beyond the headlines. And I have talked to Indian leaders, and others, who know at firsthand the full story about Communist strength in Kerala. I do not regard the outcome of the Kerala election as a reassuring victory over communism at all.

The anti-Communist parties put up a coalition ticket. They beat most of the Communist candidates. But the Communists polled one-third of the total vote.

That doesn't seem to me to be a convincing and satisfactory victory over communism in Kerala. To me, it seems a frightful and ominous fact that communism can attract one-third of the voters in a free election in an important state in India.

Let me tell you something else about Kerala. This state has the highest proportion of educated people among its population of any state in India. It has the highest proportion of Christians. In many respects, it ought to be one of the strongest centers of sympathy for the Western World.

But most of the people of Kerala live all their lives on the edge of hunger. They are chained to an endless treadmill of poverty from which they cannot escape. They must struggle, year in and year out, for barely enough food to survive until the next harvest.

There are no jobs for many of the educated people of Kerala. The common man cannot afford to pay a doctor when he gets sick; he dies, and the doctors are unemployed. The state cannot afford to build schools, or to hire teachers; the educated men and women remain unemployed. There are no jobs for the trained engineers and lawyers.

Bitter, angry, frustrated, idle, the trained people, schooled by Christian missionaries, are ideal prospects for Communist recruiters. Kerala's treadmill of poverty and hopelessness is manufacturing Communists year in and year out. Unless it can be broken, Kerala's Communists will grow from one-third to one-half of the voting strength. Unless India's treadmill of poverty can be broken, Communist strength will feed on endless despair and misery until it has swallowed up the whole nation.

If the dam breaks in India, and communism wins—whether next year, or 10 years from now, or, however, long it takes—then the flood will quickly surge over a billion people in the underdeveloped countries of Asia, Africa, and even South America.

There can be no secure peace for our children unless poverty's chains can be lifted from the economy of Kerala—and hundreds of other places much like it around the globe. The treadmill of poverty in Kerala can be broken with wheat from North Dakota—with dried milk from Wisconsin.

The key to economic progress and to the hope and optimism that are communism's greatest foes—is surplus food to free labor from the necessity for subsistence farming so that it can be turned instead to the creation of wealth—creating capital improvements.

The capital improvements that are most urgently needed are simple things—roads, bridges, water systems, sanitation systems, schools. In all these primary needs, human labor is the major element of cost. And in Kerala and many places like it, not much else but food is needed to hire workers.

In hundreds of villages in Kerala—in thousands of villages throughout India—there are absolutely no road connections to bigger towns and cities. If the village farmers had only metal tools, instead of wooden sticks for tilling their crops, they could greatly increase their production, and raise their standard of living and security. But without roads, they cannot transport their crops to market. If they produce more than they need to eat, it rots.

But if food from America can be used to hire workers away from their subsistence farming to build a road, the villagers will have a basic capital improvement which can start a dynamic chain of economic progress. One advance can build on another.

Progress creates hope and faith—faith in the ability of the democratic system to provide the necessities and comforts of life, with freedom, that the Communist propagandists promise as the price of freedom.

REPORT OF RESOLUTIONS COMMITTEE, 29TH ANNUAL MEETING OF FARMERS UNION CENTRAL EXCHANGE, INC.

1. DISTRIBUTION OF SAVINGS

The distribution of savings of the Farmers Union Central Exchange, Inc., for the fiscal year ending December 31, 1959, made by the board of directors of the corporation, as shown in the minutes of the December 1959 meeting of the board of directors, and as set forth in the audit report ending December 31, 1959, is hereby ratified and approved.

2. ECONOMIC POLICY

Prompt and vigorous measures should be taken by the Government to stop the growing recession and unemployment.

The quickest and most effective way to combat recession and prevent its development into a full-scale depression would be to put income into the hands of producers in agriculture and other basic industries where consumer purchases are presently being held up due to lack of buying power.

On every farm, thousands of dollars in repairs, replacements, and improvements would be made if farm prices and income were restored to full parity levels. We believe that this would be the greatest stimulus to consumer demand, business activity, and full employment.

An antirecession program, which does not provide for farm income improvement, simply will not get to the roots of our economic trouble.

3. FARM POLICY

We, the stockholders of the Farmers Union Central Exchange, Inc., commend and wholeheartedly endorse the farm policy of the National Farmers Union, and by so supporting it, we present a united front in fighting to get this policy into Federal law.

The Farmers Union farm program is a total program administered by farmers, designed to give real parity of income to farm families.

It calls for Federal enabling legislation to permit farmers to adjust the volume of their commodities going to market.

4. TAX LEGISLATION

We affirm our position that patronage refunds on items which represesnt business deductions paid by cooperatives in accordance with a preexisting agreement with patrons should be taxable at face value for the year in which notice is received whether allocated in cash, capital stock, or other document form.

We recommend that the necessary steps be taken by Congress to embody this policy into law.

5. PUBLIC POWER

There exists an ever-increasing need for an abundant supply of low-cost power to facilitate maximum development of the natural resources of the great Northwest States. Utilization of the maximum potential of these resources requires a comprehensive development of the river systems of this area. This can be properly achieved only through the construction of publicly owned multipurpose dams and transmission lines. We urge the Congress to authorize construction of Hells Canyon, Paradise, Yellowtail, and other high, multipurpose dams.

We urge that if Congress authorizes a program of public works to help alleviate the unemployment situation, this should take the form of comprehensive resource development projects, which would reflect the greatest economic benefit to the Nation. Water and power resource development should have the highest priority.

6. REA AND RTA

We reaffirm our continued support for expanding and strengthening REA and rural telephone service to all rural America. We favor adequate appropriations so there will be no lessening in the support and extensions of loans to farmers cooperatives to build generating plants and transmission lines when this will increase adequacy or lower cost of service. We urge Congress to reject recommendations to eliminate the statutory limit on interest rates on rural electric and telephone loans. We are opposed to an administration proposal which would force REA systems to seek private financing.

7. PUBLIC RELATIONS

We commend the Farmers Union Central Exchange, Inc., and the affiliated companies, on the fine job they have performed in the past year in the field of advertising and public relations.

We feel our advertising in farm publications, radio, and TV have been a great aid in getting our story to the people.

We recommend continuing and expanding this public relations and advertising program as our growing business warrants.

8. FARMERS UNION CO-OP CREDIT ASSOCIATION

We realize the need for cooperatively owned and controlled credit and endorse the Farmers Union Co-op Credit Association and their method of building capital cooperatively, and also the purpose for which such capital is used.

9. CO-OP CREDIT

We strongly recommend that the Farmers Union Central Exchange, Inc. continue to advise all local cooperatives to develop a sound credit policy so that each association will be encouraged to keep accounts within reasonable bounds. We note that credit practices have reached a dangerous stage in many of our local associations, and we therefore urge the Central Exchange to continue to make available qualified field personnel to assist each local cooperative to work out a sound credit program.

10. CO-OP PATRONAGE

Annual reports of the Farmers Union Central Exchange, Inc. show a continuous growth from year to year, which is a tribute to the excellent management and to the superior quality of our products. However, this growth could be much more rapid if all of our affiliated cooperatives would channel all possible purchases of their supplies through the Central Exchange. Directors should be alerted to the importance of encouraging their managers to increase their business in every way possible with our own regional wholesale.

11. CO-OP EMPLOYMENT POLICY

We recommend that the Farmers Union Central Exchange, Inc. and other farmers union cooperative enterprises set up and maintain a system of interviewing the junior and senior classmen of our universities and colleges for positions in the cooperative movement thereby securing the best talent.

Be it further recommended that a study be made whereby Farmers Union youth may be hired upon graduation from these colleges and serve as understudies for future leadership in the cooperative movement.

12. FARMERS UNION HERALD

Whereas for many years, Farmers Union Herald has been published for and in behalf of the stockholder members of Farmers Union Central Exchange, Inc., and their stockholder members, and the stockholder members of Farmers Union Grain Terminal Association and the stockholder members of Farmers Union Marketing Association; and

Whereas during all of said time, said Farmers Union Herald has been the recognized official publication of said cooperative associations and has, during all of said time, and does now publish in each issue thereof facts and information relative to the operation, plans, business, and affairs of said associations, including information and facts relating to the marketing of grain, the marketing of livestock, the distribution of automotive and petroleum products, other farm supplies and equipment, and much other information of value to farmers and especially to said stockholder members in the areas served by said cooperative; and

Whereas the stockholder members of this association and their stockholder members desire that said publication continue to be issued and forwarded to them through the U.S. mail, and that the subscription price therefor be paid for them by this association; and

Whereas because this association is a cooperative organization wholly owned by its stockholder members and is in fact their agent, payment of such subscription price by this association on behalf of said stockholder members is actually payment by them: Now, therefore, be it

Resolved, That the management of this association be and it hereby is directed to subscribe to Farmers Union Herald for and on behalf of each of its stockholder members and to pay the subscription price therefor for each of said associations and individuals.

13. IN MEMORIAM—HERBERT D. ROLPH, SR.

We honor the memory of Herbert D. Rolph, Sr., of Booring, Oreg., who passed away early in December of 1959. Mr. Rolph had served as vice president of the National Farmers Union for 16 years, in addition to having the unusual experience of serving at different periods in his life as president of the Montana Farmers Union, the Oregon Farmers Union, and the recently organized Oregon-Washington Farmers Union.

A pioneering organizer of cooperatives, and the Farmers Union, Herb Rolph also served the people of Montana as a member of the State legislature for several terms, including one session as speaker of the house.

His memory will long be revered in the annals of this and other Farmers Union organizations.

14. APPRECIATIONS

We wish to thank the officials and citizens of St. Paul for their hospitality.

We express our appreciation to the rooms committee of the Farmers Union Central Exchange, Inc., and to the management and employees of the Twin City hotels for courtesies extended to the delegates and visitors to our 29th annual stockholders' meeting.

We also wish to commend the Twin City press, radio, and television stations for their excellent coverage of our annual meeting.

COTTON TEXTILE IMPORTS

Mr. ERVIN. Mr. President, I am sure many of my colleagues are aware of the Tariff Commission's current investigation of cotton textile imports. This investigation, as you know, was sought by the cotton industry and its purpose is to determine whether such imports are interfering with Government cotton programs. During public hearings Mr. Robert T. Stevens appeared before the Commission as a witness. He represented the J. P. Stevens & Co., one of the oldest textile firms in the country.

Mr. Stevens told the Commission if our domestic cotton textile manufacturing industry continues to shrink American cotton growing will be drastically curtailed. He told the Commission that Government records indicate that during 1959 cotton cloth imports, exclusive of garments, reached a record high of more

than 240 million square yards—a gain of 70 percent over 1958. A conversion of apparel items into square yards of cotton cloth brings the total import figure for 1959 to something in excess of 646 million square yards.

Mr. President, the observations made by Mr. Stevens to the Tariff Commission are of importance to Members of the Senate, so I ask unanimous consent to have printed in the body of the CONGRESSIONAL RECORD, following these remarks, a portion of Mr. Stevens' testimony.

There being no objection, the excerpt from the testimony was ordered to be printed in the RECORD, as follows:

One does not have to be an expert in this matter to realize that the American cotton textile industry, as we know it today, cannot withstand the shock of these present and potential floods of goods from low-wage countries overseas. With respect to imports of total garments from Japan and Hong Kong alone for 1959, they represent what would equal the production of about 97 sewing plants in the United States in various communities with an average of 250 employees per plant. A small business individually—a very large business overall.

A noble concept, passed in 1934 as an emergency employment measure to promote international trade, the Trade Agreements Act, has been broadened in its administration, under Secretaries of State of both political parties, to a point of greatly assisting all of the free world trading nations. For some of these countries, the results have been extremely successful. Our markets have been opened up to them as never before. About 75 percent of American protection has gone. Unless action is taken, based upon the facts today and not upon those of 5 years ago, we shall continue to give away a constantly increasing portion of the domestic market. The brilliant economic recovery of the free world trading nations has created an entirely new set of circumstances.

The potential dangers in this situation have frequently been pointed out to the executive and legislative branches by many of us who have weekly payrolls to meet in the United States and could see what was happening. While it is true that the Committee for Reciprocity Information holds open public hearings, subsequent bargaining negotiations with other countries by the executive branch of our Government have been carried on in virtual secrecy. Unlike other parties to these same negotiations, no qualified textile industry representatives have ever been permitted to sit in on the actual tariff cutting.

Once the damage had been done, hordes of importers in the United States came forward to take advantage of the situation. Apparently they do not understand the implications as they ride the crest. With 4,150,000 Americans now unemployed, according to the latest Department of Labor figures, in a time of so-called prosperity, they are not concerned over the closing of still more American plants and the addition of still more Americans to the rolls of the unemployed. Unless havoc is deliberately to be wrought on the American cotton textile industry, it is essential that a system of quotas for fabrics, for garments, and for other important items, including textile fibers, be established by categories and by countries. And there isn't too much time.

Gentlemen, I recognize fully the narrow scope of this investigation. I am aware that this scope is not of your making. However, it would be incredible to me that any limitation of scope will preclude the presentation before this Commission of all the pertinent facts bearing upon the problem of the cotton textile industry, as the main customer of the American cotton grower. The stringent limits placed upon this industry were not contemplated by the sponsors of section 22 of the act.

During the debate in the U.S. Senate regarding the original section 22 amendment to the Agricultural Adjustment Act, the record clearly indicates the intent of Senator La Follette, author of the section 22 amendment. On page 11503 of the CONGRESSIONAL RECORD dated July 20, 1935, he is quoted as follows:

Mr. La Follette: "So far as I am concerned, I cannot see any logic in taking the position that, on the one hand, we are going to tax the American consumer for the purpose of raising the domestic price of agricultural commodities, and then in the same program, with an alarming increase of imports threatening to undermine and destroy us, we are not willing to grant discretionary power to the President of the United States and the Tariff Commission to take the same action to protect the program which we are willing to afford to American industry under the Industrial Recovery Act. I say there is no logic in it; I say there is no justice in it; and I say, besides that, it is folly, unless we propose to repeal the Agricultural Adjustment Act and abandon the program." That quote from the remarks made by Senator La Follette, author of the section 22 amendment, embodies his philosophy and intent. It is clear and precise.

Senator Walsh, of Massachusetts, in support of the La Follette amendment, referred to the textile mill worker and the difficulties which he would encounter. Here is what he said. "Yes; he (the textile worker) will be less able to carry on, because his domestic market will be reduced; but, if this amendment shall be adopted, he will be at least protected against cheap foreign labor competing with his own output." Here also the legislative intent is clear and precise as to what section 22 was supposed to accomplish but the desired result has not yet been achieved, even after 25 years. Subsequent amendments to section 22 have served further to clarify and strengthen the intent of Congress but, unless the section is invoked, it remains an ineffective instrument. Has not the time arrived to act?

It is curious that American cotton textile manufacturers should appear at this hearing in an effort to shield their workers from what Senator Walsh called "cheap foreign labor" way back in 1935, especially since our Government has created in large measure the situation which faces us today. For example, during World War II Japan's spindles were reduced, by melting or by bombing, from about 10 million to a little over 1 million. In the reconstruction period which followed the war, with so much aid available from us in various forms, a balance in Japan's industries should have been planned. Those in authority were aware that approximately 60 percent of her prewar exports had been cotton goods and yet they pushed relentlessly to reestablish a cotton goods production base for that equivalent.

Japan is a trading nation, like Great Britain, with few natural resources, and should have reindustrialized with wide diversification, like England or France. American manufacturers have been increasingly plagued by this unnecessary overemphasis on cotton goods production. The situation has been heightened by the Japanese use of much cotton other than American in their fabrics shipped to us here in America.

A look at Japanese imports of raw cotton is revealing. During the first 11 months of 1959, out of a total of 2,235,000 bales imported into Japan, 476,000 or 21 percent, came from the United States. By comparison, in 1958, total imports for the year were 2,124,000 bales, of which 837,000 bales were American cotton or 39 percent. Not only is the best customer of the American grower, the American spinner, being hurt badly by Japanese textiles but, the 1959 figures just cited would indicate that the American grower has little to count upon by way of Japanese preference for American cotton. The Stevens Co., a single American spinner, is purchasing three-quarters as much American cotton as all the American cotton imported by Japan in the first 11 months of 1959. And we paid 6 to 8 cents per pound more than the Japanese. Which is the more valuable customer for the American cotton grower?

The special Senate subcommittee, consisting of Senator PASTORE, of Rhode Island, chairman; Senator COTTON, of New Hampshire, and Senator THURMOND, of South Carolina, which in 1958 investigated the problems of the American textile industry, said in its report to the U.S. Senate in February 1959, "Textile mill products have a high military priority. The Department of Defense has ranked the textile industry second only to steel in terms of military essentiality. It would be the height of folly in a world where we must realistically recognize the necessity for military preparedness—however much we hope for and work toward the elimination of war—to allow the domestic textile industry to contract to the point where it could not satisfy our basic civilian and military needs in the event of an all-out emergency." In my considered opinion, there are parts of the textile industry, as of today, that could not supply the basic needs of war. The recommendation of the Pastore committee for the establishment of quotas has not been implemented, even though made more than a year ago. Action is what is desperately needed.

In addition to providing necessary strength in emergencies, the day in, day out contributions of the textile industry to the national economy in peacetime should also be considered. I shall now outline briefly a tabulation of Federal, State, local, and other taxes paid by J. P. Stevens & Co., Inc., with its 52 manufacturing plants including the approximate amount of money withheld from the pay envelopes of our workers for Federal and State taxes in the year 1959.

Federal income tax	$6,907,681.80
State and local taxes:	
Income	1,314,355.18
Franchise	202,323.84
Sales and use	178,194.85
Real estate and personal property	2,138,666.29
Other	198,566.57
Total	10,939,788.53
Federal income tax withheld	14,702,604.86
State income tax withheld	1,500,000.00
Total	16,202,604.86
Grand total	27,142,393.39

This is the yield from only one company in the textile business and there are thousands of other textile companies in the United States. If a lot of them are not to survive, where will their share of Federal, State, and local taxes come from? Is it reasonable to expect that foreign countries will come to the aid of the U.S. Treasury?

Another vital facet of these imports is the serious balance of payments deficit in which our country now finds itself. And this at a time when our production is larger than production in any other country. But our exports have declined from their peak and our imports have increased. This fact, along with foreign aid and other elements has created this adverse balance of payments position. Instead of large credit balances, we now have deficits on the order of $3,500 million to $4 billion per year.

That 646 million square yards of cotton products imported in 1959 played its full

part in last year's imbalance. It must be apparent that what is being done or not done about foreign trade concerns the very economic foundation of the United States.

I have already testified to the fact that our company consumes every year, large quantities of American cotton and that we pay more—now about 8 cents more—per pound than any foreign manufacturer. We do not object so much to paying a premium price if it really results in assisting the American cottongrower to maintain his markets. We do object, however, to paying the premium price and then having excessive foreign yardage and garments coming in to our stores in unrestricted amounts, thus resulting in unfair advantage to the foreign manufacturer.

For the last 10 years we, as a nation, have been very busy shipping our textile workers' jobs abroad. Since 1950, there has been a steady decline in jobs from about 1,290,000 to approximately 950,000, a drop of 340,000 workers. Not all of this was due to imports but that was surely one of the most important factors in our loss of textile jobs.

As the chief executive officer of a company employing 34,000 workers, it is my principal responsibility to see that these fine people have full-time jobs, thus providing not only for their economic well-being but also contributing to the well-being of their families and the communities in which they live. I am sure you will agree that such an operation requires a lot of planning and forward scheduling. It seems a fair question to ask—how can any textile manufacturer plan ahead effectively with the constantly eroding influence of these sky-rocketing imports?

We expect periodic ups and downs in our business and we have learned to roll with the punches, as business conditions demand. But we cannot, with a high labor cost content in our products, compete with wages as low as one-tenth of ours, and with brand-new textile plants overseas constructed with the aid of the American taxpayer. And it is no easy thing to plan modernization, expansion, and research in the face of these steadily ascending imports. Is it wise to invest more of our share owners money in the things we should be doing? This is a very serious question.

It is no secret that many American companies in various lines are rushing overseas to manufacture components and end items, taking advantage of low foreign wages, in order to bring these products back into the American market at costs far below American costs. Is that really what our Government intended as a byproduct of its foreign trade policy? I do not think so. And yet, if our Government does not, through definite action, and soon, make clear to the American business community that this is not the desire of Government, then the movement overseas will continue at an accelerated rate. Every day of delay in making our national policy clear in this regard means the loss of still more American jobs. And make no mistake about it. There are plenty of plants that are now operated in certain areas overseas by Americans primarily to supply the American market with products which exploit cheap foreign labor. Do we support such runaway plants as American policy? I certainly do not. We have not used a yard of foreign cloth, even though many of our competitors feel they must do so.

As these hearings progress, regarding one specific phase of foreign trade, there seems to be mounting evidence of unrest elsewhere in Washington on some aspects of overall foreign trade policy. I refer to the Bailey concurrent resolution in the House, which seeks to forestall further tariff cuts by our GATT negotiators. Then, there is the revised Keating bill in the Senate, which would make very drastic changes in foreign trade determinations. We are not yet halfway through the period of the Trade Agreements Act of 1958 but the rising ground swell of American discontent with some phases of our foreign trade policy becomes increasingly evident. Only a week ago last Wednesday, the day the Stevens Co. advertisement appeared, 12 Senators went on record about the danger of these textile imports in a 2-hour discussion of this serious matter on the floor of the U.S. Senate.

This devastating effect of imports on some American industries was surely not intended by Congress or the executive branch. President Eisenhower's letter of February 17, 1955, to Congressman JOSEPH MARTIN, made the position of the executive branch clear. And I surely do not believe the President's position has changed. While the extension of the Trade Agreements Act was being considered by Congress, He said, in part:

"I wish also to comment on the administration of this legislation if it is enacted into law. Obviously, it would ill serve our Nation's interest to undermine American industry or to take steps which would lower the high wages received by our working men and women. Repeatedly I have emphasized that our own country's economic strength is a pillar of freedom everywhere in the world. This program, therefore, must be, and will be, administered to the benefit of the Nation's economic strength and not to its detriment. No American industry will be placed in jeopardy by the administration of this measure. Were we to do so, we would undermine the ideal for which we have made so many sacrifices and are doing so much throughout the world to preserve."

On the same date, February 17, 1955, the President also wrote to Congressman BASS, of New Hampshire. He said:

"I appreciate that legislation of this character has always aroused concern among industries that are fearful it may be administered so as to affect them adversely. Such fears are in fact groundless, for it would ill serve our Nation's interests to undermine American industry or to lower our high living standards. Our own economic strength is a pillar of freedom throughout the world, and it would be irresponsible to take any action that would weaken it. For this reason no American industry is going to be placed in jeopardy by the administration of this measure. Nor will any American industry be placed in jeopardy in the trade negotiations which are to begin next week at Geneva under the existing trade agreements law."

If ever any industry has been placed in jeopardy, it is the textile industry of the United States right now. The President said in his letters to Congressmen MARTIN and BASS that this would not happen. Administration of the legislation has thus not yet in fact worked out as the President clearly intended that it should.

If this Commission recommends to the President the imposition of an equalization fee on imported cotton manufactures, and, if the President implements such a recommendation, the job will only be started. It would surely be helpful. Such action will not of itself, however, stop the erosion of the industry. In heavy cotton yard goods, a real measure of assistance will result. In fine cotton goods entering the United States in the form of blouses and other made-up garments, the implementation of a favorable recommendation by this Commission will afford much less assistance.

In conclusion, I want to reiterate the basic relationship which exists between the American cottongrower and the American spinner. The economic facts of life dictate the need for this relationship because the American spinner has been, is, and should continue to be the best customer of the American cottongrower.

Until our Government effectively removes by executive or legislative action the sword of Damocles which hangs over the industry's head, there can be no real security for textile workers and no real foundation on which the industry both grower and spinner, can build to its rightful place in the American economy. Dynamic, growing American industries, including the essential textile industry, all in support of a strong military defense posture, are the surest guarantees of free world survival in the nuclear age.

I thank you.

THE SOUTH'S THERMOPYLAE

Mr. MCCLELLAN. Mr. President, on March 31 last Mr. C. Hamilton Moses addressed the Arkansas District Rotary Convention at Little Rock, Ark. Mr. Moses is a former president and chairman of the board of the Arkansas Power & Light Co. He retired from his position as chairman of the board in 1954 or 1955 to devote full time to the practice of law, and is now the senior member of the law firm of Moses, McClellan, Arnold, Owen & McDermott with offices in the Union Life Building in Little Rock, Ark.

Prior to Mr. Moses' becoming connected with the power company he served as secretary to three Governors of Arkansas, the Honorable George W. Hays, the Honorable Charles Hillman Brough, and the Honorable George W. Donaghey. For 12 years he was president of the Arkansas State Chamber of Commerce. In 1948 he was voted Arkansas Man of the Year, and in 1950 he was voted the Man of the South. In 1959 he and Col. T. H. Barton, of El Dorado, Ark., were named as most distinguished living Arkansans. He is now known as Mr. Arkansas.

He is a former district governor of Rotary of the Arkansas district, and on this occasion was speaking to the group he had formerly served in that capacity.

The thoughts expressed by Mr. Moses in his address are timely. They are in part related to the current issue pending here in the Senate. They are indeed most profound and provocative. His remarks have already elicited widespread favorable comment. They will be, I believe, of keen interest to Members of this body and to all citizens of our country. I commend Mr. Moses' remarks to my colleagues for profitable reading and meditation. I therefore most respectfully ask unanimous consent that his address may be printed in the body of the RECORD at this point as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE SOUTH'S THERMOPYLAE

We are living in crucial years—in truly testing times—particularly for our Southland—and more particularly for our own State of Arkansas.

DESTINATION UNKNOWN

Just recently I heard a church lay leader say, in effect: "We are lost people. We don't know where we are—how we got here—where we're going—what to do about it. America is a great nation with destination unknown—and, where's the leader that can point the way?"

Our people have too long followed strange doctrines. We have seen sovereign rights

of States and individuals silently steal away from home and gradually settle in Washington—with the promise that when the emergency ended, these rights would be returned—and there today bureaucracy abounds, and no rights yet returned. For a quarter century we have lived in the greatest era of give and grab that history has ever known—beyond the fabulous giveaway days of the Roman circus. We are the victims of centralization and federalization unbelievable—and we ask what to do about it.

FOUR FRIGHTENING WORDS—"RUSSIA WILL OVERTAKE US"

During the past quarter of a century, America has developed an inferiority complex. We became slaves to four little words, "Russia will overtake us." We have forsaken the ancient landmarks of our fathers. These four words, "Russia will overtake us" literally scared America politically sick. The ghastly ghost created by those four words has driven our Government to increase defense spending, with reckless abandon; more and bigger government in business—with bigger losses; forget balanced budgets; deficit financing—27 of last 29 years; start new welfare projects; loss of States sovereignty; let Washington control our schools; reduce our citizens to Federal vassals; and no foreseeable tax relief; or "Russia will overtake us."

America has fashioned a new pattern of government to subside these basic fears; and, still, we do not know where we are going. Why can't a religious leader ask: "What are we going to do about it?" "Where is the leader that can point the way?" During the years the few lone voices crying "conservatism" were from the South.

EVER-RISING DEBT AND TAXES—AND, AND, AND—PAYDAY SOMEDAY

So many grabs and giveaways—and so much bigness and concentration—leads to ever-higher taxes and bigger national debt. Our budget for this coming year is $82 billion, unprecedented in peacetime, and doubled in 10 years of peace.

Russia shot a sputnik into the air—claiming to have discovered the moon. America literally lost its head—and, last year your Government had a deficit of $12 billion—another peacetime record. Let Russia have the moon. We have more nations now than we can support. Let's not take over this strange new world, and lose the world we now live in.

Your Government today has upward of $300 billion in public debt. That's only part of the terribly tragic and upsetting story. You are further committed to veteran's benefits and Federal highways and public works and Federal housing and various other welfare undertakings running your present Federal Government commitment in excess of $700 billion—several times the total assessed value of all the property in this Nation. It will require 50 or more years for dedicated statesmanship and rigid economy to retire this debt—and, our people must pay much more than a trillion dollars in taxes.

Apply this appalling picture to your own household. Arkansas' share in our present national debt is in excess of $4 billion. Your total State debt is less than $100 million. Therefore, your Federal Government debt is 40 times your State debt. Your part of the present national debt is four times the total assessed value of all the property in the State of Arkansas. The average Arkansas home is now burdened with a present Federal mortgage of $7,500, and an overall commitment of $20,000 per family—and, you call yourself free.

We all ask, "Where is that leadership that can silence some of our fears, and lead us back to national solvency?"

We say again, it was the lonely voice of southern leaders like Byrd and McClellan and George and Russell and Ellender and Stennis and others who cautioned conservatism and cried aloud, "you cannot spend yourself into prosperity." Again the voice of the Southland fell on politically attentioned ears.

CONSTITUTION PINIONED ON ALTAR OF SOCIOLOGY

During all this period the southern concept of States rights and constitutional government was losing ground. Too many of our people grab for all subsidies. Yes, we feared for the sovereignty of our States. Yes, we viewed with alarm the waning dignity of the individual. Yet, we wanted our share—surrendering inalienable rights for various political doles.

Then, our Southland was to be dealt a bewildering blow from the chief fortress of our country's safety. Our Constitution, the birthright of our Democratic government, was to be pinioned on the altar of sociology. From a clear sky, and one momentous stroke, our Supreme Court, the highest judicial body in the world, came forth with a fateful and epochmaking decision setting aside legal precedents that over a 100 years had aged into property rights. This Nation-shocking decision was based on sociology more than law, quoting from a text written by a foreigner, and converted the ark of the covenant of our country's glory into a political shamble.

These nine men decreed:

You're no longer an indestructible Nation of indestructible States.

The State no longer controls its public schools.

Social customs and deep moral convictions of the centuries must bow to a new decreed social philosophy.

You cannot inquire as to color when selling your property.

Your home no longer your castle—government can enter without warrant.

Sociology and philosophy supplants age-old legal precedent.

The voice of nine men is the new law of the land, despite your Constitution, and your Congress, and the old and sacred law of the land under which you had lived for a century.

THE GHOST OF RECONSTRUCTION WALKS AGAIN

Posthaste, these upsetting edicts were to be put into effect by the power of Federal court decisions, and, believe it or not, at the point of Federal bayonet. Again the ghost of Reconstruction was to stalk in our midst. Outside forces centered in Arkansas. Immediately we became the whipping boy of the Nation. Punitive criticism ran rampant. Other sections of the country were having more violent upheavals than our State; yet Little Rock became the choicest front-page story. We were innocent victims of far-away powers bent on enforcing federally imposed changes in our deeply rooted social customs.

With patience and little fanfare, and with commendable tolerance, our people reluctantly adjusted themselves to this new law of the land—with as good grace as possible, under the strange and humiliating circumstances. As a last resort, and to save our public schools, our people accepted token mixing of the races—surely to the detriment of both groups. We bowed with becoming dignity to constituted authority, although we felt our High Court had substituted personal political philosophy for century-old judicial precedents.

THAD STEVENS AND BEN BUTLER RIDE AGAIN

We had fairly well adjusted ourselves to our new status, and had reluctantly accepted, with a fair degree of understanding, the upsetting results of this new law of the land. We were again at ease.

Then, for reasons we do not understand, and certainly not for the best interest of the country, we are now threatened with the reincarnation of the old punitive "enforcement bills" that thrust upon our defeated people the terrible carpetbag government following the Civil War. Our northern and eastern leadership has gone further than ever dared Thad Stevens and Ben Butler. The laws following the Civil War gave Federal control only to Federal election, but these revitalized "force bills," under the politically appealing name of "civil rights," applies to all elections—State, county, and township and school districts. These civil rights bills transfer the power of the people from the local level to some Federal agency, or some bureau in Washington. The people cease to be masters of their own government, and become the wards of judicial federalization. If these civil rights measures now being proposed were voted by secret ballot, they would be hopelessly defeated. We must not see those tragic Reconstruction days reenacted on the American scene. Let's keep the haunting specters of Thad Stevens and Ben Butler just a bad dream of far away Reconstruction days.

You Arkansans do not want to see another Poker Jack McClure, whose Reconstruction power as Federal election supervisor wrote some of the most disgraceful pages in Arkansas' history, in charge of our election machinery—setting aside the power of our legislators, usurping the functions of your Governor and your law-enforcement officers.

THE SOUTH DESERVES BETTER TREATMENT

Just 100 years ago our forefathers offered their lives on the altar of their country's cause to preserve to all States their fundamental rights vouchsafed by our Constitution. This Southland is the only section that ever suffered defeat in war—a terrible defeat—but honorable and dedicated defeat. Our once economically strong South was smitten with poverty, its lands ravished, its beautiful homes in ashes, and then, for 10 years suffered the terrible tragedy of Thad Stevens' and Ben Butler's Reconstruction fiasco government.

The South had no lend-lease—no United Nations, no Marshall plan—no kind of subsidies to aid in its recovery. We rebuilt by sweat and toil an empire from ruins and ashes of what was once our glorious land. It took our people 50 years to recover from the aftermath of that terrible trail of tears. We served ourselves back into the confidence of the other sections and builded ourselves back into the economy of the Nation.

Now despite our long fight back, are we to be unconstitutionally ostracized by our northern brethren; criticized socially; punished politically; and undermined spiritually by reenactment of long ago repudiated legislative edicts the South cannot voluntarily accept? Are we to become second-class citizens—one standard for us, another standard for the Nation? Are we the only minority that has no rights—despite the night and day courageous efforts by our southern Democrats to protect their own people?

Is the South again to become the blazing battleground for clashing concepts of social equality wholly foreign to our way of life? Are we now to become the hackhorse for a misjudged public sentiment and a dromedary for misguided politics?

We ask our northern brethren, "Why enact an unworkable law of doubtful constitutionality that brought this Nation and its democratic processes to the brink of chaos during the last century, and which was repealed at the request of your own people?"

If our High Court of nine men—or even five men—can destroy the rights of sovereign States to control their own public schools and their own elections, then cannot that same high tribunal destroy other constitutional rights—maybe even the time-honored rights of worship?

If our High Court of nine men—or even five men—can change the laws of the land and strike down time-honored judicial precedents, then, won't the property rights and

liberty of the people and States become its playthings in a passing hour, and its innocent victims forever?

LISTEN, BRETHREN

We say to our eastern and northern brethren, don't turn a cold shoulder to our proffered hand of friendship. We are your own people. Our forebears helped form this Nation and nurtured to full vitality our democratic heritage. Don't make out of us a politically discounted colonial vassal. Don't fence us in. Leave us alone. Go on about your own business. Let each group and each section solve their own problems. This Nation is made up of 50 States; each having its own specifically reserved rights; each entitled to the protection of our Federal Government. We, in Arkansas, deny to no man his unrestricted constitutional right to the ballot. We deny to no man his right to climb ambition's ladder and hitch his own wagon to his own personal star. We proclaim equal economic and educational opportunity to all groups and all sections and all people. We have no race problem—except that inspired by and financed from the outside.

You're violating constitutional States rights guarantees, established by our Founding Fathers, basic in the pattern for our democratic form of government. You, our brethren, are imposing by law political creeds and federally enforced social equality which you yourselves do not practice—which your families abhor—and which your children will never tolerate. You're guilty of much more economic discrimination than is found in our section. You do not practice what you preach—and, most of all, you're motivated by politics and not by deep personal convictions. Laws cannot change the emotions and ideals of a proud people, based on generations of beautiful traditions and tragic history.

LET'S WORK TOGETHER

America needs unity—the joining of all forces to save our way of life. The balance of civilization rests upon the economic and spiritual structure of America and that balance in America rests upon this Southland. The last 50 years belongs to the West. The next 50 years belong to the South. We have earned our day in the sun.

If we can be comrades, if we can live in mutual faith—with malice toward none and charity toward all—you will have our people arm in arm down the pathway to a better world. We ask that you extend to us the same sympathy and the same consideration that the victorious and gracious Grant extended to defeated and lovable Lee at Appomattox. You cannot afford to do less.

The South is not sitting with hands folded. Every State is doing its own job. This section is looking up. Roosevelt called the South the Nation's economic problem. We have proved ourselves your economic opportunity. We strive to become our Nation's economic prodigy. Arkansas has the best prepared, the best organized, the best financed, the most effective plan to secure for our people its full share of this greatest economic and development opportunity that has ever faced any nation. You can't stop people on the march.

YOU ARE THE ANSWER

You say, "What can I do—I am just one man—just a human trifle." The so-called little man, organized and in action and on fire, has always been the world's most powerful force.

Moses' little rod, just a piece of iron, obeying God's command, touched the waters of the Red Sea. David's sling and stone, in the cause of right, slew the giant Goliath, and the little man came to his own. Naaman's maid used her voice—cried out in faith—and Naaman, the leper, was healed. A poor widow gave two mites—her very best—and received the highest praise from the Master. A little lad had 5 loaves and 2 fishes, and in the hands of dedication, 5,000 were fed—and much was left over. Zachariah cried out, "Who hath despised the day of the little man." Ours, my fellow countrymen, is the power of a righteous cause. In your hands is the destiny of the free world. What can you do?

Demand the return of State sovereignty—an indestructible union of indestructible States.

Limit peacetime debt. If they can't borrow, they can't spend.

Compel balanced budget—gradually retire the national debt.

Sell to highest bidder 700 tax-free, rent-free corporations, in competition with private business, losing billions of dollars each year.

Curb the Supreme Court. Senator JOHN MCCLELLAN offered such law 2 years ago, which failed by only one vote.

Reduce spending to friendly nations and eliminate loans to our enemies.

Kill Federal grants to States. They collect $2.10 for each dollar returned. There are 62 tax-supported agencies administering $5 billion per year in grants.

Slow down Federal encroachment—dissolve Federal bureaucracy. Get back surrendered rights.

Support patriotic and courageous men for public office. You now have superb delegation in Congress. Eighteen Senators from nine Southern States are making heroic fight.

Northern papers are denouncing these southern Senators, when they ought to be praising them for the preservation of States rights and local self-government. These southern leaders are fighting a desperate, and at present, apparently a losing battle—but they will not surrender.

Recall Thermopylae when Leonidas and his 300 faced 40,000 fine Persian soldiers. It was suggested that they retreat because the Persian arrows would darken the sky. Leonidas replied, "So much the better, we shall fight in the shade." They lost the battle, but their heroic stand has inspired courage in the hearts of millions through the years. These southern protectors will deserve the affection expressed on the monument at Thermopylae:

"Go tell the Spartans, thou that passeth by,
That here, obedient to their laws, we lie."

Then, don't apologize, don't get discouraged. Stand up and be counted. Be patient and tolerant and sympathetic—but speak out.

Don't fuss among ourselves. We have vital need for reason and composure.

We recall the tragic history of Israel in the land of the Pharaohs—and the plaintive plea of Moses for his people. The South is being made a wandering and captive people.

America has modern Pharaoh yonder in Washington—more powerful than all the Pharaohs. This modern Pharaoh is a good and great man. This faint voice of another lone and humble Moses, in a faraway wilderness, cries out "Pharaoh, O Mr. Pharaoh, let our people go—let our people go."

A New York divine tells the story of the Texas family, mother, father, and a 9-year-old daughter, visiting the Statue of Liberty in New York City. It was late in the afternoon. It was dark and raining. The little girl was greatly impressed. On returning to the hotel, she was quiet and in deep thought. They put her to bed but she could not sleep. The father said, "Sister, why can't you go to sleep—what's the matter." The little girl replied, "Daddy, I can't go to sleep, I am worried. It's that lady on that Statue of Liberty. She's holding that torch high in the air and she is tired and lonesome and it's cold and raining and we ought to go back and help that lady hold that torch." Yes, 40 million southerners can't be wrong in helping all Americans hold high that torch of liberty.

DECLARATION OF CONSTITUTIONAL PRINCIPLES—THE SOUTHERN MANIFESTO

Mr. THURMOND. Mr. President, on April 4, the senior Senator from New York caused to be inserted in the CONGRESSIONAL RECORD certain memorandums which contain among other things the southern manifesto of March 12, 1956, which expressly and in detail discussed and attacked the Supreme Court desegregation decision of Brown against Board of Education. On April 5, the senior Senator from New York requested and received unanimous consent that the southern manifesto be stricken from the permanent RECORD. I would not want any inference to be drawn from the fact that an objection was not made to the withdrawal of the southern manifesto from the permanent RECORD by the senior Senator from New York, that there is any less adherence to or belief in the principles expressed in that document by southern people now than at the time the manifesto was presented to the Senate. On the contrary, the people of the South are more devoted to these principles than ever, and will remain steadfast in their adherence to the ideas and principles expressed in that document. I therefore ask unanimous consent that the southern manifesto, which has been and is the principle on which the southern legislators have stood throughout this so-called civil rights debate, be printed in the CONGRESSIONAL RECORD at this point in my remarks and carried in the permanent RECORD.

There being no objection, the declaration was ordered to be printed in the RECORD, as follows:

DECLARATION OF CONSTITUTIONAL PRINCIPLES

The unwarranted decision of the Supreme Court in the public school cases is now bearing the fruit always produced when men substitute naked power for established law.

The Founding Fathers gave us a Constitution of checks and balances because they realized the inescapable lesson of history that no man or group of men can be safely entrusted with unlimited power. They framed this Constitution with its provisions for change by amendment in order to secure the fundamentals of government against the dangers of temporary popular passion or the personal predilections of public officeholders.

We regard the decision of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the States and the people.

The original Constitution does not mention education. Neither does the 14th amendment nor any other amendment. The debates preceding the submission of the 14th amendment clearly show that there was no intent that it should affect the system of education maintained by the States.

The very Congress which proposed the amendment subsequently provided for segregated schools in the District of Columbia.

When the amendment was adopted in 1868, there were 37 States of the Union.

Every one of the 26 States that had any substantial racial differences among its people, either approved the operation of segregated schools already in existence or subsequently established such schools by action of the same lawmaking body which considered the 14th amendment.

UNIVERSITY OF MICHIGAN LIBRARIES

As admitted by the Supreme Court in the public school case (*Brown* v. *Board of Education*), the doctrine of separate but equal schools "apparently originated in *Roberts* v. *City of Boston* (1849), upholding school segregation against attack as being violative of a State constitutional guarantee of equality." This constitutional doctrine began in the North, not in the South, and it was followed not only in Massachusetts, but in Connecticut, New York, Illinois, Indiana, Michigan, Minnesota, New Jersey, Ohio, Pennsylvania, and other northern States until they, exercising their rights as States through the constitutional processes of local self-government changed their school systems.

In the case of *Plessy* v. *Ferguson* in 1896 the Supreme Court expressly declared that under the 14th amendment no person was denied any of his rights if the States provided separate but equal public facilities. This decision has been followed in many other cases. It is notable that the Supreme Court, speaking through Chief Justice Taft, a former President of the United States, unanimously declared in 1927 in *Lum* v. *Rice* that the "separate but equal" principle is "within the discretion of the State in regulating its public schools and does not conflict with the 14th amendment."

This interpretation, restated time and again, became a part of the life of the people of many of the States and confirmed their habits, customs, tradition, and way of life. It is founded on elemental humanity and commonsense, for parents should not be deprived by Government of the right to direct the lives and education of their own children.

Though there has been no constitutional amendment or act of Congress changing this established legal principle almost a century old, the Supreme Court of the United States, with no legal basis for such action, undertook to exercise their naked judicial power and substituted their personal political and social ideas for the established law of the land.

This unwarranted exercise of power by the Court, contrary to the Constitution, is creating chaos and confusion in the States principally affected. It is destroying the amicable relations between the white and Negro races that have been created through 90 years of patient effort by the good people of both races. It has planted hatred and suspicion where there has been heretofore friendship and understanding.

Without regard to the consent of the governed, outside agitators are threatening immediate and revolutionary changes in our public school systems. If done, this is certain to destroy the system of public education in some of the States.

With the gravest concern for the explosive and dangerous condition created by this decision and inflamed by outside meddlers:

We reaffirm our reliance on the Constitution as the fundamental law of the land.

We decry the Supreme Court's encroachments on rights reserved to the States and to the people, contrary to established law, and to the Constitution.

We commend the motives of those States which have declared the intention to resist forced integration by any lawful means.

We appeal to the States and people who are not directly affected by these decisions to consider the constitutional principles involved against the time when they too, on issues vital to them, may be the victims of judicial encroachment.

Even though we constitute a minority in the present Congress, we have full faith that a majority of the American people believe in the dual system of government which has enabled us to achieve our greatness and will in time demand that the reserved rights of the States and of the people be made secure against judicial usurpation.

We pledge ourselves to use all lawful means to bring about a reversal of this decision which is contrary to the Constitution and to prevent the use of force in its implementation.

In this trying period, as we all seek to right this wrong, we appeal to our people not to be provoked by the agitators and troublemakers invading our States and to scrupulously refrain from disorder and lawless acts.

BATAAN ANNIVERSARY

Mr. WILEY. Mr. President, the history of the recent past will recall for us a tragic event, on April 9, a fateful day: the fall, 18 years ago, of Bataan.

The recollection, too, reawakens memories of other dark days: of Pearl Harbor, of Corregidor, of Wake Island.

Out of the holocaust of war—grim, destructive, terrible, deadly—too, come images of the friends who stood with us, who joined, in battle and blood giving, to fight for freedom.

Has the world learned a lesson? Or must the human race experience again a new and more catastrophic military Gethsemane?

After Pearl Harbor, we had 2 years to pick up the pieces.

Today, a hair trigger set on H-bombs, would, if a war were sparked, destroy vast portions of the territory, within minutes or hours, of both attacker and attacked. Is this not ample warning, even to the power hungry, that war means death to millions of people?

In commemorating Bataan, our thoughts reflect upon the loyal sons of the Philippine Islands, many of whom, along with American boys, gave their last full measure of devotion that freedom might live. In fighting a delaying action on Bataan, these Filipino and American heroes bought with their blood time, precious time, for the United States and other nations to marshal forces to fight, and win, the battle of freedom.

The anniversary of Bataan reminds us also how important to us are our friends in a cold war world, particularly our Filipino friends, whose sons and daughters stood shoulder to shoulder with our sons and daughters to give freedom a new meaning, to give sacrifice a new dignity, to bequeath liberty to us and generations of the future.

At this time, I call attention to remarks by Carlos Romulo, Philippine Ambassador to the United States, on "The Meaning of Bataan in 1960." A stanch patriot in representing the interests of his own people, Ambassador Romulo also remains a loyal friend of the United States.

Among the great attributes of his friendship has been a relentless effort to recognize and seek to find solutions for problems arising out of the relationship between the Philippine Islands and the United States.

In reviewing the significance of Bataan in the 1960's, Carlos Romulo provides a piercing insight into the realities of the Communist menace.

He crystallizes the real meaning of friendship between our two nations, in peace and war, and in other ways, portrays the sound thinking on the need for creating ever-stronger bonds for the future.

As a message for all Americans from a great statesman, fighter for freedom in peace and war, loyal friend, and representing a wonderful people, I request unanimous consent to have the statement by Ambassador Romulo printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE MEANING OF BATAAN IN 1960

(By Gen. Carlos P. Romulo, Philippine Ambassador to the United States)

Eighteen years have passed since the fall of Bataan. It seems like 18 centuries. In the passage of time since those grim days, we have gone so far and been through so much that we are able—so soon after the event—to fit the epic of Bataan into the timeless pattern of history.

Bataan was a victory of the human spirit. It was such a victory because it was a strange and wonderful symbol of what the 20th century could mean to the human race. Ever since those terrible days of 1942 we have been aware of this symbolism. But it does no harm to repeat it now—because, like all the great verities, it seems to acquire new truth each time it is repeated.

And so today we recall the victory of Bataan: The demonstration to the whole world that people of different races, different origins, different backgrounds, have a common cause in liberty. That the old and despicable balance of mastery and slavery, of colonial power and subject nation, can be wiped out in a spirit of mutual trust and respect. That the men of the West and the men of the East can face a common foe in absolute and unquestioned equality.

That was the victory of Bataan. It was a tribute to the people of the United States, who never carried the mantle of imperialism with ease and who set out, from the moment they arrived in my country, to liberate the very nation that destiny had placed under their aegis. It was a tribute to my fellow countrymen, who had the vision and the courage to continue fighting for their freedom until they had earned it, and at the same time to recognize that from a free and democratic people we could learn much, a country that could not possibly, by the very logic of freedom and democracy, remain as masters in our beloved island homeland.

That was the victory of Bataan. It was a repudiation of the tempting hypocrisy of power-mad men who sang of "Asia for the Asians" when in fact they sought the domination of the Asian peoples—and of their successors today who, like Greeks bearing gifts, seek to persuade the peoples of Asia that their brand of slavery is a new kind of freedom.

That was the victory of Bataan. It was a portent of things to come. For the first time, of their own free and positive choice, an Asian people rose, almost unanimously, to the defense of an Occidental power—not because America was white and Western, but because America was friendly and honest and just and, above all, dedicated to the idea of liberty.

That was the victory of Bataan. It sealed the bond of friendship between Americans and Filipinos—a bond already established through the long years that led up, before the Great War came, to the guarantee of national independence. As the long shadows of military defeat fell over those Filipino and American warriors in the tropical night on Bataan, the victory of the free spirit hovered

overhead. It foretold the massive and exciting roster of nations that would quickly win their freedom in the years to follow—India, Pakistan, Burma, Ceylon, Indonesia, South Korea, and all the others.

The victory at Bataan showed the way. It was important in time of war. It was even more important in the cold peace that succeeded the war. For we can now place the troubled problems of relationships between nations against the background of the lesson we taught ourselves on Bataan. Today we are faced not with the menace of imperial Japan but with the menace of imperialistic communism. The threat is real; it is made even more real by the new and beguiling mask that the Communist leaders have been using during the past few months. Surely none of us can be misled by the current change in the party line; nowhere, in all the meanderings and maneuverings among the Communist leaders anywhere, have we seen any indication that the purpose is altered. Only the methods change, the tactics, the curiously tortured interpretations of things past. The goal remains. It is what it has always been: conquest of the world for the totalitarian philosophy of international communism.

And it is more than ever clear that the tacticians of communism see all of Asia as a fertile field. They have played heavily on the unhappy memories of peoples who still recall the injustices of Western colonial rule, who still have a long way to go before they feel themselves to be in full control of their own destinies.

No country with such deep-etched memories, no country with such insecurities, can feel safe from the subversive methods of Communist penetration. But now a new dimension must be added to the Communist menace, and that is the Communist pattern of economy. A new offensive has been launched by the Kremlin, the most dramatic example of which has been the proffer of assistance in Asia, the Middle East, in the underdeveloped countries. In southeast Asia Mr. Khrushchev has traveled far and wide, establishing personal contacts with Asian leaders.

What is behind the new Soviet persuasion? The answer is: a system of economy which could easily be tailored to the needs of impoverished areas. This system cannot be dismissed as a failure. The Soviet salesmen are offering too much tangible assistance, both economic and military, to be dismissed as spokesmen for a hollow shell. And they are getting results. Under a dictatorship, they can act quickly and irresponsibly. By contrast, the slowness and deliberation with which we work—the very characteristic of the free society, in which no government can move faster than the public opinion it represents—seems to be tantalizingly inadequate. In the long run, the free enterprise, libertarian system will win out—that we know. But it will do so not because we say so, but because we make it so.

There is a clear and present danger that Asia's underdeveloped countries may fall for the Soviet pattern of economy. We in the Philippines are resolved not to allow this to happen. We have been through too much—beginning with Bataan, continuing through the dreary and oppressive years of Japanese occupation, the terrible destruction that accompanied our ultimate liberation, the mountainous difficulties we encountered in reestablishing stable government and a viable economy, and the long and dangerous years of coping with the Communist threat within our own borders—we have been through too much to relax now.

In the recent past, we in the Philippines have been outspoken in our appraisal of the scope and nature of American assistance to the Philippines. We have asked for an updating of our relations with the United States. We must not dismiss this new temper of my people, as being merely a matter of domestic politics. We must not. We must recognize that any small nation, like the Philippines, will always find itself reexamining the nature of its relationship with a great nation like the United States. Such a reexamination is wholesome for both countries. To us and to you Bataan was a symbol of the bond between us. Bataan is of the past; but the bond lives, and must never be shaken.

And today we look to America for more than maintenance of that bond. We look to America for a strengthening of the bond. I suppose it is a natural human impulse to pay closest attention to those who waver rather than to those you trust; to give greater help to the uncertain—the neutralists, if you will—than to the committed. But this impulse, however human, does not always coincide with the realities of world affairs. It is not a device of domestic Philippine politics to remind America of the continuing mutuality of our friendship, that we have problems that must be solved, claims that must be met, sovereign rights that must be respected, unsettled questions that must be frankly discussed and satisfactory solutions arrived at without delay. We believe that we of the Philippines deserve attention, if not preferential because of our close relationship and our proven loyalty, at least that attention that friends deserve and to which they are entitled.

I recently said in New York that I have always believed that the harmony, the friendship, the blood brotherhood of Bataan, between the Philippines and the United States, form the rock on which the relations between our two countries are founded. This friendship, and the common cause from which it stems, are more important than any difference of opinion which can ever arise between us: the differences are temporary because the friendship is lasting. But it is not enough to recognize that problems do arise between friends. We must go forward to a solution of the problems, precisely because that is what friendship means.

So today, in 1960, we recall the symbolism of Bataan—the spiritual victory that makes the military defeat look puny—and in the remembrance of that great moment in our common history we have the right to stand side by side through all the years to come, certain of the rightness of our cause and the timelessness of our friendship.

ESTHER MORRIS, DISTINGUISHED WOMAN OF WYOMING

Mr. McGEE. Mr. President, last evening a ceremony was held in the rotunda of the Capitol, during which there was deposited in Statuary Hall a statue of a distinguished Wyoming woman, Esther Morris.

Esther Morris was not a public servant or the type of dedicated person engaged in public service whom one associates with some of the usual entrants in Statuary Hall, but she stands for something else in Wyoming. That something else has to do with equal rights for women.

Esther Morris was a simple woman, a good woman. She served 8½ months as a justice of the peace. That was the extent of her public service. But it is what came to epitomize, not only in the minds of Wyoming women, but in the minds of women everywhere, and of older people everywhere, which makes her significant and all-important.

She was once seen walking along the railroad tracks in Laramie, Wyo., picking up coal and delivering it to the doors of the needy in the community. She was a warm, passionate woman, and as a result Wyoming is proud to commemorate her in this way. Wyoming was the first State to provide woman suffrage. Esther Morris was the symbol for that provision.

I think it is interesting to note what one of our legislators observed on the occasion of granting suffrage rights to women when Wyoming was admitted to the Union in 1870. He said, "Women have long been our superiors, but have now become our equals."

The example of Wyoming served to spark similar movements in other parts of the country, and soon after World War I the National Constitution was amended so as to provide equal voting rights for the women of America.

Mrs. Morris, however, was more than a Wyoming symbol. She became a symbol of all America. As Susan B. Anthony once said, "Hail to Wyoming, the greatest free republic of the world."

Those were fortuitous words, because in the revolutionary movements, in the ferment stirring around the world today, one of the elements is the change being demanded in the status of women, particularly in the Asian quarters of the globe. There, once again, one sees that the simple movement begun in the territory of Wyoming many years ago has spread across the Nation and now incites other portions of the world.

Wyoming's tribute has today become America's spirit, and tomorrow will become the hope of the world.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD an article written by a colleague of mine who is the head of the history department at the University of Wyoming, T. A. Larson. The article is entitled "Petticoats at the Polls—Women Suffrage in Territorial Wyoming."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PETTICOATS AT THE POLLS—WOMAN SUFFRAGE IN TERRITORIAL WYOMING

(By T. A. Larson)

The broad outlines of the revolution in women's rights in the past century is a familiar story. It is well known, too, that the Legislature of Wyoming Territory played a key role in the extension of rights to women by adopting woman suffrage in 1869. Susan B. Anthony said 2 years later: "Wyoming is the first place on God's green earth which could consistently claim to be the land of the free."[1] Many years later Carrie Chapman Catt and Nettie Rogers Shuler recalled:

"For 50 years Wyoming served as the leaven which lightened the prejudices of the entire world. She pronounced false every prediction of antisuffragists and gave so much evidence of positive good to the community arising from the votes of women that she became the direct cause of the establishment of woman suffrage in all the surrounding States."[2]

Congress admitted Wyoming as a State in 1890, with woman suffrage in its constitution. Wyoming's leadership probably did make it easier for neighboring Territories and States to adopt full suffrage rights. At least Wyoming's experience was cited in support

[1] Laramie Daily Sentinel, June 27, 1871.

[2] Woman Suffrage and Politics (New York, 1923), 84–85.

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of attempts to extend suffrage. Utah's Territorial legislature adopted woman suffrage in 1870, only to have Congress cancel it in 1887 as a blow at polygamy. Colorado's territorial legislature debated woman suffrage at length in 1870, but rejected it. Once the State of Wyoming had woman suffrage, neighboring States—Colorado, Utah, Idaho—quickly followed suit. By 1914 all States west of the Rockies, except New Mexico, had adopted full suffrage; only one State east of the Rockies—Kansas—had done so. It may be said that the Wyoming Legislature in 1869 started a wave which rolled westward to the Pacific.

Wyoming's action, of course, had connections with the past. Some very limited suffrage rights had been given to women from time to time in some parts of the east since colonial days. After 1840 suffragettes began to campaign vigorously throughout the East. A woman suffrage weekly, the Revolution, appeared in 1868; and the same year woman suffrage amendments were proposed in both Houses of Congress. The American Woman Suffrage Association was organized in 1869 to promote legislation in the States.

Most of the people of Wyoming had come out of the East in 1867, 1868, and 1869, coming in largest numbers from New York, Pennsylvania, Ohio, and Illinois—all States where there had been much discussion of women's rights. Many Wyoming citizens, then, must have had some acquaintance with the pros and cons of suffrage arguments. Probably some copies of The Revolution followed them to their new homes in the Rockies. Anna Dickinson, suffragette, lectured in Cheyenne in September 1869. Three months later the Territorial legislature and the Governor adopted woman suffrage. The purpose of this paper is to analyze the situation in Wyoming which made possible what had not been possible elsewhere.

Pendleton Herring, political scientist, has written that "The struggle for woman suffrage was a long battle fought largely outside party lines and by the organized women themselves."[3] This does not fit the situation in Wyoming, where there was no public agitation on the part of the women, except for the single address by Anna Dickinson. Wyoming's action rather bears witness to the truth of the ironical observation made by Carrie Chapman Catt and Nettie Rogers Shuler after 40 years of effort: "The better the campaign, the more certain that suffrage would be defeated."[4] No one was more surprised that the women of Wyoming Territory when they were given the vote and the right to hold office, unless it be eastern women's rights advocates who had not imagined that the breakthrough would come in the West where they had done virtually nothing.

Mrs. Esther Morris, of the gold-mining town, South Pass City, Wyo., has been called the "mother of woman suffrage."[5] The title has been wished on her by a few persons looking for a heroine. As often happens in history, much oversimplification was used to establish parenthood. It is alleged that before the election of 1869 Mrs. Morris staged a tea party at which she asked two opposing candidates for the legislature to pledge that whoever was elected would introduce and work for the passage of a woman suffrage bill. The pledges, we are told, were made. The one who was elected, William H. Bright, after considerable delay, did introduce a bill. On the basis of this tea-inspired pledge, made earnestly or in jest, Mrs. Morris has been named mother of woman suffrage. The pledge story originated with the defeated candidate. Mr. Bright never conceded, as far we know, that Mrs. Morris influenced him. Nor is there any evidence that Mrs. Morris approached any other legislator, which she might have been disposed to do if she really wanted suffrage legislation. There were six other legislators chosen from her county that year. Mrs. Morris never claimed credit for woman suffrage. She wrote modestly 2 years later: "So far as woman suffrage has progressed in this Territory we are entirely indebted to men."[6]

William H. Bright, a Virginian without any formal schooling, introduced the bill late in the session. He sincerely believed that women should have the vote before Negroes, and Negroes had been given the vote. There is evidence to indicate that at least two persons besides Mrs. Morris encouraged him. One was his wife, whom he adored and who wanted suffrage; the other was E. M. Lee, secretary of the Territory, who had served in the Connecticut Legislature, where he had worked for a suffrage bill that had been defeated in 1867. Who influenced him most one can only guess, but to attribute his act solely to the tea-party pledge is unwarranted.

Once the bill, which was probably drawn up for Mr. Bright by Secretary Lee, was in the hopper, the 22 legislators, 9 in the upper house and 13 in the lower, became important characters in the drama. The legislature which adopted woman suffrage in 1869 was solidly Democratic.

The measure passed 6 to 2 and 7 to 4 with very little debate, although opponents in the lower house offered a series of unacceptable amendments, such as the substitution of "all colored women and squaws" for "women." Three of the six "no" votes came from the county of Mr. Bright and Mrs. Morris. The only amendment adopted was one changing the age from 18 to 21. The act as approved read:

"That every woman of the age of 21 years residing in this Territory may at every election to be holden under the laws thereof cast her vote, and her rights to the elective franchise, and to hold office, shall be the same under the election laws of the Territory as those of electors."

The threadbare eastern arguments against woman suffrage—that the home would be ruined, that it would change the manners and employment of women, that women would be unsexed, that divine law opposed—were not used in the 1869 legislature, although they must have been known to the members. Not until some months after the adoption of the act did the eastern arguments gain currency in the Territorial newspapers. The familiar arguments then were ventilated after, not before, legislative action. It was as if a novelty had been slipped through the assembly before thought could be given to it. Governor Campbell later recalled: "No public discussion preceded passage." The wives of a few legislators probably expressed private approval, and it has been claimed that a few letters were written to legislators by women of the Territory. When passed, the bill received only cursory comment from the Cheyenne Leader: The editor did not see the necessity, but he thought everyone would be interested in the experiment.

Later it was often said that the whole thing was done as a joke. It does appear that some of the legislators did not regard it as a very serious piece of lawmaking. Mr. Bright who introduced the bill wrote 26 years later that it had not been a joke to him. In opposition to the joke interpretation stands also the fact that the measure dovetailed perfectly with several other women's rights bills approved by the same legislature and rarely conceded anywhere up to that time:

In the employment of teachers, no discrimination shall be made, in the question of pay, on account of sex, when the persons are equally qualified.

That all the property * * * belonging to any married woman as her sole and separate property * * * shall not be subject to the disposal, control, or interference of her husband, and shall be exempt from execution or attachment for the debts of her husband.

Any married woman may, while married, make a will the same as though she were sole.

Any married woman may carry on any trade or business, and perform any labor or service on her sole and separate account.

And under the statute for distributions, the wife was treated exactly as the husband.

If such intestate leave a husband or wife, and children * * * one-half of such estate shall descend to such surviving husband or wife, and the residue thereof to the children.

A most important fact in the Wyoming situation was the preponderance of men in the Territory. The 1870 census shows that there were 6 men for every woman over 21. This made woman suffrage far less revolutionary than it would have been where women were as numerous as the men. There was little chance that the 1,049 women in the Territorial population would seize the reins of power from the 6,107 men.

A few of the legislators may have been motivated by a wish to embarrass the Governor, John A. Campbell, from Ohio—he was a Republican while they were all Democrats. It was thought that he was opposed to woman suffrage, in which case he would veto the measure, with no damage to the legislators. After much soul searching, and arguments for approval presented by two of the Territory's three Federal judges, J. H. Howe and J. W. Kingman, and by two Cheyenne women, Mrs. M. E. Post and Mrs. M. B. Arnold, the Governor signed the bill.

Mr. Bright and some of the other legislators were aware of the publicity value of woman suffrage. This may well have been the most powerful argument of all. It was bound to attract attention. A Cheyenne paper remarked: "We now expect at once quite an immigration of ladies to Wyoming."

C. G. Coutant, early Wyoming historian, interviewed many of the legislators. He reported:

"I have talked with most of the living members of the legislature of 1869 who passed the Female Suffrage Act, and I have tried to find out why they did it. One man told me that he thought it right and just to give women the right to vote. Another man said he thought it would be a good advertisement for the Territory. Still another said that he voted to please someone else, and so on."[7]

Coutant could discern no mainstream of motivation.

Those who thought that woman suffrage would result in good publicity were soon proved right, although the response was not instantaneous. The Revolution gave the news only three lines in an obscure corner. Before long, however, the significance of the legislature's action became apparent, and champions of women's rights began talking about Wyoming.

There was no chance for women to vote for 9 months. Other aspects of the new rights and responsibilities were tested first. Two months after the suffrage measure was adopted Mrs. Esther Morris was appointed

[3] Politics of Democracy (New York, 1940), 320.

[4] Woman Suffrage and Politics, 130.

[5] Grace R. Hebard, "How Woman Suffrage Came to Wyoming" (Laramie, 1920), 10; Velma Linford, "Wyoming: Frontier State" (Denver, 1947), 217.

[6] Laramie Daily Sentinel, Jan. 21, 1871.

[7] Letter, C. G. Coutant to Hon. Frank W. Mondell, no date, on file in State archives department, Cheyenne, Wyo., quoted in Miriam Gantz Chapman, "The Story of Woman Suffrage in Wyoming," 1869–90, unpublished M.A. thesis (University of Wyoming, 1952), 59.

justice of the peace by county commissioners, with the approval of Acting Gov. E. M. Lee. The appointment and her subsequent activities made good eastern newspaper copy. Mrs. Morris was a conscientious justice of the peace whose conduct in office during the 8½ months she served was exemplary and helped to give the Wyoming experiment a reputation for success.

Another wave of publicity resulted from the use of women on juries beginning in March 1870. There had been some speculation as to whether many women would accept the new rights and duties. There is reason to think that enemies of women's rights were involved in getting women summoned for jury service. Certainly no woman asked for it, and for a time it was doubtful that any woman would accept service. By this time national interest was aroused by the experiment, and a poor showing might have set the cause of women's rights back considerably. Chief Justice Howe and Associate Justice Kingman persuaded the women to serve, Justice Kingman appealed to them: "that the time had come when the good women of the Territory could give us substantial aid, and we looked to them especially, as the power which should make the court efficient in the discharge of its duties; that the new law had conferred on them important rights, and corresponding duties, necessarily devolved upon them; that I hoped and believed they would not shrink when so many influences were calling on them for noble and worthy action; that if they failed us now, the cause of equal rights would suffer at their hands, not only in our Territory, but in every land where its advocates were struggling for its recognition; that if they would remain, their presence would secure a degree of decorum in the courtroom and add a dignity to the proceedings, which the judges had been unable to command; that we required the assistance of good women all over the Territory, and I begged them to help us." [8]

The women finally decided to serve, and they participated with men on both grand and petit juries in Laramie and Cheyenne.[9] The first result noticed was a new dignity in the courtroom and the juryroom. Wyoming male jurors had been known to while away their time gambling and drinking. These practices were shelved when the women marched in; even smoking and chewing were inhibited. It was also observed that women on grand juries were determined to enforce the Sunday closing law; the next legislature took care of that by repealing the law. It was noticed, too, that the women jurors took their duties very seriously and were more disposed than the men to convict criminals and to impose heavy sentences. Woman jury service, like Mrs. Morris' service as justice of the peace, gave respectability to the Wyoming experiment. To be sure, there was much adverse criticism of the women jurors in the eastern press, but no one of any standing in the Territory could find serious fault, and Chief Justice Howe wrote:

"With all my prejudices against the policy, I am under conscientious obligations to say that these women acquitted themselves with such dignity, decorum, propriety of conduct, and intelligence as to win the admiration of every fair-minded citizen of Wyoming. They were careful, painstaking, intelligent, and conscientious. They were firm and resolute for the right as established by the law and the testimony. Their verdicts were right, and, after three or four criminal trials, the lawyers engaged in defending persons accused of crime began to avail themselves of the right of peremptory challenge to get rid of the female jurors, who were too much in favor of enforcing the laws and punishing crime to suit the interests of their clients. * * * In short I have never, in 25 years of constant experience in the courts of the country, seen more faithful, intelligent and resolutely honest grand and petit juries than these." [10]

The women of Wyoming Territory served on juries only in 1870 and 1871. Then a new judge replaced Howe, and thereafter the judges held that jury service was not an adjunct to suffrage, and Wyoming women did not serve on juries again until 1950.

After having had a woman justice of the peace and women jurors, voting, which came in September 1870, was almost anticlimactic. There had been some speculation as to whether many women would vote. Most of them evidently did. Publicity was given to Grandma Eliza Swain, aged 75, who was first in line when the polls opened. One Laramie woman rode horseback 60 miles to cast her ballot. The fact that her husband was a candidate may account for her ardor. Contemporaries reported that just as the women lent respectability to the courtroom so their pressure wrought revolutionary changes at the polls. At previous elections in the territory there had been drunkenness, rowdyism, and even bloodshed. Many men actually stayed away from the polls rather than expose themselves to abuse. An early historian of woman suffrage in Wyoming described the first election at which women voted: "There was plenty of drinking and noise at the saloons, but the men would not remain, after voting, around the polls. It seemed more like Sunday than election day." [11]

Women have never held many political offices in Wyoming. For a few years women endeavored to organize locally with a view to nominating women for minor elective positions, but they soon learned that their candidates had virtually no chance for election except to the position of county superintendent of schools. Only two women ran for the Territorial legislature in 20 years; one received 5 votes, the other 8, when at least 500 were needed for election. Judge Kingman wrote that, "while our women take no active part in the primary nomination of candidates for office, they exercise a most potent influence by the independent manner in which they vote, and the signal defeat they inflict on many unworthy candidates." [12]

The second Territorial legislature, after 2 years of woman suffrage, was ready to terminate the experiment. Only 1 vote was lacking to override Governor Campbell's veto. The lower house voted 9 to 2 and the upper house 5 to 4 to override. Only 1 vote, and that a wavering one, kept Wyoming from losing its claim to early enlightenment. What had happened in the 2 years to bring such a shift in legislative opinion?

For one thing, there had been much discussion of the subject, and arguments familiar in the East had been parroted in the Territory. Moreover, the saloonkeepers, particularly in Cheyenne, used their influence for repeal. In the efforts of female grand jurors to enforce the Sunday closing law they recognized the traditional alliance between woman suffrage and temperance.[13] Added to the usual arguments was the one that the new voters were ingrates. They had been given the vote by a Democratic legislature. They had turned around and voted Republican. It was thought, and there was some evidence for it, that the feminine vote had tipped the scales in favor of a Republican Delegate to Congress. Associate Justice William T. Jones, 28-year-old bachelor, was handsome enough to win the votes of the ladies. A contemporary described him: "a tall, straight, good-looking man, with patent leather boots, bright colored plaids, tight as paint on a barber's pole, with a Jim Fisk waistcoat, a Jim Burnett overcoat, an immense tall black beaver, high-colored necktie, lavender kits and walking stick, and 'such a love of a bouquet' in his coat lapel." [14]

The 1871 legislature had a Democratic majority, but the Republican minority was just large enough to sustain the Governor's veto.

Thereafter no more repeal proposals were advanced, and woman suffrage was never threatened from within the Territory. However, an occasional hostile critic would write damaging letters to the East. One woman in Rawlins wrote to the Massachusetts Legislature when it was considering a suffrage bill in 1884. She stated that husbands and fathers controlled the votes of wives and daughters, that there were bitter feelings between women when one did not vote for another's husband, that women regarded voting as a bore, that the women of Wyoming were not intelligent and paid no tax except the poll tax, that the population was mostly foreign and the women knew nothing about politics, that the women had no voice in choosing candidates, and that many women marked their ballots without looking at them.[15] Prominent men in Wyoming voluntarily or upon request often submitted favorable reports. Consistently they testified that the institution was a complete success.

Among those who approved of the Wyoming experiment was Bill Nye, who established his reputation as a humorist while living in Laramie, 1876–83. In an essay entitled "Petticoats at the Polls," he answered some of the more common criticisms:

"It has been urged that good women do not generally exercise the right of suffrage, when they have the opportunity. This is not true.

"It is the truth that a good full vote always shows a list of the best women and the wives of the best men. A bright day makes a better showing of lady voters than a bad one, and the weather makes a more perceptible difference in the female vote than the male, but when things are exciting and the battle is red hot * * * the wife and mother puts on her armor * * * and knocks things cross-eyed.

"It is generally supposed that the female voter is a pantaloonatic, a half horse, half alligator kind of woman. * * * This is a popular error. In Wyoming * * * you meet quiet, courteous, and gallant gentlemen, and fair, quiet, sensible women at the polls, where there isn't a loud or profane word, and where it is an infinitely more proper place to send a young lady unescorted than to the post office in any city in the Union * * * neither party can afford to show the slightest rudeness toward a voter. The man who on Wednesday would tell her to go and soak her head, perhaps, would stand bareheaded to let her pass on Tuesday * * * every conveyance available is decorated with a political placard and driven by a polite young man. Thus every woman in Wyoming has a chance to ride once a year, at least. * * * If the husband manages his wife as he would a clothes wringer, and turns her through life by a crank, he will, no doubt, work her politically; but if she has her own ideas about things, she will naturally act upon them, while the man who is henpecked in other matters till he can't see out of his eyes, will be henpecked, no doubt, in the matter of national and local politics * * * a murderer was hung by process of

[8] E. C. Stanton, S. B. Anthony, M. J. Gage, "History of Woman Suffrage" (Rochester, N.Y., 1887), III, 733.

[9] Laramie Daily Sentinel, February and March 1870, and February and March 1871.

[10] Stanton, Anthony Gage, "History of Women Suffrage." III, 736.

[11] Ibid., 738.

[12] Ibid., 747.

[13] Stanton, Anthony, Gage, "History of Women Suffrage," III, 741.

[14] Laramie Daily Sentinel, Jan. 17, 1871. Cf. Sept. 8 and Oct. 20, 1870.

[15] Miriam Gantz Chapman, op. cit., 89.

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law * * * the other day. That looks like the onward march of reform, whether female suffrage had anything to do with it or not. We can't tell what the Territory would have been without female suffrage, but when they begin to hang men by law instead of by moonlight, the future begins to brighten up." [16]

The alliance between temperance and woman suffrage was not prominent in Wyoming, but it sometimes manifested itself. Attempts to secure Sunday closing had frightened the saloonkeepers in 1870 and 1871, but for many years there were too few women to interfere seriously with their activities. The WCTU sent organizers to Laramie in 1883. A chapter was formed and a resolution passed, "That we, the women of Wyoming, pledge ourselves with our sacred weapon, the ballot, to do our utmost in creating a higher public sentiment against the manufacture and sale of alcoholic beverages." [17] No doubt some sentiment was stirred up against the liquor traffic, but the WCTU was not strong enough to win any elections in the Territory.

Some persons feared that Congress would not admit Wyoming as a State with woman suffrage. But when it looked as if the woman suffrage clause might have to be dropped from the State constitution, the Wyoming Legislature wired the Territorial Delegate: "We will remain out of the Union a hundred years rather than come in without woman suffrage." [18] The principal opposition was in the House of Representatives. The Democrats who led the opposition probably were more concerned about the admission of another Republican State, but woman suffrage made a better talking point. Eventually the House approved statehood 139 to 127 and the Senate 29 to 18. Admission of Wyoming with woman suffrage was celebrated by woman suffrage clubs all over the country. The call to the annual national suffrage convention in 1891 included the tribute: "Wyoming, all hail; the first true republic the world has ever seen."

LAMB AND MUTTON IMPORTS

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an excellent statement made by the distinguished Senator from Utah [Mr. Moss] before the U.S. Tariff Commission on March 22, 1960, on the subject of the importation of lamb, particularly its importation from Australia and New Zealand. This has become a very serious question in our part of the West. We believe the United States ought to trade with other nations. Imports are necessary for the welfare of all nations.

But we hesitate to put bona fide American industry out of business by carrying our policy of importation too far. Therefore, we think that due concern should be given to the importation of lamb, so as to stagger these imports on a seasonal basis, to enable the American people to enjoy this rare delicacy the year around through the advantage of scheduling imports so as not to jeopardize our home industry during its seasonal peak.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LAMB AND MUTTON IMPORTS

(Statement of Senator FRANK E. MOSS, Democrat, of Utah, before U.S. Tariff Commission, March 22, 1960)

Mr. Chairman and members of the Commission, I appreciate this opportunity to express my deep concern about the alarming increase in the imports of lamb and mutton, and in live sheep and lambs, and the extent to which these imports are injuring the domestic industry.

Imports today are 44 times what they were 4 years ago. Further dramatic increases are in prospect if we do not take adequate steps to fully protect our domestic producers.

The gravity of this situation, and its impact on the economy of Utah, cannot be overemphasized. Sheep, lambs, and wool together provide my State's third highest agricultural commodity cash income. Some 10,000 people in Utah are directly dependent upon the sheep industry for a livelihood. Included in this figure are ranchers and farmers, the feeders and herders. It does not include, however, the family truckers, the many railroad employees, the grocers, the feed suppliers, and the scores of other people whose livelihood is at least partly dependent upon a healthy industry. Nor does it tally in the large and small business concerns who sell and service the equipment used by the industry. In fact, it is impossible to calculate in specific terms the full impact of the sheep industry on the economy of the State—but obviously it is vast and penetrating.

The Utah sheep industry, along with the industry in the other Western States and the Nation, has been in serious trouble for some time. The number of sheep declined from a high of 56,213,000 in early World War II years to a low of 30,840,000 in 1957.

Because the sheep industry is basic to the welfare and security of the Nation, and out of an essential fairness to the many thousands of people in it, we have made several moves in the past few years to reinvigorate it. Major assistance was given through the passage of the National Wool Act of 1954, which established the incentive payment plan. These payments undoubtedly cushioned many operations which might otherwise have gone under, and the number of sheep has moved upward to a total of 33,621,000.

Now has come the new threat to the meat side of the industry. Between 1956 and the end of 1959 imports of lamb and mutton, as I have said, have risen 2,946 percent.

I would like at this point to insert in the record of the hearings a chart using figures from the Department of Agriculture which show year by year, this astounding rise (source, U.S. Lamb and Mutton Production, Imports, etc. Livestock, and Meat Products Division, FAS, USMA, Feb. 11, 1960):

U.S. Imports

[Million pounds]

Year	Lamb	Mutton	Total
1950	3.3	0.1	3.4
1951	6.6	.1	6.7
1952	5.4	.8	6.2
1953	1.8	1.3	3.1
1954	1.8	.3	2.1
1955	1.4	.9	2.3
1956	.8	.6	1.4
1957	1.8	1.7	3.5
1958	6.8	17.2	24.0
1959	9.5	47.3	56.8

The live shiploads of lambs now arriving on our west coast, and the advance agents for even larger shiploads scheduled to come in the future, foretell more serious trouble ahead if some action is not taken.

The enormous buildup in sheep in recent years in Australia and New Zealand is a very real danger signal. Australia, which in the years 1951–55 averaged 123 million head, had a record 149 million head at the beginning of 1959. New Zealand in the same period increased flocks by 10 million head. I know very well that not all of those are meat-type sheep; but most of the New Zealand animals, and some of those in Australia, have been produced for meat rather than wool. Their major market is the distant United Kingdom. However, the United Kingdom has increased her flocks by one-fourth. We can, therefore, anticipate a redirection of a larger and larger fraction of the expanding production of Oceania to the very favorable market in the United States.

We know that the U.S. market is a high-priced market—in fact, we take great satisfaction that our people have greater incomes and higher standards of living than other countries.

We know, also, that our domestic sheep producers have to buy everything they use in our own high-priced domestic markets. I have at hand an index prepared by the Livestock and Dairy Division of the Commodity Stabilization Service of the USDA, which I would like to make a part of the record, as it shows how much faster sheep ranch costs have increased in comparison to the USDA parity index.

These facts make it abundantly clear that if the sheep industry is to continue to produce lamb and mutton, they must have an expanding and high-priced U.S. market in which to sell their products. They cannot compete with imports produced under costs so low that they enable a carcass to be landed here at around 25 cents per dressed pound to compete with our own dressed market price of 40 to 50 cents a pound. The same approximate spread in prices exists in regard to live lambs.

Domestic feeders have had some rough years lately. In January 1960 the USDA reports:

"Commercial slaughter of sheep and lambs through November totaled 9 percent higher than in 1958, and prices averaged over $2 per 100 pounds lower. Only in May and June did farmers' prices for lambs equal or exceed corresponding months of 1958. In December the average price received for lambs was $16.60 per 100 pounds, down $2.30 from a year earlier, and the lowest monthly price since December 1955."

While lamb prices have improved since December, they had reached such a disastrously low level that there was only one direction they could go and that was up. Even with the increased prices today, lambs are still selling considerably below steers. For many years, lamb and steer prices were very close and in some years lambs sold above steers.

Mr. Arthur Smith, secretary-treasurer of the Utah Livestock Production Credit Association, has estimated that Utah sheepmen have about $75 to $100 per head invested in every breeding sheep on the ranches. This amount includes supplemental feeding costs, ranches, rangelands, grazing permits, equipment, and other necessary operating costs in a sheep outfit. Since there are more than a million ewes on Utah ranches at the present time, it is obvious that low prices which will keep the sheep operators from moving their lambs will swiftly hurt them, and that soon Utah's economy will begin to hurt, too.

Mr. Chairman, and members of this Commission, it does not make sense for this country to attempt to maintain a strong sheep industry as a strategic defense weapon through the Wool Act, and at the same time invite its ruin in the form of imports of sheep, lamb, and mutton.

It is my understanding that under the existing law this Commission will be in a

[16] Remarks (Chicago, 1891), 453–455.

[17] Miriam Gantz Chapman, op. cit., 87–88.

[18] Ida H. Harper, "Life and Work of Susan B. Anthony" (Indianapolis and Kansas City, 1898), 699.

position, as a result of these investigations, to make findings and recommendations, upon which the President may act to control imports of lamb and mutton, and live sheep and lambs. I trust that the Commission will recommend to the President that such action be taken.

REVISION OF BOUNDARIES AND CHANGE OF NAME OF FORT LARAMIE NATIONAL MONUMENT, WYO.

Mr. WILLIAMS of Delaware obtained the floor.

Mr. JOHNSON of Texas. Will the Senator from Delaware yield briefly?

Mr. WILLIAMS of Delaware. I yield.

Mr. JOHNSON of Texas. Mr. President, I observe the distinguished junior Senator from Wyoming [Mr. McGEE] on the floor. A noncontroversial bill relating to the Fort Laramie National Monument, Wyo., has been reported unanimously from the Committee on Interior and Insular Affairs by his colleague, the distinguished senior Senator from Wyoming [Mr. O'MAHONEY], who is unable to be present at the moment.

I ask unanimous consent to call up, consider, and pass, Calendar No. 1269, S. 2434, a bill to revise the boundaries and change the name of the Fort Laramie National Monument, Wyo.

The bill has been approved for consideration by the minority group. Because the junior Senator from Wyoming is on the floor, I have sought recognition to ask unanimous consent that it may be in order to proceed to the consideration of the bill and to act upon it now, without displacing the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2434) to revise the boundaries and change the name of the Fort Laramie National Monument, Wyo., and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the bill (S. 2434) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve the sites of historic buildings and roads associated with Fort Laramie, the boundaries of the Fort Laramie National Monument are hereby revised to include the following area:

Beginning at the intersection of the section line common to sections 28 and 29, township 26 north, range 64 west, sixth principal meridian, with the northerly right-of-way line of the Fort Laramie Canal;

Thence southwesterly along said right-of-way line to the intersection of said line with the center of Deer Creek;

Thence northerly along the center of Deer Creek to the intersection of said center with the north line of the southeast quarter, section 29;

Thence westerly along said line to a point 1,100 feet east of the southwest corner of the northeast quarter, section 29;

Thence due north 1,320 feet to the point of intersection with the north line of the southwest quarter northeast quarter, section 29;

Thence westerly along said north line to a point at the intersection of said line with the easterly right-of-way line of the county road;

Thence northerly and easterly along said right-of-way line to a point 955 feet east of the section line common to sections 20 and 21;

Thence due south to the point of intersection with the section line common to sections 21 and 28;

Thence easterly along said section line to a point 2,090 feet east of the section corner common to sections 20, 21, 28, and 29;

Thence due south to the point of intersection with the northerly bank of Laramie River;

Thence easterly along said northerly bank to a point 150 feet west of the westerly right-of-way line of the county road, in section 27;

Thence northerly on a line paralleling at 150 feet said right-of-way line of county road to a point 660 feet north of section line common to sections 22 and 27;

Thence northwesterly in a straight line to a point on the southerly right-of-way line of the State highway relocation a distance of 150 feet east of the section line common to sections 21 and 22;

Thence northeasterly along said right-of-way line to the point of intersection with the lot line common to lots 1 and 2, section 22;

Thence southerly along said lot line to a point at the intersection of said line as projected with the westerly or right bank of the North Platte River;

Thence southerly along said bank to its confluence with the northerly or left bank of the Laramie River in section 27;

Thence westerly along said bank of the Laramie River to the westernmost intersection of said bank with the north line of the south half of section 27;

Thence westerly along said line and the north line of the south half of section 28 to the point of intersection with the northerly right-of-way line of the Fort Laramie Canal;

Thence westerly along said right-of-way line to the point of beginning.

SEC. 2. In furtherance of the purposes of this Act, the Secretary of the Interior is authorized to procure, in such manner and subject to such terms and conditions as he may deem to be in the public interest, lands and interests in lands within the revised boundary described in section 1 hereof. To avoid the undesirable severance of parcels in private ownership which extend beyond the aforesaid revised boundaries, the Secretary may, in his discretion, and with the consent of the owners, acquire lands or interests in lands that are in such ownership but which lie outside the revised boundary. Property so acquired outside such revised boundary and federally owned lands excluded from the monument pursuant to section 1 hereof may be exchanged by the Secretary of the Interior for any land of approximately equal value within the monument boundaries.

SEC. 3. The Fort Laramie National Monument is hereby redesignated as the Fort Laramie National Historic Site and any remaining balance of funds appropriated for the monument shall be available for the purposes of the national historic site.

SEC. 4. The administration, protection, and development of the Fort Laramie National Historic Site shall be exercised by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service and for other purposes," as amended.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. McGEE. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER (Mr. GRUENING in the chair). The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I thank the Senator from Delaware for his always courteous attitude and his constant willingness to cooperate.

EZRA TAFT BENSON, FRIEND OF THE FARMER

Mr. WILLIAMS of Delaware. Mr. President, last week the Secretary of Agriculture, Mr. Benson, spoke before the largest group of farmers ever assembled in our State.

In his remarks the Secretary outlined the problems of his Department in carrying out an outmoded agriculture law which Congress has refused to correct. The Secretary's recommendations that this wasteful and extravagant program be overhauled and that the American farmer be given greater freedom in the operation of his own farm were most enthusiastically received by the audience.

In this connection I ask unanimous consent to have incorporated in the RECORD an editorial entitled "Friend of the Farmer," which appeared in the Journal-Every Evening, of Wilmington, Del., on April 2, 1960.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FRIEND OF THE FARMER

Secretary of Agriculture Ezra Taft Benson, for all the brickbats thrown his way during his 7 years of stormy service as a member of President Eisenhower's Cabinet, looked almost surprisingly chipper when he spoke at a farm banquet in Camden-Wyoming Thursday night.

He has recently lost 25 pounds and he participated energetically in the interviewing and picture taking which preceded the banquet. He delivered his 45-minute speech with emphasis and vigor, frequently departing from a prepared text to add details or drive home a point.

His talk reflected the consistent cornerstone of his farm program: Get Government out of the farming business and let farmers make their own crop decisions.

And he backed up his position with the prespeech comment that he doesn't know of a single poll which hasn't shown that farmers want less Government control.

With his time in office now measured by months, Secretary Benson sees a brightening in the long-dim farm picture. He sees hopeful signs of improvement in agriculture generally. Poultrymen in his audience which was described as the largest farm banquet group ever assembled in the State could take comfort in his prediction of considerable improvement in the poultry industry this year. Dairying, another field important to Delaware farmers, will also pick up, he said.

Secretary Benson's critics, and they are admittedly many, are so vocal that perhaps the opinions of rank and file farmers do not receive the attention they should.

In his introduction, Senator WILLIAMS described him as "recognized by grassroots farmers in the United States as one of the best friends they've ever had."

We think he is, and anyone planning to change the course of Benson's basic program of getting Government out of farming

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had better consider the unspoken reservoir of support among farmers for Benson's views.

ADDRESS BY STUART TIPTON, PRESIDENT OF THE AIR TRANSPORT ASSOCIATION

Mr. MONRONEY. Mr. President, recently the Newcomen Society honored the Air Transport Association at a dinner here in Washington. Stuart Tipton, ATA president, in a delightfully humble way accepted the honor for his organization, paid special tribute to its first president and founder, Col. Edgar Stanley Gorrell, and graciously shared, with many other groups, the honors for the spectacular development of aviation.

I ask unanimous consent to have printed in the RECORD at this point his speech, which so aptly pinpoints many groups which helped bring the industry to a point where last year the U.S.-flag airline industry moved 58 million passengers. This task was achieved by revolutionary transition to jet planes, one of aviation's most forward and spectacular steps in its history.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY STUART G. TIPTON, PRESIDENT, THE AIR TRANSPORT ASSOCIATION OF AMERICA, BEFORE THE NEWCOMEN SOCIETY IN NORTH AMERICA, WASHINGTON, D.C., MARCH 25, 1960

It is a distinct pleasure to meet with such a distinguished group of men and on behalf of the Air Transport Association and on behalf of myself, I am grateful to the Newcomen Society for choosing to honor my organization.

However, I have been intimately involved in air transportation for too many years to accept that honor simply for myself or the ATA. Rather, I would like to assume that we have met here tonight to pay tribute to all of the men and women, some who have known contemporary fame, others who are unknown to most of the world, who have worked to make this great achievement possible.

Although, like all of us, I have been deeply impressed with the performance of the jets and with the tremendous effort that went into the launching of this transportation revolution I think I am even more impressed with the fact that the U.S.-flag airline industry last year moved 55 million passengers. These travelers were transported swiftly in both jet and piston-engine planes and the job was done with increasing efficiency and considerable safety.

This air-age achievement is impressive in and of itself. However, when I think back over the quarter of a century of the existence of ATA, or even back to 1938 when I played a modest part in the creation of the Civil Aeronautics Act, I am frankly overwhelmed. Visionaries abound in aviation, but, in truth, I think it would have been difficult to have found many in 1936 or 1938 who truly could have spelled out the remarkable progress that we now accept with such equanimity.

In only a little more than two decades passenger travel by air has become the norm, and in not too many years I am confident that the same will be true of mail and a considerable portion of the cargo that moves across the Nation and throughout the world.

Now, how did this come about? It was not the result of any single invention or activity on the part of any single group of men or the decision of any single Government agency. Rather, it came about through the combined efforts of men and women in many activities who persisted over the years in spite of the fact that they were opposing the common sense as expressed by others.

It was because of their sustained dedication, imagination, energy, and courage that this revolution in the transportation of people and things came about. I would like to emphasize that word "sustained," for to me it is the key. It is easy to grow excited or enthusiastic about dramatic new developments such as aviation. Sooner or later, however, the luster dims, a quite natural bickering over ends and means develops, and instead of a bright new world being developed it appears to some as if the mundane, the ordinary, the mediocre is to dominate the situation. It is at that point that the "summer soldier, the sunshine patriot," grows discouraged. But great progress was not brought about by people such as that.

It would be impossible for me to single out individuals who have performed major service, or to even list all of the groups who have met the exacting requirements of air-transportation progress. However, I think on an occasion such as this we should make some effort to recognize the varied groups who have contributed so long and so well.

Certainly, I think we must recognize the major contribution that has come from the managements of airlines climaxed by the bold decision to commit huge sums of money for the jet transformation. The easy business decision would have been, I am sure, to go slow, to wait. It requires a great deal of courage to give much weight to a dim and distant future when there are immediate questions of profit and loss involved. To wait would not have been a sound business decision. Looking back at the vision that has always characterized the industry, I don't think that any of us were surprised when the managements of our airlines decided to accept the challenge.

While recognizing the contribution of management, I think it vital that we also note the day-in-and-day-out dedication that has been brought to the task by airline employees. Those who fly, those who serve the public, and those who maintain the aircraft—they are the ones who transform the dream of the air age into reality. And let us not forget those who sell and promote this keenly competitive product, for without their efforts there would not be the money essential to the maintenance and improvement of safe and efficient service.

However, our progress has not come about only because of the efforts of airline managements and employees. By no means.

There are the aircraft manufacturers who on more than one occasion have moved out boldly, perhaps to the horror of orthodox business economists, to create and provide an engine or an airframe that the rapid growth of this dynamic industry required.

There is the Air Force which has not only passed along countless benefits in technological progress to civil aviation but has provided essential training assistance in the jet development.

Those who labored in the Civil Aeronautics Administration over the years as well as those who joined in when that remarkable achievement, the Federal Aviation Agency, was created are also entitled to a major share of the credit. From the top administrative level, where current problems must share time and attention with vital future planning, to the air traffic controller, who must concentrate exclusively and conscientiously on today's complications, they have done a magnificent job.

Closely related to those responsible for the safe and efficient movement of traffic are the managers of airports who in the process of creating a new management profession have coped successfully and imaginatively with problem after problem. This group of men, I might add, not only have produced an impressive past, but I am confident they shall create an even more impressive future as they play their rightful part in the growth of air transport.

At the Federal level we must recognize the useful contribution made over the years by those who have served as members and staff of the Civil Aeronautics Board. From the beginning, and I know this from personal experience, they have faced a particularly difficult task because of the dynamic nature of the industry. In truth those who went before and those who serve now at every level of the agency have too seldom received the praise they deserve.

Also on the national level I think it essential that we note, however briefly, the tremendous work done by Members of Congress. I have been gratified and amazed over the years to discover again and again that Representatives and Senators, struggling with problems that I am sure must have seemed far more important to them than the problem of the airlines, would take time to listen, to question, to reflect and to act. I have heard it said that "politicians have no place in the problems of aviation." All that I can answer to that is that over the years, there have been a considerable number of highly skillful politicians in the Congress who are in great part responsible for the progress of air transportation. Hopefully, it will be true in the future.

People may in some circles still comment disparagingly on politicians but no one dares to be flip about the press. And this is to the good. Certainly in our society it is basic that the people have a right to know and it is equally true that a free and independent press is indispensable. However, those writers who have specialized in aviation matters have performed a bigger task than merely passing along what is said or done. Because they have pride and competence and have taken the trouble to explore aviation in depth, they have come to perform an increasingly vital function. Our progress owes much to their efforts.

Out of the efforts of this great mixture of individuals and groups—managers, fliers, controllers, appointive and elective officials, writers—has come the scheduled airline service as we know it today in the United States. This has been a remarkable achievement in cooperative growth. Now I do not mean to imply that this growth has not been marked by sharp conflict. There has been a great deal—at times the clatter of disagreement has overshadowed the accomplishments. I think a major reason why these disagreements have flared so violently is that in aviation much of tomorrow must be planned in detail today. For this reason the debate—which sadly must always be carried on in words inexact in meaning and packed with emotional connotations—must be waged before decisions are made, before action is begun.

But even as the debates have gone on, reaching unplanned heights quite often, there has been no question but that all those involved, no matter how bitterly they may differ, were agreed on the fundamental question—air transport progress and growth is vital to the Nation's economy and national security. This has required a give and take over the years and will continue to do so. There is no room for the doctrinaire approach no matter what interest is represented—what is required is a flexible approach that takes into account both short and long-range objectives and permits a search for the opportunities to promote growth.

This places a heavy burden of responsibility upon each individual, each institution. However, all must search continually for answers to the problems, seek out the accommodations necessary to meet the needs of all, and continue the forward movement.

We have tried to manifest this spirit at the Air Transport Association during its 25 years.

I shall not cover in any respect activities at the ATA during my tenure. This is partly due to modesty and my own notions of good taste. However, there is another reason as well. One of the airline presidents, who has been blessed with a sense of humor and an attitude of tolerance, has said:

"There are three jobs that everybody is convinced he can do a better job in than the guy who is trying to do it—they are running a hotel, managing a baseball team, and operating an airline."

I must confess that at times I am certain that the presidency of the Air Transport Association has been added to the trio of "open season" tasks. However, whenever I tend to feel sorry for myself I count my blessing. I concentrate on the achievements of the ATA during its lifetime. And then I am proud not only for the opportunity to serve but for the work that has been done by the staff members of the ATA over the years, as well as by the airline executives who have taken part in the activities. My conviction is that the ATA has played a significant and worthy role in the growth of air transportation.

Pride in the accomplishments of the ATA is sharpened when I give consideration to the mighty challenge faced by this industry and its association in 1936. I will not refute my earlier assertion that many groups and individuals must be recognized when praising the growth of air service. However, in truth an unusual amount of credit must be given to Col. Ed Gorrell, the first president and in a very real sense, the founder of the ATA.

When Col. Edgar Staley Gorrell took on the task of leading the newest organization in the Nation's newest industry he had already accomplished more in his lifetime than most men even dream of. As you analyze his career—from his graduation from West Point to his receiving expert pilot's license No. 39 of the United States and up to and including his service in World War I as Chief of Staff of the Air Service of the American Expeditionary Force and on into his ATA days—you receive very thoroughly the impression of a dedicated man who was desperately needed.

His leadership was imaginative, his effort prodigious and without a doubt he was a major influence in the development of the system of air navigation facilities and the law of the land that gave civil aviation a secure economic base. Perhaps though, it was his work in the field of national defense that meant most to him and to his Nation. Recognizing early the vital role that airlift could play should the United States become involved in a second World War he urged the War Department to develop a coherent war plan for the utilization of our civil air transport.

It is a matter of history that Colonel Gorrell and his friend Hap Arnold rushed to the White House shortly after war began. At that time, there was a document on the President's desk that would have ordered the civil airlines to be taken over by the Federal Government. The two airmen convinced the President that it was unnecessary to repeat the railroad error of World War I. The net result was that the military received a number of airline planes it vitally needed plus a contract system that provided them with additional planes and crews and at the same time the essential domestic airline system was continued.

When Colonel Gorrell died in 1945 it was a tragic loss, not only to those of us who had worked closely with him and respected and loved him, but to civil aviation and the Nation.

However, the tradition he helped to establish—that the airline industry must remain dedicated to the national interest—has remained as a strong force. I am confident that this guiding principle would have existed if Ed Gorrell had never existed but because of his capacity, his leadership and his sheer dedication, it became an integral part of the philosophy of the airline industry.

Sometimes at the ATA today I wonder what Ed Gorrell would have thought of the progress we have made; of the problems we face clearly in the future. I think the progress would have merely made him want to move even more rapidly into the future. He would also probably comment that even though much had happened, some of the problems would appear to be all too familiar.

The day after the new association was formed—January 15, 1936—he issued a press statement that said, in part:

"One of the principal objectives of the new association is to bring even greater safety to flying—one approach being the pooling of all technical and operating knowledge known to all the airlines."

A most worthy objective for a new association and one that still heads the list today. I am sure also that Ed Gorrell would take note of the long-term problems our airline industry faces because of developments in the international field. I am referring, of course, to the economic strengthening that foreign-flag airlines are engaged in, ranging from pooling planes and schedules to even closer economic relationships as well as the spread of Russia's civil airline's wings. He would recognize, as do we, that our U.S.-flag airline system will be strong or weak as a whole, not in parts. Therefore, it requires a sound overall policy if it is to continue to meet its national and international challenge.

I noted recently that between 1850 and 1940 the U.S. merchant marine slipped from carrying 60 percent of U.S. tonnage down to 30 percent. It is sadly reminiscent that between 1950 and 1959 the share of passengers U.S.-flag carriers took across the Atlantic slipped from 61 percent to 30 percent. It took 90 years for the merchant marine, only 9 years for our airlines. And as I emphasized, our airline system cannot be considered in segments. Not only those carriers who fly overseas, but also those airlines—large and small—who serve within the domestic area can be adversely affected.

Yes, I am sure that Colonel Gorrell and all those others who were in on the beginning, many of whom are still active and some of whom are here tonight, would react with pride at the progress of air transport but express deep concern that we do not lose tomorrow while congratulating ourselves about today.

All of us—airline managers, airline employees, Government officials, the Air Transport Association, and those members of Newcomen who may not even feel that they are part of the aviation industry—have a basic responsibility that we continue to move forward. Our air transport system is essential to our economy, our national security. Let us work each in his own way, to make certain it remains the great asset of our country that it is, and the even greater asset it can be in the future.

IDENTICAL BIDS ON TVA PURCHASES OF EQUIPMENT AND MATERIAL

Mr. KEFAUVER. Mr. President, on June 2, 1959, based upon information which came to my attention in the public press, it was announced that the Antitrust and Monopoly Subcommittee would hold hearings on the subject of identical bidding by many U.S. firms to the Tennessee Valley Authority. On September 28, 29, and 30, such hearings were held in Knoxville, Tenn., at which time testimony on the bid experience of the Tennessee Valley Authority, as well as the bid experience of several municipalities' boards, was received, and now is a matter of public record.

In those hearings it was disclosed that in recent years a number of American electrical-equipment manufacturers have followed the practice of submitting identical bids on TVA purchases of equipment and material, as well as the practice of submitting identical bids on purchases of equipment and material by various municipalities. This was a disturbing situation. The TVA and many municipal bodies are required by law to call for competitive bidding. Yet, because of the pattern of identical bids, the TVA and municipal power boards and other purchasers have on occasion been forced to award bids by lot.

The recent action of the Federal grand jury in Philadelphia bore out some of my suspicions as to why secret, sealed bids are identical. According to my information, the grand jury handed down indictments against 14 electrical-equipment manufacturers and 18 individuals, charging major electrical-equipment manufacturers with submitting rigged bids on government and private contracts. I was gratified by the interest that the Department of Justice exhibited in this problem and by its action in requesting the impaneling of the grand jury in Philadelphia which handed down the indictments.

The value of the hearings which were held last fall by the Senate Antitrust and Monopoly Subcommittee is borne out by a letter which I recently received from Mr. S. R. Finley, general superintendent of the Electric Power Board of Chattanooga. I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks. In his letter Mr. Finley makes reference to the value of the hearings which were conducted last fall by the Antitrust and Monopoly Subcommittee. Mr. Finley states in his letter that as a result of the activities of the Antitrust and Monopoly Subcommittee, the equipment which was purchased by the Electric Power Board of the City of Chattanooga for the fiscal year beginning on June 30 was purchased at a saving to the board of $103,806, or approximately 27 percent under the published prices.

I am indeed gratified by this information. I have likewise been apprised of the fact that since the subcommittee's hearings the TVA has also benefited by considerable differences in bid prices. This information reaffirms my faith in the work of the Antitrust and Monopoly Subcommittee and reaffirms my conviction that the public realistically benefits when the forces of competition come into play.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ELECTRIC POWER BOARD
OF CHATTANOOGA,
Chattanooga, Tenn., March 17, 1960.

Hon. ESTES KEFAUVER,
Chairman, U.S. Senate Subcommittee on Antitrust and Monopoly, Senate Office Building, Washington, D.C.

DEAR SENATOR KEFAUVER: Along about this time every year our board annually places

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orders for delivery of major electrical equipment, circuit breakers, transformers, and regulators, upon a schedule to be delivered in our next fiscal year which begins on June 30. This has now been completed with orders being placed for 22 units of major equipment, and I think you will be interested in the following memorandum from our purchasing agent which says:

"The results of the bids covering our fiscal year requirements of the major electrical apparatus indicates the Senate's Subcommittee on Antitrust and Monopoly, and the Federal grand jury's recent investigations of price fixing has changed the policy of bidding by manufacturers of this type of equipment. Where we recently had received quotations showing similar prices by the majority of the suppliers, the tabulation on recent bidding showed a price range of approximately 2 percent to 37½ percent on similar materials. For instance, the orders placed in February covering network equipment, power transformers, regulators and unit substations had a combined total published price of $382,448. The equipment was purchased for $278,640, reflecting a savings to the board of $103,806 or approximately 27 percent."

I thought you would be interested in these results which undoubtedly stem from the activities of your committee.

Sincerely yours,

S. R. FINLEY,
General Superintendent.

SENATE MUST SPEED ACTION ON NUCLEAR WEAPONS TREATY

Mr. YOUNG of Ohio. Mr. President, recent dramatic advances toward permanent cessation of nuclear weapons testing have kindled the hopes of people throughout the world.

For more than a decade the world has teetered on the edge of disaster as the great powers glared at one another across continents and oceans, mistrustful, tense, and fearful, armed with arsenals of the most devastating weapons ever known to man.

Today, Mr. President, there is reason to hope that this oppressive tension, which has weighed so heavily on the hearts of men everywhere, will at long last be lifted.

As Senators of the United States, we must do everything in our power to advance these hopes and to encourage a continuation of the present momentum toward world peace unclouded by the fear of nuclear war.

I assert that it is of paramount importance not only to the United States, but also to the entire free world, that negotiations in Geneva on a nuclear test ban agreement and on a disarmament agreement continue. Perhaps the one must precede the other, for if it is shown that the United States and the Soviet Union can arrive at a workable, practical test ban agreement, the way will be made easier for accord on the ultimate goal—disarmament and a secure peace.

Mr. President, our Nation and the Soviet Union have been engaged for nearly a year and a half in negotiations to ban nuclear weapons testing. Both Nations have come a long way from their original positions, after the give-and-take of international negotiations.

We are now close to agreement—too close, Mr. President, to permit failure.

There are within the Pentagon and the Atomic Energy Commission persons who, for various reasons, will go to great lengths to deter agreement. Some argue we must perfect more small, tactical atomic weapons, although after more than a decade of development we must already have a sufficient variety. Others argue that continued testing will enable us to perfect a clean bomb, but they fail to say how contaminated the atmosphere may become during the search for cleanliness. Still others argue that because there is a possibility the Russians will violate any voluntary moratorium on underground tests, we should have no ban whatsoever on testing.

I assert, Mr. President, that we must not be detoured by suspicion. Certainly in the minds of many Americans, there is always the possibility that the Soviet Union will attempt to violate a voluntary moratorium, similarly, in the minds of many Russians, there probably is suspicion that the United States will violate any agreement. I assert that either side would be foolhardy to jeopardize the chances of peace by attempting to conduct undetected underground tests, and I do not think either would hazard the risk.

While it may be true that low kiloton underground tests may be undistinguishable from earthquakes or tremors, it is just as true that at this time they cannot be fully concealed. Therefore, since the voluntary moratorium calls for continued joint study and the development of improved detection devices, the likelihood of violations is restricted to the realm of the improbable.

According to reports, all that now stands in the way of successful agreement is the question of the duration of a voluntary moratorium and a decision on the number of onsite inspections permitted. The Russians have proposed a 4-year to 5-year moratorium. President Eisenhower has wisely stated that he cannot bind his successor to continue such an agreement, but that he would recommend continuation if the agreement works well during his remaining tenure of office.

All candidates for the presidential nominations have stated they would favor continuation by the next administration of such a voluntary moratorium on underground nuclear tests.

Mr. President, there is every reason to believe that the Soviet Union will accept the West's latest proposal, or will offer a compromise acceptable to us. I sincerely hope this will be brought about in time for the U.S. Senate to debate and vote on the treaty before adjourning this summer.

I join the distinguished junior Senator from Arkansas, the able chairman of the Senate Committee on Foreign Relations [Mr. FULBRIGHT], in asserting that if agreement is reached by mid-May, the Senate can work its will before adjournment.

However, Mr. President, I assert that if the Senate cannot act upon this hoped-for treaty before adjourning, we should return for a special session after the November election. In this way, the issue could be settled by the time a new President takes office and a new Congress convenes.

My view is that a practical, enforceable treaty is too important to be postponed, and that we Senators of the United States would speed the cause of peace by meeting in special session, if necessary, to take action on any agreement to ban nuclear weapons testing.

Time is a crucial factor. Every week that is wasted means that other nations draw closer to the day when they, too, will have nuclear weapons. France already has them. Red China someday will have them, and may even now be closer to that achievement than anyone suspects. West Germany, with its great industrial and technical complex, itself will someday be counted among the nuclear powers, if we do not now halt the arms race.

It is clear, then, Mr. President, that time is running out and that action now to stop this potentially explosive chain of development is imperative.

We, as Senators of the United States, probably shall have an opportunity to substantially help speed the world toward the day when threat of nuclear war will be a thing of the past.

But if we and the world fail now, there is no telling what fantastic limits the arms race might reach or what fantastic new weapons of destruction might be developed. Neither do we know whether the opportunity to halt the frightful race toward war will ever come again.

WORLD REFUGEE YEAR COMMEMORATIVE STAMP ISSUE

Mr. KEATING. Mr. President, this date of April 7 marks the issuance by some 70 countries, including the United States, of special postage stamps commemorating 1960 as World Refugee Year. The release of these special stamps, proposed by the United Nations and endorsed by the Universal Postal Union, has the highly laudable purpose of drawing attention to the plight of persons who have been displaced as a result of political upheaval, those who have lost their homes and property through geographical partitions after World War II and those who have fled Communist oppression or otherwise have been rendered dependent on world charity.

As this significant date is observed, all due recognition for its origin must be bestowed upon Msgr. Edward E. Swanstrom, executive director of Catholic Relief Services in the United States. In 1957, during the International Migration Congress, in Assisi, Italy, he urged that delegates sponsor an "International Migration Year, to help focus attention on the plight of refugees and the inhabitants of heavily populated areas." Soon afterwards a group of British parliamentarians brought the matter to the attention of the United Nations. On June 5, 1958, the General Assembly put the resolution to a vote, and 59 member nations—with only the Communist bloc opposing—passed it and designated 1960 as World Refugee Year.

For his splendid contribution in originating the idea of World Refugee Year, Monsignor Swanstrom last year received

the Annual Peace Award of the Catholic Association of International Peace.

The attention that World Refugee Year thus dramatically focuses upon the plight of victims of misfortune and tyranny throughout the world must inspire in our own hearts a renewed sense of the obligation that the refugee problem poses for the United States. The doors of this great Nation must be opened wider, through realistic changes in our immigration laws, to enable us to provide new hope and new opportunity to even greater numbers of those whose sad predicament stands as a pressing challenge to the hearts and consciences of a free society.

WHITE ENROLLMENT SHRUNK BY INTEGRATION EXODUS

Mr. SPARKMAN. Mr. President, a few days ago there was a discussion on the floor of the Senate, engaged in by the Senator from North Carolina [Mr. ERVIN], and the Senator from Louisiana [Mr. LONG], with reference to certain statistics in the District of Columbia since desegregation in the schools took place.

The Mobile Register of April 5, 1960, has published a rather interesting editorial, in which it discusses the facts which were brought out by those two distinguished Senators.

I ask unanimous consent that the editorial may be included at this point in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHITE ENROLLMENT SHRUNK BY INTEGRATION EXODUS

In the District of Columbia the percent of white pupils in the public schools has been steadily declining and the percent of Negro pupils has been steadily rising in recent years.

Dr. Carl F. Hansen, Superintendent of District Schools, has stated in a report, according to the Associated Press, that it would be a mistake to attribute this enrollment situation to racial integration of the schools.

His explanation, reduced to a few words, is simply that Washington, D.C., in common with various other large cities, is losing families among the more affluent population to suburbia.

A yearning for suburbia by no means tells the whole Washington story. School integration—or attempted integration—is a powerful influence in the migration that is depleting the white enrollment in the schools.

Nearly 4 years ago, specifically in its issue of July 6, 1956, the magazine U.S. News & World Report pointed out that the "nature of Washington's population is changing steadily. * * * As in many another city, the white, middle-income population of Washington is shrinking rapidly and building up a flowering suburbia."

The magazine noted that "Washington was in the van of school desegregation after the Supreme Court decision of 1954, in order to set a precedent for the Nation."

It also noted that "the Negro population of the city is growing and flourishing to an extent witnessed by few U.S. cities, north or south," and that "even now, so many white families with children have moved away that almost two-thirds of the students in the city's public schools are Negroes."

Dr. Hansen can be sure that he himself is mistaken in his own analysis of what is happening to the racial make-up of the public schools in the Nation's Capital.

After making more than due allowance for migration to the suburbs by well-off white families for other reasons, compulsory school integration still remains a potent driving force behind the exodus from Washington.

The statement of the magazine U.S. News & World Report in 1956—2 years after the Supreme Court decision—that "middle-class children in the District are diminishing in number as if summoned by a Pied Piper" is significant.

The record, in fact, is overflowing with refutation of Dr. Hanson's analysis.

Senator SAM J. ERVIN, JR., of North Carolina, recalled in Congress recently that "when the Supreme Court handed down its decision in the segregation case on May 17, 1954, the President of the United States suggested that the city of Washington should be made a showplace for school integration."

The Senator then said, "Let us see about how much the people wanted school integration." As an indication of public sentiment in the District of Columbia on the issue, he cited the marked drop in white enrollment in the years immediately following the Supreme Court decision. The decline still continues.

Senator RUSSELL LONG, of Louisiana, has brought the figures up to date in discussing the changing racial picture in the Washington schools.

He quoted these statistics:

"In October 1953 white pupils accounted for 43 percent of the total enrollment in District of Columbia public schools.

"In November 1954 white pupils accounted for 39.3 percent of the total enrollment. That was the first enrollment report after the integration decision.

"In October 1956 white pupils accounted for 32 percent of the total enrollment.

"And the latest figures, which are for the present school year, show that white pupils make up 23 percent of the total enrollment."

This, of course, means a 20 percent decline in white enrollment since the Supreme Court blunderingly called for school integration. The No. 1 reason for this sharp decline has been the attempt to integrate District of Columbia schools.

Moreover, Senator LONG declared that nearly all of the white pupils still attending school in the District of Columbia are enrolled in schools having no more than token integration. These were his words:

"Out of 27,471 white children who are going to school in the District today, 95 percent of them are in schools where there is only token integration; in a great number of cases there is only a single colored child in the entire school."

Dr. Hansen, being on the scene and in close official contact with it, should realize that more and more white pupils are steering clear of District of Columbia schools to avoid being used to help create a showplace for school integration.

The Superintendent of the District of Columbia schools has pointed in the wrong direction for the real reason for the mass exodus of white pupils. Instead of pointing to suburbia, let him become realistic and point to the U.S. Supreme Court.

A NEGRO WHO WENT NORTH

Mr. SPARKMAN. Mr. President, in the Montgomery Advertiser of a couple of days ago there was a letter addressed to the editor, entitled "A Negro Who Went North." It is a most interesting letter. I believe it can be read with interest and profit by every Member of the Senate.

I ask unanimous consent that it may be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A NEGRO WHO WENT NORTH

SEATTLE, WASH.

EDITOR, THE ADVERTISER:

You hear lots of talk about how bad the South is for Negroes and how good they treat you in the North and I want to tell you that that's all a lot of bunk. I am an honest respectable Negro and I lived in Montgomery for 23 years before some fool convinced me I'd make out better in the North.

Since then I've lived in New York, Boston, Cleveland, Chicago, and now in Seattle and I just wish I could get back home to Montgomery where people have self-respect and are honest with each other.

I went to New York because I thought I could get a good job there and make a lot of money. But all I got was a lousy job and a one-room flat I shared with four other guys and some rats. No Negro ever got anywhere in New York unless he was a crook. And there is always a bunch of phony white liberals pestering around you trying to help the Negro race.

It is dog-eat-dog and you can't even trust a fellow member of your own race. Back home you could respect the white people. They were friendly and listened to your troubles and helped you with your problems. Here all they want is to cheat you or get you to vote for them. And nobody up here believes in God either.

The only way to help the Negro race is to keep it pure. They don't know how well off they are in a Christian city in a Christian State.

MAGNUS JOHNSON.

HEALTH INSURANCE FOR THE AGED ACT

Mr. JAVITS. Mr. President, I introduce for appropriate reference, for myself, the Senator from Kentucky [Mr. COOPER], the Senator from Pennsylvania [Mr. SCOTT], the senior Senator from Vermont [Mr. AIKEN], the Senator from New Jersey [Mr. CASE], the Senator from Hawaii [Mr. FONG], my colleague the junior Senator from New York [Mr. KEATING], and the junior Senator from Vermont [Mr. PROUTY], a bill to establish a voluntary health care program under which the States could provide health insurance coverage for all persons aged 65 and over, and their spouses. Cooperative health programs or private health insurance plans would be the means through which the State plans would provide such coverage to include physicians care in home and office, diagnostic services, hospitalization and nursing home care.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3350) to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Entitled the "Health Insurance for the Aged Act," the bill is a public health measure and is not

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linked to the social security system. It could potentially reach any one of the nearly 16 million Americans over 65 wishing to participate, including 4 to 5 million who are not eligible under social security.

Under this voluntary program, every person 65 or over living in a State participating in the act and the husband or wife of this person, regardless of age, could enroll in a program providing good, basic health coverage. It has been estimated that the bill will permit States to provide up to $10,000 in health care insurance during the lifetime of subscribers for a maximum premium cost of $2,184.

When the individual's need for adequate health care exceeds his income, it is entirely appropriate that the Federal and State Governments participate to help him to meet the premium cost. A fundamental principle of this program is that of assisting the aged in need of health care where necessary. Human dignity is a priceless possession, and the average U.S. citizen expects to pay to the best of his ability for the necessities of life.

To receive approval by the Secretary of Health, Education, and Welfare, every State plan under our bill would have to offer subscribers a choice of at least two types of health insurance—one a "service benefits" plan in whole or in part and the other an "indemnity benefits" plan. Generally, a "service plan" would provide 60 days of full cost, semiprivate hospital care or the equivalent cost care in a nursing home for the aged and make satisfactory provision for surgery both in and out of the hospital, hospital medical care, visits to the doctor's office, along with necessary laboratory tests, diagnostic X-rays, specialist consultations, and visiting nurse service in the home.

Legislation to provide health care for our "senior citizens" ranks as a major domestic issue in the United States. Enactment of a measure to assure our older citizens that the modern medical advances in health services—including hospitalization, medical and surgical techniques, new drugs, and skilled home nursing and physician's care—will be available to them at an age when they need them most frequently is urgently required. This Nation has long since progressed beyond the point when any segment of the population should find that physical distress must be endured because of financial inability to bear medical care costs singlehanded.

Under the terms of the bill, monthly subscription fees for individuals would range from 50 cents to $13, depending on the subscriber's income. The difference between the total subscription paid by beneficiaries and the full premium cost would be shared by the State and the Federal Government. The Federal contribution would be based on a formula used in the Hill-Burton Hospital Construction Act, under which the Federal Government's share to the States ranges from a maximum of 75 percent to a minimum of 33⅓ percent.

Based on the likelihood that 70 percent of those eligible will join the plan because the others are carried now in a suitable health plan, or for other reasons, the estimated median average cost per year of this program to the Federal Government, based on expected allocations by States, would be about $480 million; to the States $640 million, and $400 million to the subscribers. The cost to the Federal Government in succeeding years should increase only a little, if at all, because a progressively smaller proportion of those reaching 65 will fall into the lowest income categories. This type of program also lends itself to progressive improvement through a combination of voluntary subscription, public subsidy, and cooperation of the voluntary health insurance system.

The cost to the Federal Government and the benefits under our bill show the desirability of this bill as compared with the Forand bill or other compulsory health plans before this Congress to be financed through the social security system.

The outstanding characteristics of the "Health Insurance for the Aged Act" are that it is a voluntary program complementing rather than competing with the efforts of private health insurance carriers and cooperative health programs to provide adequate coverage to an age group which essentially lies in the "high risk" category. It minimizes Federal direction by requiring that the States draw up programs based on available health care facilities and realistic health needs and medical expenditure patterns of the aged population within its own borders, while meeting Federal standards, and it sets a congenial "need" criteria in the provision of Federal grants to the States with more help for those with the smallest per capita incomes.

The bill recognizes that while hospitalization costs may comprise a large part of an aged person's annual medical bill, the average older couple spends $140 a year on health costs unrelated to hospitalization. One out of every six persons 65 and older pays over $500 in medical bills annually. Sixty percent of those over 65 have an annual income of under $1,000, and often cannot afford home or office care by a doctor which might appreciably cut down the length of hospitalization required and in some cases eliminate it altogether when a condition is caught in the early stages. Therefore, legislation limited to hospitalization and nursing care only may unnecessarily strain such facilities and be inadequate to the task of providing adequate basic health coverage for the aged.

When the controversial Ewing plan was introduced in the late 1940's, it was labeled socialized medicine and Republicans, including myself, introduced the National Health Act which utilized the existing private and cooperative plans to provide health care nationally. Medical care for the aged was a part of the overall problem; now it is becoming urgent standing by itself. At that time, we had about 12 million citizens 65 and older. Today the number has risen to nearly 16 million and by 1970 it will stand at nearly 20 million. There seems little doubt that the most logical point at which to begin raising national health standards is by devising a voluntary program such as this one consistent with the private relation between doctor and patient which will still provide adequate health protection to the aged with the participation of the State and Federal Governments.

Mr. President, I have acquainted the administration and the Secretary of Health, Education, and Welfare with the full details of this program. I think it meets the guidelines laid down by the Secretary of Health, Education, and Welfare, and I hope very much that ultimately the administration may come around to agreeing to it, although I understand at present the administration feels the amounts involved and the range of benefits are too great.

Mr. President, my cosponsors and I think this is the only feasible basis upon which the Federal Government can do its share to meet this very urgent problem. We offer the bill in the expectation that it is the way most consistent with what exists in our country, with practices and policies of our country in the private relationship between doctor and patient, which it is so important to preserve. This will be the best way found to give optimum medical care to the aged.

Mr. President, I am grateful to my colleague, who is cosponsoring the bill, for allowing me to proceed.

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that the bill (S. 3350), to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay, which I introduced earlier today, may remain at the desk until the close of the session on Wednesday next, April 13, so as to afford other Senators an opportunity to cosponsor it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I also ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Insurance for the Aged Act."

SEC. 2. The Public Health Service Act is hereby amended by inserting at the end thereof the following new title:

"TITLE VIII—HEALTH INSURANCE FOR THE AGED

"Declaration of purpose

"SEC. 801. It is the purpose of this title to assist the States in establishing State plans of health insurance designed to enable aged individuals to obtain needed personal health services.

"Definitions

"SEC. 802. As used in this title, the term—

"(a) 'Service benefits' means the actual furnishing of health services to an insured individual by and through licensed physicians, hospitals, and other health personnel and institutions which have entered into contracts with insurance carriers to provide such services to such individuals;

"(b) 'Indemnity benefits' means benefits provided to an insured individual by an insurance carrier in the form of money payments toward the cost of specified personal health services, such payments being made either to the insured individual or to the provider of such services, and not necessarily covering the full cost of such services;

"(c) 'Income of insured individual' means income from whatever source derived; provided, however, that it shall include the value of gifts received by the subscriber and the computed value of board and lodging, according to regulations of the Secretary, furnished to the subscriber by any other person; and

"(d) 'Secretary' means the Secretary of Health, Education, and Welfare.

"Requirements of State plans

"SEC. 803. A State plan under this title shall—

"(a) designate a single State agency to administer the State plan;

"(b) provide for financial participation by the State;

"(c) permit participation in the health insurance program established under such plan of every individual in the State who has attained age 65 or is married to an individual who has attained such age; but may not permit any individual to participate in such program who has not attained such age or is not married to an individual who has reached such age.

"(d) provide to each individual eligible for health insurance under the plan a choice of at least two types of health insurance, one of which shall provide 'service benefits' in whole or in part and the other 'indemnity benefits';

"(e) provide that (1) the coverage of home medical services and physician's office calls and other ambulatory services or hospital outpatient treatment under any health insurance program under the State plan shall constitute not less than one-third of the total premium cost of such insurance program; and

"(2) under any such program, care in skilled nursing homes or equivalent licensed institutions may be substituted for care of equal cost in general hospitals;

"(f) conform to reasonable standards prescribed by the Secretary with respect to (1) the providing of benefits to subscribers of health insurance programs under the State plan during temporary absence from the State in which they reside, (2) the eligibility to participate in such programs of otherwise eligible individuals who have previously discontinued participation therein, (3) the provision of additional periods after the date subscription charges become due during which subscribers may pay such charges without forfeiting coverage under such programs, (4) eligibility of individuals to transfer coverage from one type of health insurance to another type offered under the State plan of a State, (5) the period of eligibility to participate in such programs of individuals who do not elect to participate therein at the earliest date for which they are eligible to do so, and (6) the eligibility of individuals who are covered by such a health insurance program of one State to become covered by such a health insurance program of another State;

"(g) provide that the subscription charges for individual subscribers of health insurance programs under the State plan shall conform to the following schedule (except that the maximum monthly subscription rate of no individual shall exceed the maximum premium cost in such State if it is less than $13 per month):

I. Income of subscriber for preceding year	II. Monthly subscription rate
Under $500	None
$500 and under $1,000	$0.50
$1,000 and under $1,250	1.00
$1,250 and under $1,500	2.00
$1,500 and under $1,750	3.00
$1,750 and under $2,000	4.50
$2,000 and under $2,250	6.00
$2,250 and under $2,500	7.50
$2,500 and under $2,750	9.00
$2,750 and under $3,000	10.00
$3,000 and under $3,250	11.00
$3,250 and under $3,600	12.00
$3,600 and over	[1] 13.00

[1] Or such greater amount as may be provided by the State plan.

"(h) provide that the State agency administering State welfare or public assistance programs shall be permitted to secure for the recipients of such programs health insurance under the State plan on a negotiated rate basis;

"(i) make provision (1) authorizing employees' pension or welfare funds to contribute to the payment of subscription charges under the State health insurance program for or on behalf of eligible members of beneficiaries of such funds, (2) authorizing employers (including the State or any political subdivision thereof when acting as an employer) or trustee or other governing body of such fund to deduct from his wages or from such fund, as the case may be, an amount equal to his subscription charges under the State health insurance program and to pay the same to the State agency administering the State plan;

"(j) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

"(k) provide for the collection of subscription charges for health insurance under the State plan;

"(l) provide that the health insurance coverage extended to individuals eligible therefor under the State plan shall be provided by private, commercial, prepayment or nonprofit insurance carriers under appropriate contracts entered into between such carriers and the State agency;

"(m) provide that such contracts extend health insurance coverage to individuals eligible therefor under the State plan of any or all of the following: (1) Services rendered by licensed physicians, licensed dentists, and, under the supervision of licensed physicians or dentists, by auxiliary personnel, (2) the use by such licensed or auxiliary personnel of any and all apparatus or machines designed to aid in the diagnosis or treatment of disease or injury, (3) the provision of bed and board in general or special hospitals, skilled nursing or convalescent homes, or other institutions licensed or designated as such institutions is prescribed by and under the supervision of licensed physicians, and (4) the provision of drugs and medicines, dressings and supplies, prostheses and appliances, and ambulance service, when prescribed by licensed physicians; and

"(n) make adequate provision out of general revenues of the State for the expenses incurred by the State under such plan.

"Payment to States

"SEC. 804. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for health insurance for the aged, for each quarter (beginning with the quarter commencing July 1, 1961) (1) an amount equal to the Federal percentage of the amount by which the amount produced by multiplying—

"(i) the per capita premium cost up to but not exceeding $13 per month, by

"(ii) the sum of the total number of subscribers of health insurance for the aged for each of the months in such quarter,

exceeds the total sum of the amounts actually paid by such subscribers as subscription charges during each of such months; plus (2) an amount equal to one-half of the sums expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of State plan.

"(b) The method of computing and paying such amounts to the State shall be as follows: The Secretary shall, prior to the beginning of each quarter, estimate the amounts to be paid to the State under subsection (a), such estimate to be based on (A) reports filed by the State containing its estimates of the total sums to be expended by it in such quarter in accordance with subsection (a), and (b) such other investigation as the Secretary may find necessary.

"(c) The Secretary shall then certify to the Secretary of the Treasury the amount so estimated by the Secretary, reduced or increased, as the case may be, by any sums by which he finds that his estimates for any prior quarter were greater or less than the amounts which should have been paid to the State under subsection (a).

"(d) For the purposes of this section the 'Federal percentage' for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States (including Alaska and Hawaii), except that (1) the Federal percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and (2) the Federal percentage for Guam, Puerto Rico, and the Virgin Islands shall be 75 per centum each. The Federal percentages shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capital incomes of the States and of the continental United States (including Alaska and Hawaii) for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

"Operation of State plans

"SEC. 805. (a) If the Secretary, after reasonable notice and opportunity for hearing to the State agency, finds (1) that the State agency is not complying substantially with the provisions of the State plan, or (2) that any Federal funds have been diverted from the purposes for which they have been paid under this title, the Secretary shall forthwith withhold further payments to the State under section 804 until he is satisfied that the conditions which required him to withhold such payments no longer exist.

"(b) If any State is dissatisfied with the Secretary's action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Secretary shall forthwith certify and file in the court the transcript of the proceedings and record on which he based his action.

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"(c) The findings of fact by the Secretary, unless substantially contrary to the weight of evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive unless substantially contrary to the weight of the evidence.

"(d) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28 of the United States Code, section 1254.

"Authorization of compacts between States

"SEC. 806. In order that individuals who are covered by a health insurance program established under this title by the State in which they reside shall not, by reason of their temporary presence in another State at the time benefits provided by such program are needed by them, be hampered in actually receiving such benefits, the consent of Congress is hereby granted to any two or more States to enter into appropriate compacts or agreements with respect to the administration and operation of their respective health insurance programs established under this title.

"Administration

"SEC. 807. (a) The Secretary of Health, Education, and Welfare is authorized to make such administrative regulations and perform such other actions as he finds necessary to carry out the provisions of this title.

"(b) In administering the provisions of this title, the Secretary is authorized to utilize the services and facilities of any executive department of the Government in accordance with an agreement with the head thereof. Payment for such services and facilities shall be made in advance or by way of reimbursement, as may be agreed upon between the Secretary and the head of the executive department furnishing such services or facilities.

"(c) In administering this title the Secretary shall cooperate with and render advice and assistance to States and the appropriate public authorities therein in formulating and operating State plans under this title.

"Savings provision

"SEC. 808. Nothing in this title shall modify obligations assumed by the Federal Government under other laws for the hospital and medical care of veterans or other presently authorized recipients of hospital and medical care under Federal programs."

Mr. KEATING. Mr. President, I ask unanimous consent that I may proceed for 10 minutes on this subject.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and the Senator may proceed for 10 minutes.

Mr. KEATING. Mr. President, I am happy to join with my colleague from New York and others in cosponsoring the excellent and realistic health insurance plan for the aged which has just been introduced. I want also to commend the Senator for his clear appraisal of the health needs of America's senior citizens and for his great ability in drafting a bill which meets these needs and at the same time is wholly consistent with the structure and goals of our Federal Government and of the governments of 50 States.

In brief, the bill provides low-cost voluntary health insurance through private plans for Americans over the age of 65, who could not otherwise afford such insurance. The bill calls for the sharing of the costs of this program between the Federal Government and the States. However, the basic responsibility for the administration of this program is rightly given to the States.

The "Health Insurance for the Aged Act" which we are introducing today, is very similar to a bill introduced in 1949 by my distinguished colleague [Mr. JAVITS]; Vice President NIXON, then a Member of the House; former Senator Ives, my predecessor in the Senate; former Senator Flanders, of Vermont; the Senator from Pennsylvania [Mr. SCOTT], then in the House; and the Secretary of State, Christian Herter, also a Member of the House in 1949.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. KEATING. I am happy to yield to my colleague.

Mr. JAVITS. One of the other sponsors, as a matter of interest, was the Senator from Kentucky [Mr. MORTON], who is now the chairman of the Republican National Committee.

Two of the original sponsors of the bill in 1949 are sponsors of the bill today, the Senator from Pennsylvania [Mr. SCOTT] and the Senator from New Jersey [Mr. CASE], who were then Members of the House.

Mr. KEATING. I am grateful to my colleague for that addition.

Mr. President, from my talks with HEW officials, I have learned that, in addition, the plan now being studied and drafted by Secretary Flemming and his associates is very similar to the bill which we have introduced today and to the just referred to health bill introduced in 1949, upon which many parts of our new bill are based.

Mr. President, I have always taken a very special interest in America's health needs. Over the years, I have introduced and cosponsored a number of measures designed to promote research efforts on the cause and cure of disease and to provide adequate health services to those Americans who for one reason or another need such assistance.

It has always been my opinion that the Federal Government should in every possible way encourage all citizens to provide adequately for their future health needs. As a Member of the House, I introduced a health bill in 1949 providing Federal tax assistance to offset the costs of private health insurance plans for citizens with limited resources. This bill would establish a tax credit to cover a certain percentage—graduated according to income—of the costs of certain federally accredited health insurance plans.

I firmly believe in this approach. It involves very little Federal control. It is keyed to persons of low incomes who could not otherwise afford health insurance, and most importantly, it builds on the very encouraging progress which has already been made by private firms and organizations in developing health insurance policies and programs suited to the needs of every age and income group in the Nation.

In the Senate I reintroduced this bill, now S. 1169. I firmly believe that this proposal is particularly well keyed to the long-run health needs of Americans in every age group. I hope that in the near future it will receive the serious consideration which I feel that it very much deserves.

Mr. President, this year attention has been focused on the unique and very important health and medical needs of the aged, on the grounds that the aged find it especially difficult to provide for these needs.

As I see it, there are two basic questions which we must ask ourselves at this point:

Is it true that America's senior citizens have special health problems, and if so, what is the best way to resolve these problems?

In answer to the first question, I am firmly convinced that an excellent case can be made for action by the Congress to enact legislation specifically concerned with the health of the aged.

The number of persons over 65 in the United States has increased markedly in recent decades. There are now some 16 million persons in this age group, approximately 10 percent of our total population. The forecast for 1970 is that there will be 20 million Americans over age 65.

Many persons in this over-65-year-old age group are retired or are working part time. Their incomes are very likely to be significantly lower than those of younger persons employed full time and at the peak of their earning potential.

Most important of all, it is this age group which has the greatest need for hospital and medical care. This acceleration of health and medical needs comes at precisely that time in life when income is likely to be lowest. What is more, because of the greater probability that they will need medical care, health insurance is considerably more expensive for persons over 65.

In sum, the senior citizen is often caught in a scissors of declining income and increasing health needs. This scissors is liable to snap shut at any time. A protracted illness for an aged person can and does often result in driving up annual health and medical costs to the point where they exceed income for that year. The scissors shut. The victim's only recourse is to public relief—which is a bitter and degrading blow to his self-respect.

The bill just introduced is intended to prevent persons over 65 from becoming victims of this health-income scissors.

Mr. President, I feel very strongly that the proposal which we have just put forth and which is now before the Senate is by far the best bill in this field. It is much superior to the widely discussed social security compulsory health insurance bill introduced by Representative FORAND, of Rhode Island, which was recently rejected by a vote of 18 to 7 in the House Ways and Means Committee.

Because the Forand bill is the best known of the pending health insurance plans for the aged, and because it is strikingly similar to the other bills on this subject which have thus far been introduced both in the House and in the Senate, I want to take time today to specifically list and discuss the reasons why I feel the approach which we have put forth today is far superior to that of H.R. 4700, the Forand bill.

First and foremost, the bill which we have introduced is voluntary. The Forand bill is not. It would give outright a free health insurance policy to all persons eligible to receive social security old-age benefits—regardless of the income which they receive from other sources. This is compulsory Federal health insurance.

Under the bill of which I am a cosponsor, every American over 65, whose income is below $3,600, would be eligible, if he so chooses, to buy any one of a number of private approved health insurance plans, on which the Federal Government and the government of his State would give him some measure of assistance, depending upon the level of his income. The choice is the individual's and rightly so.

The second advantage of our approach is that it builds upon the efforts of private firms and organizations over the years to provide health insurance for the aged. Some 70 percent of all Americans are presently covered by some form of health insurance protection. It is noteworthy that over 14 million New Yorkers were covered by health insurance in 1958, the most recent year for which we have figures. This is over 90 percent of the population of New York State.

It would be ridiculous to throw all of this out the window. We would surely be throwing out the baby with the bath. The need is instead to build upon these efforts, and through moderate Federal and State assistance make it possible for persons over 65 with low incomes to purchase one or another of the available health insurance plans—which because of their low incomes, they could not otherwise afford.

The Forand bill would discard the existing plans and would put the Federal Government alone in the position of overseeing and supervising an entirely new health insurance program.

A third advantage of the approach put forward today is that it is limited to people with relatively low incomes, people who really need help. The Forand bill, on the other hand, covers all under social security regardless of income. I feel strongly that the Government should assist only those of the aged who need this assistance and who would otherwise be without any form of health or medical insurance.

A fourth advantage of our new Health Insurance for the Aged Act flows logically from the point which I just made. One of the major and most glaring faults of the Forand bill is that it completely ignores the health needs of those of the aged who are not covered by the Federal social security program. In a great many cases those not covered by social security have lower incomes than those who are covered and who therefore are eligible to receive social security benefits each month. Our new bill avoids such discrimination and provides assistance, where needed, for all persons over 65.

A fifth advantage of the new bill, and there are eight such advantages which I want to discuss today, is that it will be less expensive than the Forand bill, which is estimated to cost the Federal Government between $1.1 billion and $2.3 billion in the first year of operation. The new bill costs less for several reasons. It has a slightly different "benefit package" from that proposed in the Forand bill. It only covers the low-income aged. Furthermore, it is not altogether free. Some contribution is required from all persons who have an income of more than $500 per year.

True, our bill would cost the States money, where the Forand bill would not. Nevertheless, lumping all of the costs to the Government—Federal and State—the new bill is far less expensive.

A sixth, and in my mind extremely important advantage of the new bill, is that it involves substantially less Federal control than would the Forand bill. As noted above, private plans are to be utilized to the fullest extent possible and the States are to supervise the overall program. Such an approach conforms closely to the structure of our Federal system and to the tenets of American Government to the effect that democracy is based upon the freedom from government as well as the freedom to govern.

A seventh advantage of our bill is that it is not tied to social security. Why should it be? The social security program already has enough sections and subsections to completely confuse and befuddle any American without a law degree.

An eighth advantage to the new bill is that it places emphasis on the special health needs of the aged—namely, the need for home and outpatient care in addition to—and often more important than—actual hospital care.

Mr. President, I think these are very strong arguments. Added together, they clearly indicate that the approach to the health needs of the aged which we have offered today is far more sensible, equitable, and realistic than are proposals along the lines of H.R. 4700, the Forand bill.

When I began my remarks, I said there are two key questions which we must answer. First. Is there a need for health assistance for the aged? Second. If there is, what is the best way to fill this need?

The answer to the first question is affirmative. I demonstrated this with what I have termed the health-income scissors which confronts America's senior citizens.

The answer to the second is very definitely embodied in the bill we have introduced today. The recognition of a given social need is not enough. We must work hard to find the best way to fill this need. We must not be fooled into adopting legislation to accomplish a given and desirable objective until we are absolutely convinced that we have a method which is sensible and which is well suited to this particular objective.

The Forand bill focuses on a real problem but does not properly resolve it. The bill introduced today focuses on the same problem and at the same time provides an equitable and realistic solution to this problem.

I urge the Senate to carefully study and evaluate our proposal. I know that I speak for all the sponsors of this measure when I say that we welcome any and all comments and suggestions relative to the bill just introduced. But when the study is over, when all of the recommendations in this field have been considered, I hope the Congress will recognize the merit of the general principles embodied in our Health Insurance for the Aged Act.

ROLE OF WOMEN IN THE COOPERATIVES—ADDRESS BY REV. GEORGE E. TOPSHEE

Mrs. SMITH. Mr. President, my attention has been called to a most interesting address made by Rev. George E. Topshee of the Extension Department of St. Francis Xavier University at Sydney, Nova Scotia. In it Reverend Topshee pays quite a tribute to the role of women in public life. I am indebted to Mr. Richard A. Dell, director of the legislation and research department of the National Rural Electric Cooperative Association, who called the address to my attention and appropriately suggested that I insert it in the CONGRESSIONAL RECORD. Accordingly, I ask unanimous consent that it be printed in the body of the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ROLE OF WOMEN IN THE COOPERATIVES

(Address by Rev. George E. Topshee, St. Francis Xavier University Extension Department, Sydney, Nova Scotia, Canada)

In the letter I received from Mr. Ellis he suggested that I talk with you about (1) the philosophy pertaining to the dignity of man and cooperation; (2) the role of women in community; (3) some examples taken from our experiences in Canada.

In the latest issue of Life magazine we read of Benjamin Franklin experimenting with electricity in 1747. Electricity was first discovered by a Greek named Thales in the year 600 B.C. Two thousand five hundred sixty years ago he found that amber (Greek word for electron) had attraction for certain bodies. No doubt you have experienced the same thing, e.g.: take a piece of hard rubber, such as the end of your fountain pen, rub it on a piece of cloth and it picks up bits of paper, sawdust, etc.

In 600 B.C. they were playing with electricity but it was not until A.D. 1840 that it was turned to practical use. In the past hundred years it has revolutionized the industrial world. It has been a great boon to domestic life. We have electric light, telephone, radio, TV, electric motors that do everything from milking cows to washing dishes. Electricity is used for every conceivable work. In a co-op paper last week it was stated that in a modern home everything is controlled by switches except the children. Electricity is used for heating, freezing, lighting—it's marvelous.

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From 600 B.C. to A.D. 1840, 2,440 years, man knew about its existence but did not develop its potential.

There is something else in our midst today with which we are little more than playing; something else which is even more dynamic, with a much greater potential for good than this natural mystery of electricity. That is the cooperative movement.

Great studies have been made by your own wonderful organization, NRECA, and other large cooperatives, but we have a long way to go. The potential of the cooperative movement is really tremendous. Today we may say we are just picking up grains of sawdust with a piece of amber when we could be raising tons of material with a large electric magnet.

Why do we consider the cooperative movement of such great importance?

The cooperative movement is a means of educating people; a means of building better men and a better society nationally and internationally. The basic principles of this great means of adult education through economic cooperation are:

First, the primacy of the individual. This principle is based on both religious and democratic teaching; religion emphasizes the dignity of man created to the image and likeness of God; democracy stresses the value of the human person and the development of individual capacities as the aim of social organization.

Secondly, the principle that social reform must come through education. Social progress in a democracy must come through the actions of its citizens. It will come if there is improvement in the quality of the people themselves. That improvement can come only through education.

The third principle is that education must begin with the economic. People are keenly interested in and concerned with economic needs: and it is a good technique to suit the educational effort to the needs of the individual or group.

The fourth principle is that education should be through group action. Group action is essential to success in modern conditions. Individual efficiency is not enough. We must have group action if we are to build a better society.

If you were to ask what is the solution to the problems of Canada, the United States or the world, I could say without hesitation that it is in the improvement of the quality of human beings. Make the people of the world physically fit, mentally alert and morally right and all our problems would be solved.

History records nineteen great civilizations; fourteen of them have passed away. We should learn from these failures and try to immunize ourselves against decay—fourteen failures to develop the capacities of people.

The greatest resources that we have are our people. We may talk of the necessity of developing hydropower, iron ore, petroleum, uranium and other natural resources. These are important but not nearly as important as developing our people in all their capacities. The best formula we know for doing that job is adult education through economic cooperation.

The energy of people must be released, talents developed and right attitudes cultivated. The formula or the philosophy by which we live channelizes our energy—it does for us what a groove does for a ball, what the tracks do for the train; it directs our efforts. The right formula or philosophy also stimulates activity. The integrated ideas of this great cooperative movement will release human energy in reconstructing society on a foundation of justice and charity.

Now, what is the role of women in this great work of adult education through economic cooperation?

Woman has qualities, temperaments and gifts peculiar to her that complement those of man perfectly. Man's nature is to explore, to invent, to create. He is generally restless and seeks change. Woman is generally conservative and seeks stability. Man is the specialist who must compete in the battle of life. Woman is the universalist meeting life with her broad capacity as psychologist, social worker, nurse, teacher, dietitian, cook, seamstress, pacifier, judicious counsellor, and understanding wise companion. Women pay more attention to persons than to things.

Someone has said, I believe rightly so, that society needs the mind, the hand and the heart of woman:

1. It needs the mind of the educated woman in public life, in careers, in the home. Society needs women who can think straight, respect truth, withstand pressures and propaganda: who can discriminate among values, separate the shoddy from the genuine, the tinsel from the substance and prize the simple rather than the ornate. In brief, we need intelligent women who, in a world of constant change, when all values seem in flux, offer stability to the world through their fidelity to religious convictions and by their adherence to lofty standards of the good, the true and the beautiful.

2. Society needs the hand of the educated woman. To various forms of work she brings a natural interest in and understanding of people. She brings efficient service, attention to detail and sympathy for suffering.

3. Society needs the heart of woman. A prominent psychiatrist recently stated that the goal of therapy is to regain for people the capacity to love. If there is any one quality which characterizes woman, it is her readiness to assist others, to cooperate with others or, in a word, her capacity to love.

The cooperative movement not only needs the mind, the hand, the heart of woman; but it also provides a particular field in which woman may further develop her special capacity—her concern for others. It furnishes a pattern of action by which woman may exploit her great selflessness. The cooperative movement is a blueprint of action by which woman, complementing the work of man, builds a better society in which all people will be offered economic, social, cultural and political democracy.

I have been asked to give some examples of contributions made by women to the cooperative movement in Canada:

1. The first example that comes to mind is our publication called the Maritime Cooperator. This semimonthly paper is educational and journalistic. It is produced, almost entirely, by four women all of whom are former staff members of the St. F. X. Extension Department, and all are married women with families. They are producing an outstanding cooperative paper. One of the women, a former secretary of Dr. M. M. Coady, last year won a national award for the best syndicated column in Canada. All of these women are fully imbued with cooperative philosophy as received from Dr. Coady. Incidentally, a regular practice of Dr. Coady's during the 30 years of his office with our extension department was, on his return from a conference (and he attended many) to gather together the whole staff, including the youngest stenographer, to give a complete report on the conference; who spoke, what they said, what they didn't say, should have said, etc. Many of these girls have become excellent field workers, traveling to every corner of the Atlantic Provinces. They have organized study clubs among coal miners, steelworkers, fishermen, farmers; and led them to understanding, conviction, and loyalty to cooperative ideals.

This week a girl who spent 6 years as a secretary and fieldworker from our office is on her way to Ghana, West Africa, for an indefinite stay to bring a program of adult education through economic cooperation to the people of Ghana—and the Lord knows they need it.

Three years ago, two girls working from our branch office in Sydney began a program of adult education on five government reserves for Indians. They have encountered many obstacles but their success is greater than many people expected. The native Indian people have been spoiled by many years of excessive government paternalism but this new doctrine of self-help is gradually catching on through the persevering efforts of these girls.

In 1937 Miss Mary Arnold of New York came to Nova Scotia. Miss Arnold was treasurer of the Cooperative League of the United States. She came for a short visit but she stayed for 2 years, giving leadership to a new kind of cooperative housing. The men and women of the Arnold Housing Cooperative, the first housing cooperative in Canada, met weekly for 1 year studying the cooperative movement and the techniques of building a house before starting the actual construction of the houses. This example has been followed by 1,500 Nova Scotia families and many hundreds throughout Canada. The women play a large part in these "do-it-yourself" house building cooperatives.

In all our educational programs of discussion clubs, short courses, weekend institutes, etc., the women are called on to do their share; not just in serving lunch, but in presenting reports, participating in discussions, etc. In a short course of several days there may be two or three sessions in which the women are separate for particular topics, but the general practice is to have the men and women working together.

When the women have participated in discussion clubs and have acquired an understanding of the cooperative movement, there are none more convinced, more loyal, or more dedicated. In some cases it is the women who are the backbone of our cooperatives. Someone has said, "Educate a man and you educate an individual; educate a woman and you educate a family."

Some years ago when egg grading was introduced in Nova Scotia, it was the women who first accepted the idea. To some farmers an egg was an egg if it came from a hen. They were not going to accept the idea of having their eggs classified. But their wives persuaded them that grading was just and necessary.

In one fishing community where a successful consumer cooperative was in operation after many months of discussion club work, a new private profit store was then built. The owner of this new store several times sent out a fleet of cars, while the men were at sea, fishing, to bring the women to his store. Not one of the women who had been in cooperative discussion clubs accepted his free transportation. They walked to the co-op. The possibilities of the consumer cooperative movement stagger the imagination.

In every field of modern living; in the home, in the professions, in the arts, in business, in education, government and politics, in the great work of adult education through economic cooperation women have a contribution to make which is uniquely theirs.

In closing, I would like to quote from the late Dr. M. M. Coady: "The formula of the good society of the future is not going to be taken out of a metaphysical hat. The formula is the working together of men and

women in the manipulation of the commonplace things; the repatterning of the forces that determine life on this earth. The most fundamental of these are: food, clothing, shelter, physical and economic security and freedom for the human spirit. Through the visible and material things of this world we will rise to a knowledge and appreciation of the invisible things of God."

PROGRAM OF THE AMERICAN LEGION—ADDRESS BY REV. E. CHARLES DARTNELL

Mrs. SMITH. Mr. President, Mr. Dan Lambert, fifth district commander of the American Legion in Maine, has called my attention to an address made by Rev. E. Charles Dartnell, pastor of the First Methodist Church, of Brewer, Maine, on March 14, 1960, and has suggested that I insert a Brewer Free Press account of it in the CONGRESSIONAL RECORD. Accordingly, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the Press account was ordered to be printed in the RECORD, as follows:

REVEREND DARTNELL TELLS LEGIONNAIRES THEY HAVE "MEANINGFUL PURPOSE" IN 41ST ANNIVERSARY ADDRESS

"If there is anything that marks the American Legion—it is the dedication of every member of the Legion and Auxiliary to the program of honor to God, flag, and our country" declared Rev. E. Charles Dartnell, pastor of the First Methodist Church of Brewer in a stirring address before the 41st annual anniversary banquet of the Daniel E. Geagan Post, American Legion and Auxiliary on Monday evening at the Legion rooms in the Brewer auditorium. The event sponsored by the local auxiliary unit observed the founding of the Legion in Paris, France, in 1919.

In a moving tribute to the Legion organization, Reverend Dartnell told the 100 members and guests present that "When an organization survives for over 40 years, then that group must have been founded upon a dedicated purpose. Behind the great programs of the Legion moves the combined hearts of all its membership joined together in doing something for community, State, and Nation."

SAYS DEMOCRACY IS TESTED

Striking out at the forces seeking to destroy, by internal discontent, the workings of our Government, Mr. Dartnell reported to the Brewer Legion gathering "Here in America we have democracy in action. We must learn to give of ourselves if we are to preserve freedom and democracy. To not think enough of others and to think too much of ourselves, can destroy democracy in action," he stated.

Reporting on the need for Americans to give more study to the wants of the poor people of the world, the Brewer minister told his audience "These are days when we are called upon to stand fast in freedom and to help others obtain freedom from want. And it will be here in the nurturing of new democracy among the peoples of the free world, that democracy and America will be tested," he continued.

BIAS

The guest speaker called upon the Legion and auxiliary to promote a program designed to end bigotry and bias on all subjects and stated "There are some issues that we as Americans are called upon to settle and those issues must be decided without bias and prejudice, if we are to remain free."

"We must learn," he continued, "that all issues can be settled only by men of good will sitting down at the table of good faith—seeing the issues clearly as Americans all." He told the session that hatemongers were dividing the Nation with campaigns promoting special interests not in the common cause of freedom.

Lashing out at what he termed "the enemy from within" Reverend Dartnell stated, "One of our greatest national forms of disgrace is the many men in high places who have sold us short and our Nation stands much in need because of corruption within. It is time that we demand more of our officials and representatives than just a pleasant personality and a smile at election time," Reverend Dartnell reported.

Daniel E. Lambert, Orrington, fifth district commander, served as master of ceremonies for the event with Charles C. Campbell, post commander, and Mrs. Kathryn M. Campbell, Orrington, unit president, serving as cohosts to the special program.

DEAD CENTER ON CIVIL RIGHTS

Mr. JAVITS. Mr. President, an interesting article entitled "Dead Center on Civil Rights" was published in the section, American Survey, in the London Economist, for March 19, 1960.

It is noted that American Survey is prepared partly in the United States, and partly in London; and those items which are written in the United States carry an indication to that effect. The recent article on civil rights is datelined Washington, D.C., Wednesday night.

I quote two lines from the article:

Thus the value of the measure Congress passes this year depends almost entirely on the effectiveness of the plan to help Negroes to vote. It may not be effective at all.

I ask unanimous consent that the article in its entirety be printed as a part of my remarks at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEAD CENTER ON CIVIL RIGHTS

WASHINGTON, D.C.—If there is one lesson to be learned from this year's attempt to better the lot of Negroes in the South, it is that the middle of the road is not necessarily the place where progress is fastest. In the month-long debate in Congress the two Democratic leaders, Senator JOHNSON and Mr. RAYBURN, have floated to a position midway between the Northern liberals and the Southern segregationists as precisely as if they were bubbles in a spirit level. The resulting legislation, although its final details have yet to be decided, seems fated to be only the most modest step forward. The hope that the new law would bring Congress to the rescue of the courts in their painfully slow struggle to end racial discrimination in the schools is apparently going to be frustrated. The one important consequence of a month's talking looks like being a provision to help Negroes to register and vote, and even this is subject to a couple of qualifications. In the form in which it will probably emerge from Congress, the new machinery to aid voting is complicated and may also prove to be unconstitutional; and, in any case, it is only another attempt to do what the last Civil Rights Act of 3 years ago was meant, but has failed, to do.

This being so, the observer is entitled to ask whether the battle has been quite as hard fought as the cries of the contenders have suggested. Since February 15, when Mr. JOHNSON brought up the subject of civil rights in the Senate in fulfillment of a promise he made last year, there has been something faintly unreal about the drama. The Senate, that tortoise of the debating world, has crawled through 4 weeks of argument, including a record 83 hours in continuous session, only to sit down at the last moment and munch buttercups while the House of Representatives, which did not start moving until a week ago, flashed harelike past it. It is true that the time was not wasted entirely. The southerners stuck commendably to the subject—though the Senate's rules did not oblige them to—and made two or three criticisms of the administration's proposed bill which won general assent. But the debate was oddly passionless; some of the Washingtonians who visited the Senate Gallery as an alternative to the late, late show on television had to be reminded that, unlike the Senators, they were not allowed to fall asleep.

The fact is that, about half way through the Senate's deliberations, an unspoken understanding developed between everyone, except the liberals, on two points. The first point was that it would be best to delay a decision until the House of Representatives, where the rules limit the length of debate, produced a bill this week. The second was that the Senate would probably pass this bill as it stood, if it dealt only with voting, plus a few fringe benefits, and kept off the subject of the schools. It seemed that the southerners would settle for something like this, and abandon their filibuster, when Senator RUSSELL hinted that they found the voting provisions the least offensive part of the administration's proposals. It became obvious that the majority of Republicans, together with Senator JOHNSON and the loyal squad of Democrats—mostly from the West—who follow him wherever he goes, were thinking of the same thing last Thursday when they stopped the northern liberals of both parties from getting the two-thirds majority needed to close the debate. In principle, anyone who wanted any kind of bill could have voted for cloture and settled its provisions afterwards. But the middle-of-the road alliance between Mr. JOHNSON's followers and those of Senator DIRKSEN, the Republican leader, obviously preferred to hold back their votes until they were sure that the unwanted parts of the bill would be chopped off.

This week the House of Representatives has done what Mr. JOHNSON and Mr. DIRKSEN hoped it would do. On Monday it refused once again to go on record in support of the Supreme Court's ruling in 1954 that racial segregation in the tax-supported schools is unconstitutional; it has also declined to help compliant school boards in the South to end segregation by paying part of the cost. The plan to let the Attorney General go to court on behalf of Negroes in any case involving official discrimination (and not merely as he can now, in cases affecting their right to vote) was rejected by the Senate last week, although Senator DOUGLAS said that to go to court privately costs, on the average, about $19,000. An attempt to reinforce equality of opportunity for Negroes at work has also been defeated.

All that Congress seems likely to pass, apart from the provisions about voting, is a minor clause designed to discourage fanatics from planting bombs and another to provide education for servicemen's children if the schools which they attend shut down rather than admit young Negroes. It may also be made a Federal crime to obstruct a court order by violence or threats. Last Friday, in a particularly neat piece of parliamentary judo, the northern Senators from

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industrial States were twisted into the position of voting against this item because it had been extended to include court orders directed at trade unions; but they may yet be able to unravel their principles.

Thus the value of the measure Congress passes this year depends almost entirely on the effectiveness of the plan to help Negroes to vote. It may not be effective at all. The centrist block, which has the last word in both Houses, seems content to adopt some version of the administration's scheme under which Federal courts would be empowered to appoint voting referees. These could register Negro applicants as qualified to vote if it was proved that local registrars had discriminated against them. But Senator HENNINGS, probably the most able lawyer in Congress, suggests that this may be unconstitutional because it requires the court to find that there has been a "pattern or practice" of discrimination; article III of the Constitution seems to prohibit a court from making any judgment beyond that involved in the individual case before it.

The liberals also claim that the administration's plan is unnecessarily complex. Not only, they say, would the Negro have to wait until a court decided that he had been the victim of a pattern of discrimination, and then to show a court-appointed referee that he was entitled to vote; he would also have to wait until the court had, first, given its blessing to the referee's decision and, secondly, ordered the State voting officials to comply with it. At each stage it would be possible for segregationists to delay the matter by appealing. Senator HENNINGS wants to eliminate some of these obstacles by empowering the President to appoint enrollment officers as soon as a single case of discrimination is proved. This would remove the necessity of finding a "pattern"; and the decisions of enrollment officers appointed by the President would not need to be confirmed at each stage by the court. But the middle-of-the-roaders appear to be ignoring his recommendations. The House has stuck to the referee plan and even looks like modifying it to increase the segregationists' opportunities for delay.

It seems clear that the "moderate" position adopted by Senator JOHNSON and his allies in this debate is moderate only in the sense that it stands in the mathematical middle of the rival forces. The failure of Congress—unless it has a last-minute change of heart—to help the courts to end segregation in schools has to be measured against the fact that in the last 4 years the courts have managed to get only 752 Negro children into white schools where there is strong local resistance. The voting provisions have to be judged in the light of the fact that the 1957 act, which was also meant to help Negroes to vote, has enabled the Attorney General to come to their assistance in no more than four cases, only two of which have been brought so far to a successful conclusion. Racial discrimination in the South, enforced by the sporadic terrorization of Negroes, is still almost as strong as ever. Congress hopes that, if the Negroes can be got to the polls in sufficient numbers, other forms of equality will follow in the course of time and need not be insisted on now. But if the voting provision turns out to be ineffective this year's measure will have accomplished virtually nothing.

PROGRESS FOR INDIVIDUAL RIGHTS

Mr. JAVITS. Mr. President, the Senator from Missouri [Mr. HENNINGS], chairman of the Senate Constitutional Rights Subcommittee, was the principal speaker last month at the 40th anniversary dinner meeting, in my home city of New York, of the American Civil Liberties Union. Excerpts from Senator HENNINGS' address have been printed in Civil Liberties in New York, the periodic publication of the New York Civil Liberties Union, volume 8, No. 4, April 1960.

I ask unanimous consent that Senator HENNINGS' address, entitled "The Challenge of the 1960's: Progress for Individual Rights," be printed at this point in the RECORD as a part of my remarks.

There being no objection, the address was order to be printed in the RECORD, as follows:

THE CHALLENGE OF THE 1960'S: PROGRESS FOR INDIVIDUAL RIGHTS

(Address by Senator THOMAS C. HENNINGS, JR.)

Tonight, the American Civil Liberties Union celebrates its 40th anniversary—and it is indeed an occasion for celebration. In those 40 years—and particularly during the last 10 years—we have been plagued by what has seemed more than a normal share of demagoguery, zealotry, pseudo superpatriotism and bigotry. But individual liberty has survived, and we still possess the strength and the will to combat the arbitrary exercise of governmental authority.

It would seem also that adversity is not without its rewards. I note that ACLU's membership during the 1950's grew from less than 15,000 to almost 50,000—and if the 1950's gave us trial by committees, character assassination and hysteria, they also gave us the Supreme Court's decision which outlawed racial segregation in the public schools of our land.

Nevertheless, the last decade was a period of serious erosion of civil liberties. I cannot easily forget that in 1955, a group of State employees refused to permit the Bill of Rights to be posted on their bulletin board on the ground that it was a controversial document. And even today, invocation of the fifth amendment has become, in some circles, a shameful act tantamount to the admission of a crime.

Before I leave this note of retrospect, I believe it is appropriate to express a highly deserved accolade for the Supreme Court of the United States and for several of its notable decisions.

COURT DESERVES GRATITUDE

In addition to the decision which ended legal racial segregation in our public schools, the Court deserves the profound gratitude of the Nation and of all of us for its insistence on due process with confrontation and cross-examination of accusers in the loyalty-security cases and in the passport cases; for its condemnation of unreasonable police detention in the Mallory case; and for its reprimand to would-be censors in the Lady Chatterley motion picture case. While civil libertarians have not always been able to agree with the present Court, few courts in our history have struck out so vigorously in behalf of our Bill of Rights.

Our concern here tonight, however, is not with things past, but of the future. What do the 1960's portend for the cause of human liberty?

Essays in prophecy are always fraught with peril. Nevertheless, I will venture that substantial progress will be made during the next 10 years against racial discrimination. I believe that most notable will be a marked improvement in the voting rights of our Negro citizens.

I would not go so far as to suggest that wider exercise of the franchise will come painlessly or easily, or without the stubborn resistance of a group of men who do not believe in equality before the law, who do not believe that there is one class of citizens in this Republic of ours.

ANTI-BIAS LAW SEEN

But I am confident that this session of Congress will produce legislation for successfully attacking racial discrimination in registrars offices and at the ballot box where it counts. And I am equally confident that during the next 10 years, there will be greater political participation by our people, regardless of race, color, creed or national origin, at all levels of government.

I believe also that school integration will continue to move forward and that discrimination in public facilities will be progressively abated.

What needs to be done to accomplish full realization of that great American constitutional requirement for "equal protection of the law?" Experience is a valuable teacher, perhaps the most instructive of all if we listen carefully and are genuinely willing to learn; what are the needs today may disappear or lose much of their urgency in the decade ahead; and new and pressing demands may arise.

Nevertheless, I think it is sound to assume that there are three fundamental areas requiring serious attention. These are: (1) Political participation; (2) public education; and (3) employment opportunities. In the latter field, State committees or commissions against discrimination can be most effective through education, persuasion, and legal action. There is no excuse for racial discrimination in either Federal employment or among beneficiaries of Federal contracts—and the Executive has ample authority and power under the law to eliminate any such discrimination. The power is there and it must be used.

WAYS NEEDED TO END OBSTACLES

But the national legislative body has not only the power but the clear duty to act and act decisively, with a convincing display of national leadership, to oppose racial discrimination in voting and public education. Where experience demonstrates weaknesses in laws and procedures, Congress must provide the strengthening provisions. To this end, we should all be thinking of better methods of dealing with the problems of discrimination; that is, we cannot in good conscience merely continue to seek enactment of legislation once put forth as desirable—we must work to devise ways to overcome all major obstacles.

Unfortunately when one assumes the role of prophecy, it is difficult to bask for long in the sun of optimism. Perhaps the greatest enemy of freedom is fear—fear which burgeons into panic. Such fear dissolves the bonds of a free society; reason gives way to distrust and suspicion; democratic processes disappear in a welter of social and political restrictions.

Only in the last decade we had a taste of such fear, but fortunately our vigorous democratic heritage and our long experience with constitutional Government sustained us. It appears, however, that we have not emerged unscathed.

HITS ACADEMIC LOYALTY OATHS

Loyalty oaths and affidavits disclaiming subversion are still required of scientists and scholars receiving fellowships under the National Science Foundation Act and of students receiving loans under the Defense Education Act. An unsuccessful attempt was made last year in the Senate to repeal the

oath and affidavit requirements of the National Defense Education Act. We will try again this year, and we will keep on trying, and someday we're going to win.

I assure you that this is not a tempest in an academic teapot. To date, at least 17 of our most distinguished colleges and universities have withdrawn from the program in protest against the test-oath provision. These withdrawals were not undertaken lightly, and these institutions should be applauded for their courageous insistence on academic freedom.

I believe it significant that three of the schools which have withdrawn—Harvard, Yale, and Princeton—were training American leaders before the Revolution. Four of the schools have graduated Presidents of the United States—nine Presidents in all. I have no doubt that these educational institutions will continue to produce great and loyal Americans—and without benefit of any test oaths.

The most disturbing aspect of these requirements is that they imply that our most intelligent and educated citizens, our greatest potential leaders, are most vulnerable to Communist subversion. What an absurdity. What nonsense. This is hardly an expression of confidence in democratic growth. I have no such doubts as to democracy's vigor and appeal. I am indeed hopeful that we will be able to reassure our colleagues in Congress who set such store by loyalty oaths that our constitutional democracy is in no peril from our eggheads, and that these requirements may be wisely dispensed with.

GOVERNMENT CENSORS OPPOSED

On another front, we encounter the heavy hand of Government censors. The Bureau of Customs and the Post Office Department intercept and censor publications from abroad which they have declared to be foreign propaganda. Such material will not be delivered to the addressee until he agrees not to disseminate it.

We accept censorship during wartime as an emergency expedient, but the present program, begun during the war in Korea, is still with us 7 years later. Congress has never authorized censorship of foreign propaganda—it has required only that such material be identified as to its source—but administrative rulings have frozen this legislation into what is now full-blown censorship.

I congratulate the ACLU for its joint action with Helen McGill Hughes, editor of the American Journal of Sociology, for seeking a judicial determination in the courts. The petty, craven, misguided and in many cases, ignorant postal officials who stand more in fear of the Supreme Court's judgment than anything else, have gotten around it by mooting cases of this kind, by releasing the material whenever legally challenged. If you just stand up to them, they release it. They don't want any final legal determination of the constitutionality of their action.

Such maneuvering negates the legal principle of raising a constitutional issue in our courts, one of the fundamentals of our system of justice. It is time that the Post Office Department stops running away and lets this basic test of the public's access to information be decided.

ADMINISTRATORS ENDANGER RIGHTS

During the 1960's, I believe we must be particularly alert for incursions on civil liberties from administrative sources. Congress has found it increasingly necessary in recent years to invest considerable discretionary authority in Government administrators. In the elaboration of the functions of big government, however, there is a tendency to expand authority beyond that granted by statute and a concurrent tendency to obscure and evade responsibility for administrative action.

Very recently, we have been apprised of the defamation, by charges of subversion, of a great and respected religious organization in the pages of an official manual of the Air Force. The source material on which the charges were based had been neither checked nor verified by the subordinate official declared responsible for the document. In fact, no one in a responsible position appears to have even reviewed the material.

I wonder how many similar documents are floating around in governmental agencies—documents which may have substantial effect on Government policy and adversely affect civil liberties?

There are other problems in preserving the free and relaxed atmosphere of a successfully functioning democracy. Law-enforcement authorities continue to press for freer use of wiretapping and bugging, but if these tools of crime detection are determined to be indispensable to an orderly society, what will be the fate of the free and informal expression of opinion so indispensable to democratic processes?

PRIVACY ESSENTIAL TO FREEDOM

I cannot escape the conviction that a free society can exist only where there is substantial assurance of privacy of thought, speech, and movement for the individual. Over 30 years ago Justice Brandeis observed in his dissent in the Olmstead case, "As a means of espionage, writs of assistance and general warrants are but puny instruments of tyranny and oppression when compared with wiretapping." Continuing in a prophetic mood, he also observed that "the progress of science * * * is not likely to stop with wiretapping * * *. Ways may someday be developed by which the Government * * * will be enabled to expose to a jury the most initimate occurrences of the home."

We are all aware of the fulfillment of Justice Brandeis' prediction. Miniature transmitter microphones can now be unobtrusively concealed in a home or office, and all conversations picked up and recorded at a distant point. In some jurisdictions, law-enforcement officials are permitted to use such devices. Is the use of such devices, which permit the overhearing of every word in a home for months at a time, a reasonable search and seizure?

These are but a sampling of the great challenges to freedom of speech, freedom of association, freedom of the press and freedom of inquiry. The genius of democratic government is that it does not flee from controversies—it provides the means to resolve them. However, there seems to be a growing inclination among American public officials and organizations to avoid controversial problems.

Textbooks in our public schools are increasingly being written in a manner not to provoke lively discussion of the great—and controversial—events which make up our history. Television avoids controversial subjects in its programing because sponsors fear the loss of sales.

WE ARE BEING MOLDED TO CONFORM

We are becoming a Nation of organization men molded into patterns which will conform to accepted norms—that is, conformity must necessarily always be good and always be right. The process of democratic government, however, is not a matter of establishing norms or the finding of permanent solutions. It is rather one of constantly devising means to make new problems manageable.

In the first amendment, we find the guide to representative government and a free and democratic society. Justice Cardozo once described the first amendment as "the matrix, the indispensable condition, of nearly every other form of freedom." It is my belief that the first amendment is far more than a negative prohibition against governmental authority. I believe that it is a positive admonition to Americans urging us to debate, discuss and argue and indeed to disagree; encouraging them to participate in diverse associations; admonishing them to constantly engage in free inquiry. This I believe is the great challenge of the 1960's. If we meet it, we need have little fear for our liberties or for the future of the Republic.

INTEREST-RATE CEILING ON LONG-TERM GOVERNMENT BONDS

Mr. BUTLER. Mr. President, much has been printed and said in recent days relative to the proposal to increase the present 4¼ percent interest rate ceiling on long-term Government bonds, which dates back some 40 years to 1918. Because of the importance attached to that measure, I would like to have printed in the RECORD at this point in my remarks certain observations I have made relative thereto.

There being no objection, the remarks were ordered to be printed in the RECORD as follows:

THE INTEREST RATE

The present 4¼ percent interest rate ceiling on Government bonds dates back some 40 years to 1918 when plans were being made for financing the third Liberty Bond Act of World War I. Since this rate was set with the prevailing state of the money market at the time in mind, it is indeed an anachronism in the vastly changed money market of 1960.

In a recent speech, Dr. Roy L. Reierson, vice president and chief economist of the Bankers Trust Co., pointed out that from the historical viewpoint, present levels of interest are considered high only because for so many years rates were abnormally low. Dr. Reierson said:

"Recently, much attention has been given to the fact that some interest rates have reached levels not seen for the past 25 years or so. This carries the implication that present levels are abnormal. However, historical perspective indicates that this is because the American economy has been through a protracted period of subnormal interest rates. This was initiated by the long depression of the thirties, which forced interest rates to abnormally low levels. These low rates were then adopted as a pattern for financing World War II; interest rates were stabilized by providing the commercial banks with large amounts of reserves that permitted them to add to their holding of Government obligations, thereby expanding the money supply and adding to the inflationary potential in the economy. It was not until March 1951 that the pegging of interest rates, with all its inflationary implications, was brought to an end. And it has taken several years of growth in economic output and rising prices to soak up the excess liquidity in the economy that resulted from these practices." [1]

The following table shows that current interest rates and bond yields are now closer to the levels that prevailed in 1928, a year of high business activity.

[1] Dr. Roy L. Reierson, "The Prospect for Higher Interest Rates," address before the ninth alumni dean's day homecoming, School of Commerce, Accounts and Finance, New York University, Dec. 5, 1959.

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Interest rates and bond yields

[Percent]

	1928 annual average [1]	Peak in 1957	Beginning of 1959	Peak in 1959 (September)	Current (Dec. 1)
Discounts (New York Federal Reserve Bank)	4.50	3.50	2.50	4.00	4.00
Commercial paper (4 to 6 months)	4.85	4.125	3.25	[2] 4.875	4.875
Prime commercial loans	4¼–5½	4.50	4.00	5.00	5.00
Treasury bills, 3 months	3.97	3.66	2.69	[2] 4.501	4.501
Treasury 9- to 12-month issues		[3] 4.06	3.04	4.96	4.92
Treasury 3- to 5-year issues		[3] 4.04	3.71	4.90	4.85
Long-term Treasury bonds	3.33	[3] 3.76	3.83	4.31	4.20
Corporate bonds, Aa:					
Outstanding (Moody's)	4.71	4.31	4.19	[4] 4.77	4.69
New utility issues	4½–5	5.00	4.44	5.625	5.15
Municipal bonds (bond buyer)	4.04	3.57	3.40	3.81	3.55
VA mortgages		4.50	4.75	5.25	5.25
FHA mortgages (1 to 4 family)		5.25	5.25	5.75	5.75

[1] Figures shown for prime commercial loans are the range of prevailing rates charged borrowers by New York City banks (Federal Reserve). Figures shown for new utility issues are estimated range during year. Treasury issues were partially tax exempt. Yield shown for Treasury bills covers 3- to 6-month Treasury notes and certificates.
[2] High reached in November.
[3] Weekly average.
[4] High reached in October.

When considering these figures, it must be remembered that since interest costs are deductible from income in computing income taxes, the net cost of borrowed funds for the corporation or individual borrower is lower than it was in 1928. On the other hand, individual savers and other investors are receiving a lower net return due to the higher income tax rates that they are now subject to.

In the following table the inverse correlation between the interest rate and unemployment may be seen:

	Rate on prime commercial paper, 4–6 months, percent per annum [1]	Unemployment as percent of civilian labor force [2]
1929	5.85	3.2
1932	2.73	23.6
1938	0.81	19.0
1953	2.52	2.9
1954	1.58	5.6
1955	2.18	4.4
1956	3.31	4.2
1957	3.81	4.3
1958	2.46	6.8

[1] Economic Report of the President, January 1959, p. 189.
[2] Ibid., p. 158.

These figures demonstrate the fact that high interest rates prevail in times of low unemployment and low interest rates appear in times of high unemployment. In other words, a higher level of interest rates normally accompanies an expanding and growing economy. If interest rates were artificially lowered during a period of expansion by Government action, savings would be discouraged while the demand for funds would be increased. Such a course would only lead to inflation. Inflation accompanied by rising prices has cost small businessmen and individuals of moderate means a great deal more than the interest charges that they have paid at any time in our history.

The demand for funds in 1960 as seen by Dr. Reierson will continue strong. He said:

"Credit demands, excluding the Treasury, are likely to remain high in the aggregate and in some sectors may even mount significantly in 1960. The economic prospects outlined for 1960 imply increasing credit requirements from the business sector of the economy. Despite the large generation of funds from rising profits and depreciation allowances, corporate requirements for outside financing rose sharply in 1959. Although the internal generation of funds will probably rise further next year, corporations will probably need an even larger volume of outside funds to finance increased spending on plant and equipment and larger working capital requirements. The latter will reflect additions to inventories and increases in receivables. The rise in corporate profits is likely to slow down; furthermore, the lag between tax accruals and tax payments, which operate to increase corporate liquidity in 1959, will diminish, so that less funds will become available from this source in 1960. Thus, corporate demands for bank loans and for long-term debt and outside equity capital, which will total some $9 to $10 billion this year, may rise to about $12 billion in 1960.

"Borrowing by State and local governments is likely to be fully as large next year as it was in 1959. This is attested by the continuing large demands for public facilities, by the unusually large volume, for an off-year election, of issues approved in November, and by the fact that, excluding the proposed New York city bond issue, the precentage of issues approved in the November elections was also unusually high. Rising tax rates and higher interest rates do not appear to be important deterrents to a continuing high level of State and local government expenditures and borrowing.

"In the long-term credit area, the residential mortgage sector alone seems likely to register a smaller increase next year. Housing starts have declined recently from the high levels that prevailed during most of the year. The important point, however, is that the smaller rise in mortgage debt in prospect for next year will reflect a decrease in the funds available for mortgage investment, rather than a general weakening of the market for houses. The commercial banks will probably put as much as $3¼ billion into real estate mortgages in 1959; they may cut back importantly in 1960 in order to meet the needs of other borrowers. Savings and loan associations and mutual savings banks, major factors in the real estate mortgage market, are expected to have somewhat smaller amounts available for investment in 1960. These prospects suggest that competition for investment funds will not be lessened as a result of the reduced volume of mortgage financing in 1960.

"Demands for short-term credit, exclusive of Treasury demands, are likely to show an increase in 1960. The larger amount of external financing in prospect for corporations will make for continued active corporate demand for bank loans, especially since the current emphasis upon spending for equipment and for modernization, rather than for large additions to capacity, together with the cost of long-term debt financing, may induce corporate treasurers to use bank credit, where possible, in preference to long-term financing. Also, assuming that the early signs of a good automobile year are confirmed by a continuing high volume of sales, it is reasonable to expect that next year will show another large increase in consumer credit. Individuals are evidencing a strong propensity for going into debt." [2]

In the heated discussions of interest rates it is often incorrectly stated that the level of rates is determined solely by actions of the Federal Reserve, the Treasury, or large financial institutions. This argument overlooks the essential fact that the interest rate is determined by the actions of millions of borrowers and savers, that as is the case with other things traded in a relatively free market, the rate emerges from the interaction of demand for funds and the available supply of funds. The heavy current demand for funds by businessmen, State, and local governments and other borrowers reflects that our economy is expanding and under a free money market the competition for funds will cause the rise in rates as borrowers bid for available funds, which should come from savings.

The late Prof. F. W. Taussig analyzed the interaction of supply and demand for funds and the level of prices in the following excerpt from his book, "Principles of Economics." Professor Taussig was for many years the inspiration of American economic thinking. He belonged to that group of scholars who believed that part of the function of an economist was to apply in the public interest the competence which his study of the subject gave to him. Professor Taussig served for 40 years as editor of the Quarterly Journal of Economics, published by the economics department of Harvard University, a department which he headed. Professor Taussig said:

"The importance of deposits in relation to the supply of money and the level of prices raises a further problem of great intricacy. Since deposits are created by banks when lending, and since the volume of the lending is affected by the rates of interest charged by them, there must be some connection between these rates of interest on the one hand and the supply of money and the price level on the other hand. What is the connection?

"One might expect that the two would be inversely related. Low rates of interest, it would seem, would encourage a large volume of borrowing and hence lead to a plentiful money supply and a high range of prices; high rates of interest on the other hand lead to a small money supply and low prices. Curiously enough the facts seem to show just the reverse. Periods of higher interest rates are usually periods of rising prices, while times of low interest are times of falling prices. So much is a matter of statistical record about which there can be no disagreement. How is this apparent paradox to be resolved?

"The question has been the center of much critical discussion among economists, but has not yet been answered in any way that commands general agreement. It reaches far afield into matters which have no immediate bearing upon the subject of the present chapter. It will be enough at this stage to consider the simpler theoretical aspects and then try to see how the general conclusions can be fitted with experience.

"Other things equal, low rates of interest tend to swell the volume of loans and deposits and to raise prices. Businessmen finance their productive operations largely by borrowing from banks, and they count the interest paid the banks as a cost to be balanced against the profit which production is expected to yield. Given, then, a certain expectation as to what the level of profits will be, the lower is the rate of interest charged by the banks for loans, the larger will be the net profit remaining to businessmen and the stronger the inducement to extend production by the aid of additional borrowed funds. On the other hand,

[2] Reierson, Dr. Roy L., op. cit.

if the rates charged by the banks are high—that is, high relatively to profits—the volume of borrowings tends to be smaller. Borrowing from the banks being so intimately connected with deposits, a rate of interest that is low relatively to profits tends to bring about an increase in the quantity of money and a rise in the level of prices, while a rate that is high causes a shrinkage of the quantity of money and a fall of prices.

"The rates of interest charged by banks are in their turn affected by the movement of prices. Once the quantity of money is expanding and the range of prices moving upward, the fact that businessmen are then securing higher profits tends to cause interest to rise. In times when expectations are high and prospects for gain seem good, all businessmen want more 'capital'; that is, all want the money means that will give them command of more capital goods and more labor. The demand for loans from the banks increases and the rates of interest charged by the banks are drawn upward. Conversely, when prices are falling, interest rates tend also to fall. The prospects of gain then seem poor, and the demand for accommodation from the banks is correspondingly slack. Through it all, it is optimism or pessimism that chiefly counts.

"This sort of connection between interest and prices appears to explain the correspondence between movements of interest and movements of prices. It is the expectations of gain which seem to account for the observed facts. Rising prices, a large volume of deposit money, high interest rates—these go together; likewise do low interest, a small supply of deposit money and falling prices." [3]

An important question might be raised as to who benefits and who suffers from higher interest rates. The stereotype concepts of the debtor as the poor breadwinner and the creditor as the wealthy banker are obviously unrealistic. The banker is not lending his own money, but the money of other people. Who are these "other" people? They are the 87 millions of individuals in our country who have savings accounts; the 24 millions who are members of savings and loan associations; the 11 million members of credit unions; they are the 40 million holders of savings bonds; they are the 19 million participants in pension and retirement funds and they are the 112 million policyholders of life insurance companies.[4] With these facts in mind, the sympathy one hears for the poor debtor might better be directed to the poor creditor who has the most to lose from low interest rates and depreciating money. The proposal to raise the interest ceiling reflects the fact that the administration wishes to protect the savers and is not willing to adopt unsound monetary policies which would destroy the incentive to save which is the very lifeblood of our free enterprise system.

Those critics who see a boon to financial institutions in rising interest rates overlook the fact that a rise in rates will be reflected in the interest paid on savings deposits and long-term deposits. Insurance company policyholders, college endowment funds, hospitals, pension funds, and religious organizations will all benefit from a rise in interest rates although they like all other investors may suffer from a depreciation in the valuation of their bond accounts.

If it were true that banks benefited greatly from a rise in interest rates than it would follow that bank profits would reflect this fact. An examination of the record proves this is not the case. A recent study shows that the average net commercial bank profits for 1950–59 (first half) expressed as a percent of stockholders' equity was 8.3 as compared with 11.3 for all manufacturing; indeed, 18 of the 21 manufacturing groups reported better profit ratios than commercial banks. It is especially significant that bank profits compare unfavorably even with the closely regulated electric utility companies, which had a profit ratio of 10.4 percent.[5]

An important factor in bank net profits is the profit or loss realized when banks sell investment securities which they must do in times of strong demand for funds in order to secure funds to loan to their customers. Since bond prices move inversely with interest rates a rise in the interest rate will mean a decline in the price of bonds.

Shackled by the 4½-percent ceiling the Treasury is now forced to limit its offerings to maturities of 5 years or less. This is the only area where it can compete for funds and the effects of this policy are serious and far reaching. Since this market is a primary one for most businessmen seeking operating capital, borrowing by the Government will not only cause higher interest rates in this area, but also will make funds scarcer for businessmen seeking short-term financing.

But the greater danger inherent in this policy is the added force given to inflationary pressures. A short-term security is only a few steps away from being money. Commercial banks make up a larger part of the market for short-term Treasury securities and when these banks buy securities, they create new deposits. This results in an increase in the money supply which adds to the inflationary forces. Thus, the present situation forces the Treasury to actively foster inflation. President Eisenhower in a special message to Congress on August 25, 1959, called attention to this. He said:

"Within the next 12 months the Government must morrow $85 billion to cover maturing securities, redemptions, and seasonal cash needs. This Government, with its great financial resources, can normally carry a sizable amount of short-term debt. But it cannot afford to rely exclusively on borrowing that must be continually renewed. Yet, if the Congress insists that we continue to finance wholly with short-term securities, the whole $290 billion debt will grow shorter and shorter. This will make it even harder to handle in the future.

"The vital interests of all Americans are at stake because excessive reliance on short-term financing can have grave consequences for the purchasing power of the dollar. The issuance of a large amount of short-term Treasury debt would have an effect not greatly different from the issuance of new money.

"Because these securities are soon to be paid off, their holders can treat them much like ready cash. Moreover short-term securities are more likely to become lodged in commercial banks. When a commercial bank acquires a million dollars of Government securities, bank deposits rise by a million dollars. This is the same as a million-dollar increase in the money supply. When the money supply builds up too rapidly relative to production, inflation is the result. the piling up of an excessive amount of short-term debt poses a serious threat that may generate both the fear and the fact of future inflation at an unforeseeable time.

"Now, while the Nation is enjoying a period of rapid economic advancement, we want to keep the cost of living steady. And, if we act wisely, we should be able to do so. We must live within our means and we must exercise all the necessary precautions in the use of credit. We have made good progress toward preventing excessive Government spending. But we may fail in our efforts to keep prices from rising if we do not handle our debt in the proper way. This is why the Treasury must have the capacity to finance the Government's requirements in free credit markets without artificial restrictions." [6]

The interest on the public debt accounts for approximately 10.4 percent of the total Federal budget, which is indeed a sizable item.[7] However, since 89.5 percent of Government expenditures are for goods and services then to the extent that flexible monetary policy and fluctuating interest rates help to hold down their prices, the gain to the Treasury far offsets the added expense of an increased interest rate.

The problems confronting the Treasury in 1960 were pointed out by Dr. Reierson. He said:

"In 1960, as in 1959, the Treasury faces the problem of trying to avoid a progressive shortening of the maturity on the outstanding debt due to the operation of the calendar. In 1959, outstanding marketable issues with maturities of 1 year or less rose from $73 billion at the beginning of the year to an estimated $80 billion at the end of the year, a record high. During 1960, an additional $20 billion of marketable securities outstanding will move into the 1-year range.

"There are no exact standards for determining the appropriate volume of short-term Government obligations that should be outstanding. The needs of the economy for liquid assets—met in part by short-term Treasury obligations—are substantial. Nevertheless, a large increase in short-term Treasury debt in a period of business expansion contributes to economic instability—it adds to the liquidity of the economy, it poses problems for the Federal Reserve in the administration of credit policy, and it confronts the Treasury with the problem of frequent recourse to the financial markets. If the Treasury were to rely exclusively upon the sale of marketable securities with a maturity of 1 year or less during 1960, these maturities would total $100 billion or more by the end of the year. Judged by any reasonable criterion, the amount of short-term Treasury debt would become dangerously excessive if the Treasury were to rely exclusively upon the use of short-term obligations. The Treasury has no alternative but to press the sale of longer maturities, consistently and vigorously, by offering coupon rates high enough to attract buyers.

"The 4¼-percent ceiling on new bond issues effectively limits Treasury offerings to maturities of 5 years or less, as long as bond yields are at present or higher levels. The necessity of staying within a 5-year maturity on new offerings will create problems for the not-too-distant future by concentrating a large and growing portion of the Treasury debt in fairly near-term maturities. Thus, if the Treasury is unable to issue securities with maturities of longer than 5 years, the percentage of the marketable debt within the 5-year maturity range will increase from about 75 percent at the end of 1959 to about 79 percent by the end of next year." [8]

Monetary and fiscal policy are indispensable instruments in our attempts to protect the value of the dollar. Inflation works its greatest hardships on people of modest means whose savings are primarily in savings accounts, savings bonds, insurance policies, and other types of fixed-income assets. The ravages of inflation as seen in the post-war period have bitterly illustrated the folly of cheap-money policies and unsound fiscal thinking.

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[3] Taussig, F. W., "Principles of Economics," vol. I, fourth edition, Macmillan Co., 1939, pp. 408, 409.

[4] First National City Bank Monthly Letter, Business and Economic Conditions, New York, December 1959, p. 140.

[5] "A Banker Discusses Inflation, Credit Control, Interest Rates," the American Bankers Association, committee for economic growth without inflation, 1959, p. 27.

[6] CONGRESSIONAL RECORD, Aug. 26, 1959, vol. 105, pt. 13, p. 17034.

[7] The President's budget message for 1960, p M25.

[8] Reierson, Dr. Roy L., op. cit.

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Debt management, too, is an important factor in determining the strength or weakness of the dollar in the world economy, and the fact that the Treasury has been compelled to do its financing with short-term maturities, thereby enhancing the volume of liquid assets, has not escaped the notice of foreign observers. President Eisenhower indicated the importance of this when he said:

"The need for sound debt management stems not only from domestic considerations. Foreign investors have substantial holdings of our securities, as well as other claims on this Nation. With so large a financial stake in our economy, these foreign central banks and other foreign investors have a very practical interest in the manner in which we handle our affairs. It is essential that they, too, continue to view the American dollar as a strong and stable currency. In a free market economy, confidence is not the simple result of legislation. It is earned by adherence to sound practices." [9]

By removing the interest-rate ceiling on long-term Treasury bonds, the Congress would clearly demonstrate its willingness to maintain fiscal and monetary discipline. Such action would be consistent with the requirements of sustainable economic growth that promotes maximum job opportunities and real earnings. It would also encourage the process of saving which underlies the growth of this or any other country. It would clearly demonstrate to the world that we are determined to preserve our financial integrity and to protect our currency.

During the 1st session of the 86th Congress, opponents of the President's program charged that high interest rates hurt small business. Any business, whether it is small or large, must primarily rely on equity capital for its expansion rather than in an unbalanced increase in its debt structure which could only lead to financial instability for the borrower as well as for the economy as a whole. Our real answer to aid the small businessman lies in Government economy and a complete reform of our tax structure so as to encourage incentives for work and thrift.

LEAVE OF ABSENCE

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent that I may be excused from attendance at the sessions of the Senate until tomorrow afternoon.

The PRESIDING OFFICER. Without objection, leave is granted.

The PRESIDING OFFICER (Mr. JORDAN in the chair). Is there further morning business?

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1960

The PRESIDING OFFICER. Is there further morning business. If not, morning business is closed. The Chair lays before the Senate the unfinished business which is H.R. 8601.

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ERVIN. Mr. President, I have certain amendments which I ask unanimous consent to have called up en bloc and voted on en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I also ask unanimous consent that the following Senators be shown as cosponsors of these amendments:

The Senators from Alabama [Mr. HILL and Mr. SPARKMAN]. The Senators from Arkansas [Mr. MCCLELLAN and Mr. FULBRIGHT]. The Senators from Florida [Mr. HOLLAND and Mr. SMATHERS]. The Senators from Georgia [Mr. RUSSELL and Mr. TALMADGE]. The Senators from Louisiana [Mr. ELLENDER and Mr. LONG]. The Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS]. My colleague from North Carolina [Mr. JORDAN]. The Senators from South Carolina [Mr. JOHNSTON and Mr. THURMOND]. The Senators from Virginia [Mr. BYRD and Mr. ROBERTSON].

The first of these amendments is designated "3-30-60—I." I ask unanimous consent that I may read the amendments and that such reading may be deemed equivalent to the statement of the amendments by the clerk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. The first amendment reads as follows: On page 20, line 18, strike out "(a)".

On page 20, line 18, strike out the semicolon and insert a period.

On page 20, beginning on line 18, strike out "and the words 'qualified under State law' shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist."

I expect to explain each of the amendments immediately after I read it.

The amendment I have just read is designed to strike from the bill a provision which is without parallel in the history of Congress. I have read to the Senate the provision in the legal "gobbledygook" in which it is couched. I shall explain very briefly what that "gobbledygook" means when put into plain, simple English. It says in effect that in determining whether a voter of the race covered by the alleged pattern or practice is qualified to vote under State law, the Federal court or the voting referee, as the case may be, shall be governed by the laws, customs, or usages of the State, subject to the remainder of the provision, which stipulates, in substance, that such laws, customs, or usages of the State shall not, in any event, "imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist."

Under the scheme of government which we have in America, the laws of a State are the laws enacted by the legislature of the State. Yet the provision which I have just read provides that if a State election official has violated the election laws enacted by the State legislature, the standards set up by the election official in violating the laws enacted by the State legislature shall become the laws of the State. In other words, the proposal, which is made for the first time in American history, undertakes to say that the laws enacted by a State legislature are amended by the criminal acts of a State election official.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. ERVIN. I am glad to yield to the able and distinguished junior Senator from Georgia.

Mr. TALMADGE. Would it not be a proper construction of the section of the bill which the Senator from North Carolina is reading that, if some registrar mistakenly registered a felon, under the terms of the act all felons would have to be registered?

Mr. ERVIN. Provided that the other unregistered convicted felons are members of the race covered by the supposed pattern or practice. For example, under this provision, if a State election official in North Carolina had registered a white man who was a convicted felon, in violation of the law of North Carolina which prohibits such an act, then when the Federal court or Federal voting referee undertook to act in his voting district, the Federal court or Federal voting referee would be compelled under the terms of the bill, to register all convicted felons who happened to be members of the Negro race.

Mr. TALMADGE. Under the same provision from which the Senator has read, would it not be true that, if a registrar mistakenly registered a 6-month-old white child, all 6-month-old Negro children would have to be registered?

Mr. ERVIN. If the Federal judge or the Federal voting referee came to the conclusion that a pattern or practice had been established that would be absolutely true.

Mr. TALMADGE. The Senator from North Carolina is a keen student of history and an able legal scholar. Has he ever heard of a similar provision of law at any time, in any country, from the dawn of history to the present time?

Mr. ERVIN. I have never heard of any similar proposal being made.

Mr. TALMADGE. Would it not be as absurd to pass a law providing that anyone who commits murder shall be executed, but that, if a jury believed one person accused of murder should go free, then all murderers, therefore, should go free?

Mr. ERVIN. It is the same logic. If this provision had not been put in a so-called civil rights bill, there would not be a Member of the Senate or House of Representatives who would be willing to be caught with it in his coat pocket down at the bottom of a coal mine, at 12 o'clock midnight, during a total

[9] CONGRESSIONAL RECORD, Aug. 26, 1959, vol. 105, pt. 13, p. 17034.

eclipse of the moon, while the United Mine Workers of America were out on strike.

Mr. TALMADGE. I wholeheartedly agree with the Senator. If it were not in a civil rights bill, no Member of the Senate would vote for it.

Mr. ERVIN. That is correct; and everyone of them would denounce it, just as the Senator from Georgia and I are denouncing it this morning.

Mr. TALMADGE. I thank the able Senator. I share his view.

Mr. ERVIN. Mr. President, let us suppose this case: A State election officer violates the election laws enacted by the legislature of his State in registering voters of the race not covered by the practice or pattern.

He is prosecuted in the State court as a criminal for the violation, and is convicted and sentenced to the State penitentiary for his crime. Notwithstanding that fact, under the provision of the bill in question, which I seek to strike out by my first amendment, the violation of the law enacted by the State legislature by the man who is serving a sentence in the State penitentiary for such violation would automatically amend the State law enacted by the State legislature to conform to the standard set by the criminal act, and the Federal court or the Federal voting referee, as the case might be, in administering the measure now proposed, would have to follow the standard set by the criminal act, of the offending State election official, provided such standard is less stringent than the election law enacted by the legislature of the State.

If this were not a serious matter, this provision would constitute the most ludicrous use of the English language since the days when Bill Nye and Artemus Ward wrote humorous articles for the amusement of the American people. But this is too tragic a situation for us to see humor in it.

When all is said, Congress is asked to decree by this language that when a State election official violates a law enacted by the State legislature, his criminal act supersedes the State law and controls the Federal court or the Federal voting referee, provided the criminal act does not impose qualifications more stringent than those imposed by the State legislature.

Mr. President, I call up my amendment designated "3-31-60—G," which reads as follows: On page 16, lines 3 and 4, it is proposed to strike out these words: "for 1 year and thereafter."

By this amendment I propose to strike out the language of the bill which provides that where a Federal district court has found a practice or a pattern of discrimination, the Federal district court or the Federal voting referee, as the case may be, shall be empowered thereafter, without any further finding of discrimination, to assume supremacy in passing upon the qualifications of those who are to vote in all elections, including State and local elections.

The bill is strange in that it creates a conclusive presumption which prohibits the State from challenging the existence of racial discrimination from the time of the rendition of the decree adjudging a pattern or a practice to exist, until such time as the Federal court may adjudge that the pattern or practice of discrimination has ceased: The conclusive presumption even forbids the Federal court to consider the question whether the pattern or practice of discrimination has ceased until at least 1 year has passed.

As I stated the other day on the floor of the Senate in a colloquy with the distinguished senior Senator from South Carolina [Mr. JOHNSTON], this provision will nail the courthouse door shut against the truth for at least 1 year after a finding that a pattern or a practice of discrimination exists. If this provision were enacted, it would mean that even though 1 minute after the finding of a pattern or practice of discrimination was made, the State should discharge the offending State election official who had practiced the discrimination, and should replace him with a new State election official, who would not discriminate against anybody under any circumstances; and even though from that time on all discrimination should cease, nevertheless the Federal Government, acting through the Federal judge or the Federal voting referee, as the case might be, would exercise the power to make a final determination of the qualifications of persons to vote in State elections, notwithstanding the fact that under the 15th amendment the Federal Government has no power whatever in this field unless there is discrimination on the basis of race or color, and notwithstanding that all discrimination on that basis had ceased in the voting precinct involved.

Mr. President, it is bad enough to represent justice by the figure of a blindfolded maiden. But it is worse when the Congress of the United States is asked to enact into law a provision which would make justice totally deaf to truth for at least 1 year. Yet that is precisely what the section which I seek to strike out of the bill, by means of this amendment, would do.

Mr. President, it is a good thing that the American people have a written Constitution, and it is also a good thing that in that written Constitution there are clauses which are known as the due process clause of the 14th amendment and the due process clause of the 5th amendment. On many occasions the courts have held, under the due process clause, that a conclusive presumption is null and void. It has been held that when a State undertakes to create by State statute a conclusive presumption, the State statute is void under the due process clause of the 14th amendment. It is undoubtedly true that when the Congress of the United States undertakes by one of its acts to create a conclusive presumption, that act conflicts with the due process clause of the fifth amendment, and is, for that reason, void.

So I confidently predict, Mr. President, that if the Constitution of the United States has not been totally destroyed by judicial erosion, the courts will adjudge the conclusive presumption which deafens the ears of justice to the truth for at least 1 year null and void because of its conflict with the due process clause of the fifth amendment.

In this connection I wish to read, from the case of *Manley* v. *Georgia* (279 U.S.), at pages 5 and 6, a brief statement concerning an act of the Legislature of the State of Georgia which undertook to create a presumption:

> State legislation declaring that proof of one fact or a group of facts shall constitute prima facie evidence of the main or ultimate fact in issue is valid if there is a rational connection between what is proved and what is to be inferred. If the presumption is not unreasonable and is not made conclusive of the rights of the person against whom raised, it does not constitute a denial of due process of law (*Mobile, J. & K.C. R.R.* v. *Turnipseed* (219 U.S. 35, 43)). A prima facie presumption casts upon the person against whom it is applied the duty of going forward with his evidence on the particular point to which the presumption relates. A statute creating a presumption that is arbitrary or that operates to deny a fair opportunity to repel it violates the due process clause of the 14th amendment (*Bailey* v. *Alabama* (219 U.S. 219, 233, et seq.)).

Mr. President, the principle announced by that decision applies with equal force to an act of Congress which creates an arbitrary presumption or operates to deny a fair opportunity to repel it, and renders such a presumption void under the due-process clause of the 5th amendment.

Mr. President, I now read my third amendment: On page 19, in lines 5 to 7, strike out:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

The provision which I seek to strike out, by means of this amendment, is another provision which shows how much regard the proponents of civil rights bills have for fundamental legal and constitutional principles. When put into plain English the clause which I seek to strike out of the bill by this amendment, amounts to this: The bill directs the Federal voting referee to reduce to writing the testimony of the applicant relating to his literacy and understanding of other subjects, where they are required by State law as a condition precedent to the right to vote. Then the bill provides that the testimony of the applicant concerning these matters, which is taken in an ex parte hearing, in the absence of the State authorities, shall constitute the only evidence to be considered in determining the applicant's possession of qualifications of this nature. Mr. President, that is one of the crucial questions which confronts an applicant to vote. Yet in this bill it is stated that the evidence of the applicant on that point is to be taken in an ex parte hearing, in the absence of the adversary party, and that that evidence—taken under those suspicious circumstances—shall be the only evidence which the voting referee or the court shall consider in passing upon one of the most crucial questions which arises in the voting field.

As I suggested the other day, these provisions of the bill would be on a par

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with a hypothetical act of Congress governing the trial of libel suits in the District of Columbia, where Congress has plenary legislative authority. Just suppose the Congress were to pass a law which provided that whenever a plaintiff sued a newspaper in the District of Columbia for libel, the testimony of the plaintiff should be taken by the court in an ex parte proceeding in the absence of representatives of the newspaper and in the absence of counsel for the newspaper, and that the testimony of the plaintiff, taken under those circumstances, should be the only evidence the court could consider in determining whether the alleged libel were true or false.

Yet that is precisely what this bill provides in respect to State election officials.

The strange thing about it is that newspapers advocate the passage of this bill, to be applied to State election officials. I wonder what they would say if a similar bill should be passed by Congress, or proposed by any Member of Congress, to apply to newspapers.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield for a question.

Mr. HILL. The Senator has anticipated my question. I wanted to ask the Senator if he thought one single newspaper, one single magazine, one single publication of any kind, would favor a bill which would apply to them the same rule they are supporting now in the bill before the Senate.

Mr. ERVIN. They certainly would not permit their ox to be gored by any such perversion of the judicial process. I say to them I would stand on the Senate floor and fight to keep such a perversion of the judicial process from being inflicted upon a newspaper, or any individual, or any organization whatsoever.

We must thank the good Lord once more for the fact that we have a written Constitution, and that it requires the Congress of the United States to observe the requirements of due process of law when it undertakes to exercise the legislative power of the Federal Government.

The provision which I seek to strike by this amendment says, in effect, that the court will hear the evidence of the applicant, in secret; that the evidence of the applicant will be reduced to writing; and that the written memorial of the applicant's evidence will be the only evidence that can be considered in determining one of the most crucial questions presented for decision.

Mr. President, I am glad that our legal systems, both Federal and State, are based on the principles embodied in the concept of due process of law.

I read the following statement of the law from 12 American Jurisprudence, "Constitutional Law," section 621, pages 313 and 314:

> The right under the due-process clause to a full hearing includes the right on the part of the party whose rights are sought to be affected to introduce evidence and have judicial findings based on it.

I reiterate, at this point, that the provision which I seek to strike by this amendment will have to be adjudged unconstitutional as a violation of the due-process clause of the fifth amendment, if the Constitution ordained by the Founding Fathers has not been entirely destroyed by judicial erosion.

Mr. President, I call up my amendment designated as "3-31-60—E," which reads as follows: On page 18, lines 24 and 25, and page 19, lines 1 and 2, strike out these words: "or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with the procedures prescribed by the court."

The pending bill provides that where the application is passed on by a voting referee, rather than by a judge, the voting referee shall do these things: First, he shall take the testimony of the applicant in an ex parte proceeding, which means in the absence of the other party. Second, he shall make a finding, and embody that finding in his report, as to the right of the applicant to vote.

The bill provides that, after this has been done by the voting referee, the Attorney General of the United States causes a notice to show cause, accompanied by a copy of the referee's report, to be served upon the attorney general of the State and the appropriate State election officer.

The bill then provides that the attorney general of the State or the appropriate State election official can file exceptions to the report of the voting referee, pointing out that the report of the voting referee is erroneous either in fact or in law, and ask the judge to reverse the ruling of the voting referee for that reason.

The provision which I seek to strike out by this amendment says that instead of passing on the exceptions to the report of the voting referee himself, the judge may send the exceptions, challenging the report, back to the voting referee, himself, for decision.

Mr. President, a provision of that kind is absolutely incompatible with any system of justice worthy of the name.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I am glad to yield for a question.

Mr. HILL. Is it not true also that there is nothing in the bill which prescribes that the referee shall be a lawyer, and there is nothing in the bill which would lead us to have any assurance or any knowledge that the referee will be a lawyer, or have any background or experience in or knowledge of the law? Yet the matter is to be sent back to him to determine not only a question of fact, but a question of law as well. Is that correct?

Mr. ERVIN. That is correct. The only way the State official or State attorney general would have to get any relief would be to convince the voting referee that the voting referee did not know what he was doing when he acted in the first place. I do not believe we can find many human beings who are willing to make that kind of adjudication. I should not like to be compelled to seek justice before a court when I can obtain justice only by persuading the court that it did not know what it was doing in the first place when it decided the case against me originally.

Mr. President, I now call up the amendment designated "30-30-60—H," which reads as follows: On page 20, lines 3 and 4, strike out "or such other person as it may designate".

Mr. President, in order for us to understand what this amendment seeks to accomplish it is necessary for me to read the entire sentence which appears in lines 2 to 6 on page 20 of the bill.

The sentence reads:

> The court make take any other action and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees.

Mr. President, the proponents of this bill have bragged that, unlike some of the earlier bills relating to the voting field, it did not provide for the appointment of "carpet baggers" to go into the States to carry out the provisions of the bill. Yet that is precisely what the provision of the bill, which the amendment seeks to strike, authorizes. The bill says that the court may appoint such other person as it may designate to take any other action to carry out the provisions of the subsection. The bill authorizes the judge to appoint anybody, anywhere on the face of the earth, without any qualifications whatever, to carry out the provisions in the bill in some manner not stated in the bill. The bill specifies what the judge is to do. The bill specifies what the voting referee is to do. But there is nothing in the bill to specify what this other person shall do. It is left to this person's determination to take such other action, unspecified, subject to no review and subject to no contest by the State officials, as he may please to take to carry out the provisions of the bill.

Mr. President, I come now to the last amendment, which I offer at this time, the amendment designated "3-31-60—I." It reads as follows: On page 17, lines 19 and 20, strike out the words "In a proceeding before a voting referee, the applicant shall be heard ex parte" and insert the following in lieu thereof: "The proceeding before the voting referee shall be conducted according to the provisions of rule 53 of The Rules of Civil Procedure for the United States District Courts."

On page 19, line 14, strike out "(c)".

This amendment refers to the provisions of the bill formerly covered by the Kefauver amendment, which are now covered by the Carroll amendment. The Carroll amendment provides that the taking of the testimony of the applicant by the voting referee shall be ex parte, which, as I have stated before, means in the absence of the adverse party without the adverse party having an opportunity to be heard, without the adverse party having any opportunity to cross-examine the applicant, and without the adverse party having an opportunity to present evidence to contradict the applicant.

I know my able and distinguished friend the junior Senator from New York said that the object of the original

bill in these respects was to make it certain that there would be no controversy in lawsuits under the bill.

I am not familiar with the practice of law in New York State or in any other State except North Carolina, but I can affirm that never have there been any noncontroversial lawsuits in North Carolina. I think the character of the lawsuits in North Carolina can be illustrated by the old story about two neighbors, who owned adjoining farms, and who fell out about their boundary line. One of them threatened to take the other to court about the matter if the neighbor did not concede the boundary line was where he said. The would-be plaintiff said to his neighbor, "If you do not concede that the boundary line between your farm and mine runs where I say it runs, I am going to sue you in the superior court." The prospective defendant said, "That's all right; I'll be there when the case is tried." Then the would-be plaintiff said to his neighbor, "If I don't win the case in the superior court, I will appeal it to the Supreme Court of North Carolina." The neighbor then said, "That will be all right; I'll be there when the appeal is heard." Then the would-be plaintiff said, "And if I don't win that case in the Supreme Court of North Carolina, I will appeal it up to the Supreme Court of the United States." His neighbor said, "That will be all right; I'll be there when that appeal is heard, too." Then the would-be plaintiff said, "And if I don't win the case in the Supreme Court of the United States, I'll simply take it right straight to hell." His neighbor said, "I'll not be there, but my lawyer will." [Laughter.]

That is the kind of feelings we get in lawsuits. I cannot imagine having a noncontroversial lawsuit. I think when we have a lawsuit everybody has a right to present his contentions. That is what the due-process clause says.

This is a peculiar bill, Mr. President. The longer it pends before the Senate and the more I study it, the more peculiar I find it to be. There is a provision in the bill that the voting referee shall have all the powers granted to masters in a certain subsection of rule 53; that is, subsection (c). It is very significant, however, that the bill does not provide that the voting referee shall be subject to the duties which the master is subject to under the other subsections of rule 53.

Mr. President, my amendment simply proposes that the voting referee shall have the powers and be subject to the duties of masters under all the provisions of rule 53. Under it, the voting referee would have to give notice to the adversary party as to the time and place of a hearing, and afford him an opportunity to be heard. The amendment provides, in short, that the proceeding before the voting referee shall conform to the due process clause of the fifth amendment.

Mr. President, I have presented these amendments and have asked that they be considered and voted on en bloc by a voice vote. They are serious amendments. This is a serious bill. I say in all sincerity and in all solemnity that these amendments should be agreed to if we are going to conform the bill to the provisions of the Constitution. Let Congress not make a mockery of the due process clause of the fifth amendment of the Constitution, while professing to enforce the 15th amendment.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the able and distinguished senior Senator from Georgia.

Mr. RUSSELL. Mr. President, I wish to commend the distinguished Senator from North Carolina for the very fine legal argument he has made in presenting these amendments. The Senator is a great lawyer. He is a great constitutional lawyer.

I know of no Member of the Senate who has wasted more pearls of wisdom by casting them upon the floor of the Senate than has the Senator in this discussion. I will not use the language of the Biblical allegory in this connection. However, the Senator has certainly gone to great pains to point out in detail some of the provisions of this bill that cannot possibly be reconciled with any reasonable construction of the Constitution of the United States.

I think he has rendered a real service to the Nation by placing these amendments in the RECORD and discussing them. I hope he has asked to have his amendment printed in the RECORD, where they will accompany the very fine exposition he has made.

We are dealing with this subject under very difficult circumstances. As the Senator well knows, we are dealing with a situation in which many Members of the Senate seem to think that the due process provisions of the Constitution and the assurances of equal protection of the laws, as applied to an election official in a southern State, mean that due process and equal protection are limited to accepting service of legal proceedings brought against him. After the election official has been served by the U.S. marshal, he has very few further rights in anything pertaining to litigation in this field.

We had before us the so-called Kefauver amendment, which provided that the election official could come into the room where the proceedings were held, but a gag was placed over his mouth. He could not open his mouth or present his views to the referee; but the Kefauver amendment would at least have gotten him inside the door of a public office where his rights were being adjudicated by the referee. That amendment said that he could have a pencil and could transcribe the proceedings, though he could not make any comment. He would be gagged completely. He could not even ask a question. He was not given the right of confrontation.

But that was too much due process. That was too much equal protection of the laws, even to let him inside the room, gagged as he was, with a pencil to enable him to take down a record of the proceedings against him. So the so-called Kefauver amendment was stricken out.

Then, to afford the election official or registrar due process and equal protection of the laws, it was said that his full measure of due process and equal protection was to let him go to the Federal courthouse and find out where the proceedings against him were to be held. Of course, there is no assurance that he could get inside the door. The proceedings are to be conducted ex parte. But his full measure of due process is to be able to find out where his rights and his duties as a public official are to be adjudicated. There is no assurance whatever that he could get in. He is not to be permitted to ask questions. He is not to be permitted to confront the witnesses against him. He is not even to be permitted to take notes of the proceedings.

So his due process and his equal protection of the laws, if he were a white man living in a southern State undertaking to serve the people of his community in his humble capacity as a registrar, would mean that he would be denied even the right to be a spectator.

I am sure that, under this concept of "due process" and "equal protection of the laws" which now prevails, the Senator from North Carolina does not expect the true concept of what constitutes due process and equal protection of laws for one citizen to compare with the special privileges and extra immunities granted to other citizens. Therefore, his amendments, being based upon the Constitution, have very little chance of being adopted.

Nevertheless, the Senator has rendered a great public service in presenting the amendments, and pointing out the vices, inequities, and unconstitutional features of the proposed legislation.

I believe it was Thomas Jefferson who said that it was a good thing to have a written constitution. He said that oftimes men might deviate from it, they might depart from it, they might violate it; but so long as that written constitution was in existence, men of good will could point to it, and eventually they could rally the people back to the Constitution. The Senator from North Carolina is rendering a great public service in pointing out the inequities and denials of due process, denials of equal protection of the laws in this proposed bill, as applied to election officials in southern States. We may hope that after the present hysteria has passed and after the election is held in November, perhaps an atmosphere of reason will prevail and we may then be able to entice more of our colleagues back to the Constitution.

Again I congratulate the Senator from North Carolina.

Mr. ERVIN. Mr. President, I wish to express to the able and distinguished senior Senator from Georgia my deep appreciation of his gracious and far too generous remarks concerning myself. I appreciate them, especially since they come from the Senator from Georgia, who has been fighting for years to preserve constitutional government in America. That is what I am trying to do in presenting these amendments on behalf of myself and my cosponsors.

In times past one of the great Members of the U.S. Senate was Daniel Webster. I am sure that if Daniel Webster

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is looking down on the Senate today from the battlements of heaven he must be weeping to see what scant attention the Senate, which he adorned, pays to such fundamental principles as due process of law as portrayed in this bill.

It was Daniel Webster who said, in the great Dartmouth College case, that due process of law is a law which proceeds upon inquiry and renders judgment only after notice and a hearing. What Daniel Webster said constituted due process of law would be ignored by the Senate if the pending bill were passed. The only way any vestige of due process of law can be observed in the bill is to incorporate in it the modest amendments to which I have been addressing myself.

Mr. President, I yield the floor.

Mr. HILL. Mr. President, the distinguished and able Senator from North Carolina is not only one of the greatest lawyers in this body, but one of the greatest lawyers in the United States. He has clearly and eloquently explained the inequities and vices in the provisions of the bill. There is nothing I can add, except, as the Senator from Georgia has done, to express our deep appreciation to the Senator from North Carolina for offering these amendments for himself and his colleagues who join with him in this battle. He has rendered a great service in this debate, in pointing out the many inequities in the bill, and showing in how many places the bill flies into the very teeth of the Constitution of the United States; how the bill would, by a statutory enactment, wipe out the bedrock which is written into the Constitution of the United States; namely, the due-process clause.

The due-process clause has come down to us through the blood, sweat, tears, and sacrifices of human lives of the Anglo-Saxon people, beginning with the great battle for Magna Carta back in 1215. We know the story of Magna Carta, the Petition of Rights, the Bill of Rights, our own Constitution, our own Bill of Rights.

The Senator from North Carolina has stood here today as a great defender of the Constitution of the United States. I salute him and thank him and tell him how proud I am to have him here as the author of these amendments, and as the great champion of the Constitution.

Mr. ERVIN. I thank my good friend from Alabama for his most gracious remarks. He has had a distinguished public career. Throughout that public career he has fought to preserve for all Americans of all generations the basic principles upon which our Government and our legal system rest.

Mr. HILL. I thank the distinguished Senator. Praise from the Senator from North Carolina is praise indeed. What I have said about the Senator from North Carolina came from the depth of my heart. He cannot be paid too great a tribute for the wonderful service he has rendered in the debate, not only to those of us who join with him in the fight, but also to our country and to the cause of constitutional government.

As we know, title VI, to which the amendments offered by the Senator from North Carolina would apply, would authorize the Federal district court to appoint voting referees upon a finding that under color of law, or by State action, any person or persons have been deprived of the right to vote on account of race or color, and that such deprivation was or is pursuant to a pattern or practice.

These court-appointed referees would receive applications from any person who claimed that he had been deprived of the right to register or otherwise qualify to vote in any election; then the referee would take evidence and would report to the court his findings as to whether the applicant was qualified to vote in any election and had been deprived of the opportunity to register or otherwise to qualify to vote or had been found by State election officials not qualified.

The court would then review the referee's report and findings. The whole tenor and intent and purpose of the bill is that the court would approve the finding of the referee.

As has been so well brought out by the distinguished Senator from North Carolina and other Senators during the debate, there is absolutely no provision for notice or for hearing by the court.

In other words, the State registration official or officials who are charged for some reason with not having registered a person as they should have done, would have no notice, no opportunity to be heard, no opportunity to present any evidence, no opportunity to confront any witnesses, no opportunity to file any complaints or protests, no opportunity to examine any witnesses, no opportunity to make any presentation to the court, no opportunity to exercise any of those rights which are guaranteed under the fifth amendment of the Constitution by the due-process clause in that amendment. In other words, we have before us a bill which would deny all those rights, all those legal remedies, all those legal redresses, provided in all our cases under our Anglo-Saxon jurisprudence. The proceeding would be entirely an ex parte proceeding.

Once the findings were accepted, the court would issue a supplementary decree naming which person or persons named in the report were qualified and were entitled to vote.

Pursuant to the decree, the Attorney General of the United States would then transmit to the appropriate election officials of the State certified copies of the original decree appointing the referees, and any supplementary decrees.

In the event the election officials refused, for any reason, after having received the notice from the Attorney General of the United States, to permit the named persons to vote or to have their vote counted, such officials could be proceeded against for contempt under other provisions of the Civil Rights Act.

Senators will remember that the act authorizes a district court to try for criminal contempt any such person without a jury, so long as the punishment imposed does not exceed imprisonment for 45 days or a fine of $300.

In addition, the district court may require the referee to issue to any person named in the court's decrees a certificate identifying the holder as a person qualified to vote.

Not only could a district court be used in this way, but the court would also be authorized to give the miscalled referees—actually, they are nothing but Federal police officers—the right to be present at the polling places and to oversee the counting of the votes and to report back to the court the results of their supervision of State officials in the discharge of their duties.

The bill goes further, and would arm the miscalled referees with the powers of a Federal master, as defined by rule 53 (c) of the Federal Rules of Civil Procedure. We know that under that rule, when the court appoints a Federal master, the Federal master makes his report and his findings, and those findings carry an overwhelming weight as to the correctness of the finding. Unless they are clearly wrong on their face, the court accepts the findings of the Federal master.

I should like to call particular attention to the use of the language in the proposal of "any elections." That would make the statute applicable to all elections, all primary elections, all general elections, all State elections, all local elections, all national elections, of every kind, sort, and description. While such a proposal is more far reaching than the Federal election law which was passed as a part of the Reconstruction Act of 1871, the principle is the same. It is the usurpation of a State function by the Federal Government.

I might say that in one of my earlier addresses on the pending bill I devoted some time to the Reconstruction Act of 1871, and to what we know as Davenportism, which grew out of that act, as well as to the many abuses and many miscarriages of justice and fraud and corruption that were brought about by that act. Yet the bill before us goes much further than did the 1871 act, because that act applied only to Federal elections, whereas the bill before us applies to all elections, national, State, and local alike.

As I have said, it embodies the principle of the usurpation of a State function by the Federal Government. I have spoken many hours on the floor, I have spoken many weeks on the floor, I have spoken many days on the floor, in opposition to the bill, in trying to do my part in fighting the bill. Yet no one could sit on the floor and hear the address of the distinguished Senator from North Carolina as he discussed his proposed amendments now pending before the Senate, showing the abuses, the vices, the iniquities, and the unconstitutionality of the bill, without realizing how this bill is a challenge to our whole constitutional Federal system of government.

It is contrary to the very basic principles which our Founding Fathers established when they set up our Federal Government, with its dual system of limited Federal sovereignty, and all the reserved sovereignty still in the hands of the States and the people themselves.

Mr. President, although I have already spoken some six times at considerable length, I could speak at great length today on the various provisions and their intricacies, and the far-reaching effects, dangers, and implications of the administration's Federal referee proposal.

Many Senators who have preceded me in this debate have also spoken at length, and in so doing they have rendered a profound and lasting service to the Members of this body, to the people of the Nation, and to all lovers of constitutional government. In true perspective, whether the proposal provides for Federal referees, Federal registrars, or Federal commissars, the principle remains the same: It is an invasion of the sovereignty of the States. Of course, I believe as strongly as I possibly can that such a proposal is unconstitutional on its very face.

The proponents of the proposed Federal election referees plan base their authority squarely and categorically on section 1 and section 2 of the 15th amendment to the Constitution of the United States. Section 1 of the 15th amendment provides:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 of the 15th amendment provides:

> The Congress shall have power to enforce this article by appropriate legislation.

Mr. President, I submit that the authors of the 15th amendment did not intend that to carry out its provisions Congress should enact legislation which in and of itself violates other provisions of the Federal Constitution. They did not mean to provide authority to abrogate the provisions of the basic document, the Constitution. The authors of section 2 of the 15th amendment did not intend "appropriate legislation" to be unconstitutional legislation. I cannot believe that the authors of the 15th amendment, although there was motive and design in their framing of the amendment, intended that Congress should enforce the provisions of the amendment by legislating the deletion of section 2 of article I of the Constitution, which gives to the States the right to determine the qualifications of electors.

As Senators recall, section 2 of article I of the Constitution gives to the States full, absolute, and plenary authority over the fixing of the qualifications of the voters. Mr. President, I cannot believe that the authors of the 15th amendment intended by section 2 to give Congress the power to amend the Constitution by "appropriate" legislation. If that had been their intent, then certainly they would have said, "We no longer consider the Federal Constitution to be our basic document; therefore, at any time a majority of the Members of the two Houses see fit to do so, they can wipe out this section or that section of the Constitution.

If such a process of erosion were to take place, soon there would be no Constitution. That would be the logical end, if the framers of the Constitution had had any such thought or intent in mind. The taking of an oath by each Member of the Senate and House of Representatives to uphold and defend the Constitution would really have no purpose, no end, no validity, if the framers of the 15th amendment had intended that, at any time Congress wanted to do so, it could forget all about the Constitution, all about upholding it, all about preserving and defending it, and simply pass an act of Congress, by a majority vote of the two Houses, to pitch out one provision of the Constitution, throw out some other provision, and finally wipe out the whole Constitution.

When the proposed legislation was before the Committee on Rules and Administration, I voiced my strong opposition to the Federal registrar proposals. Senators may recall that that was the proposed legislation which was before the committee at that time. The distinguished Senator from North Carolina [Mr. JORDAN] is a member of that committee. He will recall that the proposal, at first, was for registrars. In fact, that was the proposal on which the hearings were held. No hearings were held on the proposal for referees, which is now before us.

While the proposals for registrars were not identical in every way with the administration's Federal referee proposal, now before the Senate, they addressed themselves to the same principle, namely, of unwarranted, unconstitutional invasion of State sovereignty and the rights given to the States in article I, section 2, of the Constitution, one of those rights being to prescribe qualifications for electors.

I reiterate my strong opposition to all the proposals and my firm belief that they are wholly and flagrantly unconstitutional.

The proposal now before the Senate, providing that Federal agents be appointed, would usurp the State function of determining the qualifications of voters and is, as I have said, strictly in the teeth of section 1, article I, of the Constitution. That section provides that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

In other words, they are the qualifications which the State itself fixed for the electors for the most numerous branch of the State legislature. The proposal before us is also in violation of the 17th amendment to the Constitution, which provides that Senators be elected by the people. This amendment to the Constitution was adopted as late as 1913 and contains the same language reserving exclusively to the States the right to determine the qualifications of electors.

The proposal to substitute Federal agents for local registrars or local referees is in violation of the 10th amendment to the Constitution, which states:

> The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.

The proposal before the Senate is also in violation of the ninth amendment to the Constitution, which states:

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others pertaining to the people.

Article I, section 2, of the Constitution is unequivocal. In the very beginning, it vested in the State government the power of suffrage, and by its express language the electoral process remains a basic State function.

That the Founding Fathers, the framers of the Constitution, intended that voter qualifications be left exclusively to the States is evidenced by the voters' qualifications existing in the individual States prior to the constitutional convention and by the debates at the convention.

When the Constitution was being drafted in Philadelphia, and when the delegates from the several States were busy writing that document, practically all the States had some voter qualifications.

Thus, in the debates at the Constitutional Convention, as reported by Elliott, we find James Madison, who had so major a part in writing the Constitution that we commonly refer to him as the father of the Constitution, suggesting that a definite statement of qualifications be placed in the Constitution, and expressing the opinion that the freeholders of the country—the landowners—would be the safest depository of republican liberty.

The delegates to the Constitutional Convention knew what the States qualifications were; and, therefore, when they wrote into the Constitution that the qualifications for electors for Members of the House of Representatives should be the qualifications for the electors for the most numerous branch of the State legislatures, they knew exactly what they were doing.

They knew what those qualifications were in the Thirteen States. As we recall, under the original Constitution, Senators were elected by the members of the State legislatures. We also recall that the 17th amendment, adopted in 1913, which provides for the direct election of Senators, rather than their election by the State legislatures, also includes the same provision, namely, that the qualifications for electors for U.S. Senators shall be the qualifications prescribed by the States for electors for the most numerous branch of the State legislatures.

In 1787, when the Constitution was written, the States were absolute sovereigns. They had joined in the Declaration of Independence. They had proclaimed their independence of the British Crown. They had fought through eight long, terrible, and bloody years to win their independence; and they stood absolutely independent and free from any other sovereignty on this earth. Their own sovereignty was full, complete, and absolute.

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So they gathered in Philadelphia in their sovereign capacities, through their delegates, to write the Constitution of the United States.

Mr. STENNIS. Mr. President, at this point will the Senator from Alabama yield briefly to me, in order that I may ask a question?

The PRESIDING OFFICER (Mr. ENGLE in the chair). Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. HILL. I yield to my friend, the Senator from Mississippi, for a question.

Mr. STENNIS. The Senator from Alabama is now making reference to the Thirteen Original Colonies or States and their laws with reference to electors and elections. I have heard the Senator from Alabama express himself in private conversation on this subject. I should like to ask him a question which would cause him to give an opinion: If the Senator from Alabama were called upon to present a plan which would result in liquidating the States of the United States and in making it certain that the Central Government would take them over, what would be his plan, particularly as regards election laws?

Mr. HILL. The plan would be to do just what the pending bill would do; namely, put the qualification of the electors in the several States into receivership in the Federal courts. There could be no better way to achieve such a result—iniquitous and obnoxious as such a plan is to me and to the Senator from Mississippi—than the plan provided in this bill.

Mr. STENNIS. Regardless of the purpose, in connection with the plan?

Mr. HILL. Yes, for once a start were made on that road, and once there were compulsion to follow that road, that end would inevitably be arrived at.

Mr. STENNIS. I think the Senator from Alabama is absolutely correct in his estimate of that situation. If we were now undertaking to pursue a course which would be certain to result in the destruction of the States as entities of our Government, I believe the method provided by the pending bill would be a most effective one—in other words, to permit the Federal Government to control, in one way or another, the qualification of the voters in both Federal elections, State elections, and local elections.

Mr. HILL. After all, we live under a government of the people by the people, and for the people. If the Federal Government were given the power to determine the qualifications of the voters and were permitted to control how the voters would exercise their franchise in carrying on this government of the people, by the people, and for the people, the Federal Government would have the power to determine who would vote and who would not vote, and certainly nothing could be more destructive of the power of the States and of the rights of the people than such a course.

Mr. STENNIS. Yes, regardless of whether it were followed in New England or in the great Northwest or in the South or in any other part of the country. In any event, the result would be the same, if the Federal Government were, under one guise or another, to take over control of the suffrage. In any event, the result would be the same; would it not?

Mr. HILL. Yes, it would; and the result in all the States would be the same as that in any one of the States.

Mr. STENNIS. I thank the Senator from Alabama for his answers to my questions.

Mr. HILL. Mr. President, I thank my friend, the Senator from Mississippi, for his questions.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield.

Mr. ERVIN. I should like to ask the Senator from Alabama this question: If what this bill proposes in regard to State elections could be sustained as valid, then the Federal Government would have become a Frankenstein monster which would be devouring the very States which created it; would it not?

Mr. HILL. The Senator from North Carolina is entirely correct. There would have been no Federal Government except for the fact that the States themselves created it. Yet under this proposal we would set up a Frankenstein monster which would devour its creators—which were, and are today, the States of these United States.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for another question?

Mr. HILL. Mr. President, I yield again to my distinguished and able friend, the Senator from North Carolina.

Mr. ERVIN. I state as a premise for my question that the proponents of this bill claim that it is based upon the 1st section of the 15th amendment, do they not?

Mr. HILL. That is my understanding.

Mr. ERVIN. As the Senator from Alabama has so well pointed out in the course of his argument, this bill is a most peculiar one, because although it is professed to be for the purpose of enforcing the provisions of the 1st section of the 15th amendment, the bill in fact and in law violates the provisions of the 2d section of the 15th amendment, in that the bill is not appropriate legislation to enforce the prohibition set forth in section 1 of the same amendment.

Mr. HILL. It is indeed. As the Senator from North Carolina has so well pointed out, the bill violates the 2d section of the 15th amendment, as well as other provisions of the Constitution of the United States. So I desire to express to the Senator from North Carolina my appreciation for the service he has rendered in making this point so specific and so clear. I thank him very much.

Mr. President, as I was saying, in 1787, when the Constitution was written, the States were absolute sovereigns. So they gathered in Philadelphia in their sovereign capacities, through their delegates, to write the Constitution of the United States. The question was how much of their sovereignty they would yield to the Federal Government? As I have said, all the sovereignty was in their hands; they did not have to yield any of it at all. The question was how much of it they would yield. The Federal Government was not then in being. So the only sovereignty the Federal Government could have would be such sovereignty as was granted to it by the sovereign States of that time, because, as I have said, at that time the Federal Government was not in being, and had no existence, and had no sovereignty.

Anyone who is at all familiar with the history of the writing of the Constitution, anyone who has taken the time to read Mr. Madison's notes on the Constitutional Convention and what transpired in that Convention when the Constitution was being written, knows how jealous were the several States of their sovereignty and how reluctant they were to yield very much of that sovereignty to any federal government.

Mindful of their sovereignty, zestful and determined, insofar as possible, to keep within their own hands as much of their sovereignty as they possibly could, and still have a Federal Government to meet the problems which had to be met by a Central Federal Government, what did they do?

They provided that every State should have two Senators—two Members in this body—no matter how large or how small the State might be, no matter what its industrial development might be, no matter what its financial development or its agricultural development might be.

They gave to the small State of New Hampshire the same representation, the same two Senators in this body, that they gave to the large, great Empire State of New York.

No matter what might be the status of a State in its power, its influence, its ability to influence other States and other persons in other States, every State in the United States should have equal representation in the Senate; it should have two Senators—its own two Senators.

Mr. COTTON. Mr. President, will the Senator yield, with the understanding that he will not lose the floor?

Mr. HILL. I yield to the distinguished Senator from New Hampshire. I might say that the distinguished Senator from North Carolina [Mr. ERVIN], spoke in his very able statement, of that great giant, Daniel Webster, who was born in the State of New Hampshire; and I take pleasure in yielding to a successor of Daniel Webster, the distinguished Senator from New Hampshire.

Mr. COTTON. I merely wanted the RECORD to show, in case some of the citizens might be reading it at this point, that the State of New Hampshire, which I have the honor to represent in this body, was referred to by the distinguished and able Senator from Alabama, whom I esteem so highly, and was selected by him because the Senator from New Hampshire happened to be present on the floor, listening attentively to the very able remarks of the Senator from Alabama.

I pay tribute to the Senator's thoughtful, able, well-reasoned speech; and I merely wanted the RECORD to show that, while there are other small States in the Union, New Hampshire was referred to, very courteously, and naturally, by the

Senator from Alabama because the Senator from New Hampshire happened to be present, listening with great attention and appreciation to the speech of the Senator from Alabama.

Mr. HILL. I appreciate the very kind and generous remarks of the Senator from New Hampshire. As I have said, the Senator comes from a State that gave to the Nation a great man of another day, the mighty Daniel Webster.

Mr. KEATING. Mr. President, will the Senator yield for a question?

Mr. HILL. The Senator from Alabama is delighted to yield to his distinguished friend, the Senator from New York.

Mr. KEATING. If anyone were reading the RECORD of this colloquy, I would not want him to think that because of the remarks of my distinguished colleague, the Senator from New Hampshire [Mr. COTTON], there was anything unique about his being on the floor, listening attentively, because I know of no one who attends to his duties with greater diligence than does my friend from New Hampshire, a distinguished representative of that State.

Mr. HILL. I agree wholeheartedly with what the Senator from New York has had to say. The Senate has had no more faithful Member of this body than the distinguished Senator from New Hampshire.

Mr. COTTON. Mr. President, will the Senator yield further?

Mr. HILL. I yield to the Senator from New Hampshire.

Mr. COTTON. I am almost embarrassed by the kind remarks of the Senator from New York, but I do not intend to refer to them. I merely want to make this point, which I am sure the able and distinguished Senator from Alabama will concede, namely, that size does not always determine importance or greatness in any legislative body.

There are small States that have only one or two Representatives in the other body, but those States have a long and noble history. And we who represent those States are just as jealous and anxious that the rights and privileges of every State of this Union, whether it be in the North or South, shall be preserved.

The Senator from New Hampshire, I think, has repeatedly shown on this floor that he is as solicitous of the rights and privileges of the great State of Alabama, and of all other States in other sections of the country, as he is of his own. We are all sister States in this great Union, thank God.

Mr. HILL. The Senator is certainly correct when he states that the services of any Member of this body are not to be measured by the size of the State, but that the measure of the services of a Member of this body is to be determined by the quality, the devotion to duty, and the faithfulness to the work in this body that is demonstrated by a particular Senator.

It was for that reason that I paused to pay tribute to the distinguished Senator from New Hampshire.

Mr. COTTON. I thank the Senator.

Mr. HILL. Mr. President, I had been speaking of the fact that in writing the Federal Constitution the delegates to the Constitutional Convention provided that each State, no matter how large or how small, no matter what might be the status of a State in its power, its influence, its ability to influence other States, each State should have its own two Senators. Then, of course, as will be recalled, the delegates to the Convention went one further step and provided that no State should have its representation in this body reduced or taken away from it without its consent. This meant that no matter how small the State might be, how weak, how ineffective, how uninfluential it might be, it would have equal representation in this body; it would have two Senators along with the two Senators of the most powerful, the wealthiest, and the greatest State of the Union.

It was in this spirit of jealous regard for their rights and determination to secure the primary authority of the States in the Government that the question of qualifications of electors was considered and debated.

When we consult Madison's notes, we find that there were three schools of thought in the Constitutional Convention with reference to the matter of qualifications of electors to vote for Members of Congress.

One school of thought felt that the qualifications should be prescribed in the Constitution itself.

The second school of thought felt that the qualifications should be left to Congress; that the Constitution should provide the Congress should have the power to prescribe the qualifications.

The third school of thought, which, as we know so well, prevailed in the Constitutional Convention, was that the qualifications for the electors should be those fixed by the States for the most numerous branch of the State legislature.

That provision, as we know, is section 2, article I, of the Constitution of the United States.

We find in Mr. Madison's notes, as compiled by Mr. Jonathan Elliot and published by J. B. Lippincott in Philadelphia in 1907, in volume V, page 385:

Mr. Gouverneur Morris, of Pennsylvania—

We recall that he was one of the most active delegates at the Convention.

Mr. Gouverneur Morris, of Pennsylvania, moved to strike out the last member of the section, beginning with the words "qualifications of electors," in order that some other provision might be substituted which would restrain the right of suffrage to freeholders.

Mr. Fitzsimons seconded the motion.

Mr. Williamson was opposed to the motion.

Mr. Wilson, who was also, incidentally, from the State of Pennsylvania, and was one of the ablest men, as we know, in the Convention, and one of the ablest of the Founding Fathers, then rose to speak.

Before I read what the different delegates said, I should like to invite the attention of the Senate to the committee which proposed the provision in section 2, article I, of the Constitution—the section to which I have just referred—which is the section dealing with the qualifications of voters. The committee was termed, in the language of the Constitutional Convention, "the committee of detail."

The committee of detail was composed of Mr. Rutledge, of South Carolina; Edmund Randolph, of Virginia; Nathaniel Gorham, of Massachusetts, who was Chairman of the Committee of the Whole; Oliver Ellsworth; and James Wilson, of Pennsylvania. John Rutledge, as we recall, was offered a place on the first U.S. Supreme Court, and was afterward appointed Chief Justice of the United States. Edmund Randolph, we recall, was George Washington's first Attorney General. Later Oliver Ellsworth was Chief Justice of the United States, and James Wilson was a member of the President's Cabinet.

Where could there have been found at that time in all the world, or where could there be found today or at any other time in all the world, a committee of abler or more distinguished lawyers and students of government, or more capable political draftsmen than the men who constituted the committee which wrote section 2 of article I? Where could a more brilliant galaxy of stars in the field of statesmanship be found than these great lawyers, students of the philosophy of government, students of human nature, men of commonsense and wisdom, who constituted the committee which wrote section 2 of article I?

At the time I referred to the committee of detail, I was about to read that after Gouverneur Morris moved to amend the committee provision leaving to the States the fixing of the qualifications for electors of Members of Congress, so as to require that the electors be freeholders, or so as to make sure that they were property owners before they could vote for Members of the House, Mr. Fitzsimons seconded the motion. Mr. Williamson opposed it. Then Mr. Wilson, of Pennsylvania, one of the ablest men who sat in that Convention, rose and made this observation, according to Madison's notes:

This part of the report was well considered by the committee, and he (Mr. Wilson) did not think it could be changed for the better. It was difficult to form any uniform rule of qualifications for all the States. Unnecessary innovations, he thought, too, should be avoided.

When I quote that language about unnecessary innovations, I come back to my statement of a few minutes ago; namely, that Mr. Wilson and the other delegates who had gathered to write the Constitution knew exactly what qualifications were fixed by their own State constitutions. So when Mr. Wilson was speaking about no innovations, he was, impliedly, at least, making a plea for the qualifications fixed in his own State of Pennsylvania and fixed by the constitutions of the other original States.

After Mr. Wilson made his statement, Gouverneur Morris, the author of the motion, rose. I read further from Madison's notes:

Such a hardship—

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That is, being a freeholder or the owner of property, because that is what his motion provided as a qualification—

would be neither great nor novel. The people are accustomed to it, and not dissatisfied with it, in several of the States. In some, the qualifications are different for the choice of the Governor and of the Representatives; in others, for different Houses of the Legislature. Another objection against the clause as it stands is that it makes the qualifications of the National Legislature depend on the will of the States, which he thought not proper.

He was unwilling to recognize this right in the State. Mr. Morris was unwilling that this power should continue to be vested in the State. He wanted it in the Federal Government.

Then Mr. Ellsworth, of Massachusetts, rose and said that he thought the qualifications of electors stood on the most proper footing. Note this language:

The right of sovereignty was a tender point and strongly guarded by most of the State constitutions. The people will not readily subscribe to the National Constitution if it should subject them to be disfranchised.

He was arguing against Mr. Morris' motion to make the ownership of a freehold a qualification.

The States are the best judges of the circumstances and temper of their own people.

Notice that language. "The States"—the people back home, the people who gather in the State capitols, the people who go to the ballot boxes back in the hamlets, the communities, and the crossroads—"are the best judges of the circumstances and temper of their own people." Would anyone dispute that today?

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend from Georgia, the distinguished senior Senator from Georgia, who has done a magnificent job, an historic job, in waging the battle against this iniquitous, unconstitutional legislative proposal.

Mr. RUSSELL. I thank the Senator. His description of the proposed legislation is certainly correct, even if he does do me honor beyond my merit.

As the distinguished Senator knows, the Founding Fathers were practical men.

Mr. HILL. Surely.

Mr. RUSSELL. These men realized it was going to be difficult, at best, to get the Constitution approved by the requisite number of States. I am sure the Senator knows that these practical men would not have dared to take the proposition back to their people that people other than those who resided within the State should prescribe the qualifications for suffrage.

The Senator is talking about men who had had experience. James Wilson was one of the four or five men in our history who signed both the Declaration of Independence and the Constitution. I think there were four or five; there were at least four. Benjamin Franklin was one of them. James Wilson was a practical man. He knew all about the very keen sense of pride which the people in each of the new States—and I use the word "States" in its broadest sense—felt in their respective States. The Founding Fathers would not have dared to carry back to their people any such fantastic proposition as that the Central Government should deal with such an intimate question as that of prescribing the qualifications of those who would be permitted to vote in the several States.

Mr. HILL. The Senator is eminently correct in all he has said as to the practicality and wisdom and commonsense of the men who wrote the Constitution. Later in my remarks I shall advert to some of the happenings in the State conventions which were called to ratify the Constitution. Certainly no one could study the debates and the events which transpired in those State constitutional conventions without being forced to the conclusion that if the practicality and wisdom of those men had not prevailed, and the matter of fixing the qualifications of the electors had not been left solely to the States, there never would have been a Federal Constitution. There never would have been a Federal Government.

Mr. RUSSELL. There never would have been a Federal Government if the people in the conventions of the several States had not had clear and definite assurance that the 10 amendments to the Constitution which, in the days when the Constitution was respected, were referred to as the Bill of Rights, would be added.

Mr. HILL. That is where we find today the due-process clause.

Mr. RUSSELL. In the fifth amendment to the Constitution.

Mr. HILL. Unless it had been definitely agreed and understood that we were to have those 10 amendments, there would have been no Federal Constitution.

Mr. RUSSELL. The Senator is correct. It required some time to ratify the Constitution. North Carolina was most reluctant.

Mr. HILL. I think Rhode Island was the last one, and it was 2 years behind.

Mr. RUSSELL. Rhode Island and Providence Plantations were very slow in approving the Constitution. I do not believe they were represented in the First Congress at all.

Mr. HILL. I think not. They were at least 2 years behind the other States in their ratification. As the Senator from Georgia has said, and as the Senator from Alabama recalls, they did not ratify in time to have a representative in the First Congress under the Constitution.

Mr. RUSSELL. The fact that Rhode Island was so much opposed to the Constitution in the form in which it was presented gave rise to the language that the Congress might prescribe the time and place of election of Members of Congress. The administration that had taken over in what was called Rhode Island and Providence Plantations would not call an election to elect Members of Congress. That provision was not put in the Constitution for the farflung purposes which our brothers have presented on the floor of the Senate. It was put in the Constitution in order that the people of Rhode Island might have an opportunity to vote for representatives in Congress.

Mr. HILL. The Senator from Georgia is one of the most profound and able students of history that I know. He has today again demonstrated his fine knowledge of history. Later in my remarks I shall advert to that very provision, and the reason why it went into the Constitution, as well as some of the questions raised about it in the various State conventions called to ratify the Constitution.

Mr. RUSSELL. I wish some of our brethren would take the trouble to read a little history and learn how that language got into the Constitution of the United States.

Mr. HILL. If they would read a little history, it might make them very unhappy.

I was speaking of the debate in the Constitutional Convention in Philadelphia.

Mr. Butler, a delegate to the constitutional convention, made this significant statement:

There is no right of which the pepole are more jealous than that of suffrage.

Thus, emphasizing, fortifying, and reaffirming the idea that the determination of the qualifications of electors should remain in the hands of the people of the States.

After all, Mr. President, it is only by means of the right of suffrage that the people are able to maintain their power, their authority, their sovereignty over their Government. If the people's right of suffrage were to be taken from them, no longer would there be government of the people, by the people, and for the people.

There may also be proponents of the proposal we are discussing who would endeavor to defend its validity under section 4 of article I which, as we know, gives the Congress the authority to alter the regulations as prescribed by the State legislatures for the times, places, and manner of holding elections in such instances as it is deemed necessary. That is the section to which the Senator from Georgia recently referred. To those who would advocate and support this contention, I should like to point out that the authority given to Congress under section 4 of article I is strictly confined to the enumerated procedural aspects of the electoral process. Congress may change the time, place, or manner of a Federal election, but the electoral process remains a basic State function, without which the States would cease to be units of government in any real sense of the word.

Mr. President, the true intention of article I, section 4, of the Constitution, is not a matter of guesswork or conjecture. The history of the Constitutional Convention leaves no doubt as to the intentions of the Founding Fathers regarding section 4 of article I. While it was being debated at the Convention, Delegates Pinckney and Rutledge, of South Carolina, moved to strike out the clause empowering Congress to alter election regulations. In opposing this motion, James Madison spelled out the aspects of the electoral process to which

the clause was intended to apply. He made it clear in explaining that—

Whether the electors should vote by ballot or viva voce, should assemble at this place or that place; should be divided into districts or all meet at one place, shall all vote for all the representatives; or all in a district vote for a number allotted to the district; these and many other points would depend on the legislatures, and might materially affect the appointments.

Later in the same debate, Madison asked what danger there could be in giving the power in question to the Congress—that is, the authority to regulate when deemed necessary the time, place, and manner of holding Federal elections. After all, he said, that body will consist "of Representatives elected by the same people who elect the State legislatures."

Note that Madison when referring to the "time," "place," and "manner" of holding Federal elections clearly was speaking of just that and was very careful in making certain that what he was saying could not be interpreted or construed in any other way. By his very words, Madison made it clear that he had no reference to the qualifications of voters and by no stretch of the imagination can we logically assume that by his words he had any reference to the registration of voters when he spelled out the aspects of the electoral process to which section 4 of article I was intended to apply.

The true purpose of section 4, Mr. President, is set forth in even greater clarity in The Federalist Papers. The 59th paper, written by Hamilton, contains the following observation:

The Convention have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.

Nothing can be more evident, than that an exclusive power of regulating elections for the National Government, in the hands of the State legislatures, would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it, by neglecting to provide for the choice of persons to administer its affairs.

If the State legislatures were to be invested with an exclusive power of regulating these elections, every period of making them would be a delicate crisis in the national situation, which might issue in a dissolution of the Union, if the leaders of a few of the most important States should have entered into a previous conspiracy to prevent an election.

Please note, Mr. President, that Alexander Hamilton spoke of the necessity of providing for the "safety" of the Union against possible "annihilation" or "dissolution." In the light of the situation that prevailed in the 1780's, the Founding Fathers wrote section 4 of article I to protect the new and untried Federal Government against possible assaults by the powerful, established State governments. They believed that Congress needed a certain limited power over election procedures in order to insure its own survival. They never intended, however, to furnish a basis for Federal interference with the States' basic right to determine voter qualifications and to administer elections.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HILL. I am delighted to yield to my colleague, the distinguished Senator from Alabama.

Mr. SPARKMAN. It is most interesting that the Senator should bring into the debate the quotation from Alexander Hamilton. Alexander Hamilton was a great patriot, but we all know that he had a political philosophy which believed in a strong central government. Is that not correct?

Mr. HILL. He did indeed. As a matter of fact, he advocated life tenure for the Chief Executive, the President.

Mr. SPARKMAN. Is it not reasonable to assume that if he had felt that it was the intention of the convention to give to the Central Government a greater control over elections than the limitations he mentions, he certainly would have said so?

Mr. HILL. The Senator is correct. I know the Senator has been a great student of this question of the writing of the Constitution and of how our Federal Government was brought into being. He has well expressed the viewpoint of Mr. Hamilton and how Mr. Hamilton would have gone much farther than he did had his own viewpoint been carried out.

Mr. SPARKMAN. We have every reason to assume that he was being entirely objective when he wrote the words the Senator has quoted.

Mr. HILL. The Senator is right. Mr. Hamilton was writing the facts as the facts were.

Mr. SPARKMAN. Rather than stating his own political philosophy.

Mr. HILL. Rather than his own political philosophy. I thank the Senator for his very splendid contribution.

I might add that in the 60th Federalist, Alexander Hamilton defended the Constitution against the charge that it favored the rich. His remarks on this subject are very pertinent to the issue before us at this time.

The truth is—

He wrote—

that there is no method of securing to the rich the preference apprehended but by prescribing qualifications of property either for those who may elect or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution and are unalterable by the legislature.

He was saying that we in Congress, in 1960, cannot change those qualifications, because they were fixed in the Federal Constitution in article II, section 1, when the Constitution was written and adopted and ratified.

What Alexander Hamilton was saying was: "Do not worry that the Federal Government can ever invade that field, because we have left it exclusively to the States." This is clear to anyone who takes the time to read his words. He said that the Federal Government will never invade that right, that it is a right left exclusively to the several States.

I referred earlier to the committee on detail, as it was known. That committee was given the duty and the actual task of bringing in the written draft of the Constitution to the Constitutional Convention. That committee on detail, on August 6, 1787, recommended:

The qualifications of the electors shall be the same, from time to time, as those of the electors of the several States, of the most numerous branch of their own legislatures.

That recommendation, verbatim, became section 2, article I, of the Constitution.

What happened then in the Philadelphia Convention?

A motion was made to prescribe in the Constitution a qualification for voting—that of possessing a freehold, and that motion was voted down. What was the vote on that motion? It was voted down by a vote of 7 to 1. The only one State voted for the motion, and that was the little State of Delaware. Delaware voted "aye." New Hampshire, Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, and South Carolina voted "no."

Mr. President, the thinking of the men who wrote our Constitution is found not only in the debates held in the Constitutional Convention, but also in the writings of those who participated in it.

We know that Thomas Jefferson was not a member of the Constitutional Convention that wrote the Federal Constitution, because he was at that time our Minister to France, but he was in very close touch with the delegates to the Convention. We know that he had no closer ally or friend than James Madison, Father of the Constitution.

We speak of Washington as the Father of our Country—which he was. I think we well speak of James Madison as the Father of the Constitution. I think we might well say that Thomas Jefferson was the great prophet and philosopher of American democracy.

In Mr. Jefferson's draft of a proposed constitution for Virginia, which was written in June 1776 while Mr. Jefferson was serving as a Member of the Continental Congress in Philadelphia, Jefferson suggested in his draft:

All male persons of full age and sane mind having a freehold estate in (one-quarter of an acre) of land in any town or in (25) acres of land in the county, and all persons resident in the Colony who shall have paid scott and lot to Government the last (2 years) shall have right to give their vote for the election of their respective representatives.

He proposed that language for the Virginia constitution; but on the other hand when it came to the writing of the Federal Constitution, he violently opposed there being any provision of this sort prescribed in the Federal Constitution. He followed, as I have quoted earlier, the view that the qualifications be left entirely and solely to the States.

I quoted a little while ago from Alexander Hamilton.

As we know, one of the greatest minds of that period, beginning with the War of the Revolution and coming on down through the Articles of Confederation,

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and the drafting of the Federal Constitution, and even in the administration of the Federal Government in the early days of George Washington, was the brilliant, profund, magnificent mind of Alexander Hamilton. Perhaps this country has never known a more penetrating or more incisive mind than that of Alexander Hamilton. As we know, Hamilton was not a Democrat, and I am not using the word with a little "d". He did not believe in, he did not have faith in, the capacity of the people to govern themselves. He believed in a strong Central Government. He thought it was necessary to have central, arbitrary power concentrated in the Federal Government. He went so far that many speak of him as a monarchist. Certainly we know that in the plan which he submitted to the Constitutional Convention he provided for life tenure for the Chief Executive, the President of the United States. As I recall, he provided for certain hereditary rights; for many things that were to be found under the arbitrary central power of the governments of the kings and the monarchies of the nations of Europe.

Mr. Hamilton, writing about the Constitution—and we must remember what his feelings and his views were—had this to say in chapter 52 of The Federalist:

I shall begin with the House of Representatives. * * * The first view to be taken of this part of the Government, relates to the qualifications of the electors and the elected.

"The qualifications of electors." He went straight to the very question we are discussing here today, because he knew what the whole question involved, so far as determining what our Government was, and what it would be down through the years. He knew it went to the whole question of our dual system of government, the whole question of the structure of our Government, of a divided authority between the Federal Government and the State governments. The brilliant mind of Hamilton knew what he was talking about. He goes on to say:

Those of the former—

That is, of the House of Representatives—

are to be the same—

That is, the qualifications are to be the same—

with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution.

In other words, the Constitution had to say what these qualifications were, and by whom they would be prescribed. Hamilton then continues:

The provision made by the Convention—

That is the provision now written into section 2 of article I—

The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State—

He said—

because it is conformable to the standard already established or which may be established by the State itself.

This was the leading Federalist, this was the outstanding Nationalist in the days of the beginning of our Government proclaiming in his writings in The Federalist that this method must be satisfactory to the States, because under the Constitution as written it was left to the States.

My colleague, the junior Senator from Alabama, spoke earlier about Alexander Hamilton. Whether we agree with Hamilton's views or philosophy of government or not, we must realize that Hamilton was one of the ablest of the Founding Fathers. His was one of the most magnificent, most profound, most analytical of all the great minds gathered in the Constitutional Convention. In his writings in The Federalist and in his other writings he emphasizes and reemphasizes that under section 2 of article I of the Constitution, the fixing of the qualifications for voters is left entirely in the hands of the States.

Hamilton was, as has been suggested, the leading Federalist. He was the outstanding nationalist in the days of the beginning of our Government. He proclaimed in his writings in The Federalist that the qualifications for voters must be left to the States; and under the Constitution as written they are left to the States. We cannot change that. The determination of those qualifications was left, in that great document, to the States.

Again in the 57th Federalist the question was asked. And the writer replied to his own question:

Not the rich, more than the poor; nor the learned, more than the ignorant; nor the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States. They are to be the same who exercise the right in every State of electing the corresponding branch of the legislature of the State.

In the 59th Federalist we find this significant statement:

Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power and as a premeditated engine for the destruction of State governments?

In the 60th Federalist, as I have said, Alexander Hamilton expressed fear that elections might be manipulated in the interest of the "rich and the well born." The only way in which this might be done, he wrote, would be by prescribing property qualifications either for those who may elect or may be elected.

But, he added, this forms no part of the power to be conferred upon the National Government.

Not only was there this tremendous regard for the rights of the States and an excessive zeal and jealousy for the preservation of the sovereignty of the States in the Constitutional Convention in Philadelphia which brought forth the Constitution, but also, as we know, the Constitution, to be effective, to come into being, had to be ratified by the conventions in the several States.

If we turn to the conventions in the several States, we find that great battles raged in most of them over ratification of the Federal Constitution. What was the question? The question was whether the delegates in Philadelphia had given to the Federal Government too much power. The three most powerful States, the three most influential States at that time, were Virginia, New York, and Massachusetts. In their State conventions, because of the fear that the Federal Government might be given too much power, that the States might be lodging too much power in the Federal Government, only 53 percent of the votes in those conventions were cast for ratification. So since only 53 percent of the votes were cast for ratification, it will be realized that there was a rather close race—that is, the race to determine whether the Constitution would be ratified; whether we would have a Constitution; whether we would have a Federal Government.

Two of the greatest patriots of the Revolution—Patrick Henry, who sounded the tocsin of war and gave us the battle cry of the Revolution; and George Mason, who wrote the Virginia bill of rights—opposed ratification of the Constitution.

As Senators will recall, that great statesman of our time, one of the famous men of the world, Woodrow Wilson, said he would rather have been the author of the Virginia bill of rights than the author of any other document ever penned by the hand of man.

Mr. President, I ask unanimous consent that at this time I may yield the floor, in order that the distinguished Senator from Texas, the majority leader, may bring up a matter; and at the conclusion of the consideration of the matter which the Senator from Texas will present, the Senator from Alabama will again have the floor, and that the remarks of the Senator from Texas and any other debate which may occur on the matter presented by him may appear at the conclusion of the remarks of the Senator from Alabama.

Mr. JOHNSON of Texas. Mr. President, reserving the right to object, I would have no objection to the Senator from Alabama obtaining the floor later; but there is one amendment pending, and another amendment is to be proposed.

Mr. HILL. I thought that what the Senator from Texas would do would be to ask unanimous consent that the pending business be temporarily laid aside, and that after the Senator had disposed of his matter, the Senator from Alabama would again have the floor, in order to conclude his remarks.

Mr. JOHNSON of Texas. I do not have a matter; I have some matters.

Mr. HILL. Very well. The Senator from Alabama will yield the floor on the condition that after the Senator from Texas has disposed of the matters he now has in hand, the Senator from Alabama will be recognized in order to conclude his remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I am about to suggest the absence of a quorum. I do not see the Senator from North Carolina [Mr. ERVIN] in the Chamber. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. JOHNSON of Texas. Does the Senator from North Carolina have an amendment pending?

The PRESIDING OFFICER (Mr. ENGLE in the chair). The Senator from North Carolina has five amendments pending en bloc.

Mr. JOHNSON of Texas. I wonder if the Senator from Illinois would like to move to table the amendments en bloc. Then I will suggest the absence of a quorum before we vote.

Mr. DIRKSEN. First, I ask for recognition. I will move to table the pending amendments. That will take, I think, 1 minute. I will withhold the motion pending a quorum call, and shall then reserve 2 minutes, before making the motion, to indicate what the amendments are.

Mr. JOHNSON of Texas. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that following the vote on the motion to lay on the table the Ervin amendments, there shall be 30 minutes to a side on the question of agreeing to the Dirksen motion which will be offered, and that then the Senate proceed to vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, there are now pending five amendments which were offered en bloc by the distinguished Senator from North Carolina [Mr. ERVIN]. They relate to matters which have been rather thoroughly and rather generally discussed over a period of time. I have talked with the distinguished Senator from North Carolina about his amendments. I told him they were unacceptable.

One of the amendments relates to the applicants' literacy.

Another relates to invoking the Rules of Civil Procedure in district courts.

Another would strike out the words "or such other person as it may designate"—meaning the power of the court to designate persons other than the referee.

Still another amendment relates to the due and speedy administration of justice.

The final amendment would strike out the words "qualified under State law," and would indicate a different interpretation.

Those are the five amendments which the Senator from North Carolina has offered.

I understand that, under the rule, one motion to lay on the table can be applied to all five amendments, inasmuch as they were submitted en bloc. Is that correct?

The PRESIDING OFFICER. Yes, inasmuch as the amendments are being considered en bloc.

Mr. DIRKSEN. Then, Mr. President, I move that the five amendments submitted by the Senator from North Carolina be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois to lay on the table the five amendments submitted by the Senator from North Carolina.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the amendments were laid on the table be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, I submit the following amendment:

On page 19, in line 22, after the word "provisionally," strike out the period, and insert a colon and the words "*Provided, however,* That such applicant shall be qualified to vote under State law."

The PRESIDING OFFICER. The amendment of the Senator from Illinois will be stated.

The LEGISLATIVE CLERK. On page 19, in line 22, after the word "provisionally," it is proposed to strike out the period, and insert a colon and the following:

Provided, however, That such applicant shall be qualified to vote under State law.

Mr. JOHNSON of Texas. Mr. President, does the minority leader desire to yield some time in connection with this amendment?

Mr. DIRKSEN. Yes, Mr. President. I understand that 30 minutes are now available to each side.

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. I yield 10 minutes to the Senator from New York [Mr. JAVITS].

Mr. JAVITS. Mr. President, this amendment would be added to the sentence in the voting referee section of the bill which provides for a mandatory order when an application has been filed by a person who desires to vote, more than 20 days prior to an election. The amendment seeks to provide an additional qualification to what is now set forth in the voting referee section, in regard to a person who files an application for registration under the voting referee provisions more than 20 days before an election, and who desires to vote in that election.

Under this sentence of the section, as it is now written, the court is directed—it is not discretionary—when an application has been so filed, and is undetermined by the time of the election, to issue an order authorizing the applicant to vote provisionally. If subsequently—and I emphasize this—the court decides that the applicant really was not qualified to vote—for whatever reason—then this section makes adequate provision for not having his vote counted. But in the first instance the applicant would have the right to vote provisionally. The reason for that is obvious. It must be preceded by a finding and an order of the court that there exists in the community a pattern or practice of discrimination. When such a finding is made and such an order is issued, then such applications to vote may be made to the voting referee. That proceeding may be a very cumbersome one; and it could be delayed for a very considerable time by exceptions, arguments, and so forth.

This sentence endeavors to deal with a situation in which there would be so long a delay, after the finding of the existence of a pattern or practice of discrimination, either because of the normal ebb and flow of the litigation or because of the dragging of feet, that the applicant would not have an opportunity to vote in that election. In other words, this amendment does not make the horse go to the well and drink, as in the case of an injunction; it merely makes the horse go to the well. In short, this provision does not require the court to find within 20 days the correctness or the incorrectness of the application. It provides that, notwithstanding the fact that the court has not yet made such a finding, the applicant shall be allowed to vote provisionally; and if thereafter, at a later date, the court finds against the applicant's application, then his vote shall be disregarded. But under such circumstances, unless the applicant votes at that time, even though he votes provisionally, he will be disfranchised.

This amendment endeavors to provide that the court shall not make such a mandatory order unless the court is satisfied that the applicant is qualified to vote under State law.

Mr. President, it is no secret that a number of us have been conferring for hours about this matter. I state frankly that, for all practical purposes, this amendment is before us as the result of one of the efforts to reach an agreement in regard to a matter on which a number of Senators who are lawyers have parted company. The language in question is language which I, myself, originally submitted. I am now in the unhappy position of not being able to agree to it, myself, because of the imperfections in it, although I had the thought of offering it as a possibility of compromise, though I was not committed to offering it myself. That often happens to lawyers. As I said a while ago, it is one of the penalties of trying to be useful.

The difficulty with this provision as it is now before us is that a court of equity,

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notwithstanding our effort to get a court to decide to issue a provisional order, may say, "I am sorry; I cannot find that this applicant is qualified. I have not had enough of a trial. I have not had enough time or heard enough evidence. And, notwithstanding that the law says I shall issue an order authorizing an applicant to vote provisionally, I cannot do so, because I cannot meet this particular provision that I find the applicant is qualified to vote."

That is the issue which faces us. We have tried various ways of meeting this particular problem, but, apparently, not enough Senators want to go along with the other way, because the real basis for this indecision on the subject stems back to another section of the bill. I want the legislative record to be clear on that point, because the question may very well come up in court later.

The question is, when the time for registration has expired in respect of a particular election—and let us remember that in many Southern States the time expires as much as 6 months before an election—if a decree of the court is made after the time for registration has expired, let us say it is made a month or 6 weeks after, and there is a holding that there is a discriminatory pattern in the community, may the applicant, though the time for registration has expired, the finding of discrimination not having been made until after the registration polls are closed, be ordered by the court to vote as qualified because it was not his fault the decree came down only after the registration time had expired?

There is a big argument on that point. One side says that once the registration polls have closed, even if the decree of the finding of a pattern of discrimination is made thereafter, nobody is entitled to vote at the next ensuing election. It is too bad we have decided, in a preceding part of the bill, we would retain the need for demand once the pattern of discrimination had been entered.

The other side, with which I happen to agree, says that if the court finds it would have been futile to try to register, because of a whole pattern of discrimination in the particular community, then the applicant may, nevertheless, even though the decree is entered that there is a pattern or practice after the closing of the registration polls, register as a qualified voter.

This amendment puts the whole argument on ice. If one votes against the amendment, he votes against putting the question on ice, and decides that the man will be allowed to vote provisionally and have the question determined after the vote.

On the other hand, if one votes for the amendment, he will leave it up to the court to decide the fundamental questions of law which I have described.

Mr. President, I have done my utmost to lay out the law. I repeat, I suffer the disability in this case of a draftsman who did his utmost to bring the parties together, and who then found he does not agree with the draft.

The legislative record of what we mean ought to be very clear. In my opinion, we certainly do not mean that the court has to make a conclusive finding, as if it were deciding the whole case, in order to allow provisional voting. What the court ought to have, if the amendment is enacted, is at least the prima facie evidence. He should not need any more than that. I asked that the words "prima facie" be written into the language. That did not seem to be agreeable to the great group of persons who were working on this matter, on one side or the other.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield 3 additional minutes to the Senator from New York.

Mr. JAVITS. Nevertheless, when the courts come to construe it, I hope, if the Senate adopts the amendment, the courts will construe it to mean prima facie only. But a court would not have to do that, and a great deal of litigation may ensue.

My reason for voting against the amendment is the following. I say it is so essential that benefit should not be gained from a wrong which has been done, the wrong being that of denying the finding of a discriminatory pattern or practice giving to a particular individual the right to register. I say that is so much greater in the public interest that we ought to direct the court to require provisional voting, because, if the court later finds—and this is fully covered in this particular provision—that the provisional vote ought to be canceled because the person was not qualified, then the vote will be canceled.

But the greatest incentive to action on the part of the court will not be the direction of the law, which a court, if it desired to do so, could lay aside, and say, "I am sorry. I cannot tell." Though I will not say that judges, whether they are southerners or not, will not proceed in good conscience, I say it is possible, and therefore we make the incentive the fact that the election is being held up. I think the result of such an incentive would be a greater bar than the mere fact that he may have made a decision in advance. On the one hand, he may say, "I am sorry. I cannot decide. Therefore, I will not let him vote provisionally." On the other hand, the court may say, "He is ready to vote and only waits on the decision."

That is the case.

Mr. JOHNSON of Texas. Mr. President, I yield 3 minutes to the distinguished Senator from Colorado [Mr. CARROLL].

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CARROLL. Mr. President, as the able Senator from New York has said we worked very diligently on an amendment trying to be fair in this matter. I am going to vote for this amendment for the following reasons.

I ask the majority leader to grant me additional time if I do not complete my statement in 3 minutes, because I want to make a legislative record.

First of all, we must not lose sight of what we are trying to do. Where there is a finding of a pattern or practice of discrimination in an area, certain rights accrue to certain people who were not in the original proceeding. We will call these persons applicants. What does an applicant have to do? Once such a finding is made by the court, he has to furnish proof, one, that he is qualified under State law. Two, he is required to prove that he has tried to register, and been denied under color of law, or found not qualified to vote by a person acting under color of law.

The junior Senator from Colorado, only yesterday, sought to mitigate the harshness of this second requirement by using the old equitable maxim that the court will not require a person to do a vain or futile act.

What does the applicant have to do? I refer to page 17 of the bill, and I read from line 1:

An applicant for an order—

That is, an order from the court declaring him qualified to vote—

pursuant to this subsection shall be heard within 10 days.

In other words, what we sought to do was to expedite action in having an applicant vote if he was qualified. But he has to file his application and there must be a hearing. By whom? By the voting referee within 10 days. Let us consider these words:

And the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order.

Let us turn to the bottom of page 17 and top of page 18:

His statement—

Meaning the statement of the applicant—

under oath shall be prima facie evidence—

I repeat the words "prima facie"—

as to his age, residence, and his prior efforts to register or otherwise qualify to vote.

It says that the person will have to file an application. He will have to take an oath. He will have to offer proof of his qualifications.

I think I am at liberty to say what the Representative in Congress who put the provision in the House bill had in mind. What was sought to be done in the other body was to make the 20-day limitation on line 20, a mandate to the court, so that the voting referee could not "sit" on the matter. The court could not ignore it. Within 20 days the court would have to act.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. CARROLL. Mr. President, I ask the Senator to yield me 5 additional minutes.

Mr. JOHNSON of Texas. Mr. President, I yield 5 more minutes to the Senator from Colorado.

Mr. CARROLL. It seems to me that this is a weakness in the bill. We in the Congress would be invading a judicial function by saying to the court: "You shall issue an order even though the application may be undermined." We should not say that the court shall issue an order without having heard the evi-

dence, without having a report, without having a finding before it. It seems to the junior Senator from Colorado it would be presumptuous on the part of the legislative branch to tell the judicial branch, upon whom we have visited this great new burden, that, without any evidence, and without any finding, "You, Judge, shall issue an order." Certainly if I were sitting as a judge in a court of equity I would ignore such a direction, and properly so.

To meet this problem, what have we said? We have merely said in the amendment offered by the distinguished minority leader, the Senator from Illinois, that the court shall make a finding as to the qualifications to vote under State law. How would the court make such a finding? The judge would not pull it out of the air. He would not conjure it up. The judge would make a finding based upon the report of the referee. The referee would have to expedite the report to the court.

This is where I agree with the senior Senator from New York. The court would not have to conduct an adversary proceeding. This would be a court of equity looking at the report of its own referee. The court would determine the matter from the evidence. The court would have to work within the framework of the Constitution and within the framework of the legislation. The judge would have to satisfy himself that the applicant meets the qualifications for voting under State law.

The junior Senator from Colorado is of the opinion that what we mean by "qualifications under State law" constitutes a very important constitutional question. No one, either white or Negro, should be permitted to vote if he is not qualified under State law.

I raise the constitutional question. The manner of registration of voters, in the opinion of the junior Senator from Colorado, is not encompassed within the word qualifications in the Constitution. I think registration is a ministerial act, which deals with the manner or mode of registration which in itself is not within the scope of the constitutional wording of article I, section 2.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. CARROLL. I am happy to yield.

Mr. JAVITS. Does the Senator from Colorado feel that the whole intent and meaning of what the Senator has in mind would be in any way changed if the words "prima facie" were included in the amendment?

Mr. CARROLL. It is the opinion of the junior Senator from Colorado that we should deal with this matter as it relates to a court of equity. I have stressed this day after day after day. This body cannot tell a court of equity what it shall do. When it comes to the judicial findings and the issuance of a court order, it is my impression that whether we use the words "prima facie" or not the court of equity will look at the report, and if the judge satisfies himself that the applicant has the proper qualifications for voting he will authorize the applicant to vote provisionally. This would not mean that the court authorization would not be subject to attack later on, because the court also has to operate within the framework of the Constitution.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. CARROLL. I am happy to yield.

Mr. JAVITS. The Senator, as a proponent of the amendment, or at least as a Senator who will support it and who has had a great deal to do with the drafting of it in its present form, would construe the language not to require an adversary proceeding before the court, but would construe it, as a lawyer, as if the words "prima facie" were already in the language?

Mr. CARROLL. I will say, if I may, that this involves the filing of an application, with the application to be heard within 10 days. The whole purpose of the House wording was to expedite the report to the court, so that the court would have to act and not "sit" upon it. We would retain that mandatory provision, but what else would we do? We would say to the judge, "You cannot act arbitrarily. You have to make a finding. You cannot 'load in' 200 or 300 people without a finding at all as to their qualifications. We think this is only fair."

To answer the question specifically I should like to read, if I may, from page 20 of the bill:

> The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees.

I should like to read this all-important sentence, as we make the legislative history.

> This subsection shall in no way be construed as a limitation upon the existing powers of the court.

The PRESIDING OFFICER. The time of the Senator from Colorado has again expired.

Mr. CARROLL. I ask the Senator from Texas if I may have an additional 2 minutes.

Mr. JOHNSON of Texas. Mr. President, I yield 3 additional minutes to the Senator.

Mr. CARROLL. I understand the concern of some of our southern brethren. I think they have a right to have some concern about whether there will be a wholesale registration within a period of 20 days, with no findings of qualifications, and no proof of qualifications. The issuing of court orders such as these might occur not only in the South, but might occur in New York or might occur in Colorado.

We say that there ought to be some evidence and some proof. I say to the Senator from New York [Mr. JAVITS], there ought to be some evidence, even if it is only prima facie evidence. This is one of the reasons why, as we make the RECORD, the junior Senator from Colorado believes we ought to accept the amendment.

I say to Senators, I am extremely regretful that there were not enough votes for my proposal yesterday, because all throughout these 8 weeks I have been pounding on this one point. As we create this great new burden and impose it upon the judicial system we ought not to hamstring, we ought not to handcuff, we ought not to strangle that system by a mandatory complex proceeding.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. CARROLL. If the Senator will permit, I should like to close with one point, and then I will yield.

We in this body who do not come from the South, and who may not be as directly affected by the passage of this bill, should keep the entire picture in mind. I have great confidence in the southern Federal judges. I think the southern judges will use commonsense. I think they will follow what is a proper course. I think they will follow the proper judicial procedures and afford due process.

I think we will accomplish more with this sort of approach than with anything else which has been presented so far.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. CARROLL. I will yield to the Senator from Ohio, if the Senator from Texas will yield me another minute.

Mr. JOHNSON of Texas. Mr. President, I yield 1 minute to the Senator from Colorado.

Mr. LAUSCHE. Mr. President, do I correctly understand it to be the opinion of the Senator from Colorado that the section ought to contain language which will make it equally opportune for all voters in every State to vote, and that one formula of qualification will not be imposed on one group and a different formula on another group?

Mr. CARROLL. I will say to the Senator from Ohio that the general concept of the bill is to prevent discrimination. All voting laws should give to the white man and to the Negro the same opportunity to register and vote under the same standards, under the same customs, so that all persons can participate in their government. Onerous administration of these laws upon one group cannot be tolerated.

Mr. LAUSCHE. That is the purpose of the amendment?

The PRESIDING OFFICER. The additional minute yielded to the Senator from Ohio has expired.

Mr. JOHNSON of Texas. Mr President, I yield 1 additional minute to the Senator.

Mr. CARROLL. I do not want to mislead my friend the Senator from Ohio; this is not self-executing. We must remember that before such a law would become operative there would have to be a finding of a pattern or practice of discrimination. What we are trying to do, really, is to restore the balance, to put the Negro back in a position where he will have equal treatment with the white man. Under constitutional concept, he would still have to qualify as a voter under the State law.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me?

Mr. CARROLL. I am happy to yield to the Senator from Texas.

Mr. JOHNSON of Texas. In connection with the so-called legislative history we have been hearing about, I invite the attention of the distinguished

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Senator from Colorado to the legislative history which was made in the House when the O'Hara amendment was adopted. I wish to quote a bit of it. I yield myself as much time as may be necessary to do so:

Mr. CELLER. Mr. Chairman, I likewise join with the ranking member of the Committee on the Judiciary, the distinguished gentleman from Ohio, in support of this amendment. I might say in the first instance, to outline the general procedure:

First. An applicant tries to register after the so-called pattern or practice of discrimination has been adopted.

Second. If he is denied, he goes to the referee who has been appointed by the court.

Third. The referee in an ex parte proceeding determines whether the applicant is qualified to vote under the State law. There must be a finding to the effect that the applicant has been denied the right to vote.

Fourth. The referee then reports to the court.

Fifth. The court may issue a decree ordering the applicant be permitted to register and/or be permitted to vote.

Sixth. Before the issuance of the decree, exception to findings may be filed by State officials.

That you will find on page 4, line 14, to the bottom of the page.

Seventh. If an application is filed more than 20 days before the election, the court must determine either, first, the validity of the application under the procedure outlined in the amendment; or second, if less than 20 days before election, the court may in its discretion issue an order authorizing the applicant to vote provisionally; also, provide for impounding of the ballot until the final decision has been made.

Mr. ROGERS of Colorado subsequently had this to say:

I wanted to divest your mind of the idea that we are trying to amend any State law. If the State of Virginia requires them to register 30 days before election, and if he is qualified and he does not make application, then we do not change it in any manner whatsoever. I want to make that clear.

Mr. SMITH of Virginia. Does the amendment say that?

Mr. ROGERS of Colorado. Yes, the amendment offered by the gentleman from New York definitely says that.

Mr. SMITH of Virginia. Let me ask you a question right there.

Mr. ROGERS of Colorado. And I direct the gentleman's attention to page 2, line 10, where it says: "One who is qualified under State law to vote." That answers as to the State proposal.

I say to the Senator that all we are doing in the amendment offered by the distinguished minority leader is to make the bill conform to the legislative history made in the House of Representatives when the gentleman from Colorado said:

I wanted to divest your mind of the idea that we are trying to amend any State law.

Mr. CARROLL. In response to the observation of the distinguished majority leader, let me say that Mr. ROGERS is my Congressman and I have for him the greatest respect and affection. He is an old and good friend of mine, and a most able lawyer. However, on this issue I must disagree with him if I understand his position correctly. I think if he were here discussing this with us right now I could persuade him of the correctness and prudence of what we are trying to do today. I feel that Mr. ROGERS was probably speaking on a different aspect of this issue.

It is not a question whether or not we amend State laws. I give the majority leader this opinion: Let us assume that 10 or 15 or 20 people come into a Federal court of equity to protect their constitutional rights under this law. Suppose they get a decree that there is a pattern or practice of discrimination. Do Senators believe that a Federal court is going to allow any registration law to stand in their way, if they have been victims of a pattern or practice of discrimination perhaps by the maladministration of these very same laws?

I do not believe my good friend Congressman ROGERS meant that. If he were here right now I think he would agree that the court has the power to waive the requirements of a registration law without this bill, in a proper case.

This is the real question that arises: We are creating a new statute, a new technique, involving a pattern or practice. We are creating a voting referee. We are broadening the powers of the court. It is not for the purpose of amending State laws. It is for the purpose of protecting a fundamental constitutional right.

As I interpret this amendment, a court of equity will say, "Let us see whether this man is qualified to vote. Let us examine his qualifications as to age, residence, and so forth under the State law." This is only one man's opinion, but I think there is a body of support for the concept that the qualification to vote does not include registration. That involves eligibility to vote which is an entirely different question.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. CARROLL. Let me finish this sentence. When the eligibility standards obstruct a constitutional right, I think it will fall.

I am happy to yield.

Mr. JOHNSON of Texas. Let me quote what the author of the amendment, Mr. O'HARA, had to say. I also wish to quote what Mr. CELLER had to say further in connection with the statement of the able Representative from Colorado, Mr. ROGERS. Mr. O'HARA said:

The requirement of the State law with regard to registration deals with the time period within which the citizen of the State may apply to the local election official and get registered. This deals with persons who have met that requirement of the State law and have been turned down and then go to the referee for redress.

Mr. CELLER further said:

There cannot be any conflict because in the Celler substitute the provision is clear, on page 2, lines 10 and 11, that the applicant is qualified under the State law, so that he must also show that he is qualified, for example, that he has paid his poll tax or established his right under the literacy test or whatever the other qualifications may be.

So I submit for the RECORD, for whatever it may be worth, that, in line with what the very able Representative from Colorado had to say, what the very able chairman of the Judiciary Committee had to say, what the Representative from Michigan had to say, and what the chairman of the Rules Committee, from Virginia, had to say, the Senate, if it adopts this amendment, is doing no more today than what those Members of the House said the O'Hara amendment provided at the time. Each one of them stated that such applicant should be qualified to vote under State law, and I think it only proper that the language of the bill itself say that. I hope, therefore, that the minority leader's amendment will be accepted.

Mr. CARROLL. Mr. President, may I be permitted to respond?

Mr. JOHNSON of Texas. I yield to the Senator from Colorado.

Mr. CARROLL. I appreciate the sincerity and wisdom of the views of able lawyers; but, on the one hand, while they are talking about qualifications, I am talking about eligibility. I think we are talking about eligibility. We are talking about an entirely different issue. That is why we favor this approach. We are permitting the court to pass upon qualifications to vote under State law. There is not the slightest doubt in my mind that a constitutional issue will be raised if this amendment is not adopted.

One of the reasons the junior Senator from Colorado favors this amendment is that he has been impressed by able argument that the word "shall" without this amendment can raise a constitutional issue. We cannot have a horde of people come into court when there is no evidence of their qualifications and no report of the referee and try to force the court to register them. In my opinion, the court would say, "Mr. Legislative Branch, don't tell me how to run my court. I can operate only when I have evidence before me."

Mr. JAVITS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KEATING. Mr. President, will the majority leader yield me 2 minutes?

Mr. DIRKSEN. Mr. President, let me inquire how the time stands.

The PRESIDING OFFICER. The Senator from Illinois has 17 minutes remaining and the Senator from Texas has 11 minutes remaining.

Mr. KEATING. Mr. President, will the minority leader yield me 2 minutes? I would prefer to ask the author of the amendment a question.

Mr. DIRKSEN. I yield 2 minutes to my friend from New York.

Mr. KEATING. We have all agreed, and there can be no question about it, that anyone entitled to vote must qualify under State law in order to vote. If these words are inserted, the only reservation that occurs to me is that it would be unfortunate if the court should use this language as a vehicle for a full-scale trial as to the qualifications of an applicant to vote before he issued the provisional order. It is not in my contemplation that a court would do so under the wording of the Senator's amendment.

Does not the Senator interpret this amendment as meaning that, upon a presentation to the court of the proof which an applicant had made before the referee of his qualifications to vote, the

court would scrutinize that evidence, and, upon the presentation of such evidence, he would be able to issue the order without a full-scale trial?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KEATING. May I address that question to the author of the amendment?

Mr. DIRKSEN. Yes. I yield myself 5 minutes to discuss the question.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DIRKSEN. First of all, we must bear in mind that the entire referee section is virtually only one subsection.

There is a second subsection, but we are dealing with the body of the referee provision. First, there is the requirement of a finding that a pattern or a practice of discrimination has been found to exist. Second, the application must be filed. Obviously, there must be proof to support the application. We have preserved the ex parte character. When the Senator speaks of a trial, I assume he means an adversary proceeding, in which both sides come into court. We have preserved that ex parte character. If I am mistaken, I submit the point to my distinguished friend from New York, and I am sure he will bear me out.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JAVITS. I wish merely to correct the situation. I do believe that we have preserved the ex parte character only as to the voting referees. but we have not preserved it as to the court, where we do have the possibility of a full adversary proceeding. That is provided for in the section immediately preceding the one under discussion, beginning at line 8, page 18, and going over to line 7 of page 19.

Even though I am against the amendment, I do not wish to leave on the RECORD a construction which is prejudicial to the point of view which the Senator desires to adopt. I would rather see him adopt it, but not tie it to ex parte, because ex parte does not extend to the court. If the Senator would unequivocally answer the question of my colleague, it would help the legislative record, that the court is not bound as is provided in other respects in the language beginning on page 18 and ending on page 19, in that respect.

Mr. DIRKSEN. Yes; my reference was to the ex parte proceeding before the referee. In that connection I agree with my distinguished friend from Colorado as to the inherent powers of the court in the application of the equitable doctrine here. If we cannot rely upon a Federal judge in a proceeding of this kind, then, frankly, I do not know where to go.

When this question was raised by the distinguished Senator from Georgia [Mr. RUSSELL], I was inclined to agree that what we are doing is by a congressional mandate saying to a court, "You shall do this." Perhaps it does not involve any hearing or anything else before the determination is made, and obviously no appeal. I think we must keep in mind that we are dealing with two things here, namely, applications filed more than 20 days before the election, and, second, applications filed within 20 days of the election. In the first case, we say to the court, "If they are filed more than 20 days before the election, you shall do this, and you then close the book."

In the case of the application filed within 20 days, we say to the court, "You may do this and let the applicant vote provisionally and then impound the ballot, if necessary, to see how it comes out."

However, before that, he must still qualify under State law, no matter what his race, color, or national origin may be.

The author of the amendment, Mr. O'HARA, said at page 5756 of the RECORD——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. I yield myself 1 additional minute.

Mr. O'HARA said:

> Before he can be approved by the referee—and I am talking about the referee's findings in this case—he must establish that he is qualified under State law, and one of the qualifications is that he present himself at an appropriate time.

I do not know what could be clearer than that. There are some who may think that by this amendment we are traveling a circuitous course. But the fact is that there is common agreement that the applicant must be qualified under State law, no matter who he is. I now yield myself 1 additional minute and yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, is my understanding correct that the amendment we are considering is primarily brought before us because under the provisions of time as set forth in lines 18 and thereafter and on page 19, 20 days is fixed, whereas we know that in many States the time for registration may be 30 days and in some other States it may be 60 days, and that the Senator from Illinois does not feel that this section fixing the time at 20 days ought to supersede a State law which may fix it at 30 days or 60 days or, in some cases, at 6 months.

Mr. DIRKSEN. That is correct. I feel that the theory that was entertained in some quarters was not entirely unfounded, because there might be a number of people, enough to determine the course of a local election, who might present themselves 20 days before the election before a judge who was mandated by the Congress when we say, "You shall" do this thing.

The PRESIDING OFFICER. The additional time of the Senator has expired.

Mr. JOHNSON of Texas. I yield 2 minutes to the Senator from Ohio.

Mr. LAUSCHE. The essence of the entire bill is to create equality of rights to be enjoyed by all Americans in voting, and to create equality of rights and to make certain that one group shall not be given preference over another, whether it is a colored citizen over a white citizen, or a white citizen over a colored citizen. Therefore it is provided that from the standpoint of time to be qualified to vote the formula shall be equal as to all, and that therefore the Senator has offered the amendment providing that the State law shall apply even though the bill provides for 20 days.

Mr. DIRKSEN. Mr. President, I yield myself 30 seconds. The Senator is precisely correct. That is the very basic objective that we have in mind.

Mr. LAUSCHE. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield 2 minutes to the Senator from Ohio [Mr. LAUSCHE].

Mr. LAUSCHE. My analysis of this is that anyone who has faith in the proposition that there must be equal and exact justice in the law will immediately subscribe to the proposition that there may be a dispute regarding the right to vote unless the same formula is applied to all. In the absence of the proposed amendment, there definitely would be two formulas applied, one which is fixed by the bill as it is now written, and, second, the formula fixed by the statute in the State where the dispute exists.

The formula provided is that a man must apply within 20 days before the election to be qualified. It may be that another formula may require a person to register 60 days before the election. I submit that such inequality in the operation of the law ought to be the last thing that Congress should attempt to sanction. My opinion is firm that the Negro would not want the benefit of a provision which would set 20 days in his case while others would be required to file within 60 days, and possibly 6 months. If we insist that 20 days shall apply to one and 60 days to another in registering, we are violating the basic concepts of American justice and the principles contained in the Constitution of the United States. I want Congress to give me only the opportunity to stand equally with my fellow citizens in the application of the law. That is what I think the amendment is trying to do.

Mr. HART. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield 3 minutes to the Senator from Michigan.

Mr. HART. The junior Senator from Michigan agrees completely with the senior Senator from Ohio. Certainly it is not my idea that the bill should have the effect of setting aside the State requirements with respect to qualifications for registration and voting, but I acknowledge that I do not yet understand the effect of the language proposed by the amendment.

Provision is made in the bill for the filing of an application. In the case of an application which has been on file more than 20 days before an election, but as to which the applicant's qualifications have not yet been determined, being pending in connection with the application, the bill as it now reads provides that the court shall issue an order permitting a provisional vote. The amendment provides, however, that such applicant shall be qualified under State law. Is not that precisely the subject which is pending in connection with the application?

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The senior Senator from Pennsylvania [Mr. CLARK] shakes his head "No." Perhaps I could explain my dilemma by asking a question.

The application which is pending requires a determination of the qualifications of the applicant to vote. If the application has been on file for more than 20 days, the bill provides that the person shall be given a provisional certificate. But what is now proposed is to amend that language so as to read "provided he is qualified." Is not that the very question which is pending?

Mr. CLARK. Mr. President, will the Senator from Texas yield me 30 seconds.

Mr. JOHNSON of Texas. I yield 1 minute to the Senator from Pennsylvania.

Mr. CLARK. The application might well show on its face that the applicant had not complied with the requirement on page 16, lines 7 and following, of the bill, which would require him to have complied with State law and to have gone back to the registrar again and to say that he had been turned down. If that situation showed on its face, the applicant would not be entitled to a provisional right to vote.

Mr. HART. What if the matter was still in contest? What if the reason for pendency was that the issue was undetermined?

Mr. CLARK. Then I think the judge would have to let him vote provisionally, unless the judge made a finding.

Mr. HART. Is that clear in the mind of the offerer of the amendment?

Mr. CLARK. I did not offer the amendment.

Mr. HART. I make the inquiry. I think this is a critical point. If an issue of fact is undetermined, does the offerer of the amendment acknowledge that a provisional certificate must be granted? I think this is the heart of the question.

Mr. DIRKSEN. Mr. President, I yield myself 30 seconds.

I did not know the distinguished Senator from Michigan [Mr. HART] was addressing a question to me. The word which has caused real consternation is the word "shall." When one speaks about voting, he includes everything which is necessary. It is not necessary to limit the matter to registration in order to bring about an effective vote.

In the case of applications which have been filed 20 days before an election, if we say to a judge, "You shall do this," of course we can mandate him to do it quite aside from what might be required by the laws of the State, so far as qualifications are concerned. Obviously, Congress should not mandate a judge in that manner.

The whole hope is to level this matter off and have absolute equality with respect to qualifications, not only to register but to vote. It was actually for the purpose of getting at the word "shall," without actually striking it out, that this language was offered. It seems to have met the difficulty we have encountered on that score.

Mr. President, I yield back the remainder of my time. I am prepared to vote.

Mr. JOHNSON of Texas. I hope the amendment will be agreed to. I believe it will be agreed to by an overwhelming vote. I yield back the remainder of my time, and I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. DIRKSEN]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Montana [Mr. MANSFIELD] is absent on official business.

The Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

On the vote, the Senator from Massachusetts [Mr. KENNEDY] is paired with the Senator from Montana [Mr. MANSFIELD]. If present and voting, the Senator from Massachusetts would vote "nay" and the Senator from Montana would vote "yea."

The Senator from Wyoming [Mr. O'MAHONEY] is paired with the Senator from Missouri [Mr. SYMINGTON]. If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Missouri would vote "nay."

Mr. KUCHEL. I announce that the Senator from Idaho [Mr. DWORSHAK] is absent on official business, attending a meeting at the Air Force Academy.

The Senator from Arizona [Mr. GOLDWATER] and the Senator from Kansas [Mr. CARLSON] are necessarily absent.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate.

The result was announced—yeas 80, nays 11, as follows:

[No. 162]

YEAS—80

Aiken	Ervin	Monroney
Allott	Fong	Morton
Anderson	Frear	Moss
Bartlett	Fulbright	Mundt
Beall	Gore	Murray
Bennett	Green	Muskie
Bible	Hartke	Pastore
Bridges	Hayden	Prouty
Brunsdale	Hill	Proxmire
Bush	Holland	Randolph
Butler	Hruska	Robertson
Byrd, Va.	Jackson	Russell
Byrd, W. Va.	Johnson, Tex.	Saltonstall
Cannon	Johnston, S.C.	Schoeppel
Capehart	Jordan	Smathers
Carroll	Kefauver	Smith
Case, S. Dak.	Kerr	Sparkman
Chavez	Kuchel	Stennis
Church	Lausche	Talmadge
Clark	Long, Hawaii	Thurmond
Cooper	Long, La.	Wiley
Cotton	Lusk	Williams, Del.
Curtis	McCarthy	Williams, N.J.
Dirksen	McClellan	Yarborough
Eastland	McGee	Young, N. Dak.
Ellender	Magnuson	Young, Ohio
Engle	Martin	

NAYS—11

Case, N.J.	Hennings	McNamara
Douglas	Humphrey	Morse
Gruening	Javits	Scott
Hart	Keating	

NOT VOTING—9

Carlson	Goldwater	Mansfield
Dodd	Hickenlooper	O'Mahoney
Dworshak	Kennedy	Symington

So Mr. DIRKSEN's amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. MCNAMARA subsequently said: Mr. President, on behalf of the junior Senator from Minnesota [Mr. MCCARTHY], I ask unanimous consent that his vote on the Dirksen amendment be changed from affirmative to negative. The Senator from Minnesota understood the vote to be on a motion to table rather than a vote on the Dirksen amendment itself.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President——

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may now yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, on the unanimous-consent request of the Senator from Michigan, I should like to pose a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. ALLOTT. Is not this request against the rules of the Senate?

The PRESIDING OFFICER. The Chair will read rule XII:

> When the yeas and nays are ordered, the the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote.

Mr. ALLOTT. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER (Mr. JORDAN in the chair). The Senator from Colorado will state it.

Mr. ALLOTT. In view of the fact that the vote has already been announced, would such a change in the vote be in order?

The PRESIDING OFFICER. Yes, for the rule so provides, if unanimous consent is given.

Mr. ALLOTT. Then I shall not object.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan? The Chair hears none. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. Under the order previously entered, the able Senator from Alabama [Mr. HILL] is to be recognized. Is that correct?

The PRESIDING OFFICER. That is correct. The Senator from Alabama is recognized.

PROBLEM OF PEACEFUL CHANGE—U.S. FOREIGN POLICY

Mr. DIRKSEN. Mr. President, will the Senator yield for an insertion in the RECORD?

Mr. HILL. Mr. President, with the understanding that I do not lose the floor, I yield to the Senator from Illinois for an insertion in the RECORD.

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have placed in the RECORD an editorial in the Chicago Daily News of April 5, 1960, entitled "Problem of Peaceful Change.'

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROBLEM OF PEACEFUL CHANGE

In the limited time allotted, Secretary of State Herter did an admirable job of reviewing the main trends of American foreign policy in his speech here Monday. His address to the National Association of Broadcasters, as he noted, came almost a year after he succeeded the late Secretary Dulles.

Those who proclaim that the United States has no foreign policy and no goals will not be satisfied by his review, for he did not touch every intricate detail of our relationship with the rest of the world. But the picture he painted in broad strokes ought to be reassuring to the less captious critics.

Of particular interest was his thesis that in order to succeed in its primary purpose—to safeguard our freedom and security—American foreign policy must aim at solving a problem that mankind has not yet been able to master: The problem of peaceful change.

Merely to state the problem in those terms reveals the magnitude of the task facing today's statesmen. In the past, change almost invariably came about through violence. Today, the pace of change is fantastically accelerated, yet the means of wreaking violence have become so horrible that only a madman would use them.

The accumulated pressures of a world in change impose unprecedented strains on nations and their governments, and unprecedented solutions must be sought to relieve them. This again involves change, and the battles over foreign policy are peaceful only in a technical sense.

Recognition of the problem, however, is a prime essential. Secretary Herter's calm analysis, plus his report on the efforts being made to solve it on many fronts, should reduce to some extent the violence employed by administration critics.

THE HOUSTON POST IS 75 YEARS OLD, AND IS A LEADER IN INTELLECTUAL AND HONEST REPORTING

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. HILL. Mr. President, provided I do not lose the floor, I yield to the Senator from Texas to make a brief statement.

Mr. YARBOROUGH. Mr. President, among the metropolitan daily newspapers of Texas, one publication stands high as a journalistic beacon of enlightened research and reporting of the truth. It is the Houston Post, which on Tuesday, April 5, celebrated the 75th anniversary of its birth.

Let me preface my remarks by saying that this publication has never seen fit to endorse me editorially in any of my races for public office. This is surely its editorial prerogative. But what is more important, not to me, personally, but to the readers of the Houston Post, the editors of the publication have been fair in all cases in reporting my statements and my positions, and, insofar as I know, those of all candidates for public office.

If some modern Diogenes were hunting an honest big city daily in the four biggest cities of Texas today, he could save himself much time and travel by visiting the Post.

All of us who aspire to and hold public office soon become acquainted with the press, its likes and dislikes, its friendships and its prejudices. We know from frequent experience that by using the same set of facts and comments, of a group of newsmen attending your press conference same may write stories making one an intelligent seeker of truth, while others paint one a heel. The slant generally depends on the editorial policy of that paper so we learn to take the reporter's journalistic astigmatism with a pinch of salt.

Freedom of the press is surely one of our greatest and most vital freedoms. But no business, no profession in this Nation requires higher ideals, deeper dedication to truth, or more openminded intelligence than those who live by the privilege and responsibility of a free press.

The slogan of the Houston Post is: "Written and edited to merit your confidence." It lives up to its claim.

I am proud to be able to report that we have a big city daily in Texas that merits its own motto. The Houston Post lives up to its own slogan.

Published by the distinguished and respected former Gov. W. P. Hobby and his equally able wife, Mrs. Oveta Culp Hobby, former Secretary of Health, Education, and Welfare, the Houston Post has exceptionally well-qualified leadership.

Two of the basic principles of the Post journalistic policy include:

First, "a Christian respect for the worth and dignity of every human being"; and

Second, "a kindliness toward all human beings, no matter what their state in life."

Mr. President, the quotations I have just read are included in a story from the Houston Post of Tuesday, April 5, 1960. Other principles of Post policy and the history of the outstanding and progressive newspaper are also included in the article.

I ask unanimous consent to have printed at this point in the RECORD the full text of the story by Mr. W. D. Bedell from the aforementioned issue of the Houston Post, entitled, "Your Morning Paper Is 75 Today: Here Is an Informal Diamond Anniversary Report to You on Its Progress."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOUR MORNING PAPER IS 75 TODAY—HERE IS AN INFORMAL ANNIVERSARY REPORT TO YOU ON ITS PROGRESS

(By W. D. Bedell)

For a decade now, seven words, "Written and edited to merit your confidence," have appeared in the upper left-hand corner of this page.

Under those words is a little black line that gives the year and the number of each issue of the Houston Post.

Today that little line is larger, and it is not black but in color, because it says "76th year, No. 1."

This means that today is the 75th birthday of your morning newspaper.

It is good to attain such an impressive age. Any person who has reached his 75th birthday has lived a full life, and a newspaper is very much like a person.

To celebrate, the Post on Sunday, April 24, will publish its 75th anniversary edition, titled "Houston—City of Change."

The edition promises to crown a long line of notable Post editions which began in 1955 with "This Is Texas," and has continued through "The Golden Crescent," "This Is Houston," "Houston—1958," and "Suburbia."

But these words "76th year, No. 1," signify far more than simply a birthday, simply a full and long life, simply an anniversary edition.

They mean that, thanks to the faithfulness of a growing number of readers and to the devoted labors of a staff growing not only in numbers but in its awareness of the meaning and the skills of newspapering, Houston's oldest and largest paper has reached in its diamond year a golden period that promises to transcend all its golden days of the past.

It means that former Gov. W. P. Hobby at 82 has lived to see his dream and goal of a lifetime, a first quality newspaper, grow into reality.

This dream, of course, did not just grow. It has been nurtured carefully—and with patience and love—through many vicissitudes.

What are the ingredients of this dream?

First are the unchanging principles and heart desires that Governor Hobby learned as a boy in Polk County, as a young man in Houston and Beaumont, and as Lieutenant Governor and Governor in Austin.

Second and third are careful planning and long, hard work by many people in all departments of the Post.

The principles can be condensed to seven basic points:

1. A Christian respect for the worth and dignity of every human being.

2. A kindliness toward all human beings, no matter what their state in life.

3. A conviction that Texas and the United States must build soundly on those principles of mutual respect and kindliness and on solid economic ground; a conviction that the State and the Nation must guard their resources, human, financial, industrial, mineral and agricultural.

4. A belief that the individual also needs to build soundly, to be an owner of a farm, or a home, or a business.

5. A conviction that the press must be responsible to the people, and must be unswervingly devoted to truth, that it must merit your confidence.

6. A conviction that government must be responsible to the people, that elected or appointed officials must be answerable for their every act.

7. A deep desire for an enlightened Texas, and a resolve that, to assure that desire, Houston and the State must have the best schools possible.

That is the framework on which Governor Hobby, his family, and the Post have built. It has not changed from the time of horses and buggies to this time of jet planes and space rockets. It is not likely to change in the foreseeable future.

This recipe sounds simple. It is simple. But it has taken many years to bring to fruition.

It has been in the making for at least 65 of the Post's 75 years—through W. P. Hobby's early days as a newspaper editor and publisher; through his years as Lieutenant Governor and Governor, through his marriage to Oveta Culp and the birth and growth to maturity of their son and daughter, W. P. Hobby, Jr. and Jessica Hobby Catto,

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both now officers on the paper; and through the birth of two granddaughters, Laura Poteat Hobby and Heather Catto.

Will Hobby came to the Post on his 17th birthday, March 2, 1895. He came as a clerk in the circulation department.

Already the principles on which the Post has advanced were growing in him. He had learned from his father, a judge, and from his mother, who came from an East Texas plantation. He had learned from small town life in Livingston and from brief acquaintance with Houston, a city of fewer than 50,000 people then.

In 1895 the Post was 10 years old and already in a sort of golden age. It could trace its lineage back 6 decades to the very beginning of the Republic of Texas. But in its uninterrupted state it was only 10 years old.

For 6 months in 1884 and the first part of 1885 the Post did not publish. On April 5, 1885, it was reorganized. Since then it has appeared regularly. And it is from that day that its age, 75 today, is dated.

When Will Hobby went to work in the mailroom the paper numbered some of the first names of Houston as stockholders, with primary control divided between Judge E. P. Hill and Julius L. Watson. Watson, a colorful personality and a financial genius, took full charge in 1896.

In the nineties the Post had briefly on its staff the names of men still remembered not only in Texas but everywhere. One was W. C. Brann, the iconoclast, a man of sharp tongue and typewriter who eventually was shot to death on a Waco street. Another was William Sidney Porter, whom the world knows today as O. Henry. One was Marcellus E. Foster, who left his name on Houston newspaperdom as a power at varying times on all its three daily papers.

One was Col. Rienzi Melville Johnston, one of a dying line of great personal editors and one of the most colorful editors any paper ever had. For 19 years, from 1885 to 1904, this redheaded expert on politics, this writer of "whipcracker" paragraphs, this former printer's devil and Civil War drummer boy, was at the editorial helm.

In the rush of politics, editorials, "paragraphs," and news, the colonel still found time to take an interest in the young man in the mailroom.

So in 1900 Will Hobby exercised his principles of ownership and bought from Colonel Johnston 10 shares of Post stock.

In 1901 he moved over to the department he wanted to be in—the editorial department. His rise was fast, and it brought another brief golden age to the Post. During this time Hobby as acting managing editor and managing editor introduced fast, comprehensive coverage of major news events. A spectacular feat then, such coverage is standard practice on the Post of today.

The principle of ownership was strong by that time in Will Hobby. But J. L. Watson was prime owner of the Post. It stayed in the Watson family until 1924. An opportunity arose in Beaumont, and in 1907 Hobby went to the Beaumont Enterprise as editor, manager and principal owner. He was not to return to the Post for 17 years.

In that time, as editor, Lieutenant Governor and Governor, Hobby developed his beliefs in the responsibility of the press and of government, and of the tremendous need for better education in Texas. In pursuit of this last he worked successfully as Governor for free textbooks in Texas schools, a step that opened the way for today's much-improved State school system.

In 1924 Ross Sterling, oilman, bought the Post from Roy Watson, Julius' son, and Governor Hobby came back as president of the paper.

In 1931 W. P. Hobby was married to Oveta Culp, a Bell County girl who understood and shared his principles and who from the beginning gave them added force and direction.

In the depression Governor Sterling lost the Post along with many other holdings, control passing late in 1931 to J. E. Josey. Hobby stayed on.

In 1939, the depression weathered, Governor and Mrs. Hobby became owners of the Post.

He was 56 and he had been 44 years in publishing. Now he and Mrs. Hobby were in full position to implement his dream of a great newspaper.

Governor Hobby had one asset not shared by earlier owners of the Post. He was a newspaperman first. The Post was his first interest. He was free to devote full time to it, and to the interests which any good newspaper must have.

Politics? Yes. He was still interested in politics. Any publisher must be interested in politics. But his interest then, as today, was in politics' service to the people rather than in politics for its own sake.

The community, the schools, the State and the Nation's well-being were the first concern of Governor Hobby and of his paper, the Post. This fact has not changed in the 21 years since 1939.

Governor and Mrs. Hobby did not pursue this work from a distance. They were on the frontline. Their interest was not only first in newspapering, but first in the heart work of newspapering, the editorial department.

As publisher and president of the paper, Governor Hobby's eye was always first on the news. The same was true with Mrs. Hobby, and so it has continued. She first joined the Post as research editor, then was literary editor, assistant editor, vice president, executive vice president (January 1938), executive vice president and editor (January 1952), and editor and publisher (October 1952). From January 1953 to August 1955, her name was absent from the masthead of the Post during her service as Federal Security Administrator and Secretary of Health, Education, and Welfare. It returned August 1, 1955, with her appointment as president and editor, Governor Hobby having become chairman of the board.

The interest has continued into the second generation. W. P. Hobby, Jr., is associate editor of the Post, with his desk in the Post newsroom. Mrs. Hobby, Jr.—Diana Poteat Hobby—is literary editor.

Jessica Hobby Catto—Mrs. Henry Edward Catto, Jr.—is assistant secretary of the Post. She lives in San Antonio, where her husband is in the insurance business. She has written a column for one of the San Antonio papers.

So on the Post the prime interest has always been what goes on the news and editorial pages. Advertising was and is indispensable, yes, and also circulation and a reasonable profit. But the conviction always has been that if the Post does its job as a newspaper these other things will follow.

Twenty-one years have proved the conviction valid.

In 1939 the principles were all clear, and the freedom to put them into effect was complete.

What was needed was a staff understanding enough, responsive enough, intelligent enough, active enough to publish a great newspaper day after day.

World War II delayed this job of gathering the right staff. Much of the force already on the Post was spread around the world in various services. Mrs. Hobby herself served for 3 years as commander of the Women's Army Corps.

In 1947, 2 years after the end of the war, the staff began to take shape. Not only in the editorial department but in all departments, personnel was added to strengthen the paper.

This was true, too, of KPRC. Since the first days in a little chicken coop atop the old Post plant at Polk and Dowling, it had been an increasingly important part of the Post program. It took on even more importance when, in 1950, the Post acquired KLEE–TV and changed it to KPRC–TV, the NBC outlet for the Houston area.

Slowly at first, and then as a regular thing, another technique was added to the Post's program of comprehensive, quick news coverage.

This was reporting in depth. Depth reporting augments quick coverage. It consists of looking at a story long and carefully, from every possible viewpoint, and then putting it down in the clearest, best focused words, at whatever length is necessary.

This service to Post readers has been used and continues to be used in coverage of school and municipal affairs, and in the Austin and Washington bureau's reporting of State and National news.

To make the Post more convenient to read, the paper was carefully mapped out from front to back. The fruits of that planning are now evident in the daily and Sunday editions.

A daily feature on page 4 is "Newscast." It gives the hurried reader a quick survey of the day's news. It gives the unhurried reader an index to the paper.

Women's news is completely organized, with society, fashion, food, and counsel columns in their regular places.

Television and radio programs are in their regular places daily, and the Sunday TV pullout gives the reader a complete index to the week's programs.

Over the past dozen years the editorial page has been steadily improved. A locally written commentary on world affairs is a regular service, as is a locally drawn editorial cartoon. Major writers of international note—not available in other southwestern papers—have been added to the local and national commentators on the editorial page. Saturday's editorial page, concentrating on inspirational columns, is unique.

Also unique in American newspapering is the Post's daily feature page. Here the best in columnists from everywhere are gathered to entertain you, the Post reader, and oftimes to help you think seriously about the problems of the day.

Key feature of the page is the "Sound-Off" column, which since 1953 has made you one of the editors of the Post. In "Sound-Off" your criticisms—no matter how severe—are given voice. And the ins and outs of publishing a newspaper are discussed frankly. With your help "Sound-Off" has come to be far more than simply a letters-to-the-editor column. Your suggestions, your opinions have had a major part in shaping the Post as it is today, have made you in fact one of its editors.

To keep pace with the growing financial interest of Texas readers, the financial and business pages of the Post both daily and Sunday have been steadily expanded. Now Post readers of all editions have full daily reports on the New York Stock Exchange and the full weekly range on Sunday.

State news coverage on the Post has developed far beyond the standard "grapevine" reports from area towns and cities. Any major developing news story anywhere in Texas is now subject to staff coverage by the Post's State news staff.

This is increasingly true also of national and international news. In recent months Post staff men from Houston have traveled to such varied places as the redwood forests of California, the mountains of Mexico, to Afghanistan, Algeria, Formosa, Japan, France, Argentina, Brazil, Venezuela, Colombia, Peru, Panama, Guatemala, Chile, Puerto Rico, India, Spain, and Turkey in covering the news.

News coverage of Austin and Washington bureaus has been revolutionized in the past decade. Now the bureaus do not merely watch for items of interest in Texas. They also dig into the background of all the news. Both in Washington and in Austin, the Post has developed major stories which have made some of the Nation's biggest headlines.

The same is true of sport news. Increasingly the sports world is watching the Post sports section for its interpretative stories on football, baseball, boxing, and other sports.

Much verve has been added to the Post since 1957 with the development of Houston Now as one of the most literate of all the Sunday magazines. The best efforts of the best columnists, artists, cartoonists, and critics are combined each week in Houston Now.

Add to all this expert and regular coverage on oil and gas, agriculture, boats, automobiles, science, medicine, art, amusements and music, and you see that the Post's No. 1 position in both daily and Sunday circulation among Houston newspapers is soundly based.

All this required planning, and the expenditure of money, brains, and sweat. As the fifties progressed, it became evident that the Post needed bigger and better facilities both for its publishing and broadcasting work.

In 1953, KPRC–TV and KPRC moved into their modern studio on Post Oak Road, and in 1955 the Post moved into its new building at 2410 Polk Avenue.

In 5 years in the new building, the Post has added every possible new device to improve its service to you, the reader. Some of these include teletypesetter machines, computing and data processing machines, automatic mailing machines, electronic photo-receiving machines, and the latest in engraving and printing equipment.

Already the Post is expanding again. In 1961 it will have a complete new bank of high-speed presses to bring the paper to you faster and more colorfully.

But in this age of mechanical speed and facility, the human part of the Post is not forgotten. Along with machines the Post has also added books. As a result it today has one of the best and most streamlined fast-reference libraries in the Southwest. And with books it continues to add minds. Its staff today is without peer in the Southwest, and it continues to grow in number and brilliance.

As these staff members walk into the building each day they see engraved on the facade eight words from the American Declaration of Independence: "Let Facts Be Submitted to a Candid World." Each day on the masthead of the Post they see those seven other words, "Written and Edited To Merit Your Confidence."

As the Post moves on toward its 100th year, you will continue to find in it facts written and edited in a way to merit your confidence.

SOME POST MILESTONES—DATES, DATA FROM 75 YEARS OF PUBLISHING

Some dates in Houston Post history:

Year 1885: Houston Daily Post organized.

Year 1886: Houston Printing Co. chartered.

Year 1895: W. P. Hobby hired for $7 a week.

Year 1895: William Sidney Porter (O. Henry) hired for $15 a week.

Year 1896: 978 shares of stock issued. Julius C. Watson has 522 and control of company.

Year 1896: Post moves from Old Larendon Building on Congress Avenue to McIlhenny Building, opposite old post office at Franklin and Fannin.

Year 1897: Julius Watson dies. Trust formed to manage Post for his infant son, Roy, until Roy's 25th birthday.

Year 1900: Judd Mortimer Lewis, poet-author of "Tampering With Trifles," becomes a Post institution.

Year 1901: W. P. Hobby made business editor.

Year 1908: Post moves to its own building at Texas and Travis.

Year 1904: George M. Bailey becomes editor of the Post, succeeding Col. Rienzi M. Johnston.

Year 1905: Hobby becomes managing editor.

Year 1907: Hobby goes to Beaumont as editor and publisher.

Year 1918: Roy G. Watson is 25 and takes command of the Post.

Year 1924–25: Ross Sterling sells his Humble Oil stock, retires as company president, starts Houston Dispatch, buys Post for $1,150,000, combines papers, changes name to Houston Post-Dispatch. Hobby returns to Houston as Post-Dispatch president.

Year 1925: Post-Dispatch moves to southwest corner of Polk and Dowling.

Year 1925: Radio station KPRC purchased.

Year 1931: W. P. Hobby and Oveta Culp married in Temple.

Year 1931: Control of Post-Dispatch sold to J. E. Josey, name changed back to the Houston Post. W. P. Hobby made publisher-president.

Year 1939: Hobbys purchase control of the Post.

Year 1950: Post buys KLEE–TV, renames it KPRC–TV.

Year 1950: Slogan, "Written and Edited To Merit Your Confidence," adopted.

Year 1953: New KPRC–TV-radio studio opened on Post Oak Road.

Year 1955: Post moves into new building at 2410 Polk Avenue, at the southeast corner of Polk and Dowling.

Year 1955: "This Is Texas," first of Post's memorable line of annual editions, is published.

Year 1957: Post Sunday supplement, "Houston Now," begins.

Year 1960: The Houston Post, its circulation the largest of any Houston newspaper, both daily and Sunday, celebrates its 75th anniversary.

NUMBER OF PAGES

The number of pages in some Thursday issues of the Post through the years:

Year 1895: Thursday, April 4, 8 pages.
Year 1900: Thursday, April 5, 10 pages.
Year 1910: Thursday, April 7, 20 pages.
Year 1920: Thursday, April 1, 20 pages.
Year 1930: Thursday, April 3, 28 pages.
Year 1940: Thursday, April 4, 22 pages.
Year 1950: Thursday, April 6, 50 pages.
Year 1960: Thursday, March 31, 68 pages.

ADVERTISING FIGURES

Total Post paid advertising for some Thursdays since 1940:

Year 1940: Thursday, March 28, 1,862 inches.
Year 1950: Thursday, March 30, 5,679 inches.
Year 1960: Thursday, March 31, 8,465 inches.

PAYROLL FIGURES

Number of employees on the Post payroll for some years for which records are complete:

Year 1893: 60 employees.
Year 1900: 83 employees.
Year 1910: 220 employees.
Year 1943: 300 employees (includes KPRC).
Year 1950: 646 employees (includes KPRC–TV and KPRC).
Year 1960: 1,083 employees (includes KPRC–TV and KPRC).

Weekly payroll ratios on the Post (1.00 represents total payroll for 1893. The payroll, for example, was more than 15 times as large in 1940 and will be more than 101 times as large in 1960):

Year 1893: 1.00.
Year 1900: 1.47.
Year 1910: 3.93.
Year 1940: 15.61 (includes KPRC).
Year 1950: 50.05 (includes KPRC–TV and KPRC).
Year 1960: 101.37 (projected for year, including KPRC–TV and KPRC).

CIRCULATION FIGURES

Average yearly circulation of the Post:
Year 1910: Daily, 24,548; Sunday, 33,242.
Year 1920: Daily, 45,582; Sunday, 50,098.
Year 1930: Daily, 70,071; Sunday, 74,227.
Year 1940: Daily, 93,956; Sunday, 107,945.
Year 1950: Daily 168,573; Sunday, 183,886.
Year 1959: [1] Daily, 209,066; Sunday, 218,509.

TROUBLED WASHINGTON

Mr. MOSS. Mr. President, will the Senator from Alabama yield to me, with the understanding that he will not lose the floor?

Mr. HILL. With the understanding that I will not lose the floor, I yield to the Senator from Utah, who, I understand, wishes to make two insertions in the RECORD.

Mr. MOSS. Mr. President, the lack of sectionalism and the broad, national attitude of the Salt Lake Tribune, are exemplified in an editorial which appeared in the newspaper on March 26 advising the Congress not to be "niggardly" in its appropriations for the District of Columbia.

The Tribune, which is intermountain in scope, covering not only all of Utah, but parts of Idaho, Nevada, and Wyoming, has often editorialized on the importance of reducing Federal expenditures. But its approach to Federal appropriations has by no means been only on a what is best for Utah or for the intermountain West basis, but on a what is necessary for the Nation basis, and in this case for the Nation's Capital City. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TROUBLED WASHINGTON

The Nation's Capital is in trouble—and it is a matter of concern to American citizens everywhere.

Washington, D.C., is the center of National Government. There are hundreds of public buildings. Because it is the seat of Government, foreign countries maintain embassies there, often rather large establishments. Various international organizations, patriotic and other tax-exempt groups maintain headquarters in the city.

As a result more than half the city's land area is tax exempt.

In recognition of this limited Washington tax base, the Federal Government has for years made payments to support Washington municipal operations. After all, this city of nearly a million people has to maintain a variety of municipal services, from fire protection to operating a zoo. But revenues are limited because tax-exempt government is its principal business.

From 1879 to 1921 Congress paid half of Washington's annual budget. From 1921 to

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[1] Average daily and Sunday circulation for 6-month period ending Sept. 30, 1959.

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1924 the Federal ratio was reduced to 40 percent. Since 1924 Congress has appropriated lump sums which have ranged to as little as 8.5 percent of the Washington budget. Congress is being asked to approve a payment of $32 million for this year. This would be 16 percent of the city's budget.

Certainly the Nation as a whole has an obligation to see that its Capital City is well maintained and it should help make up for tax losses due to so much exempt Washington property.

The Tribune is sure this is one place the people of Utah would not want its representatives in Congress to be niggardly.

REPORT OF HON. FRANK M. BROWNING ON TOUR OF RUSSIA

Mr. MOSS. Mr. President, Mr. Frank M. Browning, president of the Bank of Utah, is one of the outstanding citizens in my State of Utah. He is a senator in the legislature of the State, and has had a distinguished career in civic affairs. He was a ranking officer in the military forces during World War II.

Mr. Browning has traveled extensively. This past summer he made an extensive trip to the Soviet Union. I was much interested in reading the account of his travels which Mr. Browning released to the Deseret News of February 27, 1960.

I ask unanimous consent that this enlightening article by Mr. Browning be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR 22-DAY TOUR OF RUSSIA

(By Frank M. Browning, member of Utah State Senate)

(Mr. Browning, of Ogden, recently had the rare opportunity of comparing Khrushchev's Russia with the Stalinist Russia of World War II which he had seen when he served as a U.S. Army colonel in charge of an ordnance depot in the Persian Gulf Command. On their recent trip the Brownings were not on a Government grant but paid their own way.)

Mrs. Browning and I began our recent 22-day tour of Russia convinced that our contacts with the people would be a bit unpleasant but educational. We were looking for the extent of improvement over conditions that had existed immediately following the war.

As we traveled to Moscow under the guiding hand of their socialized Intourist Travel Agency, we realized that the condition of the Russian people cannot possibly be compared with Americans if one is to have the right perspective.

First of all, we must accept them as an alert, peace-loving people, living under conditions that have been abhorrent for a thousand years but whose load now is being slowly improved from the bottom from which they started.

For $30 a day for each of us the travel agency furnished us a guide and automobile or airplane transportation to get us to our destinations.

Often the car in which we traveled from market to museum was an exact duplicate of a 1955 Buick Roadmaster. Another popular car in Russia is the smaller Model A Ford. Both are produced in Russia, copies of American products.

Plumbing is heavy and doesn't work about 80 percent of the time. As soon as we would arrive at a hotel, the first thing I would do was spend some time patching up the plumbing with some wire I carried in my pockets.

"If you please," is their strange reply to our "thanks," and is a common expression of gratitude.

We learned from our guide that it carried a double meaning, implying: "If I had the chance, I would gladly serve you again." The utterance was a genuine one and made us realize the sincerity of the people in their effort to please and their warm regard for Americans.

Our worldwide custom of tipping provided a few embarrassing moments for us, but we soon learned that their code of ethics would not allow them to accept tips. We quit offering them.

We soon detected the complete socialism that dominates the country.

The government operates all hotels, builds the apartment houses, designates who shall have apartments and how many families shall be quartered in these apartments. New austere apartments being built in unlimited quantities still do not catch up with the need.

It is a strange sight to note that nearly all of the old-type houses that are torn down for modern buildings are of log cabin construction.

The Soviet State controls everything from the sale of sweetened water on the streets to the handling of the foreign tourist and all of its details. There is no private enterprise in one's contacts, and week after week this begins to depress the visitor heavily.

In the drab lives of the Russian people, which is well expressed in the faces of the women and men as they toil together, one can sense all the pathos of the famed classic, "The Volga Boatman."

With no automobiles, no bicycles, and with a dwelling that is anything but inspiring, the state in turn has to furnish recreation. That is why the ballet and the famous Russian circus, as well as their folk music and dancing, occupy such a place in their lives.

In fact, strange as it may seem, the magnificent subways with their great chambers of artistic decorations serve to entertain their people.

We were amazed to find the dominant place that the circus has in the life of the people. In the big cities, they build great auditoriums to house the circus, and it carries on all through the year.

Many of their feature acts, such as animals and acrobats, are the world's best. Here one finds the women who have labored all day on heavy construction work and the typical Russian men with their high leather boots and walrus mustaches.

The ballet and the opera, as well as folk dances and music, in all their cities are supreme. The famous Bolshoi Ballet in Moscow makes one gasp at the sight of 200 graceful dancers on the stage at one time, with the most brilliant type of settings.

One turns to look at the crowd and in amazement realizes that it is 99 percent made up of the proletariat or working people—a woman who works hard on the streets all day or in the construction of a building, along with the children and youth from their schools.

This marvelous ballet house is the marble environment that was created by the czars and housed the world's richest feudal barons.

The people love it and are, consequently, very appreciative and extremely well-mannered.

One walks out of the Bolshoi with great enthusiasm and then bumps up against women laboring in the streets.

Remembering the background of this institution, I was charmed to see a hard-working couple in their warm but baggy clothes peeling a couple of apples and eating them as they sat on the marble stairs leading to the sedate promenade. One realizes then that this is the new Russia and the old is gone.

Russia's culture is also reflected by marvelous art galleries, such as the Hermitage in Leningrad which houses one of the world's greatest collections of old masterpieces and also the Soviet's encouragement of folk dancing of the famous republics as well as music. These events are all housed in marvelous auditoriums, and young and old partake of them with great appreciation.

In the largest department store in the world, the state-owned GUM, one would mill with 21,000 people who can be served at one time.

The Russian people are buying clothes that we would consider shoddy, but again we must remember that everything is gaged by comparison. This is the first time that they, in most of their lives, have had any choice.

One must never underestimate the burning desire of Russian women to improve their styling and their hairdressing, and this, with many other ambitions for better things, comes out of the exchange of the Western people with the Russians.

From all that we could see, I am sure Russian people are now pretty well fed with the basic foods.

They have a splendid dark bread, lots of butter, and very few times did we see any semblance of a line with people waiting to buy the basic necessities.

One Russian lady with a tight scarf around her head asked our interpreter if she could speak to us and would we tell her if we had such a marvelous hall as the Bolshoi Opera in America.

We smiled and passed word to her that we had never had feudal czars and as a result our opera houses were not as grand as the Bolshoi.

I am sure that this did much for her pride and again tells the story of how they compare everything to the American standards. She was so charming and sweet in her approach to this information.

It is difficult to carry prejudices against a people so basically polite.

The Russian people, separate from bureaucrats, are "charmingly clumsy." The little maid on the modern jet airplane serving as a stewardess (without benefit of a uniform) brought out a plate of wormy apples with a single knife to serve as our luncheon when we were flying from Moscow to Kiev.

We landed on one temporary field where the markers were small pine trees stuck in the ground with kerosene lamps on them.

The Russians are doing a marvelous job of specialization in certain key industries, but in others they are primitive, indeed.

They built the new Ukraine Hotel in Moscow, 36 stories of a red, ugly, modern Russian design like the Moscow University and when they were finished the elevators were a complete failure.

This from a people who have placed a Lunik on the moon and have made such tremendous strides in steel and hydroelectric construction.

People ask about religion in Russia. That could call for many more columns, but in relation to this I am again an optimist. I believe that communism will never be a permanent substitute for religion and that as Russia adjusts herself to a standard that must involve more freedom for the people, an enlightened religion will take its place in their lives, but the old mystic form to which they were used is gone forever.

We came out of Russia with a burning conviction that the Russian people (a friendly American-loving group) want peace above everything.

We were deeply impressed with the great break that has occurred between the philosophy of Mr. Khrushchev and that of the terrible regime of Mr. Stalin. The Russians have day by day pulled down the thousands

of Stalin statues, and as one of our best informed friends in Moscow stated:

"Colonel Browning, Mr. Stalin was a cruel murderer and we want to forget him." She cited the fact that his ruthlessness had probably cost 12 million lives without reason.

This well-informed individual also expressed concern of the future danger of their relationship with Red China.

I am sure domestic and foreign affairs disturb the ruling class in Russia as well as the people with whom we talked.

Russia knows the fallacy of nuclear warfare, and it also realizes well that our prosperous Western Europe is not going to be thrown into communism as called for by the manifesto of Marx. Because of the Marshall plan which has brought Europe great prosperity and our action in arming Europe with modern weapons communism is making no headway.

We visited the Black Sea area, Malta, Odessa, and Soochi, the Santa Barbara of the U.S.S.R., before going over into Budapest and Persia where we were called before the Shah and met with many friends I had made during the war.

Our trip back home was by way of Turkey, Switzerland, and London.

We came home firmly convinced that if America will follow the pattern set by President Eisenhower, it can become the basis whereby we can work together with the Russians. If we understand their people, as people, we have a chance to work for a greater destiny—for world peace.

BUREAU OF CENSUS STATISTICS ON NEW HOUSING STARTS

Mr. SPARKMAN. Mr. President, will the Senator yield for an insertion in the RECORD?

Mr. HILL. I yield to the Senator from Alabama with the understanding that I do not lose the floor.

Mr. SPARKMAN. Mr. President, many Members of the Senate may have seen newspaper articles about the plan of the Bureau of the Census for publishing a new series of statistics on housing starts. This plan is discussed in a press release issued today by the Bureau.

The new series of statistics has been in the process of development for some time and is now about ready for release. The first monthly data are expected to be published in May or June, to cover housing starts in the month of April. This report also will contain revised housing start data running back through January 1959.

The Census Bureau states that the count of new housing starts reported in the new series will be appreciably higher than in the old series. The principal reason for the higher count is the result of improved collection techniques initiated by the Census Bureau when it took over the job of compiling housing data from the Bureau of Labor Statistics last July.

The Bureau of Labor Statistics had been reporting housing-start data based upon building permit reports voluntarily submitted by local officials. The Census Bureau was provided additional funds and developed new techniques to produce more accurate data on new residential construction.

The new series is based heavily on the procedure used by the Bureau of Labor Statistics in compiling building permits, but provides a more accurate correction device, first, for covering areas not issuing permits; second, for covering housing units started without permits; and third, for projecting permits into actual starts. The Census Bureau is also revising the definition of housing starts to cover all kinds of new residential construction, including farm and nonfarm, seasonal and year-round, and temporary housing. The old definition covered only nonfarm, permanent dwelling units.

I am pleased to hear of these new developments. The Census Bureau is doing a thorough job and should be complimented. For many years, we have suspected that the housing-start data was underestimating the true situation. It has caused many difficulties in the analysis of estimated housing starts in relation to household formation and housing units demolished. Also, I never understood why almost all of the old housing reports referred to nonfarm housing.

The new series is a step in the right direction toward knowing more about what we are building in relation to what we need. I hope that the Housing Agency can use these new data to formulate recommendations about housing needs.

I should also like to voice a word of caution about the meaning of these new data. I am fearful that some may interpret this higher count to imply that we are building more houses than we thought we were. This is not true. A new tool for estimating housing starts has not changed the actual number of units built. If the new series should show that housing starts in April 1960 are at an annual level of 1.3 million, rather than 1 million, which lower number might have been shown under the old series, this will not change the fact that new residential construction in April 1960 is down 30 percent from the previous April. Nor will it change the fact that housing construction is still insufficient to raise our shelter inventory to standards established by the national housing policy—a decent home in a suitable living environment for all American families.

Our national housing goal will not be achieved merely by adopting a new measuring stick for estimating housing starts. Housing construction needed for new household formation and for replacement of dwellings lost through fire, flood, and natural causes, as well as those demolished to make way for highways and urban redevelopment, is estimated at an average of at least 1.8 million a year for the decade of the sixties. We will have a long way to go to reach this goal. I hope that no one attempts to cloud the issue by misinterpreting the meaning of new figures long overdue.

Mr. President, I ask unanimous consent that the Bureau of the Census' press release be printed at this point in my remarks.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

CENSUS BUREAU REPORTS PROGRESS TOWARD DEVELOPMENT OF IMPROVED STATISTICS ON CONSTRUCTION, INCLUDING HOUSING STARTS

The Bureau of the Census, U.S. Department of Commerce, today made public an interim progress report describing the steps being taken to improve the Government's construction statistics program. Responsibility for construction statistics was centralized in the Census Bureau effective July 1, 1959, when additional funds were provided by the Congress to bring about urgently needed improvements in the accuracy, coverage, and scope of the various construction series.

While the report was originally prepared for use by the Bureau's Technical Advisory Committees, it is being given public release because of the apparent widespread interest in the subject, particularly in the work being done to improve the series on housing starts.

The portion of the report relating to housing starts indicates that most of the field surveys and data-collection systems needed for the new housing-starts series are now in operation or in the late stages of development. The Bureau of the Census expects that the necessary data will be available on a current basis to permit completion of the first month's results for the new series within the next 2 or 3 months. If the series can be prepared in time, the first publication will be made late in May, otherwise in June or as soon thereafter as possible. When the new series is introduced it is planned to present data for each month back to January 1959, to provide an overlap of some 16 or 17 months with the previous series.

Since results are not yet available, it is not possible to indicate the extent of the differences to be expected between the old housing starts series and the new. For the future, the new series will provide a more accurate measure of short-run changes in housing starts, and should thus have increased usefulness for economic analysis. In its general level, it seems probable that the new series will be appreciably higher than the old, both because the definition to be used is somewhat more inclusive and because it is believed that the new survey design, the new techniques, and the increased resources available for data collection will result in more nearly complete coverage of total housing starts than has been provided by the existing series.

As a consequence of the prospective change in level, it is hoped that the new series will be more nearly consistent than the old with the successive housing censuses and national housing inventories. The 1950 Census of Housing and the 1956 national housing inventory indicated that the housing starts series has tended not to include the total number of new units added to the housing inventory, particularly in the areas of the country where building permits are not required for residential construction. While the number not included could not be precisely determined, principally because of somewhat varying definitions, it appeared to have been substantial over the period 1950–56.

The steps being taken to improve construction statistics are being reviewed by a governmental advisory committee of technical experts organized by the Office of Statistical Standards of the Bureau of the Budget. The Census Bureau has also appointed a committee of nongovernmental experts who have agreed to provide suggestions and advice as the program is carried forward.

The detailed changes which are to be introduced in the Census Bureau's new series for total housing starts are summarized below:

1. As a first operational step, the definition of housing starts has been made somewhat broader in scope to permit closer comparability with the census of housing figures on new construction. In particular, it will include farm housing and also certain types of seasonal and low-quality housing, an indeterminate amount of which had formerly been excluded from the series.

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2. The reported total of building permits issued each month for housing construction, on which the bulk of the estimate of housing starts is based, has been extended to cover a larger number of permit-issuing places and, therefore, a larger proportion of all housing construction. The number of permit-issuing places (cities, towns, counties, etc.) represented—by a large sample—in the compilation of the housing starts data will be increased from the present approximately 6,600 to somewhat more than 10,000, the total number of places now known to issue building permits.

3. New and current data are being collected on the time lag between the issuance of permits and the start of construction and on the extent to which permits lapse and are never used. Beginning with permits issued in January 1960, a sample of housing permits has been selected each month and information is being obtained from the owners or builders concerning the timing of the start of construction covered by the permits. Follow-up inquiries are made until all units have been started or the permit has been abandoned. The results of this new continuing survey will be used to convert the number of units covered by permits into an estimate of actual housing starts in permit areas; this conversion will thus be based on up-to-date information which will reflect seasonal and other current changes. In the existing series a similar conversion from permits to starts has been used, but it has been based in recent periods on surveys made only once a year, or less frequently.

4. New data are being collected, and new tabulations are being made, to measure the extent to which housing construction takes place in permit-issuing areas without being covered by a building permit. The resulting adjustment for permit undercoverage will be a new adjustment not contained in the existing series. This adjustment will be based upon the findings of the 1956 National Housing Inventory, together with the results of a direct monthly survey of permit undercoverage which the Bureau has been conducting in a sample of permit-issuing places since last November.

5. A new continuing field survey has been initiated to measure housing starts in areas where no building permits are required. Enumeration was begun experimentally in August 1959 and has been conducted monthly since that time. The new survey, which will replace the former survey of nonpermit areas that had been discontinued after June 1959, has been designed to provide a more nearly complete estimate of construction in these areas. It takes account of available information on residential construction in nonpermit areas and reduces to a minimum reliance upon a canvass of the area to discover new construction by visual inspection. Field procedures have been developed to provide for tight control of the field operations and to assure as nearly as possible that all new housing will in fact be seen and reported.

In carrying out the above described operations the Bureau is using its established methods of probability sampling, quality control, etc., and is utilizing its permanent field organization to supervise and control all field enumeration surveys.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HILL. Mr. President, with the understanding that I shall not lose my right to the floor, I yield to the distinguished Senator from New York for 1 minute, and ask unanimous consent that I may do so.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I wish the RECORD to note that there are amendments which are printed which I have not called up, among them an anti-poll-tax amendment. As I read the decision of the Senate, by a heavy majority the Senate wishes this bill to remain pretty much as it is. Therefore I would not jeopardize my proposals by risking an adverse vote upon matters which I regard as being of great moment to the national interest, and I shall wait until a more propitious time to offer them. I wish to have the RECORD show that there are printed amendments, among them the one I have mentioned, which I have not called up.

I am grateful to the Senator for yielding to me.

Mr. HILL. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HILL. Mr. President, at the time I temporarily yielded the floor I had been speaking about the Bill of Rights, the Constitution of the United States, and, more particularly, the Virginia bill of rights.

Mr. President, I had said, as Senators will recall, that a great statesman of our time, Woodrow Wilson, said he would rather have been the author of the Virginia bill of rights than the author of any document ever penned by the hand of man. That bill of rights is not only the Bill of Rights we find today in the Constitution of the United States, but it is the bill of rights we find in the constitutions of all the several States. It is the great guarantee of the rights of our people.

I have previously discussed the safeguards on which the delegates of the individual States insisted in order to protect their rights and to retain as much as possible of their State sovereignty. After the delegates representing the sovereign States had finished their work of writing the Constitution, putting in all the safeguards to insure the primary authority of the States, they closed the Constitution by writing into it the declaration that the Constitutional Convention acted "by the unanimous consent of the States" present. They wanted the people to know at that time, and wanted all succeeding generations to know, including the Senators sitting here in the year of our Lord 1960, some 173 years after the Constitution was drafted, that it was the sovereign States which had drafted and formulated the Constitution.

As stated a moment ago, two of the foremost patriots of the Revolution, Patrick Henry and George Mason, who had done so much to win our independence from the British Crown, to win our freedom, opposed the ratification of the Constitution. They felt, as did many of their compatriots, that there might be too great a surrender of sovereignty on the part of the States, that there might be too much yielding of power to the Federal Government.

I emphasize these points because the history of the ratification of the Constitution shows clearly that if the sovereignty of the States and the rights of the States had not been positively recognized in the Constitution, if all the safeguards and protections of their sovereignty and their rights had not been put into the Constitution, the Constitution would never have been ratified, and we would never have had a Federal Government.

We know, of course, that mankind has struggled through the centuries to break down arbitrary power. Sometimes it is difficult for us, living in free America, to realize the long struggle of mankind, century after century, after century, to break arbitrary power. The high-water mark of the struggle to break down arbitrary power, to bring about the distribution of power, and place it in the hands of the people, was reached when our ancestors fought the American Revolution and broke the power of the British Crown over the people of the then Original Thirteen Colonies or States. The framers of the Constitution knew that the States, with their State governments, county governments, city governments, and town governments, were the citadels of local self-government. They knew that their concept of government by the people required full and plenary recognition of the rights and the sovereignty of the States. If the people were to hold and exercise the power of the Government, there had to be recognition of the sovereignty of the States.

The people were fighting against a pool of centralized arbitrary power at the seat of government. They were fighting to keep the wellsprings of our system of government in the hands of the people—as I have said, in the local communities, the crossroads, the hamlets, and the towns. What would it have availed the people to break the tyranny of the British Crown had they themselves set up in Washington a government with central arbitrary power? They were determined, after all the sacrifices they had made, and all their bitter sufferings, to reserve the power in their own hands. I repeat, that to do this they knew that they had to maintain the sovereignty of the States, because within the States and within the States alone are the citadels of governmental power.

A few minutes ago we were speaking about the State conventions, which met to ratify the Constitution. It is interesting to note that in those State conventions one of the first questions raised—and raised many times—was the very question we are discussing today, the question of section 2 of article I of the Constitution. To bring into being a Federal Union through the Constitution, it had to be ratified by at least nine of the States.

In the Massachusetts convention, there was a doubting Thomas by the name of Dr. John Taylor, from the town of Douglass, Mass. He wanted to be very sure about this new Constitution. He wanted to make certain. He was fear-

ful that section 4 of article I, the section with reference to the times, places, and manner of holding elections—not the section with reference to qualifications—might give Congress the power to describe property qualification for voters in the sum, as he expressed it, of £100. He inquired of Mr. Rufus King, who, as we recall, was a member of the Constitutional Convention in Philadelphia, and was also a member of the Massachusetts State convention, whether under section 4, Congress could in any way go into the question of qualifications.

Mr. King, one of the leading members of the Philadelphia Convention, had this to say:

The idea of the honorable gentleman from Douglass transcends my understanding, for the power of control given by this section—

That is, section 4—

extends to the manner of election, not to the qualifications of the electors.

He made that answer because he knew that the qualifications were prescribed in section 2, and were the qualifications which the States themselves would make.

The question arose in the Virginia convention, and Mr. Nicholas, one of the delegates, had something to say. As I recall, Mr. Nicholas was also a member of the Philadelphia Convention, which wrote the Federal Constitution. Certainly he was a member of the State convention. This is what Mr. Nicholas said:

If, therefore, by the proposed plan, it is left uncertain in whom the right of suffrage is to rest, or if it has placed that right in improper hands, I shall admit that it has a radical effect. But in this plan—

That is, in the Federal Constitution—

there is a fixed rule for determining the qualification of electors, and that rule, the most judicious that could possibly have been devised, because it refers to a criterion which cannot be changed.

Mr. Nicholas went on to say:

A qualification that gives a right to elect representatives for the State legislatures gives also, by this Constitution, a right to choose representatives for the General Government.

The yardstick was prescribed. The yardstick which was fixed by the States should be the yardstick for the election of representatives from the particular States. It was contemplated, as I have stated again and again, that it would be fixed that way, not only because they thought it was the wisest and best way to do it, and not only because they knew if they did not do it that way the Constitution would never be ratified and come into being, but also because they felt, in doing it that way, it would be fixed for all time to come, and could not, as Mr. Nicholas said, be changed.

I might add that in reading the notes of the convention, Mr. Nicholas gave the members of the Richmond ratifying convention most positive assurance that the Federal Government could not and never would undertake to pass upon and fix the qualifications of voters.

In North Carolina, Mr. John Steele, who was a member of the ratification convention, wished to make this matter absolutely clear, so there could never be any question in anyone's mind about what North Carolina was doing when it ratified the Constitution. This is what Mr. Steele said:

Who are to vote for them?

By that is meant, of course, who are to vote for Members of the House of Representatives and for President and for Vice President. He then said:

Every man who has a right to vote for a representative to our legislature will ever have a right to vote for a Representative to the General Government. Does it not expressly provide—

By the word "it" he means the Constitution, of course—

that the electors in each State shall have the qualifications requisite for the most numerous branch of the State legislature?

Mr. Steele went on to say:

The power over the manner of elections does not include that of saying who shall vote.

Of course, all of us should understand that. Section 2 of article I deals with the "who" of the electors. Section 4 of article I deals with the "how" of the elections.

Mr. Steele went on to say:

The Constitution—

Speaking of the Federal Constitution, of course—

expressly says that the qualifications are those which entitle a man to vote for a State representative. It is, then, clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way.

The view expressed by Delegate John Steele, in the North Carolina convention, was confirmed by Delegate William R. Davis, who also had been a delegate to the Constitutional Convention in Philadelphia.

The meaning of section 2 of article I was so clear, that the question was not even raised in the conventions of Rhode Island, New Jersey, Delaware, and Georgia; and so far as the reports show, in New Hampshire, Connecticut, and Maryland, no question was raised about the section. It was so clear that even a fourth-grade schoolchild on reading it would know what it meant.

Mr. President, with reference to the resolutions adopted by the several States in ratifying the Federal Constitution, we find that in none of those resolutions was any question raised about section 2 of article I. It was so clear that there was no question to be raised. It was ipse dixit; it spoke for itself.

I have already made certain references to section 4 of article I. However, it is interesting to note at this point that some of the ratifying resolutions did raise questions regarding that section; and it is interesting to note that in each case where such questions were raised, those States in their resolutions ratifying the Constitution wished to make certain that Congress knew that they felt that Congress should never exercise the power given under section 4 of article I unless the States had failed to function in prescribing the times, places, and manner of holding elections.

South Carolina, in its resolution of May 27, 1788, declared:

And whereas it is essential to the preservation of the rights reserved to the several States and the freedom of the people under the operations of the General Government that the right of prescribing the manner, time, and places of holding elections to the Federal Legislature should be forever annexed to the sovereignty of the several States, this convention does declare that the same ought to remain, to all posterity, a perpetual and fundamental right in the local government, exclusive of the interference of the General Government—

That is, the Federal Government—

except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same, according to the tenor of the said Constitution.

All this shows how jealous the States were, how jealous the people were to preserve to the States and to the people their rights, and that the adoption of the Constitution left the States powers over their voter rolls completely unimpaired.

In 1865 a congressional joint committee was created to draft the 14th amendment. The chairman of the committee, which was composed of 15 members, was Senator William Pitt Fessenden, of Maine. Since Senator Fessenden was in ill health, Senator Jacob M. Howard, of Michigan, the ranking member, frequently assumed the chairmanship.

Among members of the joint committee, on the House side, were Roscoe Conkling, of New York; George M. Boutwell, of Massachusetts; Henry T. Blow, of Missouri; and John A. Bingham, of Ohio. Mr. Bingham, I believe, is credited with being the actual draftsman or author of the 1st section of the 14th amendment. Other members from the House were Justin S. Morrill, of Vermont, and E. B. Washburne, of Illinois. I believe the record discloses that Kentucky had representation in the person of Representative Grider.

In the Senate the first section was discussed by Senator Howard. On May 23, 1865, he had this to say:

The first section of the proposed amendment does not give to either of these classes the privilege of voting. The right of suffrage is not, in law, one of the privileges or immunities thus secured by the Constitution. It is merely the creature of law. It has always been regarded in this country as a result of positive local law.

In other words, where the section speaks of guaranteeing certain privileges and immunities, Senator Howard made it clear that those privileges and immunities did not apply to, had no reference to, and did not in any way include any right of suffrage.

This indicates that in 1865, when the Senate was considering the 14th amendment to the Constitution, the men who were its authors, proponents, and advocates held fast to the same proposition in the matter of qualifications of electors which had been expressed and had been so stoutly proclaimed in 1787 by the framers and authors of the Constitution of the United States.

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As to section 2, Senator Howard said—and I am reading now from page 2766 of the Congressional Globe:

This section does not recognize the authority of the United States over the question of suffrage in the several States at all. It leaves the right to regulate the elective franchise still with the States and does not meddle with that right.

In closing the debate, on June 8, and just before the joint resolution was passed upon by the Senate, Senator Howard said, at page 3039 of the Congressional Globe:

We know very well that the States retain the power which they have always possessed of regulating the right of suffrage.

Remember, Mr. President, I am quoting the words of the man who, on this floor, was charged with the responsibility of piloting through the Senate the 14th amendment. In speaking, he was not only speaking for himself, but for the entire committee of 15 members who had worked with him and had jointly with him drafted the 14th amendment.

He proceeded to say:

We know very well that the States retain the power which they have always possessed of regulating the right of suffrage. It is the theory of the Constitution.

Says Senator Howard, speaking for the committee:

That right—

That is, the right of suffrage—

has never been taken from them; no endeavor has ever been made to take it from them, and the theory of this whole amendment is to leave the power of regulating the suffrage with the people or legislatures of the States and not to assume to regulate it by any clause of the Constitution of the United States.

Could any language be stronger than these words I have quoted from Senator Howard, spoken some 77 years after our Government came into being?

On this committee of 15 there was one Democratic Senator who happened to be the Senator from Maryland, Senator Reverdy Johnson. He said:

I suppose that even the honorable Member from Massachusetts, Senator Sumner, will not deny that it was for Massachusetts to regulate her suffrage before 1789; and if it was, she has the power still unless she has agreed to part with it by devolving it upon the general government. Is there a word in the Constitution that intimates such a purpose?

That is, the purpose of giving such a power to the Federal Government.

Who at that time, in 1787, denied that the State was clothed with the power of prescribing the qualifications for the most numerous branch of the State legislature? The State and nobody else.

The right of choosing the allotted number in each State is to be exercised by such part of the inhabitants as the State itself may designate. Words could not have been adopted more obviously leading to the conclusion that, in the opinion of the writers of the "Federalist"—

Here the Senator was quoting from the "Federalist," as I should have said—

the States were to have the sole right of regulating the suffrage. There is nothing innate in the right of suffrage.

Senator Henry Wilson, of Massachusetts, who later became Vice President of the United States in the second administration of Ulysses S. Grant, said in the close of the debate:

The men who framed the Constitution made those State constitutions; they well knew what the qualifications were.

He added:

Every State constitution provides for electors, prescribes the qualification for suffrage. The laws of the States provided for qualifications of electors. Every State, from the adoption of the State constitution to this hour, has claimed the authority and exercised it to settle the questions pertaining to suffrage. They never supposed that the Federal Government had the power to change it. They never gave that power, and they never intended to give that power.

As I indicated earlier, the issue of voter qualification arose again in connection with the 17th amendment. It will be recalled that that amendment to the Constitution was adopted in 1913. That was 126 years after the ratification of the Constitution of the United States. After 126 years, when the people of the United States saw fit to change their method of electing U.S. Senators, when they desired to have their Senators elected, not by the legislatures, as provided in the original Constitution, but directly by the people themselves, what did they provide? They provided, in the 17th amendment, as follows:

The Senate of the United States shall be comprised of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote.

Then there is this language:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The people adopted the same identical language for the qualification of electors for the U.S. Senate which was adopted for electors for Members of the House of Representatives at the very beginning. In other words, they ratified and reaffirmed the wisdom of the Founding Fathers and of the Original States in providing that the qualifications of the electors for Members of the Congress should be the qualifications requisite for electors of the most numerous branch of the State legislatures. I think it can be said here that had the 17th amendment made any change in the fixing or determination of those qualifications, it would never have been ratified by the people of the United States. The people were determined that these qualifications should remain, to be fixed by the States.

I should like to invite the Senate's attention to a number of dicta and legal opinions which support my contention that the proposal under consideration contravenes the basic spirit of the Constitution.

One of the great decisions was written by a great Justice of the Supreme Court, at whose feet I was privileged to sit as a student when I was attending law school at Columbia University. I refer, of course, to then Justice and later Chief Justice Harlan F. Stone, of the Supreme Court of the United States.

In 1941, Mr. Justice Stone wrote, as a part of the Supreme Court's opinion in the case of *United States* v. *Classic* (313 U.S. 299):

Such right as is secured by the Constitution to qualified voters to choose Members of the House of Representatives is thus to be exercised in conformity with the requirements of State law, subject to the restrictions prescribed by section 2 and the authority conferred on Congress by section 4 to regulate the times, places, and manner of holding elections of Representatives.

We look then to the statutes of Louisiana here involved to ascertain the nature of the right which under the constitutional mandate they define and confer on the voter.

Another case to which I invite attention is the case of *Minor* v. *Happersett* (21 Wall. 162), decided on March 21, 1875. In that case the extent of the distinction between the rights of a citizen of the United States and the rights of a citizen of a State with regard to voting was laid down and explained.

Chief Justice White of the Supreme Court declared that the fact that the right to vote could not grow out of citizenship alone was clear when one considered who was a citizen of the United States. He said that everyone born here is a citizen of the United States; and therefore if voting depended on citizenship, every child, every pauper, every criminal, every person born here would have the right to vote.

The opinion in this case contained the summary statement:

When the Federal Constitution was adopted, all the States, with the exception of Rhode Island and Connecticut, had constitutions of their own. These two continued to act under their charters from the Crown. Upon an examination of these constitutions we find that in no State were all citizens permitted to vote. Each State determined for itself who should have that power.

Again, in 1915 in the case of *Gwinn and Beal* v. *U.S.* (238 U.S. 347), Chief Justice White had this to say about the effect of the 15th amendment on State power—page 362:

Beyond doubt, the amendment does not take away from the State governments in a general sense the power over suffrage which had belonged to those governments from the beginning, and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals.

The limitation on the powers of the Federal Government was defined with clarity by the Supreme Court in the more recent case of *Carter* v. *Carter Coal Co.* (298 U.S. 238), in which the Court said:

The general rule with regard to the respective powers of the National and State Governments under the Constitution is not in doubt. The States were before the Constitution; and, consequently, their legislative powers antedated the Constitution.

Those who framed and those who adopted that instrument meant to carve from the

general mass of legislative powers, then possessed by the States, only such portions as it was thought wise to confer upon the Federal Government; and in order that there should be no uncertainty in respect to what was taken and what was left the national powers of legislation were not aggregated but enumerated—with the result that what was not embraced by the enumeration remained vested in the States without change or impairment. Thus, "when it was found necessary to establish a National Government for national purposes," this Court said in *Munn* v. *Illinois* (84 U.S. 113, 124), "a part of the powers of the States and the people of the States was granted to the United States and the people of the United States. This grant operated as a further limitation upon the powers of the States, so that now the governments of the States possess all the powers of the Parliament of England, except such as have been delegated to the United States or reserved by the people." While the States are not sovereign in the true sense of that term, but only quasi-sovereign, yet in respect of all powers reserved to them they are supreme—"as independent of the General Government as that Government within its sphere is independent of the States." And, since every addition to the legislative power to some extent detracts from or invades the power of the States it is of vital moment that, in order to preserve the fixed balance intended by the Constitution, the powers of the General Government be not so extended as to embrace any not within the express terms of the several grants or the implications necessary to be drawn therefrom.

It is no longer open to question that the General Government, unlike the States, possesses no inherent power in respect of the internal affairs of the States and emphatically not with regard to legislation. The question in respect of the inherent power of that Government as to the external affairs of the Nation and in the field of international law is a wholly different matter which it is not necessary now to discuss.

Mr. President, at the beginning of my discussion on this section of the amendment providing for Federal referees, I cited and quoted Mr. Cooley and his work on constitutional law in submitting that there is no such thing as an "inherent right" to suffrage, but rather that it is a privilege conferred by the State governments.

I should now like to invite to the attention of the Senate a few more words to be found in Cooley's "Constitutional Limitations." In the eighth edition, volume 2, Mr. Cooley declared:

Among the absolute, unqualified rights of the States is that of regulating the elective franchise; it is the foundation of State authority; the most important political function exercised by the people in their sovereign capacity. Whilst "the right of the people to participate in the legislature is the best security of liberty and foundation of all free government," yet it is subordinate to the higher power of regulating the qualifications of the electors and the elected. The original power of the people in their aggregate political capacity, is delegated in the form of suffrage to such persons as they deem proper for the safety of the Commonwealth; Brightly Election cases (*Anderson* v. *Baker* (32, 33, 34, 23 Md. 531)).

Every constitution of government in these United States has assumed, as a fundamental principle, the right of the people of the State to alter, abolish, and modify the form of its own government according to the sovereign pleasure of the people. In fact, the people of each State have gone much further and settled a far more critical question by deciding who shall be the voters entitled to approve and reject the constitution framed by a delegated body under their direction (1 Story, "Constitution," ch. 9, sec. 581).

Then Mr. Cooley says:

From this it will be seen how little, even in the most free of republican governments, any abstract right of suffrage, or any original and indefeasible privilege, has been recognized in practice (ibid.). In no two of these State constitutions will it be found that the qualifications of the voters are settled upon the same uniform basis, so that we have the most abundant proofs that among a free and enlightened people convened for the purpose of establishing their own forms of government and the rights of their own voters the question as to the due regulation of the qualifications has been deemed a matter of mere State policy, and varied to meet the wants, to suit the prejudices, and to foster the interests of the majority.

The exclusive right of the several States to regulate the exercise of the elective franchise and to prescribe the qualifications of voters was never questioned.

Mr. President, in opposing the proposal before us, we who oppose it, we who fight against it, are not only fighting for the protection of the rights of the States, but we are also fighting to save our dual form of government—to save the American Republic.

In the very beginning, article I, section 2, vested in the State governments the power over suffrage. Without the possession of this power in the States, the whole structure upon which the division of State and National authority under the Constitution and the organization of both governments rests would be without support, and the authority of both State and Nation would fall to the ground. Surely, after more than 170 years of the tried and proven effectiveness of this section, it is most unfortunate that now this question, which strikes at the very foundation stones of our dual system of government and which would tear down the very structure of our Government—should be injected into the Senate of the United States.

The proposal before us constitutes yet another step in the recent headlong and heedless rush to further diminish the sovereignty of the States.

Let me recall to the Senate what President Andrew Jackson said in his farewell address:

My experience in public concerns and the observations of a life somewhat advanced confirm opinions long since imbibed by me, that the destruction of our State governments or the annihilation of their control over the local concerns of the people would lead directly to revolution and anarchy and finally to despotism and military domination.

In discussing the necessity for the unity of the United States, Andrew Jackson continued:

But the Constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the general government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character, and property, in every quarter of the country; and in the fraternal attachments which the citizens of the several States bear to one another, as members of one political family, mutually contributing to promote the happiness of each other.

Hence the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of the other States. And they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars; and this difference is unavoidably increased by the varying principles upon which the American Colonies were originally planted; principles which had taken deep root in their social relations before the Revolution, and, therefore, of necessity, influencing their policy since they became free and independent States. But each State has the unquestionable right to regulate its own internal concerns according to its own pleasure; and while it does not interfere with the rights of the people of other States, or the rights of the Union, every State must be the sole judge of the measures proper to secure the safety of its citizens and promote their happiness and all efforts on the part of the people of other States to cast odium upon their institutions, and all measures calculated to disturb their rights of property, or put in jeopardy their peace and internal tranquillity, are in direct opposition to the spirit in which the Union was formed and must endanger its safety.

Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity, and asserting the rights of the human race; but everyone, upon sober reflections, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured that the men found busy in this work of discord are not worthy of your confidence and deserve your strongest reprobation.

It is well known that there have been those among us who wish to enlarge the powers of the Central Government and experience would seem to indicate that there is a tendency on the part of this Government to overstep the boundaries marked out for it by the Constitution. Its legitimate authority is abundantly sufficient for all the purposes for which it was created, and its powers being expressly enumerated, there can be no justification for claiming anything beyond them.

Every attempt to exercise power beyond these limits should be promptly and firmly opposed. For one evil example will lead to other measures still more mischievous; and if the principle of constructive powers, or supposed advantage, or temporary circumstances shall ever be permitted to justify the assumption of a power not given by the Constitution, the General Government will before long absorb all the powers of legislation, and you will have in effect, but one consolidated Government.

From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument that a single consolidated Government would be wholly inadequate to watch over and protect its interests; and every friend of our free institutions should be always prepared to maintain unimpaired and in full vigor the rights and sovereignty of the States, and to confine the action of the General Government strictly to the sphere of its appropriate duties.

Mr. President, at this time let me point out to the Senate that a later President, a great scholar and teacher of our system of government, also expressed

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thoughts that we can ignore only at our peril. Woodrow Wilson said:

It is difficult to discuss so critical and fundamental a question calmly and without party heat or bias when it has come once more, as it has now, to an acute stage. Just because it lies at the heart of our constitutional system to decide it wrongly is to alter the whole structure and operation of our Government, for good or for evil, and one would wish never to see the passion of party touch it to distort it. A sobering sense of responsibility should fall upon everyone who handles it. No man should argue it this way or that for party advantage. Desire to bring the impartial truth to light must, in such a case, be the first dictate alike of true statesmanship and of true patriotism. Every man should seek to think of it and to speak of it in the true spirit of the founders of the Government and of all those who have spent their lives in the effort to confirm its just principles both in counsel and in action.

The principle of the division of powers between State and Federal Governments is a very simple one when stated in the most general terms. It is that the legislatures of the States shall have control of all the general subject matter of law, of private rights of every kind, of local interests, and of everything that directly concerns their people as communities—free choice with regard to all matters of local regulation and development.

Woodrow Wilson said we tend to think of our American political system as distinguished by its central structure—its President and Congress and courts set up by the Constitution—but "as a matter of fact, it is distinguished by its local structure, by the extreme vitality of its parts. It would be an impossibility without its division of powers."

He also said:

From the first, America has been a nation in the making. It has come to maturity by the stimulation of no central force or guidance, but by an aboundingly self-helping, self-sufficient energy in its parts, which severally brought themselves into existence and added themselves to the Union, pleasing first of all themselves in the framing of their laws and constitutions, not asking leave to exist and constitute themselves, but existing first and asking leave afterward, self-originated, self-constituted, self-confident, self-sustaining, veritable communities, demanding only recognition. Communities develop not by external but by internal forces. Else they do not live at all. Our Commonwealths have not come into existence by invitation, like plants in a tended garden; they have sprung up of themselves, irrepressible, a sturdy, spontaneous product of the nature of men nurtured in a free air.

It is this spontaneity and variety, this independent and irrepressible life of its communities, that has given our system its extraordinary elasticity, which has preserved it from the paralysis which has sooner or later fallen upon every people who have looked to their central government to patronize and nurture them.

Let us also pay very close attention, Mr. President, to the following words of the late President Wilson:

The remedy for ill-considered legislation by the States, the remedy alike for neglect and mistake on the part of their several governments, lies not outside the States, but within them. The mistakes which they themselves correct will sink deeper into the consciousness of their people than the mistakes which Congress may rush in to correct for them, thrusting upon them what they have not learned to desire. They will either themselves learn their mistakes, by such intimate and domestic processes as will penetrate very deep and abide with them in convincing form, or else they will prove that what might have been a mistake for other States or regions of the country was no mistake for them, and the country will have been saved its wholesome variety. In no case will their failure to correct their own measures prove that the Federal Government might have forced wisdom upon them.

Wilson concluded his lecture with the assertion that—

We are certified by all political history of the fact that centralization is not vitalization. Moralization is by life, not by statute, by the interior impulse and experience of communities, not by fostering legislation which is merely the abstraction of an experience which may belong to a nation as a whole or to many parts of it without having yet touched the thought of the rest anywhere to the quick. The object of our Federal system is to bring the understandings of constitutional government home to the people of every part of the Nation to make them part of their consciousness as they go about their daily tasks. If we cannot successfully effect its adjustments by the nice local adaptations of our older practice, we have failed as constitutional statesmen.

And still closer to our time, Franklin D. Roosevelt, while Governor of New York, had this to say on the proper relationship between the States and the Federal Government:

Fortunately for the stability of our Nation, it was already apparent (when the Constitution was adopted) that the vastness of our territory presented wide geographical and climatic differences which gave to the States wide differences in the nature of their industry, their agriculture, and their commerce. Thus, already it was clear to the framers of our Constitution that the greatest possible liberty of self-government must be given to each State, and that any national administration attempting to make all laws for the whole Nation, such as was wholly practical in Great Britain, would inevitably result at some future time in a dissolution of the Union itself.

The preservation of this home rule by the States is not a cry of jealous commonwealths seeking their own aggrandizement at the expense of sister States. It is a fundamental necessity if we are to remain a truly united country.

The whole success of our democracy has not been that it is a democracy wherein the will of a bare majority of the total inhabitants is imposed upon the minority, but because it has been a democracy where through a division of government into units called States the rights and interests of the minority have been respected and have been given a voice in the control of our affairs. To bring about government by oligarchy masquerading as democracy it is fundamentally essential that practically all authority and control be centralized in our National Government. The individual sovereignty of our States must first be destroyed, except in mere minor matters of legislation. We are safe from the danger of any such departure from the principles on which this country was founded just so long as the individual home rule of the States is scrupulously preserved and fought for whenever they seem in danger.

I have been quoting Franklin D. Roosevelt. After outlining the rights granted by the Constitution to the Federal Government, he said:

As the individual is protected from possible oppression by his neighbors, so the smallest political unit—the town is in theory at least, allowed to manage its own affairs, secure from undue interference by the larger unit of the county, which in turn is protected from mischievous meddling by the State. The whole spirit and intent of the Constitution is to carry this great principle into the relations between the National Government and the governments of the States.

Let us remember that from the very beginning, differences in climate, soil, conditions, habits, and modes of living in States separated by thousands of miles rendered it necessary to give the fullest individual latitude to the individual States. Remembering that the mining States of the Rockies, the fertile savannas of the South, the prairies of the West, and the rocky soil of the New England States created many problems, introduced many factors in each locality, which have no existence in others, it is obvious that almost every new or old problem of government must be solved, if it is to be solved to the satisfaction of the people of the whole country, by each State in its own way.

As I have said, when the Founding Fathers gave up a portion of the sovereignty of the States to the Federal Government, they did so with a great deal of trepidation, and they did so only with the firm conviction that it was unity alone—unity of purpose, unity of resolve, and unity in their mutual dedication to human liberty, that unity about which Andrew Jackson spoke in his farewell address—that could enable the people of our country to long endure and abound in the joy of the priceless legacy which a heroic young Nation had won at the cost of much sacrifice and loss of life.

Mr. President, there may be those who think that the system of Government that was devised in this country over 170 years ago and given us as part of that priceless legacy is obsolescent.

In answer to any such thinking, I should like to point out that one of the most baffling problems that faces contemporary democracies arises from the deadening effect of sprawling, impersonal, overcentralized governments. How does one keep democracy fresh, vital, and close to the hearts of the people in the face of these ponderous machines of government. We have the answer, Mr. President. The Federal system which was devised by our forefathers in the 18th century provides the brightest hope for the survival of democracy in the 20th century. If we tamper with the basic tenets of the system bequeathed to us by our forefathers, if we trample on this precious heritage, we will deserve the fate that will undoubtedly befall us.

In the spirit of our forefathers, let us rededicate ourselves to this precious heritage and to the system of government it gave us.

Let us be done, Senators, with those measures that would weaken this system of government and undermine its very foundations.

Let us be done with these measures that would violate and belittle that great document for which so much blood was shed and so many human lives were sacrificed.

Let us stand squarely upon the Constitution of the United States—rock of freedom, ageless and enduring foundation of our rights, our hopes, and our democratic faith.

Mr. HART. Mr. President, I have prepared and there is on the desk an amendment to add an antilynching provision to the bill. It is an amendment identified as "4-1-60—A." We have seen a series of amendments voted down. I conclude that I should not call up the antilynching amendment, because I would not want the strongly negative vote cast under the momentum of the desire to pass the bill without substantial change to be interpreted as the true sentiment of the Senate on the need for antilynching legislation. I hope a more propitious time and atmosphere will arrive for consideration of this legislation on its merits, because the problem will not go away; nor will our obligation diminish.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be offered, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. JOHNSON of Texas subsequently said. Mr. President, I move that the Senate reconsider the vote by which the bill was read the third time.

Mr. HART. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I ask that I may yield to the distinguished Senator from Idaho [Mr. CHURCH] who has a brief statement to make.

Mr. DIRKSEN. Mr. President, what does the majority leader foresee for the rest of the day?

Mr. JOHNSON of Texas. I cannot see very far down the road today. However, since we have come a long way and have had the third reading of the bill, and inasmuch as I anticipate that there will be a good many speeches, certainly in opposition to the bill, and I believe also in favor of the bill, I would not anticipate a vote on passage today, although an effort will be made to get a vote, and if that is possible, I will stay here until a reasonable hour, until it appears that it will be impossible to do so, and I anticipate it will be.

So I would say to the members of the minority that they could go on with any plans they had this afternoon and evening, and that if it appears possible to have a vote I will give them at least an hour's notice. If not, we will come in early in the morning tomorrow and stay late tomorrow, in an attempt to pass the bill, if we are unable to pass it today. If we cannot pass it tomorrow, we will come in early on Saturday and stay until late on Saturday in an attempt to pass it.

Mr. DIRKSEN. Could the majority leader set a time now for coming in tomorrow?

ORDER FOR ADJOURNMENT TO 10 O'CLOCK A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when we conclude our deliberations today we stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection? Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. SCOTT. The majority leader has helped us by his advice and has indicated that if the bill is not passed today we will come in tomorrow; and if it is not passed tomorrow, we will come in on Saturday. Does the distinguished majority leader have any terminal date in his mind in that statement? Would he continue by saying that if the bill is not passed on Saturday, we will come in on Monday, and for the rest of the week, and the week after that, and the week after that?

Mr. JOHNSON of Texas. I do not think it is necessary to say that, but if it will give the Senator from Pennsylvania any satisfaction, I will be glad to do so.

Mr. SCOTT. It does not give the Senator from Pennsylvania any satisfaction. I am ready to vote for cloture at any time, and have already voted for cloture one time. I do not want my position to be misunderstood. I was trying to find out what the Senator's position was.

Mr. JOHNSON of Texas. That is the kind of position that gets us into trouble, voting for cloture too early. I think we had better play this by ear. If we do not pass the bill tomorrow, we will try to pass it on Saturday. If we do not pass it on Saturday, we will try to pass it on Monday. I think we will be here until we pass it. I have no intention of running away from the fight or abandoning it.

Mr. SCOTT. And so on ad infinitum and, if necessary, ad nauseam?

Mr. DIRKSEN. Mr. President, addressing a further inquiry to the majority leader——

Mr. JOHNSON of Texas. I thank the Senator from Pennsylvania for giving me the information about his enthusiasm. I did not know it until he told me about it.

Mr. SCOTT. I am indebted to the Senator from Texas for giving me the time to express my views.

Mr. DIRKSEN. Is the Senator from Texas reasonably certain that there will be no vote on passage of this bill this evening?

Mr. JOHNSON of Texas. I have reasonable certainty, but on the other hand I would not want anyone to remind me at 12:15 tonight that that was a commitment.

Mr. DIRKSEN. If the distinguished majority leader will yield again—and he is a distinguished majority leader—I should like to say that we were in session until a late hour last night and until a late hour on other nights, and I thought that perhaps——

Mr. JOHNSON of Texas. I see on the floor my friend the junior Senator from Mississippi. I will ask him if he expects to speak on the passage of the bill.

Mr. STENNIS. Yes.

Mr. JOHNSON of Texas. Does the Senator from South Carolina [Mr. THURMOND] expect to speak at some length?

Mr. THURMOND. I expect to speak for about 2 hours.

Mr. JOHNSON of Texas. I am informed that the senior Senator from Mississippi desires to speak on the bill. I believe the junior Senator from Louisiana desires to speak on it. My friend the Senator from South Carolina [Mr. THURMOND] desires to speak. I believe that in the light of these statements, I can give the Senator, not reasonable certainty, but positive assurance——

Mr. DIRKSEN. Fairly reasonable assurance?

Mr. JOHNSON of Texas. I will give him positive assurance that we will not have a rollcall this evening.

Mr. STENNIS. I object to the audience being dispersed by such tactics.

Mr. JOHNSON of Texas. Then I withdraw that assurance. [Laughter.]

Mr. RUSSELL. The Senator knows that even though we have had the third reading of the bill, a motion to postpone is in order.

Mr. JOHNSON of Texas. Yes.

Mr. RUSSELL. Or a motion to recommit.

Mr. JOHNSON of Texas. Yes.

Mr. RUSSELL. So Senators will leave at their peril.

Mr. JOHNSON of Texas. I believe we can give Senators assurance that we will not have a rollcall vote this evening, if the majority leader can prevent one. I think the Senator has been cooperative and he is entitled to go with that assurance.

So that we may clarify the matter, so far as the majority leader is able to control the situation, the Senate will remain in session as long as Senators desire to stay this evening. There will be no rollcalls.

When Senators have concluded the statements which they desire to make today, I shall move, pursuant to the order previously entered, that the Senate adjourn until 10 o'clock tomorrow morning. However, Senators may be assured that so far as I am able to control the matter, there will be no further rollcalls today.

SUSPENSION OF NUCLEAR TESTS

Mr. CHURCH. Mr. President, it is gratifying that many highly respected syndicated columnists have focused public attention on the effort being made to achieve a nuclear test-suspension agreement, compatible with our national security interests and the interests of an anxious world.

Among the highly useful and informative discussions of this issue which I have not yet seen included in the CONGRESSIONAL RECORD are three, all published recently in the Washington Post and Times Herald. These are "Ray of Hope Seen on Test Suspension," by

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Marquis Childs, on March 30; "The Unspoken Reasons," by Joseph Alsop, on March 30; and "Macmillan Urges Test Ban on United States," by Drew Pearson, on March 28.

I ask unanimous consent that the articles may be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 30, 1960]

RAY OF HOPE SEEN ON TEST CESSATION

(By Marquis Childs)

While a rearguard action by the diehard opponents of any agreement of any kind with the Soviets cannot be discounted, there is a current of cautious optimism in this Capital that a nuclear test ban with a verifiable inspection system will be approved.

It will not finally be nailed down until the heads of government meet at the summit in Paris in mid-May. An examination of the transcript of the exchanges that have gone on within the nuclear testing conference at Geneva since the Soviets came forward with their latest proposal makes this clear.

In that proposal they agreed to ban all tests except those below a threshold of an earthquake reading of 4.5 (19,000 tons of TNT equivalent) and with this would go a voluntary moratorium on the smaller explosions while a joint scientific force worked to perfect a detection system. To many who have followed the long and complex negotiations this seemed a big step toward the American position that there can be no agreement which leaves any area free of verifiable inspection.

If a compromise can be worked out, and Prime Minister Macmillan's visit has been an encouraging portent, another area of major disagreement will remain. This is on the number of on-site inspections to be permitted on the territory of each nation.

The record from Geneva shows that Chief Delegate Semyon Tsarapkin, when pressed on this matter last week, said with great emphasis that the Soviet delegation meant to adhere firmly to their position that this must be a political decision. In other words, the number of on-site inspections is not to be determined by the scientists. In short, the decision will be made by Premier Khrushchev himself at the summit.

But those who favor an agreement interpret this as a face-saving device for the Russians. Having in effect agreed to a scientific determination of the threshold below which explosions cannot be detected with accuracy, they must stand firm on the right of a political determination in the other disputed area. There is confidence here that at the summit Khrushchev will, after a great deal of haggling, approve 20 inspections, which is the Western figure.

Leader of the implacable opposition is Chairman John McCone of the Atomic Energy Commission. He has never wavered in his determination to see testing resumed. Again and again in conferences at the State Department he has dramatically invoked the Chinese-Russian Communist hordes who will sweep away Western civilization unless they are deterred by troops equipped with tactical atomic weapons for use in limited nuclear war.

Only through more testing, he has argued with his massive assurance, can such weapons be achieved. Once or twice in these heated conferences it has been pointed out that the Russians could also resume nuclear testing and development and equip the Communist hordes with small nuclear weapons.

That would restore the advantage to numbers and invalidate the McCone argument. The distinguished physicist, Hans Bethe, who favors a compromise agreement, makes a good case that if the West had accepted the Russian proposal to stop testing in 1955 the advantage today would be much stronger, since the Russians have used the interval to catch up. But these contentions make no impression on McCone.

Back of him is the brilliant and impassioned physicist, Edward Teller, director of the AEC's Livermore laboratory in California.

The key figure is Senator CLINTON ANDERSON, chairman of the Joint Congressional Committee on Atomic Energy. While in the first instance he denounced the Soviet proposal, he has since with his shrewd commonsense understanding come to a more measured view.

While, as has so often been pointed out, the British have all along been ready to accept an agreement that would make a start at verifiable inspection, to be built upon with further scientific development, they are a bit tired of being put in the role of appeasers who rush to Washington to insist on the easy way of compromise. The fact is that Macmillan was invited to reinforce a decision which had, in effect, already been taken.

The millennium is certainly not at hand and the cold war proponents may be able to count on Berlin to renew the fray. But the outlook is, at this moment, just a shade more hopeful.

[From the Washington Post, Mar. 30, 1960]

THE UNSPOKEN REASONS

(By Joseph Alsop)

It is well worth taking a look at the real reasons why President Eisenhower and Secretary of State Herter decided to go a long way to meet the Soviets in the negotiations for ban on nuclear tests. These unspoken reasons begin with Secretary Herter's strong instinct that the continuous, competitive development of nuclear and other modern weapons is an automatically dangerous business.

This does not mean that the Secretary is not an advocate of a strong national defense. Far more than his predecessor, the late John Foster Dulles, Herter believes in the Churchillian rule, "Arm to negotiate." But Herter also believes, very clearly, that human wisdom may not always be sufficient to control the situation, if the great powers go on piling more and more terrible instruments of destruction on the stocks of such instruments which they already possess.

Those who hold this belief may be skeptical of the fruitfulness of disarmament negotiations. Herter and the others like him would have to forget the whole history of the last half century in order not to be skeptical.

They may also insist, as Herter insists, that any disarmament scheme must be fully controlled and inspected. But they still feel a moral compulsion to try to negotiate for disarmament.

They think the effort has to be made, however toilsome and hopeless it may seem, because they also suspect that if the world goes on as it has been going, the world may blow itself up by accident. And this suspicion that the world may end by blowing itself up by accident also affects the way they weigh negotiating risks.

In the present instance, for example, Secretary Herter was ready to risk agreement with the Soviets on a 1-year moratorium on undetectable underground nuclear tests, because he thought the risk of such an uninspected moratorium was less than the risk of a rigid attitude.

The chief reason for this judgment, in turn, was the unanimous advice of the Government Soviet experts, both in Moscow and in Washington. All of them advised that the negotiations for a ban on nuclear tests had now reached what the policymakers call "the litmus paper stage."

In other words, the Soviets were expected to conclude that this country was not negotiating in good faith, if we rejected out of hand the Soviet proposal for an inspected treaty covering detectable tests, plus an agreement for a moratorium on tests that are as yet undetectable. This would have led to final breakdown of the negotiations for a nuclear test ban. And this, in turn, would have aborted our effort to negotiate for general disarmament, before that effort could really get underway.

The "litmus paper" argument was strongly reinforced by a more general political argument. In brief, the Soviet experts think there are deeper divisions of opinion in the Kremlin than in Washington, about such questions as the gain from disarmament versus the loss from an inspection system.

The Kremlin majority must plainly support, or at least tolerate the relatively flexible policy of Nikita S. Khrushchev. But it is supposed that there is a Kremlin minority of orthodox Stalinists who still want to return to the old ways of doing business, or rather of not doing business with the West.

Curiously enough, one of the most important bits of factual evidence for the divided Kremlin theory was brought back from Moscow by Secretary Herter's chief opponent in the recent intra-administration debate, Chairman John A. McCone of the Atomic Energy Commission. On a very high level indeed, McCone was told that the Soviet Government was split between a majority genuinely desiring agreement with the West, and a minority wanting nothing of the sort. Many of the difficulties in the test-ban talks at Geneva were even attributed to the fact that the Soviet negotiator, Semyon Tsarapkin, belonged to the hardnosed minority.

If this is the situation in the Kremlin, the turning point that has just been passed was ultraimportant. For the hardnosed minority must be eager for proof that the United States has not been negotiating in good faith. If we had given them anything they could use as such proof, their "I told you so's" would have been deafening. Their "I told you so's" would have been convincing, too. The hardnosed minority would then have become a hardnosed majority.

Such, at any rate, is the best crude summary that can be offered of the main reasons for the great decision that has now been taken. It is not a soft decision. It is simply a decision that refuses to rule out any hope whatever of a less dangerous world of the future.

[From the Washington Post, Mar. 28, 1960]

MACMILLAN URGES TEST BAN ON UNITED STATES

(By Drew Pearson)

When Prime Minister Harold Macmillan sits down to discuss nuclear arms testing with President Eisenhower today it will be the world's last chance to prevent the spread of nuclear weapons to other nations.

If the present talks in Washington and Geneva fail, nuclear weapons are almost certain to get into the hands of Red China and various other nations—with the chance of their irresponsible use greatly increased.

On this point members of the Eisenhower Cabinet are in almost complete agreement. But on the question of whether we should or should not accept the latest Russian ban-on-A-bombs proposal there has been wide disagreement.

Here is the background of how the sudden Macmillan flight across the Atlantic developed, together with the lineup of who is for and who is against banning nuclear testing.

NIKITA'S LETTER

The background dates back to a private letter, still unpublished, from Nikita Khrushchev to D. D. Eisenhower, expressing alarm over reports that the United States was going to give nuclear weapons to its NATO

allies. The letter was couched in moderate friendly terms, calculated not to ruffle any international feathers. But politely it warned that if the United States was going to distribute nuclear weapons to its allies, Russia would have to do the same to its allies—which meant Red China.

In equally moderate language, Eisenhower replied that the United States had no intention of passing around its atomic weapons.

At this point, U.S. experts, studying the Khrushchev letter, became convinced that Khrushchev definitely wanted to ban A-bomb testing, and for the following reasons:

1. France has just tested its first A-bomb. If France has the bomb, Germany will have it next.

2. If the United States gave A-weapons to NATO, they would be in the hands of nations unfriendly to Russia and very close to Russia.

3. Khrushchev is just as anxious to keep A-weapons away from Red China as we are. But if A-weapons are given to NATO nations, it would be impossible for Moscow to deny Red China's demands for them.

Out of this came private conferences in Geneva between Russian, British, and American experts from which evolved the latest Russian proposal. It was a give-and-take proposition, with the Russians asking us what we thought of various ideas before proposing them formally. Thus, the Russian proposal goes a long way toward the original American position on inspection. It even accepts 180 inspection stations.

THE OBJECTIONS

Despite this, Eisenhower is faced with vigorous objections inside his administration. The objections came from two quarters:

1. Chairman John McCone of the Atomic Energy Commission, who is determined to resume nuclear testing. He has been calling on Senators, behind Ike's back, urging them to oppose the State Department which has leaned toward the Russian plan. McCone has even inspired some congressional speeches opposing the latest Russian compromise.

2. The Joint Chiefs of Staff have been more discreet, though just as vigorous. They have told the White House in writing that there is no danger of radioactive fallout from underground tests; that the United States needs to test warheads for the Nike-Zeus, the Polaris and the Minuteman; finally, that Russia will accept any proposal that cuts down our A-power. Since our entire military strength is now based on atomic retaliation, the Joint Chiefs argue that we cannot afford any curtailment of our A-power.

The State Department takes a broader view, believes the overall question of keeping nuclear weapons out of the hands of other nations is more important than the testing of atomic warheads underground. President Eisenhower has been reported torn between the two. However, he has come a long way from October 1956, when he branded Adlai Stevenson's proposal to ban nuclear tests "a theatrical gesture."

Last week Eisenhower got a series of messages from Prime Minister Macmillan urging him to accept the Russian A-bomb-ban proposals. He told Ike that British public opinion was so strong he, as Prime Minister, would be forced to accept the Russian plan.

The President countered by inviting Macmillan to Washington for a face-to-face talk.

Note—Ironically, one factor which increased Adlai Stevenson's margin of defeat in 1956 was his consistent stand for banning A-bomb tests—if Russia agreed. Eisenhower blasted it as "pie in the sky promises," and privately many Democrats urged Stevenson to reverse his stand. He refused. Today his supporters claim that this firm position taken in 1956, which Eisenhower adopted 1 year later, would be a great vote-getter in 1960. Running against NIXON, Stevenson would be in a strong position to quote NIXON's 1956 statement that Adlai was "playing dangerous politics with American security."

A FEASIBILITY STUDY FOR A SAWTOOTH NATIONAL PARK

Mr. CHURCH. Mr. President, there is in my State, near its geographical center, an area of superlative grandeur. Here, in the uplands where rise the Salmon, the Payete, and the Boise, each a great tributary of the mighty Snake River, a range of peaks, jagged and sharp, and shaped like the teeth of the woodsman's saw, pierce the sky. Here, in the summits of these rugged mountains, there is an unspoiled wilderness whose scenic splendors cry to be preserved for the benefit, enjoyment, and inspiration of men for generations to come. Here are lakes, camping grounds, and play areas capable of development for many thousands of travelers, recreation bound.

The peaks of which I speak are a part of and give the name to the Sawtooth Mountains. They loom over Alturas, Redfish, and other sizable lakes at their base, and they nestle a hundred or more smaller lakes in their upper reaches.

Since man first set eyes upon these peaks, he has expressed his awe and exclaimed over their magnificence. Fifty years ago, when access to the area was not as easy as it is today, when the distance was expressed in terms of days' drive by stage rather than hours' drive by automobile, visitors came from far and wide to see for themselves the storied wonders of the Sawtooths.

A very great lady from my State, shortly after the turn of the century, wrote:

The first glimpse of the magnificent Sawtooth Mountains is one never to be forgotten. A sharp turn in the road brings the first view—you see them as through a vista—this noble range so truly named and so stately with its sharp, snow-capped peaks. The arrival at Campers Park and Redfish Lakes again brings keen delight. For this is truly a glorious wonderland.

It is a rare visitor who has not remarked that the Sawtooths are worthy of being a national park. Indeed, the query, "Why is not this area a national park?" was asked enough times prior to 1913 to bring the question to the Congress.

In that year, Representative Burton L. French, of my State, introduced a measure to create a Sawtooth National Park. In the following years, others of my predecessors from Idaho, including the late, great Senator William E. Borah, and the able and admired Senator James P. Pope, introduced bills to create a Sawtooth National Park, as did Representative Addison T. Smith.

The pendency of these bills more than a generation ago caused official reconnaissance to be made. I was particularly impressed, for example, with the measured scientific language of the Chief Geographer of the United States, who, on December 1, 1915, reported:

This section of the Sawtooth Range is unusually striking in mountain sculpture and is a brilliant composite example of the characteristics of three of the main mountain ranges of the United States.

The southern portion strongly resembles the Rocky Mountains in Colorado, the middle section is a counterpart of the Sierra in California, and the northern end is a rugged brother of the Cascade Range in Washington. The lakes are rare in their brilliant transparency, reflecting the mountains and the black pine forest fringing their edges, making most inviting places for campers and tourists to rest and enjoy nature in all its glory.

This chorus of approval of the area as befitting a national park, has had many voices. Twice, in 1915 and 1917, the Legislature of the State of Idaho memorialized the Congress of the United States to create a national park in this area. The administration of Woodrow Wilson endorsed its establishment.

When, on January 25, 1917, the first favorable report was written on a bill to create a Sawtooth National Park—Report No. 1356, 64th Congress, 2d session—a table was included showing visitors to our national parks in the period from 1908 to 1915.

Mr. President, I ask unanimous consent that this table, as taken from this report, be included in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD as follows:

Visitors to national parks, 1908 to 1915

Name of park	1908	1909	1910	1911	1912	1913	1914	1915
Yellowstone	19,542	32,545	19,575	23,054	22,970	24,929	20,250	51,805
Yosemite	8,850	13,182	13,619	12,530	10,884	13,735	15,145	33,452
Sequoia	1,251	854	2,407	3,114	2,923	3,823	4,667	7,647
General Grant	1,773	798	1,178	2,160	2,240	2,756	3,735	10,523
Mount Rainier	3,511	5,968	8,000	10,306	8,946	13,501	15,038	35,166
Mesa Verde	80	165	250	206	230	280	502	663
Crater Lake	5,275	4,171	5,000	4,500	5,235	6,253	7,096	11,371
Wind Cave	3,171	3,216	3,387	3,887	3,199	3,988	3,592	2,817
Platt	26,000	25,000	25,000	30,000	31,000	35,000	30,000	20,000
Sulys Hill	250	190	190	200	200	300	500	1,000
Hot Springs Reservation			120,000	130,000	135,000	135,000	125,000	115,000
Glacier				4,000	6,257	12,138	14,168	14,265
Rocky Mountain								31,000

Mr. CHURCH. Mr. President, according to this table, in 1915 Yellowstone National Park had little more than 50,000 visitors; Yosemite, Mount Rainier, and Rocky Mountain had around 35,000; and all others, except Hot Springs Reservation, had fewer still.

Mr. President, consider the growth since then. It is phenomenal by comparison. According to a release issued by the Department of the Interior on February 9, 1960, there were 22,392,000 visits to the national parks during 1959. Yellowstone, fringing Idaho in Wyoming, had 1,408,667 visits in 1959, while the neighboring Grand Teton National Park drew 1,529,638. The same national park listed in the 1915 table served more

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than 27 times as many people in 1959, despite the fact that the total number of national parks available to the public has more than doubled. Mr. President, I ask unanimous consent that the table showing the number of visits recorded in 1959 to our 29 national parks presently in existence, be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Area:	*1959 visits*
Acadia, Maine	755,863
Big Bend, Tex	70,370
Bryce Canyon, Utah	278,275
Carlsbad Caverns, N. Mex	483,928
Crater Lake, Oreg	340,989
Everglades, Fla	500,193
Glacier, Mont	722,338
Grand Canyon, Ariz	1,168,807
Grand Teton, Wyo	1,529,638
Great Smoky Mountain, N.C.-Tenn	3,162,318
Hawaii	785,965
Hot Springs, Ark	404,688
Isle Royale, Mich	5,836
Kings Canyon, Calif	718,512
Lassen Volcanic, Calif	379,937
Mammoth Cave, Ky	490,268
Mesa Verde, Colo	217,357
Mount McKinley, Alaska	25,819
Mount Rainier, Wash	1,105,072
Olympic, Wash	1,077,420
Platt, Okla	1,034,382
Rocky Mountain, Colo	1,459,554
Sequoia, Calif	547,346
Shenandoah, Va	1,786,728
Virgin Islands, V.I	19,820
Wind Cave, S. Dak	265,571
Yellowstone, Wyo	1,408,667
Yosemite, Calif	1,061,471
Zion, Utah	585,010
Total	22,392,000

Mr. CHURCH. Mr. President, Idaho has no representative in this roster of national parks which attracted such a multitude of visitors in 1959. Apart from Nevada, Idaho is the only Western State without a national park, though it appears that Nevada is well on the way to obtaining its park in the Wheeler Peaks.

Mr. President, I am today introducing for appropriate reference a bill to authorize and direct the Secretary of the Interior and the Secretary of Agriculture to investigate and report to Congress on the advisability of establishing a national park in the summits of the Sawtooth Mountains in central Idaho.

My bill calls for a study of the feasibility of a national park in this region, rather than for the creation of the park. In this respect, it differs from the earlier bills, extending back to 1915, to which I have alluded.

I have put my bill in the form of a request for a study, because factfinding is essential in determining whether a national park should be created in the Sawtooths, and what its impact would be upon the established economy of Idaho. A study will serve to bring into the open all of the factors which ought to be considered before any final decision is reached.

For example, a study will develop information on the amount and kind of timber in the area, and whether the timber is of commercial value. It will develop whether there are mines of mining claims, how many, and what geological structures are involved. It will summarize data on grazing of sheep and cattle, present and projected. It will make recommendations on where roads should be built, where they should not be built, and on what kind of service facilities would be needed, where they should be constructed, and under whose auspices. It will examine into fishing, hunting, and game management questions, into land ownership status, and related matters. Finally, it will forecast the probable economic impact of the creation of such a park in the State of Idaho, using past experience of comparable national parks as a guide.

In a word, the study I envision would elicit all the facts, and would measure the whole impact of a park on all affected interests. It would strike a trial balance.

A new trial balance is called for, owing to the changes that have occurred in the area since the earlier studies were made. Nearly 50 years have elapsed since the first bill to create a Sawtooth National Park was introduced, and considerable development has since taken place throughout the basin. New roads have been built, new businesses established, and new ranches opened. Many new summer homes, church camps, and Scout camps, are now located on adjacent grounds. An up-dated survey is necessary, in order to take these changes into account.

If the trial balance is not favorable to the creation of a park, no harm will have been done. Indeed, only thus can the issue be fairly and finally settled.

If, on the other hand, the balance is favorable—and it appears that a park would best meet important recreational needs of a growing population; would best attract tourists in large and valuable numbers to Idaho; would best protect the region's upland wilderness for future generations; and would inflict no serious disruption upon existing cattle, sheep, timber, or mining business in the area—then I will take the logical next step, and will introduce a bill to create the park itself.

Mr. President, it will be noted that I have recommended that this study be carried on both by the Department of Agriculture and by the Department of the Interior, the first of which has jurisdiction over the Forest Service, and the other, the jurisdiction over the National Park Service.

Probably no jealousy between two Government agencies has ever matched that which exists between the Forest Service and the National Park Service. My investigation discloses that as early as 1916, in connection with the proposal to create a Sawtooth National Park, reference was made to an effort "to overcome the insidious opposition of the Forest Service."

The very statutes themselves reflect this conflict, in that a bill of the kind I am introducing today is made necessary by a specific provision of the law which precludes the making of any study of national forest lands, to determine suitability for park purposes, without special legislation.

Accordingly, I have concluded that the best way to get at both sides of this matter is to have the study jointly conducted by the Forest Service and the National Park Service, with each left free to submit separate conclusions. However, I have added a provision which calls for the economic forecast to be made by a non-Federal agency. I should think that one of our State universities would be best equipped to conduct this particular aspect of the feasibility study.

The bill for this study authorizes and directs the Secretary of the Interior to make the study; it provides in a separate section that the Secretary of Agriculture shall be consulted in the preparation of the study report, and authorizes the Agriculture Secretary to make a separate report, to the extent that he does not concur in the findings, conclusions, or recommendations of the Interior Secretary. A word of explanation of the differing provisions for these two Departments is in order.

The National Park Service, under the Secretary of Interior, has general authority to make studies of the kind contemplated by this bill. But the 1936 act which provides for a comprehensive study of the lands of the country which are or may be chiefly valuable as national parks makes an exception of lands under the jurisdiction of the Department of Agriculture (16 U.S.C., sec. 17k, 49 Stat. 1894). Specific congressional authority is therefore necessary, in order to make the study I propose, because 90 percent of the land is under the jurisdiction of the Forest Service.

It is my understanding that the Secretary of Agriculture needs no special authorization and direction, such as that given in this bill to the Secretary of Interior. This explains the difference in language between section 1 and section 3.

Mr. President, the study I have suggested would be focused upon a proposed parksite situated largely in the uplands of the Sawtooth Mountains. About nine-tenths of the proposed site lies within the present Sawtooth Primitive Area. This area has already been set apart, under Forest Service regulations, for single-purpose recreational use.

In designating this site, I do not seek to tie the hands of those who will make the study. If, after a review of all the facts and circumstances, it should be concluded that the boundaries of the proposed parksite should be altered, this is one purpose of the study, and such recommendations certainly should be contained in the report.

It is important in this connection to remember that I am merely asking for a study. Only if the study proves favorable, will I introduce a bill to authorize a park, which then would be subject to extended public hearings in Idaho, as well as in Washington. Every interested person would have his chance to be heard, before any attempt to actually establish a park would be made.

Mr. President, experience has shown that national parks are highly prized by the States that have them. I should think a national park would act as a magnet to attract to Idaho a larger share of the country's vacationists.

The spectacular peaks of the Sawtooth Mountains would seem ideal for park

purposes. Nearly all the land involved is now owned by the Federal Government; so the local tax rolls would be little affected. The ridgelands are not suitable for the multiple use we make of our ordinary forest lands. They do not support grazing, nor do they yield commercial timber. Furthermore, I am unaware of any mining operations within the proposed study site.

Indeed, the Forest Service itself has already withdrawn the upland wilderness area, comprising nine-tenths of the proposed site, for the single use of recreation.

This lofty wilderness can best be safeguarded in its natural, unspoiled state, and preserved for future generations, if embraced within a national park.

Mr. President, since this matter is of the greatest importance to Idaho and its people, I undertook recently to conduct an extensive poll of my constituents over the entire State, from every walk of life, and representing all shades of opinion. The response to this poll was outstanding. Well over eight thousand postcard ballots signed and stamped, were returned to me, and they indicated whether the sender favored or opposed a feasibility study for a Sawtooth National Park. Of those responding 77.71 percent, or nearly four out of five, favored the study.

I ask unanimous consent that a tabulation of these responses, on a county-by-county basis, be included in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD.

Tabulation, by counties, of responses to postcard poll of Senator Frank Church—Study on Sawtooth National Park

County	For	Against
Ada	768	196
Adams	29	8
Bannock	603	91
Bear Lake	66	7
Benewah	95	8
Bingham	212	34
Blaine	235	179
Boise	44	19
Bonner	159	17
Bonneville	339	89
Boundary	58	2
Butte	51	27
Camas	22	29
Canyon	501	65
Caribou	66	9
Cassia	101	31
Clark	13	6
Clearwater	82	7
Custer	131	200
Elmore	114	29
Franklin	65	5
Fremont	63	26
Gem	68	29
Gooding	70	50
Idaho	138	34
Jefferson	76	28
Jerome	82	65
Kootenai	356	27
Latah	288	22
Lemhi	220	179
Lewis	104	4
Lincoln	25	34
Madison	95	17
Minidoka	95	30
Nez Perce	292	15
Oneida	17	6
Owyhee	38	17
Payette	103	18
Power	38	9
Shoshone	154	31
Teton	31	2
Twin Falls	255	143
Valley	37	11
Washington	84	23
Total	6,483	1,860

Percentage in favor	77.71
Percentage opposed	22.29

Mr. CHURCH. Mr. President, notwithstanding that an overwhelming percentage of the people of Idaho appear to favor the study, a number of objections have been voiced. It is my feeling that most of these objections are either based upon a misunderstanding of my proposal or are based upon arguments which can be answered by further amplification of the facts. So I think it appropriate that at this time I answer the principal of these arguments.

For example, a number of people have contended that the establishment of a Sawtooth National Park would accomplish nothing that could not be accomplished under the present Forest Service management.

It is true, of course, that the Sawtooth cannot be improved upon, nor will their majesty be enhanced by including them within a national park. But from this, it does not follow that the Forest Service can do as well as the National Park Service in developing the area to the full extent of its recreational potential. The site I have proposed for study constitutes less than 1 one percent of the national forest land within Idaho. It is but a rocky island jutting above a vast green sea of national forests—20 million acres in dimension—all of which are administered by the Forest Service. The funds available to the Forest Service are necessarily spread thin over this immense area, comprising more than a third of the entire State of Idaho.

It is because the National Park Service can concentrate its resources upon the development of special areas, that so many vacationists tend to arrange their travel itineraries to move from national park to national park. They know that an area which qualifies as a national park will be outstanding, and that adequate facilities will be available there. They know that a national park is most likely to return the best dividends for their recreation dollar.

This fact is implicitly recognized by others who have urged that the present Sawtooth Primitive Area can be better preserved by the Forest Service, since fewer people will be attracted to the region if it is not a national park.

Undoubtedly, more people will visit the Sawtooths should they become a national park. But tourists are crowding in anyway. At this very moment, the pressure is so great that nightly fees are being charged by the Forest Service for the use of campsites along the shores of Redfish Lake. Other restrictive measures will inevitably follow. More and more campsites around the lower lakes will have to be built. To leave this problem to the Forest Service, with its limited resources, when the Park Service might furnish better facilities for larger numbers of these lakes, while safeguarding the wilderness character of the higher ground, seems to me to be self-defeating.

Moreover, it must be observed that the law does not confer the same measure of protection upon a wilderness area established by the Forest Service, as upon one embraced within a national park. The Forest Service wilderness areas—like the Sawtooth Primitive Area here in question—are beset with frailness. Their legal basis has been repeatedly challenged. Commercial uses within them, in addition to those permissible under present regulations, constantly press for entry.

But the wilderness areas within the boundaries of such national parks as Yellowstone, Olympic, Big Bend, and Everglades, are founded upon special acts of Congress, and are firmly rooted in the law. At present, there is no question but what the Sawtooth Primitive Area can best be protected and preserved, if included within a national park.

No argument against a park feasibility study recurs with more frequency than the argument that somehow a park in this region would mean abandonment of the multiple-use concept of our public land in favor of a single-use concept.

It is our conviction—

Says the Idaho Mining Association—

that multiple use, in the long run, will provide the greatest good for the greatest number.

As the general principle, under which our public lands are managed, no fault can be found with multiple use. Logging, grazing, mining, and recreation can and do use the public land simultaneously, but not always the same public land. Sheep and cattle are not permitted to graze over forest camps; our roads are protected by a strip of uncut timber for the esthetic benefit of the traveler, while logging proceeds apace 100 yards beyond; wilderness areas are designated by the Forest Service, while grazing can be—and is—cut off by administrative decision.

The Forest Service, itself, recognizes that some lands are best suited for the single-use of recreation, whenever it establishes a primitive or wilderness area, as it has done in the very region covered by this study I propose.

If this region has already been set aside for single-purpose use, then why not determine whether the recreational values cannot be better realized by converting it into a national park, particularly if Idaho will greatly benefit thereby? In this case, the "multiple-use" doctrine has no relevancy.

Another argument has been advanced that a park, though small to begin with, would eventually gobble up additional land, and thus trespass upon private interests. It is curious that this argument comes from a group of citizens, largely residents of the area, who are engaged in cattle or sheep business for their livelihood. These people have long depended upon the forest lands for their summer range. In the past few years they have been the victims of a series of cuts in their grazing allotments, which they have condemned as virtually confiscatory. Time and again they have complained to me that the Forest Service was driving them out of business.

The Forest Service makes these cuts by administrative decision, without any congressional approval being required, and with only the most limited recourse afforded to the courts.

In the same manner, the Forest Service can, by administrative action, establish a wilderness or primitive area,

as it has done in the summits of the Sawtooths, from which all grazing can be excluded. The boundaries of these primitive areas can be enlarged, again by administrative decision, as the Forest Service sees fit.

But the very opposite is true where the boundaries of a national park are concerned. These are fixed by law. They cannot be altered or extended, except by act of Congress signed by the President. Bills to extend the area of a national park, once established, are rarely sought, and Congress has been reluctant to approve them.

For these reasons, Mr. President, I now send to the desk a bill that would authorize the study I have described to determine the suitability of establishing a national park in the highlands of the Sawtooth Mountains of central Idaho.

It is my purpose in introducing this bill to get a competent, balanced, report of all factors. I seek a feasibility study, to furnish the evidence from which the conclusion can be drawn as to whether a national park can be established without serious damage to existing private mining, lumbering, ranching, and recreational interests in the area.

The objective of the study, as I have indicated, is to strike a trial balance, upon a thorough assessment of all the relevant facts. The final question to be answered—one that I have often raised in connection with other conservation legislation—is what is the right development for this site? The right development will best serve the public interest.

If the study should prove favorable to the establishment of a park, I would envision it as one which would call for the development of suitable facilities in the baselands, beside such lakes as Redfish and Alturas, to accommodate the larger number of visitors likely to gather there to view the scenery. For the uplands, I would envision the careful preservation, for now and for generations unborn, of an unspoiled, pristine wilderness, accessible by a system of trails, unmarred by roads or buildings, but open to the considerate use and enjoyment of hikers, mountain climbers, backpack fishermen, and trail riders, and of all those who find, in high and lonely places, a refreshment of the spirit, and life's closest communion with God.

Mr. President, I ask unanimous consent that the text of the bill I have introduced be printed at this place in the RECORD, to be followed by a collection of favorable editorial extracts from Idaho papers, assembled during the preceding 2 months.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The bill will be received and appropriately referred, and, without objection, the bill and editorials will be printed in the RECORD.

The bill (S. 3353) to provide for a study and report to Congress on the advisability of establishing a national park in the Sawtooth Mountain Region of the State of Idaho, and for other purposes, introduced by Mr. CHURCH, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Interior is hereby authorized and directed to make a comprehensive study of the scenic, scientific, recreational, educational, and wildlife values of the area hereinbelow described and its environs, to evaluate its suitability as a national park. As a part of such study, the Secretary of Interior is authorized to enter into a contract with a qualified non-Federal research institution to study the economic effects of the creation of a national park in such area.

SEC. 2. Within one year after the date of enactment of this Act, the Secretary of Interior shall report to the Congress the results of such study, together with his recommendations concerning the advisability of establishing a national park which would involve the area hereinbelow described and its environs. In making such report, the Secretary of Interior shall incorporate the study of the economic effects of such park with such comments or observations as he shall desire to include thereon.

SEC. 3. The Secretary of Agriculture shall be consulted by the Secretary of Interior in the preparation of such report; and he is authorized to make a separate report to the extent that he does not concur in the findings, conclusions, or recommendations of the Secretary of Interior.

SEC. 4. The description of the above-mentioned land is as follows:

Beginning at the southwest corner of section 30, township 7 north, range 14 east, Boise meridian; thence due west approximately 2 miles to the intersection with the southeast boundary of the Sawtooth Wilderness Area; thence southwesterly following the said wilderness area boundary to the point common to Blaine, Camas, and Elmore Counties; thence northerly along the boundary line common to Blaine and Elmore Counties to the point common to Blaine, Boise, Custer, and Elmore Counties; thence northwesterly following the boundary line between Boise and Elmore Counties to Pickett Mountain on the west boundary of the Sawtooth Wilderness Area; thence following said wilderness area boundary northeasterly to McGowan Peak and southeasterly to the northwest corner of section 30, township 10 north, range 13 east, Boise meridian; thence east along the north boundary of section 30 to the northeast corner of said section; thence south along the east boundary of section 30 to the northwest corner of section 33. thence east along the north boundary of section 33 to the northeast corner of said section; thence south along the east boundary of section 33 to the one quarter corner common to sections 33 and 34; thence east along the center lines of sections 33, 34, and 35 to the quarter corner common to sections 35 and 36; thence south along the east boundary of section 35 to the southeast corner of said section, township 10 north, range 13 east; thence south 12 miles along a line parallel to and 1 mile west of the west boundary of townships 9 and 8 north, range 14 east, to a point due west of the northwest corner of township 7 north, range 14 east; thence due east to said northwest corner; thence east along the north boundary of township 7 north, range 14 east, to the north one quarter corner of section 5 on the boundary of the Sawtooth National Forest; thence southerly along the boundary of the said national forest to the one quarter corner common to sections 21 and 28; thence south to the one quarter corner common to sections 28 and 33; thence west along the south boundary of sections 28, 29, and 30 to the southwest corner of section 30, township 7 north, range 14 east to the point of beginning.

The editorials presented by Mr. CHURCH are as follows:

[From the Intermountain and Alameda Enterprise, Alameda, Idaho]

THE 38TH PRECINCT—CHURCH PROVING HIS WORTH IN SAWTOOTH PLAN

(By Perry Swisher)

The creation of the incomparable southernmost range of the Sawtooth Mountains has involved a great many millions of years. What it does for men's eyes and hearts to feast on such splendor is not my subject; anyone who is half alive and has seen those summits, jaggedly symmetrical, fierce and lavender, in quiet explosion against the clear, thin Idaho sky, knows why we need wilderness. The more urban, the more numerous we become, the more absolute that need.

Preservation of that wilderness as one of the Nation's parks is of great consequence to us because we live here. Once proposed, that objective becomes the concern of wilderness conservationists all over the country. The longer a sensible act in that direction is delayed the less we shall have to say about its final form. If stating the fact is offensive, so be it: The fact is that we are politically and strategically among the weakest States in the Union, if we are not the weakest. On the subject of wilderness preservation in relation to economic development we must make sense or ultimately be beaten.

RANCHERS MISINFORMED

Of the few livestockmen I've asked, without exception they believed that it is proposed to include the lush meadows and range of the Stanley Basin east of the mountains. The fact is that the park would be smaller than the present Sawtooth Wilderness Area; the only important extensions would be west to the headwaters of the Boise River, and a tiny but vital extension north to the base of Mount McGowan, the reigning peak in the proposed park. Without major exception the proposed park is too rugged, high, or inaccessible, or all three, for grazing.

Taxpayers hear that important parcels of private land would be removed from the tax rolls. The fact is that the ranches in the basin would remain intact; there are next to no private holdings in the park itself. It is reasonable to predict that over the years private land and improvement values in Idaho would be increased by millions of dollars through the tourist flow this new national park would foster.

In a few people possessed with big fears and the imagination of children, any Federal action instills the paranoia that this is the beginning of something or other. In truth, the definition of a national park out of a larger and vaguer wilderness is preferable to stagnant and indifferent Federal control. The more accurate the definition of Federal land use, Idaho history shows, the greater the creation of new wealth, the enhancement of private holdings, and the speed of private development of what had been public wasteland.

In sponsoring this action, U.S. Senator FRANK CHURCH, Democrat, of Idaho, is ambitious to make his mark. His effort to build his reputation by a praiseworthy act should take nothing away from the proposition itself. Public officials must lead as well as follow, to prove their worth in office and to improve their opinion of what they see in the bathroom mirror. The harder Senator CHURCH has to fight to win his point, the greater his public image will be; he has already won that tactical advantage as the park's proponent. He can lose and, as long as the Sawtooths are still there, still be a hero. His opponents should take that into account.

[From the Idaho World, Idaho City, Idaho]

That national park idea is one that is likely to pick up a lot of support from the public at large. The idea has been a dream of many of those in the Stanley vicinity for many years. In addition an almost universal remark of visitors to the Stanley Basin for the first time has been, "It ought to be a national park." There has been a wide level of acceptance of the idea that Idaho ought to have a national park and that the real standout area for it is the Stanley Basin area of the Sawtooth Mountains and if it ever gets to the point of a hearing this sentiment is going to roll.

[From the Idaho State Journal, Pocatello, Idaho]

A SAWTOOTH NATIONAL PARK?

Senator FRANK CHURCH made a commendable move when he decided to conduct a post-card poll of some 50,000 of his constituents on this proposals: One, To declare a moratorium on Salmon River dam construction, and two, to create a Sawtooth National Park. Both deserve careful study by all Idahoans, but the latter proposal calls for special attention by all persons in this area because it could affect them directly. As one of the major cities on roads to the park site, Pocatello would stand to gain in direct ratio to the park's popularity.

It seems only fair to assume that a negative response to the poll would halt any further action for the present. On the other hand, a positive response should prompt the Senator to proceed with the study and get it done as quickly as possible. A wide and complete determination of the results would give us another chance to appraise the proposal and then to decide whether it merits support.

[From the Emmett (Idaho) Messenger-Index]

IDAHO FOR PARKS

Absolutely incredible, no less, is the powerful opposition developing in Idaho to a proposed feasibility study toward possible creation of a Sawtooth Wilderness National Park among the high, jagged peaks of the Sawtooth Mountains east of Lowman and Grandjean.

It is incomprehensible that Idaho would oppose such a study—or, for that matter, that Idaho would oppose actual creation of the national park.

Of the Western States, Idaho and Nevada alone have no national park. Nevada is working tooth and nail to have one created with little to recommend it compared to the scenic grandeur of the Idaho Sawtooths. Nevada very probably will have one soon.

Where else but in the Sawtooths is there a true gem which could be so easily permanized—where there is no commercial timber, no worthwhile grazing land, not a single mine, virtually no privately owned land?

The Sawtooth Wilderness park is worth fighting for, not only for its intrinsic aesthetic value but also for its potential economic value to the State as a magnificent tourist attraction. If it is to materialize it must be sold to the entire Congress. As we said at the start, it is incredible that it must be sold to Idaho.

We would like to see the State, for once, unite so strongly and vigorously that it could carry a nonpartisan message to the Nation with some coherence.

[From the Arco (Idaho) Advertiser]

WHAT ABOUT A NATIONAL PARK IN THE SAWTOOTH MOUNTAINS

Idaho does not have a national park, one of the few States in the Nation that doesn't. It has been proven statistically, that national parks create tourist trade, and tourist trade brings into the State a considerable slice of revenue.

As we said previously, many things will have to be considered, but as the proposal now stands, we believe a national park would be a fine thing for the State.

[From the Lewiston (Idaho) Morning Tribune]

BIG BUSINESS IN THE NATIONAL PARKS

The Interior Department's new report on the number of visitors to the national parks bears an interesting relevance to Senator FRANK CHURCH'S proposal that a national park be considered in the Sawtooth Mountains of Idaho.

As to those figures: Secretary of the Interior Fred Seaton reported Tuesday that a record 62,812,000 people visited the national parks in 1959, compared with the old record of 58,677,000 the year before. The fact that more people than ever before are spending time and money in the national parks is not surprising; with more leisure time available, and better transportation, it was bound to happen. What is surprising is the apparent indifference among some Idahoans to what this all could mean to our own State.

It means simply that as long as people are going to continue to be attracted to the national parks, and as long as Idaho wants to increase its tourist traffic, we would do well to provide a national park within our own borders. A park in the Sawtooths would be good business for Idaho and would merge perfectly with the development of the tourist industry in the State.

Those opposed to the park have argued that it would be contrary to the principle of the multiple use of public lands. They have said it would prevent the exploitation of such natural resources as minerals, timber, and grass, and thus would impede rather than enhance the proper development of the State.

Senator CHURCH has pointed out, however, that there are no mines in the suggested park area now; that the high ridges of the Sawtooths do not produce merchantable timber; and that the high, rocky ground won't support grazing. The only industry that area will support is recreation. While this may not be multiple use, it at least is better than no use at all. The establishment of a national park in the Sawtooth ridges would remove little land from the tax rolls, since it is nearly all Federal land already and has been designated as a wilderness area.

At any rate, no one needs to fear an immediate and violent disruption of the State's economy; Senator CHURCH has submitted no bill and has said only that he is considering asking for a study of the feasibility of creating a national park here. On the basis of that study, if it should be favorable, he would introduce an authorization bill on which public hearings would be held in Idaho.

[From the St. Maries (Idaho) Gazette-Record]

Senator FRANK CHURCH has proposed that a study be made of the possibility of creating a Sawtooth National Park in the Stanley area. The Senator's proposal has already stirred up reams of comment and a steady fire of adverse comment.

Unfortunately, Senator CHURCH'S proposal was not examined—instead, we have had the automatic reaction of "wilderness" and "national park."

Examination of the Senator's idea shows that it makes a lot of sense—and in no way alters or changes the use of land in the Sawtooth Mountain area.

The Senator suggests that some of the area now located within the Sawtooth wilderness be changed to a national park. His proposal covers the mountain ridges, does not go outside the present boundaries of the wilderness, and definitely does not include any of the farm and ranch country along the Salmon River bottoms.

[From the Intermountain and Alameda Enterprise, Alameda, Idaho]

THE SAWTOOTHS

Republicans and Democrats, primitivists and economic developers, we can all understand and believe in a national wilderness park in that, perhaps the most beautiful, part of Idaho. It equals or surpasses the Tetons in primitive beauty, and is more nearly a pristine wilderness. A generation from now we may take more pride in the success of this movement than in any other Idaho accomplishment—or count its failure as our greatest shame.

[From the Boise (Idaho) Journal]

The proposition of a national park in those high peaks is no blow to the livestock industry. Contrary to the propaganda placed before representatives of a half dozen Magic Valley communities, it does not include the Stanley Basin, its ranches and grazing. The only exception would be the east slope of this Sawtooth range, forming the western edge of the basin, which is already an officially designated wilderness area. * * *

Dedicated as a national park, the high Sawtooths will most surely attract millions of tourists and ultimately billions in income.

[From the Meridian (Idaho) News-Times]

IT'S WORTH A STUDY

Senator FRANK CHURCH has caused quite an uproar with his idea for creating a national park in the Sawtooth Wilderness Area.

In our opinion, the only sensible answer is, "Of course, let's study it."

The only authoritative opinion would be one based on all the factors involved. That's why we are in favor of the study being made. If handled impartially and without partisanship, it would provide the sole valid answer to the basic question: "Would the obvious advantages of the park outweigh the possible disadvantages?"

Surely no one can dispute the value a national park would have for Idaho—provided it didn't result in a corresponding, or greater, loss for the State. Idaho is currently majoring in tourist promotion, and there is no doubt that a national park would attract more visitors. As it is, Idaho and Nevada are the only two Western States without such an attraction.

In any event, the potential value to our State of a national park is so great that a thorough study is more than justified.

[From the Lewiston (Idaho) Morning Tribune]

A NATIONAL PARK STUDY WITHIN IDAHO?

It is a fair suggestion. The rest of these United States will look on in startled amazement if Idaho turns down without examination or inquiry an opportunity to become one of the national park States.

The proposal does not mean, as some of the alarmists seem to imagine, that all Idaho public lands should be pledged to any single use. The multiple-purpose land use concept is extremely sound and it should guide Idaho and the Nation generally in the use of public lands. But any serious, sensitive visitor to the national parks will agree also that there are in this Nation some magic spots of such rare and wondrous beauty that they should be preserved in perpetuity for no other purpose than for men, women, and children to look at in

awe and abiding appreciation. If the Sawtooth range has a spot like this—and we believe it probably can qualify—then it should truly belong to the citizens of the United States who would like to come and gaze upon it. Not since Theodore Roosevelt has this idea been un-American.

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1960—CONFERENCE REPORT

Mr. HAYDEN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of April 6, 1960, p. 7460, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HAYDEN. Mr. President, if there are any questions on the report, I shall be glad to try to answer them.

Mr. JAVITS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New York?

Mr. HAYDEN. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, do I correctly understand that the report yields to the House, in striking out the provision contained in the Senate version of the bill allowing $3 million for the Office of Civil and Defense Mobilization, in order to begin a program, authorized in August of 1958, of contributions to the States and political subdivisions, to assist in financing necessary civil defense personnel and administrative costs?

Mr. HAYDEN. Yes. I want to explain to the Senator how that happened.

Mr. THOMAS was the chairman of the managers on the part of the House in charge of the bill, and he stated that he expected the House committee would report the independent offices appropriation bill on April 14. Mr. THOMAS assured us that this sum of money would be in that bill.

It was felt this matter could be better taken care of in the regular appropriation bill rather than in the supplemental appropriation bill. That is the way it occurred.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. HAYDEN. I yield.

Mr. JAVITS. Does this represent, then, a change of position by the House, from its constant refusal to do anything about this program?

Mr. HAYDEN. Well, the statement made to us was at least very encouraging.

Mr. JAVITS. Should the House not follow through, as contemplated, in the regular appropriation bill, would it be the intention of the Senate Committee on Appropriations to "stand by its guns," if the Senate did provide money for this program, and not to agree to delete it?

Mr. HAYDEN. This was a very modest request, only $3 million.

Governor Hoegh testified before the committee:

> We are here today in support of our supplemental request for the funds to implement Public Law 85-606, and this is for the period from April 1 to June 30, 1960.
>
> As you know, Congress, in August 1958, enacted the Durham bill, which declared civil defense to be the joint responsibility of the Federal, State, and local governments.
>
> This legislation also authorized the contribution of Federal funds on a 50-50 matching basis for personnel and administrative expense.

It seemed to be a reasonable request.

There is a tabulation showing what each State would receive from the $3 million, as matchable money. My own State of Arizona would receive $23,000. The State of New York would receive $395,000. Florida would receive $60,000. It is not a large sum of money, but I am satisfied the States would like to have it.

Mr. JAVITS. Mr. President, I should like to make a very brief statement on the bill. I notice the Senator from Florida [Mr. HOLLAND] is on his feet. I do not wish to delay my colleague from Florida. After the Senator from Florida finishes, I hope my colleague will yield to me again.

Mr. HAYDEN. I understood the Senator from Florida desired to comment on the bill.

Mr. HOLLAND. Mr. President, if the Senator from Arizona will yield to me, I do wish to comment on the bill.

Mr. HAYDEN. I yield to the Senator from Florida.

Mr. HOLLAND. Not only the Senator from Florida, but also many other conferees on the part of the Senate, were as concerned as the Senator from New York about this item. It was discussed for some time. As a matter of fact, this is not the first time the item has been discussed for some time, with the same group of conferees.

We finally got from the House conferees the assurance which the Senator from Arizona has already mentioned, namely, that the regular bill will carry the $3 million item.

Furthermore, the chairman of the House conferees stated to us that Governor Hoegh was satisfied with the item as placed in the bill. The bill has already been marked up by the subcommittee.

Since action under the appropriation will occur in only a few weeks, and since we are moving toward the end of this fiscal year, with this gesture of a very greatly different kind from what we have seen before on the part of the House conferees in this field, we felt that we, at long last, should accept the proposal. I think it was the better course to follow, in view of the adamant position taken by the House conferees.

Mr. JAVITS. Mr. President, will the Senator yield for a brief observation?

Mr. HAYDEN. I yield.

Mr. JAVITS. It is to be noted that the $3 million was going to bring about an additional $4.9 million in State contributions, making a total of $7.9 million for the entire program if the $3 million had been provided.

The analysis I have just given is referred to on pages 9 and 10 of the original report of the Appropriations Committee on this bill, when it was passed by the Senate.

Mr. President, it seems absolutely shocking to me—and I use that word advisedly—that in this day and age we should not be working with some degree of diligence and understanding on this civil defense problem.

Let us assume, Mr. President, that Members differ as to whether there should be shelters, since that involves a very comprehensive program. How could there be a difference in regard to having a professional corps of people who will know the civil defense business, who will at least give us the personnel, which is infinitely harder to build up than the structure to deal with a sudden emergency of the character envisioned should it arise?

I should like to repeat for the RECORD, for it has to be made crystal clear for the whole country, our country stands in the gravest of danger, if we continue this kind of parsimony in regard to the fundamentals of national security and defense, of being the victim of nuclear blackmail in this decade or in the decade ahead. We must wake up to the fact that it is as important to keep as many people alive as possible as it is to make ICBM's we can shoot at the other fellow.

We do not have the kind of disciplined society the Russians have. The Russians can order their people around out of hand, with some form of ukase. We have to make arrangements for this kind of thing well in advance.

It is shocking to me to know that when we have a $40-billion-plus defense budget, for offense, we cannot make a contribution of $3 million for an essential element of our defense, the necessary personnel to do the job.

Mr. President, I do not say these things to my colleagues in the Senate, for I am grateful for what they have done. My colleagues understand the situation. They have fought for this money. I think we must appeal to the conscience of the country.

Our colleagues in the House of Representatives serve among the conferees. They also have constituents. Their constituents are not hiding in the rocks somewhere, but are in the same jeopardy in which our constituents find themselves.

I hope very much, Mr. President, that the country will make itself heard upon this subject and that we may learn a lesson. We will be as subject to nuclear blackmail through a failure to provide adequate civil defense, perhaps, as we will be if the other side has more or bigger or more effective ICBM's than we have.

I am grateful to my colleagues. I repeat again that these words certainly are not addressed to them. I know the Senators have done everything they could. They have been very patient. They have fought with great fortitude. I hope that somehow we can break through to the consciousness of the people of our country, as to what is afoot. Especially when we consider our defense budget of so many billions of dollars, the funds involved in this program are minuscule in amount.

Mr. HOLLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Florida?

Mr. HAYDEN. I yield to the Senator from Florida.

Mr. HOLLAND. I assure the Senator from New York that we have not only made a fight for this item which has been a continuing fight through several conferences, but also we have made it on a completely bipartisan and nonpartisan basis. For instance, one of the most articulate advocates of providing this money which the Senate had in regard to the bill was the distinguished Senator from Massachusetts [Mr. SALTONSTALL], who had experience during World War II as the head of a State defense activity and who has been most active in that regard. He was not the only one. I see the Senator from Colorado is present. Other Senators on the full committee were of the same mind. There has been no difference of opinion in our committee. We have been up against one of those problems which we encounter in conference, involving a vast scope of activities, and very large appropriations. If we were to hold up the matter indefinitely, there would be no point to it, because we were assured that the annual bill would treat this subject adequately.

Mr. JAVITS. Mr. President will the Senator briefly yield?

Mr. HAYDEN. I yield.

Mr. JAVITS. I appreciate very much the statement of the Senator from Florida. There are parts of this bill which are most important to the community I represent—for example, money for urban renewal, and so forth. There are reclamation items and many other items in which other Senators are interested. That is why I say we must break through to the conscience of the country, and make the people of the country realize that even with these minuscule sums great things can be accomplished which are of vital importance to our defense.

The conferees on the part of the Senate have done everything they could. But it is the people in our Government who finally rule. By speaking out here, one may possibly hope that his voice will reach the people.

Mr. ALLOTT. Mr. President, just one word, inasmuch as I have been referred to. I think the Senator from Florida has stated the situation correctly. As long as I have served on this committee there has been unanimity of opinion. We have done everything we could to hold these items in the bill, and I am sure we will do so again. As the Senator from Florida stated, the effort has been bipartisan, and there has been no pulling of punches on our part anywhere along the line.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 10743, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.,
April 6, 1960.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 6, 33, 34, 35, 36, 37, 38, 39, and 45 to the bill (H.R. 10743) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"STATE MARINE SCHOOLS

"For an additional amount for 'State marine schools,' $15,000; and the limitation under this head in the Department of Commerce and Related Agencies Appropriation Act, 1960, on the amount available for the maintenance and repair of vessels loaned by the United States, is increased from '$150,000' to '$165,000.' "

That the House recede from its disagreement to the amendment of the Senate numbered 8, and concur therein with an amendment, as follows: In lieu of the sum of $284,000 named in said amendment insert "$270,000."

That the House recede from its disagreement to the amendment of the Senate numbered 15, and concur therein with an amendment, as follows: In lieu of the sum of $2,367,000 named in said amendment insert "$2,267,000."

That the House recede from its disagreement to the amendment of the Senate numbered 19, and concur therein with an amendment, as follows: In lieu of the sum of $10,000 named in said amendment insert "$7,500."

That the House recede from its disagreement to the amendment of the Senate numbered 40, and concur therein with an amendment, as follows: In addition to the matter inserted by said amendment, insert the following:

"HOUSE OF REPRESENTATIVES

"For payment to Laura E. Mack, widow of Russell V. Mack, late a Representative from the State of Washington, $22,500."

Mr. HAYDEN. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 4, 8, 15, 19, and 40.

The motion was agreed to.

Mr. HAYDEN. Mr. President, I ask unanimous consent to insert in the RECORD at this point a table which reflects the budget estimate for each item, the amount of the House and Senate bill, and the amount finally agreed to in conference.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

The second supplemental appropriation bill, 1960 (H.R. 10743)

Document No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action
	DEPARTMENT OF AGRICULTURE				
	COMMODITY STABILIZATION SERVICE				
327	Acreage allotments and marketing quotas	$1,666,800	$1,000,000	$1,666,800	$1,400,000
	COMMODITY CREDIT CORPORATION				
327	Restoration of capital impairment	675,000,000		675,000,000	675,000,000
327	Limitation on administrative expenses	(800,000)	(400,000)	(400,000)	(400,000)
	FOREST SERVICE				
327	Forest protection and utilization	21,000,000	20,450,000	20,450,000	20,450,000
	Total, Department of Agriculture	697,666,800	21,450,000	697,116,800	696,850,000
	DEPARTMENT OF COMMERCE				
	COAST AND GEODETIC SURVEY				
327	Salaries and expenses	34,000	34,000	34,000	34,000
	MARITIME ACTIVITIES				
327	Operating-differential subsidies	32,000,000	16,000,000	32,000,000	24,000,000
8, 86	State marine schools	20,000		20,000	15,000
	Total, Department of Commerce	32,054,000	16,034,000	32,054,000	24,049,000

The second supplemental appropriation bill, 1960 (H.R. 10743)—Continued

Document No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action
	DEPARTMENT OF DEFENSE—CIVIL FUNCTIONS				
	DEPARTMENT OF THE ARMY				
	Rivers and harbors and flood control:				
327	Operation and maintenance, general	$2,800,000	$2,700,000	$2,800,000	$2,750,000
	U.S. Soldiers' Home:				
327	Limitation on operation and maintenance and capital outlay	(60,000)	(60,000)	(60,000)	(60,000)
	Total, Department of Defense—Civil functions	2,800,000	2,700,000	2,800,000	2,750,000
	DEPARTMENT OF DEFENSE—MILITARY FUNCTIONS				
	MILITARY PERSONNEL				
327	Military personnel, Air Force	25,000,000	6,000,000	6,000,000	6,000,000
	DISTRICT OF COLUMBIA				
	(Out of District of Columbia funds)				
	Operating expenses:				
S. 86	Department of General Administration	(44,000)		(20,000)	(20,000)
S. 86	Fire Department	(36,000)		(36,000)	(36,000)
S. 86	Personal services, wage-scale employees	(284,000)		(284,000)	(270,000)
327	Department of Public Health	(213,000)	(200,000)	(200,000)	(200,000)
327	Utility services	(296,000)	(290,000)	(290,000)	(290,000)
	Miscellaneous:				
327	Settlement of claims and suits	(10,174)	(10,174)	(10,174)	(10,174)
327	Audited claims	(8,209)	(8,209)	(8,209)	(8,209)
	Total, District of Columbia	(891,383)	(508,383)	(848,383)	(834,383)
	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
	FOOD AND DRUG ADMINISTRATION				
327	Salaries and expenses	332,000			
	OFFICE OF EDUCATION				
327	Defense educational activities	9,700,000	9,700,000	9,700,000	9,700,000
	Payments to school districts (1959)			7,362,000	
	Payments to school districts (1960)		8,330,000	22,343,000	22,343,000
327	Grants for library services	131,000	100,000	131,000	131,000
	PUBLIC HEALTH SERVICE				
327	Communicable disease activities	160,000	125,000	160,000	142,500
327	Sanitary engineering activities	350,000		350,000	80,000
327	Hospitals and medical care (increase in limitation)	(200,000)		(200,000)	(100,000)
	Indian health activities			350,000	200,000
	ST. ELIZABETHS HOSPITAL				
327	Salaries and expenses	98,000	90,000	90,000	90,000
	SOCIAL SECURITY ADMINISTRATION				
327	Grants to States for public assistance	10,000,000	9,500,000	4,000,000	4,000,000
	Total, Department of Health, Education, and Welfare	20,771,000	27,845,000	44,486,000	36,686,500
	INDEPENDENT OFFICES				
	EXECUTIVE OFFICE OF THE PRESIDENT				
	OFFICE OF CIVIL AND DEFENSE MOBILIZATION				
327	Federal contributions	3,000,000		3,000,000	
255	Corregidor-Bataan Memorial Commission	39,600			
	FARM CREDIT ADMINISTRATION				
327	Limitation on administrative expenses	(210,000)	(185,000)	(185,000)	(185,000)
	FEDERAL AVIATION AGENCY				
327	Grants-in-aid for airports (liquidation of contract authorization)	11,000,000	10,000,000	10,000,000	10,000,000
	FEDERAL COMMUNICATIONS COMMISSION				
327	Salaries and expenses (increase in travel limitation)	(26,270)		(10,000)	(7,500)
	GENERAL SERVICES ADMINISTRATION				
327	Operating expenses, Public Buildings Service	4,340,000	3,590,000	3,590,000	3,590,000
	HOUSING AND HOME FINANCE AGENCY				
	Office of the Administrator:				
327	Urban planning grants	2,000,000	1,500,000	1,800,000	1,650,000
327	Capital grants for slum clearance and urban renewal (liquidation of contract authorization)	50,000,000		35,000,000	17,500,000
	FEDERAL NATIONAL MORTGAGE ASSOCIATION				
327	Limitation on administrative expenses	(150,000)	(100,000)	(100,000)	(100,000)
	Total, Housing and Home Finance Agency	52,000,000	1,500,000	36,800,000	19,150,000
	NATIONAL LABOR RELATIONS BOARD				
327	Salaries and expenses	750,000	500,000	600,000	550,000
	U.S. Information Agency			100,000	

The second supplemental appropriation bill, 1960 (H.R. 10743)—Continued

Document No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action
	VETERANS' ADMINISTRATION				
327	General operating expenses	$2,200,000	$2,000,000	$2,000,000	$2,000,000
327	Inpatient care	9,000,000	8,810,000	8,810,000	8,810,000
327	Maintenance and operation of supply depots	50,000	48,500	48,500	48,500
327	Compensation and pensions	105,000,000	100,000,000	100,000,000	100,000,000
	Total, Veterans' Administration	116,250,000	110,858,500	110,858,500	110,858,500
	Total, Independent Offices	187,379,600	126,448,500	164,948,500	144,148,500
	DEPARTMENT OF THE INTERIOR				
	BONNEVILLE POWER ADMINISTRATION				
327	Operation and maintenance	195,000	[1] (195,000)	[1] (195,000)	[1](195,000)
	BUREAU OF LAND MANAGEMENT				
327	Management of lands and resources	2,800,000	2,450,000	2,860,000	2,450,000
	BUREAU OF INDIAN AFFAIRS				
327	Resources management	360,000	310,000	360,000	310,000
	BUREAU OF RECLAMATION				
S. 86	Operation and maintenance	735,000		735,000	735,000
327	Disposal of Coulee Dam community	21,000	22,000	21,000	21,000
	BUREAU OF MINES				
327	Health and safety (by transfer)	(250,000)	(250,000)	(250,000)	(250,000)
	NATIONAL PARK SERVICE				
327	Maintenance and rehabilitation of physical facilities	438,000	435,000	435,000	435,000
327	Management and protection	150,000	125,000	150,000	125,000
327	Construction	6,231,000	3,135,000	4,982,300	3,135,000
	FISH AND WILDLIFE SERVICE				
	Bureau of Commercial Fisheries:				
327	Construction	55,000	55,000	55,000	55,000
	Total, Department of the Interior	10,985,000	6,531,000	9,598,300	7,266,000
	THE JUDICIARY				
	SUPREME COURT OF THE UNITED STATES				
327	Care of the building and grounds	37,400	37,400	37,400	37,400
	COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES				
327	Salaries of judges	57,000	57,000	57,000	57,000
327	Salaries of supporting personnel	140,000	75,000	75,000	75,000
327	Fees of jurors and commissioners	280,000	200,000	200,000	200,000
327	Travel and miscellaneous expenses	355,000	250,000	250,000	250,000
327	Expenses of referees (special account)	(75,000)	(50,000)	(50,000)	(50,000)
	Total, definite appropriations	869,400	619,400	619,400	619,400
	Total, definite and special account appropriations, the judiciary	944,400	669,400	669,400	669,400
	DEPARTMENT OF JUSTICE				
	LEGAL ACTIVITIES AND GENERAL ADMINISTRATION				
327	Salaries and expenses, general administration	42,000	20,000	20,000	20,000
327	Salaries and expenses, general legal activities	250,000	190,000	190,000	190,000
327	Salaries and expenses, U.S. attorneys and marshals	300,000	300,000	300,000	300,000
327	Fees and expenses of witnesses	125,000	125,000	125,000	125,000
	IMMIGRATION AND NATURALIZATION SERVICE				
S. 90	Salaries and expenses	500,000		500,000	300,000
	Total, Department of Justice	1,217,000	1,535,000	1,135,000	935,000
	DEPARTMENT OF LABOR				
	LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACTIVITIES				
327	Salaries and expenses	1,500,000	750,000	1,300,000	1,025,000
	LEGISLATIVE BRANCH				
	SENATE				
----------	Payment to daughters of Hon. William E. Langer, late a Senator from the State of North Dakota			22,500	22,500
----------	Payment to the widow of the Honorable Richard L. Neuberger, late a Senator from the State of Oregon			22,500	22,500
	Salaries, officers and employees:				
----------	Office of the Secretary			1,915	1,915
----------	Administrative and clerical assistants to Senators			6,600	6,600
	Contingent expenses of the Senate:				
S. 86	Furniture	8,690		8,690	8,690
S. 86	Inquiries and investigations	662,000		662,000	662,000
	Total, Senate	670,690		724,205	724,205
	HOUSE OF REPRESENTATIVES				
----------	Payments to beneficiaries of deceased Members		112,500	112,500	135,000
	Contingent expenses of the House:				
327	Miscellaneous items	523,200	523,200	523,200	523,200

[1] To be derived by transfer.

The second supplemental appropriation bill, 1960 (H.R. 10743)—Continued

Document No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action
	ARCHITECT OF THE CAPITOL				
	Capitol buildings and grounds:				
327	Capitol buildings	$6,500	$6,500	$6,500	$6,500
327	Senate office buildings	12,000		12,000	12,000
327	House office buildings	9,000	9,000	9,000	9,000
	Library buildings and grounds:				
327	Structural and mechanical care	4,700	4,700	4,700	4,700
	Total, legislative branch	1,226,090	655,900	1,392,105	1,414,605
	POST OFFICE DEPARTMENT				
	(Out of postal fund)				
327	Operations	12,500,000	10,000,000	10,000,000	10,000,000
327	Facilities	4,900,000	4,900,000	4,900,000	4,900,000
327	Postal modernization	4,000,000	4,000,000	4,000,000	4,000,000
	Total, Post Office Department	21,400,000	18,900,000	18,900,000	18,900,000
	DEPARTMENT OF STATE				
	ADMINISTRATION OF FOREIGN AFFAIRS				
327	Salaries and expenses	700,000	210,000	395,000	300,000
327	Emergencies in the diplomatic and consular service	500,000	500,000	500,000	500,000
	INTERNATIONAL ORGANIZATIONS AND CONFERENCES				
327	Contributions to international organizations	6,497,064	6,497,064	6,497,064	6,497,064
327	International conferences and contingencies	300,000	200,000	200,000	200,000
	INTERNATIONAL COMMISSIONS				
	International Boundary and Water Commission, United States and Mexico:				
S. 90	Construction	220,000		220,000	
	Total, Department of State	8,217,064	7,407,064	7,812,064	7,497,064
	TREASURY DEPARTMENT				
	OFFICE OF THE SECRETARY				
327	Salaries and expenses (by transfer)	(37,000)	(37,000)	(37,000)	(37,000)
	BUREAU OF THE PUBLIC DEBT				
327	Administering the public debt	1,500,000	750,000	1,500,000	1,500,000
	BUREAU OF CUSTOMS				
327	Salaries and expenses	395,000	380,000	380,000	380,000
	UNITED STATES SECRET SERVICE				
327	Salaries and expenses	500,000	450,000	450,000	450,000
	BUREAU OF THE MINT				
327	Salaries and expenses	(2,500)	(2,500)	(2,500)	(2,500)
	Total, Treasury Department	2,395,000	1,580,000	2,330,000	2,330,000
S. 87	Claims for damages and judgments	4,948,934		4,948,934	4,948,934
	Grand total:				
	Definite appropriations	1,018,429,888	237,455,864	995,441,103	955,320,003
	Special account appropriations	75,000	50,000	50,000	50,000
	Total	1,018,504,888	237,505,864	995,491,103	955,370,003

Mr. JAVITS subsequently said: Mr. President, earlier today I made some remarks in connection with the second supplemental appropriation bill, particularly with reference to an item dealing with the Office of Civil and Defense Mobilization. In that connection, I ask unanimous consent that there may be included as a part of my remarks a fact sheet on the law which it was intended by the supplemental appropriation to implement, together with a letter from the President of the United States to the President of the Senate, dated August 25, 1959, requesting an appropriation for that purpose.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

FACT SHEET—WHAT PUBLIC LAW 85–606 DOES

1. Public Law 85–606, enacted by Congress in August 1958, places the responsibility for civil defense in the Federal, State, and local governments. It established a joint responsibility—a partnership. This principle is meaningless unless it is implemented by the funds required.

2. Public Law 85–606 authorizes the expenditure of $25 million of Federal funds annually for matching State and local civil defense personnel and administrative costs. The President budgeted $12 million for this purpose. The House of Representatives has refused on three occasions to appropriate such funds.

3. Public Law 85–606 requires a merit system for all civil defense employees at the State and local level. There is an immediate need for professional competence in State and local staffs so that maximum economical use will be made of donated surplus property and of equipment obtained under the Federal contribution program in accord with the intent of Congress.

4. The act requires that OCDM approve all plans. All States have submitted administrative plans which have been approved.

5. All government personnel and resources at the State and local level will be made available to the Nation through this matching program. Approximately 5 million employees now working for State and local governments would be required to serve the people in case of a nuclear attack or natural disaster. Matching funds would be provided for civil defense staffs only and not for other personnel.

6. The law, when implemented with funds, will enable OCDM to obtain coordinated national action. This is essential for an effective civil defense. It would be obtained through central direction as a result of this program.

Governors, mayors, and county commissioners have endorsed the proposed administrative matching program. They are willing to accept their responsibility for a 50–50 partnership arrangement.

The action of the Congress in providing matching funds would be tangible evidence to the people that the Congress is serious about the need for civil defense.

The President of the United States, as shown by his message to the U.S. Senate on August 25, 1959, has a keen interest in these funds being appropriated for the strengthening of civil defense. The very heart of civil defense is the State and local governments. Federal funds are needed in order to strengthen that capability. If these funds are forthcoming, civil defense will be substantially improved during the coming years.

THE WHITE HOUSE,
Washington, August 25, 1959.

The PRESIDENT OF THE SENATE.

SIR: I transmit herewith to the Congress a supplemental appropriation request of $9 million for the fiscal year 1960 for the "Salaries and expenses" appropriation of the Office of Civil and Defense Mobilization. These funds are necessary to finance the civil defense and defense mobilization activities assigned to several Federal departments and agencies pursuant to law and the national plan for civil and defense mobilization.

I cannot emphasize too strongly the urgent need for the Congress to appropriate such funds before adjournment.

Along with our military defense and retaliatory forces, civil defense and defense mobilization are vital parts of the Nation's total defense—together they stand as a strong deterrent to war.

For this reason I am asking the Congress to reconsider my earlier request for funds to assure that Federal agencies, which have vital responsibilities for nonmilitary defense, will be enabled to discharge these crucial functions.

The nature of nuclear war places upon the American people the responsibility for considerable action and sacrifice to insure their own security. This is clearly spelled out in the national plan for civil defense and defense mobilization and the national shelter policy.

But the American people have the right to expect of their Government intelligent and aggressive preparation to carry out its essential defense role and to do those things which are beyond the capability of individuals.

I believe the American people will demand this. As an indication of the growing public desire for a strong civil defense, I call your attention to the unanimous vote by which the Governors' conference at San Juan passed a resolution supporting the national fallout shelter program. I was pleased by this action.

There persists in many minds the image of civil defense as something apart from regular Government, something which would spring into being to bear the vast responsibilities of home defense and recovery in case of attack. This is a false image.

The responsibilities for civil defense in this Nation rest squarely on regularly constituted government at local, State, and Federal levels, and upon people.

There is before the conferees on the present independent offices appropriation bill my request for $12 million to match funds spent by State and local governments for personnel and administrative costs of civil defense. It is most urgent that this item be approved.

Matching funds are required to strengthen civil defense at the State and local levels, the very heart of civil defense, and to give tangible evidence of Federal leadership in encouraging State and local governments to prepare the defenses for the people. These funds will implement Public Law 85-606.

Civil defense, the defense of our people in the missile age, is the joint responsibility of the Federal, State, and local governments; no one level of government can do the whole job. The partnership among the Federal, State, and local governments never was more intimate or more necessary.

The Office of Civil and Defense Mobilization and State and local civil defense offices serve a staff function to help elected officials perform their vital home defense roles by using all the built-in capability of existing Government structure.

Within the Federal Government there are departments and agencies peculiarly competent to cope with many of the diverse problems that would come with nuclear war.

The request I am resubmitting today is for funds needed to permit these specially competent agencies to contribute their experience, knowledge, and resources to the total effort required.

The request is modest. But these modest funds will enable the Federal Government to take a long stride toward mobilizing its total resources to meet this problem.

The history of appropriations for Federal agency preparedness is most unfortunate. In fiscal year 1959 departments and agencies were asked to include funds necessary to finance all their civil defense and defense mobilization functions as a part of their regular budget estimates. The Congress eliminated these defense funds and directed that these departmental requests be consolidated in the budget for the Office of Civil and Defense Mobilization.

For fiscal year 1960 my budget for the Office of Civil and Defense Mobilization included $12 million to be allocated among nine departments and agencies needed to finance civil defense and defense mobilization programs. The $3 million provided does not enable the Federal Government to carry out the responsibilities contained in the National Security Act, the Defense Production Act, and the Federal Civil Defense Act.

It would be unwise to neglect our civil defense mission because our total defense is incomplete and meaningless without reliable and responsible home defense. Survival cannot be guaranteed merely with a capacity for reprisal. Equally important is our ability to recover. This means staying power and endurance beyond that ever before required of this Nation or any nation.

I recommend that the Congress appropriate the funds outlined above to carry out these programs which are so vital to the national security. The details of this proposed appropriation are set forth in the attached letter from the Director of the Bureau of the Budget.

Respectfully yours,

DWIGHT D. EISENHOWER.

Mr. EASTLAND obtained the floor.

Mr. EASTLAND. Mr. President, I suggest the absence of a quorum.

Mr. MORSE. Mr. President, will the Senator withhold the suggestion of the absence of a quorum so as to permit me to make a very brief statement in the RECORD on another subject, and to introduce a bill?

Mr. EASTLAND. Certainly.

Mr. MORSE. With the understanding that the Senator from Mississippi does not lose his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

INJUNCTIVE RELIEF AGAINST UNFAIR LABOR PRACTICES

Mr. MORSE. Mr. President, last year during the hearings and the debates on the labor bill, I emphasized an underlying unfairness in the Taft-Hartley Act which seemed about to be extended by the labor legislation of last fall. I am referring to the unfairness of getting quick injunctive relief against unions on charges filed by employers compared to the slow procedures against employers on charges filed by unions. Unfair labor practices are subject to prevention by the processes of the National Labor Relations Board; but the Board, because of the time-consuming steps in what we call due process, requires many months, running into years, to prevent effectively any specific unfair labor practice. The time thus lost makes the Board's efforts of doubtful value since the Board is not permitted to obtain punitive remedies.

The Board can shorten this time lag by obtaining a temporary injunction against the unfair labor practice while it is considering the case. The Board is required to obtain such an injunction against unfair labor practices charged against unions, but apart from an unimportant exception, it is required to seek an injunction as to misdeeds committed by employers. This is the unfairness. I call it a lack of mutuality in remedy.

A case is now being processed by the Board which clearly emphasizes this unfairness.

On July 31, 1959, the agreement between the Bethlehem Steel Co.'s shipbuilding division and the Industrial Union of Marine and Shipbuilding Workers of America expired.

Bargaining had been unsuccessful. During the weeks immediately after, Bethlehem unilaterally changed a long list of working conditions which had been embodied in the expiring contract. These changes discontinued the union shop, check off of dues, seniority for job standards, the grievance procedure, and existing work assignments. In September the union filed unfair labor practices alleging a course of bad faith bargaining, including the illegality of the unilateral changes. The Board investigated the case and with promptness issued a complaint alleging the company had engaged in such illegal conduct.

The union made many efforts to obtain injunctive relief. I know many Senators and Congressmen joined in expressions of interest in this direction because of the highhandedness of the company, a great part of whose business was being performed on Government contract.

I might add I have had some experience with what is good labor relations practice at the expiration of contracts. I would not expect any company to live indefinitely with an agreement which it believes against its interests, but suddenly changing a wide range of working conditions as the agreement expires is provocative.

It was not until January 22, 1960, that the union went on strike. And it was not until February 8, 1960, that the Board started its hearings.

In early March the company filed charges against the union for mass picketing. On March 25 the Board issued its complaint and announced its intention of obtaining an injunction against the union.

Since the alleged unfair labor practices committed by the union is a violation of section 8(b)(1)(a), it does not involve the mandatory type of injunction. Nevertheless the General Counsel sought to intervene in his discretionary capacity against the union for the commission of unfair labor practices even though he had been saying for months that he did not believe an injunction against the employer's unfair labor practice was appropriate. At the last minute, however, the General Counsel announced he would seek discretionary injunctions

against both the union and the company. It apparently has taken self-help on the part of the union to invoke injunction procedures against the company for unfair labor practices which are, in reality, at the heart of the current labor dispute in the Bethlehem Steel shipyards.

The lack of impartiality exhibited by the General Counsel's Office is evident for all to see. For months despite requests from many of my colleagues, there was a continuous and repeated refusal to obtain an injunction against the unfair labor practices of the company demonstrated to have taken place by the issuance of the complaint on November 12, 1959. But within a few weeks of the charge against the union's conduct, the General Counsel is even now before the district court against the union's unfair labor practices. It would be interesting to know what method the Bethlehem Steel Co. used to bring this result about.

At the last minute the General Counsel realized he would have to obtain an injunction against the company's illegal activity as well as the union's. The AFL–CIO News described this move as unprecedented—unfortunately it is unprecedented to stop employer unfair labor practices by injunction.

Despite the appearance of evenhandedness, the General Counsel of the National Labor Relations Board has seen fit to seek an injunction as to only part of the company's unfair labor practices. He seeks to enjoin the company's continued refusal to bargain in good faith and such additional unilateral changes which the company seeks to make in the future. He does not seek, at least temporarily, to restore the status quo of the contract conditions in effect when the contract which had been running for many years expired.

Mr. President, my experience with the War Labor Board taught me something. When the Government attempted to step into a labor dispute and adjudicate certain issues which were in dispute between unions and employers, it was occasionally confronted by one or the other of the parties wanting to change things quickly. As a general rule, the War Labor Board always extended the terms and conditions of employment until such time as the Government machinery completed its process. Quite frankly, if this dispute is important enough for the National Labor Relations Board to exercise its discretionary power to cure some unfair labor practices, it is almost impossible for me to imagine why it should not, at least temporarily, enjoin all unfair labor practices until that time when there is a final adjudication issued by the Board. Bear in mind the union in this case has not demonstrated a history of aggressive conduct. The company has forced the union to fight for its life by conduct alleged to be illegal. It is not too much to expect a restoration of the status quo so that the processes of true collective bargaining can be resumed.

Mr. President, I wonder if this case does not suggest a need to include the National Labor Relations Board as a subject of investigation along with the other administrative agencies which are giving the country such great concern these days.

I wish to point out that the Bethlehem Steel shipyard controversy has been going on for a long time. It is a major dispute. It is a dispute which involves a company that has a good many Government contracts as a part of our defense program. We remember that some months ago there was a steel strike which also went on for a long time. Finally, after the administration interested itself in the steel strike, the administration applied the Taft-Hartley law. As a result, the workers had to go back to work for 80 days under the old terms and conditions of their agreement, by court order. The strike was enjoined under the emergency section of the Taft-Hartley law.

I believe it is very unfair for the administration to follow the course of action it followed in the steel strike and not offer its good offices, at least, to try to get the Bethlehem Steel shipyard case settled.

I have a lurking feeling that if the administration were to express some concern and interest in this matter it might be able to use its good offices to bring about an end to this costly strike. It is a strike which I feel may extend itself into serious proportions far beyond this particular case. So I plead this afternoon with the administration to take a look at the dispute and to try to apply even-handed justice, and that it do what it can to try to get the company and the union to settle the matter rather than to have what I think is a very serious labor dispute grow to greater proportion than it has already assumed.

During the delivery of Mr. MORSE's speech,

Mr. EASTLAND. Mr. President, will the distinguished Senator from Oregon yield to me for a moment?

Mr. MORSE. By all means.

Mr. EASTLAND. I ask unanimous consent that I may yield to the distinguished Senator from Georgia [Mr. TALMADGE], with the understanding that it does not prejudice my right to the floor, and that I be allowed three speeches.

The PRESIDING OFFICER. Is there objection?

Mr. MCNAMARA. Mr. President, reserving the right to object—and I shall not object—I discussed with the Senator the possibility of getting about 30 seconds to make a brief statement correcting the RECORD.

Mr. EASTLAND. I ask unanimous consent that when the unanimous-consent order is entered, my friend from Michigan be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCNAMARA. I have no objection.

Mr. ALLOTT. Mr. President, reserving the right to object, I should like to inquire of the Senator from Mississippi if he had agreed tentatively to yield to me for about 10 minutes.

Mr. EASTLAND. The Senator from Georgia will yield to the Senator. In fact, I will include that in my request.

Mr. President, I ask unanimous consent that the Senator from Georgia may yield to the Senator from Colorado.

Mr. ALLOTT. I thank the Senator.

The PRESIDING OFFICER (Mr. JORDAN in the chair). Without objection, it is so ordered.

PENSIONS FOR WORLD WAR I VETERANS

Mr. MORSE. Mr. President, I ask unanimous consent that I may be allowed to send to the desk, out of order, for appropriate reference a bill relating to the rates of pensions payable to veterans of World War I for non-service-connected disabilities.

Last year I offered this proposal by way of an amendment to an appropriation bill. I said then that I would introduce a separate bill, and that is what I am doing today. At the same time I serve notice that if I cannot get hearings and action on the bill I shall again offer it as an amendment to an appropriate appropriation bill when the time comes.

As I have been heard to say before, we need to keep in mind that we have not given equality of treatment to World War I veterans, in comparison with what we have done for World War II and Korean veterans.

I have voted for all the benefits that have been given to World War II veterans or to the Korean veterans. I think that whatever we have done for them has been in the interest of our country, and certainly in the interest of carrying out our moral obligation to veterans. World War I veterans do not have even the pensions we have given to the Spanish-American War veterans. World War I veterans are a group of veterans who in my judgment, at least, for the reasons I set forth in my argument last year, and which I will not repeat in detail tonight but which I will certainly outline when I discuss this matter in a major speech, have not received the equality of treatment that we have given to other veterans. They are becoming old men. Many of them are well over 60 years of age at the present time. Let us not forget that we have an income ceiling in the proposal, so that the pension would go only to those veterans who can demonstrate that their income is so insufficient that it can honestly be said that they do not make enough to support themselves in health and decency.

There has been a great change in our country since last year in respect to pensions for World War I veterans. Recently a special election was held in Iowa, it will be recalled, to fill a vacancy in the House of Representatives. It is interesting to note that both the Republican and Democratic candidates in the election endorsed a pension for World War I veterans. There has been renewed interest in the House of Representatives in this subject. I find that is also true in the Senate.

I am introducing the bill today with the hope that it will be scheduled for early hearings and placed on the calendar, so that we can vote on the bill rather

than bring about a parliamentary situation, such as last year, when our only opportunity to vote on it was to vote on it as an amendment to an appropriation bill.

This bill is closely related to another veterans' measure which I have pending again this year, and which I have introduced many times in the Senate. It is supported by many veterans' organizations in the country. In fact, it was drafted by them, not by the Senator from Oregon. They asked me to introduce it in the Senate.

I refer, of course, to the bill that is pending before the Committee on Rules and Administration which proposes to establish a standing Committee of the Senate on Veterans' Affairs. The House of Representatives has such a committee. As I have said before, and as I repeat tonight—because I think it is pertinent and apropos to the bill I have just introduced in the Senate—proposals affecting veterans' legislation get distributed among various committees. The committee on which I serve, the Committee on Labor and Public Welfare, gets some of the bills. The Finance Committee gets some of the bills. The Committee on the Judiciary gets some of the bills, if they involve military justice. We do not have any one committee, as is the case in the House of Representatives, that has jurisdiction over veterans' legislation.

Therefore, I am serving notice that I shall press hard before we adjourn for some action on my bill, which proposes to establish a standing Committee in the Senate on Veterans' Affairs, because I think if we had such a committee the bill I am introducing today on pensions for World War I veterans would probably get earlier consideration than it is going to get.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3354) relating to the rates of pension payable to veterans of World War I for non-service-connected disability, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 521 of title 38 of the United States Code is amended by redesignating subsections (b) through (f) as subsections (c) through (g), respectively, and by inserting after subsection (a) the following new subsection:

"(b)(1) In the case of a veteran of World War I, pension shall be paid at the following monthly rate:

"(A) $75; or

"(B) $90 if (i) the veteran is sixty-five years of age or older, or (ii) the veteran has been rated as permanently and totally disabled for an aggregate period of ten years; or

"(C) $150 if the veteran is in need of regular aid and attendance.

"(2) If the veteran served outside the continental limits of the United States for a period of thirty days or more during the creditable period of service the monthly rate payable to him under paragraph (1) shall be increased by ten per centum.

"(3) For purposes of this section, a veteran of World War I shall be deemed to be permanently and totally disabled upon reaching the age of sixty-five years.

"(4) No pension shall be paid under paragraph (1) to any unmarried veteran whose annual income exceeds $1,800, or to any married veteran or any veteran with children whose annual income exceeds $3,000."

SEC. 2. (a) Subsections (c), (d), and (e) of such section (as redesignated by the first section of this Act) are amended by striking out "If" in each subsection and inserting in lieu thereof "In the case of a veteran of World War II or the Korean conflict, if".

(b) Subsection (e) of such section (as redesignated by the first section of this Act) is amended by striking out "(b) or (c)" and inserting in lieu thereof "(c) or (d)".

SEC. 3. The amendments made by this Act shall take effect on the first day of the first month which begins after the date of the enactment of this Act.

THE LATE SENATOR RICHARD L. NEUBERGER

Mr. MORSE. Mr. President, a very wonderful citizen of our State, Mr. Charles J. Hess, has written a beautiful and moving poem as a tribute to my late colleague, Senator Richard L. Neuberger. I consider it a privilege and an honor to ask unanimous consent that this memorial be printed at this point in my remarks.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

SENATOR RICHARD NEUBERGER

Suddenly, as falls a shooting star,
Death it lingered ever near;
Knowing those who survive, who are
Waiting for a silent bier.

He went so quickly and so soon,
His task had just begun;
His life was only at its noon
But now the setting sun.

Dick he loved the poor and weak,
Aid and succor was ne'er denied;
Hate and envy walked behind him,
Love and friendship walked beside.

His many deeds can now be told,
How surely he pointed the way;
A brighter life, for man unborn,
His he gave for a brighter day.

The morning's sun is slowly rising,
O'er Mt. Hood's snowy crest;
A pathway upward is ever leading
To a refuge of peace and rest.

Cruel death rides on every breeze,
He hides in the petals of every flower;
None that live, but yet he sees
Awaiting him, on the coming morrow.

Beneath the sod he is now sleeping,
The dewy shades of eve'n creep;
The North Wind will be lamenting
Along with those, who mourn and weep.

May his life be as a pattern,
And our faults we will atone;
May our heritage be a blessing
As he sleeps, lonely and alone.

As we grieve his untimely passing,
A seat midst the mighty he's won;
The verdict of the powers of the heavens
Thy stewardship rendered—"Well done."

—*Chas. J. Hess.*

ORDER OF BUSINESS

Mr. MORSE. Mr. President, I may say to the Senator from Colorado that I have two other matters to present, but I want to accommodate the Senator from Colorado and the Senator from Michigan.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. ALLOTT. In all fairness, I may say, it is not a matter of the Senator from Oregon accommodating me. I was entitled to the floor before he was, and the Senator from Mississippi yielded to him for a few minutes. The Senator from Oregon has now been speaking for more than 20 minutes. I do not believe this is a matter of accommodating anyone. I do not wish to be in the position of pressing or calling for the regular order, but I point out to the Senator that other Senators have been waiting on the floor for a long time.

Mr. MORSE. Mr. President, will the Senator permit me to make a statement?

Mr. ALLOTT. Yes.

Mr. MORSE. I am certain the RECORD will show that the Senator from Oregon is in order. If the Senator from Colorado thinks not, I ask him to call for the regular order.

I want the Senator from Colorado to know that I asked the Senator from Mississippi to yield. I got unanimous consent for him to yield without losing his right to the floor. I did not know that the Senator from Colorado was waiting to be recognized. I was not aware of that at all. Had I known it, I believe the Senator from Colorado knows that I would have extended to him every courtesy. But I think the RECORD is clear that I did have the floor. If not, I will yield the floor. I would not want to be occupying the floor if the Senator from Colorado were entitled to it.

So, Mr. President, I raise the parliamentary inquiry: Is the Senator from Oregon entitled to the floor to finish the remarks which he asked permission to make when he received permission to have the Senator from Mississippi yield the floor?

The PRESIDING OFFICER. The Senator from Mississippi has yielded to the Senator from Oregon.

Mr. ALLOTT. Mr. President, I raise a parliamentary point of order.

Mr. MORSE. I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado will state his parliamentary inquiry.

Mr. ALLOTT. The point of order is concerned with a technical matter. I would not have said a word except that the Senator from Oregon has now spoken on three subjects and is about to speak on more.

I think the RECORD will disclose that the Senator from Oregon asked for a few minutes, and the few minutes were yielded. I do not know how much time has been taken, but it is something more than 20 minutes. I simply wanted to make the point; I shall say no more.

Mr. MORSE. Mr. President, now that the point has been made, I ask for a ruling as to whether the Senator from Oregon is in order.

Mr. EASTLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. EASTLAND. What is the point of order? I was out of the Chamber when it was raised.

Mr. ALLOTT. I think the point of order is how long the Senator from Mississippi yielded to the Senator from Oregon.

The PRESIDING OFFICER. The point of order is, Did the Senator from Mississippi yield to the Senator from Oregon? The Chair ruled a minute ago that the Senator from Mississippi yielded to the Senator from Oregon.

Mr. EASTLAND. That is correct. There was a subsequent unanimous-consent request, which the Chair approved, that the Senator from Georgia [Mr. TALMADGE] be recognized without any prejudice to my right to the floor; that I be permitted to make three speeches; and that the Senator from Colorado be recognized.

Mr. McNAMARA. I was a part of that agreement, too, if the Senator will recall.

Mr. EASTLAND. Yes; and that the Senator from Michigan be recognized, too.

Mr. MORSE. But with the understanding that the Senator from Mississippi would not be taken off the floor.

Mr. EASTLAND. Oh, certainly.

Mr. MORSE. And that the Senator from Colorado would be recognized following the Senator from Georgia.

The PRESIDING OFFICER. That is correct.

Mr. McNAMARA. Mr. President, will the Senator yield for a minute?

Mr. EASTLAND. Mr. President, a parliamentary inquiry. Does the Senator from Mississippi have the right, under the unanimous-consent request, to make three speeches?

Mr. MORSE. That request was granted.

The PRESIDING OFFICER. The Senator retained his right without losing the floor.

Mr. EASTLAND. I retained my right. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EASTLAND. Did I secure the floor by obtaining unanimous consent to make three speeches after the third reading of the bill?

Mr. MORSE. The Senator did. He asked unanimous consent.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. EASTLAND] yielded to the Senator from Oregon [Mr. MORSE] without losing his right to the floor, with the understanding that the Senator from Mississippi could make three speeches, I believe he said, at a later time. After that, the Senator from Mississippi yielded to the Senator from Georgia, who was to be recognized after the Senator from Oregon had completed his remarks.

Mr. EASTLAND. And the Senator from Georgia was to yield to the Senator from Michigan or the Senator from Colorado. I do not remember which Senator was to be yielded to first, but both were to be yielded to by the Senator from Georgia.

The PRESIDING OFFICER. The Senator is correct. The Senator from Mississippi yielded first to the Senator from Oregon.

Mr. MORSE. Mr. President, I now wish to say what I shall do. I do not know of any time when the Senator from Oregon has not endeavored to be perfectly fair in his use of time on the floor of the Senate when other Senators wanted to occupy the floor. The last thing I would desire to do would be to offend the Senator from Colorado, who apparently feels that, in some way or other, I am not very fair about this matter. Therefore, I am going to yield the floor with the understanding that I will talk on other matters later tonight, no matter what time it is, and make a very brief, 5-minute speech I was about to make on another subject matter. But I now yield the floor. The Senator from Michigan will automatically get it when I yield it, under the unanimous-consent agreement, and then the Senator from Colorado will get it.

Mr. TALMADGE. Mr. President, do I understand the unanimous-consent agreement to be in effect, and that I am to receive recognition following the yielding of the floor by the Senator from Oregon?

The PRESIDING OFFICER. The Senator is correct.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. TALMADGE. Then I ask unanimous consent that I may yield first to the Senator from Michigan, with the understanding that my yielding will not deprive me of the right to the floor, so that the Senator from Michigan may make a request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(At this point Mr. TALMADGE yielded to Mr. McNAMARA to make a request concerning a change in the vote by Mr. McCARTHY on the Dirksen amendment, which appears elsewhere in the RECORD under the appropriate heading.)

Mr. ALLOTT. Mr. President, inasmuch as the Senator from Oregon [Mr. MORSE] is still on the floor, I wish to make perfectly clear, in connection with the matter about which I rose a few minutes ago, what my position was. As I stated, at one time the Senator from Mississippi had agreed tentatively to yield to me; and he did. But I wish to ask unanimous consent that the request of the Senator from Oregon that the Senator from Mississippi yield the floor to him appear again in the RECORD immediately after the point of order I made.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection?

Mr. EASTLAND. Mr. President, I do not understand.

Mr. ALLOTT. The point is that the Senator from Oregon [Mr. MORSE] asked for the floor; and the Senator from Mississippi yielded to him. The Senator from Oregon had said that he asked for the floor in order that he might speak for a few minutes on a certain matter. But, instead, he spoke at some length on, I believe, three matters; and he was about to address himself to other matters when I raised the question. This is the only point. I simply want the RECORD to support my point of order; and I think it will.

Mr. EASTLAND. What is the point of order? I do not understand.

Mr. ALLOTT. The point of order was that the Senator from Mississippi yielded to the Senator from Oregon [Mr. MORSE] for a limited amount of time; but the Senator from Oregon proceeded for a long time.

Mr. EASTLAND. Mr. President, we should not complain about that; that is common in the Senate.

Mr. ALLOTT. Perhaps the Senator from Mississippi feels that it should not be complained about; but, Mr. President, I think that sometimes some Senators do take a great deal of the time of the Senate. In this connection, I do not refer to the debate on the civil-rights bill; I do not regret that debate.

At this time I wish to speak for a few minutes in regard to that debate.

Mr. EASTLAND. Mr. President, I hope we have educated the Senator from Colorado on these constitutional questions. He is a fine lawyer and a fine gentleman, and I hope he has come out of this debate a better constitutional lawyer.

Mr. ALLOTT. I may say, in reply, that I have heard more good law and more bad law quoted on the floor of the Senate in the last two months than I hope ever again to hear in my entire life.

Mr. EASTLAND. But the point is, Mr. President, that the good law has come from the southern Democrats.

Mr. ALLOTT. Sometimes that is true, and sometimes it is not.

Mr. President, it will be necessary for me to be absent from the Senate tomorrow, in order to attend to official business at a meeting of the Board of Visitors of the Air Force Academy. The meeting has been scheduled for some months. For the past year I have been chairman of the Board of Visitors; and it is necessary that I be present tomorrow at the Air Force Academy, in order to participate in the final deliberations of the Board of Visitors, and in order that a report which is vital to the Air Force Academy—and, indeed, perhaps to the Air Force itself—may be written. There was no way to change the date of the meeting, even though we attempted to do so. As a result, I was not able to be present at the Air Force Academy today, for the first day's meeting of the Board of Visitors. But I shall be there for the meeting tomorrow, and also for the final session on Saturday morning.

In view of that fact, and the further fact that the debate on the civil-rights bill has substantially come to a close, and that it is possible that by being absent tomorrow, I shall miss the vote on the question of the final passage of the bill, I wish to make very clear what my own position is.

I wish to make clear that I would vote for the bill, and that I would have voted for any reasonable civil-rights bill that was passed.

My position on civil rights has been one of consistency. Some of my southern friends perhaps believe that I have gone overboard in this respect, and that is their privilege and their prerogative. I simply feel that in the world in which we live we have to move along with the times. I believe we have to assure every citizen an opportunity to vote.

Personally, I regret more than almost anything else that we had to institute such legislation, much less debate it for approximately 8 or 10 weeks, because my recollection is that we debated phases of this matter back in January.

Nevertheless, the fact is that there are many persons who are deprived of their rights. I regret that we have to go into this matter, in an attempt to pass legislation to guarantee these people their rights. It should not have to be so; and in such a situation there is always the question—particularly in any lawyer's mind—as to whether, in attempting to do a good thing, we may, in fact, be establishing bad principles of law for our country. I am not unaware of this. I am not unaware that this is a decision I have had to make on this floor numerous times in the last few weeks.

But I have overwhelming and compelling reasons, Mr. President, for supporting this measure. I support it, first of all, because, so far as my own personal beliefs are concerned, I cannot justify relegating any citizen, of any color, any race, or any creed, to any less privileges than those which I, myself, have. This does not mean that I have to socialize with anyone. As I said once before on this floor, I have to earn my right to socialize with anyone, as does every other Member of the Senate. But that is not the point. The point is simply that we must give all these people the opportunity to vote equally and to participate equally in the Government, according to the number of votes they can get, just as the rest of us have to do; and we must be sure that they have equality in the eyes of the law, throughout.

Mr. EASTLAND. Mr. President, will the Senator from Georgia yield, to permit me to ask several questions of the Senator from Colorado?

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield, to enable the distinguished Senator from Mississippi to propound several interrogatories to the Senator from Colorado, without causing me to lose the privilege of the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. EASTLAND. The Senator from Colorado believes that a State has the sole power to fix the qualifications of its electors, does he not?

Mr. ALLOTT. I do so believe.

Mr. EASTLAND. Then, when a State fixes the qualifications of its electors to apply to both races, should they not apply to both races without discrimination between them?

Mr. ALLOTT. The Senator from Mississippi is entirely correct; they should apply to all races, without discrimination between them.

Mr. EASTLAND. Will the distinguished Senator from Colorado cite one instance in which they have not been applied equally in the South? Can he name one human being to whom they have not been applied equally?

Mr. ALLOTT. I do not have that information before me at the moment; but I am sure I can bring to the floor information on, not one, but hundreds of instances in which they have not been applied equally.

Mr. EASTLAND. But that has not been done at any time during this entire debate. In fact, no single case in which there was discrimination has been pointed out.

The whole purpose of this procedure is to give one race an advantage over the other race. The Senator from Colorado does not believe in that, does he?

Mr. ALLOTT. I shall answer the question by saying that I do not believe that any race—I do not care whether it is the white race, the black race, the brown race, or the yellow race—or any creed, no matter what it may be, is entitled to any privileges which any other race or any other creed does not have.

I think the report of the President's Civil Rights Commission and numerous other instances which have been brought to our attention here illustrate that there has been coercion in the South.

Mr. EASTLAND. Can the Senator from Colorado name a single case or a single person—of the millions who live there—who has been treated in that way? Of course, it is easy to talk in general terms.

Mr. ALLOTT. Mr. President, what the Senator from Mississippi has said reminds me of a story. Will the Senator from Georgia yield further, to permit me to proceed for several minutes longer?

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Senator from Colorado and the Senator from Mississippi may be permitted to engage in further colloquy, without causing me to lose my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ALLOTT. The Senator reminds me of the story of the lawyer who was examining a witness in an accident case. The lawyer had not briefed himself very well for this particular examination, and the witness had briefed himself very well with respect to injuries to the neck, which were involved. The case was appealed. After it was appealed, the case came back, and the lawyer lost his employment. Then, on the next occasion, when that person was brought into court as a witness as to some of the things that had occurred, the only question that was asked of him was, "You were attorney for the plaintiff in this case when it was tried before?" He answered, "Yes." The only other question asked was the next question: "You are not now, are you?" He said, "No."

That ended the case and decided the case.

I am not prepared at this moment to discuss the factual, documentary types of these incidents. I was reading some in my office today and if this is what the Senator wants to go into all over again, we can do it. We can bring out the factual, documentary incidents which were discussed.

Mr. EASTLAND. I think it is astounding that a distinguished Senator of the United States, a very able lawyer, a very honorable and able man, would take the floor of the U.S. Senate and accuse a great region of this country, with millions of people, of violating the law and of racial discrimination, and then not be able to point to a single case. I submit, Mr. President, that is an astounding statement.

Mr. ALLOTT. Mr. President——

Mr. EASTLAND. The Senator mentioned the Civil Rights Commission. I should like to tell my friend how much reliance we can place on it. They got up a great storm over——

Mr. ALLOTT. Before the Senator makes that statement, let me reply to the previous statement.

Mr. EASTLAND. Yes.

Mr. ALLOTT. It was not a question, but it was a statement. We will take these things up one at a time. I am not accusing millions of people of violating the law. I simply believe, from evidence I have seen over and over, and seen with my own eyes, that there are people being deprived of the right to vote and of other rights to which they are entitled.

Mr. EASTLAND. Could I tell my distinguished friend something?

Mr. ALLOTT. Yes.

Mr. EASTLAND. It is very strange that the Senator believes that and has made up his mind, when he cannot point to a single incident in a hundred years. Does the Senator know the reason for that? Such an incident does not exist.

Mr. ALLOTT. It does exist.

Mr. EASTLAND. Well, where is it? Who is it?

Mr. ALLOTT. I do not have it.

Mr. EASTLAND. Is it John Jones? Bill Smith? Does the Senator know?

Mr. ALLOTT. No, I do not know.

Mr. EASTLAND. The Senator does not know.

Mr. ALLOTT. I do not know.

Mr. EASTLAND. Who is it, then?

Mr. ALLOTT. If the Senator wants to discuss this question on a factual, supported basis, I can do that, too.

Mr. EASTLAND. I was about to tell the Senator something.

Mr. ALLOTT. Oh, no; let me tell the Senator something.

Mr. EASTLAND. The Senator from Colorado has got to say something. I want some names. I want some facts. The Senator from Colorado has made a charge against our southern people that is unsupported except with "I don't remember."

Mr. ALLOTT. I hate to fuss with my friend from Mississippi. He is right in what he says that I do not have the facts here.

Mr. EASTLAND. Then the Senator certainly should not make charges on the floor of the Senate.

Mr. ALLOTT. I say to my friend at least I should finish my statement. I will not interrupt the Senator from Mississippi. I am willing to fuss with the Senate all night, if that is what he wants.

Mr. EASTLAND. It is not a fuss. We are discussing.

Mr. ALLOTT. I will send to my office to get material to support my argument.

Mr. EASTLAND. The Senator needs some facts.

Mr. ALLOTT. I do not need facts.

Mr. EASTLAND. I thought facts supported everything.

Mr. ALLOTT. Does the Senator have another question?

Mr. EASTLAND. Yes. My distinguished friend——

Mr. ALLOTT. I may say to my friend the Senator from Georgia [Mr. TALMADGE], whatever time it takes, I would like 1 minute at the end to conclude my position.

Mr. EASTLAND. Certainly. The distinguished Senator mentioned the Civil Rights Commission. I want to show my friend just how much reliance can be put on one of their documents. They raised a storm about racial discrimination in voting in Jefferson Davis County in Mississippi.

Mr. ALLOTT. I remember——

Mr. EASTLAND. Of course he does. I am glad the Senator says he knows of it.

Mr. ALLOTT. No. I remember when the Senator discussed this matter on the floor.

Mr. EASTLAND. I have not discussed it.

Mr. ALLOTT. I am sure the Senator did.

Mr. EASTLAND. Yes; I did, on yesterday. Here are the facts: The NAACP financed a suit there and sent their lawyers there. A three-judge court heard the matter, and the plaintiffs lost their case, and they did not even appeal it. That is one of the matters the NAACP agitated and got in the Civil Rights Report. They realized they did not have a legal right even to go to the Supreme Court, when everybody knows the southern people cannot get a square deal from the Supreme Court of the United States.

Mr. ALLOTT. I cannot hear the Senator when his head is turned the other way.

Mr. EASTLAND. If the Senator will read the record, he can understand what was said. The case that was blown up in that report was instituted and financed by the NAACP, and when they lost the case, they did not even appeal it. They had gotten their propaganda value out of it over the Nation. They were not interested in facts. They were not interested in truth. They were not interested in righteousness. They were not interested in law. They were interested in propaganda, and they got that propaganda out all over the country, and then they did not appeal the case when three honest Federal judges said it was without merit and without truth.

Mr. ALLOTT. Yes; I heard the Senator discuss this matter some weeks ago, I believe, on the floor of the Senate. In fact, I would say I have heard him discuss it more than once.

Mr. EASTLAND. The Senator is mistaken. If the Senator was in the Chamber yesterday afternoon, he heard me discuss it, and that was all.

Mr. ALLOTT. I recall that argument being used as a method for destroying complete confidence in the Civil Rights Commission. I do not say that they are perfect. I have not met any perfect men, until recently, but I do say that they tried to do a conscientious job, and I know some of the people who attempted to do that.

Mr. President, the case has been put in the RECORD. I sought the floor. I retain it simply for stating that I would vote for this bill if I were to be here, or I will vote for it if we have concluded our business in Colorado in connection with the Air Force Academy. The reason why I have done this is simply that my conscience compels me to act this way, and I cannot honorably do otherwise, regardless of how others may feel about it.

I recognize, more than my friend from Mississippi realizes, that there are great problems connected with this matter. I realize, more than my friend realizes I do, the great problems involved in the future in this regard.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. ALLOTT. For the Senator and for all the people who have to work this out, I have great sympathy.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. ALLOTT. I will say this: I will personally devote all of my efforts, as long as I live, to the resolving of these questions, as best I can.

I yield to the Senator from Mississippi.

Mr. EASTLAND. When the Senator comes to the floor of the Senate and states his reasons for voting for a bill which is very far reaching and is based on discrimination, the Senator should certainly be fortified with some facts to substantiate his argument.

Mr. ALLOTT. Mr. President, I will say to my friend that he has brought up this question about four times. I did not come to the floor prepared to make a full-scale debate, that is true. I came to the Chamber to state my reasons, without notes, as to why I intend to vote the way I intend to vote. If the Senator from Mississippi wants to make a case that I cannot quote a single item from my memory at this time, I cannot. I have ample material in my office for this purpose. The Senator has made his point. I am willing to let him have it.

Mr. EASTLAND. Mr. President——

Mr. ALLOTT. I will say only this: I have stated my position. I will abide by it. This is the way I feel.

Mr. EASTLAND. Mr. President——

Mr. ALLOTT. Does the Senator from Mississippi want to ask me a question?

Mr. EASTLAND. I want to make a statement.

Mr. ALLOTT. Mr. President, if the Senator wishes to make a statement——

Mr. EASTLAND. It is a fundamental rule of logic——

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. ALLOTT. Does the Senator from Mississippi want me to yield?

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may make a statement.

Mr. ALLOTT. I will yield to the Senator for that purpose, if I may.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

Mr. EASTLAND. There is no such thing, in the study of logic, as reason without facts. My distinguished friend from Colorado is an able lawyer and he has given his reasons, but has said he knew no facts. That is unknown to the study of logic.

Mr. ALLOTT. Mr. President, I want to say that the facts have been known on this floor and throughout the country for many, many years. They are self-evident. There is no question about that in my mind.

Mr. EASTLAND. Mr. President, there has been propaganda put out over the country by the NAACP and other vicious leftwing organizations. I have not seen the proof of any facts. I will ask my friend the Senator from Georgia: Does he know of any such facts?

Mr. TALMADGE. The Senator from Georgia does not know of any such facts, since the Senator from Mississippi has requested the information.

Mr. ALLOTT. I should like to quote the statement, "There is none so blind as they that won't see."

Mr. EASTLAND. Mr. President, the sun shines in the eyes of my distinguished friend from Colorado. He can see. Where are the facts? Where is one case, in an area where the races live in peace and harmony, with millions on each side?

Mr. ALLOTT. Mr. President, I will say to my friend that I know he has taken this point of view throughout the entire course of the debate. I have listened to him, not in all of his great discourses, but for many hours. For every instance which has been brought up by those who were arguing for the bill, for the most part the Senator has come up with the same answer, "There is no instance in which this is true." I do not think this is an answer to those who have presented the case on the other side, if I may say so.

Mr. President, I have great respect for my friend as a gentleman, as a lawyer, and as a Senator. I simply happen to disagree with him upon this matter, and nothing in the world will compel me, I am sure, to change my mind until there is a change in conditions.

Mr. President, I yield the floor.

Mr. EASTLAND. Mr. President, I hope the distinguished Senator from Colorado will return home, commune with himself, study the facts, and come back to the Senate with a changed mind and a chaste mind, to take a stand in defense of the Constitution and Government and his country.

Mr. ALLOTT. Mr. President, I should like to remind the Senator of a fact which he has apparently forgotten. There were two or three instances in the course of the voting in which I joined

on the side which the Senator would propose. I recall to the Senator's mind the question in regard to title IV yesterday. I felt the proposal was too much of an invasion of States' rights. It was something I simply could not vote for or believe in.

The fact that I differ with the Senator in the respect I have mentioned I suppose will always be the case. It will not change the way I feel about the Senator. I hope it will not change the way the Senator feels about me.

Mr. EASTLAND. Mr. President, of course, I am not dealing in personalities. I simply hope that when the Senator goes to the great State of Colorado, with its prairies and beautiful mountains, he will reconsider what he has stated in the line of reasons backed by facts. That is the subject of logic. When the Senator does so, he will come back to the Senate and line up with the southern Senators against the bill.

Mr. ALLOTT. I am sure, Mr. President, there is very little chance of that occurring, but I thank the Senator for yielding to me, and I thank the Senator from Georgia, also, for yielding to me.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. TALMADGE. Mr. President, the most lamentable aspect of this debate which has diverted the attention of the Senate from the pressing business of the Nation since February 15 has been the studied effort of many to portray those of us who oppose measures such as that now pending as enemies of civil rights.

That effort, sad to relate, has been aided and abetted by vast segments of the Nation's news media in shameful abuse of our cherished constitutional freedoms of speech and press.

It represents a gross indulgence in the technique of the "big lie" which, in fairness to myself and my like-minded colleagues, I cannot in good conscience allow to go unchallenged and unrefuted.

Speaking for myself, I yield to no man in the intensity of my support of the full and unfettered exercise by all Americans of every right and freedom guaranteed to us by the Constitution of the United States and the Bill of Rights.

I have never condoned—nor shall I ever condone—the deprivation of any citizen of any of those rights and freedoms under any circumstances.

I would be the first to admit that there have been deprivations. Anyone who keeps reasonably well informed about current events can attest to the fact that they occur from time to time in all sections of this country. And anyone with a normal quota of common sense recognizes that so long as human beings remain the imperfect creatures they are, there will continue to be deprivations.

But I am not one who has so little faith in the inherent decency and sense of fair play of the American people or in the adequacy and competency of our institutions of government as to believe that such wrongs cannot be righted and redress granted without the enactment of punitive force legislation which flies in the face of every tenet of constitutional government which we as a free people hold so dear.

All of our inalienable constitutional rights as American citizens are enforceable in the courts and on more than one occasion I have challenged those who contend to the contrary to cite for me one case—just one case—in which any American denied any of his rights under the Constitution and the Bill of Rights has not ultimately received redress through the Judiciary.

I have yet to be given such an example, and I do not anticipate that I shall. There is none to give.

An adjunct of this same "big lie", is the claim spread from one end of this country to the other that the bill before the Senate is merely one to protect the right to vote.

That that contention is a patent falsehood is clearly demonstrated by the fact that only two of its six titles even remotely purport to deal with the field of voting.

When bills of the nature of H.R. 8601 are presented as civil rights measures they are misnamed and travel under false colors. While entitled "An Act To Enforce Constitutional Rights," the actual effect of H.R. 8601 would be to destroy constitutional rights, as I presently shall demonstrate.

If it were truthfully labeled—and I contend that bills, like medicine should be—it would rather bear the title, "An Act To Win The Next Election." That is the purpose for which it was designed. That is the sole reason it is before Congress at the present time.

It is therein, Mr. President, that my opposition to proposals like H.R. 8601 has its basis. I cannot give my support to measures which have as their motivation the seeking of partisan political advantage. I cannot cast my vote for bills which, if enacted, would do violence to the Constitution of the United States and would grant superior rights to one group of citizens which are denied to all other groups.

I am, therefore, opposed to—and shall cast my vote against—H.R. 8601, because it would, in the name of civil rights, nullify the clear provisions of the Constitution in the following particulars:

Title I would violate article III and the fifth and sixth amendments.

Title II would violate the sixth amendment.

Title III would violate articles I and II and the 10th amendment.

Title IV would violate the sixth amendment.

Title VI would violate articles I and II and the 10th and 11th amendments.

Let us examine in detail just how such annulment of those provisions of the Constitution would result from the enactment and application of the bill we are considering.

It is to the credit of the Senate that it has voted to sustain the Judiciary Committee in amending title I so as to make it apply uniformly to all Federal court orders and to eliminate that language which would have infringed upon the freedom of speech and press.

I have stated all along—and I reiterate it now—that I would wholeheartedly support a uniform, constitutional bill to make obstruction of all Federal court orders a crime. Were title I divorced from those other titles which are obnoxious and unconstitutional, I would vote for its enactment.

I have great respect for our courts—even when I consider their decisions to be wrong or outside the scope of the Constitution—and I think all good citizens feel likewise.

It is unfortunate, however, that the Judiciary Committee did not complete the job it started on title I by eliminating that paragraph which sanctions the issuance of injunctions against the conduct it makes criminal. Such a provision is clearly contrary to the basic tenet of American jurisprudence that injunctive relief cannot be afforded in criminal matters.

By so specifying, title I would subject persons prosecuted under its terms to double jeopardy contrary to the fifth amendment in all cases where injunctions also were involved. Furthermore, individuals under injunction could be tried and punished without the benefit of trial by jury, as guaranteed in article III and the fifth and sixth amendments, despite the fact that, in the absence of an injunction, they would be entitled to have their cases heard before juries.

The House, in acting on this title, tacitly recognized this constitutional defect by writing in the proviso that in instances where persons are punished both under its terms and through the operation of injunctions, the penalties would be concurrent.

While the Senate version does not retain that saving grace, I submit that even the addition of such a mitigation hardly can be construed to justify or rectify the circumvention of three separate provisions of the Constitution of the United States with the effect of depriving Americans affected of their fundamental rights of trial by jury and freedom from double jeopardy.

Turning to title II, Mr. President, I wish to emphasize that I favor the enactment of a strong, constitutional, uniform Federal statute making interstate flight to avoid prosecution for arson or bombing a Federal crime. I have nothing but contempt and loathing for that type of dementia which motivates a person to destroy with explosives or fire a church, school, a plant, a home, or any structure. Such individuals are a menace to society and the Federal Government can perform a great service in helping State and local governments put them away where they can do no harm to law-abiding citizens and their property.

Feeling as I do, I am pleased that both the Senate and the House of Representatives have seen fit to approve an all-inclusive provision covering this crime. I am also glad that the revised language of the section also covers bomb threats; and I hope that that proviso will prove effective in dealing with those individuals who seem to take a fiendish delight in communicating anonymous bomb threats which result in substantial public disturbance and inconvenience.

However, I am dismayed that neither the House of Representatives nor the Judiciary Committee saw fit to follow the earlier lead of the entire Senate in eliminating that unconstitutional clause authorizing trials outside the State and district of the alleged offense.

The sixth amendment explicitly accords every person accused of a crime "the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed." To leave the language of subsection (c) unchanged would be to jeopardize the entire title by allowing persons accused under it to be tried either where they were apprehended or confined.

To give an example of the kind of situation which could result under the present wording, a man who bombed a church in Georgia and fled to Hawaii could be tried in Honolulu or if returned as far as Missouri and jailed in St. Louis, he could be tried in that city.

The Senate could have easily remedied this defect by changing the subsection to read: "Violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed." If that had been done, the provisions of this bill would be consistent with the provisions of the Constitution of the United States.

Mr. President, since titles III and VI are interrelated and both pertain to voting, I shall deal with them jointly after discussing title IV and V.

Title IV is the residue of the original provision to extend the life of the Commission on Civil Rights which was rendered moot by the action of the first session of the 86th Congress. It proposes to give Commission members, individually and collectively, authority to take testimony under oath which carries with it the companion power to initiate prosecutions for perjury.

This section raises a serious constitutional question in that it makes no provision for persons accused in testimony taken by the Commission to have the right and opportunity to confront their accusers as guaranteed in the sixth amendment. This is a particularly glaring deficiency in light of the fact that the Commission already is under Federal court injunction from holding further hearings in the State of Louisiana because it denied confrontation of accusers.

If the purpose of title V is, as its proponents claim, to provide schooling for children of members of the Armed Forces—an objective with which no one could have any quarrel—then it is unnecessary. That is true because there already is contained in both Public Law 874 and 815 ample authority for the Commissioner of Education to do exactly what would be authorized under this title.

Mr. President, unless it is felt that a reaffirmation of the present law is needed, there is no reason for the statute books to be cluttered up with title V.

As grave as are the threats to individual liberty and constitutional processes posed by title I, II, and V of H.R. 8601, Mr. President, they are paled into comparative insignificance by the tyranny inherent in titles III and VI which, taken together, establish machinery through which Federal control can be extended over every election—Federal, State, and local.

Title III would require the preservation of State and local registration and voting records and would empower the Attorney General of the United States or his designated representative to paw through them in fishing expeditions for evidence upon which to base suits under the Civil Rights Act of 1957. Title VI would authorize Federal district courts, on motion of the Attorney General, to place State and local registration and election machinery in the receivership of Federal voting referees whose power to manipulate elections would be limited only by the imagination of the appointing judge.

It is a curious paradox to note that while title III purports to deal only with Federal elections—though it does get somewhat far afield in embracing presidential electors—title VI is drafted to include every election including even those to elect dogcatchers and to authorize the issuance of local sewerage bonds.

That is a discrepancy which has its explanation in the fact that title III was first presented in 1959 while title VI was not proposed until 1960. And the obvious difference between 1959 and 1960 is that the latter is an election year in which a President, Vice President, one-third of the Members of the Senate, all of the Members of the House of Representatives, and large numbers of Governors and statehouse officials are to be elected.

It is interesting to note how the passage of those 12 months influenced the interpretation of the Attorney General as to how far the Federal Government could go under the Constitution of the United States in policing voting.

On March 11, 1959, in testimony before a House Judiciary Subcommittee in support of the proposal now embodied in title III, Mr. Rogers answered a question on that point as follows:

> I think we can go just as far as we have asked to go in this legislation.

Now, 1 year later, Mr. Rogers, having construed the Constitution in the light of the calendar, has come forward with the revised contention that under the 15th amendment the Federal Government can inject itself into State and local elections as well.

If any further evidence of the political motivation of this bill is needed, Mr. President, there it is.

If there exists any authorization for the Federal Government to exercise the power which the Attorney General proposes it be granted through enactment of H.R. 8601, then it must be found in one of the following provisions of the Constitution—paragraph 1, section 2, and paragraphs 2 and 3, section 1, of article II; and the 15th amendment.

I ask unanimous consent, Mr. President, that the texts of those provisions be printed herewith in the RECORD as a portion of my remarks.

There being no objection, the provisions were ordered to be printed in the RECORD, as follows:

Paragraph 1, section 2, article I: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Paragraph 1, section 4, article I: "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations.

Paragraph 2, section 1, article II: "Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector."

Paragraph 3, section 1, article II: "The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States."

Article XV: "The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Mr. TALMADGE. Mr. President, it should be clear beyond all misunderstanding to all who understand the English language that those provisions delineate the dividing lines between Federal and State responsibility for voting as these:

In all elections except those for President, Vice President, and Members of Congress, the State is sovereign within the limitations of the 15th and 19th amendments both as to voter qualifications and as to the times, places, and manner of holding the elections.

In all elections for Members of Congress, the State is sovereign within the limitations of paragraph 1, section 2, article I, and the 15th and 19th amendments as to qualifications and the Congress of the United States is sovereign as to the times, places, and manner of holding the elections.

In all elections for President and Vice President, the State is sovereign as to the manner of selection and the places of meeting of the electors and the Congress of the United States is sovereign as to the times of their selection and meeting.

It is crystal clear, therefore, that the States have exclusive power to fix voter qualifications within certain limitations and the Federal Government can police those qualifications only to the extent of those limitations.

Those limitations are that voter qualifications prescribed by a State cannot deny or abridge the right of anyone to vote on account of race, color, previous condition of servitude or sex, or differentiate in any way between those who vote for members of the most numerous branch of the State legislature and those who vote for Members of the United States House of Representatives.

Outside of those specified limitations, Mr. President, the Federal Government has the last word only with respect to

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when, where, and how elections for Members of Congress are held and when presidential electors are selected and meet to cast their votes. And since registration of voters is an integral part of the qualification process, no exercise in semantics or election-year constructions of the Constitution can get around the fact that registration is an exclusive State function.

To those who would contend otherwise, the unanswerable answer is that the only two instances in which restrictions have been placed upon the discretion of the States to fix voter qualifications have in both cases had to be accomplished through the amendatory process.

Congress has no more power under the Constitution to legislate in the field of voter qualifications outside the authority to implement existing amendments and to submit proposed new amendments for ratification or rejection by the States than it does to change the boiling point of water from 212° to 150° Fahrenheit.

The only way Congress ever can obtain such authority will be through the submission of proposed constitutional amendments granting it and the ratification of them by three-fourths of the States.

It is hardly likely, Mr. President—as the advocates of these unconstitutional proposals well know—that the citizens of the United States are going to give up their rights under the Constitution of the United States to conduct their own elections on the State and local levels in accordance with the wishes and attitudes of the residents concerned.

If for no other reason, the Rogers referee proposal would fail of constitutionality in that it proposes to invoke the 15th amendment as authority for the initiation of affirmative class actions to effect mass registration of voters while that amendment, by its very language, is limited to the negative action of preventing interference with the right of individual citizens to vote. There is nothing in its wording which can be construed to authorize the wholesale enfranchisement of groups of citizens.

And, in the broadest sweep of its power, Congress has no right to impose additional duties upon State registration officials whose powers and functions are prescribed by State law and confined to registering those who may vote in any given election.

No czar ever had more power than the Attorney General of the United States would have over voting under the terms of H.R. 8601. By its provisions, he—and he alone—would be able to determine who could and could not have his voting rights protected under the act. That is true because it would be necessary for him to bring a successful suit under the Civil Rights Act of 1957 before the provisions of the new law could be brought into play.

Thus, by the simple expedient of filing or not filing suits, the Attorney General could—and I have no doubt would—manipulate the law to accomplish his own partisan purposes. In areas where he felt it politically beneficial to limit registrations, he could refuse to take action. In other areas where he decided it would be advantageous to expand registrations, he could file sufficient suits to occasion the appointment of armies of voting referees to take over and run the election machinery.

After successful prosecution of such a suit, the Attorney General would ask the district judge—who conceivably could owe his position to the Attorney General—to declare that a "pattern or practice" of discrimination exists in the administration of voting laws in the district. Subsequently, he would request the appointment of voting referees to conduct mass registrations of persons claiming they had been denied the right to vote in that area on account of race or color.

Since the bill specifies the judge could appoint "one or more" referees, there would be no bar to the swearing in of 10,000 or more to swarm over a district and register all persons willing to agree to vote as they were told. And those referees would have power limited only by the extent of the authorization given them by the appointing judge.

Proponents of this legislation contend there is a safeguard in that referees would have to be qualified voters of the judicial district concerned. That is no safeguard at all because the Attorney General in collusion with a district judge could have appointed those persons who had become qualified voters as the result of suits filed by him under the Civil Rights Act of 1957.

These referees would have all the powers of Federal masters as set forth in rule 53(c) of the Rules of Civil Procedure for U.S. District Courts but would not be bound by the procedural safeguards imposed on masters by rule 53(d). They would conduct their proceedings ex parte—a fancy Latin term for "kangaroo court"—in which rules of evidence and constitutional guarantees need not apply. Even though not trained in law, they could be authorized to make determinations of "issues of fact and law" and the facts they submitted to the judge would be considered "prima facie evidence" of discrimination.

Mr. President, I submit that should title VI of the bill be enacted it would constitute the greatest travesty upon justice since King George III denied our Founding Fathers the right of trial by jury by transferring prosecutions under the Sugar and Stamp Acts to the courts of admiralty.

The whole plan is just a sophisticated, updated version of the Reconstruction statute known as Davenport's law under which Federal election supervisors appointed by Federal judges put Republican votes into the ballot boxes and kept Democratic votes out.

Davenport's law was enacted in 1871 as a product of the passions which blinded Congress to reason following the War Between the States. Its application resulted in fraud, malfeasance, scandals, and tyranny of such incredible proportions that the American people arose in righteous indignation in 1892 and swept into office an administration and a Congress which repealed it in 1894.

That infamous statute took its name from the sharp, young New York lawyer, John I. Davenport, who drafted it and who administered it as chief elections supervisor for the southern district of New York. He used it to make himself the most ruthless political boss in the history of our country and his infamy made the term "Davenportism" the most derogatory appellation of political disrepute which could be applied to a public official during the last two decades of the 1800's.

On February 18 I made an extended presentation of the ignoble facts of this matter before the Senate and I ask unanimous consent, Mr. President, that the full text of my remarks on that occasion be printed in the RECORD at this juncture.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. TALMADGE. Mr. President, the Chinese have a proverb which goes something like this: "The first time a thing happens, shame on the other fellow; the second time it happens, shame on you."

That, I think, is an appropriate sentiment for the Senate to reflect upon in considering the fact that it is being asked in the pending legislation to bring upon itself the shame of repeating a mistake it first made almost 90 years ago and repented of 23 years later.

I refer, Mr. President, to that part of the measure under consideration embracing the proposal of the Attorney General of the United States that the election machinery of the 50 States be placed in the receivership and under the control of Federal voting referees appointed by Federal judges.

There is nothing new about that proposal. It was first enacted into law in 1871 as a product of the passions which blinded Congress to reason following the War Between the States. Its application resulted in fraud, malfeasance, scandals, and tyranny of such incredible proportions that the American people arose in righteous indignation in 1892 and swept into office an administration and a Congress which repealed it in 1894.

It is incomprehensible to me, Mr. President, how this Senate could even consider giving a second approval to such a proposition in the light of the shameful blot which its unspeakable ancestor put upon the pages of this country's history less than a century ago. And I assure you, Mr. President, that before I have concluded my remarks on this subject no Member of this Senate will be able to claim ignorance of the ignoble facts of the matter.

Mr. President, the offering of this proposal this year marks the second time in 90 years that the Republican Party has come forth with the idea that what this country needs is to have Federal court officials decide who can and cannot vote.

Back in 1870 the Union League Club of New York sent a sharp young lawyer named John I. Davenport to Washington with instructions to draft and get enacted a law which New York Republicans could manipulate to count out the Democratc Tweed machine in New York City.

Davenport, a protege of the infamous General Butler for whom he trained Union Army spies during the War Between the States, had no difficulty in persuading a Republican Reconstruction Congress—which already was in

the market for harsher measures with which to subjugate the conquered South—to enact his bill to put election machinery under the control of Federal election supervisors appointed by Federal judges.

He convinced Republicans in Congress that his proposal would implement the ambition of the late Thaddeus Stevens "to secure the perpetual ascendancy" of the Republican Party by making Republican voters out of the newly freed slaves in the South. Succeeding in putting it on the statute books on February 28, 1871, he went back to New York and used it to make himself the most ruthless and despised political boss in the history of the United States.

Davenport's law failed miserably in the South but it worked beyond his wildest dreams in New York where he administered it as chief elections supervisor for the southern district of New York.

Before the law was enacted Davenport had set himself up a private detective agency and gotten himself appointed U.S. commissioner for the southern district of New York. Utilizing the full resources of those two positions coupled with his new job of chief elections supervisor—and spending money made available to him through both the Union League Club and the U.S. Treasury—he undertook a systematic campaign to get Republican votes into the ballot boxes of New York and to keep Democratic votes out.

His method of operation was ruthlessly simple. Using techniques he had perfected in the Army and fully exploiting all of the potentialities of his public and private positions, he set up an advance vote-counting system which enabled him to calculate the number of Democratic votes which would have to be kept out of the ballot boxes to assure Republican victories. Then, acting on complaints filed by him as election supervisor, he had that number of individuals arrested and, as U.S. commissioner, set bail so high that it could not possibly be met before the polls closed. After the election was over, the charges would be dropped.

A select committee of the House of Representatives which investigated his machinations in 1892 reported on his methods as follows:

"With the power of the Government behind him and with the money of the Government to use, he has managed for years a detective bureau, by means of which he has sought to get proof of the crimes which he has claimed existed in the city of New York. When, in his first capacity, as a detective, he had obtained such proof as he wished to use, he then, in his second capacity, as a public prosecutor, issued the warrants for the arrest of the alleged criminals. Sometimes he gave these warrants to the U.S. marshal to be executed and sometimes, in a third capacity, as a sheriff, he seems to have made the arrest of the accused parties through his own deputies. Then, in his fourth capacity, as a U.S. commissioner, sitting as a magistrate, he has heard his own charges against the prisoners which he presented to himself as judged by himself, as prosecuting attorney, and has decided himself upon their guilt or innocence. In this way be has arrested many hundred persons at each election. This is not at all difficult under these laws. He has merely to decide on the names of the parties whom he desires to arrest or to keep from voting and issue his warrants for their arrest."

For his services as chief elections supervisor in 15 elections between 1872 and 1893, Davenport collected fees from the Treasury of the United States totaling $283,906.93, an average of $18,927.13 per election. That did not include his annual salary of $3,000 as U.S. commissioner or the sums collected for his work by the Union League Club, which were over and above the $2,854,858.94, paid as compensation to the armies of assistant supervisors whom he appointed to carry out his election-stealing schemes.

His infamy gave Democrats the campaign cry of "Davenportism," which twice swept Grover Cleveland into the Presidency—the second time with a massive majority in both Houses of Congress which wiped the statute books of the Nation clean of every Republican impediment to free elections.

Now, in 1960, the Republicans have revived Davenport's law.

This time the sharp young New York lawyer upon whom they have called to get it enacted is Attorney General William P. Rogers.

This time their sales pitch is to protect the right to vote in the South.

This time their ultimate aim is to hand the Republican Party the minority vote in pivotal metropolitan areas.

In other words, Mr. President, they are asking this 86th Congress to enact a Rogers-Davenport Reconstruction Act to perpetuate the Republican Party in office.

The Rogers-Davenport Reconstruction Act is a dead steal from the Davenport Federal Election Supervisor Act passed February 28, 1871, as one of the unspeakable force bills of the first Reconstruction. The only differences between them are 89 years and the following:

First. The name of the Federal official whose job it would be to steal elections would be changed from election supervisor to voting referee.

Second. The scope would be broadened to include State and local as well as Federal elections.

Third. Instead of preventing voting, its effect would be to stuff the ballot boxes.

In other words, Mr. President, as I endeavored to point out to the Senate when this bleached bone of the past was first exhumed, the scheme is the same; only the technical details have been changed.

The original law was the desperate effort of a slipping Republican Party scared by the Seymour victory in New York in 1868 to keep itself in power. Its contemporary version is the deliberate effort of a slipping Republican Party scared by the Democratic congressional landslide of 1958 to try to make history repeat itself.

In 1871 the Republicans had to run roughshod over the Democrats in Congress to get their way. In 1960 they hope to mesmerize Democrats with the minority vote carrot into helping them pull their Republican chestnut out of the fire.

During the first Reconstruction the bait with which the prize was sought was the promise of 40 acres and a mule. During the second Reconstruction that bait would be changed to the promise of 45 days in jail and $300 fines for southern Democrats—the maximum nonjury sentence which can be imposed by the Civil Rights Act of 1957.

It is inconceivable to me, Mr. President, that any member of the Democratic Party could give his support to such a proposal in light of these established facts of record which prove conclusively that its 19th century counterpart was used by the predecessors of today's minority party to entrench themselves in power for more than two decades.

It took almost a quarter of a century of continuing struggle for our Democratic predecessors to get Davenport's law off the statute books where it was making a mockery of our cherished democratic institutions. For Democratic Senators of today to vote to put a Rogers-Davenport Reconstruction Act back on the statute books would be to deny the wisdom of such past Democratic greats as Senators Steven M. White, of California; John McAuley Palmer, of Illinois; Daniel W. Voorhees and David Turple, of Indiana; Francis M. Cockrell and George C. Vest, of Missouri; David B. Hill, of New York; Calvin S. Brice, of Ohio; Richard Coke and Roger Q. Mills, of Texas; Charles J. Faulkner, of West Virginia; William F. Vilas and John L. Mitchell, of Wisconsin; and 26 others who constituted the Democratic majority of the Senate in repealing Davenport's law on February 7, 1894.

Mr. President, why did great men like Senators Turpie, Vest, Hill, Brice, Coke, Vilas, and like-minded colleagues bestir themselves to repeal Davenport's law? Surely statesmen of their character and stature would not have acted without satisfying themselves that their action was in the best interests of the Nation.

The experience of 23 years had proved to them that the law was partisan in origin and destructive of democratic processes in execution. Despite the fact that their party, then in power, could have kept the law on the books and used it to the advantage of the Democratic Party did not deter them from doing what they knew to be the right and just thing—repeal it.

Mr. President, I submit that no man not seeking partisan advantage could read the report of the select committee of the House of Representatives which investigated the administration of that law in New York and not be convinced that it was unjust, unworkable, and a disgrace to a free people living in a free nation.

I shall read to the Senate, Mr. President, that report—House Report No. 2365 of the 2d session, 52d Congress, which was written by three highly respected Democrats, Representatives Ashbel P. Fitch, of New York; J. A. Geissenhainer, of New Jersey; and Robert E. DeForest, of Connecticut. Presented January 27, 1893, it reads as follows:

"Mr. Geissenhainer, from the Select Committee To Inquire Into the Supervision and Administration of Election Laws by Officers of the United States, in the City, County, and State of New York, So Far as the Same Relate to Members of Congress, submitted the following report to accompany H.R. 10344:

" 'The select committee of the House of Representatives, appointed by the Speaker in accordance with the resolution of the House of July 19, 1892, to inquire into the supervision and administration of the election laws of the United States within the city, county, and State of New York, respectfully report as follows:

" 'The committee met for organization on September 8, 1892, in the city of New York, and from that time until and including election day, November 8, 1892, the committee held 11 meetings in the city of New York, at which the evidence of 46 witnesses was taken.

" 'The committee, under its authority to issue the mandate of the House to compel the attendance of witnesses, and the production of papers, given by the resolution, served the subpena of the House upon all the officers of the United States having control of the administration and supervision of the U.S. election laws, in the city of New York, and upon the Secretary of the Treasury, for the production of the records on file in the Treasury Department relating to the matters into which the committee was directed to inquire.

" 'The U.S. marshal for the southern district of New York, the U.S. district attorney for the southern district of New York, and such of their assistants and subordinates as were requested to do so, came promptly before the committee and gave, readily, such evidence as the committee required of them, and the Secretary of the Treasury sent by the hand of the Chief of the Division of Judiciary Accounts of the first Comptroller's Office, in his Department, the records and documentary evidence required by the committee, and placed the same fully at the disposal of the committee.

" 'The chief supervisor of elections for the southern district of New York, on being sub-

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penaed to appear before the committee, refused to appear and refused to allow the records and papers in his possession relating to the subject matter of the inquiry ordered by the House to be examined.

" 'In a written communication, addressed to the chairman of the committee, the chief supervisor, although refusing to appear before the committee at the time when he had been subpenaed by the Sergeant at Arms of the House to appear, that is, on October 14, suggested to the committee that he would be willing to appear and testify on November 16, after the election, then about to occur, was over. The desire of the committee being to inspect and study the working of the Federal election law while in actual operation before and on election day, and the communication being, in the opinion of the committee, an open and impudent defiance of the powers of the House of Representatives, no further attention was given to the witness.

" 'The evidence taken before the committee and submitted with this report to the House relates entirely to the administration and supervision of the election laws by Federal officers within the city and county of New York.

" 'It is assumed by the committee that the administration and results of such laws would nowhere appear more clearly or in a better light than in the city of New York.

" 'It is believed that in the largest city in the country, where every class of our voting population is fully represented and where the respective parties have for years made their principal headquarters at important elections, and under the constant publicity given by the best organized and most effective newspaper press of the world, the actual workings of these laws and their good or evil results can be more clearly seen and appreciated and more intelligently judged than is possible anywhere else.

" 'Your committee, after a very careful study of the operations of the Federal election laws before election and on election day in the city of New York, are of the opinion that all of these laws have entirely failed to produce any good results in the direction of the purity of elections or the protection of the ballot box, and have been productive of such serious and dangerous results that they ought at once to be repealed.

" 'The reasons for our recommendation for the repeal of these laws, based on our study of their operation and results in New York, may be classed under four heads. They ought to be repealed—

" 'First. Because they result in no convictions of offenders, and are therefore useless to prevent or punish crime.

" 'Second. Because they cause great expense and are fruitful of constant and continuing frauds upon the Treasury.

" 'Third. Because they are designed to be used and are used only as part of the machinery of a party to compensate voters who are friendly to it, and to frighten from the polls the voters of the opposing party.

" 'Fourth. Because under and by virtue of these laws the gravest interference with the personal rights and liberty of citizens occurs, and voters are punished by arrest and imprisonment for their political opinions.' "

Mr. President, in those four points the Congress of the United States severely indicted the Davenport Act of 1871. The Congress clearly gave its reasons for that indictment. That law was tried for 23 years, after being enacted when the country was inflamed and in the heat of passion following the War Between the States. Yet now, after passions following the War Between the States are supposed to have died, and almost 100 years after the War Between the States, we see the same groups, with the same motives in mind, trying to reincarnate a Reconstruction statute and—yes—make it even more heinous.

The first Reconstruction Act purported to regulate only Federal elections. Yet the Davenport law as reincarnated by William P. Rogers not only purports to regulate Federal elections, but also purports to regulate State, county, and municipal elections—something that clearly is not within the province of the Constitution.

If such laws are passed by the Congress—which God forbid—even the present Supreme Court, as presently constituted, with its strong tendency to follow psychological and sociological notions, will, in my judgment, strike them down.

I read further from the committee report on the operation of the Davenport Act:

"In considering the first point above mentioned, it may be remarked in the first place that these laws are believed to have been, in the main, drafted and their enactment brought about by the present chief supervisor of elections in the southern district of New York. If anyone in the country was able to administer them in such a manner as to get good results from them the author of the system certainly ought to have been. Through most of the time during which he has held his position the National Government has been fully in accord with him and willing to aid him with all its power and resources. He has drawn from the public purse vast sums of money for his compensation in the administration of these laws and for the employment of thousands of deputies and assistants. He holds his office by a tenure which makes him practically independent of any criticism or danger of removal. He not only holds this office of chief supervisor of elections, but he has also had himself appointed a U.S. commissioner, so that he can sit as an examining magistrate.

"With the power of the Government behind him and with the money of the Government to use, he has managed for years a detective bureau, by means of which he has sought to get proof of the crimes which he has claimed existed in the city of New York. When in his first capacity, as a detective, he had obtained such proof as he wished to use, he then in his second capacity, as a public prosecutor, issued the warrants for the arrest of the alleged criminals. Sometimes he gave these warrants to the U.S. marshal to be executed, and sometimes in a third capacity, as a sheriff, he seems to have made the arrest of the accused parties through his own deputies. Then in his fourth capacity, as a U.S. commissioner, sitting as a magistrate, he has heard his own charges against the prisoner which he presented to himself as judge by himself as prosecuting attorney, and has decided himself upon their guilt or innocence. In this way he has arrested many hundred persons at each election. This is not at all difficult under these laws. He has merely to decide on the names of the parties whom he desires to arrest or to keep from voting and issue his warrants for their arrest. But in order to have any of these persons indicted or convicted it is necessary for him to take his alleged evidence before the grand jury, and to try his case before a judge and jury in open court, and without the special advantages which up to this point the Federal election law has given him. He must then have a case. At this point he has invariably failed. With all this machinery in the hands of its inventor and the use of unlimited money the law has resulted in nothing so far as the conviction of offenders is concerned.

"During the entire time covered by the examination of the committee there has not been one conviction for illegal voting in the southern district of New York in the U.S. courts, and under these laws.

"Since the present district attorney came into office, a period of nearly 4 years, as a result of many thousand arrests, only three men have been indicted for false registration. One of these men was acquitted. The other two were found guilty, but the cases showed the offense to have been technical merely, and in one of these cases the judge suspended sentence upon the defendant, and in the other allowed the defendant to go without imprisonment on the payment of a fine.

"Since 1889 half a dozen persons have been charged with interfering with the Federal supervisors, and in view of the conduct of these supervisors, as shown by the evidence and seen by the committee, it is in the opinion of this committee a great proof of the patience and forbearance of the voters in the city that there has been so little interference with them. But even in these cases nobody has been convicted even of a technical violation of the law since 1889.

"It will be therefore seen, although the chief supervisor, the U.S. district attorney, and the U.S. marshal in the city of New York have been in full accord for a period of about 4 years, and have had the fullest support from a friendly administration, that no offender has by reason of their efforts under these laws served 1 hour in prison as the result of a conviction. It is therefore clear that these laws do not result in the punishment of any crime, and they ought therefore to be repealed.

"The second reason why, in the opinion of the committee, the law should be repealed is that it causes immense expense, and is purposely so arranged that there is no supervision over the cost, no limit to the amount expended, and no proper responsibility for the payment of the bills.

"It is impossible to report upon the exact cost of the system, for the reason that the Treasury Department is unable at this time to state it. The witness Ferrell, sent by the Department before the committee, estimated the expense for this year at $1 million, but it is clear from his evidence that he had no accurate knowledge of the amount, which will doubtless be much more. When it is seen that the payments for the personal compensation of the chief supervisor in the southern district in New York for his services as supervisor and commissioner, entirely aside from the payment of his deputies and aside from the fees and disbursements, and the compensation of deputies of the U.S. marshal, have amounted during the present administration to a sum exceeding $107,000, the abuses under these laws to which your committee desires to call attention will be plain. This amount will doubtless be increased by a further very large payment, the amount of which your committee is unable to ascertain, which has been demanded and is expected by the chief supervisor from the Treasury Department before the close of the present administration. In connection with these payments, attention is called to the fact that from March 1885 until May 17, 1889, during which time a district attorney was in office who desired to examine these bills, the chief supervisor never presented a bill, preferring to go without the money sooner than submit to examination. As soon as the present district attorney came in, the bills were presented and approved and promptly paid.

"As to the manner in which these payments are made and the bills verified, the examination of the Treasury officials and of the local district attorney shows an additional reason for the repeal of the law. The Treasury Department takes the ground that the certificate of the judge to whom the accounts are presented, in the presence of the district attorney and after a presumed examination by him, is binding on the Department, and that the bills when certified by the judge must be paid. The U.S. district attorney, in his evidence before the committee, took precisely the opposite view. He testified as follows:

" 'Of course I did not examine Mr. Davenport, because I understood in accordance with the practice that his work was sent to Washington to the auditing officers of the

Treasury Department, and all the items charged for in the account are examined and checked in the Treasury Department before any payment is made.'

"The district attorney was further asked, 'Did you make any personal examination as to how much these charges amounted to altogether?' He answered, 'That is a matter of accounting for the officers of the Treasury Department.' He also said, 'There was no reason why the accounts should be submitted to investigation except such as the Treasury officers always make in all accounts that are presented in court and proved before the court.'

"In view of the amount paid to the chief supervisor of elections for the southern district of New York, under the present administration, which payment is believed, in New York, to be a public scandal, the evidence of the former assistant district attorney, Mr. Rose, as to the manner of the approval of these accounts in court is interesting. Mr. Rose testifies that no one was present in the courtroom when one of these accounts, calling for the payment of $31,030.21 for the chief supervisor's personal compensation, was presented, except the judge, the chief supervisor, and himself; that the supervisor presented his account; that the judge asked him what he knew about the accounts; that he said he knew nothing at all about them, and that he had not examined or approved them; that the judge thereupon signed the certificate approving the account, and that the whole matter was transacted in 5 or 6 minutes. The chief supervisor did not, on that occasion, explain a single item of that long account; he called no witnesses, and yet such a certification and hearing is claimed by the Treasury Department, under these laws, to be binding upon the Department.

"It is not deemed necessary to go over in this report the figures of these accounts in order to demonstrate the frauds which may be perpetrated under the present law. It is believed that the law officers of the Government ought to make them the basis of proceedings against the person who has received the money, and the committee will so recommend at the proper time. It is sufficient perhaps to call attention as an example and in connection with the evidence just alluded to, as to the manner of the certification of these bills, to the facts in regard to the special elections in 1891. In that year there were two elections for Members of Congress in the city of New York, one of them caused by the death of General Spinola, who represented the 10th District, and the other by the resignation of the Honorable Roswell P. Flower, who had been nominated for Governor, and who represented the 12th District. In the 10th District the Honorable William Bourke Cockran was nominated, and in the 12th District the Honorable Joseph P. Little was nominated. The election of Messrs. Cockran and Little was absolutely certain. There was no possible reason or motive for any person to attempt to elect either of these gentlemen by fraudulent registration or illegal voting.

"The chief supervisor, however, having solely in view his personal profit, proceeded to set in operation at this election in these two districts the Federal local machinery under his control, and 510 marshals and an equal number of supervisors were appointed. In his accounts as commissioner, approved in the manner aforesaid, were included fees in 226 cases at this election, amounting to the sum of $6,989.95. This amount has already been paid him, and is in addition to the pay of a small army of supervisors and U.S. marshals, the fees of the U.S. marshal, the extra bills for printing, and the cost of a special telegraph wire, which the chief supervisor claimed he was obliged to have put in in order to prevent the election of Messrs. Cockran and Little by fraud. Whether he has any further bills for supervising this election we do not know. Of course, of these 226 persons alleged to have been arrested, not 1 was ever indicted or tried for any offense.

"A further analysis made by the committee, and shown by the evidence of the U.S. marshal and of Messrs. Frank, Korb, Griffou, and Korzinick, shows that in only 61 cases of the 226 for which the chief supervisor of elections for the southern district of New York has been paid were any warrants given to the U.S. marshal for service, and that as to the remainder of the 226 persons named, only 7 of those named as defendants can be found or identified at all. The seven persons who could be found who were named as defendants had no knowledge of any proceedings having ever been brought against them, and had never been arrested. Full fees were thus paid in 165 cases, which seem from the proof to have had no existence outside of the bill of the chief supervisor, and of which there is no record anywhere except in his accounts against the Government.

"This account is only a sample account. In making the bills of the commissioner and chief supervisors for alleged cases of violation of the election laws, no addresses of the defendants are ever given, nor any information as to the polling place at which they are alleged to have been registered. No evidence that the violations of law ever took place or that the cases ever existed, except the statement of the chief supervisor of his fees in the case, is anywhere to be found. In one of the accounts there are 179 cases and in another 426 cases in which there is absolutely nothing but the name of an alleged defendant, who was never arrested, and whose address is not given. Under a system like this the chief supervisor's and commissioner's compensation is only limited by the number of names which he can take from the city directory or from his own imagination. These accounts are, however, certified to by the judge of the U.S. district court in the presence of the district attorney, and have been thereupon paid by the Treasury Department. It is submitted that in no other Department of the Government and in none other of the Federal statutes do such absurdities exist, or is such fraud possible. Any law under which any Federal official can obtain, without evidence other than has been narrated above, such sums of money from the Government as have been paid and are about to be paid to the chief supervisor of elections for the southern district of New York, ought to be at once repealed.

"The third reason why the law should be repealed is that, in the judgment of the committee, it is used mainly for partisan purposes. It is believed that this will be admitted to be true in the city of New York by everyone who has any knowledge of the facts, and that an examination of the evidence taken before this committee will convince any impartial person that under these laws the power and the funds of the Government are freely used with the direct intention of affecting the result of election.

"It is not deemed necessary to enter into an extended argument to show that this should not be allowed.

"The establishment for election purposes in the interest of one party of an army of political workers as large in number in the United States as the Regular Army of the United States, and the giving to them the badge and authority of the National Government, is an act of arbitrary power without a precedent in the history of our country. No political party temporarily in power ought to have any such advantage over its opponents, and the majority of this committee would be as unwilling to see any member of their own party in the city of New York clothed with the power now given to the chief supervisor and marshal as they are to allow the present incumbents to remain in the possession of these unfair advantages.

"The law was designed for partisan advantage. It is perhaps fortunate that its execution in the city of New York has been mainly entrusted to one of a common class of political adventurers whose only real object has been to get money out of politics."

Mr. JAVITS. Mr. President, in addition to the unanimous consent of the Senate which the Senator so graciously asked so that I might make the insertion in the RECORD, would the Senator mind yielding to me so that I might discuss a point with him in regard to his speech, or is this an inappropriate time?

Mr. TALMADGE. What is it the Senator desires to discuss?

Mr. JAVITS. I should like to ask the Senator a question.

Mr. TALMADGE. I will yield for that purpose.

Mr. JAVITS. I will say to the Senator that I am much interested in the addresses of my colleagues from the South, like the distinguished Senator from Georgia. I shall ask a question, if the Senator will give me a minute.

I will say to the Senator parenthetically that when he and I served on the two-man committee on rule XXII, I thought the Senator acquitted himself most creditably for his point of view.

Mr. TALMADGE. I thank the Senator.

Mr. JAVITS. I will say also I enjoyed serving with the Senator, and I have a very high regard for his skill and ability, and certainly for his devotion to the cause in which he believes.

Mr. TALMADGE. I thank the Senator.

Mr. JAVITS. I believe all the Senators who come from the Southern States who have been speaking are very sincere in their point of view. This does interest me, however. A great point is made about the fact that people like myself, who espouse a strong pro-civil-rights position, are called the politicians. It is said that we are simply looking for votes, that we do not really have our hearts in the matter. It is said this is simply a bid for votes in the North, in the Middle West, and in the West.

I must say, without arguing, this is not the case.

Mr. TALMADGE. Will the Senator yield at that point? Does the Senator deny he seeks those votes?

Mr. JAVITS. I should like to finish my statement, and then the Senator will have an adequate opportunity to answer.

I must say I am puzzled by one thing, and I would like to have the Senator's comment. One would think, upon the basis of that contention, that the Senators from the Southern States were not serving not only what they consider to be a public purpose but also a political purpose. It strikes me, with all due deference—and I should like to have the Senator's view on this—that taking the thing on percentages, the southern Senators are appealing to many more people for what they consider to be votes on a popular position in their part of the country than we are. Would the Senator care to comment on that?

Mr. TALMADGE. Yes, I would. I doubt that the Senator's conclusion is accurate. As I recall, the Senator was elected to the Senate by a substantial majority.

Mr. JAVITS. If the Senator will yield again, I should like to say, in reference to my own election, that I was elected by a majoirty of 500,000. I wish to say to the Senator that my joy and my happiness in that fine result is always tempered by the fact that although 3½ million New Yorkers favored me, 3 million New Yorkers voted against me. I am always mindful of that, and it never lets me lose my head on the subject.

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I wish to say further to the Senator that the theory is that we are appealing in our position to minority groups. Well, those are minority groups in our States. In percentages they are not too large as minorities.

In the States of the South the preponderant opinion, apparently, as it is reflected by the gentlemen who serve in Congress, is for segregation. Is it not, therefore, fair to say that if there is any bidding for votes the southern Senators are bidding for a lot more of the votes in proportion than we are, and that the charge that ours is a political foray hardly should lie in the mouths of the people who are appealing on a political basis to the majority sentiment in their own States?

Mr. TALMADGE. I will say to the Senator that I have not attempted to cast aspersions on his motives in espousing this cause, but I think I read recently that the Senator from New York stated that 17 populous States would be gained by the Republican Party if a strong civil rights bill were passed. Does the Senator deny making that statement?

Mr. JAVITS. I certainly do not. I said, in addition, that I believed my party, in the tradition of Lincoln, ought to be the hard core of the votes which would pass such a measure. I said it because I believe politics is the stuff of life. As I said to a very distinguished newspaperman from the South the other day on a television program, "Why should people elect you? Because you have a pleasant face? In my case I cannot even claim a hairline. But it is because you espouse positions in which the people believe. That is politics."

What is wrong with what we are doing? What is wrong with what the Senator is doing? I have not assailed any Senator from the South on the ground that he is seeking votes. That is what Senators are here for. They are here to do the job the people want done; and when they are here to do something else, in terms of principle, they are here for the purpose of "selling" the people their point of view. What I object to is that we are charged with some base motives.

Mr. TALMADGE. The Senator has admitted the motive. The Senator from Georgia has never since he has been privileged to sit in this Chamber either espoused or opposed any piece of legislation on the ground that victory to our party would result.

Mr. ERVIN. Mr. President——

Mr. JAVITS. Will the Senator yield to me again briefly in order that I may finish our colloquy?

Mr. TALMADGE. I yield first to the Senator from New York, and then I shall be glad to yield to the Senator from North Carolina.

Mr. JAVITS. What the Senator from New York said—and I think quite accurately—is that when a political party or a group of Members of Congress serve the highest interests of the Nation, as they see it, they have the absolute right to go to the electorate on that basis. I do not think that is anything to be ashamed of, or to apologize for. As I see it, if one is to hurl such accusations around——

Mr. TALMADGE. I am not hurling accusations. The Senator has admitted the motive. The Senator has admitted that he made the statement to which I referred. The Senator from Georgia did not make it.

Mr. JAVITS. It seems to me very clear that Senators from Southern States like the Senator from Georgia, are, if anything, appealing to a much larger group than we are, in terms of the kind of fight they are waging. I repeat that no one quarrels with that, but at the same time our position should not be thrown around constantly as a term of opprobrium.

Mr. TALMADGE. The Senator from Georgia is merely trying to keep the Senator from New York and his allies from reenacting the Reconstruction statute, which was sponsored primarily by people resident in his State in 1871, to punish the South. They wound up by punishing themselves.

The Senator has been sitting in this Chamber listening to me read the report of a select committee of Congress, which was written in 1892, as a result of which the infamous Reconstruction statute was wiped from the lawbooks of the land. But the Senator from New York is trying to put over the same thing. He claims that he is not motivated by the sentiments of Thaddeus Stephens, and I do not say he is. I am not casting aspersions on his motives, even though he did admit that he stated that 17 States would go for the Republican Party if a strong civil rights bill were passed.

Yet it is passingly strange that the Senator and his colleagues should resurrect the bones of the old Reconstruction statute, and, not being content with that, make it worse. The Reconstruction statute attempted to regulate only Federal election, yet the Senator would regulate not only Federal elections, but State, county, municipal, and all other elections. So the Senator goes much further than Thaddeus Stephens ever went.

Mr. President, I now yield to the distinguished Senator from North Carolina [Mr. ERVIN], as I promised.

Mr. JAVITS. Mr. President, will the Senator then yield to me?

Mr. TALMADGE. I shall be delighted to do so.

Mr. ERVIN. I should like to ask the Senator from Georgia if the Declaration of Independence did not assign as one of the reasons why the Colonies separated from the mother country the fact that the British Parliament had robbed the American colonists of the right of trial by jury, by perverting the jurisdiction of the courts of admiralty, so that they might supersede the criminal courts.

Mr. TALMADGE. The Senator is entirely correct, and, as he knows, that was one of the motivating causes of the War of the Revolution, by which we won our independence from Great Britain.

Mr. ERVIN. We rebelled against the British for the reason, among others, that American colonists had been robbed, by indirection, of the right of trial by jury.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. I will ask the Senator from Georgia if on two occasions prior to the beginning of the Revolution the representatives of all the Colonies did not meet and pass resolutions declaring that the right of trial by jury was one of the absolute rights of the colonists, and that the attempted denial of such rights to the colonists was gross tyranny?

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. I ask the Senator from Georgia if when the Founding Fathers drafted the Constitution they did not put provisions in the Constitution to prevent any man from being sent to jail unless he was first convicted by the verdict of a jury?

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. I ask the Senator from Georgia if the advocates of civil rights bills have not been attempting to deprive southerners of the right of trial by jury by indirection—if they did not actually do so in the civil rights bill of 1957?

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. Speaking of politics for a moment, I ask the Senator from Georgia if he would vote to deny any American of any race, residing in any part of the United States, the right of trial by jury for the sake of obtaining a seat in the U.S. Senate?

Mr. TALMADGE. I would not.

Mr. ERVIN. Does the Senator from Georgia agree with me in the observation that the Supreme Court, in Texas against White, gave the most accurate nutshell definition of the purpose of the Constitution of the United States when it said that the Constitution in all of its provisions looks to an indestructible Union composed of indestructible States?

Mr. TALMADGE. It certainly did.

Mr. ERVIN. I will ask the Senator from Georgia if virtually every one of the 57 varities of civil rights bills are bills which are designed and intended to destroy that conception of the Constitution and to rob the States of the rights which are committed to the States by the Constitution?

Mr. TALMADGE. The Senator is entirely correct. I have never read a modern-day version of an alleged civil rights bill in my life which did not propose to transfer the power of the people on the local level, where they live together, to some Federal agency or bureaucrat in Washington, to be denied or withheld as that agency or that bureaucrat saw fit.

As the Senator so well knows, being the keen student of history that he is, when we transfer government from the people on the local level to Washington, and put it in the bureaucracy of Washington, it is beyond the reach and control of the people, and the people cease to be the masters of their government and become its slaves. That is the purpose and motivation behind all of the so-called civil rights bills.

Mr. ERVIN. I will ask the Senator from Georgia if he would vote for bills calculated and intended to destroy the indestructible Union composed of indestructible States for a seat in the U.S. Senate or for the privilege of occupying the White House.

Mr. TALMADGE. I would not.

Mr. ERVIN. I will ask the Senator from Georgia if he does not agree with me in the observation that all of these civil rights bills are simply proposals to sell the birthright of the American people for a sorry mess of political pottage.

Mr. TALMADGE. Anyone who has any conception of American politics knows that to be true.

Mr. ERVIN. I will ask the Senator from Georgia if all these civil rights bills, like those advocated by Thaddeus Stevens and Ben Butler and Charles Sumner, are not politically motivated.

Mr. TALMADGE. I would say to the Senator that that is certainly my belief.

Mr. ERVIN. I will ask the Senator from Georgia if he does not agree with me in the opinion that if these bills contained provisions like these, but were not labeled civil rights bills, they would not receive a single vote in either House of Congress.

Mr. TALMADGE. I would say to the Senator from North Carolina that in my judgment if Congress were to vote on these measures by secret ballot without the pressure groups knowing how they had voted, they would not receive a single vote in the Congress of the United States.

Mr. ERVIN. I will ask the Senator from Georgia if history does not show that the Enforcement Act of May 31, 1870, was passed simply for the purpose of enabling one political party to control the elections in the United States regardless of the will of the people.

Mr. TALMADGE. That was true in 1870, it was true in 1871, and it is true in 1960.

Mr. ERVIN. I thank the Senator from Georgia.

Mr. TALMADGE. I appreciate the questions of my friend, the distinguished Senator from North Carolina.

Mr. ERVIN. I am also thankful for the fact that we have in the U.S. Senate and in national life Americans like the Senator from Georgia, who are not willing to sell the

birthright of the American people for a sorry mess of political pottage.

Mr. TALMADGE. I thank the able and distinguished Senator from North Carolina.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. JAVITS. I ask the Senator this question. I know the Senator will tell me what is on his mind with respect to it, because it bears on what we discussed in our colloquy. What the Senator has described with respect to the law—and I have researched the matter, particularly the point on which the Senator is speaking, because the Senator has just mentioned it for the first time today—refers to a situation of, let us say, a little under 90 years ago. I should like to ask the Senator this question: The Federal Civil Rights Commission presented us with a report last fall as to which, at least as to its finding of fact, there was no difference of opinion expressed by the southern members of the Commission, of which there were three, and which showed some very serious deprivations of the voting right. Everyone seems to agree, if they agree on nothing else, that the voting right had been denied with respect to Negroes in Southern States or in certain parts of those States.

I should like to ask the Senator what he and his colleagues have done or feel ought to be done about it, or what the States ought to do about it. Have any proposals been made here as alternatives to the proposals which are put forward by the Federal establishment about the constant denial of the voting rights, which were described in the Federal Civil Rights Commission's report?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. TALMADGE. I will yield to the Senator from Louisiana after I have completed my colloquy with the Senator from New York. Before I answer the question of the Senator from New York, will he answer one for me? Is it not true that about half a million Puerto Ricans have been denied the right to vote in New York City?

Mr. JAVITS. Well, I do not know what the figure is with respect to Puerto Ricans, but I would say to the Senator that no Puerto Rican has been denied the right to vote in the State of New York in the sense in which the denial to vote is set forth in the report of the Federal Civil Rights Commission, provided he has the qualifications to vote—and they are very reasonable qualifications. If he has the qualifications, he is not denied the right to vote. The Federal Civil Rights Commission report says that, notwithstanding the possession of qualifications, there are wholesale denials of the voting right in the States to which I have referred.

Mr. TALMADGE. Is it true that the New York State commission requires a prospective voter to be able to read and write the English language before he is given the right to vote?

Mr. JAVITS. It requires a very simple literacy test.

Mr. TALMADGE. Which effectively disfranchises some half million Puerto Ricans who are citizens of the United States.

Mr. JAVITS. That I deny. It disfranchises no one, because it is a very reasonable requirement. Anyone who meets it can vote. It does not effectively disfranchise anyone.

Mr. TALMADGE. The Civil Rights Commission in its report pointed out, however, that they were disfranchised.

Mr. JAVITS. As a practical matter, they may not be eligible to vote. However, the Civil Rights Commission stated that in the South there was a disfranchisement of people who had every qualification and every eligibility to vote. That is the question that I ask the Senator. What are the people of the South themselves doing about it in their own States?

Mr. TALMADGE. The Senator has answered the question himself as far as the State of Georgia is concerned. Under our law everyone, both black and white, must qualify under our literary test. It applies uniformly. It applies to every citizen of Georgia, regardless of race. There are approximately 175,000 Negroes in Georgia who are registered and are voting. The citizens of Atlanta, Ga., the capital city of my State, have elected a Negro, Dr. Rufus E. Clement, to the city board of education. He is now serving on the board of education. Other Negroes in my State have been elected to public office. Frequently Negro voters have been the balance of political power in electing mayors, legislators, and various other public officers.

No unprejudiced person who came to Georgia and stayed there any length of time and made a thorough study of the matter could report that there was any degree of discrimination whatever between the white and colored people with respect to being registered and permitted to vote.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the Senator from New York.

Mr. JAVITS. Of course, the Senator is well aware of what the Federal Civil Rights Commission report said on that subject. I will undertake to analyze on the floor, in detail, in due course, what the situation is in every State. The question which I have just put to the Senator again is, in my opinion, a very important question. I hope very much that Senators from every State concerned will address themselves to the question. I should like to rephrase it so that anyone who is interested may be on notice. It is simply this:

If, as the Federal Civil Rights Commission defines, there is in State after State among the Southern States a practice of denying the right to vote to people who are fully eligible and qualified, because registrars are not appointed, or they go home, or they refuse to act, or they apply unusually severe tests to Negroes, and it does not apply to non-Negroes, white persons, what is such a State doing about its own situation? It seems to me that is a very pertinent question. As I have said, I should like, rather than to ask it in general here, to ask it specifically with respect to each State, and to analyze the findings of the Commission with respect to each State.

Mr. TALMADGE. I once heard my father say—and he was a very practical man—that an expert is a smart man a long way from home. I should say the Senator for New York is a smart man a long way from home. He knows all the answers to give us. Yet he admits that there is a large segment of the population of his own State which is not permitted by law to vote. As I recall, the report of the Civil Rights Commission complained about that particular situation.

Now we will come to the Civil Rights Commission. To begin with, I do not believe it is a very objective or unbiased group. I have proof of that in my office. Someone called my attention, a few days ago, to an article which was published on the front page of the New York Times. I picked up a copy of the Times, and the caption of the article read, "Rights Advocates Split Over Plan for Negro Voting."

The article stated that employees of the Civil Rights Commission were allegedly meeting with groups such as the ADA, the NAACP, and like organizations, to cook up another "devil's broth" before the U.S. Senate and to put another yoke around the people of this country.

I believe that even the Senator from New York will agree with me that a Government agency is supposed to be objective and unbiased. Yet there was this alleged unbiased, objective agency meeting with these radical groups, helping them to plan their strategy to impose an even more vicious civil rights law on the States.

The Senator from New York is an able lawyer. He knows this statement to be the fact. It would be the equivalent of a trial judge sitting on the case and members of the jury meeting with the prosecuting attorney to make absolutely certain there was a conviction in the case.

So when the Senator from New York refers to some report from the so-called Civil Rights Commission, I say it is not very persuasive evidence with me, and certainly the Senator seems to think that it is not very persuasive evidence insofar as it deals with the disfranchised Puerto Ricans in New York State.

Mr. JAVITS. The Senator from New York feels very strongly that the report of the Federal Civil Rights Commission is excellent, whether it relates to Puerto Ricans in New York State or to Negroes in the South. So far as this Senator is concerned, he found no bias in the Commission. He respects its southern members as much as he does its members from other parts of the country.

I think the Senator from Georgia omitted one "allegedly" in his discussion, and that is the allegedly which is referred to in the newspaper article.

The Senator from Georgia is purporting to state as an absolute fact his interpretation of a newspaper article. I have not read the article. I will not controvert the Senator as to what it says, but it seems to me that if the Senator from Georgia is going to charge that the Civil Rights Commission is biased, his charge will have to be based on much firmer stuff than a report in the New York Times.

Mr. TALMADGE. I complained about it to Gordon Tiffany and he admitted it to me in writing. I have the letter in my files.

Mr. JAVITS. I am certain the Senator from Georgia will make whatever he can of the story, but I still affirm my belief that the country believes that the Civil Rights Commission has made a fair and honest investigation and a fair and honest report, and is entitled to proper credence in that way.

Mr. TALMADGE. I should like to ask the Senator from New York a question. I preface my question by saying that New York is one of the great States of the Union. I am quite certain that the people of New York are capable of governing themselves and of making laws which they deem best for the welfare of their State. I would be the last man on the face of the earth to complain about the qualifications established by the State of New York for its prospective voters. I am certain the able Senator from New York and others from his State have taken care of that.

But I would say also that the citizens of Georgia are quite capable of doing the same thing. Does the Senator from New York agree with me that every State in the Union already has voting laws, and that they are enforcible in the respective State courts?

Mr. JAVITS. So far as I know, that is true.

Mr. TALMADGE. Would the Senator from New York also agree with me that there are at the present time adequate remedies for any allegedly disqualified voter, if he is legally qualified to vote? First, is it not true that he may bring a suit in equity and sue for damages or obtain an injunction in the Federal courts if he is illegally deprived of his right to vote?

Mr. JAVITS. He may go into a Federal court and sue under the 1957 act.

Mr. TALMADGE. The Senator from New York admits that that is true under the 1957 act. Will he admit it as to previous acts?

Mr. JAVITS. Under previous acts, there was apparently some argument about civil injunction suits because of the fact that criminal penalties were included, as well. We debated that fully with respect to the 1957

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act. It is, I believe, one of the reasons why the 1957 act was passed.

I can only say to the Senator that that is really immaterial because the fact is that there is a right to sue under the 1957 act.

Mr. ERVIN. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I am glad to yield.

Mr. ERVIN. I ask the Senator if, as a matter of fact, there are not at least two statutes on the Federal statute books which antedate the Civil Rights Act of 1957 by many years, and which state in express language that any party denied any right under the laws of the United States can obtain an injunction, if he is threatened with a denial of those rights, and can obtain damages if he is actually deprived of those rights.

Mr. TALMADGE. I respond to the Senator from North Carolina by saying that I hold in my hand a communication from the Library of Congress, dated July 5, 1957, when they prepared at my request a list of the various laws existing at that time to safeguard the right to vote. There are 10 pages of remedies which any alleged disfranchised voter had at that time, prior to the passage of the Civil Rights Act of 1957.

Mr. President, I ask unanimous consent that the list may be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

"LIST OF FEDERAL LAWS ON RIGHT TO VOTE

"Civil provisions, United States Code, 1952 edition

"Chapter 20—Elective Franchise

"SEC. 1971. Race, color, or previous condition not to affect right to vote: All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority to the contrary notwithstanding (R.S. sec. 2004).

"SEC. 1972. Interference with freedom of elections: No officer of the Army or Navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State (R.S. sec. 2003).

"Chapter 21—Civil Rights

"SEC. 1981. Equal rights under the law: All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other (R.S. sec. 1977).

"SEC. 1982. Property rights of citizens: All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property. (R.S. sec. 1978.)

"SEC. 1983. Civil action for deprivation of rights: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (R.S. sec. 1979.)

"SEC. 1984. Same; review of proceedings: All cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States, without regard to the sum in controversy, under the same provisions and regulations as are provided by law for the review of other causes in said court (Mar. 1, 1875, ch. 114, sec. 5.18 Stat. 337).

"SEC. 1985. Conspiracy to interfere with civil rights:

"(1) Preventing officer from performing duties: If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

"(2) Obstructing justice; intimidating party, witness, or juror: If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

"(3) Depriving persons of rights or privileges;: If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators (R.S., sec. 1980).

"SEC. 1986. Same; action for neglect to prevent: Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within 1 year after the cause of action has accrued (R.S., sec. 1981).

"SEC. 1987. Prosecution of violation of certain laws: The U.S. attorneys, marshals, and deputy marshals, the commissioners, appointed by the district and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of section 1990 of this title or of sections 5506–5516 and 5518–5532 of the Revised Statutes, and to cause such persons to be arrested and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense (R.S., sec. 1982; June 25, 1948, ch. 646, sec. 1, 62 Stat. 909).

"SEC. 1988. Proceedings in vindication of civil rights: The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty (R.S., sec. 722).

"SEC. 1989. Commissioners; appointment of persons to execute warrants: The district courts of the United States and the district courts of the Territories, from time to time, shall increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with the crimes referred to in section 1987 of this title; and such commissioners are authorized and required to exercise all powers and duties conferred on them herein with regard to such offenses in like manner as they are authorized by law to exercise with regard to other offenses against the laws of the United States. Said commissioners are empowered, within their respective counties, to

appoint, in writing, under their hands, one or more suitable persons, from time to time, who shall execute all such warrants or other process as the commissioners may issue in the lawful performance of their duties, and the persons so appointed shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged; and such warrants shall run and be executed anywhere in the State or Territory within which they are issued. (R.S., secs. 1983, 1984; Mar. 3, 1911, ch. 231, sec. 291, 36 Stat. 1167.)

"SEC. 1990. Marshal to obey precepts; refusing to receive or execute process: Every marshal and deputy marshal shall obey and execute all warrants or other process, when directed to him, issued under the provisions of section 1989 of this title. Every marshal and deputy marshal who refuses to receive any warrant or other process when tendered to him, issued in pursuance of the provisions of this section or refuses or neglects to use all proper means diligently to execute the same, shall be liable to a fine in the sum of $1,000, for the benefit of the party aggrieved thereby (R.S., secs. 1985, 5517).

"SEC. 1991. Fees: persons appointed to execute process: Every person appointed to execute process under section 1989 of this title shall be entitled to a fee of $5 for each party he may arrest and take before any commissioner, with such other fees as may be deemed reasonable by the commissioner for any additional services necessarily performed by him, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of the commissioner; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction. (R.S., sec. 1987.)

"SEC. 1992. Speedy trial: Whenever the President has reason to believe that offenses have been, or are likely to be committed against the provisions of section 1990 of this title or of sections 5506–5516 and 5518–5532 of the Revised Statutes, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and U.S. attorney of such district to attend at such place within the district and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons so charged, and it shall be the duty of every judge or other officer, when any such requisition is received by him to attend at the place and for the time therein designated. (R.S., sec. 1988; June 25, 1948, ch. 646, sec. 1, 62 Stat. 909.)

"SEC. 1993. Aid of military and naval forces: It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under sections 1981–1983 or 1995–1998 of this title, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of sections 1981–1983 and 1985–1994 of this title (R.S., sec. 1989).

"SEC. 1994. Peonage abolished: The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain or enforce, directly or indirectly the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, is declared null and void." (R.S., sec. 1990.)

Jurisdiction of civil suits growing out of alleged violations of the Federal civil statutes involving the right to vote are vested in the Federal district courts as follows:

"United States Code, 1952 edition, title 28, judiciary and judicial procedure

"Chapter 85—District Courts; Jurisdiction

"SEC. 1343. Civil rights: The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

"(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of title 42;

"(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of title 42 which he had knowledge were about to occur and power to prevent; and

"(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States (as amended Sept. 3, 1954, ch. 1263, sec. 42, 68 Stat. 1241).

"SEC. 1344. Election disputes: The district courts shall have original jurisdiction of any civil action to recover possession of any office, except that of elector of President or Vice President, U.S. Senator, Representative in or Delegate to Congress, or member of a State legislature, authorized by law to be commenced, wherein it appears that the sole question touching the title to office arises out of denial of the right to vote, to any citizen offering to vote, on account of race, color or previous condition of servitude.

"The jurisdiction under this section shall extend only so far as to determine the rights of the parties to office by reason of the denial of the right, guaranteed by the Constitution of the United States and secured by any law, to enforce the right of citizens of the United States to vote in all the States. (June 25, 1948, ch. 646, sec. 1, 62 Stat. 932).

"Chapter 89—District Courts: Removal of Cases From State Courts

"SEC. 1443. Civil rights cases: Any of the following civil actions or criminal prosecutions commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

"(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;

"(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law (June 25, 1948, ch. 646, sec. 1, 62 Stat. 938.).

"Criminal provisions—title 18, crimes and criminal procedure

"Chapter 13—Civil Rights

"SEC. 241. Conspiracy against rights of citizens.

"If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

"They shall be fined not more than $5,000 or imprisoned not more than ten years, or both (June 25, 1948, ch. 645, sec. 1, 61 Stat. 696).

"SEC. 242. Deprivation of rights under color of law: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both (June 25, 1948, ch. 645, sec. 1, 62 Stat. 696).

"SEC. 243. Exclusion of jurors on account of race or color: No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State on account of race, color, or previous condition of servitude; and whoever, being an officer or other person charged with any duty in the selection or summoning of jurors, excludes or fails to summon any citizen for such cause, shall be fined not more than $5,000 (June 25, 1948, ch. 645, sec. 1, 62 Stat. 696).

"Chapter 19—Conspiracy

"SEC. 371. Conspiracy to commit offense or to defraud United States: If two or more persons conspire, either to commit any offense against the United States, or to defraud the United States, or any agency thereof, in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

"If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor (June 25, 1948, ch. 645, 62 Stat. 701)."

Mr. ERVIN. I ask the Senator, further, if there is not a statute embodied in title 18, section 242, which makes it a Federal crime, punishable by imprisonment or fine, or both, for any official to deny to any qualified citizen, of any race, the right to register and to vote and to have his vote counted as cast.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. I will ask the Senator if a few healthy criminal prosecutions in the Federal courts under that statute would not, in his judgment, cure any situation such as that alluded to by the Senator from New York.

Mr. TALMADGE. Certainly. If any violation occurs, the opportunity is afforded to proceed under the criminal statute. Mr. Rogers, the author of the bill, is at present the Attorney General of the United States.

Mr. ERVIN. I will ask the Senator from Georgia if, as a matter of fact, the records do not show that during recent years there has been no effort on the part of the Department of Justice to indict any person in any Southern State, except the States of Mississippi and Louisiana, for a violation of that statute.

Mr. TALMADGE. I know of no other effort.

Mr. ERVIN. I ask the Senator from Georgia, furthermore, if he does not know that in

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the State of North Carolina a distinguished Negro educator is a member of the State board of education.

Mr. TALMADGE. I know that; yes.

Mr. ERVIN. I ask the Senator from Georgia if he does not know that members of the Negro race are now serving, by election, as members of the city boards of Winston-Salem, Greensboro, and Durham, N.C., and in other North Carolina cities, and that a member of the school board of the capital city of North Carolina, Raleigh, is a Negro.

Mr. TALMADGE. I knew that several had been elected in the State of North Carolina. I did not know the details, the titles or the specific cities.

Mr. ERVIN. I do not know whether the Senator from Georgia knows this to be a fact; but I should like to ask him if it is not a fact that the Advisory Committee on Civil Rights in the State of North Carolina has recently passed a resolution to the effect that it has virtually completed an investigation of voting practices in North Carolina and it has found no discrimination in registration, as against members of the Negro race.

Mr. TALMADGE. I have been informed that that is correct.

Mr. ERVIN. For that reason, I was very much astounded to hear the able Senator from New York state, a few minutes ago, that in all Southern States there was a pattern of denial of the right of Negroes to register to vote.

Mr. TALMADGE. I was likewise surprised.

I thank the distinguished senior Senator from North Carolina for his great contribution.

At this time I should like to ask, if the Senator will permit me to do so, one more question of the Senator from New York: Does the Senator from New York know the name of any qualified individual, anywhere—North, South, East, or West—who claims the right to vote, and has instituted an action in the courts, either State or Federal, and has not been protected in the exercise of that right?

Mr. JAVITS. In response to that question I shall undertake to analyze, in due course——

Mr. TALMADGE. My question is a simple one, and the Senator from New York could answer it by either "Yes" or "No."

Mr. JAVITS. The Senator from Georgia likes to ask very simple questions, and he controls the way in which he asks them. I trust he will permit me to control my answer.

Mr. TALMADGE. Certainly the Senator from New York knows what he knows.

Mr. JAVITS. Yes; and I will undertake to state what I know, in due course, if the Senator from Georgia will be patient, and will not seek to get only the answer he wants. The Senator from Georgia is a very good trial lawyer; and I am a pretty good one, too.

Mr. TALMADGE. The Senator from New York is admittedly a good trial lawyer.

Mr. JAVITS. Both of us have had experience in that field; so the Senator from Georgia should not try to "panic" me, any more than I would attempt to "panic" him.

Mr. TALMADGE. I am not trying to do so. I asked the Senator from New York a question; I asked him whether he knew the name of any such person. If he does know, he can state the name.

Mr. JAVITS. I shall be glad to take my seat if the Senator from Georgia does not want my reply.

But I was saying that I shall be glad to analyze the report of the Federal Civil Rights Commission with respect to each of the States.

Incidentally, I did not say "all the Southern States." I said "in certain Southern States," and, indeed, in certain sections of those States.

I shall undertake to analyze the report of the Federal Civil Rights Commission and any other information we have; and if I can obtain the names of persons as to whom there has been an actual suit to register, I shall do so.

But I shall submit proof that the criminal remedy was found to be ineffective—as, for instance, in the famous series of cases in Ouachita Parish, La., where it was found that the grand jury would not indict.

I should also like to point out—although it has no germaneness to the matter of voting—that I must say I was rather sad about what occurred in respect to the one single lynching in Mississippi, not long ago, where, as I understood, the grand jury would not even entertain the evidence the FBI had.

Certainly there is no patent on injustice; I am sure that injustice can be found in every State of the Union, including the State of New York. So, to pick out a particular, individual case and build a body of legislation on it would be unworthy of our function. I have no hesitancy in saying that.

But I was referring to a pattern. I do believe that, brought up to date, the pattern shown by the Federal Civil Rights Commission report is entitled to a response from those who take the position—as does my distinguished colleague—that individual States should be given the right, without interference, to deal with these matters on their own.

That is why I said I thought the most efficient way was to marshal separately the particular evidence with respect to each State, and then let us see whether the Senators from each of the States feel that they wish to address themselves to it.

For aught I know now—and I am speaking now only from memory; I did not have the remotest notion that we would now be engaging in this particular colloquy—such names are in the report or are to be obtained from other authoritative sources; and I shall endeavor to produce them, to meet the view which was expressed by the Senator from Georgia.

But my fundamental approach will be to present the facts, so that Senators from the individual States may, if they are moved to do so, address themselves to the particular points which are made by the Commission. I think that will be fair, especially inasmuch as the Senator himself seems to feel, as he has expressed himself here, that the Commission was biased, or that in some way it was not performing the function which Congress has assigned to it. So I shall attempt to do that.

Mr. TALMADGE. I thank the senator from New York. He has made an able speech, but he has not answered my question. I asked him whether he could produce the name of a single qualified individual, anywhere—North, South, East, or West—who had tried to exercise his voting privileges, and, in that connection, had instituted action in any court—either Federal or State—and had been denied that privilege.

I agree with the Senator that no specific area of the country is lily white when it comes to the commission of crime. Unfortunately, crime occurs in all areas of the Nation. I am proud of the fact that all the States do a magnificent job of law enforcement and of trying to prevent crime.

We read about gangsters who are shot down in the streets—for instance, in the case of Roger Touhy in Chicago. That was not classified as a lynching; it was just a gang murder, and people did not pay much attention to it. We read of rapes, suicides, and mayhem in public schools in some cities in our country, but I do not observe that the Senate has tried to pass Federal laws dealing with all those lamentable incidents. I would oppose any Federal action in that connection. I think the States are entirely competent to deal with such matters.

All we of the South desire is the same sort of treatment we would guarantee to others; namely, that they not attempt to rape the Constitution of the United States, that they not attempt to disband our general assemblies or supplant our Governors, our courts or our law-enforcement officers. We take the position that we are capable of self-government—even more now than we were in the Reconstruction era.

Mr. President, I continue to read from the report of the House select committee which investigated Davenportism in New York City:

"In the hands of a man of ability who cared little for personal profit, but who was devoted simply and without scruple to the success of his party, it might have been the source of much more serious trouble. The powers which it confers should not under our system of government be entrusted to anybody. In the interest of the people, whose right it is to act with any of the parties or in opposition to any of them, it ought to be repealed.

"The fourth and final reason why these laws ought at once to be repealed is that under them great numbers of innocent persons have been and are at every election deprived of their liberty and interfered with in the exercise of their undoubted right to vote. These facts are not to be disputed. They are known to all men in New York, and were brought to the personal knowledge of the committee and proven beyond question. The fact that all of the great number of citizens who were arrested during all these years were, with the exception of two, discharged as innocent after judicial investigation, is conclusive legal proof of the falsity of the charges. That most of them were discharged by the very magistrate who had caused their arrest shows the charges to have been not only false, but malicious.

"Any system of laws under which, for any reason, citizens entitled to vote can be systematically arrested, held until their opportunity to vote is gone, and then discharged without redress, should have no place in the statutes of the United States. In this connection the members of the committee who sat in the Federal building as a subcommittee on election day, and had before them the supervisors and marshals who made the arrests and the prisoners who were arrested, desire particularly to call attention to the evidence given before them. The prisoners arrested and charged with false registration were, some of them, real estate owners, one of whom, Mr. McKenna, had voted for 30 years at the polling district in which he offered to vote, and had been known as a businessman and houseowner to the marshal who arrested him for 12 years. These defendants included a private tutor and a teacher, a court officer, a clerk in the registrar's office, and a rabbi of the Jewish faith. They were almost without exception persons of respectable appearance, who seemed to feel most keenly the arrest and the indignity put upon them, and they were all promptly discharged by the Federal magistrate who heard their cases, no proof being offered against them. Almost all of them were born in the city of New York.

"With a few exceptions, the U.S. marshals and supervisors who made these arrests were in appearance most disreputable. Almost all of them were grossly ignorant, and in general they had been evidently recruited from the lowest mass of the population of a great city. Decidedly the best of them were the colored marshals, who were able to give their evidence in an intelligent manner. Undoubtedly, among the U.S. marshals and supervisors who were appointed at this election were very many respectable men, but those chosen to make these partisan arrests were of the lowest class of our population. It is a matter of regret to the members of the committee who were present on election day

and heard the evidence in regard to these arrests that it is not possible to reproduce in description the contrast which existed between the persons who were hired to make these arrests and the citizens who were thus arrested, charged with offenses of which they were innocent, and thereby deprived of their right to vote.

"Attention is also called in particular, in this connection, to the evidence of Messrs. Walker and Rose and Hotchkiss as to the excessive bail demanded of such defendants. In one case $10,000 bail was demanded by the chief supervisor, acting as a magistrate, for the appearance of a clerk in the customhouse, a man of excellent character, charged with false registration; and in a number of cases bail which the commissioner acknowledged to be known to him to be good was refused, until Judge Wallace denounced the refusal and the attempt to deprive the prisoners of their votes as an outrage. These laws, instead of constituting a system for the protection of the franchise in the hands of honest citizens, have been used, as is shown by the evidence, to furnish the machinery for the corruption and forcible robbery of the franchise, and they ought, if for that reason alone, to be promptly repealed.

"The committee, therefore, presents to the House a bill providing for the repeal of these laws, with a favorable recommendation for its passage.

"ASHEEL P. FITCH,
"J. A. GEISSENHAINER,
"ROBERT E. DE FOREST."

Mr. President, that is the official report of an official committee of the Congress of the United States on the outrages which occurred in New York under the administration of Davenport's law by Davenport. But while "Davenportism" was the cry which broke the Republican stranglehold sanctioned by Davenport's law, there were frauds and abuses throughout the country as the result of its application by unscrupulous Republican machine bosses.

Now, 66 years later, after the Congress of the United States had the wisdom to repeal such a nefarious and iniquitous scheme, members of both political parties, including the Attorney General of the United States, come before the Congress urging that this same heinous and obnoxious scheme be reenacted by the Congress. However, this time they urge that it be enacted in far more extreme form than that in which it was first passed in Reconstruction days.

In Reconstruction days the so-called election supervisors had authority to regulate only Federal elections. Now the modern-day Davenport-Thaddeus Stevens-Rogers clan come in and urge that they not only regulate Federal elections but also State, county, and municipal elections.

How anyone can convince himself that the American people desire such iniquitous, obnoxious, and unconstitutional legislation is altogether beyond the comprehension of the junior Senator from Georgia.

The respected public affairs journal, U.S. News & World Report, had one of its correspondents spend 2 weeks researching the effect of Davenport's law, and the article which appeared in its issue of last February 15 is most illuminating as to the widespread skulduggery and tyranny which it perpetrated upon the American people. This is what U.S. News & World Report discovered:

"Under the force bill, so-called supervisors of elections were appointed by Federal courts, which then stepped out of the picture. These appointments could be made if two or more citizens in towns with a population of more than 20,000 requested to have guarded and scrutinized the registration of voters for any congressional election, or the election itself.

"The supervisors were empowered to challenge the qualifications of anyone seeking to register, and to mark the registration lists in such ways as to detect irregularities.

"In elections, the supervisors were authorized to challenge any voters and to count the ballots. Federal marshals assisted the supervisors. Interference with these officials was made a criminal offense.

"The supervisors reported to a chief supervisor on the fairness of an election. If irregularities were found, the chief supervisor had authority to hold hearings, take testimony, and issue subpenas. Results of such investigations were to be filed with the Clerk of the House of Representatives.

"History records failure of the Federal election law in the South. Federal authorities tried thousands of times to prosecute violations of the act, but few convictions resulted.

"In South Carolina, for example, there were 1,392 indictments, but only 114 convictions under the election law.

"One-party control by the Democrats made enforcement extremely difficult. Moreover, as the Ku Klux Klan gained strength, it severely restricted voting by Negroes and northern 'carpetbaggers.'

"It was in the big cities of the North that the Federal election law had the most impact. Democrats in Congress charged that Republican Party machines in the North deputized criminals, drunks, and armed thugs as marshals and used them to keep Democratic voters from the polls.

"In 1876, of 5,001 Federal deputy marshals appointed to protect voting rights, 4,194—more than 80 percent—were appointed in the three Northern States of New York, New Jersey, and Pennsylvania. One election supervisor in New York City drew fees totaling $145,000 for his services.

"In 1892, a special investigating committee of the House of Representatives went to New York City to observe the presidential election. A majority report written by the three Democratic members recommended repeal of the election law because it has 'failed to produce any good results in the direction of the purity of elections or the protection of the ballot box.'

"The law was used, the majority report said, 'only as part of the machinery of a party to compensate voters who are friendly to it and to frighten from the polls the voters of the opposing party.'

"In House debate on a move to repeal the law in September 1893, Representative John C. Black, Democrat, of Illinois, described the use of Federal marshals in the 1892 election in Chicago:

" 'Early in the morning of that day, or rather in the shades of the preceding night, the supervisors and deputy marshals were arrayed, and there came 3,786 of them, more than a full brigade of such troops as they were.

" 'They were drawn from the alleys, this militia of oppression. They were drawn from the slums, this battalion of bummers * * * and thus they stood, armed and equipped for their service, to "protect the election" in the city of Chicago and the great State of Illinois.'

"In the Republican minority report, it was said that Federal supervisors and marshals were needed to combat ballot-box stuffing and the issuance of fraudulent naturalization certificates by Democratic Party machines.

"With Democrats in control of Congress, the force bill regulating voting was repealed in 1894."

The debates on the repeal of Davenport's law as contained in the CONGRESSIONAL RECORD of the 1st and 2d sessions of the 53d Congress are replete with more specific detail of the frauds and abuses which were worked on the country under this political statute.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my distinguished senior colleague.

Mr. RUSSELL. I am grateful for the fact that my distinguished colleague is demonstrating so clearly that there is nothing new or original in this legislative proposal to appoint a Federal receivership of the election processes in the Southern States. It is old, it has been tried, and it has failed. Its failure was more marked in its application in the large cities of the country outside the South than it ever was in the Southern States themselves. The Senator is making a real contribution.

I believe it was last Sunday that I noticed in the comic section of one of the newspapers a cartoon called Hatlo's History. It showed a man representing Old King Cole, who as you all know was reputed to have been a merry old soul.

King Cole was beating on the ground with his walking stick or with his insignia of rank as monarch, or whatever kings use, and he said, "Where are those three fiddlers?" He had called for his fiddlers three, and they did not come.

Just outside the door the three fiddlers were arguing with a man who was trying to give them two florins or two pieces of money to play a piece of music he had written. The fiddlers were saying, "No, you must give us three florins to play that piece of music."

The point of the cartoon was that the payola we hear so much about today was not new, that payola existed in the time of King Cole and King Cole's fiddlers three. The fiddlers three were undertaking to exact from the composer some money to play some music he had written.

I have always regarded this bill in all of its aspects as being vote bait. I consider this measure to be a "votola" bill. There is nothing new under the sun. "Votola" existed back in the days when the first Reconstruction bill was enacted, and its operation resulted in tremendous loss to the morals of the people and the funds of the National Treasury. Finally it took a national election where it was the principal issue to get rid of the original "votola" law.

I am sure that if this "votola" bill should ever be enacted into law it would not be long before the American people would rise up in their wrath when they saw what a fraud had been perpetrated on them by calling any such proposal as this a civil rights proposal, and they would sweep out the "votola" of 1960, just as the voters of three generations ago swept out the "votola" of the Reconstruction period.

I am sure that my colleague, by his splendid graphic description of the approach to this same legislation, will be able to say, "I told you so," even if this monstrosity does find its way to the statute books. Whatever else it may be called, it is really "votola." I thank the Senator.

Mr. TALMADGE. I thank the distinguished senior Senator from Georgia for his magnificent contribution to the debate. He is entirely correct. It is the reincarnation, as the Senator well knows, of one of the infamous force bills. The only difference is that it goes much further than Thaddeus Stevens and his allies went in those days. It purports to regulate not only Federal elections, but State, county, and local elections as well.

As the Senator has so ably stated, it is the very opposite of a civil rights bill. Instead of being a civil rights bill, it would prevent the elected, constitutional officials of every State in the Union from performing their duties under the laws and constitutions of their States.

As the Senator so well knows, the registrars of our own State of Georgia are nominated by grand juries. They are appointed by the judges of the superior courts. The law specifies qualifications which they must meet. They must be honorable and upright

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men. The bill would deprive them, and would deprive similar State officials of the other 49 States, of the right to perform their duties.

In addition, the bill would deprive the Democratic executive committeemen of every precinct in the State of Georgia—and there are approximately 1,800 of them who are elected by the people—of the right to perform their duties in connection with the Democratic primaries. It would also deprive their Republican counterparts of the same rights.

Finally, in the general election, as the Senator so well knows, the ordinaries, who are elected by the people in each of the counties of our State, and are charged with the duty of holding the general election, would be prevented from exercising their responsibilities and duties under the law.

What I have stated about Georgia would apply with equal force to the other 49 States of the Union. Whom would it place in their stead? Some referee appointed by a Federal judge, who is appointed for life. Furthermore, the bill does not require any qualifications.

The judge, if he wanted to, could appoint an alien to conduct an election in Kentucky. He could appoint someone from India to go down and hold an election in Milan, Ga. He likewise could appoint someone from Burma to hold an election in Arkansas. There is no qualification required as to character; nothing is required except that such persons move in and take charge of elections and run them just as Mr. Davenport used to do.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. TALMADGE. I am glad to yield to my colleague again.

Mr. RUSSELL. My colleague has correctly described the situation. This is really an effort in Washington to declare that election officials in the Southern States—people who are just as good as those who live anywhere else in this country—are bankrupt and inefficient, and to appoint trustees to administer the elections.

The junior Senator from Georgia has had wide experience in public life; in fact, I know of no other young man who has had more. Has the Senator had any familiarity with a man of this kind in public office, one who sets himself up as an absolute king to run the government to suit himself, and who would receive very substantial compensation, who would ever be willing to relinquish his post? Would he not continue to reach out and reach out to get more power and build it up and get a larger salary from year to year?

Mr. TALMADGE. That is what he would want. He would want more subordinates and he would want his salary increased. He would want his jurisdiction enlarged from one end of the country to the other. Then he would not be satisfied with that. He would want to set up a political machine of his own, in which he could name Governors, Senators, Representatives, sheriffs, mayors, and city and county officials. That is the history of the granting of power when the person to whom it is granted is responsible to no power on earth.

I thank the Senator for his comments and for his generous personal remarks.

Mr. MCCLELLAN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. MCCLELLAN. I commend the Senator from Georgia for the able presentation he is making with respect to the dangers which are inherent in some of the bills now pending before the Senate. They are simply designed to reduce further the sovereignty of the States and, by destroying their sovereignty, to reduce them to a mere provincial status and thus impose a Government foreign to the authority of the local community and of the sovereignty of the people in that community.

I congratulate the Senator upon his able address.

Mr. TALMADGE. I thank the distinguished Senator from Arkansas for the generosity of his comments.

I think, Mr. President, that the Senate should know about what happened in the 1870's and 1880's under the color of the law it is being asked to reenact in a more stringent form. Therefore, I shall read from the CONGRESSIONAL RECORD some of the accounts of the violence done to free elections by the predecessor of the pending proposal.

For example, on pages 1622–1645 of the CONGRESSIONAL RECORD of January 30, 1893, the eloquent Democratic Senator David Turpie, of Indiana, is quoted as follows about the situation which prevailed in Indiana:

"We have had a political judge in Indiana now in the succession, much distinguished for his rulings pro and con upon the subject of these laws, who has devoted very great attention to the practical administration of them. What is the consequence? The consequence in such cases is that this judge, a man sitting to decide questions of life, of property, of character every day in his court, finds himself in closest alliance with most unscrupulous, the most unprincipled actors in the local party politics of Indiana, and that the judge's chambers upon the recurrence of every political campaign become headquarters for the management and administration of the political party to which he is allied, and the same feeling pursues such a one from his chambers to the bench.

"There never has been any ruling in favor of a political opponent indicted in our court; always against him. There never has been any conviction of a Republican for any political offense in our court—not a single one. Eighty Republicans were indicted, indicted upon full hearings, upon lawful information, and upon full evidence, for violation of the election laws. The indictments were quashed, and what is known as the general jail delivery occurred in Indianapolis, and all the defendants were discharged.

"Now, what does such a judge do? What is his employment? How does he earn his salary? By midnight councils prior to the election held in the judge's chambers. I acknowledge he may pay some attention to other questions and cases pending in his court, but his chief employment, that which calls into action the whole faculties of his mind, is this: To decide how he may make appointments as supervisors and marshals in the different counties to decrease the Democratic vote, and how he may make the same appointments in other counties to increase the Republican vote. This is the gist of his labors. The consequence is, the judge's name has become a byword throughout Indiana. There is no precinct in Indiana which you can visit where you will not find it the subject of the coarsest objurgations on the one hand, and of the coarsest, falsest partisan praise and laudations on the other. It has become a reproach in the eyes of both parties. * * *

"There is an election approaching for Congressmen in my district. A petition is presented for the appointment of supervisors and marshals. Now, who are selected for such officers? It is pretended that the supervisors and marshals are to protect the purity of the ballot and to prevent the violation of the election laws. Invariably, without any exception, the person charged with that duty appoints to these offices, being a Republican, some weak-kneed Democrat who will take the appointment and the pay as a bribe, and vote against his party in order to earn the hire of his corruption. * * *

"Having then collected all these weak-kneed and feeble folk of whom I have spoken, the chief supervisor proceeds also to consider men who are utterly indifferent, called the floaters. You generally find quite a large quota of the floaters in a contested district wearing the badge of U.S. marshals and supervisors, put there for the purpose of determining their votes, of determining the course of the current that the floater will swim in.

"Again, you will find in every community certain men who are corrupt, who are utterly without principle, who have no opinions that they are not willing to sell—to sell for money. These men, a very large quota of them of no party and of all parties—these mercenary miscreants are certain to be appointed. They are never left out of the list of deputy U.S. marshals and deputy U.S. supervisors."

Indiana Congressman William Dallas Bynum had given another example of the situation prevailing in that State during the debate the preceding year in the House of Representatives. He is recorded on page 1858 of the CONGRESSIONAL RECORD of September 27, 1893, as stating as follows:

"Allow me to give an illustration of the grossly offensive manner in which these laws have been executed—a case that occurred in my own county. At the election previous to the last a supervisor inside commanded a marshal outside to arrest a voter for making an affidavit as to the right of another man to cast his vote. Under our laws, when a person offering to vote is challenged it is essential, before he can vote, that a voter of the precinct make affidavit to his residence; and in this instance when a voter stepped up and made such affidavit the supervisor commanded a marshal to arrest him, and he was arrested and taken away in order to prevent him from making affidavits in the cases of other voters. In this way 50 men were deprived of their right to vote under this construction of the State law by supervisor and marshal."

What happened in the State of Illinois and the city of Chicago was the subject of a speech by Congressman John Charles Black of that State. Here is excerpt from his remarks, taken from page 1899 of the CONGRESSIONAL RECORD of September 28, 1893:

"As the tide of opposition rose, the power of the Federal supervising law was transferred from the States of the South, in a large degree, and brought into the great States of the North.

"What did we want with supervisors? Our elections had never been challenged, and when peaceful contests had been made they had been settled by the constitutional tribunals, the Senate and the House, in accordance with the laws, the facts, and the immemorial usage of the country; and there was no Illinoisan anywhere who believed for one instant that he needed the interposition of a new set of laws to determine who had been elected, or to make accurate and judicial returns of the results of any election that sent a Representative here or a Senator to the other end of the Capitol.

"In 1892 this great State was believed by the Republican management to be in danger, and so the power and resources of this law were invoked. I can never forget the day. All over this continent it was as beautiful as any election day that ever lighted the people to the exercise of the franchise, a phenomenal day, and phenomenal in its results.

"There was a belief that the action that might be taken by the city of Chicago would have great effect in determining the result in the Nation. The eyes of both parties were turned to it as to a decisive point in the campaign. And so an army of deputy marshals and assistant supervisors was secured, and I have here the figures showing the number employed on that election day in the city of Chicago.

"In the year 1892, according to statements furnished from the records of the U.S. marshal for the northern district of Illinois,

there were employed as supervisors of election and assistant supervisors 1,386 men in the city of Chicago, and as special deputy marshals 2,400 men, the first at a cost of $68,973 and the second at a cost of $32,908, making a total cost, as shown by the record of the marshal of the northern district of Illinois, in conducting this supervision of election on that day, of $101,953.26.

"I recall the incidents of that day. Intense excitement had prevailed throughout the entire land. Appeals had been made to the reason, the judgment, and to the patriotism of American citizens upon all of the great issues that separated the parties. There was no argument that was not applied. There was no blandishment that was not employed. There was no persuasion that was not used to bring a great vote to the polls, and a great vote came.

"Early in the morning of that day, or rather in the shades of the preceding night, the supervisors and deputy marshals were arrayed, and there came 3,786 of them, more than a full brigade of such troops as they were. They were drawn from the alleys, this militia of oppression. They were drawn from the slums, this battalion of bummers. And from down on the lake front, where 'the Back Jack Yattaw Bum Boat Flotilla' anchored, came the piratic marine, a part of the force of supervisors and deputy marshals of this election; and thus they stood, armed and equipped for their service, to protect the election in the city of Chicago, and in the great State of Illinois.

"Think of this battalion of bummers summoned into the service of the United States to protect the franchise in the State of Illinois. Think of that array of motleys that came to assist the city of Chicago in conducting her elections. What a glorious sight. Republicanism, through its officials, had summoned these men and they came, not all of them such as I have described, but many of them the disreputables and the unfortunates of human life. They wore the stars of the deputy marshals of the United States upon their breasts. What was the result?

"The city of Chicago, the magnificent queen of the interior commerce of the American world, she that prides herself not alone on what her commerce has done and what have been her financial and her monetary achievements, but as well upon the fact that within her borders today the churches of all denominations point with solemn monition to the sky, that public schools are in every ward and in every border of her great and spreading domain, that over her lines enlightened commerce runs to the ends of the earth, that she is a great, peaceful metropolis, that her courts are open forever to the call of justice—the city of Chicago put herself at the back of her merchants, her judges and lawyers, and ministers, and in response to the challenge of this tatterdemalion host, her would-be supervisors and guardians, she gave 35,000 Democratic majority. * * * That was a proper response of a great, free constituency to an outrageous assault corruptly made upon the liberty of the franchise of the citizens.

"Laws that have produced nothing to the party working them; laws in the execution of which such results have followed, cannot do any good to the Republican Party as a constituent part of the people of the land, and cannot do any good to the Democratic Party that loathes and spurns them."

Next to those in New York, the worst scandals in the country under Davenport's law probably occurred in the State of Missouri. Here is what the illustrious Democratic Senator George Graham Vest, of that State, had to say about them as recorded on pages 981–83 of the CONGRESSIONAL RECORD of January 18, 1894:

"In 1876 the necessities of the Republican Party (and I will prove this from the sworn testimony of their own witnesses) demanded that three congressional districts in Missouri should be carried for the Republican ticket. A determined effort was agreed upon here in Washington to carry the U.S. House of Representatives for the Republicans. Mr. W. D. W. Barnard was the confidential friend of General Grant and the chosen instrument of the administration to do that thing. He was the national bank examiner of the State of Missouri, appointed by Grant. The U.S. marshal in the St. Louis district was H. W. Leffingwell, whom I know very well—a real estate man of high character and a very old citizen. Leffingwell was an honest man, conservative and patriotic.

"Barnard carried the instruction of Mr. Taft, the Attorney General of the United States, to the Republicans of St. Louis that those three districts must be carried for the Republican Party by the use of the instrumentalities provided in the Federal election law. He carried the instructions of the Attorney General to Leffingwell, the U.S. marshal, and they both swear to it. Leffingwell said, 'Why, there is profound peace in Missouri; there is no danger of any tumult or riot here in the city of St. Louis. The calm is profound politically, socially, and otherwise.' Barnard said to him, 'Here are your orders. Who made you marshal?' 'Well,' said Leffingwell, 'you had a good deal to do with it. You are very near the President.' 'Well, sir,' he said, 'the man who made can unmake; and if you do not carry out these orders I will put you out of this office.'

"It is hardly necessary for me to remark that the conspiracy was carried out and that the three districts were carried for the Republican Party. R. Graham Frost was beaten by a Republican named Metcalfe on the return, though he was elected at the polls. Frost contested the election, and here is the testimony taken in that contest. It is found in House of Representatives Miscellaneous Document, 2d session, 45th Congress, 1877–78, volume 4, page 317. Mr. Barnard was put upon the stand; he was asked this question:

" 'Question. You had great influence with General Grant about that time, I believe?

" 'Answer. That I cannot say. General Grant and myself had been acquaintances for 30-odd years.

" 'Question. And great personal friends?

" 'Answer. I think so, sir.

" 'Question. What did Mr. Leffingwell say to you?'

"(Objected to as irrelevant.)

" 'Question. What was the nature of Mr. Leffingwell's dilemma?'

"(Objected to as irrelevant and immaterial to this issue.)

" 'Answer. Well, Mr. Leffingwell had been engaged in the real estate business here for years, and a good many of his friends whom he had done business for had rather influenced him that Mr. Tilden would be the President, and if he put this law, which he was instructed to in force that he would make enemies and he would get out of office, and his business would be injured by it. A committee composed of a number of very prominent Democrats waited on him, and after an interview he promised to give them an answer the next day.

" 'Question. What was the nature of the interview, right there?

" 'Answer. In reference to enforcing the law.

" 'Question. Were they protesting against it?

" 'Answer. Yes, so I understand. I had a desk in the office, and I had overheard the conversation.

" 'Question. You stated he would give them an answer.

" 'Answer. An answer at 11 o'clock.

" 'Question. He said he would give them an answer the next day?

" 'Answer. Yes, sir.

" 'Question. Did they call the next day?

" 'Answer. They did; a portion of them called and he turned them over to me.

" 'Question. What took place after the conversation that you had on the first day about this protesting committee?

" 'Answer. Mr. Leffingwell and myself lived at Kirkwood, and on the train going there that evening he told me that he was in a great deal of trouble, and he did not know what to do. During the evening he said he did not know what he should do, and I said, "He had got his orders and instructions?" "Yes." "Well, you certainly will carry them out." He did not know. The next morning early, quite early, he sent for me and told me he was in a good deal of trouble and did not know what to do. I was somewhat amused at his position, and said to him after there was quite a conversation. I told him, "Leffingwell, have I had anything to do with your appointment as marshal?"

" 'Question. He stated to you?

" 'Answer. Yes. "And you have got instructions from the Attorney General to enforce the laws of the United States?" "Yes." "Yes." "And you refuse to do it?" He hesitated. "Yes," he said, he did not know what he should do; he never was in such a position in his life. "I then was influential in making you a marshal?" "Yes." "And if you do not execute your orders I will see that you are not marshal much longer. The man that makes can unmake." Then he said to me, "What am I to do?" I said to him, "I can relieve you of that dilemma. Give me control of those marshals"; and he says, "I will do it."

" 'Question. Well, did he do it?

" 'Answer. I think so, sir.

" 'Question. Well, what did you proceed to do then?'

"Mr. Barnard goes on to state that he himself took the authority away from the chief marshal and appointed 1,028 deputies, organized them into regiments, battalions, and companies; the captains reported to the majors, the majors to the colonels, and the colonels to him, and he reported to the Attorney General of the United States. They put the city of St. Louis under a military organization under this law.

"Now, Mr. Barnard under this authority from the Attorney General, * * * which had no foundation except the necessities of the Republican Party, proceeded to carry those elections. Mr. Barnard testifies that he disfranchised 5,700 voters; he took the registration lists and struck off 5,700 names; and amongst them were some of the most reputable and oldest citizens of St. Louis, men who had fought the Indians for sovereignty over their territory, men who had blazed the pathway of civilization with the ax in one hand and the rifle in the other. They were arrested on the morning of the election by these military deputy marshals, and terror seized the whole community. Many Democrats refused to go near the polls. Conservative businessmen remained at home during the entire day. Three Republican Congressmen were brought to the House of Representatives under that proceeding from three Democratic districts in my State.

"It was charged here yesterday by the Senator from Delaware (Mr. Gray) and the Senator from Illinois (Mr. Palmer) that this law was enacted for political purposes and not in the interest of fair suffrage and the purity of the suffrage. Let us see what was the object, according to Mr. Barnard's own testimony. He is asked further:

" 'Question. Was there any more danger for the commission of frauds and for disturbance at this election than there was at previous elections?

" 'Answer. Oh, well, all our large communities had become very corrupt in the exercise of the elective franchise, and it was thought essential to the protection of voters.

"'Question. Independently of political consideration, was there any more necessity for the appointment of marshals at that election than any previous election?'

"Objected to on the ground that there can be nothing connected with the election independent of political associations.

"'Question. In order to be precise, I will say, independently of all party consideration, was there any more necessity for the appointment of marshals for that election than for any previous election?

"'Answer. Oh, well, you gentlemen know very well that in a political struggle for party ascendancy it is necessary for the coordinate branches of the Government to be in accord, and there was an effort on the part, so I interpreted it, of the party which I acted with to regain control of the House of Representatives.'

"There was no pretense that there was any disturbance in the city of St. Louis. There was nothing but absolute peace and tranquility. Mr. Barnard, as he himself swears, received his orders in Washington from the Attorney General to carry those three election districts under the election law, and that he went out to St. Louis and achieved the purpose, and then he had the hardihood to avow it when a sworn witness upon the stand. The conspiracy was successful. Fifty-seven hundred men were disfranchised. Hundreds were arrested on the morning of the election. It was an ex parte proceeding.

"Mr. President, this man Barnard called from the purlieus and dens of vice throughout the great city of St. Louis every reckless and characterless mercenary who for $5 a day would take his marshal's badge and arrest men at the polls. There were appointed at $5 a day 1,028 men without responsibility, without character, willing for this pitiful sum to strike down the liberties of any man, no matter how old, how respectable, how influential. It cost the people of the United States $21,000 to consummate that infamy. The bill was made out, and Barnard, following the conspiracy to its end, came back to report to his masters, with Henry T. Mudd, a deputy marshal, with him, and here is the account of his interview with Taft:

"'Question. You think those marshals did very good service in the congressional election, do you not, Mr. Barnard?

"'Answer. When I went to Washington with Mr. Mudd, who was chief deputy marshal for the settlement of this account, Mr. Taft asked Mr. Mudd how many marshals he had.

"'Mr. Shields. Taft, the Attorney General?

"'Answer. The Attorney General * * * Mr. Taft asked Mr. Mudd how many marshals he had. Mr. Mudd referred him to me and said I had charge of the marshals; and he turned to me, and I said, "1,028." The old gentleman wheels around in his chair and says, "Were there no others out in Missouri you could have made marshals?" Says I, "Mr. Taft, we went in to win and if it had been necessary to have had a posse comitatus—I think that is what you call it, and every other man over 15 years of age should have seen a fair election," and he said, "You bring a good deal of sugar in your spade."'"

"And he signed the voucher.

"But going back to the episode, which I neglected to name, there was one precinct in that great city in which the Democrats, notwithstanding all this fraud and force, secured a majority—precinct No. 71, well known in the political history of my State. Barnard found it had gone Democratic, and our returning board, composed of the county judge and the county clerk and another State officer, under the statutes of Missouri, met the next day or the day afterward, the second day, to count the votes and make the return. Barnard, booted and spurred and armed, with an armed deputy marshal at his heels, went into the room in the courthouse where the State returning board, under our law met. He said 'I understand you are about to count precinct No. 71.' Mr. Garesche, the county clerk, said, 'What right have you in here, sir; this is a State board.' And he ordered him out of the office. Barnard said, 'I am under Federal authority, and if you dare to count the vote in that precinct I will put every one of you in jail before night.' He swears that he did so, and Garesche then again told him that he must leave the office, and a personal difficulty was averted by pushing Barnard out of the door.

"These facts are beyond any sort of controversy. They happened in my own State. They are recited here in a document printed by the Congress of the United States, and everything I have said is substantiated upon the sworn testimony of these men."

Missouri's eloquent and colorful Congressman Champ Clark on October 2, 1893, gave the House of Representatives the following version of that and other outrages which occurred in that State under the election supervisor law:

"In 1876 the Republicans thought it was necessary to have three Representatives in Congress elected from the city of St. Louis. There was a U.S. marshal by the name of Leffingwell, a Republican. I like to embalm his name in the CONGRESSIONAL RECORD, because he had conscience enough to refuse to take charge of the deputy marshals and supervisors to do the dirty work of defrauding American citizens on election day. He would not do it. But one W. D. W. Barnard, a man who claimed that he had made Leffingwell marshal, said, 'Well, you need not bother about that, I will do it myself,' and he did it with a vengeance and to his lasting infamy. They returned three Representatives as elected. Now, how many deputy marshals do you suppose it took to elect three Republican Congressmen? It took 1,028 deputy marshals besides the supervisors.

"When the marshal's report was referred to Attorney General Taft, he said, "Mr. Marshal, how many deputies had you?" The latter answered, 'I had 1,028.' Mr. Taft inquired in amazement, 'Were there no more men in Missouri you could have made marshals also?' How much do you suppose it cost the taxpayers? Twenty-odd thousand dollars. When that bill was presented to Mr. Taft it sort of stunned him, but finally he OK'd it with this suggestive, statesmanlike remark, 'Well, you bring a great deal of sugar in your spade.' What sugar was it? Three Republican Members of Congress.

"Thus was accomplished another victory for purity and reform, as those virtues are regarded by the Republican leaders.

"In order to secure a majority on the face of the returns for the three Republican congressional candidates, Mr. Barnard and his minions arrested and held in custody until the polls closed, thereby preventing them from voting the Democratic ticket, several hundred honorable citizens, who were as well known in St. Louis as we are in the towns in which we live. After the polls closed, they were released and no charges of any sort were ever preferred against them. They had been humiliated and insulted by arrest and defrauded of their suffrages, which was the greatest desideratum of Barnard and his masters.

"These outrages against justice, decency, and liberty, were committed under and by virtue of these laws which we are commanded to repeal by an overwhelming majority of the American people.

"In 1888, by colonizing illegal voters on a large scale, by unblushing bribery, and by the employment of an army of deputy marshals and supervisors, three Republicans were returned as elected from St. Louis to the 51st Congress. This was accomplished through the machinations and manipulations of one Chauncy Ives Filley, whom so high a Republican authority as the Globe-Democrat has pronounced to be 'the grand pastmaster boodler.'

"That trio of St. Louis Republican Congressmen sent hither through fraud, corruption, and intimidation, made the 51st Congress Republican by two majority, a calamity from whose baleful effects the country still suffers.

"One reason that impelled the Democratic legislature to enact their Australian system of voting was the high-handed performances of the Republicans in 1888. I will give you one example. At Crystal City, where a great quantity of plate glass is made, the managers were so thoroughly determined to defeat Martin L. Clardy for Congress because he would not do their bidding here that they prepared the ballots for their employees and, fearing they might change them while en route to the polls, compelled them to march to the voting place holding the prepared ballots above their heads in plain view of the bosses, on pain of being discharged from employment if they refused.

"The Democratic legislature determined to put an end to such infamous proceedings, and they did so far as in them lay, and would have succeeded completely but for the intimidation of voters by deputy marshals and supervisors.

"At all of these three elections, in 1876, in 1888, and in 1892—in fact, in all elections, but in these three particularly—the deputy marshals, by preconcerted arrangements, willfully, premeditatedly, and of their malice aforethought, entered upon a systematic course of arresting Democrats and holding them till after the polls closed, and then discharging them without even a semblance of prosecution. Hundreds of prominent businessmen were thus maltreated—men who were in St. Louis while the red Indians still paddled their canoes on the Mississippi. Such outrages burned themselves into the minds and hearts of the people."

Another able Democratic Senator of the period—Senator James Henderson Berry of Arkansas—told the Senate about the abuses in his State. As found on pages 383–384 of the CONGRESSIONAL RECORD of December 19, 1893, this is what he said:

"Prior to the advent of the Republican Party in the South, in 1868, I do not think I had ever heard, with one solitary exception in Louisiana, of the use of money in elections or of false counting brought against any party in any of the States of the South, but from 1868, to 1874, under Republican rule in my own State, and I presume it was so in other Southern States, the practice of falsifying election returns became so universal, so widely and well known, that they ceased to excite comment. And yet we find the Republican Party here always posing as the champion of fair elections, ignoring these well-known facts and hurling charges of wrongdoing at their political opponents.

"When the Reconstruction Acts of 1868 were passed, the whites in the State of Arkansas largely outnumbered the blacks, and the great and overwhelming majority of the whites were in sympathy with the Democratic Party. But when these laws were passed and the right of suffrage conferred upon the Negro the State was infested with a horde of adventurers from the North, men who could obtain neither power nor position in their former abodes, but there under the protection of the troops of the United States they took possession of the State government, framed a constitution and submitted it to the people, and when it was rejected by more than 10,000 majority, they deliberately falsified the returns and declared it adopted.

"When the people protested military forces were organized and swept over a large portion of the State, leaving murdered citizens and burning houses to mark the line of

their march. The people were powerless and helpless to protect themselves for the reason that they knew that the U.S. Government was behind those who were controlling the powers of the State government. In the elections of 1870 the same frauds were perpetrated, and they became so shameless and glaring in the election of 1872, after the passage of the laws we now seek to repeal, that actual war ensued in 1874 between the opposing factions of the Republican Party, and by reason of this contest the people were enabled to recover possession of their government.

"The chief supervisor in Arkansas today is Judge John McClure. The people throughout the State almost universally believe that he was perhaps more largely responsible for the frauds upon the ballot boxes which were committed from 1868 to 1874 than any other one man in the State. He has since he has held the office of chief supervisor used his power in every election to harass and annoy the election officers of the State in every possible way. He secured the appointment under President Harrison of assistant or special district attorney for the eastern district of Arkansas, and through this power and that of chief supervisor and under a Republican district judge succeeded in having indictments preferred against many of the best citizens of the State.

"The prosecution and trial of these causes cost the Government of the United States many thousands of dollars, and, notwithstanding it was a Republican judge and district attorney and a majority of Republican jurors, nearly all of these parties were acquitted; and in the few cases where convictions were secured it was for some technical violation of the law where no fraud had been committed or intended and where the result was in no way changed, and, as I now remember, not a single man indicted was shown to have committed actual fraud in a single precinct within the State.

"Just preceding the election of 1890, a deputy marshal in the State of Arkansas, accompanied by a large posse which had been taken from the city of Little Rock, went into the county of Lee under pretext of summoning witnesses to attend the Federal court, and yet they showed by their acts that it was their sole object and purpose to frighten and intimidate the Negroes who had expressed a determination to vote the Democratic ticket. Written communications were distributed amongst the colored people commanding them to go to the polls and vote for the Republican candidate for Congress."

Representative Hugh Anderson Dinsmore, of Arkansas, elaborated on the machinations of McClure in his address before the House of Representatives on October 2, 1893. The following is an excerpt from his remarks on that occasion:

"Let it not be forgotten that these officers are appointed for the purpose of preventing fraud and bringing about a fair and pure election. Yet, sir, in the State of Arkansas the Republican Party has selected, constituted, and appointed as the chief supervisor for the control and direction of all the other supervisors, as the man best fitted and most suitable for the performance of this sacred work, one John McClure, known throughout the State, and beyond its confines, by the name of Poker Jack, who, in Reconstruction, was made, without the will of the people whose rights he was to take in his hands, chief justice of the supreme court—God save the mark—and who, while holding this position is said to have boasted that he had never yet seen the case in which he could not render as good a decision on one side as on the other.

"A man who was in at the birth of rascality in elections, and all other political iniquities in the State of Arkansas, where his name is a synonym for all that is ignoble, immoral, and objectionable. And this man in the performance of his supposed duties has had various and divers good citizens of the country, without any foundation whatever, arrested and brought before the courts and harassed with prosecutions for which there was not the slightest ground and which had to be dismissed by the prosecutor without a trial. He has dragged from different parts of the State peaceful and law-abiding citizens to attend the courts and sacrifice their time and means waiting to appear as witnesses in cases where there was no reason to believe there would ever be any necessity for their presence.

"And this man, Mr. Speaker, while he was holding the high and dignified office of chief justice of the State of Arkansas, was at the same time chairman of the Republican executive committee of the State. Not only so, but while chief justice and chairman of the Republican executive committee he was editor in chief and had his name at the head of a partisan political paper in the city of Little Rock which was receiving the public printing from the State. In the archives of this Government, in a report made to the House of Representatives, will be found a record where he himself admits under oath these facts which I have stated. Now, is not that a beautiful agent to select to preserve the purity of the ballot?

"As a compensation for his supposed services he sent up his accounts to the Federal Government which are stated in a letter which I have received from the Treasury Department, and which by permission of the House I will read * * *. It is true that this is but a small demand in comparison with that which has been shown to have gone up from the State of New York; but of this sum of more than $6,000, which he stated was due him on this account, Republican officials of the Treasury Department, who are not supposed to be niggardly in paying out the money of their country nor oversensitive as to the character of the service rendered, could not find it in their conscience to approve, but reduced the amount $5,418.65, or to $618.30. Is it any wonder, Mr. Speaker, that our people, under these conditions, have grown weary and sick of this law? Is it surprising that they should resent the insult conveyed in its very enactment and existence, when, under a sham and hypocritical pretense of a desire for fair elections, the law has been administered in such a spirit and by such agents?"

One of our most respected Georgia statesmen of the last century—Congressman Thomas Graves Lawson—dealt with conditions in Ohio in his address before the House of Representatives on September 27, 1893. Taken from pages 1858–1859 of the CONGRESSIONAL RECORD of that date, here is what he related:

"Mr. Speaker, I read from a report made to this House in March 1885, by the distinguished Member from Illinois, Mr. Springer, in the investigation of Lot Wright, U.S. marshal, and here is the indictment against him which I am obliged to read in order to show the pertinency of the report on the subject. A friend was kind enough to hand me the report this morning. Hon. John F. Follett, a Representative from the State of Ohio, introduced the following preamble and resolution:

" 'I do impeach Lot Wright, U.S. marshal of the southern district of Ohio, of high crimes and misdemeanors. I charge him with usurpation of power in violation of law:

" 'In that he appointed a large number of general and special deputy marshals to serve at the several voting precincts in the city of Cincinnati, in the State of Ohio, at an election for Members of Congress, held in said city on the 14th day of October, A.D. 1884, and armed said deputy marshals with pistols and other deadly weapons, said to have been furnished by the War Department of the U.S. Government.

" 'In that a large number of the deputy marshals so appointed and armed were notorious criminals, and men of known vicious and brutal habits and reputation, and many of them nonresidents of said city of Cincinnati and State of Ohio.

" 'In that the said deputy marshals, acting under his orders and directions, aided, abetted, and encouraged fraudulent voting, intimidation of voters, and gross outrages upon the elective franchise, and the rights of the honest voters of said city, in furtherance of the interests of a political party and its candidates: Therefore

" '*Resolved*, That the Committee on Expenditures in the Department of Justice be required and directed, as soon as the same can be reasonably done, to investigate such charges and report to this House.'

"I will now read so much of the report of the committee as is to the point. They investigated and made their report, the evidence taken amounting to more than 600 pages. Listen to the report:

" 'From the testimony taken by your committee it will appear:

" 'That the deputy marshals appointed by Marshal Wright were largely in excess of the necessities of the situation.

" 'That they were appointed as Republican partisans and political workers, and in most cases prostituted their official position to partisan ends.

" 'That they were armed with revolvers and other deadly weapons furnished by the national committee of the Republican Party.

" 'That many of such deputy marshals so appointed and armed were notorious criminals and men of known vicious and brutal habits, and many of them were nonresidents of the State of Ohio.

" 'That many of said deputy marshals, acting under the orders of Marshal Wright, aided, abetted, and encouraged fraudulent voting, intimidation of voters, and committed gross outrages upon the elective franchise and the rights of honest voters.'

"From the evidence before the committee it appears that 1,600 deputy marshals were appointed, and God only knows how many more would have been appointed if the blank commissions had not given out as the marshal testifies they did. The pistols used were what is known as English bulldog revolvers of .44 caliber. I do not know what kind of a weapon it is myself, but a gentleman informs me that one of these identical weapons is in possession of Colonel Hill, deputy sergeant at arms, and I have no doubt that he will take pleasure in exhibiting it to any gentleman who may be curious to see it.

"There were rioting, bloodshed, and murder at the election. There were armed deputy marshals from many States in this Union, while the law under which they were proceeding to act in order to insure an honest election and a fair count required that the deputy marshals should be qualified voters of the precinct where they were employed. It is true that they were from Colorado, Texas, Missouri, Illinois, Kentucky, New York, New Mexico, and many other parts of this country. To show their respectability and capacity for controlling the people of that large city for 1 day, one witness, a partner in law with Governor Hoadley, describes a considerable number that he saw there:

" 'They were not respectable colored men, such as I have seen about Cincinnati, but looked like roustabouts, dressed in all sorts of costumes; coats nearly off their backs, hardly a shirt on; some of them without shirts, the dirtiest looking lot I ever saw in my life.'

"Although there were riots and bloodshed while the polls were thus guarded, at the presidential election, which came off 3 weeks later, there were no deputy marshals, and the election was conducted quietly and

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peacefully. The election in that single city cost the government $14,800, with no good results, except to give the city of Cincinnati 'a free ballot and a fair count.'

"If there is any better evidence than this that great abuses and outrages arise under the administration of these laws by partisans and for partisan effect (and they will never be otherwise used), I hope that some gentleman will produce it. If they have a redeeming feature it has escaped my search. They are, I presume, abused in every instance that they are used. The medicine is a great deal worse than the disease. I would not lodge such power in the hands of any party; not in the hands of the Democratic Party as intense as is my loyalty to it."

Representative James Alexander Dudley Richards, of Ohio, also touched on the subject of marshal Lot Wright and the abuses which occurred under his administration of the law in Cincinnati. As found in page 2001 of the CONGRESSIONAL RECORD of September 30, 1893, he declared:

"On a parallel with this was the conduct of Lot Wright in Cincinnati, Ohio, the vile proceedings of whom are sufficient to condemn any party which will put it into the power of any man to commit such iniquity. Gangs of the most infamous of Negroes were made kings for the day, to lord it over respectable and intelligent citizens. Riot, bloodshed, and disorder reigned supreme, disgraceful to the city and to the country, and all under an attempt to promote the success of the Republican Party under the guise of endeavoring to preserve the purity of the election."

There is no more thorough or persuasive argument against measures of the character of the pending Rogers-Davenport Reconstruction Act than the text of Report No. 18 of the House of Representatives of the 1st session, 53d Congress. It is the report of the Committee on Election of President and Vice President accompanying the bill to repeal Davenport's Law. Written by Virginia's eloquent Representative Henry St. George Tucker and presented to the House of Representatives on September 20, 1893, it reads in part as follows:

"The appointment of supervisors presumes something to supervise and the right of supervision. These sections relate to the right of supervisors and deputy marshals to supervise the election of Representatives in Congress; and the initial point, therefore, is as to the right of the United States to supervise the election of Members of Congress, and if the right exists whether it is proper for them to do so."

"This subject has been discussed before in Report No. 1882, part second, page 5, 1st session of the 51st Congress, as follows:

"The power is sought in the fourth section of article I of the Constitution, which is as follows:

" 'The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.'

"We shall invoke the simple method of construction laid down by the writers, of seeking first, from the words themselves, their intrinsic meaning, and then invite the testimony of those who made them as to their meaning and their intent in making them, and, finally, the construction put upon them by Congress itself and recognized authors on the Constitution.

"We notice, first, that the times, places, and manner of holding elections, etc., is primarily confined to the legislature of each State; secondarily, it is given to the Congress.

"The language itself and the arrangement of the two clauses show this:

" 'The times, places, and manner, etc., shall be prescribed by the legislature of each State.

" 'But the Congress may, by law, at any time make or alter, etc.'

"The first is original and primary, the second is permissive and contingent. The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who drafted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities coequal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section.

"We cannot believe that the intelligence which framed that great instrument, careful in avoiding any conflicts that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide 'the times, manner, and places of holding, etc.,' was intended, without reason or cause, to be taken from them and arbitrarily assumed by Congress; and that, too, when there had been no failure on the parts of the States to provide the necessary machinery and no impropriety in the machinery provided.

"We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the legislature of each State should have the primary authority to prescribe 'the times, places, and manner of holding elections, etc.,' and that Congress should have such power ultimately. When? For what cause? What circumstances or conditions prevailing in the States shall be sufficient to cause a forfeiture of this right in the legislatures of each? This section and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.

"Of the Original Thirteen States that framed the Constitution seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.

"The language of some of them is most striking and instructive. On the 6th of February 1788, Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to 'remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government,' the following alteration of and provision to the Constitution is suggested:

" 'That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution.'

"Not satisfied with the mere suggestion of such amendment, and with a prophetic fear that, if such suggestions were not adopted by the first Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might someday waiver in his support of those principles in the Halls of Congress, the convention added this strong language:

" 'And the convention do, in the name and in behalf of the people in this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in the said article.'

"South Carolina ratified on the 22d of May 1788, with the following recommendation:

" 'And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature, should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution.'

"New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

"Virginia on the 26th of June, 1788, ratified with a recommendation in the following words:

" 'That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.'

"August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable clauses. The convention recommended an amendment in the same language as did the State of Virginia.

"New York ratified July 26, 1788, and the recommendations of its convention are in some respects the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find:

" 'That nothing contained in the said Constitution is to be construed to prevent the legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and to apportion its Representatives to and amongst such districts.

" 'Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates * * * do, by these presents, assent to and ratify the said Constitution.

" 'In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulations in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and

that in those cases such power will duly be exercised until the legislature of this State shall make provision in the premises.'

"And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

"Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger. The above extracts have been made that it might be seen how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so, or from any cause could not do so.

"Not alone did the States above enumerated speak out with no uncertain sound, but in the debates in the Pennsylvania convention to ratify the Constitution, James Wilson, a member of the Federal convention that framed the Constitution, and a member of the State convention, explained this provision to mean in effect that the States were primarily to act, and Congress only in case of their failure to do so; and the convention recommended an amendment in the following words:

" 'That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue.'

"In the 58th number of the Federalist, Mr. Hamilton discusses this subject and says:

" 'They (the Convention) have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which in ordinary cases, and when no improper views prevail may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.'

"Judge Storey, in his Commentaries on the Constitution, volume 2, chapter XI, discusses the whole subject and holds that the power will not be exercised by Congress unless 'an extreme necessity or a very urgent exigency' should arise. (Secs. 820, 823, 824, et seq. See also 1 Tucker's Black. Comm. App., 191, 192; Curtis on the Constitution, 479, 480.)

"We conclude, therefore, that Congress has the power to 'prescribe the times, places, and manner of holding elections' for Members of Congress, but that such power is contingent and conditional only, not original and primary.

"Under what conditions or upon what contingency?

"If we accept the evidence of the States in their State conventions, ratifying the Constitution, and that of the men who made the Constitution, the conditions are—

"First. Where the States refuse to provide the necessary machinery for elections; and

"Second. Where they are unable to do so for any cause, rebellion, etc.

"Mr. Madison, in the Virginia convention, when asked his opinion of this section, said:

" 'It was found necessary to leave the regulation of these [times, places, and manner] in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. * * * Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised.'

"Mr. John Jay, subsequently Chief Justice of the United States, in the New York convention said, when this clause was under discussion:

" 'That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal convention.'

"Again, Mr. Madison says:

" 'This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether.' (Madison Papers, vol. 3, 1282.)

"Has any State refused to provide the necessary election machinery, or is any State unable to do so for any cause, or what extraordinary circumstances, what extreme necessity, what urgent exigency exists now for the exercise of this power by Congress? None has been suggested, and we confidently assert none can be."

Mr. THURMOND. Mr. President, will the distinguished Senator from Georgia yield?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. TALMADGE. I yield.

Mr. THURMOND. Mr. President, I wish to take this opportunity to commend the able and distinguished Senator from Georgia for the magnificent address he is making. The Senator from Georgia was a very able Governor of that great State, and he is a profound constitutional lawyer. The address he is making here in the Senate is a splendid contribution to the cause of constitutional government in these United States.

Mr. TALMADGE. Mr. President, I am deeply grateful to my learned and distinguished friend, the junior Senator from South Carolina, for his extremely generous personal references.

The Senator from South Carolina himself has been a very able judge. He had an outstanding war record. He has been highly decorated. He served as president of the Reserve Officers Association of the United States. He made an outstanding Governor of his State, and he is a great U.S. Senator.

When such generous personal references come from so distinguished and outstanding a man, I am deeply grateful.

I continue to read:

"For Congress to attempt to exercise this power now in this bill against the protests of a majority of the States that made the Constitution, and when those States only ratified it upon the faith and assurance that this and other powers would never be exercised except under certain conditions, which have not arisen, is a fraud upon the Constitution that should not be tolerated.

"But, conceding for the moment that section 4, article I, gives to Congress the full powers claimed by the advocates of this bill, still it must be construed in the light of the subsequent section (8) of the same article, which declares that Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers. Admit the power to be ample in the Constitution, yet the same authority limits the legislative branch of the Government in the enactment of laws, to such as shall be necessary and proper for carrying into execution the foregoing power. In *Hepburn* v. *Griswold* (8 Wall., 614), Chief Justice Chase, in defining these words, says the words—

" 'Necessary and proper were intended to have a sense, to use the words of Justice Story, at once admonitory and directory, and to require that the means used in the execution of an express power should be bona fide appropriate to the end.'

"But again, the States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities. With this state of things we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States. This of itself must create friction, and the history of the country since the enactment of these laws, has demonstrated their unwisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized. The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of the supervision. How then can the United States, by its supervisors, and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

"The second section of article I of the Constitution declares: The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"This leaves the right of suffrage and the conditions of sufferage in the States. By what authority, then, can a Federal officer, by challenge or otherwise at the polls or on registration day, determine the question of suffrage which the Constitution of the United States has left solely to the States to determine?

"Many of these statutes also impose penalties upon the election officers of the States, in the conduct of elections, for a violation of the State laws. Was ever a more monstrous proposition written on the statute books of a free country? The power to make laws is a sovereign power. It carries with it the power to punish for the violation of such laws, but the two powers must be coordinate. The power that creates the law can inflict punishment for its violation, but no power can inflict punishment rightfully for the violation of a law which it never made. To attempt it, as has been done in the past, has resulted only in irritation, contention, and criticism of the government that has proposed it.

"The object of legislation should be to prevent conflicts between the State and Federal authorities. These statutes have been fruitful in engendering them. Enacted in Reconstruction times, when it was deemed necessary to carry out those measures, the purpose for which they were framed having happily passed away, we feel that they can not be too quickly erased from the statute books.

"But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union. The inference is irresistible that they were enacted because of a lack of confidence in the honesty if not in the ability of the States to conduct their own elections. With such an intention plainly on their face, with what consideration could they be met by the

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people for whom they were intended except that of distrust and suspicion? Would the U.S. Government suffer less by the prevalence of fraud in elections than the States whose officers we sent to represent it in the Government of the United States? Is fraud in elections any less contemptible because it emanates from the people of the States without Federal interference? Or it is any less dangerous to the people of the States because it lacks Federal supervision?

"Let every trace of the reconstruction meaures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactment in every State in the Union. In many of the great cities of the country and in some of the rural districts, under the force of these Federal statutes, personal rights have been taken from the citizens and they have been deprived of their liberty by arrest and imprisonment. To enter into the details in many cases where citizens have been unjustifiably arrested and deprived of their liberty would be useless in this report. We content ourselves in referring to Report No. 2365 of the 2d session of the 52d Congress on this subject, where many such instances are detailed.

"Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability or indisposition to properly guard the elections, which, if ever true, has now happily passed away; and last, but not least, because their repeal will eliminate the judiciary from the political arena, and restore somewhat, we trust, the confidence of the people in the integrity and impartiality of the Federal tribunals."

Representative Tucker, who presented the report I have just read, led the successful effort to repeal Davenport's law in the House of Representatives. No speech ever delivered from the floor of Congress approaches the heights of masterful eloquence which he achieved. His wise words of more than half a century ago are as appropriate today in the light of the pending measure as they were then.

I quote from his conclusions—as found on pages 1808–1811 of the CONGRESSIONAL RECORD of September 26, 1893—and commend them for the careful consideration of my colleagues.

He declared:

"If these laws are wrong in principle they are certainly wrong in practice. From one end of the country to the other a sentiment has grown from day to day and year to year in favor of their ultimate repeal. They are founded upon a false principle. They have nothing but partisanship to sustain them, and they have become an eyesore to the whole country. Under their operations human liberty has been trampled upon, human rights have suffered, and human beings unjustly punished. The merciless exactions of the chief supervisors in the great cities have added additional horrors to the law.

"Men have been torn from their families and brought to trial with no ground of action except the desire to deprive them of the right of suffrage. To continue such laws longer would be an insult to the intelligence of the people. 'Davenportism' has become a byword and a word of reproach throughout the land. The atrocities of the Duke of Alva do not exceed the crimes against liberty which have been committed under these laws in the State of New York and elsewhere. The voices of those who have passed away within the past 20 years, who have suffered by imprisonment, privation, and ultimate death at the hands of this despot cry out to us for vengeance.

"No trophy has been too large for his greed and no victims too low for his rapacity. The scholar, the divine, the hoodlum, all alike share his vengeance; but we can well imagine that when the free citizens of this country were in common suffering the unjust penalties of these laws, the statement of the prelate of old amid the tortures of the stake was often heard:

" 'Be of good cheer, brother; we shall this day kindle such a torch in England as I trust in God shall never be extinguished.'

"And, Mr. Speaker, the day has come, and now is, when we, responding to that cry of the freemen of the country, will wipe from the statute books the last remnant of these laws, and if the blood of the martyr is the seed of the church, then

" 'Each single wreck in the warpath of might
Shall yet be a rock in the temple of right.'

"Davenportism.

"I hold in my hand a statement of the accounts of this man, taken from the files of the Treasury Department. This statement shows that from March 4, 1889, to March 4, 1893, he drew from the Treasury of the United States, as supervisor and commissioner of the circuit court, fees amounting to the neat sum of $145,591.81. This paper shows another fact. It shows that from March 4, 1885, to March 4, 1889, when Grover Cleveland was President of these United States and John I. Davenport was chief supervisor of New York, not an account was presented by him for payment. It shows, however, that although no account was presented during Mr. Cleveland's former administration ending on March 4, 1889, yet on April 11, 1889, 1 short month after President Harrison came in, Mr. Davenport put in an account of $3,000-odd, covering his services from August 1 to November 10, 1888, a period when Mr. Cleveland was President.

"It shows another remarkable fact: namely, that on the 1st of June 1889, 2 months later, he put in an account of over $2,000 for services in the November election of 1885. It shows further that on the 15th of June 1889—for his appetite was being whetted—he put in another account for services in the November election of 1886, during Mr. Cleveland's first administration, of $23,000. Those 'services' were rendered while Mr. Cleveland was President. Again, on October 30, 1889, he put in another account covering the time to the 6th of November 1888, amounting to only $31,000. Then on January 31, 1893, just before Mr. Harrison went out of office, he put in a little account of $3,000, and on February 24, 1893, 10 days before the expiration of Mr. Harrison's term, he put in and had allowed an account of $31,000.

"Why, Mr. Speaker, here is a man who draws from the Treasury of the United States nearly a hundred thousand dollars for services which he claims were rendered while Mr. Cleveland was President, yet he had not the manhood to present his accounts to Mr. Cleveland's administration, but waited until that administration had come to an end, and then handed over these accounts to the Harrison administration, and had them allowed. Truly, truly, 'the ox knoweth his owner, and the ass his master's crib.'

"Mr. Speaker, I say to the gentleman who asks me what these facts have to do with the question of the rightfulness or the wrongfulness of these laws, that they show one of two things—either that this man Davenport, who has a life tenure, should be abolished because he is a corrupt man, or else that the laws are so corrupt and so difficult to execute that they make even as pure a man as Davenport commit these outrages.

"Mr. Speaker, I can only say, in closing, about this gentleman, that his character as an officer may be summed up in the following:

" 'Too cautious or too sly to feign
A love he never cherished,
Beyond the bounds of office gained
His patriotism perished,

" 'While others hail in distant skies
The glories of the Union
He only sees its glory shine
Through this (holding up the account)
and many hundreds.'

"Mr. Speaker, I object to these laws for another reason. The true policy on the part of this Government toward the State governments should be to have perfect confidence existing between the two. One of the chief reasons of my objection to these laws is that they show a lack of confidence on the part of the Federal Government toward the State governments. On their face they amount to a charge of distrust—a charge that the Government of the United States cannot trust the people of the country; and I tell you, Mr. Speaker, that no country will long flourish where such a state of things as that exists.

"Where there is distrust and suspicion written upon the laws of the country toward the people, you are going to find that it will react against the government which indulges in it. Put the election of representatives into the hands of the States, where the Constitution intended it should be put; wipe from the statute books these laws that cause jealousy and friction all the time among the people, and you will find there will arise throughout the country an increased love and increased patriotism among the people such as we have not experienced in the country for the last 30 years.

"Why, Mr. Speaker, this matter of trust and confidence is not to be despised. If you bring up your child with the understanding that he is to be watched and guarded and scrutinized through life—that you are a detective upon his movements, with your eyes suspiciously upon him all the time—let me tell you that when he grows to manhood he will not be able to look you in the face. If you want to bring up and encourage a nation of sneaks, let it be understood that the government which the people are expected to love, honor, and revere is a detective on their track. I do not believe in that principle.

"The public press of the country has declared that this bill proposes to wipe out the 15th amendment to the Constitution; that the object of the bill is to do away with this amendment. It is not so. There is not a statute among those sought to be repealed that touches in the slightest degree the 15th amendment except one. The object of the committee was clear. We recognize this amendment as part of the organic law of this country, and we bear full allegiance to it.

"But these laws which we seek to repeal have no such purpose. The only provision that bears on the 15th amendment in section 2010, which refers to a contest for a State office, not a Federal office, where a man has lost the office by reason of the denial of the right of suffrage on account of race, color,

or previous condition. We eliminate that, because the statute gives the right of action to the Federal court instead of to the State court, whose office is sought to be recovered. Of course if the contest proceeds under the State courts, and the question arises as to whether a man has been deprived of his right under the 15th amendment, the appeal is had as a matter of right to the Federal court.

"These laws ought to be repealed, Mr. Speaker, because they seek to take away from the State, that alone can bestow suffrage on the citizen, the power of determining the right to vote; they ought to be repealed, because they have been the subject of collisions and jealousies and unnecessary clashing of authorities since their enactment; they ought to be repealed, sir, because they are Reconstruction measures, the unhappy reminders of a period in our history forever gone, except from the memory of the people; they ought to be repealed, because the States are as much interested in seeing that their representatives are properly elected as the Federal Government can possibly be.

"Sir, I want to say to our friends on the other side that there is no doubt about the repeal of these laws. They are going to be repealed. We are sorry that there should be any objection from the other side of the House. We are sorry that our friends thought it necessary to filibuster for a week before this bill could even be reported to the House; but they are going to be wiped away, because they are the lingering evidence of a past unhappy era in our history. We belong now to that generation which has gotten away from the old unpleasantness, and is looking no longer to the dead past, but to the future. We want to obliterate from the statute books every evidence of that fratricidal strife, so that the hardships which those days entailed upon us may be forgotten, that we may go forward as a band of brothers in the development of the constitutional history of our country and the constitutional development of our people.

"I belong to a party that is not a sectional party—that knows no North, no South, no East, no West. It is you who have reared a sectional party in this country; you have lived upon it for the past 30 years; your laws have been based on sectionalism; you have ruthlessly taxed one set of people for the benefit of another; you have violated the pledges of the fathers; you have overridden the Constitution; you have denied the right of habeas corpus to the people in time of peace; you have in times and ways without number shown to the people of the country that you are unworthy of confidence, and therefore, on the 6th of November last, the triumphant democracy assumed its rightful place in the control of the Government, pledged to redeem their promises to the people, and we are here today to begin that good work and carry it on until it is finally and fully achieved."

Mr. President, the American people have a right to expect better of this Senate and this 86th Congress than the reenactment of an unworkable law of doubtful constitutionality which brought the United States and its democratic processes to the brink of chaos last century.

I know of no patriotic American who values his freedom who does not favor the full and unfettered right to vote by every qualified citizen. That is the position of the people of my State of Georgia and I certainly believe it to be the position of all the people of all the other 49 States.

But I do not believe it to be the wish of the people of any State that the control of election machinery be taken out of their hands on the State and local levels of the Nation.

Mr. President, it always has been my strongly held conviction that the cherished processes of freedom inherent in our republican form of government are best served and perpetuated through the widest possible exercise by all qualified citizens of the right to vote consistent with the best interests of society.

While I feel that there should be reasonable safeguards against abuse of that right, it is my view that those restrictions should be held to the absolute minimum necessary to protect society from exploitation at the hands of those few individuals who have proved themselves to be intellectually and morally incapable of recognizing and exercising the restraints and responsibilities of good citizenship.

I am proud to be able to say to this Senate, Mr. President, that my State of Georgia has not been found wanting in this regard.

I cite as my authority for that statement not only my personal knowledge of the situation but also the assertion by the Chairman of the Commission on Civil Rights, Dr. John A. Hannah, in testimony before a House appropriations subcommittee on April 30 of last year that—and I quote—"The voting situation in Georgia is pretty good and getting much better."

In Georgia, Mr. President, all qualified citizens—regardless of their race, color, creed, or sex—are freely exercising their right to vote.

At last count the State of Georgia had more than 160,000 colored voters and present estimates place that number in the neighborhood of 175,000 and still growing.

We have several counties in our State in which more colored than white citizens are registered to vote.

In two of our cities colored candidates have been elected to municipal office and in at least two recent instances the colored vote proved to be the margin of victory in municipal elections.

While there have been a very few isolated instances of citizens who have gone to court to contest the decisions of registrars in their cases, I do not know of a single instance in which anyone who possessed the qualifications required by State law has not received redress in the courts.

Human beings being the imperfect creatures they are, there always will be instances of citizens who feel that they have not been accorded full rights under the law. But I challenge anyone to cite a single instance in which any person possessing the qualifications required by the law of his State and claiming infringement of his right to vote has not received ultimate redress when taking his case into the courts.

Mr. President, in the light of the facts, I think it goes without saying that the State of Georgia need apologize to no one for its record in assuring all of its qualified citizens the free exercise of their right to vote.

Mr. President, I also would like to point out to the Senate that Georgia was the first State in the Nation to lower its voting age to 18.

Our experience over the past 15 years in that regard demonstrates conclusively that our teenaged citizens exercise their right of franchise conscientiously and intelligently and have proved themselves to the satisfaction of the most doubtful that they are responsible participants in the processes of government which they are required by law to defend in the armed services of our country.

Georgians are proud, Mr. President, of our teenaged voters.

I would also call attention to the fact that with the ratification of our new State constitution in 1945, the State of Georgia eliminated the payment of the poll tax as a requirement for voting. I might add that it has worked well, and we have had no reason to regret the change.

However, Mr. President, let me emphasize that the people of the State of Georgia would not presume to advocate or recommend that other States should do as it has done in lowering the voting age or in eliminating the poll tax.

Georgians believe the Constitution of the United States means what it says when it reserves to the individual States the matter of determining voter qualifications and they would be vigorously opposed to any attempt by Congress to legislate in this field in the absence of clear authority to do so obtained through the amendatory process.

Georgians feel that the question of voter qualifications is one which addresses itself solely to the citizens of each State and their elected representatives acting in their behalf.

While the payment of poll, or capitation, taxes as a prerequisite for voting is an academic issue in Georgia, Mr. President, it is my strong conviction that the decision to terminate it should come from within each State concerned.

It is to the credit of this Congress that it has recognized that a proposed constitutional amendment is the only constitutional vehicle through which it can act on the subject.

But, feeling as I do that the issue should be determined by each State individually, I could not in good conscience support the proposed amendment when it was before the Senate recently.

I had hoped, however, Mr. President, that the consideration of that question in the form of a constitutional amendment would have served as a precedent for any other action by Congress in the field of voting. I am saddened that my hope in that regard has not been borne out.

Mr. President, there already exist three more-than-adequate remedies at Federal law for any citizen who feels that he has been denied the right to vote.

First, there are civil remedies whereby the individual may go into Federal court and obtain an injunction and collect damages.

Second, there are criminal remedies whereby prosecution resulting in fine, imprisonment or both upon conviction may be initiated against any person who has deprived another of his right to vote.

And third, there is the Civil Rights Act of 1957 whereby any citizen may engage the services of the Attorney General of the United States as his taxpaid lawyer to seek enforcement of his right to vote in the Federal courts.

Mr. President, I asked the Library of Congress to compile for me a list of the then-existing Federal laws protecting the right to vote. I have already asked unanimous consent and have received permission to print that information in the RECORD during the colloquy with the able and distinguished senior Senator from New York [Mr. JAVITS]. That insertion clearly shows that, together with the Civil Rights Act of 1957, any citizen who feels he has been wrongly, erroneously, or illegally denied the right to vote has clear and adequate remedies in at least three specific instances—two of them being civil in nature, under which he may secure damages and receive equitable relief, and the other being criminal in nature.

Mr. President, the Civil Rights Act of 1957 for the first time in the history of the United States guarantees to one class of citizens the so-called right to be represented by the Attorney General of the United States as their taxpaid lawyer and, indeed, if the Attorney General sees fit to do so, the Attorney General may bring the suit in the name of the United States of America—yes, he may bring the suit even over the objection of the person he purports to be representing.

Mr. President, since it can be established as a matter of record that there already exists adequate Federal law to protect the right to vote and that the pending proposal was modeled after one of the in-

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famous Reconstruction acts, I think the American people are entitled to ask Attorney General Rogers why he feels the country needs a Rogers-Davenport Reconstruction act.

It is interesting to note that this same Attorney General Rogers is the man who has preached both before and since assuming the office he now holds about congested dockets in the Federal courts and the need for more Federal judges to cope with the situation.

Mr. President, it is difficult to understand why, if the dockets of our Federal courts are as congested as Mr. Rogers contends, he would want to increase the burden by forcing Federal courts to assume receivership of State and local election machinery.

Is is possible, Mr. President, that the congestion is not as great as Mr. Rogers would have us believe, but rather that he wants to see judges recommended by him put on the Federal benches of the land to administer such law?

And, Mr. President, since most of the so-called congestion in Federal courts apparently exists in the large cities of the North, is it not possible that Mr. Rogers wants election referees appointed by Federal judges recommended by him to assure that the closely divided vote in pivotal metropolitan areas goes to the Republicans rather than to the Democrats?

Could it be, Mr. President, that the Attorney General of the United States is looking at this scheme through the eyes of a potential candidate for Vice President?

Could it be, Mr. President, that the Attorney General of the United States is laying the groundwork for a revival of "Davenportism" on a national scale with himself both appointing the judges who name the election referees and then prosecuting before those same judges the cases their referees make?

Mr. President, on the basis of the facts at hand, it is impossible to accept at face value Mr. Rogers' pious contention that his only interest is in protecting the right to vote in the South.

Mr. President, I think the Attorney General owes the citizens of this country some frank answers about just exactly what he does have in mind.

Mr. President, after the Attorney General announced that he had revived Davenport's law, I contacted the Honorable Charles J. Bloch of Macon, Ga., one of our Nation's foremost authorities on constitutional law—and asked him to draft for me a memorandum on the legal and constitutional questions raised by Mr. Rogers in his latter-day force bill.

Mr. Bloch has sent me such a presentation. I have studied it carefully and am convinced that it raises unanswerable legal and constitutional objections to the scheme which Mr. Rogers would foist upon the Nation under the guise of protecting the right to vote.

I shall read it to the Senate, but before I do, I should like to say a word about Mr. Bloch. Not only is he a nationally recognized authority on constitutional law, but he also is a scholar of history without peer. He was president of the Georgia Bar Association in 1944–45 and served during my administration as Governor of Georgia as chairman of the Judicial Council of Georgia and a member of the Board of Regents of the University System of Georgia.

He is the author of the widely acclaimed book, "States Rights—Law of the Land"—which I hope that I shall later have an opportunity to read in full to the Senate before the conclusion of the present debate—and of many excellent articles in the American Bar Association Journal and other prominent legal publications. Suffolk University of Boston, Mass., in awarding him the honorary degree of doctor of jurisprudence last June, paid tribute to him as a "champion of States rights"—an accolade which no American more richly deserves or has more rightly earned.

He has appeared many times before committees of both the Senate and House and has won commendation and praise for his profound and scholarly arguments from even those who hold an opposite view.

Mr. Bloch has analyzed the Rogers-Davenport Reconstruction Act and these are his conclusions:

"Doubtless the drafters of the bill proposed on January 27, 1960, by Attorney General Rogers conceived its basic idea from the acts of 1870 and 1871 set out rather fully in *Ex parte Siebold* (100 U.S. 371, 379–380). Those laws relate to elections of Members of the House of Representatives, and were an assertion on the part of Congress, of a power to pass laws for regulating and superintending said elections.

"Those laws were a part of the comprehensive Reconstruction legislation, passed after the Civil War. It was repealed by the act of February 8, 1894 (28 Stat. 36), an act which was designed to restore control of election frauds to the States. (Justice Douglas, in *United States* v. *Saylor,* 332 U.S. at pp. 390–391).

"After that quotation, Justice Douglas alluded to and quotes from the committee report (H. Rept. No. 18, 53d Cong., 1st sess., p. 7) which sponsored the repeal and stated:

" 'Let every trace of the Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State in the Union' (325 U.S. 391–392).

"Justice Douglas then said:

" 'This Court now writes into the law what Congress struck out 50 years ago. The Court now restores Federal control in a domain where Congress decided the States should have exclusive jurisdiction. I think if such an intrusion on historic States rights is to be made, it should be done by the legislative branch of government' (op. cit. 392).

"Justice Douglas was thus championing historic States rights and complaining so bitterly because the majority of the Court had held that the Federal statutes denouncing conspiracy to injure a citizen in the free exercise of any right or privilege secured to him by the Federal Constitution or laws embraced conspiracy by election officers to stuff a ballot box in an election at which a Member of Congress was to be elected.

"Now 66 years after Congress decided that this was a domain in which the States should have exclusive jurisdiction, the executive branch of the Government, through the Attorney General, is asking the legislative branch not only to make 'such an intrusion on historic States rights,' but to make an even greater instrusion, an intrusion beyond the wildest machinations of Thaddeus Stevens, and Wade, and Butler, and other noted wavers of the bloody shirt.

"Why is such an intrusion—such an unwarranted invasion of the rights of the States—requested at this time by the executive branch, of the legislative branch?

"Certainly it cannot be that the request is timed so as to be debated, and perhaps enacted during a period immediately preceding the national conventions of the two major political parties.

"Certainly it cannot be that the request is made in this election year because those two parties are vying for a vote which has in recent years become concentrated in larger centers of several non-Southern States.

"Sixty-six years ago, the Congress solemnly stated that the laws enacted by the States to protect the voter and purify the ballot were working efficiently, satisfactorily, and beneficently.

"Georgia was one of the States which enacted such statutes. A list of them is attached (see footnote A). When did they cease to work efficiently, satisfactorily, and beneficently? If and when they ceased to work efficiently, satisfactorily, and beneficently, was any complaint ever made to any court of Georgia complaining of any lack of efficiency, dissatisfaction, malevolence, fraud, or wrongdoing in the administration of Georgia's laws?

"Oh, I know that in recent months—the last 4 or 5 years—at the instigation of someone or ones, a few suits have been filed in Federal courts, but has any Negro citizen alleging that he was wrongfully deprived of his right to register, ever appealed from the decision of the board of registrars to the superior court and thence to the court of appeals or Supreme Court? This is not a rhetorical question. I am asking for information. I know of no such case."

If there be one, certainly the efficient legal staff of the Department of Justice, the senior Senator from New York, or of the National Association for the Advancement of Colored People, know of it.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. I should like to ask the Senator from Georgia how any Federal court can ever truthfully find that any State has denied a qualified citizen the right to register for voting until an allegedly qualified citizen has exhausted the administrative remedies set up by the State for the purpose of determining that very question.

Mr. TALMADGE. It is clear that the courts have held time after time that they will not intervene in these matters until all administrative remedies have been exhausted. It is clear why that should be so. To bypass all the administrative officers of the Government would keep the courthouses continuously jammed with litigants who had never tried to have the matters handled administratively.

Mr. ERVIN. So whenever a Federal court, acting under the provision of the act which gives the Attorney General of the United States the very arbitrary power to strike down State statutes and administrative remedies, finds that a qualified citizen has been denied the right to register for voting purposes, without requiring that person to exhaust those remedies, the court is finding something which is essentially not supported by the testimony and cannot be supported by the testimony. Is that correct

Mr. TALMADGE. The Senator is entirely correct. Instead of being the judge, he would be a usurper of the power to determine what had occurred in that particular matter, without ever hearing the evidence.

Mr. ERVIN. Is not a procedure of that type about on a par with a court making a decision before it had heard the evidence?

Mr. TALMADGE. That is entirely correct. It would be getting back to the same sort of tyranny which caused our Founding Fathers in the Declaration of Independence to wrest independence from our mother country.

Mr. ERVIN. As a matter of fact, as I stated on the floor the other day, in 1957 the then Attorney General of the United States appeared before the committee considering the civil rights bill and cited three cases in three little precincts in my State, out of a total of

2,200 or 2,300 precincts, as illustrating the necessity for passing an entire law to give the Attorney General the power to supervise all elections held in all precincts of all the States. Although the Attorney General professed to be ignorant of the fact, an investigation by myself showed that the very condition of which he complained had been cleared up by the State Board of Elections of North Carolina within a few days after it had allegedly arisen, and there was no necessity whatever for any legislation on account of that situation, because the alleged wrongs had been redressed by the proper State officials.

Mr. TALMADGE. I would say to the distinguished Senator that perhaps the then Attorney General was a good example of the adage: "There are none so blind as those who refuse to see." I believe that many of our brethren are suffering from the same condition in this case.

Mr. ERVIN. I would also say that the then Attorney General of the United States was more interested in politicking than in the administration of justice, because if he had been concerned about the administration of justice in those three precincts, he would have conducted a further investigation to see whether the alleged denial of rights had persisted.

Mr. TALMADGE. Of course he would have. Instead of enforcing the rights of the litigants, he came to Congress and demanded a law. Before the law was passed he found that the rights had already been enforced.

Mr. ERVIN. Yes.

Mr. TALMADGE. But not through any efforts of the Attorney General. The officials of North Carolina did it. I thank the Senator for his contribution.

Mr. ERVIN. In other words, in that particular case, it was the absolute duty of the then Attorney General of the United States to continue his investigation to ascertain whether the conditions of which he complained had been remedied. If they had not been remedied, it was his duty to do something about it.

Mr. TALMADGE. I am in full accord with the Senator. He abandoned his duty and went about what he considered to be a higher calling—the pursuit of politics.

Mr. ERVIN. The strange thing about it was that he took no testimony about this condition, which he said demanded a change in the whole law of the United States, after the condition which had allegedly arisen had actually been corrected.

Mr. TALMADGE. I would say that the example the Senator points out is typical of the siren call of the zealous advocates of civil rights that we hear on the floor of the Senate, in Congress, and in the executive branch of the Government these days. We know that they are not interested in real civil rights, but rather are interested in the next election.

Mr. ERVIN. Does not the Senator think that the circumstances I have mentioned prove beyond any possibility of doubt that the interest which was to be served was the exploitation of persons for political purposes, rather than the administration of justice?

Mr. TALMADGE. Indeed it was. Any Attorney General who was interested in real civil rights would not have come before Congress and recommended a law which denied the right of jury trial, which is guaranteed, as I recall, in the Constitution of the United States not once but in four separate provisions. The Constitution specifically guarantees the right of jury trial. Yet in the name of civil rights he advocated laws which would deny jury trials to every citizen.

Mr. ERVIN. Will the Senator yield for one more question?

Mr. TALMADGE. Indeed I will.

Mr. ERVIN. Does not the Senator agree with me that the accepted legal definition of a civil right is a right which is enjoyed by all citizens alike?

Mr. TALMADGE. It certainly is.

Mr. ERVIN. Yet these civil rights bills propose to rob some citizens of civil rights under the pretense that it is necessary to do so to confer civil rights on other people.

Mr. TALMADGE. Exactly; and to convey to them the supercivil right to be represented by the Attorney General at the taxpayers' expense. It is a civil right which no other citizens in America enjoys.

I thank the Senator from North Carolina for his able and timely remarks and questions. He has been a tower of strength in this field and a great credit to the State he represents and to the Senate, to which he lends such charm, honor, and eloquence.

"Let us examine title 42, United States Code, 1971, as amended by the Civil Rights Act of 1957, and see just what the Attorney General is asking the legislative branch of the Government to enact into law in these United States of America—supposed to constitute a constitutional Republic.

"In making that examination, let us remember that the portion of the Civil Rights Act of 1957 sought here to be amended was declared unconstitutional by a Federal district judge in Georgia last April (*United States* v. *Raines* (172 F. Supp. 552)). An appeal by the Government was argued before the Supreme Court of the United States, with the Attorney General appearing in person on behalf of the United States in an unprecedented appearance (for him) on January 12, 1960. As this is written, that case has not been decided. If it is affirmed on the basis of the decision of the trial judge, this proposed legislation automatically would fall with it.

"Why is the Congress asked to receive and pass on this legislation while the fate of the basic legislation is at issue before the highest court of the land?"

As I recall, in all three instances this question has been before the Federal courts in Alabama, Louisiana, and Georgia. Those courts have invalidated the act. The cases are now pending before the Supreme Court for final decision. I do not know what that Court will do. I always approach with fear, trembling, and trepidation any matter before the present Supreme Court for determination, because I know that the preeminent authority one can cite before our Supreme Court at the present time is not the Constitution of the United States, but a book entitled "American Dilemma," written by a Swedish Socialist named Gunnar Myrdal. I do not like to substitute the opinions and predilections of a Swedish Socialist for the Constitution of the United States of America. But I fear that that philosophy might be more persuasive with our present Supreme Court than the Constitution and its precedents.

"Is there some sort of a contest or game being played in which rival opponents are the two political parties vying to see which can strike the South the sooner and the harder?

"But, to proceed with the examination.

"Under title 42, United States Code, section 1971(c), if it should be held valid, whenever any person (whether or not his acts constitute abridgments or denials by a State) has engaged in or is about to engage in acts or practices which would deprive any other person of any right or privilege secured by title 42, United States Code, section 1971(b) or (a), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief.

"Section 1971(d) confers jurisdiction on the district courts of the United States of such proceedings.

"The Attorney General's bill proposes to add to title 42–1971 a subsection (e) in lieu of present (e) which would become (f) authorizing the court in which a proceeding under subsection (c) might have been instituted, in certain events to appoint one or more persons as voting referees.

"It is interesting to see that the court may not appoint such persons as referees in just any proceeding which may have been instituted pursuant to subsection (c). The condition precedent to such appointment is that the court must find that under color of law or by State action a person or persons have been deprived on account of race or color of a right or privilege secured by (a) or (b).

"Tacitly, the Attorney General here seems to concede the validity of the constitutional attack which has been made, and successfully maintained in a district court on 1971(c) coupled with 1971(a). The present proposed limitation to the proposed further action of the court demonstrates that under (c) as it now stands the Attorney General may institute a suit whether or not the acts or practices complained of constituted abridgments or denials by the State. Tacitly, therefore, there is an admission that the opinion of Judge T. Hoyt Davis is correct, based as it was on *United States* v. *Reese et al.* (92 U.S. 214).

"Furthermore, the court may not appoint those persons as voting referees unless the court further finds that the alleged deprivation under color of law or by State action was or is pursuant to a pattern or practice. If the pattern or practice is that of individuals, there is no abridgment or denial by the State and the legislation is not appropriate under the 15th amendment.

"What persons may the court appoint as voting referees?

"The bill doesn't even provide that the person must be disinterested. It contains no provision for any qualifications either as to ability, training, or residence. An employee of the United States may be appointed. A person absolutely untrained in the law may be appointed. A resident of New York, Illinois, or the District of Columbia may be appointed in a case pending in Georgia.

"As will be presently seen, it is the object of this proposed legislation that these voting referees supplant registrars appointed under State law. In Georgia registrars under the State law are required to be upright and intelligent citizens of the county (code 34–301). They must be bipartisan (34–302). They must take an oath, faithfully to perform their duties (34–303).

"Federal voting referees are not even required to take an oath, and, for all the bill requires, they may be just as ignorant as those whom they might permit to register."

In fact, it does not even require them to be citizens of the United States. Presumably citizens of Patagonia could be appointed as voting referees by every court of the land, to take over the duties of the elected officials of the respective 50 sovereign States.

"Let us assume that a proceeding under subsection (c) were filed in the District Court of the United States for the Middle District of Georgia, Americus division, against registrars of Terrell County, and that the court makes the findings required by the proposed bill, and appoints Tom, Dick and Harry as voting referees.

"What are those voting referees authorized by the proposed bill to do?

"Their first authorization is to receive applications from any person claiming such deprivation as to the right to register or otherwise to qualify to vote at any election."

Federal, State, county, or municipal.

"Under that language, if a decree were had as to Terrell County registrars, would the phrase "any person" (from whom application might be received) include a resident of Randolph County, or even Bibb or Fulton or Chatham? Is this language to be used as the basis of creation of a board of voting

referees having statewide powers though appointed on the basis of alleged wrongdoings in only one county? Don't think these fears are farfetched imaginings. I have observed it solemnly maintained in a Federal court that the word "person" in the statute as it now reads embraces a sovereign State (*U.S. v. State of Alabama* (171 F. Supp. 720, 267 F. 2d 808)).

"I have no reason to believe that the phrase 'any person' would be limited so as to mean 'any person resident of the county involved in the action,' particularly in the light of the fact that the quoted language uses the phrase, 'any election.' 'Any election' means what it says. I do not anticipate any voluntary narrowing of its meaning if this legislation should be passed."

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. TALMADGE. I am happy to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. We have already commented on the fact that all of the so-called civil rights bills are abhorrent to the very definition of the term "civil rights." This is an effort to change the legal meaning of the word "person," as it has been virtually uniformly interpreted in all the courts of the United States, from the time the first court sat down to this day, to include something which it has never been construed to include before.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. So we not only have had the Constitution—to use a North Carolina expression—"mummicked," and our governmental system "mummicked" and our legal system "mummicked," but we are also to have our dictionary "mummicked."

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. And all in the name of civil rights.

Mr. TALMADGE. That is correct; that is the all-inclusive, magic phrase in election years. Whenever politicians seek to win victories, they come forward with, and parade, something in the name of civil rights. But every civil rights bill I have ever read—and I am sure the Senator from North Carolina will agree with me—would destroy more civil rights than it purports to grant to anyone.

The real civil rights are already vested in the Constitution of the United States of America—specifically, in the first nine amendments thereto. They are inalienable to every citizen of the United States of America, white or colored. They are enforcible in the courts—either State or Federal; and they do not depend upon an Attorney General of the United States—be he Brownell, Rogers, or anyone else—in order to be enjoyed by any American citizen. Whenever we have to depend upon an appointive officer for the proper enforcement of constitutional civil rights, we shall be just about ready to put the headstone on the grave of civil rights.

I read further from the memorandum:

"The persons so appointed as voting referees would take evidence. Where?"

The proposed act does not contain any provision about that.

I read further:

"Upon what notice to interested parties?"

Nothing about that appears in the proposed act.

I read further:

"Under oath?"

Nothing about that appears in the proposed act.

I read further:

"Would the witnesses giving evidence be subject to cross-examination?"

Nothing about that appears in the proposed act.

I read further from the memorandum:

"These voting referees would report to the court findings as to whether such applicants or any of them (1) are qualified to vote at any election, (2) have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election or (b) found by State election officials not qualified to register to vote or to vote at any election.

"By the application of what standards will the voting referees determine whether the applicants are qualified to vote?"

But nothing about that appears in the proposed act.

I read further:

"Must the applicants have the qualifications requisite for electors of the most numerous branch of the State legislature? What age must they have attained?

"This report will be reviewed by the court, and the court shall accept the findings unless clearly erroneous. The court shall then enter a supplementary decree which shall specify which persons named in the report are qualified and entitled to vote at any election within such period as would be applicable if such person or persons had been registered or otherwise qualified under State law.

"Bear in mind, this scheme doesn't apply only to Negroes. It applies to white people as well."

Mr. President, although civil rights, as defined by those who favor the enactment of such a measure, are generally considered by them to be basically or primarily those of Negroes, let me remind those who favor the enactment of such a bill that when a similar Reconstruction Act was placed on the statute books, those who favored its enactment had the same idea. However, earlier today—in fact, for almost this entire afternoon—I have reported to the Senate what distinguished Members of the Senate and distinguished Members of the House of Representatives had to say on the floor of the Senate and on the floor of the House of Representatives in 1893 and 1894, when the Congress repealed that law, after the Congress found that swarms of supervisors—as they were called then, instead of referees—had been organized into armies in New York, Chicago, St. Louis, and other areas, for the purpose of intimidating, coercing, and arresting honorable citizens of the country and stealing and rigging elections in whatever way the supervisors wished, until finally the people rose up in righteous indignation and struck down that Reconstruction Act.

But now, 66 years later, the Attorney General of the United States, led by a parade of zealous politicians, wants to reenact and rewrite the same old statute for the same old purpose.

Mr. President, I read further from the memorandum:

"What has any Federal court to do with whether a person is qualified to vote at any election unless he has been deprived of the right on account of his race, color, or previous condition of servitude. The phrase 'any election' embraces municipal and State elections as well as congressional elections. The Federal power as to congressional elections is quite different from the Federal power as to elections of State officers.

"What Congress may have the power to regulate and what it definitely has not are so intermingled in this bill as to render it totally unconstitutional.

"Even if it should be held that subsection (c) of section 1971 of title 42, United States Code, is valid, and that in a proceeding instituted pursuant to it there may be a decree granting to the United States of America the preventive relief or injunction sought by it, it would not follow that Congress had the power to grant authority to the court to appoint voting referees to receive applications from any person claiming deprivation of his right to vote, and to empower the court, or judge thereof, then to sit as chairman of a superboard of registrars, issue voting certificates, and punish violations of them.

"Even if it be assumed that the proceeding now authorized by subsection (c), if it is valid, constitutes a case or controversy within the meaning of article 3, section 2, clause 1 of the Constitution, Congress has no constitutional power to confer on a Federal district court the hermaphroditic powers it would seek to confer by this bill.

"The judicial power extends to the cases described in the said clause, and to controversies to which the United States is a party.

"The so-called proceeding which would follow the decree or finding of the court would not be a case or controversy within the meaning of the Constitution. In the first place, it would not even be confined to alleged deprivations committed by the defendants in the case. It would not be confined to adjudicating the rights of those for whose benefit the United States had brought the suit. It would convert the case or controversy into a universal registration proceeding in which there were no named plaintiffs and no named defendants."

Mr. ERVIN. Mr. President, that is a very interesting observation. Under this specific proposal, as I interpret it, after the "referee" was appointed, he would receive applications from persons who claimed that they had been denied the right to register to vote. Then the "referee" would pass on the applications. But there would be no adverse party; and there would be no requirement of notice to anyone; and there would be no opportunity for anyone who might be prepared to deny the accuracy of the allegation to be heard. So how in the world could anyone claim that that would be a judicial proceeding?

Mr. TALMADGE. There would be no witnesses; neither would there be any opportunity for cross-examination.

As I understand it, if there were only one applicant, his application—only one application—would jet propel the referee, so that he could go all over the country, like the locusts of old Egypt, and could hunt up candidates for the voting rolls.

Mr. ERVIN. The Constitution gives the States jurisdiction in cases of this kind; and the process attempted to be dealt with by these proposals belongs to the judicial power of the States.

Mr. TALMADGE. Entirely so; and that has been so ever since the Constitution was ratified in 1789, and even before then.

I read further from the memorandum:

"A case is defined as a suit instituted according to the regular course of judicial procedure (*Muskrat v. United States*, 219 U.S. 346).

"In an ancient volume (2 Dallas 409–10) the rule was announced in 1792:

" 'Neither the legislative nor the executive branches can constitutionally assign to the judicial any duties, but such as are properly judicial, and to be performed in a judicial manner.'

"Registration officers are not judicial officers, and the registration of a prospective voter is not a judicial act (*Murphy v. Ramsey*, 114 U.S. 15, 37).

"The term 'controversies,' if distinguishable at all from 'cases,' is so that it is less comprehensive in its nature than the latter, and includes only suits of a civil nature (*Aetna Life Ins. Co. v. Haworth*, 300 U.S. 227, 108 ALR 1000).

"In *United States v. State of Alabama*, 171 F. Supp. 720, affirmed 267 F. 2d 808, it was held that the State of Alabama was not a 'person' within the meaning of section 1971 (c) of title 42, and consequently was not a proper party to an action under that section brought by the United States. The case was brought to the Supreme Court of the United States upon petition for certiorari filed by the United States, and granted by the Court.

The case is No. 398, October term, 1959. I am advised that it will be heard in March.

"This bill seeks an advance and favorable decision of the case by seeking to add at the end of subsection (c):

" 'When any official or a State or subdivision thereof has resigned or has been relieved of his office and no successor has assumed such office, any act or practice of such official constituting a deprivation of any right or privilege secured by subsection (a) or (b) hereof shall be deemed that of the State and the proceeding may be instituted or continued against the State as a party defendant.'

"Congress has no constitutional power to enact that.

"In the first place, the determination of what acts or practices constitute a deprivation of rights or privileges under the 15th amendment is a judicial and not a legislative function.

"In the second place, Congress, in a case such as comprehended by section 1971(c), cannot authorize a suit by the United States against a State of the Union. The 11th amendment forbids it. I realize that the 11th amendment does not prevent the United States from suing a State in a proper case in a proper court. I realize that Congress in some cases has the power to confer on district courts jurisdiction with respect to actions brought by the United States against a State. (*Farnsworth* v. *Sanford*, 115 F. 2d 375, 379; *Ames* v. *Kansas*, 111 U.S. 449; *United States* v. *Louisiana*, 123 U.S. 32.)

"But, this power does not exist when the action is a derivative one, one in which, while the name of the United States is used by authority of Congress, the persons allegedly aggrieved are individuals.

"To hold otherwise would destroy the 11th amendment."

That case, which originated in Georgia, I believe, motivated adoption of the 11th amendment. Since that time it has been held that a State cannot be sued by an individual.

Mr. LONG of Louisiana. Mr. President, will the Senator yield

Mr. TALMADGE. I am delighted to yield to my distinguished friend from Louisiana.

Mr. LONG of Louisiana. Some persons attempt to make it appear that Federal action is necessary when a person who allegedly has been discriminated against has not taken any steps in order to protect his own voting rights. We have had a number of situations in Louisiana in which someone has been challenged on the ground that he has been improperly prevented from being registered. All the person had to do was have three persons who were registered voters simply affirm, by signing a little form in the registrar's office, that they knew the person was a citizen of the State and had been living at the residence described in the registration application. If the fact was otherwise than had been alleged, he could reregister by properly filing the application form.

Oddly enough, in most of these instances about which some persons bitterly complain, there has been no showing that the person made any effort at all to follow the ordinary procedure to have his name reconstituted on the books. Furthermore, the registrar has available in his office a little form that the applicant can sign. If there is any contest about it, a judge is required by law, within 48 hours, to hear the matter, at the expense of the State. It does not cost that voter a cent. If there was no basis for having taken the applicant off the rolls, the judge would require the registrar to put the name of that person back on the rolls. Those procedures have not been followed in very, very few instances.

As a matter of fact, in one instance where a large number of persons were challenged, only a single person undertook to follow the ordinary procedure, and the name of the one who did so was returned to the rolls.

Some persons would have us believe that a citizen has no right to challenge the correctness of having the name of another citizen on the rolls. The Senator from Louisiana can recall an election that occurred about 25 years ago in Louisiana in which the very success of the side which won depended on the ability to have canceled from the rolls 20,000 names of alleged voters who did not, in fact, exist. It was simply a matter of advertising in the newspapers to the effect that, "If this is your name. Someone is challenging the fact that there is such a person living at the address given." In most cases, the person would not come into the office, the allegation would appear to be correct, and the name of the person would be taken off the rolls.

Though it would be unfortunate that someone might be improperly challenged as to whether he should be registered, it would be even more unfortunate to have someone steal an election by having 20,000 fake names on the list. These were honest election laws, calculated to assure that the outcome of the election would be based on democratic processes.

We had the Civil Rights Commission come to Louisiana and render a report with a chapter entitled, "Louisiana Roadblock," as though someone was trying to prevent people from having their rights achieved. In that case the Civil Rights Commission ran afoul of the honest election laws. The Commission issued subpenas duces tecum to all the registrars within 250 miles to bring their books to Shreveport, La., so the Commission could look the books over, study them, and decide what questions they wanted to ask.

The difficulty was that the laws of the State would not permit a registrar to take his books away from his office unless he had a court order to do so. If he did so, he was subject to being fined $500 and put in jail for 6 months. The Commission had no power to issue any such subpena. It was not a court. Congress had given it no such power. All the Commission had to do was to go to the local U.S. attorney in the Federal court and the order would be presented to the registrars. The Commission did not bother to do that. Then the Commission proceeded to complain bitterly that it could not get the books, when the registrar would have been subject to going to jail if he brought them there.

I may point out that the reason for that law was that in some earlier period a registrar who belonged to one political faction might put the books in his automobile, and when someone would show up to register the registrar would say, "I am sorry. Unfortunately, I did not bring the books with me," and the person could not be registered. We had a situation in which it took one poor fellow years to register because the local registrar always had the books out and would not have them in the office whenever the person came to be registered.

That is just the type of thing that the Commission should be criticizing. Yet it was the other way around. The Commission sent a report to Congress trying to make it appear that there was subversion going on in Louisiana because the poor registrar, under penalty of being put in jail for violating the registration laws, could not comply with the request of the Commission.

Mr. TALMADGE. I could not agree more with the Senator from Louisiana. I appreciate his question. I appreciate his very able and accurate statement. It is axiomatic that one cannot seek a redress in court until he has pursued all of his administrative remedies. It is also well known that these persons who complained had not pursued their administrative remedies.

In a colloquy with the distinguished senior Senator from New York [Mr. JAVITS] early in the afternoon, I asked him if he could name one prospective qualified voter in the north, south, east, or west—anywhere in the United States of America, in any one of the 50 States—who claimed he was entitled to vote and had tried to enforce that right, either in a State or Federal court, and had been denied that right. The Senator from New York could not name a single one. He made a long statement, but he did not say "Yes" and he did not say "No." That is the sort of argument we get when we get down to cases in these matters.

Mr. LONG of Louisiana. In a Louisiana case, the Federal judge said, in his opinion, right in the report of the case, that if the Commission had asked the Attorney General, or the local U.S. attorney—which would be the same thing—for a court order to require that the books be brought in, he would have been delighted to give the order; but nobody came around to ask him for it.

The Commission also ran into another problem. The Commission apparently did not realize that it was subject to the laws and the Constitution of the United States, just as everybody else was. The Commission wanted to haul registrars in before the Commission, cross-examine them, and obtain their evidence, without giving the registrars any notice as to what they were accused of doing wrong, what the allegations against them were, or any opportunity to cross-examine those who were making allegations against the registrars.

Mr. TALMADGE. They wanted to hold a kangaroo court, without conforming to the guarantees of the Constitution.

Mr. LONG of Louisiana. The Administrative Procedure Act applies to all executive agencies of the Government, and civil rights as guaranteed by the Constitution, are accorded to all citizens. Persons accused have the right to be accorded the use of counsel, the right to know what charges are made against them, the right to confront their accusers, the right to cross-examine those giving adverse testimony. Those are rights any citizen is presumed to have. Presumably, the type of evidence the Commission was trying to get was evidence which might prove that the registrars had violated State and Federal law.

If that were the case, they were certainly entitled, before they were jeopardized by their testimony, assuming somebody might have been guilty, to know what they were charged with and to hear the nature of the case against them.

The Commission discovered it was not beyond the Constitution and the law itself. If Congress had not wanted the Commission to be subject to any laws, Congress could have so stated.

Mr. TALMADGE. The big trouble with these overzealous civil rights advocates is that in their eagerness to enforce an imagined civil right for someone else they completely disregard all other civil rights.

Mr. LONG of Louisiana. The Senator well knows that the Congress itself is not under the provisions of the Administrative Procedure Act. The Congress of the United States and the courts are not covered by that act. Yet even in Congress we recognize the same concept which the Commission tried to violate.

I cannot recall whether the Senator was a Member of the Senate at the time we had the controversy over the matter of the treatment that former Senator Joseph McCarthy afforded certain witnesses before his committee.

Mr. TALMADGE. That was before my tenure, but I remember the controversy very well from reading the press reports.

Mr. LONG of Louisiana. Congress at that time went through quite a soul-searching experience on the question of whether Senate committees, even though not required by law to do so, should violate the traditional

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rights of fairplay, which include the right of a man to know of what he was being accused, to have counsel, and to have the right to cross-examine everyone appearing against him. That was a question with regard to the conduct of Senate committees.

As a member of the Committee on Rules and Administration, I know the Senator is familiar with the fact that most committees of the Senate have imposed rules on themselves, which they must follow. In general these rules support the same concepts that the Civil Rights Commission did not want to follow, even though it was required by law to do so.

Mr. TALMADGE. I am well aware of that. As I understand it, the matter is now pending before the Supreme Court of the United States. The proposal which is now before the Senate is an attempt to prejudge that.

Mr. LONG of Louisiana. One of the witnesses was Mr. Storey, the law school dean from Texas. I believe he was a former president of the American Bar Association.

Mr. TALMADGE. I think that is correct.

Mr. LONG of Louisiana. It was absolutely amazing to the junior Senator from Louisiana that a man with such a background as that would not recognize the Commission had no power to issue subpenas and had to go to court to get subpenas.

Mr. TALMADGE. Some of the things which some of these groups do are incomprehensible to me.

Mr. LONG of Louisiana. While the Commission attempted to take the attitude that it was beyond the law and could issue all kinds of subpenas and order people around without a court order to support its position, the great Mr. Storey then proceeded to write an article for the American Bar Association, in the American Bar Association Journal, in which he proceeded to recommend that the Commission should be given the power by law to subpena records, although the Commission had been proceeding for a year contending falsely that it had to do exactly the thing which he asked that they be given the power to do. Apparently he must now know that the Commission did not have the power. Otherwise, why would he write an article for the American Bar Association Journal and say that the law should be amended to give the Commission that power?

Mr. TALMADGE. I cannot conceive of that sort of activity.

I thank the Senator very much for his questions and for his contribution.

Mr. President, I ask unanimous consent to have printed as a part of my remarks the footnote A to the memorandum I have read.

There being no objection, the footnote A was ordered to be printed in the RECORD, as follows:

FOOTNOTE A

Georgia election statutes

I. STATUTES ENACTED BETWEEN 1890 AND 1910

Section of code of 1910	Year enacted	Subject matter
36	1894	Oath of voter as to payment of taxes.
41	1894	Application and method of registering.
52	(1)	Appointment of county registrars.
55-65	1894	List of registered voters hearings, etc.
68-72 and secs. 660, et seq., Penal Code.	1894	Ballots by whom and where cast.
86	1895	Election blanks.
669, et seq., Penal Code.	1890-91	Various penal laws.
92	1908	Publication of campaign expenses.
127 et seq	1890-91	Primary elections.
129	1908	Amendments to primary laws.

FOOTNOTE A—Continued

Georgia election statutes—Continued

II. STATUTES ENACTED BETWEEN 1910 AND 1933

Section of code of 1933	Year enacted	Subject matter
34 to 401 et seq	1924 1911 1914 1913	Amendments to registration laws.
34 to 805	1913	Challenge of voter.
34 to 1303	1921	Manner of conducting elections.
34 to 1901 et seq	1922	Australian ballot law.
34 to 3213 et seq	1917	Amendments to primary law.
34 to 3301 et seq	1924	Absentee voting.
34 to 9913	1922	Various penal laws.

[1] Prior to 1895.

Mr. TALMADGE. There, Mr. President, we have the full picture of Davenportism reincarnated.

And I predict, Mr. President, that like the portrait of Dorian Gray time will show it to exist in all its ugliness and corruption, which its proponents would hide from view with high-sounding assertions of noble purposes.

I cannot bring myself to believe, Mr. President, that it is a reincarnation which is desired by the American people. I hope that as the news media of the Nation take to the people reports of this debate on this proposal and the facts which are being brought forth about it that they will with their telegrams and telephone calls show this Senate in no uncertain terms they feel that Davenport's law should be left interred in history where it belongs.

Since there is no need for the legislation, there can be only one reason that it is proposed—the hope of political gain for its advocates.

Mr. President, it is the American tradition that political fortunes of all parties should rise and fall on the merit of their programs. Any party which has so low regard for its program that it feels that it must resort to legislative trickery to maintain itself in power is not deserving of the support of the electorate. And members of another party which would abet a rival party in perpetrating such a fraud in the hope that their party might fall heir to it are beneath contempt.

Those who adhere to the principles of Jefferson and Jackson would do well to give heed to the words uttered on this floor by the distinguished Senator Arthur Pue Gorman, of Maryland, during the debate on the repeal of the forerunner of the present measure. He declared:

"Those of us who are in favor of repealing these laws are content to leave the regulation of elections to the people of the States, to trust them. If they cannot be trusted * * * Mr. President, the whole theory of our Government is a failure."

In considering legislation like that now pending, Mr. President, I think we should give sober consideration to the forceful warnings of two of our greatest Presidents.

It was Andrew Jackson who said:

"Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity, and asserting the rights of the human race; but everyone, upon sober reflections, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others."

And it was Woodrow Wilson who declared:

"Moral and social questions originally left to the several States for settlement can be drawn into the field of Federal authority only at the expense of the self-dependence and efficiency of the several communities of which our complex body politic is made up. Parental morals, morals enforced by the judgment and choices of the central authority at Washington, do not and cannot create vital habits or methods of life unless sustained by local opinion and purpose, local prejudice and convenience—unless supported by local convenience and interest; and only communities capable of taking care of themselves will, taken together, constitute a nation capable of vital action and control."

Mr. President, there is no comfort in those words for those bent upon reincarnating "Davenportism."

In closing, Mr. President, I challenge those who would revive Davenport's law to cite for the Senate the words of any of our great and revered leaders of the past sanctioning so rank and unjust an invasion of the sacred and inalienable rights of the American people to manage their own affairs.

Mr. President, I yield the floor.

Mr. TALMADGE. Mr. President, there already exist three more-than-adequate remedies at Federal law for any citizen who feels that he has been denied the right to vote.

First, there are civil remedies whereby the individual may go into Federal court and obtain an injunction and collect damages.

Second, there are criminal remedies whereby prosecution resulting in fine, imprisonment, or both, upon conviction may be initiated against any person who has deprived another of his right to vote.

Third, there is the Civil Rights Act of 1957, whereby any citizen may engage the services of the Attorney General of the United States as his taxpaid lawyer to seek enforcement of his right to vote in the Federal courts.

It is apparent, therefore, Mr. President, that Attorney General William P. Rogers has taken this page out of the Reconstruction acts—and, indeed, has gone it one better—in the anticipation of establishing himself as a latter-day Davenport with power to control the elections of this country and thereby perpetuate himself and his party in office.

Mr. President, it is beyond comprehension that the Senate, in this enlightened era of 1960, would permit itself to be made a party to so obvious a reincarnation of one of the most shameful chapters of our Nation's history.

Should this Senate be so blinded by political expediency as to do so, I have no doubt that the history of the first Davenport's law will repeat itself in that it will not be too many years before it will find itself compelled to rectify its mistake by repealing it.

Equally unconscionable is the last provision of title IV which seeks an advance and favorable decision in the case of *United States* v. *State of Alabama* (171 F. Supp. 720, affirmed 267 F. 2d 808) now before the Supreme Court of the United States.

As the lower courts already have held, Congress cannot authorize a suit by the United States against a State of the Union as is contemplated by this particular provision. It cannot do so because the 11th amendment forbids it.

While I am aware that the 11th amendment does not prevent the United States from suing a State in a proper

case in a proper court, this power does not exist when the action is a derivative one in which the name of the United States is used to seek redress for aggrieved individuals.

For the Senate to attempt to legislate otherwise would be to destroy the 11th amendment; and, even discounting that point, it would be a dangerous precedent, indeed, for Congress to undertake to dictate, through its enactments, what the decision of a Federal court should be in any particular instance.

In all of the provisions of the bill now before the Senate, Mr. President, we have a perfect example of the "weapon by which free governments are destroyed" of which the Father of our Country warned in his Farewell Address.

In the name of civil rights, we are being asked to repudiate the time-honored processes of our republican form of government.

In the name of civil rights, we are being asked to rob the American people of their inalienable rights under the Constitution and the Bill of Rights.

In the name of civil rights, we are being asked to enact what can be described as nothing less than a calculated blueprint for dictatorship.

I submit, Mr. President, that this bill, if enacted into law, would set into motion forces which would, in the words of George Washington, "greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield."

Mr. President, every civil right which we as citizens of the United States cherish is set forth and guaranteed in the Constitution of the United States and its Bill of Rights.

Those guarantees are stated clearly and unequivocably in language which can readily be understood by any person with even a fourth-grade education.

They are express prohibitions, with no exceptions, no qualifications, and no loopholes. They are all inclusive in their provisions.

The Bill of Rights is emphatic in assuring that there shall be no legislative infringement of the liberties it enumerates. It declares that Congress shall make no law circumscribing any of them.

Section 2 of article III of the Constitution is specific in establishing the manner of recourse for any person denied any of the civil rights it guarantees. It vests in the Federal judiciary the power to hear and determine all cases in law and equity arising under the Constitution.

Therefore, Mr. President, I submit that this proposed legislation not only is unnecessary, but also would be in direct conflict with the Constitution of the United States and the Bill of Rights.

Mr. President, great as is my respect for the collective judgment and intellect of the Members of this Senate, I cannot concede that we can improve on the Constitution or the Bill of Rights.

Mr. President, I am fully aware of the forces, rampant in our country in recent years, which have been demanding the enactment of legislation of this type. I am fully cognizant of the fact that in the great urban areas of the Nation are concentrated many thousands of citizens who belong to groups such as the National Association for the Advancement of Colored People, Americans for Democratic Action, and similar groups which are desirous of changing our republican form of government.

I am aware, too, that their demands are cut to fit the particular status which they envision for themselves. They desire to have special rights and privileges which are not granted to other groups of American citizens—rights superior to those granted to all other citizens. They are extremely militant, ably led, and extremely well financed. They bring their coercive influences to bear upon Senators, Congressmen, and Governors of States, and they demand enactment of special legislation of this type. They threaten to destroy at the polls, all who dare oppose them.

They have been highly successful in manipulating minority bloc votes; and the situation has reached the point where today a great majority of politicians—Democrats and Republicans alike—virtually join hands in the rush to see who can appease them the most. Senators rush to the floor to introduce bills on their demand—frequently by the score. More than 200 such bills have been introduced at this session of Congress alone.

Mr. President, the power play of groups of this type reminds me somewhat of the unfortunate position in which the low countries of Europe found themselves during Adolf Hitler's mad campaign to conquer Europe. When Hitler decided to invade France, he saw that the best and the quickest way to do so—although completely contrary to treaties he had made—was to send his powerful armies sweeping through the Low Countries.

Mr. President, the South today is in a position somewhat similar to that of the Low Countries of Europe when they were in the way of Hitler's advancing armies.

Today, the South happens to be in the path of the forces of constitutional aggression which are doing the bidding of the radical elements and their manipulated bloc vote.

Mr. President, every Member of the Senate knows that there already are adequate remedies for anyone who is deprived of the right to vote. As I have just pointed out, there are at least three adequate Federal remedies. And those are in addition to the remedies which each of the 50 States has in abundance.

In support of my statement that there already are adequate remedies at law for anyone who has been deprived of the right to vote, I call a witness—the Deputy Attorney General of the United States, Judge Lawrence E. Walsh, who testified before the Senate Judiciary Committee, during its brief hearings on the pending bill. I quote from his testimony, as it appears on page 146 of the printed transcript:

Senator KEATING. Is it your judgment that, first, in the Terrell County and in the Macon County, Ga., case, the Macon County cases, you have not actually had a trial on the merits?

Mr. WALSH. No, sir; we have not.

Senator KEATING. They went, or you went, to Supreme Court on the pleadings?

Mr. WALSH. Exactly.

Senator KEATING. Now, is it your judgment that when these cases are terminated it will result in an adjudication which should enfranchise large numbers of Negroes who are now deprived of that right?

Mr. WALSH. Yes, sir.

Mr. President, the distinguished junior Senator from New York [Mr. KEATING] and the Deputy Attorney General, Mr. Walsh, are two of this Nation's most ardent advocates of so-called civil rights legislation. In the passage I have quoted, they admit that a case which went to the Supreme Court and now is back in the lower courts would result in the registration of many Negroes. So, if there is any doubt as to the fact that adequate remedies are available, the point is proved by the testimony of Judge Walsh himself who, on interrogation of the junior Senator from New York [Mr. KEATING], admitted that Negroes already have adequate laws at their disposal.

All Americans are in favor of civil rights and a label of "civil rights" put on a bill captivates the imaginations of many people with resultant demands for passage of more, better, and bigger civil rights bills.

But let me say, Mr. President, every time liberty has been destroyed in this world, it has always been under the guise of a worthy purpose.

Communists came to power in Russia with the promise of destroying the despotism of the czars. The resulting despotism of communism has become far worse than the tyranny of the czars.

Benito Mussolini rose to power in Italy on the promise of protecting the Italian people from the threat of communism. But when he took over he destroyed the liberties of the people of Italy.

Adolf Hitler's battle cry was to save the people of Germany from communism. But his ascension to power in Germany was quickly followed by destruction of freedom. His dictatorship became absolute when the German Reichstag gave him power to appoint its members.

Mr. President, is there any less danger to liberty when the Congress of the United States undertakes to give power to a politically appointed Attorney General to appoint—through Federal judges and U.S. attorneys who are named on his recommendation—so-called referees to take control of the election machinery of every State and instrumentality of local government in this Union?

We had experience along that line, Mr. President, under the Davenport Act of 1871. For 23 years John I. Davenport set himself up in the southern district of New York as a political dictator. He did it through manipulation of election supervisors—supervisors who, I might add, supervised only Federal elections. Now we have election referees provided for in this bill, and they would not be restricted to Federal elections. They also could referee State and local elections. They could not only determine who was qualified to vote but also could

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follow the voter to the voting booth and, if he deemed it necessary, could count the votes.

Such procedure would be completely contrary to the constitutions and the ballot laws of the 50 States and would spread the long arm of the Federal authority—completely contrary to the Constitution of the United States—into the most local functions of government.

Mr. President, page 16 of this bill, lines 17 through 21, reads as follows:

> Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election.

Never since the beginning of our republican form of government has Congress considered such legislation.

The sum and substance of that language is that any court order issued by any judge in compliance with this act would be the law, all laws of any State to the contrary notwithstanding.

And, Mr. President, it goes further than that. It says that any order of a court, whether it be legal or illegal, would be the law. In other words, it would delegate to a Federal judge the power to make the law.

Such a complete and absolute delegation of legislative power by Congress is unparalleled in the history of our country.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my distinguished friend from Alabama.

Mr. SPARKMAN. Of course, the Senator does not agree that that can be done constitutionally; does he?

Mr. TALMADGE. I certainly do not; but I am endeavoring to point out that the effect of this bill would be to convey such power to Federal judges. In operation it would clothe Federal judges with authority to wipe out any State constitution or legislative act and to substitute for them their own orders which would have the force and effect of law.

Mr. SPARKMAN. The distinguished Senator from Georgia is a well-trained lawyer and a good constitutional lawyer.

Mr. TALMADGE. I thank the Senator.

Mr. SPARKMAN. Would he say that is patently unconstitutional?

Mr. TALMADGE. It is unconstitutional on its face, and anyone with an elemental knowledge of political science would know it is.

I turn to page 20, line 18, of the bill, and I quote some more strange language:

> And the words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent that those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

Mr. President, that language is vague and confusing. But the more one studies and analyzes it, the more one realizes it means only one thing—that, whenever an exception, legal or not, is made to the law, every other exception in the same category shall be the law.

In other words, it means that if an alien, in some way, became qualified to register in the State of Oregon, all aliens could become qualified to register in Oregon.

It means that if a Communist spy, in some manner, became qualified to register in the great State of New York, every other Communist spy would be entitled to register and vote in the State of New York.

Those statements would be true, Mr. President, with only one exception—that those individuals would have to be colored.

That is as ridiculous as if legislation were to be passed imposing the death penalty for murder with the proviso that, if a jury ever, under any circumstances, failed to convict anyone accused of murder, all murderers would go free.

If this bill had any caption other than that of "Civil Rights" on it, every Member of the Senate—Republicans and Democrats alike—would be opposing its passage. Under any other label such legislation would make Congress the laughingstock of America.

I implore Senators not to equate our priceless heritage of constitutional government with the political expediency of the moment.

And reflecting upon the cost of bowing to expediency, Mr. President, I would cite for the Senate—and particularly for the benefit of my colleagues on the other side of the aisle—the words of the late great Wendell L. Willkie as found in chapter 4 of his book, "One World." He wrote:

> I believe the moral losses of expediency always far outweigh the temporary gains. And I believe that every drop of blood saved through expediency will be paid for by 20 drawn by the sword.

Mr. President, there is no motive so pure and no goal so hallowed that can justify the compromise of principle—particularly when that principle, as in the present case, has so great bearing upon the rights and freedoms which have enabled us to develop here on this continent the greatest and freest civilization mankind has ever known.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my distinguished friend from Mississippi.

Mr. STENNIS. Anyone who was willing to stay in the Chamber to listen to the Senator from Georgia has certainly been amply rewarded for his time, and has certainly learned a great deal about this subject, as well as heard a very fine presentation on constitutional questions and a discussion of the law on other points, for which I highly commend the Senator from Georgia. I feel certain the Senator has rendered to the Senate, and I think also to the Nation, a service.

I should like to ask the Senator a question.

Mr. TALMADGE. First let me say that I am extremely grateful for the generosity of my distinguished friend. No Member of this body enjoys a higher degree of respect than does the capable junior Senator from Mississippi. The Senator is well known for his diligence to duty, and such comments from so esteemed a source are indeed appreciated.

Mr. STENNIS. I thank the Senator very much. I invite the attention of the Senator to one point. If the Senator covered it, I did not hear the remarks.

On page 16 of the bill the Senator referred to lines 17 through 20, to the remarkable provision which reads:

> Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election.

The Senator from Georgia said that in all his experience he had never seen any such provision written into any proposed law which went so far, with such sweeping language.

I invite the attention of the Senator to the fact that other civil rights, such as freedom of the press, and so forth, are protected under the Constitution of the United States. Does not the Senator believe it would be almost unthinkable for the Senate to seriously consider passing a law which would sweep aside all State law, all State supreme court decisions which pertain to the civil right of freedom of the press or to the civil right of freedom of speech?

Mr. TALMADGE. Indeed I do.

Mr. STENNIS. Can the Senator conceive of such a thing being proposed?

Mr. TALMADGE. I cannot. I am at a complete loss to understand how anyone in his right mind could support such a proposal. It says, in effect, that regardless of the law, whatever court order is issued under its terms shall be legal. To use the same analogy, we could pass a bill and say, "Notwithstanding the fact that is is illegal to shoot people, in the event anyone is shot, during the performance of actions called for under the bill, no crime shall be attributable to the person who does the shooting."

Mr. STENNIS. Yes.

Mr. TALMADGE. That is the sum and substance of it.

Mr. STENNIS. It is the same principle.

I should like to refer to this language for another illustration. The order to which the bill refers is the result of a more or less summary proceeding before a one-judge court, after a man has come in under a more or less ex parte application.

Mr. TALMADGE. The Senator is correct.

Mr. STENNIS. The man has proved to the satisfaction of the court, for the time being, without any adverse party to the suit, that he meets the requirements.

Mr. TALMADGE. The Senator is correct.

Mr. STENNIS. The judgment of the court which would be rendered under those circumstances is the one we are asked to put a halo over and to annoint, so that it will sweep aside a Supreme Court decision in that State, perhaps rendered on the identical facts, even.

Mr. TALMADGE. And all of this would be done in the name of "civil rights."

Mr. STENNIS. The judges might have been unanimous in their decision.

Mr. TALMADGE. The Senator is entirely correct. This is called a civil rights bill. Yet it seeks to strike down the very principle of civil rights; that is, individual freedom and local self-government.

Mr. STENNIS. At one stroke it is a striking down of civil rights and also a brushing aside of the supreme court of a sovereign State.

Mr. TALMADGE. The Senator is entirely correct.

Mr. STENNIS. Can the Senator imagine a quicker or more effective way to destroy the judiciary of the States than for us to start passing laws with respect to more or less ex parte applications, and a summary proceeding which would sweep aside State laws, State constitutions, and decisions of State courts? Is there any quicker way to sweep aside the States?

Mr. TALMADGE. None which the junior Senator from Georgia can envision. Adolf Hitler, in all his tyranny, never conceived of anything more abominable.

Mr. STENNIS. I think the Senator has given us a wonderful illustration.

I do not wish to take up any more of the Senator's time.

Mr. TALMADGE. I appreciate the Senator's contribution.

Mr. STENNIS. I invite the attention of the Senator to page 19 of the bill, beginning in line 8. These three lines have perplexed me. They read as follows:

> The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

Other provisions provide that those who are certified shall have the right to vote, regardless of any State law. Let me ask the Senator this question: Would the certificates, which could be issued by the basketful at a time to any applicants, have the dignity, force, and effect of court decrees? Suppose the election managers honestly believe that they should not let a certain individual vote. Would they be in contempt?

Mr. TALMADGE. They certainly would be. They could be imprisoned, without benefit of a jury trial, and kept there for as long as the judge desired.

Mr. STENNIS. Is that what we are writing into the supreme law of the land? Are we providing that every applicant who goes through this process can have a certificate issued by the court? We have already shown that the court has to pass on only one thing, and that is the umbrella, the plan, or the pattern. Then we wind up with the court order, and if anyone does not honor all those certificates, he is in contempt of the Federal court.

Mr. TALMADGE. Yes, under the bill, he could be jailed. The Senator has made a great contribution in illustrating the glaring unconstitutionality and the changes in our judicial system which would result from the enactment of this bill.

Mr. STENNIS. I thank the Senator.

I should like to comment on one further point. We have a situation in which referees are to be appointed, and the bill provides that they shall receive applications and shall take evidence and make report to the court of their findings. The Senator is a lawyer; and he might reasonably expect that there would be a proceeding based upon testimony and based upon evidence. Is not the Senator amazed to find that there is not to be any evidence except ex parte evidence, evidence taken from the man himself, "under the hood"? There is to be no cross-examination, no open hearing.

Mr. TALMADGE. The accused would not even have the privilege of being present to cross-examine his accusers.

Mr. STENNIS. The provision is that whatever the applicant testifies to with respect to certain matters is to be taken as the sole evidence.

Mr. TALMADGE. That is correct.

Mr. STENNIS. We have written in the word "sole." Does that contemplate a judicial proceeding, or an attempt to find the truth, as we do in American courts?

Mr. TALMADGE. Of course not. The distinguished Senator has been an able judge in his own State, and I believe he is eminently qualified to grace with great dignity the Supreme Court of the United States. As a Senator well knows, this bill would establish kangaroo courts in which only one side would be heard. And anyone knows that where only one side is heard, there can be only one result—one in favor of the side that is heard.

Mr. STENNIS. The Senator has expressed the situation so much better than I could that I am willing to rest the point there. I thank the Senator for his fine speech.

Mr. TALMADGE. I thank the Senator for his extremely able contribution to this debate.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. SPARKMAN. I wish to express my appreciation for the very fine presentation the able Senator from Georgia has made.

With reference to the last question the Senator from Mississippi asked, with regard to the ex parte proceeding, is not that simply a modernized form of the star chamber, against which our forefathers rebelled many, many years ago?

Mr. TALMADGE. That is exactly what it is.

Mr. SPARKMAN. Is not that subject involved in one of the rights written into the whole fabric of our Government?

Mr. TALMADGE. That was one of the reasons for the War of the Revolution.

Mr. SPARKMAN. That is set out in the Declaration of Independence.

Mr. TALMADGE. Yes, and this bill goes one step further. It not only denies jury trials, but also denies the opportunity to be present, to call witnesses, and to cross-examine the accusers.

Mr. SPARKMAN. Or to participate in any way.

Mr. TALMADGE. Exactly. If we saw anything like the procedure contemplated by this bill taking place in Russia, we would complain about it. Yet this Congress is asked to enact such a law.

Mr. SPARKMAN. And passing it simply because it carries the label "civil rights."

Mr. TALMADGE. In the name of liberty, Congress is being asked to pass a bill striking down all liberty.

The proponents of such legislation claim they are going to enfranchise someone; but, in attempting to enfranchise him, they would destroy the very foundations of our Republic.

I thank the able and distinguished Senator for his contribution. No Member of the Senate has worked more diligently in this cause than has the distinguished Senator from Alabama.

Mr. SPARKMAN. I thank the Senator.

Mr. STENNIS. Mr. President, will the Senator yield for one further question?

Mr. TALMADGE. I yield.

Mr. STENNIS. The Senator was expressing concern with reference to the provisions of the bill relating to civil rights. An earlier version of the same bill carried a proposal which could be intepreted very reasonably as infringing upon the rights of a free press. The Senator remembers what a quick response there was from the press. I commend them for it. I believe in a free press. Without it we could not continue to have our form of government. At the same time, did it not clearly illustrate that when the shoe was on the other foot, it was a bad bill?

Mr. TALMADGE. Indeed it did; and the able and distinguished junior Senator from Alabama demonstrated that quite vividly by inserting in the RECORD a series of editorials from the liberal newspaper, the Washington Post.

In the first editorial the Washington Post castigated a group of Senators, including the junior Senator from Alabama, for holding up a voting rights bill. It contended voting was the only issue involved. However, after a few weeks of debate, the Post began to see that there was a little more to it. Finally it editorialized: "For liberty's sake, strike out the provision which would destroy freedom of speech and freedom of the press."

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. SPARKMAN. I merely wish to correct the Senator from Mississippi in one thing he said. He stated that the press quickly realized what the situation was. It was not done speedily. It required a long time.

Mr. TALMADGE. It required several days to shed that light.

Mr. SPARKMAN. The Senator has referred to one of the editorials which castigated me, among several other Senators, quite severely; yet at just about the time the editorial was published I was standing at this desk, in the

early hours of the morning—the witching hours, just after midnight—speaking on that very subject and pointing out that under the proposal in that bill various freedoms, including the freedom of speech, freedom of assembly, and freedom of the press, were being infringed upon. Yet there was this editorial lambasting us because we would not let the bill come to a vote, and insisting that it was simply a right-to-vote bill.

As a matter of fact, at that time there was nothing pending before us that had anything to do with the right to vote. I believe that the Senator from Mississippi and the Senator from Georgia will certainly agree with me that we took some pretty heavy punishment during the time that we kept the debate going, although we spoke to the subject matter and we spoke to the issue, and we said we were trying to get the issue across to the country.

I believe that the country as a whole sees it in a different light now. I wonder if the Senator from Georgia saw the article, printed in the current issue of Newsweek, dealing with a survey which had been made all over the country with reference to this question that we have been debating. I wonder whether he saw the statement that in the 39 States outside the South there was, generally speaking, a broad understanding and sympathy with the problems that we have been trying to handle here.

I should like to ask the Senator this question: Could we ever have gotten that kind of understanding from the people if we had knuckled under, as some editorial writers stated we should do and go on and vote for a great mass of legislation—8 pounds of it—when they did not know what was in it?

Mr. TALMADGE. I thoroughly agree with the Senator. I read with interest the report to which he refers in this week's Newsweek magazine. I further agree with the distinguished Senator that if we had fully debated this issue, the American people would never have known the full ramifications of the bill.

I now yield to the Senator from Mississippi, if he desires me to yield.

Mr. STENNIS. I have no further questions at this time. I recall that it was the Senator from Alabama who first exposed this fallacy in the bill with refference to the infringement on the freedom of the press and freedom of speech. He rendered a very fine service. I did not mean to infer that he is not the one who did that.

Mr. SPARKMAN. We all did it.

Mr. STENNIS. I overlooked the fact that he was the one who rendered that fine service. I remember he took the hacking. I also remember he made a very fine presentation, and also presented other matters, such as the New York Times editorial of 60 years ago, I believe.

Mr. SPARKMAN. Yes.

Mr. STENNIS. That has never been answered.

Mr. SPARKMAN. Will the Senator from Georgia yield once more?

Mr. TALMADGE. I am delighted to yield.

Mr. SPARKMAN. I have the News Week magazine before me to which I referred. In order that the statement may be accurate, I should like to read it into the RECORD. It is a simple statement, and reads:

> Yet most in the 39 States are genuinely sympathetic with the South's ordeal. From California to Maine men recognize that decades of strict social custom in the South cannot be overturned quickly.

Mr. TALMADGE. That is certainly so. As the Senator knows, the customs of people create laws, and we cannot change laws immediately without uprooting and destroying the liberty of the people and also the day-to-day lives of the American people.

Mr. SPARKMAN. Broadly speaking, is not common law a growth of custom?

Mr. TALMADGE. Common law is indeed the growth of custom.

Custom evolves into common law which later becomes statute law. Right new we are facing a situation in which it is proposed that Congress pass laws in the teeth of mores of more than 200 years, standing.

I thank the able and distinguished Senators. I yield the floor.

Mr. SPARKMAN. Mr. President, when reading title VI of H.R. 8601, the so-called voting referee section, one constitutional question immediately arises: Does the Congress have the power to require of the judiciary a function which is purely nonjudicial, a function which is not clothed in any way with case or controversy? Of course, Mr. President, the answer to that question is "No."

Article III of the Constitution provides that the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

Accordingly, Federal inferior courts derive their power not only from the Constitution but also from the Congress. The Congress may confer any jurisdiction upon the U.S. district courts or the circuit courts of appeal so long as that jurisdiction is within constitutional limits.

What are those constitutional limits?

The power of Congress to confer jurisdiction on lower Federal courts is qualified by the rule that before Congress can vest jurisdiction in the inferior courts, those courts must have the capacity to receive that jurisdiction.

This capacity is defined in the enumeration of cases and controversies in article III. Consequently, in vesting courts with jurisdiction, Congress cannot go beyond this enumeration.

It was held in the case of *Mayor* v. *Cooper*, 6 Wallace 247 U.S. Supreme Court, December term 1867, as follows:

> As regards all courts of the United States inferior to this tribunal (U.S. Supreme Court), two things are necessary to create jurisdiction, either original or appellate. The Constitution must have given to the court the capacity to take it, and an act of Congress must have supplied it. Their concurrence is necessary to vest it. It is the duty of Congress to act for that purpose up to the limits of the granted power. They may fall short of it but cannot exceed it. To the extent that such action is not taken, the power lies dormant.

In addition, the Supreme Court has been explicit in holding that inferior courts do not get their power from the Constitution but from the Congress within the limits described in the Constitution. In a case cited at 260 U.S. 227, 1922, the Supreme Court held:

> That body may give, withhold or restrict such jurisdiction at its discretion, provided that it not be extended beyond the boundaries vested by the Constitution.

The Court went on to say:

> The Constitution simply gives to the inferior courts the capacity to take jurisdiction in the enumerated cases but it requires an act of Congress to confer it.

Perhaps the oldest and most pointed authority with respect to the limit of the Congress in conferring jurisdiction upon the Federal inferior court is that of Chief Justice Marshall, *Hodgson* v. *Bowerbank*, 5 Cranch 303 (1809):

> Turn to the article of the Constitution of the United States, for the statute cannot extend the jurisdiction beyond the limits of the U.S. Constitution.

From these cases and from a study of article III of the Constitution, it becomes clear that constitutional courts can perform only judicial functions. Congress cannot impose upon the Federal courts nonjudicial duties unless there is in respect to such duties a responsibility to decide a case or controversy.

It has been held that courts cannot serve as commissioners to administer pensions. *Hayburn's* case, 2 Dallas 409 (1792).

In addition, courts cannot serve as "a commissioner to adjust certain claims against the United States." This quotation and the one following is from the case of *U.S.* v. *Ferreira*, 13 Howard 40. In this case, it was held:

> The proceeding is altogether ex parte; and all that the judge is required to do, is to receive the claim when the party presents it, and to adjust it upon such evidence as he may obtain * * * But neither the evidence, nor his award are to be filed in the court in which he presides, nor recorded there.

In *Muskrat* v. *U.S.*, 219 U.S., page 357, the Court was explicit in holding that the Congress may not bestow upon the courts a function nonjudicial. The function must be a judicial one; one to decide cases and controversies. While the courts have generally recognized the power of Congress to clothe matters of an administrative nature with a mantle of a case or controversy, such as naturalization proceedings, expulsion of aliens, and bankruptcy, it is clear that in such cases the matter involves a case or controversy and becomes one of judicial cognizance; whereas, in the present bill the proposed referee is purely an administrative officer and exercises no judicial functions.

It is essential to the validity of the proposed measure that the procedure outlined therein be adversary in nature.

To anyone who has followed the debate in this Chamber, it becomes crystal clear that the proponents of this bill do not intend that the proceedings before the referee be adversary in nature.

Indeed, the opposite is true and there is no question about it.

To support the bill, Mr. President, it is argued that the proceedings as a whole would be adversary since they embrace allegations filed by the Attorney General and controverted by a State election registrar as defendant.

Accordingly, the proponents would contend that under the Civil Rights Act of 1957, this does present the court with a litigous issue; and the functions of the referee are merely ancillary to this issue and consistent with the referee's services as an officer of the court.

Such an argument is fallacious, Mr. President, since the entire proceedings conducted by a referee under the bill cannot be related to a case or controversy before a district court appointing him.

Indeed, once a decree has been entered by the court sustaining the Government's petition for relief and directing that certain prospective voters named in the petition shall be registered by the defendant and entitled to vote the initial case or controversy would have been adjudicated.

Therefore, any further action on the part of the referee with the aid of the court to determine whether any other person is entitled to vote could not be related back or viewed as ancillary to any case pending before the court. I might add that from the beginning the sponsors of the referee proposal have viewed the referee as a Federal registrar. In fact, only a few days ago, the Senator from New York [Mr. JAVITS] said:

> So, Mr. President, if the Senator from Colorado asks me what I want to accomplish as a Senator, I will say that when the court appoints a referee, I want the referee to function in the way that an ordinary State registrar would function, at that point.

In other words, the Federal judiciary is used not to assure due process, to decide cases or controversies, but to set in motion the operation of a Federal registrar whose findings are to become the findings of the court and binding upon all people whether parties to the case or not.

In my judgment, this denies to State officials the due process of law, and particularly is this true as it affects the State election officials.

On page 16, lines 17–25, it is provided:

> Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

Under this section State election officials are required under penalty of contempt to permit anyone to vote who holds either a certificate from the U.S. Attorney General or a court order. While the measure does require "notice" of such order, it is apparent that the certificate itself would constitute such notice.

Mr. President, under the law of Alabama, once a person is registered to vote, he is entitled to vote for the rest of his life, unless he becomes disqualified for some statutory reason.

Under this proposal the order of the court "shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote"—page 16, lines 12–16.

In view of this section, once the Federal court issues a certificate to a person, that person will be entitled to vote the rest of his life unless there should develop some disqualification such as insanity, conviction of a felony, or such other grounds as are stated in the State law.

However, how is the election official to determine whether such a disqualification has arisen; and, even if he knows, how is he to challenge the voter? The amendment provides that any election official who does not permit a person named in the decree to vote will be proceeded against for contempt. What happens in the case of a person who is convicted of a crime after he gets his approval from the Federal court? Suppose he is a convicted thief or murderer and he presents himself with his certificate to the election official. Is he going to forbid that person the right to vote with the threat of being thrown in jail without a jury trial by a Federal court hanging over his head? There is no provision for challenge in the proposal. There is no orderly way in which he may determine whether the person has since been disqualified to vote. He must let him vote. He has no alternative.

The election official, Mr. President, must knuckle under to an order of a court arising out of a case in which the election official was not a party, and, under the law, could not have been a proper party.

If the election official were cited for contempt of the order, he would have no right to offer evidence to show that the prospective voter had not been denied the privilege of registration by race or color because of a pattern or practice. Indeed, the proposal by its language and clear intent precludes him from doing so.

Indeed, once the court finds that a pattern or practice exists, there is a conclusive, nonrebuttable presumption that such pattern or practice exists with respect to any supplementary proceeding, and the State officials, whether registrars or election officials cited for contempt would be unable to controvert the initial ruling of the court.

Indeed, the court would be foreclosed from considering any such evidence and this is the clear intent of the sponsors. This can be found in the report of the House Committee on the Judiciary, Discussion of Proposals for Voting Rights, pages 6–7, 15, 19, 21, 31, 35, 86th Congress, 2d session, February 9, 1960.

In such a case, this conclusive presumption, which operates by legislative fiat, is a legislative arrogance of judicial power. As a result, courts would be unable to conduct an investigation of all the evidence to ascertain the facts so as to decide whether as a matter of law a precinct election official is in contempt of court.

It is obvious that a defendant in a contempt case under such circumstances would be denied the due process of law by denying him a fair opportunity to present facts pertinent to his defense.

The fact that a Federal district court, in contempt proceedings, concedes that such a nonrebuttable presumption is a nullity and the court belatedly accords the election official the opportunity to prove that the prospective voter was not denied the privilege to register and vote because of race or color would not be adequate to repair the constitutional deficiency inherent in the measure and rectify the resulting denial of due process (*U.S.* v. *Klein* ((1872) 13 Wall. 128, 143–144, 146–147); *Hanley* v. *Georgia* ((1929) 279 U.S. 1, 5–6); *Western and AR Co.* v. *Henderson* ((1929) 279 U.S. 639, 642); *Wigmore on Evidence* ((3d edition, 1940); 4: 677–678; 714–716)).

Here is another example, Mr. President, where so-called civil-rights legislation would take away far more rights than it would purport to protect.

I have tried to show why I believe that title VI, H.R. 8601, the so-called voting referee proposal, is unconstitutional on at least two counts: First, it is in violation of article III of the Constitution, and, second, it is in violation of the due-process clause of the Constitution.

At the same time, having in mind the attitude with which the U.S. Supreme Court approaches any proposal entitled "civil rights," I think I may be forgiven some pessimism as to whether the Court will follow the established law and precedents in deciding upon these constitutional questions which are sure to be raised should this proposal become law.

Accordingly, I hoped that the Senate would at least provide some safeguards to insure a semblance of objectivity in the procedure which has been proposed. The sponsors of this proposal are determined that the proceedings before the referee are to be ex parte. They are determined that the State officials are not to be heard before the referee. They insist that the referee shall be entitled to one side of the story, but no more.

Indeed, there is no pretense that the proceedings before the referee are to be conducted in accordance with any traditional judicial form. In fact, for all practical purposes, the referee would simply be a Federal registrar whose findings would be given the force of law by the decree of a Federal court.

While exceptions may be taken to the report of the so-called referee to the court, the exceptions must be filed within 10 days, or within a shorter time if the court sees fit, and must be supported by documentary evidence. The exceptions may be summarily dismissed by the court, without a hearing, unless the court finds from the evidence in

support of the exception that a genuine issue as to a material fact exists.

Every obstacle, short of an absolute denial of the right to be heard by the court, is placed in the path of the State officials. Running throughout the proposal is the assumption that all State officials will act in bad faith and all prospective voters will act in good faith. As is typical of proposed legislation of this kind, it would be wholly disruptive of the relations between the State governments and the Federal Government. As was the case in the discarded Federal election laws of 1871, this measure demonstrates a complete lack of trust in the integrity of State governments.

The legitimate interests of the members of the State boards of registrars are forgotten in the overwhelming desire to enact civil-rights legislation.

Implicit in the proceedings before the referee is a charge that these State officials are guilty of gross neglect or malfeasance in the conduct of their office.

Under this bill, the simple right just to have notice and to be present would depend entirely upon the discretion of a Federal judge.

That such should be the case is a tragedy of our time, and we shall live to regret it.

Without a right to notice of the proceedings before the referee, and without the privilege of being present and making a transcript of the proceedings the State officers would be without any practical means to present their side of the case to the court.

Without this right, in the few days allowed to them to prepare the necessary documentary evidence to obtain a hearing before the court, it would be virtually impossible for State officers to identify the applicant, check his residence, and otherwise determine his qualifications.

The State officer would have little or no information, other than the conclusions of the referee, upon which to determine the qualifications of a person who was about to be registered to vote in State elections.

Common decency and simple justice demand that the officers have some information which can be checked for accuracy and upon which the officers can formulate an independent judgment as to whether the prospective voter is, in fact, qualified to vote under State law.

Does any Senator believe that the American people expect the Congress to approve a proposed procedure whereby the results of all local elections, ranging from those for officers in the town hall to the office of Governor, may be determined behind the closed doors of a Federal officeholder, whose summary decision could be enforced at the polling place by the might of armed troops, if necessary?

Mr. President, the Federal judiciary must not be used for this purpose. It must not be made the pawn of those who would tamper with our electoral process. Already the district courts have been told by the Supreme Court that they must try to integrate the schools in the South. Now it is proposed that the Congress require the Federal judges to take over the operation of the State election system, and in a fashion wholly disruptive of our traditional concept of justice.

Surely the Senate will not permit the courts to be used to authorize star chamber proceedings.

Perhaps one of the greatest tragedies under this proposal would be the damage it would do to our Federal judiciary. As I have said so often before, the sponsors of this legislation seek to use the courts in a fashion not intended by the Constitution.

When testifying before the House Judiciary Committee, the Attorney General said:

> The powers which the voting referee proposal would confer upon the courts are plainly consistent with the traditional authority exercised by courts of equity in our constitutional system.

That conclusion is clearly erroneous. As a matter of fact, the Attorney General proposes to use the equity jurisdiction of the court to accomplish something which, on several occasions, the courts have ruled cannot be done. The Court has held that the right to vote is an individual right, and must be resolved according to the facts in the individual cases. In the recent case of *Reddix* v. *Lucky* ((1950), 252 F. 2d, 930, 938), it was held that "the right of every voter depends upon the action taken with respect to his own case," and that controversies arising therefrom do not present "a proper case for a class action". Accordingly, the Court has refused to allow class actions in respect of the right to vote. What the Attorney General proposes to do, then, is to use this scheme so as to effect a class action in respect of the right to vote. Obviously, this is designed to get around the decisions and to abuse the equity jurisdiction of the courts.

At the House committee hearings, Mr. Rogers said on page 347:

> This proposal is an implementation of the 15th amendment, and what we are saying is this: If we believe what we say in the 15th amendment, if it means anything at all, it should be enforced. We do not want to take the election away from the States. We want them to conduct the elections the way they always have. But the United States has a responsibility to enforce the 15th amendment. And it is as simple as that. We haven't done anything about it for 90 years. All we are suggesting is a sensible, practical solution within the framework of the judicial system, with all the protections that go with it to make the 15th amendment meaningful.

I do not agree with the Attorney General about the result and the effect of his proposal. Its inevitable result would be to take the elections away from the States.

This proposal would place in the hands of Federal officials the responsibility of administering State law; it would place in the hands of Federal officials a power to spy upon and to oversee the whole running of the State and the Federal elections; it would take away from State election officials the right to challenge any voter; and it would, as surely as I am standing here, create so much friction between the State governments and the Federal Government that it would make a mockery of the State control of the elections.

The Attorney General speaks of the responsibility of the United States to implement the provisions of the 15th amendment. As a matter of fact, the 15th amendment is self-executing. Any provision of State law which is in violation of the 15th amendment is unconstitutional on its face. Accordingly, to prevent a person from registering because of discrimination by reason of race, color, or previous condition of servitude would be unlawful under State law. Accordingly, the State remedies for an illegal denial of the right to vote would come into play.

At this point, I wish to discuss just what this remedy is in the State of Alabama. Section 35 of title 17 of the Code of Alabama, 1940, entitled "Right of Appeal From Registration," provides:

> Any person to whom registration is denied shall have the right of appeal, without giving security for costs, within 30 days after such denial, by filing a petition in the circuit court at law or court of like jurisdiction held for the county in which he or she seeks to register, alleging that he or she is a citizen of the United States over the age of 21 years, having the qualifications as to residence prescribed in section 178 of the constitution and entitled to register to vote under the provisions of the constitution of Alabama as amended. Upon the filing of the petition, the clerk of the court shall give notice thereof to the circuit solicitor authorized to represent the State in said county, who shall appear and defend against the petitioner on behalf of the State. The issue shall be tried in the same manner and under the same rules that other cases are tried in such court, and by a jury, if the petitioner demands it. The registrars shall not be made parties and shall not be liable for costs. An appeal will lie to the supreme court in favor of the petitioner if taken within 30 days from the date of the judgment. Final judgment in favor of the petitioner shall entitle him or her to registration as of the date of his or her application to the registrars.

The protection afforded by this statute is adequate, and if its remedies are used, the right to vote of any qualified person will be fully protected in the State of Alabama. However, as is the case all too often, all these people who complain so loudly about being denied the right to vote do not avail themselves of their State remedies, but, instead, turn to the Federal Government. When testifying before the Senate Rules Committee, the Governor of Alabama, the Honorable John Patterson, made this statement which I think will be of interest to all Senators:

> I can truthfully say that I cannot recall a single instance where a Negro has filed an appeal under our State statutes claiming that he had been illegally denied the right to register. Furthermore, I can truthfully state that since January 18, 1955, when I took office as attorney general, not a single Negro has taken an appeal under our statutes providing for appeals where boards of registrars have turned down applications to register.
>
> How can anyone come in here and truthfully say to you that our laws are inadequate when none of the complaining Negroes have taken advantage of our statutes. How can anyone say that the State of Alabama has denied citizens the right to vote when they

have not even tried to use the remedies which the State gives them to protect their right. The mode by which they may obtain justice is clearly marked out by the State law. It is so plain and simple that any citizen may readily avail himself of it. Yet, the few complaining persons have not done so. Why?

Governor Patterson then points out that the proponents of this type of legislation under consideration by this committee are not content to seek individual redress by the courts. He says:

That's too slow for them.

What they seek is a procedure which circumvents the courts and sets up an administrative procedure whereby Negroes can be herded together and marched in battalion formation to the polling places under the watchful eyes of Federal registrars and Federal marshals to register and vote whether or not they can read or write, and whether or not they are qualified otherwise under State laws.

The proponents of this legislation are not interested in a judicial determination of an individual's rights, but only in mass registration before the next election. We have not had anything in the South similar to Federal registrars as outlined under these bills since Federal troops occupied the South during Reconstruction Days.

I was particularly interested, Mr. President, in Governor Patterson's statement:

The proponents of this legislation are not interested in a judicial determination of an individual's rights, but only in mass registration before the next election.

As I said a moment ago, the obvious purpose of this proposal by the Attorney General is to circumvent the Supreme Court rulings against class actions concerning voting rights. As Governor Patterson has said, these cases will not be filed to enforce individual rights, but, rather, to effect mass registration of prospective voters. Of course, this will be done by Federal officials whose decisions cannot be effectively challenged by State authorities. The quotation of Governor Patterson appears on pages 299 and 230 of the hearings before the Senate Committee on Rules.

Mr. President, there are many remedies available to those persons who claim to be denied the right to vote by reason of race, color, or previous condition of servitude.

I should like to review them.

Section 241, title 18, United States Code, provides:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than $5,000 or imprisoned not more than 10 years, or both. (June 25, 1948, ch. 645, 62 Stat. 696).

Now, Mr. President, if the denial of the right to vote is so widespread, then why has not the Attorney General gone before a Federal grand jury and secured some indictment under this section or section 594, title 18, United States Code, which provides:

Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and Possessions, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both. (June 25, 1948, ch. 645, 62 Stat. 720).

I do not recall any cases which have been instituted in my section of the country under either of these provisions. Certainly, there have been none, to my knowledge, in recent years.

Why should the Attorney General come to Congress and ask for additional legislation when he has not used, in a single instance, so far as I know, the powers that he has—powers which are clearly stated in the laws of the United States?

In addition to these provisions, there is section 1983, title 42, United States Code, which provides:

Any person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action of law, suit in equity, or other proper proceeding for redress. (R.S. Sec. 1979.)

Under this section, any person is entitled to go into the Federal courts, file suits for damages or for equitable relief against anyone who would deny him any right, privilege, or immunity secured by the Constitution and laws.

While I have not made a search of the cases in Alabama, I am informed that there have been no suits filed in many, many years against any person in Alabama under this provision of law.

In addition, there is the Civil Rights Act of 1957. As a matter of fact, it is this section which the Attorney General's proposal, title VI, H.R. 8601, would seek to amend.

Mr. President, no further back than last year the Attorney General was quoted in the press as having stated—and I believe he actually testified—before the Judiciary Committee in the House of Representatives that the Civil Rights Act of 1957 was adequate and that he did not need additional legislation. But this is an election year, Mr. President. Many are seeking to present themselves under the banner of civil rights legislation in the election year of 1960.

The Civil Rights Act of 1957 is codified in section 1971, title 42, and it provides as follows:

Section 1971, voting rights (a) race, color or previous condition not to affect right to vote.

All citizens of the United States who are otherwise qualified by law to vote at any election by the people of any State, territory, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding.

(b) Intimidation, threats, or coercion.

No person whether acting under color of law, or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

(c) Preventive relief; injunctions; costs.

Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder, the United States shall be liable for costs the same as a private person.

Mr. President, the statutes which are already in the lawbooks are more than adequate; in fact, they overlap and in some instances they almost duplicate each other. Those statutes go unused. They have not been used through the years. Instead of using them, the Attorney General of the United States, the chief law enforcement officer of the United States, comes before Congress to say, "Give me some more laws." The Attorney General does not say, but I imagine down deep he is thinking, as many others are thinking, "This is an election year." That is what we are confronted with, Mr. President, in the proposal before us at the present time.

Now, Mr. President, I recall the debate on this so-called Civil Rights Act of 1957. I remember how Senators stood upon the floor of the Senate and talked about how desperately the proposal was needed. We were told that the remedy was absolutely essential. Many of us felt that legislation of that kind would do far more damage than good even in those isolated cases where some abuses were reported. However, unfortunately, the bill was passed and the provisions became law. Since their enactment, to my knowledge, the Attorney General of the United States has filed no more than four suits under the provisions of these sections. He has been defeated in almost every single suit that he has filed. Some of the suits are on appeal and we are yet to know the final outcome.

When I say the Attorney General has been defeated, Mr. President, I want to make it clear that he has been defeated

by the decisions of able judges on constitutional questions. Of course, we do not know what will be the final outcome with respect to some of the suits, because they are on appeal to the Supreme Court of the United States.

However, I do know about the case in Alabama. In that case the district court upheld the State of Alabama's contention, and the Circuit Court of Appeals in New Orleans also upheld the State of Alabama. If the abuse, if the discrimination, if the fraud is so widespread as is alleged by proponents of this legislation, why have there been no more than four suits filed. I recall the distinguished senior Senator from Georgia [Mr. RUSSELL] pointed out the other day that under this and other legislation the Attorney General was authorized to appoint an Assistant Attorney General only for so-called civil rights cases. This was done and a whole staff of civil rights lawyers were assigned to him, 27 in number. I suppose each of those 27 has his own secretary and that there is a whole battery of new typewriters, new libraries, and all of that which goes into a Government agency.

What have the American people gotten out of all this? Four suits filed by the Attorney General of the United States and this so-called voting referee proposal added to it, to clutter it up. The Attorney General probably will file four suits under this law, and 2 years from now, in the off-year election, he will be back before Congress. That is, the Attorney General would be back before Congress if he were the same Attorney General. I will say he will not be, because, thank goodness, Mr. President, we are going to have a new Attorney General in January, and a new administration. I earnestly hope it will be an administration which will not be playing politics with so-called civil rights legislation.

It is unfortunate that with all these statutes on the books, with all these legal remedies available to the people, the Senate of the United States should be involved in a lengthy debate over additional legislation in this field. Some will ask, Why is this? They must conclude that the real purpose is to have the Federal Government wrest control of the State elections. The sponsors of this proposal are determined to have Federal officers take over the registration of prospective voters so that the ballot boxes will bulge and State qualification laws will be subverted.

Before we, the Congress of the United States, become a party to any such proposal, the least we ought to do is to demand of those persons who complain the loudest that they at least avail themselves of existing State and Federal remedies. They ought to come to the Congress with clean hands.

On page 348 of the report of the hearings of the Senate Committee on Rules, the Attorney General says:

I think it is clear that criminal prosecutions are of quite limited value here, when the possibility of any substantial number of convictions by jurors who are unsympathetic to the program is realistically considered.

Mr. President, I, for one, resent that statement. The people of my State are just as loyal and just as fair as are the people of any other State of the Union, and I resent the fact that the Attorney General of the United States would present himself before a Senate committee and charge the people of my State with not being willing to fulfill their duties as members of juries of the Federal courts.

As a lawyer, I would be the last to say that juries do not make some mistakes. Yes; juries make mistakes just as other Senators and I, all human beings, make mistakes. However, the jury system has proved to be the best system of deciding facts for judicial tribunals that society has designed. The jury system has developed over centuries and centuries of litigation, and it is a tragedy of our times that this administration should seek to circumvent it. The Attorney General does not cite any examples to substantiate his serious allegation against the loyalty of the people of the South. He says, "I think." Indeed, the Attorney General of the United States indicts and convicts the people of a great section of our country without a trial. If the Attorney General will but give the southern juries and southern people a trial, I think he will find them to be just as fair and just as objective as are the people and jurors of any other section of the country.

Unfortunately, we southerners have learned to expect this kind of abuse. There are many examples of this. I want to refer to one of the most outrageous ones, that having to do with the Macon County case.

There has been a great deal of discussion in the Senate about Macon County. Many times I have heard about the Ph. D.'s at Tuskegee not being able to register.

Senators will recall that this is the case growing out of the complaints of Negro citizens in Macon County, Ala., that they have been denied the right to vote because of race or color. The U.S. Attorney General filed a suit in behalf of these citizens.

The Attorney General sought to add the State of Alabama as a party defendant to the suit and to continue the case against persons who had recently resigned from the board of registrars.

The district court ruled against the Attorney General on both counts and the case was taken on appeal to the Court of Appeals for the Fifth Circuit.

By a 2-to-1 vote the court of appeals upheld the district court and ruled against the Attorney General.

The Attorney General appealed this decision to the Supreme Court of the United States and it is presently pending there. The Attorney General has filed his brief before the Court and it is this brief to which I referred. I have read this brief carefully and I am surprised and shocked at some of the allegations made therein. As an example as to just how far the Attorney General will go in interpreting Federal statutes, I want to discuss this brief and the court decisions which preceded it.

At the same time I want to comment briefly upon the treatment which the former members of the Macon County Board of Registrars received at the hands of the Civil Rights Commission and also the Department of Justice.

Much has been made of the fact that these registrars resigned. I believe that when any fairminded person looks at the facts and studies them, he will understand just why it was that these members resigned, and Senators will understand why it has become so difficult to get any person to accept an appointment as a member of this board.

It has not been my practice to inject myself into specific cases pending before the courts, because I recognize how important it is that we maintain and protect the powers of the respective branches of Government against encroachment from the other branches. While I must say that the U.S. Supreme Court has revealed no similar tendency recently, I have been determined to respect this principle of checks and balances which is so important to our form of government, and in which I so strongly believe.

However, this case has been injected into this debate and into consideration by the Senate by so many others, including the Attorney General of the United States, that I feel free and in fact under a duty to refer to it.

The people of Macon County have been much maligned in the press and before the Court. The former members of the board of registrars have been held up to public ridicule. They have been accused of criminal offenses. Indeed, they have been slandered and libeled. They have been made parties defendant in a celebrated lawsuit brought by the Federal Government.

They have been forced to spend large parts of their time appearing before Federal inquisitors. They have been required to testify in a crowded hearing room, before the glaring rays of high-powered television lights, and these hearings were conducted many miles from their homes. There was not even room in the hearing rooms for their attorneys to be seated, nor were their attorneys allowed to make any objections.

When these facts were presented to the subcommittee of the House Committee on the Judiciary last year—and I want to invite the attention of my friend from California [Mr. KUCHEL] to this statement. My friend differs with me on this legislation, but he has heard so much about this point that I want to call his attention to this statement.

When these facts that I have just referred to were presented to the subcommittee of the House Committee on Judiciary last year, the chairman of the subcommittee, Mr. WALTER, of Pennsylvania, made this statement to the Governor of Alabama, Mr. John Patterson.

I agree with you. I am glad you brought that out in your testimony, because conduct of that sort is not only unbecoming, but

certainly is not within the four squares of the act which we passed and set up. That is reprehensible if they did anything like that.

Later Mr. McCULLOCH, the ranking Republican of the subcommittee and also of the full committee, and who has been so active in getting a bill through the House of Representatives, made this statement:

Mr. Chairman, I want to join with you, and with the Governor, in condemning that sort of action. As a matter of fact, Governor Patterson, I have that matter underscored in your written statement, and in addition to the statement for the record there will be other inquiries into that kind of procedure.

Then Mr. WALTER, the chairman, added:

I want to say, Governor, I am going to instruct counsel to send a copy of this testimony right at this juncture to the Civil Rights Commission and ask that they give us their reaction; that they give us their defense, if they have any, on this charge, and if they have no defense, then I will see to it that some statement is reflected in the record as to what we think of conduct of that sort, and that conduct is very seriously infringing upon that which we think is right and honorable and decent and lawful.

This was the reaction, Mr. President, of the ranking Democrat and ranking Republican of the House Committee on the Judiciary with respect to the treatment which the members of the Board of Registers received at the hands of the Civil Rights Commission.

The members' names and faces were broadcast into homes throughout the country by radio and television, after having been carefully edited so as to place the members in the most unfavorable light.

Is it any wonder that the Governor has found it impossible to find anyone to serve on this board? Serving on the board of registrars is no political plum, with large compensation. Members of the boards are paid very little. They accept appointment to perform a public service. Often it is at a sacrifice and is an inconvenience.

The Attorney General has made much to do about the resignation of these members. In fact, he has charged in his brief:

The individual defendants'—

Referring to the members of the Board—

purported resignations were made in bad faith for the purpose of avoiding their constitutional duty to register qualified Negroes (p. 13, brief for the U.S., case No. 398 in the Supreme Court of the United States, October term, 1959).

These are the allegations, Mr. President, which appear in the complaint filed in the District Court for the Middle District of Alabama, and which appear in the brief of the Attorney General filed before the U.S. Supreme Court. As a result, this allegation may be published anywhere by any means without fear of liability. But with respect to these allegations, what are the true facts?

These facts are no further from the Senators than their desks. For these facts appear in the hearings before the Senate Committee on Rules in the testimony of the Honorable McDonald Gallion, attorney general of Alabama.

Mr. Gallion testified as to the facts, and they are not disputed. I want to read his testimony with respect to this point for the benefit of those Senators who have not had an opportunity to do so:

It is a difficult thing to get members of the board of registrars in Macon County. For that matter, there is more wariness over all of the State. They are accepting appointment as a civic duty, a public service, with little remuneration attached to it, and it is a hard thing to get board of registrars members in Macon County in view of the fact of the Federal Government coming in recently and the all-out attack on the members of the board of registrars that occurred, such as hauling them into Federal court when they had no idea what possible punitive measures would be taken against them. Right there I would like to say something that Senator KEATING brought up about the mass resignations.

I do not know how he got to the point of calling it mass resignation. You had a board, a three-man board. That constitutes a board of registrars in Alabama. Two of them make up the quorum.

One man died and certainly that explains his removal. There were two others. One was elected to the State legislature. He qualified a year before, almost a year before, and he was elected to the State legislature. Under our laws, which are similar to just about every State in the country, you cannot hold two State offices of profit at one and the same time.

So he was elected to the legislature and he submitted his resignation. Under law he could not have served as a member of the board of registrars.

The sole remaining one tendered his resignation, tendered it in good faith, and in the interim, and before the Federal suit was filed, became a member of the equalization board.

That, of course, disqualified him from serving any longer on the board of registrars.

Along that line it was maintained by the Civil Rights Commission and in the Justice Department argument that they had no right to resign under those conditions, and although one man had been elected to the State legislature, he still had no right to resign when he would have been violating the law had he retained his membership on the board.

Mr. President, the U.S. district court looked into these facts and it found that the members of the board had resigned in good faith. The U.S. Court of Appeals agreed.

Indeed, the U.S. court of appeals had this to say:

We are of the clear opinion that the reasons given by the district judge for rejecting this contention of plaintiff appellant (United States) are sound, indeed, unanswerable, and that we approve and adopt them (p. 812, 267 Fed. 2d 808).

The Attorney General also contends in his brief that—

The appropriate rule, in light of the Constitution and the Civil Rights Act, is that the resignation of a voting registrar is not effective for Federal purposes until his successor has been qualified.

Later in the brief it is argued:

The registrars' resignations were not effective for purposes of an action brought under the act and they are proper parties defendant (pp. 12 and 13 of the brief).

Mr. President, there is nothing in the Constitution or in the Civil Rights Act relating to the question as to whether a State official appointed under State law must seek Federal approval before he can resign. No such rule as announced by the Attorney General could possibly be based upon the Constitution or the Civil Rights Act.

To support such a strained position, the Government argues that the registrar is a Federal official. In the brief it is said:

A State official may be so invested with a Federal duty as to become a Federal official for Federal purposes.

I should like to have the distinguished Senator from Mississippi, a distinguished lawyer and former judge, and my friend from California [Mr. KUCHEL], even though he is not a lawyer, to listen to this.

Mr. KUCHEL. Yes; I am a lawyer. Let the RECORD show that.

Mr. SPARKMAN. I am sorry. I ask that the RECORD be expunged and that fact be entered on it, that my friend is a learned lawyer as well as being trained in accounting and in business activities. I should like to have these two outstanding lawyers listen to the ridiculous statement that is made in the brief of the Attorney General:

A State official may be so invested with a Federal duty as to become a Federal official for Federal purposes.

I should certainly be glad to yield to both my colleagues and friends, the Senator from California and the Senator from Mississippi, to state their position, because they are far better lawyers than I am. It has certainly been a long time since I have practiced law. I have never read a statement that is as ridiculous as this one. I have never heard it said that a Federal duty can be impressed upon a person to such an extent that for Federal purposes he becomes a Federal officer.

I realize that a lawyer practicing in court becomes an officer of the court. However, that is a special situation. That is a part of the responsibility that becomes his when he is admitted to the bar and takes an oath of office. Here we are dealing with a person who has served as a registrar of Macon County, and who decides to run for the State legislature. He runs for that office and he is elected. The law of Alabama provides—as it is also the law of Mississippi, I am sure—that no person can hold two offices of profit in the State at the same time.

So, in order to take his position as a member of the State legislature, the man resigned. Sometime later, in comes the Civil Rights Commission and says, "You are still a registrar." He has taken his oath of office as a member of the State legislature, and he is functioning as a member of the State legislature. He is drawing his salary as a member of the State legislature. The Civil Rights Commission says, "You cannot be a State legislator. You must still be a registrar. You must continue to be a registrar."

The clear implication of that statement by the Civil Rights Commission is that any State registration or election

official whose responsibilities relate in any way to national elections, and, of course, almost all of them do, immediately becomes a Federal official. I am happy to say that the district judge and the court of appeals disposed of this argument in short order.

The status of Alabama registrars is determined by the law of Alabama. There can be no question of that. Under the law of Alabama, there is no requirement that a registrar serve until his successor is appointed and qualified. This is the contention of the Attorney General. To impose such a rule ex post facto upon these people would be tyranny. Indeed, it would amount to involuntary servitude. To impose such a rule in any event would be a clear infringement of the State's constitutional power to regulate the service and qualifications of State offices and officers.

These registrars are State officials. They are appointed pursuant to State law by State officers. They are paid by the State. In no way can they be considered to be Federal officers. They may, in some respects perform a Federal function, but there is no question but that they are State officials and the State governments have exclusive power to provide for their appointment and for their term of service.

An examination of the State statutes of Alabama makes it clear that there is no requirement that a registrar serve until his successor is appointed and qualified. His service is permissive and not mandatory. He may resign at any time. Indeed, one section provides for such a contingency. That section is section 23, title 17, Code of Alabama, 1940.

I shall read this section along with the ones providing for appointment and the terms of office.

Section 21, title 17, provides:

Registrars; appointment of: Registration shall be conducted in each county by a board of three reputable and suitable persons to be appointed by the Governor, auditor, and commissioner of agriculture and industries, or by a majority of them acting as a board of appointment, and who must be also qualified electors and residents of the county and who shall not hold an elective office during their term. One of said members shall be designated by the board of appointment as chairman of the board of registrars for each county. *Provided, however,* That in counties of over 350,000 population, according to the last or any subsequent Federal census, that the Governor shall appoint the chairman of the board of registrars.

As to the terms of office, the Code of Alabama is explicit. Section 22, title 17, provides:

Terms of office: The registrars so appointed under this article may be removed at the will of the appointing board, or a majority of the members thereof, at any time, with or without cause, and without giving their reasons therefor; and if not so removed, the registrars may hold office for 4 years from the time of their appointment and until their successors are appointed.

Senators will note the use of the term "the registrars may hold office for 4 years from the time of their appointment and until their successors are appointed." I do not have to remind this august body that there is a great difference between the word "may" and "shall." The Code of Alabama does not say that registrars shall hold office—until their successors are appointed. The Code of Alabama says that registrars may hold office until their successors are appointed. Neither does it say anything about serving until the successors are qualified. It says that they may hold office until their successors are appointed. It does not say that they may hold office until their successors are appointed and qualified.

Section 23, title 17, provides:

Vacancies of registrars; how filled: If one or more of the persons appointed on such board of registration shall refuse, neglect, or be unable to qualify or serve, or if a vacancy or vacancies occur in the membership of the board of registrars from any cause, the Governor, auditor, and commissioner of agriculture and industries, or a majority of them acting as a board of appointment, shall make other appointments to fill such board.

This section contemplates that some members of the board will refuse or neglect to qualify or to serve. It provides, in such an event, for the appointing authorities to make other appointments "to fill such board." If it were intended by the State of Alabama that the members of the board notwithstanding their own personal predilictions were to be required to serve until their successors were appointed and qualified, there would be no need to refer to use language such as "to fill such board." There would be no necessity for filling such board.

From the reading of these statutes, it is clear that under the law of Alabama, the law under which the members of the board are appointed, a member of the board may resign at any time he wishes and his resignation is effective immediately upon its being tendered or upon such time as the person resigning makes it effective. It is completely unsound for the Attorney General to contend that a member of the board is required to serve in that capacity notwithstanding his own wishes until such time as his successor is appointed and qualified. However, this is the contention which the Attorney General has made, and he has made that contention based upon his interpretation of the Civil Rights Act of 1957.

In addition, the Attorney General has sought to add the State of Alabama as a party defendant in the case. He contends that the State is a "person" under the meaning of the word as that word is used in the Civil Rights Act of 1957.

There never was any such meaning intended by either House of Congress. Both the district and the circuit courts held that this was never intended. Congress clearly intended that the suit would be brought against individuals and not sovereign States; indeed, the Fifth Circuit Court of Appeals has held:

A Federal court would not, indeed could not, assume jurisdiction over a sovereign State without a precedent determination, though the jurisdiction has not been expressly conferred, the language of the invoked statute carried the necessary, the unavoidable implication that the Congress upon the gravest consideration and after the utmost thought and deliberation had intended to and did confer it.

In other words, they could not pass upon it unless it was clear that Congress intended to confer that right.

Reading the statute as one will, such an implication cannot be found in it. (*U.S.* v. *Ala.* (267 Fed. 2d 808, 811).)

As a matter of fact, the Attorney General is so unsure of his position in this that he is seeking now to amend the statute so as to provide that the State may be added as a party defendant.

Mr. President, I have discussed this to suggest just how far the Justice Department will push the letter of these civil rights laws. As I have said so often, it has been my experience that far more rights are taken away by these so-called civil rights laws than are ever secured by such legislation.

This is the Attorney General, who is the law officer of the United States, not just for the plaintiffs, not just for the Government, but for everyone.

He is the one who is supposed to stand foremost in the Nation to make certain that the liberties of the people are protected and that the freedoms guaranteed to us under the Constitution are assured. Yet now he comes advocating ex parte proceedings, star chamber proceedings, proceedings which are clearly violative of one of the sacred promises of the Constitution, a part of the Bill of Rights.

One of the things which the people insisted be written into the Constitution, or at least insisted be agreed to be written into the Constitution, before they would adopt it, was the due process clause. The measure before us violates clearly and patently the due process clause of the Constitution, as well as other provisions of that document. It violates all of the centuries-old Anglo-Saxon principle which abhors star chamber proceedings.

We can be assured that when the Department of Justice finishes with its thorough and exhaustive study of every word and comma of every section of every bit of the so-called civil rights legislation, in the tragic event any of it should become law, the use which will be made of the law will surprise even its most partisan supporter.

Mr. President, considerable work has been done by the Committee on the Judiciary in stripping and simplifying the bill which came to us from the House. This action amply justifies the claim which some of us made in the beginning that the right, sound, and proper procedure was to have the proposed legislation considered in the regular and appropriate Senate committee.

Then, Mr. President, in orderly consideration in the Senate, the proposed legislation has been improved. The bill is better than it was when it came to us; yet it is bad legislation, politically conceived, and pushed through largely because it carries a label which seems to work magic with so many persons—the label "civil rights."

Mr. President, this is a bad bill. It violates the Constitution of the United States in many respects. As the Senator from Mississippi [Mr. STENNIS] so well said on the floor of the Senate, the bill seeks to prostitute the courts of the United States.

I hope that if the bill becomes law, the Supreme Court will do what it ought to do—strike it down. It is hard for me to believe that the court will not do just that.

I have fought the proposed legislation. I am against it. I will continue to fight it. I will vote against it.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I am very glad to yield.

Mr. STENNIS. First, I commend the Senator from Alabama for the excellent speech he has made on the bill tonight, as well as for the outstanding speeches he has made on other occasions during the entire debate. I well remember some of the night sessions which were held during the early stages of the debate, when the Senator from Alabama brought out some very fine points. He got results. His arguments were reflected in the votes on subsequent occasions on more than one major amendment. I commend the Senator highly for the attention he has given to the subject and for the substance of what he has said.

There are many far-reaching provisions of the bill about which questions should be raised. As has been said before, in any other subject matter those provisions simply would not be tolerated.

Mr. SPARKMAN. They would be laughed at; they would be scorned.

Mr. STENNIS. Especially with the label "civil rights measure," and particularly the catch phrase "voting rights bill," almost anything goes.

I know the Senator will agree with me that a court decree, a solemn judgment of a court, is a mandate and, of course, must be obeyed. I direct the attention of the Senator to page 19, line 8, of the bill, to get his opinion with respect to the certificate. I read from the provisions beginning in line 8:

> The court, or at its direction, the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

Does the Senator have that language before him?

Mr. SPARKMAN. Yes.

Mr. STENNIS. Let me make a factual statement to the Senator before I ask him a question. He will note that these are voting certificates which can be issued, if directed by the court, by the voting referee. They do not even have to be signed by the judge. Or, of course, they can be issued by the court. Nevertheless, they are certificates.

Is it the Senator's opinion that under the proposed law such a certificate will have the validity and the dignity of a court decree, so that if an election official fails to obey it he can be cited for contempt of court?

Mr. SPARKMAN. As a matter of fact, I brought out in my remarks, at a time when the Senator from Mississippi was unavoidably detained, that that can be done.

Mr. STENNIS. I am glad the Senator has covered that point in his major address.

Mr. SPARKMAN. Lest I be misunderstood, I do not believe that that is a legal function of the court. While, of course, on the face of the matter a person could be held in contempt, I cannot believe that the Supreme Court, or whatever court finally decides the question, would hold that that was a proper function of the court.

I brought out in my discussion the fact that under the Constitution—and the Senator from Mississippi in the speech he made yesterday dealt with this subject—the courts were created for the purpose of handling cases and controversies, and that no case or controversy was involved in this provision.

I also said that a person who refused to accept a certificate might be held in criminal contempt, even though he was not a party to the case, had no notice, had no transcript, or had no way of ascertaining the facts or anything else.

Mr. STENNIS. The Senator from Alabama has expressed the situation well. Literally thousands of election officials, many of whom may be women, will be conducting elections on election day. As the Senator has said, they will not have heard of this proceeding. They will not be a party to a suit. When persons appear with election certificates, even though the registration books do not show that they are entitled to vote, there will have been a judgment to the contrary. Nevertheless, the officials will have to take a chance, at least, on being cited for contempt of court if they do not obey a certificate signed by a voting referee which would overrule State law. Is not that correct?

Mr. SPARKMAN. The Senator from Mississippi is absolutely correct. They would be in danger of contempt of court.

Let me digress long enough to look at the other side of the coin: Suppose they take them willy-nilly. The Senator from Mississippi understands what could happen if a referee wanted to do that. In fact, we do not have to guess about it, for one night early in the debate I spoke about the referees, and cited the report on the 1871 Reconstruction Act, when a familiar system was established. The Senator from Mississippi knows of the terrible corruption in the elections at that time. There was practically no opposition to the repeal of the law under which that situation developed. The Democrats were then in control of the Congress, and of course they issued a majority report in which the repeal of that law was recommended. But the Republicans did not object to its repeal. In fact, I believe that when we refer to the memoirs of Senator Hoar, of Massachusetts—who, as I recall, at that time was the ranking minority member of the committee—we find that he said that although the Republican Members of Congress made some sign of opposition, they really were pleased to see that law go, and they had no grief over its going. That was the general attitude among the Members of Congress, because the system that developed under that law had been a rotten one. I point out that such a system could again be established under a lack of close attention by the judges themselves.

I have respect for the judges, not only those in Alabama, but also those in Mississippi and in the other States. Certainly the district judges of Alabama are men of integrity. Two of them are Republicans and two of them are Democrats, but I believe in the integrity of all of them. Their hands are already fully occupied in handling the regular load of court cases and controversies. Therefore, how would it be possible for them to give adequate attention to cases of the sort which would develop under the law now proposed? The result of the enactment of such a law would be either to weaken the courts or to break down the entire judicial system.

Mr. STENNIS. The Senator from Alabama is correct. Certainly it would be a mistake to assign to the courts duties not judicial in nature.

Mr. SPARKMAN. And duties which should not be assigned to the courts.

Mr. STENNIS. Yes; and especially when the court dockets already are overburdened.

I wish to direct the attention of the Senator from Alabama to another part of the bill—because his opinion is of great value to all of us. I refer now to page 19, in line 5. Much has been said to the effect that the proceeding would be a judicial one, based on the rules of evidence and the rules of law. But beginning in line 5, we find the following provision:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

That proceeding would be in the nature of an appeal proceeding so to speak, where exceptions would be taken, and the other party would be summoned into court.

As an experienced legislator, has the Senator from Alabama ever seen the like of such a proposal? In what would purport to be a judicial proceeding, and when the other side would have been summoned into court, the court would be under a congressional mandate to the effect, "Nevertheless, you must accept the evidence already taken"—taken by a "lower court," so to speak—"and you must be guided solely by that evidence."

Mr. SPARKMAN. I may say to the Senator from Mississippi, who is a very experienced judge, and has had a great deal of experience in determining constitutional questions, that not only have I never before seen any proposal of this sort, but I never even dreamed such a proposal would ever be seriously considered by the Congress of the United States.

Mr. STENNIS. Would not such a procedure make a mockery of due process of law and judicial procedure?

Mr. SPARKMAN. Certainly. As I have said, I think such a procedure would patently violate the due process of law provisions of the Constitution, and certainly it would be completely in violation of any proper court procedure.

Earlier in the debate I referred to such a proceeding as a modernized star chamber proceeding.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Not only would the State official be bound to accept the evidence adduced by the party on the

other side, but the State official would not even be allowed to cross-examine. and he would not have a transcript of the testimony the other side had given. He would have to depend upon the evidence adduced by the other side. And if the State official were found guilty or if he refused to accept the finding of the court. he would be subject to punishment for contempt of court.

In other words, if I correctly construe the bill, he would be subject to punishment for contempt of court, although he never would be allowed to say a single word in the court.

Mr. STENNIS. The Senator from Alabama has well expressed the matter, Mr. President; and I appreciate very much his excellent analysis of that point.

Mr. SPARKMAN. I thank the Senator from Mississippi.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, it is not my purpose to detain the Senate at great length. This morning, when another matter was pending, I had the privilege of addressing the Senate.

But this evening I wish to point out, for the sake of emphasis—and I wish there were a larger attendance of Senators at this time—that this bill has been repeatedly referred to as a voting-rights bill. However, I believe that if the bill becomes law, and if it is used, enlarged, and augmented, history will record the bill as being a very grave landmark in the march—now in progress—gradually to liquidate and nullify the place and the effectiveness of the States in these United States. I believe this measure would come very close to being a breach in the breastworks, so to speak, of the election machinery and to a taking over the election machinery. The bill would prescribe who should be enfranchised, and would rule on all such matters, and would operate on the elections themselves. That would be a long step in a very serious direction, and the precedent thus established could be used at other times, in respect to other fields, entirely aside from any racial question. In short, this measure, if enacted, would constitute a most serious and far-reaching precedent.

Mr. President, one of the most impressive things I have seen anywhere in Western Europe is the remnant, in Berlin, of the Reichstag chamber—the chamber of what corresponded to our House of Representatives. We recall that in 1933, Hitler was elevated to power in that great nation of fine people—people just as smart as we are, and with a great deal of the same ancestry. But within only a few years those states, in effect, were obliterated, and their power and their position and that government were gone. Then, without the restraints and the restrictions of those states and without the participation of the German people in their own government, within a few more years those people were led into a war which proved disastrous and almost devastating to them; and the entire world itself was enmeshed in what at one time threatened to be total destruction, and actually amounted to it to a great degree. That experience certainly should constitute one of the warnings to be gained from recent and from contemporary history.

The people of the United States are a very, very long way from having anything of that sort happen to them; but our country is traveling in the same direction, insofar as centralized power, centralized government, and the gradual emasculation of the States of the United States themselves are concerned.

As a result of the zeal of those who wrote it, there is even a provision in this bill which provides, on page 16, starting on line 17:

> Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election.

Such sweeping language has never before been written into the law. A State supreme court decision, a Governor's action, a State's legislative action, or any official State action is written out, stricken out, on the basis of what? Merely a finding, in a summary way, not even a lawsuit or case of controversy as is known under the Constitution; merely as a result of an applicant's coming into court under the canopy of a so-called practice or pattern, which is the term used in the bill. An applicant comes in from an area, gives a little proof, and gets an order, in a simple, ordinary procedure, before one judge, who is really not required to try the case as cases are ordinarily tried.

This language sweeps away the State courts, which are always composed of eminent men, the officials, the Governor, and the legislature of a State. It could be that the verdict of the official concerned was correct as to that particular applicant. A question of fact is involved in each individual case. What I am complaining about is the sweeping character of this reckless language, which shows a contempt, as well as a disregard, for State government, and cuts through and cuts down State law and State action of all kinds, and is merely another signboard on the highway we are now traveling toward a more centralized government.

It has already been pointed out here that these provisions pertain principally to the election laws, but that is one of the most vital nerve centers of any government. It was the heart and core of the contest in the Constitutional Convention as to who would have the authority to pass upon the qualifications of voters and what qualifications the voters who were going to select the national officers were to have.

I do not believe the imagination of anyone could devise a more effective way of undermining and destroying an effective government anywhere than to gradually take away its election laws and suffrage rights. Such a government may not be perfect in the administration of its laws, or it may not enact laws which some of those on the outside think it should. There are defects to be cured everywhere. I think everyone is getting his house in better order. But I do not think we could find a more effective or more certain way to destroy whatever sovereignty any government has than for some other power, located somewhere else, to take over the election laws and the police power of that government.

I believe the provision I have referred to is a landmark in this recklessly and carelessly written bill. It is a vehicle which races down the road, running over American Government monuments and warning signals, right and left. There does not seem to be anything in mind except to reach a certain goal.

So, Mr. President, I say we stand on solemn ground. We stand on sacred ground. Regardless of how much confusion there may be in the Senate when the bill is voted on, or how many persons are on the floor as a matter of curiosity, or how much disorder there may be—and if it is the usual pattern, that is what will be prevailing—if the bill passes we shall be doing one of the most serious acts that a Congress has ever done in creating a new milestone in American history.

I know that because the people of the South have criticized the Supreme Court decision with reference to the school cases, there has been a great deal of sentiment to the effect, "Well, go on and pass this bill on the schools, or on the elections."

Mr. President, I think it was a great day for the schools, and a great day for the white and colored children of the South, as well as other areas, when this bill was stripped of its stringent provisions with reference to schools.

Mr. President, what I propose to discuss now, very briefly, is something about our Federal courts. I come from an area of the country which, as I have stated, in recent years has been accused of being too critical of the Court. At the same time, I believe I come from the only area of the country where people tip their hats to a judge. They have a very high respect for the judicial branch of our Government. I believe that branch is the most important of the three, if we had to make a choice between the three.

I speak a word tonight, not in criticism of the courts, but in defense of the courts. Running all the way through the entire bill is an imposition of responsibilities and duties upon the Federal judiciary that the courts are not prepared to perform in the way set forth in the bill, and the bill provides for it in a manner in which the courts should not perform.

I verily believe, Mr. President, that the Federal judiciary will take a close look at the so-called referee proposal and the provision relating to a pattern or practice. I believe, at the conclusion of a case or controversy that a Federal judge is hearing with reference to an applicant's right to vote, when the U.S. Attorney General makes his motion for a finding of a pattern or practice, the court is going to tell that distinguished officer, "It is no province of the court to be deciding such extraneous matters that have nothing to do with the constitutional question before the court." I think the courts will refuse to go into the matter of adjudicating that there is a pattern or practice somewhere. Those

are powers that are more properly delegated to a commission of some kind, or a drainage district, or a sanitary district. I liken it to that not because of the subject matter, but because of the nature of the function.

The Constitution of the United States says that the judicial power of this Government shall be vested in a Supreme Court and such other courts as the Congress may determine. The Constitution provides that the Congress has the power to create those courts. That is the only power which the Congress has. That is the only authority the Congress has to exercise in regard to the courts, under the Constitution.

When we put these additional burdens and these additional schemes on the courts, although we call them judicial, they are not judicial in terms of the Federal courts of the United States of America. I believe the courts will have no traffic with these schemes, which start out with the pattern or practice and move on to the voting referee, who is supposed to be hearing matters. The bill sets up presumptions. The bill sets up not only presumptions but also conclusive presumptions, so that no one can come in later to contradict the evidence. The bill provides, in effect, that no actual hearing is needed. The so-called voting referee shall have to take testimony from one side, and no one else shall be heard.

I do not believe the Federal courts will lend their name to such a procedure as this, to dignify it as being within the provisions of the Constitution of the United States, which deals with the judicial power of the Government in cases and controversies.

Those are the only things mentioned in that section of the Constitution, Mr. President, with regard to the jurisdiction. It is said that jurisdiction shall extend to cases and controversies. Both of those at that time, since that time, and now have very definite and specific meanings. They mean an actual contest between citizens or between a State and citizens. They must be heard before a trained officer. The parties shall have notice beforehand of the time and place of the hearing. The parties shall have the right to examine and to cross-examine witnesses. The determination by the court shall be made upon a consideration of all the evidence. That is the definition of a case or controversy, briefly outlined.

We are now talking about legislative flats, based upon a bill to be passed amidst confusion and political debate. We are talking about presumptions here and presumptions there, and ex parte proceedings. We are talking about providing that if a second party is summoned, no consideration will be given to his testimony or to any other testimony except that on the original application in the original hearing.

To nail that down, Mr. President, I read from page 19, line 5:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

That provision applies after the bill purports to provide for exceptions and for the adverse parties to be summoned, to be given a chance to contradict the matter of facts and law. The bill still provides, on these material points, "You shall not be heard; or, if you are heard, your testimony will be ignored and the matter will be determined solely on the basis of answers included in a report."

Mr. President, the present Presiding Officer of the Senate [Mr. BYRD of West Virginia] knows as a lawyer that, within restrictions and within great limitations in creating rules of evidence, a legislative body has the authority to create certain presumptions based upon certain facts which may be proved, but a legislative body cannot create, under the American system, conclusive presumptions under any circumstances, when we are dealing with trials of the rights of citizens. Certainly a legislative body cannot create conclusive presumptions if the proceeding is anything connected with a proceeding in a judicial body or through judicial processes. Otherwise it would not touch, topside nor bottom, the elemental principles of due process of law written in both the 5th amendment and the 14th amendment of the Constitution.

Mr. President, these are some of the things which I, along with others, seriously challege. Our questions are not answered. The Senator from Colorado [Mr. CARROLL], who is a fine lawyer, who is an advocate of the bill, himself said he did not believe the Congress had any power to issue a legislative mandate telling the court, "You shall do this" or "You shall do that."

If we are really serious in our desire to make this a judicial procedure, and if we really desire to have the matter tried by the courts, we are going a long, long way, Mr. President, from our grant of authority in the Constitution when we issue these ukases about what the court shall do with reference to a given set of facts. We have no such grant of authority.

We are also getting a long, long way from our grant of authority when we try to impose upon the courts judicial responsibilities in matters which do not come within the purview of the words "cases" or "controversies" as mentioned in the Constitution of the United States.

Mr. President, I believe, upon consideration of this matter, except for the first part of the bill, beginning with that part which starts to talk about the pattern or practice and including everything from there on, since one step depends on the other, the courts will hold the provisions of the bill to be null and void and unconstitutional. To use a Biblical term, I believe the court will spew that part of the bill out of its mouth, and will declare it void and of no effect, for two reasons. The Congress has no power to vest such responsibilities on the court, and the court has no authority to undertake to hear, to adjudge, and to pass upon such matters, because based upon the purview of "cases" and of "controversies" as laid down in the basic law.

I seriously challenge each and every one of them, my colleagues, to examine again the basic principles, the elemental and fundamental principles involved in the bill, which I have mentioned, as well as others—and there are many—before they cast a favorable vote for the proposed legislation.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I congratulate the able and distinguished Senator from Mississippi for the magnificent address he has made.

Mr. STENNIS. I thank the Senator very much.

Mr. THURMOND. I further commend the Senator for the wonderful fight he has made against these various civil rights proposals. The Senator has made a great contribution to constitutional government in these United States. The able Senator from Mississippi is not only a great Senator and one of the most able men in Congress, but he is also one of the most able and profound lawyers in the United States. The Senator's admonitions to his colleagues are certainly worth listening to. Again, I congratulate the Senator for the fine address he has made this evening.

Mr. STENNIS. I appreciate greatly the Senator's remarks. I treasure them because of his fine record here, his splendid legal mind, and his great devotion to all of his senatorial duties. I do not know of anyone who approaches a problem with more courage and with more selflessness than the Senator from South Carolina. I have listened with great profit to his speeches on this subject, as have others. If he is going to address the Senate tonight, I shall certainly be present to hear his remarks. If he addresses the Senate tomorrow, or later, I shall hear his remarks at that time.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I want to thank the distinguished Senator from Mississippi for his kind remarks.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the only purpose I see to be gained by pushing a civil rights bill this year is purely from a political standpoint. I do not think there is any question but that both parties are promulgating these civil rights proposals in this election year to gain the votes of minority blocs.

Mr. President, it is too bad that our Constitution has to be overridden and our laws have to be usurped in order for certain parties to try to gain some advantage in an election year. There is no document for which I have greater respect than the U.S. Constitution. We should uphold that document. Our colleagues in the Senate took an oath to uphold the Constitution when they became Members of this body. They should study well these proposals. I am convinced that if they do study this bill now before us, they will conscientiously ponder whether it should receive their support.

I do not understand how a man who knows the Constitution and a man who wants to support the Constitution could favor a bill which clearly and flagrantly

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violates some provisions of the Constitution. Beyond that, it usurps powers belonging to the States.

The great fight in this country today is a struggle between Federal power on one side and State power on the other. When our forefathers wrote the Constitution, they envisioned only a reasonably sized National Government. In the Constitution they delineated the fields in which the National Government would operate—national defense, coining money, interstate and foreign commerce. All of those fields in which the Federal Government has jurisdiction are written into the Constitution.

It is then provided in the Constitution that all rights not delegated to the Federal or National Government are reserved to the States. Many of the rights dealt with in the provisions of the pending bill are reserved, under the Constitution, to the States. The National Government has no jurisdiction in those fields. The question of elections is reserved to the States, as is the field of education. Jurisdiction in these fields has been delegated only when the people of this country wished to give that jurisdiction to the Federal Government.

There is a proper procedure for amending the Constitution. Where that procedure has not been followed, the Federal Government does not have jurisdiction on many of these questions.

Mr. President, for some weeks the Senate has debated any number of proposals in the so-called civil rights field. During this period, debate has necessarily moved from one subject to another from day to day and even from hour to hour. In response to the broad, general, and almost unlimited field in which the various amendments sought to have legislation enacted, it is now apparent that H.R. 8601 is in the final form in which it will be considered by the Senate and ultimately enacted or rejected. For the first time in this debate those of the South at whom this legislation is aimed are able to ascertain the specific nature of the legislative abuses the Congress seeks to impose on the citizens of the southeastern portion of the United States.

Now is the time when we can, and should, turn to an objective debate on the general picture presented by the overall scope of the proposed civil rights bill.

Experience has long since taught that the side effects or unintentional application of legislation can be much more far reaching and of more dire consequence by far than the direct effects which were intended. In no case is this truism more applicable than in connection with so-called civil rights legislation. Mr. President, I am not playing the part of an alarmist when I say to you that in just such so-called civil rights legislation as we are now considering lies the death of individual liberty.

Several centuries ago our forefathers heeded the unquestionable lesson of history that only under a government of laws and not a government of men can the degree of individual liberty essential to the achievement of human dignity and personal destiny be realized. In order to implement this wise recognition of one of the most basic and fundamental lessons to be derived from the annals of the recorded experiences of mankind, they conceived the idea of a supreme written law which we know as the Constitution of the United States. Fully comprehending, as did Aristotle centuries ago, that even when laws have been written down, they ought not always to remain unalterable, the architects of the Constitution provided within the document a procedure for amending the Constitution. Coincidentally, however, these wise benefactors of generations to follow were aware of the fickleness of men's minds, particularly when under the sway of emotions, and, therefore, provided a method of amendment which, in its very essence, is time consuming and extremely difficult of accomplishment.

The divinely inspired wisdom of our Founding Fathers is illustrated by the unequaled history of the progress of the people of the United States achieved in adherence to its provisions. Unfortunately for our posterity, we appear to have reached a stage in the process of degeneration, in which many politicians, at least, refuse to acknowledge the eminence due to that great document. It has evidently become fashionable in some circles—particularly those frequented by so-called civil rights proponents—to belittle the value of the Constitution, to decry its applicability to modern life in the United States, or, in practice, to ignore altogether its existence.

Faced as they are with the wholesome reluctance of the American people to approve emotionally inspired changes to the Constitution, the minorities have resorted to means other than those prescribed in article V of the Constitution itself to escape the limitations on impractical, and from the public viewpoint, unwholesome, practices. The necessity for resorting to subterfuge, in and of itself, is a tribute to the quality of the Constitution and to the foresight of its drafters. Beyond any doubt, the provisions of article V, which prescribe the method of amendment, were specifically designed to protect the rights of a minority and, as such, have proved extremely effective when objectively applied. The deceit of the vociferous minority agitators is emphasized by the very fact that it is a minority protection device in the Constitution which they seek so avidly to circumvent. Not only did the drafters of the Constitution embody in the procedures, set out in article V, protection for minorities, but they also had the courageous and laudable foresight to provide a protection of the majority from the inevitable agonizing appeals to emotions that have subsequently materialized and usually originated with minority pressure groups. I repeat, it is indeed a tribute to the greatness of the Constitution and to the stability of the American public that the minority elements acknowledge the impossibility of wrecking the Constitution by legal and lawful means.

Mr. President, it would be foolish to deny that our history is replete with instances in which the Constitution has been ignored or intentionally breached by various branches of the Federal Government. The executive department has probably been the most repeated transgressor against the supreme law of the land. The executive's transgressions have taken the form of abuses in exceeding the scope of those powers specifically delegated to the executive branch by the Constitution, and usurpations of powers reserved to the States or the people or delegated by the Constitution to either the legislative or the judicial branches.

The history of the executive branch, and most particularly the recent history, is bountiful with examples of both abuses and usurpations. With every increase in size and scope of the executive branch, the probability of an increase in abuses and usurpations becomes greater, since each increase in size and scope necessarily adds to the already overlarge concentration of power. Lord Acton expressed it simply in the words:

> Power tends to corrupt. Absolute power corrupts absolutely.

This ever-growing concentration of power, with its seeds of corruption, is, in the final analysis, infinitely more dangerous than even gross inefficiency.

Due to the complex nature of the various excessive acts of the executive, it is impractical to distinguish between abuses and usurpations in reviewing them. Executive abuses and usurpations were not unknown in our early history. It is notable that they have always been more pronounced in times of war or severe domestic strife.

The most clear-cut point of demarcation by the executive from his constitutional power probably originated in 1803, surprisingly, perhaps, through an act of Thomas Jefferson. The act was the purchase by Jefferson for the United States of the Louisiana Territory. Jefferson, himself, felt an amendment to the Constitution was necessary to the exercise of the power, but acquiesced, nevertheless, to the contempt of "implied powers" of the executive that were said to stem from the welfare clause. Had Jefferson realized the precedent which he established by what must be clearly denounced as a flagrant abuse of executive power, he would have insisted on a constitutional amendment authorizing the purchase.

The period between this precedent by Jefferson and the War Between the States was marked by a slow but gradual increase in executive powers, largely occasioned by the imputation of authority to the Federal Government generally, through the expansion of the doctrine of "implied power."

With the advent of the War Between the States, outright abuses and unquestionable usurpations by the executive set a sad pattern for future administrations. Lincoln, great man though he was, had little conception of, or respect for, constitutional limitations. The Emancipation Proclamation, issued prior to the adoption of the 13th amendment, was a deprivation of private property without just compensation, and as such, it probably still stands as the most

flagrant and excessive abuse of executive power which has gone unchallenged in the courts. Lincoln increased the numbers of the Army and Navy above the statutory limit, and spent millions of dollars of Federal funds never appropriated by Congress. The only serious challenge to Lincoln's usurpations, was the Supreme Court's rejection of his suspension of the writ of habeas corpus.

As I have stated, abuses and usurpations by the executive are historically most common in time of war. After the termination of hostilities, the abusive and usurpative acts are usually discontinued, but invariably there results a residual effect increasing executive power over the executive's prewar authority. Additionally, the precedent of the abuses, especially those which go unchallenged, give a disastrous long-range boost to the spiral of executive usurpations.

The period between 1865 and 1915 was marked by the once again steady, but faster, expansion of "implied powers." Two incidents in this period are worthy of note in any review of executive abuses.

In 1877, President Hayes dispatched Federal troops into several States to cope with disorders growing out of a general railway strike, without any request from the governments of the States involved. Seventeen years later, President Cleveland committed the same offense by sending troops to Chicago during the pullman strike. Both of these acts were in violation of article IV of the Constitution, and the first undoubtedly set the precedent for the latter. Neither act was challenged in the courts.

Prior to our entry into World War I, President Wilson engaged in one of the most clear-cut usurpations of power by an Executive that had occurred up to that time. The President requested Congress to pass legislation authorizing the arming of merchant vessels flying the U.S. flag. The House of Representatives passed the bill, but it was defeated in the Senate. The President, despite the bill's defeat, authorized and directed the arming of U.S. merchant ships by Executive order and directed that they fire on any unidentified submarine. Although criticism of the Presidential order was bitter, his action was never officially challenged.

During World War II, Executive usurpations are considered by most historians to have reached their zenith. It was during this period that the use of Executive agreements, to avoid the necessity of Senate confirmation essential to the validity of treaties, was revived and greatly expanded. The idea originated with President Theodore Roosevelt in 1905, when the Senate failed to approve a treaty by which the United States would assume collection of Dominican revenues, in order that the Latin American Republic might eventually hope to liquidate its staggering foreign debt. Subsequent to the Senate's failure to ratify the protocol, the first President Roosevelt entered into an Executive agreement embodying the same provisions. Some of the stigma of this act was removed in public opinion by Senate ratification of the treaty 2 years later.

The second President Roosevelt utilized the same device in his destroyers-for-bases deal of September 1940, the assumption of the defense of Iceland from Great Britain and entering into the so-called Atlantic Charter, to mention the most outstanding. Such usurpations of treatymaking power have, through the means of precedent, had extremely far-reaching effects, on one of which I shall elaborate shortly.

Executive usurpations and abuses during World War II were not limited to the sphere of the so-called Executive agreements, however. The outright seizure of the North American Aviation plant in June 1941, with only the slightest pretense of legality, was outstanding in the area of abuses. It is interesting to note that the country was not then yet at war.

A most spectacular example of Executive usurpation of legislative prerogative, was the President's demand for repeal of portions of the Emergency Price Control Act, in 1942. The President stated in clear and unmistakable terms that if Congress did not repeal the offensive acts, he would refuse to enforce them. As one writer expressed it, the President, in essence, advanced the claim that he had the power to suspend the Constitution in a situation deemed by him to make such a step necessary.

The abuses and usurpations, and attempts thereat, have diminished hardly at all in the postwar period. One vicious abuse was terminated by the Supreme Court in 1952. It decided in a 6 to 3 decision that the seizure by the President of the steel mills during the Korean conflict was unconstitutional.

The most recent abuse, and by far the worst to date, was the subjugation of Little Rock to rule by Federal troops. Not only did the President use Federal armed forces without a request of the State government, but he did so under the pretext of enforcing a court decision, which on its face violated the Constitution, specifically the 10th amendment. There was no war or so-called insurrection to mitigate the offense. As of now, a court challenge is precluded, and there appears under the circumstances to be no official way of insuring that there will be no repetition of this tyrannical act. Public opinion must be brought forcibly to bear to prevent its recurrence.

Mr. President, such unconstitutional deeds by the executive branch—admittedly, for the most part they are unrelated instances—punch holes of varying sizes in the superstructure of the Constitution, and, in addition, comprise a relatively slow but increasingly corrosive weakening of the Constitution. They are cause for alarm, and no effort should be spared to bring them to a halt.

Enemies of the Constitution are too impatient to await the destruction of our country by the comparatively slow process of erosion coupled with loopholes in the superstructure. They prevailed on the occupants of the Supreme Court to strike a vital blow at the very foundation of the Constitution, and thereby, at our whole system of Government itself.

In the last 5 or 6 years, public awareness of the blow dealt to the Constitution has multiplied. As a result, criticism of the Court has been widespread and high placed. The enemies of the Constitution have berated such criticism, primarily by comparing it to waves of criticism which have occurred against Court actions in the past. Unfortunately, and to the great discredit of our leaders, much of this defense of the Court's recent actions has been accepted by well meaning and conscientious leaders in our Nation's affairs. The failure to distinguish between criticism of unpopular decisions, and the current wave of protest over the undermining of the Constitution itself is a discredit to our people and their leaders. It shows a hopeless inadequacy in knowledge of the basic tenets of constitutional law.

Mr. President, the only justification for a constitutional form of government is to preserve the individual rights of the people themselves. A constitution accomplishes this purpose by giving the law stability, and certainly, through a limitation on the power of any individual or group, and through the establishment of certain basic principles of government which are, from a practical standpoint, almost unalterable because of the degree of unanimity of will essential to a change.

Essentially, then, the Constitution is a protection to individual liberty only so long as it requires such an overwhelming majority of public opinion to change its provisions. This, in essence, is the strength of a constitution, because it is the one factor that enables a people to be assured of a government of laws rather than a government of men.

It is obvious that any circumvention of the prescribed method of change of the Constitution strikes at the very foundation of individual liberty. And here, Mr. President, is where the blow has been struck.

Necessarily, Mr. President, a constitution cannot contain in written word every specific detail to eliminate all possible misinterpretations of its terms. In drafting such a document, our forefathers did not include a manual containing a detailed explanation of the philosophy which underlay the principles embodied in that document. They did not foresee a necessity for such a manual, for indeed the whole history of the times was permeated with expression of their philosophies, both in the relations of the events which led up to the desire for a constitution and in the clear and unequivocal expressions of the drafters and other public figures in all Thirteen Original States made during the consideration of its ratification. As they undoubtedly foresaw, the record was even further substantiated throughout the early years of our Republic by the correct application of the basic principles of government which they had so ably codified.

These basic philosophies which served as the birthspring of the Constitution, when reduced to application, are known as rules of construction. They are neither confusing nor difficult of application. Essentially, they are but the

utilization of commonsense and logic. Only by completely ignoring the recorded expressions of history, and the intentional resort to tortured mental gymnastics can the basic rules of construction be avoided. It requires an intentional act. It is impossible to believe that the more basic rules of construction can be misinterpreted in the absence of insincerity and ulterior motives.

Probably the most fundamental rule of construction for written instruments is to the effect that the meaning of the document must be derived from events and expressions contemporaneous with the instrument's adoption. The interpretation justified by contemporaneous occurrences does not vary with future events so long as the written instrument remains in force. The terms of the instrument may find now fields of application, or the circumstances to which the terms of the instrument apply may vary, but the meaning of the instrument never varies—it is forever constant. Any other construction would be, obviously, to vary the terms of a written instrument, and thereby invalidate the only purpose of the writing—constancy. This rule of construction—in actuality, a simple application of logic—applies to all written instruments, but most particularly to the Constitution, of which stability and permanency are the very essence, and without which stability and permanency the Constitution has no excuse for being.

So universal has been the recognition and application of this rule of construction, that a discussion of it at any great length is rare. Rather the courts have either merely stated it and then proceded to apply it, or more frequently, they have merely proceeded to apply it to the written instrument at hand by an examination of circumstances contemporaneous with its adoption. A discussion of particular clarity of this rule of construction is found, however, in the opinion of the Indiana Supreme Court in the case of *Cory, et al.* v. *Carter* (48 Ind. 327), at pages 335 through 336, and I now quote from that opinion:

> A cardinal rule in dealing with written instruments is that they are to receive an unvarying interpretation and that their practical construction is to be uniform. A constitution is not to be made to mean one thing at one time, and another at some subsequent time when the circumstances may have so changed as perhaps to make a different rule in the case seem desirable. A principal share of the benefit expected from written constitutions would be lost if the rules they established were so flexible as to bend to circumstances or to be modified by public opinion. It is with special reference to the varying moods of public opinion and with a view to putting the fundamentals of government beyond their control that these instruments are framed; and there can be no such steady and imperceptible change in their rules as inheres in the principles of the common law. Those beneficent maxims of the common law which guard person and property have grown and expanded until they mean vastly more to us than they did to our ancestors, and are more minute, particular, and pervading in their protections; and we may confidently look forward in the future to still further modifications in the direction of improvement. Public sentiment and action effect such changes, and the courts recognize them, but a court or legislature which should allow a change in public sentiment to influence it in giving construction to a written constitution not warranted by the intention of its founders would be justly chargeable with reckless disregard of official oath and public duty; and if its course could become a precedent these instruments would be of little avail. The violence of public passion is quite as likely to be in the direction of oppression as in any other, and the necessity for bills of rights in our fundamental laws lies mainly in the danger that the legislature will be influenced by temporary excitements and passions among the people to adopt oppressive enactments. What a court is to do, therefore, is to declare the law as written, leaving it to the people themselves to make such changes as new circumstances may require. The meaning of the constitution is fixed when it is adopted, and it is not different at any subsequent time when a court has occasion to pass upon it.

What the Indiana Supreme Court so clearly enunciated has been recognized and applied uniformly by every court, of every jurisdiction in the land.

In *South Carolina* v. *United States* (199 U.S. 450), the Supreme Court of the United States said:

> The Constitution is a written instrument. As such its meaning does not alter. That which it meant when adopted it means now. Being a grant of powers to a government, its language is general, and as changes come in social and political life it embraces in its grasp all new conditions which are within the scope of the powers in terms conferred. In other words, while the powers granted do not change, they apply from generation to generation to all things to which they are in their nature applicable. This in no manner abridges the fact of its changeless nature and meaning. Those things which are within its grants of power, as those grants were understood when made, are still within them and those things not within them remain still excluded.

And further:

> To determine the extent of the grants of power we must, therefore, place ourselves in the position of the men who framed and adopted the Constitution, and inquire what they must have understood to be the meaning and scope of those grants.

This is no isolated reference or application. It is inherent in innumerable cases. To illustrate, I need but turn to the United States Code Annotated, and from the section on "Constitutional Construction and Interpretation" quote from page 77, as follows:

> The rule that the contemporaneous construction of a statute by those charged with its execution should not be disregarded except for cogent reasons, and unless it be clear that such construction is erroneous, applies with even greater force in the construction of a provision of the Constitution long and continuously acted upon. Contemporary interpretation of the Constitution is of the most forcible nature and entitled to great weight, and the practice and acquiescence under it for a period of years affords an irresistible answer to objection and fix the construction.

There follows a long list of citations from which the authority of the author is derived.

For the application of this rule of construction, we need not go beyond the landmarks of outstanding cases. For instance, consider the language of the U.S. Supreme Court in *Martin* v. *Hunter* (1 Wheat 351):

> It is an historical fact that this exposition of the Constitution, extending its appellate power to State courts, was previous to its adoption, uniformly and publicly avowed by its friends, and admitted by its enemies, as the basis for their respective reasonings, both in and out of State conventions. It is also an historical fact that at the time when the Judiciary Act was submitted to the deliberations of the first Congress, composed, as it was, not only of men of great learning ability, but of men who had acted a principal part in framing, supporting, or opposing that Constitution, the same exposition was explicitly declared and admitted by the friends and opponents of that system. It is an historical fact that the Supreme Court of the United States has, from time to time, sustained this appellate jurisdiction in a great variety of cases, brought from the tribunals of many of the most important States in the Union, and that no State tribunal has ever breathed a judicial doubt on the subject, or declined to obey the mandate of the Supreme Court, until the present occasion. This weight of contemporaneous exposition by all parties, this acquiescence of enlightened State courts, and these judicial decisions of the Supreme Court through so long a period, do, as we think, place the doctrine upon a foundation of authority which cannot be shaken, without delivering over the subject to perpetual and irremedial doubts.

Notice that that learned Court, considering the contemporaneous rule of construction so basic as not even to need a statement, much less an explanation, proceeded first and foremost in the interpretation of the Constitution to an examination of contemporary thought at the time of its adoption, without so much as a glance at "current conditions."

As I have said, the cases are replete with such examples. In the case of *Scott* v. *Sandford* (60 U.S. 393)—the famous "Dred Scott case"—the Court said:

> The change in public opinion and feeling in relation to the African race, which has taken place since the adoption of the Constitution, cannot change its construction and meaning, and it must be construed and administered now according to its true meaning and intention when it was formed and adopted.

Another concise statement on the matter appears in the case of *Maxwell* v. *Dow* (176 U.S. 581), and I quote from page 602:

> A constitutional amendment must be agreed to, not only by Senators and Representatives, but it must be ratified by the legislatures, or by conventions in three-fourths of the States before such amendment can take effect. The safe way is to read its language in connection with the known condition of affairs out of which the occasion for the adoption may have arisen, and then construe it, if there be any doubtful expressions, in a way so far as is reasonably feasible, to forward the known purpose or object for which the amendment was adopted.

Mr. President, could there be any doubt concerning the applicability of this purely logical rule of construction? This is the distinction, reduced to its simplest form, between a government of laws, on the one hand, and a government of men on the other. When the rule of

construction is followed in the construction of the Constitution, that great document has the stability essential to the protection of individual liberty. If this simple guide to construction is ignored, the Constitution thereby shrinks from its position as the noblest document of government welded at human hands to a parody of words useful only as a point of departure for the mad rationalizations of emotionally inspired mentalities. Only the blissfully ignorant, or the most insidious malcontent, could conceive of any other course but the application of this purely logical approach to interpretation of the Constitution.

This area of fundamentals, indeed, the very vitals of our Constitution, has sustained an underhanded blow. The very passions which inspired this dastardly undercutting of constitutional fabric continue to prevail, shielding minds that should, and in objective analysis, would comprehend and appreciate the nature of the offense which has inspired the wave of protests that have resulted.

Let us now examine the deed itself. It happened on May 17, 1954. The provision of the Constitution was the 14th amendment. The field to which the provision was sought to be applied was that of public education. The name of the case was Brown against Board of Education of Topeka. There were no novel questions presented by the case.

In fact, there was only one question of any import before the Court. It was, Does segregation of children in public schools, solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of either group of the equal protection of the laws?

I repeat, it was far from a novel question. Had the Court proceeded to adjudicate the question, it would have followed the approach of the Court in Martin against Hunter, to wit: First, examined the contemporaneous expressions and actions of the Congress which proposed, and the legislatures which ratified the amendment; second, considered the decisions of State courts which had passed on the question; and third, considered, as stare decisis demanded, the prior decisions of the Supreme Court, itself. This would have complied with the rule of contemporaneous interpretation.

In the interest of better understanding of the ultimate approach adopted by the Court, let us first apply the correct approach as specified in Martin against Hunter.

According to the note in the United States Code Annotated, which follows the 14th amendment, this amendment was proposed to the States by a resolution of Congress enacted on June 16, 1866. It further appears that on July 21, 1868, Congress adopted a resolution declaring to the Secretary of State that the 14th amendment had been adopted by 25 States; and that on July 28, 1868, the Secretary of State issued a proclamation declaring that the amendment had been ratified by 36 States and was legally a part of the Constitution.

Let no one assume from my recitation of these events that I attribute any validity or accurateness to the facts sought to be established by the congressional resolution or the declaration by the Secretary of State. It is my intention to mention the peculiar—to say the least—facts surrounding the 14th amendment at a later point in my remarks. I mention the dates at this time only for the purpose of establishment of the period in which we must, under the rule of contemporaneous interpretation, seek the intention and true meaning of the amendment.

Now let us turn to the legislative intent of the Congress which proposed the 14th amendment.

Only a little over a month after the 39th Congress enacted a resolution proposing the 14th amendment to the States for ratification—on July 23, 1866—the Congress enacted a law entitled "An act relating to public schools in the District of Columbia." In essence, it established a separate school system for the white and colored races in the cities of Washington and Georgetown. It required those cities to pay to the trustees of Negro schools in their respective cities a proportionate part of moneys received or expended for education, the proportionment being based on the number of colored children as compared to the total number of children in the particular city.

Subsequently, at the same session of Congress, an act was passed donating certain lots in the city of Washington for the purpose of colored schools.

At the 42d session of Congress, an act was passed to govern the operation of colored schools in the District of Columbia.

Thus, at the same session, and by the same individuals who proposed the 14th amendment, separate schools for the white and Negro races were established. This was a contemporaneous act. It was an affirmative act, speaking much louder than any words—that the framers of the 14th amendment contemplated no interference by the 14th amendment with the operation of separate public schools for the different races.

There are other indications of the intent of the Congress as to the operation of the 14th amendment with respect to public schools, if indeed, any further indication is necessary. Between the years 1866 and 1875, Congress enacted a number of laws carrying out the provisions of the 14th amendment. These were the so-called civil rights bills. Not a one of these acts dealt with the subject of public schools.

Consider the intention of some of the individual authors and perpetrators of the amendment. Charles Sumner of Massachusetts, one of the prime instigators of the 14th amendment in the U.S. Senate, had acted as counsel for plaintiff in the Massachusetts case of *Roberts v. City of Boston* (59 Mass. 198), in 1849. He lost the case. In the Roberts case, the Supreme Judicial Court of Massachusetts held that entitlement to "equal rights" did not preclude the establishment of separate schools solely on the basis of race. This case, in actuality, was the beginning of the "separate and equal" doctrine, originating, not in the South, but in Massachusetts, the breeding ground of abolition. Charles Sumner was one of the chief abolitionists. He knew full well, long before the 14th amendment was framed, that the term "equal rights" did not, according to the highly persuasive Massachusetts' high tribunal, preclude separate schools for the races. He made no attempt whatever to word the amendment otherwise, nor to construe the 14th amendment to the contrary.

Many more instances could be cited. For instance, in 1880, a man, Hon. William B. Woods, was confirmed by the Senate as a Justice of the Supreme Court, who had previously, as a Federal circuit judge, rendered a decision holding that separate schools for the white and Negro races were not forbidden by the 14th amendment.

The contemporaneous actions of the Congress which proposed the 14th amendment leave no doubt that there was no intention for the 14th amendment to interfere in any way with separate public schools for the different races.

Let us turn to the legislatures of the several States purported to have ratified the 14th amendment. For the purpose of clear analysis, let us consider the States in categories according to their contemporaneous actions with regard to separate schools for the races.

It would first be in order to eliminate the negative so that we might subsequently accentuate the positive: Therefore, let us turn to the nine States not having segregated schools when the 14th amendment was submitted to them. We may at once exclude from consideration, as without probative significance to the question at hand, the proceedings in the legislatures of the States which did not have racially segregated public school systems at the time the 14th amendment was submitted to and ratified by them.

The States of Maine, New Hampshire, Vermont, and Wisconsin had never had segregated public school systems.

Massachusetts had abolished segregation in its public school system in 1855, Minnesota in 1864, and Rhode Island in January 1866 before the resolution which became the 14th amendment was reported to Congress by the Joint Committee of Fifteen on Reconstruction.

Nebraska was not admitted to the Union until 1867. Significantly, while the bill for Nebraska's admission was pending in Congress, a bill which would have removed all distinctions on account of color in the schools of Nebraska passed the Nebraska Legislature but failed to become law because of the Governor's refusal to sign it. Nevertheless, Nebraska was admitted to the Union. Upon admission Nebraska ratified the 14th amendment and simultaneously enacted its first school law as a State. The statute did not touch upon the subject of segregation.

Since segregation did not in fact exist in the public school systems of these eight States, they were naturally not concerned, except perhaps academically, with the question of whether or not the 14th amendment would abolish segregation in public schools.

Iowa might also properly be included in this category. The amendment was rati-

fied in the Iowa House and Senate in April 1868. The Iowa constitution, adopted in 1857, declared that provision should be made "for the education of all the youths of the State through a system of common schools." A statute enacted by the legislature in 1858, which required school authorities to provide separate schools for Negro children unless all parents agreed to amalgamation, had been declared void under the State constitution by the supreme court of Iowa in 1858. Therefore, when the 14th amendment was submitted to the Legislature of Iowa in 1868, segregated schools had already been outlawed by the State constitution.

Furthermore, while the amendment was before the legislature there was pending for decision in the Supreme Court of Iowa a case involving the effect of the same constitutional provision upon an asserted discretion in local district school authorities to establish separate schools for white and Negro children. On April 14, 1868, the court held that under the constitution of 1857 no such discretion existed. Since this decision came down several months before the 14th amendment was proclaimed as ratified on July 28, 1868, the amendment clearly was not the basis of the decision.

The legislature which ratified the amendment took no action regarding school segregation, undoubtedly because of the prohibition against segregation already contained in the State constitution. It seems likely, therefore, that the possible effect of the amendment upon the public school system of Iowa did not enter into the deliberations of its legislature in ratifying the amendment.

Now, Mr. President, let us look at the five States which had segregated schools before the 14th amendment was submitted to them but contemporaneously outlawed or discontinued them upon ratification of the amendment.

Among the States which supposedly ratified the 14th amendment, five—Connecticut, Michigan, Louisiana, Florida, and South Carolina—enacted contemporaneous legislation either prohibiting or making no provision for segregation in their public school systems. Although such action, unexplained, would appear to leave these States in an ambiguous position upon the question at issue here, the evidence indicates that their action did not result from any understanding that the amendment outlawed school segregation, but rather from a decision to abolish such segregation as a matter of local policy.

Connecticut outlawed segregated schools on August 1, 1868. Yet, although it had ratified the 14th amendment in June of 1866, in 1867 segregated schools were required by local ordinance in Hartford and also existed in New Haven. Therefore, although Connecticut did, in fact, abolish school segregation at the time when the 14th amendment became a part of the Federal Constitution, it apparently did so as a matter of policy rather than under any supposed compulsion of the amendment itself.

In Michigan, the same legislature which ratified the 14th amendment enacted a statute providing that "all residents of any district shall have an equal right to attend any school therein." This enactment was held by the Michigan Supreme Court in 1869 to require the admission of Negro children into the public schools of Detroit, where separate schools for Negroes had been established and maintained since 1839. Significantly, however, Chief Justice Cooley did not rest his decision on the 14th amendment or indeed even refer to it in his opinion, but arrived at his conclusion solely on the basis of the Michigan statute.

There is evidence that in Louisiana the 14th amendment was not understood as requiring the abolition of segregation in the public schools of that State. When the amendment was first submitted to the legislature in 1867 the Governor, a Union man, recommended its ratification, but in the same address urged the legislature to provide separate schools for Negro children. After the amendment had been rejected by the 1867 legislature, a new legislature was convened in 1868 by the provisional Governor under the Reconstruction acts. This body, composed mainly of Negroes, ratified the amendment. In the same year a new State constitution was adopted. One of its provisions prohibited segregation in the public schools. Although the members of the convention were quite vocal in expressing their support of the new constitution, not one of them cited the 14th amendment as justifying or requiring the clause abolishing segregation in the public schools.

As a result of this provision in the State constitution, however, there was riotous confusion and no effective public school system was established in Louisiana for as long as it remained in effect. The requirement of mixed schools was eliminated by the Louisiana constitution adopted in 1879, indicating that the people of the State at that time did not understand that the 14th amendment had abolished segregation. Racial segregation in the public schools of Louisiana has existed ever since.

Florida apparently had no general public school system when the Reconstructionist legislature ratified the 14th amendment on June 9, 1868. Free day and night schools were provided for Negroes at public expense, but no free schools were provided for white children. The same legislature which ratified the 14th amendment had before it a bill designed to establish a uniform public school system. The bill passed the house without provision for segregated schools but was amended in the senate to require segregation. However, the measure as amended did not pass either branch of the legislature. Although in 1869 a general school law was enacted which contained no provision with respect to separate or mixed schools, separate schools were eventually required by the constitution of 1887—indicative of the fact that segregation was not then regarded by the people of Florida as violative of the 14th amendment. There is no evidence that the failure to require school segregation before 1887 was due to any belief that the 14th amendment forbade it.

The 14th amendment was considered in South Carolina on three separate occasions.

Upon its receipt from Secretary of State Seward, the amendment was transmitted to the general assembly by Gov. James L. Orr on November 27, 1866, together with a message which recommended its rejection. Both the Governor and the general assembly were functioning under the State constitution adopted in 1865 which had abolished slavery, and it was this general assembly which had ratified the 13th amendment.

The message of Governor Orr was published at length in the Charleston Daily Courier of November 28, 1866. After referring to the abolition of slavery and the fact that the general assembly of the State, has by solemn enactment, accorded to the black race all the rights of person and property enjoyed by the white race," the message continued:

> Eleven of the Southern States, including South Carolina, are deprived of their representation in Congress. Although their Senators and Representatives have been duly elected, and have presented themselves for the purpose of taking their seats, their credentials have, in most instances, been laid upon the table without being read, or have been referred to a committee, who have failed to make any report on the subject. In short, Congress has refused to exercise its constitutional functions, and decide either upon the election, the return or the qualification of these selected by the States and people to represent us. Some of the Senators and Representatives from the southern States were prepared to take the test oath, but even these have been persistently ignored, and kept out of the seats to which they were entitled under the Constitution and laws. Hence this amendment has not been proposed by two-thirds of both Houses of a legally constituted Congress, and is not, constitutionally or legitimately, before a single legislature for ratification.
>
> Waiving this point, however, is it compatible with the interest, or consistent with the honor of this State, to ratify that amendment? Do not its first and last sections, if adopted, confer upon Congress the absolute right of determining who shall be citizens of the respective States, and who shall exercise the elective franchise, and enjoy any and all of the rights, privileges and immunities of citizenship? The sections referred to not only do this, but they subvert the theory and practice of the Government since its foundation, by abrogating the right of fixing the elective franchise conferred upon the respective State governments, and by giving the representatives of Oregon, or California in Congress the power to declare what shall constitute the measure of citizenship within the limits of South Carolina or Georgia. Who is most likely to exercise this power judiciously—the citizens of the State wherein the regulation is to be made, or nonresidents, who are entirely ignorant of the population, the intelligence, necessities and resources for which legislation is undertaken? With this amendment incorporated in the Constitution, does not the Federal Government cease to be one of "limited powers" in all of the essential qualities which constitute such a form of government? Nay, more, does not its adoption reverse the well-approved doctrine, that the United States shall exercise no powers, unless expressly delegated by the Constitution?

There was no mention of schools or education in the message.

The Journal of the 1866 session of the general assembly shows the action taken by it, but does not set forth its debates. Contemporary press accounts show with certainty that there was no

debate in either house on the amendment. The Charleston Daily Courier of December 15, 1866, contains a dispatch from Columbia which, with reference to the House report on the constitutional amendment, says in part:

> The committee report "that they have considered the same and recommend that the proposed amendment be not adopted." Upon this point they were unanimously agreed, nor did they regard it essential that any recitation of the reasons inducing their opinion should be made. It was properly thought that our people were sufficiently apprised of the enormity of the scheme which the radical Congress is attempting to foist upon the South as a precedent condition to political restoration, and they therefore preferred to make a simple expression of their dissent, confidently relying upon the adoption of their report without being called upon for explanations which are within easy reach of every intelligent man in the State.

South Carolina rejected the amendment. Every other ex-Confederate State but Tennessee took similar action, and congressional Reconstruction began the following year.

Southern leaders soon realized their helpless position. Early in 1867, prominent southerners, including Governor Orr, conferred in Washington in a futile effort to undo the action. They proposed a virtually identical substitute for the 14th amendment, except that it would only penalize a State for denying sufferage on account of race or previous servitude, and would not prohibit compensation for loss of slaves. But the opportunity was gone. The Reconstruction bill, framed in anger on the rejection of the 14th amendment, was already in process of passage with the radicals determined to construct governments in the South which would ratify the 14th amendment, and more.

Pursuant to the Reconstruction Act of 1867—passed over the President's veto—the South Carolina convention met in January 1868 to draft a State constitution. Its proceedings were ordered to be edited and published.

Governor Orr addressed the convention at its invitation. Describing himself as one of the "disfranchised class," he observed that he had nevertheless urged the white people of the State who could vote for delegates to the convention to do so. He thought that "a great mistake had been committed by the great majority of whites of South Carolina in refusing to go to the polls and participate in any respect whatever in the election of delegates," an action he attributed to the harshness of the more stringent voting restrictions imposed by Congress the preceding July. The result was that the members of the convention represented "almost exclusively the colored element of South Carolina," wherefore "the very high duty is developed upon you of discharging the important trusts confided to your care in such a manner as to commend your action to the confidence and support, not only of those by whom you were elected, but of those who refused to go to the polls and vote in the election." Among other things, Governor Orr recommended "earnest attention" to the education of both the black and white population, urging at the same time that taxes should not be levied exclusively on property. "There is no taxation which is so universal, just and equitable as that upon the person or poll, for educational purposes, since all are interested in having an intelligent and virtuous population."

The constitutional convention wrote into the 1868 constitution sections which provided that:

(a) The first general assembly convened under the Constitution shall ratify the 14th amendment immediately after its permanent organization.

(b) Distinction on account of race or color in any case shall be prohibited, and all classes of citizens shall enjoy equally all common, public, legal and political privileges.

(c) A "liberal and uniform system of free public schools throughout the State" shall be provided, as soon as practicable and "one or more schools in each school district" shall be kept open at least 6 months of the year.

(d) The general assembly shall be under the duty "to provide for the compulsory attendance, at either public or private schools, of all children between the ages of 6 and 16 years," after "a system of public schools has been thoroughly and completely organized and facilities afforded to all the inhabitants of the State for free education of their children.

(e) "All the public schools, colleges, and universities of this State, supported in whole or in part by the public funds, shall be free and open to all the children and youths in the State, without regard to race or color."

The brief debate in the convention on the section requiring adoption of the 14th amendment contained no reference to schools, education, race, or color. Members opposed to the requirement contended that the general assembly should not have its hands tied on the issue, while the view which prevailed was well summarized by the statement that "until that amendment has become a portion of the supreme law of the land, we cannot get back into the Union"; the argument was that putting the requirement of ratification in the State constitution would bind the members of the general assembly to ratify, since they had to swear to support the State constitution in order to qualify as members.

The provision prohibiting distinction on account of race or color (art. I, sec. 39) was added by amendment from the floor. The committee had thought it well to avoid suggesting distinctions by introducing the word "color" into the Bill of Rights (art. I), and reasoned that it was not necessary to do so since "all citizens duly qualified are entitled to equal privileges." The proponents of the provision favored it "to settle the question forever by making the meaning so plain that a 'wayfaring man, though a fool,' cannot misunderstand it."

The subject of compulsory attendance was debated at great length, as was the provision for mixed schools. There were those who objected to compulsory attendance because of the mixed schools provision, while the latter provision was attacked the more vehemently because of the earlier adoption of the compulsory attendance provision.

E. L. Cardozo, a Negro who operated a private school in Charleston and was later State treasurer, was the floor leader on the educational sections. In the debate on compulsory attendance, he observed:

> We only compel parents to send their children to some school, not that they shall send them with the colored children; we simply give those colored children who desire to go to white schools the privilege to do so.

In later pressing successfully for passage of the mixed schools provision, Cardozo said:

> We have carefully provided in our report that every one shall be allowed to attend a free school. We have not said there shall be no separate schools. On the contrary, there may be separate schools, and I have no doubt that there will be such in most of the districts. In Charleston, I am sure such will be the case. In sparsely settled country districts, where perhaps there are not more than 25 or 30 children, separate schools may be established; but for 10 or 15 white children to demand such a separation, would be absurd; and I hope the convention will give its assent to no such proposition.

There was no mention in any of these debates of the 14th amendment, or any of its provisions. The constitution was adopted on March 17, 1868, and remained in force until superseded in 1895 by the present constitution.

The 14th amendment was ratified by the senate on July 6, 1868, and by the house of representatives on July 9. Governor Orr's message of July 8 to both houses discussed the issue of schools thus:

> It must not be supposed that a school system, fashioned upon the basis which prevails in New England, or of the more densely settled regions of the older western States, will answer the purpose sought in South Carolina. To save an unnecessary expenditure of public money, therefore, it is recommended that a system be thoroughly digested and matured upon all the information which can be obtained from the experience of the other States of the Union, modified by existing circumstances here, and be then submitted to the general assembly, before appropriation of money be made for the public schools.
>
> The constitution provided that "there shall be kept open at least 6 months in each year one or more schools in each school district." Gentlemen of intelligence, who were members of the convention, believe that the fair construction of this section will authorize, when the system is matured, the establishment of separate schools for the white and colored children of the State. Another section, however, declares that "all the public schools, colleges and universities of this State, supported in whole or in part by the public funds, shall be free and open to all the children and youths of the State, without regard to race or color."
>
> If it shall be attempted to establish schools where both races are to be taught, no provision being made for their separation, the whole system will result in a disastrous failure. The prejudices of race, whether just or unjust, exist in full force not more in South Carolina than in New England and the West. In the last named localities separate schools are provided for white and colored children, and in a community where these prejudices prevail in so strong a degree, how unreasonable it is to attempt the organization of mixed schools. I therefore earnestly recommend that in adopting an educational system, care be taken to provide for the white and colored youths separate places of instruction. At the same time, in the name of peace and of the happiness of the people I protest against this amalgamation.

Ratification of the 14th amendment was completed in the forenoon of July 9, and the inauguration of Governor Robert K. Scott occurred at noon.

Dealing with education, his inaugural message stated:

Article X, section 3, of the constitution, provides that "there shall be kept open at least 6 months in each year, one or more schools in each school district."

I respectfully recommend that the general assembly will provide by law for the establishment of at least two schools in each school district when necessary, and that one of said schools shall be set apart and designated as a school for colored children, and the other for the white children, the school fund to be distributed equally to each class, in proportion to the number of children in each between the ages of 6 and 16 years. I deem this separation of the two races in the public schools as a matter of the greatest importance to all classes of our people.

While the moralist and the philanthropist cheerfully recognize the fact that "God hath made of one blood all nations of men," yet the statesman in legislating for a political society that embraces two distinct, and in some measure, antagonistic races, in the great body of its electors, must, as far as the law of equal rights will permit, take cognizance of existing prejudices among both. In school districts, where the white children may preponderate in numbers, the colored children may be oppressed, or partially excluded from the schools, while the same result may accrue to the whites, in those districts where colored children are in the majority, unless they shall be separated by law as herein recommended. Moreover, it is the declared design of the constitution that all classes of our people shall be educated, but not to provide for this separation of the two races, will be to repel the masses of the whites from the educational training that they so much need, and virtually to give to our colored population the exclusive benefit of our public schools. Let us, therefore, recognize facts as they are, and rely upon time and the elevating influence of popular education, to dispel any unjust prejudices that may exist among the two races of our fellow citizens.

An act to provide for the temporary organization of the educational department of the State was passed on September 15, 1868. A Massachusetts Negro, Justus K. Jillson, was appointed superintendent of education to operate the department of education under the temporary law until the act establishing a system of public schools, which was approved February 16, 1870, became effective.

Prior to passage of the act of 1870, Jillson had instructed the school commissioners in the various counties of the State to survey the situation as to the number of pupils, the number of schools, and so forth. Jillson submitted a report to the legislature on January 24, 1870, which contained the commissioner's recommendations for the establishment of a public school system. Of the 31 counties, 13 submitted no recommendations, and 5 submitted reports which made no mention of the subject of separate or mixed schools. Of the other 13 counties, 12 submitted reports which recommended the establishment of separate schools for the two races, and only one advised against such action. The following are typical reports:

Pickens County: "I would most respectfully urge an entire separate school system for the two races, without which the common free school system in this State will never prosper, or be of any value to either race. As far as my observation extends, neither of the races desires a system which will compel both to attend the same school. The colored citizens in my county are as much averse to sending their children to the same school as the white, and would take much more interest in a school set apart for them than they ever will in one to the contrary. The whites would take more interest in instructing, helping and advising them, and without a separate system, the whites will never send to a free school; they will have private schools entirely. But by having a separate system, in my opinion, both races would support it freely and thoroughly, and make of it what it should and would be—a blessing to all.

"Very truly yours,

"D. F. BRADLEY,

"School Commissioner of Pickens County, S.C."

Spartanburg County: "In my opinion no plan will succeed in this county which contemplates mixing the two races in the same schools under the same teachers. The blacks are generally as much opposed to such a course as the whites. I think, then, the schools in the various townships ought to be located and organized with a view to educating the races in separate schools.

"This feeling grows out of no prejudice or unkindness in the bosom of the white toward the blacks. The people are not prepared as yet for social equality. Nor does it spring from unwillingness to have them educated. I think they are willing to aid them in every reasonable way, and will cheerfully pay the school taxes, if they can see that they are wisely, economically and judicially applied.

"Let us have separate schools for the races, and I believe the peace, harmony and best interest of all will be thereby promoted.

"R. H. REID,

"School Commissioner of Spartanburg County, S.C., March 2, 1869."

Union County: "I would also state that it is the universal desire of both races to have separate schools. In every district in the county there would be scholars sufficient to make a school for each class. I am satisfied it would be far better for both classes.

"A. A. JAMES,

"School Commissioner of Union County, S.C., January 12, 1869."

On March 6, 1871, Governor Scott signed the second general school law of the State, which in its title purported to be an amendment of the 1870 act but actually superseded it. In the new law—as in the 1870 act—the State superintendent of education was required to report each year on the number of persons of school age in the counties; the number of each sex; the number of white; the number of colored; the whole number of persons that attended the free common schools of the State during the year ending the thirtieth day of the last preceding September, and the number in each county that attended during the same period; and the number of whites of each sex that attended, and the number of colored of each sex that attended those schools.

Also as in the 1870 act, the county commissioner and the district trustees were required to provide for records distinguishing between white and colored children.

In addition, the 1871 act provided:

SEC. 44. That it shall be the duty of each school teacher to make out and file with the clerk of the board of trustees, at the expiration of each school month, a full and complete report of the whole number of scholars admitted to the school during each month, distinguishing between male and female, the average attendance, the branches taught, the number of pupils engaged in said branches, and such other statistics as he or she may be required to make by the county school commissioner.

It will be noted that, although this act required the State superintendent of education and the district trustees to distinguish between white and colored pupils, and although it required school examiners to designate color on teachers' certificates, it did not require the teachers, in making their attendance reports, to designate as to color as well as number and sex. This acquires significance because it appears that the pupils in each school were all white or all colored. Historians tell the story thus:

The hopes of the constitutionmakers that progress would be made in the direction of compulsory interracial schools ended in failure. Governors Orr and Scott and the school commissioners advised against the mixture of the races in the common schools and the Negroes never demanded that this be done. No attempts were made in this direction by either Jillson or the legislature. But such an attempt was made at the institution at Cedar Springs for the deaf, dumb, and blind, and at the State university.

September 17, 1873, Jillson informed the Cedar Springs faculty that "colored pupils must not only be admitted into the institution on application, but that an earnest and faithful effort must be made to induce such to apply for admission." The colored pupils, he commanded, "must be domiciled in the same building, must be taught in the same classrooms and by the same teachers, and must receive the same attention, care, and consideration as white pupils." The effect of this order was the resignation of the faculty and the closing of the school for 3 years. Efforts to get a new faculty failed. The institution was reopened however, in 1876 under its former teachers. But separate quarters were provided for the two races.

Against the advice of Orr, the legislature reorganized the university without making distinctions of race. Under an act of March 3, 1869, provision was made for the election of a new and smaller board of trustees, and the faculty was prohibited from making "any distinction in the admission of students, or the management of the university on account of race, color, or creed." To stimulate the ingress of students, one was to be admitted from each county free, the fees of others were reduced, and a preparatory school was authorized for those unfit to enter the college classes.

But the whites, with the act hanging over them and with the board of trustees made up of black and white radicals, became more and more distrustful and gradually withdrew their patronage. Their distrust was increased, when, on the resignation of additional professors, northerners were appointed in their places. The final blows came when Henry E. Hayne, the colored secretary of state was accepted as a student on October 7, 1873. Immediately the native white students resigned and native professors resigned or were dismissed.

The whites never became reconciled to coeducation of the races, and when they recovered power in 1877 they dismissed the colored students and imported professors,

and reconstituted the institution along traditional lines in 1880.

It would seem, therefore, that the Cedar Springs School for the Deaf, Dumb, and Blind and the State university were the only educational institutions in which mixing of the races was attempted. My research has revealed nothing to the contrary.

In 1870 the general assembly did enact legislation to enforce the provisions of the civil rights bill of the U.S. Congress, and to secure to the people the benefits of a republican government in this State. That act made it unlawful for common carriers and theater operators and any parties engaged in any business, calling or pursuit for the carrying on of which a license or charter was required by any law, municipal, State, or Federal, or by any public rule or regulation, to discriminate, assign special accommodations, or refuse admission on account of race, color, or previous condition. Although the legislature thus directed its attention to the problem of racial discrimination, no legislation then provided or has since provided for mixed schools in the State, or prohibited separate schools in the counties and school districts.

To summarize, there is no indication that the question of segregation by race in the public schools entered into consideration of either the South Carolina rejection—1866—or ratification—1868—of the 14th amendment. Nor is there any indication in the proceedings of the 1868 constitutional convention that the members viewed the 14th amendment as prohibiting or even dealing with separate public schools for the two races, or segregation in any other respect. Indeed, the action taken at that convention strongly suggests that the delegates regarded the question of separation or distinction based on race or color as one to be dealt with on the State level, as to which State action was necessary.

Both Governors Orr and Scott after the adoption of the 1868 constitution, and Governor Scott on the same day that the general assembly had earlier ratified the 14th amendment, recommended to the general assembly that separate schools for white and colored children be provided for in school legislation—irrefutable evidence that contemporary opinion did not regard the 14th amendment as interdicting separate schools.

The 1870 and 1871 public schools legislation laid down no requirement of mixed schools, but on the contrary provided for separate statistics as to white and colored pupils on a State and district though not on an individual school basis. This circumstance, buttressed by historical research demonstrates that the public schools were operating in practice on a separate basis.

Thus two Governors—by their messages—the general assemblies—by their legislation—and the school authorities, State, county, and local—by their administrative recommendations and practices—demonstrated their belief that the question of segregation in schools, far from being outlawed by the 14th amendment, was an open one for legislative determination by the State, both under the State and the Federal Constitutions.

Thus it would seem that the five States, which abolished or made no provision for school segregation at or about the time they ratified the 14th amendment did so as a matter of local policy rather than because they considered the question foreclosed by the 14th amendment. And three of the five later enacted legislation reviving their segregated school systems.

Next, Mr. President, it is in order to consider the four States which had segregated schools and refused to ratify the 14th amendment.

Three States—California, Kentucky, and Maryland—never ratified the 14th amendment. However, their failure to ratify is no evidence, and there is no other evidence, that they contemplated or understood that the 14th amendment would abolish segregation in their public schools. In fact, contemporaneous action by the legislatures of these States in establishing separate schools indicates a contrary view.

In California the house received a report recommending rejection, while the senate received a report recommending ratification. The two houses remained deadlocked and the amendment was never rejected or ratified. Neither of the two reports on the 14th amendment made any mention of its possible effect upon California's segregated school system. The fact that California, after the 14th amendment had been proclaimed as ratified, reenacted legislation requiring separate public schools for Negro and white children, demonstrates that the legislature did not understand that the 14th amendment abolished segregation in the public schools of that State.

Although the Kentucky Legislature voted rejection of the amendment pursuant to recommendation of the Governor, his message did not discuss its merits. There is nothing in the legislative proceedings to indicate that in rejecting the amendment the legislature even considered its possible effect upon the segregated public school system of Kentucky, much less that it rejected the amendment because it contemplated or understood that the amendment would abolish segregation in the public schools of the State. Indeed, the understanding seems to have been directly to the contrary. Apparently, prior to 1867, Kentucky had made no provision for the free education of Negroes. The same legislature which rejected the 14th amendment established schools for Negroes to be supported by taxes collected from Negroes, thus effectually establishing a separate school system. No real system of Negro education seems to have been established in Kentucky prior to 1882. The public schools have been segregated in practice until very recently and, in fact, still are to some extent. The State constitution of 1891 made segregation mandatory in the public schools. It is clear that the convention which adopted this constitution understood that the 14th amendment, which had then been in force for over two decades, did not prohibit racial segregation in the public schools.

The Maryland Legislature voted to reject the 14th amendment only after it had considered an extensive report of the joint committee on Federal relations, to which the amendment had been referred. It is of particular significance that in this report there is no reference whatever to the possible effect of the 14th amendment upon the public schools of the State.

Maryland, like Kentucky, had made no provision for the free education of Negroes before 1867, when the 14th amendment was submitted to the legislature. The first comprehensive school system was established by law effective April 1, 1868, just 4 months before the 14th amendment was proclaimed as ratified. The statute provided for the maintenance of separate schools for colored children by taxes paid by the colored people of the county. The continuance of this system by legislation, repeatedly reenacted by succeeding legislatures, is itself evidence that the amendment was not understood as abolishing or requiring the prohibition of segregation in the public schools of Maryland.

For all intents and purposes, Delaware may be considered under this heading, since it did not ratify the 14th amendment until early in the 20th century. The Delaware Legislature rejected the 14th amendment in 1867. Although the Governor in his inaugural address of January 15, 1867, expressed the view that the amendment was a dangerous encroachment on State rights, he made no reference to the possible effect of the amendment upon the school system then existing in Delaware. At that time no free schools for Negroes were provided by the State. Such Negro schools as existed were supported by voluntary contributions made by Negroes.

Delaware did not ratify the 14th amendment until 1901. The constitution of 1897, in effect at that time, provided for the maintenance of separate schools. Clearly then the Delaware Legislature, when it ratified the amendment, did not understand it to require the abolition of segregation in the public schools.

Next, Mr. President, let us look at the two border States which had segregated schools and continued them after ratifying the 14th amendment.

The border States of Missouri and West Virginia both had segregated public school systems at the time they ratified the 14th amendment and both continued them until very recently.

The Missouri constitution of 1865 specifically permitted the establishment of separate schools for Negroes. Statutes implementing this permissive segregation and providing separate schools for Negroes were enacted in 1865, 2 years before the 14th amendment was ratified by Missouri, and thereafter in 1868, 1869, and 1874. The Missouri constitution of 1875 made segregated schools compulsory and implementing statutes were enacted in 1879, 1887, and 1889.

The West Virginia Legislature of 1863, in establishing a free school system, had required segregation of the races. This legislation was in effect when West Virginia ratified the 14th amendment on

January 16, 1867. On February 27, 1867, the same legislature enacted a statute providing that "white and colored persons shall not be taught in the same schools." The West Virginia constitution adopted in 1872 incorporated this requirement of school segregation into the basic law of the State.

Patently, the legislatures of Missouri and West Virginia did not, when they ratified the 14th amendment, understand or contemplate that it would prohibit school segregation or require its abolition.

So much for Missouri and West Virginia. Let us now turn to the nine Northern or Yankee States, if you will, which continued to operate or immediately established segregated schools after ratifying the 14th amendment.

Persuasive evidence that the State legislatures which ratified the 14th amendment did not contemplate and did not understand that it would abolish segregation in public schools is supplied by those Northern States, which although ratifying the 14th amendment, nevertheless either contemporaneously established separate public schools or continued to operate existing segregated public school systems. These nine States are Illinois, Indiana, Kansas, Nevada, New Jersey, New York, Ohio, Oregon, and Pennsylvania.

At the time it ratified the 14th amendment in 1867, Illinois did not provide free schools for Negro children because the law did not contemplate their coattendance with white children in the free public schools. The superintendent of public instruction in his 1867–68 report stated that the question of maintaining separate schools for the two races might safely be left to the respective school districts to determine. A similar statement was made by the Governor in his message to the legislature in 1871. Illinois did not end its separate school system until 1874.

Similarly, when the 14th amendment was submitted to the Indiana Legislature in 1867, that State excluded colored children from its common schools and made no provision whatever for their education. Gov. Oliver P. Morton, afterward U.S. Senator, in his message to the legislature recommending ratification of the 14th amendment, referred to this fact and suggested the establishment of a school fund in proportion to the number of colored children in the State to be applied to their education by the establishment of separate schools. This recommendation was not adopted by the 1867 legislature. In 1869, however, taxation for common school purposes was made uniform and the education of Negro children was provided for in separate schools.

Indiana is one of only two States which have available today a record of legislative debates concerning the proposed adoption of the 14th amendment. While it is true that one bitter opponent of the amendment stated that as a result of its ratification Negroes "would sit with us in the jury box and with our children in the common schools," the legislature of 1869 evidently did not agree with his views when it provided separate schools for Negro children.

The legislative debates on the measure making provision for separate schools are also extant. The record does not indicate that the 14th amendment at any time entered into the discussions of the legislators. Some opposed educating the Negro at all. Others favored separate schools in the belief that the Indiana constitution required education for the Negro. Still others favored mixed schools on the theory that they were required by the Indiana constitution. None indicated a belief that segregated schools, if established, would violate the 14th amendment. This record, coupled with the fact that Indiana established separate schools within a year after it had ratified the 14th amendment, is persuasive evidence that the Indiana Legislature did not understand that the 14th amendment prohibited segregation or required its abolition.

Kansas ratified the amendment in 1867. The very next year its legislature gave to boards of education in cities of the first and second class the right "to organize and maintain separate schools for the education of white and colored children." This permissive segregation continued until black Monday, May 17, 1954, except for the 3-year period 1876–79. Obviously Kansas did not understand that the 14th amendment would abolish segregation in the public schools.

Nevada, when the 14th amendment was submitted to it in 1867, made no provision for the free education of Negro children. In his message to the legislature recommending ratification of the 14th amendment the Governor expressed the view that failure to provide education for the Negroes violated the Nevada constitution. He did not, however, link the 14th amendment with the subject. The same legislature which ratified the 14th amendment enacted legislation providing:

> Negroes, Mongolians, and Indians shall not be admitted into the public schools, but the board of trustees may establish a separate school for their education, and use the public school funds for the support of the same.

This is compelling evidence that the Nevada Legislature which ratified the 14th amendment did not understand that it would abolish segregation in the public schools. Although in 1872 the Nevada Supreme Court held by a divided court that the statutory requirement of separate schools violated the State constitution, the judges were unanimously of the view that the contention that the statute violated the 14th amendment was "utterly untenable."

New Jersey had permitted segregation in public schools on a local option basis for many years before the 14th amendment was submitted to it. The New Jersey Legislature ratified the amendment in 1866. The legislature of 1868 adopted a resolution rescinding the ratification of the 14th amendment and setting forth a number of objections to the amendment. It is important to note that the possible effect of the amendment upon the segregation school system of the State was not among the objections contained in the resolution. School segregation was not outlawed in New Jersey until 1881.

In New York separate schools for Negroes and whites had been permitted by statute prior to 1867 when the 14th amendment was submitted to the legislature of that State. In practice separate schools for Negroes were established in the city of New York and in Brooklyn. School segregation was not completely outlawed by statute in New York until 1938. Hence the New York Legislature which ratified the 14th amendment did not understand that it would require abolition of school segregation. Furthermore, the New York courts in decisions rendered over the period 1869–1900 agreed that this was not the effect of the amendment.

Ohio ratified the 14th amendment in 1867, a statutory system of separate schools having been in effect there for many years. It rescinded its ratification in 1868, although the Governor advised the legislature that nothing had occurred in the intervening year to indicate that ratification did not represent the wishes of the people. The rescinding resolution made no mention of any possible effect which the amendment might have upon the segregated school system then existing in Ohio. In 1871, the Supreme Court of Ohio unanimously sustained the constitutionality under the 14th amendment of Ohio's separate school statute. Ohio continued its segregated school system for almost 20 years after the 14th amendment had been adopted and did not outlaw such segregation until 1887, demonstrating that the amendment was not understood as prohibiting or requiring the abolition of segregation in the public schools of Ohio.

Although Oregon does not appear to have had any constitutional or statutory provisions regarding school segregation, separate schools existed in Portland as late as 1867, after Oregon had ratified the amendment, and were not discontinued until 1871. In 1868, Oregon rescinded its earlier ratification of the amendment, but there is no evidence that this was induced by any supposed effect of the amendment on the public schools of the State.

When Pennsylvania ratified the 14th amendment in 1867, the school authorities of that State had been required since 1854 to establish separate schools for Negroes when 20 or more Negro pupils were available. Such school segregation was upheld by the Pennsylvania courts when attacked on constitutional grounds in 1873 and was not abolished until 1881. Thus, in Pennsylvania as in New York, the courts and the legislatures both agreed that the 14th amendment did not prohibit segregation in the public schools of that State.

Finally, Mr. President, we must consider the eight seceded States which continued to operate or immediately established segregated schools after ratifying the 14th amendment.

I regard as particularly probative the fact that, in seven of the seceded States, legislatures which had been reorganized under the Reconstruction acts and which ratified the 14th amendment, also enacted legislation requiring segregation in the public schools. These seven States

are Alabama, Arkansas, Georgia, Mississippi, North Carolina, Texas, and Virginia. With these may be considered Tennessee which, although readmitted to the Union before the Reconstruction acts were passed, was nevertheless subjected to many of the influences of Reconstruction.

In Alabama, the reconstructionist legislature, which had ratified the 14th amendment on July 13, 1868, by overwhelming majorities, on August 11, 1868, adopted a general school law which required segregated schools unless all parents in the district consented to amalgamation.

Similarly, the reconstructionist legislature in Arkansas, which had ratified the 14th amendment by unanimous vote on April 6, 1868, passed a statute on July 23, 1868, establishing the public school system and directing the State board of education to make the necessary provision for establishing separate schools for white and colored children.

In Georgia, at a time when the provisional Governor and a majority in both houses were Republicans, the legislature ratified the 14th amendment and also enacted the first law establishing a system of public schools in Georgia, containing the provision that "the children of the white and colored races shall not be taught together in any subdistrict of the State."

In Mississippi, the reconstructionist legislature which adopted the 14th amendment enacted legislation to establish a free school system containing no reference to segregation. Although the house twice defeated amendments to the statute which would have specifically required segregation, the legislation was construed by the Lieutenant Governor, a Republican, as permitting the people, if they so desired, to provide separate schools. In practice the schools established under this legislation were segregated schools, and school segregation was expressly made a requirement by statute in 1878.

The reconstructionist Legislature of North Carolina ratified the 14th amendment on July 4, 1868. The new State constitution, which had been adopted at a convention assembled in January 1868, neither required nor prohibited segregated education. Two days after ratification of the 14th amendment the Governor, in his inaugural address, stated that it was "believed to be better for both races and more satisfactory to both, that the schools should be distinct and separate." Within a few weeks the legislature adopted a joint resolution urging the establishment of a system of free but segregated schools. Shortly thereafter, pursuant to further recommendation by the Governor, legislation was enacted authorizing the school authorities to establish separate schools for the children of each race.

In Tennessee the same legislature which ratified the 14th amendment amended the school law to require segregated education in Tennessee—an enactment described by the Republican Governor in his second inaugural address as "the wise and desirable school law."

In Texas the same reconstructionist legislature which ratified the 14th amendment enacted a school statute empowering a board of directors to "make any separation of the students or school necessary to insure success." In practical effect this gave the local authorities the discretion to segregate students as local conditions might require.

In Virginia the reconstructionist legislature which ratified the 14th amendment established a system of free schools by legislation which contained the provision that "white and colored persons shall not be taught in the same schools, but in separate schools."

To summarize briefly, in the nine States which had no separate schools and few Negro residents at the time of ratification, we do not find any probative evidence upon this question. Suffice it to say, however, that there is no evidence of the existence in those States of any view that the amendment did require the abolition of public school segregation. Evidence abounds to show that the five States which contemporaneously discontinued or outlawed segregation did so in the exercise of their own discretion rather than because they considered the matter settled by any prohibition contained in the amendment. Contemporaneous action of the legislatures of the four Union States which refused to ratify the amendment indicates that they did not construe it as abolishing segregation. Moreover, there is absolutely no evidence to support an interpretation of their refusal to ratify as recognition of any prohibitory effect of the amendment with respect to separate schools. Two border States and nine Northern States continued to operate or immediately established separate schools after ratifying the amendment. And the reconstructionist legislatures of eight ex-Confederate States maintained segregated schooling after ratifying the amendment, often upon the recommendation of provisional or reconstructionist Governors.

From this review of the attitude toward the 14th amendment of the 37 States which comprised the Union at the time the amendment was adopted, viewed against the historical background of the educational systems of those States, the conclusion is indisputable that the States did not construe the amendment as compelling the abolition of separate schools.

Now, Mr. President, following the exemplary procedure used in Martin against Hunter for the correct method of constitutional construction, let us examine next the decisions of the highest courts of the several States on this particular question.

We recall that the 14th amendment was purported to have been ratified by July 28, 1868. The first attempt to have the 14th amendment applied in the area of education appears to have occurred in the State of Ohio in 1871. The case was *The State of Ohio ex rel. William Garnes* v. *John W. McCann, and others* (21 Ohio State 198). The case reached the Supreme Court of Ohio in the December term, 1871, just 3 years after the alleged ratification of the 14th amendment.

The facts of the case were simple. Certain boards of education in Ohio had established separate public schools for the white and Negro races, under authority of a statute of Ohio. The statute authorizing separate schools was attacked on the grounds that it contravened the terms of the 14th amendment to the Federal Constitution.

Counsel for the Negroes who were attacking the statute took this position:

> There is no longer in this country, or in any State in this country, as there once was, an intermediate class of people standing half way between citizens, and aliens born in the country, and yet not of the country—whose position is undefined and whose rights are doubtful and undetermined.

Counsel for the school board, in opposition, contended:

> In defining the rights of citizenship and settling its immunities by legal adjudication, we do well to remember that social equality is not one of the elements of citizenship. It can neither be created nor controlled by constitutions, legislative enactments, or judicial decisions. It is the creature of a higher and more subtle law than any and all of these. School boards can neither make nor unmake it. The "lex scripta" which prescribes, defines and enforces it, is recorded only in the affections, the sensibilities, the intellectual tastes and affinities in the inner life of the man or woman.

Justice Day, in writing the opinion of the court to the effect that the Ohio statutes did not violate the 14th amendment said:

> Equality of rights does not involve the necessity of educating white and colored persons in the same school, any more than it does that of educating children of both sexes in the same school, or that different grades of scholars must be kept in the same school. Any classification which preserves substantially equal school advantages is not prohibited by either the State or Federal Constitution, nor would it contravene the provisions of either.

This was a contemporary decision. The Members of Congress who proposed the 14th amendment, and the members of the several legislatures who considered the question of its ratification were alive, and for the most part, exercising the prerogatives of public office. So unanimously was the decision received as a correct exposition of the true meaning of the 14th amendment that no appeal was taken to the Supreme Court of the United States.

The question was raised again 3 years later, in 1874, in the State of California. The case was *Mary Frances Ward* v. *Noah F. Flood, Principal of Broadway Grammar School* (48 California 36). The plaintiff, a colored child, applied and was denied admission to Broadway School on the sole ground that she was colored. Her counsel contended that the school law of California, which provided for separate schools for colored children, violated the 14th amendment.

The court held that the school law of California did not violate the 14th amendment. In part the California Supreme Court said:

> In short, the policy of separation of the races for educational purposes is adopted by the legislative department, and it is in this mere policy that the counsel for petitioner professes to discern "an odious distinction of cast (sic), founded on a deep-

rooted prejudice in public opinion." But it is hardly necessary to remind counsel that we cannot deal here with such matters, and that our duties lie wholly within the much narrower range of determining whether this statute, in whatever motive it originated, denies to the petitioner, in a constitutional sense, the equal protection of the laws; and in the circumstances that the races are separated in the public schools, there is certainly to be found no violation of the constitutional rights of the one race more than the other, and we see none of either, for each, though separated from the other, is to be educated upon equal terms with that other, and both at the common public expense.

The identical question arose in Indiana also in 1874, in *Cory et al.* v. *Carter* (48 Indiana 327). Under attack before the Supreme Court of Indiana was an Indiana statute enacted on May 13, 1869, only shortly after the Secretary of State declared the 14th amendment to be a part of the Constitution. The statute provided that colored children be organized in separate public schools, having all the rights and privileges of other schools. The court found no conflict between the statute and the 14th amendment of the Federal Constitution. The court said:

The system of common schools in this State has its origin in, and is provided for by, the constitution and the laws of this State. It is purely a domestic situation, and subject to the exclusive control of the constituted authorities of the State. The Federal Constitution does not provide for any general system of education to be conducted and controlled by the National Government nor does it vest in Congress any power to exercise any general or special supervision over the States on the subject of education.

In 1882, a colored child sought admission to a school for white children in the city of Brooklyn, N.Y., and was denied admission. The separate schools were established pursuant to an act of the New York Legislature, passed in 1850, which authorized the establishment of separate schools for the education of the colored race when the school authorities concluded that the interests of education would be promoted thereby. The colored child, who was denied admission to the white school, attacked the validity of the New York statute in the case of *People, ex rel. King* v. *Gallagher* (93 New York 438), on the ground that the prohibitions of the 14th amendment to the Federal Constitution invalidated the New York statute.

The court of last resort in New York, the New York Court of Appeals, held that "equality, and not identity of rights and privileges, is what is guaranteed to the citizen," by the 14th amendment to the Federal Constitution. The court wrote a most enlightening opinion, several paragraphs of which I should like to quote. The court said:

The argument of appellant's counsel is to the effect that the 14th amendment under the laws of this State giving equal privileges in its common schools, to every citizen, confers upon the relator not only the right of equal educational facilities with white children, but that such education shall be furnished at the same time and place with that afforded to any other child, otherwise it is claimed that she is abridged of some "privilege or immunity" which of right belongs to her, or that she is denied the equal protection of the law.

After discussing the origin of the 14th amendment, the court continues:

But we are of the opinion that our decision can also be sustained upon another ground, and one which will be equally satisfactory as affording a practical solution of the question involved. It is believed that this provision will be given its full scope and effect when it is so construed as to secure to all citizens, wherever domiciled, equal protection under the laws and the enjoyment of those privileges which belong, as of right, to each individual citizen. This right, as affected by the questions in this case, in its fullest sense, is the privilege of obtaining an education under the same advantages and with equal facilities for its acquisition with those enjoyed by any other individual. It is not believed that these provisions were intended to regulate or interfere with the social standing or privileges of the citizen, or to have any other effect than to give to all, without respect to color, age, or sex, the same legal rights and the uniform protection of the same laws.

As I have mentioned before, the contemporaneous rule of construction was even at this time so firmly established that a court usually proceeded to apply it, without bothering to either state it or explain it. Such was the procedure in this case by the New York Court of Appeals; for the key to this case is the following language of the courts, to wit, and I quote:

The highest authority for the interpretation of this amendment is afforded by the action of those sessions of Congress which not only immediately proceeded, but were also contemporaneous with, the adoption of the amendment in question.

It is also most enlightening to note that the Court of Appeals of New York used the same approach as was used in Martin against Hunter, for the court then said:

The question here presented has also been the subject of much discussion and consideration in the courts of the various States of the Union, and it is believed has been, when directly adjudicated upon, uniformly determined in favor of the proposition that the separate education of the white and colored races is no abridgement of the rights of either.

The court concluded:

Equality and not identity of privileges and rights is what is guaranteed to the citizen, and this is what we have seen the relator enjoy.

There was another contemporaneous decision of a State court to the same effect as the ones I have cited, Mr. President. It was the case of *The State of Nevada ex rel. Stoutmeyer* v. *James Duffy, et al.* (7 Nevada 342), decided in January 1872, only about 3½ years after the purported adoption of the 14th amendment. The highest court of the State of Nevada also held that it was entirely within the power of the State school trustees "to send all blacks to one school and all whites to another."

Mr. President, there can be not the slightest doubt that the contemporaneous decisions of the highest courts of the several States were unanimous in their conclusion that the 14th amendment did not prohibit the maintenance by a State of separate schools for the white and colored races.

Mr. President, now let us take the last step in applying the procedure so well exemplified in Martin against Hunter for the application of the contemporaneous interpretation of the Constitution. The reports reveal that there were actually no Supreme Court of the United States decisions contemporaneous to the consideration by Congress and the State legislature of the 14th amendment. It is worthy to note that there was a Federal case in point, to wit: *Bertoneau* v. *Board of Directors of City Schools et al.* (3 Woods 177), decided by Judge William B. Woods of the U.S. Circuit Court for Louisiana in 1878. It is interesting also to note that Judge Woods was a former Union officer who had participated in some of the most famous battles of the late war for southern independence, and, in fact, had commanded a division in Sherman's army during the march to the sea.

The complainant attacked a resolution of the directors of the city schools to the effect that the best education could be obtained by educating the different races in separate schools. The complainant's children had been denied admittance to white schools under authority of this resolution on the ground that they were persons of African descent. Judge Woods dismissed the complaint concluding, and I quote from the decision:

Any classification which preserves substantially equal school advantages does not impair any rights, and is not prohibited by the Constitution of the United States. Equality of rights does not necessarily imply identity of rights.

There was no appeal to the Supreme Court of the United States.

It is interesting to observe, in connection with this case, that, in 1880, Judge Woods was appointed a judge of the U.S. Supreme Court by another former Union general, President Rutherford B. Hayes.

Mr. President, it was not until 1899 that a case concerning separate public schools for the white and colored races under the 14th amendment reached the Supreme Court of the United States. In the interim since the purported adoption of the 14th amendment, the amendment had been construed in relation to a number of other fields. Despite the absence of an appeal to the Supreme Court of the United States, the validity of the "separate and equal" procedure with respect to public schools was apparently well established by virtue of the State and lower Federal court decisions previously mentioned.

It was over 30 years, then, after the Secretary of State issued his proclamation on the 14th amendment that the Supreme Court of the United States considered the case of *Cummings* v. *Board of Education* (175 U.S. 528). This case arose in Richland County, Ga. The colored plaintiffs sought to enjoin the county board of education from maintaining a white high school, since the colored high school, formerly maintained by the board, had been discontinued.

The injunction was granted by the trial court, but this action was reversed by the Supreme Court of Georgia. The U.S. Supreme Court upheld the Georgia Supreme Court, and said:

> Under the circumstances disclosed, we cannot say that the action of the State court was, within the meaning of the 14th amendment, a denial by the State to the plaintiffs and to those associated with them of the equal protection of the laws or any privileges belonging to them as citizens of the United States. We may add that while all admit that the benefits and burdens of public taxation must be shared by citizens without discrimination against any class on account of their race, the education of the people in schools maintained by State taxation is a matter belonging to the respective States, any interference on the part of the Federal authorities with the management of such schools cannot be justified except in the case of a clear and unmistakable disregard of rights secured by the Supreme law of the land.

It is worthy of comment that this case did not present squarely to the Court the question so thoroughly litigated in the State courts earlier. So well established was the validity of separate schools that only where there was in the facts of the case a distinguishing twist, was the case considered worthy of appeal.

Even as late as 1927, when the Supreme Court was next called on to decide a case in this area, the distinguishing twist feature was present. This was in the case of *Gong Lum* v. *Rice, et al.* (275 U.S. 91). This matter arose in Mississippi, where a Chinese citizen of the United States was declined admission to the white school, leaving only the colored school for attendance. The U.S. Supreme Court, in denying the claim for relief, said:

> The question here is whether a Chinese citizen of the United States is denied equal protection of the laws when he is classed among the colored races and furnished education equal to that offered to all, whether white, brown, yellow, or black. Were this a new question, it would call for very full argument and consideration; but we think that it is the same question which has been many times decided to be within the power of State legislatures to settle, without intervention of the Federal courts under the Federal Constitution.

The Court then cited the majority of the State court decisions heretofore discussed. The Court said further:

> Most of the cases cited arose, it is true, over the establishment of separate schools as between white pupils and black pupils; but we cannot think that the question is any different, or that any different results can be reached, assuming the cases above cited to be rightly decided, where the issue is as between white pupils and the pupils of the yellow races. The decision is within the discretion of the State in regulating its public schools, and does not conflict with the 14th amendment.

Truly, neither of these cases decided by the Supreme Court adjudicated the precise question of whether the "equal rights and privileges" prohibition of the 14th amendment outlawed separation of the white and Negro races in public schools. Nevertheless, it is impossible to read either Cummings against Board of Education, or Gong Lum against Rice et al., without realizing that the Court in both opinions accepted the validity of the separate and equal approach to public schools as its basic premise.

Mr. President, in the interest of brevity and due to time limitations, I have excluded from this discussion the related decisions of the U.S. Supreme Court which applied the language of the 14th amendment to fields of State activity other than public education. In confining myself to the Martin against Hunter approach, I have also refrained from undertaking any extensive discussion of the cases of *Sweatt* v. *Painter et al.* (339 U.S. 629) or *McLaurin* v. *Oklahoma State Regents* (339 U.S. 637), in which cases the Court continued to pay lipservice to the law of the land while ignoring the purpose and practical application of the prior construction of the Constitution.

We have examined the correct application of the contemporaneous construction rule to the 14th amendment as it applied to the facts before the Court in the case of Brown against Board of Education of Topeka and the allied cases combined by the Court therewith. There can be not the slightest doubt that both the Congress and the legislatures which proposed and considered ratification of the 14th amendment, respectively, undertook their actions thereon with the firm understanding that the 14th amendment in no way interfered with the rights of the several States to maintain separate schools for the white and colored races. The highest State tribunals which considered the question unanimously confirmed this intention and meaning. The Supreme Court itself considered such contemporaneous construction so valid as to accept it as a basic premise for the decision in these two cases in which the precise question was most nearly approached.

Now, Mr. President, let us look at the action of the U.S. Supreme Court in the case of Brown against Board of Education of Topeka. A detailed discussion of the facts or the procedures involved is not necessary, for I am certain that the Members of this body are quite familiar with that decision. I have previously stated the question which was actually before the Court, to wit: Does segregation of children in public schools, solely on the basis of race, even though the physicial facilities and other tangible factors may be equal, deprive the children of either group of the equal protection of the laws? Originally the cases involved the question of whether the facilities themselves were substantially equal, but during argument the issue was obviously narrowed to the issue before stated.

It was clear during the argument that the Court was not thinking in terms of the contemporaneous interpretation rule, as is illustrated by a question of Justice Burton, and I quote:

> Don't you recognize it as possible that within 75 years the social and economic conditions and the personal relations of the Nation may have changed so that what would have been a valid interpretation of them 75 years ago would not be a valid interpretation of them today?

Mr. President, never has the application of the trite phrase "immaterial and irrelevant" been more applicable than to this question. It should have been of no concern, and legally was of no concern to the Court, that the social and economic conditions of the Nation had changed in the 75 years since the adoption of the 14th amendment. The law and the Constitution, except as amended by the process specified in the Constitution, was and is the same today as the day it was adopted. Social and economic changes occurring subsequent to the adoption of a constitutional provision have no effect whatsoever on the interpretation of the particular provision. It is quite possible that in a much shorter period, what had originally been a necessary and workable provision of law had become most onerous, and from the standpoint of fairness, a most unjust provision. A change in the law itself, however, to respond to changed social, economic, or political conditions is a policy decision reserved for legislative action. It has no place whatsoever in judicial deliberations.

Mr. President, the opinion of the Court in the Brown case completely ignored the oft-repeated expression in Supreme Court decisions that "it is the duty of the interpreters to place themselves as nearly as possible in the condition of those who framed the instrument." By way of contrast—and this is the heart of the matter—I quote the key paragraph from the decision of the U.S. Supreme Court in Brown against Board of Education:

> In approaching this problem, we cannot turn the clock back to 1868 when the amendment was adopted; or even to 1896 when *Plessy* v. *Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of equal protection of the laws.

In those few words, and we might even restrict it further to the clause "we cannot turn the clock back to 1868 when the amendment was adopted," the Court substituted in the United States of America a government of men for a government of laws. It is that simple.

Now, Mr. President, I am conscious of the fact that there are Senators in this body who are not particularly disturbed by the failure of the Supreme Court to apply the rule of contemporaneous interpretation to the 14th amendment as it affects the question of the States' power to establish segregated public schools. Indeed, many Senators in this body represent States in which the nonwhite population is in such a vast minority that the question indeed is moot; but the time has long since passed when all Senators, and, in fact, all Americans should realize that a departure from such a basic concept affects not only the particular situation in which it was applied, but practically every facet of American lives. Let me illustrate.

Water is probably the most precious commodity known to the people of many of our Western States. Apparently, no serious question has ever been raised concerning the right of the several States to control as the people of the State, acting through their elected rep-

resentatives, so desired. The power to control the water is attendant to the States' inherent sovereignty. Such a power was never delegated to the Federal Government, and indeed was among those innumerable powers reserved to the several States in the 10th amendment. No one can seriously doubt that the framers of the Constitution intended that the State should continue forever to retain such powers, even though at the time the Constitution was adopted, the specific question of control of water rights within a State probably did not occur to the legislatures of the States which ratified the Constitution. Unquestionably, water was not a prime issue at that time.

None of us can deny, Mr. President, that times have changed. At the time the Constitution was adopted, the territory which now comprises the Western States was not even owned by the United States of America, nor by any State thereof. It was occupied by the red man, and there was a surplus of water for his needs, as was the case with the citizens in the then States of the United States. As the population of the Western States grew and multiplied rapidly, and as industrialization and agriculture expanded, water conservation became a principal consideration to the people of the Western States. This necessitated a departure from the water law of riparian rights which prevailed in the States of English origin under common law and resulted in a control of water by the individual State governments. As the utilization of water for the various purposes continues to increase, the problem unquestionably will become even more serious.

Certainly under the rule of contemporaneous interpretation, the Constitution, except by amendment under article V thereof, cannot be changed to deprive the individual States of their control of the water within its bounds. Under the rationale of the Brown against Board of Education decision, however, changing conditions might well convince the Court that it would now be a better policy, in the interests of the entire American public, that the States be deprived of their control of their waters and that all streams, and the utilization of water therefrom, are within the jurisdiction of the Federal Government. I feel quite sure that were the rationale of the Brown case applied in this field, Senators and also citizens from the Western States would be most disturbed.

Let us consider another example.

Rather than minority rights let us consider a true civil right of not only a minority, but of every American. The right of free speech is guaranteed by the first amendment to the United States Constitution. Throughout our history the courts have been most vigorous in their interpretations of this basic safeguard in order to protect the individual citizen.

Times have changed since the adoption of the first amendment to the Constitution. Cold wars, which grow intermittently hot, were unknown to the framers of the Constitution, who also were the adopters of the first 10 amendments. The spoken word in the postcolonial day was of no danger, regardless of its content, to the security of the United States. The press was pretty much a local matter. Radio, television, and telegraph, as well as the rapid means of transportation we now enjoy, were not even fond dreams. There was absolutely no danger of loose talk aiding and abetting the cause of a foreign enemy. State secrets were, for all practical intents and purposes, secure, so long as they were known only to persons within the confines of the country. I doubt seriously if anyone would argue that those who adopted the first amendment contemplated the conflicts which would one day arise between freedom of speech on the one hand and the national security on the other.

We are all acutely aware, however, Mr. President, that complete freedom of speech in the case of Government employees, and employees of Government contractors, who have access to the classified information encompassing the very heart of our system of military defense as well as our plans for operation in the cold war, creates, in the absence of restraint, a serious threat to the interests of the American citizenry as a whole.

Under the rule of contemporaneous interpretation, changing conditions with regard to national defense or any other matter could not, under any circumstances, abridge the basic right of free speech so prized by each of us; but under the rationale that we "cannot turn the clock back" the result might well be quite different. Censorship of all press media might well be rationalized under the "changed condition" theory adhered to by the U.S. Supreme Court in Brown against Board of Education of Topeka.

This rule of construction applies not only to constitutional provisions, but also to statutes enacted by the Congress; in practice, statutes are construed much more often in our day and time by the Supreme Court than are constitutional provisions. Since the Supreme Court is so presumptuous as to ignore correct rules of construction with regard to constitutional provisions, have we any right whatsoever to expect that they shall exercise restraint in construing statutes?

This brings into play a broad field in which the Supreme Court may legislate if the Justices continue unchecked. For instance, several decades ago, the U.S. Supreme Court, in a series of decisions, was faced with questions concerning the application of the antitrust laws to labor organizations. The Supreme Court, applying the rule of contemporaneous interpretation, arrived at the conclusion that Congress intended, for all practical intents and purposes, to exempt labor organizations from the prohibitions of the Sherman and Clayton Acts. Much of this intention of Congress was found by the Supreme Court from expressions and actions of Congress surrounding the enactment of the Norris-La Guardia Act in 1932. I am sure we can agree that at this time, the balance of power, both economically and politically, weighed heavily on the side of management. Subsequent to World War II, however, the balance of power, as between labor organizations and management, has changed perceptibly.

No longer are labor organizations featherweights in the arena of politics, nor do they take second place in the economic field. Consider, if you will, what the Supreme Court might do upon a reconsideration of a labor organization's immunity from the antitrust laws, perhaps not today, but in 1970, under the rationale that "we cannot turn the clock back."

Mr. President, it does not require a very prolific imagination to envision the breadth of fields in which the Supreme Court might legislate with disastrous results under the 1954 approach. It is as wide as the difference between a government of laws and a government of men.

The question naturally arises as to whether the framers of the Constitution may have perhaps failed to anticipate that the Constitution might be so completely undermined by the judiciary.

We are all aware that even the strongest advocates of the Federal Government conceived the Supreme Court as the weakest of the three branches of the Federal Government. This is indicated beyond any doubt by the words of Alexander Hamilton appearing in the 78th Federalist Papers, and I quote:

> This simple view of the matter * * * proves incontestably that the judiciary is beyond comparison the weakest of three departments of power; that it can never attack with success either of the other two. * * * It equally proves * * * the general liberty of the people can never be endangered from that quarter. I mean so long as the judiciary remains truly distinct from both the legislative and executive.

This idea that the Federal judiciary would be the weakest branch of the Federal Government is further proved by the fact that it was vigorously debated in the Constitutional Convention as to whether it would not be better to leave all judicial functions up to the States.

There were some, however, Mr. President, even in this early day—and in this instance apparently they were a majority—who were considered skeptics, and possibly fanatics, but who were in actuality merely realists. It is quite possible that even they did not foresee the precise course by which the Supreme Court might undermine the Constitution, but they did foresee the potential dangers and provided a remedy therefor.

The constitutional republican system of government is based on a system of checks and balances. We have repeatedly witnessed eras in which the balances have weighed more heavily on the side of one branch or the other. In our whole history, nevertheless, the constitutional system of checks has restored, at least to within a tolerable balance, the intended limitation of authority on each branch of the Federal Government. The system has not operated nearly so effectively, particularly in recent years, with respect to the intended balance between the Federal Government on the one hand and the several States on the other.

Those who adopted the Constitution unquestionably considered the executive

and the judicial branches—although the latter was conceived as the weakest—potentially much more dangerous than the legislative branch. This analysis should be easy for us to comprehend, for the Congress is composed of Members most directly responsive to the will of the people through the ballot. It is not surprising, then, to find that the check on the power of the Supreme Court was placed in the hands of the legislative branch.

Mr. President, those wise men who drafted the basic framework for our Government were not only knowledgeable in theoretical government, but they were thoroughly versed in the practicalities of politics as well. It was their belief, and indeed their intention, that those who serve in each of the particular branches of the Federal Government would be jealous of the powers delegated exclusively to them in the Constitution by the States. We must admit that the framers of the Constitution, in all probability, did not anticipate—in fact, could not imagine—an abdication by the Congress of the legislative powers of the Federal Government to the nine men on the U.S. Supreme Court.

It is to the great discredit of the Congress, and the men who constitute its two Houses, that the usurpation of legislative powers by the Supreme Court has gone unchecked and uncontested for, lo, these 5 years since Brown against Board of Education of Topeka. I am convinced that we in the Congress have neglected our duties under our oath to support the Constitution by an abdication of power.

Although it seems inconceivable, there may actually be those who are unaware that the Congress has the power to restore the balance of power which the Supreme Court has destroyed. If such there be, I would direct their attention to article III, section 2, clause 2 of the Constitution which reads as follows:

> In all cases affecting Ambassadors, other public ministers and counsuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exception, and under such regulations as the Congress shall make.

Of the many constitutional questions which have arisen since the Constitution was adopted and ratified, few have found such a clear and unmistakable answer as that with respect to the power of Congress to regulate the jurisdiction of the Supreme Court. Professor Corwin, one of the most respected authorities on the Constitution, has stated as much in his commentary on this provision in the annotated Constitution. This great work was prepared for the Congress by the Library of Congress in 1952. It was edited by Professor Corwin. The following is an excerpt from his commentary:

> Unlike its original jurisdiction, the appellate jurisdiction of the Supreme Court is subject to control by Congress in the exercise of the broadest discretion. Although the provisions of article III seem, superficially at least, to imply that its appellate jurisdiction would flow directly from the Constitution until Congress should by positive enactment make exceptions to it, rulings of the Court since 1796 establish the contrary rule. Consequently, before the Supreme Court can exercise appellate jurisdiction, an act of Congress must have bestowed it, and affirmative bestowals of jurisdiction are interpreted as exclusive in nature so as to constitute an exception to all other cases.
>
> The power of Congress to make exceptions to the Court's appellate jurisdiction has thus become, in effect, a plenary power to bestow, withhold, and withdraw appellate jurisdiction, even to the point of its abolition. And this power extends to the withdrawal of appellate jurisdiction in pending case.

The effectiveness of the check given to Congress over the Supreme Court—not only as a right, but as a duty—if exercised, would undeniably be effective. The Court has itself recognized the effectiveness of this check, as is illustrated by the words of Chief Justice Chase in the case of *Ex parte McCardle* (6 Wallace 38), and I quote:

> Without jurisdiction the Court cannot proceed at all in any cause. Jurisdiction is the power to declare the law and when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the cause.

The power of Congress over the appellate jurisdiction of the Supreme Court need not be wielded in meat-axe fashion in every exercise by Congress of this power. Such power may be utilized selectively, and to accomplish a specific restoration of balance, without impugning a jurisdiction of the Court which is considered desirable by the Congress from a policy standpoint. In other words, Congress has almost completely unrestrained discretion in exercising power over the appellate jurisdiction of the Supreme Court. Consider the words of the Court, itself, in the case of *The Francis Wright* (105 U.S. 381), and I quote:

> Authority to limit the jurisdiction necessarily carries with it authority to limit the use of the jurisdiction. Not only may whole classes of cases be kept out of the jurisdiction altogether, but particular classes of questions may be subjected to reexamination and review, while others are not. To our minds it is no more unconstitutional to provide that issues of fact shall not be retried in any case, than that neither issues of law nor fact shall be retried in cases where the value of the matter in dispute is less than $5,000. The general power to regulate implies the power to regulate in all things. The whole of a civil appeal may be given, or a part. The constitutional requirements are all satisfied if one opportunity is had for the trial of all parts of a case. Everything beyond that is a matter of legislative discretion.

The Senate has another power to check the excesses of the Supreme Court through the media of its authority to advise and consent to the nominees of the Supreme Court. This check, however, is effective to a much lesser extent, and from its very nature, can be brought to bear only in futurity.

In one instance the Congress has traditionally exercised extensive authority over the Supreme Court by virtue of what was an undeniable omission by oversight from the Constitution. Neither the size of the Supreme Court nor any qualifications for Justices thereof are prescribed by the Constitution. Throughout the history of our Republic, Congress has filled this void by the exercise of legislative powers. Like the authority derived from the power of advice and consent to appointments, this de facto check on the Supreme Court is also effective only in futurity.

Not only has the authority for curbing the usurpation of the Court been available to the Congress, Mr. President, but also the opportunity. Bills which deal with the problems both from the approach of changing the jurisdiction of the Court and of prescribing new qualifications of eligibility for its members have been introduced in this and the other body. Unfortunately, they have not even inspired a serious study by a majority of the committees to which they have been referred. Rather these same committees have spent their time hatching and grooming such vicious proposals of doubtful constitutionality as the so-called civil rights proposals which face the Congress today.

Mr. President, despite the well-sloganized impressions that the civil rights which we have debated are primarily concerned with the exercise of the right of suffrage which allegedly have been denied in conflict with the 15th amendment, we are all too well aware—or at least should be aware after this some 7 weeks of discussions—that the real center of controversy and the principal subject of discussion in this debate has centered around interpretation and misinterpretation of what has generally been, in my opinion erroneously, referred to as the 14th amendment to the Constitution. It would be a dereliction on my part, therefore, to allow this debate to conclude without a reexamination of the history of this poorly drafted instrument of disharmony and chaos.

The so-called 14th amendment to the Constitution was never legally adopted nor ratified and does not constitute a valid part of the Constitution. Its being was accomplished by the mere expression of its existence by Congress itself, and I might say by the "Reconstruction Congress" itself. The whole matter is well pointed out in an article from the summer 1959 issue of the South Carolina Law Quarterly by the Honorable Pinckney G. McElwee, and I quote from this article:

> The able and wise patriots who drafted our Constitution were careful to protect its provisions against actions of a temporary majority of the Congress by requiring for its amendment not only a two-thirds approval by both Houses of the Congress, but ratification by three-fourths of the States. A study of the history of the 14th amendment reveals the irregular manner in which these requirements were overcome, and a consideration of the precedents established thereby reveals the danger to our form of government.
>
> The Civil War was fought over the asserted rights of the Southern States to secede from the Union. The Southern States claimed they had such a right. The President, the Congress, and the Northern States denied that the Southern States had any such right under the Constitution of the United States. As Mr. Lincoln said, the aim of the Federal Government was to preserve the Union first; to preserve the Union without slavery, to preserve the Union with slavery if it must be, but the "Union for-

ever." This issue was decided on the battlefield and the Union Army upheld the position taken by all departments of the Federal Government, i.e., that the Southern States had no right to secede and had never been out of the Union. Incidentally, Mr. Lincoln recognized that his emancipation of the slaves was a war measure and that it would require a constitutional amendment to abolish slavery after the end of the War. Mr. Lincoln was steadfast in his position that the Southern States had never left the Union, although individual officials and soldiers of the South may have forfeited some rights; but not the States whose rights were fixed by the Constitution and thus beyond the power of Congress to add or detract. As stated by George Tickner Curtis in volume II, page 342, of his famous "History of the Constitution"—

"After the Civil War was ended, the Constitution was left just as it was before the War began; the United States had just the same sovereign rights as before and no others."

The House on July 22, 1861, and the Senate on July 25, 1861, adopted resolutions both resolving to maintain the Constitution in the rebellious States and to maintain the Union and the rights of the States unimpaired.

In the proclamation of President Lincoln [1] of December 8, 1863, he offered "pardon to all those who swear henceforth to support the Constitution of the United States and that those who, accepting this amnesty, shall have taken the oath of allegiance, each being a qualified voter by the election laws of the several States immediately before the so-called secession and excluding all others, shall reestablish a State government, which shall be republican in form and nowise contravening said oath; such shall be recognized as a true government of the State."

On February 1, 1865, the 13th amendment to the Constitution to abolish slavery was proposed and passed by Congress. On April 9, 1865, Gen. Robert E. Lee surrendered to General Grant at Appomattox Court House. General Johnston surrendered to General Sherman at Durham Station April 26, 1865. In 40 days after the surrender of General Johnston there was not a single Confederate soldier in arms. Submission to the authority of the United States was complete. Postal service and tax collections resumed.

On December 18, 1865,[2] General Grant reported to Congress that the South had accepted defeat and had accepted authority of the Federal Government.

President Lincoln prepared a proclamation to restore North Carolina to its proper position as a State but it was not yet issued before his death. At the first meeting of the Cabinet after his death it was read and unanimously adopted as the policy of the administration. Mr. Lincoln was assassinated on April 14, 1865, and died April 15, 1865. Andrew Johnson took the oath and succeeded Mr. Lincoln.

On May 29, 1865, President Johnson issued Mr. Lincoln's proclamation for North Carolina; and through June 30, 1865, similar proclamations were issued by President Johnson setting up the local State government of all Southern States.[3]

The Southern States having been restored to a legal and operational basis by elections and the convening of State legislatures, most of them proceeded to ratify the 13th amendment which was then proclaimed to have been ratified on December 18, 1865. Included in the 27 States then needed for its adoption were Louisiana, Tennessee, Arkansas, South Carolina, Alabama, North Carolina, Georgia, Maryland, Mississippi, Florida, and Texas.

On April 2, 1866, the President, by proclamation, declared: "It is the manifest determination of the American People that no State, of its own will, has the right or power to go out of, or separate itself from or be separated from the American Union, and that therefore each State ought to remain and constitute an integral part of the United States. * * * And whereas the Constitution of the United States provides for constituted communities only as States, and not as territories, dependencies, provinces or protectorates. And whereas such constituent States must necessarily be, and by the Constitution of the United States are made equals, and placed upon a like footing as to political rights, immunities, dignity, and power with the several States with which they are united. * * * I * * * do hereby declare that the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi and Florida at an end, and is henceforth to be regarded." [4]

On August 20, 1866, a similar proclamation was issued by the President in respect to Texas.[5]

Article V of the United States Constitution provides: "No State, without its consent, shall be deprived of its equal suffrage in the Senate." Nevertheless, peace having been restored, the United States Senate refused to seat the Senators from all of the Southern States. The House did likewise.

Article V of the Constitution provides the method and manner of amendment, as follows:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on application of the legislatures of two-thirds of the States, shall call a convention for proposing amendments, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

The 39th Congress, which proposed the 14th amendment, met on December 5, 1865. There were 72 seats in the Senate for 36 States; 22 seats for 11 Southern States were vacant because of a joint resolution of the House and the Senate which voted not to seat any Senator or Representative from any Southern States until the Congress decided that each of said States was entitled to such representation. In the House there were 240 seats, and 58 seats from the 11 Southern States were vacant. Nebraska was not admitted to the Union as the 37th State until March 1, 1867. One of the new Senators who recently had been elected by the legislature of his State was Mr. John P. Stockton, of New Jersey.[6] John P. Stockton was introduced by the senior Senator of New Jersey on December 5, 1866, took the oath, and was duly seated.

While House Joint Resolution 127 was still in Mr. Thaddeus Stevens' Committee on Reconstruction, there was a private polling of Senators and Representatives to see how they stood on the measure. Mr. Stockton was an outspoken opponent of the proposal. Furthermore, since there were 50 Senators seated, the Constitution would require a 33⅓ vote, or 34, in order to propose it by a two-thirds vote, and a counting of prospective Senate votes showed that there were only 33 who would vote in favor of it. In a maneuver to reduce the Senate to 49 Members in order that a vote of 33 yeas would meet the requirements of the Constitution, a motion was made not to seat Mr. John P. Stockton, in spite of the fact that he had already been seated, on the ground that his election was invalid because he had been elected by a mere plurality and not a majority. It was the law of New Jersey and most of the other States that a plurality determined the election.

The motion not to seat was made because it was impossible to obtain the necessary vote required to expel Mr. Stockton, which was the only legal means available to prevent a member from voting once he has been seated. In order to expel a member of the Senate or House a two-thirds vote was required, and this vote of two-thirds simply could not be mustered. However, a refusal to seat is determined by a majority. When this motion was finally called to a vote, after much debate, it was defeated by a vote of 22 to 21. During the night the hard core of Reconstructionists persuaded one of the Senators to change his vote. The next day a motion to reconsider the motion not to seat Mr. Stockton was sustained by a vote of 22 to 21; thus he was removed from the Senate and the number reduced to 49.

The 14th amendment originated in the House of Representatives by House Joint Resolution 127, introduced by Thaddeus Stevens of Pennsylvania, and was referred to the Committee on Reconstruction of which Mr. Stevens was chairman. Two other bills were offered and referred to the Committee on Reconstruction and there consolidated with House Joint Resolution 127 and reported out of the House. It was passed by the House on May 10, 1866, and sent to the Senate. In the Senate Mr. Wade proposed an amendment by adding what is now paragraph 3. As thus amended, it was passed by the Senate on June 8, 1866, and returned to the House where it was passed on June 13, 1866. In the Senate, the vote was 33 yeas and 11 nays, with 5 not voting. In the House there were 182 Representatives seated and of those the vote was 120 yeas and 32 nays, with 32 not voting.

If the 22 Senators and 58 Representatives from the Southern States who had been arbitrarily and unlawfully refused seats by the Senate and House are counted, the number is 71 Senators and 240 Representatives. The vote in the Senate of 33 for and 11 against by the Members present and voting was two-thirds. But if the two-thirds required had included the 22 arbitrarily and illegally excluded from voting, there was not a two-thirds vote. Likewise, the vote of 120 for and 32 against in the House was two-thirds of those present and voting. But if the 58 Representatives who were arbitrarily and illegally excluded had been counted against, the vote would be 120 for and 90 against, and the vote would have failed to carry by two-thirds.

In the foregoing state of the record, the proposed amendment was certified to have been passed by a two-thirds vote of each House and transmitted to the Secretary of State for transmission to the 36 States then composing the United States. Twenty-eight were needed to ratify.[7] Ten States could prevent ratification. The process of ratification began. By February 1, 1867, 17 States had ratified and 11 had rejected.

Ratified: Connecticut, June 30, 1866; New Hampshire, July 7, 1866; Tennessee, July 7, 1866; New Jersey, September 11, 1866; Oregon, September 19, 1866; Vermont, October

[1] 13 Stat. 737 (1863).
[2] Congressional Globe, p. 78 (1865).
[3] 13 Stat. 760, 763, 764, 765, 767, 768, 769, 771 (1865).
[4] 14 Stat. 811 (1866).
[5] 14 Stat. 814 (1866).
[6] This was before the 17th amendment, which required Senators to be elected by the people.
[7] Twenty-eight was the figure used by Secretary of State Seward. In the opinion of this writer, 27 was all that was required, as Nebraska was admitted after the amendment was proposed.

30, 1866; New York, January 10, 1867; Kansas, January 11, 1867; Ohio, January 11, 1867; Illinois, January 15, 1867; West Virginia, January 16, 1867; Michigan, January 16, 1867; Minnesota, January 17, 1867; Maine, January 19, 1867; Nevada, January 22, 1867; Indiana, January 23, 1867; Missouri, January 26, 1867.

Rejected: Texas, October 27, 1866; Georgia, November 9, 1866; Florida, December 3, 1866; Alabama, December 7, 1866; North Carolina, December 13, 1866; Arkansas, December 17, 1866; South Carolina, December 20, 1866; Virginia, January 9, 1867; Kentucky, January 8, 1867; Mississippi, January 29, 1867; California, March 17, 1868.[8]

The 14th amendment was thus defeated.

An editorial in the Philadelphia Inquirer on Saturday, February 9, 1867, gave a clue to what was to come. It states:

"The constitutional amendments having passed both branches of the Legislature of Pennsylvania will be sent to Governor Geary, who will undoubtedly sign them next week. Thus another State will be added to the list of those who have ratified these amendments. As it is probable that nearly all of the States which sustained the Government during the rebellion will ratify those amendments, and as all of the Southern States we believe have now rejected them, the question arises: What will be done? There is a growing disposition to regard the States which maintained their relation with the Union as the only ones which have a voice in this matter, that a resolution will be brought before the present Congress, or the next, declaring that the consent of three-fourths of those is all that is necessary to give force and validity to an amendment to the Constitution is extremely probable. In that case, we suppose the question will have to be fought over again in some way, and it is probable that it will finally enter the Supreme Court, where the decision, according to present appearances, will be against it.

The editor was not aware that, 4 days prior to his editorial, H.R. 1143 had been introduced using a different scheme to accomplish the desired result.

THE RECONSTRUCTION ACT

On February 5, 1867, H.R. 1143 was introduced in the House. This was a bill whose stated purpose was to provide for the more efficient government of the Rebel States.[9] This is what historically was called the Reconstruction Act. Although these so-called Rebel States had been functioning as loyal States of the Union in complete peace for nearly 2 years, during which time they had ratified the 13th amendment abolishing slavery, this act began by declaring:

"Whereas no legal State Governments or adequate protection for life or property now exists in the Rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; [10] and whereas it is necessary that peace and good order should be enforced in said States until loyal and Republican State governments can be legally established."

Of course, the State governments were and had been functioning in peace at all times since the surrender of General Johnston.

The bill provided for military occupation of the named Southern States to be conducted without interference from any State authorities. It further provided that the governments of such States were only provisional and subject to the paramount authority of the United States as exercised by the military government, and gave authority to the military commanders to try any persons by military commission. In addition it provided for new rules of suffrage under which a new constitution of each State was to be adopted and a new legislature elected, and disfranchised any person who had engaged in the rebellion or given aid and comfort to the rebels (which effectually disfranchised all white residents of the States). Nor, under the bill was any Senator or Representative to be permitted to take the oath of office and be admitted to Congress until the new constitution had met with the approval of Congress, the newly qualified electorate of the State had elected a legislature, such legislature had adopted the proposed 14th amendment and the amendment had become a part of the Constitution.

It may be here noted that the U.S. Supreme Court has held that each of the States has the supreme and exclusive power to regulate the right of suffrage and to determine the class of inhabitants who may vote.[11]

Congress passed the bill and President Johnson promptly exercised his veto power. Congress overrode the veto of the President making the Reconstruction Act the law of the land. By this time three more States, for a total of 20, had ratified; namely, Rhode Island, February 7; Pennsylvania, February 12; and Wisconsin, February 13—and Louisiana, February 6, and Delaware, February 7, 1867, had rejected, bringing that total to 13. Thus a Northern State had now joined 12 Southern States in rejecting when it was only necessary to obtain 10 rejections in order to prevent adoption of the amendment.[12]

President Johnson's veto message is enlightening and reads, in part, as follows:

"I have examined the bill 'to provide for the more efficient government of the Rebel States' with the care and anxiety which its transcendent importance is calculated to awaken. I am unable to give it my assent for reasons so grave that I hope a statement of them may have some influence on the minds of the patriotic and enlightened men with whom the decision must ultimately rest.

"The bill places all the people of the 10 States therein named under the absolute domination of military rules; and the preamble undertakes to give the reason upon which the measure is based and the ground upon which it is justified. It declares that there exists in those States no legal governments and no adequate protection for life or property, and asserts the necessity of enforcing peace and good order within their limits. This is not true as a matter of fact.

"It is not denied that the States in question have each of them an actual government, with all the powers—executive, judicial, and legislative—which properly belong to a free State. They are organized like the other States of the Union, and, like them, they make, administer, and execute the laws which concern their domestic affairs. An existing de facto government, exercising such functions as these, is itself the law of the State upon all matters within its jurisdiction. To pronounce the supreme lawmaking power of an established State illegal is to say that law itself is unlawful.

"The provisions which these governments have made for the preservation of order, the suppression of crime, and the redress of private injuries are in substance and principle the same as those which prevail in the Northern States and in other civilized countries. They certainly have not succeeded in preventing the commission of all crime, nor has this been accomplished anywhere in the world. * * * But that these people are maintaining local governments for themselves which habitually defeat the object of all government and render their own lives and property insecure is in itself utterly improbable, and the averment of the bill to that effect is not supported by any evidence which has come to my knowledge.

"The bill, however, would seem to show upon its face that the establishment of peace and good order is not its real object. The fifth section declares that the preceding sections shall cease to operate if any States where certain events shall have happened. These events are, first, the selection of delegates to a State convention by an election at which Negroes shall be allowed to vote; second, the formation of a State constitution by the convention so chosen; third, the insertion into the State constitution of a provision which will secure the right of voting at all elections to Negroes and to such white men as may not be disfranchised for rebellion or felony; fourth, the submission of the Constitution for ratification to Negroes and white men not disfranchised, and its actual ratification by their vote; fifth, the submission of the State constitution to Congress for examination and approval, and the actual approval of it by that body; sixth, the adoption of a certain amendment to the Federal Constitution by a vote of the legislature elected under the new constitution; seventh, the adoption of said amendment by a sufficient number of other States to make it a part of the Constitution of the United States. All these conditions must be fulfilled before the people of any of these States can be relieved from the bondage of military domination; but when they are fulfilled, then immediately the pains and penalties of the bill are to cease, no matter whether there be peace and order or not, and without any reference to the security of life or property. The excuse given for the bill in the preamble is admitted by the bill itself not to be real. The military rule which it establishes is plainly to be used, not for any purpose of order or for the prevention of crime, but solely as a means of coercing the people into the adoption of principles and measures to which it is known that they are opposed, and upon which they have an undeniable right to exercise their own judgment.

"I submit to Congress whether this measure is not in its whole character, scope, and object without precedent and without authority, in palpable conflict with the plainest provisions of the Constitution, and utterly destructive to those great principles of liberty and humanity for which our ancestors on both sides of the Atlantic have shed so much blood, and expended so much treasure.

"The 10 States named in the bill are divided into 5 districts. For each district an officer of the Army, not below the rank of a brigadier general, is to be appointed to rule over the people; and he is to be supported with an efficient military force to enable him to perform his duties and enforce his authority. Those duties and that authority, as defined by the third section of the bill, are to protect all persons in their rights of persons and property, to suppress insurrection, disorder, and violence, and to punish or cause to be punished all disturbers of the public peace or criminals.' The power thus given to the commanding officer over all the people of each district is that of an absolute monarch. His mere will is to take the place of all law.

[8] The California Legislature, on Mar. 4, 1866, decided to take no action. This was equivalent to rejection since it failed to ratify and there were therefore in reality 11 rejections. California formally rejected later on Mar. 17, 1868.

[9] 14 Stat. 428, 15 Stat. 12, 14, 29, and 30 (1867).

[10] This does not include Tennessee despite the fact that she had been a member of the Confederacy as she had ratified the 14th amendment in July 1866.

[11] *Breedlove* v. *Suttles* (302 U.S. 277 (1937)).

[12] It is interesting to note that the Louisiana Legislature, which rejected, was elected under a new constitution of 1864, which was adopted by a convention held in New Orleans, under the auspices of Federal authorities under the direction of President Lincoln. The vote of the Louisiana House was a unanimous 100 to 0.

"It is plain that the authority here given to the military officer amounts to absolute despotism. But to make it still more unendurable, the bill provides that it may be delegated to as many subordinates as he chooses to appoint, for it declares that he shall 'punish or cause to be punished.' Such a power has not been wielded by any monarch in England for more than 500 years. In all that time no people who speak the English language have borne such servitude. It reduces the whole population of the 10 States—all persons, of every color, sex, and condition, and every stranger within their limits—to the most abject and degrading slavery. No master ever had a control so absolute over the slaves as this bill gives to the military officers over both white and colored persons.

"I come now to a question which is, if possible, still more important. Have we the power to establish and carry into execution a measure like this? I answer, 'Certainly not,' if we derive our authority from the Constitution and if we are bound by the limitations which it imposes.

"This proposition is perfectly clear, that no branch of the Federal Government—executive, legislative, or judicial—can have any just powers except those which it derives through and exercises under the organic laws of the Union. Outside of the Constitution we have no legal authority more than private citizens, and within it we have only so much as that instrument gives us. This broad principle limits all our functions and applies to all subjects. It protects not only the citizens of States which are within the Union, but it shields every human being who comes or is brought under our jurisdiction. We have no right to do in one place more than in another that which the Constitution says we shall not do at all. If, therefore, the Southern States were in truth out of the Union, we could not treat their people in a way which the fundamental law forbids. Some persons assume that the success of our arms in crushing the opposition which was made in some of the States to the execution of the Federal laws reduced those States and all their people—the innocent as well as the guilty—to the condition of vassalage and gave us a power over them which the Constitution does not bestow or define or limit. No fallacy can be more transparent than this. Our victories subjected the insurgents to legal obedience, not to the yoke of an arbitrary despotism. When an absolute sovereign reduces his rebellious subjects, he may deal with them according to his pleasure, because he had that power before. But when a limited monarch puts down an insurrection, he must still govern according to law.

"This is a bill passed by Congress in time of peace. There is not in any one of the States brought under its operation either war or insurrection. The laws of the States and of the Federal Government are all in undisturbed and harmonious operation. The courts, State and Federal, are open and in the full exercise of their proper authority. Over every State comprised in these five military districts, life, liberty, and property are secured by State laws and Federal laws, and the National Constitution is everywhere in force and everywhere obeyed. What, then, is the ground on which this bill proceeds? The title of the bill announces that it is intended 'for the more efficient government' of these 10 States. It is recited by way of preamble that no legal State governments 'nor adequate protection for life or property' exist in those States, and that peace and good order should be thus enforced. The first thing which arrests attention upon these recitals, which prepare the way for martial law, is this, that the only foundation upon which martial law can exist under our form of Government is not stated or so much as pretended. Actual war, foreign invasion, domestic insurrection—none of these appear; and none of these, in fact, exist. It is not even recited that any sort of war or insurrection is threatened. Let us pause to consider, upon this question of constitutional law and the power of Congress, a recent decision of the Supreme Court of the United States in ex parte Milligan.

"I will first quote from the opinion of the majority of the Court: 'Martial law cannot arise from a threatened invasion. The necessity must be actual and present, the invasion real, such as effectually closes the courts and deposes the civil administration.'

"We see that martial law comes in only when actual war closes the courts and deposes the civil authority; but this bill, in time of peace, makes martial law operate as though we were in actual war, and becomes the cause instead of the consequence of the abrogation of civil authority. One more quotation: 'It follows from what has been said on this subject that there are occasions when martial law can be properly applied. If in foreign invasion or civil war the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theater of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority thus overthrown, to preserve the safety of the Army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course.

"I now quote from the opinion of the minority of the court, delivered by Chief Justice Chase: 'We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists. Where peace exists, the laws of peace must prevail.'

"This is sufficiently explicit. Peace exists in all the territory to which this bill applies. It asserts a power in Congress, in time of peace, to set aside the laws of peace and to substitute the laws of war. The minority, concurring with the majority, declares that Congress does not possess that power * * *. I need not say to the representatives of the American people that their Constitution forbids the exercise of judicial power in any way but one—that is, by the ordained and established courts. It is equally well known that in all criminal cases a trial by jury is made indispensable by the express words of that instrument. The Constitution also forbids the arrest of the citizen without judicial warrant, founded on probable cause. This bill authorizes an arrest without warrant, at the pleasure of a military commander. The Constitution declares that 'no person shall be held to answer for a capital or otherwise infamous crime unless on presentment of a grand jury.' This bill holds every person not a soldier answerable for all crimes and all charges without any presentment. The Constitution declares that 'no person shall be deprived of life, liberty, or property without due process of law.' This bill sets aside all process of law, and makes the citizen answerable in his person and property to the will of one man, and as to his life to the will of two. Finally, the Constitution declares that 'the privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it'; whereas this bill declares martial law (which of itself suspends this great writ) in time of peace, and authorizes the military to make the arrest, and gives to the prisoner only one privilege, and that is a trial 'without unnecessary delay.' He has no hope of release from custody, except the hope, such as it is, of release by acquittal before a military commission.

"The United States are bound to guarantee to each State a republican form of government. Can it be pretended that this obligation is not palpably broken if we carry out a measure like this, which wipes away every vestige of republican government in 10 States and puts the life, property, liberty, and honor of all people in each of them under the domination of a single person clothed with unlimited authority?

"Here is a bill of attainder against 9 million people at once. It is based upon an accusation so vague as to be scarcely intelligible and found to be true upon no credible evidence. Not one of the 9 million was heard in his own defense. The representatives of the doomed parties were excluded from all participation in the trial. The conviction is to be followed by the most ignominious punishment ever inflicted on large masses of men. It disfranchises them by hundreds of thousands and degrades them all, even those who are admitted to be guiltless, from the rank of freemen to the condition of slaves.

"The purpose and object of the bill—the general intent which pervades it from beginning to end—is to change the entire structure and character of the State Governments and to compel them by force to the adoption of organic laws and regulations which they are unwilling to accept if left to themselves. The Negroes have not asked for the privilege of voting; the vast majority of them have no idea what it means. This bill not only thrusts it into their hands, but compels them, as well as the whites, to use it in a particular way. If they do not form a constitution with prescribed articles in it and afterward elect a legislature which will act upon certain measures in a prescribed way, neither blacks nor whites can be relieved from the slavery which the bill imposes upon them. Without pausing here to consider the policy or impolicy of Africanizing the southern part of our territory, I would simply ask the attention of Congress to that manifest, well-known, and universally acknowledged rule of constitutional law which declares that the Federal Government has no jurisdiction, authority, or power to regulate such subjects for any State. To force the right of suffrage out of the hands of the white people and into the hands of the Negroes is an arbitrary violation of this principle.

"That the measure proposed by this bill does violate the Constitution in the particulars mentioned and in many other ways which I forbear to enumerate is too clear to admit the least doubt. It only remains to consider whether the injunctions of that instrument ought to be obeyed or not. I think they ought to be obeyed, for reasons which I will proceed to give as briefly as possible. In the first place, it is the only system of free government which we can hope to have as a Nation. When it ceases to be the rule of our conduct, we may perhaps take our choice between complete anarchy, a consolidated despotism, and a total dissolution of the Union; but national liberty regulated by law will have passed beyond our reach.

"It was to punish the gross crime of defying the Constitution and to vindicate its supreme authority that we carried on a bloody war of 4 years' duration. Shall we now acknowledge that we sacrificed a million lives and expended billions of treasure to enforce a Constitution which is not worthy of respect and preservation?

"It is a part of our public history which can never be forgotten that both Houses of Congress, in July 1861, declared in the form of a solemn resolution that the war was and should be carried on for no purpose of subjugation, but solely to enforce the Constitution and laws, and that when this was yielded by the parties in rebellion the contest should cease, with the constitutional rights of the States and of individuals unimpaired. This resolution was adopted and

sent forth to the world unanimously by the Senate and with only two dissenting voices in the House. It was accepted by the friends of the Union in the South as well as in the North as expressing honestly and truly the object of the war. On the faith of it many thousands of persons in both sections gave their lives and their fortunes to the cause. To repudiate it now by refusing to the States and to the individuals within them the rights which the Constitution and laws of the Union would secure to them is a breach of our plighted honor for which I can imagine no excuse and to which I cannot voluntarily become a party.

"I am thoroughly convinced that any settlement or compromise or plan of action which is inconsistent with the principles of the Constitution will not only be unavailing, but mischievous; that it will but multiply the present evils, instead of removing them. The Constitution, in its whole integrity and vigor, throughout the length and breadth of the land, is the best of all compromises. Besides, our duty does not, in my judgment, leave us a choice between that and any other. I believe that it contains the remedy that is so much needed, and that if the coordinate branches of the Government would unite upon its provisions they would be found broad enough and strong enough to sustain in time of peace the Nation which they bore safely through the ordeal of a protracted civil war. Among the most sacred guarantees of that instrument are those which declare that 'each State shall have at least one Representative', and that 'no State, without its consent, shall be deprived of its equal suffrage in the Senate'. Each House is made the 'judge of the elections, returns, and qualifications of its own Members,' and may, 'with the concurrence of two-thirds, expel a Member'. Thus, as heretofore urged, 'in the admission of Senators and Representatives from any and all of the States there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation, for this could not happen when the Constitution and the laws are enforced by a vigilant and faithful Congress'. When a Senator or Representative presents his certificate of election, he may at once be admitted or rejected; or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a Member that he possesses the requisite constitutional and legal qualifications. If refused admission as a Member for want of due allegiance to the Government, and returned to his constituents, they are admonished that none but persons loyal to the United States be allowed a voice in the legislative councils of the Nation, and the political power and moral influence of Congress are thus effectively exerted in the interests of loyalty to the Government and fidelity to the Union.

"While we are legislating upon subjects which are of great importance to the whole people, and which must affect all parts of the country, not only during the life of the present generation, but for ages to come, we should remember that all men are entitled at least to a hearing in the councils which decide upon the destiny of themselves and their children. At present 10 States are denied representation, and when the 40th Congress assembles on the 4th day of the present month 16 States will be without a voice in the House of Representatives. This grave fact, with the important questions before us, should induce us to pause in a course of legislation which, looking solely to the attainment of political ends, fails to consider the rights it transgresses, the law which it violates, or the institutions which it imperils.

"ANDREW JOHNSON."

In volume II, page 42, of the "Growth of the American Republic," Samuel Eliot Morison, professor of American history at Harvard University, and Henry Steel Commanger, professor of history, Columbia University, speaking of the Reconstruction Act, stated:

"Johnson returned the bill with a scorching message arguing the unconstitutionality of the whole thing, and the most impartial students have agreed with his reasoning, Professor Burgess writing, indeed, that there was hardly a line in the entire bill which would stand the test of the Constitution."

On the same day of the veto, March 2, 1867, the House and the Senate overrode it by a two-thirds vote and the bill became Public Law 68. Although considering the act to be unconstitutional, as expressed in his veto message, President Johnson considered it his duty to enforce the law and proceeded to execute it. He thereupon sent the Army into the South; ousted all State legislatures and governments by military force; disfranchised all those who had participated in the rebellion or who had aided or abetted them (contrary to the constitutional law announced by the U.S. Supreme Court); held elections in which all of the Negroes but practically no whites were eligible to vote. New constitutions were adopted and new legislatures were convened and the latter proceeded to ratify the 14th amendment. The Army, all the while, was in control.

When the supplemental Reconstruction Act was passed in March of 1867, and then passed over the veto of the President on March 23, 1867, the Baltimore Sun carried the following editorial on March 25, 1867:

"THE LAST VETO

"The message of President Johnson, returning to Congress on Saturday last, the bill supplementary to the act to provide for more efficient government of the rebel State, assigning his reasons for nonapproval, one of the most plain and convincing in argument among the several able State papers he has been called upon to indite in his endeavors to stay the vandal hand of the congressional majority, and conserve the great fundamental principles of the Constitution and Government."

While the military occupation of the South was in progress, Massachusetts and Nebraska ratified, on March 20 and June 15, 1867, respectively. On March 23, by joint resolution, the State of Maryland rejected, becoming the 14th State to reject.

Observing how Congress had taken the Constitution into its own hands and was proceeding in willful disregard of the Constitution, on the 15th of January 1868—Ohio, and then on March 24, 1868—New Jersey,[13] voted to withdraw their prior ratifications and to reject. Thus 16 States had now rejected prior to a full ratification by a three-fourths vote having been reached. Iowa ratified on March 9, 1868. Prior to the proclamation of the Secretary of State, Rhode Island, Pennsylvania, Wisconsin, and Massachusetts, for a total of 23 States had ratified,

"The object of dismembering the highest representative assembly in the Nation, and humiliating a State of the Union, faithful at all times to all of its obligations, and the object of said amendment were one—to place new and unheard-of powers in the hands of a faction, that it might absorb to itself all executive, judicial, and legislative power necessary to secure it itself immunity for the unconstitutional acts it had already committed, and those it has since inflicted on a too patient people.

"The subsequent usurpation of these once national assemblies, in passing pretended laws for the establishment, in 10 States, of martial law, which is nothing but the will of the military commander, and therefore, inconsistent with the very nature of all law, for the purpose of reducing to slavery men of their own race in those States, or compelling them, contrary to their own convictions, to exercise the elective franchise in obedience to the dictation of a faction in those assemblies; the attempt to commit to one man arbitrary and uncontrolled power, which they have found necessary to exercise to force the people of those States into compliance with their will; the authority given to the Secretary of War to use the name of the President, to countermand its President's orders, and to certify military orders, to be 'by the direction of the President' when they are notoriously known to be contrary to the President's direction, thus keeping up the forms of the Constitution to which the people are accustomed, but practically deposing the President from his office of Commander in Chief, and suppressing one of the great departments of the Government, that of the Executive; the attempt to withdraw from the supreme judicial tribunal of the Nation the jurisdiction to examine and decide upon the conformity of their pretended laws to the Constitution, which was the chief function of that august tribunal, as organized by the Fathers of the Republic; all are but amplified explanations of the power they hope to acquire by the adoption of the said amendment.

"To conceal from the people the immense alteration of the fundamental law they intended to accomplish by the said amendment, they gilded the same with propositions of justice.

"It imposes new prohibitions upon the power of the State to pass laws, and interdicts the execution of such part of the common law as the national judiciary may esteem inconsistent with the vague provisions of the said amendment; made vague for the purpose of facilitating encroachment upon the lives, liberties and property of the people.

"It enlarges the judicial power of the United States so as to bring every law passed by the State, and every principle of the common law relating to life, liberty, or property, within the jurisdiction of the Federal tribunals, and charges those tribunals with duties, to the due performance of which they, from their nature and organization, and their distance from the people, are unequal.

"It makes a new apportionment of representatives in the national courts, for no other reason than thereby to secure to a faction a sufficient number of votes of a servile and ignorant race to outweigh the intelligent voices of their own.

"This legislature, feeling conscious of the support of the largest majority of the people that has ever been given expression to the

[13] The following is an excerpt from Joint Resolution No. 1 of the State of New Jersey of March 24, 1868, when they rescinded their prior ratification and rejected:

"It being necessary, by the Constitution, that every amendment to the same should be proposed by two-thirds of both Houses of Congress, the authors of said proposition, for the purpose of securing the assent of the requisite majority, determined to, and did, exclude from the said two Houses 80 representatives from 11 States of the Union, upon the pretense that there were no such States in the Union; but, finding that two-thirds of the remainder of said Houses could not be brought to assent to the said proposition, they deliberately formed and carried out the design of mutilating the integrity of the United States Senate, and without any pretext or justification, other than the possession of the power, without the right, and in palpable violation of the Constitution, ejected a Member of their own body, representing this State, and thus practically denied to New Jersey its equal suffrage in the Senate and thereby nominally secured the vote of two-thirds of said Houses.

but this number was reduced to 21 by the withdrawals of Ohio and New Jersey. The rejections, counting the withdrawals, numbered 16. On October 15, 1868, Oregon withdrew its ratification and became the 17th of 37 States to reject. The count stood: 20 ratifications and 17 rejections (hardly near the three-fourths majority required for adoption). Even without considering the rejection of Oregon, which came after the date of the proclamation of the Secretary of State (July 20, 1868), the 14th amendment had by legal means been overwhelmingly rejected.[14]

After the U.S. Army had moved into the South and taken charge by force of arms and ousted the duly elected and qualified legislatures of all of the Southern States (except Tennessee), disqualified practically all of the white voters (by act of Congress and not by State law), enfranchised all of the Negroes, elected Negro legislatures, and adopted new constitutions by these purported legislatures, the matter of ratification of the 14th amendment as a condition to permission by Congress for the exercise of suffrage of the Southern States (violating article V of the U.S. Constitution) was presented to these newly constituted Negro legislatures of such States. The rejections by the legally elected and constituted legislatures of all of the Southern States were ignored and the newly constituted legislatures of Arkansas, Florida, North Carolina, Louisiana, South Carolina, Alabama, and Georgia, ratified on April 16, June 9, July 2, July 9, and July 16, 1868, and July 21, 1868, respectively.

At this point, by counting the ratifications of Ohio and New Jersey, who had in the meanwhile withdrawn their ratifications and had rejected, and by not counting the rejections of Arkansas, Florida, North Carolina, Louisiana, South Carolina, and Alabama, who had later, by way of illegally established legislatures, ratified under compulsion of the military force of the U.S. Army, the total of 28 States needed to ratify was achieved.

The Secretary of State then proceeded to publish an equivocal proclamation. Therein he stated that whereas under an act of Congress it had been made the duty of the Secretary of State to cause any amendment to the Constitution which had been adopted according to the provisions of said Constitution to be published with his certificate specifying the States by which the same had been adopted, and that the same had become a part of the Constitution of the United States and, whereas neither the act referred to, nor any other law authorized the Secretary of State to determine and decide questions as to the authenticity of the organization of State legislatures, or as to the power of any State legislature to recall a previous act or resolution or ratification, or rejections of any amendment, that if the ratification of the States of Ohio and New Jersey were counted as having ratified, notwithstanding their subsequent rejection; and if the ratifications of the newly constituted and newly established bodies avowing themselves to be and acting as the legislatures, respectively, of Arkansas, Florida, North Carolina, Louisiana, South Carolina, and Alabama, were counted, the 14th amendment was ratified. This proclamation was made on July 20, 1868.[15]

Although the question as to whether an amendment of the U.S. Constitution has been properly submitted by Congress and properly ratified by the State in accord with the Federal Constitution, is properly a legal question to be determined by the U.S. Supreme Court [16] and Congress has no more right to decide this than the Secretary of State, the Senate and the House 1 day later, on July 21, 1868, by majority voice vote, proceeded by separate resolutions to resolve that the 14th amendment had been adopted and was a part of the Constitution. Then, pursuant to this resolution, the Secretary of State issued a new proclamation on July 27, 1868, reciting resolutions of the House and the Senate which declared the 14th amendment adopted, and he thereby proclaimed it had been adopted.[17]

ATTEMPTS TO OBTAIN A DECISION OF THE SUPREME COURT

Although repeated efforts have been made to get the U.S. Supreme Court to directly pass on the question as to whether the 14th amendment was adopted, the issue has invariably been dodged and no opinion has ever considered or discussed it. There have been several hundred cases in which the Supreme Court has based its holding on the 14th amendment, but all of these have been based upon prima facie presumption of validity resulting from the proclamation of the Secretary of State, and a majority vote of Congress.

In ex parte Milligan,[18] decided by the Supreme Court on December 17, 1866, the Court held that the trial and conviction of a civilian by a military commission where peace exists and the civil courts were open was null and void as the commission had no jurisdiction, and further that Congress had no authority to apply the laws of war when no war existed. Despite this ruling, William McCardle was arrested and held for trial in Mississippi by a military commission when no war existed and the civil courts were open. This case clearly demonstrated that the Congress of the United States was aware of the unconstitutionality of the Reconstruction Act and was unwilling to permit a decision of the Supreme Court to prevent the carrying out of their known illegal plan. The Members of Congress had read the veto message of President Johnson and recognized its validity and were well aware of what the result would be if the Court was forced to pass on the question.

William McCardle was the editor of the Vicksburg Times. He was arrested by the military authorities in Mississippi for publishing an editorial regarding the validity of the Reconstruction Act, and they proposed to try him before the military commission for impeding reconstruction, inciting disorder, and disturbance of the peace. On November 12, 1867, he applied to the U.S. circuit court for a writ of habeas corpus on the ground that the Reconstruction Act was unconstitutional and void and that the military commission was without legal authority to try him. The writ was issued directing the military commission to produce the body of McCardle and to present the cause of his imprisonment. The military authorities delivered McCardle into the custody of the U.S. marshal showing they were holding him under authority of the Reconstruction Act.

Robert A. Hill, of Jacinto, Miss., had been appointed judge of said court on May 1, 1866. He was a native of North Carolina, age 54, and an old line Whig. He had had experience as a State court judge in Tennessee and northern Mississippi. Both the judge and McCardle recognized that this case was a means of obtaining from the Supreme Court a ruling on the constitutionality of the Reconstruction Act on appeal. A hearing was held and on November 25, 1867, the court adjudged that McCardle be remanded into the custody of the military authorities from which judgment McCardle appealed to the U.S. Supreme Court. The Supreme Court allowed his release on bond.

In the Supreme Court a motion to dismiss was filed by the Government on the ground that the Court lacked jurisdiction to hear the case, based upon the act of February 1867 relating to suits begun in State courts involving habeas corpus.[19] On February 17, 1868, the Court decided that it had jurisdiction and denied the motion to dismiss.[20]

Word was passed to the leaders of Congress that the Court would be forced to declare the Reconstruction Act to be unconstitutional. While the case was thus pending Congress acted quickly. A bill was presented to the House to deprive the Supreme Court of jurisdiction to decide the case. Mr. Schenck, chairman of the Ways and Means Committee, in reporting the bill to the House with recommendation that it be passed, stated that the bill was designed to prevent the Supreme Court from passing on the validity of reconstruction legislation.[21]

Congress quickly passed this bill, which was vetoed by the President, and on March 27, 1868,[22] it was enacted over his veto. This statute deprived the Supreme Court of any jurisdiction to decide that type of case. The case was not argued until March 19, 1869, and, on April 12, 1869, the Supreme Court dismissed the case for want of jurisdiction.[23] The Legislature of the United States had thus deliberately and intentionally prevented the Supreme Court of the United States from declaring the Reconstruction Act unconstitutional. If it had done so, the whole military occupation of the Southern States would probably have forthwith terminated and the Legislature of the United States would have been thwarted in its effort to force the adoption of the 14th amendment by such illegal and unconstitutional means.

In *Marbury* v. *Madison*,[24] decided February 24, 1803, the Supreme Court in an opinion by Chief Justice Marshall had held that an act of Congress which was repugnant to the Constitution was invalid and that it was within the judicial powers of

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public will, declare that the said proposed amendment being designed to confer or, to compel the States to confer, the sovereign right of elective franchise upon a race which has never given the slightest evidence, at any time, or in any quarter of the globe, of its capacity for self-government, and erect an impracticable standard of suffrage, which will render the right valueless to any portion of the people, was intended to overthrow the system of self-government under which the people of the United States have for 80 years enjoyed their liberties, and is unfit, from its origin, its object and its matter, to be incorporated with the fundamental law of a free people."

[14] Oregon had ratified on September 19, 1866. The vote in the House was 25 yeas and 22 nays. Thomas H. Bentz and M. A. McKean of Grant County both voted yea. Their election had recently been certified by the county clerk of Grant County and based thereon, they had been seated. But, on a contest, it was found that they had in fact been defeated and that the certification by the county clerk was false and fraudulent. They were unseated, and J. M. McCoy and G. W. Knisley, who had been duly elected, were seated. The latter immediately informed the House that if they had been seated and allowed to vote they would have voted nay. The vote would therefore have been 23 yeas and 24 nays. Consequently, the old ballot was declared invalid and on October 15, 1868, a new vote was taken, resulting in a vote for rejection. Nevertheless, Oregon is counted as one of the States which ratified.

[15] 15 Stat. 706 (1868).

[16] Opinion of Justices, 204 N.C. 806, 172 S.E. 474 (1933).

[17] 15 Stat. 708 (1868).

[18] 4 Wall. 2 (1866).

[19] 14 Stat. 385 (1867).

[20] *Ex parte McCardle* (6 Wall. 318 (1868)).

[21] 81 Congressional Globe 1831, 1883.

[22] 15 Stat. 44 (1868).

[23] Ex parte McCardle, 7 Wall. 506 (1869).

[24] 1 Cranch 137 (1803).

the courts to so decide. The contention was made that the act of Congress was a political act and could not be inquired into by the courts. Chief Justice Marshall said: "This doctrine would subvert the very foundation of all written constitutions." And: "It would be giving to the Legislature a practical and real omnipotence with the same breath which professes to restrict its powers within narrow limits." Again, in *Luther* v. *Borden*,[25] in an opinion by Chief Justice Taney, the Court had said:

"The high power has been conferred on this court, of passing judgment upon the acts of the State sovereignties and the legislative and executive branches of the Federal Government, and of determining whether they are beyond the limits of power marked out for them respectively by the Constitution of the United States."

In March 1867, the State of Mississippi filed a motion for leave of court to file a bill in the name of the State to enjoin President Johnson from executing the Reconstruction Act on the ground it was unconstitutional. It was argued on April 12 and on April 15,[26] the Court held it had no jurisdiction to enjoin the President in the performance of his official duties, as the legislative, executive and judicial departments of the Government were equal, the President being the Executive.

Later, in *Georgia* v. *Stanton*,[27] argued in April and May of 1867, decided May 13, 1867, but opinion withheld until February 10, 1868, the constitutionality of the Reconstruction Act was directly attacked and an injunction sought in the U.S. Supreme Court to enjoin Secretary of War Stanton and General Grant and others from carrying out the military occupation of Georgia, inasmuch as the execution of this law would totally abolish the existing government of the State of Georgia. The Supreme Court has held on many occasions that the acts of an individual officer of the Government, which are void because of unconstitutionality, even though acting under an act of Congress, are merely acts as an individual and may be enjoined by the courts. Despite these holdings and the holdings of *Marbury* v. *Madison* and *Luther* v. *Borden*, which held the court had the power and duty to determine whether an act of Congress violated the Constitution of the United States, the Supreme Court dismissed the complaint for alleged lack of jurisdiction on the ground that only a political question was presented. The case of *Mississippi* v. *Stanton* was decided at the same time with the identical opinion.

In volume II of the "Growth of the American Republic," it was said, at page 51:

"Many of the acts which Congress passed to carry into effect in reconstruction policy were palpably unconstitutional, but the attitude of the radicals was well expressed by General Grant when he said of this legislation that 'much of it, no doubt, was unconstitutional; but it was hoped that the laws enacted would serve their purpose before the question of unconstitutionality could be submitted to the judiciary and a decision obtained.' "

The 14th amendment contains many desirable provisions as may be observed. It provides:

"SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

"SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or is any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

"SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President or Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

"SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

"SEC. 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article."

There are also many excellent and highly desirable provisions in the first 10 amendments, commonly called the Bill of Rights, and in the amendments adopted before and after the 14th. But the desirability of an amendment to the Constitution cannot accomplish the adoption thereof, nor can the passage of time override the specific provisions of article V, which details the only method by which the Constitution can be changed. The Congress has expended its function in the amending process when it has proposed the amendment to the States. Any further action is completely outside the scope of the amending process.[28]

On July 12, 1909, when Senate Joint Resolution 40, proposing the 16th amendment, was under consideration, the Honorable Cordell Hull,[29] in a speech in Congress, referred to the unconstitutionality of the purported adoption of the 14th amendment.[30] He stated:

"While the sole function of Congress with respect to amendments is to propose to the States such amendments as two-thirds of both Houses see fit, to be ratified or rejected, either of the State legislature or by conventions, yet Congress in this instance did not permit all of the States to act upon this proposed amendment. * * * It must be conceded that the moment three-fourths of the States duly ratify an amendment it becomes a part of the Constitution, the proclamation of the Secretary of State being a mere ministerial act. Hence, it follows that Congress has not power in the premises after it has once proposed an amendment to the States as the Constitution provides not even of recalling the amendment; therefore, the passage of any resolution by Congress declaring that a given amendment has or has not been duly ratified by the States, such as was done with respect to the 14th amendment, is ultra vires and void."

Many legal questions arise in respect to the existence or not of the 14th amendment. Some of these will be discussed hereafter.

1. Were the Southern States ever out of the Union?

This question is answered in the negative by the United States Supreme Court in *Texas* v. *White*,[31] which was an original case brought by Texas, filed on February 15, 1867, decided April 12, 1869. It was contended that the State by reason of its act of secession had so changed its status as not to be a State entitled to file suit against the United States in the Supreme Court. In holding that Texas was and always had been a State in the Union from the date of its admission, the Court, after discussing its acts of secession, etc., said:

"Did Texas in consequence of these acts cease to be a State? Or if not, did the State cease to be a member of the Union?

* * * * *

"The Union of the States never was a purely artificial and arbitrary relation. * * * It was confirmed and strengthened by the necessities of war and received definite form and character and sanction from the Articles of Confederation. By these, the Union was solemnly declared to 'be perpetual.' And when these articles were found to be inadequate to the exigencies of the country, the Constitution was ordained 'to form a more perfect union.' It is difficult to convey the idea of indissoluble unity more clearly than by these words. * * *

"When, therefore, Texas became one of the United States, she entered into an indissoluble relation. All the obligations of perpetual union, and all the guarantees of republican government in the Union, attached at once to the State. The act which consummated her admission into the Union was something more than a compact; it was the incorporation of a new member into the political body. And it was final. The union between Texas and the other States was as complete and perpetual, and as indissoluble as the union between the original States. There was no place for reconsideration, or revocation, except through revolution or through consent of the State. Considered, therefore, as transactions under the Constitution, the Ordinance of Secession adopted by the convention and ratified by a majority of the citizens of Texas, and all of the acts of her legislature intended to give effect to that ordinance, were null and void. They were utterly without operation of law. The obligations of the State as a member of the Union, and of every citizen of the State as a citizen of the United States, remained perfect and unimpaired. It certainly follows that the State did not cease to be a State, nor her citizens to be citizens of the Union." [32]

2. Were the duly elected and organized bodies, acting as the legislatures in the 11

[25] 7 How. 1 (1848).

[26] *Mississippi* v. *Johnson*, 4 Wall. 475 (1867).

[27] 6 Wall. 50 (1867).

[28] 2 Curtis' "History of Constitutional Amendments" 380; *Chandler* v. *Wise*, (270 Ky. 1, 108 S.W. 2d 1024 (1937)).

[29] Later Secretary of State.

[30] 44(4) CONGRESSIONAL RECORD 4404 (1909).

[31] 7 Wall. 700 (1869).

[32] See also *Hickman* v. *Jones* (9 Wall. 197 (1870)); *White* v. *Hart* (13 Wall. 646 (18—)); *Horn* v. *Lockhart* (17 Wall. 570 (1873)), the latter holding that the acts of the individual States of the South during the Civil War, so far as they did not impair or intend to impair the supremacy of the national authority are to be treated as valid and binding.

Southern States, prior to March 2, 1867, duly organized under the Constitution of the United States?

For nearly 2 years prior to March 2, 1867, the Civil War had ended and peace had been restored. By proclamation of President Johnson of April 2, 1866, the war had been declared ended. Under the Constitution which required that all States be equal, the rebellious States were restored to an equal basis and placed on a like footing as to political rights, immunities, dignities, and power as the remainder of the Union. During the year of 1865, following the surrender of General Lee at Appomattox on April 9, and General Johnston at Durham Station on April 26, legislatures of the Southern States had organized pursuant to President Johnson's proclamation. These legislatures had ratified the 13th amendment abolishing slavery, which was proclaimed adopted by the Secretary of State on December 18, 1865. This ratification was recognized by all Departments of the Government: Executive, legislative, and judicial. Of legal necessity they recognized the then existing legislative bodies of at least the Southern States who had ratified, namely: Tennessee, Arkansas, South Carolina, Alabama, North Carolina, and Georgia.[33] The legislatures of the Southern States were duly organized and existing, and since Congress lacked authority to oust these legislatures by military power or otherwise, they never legally ceased to exist. The new legislatures installed by the Army were, therefore, null and void and all new State officers were likewise usurpers, totally lacking in State authority.

3. Were the two Houses of the 39th Congress organized according to the Constitution? If not, what effect did the failure to seat Senators from the Southern States have upon the proceeding?

Section 5 of article I of the Constitution provides that: "Each House shall be the judge of the elections, returns, and qualifications of its own Members, * * *."

While each House is made the sole judge of the elections, returns, and qualifications of its Members, there is no authority granted by the Constitution to refuse to "judge." The whole purpose of this constitutional provision relates to the judging of each individual Member. It contemplates a hearing and the taking of evidence with a right to be heard before being judged. To arbitrarily decide not to seat any of the Senators or Representatives from any specified States without even a hearing was not a judging, but rather an arbitrary deprivation of the equal suffrage of these States in violation of article V of the Constitution. Upon a hearing and judging the Houses might lawfully have refused to seat all or most of such duly elected persons, or they might have decided to seat any portion of them. But an arbitrary refusal to judge as authorized by the Constitution was an arbitrary refusal to seat in violation of the Constitution, and was therefore unlawful.[34]

4. Is the election of the members of a State legislature, conducted under military force by the U.S. Army, in violation of the laws of suffrage of such State, a valid election?

In the case of *Breedlove* v. *Suttle*,[35] the U.S. Supreme Court has held that each of the States has the supreme and exclusive power to regulate the right of suffrage and to determine the class of inhabitants who may vote. The use of the U.S. Army in 1867 to occupy several of the sovereign States, change the State rules of suffrage, and to purportedly elect new State officers and new State legislatures was just as patently illegal as it would be today. If the officers of the Federal Government could in 1867 send the Army into a State, oust its legislators and officers, and elect new ones under their own rules of suffrage, then a political party today could, after coming to power, use the U.S. Army to seize and occupy all States having a predominantly different party, oust its officers and legislators and make its return to self-government conditional on its ratification of an amendment to the Constitution abolishing all other political parties.[36] In other words, if the action of the Congress in the Reconstruction Act and all done under it be valid, then the United States can at any time by a simple majority vote of the Congress establish an absolute dictatorship.

Mr. Thaddeus Stevens of Pennsylvania, on December 14, 1865, said: "According to my judgment they (Southern States) ought never to be recognized as capable of being counted as valid States until the Constitution has been so amended as to secure ascendency of the party of the Union (Republican)."

His plan was twofold: First, to reduce the representation to which the Southern States were entitled under the Constitution; second, to enfranchise the blacks and disenfranchise the whites. This was calculated to keep the Southern States out of the Union until the Constitution had been so amended as to accomplish his objects and after that have control of the Southern States in the hands of the party of the Union (Republican).[37]

If Mr. Thaddeus Stevens[38] could legally accomplish his objects in 1867, and 1868, some political leader fired with personal ambition could make himself dictator and override and destroy the Constitution in 1968 with the support of a majority in Congress and the Army to back him. The pattern is already established and he need but follow precedent.

5. Is the ratification of a constitutional amendment by a legislature elected, as in question No. 4, valid and effective?

The votes of the southern legislatures which were counted as having ratified the 14th amendment by the Secretary of State when he issued his proclamation were not the votes of the duly constituted and existing legislatures of such States, and the certification of ratification by a usurper claiming to be Governor of a State was no certification at all. The acts of Congress asserting that it had been ratified did not add 1 inch to its size. The proclamation of the Secretary of State added no more to the compliance with the requirements of article V of the Constitution than if there had been not a single ratification. By these methods, the Speaker of the House, the President of the Senate, and the Secretary of State, without even a vote of the Senate or House, or a ratification by a single State, could amend the Constitution at will.

6. May a State change its position toward an amendment before there has been a ratification by three-fourths of the States?

Many experts on constitutional law have taken the position and expressed the view that such a change can be made. The Supreme Court of Kentucky, in the case of *Wise* v. *Chandler*,[39] has held that when a State has acted on a proposed amendment to the Federal Constitution, to either ratify or reject, its power further to consider the question has been exhausted without a resubmission by the Congress. Certiorari was granted in this case to the U.S. Supreme Court,[40] but the case was dismissed on the ground that there was no controversy susceptible of judicial determination. The U.S. Supreme Court in *Coleman* v. *Miller*,[41] held that the Supreme Court of Kansas had a right to consider the question as to whether the proposed child labor amendment to the U.S. Constitution had been properly ratified under a claim of members of the State senate that their votes had not been given effect. But the specific question here considered has never been passed upon directly by the U.S. Supreme Court.

7. Is the question of the validity of the 14th amendment a legal or a political one?

Applying the test as announced by the Supreme Court in *Marbury* v. *Madison*,[42] the question as to whether a constitutional amendment has been effectuated is properly a judicial rather than a political one. However, that the question is a political one seems to be so well established as not to afford a contrary view.

Early in April, 1867, Georgia and Mississippi filed bills for leave of the Court to enjoin the Secretary of War Stanton and General Grant from carrying out the Reconstruction Act.

In *Georgia* v. *Stanton*[43] and *Mississippi* v. *Stanton*[44] the constitutionality of the Reconstruction Act was directly attacked and the Supreme Court dismissed the complaints for alleged lack of jurisdiction on the ground that only a political question was presented.

In *Coleman* v. *Miller*,[45] the Court discussed the questionable nature of the adoption of the 14th amendment pointing out the incongruity of the failure to recognize the withdrawals of the ratifications by Ohio and New Jersey as compared to the subsequent ratifications of North Carolina, South Carolina, and Georgia, after such States had formally rejected. The Court referred to the dubious first proclamation of the Secretary of State and the following act of Congress which declared the 14th amendment to have been adopted and the second proclamation of the Secretary of State proclaiming adoption. The Court then stated:

"This decision by the political departments of the Government as to the validity of the adoption of the 14th amendment has been accepted. We think that in accordance with this historic precedent the question of the efficacy of ratifications of State

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[33] The case of *Horn* v. *Lockhart*, note 32 supra, is decisive of this question.

[34] If the southern Representatives had been seated and, as is likely, had voted unanimously against the amendment, the vote would have been 33 yeas and 29 nays in the Senate, and 128 yeas and 79 nays in the House and the amendment would have failed in both Houses.

[35] 302 U.S. 277 (1937).

[36] The ratification procured by an unlawful refusal to seat the duly elected representatives of the State and of the people of the State is similar to duress. This was coercion. Coercion exists where one, by the unlawful conduct of another, is induced to do or perform some act under circumstances which deprive him of the exercise of his free will. Coercion exists when the person is thus constrained to do what his free will would refuse. 14 C.J.S. 1307. A ratification procured by coercion against the free will of the legislature, and which if it were not for the coercion would be rejected, is obviously not a binding and valid ratification within the meaning of the fifth amendment of the Constitution.

[37] 2 Curtis "Constitution History."

[38] 2 "Growth of the American Republic" 38, is stated: "Stevens is one of the most unpleasant characters in American history. A harsh, sombre, friendless old man of 74, and with no redeeming spark of magnanimity, he was moved less by sympathy for the Negro than by cold hatred of the southern gentry. The former he would exalt to a status of complete political and social equality; the latter he would humiliate, disenfranchise, and despoil of all landed property in favor of the freedman."

[39] 270 Ky. 1, 108 S.W. 2d 1024 (1937).

[40] Chandler v. Wise, 307 U.S. 474 (1938).

[41] 307 U.S. 433 (1938).

[42] 1 Cranch 137 (1803).

[43] 6 Wall. 50 (1867).

[44] 6 Wall. 50 (1867).

[45] 307 U.S. 433 (1938).

legislatures, in the light of previous rejection or attempted withdrawal, should be regarded as a political question pertaining to the political departments, with the ultimate authority in Congress in the exercise of its control over the promulgation of the adoption of the amendment."

In *Leser v. Garnett*,[46] it was held that the certificate of the Secretary of State certifying to the ratification of the 19th amendment was binding on the courts. The duty to act in regard to constitutional amendments has now been given to the Administrator, General Services Administration.[47]

That the rulings in *Leser* v. *Garnett*, *Coleman* v. *Miller*, and *Chandler* v. *Wise* are of doubtful wisdom is emphasized by the actions of the Legislatures of Oregon and New Jersey. At the time of the proclamation of Secretary Seward, the Legislature of Oregon had ratified and such ratification had been duly attested to by the Governor. But, upon investigation it was found that such vote was based upon fraud and that two of the members of the legislature, whose votes were essential to ratification, had not in fact been elected. Their seating had been procured by a fraudulent certification of election by a county clerk. After the facts were discovered, these two members were unseated and the duly elected ones were seated. Upon a demand by them, a new vote was taken in which their legal votes were counted. The amendment was rejected. Nevertheless, Oregon was counted as having ratified the 14th amendment.

At the time of the proclamation, New Jersey had withdrawn its ratification because of the unlawful action of Congress in purportedly unseating Senator John P. Stockton by a majority vote; whereas, having been duly seated, section 5 of article I of the Constitution required a two-thirds vote to expel. Yet we are told that the same Congress by a majority vote in making a so-called political decision will be the sole judge of its own misconduct, in open and flagrant violation of the Constitution, when the rights of citizens and the rights of States reserved by the 10th amendment are involved.

DANGER TO OUR FORM OF GOVERNMENT

Coleman v. *Miller*, *Chandler* v. *Wise*, and *Leser* v. *Garnett*, seem to be decisive of the question as to a lack of authority in the Supreme Court to decide whether an amendment has been legally adopted. If it be so, the whole constitutional structure of the United States is in serious danger and Congress should forthwith initiate the necessary action to give jurisdiction to the courts to determine whether an amendment has been legally adopted. Under the authority of *Coleman* v. *Miller*, *Leser* v. *Garnett*, and *Chandler* v. *Wise*, any political party which came to power in sufficient strength to propose an amendment to the Constitution by a two-thirds vote could propose an amendment to abolish all other political parties for the style of Government we see in many foreign countries. A mere proclamation of one man (Administrator of General Services Administration) that such amendment had been adopted by three-fourths of the States would make it an incontestable amendment despite the fact that not a single State actually ratified. In similar fashion, the provisions of section 1, article II, of the Constitution, which fixes the term of office of the President at 4 years, could quickly be amended to a term for life; thus a dictator could be born. In like manner, it would be a simple matter to withdraw from the courts the power to declare an act of the President or of Congress a violation of the Constitution. An amendment might abolish the sovereignty of the States and leave but one Federal Government. This sort of thing can be anticipated in time of great national stress as the panacea for the Nation's ills.

Perhaps such a bold attempt to change the Constitution by the mere false certification by the Administrator of General Services Administration would be too unpalatable to the public conscience, as would be the military invasion by Federal troops of States having recalcitrant legislatures. But a recourse to a pretense of ratification could more readily be procured by the organization of "rump" legislatures composed of henchmen of the Federal Executive. Such "ratifications" would thereupon be accepted by the "political" decision of the Congress based on a majority voice vote. There is no legal difference in such action from what was done in respect to the 14th amendment. And the Supreme Court has declined to afford to the citizens or the States protection from such usurpation of power under the pretext that these are "political" questions.

No such ability to change our form of government through the will of a majority in Congress was ever intended by those who framed the Constitution. Checks and balances should be restored, so this cannot happen.

It may be said by short-sighted persons now that it is preposterous to suggest that some Congress in the future might pass amendments to the Constitution to abolish all political parties other than the one in power and to change the tenure of office of the President to life instead of 4 years, by the simple expedient of Congress by joint resolution declaring the amendments to be adopted followed by a certification to that effect by the Administrator of General Services Administration. However, such unforseen things have happened before.[48] It would be much wiser to preclude such a possibility now than to regret its occurrence later.

REMEDIES

It would serve no useful purpose to discuss the correctness of the decisions of the Supreme Court in *Leser* v. *Garnett* and *Coleman* v. *Miller* other than to mention that in the latter case there was a dissent by Justices Butler and McReynolds. There is a long line of decisions of the Supreme Court on questions that it considered not to be justiciable because they were "political"; most of them relating to foreign affairs,[49] but unfortunately it has also construed this particular area as political and will consequently not entertain it as matters now stand.

In order to reestablish the traditional checks and balances in this area between the three departments of the Government, as designed by our Founding Fathers and destroyed by the 39th and 40th Congresses, it is imperative that the legality of the adoptions of constitutional amendments be subjected to judicial scrutiny.

The Congress could, of course, by ordinary act, by majority vote of both Houses, and signature of the President, confer jurisdiction on the courts of the United States and the Supreme Court to make a determination whether an amendment to the Constitution has been adopted.

Whether an amendment to the Constitution has been adopted is actually a mixed question of law and fact, or at worst a mixed question of law, fact, and politics. That the Congress has the power to authorize the courts to determine such question was decided by the Supreme Court in *Luther* v. *Borden*,[50] which related to the provision of the Constitution in which the United States guarantees to each State a republican form of government. In a unanimous opinion, written by Chief Justice Taney, it was said:

"Under this article it rests with Congress to decide what Government is the established one in a State. For as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not.

* * * * *

"So, too, as relates to the clause in the above-mentioned article of the Constitution, providing for cases of domestic violence. It rested with Congress, too, to determine upon the means proper to be adopted to fulfill this guaranty. They might, if they had deemed it most advisable to do so, have placed it in the power of a court to decide when a contingency had happened which required the Federal Government to interfere."

The relative ease by which a remedy is obtainable by act of Congress loses its attractiveness, however, when it is realized that such act could be repealed with equal ease by the same willful, shortsighted men against whom protection is sought. The only remedy which would reestablish the checks and balances contemplated by the framers of the Constitution with safety against a willful congressional majority would be an amendment to article V of the Constitution, conferring on the judiciary the authority to determine whether an amendment has been adopted. In my opinion the heritage of our constitutional form of government will be in danger of destruction until such an amendment to the Constitution is adopted.

Mr. President, another excellent discussion of the dubious origin of the 14th amendment is contained in an article by Mr. Walter J. Suthon, Jr., which in effect is an amplification of an address Mr. Suthon delivered to the Louisiana Bar Association in 1953. The article approaches the question more from a historical standpoint than does the one by Mr. McElwee to which I have just referred. Mr. Suthon has this to say about the origin of the 14th amendment:

The 14th amendment to the Constitution of the United States has loomed large in

[46] 258 U.S. 130 (1921). In spite of the fact that the persons who made the certificates for the Southern States certifying to a ratification were not legally elected or qualified stated officers authorized to make such certificates, but were usurpers professing to occupy such offices under the military power of the United States, under the holding of *Leser* v. *Garnett*, the courts are unable to question whether the officers of the State who sent certifications to the Secretary of State certifying the ratification were duly authorized to do so.

[47] 65 Stat. 710, 1 U.S.C., sec. 106(b) (1951).

[48] When the 16th amendment to the Constitution, seeking to authorize the United States to levy and collect taxes on incomes of citizens, was being debated in Congress, one of the Senators warned the Senate that if they passed this proposed amendment they might conceivably some day see income taxes levied for as high as 20 percent, which would be confiscatory. At that time, the argument was answered by the assertion that it was preposterous for anyone to suggest that income taxes might ever be levied as high as 20 percent and that no right-thinking person could ever believe this would ever happen as the voters would defeat any legislator who voted for such a high tax; yet today the average person pays that much and some pay as high as 91 percent.

[49] *Ware* v. *Hylton* (3 Dall. 199 (1796)); *U.S.* v. *Palmer* (3 Wheat 610 (1818)); *Foster* v. *Neilson* (2 Pet. 253 (1829)); *Luther* v. *Borden* (7 How. 1 (1849)); *Doe* v. *Braden* (16 How. 635 (1853)); *Terlinden* v. *Ames* (184 U.S. 270 (1902)); *Pacific States Telegraph* v. *Oregon* (223 U.S. 118 (1912)). See also "The Doctrine of Political Questions," 8 Minn. L. Rev. 485 (1924); "Political Questions," 38 Harv. L. Rev. 296 (1925).

[50] 7 How. 1 (1849).

recent years in litigation before the U.S. Supreme Court involving contentions for restriction of State regulatory power and enlargement of Federal regulatory power. Under this amendment—and its companion, or satellite amendment, the 15th—the U.S. Supreme Court, in the past approximately 15 years, has repeatedly rendered decisions aimed at coercing racial integration and breaking down established systems of racial segregation in political, educational, social, economic, and other fields in the Southern States—and in some instances outside the South.

It is not the purpose of this article to discuss the merits of segregation—or of its antitype, racial integration. These are questions upon which each of us has his or her own individual view, belief, and conviction, based on what we think and how we think. What is to be discussed relates to the use of the 14th amendment by the U.S. Supreme Court as an implement for invading the areas formerly reserved to State regulation, or to individual or group action, and for breaking down established systems of racial segregation and setting up compulsive racial interassociation—in effect, compulsive racial integration. In this field, the "equal protection of the laws" clause and the "privileges or immunities" clause of the 14th amendment are those most frequently invoked in support of those legal attacks upon our fundamental way of life.

SCHOOL SEGREGATION CASES

There are now pending in the U.S. Supreme Court a group of cases involving attacks upon the constitutionality of our system of segregated public schools, and presenting demands that the segregation feature of this system shall be destroyed by judicial fiat. These cases seek the overruling of the established jurisprudence, predicated in a large measure upon a leading decision of the Supreme Court of Massachusetts, that a segregated system of public schools is constitutional, provided the educational facilities for each race are substantially equal.

The U.S. Supreme Court, after hearing arguments in these school segregation cases, and after several months of study and consideration following these arguments, has entered orders refixing these cases for further argument, now scheduled to take place in December. The orders for reargument specify certain issues on which the Court desires to hear discussion and to receive briefs. From this course of events, it appears quite possible that this Court is closely divided on these cases, and that the ultimate outcome may be determined by the presentation on reargument and in the additional briefs to be filed thereon.

The specification of issues, on which discussion is requested at the reargument, includes inquiries as to events contemporaneous with the framing, submission, and ratification of the amendment. These specifications were probably prepared without any particular intent to invite exposure or discussion of the dubious origin of this amendment. Be that as it may, they involve study, consideration and evaluation of the legislative history of the amendment, and its dubious origin—one may justifiably say its worse than dubious origin—is an inseparable part of its malodorous legislative history.

AMENDMENT PROCEDURE ESTABLISHED BY ARTICLE V

Article V of the Constitution sets forth the procedure for amendment proposals and ratifications. The portion of article V pertinent to the amendment machinery utilized in this instance reads as follows:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution * * * which * * * shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States * * *"

As will be observed, this amending process is a two-step process. Congress takes the first step—submission. The next step—ratification—must be the act of the States—the act of at least three-fourths of the States concurring in ratifications passed by their respective legislatures.

When the amendment procedure set forth in article V of the Constitution is carefully analyzed, it will appear that the States have the primary or major and final function in the amending process, and the role of Congress therein, although substantial and important, is definitely of a secondary and preliminary nature. Indeed, an amendment proposal defeated in Congress may nevertheless be adopted exclusively by State action. This would occur upon the legislatures of two-thirds of the States applying for the calling of a convention to propose such an amendment, and upon the ratification of that amendment proposal by three-fourths of the States.

Even when the amendment proposal is the product of a two-thirds vote of Congress, the final say-so rests entirely with the States. After the initial step of voting the amendment proposal, the only remaining function in the ratification procedure allocated to Congress by the Constitution is a minor one—the function of determining whether the States, in voting on ratification, shall act through their respective legislatures, or through conventions.

EVOLVEMENT OF ARTICLE V IN FEDERAL CONVENTION

The record of the evolution of article V, in the proceedings of the Federal Convention of 1787, fully supports the view that Congress has no function at all to perform in that stage of the amending process which comes after submission of the proposal; i.e., during consideration of ratification by the States, and action thereon by the States. It is significant that, in the Convention, a proposal for excluding the "National Legislature" entirely from the amending process, and leaving the whole of that process to the States, was seriously made and considered. There was never any corresponding proposal that the States be excluded entirely from the amending process or that this process should be entrusted entirely to Congress.

Mason argued, in support of excluding the "National Legislature" entirely from the amending process, that "they may abuse their power, and refuse their assent on that very account." Of course, that view in precisely that form did not finally prevail. However, it is significant that article V, as evolved and adopted, contains a safeguard against what Mason apprehended—a power in Congress to completely block an amendment proposal. This safeguard against possible congressional obstruction appears in the provision that two-thirds of the States may bypass a refusal of Congress to submit a particular amendment proposal, by voting through their legislatures for a convention to propose such an amendment.

As the proposed language of the provision for amendments began to take form, the sole method at first for initiating amendments was to be an application by the legislatures of two-thirds of the States for the calling of a convention for that purpose, the "legislature of the United States" having merely the ministerial function of calling the convention upon such an application by the required number of State legislatures.

Hamilton had a leading part in changing the language so as to permit Congress to have a power to propose a constitutional amendment. In arguing in favor of giving this power of initiating an amendment proposal to Congress, he said: "There could be no danger in giving this power, as the people would finally decide in the case."

How remote was this Hamiltonian concept from the events of 1867 and 1868, when a "rump" Congress arrogated to itself the power to force ratification of a rejected amendment, through coercing ratifications by several of the rejecting States.

After Hamilton had made his point that Congress could be safely invested with a power of initiating amendment proposals, since that would not give it power of final decision on these proposals, the language of this provision was then and there worked out in substantially the final form of what later became article V. This was done under the leadership of Madison and Hamilton, who thus collaborated on giving Congress a power (but not even an exclusive power) to initiate amendment proposals, with power of final decision as to ratification or rejection reserved to the States.

A power in the States to initiate amendment proposals, through action to that end by the legislatures of two-thirds of the States, was retained in this product of the joint work of Madison and Hamilton. As already noted, this affords a possibility for completely bypassing Congress on a constitutional amendment proposal, and prevents a congressional power to initiate amendment proposals from becoming a veto power.

It should also be noted that, on this same occasion, the rather general language, which would apparently have required unanimity of action by the States for ratification, was amended so as to fix the proportion of the whole number of States required for ratification. Rejecting a motion to fix this proportion at two-thirds, the convention voted to require ratification by three-fourths of the States in order to effectuate an amendment. The significance of this choice of the larger of two proposed proportions as to the State action requisite for ratification is that the right to defeat an amendment proposal was thereby vested in a smaller proportion of rejecting States. It was this constitutional right of a group of rejecting States, sufficient in number to defeat ratification of the 14th amendment, which was infracted by the unconstitutional action of Congress in coercing ratification by several of the rejecting States through the compulsions of the Reconstruction Act.

Evidently to safeguard, as far as possible, against the risk of an obstructive attitude on the part of Congress, the provision for Congress submitting amendment proposals on the applications of the legislatures of two-thirds of the States was changed to a requirement that Congress should call a convention for that purpose upon such an application from State legislatures. This proposal was made by Gouverneur Morris and Gerry, following a warning by Mason that Congress could be expected to use its power relating to the proposing of amendments to prevent the States from having an opportunity to ratify proper amendments.

It is also interesting to note that the final change, in the provision which was about to become article V of the Constitution, was the insertion, on motion of Gouverneur Morris, of the prohibition against depriving any State of its equal suffrage in the Senate, without its consent. As pointed out elsewhere in this article, a gross and wholesale violation of this plain constitutional provision, through the exclusion from the Senate of all persons holding credentials as Senators from the 10 Southern States, made it possible for the advocates of the amendment proposal to obtain in the rump Senate the two-thirds vote required to submit to the States the proposal for the 14th amendment.

PROPOSAL OF THE AMENDMENT

The 14th amendment was proposed by Congress to the States for adoption, through the enactment by Congress of Public Resolution No. 48, adopted by the Senate on June 8, 1866 and by the House of Representatives

on June 13, 1866. That Congress deliberately submitted this amendment proposal to the then existing legislatures of the several States is shown by the initial paragraph of the resolution.

This submission was by a two-thirds vote of the quorum present in each House of Congress, and in that sense it complied with article V of the Constitution. However, the submission was by a "rump" Congress. Using the constitutional provision that "Each House shall be the judge of the elections, returns, and qualifications of its own Members * * *" each House had excluded all persons appearing with credentials as Senators or Representatives from the 10 Southern States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas and Texas. This exclusion, through the exercise of an unreviewable constitutional prerogative, constituted a gross violation of the essence of two other constitutional provisions, both intended to protect the rights of the States to representation in Congress.

Had these 10 Southern States not been summarily denied their constitutional rights of representation in Congress, through the ruthless use of the power of each House to pass on the election and qualifications of its Members, this amendment proposal would doubtless have died a-borning. It obviously would have been impossible to secure a two-thirds vote for the submission of the proposed 14th amendment particularly in the Senate, if the excluded Members had been permitted to enter and to vote. Of course, that was one of the motives and reasons for this policy of ruthless exclusion.

Assuming the validity of the submission of this amendment by a two-thirds vote of this "rump" Congress, there is no gainsaying the obvious proposition that whatever "contemplation" or "understanding" this "rump" Congress may have had, as to the intent, or the scope, or the effect or the consequences of the amendment being submitted, was necessarily a "rump" contemplation or understanding. The 10 Southern States, whose Senators and Representatives were all excluded from the deliberations of this "rump" Congress, could have had no possible part in the development or formation of any "contemplation" or "understanding" of what the consequences and effects of the proposed amendment were to be.

If the Supreme Court now finds that the Congress submitting the proposed amendment understood and contemplated that it would abolish segregation in the public schools, either immediately or ultimately, one naturally wonders whether the Supreme Court will then enforce this necessarily "rump" contemplation or understanding against the 10 Southern States who were deliberately and designedly excluded from any possible participation in these "rump" submission proceedings.

When the 14th amendment was submitted, these 10 Southern States, which had been excluded from representation in Congress, had existing governments and legislatures. Congress had sought to avoid extending any recognition to these existing State governments, and the legality of these governments, in what the radical majority in Congress termed the "rebel States," was disputed in some quarters. However, in practically all of these 10 States, these governments were the only governments then in existence and these legislatures, being the only legislatures then existing in these States, were in June 1866 the only legislatures in the States to which the 14th amendment could be then submitted under the directive in the proposal resolution that the amendment be submitted "to the legislatures of the Several States."

These State governments had received Presidential recognition and, through their legislatures, they had participated actively in the then recent ratification and adoption of the 13th amendment abolishing slavery. Indeed, ratification of that amendment by these legislatures in these Southern States had aided in making up the ratification of that amendment, abolishing slavery, by the required three-fourths of the States.

REJECTIONS OF THE AMENDMENT

When the proposed 14th amendment was submitted to the legislatures of the several States, it needed to have ratification by 28 States, being three-fourths of the 37 States. While it was ratified rather promptly by most of the States outside the South, it was never ratified by California and it was rejected by the three border States of Kentucky, Delaware, and Maryland. It was also rejected, during the latter part of 1866 and the early part of 1867, by the legislatures of the 10 Southern States, including Louisiana, whose Senators and Representatives had been excluded from seats in Congress.

This created a situation which made impossible the ratification of the amendment unless some of these rejections were reversed. With 37 States in all, 10 rejections were sufficient to prevent the adoption of the amendment proposal. The 13 rejections, by the 10 Southern States and three border States, were more than sufficient to block ratification even if all other States finally ratified.

The Louisiana Legislature, which rejected the 14th amendment early in 1867, had been elected under the Louisiana constitution of 1864, and functioned under this constitution. It should be remembered that this constitution was not a product of the Confederacy, or of a reorganization of the State government by former Confederates after cessation of hostilities. The Louisiana constitution of 1864 was adopted by a convention held in New Orleans under the auspices of the Federal authorities, acting largely on suggestions and directions from President Lincoln. It was clearly a reestablishment and continuation of the Louisiana State government as it had existed before secession.

The rejection of the 14th amendment by this Louisiana Legislature is embodied in act 4 of 1867, a joint resolution adopted by both houses declaring:

"That the State of Louisiana refuses to accede to the amendment of the Constitution of the United States proposed as article (XIV) fourteen."

This is the only action ever taken on the 14th amendment by a Louisiana Legislature exercising free and unfettered and uncoerced judgment and discretion as between ratification or rejection of the amendment proposal. The subsequent purported ratification of this amendment in Louisiana was by a legislature of a puppet government, created by the radical majority of Congress to do the bidding of its master, and compelled to ratify this amendment by the Federal statute which had brought this puppet government into existence for this specific purpose.

It is most interesting to read the proceedings of the Louisiana House of Representatives on February 6, 1867, whereby that body adopted the joint resolution ordaining the refusal of Louisiana to ratify the proposed 14th amendment—the joint resolution which became Act 4 of 1867. This Journal shows, by the rollcall, that 100 members voted out of a total house membership of 110—and that the unanimous vote was 100 against ratification and none in favor of it. This was the last opportunity for a free and uncoerced expression of views on this amendment proposal by the duly elected Representatives of the people of Louisiana.

THE RECONSTRUCTION ACT

The scene shifts back to Washington. The radicals have a majority, by over a two-thirds vote, in the "rump" Congress from which all representation of the 10 Southern States is excluded. They accomplish the passage of the Reconstruction Act of March 2, 1867. This act had, as one of its major objectives, the attainment of ultimate ratification of the 14th amendment through compelling and coercing ratification by the 10 Southern States which had rejected it.

The act dealt with these 10 Southern States, referred to as "rebel States" in its various provisions. It opened with a recital that "no legal State government" existed in these States. It placed these States under military rule. Louisiana and Texas were grouped together as the Fifth Military District, and placed under the domination of an Army officer appointed by the President. All civilian authorities were placed under the dominant authority of the military government.

This act, as supplemented by subsequent amendments, completely deprived these States of all their powers of government and autonomy, until such time as Congress should approve the form of a reorganized State government, conforming to rigid and extreme specifications set out in the act, and should have recognized the States as again entitled to representation in Congress.

The most extreme and amazing feature of the act was the requirement that each excluded State must ratify the 14th amendment, in order to again enjoy the status and rights of a State, including representation in Congress. Section 3 of the act sets forth this compulsive coercion thus imposed upon the Southern States.

The most apt characterization of this compulsive provision, placing these States under military authority, there to remain until they complied inter alia with this requirement of ratifying the rejected 14th amendment, is found in a speech by Senator Doolittle of Wisconsin, a northerner and a conservative Republican. During the floor debate on the bill, he said:

"My friend has said what has been said all around me, what is said every day: the people of the South have rejected the constitutional amendment, and therefore we will march upon them and force them to adopt it at the point of the bayonet, and establish military power over them until they do adopt it."

Surely, the authors of our Constitution never contemplated or understood that ratification of a constitutional amendment proposal by a State could lawfully be compelled "at the point of the bayonet," and by subjecting all aspects of civil life in the recalcitrant State to continued military rule, until this State recanted its heresy in rejecting the proposed amendment, and yielded the desired ratification to the duress of contined and compelling force.

President Johnson vetoed the Reconstruction Act in an able message, stressing its harsh injustices and its many aspects of obvious unconstitutionality. He justifiably denounced it as "a bill of attainder against 9 million people at once."

Notwithstanding this able message, the act was promptly passed over his veto by the required two-thirds majority in each House. Military rule took over in the 10 Southern States to initiate the process of conditioning a subjugated people to an ultimate acceptance of the 14th amendment.

JUDICIAL REVIEW UNSUCCESSFULLY SOUGHT

Relief from the oppressive and unconstitutional features of the Reconstruction Act was sought in vain in the courts. Three times the Supreme Court found some reason for not deciding these constitutional issues. Unlike the present Court, which was alert to protect three minor Government officials against salary-blocking legislation by Congress, interpreted as constituting a bill of attainder against these individuals, the

Court of 1867–68 seemed to feel no urge to review the constitutional merits of the solemn charge of President Johnson that the Reconstruction Act constituted a bill of attainder against 9 million people. This is all the more amazing since the two leading precedents on the enforcement of the constitutional prohibition of bills of attainder, cited and followed in *United States* v. *Lovett*, were decisions of the Court of 1867–68.

The decisions wherein grounds were found for avoiding a ruling on the constitutionality of the Reconstruction Act leave the impression that our highest tribunal failed in these cases to measure up to the standard of the judiciary in a constitutional democracy. If the Reconstruction Act was unconstitutional, the people oppressed by it were entitled to protection by the judiciary against such unconstitutional oppression.

In *Mississippi* v. *Johnson*, the Court expressed definite apprehension that an injunction against the execution of the Reconstruction Act by the President, on grounds of unconstitutionality, might result in congressional impeachment of the President for obeying the mandate of the Court.

In *Georgia* v. *Stanton*, the Court declined to entertain a suit assailing the constitutionality of the Reconstruction Act, on the ground that the issues raised were political and not justiciable. The opinion frankly describes in the language below the issues as to which the Court held that a State is without any protection in a court of law.

In *Ex Parte McCardle*, the Court permitted Congress to evade a judicial determination of the constitutionality of the Reconstruction Act, by repealing a statutory provision as to appellate jurisdiction after the appeal had been lodged, and even after the case had been argued and submitted for decision. Again the opinion leaves the impression that the Court preferred not to be obliged to pass on the merits of the constitutional issue.

COERCED RATIFICATIONS OF THE AMENDMENT

As a result of these decisions, enforcement of the Reconstruction Act against the Southern States, helpless to resist military rule without the aid of the judiciary, went forward unhampered. Puppet governments were founded in these various States under military auspices. Through these means, the adoption of new State constitutions, conforming to the requirements of Congress, was accomplished. Likewise, one by one, these puppet State governments ratified the 14th amendment, which their more independent predecessors had rejected. Finally, in July 1868, the ratifications of this amendment by the puppet governments of 7 of the 10 Southern States, including Louisiana, gave more than the required ratification by three-fourths of the States, and resulted in a joint resolution adopted by Congress and a proclamation by the Secretary of State, both declaring the amendment ratified and in force.

It is interesting to speculate upon what might have been the course of events if our Supreme Court of 1867–68 had met these charges of unconstitutional action in the enactment and enforcement of the Reconstruction Act in the direct manner which characterized the judicial performance of the Supreme Court of the Union of South Africa in the recent "Coloured Vote Case." The Malan Government had enacted certain legislation restricting the rights of colored voters, which clashed with the assertedly "entrenched clauses" of the Constitution of South Africa. Twice the case went to the Supreme Court of South Africa, and twice that court upheld the constitution on the merits of the issues and pronounced the unconstitutionality of the offending legislation. For that fine judicial work, it has been highly commended.

When *Georgia* v. *Stanton* is compared with the recent South African decisions, one cannot escape the impression that the difference between the cases is the difference between meeting and evading (even though the evasion be perhaps unconscious) an issue which ought to be met and decided.

ATTEMPTED JUSTIFICATIONS OF COERCION

The supposed constitutional justification of the Reconstruction Act, most frequently asserted by its supporters, was the view that such legislation would come within the power of Congress under the guarantee of "a republican form of government" to each State by the United States.

Whatever justification for other portions of the Reconstruction Act may or may not be found in this constitutional provision, there could clearly be no sort of a relationship between a guarantee to a State or "a republican form of government" and an abrogation of the basic and constitutional right of a State, in its legislative discretion, to make its own choice between ratification or rejection of a constitutional amendment proposal submitted to the State legislatures by the Congress of the United States. To deny to a State the exercise of this free choice between ratification and rejection, and to put the harshest sort of coercive pressure upon a State to compel ratification, was clearly a gross infraction—not an effectuation—of the constitutional guarantee of "a republican form of government."

Beyond this, the whole idea that article IV, section 4, could confer upon Congress power to alter the governmental structure of a State—particularly a governmental structure of the general type existing in the Thirteen Original States at the time of the adoption of the Constitution—has been most effectively refuted by Madison. Writing in the Federalist, No. 43, Madison poses two questions respecting the provision for a guarantee to each State of a republican form of government:

"It may possibly be asked, what need there could be of such a precaution, and whether it may not become a pretext for alterations in the State governments, without the concurrence of the States themselves."

He then proceeds to give his answers to these questions, and he answers the second question:

"The authority extends no further than to a guaranty of a republican form of government, which supposes a preexisting government of the form which is to be guaranteed. As long, therefore, as the existing republican forms are continued by the States, they are guaranteed by the Federal Constitution. Whenever the States may choose to substitute other republican forms, they have a right to do so, and to claim the Federal guaranty for the latter. The only restriction imposed on them is, that they shall not exchange republican for antirepublican constitutions; a restriction which, it is presumed, will hardly be considered as a grievance."

Elsewhere in the same number of "The Federalist," Madison reiterates his basic concept that article IV, section 4, unquestionably recognizes the then existing State governments as republican in form and protects them against innovations or changes of a nonrepublican character.

It is interesting to note that the Supreme Court, in *Minor* v. *Happersett*, enunciated a doctrine completely in accord with Madisonian ideology that the type of government existing in the Original States when the Constitution was adopted established a standard for the meaning of the term "republican form of government" in this constitutional provision.

COERCED RATIFICATION IN LOUISIANA

The enactment of the legislature of the puppet government of Louisiana which ratified the 14th amendment is embodied in Act 2 of 1868. The legislative journals of that session reflect the presence and dominance of the military, all as provided for and contemplated by the Reconstruction Act.

The House Journal shows that on June 29, 1868, Colonel Batchelder opened the session by calling the roll and reading an extract from the order of General Grant. The Senate Journal for the same date shows the reading of instructions from General Grant to the commanding officer of the Fifth Military District emphasizing the supremacy of the power of the military over the provisional civilian government. It was under these auspices that the coerced ratification of the 14th amendment in Louisiana was accomplished.

Even under the puppet government created in Louisiana pursuant to the Reconstruction Act, the ratification of the 14th amendment in Louisiana was not unanimous. In the Senate on July 9, 1868, the vote on ratification was 20 yeas and 11 nays. The record contains a protest by Senator Bacon against voting upon ratification "under duress" imposed by the Reconstruction Act, and an unavailing appeal by that legislator for an opportunity for a "free and unrestrained" vote.

FORCED RATIFICATION REQUIRES REEXAMINATION OF PURPORTED ADOPTION OF THE AMENDMENT

The fact that ratification in the Southern States came finally, as a coerced result, through the legislatures of the puppet governments created by the Reconstruction Act, after rejection of the amendment by the prior State legislatures, can pose a very serious question in relation to one of the issues upon which the Supreme Court invited discussion on the reargument. This of course refers to the request by the Court for discussion of what understanding or contemplation of the scope of the amendment was had by the State legislatures which ratified it.

Such an inquiry may be proper as to a legislature which, free to ratify or reject, determined of its own volition to ratify. But to give effect, as against the Southern States now, to whatever extreme and sweeping notions of the broad scope of the 14th amendment may have been expressed by the puppet legislators, who used their power under the Reconstruction Act to vote in favor of ratification States really opposed to ratification, would be a perversion of history and a contradiction of plain fact.

Even if plain coercion, under the Reconstruction Act, be not regarded as nullifying the ratification votes of the Southern States, recorded by puppet legislators obeying the orders of their masters, these puppet legislatures have no power to speak on matters of legislative intent, ex post facto, for the States which they misrepresented in voting for ratification. These States, as soon as they were free of Federal coercion, repudiated and disestablished these puppet governments, and all that went with them.

But the attack upon the legality of the coerced ratifications of the 14th amendment by the Southern States, under the compulsions of the Reconstruction Act, goes beyond the question of whether the puppet governments, which went through the form of voting these enforced ratifications, were authorized to authentically express the contemplation or understanding of the Southern States as to the scope and operative force of the amendment. The question arises—upon an analysis of the provisions of article V and upon a study of the history of the evolvement of this article in the Federal Convention of 1787—whether these coerced ratifications should be decreed null and void, as the product of an usurpative incursion by Congress into an area—the ratification-or-rejection process—from which it is clearly excluded by article V.

To permit Congress to have a decisive and controlling part in the final decision on ratification or rejection of a constitutional

amendment proposal, after Hamilton had secured the reluctant assent of the convention to letting Congress have merely a power to initiate amendment proposals, on his solemn representation that "the people would finally decide," would constitute a clear disregard of the plain intent of the Founding Fathers concerning the meaning and effect of article V. Beyond this, congressional coercion, intruding into and upon the ratification process, amounts to a gross breach of faith with the obvious understanding had between Madison and Hamilton when, following Hamilton's frank avowal that the power of final decision in an amendment proposal should be vested in "the people," these two great statesmen cooperated in setting up the amendment procedure whereby, on an amendment proposal submitted by Congress to the legislatures of the several States, the people of each State, speaking through its legislature, have the final decision on ratification or rejection.

One who says that such questions are political and not justiciable, must necessarily mean that a political body, actuated by political motives and effectuating political objectives, should have and exercise a final power, not judicially reviewable, to change the plain meaning of a constitutional provision, and to disregard its obvious intent and purpose, as demonstrated by the history of its evolvement.

The adversary or the skeptic might assert that, after a lapse of more than 80 years, it is too late to question the constitutionality or validity of the coerced ratifications of the 14th amendment even on substantial and serious grounds. The ready answer is that there is no statute of limitations that will cure a gross violation of the amendment procedure laid down by article V of the Constitution.

Precedents are not wanting for the successful assertion of constitutional rights which have been flouted or ignored over long periods of time. In *Erie Railroad Co.* v. *Tompkins*, the Court, on a constitutional point, reversed its jurisprudence of more than 90 years standing, dating back to *Swift* v. *Tyson*. This was done on the expression of the view that a doctrine involving statutory construction would not be reexamined and upset after that lapse of time, but that the true doctrine on the constitutional point, once resolved, must be given effect regardless of lapse of time.

This principle should apply here. If the coerced and enforced ratifications of the 14th amendment by the Southern States in 1868, compelled by congressional duress offending against the Constitution itself, constitute an infraction of the amendment procedure ordained by article V of the Constitution, these enforced ratifications are just as violative of the provisions of article V in 1953 as they were in 1868.

Also worthy of note in this connection is the holding in 1895 that the levying of an income tax by the Federal Government, without apportioning that tax among the States as a direct tax, violated the taxing-power provisions of the Constitution of the United States—although, 30 years prior to this judicial vindication of what the majority of the Court deemed to be fundamental and true constitutional provisions, the Federal Government had levied and collected income taxes for several years on a large scale, and had financed a major and successful war of vital consequences to a very considerable extent out of revenues so obtained.

In a recent case terminating the exclusion of Negroes from restaurants in the District of Columbia, the Court found still operative, and ordered enforced, a statutory enactment dating back to the early 1870's, which had lain dormant during practically the whole period of time since its enactment, and which had been variously regarded by lower courts in the case as having been repealed by codification or implication in 1877 or in 1901. Upon a demonstration now that article V of the Constitution was violated and flouted by the 1868 coerced ratifications of the 14th amendment, the true rule for this amendment process, ordained by article V, is entitled to receive from the judiciary the same respectful consideration and orderly enforcement as was recently accorded the revivified 1873 enactment of the short-lived local Legislature of the District of Columbia.

Mr. President, I would like to comment to some extent also on the question of whether or not the adoption of an amendment to the Constitution is, or is not, a political question.

Article V of the Constitution of the United States reads as follows:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions of three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Article V thus specifies the means, and the only means by which an amendment can be adopted, and it does not specify in such article, nor does any other article by direct language specify, who shall have authority to decide whether an amendment has been adopted in accord therewith. The purported 14th amendment to the Constitution of the United States originated in the House of Representatives, as House Joint Resolution 127 of the 39th Congress. It was neither proposed nor ratified in accord with the requirements of article V of the Constitution. When the questionable nature of the proceedings in respect to adoption was publicized in a proclamation of the Secretary of State, Congress forthwith resolved by a majority voice vote, on July 21, 1868, that it had been ratified and directed the Secretary of State to so proclaim. Was this a meaningless gesture, or was it the determination of a matter which the people had delegated to Congress to decide—the power to decide including, implicitly, the power to decide either way; for example, the power to decide wrongly?

The resolution of July 21, 1868, was certainly no meaningless gesture, since the purported 14th amendment has been treated as if it were a valid and subsisting amendment at all times since, because of that majority voice vote of Congress. Prior to the passage of the foregoing resolution, the U.S. Supreme Court in Georgia against Stanton, and Mississippi against Stanton, had declined to exercise its judicial power to declare the so-called Reconstruction Act unconstitutional on the ground that it lacked jurisdiction because it said a political question was presented. This is the only instance in the history of the United States in which the Supreme Court refrained from striking down an obviously unconstitutional action of Congress when the civil rights of a person or a State were violated thereby. Following this precedent, down through Coleman against Miller, the Supreme Court has refrained from passing on the validity of the purported 14th amendment, although from a reading of the opinion of Justice Hughes in Coleman against Miller it seems obvious that if the Court had been called on for the first time to rule on the question the ruling would have been different.

At the time that the Supreme Court, in Coleman against Miller, was expressing the questionable efficacy of the resolution of Congress of July 21, 1868, and its reluctance to reconsider at such a late date, the racial separate-but-equal doctrine was in force and effect. Under this rule there was racial segregation in public schools and in public places in both the North and South, before and after the purported adoption of the 14th amendment. Also racial restrictions in contracts of private persons in respect to land were valid and enforceable. Corregin against Buckley and Buchanan against Warley. However, the Supreme Court in 1952, notwithstanding the rule established in the foregoing cases for scores of years did not hesitate to reverse these rulings, based upon a new construction of the purported 14th amendment, in Brown against Topeka School Board and Shelly against Kraemer. This was done in the face of a long line of decisions of the Supreme Court holding that contemporaneous construction shall have controlling effect.

The 1947–52 Supreme Court did not display the reluctance to change the established precedent of 100 years that the same Court had shown in the case of Coleman against Miller, when it had before it a question concerning an amendment to the Constitution of the United States. If the present Supreme Court might be expected to be consistent in being ready and willing to reconsider long-established precedents, there is no reason why it should be reluctant to reexamine the question as to whether the adoption of the purported 14th amendment was a political question for determination by the Congress or a judicial question for determination of the courts, and upon reaching a decision that it is a judicial question, rule on the validity of the purported 14th amendment.

There are several aspects of the question which should be considered in arriving at a conclusion on the question.

STATE CONSTITUTIONS

The identical question has arisen in almost every State of the Union in respect to the amendments of the State constitutions which are, in this regard substantially the same as the Federal Constitution. The fact that these decisions have been rendered in respect to amendments to State constitutions, whereas the purported 14th amendment relates to the Federal Constitution, is a distinction without a difference. Nor, do I think it can be said

that the judges of the supreme courts of the several States are less able or learned in the law than the Justices of the U.S. Supreme Court.

The supreme courts of the following States in the following cases have held that the question as to whether an amendment to the constitution of their State has been adopted is a judicial question. In most of the decisions there is a direct and specific holding on the point in the face of an adverse contention that the court lacked jurisdiction because only a "political question" was presented. In a few, the question was decided inferentially from the fact that the court which decided the case exercised its judicial powers. The States in which the supreme court has so ruled are: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. A different holding in the Supreme Court of Maryland was rendered in Warman against Hagen. But, in reality, it is not a contrary holding, as it was based upon the specific language of the Maryland constitution which vested in the Governor the authority to make the decision. The court in that case said:

> It will be seen that the constitution itself confides to the Governor exclusively the power and duty to ascertain the result of the vote from an examination of the returns made to him; and on his proclamation that a proposed amendment has received a majority of the votes cast it becomes eo instanti a part of the constitution. There is no reference of the question to any other officer or to any other department. It is committed to the Governor without qualification or reserve, and without appeal to any other authority.

The opinion pointed out that there was no question before the court as to the sufficiency of the vote of the houses of the assembly who had proposed the amendment by the required three-fifths.

From an examination of the foregoing decisions, it is found that the courts have uniformly exercised the authority to determine the validity of the proposal, submission, and ratification of constitutional amendments.

The courts have decided whether a proposed amendment is a single amendment within the constitutional requirement that every amendment must be separately submitted; also whether the failure to enter the resolution of submission upon the legislative journals invalidates the amendment, whether the description of the amendment and the form of the ballot are sufficient, whether the method of submission is sufficient; whether the publication of the amendment or of a notice relative to it is sufficient; and at what election the amendment must be submitted.

In Rich against Board, the court said:

> It is contended that the determination of the question whether an amendment to the constitution has been carried involves the exercise of political, and not judicial power. If this be so, it follows that the promulgation of a purported amendment by the executive or any executive department is final, and that the action cannot be questioned by the judiciary; but, with reference to the conditions precedent to submitting a proposed amendment to a vote of the people, it has been repeatedly held by the courts of the highest respectability, that it is within the power of the judiciary to inquire into the question, even in a collateral proceeding. It is noted that under section 1 of article 20 of the constitution of the State no amendment can become a part of the constitution until ratified by a vote of the people. One prerequisite is equally as essential as the other. The amendment must first receive the requisite majority of the legislature, and afterwards be adopted by the requisite vote. It is the fact of a majority vote which makes the amendment a part of the constitution.

In Collier against Frierson, the court said:

> Certain acts are to be done, certain requisites are to be observed, before a change can be effected: but, to what purpose are these acts or these requisites, if the legislature or any other department of the government can dispense with them. To do so would be to violate the instrument they are sworn to support; and every prerequisite of public law and sound constitutional policy requires the court to pronounce against every amendment which is shown not to have been made in accord with the rules prescribed by the fundamental law.

In State against Swift, the court said:

> But if they undertake to add an amendment, by the authority of the legislature, to a constitution already in existence, they can do it only by the method pointed out by the constitution to which the amendment is added. The power to amend a constitution by legislative action does not confer the power to break it, any more than it confers the power to legislate on any other subject contrary to its prohibitions.

In State against Timme, the court held that no amendment can be made to the constitution of the State without a compliance with the provisions thereof, both in the passage of such amendment by the legislature and in the manner of submitting it to the people.

In Koehler against Hill, the court determined that a constitutional amendment had not been adopted. The court said:

> As to the claim that the question is political, and not judicial, it was said that while it is not competent for courts to inquire into the validity of the constitution and the form of government under which they themselves exist, and from which they derive their powers, yet, where the existing constitution prescribes a method for its own amendment, an amendment thereto, to be valid, must be adopted in strict conformity to that method; and it is the duty of the courts in a proper case * * * to inquire whether, in the adoption of the amendment, the provisions of the existing constitution have been observed, and, if not, to declare the amendment invalid and of no force.

In the case of University against McIver, the question of whether a proposed amendment to the constitution had been legally adopted was considered by the court to be a judicial question.

In Kadderly against Portland, the question as to whether a constitutional amendment had been legally adopted was held to be a judicial question, not a political question.

In State against Powell, the question presented was whether an amendment to the constitution had been legally submitted and adopted. This question was held by the court to be a judicial one, not a political one.

In Batt against Wurtz, it was held to be the duty of the judicial department of the Government to determine whether a constitutional amendment had been adopted.

In Rice against Palmer, in answer to the argument asserting that the question as to whether an amendment has been adopted is a political question, not a judicial question, the court said:

> This argument has often been made in similar cases to the courts, and it is found in many dissenting opinions, but is not found in any prevailing opinions.

In State against Tanker, it was held that the constitutional requirements were not satisfied and the purported adoption of an amendment was of no effect.

In re McConaugh, the court said:

> The authorities are thus practically uniform in holding that whether a constitutional amendment has been properly adopted according to the requirements of an existing constitution is a judicial question. There can be little doubt that the consensus of judicial opinion is to the effect that it is the absolute duty of the judiciary to determine whether the constitution has been amended in the manner required by the constitution, unless a special tribunal has been created to determine the question; and even then many of the courts hold that the tribunal cannot be permitted to illegally amend the organic law.

Again, in Koehler against Hill, the court said:

> But if courts be coerced by popular majorities into a disregard of their provisions, constitutions would become mere "ropes of sand" and there would be an end of social security and constitutional freedom.

In Crawford against Gilchrist, the court said:

> Under our system of constitutional government regulated by law, a determination of whether an amendment to the constitution has been validly proposed and agreed to by the legislature depends upon facts of substantial compliance or noncompliance with the mandatory provisions of the existing constitution as to how such amendments shall be proposed and agreed upon, and such determination is necessarily required to be in a judicial forum when the constitution provides no other means of authoritatively determining such question.

In Ellingham against Dye, the court said:

> The power to determine and declare the law covers the whole body of the law, fundamental and ordinary, the latter being those laws which apply to particulars and are tentative, occasional, and in the nature of temporary expedients. And so the power resides in the courts, and they have, with practical uniformity, exercised the authority to determine the validity of proposal, submission, or ratification of change in the organic law.

In Gottstein against Lester, it was held that the question as to whether a constitutional amendment has been adopted is a judicial question for the courts, not a political question for the legislature.

THE FEDERAL CONSTITUTION

The doctrine that all political power is vested in the people is a fundamental principle of American constitutional law. The Constitution, which is the basis of the Government, is a creature of their power and the instrument of their convenience. It is the work of the people acting in their original sovereign capacity, and not the work of the States. Martin against Hill; McCulloch against Maryland. By it they organize the Government and determine the powers and duties of the different departments, offices, and agencies. In framing and adopting this instrument, the people exercise inherent political power which includes the whole Government. This power seems naturally to divide into three elements, executive, legislative, and judicial which devolve upon separate and distinct departments. It was this division of power which Montesquieu considered to be essential to a successful life of a State, and which was incorporated in our Federal Constitution. The power and duty to make, declare, and execute the will of the people are thus delegated to different agencies, all of which, however, exercise what in the broad sense is called political power. The powers specifically granted include as inherent those which are a necessary incident to those specifically granted. Neither department can legally exercise the powers which in the constitutional distribution are granted to any of the others. A grant of one is a denial to the others. This was the system of checks and balances in which the "Federalist No. 51"—Madison or Hamilton—referred, stating:

To what expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution? The only answer that can be given is, that as all these exterior provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the Government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper place.

But, the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachment of the others.

If men were angels, no government would be necessary. If angels were to govern men, neither exterior or interior controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this; you must first enable the government to control the governed; and in the next place oblige it to control itself.

The meaning of executive, legislative, and judicial power is fairly well understood; but much confusion has resulted from the use of the word "political" to describe a class of powers which are not judicial, but may be either legislative or executive. Many questions arise which are clearly political, and not of judicial cognizance. Thus, the recognition of a foreign sovereign or government, the adjustment of boundaries, the existence of a state of war, and whether a new government has been established by a State, are clearly political questions. Examples were the subject of the Devina Pastora, Kennett against Chambers, The Nev Anne, Williams against Suffolk, Luther against Borden, Foster against Neilson, and Jones against U.S. A different class of political questions is treated in Giles against Teasley and Giles against Harris.

Questions which arise within the sphere of action of the State are not always as easily distinguished. When the Governor vetoes a bill he exercises political power, but when he removes a subordinate he is said to exercise an administrative power. What is meant when it is said that a question is political is that it is a matter which is to be exercised by the people in their primary political capacity, or that it has been specially delegated to some other department, or particular officer of the government, with discretionary power to act. See State against Cunningham; In re Gunn, Fletcher against Tuttle. Thus, the legislature may in its discretion determine whether it will pass a law or submit a proposed constitutional amendment to the people. The courts have no judicial control over such matters, not merely because they involve political questions, but because they are matters which the people have by the constitution delegated to the legislature. The Governor may exercise the powers delegated to him, free from judicial control, so long as he observes the law and acts within the limits of the power conferred. His discretion cannot be controlled, not because they are political in their nature, but because the constitution has placed the particular matters under his control. But every officer under a constitutional government must act according to law and subject to its restrictions, and every departure therefrom must subject him to the restraining and controlling power of the people, acting through the agency of the judiciary, for it must be remembered that the people act through the courts as well as through the executive or the legislative departments. One department is just as representative of the people as the other, and the judiciary is the department which is charged with the special duty of determining the limitations which the law places upon all official action. The recognition of this principle is necessary to "the end that the government may be one of laws and not of men"—words which Webster said were the greatest contained in any written constitutional document.

The wise statesmen who framed the early American Constitution feared that party passion, guided by private interests, would be liable to lead to frequent tampering with the fundamental law. Prior to 1787 the unanimous consent of all States was required to amend the Constitution. When efforts were made to ease these strict requirements, the representatives of the smaller States feared that the larger States would use their voting power to make changes to their own advantage and against the interest of the smaller States. The smaller States' representatives also feared that unwanted innovations might be forced upon them. For these reasons great care was taken to protect themselves against a congressional majority by restrictive provisions of the Constitution before they were willing to give their consent to the new Constitution.

The fears of the smaller States were, to a large measure, responsible for the adoption of the first 10 amendments. These amendments were proposed when the adoption of the Constitution was under consideration. It was ratified with the express understanding that such amendments should be adopted as limitations upon the power of the Federal Government, and as securing the right of each State to local self-government. The effect of these amendments was to limit the general power conferred by article V, Spies against Illinois.

In volume II of Farrand, "Records of the Federal Convention," pages 556 and the following, for Monday, September 10, 1787, is found the following:

Mr. Gerry moved to reconsider article XIX, viz., on the application of the legislatures of two-thirds of the States in the Union, for an amendment of this Constitution, the Legislature of the United States shall call a convention for that purpose (see Aug. 6).

This Constitution, he said, is to be paramount to the State constitution. It follows, hence, from the article that two-thirds of the States may obtain a convention, a majority of which can bind the Union to innovations that may subvert the State constitutions altogether. He asked whether this was a situation proper to be run into.

Mr. Hamilton seconded the motion, but he said with a different view from Mr. Gerry. He did not object to the consequences stated by Mr. Gerry. There was no greater evil in subjecting the people of the United States to the major voice than the people of a political State. It had been wished by many and was much to be desired that an easier mode of introducing amendments had been provided by the Articles of Confederation. It was equally desirable now that an easy mode should be established for supplying defects which will probably appear in the new system. The mode proposed was not adequate. The State legislatures will not apply for alterations but with a view to increasing their own power.

The National Legislature will be first to perceive and will be most sensible to the necessity of amendments, and ought also to be empowered, whenever two-thirds of each branch should concur, to call a convention. There could be no danger in giving this power, as the people would finally decide in the case.

Mr. Madison remarked on the vagueness of the terms, "call a convention for the purpose," as sufficient reason for reconsideration of the article. How was a convention to be formed? By what rule decide? What the force of its acts? On the motion of Mr. Gerry to reconsider the vote was nine ayes, one nay, one State divided. Mr. Roger Sherman of Connecticut moved to add to the article, "or the Legislature may propose amendments to the several States for their approbation, but no amendment shall be binding until consented to by the States."

Mr. Gerry seconded the motion.

Mr. Wilson, of Pennsylvania, moved to insert "two-thirds of" before the words "several States"—on which the vote was five ayes and six nays.

Mr. Wilson then moved to insert "three-fourths of" before the words "several States" which was agreed to nem:con.

Mr. Madison moved to postpone the consideration of the amended proposition in order to take up the following:

The Legislature of the United States whenever two-thirds of both Houses shall deem necessary, or on the application of two-thirds of the legislatures of the several States, shall propose amendments to this Constitution, which shall be valid to all intents and purposes as part thereof, when the same shall have been ratified by three-fourths at least of the legislatures of the several States, or by conventions in three-fourths thereof, as one or the other mode of ratification may be proposed by the Legislature of the United States.

Mr. Hamilton seconded the motion.

Mr. Rutledge said he could never agree to give a power by which the articles relating to slaves might be altered by the States not interested in that property and prejudiced against it. In order to obviate this objection, these words were added to the proposition, "provided that no amendment which may be made prior to the year 1808 shall in any manner affect the 4 and 5 sections of the VII article." The deferment to 1808 was agreed to. On the question on the proposition of Mr. Madison and Mr. Hamilton, as amended, New Hampshire, divided; Massachusetts, aye; Connecticut, aye; New Jersey, aye; Pennsylvania, aye; Delaware, nay; Maryland, aye; Virginia, aye; North Carolina, aye; South Carolina, aye; and Georgia, aye. (Ayes 9, nayes 1, divided 1).

It is to be observed from the foregoing that Mr. Gerry and Mr. Sherman from the smaller States were fearful that the larger States would be able to outvote them and to bind the Union "to innovations that may subvert the State constitutions altogether." The original article XIX had provided for amendments to the Constitution only by application of the legislatures of two-thirds of the States. The only part that the Legislature of the United States would have had in the proceedings was the calling of a convention on application of such two-thirds of the States. Evidencing the fear of the smaller States of the congressional majority, Mr. Roger Sherman's amended article would have read:

On the application of the legislatures of two-thirds of the States in the Union for an amendment of the Constitution, the Legislature of the United States shall call a convention for that purpose, or the Legislature of the United States may propose amendments to the several States for their approbation, but no amendment shall be binding until consented to by the States.

Under this plan the legislatures of two-thirds of the States could call for a convention or the Congress by majority vote could propose amendments which would require unanimous approval of all States. Mr. Wilson tried to change this requirement for unanimous approval to two-thirds, which was defeated. He then moved to change the requirement to three-fourths which was agreed upon. Mr. Madison then offered his substitute which is substantially in the form of that finally adopted.

There is nothing in the history of this article of the Constitution which even suggests that the Congress of the United States would be the forum to decide whether an amendment had been adopted. As stated by Mr. Gerry, it was this majority of Congress which the smaller States feared and then took every precaution to provide against the action of a congressional majority both in the relation of the States to each other and in the amending process. In the original draft, Congress was not even a party to the amending process. In the Roger Sherman draft, which first made use of the Legislature of the United States, he would have allowed a majority vote of Congress to propose, but this was followed by a requirement for a unanimous consent of all the States. It would be contrary to every expressed intention of Mr. Sherman to say that his provision contemplated that the Congress which proposed it by a majority vote could nullify the requirement for unanimous ratification by means of the power to decide—erroneously—by majority vote that the amendment had been adopted, despite the fact that it had not in fact been adopted by all of the States or by any State.

Consider for a moment the authority of the Congress over a matter in which the Congress has enacted laws which are unpopular in many of the States. On application of the legislatures of two-thirds of the several States, Congress is forced to call a convention for proposing amendments which shall be valid as part of the Constitution when ratified by three-fourths of the States. Amendments having been proposed by the convention and ratified by three-fourths of the States, the Congress which took no part in the amending process, in a desperate effort to retain the unpopular laws, proceeds to resolve that the amendments have not been adopted on the pretext that Congress is the forum having authority to decide whether a constitutional amendment has been adopted—the power to decide including the power to decide wrongly. There is no difference in principle in this situation, wherein Congress had no real part in the amending process, from the case in which the amendment is proposed by Congress.

The power to decide does include the power to decide either way, for example, to decide wrongly. And it is contrary to both the Constitution and to common sense to say that Congress may propose an amendment by any vote in fact less than two-thirds of both Houses, as required by the Constitution, and that such action can be followed by a ratification in fact by less than three-fourths of the States, as required by the Constitution, and then that Congress by a mere majority vote can make that amendment a valid amendment and a part of the Constitution by a deliberately erroneous ruling under the theory that it has the authority to decide whether amendments have been adopted, and the authority to decide includes authority to decide wrongly. Every action taken by the representatives of the States in framing the provision for amendment shows an intention to allow Congress to have as little as possible to do with the process of amendment and then they were limited to being one of the two methods for proposing. Most certainly there was no intent to allow this Congressional majority to be the judge as to whether the requirements of the Constitution had been fulfilled in respect to any amendment. When an amendment to the Constitution of the United States has been proposed, either by two-thirds of both Houses of Congress or by a convention called on the application of the legislatures of two-thirds of the States, and the proposal has been sent to the States for ratification, the moment that three-fourths of the States have duly ratified the amendment, it becomes a part of the Constitution, eo instanti, without any legal necessity of proclamation or notice. This is so because the Constitution itself specifically so states. In the absence of an Act of Congress providing for a means of such notice, the President might issue a proclamation or send a circular letter to each of the Governors of the several States. Or the Congress might resolve that the amendment had been adopted. Either of these means of notice would be simply notice, since it is beyond the power of the President or the Congress to add to or detract from the process of ratification. Any proclamation of the President or resolution of Congress to the effect that an amendment has been adopted when in fact and in law it has not would have no legal force and effect.

When the first 10 amendments were adopted on December 15, 1791, there was no established machinery for the giving of notice to the States of the fact of ratification. The notice was given by the Secretary of State Jefferson on behalf of President Washington on March 1, 1792, by the following letter to the Governors of all of the several States:

PHILADELPHIA, *March 1, 1792.*

SIR: I have the honor to send you herein enclosed, two copies duly authenticated, of an act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein; also of an act to establish the post office and post roads within the United States; also the ratification, by three-fourths of the legislatures of the several States, of certain articles in addition to an amendment of the Constitution of the United States, proposed by the Congress to the said legislatures, and of being with sentiment of the most perfect respect, Your Excellencys

Th: Jefferson

It may be noted that the Congress had no part in this notification.

When the 11th amendment was ratified on January 8, 1798, the giving of notice was handled by Mr. Pickering as Secretary of State for President Adams, and on September 25, 1804, Secretary of State Madison dispatched a circular letter to each of the Governors of the several States for President Jefferson informing them of the fact of ratification on September 24, 1804, of the 12th amendment. In neither case did Congress have any part in the giving of the notice or claim the right to exercise control over the adoption process. Then on April 20, 1818, a law was enacted by Congress which made it the duty of the Secretary of State to issue a proclamation to that effect, when an amendment to the Constitution was adopted. There was no suggestion in this enactment that the Congress had any voice in the matter of ratification beyond the authority to propose an

amendment by a proper vote, and the enactment merely formalized what was already the established practice in which the Secretary of State acting for the President gave the notice. Congress, in 1950, changed this law to substitute another officer of the executive branch of the Government, the Administrator, General Services Administration, for the Secretary of State. But, whoever is given the duty of issuing such a proclamation engages in a purely ministerial act and such individual is just as powerless to effectuate a ratification by a false proclamation as he is to nullify an adopted ratification by a failure or refusal to proclaim it. Such a proclamation does not put into force and effect a newly adopted amendment, as it was already in full force and effect the moment that the last State of the ratifying three-fourths acted to ratify. Contrarily, no such proclamation could make valid and effectual any proposed amendment which has not been proposed and ratified in accord with the Constitution, and any proclamation issued contrary to the terms and provisions of the existing Constitution is a nullity. In such a case it becomes the duty of the judiciary to set aside such illegal action in the same manner and under the same authority it would set aside any act of the legislature which violates the terms and provisions of the Constitution. I must condemn the language of Lesser against Garnett, as being against sound reason and common sense when it said:

> As the Legislatures of Tennessee and West Virginia had power to adopt the resolutions of ratification, official notice to the Secretary, duly authenticated, that they had done so, was conclusive upon him, and, being certified to by his proclamation, is conclusive upon the courts.

Such a ruling would give to one or two men—one or more perhaps being mere usurpers—the power effectually to amend the Constitution when it had neither been proposed nor ratified in accord with the Constitution, by denying to the courts the power to question their unlawful acts. Lesser against Garnett, supra, was in legal principle contrary to Dillon against Glass, in which the Supreme Court went behind the proclamation of the Secretary of State and took judicial notice of the dates on which each of the States had ratified, and held the date on which the amendment is effective is the date of the last ratification of the three-fourths who ratified rather than the date on which the proclamation was made.

Notwithstanding all of the things which I have said heretofore, it seems to me that the answer to the question under discussion is found in the Constitution itself.

Section 2, article III of the Constitution provides that: "the judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made."

In order to determine whether the Court has jurisdiction of a case arising under the Constitution, it is necessary, as an incident to its jurisdiction to adjudicate, to decide what constitutes the Constitution. In order to determine what constitutes the Constitution, it is necessary to decide whether it has been amended. This is a matter for the Court to determine, and not Congress.

The jurisdiction conferred on the Court by the people included the whole body of the law of which the Constitution is an integral part and whether a specific act or action is agreeable to or violates the Constitution is a legal question for determination of the courts. And when any branch of the Government, whether it be executive or legislative, does any act or pursues any course of conduct which violates this mandate of the people, the people have vested in the judiciary the political power to so declare and force a compliance with this basic law.

A politically minded Court of nine northern members in 1867, in an atmosphere of threatened impeachment from a willful Congress, in the case of Georgia against Stanton, decided that only a political question was involved when Georgia sought to have the Court enjoin Stanton from carrying out the Reconstruction Act which would result in the destruction of the existing government of Georgia. The obvious unconstitutionality of the Reconstruction Act had been spelled out by President Johnson in his veto message. The rights of the State agreed upon in the great compromise at the time of the adoption of the Constitution were violated and denied and the very thing that the smaller States had feared and the larger States had guaranteed in the Constitution not to do was done. Article V, of the Constitution which guaranteed to each State equality in the Senate was flagrantly violated, yet the politically minded Court closed its eyes and refused to afford to Georgia and Mississippi that relief to which they were clearly entitled under the pretext that a political question was involved. As Alexander Hamilton said in "The Federalist No. 52–59":

> To deprive a State of equal suffrage in the Senate would violate the compromise established by the "equality of the States in the Senate" made perpetual by the plan.

There is no difference between a State and a citizen when standing before the bar of the Court. Each is equally entitled to protection when rights under the Constitution are involved. There was no more of a political question involved than was involved in Marbury against Madison. Indeed every act of Congress, whether approved by the President or passed over his veto is a purely political act. Having used the political question pretext for denying to Georgia and Mississippi the enforcement of their legal rights, the same Court was later faced with the problem of legitimatizing the illegitimate child of the Reconstruction Act, that is, the 14th amendment. To avoid a holding expunging the 14th amendment from the records, what was more natural than to follow the prior precedents and dismiss the matter on the ground that only a political question was involved?

Prior to the proposing of the 14th amendment, the States had full, absolute and unlimited control of suffrage. The purported 14th amendment would deny this right to the States and force them to grant suffrage to all persons without regard to race. But, where did the Supreme Court find the rule that the question as to whether an amendment has been adopted is for determination of Congress? There is nothing in the Constitution to that effect. There is nothing in the debates of the statesmen who participated in its adoption to that effect. Nor does the Court cite any authority for such statement.

The U.S. Supreme Court has not been consistent in its "no jurisdiction" pose taken for the 14th amendment. When questions in regard to the adoption of other amendments have come before the same Court it considered the questions involved and exercised its judicial function in respect thereto. In Hollingsworth against Virginia, it was held that the 11th amendment had been legally adopted. In Rhode Island against Palmer, the Court ruled on the validity of the 18th amendment. In Dillon against Glass, supra, the 18th amendment was again held validly adopted.

The statesmen who framed our Federal Constitution, in making provision for amendment, laid the foundation for growth and progress as well as stability. As said by Jameson in his work on constitutional conventions:

> Provisions regulating the time and mode of effecting organic changes are in the nature of safety valves. They must not be so adjusted as to discharge their peculiar functions with too great facility, lest they become the ordinary escape pipes of party passion; nor, on the other hand, must they discharge with such difficulty that the force needed to induce action is sufficient to explode the machine.

Recognizing this principle, the people of the United States as well as the people of all of the several States inserted in their constitutions provisions for their own amendments, thus deliberately placing restrictions upon their own freedom of political action—Webster's works. The principle was thus established that the people in the mass can no more legally act contrary to the Constitution than can one individual or a number of individuals. It is true that the people in the mass possess the physical power, regardless of legal right, to disregard the Constitution: but this is revolution. Having by their voluntary political action founded the Government and provided a method for the amendment of the instrument which expresses their will, they must, if they would act lawfully, respect their own mandate. If a change is desired, it must be effected by amendment by means of the constitutional procedure or through the primary right of revolution, which is extra legal and in disregard of all law. Of course, no amendment of the Constitution can be adopted unless it received the requisite vote. This is vital; but an amendment which is submitted to the people in disregard of the constitutional mandate is ineffective, although the vote of the people may be in its favor. Such a vote would be as effective, had it been taken at a mass meeting by a show of hands or manifested by a clashing of

shields as was done in the ancient witenagemote of our forefathers. Whether the Constitution has been complied with, and what the existing law is, is necessarily a judicial question for the courts to decide, unless the Constitution itself provides to the contrary by imposing the duty in the particular instance on some other special tribunal. As the Constitution of the United States makes no specific provision in regard to the determination of this question, there is no difference in this respect in the Federal Constitution from those of all of the States of the Union—except Maryland. But, the Constitution does provide that the judicial power extends to all cases arising under the Constitution and this of necessity includes a determination as to whether the mandates of the Constitution have been complied with in respect to any purported amendment thereof. There is no legal basis for the refusal of the Supreme Court to decide whether an amendment to the Federal Constitution has been adopted on the grounds that a political question is presented other than the broad legal principle that the power of the Supreme Court to decide includes the power to be wrong. But every Justice who votes such a refusal to decide violates his solemn oath taken when he entered upon the duties of his position to preserve, protect, and defend the Constitution of the United States.

Mr. President, it is most unfortunate that the Congress has seen fit to neglect its duties of exercising the checks and balances provided it in the Constitution for the control of usurpation by the executive and judicial branches of Government. This neglect in itself is culpable, and the Congress will not and cannot escape its share of responsibility for the grievous damage to the Constitution and resultant loss of individual liberty flowing from the executive and judicial usurpations to which I have referred. The sins of the Congress, however, are not limited to sins of omission. Unfortunately, nowhere can more concrete evidence of this fact be found than in the language of H.R. 8601. Not only does the Congress by its silence concur in the usurpation by the executive and judicial branches, but by its legislative acts shows a positive contempt for constitutional mandates.

Mr. President, I must agree at this point that H.R. 8601, by virtue of titles 3 and 6 therein, deals primarily with rights normally associated with the 15th amendment to wit: voting denials on account of race or color.

To title 6 and title 3, there are constitutional objections to which I shall refer shortly. Before I discuss the constitutional aspects, however, I cannot refrain from pointing out that, not only is there no excuse ever for passing legislation which violates the Constitution, but in this particular instance there is no need for the legislation even were it within the bounds of constitutionality. As evidence of that fact, I direct the attention of the Senate to the mass of laws, both Federal and State, now on the books for the purpose of protecting the rights of suffrage.

Mr. President, we have done considerable research on the question of discrimination in voting, and we have also had the Library of Congress do research for us on the question. I now wish to present to the Senate existing Federal statutes prohibiting discrimination in voting:

EXISTING FEDERAL STATUTES PROHIBITING DISCRIMINATION IN VOTING

Conspiracy against rights of citizens (18 U.S.C., 1958 ed., sec. 241): Conspiracy to injure, oppress, or intimidate citizens in the free exercise of federally secured rights and privileges, is a criminal offense, punishable by a fine of not more than $5,000, or imprisonment for not more than 10 years, or both.

Deprivation under color of law (18 U.S.C., 1958 ed., sec. 242): The wilful subjection of any inhabitant of a State, Territory, or District, under color of law, to the deprivation of rights, privileges, or immunities secured by the Constitution or laws of the United States or to discriminatory pains, punishment or penalties on account of his being an alien or by reason of his race or color, is a criminal offense, punishable by a fine of not over $1,000 or by imprisonment of not more than 1 year, or both.

Intimidation of voters (18 U.S.C., sec. 594): Seeking to intimidate a person for the purpose of interfering with the exercise of his voting rights, is a criminal offense, punishable by a fine of not more than $1,000 or by imprisonment for not more than 1 year, or both. "Any election held solely or in part" for the purpose of electing Federal officers, is covered by this act. However, by the definition of "election" contained in 18 U.S.C., sec. 591, this act does not cover primary elections.

Voting rights (42 U.S.C., 1958 ed., sec. 1971): This act consists of the provisions of Revised Statutes, section 2004 (which was derived from the act of May 31, 1870, 16 Stat. 140, ch. 114, sec. 1), as amended by the Civil Rights Act of 1957 (Public Law 85-315, pt. IV, sec. 131) and is concerned directly with the elective franchise:

(a) This subsection, originally derived from the Civil Rights Act of 1870, provides that all citizens, otherwise qualified by law, shall be allowed to vote at any election without regard to race, color, or previous condition of servitude.

The Civil Rights Act of 1957 added four new subsections to this section which provide substantially as follows:

(b) Intimidation, threats, coercion: No person shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, another for the purpose of interfering with his right to vote in any election or primary election held solely or in part for the purpose of nominating or electing candidates for Federal office.

(c) Injunction, costs: The Attorney General of the United States is authorized to institute, for or in the name of the United States, any civil action or proper proceeding for preventive relief, whenever any person has deprived or is about to deprive another of rights secured by subsections (a) and (b) above. The United States shall be liable for costs in such a proceeding, the same as a private person.

(d) Jurisdiction, exhaustion of other remedies: The Federal district court is given jurisdiction of proceedings instituted under subsection (c) above and shall entertain such proceedings without requiring that the party aggrieved first exhaust any administrative or other remedies which may be provided by law.

(e) Contempt; assignment of counsel; witnesses: Any person who is cited for an alleged contempt of court under this act, shall be entitled, upon his request, to be assigned legal counsel without charge if he is financially unable to pay for same.

Civil action for deprivation of rights (42 U.S.C. 1983): Every person who, under the color of law, subjects another or causes another to be subjected to the deprivation of any federally secured rights, privileges, or immunities, shall be liable to the injured party in a civil action or suit in equity or other proceeding for redress. Review—Such cases shall be reviewable by the Supreme Court with regard to amount in controversy (42 U.S.C., sec. 1984).

Conspiracy to interfere with civil rights (42 U.S.C., sec. 1965(3)): If two or more persons conspire to prevent a citizen who is lawfully entitled to vote, from voting as he chooses for Federal officers, or injures him in his person or property for so voting, the party thus injured may have a civil action for damages against one or more of the conspirators.

Action for neglect to prevent (42 U.S.C., sec. 1986): Any person who has knowledge that any of the wrongs conspired to be done which are forbidden by 42 U.S.C. 1985 (3), above, are about to be committed, and having power to prevent same, neglects or refuses to do so, shall be liable to the injured party for all damages caused by the wrongful act which such person by reasonable diligence could have prevented. Such an action must be commenced within 1 year after the cause of action has accrued.

Jurisdiction and venue (28 U.S.C., 1958 ed.): Civil rights and elective franchise (28 U.S.C., sec. 1343): The district courts shall have original jurisdiction of any authorized civil action (1) to recover damages for injury to person or property, or because of deprivation of a right or privilege of U.S. citizenship, by any act done in furtherance of a conspiracy mentioned in 42 U.S.C., section 1985; (2) to recover damages from any person who (under 42 U.S.C., sec. 1986) fails to prevent wrongs mentioned in 42 U.S.C., section 1985 of which he had knowledge and which he could have prevented; (3) to prevent the deprivation, under color of law, of any right, privilege or immunity secured by Federal law or Constitution; (4) to recover damages or secure equitable or other relief under any Act of Congress providing for the protection of the right to vote.

Election disputes (28 U.S.C. sec. 1344): The district courts shall have original jurisdiction of a civil action to recover any office except a Federal office or that of a member of a State legislature, where the only question affecting title to the office arises out of denial of the right to vote to any citizen because of race, color, or previous condition of servitude.

Removal of cases from State courts—civil rights cases (28 U.S.C., sec. 1443): The following cases, commenced in a State court may be removed by the defendant to a U.S. district court: (1) Against a person who is denied or cannot enforce in the State court, a civil right inuring to all U.S. citizens; (2) for an act under color of authority derived from a law providing for equal rights, or for refusing to do an act on the ground that it would be inconsistent with such law.

Reduction of representation (2 U.S.C., 1958 ed., sec. 6): Should any State deny or abridge the right of a citizen to vote, except for crime, the basis of representation of that State in Congress shall be proportionately reduced.

CONSTITUTIONAL PROVISIONS

The Federal statutes listed above, which prohibit discrimination in voting, are the implementation by Congress of certain provisions of the U.S. Constitution which grant the Federal Government the power to protect the franchise.

In addition to the provisions which have been implemented, there are other constitutional provisions, which, together with the

Federal statutes listed above, have been interpreted by the Supreme Court as protecting the franchise from discrimination by States, by the Federal Government, or by private individuals.

These, briefly summarized, are as follows:

Fourteenth amendment: All persons born or naturalized in the United States and subject to its jurisdiction are citizens of the United States. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. Congress is empowered to enforce this provision by legislation.

[The elective rights guaranteed by the 14th amendment afford protection only against deprivation by States. *Hodges* v. *United States* (203 U.S. 1, 14 [1906])].

Fifteenth amendment: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State because of race, color, or previous condition of servitude. Congress is empowered to enforce this provision by appropriate legislation.

[This provision obviously affords protection against the deprivation of voting rights by the Federal Government or by the State.]

Nineteenth amendment: Prohibits denial or abridgement by the United States or a State of right to vote on account of sex.

Article I, section 2; 17th amendment: Those persons voting for U.S. Senators and Representatives shall possess the same qualifications as those entitled to vote for members of the most numerous branch of the State legislature.

[The Supreme Court has ruled that the right to vote for Members of Congress is a right derived from and secured by the Constitution of the United States. *Ex parte Yarborough* (110 U.S. 651 (1884)). This right is secured against the actions of individuals as well as States. *U.S.* v. *Classic*, 313 U.S. 299, 214–315 (1941)].

Article I, section 4: The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by its legislature, but Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

STATE STATUTES

ALABAMA

(Unless otherwise designated, references are to the code, 1940, title 17.)

Intimidating or hindering voter: It is a corrupt practice for any person on election day to intimidate an elector or an election officer, or to obstruct, hinder, or prevent or to attempt to obstruct, hinder, or prevent the forming of lines of the voters awaiting their turn to enter the election booths (sec. 285).

It is a corrupt practice for any person directly or indirectly to hire a person to take a place in line or to otherwise obstruct, hinder, or prevent the forming of the line of voters awaiting their turn to enter the polling place (sec. 286).

Penalty: Any person who does any act declared to be a corrupt practice under the election laws of the State shall be guilty of a misdemeanor, and, on conviction, must be fined not more than $500, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than 6 months at the discretion of the court (sec. 332).

Attempt to influence voter: Any person who by corrupt means attempts to influence any elector in giving his vote, or deter him from giving the same, or to disturb, or to hinder him in the free exercise of the right of suffrage, at any election, must, on conviction, be fined not less than $50 nor more than $500 (sec. 304).

Disturbing elector on election day: Any person who, on election day, disturbs or prevents or attempts to prevent any elector from freely casting his ballot, must, on conviction be fined not less than $500 nor more than $1,000, and also be sentenced to hard labor for the county, or be imprisoned in the county jail for not less than 6 months nor more than 1 year (sec. 306).

Employer intimidating employee: Any employer or officer of an employer corporation, who attempts by coercion, intimidation, or threats to discharge or lessen wages, to influence the vote of an employee or who demands an inspection of an employee's ballot, shall be guilty of a misdemeanor, punishable by a fine of not less than $500 (secs. 317, 318).

ALASKA

(Unless otherwise designated, references are to Alaska Compiled Laws Annotated, volume 2.)

SEC. 38–5–22. Misdemeanor for election officer to tamper with ballot or voting: Punishment: If any judge, inspector, clerk or any other officer of an election shall, except as otherwise provided by law, open any ballot received from an elector at any election in the territory, or shall mark such ballot by folding or otherwise so as to be able to recognize it, or shall otherwise attempt to find out the names upon any ballot prepared by an elector, or to learn how any elector has voted, or shall suffer the same to be done by any other person, before such ticket is deposited in the ballot box, such judge, inspector, or clerk shall be guilty of a misdemeanor and shall be punished by imprisonment in the jail for not more than 1 year, or by fine of not more than $1,000, or by both such fine and imprisonment in the discretion of the court.

SEC. 38–5–23. Unlawful to exhibit marked ballot or to place exhibited ballot in ballot box: Penalty: It shall be unlawful for any elector after he has marked his ballot, to exhibit the same to any person, whether an official of the election board or not, so as to enable any person to ascertain how such elector voted, and it shall be unlawful for any judge of election to place in the ballot box any ballot known to the election judge to have been so unlawfully exhibited by the elector. Any person convicted of violation of this section shall be punished by imprisonment in the jail for not more than 1 year or by fine of not more than $1,000, or by both such fine and imprisonment in the discretion of the court.

SEC. 38–5–24. Ballots to be canvassed so as to enable watchers to see them: Possession of pencil by person handling ballot prohibited: The election boards, when canvassing the ballots, shall do so in such a manner, as nearly as possible, so as to enable watchers and other representatives of the various candidates or factions to see the ballot when the same is opened and read, and no one handling the ballot when the same is opened or read or at any time before the same is placed in the envelope for mailing, shall be permitted to have a pencil in his hands whereby such ballot may be marked.

SEC. 38–5–25. Felonious acts in respect to ballots of persons engaged in printing them: Penalty: Any printer, manager or publisher employed by any officer authorized by the laws of the territory to procure the printing of any official ballot, or any person engaged in printing the same, who shall appropriate to himself, or give or deliver to, or knowingly permit to be taken by any person other than such officer so authorized by law to receive the same, any of such official ballots or who shall knowingly print or cause to be printed any official ballot in any other form than that prescribed by law or as directed by the officer so authorized to procure the said printing, or with any other names thereon, or with the names spelled otherwise than as directed by such officer lawfully authorized to have such ballots printed, or the names or printing thereon arranged in any other way than that authorized and directed by law, shall be guilty of a felony and upon conviction thereof shall be sentenced to the penitentiary for a term of not to exceed 2 years or to pay a fine of not to exceed $5,000, or both such fine and imprisonment in the discretion of the court.

SEC. 38–5–26. Misdemeanor to unlawfully possess official ballot or counterfeit ballot: Punishment: Any person other than the officer charged by law to take care of ballots or entrusted by any such officer with the care of the same for a purpose required by law, who shall have in his possession outside of the voting room any official ballot, or any person who shall make or have in his possession any counterfeit of any official ballot, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in jail for a term not to exceed 1 year, or by payment of a fine of not to exceed $1,000, or both such fine and imprisonment in the discretion of the court.

SEC. 38–5–27. Canvassing board to keep record of voting precincts: Opening packages containing election returns: Certificates of election: Preservation of returns: Notifying candidate of his election: It shall be the duty of the canvassing board to keep accurate record of each voting precinct in the territory of Alaska and the date of its creation.

No packages containing election returns shall be opened until the canvass commences, at which time they shall be opened in public and in such a manner and under such conditions, as nearly as possible, so as to give all parties interested an opportunity to see the returns. The canvassing board shall terminate the canvass and issue the certificates of election as soon as it is satisfied that no missing return would, if received, change the result of a canvass board based upon the returns at hand, but when the board has information that an election was held at any precinct from which no return has been received, and which return, if received, the board has reason to believe will affect the result of the election, it shall be the duty of the board to wait for the arrival of such return until 4 o'clock post meridian on the 20th day of February in the year after the election, but not longer, and any return received after that time shall not be counted by the board.

It shall be the duty of the Governor to preserve all election returns carefully and inviolate, and, after the certificates of result have been canvassed, to replace the returns into the packages from which they were taken and carefully seal the same and preserve all such returns inviolate for at least 2 years thereafter, unless sooner called upon by the House of Representatives of Congress or some court or tribunal of competent jurisdiction, to produce the same for inspection, or until a recount as hereinafter provided.

It shall also be the duty of the Governor to notify each successful candidate of his election, and to do so by the speediest means of communication.

SEC. 38–5–30. Punishment for infractions of act: All the provisions of section 406, Compiled Laws of Alaska, relative to offenses against the elective franchise shall extend to all infractions of any of the requirements of this act, except where other punishment is provided in this act.

SEC. 38–7–14. Offenses against election laws: Penalties: Jurisdiction: Any person who, by any means, shall hinder, delay, prevent, or obstruct any other person from qualifying himself to vote or from lawfully voting at any election provided for in sections 131–144, 146–149 of this title or who shall knowingly personate and vote or attempt to vote in the name of any other person, or who shall vote more than once at the

same election, or shall vote at a place where or at a time when he may not lawfully be entitled to vote, or shall do any unlawful act to secure an opportunity to vote, for himself or for any other person, or who, by or through any force, threat, intimidation, bribery, reward or offer thereof, unlawfully vote himself or procures another to vote, or prevents or induces another to refrain from exercising his right of suffrage, or induces by any means any officer of an election to do any unlawful act or omit to do his duty in any manner, or who, directly or indirectly, in any manner shall fraudulently change or cause to be changed the returns or the true and lawful result of any election hereunder or shall attempt to do the same, or who shall delay, cause to be delayed, or connive at the delay of election returns in any manner or attempt to do so, shall be guilty of a crime, and upon the conviction thereof shall be punished by a fine of not more than $500 nor less than $100, or imprisoned not more than 3 years, or both, in the discretion of the court, and pay the costs of the prosecution; and every officer of an election held hereunder who neglects to perform or violates any duty imposed upon him as such officer, or knowingly does any unauthorized act with the intent to affect the election or the result thereof, or who shall permit, make, or connive at any false count or certificate of election, or who shall conceal, withhold, destroy, or willfully delay the returns of election, or connive at the same being done, or who shall aid, counsel, or procure any person to do or attempt to do any act made a crime hereinbefore, or guilty of a crime, and upon conviction thereof shall be punished by a fine of not less than $200 nor more than $1,000, or by imprisonment of not more than 5 years, or both, in the discretion of the court, and shall pay all costs of the prosecution; and jurisdiction of all such matters is hereby conferred upon the district court of Alaska.

SEC. 38-8-4. Date of election: Application of laws governing election of Delegate: Elections for members of the Legislature of Alaska shall be held on the second Tuesday in October in the year 1946, and every second year thereafter on the said second Tuesday in October; the regulations governing the creation of voting precincts, the appointment and qualifications of election officers, the supervision of elections, the giving of notices thereof, the forms of ballots, the register of votes, the challenging of voters, and the returns and the canvass of the returns of the result of all such elections for members of the legislature shall be the same as those prescribed in sections 131-144, and 146-149 of this title, and all the provisions of said sections which are applicable are extended to said elections for members of the legislature, and shall govern the same, and the canvassing board created by said sections shall canvass the returns of such elections and issue certificates of election to each member elected to the said legislature; and all the penal provisions contained in section 149 shall apply to elections for members of the legislature as fully as they apply to elections for Delegate from Alaska to the House of Representatives.

ARIZONA

(Unless otherwise designated, references are to Revised Statutes, Annotated, 1956, title 16.)

Coercion or intimidation of elector: It is unlawful for a person, directly or indirectly, to use or threaten to use force, violence, or restrain, or in any other manner to intimidate a person in order to induce him to vote or refrain from voting for a particular person or measure, or to commit such acts on account of a person's having voted or refrained from voting at an election.

It is unlawful for a person, by abduction, duress, or any forcible or fraudulent device, to hinder, prevent, or otherwise interfere with the free exercise of the elective franchise by any voter, or to compel him to either vote or refrain from voting at an election, to vote or refrain from voting for a particular person or measure.

Violation of this provision by a person, whether acting in his individual capacity or as an officer or agent of a corporation, is a misdemeanor, punishable by a fine not exceeding $5,000 (secs. 16-1303, 16-1305).

Intimidation of elector by employer: It is unlawful for an employer to place written or printed material in pay envelopes or, within 90 days prior to an election, to put up notices or placards, etc., in the place of employment, containing express or implied threats intended to influence the political opinions or actions of employees.

Violation of this provision by an employer, whether an individual or a officer or agent of a corporation, is a misdemeanor, punishable by a fine not exceeding $5,000 (sec. 16-1304).

Changing vote of elector by corrupt means: It is unlawful for a person by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly, to attempt to influence an elector in casting his vote or to deter him from casting his vote, or to attempt to awe, restrain, hinder, or disturb an elector in the free exercise of the right of suffrage, or to defraud an elector by deceiving him and causing him to vote for a different person or measure than he intended. A person violating this provision is guilty of a felony (sec. 16-1307).

Primary: The penal provisions involving crimes against the elective franchise apply to general, primary, and special elections (sec. 16-1311).

ARKANSAS

(Unless otherwise designated, references are to Statutes 1947, Annotated, 1956, replacement.)

Intimidation of electors: It shall be unlawful for any person to threaten or attempt to intimidate any elector or his family, his business, or his profession, and it shall also be unlawful to attempt to prevent any qualified elector from voting at any primary election. Violation of this provision shall be deemed a misdemeanor, punishable by a fine of not over $500 (sec. 3-1414).

Intimidation of voters: No person shall coerce, intimidate, or unduly influence any elector to vote for or against the nominee of any political party or for or against any question or candidate, by threat of personal violence or of ejectment from rented premises, of foreclosure of mortgage, of discharge from employment, of any action at law or equity or of expulsion from membership in any church or society. Violation of this provision shall be deemed a felony, punishable by imprisonment in the penitentiary for from 1 to 3 years (sec. 3-1415).

CALIFORNIA

(Unless otherwise designated, references are to Elections Code Annotated—West's—1955.)

Hindering public meeting: Every person is guilty of a misdemeanor who, by threats, intimidation, or unlawful violence, willfully hinders or prevents electors from assembling in public meetings for consideration of public questions (sec. 5004).

Intimidating voter: Every person or corporation is guilty of a misdemeanor who, directly or indirectly, uses or threatens to use force, violence, restraint, or inflicts or threatens to inflict any injury, damage, harm, or loss or other forms of intimidation to compel a person to vote or refrain from voting at any election (sec. 1158).

Interference with free exercise of elective franchise: Every person or corporation is guilty of a misdemeanor who, by abduction, duress, or any forcible or fraudulent means, impedes or prevents the free exercise of the elective franchise by any voter, or who compels or induces a voter either to give or refrain from giving his vote at any election or to vote or refrain from voting for a particular person (sec. 11582).

Election officers: Any election officer who induces or attempts to induce any voter, either by menace or reward, to vote differently from the way he intended to vote, is guilty of a felony (sec. 11583).

Threat by employer: Any employer, whether a corporation or natural person, is guilty of a misdemeanor if he encloses material in the pay envelopes containing threats, express or implied, intended to influence political opinions or actions of employees, or who within 90 days before an election exhibits any placard, etc., in the place of employment containing such threats (secs. 11584, 11585).

Penalty: Any corporation guilty of intimidating a voter shall forfeit its charter (sec. 11586).

Misdemeanor: Unless a different penalty is prescribed, a misdemeanor is punishable by imprisonment in the county jail for not more than 6 months or by fine of not over $500, or by both (Penal Code, sec. 19).

Scope of penalty provisions: All penalty provisions listed above apply to both final elections and primary elections (sec. 11500).

COLORADO

(Unless otherwise designated, references are to Revised Statutes, 1953, ch. 49.)

Intimidation unlawful: It shall be unlawful for any person, directly or indirectly, to use force, violence or restraint, or to inflict or threaten to inflict any injury, harm or loss or other forms of intimidation to induce or compel a person to vote or refrain from voting for any particular person or measure at any election. It shall be unlawful for any person, by abduction, duress, or any forcible or fraudulent means to impede or prevent or interfere with the free exercise of the elective franchise of any voter. It shall be unlawful for an employer, whether corporation, firm, or person, to enclose material in the pay envelopes, containing threats, express or implied, intended to influence the political opinion or actions of employees, or within 90 days before an election, to display placards in the place of employment containing such threats (sec. 49-21-5).

Penalty: Any person convicted of violating the above provision shall be guilty of a misdemeanor, and punished by a fine of not over $1,000 or by imprisonment in the county jail for not more than 1 year, or by both (secs. 49-21-5, 49-21-9).

Discharge or promotion illegal: It shall be unlawful for any corporation or any of its officers to influence or attempt to influence, by force, violence, or restraint or by inflicting or threatening to inflict injury, harm or loss, or by discharging from employment or promoting in employment, or by other intimidation, any employee to vote or refrain from voting at any election or for any particular candidate. Violation of this provision shall be deemed a misdemeanor and shall be punishable as outlined in the "Penalty" provision above. In addition a corporation shall forfeit its charter and right to do business in the State (sec. 49-21-6).

CONNECTICUT

(Unless otherwise designated, references are to 1955 Supplement to the General Statutes.)

Interference with electors in voting: Any person who does any act which invades or interferes with the secrecy of the voting or causes the same to be invaded or interfered with, shall be imprisoned for not more than 5 years (sec. 843d).

Primaries: Any person who influences or attempts to influence the vote or speech of any person in a primary, caucus, or convention by force or threat, shall be fined not

less than $25 nor more than $100, or imprisoned not less than 7 days nor more than 3 months, or be both fined and imprisoned (sec. 821d).

Employers' threats: Any person who within 60 days before an election attempts to influence any employee in his vote, by threats of withholding employment or who dismisses an employee because of the way he voted at an election, shall be fined from $100 to $500 or be imprisoned for from 6 to 12 months, or be both fined and imprisoned (sec. 842d).

DELAWARE

(Unless otherwise designated references are to Code Annotated, 1953, title 15.)

Intimidation by election officer: An election officer who in any way attempts to intimidate or coerce any voter in the marking of his ballot or in the choice of the candidates for whom he votes, or who willfully discloses the manner in which any person has voted, shall be guilty of willful and malicious perjury (as violating his oath of office) and in addition to the penalties for perjury, shall be fined not more than $500, and may be imprisoned for not more than 2 years (sec. 5125).

Intimidation by employer: If any person or corporation hinders, controls, coerces, or intimidates any employee in the exercise of his right to vote at any general, special, or municipal election by threats of depriving him of employment, every elector, so aggrieved, may bring a civil action and recover $500 from such employer (secs. 5162, 5163).

Civil remedy: Any qualified elector who is prevented from voting at any election because of intimidation or threats, or because of the requirement of unconstitutional qualifications, may bring a civil action against the person who promoted such interference, and the court or jury may give exemplary damages (sec. 5304).

Primaries: Whoever, at any primary election, attempts to influence an elector in giving his vote, by force, threat, or intimidation, or prevents or hinders or attempts to prevent or hinder any qualified voter from exercising the rights of suffrage, shall for each offense, be fined not more than $200 or imprisoned not more than 2 years, or shall both be fined and imprisoned (sec. 3168(a)).

FLORIDA

(Unless otherwise designated, references are to Statutes Annotated, 1955 Supplement.)

Corruptly influencing voting: Whoever, by bribery, menace, threat, or other corruption whatsoever, directly or indirectly, attempts to influence or deceive an elector in giving his vote, or to deter him from giving the same, or disturbs or interferes with him in the free exercise of the right of suffrage at any election, shall be guilty of a misdemeanor upon the first conviction and of a felony upon the second conviction (sec. 104.061).

Felony penalty: The penalty for every felony under the election laws, not otherwise specifically provided, shall be imprisonment in the State prison for not more than 1 year or a fine of not more than $5,000, or both (sec. 104.40).

Threats of employers: It shall be unlawful for any person, firm, or corporation to discharge or threaten to discharge any employee for voting or not voting in any State, county, or municipal election for any candidate or measure. Any person violating this provision shall be guilty of a misdemeanor. If a firm or corporation violates this provision, each officer or agent who participated in the violation shall be punished for a misdemeanor, and the firm or corporation, shall, in addition, be fined not more than $1,000 (sec. 104.081).

GEORGIA

(Unless otherwise designated, references are to Code Annotated, 1936.)

Improper voting; disorderly conduct: No person outside a voting room or voting booth shall in any manner, either by words or gestures, attempt to influence or interfere with any voter who is in said room or booth preparing his ballot; nor shall any person enter any booth while a voter is in there; nor shall any person commit any act of disorder, or be guilty of any disorderly conduct in or near the voting rooms or booths (sec. 34–1909).

Violation of this provision shall be a misdemeanor (sec. 34–9918).

Primary: All penal laws relating to illegal practices in general elections are extended to all primary elections held for State, county, or municipal offices (1955 Supp., sec. 34–9933).

HAWAII

(Unless otherwise designated, references are to Revised Laws of Hawaii, 1955.)

SEC. 11–47. Admission within polling place; penalty: The inspectors shall, previously to opening the polls, set apart a space of 25 feet in front of and a 12½-foot space on either side of the entrance to the polling place to prevent interference with the conduct of the election; and no person, other than the inspectors, the candidates and such voters as are for the time being actually engaged in voting, shall be permitted within the space so set apart during the time appointed for voting. Any person influencing, or attempting to influence, or attempting to interfere in any manner with any voter while such voter is within such defined space for the purpose of voting, shall be fined not more than $500, or imprisoned not more than 1 year, or both; provided, that in event a voter is manifestly physically disabled, such voter may be assisted by anyone through the place so set apart to the entrance to the voting place.

SEC. 11–116. Penalties: Any person who offers any bribe or makes any promise of gain, or with knowledge of the same permits any person to offer any bribe or make any promise of gain for his benefit, to any voter to induce him to sign an election paper, and any person who accepts any bribe or promise of gain of any kind as consideration for signing the same, whether the bribe or promise of gain be offered or accepted before or after signing, shall be fined not less than $25 nor more than $500, or imprisoned not less than 10 days nor more than 6 months, or both.

This part shall be deemed to be a part of the election laws of the Territory within the meaning of all provisions therein respecting offenses against such laws.

SEC. 11–211. Election frauds: The following persons shall be deemed guilty of an election fraud:

(a) Every person who directly or indirectly, personally or through another, gives, procures or lends, or agrees or offers to give, procure or lend, or who endeavors to procure, any money or office or place of employment or valuable consideration to or for any elector, or to or for any person for an elector, or to or for any person in order to induce any elector to vote or refrain from voting, or to vote or refrain from voting for any particular person or party, or who does any such act on account of any person having voted or refrained from voting for any particular person at any election.

(b) Every person who directly or indirectly, personally or through another, makes any such gift, loan, offer, promise, procurement or agreement to any person except to such assistants as are permitted by law, in order to induce such person to procure or endeavor to procure the election of any person to the legislature; or to procure the vote of any elector at any election.

(c) Every person who advances or pays, or causes to be paid, any money to, or to the use of, any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or for any purpose connected with or incidental to any election other than the objects and purposes for which money is by law allowed to be expended, excepting only reasonable expenses for conveying voters to the polling places on election days; or who knowingly pays or causes to be paid any money to any person in the discharge or repayment of any money wholly or partly expended in bribery at any election, or for any purpose connected with or incidental to any election, other than the objects and purposes for which money is by law allowed to be expended.

(d) Every elector who, before, during or after any election, directly or indirectly, personally or through another, receives, agrees or contracts for any money, gifts, loan or valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or for refraining to vote or agreeing to refrain from voting, or for voting or refraining to vote for any particular person or party.

(e) Every person who shall at any election, personally or through another, or by any ways or means on his behalf, directly or indirectly, gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, entertainment or provision to or for any person in order to be elected, or for being elected, or for procuring the election of any candidate, or for the purpose of influencing such person or any other person to vote or refrain from voting; or for voting or refraining from voting for any particular person or party, at such election, or on account of such person having voted or refrained from voting, or voted or refrained from voting for any particular person or party.

(f) Every person who directly or indirectly, personally or through another, makes use of, or threatens to make use of, any force, violence or restraint; or inflicts or threatens to inflict any injury, damage or loss in any manner, or in any way practices intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting for any particular person or party, at any election, or on account of such person having voted or refrained from voting, or voted or refrained from voting for any particular person or party; or who by abduction, distress or any device or contrivance impedes, prevents or otherwise interferes with the free exercise of the elective franchise.

(g) Every person who, at any election, votes or attempts to vote in the name of any other person, living or dead, or in some fictitious name, or who, having once voted, votes or attempts to vote again, or knowingly gives or attempts to give more than one ballot for the same office at one time of voting.

(h) Every person who, before or during an election, knowingly publishes a false statement of the withdrawal of any candidate at such election.

(i) Every person who induces or procures any person to withdraw from being a candidate at an election in consideration of any payment or gift, or valuable consideration; or of any threat; and every candidate who withdraws from being a candidate in pursuance of such inducement or procurement.

(j) Every public officer by law required to do or perform any act or thing with reference to any of the provisions in any law concerning elections contained, who willfully fails, neglects, or refuses to do or perform the same, or who willfully performs it in such a way as to hinder the objects thereof, or who is guilty of any willful violation of any of the provisions thereof.

SEC. 11–212. Penalties; disqualification for, removal from office; reports of convictions to Secretary of Territory: Every person found guilty of an election fraud shall be fined not less than $100 nor more than $1,000, or imprisoned at hard labor not more than 2

years, or both. Besides such punishment, such person shall be disqualified from voting and from holding any office under the government, and from being elected to or occupying a seat in the legislature. If the person so convicted holds any office, either elective or appointive, at the time of such conviction, such office shall at once and without mention in such sentence or other proceeding, be vacated by the conviction. The judge or magistrate before whom the conviction is had shall immediately transmit to the secretary of the Territory the name of such person, the offense of which he has been convicted, and the sentence of the court.

SEC. 11–213. Misdemeanors. The following persons shall be guilty of a misdemeanor:

(a) Every person, except such assistants as are by law specifically authorized to be employed, who shall, for the purpose of promoting or preventing the election of any candidate at any election, be engaged or employed for payment or promise of payment, or for any valuable consideration, to act as agent, clerk or messenger, or in any other capacity.

(b) Every person furnishing, hiring, or using any premises or portion thereof licensed to sell beer, wines or spirits, as a committee room for the purpose of promoting the election of any candidate at any election.

(c) Every person who is disorderly or creates a disturbance whereby any meeting of the board of registration of voters or of the inspectors of election during an election shall be disturbed or interfered with; or whereby any person who intends to be lawfully present at any such meeting or election is prevented from attending; or who causes any disturbance at any election; and every person assisting or aiding or abetting any such disturbance.

(d) Any candidate who fails or neglects to furnish the list of agents prescribed in section 11–48.

(e) Every person who, either in person or through another, in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any meeting of the board of registration of voters, or in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any election.

(f) Every person who, being a candidate for election, or any agent of any such candidate, or a member of any committee acting for or on behalf of any such candidate, fails to file the statement of expenses or of lack of expenses, as required by law.

(g) Every person who willfully violates or fails to obey any of the provisions of law, punishment for which is not otherwise in this part specially provided for.

(h) Any person who willfully tears down or destroys or defaces any election proclamation or any poster or notice or list of voters or card of instructions or specimen ballot, issued or posted by authority of law.

SEC. 11–214. Penalty: Any person convicted of a misdemeanor under the provisions of this part shall be fined not more than $500, or imprisoned not more than 6 months, or both.

SEC. 11–215. Other prosecutions: Any person in any way violating any of the provisions of this part may also be prosecuted for the violation of any other then existing law, rule or regulation.

IDAHO

(Unless otherwise designated, references are to code, 1948.)

Intimidation, corruption, and frauds: Every person, who, by force, threats, menaces, bribery, or any corrupt means, directly or indirectly, attempts to influence an elector in giving his vote or to deter him from giving same, or to awe, restrain, hinder, or disturb him in the free exercise of his right of suffrage, or defrauds an elector at an election by deceiving him and causing him to vote differently than he intended, or who, being an officer of any election, induces or attempts to induce any elector, by menace or reward, to vote differently than he desired, is guilty of a misdemeanor (sec. 18–2305), punishable by imprisonment in a county jail for not more than 6 months, or by a fine of not over $300, or by both (sec. 18–113).

Interference with election: Any person who willfully disturbs any election place, or is guilty of riotous conduct near such place with intent to disturb same, or interferes with the access of electors to the polling place, or interferes in any manner with the free exercise of the election franchise of any of the voters there assembled, is guilty of a misdemeanor, punishable as stated above (sec. 18–2313).

Attempt to influence vote: No person shall attempt to influence the vote of any elector by means of a promise of a favor, or by means of violence or threats of violence, or threats of withdrawing custom or business dealing, or enforcing of a debt, or discharging from employment, or bringing a suit or criminal process, or any other threat or injury to be inflicted on him, or by any other means (sec. 18–2319). Violation of this provision is punishable by a fine not exceeding $1,000, or by imprisonment in the State prison not exceeding 5 years, or by both (sec. 18–2315).

ILLINOIS

(Unless otherwise designated, references are to Smith-Hurd Annotated Statutes, 1944, chapter 46.)

Offenses involving polling places: No person shall interrupt, hinder, or oppose any voter while approaching the polling place for the purpose of voting. Violation of this provision is punishable by a fine of from $50 to $500, or by imprisonment in the county jail for not more than 1 year, or by both, in the discretion of the court, for each offense. It shall be the duty of judges of election to enforce this provision (sec. 29–14).

Miscellaneous offenses: Any person, who, at a primary or any election, shall (1) by force, threat, menace, intimidation, bribery, or otherwise unlawfully, directly or indirectly, induce or attempt to induce any voter or any person to exercise the right of franchise, or to vote for or against any person or measure, or (2) intentionally practice any fraud on any elector regarding his ballot, or (3) otherwise defraud him of his vote, or (4) by unlawful means prevent or attempt to prevent any voter from attending or voting at an election or primary, shall be fined not more than $5,000 or imprisoned in the county jail for not more than 1 year, or imprisoned in the penitentiary for from 1 to 5 years (sec. 29–16).

INDIANA

(Unless otherwise designated, references are to Burma Statutes Annotated, 1949, replacement.)

Using violence, threats, or restraint: Whoever, for the purpose of influencing a voter, by violence or threats, seeks to enforce the payment of a debt, or ejects or threatens to eject a person from any house he may occupy, or begins a criminal prosecution, or injures the business or trade of a person, or threatens to withhold the wages of or to dismiss from service, any laborer in his employ, or refuses to allow such employee time to vote, shall be guilty of a felony (sec. 29–5941).

Coercion by election board officer: Any member of a precinct election board, who attempts, by persuasion, menace, or reward to induce any elector to vote for any person, shall be guilty of a misdemeanor (sec. 29–5935).

Defrauding voter: Whoever fraudulently causes or attempts to cause any voter, at any election, to vote for a different person than he intended, shall be guilty of a misdemeanor (sec. 29–5938).

Bribery or threat by candidate: Whoever gives or offers a bribe or makes a threat to procure his election to any office, shall be guilty of a felony (sec. 29–5907).

Threats by employer: Every employer who places written or printed material in the pay envelopes, or, within 90 days prior to an election or primary, exhibits placards, etc., in his place of employment, containing express or implied threats intended to influence the political opinions or actions of such employees, shall be guilty of a misdemeanor (sec. 29–5711).

Felonies, penalty: A person, convicted of a felony under the election laws, shall be imprisoned for from 1 to 5 years in either the State prison or the reformatory, as may be required by law, and shall be disfranchised for any determinate period, to which may be added a fine of from $50 to $1,000 (sec. 29–5964).

Misdemeanors, penalty: Any person convicted of a misdemeanor under the election laws may either be fined from $1 to $500, or be imprisoned in either the county jail or the State farm for from 30 days to 1 year, or by both such fine and imprisonment, and shall be disfranchised for any determinate period not to exceed 5 years (sec. 29–5965).

IOWA

(Unless otherwise designated, references are to code annotated, 1949.)

Prohibited acts: Interrupting, hindering, or opposing any voter while in or approaching the polling place for the purpose of voting, or interfering or attempting to interfere with a voter when inside the closed space or when marking his ballot, are prohibited on any election day (sec. 49.107).

Any violation of these provisions is punishable by a fine of from $5 to $100, or by imprisonment for from 10 to 30 days in the county jail, or by both (sec. 49.108).

Duress to prevent voting: If any person unlawfully and by force or threats of force prevents or attempts to prevent an elector from giving his vote at any public election, he shall be imprisoned in the county jail for not more than 6 months, and fined not more than $200 (sec. 738.13).

Procuring vote by duress: If any person, by means of violence, threats of violence, or threats of withdrawing custom or business dealing, or enforcing the payment of debts, or bringing a civil or criminal action or by any other threat of injury, endeavors to procure the vote of any elector, at any election, or the influence of any person over other electors, either for himself or for or against any candidate, he shall be fined not more than $500 or imprisoned in the county jail for not more than 1 year (sec. 738.15).

Intimidation by employer: Any employer who shall refuse to allow an employee 2 hours to vote at a general election or who shall reduce his wages for such privilege, or who shall attempt to influence an employee's vote by reward or by threats of discharge, or shall otherwise attempt to intimidate an employee from exercising his right to vote, shall be fined not less than $5 nor more than $100 (sec. 49.110).

KANSAS

(Unless otherwise designated, references are to General Statutes Annotated, 1949.)

Unlawful attempt to deter voting: If any person, by menaces, threats, or force, or other unlawful means, directly or indirectly attempts to influence a voter in giving his vote, or to deter him from giving the same, or hinders him in the free exercise of his right of suffrage, at any election, he shall be guilty of a misdemeanor, punishable by a fine of not over $500, or by imprisonment in the county jail for not more than 1 year (sec. 21–815).

Hindering voters: Any person who shall willfully hinder the voting of others shall be punished by a fine of from $10 to $100,

or by imprisonment in the county jail for from 10 to 30 days or by both (sec. 25–1717).

Hindering voters at polls: No person shall interrupt, hinder, or oppose any voter while approaching the polling place for the purpose of voting. Violation of this provision is punishable by a fine of from $25 to $100, or by imprisonment in the county jail for from 10 to 30 days, or both such fine and imprisonment, for each offense (sec. 25–1719).

KENTUCKY

(Unless otherwise designated, references are to Kentucky Revised Statutes, 1953.)

Interfering with election: Any person who unlawfully prevents or attempts to prevent any voter from casting his ballot, or intimidates or attempts to intimidate a voter to prevent him from casting his ballot, shall be confined in the penitentiary for from 1 to 5 years for each offense (sec. 124.140).

Coercion by employer: No person shall coerce an employee to vote for any political party or candidate for nomination or election to any office in the State, or threaten to discharge an employee for exercising his right of suffrage or for voting for any candidate, nor shall an employer circulate statements that employees are expected to vote for any candidate, party, or measure (sec. 123.110 (1)).

Any person who violates this provision shall be fined from $1,000 to $5,000, or imprisoned in the county jail for not more than 6 months, or shall be both so fined and imprisoned (sec. 123.990 (13)).

LOUISIANA

(Unless otherwise designated, references are to Revised Statutes Annotated, West's, 1951.)

Primary: No person shall intimidate any voter at a primary election. Violation of this provision is punishable by a fine of from $50 to $500 and imprisonment for from 6 months to 2 years (sec. 18.369(8)).

Obstructing voter: No person shall willfully and without lawful authority obstruct, hinder, or delay any voter on his way to a polling place to vote in an election. Violation of this provision is punishable by a fine of not over $1,000, or imprisonment for not more than 1 year (secs. 18.587, 18.589).

Hindering voters: Prior to or during an election, no person shall willfully hinder the voting of others. Violation of this provision is punishable by a fine of not over $1,000 or imprisonment for not more than 1 year (secs. 18.736. 18. 589).

Public intimidation: The use of violence, force, or threats upon a voter in a general, primary, or special election to influence his conduct, is deemed public intimidation and is punishable by a fine of not over $1,000, or imprisonment with or without hard labor for not more than 5 years, or both (sec. 14.122(4)).

MAINE

(Unless otherwise designated references are to Revised Statutes, 1954, ch. 5.)

Interfering with voter: Any person who shall interfere or attempt to interfere with any voter while inside the voting enclosure or while marking his ballot shall be fined from $5 to $100. Election officers shall report any such person to a police officer or constable, whose duty it shall be to see that the offender is duly brought before the proper court (sec. 107).

Corruption at elections: Whoever by menace, bribery, or other corrupt means, directly or indirectly attempts to influence a voter in giving his vote or to induce him to withhold his vote, or hinders or disturbs him in the free exercise of his right of suffrage at any election, shall be fined not more than $500, or imprisoned for not more than 11 months, and shall be ineligible to office for 10 years (sec. 109).

MARYLAND

(Unless otherwise designated, references are to annotated code of Maryland, Flack, 1951, art. 33.)

Hindering voters: If, at any general, special, or primary election, any person shall by force, threat, menace, intimidation, or bribery, either directly or indirectly influence or attempt to influence any voter in giving his vote or hinder or attempt to hinder a voter from freely voting or induce him to vote, such person shall be imprisoned in jail or in the penitentiary for from 6 months to 5 years (sec. 179).

Coercion by employer: Any employer, whether an individual or a corporation, who shall deny an employee time off for voting at a general, special, or primary election or shall directly or indirectly hinder him from exercising his right to vote freely or shall attempt to influence his vote by threats concerning his employment, shall be guilty of a misdemeanor, punishable, for each offense, by a fine of not over $500 or imprisonment in jail for not over 6 months, or both, in the discretion of the court (sec. 180).

MASSACHUSETTS

(Unless otherwise specified, references are to Annotated Laws, Michie, 1953 edition.)

Corrupt practice by candidate: A candidate is deemed to have committed a corrupt practice if he fraudulently and willfully obstructs and delays a voter in a general election, primary, or caucus (ch. 55, secs. 27, 29).

If five or more persons have reason to believe that a corrupt practice has been committed by any successful candidate, other than a candidate for the U.S. Congress or the general court, such voters may apply to a justice of the superior court sitting in equity in Suffolk County for leave to bring an election petition declaring the election of such candidate void (ch. 55, sec. 28).

A candidate found guilty, upon an election petition, of such corrupt practice, who forfeits his office, or who is convicted in a criminal proceeding of violating a law relating to corrupt practices in elections, shall be disqualified to hold office and to vote, for 3 years (ch. 55, sec. 37).

Interfering with voter: Whoever willfully and without lawful authority hinders, delays, or interferes with a voter while on his way to a primary, caucus, or election, or while within the guardrail, or while marking his ballot, or while voting or attempting to vote, shall be fined not more than $500, or imprisoned not more than 1 year (ch. 56, sec. 29).

Obstructing voting: Whoever willfully obstructs the voting at a primary, caucus, or election shall be fined not more than $100 (ch. 56, sec. 30).

Coercion by employer: No person shall by threats to discharge or to reduce wages, or promises of rewards, attempt to influence his employee to either give or withhold a vote, nor shall he discharge an employee or reduce his wages because he gave or withheld a vote. Violation of this provision is punishable by imprisonment for not more than 1 year (ch. 56, sec. 33).

MICHIGAN

(Unless otherwise designated, references are to Statutes, Annotated, 1956 Revision, title 6.)

Violation deemed felony: Any person who shall, by menace, bribery, or other corrupt means, directly or indirectly, attempt to influence any elector in giving his vote or to deter him from or interrupt him in giving same at any general or primary election, shall be guilty of a felony (sec. 6.1932(a)), punishable by a fine not exceeding $1,000, or by imprisonment in the State prison for not more than 5 years, or both, in the discretion of the court (sec. 6.1935).

Coercion by employer: It shall be unlawful for an employer, whether an individual, firm, or corporation, to enclose written or printed matter in the pay envelopes, or within 90 days before a primary or general election, to exhibit a placard, etc., in establishment where his workers will see it, containing express or implied threats concerning employment, intended to influence the political opinion or actions of his employees (sec. 6.1912). Violation of this provision is deemed a misdemeanor (sec. 6.1931(d)), punishable by a fine not exceeding $500, or by imprisonment in the county jail for not more than 90 days, or by both, in the discretion of the court (sec. 6.1934).

MINNESOTA

(Unless otherwise designated, references are to Statutes, Annotated, 1946.)

Coercing voters: Any person who, within or without any polling place, directly or indirectly uses or threatens to use force, violence, or restraint, or causes or threatens to cause damage, harm, or loss to any person, with intent to induce or compel a person to vote or refrain from voting or to vote in a particular way at any election, or who by abduction, duress, or other fraudulent device, impedes the free exercise of the right of franchise at any election, shall be guilty of a gross misdemeanor (sec. 210.05).

Undue influence by candidate: No person shall, directly or indirectly, use or threaten to use force, coercion, violence, restraint, or undue influence or shall inflict or threaten to inflict any injury, loss, or harm, upon any person in order to compel him to vote or refrain from voting in any particular way; nor shall anyone by abduction, duress, or fraudulent means impede or prevent the free exercise of the franchise by any voters at a primary or election or to induce an elector to give or refrain from giving his vote at a primary or election (sec. 211.12). Violation of this provision is deemed a gross misdemeanor (sec. 211.30).

Refusing employee election privilege: Any person who, as principal or as agent for another, shall directly or indirectly refuse, abridge, or interfere with the election privileges of an employee, shall be guilty of a misdemeanor (sec. 210.11).

Coercion by employer: No employer or his agent shall make any verbal or written, express or implied threats against his employees, involving their employment, with the intention of influencing their political opinion or action (sec. 211.24). Violation of this provision by any person as an individual shall be deemed a gross misdemeanor (sec. 211.30). Violation by an officer or agent of a corporation shall be punished by a fine of from $100 to $5,000, or by imprisonment in the State prison for from 1 to 5 years or by both (sec. 211.28). Violation by an officer shall be deemed prima facie evidence of violation by the corporation. It is made the duty of the county attorney to conduct prosecutions under this chapter (211) on proper complaint.

MISSISSIPPI

(Unless otherwise designated, references are to code, 1942.)

Intimidating electors: Whoever shall procure or endeavor to procure the vote of any elector or the influence of any person over electors, at any election, by violence, threats of violence, threats of withdrawing trade, or of enforcing a debt, or of bringing civil or criminal action, or of inflicting any injury, shall be imprisoned in the county jail for not more than 1 year, or shall be fined not more than $1,000, or shall be both so fined and imprisoned (sec. 2032).

Intimidating electors: Any person who shall by illegal force or threats of force, prevent or attempt to prevent any elector from giving his vote, shall be punished by imprisonment in the penitentiary for not more

than 2 years, or in a county jail for not more than 1 year, or by a fine of not over $500, or by both fine and imprisonment (sec. 2106).

Coercing employees in primary: It shall be unlawful for any employer, whether an individual, firm, or corporation, to directly or indirectly coerce his employees to vote for any particular person or party in a primary election, by express or implied threats involving their employment (sec. 3172). Violation of this provision is punishable by a fine of not over $500 or imprisonment in the county jail for not more than 1 year, or both, and if violation is by a candidate, he shall forfeit his nomination (sec. 3193(a)).

MISSOURI

(Unless otherwise designated, references are to Vernon's Annotated Statutes, 1952.)

Violence to influence voter: Any person who shall, directly or indirectly, use or threaten to use force, violence or restraint, or shall inflict or threaten to inflict any injury, damage, or loss upon or against any person in order to compel him to vote or refrain from voting at any election, or who shall by abduction, fraud or duress, impede or prevent the free exercise of the franchise by any elector or shall thereby induce him to vote or refrain from voting, shall be imprisoned in the county jail for from 1 month to 1 year (sec. 129.050).

Intimidating voters: If any person by menaces, threats or force, or other unlawful means, attempts to influence any qualified voter in giving his vote, or to deter him from giving same, or to disturb or hinder him in the free exercise of his right of suffrage at any election, he shall be adjudged guilty of a misdemeanor (sec. 129.430).

Interference with voter: Any person who shall interfere or attempt to interfere with any voter when inside the guardrail or when marking his ballot, shall be deemed guilty of a misdemeanor (sec. 129.880).

Coercion by employer: Every person, whether an individual employer or an officer or agent of a firm or corporation, who shall directly or indirectly discharge or attempt to discharge any employee for his political opinions or who shall coerce or threaten to coerce, intimidate, or bribe any employee in an attempt to influence him to vote or refrain from voting for any candidate or measure at any election, shall be deemed guilty of a felony, punishable by imprisonment in the penitentiary for from 2 to 5 years (sec. 129.080).

Violation of this provision by a corporation shall be held as a forfeiture of its charter or franchise, which may be so adjudged in a suit brought by the county or circuit prosecuting attorney or by the attorney general (sec. 129.070).

Denial of time to vote: Any person or corporation who shall deny an employee a certain time for voting without a penalty or reduction in wages, shall be guilty of a misdemeanor, punishable by a fine of not over $500 (1956 Supp., sec. 129.060).

MONTANA

(Unless otherwise designated, references are to revised codes, 1947.)

Intimidating electors: Every person who, directly or indirectly, by force, threats, menaces, bribery, or other corrupt means, attempts to influence an elector in giving his vote, or to deter him from giving same, or who attempts by any means to awe, restrain, hinder or disturb any elector in the free exercise of his right of suffrage, is guilty of a misdemeanor, punishable by a fine of not over $1,000, or imprisonment of not over 1 year, or both (sec. 94-1411).

Preventing public meetings of electors: Every person who, by threats, intimidation, or violence, willfully hinders or prevents electors from assembling in a public meeting for the consideration of public questions, is guilty of a misdemeanor (sec. 94-1419).

Coercion by employer: It shall be unlawful for any employer, whether individual or corporation, to enclose printed or written material in the pay envelopes, or, within 90 days prior to an election, to display placards, etc., in his working establishment, containing express or implied threats or promises regarding their employment, with the intention of influencing the political opinion or actions of his employees. Violation of this provision by an individual is a misdemeanor, punishable by a fine of from $25 to $500, and imprisonment for not over 6 months in the county jail. Violation by a corporation is punishable by a fine of not over $5,000, or forfeiture of its charter, or both (sec. 94-1424).

NEBRASKA

(Unless otherwise designated, references are to Revised Statutes, 1943, reissue of 1952.)

Registration: If at any registration of voters, any person, by force, threat, menace, intimidation, bribery, or other unlawful means, shall prevent, hinder, or delay any qualified person from being registered, he shall be guilty of a felony, punishable by imprisonment in the State prison for from 1 to 5 years (sec. 32-1224(7)).

Obstructing voters: It shall be unlawful for any person to willfully or wrongly obstruct or prevent persons from voting who have the right to do so, at any election. Violation of this provision is a misdemeanor, punishable by imprisonment in the county jail for from 1 to 6 months. This shall apply to all elections and caucuses (sec. 32-1237(2)).

Coercion by employer: It shall be unlawful for any person, firm, or corporation to coerce or attempt to coerce an employee in his voting at any caucus, convention, or election by threats concerning his employment. Violation of this provision is punishable by a fine of not over $100, or imprisonment in the county jail for not over 30 days (sec. 32-1223).

NEVADA

Coercion of voters: Every person who shall, directly or indirectly, use or threaten to use force, coercion, violence, restraint, or undue influence or other means or who shall inflict or threaten to inflict injury, damage or harm, or publish or threaten to publish any fact concerning a person in order to induce him to vote or refrain from voting for any candidate, party, or measure, or who shall by abduction, fraud, or duress, or by threats to discharge an employee, impede or prevent a voter from exercising freely his right of suffrage, shall be guilty of undue influence and shall be punished as for a gross misdemeanor (Laws, 1951, ch. 242, p. 360).

Time off to vote: Any employer who shall deny an employee certain time for voting without penalty or reduction in wages, shall be guilty of a misdemeanor (Laws, 1955, ch. 203, p. 301).

NEW HAMPSHIRE

(Unless otherwise designated, references are to Revised Statutes Annotated, 1955.)

Intimidation: If any person shall, directly or indirectly, by threats, intimidation, or bribery, induce or attempt to induce any voter to stay away from, or to avoid voting at, or to vote for or against any candidate in any town meeting, primary, or election, he shall be fined not more than $500 or imprisoned for not more than 3 months (sec. 69: 11).

NEW JERSEY

(Unless otherwise designated, references are to Statutes Annotated, 1940, title 19.)

Obstructing voter: A person who shall, on election day, obstruct or interfere with any voter, shall be guilty of a misdemeanor, punishable by a fine of not over $500, or by imprisonment for not more than 1 year, or both (1956 Supp., sec. 19: 34-6).

Intimidating voters: No person shall, directly or indirectly, use or threaten to use force, violence, or restraint, or shall inflict or threaten to inflict any injury, damage, harm, or loss on any person in order to induce him to vote or refrain from voting at any election, or for any particular person, or on account of such person having voted or refrained from voting at any election (1956 Supp., sec. 19: 34-28).

Hindering voter: Whoever shall, at any election, in any way, willfully hinder or prevent a voter from casting his legal vote, knowing such person to have a right to vote, shall be guilty of a misdemeanor, punishable by a fine of $500, or imprisonment in the State prison for 3 years, or both (sec. 19: 34-20).

Interfering with voter: Any person who shall, by abduction, duress, force, or fraud, impede, prevent or interfere with the free exercise of the elective franchise by any voter, or induce him to vote or refrain from voting at any election or for any particular candidate shall be guilty of a misdemeanor (secs. 19: 34-29, 19: 34-31). An employer who shall so act toward an employee shall be guilty of a misdemeanor, punishable by fine of not over $2,000, or imprisonment for not over 5 years, or both (sec. 19: 34-27), and any corporation so acting, shall forfeit its charter (sec. 19: 34-41).

Expenditures prohibited: No person shall contribute money toward the hiring of a person to obstruct, hinder, or prevent the forming of lines of voters awaiting their turn to enter a polling place to vote (sec. 19: 34-38d).

Coercion by employer: No employer shall insert written or printed material into the pay envelopes, or, within 90 days before an election, shall exhibit placards, etc., in his establishment, containing express or implied threats relative to their employment, with the intention of influencing the political opinions or actions of his employees (sec. 19: 34-30).

Violation of this provision is punishable as for "Interfering With Voter," above.

NEW MEXICO

(Unless otherwise designated, references are to statutes, 1953, annotated.)

Intimidating voter: Any person who shall willfully coerce, browbeat, intimidate, or threaten any voter within a polling place, or shall attempt to do so in order to influence the voter in marking his ballot, shall be guilty of a misdemeanor, punishable by a fine of not over $200, imprisonment for not more than 6 months, or both (sec. 3-8-29).

Intimidation: Any person who shall, directly or indirectly, use force, violence, or restraint or shall inflict or threaten to inflict injury, damage, or loss on any person to induce him to vote or refrain from voting for any candidate, party, or measure, or who shall by abduction, fraud, or duress, impede or prevent the free exercise of his right of suffrage by any elector, shall be guilty of a felony, punishable by a fine of from $500 to $1,000, or by imprisonment in the penitentiary for from 1 to 5 years, or by both (sec. 3-8-17).

Coercion by employer: Any employer, whether individual, firm, or corporation, who shall directly or indirectly discharge or threaten to discharge any employee on account of his political opinion, or who shall by corrupt means attempt to induce him to vote or refrain from voting for any candidate or measure, shall be fined from $100 to $1,000, or imprisoned for not more than 6 months, or both (sec. 3-18-15).

NEW YORK

(Unless otherwise designated, references are to penal law (McKinney's), 1949.)

Hindering voter: Any person who willfully and unlawfully hinders or delays or aids in obstructing or delaying an elector on his way to register or vote or while he is attempting to register or vote in a general or special election, is guilty of a misdemeanor (sec. 764(3)).

Intimidation of elector in military service: Any person, who, directly or indirectly by menace, bribery, or other corrupt means attempts to control an elector in the military service of the United States in the exercise of his election rights, or who annoys, injures, or punishes him for the manner in which he exercises those rights, is guilty of a misdemeanor for which he may be tried in the future when in the State, and upon conviction of which he shall thereafter be ineligible to any office in the State (sec. 771).

Intimidation of electors: It shall be unlawful for any person to intimidate, threaten, or coerce, or to attempt to intimidate, threaten, or coerce any person for the purpose of interfering with his right to vote or to vote as he may choose. Violation of this provision shall be punishable by a fine of not over $1,000, or imprisonment for not over 1 year, or both (sec. 772–a(1)).

Duress and intimidation of voters: Any person or corporation who directly or indirectly uses or threatens to use force, violence, or restraint, or threatens to inflict any injury, damage, or loss on, or otherwise intimidates, any person in order to induce him to vote or to refrain from voting at any election for or against any person or measure, or to refrain from registering to vote, or for having registered and voted, or for having refrained from registering and voting, or who by abduction, duress, or fraud interferes with his free exercise of his right of suffrage, is guilty of a misdemeanor and, if a corporation, shall in addition forfeit its charter (sec. 772(1)(2).

Coercion by employer: Any employer who inserts in the pay envelopes written or printed matter, or, within 90 days before a general election displays placards, etc., in his establishment, containing express or implied threats relating to their employment, intended to influence the political opinion or actions of his employees, is guilty of a misdemeanor, and if a corporation, shall in addition forfeit its charter (sec. 772(3)).

NORTH CAROLINA

(Unless otherwise designated, references are to General Statutes, 1952 Recompilation.)

Interference with voters: Any person who shall interfere with or attempt to interfere with any voter when inside enclosed polling space or when marking his ballot, shall be guilty of a misdemeanor and shall be fined or imprisoned or both, in the discretion of the court (sec. 163–176).

Intimidation: Any person who shall, in connection with any primary or election, directly or indirectly, discharge or threaten to discharge from employment, or otherwise intimidate or oppress any qualified voter on account of any vote such voter may cast or intend to cast or not to cast, or which he may have failed to cast, shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, in the discretion of the court (sec. 163–196 (6)).

NORTH DAKOTA

(Unless otherwise designated, references are to Revised Code of 1943.)

Hindering electors: Every person who by force, threat, bribery, or other corrupt means, directly or indirectly, attempts to influence an elector in giving his vote at any election, or to deter him from giving his vote, or who attempts by any means to owe, restrain, hinder, or disturb an elector in the free exercise of his right of suffrage or to induce him to vote differently than he intended to vote, is guilty of a misdemeanor, punishable by a fine of from $100 to $1,000 and by imprisonment in the county jail for from 3 months to 1 year and shall forever be disfranchised and ineligible to any office of trust or profit within the State (sec. 12–1106).

Obstructing elector: Every person who willfully and without authority, obstructs, hinders, or delays any elector on his way to the polls to vote, is guilty of a misdemeanor (sec. 12–1111).

Unlawful influence: Every person, who, willfully, by unlawful arrest, force and violence, threats of violence, intimidation, threats of withdrawing trade or of enforcing payment of debts, or of bringing civil or criminal action, or by any other threat of injury, endeavors to prevent an elector from freely giving his vote at any election, or hinders him from voting or attempts to influence his vote, is guilty of a misdemeanor (sec. 12–1121).

OHIO

(Unless otherwise designated, references are to Revised Code, Page's, 1954.)

Congregating at the polls: Nobody shall congregate in or about a voting place during the voting, so as to hinder an elector in registering or casting his ballot, after having been ordered by the election officer to disperse. Violation of this provision is punishable by a fine of from $20 to $300, or imprisonment for not more than 6 months, or both (sec. 3599.30).

Intimidation: No person shall before, during, or after any primary, convention, or election, attempt by intimidation, coercion, or other unlawful means to induce a delegate or an elector to register or to vote, or to refrain from registering or from voting for a particular person or measure.

Violation of this provision is deemed bribery and is punishable by a fine of not over $1,000, or imprisonment of from 1 to 3 years, or both, and if offender is a candidate for office or has been elected to office, he shall forfeit such nomination or office (1956 supp., sec. 3599.01 (B)).

Coercion by employer: No employer shall insert in pay envelopes or shall post on placards, etc., any express or implied threats concerning their employment, with intent to influence the political opinion or votes of his employees.

Violation of this provision is a corrupt practice, punishable by a fine of from $500 to $1,000 (sec. 3599.05).

Second offense: Any person who is again convicted of a violation of the election laws, whether for the same offense or not, shall be fined from $500 to $1,000, or imprisoned for from 1 to 5 years, or both, and in addition shall be disfranchised (1956 supp., sec. 3599.39).

OKLAHOMA

(Unless otherwise designated, references are to Statutes, Annotated, 1937, title 21.)

Obstructing elector on way to polls: Every person who willfully and without authority, obstructs, hinders, or delays any elector on the way to the polls to vote, is guilty of a misdemeanor (sec. 186).

Preventing public meeting: Every person, who, by threats, intimidation, or unlawful violence, willfully hinders or prevents electors from assembling in, or prevents an elector from attending public meetings to consider public questions, is guilty of a misdemeanor (sec. 212, 213).

Intimidating voter: Every person who willfully, by unlawful arrest, force, violence, threats, or intimidation, prevents or attempts to prevent an elector from freely giving his vote at an election or attempts to hinder him from voting or to cause him to vote for any person or candidate, shall be fined from $50 to $1,000 (sec. 214).

Illegally influencing vote: Every person who procures or attempts to procure the vote of any elector either for himself or for or against any candidate, by means of violence, threats of violence, threats of withdrawing trade, of enforcing payment of debts, of bringing civil or criminal action, or any other threats of injury, shall be fined not more than $1,000 and imprisoned in the county jail for not over 6 months (sec. 215).

Intimidations: If any person in any manner intimidates or attempts to intimidate or deter anyone from voting at a general or primary election, he shall be fined not less than $10, or be imprisoned for not more than 3 months (title 26, sec. 479).

Coercion by employer: Every employer, whether individual, firm, or corporation, who denies employees certain time for voting in an election, shall be deemed guilty of a misdemeanor, punishable by a fine of from $50 to $500 for each elector so denied, and every agent of employer who violates this provision, shall in addition to the fine, be imprisoned in the county jail for from 2 to 6 months (title 26, sec. 438).

Employer corporation: Any corporation which attempts to influence the votes of its employees or of other persons by threat, intimidation, bribe, or other corrupt means, shall be guilty of a misdemeanor, punishable by a fine of from $500 to $5,000, and the person acting as its agent, who so acts shall be fined from $500 to $1,000 and imprisoned in the county jail for from 60 to 120 days (title 26, sec. 440).

OREGON

(Unless otherwise designated, references are to Revised Statutes, 1955.)

Undue influence: No person shall directly or indirectly use or threaten to use force, coercion, violence, restraint, or undue influence or inflict or threaten to inflict harm or damage on any person in order to induce him to vote or refrain from voting for any candidate, party, or measure. No minister, priest, or officer of a church, shall otherwise than by public speech or print persuade any voter to vote or refrain from voting for any candidate, party, or measure. No person shall by abduction, fraud, or duress, impede or prevent any voter in the free exercise of the franchise in any election.

Violation of this provision shall be punished as for a corrupt practice (sec. 260.300), by imprisonment in the county jail for not more than 1 year, or by fine of not more than $5,000 or both (sec. 260.510).

Interference with voter: No person shall interfere or attempt to interfere with any voter when inside the enclosed space or when marking his ballot (sec. 260.640 (4)). Violation of this provision is punishable by a fine of from $50 to $200 (sec. 260.640 (6)).

Intimidation of voter: No person shall by menace, threat, or violence, whether armed or unarmed, intimidate or prevent any person from voting, or attempt to do so. Violation of this provision is punishable by imprisonment in the county jail for from 3 months to 1 year (sec. 260.720).

Coercion by employer: No person or corporation shall directly or indirectly use or threaten to use force, violence, or restraint or shall inflict or threaten to inflict any injury, harm, or loss, on any of his employees to compel them to register or to vote or refrain from registering or from voting at any election or for or against any person or measure.

No person or corporation shall by abduction, fraud, or duress, attempt to hinder, prevent, or otherwise interfere with the free exercise of the elective franchise by any of his employees.

No such employer shall insert in the pay envelopes any written or printed matter, or within 90 days before a general election display placards, etc., which shall contain express or implied threats intended to influence the political opinion or votes of his employees.

Violation of this provision is a misdemeanor (sec. 260.730), punishable by a fine of from $100 to $1,000, and if a corporation, by forfeiture of its charter in addition (sec. 260.740).

PENNSYLVANIA

(Unless otherwise designated, references are to Purdon's Statutes Annotated, 1938, title 25.)

Interference with primaries and election: If any person shall block up the avenue to the door of any polling place or shall attempt to do so, or shall use intimidation, threats, force, or violence, to unduly influence or overawe any elector or to prevent him from voting or to restrain his freedom of choice at a primary or election, he shall be guilty of a misdemeanor, punishable by a fine of not over $1,000, or by imprisonment of from 6 months to 5 years, or by both, in the discretion of the court (sec. 3527).

Duress and intimidation: Any person or corporation who directly or indirectly (a) uses or threatens to use force, violence, or restraint, or inflicts or threatens to inflict injury, harm, or loss on any person in order to induce him to register or vote or refrain from registering or from voting at any election or for or against any person or measure, or for having so registered, voted, or refrained, or (b) by abduction, fraud, or duress impedes or hinders any voter from freely exercising his right of suffrage, or (c) being an employer, inserts in the pay envelopes written or printed matter or within 90 days before an election or primary exhibits placards, and so forth, containing express or implied threats concerning their employment, with the intention of influencing the political opinion or votes of his employees, shall be guilty of a misdemeanor, punishable by a fine of not over $1,000, or by imprisonment of the offending officers or agents for not more than 1 year, or by both, in the discretion of the court (sec. 3547).

RHODE ISLAND

(Unless otherwise designated, references are to General Laws of 1938, ch. 325.)

Intimidation: Every person who shall directly or indirectly use any threat or employ any means of intimidation for the purpose of influencing an elector to vote or withhold his vote at any election, for or against any candidate or measure, shall be punished by a fine of from $500 to $1,000, or by imprisonment for from 6 months to 2 years or by both in the discretion of the court, and shall be disfranchised (sec. 5).

Coercion by employer: Any person, being an employer, who within 90 days before a general election inserts written or printed matter into the pay envelopes of employees or exhibits placards in his establishment, containing express or implied threats relating to their employment, intended to influence the political opinion or actions of his employees, shall be punished by a fine of from $500 to $1,000, or by imprisonment for from 6 months to 2 years, or by both, in the discretion of the court, and shall thereafter be disfranchised and ineligible for public office. If employer is a corporation, it shall forfeit its charter (sec. 5).

SOUTH CAROLINA

South Carolina constitution election provisions

Article 1, section 9:

Article 1, section 9. Suffrage: The right of suffrage, as regulated in this constitution, shall be protected by law regulating elections and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or improper conduct.

Article 1, section 10. Elections free and open: All elections shall be free and open and every inhabitant of this State possessing the qualifications provided for in this constitution shall have an equal right to elect officers and be elected to fill public office.

Article 2, section 5. Appeal; crimes against election laws: Any person denied registration shall have the right to appeal to the court of common pleas, or any judge thereof, and thence to the supreme court, to determine his right to vote under the limitations imposed in this article, and on such appeal the hearing shall be de novo, and the general assembly shall provide by law for such appeal, and for the correction of illegal and fraudulent registration, voting, and all other crimes against the election laws.

Article 2, section 8. Registration provided; elections; board of registration; books of registration: The general assembly shall provide by law for the registration of all qualified electors, and shall prescribe the manner of holding elections and of ascertaining the results of the same: Provided, at the first registration under this constitution, and until the 1st of January 1898, the registration shall be conducted by a board of three discreet persons in each county, to be appointed by the Governor, by and with the advice and consent of the senate. For the first registration to be provided for under this constitution, the registration books shall be kept open for at least 6 consecutive weeks; and thereafter from time to time at least 1 week in each month, up to 30 days next preceding the first election to be held under this constitution. The registration books shall be public records open to the inspection of any citizen at all times.

Article 2, section 15. Right of suffrage free: No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage in this State.

South Carolina Code—Title 23

23–73. Appeal from denial of registration: The boards of registration to be appointed under section 23–51 shall be the judges of the legal qualifications of all applicants for registration. Any person denied registration shall have the right of appeal from the decision of the board of registration denying him registration to the court of common pleas of the county or any judge thereof and thence to the supreme court.

23–74. Proceedings in court of common pleas: Any person denied registration and desiring to appeal must within 10 days after written notice to him of the decision of the board of registration file with the board a written notice of his intention to appeal therefrom. Within 10 days after the filing of such notice of intention to appeal, the board of registration shall file with the clerk of the court of common pleas for the county the notice of intention to appeal and any papers in its possession relating to the case, together with a report of the case if it deem proper. The clerk of the court shall file the same and enter the case on a special docket to be known as calendar No. 4. If the applicant desires the appeal to be heard by a judge at chambers he shall give every member of the board of registration 4 days' written notice of the time and place of the hearing. On such appeal the hearing shall be de novo.

23–75. Further appeal to supreme court: From the decision of the court of common pleas or any judge thereof the applicant may further appeal to the supreme court by filing a written notice of his intention to appeal therefrom in the office of the clerk of the court of common pleas within 10 days after written notice to him of the filing of such decision and within such time serving a copy of such notice on every member of the board of registration. Thereupon the clerk of the court of common pleas shall certify all the papers in the case to the clerk of the supreme court within 10 days after the filing of such notice of intention to appeal. The clerk of the supreme court shall place the case on a special docket, and it shall come up for hearing upon the call thereof under such rules as the supreme court may make. If such appeal be filed with the clerk of the supreme court at a time that a session thereof will not be held between the date of filing and an election at which the applicant will be entitled to vote if registered the chief justice or, if he is unable to act or disqualified, the senior associate justice shall call an extra term of the court to hear and determine the case.

23–100. Right to vote: No elector shall vote in any polling precinct unless his name appears on the registration books for that precinct. But if the name of any registered elector does not appear or incorrectly appears on the registration books of his polling precinct he shall, nevertheless, be entitled to vote upon the production and presentation to the managers of election of such precinct, in addition to his registration certificate, of a certificate of the clerk of the court of common pleas of his county that his name is enrolled in the registration book or record of his county on file in such clerk's office or a certificate of the secretary of state that his name is enrolled in the registration book or record of his county on file in the office of the secretary of state.

23–349. Voter not to take more than 5 minutes in booth; talking in booth, etc.: No voter, while receiving, preparing and casting his ballot, shall occupy a booth or compartment for a longer time than 5 minutes. No voter shall be allowed to occupy a booth or compartment already occupied by another, nor to speak or converse with anyone, except as herein provided, while in the booth. After having voted, or declined or failed to vote within 5 minutes, the voter shall immediately withdraw from the voting place and shall not enter the polling place again during the election.

23–350. Unauthorized persons not allowed within guardrail; assistance: No person other than a voter preparing his ballot shall be allowed within the guardrail, except as herein provided. A voter who is not required to sign the poll list himself by this title may appeal to the managers for assistance and the chairman of the managers shall appoint one of the managers and a bystander to be designated by the voter to assist him in preparing his ballot. After the voter's ballot has been prepared the bystander so appointed shall immediately leave the vicinity of the guardrail.

23–656. Procuring or offering to procure votes by threats: At or before every election, general, special, or primary, any person who shall, by threats or any other form of intimidation, procure, or offer, or promise to endeavor to procure another to vote for or against any particular candidate in such election shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than $100 nor more than $500 or be imprisoned at hard labor for not less than 1 month nor more than 6 months, or both by such fine and such imprisonment, in the discretion of the court.

23–657. Threatening or abusing voters, etc.: If any person shall, at any of the elections, general, special, or primary, in any city, town, ward, or polling precinct, threaten, mistreat, or abuse any voter with a view to control or intimidate him in the free exercise of his right of suffrage, such offender shall upon conviction thereof suffer fine and imprisonment, at the discretion of the court.

23–658. Selling or giving away liquor within 1 mile of voting precinct: It shall be unlawful hereafter for any person to sell, barter, give away, or treat any voter to any malt or intoxicating liquor within 1 mile of any voting precinct during any primary or other election day, under a penalty, upon conviction thereof, of not more than $100 nor more than 30 days' imprisonment with labor. All offenses against the provisions of this section shall be heard, tried, and determined before the court of general sessions after indictment.

23-659. Allowing ballot to be seen, improper assistance, etc.: In any election, general, special, or primary, any voter who shall (a) except as provided by law, allow his ballot to be seen by any person, (b) take or remove or attempt to take or remove any ballot from the polling place before the close of the polls, (c) place any mark upon his ballot by which it may be identified, (d) take into the election booth any mechanical device to enable him to mark his ballot, or (e) remain longer than the specified time allowed by law in the booth or compartment after having been notified that his time has expired and requested by a manager to leave the compartment or booth and any person who shall (a) interfere with any voter who is inside of the polling place or is marking his ballot, (b) unduly influence or attempt to influence unduly any voter in the preparation of his ballot, (c) endeavor to induce any voter to show how he marks or has marked his ballot, or (d) aid or attempt to aid any voter by means of any mechanical device whatever in marking his ballot shall be fined not exceeding $100 or be imprisoned not exceeding 30 days.

23-667. Illegal conduct at elections generally: Every person who shall vote at any general, special, or primary election who is not entitled to vote and every person who shall by force, intimidation, deception, fraud, bribery, or undue influence obtain, procure, or control the vote of any voter to be cast for any candidate or measure other than as intended or desired by such voter or who shall violate any of the provisions of this title in regard to general, special, or primary elections shall be punished by a fine of not less than $100 nor more than $1,000 or by imprisonment in jail for not less than 3 months nor more than 12 months or both, in the discretion of the court.

SOUTH DAKOTA

(Unless otherwise designated, references are to code of 1939.)

Unlawful influence of voters: Every person who directly or indirectly, willfully, by force or violence, or unlawful arrest, or abduction, duress, damage, harm or loss, or by fraud, or by threats to use any such means, or by threats to bring civil or criminal action, or to withdraw trade or to enforce payment of debts, or to inflict any injury on the voter or other person, attempts to intimidate a voter into voting or refraining from voting for any candidate or measure, or who does any of these things because a voter has already voted or refrained from voting for any candidate or measure, or who willfully and without lawful authority obstructs, hinders, or delays any elector on his way to the polls to vote, is guilty of a misdemeanor (sec. 13.0913).

Obstructing public meeting of electors: Every person who by threats, intimidation, or unlawful force or violence, willfully hinders or prevents electors from assembling in public meeting for considering public questions, or who so hinders or prevents any elector from attending any such meeting, is guilty of a misdemeanor (sec. 13.0915).

Primary: Any person who shall in any way obstruct the voting of any elector at a primary election, or intimidate any elector from attending a primary or voting thereat shall be guilty of a misdemeanor (sec. 16.9907).

Coercion by employer: Any person who shall deny an employee certain time for voting at a general election without penalty or reduction in wages, shall be guilty of a misdemeanor (sec. 16.9922). This shall only apply in the case of an employee who does not have a period of 2 consecutive hours during the time the polls are open when he is not required to be at work (Laws, 1955, ch. 57, p. 157).

An employer who shall insert written or printed matter into the pay envelopes of employees or shall within 90 days prior to an election exhibit placards, etc., containing express or implied threats regarding their employment, with the intention of influencing the political opinion or votes of his employees, shall be guilty of a misdemeanor, and if a corporation, shall forfeit its charter (sec. 13.0914).

TENNESSEE

(Unless otherwise designated, references are to code annotated, 1955.)

Intimidation: It is a misdemeanor for any person, directly or indirectly, by force or threats, to prevent or attempt to prevent an elector from voting at a primary or general election or to inflict or threaten to inflict injury, damage, or harm or other means of intimidation upon any person in order to compel him to vote or refrain from voting for any person or measure or because he has already so voted or refrained from voting (sec. 2-2211).

Coercion by employer: It shall be unlawful for an employer to coerce or direct any employee or to threaten to discharge him, in order to induce him to vote or refrain from voting for any candidate at a primary or general election or for any measure. It shall be unlawful to discharge an employee for his having voted or refrained from voting or for his having voted for or against any candidate or measure. Violation of these provisions is punishable by a fine of from $1,000 to $5,000, or imprisonment in the county jail or workhouse for not more than 6 months, or both, and in addition thereto, if employer is a corporation, by forfeiture of its charter and right to do business in the State (sec. 2-2236).

It is a misdemeanor for an employer, within 90 days of an election or primary, to display placards, etc., in his establishment, containing express or implied threats relating to their employment, intended to influence the political opinions or actions of his employees (sec. 2-2237).

TEXAS

(Unless otherwise designated, references are to Vernon's Penal Code, annotated 1951.)

Intimidation by election officer: Any election officer who shall, by violence or threats of violence, attempt to influence the vote of an elector for or against any particular candidate, shall be fined not over $1,000 (art. 220).

Intimidation of electors: Whoever shall by force or intimidation, obstruct or influence, or attempt to obstruct or influence any voter in his free exercise of the elective franchise, shall be fined from $100 to $500, and in addition thereto, may be imprisoned in jail for not more than 1 month (art. 256, 255).

Election for constitutional amendments: Any election officer or any other person within 100 feet of the voting box on election day, who shall intimidate or attempt to intimidate any qualified voter from voting on any question submitted to the people for amending the constitution of the State, or who shall attempt to influence his vote, shall be fined from $50 to $500 (art. 272).

Person in service of United States: Any person in the civil or military service of the United States in Texas, who by threats, bribery, menace, or other corrupt means, controls or attempts to control the vote of an elector, or annoys, injures, or punishes him for the manner in which he has exercised his right of elective franchise, shall be fined not more than $500, and may be arrested and tried at any future time when he may be found in Texas (art. 258).

Coercion by employer: Whoever shall deny an employee the privilege of attending the polls without penalty or deduction of wages, shall be fined not more than $500 (art. 209).

UTAH

(Unless otherwise designated, references are to code annotated, 1953.)

The following provisions apply to general, special, and primary elections (sec. 20-13-20):

Disturbance: Any person who so interferes with the voters at any election as to prevent such election from being fairly held, is guilty of a felony (sec. 20-13-3), punishable by a fine of not over $1,000, or by imprisonment in the State prison for not more than 5 years or by both (sec. 20-13-4).

Intimidation: It shall be unlawful for any person, directly or indirectly, to use force, violence, or restraint, or to inflict or threaten to inflict any injury, damage, harm, or loss, or other form of intimidation on any person to induce him to vote or refrain from voting for any person or measure at any election, or on account of such person having voted or refrained from voting at any election. It shall be unlawful for any person, by abduction, fraud, or duress, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise by any voter. Violation of these provisions is a misdemeanor (sec. 20-13-6).

Coercion by employer: It shall be unlawful for an employer, whether individual, firm, or corporation, to enclose in pay envelopes of employees, written or printed matter, or within 90 days of any election, to exhibit placards, etc., containing express or implied threats concerning their employment, intended to influence the political opinion or actions of employees. Violation of this provision is a misdemeanor (sec. 20-13-6).

It shall be unlawful for any corporation or its agent to influence or attempt to influence any employee, by force, violence or restraint or by inflicting or threatening to inflict injury or damage, or by discharging from employment or promoting in employment, or by any other form of intimidation, to vote or not to vote at any election or for any person or measure. Violation of this chapter is a misdemeanor, in addition to punishment for which, a corporation shall forfeit its charter and right to do business in the State (sec. 20-13-7).

Any person who shall refuse to allow an employee certain time off for voting without penalty or reduction in wages, shall be guilty of a misdemeanor. This shall not apply to employees who are paid by the hour (sec. 20-13-18).

VERMONT

(Unless otherwise designated, references are to Statutes, Revision of 1947.)

Interference with voter: A person who interferes with a voter when inside the guardrail, shall be fined $50. The election officers shall see that the offender is duly prosecuted (sec. 379).

Undue influence: A person who attempts by bribery, threats, or any undue influence to dictate, or control, or alter the vote of a freeman about to be given at a general election shall be fined not more than $200 (sec. 388).

Hindering voting: A person who willfully hinders the voting of others during an election, shall be fined $50 (art. 390).

Primary: The above provisions under "undue influence" and "hindering voting" shall also apply to primary elections (sec. 391).

VIRGINIA

(Unless otherwise designated, references are to code of 1950.)

Intimidation of voters: If it shall appear at an election that the voters are being intimidated or coerced from any source in the exercise of their suffrage by bystanders about the polling place, or that voters are being hindered or tampered with in any way so as to prevent their casting a secret ballot, the judges of election may order the person engaged in so intimidating, coercing, or hindering the voters, to cease such action, and if he does not forthwith desist, the judges or a majority of them may order the arrest

of such person by anyone authorized to make arrests, and may confine him in the county or city jail for not over 24 hours, and such person, upon conviction thereof, shall be punished as for a misdemeanor (sec. 24–190).

Voting offenses: If any person, by threat or bribery, attempts to influence any elector in giving his vote, or attempts to deter him from giving his vote, he shall be confined in jail for not more than 1 year and fined not over $1,000 (sec. 24–450).

Registration: Any registration officer who willfully or maliciously rejects from registering any person, contrary to law, shall be deemed guilty of a misdemeanor (sec. 24–453).

Misdemeanor: A misdemeanor, under the election laws, unless otherwise specified, is punishable by a fine of not over $1,000, or by confinement in jail for not over 12 months, or both (sec. 24–455).

WASHINGTON

(Unless otherwise designated, references are to revised code, 1951, title 29.)

Hindering electors: Any person who uses menace, force, threat, or corrupt means, at or prior to any election, toward any elector to hinder or deter him from voting at such election, or authorizes another to do so, shall be guilty of a felony. Any election officer who, by menace, persuasion, or reward, attempts to induce an elector to vote for any person, shall be guilty of a gross misdemeanor (sec. 29.85.060).

Influencing voter: Any person who directly or indirectly, by menace or other corrupt means, attempts to influence a person in giving or refusing to give his vote in any election, or deters, disturbs, hinders, persuades, threatens, or intimidates any person from giving his vote therein, shall be guilty of a misdemeanor, punishable by a fine of not over $250 or by imprisonment for 6 months or both (sec. 29.85.070).

Recall: Every person shall be guilty of a gross misdemeanor, who by any corrupt means or by threats or intimidation, interferes with or attempts to interfere with the right of any legal voter to sign or not to sign any recall petition, or to vote for or against any recall (1953 Supp., sec. 29.82.220(5)).

WEST VIRGINIA

(Unless otherwise designated, references are to Code of 1955, Annotated (Michie).)

Interference with voter: Any person who shall, by any manner of force, fraud, menace, or intimidation, prevent or attempt to prevent any voter from attending any election or from freely exercising his right of suffrage thereat, shall be guilty of a misdemeanor, punishable by a fine of not over $1,000 or by confinement in the county jail for not over 1 year, or both, in the discretion of the court (sec. 164).

Threat of violence: Any person who shall directly or indirectly, use or threaten to use force, violence, or restraint, or shall inflict or threaten to inflict injury, harm, or loss, or other form of intimidation on any person in order to induce him to vote or refrain from voting or on account of his having voted or refrained from voting at any election, or who shall by abduction, fraud, or duress, prevent or impede any voter from exercising freely his right of suffrage or shall thereby compel him to either vote or refrain from voting for or against any particular candidate or measure, shall be guilty of a misdemeanor, punishable by a fine of not over $10,000, or by confinement in jail for not over 1 year (sec. 191(c)).

Coercion by employer: Any employer, whether individual or corporation, who prints on pay envelopes of employees or on placards, etc., in his establishment, express or implied threats relating to their employment, intended to influence the political opinion or votes of his employees, shall be guilty of corrupt practices, punishable by a fine of from $1,000 to $20,000, or by imprisonment in jail for not more than 1 year, or both (sec. 169(1)).

Any employer shall give any notice or information to his employees containing any threat, either express or implied, intended to influence the political view or actions of his employees, shall be guilty of a misdemeanor, punishable by a fine of not over $10,000, or by confinement in jail for not over 1 year (sec. 191(d)).

WISCONSIN

(Unless otherwise designated, references are to Statutes, 1951.)

Threats: Every person who shall directly or indirectly, use or threaten to use force, violence, or restraint in order to compel any person to vote or refrain from voting at any election, or who shall by abduction, fraud, or duress, impede or prevent the free exercise of the franchise at any election, or shall thereby induce an elector to give or refrain from giving his vote at any election for or against any particular candidate or measure, shall be punished by imprisonment in the county jail for from 1 month to 1 year (sec. 346.17, renumbered sec. 12.52 by Laws, 1955, ch. 696, sec. 160).

Coercion by employer: No employer shall distribute among his employees any printed or written matter containing express or implied threats relating to their employment, calculated to influence the political opinion or actions of his employees (sec. 12.19). Penalties for violation of this provision refer to violations by candidates or their committees (sec. 12.28).

WYOMING

(Unless otherwise designated, references are to Wyoming Compiled Statutes Annotated, 1945.)

Interfering with election: Any person who shall during an election, willfully hinder the voting of others, shall be fined from $25 to $100 (sec. 31–2309).

Misconduct: No person shall attempt to influence the vote of election by means of violence or threats of violence or threats of withdrawing trade, or enforcing payment of a debt, or discharging from employment, or bringing a civil or criminal action or any other threat of injury to be inflicted on him (sec. 31–2312(8)).

No person shall prevent or attempt to prevent any qualified elector from voting (sec. 31–2312(10)).

Violation of these provisions is punishable by imprisonment in the county jail for not over 6 months, or by fine of not over $500, or both (sec. 31–2312(22)).

Mr. President, as I have just stated, these laws are Federal laws to protect voting. The very idea that any person could suggest that any additional laws are needed to protect voting, other than the laws which are on the Federal books now, appears to signify that such a person has not acquainted himself with the existing laws. Existing laws are adequate. If the Attorney General does not enforce the law, or if the proper Federal officials do not enforce the law, that is another matter. But so far as the laws to protect voting are concerned, it is clear that ample laws are now on the books.

My staff did research on this question and, in addition, we had the Library of Congress do research. The Library of Congress has compiled this list of Federal laws which prohibit discrimination in voting.

It seems to me that if anyone will take the time to read the Federal laws on the subject he cannot question that adequate Federal laws now exist to protect the right to vote.

As I stated in the beginning, there is no question about the existence of adequate laws to protect the right to vote. The simple fact is that in this election year both parties are vying with each other to try to gain the minority bloc vote. It seems that both parties are willing to override the Constitution, to usurp the rights of the people, and to deprive individual citizens of their individual liberty and justice in order to attain political ends. It is completely disgusting and nauseating.

I hope that some day the American people will wake up to the fact that civil rights bills are purely political bills.

Mr. President, in addition, every State has laws to protect the right to vote. Alabama, the first State, alphabetically, in the list has ample laws to protect the right to vote; and we can say the same of the laws of Alaska, Arizona, California, Colorado, and right on down the list.

In addition to the Federal laws, I hold in my hand at this time a batch of laws that weighs several pounds—laws that are on the statute books in every State in the Nation, to protect the right to vote.

There is no excuse to pass this so-called civil rights bill. There is absolutely no necessity for it. There is absolutely no need for it. The Federal laws and the State laws are adequate to protect the right to vote. If anyone is deprived of the right to vote, he can contact the appropriate officials of his State and can demand their assistance in enforcing his right, and he will be able to exercise that right. Or, if a person claims that he will not be able to obtain State assistance he can request the U.S. Attorney General to bring a suit for him at no cost, and an injunction will be issued for his benefit, if his claim is meritorious. In addition, he can file a civil suit against anyone who tries to deprive him of his right to vote. He can obtain damages by means of such a civil suit.

Mr. President, every citizen of the United States has the right to vote, and should vote, and I want to see them exercise the right to vote. I want to see the right to vote exercised in the State of South Carolina.

There must be very few instances in which American citizens do not actually enjoy that right, because all our citizens have recourse to both the Federal laws and State laws. Furthermore, not only can they obtain injunctions, and not only can they bring civil suits for damages against any persons who might try to deprive them of the right to vote, but they can also bring criminal suits against anyone who might try to deprive them of the right to vote. They can even have the Attorney General bring the suit for them under the 1957 Civil Rights Act.

If some citizen says he is afraid to avail himself of these existing remedies, and if it is true that any American citizen who wishes to vote is afraid to pursue the means now available through all the Federal statutes and all the State statutes which now are on the statute books, will not that person also be afraid to make use of the remedies which this bill or any other so-called civil rights bill would provide?

Why keep on piling up more and more laws to give protection to the right to vote, when there already are on the statute books ample laws which give complete protection to the right to vote?

Mr. President, all this is nothing but politics.

At this time I shall not attempt to refer to all the remaining provisions of the bill. I shall refer to them at a later time.

I think the Senate has done a very fine job by removing so many of the obnoxious provisions of the bill. For instance, the so-called FEPC provision of the bill has been rejected. The provisions of the old title III have been rejected. The proposal that the Attorney General have the right to intervene in civil rights suits has been rejected. The proposal for congressional endorsement of the desegregation decision of the Supreme Court of the United States has been rejected. The provision for bribes to schools that desegregate has been rejected. The provision for authority for the Commissioner of Education to take over schools in federally impacted areas has been rejected.

The provisions for the appointment of Federal voting registrars and enrollment officers have been rejected.

The provision with regard to violations of court orders has been broadened to cover all court orders, not merely desegregation court orders.

The provision with regard to bombing has been broadened to cover not only educational and religious institutions, but also other buildings, including factories, plants, and homes, and also vehicles.

Mr. President, I am not too sure that some of those who have been proposing the enactment of this bill will not be sorry when it is passed—at some future date. It may turn out to be a lash on them and on some of their people. They may have intended to punish the South; but it may turn out to be a weapon that will punish other sections of the country and segments of the population that it was not intended by them to hurt.

Mr. President, in spite of the fact that the obnoxious provisions to which I have referred have been eliminated, I still see no necessity for enactment of the bill. There is no necessity for it from the standpoint of voting; and I feel that certain provisions of the bill violate the Constitution; and other provisions of the bill usurp the rights of the States, and are harmful and detrimental, and set bad precedents for the future.

Mr. President, I am now prepared to move that the Senate stand in recess, in accordance with the order previously entered.

Mr. KUCHEL. Mr. President, I wonder whether my friend, the Senator from South Carolina, will defer that motion for a short time. I wish to make a few comments; and I am told that the distinguished Senator from West Virginia [Mr. BYRD] also wishes to make a few comments.

Mr. THURMOND. Mr. President, I shall be pleased to withhold the motion.

Mr. KUCHEL. Mr. President, this long, vexing, and sometimes agonizing debate now draws to a close. Almost 2 months ago the Senate began to debate proposed civil rights legislation. In the long days and the long nights which have ensued, some painstaking progress has been made, while some honorable goals regrettably have been rudely shunted aside. On one occasion the Senate did a complete about-face, and finally decided to make it a crime by mob violence or otherwise to obstruct or interfere with any order of a Federal court. A few days earlier, as you will remember, Mr. President, a majority of the Senate determined that such action ought not constitute a crime.

Some of the debate has been sharp, penetrating, and helpful. Some of it has been just the reverse. Unwarranted abuse has been heaped upon our highest judiciary.

Twenty-four-hour-a-day sessions have produced very little other than semi-exhaustion of Senators, except perhaps to indicate the need that, someday, somehow, in some way, honorable modernization of the rules of the U.S. Senate must come about, in order to eliminate these all-night marathons.

The first vote I cast in the Senate in 1953 was against filibusters. The little bipartisan group with which I associated myself on that occasion has grown over the years; and I look forward to a change in our Senate procedures, so that interminable talkathons will not be a part of our legislative process.

If these perfectly ridiculous, continuing, never-ending sessions assist at all in mobilizing public opinion against filibusters, I am bound to say, Mr. President, that answering quorum calls at midnight, and at 2 o'clock in the morning, and at 4 o'clock in the morning, and at 6 o'clock in the morning, and at 8 o'clock in the morning, ad nauseum, will not have been entirely in vain.

I regret that the bill as it is about to pass the Senate a few hours from now will not contain the additional vigor which some of us strenuously tried to write into it. Indeed, less than what President Eisenhower earnestly asked for will be included in the proposed legislation as it leaves the Senate, to return to the House of Representatives.

Nevertheless, I shall support the bill on the question of final passage. I shall do so because it represents progress toward fruition of the age-old American maxim of equal justice under law—a truth, incidentally, for all mankind faithfully to follow if the world is finally to emerge intact from the travail and the dangers through which she now passes.

As I have said, the bill represents progress. Obstruction of court orders and attempts to frustrate judicial decrees will be made Federal crimes, as such contemptible acts—almost of anarchy—should surely be treated. Destruction or attempts at the destruction of schools or churches or homes or other buildings, and then fleeing across State lines to avoid prosecution, will be made, under the provisions of the bill, Federal crimes, also.

Under pain of criminal penalty, election records will be kept 22 months after elections, to deter willful or corrupt attempts to contaminate the elective process.

The Civil Rights Commission will be given authority to administer oaths to witnesses who appear before it.

The bill includes a provision to help children, black or white, of American military personnel who are stationed in areas where public schools have been abruptly closed.

And, last, the power of the Federal judiciary will be made available, under the bill, to assist American citizens in exercising their constitutional right to register and to vote, if because of their race or color, they have been unconstitutionally prevented from doing so.

It is not my purpose here to retell any of the shocking documentation, by the President's Civil Rights Commission, of wholesale, illegal denials to qualified Americans of their voting rights in some melancholy parts of this Union of ours. Suffice it to say, it is a sordid tale. The record is there for all to see. It is a record, Mr. President, compiled by a group of distinguished Americans, representing all sections of the Nation and both political parties, appointed to their present responsibilities as members of the Civil Rights Commission by the President of the United States. The Chairman of the Commission is John A. Hannah, president of Michigan State University. The Vice Chairman of the Commission is Robert G. Storey, dean of the Law School of the Southern Methodist University. The other members of the Commission are John S. Battle, former Governor of Virginia; Doyle E. Carlton, former Governor of the State of Florida; Rev. Theodore M. Hesburgh, president of Notre Dame University; and George M. Johnson, former dean of Howard University Law School.

Mr. President, an American's race or color is no reason, morally or legally, for refusing him his right of franchise. That is what the Constitution says. But in this instance the Constitution has, all too many times, been breached and broken.

I devoutly hope that the bill before us will make meaningful the solemn commitment expressed in the 15th amendment and elsewhere; and, Mr. President, I believe it will.

The consideration for 2 months of long days and nights of a single piece of legislation, no matter how intricate the subject matter, is rather a unique spectacle in the Senate. But if the purposes for which we now proceed to validate the Civil Rights Act of 1960 are well served by its provisions, then we shall have gone forward in assuring that what the Constitution says, the Constitution means.

If this proposed legislation becomes law, if voting rights are made more secure by its provisions, and if the cruel acts which it prohibits are thereby deterred, we shall have done a good thing, and the cause of free government of free people will have been immeasurably strengthened and sustained.

LYNDON JOHNSON LEADS IN WEST VIRGINIA POLL

Mr. BYRD of West Virginia. Mr. President——

The PRESIDING OFFICER (Mr. THURMOND in the chair). The Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I recently conducted a poll of some 1,200 Democratic party leaders in my State of West Virginia. The purpose of this poll was to attempt to get an indication as to which Democratic candidate for President, announced or unannounced, might be leading at this particular time. Questionnaires were mailed to the members of the Democratic executive committees in each of the State's 55 counties and to members of the Democratic Party serving in the State legislature. It was economically impossible for me to contact all Democratic leaders in West Virginia, since each questionnaire was mailed under a 4-cent stamp, and a stamped envelope was also supplied to each recipient of a questionnaire, for his or her convenience in replying. The mailing of 1,200 questionnaires, therefore, necessitated the use of 2,400 4-cent stamps. The poll was at my expense, and this factor limited its scope.

The names of five candidates from the Democratic Party were printed on the ballot—Senators Hubert Humphrey, Lyndon Johnson, John Kennedy, Stuart Symington, and Gov. Adlai Stevenson. These names were listed alphabetically.

Those receiving the ballots were to indicate their first and second choices for the presidential nominee and the vice presidential nominee.

Those polled were almost equally divided between men and women; and, with all 55 counties represented, both rural and urban areas took part in the balloting.

The results of this poll were announced on February 29 from my office. The announcement was made when more than 50 percent of the ballots had been returned.

The results were printed as follows:

Senator JOHNSON received 112 first choices for President and 80 second choices. He was followed in the balloting by Senator STUART SYMINGTON, who received 92 first choice votes for President and 91 second votes. Former Gov. Adlai Stevenson, of Illinois, and Senator HUBERT HUMPHREY both tallied 84 first choices for President; however, Senator HUMPHREY received 97 votes as second choice and Stevenson polled 51 such votes. Senator KENNEDY received the nod from 77 of those polled as a first choice. The Senator from Massachusetts received 56 choices as second preference.

Senator JOHNSON also received the most first choices as vice presidential timber. He received 50 votes in this category. Second was Senator HUMPHREY, who received 47 tallies. Next came KENNEDY, with 45 first choices as the nominee for Vice President. He was followed by Senator SYMINGTON with 42; and Stevenson with 30.

Mr. President, since that time, February 29, my office has continued its count.

The ballots counted since the original release total this way:

Senator JOHNSON has received 25 more first choice votes for President, and 14 more as second choice; Senator HUMPHREY was given 17 additional first choice votes for President, and 11 more as second choice; Senator KENNEDY gained 16 more first choice votes and 6 more as second choice; Senator SYMINGTON was chosen as first choice by 15 more of those polled, and tallied 20 more second choice votes for President; and Governor Stevenson gained 11 more first choice votes and 7 more as the second choice.

In this connection, one of the most influential newspapers in my State has commented editorially on LYNDON JOHNSON'S strength. I am referring to the News Register, of Wheeling, W. Va. This newspaper suggests that LYNDON JOHNSON has considerable underlying strength as a presidential prospect. The newspaper also points out that this is due to the confidence he has inspired in the American people.

The editorial is very short. I shall read it:

BUILDING UP

Several straws appearing in the political wind of late suggest that Senator LYNDON JOHNSON, of Texas, may have more underlying strength as a presidential prospect than has been generally supposed.

Some days ago, it will be recalled, West Virginia's Senator BYRD announced the results of a personal poll he had taken among active Democratic workers throughout this State which showed the tall Texan to be the favorite. So unexpected was this result that its accuracy was challenged in some quarters, although nothing has developed to suggest that the poll was anything more or less than it was represented as being—an honest if restricted sampling of opinion.

Now it has developed that two other modest polls taken in Ohio—these among high school students—disclosed the same unexpected JOHNSON strength.

These are, to be sure, trivial incidents, especially when measured against the actual preferential votes Senator KENNEDY has collected and the other tangible testimonials of popularity he and other conspicuous Democratic figures have received. But they may be highly significant. They may be indicative of the confidence Senator JOHNSON has inspired in the American people, Democrats and Republicans alike, because of his ability to work with other people, to bring contending factions together to get things done, his refusal to surrender to extremists of either the right or left, his ability to view the country as a whole and to approach the solution of its problems from a truly one-people point of view.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 7, 1960, he presented to the President of the United States the enrolled bill (S. 231) for the relief of Patricia Crouse Bredee.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, in accordance with the order previously entered, I move that the Senate stand in adjournment until 10 a.m. today.

The motion was agreed to; and (at 12 o'clock and 21 minutes a.m.), on Friday, April 8, 1960, the Senate adjourned, under the order previously entered, until 10 o'clock a.m. on the same day.

NOMINATIONS

Executive nominations received by the Senate April 7 (legislative day of April 5), 1960:

NATIONAL LABOR RELATIONS BOARD

Arthur Alden Kimball, of the District of Columbia, to be a member of the National Labor Relations Board for the term of 5 years expiring August 27, 1965, vice Stephen Sibley Bean, term expiring.

DIPLOMATIC AND FOREIGN SERVICE

Leland Barrows, of Kansas, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Cameroun.

COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the Coast and Geodetic Survey:

To be ensign

William G. Stokes.

GOVERNOR OF CANAL ZONE

Maj. Gen. William A. Carter, O18023, for appointment as Governor of the Canal Zone, under the provisions of title 2, section 6, Canal Zone Code, vice Maj. Gen. William E. Potter, whose term of office will terminate June 30, 1960.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 7, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 147: 5: *Great is our Lord, and of great power; His understanding is infinite.*

Eternal and ever-blessed God, something deep and haunting within our minds and hearts compels us to turn to Thee in prayer although we cannot understand its meaning and measure its power.

We acknowledge penitently and humbly that in our human experience there are sins of omission and commission which only Thy mercy can pardon; sorrows that only the consolations of Thy grace can heal; questions which Thy divine wisdom alone can answer, and problems which Thou alone canst help us solve.

May we enter and go forth upon each new day trusting in Thee; keeping pure and undefiled the sanctuary of our souls; and going about doing good as our Master did.

Grant us, we beseech Thee, that discipline and sense of direction which we so sorely need, if we are to live the life of filial fellowship, of inner sanctity, and of fraternal service to humanity.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced

that the Senate had appointed the Senator from Washington, Mr. JACKSON, as a member of the National Outdoor Recreation Resources Review Commission, in place of the Senator from Oregon, Mr. Neuberger, deceased.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9331) entitled "An act to increase the authorized maximum expenditure for the fiscal year 1960 and 1961 under the special milk program for children" disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. HOLLAND, Mr. HUMPHREY, Mr. PROXMIRE, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. HICKENLOOPER to be the conferees on the part of the Senate.

APPROPRIATIONS FOR DEPARTMENTS OF STATE AND JUSTICE, THE JUDICIARY, AND RELATED AGENCIES

Mr. ROONEY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow—Friday—to file a report on the bill making appropriations for the Departments of State and Justice, the Judiciary, and related agencies.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOW. Mr. Speaker, I reserve all points of order on the bill.

PROGRAM FOR BALANCE OF WEEK AND FOR NEXT WEEK

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute in order to ask the majority leader if he has any program for the balance of the week and for next week.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCORMACK. Mr. Speaker, for the remainder of the week, upon disposition of the bill pending yesterday, which will be taken up in a few minutes, there will be no further legislative business, and if it is disposed of today we will go over until Monday.

Monday is District Day. There is one bill, H.R. 11415, designates a portion of the District of Columbia as the "Plaza of the Americas." Monday is also the first day of Passover.

Tuesday we have Pan American Day exercises.

Then the State, Justice, and Judiciary appropriation bill for 1961.

On Tuesday there is a primary in Illinois, and any rollcalls, because of Passover and the primary in Illinois, other than rollcalls on rules, will be postponed until Wednesday of next week.

On Wednesday of next week we will take up the consideration of H.R. 10474, construction of modern naval vessels.

Thursday: We will adjourn from Thursday until the following Monday, a week from Sunday being Easter. The program for Thursday is undetermined following the disposition of H.R. 10474.

I make the usual reservation that further program will be announced later and that conference reports may be brought up at any time.

With the permission of my friend I will submit a consent request.

Mr. ARENDS. I yield to the gentleman.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that any rollcalls that are requested on bills under consideration on Monday or Tuesday next, other than votes on rules, may be postponed until Wednesday.

Mr. GROSS. Mr. Speaker, reserving the right to object, I recall the experience of yesterday in connection with the passage of a bill on which we could have had a vote Monday except for such an agreement. A quorum call forestalled a vote on that bill.

Mr. Speaker, I object.

Mr. McCORMACK. Mr. Speaker, will the gentleman reserve his right to object?

Mr. GROSS. With the permission of the Speaker, I withdraw my objection and reserve the right to object.

Mr. McCORMACK. The gentleman realizes, of course, that we have a primary on Tuesday. We have an understanding among Members that we are going to enable them to go to their States on primary day. Certainly if there were a primary in Massachusetts, I would be particularly interested, probably more so, the day before the primary than I might be on primary day.

This is something based upon decency.

What the gentleman referred to, of course, is something that took place, but it took place under the rules of the House. But certainly we should not abdicate decency among ourselves in regard to primaries, because we realize they are an important part of the political life and institutions of America.

Mr. GROSS. May I suggest to the gentleman that if there is controversial legislation to be called up next week that he schedule it for Thursday so we may have a vote on it rather than let it go over until Monday and possibly deny us the vote?

It is my understanding that the Easter recess has been shortened to the point where those of us who live a thousand miles away cannot possibly go out to our districts for Easter. I suggest to the gentleman that he schedule any controversial legislation for Thursday and Friday.

Mr. McCORMACK. Of course, the legislation to which the gentleman refers came up under a suspension of the rules, and the only day on which suspensions could have taken place was on Monday last. There will not be another suspension day for 2 weeks.

Mr. GROSS. And I have been objecting to the consideration of so many bills under suspension of the rules, I might say to the gentleman.

Mr. McCORMACK. Addressing myself to the element of decency, may I propose——

Mr. GROSS. Mr. Speaker, I still object.

The SPEAKER. Objection is heard.

MINORITY REPORT

Mr. PILCHER. Mr. Speaker, I ask unanimous consent that the minority members on the House Committee on Foreign Affairs may have until midnight tonight to file a minority report to be published with the majority report of that committee on the Mutual Security Act.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CALL OF THE HOUSE

Mr. VINSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 42]

Adair	Gubser	Morris, Okla.
Alexander	Halleck	Moulder
Ashley	Halpern	Murray
Barrett	Inouye	Nix
Boggs	Johnson, Colo.	O'Brien, Ill.
Bonner	Jones, Ala.	O'Brien, N.Y.
Bowles	Lennon	Passman
Brewster	McDowell	Powell
Buckley	McGinley	Rhodes, Ariz.
Burdick	Macdonald	Rogers, Colo.
Cahill	Machrowicz	Shelley
Canfield	Magnuson	Sheppard
Casey	Mailliard	Siler
Celler	Martin	Sullivan
Chenoweth	Mason	Taylor
Curtis, Mass.	Metcalf	Teague, Tex.
Davis, Tenn.	Michel	Tollefson
Dent	Miller, George P.	Van Pelt
Diggs	Milliken	Willis
Dowdy	Minshall	Wilson
Edmondson	Mitchell	Winstead
Fenton	Montoya	Withrow
Flood	Morgan	Wolf
Goodell	Morris, N. Mex.	
Grant		

The SPEAKER. On this rollcall 358 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EMPLOYMENT OF RETIRED COMMISSIONED OFFICERS

Mr. VINSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 10959) relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 10959, with Mr. FORAND in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from Georgia [Mr. VINSON] had 28 minutes remaining, and the gentleman from Illinois [Mr. ARENDS] had 1 hour and 30 minutes remaining.

The Chair recognizes the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, on yesterday when the general debate started on this bill, the able chairman of our committee made a very comprehensive statement as to what was at issue in this particular proposal before us. It was very clear to anyone listening, or to anyone who read it in the RECORD this morning, and they should know exactly what we are considering at this time. Likewise, as we move on this afternoon during the general debate, the gentleman from Texas [Mr. KILDAY] will very thoroughly state the position of the substitute which he has offered as a bill, and the gentleman from Louisiana [Mr. HÉBERT] will make known his position. So that those who are privileged to remain on the floor will have a clear understanding of what is at stake in this proposal, I would hope the final understanding is a little better than it is now. Because of the questions asked, there seems to be a great deal of confusion as to what we are discussing at this time.

Mr. Chairman, I should like to express my approval of the pending bill and the substitute which will be offered by the gentleman from Texas [Mr. KILDAY].

I think all of us are agreed on the objective. Our objective is to enact legislation that will effectively stop any improper use of influence. At all times we must protect the public interest. The question is how this can best be accomplished. We are not even certain that there actually has been improper influence. But, if there has been or will be such influence exerted, we must certainly do whatever is necessary to stop it.

The implication of the hearings held by our subcommittee is that retired officers, and particularly those in the senior grades, have influenced their former colleagues in the Department of Defense to purchase certain items—items that perhaps we did not really need or perhaps were overpriced.

In my judgment an officer on duty who is influenced in this respect is just as guilty, in my opinion, if not more so, than the retired officer exerting such influence. In any deal of this character the man who buys, contrary to the public interest, is as guilty as the man who sells.

If there are retired officers involved in such operation I am confident——

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I would prefer not to yield until I have completed my statement.

Mr. HÉBERT. I just wanted to ask the gentleman to read the last sentence again; I did not quite get it.

Mr. ARENDS. Yes; I shall be glad to: "In any deal of this character, the man who buys, contrary to the public interest, is as guilty as the man who sells." That I believe.

Mr. HÉBERT. That is right.

Mr. ARENDS. If there are any retired officers involved in such an operation, I am confident that they constitute only a small part of the whole problem. There are civilians in positions of importance who held public positions of importance who must also be involved. The full extent or the exact nature of this problem we do not really know. The accusations have been largely surmise and the evidence largely hearsay. We are told that maybe something took place, or that possibly something happened, or that it looks as if something might have happened, or that things are not quite as they should be.

On the basis of nebulous charges I do not believe we should go so far as to add a new provision to the Criminal Code to single out retired officers. I certainly believe that we must do whatever is necessary to prevent the possible use of undue influence by retired officers. At the same time, we should not take such severe or punitive action as to deny them the right to use their expert training, or to deny our defense industries the benefit of their knowledge and skill with respect to defense needs.

I believe that our committee approaches this problem in a reasonable manner. I support the committee position which deprives a retired officer of retired pay, or makes him subject to court-martial, and which requires the publication of his name so that the public may know who is employed by what specific industry. But I cannot support a proposal that would subject a retired officer to the criminal code and forces him to be no more than a night watchman in a defense plant.

We seek to prevent improper influence of any kind in defense procurement. That we should do, and that we must do. But because a person at one time served our country in a uniform, served well and honorably, should not be suspected of improper influence simply because he is employed by a defense industry. It is my considered opinion that the committee has, in the law it proposes, dealt firmly with the problem.

My first duty is to the people of the United States. My first obligation is to the public interest. In fulfilling this duty we must be fair, just, and reasonable, never vindictive and emotionally punitive. That is the question here. And I sincerely believe that the Committee on Armed Services, and the substitute bill to be offered by the gentleman from Texas [Mr. KILDAY], makes a truly sound approach to this whole matter. It has my support. It presents a fair and effective method of preventing such improper influence as a retired officer may use or attempt to use.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I would appreciate it if the gentleman would inform the Committee as to the position of the administration on the amendment which I propose to offer.

Mr. ARENDS. Will the gentleman tell me what information he has in that respect?

Mr. HÉBERT. The information I have in that respect is that the administration accepts my amendment. They also notified the gentleman that they accepted the amendment, they notified the gentleman from Indiana [Mr. HALLECK], minority leader, that they accepted the amendment, and a staff member of the Committee on Armed Services, that they accepted the amendment.

Mr. ARENDS. My understanding is that the administration voiced no objection to the gentleman's amendment, at the same time not saying whether or not they approved the Kilday substitute. If I recall correctly, no inquiry was made as to whether or not they approved the Kilday substitute.

Mr. HÉBERT. They could not possibly do it because there is a new addition every hour.

Mr. ARENDS. My information was to the effect they voiced no opposition to your position, neither did they endorse it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentle- from Iowa.

Mr. GROSS. There are four bills on this same subject at the Clerk's desk, and I think the gentleman is acquainted with them. For the enlightenment of the Members of the House will the gentleman tell us what we have under consideration here, and what we may have under consideration as a result of these four bills?

Mr. ARENDS. What we are going to have under consideration, of course, is the Kilday substitute.

Mr. GROSS. Which one would that be?

Mr. ARENDS. The last one, dated April 5.

Mr. GROSS. There are two bills by the same author.

Mr. ARENDS. That is right. It is the last one dated April 5, H.R. 11576.

Mr. KILDAY. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Texas.

Mr. KILDAY. It is true that there are a number of bills pending. I wish the gentleman from Iowa would let me have those bills so that I can explain them by number.

Mr. ARENDS. That is the last bill, which is dated April 5.

Mr. HÉBERT. The last one was dated as of when?

Mr. ARENDS. April 5.

Mr. HÉBERT. That is the most recent one?

Mr. ARENDS. That is right.

Mr. KILDAY. Mr. Chairman, the bill being considered under the rule is the bill reported by the committee, that is, H.R. 10959. I stated on the floor yesterday that at the proper time I shall offer a substitute for that bill, and it would be the language contained in the bill H.R. 11576 which I offered on April 5.

It is true that there is another bill bearing my name and offered on April 4. That came about in this way: I offered that so that it would be in print and available to the Committee on Armed Services when the matter came before that committee. When we came before the Committee on Armed Services, the committee made some changes in my text, whereupon I offered the bill as

changed by the committee so that it would be available in print on the floor. So what I will offer is H.R. 11576.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Louisiana.

Mr. HÉBERT. As I understand it, the gentleman from Texas will offer H.R. 11576 to H.R. 10959. That will not be a substitute, it will be an amendment to H.R. 10959 by striking out everything after the enacting clause and substituting the language of H.R. 11576.

Mr. KILDAY. It would be in the nature of striking out all after the enacting clause and inserting the language of H.R. 11576.

With regard to the parliamentary situation, I am not qualified, nor would it be proper for me to comment on it, because that is a matter within the jurisdiction of the Chairman of the Committee of the Whole House on the State of the Union.

Mr. HÉBERT. I appreciate that, but I am giving my opinion as well as the gentleman from Texas is giving his. And, answering the gentleman from Iowa, after the gentleman offers H.R. 11576, I shall offer as an amendment the contents of H.R. 11474, which will be not a substitute but an amendment to H.R. 10959, and that will be the order.

Mr. ARENDS. I think that makes it real clear to the gentleman from Iowa.

Mr. VINSON. Mr. Chairman, I yield 30 minutes to the gentleman from Louisiana [Mr. HÉBERT].

Mr. HÉBERT. Mr. Chairman, today I come almost to the end of a long road, a road which had its beginning last June on the floor of this House. It has been a long and tenuous road; it has been a road filled with obstacles and pitfalls. But, I would feel remiss if I did not trace the history of the building of that road before discussing the merits of the proposal which I will offer from the subcommittee which I have the honor and privilege of representing.

Mr. Chairman, I do not take lightly the great honor or the respect which I believe I enjoy in this House. I am jealous of that respect. I am jealous of the respect which this House has for the committee which I have headed for 10 years, since its inception, minus 2 years when the distinguished gentleman from Ohio, Mr. HESS, was the chairman. During those 10 years, working as a team, the committee has established a record which speaks for itself and which every member of that committee, I am sure, can well be proud of. I do appreciate the kind remarks made by the gentleman from Indiana yesterday and the gentleman from Ohio. And, the committee appreciates them.

I recognize, too, that last year when the so-called Santangelo amendment came to the floor of this House and was defeated by a scant 20 votes, it was defeated on the promise that the committee, which I head, would investigate this matter in its entirety and report back to the House its findings. It was a great compliment to the subcommittee and a great compliment to me as chairman of that committee to be entrusted with this particular investigation.

Under the direction of the distinguished and able gentleman from Georgia [Mr. VINSON], to whom I am personally devoted, I was given instructions—and what I am about to say, again, is very important—I was given instructions to hold the hearings and to come out of that subcommittee with a tough bill. I have attempted to discharge those instructions from my distinguished chairman, as I have done during the 18 years I have served with him under his direction.

The committee conducted hearings for some 2 months. Every Member of this House and of the other body was invited to come before the committee and present any evidence which he had. Every newspaperman who had written that he knew of such alleged infractions of the proprieties was invited to come before the committee and tell what he knew. Numberless retired officers of the highest rank were called before the committee. Many members of industry were called.

After these extensive and exhaustive hearings, the committee then deliberated as to the nature of the report which it would make and had the advice of the chairman, the gentleman from Georgia, as to the type of legislation he would propose. At the request of the gentleman from Georgia, the committee invited the gentleman from Texas to sit in executive session with the committee, in order that he would be fully familiar with the thinking of the committee and the type of legislation it intended to propose.

In January a report was issued. I introduced a bill, which became H.R. 9682, which attempted to carry out the instructions of the subcommittee. The report of the subcommittee was unanimously adopted and signed and approved by the chairman of the full committee. The report adopted then, on suggestion of the subcommittee, was then submitted to the full committee in regular procedure. It was the subcommittee's understanding that Mr. KILDAY's subcommittee would hold hearings on the bill, it being a legislative committee, and that it would refine the language in the bill. At no time was any member, including myself, wedded to the language of that bill.

The bill was brought before the full committee instead of Mr. KILDAY's subcommittee. Assistant Secretary of Defense Finucane appeared in behalf of the Department of Defense and endorsed the strong bill which I had introduced under the direction of the chairman of the full committee.

Then came the construction bill for the military and hearings were suspended. The next hearings were held on March 3. Keep in mind, I am referring still to the same bill. The chairman of the full committee was enthusiastic in the support of that bill, I might say very hot about it—sizzling in supporting the bill. The only criticism he had of that tough bill was that it did not go far enough. I quote his language from the hearings on page 3555. The gentleman from Georgia said this: And keep in mind he said this of the tough bill, with the criminal penalties in it. He said:

> This is a good bill. And it doesn't accomplish very much. But it is designed to at least slow down a practice which is now subject to a great deal of criticism.

It caused him further to state:

> Now, I have read this bill carefully. I studied it yesterday. And I have known about this hearing for a long, long time—ever since it commenced.
>
> Now, I think this bill is necessary and I think the way the committee approached it is on sound ground. And I think every member of the committee can understand it.

That was on March 3. Then came the snows, as you recall. We were snowed out and could not hold any further hearings until the following Monday, March 7. As hot as was the chairman on March 3, just so cold was he on March 7. He thawed out with the snow. To my surprise, without warning, except a few minutes before the hearing began, he caused the committee to strike out, to pull all of the teeth out of the pending legislation and said the penal provision had no part in the bill.

I was taken aback. I should not have been. I have served with the chairman for 18 years and I know his ability and his agility to change. Of course, I am devoted to the chairman. He has taught me many tricks which I will try to pull on him in this debate. I can only say to him in the words of Shakespeare, "You teach me, I teach you, and I will better the instruction."

I do not expect my distinguished and beloved chairman to be as constant as the Northern Star. That would be asking too much, I know that. But if he would only be as constant as the changing tides, I could at least predict them.

In my own words, the bill was gutted. The chairman then asked me on behalf of the committee to introduce the legislation which is now before you for consideration, which I did. Then when the bill came up for a vote, I gave the committee an opportunity of voting on the chairman's own language. I shall not read in toto what the chairman proposed, but I shall ask permission of the House to insert it at this point in the RECORD:

> Title 18, United States Code, is amended by adding a new section as follows:
>
> "SEC. 292. Whoever, being a retired commissioned officer of the uniformed services not on active duty, retired after having completed twenty or more years of active duty, within two years after his retirement, knowingly sells, or assists in selling, any article, including the parts thereof, in which the officer was directly connected within five years immediately prior to his retirement, to any department or agency of the Department of Defense; or recommends or suggests, to any person in any department or agency of the Department of Defense, the purchase of any article or part thereof in which the officer was directly connected within five years immediately prior to his retirement; or communicates in any way with any person in any department or agency of the Department of Defense in connection with any

article or part thereof manufactured by or capable of being manufactured by any person or corporation from whom such officer receives compensation for services performed shall be fined not more than $10,000, or imprisoned for not more than one year, or both."

SEC. 2. On and after the effective date of this Act, the Dual Employment Statute of 1894 shall not be held applicable to any retired officer of the uniformed services.

SEC. 3. Section 212(a) of the Economy Act, approved June 30, 1932, 47 Stat. 406, is hereby repealed.

SEC. 4. Section 6112(b) of title 10, United States Code, is amended to read as follows:

"If a retired officer of the uniformed services, including the reserve components thereof, is engaged for himself or others in selling, or contracting, or negotiating to sell supplies or materials of any nature whatsoever to the Department in which he holds a retired status, he is not entitled to any payment from the United States while so engaged."

But it was interesting to find out exactly what had happened, because here is a letter I received from the chairman on November 4; not from the chairman, from Mr. Blandford, counsel for the committee:

DEAR EDDIE: The chairman has asked me to write you concerning your letter to him dated October 30, 1959, in which he agreed to make available to you the material, studies, and bill which he proposed on retired officers and conflict-of-interest hearings your subcommittee held.

Listen to this:

The chairman has discussed this matter with me on several occasions and has also discussed the matter with Mr. KILDAY. The suggestions that the chairman and I worked out together—

This tough bill with criminal penalties—

were given to Mr. KILDAY for his comments. He will return to Washington shortly, and we will get together with you or John on the whole problem if this meets with your approval.

On this I have written a memorandum to Mr. John Courtney, the counsel of my committee:

JOHN: See Russ and get a copy of the proposed bill so we can consider it together with our other proposals. Tell Russ I will talk with him when I get to Washington but get the proposed bill immediately.

So I gave the full committee an opportunity to vote on this language of the chairman. I gave the chairman a chance to support himself. I told him at that time I would not repudiate him, he could repudiate himself, but I would not repudiate him. I stood with my chairman. On the rollcall I got four votes, the chairman leading the way and reversing his position.

Now let us find out why we are in the particular position we are today and what has happened since then. Let me say this, that now we are almost to a point where the committee has fully capitulated to my original thinking, which has never changed. I must again go to the Bard of Avon to say that the committee is perhaps in the position where the advice Hamlet gave his mother applies:

Confess yourself to heaven, repent what is past, avoid what is to come.

The committee on last Tuesday to all intents and purposes did confess to the general public that it was in error. It did repent, in putting some teeth into a new version. Of course, they are only baby teeth, but at least they are teeth, where there were no teeth before. And it bears out the expression I just gave you, "Avoid what is going to happen"—avoid the future, because the committee is fully cognizant of the proposition before this House today and it is up to the committee and the Members of the House to come either to grips with the issue or else to avoid the question.

Now, I want to say this: There is no use of my discussing the matters which were discussed as to what we are being called upon to do at this time. I think I can best tell you the situation that we are now in by reading an editorial from the Washington Post of this morning. This appeared in this morning's newspaper and brings into focus the situation we are faced with now. The editorial is as follows:

A PENALTY TO SUIT

There appears to be substantial agreement in the House that retired military officers ought to be barred for 2 years from taking selling jobs with defense contractors. The obvious good sense of such a bar to influence peddling hardly needs elaboration. But if the Members are indeed prepared to embrace the principle, it is difficult to understand the heated opposition, in some quarters, to the legislation of penalties that would put teeth into the measure. It is impossible to avoid the inference that those who have opposed Representative F. EDWARD HÉBERT's proposal of criminal penalties are less than zealous about the reform itself.

Mr. HÉBERT, it may be assumed, has not challenged the usually all-powerful chairman of the House Armed Services Committee, Mr. VINSON, upon mere impulse. The Hébert subcommittee's extensive inquiries into military influence peddling apparently persuaded that group of the need for stern measures to prevent abuses. We think the House ought not to treat lightly the subcommittee's soundly fashioned conclusions. It ought to adopt penalties commensurate with the considerable public interest in the fair and clean conduct of military procurement.

Mr. Chairman, I subscribe entirely to that sentiment.

Mr. BECKER. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield.

Mr. BECKER. Does the gentleman always subscribe to the policy in the Washington Post editorials?

Mr. HÉBERT. I disagree with it 90 percent of the time, but I subscribe to this. Of course, I do not know what that has to do with the argument, but it is a nice remark and it was made at a good time for me to make an expression of my independence. Thank you.

Mr. Chairman, the House now has before it, as the gentleman from Texas [Mr. KILDAY] said so aptly and so well yesterday—just one issue, between those of us who think there should be a civilian court as against a court-martial trial. I am in full accord and in full agreement, but there is only one hitch, however.

Will this House be allowed to work its will and vote on that issue? The gentleman from Texas says we have an issue and at the proper time, unless I am misinformed, he is going to object to the House considering the second issue. So you will have only one name on the ballot, his side of the issue, and you will be prevented from voting on the other side, the same as if you removed a man's name from a ballot on technicalities, and do not let the people select.

But there is something more involved in this particular issue than the trial by court-martial as compared to a trial by a civilian court. I asked the gentleman from Illinois [Mr. ARENDS] to repeat a statement he made on the floor a few moments ago. Paraphrasing what he said, the buyer or contractor was as guilty as the individual. I think that is correct. In other words, the contractor who hires an officer to use his influence is as guilty as the officer who hires out his influence. He could not be more right. He could not be more right, but does the proposition which Mr. KILDAY will offer take care of that contractor? Oh, no. He treats the officer as a potential criminal and allows the contractor to go scot free. I am not for discrimination. I want them treated alike. I want both of them to have equal justice. But how can you get into a court a civilian through a military court-martial? The only method you have is a civilian court, and through the history of courts-martial if there has ever been a time that a military court-martial has been held on a retired officer for violation of a civil act, it has not been brought to my attention. Certainly I have heard of no general or admiral being court-martialed. What would a military court-martial be for a general or an admiral? Just an old class reunion.

I only asked that the civilian and the retired officer be tried in the same court that you and I are tried in. I ask that he be tried in the same court that a lawyer or a doctor or an engineer or any other citizen be tried in; not given special service as somebody who has to be specially selected.

I can only judge the future by the past. It was mentioned yesterday in a question propounded by the gentleman from Mississippi [Mr. WHITTEN] to the gentleman from Texas [Mr. KILDAY] as to the Bahama incident, and I think Mr. KILDAY replied they were active officers. What is the difference? An active or a retired officer? He also mentioned the name of Mr. Doerfer. Very interesting, because it now gives me an opportunity to comment there. What are we to expect from the military? A subcommittee uncovered what was going on in the Bahamas whereby the Martin Co. of Baltimore was entertaining on a lavish scale both active and retired officers, among whom were some who within 30 days would appear before the Appropriations Committee in support of contracts which included parcels for the Martin Co. I can only give you the facts. I can only say to you that when Mr. Bunker became president of the Martin Co. it was on the verge of bankruptcy. Today the Martin Co. is No. 2 on the defense contract list, and

paid a dollar more per share, while the Douglas Aircraft was losing $93 million. The Martin Co. does not do a dime's worth of work for private business. Every nickel comes from the Government in subsidies. Why should they entertain their only customer, the people they do business with? I do not know whether there is anything wrong. I am going to give you the record. Mr. Doerfer's name was injected into this debate. I am wondering if we do not have some sort of double standard that the military do not want to be treated like anybody else. There are 14 appointments by President Eisenhower who have resigned since he became President because they accepted entertainment from people with whom they had contact. I have heard no reprimand of anybody who went on the Bahama trip.

I have not heard a peep out of the Pentagon. Is this the double standard we talk about?

Again, can you not envision what would happen? Here these officers flying in a Martin-owned plane which the Government, of course, provides as a result of Government contracts, or a military plane, flying down to the Bahamas and passing over Biscayne Bay; and down there floating in the beautiful water the great yacht, the palatial yacht owned by Mr. Storer, and sitting on deck they could see Mr. Doerfer taking his drinks. They looked down and at least one of them must have said: "There, but for the grace of God, go I." The only difference was the wearing of the uniform.

I think the contractors are equally guilty and I pay tribute to the distinguished gentleman from New York [Mr. SANTANGELO] for bringing that particular feature of the proposal to the attention of this House. He was the first to bring it to my attention. To it I completely subscribe.

That is the purpose, that is the issue. But the distinguished gentleman from Georgia yesterday wept tears of bitterness because we dare provide a law which would stigmatize the man in uniform. Oh, he threw his hands up as only he can. "What do you want to make out of these people? Criminals in a civilian court?" And he told us how tough the court-martial law would be. I just wondered as I was thinking overnight trying to brush back my tears, I was just wondering what description would he give to the inmates of the military penitentiaries—and they have some, you know—would he say they are angels on sabbatical leave? Would he say that the only criminals are to be found in the State penitentiaries? Let us all be tried in the same courts subject to the same rules, subject to the same regulations. That is the issue here.

Will you be able to decide that issue? That is the question, and it is a big question. At the proper time, as I have told you, I will offer an amendment which I will not read at this time because you already know what it is, and that is to make the contractor equally guilty with the officer and be triable in the same court.

Mr. Chairman, I ask permission to insert my amendment at this point in the RECORD.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

(The amendment referred to follows:)

Amendment offered by Mr. HÉBERT to the pending amendment offered by Mr. KILDAY: On page 2 strike from lines 2 through 17 and substitute the following:

"It shall be unlawful for a retired commissioned officer of an armed force of the United States (other than an officer who served on active duty for less than eight years and whose primary duties during his period of active duty at no time included procurement, or supply) within two years after his release from active duty to receive or agree to receive compensation or anything of value for any service rendered or to be rendered by himself or for another person, with respect to any transaction of selling or aiding or assisting in the selling of anything to the Department of Defense or an armed force of the United States.

"It shall be unlawful for any person to employ such a retired commissioned officer, within such a period of time, for the purpose of selling or aiding or assisting in the selling of anything of value to the Department of Defense or an armed force of the United States.

"Whoever violates any provision of this section shall be fined not more than $10,000 or imprisoned for not more than one year, or both."

Mr. HÉBERT. Do you think you are going to be able to vote on that? I am well informed that a point of order will be made against the amendment. Let me give you some of the facts.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield.

Mr. JONAS. Many will not read the RECORD tomorrow.

Mr. HÉBERT. If the gentleman prefers me to read it now, I will.

Mr. JONAS. Does that relate to page 5?

Mr. HÉBERT. Page 5, section 4.

Mr. JONAS. Which runs through line 21?

Mr. HÉBERT. It is section 4. It amends the Criminal Code. The difference is a matter of language; the issue is not changed.

Mr. GROSS. H.R. 11474?

Mr. HÉBERT. That is correct. I am told it is against the rules of the House. Who makes the rules of the House? The House. There is nothing magic or mysterious about that. It was Richelieu who said: "Remember he who made can unmake"; and yesterday in this very well we saw the rules unmade, and very properly so.

The gentleman from Iowa and the distinguished gentleman who occupies the chair at this time spoke out of order on yesterday with the permission of the House. It was a technical position that they had to take. Now, the same thing prevails and will prevail when my amendment is offered. The House makes its own rules. And when I offer the amendment the House can allow the amendment to be in order if an objection is not raised.

Who among you on this side, who over on that side, will rise up in this House when that amendment is offered and tell you, "You cannot vote on it because of a parliamentary technicality"?

That is the issue. "I will not allow you to express your opinion, I alone stand between you and this House, and I will not let this House work its will."

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. HÉBERT. Who among you would stand up and make that statement? Who will say that and block consideration?

We were told a lot about the fact that this is not our jurisdiction. I am sorry I do not have the communication here I wanted to read, but I will tell you in essence, and I am sure it is correct. When the distinguished chairman of the Committee on Civil Service protested to the chairman of the Committee on Armed Services that this matter was out of the jurisdiction of the Committee on Armed Services, the chairman replied and stated: "All right, we are going to give you a little time to do something about it. If you do not do anything about it, then we are going to do something about it."

Does that change jurisdiction? Because the other man fails to operate you take jurisdiction?

And I want to say something else right here. Twenty years ago when I came here I was introduced to the greatest amount of labor legislation I had ever seen in my life. Do you know where that labor legislation was being written? In the Committee on Naval Affairs under the distinguished gentleman from Georgia.

Oh, no; you do not have jurisdiction when you do not want to take it, or when you do not want to allow the House to work its will.

Mr. Chairman, I hope I have made the situation quite clear. I hope that I have brought into focus exactly what we are confronted with. We either want to treat the contractor and the man in uniform alike, make them equally guilty of wrongdoing if there is wrongdoing, and the committee has admitted that there is wrongdoing, or we do not. They have adopted my language. Incidentally, the amendment which the gentleman from Texas [Mr. KILDAY] will offer is not so far off. There are seven or eight words changed in one paragraph of the amendment which I have and a new section put in. Everything else is exactly what I proposed.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from North Carolina.

Mr. JONAS. Will the gentleman say that the Kilday substitute, H.R. 11576, is an improvement over the committee bill, H.R. 10959?

Mr. HÉBERT. Oh, yes. The committee bill that I introduced was a license to practice. This new bill makes it unlawful. I have identified them and I

treat them alike. They confess themselves to heaven and repent for what has been done in the past.

Mr. JONAS. The gentleman says that his amendment is an improvement over the Kilday substitute in the two respects he has mentioned?

Mr. HÉBERT. Yes; we subject them to trial by competent civilian courts. The gentleman from Texas does have teeth in what he proposes, but they are baby teeth. I want to give you good, strong, masculine teeth that will do something about this business.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. VINSON. Mr. Chairman, I yield 18 minutes to the gentleman from Texas [Mr. KILDAY].

Mr. KILDAY. Mr. Chairman, I know of no bill that has come before us which should have less emotion about it, or involve less appeal to prejudice or less personalities than that now under consideration. Unfortunately those have been injected here. I think, of all bills I have seen over a very considerable period of time, that this is one where we need to approach objectively and analytically. Of course, it has become very evident in the remarks made by the gentleman from Louisiana that feeling has developed between the gentleman from Louisiana and the gentleman from Georgia [Mr. VINSON], the chairman of our committee. This I regret very much. I submit, however, that it would ill become this legislative body to legislate on what might arise by way of prejudice or from some personal irritation or personal conflict which has arisen between two excellent, outstanding gentlemen who have served on this committee together for many years. The gentleman from Louisiana served for 18 years. The gentleman from Louisiana is entitled to a tremendous amount of credit. He was designated by the chairman of the committee some 10 years ago to handle the functions of the committee with reference to investigations. In doing so the chairman of our committee passed over the heads of some 8 or 10 other members with more seniority who would have liked to have had that position, but he chose the gentleman from Louisiana, and time has proven that the chairman's judgment was right, because the gentleman from Louisiana has done an excellent job in that connection.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Louisiana.

Mr. HÉBERT. I just want to say, and make it very emphatic, that there is certainly nothing personal in this between my beloved chairman and myself. We have been friends for years, and I hope to continue to merit his long friendship. He is a distinguished American; he is a great man in my book, and after this I will go back to him and find out where I have made mistakes, and I am sure he will tell me.

Mr. KILDAY. I agree with the gentleman's remarks with reference to the gentleman from Georgia, my chairman for many years, and I want to say that the gentleman from Louisiana is also an excellent, patriotic, outstanding gentleman. Now, I hope that that takes out of consideration of the bill the major portion of the address delivered by the gentleman from Louisiana, and I hope you will come to that portion of the remarks the gentleman last made, in which he engaged in a colloquy with the gentleman from North Carolina [Mr. JONAS] because there is the only analytical part of this discussion with reference to this matter.

Now, I want to discuss this as calmly and reasonably and fairly and objectively as I know how. It may be that an Irishman from Texas cannot do any of those things, but I will try to come as near to that as it is possible for that type of individual to do. A situation developed, most unfortunately, but a very improper situation developed with reference to the employment of high-ranking military officers by military contractors. It came on the floor of the House, as the gentleman from Louisiana said, last June, and the House pretty definitely expressed its attitude toward that type of conduct, and the chairman of the Committee on Armed Services referred the matter to the gentleman from Louisiana [Mr. HÉBERT] and his subcommittee for investigation. They conducted hearings, as was stated, for about 2 months. They received a great mass of evidence indicating the situation. And, after they had completed their hearings, they sat down and wrote a bill. It is true that I sat with the committee in executive session as a member of the committee but not as a member of the subcommittee. I sat there without vote in that subcommittee.

I sat there actually against my better judgment and over my mildly expressed protest, because this is not my first year here. I found that a Member of Congress who sits in a committee where he does not have a vote is in a pretty bad situation, because he takes on responsibility without any authority. I knew exactly where I was sitting when I was there. Anyway, the subcommittee came out with a bill, and if you want to get the hearings before the full committee, when the Hébert bill was reported, you can follow along what I am talking about; because the bill which was reported to the full committee by the Hébert subcommittee is printed in the beginning, on the first page. And if you read along there you will find that that very first section, which is section 1601, is, line for line, the substitute that I have offered here. The subcommittee, under Mr. HÉBERT'S guidance, did an excellent job in that regard.

You will find that the next provision with reference to the enrollment of retired officers is, word for word, my substitute, as it is in Mr. HÉBERT'S bill, as carried in the hearings on the bill.

Now as to the question of registration: This was an idea thought up by the Hébert subcommittee and it is an excellent idea. It is the heart of the bill. It is the one the gentleman from Louisiana [Mr. HÉBERT] should have proclaimed here and claimed credit for because he is entitled to a great deal of credit for having devised a system of registration. There is where this bill is going to be effective when it becomes law.

The supposition is—and maybe it is true—that military contractors have been sneaking around and employing high-ranking retired officers to sneak into these military departments and deal with their former comrades in arms to their advantage. And that is the thing we want to prevent. How many of them are going to be employed when they must file in the registration office which this bill creates? That retired officer has got to go to the Pentagon and file a statement that he has gone to work selling for a man who is selling to the military departments. When the contractor bids he is going to be told that if he gets an award he must submit a list of all the retired people that he has in his employ. So when he gets an award he then files a statement not only of the retired people engaged in selling—this is Mr. HÉBERT'S language and it is excellent language—he files the name of every retired individual in his employ. That is the effective part of this proposal. The criminal penalty comes in for that rare bird, if he exists, who is without regard for the law and is willing to violate the law and take his chances on avoiding the penalty. But that is not going to exist here. People who employ retired men for the influence that they can bring to bear are not going to employ one of them when the law says that it shall be unlawful for a military man, within 2 years after leaving office, to accept employment in selling. He is not going to be employed to peddle influence when it is made against the law. His name is on the register. His name must go into the bid proposal. And his name must be submitted when the contract is awarded.

Mr. Chairman, let me say this. There has been some question here about the coverage of those engaged in selling, and things of that kind. The language which is in the bill reported by the committee is the language used by the Hébert subcommittee in reporting to the full committee. It is identical. The point is this. When you first approach this problem you say, "Why, of course, a former officer ought not to be working for a defense contractor." Then someone says, "Well, how about the young lieutenant, the infantry brigade combat commander, would you include him in that?" "Oh, no; he ought not to be included. We will take him out." Then you come to the company commander, and you get up to the battalion and regimental commander. They have been out in the field. They have been commanding troops. They do not have any influence in the Pentagon. So you say, "We will take them out."

Then you come to the situation of the electronics engineer serving as an officer in the military. When he is released from active duty he is critically needed in the laboratories of these defense contractors. So you say, "Are we going to

keep them from hiring him and bringing his know-how into the defense effort? No; we cannot include him. We will take him out."

So you just keep taking them out and taking them out. The Hébert subcommittee found that the only way they could deal with it is the way in which they reported it, the way it is included in the bill reported by the committee and the way it is included in the substitute which I shall offer here.

I call your attention to the very first section of any one of the bills you are looking at. The Hébert subcommittee found a solution of the most difficult part of it. It is too bad that a personal disagreement, or whatever it may be, has beclouded the objective, analytical consideration of an excellent proposal.

After you get down to looking again at the hearings before the full committee, after you leave that registration, and so on, the Hébert subcommittee became too enthusiastic and it covered too much territory.

Now let us analyze the rules of the House. They were not written by anybody sitting here. They start with the manual written by Thomas Jefferson and they have come down through the years. We all come here after our various elections, and we come under the rules and we live by the rules. The rules of the House assign jurisdiction of certain subject matters to certain committees and other subject matters to other committees. In their enthusiasm the Hébert subcommittee, when they had reached that point about these offices registering and working in selling, and so forth, then got into foreign fields.

First they got into civil service, and they attempted to legislate on the authority of the Department of Defense to employ retired military officers in order to overcome the limitations of the Dual Employment Act of 1894, which is always within the jurisdiction of the Committee on Post Office and Civil Service, of which the gentleman from Tennessee [Mr. MURRAY] is chairman.

Then, after the subcommittee finished with civil service, they provided that the same restrictions would apply to civilian officials of the military departments for 2 years after they left the military departments.

At the present time you will find that the President is complaining that he cannot find Secretaries and other officials who are willing to come to Washington and comply with the conflict-of-interest statutes, and leave their private businesses or employment, under these restrictions. The great cry is that we cannot get competent men to fill the top spots in the Defense Establishment.

The provision the Hébert subcommittee would have brought in would have done this, for instance—this is a concrete case, it happened recently, we all know about it—it would have prohibited Mr. Neil McElroy from going back to work with Procter & Gamble. He was willing to give up the tremendous income he had as president of Procter & Gamble and come here for a time to serve as Secretary of Defense in a very crucial period when it was impossible to find men of that capacity. He has not been gone 2 years. So, had that provision been adopted, even Mr. McElroy could not have gone back to the company from which he came.

So these things came up. In these same hearings, if you will turn to page 3498, you will find the analysis submitted by the Department of Justice, and they are pretty critical of a number of things that were involved in that original bill.

Then the Civil Service Commission gave us their views. If you have the time to read a very long letter that will be most amusing to you, I am sure, because it is so highly critical, it begins on page 3499 of these hearings and runs over to page 3502. It was so condemnatory of these civil service provisions and whatnot, that when it had been read, I laughingly said, "Mr. Chairman, I can give you further information, the fellow who wrote that did not like this bill." Then there was general laughter in the committee as the record shows because it was condemning the bill throughout. Then, of course, we have the letter from the chairman of the Committee on Post Office and Civil Service objecting to our inquiry and legislating in a field over which his committee had jurisdiction. Further, the Committee on the Judiciary has jurisdiction of title XVIII of the United States Code. So, unfortunately, as the gentleman from Louisiana stated, he had been under the impression that the bill, though reported, was going to come to the subcommittee of which I am the chairman. The chairman of the Committee on Armed Services for some reason, and I guess the reasons are sufficient unto himself, but the rules of the House give the chairman of the full committee the authority to decide how bills shall be heard, had those hearings before the full committee. Now when you get into that kind of legislative situation, it sometimes is a great deal like attempting to write legislation on the floor of the House. It is not easy to do and it is not always highly efficient. So this bill came before the full committee, and the full committee operated on the bill that had been offered by the Hébert committee. It was amended here and there, and this part taken out, and so forth, and so on. As always happens in such a situation, you do not come out with a nicely rounded out piece of legislation such as you have when a committee sits down and discusses the matter and writes in provisions and takes out provisions and writes another provision, and so forth. So, Mr. Chairman, that is the shape in which it was. So the substitute, which I am going to offer, will contain, as the gentleman from Louisiana [Mr. HÉBERT] said, some seven or eight words that he did not have in his bill. It has section 3 which is included on the last page of my substitute.

The other change it makes is with reference to the forfeiture of retired pay. It has been stated here that the forfeiture of retired pay does not amount to anything. Now what kind of penalty is that? Who proposed the forfeiture of retired pay as a detriment to the employment of these officers? The Hébert subcommittee proposed that. It was a device that they developed and wrote into the bill. But, they provided that the forfeiture would be for the period that a person is employed. Now what does that mean? He is disqualified for 2 years so if you catch him in the first month that he is selling, he would forfeit 24 months pay, if he continued to work for 24 months. If you caught him in the 24th month, then I take it that he would forfeit only 1 month's pay. My substitute just makes it a 2-year forfeiture no matter when you catch him.

Mr. HÈBERT. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. HÈBERT. I just want to get the record straight. The subcommittee did not devise this method. This is a method that is in existence now, and in perpetuity, as far as the Navy is concerned. The Hébert bill, reported originally out of the subcommittee, carried it through, but had with it the criminal penalties. It was the full committee which put the bill in such shape that the time of suspension of pay was to be just the time of actual operation—for which the gentleman himself voted.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. KILDAY. It is true that the Navy law has always been that the person who engages in selling to the Department of the Navy after retirement would forfeit his retired pay. That is correct and the gentleman followed that.

Mr. HÈBERT. But it is also true that when my subcommittee came in with a bill we had the provision of the forfeiture of retired pay linked with a criminal penalty.

Mr. KILDAY. That is true, surely. There is no contest on that.

Mr. Chairman, I am coming to the penalty provision now, and I hope I will have enough time to discuss it. But, you see, we have adopted the approach that the Hébert subcommittee recommended. Frankly, I cannot quite understand why there should be bitterness—turning even to prejudice.

With reference to the Martin Co., of course, it is reprehensible for a contractor to be taking the top-flight Air Force command to some place of entertainment over long periods of time.

It was highly improper for these officers to go. Nothing I said yesterday could be construed to condone it. I pointed out that these officers were on active duty; that they were subject to discipline on the part of the President; that the President has authority to discipline civilians by demanding, for example, the resignation of the Federal Communications Commission official, and that the administration has within it, the power to punish these men on active duty. They can be relieved. They can be sent to Okinawa or to Guam, or wherever he wants to send them. They can be handled any way the administration wants it done. The gentleman from Louisiana [Mr. HÉBERT] asked the gentleman from Illinois [Mr. ARENDS] if the administration did not back his pro-

posal. I usually do not know who the administration is. But I know who it is in this case. It is a member of the President's staff, who also happens to be a very capable man who at one time was a member of the staff of our committee. That is "the administration" in this connection. I do not think the gentleman is going to contend that he took the proposition up with the President of the United States.

Mr. HÉBERT. I will not contend that I talked to the President of the United States, but I talked to a person in a position of authority, and I am sure if the same information came to the gentleman in support of his bill he would welcome it.

Mr. KILDAY. Yes, sir. I would have done exactly what the gentleman did. I would have used all the tools at my command.

Now I want to say something to the gentleman in the finest spirit. The rules of the House were written many years before you and I came here—through the centuries. Those rules are found to be the best in the promotion of orderly legislation and the proper writing of legislation. It does not say anywhere in those rules that a minority of the committee, whether it be four, or five, or eight, has the power to suspend the rules and report out of committee something that is not within the jurisdiction of the committee, or to prevent the enforcement of the rules on the floor of the House. If, when that final accounting comes, they can find nothing worse against my record than the fact that I lived up to the rules of the House and made a point of order, I will be very pleased.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. WHITTEN. It is my belief that neither one of these bills reaches the problem. This is limited in your own bill to officers who engage in any transaction, the purpose of which is to sell or assist in selling. We talked in our subcommittee about a situation that had nothing to do with selling. It was just a social occasion. You ask these retired officers who work for the corporations—sure, there was no selling——

Mr. KILDAY. Please. May I ask the gentleman to propound his question, because my time is limited. I do not condone any part of that. Those men are subject to the discipline of the White House or the administration, as the gentleman from Louisiana [Mr. HÉBERT] says. He wants the bill in such shape that the administration will handle it. The administration already has the power to handle this matter if they will do it. I had the same idea about this thing as the gentleman from Mississippi [Mr. WHITTEN] when it first came up. It seemed to me a very simple thing to handle, but after you get into it the best the Hébert committee could do was to take care of those persons engaged in selling. Let us analyze it. The language says "to engage in any transaction the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an armed force of the United States." It is not limited to a traveling salesman with a sign on his back.

Then there is inquiry whether this language would apply to the chairman of the board. You show me the president of a corporation who cannot aid or assist in the selling of his company product and I will show you an ex-president of a corporation. The president of a corporation who cannot aid or assist is going to be an ex-president.

Mr. WHITTEN. The gentleman is an excellent lawyer and he well knows this does reach the whole situation. I just say there is nothing here to get at the person who is the head of one of the major services, resigns, then takes a job with a big company, and says, "We are in need of $2 million more defense expenditures." There is nothing to show he is selling anything, yet his company stands to get rich because of the actions of this man who voluntarily retired.

Mr. KILDAY. I am going to have to ask the gentleman to get his own time; mine is so limited.

Mr. WHITTEN. May I say that I have been unable to get time.

Mr. KILDAY. I do not have control of any time; I take it wherever I can get it. I am sure the gentleman appreciates the situation.

But let me say this: There are many things wrong in the United States, and we have not gotten around to curing all of the problems. We have, however, done the best we could with this one particular problem. As the gentleman from Michigan [Mr. MEADER] said yesterday, the Committee on the Judiciary is studying the entire question of conflict of interest in Government employment.

Mr. WHITTEN. May I just say this: That I, too, am concerned with this, being a member of the Appropriations Subcommittee for the Defense Department.

Mr. KILDAY. I am very sure the gentleman is.

Mr. WHITTEN. The fact is that our committee can do more than is done in this bill to correct it.

Mr. KILDAY. I hope the gentleman is correct; but I am sure that if the gentleman had approached this subject as carefully and for as long a time and as sincerely and assiduously as the gentleman from Louisiana [Mr. HÉBERT] and his committee has, the gentleman would find he could not do much more than the gentleman from Louisiana [Mr. HÉBERT] and his subcommittee did.

Mr. JONAS. Mr. Chairman, will the gentleman yield? I will give the gentleman more time.

Mr. KILDAY. I yield.

Mr. JONAS. Will the gentleman from Texas—I do not not want to use the word "defend"—but support the section in your bill that gives jurisdiction to the military courts instead of the civil courts?

Mr. KILDAY. That is the point I am coming to; and let me say that I am no stranger to the Uniform Code of Military Justice; I was ranking minority member of the committee which wrote the Elston bill which later constituted the base for the Uniform Code of Military Justice. I am now chairman of a Special Subcommittee on Revision of the Uniform Code of Military Justice. I state it to be my firmly considered opinion that even without the language of my section 3, a retired officer who violated the provisions of the bill, without making it specific in the language, would be subject to court martial. I remove any doubt of that by providing specifically that any retired officer who violates any provision of this act shall be tried by a court-martial and shall be punished as a court-martial may direct.

The question that now comes up is—and I was surprised to be asked it a number of times: How are you going to court-martial a retired officer? That is the first question that comes up. If you will turn to the Uniform Code of Military Justice, article 2 deals with persons subject to the code. It says the following persons are subject to this code, and then it goes on down through the active duty grades, and then the fourth subdivision states "Retired personnel of a regular component of the Armed Forces who are entitled to receive pay." This has always been the situation, a retired member of the military is still a member of the military service. With that I know the gentleman from North Carolina agrees. It has always been true, and of course they are not called back every day of the week for court-martial, but it is certainly not a rare occasion when they are called back. In my own experience there have been several in my district called back, tried by court-martial, and convicted. It is a procedure well known within the Uniform Code of Military Justice. I am going to have to develop this a little further.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 10 additional minutes.

The CHAIRMAN. The gentleman from Texas is recognized for 10 additional minutes.

Mr. KILDAY. I thank the gentleman for again yielding time to me.

Mr. Chairman, I would like to develop this one phase a little further.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. This is a very complicated subject. I would like to have it developed at one place so we may get the whole picture.

Mr. KITCHIN. The point I want to bring out is that this does not apply to Reserve officers not on active duty.

Mr. KILDAY. The gentleman is correct. The bill that we have here draws a line at Reserve officers on active duty, for 8 or more years. That is true. They would be subject to the forfeiture provision only. I thank the gentleman for calling that to my attention.

Why do I say he could be court-martialed, even though it was not provided? What would he be charged with? He could be charged under one of several provisions of the Uniform Code of Military Justice. He could be charged under several others, but these are evident. Any officer, cadet or midshipman who is convicted of conduct unbecoming an officer or a gentleman shall be punished

as the court-martial may direct. That is a conduct proposition. Specifically, article 134 is a general article and practically every court-martial of an officer contains a charge under article 134.

It states:

> Though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the Armed Forces, all conduct of a nature to bring discredit upon the Armed Forces, crimes and offenses not capital of which persons subject to this code may be guilty, shall be taken cognizance of by a general or special or summary court-martial, according to the nature and degree of the offense and punished at the discretion of such court.

There is no question about this. One of the officers of the Judge Advocate General's Department has furnished me with a sample charge and specification which could be drawn under this and under which a man could be court-martialed.

Let us get to the other proposition. The gentleman from Louisiana would make light of a man being subjected to a court-martial. We are dealing here with men who have served for a long period of years as officers in the Military Establishment. I know it is supposed to be good politics to come on the floor of the House and condemn the brass, condemn the fellows with the stars, the high-ranking officers. That is supposed to be good politics. I have sat here now for going on 20 years, I have seen that done consistently, and I have yet to see a Member who profited politically by that approach.

Once you say it is unlawful, these men are going to live up to it just as other professional men live up to the law. Depriving these men of their liberty is not the thing they fear as would other individuals on the margins who are willing to violate laws. You and I fear the loss of reputation, and the loss of standing and respect. But let us understand this clearly, the enforcement of discipline in the Military Establishment for military offenses, military conduct, is always within the jurisdiction of the court-martial. Make light of it as you please, but I know of nobody seeking trial by court-martial. When we had the universal military training proposal in here we were forced to put a provision in there that these trainees would not be subjected to court-martial but that they would be subject to trial in the U.S. courts because of the aversion of the American people to courts-martial and the general understanding that the court-martial is a highly effective means of inflicting punishment for violation of the law. No one is going to seek a trial by court-martial.

Any offense charged here is bound to be predicated upon his status as an officer of the armed services. If you took him into the U.S. district court the first thing you are going to have to prove is that he is a member of the military services, and this is the only place that you would make a man tryable in the Federal court for a violation of military law, because of his status as a military man. You would single him out.

This is a very highly complicated, technical question, and I have been amazed at the lack of information I have found in the House on this matter.

Now, there is a provision of law of which apparently few here have become cognizant. I became aware of it a year or two ago when a retired naval officer of long service was convicted in the civil court in nearby Virginia. His name was Rueger. He served 2 or 3 years for the offense with which he was charged, and when he came out he found that he had been dropped from the rolls as a retired officer. Everyone was amazed, and the local papers on both sides of the river here played up the tremendous injustice that had been accomplished thereby. And, that is the first time that this thing was called to my attention. But, I am well aware of it now because my subcommittee reported special legislation to relieve that man of the penalty of forfeiture inflicted upon him of his retired pay and the forfeiture of his widow and his orphans when he dies. That is section 1161 of title X of the United States Code, subsection. (B):

> The President may drop from the rolls of any armed force any commissioned officer (1) who has been absent without authority for at least 3 months or (2) who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

It says "the President," but you know that it is carried out by the military department to which he belongs.

Of course, the man who violates the law should be punished, but does this Committee want to put it in such a condition that the punishment would extend to disenrollment, dropping him from the rolls, and thereby forfeiting all of his rights, all of the income of the widow and the orphans of that military man?

Now, let me reiterate that I am sorry a personal conflict has arisen in connection with this highly technical bill, one that requires careful consideration without those personal appeals and appeals to prejudice. I have attempted to outline what I believe to be the situation as it exists. The committee has done its best, and I hope that it will be adopted by the Committee of the Whole.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from New York.

Mr. LINDSAY. As I understand the essence of the bill, it is disqualification. It says if the man is hired, he must not engage in the sales end; is that not correct?

Mr. KILDAY. Essentially; yes.

Mr. LINDSAY. Essentially that is correct. Then, if the man should drift over into a higher office or should be taken on as president of the corporation, and he may never leave his home town—he may attend a board meeting but not engage in sales directly, do I understand the courts would have to rule as to whether or not this tenuous line had been crossed?

Mr. KILDAY. The gentleman is an excellent lawyer with experience within the Government Establishment and understands an administrative finding and, of course, a judicial finding. The gentleman is correct. The point would come up when someone had to make a determination first administratively and perhaps later judicially.

Mr. LINDSAY. The gentleman understands that if you are dealing with a partnership, disqualification of one partner disqualifies the entire firm, so that if you have got a partnership engaged in research, in which there are a great many, and ultimately, I suppose, engaged in the sales end, disqualification of one of those men would bar the entire firm from engaging in Government business. In essence that is what it means; is that right?

Mr. KILDAY. That is true. I think what the gentleman has done is to point out the limited area in which we must operate and the difficulty in preparing legislation of this kind.

The CHAIRMAN. The time of the gentleman from Texas [Mr. KILDAY] has again expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield further?

Mr. KILDAY. I yield.

Mr. LINDSAY. I would assume that research contractors per se would not come under the heading of sales.

Mr. KILDAY. That would be my offhand opinion. We have been confronted with a number of attempts to define words in connection with this legislation, to define sales. As the gentleman is well aware, the word "sale" is well understood in law. It is one of the big subjects studied in every law school and most of the States have uniform sales acts. In each of those it is going to turn on the facts in the particular case.

Mr. LINDSAY. One thing that worries me about this and it is one of the great problems they have in the conflict-of-interest laws, and that is the area of uncertainty. Nobody knows where they stand. The difficulty with this particular bill, it seems to me, is that it is going to be very difficult for individuals to know whether or not they are engaged in sales transactions.

Mr. KILDAY. I agree, that is true. And the only way the individual can be completely safe is to be content with his retired pay.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from New York.

Mr. SANTANGELO. The gentleman from Illinois [Mr. ARENDS] stated that a person who buys in violation of the law is as guilty as the one who sells.

Mr. KILDAY. I agree.

Mr. SANTANGELO. Does the proposed amendment which the gentleman is going to offer to the Hébert amendment provide any penalties or sanctions against a defense contractor who knowingly engages a person who knows that he is selling for a defense contractor in violation of the law?

Mr. KILDAY. Let me say this to the gentleman. It does not provide a criminal penalty. It provides, however, that if he employs him without complying

with the law, he shall not be paid the sums due under the contract. I should like to say this further to the gentleman. The creation of new Federal offenses is a matter for the jurisdiction of the Committee on the Judiciary. I imagine if the Committee on Armed Services should bring in here legislation that provides that civilians shall be guilty of certain criminal offenses, we would hear from most of the Members, including the gentleman from New York [Mr. SANTANGELO], to the effect that the Committee on Armed Services had better leave civilians alone.

Mr. SANTANGELO. As I read the gentleman's proposed amendment, it provides that suspension of payments shall be had when the contractor fails to enroll the officer. But the gentleman says nothing about the suspension of contract payments where there is a violation of law with the knowledge of the defense contractor. As I read the gentleman's amendment, it does not propose any sanctions, civil or criminal, against the defense contractor who has permitted this person to violate the law.

Mr. KILDAY. The second offense that is suggested is more aggravated than the first one, and if the gentleman covers the first, he would cover the second.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. BASS of Tennessee. Mr. Chairman, in yesterday's address by the gentleman from Georgia [Mr. VINSON], he pointed out that there were actually no cases of improper influence or influence peddling, conflicts of interest, involving any contractor, or involving a case of procurement of material. This being the case, can we consider this piece of legislation more in the form of a preventive rather than a cure?

Mr. KILDAY. The record fails to show the existence of any of those cases. But I am not that naive. The fact that you are not able to prove it does not prove that it does not exist. As the gentleman knows, many, many times in the last 20 or more years I have stood here and defended the brass, if you please, against the criticisms of my colleagues. I demand of these men, in return for the distinguished careers that they have had, that they not only be not guilty of misconduct, but that they be not guilty of an appearance of misconduct.

Mr. BASS of Tennessee. Not guilty of suspicion.

Mr. KILDAY. I demand of them the same type of faithful service after retirement that they rendered while they were on active duty. There are about 1,400 retired people all told working for defense contractors out of some 150,000 retired officers. That probably includes the young fellow who went off with an infantry company, got his leg shot off and went back to the company that he had left in order to go into the service. It includes all of them.

It is true that six people reported back that they were engaged in selling. I am not that naive either—that there were only six of them.

Mr. BASS of Tennessee. With the gentleman's great knowledge of this subject and with the evidence that was accumulated by this committee, does the gentleman believe that there is proof which would create an aura of suspicion in the field?

Mr. KILDAY. I can tell you it does not look good, and I am afraid it smells bad. I think we have done what can be done to do the job. These gentlemen should not even give the appearance of wrongdoing. They should not be suspected in any connection.

Of the 1,400 that are involved not more than 8 or 10 are drawing big money, and they have reflected on every one of their fellows, on those great military commanders, many of them living in my district, who have not worked one day since they left the military service. Most of these big-money men are staff men, not fighting men.

Mr. HUDDLESTON. Mr. Chairman, I rise in support of H.R. 11576, the substitute to H.R. 10959, as reported by the Committee on Armed Services.

I will oppose any amendment or substitute bill which seeks to add criminal penalties to the proposed legislation, to replace the court-martial procedure provided for in the committee substitute.

I do this because I cannot conscientiously subscribe to any proposition that would impose a criminal sanction upon one group of officers of the Government, who have over the years served all Americans faithfully and well, while at the same time large numbers of other former Government officers remain free to go their merry ways without the sword of criminal sanction hanging over their heads.

When this House is ready to impose upon itself limitations with regard to the improper use of influence and make violations of those limitations subject to the criminal code, then I will stand ready to impose the same sanction upon retired officers of our armed services.

Mr. Chairman, I am convinced that the committee position is eminently sound and eminently fair.

We all want to stop people from improperly using the influence they acquire as a result of positions of responsibility in the Government. This is particularly true for those who work for a company which sells to the Government.

I think we all know the difference between "influence" and "improper influence."

The committee bill seeks to lessen the likelihood of the exercise of "improper influence."

But it is one thing to make public the lists of retired persons who are employed by defense contractors, to take away retirement pay if retired officers engage in any transaction which may be interpreted as selling to the Department of Defense, and to subject such officers to court-martial, which the committee bill does; and quite another thing to make such action a violation of the criminal code—as some would propose.

Mr. Chairman, I realize that this is a very popular subject. The natural tendency is to lower the boom on high-ranking officers who have obtained high-paying jobs in defense industry.

And I think it is very natural to incorrectly assume, at first blush, that these men are being paid for their reputations and not their ability.

But if that is the case, it is a sad commentary on the judgment of the Members of the House, and former Members of this House, who selected most of these people for appointment to the Military or Naval Academies.

Members of Congress, past and present, considered these people to be outstanding when they gave them appointments to the Academies.

And, the officers here involved proved their ability by rising to the top.

They preserved the Nation in time of war.

Unless we are willing to say that our Nation's success in time of war occurred in spite of them, and not because of them, then there should be no question in our minds as to their ability.

If the head of General Motors is worth several hundred thousand dollars a year, if the president of the United States Steel Corp. is worth several hundred thousand dollars a year, then it would appear that the salaries paid to some of our senior retired officers who have taken important positions in defense industries are grossly inadequate compared to that which their civilian counterparts in industry now earn.

I am sure that the salaries some of these individuals earn arouses a feeling of resentment among some of the general public. It is always so easy to criticize a man who earns a high salary—and it is even easier to charge that that man is being paid for who he knows, and not what he knows.

But, in the absence of proof, I will not subscribe to that concept.

Nor will I subscribe to the concept that a retired general officer of the Army or Air Force or a retired admiral of the Navy is more influential in the Government of the United States than are Members of Congress.

But until we impose criminal restrictions on the activities of former Cabinet members, and little cabinet members, as well as former Members of Congress, it is unjust to levy criminal sanctions upon retired officers. To do so is to tell the people of this country that those men who led their Armed Forces in time of war, as well as in time of peace, are of such low, mean character as to justify their being placed in a special category by themselves.

I am sure there is a lot of influence among those who formerly served in this House, as well as in other divisions of Government, and in the other body, but I do not think that just because a man knows how Government operates, or knows those who operate Government, that he is immoral or inherently capable of improper conduct, by accepting a position in industry.

I agree with the committee that the public should be informed about those among our retired officers who are employed in defense industries.

This will tend to remove any temptation that may exist for the use of improper influence.

Then too, the provisions of the committee bill which subject a retired officer using improper influence to court-martial is the reasonable, logical way to correct whatever evils may exist.

Some Members of this House seem to think that we are here dealing with a corrupt, criminal element rather than a patriotic group of men who have rendered long faithful service in the defense of our form of government and our way of life. The approach we use in handling this problem will have far-reaching results. The Congress must not be stampeded into enacting legislation which may do irreparable injury to the structure of our military officer corps.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. BATES].

Mr. BATES. Mr. Chairman, I am not at the present time a member of the Hébert subcommittee that studied this matter, but for some 8½ or 9 years I did serve on that committee and I am well advised as to the difficult assignments it has faced not only on this issue but every other issue considered during my service on the committee.

We are dealing today with a very, very important matter; one that is very, very difficult on which to legislate. It is an elusive subject because most of these actions we have considered in the hearings are extremely difficult to prove beyond a doubt. I think from the colloquies which have gone on here and from the fact that numerous bills of the committee have been introduced, we can get a measure of the magnitude and the complexity of writing legislation in this field.

The reason is obvious. We are dealing here with a question of ethics. We are trying to legislate on suspicions. We are thinking of questions of discretion and indiscretion, and the question of judgment. We are talking about social and professional relationships. We are trying to tie these into legislation so that whatever suspicions have been aroused in the past will be dissipated in the future.

The gentleman from Louisiana after exhaustive hearings advised the House today that he cannot say there has been anything wrong. I know you will agree with me that from the actions and the reports of the committee all of us know that if these people have not done something unethical, something illegal, then at least, in many cases, they have gone beyond the bounds of propriety.

I believe there is a need for legislation but I would like to make this point: I think that most of the good has already been done on this subject by the hearings which the committee has conducted and by the debate that we have heard here on this floor. In addition, the registration provisions of the bill are probably as strong as anything in the bill. I do not go along with those who constantly criticize the brass, because I remember during World War II all of us thanked God for the wonderful leadership we had in our military organization. To me, it certainly is unfortunate to observe statements here and elsewhere that the question has moved from that of conflict of interest to a general repudiation of the military brass. I do not subscribe to that kind of criticism.

On the other hand, there is another factor that I cannot overlook, and it is this. Last year or the year before we passed legislation in this Congress so that we could improve the scientific capability of this Nation. You know as well as I do that the future of the free world lies in the scientific advancement of this Nation and in other sectors of the free world. We must remain supreme in this particular area.

It seems to me incongruous to train students now to perform 10 to 20 years in the future, when we have men available at this hour who have spent years in a broad military field and who can make a great contribution to this country, yet deny them the right to work in some of these corporations which are dedicated to defense work.

I am frank to say I believe there have been improprieties. I do not approve of them. I do not condone them and, in fact, I denounce them. It seems to me a lot of these things that have been going on must stop, and I think it is up to the military to clean their own house.

Mr. Chairman, this is an extremely difficult subject. As I read the legislation, many of the words mean something to me and mean something quite different to someone else. I would like to ask the chairman of the full committee exactly what his understanding is of the meaning of the words, "to sell."

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. VINSON. Mr. Chairman, I will say to the distinguished gentleman from Massachusetts, the best answer I can give as to the explanation of what constitutes selling is that I interpret it to mean a personal contact with the man in the Department of Defense who has the obligation and the authority to enter into a contract.

Mr. BATES. I thank the gentleman. So we can understand that if a retired military officer works in design or in production and has no contact with those in the Department of Defense who are going to buy, that they would not then come under the purview of this law; is that correct?

Mr. VINSON. I thought I had answered the question by saying, it is my interpretation that there must be a personal contact between the seller and the buyer, and the person must come in contact with someone in authority in the Department who has the authority to make a contract.

Mr. BATES. I want to thank the gentleman. The reason I raised the question is that there was considerable confusion in the committee and among those who may have read the hearings.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield.

Mr. WESTLAND. The gentleman is on the Joint Committee on Atomic Energy and has heard Admiral Rickover many times, the father of our nuclear submarine. Let us just suppose that Admiral Rickover retires and let us say that Electric Boat, which makes our nuclear submarines, hires Admiral Rickover. Would he be able to go to any part of the Department of Defense and suggest and recommend to them a specific type of submarine to buy or to achieve or to put in the budget a nuclear powered destroyer or carrier or anything of that sort? Or would he have to stay out of business for a couple of years before he could do that?

Mr. BATES. In answer to the first part of the gentleman's question, in accordance with the definition expressed by the gentleman from Georgia, I would say he could not go to the Department, but it does not mean for that period of 2 years he cannot engage in ideas and work in a particular plant.

Mr. WESTLAND. He can work on ideas, in other words, but he cannot tell anybody about them?

Mr. BATES. He can tell the people working in the plant.

Mr. WESTLAND. Oh, but not to the people who buy?

Mr. BATES. But, he himself cannot go to the Department of Defense and actually contact someone there for the purpose of selling to them.

Mr. Chairman, my time is limited. There are only two questions, it seems to me, that present themselves this afternoon to the House.

One is the question of the Kilday substitute and the other is the Hébert substitute, which I understand will be ruled out of order. But, even if it was in order, I would say there is no vast difference now between the two bills. One section is absolutely identical word for word. One other section in the Kilday bill provides that anyone who engages in selling will lose their retired pay for a period of 2 years. Under the Hébert substitute, he would lose it only for the period in which he is selling.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield.

Mr. HÉBERT. There is no reference to retired pay in the substitute I have offered.

Mr. BATES. I have not seen the latest one.

Mr. HÉBERT. I have only one bill. My presses work very slowly and I cannot turn one out in every edition.

Mr. BATES. We have seen a lot of bills and that is one reason why there is so much confusion about this.

Mr. HÉBERT. I abandoned the original bill because the gentleman from Texas [Mr. KILDAY] convinced me that retired pay is something that was earned and should not be taken away.

Mr. BATES. I am sure you can explain that when we come under the 5-minute rule. When we get down to the third section, primarily it is a question whether these cases shall be tried in the district court or whether they shall be tried by court-martial. It seems to me there is no significant difference. I am going along with the Kilday substitute because I believe that is the best way

to approach the problem at this time. If we turn it over to the district court, it will take 2 or 3 years. Their dockets are already overburdened. If we turn it over to a court-martial, we can have prompt action. The light of suspicion has been placed upon the Defense Department and they have a tremendous responsibility to the people of this country to clean it up themselves. If they do not do it, I think we should come back here and take action which will force them to do it. In that case, I will vote for the provisions which are presently in the Hébert bill, which would bring such matters as this before the court.

Mr. COHELAN. Does the gentleman feel the Kilday bill will do the job in effectively stopping the alleged practices?

Mr. BATES. The gentleman asks me if it will stop the alleged practice. I am not certain that I know to what alleged practices the gentleman refers. I think it should do as much as the Hébert bill will do. If it is not effective, we can always write more legislation.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. BATES] has expired.

Mr. ARENDS. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. DORN].

Mr. DORN of New York. Mr. Chairman, I intend to support the substitute bill of the gentleman from Texas [Mr. KILDAY], but I do so with misgivings.

I have listened to the arguments carefully and I have not found anyone who states that there was any instance of wrongdoing on the part of retired officers. In fact, it has been categorically stated, "No evidence of improper use of influence was disclosed."

The proposed law has one purpose, and that is to prevent improper exercise of influence in the future. Because this, and this alone, is the purpose of the bill, and provided it is so interpreted, I support it.

But I want to make certain that the individual talents of these retired officers are not lost to our defense efforts. It is vital to our country that the services of these officers continue to be used in the work for which they are so well fitted. Their knowledge, ability, and training should continue to be used by private contractors and corporations who need these services. I hope they will not discriminate against these retired officers because of this bill.

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BECKER].

Mr. BECKER. Mr. Chairman, I know they say at times you waste effort in gilding the lily, but for many years I had the honor of serving on the House Public Works Committee. Then I had the honor of being assigned to the Committee on Armed Services. There were remarks made yesterday about the persuasive powers of the chairman of the Committee on Armed Services of the House of Representatives. I have great admiration and respect for the gentleman from Georgia, chairman of that committee. I have come in contact with no Member who has more knowledge or more ability on the subject of our national defense than the gentleman from Georgia [Mr. VINSON]. I am happy I have been assigned to work with him. If he influences me at any time or persuades me, it is only on the basis of logic and reasoning. I am proud to be associated with him and go along with him in this particular instance. When I disagree, he knows it.

Yesterday, referring to the remarks of the gentleman from Louisiana, one of the gentlemen on the floor spoke of the rule and raised the question of the weakness of the Kilday substitute. Then he went on to berate the Defense Department because he could not get contracts for his district in order to keep up employment in his defense plants. That is where the double standard comes in. This is where double standards are involved all the time, whether it shall be for Members of Congress or whether it shall be the standard for retired members of the military, or others.

If we continually downgrade and attempt to place in jeopardy the integrity of the men who provide our security in time of war and in time of peace, if we continue to hop on them and stigmatize them, it is going to become very difficult to get topflight men. As the gentleman from Texas [Mr. KILDAY] has said, we will have great difficulty in getting civilians to head our civilian Department of Defense as well as to be Secretaries of the various branches.

The great difficulty involved is the fact that we are attempting to legislate in the field of morals and integrity. We should realize that we are dealing with a piece of legislation by which we are attempting to prescribe the morals of individuals and the integrity of individuals. I say that no such law can be so written as to be perfect. We could very well remember the Ten Commandments and the fact that many people today still violate those Ten Commandments. It is regrettable that any moral we might write into law will be violated the same way.

One of the questions in committee that caused the greatest discussion related to selling and transactions. Let me read a little of the colloquy that took place in the committee, because this matter of selling and transactions we found to offer the greatest difficulty in the writing of the bill. First, I want to read this definition and language from the report:

> Selling includes all negotiations which bring a contractor and his representative into contact with officials of the Department of Defense or of the Armed Forces for the purpose of obtaining contracts from those Departments for the procurement of tangibles or intangibles in existence at the time or to be produced in the future. The participants in such transactions are a part of that process.
>
> A proposal to create hardware is as much a part of the sale of that hardware as the product itself. One cannot exist without the other. The promotion and display of a plan which will produce hardware which is war material, is a part of the selling process.
>
> These three steps—proposal, development, and production—are links in a chain. Each is a part of a sale. The mere fact that a project may be dropped during development or production, does not make the transaction something other than a sale. A chain begins when the first link is forged.

In the hearings before the full committee, and I think the gentleman from Louisiana will bear me out in this, I am referring to page 3520 of the hearings before the full committee on the Hébert bill and amendments thereto, in a colloquy between the gentlewoman from New York [Mrs. ST. GEORGE] and the gentleman from Louisiana, she made reference to the Ten Commandments as being the best code of ethics we have had for thousands of years, but we still do not follow it. Mr. HÉBERT asked: "May I comment on that, Mrs. ST. GEORGE?"

Then Mr. HÉBERT said:

> You put your finger exactly on what we are trying to eliminate, and that is the aura of suspicion.
>
> Now, if these people do not have any influence, well, they should have no objection at all to this prohibition, which protects themselves as much as anybody else.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. BECKER. I yield.

Mr. HÉBERT. Will the gentleman read the entire colloquy between the gentlewoman from New York and myself? She said something about selling within the first 2 years after he is out of the Department. Will the gentleman read that?

Mr. BECKER. That would take all my time.

Mr. HÉBERT. No, it would not. Read it; do not read out of context.

Mr. BECKER. Well, we go back here to Mr. Finucane, who makes a statement and then Mrs. ST. GEORGE says: "That is very true, Mr. Secretary."

Is that what you are referring to?

Mr. HÉBERT. I am referring to the exchange in which the gentlewoman from New York [Mrs. ST. GEORGE] said that the best time for an officer to sell would be within the first 2 years after his retirement, after he leaves the service. But I am sure the matter can be straightened out and a correction made which should be made.

Mr. BECKER. Certainly. I am not trying to read anything out of context, I assure the gentleman. I am leading up to what I had to say a few minutes ago when I asked the gentleman from Louisiana to yield.

> Mr. BECKER. On the remark that the chairman of the subcommittee just made, in clearing up this aura, which is the purpose of this record—do I assume that is what you said?
>
> Then are we attempting to pass legislation that is going to clear up an impression created in the public's mind that there might have been something wrong with this type of influence with the Defense Department? Is that what you are trying to do by this legislation?
>
> The gentleman from Louisiana said:
>
> I will only refer the gentleman from New York to the reaction of his own colleagues and their comments in the House last year.

And they were made on the floor yesterday by the gentleman from New York [Mr. SANTANGELO].

If we are to legislate something to obviate an aura of suspicion or to clear up an impression that has been gained, I think that is absolutely the wrong way

to legislate because in the hearings before the gentleman's committee—I have not read every single word, and a great many people testified—there is not one single incident proven, and I may say to the gentleman that when they talk about fishing expeditions this book is replete with fishing expeditions from beginning to end. That is no criticism of the committee, but it does not point out one single incident. I do not subscribe to influence in any way, shape, or form, but we should not legislate here to degrade people because of an aura of suspicion or an impression that has been created.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. BECKER. I yield to the gentleman from Louisiana.

Mr. HÉBERT. I want to direct the gentleman's attention to a report. I do not know whether he has read it or not. I refer to the New York Bar Association which made an extensive study of conflicts of interest, as the result of which hearings are now being conducted by the Committee on the Judiciary. One significant line is that it is more important what the public thinks exists than what actually exists. I can subscribe to that, too, but I think the public expects us to dig up the absolute truth before we legislate.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York [Mrs. ST. GEORGE].

Mrs. ST. GEORGE. Mr. Chairman, we have heard these bills—and there are three of them—extremely ably analyzed, first by the great chairman of the Committee on Armed Services, then by the eminent gentleman from Texas [Mr. KILDAY], who is a great lawyer. I am not going into the legal qualities which you have already discussed, but I might say that in spite of the efforts of these gentlemen I still think they are extremely unclear.

Nevertheless, that has been done and that has been taken care of.

This bill should be renamed. Whether it is going to be called the Hébert bill or the Kilday bill, I submit to you, Mr. Chairman, it should be considered and named the Caesar's wife bill because this bill is all about an aura of suspicion. As far as I know the only individual who was ever supposed to be above suspicion was Caesar's wife, and it would be extremely difficult for any gentleman, including the top brass, to qualify for that definition.

What are we doing in this legislation? First of all, we apparently have nothing, so to speak, to hang our hats on. We suspect a lot of things. We are talking about these suspicions. They are going out to the world. Everyone is going to read what is done here and they will forget it very soon which, of course, is fortunate. But they will read it; they will think about it. In other countries they will look into this and they will say, as we have frequently heard, "Well, on the floor of the House of Representatives it was said that these men are definitely under suspicion."

Now, Mr. Chairman, I grew up under the shadow of one of our great military Academies. I have the honor to still represent the district where that great Academy is located. The young men who graduate from there take as their motto these three words: "Duty, honor, country." Mr. Chairman, as far as I know, the vast majority have lived up to their motto, and I will defy anyone to say otherwise.

The other day, in talking about another bill before our committee, the Secretary of Defense had this to say. This was a bill to increase retirement pay. This testimony was read in open session, so you will see nothing about it in the newspapers:

> We urge Congress to pass this bill which is now before this committee for consideration. In doing so we will be keeping faith with those who have kept faith with their country, particularly during the dark and dangerous days of World War II, and to all who have given the best years of their lives in loyal, honorable service in our Armed Forces.

That is one side of the picture, and I think the true side, the majority side.

The question of the usefulness of these men has been brought up, and I think I can tell my distinguished friend and colleague, the gentleman from Louisiana, [Mr. HÉBERT], what was said at that committee hearing. It occurred to me, and it still occurs to me, that the greatest usefulness for these men who have been trained in technical skills and in modern science passes away very quickly. They are valuable, probably, in the first 2 years. It is questionable whether their value will go on after that time. Admiral Rickover has been mentioned specifically, and he is certainly an extremely good example. Where was the Polaris missile 2 years ago? A very long way from where it is today. There are many other things that today are only a gleam in an engineer's eye which may be discarded within 2 years. We have generations of missiles, and those generations pass away far more rapidly than the generations of man. I believe that many of these men are invaluable to our country; that they should be permitted to serve, and when you come to the distinction about selling, you are on very uncertain ground.

I listened this afternoon to the colloquy between my friend, the gentleman from New York, and several others on the subject of selling. It is very, very difficult to decide whether the individual who is making the thing to be sold is not going to be implicated right along with the actual seller, for the very simple reason, How can you sell something that is not manufactured? So, you get again into an uncertain aura, and that is what we are talking about, and that is what we are legislating about.

Mr. Chairman, I expect to vote for the Kilday bill. I think it is the best we can get under the circumstances. But, may I say at this time, Mr. Chairman, that I did prefer and that I still prefer the original bill that came out of the committee practically unanimously.

Mr. ROBISON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROBISON. Mr. Chairman, I intend to support the Kilday substitute when it is offered. I will do so with some reluctance because it seems to me that we may well be creating a law which, if enacted, may be most difficult to apply. The major source of such difficulty will, of course, arise from the language of the bill that attempts to define what is meant by any act to "sell or to aid or assist in the selling" of items to the Department of Defense or the Armed Forces. I can only hope that the committee report as supplemented by the debate of yesterday and today will serve to clear away some of the clouds of uncertainty.

I am also acutely aware of the fact that our retired military personnel constitute a tremendously valuable reservoir of experience and know-how for which we will have great need in the immediate years ahead. I am also aware of the fact that implicit in whatever we may do lies the danger of seriously harming the morale of not only our retired but of our active duty officers as well.

As far as I can ascertain, the investigating subcommittee produced considerable evidence of bad judgment and poor ethics, but revealed no actual wrongdoing. As the gentleman from Massachusetts [Mr. BATES], I believe, mentioned a few minutes ago, it is quite possible that the very fact of those hearings has accomplished as much or more to solve this problem as would any legislation we may now produce.

Certainly we must guard against falling into a mood whereunder we, in effect, "burn down the barn to get rid of a few bats." Perhaps by prescribing a little preventive medicine, as someone said the Kilday substitute would serve to be, plus equalizing the impact of certain existing laws on all of the services, we will have adequately supplemented the good work of the subcommittee. Quite clearly, it could be most unwise for us to go further than this at the present time at the risk of weakening not only our ability but also our will to put forth the strongest defense effort of which we are capable.

When permissible I shall ask consent to include as a part of my remarks a letter recently received by me from a retired officer constituent who will be affected by this legislation if passed. I think it is worthy of our full consideration if we truly wish to hear both sides of this controversy.

The letter follows:

BINGHAMTON, N.Y., *April 2, 1960.*

The Honorable HOWARD W. ROBISON,
Old House Office Building,
Washington, D.C.

MY DEAR MR. ROBISON: I am writing you as a constituent, regarding two items of pending legislation on which I wish to state my views and enlist your support.

Item 1: Legislation to eliminate the inequities created by Public Law 85–422 (H.R. 11318).

Your support for this bill would be greatly appreciated. Since I was fortunate enough to have retired after Public Law 85–422 became effective, this legislation will not affect me directly. However, it appears incredible that Congress could permit this gross discrimination to continue against others who were not so fortunate.

Item 2: Legislation further restricting the employment of retired Regular officers in defense industries. (H.R. 10959.) All I ask is that you speak a word in defense of the integrity of retired Regular officers.

Retired Regular officers are already well circumscribed by legislation restricting their employment in direct sales activities. So-called conflict-of-interest law already provides for loss of retired pay, fines up to $10,000 and 2 years in prison for selling anything to the Government through the department in whose service he holds retired status.

The Hébert bill adds additional breadth to the definition of selling for purposes of withholding retired pay, to include practically anything a retired Regular officer might be qualified, by his service training and experience, to do. I consider this very drastic.

Do we, as a group, really represent such a threat to the integrity of the Nation that we deserve all this special congressional attention? What have we done to deserve it? Certainly nothing brought out at the Hébert subcommittee hearings. Certainly nothing in my 21 months' experience with Link Aviation in Binghamton, N.Y., has appeared to warrant it.

I number among my friends a relatively large number of retired officers in my category. As a group, they are the most loyal, conscientious, dedicated and law-abiding citizens I know. Each individually is trying to continue to be of service to the country in the way he knows best.

Why should we be deprived of our retired pay, even for 2 years, for this privilege? I am prepared to accept, even though I resent it, restrictions on direct selling or negotiations to sell anything. But why, why Mr. Robison, should I not assist my company to better fulfill the requirements of the Department of Defense or aid it to better understand the intricacies of the military procurement system?

I regard withholding my retired pay as confiscatory. I have earned my retired pay. It is not a retainer or payment for some future obligation. I consider it to represent the dividends from enforced savings withheld during my years of active duty. It represented the difference, throughout the years, between my active duty pay and the more attractive inducements of industry.

I do not deny the right of Congress to deprive me of my retired pay and privileges for unlawful conduct unbecoming of my status. But I resent bitterly arbitrary penalties assigned by Congress without regard to the legality of my actions or the degree of possible guilt. In cases of doubt, why shouldn't the courts decide whether an offense has been committed and award appropriate punishment?

Yesterday Mr. HÉBERT appeared on television. He admitted his hearings uncovered no evidence of the insinuations directed at the retired regular officers. Yet he insisted that his bill must be passed to "save us from suspicion." He was obviously speaking of suspicion directed toward a handful of retired officers reported to be drawing large salaries from big companies. Yet his bill is directed at all of us, the great majority of whom are working very hard for salaries commensurate with young engineers 6 to 8 years out of college.

He claimed his bill was aimed only at "selling" and would not prevent us from doing other tasks for which we are well fitted. Just what jobs fall outside the broad category of "assisting in the sale of anything"? Even sweeping out the front office could be interpreted in this category. The Comptroller General has already interpreted "selling" so broadly that hardly any activities remain that do not fall within the purview of existing laws.

I was employed by Link Aviation, Inc., in Binghamton, N.Y., immediately after my retirement on July 1, 1958. I was assured by the Judge Advocate General of the Navy that the terms of my employment complied with all statutes and regulations existing at that time. I was employed as an adviser on military requirements in the field of undersea warfare, in order that the company could better understand and meet the needs of the services in this important area of national defense.

Within a year, restrictions developed on my efforts to communicate with cognizant offices and agencies within the Defense Establishment. A Comptroller decision, followed by the Hébert hearings broadened the interpretation of such activities as being "part of the selling process." Subsequent reaction within the Department of Defense has frustrated the purpose of my employment even though no new legislation had been passed by Congress in the interim. The word was soon passed unofficially, to retired officers in my category, that our mere presence constituted embarrassment to those agencies, regardless of the purpose of our visit, and could make us liable to accusations of "attempted fraud."

Such an attack on the integrity of honorable citizens who have devoted a major portion of their lives to defending the honor and security of their country is unbelievable. It has been degrading to the reputation of each member of this group and to the honor of the rank conferred on us upon retirement.

I have a son who is a lieutenant, U.S. Navy, a son-in-law, captain, U.S. Air Force, and a nephew, lieutenant commander, U.S. Navy, all regular officers on active duty. They and their fellow officers now regard their military careers in a new light, stripped of the appeal of an honorable retirement.

I sincerely hope you will find it possible to help correct the two injustices described herein, in the interest of restoring to the military retirement the honor, the prestige, the prerogatives and the appeal to young officers that this distinguished profession deserves.

Yours sincerely,

JOHN A. SCOTT,
Rear Admiral, U.S. Navy (Retired).

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Chairman, I take this time at the close of this debate not because I think I can add anything to what has been said by the gentlemen and the lady who have preceded me, but that I may add a little bit more confusion to the state we find ourselves in at this particular time.

I am a little bit reminded of the story they tell about the old colored gentleman who was walking down the street pulling a rope behind him, and one of his friends said, "Uncle, why are you pulling this rope down the street?" And he said, "Law, boss, I don't know; I am a little bit confused. I don't know whether I found a rope or lost a mule."

I feel, although I am supposed to know something about this particular legislation, that I am in that same category; I am a little bit confused.

In the first instance we heard the great chairman of this committee and another distinguished gentleman of the committee with whom I have been dealing for some 4 years and for whom I have the greatest admiration, the gentleman from Texas [Mr. KILDAY], give a very elaborate explanation of the proposed legislation. We find that the chairman said in one instance that the selling shall be by an actual personal contact. We find that the gentleman from New York read into the record the report of the committee describing and defining selling in an entirely different manner.

Mr. Chairman, we are going to be faced with the situation on the floor today, when we vote on this particular bill, of either doing something constructive, or doing nothing at all. It is my position—and when I get through you will see that I am confused, still confused—my position in the matter would be that it would certainly be better, since this aura of suspicion has been raised by some, and others have been proclaiming loudly about the great crime that is being committed against the society of this country by some of the officers in our Armed Forces—we will find that we are just as far apart as to what this legislation is about as we can possibly be.

Mr. Chairman, I actually think that if we are going to have a bill, and if there is undue influence being peddled to the Pentagon by these officers, I see nothing sacrosanct about an officer, just because he is an officer, who they say has violated something that is as serious as some would have you believe is covered by this aura of suspicion.

Therefore I say that we are going to pass legislation here today or at some future time of a constructive nature or we are going to do nothing at all except pass a licensing act for these individuals, if they are peddling their influence, under which they will be asked to forfeit something and to be allowed to continue to do a nefarious job.

In these statements I am not inferring that there is any influence peddling. I do not know. I was not on the Hébert subcommittee. I have heard a lot of discussion that people think something is being done; things do not look good; things smell bad. But I have no evidence that this is being done. And if it is not being done then why the legislation? If it is being done why pull punches? I am leaning towards a bill that would have some teeth in it. If this is going to be a defense effort, just to prevent something from being done; if this is going to curtail this sort of thing, if it is going on, then I see no harm, or wrong that would be done if we do put some teeth in this legislation.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I yield.

Mr. COHELAN. Would my colleague on the committee, who is a distinguished lawyer, agree with me that it is an elementary legal principle that a criminal statute should be clear?

Mr. KITCHIN. I certainly would. I hope, if I have the time, to point out two or three or four of the gray areas in the wording of both of these bills as far as the statute is concerned. I do not know what is going to be voted upon. It has been said here that probably the Hébert amendment will not be voted upon and that we will have a vote upon the Kilday substitute. I would be for the Hébert amendment if I were afforded an opportunity to vote on that particular bill, with a reservation. The reservation is what I would like to leave

with you, and I am hoping that it will not be left hanging, because I do not know the answer. I hope there will be someone who will be able to answer these particular questions. We have had lots of discussion about the Kilday substitute. I think someone referred to it as a milk-toast approach to the committee bill. That in itself probably is an unfair statement. I will say that probably as far as it goes it might accomplish a purpose. But who is so naive as to believe that if we are after the big shots, the top brass, the two- and three-star generals or the retired members of the Joint Chiefs of Staff, if only an aura of suspicion sufficient to make him forfeit his retired pay is all that is going to be involved, who is going to call a court? Who is going to call a court-martial? Who is going to sit on the court to court-martial a three-star general? What is going to be the result of such a proceeding in the first place? I am a great admirer of all of our armed services personnel, but who is going to say this is not a situation that has occurred? In order to convene this court they must admit that someone within their own circles—the Defense Department—has been susceptible to this peddling of influence. That is going to be a deterrent against calling the court in the first place.

In the second place, who is going to prosecute a retired general or admiral before the court-martial? Now we get into the area of the jurisdiction of the court-martial. I think probably I am right in saying that if this particular situation brings these retired officers under the jurisdiction of a court-martial another sort of situation would also be within the jurisdiction of a court-martial. What brings more discredit upon the service than a retired officer's not paying his income tax? Or does not file an income tax return or files a falsified income tax return? Are we led to believe that that type of case, that brings discredit on the services, should be brought before a court-martial for trial? Why are we so afraid of the civil courts of the United States? Why are we willing to dodge the issue as to whether such officers should go before a Federal court for prosecution if they violate the law? What is so sacrosanct about a retired officer who violates the law, as against a member of the civilian personnel of the armed services or any other civilian?

I bring this up for one purpose only. I do not know the parliamentary situation we will find ourselves in, but I would hope that this matter could be referred back to the committee for further study. Why? Listen to this. I am not going to endeavor to answer these questions because I do not know the answers, frankly, but I do know as a practicing attorney for many years that when we get into criminal statutes that are as vague, as broad, as undetermined as is this particular language, we always wind up in the Supreme Court or courts of appeal before we settle anything.

I should like to analyze this particular provision under the Kilday substitute, which is what we are talking about now. It is the identical language of both bills, "To engage in any transaction." The colloquy between the gentleman from New York and one who preceded me brought forth this question: What is a transaction? What constitutes a transaction? How broad is the base of the transaction? Who are the participants in a transaction?

The chairman of the committee in answer to the gentleman from New York said his definition of selling was that it must involve a personal contact. Am I to presume that the president of some big corporation drawing $100,000 a year sits back at his desk in Detroit or some other city of the United States, using all of the influence of his great office, and says he has made no personal contacts, yet he has sent emissaries into the Pentagon with the message that Mr. So-and-So, a former four-star general, who is now president of the company, would like to have this done or that done? That four-star general had not made a personal contact. He would not be affiliated in that transaction as selling was defined by our chairman. Let us go a little further:

The purpose of which is to sell—

And there we get back into the definition of selling, which has been discussed before—

or to aid or assist in the selling of anything.

Now we get into another gray area. What is aiding or assisting? Is the man who is designing an article to be sold, who is a retired officer—and you cannot make a sale unless you make the product first—is he aiding and assisting in the ultimate transaction? Is he going to be innocently involved in a matter on which he might forfeit his retired pay? Is he aiding and assisting in that particular area? All this, as I say, is what causes me to be totally and thoroughly confused as to what we are attempting to do here. I will admit that under the Kilday concept, we do have a little bit more teeth in the bill than we had before. First, we have an act that is made unlawful. The matter goes before a court-martial—if you are so naive as to say that the big boy, if he is violating the law, is going to get before this court-martial. Secondly, the Kilday substitute does have a forfeiture of 2 years of retired pay if he sells within the initial 2 years following his retirement. Do we have any further teeth in it? We do not have the retired reserve officers, and that has been admitted by the gentleman from Texas. We touch no one except these particular active duty officers who are retired. There is no proposition here in the Kilday substitute that reaches any of these civilians or the employers except to say they must file under the recording section of this bill, and if they do not, then the money on the contract is held up until they do file this particular information with the Department, as to the number of military retired personnel that they have on their payrolls.

So, is there anything that we have here that has teeth in it? Mr. Chairman, if this situation exists, and if there is the necessity for legislation, then there is necessity for stronger legislation. If there is no necessity for legislation, then we are just fooling you and fooling ourselves and the public by passing anything that resembles a piece of legislation that is now before this House for consideration. I think we should take this matter extremely seriously. I think we should take it seriously enough not to condone a situation that exists, but by all means not to punish an innocent person by this aura of suspicion, if no violation actually exists.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. STRATTON], a member of the committee.

Mr. STRATTON. Mr. Chairman, I would like to associate myself very strongly with the remarks made a moment ago by my very lovely and gracious colleague, the gentlewoman from New York [Mrs. ST. GEORGE], who is also a neighbor of mine. Our districts adjoin. I believe the gentlewoman has touched on the very heart of this problem and expressed most eloquently the views that many of us in the committee have felt in dealing with this legislation. I doubt if very many pieces of legislation will come before this House in this session which will be more charged with emotional steam than the present issue, and where for that reason it is likely to be more difficult to deal with the subject in a reasonable spirit, which is certainly the spirit in which we must deal with it if we are to write legislation that will be fair not only to the officers concerned, but, what is even more important, to the whole defense structure.

Mr. Chairman, I have a great deal of personal interest in this matter because, as Members may recall, when the issue was first raised by the gentleman from New York [Mr. SANTANGELO] last summer in connection with the Defense Department appropriation bill, when he offered an amendment that would have barred all funds from any defense contractor who employed any retired general or admiral, I happened to be the only Member in the House who took the floor to speak out against that amendment on the merits. As has already been recalled, that amendment was defeated by a single vote on a division. Ever since that time I have been proud that I had a part in helping to forestall a piece of legislation that in my judgment would have been unwise, irresponsible, and dangerous, particularly for a country which recently has been expressing so much concern about whether we are doing everything we possibly could do to keep up with the Russians in the field of defense production. It would have totally denied us the service of able officers which are so much needed, whether they had a thing to do with selling at all.

As has been mentioned, as a result of the defeat of that amendment, the Hébert committee took the subject under advisement and held hearings, and the legislation we have today is the indirect result of those hearings.

I would like to emphasize a point that has already been made before, and that is that the allegations that lay behind the original amendment offered by my

friend from New York [Mr. SANTANGELO], namely, that there were large numbers of retired military officers who were using personal influence in getting defense contracts for the purchase of material which was not justified on its merits, and for which, as we now read in the newspapers, the taxpayers were fleeced millions or even billions of dollars, those allegations were never substantiated by the subcommittee's hearings. In fact the only thing they can talk about now to back up those allegations is the report of flying some active duty officers down to the Bahamas, a situation which the gentleman from Mississippi [Mr. WHITTEN] has already pointed out on the floor several times is not even touched by the legislation offered by the gentleman from Louisiana [Mr. HÉBERT].

We all agree of course that we have to eliminate improper influence. That is precisely what the committee substitute bill is designed to do. But I certainly do not believe it ought to be our intention to exclude retired officers of the armed services from participating in the defense program of the Nation altogether, even if not involved in selling. Certainly it cannot be our view that the defense industry is in itself some demon. On the contrary, we need a vigorous and able defense industry, and may I say too that we need to keep it operating under the American free enterprise system. Surely, there is nothing wrong with an industry that makes a reasonable profit, even a defense industry. And if this Nation is to survive that industry must be able to call upon our best brains in the field of development and production. How else can we solve such baffling problems as trying to locate an enemy submarine hundreds of miles away at sea? How else can we come up with a device for knocking out an enemy missile as soon as it leaves the launching pad? Surely we need a strong and healthy defense industry, and we must not forbid this industry to call in a legitimate and proper way upon those who have spent their lives in the armed services for the kind of experience and talent they can so readily supply.

I am not thinking here about the admirals and the generals. They can take care of themselves. I am thinking about the majors, the lieutenant colonels, the commanders and the captains who are being forced out of the service today because of legislation previously passed by this Congress, and going out at 45 or 50 while their families are still young and their financial responsibilities at their heaviest. These men cannot live on their retirement income. They must find jobs somewhere in private industry.

Where else are they most likely to find a job but in an industry which deals with the very field with which they are most familiar and where their experience primarily lies. Surely we should have no desire, do we, to bar these individuals from finding a legitimate livelihood in the field in which they are best suited.

I do believe, therefore, Mr. Chairman, that we have an obligation to make it perfectly clear in our discussion of this bill just what kinds of activities we consider improper and to which this legislation is being directed. Members of the Committee will note that the legislation refers specifically to "selling." The bill bans, "any transaction the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an Armed Force of the United States by a retired commissioned officer of the Armed Forces within a period of 2 years following his retirement." In other words, the whole impact of this legislation hinges on the definition of the word "sell." Personally, I wish there were a better word that could describe what it is we are after, because we are not so much concerned it seems to me about the definition of selling as we are with making clear just what practises this legislation is designed to eliminate. Perhaps there is no better word we can find. But I am anxious that we in the legislative history of this bill not interpret this phrase so widely, or so broadly, or so vaguely, or so loosely, as to make it impossible for a retired officer to be employed in a research or production capacity by a defense industry, even if the officer has no contact with the Defense Department or its officials in any way at all.

Let us suppose, for example, that Admiral Rickover, who has been already mentioned, were to retire from the Navy. Are we to lose his immense scientific and technical ability altogether in our defense program at a time when we are struggling so hard to stay ahead of the Soviets? Suppose the admiral goes up into my district and takes a job in the Knoll's Atomic Power Laboratory of the General Electric Co. in Schenectady, N.Y.—as indeed I hope someday he will. Now suppose the admiral is engaged as a consultant in this great laboratory which is playing such a great part in the development of the nuclear submarine, and suppose he never leaves the confines of his office in Schenectady, never picks up the telephone to talk to anyone in Washington and never writes a letter to anyone in Washington. But suppose he just works to perfect developments in the nuclear propulsion field in which he is so eminently qualified. Is Admiral Rickover therefore to be barred from participating in this kind of activity? Is the country to be barred of his services in this technical field?

Surely we cannot and must not do that—if we really seriously mean to stay ahead of the Soviet Union in this vital and important race for survival.

In this connection, may I read to the House from the statement submitted to our committee by the National Association of Manufacturers:

> Many individuals of widely varying ages leaving the Government service have abilities that certainly have immediate and crucial value in the world technological race. It would be disastrous if, for example, able young engineers or retired experienced military and civilian Government personnel were broadly precluded from contributing their ready talents toward fostering the defense of our country and its economic health by continuing their work in private industry as employees or in their own businesses. • • • It is one thing to bar a recently retired officer from actually negotiating contracts with his former associates, but quite another to bar the same officer from a purely managerial production or research position for which his technical competence particularly qualifies him even though such competence was acquired by long years of military service. We cannot agree with the committee's report to the effect that every participant in the proposal, development, and production process is engaged in selling. Your previous hearings on this subject indicate that a vast majority of former commissioned officers and Defense Department personnel employed by defense contractors are not, in fact, in any way connected with sales, sales promotion, or negotiation of contracts. These men do, however, make an invaluable contribution to the defense effort at a time when their usefulness to that effort is in many cases at its peak. Those engaged in the defense effort, both the Government and industry, would be acting contrary to the public interest if they failed to take advantage of the accumulation of knowledge and skill possessed by retired defense personnel. Full utilization of such technical skills is of the utmost importance to the security of the United States in its current technological race with a potential enemy which unceasingly encourages, develops, and utilizes every man-hour of technical skill available to it.

Mr. Chairman, I trust the House will bear in mind that we are dealing here with a subject of the gravest importance to the national security of the country. I hope we will not legislate in this House on the basis of newspaper stories but only on the basis of demonstrated facts. Let us not turn back the clock to the 1930's when any individual who wore the uniform was suspect and any individual who chose to devote his career to the military defense of our country was looked upon with scorn and contempt. Let us not forget that we are still engaged in a competitive struggle with the Soviet Union which is destined to continue for many, many years to come. Whatever we do here should contribute to the defense of our country, not to the weakening of that defense or to the undermining of the confidence of our Nation in the men who have made this defense their life work.

I believe the substitute bill of the gentleman from Texas [Mr. KILDAY], reported by the committee meets that test. I do not know of a single person in this country who knows more about the defense of our great country or who is more sincerely dedicated to it than the distinguished chairman of our committee, the gentleman from Georgia [Mr. VINSON]. I, therefore, urge that the House support the position taken by the committee and its able chairman, and reject all crippling amendments to this effective and reasonable bill.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I want to associate myself with the statements made by the gentleman from North Carolina [Mr. KITCHIN]. I agree with him that anyone who is naive enough to believe that court-martial punishment of military influence peddlers is going to be effective, when dealing with two- or three- or four-star generals and admirals, has another guess coming. That is window dressing. None of these bills

goes as far as they should. I call the attention of the chairman of the Armed Services Committee to another kind of influence peddling. In 1957, the Defense Department hired three psychologists from the American Institute of Research and sent them to three Far Eastern countries for 2 or 3 months to determine whether we ought to have a Military Assistance Advisory Group training program. Being a self-serving survey, these three psychologists, of course, recommended a training program. I do not know of any one, anywhere, at any time or place, accusing these three psychologists of knowing anything more about military training than a hog does about Sunday.

The next development in this picture was the hiring of retired Gen. Henry Newton who, according to the testimony before our subcommittee, never had a day of direct MAAG training in a foreign country. He was hired at $50 a day as a consultant in the Pentagon.

That was in January 1958. Six months later, in June of 1958, the MAAG training school was set up over in the Arlington Towers apartments. Who became Director of the MAAG training school then and still is the Director? Of course it was retired Gen. Henry Newton, who was employed for 6 months as a consultant at $50 a day and then became Director of the school on the payroll of the American Institute for Research which handles the operating contract. Believe it or not, there was no one else in our entire military setup capable of establishing the school; yet there were scores of officers who had MAAG experience in foreign countries. So retired General Newton got the job as Director of the Military Training Institute after serving as a $50-a-day consultant while setting up the contract with the American Institute of Research, which gets cost plus 6 percent as its share of the gravy.

Thus under this dual compensation, retired General Newton gets $20,000 a year, including his retirement pay, plus a fat check from the American Institute of Research. Why does not this bill go far enough to cure situations of this kind?

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. PUCINSKI. Does the gentleman know whether or not this General Newton retired because he had reached the compulsory age of retirement or did he retire before his active duty time expired?

Mr. GROSS. I know nothing about that; I do know that he is a retired general and draws retirement pay and gets a fat salary from the American Institute for Research, for which he apparently became a director on the basis of $50 a day plus expenses as a consultant, that being his qualification for setting up this MAAG training school.

Mr. PUCINSKI. I raised the question because I was impressed with the statement made by the previous speaker, the gentleman from New York, who said it is a shame to deny the great abilities of these generals to private industry. The question that arose in my mind was why not call them back into the service of the country, if they have voluntarily retired, so that they can contribute their services to the defense of the country.

Mr. GROSS. Why does not the Pentagon call some of these generals back into service on active duty instead of permitting them to set up systems by which they can farm out their services to a cost-plus contractor and draw dual compensation?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ARENDS. Mr. Chairman, does the gentleman from Iowa desire more time?

Mr. GROSS. No. I thank the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, of course, in 3 minutes I cannot get very far with this difficult subject, but I assure you I am not trying to inject myself into a subject matter with which I do not have contact. For many years I have spent a great deal of time in connection with Defense Department matters on the subcommittee handling defense appropriations.

I say to you in my humble judgment we should follow the advice of the gentleman from North Carolina and send this bill back for further study.

This bill limits itself to participants in transactions, to those who engage in transactions the purpose of which is to sell or to aid or to assist in selling. Mr. Chairman, that does not touch what I earnestly believe is the major problem we have here and which I believe to be a serious one. One of the most tragic things, in my opinion, that can befall a country is getting its domestic economy wrapped around defense spending, or getting to the situation where defense spending is used in the nature of pump-priming transactions, to keep up pump-priming transactions, letting contracts to keep plants going and employment at full level.

No. The damage is not done by the few individuals, as bad as that might be, who in turn call on some other individual with regard to the selling of a particular thing. The damage is done by these big contractors who get top military men to voluntarily retire and go to work for those companies and sell the American people on the necessity of going overboard in military spending in certain directions.

We have had this year for the third time the Air Force before us trying to obtain money to purchase planes from a company of a certain type because somebody a few years ago told two companies the Air Force would decide which company came up with the best plane of a given type. Remember these company representatives come to the Air Force, not the other way around. There was no contract but because somebody talked to somebody three straight times, the Air Force has tried to obtain money to buy.

Last year one of the great issues in Washington and in Congress was whether the Congress was going to insist that we buy hundreds and hundreds of millions of dollars of the weapon Bomarc on procurement contracts prior to the weapon being proven. By a close vote the Government went ahead and the city of Washington was full of the employees of that company here to influence not only the Defense Department but the Congress. The company obtained the procurement contract. This year what do we find in the last 3 weeks? We find the military itself coming down and scaling down by two-thirds the procurement of that missile.

Is it the military people at high level who voluntarily quit, who deprive the Government of their training and their experience, having a job with a particular company, who actually do the selling to the Defense Department? Largely though—they sell the public and policy level people. No. But that general or that admiral, already having a belief as to how the defenses of this country should be provided, preaching that we need missiles, aircraft, or this, that or the other as he has come to firmly believe is hired by the big company who would profit if his views prevailed. Who does he sell to? Not to the military. He sells the American people through the press, and the pressure comes on Defense Department and the Congress. There is a hundred times more involved there than in the particular situations which would be reached if reached at all by the pending bills.

I hope to speak more fully on this when we take the matter up for amendment.

Mr. WHARTON. Mr. Chairman, the bill under present consideration, H.R. 10959, takes us into a broad and troublesome field. It seems to deal primarily with retired military officers, and involves numerous big contracting corporations in the defense area.

Mention has been made of the absence of a code of ethics for relations of this nature. Codes of conduct are set up in most professions, while in other business relations, ordinary regard and observations of moral conduct have proven sufficient.

Quoting from the committee report and the debate today, I note that 261 general or flag officers and 485 officers above the rank of colonel and Navy captain are employed by manufacturers of 80 percent of new weapons. These contracts involve billions of dollars annually, and the salaries of retired officers, in addition to their retirement rights, reportedly run as high as $75,000 per annum in some cases—which fact to many of us speaks for itself.

It would seem that something along the line of the current proposal is urgently needed, but the question of necessary punitive provisions arises and will be passed upon in the course of proposed amendments to the bill. The question arises as to whether military or civilian courts should have jurisdiction, and whether the contractor should not be held responsible as well as the retired officer. In my opinion, it would not be practical to have either a divided or a double jurisdiction under this bill; and the equities favor the civilian courts

where both the corporate defendant and the individual can be dealt with, should occasion arise. However, we are concerned with matters involving officers of intelligence and standing, on a subject on which regulations should have been laid down years ago as to their conduct.

I have one of the prime defense contractors operating in my district, employing a total of some 84,000 employees; and out of their entire personnel the committee has reported but 10 retired military officers employed. Obviously this is a very normal figure and entirely above reproach. Other single corporations, I note, have upward of 200 retired military officers on their payrolls, and as high as 27 flag and general officers employed. These figures would seem to be very much out of proportion.

I think this is excellent legislation, and once the necessary standards are established, there is no doubt but that it will have a salutary effect on the entire subject of awarding defense contracts, with the end result of a substantial savings to our taxpayer.

Mr. MACK. Mr. Chairman, I strongly support the Hébert proposal but I regret to say that while it is much stronger than the committee bill it still does not go far enough. The activity of some of the retired commissioned officers who have been employed by defense contractors is shocking. The hearings held by the House Armed Services Committee clearly showed the need for legislative action to correct this deplorable condition. In many cases there has been a direct conflict of interest either while the officers were still serving on active military duty or immediately after being retired.

The most recent substitute proposed by the House Armed Services Committee falls substantially short of what is necessary to correct this difficult and complicated problem. Even the Hébert proposal seems to me to be only a step in the right direction. If it were enacted it would still be necessary to prove that the retired officers are actually engaged in selling or assisting in selling. In many instances, the association of the name of a retired flag officer who has been employed by the contractor would be enough for the appropriate salesman to secure a lush contract. In this way the retired officer would be aiding and assisting in the sale but it would be almost impossible to prove. It seems obvious that if we are to approach this problem constructively we must prohibit the employment of all retired commissioned officers by defense and armed service contractors for a period of 2 years after retirement or at least require that they forfeit retirement benefits if they accept any type of employment in a defense industry. This would be a strict rule but it appears to be the only solution to the problem and it is not unjust.

Retirement benefits are paid to retired military personnel without any monetary contribution from the individual. They are paid so that these individuals can retire after devoting many useful years to the military services and in my opinion they are paid for retirement purposes. While there has never been any limitation on their activity after retirement I can see no reason why they should draw their full retirement pay when they are employed by defense contractors doing 100 percent of their business with the Federal Government. Mr. Chairman, I want to reemphasize that if we are sincere and if we really want to deal with these abuses, we need a stronger bill enacted. We need a law which will discourage officers on active duty in the military services from negotiating for employment while they are still on duty. We need a law which would make it impossible for any officer to transfer, directly from the military services to a defense contractor and still receive full retirement benefits.

Mr. Chairman, I have a great deal of respect and admiration for the many outstanding officers and men in our military services. Some of my closest friends are high-ranking officers. It is obvious, however, that we have had serious cases of abuse and that we must act affirmatively to eliminate these abuses. Therefore, Mr. Chairman, I strongly support the Hébert amendment. I also hope that the other body will further strengthen this bill.

Mr. DOYLE. Mr. Chairman, while I am in support of the Kilday amendment to the committee bill, I am not satisfied that said bill meets the problem as fully or as effectively as it might. On the other hand, the subject involved had the consideration of the very able Hébert subcommittee for many weeks. Since that time it has had the consideration of the very able gentleman from Texas [Mr. KILDAY] and our distinguished full Armed Services Committee chairman, CARL VINSON.

In the meeting of the House Armed Services Committee, of which I have now been a member for over a dozen years, I voted for the Kilday amendment, but with reservations. I did so then because I did not at that time feel sufficiently enough informed in the premises to definitely commit myself to vote for the Kilday amendment when it came to the floor of the House for decision.

Mr. Chairman, from the speeches on this floor throughout this debate, even by the distinguished chairman of the Armed Services Committee, Hon. CARL VINSON, I am very sure that I am not alone in stating that I am not yet fully satisfied in the premises that this bill meets the problem fully. But, as stated by Hon. CARL VINSON, some legislation is now essential. And, since, under the parliamentary status on the floor, the Kilday amendment or substitute is the issue before us, I shall vote for same.

However, I wish to emphasize to the attention of the membership that I believe one result of the adoption of the Kilday amendment or substitute is that it will place a very great responsibility on the shoulders of the convening authority of military courts-martial. Not only will a greater responsibility rest on the President, or the Secretaries of the Army, Navy, Air Force, or Secretary of Defense, in selecting the personnel for the court-martial under this bill, but it will definitely place an entirely new and different burden of responsibility upon the members of the court-martial who may be chosen to sit in determination whether or not any retired military officer or officers have violated the terms of the law. I am sure the reasons behind this statement by me are crystal clear to all who hear.

Likewise, it appears crystal clear to me that it is incumbent upon the present active Military Establishment personnel to be so ethical in their treatment of their high offices in the field of military procurement, that the American people and taxpayers, will have no occasion but to have even increasing pride and satisfaction and knowledge that all is well on the highest possible ethical and moral plane of conduct in this difficult area treated during our debate today and yesterday. The other points which I might mention have already been ably spoken of so I will yield back the balance of my time.

The CHAIRMAN. All time having expired, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (A) Title 10, United States Code, is amended by adding a new chapter at the end of part II of subtitle A, as follows:

"CHAPTER 82—EMPLOYMENT OF RETIRED OFFICERS BY DEFENSE CONTRACTORS

"1601. Withholding of retired pay.
"1602. Enrollment of retired officers employed by defense contractors.

"§ 1601. Withholding of retired pay

"A commissioned officer of an armed force of the United States (other than an officer who served on active duty for less than eight years and whose primary duties during his period of active duty at no time included procurement, maintenance, or supply) who, within two years after release from active duty—

"(1) for himself, or

"(2) for another person, partnership, corporation, association, or other entity,

engages in any transaction, the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an armed force of the United States shall not be entitled to receive any retired pay for or on account of his service in the Armed Forces, while he is so employed during that two-year period.

"§ 1602. Enrollment of retired officers employed by defense contractors

"(a) A retired commissioned officer of an armed force of the United States upon agreeing to accept compensation or anything of value from a person, partnership, corporation, association, or other entity in any transaction the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an armed force of the United States shall after entering into that agreement file a statement with the Secretary of the department with which he intends to do business of the fact and time of such agreement together with such additional information concerning the duties to be performed in such transaction, as the Secretary of that department may require. A retired commissioned officer acting for himself in any transaction the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an armed force of the

United States shall file a statement with the Secretary of the department with which he intends to do business of his purpose to engage in such a transaction and such additional information as the Secretary of that department may require. A retired commissioned officer after filing shall notify the Secretaries of the departments with which he does business of any change in his status.

"(b) The Secretary of each of the military departments shall establish within his department an office for enrollment of retired officers where the information required to be furnished under subsection (a) shall be collected. The information so required shall be open to public inspection. The Secretary of each of the military departments shall appoint, from within his department, a director of enrollment who shall be charged with custody of the information filed hereunder and such other duties as the Secretary of that department may require.

"(c) The Secretary of each military department shall cause to be transmitted to officers on the retired list of that department, within six months after the enactment of this statute, a suitable form upon which the information required hereunder may be supplied.

"(d) A person, firm, or corporation awarded a defense contract shall upon the award thereof advise the Secretary concerned in the Department of Defense of all retired military officers employed by said contractor; and a prime contractor shall be required to obtain like information from subcontractors and file the same, as herein provided, unless such information is on file in the department. Notice of the requirements of this subsection shall be included in all invitations for bids or proposals.

"(e) Failure to comply with the provisions of this section shall be cause for the suspension of retired pay or contract payments, as the case may be, until such information is furnished."

(B) The analysis of part II of subtitle A of title 10, United States Code, is amended by adding at the end the following item:

"82. Employment of retired officers by defense contractors---------- 1601, 1602"

SEC. 2. The Career Compensation Act of 1949, as amended (Act of October 12, 1949, chapter 681) is further amended by adding at the end thereof a new section as follows:

"SEC. 534. A commissioned officer of an armed force of the United States, who, while on active duty, is employed by any person, partnership, corporation, association, or other entity furnishing anything to the Department of Defense or an armed force of the United States, shall not be entitled to payment from the United States during that employment except officers appointed under the provisions of the Act of March 23, 1946 (60 Stat. 59), and the Act of September 18, 1950 (64 Stat. A224)."

SEC. 3. Section 6112 of title 10, United States Code, is repealed.

Mr. KILDAY (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KILDAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KILDAY: On page 1, line 2, strike out all after the enacting clause, and insert the following: "That (a) title 10, United States Code, is amended by adding a new chapter at the end of part II of subtitle A, as follows:

"'CHAPTER 82—EMPLOYMENT OF RETIRED OFFICERS BY DEFENSE CONTRACTORS

"'1601. Withholding of retired pay.
"'1602. Enrollment of retired officers employed by defense contractors.

"'§ 1601. Withholding of retired pay

"'It shall be unlawful for a commissioned officer of an armed force of the United States (other than an officer who served on active duty for less than eight years and whose primary duties during his period of active duty at no time included procurement or supply) within two years after release from active duty—

"'(1) for himself, or

"'(2) for another person, partnership, corporation, association, or other entity,

to engage in any transaction, the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an armed force of the United States and such officer shall not be entitled to receive any retired pay for or on account of his service in the Armed Forces, to which he would otherwise be entitled, for a two-year period from the date he engages in any such transaction.

"'§ 1602. Enrollment of retired officers employed by defense contractors

"'(a) A retired commissioned officer of an armed force of the United States upon agreeing to accept compensation or anything of value from a person, partnership, corporation, association, or other entity in any transaction the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an armed force of the United States shall after entering into that agreement file a statement with the Secretary of the department with which he intends to do business of the fact and time of such agreement together with such additional information concerning the duties to be performed in such transaction, as the Secretary of that department may require. A retired commissioned officer acting for himself in any transaction the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an armed force of the United States shall file a statement with the Secretary of the department with which he intends to do business of his purpose to engage in such a transaction and such additional information as the Secretary of the department may require. A retired commissioned officer after filing shall notify the Secretaries of the departments with which he does business of any change in his status.

"'(b) The Secretary of each of the military departments shall establish within his department an office for enrollment of retired officers where the information required to be furnished under subsection (a) shall be collected. The information so required shall be open to public inspection. The Secretary of each of the military departments shall appoint, from within his department, a director of enrollment who shall be charged with custody of the information filed hereunder and such other duties as the Secretary of that department may require.

"'(c) The Secretary of each military department shall cause to be transmitted to officers on the retired list of that department, within six months after the enactment of this statute, a suitable form upon which the information required hereunder may be supplied.

"'(d) A person, firm, or corporation awarded a defense contract shall upon the award thereof advise the Secretary concerned in the Department of Defense of all retired military officers employed by said contractor; and a prime contractor shall be required to obtain like information from subcontractors and file the same, as herein provided, unless such information is on file in the department. Notice of the requirements of this subsection shall be included in all invitations for bids or proposals.

"'(e) Failure to comply with the provisions of this section shall be cause for the suspension of retired pay or contract payments, as the case may be, until such information is furnished.'

"(b) The analysis of part II of subtitle A of title 10, United States Code, is amended by adding at the end the following item:

"'82. Employment of retired officers by defense contractors---------- 1601, 1602.'

"SEC. 2. The Career Compensation Act of 1949, as amended (Act of October 12, 1949, chapter 681), is further amended by adding at the end thereof a new section as follows:

"'SEC. 535. A commissioned officer of an armed force of the United States, who, while on active duty, is employed by any person, partnership, corporation, association, or other entity furnishing anything to the Department of Defense or an armed force of the United States, shall not be entitled to payment from the United States during that employment except officers appointed under the provisions of the Act of March 23, 1946 (60 Stat. 59), and the Act of September 18, 1950 (64 Stat. A224).'

"SEC. 3. Any retired commissioned officer subject to the Uniform Code of Military Justice who violates any provision of this Act shall be tried by a court-martial and shall, upon conviction, be punished as a court-martial shall direct.

"SEC. 4. Section 6112 of title 10, United States Code, is repealed."

Mr. KILDAY (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of my amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KILDAY. Mr. Chairman, of course, the amendment which I have offered is the amendment which I discussed during general debate, which changes the bill reported by the Committee on Armed Services in only two particulars: Beginning on line 16, page 2, is the language with reference to the forfeiture of retired pay for a 2-year period from the date he engages in such transaction. The committee bill forfeited the retired pay only during the time that he was employed in selling. The other change which is made in the committee bill is to add section 3, which appears on page 5.

Mr. Chairman, I want to say in connection with the remarks made by the gentleman from Mississippi and the remarks made by others, including the gentleman from North Carolina, I have no doubt that there are many things going on in Government establishments or within the Department of Defense which should not be going on. It happens that this one phase of the matter involving the employment of former military officers by defense contractors is the one which has come up, the one that was referred to a subcommittee of the Committee on Armed Services, and the one which we are now dealing with.

Obviously we cannot deal with all of the problems within this area which require solution. It is true, the departments have within their existing au-

thority great power to handle the people who are on active duty and who are making these contracts or employ other individuals. Someone is going to have to administer these departments. I think, by far and large, most of them are honest, sincere, conscientious men. I doubt not that here and there there are those individuals who will take a short cut, but we cannot do all of these things at one time.

Mr. Chairman, I am urging the Committee to adopt the amendment which I have offered which will make it positively unlawful for a man within a period of 2 years after he has left the service to be employed by a concern, company, or partnership which is engaged in selling to the military. Now, I know that there are a lot of other things that people would like to cover, but, as I attempted to point out in general debate, when you reach this area you find it most difficult to decide the persons who shall be affected. The Hébert committee has come up with the idea of registration and the barring of selling. I am conscious of the arguments that have been made here about this amendment not being effective. I want to reiterate again that the provision for registration, with that registration open to the public, is the really effective provision of this bill. That is the provision that was devised by the gentleman from Louisiana and his subcommittee, to place on the public records, subject to public inspection, the names of those persons engaged in selling to the Military Establishment. Once that public record is made, the influence of that individual is destroyed, and his marketability to a defense contractor is destroyed. He becomes liable to the processes of military justice under court-martial, and he is not going to court that possibility.

The amendment was adequately argued and debated during general debate, and I trust the amendment will be adopted.

Mr. HÉBERT. Mr. Chairman, I offer an amendment as a substitute for the Kilday amendment.

The Clerk read as follows:

Amendment offered by Mr. HÉBERT as a substitute for the amendment offered by Mr. KILDAY: Strike out the language of the amendment and insert: "That (a) title 10, United States Code, is amended by adding a new chapter at the end of part II of subtitle A, as follows:

"'CHAPTER 82.—EMPLOYMENT OF RETIRED OFFICERS BY DEFENSE CONTRACTORS

"'§ 1601. Enrollment of retired officers employed by defense contractors

"'(a) A retired commissioned officer of an armed force of the United States upon agreeing to accept compensation or anything of value from a person, partnership, corporation, association, or other entity with respect to any transaction related to selling or to aiding or assisting in the selling of anything to the Department of Defense or an armed force of the United States shall after entering into that agreement file a statement with the Secretary of the Department with which he intends to do business of the fact and time of such agreement together with such additional information concerning the duties to be performed in such transaction, as the Secretary of that department may require. A retired commissioned officer acting for himself with respect to any transaction related to selling or aiding or assisting in the selling of anything to the Department of Defense or an armed force of the United States shall file a statement with the Secretary of the department with which he intends to do business of his purpose to engage in such a transaction and such additional information as the Secretary of that department may require. A retired commissioned officer after filing shall notify the Secretaries of the departments with which he does business of any change in his status.

"'(b) The Secretary of each of the military departments shall establish within his department an office for enrollment of retired officers where the information required to be furnished under subsection (a) shall be collected. The information so required shall be open to public inspection. The Secretary of each of the military departments shall appoint, from within his department, a director of enrollment who shall be charged with custody of the information filed hereunder and such other duties as the Secretary of that department may require.

"'(c) The Secretary of each military department shall cause to be transmitted to officers on the retired list of that department, within six months after the enactment of this statute, a suitable form upon which the information required hereunder may be supplied.

"'(d) A person, firm, or corporation awarded a defense contract shall upon the award thereof advise the Secretary concerned in the Department of Defense of all retired military officers employed by said contractor; and a prime contractor shall be required to obtain like information from subcontractors and file the same, as herein provided, unless such information is on file in the department. Notice of the requirements of this subsection shall be included in all invitations for bids or proposals.

"'(e) Failure to comply with the provisions of this section shall be cause for the suspension of retired pay or contract payments, as the case may be, until such information is furnished.'

"(b) The analysis of part II of subtitle A of title 10, United States Code, is amended by adding at the end the following item:

"'82. Employment of retired officers by defense contractors..... 1601

"SEC. 2. The Career Compensation Act of 1949, as amended (Act of October 12, 1949, chapter 681), is further amended by adding at the end thereof a new section as follows:

"'SEC. 534. A commissioned officer of an armed force of the United States, who, while on active duty, is employed by any person, partnership, corporation, association, or other entity furnishing anything to the Department of Defense or an armed force of the United States, shall not be entitled to payment from the United States during that employment except officers appointed under the provisions of the Act of March 23, 1946 (60 Stat. 59), and the Act of September 18, 1950 (64 Stat. A224).'

"SEC. 3. Section 6112 of title 10, United States Code, is repealed.

"SEC. 4. That chapter 15 of title 18, United States Code is amended by adding at the end thereof the following new section:

"'§ 292. Unlawful transactions of a retired commissioned officer within the Department of Defense

"'It shall be unlawful for a retired commissioned officer of an armed force of the United States (other than an officer who served on active duty for less than eight years and whose primary duties during his period of active duty at no time included procurement, maintenance, or supply) within two years after his release from active duty to receive or agree to receive compensation or anything of value for any service rendered or to be rendered by himself or for another person, with respect to any transaction related to selling or aiding or assisting in the selling of anything to the Department of Defense or an armed force of the United States.

"'It shall be unlawful for any person to employ such a retired commissioned officer, within such a period of time, for the purpose of selling or aiding or assisting in the selling of anything of value to the Department of Defense or an armed force of the United States.

"'Whoever violates any provision of this section shall be fined not more than $10,000.00 or imprisoned for not more than one year, or both.'"

Mr. HÉBERT (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, since it is contained in H.R. 11474, which was discussed this morning in general debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. KILDAY. Mr. Chairman, I make a point of order against the substitute offered by the gentleman from Louisiana.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KILDAY. Mr. Chairman, as I understand, the amendment is the language of H.R. 11474; is that correct?

Mr. HÉBERT. That is correct.

Mr. KILDAY. Mr. Chairman, I make the point of order that it is not germane to the amendment or the pending bill; that the language appearing on page 5 beginning at line 4 attempts to create a new penal offense, whereas the amendment and the pending bill do not create any criminal offenses. I make the additional point of order that the committee reporting the bill does not have jurisdiction to consider the matter contained in this substitute.

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard on the point of order?

Mr. HÉBERT. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. HÉBERT. Mr. Chairman, reading from Cannon's Procedure at page 199 under the heading of "Germaneness," this definition is given under the ruling of the then Chairman, John J. Fitzgerald of New York:

That an amendment be germane means that it must be akin to or relevant to the subject matter of the bill. It must be an amendment that would appropriately be considered in connection with the bill. The object of the rule requiring amendments to be germane—and such a rule has been adopted in practically every legislative body in the United States—is in the interest of orderly legislation. Its purpose is to prevent hasty and ill-considered legislation, to prevent propositions being presented for the consideration of the body which might not reasonably be anticipated and for which the body might not be properly prepared.

Mr. Chairman, I submit that the amendment is certainly germane. It is relevant to the subject matter. It proposes to deal with the subject matter, which is the relationship between retired officers and defense contractors. It should be declared in order because of that germaneness.

The CHAIRMAN (Mr. FORAND). The Chair is ready to rule.

The gentleman from Texas [Mr. KILDAY] has offered an amendment to the bill presently under consideration, H.R. 10959, to which the gentleman from Louisiana [Mr. HÉBERT] offers a substitute.

The Chair has examined the language of the Kilday amendment as well as of the substitute offered by the gentleman from Louisiana and finds that the Kilday amendment deals with retired officers of the Armed Forces, whereas the HÉBERT substitute goes much further and deals with criminal penalties; deals with the Criminal Code and which, if offered as a separate bill would have to be referred to the Committee on the Judiciary. It is clearly outside the jurisdiction of the Committee on Armed Services.

For those reasons, the Chair sustains the point of order.

Mr. HÉBERT. Mr. Chairman, I offer an amendment to the amendment offered by Mr. KILDAY, of Texas.

The Clerk read as follows:

Amendment offered by Mr. HÉBERT to the pending amendment offered by Mr. KILDAY: On page 2 strike from lines 2 through 17 and substitute the follows:

"It shall be unlawful for a retired commissioned officer of an armed force of the United States (other than an officer who served on active duty for less than 8 years and whose primary duties during his period of active duty at no time included procurement, or supply) within two years after his release from active duty to receive or agree to receive compensation or anything of value for any service rendered or to be rendered by himself or for another person, with respect to any transaction of selling or aiding or assisting in the selling of anything to the Department of Defense or an armed force of the United States.

"It shall be unlawful for any person to employ such a retired commissioned officer, within such a period of time, for the purpose of selling or aiding or assisting in the selling of anything of value to the Department of Defense or an Armed Force of the United States.

"Whoever violates any provision of this section shall be fined not more than $10,000 or imprisoned for not more than one year, or both."

Mr. KILDAY. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane, that it is outside the language of the amendment I have offered and of the original bill, that it creates a new criminal offense, and that it applies to other than retired officers, being the only group concerned in my amendment.

Mr. HÉBERT. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HÉBERT. This amendment is identical with the previous amendment except that it has no reference to the criminal statute, title 18 of the United States Code. It is germane because it does apply to the creation of a violation of a law, which is in the pending amendment, making sales unlawful. It is germane in its reference to contractors because the title of the bill relates to the hiring of retired commissioned officers by defense contractors.

The CHAIRMAN (Mr. FORAND). The Chair is ready to rule.

The same basis for the ruling that was made previously would apply here, in view of the fact that criminal penalties are involved. The Chair sustains the point of order.

Mr. HÉBERT. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. HÉBERT to the amendment offered by Mr. KILDAY: On page 2 strike from lines 2 through 17 and substitute the following:

"(a) It shall be unlawful for a retired commissioned officer of an armed force of the United States (other than an officer who served on active duty for less than 8 years and whose primary duties during his period of active duty at no time included procurement, or supply) within 2 years after his release from active duty to receive or agree to receive compensation or anything of value for any service rendered or to be rendered by himself or for another person, with respect to any transaction of selling or aiding or assisting in the selling of anything to the Department of Defense or an armed force of the United States.

"(b) A retired commissioned officer who violates subsection (a) of this section shall not be entitled to receive any retired pay for or on account of his service in the Armed Forces, to which he would otherwise be entitled, for a 2-year period from the date he engages in any such transaction.

"(c) It shall be unlawful for any person to employ a retired commissioned officer as defined in subsection (a) of this section, within such a period of time as defined in subsection (a) of this section, for the purpose of selling or aiding or assisting in the selling of anything of value to the Department of Defense or an armed force of the United States.

"(d) Whoever violates the provisions of subsection (c) of this section shall be for a period of 2 years, from the date of such violation, disqualified to enter into any transaction related to the obtaining and performing of defense contracts with the Department of Defense or an armed force of the United States."

Mr. KILDAY. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane. In that connection, I call the Chair's attention to the fact that it includes the prohibition as to the person employing, that phrase not being included in either the amendment or the original bill. It creates a new civil penalty for violation which was not included in either the pending original bill or the pending amendment. For that reason it is not germane to the pending bill and amendment.

Mr. HÉBERT. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, this is an entirely different approach from the two previous amendments. This amendment is new language and is in keeping with the bill itself. The title of the bill is "A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes."

With reference to chapter 82, Employment of Retired Officers by Defense Contractors, I direct your attention to page 2, line 1, section 1601, which deals with the employment of the officer and his activities. It also provides a penalty for that activity.

Mr. Chairman, I submit that the amendment which I have offered provides as to the activity of the contractor and provides a penalty for a violation of law not with a jail sentence or a criminal prosecution, but with a civil penalty in keeping with the civil penalty or fine as contained in section 1602.

Mr. Chairman, this is an entirely different approach and it carries out the complete intent of the bill. It deals with officer and contractor relations, and I certainly think the amendment is in order.

The CHAIRMAN (Mr. FORAND). The Chair is ready to rule. The gentleman from Louisiana has offered an amendment to the amendment offered by the gentleman from Texas [Mr. KILDAY], to which the gentleman from Texas has raised a point of order. The Chair has had an opportunity to study the amendment and finds that in paragraphs (c) and (d) the amendment refers to contractors. It imposes a penalty on contractors in the form of a suspension of the privilege of doing business with the Federal Government for a period of 2 years. The bill and amendment now under consideration deal solely with retired commissioned officers of the armed services. It is entirely outside the scope of the bill or of the amendment offered by the gentleman from Texas [Mr. KILDAY]. Therefore, the Chair holds that the amendment is not germane and the point of order is sustained.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. KILDAY].

Mr. Chairman, you have seen the exhibition that I predicted would take place here this afternoon when I offered my amendment. You have been denied the right to vote on the issue. By the use of the parliamentary situation, you are being prevented from expressing yourself fully. You have only one name on the ballot; that is all. However, I assure you, so far as I am concerned, you will be allowed to work your will. As far as I am concerned, this House will be allowed to come to grips with the problem. As far as I am concerned, I will take the advice of the gentleman from Texas, the distinguished and learned lawyer whom I respect highly and who moved me so much earlier today by his remarks. Although I do not agree with his conclusions, I will take his advice and I am now dropping in the hopper a bill containing exactly what I have been trying to get before this House. This bill will be referred to the Committee on the Judiciary, and I shall do everything I can to get it up before the House for you to dispose of the matter in that manner.

Mr. KILDAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to congratulate the gentleman from Louisiana [Mr. HÉBERT] for now finally abiding by the rules of the House. I congratulate him upon his action in dropping into the hopper a bill which will be referred to the

proper committee, the committee having jurisdiction of the subject matter. That makes crystal clear the parliamentary situation which has confronted the Committee on Armed Services from the time it began consideration of the report of the Hébert subcommittee. The Hébert subcommittee sought to go outside of the jurisdiction of the Committee on Armed Services. The full committee found itself faced with opposition from the other committee for invading their jurisdiction. This is a matter which exists constantly. It is the first time I have known of a committee being criticized for having abided by the rules of the House and for remaining within its own jurisdiction. Many times committees have been criticized for having gone outside their own jurisdiction. As I said before, those rules existed long before the gentleman from Louisiana [Mr. HÉBERT] and I were born—and that is getting to be a long time ago. Through the existence of the parliamentary system of the United States, based upon the centuries of experience in the British House of Parliament, Jefferson initially wrote the manual which is still the basic rules of procedure of the House of Representatives. These great men who preceded us through the 160 years since the convening of the first Congress, have seen that the rules have been amended to promote orderly consideration of legislation. It is not within the province of the gentleman from Louisiana to set aside those rules. It is not within the province of the gentleman from Louisiana on one rollcall vote with four others to set aside those rules. Nor is it the province of the gentleman with 24 in the Committee on Armed Services who voted in favor of the substitute I have offered, nor is it within the province of those who wanted no legislation at all. I have no criticism of the gentleman for casting me in the light of one who did not want you to pass upon an issue not raised. The rules of the House determined that long, long ago. When I was elected, and each time I have been reelected, no one has had me come here with the misconception that this was going to be a case of easy procedure. Every one of us during his service here sometime during each session will be faced with distasteful decisions. Whether you are willing to face those distasteful decisions is up to each Member.

Mr. PUCINSKI. Will the gentleman yield?

Mr. KILDAY. I yield.

Mr. PUCINSKI. Will the gentleman explain whether the reporting procedure found on page 3 of the amendment would apply to all of these 1,677 former Army officers listed on page 22 of the report? Is this retroactive? Will this cover all of the retired officers now covered?

Mr. KILDAY. It would depend on when he retired. The disqualification is for a period of 2 years after his release from active duty. Anyone retired less than 2 years ago is included.

Mr. PUCINSKI. It would be a fair assumption that of this figure of 1,677 listed in the committee's report on page 22 that a substantial percentage of those would not be included in the reporting on this amendment?

Mr. KILDAY. I think that is correct. I will call attention to the other provision of the bill, however, that when notice for bids goes out the contractors are informed that if they get the award they are going to have to disclose the people employed by them. That says for all time. So it would take in those also.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PUCINSKI. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. KILDAY] may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. PUCINSKI. I congratulate the gentleman for his amendment. The point I am wondering about is whether you are not creating a double standard of officers, a second class of officers who come under retirement, one, those who have retired within the last 2 years who have to report, and those who retired previously who do not. Why should the requirement not be applicable to all?

Mr. KILDAY. We are dealing with a situation which should never have occurred. The retired people should have seen to it that it did not arise, but the situation has arisen and we must deal with it as it exists.

Mr. PUCINSKI. What objection is there to covering all of them?

Mr. KILDAY. The point is that you cannot bar these people forever from working for defense contractors.

Mr. PUCINSKI. I am not barring; I am not suggesting that; I am suggesting that they all report.

Mr. KILDAY. The objection is that they are associating with their fellows in the Department of Defense. I grant you that some years ago 2 years would not have been an adequate period of time for those dealing with defense matters for they would know some of the people down at the Pentagon. But today the change is so rapid that every time we have a hearing a new group comes up and today after the lapse of 2 years most of those associations have been dissolved.

Mr. WHITTEN. Mr. Chairman, I move to strike out the last word.

Mr. VINSON. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield.

Mr. VINSON. Mr. Chairman, I would like to ascertain the time required on this amendment. I ask unanimous consent that all debate on the Kilday amendments and all amendments thereto close in 20 minutes.

Mr. SANTANGELO. Mr. Chairman, I object.

Mr. VINSON. Mr. Chairman, I ask unanimous consent that all debate on the Kilday substitute and all amendments thereto close in 25 minutes.

Mr. SANTANGELO. Mr. Chairman, I object.

Mr. VINSON. Mr. Chairman, I move that all debate on the Kilday amendment——

Mr. WHITTEN. Mr. Chairman, if this is coming out of my time I cannot yield further.

The CHAIRMAN. The gentleman from Mississippi declines to yield further, as this is coming out of his time.

The gentleman from Mississippi is recognized.

Mr. WHITTEN. Mr. Chairman, I would like to repeat again that from the years of experience I have had on the Appropriations Subcommittee handling defense appropriations, I sincerely believe this bill should go back to the Committee on Armed Services in line with the fine statement of the gentleman from North Carolina, a member of the committee. I think that anyone who followed the points of order raised by the gentleman from Texas, in which he pointed out what is not in the bill, would agree that the points raised by him are proof of the need for the bill to go back so that committee can put some of those provisions in the measure.

May I say that my good friend from Texas, and he is one of the ablest lawyers here, one of the finest people, is right about the rules of the House; but the gentleman from Louisiana is also right about the rules of the House. I have seen my distinguished friend from Georgia in times past bring up a bill similar to this which did provide for fines and jail sentences. He had my help in strengthening the provisions of that bill.

Many of you will remember in World War II the 5 percenters, Washington contacts who charged contractors 5 percent on the military contracts they obtained or claimed they got. Hundreds of millions of dollars were thus paid out to these individuals, the cost of which was passed on to the Government in the cost-plus-fixed-fee arrangement. The country was up in arms. My good friend from Georgia, then as now, got busy to clean it up. However, where some of these 5 percenters got many millions of dollars, the penalty in the bill brought out by the committee of the gentleman from Georgia provided for only a penalty of 3 months in jail and $5,000 in fines. The House and the Congress changed the penalty however to 5 years, and the Government broke up that practice, unless what is happening now is some of the same.

Now it appears contractors may be doing the same thing, not through paying a percentage which is now in violation of the law, but by hiring retired military personnel on a salary. I think the legislation now before us, including both amendments are wholly inadequate.

Remember, the retired officer denies having tried to influence. The military officer denies it. Each says it was only a social occasion. Now, is a third military man going to file charges leading to court martial?

In World War II the House wrote its own penalty in that bill, but the penalty was in the bill because the gentleman from Georgia sought and obtained a rule

which made it in order. That could have been done here, had the gentleman from Georgia been for these stronger penalties.

I remind you again the gentleman could have made these amendments in order. Some of you will remember when there was so much turmoil about the first congressional pension, the gentleman from Georgia repealed such pension in a naval construction bill. Talk about jurisdiction. Now, I do not have a better friend. There is no more able man in the Congress than our colleague from Georgia, who has rendered great service to his Nation; but do not tell me he did not know how to have made these amendments in order and also do not tell me he could not have gotten the approval of these other committees for him to handle this overall problem had he wished.

Really if the pending bill were to control what is claimed for it, in my opinion, it would only barely touch what is involved here. Today the Nation is spending about 60 percent of its total income for so-called military. As a result we are having constant inflation. Military spending is used to keep employment going, to spread contracts, to cut everyone in. After months of hearings each year I am convinced that fully one-third of our military spending has little if any relation to defense. With such a serious situation, unless we stop it, we will continue to have on the one hand the military people who have a vested interest in their existing jobs spending 60 percent of the national income. We have on the other hand military contractors with 1,400 other military men pressing for military spending for contractors who may later hire those regular service personnel when they retire. With that much influence on both sides it makes it that much more difficult to hold things down.

If such retired personnel could not look to employment with defense contractors perhaps they would have more incentive to hold down defense expenditures so their retirement dollar would buy something.

Let me explain all this you read in the press that the Army does not have enough money. What that means is that certain Army officials do not believe the Army has been given a big enough percentage of the assignment for defense, which would take more money. The argument that some Navy officers make that the Bureau of the Budget and the Defense Department do not give the Navy enough money, really means that they believe the Navy has not been given as big a part of the defense assignment as they think it should have. That of course would have taken money.

So it goes with the Air Force. Now each, if he had his way, would open up great amounts of purchasing, in Army equipment, or naval weapons, planes, or missiles.

These officers I am talking about, many of them in their own mind, are convinced they are doing right. They honestly think you ought to have the Army fill a bigger place, which would call for more procurement, so with the Navy, so with Air Force. The officer takes that position. Then when he does not have his way, some smart contractor convinces him he should retire voluntarily, deprive the Government of his education and his training and go to the country with his arguments. He gets a job with people who want him to go to the public and sell the idea that the Army needs more modernization or the Navy, or the missile program, or research. I could point out some folks in research, retired, all having fine positions. They are not dishonest. They believe if we do not think as they do we would be letting the country go to ruin. The end result is frequently faulty decisions or from appearances perhaps pressure decisions.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

(By unanimous consent (at the request of Mr. VINSON), Mr. WHITTEN was allowed to proceed for 3 additional minutes.)

Mr. WHITTEN. Mr. Chairman, the point I wish to make is that these policy decisions at the Pentagon level and the White House level are hard to make. Some of these high-level military men may have retired because they conscientiously believe we are not carrying out their thoughts—but then we see them immediately go to work for these big contractors who are interested in that particular field of contracts and who would profit if the public gets sold. We believe at the least it is unsound and could destroy public confidence along with costing money.

In recent weeks the Defense Department has completely changed its whole continental defense plan. The Department has taken back months of testimony before our Committee on Appropriations, and started all over. Just like that, they have completely reversed themselves. Some contractors will benefit, some will lose. I have no reason to say that it was not a conscientious military decision, but I do say when you let 1,400 of their fellow officers, some of them retired voluntarily, represent these contractors it leaves us where we don't have the same confidence that this reversal was for purely military reasons that we otherwise might have. Mr. Chairman, there are areas where public officers should be like Caesar's wife.

May I say too in my opinion there should be a distinction made; and I think this committee, if the pending bill were sent back to them, would really draw a distinction between the serviceman who involuntarily retired perhaps with a minimum of income and who wasn't particularly influential anyway and the officers who may retire voluntarily, with a job in sight, with a big contractor, who could use his standing and his honest beliefs to influence opinion, be it public, or Defense Department, which might in turn help determine whether you are going into missiles or hold on to more defense with planes to decide which planes, which missiles. I could cite you the example of the B–36 bomber, which was largely obsolete before it became available.

Perhaps none of this had anything to do with that. I think we would all be more confident if we did not have the present situation. I could cite you lots of curious decisions that leave me where I cannot say that anybody did anything out of the way. However, they do look curious. But when you leave it up to the military to police, a la court martial, it will not be done, and you know it, for there is no one to report.

Did you know those high-ranking military people who went to the Bahamas as guests of the Martin Co. were not violating any military regulations? However, for the little fellow who might be caught they have regulations covering him under this selling business in this bill.

But regulations did not touch those in high position who make these billion dollar decisions. Of course, the Martin Co. or any retired personnel representing that company would not try to sell them planes or hardware. As you can imagine, their conversation would be at the highest level—what will do the best job, and of course the Martin officials believe what they produce will best do it. I know for I have received their brochures.

Did this happen? I do not know. If it did it would not have been in violation of any regulations, and if it should happen, you could not do anything about it under the terms of the bill before you, for it would still be a social occasion, where the arguments had to do with how best to handle our overall defense.

No; I firmly believe we are fooling around with peanuts here by limiting this bill, serious as some of these things might be. It is in these high-level policymaking decisions where the direction is taken, and the spending decided. Now again there is nobody for whom I have a higher regard than the gentleman from Texas, the gentleman from Georgia, and the gentlemen from Louisiana. If this bill is sent back to their committee—I firmly believe they can and will meet this overall problem—I think that there is plenty evidence here, particularly the points of order made by the gentleman from Texas, where he pointed out what the pending bill does not do and indicates that the bill should be sent back to that committee, where new legislation could be written to really handle this problem. Again, if we merely pass the bill before us we should not tell the country we stopped something when what we really do is to almost give tacit approval, to the continuance of an unwholesome situation.

Mr. VINSON. Mr. Chairman, I move that all debate on the Kilday amendment and all amendments thereto close in 25 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. HOFFMAN].

The CHAIRMAN. The Chair recognizes the gentleman from Vermont [Mr. MEYER].

Mr. MEYER. Mr. Chairman, it seems we are getting pretty close to the end of time for debate here. I thought, when I objected previously, that I would have 5 minutes, and I was assured that I would have 5 minutes. But I did not get it, and that is the way the course of this debate has gone.

Mr. RIVERS of South Carolina. Mr. Chairman, I ask unanimous consent to yield 2 minutes of the time allotted me to the gentleman from Vermont.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MEYER. I thank the gentleman.

Mr. VINSON. Mr. Chairman, I ask unanimous consent to yield 1 minute of my time to the gentleman from Vermont.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MEYER. I thank the gentleman from Georgia.

Mr. Chairman, in the course of this debate it seems to me that we have heard a lot about what the rules were. I believe in going by the rules. But, sometimes it seems to me that the rules are not always the same. I have my own viewpoint on what we should do to help the career officers who have served our country. I believe very strongly that their retirement pay should be adjusted to present conditions. And, very recently, on March 30, we had a discussion over the involuntary retirement of certain officers of the Regular Army and the Regular Air Force.

At that time I protested that that bill which we were discussing did infringe upon the rights and the honor of men who had devoted their lives to service to their country. And yet that bill passed and there was a penalty in it which I consider a criminal penalty or the equivalent of it, because the officers could be separated involuntarily from the regular service, for moral or professional dereliction, or in the interest of national security. They would not have the chance to confront their accusers or to find out what the reasons were; that is, in a completely honorable sense of being able to study the testimony that had been presented against them. So, if we can do that in one case, I do not see what was wrong with the Hébert amendment in this case.

I would like to quote from a news story that I read—it may not be a proper quotation, but the gentleman from Texas, the ranking majority member on the committee, for whom I have the greatest respect, is quoted as having said that law-abiding men abide by the law whether there is a criminal penalty attached or not.

This is perhaps true, but this is not really the issue. As I see this issue it first started out with influence peddling. Then it spread, in some sense, to the idea of collusion. And then it became an even bigger issue, the issue of corruption. I think perhaps the issue is getting even larger than that. If we go on and we do not correct the situation which we now face, sooner or later in this country of ours we will find that in the highest councils of government we will have someone sitting up in the chair—he may be sitting up in the chair—but perhaps the real influence over the destiny of this country will be in a four- or a five-star general. In our defense industries, in our educational system and in almost every other phase of American life this is growing. And when a person opposes it, he is not opposing the great men who have led our military forces. He is opposing, rather, a force which threatens democratic life in America.

If we do not enact legislation that will prevent the shadow of suspicion being cast, if we do not enact legislation that will prevent the abuses that have occurred, I do not see how this form of government can endure.

So I would like to repeat that the issue we are now facing is not only influence peddling, it is not only collusion, it is not only corruption, but it is also whether we are to turn back, whether we are going to stop the growth of military influence in every phase of American life. We cannot say because we do not believe in hurting an Army officer or a naval officer that we cannot do this or we cannot do that. I, for my part, do not want to hurt them a bit and I am sure no one here does. But the real issue is that we do not want the American form of government, or the confidence in our Government to be hurt. We do not want the American way of life to be hurt in a way that it can never recover from. That, Mr. Chairman, I say is the real issue now. I think if we do not face it here, this afternoon, that someday we are going to have to face it and it is going to get tougher and tougher all the time. And maybe when we want to call a halt we will not be able to.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. MEYER] has expired.

The Chair recognizes the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Chairman, I, too, have served on this committee for about 20 years, along with the distinguished gentleman from Georgia. Through his leadership we have gone far enough today. This will stop whatever alleged pressure exists if truly pressure does exist. I favor the Kilday amendment because that is as far as we should go. That is as far as we should legislate, because the evidence and the facts warrant no further proposal on our part.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I rise to inquire of the sponsor of the Kilday amendment the meaning of the language that appears on page 5, in section 2. The bill purports to apply to retired officers. However, section 535 reads as follows:

> A commissioned officer of an armed force of the United States, who, while on active duty, is employed by any person, partnership, corporation, association, or other entity furnishing anything to the Department of Defense or an armed force of the United States, shall not be entitled to payment from the United States during that employment.

Then there is an exception.

My question is, Is it the intent of this particular section to allow an Army, Navy, or Air Force officer to remain on active military duty and yet be employed by a private business and be paid by that private enterprise, even though he as a military officer may be dealing with that private business for the Armed Forces? Under the wording of this particular section, all he would forfeit would be his military pay, and he could be paid by the private party maybe twice or three times the amount of his military pay but at the same time he would still be on active duty for the United States. I should like an explanation of that language as it appears to me to invite and in fact legalize the most obvious case of conflict of interest.

Mr. KILDAY. First, may I say to the gentleman from Maryland that the language in my amendment is the identical language offered in the bill reported to the full committee of the Hébert subcommittee. The important portion of that is the last portion, "except officers appointed under the provisions of the act of March 23, 1946, and the act of September 18, 1950."

That refers to the remaining five-star officers, those who are still alive.

As to the balance of that section, it is the language of the gentleman from Louisiana [Mr. HÉBERT], and I would have to ask him to explain it. May I also say, at this time, that I incorrectly stated to the gentleman from Illinois [Mr. PUCINSKI] a few moments ago that the enrollment provision would only be applicable for a 2-year period. I am now convinced that it will be applicable to those now retired or hereafter retire who engage in selling.

Mr. FOLEY. May I ask the gentleman from Louisiana to explain the same language that appears in his bill on page 4, section 534? I am just trying to find out what that language means.

Mr. VINSON. If the gentleman will yield, I will try to clarify it. It simply means that the gentlemen who were given five stars are technically on the active list, but as a matter of fact they are not on active duty. This does exempt them. It applies to only two generals, MacArthur and Bradley.

Mr. FOLEY. As I read it, they can receive payment from the United States as well as a private organization?

Mr. VINSON. That is right. They are on the active list, but as to actual performance of duty they are not on the active list.

Mr. FOLEY. It is not for the purpose of inviting active-duty officers to engage in private employment?

Mr. VINSON. We extended the same privilege to Admiral Nimitz. We are doing the identical thing for Generals Bradley and MacArthur.

Mr. FOLEY. I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. SANTANGELO].

Mr. SANTANGELO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SANTANGELO to the amendment offered by Mr. KILDAY: On page 5, immediately after line 19, insert the following:
>
> "1603. Prohibition against flag or general officers and retired procurement officers accepting employment with defense contractors.
>
> "It shall be unlawful for any flag or general officer of an armed service who hereafter

resigns or retires from active duty, or any commissioned officer whose primary duties at any time during the last two years of such duty included procurement, to accept employment with any defense contractor within two years after such duty ceases. Any person violating this provision shall be tried by a court martial and shall upon conviction be punished as a court martial shall direct."

Mr. SANTANGELO. Mr. Chairman, the amendment I have offered provides a complete ban of employment with defense contractors as to all future retirees, flag officers, admirals, and generals and retired commissioned officers the colonels and captains who have been engaged in procurement with the Department of Defense for 2 years before retirement. I believe and so stated yesterday that the sanctions and enforcement provisions of the Kilday bill are a milquetoast and powder puff approach to this serious problem. We have not been given the opportunity to try to decide for ourselves whether we want to enforce it by means of a criminal penalty or civil penalty and we have not been given the choice of deciding whether we want to put the burden where it rightfully belongs; that is, on the defense contractor, the company that profits by the use of the influence of a retired officer whether it be a flag officer or a commissioned officer.

Mr. Chairman, what does my amendment do? My amendment supplements the Kilday amendment, it bans all future retired officers, flag and general officers and retired commissioned officers engaged in procurement from joining up with the defense contractor.

Let me state to those who say we are denying a man the right to work when he is forced to retire. If you read the report of the subcommittee, you will find that 750 of a total of 1,401 officers who retired, voluntarily quit the armed services for the purpose of obtaining a lucrative job with a defense contractor. We must try to stop this exodus of the brains of our Defense Department and keep those brains and that ability where we need them, in the services, and we do not want the defense contractor to lure them from the Government for the company's private gain. We have to have effective sanctions and effective penalties.

Further, Mr. Chairman. this amendment has a bearing on our declared surpluses of military supplies and equipment. If you will read the report of your Committee on Appropriations for this year on the Department of Defense, you will find that in the fiscal year 1960, we had $10 billion worth of materials declared to be surplus. In other words, we have $10 billion of so-called surplus supplies and equipment. In 1959, there was $8,500 million worth of surplus supplies and equipment. And we are not talking about millions of dollars, we are talking about billions of dollars. Why do we have such surpluses? Is it the result of miscalculation or is it because these supplies and equipment were bought as the result of some influence by some individual? It is time that we eliminated this aura of suspicion surrounding such situations as this. It is time that we eliminated as far as possible waste and inefficiency in our Department of Defense.

The high officials in our armed services should not be permitted to have the opportunity to use their influence. The bill offered by the gentleman from Texas [Mr. KILDAY] will apply to all those who have retired. My amendment applies to all future retirees.

Mr. Chairman, I trust that my amendment to the Kilday bill will be approved.

Mr. STRATTON. Mr. Chairman, will the gentleman yield for a question?

Mr. SANTANGELO. I yield to the gentleman from New York.

Mr. STRATTON. Is it not true that the figure stated by the gentleman is actually the original cost figure and that when he gives a figure of $8 billion or $9 billion of surplus, this does not represent the real and actual present value of the items referred to?

Mr. SANTANGELO. My colleague is merely proving my point, because when these surplus supplies and equipment are sold, the Government gets back 1 percent on the dollar. The Government paid $8 billion or $10 billion for these supplies and equipment and gets 1 or 2 percent back on the dollar. That proves my point that this is a complete waste and I ask why this situation should be allowed to exist in the first instance.

Mr. STRATTON. But some of this material has been used for 20 years; is that not true?

Mr. SANTANGELO. And a great deal of it was bought recently when it became useless and was declared to be surplus.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. VINSON].

Mr. KILDAY. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Mr. KILDAY. Mr. Chairman, I want to point out again that this is what happens when we try to write a provision of this kind on the floor when we have not had an opportunity to read and to study the proposition. The gentleman's amendment provides that not only generals and admirals hereafter retired, but any officer who had been engaged in procurement, is barred from employment by a defense contractor in any capacity whatsoever. Even though he be the finest nuclear scientist in the world, he cannot be employed, if this becomes a law, in the laboratory of the companies making nuclear submarines even though he has nothing to do with selling. For example, even if Admiral Rickover should go to work in a laboratory to continue his nuclear experiments, he could not do that, and he would be prohibited from such employment by the provisions of an amendment that you have not even had a chance to read.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from New York [Mr. SANTANGELO], to the amendment offered by the gentleman from Texas [Mr. KILDAY].

The question was taken; and on a division (demanded by Mr. SANTANGELO) there were—ayes 70, noes 101.

So the amendment to the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, the inconsistencies of our legislative process are sometimes overwhelming. Right now before the Armed Services Committee there is a bill that would equalize the salaries of retired officers. The proposed bill would provide that officers who retired before 1958 would get the same retirement salary as those who retired after 1958. As the law now stands, those who retired prior to 1958 get a lower salary than those retiring after 1958. Those who are arguing to equalize these salaries are contesting the fact that they are "second-class" retired officers under existing law. And I agree with them. The legislation we are considering today creates a similar situation.

Now, if I understood the purpose of this amendment, those officers who had retired more than 2 years prior to the effective date of this legislation would be totally excluded from the reporting provision of this act. We are again setting up a double standard for retired officers. I am not a member of the committee, and I shall not offer an amendment. I shall support this legislation because it attempts to deal with a most important problem. But, I am disappointed that the committee did not include the reporting provision for all retired officers, regardless of when they retired as long as they continue to work for big defense corporations. I certainly hope there would be some way to expand this legislation to require all these men, regardless of when they retire, as long as they are working for a private defense concern and as long as they have influence on these huge expenditures, to report their activity.

Yesterday we heard the gentleman from Indiana [Mr. MADDEN] tell us that undoubtedly billions of dollars could be saved if some of these influences were eliminated. Throughout this debate we have heard various statements being made along the same lines. The very purpose of this legislation is to bring about some semblance of equity in defense spending. Yet we are willing to say today that if a man retired more than 2 years ago he is excluded. He may go ahead with his work with impunity. Nobody will bother him. Nothing will affect him. However, if he has retired within the last 2 years or shall retire hereafter, he will come within the framework of this legislation. I do not want to deny any retired officer an opportunity to earn a livelihood, but I certainly believe the American people have the right to know what these men, who have been employed in the Defense Department all these years, are doing to affect defense expenditures after they retire, regardless of when they retired.

The CHAIRMAN. The gentleman from Mississippi [Mr. WINSTEAD] is recognized for 3 minutes.

Mr. WINSTEAD. Mr. Chairman, as a member of the Hébert Special Investigations Subcommittee, I would like to say that Mr. HÉBERT was given one of

the most difficult of all tasks when assigned this complicated subject. May I say that he devoted much time to this and did a splendid job.

The original bill which Mr. HÉBERT introduced was only a vehicle and certainly not considered by him or members of the subcommittee to be a finished product. I understood that it was to be further considered by the Kilday Subcommittee with whatever hearings were necessary.

I supported Mr. HÉBERT in the subcommittee; I supported him in the full committee twice. I shall now support the Kilday substitute because I believe it to be better than the original bill reported from the full committee, even though it does not go as far as I would like. I opposed the Kilday amendment in committee, hoping we could get sufficient opposition to get a vote on the Hébert amendment.

I hope the Judiciary Committee will take action on the Hébert bill which he introduced today. I definitely feel that contractors should be held just as responsible as retired military personnel. As far as I am concerned, I am willing to put the same restrictions on all Government employees dealing with subjects such as this, even including Members of Congress.

Mr. HÉBERT and our entire subcommittee worked hard in an effort to protect the innocent and utilize the skills of technicians, scientists, electricians, and other skilled personnel. At the same time we made every effort to prohibit abuses by Government contractors in hiring retired military personnel for selling purposes only. This, Mr. Chairman, is indeed a difficult subject with which to deal.

Mr. HARDY. Mr. Chairman, like the gentleman from Mississippi [Mr. WINSTEAD], I have had the privilege of serving on the Hébert subcommittee. Under the able leadership of the gentleman from Louisiana, our committee worked diligently to develop information on the important subject with which the bill before us seeks to deal.

As a result of our hearings, the subcommittee agreed on the report and discussed at length the original bill, H.R. 9682, which Mr. HÉBERT introduced. I think I should point out that in presenting that bill to the full Armed Services Committee it was the thought of the subcommittee members that it would merely be a vehicle for the development of perfected legislation; that it would be referred to a legislative subcommittee which would recommend to the full committee the reporting of a perfected measure.

I think I should call attention to the fact that when the original action was taken in the full Armed Services Committee on March 16 I joined a majority of the committee in voting to report H.R. 10959, but I did so with some reluctance and with a feeling that the bill as reported was seriously inadequate to cope with the problem. However, it was the only alternative available under the parliamentary situation which existed.

Mr. Chairman, I am glad that the full committee, at its meeting on Tuesday of this week, voted to offer an amendment to the bill which has been presented by Mr. KILDAY. It was my view that the Hébert language as included in H.R. 11474 would be more effective, but since we had no opportunity to vote on that language, I shall support the Kilday amendment.

Mr. Chairman, I am pleased that this matter is about to be resolved. I congratulate the gentleman from Georgia [Mr. VINSON] and the gentleman from Texas [Mr. KILDAY] for the improvement which the pending committee amendment makes in the bill, and I want also to commend the gentleman from Louisiana [Mr. HÉBERT], not only for his splendid contribution as represented by the hearings which he conducted but for his efforts toward enactment of meaningful legislation. It is to his credit and the result of his perseverance that this legislation has been brought to this point of House action.

The CHAIRMAN. The time of the gentleman from Mississippi has expired, all time has expired.

The question is on the Kilday amendment.

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10959) relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes, pursuant to House Resolution 487, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mrs. ST. GEORGE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentlewoman opposed to the bill?

Mrs. ST. GEORGE. I am, Mr. Speaker.

The SPEAKER. The gentlewoman qualifies. The Clerk will report the motion.

The Clerk read as follows:

Mrs. ST. GEORGE moves that the bill H.R. 10959 be recommitted to the Committee on Armed Services.

Mr. VINSON. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. VINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

BATAAN DAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, April 9 is an unforgettable day for Americans and Filipinos alike as well as for the free world. It was a day when our two nations, the United States and the Philippines showed the world that the ideals of freedom and democracy are so precious irrespective of race, color or creed, our two peoples were ready to sacrifice their sacred possession and their lives to uphold and defend them against tyranny and totalitarianism.

Nineteen years ago, after a heroic resistance that was a saga of valor and patriotism, American and Filipino troops who had been fighting in the beleaguered peninsula of Bataan for more than 4 months, outmanned, outgunned, outplaned, many of them malaria and dysentery-ridden, starving—"grim, ghaunt, ghastly men unafraid", in the words of their commander—surrendered to the superior force of the enemy, superior only in number and in equipment but not in courage or in morale or in devotion to the cause they were defending.

We pause today to honor the memory of those American and Filipino soldiers. Bataan fell but a new spirit of unity between our two peoples has risen. That is the spirit that binds us today. Whatever may be the temporary disagreements that are bound to come up between our two Governments, the spirit of Bataan will help us to work for their solution with patience, good will and statesmanship.

It is not true that we Americans have forgotten Bataan. It is false to say that the spirit of Bataan is dying here. If that were true—and it certainly is not—we would not now be considering certain measures with the end in view of redeeming the pledges we had made as a people to the people of the Philippines. It is the common sacrifice of the Filipino and American soldiers at Bataan that serves as a constant reminder to us of the debt of gratitude that we owe to those brave men who so gallantly fought and fell for freedom and democracy.

The Philippines is now an independent Republic. It is our friend and ally. It is not a fair-weather friend. It is not a hesitant ally. Courageously and forthrightly it has stood up to be

counted. It is not a fence-sitter. President Carlos P. Garcia on this floor in June 1958 did not mince words when he said that his people are for the United States because they believe in the dignity of the human individual. He declared that his country shuns neutralism because his people have chosen their place in history and that place is on the side of freedom. We remember those words, we have not forgotten them because they reveal that the spirit of Bataan is as alive in the Philippines as it is here in the United States.

Today, on the 19th anniversary of Bataan, I would like to commend to the attention of our people an address by Gen. Carlos P. Romulo, Philippine Ambassador to the United States, who was aide-de-camp to Gen. Douglas MacArthur, who was one of those who in Bataan and Corregidor shared the sufferings and sacrifices of the men whose memory we honor today, in which he gives new point and meaning to Bataan Day:

We have lived through half a generation since the glory of Bataan. We have survived a great war, and several lesser wars, and the overhanging threat of a future conflagration. We have survived victory, and we have even survived "this peace of mutual terror" that followed victory.

Tonight we meet once again to recall the inner meaning of the blood brotherhood between the American people and the Filipino people that was sealed on that little peninsula and on that little rock whose names are enshrined in the histories of both our countries.

Since Bataan—our independence was proclaimed in 1946—I need only tell you that I am proud of the way in which my countrymen in the Philippines have demonstrated the vitality of their devotion to constitutional government, the maturity of their political philosophy, and the stability of their political understanding. In time of stress the true nature of a man or a nation shows itself. We have gone through several such stresses, our people have shown their wisdom, their restraint, and their solidity.

We have, in sum, met national crises that have confronted us time and again, just as on occasion in the past, you have met yours in the United States. The reason for this is that, on top of our own cultural heritage as Filipinos, on top of the faith and culture we acquired from the Spaniards, we in the Philippines took to our hearts the democratic ideals, the respect for constitutional law, and the desire for orderly government, which are today the hallmarks of both the American and Philippine democracies. What we have learned from you, we have learned well.

Today, we can perhaps begin to repay our philosophical debt to America. There was a time, in the past, when we were the learners and you the teachers. Now, in our new world of nations rapidly arising from the somnolence and colonial subjugation of past centuries, we may be able to convey to you a message that can help you understand and sympathize with those whose undertsanding and sympathy you need to win.

So, on this anniversary of Bataan I ask you to look ahead with me for the next ten or fifteen years, rather than back at the past we know so well.

The United States, as the leader of the free world, now finds itself involved in the political turmoil and deep social and economic problems of peoples in places that had only recently been terra incognita for you. The Middle East is on your doorstep. Your sailors and marines are in Beirut, in Taipeh, in Seoul, in Berlin, in Spain, because you choose to exercise the deterrent power of a show of force to maintain peace. Your newspapers shriek to the editorial skies because your diplomats cannot speak the languages of Laos, or Indonesia, or Ghana—for suddenly such countries have become important to you.

At the precise moment when the world has been shrunk to the size of an orange by the rapidity of transportation and communication, at the very time when a creeping contagion called communism spreads out over the face of this tiny globe, there has come the awakening of the sleeping giants all over the world—the peoples who have thrown off the shackles of alien rule and have chosen to master their own destinies.

Asia and Africa are afire with a new nationalism. This powerful force, which in a different incarnation gave Europe its bloodiest centuries and its most magnificent civilizations, can now do the same, one or the other, in the rich and vast continents peopled by human beings in the billions.

Your survival—and that of freedom itself—depends on your capacity to recognize what is happening in the world; and, having recognized the nature of the upheaval, on your ability to act with wisdom and imagination.

I do not tell you this in a critical mood. I talk to you as a true and loyal friend. I tell you this because I truly believe that the fate of every person who believes as you do, the fate of every nation committed to the cause of freedom, is bound up in the actions of the United States of America. If you should choose unwisely, if you should make a false move in the battle for men's minds and souls and bodies, if you should betray yourselves and your principles, if you should lose the cold war either on the battlefield or at the conference table, then the whole free world will go tumbling down with you. We are all intertwined in our mutual responsibilities, and precisely because you carry the load of leadership you must take with good grace, and with deep thought, the friendly opinions of the rest of the free world.

Your President has traveled in Europe, Asia, Africa, and Latin America to meet personally with the heads of state of more than 20 nations. Your Vice President traipsed all over Africa shaking hands with tomorrow. Your late Secretary of State has visited more than 40 countries in his search for peace and friendship. Your Senators and Congressmen also travel all over the world to get first-hand information about other countries and peoples. These are the signs of your recognition of the strange new ways in which America must show her leadership.

They are good signs, but they are essentially outward symbols. What the new world of new nations looks for, even more than symbols, is evidence of American understanding, of American acceptance, of American recognition of their equality in the society of man.

And that is where the Philippines enters the picture, beyond the great tradition of intimate friendship that has been built up between our two peoples over the past half century. The fact that, in your one great adventure into colonialism, you retreated almost before you began, has been a powerful weapon in your arsenal of democracy. You came to the Philippines, you saw, but you did not conquer. Instead, you worked with us, and learned with us, and out of the relationship emerged your promise to help us achieve and assure our independence. That promise went through the purification of fire 19 years ago. And, in 1946, the promise came true.

That piece of history has been a tower of strength in your dealings with other colonial nations. For they recognized that America was different from the other Western nations—different in that it had no need or desire to become an empire.

I believe this piece of history was one of the most important reasons why, during the past decade, the new and subtle imperialism of Communist Russia made no greater headway than it has so far. But we are familiar enough with the weaknesses of the human character to know that recollection of the past does not long survive. In the minds of the new peoples of the Eastern World, the test is not yesterday, and not tomorrow, but today.

At this very moment, the nature and quality of American friendship with the Philippines is under test. The scrutiny exists among my own people, quite naturally, but it is even more acute among the billion human beings whose ultimate choice may determine the outcome of the struggle between freedom and democracy, on the one hand, and slavery, tyranny and totalitarianism on the other.

They are asking the questions now. They are demanding the answers. And the very power of their numbers, the very strength of their strategic locations, require that their questions be answered.

Since they are suspicious of all outsiders, injured as they have too often been by their contacts with foreigners in past generations, they do not take you on faith. They are waiting to see whether all the years of mutual loyalty between two friends from different worlds, the Americans and the Filipinos, can be marred by misunderstanding. They are waiting to see whether the United States will maintain an absolute respect for the national sovereignty and territorial integrity of the Philippines. This is fundamental. They are waiting to see whether the relationship between our two countries will continue to be that of equals, or whether there will be an unwitting deterioration into a semblance of the master-slave relationship that exists between the Soviet Union and her so-called friends—whom we call, more accurately, her satellites or even her colonies.

For our part, I need not assure you that we wish nothing more, and nothing less, than equality. We wish this in our own behalf, and in your behalf as well. The Philippines gladly chooses the title of friend and ally; it honors you as well as it honors us. We will never accept the title of colony or satellite; it would dishonor you and degrade us.

I do not believe the choice will ever have to be made. I repeat, I am confident, knowing you as I do, that no such choice will ever be made. That there are differences of opinion between us is natural and even healthy. That occasionally our tempers rise is normal. The unity of friendship, the comradeship of alliance, does not impose on you or on us the necessity to be silent, or to accept that with which we do not agree. It imposes on us—on each of us—the loyalty that comes with candor, with forthrightness, and with integrity. That is the kind of friendship that has grown between our two peoples, and it is the only kind of friendship worth having.

The next decade will test that friendship. Because it is a strong friendship, the test will make it all the stronger. That is what I believe. I hope you believe it, too.

For I say to you that what is at stake is something even more precious than the land I love, the Philippines—and more precious than your own beloved country, the United States. What is at stake is the very future of the human race. Only if the East and the West can truly meet on an equal footing, only if you can show your respect for the national sovereignty, the aspirations, the needs, and the problems of the nations that have just been reborn, only if you can adjust to the revolution of the twentieth

century, can the human race hope to achieve the liberty, the prosperity, the happiness, that is the dream of civilized man.

The men who died on Bataan offered that which was most precious to them—their own lives—on the altar of human freedom and human friendship. We who survive have an obligation to them that cries out to be repaid. We owe them the continuation of the battle. We owe them the never-ending pledge to carry on until all the peoples of the earth see the birth of a new freedom, a new brotherhood, and a new and lasting peace.

Mr. Speaker, there is food for thought in General Romulo's speech. We know him as our good friend and his words are those of a friend. He has been fighting all these years for the recognition of his fellow veterans' claims, for the payment of his people's war damage claims, for an increase in his country's sugar quota, and for the protection of his nation's best interests and welfare as they are affected by the relations between our two countries.

Bataan Day should serve to remind us not only of the loyalty of our Filipino allies but of our duty to help them as much as we can, the help that we owe them who took our side in war and are committed to us courageously in peace. Let us answer the questions Asia and Africa are asking by showing that we value the friendship of the Filipino people because we are a grateful nation and we do not forget those who, like the Filipinos, are not afraid to show that they are committed, like us, to uphold and defend the ideals of freedom and democracy. It is in this spirit that we should commemorate Bataan Day.

Mr. Speaker, I ask unanimous consent that all Members who desire to do so may extend their remarks at this point in the RECORD, and also have 5 legislative days in which to extend their remarks on the subject of the 19th anniversary of Bataan Day.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAYS. Mr. Speaker, anniversary celebrations are of great significance. Though the message embodied and imparted in some are of greater significance than in others, they all have their distinct place in our national history and our national life. The 18th anniversary celebration of Bataan Day is of especial significance because 18 years ago when our gallant fighters were cut off from the rest of the world, and in the face of forbidding odds, fought their implacable enemy in that distant peninsula, they perhaps did not realize that they were making history. In no sense was Bataan a defeat for our indomitable and stout-hearted boys who, fighting side by side with their Filipino brothers-in-arms, were unbowed and undaunted even in their inevitable surrender. It is true that in Bataan we lost a battle, but actually and fortunately it was only a loss of certain strategic advantages, and the lesson of such a loss had its sobering effect upon us during the remainder of the war.

Today as we look back and remember the events of 18 years ago, we all are conscious of the tremendous importance of what transpired in Bataan Peninsula in those dark and gloomy days. In those initial stages of the war in that area for a while nearly everything looked black, for we were caught completely unawares by our aggressive enemy and appeared to be at his mercy. Fortunately for us, and, paradoxical as this may sound, also for the enemy, we were soon resolved to face the threats to our free way of life firmly and squarely, prepared for ensuing decisive battles, and then by winning the war we not only successfully vindicated the superiority of our way of life, but also demonstrated that the gallant defenders of Corregidor at Bataan did not die in vain. On this 18th anniversary of Bataan Day in paying our tribute to our heroes, and to gallant and loyal Filipino comrades-in-arms, we are indeed happy to honor also those who took part in that historic battle and who are fortunately still with us.

Mr. MULTER. Mr. Speaker, 18 years ago the Philippines fell to the invading forces of Japan.

On April 9 we commemorate the fall of Bataan, in order to recall the gallantry of the Filipino and American troops during those early dark days of the war in the Pacific.

When the main Japanese invasion of the Philippines began on December 22, 1941, our defending forces were forced to withdraw to the mountainous Bataan Peninsula, across Manila Bay from the capital city. The retreat maneuver was executed with consummate skill but at a heavy cost in lives and an unavoidable loss of vital supplies.

By January 7, 1942, American and Filipino troops held well prepared positions on Bataan Peninsula, settling down—along with the forces on the nearby island bastion of Corregidor—to a long seige. This courageous act denied the enemy the use of Manila Bay for the duration of the battle. Japanese attacks on the embattled defenders were so thoroughly repulsed in January and early February that they ceased altogether until April.

Completely cut off from outside aid, the Bataan forces grew weak from hunger and poor diet. Thousands succumbed to diseases which shortages of medical supplies made impossible to control. Desperate efforts to send food, medicine, and ammunition to the beleagured men were thwarted by the Japanese.

In April the Japanese initiated a devastating attack upon the thin lines of the defenders. The lines crumbled and disintegrated in the face of overwhelming force. On April 9, 1942, the few surviving troops on Bataan surrendered. A month later Corregidor fell.

These events are still vivid memories for many Americans and Filipinos who grieve the loss of their loved ones and for the few survivors of those horrible days who are still with us. Today we memorialize the valor of the defenders of Bataan and Corregidor as a symbol of the fight for freedom and the defense of liberty which is never ending.

NATIONAL LABOR POLICY

Mr. BARDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BARDEN. Mr. Speaker, a few short months ago the House of Representatives set a record of statesmanship and intelligent action on behalf of the Nation. We approved, with a minimum of economic hardship or infringement of individual or collective rights, new labor legislation that is just now beginning to face the stern test of workability on the daily firing line of labor and industry.

Preliminary reports are encouraging. The voices raised in anguish as we debated this measure have largely subsided. Dire predictions of havoc between unions and management have not come to pass. Competent men in industry and labor are buckling down to the chore of learning to live with this legislation—a measure that few men of integrity can charge with failing to serve the common good.

The need now is for patience. The challenge we faced in the House has passed. The burden now is on those two great forces of our economic well-being, labor and management. In fairness we must refrain from increasing this burden by demanding new mandates, complicated revisions, or special exemptions. Certainly we should not voice dissatisfaction before the period of basic trial and error has been exhausted.

It is for these reasons, Mr. Speaker, that I rise to speak on an issue that is now before us—the consideration of H.R. 9070, the so-called situs picketing bill.

Among the many objections which have been voiced against this bill one sticks out like a sore thumb. That objection is that this bill would place the weapon of the secondary boycott in the hands of the building and construction union only short months after the Landrum-Griffin bill reiterated that this tactic was to be outlawed as a matter of national labor policy. Let me briefly discuss the effect of this bill in this area of secondary boycott. Fortunately we have a backdrop of experience to call on in addressing our remarks to this special request for legislation for a special situation in a specific industry.

In 1947 Congress legislated to outlaw secondary boycotts and picketing activities in the building and construction industry.

Labor challenged the will of Congress on this issue, and as a result in 1951 the Supreme Court ruled that a union acts unlawfully when it engages in secondary boycotts at a construction site where employees of several employers are working. But, Mr. Speaker, this decision did not impair anyone's right to strike. The Court held that a union may engage in strikes or picketing at the site against a primary employer with whom it has a lawful dispute, so long as the picketing makes clear who the dispute is with and confines its action within a reasonable distance from the project under dispute. All the Supreme Court did in that case was say to the construction unions: You may not prevent others from working for their employers as a means of settling the dispute which you have with your

employer. Let me briefly illustrate what this bill seeks to permit. At any construction site, large or small, there is normally a general contractor and a number of subcontractors. The employees of each of the subcontractors are represented by a different union. When one union has a dispute with its employer, it may strike. But the problem is: Shall that one union, possibly representing only a small percentage of the labor force on that job, be permitted to close down the whole project until its dispute is settled? That is what this bill seeks to permit each individual union, no matter how small, to do.

With this weapon, Mr. Speaker, a union, no matter how small, would have the power to completely shut down our huge defense installations such as Cape Canaveral, Redstone Arsenal, or our missile-launching base presently under construction in Wyoming.

It is contended that the building and construction unions need this legislation. Nothing could be further from the truth. The fact is that the building and construction trades were granted concessions by the Landrum-Griffin Act given to no other union. As a matter of law, an employee cannot be required to join a labor union until 30 days after he has begun his employment. But in the construction trade this is not the case. An employee can be required to join a labor union only 7 days after he begins his employment. Furthermore, the employees may be required to join a union which they themselves had no voice in selecting. These are substantial concessions. But even without them the construction unions are not denied any of the other privileges enjoyed by unions generally.

Again I say, no one's right to strike has been impaired.

Any construction union, anywhere, anytime, has the right to call a lawful strike over their wages, hours, or working conditions.

The right was reaffirmed beyond doubt when Congress in 1959 amended the secondary boycott provision of the Taft-Hartley section by adding the clause, that nothing shall be construed to make unlawful, where not otherwise unlawful any primary strike or primary picketing.

H.R. 9070 would grant special privileges to construction unions and open a Pandora's box of special requests for immediate alleviation of wrongs, real or fancied, by union after union.

Mr. Speaker, this House in a majority, laid its reputation for integrity and duty on the line when it put together and passed the Landrum-Griffin bill. It did so under what was perhaps the most intense and prolonged scrutiny from public and private sources in our time.

We were not found wanting in the final test. We acted to still dissatisfaction, unrest, and dissension in the ranks of labor and management.

We acted to protect the interests of our people, the vast majority of which were not directly involved, but who, by indirection had the largest stake in our deliberations and decisions.

We acted openly.

No deals or future commitments were made to my knowledge or consent. We passed a labor bill to meet the needs of today and the foreseeable future. It was accepted by our people as a product of statesmanship emerging from a period of crisis and high emotion in our growth.

To act now, Mr. Speaker, in direct conflict with an accepted national labor policy, that has been adopted by the Congress and basically by our courts, would, in my opinion, be a grave mistake.

We did not stand this test of fire only to see it consumed by amendment.

I doubt, Mr. Speaker, if many Members would buy a new automobile and start overhauling it before it had been road-tested.

Construction is one of our great industries. To be a builder with one's hands or as master of a vast machine in this modern age is a soul-satisfying adventure in life.

In good conscience we must not legislate to the detriment of those who toil in this capacity for their daily existence. I assure you, Mr. Speaker, that we have not, to my knowledge. Nor so long as my voice can be raised in this House, will we ever do so.

As always, we must legislate for the common good. We have done so with the Landrum-Griffin bill. We must not tinker now with this labor-management machinery, honed as it was on the steel of strong wills and forceful argument.

The time will come, Mr. Speaker, I am sure, when growth, invention, expansion will warn us to take another look at what we have created.

But to do so now to satisfy the restless hand of change for the sake of change would be a betrayal of the will of the millions of Americans who supported our action.

I hope this House, Mr. Speaker, displays the same firmness in resisting piecemeal tampering with the legislative foundations of labor-management relations as it displayed in building that foundation in the first place.

To do otherwise is to retreat from the fortress of our convictions.

I ask that H.R. 9070 and similar legislation be denied affirmative action at this time.

LLERAS ASKS LATIN AID TO FORESTALL REVOLT

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, the address of His Excellency, Alberto Lleras-Camargo, President of the Republic of Colombia, at the joint session on yesterday particularly impressed me when our distinguished visitor expressed his views on the question of foreign aid. It was my feeling that this was the first occasion on which a visiting head of state had so clearly taken the position that foreign giveaway was not the answer to the problems of underdeveloped nations.

I was, therefore, surprised to read the news story appearing in the Washington Evening Star on yesterday afternoon, which read as follows:

LLERAS ASKS LATIN AID TO FORESTALL REVOLT

(By John V. Horner)

President Alberto Lleras of Colombia today implored the United States to go swiftly to the aid of Latin America lest its restless, underdeveloped peoples revolt in desperation and fall into the hands of new dictatorships.

Dr. Lleras, one of the most respected statesmen in the Western Hemisphere, pressed his plea for economic assistance in an address to a joint session of Congress on the second day of his state visit.

He went to the Capitol after conferring at the White House with President Eisenhower. He also talked with Secretary of State Herter and Eugene Black, President of the World Bank, who called on him at the Blair House.

Dr. Lleras told Congress the Latin American nations are unlike some new nations of the Eastern Hemisphere in that they have known freedom since their inception. He observed that the Latin people always come back to freedom in spite of civil wars and occasional dictatorships.

"This freedom, in fact, is what makes it possible for them to perceive the process through which mankind is passing in Japan, in China, in Indonesia, in India, in Africa, in Western and in satellite Europe," he told Congress.

"This is what makes them understand that if they do not, in the near future, emerge from their backwardness, they will be unable to avoid the effects of impatience and desperation, of revolt and anarchy and new dictatorship.

"In all those states it has already been possible to measure almost accurately how many more yards they have to go in order to finish a race that will bring them to the point of satisfying the vital needs of a growing population; how much they can achieve through an industrial and agricultural development calculated to raise the standard of living to reasonable human levels."

President Lleras said Latin America has been struggling, even by such means as inflation, to produce at least the illusion of development.

"But," he went on, "these methods create very serious social problems and financial instability, which can only make it still more difficult to acquire the capital goods that have to be paid for in hard cash.

"What these countries need—and not in some way or other, but urgently and amply—is foreign aid."

If aid is supplied adequately, he said, a prosperous hemisphere will, within 20 years, have proof against any attempt to reduce it to anarchy. He said these countries then will be able to repay the loans extended to them.

It seems to me that the reporter glibly brushed aside the real meat in the address of President Lleras when he reported:

What these countries need—and not in some way or other, but urgently and amply—is foreign aid.

As the CONGRESSIONAL RECORD of yesterday will show on page 7459, this statement by the reporter was taken completely out of context.

What President Lleras actually said, in part, was:

What these countries need—and not in some way or other, but urgently and amply—is foreign aid, which ought to take the specific form of credit for the undeferrable and profitable enterprise of their economic development.

Continuing, President Lleras said:

It is equally certain that these countries will then be able to pay back loans extended to them for this purpose.

Further advocating his position of loans rather than gifts, President Lleras said:

We can neither solicit nor accept a gift without retribution; we will neither beseech nor receive aid from you without restitution to the American taxpayer, for such an action on our part, even were it possible, would engender only bitterness, resentment, mistrust, and irritation in the popular relations between North and South.

So far as I am aware, the people of Latin America, with perhaps a solitary exception, have asked for nothing but credit for their economic development.

Mr. Speaker, I have not been a supporter of the giveaway programs in the foreign relations field. Among the reasons that I have taken the position of opposition to these programs has been the one given by President Lleras when he said that such giveaways would engender bitterness, resentment, mistrust, and irritation in the relations between the donors and the donees. I regret that the usually objective Washington Star has, in my opinion, completely misconstrued the thinking of President Lleras and given to their readers the impression that this good neighbor has come to Washington begging for giveaways from the Treasury of the United States.

While I have not seen reports of the press associations on the address of President Lleras, it is my hope that the zeal of many of our leading journalists for foreign aid giveaway programs will not cause them to fall into the same error which is so apparent in the report in the Washington Star, which I have made a part of my remarks today.

THE PRESIDENT'S ENDORSEMENT OF RICHARD NIXON

Mr. HAYS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, during the past 7 years while he has been Vice President, RICHARD NIXON has avoided, whenever possible, any outright stand on the issues.

He has wrapped himself in the mantle of the Eisenhower administration when things were going well; he has sought to convey the impression, however, that he is not really identified with the glaring gaps in the administration.

He has advanced the idea that he is the "best trained man for the job of President" because he has sat at the President's elbow during the past 7 years.

It is interesting, therefore, to learn from the man at whose elbow he sat—President Eisenhower—how RICHARD NIXON stands on the issues of the day. The President let the cat out of the bag at a recent press conference. In making it known that Mr. NIXON was his candidate for President, he said:

Now, so far as I know, there has never been between Mr. NIXON and myself * * * a specific difference in our points of view on any important problem in 7 years. Now, there has been free discussion in every meeting that I have ever held, and he has certainly been always not only free but even requested to give his honest opinion on these things.

The idea of "no new starts" in resource development, therefore, was all right with Mr. NIXON. In the free discussion that prevailed at the meetings he did not say, "Well, maybe the Government ought to build this dam and develop our magnificent national resources for the benefit of all the people." He did not, because if he had then there would have been a difference of opinion between him and the President and the President says there have been none.

What about housing? Twice during 1959 President Eisenhower vetoed Democratic housing bills. And Mr. NIXON agrees that housing should be kept in short supply and there should be little more than token assistance to slum clearance and urban renewal. For certainly if he had raised his voice concerning a veto—even within the confines of the meeting—that would have been a major difference of opinion.

Nor were there any differences from Mr. NIXON with the other vetoes:

In 1953, 1954, 1955, or 1957, when President Eisenhower vetoed bills to give needed cost-of-living pay raises to Federal employees and post office workers.

In 1956, 1958, or 1959, when President Eisenhower vetoed the rivers and harbors bills to provide much needed flood control and reclamation projects.

In 1956, when President Eisenhower vetoed the measure to restore 90 percent farm parity prices.

In 1958, when the President vetoed a bill to provide depressed areas, unable to help themselves, with Federal aid.

In 1958, when he vetoed the Federal Airport Act amendments and extensions, passed to help meet the crisis in facilities for air transport.

In 1959, when he vetoed a bill to give final REA loan authority to the Rural Electrification Administration instead of leaving it with the unsympathetic Agriculture Department.

Or even in 1960 when, despite the increasing problems of stream pollution, President Eisenhower vetoed the stream pollution bill.

Most of all, Vice President NIXON has stood silently, or nodding his head in agreement, while the budgeteers let the United States fall behind in the space and missile race, and he evidently has agreed with all the sweeps in foreign policy from John Foster Dulles' "massive resistance" to Christian Herter's negotiations.

It is good to know where RICHARD NIXON stands for a change. Maybe now that we have got him pinpointed, we will be able to conduct a campaign on the issues.

AMERICAN LOTTERY

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, while we still persist in refusing to accept the indisputable fact that the urge to gamble is deeply ingrained in most human beings, most of the foreign countries throughout this civilized world continue to recognize and capitalize on the natural gambling urge of their people.

I am happy to inform the Members of this House that India has finally realized that gambling should be treated and respected as an instinctive and universal human trait. A few days ago, India put a lottery plan into operation thereby coupling the gambling spirit of their inhabitants with the need for revenue.

Mr. Speaker, this sensible and courageous action will result in pleasure to the people in India and financial benefit to her government.

Although India and all of the other foreign countries are poor in comparison with the United States, they have shown themselves to be smarter by taking advantage of the gambling desires of their people.

I think the time has come for us to stop playing the game of hypocrisy and apply a realistic attitude toward this human desire. I believe the time is ripe for us to remove the blinders and open our eyes to the tremendous revenue producing features of a national lottery.

Mr. Speaker, only by a sensible approach to this question of gambling can we bring tax relief to our wage earners and help reduce our evergrowing national debt.

A national lottery in the United States would not only satisfy the American people's appetite to gamble but would pump into our Treasury $10 billion a year in new income.

Mr. Speaker, let us try to be not smarter but just as smart as India and all of the other foreign countries that have found a profitable and satisfactory solution to the problem of gambling.

DEDUCTION FOR ADDITIONS TO RESERVE

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, today I have introduced a bill to amend

section 593 of the Internal Revenue Code of 1954 to limit the deduction for additions to reserve for bad debts of a domestic building and loan association to an association, none of the guarantee or permanent stock of which is owned by a holding company, or other similar corporation.

My interest in this measure stems first from my personal knowledge of the nature of the problem involved since, prior to serving in Congress, I was the managing officer of a savings and loan association. As we well know, savings and loan associations are held in high repute throughout the country because of the significant part they have played in the development of widespread home ownership and the encouragement of thrift among Americans in all walks of life. The development of holding company operations with the subsequent speculations and unpredictable repercussions, if permitted to continue, would do irreparable harm to this sound segment of our financial world. Therefore, this bill that I introduce is entirely in the public interest, and I trust will meet with acceptance by the Congress, knowing as I do that it will receive widespread support from the savings and loan industry.

When the exemption from Federal income taxation of domestic building and loan associations was repealed by the Revenue Act of 1951, Congress recognized that the maintenance of the financial security of millions of individual investors required that building and loan associations be permitted some latitude as to the size of their reserves for bad debts. Accordingly, such an association is permitted to exercise its own judgment as to the amount of the addition to its reserve for bad debts that is reasonable. Any amount so added is allowable as a deduction for income tax purposes, as long as that amount, when added to the combined amount of its surplus, undivided profits and reserves at the beginning of the taxable year, does not exceed 12 percent of its total withdrawable accounts at the end of the taxable year. Where the sum of a domestic building and loan association's surplus, undivided profits, and reserves at the beginning of the taxable year equals or exceeds 12 percent of its total deposits or withdrawable accounts, any deduction for such year for an addition to the reserve for bad debts is allowed only if found to be reasonable by the Internal Revenue Service, the same test as provided for other taxpayers.

There are more than 6,000 building and loan associations serving the American public today. The present boom in individual home ownership is largely attributable to the availability of home loans from these institutions. The tremendous increase in savings deposited with the building and loan associations in recent years reflects the confidence which savers have in their stability and in the safe handling of savings by association managers.

The assets of the vast majority of buildings and loan associations are wholly owned by the savers who are responsible for their growth. However, a small number of the building and loan associations presently in operation—less than 500—are actually owned by a few permanent stockholders. Savers in such associations have a claim only to a return of their savings plus an agreed rate of interest. To a great extent their capital is working for the benefit of the permanent stockholders who generally have only a small investment in the association.

The permanent stockholders are in a position to siphon off to themselves as dividends the tax-free reserves built up as a protection to savers against future losses from home loans made by the association. In many instances the permanent stockholders of these associations have been able to harvest the full fruits of their claim on the assets of an association by transferring their stock to a holding company which in turn issues new stock for sale to the public. The profits—based almost entirely upon the capitalized value of the allowance for bad debt reserves of the association—is taxable to the permanent stockholders at capital gain rates.

Last June a member of the Federal Home Loan Bank Board testified before the House Committee on Banking and Currency that over 50 percent of the 154 California stock associations were either owned by holding companies or proposed to be owned by holding companies. In November actual cases setting forth grave abuses were presented by responsible witnesses at hearings before the Committee on Ways and Means. The profits realized at capital gain rates in some instances were substantial: in one case a profit of almost $9 million was made by one family from its stock investment of approximately $100,000.

Speculation in the assets of building and loan associations is detrimental to the interests of savers and conflicts with the often-expressed desire of Congress to promote home ownership by holding interest rates on home loans as low as possible. Absentee ownership of building and loan association stock through the holding company device is at odds with the mutual, local characteristics of the typical building and loan association which are the basis for the success of and public confidence in such institutions.

This was recognized by Congress last fall in the enactment of Public Law 86–374, an act to promote and preserve local management of savings and loan associations by protecting them against encroachment of holding companies. However, this legislation, which added section 408 to title IV of the National Housing Act, was intended only as a stopgap measure to prevent further holding company acquisition of more than one "stock association" within the next 2 years. It does not require divestiture by existing holding companies and will not prevent the formation of a holding company by the shareholders of a single, closely held stock association for the purpose of avoiding the full effect of Federal taxation.

Testimony by State regulatory authorities, members of the Federal Home Loan Bank Board and industry spokesmen in June before the House Committee on Banking and Currency in connection with the enactment of Public Law 86–374 was unanimous in its condemnation of holding company activity in this vital industry. The abuses which were revealed at the November hearings before the Committee on Ways and Means establish that further legislation is necessary to halt this activity. The unintended inducement for the present unscrupulous speculation in building and loan association assets is the tax-free reserve for bad debts allowed by Congress for the protection of savers. This inducement is removed by the proposed legislation. In the future building and loan associations owned by holding companies would be entitled only to accumulate reserves for bad debts to the same extent as taxpayers generally.

TRANSPORTATION EXCISE TAX REPEAL

Mr. OSMERS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. OSMERS. Mr. Speaker, there is an aspect of the 10-percent excise tax on domestic transportation which has not heretofore been considered. I refer to the detrimental effect this tax has on the development of adequate airlift for national defense.

On February 3, 1959, I introduced H.R. 3983 which seeks repeal of this excise tax. I introduced this bill because I believe there is no justification for the retention of a tax simply because it may be a revenue source when that tax conflicts with and undermines a vital national defense activity.

The great value of a fast, efficient, and economically sound transportation system is well known to every Member of Congress and to every informed citizen in this country. The military value of a sound transportation system may perhaps not be equally well known and recognized.

In recent years there has been an increasing trend toward the development of adequate airlift to insure our military readiness in case either a local, brushfire conflict breaks out or an allout global conflict occurs. At the present time the House Armed Services Subcommittee on National Military Airlift is conducting hearings to determine, among other things, the ability of our transportation establishment to cope with any military crises that may confront this country.

In the course of his hearing Secretary of the Army, Wilber M. Brucker, emphasized the importance of airlift:

> It has not been many years ago that our chief reliance for strategic mobility—for the projection of our military might overseas—was on oceangoing transportation. We depended on our allies to hold the line while our forces were deployed. The tempo of our time has changed this. No longer can we place reliance on having this much time available and, today, the deployment of our

initial forces from the United States must rely almost entirely on airlift to provide the requisite mobility.

The importance of our civil commercial airlines in achieving this mobility was emphasized by James H. Douglas, Deputy Secretary of Defense:

I have referred to our cargo and troop carrier aircraft to emphasize the need for a modern cargo aircraft. This need is even more urgent in the civil airlines if they are to play the part they should in meeting military requirements in wartime.

Secretary Douglas makes it perfectly clear that the military is relying heavily upon the civilian airline industry to support and augment the hard-core military air fleets in case of need. The extent of this dependence can be readily seen by the fact that in 1960 Secretary Douglas estimates 50 percent of MATS passenger traffic and nearly 20 percent of MATS cargo traffic will use commercial airlift. Moreover, Secretary Douglas indicates that as civilian capability expands, more and more reliance will be placed upon civil airlift. While this is largely international carriage it is clear that the commercial carriage of Defense personnel within the United States and the commercial participation in Logair and Quicktrans likewise commits our national defense to a heavy reliance on civilian airline operators.

Of course, the Civil Reserve Air Fleet—CRAF—concept is another manifestation of the degree to which the security of this country depends upon a healthy and sound airline industry.

What, then, is the status of civilian airlift and what are the prospects for the future?

One of the unique features of the airline industry is the rapid rate of obsolescence of the industry's productive plant—its aircraft. This is as it should be and reflects a rapid rate of progress in the state of the art.

However, it is essential to recognize that this progress creates a capitalization problem for the airlines that is extremely critical and is their chief problem. Technological advance can proceed no faster than the airline industry's ability to obtain capital to finance improved aircraft.

Significantly, the jet reequipment program of the domestic trunklines is their fifth major reequipment since the end of World War II. Five turnovers in plant is an amazing record and significantly the three most recent reequipment programs have been achieved after the airlines have been off subsidy operating on a self-sufficient basis and thus were achieved by private capital.

However, each reequipment program seems to be more expensive than the previous one. For example, the transition to DC–7 equipment in 1953 was at a cost of $2,500,000 per airplane. The most recent transition—to pure jet aircraft—was achieved at a cost of between $5 and $6 million per plane.

The upshot of this is that although the civilian airlift will by 1962 have 500 turbine-powered aircraft in operation, a fleet capable of producing 50 billion seat-miles per year—enough seat mileage to carry the personnel of 5.5 modern pentomic divisions, 75,000 troops, from Westover Air Force Base to London every 48 hours—this fleet will be assembled only after a gross investment of approximately $4 billion by the civilian airlines.

Mr. Speaker, this is a gigantic program and I think it is important to note that our free-enterprise system and private capital are capable of this kind of achievement.

But I also think that it is important to recognize that further and greater demands on the airline industry are on the horizon. On February 1, 1960, Chairman Durfee of the Civil Aeronautics Board in an open letter to the distinguished chairman of the House Interstate and Foreign Commerce Committee, pointed out that both Russia and Britain are embarked on a program to create supersonic commercial aircraft capable of speeds approximating 2,000 miles per hour.

Mr. Speaker, the technological know-how is available. Several U.S. manufacturers can build such an aircraft, and we can retain our leadership in this field. The only problem is an economic one. These aircraft are estimated to cost between $12 million and $25 million per plane. The problem thus is not to create the aircraft but to pay for the current fleet and raise capital to buy the supersonic aircraft.

The same economic problem confronts the rail and the bus industry. While the turnover in plant is by no means as rapid in these industries, they are, nonetheless, confronted with serious economic problems. The Interstate Commerce Commission, in the Railroad Passenger Train Deficit case, emphasized that "the tax on passenger travel tends to discourage the public from using common carriers, it thereby aggravates the ever-mounting passenger deficit." The Commission also urged that "any possible loss of revenue (resulting from repeal of the tax) would be more than offset by the public interest in strengthening and preserving a transportation system capable of meeting adequately the country's need for service both in peacetime and during emergencies in conformity with the national transportation policy as declared by Congress."

In the past decade the buslines have declined seriously. The number of intercity bus companies has declined from 2,858 in 1950 to 1,700 in 1957. Busline revenue passengers declined in the same years from 815 million to 516 million.

Thus every segment of our transportation establishment, upon which we must depend in case of National Emergency, is facing a severe economic challenge.

This brings me to the point of this speech. And the point, Mr. Speaker, is that if the great progress in our civilian airlift is to continue, it is essential that airline revenue or income not be hampered or obstructed in any way. Similarly, if the income of the surface carriers is not protected and augmented, progress cannot be expected.

Yet the express and deliberate purpose of the 10-percent excise tax on domestic transportation was to discourage civilian use of transportation facilities during World War II. There is no question but that it succeeded. There is no question but that it has been succeeding ever since. The Civil Aeronautics Board has recognized this fact and has repeatedly urged repeal. The National Defense Transportation Association has recognized this fact and called for repeal. The Interstate Commerce Commission has likewise urged repeal. The Senate has voted repeal thereby recognizing the evil the tax does.

Mr. Speaker, it seems to me the sheerest kind of fiscal folly to retain an excise tax which produces a doubtful yield when that tax is inflicting untold harm on the growth potential of our civilian airlift and national transportation system. It is clamping on a brake at a time when the airline industry as never before is confronted with a challenge to produce.

The alternatives are clear. If the civil operators are unable to obtain capital through commercial operations, if they are hampered and obstructed by factors like this excise tax, then the capital will have to come from the Government because if any one thing is clear it is that we cannot relinquish our air leadership.

It seems only obvious commonsense to me that if we can avoid Federal aid to aircraft development and procurement by encouraging private capital, then we should do so. And, Mr. Speaker, I can think of no better point of departure in assisting private capital to achieve airlift progress than by a complete repeal of the excise tax on transportation.

THE INCOME TAX PROBLEM

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, certainly during the last few weeks and particularly these days prior to April 15, almost every citizen of our great country is conscious of the tremendous tax burden they are carrying as individuals. This tax load is indeed, a heavy one, and certainly it is understandable that many Americans feel individual income taxes have reached a point where they are almost a confiscation on the part of the Government of their personal property.

All Americans certainly realize that they must assist in the expenses of their Government. Most Americans are willing and anxious to pay their share of the Government's requirements. When Federal taxation, however, reaches the point where it curbs personal ambition for progress and to better oneself, and where it forces small business concerns to sell out to large business institutions, because the tax laws bleed them dry of capital needed to finance their business, then it seems to me it is perfectly obvious our tax laws need a complete overhauling.

We are engaged in a gigantic conflict in the world today in which we are trying to prove that the economic system we call capitalism is vastly superior to other economic systems. We know so well of our competitive struggle against communism and its economic system. On his recent visit to America, we heard Mr. Khrushchev tell us capitalism could not win in the struggle against communism. He said it could not win primarily because communism provided a greater incentive for the individual to progress than does capitalism, just as capitalism provided a greater individual incentive than feudalism.

It is not my purpose to argue the economic merits involved in this gigantic struggle in which we find ourselves. It is my purpose, however, to call the attention of the Congress to the fact that notice must be taken of the effects upon the American individual as well as thousands of business enterprises in our country caused by our Federal and State tax burdens. The problems brought into focus in this situation must be faced sooner or later by our Government.

At this time I should like to include as a part of my remarks, a letter I have received from Mr. V. H. Pomper, vice president of H. H. Scott, Inc., a small business institution in Maynard, Mass. I believe the remarks of Mr. Pomper precisely point out the problem faced by so many small business institutions in America as a result of the heavy tax requirements.

H. H. SCOTT, INC.,
Maynard, Mass., April 1, 1960.

Representative EDITH N. ROGERS,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ROGERS: I should like to advise you of my wholehearted support for tax reform as provided by the Herlong-Baker bills H.R. 3000 and H.R. 3001 now pending in the Congress. As a businessman in a small company with under 300 employees, we almost daily are faced with inequities and contradictions in present tax laws and rulings. They represent an incomprehensible hodgepodge and crazy quilt, which I believe and find to have effects opposite to those for which they were supposedly intended.

The tax laws place a particular burden on small businesses, with their greater requirements for capital with which to grow. So many small businesses who are successfully providing jobs and opportunities for personal advancement are forced to merge or sell out to large companies because the tax laws bleed them dry of capital needed in the business. Too often the tax situation dries up rather than creates jobs and job security. In the face of low labor rate foreign competition, it seems to me that it is the American public, the workers in industry, who stand to lose the most in terms of human values, security and opportunity for personal growth and advancement through the arbitrary restraints introduced by what amounts to confiscatory taxation for political reasons supposedly to protect those same workers.

We are engaged in a competition with the Soviet Union, which seems to be successfully fostering a more rapid rate of growth than is the case here. Is it perhaps part of the reason that the Russians reward conspicuous excellence conspicuously? Doesn't their system actually provide greater incentive for success? It seems to me that the problem is basically a spiritual and moral one, not a political or economic one. We need to rekindle the spirit of risk, of enterprise, of venture, of standards of excellence, rather than the soft and soggy standards of "Oh, what's the use" or of sleazy "corner-cutting." But by any standard, whether moral, spiritual, political or economic, I do not believe the tax laws at present are just or effective.

If we are to successfully compete in the cold war, it would be wise not to hinder ourselves by deliberately tying one hand behind us. Vigorous and courageous leadership, and perhaps risk, on the part of our lawmakers in this respect might help. May I have your opinions, please?

Sincerely yours,

V. H. POMPER,
Vice President.

CHAINSTORES CAN AFFORD TO PAY $1.25 AN HOUR

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, one of the most pressing national issues that will come before us in the weeks to come is the question of improving the Fair Labor Standards Act—or, as we know it better, the wage-hour law.

I am sure we are all aware that there are sharp differences of opinion among us as to what course we should pursue. But I venture to say, Mr. Speaker, that virtually every Member of this distinguished body is agreed on one point. I am sure we all agree that some improvements—some increase in the minimum wage, some extension of the law's coverage, or both—must be enacted as a matter of simple justice at this session of the Congress.

If anything troubles us about this, perhaps it is the fear that in extending the protection of a fair wage-hour law to additional workers, we might impose an intolerable burden upon business, especially small business.

In order to allay this fear, the Kennedy-Morse-Roosevelt bill was carefully drawn so as to apply only to larger establishments—primarily chainstores—some of whose individual units may be small, but whose total business is tremendous.

We who are in support of this bill have argued that the chainstores can afford to meet its terms. We say they can afford to pay $1.25 an hour, with time and a half after 40 hours. We say they can meet these modest conditions without hardship, and without raising prices.

My mail leads me to believe that the chain stores do not see eye to eye with us. As a matter of fact, they and their trade organizations, the American Retail Federation and the U.S. Chamber of Commerce, are quite emphatic about it. They would have us think that the poor little 5-and-10 on the corner—and these days, it means 5 and 10 dollars, more often than 5 and 10 cents—that poor little 5-and-10, they say, and the 25, or 250, or 2,500 others just like it, all part of the same company, will be driven to the wall if this bill is passed.

Now, Mr. Speaker, their sad story would be more impressive if they were not forced, as public corporations, to make public financial reports. A recent issue of the trade publication, the Daily News Record, summarized the reports of 10 of these chains. The complete text of the Daily News Record article will follow my remarks.

What do we find in this summary?

The combined net earnings of these 10 chains exceeded $78 million in 1959, almost $6 million more than 1958.

These profits represented a return of more than 8 percent on net worth after taxes; and almost 14½ percent before taxes. I do not think those figures spell poverty.

And profits are not the whole story. Let me quote:

> The chains, in addition to adding new units, enlarging and modernizing existing stores, aggressively continued in their policy of converting many units to self-service. * * * Further conversion to self-service will continue this year, and, as in 1959, smaller, unprofitable units will be closed.

There you have it, Mr. Speaker. High profits, whether measured in dollars or percentages. Rapid modernization; reduction of employment; increases in man-hour productivity; liquidation of outmoded units.

Why do enterprises like these deserve special consideration? Why should their workers suffer a special penalty? There is no sound reason for either one.

I say it is time for these great commercial establishments, these rich and efficient operators, to get in step with America. And it is long past time for their workers, many thousands of them earning far less than $1 an hour, to share in the wealth they labor to create.

[From the Daily News Record, New York, N.Y. Apr. 4, 1960]

VARIETY CHAINS' PROFIT RATIO TO SALES, NET WORTH HIGHER

(By Arthur A. Werfel)

Reversing the downward trend of the prior year, the 1959 total profits and profit ratios both to sales and net worth for a group of 10 variety store chains were higher.

An analysis of the annual reports shows that the generally higher net earnings for the group were achieved despite rising costs and expenses, and some adverse effects of the steel strike on some units in industrial areas. Higher sales, additional stores, and the enlarging and modernizing of existing units, contributed to the profit improvement.

Total net profits for the group increased 8.1 percent, sales were 0.3 percent higher, and combined net worth rose 3.1 percent over the 1958 total.

According to a compilation by Fairchild News Service, combined net earnings for the 10 chains in 1959, totaled $78,070,000, compared with $72,229,000 in 1958. Aggregate sales were $2,263,457,000, against $2,257,115,000.

Net worth for the group was $974,921,000, against $945,603,000.

The ratio of total net profits to sales increased to 3.45 percent, from 3.20 percent, and the net profit to net worth ratio rose to 8.01 percent, from 7.64 percent.

Of the 10 chains, 8 showed higher sales, 7 posted increased net profits and 9 had a higher net worth than in 1958. However, net profit ratios, both to sales and net worth, found only six of the chains showing increases, and four had declines.

The eight chains with sales gains all reported their dollar volume at record highs. H. L. Green and S. H. Kress sales were lower

than in 1958. Green, Kresge, Kress all had lower profits. Rose's 5–10–25 cent stores posted a record year, with both sales and earnings at new peaks.

Before taxes, profits for the group was $140,526,000, a gain of 6.4 percent over the 1958 pretax total of $132,027,000. Ratio of pretax earnings to sales was 6.21 percent, against 5.85 percent, and the ratio to net worth rose to 14.41 percent from 3.96 percent.

The group paid a total of $62,456,000 in Federal and State income taxes, 4.4 percent higher than the 1958 total of $59,799,000.

Total stores operated by the 10 chains at the end of their respective fiscal year was 5,263, against 5,056 at the close of 1958, or an increase of 4.1 percent. All but McCrory-McLellan and J. J. Newberry had a greater number of stores than a year previous. Of the total stores, Woolworth operated 2,221, against 2,152 a year earlier.

Aggregate merchandise inventories were 9.9 percent higher, totaling $435,319,000, against $395,966,000 in 1958.

The chains, in addition to adding new units, enlarging and modernizing existing stores, aggressively continued in their policy of converting many units to selfservice. For example, Woolworth, at December 31 last, had a total of 1,231 self-service units in operation, against 993 at the close of 1958.

Top officials in their comment for 1960 noted they would continue to add new units, many to be situated in shipping centers. Further conversion of existing units to self-service will continue this year, and, as in 1959, smaller, unprofitable units will be closed.

THE EXPLOSION OF AN AIR FORCE B–47 BOMBER OVER LITTLE ROCK

Mr. ALFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALFORD. Mr. Speaker, early in the morning of March 31, 1960, the terrific explosion of an Air Force B–47 bomber over the heart of the residential section of the city of Little Rock inflicted great damage and suffering upon the people of that city, taking a toll of five lives, many injured, and causing property loss that will exceed half a million dollars.

When the news of that tragedy reached me, I flew immediately to Little Rock where I personally inspected the damage and talked with many of the victims of this unfortunate event. I walked for miles along the wreckage-strewn path of the ill-fated plane's flight, and I can tell you today that only the heroic efforts of the fire and police and civil defense teams of Little Rock averted a far greater loss.

I am advised that the Air Force is in a position to quickly settle many of the claims arising out of this disaster but is handicapped by section 2733 of title 10, United States Code, which places a $5,000 limitation on the amount which the Secretary of the Air Force can pay out in the settlement of any single damage claim.

In concert with my distinguished colleagues in the other body, I have today introduced in this House legislation to remove this limitation in connection with this specific incident, and I urge that you give speedy and favorable approval to this proposal.

AMENDING THE NATIONAL HOUSING ACT

Mr. MADDEN, from the Committee on Rules, reported the following privileged resolution (H. Res. 498, Rept. No. 1465), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10213) to amend the National Housing Act to halt the serious slump in residential construction, to increase both on-site and off-site job opportunities, to help achieve an expanding full employment economy, and to broaden home ownership opportunities for the American people. After general debate, which shall be confined to the bill, and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

OUR TRADE AGREEMENTS PROGRAM

The SPEAKER. Under previous order of the House, the gentleman from West Virginia [Mr. BAILEY] is recognized for 30 minutes.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BAILEY. Mr. Speaker, the growing desperation of many of our industries under the relentless upsurge of imports is beginning to come slowly into the light of day. I have complained on several occasions over the failure of the press of this country to carry to the American people the facts about our foreign trade situation. There has in past years been an almost complete blackout of news that reflected unfavorably on the trade agreements program. Today we see some hope of a growing realization that this program has led us to the brink of disaster in the foreign competitive field.

Let me express my appreciation of a series of articles that appeared last week in the New York Daily News. These articles, under the authorship of John Lewis and Eckert Goodman, represent a refreshing departure from the dead silence that has seldom been broken by the metropolitan press when some very seamy developments have shown that perhaps the trade agreements program is coming apart at the seams.

The articles throw up some alarming facts about the fast-developing competition from abroad in numerous products, including such formerly untouchable industries as automobiles, typewriters, electrical goods, oil, and steel. It is a pity that more newspapers do not join in exposing the difficult position in which our domestic industry, a number of our agricultural crops, and our workers find themselves as they confront the low-wage products streaming across the seas into our markets.

Among the first to break through this iron curtain on news was U.S. News & World Report, the weekly news magazine, which a year ago assembled some very telling facts on the subject of foreign competition. More and more trade journals have been giving attention to the subject. The daily press would be well advised to bring themselves up to date.

In the face of this slow awakening over a situation that could spell national calamity we find the State Department pushing forward with its preparation for the next tariff-demolition conference. Not only is this not necessary; it is unthinkable and a step that courts disaster. All evidence of the past 2 years points to the incontrovertible fact that we cannot stand further tariff reductions; that in international competition we are already on the run. We are being driven out by the combination of low wages and fast-rising productivity abroad. We cannot withstand this twin force that batters our industries. Now the State Department would add to that force by reducing our existing defenses another 20 percent. This refusal to look the facts in the face is sheer madness and the Congress should register its displeasure.

Mr. Speaker, 30 Members on both sides of the aisle have introduced a concurrent resolution expressing the sense of Congress that we should grant no further tariff reductions. To date no hearings have been held on this resolution but I hope that this session does not close without an opportunity extended to the House to assert its will on the subject.

It is heartening to have the evidence of an awakening of the press as represented by the articles in the New York Daily News. Under unanimous consent I insert into the RECORD at this point the four articles above referred to:

[From the New York Daily News, Mar. 29, 1960]

BARGAINS OR BOOMERANGS?—LOW-COST IMPORTS IMPERIL US

(By John Lewis and Eckert Goodman)

Your wife comes home with an imported handbag that cost less than half as much as an American bag of the same quality.

You decide to treat yourself to something you've always wanted—a pocket transistor radio. Made in Japan and fully guaranteed, it would, as the dealer put it, "be cheap at twice the price."

Your next-door neighbor proudly demonstrates his new European car because "it was something we'd been looking for for years—a car we could afford to buy and keep up."

Everyone loves a bargain. But are these foreign-made products which are flooding the American market really bargains? Or

are they boomerangs—weapons in an economic war which potentially could destroy the United States?

That is a vital question which is troubling some of our Nation's best minds today. No one is quite sure of the full answer, or the probable outcome of what everyone agrees is a dilemma.

On one horn, it is generally acknowledged in Government and in numerous industrial circles that a free flow of free world goods into America has become an economic necessity and an important factor in our national security.

As C. Douglas Dillon, Undersecretary of State for Economic Affairs, recently put it: "The alternative is too terrific to contemplate * * * for if (our free world allies) cannot see hope of progress in freedom, they will surely collapse in chaos and disorder, and in their desperation they will try the totalitarian route which is being offered to them day and night by international communism."

On the other horn, the torrent of low-priced foreign products pouring into the United States has already resulted in the destruction of long-established industries and is threatening, here and abroad, to create unemployment, depression and even starvation in some areas.

IMPORTS ZOOM TO ALLTIME HIGH

Last year, imports reached an alltime high of nearly $15¼ billion. At the same time, our exports remained at slightly over $16 billion.

The balance of less than $1 billion was not nearly enough to pay for U.S. economic and military aid abroad, totaling more than $3 billion, and make up for the $2 billion spent by American tourists in foreign countries.

Thus we can be said to have lost, as a nation, over $4 billion on our last year's international transactions.

As a result of this trend, which has become more marked yearly, our Fort Knox gold reserve has dwindled from a high of $24½ billion 10 years ago to less than $19½ billion today, as foreign nations and banks demanded gold for dollars owed them.

And according to Dr. Franz Pick, an international monetary authority, about $18 billion of our remaining gold is mortgaged either to foreign investors or foreign governments, which can withdraw the bullion at what amounts to a moment's notice.

Meanwhile, the Russians, with the equivalent of $10 billion worth of gold safely stashed away, and producing more than $600 million worth of new gold a year, are reported to be planning an eventual international financial revolution, in which the ruble will replace the dollar as a standard of world currency.

So far, the greatest impact of foreign imports has been felt by relatively small U.S. industries, in which technical know-how and skilled labor are not essential assets.

EVEN THE BIG BOYS ARE FEELING PINCH

But today, not even our giant billion-dollar corporations are wholly safe from the economic challenge abroad. About 140 different industries—ranging from adhesives, agricultural implements, and aluminum ware to wood products, woolen blankets and zinc—are already feeling the pinch, as a result of underselling by foreign competitors.

To learn at firsthand the effects that imports and exports are having on our Nation and our way of life, a team of News reporters spent several weeks questioning heads of industry, labor, sales management, and government throughout the country.

Here are some of the facts they uncovered:

Twelve years ago, we imported less than 1,500 foreign automobiles, during a 12-month period in which our car exports reached an alltime high of nearly 261,000.

Last year, imports soared to a record-breaking peak of 668,000 cars, while our exports dropped to a post-World War II low of less than 117,000.

While U.S. truck exports have remained at a more or less constant level of between 180,000 and 190,000 a year for the past 15 years, imported trucks have risen from an insignificant 15 in 1946 to nearly 22,000 last year.

Meanwhile, Japan's automobile industry, riding the crest of an unprecedented boom, expects to turn out a record 300,000 cars this year, with thousands of them earmarked for sale to their best oversea customers—American citizens. And Russian cars reported to sell for less than $1,500 have already been announced for distribution in the United States.

JAPAN SOLD US 4 MILLION RADIOS

Last year, Japanese electric companies sold American customers nearly 4 million radios, mostly of the portable transistor type, compared with only 641,000 sets 2 years ago. These imported radios now represent nearly half of all the sets with four or more transistors in the United States.

Sales of Japanese-made transistors to the American radio-manufacturing industry have risen from some 10,000 in 1958 to nearly 2 million last year, and half a dozen major U.S. radio makers are now selling (under their own brand names) pocket-model radios made wholly in Japan.

In the past 10 years, the number of Japanese-made sewing machines imported into the United States has risen from less than 65,000 to well over a million. An additional 100,000 machines are imported from Italy, Germany, and England.

Today, Singer is the only remaining major manufacturer of sewing machines in America. The White Co., for 80 years our second biggest maker, threw in the towel 3 years ago and now distributes, on a worldwide basis, Japanese-made models.

In the textile-apparel industry, which employs about 2 million American workers, the economic situation is especially acute. During the last 3 months of 1959, imported cotton in the form of bolts of cloth, shirts, blouses, and other items of everyday wear rose at a colossal rate—setting an all-time record of a billion square yards.

Last year, one out of every seven sport shirts sold in the United States was made in a foreign country.

Former Army Secretary Robert T. Stevens, now head of J. P. Stevens Co., one of the Nation's largest textile producers, recently called for drastic action by the U.S. Government, "unless it considers the textile industry to be expendable."

"It is a known fact," his company stated in full-page newspaper ads throughout the country, "that increasing imports of yard goods and garments have seriously hurt the textile industry. In a period of continued prosperity, many mills have closed their doors—with the resultant loss of American jobs."

As president of the Tile Council of America, representing the 29 manufacturers who turn out most of our American-made tiles, Peter Johnson stated recently that his industry would be facing "virtual strangulation" by 1970, if there were no halt to the "marked acceleration of cheaply-made foreign tile."

AMERICAN TYPEWRITERS MADE IN EUROPE

"What was a mere trickle of imports 5 years ago has swelled to a torrent," said Johnson, "and in one field known as ceramic mosaics, imports last year accounted for 45 percent of all domestic sales. Overall, one-fifth of the total U.S. market has been captured by imported tiles."

In the typewriter field, 5 years ago only one out of every seven portables sold in the United States was made abroad. Today it's one out of every three. One American company now makes all its portable models in a European plant, for sale both here and abroad. Another builds typewriters in this country almost entirely out of parts imported from its European plants.

Last October, Underwood, a name that once was almost synonymous with American typewriters, came under foreign control when the Underwood Corp. elected to sell 35 percent of its stock to Italy's highly successful Olivetti Co.

An Italian, Ugo Galassi, is now president and executive officer of the Underwood Corp., which also makes computers and a line of business machines.

IMPORTS ENGINEERS TO UPDATE PLANT

Galassi has sent a number of Olivetti's top engineers and technicians over here to bring Underwood's "outmoded" manufacturing and sales techniques up to date and to "turn an obsolete plant to something that can make fine typewriters to sell in competition with European products at a profit."

And so the list runs—through clocks, watches, fishing tackle, gloves, clothespins, bicycles, nails, barbed wire, plywood, cameras, china dinnerware, toys, glass—you name it.

As one Midwest industrialist put it, deliberately misquoting Lewis Carroll: "The time has come, the walrus said, to talk of many things—of ships and shoes and sealing wax, and almost anything else you can think of including among the manufactured products we all use and need in the free world today."

Meanwhile, everyone agrees, there hangs overall the shadow of the hammer and sickle, symbol of International Communism. Red agents, like tips of the Red octopus' tentacles, have infiltrated such have-not nations as Japan, West Germany and Italy—probing, observing, cajoling and doing everything in their power to persuade our free world allies to trade with them on a barter basis so they can dump their produce on world markets and junk U.S. goods.

Their constantly reiterated theme is Khrushchev's oft-repeated contention that the U.S. way of life is a "limping horse worn out, outmoded" and that, with the help of the rest of the world, he will bury us.

"The challenge we as a nation face today," said Leland A. Watson, president of the Maico Electronics Co. and a prominent northwest industrialist, in an address before several hundred sales executives in Minneapolis last month, "is the greatest in our history."

MUST ADJUST TO MEET COMPETITION

Watson, killed in a plane crash only a few weeks after he sounded that warning, had added:

"If we fail, it will cost us not just our jobs, but probably our freedom, our lives and the future of our children.

"The challenge is whether we can do our part to preserve the whole structure of freedom and Western civilization as we know it a problem of adjusting to meet ruthless competition from the Communist colossus, which is using world trade and industry as a means of achieving conquest and enslavement of the rest of the world.

"America is faced with this greatest challenge in its history because the Communists are confident of defeating us within a generation by economic industrial assault rather than military * * * a war with a 20-year timetable for America's destruction."

Said Walter Reuther, president of the United Automobile Workers and chairman of AFL–CIO's Committee on Economic Policy: "Today we are no longer engaged, as a nation, in a competition for advantage over other countries. Our struggle is for survival."

[From the New York Daily News, Mar. 30, 1960]

BARGAINS OR BOOMERANGS?—WE PUT WORLD ON ITS FEET, IT SETS U.S. INDUSTRY ON EAR

(By John Lewis and Eckert Goodman)

At the end of World War II, the United States was the richest and most powerful nation on earth. Fifteen years later, we still are—but not by nearly so wide a margin. And our lead is constantly being whittled by our allies and former enemies.

How has this come about in such a short time and why are we currently being pressed so hard by foreign-made products here at home, as well as in world markets?

The situation stems largely from our efforts to put back on their feet nations whose factories and laboratories had been damaged, if not completely destroyed by war; and whose economies were sagging to the point where there was serious danger that they would go communistic.

During the past decade and a half, we have poured more than $75 billion into these countries to help rebuild their industries and to create jobs and buying power so the United States could sell goods abroad.

WE GAVE THEM BEST OF EVERYTHING

We supplied them with the best machinery, engineers, and technical know-how we could provide. We invited their trade and engineering missions here to study our sales methods and production techniques. We dispatched similar U.S. groups abroad to learn their problems.

Underlying the whole program was the hope of obtaining for the foreign worker an improved standard of living, which would make him less susceptible to the blandishments of communism.

Unfortunately, the project in part has backfired. The lot of the foreign worker has not, in most instances, notably improved. His wages have increased only slightly, while the production levels of foreign industries have increased tremendously.

Modern, highly efficient plants, built with American subsidy and know-how, are flooding world markets with quality products which we, with our high costs and salaries, are often unable to compete against.

Take, for instance, the Japanese electronics industry, which last year produced nearly 4 million radios for sale in the United States. Some of the portable transistor models turned out by Asiatic makers bear such famed American names as Bulova, Emerson, and Motorola—the American companies which ordered and will distribute the sets.

JAPANESE WORKERS GET $4.50 TO $29

Why? Because Japanese manufacturing costs are much lower than American. Osaka's giant Matsushita Electric Co., which makes the Bulova pocket radios, pays its 20,000 employees from $4.50 to $29 a week.

Semiannual bonuses, bargain-priced housing, company-owned discount stores, free medical care, family allowances, pensions and other benefits still bring the company's weekly pay cost to an average of only $27.50 per worker.

Hundreds of small workshops and factories making radios and parts pay even less. The Tamagawa Products Co., on the outskirts of Tokyo, pays its 30 workers the equivalent of from $3 to $10 a week.

Several American companies which produce their radios here assemble them partially or largely out of Japanese-made parts, and Japanese transistors selling for 80 cents are largely supplanting their American-made counterparts which cost about $1.35.

The growing flood of these imported transistors has so alarmed members of the American Electronics Industry Association that they recently asked the Office of Civil and Defense Mobilization to take action before research and U.S. production of a vital defense item is wiped out. No restrictive action has been taken.

But it isn't just low labor costs that are enabling the Japanese to compete against us so successfully in the electronic field. Industrial executives and sales engineers, recently returned from the Far East, express amazement at the strides the Japanese have made in automating their production lines and increasing the overall efficiency of their manufacturing processes.

AMERICAN DESIGNERS OFF TO THE ORIENT

Meanwhile, prominent U.S. industrial designers have set up offices in Japan, to guide native manufacturers in developing consumer products which will have the greatest eye appeal for American buyers.

Many U.S. companies, including such giants as General Electric and Monsanto Chemical, have bought into Japanese firms or set up manufacturing plants in that country; and more than 500 of them took part in a licensing program to help restart Japanese industry.

RCA has licensed three major Japanese electrical companies to make color TV sets and parts, many of which are expected eventually to appear on the American market in competition with U.S.-made sets.

More than 99 percent of the binoculars imported into this country last year—over a million pairs—came from Japan.

Germany, from which many of our finest imported field and opera glasses used to come, has within recent years been pushed almost out of the market. American makers now sell mostly to the military services.

The automobile situation is particularly complicated. Last year, our car exports dropped to less than a fifth of our imports which totaled 668,000 cars, or 1 out of every 10 new cars sold in the United States.

But American automobile makers have been increasingly spurring the manufacture and assembly of their cars abroad, in either their own plants or the plants of subsidiaries, affiliates, and licensees—some of whom use the absolute minimum of U.S.-made parts. Our industry has also bought, or bought into, companies which make European cars.

More than 100,000 of last year's imported automobiles were Anglias, made by the Ford Co. in its British factories. Simcas are sold here by Chrysler, which owns a quarter interest in the French company, and Mercedes-Benz cars are distributed by Studebaker-Packard. Opels are made in Germany by General Motors.

U.S. AUTO JOBS DOWN BY 172,000

The saving in labor costs abroad is, of course, appreciable, particularly since the completion of new, highly-efficient assembly plants.

For every car we fail to export, however, jobs are lost. On the same day, last February 29, that layoffs and cutbacks were reported in the U.S. industry because of declining car sales, England's Vauxhall Motors announced a $619 million expansion program to boost their production by a third.

In the past 5 years, employment in the U.S. automotive industry has dropped by 172,000, and at least part of the loss can be directly ascribed to the unfavorable export-import trend.

Our costume jewelry-silversmith industry is typical of the many small businesses which have been particularly hard hit by the flow of cheap imports into the United States.

Making a wide variety of men's, women's, and children's jewelry and silverware, the industry employs several thousand people in plants located principally in Providence, R.I., Attleboro, Mass., and New York City.

JEWELRY IMPORTS MORE THAN TRIPLED

In 1938, imports of low- and medium-priced jewelry and parts totaled only about $1.5 million a year. Shortly after World War II, they more than tripled to $5 million annually. By last year they had risen to almost $20 million. Approximately 80 percent of the imports came from Japan and West Germany.

George Frankovich, executive secretary of the Manufacturing Jewelers and Silversmiths of America, ascribed this influx to a single factor: "Price competition based on low wages."

"The foreign products," he explained, "are styled exactly as ours—in fact, many are direct copies. The quality is substantially comparable.

"Yet the price of the German items, landed and duty paid, is only 50 percent to 60 percent of our price; and for the Japanese items it's 30 percent to 50 percent of ours."

Frankovich estimates that this low-priced competition has cost the U.S. industry about 25 percent of its domestic sales, with such segments as watchband and imitation pearl manufacturing the worst sufferers.

Watchband making, for example, employed 7,000 persons 6 years ago and its products were valued at $32 million a year. Today, foreign imports account for half the sales of watchbands in the United States, and half of our 40 lower-priced watchband manufacturers are out of business. All but 2,000 jobs in the industry have been wiped out.

OUR TILE INDUSTRY TAKES BEATING, TOO

In 1947, imitation pearlmaking was a $13¼ million U.S. industry, employing 3,000. Japanese imports amounted to less than 2 percent of the total domestic market. Today, Japan's imports account for more than 60 percent of our national sales, at least a dozen American plants are out of business and employment has dropped to 500 persons.

Our mosaic tile industry, which once supplied most of the wall and floor tile used in American homes, has lost 45 percent of its market to foreign imports since the end of World War II.

In 1945, ceramic, mosaic and other unglazed floor and wall tile imported into the United States totaled a little over 6,000 square feet valued at $1,000. By last year, imports of this tile had jumped to 24½ million square feet, valued at more than $5 million. Tile imports in 1959 represented a fifth of all the tile sold in America.

And in the past 15 years, the American tile industry has spent more than $100 million for promotion, advertising, research and development and new equipment—only to find cheaply made imported tile taking over a larger and larger part of its market without contributing a cent.

[From the New York Daily News, Mar. 31, 1960]

BARGAINS OR BOOMERANGS?—HOW CHINESE MILLS BEDEVIL OUR SOUTH WITH DIXIE COTTON

(By John Lewis and Eckert Goodman)

In South Carolina, there are two towns about 30 miles apart. In the first, Spartanburg, homegrown cotton is sold and shipped halfway around the world to a mill in Hong Kong. There the cotton is woven into cloth and shipped back to the second Carolina town, Greenville, where it is delivered to an American buyer.

Despite the cost of transporting the cotton a distance equivalent to once around the world, plus duties and handling charges, the cloth is cheaper to buy than it would be if purchased from a mill in the neighboring town some 30 miles away.

For several years, the American textile industry has been hurting at the hands of

foreign competitors, partially as the result of the U.S. Government's cotton subsidy program.

Cotton sells in the world market for about 25 cents a pound. In America, through Government price support, it brings 33 cents a pound. To enable southern cottongrowers to compete in foreign markets, the Government buys their surplus at the established rate and sells it abroad at an 8-cent-a-pound loss.

The higher price which U.S. textile makers have to pay for their cotton, plus higher wages and employment benefits, has made it possible for foreign mills to flood American markets with fabrics, shirts, brassieres, blouses, handkerchiefs and countless other manufactured cotton products.

Ten years ago, bolts of cotton cloth were being imported into the United States in a mere trickle—under 20 million square yards a year. By last year this figure had jumped to a quarter of a billion square yards. Five years ago, only 180,000 shirts were brought into the country. In 1959 there were almost 2¼ million.

Japan was once the biggest exporter of cotton wearing apparel to America, but in the past few years the Japanese, who voluntarily limited their cotton shipments, have been nudged out of first place by Hong Kong, with Korea, Pakistan, and India also in the picture.

SAYS TEXTILES VITAL TO UNITED STATES

At a meeting in Charlotte, N.C., recently, Henry Kearns, former Assistant Secretary of Commerce for International Affairs, told members of the textile industry: "No one will argue that the textile industry is not an important part of our national economy—it is vital to our everyday living. But, by the same token, our country's total sales abroad, our exports, annually exceed greatly the total sales of the entire textile industry—and foreign trade, too, is vital to our everyday living.

"In 1959 the textile mill products industry employed some 963,000 workers. Each year about 4½ million Americans derive a livelihood from some form of foreign trade.

"Pakistan is a country where 90 million tough, industrious people literally are lifting themselves from the depths of poverty * * * their need for foreign exchange is acute.

"They must export in order that they may buy the food, machinery, raw materials, and other items they absolutely need for everyday living.

"The Pakistanis like Americans, but if we don't buy the few lines of products they can export, including textiles, they must look for other customers—and the Soviets are nearby, ready and available."

Kearns went on to warn the group that the United States could not consider import restrictions in a field like textiles, which might mean the loss of export sales in another field. He added that many industries in America were seeking new foreign markets and that the textile industry must find new outlets abroad.

A few weeks after making this speech, Kearns resigned. Some felt that his resignation was brought about by pressure from the cotton industry, but Kearns remarked in parting that if he were resigning under fire, he would have done so long ago.

IMPORTS IN WOOL MORE THAN DOUBLED

The situation in the wool industry also causes concern. To give our processors and fabricators some measure of protection, the United States—at a world trade meeting in Geneva in 1947—reserved the right to levy a 45 percent tariff on all imported wool fabrics exceeding 5 percent of our own production, based on the preceding 3-year average.

Although the wool industry enjoyed increased sales last year, imports more than doubled 1958's, reaching 5 million pounds, the highest point in 35 years. Japan sent in more than twice as much in the way of woolen products as any other nation, while England led in the export of "tops." Tops is the term for wool which has been scoured, carded, and combed for spinning. The total value of these imports was more than $84 million, compared with about $67½ million the previous year.

With Japanese-made suits already posing a threat to our men's clothing industry, Japan is expected to be exporting 10,000 suits a month, at from $15 to $20 a piece to retailers, before the end of this year.

U.S. manufacturers assert that there is no way in which they can hope to compete with such prices.

Employing 385,000 workers throughout 40 States, the men's clothing industry is one of our most highly competitive businesses. It is composed mainly of small firms whose net profits on the manufacture of suits and coats average 1 percent.

Between 1947 and 1958, the number of workers actually engaged in the production of men's and boys' suits and coats fell from 138,000 to 95,000—a drop of 31½ percent.

THREE THOUSAND PRODUCTION JOBS ELIMINATED

While a good deal of this falling off can be attributed to a change in men's wearing habits, a deluge of cheap suits and coats from abroad could, at this point, be disastrous.

American glovemakers, also facing cheap labor competition from overseas, are currently suffering even more acutely than our textile industry. There used to be two major leather glove-producing areas—Fulton County, N.Y., and New York City.

New York has virtually stopped producing the hand wear, and Fulton County's firms have dwindled from 184 to 56.

Fulton County is a typical example of an area dependent for its major support on one industry. The wheels of the tanneries turn in relation to the activity of the glove factories. Local box manufacturers and suppliers of all kinds face a similar situation, and retail activity comes almost to a standstill when glove production slows down.

Today, the county is classed as a labor surplus area—as it has been for nearly 10 years. Between 1947 and 1959, 90 glove factories and 14 tanneries ceased operations in the area, with the loss of some 3,000 production worker jobs.

While Fulton County is considered a high-cost labor area for the glove industry, workers' earnings which average under $49 for a 34-hour week are low in contrast with the $81-a-week average earnings of industrial workers in New York State as a whole.

As of last January, 3,712 persons were drawing unemployment insurance in Fulton County, 2,646 of them glove workers. Retail sales in Gloversville dropped 7 percent during 1959, a year during which they climbed 8 percent throughout the Nation as a whole. Building permits granted for residences were only a third of what they had been in 1958.

THEY'VE JUST ABOUT LOST THE MARKET

Said James H. Casey, of Gloversville, executive secretary of the National Association of Leather Glove Manufacturers: "We make 95 percent of the ladies' fine dress gloves produced in the United States, but we have just about lost the market. The rate of imports is now 126 percent of our domestic production, and it is increasing every month.

"We are not isolationists and have long known oceans act only as rivers between countries. We have over the years shared a portion of our market with exports from many European countries. In addition, we have contributed our fair share and today, as in the past, purchase 90 percent of our raw materials in foreign lands.

"We think that import quotas are the answer to our problem, not highly restrictive ones, but quotas designed to give countries with higher living standards a fair share of our market."

Harry Moss, Jr., of Gloversville, executive secretary of the American Knit Glove Association, pointed out that of 44 manufacturers in business in 1947, only 12 remain today and these have drastically curtailed operations.

Perhaps the supreme example of what can happen to an area which loses a large part of its industry as a result of foreign competition is West Virginia. One of our richest States in terms of natural resources, West Virginia has the highest unemployment ratio in the country—almost three times the national average.

A number of West Virginians, including Representative CLEVELAND BAILEY, blame imports for much of the State's economic woe.

West Virginia's coal mines, the biggest soft coal producers in America, employed some 123,000 workers 8 years ago. Today, there are only about 41,000 miners still working. Competition from residual oil imported from Venezuela and the Netherlands Antilles, and natural gas piped in from Mexico and Canada helped to make job-eliminating mechanization necessary if the mines were to remain in operation.

HAMSTRUNG ALL ALONG THE LINE

According to BAILEY, the West Virginia pottery industry was once the world's biggest. Today, 87 percent of the pottery sold in the United States is made abroad. Forty-three percent of the State's glass works industry has been lost to foreign makers, and the clothespin manufacturers have been hamstrung by cheap imports from Scandinavia.

One of America's largest dinnerware manufacturers, the Homer Laughlin China Co., of Newell, W. Va., used to boast 4,500 employees. Today it has about 1,000 and is operating at about half capacity through intensive mechanization. Laughlin was forced to the wall by Japanese dinnerware, selling at about half what U.S. manufacturers have to charge. It has driven a dozen other U.S. companies out of business.

"Our people are literally starving to death," said BAILEY. "Many of the miners and other workers have exhausted their unemployment and welfare benefits and there are currently some 468,000 people living on surplus Government food.

"There is 67 percent unemployment in the State's coal mining industry. Besides the flow of cheap residual oil from Venezuela, our mines face additional handicaps: For instance, it costs West Germany $4.76 more per ton to mine coal in their own fields than it costs us to mine it and ship it to Germany.

"So what did the Germans do? They put a duty of $4.76 a ton on coal imported from the United States.

"Canada pipes into our country every day 7,600,000 cubic feet of duty-free natural gas. West Virginia coal going into Canada, however, is subject to a tariff of 50 cents a ton."

Asked how he felt about the Government's reciprocal trade agreements policy, which determines what U.S. tariffs will be, BAILEY remarked:

"Why it's been crazy as hell."

[From the New York Daily News, Apr. 1, 1960]

BARGAINS OR BOOMERANGS?—IMPORTS JAZZ UP FOREIGN TRADE, FOR FOREIGNERS

(By John Lewis and Eckert Goodman)

A spokesman for an industry which has been hard hit by foreign imports recently remarked that if the present import trend continues, America's biggest exportable item in the foreseeable future will be surplus labor.

He was expressing the sentiments of some of the tariff protectionists groups, who feel that the continued inflow of low-priced foreign merchandise will cause further cutbacks in jobs in the United States, and spur

even greater numbers of American companies to move overseas in order to take advantage of cheap labor and manufacturing facilities.

On the other side of the international-trade fence are the liberal free trade groups, who believe that America's economic future and security are almost wholly dependent on a free flow of imports, plus a stepped-up, Government-abetted export program.

Our present tariff law is the Trade Agreements Act of 1934, known as the Reciprocal Trade Act, which controls the flow of imports into the United States. Designed as an emergency measure, the act is actually an amendment to the Smoot-Hawley Tariff Act of 1930. Its purpose was to give the President power to negotiate trade treaties with other countries, so that American industries could lift themselves out of the depression.

During the last 26 years, Congress has re-extended this power to the President 10 times, for periods of up to 4 years. In 1951, an "escape clause" procedure was written into the act, whereby an industry which is being threatened by foreign imports can appeal to the Tariff Commission for relief in the form of higher tariffs.

Since 1951, the Tariff Commission has considered more than 100 such appeals. It sent 32 of them on to the President for action. As of last November, he had approved relief in only 12 cases.

A REASON FOR HIS RELUCTANCE

One reason for the President's apparent reluctance to invoke escape-clause action is that, because of the General Agreement on Tariffs and Trade signed with 37 other nations some 12 years ago, an increase in U.S. duty on an import means that other nations may take similar action against an American export.

The industries which feel themselves to be most acutely threatened by the competition of foreign imports would, naturally, like to see higher tariffs or quotas established for their protection—and the sooner the better.

They complain, with considerable justification, that by the time the Government has decided they are in straits and deserve help, they're already under water and ready to drown. By the time relief is provided, they are likely to be dead or dying.

The textile industry, for example, has asked the Tariff Commission for a country-by-country quota program.

The National Association of Wool Manufacturers says that cloth imports reached an all-time high of 22,489,000 pounds with a foreign value of $64,300,000 last year. Over 5 million pounds of yarn and more than 4 million of wool tops were also imported during 1959. The total value of wool imports for the year was over $84 million.

The Geneva reservation, an agreement made by our Government at an international conference in 1947 which permits the United States to raise the duty on wool imports above a certain quota, was not put into effect until late 1956, the wool association says. "It required terrific effort to put it into effect and it has required terrific effort to keep it in effect," they added.

LABOR CONCURS ON SOME QUOTAS

Although American labor as a whole traditionally favors the fewest possible barriers to world trade, labor leaders representing such threatened segments of industry as textiles stand squarely behind management in seeking protective quotas which limit the number of imports.

Jacob Potofsky, president of the Amalgamated Clothing Workers of America, said his union is for quotas to prevent annihilation of the men's clothing industry.

"We have always been a stanch supporter of the reciprocal trade program. But reciprocal trade was conceived as a middle-of-the-road approach to liberalizing international trade without seriously injuring the domestic industries of any nation. It was never intended to be an instrument of destroying American industry by unfair competition from sweated labor abroad," he said.

However, the administration, Congressional Joint Economic Committee, U.S. Chamber of Commerce and U.S. Council of the International Chamber of Commerce all consider quotas to be at least as dangerous—for many political and economic reasons—as higher tariffs, and potentially more disruptive to our overall international trade.

They are convinced that our economic policy must continue to be that of encouraging imports so that other nations will have the wherewithal to buy our exports and will not be forced into barter deals with the Soviet Union. And the basic solution to the present import-export dilemma, as they see it, is intensified sales promotion of U.S. products abroad.

To this end, President Eisenhower advised Congress March 17 that the administration was preparing a program to promote the growth of our export trade.

CALLS FOR MORE COMMERCIAL ATTACHÉS

Its main points will include increasing the number of State Department commercial attachés sent abroad to prospect for new markets for U.S. products, plus the number of Department of Commerce men assigned to inform American businessmen of the possible new opportunities unearthed.

It will also guarantee exporters to some extent against not being paid promptly because of some action taken by a foreign government which affects their sales. It is generally accepted, however, that most of the responsibility for making the plan a success will rest with American business itself.

Meanwhile, O. R. Strackbein, chairman of the Nationwide Committee on Import-Export Policy, believes that if we continue to follow our present world trade policies, we'll be out of business in the next 10 years.

"More and more of our industries are becoming vulnerable to imports," Strackbein insists. "People say that restrictions are a very bad thing, but by restrictions countries prevented their gold reserves from being dissipated and crawled out of an economic hole. How is it going to hurt us if we prevent an industry in our own country from being destroyed?"

"LIFE HAS DRAINED OUT OF OUR EXPORTS"

Criticizing the Government's position on exports, Strackbein added:

"The life has even drained out of our exports. It is not merely a matter of selling more energetically. We can sell until we froth at the mouth, but we cannot sell our raw cotton in foreign markets when we are 8 cents above the world market."

(Cotton subsidies were recently reduced to 6 cents a pound, effective August 1.)

"We can sell only by subsidizing to that amount—and that is what we are doing. It will avail us nothing to try to export wheat at the home-level prices, which are some 65 cents per bushel above the world level. We can do so only by subsidizing. Yet when we subsidize, the Treasury picks up the check, and that means a higher budget and a greater deficit."

Here are some other views on the current import-export quandary which have gained support:

Every possible effort must be made, in every area of our economy, to hold down inflation so higher prices won't make it even harder for us to compete against foreign producers.

In countries which employ "coolie" labor, efforts must be made to bring wage levels up to standards somewhat comparable with our own.

Senator KENNETH B. KEATING, Republican, New York, and certain representatives of industry like James M. Ashley, former national president of the Producers' Council, would accomplish this by putting quotas or higher duties on imports produced under "substandard labor conditions."

U.S. MANUFACTURERS ARE NOT FAVORED

Some political advocates of a liberal trade policy would effect it by bringing pressure to bear on foreign governments to enact new labor laws. Most labor leaders hope to further higher wages by supporting and abetting foreign labor groups in their own efforts to obtain increased wages and benefits.

Industry feels that, wherever possible, automation and mechanization must be accelerated to the greatest possible extent in order to minimize production costs; and as much money as possible should be plowed back into research and development, so America's unsurpassed inventiveness and ingenuity will have full rein to create highly salable new products.

At present, the National Association of Manufacturers contends, our high taxes and relatively small annual depreciation allowances for machine tools and plant facilities make it hard for U.S. manufacturers to stay in the forefront of industrial progress. Most foreign countries make it far easier for their industries to keep up to date.

If a given industry does not receive enough tariff or quota protection to keep it from going on the rocks, some provision should be made for the relief of its workers and management, while they are relocating or converting to another sort of manufacturing.

TRADE ADJUSTMENT BILLS WIDELY BACKED

This has been the purpose of a series of "trade adjustment" bills which have been presented to Congress. The most recent, introduced last January by Representative HAROLD D. DONOHUE, Democrat, of Massachusetts, has the backing of presidential aspirants JOHN F. KENNEDY and HUBERT H. HUMPHREY, plus the AFL–CIO, the Committee for a National Trade Policy, and several other liberal trade organizations.

The reluctance of many of the world's industrial nations to lower their barriers against U.S. goods—not to mention the cheaply produced products of the underdeveloped countries—makes trading with them a lopsided proposition. It also places on us the chief burden of supporting the newly developed nations by buying their products, so they won't be forced to barter with the Communist bloc.

U.S. Under Secretary of State C. Douglas Dillon has already warned the laggard nations that if they don't lower restrictions against imports, we may be forced to adopt restrictive policies ourselves.

DILLON SUMS UP THE PROBLEM

Addressing representatives and observers from 50 countries at a meeting of the General Agreement on Tariffs and Trade, Dillon stated: "The United States believes these countries should accept a steady, if gradual, increase of imports of manufactured products from the low-wage countries. Either we move ahead to get rid of outmoded trade restrictions or we can expect a resurgence of protectionism and restrictive actions."

Later, he said: "The entire structure of trade restriction inherited from the early postwar years has become outmoded and should be dismantled as quickly as possible. I am sure that if this is not done, it will be difficult for the United States to keep its own commercial policy moving in a liberal direction."

Mr. Speaker, some weeks ago I, along with 29 other Members of the House of Representatives, introduced Concurrent Resolution 512. It is now resting and collecting dust in the Committee on Ways and Means. I have addressed a letter to the chairman of that committee, signed by all the 29 Members of

Congress that joined me in offering this resolution, declaring it the sense of Congress that we make no further reduction in our import duties for the next 2 years. I have since secured the signatures of 112 additional Members of the House urging the Committee on Ways and Means to hold hearings. It has gotten to the point where we just cannot continually be pushed aside, because the welfare of the American people and the interests of industry are at stake, and we are going to have to convince the Committee on Ways and Means that there is enough support on the floor of this House to at least force a hearing on this resolution.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ROLLCALLS ON MONDAY AND TUESDAY OF NEXT WEEK

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, if there are any rollcalls on Monday or Tuesday next, I shall move that the House adjourn, unless we can get unanimous consent that any rollcalls on Monday or Tuesday go over until Wednesday.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Indiana.

Mr. HALLECK. I wonder if the gentleman would now ask unanimous consent that any rollcalls on Monday or Tuesday, except quorum calls, go over until Wednesday.

Mr. McCORMACK. I have too much respect for my friend from Iowa, in view of the fact that he objected, to make a unanimous-consent request again, unless it would be agreeable to him. I simply wanted to make the announcement that if there are any rollcalls on Monday or Tuesday, I shall move that the House adjourn.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Can the gentleman tell me what will be taken up on Monday and Tuesday?

Mr. McCORMACK. Monday is District Day, and there is one bill, H.R. 11415, designating a portion of the District of Columbia as Plaza of the Americas. Then Tuesday is Pan American Day, and we will also take up the State, Justice, and Judiciary appropriation bill for 1961.

Mrs. ROGERS of Massachusetts. I thank the gentleman.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a report on H.R. 10609, the educational TV bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

BATAAN DAY ANNIVERSARY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. LINDSAY] is recognized for 15 minutes.

Mr. LINDSAY. Mr. Speaker, next Saturday, April 9, is the 18th anniversary of the fall of Bataan. Bataan Day is a day of highest importance and significance to the free world and in particular to Americans and to our loyal allies in Asia, the people of the Republic of the Philippines.

It is said that "East is East and West is West and never the twain shall meet." But East and West did meet.

At the turn of the century, the United States and the Filipino nation mutually formed themselves into a partnership which the chroniclers of time will marvel at.

Eighteen years ago that joint venture was put to a crucial test in a small peninsula called Bataan.

In the face of overwhelming odds, some 75,000 Filipino soldiers and 6,000 United States soldiers, outnumbered 10 to 1, outgunned and outplaned, fought one of the most courageous holding actions in the long annals of military history. For 4 months the besieged Fil-American troops proved to the whole world that the bond that holds these two peoples together can endure even in the face of superior arms. It did endure and I am confident it will continue to endure for countless years ahead.

The enemy put in everything it had and clobbered the Fil-American troops, so to speak, leaving them "bloody but unbowed."

On April 9, 1942, Bataan fell.

But in a historical perspective, it was decidedly a military victory. If Bataan fell sooner than it did the free world would have lost the whole of Asia. Indeed, as Gen. George Marshall stated, the delaying action in Bataan prevented the enemy from advancing clear through to Australia.

The experience of Bataan stands out in bold relief today when we think of the causes for which our own Government has stood in the defense of other smaller nations. It is also a shining example of what a true and loyal ally is capable of and to what extent the Filipino people are willing to go to preserve a friendship nursed and nurtured through long years of enviable association.

In this part of the globe, particularly in the United Nations, the United States and the Philippines have stood side by side in the incessant fight against communism.

When Bataan fell, Filipino and American guerrillas continued fighting in the hills. Filipino civilians smuggled food, clothing, and medicine to American prisoners in concentration camps.

After the war, the United States helped the infant Republic in her gigantic efforts toward rehabilitation.

Mr. Speaker, liberty is such a precious matter that it requires great men to create it and to preserve it.

Just as we have our patriots who helped create the freedoms we now enjoy so also have the Filipinos—Rizal, Mabini, Bonifacio, Quezon, Osmena, Roxas, Quirino, Magsaysay, to mention a few. Thanks to the incumbent President, Carlos P. Garcia, the things that Bataan stands for are being zealously preserved. We are fortunate enough to have in this country an able and distinguished spokesman for the Philippines, Ambassador Carlos P. Romulo, who was a veteran in the battle of Bataan.

I am fortunate in having in my office on my staff a young citizen of the Philippines, Reginaldo Arceo. We have become fast friends. With men like him it is easy for me to realize why it is that the Republic of the Philippines has brains, imagination, and toughness. I am grateful to the National Political Science Foundation and the Asia Foundation for making it possible for me and for the Congress as a whole to have the able services of this distinguished citizen of the Philippines.

For the last 15 years, political institutions in the countries of Southeast Asia have come and gone. But the Philippines has steadfastly held on to the democratic way of life. It has been aptly said that the Philippines—the "Pearl of the Orient Seas"—is the "show-window of democracy in Asia."

This great ally of the United States, the Philippines, has always stood and fought for freedom. She continues to do so. And on this date, April 9, we remember with pride and affection our friend and ally who stood with us and for us in those trying times.

EXCISE TAXES ON TRANSPORTATION INCREASE GOVERNMENT SUBSIDIES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Nebraska [Mr. BROCK] is recognized for 10 minutes.

Mr. BROCK. Mr. Speaker, on February 16, 1960, I pointed out, in a speech made pursuant to a special order, the great conflict that exists between our national aviation policy of extended and economically healthy feeder-type air service on the one hand and the 10-percent excise tax on the domestic transportation of passengers on the other hand.

The substance of my remarks was that the Civil Aeronautics Board is midway in a nationwide region-by-region analysis to determine what additional feeder-type service should be provided to small communities throughout the United States to connect them with major economic and airline metropolitan hubs. This program requires the payment of airline subsidy but is offset by great public benefits and is kept in check and within reasonable bounds by a "use-

it-or-lose-it" policy which requires these smaller communities to enplane a certain traffic quota if it is to retain its air service. The point of my previous speech was to emphasize that the 10-percent excise tax—the primary purpose of which was to discourage travel—not only jeopardizes the success of this transportation program by impairing the cities' ability to meet minimum traffic quotas, but also because the tax, by discouraging passenger revenue, increases Federal subsidy payments. It is this latter effect—the unnecessary increase of Federal subsidy payments—which convinced me that the tax is a penny-wise but pound-foolish measure which should be repealed as soon as possible.

Since presenting this speech two further aspects of the problem have come to my attention and accordingly, Mr. Speaker, I am today extending my remarks because I believe that a full understanding of these issues will cause any thoughtful Member to conclude that this excise on domestic passenger travel must be repealed this session.

The first of these points is that the surface transportation facilities—the railroads and the buslines—are as badly affected if not worse than the feeder airlines. Indeed, the trunk airlines are also harmed by this excise.

Considering the railroads first, it is well known that rail passenger service faces a financial crisis. The dire economic conditions of the rails which led the Interstate Commerce Commission to urge in the Railroad Passenger Train Deficit case, that Congress repeal this passenger-discouraging tax, have worsened to the point that the recent Commerce Department Report on Transportation accurately characterizes the situation as crucial. Moreover, there is pending before Congress bills which would prevent or deter the railroads from suspending loss points. With these economic conditions and this atmosphere of crisis in the rail industry it is simply incomprehensible to me how anyone can favor retention of this harmful excise tax which further aggravates the monetary problems of the carriers.

The bus companies are in no better plight. I read with great interest the remarks of my distinguished colleague from Montana, Mr. METCALF, who pointed out the grave mortality rate of bus companies in this country.

As for the domestic trunk airlines, it is well known that they are embarked on a jet conversion problem entailing, when it is completed, nearly a $4 billion investment of private capital which can only be sustained if passenger revenues are fully developed.

Mr. Speaker, the issue before us is no more nor no less than the economic health of our entire domestic transportation system. I am completely convinced that it is impossible to overstate the peril that confronts this system. Only last month, on March 25, Capital Airlines—a trunkline that has been operating without subsidy for a number of years—applied to the CAB for nearly $13 million subsidy. The stated basis for this request was, inter alia, that passenger revenue was not adequate to meet costs and to service the investment they have made for jet equipment.

Now I am opposed to a return to subsidy for our trunk airlines. I believe that having come of age economically these carriers should continue on a self-sufficient basis. But, Mr. Speaker, I think there is a grave question whether the economic progress we have witnessed can continue if we retain obsolete and unjustifiable laws such as this transportation tax which impairs the carriers' ability to earn their own way.

Mr. Speaker, this leads me to my second point. The only justification that has ever been raised in defense of this excise tax since the close of World War II, when there was no longer any reason to discourage civilian travel, is the revenue it yields. I am told that this excise will provide "almost $250 million of revenue in the budget."

In this connection I read with great interest the speech of February 17, 1960, given by my distinguished colleague and fellow member of the Interstate and Foreign Commerce Committee, Congressman COLLIER, that this tax by no means really yields a net revenue figure that is at all significant. In this speech it is clearly pointed out that a significant part of the gross collected are only 48-cent dollars. Still other offsets result from lost taxes resulting from artificially depressed gross revenues of the transportation companies. In addition, every dollar of Federal subsidy paid to offset passenger revenue losses caused by this deterrent tax offsets the yield. That this factor alone could result in large unnecessary subsidy payments can be seen by the recent increase of local service subsidy from $25 million to more than $60 million and by the ominous symptoms of Capital Airlines' application for subsidy.

At best, then, the revenue argument is a poor one since the net yield is greatly below the gross. But beyond that I think it is essential to recognize that this tax endangers our entire transportation system which, in my opinion, cannot be justified regardless of the revenue yield.

This is a year in which a budget surplus is forecast. Other taxes similar to the excise on domestic passenger transportation have been cut in years when revenue sources were important—for example, the tax on international travel and the tax on freight.

There is no time like the present for eliminating this harmful and destructive tax. If another revenue source must be discovered to offset any losses occasioned by repeal of this tax, I have confidence in the distinguished Committee on Ways and Means to find one, but I feel sure that members of that committee will share my apprehension for the future of this Nation's transportation establishment if this tax is not repealed and repealed this session.

SEX CRIMES AND FEDERAL RESPONSIBILITY

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. LAFORE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LAFORE. Mr. Speaker, I have today introduced a bill to provide that known sex offenders who travel in interstate commerce shall register as prescribed by the Attorney General, and to make it a crime to travel in interstate commerce for the purpose of committing certain sex offenses, which I sincerely hope will be given early consideration by the Judiciary Committee, because I believe early floor action and passage of this bill will be a strong factor in curtailing sex crimes.

Several weeks ago the Nation was deeply shocked by the ghastly and brutal slayings of three Chicago women by a sex maniac or maniacs, in an Illinois State park. Unbelievably horrible as these Illinois killings were, most communities unfortunately need not look beyond their boundaries to remember an instance no less brutal. In December one of the most beastly sex murders in Pennsylvania criminal history was committed in my county.

While it is true that the major responsibility for curtailing this ever-increasing public menace lies with State and local authorities, through the enactment and enforcement of proper laws and the administration of sterner justice, I believe that under the provisions of my bill, the Federal Government would play an important part in effectively reducing these crimes. Inasmuch as the history of sex crimes is a history of repeated offenses by sex criminals who often move across State borders after their release from confinement, they would, under my bill, be forced to register with local authorities under regulations prescribed by the Attorney General.

It would seem self-evident that if local authorities are aware of the presence of a sex offender in their community, his chances of committing further sex crimes would be far less than if he were unknown.

The other provision of the bill, making it a crime to travel in interstate commerce for the purpose of committing sex offenses, strengthens and broadens existing law, and I believe would be an effective Federal weapon in further curtailing sex crimes.

RELATIONSHIP BETWEEN THE UNITED STATES AND THE PHILIPPINES

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONTE. Mr. Speaker, on April 9, 1942, the courageous Filipino and American troops gave up the battle of Bataan.

In the history of war, the sacrifice of those troops and the example set by their heroic resistance can never be forgotten. The close and loyal alliance of the men from both nations is an example which has never been equaled. Standing with us throughout this tragic moment of our history were not only the brave soldiers, but the people of the Philippines as well.

This friendship borne of blood and mutual respect between the United States and the Philippines is a glowing example of the solidarity of free men.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. KASEM, for the week of April 8 to 15, on account of official business in his district.

Mr. DIGGS (at the request of Mr. RABAUT), for April 11 through April 26, on account of official business.

Mr. DENT, for Thursday, April 7, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Bass of Tennessee, on May 11, for 1 hour.

Mr. ROOSEVELT, for 60 minutes, on April 25.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BARDEN and to include extraneous matter.

Mr. PHILBIN in two instances and to include extraneous matter.

Mr. REUSS.

(At the request of Mr. CHAMBERLAIN, and to include extraneous matter, the following:)

Mr. SHORT.

Mr. DORN of New York.

(At the request of Mr. KASEM, and to include extraneous matter, the following:)

Mr. JOHNSON of Maryland.

Mr. BARR.

Mr. BRADEMAS in two instances.

Mr. BOWLES.

Mr. DULSKI.

Mr. FALLON.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2310. An act for the relief of Hoo W. Yuey and his dependent children.

ADJOURNMENT

Mr. KASEM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until Monday, April 11, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2039. Under clause 2 of rule XXIV, a letter from the Secretary of the Army, transmitting a report from the Chief of Engineers, Department of the Army, dated February 4, 1960, on an interim report on Naugatuck River, Conn., requested by resolutions of the Senate and House of Representatives (H. Doc. No. 372); was taken from the Speaker's table, referred to the Committee on Public Works and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1461. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. WILLIS: Committee on the Judiciary. H.R. 7847. A bill to make the uniform law relating to the record on review of agency orders (Public Law 85–791) applicable to the judicial review of orders issued under the Federal Aviation Act of 1958 and the Food Additives Amendment of 1958; with amendment (Rept. No. 1462). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 11415. A bill to provide for the designation of a portion of the District of Columbia as the "Plaza of the Americas"; without amendment (Rept. No. 1463). Referred to the House Calendar.

Mr. MORGAN: Committee on Foreign Affairs. H.R. 11510. A bill to amend further the Mutual Security Act of 1954, as amended, and for other purposes; without amendment (Rept. No. 1464). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 498. Resolution for consideration of H.R. 10213, a bill to amend the National Housing Act to halt the serious slump in residential construction, to increase both on-site and off-site job opportunities, to help achieve an expanding full employment economy, and to broaden home ownership opportunities for the American people; without amendment (Rept. No. 1465). Referred to the House Calendar.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H.R. 10609. A bill to amend the Communications Act of 1934 to establish a program of Federal matching grants for the construction of television facilities to be used for educational purposes; with amendment (Rept. No. 1466). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALFORD:

H.R. 11644. A bill to remove the present $5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a U.S. Air Force aircraft at Little Rock, Ark.; to the Committee on the Judiciary.

By Mr. BREEDING:

H.R. 11645. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to certain educational institutions; to the Committee on Government Operations.

By Mr. COOLEY:

H.R. 11646. A bill to amend the act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton, as amended, by defining certain offenses in connection with the sampling of cotton for classification and providing a penalty provision, and for other purposes; to the Committee on Agriculture.

By Mr. DERWINSKI:

H.R. 11647. A bill to amend section 593 of the Internal Revenue Code of 1954 to limit the deduction for additions to reserve for bad debts of a domestic building and loan association to an association, none of the guaranty or permanent stock of which is owned by a holding company, or other similar corporation; to the Committee on Ways and Means.

By Mr. FOGARTY:

H.R. 11648. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. GEORGE:

H.R. 11649. A bill to authorize the appropriation of $150,000 for the acquisition of the Huron Cemetery, Kansas City, Kans.; to the Committee on Interior and Insular Affairs.

By Mr. HAGEN:

H.R. 11650. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HALPERN (by request):

H.R. 11651. A bill to authorize a 10-year program of scholarships for medical and dental education, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LAFORE:

H.R. 11652. A bill to provide that known sex offenders who travel in interstate commerce shall register as prescribed by the Attorney General, and to make it a crime to travel in interstate commerce for the purpose of committing certain sex offenses; to the Committee on the Judiciary.

By Mr. LEVERING:

H.R. 11653. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANFUSO:

H.R. 11654. A bill to amend the act of August 25, 1959, to authorize the payment of a monetary award to recipients of the National Medal of Science; to the Committee on Science and Astronautics.

H.R. 11655. A bill to establish a Commission on Coordination of Scientific Activities to conduct a study and investigation of methods for coordinating the scientific, technological, and engineering programs of the United States; to the Committee on Science and Astronautics.

H.R. 11656. A bill to provide a means for insuring that scientific activities which involve or are related to the exploration, investigation, and utilization of outer space will be conducted to the maximum extent practicable for peaceful purposes; to the Committee on Science and Astronautics.

By Mr. HÉBERT:

H.R. 11657. A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; to the Committee on the Judiciary.

By Mr. HOLT (by request):

H.R. 11658. A bill to amend chapter 57 of title 18, United States Code, so as to make it a crime to use certain musical reproductions in the United States for certain commercial purposes; to the Committee on the Judiciary.

By Mr. KEARNS:

H.R. 11659. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. KOWALSKI:

H.R. 11660. A bill to amend section 107 of title 3, United States Code, so as to require the President to budget for all services, personnel, equipment, and material furnished to the White House office by any other department or establishment in the executive branch of the Federal Government; to the Committee on Government Operations.

By Mrs. WEIS:

H.R. 11661. A bill to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.J. Res. 679. Joint resolution to amend the Mutual Security Act of 1954, as amended, with respect to freedom of international waterways; to the Committee on Foreign Affairs.

By Mr. McSWEEN:

H.J. Res. 680. Joint resolution to provide for the designation of June 4, 1960, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

By Mr. MONTOYA:

H.J. Res. 681. Joint resolution memorializing the continuous displaying of the flag of the United States over the Taos Plaza in the town of Taos, N. Mex.; to the Committee on the Judiciary.

By Mr. MORRIS of New Mexico:

H.J. Res. 682. Joint resolution memorializing the continuous displaying of the flag of the United States over the Taos Plaza in the town of Taos, N. Mex.; to the Committee on the Judiciary.

By Mr. HALPERN:

H. Con. Res. 656. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. CANNON:

H. Res. 499. Resolution providing for printing additional copies of the hearings entitled "Review of the American Educational System"; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN:

H.R. 11662. A bill for the relief of Clara G. Maggiora; to the Committee on the Judiciary.

By Mr. DEROUNIAN:

H.R. 11663. A bill for the relief of Alina and Kristina Ostalkiewicz; to the Committee on the Judiciary.

By Mrs. ROGERS of Massachusetts:

H.R. 11664. A bill for the relief of Pablo Rendaje Cava; to the Committee on the Judiciary.

By Mrs. ST. GEORGE:

H.R. 11665. A bill for the relief of Sister Mary Aurelia (Chiara Di Gesu); to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

411. Mr. BARR presented a petition of local No. 130 of the National Federation of Post Office Clerks favoring legislation authorizing pay at time and one-half for all services performed on Saturdays and double time for all services performed on Sundays, which was referred to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

Polish Constitution Day and Paderewski's Birthday

EXTENSION OF REMARKS
OF
HON. JOHN BRADEMAS
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1960

Mr. BRADEMAS. Mr. Speaker, this year the 169th observance of Poland's Constitution Day coincides with the 100th anniversary of the birth of Ignace Jan Paderewski, the great Polish statesman, artist, humanitarian, and lover of liberty.

The final words attributed to Paderewski before his death on June 29, 1941 were: "Polska powstanie—Poland will rise again."

Mr. Speaker, this was the noble utterance of a man who defined the realization of a free and independent Poland as "the greatest aim of my life."

The indomitable spirit of that freedom-loving country, a spirit represented by the last words of Paderewski, has not been diminished during Poland's present time of troubles.

Let us hope that the day will soon come when the seed of liberty, deeply rooted in the hearts of the Poles, will again take flower and that Poland will once more know what it is to be free.

Mr. Speaker, I know the proud courage of the Americans of Polish origin of my own congressional district. Immigrants and sons of immigrants, they have displayed the exemplary citizenship on which a democracy depends by their activity and participation in the life of their communities.

In their churches, their work, their civic endeavors, their homes and their families, they demonstrate their fine qualities of faith, devotion, industry, and self-reliance. Having observed the Polish-Americans' worthy contributions to our country, I have no doubt that their relatives and friends in Poland will ultimately enjoy the freedom that should be theirs.

I am deeply confident that in time, as Paderewski said, "Poland will rise again."

Earl Hogan: A Hard-Working Congressman

EXTENSION OF REMARKS
OF
HON. JOSEPH W. BARR
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1960

Mr. BARR. Mr. Speaker, today I am submitting an editorial from the Lawrenceburg (Ind.) Press, which describes the activity of my colleague, the Honorable EARL HOGAN of the Ninth District of Indiana, in the location of U.S. Super Highway No. 64.

This editorial points out the fact that the Ninth District of Indiana is represented by a hard-working and dedicated Congressman, who is going to do all that he can to advance the best interests of his congressional district in our State of Indiana.

The editorial follows:

A FEDERAL SUPERHIGHWAY HERE?

Congressman HOGAN appeared before the Bureau of Public Roads hearing in Washington March 24 in support of relocating proposed U.S. Superhighway 64 substantially along the route of U.S. Highway 50 as it was originally planned. He described as a political expedient the proposal that it be shifted to enter Indiana between Princeton and Evansville, 30 miles south of the original plan, and across the Ohio River into Louisville at New Albany to tie up with such a road coming from the east and passing south of Cincinnati.

Other road and bridge elements of this area have assumed that the hearings being held and to be held are formalities only and that the Federal bureau has already determined on the southern route. To this date the Congressman appears to be the only outspoken proponent in favor of approximating the route across Indiana roughly to this area. His reasons are given in the following words:

"The matter of national defense must remain a determining factor in the location of the highway. The Crane Naval Ammunition Depot (between Bedford and Bicknell) is unquestioningly of vital importance to the defense of our country as is the availability of fast exit road to the residents of the 9th district in the event of an enemy attack. I cannot, at this point, even entertain the idea which has been propounded that U.S. 50 will be developed in the event that Interstate Highway 64 is relocated to the south. The plan of an outgoing Governor cannot be accepted as fact when it will be up to a new administration to carry out the plans projected during his fading months in office.

"Already the State has included in its current program involving right-of-way acquisition two projects involving $274,500 in interstate funds. Whether a revision of projects will allow justification of the spending of these moneys or not, I charge the very expenditure is proof of the honest intent insofar as the northern placement of this highway is concerned. I have been in Washington for less than 2 years but already I have learned how easy it is for conversation to carry six digit figures without the blink of the eye. Upwards of $275,000 still

is a lot of money to me, a Hoosier, however, and I want to assure you and the other officials of the Bureau of Public Roads that the Congress will eye, with a great deal of interest, just what happens, budgetwise to these funds.

"It is my understanding that both Federal-aid interstate funds and Federal-aid primary funds are participating in the Illinois development of the highway between Vincennes and Olney (U.S. 50 route) in the sum of $1,534,149. This money was spent, undoubtedly, in good faith in connection with the interstate highway planned program. What has changed in the geographical picture of the defense potential or the economic situation that would justify a shift in the location of this highway No. 64? Believe me, the population of the communities I represent will total an equal to the city population of Evansville; 9th district residents have the same need for this fine highway outlet for their products; an equal need for a fast and direct means of exodus in the event of enemy attack and—a safe, rapid, means of transporting the defense weapons from Crane.

"Moreover, this area has too long been denied the benefits of the tax payments by its residents. For too long, 9th district residents have been paying Federal taxes with meager return. The comparative economic benefit to be derived from the northern routing of highway 64 is overwhelming. The people of this area need the highway, deserve the highway, and I hope you will see fit to allow them the privilege of having the highway."

Taking Another Look at Grain Storage Costs

EXTENSION OF REMARKS
OF
HON. DON L. SHORT
OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. SHORT. Mr. Speaker, Members of Congress who have been carrying on grain storage investigations during the last few months, it seems to me, have been more interested in making headlines, and in uncovering a few spectacular instances of profits, rather than trying to dig up the true facts of our entire commodity storage program. It seems rather peculiar that in the carrying out of the so-called investigations, those in charge never saw fit to call in representatives of the grain storage industry.

It seems to me that if not direct, at least implied criticism was leveled at the Department of Agriculture for the grain storage rates that were in effect. The Department has carried out a very comprehensive investigation into the question of the cost of providing grain storage and has recently announced that it is their intention to reduce rates on future grain storage agreements. It seems real interesting to me that some of the first ones criticizing the Department for considering rate reductions are some of the very people who implied that rates were too high only a very short time ago.

Mr. Speaker, I ask unanimous consent that I be allowed to place in the CONGRESSIONAL RECORD, a news release I prepared on the subject of grain storage, and released from my office on April 4.

WASHINGTON, D.C.—Recent developments indicate that some Democrats interested in making headlines have stirred up a hornets nest among farmers and grain dealers that will unquestionably have political repercussions.

One presidential aspirant and one Congressman thought they saw an opportunity to make some political hay by carrying on an investigation of the Commodity Credit Corporation grain storage program. They had discovered some instances of generous profits and hoped to point an accusing finger at the administration of the CCC which is the Government Corporation charged with the responsibility of safely storing the huge stocks of grain surpluses now accumulated under the grain price support program. So sure were they that all was not well with CCC that they went ahead with their investigations, making headlines, and thinking that the American public would be favorably impressed. It's fair to assume that most citizens were disturbed at what the limited investigations uncovered. What was not disclosed was that there are thousands of elevator operators who are not necessarily reaping undue profits from storing Government-owned grain. No attempt was ever made by the investigators to meet with representatives of the grain storage industry. No evidence has been uncovered that the vast rank and file of storage people are enjoying undue profits at the expense of Uncle Sam.

It must be remembered that storage rates have of necessity been set at a rate to encourage construction of grain storage facilities. Faced with the responsibility of preserving the quality of all grain falling into Government ownership under the working of the price-support program, CCC has had no choice about setting rates and occupancy agreements that would assure adequate storage facilities. Since 1956, the Government has put up no storage facilities of its own due to a mandate from Congress that commercial facilities rather than Government owned should be used. There has been a natural reluctance on the part of grain handling people to make large investments in grain storage facilities when no one knew for sure how long our present price-support program would last. Presently almost every proposed revision of farm legislation contains features that would reduce surpluses rather than allow further increases. I believe it is a true statement that most country elevators in North Dakota somewhat reluctantly got in the business of storing grain for the Government.

In the normal course of their business, but later under a spotlight from the Democrat-inspired grain-storage investigations, the CCC set out in March 1959 to reevaluate the storage rates and agreements in effect. This is their responsibility and a part of the job of taking a new look from time to time at the uniform grain-storage agreement entered into between the USDA and the storage people.

After a comprehensive investigation of the cost of providing or constructing grain-storage facilities and their maintenance and operation, CCC decided to reduce the present rate of 16 cents per bushel per year to 13 cents. Country elevator people were immediately up in arms, as well as farmers who reseal some grain in their own granaries. The 16-cent rate is not a windfall either to farmers or small elevators even if it does happen to be rather profitable to some large storage companies. The USDA, however, hesitated to establish different rates for different facilities or different areas because the cheapest storage would have to be given preference at all times, as required by the General Accounting Office. This would channel grain out of small elevators or farm storage any time a terminal had space available.

Democrats are now trying to place the blame for all this on USDA. In an attempt to discredit the United States they got themselves in the position of criticizing CCC storage rates. Now when CCC attempts to revise rates downward in accordance with pretty general feeling about storage costs and a thorough survey of the industry, the Democrats are attempting to reverse themselves. One Congressman has even gone so far as to introduce legislation that would prevent CCC from lowering storage rates. The farmer's interest seems to have become secondary since he would benefit from reduced rates on grain he stores in his local elevator and puts under CCC loan. Grain-storage representatives will meet with USDA officials shortly to iron out final details of a new grain-storage agreement.

Forand Bill

EXTENSION OF REMARKS
OF
HON. THADDEUS J. DULSKI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. DULSKI. Mr. Speaker, the Forand bill—H.R. 4700—is a legislative attempt to accomplish a necessary and practical result. It is not, as some are led to believe, a contest between the sick, aged, low income, retired people and the doctors of this Nation.

This bill does not solve completely the medical problems of the aged, and it was not designed to attain such a goal. It merely guards against total disaster financially as a result of medical misfortunes beyond the control of individuals. The people want and need security from the unexpected medical disasters which are inevitably encountered in the later years of their lives and the financing methods outlined in the bill are a small price to pay for such security.

All of the alternative proposals advanced as afterthoughts by groups opposed to this legislation are too little and too late. This opposition wanders and roams in the vague realms of the theory, creating mountains out of molehills on the argument of socialism and dissipating their energies attacking windmills of supposed dangers. Many of these arguments operate on the basic premise that people have no business becoming 65 years of age and getting sick.

On the shopworn argument of socialism, I defy anybody to show me a single line, page, paragraph, or section of the Forand bill that would socialize or control medicine. Nothing in the act can be construed to give the Secretary of Health supervision or control over the practice of medicine or the manner in which medical services are provided. There are specific provisions in the act to provide a "free choice by the patient" of surgeons, hospitals, and nursing homes. Any fair and objective definition of socialized medicine would call for Government-owned facilities and Government-employed personnel. Such is not the case with the Forand bill.

Much of the information distributed by the opposition to the Forand bill is distorted, incomplete, fragmentary, and untrue. If the purveyors of this material would forget individual rights and concern themselves with obligations to

society in general, we could get on with this business of prepaid public health insurance with greater speed and dispatch and with less heat and more light on the subject.

The medical profession has every right in the world to concern itself with entrance qualifications of its members, the standards and ethics of its profession, and its licensing laws. In these concerns, it acts in the public interest. When some of them venture into the field of the mechanics of paying for these services through public or private bookkeeping plans, they are operating out of their field which runs contrary to public opinion and in this respect does not carry the qualification of experts.

Most organized groups support medicine in its fight to maintain its strict professional status, and they are dismayed at the opposition to the Forand bill. This opposition is based on the theory of constant repetition of a phrase or slogan often enough until some people start believing it. The Social Security Act itself once withstood a barrage of the same sort of propaganda attack; yet, who today would have the audacity to propose its abolition?

This opposition to the Forand bill contains an element of compulsion which in my opinion is unhealthy when exercised upon a profession so highly respected. This compulsion should rest upon some intelligent consent on the part of the members of the profession in our country, and such is not the case. The medical profession has been led unwittingly to this position by autocratic leadership who have set themselves up in the image of primitive gods, hurling thunderbolts at the general public, as they attempt to delay the inevitable demands of the great mass of people, as outlined in this bill.

A look at the history of our country will show that every reactionary force must eventually give way, and I state that the opposition to the Forand bill is of a reactionary nature, with very little argument of a positive nature being offered to present an opportunity for rebuttal.

There are too many pitfalls in our present methods of providing for medical problems in the later years of life. There are too many restrictions, cancellations, and inadequacies. Those who need health insurance the most have it the least, and the Forand bill will provide retirement without fear of financial disaster because of illness.

Announcement of Rollcall Votes

EXTENSION OF REMARKS
OF
HON. HENRY S. REUSS
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1960

Mr. REUSS. Mr. Speaker, if I had been present and voting on House rollcall votes 5, 7, 11, 13, 17, 18, and 38, during the months of February and March 1960, I would have voted "yea" in each instance.

Thomas H. MacDonald

EXTENSION OF REMARKS
OF
HON. GEORGE H. FALLON
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1960

Mr. FALLON. Mr. Speaker, transportation, the movement of people and goods, has always played a tremendously important part in human progress. The means of transport have helped to fashion kingdoms, and highroads have fostered freedom in many countries—including our own.

April 7, 1960, marks the third anniversary of the death of a great roadbuilder. Thomas H. MacDonald was almost unknown to the people of this country yet they are perhaps as much indebted to him as to any nationally known figure in our American history. For 34 years Thomas MacDonald headed the U.S. Bureau of Public Roads, which administers the program of Federal aid to the States for highway construction. His imaginative foresight and strong but selfless leadership are truly reflected in the vast highway transportation that today provides the sinews of our national economy, the arteries of our national defense.

When Federal aid for highways was initiated in 1916, we needed a man of rare ability and varied achievements to envisage and formulate our road patterns for the future. From all over the country recommendations pointed toward one man—Thomas MacDonald, then head of the Iowa State Highway Commission. He was appointed Chief of the Bureau of Public Roads in 1919. Serving consecutively under 7 Presidents and 17 Congresses, Mr. MacDonald epitomized the ideal public servant, forceful yet cooperative, visionary yet practical, nonpartisan and completely dedicated to a career of service which embraced the welfare of the whole people. With rare insight he proclaimed that improved highway transportation was not an end but a means, inseparably linked with our national economy, our social and cultural well-being—our very way of life.

When Thomas MacDonald began his long and unrivaled career, the plan of Federal-State cooperation was an untried venture, without form or precedent. A man of lesser wisdom might have sought to mold the new program directly, by fiat from Washington. But not Mr. MacDonald; with an unerring sense of the future he immediately turned to our State highway officials, acting through the American Association of State Highway Officials, in shaping and developing Federal-aid procedure.

At a time when the concept of a highway system was tenuous indeed, when local views were prevalent, Thomas MacDonald set us upon a course befitting the highway needs of a great nation. During his many years in office, he consistently pursued this broad pattern of cooperative effort and focused his extraordinary vision on the national implication of highway policies. His and our reward has been the unparalleled development of 3.5 million miles of interconnected roads and streets, spanning a continent.

Mr. MacDonald was a man who believed in group rather than individual development and decision, and while he set his goals high and urged others to go along, yet he recognized the will of the majority, the need for the realistic approach. Under his leadership the relations of the Bureau of Public Roads and the State highway departments came to be widely recognized as an outstanding example of harmonious, productive intergovernmental teamwork.

Reflecting Mr. MacDonald's role, highways and highway transportation have become so essential to our well-being that this service ranks with such fundamental undertakings as national defense, education, and the maintenance of law and order. Indeed, these basic functions are closely linked with highway transport.

When Mr. MacDonald took office in 1919, Federal-aid authorizations amounted to $50 million for the year. When he retired in 1953 the amount had increased tenfold, to $500 million. During his 34 years as head of the Bureau of Public Roads more than $6 billion of Federal aid for highways was authorized; matched 50–50 by the States, the $12 billion worth of highway networks which resulted represent one of the most valuable assets the Nation possesses.

It is a fitting tribute to Mr. MacDonald's high ability and integrity that not once, through changes of Government administration and subject to pressures from widely divergent interests, were Federal highway expenditures or the policies governing their use ever seriously questioned.

He was not an acclaimed public figure, nor did he wish to be. In his view the States were the prominent part of the cooperating team; the organization he headed more important than its individual members, including himself. But in the highway transport field, among legislators, officials and leaders in the industry his competence and vision commanded the utmost respect and admiration.

To Thomas MacDonald successful highway development depended as much upon research and planning as upon construction, and under his leadership the Bureau of Public Roads ranked high in every phase of research. He sought not only better ways of building roads, but the development of the most efficient and economical highway transportation for the use of the public as a whole. He recognized, too, the importance of driver behavior and vehicle performance in safe highway design.

Mr. MacDonald's role as the principal architect of our modern highway system is exemplified by the series of important Bureau reports prepared under his direction for Congress. The first of a major series, prepared in 1939, expounded and substantiated the need for modernization of the Federal-aid primary highway system, both rural and urban, for improved secondary and feeder

roads, and for construction of a select system of interregional highways to meet both the requirements of national defense in time of war and the growing demands of peacetime traffic.

Thus Mr. MacDonald's vision and the sound logic of these reports gave rise to the National System of Interstate and Defense Highways authorized by the Congress in 1944. With the intervention of the war period and the difficulties of implementing and financing so bold a program, scheduled construction of the 41,000-mile Interstate System did not become a firm reality until 1956, after Mr. MacDonald had retired. But surely this system, the ultimate in highway transportation, is a monument to him above all men.

Thomas MacDonald was a strong advocate of highway improvement as a necessity in the solution of economic problems throughout the world, especially in underdeveloped countries. Under his direction, the Bureau of Public Roads supervised the joint work of the United States and the central American republics in the construction of the Inter-American Highway, now nearing completion.

He welcomed the opportunity granted his organization under various legislative authorizations to aid other countries, in Europe, Africa, and Asia, in repairing war-torn roads and especially in launching the development of highway systems suitable to their needs. With characteristic vision he strongly believed that our aid could best be utilized in helping these countries establish their own highway departments and in teaching their own people how to plan, build, and manage their highways.

Mr. MacDonald was keenly interested in sharing the knowledge and know-how of the United States with highway engineers and administrators of other countries. Through his efforts a host of such men, from college students to top officials, came to the United States to learn and exchange ideas. This fine precedent is being followed today.

Cooperation was a basic tenet of Mr. MacDonald's philosophy and this broad outlook embraced those concerned with all forms of transportation. He envisioned a new type of transportation research institute in which each field of transport would be represented, but in which the economic and social impact of transportation would be studied as a whole.

Over the years he discussed this concept with his old friends, Gibb Gilchrist and DeWitt Greer, of Texas, and they proposed to set up such a research organization and urged Mr. MacDonald to consider joining it as a keyman when he retired. In June 1950, the plan took form with establishment of the Texas Transportation Institute in the Texas A. & M. College system.

When Mr. MacDonald retired from his long public service career in 1953, he joined the institute staff with the title of "Distinguished Research Engineer." There, until his death on April 7, 1957, his ideas, knowledge, and influence provided brilliant guidance and inspiration to the institute staff.

Shortly after Mr. MacDonald's death, a group of his friends conceived the idea of memorializing this great man's accomplishments and continuing the work he had undertaken in his last years. With this aim in mind, they proposed to establish at the Texas Transportation Institute a Thomas H. MacDonald Chair of Transportation, endowed with gifts from his many friends and admirers and from the many segments of commerce and industry that have benefited from his great work and recognize the further gains that may follow from its continuation.

A campaign to raise funds for this purpose is underway. No greater or more appropriate memorial could be raised, nor one more to his own liking than this chair of transportation designed to carry forward Mr. MacDonald's philosophy and vision.

His dedicated career was ably summarized by a close friend and longtime associate who declared:

> If ever a man deserved the name of prophet it was he. If ever a public servant could truly boast of an administration of the people's business virtually without flaw, it was he. If ever in any man there can be combined just that conjunction of the qualities of the able engineer, the perceptive political economist, the skilled diplomatist and the sure and faithful administrator that it takes to make a great highway engineer, it was in Thomas H. MacDonald that these qualities found their rarest blending.

Persecution by Chinese Reds

EXTENSION OF REMARKS
OF
HON. PHILIP J. PHILBIN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. PHILBIN. Mr. Speaker, I desire to compliment the distinguished Secretary of State, our friend and former colleague, the Honorable Christian A. Herter, and the State Department for interceding so strongly to try to effect the release of Bishop James Edward Walsh who has been sentenced to 20 years' imprisonment by the Chinese Communist regime, and other Americans in a similar predicament.

It is encouraging to note that the State Department has expressed its revulsion about the unconscionable imprisonment of Bishop Walsh and has lodged the strongest possible protest with the representative of the Chinese Communist regime.

Very many people in the Nation and throughout the world will applaud the State Department for the efforts it is making to free Bishop Walsh and his colleagues.

As the Department points out, the rest of the world joins in condemning the action taken against a citizen of the United States and a distinguished member of the Catholic clergy.

It is true as the Department asserts that his only mission was religious, and his personal devotion to the spiritual welfare of his fellow Catholics was so deep as to compel him to remain on the Chinese mainland despite the persecution of his church by a godless regime.

I am pleased to have the assurances that the Department will continue to seek by every feasible means the release of Bishop Walsh as well as the four other Americans still held in prison by the Chinese Communists in violation of the 1955 pledge to free them. As pointed out, these five men are in effect political hostages of the Chinese Communists who refuse to release them regardless of all humanitarian considerations.

I know that a great many people in this country as well as in the world will be thankful to Secretary Herter, Assistant Secretary William B. Macomber, Jr., Ambassador Beam and other leaders in the State Department for their intercessions and efforts to free Bishop Walsh and his fellow political prisoners being held captive by the Chinese Reds.

Honorary Doctor of Laws Degree Conferred Upon Senator Kenneth B. Keating

EXTENSION OF REMARKS
OF
HON. FRANCIS E. DORN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. DORN of New York. Mr. Speaker, Long Island University, one of the most outstanding institutions of higher education in the United States, conferred an honorary doctor of laws degree upon Senator KENNETH B. KEATING, Republican of New York, on March 22 at its annual scholarship fund dinner at the Hotel Astor in New York City. Prof. Dennis Brown in reading the citation stated:

> Mr. President, here is a public servant of the highest order; sagacious, judicious, courageous in his convictions; a legislator dedicated to the common weal; an articulate spokesman for his party, his State, his Nation. Native of Lima, in this Empire State, he received the A.B. degree from the University of Rochester at the age of 19, and taught high school Latin before entering Harvard to prepare for the profession of law. Possessed of the forensic gifts of a Cicero, his ability as a trial lawyer drew wide attention, and indeed his practice became a lucrative one. Yet, with characteristic conscientiousness, he relinquished an active participation in his law firm when the citizens of the 38th Congressional District first elected him their representative in 1946, and he devoted himself to his Washington duties with full vigor. He served consecutively in the House for six terms, and in 1959, invested with the purple-bordered toga of an eminence gained by diligence and skill, he took his place in the Senate of the United States. He has distinguished himself in public service as an ardent internationalist and a firm supporter of the United Nations, an advocate of liberalized immigration laws, and a militant defender of civil rights. In two World Wars he served with brilliance and valor, earning decorations from this Nation and from Great Britain as well, and now holds the rank of brigadier general. Mr. President, here is a gentleman, scholar, pa-

triot; an American of genuine distinction who symbolizes the highest ideals of public service. He is commended to you most heartily for the degree of doctor of laws.

I congratulate the junior Senator from New York on his receipt of this well-merited honor, and join with numerous individuals and newspapers in commending the Senator for his excellent address at that time.

The text of the address by Senator KENNETH B. KEATING is as follows:

It can well be said that each of us is born with a fortune. The silver spoon of past learning is in the mouth of every infant. Millions of ancient and modern scholars and scientists are the fairy godfathers, and, let us be historically accurate, the fairy godmothers of every child who is born into the civilized society that we know. Poets have spoken of time as a thief—but, time is first of all a giver—it lumps the riches of the past before each of us and we literally come into the world with an inheritance of learning awaiting us—a treasure that is ours for the taking.

That inheritance is so often overlooked—or misconceived—because it is left lying around in books, or because it is so readily available from teachers who are the custodians of what is known and what is imperishable.

The flowering tree of American culture has its roots in faraway places, has been fed by faraway springs of thought and energy. Athens, Rome, Western Europe—yes, the East and Africa—civilizations some vanished, some flourishing—yet all form the seed of our culture, and the soil, the sun, and air that give it life.

Culture is the business of the university—its reason for being—and today I should like to speak with you about the true role of culture as opposed to a latter-day perversion of that role in certain areas of the world.

Traditionally, culture has been dedicated to the embellishment and ennobling of man's life on earth. It is a hunger satisfied, a thirst quenched, a wealth acquired. It has been self-fulfilling, as sufficient unto itself as a flower in bloom. It has been devoid of ulterior motives.

Today, a new and disturbing concept of the role of culture breaks sharply with the past. I refer to the first beginnings of a Soviet program that recognizes culture as a cold war weapon—an ideological missile if you will, that has the thrust of rubles and energies to get it aloft, and whose predetermined targets are the minds of men.

Many of you, no doubt, are aware of the project to which I refer. It is the planned establishment in Moscow of a special university for the training of African, Asian, and Latin American students. This university is scheduled to open its doors next month with an initial enrollment of 500 students. In the following years it is anticipated that that figure will rise to 4,000 students. Because the Russian language barrier will exist for these students, the new university provides a preparatory course of 1 to 3 years before students can start their 4 or 5 years of graduate studies.

According to Russian-source figures, the training of each individual student will cost the Government $10,000 a year. This amount includes transportation, tuition, and all incidental expenses. Thus, when the university is operating at expected capacity, it will involve an outlay of $40 million a year by the Soviet Government.

Now the genesis of this unique seat of learning—learning Communist style—is interesting. The project has not sprung full blown from Khrushchev's brow. Actually, its establishment is based upon what might be termed a pilot experiment. This experiment has been going on since 1947 in Czechoslovakia where the Communist Party has been conducting a school in Prague for young African intellectuals. Apparently, the success of this school has been a determining factor in the Soviet decision to embark on a full-scale cultural campaign to educate those who will be among the leaders of tomorrow in Africa, Asia, and South America.

To put it into bold, realistic terms, the Communist Party is now engaged in a campaign to make culture a weapon. Figuratively, it is beating the pen into the sword. It is perverting the great historical role of text and teacher to create a culture responding to the Kremlin pattern of conquest rather than to the intellectual growth of the individual and his society.

The basic objective is clear. It is a bold aggressive move to win over the future technical intelligentsia of countries now underdeveloped but on the verge of bursting into a tremendous and exciting and meaningful future. In its way, this is actually the rolling out onto the launching site of an ICBM whose guidance system aims at the world-to-be not the world-that-is—whose target is that often so vulnerable area—the area of the free world.

The Soviets display the ultrarefinement of their psychological warfare methods in so prosaic a field as transportation. According to an East German report, two of the new passenger ships built in Rostock for the U.S.S.R. have the assigned mission of carrying students back and forth between Africa and Indian Ocean countries and the Soviet Union. These trim, white one-class Soviet vessels are complete with libraries, educational movies and personnel versed in the languages of the foreign students.

Thus does communism build cradles for its ideologically newborn. Thus does it feed and clothe and educate those who will never be allowed to forget the name of their alma mater, nor their loyalty to it.

I spoke of the new perversion of culture. Perhaps my meaning is now clearer. Culture was meant to conquer ignorance—not territory. It was meant to ennoble man, not to enslave him.

There is a spirit of militancy in the Communist cold war approach which makes our own approach suffer seriously by comparison. Indeed, one is tempted to say that we of the West work at the extension and preservation of freedom on a 9-to-5 basis, while the Kremlin long ago instituted round-the-clock shifts.

The truth as we conceive it, as we expound it, and seek to extend it, is not, by its essence, militant. It does not have the arsenal of lies at its command. It cannot dress up in duplicity's many changes of wardrobe. But it cannot, it must not, stand idly by. It must learn a militancy of its own for self-protection. It must be taught to stand on its own two feet and counterpunch—or else it will continue to yield ground in this silent war for the minds and loyalties of men.

I do not underestimate the value of the manifold official and private programs intended to project a favorable image of America to the world. Today, as never before, we are extending the hand of friendship to foreign peoples—through our information programs, our cultural exchanges, and people-to-people effort.

It is my conviction, however, that a fresh, bolder, more imaginative restudy of this entire approach to the so-called Sell America program is urgently needed. And parenthetically, I should begin by burying the slogan "Sell America." The values we stand for, the ideals that Americans have fought and died for, are not a commodity for sale. They are a spirit to share—an experience to communicate—a freedom to make known.

I spoke of the urgency of a new appraisal of our role as the leading nation in the battle for the dignity of man. And it is a battle, no matter how still the guns, how unfurled the flags. Time bombs are being set in men's minds. One day their detonations may affect the course of history. Conquest by culture is only one of the myriad manifestations of the Kremlin's night-and-day program—across the world—to woo and to win loyalties, to trickle its red coloring into new areas of the global map. When freedom is being shot at continually—without effective counterattack—freedom ends up by being killed.

There is irony in the fact that America was—how shall I say it?—a misunderstood and suspected stranger—to the peoples of Asia until President Eisenhower—by his one appearance there—revealed, almost startlingly, the true image of this Nation. Some Americans have innocently believed that we buy friendship by our foreign aid—that it is a form of international exchange—a gift for a friend, a friend for a gift. The truth of course, is that you don't buy friends in this world. You make friends. You make them by personal contacts, by a sympathy with needs and aspirations, by an identification with their problems and by the helping hand that aids them in solving those problems. And the fact that such contacts, such assistance are developed with the cold calculation of a battle plan, as in the case of the Kremlin, does not detract from the essential result. A nation's influence is felt when it consciously makes itself felt, be the result for good or evil.

There is no more pressing necessity in the America of today than for a national awareness of the tremendous import and urgency of the need to act dynamically and positively in resisting the cultural, social, and economic erosions of communism as they operate to reduce and stifle the areas of freedom in this world.

We cannot continue to maintain a frozen or semifrozen posture of defense in this field. We must meet the fire of dedication with some fire of our own. It is not enough to pay lip service to the cause of peace, nor to think of taxes as our first line of defense. American imagination, and energy, and inventiveness must be galvanized and brought into play. Individuals and groups must be challenged to commit themselves to the problem, to explore new techniques, create new ideas, to identify themselves personally with a cause that touches them personally. We have long since come out of the isolation booth of disinterest in the rest of the world. What we have failed to do is to realize the full implications of living in a world that is only as safe as we make it, only as free as we are vigilant to keep it free.

It is not enough to bury dead slogans like "Sell America." We must bring to life a new concept—a concept that is responsive to the imperative needs of the times. Let us change "Sell America" to "Project America." Project America and what it stands for in the basic human values that are the difference between man's dignity and man's degradation.

We are in a battle, not a salesman's competition. What we are defending is the truth that makes men free and keeps them free. That truth has been a punching bag for the protagonists of government by tyranny.

Our counter-blows—let us face it—have been feeble and ineffective. If the truth is to fight back, let us at least put boxing gloves on it. Let us plan its attack—let us train it to sharpness for the struggle—let us give it the strength to challenge and to prevail.

The hammers of history are beating out a new universe of man. We can—each of us—help guide those hammers, or we can stand by and see the globe shaped by other alien energies and philosophies—shaped into a world no free man could call home.

May I close with this thought. It has meaning, I feel in the light of what has been said. History has recorded for us the many ways in which human freedom has perished—gloriously, cravenly, forlornly—but the saddest, most ignominious death of all is when freedom dies in its sleep.

Hoosier Majority Favors Federal School Support—Seven Indiana Congressmen Take Strong Position on Federal School Support for Construction and Salaries

EXTENSION OF REMARKS
OF
HON. JOHN BRADEMAS
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. BRADEMAS. Mr. Speaker, I am pleased to insert the following article from the March 1960 issue of the Indiana Teacher in the CONGRESSIONAL RECORD.

The article makes clear the strong support of a majority of Hoosier Congressmen for increasing our national investment in education by using our Federal funds in support of State and local efforts to build more classrooms and improve teachers' salaries.

The article follows:

HOOSIER MAJORITY FAVORS FEDERAL SCHOOL SUPPORT—SEVEN INDIANA CONGRESSMEN TAKE STRONG POSITION ON FEDERAL SCHOOL SUPPORT FOR CONSTRUCTION AND SALARIES

President Eisenhower likely will have on his desk, before this session of Congress adjourns, a Federal support for school construction bill to sign or veto.

The House Education Subcommittee has reported out Representative FRANK THOMPSON, Jr.'s moderate-size school construction bill which, party leaders hope, will win the approval of the House Rules Committee which has had the Murray-Metcalf bill bottled up since last session.

The New Jersey Democrat's school construction bill (H.R. 10128) calls for $325 million a year for the fiscal years 1961, 1962, and 1963. The States are required to match their grant dollar for dollar. Indiana's share at $260 per classroom unit would be $8,300,000. This would help to alleviate the critical shortage of classrooms in Indiana which William E. Wilson, State Superintendent of Public Instruction, says now stands at 3,000 classrooms.

The Thompson bill does not call for any of the Federal moneys going for teachers' salaries as the Senate bill 8, the McNamara-Clark-Monroney bill passed several weeks ago, provides.

Indiana Congressman JOHN BRADEMAS of South Bend, a member of the House Education and Labor Committee, helped to write the House bill.

Speaking of the urgent need for additional sources of funds for needed school construction in Indiana, Robert H. Wyatt, ISTA executive secretary, says that a Federal support must be passed " if we are to avoid a real strangulation of further progress in Indiana growing out of the squeeze play that is now on State and local funds."

He cited the fact that property tax rates in some Indiana communities have passed the $10 mark which means an annual tax payment of over 10 percent of assessed valuation. Prospects for more money from the State are dim, he says, because so many State services are absorbing the money raised by the State gross income tax.

Seven of Indiana's 11 Congressmen have expressed themselves as being in favor of Federal support for schools. Here are their statements following the Thompson bill's release from the House Education and Labor Committee:

MADDEN reiterates support: "I have been a consistent supporter in other sessions of Congress for Federal legislation that will relieve the school crisis as it exists in so many metropolitan and some other areas throughout the United States. In the last session, by reason of the coalition between the Republicans and Southern Democratic leaders, we lost the school construction bill by only six votes. I do hope that a satisfactory school construction and salary bill will pass this session"—RAY MADDEN.

BRADEMAS pushes bill: "Because State and local revenues are inadequate to provide the increased investment necessary for American education, I believe we must make use of Federal funds to build more classrooms and improve teachers' salaries.

"I am confident that the McNamara-Clark-Monroney bill will go a long way toward meeting the Nation's needs in education without infringing on State and local control of our school systems"—JOHN BRADEMAS.

ROUSH pledges support: "From the beginning of our country's history the initiative and responsibility for educating our youth has rested primarily with local and State groups. Congress recognizes this, but it also recognizes its own responsibility and where, in the national interest, the need for adequate and equal educational facilities is not being met Congress should act; and I have every confidence it will act"—J. EDWARD ROUSH.

WAMPLER, exteacher, says: "From the standpoint of personal knowledge and actual experience as a former educator, I have in the past and will in the future give my wholehearted support to legislative proposals designed to aid our Nation's school system, particularly in view of our current and continuing need for high levels of education, skills, and training to fill national defense requirements.

"The bill, S. 8, which provides a $1.8 billion, 2-year program of grants to be matched by the States under a variable formula, and to be used for school construction or teachers' salaries or both, would, in my opinion, constitute meaningful legislation.

"I think the necessity for such legislation can be clearly demonstrated when one considers that the State of Indiana currently is suffering from a classroom shortage of more than 1,500 rooms, has about 20,000 pupils in excess of normal capacity, and approximately 3,000 teachers operating on substandard credentials"—FRED WAMPLER.

Congressman DENTON's support: "I strongly favor legislation providing for Federal help to improve our educational system. In order to meet the Soviet challenge, we must improve our schools. While education is primarily a local responsibility, and must so remain, the States cannot do the job alone. States and localities are already overburdened with taxes. The Federal Government has a responsibility to aid the States in carrying out this important function. Federal help in this area is a necessity if the United States is to continue her world leadership role."—WINFIELD DENTON.

Congressman HOGAN writes: "Increased school enrollment and spiraling construction costs have placed heavy burdens on the shoulders of local taxpayers who are endeavoring to provide the best possible educational advantages for their youth.

"The school construction bill recently reported out of the House Education and Labor Committee will provide much-needed relief to the local taxpayer if amended so that the local community can decide how the funds will be used—either for school construction, or for teachers' salaries, or for a combination of both."—EARL HOGAN.

Congressman HARMON says: "It has long been my opinion that the local communities have failed to have adequate schoolrooms, operation moneys, or adequate salaries for our fine career teachers. I will try my very best to support a bill that will meet the requirements and approval of the very fine people of Indiana. I am hopeful that when this bill comes to the floor of the House, the necessary amendments and deletions will be made in order that the much-needed aid will be forthcoming."—RANDALL HARMON.

Money, Trade, and Freedom

EXTENSION OF REMARKS
OF
HON. PHILIP J. PHILBIN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. PHILBIN. Mr. Speaker, we have good reason to be concerned by developments in trade, money, and economics. There has been kaleidoscopic and rapid change in our entire economic and trade position and posture, and in our international balances and monetary stability. Our gold supply has gravely diminished and huge claims are now pending against it by foreign interests. If these claims should be called at any time, it is estimated that we would have something like $6 billion or less left in our reserve gold supply, or less than enough to serve as a basis for the 25-percent minimum gold cover required for currency in circulation.

Bankers and experts do not believe that foreign countries will withdraw these balances, but the fact that we are operating our economy and our currency system at the sufferance of foreign debtors who could, if they chose, demand payments in gold and cause this Nation some real perplexing monetary difficulties is not reassuring.

Some people are of the opinion that within the next 3 years we will have to devalue the dollar. One European banker, so a reliable report goes, has wagered a case of champagne with the Chairman of the Federal Reserve Board that the dollar will be devalued within 3 years.

If our gold continues to be drained off into foreign hands, that will bring about a situation never seen in America before, not even in the depression, because it would break confidence in the dollar at home and abroad and in the stability of our Government as well.

Some people have suggested that we repudiate further demands for gold payments. Can you imagine what would happen if this great Nation were to repudiate its debts and commitments? This would, in truth, be likely to cause chaos in international exchange the like of which we and the world have never known.

If the Soviet Government decides to cash in on the weakness of our position it could by the judicious use of gold in various foreign markets cause us incredible harm and produce the greatest of confusion, anxiety, and economic chaos.

Can we afford to leave our financial or economic affairs at the mercy of international manipulators?

How long can we continue to conduct trade at the sufferance of the shrewd foreign monetary and exchange experts?

I do not profess to be an expert on monetary questions, but I have given them a great deal of study, and I am genuinely concerned about present trends and believe if they are not reversed, this country could very well face a crisis in our foreign trade, monetary exchanges, and in our domestic economy.

Why is our real export trade falling off? Obviously it is for one understandable reason—because American goods have been priced out of the market by high production costs and also because some cheaply produced foreign goods are flooding foreign markets and have been permitted to come into this country under the reciprocal trade treaties almost indiscriminately.

The country is flooded with cheap goods of all kinds and they have already wrecked great segments of the textile industry and they are well on their way to wrecking other industries.

We are taxed at a higher rate than ever, probably paying more taxes than have ever been paid before in the history of mankind.

We have poured billions of dollars into foreign countries subsidizing trade and adding the tax burdens of other countries to those already being carried by the American people already struggling under a gargantuan and virtually unbearable tax load.

We have not only sent money overseas in huge bundles, we have sent goods of every kind, modern machinery, modern equipment, modern know-how, modern technical services and assistance which have enabled foreign countries to steal American markets in every part of the world and to outcompete domestic industries in the American markets.

While all these fearsome and awesome economic events are taking place we have very conveniently reduced our tariff rates so that they are now 80 percent below what they were 25 years ago, notwithstanding the fact that many foreign countries are drastically excluding or greatly limiting imports of American goods and have resorted to high tariffs, blocked exchanges, import licenses and other harsh, anti-American measures to stifle American competition in their respective countries.

Some of our Massachusetts production industries which were originally the strongest, most enthusiastic sponsors of reciprocal trade treaties and free trade on the theory that their business would be improved are now becoming the worst threatened victims of increased imports. Automobiles, steel, sewing machines, typewriters, and so forth, have now experienced sharp declines in exports and have become net importers.

Some of the so-called sophisticated American capitalist entrepreneurs who set up very costly plants in foreign countries to try to bypass trade barriers have also come croppers and are threatened with the loss of their investments; in fact, their only chance to be bailed out is through mutual aid funds, and that is now their great drive in Washington. I will not mention the large beneficiaries of the mutual aid programs, because in many respects they are not the peoples of the countries we are seeking to help. They are vested, privileged interests, big banking and related groups in many countries who are infinitely enriched from this multi-billion-dollar handout that has cost the American taxpayer almost $100 billion since World War II.

Automation is a factor, and will be an increasing factor, not only in foreign trade, but in domestic trade. There is unquestionably pressure for more rapid automation in order to compete with cheap imports. Anyone with sense knows that other countries are doing the same thing; that there has been a widespread, wholesale migration of industry skills, techniques, and know-how all over the world as a result of recent policies of this Government; and that any unemployment that comes out of automation is likely to last a long while. The transition period is bound to be attended by mischievous maladjustments.

Subsidies and bounties for foreign marketers, foreign distributors, and foreign producers have been widely placed, and now we are paying the price for shortsighted policies that set up the very competition of which we now complain, and allowed it to roll across the United States like a huge economic tidal wave.

The end is not in sight, let me assure you. If we do not find some way of checking cutthroat foreign competition, the drain on our taxpayers and the various trade, economic, and monetary manipulations that are dissipating our assets, dwindling our gold supplies to the danger point, reducing the prestige and value of the dollar abroad, threatening us with devaluation, we will live to rue the day.

High interest rates here are attracting some money from abroad but here again our own producers, our own businessmen, particularly our small businessmen, are paying the price—because money that should be available in our own loan markets is being sent overseas thus creating scarcities here that have stepped up interest rates causing dislocation and downward trends in some American business and unemployment in the midst of prosperity and plenty. There has been no special aid program for the suffering and unemployed people in parts of our own country.

Now the proposal is to empower GATT in the next 2 years to still further reduce our tariff rates and thus start further complications and worsen the conditions that plague us at present. If we yield to this type of unsound economics we will be cutting our own throats and leaving more and more of our industries, businessmen, and loyal workers at the mercy of foreign cutthroat competition.

This country needs a realistic trade policy that will encourage mutually advantageous foreign trade and drastically check cutthroat trade. In fact, we may not have many more chances to prevent the flow of cheap foreign imports that are destroying American markets and American industry and threatening the jobs and well-being of sincere, earnest and hard-working men and women.

In a word, this country needs to get down to fundamentals. The economic binge of the past 20 years and its frightful hangover of debt, headaches, costs, taxes, upset social and political conditions ought to be enough to convince the average American that it is time to call a halt and get back on the track of sanity.

It is about time we gave more thought and attention to the welfare of our own people and our own country. I think we should put foreign aid on a solid basis that would eliminate waste and extravagance and eliminate the multiple aid that has been spread injudiciously and indiscriminately around the world which as one great American said, "is like pouring money into a rathole and at the same time producing serious and grave economic problems for our economic system."

If we do not cope with these great trade, monetary, debt and wasteful giveaway programs to my way of thinking the American Nation could well face great economic peril before long.

The present situation is fraught with gravest possibilities because if we fail to resist and reverse current social and economic trends, the end of the free enterprise system may be only a question of time.

It is for us now, while the opportunity is at hand, to decide whether we intend to maintain here for the benefit of ourselves and for the world a great, free, liberal democracy committed to the transcendent importance of the individual, or whether by neglect and inaction we will allow conditions to develop here which will usher in and establish the despotic absolutism of totalitarian government and suppress personal liberty for centuries to come.

The Dangerous and Unjustifiable Common-Situs Picketing Bills H.R. 9070, H.R. 9100, H.R. 9089, H.R. 9123, H.R. 9140, H.R. 9175, H.R. 9373, and All Other Identical or Similar Bills Now Pending Bring to Life Again and Would Make Legal Secondary Boycotts

EXTENSION OF REMARKS

OF

HON. GRAHAM A. BARDEN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1960

Mr. BARDEN. Mr. Speaker, the evils inherent in H.R. 9070, H.R. 9100, and all of the other pending so-called common-situs picketing bills, have been so smoothly glossed over and their true implications and objectives so effectively concealed that I, as chairman of the Committee on Education and Labor, feel it vitally essential that an accurate analysis and discussion of the so-called common-situs picketing bills, H.R. 9070, H.R. 9100, and other pending bills of exactly the same or similar language, is timely and necessary.

You may have been told or you may have heard that all H.R. 9070 or H.R. 9100 and these other pending common-situs picketing bills do is to guarantee the right of a union to engage in a primary strike at the site of a construction project. You may have been told or you may have heard that the Supreme Court decision in the Denver Building Trades case makes it illegal for a union to engage in a primary strike at the site of a construction project and that the enactment of H.R. 9070, or H.R. 9100, or one of the other pending common-situs bills, is necessary to overrule that decision.

Neither of these assertions is correct. Primary strikes are not prohibited in the construction industry under existing law. Perhaps I should explain here that a primary strike is one in which a union strikes the particular employer with whom it has a labor dispute. Nor did the Supreme Court in the Denver Building Trades case hold that primary strikes are illegal in the construction industry. What the Supreme Court did hold was that when the building trades unions picketed contractors and subcontractors on the construction site, other than the particular subcontractor with whom they had the dispute, in order to cause the other contractors and subcontractors to cease doing business with that subcontractor, they thereby engaged in secondary boycott activity in violation of section 8(b)(4) of the Taft-Hartley Act.

What then is the purpose of H.R. 9070 and H.R. 9100 and the other so-called common-situs picketing bills. The purpose is to legalize secondary boycotts at the site of building construction projects by permitting a union which has a labor dispute with one building contractor to strike and picket all other contractors and subcontractors merely because they happen to be working on the same building project and without regard for the fact that neither they nor their employees are involved in such labor dispute.

Under section 8(b)(4)(B) of the Taft-Hartley Act, the harassment of contractors and subcontractors on a construction project by a labor union with whom they have no dispute, in order to force them to cease doing business with a particular contractor or subcontractor with whom the union does have a dispute, is as the Supreme Court held in the Denver Building Trades case, unlawful secondary boycott pressure against neutral employers and their employees.

A basic purpose of section 8(b)(4)(B) is to protect neutral employers and their employees from harassment by a union, with whom they have no dispute, and whose object in such harassment is to force or require such neutral employers and their employees to cease handling, transporting, or otherwise dealing in the products of and to cease doing business with another employer with whom the union does have a dispute. Nothing in section 8(b)(4)(B) restricts the right of a union to engage in a primary strike against the particular employer with whom its dispute exists. In fact, a proviso attached to section 8(b)(4)(B) specifically states that "nothing contained in this clause (B) shall be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing."

The enactment of H.R. 9070 or H.R. 9100 or any one of the other common-situs bills would mean that the protections from union harassment in connection with labor disputes in which they were not involved, which are contained in section 8(b)(4)(B) of the Taft-Hartley Act, would no longer be available to neutral employers and their employees on a construction project. The enactment of any one of these pending common-situs bills would mean that any union having a dispute with a particular contractor or subcontractor on a construction project could legally and immediately proceed to strike and picket each and every contractor and subcontractor on that construction project even though no dispute existed between them and the picketing union. Needless to say the normal result to expect from such striking and picketing activity, would be the cessation of all construction activity on the construction project until such time as the striking union and the particular contractor or subcontractor with whom it had the dispute, reached a settlement of their differences.

These pending common-situs picketing bills would legalize secondary boycott strike, picketing, and work stoppages "at the site of construction, alteration, painting, or repair of a building, structure, or other work." These bills contain no definition of the terms "construction" or "site" or any of the other terms which are used. Presumably Congress is expected to legislate in broad generalities and wait for the administrative agency and the courts to define and spell out whatever meanings they may see fit to apply to those general terms. A construction project at any particular construction site might involve construction, alteration, painting, repair, or other work on a multiplicity of buildings and other facilities, for example, at an Army base, or a missile launching site. A single building project might involve a geographic location encompassing 100,000 acres of land and a building program providing for the construction of innumerable buildings, towers, pipelines, powerlines and other facilities too numerous to mention. These structures and facilities might be separated from each other by distances measured in miles. The number of contractors, subcontractors, and subsubcontractors might be as many as 50 or 100 or even more—the total employment might add up to thousands of employees.

The Landrum-Griffin Act already gives the building trades unions special privileges enjoyed by no other class of unions. For example, the building trades unions can enter into collective bargaining agreements with employers in the construction industry, which require that all employees must join the union within 7 days. In other industries employees cannot be required to join a union until 30 days have elapsed. This and other concessions made to the building trades unions in the Landrum-Griffin Act will, if any of the common-situs bills is passed, have the inevitable result of bringing about the return of the closed shop in the construction industry. What is the need or the justification for this legislation? The construction industry is one of our most highly organized industries. Wages of our construction workers are among the highest in our entire industrial economy. Any construction trades union, anywhere, anytime can strike against the particular contractor or subcontractor with whom it has a dispute. That dispute can involve wages, hours, working conditions. That dispute can involve a real or an imagined grievance. Yes, the union can strike an employer with whom it has a dispute in support of a cause which is just or in support of a cause which is unjust. The scope of the union's freedom to strike against an employer with whom it has a dispute, whether that employer be in the construction business or some other industry, is broad indeed. Statistics show that in 1958, a total of 4,790,000 man-days of labor were lost in the construction industry because of strikes and work stoppages.

If we enact H.R. 9070, or any one of the other pending common-situs picketing bills, we will enlarge the broad scope of the legal power to strike which building trades unions, including the Teamsters Union of James Hoffa, now have to strike any building contractor with whom they have a dispute, by adding thereto a right to strike and harass all neutral contractors and subcontractors and their employees who happen to be working on the same building project as the contractor with whom the unions happen to have a dispute.

If this legislation is enacted any one of them may legally use the secondary boycott strike and picketing weapon to shut down any construction project in its entirety, including vital national defense projects, any time it suits their whim or fancy.

The building trades unions contended in the Denver Building Trades case that all contractors on a construction project should be regarded as a single employer. They and other proponents of H.R. 9070, and H.R. 9100, and the other pending common-situs picketing bills, attempt to support this contention by arguing that a building project is analogous to a factory with various categories of employees. This contention was refuted by the Supreme Court in its decision in the Denver Building Trades case, holding that the fact that the contractors and subcontractors were engaged on the same construction project, did not eliminate the status of each as an independent contractor or make the employees of one the employees of the other. The business relationship between independent contractors has been recognized for centuries and, as the Supreme Court pointed out in its Denver Building Trades decision, is well established as a matter of law.

In many other respects the attempted analogy of a construction project to a factory operation fails to withstand close scrutiny. For example, unlike a construction project, a factory is under the ownership and control of a single employer. The employees in the various departments of the factory are all employees of the same employer and they

work under a system of unified supervision and a common labor policy originating with and emanating from the office of their common employer. Most often if the factory is unionized, all of the production and maintenance employees, and not infrequently even the office employees, are all represented by a single industrial union. Thus the employees working in a factory for a single employer and represented in respect to their wages, hours, and working conditions by a single union, have a community of interest which does not exist between the highly skilled employees of one craft and the highly skilled employees of another craft each of which is represented by its particular craft union and employed by a separate employer in the construction industry.

Unlike the manufacturing industry which has become basically a mass production operation with employees of a particular factory operator generally represented by a single industrial type union, the construction industry has remained basically a craft operation where the employers as well as the employees continue to operate within the craft concept. This system of multiemployers—contractors and subcontractors—and multicraft unions has been perpetuated in the construction industry, largely and primarily because the building trades unions have so vigorously and effectively opposed and resisted all efforts to adopt the single employer type of operation which is common in the manufacturing industry. Yes, the building trades unions have always insisted upon and continue to insist upon and fight for the preservation of the multiemployer—contractors and subcontractors—type of operation which is traditional in the construction industry, and to insist, for example, that the electrical work be done by an electrical contractor and that the plumbing be done by a plumbing contractor. And the same is true with respect to other crafts. Each of the crafts has always guarded its jurisdiction over that work in the construction industry which requires its particular skills and craftsmanship. Each craft union has historically sought to preserve the identity and jurisdiction of its craft and any attempted infringement by one craft union upon the work jurisdiction of another has uniformly been met with vigorous resistance and many disputes between craft unions in the construction industry have involved such jurisdictional questions.

Indeed, it is only for the purpose of avoiding the legal restraints and prohibitions against engaging in secondary boycott strikes and secondary boycott picketing against neutral and innocent employers and their employees that the building trades unions want all contractors and subcontractors on a construction project to be considered as a single employer. For all other purposes they have always insisted and will undoubtedly continue to insist that the system of multiemployers—contractors and subcontractors—with each employer limited to the performance of that portion of the construction work which falls within the limits of his specialty be continued and perpetuated in the construction industry.

It follows, therefore, that on a construction job each contractor, if he is unionized, deals exclusively with the craft union which has jurisdiction over the particular work which he has contracted to perform. No other contractor and no other craft union can exercise any control or influence with respect to the relationship and problems which exist between him and the craft union which zealously guards its position as the exclusive representative of his employees in regard to work jurisdiction, wages, hours, and other working conditions. That being the typical situation as it exists in the construction industry, there can be no justification for a craft union involved in a dispute with a particular contractor or subcontractor to picket and harass the other contractors and their employees who are members of and represented by other craft unions, in order to bring about a cessation of their operations and employment in respect to a dispute in which they are not involved and over which they have no control. The consequence of legalizing such harassment of neutral employers and employees would bring untold hardship upon such construction contractors and often upon the taxpayers because of the delays and increased costs which inevitably result from such shutdowns. Also the loss of employment which would ensue as a result of such tactics would impose a disastrous hardship in many situations upon the other craft employees who were not involved in the dispute.

The devastating effect which such secondary boycott harassment can have on our national defense effort is exemplified by two specific examples involving the use of such tactics at two of our Nation's most vital defense installations—Redstone Arsenal and Cape Canaveral. In 1958, the Electricians' Union had a dispute with a contractor who had a contract with the U.S. Army Corps of Engineers for the construction of substations and distribution power lines at Redstone Arsenal. On August 12, 1958, the Electricians' Union placed pickets at all of the gates leading into Redstone Arsenal and thereby brought about the cessation of construction operations of all of the other contractors and subcontractors engaged in construction at Redstone Arsenal. The Electricians' Union by the maintenance of these picket lines around the entire military base shut down the entire construction program of all of the other contractors and subcontractors for a period of 32 days even though none of the other contractors and subcontractors had any dispute with the Electricians' Union and even though they were in no way involved in the dispute between the Electricians' Union and the particular contractor with whom the Electricians have a dispute.

In 1956, the Plumbers' Union, which had a dispute with a subcontractor at Cape Canaveral, picketed the entire construction project and brought about a cessation of operations of all of the other contractors and subcontractors engaged in construction at Cape Canaveral and was able to keep the entire construction program shut down for a period of more than 2 weeks. The financial loss of one of the contractors on that project who was not involved in any dispute with the Plumbers' Union amounted to $100,000 as a result of the shutdown of his operations. Other innocent contractors and subcontractors on the job also suffered financial loss as a result of the shutdown of operations caused by the picketing of the Plumbers' Union. Several other incidents of this same type of illegal picketing have occurred at Redstone Arsenal and Cape Canaveral during the past 5 years. Needless to say, such tactics employed with respect to vital defense projects could, in the event of a national emergency, result not only in financial loss but also in endangering the very preservation of our country.

Another military installation that is of vital importance to our national defense effort is a missile launching base at Cheyenne, Wyo. Under construction at that project are nine separate missile launchers. These missile launchers are physically separated from each other by distances of 30 to 40 miles. The distance around this missile-launching base is 400 miles. The entire construction project has been let to one prime contractor and a group of subcontractors. This entire missile base construction program encompassing an area, the circumference of which is 400 miles, constitutes a single construction project. The enactment of any of the pending common-situs bills would permit any building trades union having a dispute with any subcontractor on that construction project to legally strike and picket the prime contractor and every other subcontractor on that entire project, and bring to a halt the construction work on all nine of the missile-launching bases.

Sponsors and proponents of H.R. 9070 and H.R. 9100 and the other common-situs picketing bills which are pending, argue that the building trades' unions need the secondary boycott weapon which this legislation would provide so that they can protest the employment of nonunion contractors and nonunion employees who would undercut union scales of wages and union working standards. What these sponsors and proponents do not tell you is that this secondary boycott weapon has been used and would undoubtedly continue to be used to protest the employment of nonunion contractors and nonunion employees even though their wage scales and working standards equaled or exceeded those of the unions. Nor do the sponsors and proponents of this proposed legislation tell you that this secondary boycott weapon has been used and will certainly continue to be used with even greater frequency if legalized, on construction projects which are completely unionized—where every contractor and subcontractor has a contract with a building trades union and every employee is a union member. Innumerable examples could be cited with respect to completely unionized construction projects, where a dispute between a building trades union and a particular contractor or subcontractor, has resulted in such union striking and picketing all of the other contractors and subcontractors and thus causing the shutdown of the entire building project.

For example the Painters Union might have a contract with a small subcontractor employing six painters on a vast and completely unionized construction project covering an area of 100,000 acres and involving the construction of a multiplicity and wide variety of structures, facilities and equipment. A large number of other contractors and subcontractors and thousands of employees might also be engaged in work on the construction project—some of them working miles distant from the location where the small painting subcontractor was engaged in his functions. The dispute between the painters union and the painting subcontractor might involve a question of whether paint brushes or spray guns should be used.

If H.R. 9070 or H.R. 9100 or any one of the other pending common situs picketing bills is enacted into law, the Painters Union could legally strike and picket all of the contractors and subcontractors on that vast construction project and bring about a cessation of all construction activity.

A second example of a dispute arising on a completely unionized construction project could be one involving a refusal of the Sheetmetal Workers Union to install a certain metal product on the job because it had been fabricated at a factory that employed members of the United Steel Workers Union instead of members of the Sheetmetal Workers Union. The Metal Trades Union could contend that it was seeking to protect its own job standards and working conditions on the construction job and could legally strike and picket every contractor and subcontractor on the construction site, if any of the pending common situs bills is enacted into law.

It would be easy indeed to go on and cite a hundred examples of disputes which have arisen and could arise again on completely unionized construction projects. Such disputes could involve real or fancied grievances. The union involved in such a dispute might be 100 percent right or it might be 100 percent wrong. In either event the enactment of any of the pending common situs bills would legalize the use of the secondary boycott strike and picketing weapon by such union against every other contractor and subcontractor working on the same construction project with the inevitable result of bringing all construction work to a standstill.

Construction is the largest industry in our Nation. The volume of construction put in place each year amounts to more than 15 percent of our gross national product. This industry accounts directly or indirectly for about 15 percent of this Nation's total employment. Construction is the largest consumer of steel, cement, brick, stone, and gravel. In addition this industry is one of the largest users of wood, copper, aluminum, glass, and a great variety of other materials. The hauling of all these materials and fabricated products from their places of origin and/or manufacture to the job sites makes the construction industry one of the largest users of transportation facilities—trucking, railroads, ships, and even airlines. Also the construction industry is one of the principal purchasers of machinery, equipment, and tools—including hundreds of items varying widely as to size and cost. Seventy-three billions of dollars were expended for construction in 1959. It is estimated that construction expenditures in 1960 will total or exceed $76 billion.

Mr. Speaker, I cite these facts so that the Members of Congress may have before them a clearer picture of what the construction industry involves and what goes into its operations and thus be able to understand more readily how closely the economic welfare of a great number of our industries and indeed the well-being of our entire national economy are interwoven with and dependent upon our construction industry.

It has been accurately stated that the role of the construction industry is to provide the physical facilities for all of man's activities—the homes where people live; the offices, factories, and stores where they work; the schools their children attend; the churches where they worship; the hospitals which administer to them when they are ill; the highways, railroads, waterways, and airports necessary to their travel and transportation; the dams which control floods, aid navigation, produce hydroelectric power, and provide irrigation where needed; and the construction of all facilities and projects necesary to our national defense, including missile-launching bases, atomic and hydrogen bomb facilities, bomber bases, hangar accommodations, and airstrips. For all these and many other products and facilities essential to our national welfare and to the survival of our Nation and the free world we are dependent upon our construction industry.

Mr. Speaker, I cannot believe that the Members of this Congress will vote to enact into law H.R. 9070 or H.R. 9100, or any of the other pending common-situs picketing bills. The enactment of such legislation would legalize the use of the vicious and dangerous secondary boycott strike weapon by the leaders of each of the building trades unions of which there are approximately 20. These international unions are among the oldest and most powerful unions in our country. Included among their number are the Teamsters Union and the International Union of Operating Engineers. The corruption discovered by the McClellan committee investigations with respect to these two unions and some of their officials shocked the American people.

I think you should know that there are literally hundreds of thousands of Teamsters Union members working in the construction industry and it is the Teamsters who transport the construction materials to and on the construction job site. Yes, the Teamsters Union is very much in and very much a vital part of the construction industry's operations.

I cannot believe that this Congress will vote to enact H.R. 9070 or H.R. 9100 or any of the other pending common situs picketing bills which would legalize the use of another devastating weapon in the arsenal of Mr. Hoffa and the Teamsters Union—the most powerful union in this country. No, I cannot believe that this Congress could so lightly regard its sacred trust on behalf of the American people that it would enact legislation to legalize the use of the dangerous and unjustifiable secondary boycott strike and picketing weapon by Mr. Hoffa and the other leaders of the Teamsters Union, or by any other union leaders, and thereby bestow upon them the legal power to bring chaos to our Nation's largest industry, shackle our efforts to construct vitally needed facilities for our national defense, and imperil the very safety of our Nation.

The following is a partial list of the unions that would be in a position to shut down construction by taking advantage of the common-situs provisions of H.R. 9070 and the other pending common-situs picketing bills:

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

International Association of Heat and Frost Insulators and Asbestos Workers.

International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers.

Bricklayers', Masons' and Plasterers' International Union of America.

United Brotherhood of Carpenters and Joiners of America.

International Brotherhood of Electrical Workers.

International Union of Elevator Constructors.

International Union of Operating Engineers.

The Granite Cutters' International Association of America.

International Hod Carriers', Building and Common Laborers' Union of America.

International Association of Bridge, Structural and Ornamental Iron Workers.

The Wood, Wire and Metal Lathers' International Union.

International Association of Marble, Slate and Stone Polishers, Rubbers and Sawyers, Tile and Marble Setters' Helpers and Terrazzo Helpers.

Brotherhood of Painters, Decorators and Paperhangers of America.

Operative Plasterers' and Cement Masons' International Association of the United States and Canada.

United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

United Slate, Tile and Composition Roofers', Damp and Waterproof Workers' Association.

Sheet Metal Workers' International Association.

Journeymen Stone Cutters' Association of North America.

Unions that might be in a position to shut down construction by taking advantage of the common-situs provisions of H.R. 9070 and the other common-situs picketing bills:

Aluminum Workers' International Union (AFL–CIO).

Building Service Employees' International Union (AFL–CIO).

International Union, United Plant Guard Workers of America (independent).

District 50, United Mine Workers of America.

United Construction Workers, United Mine Workers of America.

United Marine Workers, United Marine Workers of America.

Industrial Union of Marine and Shipbuilding Workers of America (AFL–CIO).

International Union of Electrical Radio and Machine Workers (AFL–CIO).

The Record in Civil Rights: Republican Promise Versus Republican Performance

EXTENSION OF REMARKS
OF
HON. CHESTER BOWLES
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. BOWLES. Mr. Speaker, few freshman Members of this body have ever made such a distinctly favorable impression in and out of the Congress as has the talented and conscientious Member from the Third District of Indiana, my good friend, JOHN BRADEMAS.

Typical of the effective leadership he has exhibited on many public questions are his outstanding contributions to our national thinking on the divisive issue of civil rights.

At the Democratic Midwest Conference in Detroit on March 25, he persuasively stated the case for executive leadership if we are to move ahead steadily and soberly toward genuine democracy for all Americans. I call the attention of my colleagues to the text of Congressman BRADEMAS' address, The Record in Civil Rights: Republican Promise Versus Republican Performance. Mr. BRADEMAS' speech follows:

THE RECORD IN CIVIL RIGHTS: REPUBLICAN PROMISE VERSUS REPUBLICAN PERFORMANCE

(Text of an address by Congressman JOHN BRADEMAS, Democrat, of Indiana, at Democratic Midwest Conference, Sheraton-Cadillac Hotel, Detroit, Mich., March 25)

Unquestionably the most memorable experience in my first year in Congress was hearing the magnificent address delivered by Carl Sandburg to a joint session of Congress on the 150th anniversary of the birth of Abraham Lincoln.

I vividly recall the moving and deliberate reading by Sandburg of the opening lines of Lincoln's House Divided speech of 1858: "If we could first know where we are, and whither we are tending we could better judge what to do, and how to do it."

I do not know a better way to begin a discussion of civil rights than with Lincoln, for somehow this entire problem is represented by that one tragic hero of our history.

ABRAHAM LINCOLN: "WE CANNOT ESCAPE HISTORY"

"Fellow citizens," Lincoln once warned Congress, "we cannot escape history." And we of the Prairie States, of the land that was frontier in Lincoln's time, we cannot escape him. For everywhere we go in our politics today, we find Lincoln coming back. Listen, for example, to these words from a letter Lincoln wrote in 1855 to a Kentucky friend:

"Our progress in degeneracy appears to me to be pretty rapid. As a Nation we began by declaring that 'all men are created equal, except Negroes.' When the know-nothings get control, it will read 'all men are created equal except Negroes and foreigners and Catholics.' When it comes to this, I shall prefer emigrating to some country where they make no pretense of loving liberty."

"If we could first know where we are * * *," said Lincoln. Where are we, this 100th year after his election?

WHERE ARE WE IN CIVIL RIGHTS?

Where are we in completing the great unfinished work he left us, the work of translating into reality the bold statement of the Declaration of Independence that "all men are created equal"? Where are we in civil rights?

It is nearly a century now since slaves became citizens, since the Constitution guaranteed to them the equal protection of the laws and the right to vote. No man who appreciates the complexity of human behavior will deny that time and patience are usually the sine qua non of great change. But a century is a long time to wait.

And where is Lincoln's party, the party whose Representatives in Congress were too busy last month making Lincoln Day speeches back home to sign their names to a discharge petition to force the civil rights bill out of the House Rules Committee?

Where is the Republican Party on this most crucial domestic issue confronting the American people today?

REPUBLICANS IN CONGRESS HELP WEAKEN CIVIL RIGHTS BILL

Having just come from the civil rights debate in Congress, I saw with my own eyes the skillful and cynical way in which Republicans in the House contributed to the erosion of an effective civil rights bill. I do not refer to any single dramatic rejection of civil rights, although there was one occasion when the Republicans in mass joined the Dixiecrats to strip the bill of any voting rights section at all. But I am talking about a steady, persistent effort to weaken meaningful legislation to protect the right to vote and equal opportunity in education and employment.

Day after day, on vote after vote, the majority of the Republicans in Congress either abstained on crucial civil rights votes or voted with their Southern Democratic friends who, it can at least be said, do not when home tell their constituents how hard they're working to pass a strong civil rights bill.

REPUBLICAN "OPERATION EMASCULATION"

This Republican "operation emasculation" is not on rollcall votes so much as on voice votes and teller counts—on the votes that in large part determine the shape of a bill, the votes that the folks back home don't know about.

It is easy to vote for a civil rights bill on the final rollcall. Practically everyone north of the Mason-Dixon line, Republican and Democrat, did so yesterday.

But why is the bill coming out of Congress this year likely to be a weaker bill than the Nation needs? Because when the House was sitting as the Committee of the Whole, when the crucial amendments were being voted on, the votes not recorded by name in the press, the Republicans voted with the "Dixiecrats."

Normally the Republican-Southern conservative coalition operates behind the scenes and quietly. Its cynicism sometimes shows as, for example, when a Congressman who opposes a Federal housing bill offers an amendment requiring racial integration in public housing. He realizes that the conservative Southerners will abstain in order to let the amendment pass and so make it impossible for their liberal southern colleagues to vote for the housing bill as a whole.

Some of you may recall the dramatic moment last year when this cynical effort to kill the housing bill failed because in order to save it Congressman CHARLIE DIGGS, of Michigan, and BILL DAWSON, of Illinois, and the other two Negro Democratic Members of the House courageously led our troops down the aisle to vote against such a rider.

EISENHOWER ADMINISTRATION ASKS FOR WEAK CIVIL RIGHTS BILL

But such close victories in Congress cannot prevail against the Republican-Southern coalition when the coalition is in control of the White House—when a Presidential veto awaits one progressive measure after another.

It is therefore important to understand that it is not simply the GOP-Dixiecrat coalition in Congress that resulted in an inadequate civil rights bill in the House this week. The Eisenhower administration itself recommended a weak bill.

Bowing to the pressures of the coalition, the White House did not even urge on Congress the so-called title III that was stricken from the 1957 Civil Rights Act, the title authorizing the Attorney General to bring equitable suits to enforce constitutional rights, including the right to desegregated schools.

The Eisenhower administration itself proposed this same measure a few years ago and time has only proved the necessity of granting such authority to the Department of Justice. The burden of enforcing the guarantees of the Constitution of the United States ought not to be borne completely by a private organization like the NAACP. According to the Civil Rights Commission, the average cost of one desegregation lawsuit is $15,000.

NOTRE DAME CONFERENCE BACKS TITLE III AUTHORITY

At a civil rights conference at the University of Notre Dame last month, many of the leading constitutional law experts from the major law schools of the Middle West agreed strongly and unanimously that Congress should enact title III authority for the Attorney General into law.

The Eisenhower administration made no effort to win over Republicans in the House or Senate to this proposition and it went down to defeat in both Houses.

The same charge of hesitation and vacillation can be brought against the Republican administration with respect to the central issue in the current civil rights debate—the voting rights provision.

The Commission on Civil Rights, which produced such an extraordinarily able report, was, I remind you, President Eisenhower's own Commission and therefore had not a single northern or liberal Democrat on it. It was headed by a distinguished Republican, John Hannah, president of Michigan State University. That Commission strongly recommended a bill to empower the President himself to appoint Federal registrars to enroll Negro voters when State registrars refused to do so.

U.S. CIVIL RIGHTS COMMISSION CALLS FOR FEDERAL REGISTRARS

Having found the U.S. Government "under present law to be helpless to make good the guarantees of the U.S. Constitution," the Commission declared "some direct procedure for temporary Federal registration" to be necessary—some direct procedure that avoids what the Commission described as "the delays inherent in litigation."

"The burden of litigation involved in acting against each new evasion of the Constitution, county by county, and registrar by registrar, would be immense," said the Commission.

What was the administration response? For months it said and did nothing. It poured occasional cold water on the Commission's plan. Then, when mounting pressure from Democratic Members of Congress to adopt the registrar proposal made clear that the administration could no longer defend its previous pallid civil rights recommendations, when the findings by its own Civil Rights Commission of mass disfranchisement proved too politically explosive, when it became evident that some legislation had to be proposed to enable the Federal Government to guarantee the right to vote—what did the Eisenhower administration do?

ADMINISTRATION OPPOSES FEDERAL REGISTRARS

It came up with a scheme for more court litigation and court-appointed referees.

I hope profoundly, as I know you do, that the referee plan will get the job done that needs so sorely to be done, insuring the right to vote to millions of American Negro citizens now effectively disfranchised.

But I want to make very clear that the liberal Democrats of the House and Senate have done their best to win a stronger and better measure in accord with the recommendations of the Civil Rights Commission. Much of the credit for this effort in the House of Representatives goes to two extremely able and dedicated freshman Democrats, Congressmen JIM O'HARA, of Michigan, and BOB KASTENMEIER, of Wisconsin. Although first termers, they showed vigorous leadership during the course of the civil rights fight in the House these last several days.

CONGRESSIONAL DEMOCRATS SUPPORT FEDERAL REGISTRARS

As you may know, last week Congressman KASTENMEIER proposed and brought to a vote in the House Senator HENNING'S Federal enrollment officer plan, which combines both judicial and administrative approaches. The Hennings-Kastenmeier proposal is a dual trigger plan whereby either a Federal court or the Civil Rights Commission—which is to say, either a judicial or an executive official—could make the initial finding that a voting registrar or other State or local official had deprived persons of an opportunity to register. The President would then be advised and empowered to appoint Federal enrollment officers—registrars—actually to register disfranchised Negroes on a large scale.

But the Republican Southern coalition voted this proposal down.

The liberal Democrats in the House then proposed an amendment to the Attorney General's plan to provide that once the pattern or practice of discrimination had been found, the disfranchised Negro would not have to go through the indignity of applying to the local registrars who had been found to be discriminating—they could come directly to the Federal court referee for registration. But the heirs of the party of Abraham Lincoln refused to accept even this improvement.

CONGRESSMEN KASTENMEIER, O'HARA OF MICHIGAN SHOW LEADERSHIP

We did succeed, just barely and in large part due to the articulate leadership of JIM O'HARA, in winning enough Republican votes to pass his amendment assuring a Negro swimming in the sea of this litigation the right to vote provisionally and to have his vote impounded, pending final determination of his application on appeal.

Surely this amendment will make the plan more effective. But you should have seen how many Republicans either abstained or voted against this obviously strengthening amendment.

Of equal significance was a technical amendment authored by Congressman WILLIS, of Louisiana, an amendment that placed more burdens on the back of the Negro applicant with respect to what he must do and prove to get registered—an amendment that could serve no good purpose, an amendment which even the Attorney General and the Republican leadership opposed. Yet probably a majority of the Republicans who voted, and not many did, voted with their Southern colleagues.

REPUBLICAN PARTY OPPOSES CIVIL RIGHTS COMMISSION PROPOSALS

Hear, then, the reading of the first lesson, the story of how a Commission on Civil Rights proposes and the Republican Party disposes.

Against the fundamental finding of the Commission and against the overwhelming advice of constitutional law experts who made clear that this problem was more appropriately a responsibility of the executive branch, the Republicans pressed for adding more weight to the backs of the already heavily burdened judicial branch of our Government.

The entire posture of the Republicans in this matter is another example of the effort of this administration to sweep its political problems under the judicial rug. As Prof. Paul Freund, of Harvard, said in a memorandum to Senator KENNEDY, "The Commission plan brings the President into the process of safeguarding the right to vote. The Justice plan seems designed to shield the President from any such participation."

REPUBLICANS WOULD ADD MORE BURDEN ON COURTS, SHIELD EXECUTIVE

"There is reason to believe," says this leading constitutional law scholar, "that the Federal judges have been shouldering more than their fair share of responsibility in this general area and that in all fairness the executive branch should lend its weight to the discharge of this national responsibility."

This was, I might add, the predominant view of the law teachers at the Notre Dame Conference on Civil Rights.

Yet the administration turned its back on this body of legal opinion to adopt the approach that requires Negroes to go through a court process to register. How many white people would get registered to vote if they had to go through court litigation and the possibility of cross-examination on the witness stand rather than taking 5 or 10 minutes to complete an application form?

I do not suggest that we judge the Republican record on civil rights on the basis of their actions on this bill alone. This is only the top of the iceberg, the part that shows. What doesn't show but which the Civil Rights Commission saw was what the Commission described as the disappointing record of the administration in using and testing the power granted in the 1957 act to protect the right to vote.

In over 2½ years the Attorney General has brought only four suits under this provision and all these only after the Civil Rights Commission or the press had brought the facts to light.

GOP OFFERS ONLY PLATITUDES ON SCHOOL DESEGREGATION

The lack of imaginative leadership in the field of school desegregation is, if that is possible, still more tragic. Adlai Stevenson incisively summed up the failure of the administration to show the way when he said there has been nothing between the platitudes and the bayonets.

The President has talked a great deal about law and order but he has never used the majesty and dignity of his great office to help the American people understand the nature of the problem, the constitutional and moral principles involved and the variety of possible solutions.

This year when I spoke to the freshmen at Howard University in Washington, D.C., one Negro student asked me why it was not better to have Republicans in control of Congress because of the opposition of Southern Democrats to civil rights legislation. It was a fair question but I am bold to say I think my reply was fair, too. I told him that by and large the Republicans simply didn't believe in effective civil rights action, and when I reminded him that in all President Eisenhower's 7 years in the White House he had not once made a nationwide television plea for action on the most burning domestic issue of our day, I was greeted with a volcano of applause.

The Negro students of our country are very perceptive in assigning the blame in this matter where it belongs.

STATE DEPARTMENT HITS SOUTH AFRICAN SEGREGATION BUT PRESIDENT HESITANT ON U.S. SEGREGATION

It is particularly ironic that, while the President hesitates to condemn segregation in the United States, our Department of State this week in the most blunt language deplored the violence used by South African police against Negroes who demonstrated against segregation in that country.

"In this and like communities," Lincoln said, "public sentiment is everything. With public sentiment, nothing can fail; without it, nothing can succeed. Consequently he who moulds public sentiment, goes deeper than he who enacts statutes or pronounces decisions. He makes statutes and decisions possible or impossible to be executed."

What has President Eisenhower done in these crucial years since the 1954 decision to mould public sentiment? He says that this is a problem of the minds and hearts of men but what has he done to reach their minds and hearts? It is no adequate response to say that he sent in troops to enforce the law when he says he hasn't even told his wife what he thinks about the Supreme Court's desegregation decision.

I direct your attention to the sit-in demonstrations throughout the South. President Eisenhower said that he did not want to make any judgment about the lunch-counter demonstrations "because I'm not in a position to."

Responds the brilliant New York Times correspondent, James Reston, "Why isn't he?" One hundred years after Lincoln's election, adds Reston, an American President "ought to be willing to say at least a word for the Negro trying to eat a hamburger next to a white man in Atlanta."

FATHER HESBURGH SAYS LAW HELPS CHANGE MINDS AND HEARTS

And while I have indicated my awareness of the truth in the contention that ultimate solutions must come from individual minds and hearts, I must here repeat what the Reverend Father Theodore M. Hesburgh, president of the University of Notre Dame and a distinguished member of the Civil Rights Commission, said about the role of legislation in arriving at these solutions. Said Father Hesburgh "Law, defining the goals and standards of the community, is itself one of the great changers of minds and hearts. In this democracy, law points the way toward ultimate freedom and justice for all Americans, everywhere in our land."

But this is only part of the story of the Republican record in civil rights. The other part concerns the economic and social measures necessary to lift the level of living of all the disinherited sectors of our population—the measures of economic and educational advancement required if we are to tap the full creative potential of the people of our land.

The President's Commission on Civil Rights addressed itself to this problem as well. "Prohibiting discrimination in voting, education, and housing, or other parts of our public life will not suffice," said the Commission. "The demoralization of a part of the nonwhite population resulting from generations of discrimination can ultimately be overcome only by positive measures. The law is not merely a command and government is not just a policeman. Law must be inventive, creative, and educational."

CIVIL RIGHTS COMMISSION CALLS FOR ACTION IN HOUSING

The Commission suggested some positive measures. In housing, it found that the "disabilities of colored Americans are part of a national housing crisis involving a general shortage of low-cost housing."

"Since colored people comprise a rising proportion of the city dwellers with lowest income, these slums are becoming increasingly colored," the Commission noted. From this finding, the Commission concluded "that for decent homes in good neighborhoods to be available for all Americans, two things must happen: the housing shortage for all lower income Americans must be re-

lieved, and equality of opportunity to good housing must be secured for colored Americans."

I am sure all of us here can agree with the Commission that "equal opportunity in housing will come more readily as part of a great program of urban reconstruction and regeneration." But we must equally be aware of the way in which the effort of a Democratic-controlled Congress to frame an adequate program for slum clearance, urban renewal, and low-income housing has been frustrated and indeed twice vetoed by a Republican administration unwilling to make the investment which prudence and sound economics indicate.

PRESIDENT IGNORES CIVIL RIGHTS COMMISSION HOUSING PROPOSAL

Nor has the Executive order calling for an end to discrimination in all Federal housing programs, which the Civil Rights Commission urged the President to issue last September, yet seen the light of day. In these 8 gray years there has been little inclination to undertake the great program of urban reconstruction and regeneration which the Commission held to be essential to the promotion of human rights throughout the country.

The same negativism that has characterized the administration attitude toward housing holds true of education. The Commission report stresses the necessity of improving the facilities for public education as part of the solution to the difficulties posed by desegregation.

"Better teachers and better schools," says the Commission, "will go a long way to facilitate the transition in public education."

NIXON TALKS FOR EDUCATION BUT VOTES AGAINST IT

But again the contrast between Republican promise and Republican performance is eloquent. Only a few days after a Chicago speech on January 28 in which he said, "Inadequate classrooms, underpaid teachers, and flabby standards are weaknesses we must constantly strive to eliminate," Vice President NIXON cast a tie-breaking vote in the U.S. Senate to kill a bill to provide Federal funds for both classrooms and teachers' salaries.

Nor has the administration taken any action on the proposal by Commission Chairman Hannah, Father Hesburgh, and Commissioner George Johnson that Federal aid to colleges and universities be conditioned on the practice by those institutions of nondiscrimination.

The executive actions which the Commissioners proposed in housing and education require no lengthy congressional debate, no court litigation. They require only a President with a will to act. As Father Hesburgh told the Notre Dame Conference on Civil Rights, "this is a simple thing that could be accomplished tomorrow morning if those in power would decide to do something about it."

GOVERNOR WILLIAMS OF MICHIGAN URGES PRESIDENTIAL LEADERSHIP ON CIVIL RIGHTS

Governor Williams, whose profound dedication to human rights inspires us all, has made this same plea to the President in a first-class article in the February 18 issue of the Reporter magazine. He specifies the many powerful avenues of action the President could pursue tomorrow morning if he were determined to make a moral breakthrough on this problem—the kind of action President Roosevelt began with his wartime Fair Employment Practices Committee and that President Truman continued with his Executive orders calling for equal opportunity in the Government service, the armed services, and in the field of Government contracts.

Once again to quote the Civil Rights Commission: "To eliminate discrimination and demoralization, some dramatic intervention by the leaders of our national life is necessary."

CHESTER BOWLES SAYS CIVIL RIGHTS A NATIONAL PROBLEM

We Democrats of the Middle West cannot pretend that we have done all that we should have done or that our part of the United States is practicing what we so often preach. As CHESTER BOWLES so well reminds us, civil rights is not a regional but a national problem.

Nonetheless, good starts have been made—laws against discrimination in employment and housing in our cities and States, and not laws only, but agencies and commissions working to bring light rather than heat into these difficult areas of our public life.

The Civil Rights Commission reported that there were 13 States and 34 cities with laws against discrimination in some field of housing, but I understand that Michigan and Minnesota are the only two States of the Middle West on the list. We lag badly behind the pioneer States of Connecticut, Colorado, Massachusetts, New York, and Oregon.

MIDWEST HAS CIVIL RIGHTS PROBLEMS IN OWN BACKYARD

So we have work to do. We will be far stronger in our struggle to protect the right to vote in Mississippi and to encourage desegregation of the schools in the Deep South if we more squarely face up to the tests peculiar to our own part of the country—equal opportunity in employment and housing and the problem of de facto school segregation because of residential racial concentrations.

It ought to be clear to all of us who live in the Middle West that we will be more effective in the fight for civil rights throughout our Nation and that we will obtain a stronger platform on civil rights at Los Angeles and more resolute action from the next Democratic administration if we accept fully our own moral and political responsibility here at home.

So that, in shorthand, is where we are.

Whither are we tending?

MARTIN LUTHER KING: "IF YOU HAVE WEAPONS, TAKE THEM HOME"

"The wind of change is blowing," Prime Minister Macmillan warned the Parliament of the Union of South Africa. It is blowing not only on that continent just now emerging onto the stage of world events, but it is blowing in this country, too, in the massive Negro demonstrations at lunch counters, in the passive resistance symbolized by a Martin Luther King, who tells his people in soft but fearless words: "If you have weapons, take them home. If you do not have them, please do not seek to get them. He who lives by the sword shall perish by the sword."

This is a dedication and a spirit that will not be easily overcome. Its intensity is a measure of the change that is upon us. But it is not a change that should take us by surprise. For it is a change which means simply that the gap between the noble promise of our Constitution and its fulfillment in the life of our country is at last being closed.

EARLIEST CHAMPIONS OF CIVIL RIGHTS WERE SOUTHERNERS

For the American dream is now to become a reality for colored Americans as well as white ones. The dream which Thomas Wolfe of North Carolina put into these words—and let us remember that both the author of the Declaration of Independence and the earliest champions of civil rights, the men who got the first 10 civil rights adopted as our Bill of Rights, were Southerners—that dream is alive and at work in the minds and hearts of Southerners today, black and white, and of Northerners, too.

It is this dream which it must be the primary purpose of the Democratic administration of 1961 to shape into reality, the dream and promise described by Thomas Wolfe:

"To every man, regardless of his birth, his shining, golden opportunity, to every man the right to live, to work, to be himself and to become whatever things his manhood and his vision can combine to make—this, seeker, is the promise of America."

SENATE

FRIDAY, APRIL 8, 1960

The Senate met at 10 o'clock a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, who art the resurrection and the life: As nature's tomb is flung open, we are thankful for the awakening beauty of a renewed earth. Give us the grace of receptivity, lest we walk in a garden of loveliness with eyes that do not thrill and hearts that do not sing.

As Thy miracle of life is wrought anew in the tiniest bloom, in every green blade of grass, and in budding branches high against the bending sky, may the sheer wonder of it rebuke our chilling cynicism, the joy of it restore our faded hope, and its loveliness enrich our understanding of Thy promise which is sure.

In a spiritual springtime, may the high and the holy lay their touch upon us, and may our brief span of mortality be lighted with immortal dreams.

With the beauty of the Lord, our God, upon us, may we go forward with fortitude, honoring in the present all that is precious from the past, and keeping bright the promise of the future.

In the dear Redeemers' name, we ask it. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 7, 1960, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 10087. An act to amend the Internal Revenue Code of 1954 to permit taxpayers to elect an overall limitation on the foreign tax credit; and

H.R. 10959. An act relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 10087. An act to amend the Internal Revenue Code of 1954 to permit taxpayers to elect an overall limitation on the foreign tax credit; to the Committee on Finance.

H.R. 10959. An act relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; to the Committee on Armed Services.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DOUGLAS:

S. 3355. A bill for the relief of Kie-Young Shim (also known as Pete Shim); to the Committee on the Judiciary.

By Mr. CHAVEZ:

S. 3356. A bill for the relief of Demetrios Nicolopoulos, Elizabeth Nicolopoulos, Dena Nicolopoulos, Panagiotis Nicolopoulos, George Nicolopoulos, Maria Nicolopoulos, and Helen Nicolopoulos; to the Committee on the Judiciary.

By Mr. LAUSCHE:

S. 3357. A bill for the relief of Renato Granduc O'Neal and Grazia Granduc O'Neal; to the Committee on the Judiciary.

By Mr. KEATING (for himself and Mr. DODD):

S.J. Res. 185. Joint resolution designating October 23 of each year as Hungarian Independence Day; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTION

ADDITIONAL COPIES OF FINAL REPORT OF SPECIAL COMMITTEE ON UNEMPLOYMENT PROBLEMS

Mr. MCCARTHY submitted the following resolution (S. Res. 303); which was referred to the Committee on Rules and Administration:

Resolved, That there be printed for the use of the Special Committee on Unemployment Problems, three thousand nine hundred additional copies of its final report to the Senate pursuant to Senate Resolution 196, Eighty-sixth Congress (S. Rept. 1206, 86th Cong.).

DESIGNATION OF OCTOBER 23 OF EACH YEAR AS HUNGARIAN INDEPENDENCE DAY

Mr. KEATING. Mr. President, on behalf of the Senator from Connecticut [Mr. DODD] and myself, I introduce, for appropriate reference, a joint resolution to designate October 23 of each year as Hungarian Independence Day. Similar measures have been offered in the other body and I am pleased to add my voice to those who feel this Nation should recognize its solemn obligation to the martyrs of Budapest by means of a special day in their honor.

It was on October 23, 1956, that the Hungarian people rose as one man to fight—literally with their bare hands—their Soviet and Communist oppressors. The struggle which ensued thrilled and shook the world, as the courage and wit of the noble people of Hungary was pitted against the mechanized might of the Communist tyrants.

Although the Hungarian revolution of 1956 was short lived, its memory must not be allowed to die. Lovers of freedom everywhere must keep alight the bright flame of liberty which was kindled that day. We must recognize that wherever independence is threatened or suppressed in our world today is cause for alarm among the forces of freedom.

In particular, Mr. President, America shares close bonds of friendship with Hungary. The two nations share a common heritage of freedom and independence and America has benefited greatly from Hungarians who have come to our land and have contributed so much to our progress and strength. We join with the people of Hungary in our admiration for Kossuth and other champions of liberty. And today, we join men of good will everywhere in praying and hoping for the day when Hungary will once more take its place in the family of free nations.

By means of an annual celebration of Hungarian Independence Day we can give hope to the enslaved people of Hungary that their suffering is not forgotten. We can emphasize our allegiance to the cause of their freedom. Surely no more solemn obligation rests upon the shoulders of those of us who are lucky enough to live in freedom, than to encourage those who are denied that ultimate of man's ambitions. I therefore hope this joint resolution will receive the overwhelming support of Congress so that we can officially and formally recognize our fealty to the valiant people of Hungary.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 185) designating October 23 of each year as Hungarian Independence Day, introduced by Mr. KEATING (for himself and Mr. DODD), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Whereas the people of the United States and the people of Hungary have traditionally maintained strong bonds of friendship and understanding; and

Whereas the people of the United States and the people of Hungary have long shared a proud heritage of freedom and independence; and

Whereas the people of Hungary have been enslaved in recent years under the yoke of Communist domination directed by the Soviet Union; and

Whereas on October 23, 1956, the Hungarian people rose as one man against their Soviet and local Communist oppressors and shook the world with their heroic struggle for freedom; and

Whereas the willing sacrifice of life and the magnificent proof of valor that won for these patriots a short-lived independence was basely nullified by the perfidy of the official agents of the Kremlin; and

Whereas the people of the United States and the free world must give hope to the noble people of Hungary that their immense suffering under Communist domination is not forgotten and that we are working and praying for their day of liberation: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 23 of each year is hereby designated as Hungarian Independence Day, and the President of the United States is authorized and requested to issue annually a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on such day and urging the people to observe the day with appropriate ceremonies.

RESTORATION OF FREEDOM TO CAPTIVE NATIONS—ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

Under authority of the order of the Senate of April 1, 1960, the names of Senators LAUSCHE, DODD, and MCNAMARA were added as additional cosponsors of the concurrent resolution (S. Con. Res. 102) relating to restoration of freedom to captive nations, submitted by Mr. DOUGLAS on April 1, 1960.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. ENGLE:

Article entitled "The China Problem Reconsidered," written by CHESTER BOWLES and published in Foreign Affairs magazine of April 1960.

By Mr. MCNAMARA:

Excerpts from testimony of witnesses before the Senate Subcommittee on Problem of the Aged and Aging, dealing with health problems of senior citizens.

GERALD DEGNAN AND OTHERS

Mr. BARTLETT. Mr. President, on March 28 the Senate approved my bill, S. 684, for the relief of Gerald Degnan, William C. William, Harry Eakon, Jacob Beebe, Thorvald Ohnstad, Evan S.

Henry, Henry Pitmatalik, D. LeRoy Kotila, Bernard Rock, Bud J. Carlson, Charles F. Curtis, and A. N. Dake. After passage of this measure it was discovered that in printing the bill as reported by the Senate Committee on the Judiciary, a typographical error was made in the spelling of the name of one of the claimants.

Therefore, Mr. President, I ask unanimous consent that the vote by which S. 684 was agreed to be reconsidered, that the spelling of the name on page 2, line 8, be corrected to show the correct spelling of the name as "Thorvald," and that the title be amended to show the correct spelling of the name.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and, without objection, the vote by which the bill was passed is reconsidered, the correction in the name will be made, and the bill as thus amended will be considered as passed.

The bill as passed is as follows:

S. 684

A bill for the relief of Gerald Degnan, William C. William, Harry Eakon, Jacob Beebe, Thorvald Ohnstad, Evan S. Henry, Henry Pitmatalik, D. LeRoy Kotila, Bernard Rock, Bud J. Carlson, Charles F. Curtis, and A. N. Dake

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons enumerated below the sums specified, in full settlement of all claims against the Government of the United States as reimbursement for personal effects destroyed as a result of the fire which occurred on October 2, 1958, at Sherman, Alaska, when the claimants were employed by The Alaska Railroad; Gerald Degnan, $286.83; William C. Williams, $755.92; Harry Eakon, $342.49; Jacob Beebe, $743.85; Thorvald Ohnstad, $1,556.32; Evan S. Henry, $199.68; Henry Pitmatalik, $472.22; D. LeRoy Kotila, $217.70; Bernard Rock, $729.79; Bud J. Carlson, $313.05; Charles F. Curtis, $1,111.69; and A. N. Dake, $93.40.

SEC. 2. No part of the amounts appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

DEATH OF LOWELL MELLETT

Mr. GRUENING. Mr. President, the Nation is grievously poorer because of the death of Lowell Mellett. There are relatively few Members of Congress whose service extends back a few years who did not know him either personally or by reputation, and, whether personally or by reputation, that knowledge brought into their lives a journalist of character, of enlightenment, of vision. He served in his lifelong profession of journalism with outstanding distinction, and through his profession served and embodied all the principles and purposes which have made America great. His personality radiated charm and kindliness, but his gentle spirit never diminished the perspicacity and shrewdness of his judgment about men and public affairs.

As the Washington Post says this morning in a most excellent editorial, Lowell Mellett "could never withhold kindness from the younger men and women coming up in his trade," his trade being newspapering, in which he ran the gamut of services from that of reporter to that of managing editor, and, continues the editorial, "he infused warmth into all his human relations."

It is equally true, as his fellow newspaperman who wrote the editorial, says:

His death will bring direct and personal bereavement to numberless friends and newspaper colleagues—and to many more who knew him well even if they knew him only because they had been his readers.

I ask unanimous consent that the biographical sketch from yesterday's Washington Daily News, the Scripps-Howard paper of which Lowell Mellett was the first editor, a position he resigned after serving in it brilliantly and thereby starting that daily on its vigorous and enduring course, because he found himself not wholly in sympathy with the chain's policies relating to the administration of President Franklin Delano Roosevelt, between whom and Lowell Mellett there was deep mutual respect, admiration, and affection; the biographical sketch in last night's Washington Star; the Associated Press dispatch from this morning's New York Times; the editorial from today's Washington Post, and two editorials from today's Star and Washington News, be printed at this point in the RECORD.

There being no objection, the editorial and articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 8, 1960]

LOWELL MELLETT

Lowell Mellett was a wisp of a man whose wiry, almost frail, body embraced a spirit of extraordinary toughness, resiliency, and fire. A newspaperman for a full threescore years, from his boyhood until his recent retirement, he exemplified the best and most robust traditions of a craft he deeply loved. There was not much about newspapering he didn't know from firsthand experience. A city reporter on papers in small and large cities all over the country, a wire service man, a war correspondent, a bureau chief, an editor, a columnist—Lowell Mellett filled all these journalistic jobs with zest, with distinction and with honor.

Such ranging experience gave Lowell Mellett a salty and hard-bitten shrewdness about life. An enthusiasm for social reform and for the ideas of the New Deal led him from observation of politics to participation as an adviser and assistant to President Roosevelt. He contributed to the Roosevelt administration probing insights into politics and people, a skilled newspaperman's knowledge about the communication of ideas and an inexhaustible personal devotion. He was not a dominant figure in the New Deal but he was a significant figure, representative of its idealism and its interest in human beings.

With indifferent success, Lowell Mellett sometimes tried to cover up his characteristic gentleness and generosity with a surface frostiness and a rather mordant wit. But he could never withhold kindness from the younger men and women coming up in his trade; and he infused warmth into all his human relations. His death will bring direct and personal bereavement to numberless friends and newspaper colleagues—and to many more who knew him well even if they knew him only because they had been his readers.

[From the Washington Daily News, Apr. 7, 1960]

LOWELL MELLETT, AID TO FDR—THE NEWS' FIRST EDITOR DIES AT 76

Lowell Mellett, the first editor of the Washington Daily News, and adviser to President Franklin D. Roosevelt, died last night of congestive heart failure at the Washington Hospital Center. He was 76.

Mr. Mellett, who lived at 2122 Massachusetts Avenue NW., had been admitted to the hospital yesterday at noon. His daughter, Mrs. Dexter Keezer, of New York City, was at his bedside when he died at 8:10 p.m.

SERVICES

Funeral arrangements are being made by Gawler's, 1756 Pennsylvania Avenue NW. Friends are invited to a memorial service at 3 p.m. Sunday in the Cosmos Club auditorium, 2121 Massachusetts Avenue NW. Burial will be private.

In addition to his daughter, Mr. Mellett is survived by a brother, John, of Indianapolis; two granddaughters, Mrs. Benjamin H. Read, of 416 Paul Spring Road, Alexandria, and Miss Berthe M. Keezer, of Boston, and four great-grandchildren.

The family requests that no flowers be sent, but that contributions be made to the "Needy Sick Fund," at the Washington Hospital Center.

HOOSIER

Mr. Mellett was born in Elwood, Ind., and began his journalistic career before finishing high school. At various times, he worked for newspapers in Parkersburg, W. Va., Indianapolis, St. Louis, Wheeling, W. Va., Cincinnati, New York, and Seattle, where he was editor of the Sun from 1913 to 1915.

In 1916 he was appointed manager of the Washington bureau of United Press (now United Press International), and in 1917 was sent abroad as assistant European manager of United Press, with headquarters in London. Later that year he was detached from managerial duties to become a correspondent with the World War I American, British, and French Armies in the field.

During this period he made the telegraphic arrangements which permitted the United Press consistently to beat its opposition in transmission of communiques from Paris to the cablehead at Brest, France, and thence to the United States. Near the end of the war he accompanied British Gen. Edmund Allenby's forces into Jerusalem.

WITH COLLIER'S

In 1920, Mr. Mellett served as managing editor of Collier's magazine for a brief period before being appointed first editor of the Washington Daily News. The first edition of the newspaper appeared November 8, 1921.

In 1925, he became manager of the Scripps-Howard Newspaper Alliance, the Washington bureau serving the Scripps-Howard newspapers, but continued as editor of the News, as well.

Among the men who worked under Mr. Mellett on the News were Walker Stone, present editor in chief of the Scripps-Howard newspapers; Ernie Pyle, who was managing editor from 1932 until 1935 when he began writing his famous column; and John T. O'Rourke, the present editor of the News, who was managing editor when Mr. Mellett left the paper and who succeeded him as editor.

TRAINED SO WELL

Today, Mr. O'Rourke said:

"Much of the paper's character derives from Lowell Mellett, not only directly from him, because he was the editor for so many

years, but indirectly because of the men he trained so well.

"His humanitarianism guided every story and policy always, and he imparted to all of us who worked with him a sense of responsibility which every reporter and subeditor should have.

"There are newspapermen all over the world who worked under him at one time or another, and they will all mourn him as deeply as we all do here, and remember him with deep admiration and affection."

AIDE TO F.D.R.

In 1937, President Roosevelt persuaded Mr. Mellett to join the administration as director of the National Emergency Council.

In actuality, Mr. Mellett was the first of Mr. Roosevelt's anonymous assistants, but there was as yet no such administrative position.

Later, Mr. Mellett headed the Office of Government Reports, while still serving as a special adviser to the President. In 1940, he became an administrative assistant to the President in name as well as in fact.

WORLD WAR II

After the United States entered World War II, Mr. Mellett opposed the plan to unify information services in the Office of War Information, although there were constant rumors that if there was to be such an organization, he would be its chief.

Finally, when his opposition was to no avail, and the OWI was set up, Mr. Mellett was prepared to leave Government service. Mr. Roosevelt, however, persuaded him to stay on and to lend his support to the OWI's director, Elmer Davis.

In 1944, with the war nearing its close, Mr. Mellett resigned his position, and returned to journalism. For some years thereafter he wrote a syndicated column from Washington, which appeared in the Evening Star.

TRIBUTE

B. M. McKelway, editor of the Star, said today:

"All of us in the newspaper business will be saddened by Lowell Mellett's death. He made his mark as editor, as a columnist, as a presidential adviser, bringing a liberal, sensitive spirit to each area of his activity. Few of us have such varied opportunities, or live up to them so well."

J. Russell Wiggins, executive editor of the Washington Post and Times Herald, commented:

"He was one of the great newspapermen of the country and of Washington. He was a gifted writer and a brilliant editor whose work in both fields will long be remembered in his profession. He was, besides, a distinguished public servant who had a professional understanding of politics and Government and an accurate perception of the social and economic problems of the country.

"He had, moreover, a unique capacity for friendship and the area of those who counted him as a friend was constantly widening, even in his later years. He devoted much of his time to the interests of former colleagues and associates and it was characteristic of him that in his declining months he was much concerned with the Thomas Stokes Memorial Fund, which he served as chairman of the board until only a week ago."

Mr. Mellett was the brother of Don K. Mellett, one of the true martyrs of American journalism, who was shot to death some 35 years ago by racketeers against whom he was campaigning in the Canton, Ohio, newspaper of which he was editor.

[From the Washington Evening Star, Apr. 7, 1960]

LOWELL MELLETT DIES; NOTED CAPITAL NEWSMAN

Lowell Mellett, 76, a former top assistant to President Franklin D. Roosevelt and for years a leading figure in Washington journalism, died last night at the Washington Hospital Center.

He was admitted to the hospital yesterday morning. For a long time he had been suffering from a heart condition.

Mr. Mellett was first and last a newspaperman. From 1921 to 1924 and from 1928 to 1937 he served as editor of the Washington Daily News. In the intervening years he was an executive of the Scripps-Howard Newspaper Alliance. He resigned as Daily News editor because, he said, his boss—Roy W. Howard—didn't like Mr. Roosevelt.

He served the New Deal in a number of positions from 1938 to 1944; then he resigned to write a column for the Star. His column, entitled "On the Other Hand," appeared in this paper until 1956.

ZEALOUS NEW DEALER

Since then he lived quietly in retirement at his home, 2122 Massachusetts Avenue NW.

Mr. Mellett was a zealous New Dealer and a frank spokesman for the liberal cause. As could be expected, he made enemies, particularly from the extreme right wing.

A slim, quiet spokesman with a rather bashful manner, Mr. Mellett had a way of disarming his detractors. But his conservative clothes and unobtrusive manner belied his capability for the wry, devastating phrase.

He was born February 28, 1884, in Elwood, Ind., where his father, Jesse Mellett, was editor and publisher of the Elwood Free Press.

BROTHERS ACHIEVE NOTE

Three of his brothers also achieved distinction. One, John C. Mellett, has written many novels under the pen name of Jonathon Brooks. Another, Don Mellett, was slain in 1926 while conducting a news campaign against vice in Canton, Ohio. The third brother, Homer J. Mellett, was research director for the Indianapolis News until his death in 1949.

Lowell Mellett began his newspaper career before completing his high school education. At the age of 16 he was sent to cover the Democratic National Convention in Kansas City as a high school correspondent for the Muncie (Ind.) Star.

STARTED ON PATH EARLY

His coverage of that convention set him firmly on the path he was to follow the rest of his life.

When he was 17 Mr. Mellett was city editor of the Parkersburg (W. Va.) State Journal. The next year he was city editor of the Wheeling (W. Va.) Intelligencer. Then he moved on to the Indianapolis News, where he worked for a year as a reporter.

His next step up the journalistic ladder was as a rewrite man on the St. Louis Post-Dispatch. The following year he was a legislative and political reporter on the Cincinnati Post. From there he went briefly to New York as a rewrite man on Joseph Pulitzer's Evening World. He returned to Indianapolis for 2 years and then spent 5 years in Tacoma and Seattle, Wash.

MEETS SCRIPPS-HOWARD HEAD

It was in Seattle that Mr. Mellett met Mr. Howard, the top man in the Scripps-Howard newspaper chain.

In 1915 Mr. Mellett came here as manager of the Washington bureau of the United Press. He was assistant European manager for the U.P. from 1916 to 1919, and during that time served as correspondent with American, British, and French Armies. He also covered the surrender of the German fleet and was one of the staff reporting the Paris peace conference.

He left Scripps-Howard to become editor of Collier's Weekly in 1919. But he rejoined the newspaper chain in 1921 when he was named the first editor of the Washington Daily News and manager of the Washington bureau of Scripps-Howard newspapers.

ENTERS GOVERNMENT SERVICE

After Mr. Mellett resigned from the editorship of the Daily News, he was appointed executive director of the National Emergency Council. The Council had been created early in the New Deal to act as a clearinghouse and coordinating body for the multitude of emergency agencies and activities stemming from the depression.

In 1940 Mr. Mellett was named an administrative assistant to President Roosevelt. In addition to that position, he also served as head of the Motion Picture Bureau of the Office of War Information.

The late Charles G. Ross, press secretary to President Truman, called Mr. Mellett "a power in the Government—one of the half-dozen men closest to the President * * *."

As a natural corollary of that power, however, came criticism. In the yellowing newspaper clippings there are references to Mr. Mellett as "the most dangerous man in Washington." And when Mr. Mellett headed the Office of Government Reports jesters called the agency "Mellett's Madhouse" or the "Office of Fuss and Feathers."

In March 1944 Mr. Mellett's resignation from the Government was announced with the familiar exchange of "Dear Lowell" and "Dear Mr. President" letters.

Mr. Mellett's letter said: "I'd like to renew my request that I be permitted to resign and return to newspaper work. I honestly believe I can be as useful doing that as I would be in more obvious public service. If I can contribute a little bit toward popular understanding of the problems facing the country I am sure this is so.

STAR OFFERS OPPORTUNITY

"The Washington Star offers me the opportunity to test this notion. In full understanding of my views and in full disagreement with many of them, the Star is prepared to publish what I may write."

Mr. Roosevelt, telling his adviser to "go ahead and try it," said: "Seriously, I am very much impressed by what you tell me concerning the readiness of the Washington Star, and perhaps other newspapers, to publish points of view contrary to their own."

And so for 12 years Mr. Mellett's column was printed in the Star.

As he began his career as a columnist, Mr. Mellett said: "I believe that I have considerable tolerance for the views of other people. That may be the keynote of my column."

LIVED IN ALEXANDRIA

For many years Mr. Mellett lived in a house on several oak-shaded acres on Quaker Lane opposite the Virginia Episcopal Theological Seminary in Alexandria. Some time after the death of his wife, the former Berthe Knatvold, in 1938, Mr. Mellett moved into the city.

Upon learning of Mr. Mellett's death, B. M. McKelway, editor of the Star, said:

"All of us in the newspaper business will be saddened by Lowell Mellett's death. He made his mark as an editor, as a columnist and as a presidential adviser, bringing a liberal, sensitive spirit to each area of his activity. Few of us have such varied opportunities or live up to them so well."

MEMBER OF CLUBS

Mr. Mellett was a member of the Cosmos Club, the Gridiron Club, and the National Press Club.

He leaves a daughter, Mrs. Anne M. Keezer, of New York City; two granddaughters, Mrs. Benjamin H. Read, 416 Paul Spring Road, Alexandria, and Miss Berthe M. Keezer, of Boston; a brother John, of Indianapolis; and four great-grandchildren.

Funeral services will be held at 3 p.m., Sunday, in the auditorium of the Cosmos Club. Burial will be private. The family requests that expressions of sympathy be in the form of contributions to the needy sick fund of the Washington Hospital Center.

[From the New York Times, April 8, 1960]

LOWELL MELLETT, EX-U.S. AID, DIES—ADMINISTRATIVE ASSISTANT TO ROOSEVELT, 1940–44—WAS A FORMER NEWSPAPER EDITOR

WASHINGTON, April 6.—Lowell Mellett, newspaper executive and a former assistant to President Franklin D. Roosevelt, died here Wednesday night in a hospital after a long illness. He was 76 years old.

KEY FIGURE IN CAPITAL

Mr. Mellett was a key figure in Washington during the years before and during World War II. He was successively Director of the National Emergency Council in 1937–38, Director of the Office of Government Reports from 1939 to 1942 and Coordinator of Government Firms, a post he assumed in December 1941, in addition to his other duties.

He was one of President Roosevelt's immediate circle of administrative executives during this period and was Administrative Assistant to the President from 1940 to 1944.

Although Mr. Mellett had been a newspaperman all his life, his widespread activities and enthusiastic endeavors in behalf of New Deal policies frequently made him a target of the opposition.

Himself a columnist, he was one of the favorite butts of the dissenting column writers of those days, who sometimes referred to his information office as "Mellett's madhouse," and in other similarly caustic ways.

The attack on Mr. Mellett was at its height in 1942, when congressional opponents of the New Deal called the new building of the information services "a $600,000 boondoggle."

AMBASSADOR TO HOLLYWOOD

"Lowell Mellett's recent trial balloon on the subject of double features appears now to be covered by the phrase 'one of our aircraft is missing,'" a Hollywood feature man wrote in 1943. "Chief of the Motion Picture Bureau of the Office of War Information, or more simply, United States ambassador to Hollywood, Mr. Mellett called upon the picture industry to abolish twin bills for the duration. But to date, the industry has taken no steps—it isn't even shuffling its feet."

Mr. Mellett had to endure a great deal in the same vein, but he continued to carry out the Government's policies as he felt that the President wanted it done. In 1942 he brought out a special manual of information for businessmen having dealings with Washington, and in 1946 his Handbook of Politics was published. One reviewer called it a powerful little book.

"This is a handbook on how to get rid of a Congressman who has turned out to be a mistake," Mr. Mellett wrote in it.

After the war he became managing editor of Collier's Weekly, and later editor of the Washington Daily News, a post he held until 1937. From 1925 until 1937 he was manager also of the Scripps-Howard Newspaper Alliance. Mr. Mellett joined the Government in the latter year.

Mr. Mellett resigned his Government posts in March 1944 to become a columnist for the Washington Star. His column, later carried by the Bell Syndicate, had appeared in the Post in this city. He gave up the work in 1956 because of ill health.

Mr. Mellett was a widower.

[From the Washington Star, Apr. 8, 1960]

LOWELL MELLETT

Some of those who admired him most regretted Lowell Mellett's decision, in 1937, to leave newspaper work. For he was cut out to be a newspaperman. He was a good one, and the best of his years as a newspaperman were the 16 he spent as the first editor of the Washington Daily News which he helped to establish in 1921.

He was drawn to Franklin D. Roosevelt by a deep personal loyalty and perhaps a sense of duty. But as one of the original "anonymous assistants" at the White House and as a public official in other positions, he always seemed slightly out of character. When he returned to newspaper work, writing a column of comment for the Star and other newspapers, an intense partisanship overshadowed the ability to examine both sides of a coin which had contributed to his original success in journalism.

His death at 76 recalls memories not so much of his long career as of his gentleness, his generosity and his sense of compassion that were among his many fine qualities as a man.

[From the Washington Daily News, Apr. 8, 1960]

LOWELL MELLETT

All organizations, whether they are symphony orchestras or baseball teams, armies, universities or militant religions, have fire, poise, dash, character or creative verve—or lack those or other qualities—because of the personalities of men who shaped their basic structure during a formative time.

Newspapers are like that, too.

This newspaper was very fortunate, because its first editor was Lowell Mellett.

Mr. Mellett died yesterday. He was 76. He left the paper in 1937. We can't recall that he ever came into the city room since that day.

But, when he cleaned out his desk and went away, neither did he depart in an absolute sense at all, for his high standards of professional behavior remained imprinted on those who had worked with him, influencing their editorial and writing techniques, and their ethical precepts.

Lowell Mellett was a partisan, but always on the humanitarian side. One could disagree with him, but unquestionably respected the motives that formed his judgments. Indeed, the reason he left the News was because of a profound policy disagreement; over the issue which history now knows as President Roosevelt's "court packing" plan.

His resignation in those controversial New Deal days was a measure of the depth of his convictions, but reflected no personal prejudice on either side, and his fellow Scripps-Howard editors retained an abiding affection for him, and he for them.

Crusader as he was, Lowell knew how to needle an opponent, but he knew when to be kind, too. Editors are supposed to be old curmudgeons, crankily pencil-marking galley proofs and snarling at dandruffy old copy readers.

Lowell had none of that in him; he gave you a job to do, outlined it, and left you alone. You were supposed to bring it off. In that sense, he was an exacting but ideal boss.

Editing the Washington Daily News was probably the biggest part but by no means all of his very full life. He had been well seasoned on newspapers from Seattle to New York, and tempered by duties abroad with the United Press, both as a bureau executive and as a field correspondent in World War I.

After his stint as one of Mr. Roosevelt's "passionately anonymous" secretaries, he returned to newspaper work, writing a column of syndicated political comment which appeared here in Washington in the Evening Star, until failing health brought retirement.

He gave all of us who worked with him a feeling of the importance of our jobs, of the great good that it was possible for a newspaperman to do if he did his job right, and of the great harm he could do if he did it badly. He made all of us aware of the vulnerability of the ordinary man, and of the need for newspapermen to listen to the plights and problems of little people, and to be their champion. Without being the least bit stuffy about it, he gave us a sense of dedication.

We read a line in a book about Justice Oliver Wendell Holmes which could stand as the epitome of Lowell Mellett's life; in Catherine Drinker Bowen's "Yankee From Olympus" appears:

"Life is action and passion; therefore it is required of a man that he should share the passion and action of his time, at peril of not to have lived."

Lowell Mellett lived; as a newspaperman he took part in the great controveries of his time to the utmost of his abilities, and always his partisanship was animated by the highest motives.

We're proud of our first editor and we mourn his departure. We won't forget him.

Mr. MONRONEY. Mr. President, on Wednesday a distinguishhed Washington newspaperman died. He was the first editor of the Washington Daily News, a Scripps Howard newspaper.

Mr. Mellett spent 16 years in this post, building this independent and readable newspaper, and then went on to become a syndicated columnist, in 1956, writing the column "On the Other Hand." This column appeared locally in the Washington Star.

A great newspaper family were the Melletts. His father was a newspaperman, and all of the five brothers engaged in newspaper work and in writing. One brother, Don Mellett, was murdered by gangsters as he led the crusade of his Canton, Ohio, newspaper against vice in that city.

Lowell Mellett first came to Washington in 1915, to take over the management of the United Press bureau here. Later, he became assistant manager of the service's European bureau, and served it as a war correspondent with the American, French, and British forces, during World War I.

For 1 year, Mr. Mellett served as editor of Collier's Weekly, and then returned to the Scripps Howard newspapers, to take over the establishment of the Daily News. In true Scripps-Howard fashion, he doubled in office, to serve also as manager of the Scripps-Howard Washington bureau.

A simple detailing of his formal newspaper service, however, would fail indeed to spell out the impact of his life on Washington. He was a great friend, a confidant, and I expect, an adviser to President Roosevelt throughout the early New Deal days, and, later throughout the war years. The impact of his thinking, experience, and wisdom as a member of the Roosevelt inner circle was always a matter of loyal service, without any desire to retire and write a book about the White House secrets.

As founder of the Office of Government Reports and Chief of the Office of War Information's Motion Picture Service, Mr. Mellett gave the Government and the Congress the facts about the mushrooming activities of all departments and bureaus of the Government in meeting or adjusting to the great war effort. Those small reports, factual and concise, set a high mark that has never been equaled in Government reporting.

He was a man who was a genuine liberal, and who did not need to wear a fraternity pin of liberalism to prove it.

As chairman of the Tom Stokes Memorial Fund—and he served in that position until only a week ago—he carried on in Washington as a newsman who felt that the Nation needed "both sides of the story," instead of only one. He sought always to make sure that the liberal point of view would not disappear from the journalistic stage.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, as parts of my remarks, an editorial about Mr. Mellett's life being published today in all the Scripps-Howard newspapers and an article about Mr. Mellett's life and services published today in the Washington Post. I call the attention of my colleagues to the editorial published today in the Washington Daily News, the Washington Post and Times Herald, and the Washington Star which have been previously inserted by the Senator from Alaska [Mr. GRUENING].

There being no objection, the editorial and the article were ordered to be printed in the RECORD, as follows:

[From the Scripps-Howard Newspaper Alliance]

LOWELL MELLETT

The measure of a newspaper editor is the imprint he makes on his community and his times. By that measure, Lowell Mellett, who died in Washington at the age of 76, was an outstanding editor.

He was better known to a generation now gone, but there are hundreds of newspapermen throughout the United States who had the pleasure and privilege of working with Lowell Mellett and who knew him as a master of his craft and a fine and sensitive human being.

To his subordinates, he imparted a feeling of their own competence—the hallmark of a good executive.

To other editors, many of whom disagreed with him, he gave and commanded respect.

An old-fashioned radical, he was the champion of the underdog, the foe of entrenched wealth, the deflator of stuffed shirts.

We knew him well as the editor of Scripps-Howard's Washington Daily News in its formative years. We loved him and are saddened by his departure.

[From the Washington Post, Apr. 8, 1960]

LOWELL MELLETT, NEWSMAN, DIES

(By Harry Gabbett)

Lowell Mellett, veteran editor, columnist and White House confidant of President Franklin D. Roosevelt, died in Washington Hospital Center Wednesday of a heart ailment.

Burial will be private, but friends are invited to a memorial service scheduled for 3 p.m. Sunday in the auditorium of the Cosmos Club. Members of the family asked that expressions of sympathy be made in the form of contributions to Washington Hospital Center's Needy Sick Fund.

Mr. Mellett spent 16 years (1921–37) as the first editor of the Washington Daily News, and from 1944 until his retirement in 1956 his syndicated column, "On the Other Hand," appeared locally in the Star.

Mr. Mellett was born 76 years ago in Elwood, Ind., the son of a newspaperman and one of five brothers who followed writing careers. One of them, Don Mellett, was slain by gangsters in 1926 while spearheading a newspaper crusade against vice in Canton, Ohio. Of the brothers, only John, a novelist under the pen name, Jonathon Brooks, survives.

REPORTER AT 13

Mr. Mellett's assignment to cover the Democratic National Convention in Kansas City for his high school paper at the age of 13 spelled the end of his formal schooling. His convention dispatches also caught the eye of key men in his chosen profession and his rise in the field was rapid.

A succession of rather brief stints as a reporter or editor took him to newspapers in Muncie, Ind., Indianapolis, St. Louis, Cincinnati, New York and Seattle. He was city editor of the Parkersburg (W. Va.) State Journal at the age of 17.

It was on the west coast, as editor of the Seattle Sun, that he met both Berthe Knatvold, who became his wife in 1914, and Roy W. Howard, of the Scripps-Howard newspaper chain, who solidified his place in the journalistic sun.

Mr. Mellett came to Washington in 1915 as head of the United Press Bureau. The following year he was made assistant manager of the service's European bureau, also serving it as World War I correspondent with the American, French, and British forces.

EDITOR OF COLLIER'S

After covering the German surrender and the Paris peace conference, Mr. Mellett interrupted his 20-year Scripps-Howard association with a 1-year hitch as editor of Collier's weekly, now defunct.

He returned to Washington in 1921 to head establishment of the Daily News and double throughout his editorship as manager of Scripps-Howard's local bureau.

Commenting on Mr. Mellett's passing yesterday, News Editor John T. O'Rourke, who served under him, recalled that "there are newspapermen all over the world who worked under him at one time or another and they will all mourn him as deeply as we do here, and remember him with deep admiration and affection."

"He was one of the great newspapermen of the country and of Washington," agreed J. R. Wiggins, executive editor of the Washington Post. "He was a gifted writer and a brilliant editor whose work in both fields will long be remembered in his profession. He was, besides, a distinguished public servant who had a professional understanding of politics and government, and an accurate perception of the social and economic problems of the country.

HEADED STOKES FUND

"He had, moreover, a unique capacity for friendship and the area of those who counted him as a friend was constantly widening, even in his later years. He devoted much of his time to the interests of former colleagues and associates, and it was characteristic of him that in his declining months he was much concerned with the Thomas Stokes Memorial Fund, which he served as chairman of the board until only a week ago."

"He made his mark as an editor, as a columnist, and as a Presidential adviser, bringing a liberal sensitive spirit to each area of his activity," commented B. M. McKelway, editor of the Washington Star. "Few of us have such varied opportunities or live up to them so well."

From New York City, Mrs. Franklin D. Roosevelt sent word that she was "terribly sorry" to hear of Mr. Mellett's death. "I remember him well from the days we were in Washington, and I know my husband had a high regard for him."

JOINED NEW DEAL

President Roosevelt's high regard for Mr. Mellett was a determining factor in the editor's decision to join in 1940 the New Deal's inner circle of aides who became storied in their day for their passion for anonymity. Two years before that he had resigned from the News to accept appointment as director of Government Reports and Chief of the Office of War Information's Motion Picture Division.

Probably in no other of F.D.R.'s famed coterie of advisers did the passion for anonymity burn more fiercely. Mr. Mellett was by nature a quiet, soft-spoken man, shy almost to the point of bashfulness.

Though he sidestepped diligently, the brash political spotlight sought him inexorably and he found himself often in the headlines of someone else's making—usually in the role of a partisan target which proved to have no bull's-eye.

CALLED MOST DANGEROUS

In the same public prints which reported his quiet accomplishments appeared the howls of those who considered him "the most dangerous man in Washington," and half-serious jesters dubbed his Office of Government Reports in the 1400 block of Pennsylvania Avenue NW. "Mellett's Madhouse" and "The Office of Fuss and Feathers."

He left politics in 1944 to return to his first love, newspapering, and his column of trenchant comment on the ensuing political scenes persisted for the next 12 years.

For many of his years in Washington, Mr. Mellett resided on several acres in the Quaker Lane section of Alexandria, but some months after his wife's death in 1937, he moved to 2122 Massachusetts Avenue NW., his residence when he died.

Surviving besides his brother, John, of Indianapolis, are a daughter, Anne M. Keezer, of New York City, and two granddaughters, Mrs. Benjamin H. Read, of 416 Falls Spring Road, Alexandria, and Berthe M. Keezer, of Boston.

UNEMPLOYMENT PROBLEMS

Mr. CLARK. Mr. President, a few days ago the Special Committee on Unemployment Problems, on which I was privileged to serve, made its report on unemployment in the United States. In our report, we attempted to draw a picture of the distress and despair that exist in many parts of our rich country because of the decline of established industries resulting from factors beyond the control of the people who live in those areas.

Yet nothing we said in that report described the situation in these areas as eloquently as a series of letters which I have received from members of the graduating class of the high school at Nesquehoning, Carbon County, Pa., in the heart of the anthracite area.

These young men and women are asking for help to save the beautiful Panther Valley from becoming a row of ghost towns. As they point out, if one industrial plant could locate in their valley—which has transportation, power, and labor resources—they would be saved.

The area redevelopment bill, which passed the Senate last year, would help to create new industry in communities such as the Panther Valley of Pennsylvania.

In the hope that these letters might be read by members of the House of Representatives, who will consider that bill soon; perhaps by the advisers to the President of the United States, before whom that bill will come for approval and who vetoed a similar bill in 1958; perhaps even by some business executive who is looking for a site for location of a plant, I ask unanimous consent that

these letters may be included at this point in the RECORD as a part of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NESQUEHONING, PA.,
March 31, 1960.

Hon. JOSEPH S. CLARK,
U.S. Senate,
Washington, D.C.

SIR: I am a senior student at the Nesquehoning High School. Since graduation time is almost here, I have begun to think about the future. It doesn't seem too bright. The economic conditions in our beautiful valley are very poor. Most of my classmates are going away from the valley to find jobs because there is no work here for the adults, let alone teenagers.

Many would like to go away to colleges, but their parents have been out of work for such a long time that it has just become a dream.

Nesquehoning has all the facilities that any industry would want. We live in a valley; we have a railroad going through town; we have good roads; we have a powerplant; and, most important of all, we have the laborers, who are eager to work.

Here in the United States we have a foreign-aid plan to help needy countries abroad. Yet, we are a needy and distressed area and can't seem to get any help from our own Government.

Can't you, our Senator, help us? Just one big industry would serve the purpose.

If my letter at least makes you realize the conditions in our valley, then its purpose has not been in vain.

Will you please give our economic problem some constructive thought?

Respectfully yours,

MARIE MAURO.

NESQUEHONING, PA.,
March 30, 1960.

The Honorable JOSEPH S. CLARK,
U.S. Senate,
Washington, D.C.

SIR: I am a senior in the Nesquehoning Junior-Senior High School. What is my future? What am I to do? There is no future in Panther Valley. Right now it is a very distressed area without employment. I'm sure if nothing is done within another few years Panther Valley, including Nesquehoning, Lansford, Coaldale, and Summit Hill, will become "ghost towns."

We have excellent locations for industry; and if we had employment for at least 2,000 men, I'm sure people would no longer fear Panther Valley turning into a ghost region, and the future would look more bright.

Why are these towns so neglected and forgotten? An extremely high percentage of our men fought in our recent wars to help our country. We have helped so many other countries when they were in distress. Now we need help. Our returned veterans and their families need help desperately. We would like to go on living in this beautiful, but distressed area.

Please don't throw this aside as just another letter. This is so important to us. Will you do something constructive about it?

Respectfully yours,

SHARON KASHUHER.

NESQUEHONING, PA.,
March 24, 1960.

The Honorable JOSEPH S. CLARK,
The U.S. Senate,
Washington, D.C.

SIR: I am writing this letter to tell you how the working conditions are in Nesquehoning. All kinds of work have simply closed down.

I am a senior student at Nesquehoning High School. Graduation is not very far off, and I am looking toward my future.

Once the Nesquehoning Valley was very prosperous. There were many jobs, and everyone was working. Then suddenly everything fell apart. Couldn't you do something about this? This concerns a whole area. Some kind of defense plant in our valley?

We have all the facilities an industry could want. We have water power, railroads, space for new industries, a big labor supply and very good roads. What else would you need for an industry? Nesquehoning is a very clean town; the people are very industrious.

You can help us to become big tax payers once again. We are not asking for charity; we are merely asking for an opportunity to become productive again.

Respectfully yours,

MICHAEL DEGILIO.

NESQUEHONING, PA.,
March 31, 1960.

The Honorable JOSEPH S. CLARK,
The U.S. Senate,
Washington, D.C.

SIR: I am a senior in Nesquehoning Junior-Senior High School and a future citizen and taxpayer of Panther Valley. I will be graduating very shortly and then I would like very much to say what my plans are, but that is impossible since it is quite difficult for skilled workers to get work in the valley, I am quite sure I couldn't—a young graduate.

I realize now that I will have to leave the valley although I don't want to leave. At the present time my father is unemployed, and he is just one of over a thousand unemployed. I am writing this letter to try to express to you just how much our valley and the people in this valley need help. If it could just be possible to bring in an industry to this valley it would mean a great deal to all of us. Graduates wouldn't have to leave the valley; parents could give their children what they need and want. It seems so little to ask, but it means so much to so many.

Pennsylvania is a wealthy State; the United States is a wealthy country. Can either afford to let the economy of any one section fail completely? Is it good business?

The Governor and the people would benefit if the citizens of Panther Valley became productive again.

Please give my letter serious consideration. Try to use your influence and power to help us in a constructive way.

Respectfully yours,

PHYLLIS REGO.

NESQUEHONING, PA.,
March 31, 1960.

The Honorable JOSEPH S. CLARK,
The U.S. Senate,
Washington, D.C.

SIR: I am a senior in Nesquehoning Junior-Senior High School. I am about to graduate and as I look around, there just aren't many opportunities here. The people have to move from this beautiful town. What is going to be the future around here? From my viewpoint it is pretty dismal. The men don't have any jobs and they are growing older. Is a man in his forties really too old to work? I think it is a man's most productive years. Even the younger men can't find any work.

The United States has been so wonderful in helping other countries in distress, why can't the Government help the Panther Valley? All we need is a couple of good industries to make the town prosperous and productive again. We have the men who are willing and able to work. Is there any reason that the Government shouldn't help our handicapped area?

If we don't receive any help our lovely towns will turn into ghost towns. Thousands of people have already left our area. We don't want this wonderful valley to be left deserted. Times are getting rough, and if Uncle Sam has a heart, he will help us. Our Government has helped so many foreign countries. Our tax dollars have helped. Now we ask for aid.

This is one of the nicest places in the whole world to live in. Why must we move into crowded cities? One or two basic industries could change our picture completely.

Please don't say that this is not your concern or your department. That has been said so many times. Will you please give this matter your serious consideration?

Respectfully yours,

SARAH MOLINARI.

NESQUEHONING, PA.,
March 30, 1960.

The Honorable JOSEPH S. CLARK,
U.S. Senate, Washington, D.C.

SIR: I am a resident of Nesquehoning, Pa. Our town is situated on the edge of the coal-mining area. We believe that it is one of the most beautiful sections of the State, and I am sure you would agree with me if you visited our area. As you know, when the coal mining industry closed down, Nesquehoning and all surrounding towns were affected. Men were thrown out of work with no way to turn. The women of the valley had to go out and get jobs to support their families. When that happened, we were reaching the end of our rope. The answer: New industry.

Our valley is ideal for a new industry. We have railroads, water, a powerplant, which is operating at about half its capacity, excellent highways, but most important of all, we have manpower. I feel that if one sizable industry were directed into our valley, most of our problems would be solved—and I do mean problems. Our country has helped other countries by lending them millions of dollars, and as taxpayers we were willing to help countries in distress. We here in the now-idle coal mining area do not want millions. We just want a chance to work, just one big industry would help. Just one.

With the help of God and our Government, our prayers will be answered.

Respectfully yours,

JOHN VALUSEK.

NESQUEHONING, PA.,
March 24, 1960.

The Honorable JOSEPH S. CLARK,
The U.S. Senate, Washington, D.C.

SIR: I am a senior in the Nesquehoning Junior-Senior High School; and when I graduate, I would like to stay in my hometown. However, when you look around and see the employment situation of our town, I wonder if there is any future here for me or any of my fellow classmates. Just to think of how our town was years ago and how it looks today gives anybody that sad feeling of what could become of our town.

When you look around and see so many idle men leaving their homes and families to go to a distant town or city for a job it paints a pretty sad picture. If some kind of basic industry would come into our town, our problem would be solved.

Nesquehoning is a beautiful and clean little town, but we do need industries; so whom can we turn for help if not our elected governmental representatives? All the mines have closed completely. We are a very distressed area. Wage earners with large families have lost their jobs and are unable to obtain employment anywhere. Is a man really too old to work at 40? This is tragic.

We as taxpayers have helped so many needy countries abroad. Now we ourselves

need help. We want to work and to be independent again. Would it be possible to route one big defense plant into our valley? Just one big plant would solve the problem of our whole valley. It may seem so little yet it means so much. Are we the forgotten area?

Please give this your serious thought and consideration.

Respectfully yours,

ROSE ROMAN.

NESQUEHONING, PA.,
March 29, 1960.

The Honorable JOSEPH S. CLARK,
The U.S. Senate,
Washington, D.C.

SIR: On June 3 of this year I shall graduate from Nesquehoning High School. Graduation, I suppose, should be a day I can look forward to. But how can I? Graduation does mean an extra expense for my family, and the families of my classmates. We are going to find this extra expense hard to meet. There is also the senior prom. Being like any other girl, I would like a new dress. But how would I feel getting a new dress and then my sister or brother would have to do without something in order that I may get it?

This is only a small example of some of our problems here. Many people have to worry about how they are going to pay for household expenses, much less something like graduation.

The point of my letter is that we need help desperately. The people of Nesquehoning are good-living, hard-working people—people who really deserve the consideration and help you may be able to get for us.

Senator CLARK, isn't there some way in which you could possibly help us? Couldn't you please try to bring an industry into our area?

Our Government has helped many other countries of the world when they asked for it. Couldn't the Government now help us?

Many large families here, the wage earner having lost his job, don't even have enough to eat. The cost of living is very high.

We are a very independent and hard-working people here, but it's hard to be independent when you and your children are hungry.

If just one big industry could be sent to this valley—just one—our problem would be solved. Will you please work on this problem before it's too late?

I, and I'm sure the rest of our people, would be ever so grateful for anything you could possibly do for us.

Respectfully yours,

MARY JANE TREVENA.

NESQUEHONING, PA.,
March 30, 1960.

The Honorable JOSEPH S. CLARK,
U.S. Senate,
Washington, D.C.

DEAR SIR: I am a senior in the Nesquehoning High School, and a future worker of the United States of America. I will graduate in June, but the future in Panther Valley isn't very bright. Instead of industries coming into this valley, they are going out. Under this condition, our future after graduation doesn't look very good.

Getting a job here is very difficult; new industries are going up everywhere else except in our valley. The only decent job is found away from home; therefore the population of Panther Valley is decreasing. People who have lived here practically all their lives have to leave and get jobs away from their home town. Leaving means giving up and starting over at a place away from our valley which is very beautiful. This valley that was once a great coal region is now fading away to a region of loneliness. Our situation is really desperate. We have no one to turn to except our Government. Surely a Government that is so conscious of the needs of people abroad will not turn a deaf ear to the needs of some of its own citizens—citizens of a whole section.

Our homes are very nice; but even if we secure jobs at a distance, we can't sell our homes for their proper value. Who wants to buy a home in a ghost town?

We are not asking for charity—just a chance to become productive and independent citizens once more. Just one big industry would help us. As a result we would gain, and our country would also gain through additional tax money.

Please give this your serious consideration and do something constructive for us.

Respectfully yours,

MARGARET ANN HRINDA.

NESQUEHONING, PA.,
March 29, 1960.

The Honorable JOSEPH A. CLARK,
The U.S. Senate,
Washington, D.C.

SIR: I am a senior student at Nesquehoning High School. I will graduate in June. Most of the senior students will have to go somewhere else for a job, because there is no work around our town. The working conditions in our valley are not very good; in fact, most of our men are unemployed. About 3 years ago we had a mining company in our town; it employed over a thousand men from our valley, but now it is closed down and all the men are out of work. A great many of the men went away to work, and they had to leave their families here. They come home on weekends to see their families. All we need is one big industry in our town to keep it going. Couldn't you try to do something for our town?

Over the years the Government has helped many people in the world. So, Senator CLARK, couldn't you please try to use your influence to help a whole section in your own State of Pennsylvania?

The people of Nesquehoning would appreciate any help you could possibly give us.

Respectfully yours,

MARIANNE REHATCHEK.

NESQUEHONING, PA.,
March 29, 1960.

The Honorable JOSEPH S. CLARK,
The U.S. Senate,
Washington, D.C.

DEAR SIR: I am a senior in the Nesquehoning Junior-Senior High School. This coming June I will graduate and I'll have to look for a job; but the way conditions are in the Nesquehoning Valley, hardly anyone can get a job. There are a great many older people than I living in Nesquehoning who are unemployed, people whom I know very well. Some of them are my relatives; others, close friends. If these people cannot find employment, what is my future?

In the past 10 years many people have left Nesquehoning to seek employment elsewhere. Some of the men have to leave their families and go looking for jobs in distant towns. If Nesquehoning had some kind of industry all the people of our town could be together again.

The Nesquehoning Valley's location is wonderful for a new industry for several reasons. Some of these reasons are: railroads, water supply, electric power, and many ambitious people who are willing to do just about any kind of work. We also have the space for the purpose of setting up a new industry.

The people living in the Nesquehoning Valley are in great need of help; and if someone soon doesn't do something about this situation, Nesquehoning will be completely deserted in a few years.

We come to you, our representative in the Federal Government, for help. Just one really big industrial plant would solve not only our problem but the problem in our entire valley.

It seems so little to ask; yet it means so much to so many. Senator CLARK, will you work in our behalf?

Respectfully yours,

MARY ELLEN YANIGA.

NESQUEHONING, PA., *March 30, 1960.*

The Honorable JOSEPH S. CLARK,
The U.S. Senate,
Washington, D.C.

SIR: I am a senior in Nesquehoning High School and will graduate in June. As I think about our town, it seems as if it and our whole valley has been completely forgotten.

In this part of the country and in this valley in particular there are a number of once thriving little towns amid beautiful scenery. I know most people would like to stay here, but how can they when there is no employment? A town without any work or industries just doesn't keep its citizens for very long; and in the years I've lived and grown up here, I see our town fading away right under our eyes. There is no reason for this when something can be done. We've helped other countries when their need was far greater than ours. It's not as if we're asking to help fight a war, but we are asking to help fight destruction and the downfall of our whole valley.

I'm sure it wouldn't take much—just a few industries to bring back all the families that left here. Then maybe more people would start moving back and make Nesquehoning once more the thriving and prosperous community it once was.

It's as simple as this—immediate help or ghost towns. Please help us, or use your influence to see that we are helped.

Respectfully yours,

CAROLE KENNEDY.

NESQUEHONING, PA., *March 30, 1960.*

The Honorable JOSEPH S. CLARK,
The U.S. Senate,
Washington, D.C.

SIR: I am a senior in Nesquehoning Junior-Senior High School and will graduate in June. After graduation most of the seniors will have to leave home to get employment, because there aren't any jobs in our valley. Nobody wants to leave home, but there isn't anything else we can do.

Most of the men in our valley are without jobs, and those who have jobs have to go someplace else to work; they have to leave their families here and seek employment elsewhere.

My father had a job until the last mining breaker closed down; now he is one of many who are without work. Most of the women have to go to work to try to support the family. They have to work in factories and that's really hard work. Mothers should really be at home taking care of their homes and families, but someone has to make a little money to take care of at least part of the necessities of life.

When I graduate, I would like to get a job for the summer months to try and help out at home, but there isn't any employment here for me or any of the other seniors.

The reason for writing this letter is to let you know just how much the people of Nesquehoning really need help. If we soon don't get help, all the people in this valley will have to leave. We turn in desperation to our only hope—our Government. The American Government has helped so many needy countries abroad. Certainly it cannot turn its back on its own needy citizens.

Respectfully yours,

MARIANNE YORK.

GOOD RACE RELATIONS EXISTING IN GAFFNEY, S.C.

Mr. THURMOND. Mr. President, there appears in today's issue of the Wall Street Journal a very excellent article

by Mr. John F. Bridge entitled "The Quiet in the South: A Small Carolina Town Hews to Its Peaceful Ways Amid the Noise of Racial Conflict in Other Places." I call this article, which is written about the good relationship existing in Gaffney, S.C., between the members of the white and Negro races, to the attention of the Senate, because it ties in so well with a speech which I made on the floor of the Senate last Friday, April 1, pointing up the advantages of our system of segregation in the South over that of the harsh, hypocritical, and deceitful system of segregation which is found in the North. As this writer points out, Gaffney is an excellent example of the good relationship which can exist between the races in a segregated society without outside agitation. The writer also adds this important point: that there are more Gaffneys in the South than there are racial trouble spots which have been stirred up by the NAACP and other leftwing, radical groups who are merely serving the cause of the Communists by pitting race against race in some areas at a time when our people should be united as never before in the interest of our national security.

Mr. President, I ask unanimous consent to have this article printed in the body of the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 8, 1960]

THE QUIET IN THE SOUTH—A SMALL CAROLINA TOWN HEWS TO ITS PEACEFUL WAYS AMID THE NOISE OF RACIAL CONFLICT IN OTHER PLACES

(By John F. Bridge)

GAFFNEY, S.C.—As the turboprop flies, it is only a few hours from New York City to this town of 9,000, tucked away in the hills of western South Carolina. But this is a world that New York and Chicago and San Francisco do not know. And the guesses they make about it are often wide of the mark.

The headline in New York was of civil disorder sweeping across the South, of Negroes battling police to be seated at lunch counters with whites; the newscasts told of crosses flaming in the hills. But whatever the situation in some larger places, in Gaffney there is no battling, there are no fiery crosses, there is no disorder. Life goes on much as it always has. Businessmen meet for Rotary, housewives gabble with their colored cooks, and high school kids assemble in their segregated schools (Negroes in the newer, more modern one). The stranger with the northern accent may be studied with mild curiosity and a touch of anxiety. But he is greeted with unfailing friendliness and by white and Negro alike.

True there is a certain tension in the air. But one feels it is imposed largely by the world outside and the memory of things past. At the Sports Central poolhall on North Limestone Street the young white men intently mind their own business. The Negroes loafing on the bench outside Glymph's Market a block back on Petty Street do the same. Segregation remains the rule, there is no drama of change. But there is, perhaps, a certain drama in the very fact that things do remain much the same. For there are more Gaffneys in the South than there are Greensboros or Birminghams.

At the Marby Cafe, businessman-engineer Jack Blanton, a Clemson graduate and for the 46 years of his life a resident of Gaffney, spoons 10 o'clock coffee and quietly notes: "We could have trouble, any place can have trouble in these times. But the chances are we won't. We have our problems, but we don't have many hotheads—either Negro or white."

The somewhat older manager of the Belk's department store here adds: "If there's trouble, it'll be imported from outside Gaffney. White and colored get on right well here."

THE TEDIOUS GULF

Talk to leaders of the colored community, which makes up one of every four residents of Gaffney, and very much the same impression emerges. Plainly they are not enthusiastic about the segregated life as an eternal state of affairs. But that is not the same thing as favoring violence, or even sharp and sudden breaks with custom and tradition. The upper crust of educated or commercially successful Negroes seem equally unimpressed by fiery crosses on the one hand and by promises of seven-league-strides to racial equality on the other.

Certainly they are well aware of the obvious; that the gulf in education and economic acumen between themselves and most of their fellow Negroes is greater than between themselves and middle class whites. Further, the visitor gets the definite impression that they find the job of uplifting the Negro a discouragingly tedious one. It adds up to a long, difficult job of education, economic improvement, further education, further improvement. All this before the gradual erosion of the social barriers that, in the phrase of one educated Negro, "would make integration meaningful." One feels these Negro leaders believe that in the present context of Negro educational levels here, this is a long way off.

But as for present relations between the races in Gaffney, in a time of widely publicized trouble, they are typically characterized as "relatively very excellent," generally quite good," and "very satisfactory." What are some of the reasons for this view of relative amity that are given by Negroes?

Drive out South Johnson Street and visit Rev. A. W. Goforth on a Gaffney afternoon. Next to his limestone Baptist Church is the neat white parsonage among the clergyman's early spring garden of crocuses and daffodils. His preschool son riddles the stranger with a popgun, and is riddled in reply, but all else is peaceful. The youthful Negro minister leaves off feeding the baby and ushers his visitor to a chair.

By the clergyman's account, it is the everyday little items, perhaps more than bigger, idealistic ones, that matter most to broad segments of the Negro population here. Recreational facilities are important; when a committee of Negro ministers sought sports equipment from town officials, they got it. There are two new municipal swimming pools, one Negro and one white, and the dimensions are identical. When the minister himself went to qualify to vote, "No one gave me any trouble; they gave me a piece of the Constitution to read and that was it."

Yet Reverend Goforth cannot be described as uninterested in desegregation; on the contrary. But one feels that daily events and pressures within his own congregation are closer to him, that whatever the drama elsewhere, his first interests are bound up with those things nearest to his own peaceable way of life.

Interestingly enough, among Negroes as well as most whites, there is agreement that "trouble," if it comes, likely would come from outside the town. "Gaffney isn't big enough for the NAACP to bother with," comments one Negro leader. Another notes that most of the "sit-in" disturbances have been in towns where there were Negro college students and Gaffney has no such school—though he inclines to shrug off the disturbances as versions of student faddism and prankishness, rather than as a seriously organized program. There is general agreement, too, among members of both races that there is no active membership in the town of the National Association for the Advancement of Colored People.

More extreme elements in the white population are usually identified hereabouts with the Ku Klux Klan. Cherokee County was a hotbed, by one oldtimer's account, for the original Reconstruction-era Klan, but the present version is generally considered to be disreputable and is therefore shunned by the responsible citizens who were its backbone in its earlier history. This is not to say the Klan does not exist—"a few crosses were burned several years ago" by the report of Editor S. C. Littlejohn of the Gaffney Ledger. But at least thus far, opinion of that unpleasant memory has kept Klansmen quiescent amid the difficulties elsewhere.

Don Hill, manager of the chamber of commerce, likes to believe that the town's growing industry, by making more jobs available in the textile, screen-wire weaving and other mills, has helped keep things on an even keel and the extremists quiet. A certain amount of competition for jobs between white and Negro is sometimes considered a cause of racial friction.

To be sure, the white-Negro job competition is limited; the mills here generally stand by their traditions of production and office jobs for whites, servicing and maintenance jobs for Negroes. When Negroes complain in Gaffney, it is most often, in the stranger's experience, about a certain economic ceiling faced by some who might be qualified for better jobs.

But this ceiling has been penetrated in some instances, with the assistance of the white employers here who are sometimes more concerned about the Negro's future than are many Negroes.

At the Childers' Sheet Metal Works, John O. Childers employs a Negro foreman over colored workers, and quite successfully. At the Modern Laundry, 60 years a town institution, the Morgan family has long employed Negro and white workers together, at comparable rates of pay.

For Negroes, such pay at the Modern ranks them well up in the colored economic scale. For example, Roy Ratchford, in his early thirties and the father of five, draws $45 a week as the drycleaner; his predecessor was white.

Partner-manager P. E. Morgan, Jr.'s approach to the half of his 40 workers who are colored is an interesting mixture of what might be called oldtime southern paternalism, on-the-job education for prudent living, and solid private enterprising. He and his family, southerners for many generations, feel, "we brought the Negroes here, it is up to us to fit them into their benefit." So he has adopted not only comparable pay, but paid hospitalization, a pension and sick leave system (frankly paternalistic), a small interest-free loan fund (to cut out the loan sharks) and a company-sponsored savings system (last year the 40 employees saved nearly $5,000).

SATISFACTION AND SUCCESS

Dry cleaner Ratchford, with the five children, saves $7 a week from his $45. One Negro woman employee of many years has thus sent several children through college. One husband and wife combination had saved $15,000 by the time they retired.

What do the Morgans—Mr. Morgan and his mother are the present partners—get from this? Of course, there is the inner satisfaction of fulfilling old family ideas of southern responsibility of whites to Negroes. This loyalty has been reciprocated in low absenteeism and a rate of turnover that is phenomenally low in a business noted in many places for an almost annual turnover.

The four colored women who press shirts have a total of 77 years on the job. One, Molly Shifty, about to retire at 65 on a voluntary system, has been on the job for 35 years. As a result of this skilled labor developed from unskilled ranks, Mr. Morgan turns out laundry for which he can charge 20 percent more than the competition. This of course, helps pay his higher wages to colored workers.

But the Morgan operation is an undoubted exception in the economic scheme of things. And if it perhaps contributes to peace in Gaffney, it can also be attacked as the paternalism that makes colored people "too satisfied."

The overwhelming impression is that Gaffney is at peace with itself because that is the way it wants to be. And if anyone is mad about anything, he is mad that the finger has again been pointed at the South by a North that has racial troubles of its own.

Meanwhile life goes on in the quiet, unhurried way that typifies small towns in the United States from Massachusetts to Texas to Nebraska to Oregon. If the accents are different, the people are the same.

The matrons meeting in the women's store exchange the effusive cries and compliments that mean they haven't met since day before yesterday. The watchmaker labors for 30 minutes on the stranger's watch but won't accept payment because he "can't guarantee it"—and even when he knows he will never see the stranger again. Folks fuss at parking meters and gripe mildly because the Southern Railway tracks, when they came through before the Civil War, "bolixed" up Founder Michael Gaffney's layout of the town and created a traffic problem for time immemorial.

The Shakespearean troupe comes to 115-year-old Limestone College for women and the music festival is not far away. The annual wives' night at the Rotary Club convenes, the speaker strings together 40 minutes of lively jokes (sample: Why keep up with the Joneses, they'll only refinance and move on out ahead again) and the dentist's wife tells the doctor's wife the precise information the stranger has overheard in New Jersey, Ohio and California: "The kids can't keep up, and neither can I—Scouts on Monday, choir on Tuesday, dancing lesson on Wednesday, piano on Thursday." No one mentions any crises of race or school integration and life goes on.

And, at least by casual observation, it goes on also in the various colored sections of town. Gaffney, like many southern towns and unlike most in the North, has no stringent residential segregation. Around the original cluster of homes, there was an outer circle of homes of Negro domestics and their families. But as the town grew, white homes infiltrated the Negro sections and also leap-frogged across them into new, predominantly white areas. Thus the middle class Negro homes in the block with Reverend Goforth's Baptist Church adjoin one of Gaffney's better white neighborhoods.

AT GRANARD HIGH

This is one factor that has compounded the school difficulties. In part the Negro interest in integrated schools is a desire to use the nearest school; in part the white interest in segregated schools is to keep both home and school contacts of their children from becoming wholly the same.

In South Carolina segregation remains the State law and there have been no moves here, in or out of the courts, toward any degree of integration. But in the past few years there has been a heavy State school building program and among those that have been built is the new Granard High School in Gaffney, a colored high school which in appearance and curriculum is not at all unusual in the State.

What is it like? Named for town-founder Gaffney's own home town in Ireland, it has 784 students from all over Cherokee County, transported to the school by school buses. It is a long, low, red brick-faced concrete block structure, rising to two stories in the center. In total appearance it is indistinguishable from modern schools in many northern cities, including those in some wealthier suburbs of big metropolises.

Step into the office of Principal H. G. Simpson. There is a short wait while the principal administers some sharply worded advice to an erring youngster somewhere down the hall, and the neatly dressed and well-spoken young colored secretary advises the stranger he is welcome to smoke. But otherwise the stranger could well be paying a visit to the principal of the northern white school his own children attend.

A loudspeaker on the pale-green-painted wall starts paging "all members of the Library Club" to report for a meeting. On the wall behind Mr. Simpson's desk hangs a certificate of merit from the National Education Association (it meant that 100 percent of the teachers are members) and a charter from the National Honor Society for the Ralph Bunche Chapter of Granard High.

Professor Simpson, as he is sometimes called, proves to be a native of South Carolina in his forties, who holds a master's degree from New York University, and who is a born and obviously dedicated teacher. Some 25 percent of his graduates go on to college, he reports. His curriculum is comparable to most traditional high schools—commercial subjects and industrial arts are offered but the main course is academic: Chemistry, biology, physics, mathematics in the sciences; ancient and U.S. history; English; and so on.

Lunch hour is underway outside. The students stroll about quietly, their dress economical but neat. As the stranger departs he notes posters announcing the candyland ball for the pupils and the annual talent contest of the parent-teachers' association.

Out on Rutledge Street a few dogs patiently await their masters, the hot Carolina sun beats down on the teachers' well-cared for Chevrolets, Fords, and Oldsmobiles, and somewhere nearby some family's backyard cow begins to moo contentedly. The stranger cannot help but reflect that the students he has just seen, in their State-built segregated school, are a far cry intellectually from many of their uneducated parents. When they are heard from at some distant date, the story may be different. But for now, whatever the rest of the world thinks, this one small piece of the smalltown South couldn't be quieter.

ADDRESS BY FOREIGN MINISTER OF FEDERAL REPUBLIC OF GERMANY

Mr. SCOTT. Mr. President, it was my pleasure to be invited on March 18, 1960, by my colleagues, the Senator from New Hampshire [Mr. BRIDGES] and the Senator from New York [Mr. JAVITS], to a luncheon in the U.S. Senate Chambers in honor of Germany's distinguished Foreign Minister, Dr. von Brentano. In spite of the fact that this was one of the busiest days in Washington, with the civil rights legislation before the Senate and Congress, many of our colleagues attended. I want to compliment my colleagues for arranging this luncheon and having this distinguished guest present. It has enabled us all to get these important facts firsthand in regard to the forthcoming summit conference, where the fate of the free world may be decided.

It helped me, and I am sure my colleagues feel likewise, to listen to the senior Senator from New Hampshire and the senior Senator from New York and to our able Under Secretary of State, Mr. Dillon, and to the most penetrating and precise address of Germany's great statesman, Dr. von Brentano, who shares with the great Chancellor of Germany, Dr. Adenauer, who was our Nation's guest recently, the grave responsibility of not only handling the foreign affairs of Germany, but of working hand in hand with us to stop this cold war and Soviet imperialism.

Mr. President, I ask that the transcript and the commentary and the address of this historical luncheon be printed in the RECORD so that all our colleagues and friends who could not be present can share with us this experience and knowledge.

Only a few days ago in Chicago, on April 4, 1960, our distinguished great Secretary of State, Christian Herter, a worthy successor to the late John Foster Dulles, most eloquently gave the U.S. position in regard to Soviet imperialism. Let me cite here only the comment by the Chicago Daily News on Mr. Herter's eloquent speech, which will be found in other pages of the CONGRESSIONAL RECORD.

Chicago Daily News, April 5, 1960:

RUSS TRYING TO SPLIT OUR SIDE AGAIN: HERTER—NIK SOWS SEEDS OF DISUNITY—ALLIES WON'T RETREAT ON BERLIN

Secretary of State Herter Monday accused Soviet Premier Khrushchev of trying to "sow the seeds of suspicion and disunity" among the free world allies by a series of threatening speeches on West Germany.

Herter again declared the determination of the West "to protect the freedom and security of the people of West Berlin" at the forthcoming summit meeting.

"In thus making sure that the Soviet leaders do not misjudge our firmness, we reduce the chances of rash action which would greatly increase tensions," Herter said in a speech before the National Association of Broadcasters convention in the Conrad Hilton Hotel here.

This answers clearly the words of Minister von Brentano in his address, and I am quoting these two paragraphs here again to be sure that Chancellor Adenauer, Minister von Brentano, and the entire people of Germany know that all of us here in the U.S. Congress back the position of the President and Secretary Herter:

Whenever I came here or come here for an exchange of views, and in order to express what worries us, what concerns us, please do not think and do not interpret that as meaning that we had any doubts of the policy or the political attitude of the United States of America. I think the past has clearly shown that such doubts would not be justified, but if we speak about that, it is because we think it's necessary to maintain this unflinching solidarity among the nations of the free world. We do not mean to express any doubts in the American position, but we want to warn of certain possibilities which may perhaps arise; we want to point out the consequences that may occur, that may crop up for the whole free world if this solidarity were to be shaken. And this feeling was expressed and could be felt in all the talks I've had. I remember yesterday our meeting with the Foreign Affairs Committee and Senator FULBRIGHT. I notice this feeling here to-

day and I think wherever I've been I've had this firm conviction that there is trust and confidence between our two Governments, between our two Nations, and I think it is a confidence and a trust which is genuine and will be lasting.

Your presence here today and the invitation you extended to me was highly satisfactory and was a great honor and distinction. Noting how great the understanding for the German situation is, was a few days ago also made very clear by the speech delivered by Senator DODD. It's an excellent speech. I read it with the greatest interest, when he commented on what is worrying us in Germany today, and I particularly am pleased and grateful that he, who has seen the liquidation of that rather fatefully unhappy period in Nuremberg, is now one of those who pleads for trust and confidence in this new Germany; and I am sure, Mr. Chairman, that my visit has also helped to strengthen this and to deepen this feeling of friendship, of confidence, of cooperation. I am sure that our cooperation will become even deeper, and even closer, and there must be no doubt in our common task, in our solidarity. This common solidarity of the free world must not be shaken, and the Federal Government and the Federal Republic of Germany will daily make new efforts in order to convince their newly gained friends that you can rely on this new Germany.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH OF HIS EXCELLENCY, DR. HEINRICH VON BRENTANO, FOREIGN MINISTER OF THE FEDERAL REPUBLIC OF GERMANY

Mr. Chairman, gentlemen, first of all, I would like to take this opportunity to thank my hosts today, Senator JAVITS and Senator BRIDGES, for this opportunity they have given me to speak before this very distinguished group today, and in conveying my thanks to these two Senators, I, of course, would also like to thank you for having come here in spite of your busy schedules on the floor of the Parliament in order to listen to what I have to say. You Senators are most gracious and kind to recall also my American relatives in your introductions.

I remember Theodore Brentano came to the house of my parents in Germany. At that time he was no longer chief justice in Chicago but was the first American Ambassador in Budapest. The German Brentanos were of course very proud of this great American uncle. And now Senators, Congressmen, distinguished Cabinet officers and our good friend Secretary Dillon—I would not like to speak about what has very often been said in the last few days. But I should like, gentlemen, to say a few words about the general views of the Federal Government of Germany on those political questions which have been with us yesterday, which are with us today, and which will be with us tomorrow. First of all, gentlemen, I ask you to be convinced that the German people of today unequivocally adhere to the idea of the free and democratic order. I admit that the last few months some incidents have occurred that greatly worried us. But if I say that these incidents were not of that significance which were attributed to them in some papers I do not mean to minimize the seriousness of these effects, but I assure you that we are extremely vigilant in the Federal Republic of Germany, and that we will be in a position, in a people of 52 million inhabitants, to deal with some few fools or criminals.

I think that the personality of the Federal Chancellor, Dr. Adenauer, the personalities of all those who work with him, the general attitude of the German Parliament, the general attitude of the German public opinion will give you this guarantee. I said before that Germany of today adheres to an order of freedom and democracy. And we are not prepared to make any compromise on that issue of freedom, liberty, and democracy for all, under any heavy pressure or pretext, as far as Germany is concerned.

It is only the Federal Republic of Germany, their 52 million people, who are lucky to live under a system of liberty and freedom. But that does not mean that we will ever let up in our efforts and endeavors to see to it that the 17 million Germans who are living in the Soviet-occupied zone of Germany will also one day be able to live again under a system and order of freedom.

I hope—I am sure—that when this day will come, and come it must and come it will, these 17 million Germans will make a decision, will cast a vote, which will be regarded as one of the most impressive manifestations of the will of part of a people, and they will show to the whole world that these 17 million Germans, though they have been subjected to unparalleled pressure, have not become soft, but that the majority of them sticks to the principles which are applying in your country here, which are applying to my country, and which we sincerely hope that they will also again in those parts of the world where they are not applying today. [Applause.]

If this was the first guiding principle of German policy, I should now like to say a few words about the second guiding principle of German policy that Mr. Dillon had referred to earlier. We are conscious of our obligations in Europe. The world today is a different world. This world in which we are living today is no longer the world of the 19th century. And Europe has become too small, for these individual countries have become too small. They no longer are an economic area sufficient in themselves. There are only qualitative differences between Germany, between France, between the Benelux countries, and therefore, because we are aware of this situation, because we are aware of these changes, we are prepared to go on, on the way which we have gone so far which led from the establishment of the Coal and Steel Community to the establishment of the European Economic Community and of Euratom.

And I should like to make a very strong point by saying we have not only in mind by taking this course an economic aim, but we also thing of a great political aim. And we are also appreciative for the understanding which we receive in this country for this particular point. True enough, it is a great economic adventure, because we are going to build one single economic area comprising 160 million people with an enormous huge economic potential. But what is the political task? The political task is European integration, and this means we will in this way eliminate a very fateful past—we will remove and root out all these things that led in the past to tensions or arising out of feelings of strong nationalism in the 19th century. We will make it impossible that these conflicts between Germany and France which have led to so many wars, which finally involved the whole world, will not recur. We will put an end to this development and, therefore, we are determined to go on, on this road and to create European unity.

I am particularly happy to state here that our French neighbors think exactly along the same lines. I think never in history has there been an epoch where Franco-German relationships were so close and were so frank that there has never been a friendship like this existing between the two countries, and there is the same understanding of our joint common task in France as it is in Germany.

But let me make another point. This policy, aiming at European integration, is not directed against anyone. I am sorry that there should have been some misunderstandings. We are not going, it is not our intention to establish, to found here a bloc, an economic or a potential bloc from which others are excluded. This is not our intention. But we cannot pursue our policy of European integration if we have to wait for those who are not ready yet to join. Therefore, we must make a start with those who are ready to do that. I am sure that the political and also economic difficulties which have cropped up since the establishment of the European Economic Community and the establishment of the Efta can be solved, and I am grateful to the American contribution that was made at the Western summit conference last December. The contribution that was made by the American Government, in particular by Under Secretary Dillon, and I have not the slightest doubt that this is an imminent contribution, to bring about final success of all our endeavors. [Applause.]

Now let me mention a third guiding principle. The German people of today who live in the Federal Republic of Germany, the German people of tomorrow who live in a reunited Germany, are an integral part of the free world, and I may assure you that any attempt to break Germany out of this community of the free world will meet with a resolute resistance of the German people. This is not an expression of intransigence, it is not an expression of cold war mindedness, but we are convinced that there is no compromise, no compromise is possible between slavery and freedom, between justice and injustice. Nor is it possible to dodge the decision by trying to evade the issue and fling into neutrality. I think the expression of this determination of the German people is visible in German membership in the Atlantic community.

We will not give up our membership in this Atlantic community even if the most enticing offers will be made to us. We are ready to join in what will be genuine and real coexistence, in general and real living side by side with other nations, but the Moscow interpretation of coexistence is unacceptable for us because it is necessary that he who speaks of coexistence recognizes first the right of his neighbor of the other country to his own existence, and this has so far not been the case.

Because the German people, most German people, and in particular the 17 million Germans in the Soviet-occupied zone have, so far, not been entitled freely to decide their own fate, and freely to decide their own order under which they want to live. Each country is convinced of the right of self-determination, but the Russians and Soviets contest this right as regards Germany, and only Germany. Nobody has a right to stipulate under which internal social or economic border the people want to live but the people concerned itself. Nobody has a right to fix for another people its position and attitude as regards foreign policy but the people, and the people alone. And we are ready to join and to cooperate in any security system if under this security system everybody has the same rights and has the same obligation. But let me repeat that again, with all emphasis, that there can be no compromise whatsoever as regards the general political situation and the position and attitude of the German people. The German people are part of the free world and they will remain part of the free world as long as they are in a position to defend themselves against intervention from outside and as long as they will enjoy the support of the countries of the free world. [Applause.]

Fifty-two million Germans are living in freedom. Seventeen million Germans are living in the Soviet-occupied zone and what is happening there in the Soviet-occupied zone is nothing but a new manifestation of wanton and reckless imperialism. There

are 2½ million people living in the free part of Berlin and their freedom depends on whether the free world will be ready to resist and oppose the threat that was expressed in this Russian note of November 1958. I do not think it necessary to make this point here because I know what your position is; I know where you stand. I think that the proposal that was made by the federal chancellor 2 days ago to have a plebiscite in Berlin is a good proposal, and it seems to me necessary to study this suggestion.

We know that sometimes Soviet eastern propaganda is not without effect, but I may tell you that about a year ago I had a visit from a gentleman, an eminent politician from one of the so-called noncommitted countries. And he spoke to me about this Soviet note of November 1958, and he asked me: "Isn't that a good proposal? Do you not want to set an end to the occupation regime? That is what they suggest in this note? Do you not want to have a free Berlin? May I suggest then that you establish a free city?"

It was not a lack of good will on the part of that gentleman, but it was just a lack of understanding of the realities of the situation. Therefore, I think it would be a good thing if these 2½ million Berliners would have the opportunity as in December 1958, to express, to manifest their will. At that time 96 percent of the population participated in the elections and cast their votes in favor of the two great democratic parties. Then it would be easier to discuss this problem, then we know what their will, what their desires are because we do not want and we shouldn't leave them out of account, and I must also say that I was particularly grateful and appreciative when 3 days ago after the talks with the President, between the President and the Chancellor, this idea was also supported, strongly supported by the President and also expressed in the communique. [Applause.]

Now, in conclusion, let me say a few words about a more personal character. I remember the day when the first American forces entered the town in which I happened to live at the end of the war, and it was only a few days later that I had my first talks with American authorities. That was in the State of Hesse, and when this State of Hesse was founded and when we had our first elections after the war, when the State Parliament and the State Legislature were elected, and when we worked out a constitution for the State of Hesse, then I remembered when the three Western occupation zones were united and combined and I remember our work in the parliamentary council which was instituted and established to prepare a constitution for the Fifth Republic of Germany. And then for 10 years I have been a member of the German Federal Parliament, of the Bundestag, and I have succeeded the Chancellor as the head of the greatest parliamentary government party and also as Foreign Secretary, and in all these years I had the closest cooperation with the United States of America and their representatives.

I remember my cooperation with General Clay. I was pleased to see him again the other day. We developed a sincere friendship, and then I remember Mr. John McCloy, Dr. Conant, Ambassador Bruce, and your present Ambassador in Bonn, Mr. Dowling. I also remember my talks in 1950, my first talk with Dean Acheson, whom I met in the residence of your then High Commissioner, Mr. John J. McCloy, when we discussed the German treaty. And in particular, I remember the late John Foster Dulles. He was a warm and sincere, honest friend of ours, and our memories of him will never die.

I am also particularly grateful for the support and friendly cooperation I am meeting with here, with the present Secretary of State, Mr. Herter, and I think these friendly relations could be established on your side because there was understanding and appreciation of the difficulties and of the problems we in Germany had to face. And the Chancellor said, yesterday I think it was, that he was deeply moved and touched when, the other day, he left the President's office, he met in one of the rooms in the White House the widow of General Marshall. We know how much we are indebted to him. And my talks this time with the President and the Vice President had shown—had given evidence that this sincere and close cooperation is going to continue. Whenever I came here, or come here for an exchange of views, and in order to express what worries us, what concerns us, please do not think and do not interpret that as meaning that we had any doubts in the policy or the political attitude of the United States of America. I think the past has clearly shown that such doubts would not be justified, but if we speak about that, it is because we think it's necessary to maintain this unflinching solidarity among the nations of the free world. We do not mean to express any doubts in the American position, but we want to warn of certain possibilities which may perhaps arise, we want to point out the consequences that may occur, that may crop up for the whole free world if this solidarity were to be shaken. And this feeling was expressed and could be felt in all the talks I've had.

I remember yesterday our meeting with the Foreign Affairs Committee and Senator FULBRIGHT. I notice this feeling here today, and I think wherever I've been I have had this firm conviction that there is trust and confidence between our two Governments, between our two nations, and I think it is a confidence and a trust which is genuine and will be lasting. Your presence here today and the invitation you extended to me was highly satisfactory and was a great honor and distinction. Noting how great the understanding for the German situation is, was made very clear a few days ago by the speech delivered by Senator DODD. It's an excellent speech. I read it with the greatest interest, when he commented on what is worrying us in Germany today, and I am particularly pleased and grateful that he who has seen the liquidation of that rather fatefully unhappy period in Nuremberg is now one of those who pleads for trust and confidence in this new Germany. And I am sure, Mr. Chairman, that my visit has also helped to strengthen this and to deepen this feeling of friendship, of confidence, of cooperation.

I am sure that our cooperation will become even deeper, and even closer and there must be no doubt in our common task, in our solidarity. This common solidarity of the free world must not be shaken, and the Federal Government and the Federal Republic of Germany will daily make new efforts in order to convince their newly gained friends that you can rely on this new Germany.

And now, distinguished gentlemen, thank you again from the bottom of my heart. [Applause.]

PROPOSED SAWTOOTH NATIONAL PARK

Mr. CHURCH. Mr. President, yesterday I introduced Senate bill 3353, which calls for a feasibility study of a Sawtooth National Park, in central Idaho. At that time, I included in the RECORD extracts from a number of favorable editorials which had appeared in Idaho newspapers.

I ask unanimous consent to include at this point in the RECORD excerpts from an editorial published in still another Idaho newspaper. The editorial deals favorably with this park study proposal.

There being no objection, the excerpts from the editorial were ordered to be printed in the RECORD, as follows:

[From the Mountain Home (Idaho) News]

THE MAJORITY SAYS, "GO AHEAD SENATOR CHURCH"

After reading editorials in several Magic Valley newspapers we got the idea that Senator FRANK CHURCH might have bitten off more than he could chew when he announced his intention of trying to create a national park in the Sawtooth Mountains. This week it looks like the bite he took might turn into a pretty nice feast for the junior Senator from Idaho.

In a public opinion poll CHURCH found out that four out of every five people wanted to see a feasibility study made on the park idea. The people from Elmore County who answered his postcard poll tabbed an even higher "yes" vote—91 yes and only 12 no.

As in the case on many big issues a lot of the firsthand uproar was caused by a lack of complete understanding. Stockmen and ranchers, as well as organizations composed of each, started yelling at the top of their voices because they didn't want their range and meadow land in the Stanley Basin taken away from them. Unless our latest information is incorrect, their yells weren't justified since those grounds were never included.

MILAN TRADE FAIR—A BUSINESSMAN'S SUMMIT

Mr. WILEY. Mr. President, during the past year, we have witnessed an unprecedented "have message, will travel" type of diplomacy in world affairs.

The leader and high-ranking representation of the free and Communist blocs have traveled to friendly uncommitted, and ideologically cpposed, countries for a wide variety of purposes, including discussing issues, selling their way of life, resolving differences, promoting better understanding and other reasons.

They have tried to explain their nations and their chosen systems of government to the host nations. Many of these visits have been natural manifestations of friendship between nations sharing similar objectives and desires for their peoples. Others have been part of an attempt to win allies in the competition that exists between those nations whose peoples have chosen freedom and others governed by the Communist system.

This struggle is not, however, confined to the diplomatic, military, or propaganda battle lines.

In addition, the economic challenge is playing an increasingly significant role. In fact, it is in the realm of the economic that this competition between opposing systems may finally be won. As a frontline, the American businessman may well prove to be a most effective ambassador.

Toward this end, the U.S. Government is sponsoring, and the American businessman is participating in, international trade fairs throughout the world—not only to present our country in a proper light in the war of ideas, but also to help U.S. business expand its markets and thereby enhance both domestic and international prosperity.

I would, therefore, like to call the attention of my colleagues to what might be called the "businessman's summit"—the Milan Trade Fair, largest of its kind in the world. The fair opens next week.

At this fair there will be nearly 13,500 exhibitors from more than 120 countries showing over 1 million industrial, commercial and agricultural products in the 4½ million square feet of display space with 47 miles of display front. There will be national pavilions of 33 governments, including those of the United States and the Soviet Union, plus scores of independent exhibiting companies from every continent. This year 550 American firms will be represented—a new record. In fact, there is a reported difficulty in obtaining adequate space for the numerous U.S. exhibits.

However, it is most encouraging to find that more and more of our businessmen are becoming aware of the values of, and are participating in, trade fairs. They are to be commended for their effort to increase trade abroad and, in this way, to help rectify our current trade imbalance. The Milan Trade Fair, one of the world's largest, is illustrative of the kind of oversea marketplaces that are open to those of our businessmen who are in a position to take advantage of them.

At the fair the potential buyer can expect to find everything from safety pins for the baby to the largest mechanical and manufacturing equipment. This year five new international expositions have been added to this colossus, enlarging the fair by 250,000 square feet—more than the total size of many trade fairs elsewhere in the world, but only a small fraction of the permanent Milan Fair grounds. These new expositions will be devoted to chemical engineering, aeronautics, synthetic fibers, freight containers and motion pictures.

For example, the new international film fair will encompass exhibits and demonstrations of the creative, technical, and commercial resources of the world's motion picture industries for the first time. A special exposition will be devoted to vertical flight; and a specialized exposition of high vacuum applications have grown from what was formerly a part of the chemical engineering show.

Freight containers used as road-rail and rail-ship transport links will have their own separate exposition and the Bureau International des Containers will sponsor a special outdoor exhibition of developments of these freight carrying units. The BIC will hold its annual assembly and meeting at the fair and there will be a convention of the International Federation of Associations of Transport and Associated Enterprises at which Government and private railway officials from many countries will participate.

Among other important technical conferences to be held during the fair are a series of meetings on new chemical technologies and the regular meetings of dozens of international trade, industrial, and agricultural associations and professional groups.

In addition, representatives of NATO, the European Common Market, the CEPES and other European bodies and representatives of African nations are scheduled to meet to discuss ways by which Government and private industry can collaborate in the development of the newly emerging African nations.

Participation in fairs such as the Milan Trade Fair has proved gratifying not only from the standpoint of increased commercial activity for the businessman but, as the Director of the U.S. Commerce Department's Office of International Trade Fairs has said, as "a real contribution to world peace."

THE DRUG INDUSTRY'S TRIAL BY PUBLICITY

Mr. MARTIN. Mr. President, I ask unanimous consent to have printed in the RECORD a speech prepared by our distinguished colleague, Senator ALEXANDER WILEY, for delivery at the Iowa Pharmaceutical Association Convention, Cedar Rapids, Iowa, March 8, 1960. The speech is wonderfully informative and will be of great interest to all Members of Congress. It was reprinted in the April 4, 1960, issue of the Journal of the American Pharmaceutical Association, where it appears at pages 212 to 214.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE DRUG INDUSTRY'S TRIAL BY PUBLICITY

(By Senator ALEXANDER WILEY)

Congressional investigations may have seemed somewhat remote and abstract to you a few months ago. Yet now that the Senate drug investigation has made national headlines, you are in the middle of the puddle, too, so to speak.

It is true that these hearings are directed to the drug manufacturers—not the retail pharmacists. Indeed, we all know that you—with your long hours and large and expensive inventories—are far from being fortune makers. Yet, in the minds of some, your fortunes are somehow linked with those of the drug manufacturers. Consequently, you—who come in direct contact with the ailing and unhappy buyer—may be unjustly blamed for drug prices over which you have no control.

But congressional investigations should be of concern to you not merely because you yourselves are interested parties. The conduct of congressional business, like the conduct of our courts of justice, is a subject of direct interest to all citizens—for it is our basic liberties that are at stake. Every case in which justice is miscarried, every investigation in which the investigators are carried away opens the door for the abuse of your rights and mine.

WHAT IS A CONGRESSIONAL INVESTIGATION?

History has shown us that the best law is based upon the most widespread human knowledge and proper ascertainment of the facts. A rule made by one man is not nearly as good as the rule a man would make after consulting those intimately acquainted with the situation.

The making of laws—which is the business of Congress—is not an easy undertaking. Much raw material, a great deal of work, sweat, and care are necessary to produce what may appear, to the casual observer, a small quantity of annual legislation.

During the first session of the 86th Congress, a total of 13,837 bills and resolutions were introduced in the House and the Senate. Of these, only 619 were enacted in that session. Usually only 5 to 10 percent of the bills introduced eventually become law.

The major job of screening legislation belongs to the committees and subcommittees of Congress. Early in the history of Congress, a special ad hoc committee was set up to dispose of each bill introduced into the National Legislature. In the Third Congress, there were thus 350 select committees. Now Congress operates through standing committees which have specific subject matter jurisdiction. The so-called Kefauver Committee conducting the drug investigation is in fact the Antitrust and Monopoly Subcommittee of the Senate Judiciary Committee.

It has been said rightly that ours is a "government by committees." Probably better than 90 percent of the legislative groundwork—the research, the testimony on bills, the personal interviews, the special investigations, the debating, the weighing of factors, the compromising and redrafting—takes place not in the Senate or House of Representatives Chambers but in their workshops—the standing and special committees.

In carrying out legislative functions, the investigatory power is a major tool. It provides the legislature with eyes, with ears, and with a thinking mechanism. The investigations provide Congress with an orderly means for absorbing the knowledge, experience, and statistical data necessary for legislation in a complex democratic society.

Nowhere in the Constitution did the Founding Fathers expressly provide for investigations by congressional committees. Like Topsy, the institutions of congressional investigations "just growed." As early as 1792, the House of Representatives called for the first known investigation—an inquiry into the failure of a military expedition under Major General St. Clair against marauding Indians in Ohio and Indiana. Ever since, the power of investigation has been considered a necessary adjunct of legislation.

Of all Congresses, the 82d one earned for itself the title of "The Investigatingest Congress." Alone it conducted 236 investigations in 2 years and spent about $4 million on them.

But the present Congress need concede nothing to the 82d Congress when it comes to investigating. During the first session, committees were authorized to spend almost $9 million for investigations. This year the Subcommittee on Antitrust and Monopoly alone will receive $425,000 for investigations—the largest single appropriation for a probe in Congress.

What has the Antitrust and Monopoly Subcommittee done with this appropriation? It has been investigating the insurance business, steel prices, professional sports, the price of bread and—what you are most familiar with—the drug industry.

THE DRUG PROBE

Concluding his testimony before a recent hearing the Antitrust Subcommittee, one of the drug company executives thanked the chairman for the opportunity to present his testimony "at this trial." The chairman corrected the witness—this was a hearing not a trial; to which the latter responded: "I would have had a much easier time before a judge."

In this exchange lies the essence of my concern for the conduct of these hearings. What is the purpose of these hearings? How far can the subcommittee go? How can we assure American citizens and American business their legitimate interests and legal rights will not be abused?

The drug hearings were launched after 2 years of preparation. Ostensibly they are directed to determine whether monopolistic practices exist in the drug industry and whether new legislation is necessary to protect the interest of free enterprise. Begun on December 7, 1959, the investigation has thus far dealt with steroid hormones and

with tranquilizers. Antibiotics and vitamins are two of the pharmaceutical products next on the list.

If the purpose of these hearings is to uncover monopolistic practices, the record certainly gives little indication of success. I sat through many of the hearings myself and I obtained quite an education. Some of the Senators present said they felt they would be entitled to a medical degree after completing the course.

We found out all about detail men, patents, medical history, and prehistory, quacks, executive salaries, stock appreciation, quality controls, new drug applications, Government bids, foreign sales, advertising, merchandising, and retailing. By the time the hearing was over—we had covered the whole 40-acre lot. What we heard touched little on monopoly. It sounded more like a hearing designed to set up price controls.

What we heard, however, made big, damning headlines the country over. The headlines did not reflect the facts—they were produced by one-sided statistical and accounting manipulations. They announced to the unsuspecting reader the evil doings of the drugmakers, who supposedly collected profits of 1,000, 2,000 and up to 10,000 percent.

This type of manipulated factfinding went on for three sessions. Only at the fourth session, under my insistent cross-examination, was the bluff called. There were no 1,000 or 2,000 percent profits in the industry—there were, instead, profits averaging 13 percent of sales and dividends to stockholders amounting to 5 or 6 percent.

Figures of tremendous profits are easy to manufacture—all you have to do is select a few isolated examples and present them as proof of the total truth. Yet, to judge a total drug operation by profits from 1 successful product out of 500 is misleading. And to say that a manufacturer makes an unconscionable profit of several hundred percent—because there is a big markup between the cost of the raw material and the final cost of the product to the consumer—is not overly accurate.

I can assure you that accuracy and truthfulness are not easy to come by—especially when the whole battery of subcommittee attorneys, economists and investigators are on the other side. I felt it my duty to insist on facts but my campaign to bring out the facts was not welcome everywhere. One of the biggest newspapers in my own State of Wisconsin was so incensed it devoted an editorial to me. "Senator WILEY," it said, "should represent more the interests of the people," and again, "Senator WILEY sounds like the spokesman of the drug industry."

I do not consider myself a special advocate for the drug industry or any other special interest. What I have done I shall do in any case where the rights of the American people—their life, liberty, and property—are unjustly and improperly interfered with.

USES AND ABUSES OF INVESTIGATIONS

Ex-President Truman said, "the days are gone forever when Webster, Clay, and Calhoun personally could familiarize themselves with all major matters with respect to which they were called upon to legislate." American society and Government have become so complex that Congress can perform its function only by resorting to the investigatory process.

Still, the phenomenal growth in the use of the investigating committees cannot be ascribed alone to this greater complexity. By carefully examining the records of many recent congressional hearings, one will discover that investigations have not been used merely to secure information for legislative purposes. They have at times been improperly employed to punish individuals without a judicial trial or to perform in an extra legal way that Congress cannot do legally.

Some investigations plainly have had the purpose of exposing and punishing individuals by public ridicule and embarrassment. And this abuse of the investigatory process has not been a monopoly of conservative or reactionary witch hunters. In fact, one of my colleagues on the drug investigation reported a few years back that during one of his hearings, "the witness under the relentless questioning of the committee's chief counsel * * * broke down and became an old, beaten man. He grimaced, scowled, showed his teeth, mocked his face and stared at the ceiling in anguish. His grammar failed him and he garbled his words." Is this factfinding or is this meting out punishment?

That Congress can act as a super grand inquisition—in the infamous Spanish tradition—has been demonstrated on several occasions. In 1936 the House of Representatives decided to combat the growing power and influence of the Townsend movement. Yet, it was not within congressional power to outlaw the movement. Instead, Congress investigated it and probably dealt the cause a severe blow in the ensuing investigation.

Against such investigatory excesses we must constantly keep vigil. But we must remember, also, that the proposition that politicians are too inclined to use investigations for personal political gain has a corollary—you as a people have been too willing to let them do so.

Although congressional investigations have been under vigorous attacks for at least 25 years, the public has generally approved the investigations while they were in progress. They give the public, unfortunately, the too-easy escape of putting the blame for all public and private difficulties and unhappiness on a few selected scapegoats—whether guilty or not.

Much too often, both the public and its politicians have been willing—in their heat of reforming passion—to sacrifice the principles of government by law for the attainment of desired immediate results. Unwittingly we subscribe to the Machiavellian theory that "the end justifies the means." The prices of drugs are too high, some feel, so if the drug industry is harassed some good may come. We become so concerned and emotionally upset over the nefarious activities of Communists, munitions makers, racketeers or whomever, that it seems much more important to us to meet present evils than to stoutly defend our liberties.

CALL FOR LEGISLATIVE DUE PROCESS

Screaming headlines telling of 10,000 percent profits in the drug industry created the impression—whether intentionally or not—of an industry run by unconscientious profiteers to whom individual suffering is of no concern. Oftentimes, these hearings constituted, in fact, a public trial of the industry—a trial, conducted not in the established traditions of due process but a trial by publicity where propaganda counts more than facts.

In undertaking such trials the subcommittee has been doing exactly what the Founding Fathers sought to prevent by setting forth in the Constitution the specific prohibition against bills of attainder. The Supreme Court said:

"A bill of attainder is a legislative act, which inflicts punishment without a judicial trial. * * * In these cases the legislative body, in addition to its legitimate functions, exercises the powers and office of a judge; it assumes, in the language of the textbook, judicial magistracy, it pronounces the guilt of the party, without any of the forms and safeguards of trial; it determines the sufficiency of the proofs produced whether conformable to the rules of evidence or otherwise."

In this trial by investigation of the drug industry, little attention was paid to the balancing arguments of the defense.

The public attention was constantly directed to profits on a single product of a single company without relating these to the many thousands of products produced by the entire industry, or the overall costs of doing business.

Hardly any reference was made to the high risks of this industry, which in 1958 had to test 114,600 substances before it could produce 40 marketable drugs.

Little reference was made to the high degree of obsolescence in the drug industry where one product can have 99 percent of the market 1 year and 3 percent 2 years later.

No mention was made of the fact that while wages increased 70 percent between 1948 and 1958 and construction costs 64 percent, the increase in the wholesale drug prices was 3 percent only.

No mention was made of the fact that the Soviet Union, in which the profit motive does not exist, produced no single new drug since the Communist revolution.

And this being a monopoly investigation, it is surprising that nobody bothered to emphasize that more than 1,300 companies are engaged in the manufacturing of prescription drugs—with no one company accounting for as much as 10 percent of the total sales.

Investigating committees must stay within the boundaries of their jurisdiction, and they must pursue fact, not fancy. The congressional investigation has tremendous powers. The courts have been reluctant to interfere with the exercise of legislative investigations. The Supreme Court has held that—

"Within the realm of legislative discretion, the exercise of good taste and good judgment in the examination of witnesses must be entrusted to those who have been vested with authority to conduct such investigations."

We Members of Congress are, therefore, to a large degree our own policemen. But—if the policeman himself scuffs the law, who is there left to protect the basic liberties of American citizens and business?

Let these trials of the drug industry not be in vain. Let us all utilize this opportunity for the constant self-searching and stock-taking that are necessary for a society which believes in progress. As long as thousands of people in this country—old, indigent and sick—remain unable to pay the high prices of drugs, it is your moral responsibility—and the moral responsibility of all others connected with the health and welfare of the Nation—to continue to make medical care and attention available to all those who desire them—regardless of wealth and station.

We believe in free enterprise. But free enterprise does not mean selfishness—it means public cooperation, widespread moral responsibility and the constant striving for private and public improvements.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, the Congress is being exhorted again to enact legislation which is repugnant and unacceptable to a large section of this Nation. The finger of scorn being pointed at the South by the advocates of this bill stirs emotions which have been dormant since the Reconstruction era. The bill constitutes an indictment of 40 million citizens in this region; an indictment which they cannot publicly refute since their representatives' voices are unheeded by the Nation's press. The thoughtful and enlightening remarks of my southern colleagues in this body are treated with derision and disdain by the northern press and information media.

Mr. President, I feel that the emotionalism surrounding the issue before the Senate has made the Nation lose sight of the basic functions of and limitations on any legislative body. The present situation reminds me of a story related by the distinguished philosopher and former Congressman from Illinois, T. V. Smith. I will read this story and Professor Smith's comments on it for the edification of those on the other side of this issue, including the press.

I met sometime ago the wife of a man who once had been a member of a middle western legislature. Being always curious as to the attitude of idealistic people toward their legislative bodies, I engaged her in conversation regarding her husband's experience in politics. She said that she had been originally worried about her husband's getting into politics at all. She had thought politics rotten, you see, calculated to corrupt whomever it touches.

Her husband must have been a very wise man, or at least a very lucky one, seeing how he handled the situation. She said that when he first went off to the Capital City, she told him that she asked only two things: that he would keep personally decent and that he would do his duty by voting his convictions on each bill. Presently he invited her to go with him to the legislature. Being himself very busy, he asked her now and then to read certain bills that he had no time to read, and advise him how to vote upon the bills.

This she undertook to do. The first bill he gave her she read with great care and told him how to vote. But then, she said, there developed a curious situation. After she had advised her husband how to vote, she would go to the committee meetings or hear the debates on the floor. She said that the people on each side would put such good arguments that after listening to the debates she did not know whether her advice to her husband had seen sound or not. This discovery was to her something of a surprise—the double discovery, you see, that each side was reasonable and that both groups were honest. After having this upsetting experience a few times, she said that she told her husband that he would just have to read the bills for himself thereafter, that she did not know anything more about what was right to do than he.

It is a great discovery for the self-righteous to make. It marks the first crack in the shell of elemental egoism. It is a crack which the Hitlers of life never suffer, nor permit others to enjoy. It is a great day when anyone is brought to suspect that he is no wiser than others, and that others are as honest as he. The beginning of collective wisdom is for each man to discover that he is not God. To discover that is to see why legislatures are necessary and to learn how they can be fruitful. For that is a discovery calculated to emancipate one from his natural narrowness and to start him upon the pilgrimage whose mecca is the full-fledged legislative way of life.

The point of Professor Smith's story is that legislative proposals are not all black and white and that reasonable men can differ on them and still have the best of motives. I commend this story to those who are implying that only the Senators favoring this legislation are honest and sincere and that those of us who oppose it are dishonest and unconcerned about the public interest. I hope that such people will give some thought to this question and come to the realization that there can be an entire spectrum of honest views on how best to serve the public interest.

Much has been said and written about the proper scope of legislative action. Our Nation's history reveals many instances where Congress has acted in an area where problems are not susceptible to legislative solutions. The most analogous to the present, the Reconstruction laws, which were coercive in nature and designed to elevate an unprepared minority group to a position of disproportionate influence over the majority. The experiment was disastrous to the South and the entire Nation. The prohibition amendment is another vivid example of the overstepping of legislative bounds. When the Congress attempts to regulate moral conduct by making the Federal Government the arbiter of such conduct it is on thin legislative ice. All of the many civil rights proposals advanced in this body year after year have as a basic objective the prescription for a particular standard of conduct toward minority groups. I submit, Mr. President, that legislation to regulate men's mores is doomed to failure from the day it is introduced. The distinguished English philosopher Herbert Spencer has commented on the dangers of overlegislating in this manner, and I quote:

To guard its [government's] subjects against aggression, either individual or national, is a straightforward and tolerably simple matter; to regulate, directly or indirectly, the personal actions of those subjects is an infinitely complicated matter. It is one thing to secure to each man the unhindered power to pursue his own good; it is a widely different thing to pursue the good for him. To do the first efficiently, the State has merely to look on while its citizens act; to forbid unfairness; to adjudicate when called on; and to enforce restitution for injuries. To do the last efficiently, it must become an ubiquitous worker—must know each man's needs better than he knows them himself—must, in short, possess superhuman power and intelligence. Even, therefore, had the State done well in its proper sphere, no sufficient warrant would have existed for extending that sphere; but seeing how ill it has discharged those simple offices which we cannot help consigning to it, small indeed is the probability of its discharging well offices of a more complicated nature.

The proposition that the Federal Government is uniquely qualified to enforce individual rights more capably than the individual himself is implicit in the pending legislation. Such a role for Government can lead only to prescription of homogeneous conduct for all citizens—conduct promulgated and enforced by some isolated Government bureau chief. We are already plagued with the problem of uniformity and a general tendency to stifle new ideas. The tendency to attempt to legislate moral values, and a national standard of conduct, can lead only to mediocrity and uniformity with a resulting destruction to the widely varying cultural differences which constitute the essence of America. Consider for a moment the pressures exerted by certain organizations to eliminate racial reference in some of the Nation's best known songs. What effect can this have on a particular person's propensity to discriminate against those of another race or color? This type of pressure can only succeed in destroying and distorting cultural variations which make ours a unique people. I submit, Mr. President, that history has been kind in forgiving our mistaken attempts to legislate away social evils not subject to political solution. Let us not press our luck too far.

Mr. President, I ask the proponents of this legislation to stop for a moment and consider this question. Who actually enforces the laws of our Nation? This may seem a strange question to pose at this point, but it is basic to consideration of any legislation directed at a particular community or group of people. We have always prided ourselves on our faith in the old cliche that we are a Nation governed by laws and not by man. Rational lawmaking rests on the foundation that conscience and public opinion actually enforce the law; not a policeman with a gun and a night stick. I commend the following statement on this point to my colleagues who are obsessed with the idea that a "big brother" approach is necessary to bring about respect for the law in the South. The comment is by the late Arthur T. Hadley, former president of Yale University. I quote:

Who enforces the laws?

The first impulse of most people would be to answer, "the police and the sheriffs, with occasional assistance from the Army in emergencies." But if we stop to think about the matter we shall see that this is a very superficial view of things, and that only a small fraction of our law enforcement is secured or needs to be secured in this way. In 99 cases out of 100 obedience to the law is quite voluntary. The people at large do not have to be compelled by the police to obey the laws against murder or burglary or the various regulations for the convenience of the public. They do it of themselves, either as a matter of conscience or in deference to public opinion. And the fact that they do it of themselves is the thing which makes civilized society possible. It enables the police to concentrate their attention on the work of protecting the public against a relatively small number of habitual lawbreakers who do not recognize their moral obligations to themselves or to society. Conscience and public opinion enforce the laws; the police suppress the exceptions.

The people of the South do not need referees, marshals, or any other Federal

officials breathing down their neck constantly to obey the law. They, as citizens in other parts of the Nation, obey the laws out of respect and a sense of social responsibility. Our section has its share, and no more, of social misfits who do not respect law and order. We do not take kindly to the implied accusation that Southerners accept disrespect for the law as part of their way of life.

It is obvious that the entire structure of modern society is based on the proposition that man is tempered by background and environment to respect the right of his fellowman without coercion from a law enforcement officer. Indeed, the basic concept of freedom is self-control and the exercise of a sense of responsibility for others. Passage of laws which do not command the respect or the sympathy of the majority of the citizens in the community to which they are directed tends to bring about disrespect for the source of those laws. This is especially true when the people affected feel oppressed and persecuted by the legislative body or by a judicial body masquerading as a legislative body. And when different governmental authorities have different policies, chaos follows. What will this crossfire between government authorities do to the respect for law and order held by the poor citizens caught in between? Such a conflict can only confuse them and tend to bring all branches of the Federal Government into further disrepute.

The community conscience of the South is keenly aware of the problems which confront it. Its conscience is sensitive to outside criticism and intervention on what is essentially a community problem. The South bitterly resents attempts to press theoretical solutions on it which do not take into account the historical background of its problem. Any law which fails to take into account the community attitudes toward that law is doomed to failure. Justice Brandeis has said:

> No law can be effective which does not take into consideration the conditions of the community for which it is designed; no law can be a good law—every law must be a bad law—that remains unenforced.

It is obvious that this truism is being violated by the proposal before us. The southern community considers these measures to be unnecessary, and an affront to its dignity. Laws must take cognizance of the peculiar problems to be encountered in enforcement. Likewise, laws must be enforced efficiently and impartially in order to maintain public respect for them. What of the many unused criminal statutes now on the book protecting voting rights. I cannot understand how respect for law and the Federal authority can be created when the laws now protecting voting rights are admittedly not enforced by the Federal Government. This is hardly conducive to creating respect for additional and superfluous laws on the same subject.

Mr. ERVIN. Mr. President, will the Senator from Arkansas yield for a question, or would he rather yield later?

Mr. FULBRIGHT. I shall be glad to yield to the distinguished Senator from North Carolina for a question.

Mr. ERVIN. I should like to ask the Senator from Arkansas if the voting rights provision in the bill will not remain entirely inoperative unless the Attorney General of the United States requests the court to pass on the question whether there is, in a particular voting precinct a pattern or practice of discrimination based upon race?

Mr. FULBRIGHT. That is correct.

Mr. ERVIN. In other words, is it not true that under this bill the Federal courts would be powerless to make any such finding unless they were first requested by the Attorney General of the United States to do so?

Mr. FULBRIGHT. That is my understanding of the bill.

Mr. ERVIN. The only person who can request such a finding, out of the approximately 170 million people in the United States, is the temporary occupant of one political office; namely, the occupant of the office of Attorney General?

Mr. FULBRIGHT. That is correct.

Mr. ERVIN. Does not the Senator agree with me in the thought that any law is bad which provides that it can be placed in operation only at the request of a single human being out of all the hundreds of millions of human beings on the face of the earth?

Mr. FULBRIGHT. The Senator is correct, especially when that particular officer under our system, quite properly, is a political appointee, no matter who occupies the office.

Mr. ERVIN. I ask the Senator whether he agrees with me that it is virtually impossible at times to distinguish between the Attorney General in his capacity as a law-enforcement officer and the Attorney General in his capacity as a partisan politician.

Mr. FULBRIGHT. The Senator is right. At one time the Postmaster General occupied that role, but in recent years the Attorney General has tended to be the political leader in the Cabinet.

Mr. ERVIN. So in the section of the bill relating to voting rights, Congress, in effect, is making the proposed law the personal political possession of a nonelected official; namely, the Attorney General.

Mr. FULBRIGHT. The Senator is correct.

Mr. ERVIN. I thank the Senator.

Mr. FULBRIGHT. That is one of the most offensive aspects of the proposed legislation. I do not like to question the motives of my colleagues in the Senate, and I do not do so, but I cannot help feeling that the principal force behind this kind of legislation is the desire of some politicians to obtain a political advantage in a few large metropolitan cities.

Mr. ERVIN. I should like to ask the Senator a question on this crucial point, in a constitutional sense. It has been held many times by the Supreme Court of the United States that under the doctrine of separation of powers, created by the first, second, and third articles of the Constitution, Congress cannot pass a law which delegates to an executive officer powers unless Congress spells out in the law certain standards or guides to be followed by the executive officer in applying that law. I ask the Senator from Arkansas if the pending bill is not totally devoid of any standards or guides which would enable the Attorney General to determine when he shall make a request that the court make a finding of the existence of a pattern or practice of discrimination, and when he shall refrain from doing so.

Mr. FULBRIGHT. Yes; the Senator is correct. However, I must add that due to the outstanding contribution made by the Senator from North Carolina on this very point, the bill is much better in that respect than it was when first introduced. I wish at this time to pay tribute to the Senator from North Carolina who, I believe, is one of the most distinguished lawyers ever to serve in the Senate. In his understanding of both the Constitution and laws pertaining to this subject he is without peer. With the amendments which he inspired, both on the floor of the Senate and in committee, he has made the bill far more palatable than it was in its original form. As a result, the bill is far less shocking to the principle of law the Senator has just stated as being inherent in our constitution.

Mr. ERVIN. I am deeply grateful to the Senator from Arkansas for his graciousness.

Mr. FULBRIGHT. I do not believe that anyone outside this body will ever realize how much the Senator from North Carolina has contributed through his capacity to elucidate the very difficult points of law involved in the debate on the pending bill. He has rendered a great service, not just to the South, by any means, but to the entire Nation. Especially in the light of history, his contribution will be recognized and appreciated. Because of his efforts we have retained some sense, some balance, some respect for our Constitution in the consideration of the pending bill.

Mr. President, I have already cited, in an earlier speech, laws which are already on the books, both State and Federal—laws which, if utilized, would be more than adequate to deal with the problem under discussion. At this point I ask unanimous consent that a memorandum, prepared by the Legislative Reference Service of the Library of Congress, containing the citations of existing Federal statutes prohibiting discrimination in voting, be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

EXISTING FEDERAL STATUTES PROHIBITING DISCRIMINATION IN VOTING

Conspiracy against rights of citizens (18 U.S.C., 1958 ed., sec. 241): Conspiracy to injure, oppress, or intimidate citizens in the free exercise of federally secured rights and privileges, is a criminal offense, punishable by a fine of not more than $5,000, or imprisonment for not more than 10 years, or both.

Deprivation under color of law (18 U.S.C. 1958 ed., sec. 242): The willful subjection of any inhabitant of a State, Territory, or Dis-

trict, under color of law, to the deprivation of rights, privileges, or immunities secured by the Constitution or laws of the United States or to discriminatory pains, punishments or penalties on account of his being an alien or by reason of his race or color is a criminal offense, punishable by a fine of not over $1,000 or by imprisonment of not more than 1 year, or both.

Intimidation of voters (18 U.S.C., sec. 594): Seeking to intimidate a person for the purpose of interfering with the exercise of his voting rights, is a criminal offense, punishable by a fine of not more than $1,000 or by imprisonment for not more than 1 year, or both. "Any election held solely or in part" for the purpose of electing Federal officers, is covered by this act. However, by the definition of "election" contained in 10 U.S.C., section 591, this act does not cover primary elections.

Voting rights (42 U.S.C., 1958 ed., sec. 1971): This act consists of the provisions of R. S. section 2004 (which was derived from the act of May 31, 1870, 16 Stat. 140, ch. 114, sec. 1), as amended by the Civil Rights Act of 1957 (P. L. 85–315, pt. IV, sec. 131) and is concerned directly with the elective franchise:

(a) This subsection, originally derived from the Civil Rights Act of 1870, provides that all citizens, otherwise qualified by law, shall be allowed to vote at any election without regard to race, color, or previous condition of servitude.

The Civil Rights Act of 1957 added four new subsections to this section which provide substantially as follows:

(b) Intimidation, threats, coercion: No person shall intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, another for the purpose of interfering with his right to vote in any election or primary election held solely or in part for the purpose of nominating or electing candidates for Federal office.

(c) Injunction, costs: The Attorney General of the United States is authorized to institute, for or in the name of the United States, any civil action or proper proceeding for preventive relief, whenever any person has deprived or is about to deprive another of rights secured by subsections (a) and (b) above. The United States shall be liable for costs in such a proceeding, the same as a private person.

(d) Jurisdiction, exhaustion of other remedies: The Federal district court is given jurisdiction of proceedings instituted under subsection (c), above and shall entertain such proceedings without requiring that the party aggrieved first exhaust any administrative or other remedies which may be provided by law.

(e) Contempt; assignment of counsel; witnesses: Any person who is cited for an alleged contempt of court under this act, shall be entitled, upon his request, to be assigned legal counsel without charge if he is financially unable to pay for same.

Civil action for deprivation of rights (42 U.S.C. 1983): Every person who, under the color of law, subjects another or causes another to be subjected to the deprivation of any federally secured rights, privileges, or immunities, shall be liable to the injured party in a civil action or suit in equity or other proceeding for redress. Review: Such cases shall be reviewable by the Supreme Court without regard to amount in controversy (42 U.S.C., sec. 1984).

Conspiracy to interfere with civil rights (42 U.S.C., sec. 1985(3)): If two or more persons conspire to prevent a citizen who is lawfully entitled to vote, from voting as he chooses for Federal officers, or injures him in his person or property for so voting, the party thus injured may have a civil action for damages against one or more of the conspirators.

Action for neglect to prevent (42 U.S.C., sec. 1986): Any person who has knowledge that any of the wrongs conspired to be done which are forbidden by 42 United States Code, section 1985(3), above, are about to be committed, and having power to prevent same, neglects or refuses to do so, shall be liable to the injured party for all damages caused by the wrongful act which such person by reasonable diligence could have prevented. Such an action must be commenced within 1 year after the cause of action has accrued.

Jurisdiction and venue (28 U.S.C., 1958 ed.):

Civil rights and elective franchise (28 U.S.C., sec. 1343): The district courts shall have original jurisdiction of any authorized civil action (1) to recover damages for injury to person or property, or because of deprivation of a right or privilege of U.S. citizenship, by any act done in furtherance of a conspiracy mentioned in 42 United States Code, section 1985; (2) to recover damages from any person who (under 42 U.S.C., sec. 1986) fails to prevent wrongs mentioned in 42 United States Code, section 1985 of which he had knowledge and which he could have prevented; (3) to prevent the deprivation, under color of law, of any right, privilege or immunity secured by Federal law or Constitution; (4) to recover damages or secure equitable or other relief under any act of Congress providing for the protection of the right to vote.

Election disputes (28 U.S.C., sec. 1344): The district courts shall have original jurisdiction of a civil action to recover any office except a Federal office or that of a member of a State legislature, where the only question affecting title to the office arises out of denial of the right to vote to any citizen because of race, color, or previous condition of servitude.

Removal of cases from State courts—civil rights cases (28 U.S.C., sec. 1443): The following cases, commenced in a State court may be removed by the defendant to a U.S. district court:

(1) Against a person who is denied or cannot enforce in the State court, a civil right inuring to all U.S. citizens;

(2) For an act under color of authority derived from a law providing for equal rights, or for refusing to do an act on the ground that it would be inconsistent with such law.

Reduction of representation (2 U.S.C., 1958 ed., sec. 6): Should any State deny or abridge the right of a citizen to vote, except for crime, the basis of representation of that State in Congress shall be proportionately reduced.

CONSTITUTIONAL PROVISIONS

The Federal statutes listed above, which prohibit discrimination in voting, are the implementation by Congress of certain provisions of the U.S. Constitution which grant the Federal Government the power to protect the franchise.

In addition to the provisions which have been implemented. There are other constitutional provisions, which, together with the Federal statutes listed above, have been interpreted by the Supreme Court as protecting the franchise from discrimination by States, by the Federal Government, or by private individuals.

These, briefly summarized, are as follows:

Fourteenth amendment: All persons born or naturalized in the United States and subject to its jurisdiction are citizens of the United States. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. Congress is empowered to enforce this provision by legislation.

(The elective rights guaranteed by the 14th amendment afford protection only against deprivation by States (*Hodges* v. *U.S.*, 203 U.S. 1, 14 (1906)).)

Fifteenth amendment: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State because of race, color, or previous condition of servitude. Congress is empowered to enforce this provision by appropriate legislation.

(This provision obviously affords protection against the deprivation of voting rights by the Federal Government or by the State.)

Nineteenth amendment: Prohibits denial or abridgment by the United States or a State, of right to vote on account of sex.

Article I, section 2; 17th amendment: Those persons voting for U.S. Senators and Representatives shall possess the same qualifications as those entitled to vote for members of the most numerous branch of the State legislature.

(The Supreme Court has ruled that the right to vote for Members of Congress is a right derived from and secured by the Constitution of the United States. Ex parte *Yarborough* (110 U.S. 651 (1884)). This right is secured against the actions of individuals as well as States (*U.S.* v. *Classic*, 313 U.S. 299, 214–315 (1941)).)

Article I, section 4: The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by its legislature, but Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Mr. FULBRIGHT. Mr. President, additional laws in this explosive field of racial relations will not be widely respected in the South, and enforcement problems will bring about further strife and turmoil. An attempt by the North to decree a mode of life for the South, of whose circumstances and desires it has no understanding, can only lead to serious trouble. I cannot overemphasize the impact which this legislation will have on the southern community.

Mr. President, it is a dangerous procedure for a legislative body to attempt to remake society in its own image. The possibility of molding human nature to eliminate supposed social evils is always tempting to any large majority. On many occasions in history majorities have oppressed minorities in the name of righteousness and morality, but with little regard for the relevance of the cure for the real or imagined disease.

We would all like to rid the world of sin, corruption, greed, and the other standard vices. But, as legislators, we must recognize the frailties of human nature and realize that such a task is impossible. It is certainly impossible to legislate a model code of moral conduct capable of reconciling the myriad of moralistic concepts held by the 170 million people in this Nation. If this were not so would it not be wise to legislate the Golden Rule?

Throughout history man has come to grief from his attempts to change human nature. Warnings against such action have been sounded loud and often, but legislatures, not being infallible, continue to make further attempts to achieve this utopia in human relationships.

Discrimination and bias cannot be legislated away, regardless of how many bills we pass. As I have pointed out

many times before, the problems in this area can be solved only through education and conversion of the human heart. To enact needless laws for purely political purposes does violence to the efforts of those in the South who are deeply concerned and are trying to bring about improvements in this difficult area of human relationships.

Mr. President, the history of our Nation's experience with the prohibition laws taught us a rather short-lived lesson on the folly of the majority prescribing moral standards for all men. Lessons should have been learned from this period which are directly applicable to the present controversy. It is almost universally recognized that national prohibition was a mistake. However, there are still millions who abhor the use of alcohol in any form. In fact, a majority of the counties in my State have voted "dry" under local option. I do not believe that the citizens in those counties would wish to impose their views on the subject on citizens throughout the country. Prohibition represented tyranny at its worst—the forcing by the majority on the minority its own peculiar standards of life. The population of the United States at the time of prohibition, and as now, held extremely divergent opinions regarding the use of alcoholic beverages. The problem had an entirely different aspect in the North than in the South, and a different aspect in the cities from that in the small towns and rural areas. Prohibition was in effect the attempted control of conduct on the other sections by the South and the West. Sectional tyranny is again being urged in this body. As some of us have pointed out repeatedly, this bill is not designed merely to guarantee voting rights. It is a part of a scheme to prescribe moral standards for human conduct toward a minority race. The North has arrogated unto itself the position of supervising human relations in the South.

Let me digress at this point to discuss some aspects of majority control and responsibility which apparently have not occurred to the proponents of this bill. Any constitution or basic political compact is in effect a limitation on the power of the majority. The late Charles Nordhoff said:

> A political constitution is the instrument or compact in which the rights of the people who adopt it, and the powers and responsibilities of their rulers, are described, and by which they are fixed.
>
> The chief object of a constitution is to limit the power of majorities.
>
> A moment's reflection will tell you that mere majority rule, unlimited, would be the most grinding of tyrannies; the minority at anytime would be mere slaves whose rights to life, property, and comfort no one who chose to join the majority would be bound to respect.

It is obvious to all that a majority, by virtue of its power, should not have unlimited authority to work its will upon the minority. There are limitations on what a majority can and should do.

It will be recalled that prohibition created a nation of lawbreakers. The speak-easy and bathtub gin became symbols of the disrespect which millions of citizens had for the prohibition laws. Enforcement was a mockery. The public treasury would have become bankrupt by building jails capable of accommodating all persons who violated the prohibition laws if the laws had been enforced. Citizens broke the law with impunity and without fear of punishment. In fact, it was the popular and smart thing to do. Respect for the law reached a new low and contributed to the general decadence of that era in our history. This was without doubt one of the most violent and wicked periods in our history. The disrespect for the prohibition laws bred disrespect for all other laws and the law enforcement system. I cite this for the purpose of showing that a parallel to that unfortunate period could be created in the South by passage of this coercive measure. I do not and I will not condone violation of the laws or violence in any form, regardless of the unpalatability of the content of the law. I wish only to state a sociological truism that further Federal impositions on southern attitudes and beliefs are likely to cause people in that section to react almost involuntarily. I urge that this risk not be taken.

I yield the floor.

Mr. SPARKMAN. Mr. President, before the Senator from Arkansas yields the floor, will he yield to me?

Mr. FULBRIGHT. I shall be pleased to yield to my friend and colleague from Alabama.

Mr. SPARKMAN. A few minutes ago, the Senator mentioned the various laws on the statute books, both Federal and State. Is the Attorney General so eager to get new laws on the statute books that he does not know of the existence of the present laws?

Mr. FULBRIGHT. I think he has brought actions in four instances, but that is all.

Mr. SPARKMAN. The Senator is correct.

Mr. FULBRIGHT. Two of them have reached the Supreme Court.

Mr. SPARKMAN. Yes; that is correct. I placed in the RECORD the number of laws which are now in effect. I made that point in a previous speech. The Senator is absolutely correct.

Mr. FULBRIGHT. In my State it was found that there was no need for the laws already on the books.

Mr. SPARKMAN. I was going to ask the Senator about that. I am not familiar with the situation in Arkansas, but last night I discussed the situation with respect to Alabama.

In Alabama, any person, who believes that he has been wrongfully denied registration, may, within 30 days, file a complaint in the circuit court. He is not required to secure costs. If the court rules against him, he may take his case to the State supreme court under a preferred status.

Yet in spite of the complaints the Senator has heard directed toward Ph. D.'s at Tuskegee, for instance, does it not seem passing strange that not one of them has ever, so far as I am informed—and apparently within the knowledge of the Governor of our State, who testified to this effect—initiated an action complaining of his failure to be properly treated so far as registration is concerned?

Mr. FULBRIGHT. The Senator is absolutely correct. According to my information, it has been demonstrated that ample authority exists in the present statutes to secure whatever rights are sought to be secured.

Mr. SPARKMAN. Does not the Senator agree with me—and I wish the Senator from North Carolina would listen to my question—that an effort is being made to short circuit recognized court procedures and recognized court decisions under existing statutes? Is not that the real difference?

Mr. FULBRIGHT. That effort is being made. I may say, as I said a moment ago, that that was clearly the original intent; but due to the outstanding work of the Senator from North Carolina [Mr. ERVIN], the Senator from Alabama [Mr. SPARKMAN], and other Senators, I believe that particular aspect has been greatly diminished.

Mr. SPARKMAN. However, there is still a short circuiting of due process. The fact is that the Federal referee functions as an administrative officer.

Mr. FULBRIGHT. That is much better than to send a registrar from some ward in Chicago to supervise the matter.

Mr. SPARKMAN. Theoretically, it is.

Mr. FULBRIGHT. It is strange how pure are elections in Chicago and New York, and how the people of the North would like to supervise our elections in the South.

Mr. SPARKMAN. Does the Senator remember the Reconstruction Act of 1871, of which the pending proposal is a copy?

Mr. FULBRIGHT. Yes; and the machinery of that act was used against the entrenched machines in Chicago, New York, Philadelphia, and places like that.

Mr. SPARKMAN. And this contributed to its repeal, did it not?

Mr. FULBRIGHT. Yes.

Mr. SPARKMAN. Does the Senator recall that in 1894, when the act was repealed, not a single tear was shed in the U.S. Senate? As a matter of fact, the Democrats took the lead in repealing the act, but most of the Republicans followed along quietly, although some of them spoke out strongly on the subject.

I related a little incident last night which I had heard. I think the Senator from Arkansas would be interested in it. Frankly, I cannot document it now, although it is capable of documentation. If I recall correctly, one of the outstanding Republican Members of the Senate at that time was Senator Hoar, of Massachusetts. In later years, after he had left the Senate, Senator Hoar wrote his memoirs. He referred to the repeal of the Reconstruction Act of 1871 and told how the Republicans had been responsible for putting it on the statute books, keeping it there, and sweating with it and worrying with it through the years. In 1894, the Democrats came into control of Congress, and there was a Democratic President. In other words, the Democrats were in control of the Government.

Mr. FULBRIGHT. Grover Cleveland was President.

Mr. SPARKMAN. Grover Cleveland was President and Congress was in control of the Democrats. The Democratic Congress repealed the Reconstruction Act. Senator Hoar brought out the fact that even though he was not in a position to stand up and advocate its repeal, he had no grief over its repeal.

I think that is a rather interesting commentary on the Republicans who had placed that law on the statute books. Does not the Senator from Arkansas believe that the pending proposal may very well turn against some of the very ones who today are advocating it?

Mr. FULBRIGHT. I think it certainly may. I believe that history again will prove the unworkability of this kind of statute.

This discussion with the Senator from Alabama reminds me again of the great weakness in our educational system. It is unfortunate that some of the Members of this body have not had better teaching in history. I believe that the principal sponsors of the proposed legislation would never have been its sponsors if they had a better understanding of our country's experiences and history along the lines which the Senator from Alabama has just mentioned. This is another reason why I am such a devoted supporter of improvements in our educational system. How can we operate the Senate properly if our Members cannot learn from the mistakes of the past? If we do not learn, we will repeat all the mistakes which have been made in history. We certainly should learn from our country's experiences. The experience with prohibition should have taught us something.

Mr. SPARKMAN. It would not be at all difficult to acquire a little learning on this subject, because a rather elaborate debate took place on it in 1894.

Mr. FULBRIGHT. Senator Berry, of Arkansas, made one of the most eloquent and well-reasoned speeches on the subject, as did Senator Turpie, of Indiana, and Senator Bates, of Tennessee.

Mr. SPARKMAN. Do not forget Senator Vest, of Missouri.

Mr. FULBRIGHT. Yes; also Senator Vest, of Missouri. I quoted from his speech recently. Those Senators made very fine presentations and gave the real reasons why this kind of legislation is a great mistake and great tragedy for our country.

Mr. SPARKMAN. The report of the committee which reported the bill at that time was a tragedy.

Mr. FULBRIGHT. It is too bad that our colleagues have not paid more attention to our country's experiences in history. If they had, I do not believe they would have had the courage to try to repeat those experiences by reviving this kind of a proposal.

Mr. SPARKMAN. We spoke a few minutes ago about four cases which the Attorney General had brought under the Civil Rights Act of 1957. One of the suits which are pending in the Supreme Court now comes up from my State of Alabama. It grows out of a situation in Macon County, which is where Tuskegee Institute is located.

The Attorney General complained. As a matter of fact, he started the action, and sought to make the State a party defendant. The district judge ruled it out. It went to the circuit court of appeals, which also ruled it out, with a very decisive and incisive decision.

They sought also to make parties defendant former registrars who no longer held the office of registrar; and the Attorney General advanced what I consider to be the ridiculous argument that once a person serves in the office of registrar, he cannot resign that office or get out of it until someone else is ready to take his place; and that if he does resign, his resignation is ineffective and he is still responsible for that office until someone else is ready to take his place. One of the registrars died, but, evidently, under the Attorney General's argument, the deceased registrar would still be regarded as holding that office until his successor took office.

Mr. FULBRIGHT. In other words, the deceased registrar would still be counted as being responsible for that office?

Mr. SPARKMAN. Well, it does not seem quite right to say that, but the argument of the Attorney General would almost seem to amount to that.

We had three members of the board of registrars; and the Attorney General said there was a mass resignation. One of the registrars died, which left two registrars to constitute a quorum. Another one of the registrars decided—a year before all this took place—that he wished to serve in the State legislature; and he ran for election to the legislature, and was elected.

Under the law of our State—and I am sure the same is true under the laws of Arkansas, North Carolina, and all the other States—a person is forbidden, by constitutional provision, to hold two offices of profit under the State at the same time.

Mr. FULBRIGHT. Yes.

Mr. SPARKMAN. The registrar who ran for election to the State legislature, and was elected, wanted to be sworn in as a member of the legislature. Therefore, he resigned from the board of registrars. But the Attorney General contends that that man is still a member of the board of registrars—contrary to what is possible under the State constitution.

Another one of the registrars took another office, and resigned as registrar. But the Attorney General seeks to hold the three former registrars still responsible for what goes on there.

Mr. FULBRIGHT. That is perfectly ridiculous.

Mr. SPARKMAN. And the Attorney General has issued a statement—and I should like to have the opinions of the Senator from Arkansas and the Senator from North Carolina [Mr. ERVIN] on this matter; I may be entirely wrong in my view of this statement by the Attorney General—as follows:

A State official may be so invested with a Federal duty as to become a Federal officer for Federal purposes.

That seems absolutely foreign to my view regarding the separation of the dual systems of government in this country—the State governments and the Federal Government.

Mr. FULBRIGHT. That theory of the Attorney General is a very strange one; it is based on a new and original idea.

Mr. SPARKMAN. It might be interesting to Senators to read the brief of the Attorney General in the case that is pending at this time in the Supreme Court.

Mr. ERVIN. Mr. President, will the Senator from Arkansas permit an interruption, if it is understood that I may say a word at this time without causing him to loose his right to the floor——

Mr. FULBRIGHT. Certainly. In fact, I am about to take my seat.

Mr. SPARKMAN. We shall be very glad to hear from the Senator from North Carolina.

Mr. ERVIN. Then I would say the Senator from Alabama is absolutely correct in the statement he has made.

As a matter of fact, this is something I thought about when I read the statement of the Attorney General, a portion of which has just now been read to the Senate by the Senator from Alabama: Although the Presidential electors are those who elect the President of the United States, under the Constitution of the United States, it has been held by the Supreme Court, in several cases, that a Presidential elector remains a State officer.

Mr. SPARKMAN. The Senator is correct.

Mr. President, I thank the Senator from Arkansas for yielding to me.

Mr. FULBRIGHT. It has been a pleasure to do so, Mr. President.

Mr. EASTLAND obtained the floor.

Mr. McNAMARA. Mr. President, will the Senator from Mississippi yield?

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Michigan, with the understanding that in doing so, my right to the floor will not be prejudiced, and with the further understanding that when I address the Senate, following the remarks of the Senator from Michigan, my remarks will not be counted as a second speech by me.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McNAMARA. I thank the distinguished Senator from Mississippi for yielding to me at this time.

Mr. President, once again we are at the stage in the civil rights debates where we must cast our votes either for or against a measure.

For many Senators this will not be a hard decision to make.

There are those, for example, who like to call themselves "moderates" and for whom practically anything with the name "civil rights" attached to it would be sufficient. They will happily vote "aye."

Then, of course, there are Senators who wanted no legislation at all enacted

in this field. Naturally, they will have no problem in voting against this bill.

We may surmise, however, that some in the latter group may have to watch their step, lest they vote for the bill out of jubilation over getting off so easily.

The hardest decision, as usual, faces those of us who wanted a genuine civil rights bill, one that would really attack the problems that need solving. Unhappily, we do not have such a bill before us today.

We have a watered-down bill that has been so further diluted that it will wash right out of this Chamber and hardly will be noticed in the mainstream of American life.

It need not have been this way. Indeed, it should not have been this way, if the Congress is to be truly concerned about the hundreds of thousands of Americans who are forced to live their lives as second-class citizens.

However, the fact that the bill upon which we now must vote turned out to be as waterlogged as it is, should be no real surprise to anyone. The fact of the matter is that this was preordained.

Right from the very beginning of the so-called civil rights fight of 1960, the exact course events would take had been freely predicted.

First, the Senate, in keeping with the promises made last year, would have civil rights before it for debate by February 15. This took place on schedule.

There followed weeks of debate, with all the trimmings—including dramatic efforts to crush a filibuster, by keeping the Senate in around-the-clock sessions.

But when 31 of us signed a petition—after weeks of talk—to invoke cloture and really crush the filibuster, both the majority leader and minority leader threw their weight against us. As a practical matter, however, our cloture petition did have the effect of ending the filibuster and the ridiculous around-the-clock sessions.

But we all knew that the filibuster and the dramatics were really only window dressing. They were a show for the passing throng. They meant absolutely nothing, because what the mighty Senate really was awaiting was passage of a weak civil rights bill by the House.

Once the House acted, the Senate quickly brought the House bill before it for action, again according to plan. And that is the bill, weakened even more, that we must now vote upon.

Mr. President, I do not mean to suggest that the bill now before us does not represent the will of the majority of the Senate.

Obviously the bill does represent the will of the Senate, since those of us who wanted a strong civil rights bill have had every opportunity to propose amendments, and to have them voted on, even if many of the votes were on tabling motions offered by the majority and minority leaders.

Time after time, our strengthening amendments were rejected by a majority of the Senate; so we cannot claim we were prevented from offering our proposals.

Of course, the fact that we were beaten before we started—beaten by the committee seniority system, beaten by the combined strength of the leadership of both parties, and beaten by the usual voting coalition—does not alter the fact that we lost.

The surprising thing is that with all the leadership on the same side, it took so long to accomplish so little.

Actually, the handful of Senators who tried for a strong civil rights bill were not the ones who really lost. The real losers are the hundreds of thousands of Negroes in some areas of our country who looked to the Congress of the United States as their last hope for the protection of their rights.

They had looked to their States, and found the solid weight of these governments against them.

They had looked to the Attorney General, and found that he would not use to full advantage the considerable power he already possesses.

They looked to their President, and found him typically mute and unconcerned over their problems.

So again they looked to the Congress of the United States.

And again we raised their hopes with weeks of stirring debate directed at their problems, hopes which now have been dashed again with this bill.

As I see it, there is really only one bright spot should this bill be signed into law.

And this is that we will have established a precedent of adopting civil rights legislation in each Congress.

In 1957, in the 85th Congress, we managed to break through the barriers of tradition and prejudice and pass the first civil rights bill in more than 80 years.

This year, in the 86th Congress, we are adopting another bill that will be permitted to impersonate civil rights legislation.

There will, I am sure, be another bill in the 87th Congress, and another in the 88th.

Little by little, we will hopefully add to the arsenal of weapons necessary to combat bias and prejudice and discriminatory laws and practices.

Little by little, the true meaning and benefits of American democracy will be distributed fairly among her citizens.

Again I want to thank the Senator from Mississippi for yielding to me.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. EASTLAND. Mr. President, I move that the pending bill be recommitted to the Senate Committee on the Judiciary.

The reasons for this motion are obvious. The bill came over to the Senate from the House, and went to the Judiciary Committee with 5 days' limitation for consideration, which was wholly inadequate.

As I remember, the committee considered 36 amendments to the bill. Fifteen amendments, requiring 17 modification in the House bill were made.

Since the bill came to the floor, other "bugs" have been found in the bill; and I submit that it should go back to the Judiciary Committee for further study and further consideration. I do not think any Member of this body can say that a period of 5 days is adequate time to consider a bill that is as far-reaching as this bill; and it is the judgment of the senior Senator from Mississippi that the motion to recommit should be adopted.

Mr. President, in the long history of this country, Congress has never wasted more time on futile, useless, and unconstitutional business than it has during this debate on the so-called Civil Rights Act of 1960. Here in the Senate we are entering the eighth week of the debate. The bill that has now been read for the third time is far different in its content and character than those proposals—numerous as the sands of the sea—that were originally advanced by proponents of civil rights, extending from the liberal wing of this side of the floor to those advanced by the Eisenhower administration and urged upon this body by the Republican leadership.

The pending bill now contains six substantive titles.

As to title I, while I personally see no need or justification for a new federally defined crime involving the obstruction or attempts to obstruct Federal court orders, as long as this is a crime of general applicability extending to all court orders, it cannot be charged that the law is unjust on its face. Of course, regardless of its language and regardless of the fact that it is now a general law, no one will attempt to contradict the statement that its primary target is southern people, caught in the spider web of a U.S. Supreme Court in that area of judicial usurpation where the Federal judiciary is unconstitutionally and unconscionably attempting to integrate white and Negro children in the public schools of the Southern States.

The first section of title II also creates a new Federal crime, and this crime was originally defined as reaching only those misguided southern white people who might be guilty of damaging or destroying, by fire or explosives, public school buildings and churches. It also was enlarged to include flight to avoid prosecution for damaging or destroying any building or other real or personal property. I might say here, Mr. President, that the law enforcement agencies and courts of the Southern States are capable and efficient. Those guilty of such heinous crimes as defined in this new Federal law will be apprehended and punished by State authority, and there is no need whatsoever for Federal intervention in this field. The new crimes created and defined by section 203 of title I are not in any sense related to civil rights and have no place or part in this present pending bill. Proper consideration of these proposed statutes has never been given by the responsible subcommittee in either the Senate Judiciary Committee or the Judiciary Committee of the House of Representatives. It is entirely possible, Mr. President, that in these new statutes, well intentioned as they may be, we are sowing the wind to reap a whirlwind. I doubt that the FBI as it is now constituted is capable of undertaking the responsibilities that will fall upon its shoulders in attempting to investigate and lay the grounds for Federal prosecution for the manifold crimi-

nal acts that will here be encompassed into the body of the Federal Criminal Code.

Title III of H.R. 8601 provides for the preservation for a period of 22 months of all State election records. It further gives to the U.S. Attorney General the right and power to enter the office of a duly constituted State official and examine these election records in any manner, shape, or form he so desires. This title is a flagrant invasion of the reserved rights of the States. Its legal base is founded upon the illusionary constitutional right claimed for the Federal Government to exercise some degree of control over the time, place, and manner that Federal candidates are to be chosen. The Attorney General of the United States frankly admitted, in testifying in favor of the enactment of what is now title VI of this bill, that this section on the preservation of Federal election records which involve only Federal offices was essential for him to obtain the information that he thought would be necessary to sustain actions under title VI, which involve not only Federal elections but also every State election from constable to Governor. To my mind, this is a palpably fraudulent device by which the Government seeks to obtain information in one area where it claims jurisdiction to prosecute actions in another area where it could not obtain the same information on any legal theory involving appropriate legislation under the terms of the 15th amendment. This title is just as objectionable to me and to the people of Mississippi as is title VI itself.

Title IV gives to each member of the Civil Rights Commission the authority to administer oaths or to take statements of witnesses under affirmation. The pity of it is that this title does not abolish the Civil Rights Commission. It has no place in the life of this Nation.

Title V has been drastically altered since it was first introduced. No one can quarrel with the duty and responsibility of the Federal Government to see that children of members of the Armed Forces receive an education. By its present terms, it does no more than that.

The night before last I began a lengthy discussion of title VI, and at this time I propose to continue that discussion and analysis at the point where I then left off.

Mr. RUSSELL. Mr. President, before the Senator launches into that phase of his address, will he be kind enough to yield to me for a question?

Mr. EASTLAND. I yield.

Mr. RUSSELL. The Senator has moved to recommit the bill to the committee, in order that these novel, far-reaching and drastic provisions may be studied thoroughly. Of course, that is the function of a committee. When entirely new thoughts are advanced with respect to proposed legislation—such as those embraced in this referee proposal—the appropriate committee should analyze them to ascertain the impact that they are likely to have upon the lives of our people and the political systems of our States.

Mr. EASTLAND. The Senator is correct.

Mr. RUSSELL. I should like to ask the Senator how many hearings have been held on this new and far-reaching suggestion for placing the election machinery of the several States in receivership? I believe the Senator's committee, in the very limited time given to the committee by the Senate, was able to hold only 2 days of hearings on the proposal—or was it more than that?

Mr. EASTLAND. We had 2 days of hearings, but the Attorney General and the Deputy Attorney General of the United States took more than 1 day to testify. They were the only witnesses who appeared in favor of the bill. Mr. Charles Bloch was the other witness, and he did not have time to finish his discussion. In fact, Mr. Bloch was able to discuss, as I recall, only one part of title VI of the bill—one part of title VI—and did not get down to the referee provision at all.

Mr. RUSSELL. Title VI of the bill, which is the voting referee provision, is the most drastic provision remaining in the bill.

Mr. EASTLAND. That is correct.

Mr. RUSSELL. If I am correct in my facts, and I think I am since I have undertaken to follow the progress of the proposed legislation during its consideration by both bodies, this referee provision does not bear the approval of any standing committee of either the House or the Senate.

Mr. EASTLAND. The Senator is correct.

Mr. RUSSELL. I undertook to follow the matter when it was pending in the other body. It seemed to me that every day the proponents came up with a new version of the proposal. It would be debated for 1 day, and the next day it would be revised and brought in again.

Mr. EASTLAND. As I remember the hearings held by the House committee, Deputy Attorney General Walsh testified. Mr. Bloch happened to be in town on another matter, and he was brought before the committee without preparation.

On the Senate side Mr. Bloch told the committee he got the bill on Saturday and appeared Monday morning, so he had only part of a day or a little more than a day to prepare himself to testify.

Mr. RUSSELL. Mr. Bloch happens to be a personal friend of mine of many years standing. We served together in the General Assembly of Georgia in the early 1920's. I am well acquainted with Mr. Bloch, who is one of the outstanding constitutional scholars in this country today and a leading authority on the Constitution of the United States. However, Mr. Bloch represented only one State—and on a temporary basis. As the Senator states, he had a very limited time for preparation.

Mr. EASTLAND. Yes.

Mr. RUSSELL. What about all the others, the Governors and attorneys general of the several States? Have they had an opportunity to appear in any forum anywhere with respect to this referee matter?

Mr. EASTLAND. No; they have not had such an opportunity. They were denied that opportunity. Mr. Bloch in his testimony specified that he could only speak as the bill would affect the State of Georgia, in the area in which he lived and in the county he represented in a suit which was before the Supreme Court.

Mr. RUSSELL. Mr. President, I desire to repeat that this is a most remarkable procedure to bring a drastic and far-reaching measure of this kind to the Senate and ask to have it adopted without any scrutiny by the proper committee of the Senate and without affording the people who are most vitally affected a full and complete hearing.

Mr. President, I say again what I said at the outset of this debate. If this kind of a proceeding were brought to the Congress of the United States and aimed at any section of this common country of ours other than the Southern States, it would be spewed out in 20 minutes. It would not be countenanced long enough to be discussed. It is a sad commentary on the political life of our times that this great section of the country, which has done its full share and more in war and in peace toward the building of the defenses and in preserving this great Nation of ours, should have to be made the "whipping boy" of the politicians of both of the major political parties in this country.

Mr. EASTLAND. Mr. President, I ask the distinguished Senator from Georgia this question: Did he know that March 14, 1960, was the first time title VI, as it is in the pending bill, saw the light of day?

Mr. RUSSELL. I was not aware of the exact day, but I knew it was after the bill had been under discussion in the Senate for several weeks before the provision was ever presented to either body in this form.

Mr. EASTLAND. Does the distinguished Senator know of any other measure—even a small, picayunish bill—whose consideration has been limited in this way?

Mr. RUSSELL. With the exception of the politically inspired proposed legislation aimed at the Southern States, we do not even pass a claims bill, affecting one citizen of the United States, without giving it scrutiny by a committee, with hearings and action. We have before us a bill which will affect several million citizens and the political systems of great States of this Union. It is brought to the Senate—and the statement is made: "You have to take it and push it through, though it has not followed the ordinary parliamentary proceedings and usage which are accorded to a bill to pay a man for the death of his cow caused by some agent or employee of the U.S. Government."

Mr. EASTLAND. Mr. President, the Attorney General and the Governor of my State desired to testify against title VI. They were denied that opportunity. I understand the same is true with respect to the State of Alabama. I understand the same is true with respect to the State of Louisiana.

In fact, Mr. President, the only opposition witness who testified was the great

lawyer who said, "My preparation is inadequate. Time is too short. I can only speak as to how the bill will affect the State of Georgia."

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield for a question.

Mr. JOHNSTON of South Carolina. Is it not true that when House bill 8601 came from the House to the Senate the Senate acted in a different way upon that bill from the way in which the Senate usually acts, by sending it to the committee?

Mr. EASTLAND. Will the Senator describe the bill?

Mr. JOHNSTON of South Carolina. It is House bill 8601, the bill that is now before us.

Mr. EASTLAND. I did not remember the number.

Mr. JOHNSTON of South Carolina. When it came before us, it was sent to the Judiciary Committee of the Senate with instructions that we could keep it only 2 days, 48 hours. Is not that true?

Mr. EASTLAND. No. The bill went to the Judiciary Committee on Thursday night with instructions to report it back to the Senate by midnight the following Tuesday, which was 5 days later. What is wrong with that is that the bill went to the Government Printing Office, and it was not received back until Friday afternoon. Then there was a great amount of staff work, which required all of Friday night, and it required until Monday, and we had only Monday and we could get only one witness.

Mr. JOHNSTON of South Carolina. The earliest time we could meet was on Monday, and we had only Monday and Tuesday to study the bill, so far as members of the committee are concerned.

Mr. EASTLAND. That is true.

Mr. JOHNSTON of South Carolina. Was not that a new procedure in the Senate?

Mr. EASTLAND. It is entirely new.

Mr. JOHNSTON of South Carolina. At that time, I think the Senator from Mississippi raised the point, as I did, that we would not have sufficient time to study a bill of the magnitude of this bill in such a short period. Is not that true?

Mr. EASTLAND. Of course.

Mr. JOHNSTON of South Carolina. So we are not raising that point at this particular time for the first time.

Mr. EASTLAND. If it were not a bill aimed at the South, it would have received adequate consideration. Any other bill would have received adequate consideration.

Mr. JOHNSTON of South Carolina. Is it not true that when the bill was taken up in the committee on Monday, the Attorney General came before us, and he took up all of Monday and a part of Tuesday explaining the bill?

Mr. EASTLAND. That is correct.

Mr. JOHNSTON of South Carolina. Then, after the committee finished on Tuesday——

Mr. EASTLAND. Let me make a statement at that point.

The chairman of the Judiciary Committee first recognized the Democrats, on the basis of seniority, to ask the Attorney General and the Deputy Attorney General questions. Then the Republicans were given an opportunity. In order for Mr. Bloch to get in just a word or two, we could not give each member on the minority side the courtesy of asking questions of the Attorney General, to clarify the provisions in their minds.

Mr. JOHNSTON of South Carolina. The truth of the matter was that when Mr. Bloch came before us he was not able even to finish reading his written manuscript. Is not that so?

Mr. EASTLAND. Of course. It was placed in the RECORD. As I stated, his testimony covered only one part of title VI. It did not deal with the question of referees at all. It was confined solely to the proceeding before the district judge, before the referee was appointed.

Mr. JOHNSTON of South Carolina. So it is true that the Attorney General took the first day and a part of the second day explaining the bill. The Department had it under study probably for weeks and months. Members of the Department knew about it. Those who were opposing the legislation did not even get to see it until Friday.

Mr. EASTLAND. We were not able to see a copy of the bill until the middle of Friday afternoon, the day after the bill was referred to us. I do not remember the date. The staff could not begin work on it until then. The staff worked all of Friday night.

Mr. JOHNSTON of South Carolina. Is it not also true that when the committee started voting on amendments we had to rush through them with a great deal of haste in drawing up amendments and deciding what amendments should be offered? Many of them we thought of after the bill left the committee.

Mr. EASTLAND. The answer to that is this: We were in such a rush that we had to limit the discussion of an amendment to 5 minutes on each side. Then time was about to run out, and we had to vote on some amendments without discussion. There were members of the committee who did not have the opportunity to ask Mr. Bloch a question. There were members of the committee who did not have the opportunity to ask the Attorney General or the Deputy Attorney General a question.

Mr. JOHNSTON of South Carolina. Did we not also have to act in a peculiar way in reporting the bill back to the Senate? We were not even given sufficient time to write a report concerning the bill. Did we have any report?

Mr. EASTLAND. No. The bill was reported late Tuesday night, at 5 minutes to 12, 5 minutes before the deadline, and it was taken up in the Senate at 10 o'clock the next morning. No; there was no opportunity to write a minority report or a majority report because of the time limitation.

Mr. JOHNSTON of South Carolina. In the case of a bill of this magnitude, is it not very unusual to have a bill coming back to the Senate without any report from the committee?

Mr. EASTLAND. It has been my experience that when there is a majority report, as well as minority views, it is considered proper to give the majority a week in which to prepare its report, and the minority a week in which to prepare its views. That has been found necessary adequately to present the issue. That was denied the committee in this case.

Mr. JOHNSTON of South Carolina. When we started discussion of this matter on February 15, in reality all the time since then we were discussing another bill, before this one came over from the House. Is not that true?

Mr. EASTLAND. That is true. This is a bill which has absolutely no legislative history. Title VI, which is the heart of it, saw the light of day on the 14th of March. There was only a semblance of hearings in the House, and only a semblance of hearings in the Senate. I venture to say that every member of the Committee on the Judiciary realizes that there were no adequate hearings on the bill.

Mr. JOHNSTON of South Carolina. Was not that one of the reasons why the Senator voted against tying himself to 2 days when the bill was referred to the committee?

Mr. EASTLAND. Yes. That was one of the reasons.

Mr. JOHNSTON of South Carolina. That was one of the reasons why I voted the way I did. I did not intend to tie myself down.

Is it not true that even after the bill got back to the Senate, because we had not had hearings to bring out what was in the bill, at the last moment we found that there was a great mistake in the bill? It was proposed to herd applicants in just before the election, which could cause a very dangerous situation. Did we not find that error in the bill at the last moment?

Mr. EASTLAND. Of course.

The bill came back to the Senate with a very unique report. I judge that not in this century, so far as I know, has such a bill come with such a report. Here it is:

> By order of the Senate, agreed to March 24, 1960, H.R. 8601, to enforce constitutional rights, and for other purposes, was referred to the Committee on the Judiciary, with instruction to report back to the Senate not later than midnight, Tuesday, March 29, 1960.
>
> The committee met in executive session on March 28 and 29, 1960, during which time testimony was received from the Attorney General of the United States, William P. Rogers; the Deputy Attorney General, Lawrence E. Walsh, and the special deputy attorney general of the State of Georgia, Charles J. Bloch.
>
> The committee considered numerous amendments. The amendments agreed to by the committee are set forth in the bill as reported to the Senate.

That is a unique report occasioned by the time limitation imposed on the committee by the Senate.

Mr. JOHNSTON of South Carolina. Is it not true that of the amendments which the Judiciary Committee made to the bill, 13 out of 14 were adopted on the floor of the Senate?

Mr. RUSSELL. Fourteen out of fifteen.

Mr. JOHNSTON of South Carolina. Fourteen out of fifteen?

Mr. EASTLAND. Fourteen out of fifteen, as I recall.

Mr. JOHNSTON of South Carolina. One of the other amendments was agreed to in modified form.

Mr. EASTLAND. Yes.

Mr. JOHNSTON of South Carolina. That shows that the Judiciary Committee was doing a job on the bill in that short time, does it not?

Mr. EASTLAND. Yes; but I do not see how it is possible to have adequate discussion of far reaching constitutional proposals which will change our system of government, which place in receivership the election laws and the election machinery of a State, when a limitation of 5 minutes is placed on discussion on each side of such an amendment. That is unheard of in any legislative body in the world.

Mr. JOHNSTON of South Carolina. I agree with the Senator. I agree with him thoroughly. We will find that we will have a great many headaches as a result of the bill being enacted into law. Of course I am opposed to the Federal Government going into the State at all with respect to anything of this kind. However I agree with the Senator thoroughly that we were not given sufficient time in which to do the work that should have been done on the bill.

Mr. EASTLAND. I thank the Senator.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield to the Senator from Georgia.

Mr. RUSSELL. I do not at this late hour intend to engage in any debate with my two very close and valued friends, the Senator from South Carolina and the Senator from Mississippi, about the wisdom of my vote to send the bill to committee. I am very proud of my vote to send the bill to committee, in the light of what the committee was able to do to it in the very brief time it had the bill before it. My vote was completely justified by the committee's action on the bill.

The point I wish to make—and I am sure the Senator from Mississippi will develop it—is that the bill before us today is the clearest manifestation that could be had of two things, which I shall enumerate. The first is that it shows the value of the committee system when that system is followed. The second is the fact that the committee system was purposely avoided in trying to enact the bill.

That is why the motion now pending before the Senate should prevail and the bill should be sent back to committee.

Originally, the bill as introduced contained seven titles. It was carefully scrutinized by the Committee on the Judiciary of the House and was cut down to five titles.

In the short time that the House bill was before Senate Committee on the Judiciary, the committee was able to cut out of the bill the worst features of approximately three of those remaining titles, and the Senate has approved that action of the Senate committee.

The part of the bill to which the Senator from Mississippi is addressing himself—the monstrous proposal to put into receivership the morals and intelligence of election officials of some southern counties—has never been subjected to the scrutiny of the committee as it should have been. All six points on which the committee had an opportunity to operate, whether it was in the House or in the Senate, have been trimmed down to where they are now only a faint shadow of their original selves.

The main proposition, which no committee has had an opportunity to examine carefully, is brought here in an attempt to legislate on the floor; any such attempt always gets us into trouble, particularly so when we are dealing with politically inspired and motivated legislation that is being rushed to passage in a presidential election year. Many of the proposals that have been advanced here were brought in 3 or 4 years ago in the so-called administration package civil rights program. Those that were examined by the committees are not in the bill today. I unhesitatingly say that if the pending motion carries, and if the committee has an opportunity to really put a microscope on the bill, we would not recognize the bill when it comes back to the Senate. I am also confident such a bill would be approved by the Senate. If we could return this montrous referee proposal to the committee, and if the committee had an opportunity to hear witnesses and to expose the proposal for what it is, it would revolt even its most ardent supporters. They would disown, disavow it. That is what happened to the other six titles of the bill.

Never has a measure cried out so loudly for committee examination. There never has been a time when the committee system—which is the heart of the legislative system—should be brought to bear upon a bill any more than in the case of this one. The bill affects the lives of millions of people. The campaigns and elections of thousands of State and local officials in vast areas of the country are involved; yet this proposal has never had the benefits of committee scrutiny. It is the result of legislating on the floor, Mr. President.

Even if this proposal might serve the political ends of a few candidates for President, we should be guided by the welfare of the millions of people affected. Above all, we should be guided by our interest in maintaining the Constitution of the United States. This bill flies in the face of the Constitution; it absolutely destroys due process so far as the local election official is concerned. The only due process he will have under the referee proposal is to be served with a petition. He cannot even get inside the courthouse to be heard when the so-called referee conducts a hearing involving him.

Mr. EASTLAND. It absolutely destroys due process. Yet it is said that it was feared the Judiciary Committee would sit on the bill. No one has said that the committee sat on title VI, which is the heart of the bill.

Mr. RUSSELL. A great many changes were made in the bill.

Mr. EASTLAND. The bill was introduced in the House on March 13, 3 weeks ago. That is the first time it saw the light of day.

Mr. RUSSELL. Since then it was rewritten three or four times on the floor of the House. The so-called O'Hara amendment was also added on the House floor. We had to get down on our knees and appeal to the Members of the Senate at the last moment to correct a monstrous injustice in the bill brought about by the adoption of that amendment on the floor. I am confident that no committee would have approved it.

As a result of the adoption of that amendment, it was necessary to appeal to Senators in person to prevent a situation in which a Negro—and in my State, according to the last census, there are more Negroes than in any other State—would have been given an advantage over any other person.

Mr. EASTLAND. The Negroes would have been put on a pedestal, above other people.

It is the judgment of the Senator from Mississippi that if the bill were sent to the Judiciary Committee, where adequate testimony could be taken on it from responsible people all over the country, Senators would not know it when it was reported back to the Senate, and the Senate would sustain the action of the committee.

Mr. President, the situation develops that when either a Federal district judge or a federally appointed voting referee accepts an application from one seeking to vote under State law and when, after being given an ex parte examination this applicant is declared to be qualified to vote it will be an abrogation by Federal law of the functions to be performed by State officers.

It puts a premium on perjury. It puts a premium on falsification. It denies the registrar the right to cross-examine the witnesses; to introduce testimony and to argue his case before the referee, so that the referee can reach an intelligent and a just decision.

There is no right or power to be found in the U.S. Constitution that would permit Federal officials to supplant State officials and exercise the power that these State officials are charged with performing under their own constitution. The enactment and application of the proposed law would destroy the republican form of government guaranteed by the Constitution to the several States.

The wrong which would be perpetuated by this voting referee plan is even more enormous when one considers that the courts have uniformly held that the responsibility for the maintenance of a republican form of government in the States is a duty and obligation of Congress, and one in which the courts have refused throughout the history of the Supreme Court of the United States to interfere with.

How many times have I heard the argument made on this floor that if a statute is of doubtful validity, Congress need not concern itself with it because the Supreme Court will straighten the matter out when it interprets what Congress intended when it enacted the statute? But if the question at issue involves what the court considers a political question, even though the statute emanates from an act of Congress

rather than a law or constitutional provision of the State itself, there is serious doubt as to whether this present court would interfere on that ground.

The contest of power between the reserved rights of the States and the Federal Government has been a continuing one insofar as Mississippi is concerned. The people of my State have never hesitated to exert to the utmost degree those sovereign powers that they are entitled to exert under the 10th amendment to the Constitution. I am proud of the fact that we have been in the forefront in this contest and that in the past as well as in the present, when the issues were justiciable, they have uniformly been resolved by the Federal courts in favor of the position of the State of Mississippi.

The first great contest arose under an interpretation of the 14th amendment. The leading case of all cases involving voting rights emanated from the State of Mississippi. This case, Williams against Mississippi, is reported in 170 U.S., page 213. The opinion, delivered by Mr. Justice McKenna for a unanimous court, posed this interrogatory:

The question presented is, are the provisions of the constitution of the State of Mississippi and the laws enacted to enforce the same repugnant to the 14th amendment of the Constitution of the United States? That amendment and its effect upon the rights of the colored race have been considered by this court in a number of cases, and it has been uniformly held that the Constitution of the United States, as amended, forbids, so far as civil and political rights are concerned, discriminations by the General Government, or by the States, against any citizen because of his race.

I must read at length exactly what was alleged by the plaintiff in error in the case. The opinion states:

Plaintiff in error says:

"Section 241 of the constitution of 1890 prescribes the qualifications for electors; that residence in the State for 2 years, 1 year in the precinct of the applicant, must be effected; that he is 21 years or over of age, having paid all taxes legally due of him for 2 years prior to 1st day of February of the year he offers to vote. Not having been convicted of theft, arson, rape, receiving money or goods under false pretenses, bigamy, embezzlement.

"Section 242 of the constitution provides the mode of registration. That the legislature shall provide by law for registration of all persons entitled to vote at any election, and that all persons offering to register shall take the oath; that they are not disqualified for voting by reason of any of the crimes named in the constitution of this State; that they will truly answer all questions propounded to them concerning their antecedents so far as they relate to the applicant's right to vote, and also as to their residence before their citizenship in the district in which such application for registration is made. The court readily sees the scheme. If the applicant swears, as he must do, that he is not disqualified by reason of the crimes specified, and that he has effected the required residence, what right has he to answer all questions as to his former residence? Section 244 of the constitution requires that the applicant for registration after January 1892 shall be able to read any section of the constitution, or he shall be able to understand the same (being any section of the organic law), or give a reasonable interpretation thereof. Now we submit that these provisions vest in the administrative officers the full power, under section 242, to ask all sorts of vain, impertinent questions, and it is with that officer to say whether the questions relate to the applicant's right to vote; this officer can reject whomsoever he chooses, and register whomsoever he chooses, for he is vested by the constitution with that power. Under section 244 it is left with the administrative officer to determine whether the applicant reads, understands, or interprets the section of the constitution designated. The officer is the sole judge of the examination of the applicant, and even though the applicant be qualified, it is left with the officer to so determine; and the said officer can refuse him registration."

Here is the same complaint we hear today. Here is the charge that is being made by the Civil Rights Commission on the basis of their half-baked information, but it is the duty of the courts not to accept opinions, surmises, guesses, and hearsay. Courts are properly concerned with shifting the conflicting charges and countercharges, the exaggerations and the imaginations, and determinating the truth. Justice McKenna continued:

It cannot be said, therefore, that the denial of the equal protection of the laws arises primarily from the constitution and laws of Mississippi, nor is there any sufficient allegation of an evil and discriminating administration of them. The only allegation is "by granting a discretion to the said officers, as mentioned in the several sections of the constitution of the State, and the statute of the State adopted under the said constitution, the use of which discretion can be and has been used by said officers in the said Washington County to the end here complained of, to wit, the abridgment of the elective franchise of the colored voters of Washington County."

Then, after reviewing and comparing the case of *Yick Wo* v. *Hopkins* (118 U.S. 356) the Justice concluded:

This comment is not applicable to the constitution of Mississippi and its statutes. They do not on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under them.

One of the definitions in title VI to H.R. 8601 is in the very teeth of the final comment made here by Justice McKenna. It says:

The words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

What this definition proposes to do is to make Federal district judges or federally appointed voting referees particeps criminis in administering a valid constitutional provision or statute in an unconstitutional or invalid manner. The judge or referee is not to perform that duty and function which the constitution or statute of the State says must be performed. He is to attempt to misapply the constitution or statute in the same manner that he thinks he has found some county voting registrar misapplying it. Mr. President, I state in all sincerity that this is a travesty of every governmental and judicial function that has ever been known in all history. In the name of orderly government, it would be far better for this Congress just to declare that, irrespective of race or color, the entire franchise processes of the State will be administered by the Federal Government, than it would to place the Federal judicial machinery in the position of having to violate the positive injunctions of the constitution and statutes of the State of Mississippi.

But I say further, Mr. President, that there is nothing wrong and nothing violative of the 15th amendment in the present manner in which the duly charged election officials of the State of Mississippi administer the provisions of the constitution and statutes of that State. Previously in this discourse I mentioned a recent case in which the State of Mississippi was involved in a contest with the Federal establishment, not on the 14th amendment, as was involved in Williams against Mississippi, but on the 15th amendment, and on the very section of the United States Code which implements that amendment, and upon which the Civil Rights Act of 1957 and the presently proposed Civil Rights Act of 1960 are based—section 1971(a) of the Civil Rights Act of 1957.

In addition to part III of the opinion, which I have previously read, I want now to read to the Senate the further text of the case of Darby against Daniel:

The case before us, with some of the facts, is thus stated in plaintiff's brief: "This is an action for a declaratory judgment and injunction brought by plaintiff on behalf of himself and others similarly situated. The gravamen of plaintiff's complaint is that he and other Negro citizens of Jefferson Davis County, Miss., have been denied the right to register in order that they might vote, solely because of their race and color, through the enforcement of a policy of discrimination against Negro voters, the enforcement of unconstitutional voting requirements, and the discriminatory administration of valid requirements. The plaintiff also seeks to enjoin enforcement of a State statute which makes it a crime, punishable by imprisonment for 1 year, for him to accept financial and legal assistance in the prosecution of this action and for his attorneys and others to give such assistance.

"The plaintiff in this case is an adult Negro citizen of the United States and of the State of Mississippi, residing in Prentiss, Jefferson Davis County, Miss., since 1947. He is not an idiot, an insane person, or an Indian who is not taxed, and is more than 21 years of age. His occupation is that of a minister of the Gospel. He has never been convicted of any crime enumerated in the Mississippi constitution as grounds for disqualification as a voter. He has paid his poll tax for the years 1956 and 1957. He was a duly qualified and registered voter of Jefferson Davis County prior to January 1, 1954, and exercised his right to vote in various elections held in the county between 1950 and 1955, having registered for the first time in the early part of 1950.

"In 1954 the Legislature of the State of Mississippi proposed that section 244 of the Mississippi constitution of 1890 be amended, and after the proposed amendment was ratified by a vote of the electorate, it became law in 1955." Defendant Daniel was and is circuit clerk and registrar of Jefferson Davis County and will be referred to as defendant unless otherwise noted.

The qualifications of electors are set forth in article 12 of the Mississippi constitution of 1890 as amended, titled "Franchise," and the article embraces sections 240–253, inclusive.

The sections of the article, other than section 244 which is challenged by plaintiff, grant the right to vote to inhabitants of the State, except idiots, insane persons and Indians not taxed, who are citizens of the United States, 21 years old or over, with certain residence requirements, who have duly registered as provided in the article and who have never been convicted of certain listed crimes and who have paid all poll taxes legally required of them before February 1 of the year in which they offer to vote. Section 249 provides: "And registration under the constitution and laws of this State by the proper officers of this State is hereby declared to be an essential and necessary qualification to vote at any and all elections."

Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without losing my right to the floor and without my remarks being counted as two speeches.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EASTLAND. Mr. President, I ask unanimous consent that further proceeding under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND. Mr. President, I continue to read:

Section 244 of article 12, prior to the amendment attacked, was in these words:

"SEC. 244. On and after the 1st day of January A.D. 1892, every elector shall, in addition to the foregoing qualifications, be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof. A new registration shall be made before the next ensuing election after January 1 A.D. 1892."

Amended section 244 reads as follows in its pertinent portions:

"SEC. 244. Every elector shall, in addition to the foregoing qualifications, be able to read and write any section of the constitution of this State and give a reasonable interpretation thereof to the county registrar. He shall demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government."

Following the quoted language the amended section goes on to provide that a person applying to register shall make a sworn written application on a form to be prescribed by the State Board of Election Commissioners, and concludes with these words: "Any new or additional qualifications herein imposed shall not be required of any person who was a duly registered and qualified elector of this State prior to January 1, 1954. The legislature shall have the power to enforce the provisions of this section by appropriate legislation."

In February 1956 the Board of Supervisors of Jefferson Davis County ordered a new registration and due notice thereof was given by publication as required by law. This new registration was in line with the practice which had been followed in the county for a number of years, new registrations having been had in the years 1906, 1923, 1934, and 1949.

Defendant Daniel first became circuit clerk and registrar of Jefferson Davis County January 1, 1956. Without dispute and based upon his opinion that, since a new registration had been ordered and forms had been sent to him by the State election commissioners, he was so obligated, he began the practice of requiring all applicants, regardless of color, to take the examination provided by the amendment and covered by the questionnaire, which policy he pursued until about October 15, 1956. Plaintiff Darby first entered his office to register on June 29, 1956, and Defendant Daniel handed him the questionnaire to be completed pursuant to the custom then universally followed by him. No discussion was had between plaintiff and defendant. Plaintiff completed a part of the written examination and signed his name and left.

He had consulted the attorney now representing him and had written a letter of complaint to the President of the United States some weeks before that, which resulted in an investigation of Defendant Daniel being made by the Federal Bureau of Investigation. About October 1, 1956, Defendant Daniel received a letter from the U.S. attorney in Jackson, Miss., requesting that Daniel come to his office for conference. He responded to the request, going in company with the county attorney to the office of the U.S. attorney. There he was advised that the Department of Justice took the position that persons who, like Plaintiff Darby had been registered prior to January 1, 1954, were required to take only the oral examination covering the qualifications as set forth in the original section 244 of article 12 of the Mississippi constitution. Daniel left the U.S. attorney and went to the attorney general of Mississippi, who advised him in writing October 12, 1956, that no person registered prior to January 1, 1954, was required to take the written examination provided by the amendment.

About November 2, 1956, Plaintiff Darby again presented himself for registration and was given the oral examination. He did not pass in the opinion of Daniel and was so advised. Neither Darby nor Daniel remembered what section of the constitution Darby was called upon to interpret. About June 8, 1957, Darby came to Daniel's office again to register and was given the oral examination, and again failed to pass. A short time thereafter the FBI made a further examination into Daniel's operation of his office in which Daniel explained freely what happened.

On June 22, 1957, Plaintiff Darby again presented himself to Defendant Daniel, this time requesting that he be given the written examination as provided by the amendment. Without dispute, plaintiff followed this course on the advice of his attorney, whom he had first consulted more than a year before. He was given the written examination on the forms furnished to Daniel by the State officials, and again Daniel ruled that he had not qualified for registration.

Plaintiff Darby appealed, as provided by law, from the ruling of Defendant Daniel rejecting his written application (he had not appealed from the other three rejections), and the evidence shows that in so doing he was guided by one of his attorneys of record who had been employed by the NAACP legal defense and educational fund. His attorney filed with the registrar a writing bearing the heading "Appellant's Contentions." Plaintiff Darby and his attorney appeared at the office of Daniel on October 7, 1957, but there was no meeting of the commissioners scheduled or held at that time. Said plaintiff and his attorney were advised that the commissioners would meet at the registrar's office on the Tuesday after the third Monday in March 1958; Plaintiff Darby testified that Daniel told them of a March meeting. No provision is made for notice to persons desiring to present contests of the actions of the registrar and we do not find that Defendant Daniel made any agreement to give any notice to plaintiff or that such an agreement, if made, would have any legal effect. The appeal, apparently begun as a test of the provisions of the constitution and statutes here under attack, was not prosecuted, but this civil action was filed 4 days before the election commissioners met in Jefferson Davis County. The appeal is still pending before them.

Other portions of the testimony will be referred to under the discussion of the several points raised by the parties.

From the written contentions so filed on the appeal, the averments of the complaint and plaintiff's brief it appears that the attack on the Mississippi constitution and implementing statutes is based upon three grounds: that section 244 is unconstitutional and void on its face because it bestows upon the registrar "an uncontrolled discretion to determine who is able to interpret the constitution of * * * Mississippi," and who is able to demonstrate an understanding of the duties of citizenship; that the section is unconstitutional and void because the purpose of said provisions was to enable the registrars to "discriminate against otherwise qualified Negroes," and that said section is being administered "in such a manner as to discriminate against Rev. H. B. Darby and other Negroes otherwise qualified, solely because of their race and color."

The complaint specifies that the uncontrolled discretion referred to results from the amendment's vague and uncertain language "which fails to set up a standard of reasonableness capable of objective measurement." The precise prayer of the complaint asks an injunction "restraining defendant from enforcing those parts of said constitutional and statutory provisions which require an elector to give to defendant a reasonable interpretation of a provision of the constitution of the State of Mississippi and which require that an elector demonstrate to defendant a reasonable understanding of the duties and obligations of citizens under a constitutional form of government." The allegations of unconstitutionality are predicated upon the due process clause of the 14th amendment and the provisions of the 15th amendment.

I

(1) Any consideration of the constitutionality of the challenged portions of this amendment begins with the fundamental fact that, under our constitutional system, the qualification of voters is a matter committed exclusively to the States. The Supreme Court has spoken on the subject in language as clear as it is decisive. Witness, for example, what it said in *Pope* v. *Williams* (1904, 193 U.S. 621):

"The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States (*Minor* v. *Happersett* (21 Wall. 162)). It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper. * * * The State might provide that persons of foreign birth could vote without being naturalized, and, as stated by Mr. Chief Justice Waite in *Minor* v. *Happersett*, *supra*, such persons were allowed to vote in several of the States upon having declared their intentions to become citizens of the United States. Some States permit women to vote; others refuse them that privilege. A State, so far as the Federal Constitution is concerned, might provide by its own constitution and laws that none but native-born citizens should be permitted to vote, as the Federal Constitution does not confer the right of suffrage upon any one, and the conditions under which that right is to be exercised are matters for the States alone to prescribe, subject to the conditions of the Federal Constitution, already stated; * * * The question whether the conditions prescribed by the State might

be regarded by others as reasonable or unreasonable is not a Federal one. * * *

"* * * The right of a State to legislate upon the subject of the elective franchise as to it may seem good, subject to the conditions already stated, being, as we believe, unassailable, we think it plain that the statute in question violates no right protected by the Federal Constitution.

"The reasons which may have impelled the State legislature to enact the statute in question were matters entirely for its consideration, and this court has no concern with them" (pp. 632–634).

Like language was used by the Court in a case so much relied upon by plaintiffs, *Guinn et al.* v. *United States* (1915, 238 U.S. 347). In striking down the grandfather clause of the Oklahoma constitution the Court fixed its eyes upon certain principles as the lodestar which should furnish the light by which it would be guided:

"It (the United States) says State power to provide for suffrage is not disputed, although, of course, the authority of the 15th amendment and the limit on that power which it imposes is insisted upon. Hence, no assertion denying the right of a State to exert judgment and discretion in fixing the qualification of suffrage is advanced and no right to question the motive of the State in establishing a standard as to such subjects under such circumstances or to review or supervise the same is relied upon and no power to destroy an otherwise valid exertion of authority upon the mere ultimate operation of the power exercised is asserted. And applying these principles to the very case in hand the argument of the Government in substance says: No question is raised by the Government concerning the validity of the literacy test provided for in the amendment under consideration as an independent standard since the conclusion is plain that test rests on the exercise of State judgment and therefore cannot be here assailed either by disregarding the State's power to judge on the subject or by testing its motive in enacting the provision (pp. 359–360).

"Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and national authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals" (p. 362).

(2) Plaintiffs base their argument that the constitutional provisions under attack are void on their face chiefly upon four Supreme Court decisions: *Yick Wo* v. *Hopkins, Sheriff* (1866, 118 U.S. 356); *Guinn et al.* v. *United States*, supra; *Lane* v. *Wilson* (1939, 307 U.S. 268); and *Schnell et al.* v. *Davis* (1949, 336 U.S. 933). Analysis of those cases will reveal that they do not apply to the constitutional and statutory provisions before us.

Yick Wo involved the constitutionality, as administered by the board of supervisors, of an ordinance of the city and county of San Francisco making it unlawful to establish or maintain a laundry without the consent of the board of supervisors unless such laundry "be located in a building constructed either of brick or stone." Two Chinese nationals were convicted of violating the ordinances and the two cases wherein they sought habeas corpus were consolidated and decided by the Supreme Court. One was Yick Wo's petition for habeas corpus denied by the Supreme Court of California, and the other a like petition by Wo Lee, on practically identical facts, denied by the Circuit Court of the United States for the San Francisco District. The facts in both cases were without dispute.

Of the 320 laundries in San Francisco, about 310 were constructed of wood, and about 240 were owned and conducted by subjects of China. The board of supervisors followed the policy of issuing permits for laundry operation to all Caucasians, and of denying it to all Chinese even though in the cases presented to the court the premises of the Chinese had been inspected and approved by the fire wardens, the health officers, and other city officials. The Supreme Court of California thought that the statute was a proper exercise of the police power, and the U.S. circuit court, in the other case, thought otherwise, expressing the opinion that the ordinances as administered violated provisions of the 14th amendment and a treaty between the United States and China. In deference to the decision of the Supreme Court of California, however, and contrary to its own opinion, the circuit court discharged the habeas corpus writ as the Supreme Court of California had done.

The Supreme Court rejected the decision of the California court, holding that the ordinances "seem intended to confer, and actually do confer, not a discretion to be exercised upon a consideration of the circumstances of each case but a naked and arbitrary power to give or withhold consent, not only as to places, but as to persons. * * * The power given to them is not confided to their discretion in the legal sense of that term, but is granted to their mere will. It is purely arbitrary, and acknowledges neither guidance nor restraint" (pp. 366–367). The final conclusion of the Supreme Court is epitomized in graphic words copied in the margin. The quotation from the Supreme Court's opinion as applied to the facts there refutes the argument the case is called upon to furnish here. The case will be discussed further in our analysis of Schnell, infra. The constitution and statutes of Mississippi do not contain any license for the exercise of arbitrary power. Plaintiffs are entitled to relief here if they can show the discrimination which was admitted there.

Guinn brought in question the constitutionality of the grandfather clause inserted by amendment into the constitution of Oklahoma. The amendment established literacy tests, but exempted from such tests every person "who was, on January 1, 1866, or at any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation." The exemption was made to apply also to the lineal descendants of such persons. The court held that the language of the Oklahoma amendment was indisputably aimed directly at the 15th amendment with palpable intent of destroying the effect of that amendment. Its course of reasoning ran thus:

The 15th amendment provided that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." The Oklahoma constitution fixed a date, January 1, 1866, as the crucial date, at which time the 15th amendment had not been passed and no Negro possessed the right of suffrage. By its terms, therefore, the exemption from the literacy test was denied to all Negroes, and was vouchsafed to all others. This being true, the Oklahoma amendment—and the Supreme Court so stated—could have no other purpose, under its very language, than to abridge the right of Negroes to vote by requiring them to pass a literacy test from which all non-Negroes were exempted.

Lane v. *Wilson* dealt with an act of the Oklahoma Legislature passed at a special session immediately following the invalidation of the constitutional amendment in Guinn, which act the Supreme Court decided was directed solely at a circumvention of the Guinn decision. The scope and reach of *Lane* v. *Wilson* can best be evaluated by quotations from the Supreme Court's opinion set forth in the margin.

It is clear that the Supreme Court thought that it was impossible to construe the Oklahoma legislation as having any efficacy which did not perpetuate as a favored class the white citizens, who were the only ones permitted to vote in 1914, and to lay a heavy burden on Negroes aspiring to register under discriminatory requirements which they were forced to meet only because they had been wrongfully excluded from voting right under the unconstitutional provisions of the grandfather clause.

The last case relied upon by plaintiffs is the per curiam opinion of the Supreme Court in Schnell et al. against Davis et al., which reads as follows:

"The judgment is affirmed" (*Lane* v. *Wilson* (307 U.S. 268); *Yick Wo.* v. *Hopkins* (118 U.S. 356)). Cf. *Williams* v. *Mississippi* (170 U.S. 213).

A three-judge District Court for the Southern District of Alabama had written a lengthy opinion and had based its decision upon a number of grounds including a finding that the Boswell amendment there under consideration "has, in fact, been arbitrarily used for the purpose of excluding Negro applicants for the franchise, while white applicants with comparable qualifications were being accepted." From the concluding words of the district court's opinion" it appears that the judgment it entered was to grant an injunction in favor of Schnell et al. The Supreme Court did nothing more than to affirm that judgment, not indicating which of the several grounds it adopted as the basis for the affirmance.

Viewed most favorably to the contentions of the plaintiffs here, it would be assumed that the Supreme Court decided that the Boswell amendment placed final and arbitrary powers in the hands of the board of registrars, which power the board had in fact exercised arbitrarily in favor of white applicants and against Negro applicants. As shown above, this was the ground common to Lane and Yick Wo, the two cases forming the predicate for the Supreme Court's action in Schnell.

It is important to note that the Supreme Court, after citing these two cases, directed a comparison with *Williams* v. *Mississippi* (1898, 170 U.S. 213). There, the literacy tests of the Mississippi Constitution of 1890 were upheld and, as demonstrated infra, the Court held categorically that the doctrine of Yick Wo did not apply. The clear meaning of the reference to the three cases by the Supreme Court was that in contrast with the valid requirements of the Mississippi Constitution, the Boswell amendment involved in Schnell came under the condemnation of the two cases wherein the Supreme Court had pointed out specifically that arbitrary power granted and discriminatorily used could not stand the test of constitutionality.

II

(1) In considering whether amended section 244 is unconstitutional on its face, it is important to bear in mind that plaintiffs concede that the voting provisions of the constitution of 1890 were valid. They could not, of course, do less because the Supreme Court of the United States specifically approved them in *Williams* v. *Mississippi* (1898, 170 U.S. 213).

Sections 241, 242, and 244 of the constitution of 1890 were attacked by motion (20 So. at 840) as being violative of the due process and equal protection clauses of the 14th amendment. The motion was grounded on the allegation that the constitutional

convention of Mississippi was composed of 134 members, of which only one was a Negro; "that the purpose and object of said constitution was to disqualify by reason of their color, race, and previous condition of servitude, 190,000 Negro voters." It was contended before the Supreme Court, 170 U.S. at page 215, that, "under prior laws, there were 190,000 colored voters and 69,000 white voters;" and "that sections 241, 242, and 244 of the constitution of this State are in conflict with the 14th amendment to the Constitution of the United States, because they vest in administrative officers the power to discriminate against citizens by reason of their color; and that the purpose of so investing such officers with such power was intended by the framers of the State constitution, to the end that it should be used to discriminate against the negroes of the State."

The contentions there made bear a marked resemblance to those now made before us. Responding to them the Supreme Court of Mississippi said (20 So. 840–841):

"At this point in the investigation it is sufficient to say that we have no power to investigate or decide upon the private, individual purposes of those who framed the constitution, the political or social complexion of the body of the convention. * * * We can deal only with the perfected work—the written constitution adopted and put in operation by the convention. * * *

"We find nothing in the constitutional provisions challenged by the appellant which discriminate against any citizen by reason of his race, color, or previous conditions of servitude. * * * All these provisions, if fairly and impartially administered, apply with equal force to the individual white and Negro citizen. It may be, and unquestionably is, true that, so administered, their operation will be to exclude from the exercise of the elective franchise a greater proportionate number of colored than of white persons. But this is not because one is white and the other is colored, but, because of superior advantages and circumstances possessed by the one race over the other, a greater number of the more fortunate race is found to possess the qualifications which the framers of the constitution deemed essential for the exercise of the elective franchise."

Affirming the decision of the Mississippi Supreme Court in Williams, the Supreme Court of the United States considered at length *Yick Wo* v. *Hopkins, supra,* more than half of the opinion being devoted to a study of and quotations from that case. The Court quoted what it had said in Yick Wo, which quotation—set forth supra—is the portion of Yick Wo so vigorously urged by plaintiffs before us. But concerning said quoted language the Supreme Court of the United States, after stating "We do not think that this case is brought within the ruling in *Yick Wo* v. *Hopkins,*" (170 U.S. at 225), said:

"This comment is not applicable to the constitution of Mississippi and its statutes. They do not on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under them."

The Court, in that decision, quoted and discussed all of the important provisions of the Mississippi constitution governing the right to vote, and also quoted the contention there made that the constitution vested in the registrar "the full power * * * to ask all sorts of vain, impertinent questions, and * * * reject whomsoever he chooses, and register whomsoever he chooses, for he is vested by the constitution with that power. Under section 244 it is left with the administrative officer to determine whether the applicant reads, understands, or interprets the section of the constitution designated. The officer is the sole judge of the examination of the applicant, and even though the applicant be qualified, it is left with the officer to so determine; and the said officer can refuse him registration."

It is of determinant significance that the Supreme Court in Williams rejected all of those contentions and upheld the constitutionality of section 244 as originally written.

(2) It is pertinent to observe at this point that plaintiffs, having thus conceded the validity of the original 244, make the identical argument that amended 244 is unconstitutional because (a) by its language is so vague and indefinite as to furnish no ascertainable standard of action, and (b) it invests the registrar with arbitrary and uncontrolled powers.

(a) The obvious answer to the ground first stated is that the words used in amended section 244 are the identical terms used in the 1890 constitution—"read," "reasonable," "interpret," "understand." Every one of those words was used in the original section which plaintiffs find no difficulty in comprehending. The language above quoted shows that the identical contention was made by Williams in his appeal and was rejected by the Supreme Court. It is further clear that the responsible State official was invested with exactly the same powers under the constitution of 1890 that he has under the amended section.

It is plain that what plaintiffs complain of is, not that the words used in the amendment are vague and indefinite, but that the literacy test imposed by the amendment is slightly more onerous and exacting than that of the original. They complain that the amendment requires an applicant for registration to read and write a section of the constitution. Certainly the original requirement was more rigorous at the time of its enactment than was the amendment when it was adopted.

The constitution of 1890 was passed when Negroes had just emerged from complete illiteracy—cf. the Supreme Court's language in *Brown* v. *Board of Education* (1954, 347 U.S. 483, 490) "Education of Negroes was almost nonexistent and practically all of the race were illiterate"—and when both Negroes and whites had passed through two decades of the tragedy of Reconstruction when efforts at education were close to the vanishing point. After six decades of an increasingly competent educational system it seems moderate indeed for the electorate to lay upon itself the obligation of being able to read and write the basic law of the Commonwealth. Understanding and interpretation formed a part of the original section 244 and they seem all the more proper in this time of general enlightenment.

The same can well be said of the sentence added by the amendment requiring an applicant to demonstrate "a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government." In assaying the reasonableness of such requirements it is well to note that the provision of the Oklahoma constitution, which the Supreme Court found unexceptionable in *Guinn, supra* (238 U.S. at 357) required the applicant to both read and write, and that the Court rejected the grandfather clause only because it was not able to discover any reason for its arbitrary exemption of those possessing certain qualifications on a specified date except one which flew in the fact of the 15th amendment (238 U.S. at pp. 364–365). Such is not the case here. At a time when alien ideologies are making a steady and insidious assault upon constitutional government everywhere, it is nothing but reasonable that the States should be tightening their belts and seeking to assure that those carrying the responsibility of suffrage understand and appreciate the form and genius of the Government of this country and of the States.

(b) Literacy tests for prospective voters have been in effect in this country for a century, and no case has been brought before us holding that the people of a State have placed themselves under too heavy a burden in setting the standards which will earn the right to vote, and none condemning a literacy test as such. In *Lassiter* v. *Taylor* (U.S. D.C. E.D. N. Car., 1957, 152 F. Supp. 285, 297–298), attention is called to the fact that 19 States, only 7 of which are Southern States, prescribe literacy tests, and those States and the laws prescribing the literacy tests are listed. Plaintiffs concede that it is proper for Mississippi to enact reasonable literacy requirements for voting. That concession is bound to include the unquestioned concept that it is the States which have plenary and exclusive power to determine what is reasonable. See the language of the Supreme Court opinions in part I supra. Plaintiff's idea that a literacy test may properly embrace one facet but not two (or two facets but not three) is without sanction of either law or reason. In *Trudeau* v. *Barnes* (65 F. 2d 563), certiorari denied 290 U.S. 659, the Fifth Circuit Court of Appeals approved Louisiana constitutional requirements embracing both reading and interpreting its constitution and that of the United States.

(c) To attack the language of amended section 244 as being too vague and indefinite is to ignore a long and unbroken line of decisions approving legislative enactments whose phraseologies are far more nebulous and difficult of ascertainment than the relatively simple terms before us. A few recent examples will suffice. The Supreme Court has recently "approved a Federal and a State statute which made criminal the dissemination of literature which was 'obscene, lewd, lascivious, filthy, indecent,'" although it was necessarily left to 12 laymen constituting the jury to determine whether such dissemination had a "substantial tendency to deprave or corrupt the readers by inciting lascivious thoughts or by arousing lustful desires." The Labor Board is given power to examine protracted negotiations between representatives of employers and employees and "to determine therefrom whether there has been 'bargaining in good faith.'"

In *Screws* v. *United States* (325 U.S. 91), the Supreme Court upheld a criminal statute making it unlawful to deprive any inhabitant of a State "of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States * * * by reason of his color, or race." Those rights privileges, and immunities are legion and are being defined and expanded every day. The Court justified its decision by holding that conviction under the statute can ensue only when the jurors find, under proper instructions, that the rights violated are rights belonging to Federal citizenship as distinguished from those inherent in State citizenship. It should be remembered also that every juror in a criminal case is forced to apply his common sense in determining what is or is not a "reasonable" doubt; and jurors trying personal injury suits are required to fashion largely out of their own experience standards of "reasonable" care and "reasonable" prudence upon which to base their verdicts.

(3) To charge that the discretion vested in the registrar is arbitrary and uncontrolled is to ignore the procedures provided by Mississippi law. Administrative appeal to a board selected by the State board of election commissioners is given de novo and, on such appeal, the judgment of the registrar is so highly tentative and lacking in finality that it is not even prima facie correct. In every instance his judgment must be one based upon reason, and absolute right of appeal to the courts is also provided. This administrative machinery has the explicit approval not only of *Williams, supra,* but of *Peay et al.* v. *Cox, Registrar* (5 Cir., 1951), certiorari denied 342 U.S. 896.

It would be hard to conceive of constitutional provisions which safeguard the rights of applicants for suffrage as well as do the ones under attack. A permanent record is made on forms prepared by State officers and applying uniformly to all applicants, so that anything smacking of discrimination can easily be checked by examination of the public records. This provides a more certain insurance against discrimination than the requirements of original section 244—providing for oral examination—which bears the stamp of plaintiffs' approval. Right of appeal is given not only to rejected applicants but to any member of the public who may think that any applicant has been too generously dealt with.

(4)(a) In an attempt to prove that the "purpose," i.e., motive, of the people of Mississippi in amending section 244 of the Mississippi constitution was an evil one, plaintiffs sought to introduce in evidence six photostatic copies of newspaper articles expressing the opinion that the object of the constitutional amendment was "aimed at stemming the tide of Negro voters that is growing up in the State." The amendment was voted upon at an election for various officials, State and Federal. No effort was made to prove that the copies offered were in fact copies of newspapers published at the time and no proof was offered to show that the statements attributed to various individuals were made, or that the opinions were actually expressed.

These articles were permitted to be inserted in the record for whatever value they might have toward proving what the plaintiffs called climate. No statements were attributed to State officers and the articles purported to express only sentiments which were alleged to be entertained by the private citizens to whom they were attributed. The articles possessed little, if any, probative value.

(b) Plaintiffs also obtained by subpena copy of an issue of the Clarion Ledger, a newspaper published in Jackson, Miss., containing an article by Charles M. Hills in which the number of Negroes supposedly qualified and registered in various counties of the State was discussed. The article showed that Jefferson Davis County had, in 1954, 1,221 registered Negro voters. Hills was offered by plaintiff as a witness and asked as to the correctness of his figures. He replied that he had no personal knowledge at all and no information except what he had obtained, as the article set forth, from the Mississippi Citizens' Council. The figures could have been nothing but an estimate, as the registration records omit entirely any reference to the race of a registrant; but the article was received as a part of the record for whatever probative value it might have.

If the article should be accepted as dependable and as competent proof, some interesting comparisons might be made. In Jefferson Davis County 926 electors cast their ballots in favor of the constitutional amendment and 278 against it. Plaintiffs' newspaper article showed that 54 Negroes were registered voters in Itawamba County; in voting on the amendment, 228 citizens of that county voted for the amendment and 1,248 voted against it. The article reflected that 4 Negroes were registered in Pontotoc County; the vote in that county was 339 for the amendment and 1,371 against. Speculation engendered by the article would lead to the conclusion that the adoption of the amendment by well over a 2 to 1 majority statewide did not follow at all the pattern of race registration which plaintiffs attempt to ascribe to it.

(c) Plaintiffs, pursuing further the argument that the "purpose" of amending section 244 was to fashion tools the better to discriminate against Negro applicants, list a number of statutes passed by the Mississippi Legislature in 1954, 1955 and 1956 dealing with the public schools and with other aspects of what plaintiffs term "the State's declared policy of preserving segregation." If we should be tempted to accept "guilt by association" as a proper basis for condemning State action, it would not apply here, because the attack plaintiffs make here is basically upon a constitutional amendment enacted by vote of the people themselves. It was submitted at a time when only one other amendment was on the ballot and that had to do with a technical point applying to corporate procedures. The argument, like those which precede it, is lacking in force.

(5)(a) Having failed to produce any tangible proof to sustain this position, plaintiffs finally call upon us to supply the lack by judicial notice. In other words, we are importuned to rule without proof that, on its face or by reason of its unrevealed sinister "purpose," the constitutional amendment is void. The showing before us wholly fails to warrant serious consideration of so condemning a whole people, which is what we would have to do if we accepted plaintiffs' argument. Neither proof nor judicial knowledge tend to sustain plaintiffs' position.

Even if we had such knowledge by some sort of occult power of divination, we would not have the competence to do what plaintiffs advocate. No case is cited as a precedent for such action, and no proof is offered to sustain it. If we should imagine ourselves possessed of such omniscience and omnipotence, we would find ourselves confronted by a vast array of authority which forbids questioning the motives even of a legislature, certainly of a sovereign people.

(b) Commenting upon the immunity of State legislators from having their motives scrutinized, Judge Learned Hand exclaims: "But of all conceivable issues this would be the most completely political, and no court would undertake it." He also quotes Chief Justice Taney's statement in "The License cases," 5 How. 504, 583: "Upon that question the object and motive of the States are of no importance, and cannot influence the decision. It is a question of power." Mr. Justice Douglas, in *Fernandez* v. *Wiener* (326 U.S. 340), quoted the language of Chief Justice Stone in *Sonzinsky* v. *United States* (1937, 300 U.S. 506, 513): "Inquiry into the hidden motives which may move Congress to exercise a power constitutionally conferred upon it is beyond the competency of the courts." Upon a principle so unquestionable it is sufficient to add to the cases already cited a list of more recent decisions affirming it.

We hold, therefore, that plaintiffs have wholly failed to establish that the amendment to section 244 of the Mississippi constitution of 1890 is void on its face or because it was the product of base motives. We hold, on the other hand, that said amendment and the statutes passed in connection with it are valid on their face and in fact, and are a legitimate exercise by the State of its sovereign right to prescribe and enforce the qualification of voters.

This Senate is now attempting to indict and convict the State of Mississippi in the face of the repeated and uniform Court pronouncements that neither the constitution and statutes of the State nor their administration by the duly constituted officials of the State are in any manner, shape, form, or degree violative of either the 14th or 15th amendments to the U.S. Constitution. Why, Mr. President, it is a tragic day in our Nation when a high official in the Department of Justice testifying before a congressional committee in order to justify the appropriation for his useless Department—and I speak now of those officials in the so-called Civil Rights Division of the Department of Justice—would make openly and publicly such statements as these:

Since the Congress of the United States passed this act in September 1957 there has been a lot of legislation put on the books of the States deliberately designed to thwart and frustrate enforcement. This does not appear from the face of the statute. It is only by research and by the application of that statute that you can say it was designed to frustrate the intent of the Federal Congress.

Of course, the more ingenious the State action in this field is, the more difficult and the more ingenious has to be the counter moves of the Federal Government in order to try to vindicate the voting rights of the individual in accordance with the Federal statute. That is what I think makes this far more complex than it would appear from just a superficial glance at it.

This man was appearing to ask for tax money that came from the State of Mississippi. He would bite the hand that feeds him. What he is saying is in the teeth of what the courts have said from time immemorial should not be questioned by the Federal Government, and that is the motives of those individuals serving in the legislative branches of State governments who are performing their constitutional function in enacting the laws they think are best suited for the people of their sovereign State. What does he want? To send Federal officials down to the Legislature of the State of Mississippi to enact the laws that these Federal officials think should go on the statute books of that State? Mr. President, we in Mississippi never felt that we were playing any game with the Department of Justice. The courts are open. The Civil Rights Division has access to them. Why can they not make their charges in the proper forum? Why make them to Congress? The laws were then on the books, and not one action has been brought by the Attorney General against any official in my State.

But let me pursue this charge that the States are deliberately attempting to design legislation to thwart and frustrate enforcement and that this does not appear from the face of the statute.

In the case of *Cohen* v. *Beneficial Loan Corp.* (337 U.S. 541), Mr. Justice Jackson, in discussing the constitutionality of a State statute, said:

In considering specific objections to the way in which the State has exercised its power in this particular statute, it should be unnecessary to say that we are concerned only with objections which go to constitutionality. The wisdom and the policy of this and similar statutes are involved in controversies amply debated in legal literature but not for us to judge, and hence not for us to remark upon. The Federal Constitution does not invalid State legislation because it fails to embody the highest wisdom or provide the best conceivable remedies. Nor can legislation be set aside by courts because of the fact, if it be such, that it has been sponsored and promoted by those who advantage from it. In dealing with such difficult and controversial subjects, only experience will verify or disclose weaknesses and defects of any policy and teach lessons which may be applied by amendment.

And then Judge Cameron pointed out a whole series of cases in his opinion. The indictment that he made against

Darby could just as easily be applied to this witness before the House Subcommittee on Appropriations from the Department of Justice. Having failed to produce any tangible proof to sustain his position, the Department calls upon Congress to supply the lack by conclusive presumption. Congress is asked to rule without proof that on its face and by reason of its unrevealed sinister purpose the constitution and statutes of Mississippi and their application by duly appointed State officials are contrary to the 15th amendment. I say that the showing before the Senate wholly fails to warrant serious consideration of so condemning a whole people, which is what the Senate would have to do if it accepted the indictment of this official of the Department of Justice and the legislation which is proposed in title VI. Neither proof nor judicial knowledge tend to sustain this position and, as Judge Cameron further said:

> Even if we had such knowledge by some sort of occult power of divination, we would not have the competence to do what plaintiffs advocate. No case is cited as a precedent for such action, and no proof is offered to sustain it. If we should imagine ourselves possessed by such omniscience and omnipotence, we would find ourselves confronted by a vast array of authority which forbids questioning the motives even of a legislature, certainly of a sovereign people.

Then he quoted further, sustaining the position which I have previously set forth in the Cohen case, saying:

> Commenting upon the immunity of State legislators from having their motives scrutinized, Judge Learned Hand exclaims: "But of all conceivable issues this would be the most completely political, and no court would undertake it." He also quotes Chief Justice Taney's statement in *The License* cases (5 How. 504, 583): "Upon that question the object and motive of the States are of no importance and cannot influence the decision. It is a question of power." Mr. Justice Douglas, in *Fernandez* v. *Wiener* (326 U.S. 340), quoted the language of Chief Justice Stone in *Sonzinsky* v. *United States* (1937, 300 U.S. 506, 513): "Inquiry into the hidden motives which may move Congress to exercise a power constitutionally conferred upon it is beyond the competency of the courts." Upon a principle so unquestionable it is sufficient to add to the cases already cited a list of more recent decisions affirming it.

Mr. President, it is an insult to the people of my State for the Department of Justice and for proponents of civil rights legislation to now so question the motives of our earnest and conscientious State legislators and the executive officials of the State, from the top to the lowest echelon of county administration.

Mr. President, the chaos and confusion that would be compounded by the enactment and an attempt to apply the voting referee plan among the several States are beyond comprehension. The conflicting laws are so great that the appointed voting referee would be placed in the position of invalidating the constitution and some of the statutes of the State of Mississippi that have been in existence for generations. State election officials would be in such a predicament that nothing they could do would be right. They would either have to go to jail under the Federal law or else they would have to go to jail under the State law. Whichever way they moved, there would be only one certain result—they would wind up in jail. Let me now read section 249 of the constitution of the State of Mississippi:

> No one shall be allowed to vote for members of the legislature or other officers who has not been duly registered under the constitution and laws of this State, by an officer of this State, legally authorized to register the voters thereof. And registration under the constitution and laws of this State, by the proper officers of this State, is hereby declared to be an essential and necessary qualification to vote at any and all elections.

Could anything be clearer or more explicit than the language "No one shall be allowed to vote who has not been duly registered under the constitution and laws of this State, by an officer of this State, legally authorized to register the voters thereof." The applicant to the referee is going to have a certificate in his pocket. The certificate will say "I can vote" to any person in whose face he sticks the certificate. Then the mighty contempt power of the Federal district court will come into play. The State of Mississippi will tell that official that, unless the applicant has been registered by the proper officials of the State, he will not be qualified to vote. Are these referees and these Federal district judges to become ex officio officials under the constitution of the State of Mississippi? I deny that this is possible, Mr. President, either from the standpoint of law or from that of common sense.

Now let me read the following section of the Mississippi constitution. Section 250 provides:

> All qualified electors, and no others, shall be eligible to office, except as otherwise provided in this constitution.

We may ignore the words "except as otherwise provided in this constitution," Mr. President, insofar as anyone who would have one of these voting certificates in his hand would be concerned, they would not be included in this class. Neither would the holders of these voting certificates be qualified electors under the constitution of Mississippi, if section 249 has any meaning and effect.

Now let me read section 251 of the Mississippi constitution:

> Electors shall not be registered within 4 months next before any election at which they may offer to vote; but appeals may be heard and determined and revision take place at any time prior to the election; and no person who, in respect to age and residence, would become entitled to vote within the said 4 months shall be excluded from registration on account of his want of qualification at the time of registration.

Every person who votes in Mississippi must be registered, Mr. President, 4 months next before any election at which he may offer to vote.

Mr. President, on page 19, in line 18, of H.R. 8601, this language will be found:

> Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application.

Yesterday, that provision was modified by striking out the period after the word "provisionally," and inserting a colon and the words "*Provided, however,* That such applicant shall be qualified to vote under State laws." Although I appreciate what was attempted to be achieved by the insertion of those words, I believe the courts must in the future determine exactly what the language means. So for the present I shall overlook it, and shall continue with my explanation.

How can this section of the title be justified, in view of the section of the Mississippi constitution, that I have just read, regarding the qualifications of voters under the law of Mississippi? Why is it unreasonable to require any and all people who seek the privilege of the franchise to qualify to vote within the reasonable period of time prescribed by this provision—4 months next before an election? The truth of the business is that if Congress wished to follow the only reasonable and sensible course in drafting legislation of a character such as that I am now discussing, we would not need one legislative act. There would have to be either 50 separate legislative acts or one act with 50 separate sections—one to apply to each of the several States of this Union. It is impossible to draft legislation to fit that of the 50 sovereign States without cutting the cloth in accordance with the laws of the particular States involved. This is particularly true when we say that the words, "qualified under State law" mean qualified according to the laws of the State. But, we must write each and every one of those qualification laws into the substance of the bill, and we must tailor the bill to fit the form of the laws of each State. Even if constitutional questions were not involved, these practical considerations point out with clarity the folly of attempting to write in one short title a Federal statute, when uniformity of application is an utter impossibility because of the diversity of the laws of the States to which it will apply.

Mr. President, this bill provides for an ex parte hearing when one who seeks the right to vote applies to a Federal voting referee. But if an applicant in an ex parte hearing has a right, somebody has committed a wrong. It is inherent in our society that a person accused of a wrongful act should have the unquestioned right to be confronted by his accuser, to cross-examine the accuser and any other witnesses against him, and to present evidence in his own behalf. The ex parte procedure before a voting referee would deny to the defendant registrar—and he would be a defendant just as certainly as he was a defendant in the original action brought by the Attorney General—his day in court. That defect cannot be cured by providing for subsequent proceedings at

which he would be permitted to file exceptions to matters of fact or law with which he might disagree, in the report filed with the court by the referee who declared the applicant to be a qualified voter.

In addition to denying to the registrar a day in court, under the theory of the voting-referee proposal, as explained by Deputy Attorney General Walsh, an even more serious matter than due process of law is involved. As I understand Judge Walsh's theory, the referee procedure is justified because in connection with the original decree and injunction entered in the adversary proceeding, a canopy for the procedure would have been erected when the court found that a pattern or practice of discrimination existed. This canopy stretches to the horizon. It covers everything going and everything coming. It reaches either forward or backward—I do not know which—and inferentially attempts to make the proceeding before the referee a part of a lawsuit in which a decree might have been entered days, weeks, months, or even years in the past.

The defendant to this original action is not only estopped from defending himself as against this subsequent applicant, but, in my judgment and under Judge Walsh's theory, when either the court or the referee disagrees with the action of the registrar and finds that this registrar deprived or denied the applicant the opportunity to register to vote subsequent to the finding by the court that a pattern or practice existed, the registrar would then and there be in contempt of the injunction that was issued as a part of the original decree prohibiting him from discriminating against any potential Negro registrant on the basis of his race or color. If such an injunction was issued and the applicant was deprived or denied of the opportunity to register or to vote because he was a Negro, would this not clearly be a violation of the original injunction and, if so, could not the county registrar be then and there imprisoned up to 45 days without the benefit of a trial by jury?

The same would be true in a situation where the county registrar had given to the applicant an examination and found him not qualified to vote. Remember, the applicant came to the voting referee with a presumption in his pocket. That supplied the necessary element of proof that the reason the county registrar found him not qualified was because he was a Negro. Then, when the referee administered the examination and found the applicant qualified under State law, this contrary finding would immediately place the county registrar in the position of being in contempt of court for a violation of the injunction issued under the original decree.

Mr. President, if 100 applicants went to the referee and were found qualified contrary to the finding by the county registrar, the contempt sentences would pile up to the point where they could amount to life imprisonment, each one being taken separately. To me, this would create a fantastic situation, but if the original injunction against the registrar is of the nature that I describe, how can you arrive at any other conclusion under the language of title VI?

Mr. President, again I return to the matter of due process: the right of the defendant registrar to appear before the referee and defend himself, confront and cross-examine his accuser, and offer evidence on his own behalf. Mr. Chief Justice Hughes delivered the opinion in the case of *Morgan* v. *U.S.* (304 U.S. 1). It is elemental that the duty of courts to follow procedural safeguards is much greater than that of the administrative agencies involved in this case. Mr. Justice Hughes says:

> The first question goes to the very foundation of the action of administrative agencies entrusted by the Congress with broad control over activities which in their detail cannot be dealt with directly by the legislature. The vast expansion of this field of administrative regulation in response to the pressure of social needs is made possible under our system by adherence to the basic principles that the legislature shall appropriately determine the standards of administrative action and that in administrative proceedings of a quasi-judicial character the liberty and property of the citizen shall be protected by the rudimentary requirements of fair play. These demand "a fair and open hearing," essential alike to the legal validity of the administrative regulation and to the maintenance of public confidence in the value and soundness of this important governmental process. Such a hearing has been described as an "inexorable safeguard." And in equipping the Secretary of Agriculture with extraordinary powers under the Packers and Stockyards Act, the Congress explicitly recognized and emphasized this requirement by making his action depend upon a "full hearing."

The Court said further of this ex parte finding of the Secretary of Agriculture:

> Findings were prepared in the Bureau of Animal Industry, Department of Agriculture, whose representatives had conducted the proceedings for the Government, and were submitted to the Secretary, who signed them, with a few changes in the rates, when his order was made on June 14, 1933.
>
> No opportunity was afforded to appellants for the examination of the findings thus prepared in the Bureau of Animal Industry until they were served with the order.

And again, at a later point, the Court graphically describes the due process of law to which a defendant registrar should be entitled. It said:

> Congress, in requiring a "full hearing," had regard to judicial standards—not in any technical sense but with respect to those fundamental requirements of fairness which are of the essence of due process in a proceeding of a judicial nature. If in an equity cause, a special master or the trial judge permitted the plaintiff's attorney to formulate the findings upon the evidence, conferred ex parte with the plaintiff's attorney regarding them, and then adopted his proposals without affording an opportunity to his opponent to know their contents and present objections, there would be no hesitation in setting aside the report or decree as having been made without a fair hearing. The requirements of fairness are not exhausted in the taking or consideration of evidence but extend to the concluding parts of the procedure as well as to the beginning and intermediate steps.

Nothing could be clearer than this language to establish that the ex parte proceeding proposed by title VI is beyond the power of Congress to enact. A special master in equity proceedings is identical with a referee proposed to be established by the amendment. Serving the report of ex parte proceedings on the defendants and permitting them to file exceptions can never cure the fatal defect of a lack of a full and fair hearing—the opportunity to cross-examine and to present evidence.

On the right of a defendant to confrontation and cross-examination of his accuser, the case of *Greene* v. *McElroy* (360 U.S. 474) decided June 29, 1959, holds:

> Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact-findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment which provides that in all criminal cases the accused shall enjoy the right "to be confronted with the witnesses against him."
>
> This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, e.g., *Mattox* v. *United States* (156 U.S. 237), 242–244; *Kirby* v. *United States* (174 U.S. 47); *Motes* v. *United States* (178 U.S. 458, 474); *In re Oliver* (333 U.S. 257, 273), but also in all types of cases where administrative and regulatory actions were under scrutiny. E.g., *Southern R. Co.* v. *Virginia* (290 U.S. 190); *Ohio Bell Telephone Co.* v. *Public Utilities Commission* (301 U.S. 292); *Morgan* v. *United States* (304 U.S. 1, 19); *Carter* v. *Kubler* (320 U.S. 243); *Reilly* v. *Pinkus* (338 U.S. 269). Nor, as it has been pointed out, has Congress ignored these fundamental requirements in enacting regulatory legislation. *Joint Anti-Fascist Committee* v. *McGrath* (341 U.S. 168–169 (concurring opinion)).
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> Professor Wigmore, commenting on the importance of cross-examination, states in his treaties, 5 Wigmore on Evidence (3d ed., 1940), section 1367:
>
> "For two centuries past, the policy of the Anglo-American system of evidence has been to regard the necessity of testing by cross-examination as a vital feature of the law. The belief that no safeguard for testing the value of human statements is comparable to that furnished by cross-examination, and the conviction that no statement (unless by special exception) should be used as testimony until it has been probed and sublimated by that test, has found increasing strength in lengthening experience."

Mr. President, this proposed procedure under title VI to H.R. 8601 is simply unconstitutional in the whole cloth. From beginning to end it violates every concept of proper judicial processes, both substantially and procedurally.

Mr. President, for the reasons already stated, I think the motion I have made to recommit the bill should certainly be agreed to.

The voting rights provision, the very heart of the bill, saw the light of day, as

I have stated, on the 14th of March, about 3 weeks ago. There was no semblance of hearings on the matter in the House. I say "no semblance of hearings," because the only persons heard were the Attorney General and Judge Walsh. Mr. Charles Bloch, a great constitutional lawyer, happened to be in the city of Washington, D.C., on other business, and was called before the committee without preparation.

The bill passed the House without committee consideration to this matter, without hearing except for the three witnesses. The bill came to the Senate, and in the Senate we had a "gag" rule. The bill was sent to the committee on Thursday night, to be reported back 5 days later, on Tuesday night.

Mr. President, the committee could not meet on Friday, because we had no bill. We did not get the bill from the Government Printing Office until Friday afternoon. The staff worked all night. It was not practicable to hold a meeting on Saturday. We could not commence meeting until Monday. We met for 2 days.

The Governor and the Attorney General of Mississippi wanted to appear to testify. We had time to have only three witnesses: the Attorney General; the Deputy Attorney General, Judge Walsh; and Mr. Bloch. Mr. Bloch did not have time to finish his testimony. He discussed only part of title VI. He discussed only the provisions relating to the judge acting when a suit is instituted.

We were crowded for time on a far-reaching proposal such as this, so we had to limit debate on each amendment to 5 minutes on each side.

Mr. STENNIS. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER (Mr. McGEE in the chair). Does the Senator from Mississippi yield?

Mr. EASTLAND. I yield.

Mr. STENNIS. Is the Senator saying that the committee was limited to 5 minutes debate on amendments?

Mr. EASTLAND. That is correct.

Mr. STENNIS. In order to have the amendments considered?

Mr. EASTLAND. That is correct.

Mr. STENNIS. How many amendments did the committee have to consider?

Mr. EASTLAND. As I remember, there were some 36. We considered 36 amendments.

Mr. STENNIS. With 5 minutes to each side?

Mr. EASTLAND. I will say that there were amendments we could not consider. On the 36 amendments we ran out of time, and we could not allow more time. We simply had to offer amendments and vote. We did not have time to provide the Senate with a majority report or minority views from the committee. The report which was filed is very unique in the annals of the Senate. Inasmuch as it merely stated the action taken by the committee in complying with the mandate of the Senate.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield to the Senator from South Carolina?

Mr. EASTLAND. I yield.

Mr. JOHNSTON of South Carolina. Along that line, we were working under conditions which were impossible, I think. We could offer amendments, and then have 5 minutes, but of course some Senator could offer an amendment to the amendment, and then perhaps we would discuss that matter. That also took up time. Naturally it would.

Senators can readily understand we did not have sufficient time to discuss the amendments before the committee.

Mr. EASTLAND. Mr. President, the distinguished Senator from South Carolina is correct. I think that if the Judiciary Committee were given the time to go over the bill, Senators would not realize it was the same bill when it came back to the Senate, and the Senate would vote to sustain the action of the committee.

PRIZES WON BY SOUTH CAROLINA HIGH SCHOOL BANDS IN THE CHERRY BLOSSOM FESTIVAL

Mr. THURMOND. Mr. President, I take great pleasure in calling to the attention of the Senate the fact that three South Carolina high school bands were designated yesterday as winners of five of seven prizes given in the annual Cherry Blossom Festival band competition, which was held at the National Guard Armory, here in Washington. The Brookland-Cayce High School Marching Bearcats won the grand prize as the best all around band in the festival competition, after placing first in the marching contest and third in the music contest. The Brookland-Cayce Band is currently the official South Carolina championship marching band, by virtue of having won a statewide contest last November in Greenville, S.C. The band, directed by Mr. T. R. Thornley, has been commended by the South Carolina General Assembly for the excellent record it has made in the last 5 years. This is another high honor for this great band, and South Carolina is very proud of its outstanding accomplishment.

Other South Carolina high school bands which won recognition in the festival competition include the Red Raider Band, of Latta High School, Latta, S.C., which won second place in the marching contest; and the Seneca High School Band, of Seneca, S. C., which placed third in the marching contest.

We in South Carolina are proud of this splendid record of achievement by the Brookland-Cayce, Latta, and Seneca high school bands.

Mr. JOHNSTON of South Carolina. Mr. President, I am glad my colleague, the junior Senator from South Carolina, has brought this matter to the attention of the Senate and to the attention of the Nation.

I wish to point out that it is nothing new for South Carolina high school bands to win in the Cherry Blossom Festival competition, for last year and also the year before South Carolina bands were the winners.

So I wish to commend most highly the directors and the members of these South Carolina high school bands. Their accomplishments have been outstanding; and their instructors are entitled to special credit and commendation for the excellent musical skill and ability they have imparted to the members of the bands.

Mr. EASTLAND. Mr. President, the Senators from South Carolina have, with justifiable pride, informed the Senate of the prizes which have been won by South Carolina high school bands in the annual Cherry Blossom Festival.

Without attempting to detract from the credit that is due those fine groups, I wish to point out that this year's Miss America is a beautiful and talented young lady from the State of Mississippi. Furthermore, last year's Miss America was also an equally beautiful and talented young lady from the State of Mississippi. In fact, at the University of Mississippi, future Miss Americas are being "red-shirted" now; and we expect them to continue to win.

Mr. JOHNSTON of South Carolina. I should point out that because of the use of a spinning wheel in making the selection at the Cherry Blossom Festival, the winner is not necessarily the most beautiful contestant. However, if in the contest the judges had the right to award first prize to the outstanding contestant, rather than to have the winner determined by the spinning of a wheel, the winner in the beauty contest, year after year, would have been a South Carolinian—not only in the contest in Washington, but also at the Azalea Festival. In any beauty contest, young ladies from South Carolina are sure to excel.

Mr. EASTLAND. Does the Senator from South Carolina refer to the contest in Washington, D.C.?

Mr. JOHNSTON of South Carolina. Yes; and also to any other competitions in which the contestants come from all over the Nation. Whatever the contest may be, I believe that young ladies from South Carolina will win.

Mr. EASTLAND. But the "Old Miss" young ladies win the Miss America contests at Atlantic City—and very rightly so.

Mr. THURMOND. Mr. President, I would not say a word to attempt to detract from the credit due the great State of Mississippi because two Miss Americas have been from that State, in consecutive years; and Mississippi is certainly to be highly commended for her beautiful young ladies.

Mr. EASTLAND. They are very beautiful and very fine.

Mr. THURMOND. Indeed so.

In fact, I believe Mississippi is beginning to follow in the South Carolina tradition, because I believe a young lady from South Carolina won the Miss America contest the year before a young lady from Mississippi won the Miss America contest for the first time.

In addition, other beautiful and talented young ladies from South Carolina won that year, and for several years before, the Miss Dixie contest, the Miss Tobacco Queen contest, and also the Miss Universe contest.

So we are very proud of the pulchritude, the charm, the dignity, and the grace of the young ladies of South Carolina; and I am sure that both they and the young ladies from Mississippi will compare most favorably with any in the Nation; and I join my distinguished friend in complimenting the womanhood of both States.

Mr. EASTLAND. The distinguished Senator from South Carolina should be very proud of the fine young ladies of South Carolina—as I am equally proud of the fine young ladies of Mississippi. The fact is, however, that young ladies from Mississippi have won the Miss America contest for 2 consecutive years; and some of the very fine young ladies at the University of Mississippi are now being "red-shirted" for that contest, and are going to continue to win.

In addition, the University of Mississippi has had some very outstanding football teams, of which I am also very proud.

NOTICE OF HEARINGS OF THE SUBCOMMITTEE ON TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATIONS

During the delivery of Mr. EASTLAND's remarks,

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the distinguished junior Senator from Virginia, a very able lawyer and a very great Senator, on the condition that it does not prejudice my right to the floor, and does not count as two speeches or as an additional speech.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

Mr. ROBERTSON. Mr. President, of course I appreciate the high tribute my distinguished friend has paid to me. I lack adequate words to express proper appreciation of a tribute beyond my just desserts.

It is with regret I have interrupted the very splendid address being made by my colleague from Mississippi, but in view of the fact that we failed to give a notice in the RECORD yesterday, I believe it is desirable to announce today that commencing on next Tuesday at 10 o'clock a.m. the Subcommittee on the Treasury and Post Office Department's appropriation bill will commence hearings in room F–39 of the Capitol. Witnesses from the Treasury Department, as is customary, will be heard first.

Again I thank my distinguished colleague for yielding to me, and I ask unanimous consent that the announcement be printed at an appropriate place in the RECORD.

Mr. EASTLAND. Mr. President, I ask unanimous consent that it be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection of the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

SECOND SUPPLEMENTAL APPROPRIATION BILL

During the delivery of Mr. EASTLAND's speech on his motion to recommit the civil rights bill,

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the distinguished and outstanding Senator from the South—South Dakota—provided I do not lose my right to the floor, and provided my remarks when I resume will not count as another speech.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and it is so ordered.

Mr. MUNDT. Mr. President, I also ask unanimous consent that these remarks may appear at the conclusion of the address of the Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUNDT. Mr. President, as a member of the conference committee which considered the second supplemental appropriation bill, I want to register my vigorous protest to committee action which deleted the Senate amendment of $7,362,000 for payments to school districts in federally impacted areas under provisions of Public Law 874 of the 81st Congress, for fiscal year 1959.

The Senate conferees did their best to sustain the action which the Senate took, as I did personally. The House conferees were adamant. As a consequence, a compromise had to be evolved.

This action was taken because it involved operating and maintenance costs for a school year now passed. The House conferees reasoned that the 4,000 districts involved could absorb the difference between Federal assistance and costs of operation.

On behalf of the Senate, the Senate conferees said they did not feel that could be done. Very emphatically, I do not agree that it could be done, because the Federal Government had assumed at least a moral obligation to the school districts, and many of them had expected and anticipated those funds under the previous regulations and legislation.

The Federal Government assumed the responsibility of providing funds for districts whose local sources of revenue had been reduced because of Federal acquisition of real estate, or when such districts provide education for children residing on Federal property, or when the needs have increased because of some temporary upsurge in Federal employment which tends to upset the local school districts.

Assistance is given in compensation to local agencies for providing education for children whose parents are employed on Federal property and where there has been a sudden and substantial increase in school attendance as the result of Federal activities.

These school districts have honorably kept their half of the agreement, and now the Federal Government refuses to fulfill its moral obligation, not because there is any question of the validity of these claims, but, rather, based on the premise that these districts have thus far managed without these funds, and therefore can absorb the difference.

I reject that line of reasoning by the House of Representatives. I am hopeful that on some future occasion we can take what I believe is justifiable action. This is an unfortunate shirking of rightful responsibility on the part of the Federal Government, and I vigorously protest it.

I am happy that the conference committee agreed to include $22,343,000 for payments to these impacted districts for cost of operation in fiscal year 1960, despite efforts by the House conferees and on behalf of the House of Representatives to delete or reduce this sum, as well. I am pleased that my views and those of a majority of my colleagues prevailed in this instance, so it will prevent the situation from growing worse, and prevent a recurrence of the situation which the Senate tried to correct by the action it took on this appropriation bill.

I rise to express the hope that in some future supplemental appropriation bill these rightfully due funds may be included in demonstration of our good faith for the past performance of these school districts.

Mr. EASTLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSTON of South Carolina. Mr. President, in discussing the bill now before the Senate, I invite attention to the fact that it goes into fields that the Federal Government has stayed out of ever since 1894. As Senators will recall, the Federal Government entered a field somewhat similar to this immediately following the War Between the States, and remained in this field to some extent until 1894.

In my State of South Carolina the Federal Government took absolute charge of everything until 1876. All the elections were carried out with the aid of the bayonet until 1876. Then the Federal Government began to relax in the field of elections, and it continued to relax until 1894, when the last statute on the books which gave the right to the Federal Government to interfere with State elections was repealed. That year the Federal Government withdrew from the field, and it has remained out of the field of elections to a great extent ever since then.

As we look at the Constitution of the United States, we find nothing which gives the Federal Government the right to come into a State and interfere with

an election. At the present time it is trying to enter into the field under what is known as the 15th amendment.

In the future, when the proposed law is tested out, I believe that we of the South will find that it is not what some think it is at the present time. I believe it will be found that it will interfere with elections throughout the United States.

I recognize the right of the Negro to register and vote, and to have his vote counted. I do so because it is permitted to him under the Constitution of the United States. I do so in South Carolina because our State laws permit him to register, to vote, and to have his ballot counted. We had approximately 160,000 registered Negroes in South Carolina. Something was said to the effect that there was one county in which there were none. I wish to correct that statement. Colored people are registered in every county in South Carolina. The reason it was thought that there was one county in which none were registered was that the Civil Rights Commission went into my State immediately after we canceled the old list of registered voters in my State, and before very many people had registered under the new registration period. The Commission took over before we had an election following the time when the registration system was changed.

Let us bear in mind that this represents nothing new for our State. We have a new registration period every 10 years.

So the statement that only 57,000 colored people were registered in my State, and that in one county not one colored person was registered, is not true. The inaccuracies of the Civil Rights Commission were also reflected in the report that my State has 47 counties. We have 46 counties in South Carolina. I have talked with the people in charge of registration in South Carolina, and I am advised that every county in the State has registered Negroes. Registration takes place on certain days of the month when the registration books are available at the courthouse. Both colored and white people stand in line to register, and take their turn in registering. Of course, there are certain rules connected with registration. For example, no one can register 30 days before the election. There is a reason for it. A person may move from one precinct to another during the 10 years of the registration, and the 30 days are used to purge the rolls, so that there will be no duplication on the rolls within the State. That has been the law for many years.

My opposition to all of these so-called civil rights bills—we would better call them civil strife bills—is not based upon any objection I have to the rights of Negroes to vote. No doubt the laws of South Carolina granting the free exercise of the right of franchise are not dissimilar in purpose or spirit from the laws of any of the other 49 States. These State laws, like those of my State, guarantee to all, whether white, black, brown, or whatever color or race, the equal right to vote. The qualifications for voting are the same for all races. I know of no one who can and has met those qualifications and who has been denied the right to vote in South Carolina. The attorney general of South Carolina, who has had over 10 years of almost daily contact with the problem, that is the voting rights problem with which his office is directly concerned, asserts that to his knowledge there has been but one complaint during the last 10 years.

That complaint was minor in character. The attorney general was able to solve it quickly and satisfactorily to all concerned. That is a record which compares favorably with the record of any other State in the Union.

Of course, in South Carolina we are not beset with the problems created by the influx of foreign nationals with the current wave of friction, bloodshed, turmoil and strife in our large centers of population. Our colleagues from these sections have our sympathy, but just as I feel that the operation of States rights should take place in South Carolina, I feel that these States to the north should resolve their own problems.

In South Carolina, many of our Negroes are in business, in the professions, in the farming industry, or own their establishments and are fully aware of and conversant with their rights. Many exercise their rights without harm, restraint, or interference. It is only when evildoers, do-gooders, professional agitators, so-called reformers and others, whose only knowledge of existing local conditions is gained from a one-sided, slanted, narrow, biased, and prejudiced press seeking to stir up our people, set race against race and person against person, that we find ourselves embroiled in a mesh or labyrinth of discord and civil strife. Many of these meddlers would better serve the country if they attended to their own local affairs and solved the problems facing them in their own backyards. Particularly is this true in the large metropolitan centers throughout the country.

What I am opposed to is the constant whittling away of the powers reserved to the States under the 10th amendment to the Constitution. Let us look at the provisions of title VI of H.R. 8601, so far as a voting-referee proposal is concerned. It is proposed that the voting referee be given all the powers invested in a master by rule 53–C of the Federal Rules of Civil Procedure. The number of referees can run into the thousands. Their costs can run into the millions of dollars. The only restrictions on the general powers of a master is that he is forbidden to act in any way inconsistent with the provisions of H.R. 8601. On the other hand, the general powers of a master are greatly enlarged and his authority broadened by the other provisions of H.R. 8601, as I shall later point out. Ordinarily in equity or law cases where a master is appointed, the parties to the litigation bear the additional expense of a reference to a master. Not so here. The costs which may involve an outlay of untold millions of dollars for these countless numbers of referees are to be paid by the United States. In other words, your tax dollars and my tax dollars must be increased to the extent it will be necessary not for an individual but for the Attorney General's proceedings on behalf of individual claimants who allege a denial of their voting rights. Thus the Attorney General's office must be enlarged. I can see why he is for it. The district attorneys' offices must be expanded and the whole force of both offices increased to meet the added expense when the Attorney General is authorized and empowered to engage in private litigation for those who allege that their rights are violated. This is something new. The Attorney General will be their attorney, and the taxpayers will pay for it. The people of South Carolina will be taxed, no doubt, to guarantee the right of franchise to the newly made citizens of other States, since there are no complaints originating in South Carolina.

What the country needs as a whole is the condition and experience we enjoy in South Carolina. The country needs conscientious, able, and informed election officials. But the bill does not touch them. Then there will be fewer complaints and a more able and efficient administration of all phases of our election machinery. The trouble is we are not touching it whatsoever. Our laws provide penalties now for the abuses of election laws and privileges. These penalties and the other remedies provided by law are prompt, just, and adequate. In other words, new laws are not needed. Additional statutes are not required. They would merely complicate existing laws, retard their speedy and fair administration and increase the overall costs both to the States and to the Nation as a whole.

Let me tell Senators another thing which will happen. In my State, this proposal may retard what is sought to be accomplished. Instead of doing good, I predict it will do harm. It is often said that a horse can be led to the trough, but he cannot be made to drink. That being so, laws such as this will merely complicate the existing laws and retard progress.

I call attention again to the 160,000 colored people who were registered in South Carolina up to 1958. I predict that before 1968, more than that number will be on the rolls. As I said a moment ago, I fear that a bill such as this may do more harm than good.

Instead of working for a real and sincere betterment of conditions for their race, the National Association for the Advancement of Colored People on the contrary is doing precisely the opposite. Their members are creating civil disorders, contentions, strife, and discord. This has taken place recently. This is no way to progress. This is no way to advancement. This is no way to peace and harmony among peoples of different races and backgrounds. Such conduct is conducive to mob violence, law breaking, crime, and general disorder. It is to the great credit of the great majority of our southern Negroes that they spurn the interference of these influences which they consider foreign to them.

A large majority of the colored people of my State resent outsiders coming in and telling them what to do and how to act. I think that almost everywhere one goes, he finds that when someone comes in from outside and tries to influence the reelection of someone in a State, more harm than good is done. Our colored people frown upon and disown these unsolicited interferences. Instead of discouraging these outbreaks by members of its race, the NAACP in published statements fosters and encourages a continuance of them.

I noticed in the newspapers recently that the NAACP went so far as to call an ex-President of the United States to try to get him to change a statement he had made. That was critical of sitdown demonstrations.

Moral persuasion and right thinking cannot be accomplished by statute, however strict or punitive in nature. Good will is needed. Moral values need reassessment. A little of the old-fashioned religion is required. The gospel of right, truth, and honor needs to be spread around more generously. This is not a one-way affair. It is a two-way street. Both races need more of it. More laws, I contend, are not the answer to the problems we face. What we need is more patience, a higher concept of the moral values involved and a better education in the difficulties confronting us. Progress cannot be legislated. It certainly cannot result from repressive action, punitive treatment or criminal penalties.

As I have heretofore stated, the voting referee's powers would exceed the powers of an ordinary master. The voting referee would not need to be a lawyer, although I have rarely known of any master who was not a lawyer. He is invested with the power to hold hearings, take testimony, receive evidence, issue orders and make reports. The powers of a master are judicial in nature. He may administer oaths. He rules as a preliminary matter on the admissibility of all evidence presented before him at the hearings he conducts. His powers are general by nature and are provided for in rule 53–C of the Federal Rules of Civil Procedure.

Mr. President, I want all Senators to consider carefully the provisions of rule 53–C of the Federal Rules of Civil Procedure. By reference, that rule would become a part of this law, although the provisions of the rule are not actually set forth in the proposed law. That rule reads as follows:

> The order of reference to the master may specify or limit his powers and may direct him to report only upon particular issues or to do or perform particular acts or to receive and report evidence only and may fix the time and place for beginning and closing the hearings and for the filing of the master's report. Subject to the specifications and limitations stated in the order, the master has and shall exercise the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order. He may require the production before him of evidence upon all matters embraced in the reference, including the production of all books, papers, vouchers, documents, and writings applicable thereto.

Mr. President, bear in mind that only one side would be permitted to present its case there, and that side would be the only one that would have a right to ask for the production of any books, papers, or vouchers. The other side would not even be allowed to make a request there; the proceeding would be ex parte.

I read further from the rule:

> He may rule upon the admissibility of evidence unless otherwise directed by the order of reference and has the authority to put witnesses on oath and may himself examine them and may call the parties to the action and examine them upon oath. When a party so requests—

And, Mr. President, note the use of the words "a party." There would be only one party at the hearing.

I read further:

> The master shall make a record of the evidence offered and excluded in the same manner and subject to the same limitations as provided in rule 43–C—for a court sitting without a jury.

Mr. President, as Senators will note, in all this the referee would be given a right to proceed behind closed doors; and he, alone, would rule upon the admissibility of evidence. He would have sole control all the way through. At the hearing, the registrar who would be accused of failing to do his duty, because of his alleged failure to register the colored person, would not be permitted to present his case. The hearing would be held only for the colored man. Obviously that would not be proper, for the law should apply generally. If there were discrimination against a white person, that person should also have a right to come into court. But this bill would not permit him to do so. This bill would give such rights and privileges only to colored people. I think that phase of the bill constitutes a direct slap at the South, which is doing a good job. It takes time to work out such problems.

The voting referee under the provisions of House bill 8601 title VI, would have the full power of a master, he, though he might not be a lawyer, also would be invested with the broad power "to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. The referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing and such State or county registrar, or his counsel, shall have the right to appear and to make a transcript of the proceedings."

But the county registrar or his counsel would not be allowed to ask any questions at all.

I read further:

> His statement under oath—

Here the reference is to the statement made by the applicant, the colored man—

> shall be prima facie evidence as to his age.

But the bill says nothing about requiring the applicant to produce a birth certificate or anything of the sort. Instead, he would be the only one who would be allowed to testify about all such things. He might say, "I am 21 years old." In that case, I wonder how he could swear that that was his exact age.

After the provision, "His statement under oath shall be prima facie evidence as to his age," we then find in the bill the words, "residence, and his prior efforts to register or otherwise qualify to vote."

In other words, the applicant's statement under oath would—alone—be prima facie evidence in regard to all those matters which would have bearing on his rights.

I read further from the bill:

> Where proof of literacy or an understanding of other subjects is required by valid provisions of State law—

Mr. President, I do not know who would rule as to what was valid and what was not valid, among the laws then on the statute books, and who would separate one group from the other.

I read further from the bill:

> The answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.
>
> Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law.

Mr. President, I do not know exactly how one who perhaps was not a lawyer could tell them what the law was.

I read further from the bill:

> The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court.
>
> A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact.

That is when they go back to the court.

I continue to quote:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

Bear in mind who makes the report. It is solely the report of the voting referee on which the matter is going to be determined. That provision is written into the law.

The only qualification in H.R. 8601 which is essential for one to obtain appointment as a voting referee is that he must be a qualified voter in the judicial district in which he serves—that is, the whole judicial district. They have got to find somebody in the district to be appointed.

Mr. President, I will tell my colleagues something the sponsors have overlooked in this proposed law. I am going to call it to the attention of the other side. Thank God for the judges who have

already been appointed throughout the South. I hope the ones we have will live another 100 years. We have excellent judges on the Federal bench in South Carolina. I hope in the future we get some who have the same knowledge of the law as do the Federal judges on the bench in South Carolina at the present time.

The only qualification in H.R. 8601 which is essential for one to obtain appointment as a voting referee is that he must be a qualified voter in the judicial district in which he serves. My contention is that a person invested with the powers of a master and the larger and broader powers to which I have alluded should be one versed or trained in the law, particularly the statutory requirements of one's eligibility to vote. Appointments at random can destroy the exercise of voting rights. The referee under this bill must note exceptions of fact and law. He must prepare a report on them for submission to the court for a decision.

I can imagine some persons they might appoint in my State and some of the reports they might make if those who were not lawyers were appointed. I do not know what the judges would do in my State when they received such reports. I think the proponents of the bill have forgotten that, too. The judges might scratch up the orders a little bit. They might destroy the reports and send the matters back for more evidence on which to base findings.

In the alternative, if the court delays, is busy, or, if due and speedy administration of justice requires—using the language of the bill at the bottom of page 18—the referee may supplant the judge and determine the issues of fact and law in accordance with some prearranged procedure prescribed by the court.

The bill further provides that a hearing shall be held where proof supports a genuine issue of material fact. This is a large order. No ordinary layman may possess the special knowledge to separate fact from law, distinguish and determine the existence of a genuine issue of material fact. I contend the qualifications for a voting referee should be spelled out so that only trained, efficient, morally erect, and conscientious persons can be eligible for an office carrying with it so much responsibility.

Are the powers thus conferred by reference to Federal civil rule 53–C and those added by title VI constitutional? are they necessary? Will they help anyone get the right to vote who may now be denied such a right? I contend that the attempt by this bill to confer such powers on any so-called voting referee is a denial and an abridgment of States rights as guaranteed by the 9th and 10th amendments to the Constitution. What this proposal attempts to do is to control from Washington the election machinery of the States and the officers of the States charged by State law with its administration. The only power granted by the States to the Federal Government, so far as elections or electors are concerned, is found in article I, section 2, and in the 17th amendment to the Constitution. It is unconstitutional, in my opinion, for the Congress to attempt by legislation or otherwise to usurp the function of a State or to appoint a Federal officer—a voting referee—to supervise a State election officer in the administration of his strictly State responsibilities.

Further, I think this bill, H.R. 8601, and particularly the voting referee's duties as prescribed in the bill, are unconstitutional because the Constitution in none of its provisions authorizes the Congress to intrude into State affairs in the manner the bill outlines.

I think also this bill is unconstitutional because the Constitution does not empower the Congress or the judicial branch of our Government to concern themselves with Federal or State elections. Complaints concerning nonvoting rights are not within the purview of any authority conferred upon the members of the judiciary by our Constitution. Our Federal judges are to sit in judgment in all cases of law and equity, arising under the Constitution, the laws of the United States, and treaties made, or which shall be made under their authority and with respect to admiralty cases and certain other cases wholly unrelated to the election of either a Federal or State official. We have, in my judgment, no constitutional right to pass a law which would authorize a Federal officer to superintend or supervise the election machinery or its administration by State officials. Such a bill as H.R. 8601 is usurpation, intrusion, and meddling in the raw. It becomes a rank unconstitutionality should it be passed by the Congress.

Often since I have been a Member of the Senate I have had occasion to quote the great Senator from Idaho, the late William E. Borah, who graced this body for so many years. His reasoning was clear. His arguments were sound. He was a great lawyer. He was a great American. When in 1938 there was the recurring problem of a Federal lynch law which used to haunt the Congress, Senator Borah in a speech here on this floor made an argument equally applicable against H.R. 8601. He said:

> The measure now before the body embodies the same principle upon which those measures were founded. The same arguments are made in support of the pending measure, to wit, that the southern people are to be distrusted and are incapable of local self-government.
>
> We know now what those measures in those days did. They retarded and frustrated the coming together of the people of the different States. They gave us the solid South.

That is the reason why we hear the "solid South" spoken of so much, because the rest of the United States keeps whipping the South.

> They separated us politically, which separation continues until this day. They implanted a sense of bitterness in the minds of those people, not because of what has happened upon the field but because of what happened in Congress.
>
> It is not in the interest of national unity to stir old embers, to arouse old fears, to lacerate old wounds, to again, after all these years, brand the southern people as incapable or unwilling to deal with the question of human life. This bill is not in the interests of that good feeling between the two races so essential to the welfare of the colored people.

These are the remarks of former Senator Borah. I am glad we have in the Presiding Officer's chair today the Senator from Idaho [Mr. CHURCH].

Mr. President, I quote further from Senator Borah's remarks:

> Nations are not held together merely by constitutions and laws. They are held together by mutual respect, by mutual confidence, by toleration for conditions in different parts of the country, by confidence that the people of the different parts of the country will solve their problems, and that is just as essential today as it was in 1865 and 1870.
>
> In the beginning, Mr. President, I reject the pending measure as fundamentally not in the interest of the white people of the South, not in the interest of the black people of the South, not in the interest of the national unity nor of national solidarity, not in the interest of eliminating crime.
>
> History has proven that it will be a failure, and those who suffer most will be the weaker race.

This is a quotation from the remarks of former Senator Borah in 1938. The legislation now proposed will only stir up bitterness and arouse more hatred. It will create ill will, and its enforcement will be difficult, if not impossible, so much like the antilynching law, about which the late Senator Borah said:

> Mr. President, suppose Congress passes this bill; suppose it becomes a law; where must we go for its enforcement?

Let that sink in.

Mr. President, I continue to quote Senator Borah's remarks:

> The bill may be passed by votes from other States, but for its enforcement we must go to the juries in those communities which we condemn.

In this case it is to be taken away from the juries, but left in the hands of the judge, eventually, thank the Lord.

I continue to quote:

> The bill may be passed in the theoretical atmosphere of Washington, but it must be enforced down among the people in the realistic atmosphere of the Southern States.

That is true with respect to the bill before us, also. It will have to be enforced in the Southern States.

Mr. President, I continue to quote former Senator Borah.

> There will be the southern district attorney—

I know one of those who will have a time getting his nomination confirmed, from my State. I am serving a warning on him right now. I want to know that boy very well before he has his nomination confirmed—

> the southern judges—

The ones we have now are very fine ones. I am going to vote to confirm their nominations. Those nominations will not pass the Senate, I can say that much, unless they get OLIN JOHNSTON'S support.

Mr. President, I continue to quote former Senator Borah's remarks:

> There will be the southern district attorney, the southern judges, the southern juries, and they must be depended upon for the enforcement of the law. Do Senators think they will more likely enforce the law

when they have been condemned in the sight of all the world, and in the face of such condemnation, than when they are appealed to from the standpoint of the sense of duty of their State and their sense of duty of citizenry?

We get back, after all, to the people themselves for the enforcement of the law. We have had an experience in this country showing that we cannot enforce a law when public opinion is not behind the law. The only way in which we can hope to have the law enforced is by the method that is now pursued by the southern people—that is, to educate the people up to an understanding that it is to their interest and to their honor to maintain law and order in their communities—and that they are doing.

Further on Senator Borah said:

And, Mr. President, in conclusion, the progress, the development, and the advancement of the South, including the last 70 arduous years, her history from Washington and Jefferson down, rich with the names of leaders, orators, and statesmen; her soil, her sunshine, her brave and hospitable people, her patient and successful wrestling with the most difficult of all problems, are all a part of the achievements of our common country and they constitute no ignoble portion of the strength and glory of the American democracy. I will cast no vote in this Chamber which reflects upon her fidelity to our institutions or upon her ability and purpose to maintain the principles upon which they rest.

God bless him for that statement. If more people thought and acted along that line, our Nation would be much better off.

What we need now is a voice from across the aisle, and if you please, from this side too, which in clear and unmistakable language would chart our constitutional responsibility and keep us within the letter and spirit of the Constitution.

There is great need in the world today for unity. We need unity and good will at home. It is needed by the States. Our National Government must have unity among its peoples. The nations of the world, armed to the teeth with the most destructive weapons ever known or conceived by science and man's development of it, need unity, friendship with one another, and a spirit of good will. Cleavages and differences must be allayed, not sharpened—softened, not made more bitter.

The Congress has important work it should now be doing in the interest of all of us and the peoples of the world. Yet we are embittered here in a useless and needless struggle merely for the hope of some political advantage during this election year. We are engaged because we are prodded into it by the paid representatives of an association dedicated now more to agitation than it is to advancement. I do not believe the colored people in the South have any interest in their meddlesome mouthings and undertakings. I am positive that in my own State this organization which is doing so much to create confusion, strife, and ill will, does not meet with the favor of the great majority of our colored citizens. I do not believe they appreciate the harm that will come from the transgressions of members of their race living in the cities of the North.

I plead for sanity in our deliberations. I plead for sanity in our legislation. I plead for unity among our peoples. H.R. 8601 accomplishes none of the things for which I plead.

I would like to bring to the attention of the Senate an article that appeared in the current issue of the Reporter magazine of March 31 entitled "How the Northern Negro Uses His Vote."

While I do not agree with everything contained in this article, I think it is of such significance that it should be brought to the attention of the Members of the Senate and the House of Representatives. Particularly it should be brought to the attention of the so-called liberal Members of the Congress who are currently going through the throes of their annual spring drive to broaden civil rights legislation and their seemingly deep interest in stretching the meaning of provisions contained in our Constitution.

There was a time when the problem of integration, which after all is the all-encompassing phrase for these civil rights proposals, was a problem peculiar to the South. Today, however, the problems involved are applicable in a large degree more so to the large northern areas than to our southland.

The northern liberal press, of course, has blinded itself to any of the racial problems in the North and for years now, nearly a generation, has been attacking the South and its way of life and has been encouraging the various devious means of trampling our Constitution in order to bring what they call social and political emancipation to alleged minority groups of our country.

Actually in this drive to use the South as a whipping boy the basic truths of the problems have been completely overlooked.

For example, in the field of voting, the liberal newspapers keep harping that the Negro must be given the freedom to vote—the right to vote—the right to exercise his political prowess in the South. In all of these writings and editorial attacks concerning the South seldom has any large liberal newspaper mentioned conditions in the North such as in New York where thousands upon thousands of Puerto Ricans are disfranchised because they cannot meet the qualifications for voting in that State. In the South Negroes have more political freedom than they do in the North for a very basic reason. In the South Negroes vote as individuals in most elections. To my knowledge no Negro has been illegally disqualified from registering and voting in my State of South Carolina. Negroes have a right to vote in South Carolina and they do so independently and as individuals. In the large northern cities, however, where they may have a right to vote, they do not vote freely because they are frenzied into block voting or, if you please, spite voting, by race-baiters, hate agitators and political despots who dictate what the Negro voters shall do and who tell them if they do not vote a certain way what they will not get. In South Carolina, for example—I use South Carolina as an example because I know about conditions in my State—when people run for office they do not rave and rant about hatreds between the races and they do not offer one minority group over another majority group, or vice versa, special political dispensation. When people in South Carolina run for public office they run on their record and they expound what they will do for the people of South Carolina—not the Negro people—not the Catholic people—not the Jewish people—not the white people—not the low-country people—not the Piedmont people and not any other special kind of people—we say what we will do for all the people of South Carolina. Sadly, in the North the situation is not the same and if the present majority of the Congress insists and persists in continuing to dig up civil rights legislation which stirs up hatred and points up differences between minority groups, they will only worsen the situation in the North. They will not create more freedom for Negroes and other minority people, but they will actually cause the opposite effect. They will diminish the freedoms of these minority groups because they will drive these minority people away from becoming a part of our civilization and into a minority block group. Individuals in block groups do not act as individuals nor do they vote as individuals. They become blocks who vote and act like machines run by machine politicians.

In the South we have always practiced segregation, but Negroes have always held positions of authority, trust and honor both in government and in private business as do whites, Jews, Catholics or what have you. In South Carolina we treat people on individual merit. The standard of living of the average Negro in the South, in my opinion, is far above the standard of living of the average Negro of the North. There are variances, of course, in specific areas, but I do not hesitate to say that the average Negro in Columbia, S.C., for example, realizes more political freedom, social prestige and economic freedom than the average Negro in New York City.

I defy New York to treat its Negro teachers the same as we treat ours in South Carolina. They actually discriminate against the number they employ in New York. I think that is true generally in Northern States. We have far more Negro teachers in South Carolina, by percentage, than there are in any Northern State.

In the long run the drive for civil rights legislation in Congress will accomplish little or nothing for the Negroes of America or for any other minority group in America. Certainly these bills will accomplish nothing for the average American, regardless of religious or racial background.

Actually this type of legislation is just another way of accomplishing changes in our Constitution without going through the legal steps of obtaining constitutional amendments. The very blessings of our party system of government have brought with it a curse. This curse is the one placed upon the politicians who are blind to constitutional government and who would sacri-

fice the foundations of our Government in order to satisfy the temporary appetite of pressure groups such as the National Association for the Advancement of Colored People. One must be politically realistic in analyzing the situation as it exists today. One of these realistic facts is this fact which every Member should know, if he does not already know: The fact is that without a racial issue the NAACP would go out of business in 24 hours. Without strife, without constant stirring of racial hatreds and without a racial issue of some nature, the NAACP would just wither away. That being so, if the politicians from the North would quit listening to the ranting and mythical charges of the NAACP and similar organizations, and would conduct their politics from a high-principled constitutional platform looking to the welfare of all people rather than minority groups, then eventually the NAACP's appeals would fall on deaf ears and the Negroes would vote as individuals and would realize genuine political freedom. The natural following is that, having lost its freakish powers, the NAACP would go out of business and the politicians of the North would be free to represent all the people without having to make specific reference to minority groups in every political ward of the North. Such development would create a healthy atmosphere under which the representatives of the people would come to Washington and we would begin to work together for the welfare of all people instead of spending 4 months of a 6-month legislative year wrangling over civil rights legislation which can never accomplish any good for the people.

Mr. President, I would like now to read into the RECORD for the benefit of the Nation this deeply analytical article from the Reporter entitled "How the Northern Negro Uses His Vote":

HOW THE NORTHERN NEGRO USES HIS VOTE

(By James Q. Wilson)

In certain political quarters, one of the most eagerly—and apprehensively—awaited events of 1960 will be the publication, by the Department of Commerce, of the preliminary tabulations of the decennial census of the United States. When they appear, the first page to which many will turn will be that showing the size of the Negro population of northern cities.

The great migration of Negroes to the north has been one of the most significant events of the past 20 years. In 1940, more than three-fourths of all American Negroes lived in the South. Today, about one-half remain; the rest have gone north and west to the great Negro population centers of Chicago (800,000), New York (nearly 1 million), Philadelphia (500,000), Detroit (450,000), Los Angeles (255,000), and elsewhere. The impact of this tidal wave has been felt in housing, employment, welfare services, and crime rates, but nowhere has its long-term importance been greater than in the area of politics.

From four northern cities Negroes have gone to Congress—WILLIAM L. DAWSON from Chicago; ADAM CLAYTON POWELL, JR., from New York; CHARLES C. DIGGS, JR., from Detroit; and ROBERT N. C. NIX from Philadelphia. Negroes sit in the councils of dozens of cities and in many State legislatures. Negro leaders are expecting to capture additional congressional districts in the near future. Two in California, two more each in Illinois, Michigan, and New York, and others already have (or nearly have) Negro majorities.

The voting strength of northern Negroes is relatively high. In 1956 it is estimated that 3 million Negroes registered to vote in the North, of whom perhaps 2 to 2½ million actually voted. The Congressional Quarterly, in the same year, concluded that Negroes held the balance of power in 61 congressional districts in the North—that is, the size of the Negro vote based on 1950 figures was greater than the majority won by the incumbent Congressman.

Many Negro leaders view this development with satisfaction. At the same time, Negroes and whites alike see many problems arising as a consequence of this steady upsurge in the Negro vote.

REWARD YOUR FRIENDS?

One problem concerns the future of northern liberals. In the past, Congressmen and other elected officials from large northern cities have been sensitive to the presumed demands of Negroes and other minority groups. In part this attitude stemmed from conviction and in part from a frank appraisal of Negro voting strength.

But as Negroes move into formerly all-white political districts at an ever-increasing rate, an effort is almost invariably made to replace the white elected officials with Negroes. Many white politicians, when Negroes enter their bailiwicks, often take firm and vigorous stands on civil rights and similar matters. When Negroes become the dominant group in the district, however, the liberal performance of the white official has been of little value in insuring his continuance in office. He is placed in a hopeless situation when race appeals (a Negro leader for a Negro district) override positions on issues. Negroes argue that such changes are justified by the need for direct access to Government; whites, on the other hand, often feel they have been let down. "Why stick your neck out," one of them said, "if they will only chop it off in the end?"

Negroes themselves are split on this question. In Detroit, two white liberal Congressmen, THADDEUS M. MACHROWICZ of the 1st District and JOHN D. DINGELL, of the 15th, were challenged by Negro opponents in the 1958 primaries. The AFL–CIO, a strong political force with many Negro members in these districts, fought to reelect MACHROWICZ and DINGELL. They won decisively, but it required persuading a large number of Negroes to vote for the white candidate against the Negro in the Democratic primary. The union leaders feel that it is only a matter of time before it will be impossible to hold the seats for any white men.

SYSTEMS AND LEADERS

How and when Negroes manage to win elective office varies from city to city. In most cases, getting in office is dependent upon the electoral system in the city and the nature of the party organization. Negroes rise more quickly to public office where the city chooses its officials on the basis of a large number of relatively small districts, such as wards, councilmanic districts, and assembly districts. Chicago, for example, elects 50 aldermen to its city council from small wards, the average population of which in 1950 was only 72,000. As a result Chicago, with a large and highly concentrated Negro population, had a Negro alderman as early as 1915, and now it has six.

New York, with a larger population, elects only 25 city councilmen from districts averaging more than 300,000 in population. The result is that only one Negro sits in the New York City Council. In Los Angeles, where the Negro population is proportionately nearly half the size of Chicago's and where the councilmanic districts are twice as large, there is still no Negro on the council.

The Negroes' entry into elective office is even further slowed when the city chooses its officials at large rather than from districts of any kind. Detroit, for example, has a nine-man common council elected at large from the city as a whole. Although the Negro population is believed to be at least one-fifth of the total, it was not until 1957 that a Negro won a council seat.

Many city political organizations have come to realize that the growing Negro population is one of the largest and most dependable sources of political strength. When a party in a city like Chicago allocates the resources it has for getting out a big vote, it frequently decides to put them most heavily into the Negro neighborhoods. This strategy pays off. The majority received by Chicago's Mayor Richard J. Daley when he was first elected in 1955 came largely from the Negro wards. Today in Chicago and Manhattan, Negroes provide between one-fourth and one-half of the Democratic Party's majorities, and it seems highly probable that this proportion will increase in the future.

The possibility of sustaining a strong party organization, once thought to be a thing of the past, has revived with the influx of Negroes into northern cities. Patronage—city hall jobs and favors—has lost its attractiveness to many of the older ethnic groups as they have risen in economic and educational status. Because the Negro is typically in an underprivileged economic position and because discrimination or his lack of training often excludes him from other job opportunities, he tends to regard such patronage as valuable.

The different political systems in American cities produce different kinds of Negro political leaders. Where men are elected from a small-district system by a strong party organization, Negro (as well as other) leaders are often men like Chicago's aldermen—distinguished for their party regularity, their lack of interest in the kinds of issues that excite the newspapers, their devotion to politics as a career. Where officials are elected at large in cities without strong party machines, the Negroes who are successful often are not professional politicians and have achieved prominence in some other career, such as law, journalism, or civic work. They usually take a great interest in newspaper issues. Since they are chosen at large, they must be acceptable to large numbers of white voters. To become acceptable, Negroes must often display even higher qualifications than those required of their white counterparts. The Negro member of the Detroit Common Council, William T. Patrick, is an attorney, a graduate of Harvard Law School, and an eminently respectable and energetic man. He managed to get both union and conservative newspaper backing.

Of course, if a Negro candidate's constituents are mostly Negroes, the temptation is very strong to agitate race issues and run against the white man as a means of attracting support. ADAM POWELL in New York has found the temptation irresistible.

STRANGE DEVICES

Although almost no one will discuss the matter publicly and few will mention it privately, there is a growing concern among whites about the long-range implications of the Negro in northern city politics. Some speak apprehensively of the day when Negroes will control the city council or perhaps elect a mayor. One Chicago businessman said, "When that day comes, to hell with this city; I'm getting out."

That day is not yet imminent, but there are signs of nervous anticipation on every hand. In some cities, changes in the political system have been made or proposed in order to curtail Negro political power and reduce the number of Negro officeholders.

In Chicago, some have urged altering the old ward system and electing some or all of the aldermen at large. Other reasons for such changes exist, and fear of Negroes is not always the motive behind these plans. But to many it is an important consideration. When the Chicago Home Rule Commission proposed, in 1954, reducing the number of aldermen from 50 to 35 and electing 10 of these at large, the Negro member of the commission, and most Negroes generally, opposed the suggestion because it would reduce Negro political representation.

Other cities have found it possible to make changes which, although prompted by a variety of motives, have had as an important consequence the limitation of Negro political strength. The Los Angeles City Council redraws its district lines every 4 years, and has done so in a way that places the Negro registered voters in a minority position in any given district. Most Negro leaders publicly charge, and many whites privately admit, that this is deliberate gerrymandering to keep Negroes out of the council.

Although Negroes number an estimated 255,000 in the city and perhaps twice that in the county, they have only a single elected official in Los Angeles—State Assemblyman Augustus Hawkins.

In Cincinnati, the repeal in 1957 of the electoral system that had been in use since 1924 was closely linked with the problem of Negro political influence. Negroes number about one-fifth of Cincinnati's population, and under the system of proportional representation in effect since 1924, they had always been able to elect one or two Negroes to every city council. The proportional representation system strengthened the representation of cohesive minority groups, and a Negro could win a council seat with as little as 13 percent of the first-choice votes in a typical election. Ted Berry, a prominent and vigorous Negro lawyer, was a councilman from 1949 to 1957. In 1955 he ran second in a field of 21 candidates, and as a result the council elected him its vice mayor. In 1957 the city voted to end proportional representation and revert to a system of voting for individual candidates.

Although little public discussion centered on this point, there is no doubt that a strong undercover argument against the old system was the election of Berry as vice mayor and the possibility that he might in time be mayor. Charges were circulated that a "Negro machine" was being built by Berry and that he was instrumental in encouraging Negro entry into white neighborhoods.

After proportional representation had been repealed, a new council election was held. Although Berry had the endorsement of the charter party, an influential group in city politics since the reforms of 1924, he ran 15th in a field of 18 under the new election system. In 1959, with stronger backing, he came in 10th in a race for 9 seats.

The 1960 census will undoubtedly show great increase in the Northern Negro population over 1950. In some cities, like Washington, D.C., it will probably amount to over half the total. This will increase resistance from Southern congressional leaders to home rule for Washington. In many wards in other cities where the exact size of the Negro population is now a matter of conjecture, there will be renewed efforts by Negroes to assert their claims to political representation when they have hard facts to demonstrate their numerical strength.

Mr. President, the article calls to the attention of the Members of Congress from the Northern States the fact that what today is a headache for the South will, tomorrow, be a headache for the North. Senators from the northern part of the country may think this bill will penalize only the South. But, Mr. President, here and now I predict that it will not be many years before the Senators who now are the most insistent in demanding that the bill be enacted into law will find that it has knifed them in the back; and then they, themselves, will try their utmost to do what I am now doing, as I try to keep the South from being penalized; and all of them will then be opposing the measure which today the Senate so-called liberals are endorsing.

Mr. President, when that time comes, I would hate to say, "I told you so"; but I believe it my duty now to let them know what they are facing at this time and what, in my opinion, they will face even more in the very near future.

Mr. President, in dealing with all these problems, may God guide us and help us to proceed wisely as we endeavor to bring about better relationships between the races, particularly in connection with the handling of these problems throughout the Nation. That will ever be my goal.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. ENGLE in the chair). The Senator from Illinois will state it.

Mr. DIRKSEN. Is not the pending question on agreeing to the motion of the Senator from Mississippi [Mr. EASTLAND] that the bill be recommitted to the Judiciary Committee?

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. Mr. President, I propose to submit a motion to lay on the table the motion to recommit. But before I make that motion, I wish to yield to the distinguished Senator from South Carolina [Mr. THURMOND], who, as I understand, desires to speak for approximately 30 minutes. Therefore, I ask unanimous consent, Mr. President, that I may temporarily withhold my motion to lay on the table, in order to yield at this time to the Senator from South Carolina.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and the Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I am most concerned about the apparent unconcern in the Senate over the provisions of title III of the pending bill, which imposes on State election officials the requirement to preserve certain voting records for a period of 22 months following specified elections. I do not use the term "certain voting records" for the purpose of conveying an impression of narrowness, for the language of the section would belie such an impression. On the contrary, it imposes on duly appointed officials of sovereign States the onerous task of preserving for a period of 22 months all records and papers which come into their possession relating to any application, registration, payment of poll tax, or any other act requisite to voting in any general, special, or primary election at which a candidate for Federal office is to be voted for. Every election official who willfully fails to preserve all records and papers, which come into his possession, relating to any and every facet of an election at which a President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives is to be voted for, will be fined a maximum of $1,000, or imprisoned for a maximum of 1 year, or both.

It is at once apparent, Mr. President, that the advocates of this measure are greater in their zeal for Federal action—any kind of Federal action—than in their knowledge of the language and import of this section, or than in appreciation of the basic relationship between the States and the National Government. I deem it advisable at this time to attempt to rectify both situations.

The complete text of this section is as follows:

TITLE III

Federal election records

SEC. 301. Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 302. Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 301 to be retained and preserved shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 303. Any record or paper required by section 301 to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative. This demand shall contain a statement of the basis and the purpose therefor.

SEC. 304. Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

SEC. 305. The United States district court for the district in which a demand is made pursuant to section 303, or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

SEC. 306. As used in this title, the term "officer of election" means any person who, under color of any Federal, State, Common-

wealth, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which votes are cast for candidates for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico.

For the edification of the officials charged with the implementation of the electoral process who will be subjected to fines up to $1,000 and prison sentences of 1 year should the bill be enacted, advocates of this legislation should disclose at what point in time the collection of all records and papers should begin. It is apparent that the "preservation period" is to continue for a period of 22 months from the date of the election. However, there is no indication as to the length of prior history relating to such elections which is required under the section.

The language of the section is so comprehensive that it readily encompasses all correspondence received by election officials if there is the remotest connection between it and acts requisite to voting in an election at which a candidate for Federal office is to be elected.

Mr. President, the potential harrassment of State election officials contained in this section is unlimited. The language simply provides that the custodian of the records and papers required by the title to be preserved is subject to a demand by the Attorney General to produce such records and papers at any time. Such demand is not predicated on a violation of any voting rights, an apparent violation of voting rights, or even a reasonable belief that there has been a violation of voting rights. The Attorney General may make repeated demands for the papers or records at intervals limited only by his ability to do so.

Mr. President, I could discuss at great length the technical objections to this section. It is replete with ill-considered language—language which has been written while the advocates were blinded in their zeal for Federal encroachment in a field which is the primary responsibility of the States; language which has been written to sacrifice the rights of the majority and the dignity of the States for political expediency; and, paradoxically, language which would destroy the delicate constitutional balance between the States and the National Government, under the false banner of protecting the constitutional rights of individuals. Because of the profound, basic, constitutional issues involved in the proposed legislation, Mr. President, I shall merely invite the attention of the Senate to the language contained in the section previously referred to, and the patent errors in draftsmanship and lack of legitimate safeguards, and shall proceed to a discussion which transcends the boundaries of sectionalism, partisanship, and—I pray—political advancement.

Mr. President, at the time of the adoption of the Federal Constitution there were only two States which did not have constitutions of their own. These States were Rhode Island and Connecticut. The responsibility of the States for protecting the rights of their citizens in the electoral process was complete. Every aspect of the most important process of democratic society was controlled and determined by each State. Each State determined for itself who was to vote by stipulating the requirements for voting.

An examination of the constitutions of States which had enacted a constitution at the time of the formation of the National Government discloses varying limitations on the right to vote. There was no State which allowed all citizens to vote. Some of the various qualifications were quoted by the Supreme Court in *Minor* v. *Happersett* (21 Wallace 162) as follows:

Thus, in New Hampshire, "every male inhabitant of each town and parish with town privileges, and places unincorporated in the State, of 21 years of age and upwards, excepting paupers and persons excused from paying taxes at their own request," were its voters; in Massachusetts, "every male inhabitant of 21 years of age and upward, having a freehold estate within the Commonwealth of the annual income of 3 pounds, or any estate of the value of 60 pounds"; in Rhode Island, "such as are admitted free of the company and society" of the colony; in Connecticut, such persons as had "maturity in years, quiet and peacable behavior, a civil conversation, and 40 shillings freehold or 40 pounds personal estate," if so certified by the selectmen; in New York, "every male inhabitant of full age who shall have personally resided within one of the counties of the State for 6 months immediately preceding the day of election * * * if during the time aforesaid he shall have been a freeholder possessing a freehold of the value of 20 pounds within the county, or have rented a tenement therein of the yearly value of 40 shillings, and been rated and actually paid taxes to the State"; in New Jersey, "all inhabitants * * * of full age who are worth 50 pounds, proclamation money, clear estate in the same, and have resided in the county in which they claim a vote for 12 months immediately preceding the election"; in Pennsylvania, "every freeman of the age of 21 years, having resided in the State for 2 years next before the election, and within that time paid a State or county tax which shall have been assessed at least 6 months before the election"; in Delaware and Virginia, "as exercised by law at present"; in Maryland, "all freemen above 21 years of age having a freehold of 50 acres of land in the county in which they offer to vote and residing therein, and all freemen having property in the State above the value of 30 pounds current money, and having resided in the county in which they offer to vote 1 whole year next preceding the election"; in North Carolina, for Senators, "all freemen of the age of 21 years who have been inhabitants of any one county within the State 12 months immediately preceding the day of election, and possessed of a freehold within the same county of 50 acres of land for 6 months next before and at the day of election," and for members of the house of commons, "all freemen of the age of 21 years who have been inhabitants in any one county within the State 12 months immediately preceding the day of any election, and shall have paid public taxes"; in South Carolina, "every free white man of the age of 21 years, being a citizen of the State and having resided therein 2 years previous to the day of election and who hath a freehold of 50 acres of land, or a town lot of which he hath been legally seized and possessed for at least 6 months before such election, or (not having such freehold or town lot), hath been a resident within the election district in which he offers to give his vote 6 months before such election, and hath paid a tax the preceding year of 3 shillings sterling toward the support of the government"; and in Georgia, "such citizens and inhabitants of the State as shall have attained to the age of 21 years, and shall have paid tax for the year next preceding the election, and shall have resided 6 months within the county."

Mr. President, the voting process has always been the primary responsibility of the several States of the Union. This fact was recognized by the framers of the Constitution. Section 4 of article I provides that the legislatures of the States shall prescribe the times, places, and manner of holding elections, although the Congress was granted the authority to make or alter such regulations in some respects. Constitutional provisions relating to elections are as follows:

Article I, section 2, clause 1:

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Article I, section 4, clause 1:

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Article I, section 5, clause 1:

Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Members, in such manner, and under such penalties as each House may provide.

Article II, section 1, clause 2:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Amendment XIV, section 2:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Amendment XV, section 1:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2:

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XVII:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election of term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XIX:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Advocates of the present section evidently rely on two constitutional provisions in urging this body to enact legislation forcing State election officials to preserve records and papers for inspection by the Attorney General of the United States. The first of these is article I, section 4, clause 1, which provides that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators." Are the proponents of this section urging a construction of the term "manner" which would result in consequences so serious, so far-reaching, and so pervading, so great a departure from the structure and spirit of our institutions? The pertinency of this question is accentuated because the effect of such a construction is to fetter and degrade the State governments by subjecting them to the arbitrary and unlimited demands of a Federal Attorney General in the exercise of powers of the most ordinary and fundamental character heretofore universally conceded to the States. In fact, it radically changes the whole theory of the relations of the State and Federal Governments to each other and of both these Governments to the people.

There are those who would say, "Well, why shouldn't State election officials be required to preserve the voting records of Federal elections?" Mr. President, the inquiry demonstrates both a lack of knowledge of the language contained in the bill and an understanding of the electoral process. A perusal of the section involved will disclose that the requirement of preservation of records and papers is not limited to those relative to the election of Federal candidates. On the contrary, Mr. President, it includes all records and papers relative to any application, registration, payment of poll-tax, or other act requisite to voting in any election, limited only by the requirement that one of the persons to be voted for was a candidate for election to Federal office. It may be an election in which there are candidates for election to dozens of State or county offices and a candidate for the House of Representatives. Nevertheless, to the minds of the proponents of this bill, it is a Federal election, justifying the imposition of a requirement of constant investigation of all records, and papers in the entire election which relate to any application, any registration, payment of any poll-tax, or any other act requisite to voting in the election.

Mr. President, section 4 of article I of the Constitution was bitterly attacked by the State legislatures of 1787–89, because of its alleged possible use to destroy the rights of the States to determine qualifications for voting and deteriorate its primary responsibility in the electoral process. In defense against this argument, the proponents of section 4 assured the respective State governments that it was not the intention of the controversial section to undermine the rights of the States in respect to elections. Mr. Hamilton asserted in "The Federalist":

The truth is that there is no method of securing to the rich the preference apprehended, but by prescribing qualifications of property either for those who may elect, or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, and the manner of elections.

The history of the times indicates that should there have been any intention to allow the National Government to impose the type of restrictions on State election officials which are sought to be imposed by the present section of the bill which is now before us, the Constitution would not have been ratified. Due to the present centralization of government in Washington, and the failure of the States to assert their duties, responsibilities, and perquisites, it is difficult for some to imagine that prior to the adoption of the instrument which is presently being emasculated by the Congress and the Supreme Court, the sovereignty of the States was complete. There was a general recognition of the fact that the powers to be granted the National Government by means of the instrument known as the Constitution were to be subtracted from the totality of sovereignty which the States then enjoyed. This gave rise to a jealous regard for the powers that were being granted the National Government. This was particularly true in regard to the election process.

The limitations on the powers of Congress have been defined with clarity by the Supreme Court in the case of *Carter* v. *Carter Coal Co.* (298 U.S. 238) in which the Court said:

The general rule with regard to the respective powers of the National and the State Governments under the Constitution is not in doubt. The States were before the Constitution; and, consequently, their legislative powers antedated the Constitution. Those who framed and those who adopted that instrument meant to carve from the general mass of legislative powers, then possessed by the States, only such portions as it was thought wise to confer upon the Federal Government; and in order that there should be no uncertainty in respect to what was taken and what was left the national powers of legislation were not aggregated but enumerated—with the result that what was not embraced by the enumeration remained vested in the States without change or impairment. Thus, "when it was found necessary to establish a national government for national purposes," this Court said in *Munn* v. *Illinois* (84 U.S. 113, 124), "a part of the powers of the States and the people of the States was granted to the United States and the people of the United States. This grant operated as a further limitation upon the powers of the States, so that now the governments of the States possess all the powers of the Parliament of England, except such as have been delegated to the United States or reserved by the people." While the States are not sovereign in the true sense of that term, but only quasi sovereign, yet in respect of all powers reserved to them they are supreme—"as independent of the General Government as that Government within its sphere is independent of the States." And, since every addition to the legislative power to some extent detracts from or invades the power of the States it is of vital moment that, in order to preserve the fixed balance intended by the Constitution, the powers of the General Government be not so extended as to embrace any not within the express terms of the several grants or the implications necessary to be drawn therefrom.

It is no longer open to question that the General Government, unlike the States, possesses no inherent power in respect of the internal affairs of the States and emphatically not with regard to legislation. The question in respect to the inherent power of that Government as to the external affairs of the Nation and in the field of international law is a wholly different matter which it is not necessary now to discuss.

Mr. President, it has been said that it is the duty of the Congress to insure that the rights guaranteed under the 15th amendment to the Constitution are protected. The first section of this amendment provides:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 provides:

The Congress shall have power to enforce this article by appropriate legislation.

The proponents of this section would rely upon this constitutional provision to justify the invasion upon the rights of the States to conduct elections.

However, the Supreme Court has said:

Beyond doubt the 15th amendment does not take away from the State governments in a general sense the power over suffrage which had belonged to these governments from the beginning, and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals (*Guinn* v. *United States* (238 U.S. 347)).

If the advocates of this legislation rely on the 15th amendment for a basis

of authority for the enactment of a section requiring the preservation of voting records and papers, such purported authority under objective analysis will be found wanting.

The 15th amendment confers voting rights on no one. There is no new right of suffrage contained in the language of the amendment. On the contrary, it has been expressly recognized by the Supreme Court that the 15th amendment did not disturb the axiom that the right to vote in the States is derived from power reserved to the States (*United States* v. *Cruikshank* (92 U.S. 555)). It is the right of exemption from the prohibited discrimination that derives from the power of the United States and specifically the 15th amendment.

Mr. President, how can the affirmative language of the section requiring the preservation of voting records be justified under the 15th amendment, when the language is in one way predicated on the finding that the right to vote is being "denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude"? The existence of this fact is a condition precedent to the action of Congress under the 15th amendment. Are we to assume that in every election in the United States at which a candidate for President, Vice President, Presidential elector, Senate, or Member of the House of Representatives is to be voted for that such a violation is now occurring or has in the past occurred? Mr. President, that is an assumption which is an affront and source of degradation to every sovereign State of this Union. It is an assumption which has no foundation in fact. It is an assumption which ignores every precept of Anglo-American jurisprudence. Even if the States of the Union were on trial—which most assuredly is not the case—there would be a presumption of innocence of the accused crime. But no such presumption has been extended to the States in this instance.

Mr. President, the charge has been repeatedly made that there are rank violations of voting rights throughout the South. There is no factual basis for this charge. For the most part, the report of the Civil Rights Commission draws its conclusion from a compilation of statistics comprised primarily of census figures on the proportions of each race living and voting in each particular county or State. Mr. President, those of us who are familiar with the situation from personal experience see this report of the Commission as proof of the fact that statistics can be made to lie. At this point, I would like to remind the Senate that although the Civil Rights Commission received voting complaints from 29 counties in 8 States, not one was from the State of South Carolina. I would also like to mention in this connection that at least two of those eight States were border States, and another was the State of New York.

Mr. President, not only has the South been judged guilty in this matter without any facts to substantiate the findings, but, indeed, the entire philosophy of those who support this legislation is impregnated with the basic idea that white southerners are not just second-class citizens, but, apparently, should have no rights whatsoever. This attitude was demonstrated thoroughly in this body in 1957 and it was reflected—even magnified—in the attitude of the Civil Rights Commission. This is more than amply illustrated in the Commission's own words when, in outlining the procedure to be used with regard to voting complaints, the Commission said, and I quote from page 69 of the report:

> And under no circumstances would the names of complainants or any identifying details of the complaints be revealed.

In other words, Mr. President, those accused of violating the United States and State laws making it a criminal offense to interfere with voting were not even to know the name of their accuser or the nature of the charge, much less to have the right to face their accuser and cross-examine him. The only encouraging note to be found in this whole sorry mess is the fact that a three-judge Federal court had the courage, the knowledge, and the respect for the Constitution to declare the procedures of the Civil Rights Commission unconstitutional.

Mr. President, the Congress has enacted extensive legislation concerning elections in the past. The first comprehensive Federal statute dealing with corruption in elections was adopted in 1870, when the Enforcement Act—16 Stat. 44—outlawed every type of fraudulent and corrupt practice in connection with elections, specifically forbidding false registration, bribery, illegal voting, making false returns of votes cast, interference in any manner with officers of election, and the neglect by any such officer of any duty required of him by State or Federal law. The laws were held invalid in part in *United States* v. *Reese* (92 U.S. 214) in 1876. The Congress recognized that these laws were a violation of the responsibilities of the States by repealing this legislation in 1894. The discussion which took place in the Congress during that period could be most enlightening and informative to the proponents of the present legislation.

Of particular interest also, is the report from the Committee on Privileges and Elections of the House of Representatives, in reporting H.R. 2331, which repealed the statutes relating to the extensive supervision of the electoral process. The historical significance of this document is great, and the House report contains language which is equally applicable to the issue which is now before this body. For this reason, I deem it advisable to quote the committee report:

> The Committee on Election of President and Vice President and Representatives in Congress, to whom have been referred various House bills providing for the repeal of all statutes relating to supervisors of election and special deputy marshals at the polls, beg leave to report back to the House, House bill No. 2331, with an amendment thereto, and to recommend its passage.
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> The bill provides for the repeal of section 2002 of the Revised Statutes of the United States relating to the bringing of armed troops to the place of election, and of sections 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020 relating to the appointment, qualifications, powers, duties and compensations of supervisors of election; and also for the repeal of sections 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, and 2031 relating to the appointment, qualifications, powers, duties, and compensation of special deputy marshals.
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> Also for the repeal of sections 5506, 5511, 5512, 5513, 5514, 5515, 5520, 5521, 5522, and 5523 relating to crimes and their punishment; and also a part of section 643 as follows: "Or is commenced against any officer of the United States on account of any act done under the provisions of title 26, 'the Elective Franchise,' or on account of any right, title, or authority claimed by such officer or other person under any of the said provisions."
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> Section 2002 declares in effect that no military or naval officer shall bring any troops or armed men to the polls unless "it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls." This act was passed in February 1865, during the war, and the object and purpose for which it was enacted must have long since passed away. Article IV, section 4, of the Constitution is as follows: "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the Executive (when the legislature can not be convened) against domestic violence."
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> It is evident from this clause that the United States must guarantee to every State in the Union protection against "invasion." In order to do this it may be necessary for the Government to employ its Army; but it is difficult to see, by any stretch of the imagination, for what purpose the enemies of the United States would invade a polling precinct in any State in the Union. The armed enemies of the United States may at any time invade her soil and destroy the property of the people of the United States, and for the purpose of rapine and plunder may invade her borders, but it is difficult to see why the armed enemies of the United States should invade a polling precinct within a State. Where domestic violence has outrun State control, and the State government is unable to protect itself, this provision of the Constitution provides a direct and specific mode of action, on the application of the legislature of the State to the Government of the United States, or of the Executive if the legislature cannot be convened. Domestic violence may arise from a failure to keep the peace at the polls, and should such a state of things arise the remedy is plain.
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> But this section 2002 provides an extra-constitutional mode of keeping the peace at the polls, in that it lodges an implied discretion in the military or naval officer of determining when it is necessary to repel the armed enemies of the United States, or to keep the peace at the polls; whereas the determination of that question under the Constitution, is left with the legislature of the State, or, where it cannot be convened, with the Executive. Surely no officer of the Army or of the Navy should be left to determine when it is necessary to bring troops to the polls, and the Constitution has impliedly prohibited it in the provision just referred to. This section 2002 was a war measure. Twenty-eight years after it was enacted, and 28 years after the cessation of hostilities, as the last vestige of war legislation on this subject, it should be wiped from the statute books forever.
>
> The sections from 2005 up to and including 2020, relating to the appointment, qualification, powers, duties, and compensation of supervisors of election, and sections 2021 up to and including 2031, relating to the

appointment, qualification, powers, duties, and compensation of special duty marshals, and the remaining sections up to and including 5023, may all be considered together, as they embrace and constitute the same principle and kindred subjects.

The appointment of supervisors presumes something to supervise and the right of supervision. These sections relate to the right of supervisors and deputy marshals to supervise the election of Representatives in Congress; and the initial point, therefore, is as to the right of the United States to supervise the election of Members of Congress, and if the right exists whether it is proper for them to do so.

This subject has been discussed before in Report No. 1882, part second, page 5, 1st session of the 51st Congress, as follows:

"The power is sought in the fourth section of article 1 of the Constitution, which is as follows:

"'The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.'"

We shall invoke the simple method of construction laid down by the writers, of seeking first, from the words themselves, their intrinsic meaning, and then invite the testimony of those who made them as to their meaning and their intent in making them, and, finally the construction put upon them by Congress itself and recognized authorities on the Constitution.

We notice, first that "the times, places, and manner of holding elections," etc., is primarily confided to the legislature of each State; secondarily, it is given to the Congress.

The language itself and the arrangement of the two clauses show this:

"The times, places, and manner, etc., shall be prescribed by the legislature of each State.

"But the Congress may, by law, at any time make or alter, etc."

The first is original and primary, the second is permissive and contingent. The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who drafted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities coequal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section.

We cannot believe that the intelligence which framed that great instrument, careful in avoiding any conflict that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding," etc., was intended, without reason or cause, to be taken from them and arbitrarily assumed by Congress; and that too, when there had been no failure on the parts of the States to provide the necessary machinery and no impropriety in the machinery provided.

We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the legislature of each State should have the primary authority to prescribe "the times, places, and manner of holding elections, etc.," and that Congress should have such power ultimately. When? For what cause? What circumstances or conditions prevailing in the States shall be sufficient to cause a forfeiture of this right in the legislatures of each? This section and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.

Of the Original Thirteen States that framed the Constitution seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.

The language of some of them is most striking and instructive. On the 6th of February 1788, Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to "remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government," the following alteration of and provision to the Constitution is suggested:

"That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution."

Not satisfied with the mere suggestion of such amendment, and with a prophetic fear that, if such suggestions were not adopted by the first Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might some day waver in his support of those principles in the Halls of Congress, the convention added this strong language:

"And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of said alterations and provision, in such manner as is provided in the said article."

South Carolina ratified on the 23d of May 1788, with the following recommendation:

"And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature, should be forever inseparably annexed to the sovereignty of the several States; This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution."

New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

Virginia, on the 26th of June 1788, ratified with a recommendation in the following words:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same."

August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable clauses. The convention recommended an amendment in the same language as did the State of Virginia.

New York ratified July 26, 1788, and the recommendations of its convention are in some respects the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find:

"That nothing contained in the said Constitution is to be construed to prevent the legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and apportion its Representatives to and amongst such districts.

"Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates * * * do, by these presents, assent to and ratify the said Constitution.

"In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulations in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will duly be exercised until the legislature of this State shall make provision in the premises."

And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger. The above extracts have been made that it might be seen how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so, or from any cause could not do so.

Not alone did the States above enumerated speak out with no uncertain sound but, in the debates in the Pennsylvania Convention to ratify the Constitution, James Wilson, a member of the Federal Convention that framed the Constitution, and a member of the State convention, explained this provision to mean in effect that the States were primarily tc act, and Congress only in case of their failure to do so; and the convention recommended an amendment in the following words:

"That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue."

In the 58th number of "The Federalist" Mr. Hamilton discusses this subject and says:

"They [the Convention] have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the na-

tional authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety."

Judge Storey, in his "Commentaries on the Constitution," volume 2, chapter XI, discusses the whole subject and holds that the power will not be exercised by Congress unless "an extreme necessity or a very urgent exigency" should arise (secs. 820, 823, 824, et seq.). (See also 1 Tucker's Black. Comm. App. 191, 192; Curtis on the Constitution, 479, 480.)

We conclude, therefore, that Congress has the power to "prescribe the times, places, and manner of holding elections" for Members of Congress, but that such power is contingent and conditional only, not original and primary.

Under what conditions or upon what contingency?

If we accept the evidence of the States in their State conventions, ratifying the Constitution, and that of the men who made the Constitution, the conditions are—

First. Where the States refuse to provide the necessary machinery for elections; and

Second. Where they are unable to do so for any cause, rebellion, etc.

Mr. Madison, in the Virginia convention, when asked his opinion of this section, said:

"It was found necessary to leave the regulation of these (times, places, and manner) in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. * * * Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised."

Mr. John Jay, subsequently Chief Justice of the United States, in the New York convention said, when this clause was under discussion:

"That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal convention."

Again, Mr. Madison says:

"This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether" (Madison Papers, vol. 3, 1282).

Has any State refused to provide the necessary election machinery, or is any State unable to do so for any cause, or what "extraordinary circumstances", what "extreme necessity", what "urgent exigency" exists now for the exercise of this power by Congress? None has been suggested, and we confidently assert none can be.

For Congress to attempt to exercise this power now in this bill against the protests of a majority of the States that made the Constitution, and when those States only ratified it upon the faith and assurance that this and other powers would never be exercised except under certain conditions, which have not arisen, is a fraud upon the Constitution that should not be tolerated.

But, conceding for the moment that section 4, article I, gives to Congress the full powers claimed by the advocates of this bill, still it must be construed in the light of the subsequent section (8) of the same article, which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Admit the power to be ample in the Constitution, yet the same authority limits the legislative branch of the Government in the enactment of laws, to such as shall be necessary and proper for carrying into execution the foregoing power. In *Hepburn v. Griswold* (8 Wall. 614), Chief Justice Chase, in defining these words, says the words:

"Necessary and proper were intended to have a sense, to use the words of Justice Story, 'at once admonitory and directory,' and to require that the means used in the execution of an express power should be 'bona fide appropriate to the end.' "

But again, the States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities. With this state of things we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States. This of itself must create friction, and the history of the country since the enactment of these laws has demonstrated their unwisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized. The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of the supervision. How then can the United States, by its supervisors and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

The second section of article I of the Constitution declares: "The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

This leaves the right of suffrage and the conditions of suffrage in the States. By what authority, then, can a Federal officer, by challenge or otherwise at the polls or on registration day, determine the question of suffrage which the Constitution of the United States has left solely to the States to determine?

Many of these statutes also impose penalties upon the election officers of the States, in the conduct of elections, for a violation of the State laws. Was ever a more monstrous proposition written on the statute books of a free country? The power to make law is a sovereign power. It carries with it the power to punish for the violation of such laws, but the two powers must be coordinate. The power that creates the law can inflict punishment for its violation, but no power can inflict punishment rightfully for the violation of a law which it never made. To attempt it, as has been done in the past, has resulted only in irritation, contention, and criticism of the Government that has proposed it.

The object of legislation should be to prevent conflicts between the State and Federal authorities. These statutes have been fruitful in engendering them. Enacted in Reconstruction times, when it was deemed necessary to carry out those measures, the purpose for which they were framed having happily passed away, we feel that they cannot be too quickly erased from the statute books.

But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union. The inference is irresistible that they were enacted because of a lack of confidence in the honesty if not in the ability of the States to conduct their own elections. With such an intention plainly on their face, with what consideration could they be met by the people for whom they were intended except that of distrust and suspicion? Would the U.S. Government suffer less by the prevalence of fraud in elections than the States whose officers we sent to represent it in the Government of the United States? Is fraud in elections any less contemptible because it emanates from the people of the State without Federal interference? Or is it any less dangerous to the people of the States because it lacks Federal supervision?

Let every trace of the Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficiently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State in the Union. In many of the great cities of the country and in some of the rural districts, under the force of these Federal statutes, personal rights have been taken from the citizens and they have been deprived of their liberty by arrest and imprisonment. To enter into the details in many cases where citizens have been unjustifiably arrested and deprived of their liberty would be useless in this report. We content ourselves in referring to Report No. 2365 of the 2d session of the 52d Congress on this subject, where many such instances are detailed.

Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability or indisposition to properly guard the elections, which, if ever true, has now happily passed away; and last, but not least, because their repeal will eliminate the judiciary from the political arena, and restore somewhat, we trust, the confidence of the people in the integrity and impartiality of the Federal tribunals.

The chief proponent of the bill to repeal the then existing election law was Senator James H. Berry, of Arkansas. On December 19, 1893, he delivered one of the finest addresses that I have ever read. I feel that I should share this experience with my colleagues, particularly because the discussion is quite applicable at the present time.

Mr. President, this bill provides for the repeal of section 2002 of the Revised Statutes of the United States, relating to the bringing of armed troops to places of election, and of sections 2005 to 2031, inclusive, relating to the appointment, qualifications, powers, duties, and compensation of supervisors of election and special deputy marshals, and also for the repeal of sections

5506, 5511, 5512, 5513, 5514, 5515, 5520, 5521, 5522, 5523, and a part of section 643, relating to crimes and their punishment. All of these laws which it is now proposed to repeal relate to the supervision of elections by Federal authority.

The power to pass these laws originally is derived, or claimed to be derived, from the following clause of the Constitution of the United States:

"ARTICLE I

"SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

It has long been contended that this clause of the Constitution conferred upon Congress the power only to pass election laws when the States had neglected or refused to act in the premises, and that the laws now in question were not warranted by the provisions of the Constitution. Whether this be true or untrue I do not propose to discuss. The Supreme Court has decided in favor of the constitutionality of these laws, and each Senator will decide for himself whether or not that decision is binding upon him in construing the Constitution, which we have sworn to support in the enactment of all laws.

I propose to advocate the repeal of these laws and the passage of this bill, for the reason that I believe the laws now on the statute book to be vicious in principle and bad in policy, passed for an unjust purpose, and tending in their character to defeat the very object for which it is claimed they were enacted—that is, free and fair elections.

I take it for granted, Mr. President, that each Senator upon this floor is anxious to secure honest elections everywhere, and that each ballot cast by the citizen should be honestly counted, and any assumption upon the part of the Republican Party, the Republican press, or Republican Senators that we desire the repeal of these laws in order that fraud may be perpetrated in elections is unwarranted by the facts, unjust to us, and an insult to all honest men. We are American citizens equally interested with you in the preservation of free institutions, and equally anxious to maintain the purity of elections. The only real question at issue is, can this purity and this fairness be best secured by the General Government or by the several States.

These laws which we seek to repeal are part and parcel of the Reconstruction laws. They were passed soon after the close of the Civil War; passed at a time of great political excitement; passed for the purpose of securing the supremacy of an ignorant race in the Southern States, upon whom the right of suffrage had but recently been conferred; passed for the additional purpose of enabling the Republican Party to retain control of the State of New York and other leading States throughout the North.

If there was ever any excuse for their passage, if there was ever any condition of affairs to justify any man in supporting them, this condition has long since passed away, and there can be no excuse for their retention now.

I do not speak of the period of Reconstruction for the purpose of reviving the bitter passions, prejudices, and contentions engendered by those acts, but that period is intimately connected with the passage of these laws. It is a dark period in American history, a blot upon the name of the Republican Party. It can never be forgotten and ought not to be forgotten. It should serve as a warning not only to us but to those who come after us against the fatal policy of centralization of power in the General Government, against the policy of attempting to exercise by Federal authority that control and direction of local affairs which was intended by the framers of the Constitution to be regulated by the States alone. Its evil effects upon the Southern States and upon the country at large ought to serve as an overwhelming and unanswerable argument for the repeal of the laws connected with it, and all others of a kindred character.

The Senator from Illinois [Mr. Cullom] in a speech made in the Senate a few days ago used the following language:

"I apprehend that no Senator will fail to perceive that this discussion brings us back to the identical question which our friends in the South attempted to settle at Sumter on that April day in 1861, and which reached a final settlement in 1865."

Mr. President, it is most remarkable to me that, whenever we attempt here to correct by legislation any evil which has grown up under Republican rule, we are almost invariably met with the answer that it is a measure which has been settled heretofore by war. When we ask the repeal of laws which pretend to give fair elections, because they are used as an engine of fraud, the Senator from Illinois tells us that this was an issue settled by the war.

When we attempt to modify the tariff law, which levies tribute upon the great body of the people of the United States for the maintenance and protection of a few individuals, the Senator from Oregon [Mr. Dolph] tells us that the war which ended in 1865 was waged for free trade. This question is brought up on every possible occasion whenever the other side seek to perpetrate a fraud at elections under the pretense of protecting the ballot box, whenever they seek to take from the people of this country a large amount of their substance under the pretense of protecting American labor, or whenever they seek to take possession of a small kingdom under the pretext of improving the morals of the queen—in either and all these instances, when objection is made, we are met by the proposition that the people of the South engaged in rebellion and fired on Fort Sumter some 30 years ago. I submit that that is no answer to the proposition.

Mr. President, I deny that this discussion raises any such question. I deny the statement that there is any disposition upon the part of any Senator on this side of the Chamber to raise again the issues which were settled by 4 years of war. The great questions that the contest which began at Sumter in 1861 and ended at Appomattox in 1865 settled were these: First, that no State could secede from the Union or sever its relations with the General Government; and, second, that thereafter neither slavery nor involuntary servitude, except for crime, should exist within the United States.

These we freely concede and have never denied. These were the issues upon which the battle was fought and decided against us. We accepted the verdict in good faith and have never sought to reverse it. The people of the South have never complained either of the conduct of the war or its final result. They entered the contest boldly and fearlessly and throw down the gage of battle to a superior foe. They showed in 4 years of war that they were in deep and deadly earnest, and believed in the principles their fathers had taught them. They displayed a courage upon the field of battle, an endurance under great privations, and a patience in defeat which command the admiration and respect of the civilized world.

When defeat came they accepted its consequences without a murmur, and are today as loyal to the flag of our common country, as solicitous for the honor and glory of this great Republic and for the happiness and prosperity of the people of all the States of this Union as are the people who followed Meade and Hancock at Gettysburg or those who gathered around General Grant at Appomattox.

But if the Senator from Illinois intends to state that the war settled the question that the General Government had the right to control the local affairs and police regulations of the several States, or to state that because we believe that fair and honest elections can be better secured by the States themselves without the interposition of the General Government, that we are seeking to revive the issues of the war, then he misstates the facts of history.

We never complained of the war and its results, but we did complain of the passage of the laws which we now seek to repeal and others of a like character, enacted after the close of the war. They professed to pass these laws, and other Reconstruction laws, in the interest of fair and honest elections, and yet they enabled the Republican Party in the South to perpetrate the most glaring frauds at elections that the history of the Government has ever known. Under governments established by that party under these and other laws passed during that period, fraud and false counting became the rule and not the exception throughout the South.

The will of the people as expressed at the ballot box was habitually overthrown and disregarded, and men were foisted into high places of power and trust whom the people had repudiated at the polls, and these men by their acts of tyranny and shameless robbery perpetrated upon a helpless people cast a stain upon American manhood, and by their own wrongful acts they furnish to us here the strongest evidence that could be presented why all laws that could bring about such a condition of affairs should be taken from the statute book.

The Senator is mistaken when he says that this was an issue settled by the war. The Supreme Court of the United States has decided again and again that the amendments to the Constitution passed soon after the war did not destroy the autonomy of the States, and did not take from them the power to regulate and settle their own local affairs, and every attempt upon the part of the Government to deprive the States of this power and to usurp the functions which properly belong to the States has without an exception resulted in great evil to the country.

For more than three-quarters of a century the times, places, and manner of electing Senators and Members of Congress was regulated and controlled by the States and no laws were passed interfering in any way whatever with this control. During that time the Republic prospered as no country had ever prospered before. Peace and order prevailed everywhere. Frauds in elections, false counting, and illegal voting were of the rarest occurrence, and a charge of that kind made against a party or an individual was sure to excite the public mind and if proven, to bring the party or individual under the condemnation of all the people without regard to political affiliation.

Prior to the advent of the Republican Party in the South, in 1868, I do not think I had ever heard, with one solitary exception in Louisiana, of the use of money in elections or of false counting brought against any party in any of the States of the South, but from 1868 to 1874, under Republican rule in my own State, and I presume it was so in other Southern States, the practice of falsifying election returns became so universal, so widely and well known, that they ceased to excite comment. And yet we find the Republican Party here always posing as the champion of fair elections, ignoring these well known facts and hurling charges of wrongdoing at their political opponents.

When the Reconstruction Acts of 1868 were passed, the whites in the State of Arkansas

largely outnumbered the blacks, and the great and overwhelmingly majority of the whites were in sympathy with the Democratic Party. But when these laws were passed and the right of suffrage conferred upon the Negro the State was infested with a horde of adventurers from the North, men who could obtain neither power nor position in their former abodes, but there under the protection of the troops of the United States they took possession of the State government, framed a constitution and submitted it to the people, and when it was rejected by more than 10,000 majority, they deliberately falsified the returns and declared it adopted.

When the people protested militia forces were organized and swept over a large portion of the State, leaving murdered citizens and burning houses to mark the line of their march. The people were powerless and helpless to protect themselves for the reason that they knew that the U.S. Government was behind those who were controlling the powers of the State government. In the elections of 1870 the same frauds were perpetrated, and they became so shameless and glaring in the election of 1872, after the passage of the laws we now seek to repeal, that actual war ensued in 1874 between the opposing factions of the Republican Party, and by reason of this contest the people were enabled to recover possession of their government.

This will serve to show, Mr. President, something of the different conditions which prevailed under the two systems; the one where the time, place, and manner of holding all elections were regulated by the people of the State, and the other where the General Government usurped the control of elections by the power of United States soldiers.

In the nature of things it will always follow that the purity of elections can be better secured by officials appointed by the State government than those appointed by the General Government. The election officers of the State are invariably selected from the immediate locality where the elections are held. They are as a rule reputable citizens who have homes and families in the country. They know that any fraud upon their part will inevitably blacken their character and lose them the esteem of their neighbors. They know that all such frauds sooner or later produce ill-feeling and tend to destroy the peace and good order of society and threaten the security of their property.

Where the entire responsibility rests upon them, local pride will be a strong restraint upon any inclination they may have to falsify the returns. They know that it is absolutely impossible that practices of this character can be carried on to any great extent without detection, and however strong a partisan a man may be, it is only the basest of men who would be willing for their neighbors to know that they had deliberately stuffed a ballot box or falsified a return.

On the other hand, officers appointed by the Federal courts, supervisors and deputy marshals, do not bear the same responsibility to the local authorities and to the immediate community where the election is held as would judge of election and deputy sheriffs selected by the authority of the State government. The Federal courts are comparatively few in number, and the presiding judge cannot have an intimate acquaintance and knowledge of men in every portion of the State, and therefore do not have it in their power to make the best selections for these officials. And the same may be said of the marshals of the United States, whose authority extends over many counties, while that of the sheriff is confined to the county in which he resides.

These, it seems to me, are unanswerable reasons why the power to hold and supervise elections for all officials, including Members of Congress, should be conferred upon the States themselves and not the National Government. While these laws which it is now proposed to repeal remain upon the statute book there is something of a divided responsibility and a divided control, which in the very nature of things produce jealousies, suspicions, and antagonisms which are liable at any time to bring about conflicts between the authority of the General Government and that of the State, and which in many instances will tend to defeat the will of the people as expressed at the polls.

Supervisors and deputy marshals appointed by the Federal authority to overlook and direct State officials in the discharge of their duty carries with it a suspicion of the integrity of the State officials, and tends to diminish the causes that induce men to do right for the sake of right, and to destroy that confidence and respect which all good citizens should have toward the officers of both the State and Federal Governments. A man is far more likely to be honest when he is trusted and placed upon his honor, and where he will get full credit for his good deeds, than where he is placed under suspicion and supervised by the officers of the General Government.

The Senator from Illinois says that these laws in no way influence or affect the election of State officers, but relate only to Members of Congress. While this is true on the face of the laws it is not true in point of fact.

In those States where the Members of Congress are elected at the same time and in the same place as the State officers, in every State where this condition prevails Republican supervisors and Republican deputy marshals have almost invariably used their office to control and influence the election not only of Members of Congress, but of State officers, also, and for this reason many of the States have refused, and very properly refused, to permit the State elections to be held at the same time and place.

Throughout the South wherever and whenever these supervisors and deputy marshals have been appointed they have had a large and controlling influence with the colored population. With many of these ignorant citizens the man who holds power from the General Government is regarded as all powerful and one whose wishes cannot be safely disregarded, and that he is a kind of guardian for them, and has, to a certain extent, the right to direct how they shall cast their ballots; and those who have been appointed supervisors and deputy marshals in my State, at least by Republican judges and Republican marshals, have not hesitated to use this power and this influence on behalf of Republican candidates.

The chief supervisor in Arkansas today is Judge John McClure. The people throughout the State almost universally believe that he was perhaps more largely responsible for the frauds upon the ballot boxes which were committed from 1868 to 1874 than any other one man in the State. He has, since he has held the office of chief supervisor, used his power in every election to harass and annoy the election officers of the State in every possible way. He secured the appointment under President Harrison of assistant or special district attorney for the eastern district of Arkansas, and through this power and that of chief supervisor and under a Republican district judge succeeded in having indictments preferred against many of the best citizens of the State.

The prosecution and trial of these causes cost the Government of the United States many thousands of dollars, and notwithstanding it was a Republican judge and district attorney, and a majority of Republican jurors, nearly all of these parties were acquitted; and in the few cases where convictions were secured it was for some technical violation of the law where no fraud had been committed or intended, and where the result was in no way changed, and as I now remember, not a single man indicted was shown to have committed actual fraud in a single precinct within the State.

Laws that can be thus used ought to be repealed. They can do no good and they produce much evil.

Just preceding the election of 1890 a deputy marshal in the State of Arkansas, accompanied by a large posse which had been taken from the city of Little Rock, went into the county of Lee under pretext of summoning witnesses to attend the Federal court, and yet they showed by their acts that it was their sole object and purpose to frighten and intimidate the Negroes who had expressed a determination to vote the Democratic ticket. Written communications were distributed amongst the colored people commanding them to go to the polls and vote for the Republican candidate for Congress.

Mr. President, laws under which such men as our chief supervisor can be clothed with such power and which can be used for such purposes can be productive of no good. We want them abolished and we want our chief supervisor abolished with them; and because we thus seek to correct existing evils we do not think it is fair to charge us with seeking to reopen issues that were settled by the war. If fair and honest elections cannot be secured by trusting the people of the several States then they cannot be secured at all.

The whole structure of our Government is founded upon the theory that the great body of the people are honest, and if the time should ever come when the people are corrupt then the Government will fall; and if the people of any State cannot be trusted to conduct their own elections then no kind of force used by the General Government will suffice to produce an honest result. The whole history of the Government shows that it is better to trust the people of the States, to permit them to control their own local affairs in their own way. Such was the intention of the framers of the Constitution, and every attempt to turn from their teachings has proven disastrous to our institutions.

These are the principal reasons why I favor the passage of the present bill, and I confidently believe that time will show that complaints of fraud in the election of Members of Congress will be far less numerous when this power is entrusted entirely to the people of the several States of this Union.

Mr. President, it is apparent that with the presentation of the instant bill to the Senate for consideration, the issues which confronted the Congress in 1894 are once again revitalized. Sixty-five years ago the Congress determined that a scrutinization of elections was an indignity to the States; that legislation which allowed the Federal Government to insert itself into the electoral process under the guise of protecting civil rights was a proclamation by the Congress of the United States; that the States of which this Union is composed are unfit to be trusted with the most important governmental function of all—that is, the conduct of elections.

Aside from the indignity which is to be put upon the States by this legislation—a degradation of a self-governing community—there is the practical result that the intrusion into elections by the Attorney General and his representatives is an unwarranted assumption of superiority and supervision on the part of the Federal Government and of inferiority on the part of the States.

These facts were recognized 65 years ago, Mr. President, and Congress in its wisdom repealed the Enforcement Act and left the primary responsibility of

the conduct of elections, and the enforcement of laws protecting the right to vote, within the domain of the States. And thus, only 25 years after the ratification of the 15th amendment it became apparent that it was not the purpose of that amendment to serve as a wedge into the electoral process. The considerations which mitigated in favor of repeal of these laws in 1894 have grown and strengthened in persuasiveness with the passage of time. If it was thought unwise, unnecessary, and unconstitutional to provide Federal supervision of elections in 1894, it is infinitely more unwise, unnecessary, and equally unconstitutional to do so today.

Mr. President, I appeal to the Members of this body to reject the provisions of the pending legislation, and with it the section which would serve as a proclamation by the Congress of the United States that the States which compose this Union, and which were the primal factors in creating this Government, are not qualified for, and not fit to be trusted with, the most important governmental function of all—the conduct of elections.

Mr. President, I, for one, decline to accept the report of the Civil Rights Commission as persuasive that we should now ignore the most basic principles of our federated system, and I consider the right of the States to control their own elections to be a cornerstone of our federated system. At this point let me clearly affirm that I can find no justification or excuse for denying the right to register and vote to any person who legitimately qualifies under State laws controlling the composition of the electorate. By this affirmation I do not wish to imply that I agree with or indorse unqualifiedly the conditions or lack of conditions for suffrage in any given State. Indeed, one could not honestly indorse all of the State laws, for they differ materially. For example, it is my understanding that in the State of Florida there is no requisite under State law that a person either possess a given level of formal education or read and write English in order to enjoy the right of the ballot. Thus, for instance, the substantial Puerto Rican population in the State of Florida enjoys the right to vote. By comparison, the other States in the Union which has a most substantial Puerto Rican population, and I refer to the State of New York, does impose as a condition of suffrage that a person must read and write English. According to the Civil Rights Commission, this condition of suffrage in New York denies the ballot to substantial numbers of Puerto Ricans living in New York City, and this assertion of the Civil Rights Commission should be extended the degree of credibility to which each individual is personally disposed after scanning the results of their entire work. Although I might not agree with the conditions of suffrage imposed by either Florida or New York, were I fully conversant with all of the local factors which must be considered in formulating their conditions of suffrage, I recognize first that their problems are probably as divergent as their voting requirements; and, second, that each of them has, as has every other State, as a part of its inherent sovereignty the exclusive right to determine for itself what conditions of suffrage are best suited to accomplish the desired democratic republican form of government when generally applied as required by the U.S. Constitution.

The perversion of State voting laws and even the flagrant violation of voting laws have not been a rarity in our history, and most assuredly has not been confined to situations arising from racial differences. Stories of graveyard and multiple voting are almost so common as to approach triteness. Fortunately, such instances have usually been localized and isolated to the extent that irreparable harm has been avoided by resorting to constitutional laws, both Federal and State, which exist in great number for the specific purpose of preserving the rights of the electorate inviolate.

The instances of irregularities which the Civil Rights Commission found in the South—and I use the broader term "found" rather than the much narrower term "substantiated," advisedly—were also isolated and localized, and are being or would be corrected in due time in accordance with due process prior to the advent of irreparable harm.

I do not endorse the irregularities substantiated any more than I can endorse the excesses committed under the pretext of remedying them. I can, however, as one conversant with the source and nature of agitation from outsiders and the Federal Government, which largely inspired the irregularities, understand the sentiments which prompted the people to commit them.

In the first place, there is no need for this proposal on the statute books. As a result of congressional action in 1957 the Attorney General of the United States has been empowered to bring free of charge a suit in the name of the United States to protect and to enforce the voting rights of any person who is subjected to discrimination resulting in a deprivation of the right to vote. This remedy does not stand by itself by any means. There are innumerable other remedies both civil and criminal, enforcible in both State and Federal courts, to protect the right of any qualified citizen to vote. There are now on the books almost every conceivable protection and device against discrimination in matters pertaining to voting which are within the bounds of constitutionality, and, for that matter, some which, in my opinion, go beyond the boundaries of constitutionality.

Mr. President, I am the first to admit that most of the remedies which now exist involve some time delay in their utilization, and this is particularly true of those which fall clearly within the boundaries of constitutionality.

The substantive rights of both groups and individuals under our form of government are no better and no safer than the degree of protection afforded them through the procedural right of due process. If the procedural due process involves one element above all, it is time. Time is the very essence of a substantial portion of our due process guarantees.

The deliberate action which is built into both our body politic and our judicial machinery have traditionally been the target of abuses by zealots in all fields. These zealots, devoid of patience and robbed of objectivity by the emotions which replace their reason, are by definition incapable of understanding or of appreciating the overwhelming advantages which outbalance by far the inconveniences incurred through the lapse of time essential to deliberative action. Unquestionably, a dictatorship is capable of speed more responsive to events than a republican form of government. Indeed, a persuasive argument can be made that a dictatorship has the inherent capability of a higher degree of efficiency than has a republican form of government. Fortunately, individual freedom has always carried greater weight in the minds and hearts of a large majority of Americans at all times than either speed or efficiency or the combination of them. Experience has proven that the maximum degree of speed and efficiency are incompatible with the continuance of individual liberty.

It is the time factor involved in procedural due process, Mr. President, which apparently is the primary source of irritation to those who seek additional and excessive laws in the voting field. The only argument advanced by the proponents of such additional laws which, in my opinion, has any substance is to the effect that all desirable ends cannot be accomplished immediately—if not yesterday. If these same people had lived in an earlier day, their frustrations would have stemmed from the fact that Rome could not be built in a day.

I would remind by zealous colleagues that even their sociological champions in this field limited their zeal by the phrase, "All deliberate speed." Yes, the Supreme Court Justices, who need take second place to no one in their zeal for so-called civil rights, were constrained when considering the time element to recognize the necessity for deliberativeness.

As an example, Mr. President, of the pitfalls encountered when concern for speed overshadows consideration for due process guarantees, I should like to refer briefly to one of the constitutional defects apparent in title VI.

In his testimony during the brief period in which the Judiciary Committee was required to consider this legislation, the Attorney General testified with respect to title VI that it had as its constitutional basis the 15th amendment of the Constitution. Mr. President, as is well known by Members of this body that particular section is as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Mr. President, as any student of constitutional law knows, the language of the section is in negative term. This particular amendment, the legitimacy of which is open to serious question, in no way justifies an affirmative course of action set forth in legislation by Congress. Any legislation which seeks to justify its existence must do so on two grounds.

First, a prudent Congress must be convinced that there exists evidence that the right of citizens of the United States to vote is being denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. Second, the legislation must assume the character of negating this discrimination. In other words, Mr. President, the legislation must be negative in character, as opposed to a positive approach or affirmative course of action. This has been summarized in 18 American Jurisprudence, elections, page 26, paragraph 8, as follows:

The power of Congress to legislate at all upon the subject of voting at State elections, rests upon the 15th amendment. The legislation authorized by this amendment is restricted. It extends only to the prevention by appropriate legislation of the discrimination which is forbidden by the provision. Congress has no power to punish the intimidation of voters at purely State elections where the conduct complained of is not grounded upon race, color, or previous condition of servitude.

Prior to the adoption of the 14th and 15th amendments, the field of voting insofar as State elections were concerned was reserved exclusively to the several States. The adoption of these amendments in no way granted the right to vote to anyone. The 15th amendment prescribed that the States and the Federal Government could not use race, color, or previous condition of servitude as a qualification. When these three factors do not serve as the basis for denying a citizen the right to vote, there is no legislation which can be enacted by the Congress under the 15th amendment to assure that this citizen or citizens shall vote. It is on the basic constitutional principle that I challenge the constitutionality of title 6 of H.R. 8601. The pertinent principles of title 6 are as follows:

In any proceeding instituted pursuant to subsection (c)—

That is, of the Civil Rights Act of 1957—

in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall, upon request of the Attorney General and after each party has been given notice and the opportunity to be heard, make a finding whether such deprivation was or is pursuant to a pattern or practice—

The following sentence in title VI is of particular interest as to the constitutionality of this section:

If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for 1 year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

It is at once apparent that the language of this legislation does not meet the requirements for legislative provisions of the 15th amendment. The only requirement stipulated in this particular provision to require the State to register the applicant is that he shall have been a member of the same race as the persons involved or for whom the original suit was instituted. A perusal of the section will reveal that there is no requirement that the person shall have been discriminated against on account of race or color. The system embraced within the provisions of title 6 is an affirmative process whereby the Federal Government undertakes to pass on the qualifications of a citizen who is not required to have been discriminated against on account of race or color.

Mr. President, an amazingly similar corollary may be drawn between this section and the statute which was before the circuit court of appeals in Karem against United States. In that case the court was called upon to pass upon the constitutionality of 18 U.S.C. 51 which had for its objective the punishment of all persons who conspire to prevent the free enjoyment of any right or privilege secured by the Constitution or laws of Congress, without regard to whether the persons so conspiring are private individuals or officials exercising the power of the United States or of a State, and which did not draw any distinction between a conspiracy directed against the exercise of the right of suffrage based upon race or color.

It is obvious that the state of facts existent in the Karem case is not dissimilar from the situation presented by the language of title 6, which I have previously quoted. It is patent that this legislation is not appropriate for the enforcement of the 15th amendment.

Mr. President, this legislation derives its innumerable defects by virtue of the fact that the normal legislative process has been ignored and abandoned in its consideration. The violence to normal procedures in both Houses of Congress has in turn resulted from the fact that the motives prompting the consideration of this legislation are not based on need, or even demand, but rather on political expediency. This is an election year. The minority bloc votes in the country have for a number of years exercised, or at least have claimed to exercise, such a major influence on national elections that both parties now seem to think that they must bait their voting hooks with a lure of so-called "civil rights" legislation. In selecting the lure, there seems to be a partiality for the extreme. The need for protection of Constitutional safeguards and due process pales into oblivion at the prospect of landing, by fair means or foul, the minority bloc vote. Apparently, no holds are barred.

I implore Senators to control their emotions and let reason prevail for a time. In the years since our Republic was founded, many candidates, office holders, and even political parties, have appeared on the public scene, performed or failed in their functions, and have disappeared. The impression they made, and their contributions to, or detractions from, the liberties and well-being of the American citizens have, fortunately, for the most part, accomplished little change in the concepts embodied in the Constitution which guarantee a continuation of liberty in the United States. The Constitution, however, has from its origin remained on the whole inviolate in the basic safeguard of American liberty. The candidates and office holders in this election year of 1960, and possibly even the political parties now existing, will also pass from the political scene. Let us not, therefore, as an expedient for temporary political gain, and relatively short-lived political power, destroy the very political framework within which we seek to exercise the responsibilities of office, and thereby surrender the American citizens to despotism.

Mr. President, it is my sincere hope that Senators will reflect well before they cast their votes on this measure. The Constitution of the United States is the greatest bulwark of our Nation. We must rely on the Constitution to protect the individual citizen, to protect the rights of the States, and to guarantee and assure freedom, liberty, and justice under this, the flag of the greatest Nation that was ever brought into being on the face of the earth.

The PRESIDING OFFICER. Under the unanimous-consent agreement the Senator from Illinois [Mr. DIRKSEN] has the floor.

Mr. DIRKSEN. Mr. President, has the distinguished Senator from South Carolina finished his address?

Mr. THURMOND. Yes.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Under my reservation in connection with the motion to table, I think I still have the floor.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. I ask unanimous consent, with the understanding that I reserve my right to the floor, to yield 1 minute to the distinguished Senator from Connecticut [Mr. BUSH].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUSH. Mr. President, this is an historic occasion. The Senate is about to vote on the proposed Civil Rights Act of 1960. Throughout this debate, I have sought to strengthen the bill in accordance with the recommendations of the President. I regret that those of us who have participated in this effort have not been entirely successful. Nevertheless, I regard the bill as a significant step forward toward our goal of equality before the law for all our people, regardless of race, creed, color, or national origin.

Mr. President, I ask unanimous consent that a statement I have prepared on civil rights legislation may be printed in the RECORD following these remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS—THE REPUBLICAN RECORD

(By U.S. Senator PRESCOTT BUSH)

Senate passage of the proposed Civil Rights Act of 1960 will mark further progress toward full achievement of the ideal of equality before the law, regardless of race,

creed, color or national origin, which has been one of the basic tenets of the Republican Party's philosophy since it was founded by Abraham Lincoln.

Steady forward advances in civil rights have been made since President Eisenhower and his Republican administration took office in 1953, in sharp contrast with the 20 years of stagnation which had preceded.

In 1956, the Republican Party's platform reviewed the progress which was made in the early years of the Eisenhower administration. The section on civil rights, drafted by the committee on resolutions on which I had the privilege of serving as chairman, reads as follows:

"The Republican Party points to an impressive record of accomplishment in the field of civil rights and commits itself anew to advancing the rights of all our people regardless of race, creed, color, or national origin.

"In the area of exclusive Federal jurisdiction, more progress has been made in this field under the present Republican administration than in any similar period in the last 80 years.

"The many Negroes who have been appointed to high public positions have played a significant part in the progress of this administration.

"Segregation has been ended in the District of Columbia Government and in the District public facilities including public schools, restaurants, theaters, and playgrounds. The Eisenhower administration has eliminated discrimination in all Federal employment.

"Great progress has been made in eliminating employment discrimination on the part of those who do business with the Federal Government and secure Federal contracts. This administration has impartially enforced Federal civil rights statutes, and we pledge that we will continue to do so. We support the enactment of the civil rights program already presented by the President to the 2d session of the 84th Congress.

"The regulatory agencies under this administration have moved vigorously to end discrimination in interstate commerce. Segregation in the active Armed Forces of the United States has been ended. For the first time in our history there is no segregation in veterans' hospitals and among civilians on naval bases. This is an impressive record. We pledge ourselves to continued progress in this field.

"The Republican Party has unequivocally recognized that the supreme law of the land is embodied in the Constitution which guarantees to all people the blessings of liberty, due process and equal protection of the laws. It confers upon all native-born and naturalized citizens not only citizenship in the State where the individual resides but citizenship of the United States as well. This is an unqualified right, regardless of race, creed, or color.

"The Republican Party accepts the decision of the U.S. Supreme Court that racial discrimination in publicly supported schools must be progressively eliminated. We concur in the conclusion of the Supreme Court that its decision directing school desegregation should be accomplished with 'all deliberate speed' locally through Federal district courts. The implementation order of the Supreme Court recognizes the complex and acutely emotional problems created by its decision in certain sections of our country where racial patterns have been developed in accordance with prior and longstanding decisions of the same tribunal.

"We believe that true progress can be attained through intelligent study, understanding, education and good will. Use of force or violence by any group or agency will tend only to worsen the many problems inherent in the situation. This progress must be encouraged and the work of the courts supported in every legal manner by all branches of the Federal Government to the end that the constitutional ideal of equality before the law, regardless of race, creed, or color, will be steadily achieved."

In the 84th and 85th Congresses our Republican administration presented comprehensive civil rights bills, of which I was a sponsor. Despite the bitter resistance of a substantial bloc of Democrats in the Congress, constant pressure by the administration resulted in the enactment of the first major legislation in the field of civil rights in more than 80 years.

In summary, the Civil Rights Act of 1957:

1. Established in the executive branch a six-member bipartisan Commission on Civil Rights, with subpena powers, to investigate alleged deprivation of voting rights because of color, race, religion, or national origin; to study legal developments constituting denial of equal protection of the laws; and to appraise Federal laws and policies regarding equal protection of the laws.

2. Provided an additional Assistant Attorney General for Civil Rights in the Department of Justice.

3. Affirmed the right of an individual to recover damages or secure other relief under any act of Congress providing for the protection of civil rights.

4. Made interference with the right to vote in Federal elections actionable at the discretion of the Attorney General under injunctive proceedings in U.S. district courts, which have jurisdiction without regard to whether other lawful remedies have been exhausted.

5. Provided that in criminal contempt cases, involving punishment for willful disobedience of injunctions or other court orders in voting-rights cases, the defendant may be tried with or without a jury, in the discretion of the judge. If in such trial without a jury the judge imposes a fine greater than $300 or a jail term longer than 45 days, the defendant, upon demand, would be given a new trial before a jury.

Maintained the courts' power through civil contempt proceedings, without a jury, to secure compliance with, as distinguished from punishment for violations of, injunctions or other court orders in voting-rights cases.

Set qualifications for Federal jurors independent of State laws, stating that any 21-year-old citizen who has resided 1 year within the judicial district is competent to serve as a juror, unless he is illiterate, a criminal, or physically or mentally incapable.

In 1958, the only action taken was to extend the life of the Civil Rights Commission for 2 additional years.

The bill, upon which the Senate now is about to act, after many weeks of debate in which a substantial bloc of Democrats has again fought tooth and nail against any civil rights legislation, contains significant additions to existing law. The major provisions of the Civil Rights Act of 1960 follow:

Title I makes it a Federal crime to use threats or force to attempt to or to interfere with or obstruct any Federal court order. Penalties: $1,000 or 1 year or both.

Title II makes it a Federal crime to flee from one State to another to avoid testifying or prosecution for bombing of any structure or building, including schools or churches, plus vehicles. Penalties: $5,000 or 5 years or both. Makes a Federal crime (a) the transportation in interstate or foreign commerce of explosives with intent to damage or destroy any real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives—subject to a graduated scale of penalties; and (b) bomb threats through the use of instruments of commerce—subject to $1,000 or 1 year or both.

Title III, requires for a 22-month period preservation of voting records pertaining to Federal elections, and gives the Justice Department power to inspect any such voting records, but only at the principal office of the custodian of such records.

Title IV authorizes each member of the Civil Rights Commission to administer oaths and take statements of witnesses.

Title V makes funds available to the Commissioner of Education to make arrangements for providing local educational facilities for children of military personnel in federally impacted areas, residing off the post.

Title VI, the Attorney General's proposal, as amended, to amend the Civil Rights Act of 1957 by providing for court-appointed U.S. voting referees.

I regret that the stubborn resistance of Democratic Senators opposed to any civil rights legislation has prevented further improvements in the bill. I refer to the defeat of attempts to revive part III of the administration's 1957 program, which would have given the Attorney General the authority to bring suit on behalf of individuals deprived of civil rights to which they are entitled under the Constitution, and to the rejection of portions of the administration's program this year. It is especially regrettable that the Senate has refused to establish a Commission on Equal Job Opportunities under Government Contracts, thereby providing statutory authority for the President's Committee on Government Contracts which has done such excellent work in this field under the able chairmanship of Vice President NIXON.

Although I have voted with those who have sought to strengthen the bill and against the attempts which have been made to weaken it further, I regard the legislation we are about to pass as a substantial advance toward our goal of securing to all people, regardless of race, creed, color, or national origin, the rights to which they are entitled under the Constitution and the 14th and 15th amendments.

Mr. DIRKSEN. Mr. President, with the understanding that I reserve my right to the floor, I ask unanimous consent that I may yield to the distinguished Senator from New Mexico for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION OF AIRMAIL

Mr. ANDERSON. Mr. President, on March 16 I introduced S. 3214, a bill to clarify the law with respect to transportation of airmail, and for other purposes. Briefly, this bill merely states that if anyone wants to send a letter by air he must make sure that an airmail stamp is placed on it. Or to put it another way, the Post Office Department shall not contract to have any first-class mail transported by airplanes unless airmail rates are charged.

My bill has been referred to the Committee on Post Office and Civil Service, and I hope the distinguished members of that committee will be able to give it consideration at an early date.

My reason for referring to this matter today is because of the action of the Post Office Department initiated on April 4 whereby new contracts for carrying 4-cent mail by air went into effect. The Post Office now sends by airlift mail intended to be sent at regular first-class rates between the three cities of Detroit, Cleveland, and Pittsburgh, and points in Florida.

Mr. President, I submit that this is a slap in the face of the recommendation

made by the House Appropriations Committee in Report No. 1281. That committee, in reporting the Post Office appropriations bill, recognized the seriousness of this practice by the Postmaster General of entering into these airlift contracts on his own initiative. Since this is a matter of legislative action the committee recommended that no further extensions of the airlift be made until the Congress acted by examining the matter thoroughly. Legislation similar to my bill is pending in the House, and I understand that action is expected shortly. The Appropriations Committee felt that this was a proper subject for the legislative committee and therefore no attempt to put a rider on the appropriations bill was made. However, it is obvious that the recommendation of the committee did not do a bit of good.

The paradox of this situation is that only yesterday I received, as I am sure other Senators did, a letter dated April 4 from the Postmaster General following up his earlier letter trying to persuade the Senate that it is necessary to raise postal rates.

I am advised that the Post Office Department appropriations bill is pending before the subcommittee in the Senate. I hope that the members of that committee will take notice of this situation and question the Post Office Department officials on how highly they regard the recommendations made by the corresponding committee in the House of Representatives. I think this is a question that needs to be investigated at the earliest possible time by the Congress, and I urge the Members of the Senate, and especially the committees concerned, to give it very careful consideration.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. DIRKSEN. Mr. President, with the understanding that I reserve my right to the floor, I yield 1 minute to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I wish to commend the magnificent speech which the distinguished and able junior Senator from South Carolina [Mr. THURMOND] has made. No Member of the Senate has fought with more industry and more intelligence and more courage than the able and distinguished junior Senator from South Carolina to preserve constitutional government in America during the current fight and, indeed, at all times since he has come to the Senate. He merits the thanks not only of his State and the South, but also of the entire country for his services in this respect.

Mr. THURMOND. Mr. President, I thank the able and distinguished Senator from North Carolina for his kind remarks. I especially appreciate them because they come from such a great statesman and great lawyer and great American.

During the civil rights fight, and ever since I have been in the Senate, no one has fought harder to preserve the basic principles upon which this great country of ours is founded than the able and distinguished Senator from North Carolina. I therefore especially appreciate his remarks, because they come from such a fine and able lawyer and fine citizen and great American.

Mr. DIRKSEN. Mr. President, with the understanding that I reserve my right to the floor, I ask unanimous consent that I may yield for 1 long minute to the Senator from South Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE of South Dakota. Mr. President, I shall vote against the motion to recommit the bill to committee, or, if a motion is made to table the motion to recommit, I shall vote for the motion to table the recommittal motion. On passage of the bill I shall vote for the bill.

The pending bill seeks to make it possible for a citizen to take part in his government regardless of the color of his skin.

A very great President, a Democratic President, Woodrow Wilson, once said that in America we sought to create a condition where no man could be made afraid; that it was the intention of our kind of government to set man upon the high road and to let him participate in government without fear.

Another great President, Theodore Roosevelt, a Republican President, said that it was not the man sitting by the fireside and complaining of conditions who would make good government in America, but that it was the man who did not hesitate to participate in the primary, who did not hesitate to leave his fireside and to work in the precinct who would convert bad government into good government, and good government into better government.

It is not possible for us to have good government and representative government in America unless people can go to the ballot box without fear in their hearts and without any intimidation.

The pending bill, in my judgment, seeks to make it possible for every person to take part in his government without fear, without intimidation, without the thought that someone will bar him because of the color of his skin or because of his religion or because of his race or because of any previous condition of servitude that he or his ancestors might have had. The pending bill is an attempt to make representative government work.

Therefore I shall vote against the motion to recommit the bill, and I shall vote for the passage of the bill.

Mr. DIRKSEN. Mr. President, further reserving my right to the floor, I yield 20 minutes to the distinguished Senator from Arkansas.

Mr. McCLELLAN. Mr. President, since February 15 the Senate of the United States has been unnecessarily and unjustifiably occupied in the consideration of so-called civil rights legislation. On that date, February 15, we took up in the Senate what was known as the Missouri school bill, H.R. 8315, which had no relation whatever and in no way involved the civil rights issue.

Thereafter, I believe on the 24th of February, the so-called Dirksen amendment was offered in the nature of a substitute. We continued to debate that substitute or that amendment until such time as the House passed and sent to us H.R. 8601, the bill now before us.

During this time important measures and vital issues involving the interests of our country and the welfare of our people have been shunted aside and treated with indifference and neglect, while the Senate of the United States has been subjected to this unpleasant imposition. The only real and lasting good—and I hope it will be lasting—which has come from or will come from this prolonged legislative ordeal of approximately 2 months is in what the Senate has refused to do—what it has rejected—rather than in what it has accepted and now proposes to enact into law.

Fortunately, indeed, for our country, a small group of Senators—18 to be exact, and with whom I am happy to be included, and to have served and been associated with in this great effort—this small group of Senators with resolute determination, inspired and fortified by the righteousness of their cause, fighting with their backs against the wall, and finally with the help of some colleagues who have responded to logic, reason, and justice, have been able to bring about the rejection and defeat of many far more obnoxious and odious provisions and proposals than those now remaining in the pending bill.

Many such proposals have been defeated; and so far as the pending bill is concerned, since it has already reached the stage of third reading, they no longer constitute a threat during any further consideration of the bill.

Mr. President, in winning the rejection of many amendments and provisions that came before the Senate for consideration, we in effect repelled, for the time being, at least, the further invasion of States rights and vicious assaults on many of the rights and liberties of the people which are vouchsafed to them by the Constitution of the United States.

Mr. President, I shall vote against the motion to table the motion to recommit, for I am opposed to H.R. 8601 and shall vote against the passage of the bill.

I would make it very clear, however, that in voting against the enactment of H.R. 8601 I am not opposed to the rights and privileges guaranteed by the Constitution of the United States to all citizens, whether they be white or colored. I believe in the Constitution—in the letter and spirit of it as it was written and adopted by our Founding Fathers. But I do not accept, without sadness and protest, perversions and distortions of the letter, true meaning, and intent of that great document, even when such perversions and distortions of it are engaged in or sanctioned by the Supreme Court of the United States.

I believe in the right of all citizens to exercise their privileges and guarantees under the Constitution and the laws within its framework which implement its provisions and that are supplementary thereto as may be enacted by Congress. I also believe in State sovereignty, and I respect, uphold, and defend

those powers which are reserved to the several States and to the people thereof by the 10th amendment to the Federal Constitution.

H.R. 8601, now in its final form, so far as this body's authority can be invoked, and the many amendments that were offered to it, and other proposals that have been presented to the Congress, all purport to be legislation designed to guarantee to people of the colored race the exercise of various privileges which it is claimed are now withheld from them.

Mr. President, I am not convinced that privileges and rights are withheld from the colored people, and certainly not in my State. I refer to legitimate rights under the Constitution, and not necessarily to all so-called rights it is claimed that this bill is intended to restore or enforce. In Arkansas, all Negroes vote who desire to exercise their franchise. They are not denied that right; they vote on the same terms and basis of white citizens, and their votes are counted.

The passage of the bill will not increase by a dozen the number of Negroes who will cast their votes in the coming election in Arkansas. If that be true—if I am stating a fact—then there can be no support for the charge that I am opposed to such legislation because it will increase the number of Negroes who will vote in my State. In Arkansas, Negroes are encouraged to qualify to vote—to qualify in the same manner and by doing the same acts as are required by State law of all alike, whether white or black.

In many States, the expression or requirement is to "register to vote." In my State, voters pay a poll tax. That is the way they qualify. After the other requisites for the entitlement of citizens to vote are met, such as age and residence, Negroes can qualify to vote by paying a poll tax, just as all white citizens must do to be eligible to vote.

Negroes do vote in Arkansas. They vote in large numbers. Their voting strength is steadily increasing and there is no policy, program, or purpose in the State of Arkansas with its government or with its citizens to deny or hinder any Negro citizen of that State in the exercise of his right to vote in all elections, in the primaries, in the general elections, and in local elections. On the contrary, the Negro is not only encouraged, but is urged to exercise this responsibility of citizenship.

I do not believe there will be found to be any "pattern or practice," as referred to in the bill, in Arkansas which will give rise to the jurisdiction, authority, or proceedings of the Federal court that the bill is intended to authorize or confer. Notwithstanding that, the principal involved of setting up such authority and conferring such jurisdiction upon Federal courts as the bill would do, in my judgment seriously contravenes both the letter and spirit of the Constitution, impinges upon State sovereignty, and usurps powers which are primarily reserved to the people themselves.

For that reason, I oppose the enactment of the bill. The constant, ever-increasing encroachment by the Central Government upon the prerogatives of the States and of the people, as reserved to them by the Constitution, is a danger from within, a danger which can become just as fatal and destructive to the liberties of the people as any danger which threatens us, or which could threaten us, from without.

In my judgment, Mr. President, the so-called Civil Rights Act of 1960 is nothing but a political legislative project. It is an attempt to gain favor with the Negro and so-called liberal groups throughout the country. It is inspired by political expediency. I can discover no other real motives behind it. They want to capture the Negro vote. If we remove political considerations, there would be no proposed legislation of this character before Congress. There would not have been this 2 months' waste of time and labor on the part of the Senate if there had been no such political matinees involved.

Unfortunately, Mr. President, there are those who believe it politically expedient to enact coercive and punitive legislation against one great section of the country and the citizens thereof. As has been demonstrated time and time again, there are those who would, if possible, humiliate the South. They would like to hold the Southern States and our people up to ridicule and derision. They may do so, and they may profit politically thereby. But, Mr. President, the best interests and the welfare of neither black nor white will be served thereby. The victory, if any, which they will gain will be of dubious value. It will be won at a terrible price.

The enactment of this bill at this session of Congress will really settle nothing. It will not resolve the so-called issue of civil rights. It will not satisfy or appease the extremists and the agitators. It will not promote better race relations, either in the South or anywhere else. This legislation will simply be followed by the introduction of a flood of bills, in the guise of "civil rights" legislation, in the 88th, the 89th, and 90th, and possibly in other succeeding Congresses.

Next to the ill-advised and injudicious Supreme Court school decision of May 17, 1954, this so-called civil rights legislation has done more to divide and to construct a barrier between the white people and the colored people of the United States than anything else that has been done.

The Civil Rights Act of 1957 lent impetus to the injustice and error of that Supreme Court decision; and this so-called Civil Rights Act of 1960 will serve to further aggravate the tensions and dissensions that exist. It will further divide our people, incite recriminations, and instill hatreds that have not existed heretofore.

Mr. President, when we pick up the newspapers, we read the headlines about actions throughout the country, the sitdowns and other demonstrations that are stirring up bad feeling and tension and hatred between the races. Mr. President, the travesty that has been enacted here in the Senate during the past 60 days simply feeds the flames of those tensions and the enmity and bitterness that should not exist. Mr. President, such feelings were being greatly ameliorated, and we were emerging from that unhappy and disagreeable situation, until some of these actions took place.

Prior to the Supreme Court decision of 1954 to which I have referred, and prior to the Civil Rights Act of 1957, race relations in this country and the so-called civil rights situation were improving. Rapid strides were being made. The processes of evolution were working favorably and effectively and had been so working for many, many years. This improvement was coming about through education, understanding, and mutual respect. Mr. President, that is the only way it can be done. The use of force—even the use of legislative force, Mr. President—will not do it. Laws that disregard the constitutional concepts of our liberties and the powers deposed in our sovereign States will not do it.

Those who believe that this Civil Rights Act of 1960 is going to be a panacea or cure-all are sadly mistaken. This force process will not work. The agitation that has provoked and motivated the character of the legislation we are considering has already done irreparable harm.

I cannot recall any period in my lifetime when race relations between our white citizens and our Negro citizens were more unhappy and more strained than they are today. What we are doing here is not conducive to improving that situation. It may very well cause it to worsen; and there is much evidence that that is exactly what is happening.

Mr. President, we need to return to reason, to tolerance, and to understanding. Great statesmen who served in this body before us had the wisdom—and, I may say, the political courage, as well—to understand, recognize, and handle this problem with justice and for the best interests of all.

The PRESIDING OFFICER. The time yielded to the Senator from Arkansas has expired.

Mr. McCLELLAN. Mr. President, will the Senator from Illinois yield additional time to me?

Mr. DIRKSEN. Mr. President, reserving my right to the floor, I wish to yield an additional 10 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. Without objection, the Senator from Arkansas is recognized for an additional 10 minutes; and he may proceed.

Mr. McCLELLAN. I thank the Senator from Illinois.

Mr. President, a shining example of the wisdom, discretion, and statesmanship displayed by some of our predecessors is to be found in an address made by the late William E. Borah, a great Senator from the State of Idaho, on the 7th of January 1938. At that time this body had up for consideration House bill 1507, of the 75th Congress, a measure "to assure to persons within the jurisdiction of every State the equal protection of the laws and to banish the crime of lynching." The able statesman from Idaho opposed that measure. He spoke elo-

quently and with compelling conviction in opposition to it. That he was correct in the view he expressed—namely, that that measure was not needed—has been thoroughly demonstrated with the passage of time and with our witnessing happily, in the ensuing years, that the crime of lynching has become practically extinct. That result has been achieved without the enactment of any unconstitutional legislation, as then proposed.

At that time among the agitators and the extremists there was urgent demand that such legislation be enacted. But—fortunately for both races and for all concerned—the wisdom of statesmen such as the late Senator Borah prevailed, and there was no action taken then which would have been tantamount to hurling insults at one section of the country in which a lynching occasionally occurred, and ignoring the situation in other sections of the country, including great metropolitan areas, where gangsterism then prevailed and was running rampant.

Yes, Mr. President, they sought then to single out one section of the country, the South, to legislate against, while condoning, by inaction and indifference, greater evils and crimes that were occurring repeatedly in other sections of the country.

They would do that again today, Mr. President. We have one great city, New York, where over 600,000 American citizens are not permitted to vote. Yet there is no provision in this bill to enfranchise them. I pointed out earlier in this debate that there were thousands of persons, both white and black, living on Government reservations in this country, who are now denied the right to vote. They are disfranchised. There is legislation pending and now on the calendar which would give them the right to vote if it were enacted; but no action has been taken, and no one has proposed by amendment to this bill that the legislation be enacted. Why? Simply because the NAACP opposes it. There is another large number of persons who are suffering the denial of voting rights, who have just as much right to vote as anyone else; but, because of a legal barrier that is unjust and could be removed, and ought to be removed, they are not accorded that privilege now. And because the NAACP objects we are doing nothing about it in this bill.

Congressman WILLIAM JENNINGS BRYAN DORN, of South Carolina, inserted that historic speech by Senator Borah in the CONGRESSIONAL RECORD on Friday, March 11, 1960. I wish every American citizen might read it, and especially would I urge Members of this body to read it again and again and meditate upon the instruction and counsel it contains. I deem it appropriate at this time, Mr. President, to quote some excerpts from that notable address:

> Mr. President, this measure (speaking of the bill then before the Senate), in a slightly different form but embodying the same principles, came to this body about 25 years ago.

That would have been about 1913. There was agitation away back then, nearly a half century ago, for legislation of this character. The able Senator from Idaho made this comment about it:

> At that time I was a member of the Judiciary Committee of the Senate and was appointed by the late Senator Nelson, chairman of a subcommittee to pass upon the measure, particularly its constitutional features. I shall not at this time go into the history of the action of the committee at that time. It may be necessary to do so later in order to throw light upon some features of this matter. It is sufficient now to say that I reached a conclusion as to the merits of the bill, which conclusion I still entertain.

The Senator said further:

> Heretofore, I have confined my remarks upon this bill largely to the question of its constitutionality. Those questions still interest me, and probably I shall discuss them later. Today, however, I desire to address my attention for a time to the policy involved in this measure.

Mr. President, not only is the constitutionality of the pending bill at issue, and that is a serious question, but there is also at issue the policy of the Federal Government's undertaking to inflict this imposition by usurping authority which is reposed in the States and the people thereof under the Constitution. Such usurping of constitutional powers reserved in the States is a dangerous policy.

I read further from what the Senator said:

> Assuming for the purpose of the argument that we have the constitutional power to pass such a measure as this, I desire to invite the attention of the Senate to the wisdom of doing so. I think it only a little less important, perhaps no less important, than the constitutional question itself.
>
> Notwithstanding anything that has been said or that may be said to the contrary, this is a sectional measure.

It is a sectional measure, Mr. President. If there were no South in the United States, there would be no civil rights legislation before the Senate. It is, in a sense, a recrimination against one of the glorious sections of our country.

The Senator further said:

> It is an attempt upon the part of States practically free from the race problem to sit in harsh judgment upon their sister States where the problem is always heavy and sometimes acute.

That charge, made at that time, is applicable today. It is applicable to the pending bill, with this qualification, that the problem about which he spoke then is spreading now throughout the country, and, instead of the problem being acute in one section, some areas are reaping what they have been sowing. They are beginning to reap what they have sown, and there are areas in other sections of the country that are now beginning to feel the pressure of this problem.

I continue to read from what the Senator said:

> It is proposed to condemn these States and the people in them because it is claimed that they have failed properly to meet and adjust the most difficult of all problems. No more drastic condemnation could be offered by a measure than that which is offered by the measures now before the Senate.
>
> It proposes to authorize the National Government to enter into the States and to take charge of and prosecute as criminals the duly elected officials of the States, from the Governor down. It proposes that the Federal Government shall be the sole judge of the guilt or innocence of State officials.
>
> In my opinion, that requires a review of some unfortunate history and the recalling of some unpleasant facts. These States are not to be pilloried and condemned without a full presentation of the nature of the task which fate and circumstances imposed upon them, and not without a complete record as to the weight and difficulty of the task, what has been done, and with what good faith it has been met. I shall contend that the southern people have met the race problem and dealt with it with greater patience, greater tolerance, greater intelligence, and greater success than any people in recorded history dealing with a problem of similar nature. Let us inquire what it is that the South has had to do, how it has done it, and what reason there is now, after 70 years of great effort, to pass censure or condemnation of those great States and that great people.
>
> Paraphrasing the language of one of the most eloquent of men, when the Confederate soldier pulled his gray cap over his brow, and lifted his pallid and tear-stained face for the last time to the graves which dotted the hills of old Virginia, and started on his slow and painful journey home, what was he to find? What were the problems, what was the task, what were the conditions which confronted him? His home was destroyed, his plantation devastated, his help gone, his money worthless, his civilization imperiled. This was the condition in addition to the other problem with which we are more particularly concerned today, and which confronted the South as it entered upon its great task of rebuilding.
>
> I shall not go into details as to the Reconstruction period. I recall it sufficiently and only that we may understand something of the antecedents of this problem and something as to the good faith and the ability with which it has been met. I recall a single instance in the way of illustration. When Congress met in December 1865, the then leader of the House—perhaps the most complete master of the House of Representatives that history records—Thaddeus Stevens, outlined the program with reference to the then pending situation. Among other things, he said:
>
> "The future condition of the conquered power depends upon the will of the conqueror."
>
> He said further that the conquered provinces were to be admitted as States "only when the Constitution has been amended so as to secure the perpetual ascendancy of the party of the Union"—the Republican Party—"every government is a despotism. * * * The Constitution has nothing to do with it [the program]. * * * I propose to deal with you [the South] entirely by the laws of war. * * * The conquered people have no right to appeal to the courts to test the constitutionality of the law. The Constitution has nothing to do with them or they with it."
>
> Thus they were to take up the work of rebuilding and of carrying the race problem with the threat of having all constitutional guarantees withdrawn.
>
> Mr. President, I have always felt that in many respects the Reconstruction period is the most regrettable page of American history. Had Abraham Lincoln lived through his second term, it probably would have been the most readable page, one of the noblest pages in all history. It would have been characterized by wide sympathy, by breadth

of understanding, and by that wisdom which flows from the heart as well as the brain, which passeth all understanding. It would have been free from that blind partisanship which disregards constitutions and constitutional limitation as well as national honor and national unity.

A short time before the great emancipator was removed from the scene he had outlined his views on Reconstruction. What a different story would have been written had those views prevailed. What a different national life would have been lived had those views obtained. But before his body had reached Springfield the committee had met and had determined upon the complete rejection of the entire policy theretofore announced by the dead President. Ben Butler's views superseded those of Abraham Lincoln; and a more tragic thing could not happen in a crisis confronting a nation. These measures with reference to Reconstruction therefore were written from the standpoint of partisanship not unmingled with a desire to punish.

The measure now before the body embodies the same principle upon which those measures were founded. The same arguments are made in support of the pending measure, to wit, that the southern people are to be distrusted and are incapable of local self-government.

We know now what those measures in those days did. They retarded and frustrated the coming together of the people of the different States. They gave us the solid South. They separated us politically, which separation continues until this day. They implanted a sense of bitterness in the minds of those people, not because of what had happened upon the field but because of what happened in Congress.

It is not in the interest of national unity to stir old embers, to arouse old fears, to lacerate old wounds, to again, after all these years, brand the southern people as incapable or unwilling to deal with the question of human life. This bill is not in the interests of that good feeling between the two races so essential to the welfare of the colored people.

Nations are not held together merely by constitutions and laws. They are held together by mutual respect, by mutual confidence, by toleration for conditions in different parts of the country, by confidence that the people of the different parts of the country will solve their problems; and that is just as essential today as it was in 1865 and 1870.

In the beginning, Mr. President, I reject the pending measure as fundamentally not in the interest of the white people of the South, not in the interest of the black people of the South, not in the interest of national unity nor of national solidarity, not in the interest of eliminating crime. History has proven that it will be a failure, and those who suffer most will be the weaker race.

Mr. President, the race problem is the most difficult of all problems, and, in addition to the conditions which I have outlined briefly, the southern people had placed upon them the race problem under circumstances and conditions never before experienced by any people, so far as I know, in recorded history. In addition to and on top of all other problems the South had to grapple with the race problem. How well has it dealt with it?

At the close of the Civil War there were a little over 5 million white people in the South; there were 3,500,000 Negroes. In Mississippi there were 100,000 more colored people than white people. In South Carolina there were something like 150,000 more colored people than white people. There were the two races, living upon the same soil, now equally free under the Constitution, one of them untrained and unschooled in the affairs of state, and untrained in citizenship. The problem had to be met. Was it easy of solution? Can one conceive of a more difficult problem placed before a people? I wish we could place ourselves in their position. It will help us to be sympathetic, sane, and just.

I call attention to some facts which lead up to the question of lynching. History shows that in the North in 1889, 1 Negro in every 185 was in jail; in the South, 1 in every 446. In the North the percentage of Negro prisoners was six times as great as that of the native whites, in the South four times as great.

Monroe S. Work, of Tuskegee College, has said:

"There is a much higher rate of crime among the Negroes in the North than in the South."

That speaks volumes for the southern Negro and no less for the whites.

Professor Johnson, of Fisk University, has said:

"The rate for Negroes is much higher in the Northern States than in the Southern States as to crime. Judging by the figures alone, for a 10,000-Negro population, the commitments were 88 in the South, 283 in the North."

In a volume entitled "Negro Housing," published in 1932, I find the following:

"The extent of property ownership by Negroes has in the past been greater in the South than in the North."

It will be disclosed that in some of the southern cities the percentage of Negro ownership of homes runs as high as 45 percent of the Negro population; in other places as high as 30 to 39 percent of the Negroes own their own homes.

In a bulletin issued by the Department of Agriculture in 1930 we find the statement that the value of land and buildings of farm property owned by Negroes increased from 1910 to 1930 as follows, giving the round figures:

	Percent
Virginia	58
North Carolina	140
Georgia	11
Florida	29
Louisiana	142
Texas	97
Mississippi	68
Alabama	54
Oklahoma	41
West Virginia	37

I mention these figures to show the progress of the Negro throughout the South in an economic way, for, after all, only in proportion as he acquires property and economic power can he hope to be secure in his political rights. That is just as true of the white man as of the colored man. And in proportion that he advances in education, in the acquisition of property, and in the acquisition of economic rights, in that proportion he will come to be regarded as an essential factor of the southern civilization, and treated as such; and to accomplish that has been the aim of the southern Negro, encouraged and assisted by the white people of the South.

Mr. President, my time is up and I conclude—the die is cast. This bill will be passed. But its enactment will add no glory to our history; it will not enhance our liberties nor will it fortify or strengthen the Republic. Its enactment will be a sad and regrettable mistake.

Mr. DIRKSEN. Mr. President, further reserving my right to the floor, I yield 5 minutes to the distinguished Senator from Massachusetts [Mr. SALTONSTALL].

Mr. SALTONSTALL. Mr. President, I thank the Senator from Illinois. On March 10 I spoke briefly and gave my views on the problem of civil rights as I saw it. I said, in part:

> It seems that our most cherished right is to have the opportunity to vote as we wish for the policies and people we support—to participate in free elections. This is the core of our democracy or of any democracy. Once it is denied, even in the smallest degree, we all feel the loss. The collective right is then in jeopardy.

Certainly one fact that has remained abundantly clear throughout this debate is that a substantial number of citizens in this country are frustrated when they try to carry out their constitutional right to vote. The evidence on this point is emphatic. So the need for legislative action to better guarantee the actual opportunity to participate in our free elections without discrimination is essential.

We will soon vote on a civil rights bill. In my view it constitutes real and vital progress toward guaranteeing participation in free elections by every citizen. The original administration bill, which I cosponsored, was primarily a voting rights bill. It contained other provisions, recognizing that civil rights problems and progress in various realms are continuing and will be closely interrelated; but the core of the bill was to protect the basic privilege of taking part in our Government by voting.

The proposal before us contains the basic provisions relating to voting rights which were contained in the original bill. Other of the original sections have been revised and some have been dropped. The proposal as it now stands I hope and trust will ultimately reach the President without change.

I believe that the Senate has effectively resisted so-called watering down amendments which would have weakened the bill.

Certain other provisions which have validity on their own merits were passed over at this time because by their inclusion they might have jeopardized the passage of the bill. This would have prevented the enactment of voting rights guarantees. I am confident, however, that favorable legislative action may well be taken by the Congress at a later date on these provisions, if they are at that time still believed to be valid.

In the passage of any legislation we must determine what is practical and realistic and go forward to obtain that result. If we try to move too far too quickly, we may accomplish nothing. I believe that in order to reach productive results in this session, the Senate should pass a bill which is substantially similar to the House bill sent over to us, so that a minimum of difficulty and danger is encountered in accommodating differences. The bill before us is of that character.

The proposal which we will shortly vote on is positive, it is constructive, and it moves forward in three different areas all concerned with the problem of lessening the practice of discrimination.

First, it effectively builds on the 1957 Civil Rights Act by preserving Federal election records for inspection by the Justice Department and by providing

for court-appointed referees, in cases where discrimination has been shown, so that qualified voters are permitted to register, to vote and to have their votes counted.

Second, it helps to make more effective the 1954 school desegregation order of the Supreme Court by making it a Federal crime (a) to use force or threats of force to obstruct court orders, (b) to carry explosives, and (c) to flee across State lines to avoid prosecution for damaging buildings or property. These buildings obviously include schools and churches. It also provides for the education of children of military personnel in areas where regular schools are closed by desegregation.

Third, it gives the Civil Rights Commission the power to administer oaths. The life of the Commission was extended last session for 2 years, but it is presently somewhat hampered by its inability to administer oaths.

The civil rights bill of 1960 will thus continue to add essential features to the laws already on the statute books toward ending discrimination in the voting privileges of our citizens, in the schooling of our youth, and in making more effective an important Commission of the Government responsible in this area.

We want legislation rather than procrastination. I hope that this bill will pass the Senate and ultimately become the law of the Nation.

Mr. DIRKSEN. Mr. President, further reserving my right to the floor, I yield 10 minutes to the distinguished Senator from New York [Mr. KEATING].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. Mr. President, I thank my colleague from Illinois.

Mr. President, before the debate is concluded several points should be emphasized with respect to the operation of the provisions of this bill.

With respect to the voting referee title, the following should be made clear:

First. The title operates when there has been deprivation of any right or privilege secured by subsection (a) of section 1971, title 42, United States Code. That subsection proscribes discrimination at any stage in the registration or voting process. Thus, the operation of the title does not depend on discrimination in processing applications for registration. For example, a finding of discrimination in voting clearly would trigger the voting referee title.

Second. The right secured by title 42 United States Code section 1971(a) is the right "to vote at any election without distinction of race, color, or previous condition of servitude." This right is infringed by segregation anywhere in the voting process as well as by more obvious acts of deprivations of the right to vote.

Third. The "pattern or practice" requirement means only that the proven discriminatory conduct of the defendants was not merely an isolated instance of racial discrimination. For example, a challenging system which operated to strike Negroes from the voting rolls while leaving enrolled white persons who were equally subject to challenge would constitute a pattern or practice of discrimination. Similarly, if State registration officials applied more stringent qualification tests to Negroes than to white citizens, or attempted to frustrate Negro enrollment by failing to hold registration sessions, such derelictions of duty would constitute a pattern or practice. Moreover, a single act such as enactment of a statute directed at Negroes would in itself constitute a pattern or practice of discrimination.

Under the voting records title, two points need clarification:

First. Section 303 of H.R. 8601, which deals with the preservation of voting records and the right to inspect them, is intended to make clear that whoever has custody of the records required by the title to be preserved must make them available to the Attorney General upon his demand therefor. This would include State judicial or quasi-judicial bodies who may have temporary possession of election records.

Second. The language added by the House Judiciary Committee in section 303 that the Attorney General's demand "contain a statement of the basis and the purpose therefor" means only that the Attorney General identify in a general way the reasons for his demand. Clearly a sufficient statement would be the assertion that the demand was made for the purpose of investigating possible violations of a Federal statute. No showing even of a prima facie case of a violation of Federal law need be made. And, obviously, the Attorney General's statement is not subject to judicial review.

Mr. President, I believe that a majority of the Senate shares my understanding of the meaning of these provisions, but I thought it was important to make the record on this point abundantly clear.

The civil rights bill is not a victory for anyone. It is a compromise measure. It contains a number of useful provisions, but it omits other very important proposals. No one would contend that it fully copes with the gamut of civil rights problems confronting our Nation. But it does deal with some of these problems in an effective and meaningful manner.

Progress in this area always has been slow. This bill certainly represents progress, but we are progressing at a snail's pace when measured against the distance which must eventually be covered.

This is not a time to assess blame or to bestow credit. It is evident, however, that one of the reasons for our failure to enact more meaningful legislation was the refusal of all proponents of civil rights to unite behind the administration's original bill. This bill contained realistic and substantial measures to relieve the critical civil rights problems facing us. Two of its most useful provisions—dealing with technical assistance to school districts which need help in implementing desegregation and with equal job opportunity for employees of Government contractors—have fallen by the wayside.

This kind of halfway measure is a compelling invitation to a renewal of the struggle for effective civil rights legislation at the very next opportunity. I cannot believe that the American people will settle for a bill which does not contain any provisions for implementing the Supreme Court's desegregation decision, which does not contain any provisions for guaranteeing that Federal funds will not be used to subsidize discrimination in employment, and which does not contain any provisions allowing the legal resources of the Federal Government to be used in aid of the constitutional rights of our citizens other than voting.

In retrospect, it is apparent that these important proposals were defeated more by the shortcomings of the rules of the Senate than by any repudiation of their inherent and obvious merit. The dark cloud of a constantly threatening filibuster storm has hovered over our deliberations from the very beginning. This has had more to do with shaping this legislation than any discussion of the merits. In truth, we have obviously been engaged in shadowboxing during much of this debate on civil rights.

This strongly indicates that before any really adequate civil rights bill is enacted by Congress an overhauling and modernizing of its rules of procedure will have to take place. It has now been demonstrated that the insubstantial change in the cloture rule adopted at the beginning of the last session is utterly inadequate and that a further revision of rule XXII is essential. We should also consider adoption of other provisions which will guarantee a meaningful debate of the issues in legislation before the Senate within a reasonable period of time. I am studying a proposed rule along these lines under which the period for debate could be determined in advance and divided on an equitable basis between the proponents and opponents of any particular measure or amendment.

The objective of such a rule change would be to assure a relevant exchange of views on the merits of a proposition rather than a mere time-consuming, record-filling soliloquy for home consumption.

Of course, there are some provisions in this bill which will be of great assistance in our efforts to curb deprivations of civil rights, particularly in the field of voting. The ultimate effectiveness of the bill will only be determined by experience. But there is reason to expect that under its provisions an unprecedented number of Americans, who have been refused the right to vote in some areas of our country, will now be allowed to participate in our political processes. We have also taken an important step forward in adopting a very comprehensive section to deal with the hate bombers who have disgraced our Nation in the eyes of the whole world by their depraved acts of violence. The sections dealing with obstruction of court orders, the preservation and inspection of voting records, and the education of children of members of the Armed Forces in areas of school closings, should also be constructive.

We have climbed part way up the ladder which leads to equality of opportunity and freedom from discrimination

for all Americans. But there are still many steps ahead of us if we are ever to reach the pinnacle of freedom and justice contained in the grand design of the Constitution.

Mr. DIRKSEN. Mr. President, reserving my right to the floor, I yield 20 minutes to the Senator from Pennsylvania [Mr. CLARK].

Mr. CLARK. Mr. President, the Senate will shortly pass the Civil Rights Act of 1960. I shall reluctantly vote for this bill—a pale ghost of our high hopes of last fall.

Those of us who supported a meaningful civil rights bill have suffered a crushing defeat. The other day I said, half in jest, half in earnest, to the senior Senator from Georgia [Mr. RUSSELL]: "DICK, here is my sword. I hope you will give it back to me so that I can beat it into a plowshare for the spring planting."

Surely in this battle on the Senate floor the roles of Grant and Lee at Appomattox have been reversed.

The 18 implacable defenders of the way of life of the Old South are entitled to congratulations from those of us they have so disastrously defeated. To be sure, at critical moments, they had the assistance of the President of the United States, the Attorney General, the minority leader, and the majority leader. But they nevertheless carried the brunt of the battle.

I regret that, in my judgment, the people of the United States of America, indeed, the people of the whole free world are the losers in this fight.

Let us review the major provisions a meaningful civil rights bill should contain.

They are only four in number:

First. Legislative and executive support for the efforts of the Supreme Court of the United States to carry into effect the equal protection of the laws clause of the 14th amendment as applied to school segregation.

Second. At least a beginning in an effort to secure fair employment practices for all citizens, regardless of race or color.

Third. Protection at the Federal level for other civil rights guaranteed by the 14th amendment, such as equal access to public facilities, regardless of race or color.

Fourth. Assurance that all citizens shall be permitted to register and vote in all elections, local, State, and National, regardless of race or color, as guaranteed by the 15th amendment.

Let us review the Senate legislative history of each of these in turn:

First. School integration: The original administration bill included a declaration that the Supreme Court decisions in the school segregation cases were the law of the land and entitled to the support of both the executive and the legislature. Provisions for technical assistance to school districts seeking to integrate in accordance with the Supreme Court's decisions were included. Financial assistance was to be provided. The section was weak because it required State cooperation instead of permitting the direct intervention of the Federal Government to support any school district which desired to obey the law. Yet it was at least a move in the right direction.

Before the administration's section could come to a vote in the Senate, the House bill was passed without including this section.

Word went out that the President of the United States and the Attorney General of the United States were not particularly interested in this section. The enthusiasm of the minority leader for this part of his own amendment evaporated. To bring it before the Senate at all, it was necessary for the junior Senator from New York [Mr. KEATING] to move that the Senate consider the amendment of the Senator from Illinois [Mr. DIRKSEN].

To my regret, the Democratic whip, acting with the approval of the majority leader, moved to table the Keating amendment, and the motion carried by a vote of 61 to 30, with 9 absent.

Thirty-seven Democrats, 18 of them from the South, 4 from border States, and 5 from the Southwest, supported the 24 Republicans who followed their administration leaders.

Twenty Democrats, including all save two of those from the area north of the Ohio and east of the Mississippi, joined 10 Republicans in opposing the motion to table.

Thus the Senate, by a majority of over 2 to 1, refused to even consider a proposal to support that integration of our schools which the Supreme Court of the United States has so wisely and so justly declared to be the supreme law of the land.

Second. Fair employment practices: That there is widespread discrimination in employment because of race or color, not only in the South but in many areas of our country, has long been recognized. That this discrimination violates the equal protection of the laws clause of the 14th amendment is too clear for argument. Only last week the Special Senate Committee on Unemployment concluded that Negroes, together with other groups, were being discriminated against in terms of employment on a widespread scale, and recommended creation by legislation of a Federal agency to assist in eliminating such discrimination.

Yet the ink was hardly dry on our report before the Senate ignored the unanimous recommendation of its committee.

The administration bill in both the Senate and the House versions originally contained a pallid little section, said to have been supported strongly by the Vice President, which would have made a start in giving legislative authority to a commission charged with the duty of eliminating discrimination among the employees of Federal contractors. The section had no teeth; it had no enforcement powers. And yet, again the President of the United States, the Attorney General, and the minority leader joined with the majority leader in pulling the rug out from under their own legislative recommendation. In fact, the minority leader in this instance made the motion to table, himself. It carried by a vote of 48 to 38, with 14 absent. Supporting the motion to table were 27 Democrats, of whom all save 2 were from the South, the Southwest, and the border States. They were joined in by two-thirds of the Republicans, 21 in number, who loyally supported the President and the minority leader, somewhat to the chagrin of the Vice President of the United States.

In opposition to the amendment were 27 Democrats—50 percent of those voting—and 11 Republicans—34 percent of those voting.

Had the majority leader opposed the motion and brought with him his four colleagues from the Southwest, the resulting tie would have been broken in favor of the proposed amendment by the Vice President of the United States.

It is fair to assume the 14 absentees would have been split almost evenly on the motion.

Third. Protection for other civil rights guaranteed by the 14th amendment. This provision, often called part III, has been opposed by the Eisenhower administration ever since they pulled the rug out from under it in 1957 after it had successfully passed in the House of Representatives. It is considered by advocates of a meaningful civil rights bill to be the heart of such a measure. There are many who think it more important than the right to vote, since it would place the executive arm of the Federal Government firmly behind efforts of the Negro to attain equality in a wide variety of areas, including school segregation, equal access to public facilities and fair treatment in employment matters. It covers the waterfront in terms of assuring to the Negro his right to be treated as a first-class citizen.

The amendment was proposed by a bipartisan group of pro-civil rights Senators. The majority leader moved to table and his motion carried by a vote of 55 to 38, with 6 absent. Thirty-four Democrats followed their leader including, in addition to the Southern bloc, six Senators from the Southwest, and four from the border States.

Twenty-eight Democrats, including every one from the area north of the Ohio and east of the Mississippi, as well as a majority of those from the West, supported part III. They were joined by a noble band of 10 Republicans who had the courage to repudiate their leadership.

Had the majority leader felt differently and been prepared to exercise his influence with his Southwestern and Mountain States colleagues who numbered 10, part III might well have been passed by the Senate.

Three weeks later, when pressure to support the House bill had become heavy, the same proposal was tabled by a slightly larger vote, 56 to 34 with 10 absentees.

Thus the Senate turned its back on a proposal whose enactment is of vital importance to the cause of first-class citizenship for all Americans.

Fourth. Voting rights: From the beginning it was clear that the major controversy respecting the Civil Rights Act of 1960 would center around efforts to assure to Negro Americans the voting

rights guaranteed them by the 15th amendment to the Constitution.

After weeks of debate, the President of the United States has declared himself satisfied with the provision pressed through the Senate with the support of the Vice President and the majority and minority leaders. One cannot say that this provision is meaningless; but one can certainly assert that it is far less effective than it could and should be.

The debate has clearly disclosed, I think, that registration and voting are administrative and not judicial procedures. This is the case in each of the 50 States. Yet the bipartisan coalition ruthlessly fought down every effort to give effect to the recommendations of the Civil Rights Commission, to expand it so as to include local and State as well as Federal elections and to surround it with adequate judicial safeguards to prevent injustice.

Title VI of the bill as finally adopted plunges the courts deeply into the voting controversy. In my judgment, the referee proposal which it sets up is so full of the possibility of judicial delay, court congestion, and redtape that it affords an ineffective remedy indeed to disfranchised citizens.

Time alone will tell whether my judgment is correct. I can only say that it seems abundantly clear that some variety of the Federal registrar-Federal enrollment officer procedure would have been infinitely preferable.

The test vote in the effort to provide such an enrollment officer alternative to the administration plan came on the Clark-Javits amendment which was tabled by a vote of 51 to 43, with the bipartisan support of the majority and minority leaders, with the Attorney General of the United States out in the middle of the cheering section urging them on.

Twenty-seven Democrats, all save one from the South, Southwest, and border States, supported the leadership. Only nine were outside the Deep South.

Twenty-four Republicans—75 percent of their total—followed the minority leader.

Against the motion to table were 25 Democrats—56 percent of my party's total membership—and a gallant band of eight Republicans who defied their own leadership.

If we exclude the Deep South, Senate Democrats voted 35 to 9 against the motion to table.

Thus, in my judgment, a meaningful voting provision was defeated and we were left with a procedure later watered down even further, which I fear will do little good.

The other sections of the bill are so innocuous as not to be worthy of even passive mention.

It will be asked, in view of this, why do I vote for the bill? The question has given me grave concern. Finally I have concluded, on the basis of conversations I have had with some of my friends from the South, that there is a possibility that the bill will unlock some doors; that there are areas in the South which will voluntarily permit Negroes to register and vote under State law rather than forcing the invocation of the Federal procedure; and that there are a few other areas where there is a chance that the referee proposal will work.

Being unwilling to discourage by my vote even so small an amount of progress in the acquisition of constitutional rights nearly 100 years old, I have concluded to support the bill.

How can one explain the behavior of the Senate? I fear our membership merely reflects the indifference of the country at large to the plight of our Negro citizens. Perhaps it reflects more than that: A national failure to measure up to moral challenges; an unwillingness to distinguish right from wrong; a preoccupation with material things; that dangerous national frame of mind indulged, indeed encouraged, for over 7 years by the present administration and decried with such eloquence on the floor of the Senate a few weeks ago by the distinguished Senator from Arkansas [Mr. FULBRIGHT]. Our country, and the Senate with it, is not alert to the challenges of our times either in this pressing domestic issue or in matters of defense and education, disarmament, and world leadership. One would think we had never heard of South Africa.

Whose fault this is it is hard to say. But I, for one, believe we are approaching the end of an era; that the national mood will change; that new and vigorous leadership will arise and that the day will come again, and come soon, when the Senate and the Congress and another President will reverse the action they took on civil rights this long hard winter, and will rally again to its earlier ideals as it did 100 years ago when Julia Ward Howe wrote the Battle-Hymn of the Republic:

Mine eyes have seen the glory of the coming of the Lord;
He is trampling out the vintage where the grapes of wrath are stored;
He hath loosed the fateful lightning of His terrible, swift sword,
His truth is marching on.

* * * * *

He has sounded forth the trumpet that shall never call retreat;
He is sifting out the hearts of men before his judgment seat;
Oh, be swift, my soul, to answer Him! Be jubilant, my feet!
Our God is marching on.

In the beauty of the lilies Christ was born across the sea,
With a glory in His bosom that transfigures you and me;
As He died to make men holy, let us die to make men free,
While God is marching on.

He is coming like the glory of the morning on the wave,
He is wisdom to the mighty, He is honor to the brave,
So the world shall be his footstool, and the soul of wrong his slave,
Our God is marching on!

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the distinguished junior Senator from Alaska [Mr. GRUENING].

Mr. GRUENING. Mr. President, my decision to vote in favor of the final passage of H.R. 8601—the so-called Civil Rights Act of 1960—was arrived at only after a long and careful review of its final provisions and after considerable hesitancy.

Labels can be deceptive as well as informative.

I am not one to believe that any bill will advance the cause of civil rights—will secure for all citizens of the United States, regardless of race, creed, or color, the full enjoyment of the rights guaranteed to them under the Constitution—merely because the bill bears the label of a civil rights act.

For I am well aware, Mr. President, that the full attainment, speedily, of these civil rights objectives can all too frequently be as much held back by the passage of legislation as it can be advanced.

It is now almost 3 years since the Civil Rights Act of 1957 was enacted by the Congress. It was hailed at the time—and has been since—as a significant accomplishment, since it was, after all, the first measure dealing with civil rights enacted by the Congress in over 80 years.

However, even in 1957 there were those in the Congress—strong advocates of securing the equal enjoyment by all of the constitutional guarantees—who had doubts about voting in favor of the final passage of the 1957 bill. They were fearful that the passage of a weak bill then would serve as a roadblock for years against the enactment of a really strong civil rights bill.

Almost 3 years have passed. During the 8 weeks which have ensued since February 15, while we have been talking at length about civil rights, we have all heard repeatedly about the lack of accomplishments under the 1957 Civil Rights Act.

Mr. President, I shall not attempt to assess responsibility for such lack of accomplishments. The Congress can but give to the executive branch of the Federal Government the tools—the laws—with which to perform a given task. The responsibility for the accomplishment of a task then rests with the Executive. The interest, the zeal, the determination, and the ingenuity with which the tools are employed must be supplied by the Executive. It is all too easy—and it happens all too frequently—for executive agencies to attempt to excuse their own lack of real desire to attain the objectives of a program by shifting the responsibility to the Congress and seeking additional laws. We see that in other fields, such as that of agriculture, with its surpluses and ever-mounting storage costs while the plight of many farmers steadily worsens.

Be that as it may, the question which will forever remain unanswered is whether—if no act at all had been passed in 1957—the forces impelling action on civil rights would have been so overwhelming that a much stronger bill would have been passed by the Congress in 1958.

Will the passage of this watered-down measure now before us for final action once more lessen future efforts to assure that individuals shall not be denied their constitutional right to vote?

Will the passage of this measure mean that those who should be pressing for

action along these lines will be lulled into a feeling that all has been accomplished, and that everyone who wishes to vote is secure in the right to do so?

Will the passage of this measure mean that the executive branch will be allowed once more to delay effective enforcement until such time as the demand becomes too great and it can then say: "We are not at fault. We need more laws."

If, at that time, Mr. President, the executive branch is controlled by the Republican Party—and I trust that it will not be—then it would ill behoove it to attempt to shift the blame to the Congress.

For the bill before us now is an administration bill. It has been reportedly so characterized by the distinguished minority leader.

The President is reported in the press as being well satisfied with this bill as it now stands. That is not surprising; for the President has done little, affirmatively, in the last 6 years—since the civil rights issue was reactivated by decisions of the Supreme Court of the United States—to show his sympathy for the establishment of the basic rights guaranteed by the Constitution for those disadvantaged by custom because of their race or color. This bill, which the President approves, has the tepid character of his negative views concerning medical care for the aged. If this administration, as has been indicated by its spokesman, desires credit for this civil rights bill, by all means let the credit go there.

The Attorney General of this administration has said that this is a workable voting rights bill. It has been shaped by him. The provisions in it are his. The deletions which, in my judgment, have greatly weakened it, have had his approval. The responsibility, therefore, for its future enforcement is this administration's.

I hope that he is right. We shall see. We shall watch. The test is with the Attorney General of this administration. While I disagree with him, and that disagreement is buttressed by the frank statements of some of our ablest colleagues on both sides of this issue, to the effect that this bill will do "very little" to increase voting that has hitherto been denied, I hope that their views will prove mistaken. I hope that they and I may be proved wrong. I hope that the Attorney General can make these provisions work so that we shall find that this is a really effective voting registration bill which will result not in long and costly law suits, not in the discouragement of voting in certain areas where the obstacles to registration and voting have been clearly spelled out by the administration's own Civil Rights Commission, but on the contrary, in enabling these citizens now disenfranchised because of their race or color actually to vote. If there are continued denials of voting rights on the basis of race or color we shall have to take up this issue anew and press for the enactment of truly remedial legislation.

In determining whether or not to vote in favor of the final passage of this bill, I was forced to make my determination on the basis of what was in the bill and not what I had hoped would have been in the bill.

I had hoped the bill would have contained, as so-called, part 3, giving needed powers for the enforcement of all civil rights under the Constitution. That was lost.

I had hoped that the bill would have a provision for technical assistance to localities undertaking to desegregate their schools. That was lost.

I had hoped that the bill would provide for effective checking on whether the policy of nondiscrimination on the basis of race or color in Government contracts was being pursued. That was lost.

I had hoped that, as we witnessed the gradual attrition of even the administration's own bill, by a process of tabling by the administration's own representative in the Senate, that some of these amendments, such as those proposed by the able junior Senator from Michigan, and in somewhat milder form by the distinguished junior Senator from Colorado, would make it possible for the colored voter, who had already been denied the right to vote in an area where a clear pattern and practice of discrimination had been shown, to avoid running again the gantlet of intimidation and economic or other reprisal by not being obliged to go back and apply to the same officials who had previously shown their opposition to have him vote. But these desirable, moderate, and, it seemed to me, wholly reasonable improvements, also went by the wayside by the same tabling process.

Then what have we gained?

Outside of the bill's provisions relating to voting rights—as to which provisions I have, as stated, serious doubts of their possible effectiveness—we have a provision for the enforcement of court orders—a provision which, in my opinion, merely reaffirms existing powers of the court—a provision relating to bombing—a provision making a Federal crime of what is already a State crime but having the virtue of the possibility of Federal enforcement and detection—and a provision requiring the retention of voting records. This later provision is a real gain—a real stride forward.

Because of this provision—because of the possibility that the Attorney General will act with more vigor than he has in the past and will prove that he is right and that the referee plan he has proposed is workable, I have decided to cast my vote in favor of the final passage of this bill. I do so despite what I consider the further weakening of the bill by the amendment sponsored yesterday by the minority leader against which I voted. The Washington Post, in an editorial published this morning, called this action of the Senate "a vote for confusion." I ask unanimous consent that the editorial be printed at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. GRUENING. Mr. President, it is my fear that this amendment jeopardizes, if indeed it does not tend to nullify, one of the most valuable aspects of the bill as it came from the House, namely, to provide safeguards in State and local elections, as well as Federal.

Finally, Mr. President, the denial of equal rights under the Constitution to citizens of the United States because of their race or color cannot continue indefinitely or be endured without striking at the very foundations of our Constitution. This is not a government where the rights of one group of citizens can be granted or denied by the actions of other citizens. Our citizens who are thus denied their constitutionally guaranteed rights do not—and should not—stand before us, hat in hand, beseeching our bounty. They are not here on sufferance. They seek merely what they have a right to exercise. To deny these rights or to infringe upon their exercise is to flaunt the very concepts and precepts on which the exercise of our own rights is based. We cannot destroy or deny the one without ultimately denying or impairing the other.

Mr. President, let it be said, however, that we have made substantial and gratifying progress in this country in the assertion of human rights regardless of race or color. That progress is continuing. It has not been easily achieved. To those who have suffered and continue to suffer discrimination, that progress must at times seem painfully slow. The protracted struggle that has centered around the bringing close to enactment of this very moderate voting rights bill furnishes graphic evidence of the difficulty of the task.

This is by no means a sectional problem, and while its abuses may vary and be graver in one part of the country than in another, let us not point the finger of reproach at any one section. Let us, to cite Scripture, not be unaware of the beams that exist in eyes in many parts of the Union. Whenever in the United States there is a denial of certain basic rights, either guaranteed by the Constitution or implicit in our presumed American faith in justice, equality and fair play, we do violence to the eternal principle that we should do unto others as we would have them do unto us. The democratic system is the application to the great society of that Golden Rule. It should be the guiding beacon of our national life.

Mr. President, I thank the minority leader for his courtesy in yielding this time to me.

I have now concluded my remarks.

EXHIBIT 1

[From the Washington Post, Apr. 8, 1960]

A VOTE FOR CONFUSION

Battle fatigue appears to be largely responsible for the strange amendment which the Senate wrote into its civil rights bill yesterday. Southern opponents of the bill had complained that its voting referee provision would permit the Federal courts to register voters previously rejected by State officials until the day before the election. This, they asserted, would be a discrimination against other citizens, who under State law, would have to register weeks or months be-

fore the election. In an attempt to meet this objection the Senate adopted, by a vote of 80 to 11, a curious amendment that has all the parliamentarians scratching their heads.

Before the amendment was adopted, the bill provided that if an application to register filed 20 days before the election had not been decided by election day, the court should issue an order authorizing the applicant to vote provisionally. Now a proviso has been added to the effect that the applicant may vote provisionally if he is "qualified to vote under State law." But if his qualification under State law had been determined, there would be no occasion for him to vote provisionally.

Sponsors of the amendment say that it is designed only to make clear that Congress does not intend to set aside State voting laws. The whole purpose of the voting referee plan, however, is to bypass the unfair operation of State laws, where a pattern of unfair disfranchisement has been shown to exist, and set up Federal machinery under which the victims of discrimination can register and vote regardless of State obstruction. Presumably the new amendment does not affect this Federal registration system, except in the case of provisional voting. It is mischievous chiefly because it introduces an element of uncertainty and confusion that no one at this point seems able to resolve.

This curious move is the more unfortunate because of the desire of most everyone to avoid a conference on the bill. To ensure its passage, the House will have to accept the Senate version. What a pity that the Senate did not at least take time to be sure of what it was doing.

Mr. DIRKSEN. Mr. President, I had contemplated at this time moving to lay on the table the motion of the Senator from Mississippi [Mr. EASTLAND] to recommit the bill to the Senate Judiciary Committee. However, I shall withhold the making of that motion, and—if I may still reserve my right to the floor—I shall now yield to my good friend, the distinguished senior Senator from Louisiana [Mr. ELLENDER].

The PRESIDING OFFICER. Is there objection?

Mr. SPARKMAN. First, Mr. President, may I ask the Senator from Louisiana and the Senator from Illinois to permit me to make some insertions in the RECORD at this time?

Mr. ELLENDER. Certainly.

Mr. DIRKSEN. Of course.

Mr. SPARKMAN. Mr. President, Senators will recall that when this debate first began, I inserted in the RECORD a copy of an editorial which appeared in the New York Times on February 9, 1894. It appears on page 2614 of the CONGRESSIONAL RECORD of February 16, 1960. I ask unanimous consent that the editorial be printed again at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 9, 1894]

THE CLOSE OF A CHAPTER

The passage by the Senate of the repeal of the Federal elections law marks the close of a most important, and at times exciting, period in the history of the country since the war. The elections law was a supplementary war measure. Its avowed intention was chiefly to protect the Republican voters of the South who were at the time of its passage almost wholly Negroes, but it was applied to the whole United States, as the Constitution required, and there was no lack of use for it in the large cities and especially in New York.

The elections law was, however, vicious in the machinery it set up, and was in many ways badly administered. The appointment of the chief supervisors by the Federal courts practically for life imposed on the judiciary functions for which it is not fitted. These officers were at once judicial and executive. Their powers were large and not very well defined. The patronage which they could distribute was almost unlimited. No court could, except by a happy chance, hit upon men fitted for these varied tasks. Our judges are, by common consent, men of probity and impartiality, but something more is needed for the proper selection of appointees like these. The result was what might have been expected. The courts were indirectly discredited, and the personnel of the force created by the law was not of a high order. Moreover, there was no adequate responsibility under the law. In theory the courts could enforce responsibility, but in practice they did not and could not. There was practically no check on abuses, and the abuses were constant and general.

The most conclusive proof that the law was either badly constructed or badly administered, or both, is that when its friends were in full power, with all the authority and force provided by the law, they never succeeded in doing any lasting good under it and rarely tried to. They appointed large numbers of deputy marshals, they made a great show of investigation and supervision, they made arrests, generally on election day. There they stopped. Now, if the law was good for anything, and if the officers under it were careful and honest, the alleged offenders arrested ought to have been tried, convicted, and severely punished, so that election offenses would have become dangerous and rare. But almost nothing of this sort was done. It became a very general belief that the law was used for partisan purposes, that it was in no sense employed as a means of purifying the suffrage or protecting the rights of voters or repressing and punishing offenses against the suffrage, but that, on the contrary, it degenerated into a device for supplying patronage to the party in power and to some extent for annoying and intimidating the opposing party. The latter charge had but little evidence to support it. The former was only too obviously true.

When the Republicans in the 51st Congress sought to replace the elections law by one of much greater severity and scope, they necessarily admitted that the law had failed, and they were logically responsible for its failure. Now that the Democratic Party comes into power and could, if it choose, avail themselves of all the abuses of the law for which the Republicans had made precedents, the Republicans can give no reason why the law should not be repealed, and repealed it has been. Certainly the Democratic Party cannot be accused of interested motives in throwing away opportunities for patronage and influence which it has only to follow Republican examples in order to use. The repeal is in reality an act of patriotism and sound judgment, so far as Democratic motives are concerned. It marks, moreover, a definite abandonment of the policy of the centralization of power in the Federal Government. In theory there is much to be said for that policy. In practice it has generally worked badly, and often very badly. Its weak point is that under our system of government there is no reasonably efficient means of securing responsibility proportioned to centralized power. We can set up a powerful central machine, as was done by the election law, but there is no adequate control over it and no chance to enforce any. Another fact of importance is that when a machine of this sort is opposed in any State there is no disposable force to overcome the opposition. That would practically require a permanent and disciplined Federal police, which is so impracticable as to be absurd. We have probably seen the last for a long time of attempts at extending Federal action and influence to the details of government in the States, and from our past experience we have no reason to regret the fact.

Mr. SPARKMAN. Mr. President, since that time, I have followed closely the coverage of this debate in the New York Times. I had hoped there would be some reference to the former editorial policy of that newspaper. Indeed, I expected that some reference to the tragic experience of the city of New York under the old Federal election law would appear in the New York Times. It seems to me, Mr. President, that an objective and fair coverage of this subject would require that that be done. However, there has been little reporting of the abuses, the corruption, and the fraud in the city of New York, following enactment of the old Federal election law.

I should think that the people of New York City and the people of this entire country are entitled to know about what happened from 1871 to 1894. They are entitled to know the kind of abuses that are possible under legislation such as that now proposed.

Mr. President, the New York Times was not alone in its condemnation of the old Federal election law. Similar editorials appeared in other New York newspapers. Accordingly, I ask unanimous consent that the following editorials and news articles be reprinted at this point in the CONGRESSIONAL RECORD: An editorial from the New York Evening Post of Thursday, February 8, 1894; an editorial from the New York World of February 8, 1894; an editorial from the New York Sun of Thursday, February 8, 1894; a news article entitled "Will Reach the Vote Today," from the New York Times of February 6, 1894; and a news article entitled "Brisk Senatorial Colloquy," from the New York Times of Wednesday, February 7, 1894.

There being no objection, the editorials and the articles were ordered to be printed in the RECORD, as follows:

[From the New York Evening Post, Feb. 8, 1894]

The passage by the Senate of the bill repealing the Federal election laws ends a long agitation, for the measure has already passed the House and is sure to be signed by the President. While all of the Republicans in the Senate but one opposed this action, there is nothing like such unanimity among the members of the party. The more candid admit that the laws in question have utterly failed of their purpose, and in many cases have led to the grossest abuses. In short, where these laws have not been useless, they have been worse than useless, and it will be a gain to the cause of good government to remove them from the statute book.

[From the New York World, Feb. 8, 1894]

THE FORCE BILL GONE

The people voted that the force bill must go, and it has gone.

The Senate yesterday passed the House bill repealing the odious and obsolete Federal

elections law. The people of the several States thus have restored to them that control of their own elections which is fundamental in our system, which they enjoyed for nearly a century, and which should never have been disturbed.

The pretense of the Chandlers, Hoars, and Lodges that Republicans are more concerned for free and honest elections than Democrats are is as preposterous as is the assumption that Davenportism tends to secure such elections.

The law has totally failed in its object, which was to enable Republican Federal officials to count the entire census of black male citizens of the South as Republican voters, and to intimidate Democrats in the northern cities. It suggested force and led to the demand for bayonets at the polls. The people condemned it, and it is repealed.

[From the New York Sun, Feb. 8, 1894]

THE END OF A GREAT FIGHT

Yesterday was a red letter day for the democracy of these United States. There is all the more occasion for rejoicing, and mutual congratulation, and general encouragement, because the days coming to the democracy just now seem to be painted black oftener than with any bright color.

The passage by the Senate of the bill repealing the odious Federal election laws of 1871 completes a reform for which the Sun has been laboring with all of its heart for many years. The whole body of statutes enacted by the Republican Party in the flush days of unscrupulous, uncontrolled partisanship, for the oppression of Democrats particularly in the South and in New York City, is wiped out forever. The fight of resistance against the force bill, designed to perpetuate and perfect the hateful system of Federal interference at the polls, has been followed by an equally successful fight of aggression against the existing laws of Davenportism, with all that the term implies. Davenportism disappears now. The iron cage is smashed. The army of spies, tramps, and loafers at the polls, holding commissions from the U.S. Government as officers of the law, is mustered out finally, and for all time. The pledge in the very first paragraphs of the Democratic platform of 1892 has now been splendidly redeemed.

The signature of the President to the repeal bill will hardly be withheld. Although this whole campaign for a principle vital to democracy has been prosecuted by the party without practical assistance from Mr. Cleveland, and withot any evidence of sympathy or interest in that quarter, we can imagine no present motive on his part for a veto of the bill. Whatever may be Mr. Cleveland's personal indifference to Democratic ideas on the subject of Federal interference and centralization of power in the Executive, he is not likely to undertake the responsibility of blocking at the last stage this glorious and long-desired Democratic achievement.

The immense importance of the victory which we record this morning will be appreciated more and more as time goes by. The statutes repealed are 23 years old this month. They have existed during a period long enough to make a voter of an unborn boy. Next November, for the first time since 1871, citizens of every State will go to the polls to vote for Federal officers, free from danger of annoyance or arrest by the hirelings of any Davenport. Federal interference, with all of its disgraceful machinery of force and fraud, is at an end.

That is something to be sincerely thankful for. To Democrats everywhere, but especially to our brethren in the South and in this great Democratic city, the Sun renews the assurance of its distinguished consideration and loyal concern.

[From the New York Times, Feb. 6, 1894]

WILL REACH THE VOTE TODAY—THE FEDERAL ELECTIONS LAW DOOMED IN THE SENATE—MR. CHANDLER RETURNS AGAIN TO HIS DEFENSE OF THE STATUTE—HE IS TERRIBLY ALARMED OVER THE PROSPECTS OF THE SOUTHERN NEGRO—MR. PALMER, OF ILLINOIS, MAKES A STRONG POINT FOR REPEAL BY REFERRING TO REPUBLICAN INTERFERENCE IN HAWAII

WASHINGTON, February 5.—There is general Democratic satisfaction in the expectation that tomorrow afternoon the Senate is to dispose of the Federal elections bill. At 4 o'clock, if nothing happens to prevent, the contentions of the Republicans for a law they no longer need will come to an end, and the bill will receive the sanction of the upper House. There are several amendments pending, but the indications tonight are that they will not be adopted.

When Mr. Chandler took his seat last week, after having debated this measure a week or more, it was generally believed that he had said all that he might be expected to say on the subject. He bobbed up again today, however, and devoted some time to a discussion of "the superior question of man and his liberty." The particular man the New Hampshire Senator had in his mind was the colored man, and he argued at length in favor of national consideration and national protection for the colored citizen, over whom, Mr. Chandler fancies, his party is entitled to a peculiar control. He was followed by Mr. Frye, who delivered one of his characteristic stump speeches, in which he was prompted several times by Mr. Hoar when the pointed interruptions of Mr. Gray threatened to leave the Senator from Maine with no basis for his argument. There was nothing particularly interesting in the debate.

Mr. Chandler began by saying that the Senate turned now from the question of money to the superior question of man and his liberty. Banks and tariffs, stocks and trade, might rise or fall, but freedom was the common heritage of the American people. Controversies over silver and bonds were incidental and ephemeral. Vigilance to protect the lives of citizens and to secure the honesty of the suffrage was vital, and had to be eternal if the Republic was to live. He wished to speak briefly in behalf of the colored people of the country, who were sadly in need of national consideration and national protection.

In the course of his remarks Mr. Chandler engaged in a colloquy with Mr. Palmer, Democrat, of Illinois, who said he favored the repeal of the Federal election laws because they had proved to be utterly useless for the accomplishment of the purpose for which they had been designed.

"The Senator from Illinois," said Mr. Chandler, "in his new political associations, abandons the 15th amendment of the Constitution, and leaves the colored people in the Southern States without the ballot with which to protect themselves."

"So far from abandoning the 15th amendment," Mr. Palmer rejoined, "I regard it as one of the crowning triumphs of modern civilization and republican government. But, regarding these Federal election laws as a mere menace, as useless as offensive, and as injurious to both races, I propose to abandon them."

"The Senator," said Mr. Chandler, in a tone of bitterness, "is in favor of the amendment, but is against its enforcement. That is substantially his position."

"The Senator from New Hampshire," said Mr. Palmer, "favors the retention on the statute book of laws which he admits are worthless, so far as the colored people are concerned."

"I did not admit that they are worthless," Mr. Chandler corrected: "I admitted that they had not accomplished the result which they were designed to accomplish."

"If they have failed," Mr. Palmer asked, "why retain them?"

"If that argument is good," Mr. Chandler replied, "it is good against any laws which do not accomplish their purpose. I ask the Senator from Illinois whether he is in favor of blotting the 15th amendment from the Constitution and abandoning the attempt to secure suffrage to the 1,500,000 colored voters in the United States?"

"I would no more abandon the 15th amendment," Mr. Palmer declared emphatically, "than I would abandon the Declaration of Independence. I regard them as being essential parts of each other."

Mr. Palmer supported the bill because he believed that the Federal election laws were useless, misleading, and a menace to every community where they were put in force. It was contended on the other side of the Chamber, he said, that the colored people in the South had not their proper representation in Government affairs. "We have been recently engaged," said he, "in a discussion of the Hawaiian question. The total population of those islands is about 90,000. The white American population is less than 2,000, and yet those 2,000 whites own more than 74 percent of the entire property of the islands, the natives owning but four-fifths of 1 percent of it. And the whites have overthrown the Government and have proclaimed, or are about to proclaim, a Constitution with property qualifications. I have heard one of the leaders of the Republican Party in this Chamber declare, a few days ago, that those men there who have overthrown the native government were to be compared with the Washingtons, Russells, Sidneys, and other devotees of freedom. This is the view of the party that now claims to be the champion and preserver of the rights of the colored race."

Mr. Frye, Republican, of Maine, said that if the States could be depended upon to do what is just and fair they ought to be allowed to administer the election laws, but that if the States could not be depended upon the Federal election laws should be retained. He went on to relate, as a "twice-told tale," the Tammany naturalization frauds in New York in 1868, when over 40,000 foreigners were naturalized within 20 days, when Judge Barnard naturalized over 2,000 in a single day, when 8 witnesses stood for 2,200 men, and when certificates signed in blank were sold for a dollar apiece. Over 10,000 men had been registered in the city of New York from vacant lots, and the same men had repeated their votes on election day from 7 to 25 times. By that sort of business the State of New York had been carried for Horatio Seymour, the Democratic presidential candidate, against General Grant. The people of the United States had been thoroughly aroused when the report came, and, as a result of congressional investigation, the national election law was enacted. Did the Senator from Illinois not believe, Mr. Frye asked, that it was the duty of the United States to take cognizance of that awful, that monumental crime against the ballot in the great Empire State? He paused for a reply.

"I answer," said Mr. Palmer, "that the instance given by no means justified the law. The fact that there was a crime in New York furnished no reason for subjecting every other congressional district in the country to the suspicion of fraud and for putting supervisors over them."

[From the New York Times, Feb. 7, 1894]

BRISK SENATORIAL COLLOQUY—MESSRS. FRYE AND DANIEL AMUSE THEIR GALLERY AUDITORS—THE VIRGINIAN REPLIES TO INSINUATIONS AGAINST HIS STATE MADE IN DEBATE ON FEDERAL ELECTIONS BILL—GETS THE BETTER OF THE MAN FROM MAINE—FINAL VOTE TO BE TAKEN THIS AFTERNOON—LETTER FROM DAVENPORT DENYING CHARGES MADE IN NEWSPAPERS

WASHINGTON, February 6.—Owing to the anxiety of Senators to deliver 11th hour speeches for or against the Federal elections bill, the final vote on that measure will not be taken until late tomorrow afternoon. In anticipation of the close of the debate today, the galleries were crowded, and this fact may be responsible for the increased interest manifested in the subject by Senators.

Mr. Frye was moved today to deliver another stump speech which served mainly to widen his reputation as an unreasoning partisan, and General Hawley of Connecticut could not resist the temptation to defend the existing law. Much of Mr. Frye's speech was in defense of John I. Davenport. That interesting person was declared to be a "God-fearing citizen," despite the attacks made upon his character by Democrats throughout the country. Mr. Daniel made a strong defense of the pending bill, and threw some sidelights on Mr. Frye's partisanship which exasperated that gentleman and pleased the galleries. Mr. Hoar will have something to say tomorrow about the bill.

Before the day shall close, Mr. Davenport will be stripped of the power he has made outrageous use of.

After Mr. Hawley of Connecticut and Mr. Perkins of California had delivered set speeches against the bill, Mr. Frye took the floor. He quoted from Richmond (Va.) papers the headlines to reports of election frauds in a recent election in that State. He was asked by Mr. Daniel whether the Federal election laws had anything to do with those frauds. They had, Mr. Frye declared. The claim had been made that the Federal election laws ought to be repealed because the States could be trusted to prevent election frauds. He was asked by Mr. Daniel if there never had been election frauds in Maine, and he denied that there had been, although there had been an attempt by a Democratic Governor to steal a legislature.

But Mr. Frye had taken the floor, he said, not to make any attack on the State of Virginia, but to defend the character of John I. Davenport, who had been the subject of charges and calumnies in the two houses for the last 16 or 18 years. He knew Mr. Davenport well, and had a profound respect for him. His courage was admirable. He was utterly fearless. He had shown a fidelity in office such as had been seldom seen in any man. He had been true and honest.

Mr. Davenport had been made a scapegoat, just as Mr. Stevens had recently been made the scapegoat for President Cleveland's blunders as to Hawaii. Mr. Frye sent to the clerk's desk and had read a letter to himself from Mr. Davenport, dated today, denying a charge frequently made against him in connection with the appointment of deputy supervisors at the polls in New York. He also read extracts from the printed reports of congressional committees favorable to Mr. Davenport, both as to his conduct and his accounts.

In the course of the afternoon Mr. Daniel, of Virginia, secured the opportunity to reply to Mr. Frye. Whenever that Senator, he said, would rise and rebuke persons of his own party whom others thought worthy of criticism, he (Mr. Daniel) would realize that the Senator was on a plane with the Democrats of Virginia. The people of Virginia were not Pharisees, and if they committed wrong, they did not do it in the name of God and Christianity and civilization.

The Senator from Maine, when he chose to steal some islands and their people, dropped all his qualms and scruples and was ready to welcome that spurious and muddy transaction. That was the biggest piece of "counting out." The Senator from Maine, in the person of Minister Stevens and with the military at the polls, had counted in 2,000 Americans and counted out the rest of the people of those islands, changed the government, and was now ready to offer for sale a government which had been acquired by the aid of that commissioner of election.

Mr. Frye with one hand in his trousers pocket, and a paper in the other hand leaned carelessly against a desk and addressed remarks to Mr. Daniel in regard to elections in Virginia, and the two Senators carried on for several minutes a free and easy colloquy on that subject. The people of Virginia, Mr. Daniel said, would vainly try to please the Senator from Maine so long as they voted the Democratic ticket. The Senator from Maine, he added, with much bitterness of manner, had said that there were no precinct election frauds in Maine; there they only stole legislatures.

"That was a Democratic steal," Mr. Frye interposed.

"Oh, of course," Mr. Daniel resumed, sarcastically. "Of course it was a Democratic steal. The Senator never heard of a steal that was not a Democratic one."

"That is true," Mr. Frye asserted.

"Perfectly so, and naturally so," said Mr. Daniel. "He is as deaf as the old lady mentioned by Tom Hood who bought an ear trumpet—

" 'And the very next day
She heard from her husband at Botany Bay.'

"The Senator never heard of the Credit Mobilier business. Oh, no. He stuffed a whole cotton counterpane in his ear so soon as a newsboy ran down the street with his newspapers. He never heard of Indian frauds, or of 'star route' frauds. He only heard that every Republican born is a saint, and that every Democrat born is an imp. And I leave the Senator in that happy state. He does not need to be translated to another and better world in order to enjoy the perfection of happiness. 'Where ignorance is bliss, 'tis folly to be wise.' There he is and there he purposes to remain."

At the close of Mr. Daniel's remarks there was a short executive session, and the Senate at 4:30 adjourned until tomorrow.

Mr. CHURCH. Mr. President——

Mr. DIRKSEN. Mr. President, if I may reserve my right to the floor, then, with the forbearance of my distinguished friend, the Senator from Louisiana [Mr. ELLENDER], I shall yield 3 minutes to the Senator from Idaho [Mr. CHURCH].

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CHURCH. Mr. President, the Senate will soon reach a final vote on the Civil Rights Act of 1960. I shall vote for it, even though I had hoped the bill would be stronger and broader than it is. The amendments I favored, which would have both strengthened and extended the scope of the bill, have been rejected by majority vote of the Senate, and we are left with a bill that is largely restricted to voting rights.

The right to vote, of course, is the most fundamental right of a free citizen. It has long been extended to all our citizens, regardless of race or color, through the 15th amendment to the Constitution of the United States.

But it is nevertheless the case that, 90 years after the ratification of this amendment, large numbers of Negro citizens, in some parts of our country, are still being systematically denied the right to vote. The bill before us will furnish these Negro citizens with better legal remedies with which to enforce their right to vote.

I had hoped that we would deal more effectively with this matter than we have, and that we would enact a better bill than the one proposed by the Attorney General and endorsed by the administration. Nevertheless, the bill does represent progress in an area where progress has always come hard and slowly. I take some comfort in the certain knowledge that the struggle will be renewed in the Congress, and continued on many other fronts, until the dream of equality before the law is a reality throughout the length and breadth of this land. Since every step in this direction is worth taking, I shall support the passage of this Civil Rights Act of 1960.

Mr. DIRKSEN. Mr. President, at this time I yield to my distinguished friend, the senior Senator from Louisiana [Mr. ELLENDER], if I may do so and still may retain my right to the floor, in order that later I may move to lay on the table the motion to recommit.

The PRESIDING OFFICER (Mr. MCGEE in the chair). Is there objection? Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, earlier this week, I made two extended speeches in endeavoring to demonstrate that throughout the proud history of our Nation, the most zealously guarded right that each individual State sought to retain unto itself was the right to regulate suffrage.

As I pointed out, the 15th amendment merely protects the Negro's right to vote against denial or abridgment by a State. The pending legislation is nothing but an out-and-out attempt by Congress to further inject the long arm of the Federal Government into matters as to which it has absolutely no constitutional authority.

Local self-government has been the cornerstone of our growth and prosperity since the beginning of our history. Now, blessed by the winds of political expediency and political ambition, attempts are being made to strike at this very root of American freedom.

During my earlier speeches, I outlined the care with which our Founding Fathers protected the right of the States to determine their own standards of voting. In this connection, I began to read a study, which I have prepared, relating to the history of suffrage in each of the 50 States.

On Wednesday, before my time under the unanimous-consent agreement expired, I had discussed the history of suffrage in the States of New Hampshire, Massachusetts, Connecticut, Georgia, New Jersey, Pennsylvania, and Delaware.

Mr. President, it is my purpose during the course of my remarks today to discuss the rest of the Thirteen Original States, insofar as their suffrage laws were concerned—simply to show that the right of suffrage was most zealously guarded by those States. In fact, except for the fact that the Thirteen Original States retained for themselves the right to say who should vote and who should not vote, the chances are that our Federal Constitution would never have been adopted. Mr. President, I believe I proved, to the satisfaction of any reasonable Senator, that was the case.

I do not propose to go over that field again, but I shall simply direct my attention now to the rest of the original States. I have dealt with seven, so I have six more to go.

I desire now to continue reading from that study.

Maryland was chartered in 1632 by King Charles. In 1776 Maryland's constitution was formed. In the declaration of rights we find:

That the right in the people to participate in the legislature is the best security of liberty, and the foundation of all free government; for this purpose, elections ought to be free and frequent, and every man, having property in, a common interest with, and an attachment to the community, ought to have a right of suffrage. (Thorpe, 3, p. 1687, art. V.)

The qualifications appear in article II of the constitution:

That the house of delegates shall be chosen in the following manner:

All freemen, above 21 years of age, having a freehold of 50 acres of land, in the county in which they offer to vote, and residing therein—and all freemen, having property in this State above the value of 30 pounds current money, and having resided in the county in which they offer to vote 1 whole year next preceding the election, shall have a right of suffrage in the election of delegates for such county; and all freemen, so qualified, shall, on the first Monday of October 1777, and on the same day in every year thereafter, assemble in the counties in which they are respectively qualified to vote, at the courthouse in the said counties; or at such other place as the legislature shall direct; and, when assembled, they shall proceed to elect, viva voce, four delegates, for their respective counties, of the most wise, sensible, and discreet of the people, residents in the county where they are to be chosen, 1 whole year next preceding the election, above 21 years of age, and having, in the state, real or personal property above the value of 500 pounds current money; and upon the final casting of the polls, the four persons who shall appear to have the greatest number of legal votes shall be declared and returned duly elected for their respective counties. (Thorpe, 3, p. 1691, art II.)

In 1810 this was amended as follows:

ART. XIV. That every free, white, male citizen of this State, above 21 years of age, and no other, having resided 12 months within this State, and 6 months in the county, or in the city of Annapolis or Baltimore, next preceding the election at which he offers to vote, shall have a right of suffrage, and shall vote, by ballot, in the election of such county or city, or either of them, for electors of the President and Vice President of the United States, for Representatives of this State in the Congress of the United States, for delegates to the general assembly of this State, electors of the senate, and sheriffs. (Thorpe, 3, p. 1705, art. XIV.)

As I pointed out before, we are going to find, in the constitutions of each of the Thirteen Original States, language similar to the language I am now reading. It was a right that they themselves manifested; and today efforts are being made to take that right away from the States, to a large degree, and lodge it in the Federal Government. That is why we from the South who really and truly believe in States rights and in local self-government are so much against the pending measure.

In 1851 Maryland adopted a new constitution. In the declaration of rights we find the following:

ART. 5. That the right of the people to participate in the legislature is the best security of liberty, and the foundation of all free government; for this purpose elections ought to be free and frequent, and every free, white—

Accent on "white"—

male citizen having the qualifications prescribed by the constitution ought to have the right of suffrage. (Thorpe, 3, p. 1713, art. 5.)

This is set out fully in article I:

Every free white male person, of 21 years of age or upward, who shall have been 1 year next preceding the election a resident of the State, and for 6 months a resident of the city of Baltimore, or of any county in which he may offer to vote, and being at the time of the election a citizen of the United States, shall be entitled to vote in the ward or election district in which he resides, in all elections hereafter to be held; and at all such elections the vote shall be taken by ballot. And in case any county or city shall be so divided as to form portions of different electoral districts for the election of Congressman, Senator, delegate, or other officer or officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the county or city which shall form a part of the electoral district in which he offers to vote for 6 months next preceding the election; but a person who shall have acquired a residence in such county or city entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed until he shall have acquired a residence in the part of the county or city to which he has removed.

SEC. 2. That if any person shall give, or offer to give, directly or indirectly, any bribe, present, or reward, or any promise, or any security for the payment or delivery of money or any other thing to induce any voter to refrain from casting his vote, or forcibly to prevent him in any way from voting or to obtain or procure a vote for any candidate or person proposed or voted for as elector of President and Vice President of the United States, or Representative in Congress, or for any office of profit or trust created by the constitution or laws of this State, or by the ordinances or authority of the mayor and city council of Baltimore, the person giving or offering to give, and the person receiving the same, and any person who gives or causes to be given an illegal vote, knowing it to be so, at any election to be hereafter held in this State, shall, on conviction in a court of law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote in any election thereafter. (Thorpe, 3, pp. 1716, 1717.)

In 1864 a new constitution was ratified in Maryland by a slim plurality of 375 votes. Article 7 of the bill of rights provides:

That the right of the people to participate in the legislature is the best security of liberty and the foundation of all free government; for this purpose elections ought to be free and frequent, and every free white male citizen, having the qualifications, prescribed by the constitution, ought to have the right of suffrage. (Thorpe, 3, p. 1742.)

SECTION 1. All elections shall be by ballot, and every white male citizen of the United States, of the age of 21 years or upward, who shall have resided in the State 1 year next preceding the election, and 6 months in any county, or in any legislative district of Baltimore city, and who shall comply with the provisions of this article of the constitution, shall be entitled to vote at all elections hereafter held in this State; and in case any county or city shall be so divided as to form portions of different electoral districts for the election of Congressman, Senator, delegate, or other officer or officers, then to entitle a person to vote for such officer he must have been a resident of that part of the county or city which shall form a part of the electoral district in which he offers to vote for 6 months next preceding the election; but a person who shall have acquired a residence in such county or city entitling him to vote at any such election shall be entitled to vote in the election district from which he removed, until he shall have acquired a residence in the part of the county or city to which he has removed.

SEC. 2. The general assembly shall provide by law for a uniform registration of the names of voters in this State, which registration shall be evidence of the qualification of said voters to vote at any election thereafter held, but no person shall be excluded from voting at any election on account of not being registered until the general assembly shall have passed an act of registration, and the same shall have been carried into effect, after which no person shall vote unless his name appears on the register. The general assembly shall also provide by law for taking the votes of soldiers in the Army of the United States serving in the field.

SEC. 3. No person above the age of 21 years, convicted of larceny or other infamous crime, unless pardoned by the Governor, shall ever thereafter be entitled to vote at any election in this State, and no lunatic, or person non compos mentis, shall be entitled to vote.

SEC. 4. No person who has at any time been in armed hostility to the United States, or the lawful authorities thereof, or who has been in any manner in the service of the so-called Confederate States of America, and no person who has voluntarily left this State and gone within the military lines of the so-called Confederate States or armies, with the purpose of adhering to said States or armies, and no person who has given any aid, comfort, countenance, or support to those engaged in armed hostility to the United States, or in any manner adhered to the enemies of the United States, either by contributing to the enemies of the United States, or unlawfully sending within the lines of such enemies, money, or goods, or letters, or information, or who has disloyally held communication with the enemies of the United States, or who has advised any person to enter the service of the said enemies, or aided any person so to enter, or who has by any open deed or word declared his adhesion to the cause of the enemies of the United States, or his desire for the triumph of said enemies over the arms of the United States, shall ever be entitled to vote at any election to be held in this State, or to

hold any office of honor, profit, or trust under the laws of this State, unless since such unlawful acts he shall have voluntarily entered into the military service of the United States, and have been honorably discharged therefrom, or shall be on the day of election actually and voluntarily in such service, or unless he shall be restored to his full rights of citizenship by an act of the general assembly passed by a vote of two-thirds of all the Members elected to each House; and it shall be the duty of all officers of registration and judges of election carefully to exclude from voting, or being registered, all persons so as above disqualified; and the judges of election at the first election held under this Constitution shall, and at any subsequent election may, administer to any person offering to vote the following oath or affirmation: "I do swear (or affirm) that I am a citizen of the United States; that I have never given any aid, countenance, or support to those in armed hostility to the United States; that I have never expressed a desire for the triumph of said enemies over the arms of the United States; and that I will bear true faith and allegiance to the United States and support the Constitution and laws thereof as the supreme law of the land, any law or any ordinance of any State to the contrary notwithstanding; that I will in all respect demean myself as a loyal citizen of the United States, and I make this oath or affirmation without any reservation or evasion, and I believe it to be binding to me"; and any person declining to take such oath shall not be allowed to vote, but the taking of such oath shall not be deemed conclusive evidence of the rights of such person to vote; and any person swearing or affirming falsely shall be liable to penalties of perjury, and it shall be the duty of the proper officers of registration to allow no person to be registered until he shall have taken the oath or affirmation above set out, and it shall be the duty of the judges of election in all their returns of the first election held under this Constitution to state in their said returns that every person who has voted has taken such oath or affirmation. But the provisions of this section in relation to acts against the United States shall not apply to any person not a citizen of the United States who shall have committed such acts while in the service of some foreign country at war against the United States, and who has, since such acts, been naturalized, or may be naturalized, under the laws of the United States, and the oath above set forth shall be taken in the case of such persons in such sense.

SEC. 5. If any person shall give, or offer to give, directly or indirectly, or hath given, or offered to give, since the 4th day of July 1851, any bribe, present, or reward, or any promise, or any security for the payment or delivery of money or any other thing to induce any voter to refrain from casting his vote or forcibly to prevent him in any way from voting, or to procure a vote, for any candidate or person proposed or voted for as elector of President and Vice President of the United States or Representative in Congress, or for any office of profit or trust created by the constitution or laws of this State, or by the ordinances or authority of the mayor and city council of Baltimore, the person giving, or offering to give, and the person receiving the same, and any person who gives, or causes to be given, an illegal vote, knowing it to be such, at any election to be hereafter held in this State, or who shall be guilty of or accessory to a fraud, force, surprise, or bribery to procure himself or any other person to be nominated to any office, national, State, or municipal, shall on conviction in a court of law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election, thereafter. (Thorpe, 3, pp. 1746, 1747.)

The feeling in Maryland made evident by these provisions needs no clarification.

The year 1876 saw another constitution, with little change in the bill of rights. However, the end of the war and the readmission of Confederate States to the Union is reflected by the omission of certain noticeable prohibitions and exclusions in the 1864 constitution:

ARTICLE I. ELECTIVE FRANCHISE

SECTION 1. All elections shall be by ballot; and every white male citizen of the United States of the age of 21 years or upward who has been a resident of the State for 1 year and of the legislative district of Baltimore City, or of the county, in which he may offer to vote for 6 months next preceding the election shall be entitled to vote in the ward or election district in which he resides at all elections hereafter to be held in this State; and in case any county or city shall be so divided as to form portions of different electoral districts for the election of Representatives in Congress, Senators, Delegates, or other officers, then to entitle a person to vote for such officer he must have been a resident of that part of the county or city which shall form a part of the electoral district in which he offers to vote for 6 months next preceding the election; but a person who shall have acquired a residence in such county or city entitling him to vote at any such election shall be entitled to vote in the election district from which he removed until he shall have acquired a residence in the part of the county or city to which he has removed.

SEC. 2. No person above the age of 21 years, convicted of larceny or other infamous crime, unless pardoned by the governor, shall ever thereafter be entitled to vote at any election in this State; and no person under guardianship, as a lunatic, or as a person non compos mentis, shall be entitled to vote.

SEC. 3. If any person shall give, or offer to give, directly, or indirectly, any bribe, present, or reward, or any promise, or any security, for the payment or the delivery of money, or any other thing, to induce any voter to refrain from casting his vote, or to prevent him in any way from voting, or to procure a vote for any candidate or person proposed, or voted for, as the elector of President and Vice President of the United States, or Representative in Congress, or for any office of profit or trust, created by the constitution or laws of this State, or by the ordinances, or authority of the mayor and city council of Baltimore, the person giving, or offering to give, and the person receiving the same, and any person who gives, or causes to be given, an illegal vote, knowing it to be such, at any election to be hereafter held in this State, shall on conviction in a court of law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election thereafter. (Thorpe, 3, pp. 1783, 1784.)

SEC. 4. It shall be the duty of the general assembly to pass laws to punish, with fine and imprisonment, any person who shall remove into any election district or precinct of any ward of the city of Baltimore, not for the purpose of acquiring a bona fide residence therein, but for the purpose of voting at an approaching election, or who shall vote in any election district or ward in which he does not reside (except in the case provided for in this article), or shall, at the same election, vote in more than one election district, or precinct, or shall vote, or offer to vote, in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

SEC. 5. The general assembly shall provide by law for a uniform registration of the names of all the voters in this State who possess the qualifications prescribed in this article, which registration shall be conclusive evidence to the judges of election of the right of every person thus registered to vote at any election thereafter held in this State; but no person shall vote at any election, Federal or State, hereafter to be held in this State, or at any municipal election in this city of Baltimore, unless his name appears in the list of registered voters; and until the general assembly shall hereafter pass an act for the registration of the names of voters, the law in force on the 1st day of June, in the year 1867, in reference thereto, shall be continued in force, except so far as it may be inconsistent with the provisions of this constitution; and the registry of voters, made in pursuance thereof, may be corrected, as provided in said law; but the names of all persons shall be added to the list of qualified voters by the officers of registration, who have the qualifications prescribed in the first section of this article, and who are not disqualified under the provisions of the second and third sections thereof.

SEC. 6. Every person elected or appointed to any office of profit or trust, under this constitution, or under the laws, made pursuant thereto, shall, before he enters upon the duties of such office, take and subscribe the following oath or affirmation: "I, ———, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ———, according to the constitution and laws of this State (and, if a Governor, senator, member of the house of delegates or judge), that I will not, directly or indirectly, receive the profits or any part of the profits of any other office during the term of my acting as ———."

SEC. 7. Every person hereafter elected or appointed to office in this State, who shall refuse or neglect to take the oath or affirmation of office provided for in the sixth section of this article, shall be considered as having refused to accept the said office; and a new election or appointment shall be made, as in the case of refusal to accept, or resignation of an office; and any person violating said oath shall, on conviction thereof, in a court of law, in addition to the penalties now or hereafter to be imposed by law, be thereafter incapable of holding any office of profit or trust in this State.

On November 4, 1913, a constitutional amendment was ratified which in effect empowers the general assembly to remove the disqualification imposed upon voters convicted of vote selling. That amendment, which is an addendum to section 3, reads:

But the general assembly may in its discretion remove the above penalty and all other penalties upon the vote seller so as to place the penalties for the purchase of votes on the vote buyer alone.

In 1918 Maryland ratified a constitutional amendment—section 1A—dealing with absentee voting by members of the Armed Forces, as follows:

SEC. 1A. The General Assembly of Maryland shall have power to provide by suitable enactment for voting by qualified voters of the State of Maryland who are absent and engaged in the military or naval service of the United States at the time of any election from the ward or election district in which they are entitled to vote, and for the manner in which and the time and place at which

such absent voters may vote, and for the canvass and return of their votes.

The right to cast an absentee ballot was extended in 1954 to all qualified voters, by amendment of section 1A of article I:

SEC. 1A. Absent voters: The General Assembly of Maryland shall have power to provide by suitable enactment for voting by qualified voters of the State of Maryland who are absent at the time of any election from the ward or election district in which they are entitled to vote, and for the manner in which and the time and place at which such absent voters may vote, and for the canvass and return of their votes.

In 1956 the voters of Maryland again amended section 1A to extend the absentee-voting privilege to those qualified voters who are unable to vote personally because they are confined to bed or in a hospital by physical disability:

SEC. 1A. Proposed amendment: The General Assembly of Maryland shall have power to provide by suitable enactment for voting by qualified voters of the State of Maryland who are absent at the time of any election from the ward or election district in which they are entitled to vote and for voting by other qualified voters who are unable to vote personally by reason of physical disability which shall confine said voters to a hospital or cause them to be confined to bed, and for the manner in which and the time and place at which such absent voters may vote, and for the canvass and return of their votes.

The 1956 general election held in November of that year also brought about changes in sections 1 and 5 of article I, both dealing with the elective franchise.

Section 1 was brought into conformance with the 15th and 19th amendments to the U.S. Constitution, by deleting the qualifying words "white male" immediately preceding the word "citizen" in the opening sentence of section 1:

SECTION 1. Proposed amendment: All elections shall be by ballot; and every citizen of the United States, of the age of twenty-one years, or upward, who has been a resident of the State for one year, and of the legislative district of Baltimore City, or of the county, in which he may offer to vote, for six months next preceding the election, shall be entitled to vote, in the ward or election district, in which he resides, at all elections hereafter to be held in this State, and in case any county, or city, shall be so divided as to form portions of different electoral districts, for the election of Representatives in Congress. Senators, Delegates or other officers, then, to entitle a person to vote for such officer, he must have been a resident of that part of the county, or city, which shall form a part of the electoral district, in which he offers to vote, for six months next preceding the election; but a person, who shall have acquired a residence in such county or city, entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed, until he shall have acquired a residence in the part of the county, or city, to which he has removed.

Section 5 was also amended at the November 1956 election to delete the reference to the old 1867 laws with respect to the registration of voters:

SEC. 5. Proposed amendment: The general assembly shall provide by law for a uniform registration of the names of all the voters in this State, who possess the qualifications prescribed in this article, which registration shall be inconclusive evidence to the judges of election of the right of every person, thus registered, to vote at any election thereafter held in this State; but no person shall vote, at any election, Federal or State, hereafter to be held in this State, or at any municipal election in the city of Baltimore, unless his name appears in the list of registered voters; the names of all persons shall be added to the list of qualified voters by the officers of registration, who have the qualifications prescribed in the first section of this article, and who are not disqualified under the provisions of the second and third sections thereof.

A discussion of the prohibitions affecting citizens of the Confederacy is found in "The Self-Reconstruction of Maryland," by William Starr Myers:

The late autumn of the year 1864 found the Union men strongly entrenched in power in Maryland. Aided by the sympathy of the National Government—both active and passive—they had during the preceding 6 months elected a State convention, formed a new constitution which abolished slavery and made many radical changes in the government, and accomplished its adoption at the polls. A narrow majority of 375 out of a total of 59,973 votes cast had been secured for the constitution only by the somewhat doubtful expedient of permitting Maryland soldiers in the field to vote on the question, their overwhelming approval altering the adverse result in the State at large. But the Union party leaders felt no uneasiness as far as the future was concerned, for the constitution of 1864 was designed, rightly or wrongly, not only to free the slaves but to secure a permanent hold of the party in power. The element was known as the Union Party during the war, and was composed of the more loyal and active citizens of the State, who not only desired that Maryland should stand by the Union, but believed that the South should be conquered and that President Lincoln and the national administration should be given hearty and unswerving support. The party included men who had been of various political affiliations in times past, and it held together fairly well in spite of radical differences of opinion on many topics of State and National policy. The Republican Party did not exist under that name till at least a year after the close of the war, and the process of its formation will be shown in the events about to be narrated.

The Democratic Party in the State, defeated and discredited, still kept up all the active opposition of which it was capable. It condemned the policies of Lincoln and his administration, and more or less acknowledged the right of the Southern States to secede, though all the while protesting its loyalty to the Union, and its hope that Maryland would remain in the old federation.

The new constitution is worthy of careful attention. The Union Party based their hopes on those provisions which were designed to exclude from the franchise all southern sympathizers and other disloyal persons, and furthermore they intended so to carry out its mandate for a registration of the voters of the State that their opponents would be further rendered powerless at the polls. (Twenty-seven Johns Hopkins Studies, pp. 9 and 10.)

The constitution directed, in addition, that the legislature should pass laws requiring the voter's oath to be taken by the President, directors, trustees, or agents of corporations created or authorized by the laws of this State, teachers or superintendents of the public schools, colleges, or other institutions of learning; attorneys at law, jurors, and such other persons as the general assembly shall from time to time prescribe. Moreover, a very dangerous power was placed in the hands of the judges of election, who alone were permitted to decide as to what was conclusive evidence of the right of a person to vote. The sinister effects of this provision soon made themselves felt, and as we shall see, almost led to bloodshed in the exciting days that followed.

The aspect of military affairs in the South at this time could only add to the confidence of the Union men of Maryland. It was during the autumn of 1864 that Grant, after the awful slaughter of the Wilderness and Cold Harbor, was at last tightening his grip on Lee at Richmond and Petersburg. Sherman, by his masterful campaign from Resaca to Atlanta, overcame the brilliant strategy of Johnston and the reckless bravery of Hood, and entered upon his march to the sea. Sheridan defeated Early and drove him out of the Shenandoah Valley, and finally, to crown all, Thomas annihilated Hood's army at Nashville. Surely the Confederacy was in its death throes, and the Union would be saved. This was no time to look for weak-kneed sympathy with rebellion.

An election for National and State officials was to take place on November 8, 1864. Gov. Augustus W. Bradford on November 3 issued a proclamation or open letter addressed to the judges of election, giving it as his opinion that this would be the first election under the new constitution (by executive proclamation of October 29, it went into effect on November 1, 1864), and saying that it was obligatory upon the judges to observe the requirements and administer the test oath to all applying to vote.

A large number of these officials who were to conduct the election in Baltimore City, said to have been about one-third of the total for that district, held a meeting in the criminal courtroom on November 3, and unanimously decided to administer the oath to all voters. This oath was not to be taken as conclusive evidence of loyalty, but in addition citizens were to be sworn to give true answers to such other questions as should be propounded to them, in order to satisfy the judges of their right to the ballot. A second and more largely attended meeting of the judges was held in the same place on November 7, to consider the question which had arisen and caused some controversy, as to whether they had the right to commit perjury, and if so, whether or not they should proceed to use it. After some debate, it was decided to leave this question to individual discretion, but to keep a list of the rejected votes for future action. This matter seems in the end to have made little trouble at the election, which was very quiet, many persons of doubtful patriotic status refraining from an attempt to vote. There were few arrests by order of the judges.

Great interest in this election was aroused by the fact that not only was a full State ticket to be voted upon, but electors for President and Vice President also were to be chosen. The Union Party ratified the national Republican nominations of Abraham Lincoln and Andrew Johnson, and held its State convention on October 18, 1864, in Temperance Temple, Baltimore. A very patriotic platform was adopted, declaring the determination to stand by the administration until the wicked rebellion had been crushed out, and every rebel made to bow in submission to the Constitution and the laws of the land, and every foot of territory brought under the dominion of the Federal Government. Candidates were nominated for all the State offices, headed by Thomas Swann, of Baltimore City for Governor, and Dr. Christopher C. Cox, of Talbot County, for Lieutenant Governor. The Democratic Party made its nominations through its State central committee, which met in Baltimore on October 27, and arranged a ticket including Judge Ezekiel F. Chambers, of Kent County, for Governor, and Oden Bowie, of Prince Georges County, for Lieutenant Governor.

The result of the election was, as had been expected, a victory for the Union Party, the vote being as follows: For Governor, Swann, 40,579; Chambers, 32,068; Swann's majority, 8,511. For Lieutenant Governor, Cox, 41,828; Bowie, 32,178. Lincoln carried the State by 7,432 majority, and for Congress, Edwin H. Webster, of Harford County, Charles E. Phelps, of Baltimore City, and Francis Thomas, of Allegany County, were successful in the second, third, and fourth districts, respectfully. The Democrats, however, carried two districts, electing Hiram McCullough, of Cecil County, in the first, and Benjamin G. Harris, of St. Mary's County, in the fifth.

In the general assembly of the State the Union Party secured a large majority in the house of delegates, but the results of the election showed that the membership of the Senate would stand: Democrats 13, Union Party 11. Fortunately for the latter, W. M. Holland, Democratic senator-elect from Dorchester County, resigned on November 15, saying that circumstances of a domestic character beyond his control made it extremely inconvenient for him to serve. A special election was held on December 23 to fill the vacancy and Thomas K. Carroll, the Union candidate, was elected by a good majority. This made a tie on a party vote, but the deciding vote would be cast by Lieutenant Governor Cox. In spite of test oaths, partisan judges of election, and the supporting influence of the National Government, the Democratic Party in Maryland had made a fairly good showing, and there was a possibility of the Union control being shaken, or even broken, at any time. This was evidently realized, and efforts were at once made by the leaders of the latter party to guard against any such contingency. An editorial in the Baltimore American on the preceding October 19 had said:

"It is of the utmost importance that the control of the affairs of Maryland should be in the hands of capable, honorable, and loyal men, who will administer them not only to the direct benefit of the State itself but with regard to the maintenance and prosperity of the entire Union. The fortunes of Maryland and of the Union are indissolubly linked together, and to fill the State offices with men who have the integrity of the whole Union at heart is the true way to advance the interests of the State itself."

This statement voices the opinion of the more sober and responsible leaders in the Union cause, and gives a very fair idea of the principles upon which they based their actions during the political struggles of the following 2 years.

The general assembly met at Annapolis on January 4, 1865. In his message Governor Bradford recommended for passage various measures designed to carry out certain provisions of the new constitution, and in addition he desired that action be taken looking toward the procuring of compensation from the National Government for slaves emancipated under the State constitution, in accordance with President Lincoln's message of March 6, 1862. Also, he argued sensibly that some other time and tribunal than the day and judges of election be provided, to determine who may vote under the new laws and regulations. The neglect on the part of the legislature of this commonsense matter of justice and order was another cause of the turmoil and trouble of the succeeding years.

According to article II, sections 1 and 2, of the new constitution, the term of office of Governor Swann and Lieutenant Governor Cox was to commence on January 11, 1865, but the new executive was not to enter upon the discharge of his duties until the expiration of the term for which Governor Bradford had been elected. The latter had been inaugurated on January 8, 1862; hence, he held office until January 10, 1866, and continued the able administration he had given the State during the preceding years of trial and perplexity.

The inauguration of the new executive and his subordinate took place in the senate chamber at Annapolis on the appointed day. Governor Swann's inaugural address called upon the legislature to forget the dissensions and heartburnings of the past and come together once more, in a spirit of conciliation and harmony, to give our best energies, as one party, to the work of reconstruction and reorganization upon which we are entering with such prospects of admitted and assured success. He favored foreign colonization of Negroes, recommended an attempt to procure national compensation for the slaves, and significantly closed as follows:

"It is not a very agreeable reflection to the State of Maryland, in looking back upon the past, that many of her citizens have entertained and not infrequently expressed sympathies with the objects of this rebellion. Such evidences of disaffection at the South have been summarily dealt with heretofore, by the offer of the alternative of the oath of allegiance to the so-called Confederate States or prompt expulsion beyond their lines. The recognition of such a rule here would doubtless have been received as in the highest degree tyrannical and oppressive. It is hardly reasonable to expect, however, that this Government will permit itself to be sacrificed by those upon whom it has a right to rely, and who have made their election to share the protection of its laws. In standing by the Union, Maryland will know how to discriminate between its friends and enemies, and the time has passed when those who really desire its dissolution will be permitted to make a virtue of their disloyalty or to claim participation in the political power of the State. Differences of opinion upon National and State politics may exist without treason, but the paramount obligation of loyalty cannot be compromised, and the citizen who turns away from its duty of allegiance to his Government—no matter upon what pretext—forfeits the privileges which it confers and the protection which attaches to the rights of citizenship."

Lieutenant Governor Cox immediately entered upon his duties as president of the senate, the office of Lieutenant Governor having been created by the constitution of 1864.

The senate on February 14, by a vote of 11 yeas to 10 nays, unseated, on the ground of disloyalty, Littleton Maclin, Democratic senator from Howard County; and Republican opponent, Hart B. Holton, was declared elected. Samuel A. Graham, of Somerset County, contested upon the same grounds the seat of Levin L. Waters, the Democratic senator from that county, but the matter was deferred to the next session of the legislature in order that further testimony in the case might be taken, and was finally dropped, perhaps in consideration of the fact that a Union Party majority in the senate was now secured.

Turning our attention to the work of the legislative session, we find that on February 1 Governor Bradford submitted to both houses the 13th amendment to the Constitution of the United States. It was advanced to its third reading on the same day by the house of delegates, passing its second reading by a vote of 53 yeas to 24 nays. The senate referred it to a committee and on February 3 finally passed it by a strict party vote of 11 affirmative from the Union Party, 10 negative from the Democrats. The house immediately passed it on its final vote, by acclamation.

Some little strife was stirred up over the question of the election of a U.S. Senator to fill out the unexpired term of the late Thomas H. Hicks, but John A. J. Creswell, of the Eastern Shore, was finally chosen by a large majority on March 9, his leading opponent, Lieutenant Governor Cox, having withdrawn from the contest. Two most important bills were passed by the assembly at this session. One was the act dealing with the status of the colored population of the State and was voted by large majorities on March 24. All the disabilities which had necessarily attached to the Negro as a consequence of the institution of slavery were removed, with two exceptions, one disqualifying Negroes from being witness in cases where white men were concerned, and the other authorizing Negroes to be sold for crime for the same period that a white man might be confined in the penitentiary for the same offense.

The other bill was to provide for the registration of the voters of the State according to the requirements of the new constitution. It was reported in the house of delegates, on March 8, 1865, and after a hard struggle against it on the part of the opposition it was passed on March 22, by the vote of 51 yeas to 23 nays. The senate, after more vain opposition on the part of the Democrats, passed it finally on March 24, by a vote of 13 to 6. This act, famous in the history of the State, which formed a center for most of the political strife of the period, provided that the Governor was to appoint three citizens most known for loyalty, firmness, and uprightness as registers in each ward or election district, also three men to register the soldiers and sailors of the State, who were to visit the several regiments, camps, and hospitals, and have the results placed upon the books of the various districts. From these lists, entry on which was indispensable in order to exercise suffrage, they were to exclude all disloyal persons, and might even refuse to permit them to register, after taking the oath of allegiance.

To these officers of registration was further given power—"to compel the attendance of witnesses for the purpose of ascertaining the qualifications or disqualifications of persons registered; they shall have power to issue summons, attachments, and commitments of any sheriff or constable, who shall serve such process, as if issued by a judge of the circuit court, or a justice of the peace, and shall receive the same fees and in the same manner as allowed by the law in State cases."

The intent of the act was well summed up in an editorial of the Baltimore Sun of July 11, 1865, as follows:

"It will be seen that the question of the right of suffrage under the Constitution and the law, is left entirely to the discretion and judgment of the various officers of registration, who are to be appointed by the Governor, in the city and counties, from which judgment there is no appeal—and the disqualification is perpetual unless the person is restored to civil rights through military service or a vote of two-thirds of all the members elected to each house of the general assembly."

The following clause included in the bill as originally reported to the house of delegates was stricken out by a majority of only one vote in that body:

"Section 19, be it enacted. That the officers of registration for the purpose of ascertaining more fully whether any person is disqualified under the fourth section of article first [of] the constitution, shall, if such person's right is challenged, or they have not personal knowledge, propound the following among other questions: Have you ever given aid to the rebellion by advice, by giving or sending information? Have you ever given or sent money, clothing, provisions, medicine, or any munitions of war to persons engaged in the rebellion? Have you ever given shelter or protection to persons engaged in the rebellion? Have you ever advised or encouraged any person to enter the rebel service? Have you ever assisted anyone to enter such service by furnishing them with money, provisions, advice, letters, or information?

Have you ever in conversation or by writing justified those engaged in entering into the rebellion? Have you ever expressed a wish or desire for the success of the rebel arms or for the defeat of the Union arms? Have you ever rejoiced over any of the successes of the rebel arms or defeat of the Union arms? Have you ever desired or wished that the rebel forces might defeat the Union forces?"

It would be difficult to imagine a more stringent or dangerous measure, one more hostile to the idea of a constitutional and orderly democratic government, or one more open to abuse.

After spasmodic attempts to pass a measure requiring the oath of allegiance of all officers of corporations, and another calculated to secure compensation for emancipated slaves from the U.S. Government, but from which nothing ever came, the legislature finally adjourned on March 27, 1865.

It is now necessary, in order to make our narrative complete, to retrace our steps a little in point of time. During this period the important question of the Negro population was agitating the people of Maryland.

All slaves had become free on November 1, 1864, when the constitution went into effect, and there were now nearly 90,000 "freedmen" to be dealt with, besides a nearly equal number of Negroes who had been free when abolition was accomplished. When we think of this herd of human beings, little more than half civilized, poor, ignorant, and helpless, suddenly raised in legal status from a position of servitude to the proud estate of man, with all the attendant duties and obligations, we must realize that they still remain completely under the power of the white population. A few wished to treat them as being what they were in fact, children in intelligence with an almost unlimited potentiality of physical power, but the larger number naturally looked upon them with the contempt of former masters. Sometimes, at the other extreme, there was foolish talk about immediate social and political equality.

When the October election showed the adoption of the constitution, the major part of the people of Maryland loyally acquiesced in the result, but many of the more tenacious slaveholders speedily took advantage of an old provision in the "black code" of State laws that Negro children could be bound out for terms of apprenticeship without the consent of their parents. With the more or less open connivance of many of the court officials they had the slave children whom they owned apprenticed to them for the term of their legal minority, and usually with absolute disregard of the wishes of the parents, who were so soon to come into their natural rights. This was in many cases done before the first of November, when constitutional abolition took effect, and before the parents had any legal right to object. Even after this date the same practice was continued, Negro children being in many instances forcibly taken from their homes, and all their newly given rights ignored.

Realizing the danger that a species of slavery or peonage would thus be perpetuated in spite of the emancipation movement, and being besieged by the Negroes and their white sympathizers with complaints of illegal treatment, Maj. Gen. Lew Wallace, commander of the Middle Department of the U.S. Army with headquarters in Baltimore, decided to take matters into his own hands until the Union Party could cause the proper measures of protection to be taken at the ensuing session of the general assembly. On November 9, 1864, he issued General Orders No. 112, which created a "freedmen's bureau" for the department, with Maj. William M. Este, A.D.C., in charge. The "Maryland clubhouse" on the northeast corner of Cathedral and Franklin Streets, Baltimore, was ordered to be used as headquarters of the bureau and as a Negro hospital, under the name "Freedman's Rest." (The Maryland club was considered to be an organization particularly obnoxious to loyal people, on account of the known southern sympathies of many of its members. This part of the order, however, was revoked.) The reasons for this action were stated in the following preamble to the order:

"Official information having been furnished, making it clear that evil disposed parties in certain counties of the State of Maryland, within the limits of the middle department, intend obstructing the operation, and nullifying, as far as they can, the emancipation provision of the new constitution; and that for this purpose they are availing themselves of certain laws, portions of the ancient slave code of Maryland, as yet unrepealed, to initiate as respects the persons heretofore slaves, a system of forced apprenticeship; for this, and for other reasons, among them that if they have any legal rights under existing laws, the persons spoken of are in ignorance of them; that in certain counties the law officers are so unfriendly to the newly-made freedmen, and so hostile to the benignant measure that made them such, as to render appeals to the courts worse than folly, even if the victims had the money with which to hire lawyers; and that the necessities of the case make it essential, in order to carry out truly and effectively the grand purpose of the people of the State of Maryland * * * (therefore) there should be remedies extraordinary for all their (i.e., the freedmen's) grievances—remedies instantaneous without money or reward—and somebody to have care for them, to protect them, to show them the way to the freedom of which they have yet but vague and undefined ideas."

The order provided further that all freedmen were to be considered under special military protection until the legislature should by its enactments make such protection unnecessary, that provost marshals in their several districts, "particularly those on the eastern and western shores," should "hear all complaints made to them by persons within the meaning of this order" and "collect and forward information and proofs of wrongs done to such persons, and generally * * * render Major Este such assistance as he may require in the performance of his duty." Finally, "lest the money derived from donations, and from fine collected, prove insufficient to support the institution in a manner corresponding to its importance, Major Este will proceed to make a list of all the avowed rebel sympathizers resident in the city of Baltimore, with a view to levying such contributions upon them in aid of the freedmen's rest as may be from time to time required." Early in January, General Wallace abolished the freedmen's bureau in Maryland and made his report to the general assembly. A reading of this report and the documents submitted therewith should fill every fairminded person of today with a deep sympathy for the Negroes in their helpless condition at this time. The details there disclosed of all the suffering, sorrow, and injustice which they endured render one heartsick, even though an allowance be made for the exaggerations of heated partisanship and an excited state of public feeling.

As we have seen, the legislature, in response to the report, passed a bill removing practically all the disabilities from the Negro population which had been laid upon them under the slave code, and affairs gradually settled themselves according to the new economic and social conditions which are still in existence today. This readjustment did not come all at once, but only after much injustice and many wrongs had been committed by both whites and blacks. (At as late a date as Nov. 1, 1866, Gen. O. O. Howard, chief of the national "freedmen's bureau," stated in his report to the Secretary of War that "frequent complaints are received of outrages and atrocities without parallel committed against freedmen" in portions of Maryland.) Richmond fell before Grant's victorious army on April 3, 1865, and by the end of the month both Lee and Johnston had surrendered. This was the practical ending of the military operations of the Civil War. About 20,000 men from Maryland had taken service in the Armies of the Confederacy, and the survivors were soon paroled and began to return home in large numbers. The Union men were much elated and joined in a hearty celebration of the national triumph of their cause, but as the ex-Confederates began to show themselves about the streets and to frequent their old haunts, and a large immigration from the South, particularly from Virginia, began to set in, this feeling gave way to alarm, too often accompanied by signs of prejudice and vindictiveness. The party in power at once began to foresee and to fear what finally took place—an active coalition between the Democrats and the southern sympathizers and the eventual overthrow of the Union Party in the State. The Registration Act had been passed just in time, and when signs of opposition to it began to appear its advocates decided to fight to the last ditch to keep it on the statute books and in active operation.

The assassination of President Lincoln on April 14, 1865, threw the Union people for a time into a panic, and naturally increased hostility toward the ex-Confederates, whom they imagined to be undertaking a new method of warfare, by means of murder and secret criminal intrigue. Gen. W. W. Morris, for a short time in command of the Middle Department, issued orders on April 15, placing Baltimore under stringent martial law, and including a provision that "paroled prisoners of war (rebels), arriving in this department are hereby ordered to report at once to the nearest provost marshal, in order that their names may be registered, their papers examined, and such passes furnished them as may be necessary for their protection. Such prisoners of war will not be permitted to wear the uniform of the army and navy of the so-called Confederate States, but must abandon their uniforms within 12 hours after reporting to the provost marshal, and adopt civilian dress."

General Wallace, who resumed command a few days later, extended these repressive measures, and was actively assisted by the officers of the U.S. Army stationed in various parts of the State. After the death of J. Wilkes Booth and the capture of the other conspirators, the military bonds were gradually relaxed, the National Government wisely leaving the settlement of the various difficulties in Maryland to the people of the State.

As a good illustration of the temper of this particular time, the following is quoted from an editorial in the Baltimore American for May 6, which was entitled "The Brand of Cain." After stating that Jeff Davis "stands convicted as a common felon" and charging him with all manner of crimes, it proceeds:

"He has sanctioned and commissioned agents of piracy, arson, and butchery. He has sent secret employees to throw passenger trains from railway tracks, incendiaries to burn northern cities, pirates to destroy commerce, to fire merchant vessels, and to slaughter their crews. He has stolen the money belonging to others, and deposited it abroad to his own credit. He has plotted offenses against society which have no parallels in brutality and outlawry in the annals of civilization. And now he is branded as one of the infernal cabal whose intrigues, carried on for more than eight months, have resulted in the murder of Abraham Lincoln."

This same journal described the ex-Confederate soldiers in Maryland as "defiant and pompous," and stated that they strutted around like conquerors. All sorts of accusa-

tions were made by this paper against southerners, even charging them with an attempt to introduce yellow fever infection from Bermuda into the northern cities. On May 9 a leading editorial said:

"To the more conspicuous leaders of the rebellion, civil and military, should be awarded the extreme penalty of the law. Nothing short of expiation on the gallows would satisfy the simplest demands of justice. As to the masses of the people who have been so terribly duped by these miscreants, we think there can be but one feeling, that they have already been subjected to such untold losses and sufferings and humiliations that they are fairly entitled to executive clemency."

On April 24, 1865, the first branch of the city council of Baltimore passed resolutions requesting General Wallace to close certain "disloyal churches," and thus to "save our city from this degradation and shame by removing these cesspools, the miasma arising from which taints the moral atmosphere with treason." Further resolutions passed the same day by a unanimous vote protested against allowing "rebels" to return to the city.

On April 25 a meeting of citizens of Cumberland, Md., was held in the markethouse, and presided over by the mayor, Dr. C. H. Ohr. It was then resolved that "those persons who voluntarily left their homes in this county (Allegany) and have taken up arms against the Federal Government, or otherwise aided the rebellion, shall not be permitted to return again amongst us." It was threatened that such as returned would be "summarily dealt with," and a vigilance committee of 25 members was appointed, with power to add to this number.

In general, the Union people were not so bitter against Confederates from other States as against those from Maryland. Perhaps the fact that the latter might become voters under a new regime added to the feelings of hostility. Finally, their contention was that "rebels should acknowledge they were wrong, if they want to be forgiven."

Very different was the attitude of the Baltimore Sun, the leading Democratic newspaper in the State, and with good reason, for it had escaped suppression during the 4 years of war only by a discreet handling of the news, and by refraining from editorials for the most part, except on such truly nonpartisan occasions as Christmas and New Year's Day. The Sun now began to pluck up courage as the use of the military power lessened, and on May 23 it stated that "such of our citizens and youth as had strayed away and made common cause with the South in rebellion, are now returning, and realizing the advantages of the terms of surrender, (are) generally willingly renewing their allegiance. No where now are Southern men more generously met than in Baltimore."

Later on, it heartily entered into the movement to raise money to aid southern sufferers from the war, particularly those in the Shenandoah Valley.

As time went on, and the feelings caused by the first flush of victory passed away, milder counsels began to prevail among the Union people. The City Council of Baltimore took care to state that their anti-rebel resolutions, lately adopted, did not refer to southern merchants coming to the city for purposes of trade, but only to the return of those who formerly had a residence among us, but who went south to aid in the overthrow of the Government. It was thought best they be not permitted to return amongst us until they came as prodigals, seeking, not claiming a home, confessing their errors and asking to be received as repentant sons. Also the American stated on June 20, 1865, that it was anxious to let the southern sympathizers alone, that it would do so if they kept their proper positions and showed some indications of humanity and contrition, and also disavowed any feelings of bigotry or vindictiveness. Most unfortunately, many of the leaders in the Union party, as we shall see, found it to be to their personal advantage to keep alive the controversies and hatreds of the past, for by this means they hoped to overcome all opposition both within and without the party. This caused the crisis in political affairs which came in the year 1866 (27 John Hopkins Studies, p. 12).

The State election in the autumn of 1865 was not of great importance, only local officers being voted upon, except in Baltimore City, where several members of the legislature were to be chosen, and in the Second Congressional District where a successor was to be elected to fill the place of Edwin H. Webster, who had been appointed collector of the port of Baltimore.

The first vague whisperings of a new question could now be heard, a question which, along with the registry law, was to cause the shipwreck of the Union party. This was Negro suffrage. It is a fact that by the constitution of 1776 the suffrage had been given to all freemen of age in Maryland who held a certain amount of property, and some free Negroes voted in the few years following. An amendment to the State constitution, adopted in 1810, limited the right of suffrage to the white citizens, and under the influence of the "black code" and the events of the war the people of both parties by 1865 had come to look with great aversion upon Negro participation in politics. Consequently, when Negro suffrage was adopted as a party measure by the national Republican leaders, many of the most conservative Union men in Maryland went over to the Democratic Party.

According to the terms of the registry law as passed by the legislature (this was the first registry law ever passed by the State of Maryland), three registers were to be appointed in each election district of the State. Governor Bradford seems to have had difficulty in performing his part of the duty, as many of his appointees resigned, and an effort had to be made to induce others to sink private differences and act for the public good. However, this being accomplished, the question arose as to what means should be taken in order to determine the right to vote of people of doubtful loyalty, who had nevertheless taken the prescribed "iron clad" oath of allegiance.

For the purpose of comparing their views as to the true interpretation of the law, and of adopting a system of registration uniform throughout the State with respect to matters confided to their discretion and judgment, a State convention of the officers of registration met on August 2, 1865. A list of 25 questions to be asked intending voters was adopted which formed such a strict catechism of political faith and activity that a Democrat who was once tainted with a breath of disloyalty would have difficulty in ever convincing his partisan judges of his character for loyalty. The most searching of these questions were as follows:

"II. Do you consider the oath just taken as legally and morally binding as if administered by a judge of the court or a justice of the peace?

"IX. Have you ever at any time been in armed hostility to the United States or the lawful authorities thereof?

"X. Have you ever been in any manner in the service of the so-called confederate States of America?

"XII. Have you ever given any aid, countenance or support to those engaged in armed hostility to the United States or (to) the so-called Confederate States of America?

"XIII. Have you ever in any manner adhered to the enemies of the United States or the so-called Confederate States or armies?

"XIV. Have you ever contributed money, goods, provisions, labor or any such thing, to procure food, clothing, implements of war or any such thing for the enemies of the United States or the so-called Confederate States or armies?

"XV. Have you ever unlawfully sent within the lines of such enemies money, goods, letters or information?

"XVI. Have you ever in any manner disloyally held communication with the enemies of the United States or the so-called Confederate States or armies?

"XVII. Have you ever advised any person to enter the service of the enemies of the United States, or the so-called Confederate States or armies?

"XVIII. Have you ever, by any open word or deed, declared your adhesion to the cause of the enemies of the United States, or the so-called Confederate States or armies?

"XIX. Have you ever declared your desire for the triumph of said enemies over the armies of the United States?

"XX. Have you ever been convicted of giving or receiving bribes in elections, or of voting illegally, or of using force, fraud or violence to procure yourself or any one else nomination for an office?

"XXI. Have you ever deserted the military service of the United States and not returned to the same or reported yourself to the proper authorities within the time prescribed by proclamations?

"XXII. Have you ever on any occasion expressed sympathy for the Government of the United States during the rebellion?

"XXIII. During the rebellion, when the armies were engaged in battle, did you wish the success of the armies of the United States or those of the rebels?

"XXIV. Have you voted at all the elections held since the year 1861, and if not, give your reasons?

"XXV. Have you, in taking this oath or in answering any questions propounded to you, held any mental reservation or used any evasion whatever?"

It was decided that the names of all white male persons resident in, or temporarily absent from, their district should be placed on the registration books, so that the status of all those not making application should be permanently fixed as disqualified voters. Of course, this would disfranchise them irretrievably, unless they should make application to the legislature for a pardon by a two-thirds vote of that body, or enter the military or naval service of the United States.

The result was, that not only were the ex-Confederates and southern sympathizers prohibited from registering, but many other citizens of the State made no attempt whatever to do so, and an exceedingly small number, in proportion to the population, were designated as qualified voters. In the writer's opinion, at least one-half of the voters were disfranchised, and of these an overwhelming proportion was Democratic. (Says Mr. Knott: "The officers of registration were swayed by a spirit of bitter and uncompromising partisanship and * * * the Republican Party was determined to perpetuate its ascendancy by the entire disfranchisement, if necessary, of its Democratic opponents." Nelson's Baltimore, 555. The writer would add that Mr. Knott is so partisan in his opinions that he is apt to exaggerate to the detriment of those who disagreed with him.)

It seems certain that a part of this number was rightly disfranchised. It was, in fact, neither right nor expedient that those who had been in arms against, or in active opposition to, the U.S. Government should have the ballot given them for some years to come, the length of time to be determined by the actions of the ex-Confederates, who should have opportunity to show their acceptance of the new situation. The radicals in the Union Party of Maryland had, therefore, a large measure of justice on

their side. It was rather the extremely sweeping character of the methods used, and their efforts, at times, to maintain party supremacy by unjust means, that should be condemned.

The first serious move against the registry law was made in the summer and autumn of 1865 under Democratic auspices. Naturally and reasonably, legal means were used in order to test the constitutionality of the act, before a definite political agitation was worked up against it. Two important cases before the State court of appeals decided the constitutionality of the law. The first was that of *Hardesty* v. *Taft* (23 Maryland Reports, 512). Many voters, unable to give a satisfactory answer to the list of questions decided upon by the convention of the officers of registration, were refused enrollment. Therefore, to test this action, an injunction was prayed that the registers should not hand over, nor the judges of elections receive, the registration books, but that the election might be conducted according to the law in force up to this time.

It was insisted by the appellants that the new law was unconstitutional, since it gave judicial powers to the officers of registration, and that the provision of the constitution excluding from voting those citizens who could not take the required oath was void, as enacting an ex post facto law, and hence contrary to the Constitution of the United States. It was illegal for the officers of registration to inquire into acts done prior to the adoption of the new constitution, and they had no right to put questions which tended to incriminate voters, nor to exclude them from registration in case they should not answer such questions.

On the eve of the fall election the court decided that it would not grant an injunction to the effect that the election might be held in a manner different from that designed by law. The court held further, that it had no power to give authority to the judges of election to receive the ballot of a person not on the roll of qualified voters—a ballot not only not conferred, but expressly taken away by the general assembly. The decision distinctly stated that a court of equity could not be invoked to prevent the performance of political duties such as those of an officer of registration, but that if a citizen should be willfully, fraudulently, or corruptly refused a vote by the register, or election judge, he might sue for damages at law.

The second case was that of *Anderson* v. *Baker* (23 Maryland Reports, 531), in which a mandamus was asked to compel a register to place the name of a voter on the lists. The appellant claimed that the provisions of the constitution and of the registry law were void because unconstitutional and contrary to the fundamental principles of justice and reason and of American republican government. A mandamus was the proper remedy, since a suit for damages would not give a wronged person his vote.

On November 2, 1865, the opinion of the court was delivered by Justice Bowie, Justices Cochran, Goldsborough and Weisel assenting, and Justice Bartol dissenting. It was as follows: The right of suffrage, being the creature of the organic law, may be modified or withdrawn by the sovereign authority without inflicting any punishment on those who are disqualified. The power of the registers was a police or political power, and hence constitutional.

In commenting on this decision, the Sun on November 3, 1865, said that it looked upon the question as a political rather than a legal one; hence it did not expect any redress from the courts. It was rather an opportunity to appeal to the sense of public justice and political right of the people. From now on the Democratic Party adopted this latter method, backed up by a judicious amount of shrewd political tactics, with the usual accompaniment of trickery and wire pulling then common to both parties. Meantime, however, neither party had waited to see the results of the legal contest, but both had made nomination, and considering the comparative insignificance of most of the offices at stake, the campaign was fairly active and interesting.

The "unconditional Union city convention," which met in Temperance Temple, Baltimore, on July 13, adopted resolutions by a majority of about 3 to 1, endorsing Andrew Johnson and his policy.

A meeting of about 1,500 citizens of Howard County who were in favor of supporting the Reconstruction policy of the President was held at Clarksville on August 26. Addresses were made by Montgomery Blair, who attacked Secretary Stanton and the Maryland registry law, and by W. H. Purnell. A letter was read from Governor Swann, who regretted his inability to be present, and praised President Johnson.

The Union convention of the second congressional district met at Broadway Hall, East Baltimore, on September 26, and unanimously nominated John L. Thomas, Jr., to succeed E. H. Webster.

The proceedings of the county conventions of the same party are significant, as foreshadowing the varied counsels and final disagreement of the next year. Most of them passed resolutions endorsing Johnson and opposing Negro suffrage. Washington County also endorsed the registry law, and Dorchester County declared in favor of a moderate amendment of the same. The radical Union organ, the Baltimore American, strongly supported the President, took a conservative attitude toward Negro suffrage, and was heartily in favor of sustaining the registry law as placed upon the statute books. On September 30 it commented on the campaign as follows:

"Party spirit is running high, and the party that (formerly) denounced the President without stint is running a tilt with the party which sustained him, for his exclusive possession."

That this comment was true is shown by the fact that the county Democratic conventions generally endorsed Johnson and his Reconstruction policy, while they condemned the registry law and Negro suffrage.

The Democratic State central committee on September 2 published in the Baltimore Sun an address to the people of Maryland, calling upon the latter to rise up and oppose the registry law, which it condemned for being in "marked contrast and hostility to the wise and just policy of conciliation which distinguishes the dealings of President Johnson with the Southern States." It was signed by Oden Bowie, chairman, and A. Leo Knott, secretary. It is significant that practically all these expressions of Democratic opinion were given after July 19, the date of the interview with President Johnson at the White House in Washington.

In a thoughtful and able editorial of July 11 the Sun had already foreshadowed the position and policy of the Democrats and the conservative wing of the Union Party as follows:

"It may reasonably be supposed that the framers of the constitution and those who legislated to carry out its provisions were influenced more or less by the then existing state of the country, torn and distracted as it was by civil war [but] the motives and purposes which actuated our legislators may now be presumed no longer to possess the same force. The general assembly may perhaps, therefore, be brought to consider at an early day [the modification or removal of] the constitutional and legal disabilities which affect a considerable portion of [the] citizens. The provision of the constitution which empowers the general assembly by a vote of two-thirds of the members of both houses to restore any person to his full rights of citizenship may, we presume, be made applicable to all persons disqualified, or to separate classes of such, by the passage of a general law."

The same journal, in its issue for August 31, said that should the Republican Party adopt Negro suffrage, it would throw President Johnson upon the support of the Democratic Party, with which he was identified for so long, but that it hoped that such a mischievous policy would not be undertaken.

Some question arose in the State as to the effect of the President's amnesty proclamation upon the working of the Maryland registry law. Governor Bradford seems to have set this matter at rest by an open letter to E. L. Parker, one of the officers of registration in Baltimore County, dated July 20, 1865, written as an individual citizen, but concurred in by Alexander Randall, State attorney general. In it he emphatically affirmed that neither the pardon by President Johnson nor even an act of Congress could make those who had participated in the recent rebellion voters of Maryland against the State constitution. (American, July 24; Sun, July 25, 1865. The former journal in an editorial of September 16, 1865, notes a difference of opinion between Andrew Johnson and Thaddeus Stevens in regard to southern reconstruction. This is, in point of time, the first mention of the matter that the writer could find in the Maryland papers of the period.)

The committee appointed by Governor Bradford to register all Maryland soldiers entitled to vote went to hospitals at Washington, Alexandria, and Fortress Monroe, and to others in Virginia from Fredericksburg to Richmond. They registered altogether 295 soldiers.

The election was held on November 7, 1865, and the Union Party was generally successful, getting a stronger hold on the legislature and sending J. L. Thomas, Jr., to Congress. In many places the election was almost a farce, particularly in Baltimore City, where only 10,842 citizens were registered, and of these 5,338 did not vote. In the seven lower wards Thomas received 2,040 votes, and William Kimmel, his Democratic opponent, 54.

As might have been expected from such a grant of absolute power to election officials, many illegal and even criminal acts were perpetrated both in registering the voters and in receiving the ballots. A few illustrations will suffice.

In Caroline County the officers of registration sat behind closed doors, admitted voters to register one at a time, and would not inform the individual whether they had registered his name or not. The testimony in contested election cases before the legislature during the ensuing special session shows that the judges of election in the 5th, 8th, 10th, and 15th election districts of Somerset County illegally received, counted and returned in their certificates, a large number of illegal votes. The testimony offers most conclusive and painful evidence of flagrantly vicious conduct, and a reckless disregard of the law, on the part of the judges of election.

It is charged in another instance that one of the judges of election made an improper offer to register a voter if he would vote the Republican ticket, and others they repeatedly refused to register upon the ground that they belonged to the opposite party. Voters are frequently disfranchised without the assignment of any reason (and) almost every form of error is displayed throughout the lists.

Other examples of gross wrong and injustice will appear in the course of the narrative.

"The end of the year 1865 saw the passing away of what might be called the typical conditions of Civil War times. Almost coincident with the new year began the self-reconstruction of Maryland. In the ensuing period the registration act was finally repealed and the defeated Union Party split up into two factions. The radical wing became the Republican Party in the State, and the conservatives joined the triumphant Democrats, in whose hands lay the destinies of Maryland for many years" (27 Hopkins, pp. 30 through 39).

The arguments pro and con continued with increased heat. Editorials and speeches gushed as from a fountain. Mass meetings were held. The issue became involved in the national race of Andrew Johnson. The law caused riot and even threatened insurrection at the 1866 election.

On the preceding Friday, November 2, President Johnson issued the following order addressed to Edwin M. Stanton, Secretary of War:

"There is ground to apprehend danger of an insurrection in Baltimore against the constituted authorities of the State of Maryland, on or about the day of the election soon to be held in that city, and that in such contingency the aid of the United States might be invoked under the acts of Congress which pertain to that subject. While I am averse to any military demonstration that would have a tendency to interfere with the full exercise of the elective franchise in Baltimore, or be construed into any interference in local questions, I feel great solicitude that, should an insurrection take place, the Government should be prepared to meet and promptly put it down. I accordingly desire you to call General Grant's attention to the subject, leaving to his own discretion and judgment the measures of preparation and precaution that should be adopted" (27 Hopkins, p. 73).

In 1867 at the general assembly:

No time was lost in getting to work, and a series of measures followed which aimed to complete the political transformation of the State. The most important act restored to full citizenship and the right to vote and hold office all persons deprived thereof by the fourth section of article I of the constitution of 1864. This same section had provided that any disqualified person might be restored to full rights of citizenship by an act of the general assembly passed by a vote of two-thirds of the members elected to each house, and in accordance with this a general bill applying to all the disfranchised citizens was passed by the house of delegates, after futile opposition on the part of the minority, by a vote of 59 to 19. The Senate passed the same bill by the vote of 16 to 7. The minority here attempted to amend the act by excepting from its provisions all those who had been members of the Confederate army or navy, but were defeated by the same vote. This bill secured to the political outcasts the vote which had hitherto been theirs only by the grace of Thomas Swann and his election officials. (The vote on these resolutions was, house, yeas 47, nays 17; senate, yeas 13, nays 4.) (27 Hopkins, p. 83.)

A new registration law which required that the election officials and voters should take either the oath prescribed in the constitution of 1864 or a simple oath of allegiance, in conformity with the recent act restoring to full citizenship and right to hold office those deprived thereof by the constitutional provisions. It further required that the judges of election must register all persons qualified to vote, and duly receive and count all votes of such persons registered, and in addition these officials were given the powers of justices of the peace and of sheriffs, that they might issue summons to witnesses. Finally, it required that the judges of election take the vote of the Maryland soldiers and sailors in the national service. (27 John Hopkins, supra, p. 84.)

On the basis of these provisions, the constitutional convention adopted changes, although the radical party members did everything they could to prevent the holding of the convention. However, the convention was held, May 8, 1867, at Annapolis.

And now as to the actual results of the work of the convention. The declaration of rights as finally adopted omitted article I of the constitution of 1864, which related to certain inalienable rights of the people, such as that of reform, and article III was inserted, which declared that the powers not delegated to the United States by the Constitution thereof, nor prohibited by it to the States, are reserved to the States respectively or to the people thereof.

Article VII gave the suffrage to every white male citizen of age, and article XV continued the prohibition of a poll-tax. (There was an ineffectual effort to strike out this article, on the ground that it dealt with a matter more properly subject to the decision of the legislature, and that every one should contribute to the expenses of government.)

Article XXIV substituted for the provision of 1864, which abolished slavery, the following:

"That slavery shall not be reestablished in this State, but having been abolished, under the policy and authority of the United States, compensation, in consideration thereof, is due from the United States."

It appears that there was some debate in the convention on May 28 concerning the advisability of inserting in the constitution this clause prohibiting slavery, for some members wished that it be omitted. However, others insisted upon its retention, in view of the effect on the public mind—abolition being an accomplished fact—and it was finally inserted upon this ground.

Article XXVII copied the constitution of 1851, which provided "that no conviction shall work corruption of blood or forfeiture of estate," but omitted the clause inserted in 1864 which contained the words "for any crime, except treason, and then only on conviction." Finally, the following was inserted as article XLIV:

"That the provisions of the Constitution of the United States and of this State, apply, as well in time of war, as in time of peace; and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government, and tends to anarchy and despotism."

This was a direct condemnation of the war policy of President Lincoln.

As in previous constitutions, article I dealt with the elective franchise. The convention entirely omitted the retrospective test oaths of 1864, providing merely an oath of office binding a person to the support of the Constitution of the United States and the constitution and laws of the State of Maryland, and to the faithful discharge of the duties of an official. Section 5 provided for a uniform registration of the voters of the State, and made it conclusive evidence of the right to vote (27 Hopkins, supra, p. 118).

South Carolina in 1776 framed her first constitution by a provincial congress. Here they said:

The qualifications of electors shall be the same as required by law, but persons having property, which, according to the rate of the last preceding tax, is taxable at the sums mentioned in the election act, shall be entitled to vote, though it was not actually taxed, having the other qualifications mentioned in that act; electors shall take an oath of qualification, if required by the returning officer. The qualification of the elected to be the same as mentioned in the election act, and construed to mean clear of debt (6 Thorpe, supra, p. 3245).

The constitution of 1778 provides—

The qualification of electors shall be that every free white man, and no other person, who acknowledges the being of a God, and believes in a future state of rewards and punishments, and who has attained the age of 1 and 20 years, and hath been a resident and an inhabitant in this State for the space of 1 whole year before the day appointed for the election he offers to give his vote at, and hath a freehold at least of 50 acres of land, or a town lot, and hath been legally seized and possessed of the same at least 6 months previous to such election, or hath paid a tax the preceding year, or was taxable the present year, at least 6 months previous to the said election, in a sum equal to the tax on 50 acres of land, to the support of this government, shall be deemed a person qualified to vote for, and shall be capable of electing, a representative or representatives to serve as a member or members in the senate and house of representatives, for the parish or district where he actually is a resident, or in any other parish or district in this State where he hath the like freehold. Electors shall take an oath or affirmation of qualification, if required by the returning officer (6 Thorpe, supra, p. 3251).

In 1790 there was another constitution framed:

Every free white man, of the age of 21 years, being a citizen of this State, and having resided therein 2 years previous to the day of election, and who hath a freehold of 50 acres of land or a town lot, of which he hath been legally seized and possessed at least 6 months before such election, or, not having such freehold or town lot, hath been a resident in the election district in which he offers to give his vote 6 months before the said election, and hath paid a tax the preceding year 3 shillings sterling toward the support of this government, shall have a right to vote for a member or members to serve in either branch of the legislature for the election district in which he holds such property or is so resident (6 Thorpe, supra, p. 3258).

In 1810 this was amended to read:

That the fourth section of the first article of the constitution of this State be altered and amended to read as follows: "Every free white man of the age of 21 years, paupers, and noncommissioned officers, and private soldiers of the Army of the United States excepted, being a citizen of this State, and having resided therein 2 years previous to the day of election, and who hath a freehold of 50 acres of land or a town lot, of which he hath been legally seized and possessed at least 6 months before such election, or not having such freehold or town lot, hath been a resident in the election district in which he offers to give his vote 6 months before the said election, shall have a right to vote for a member or members to serve in either branch of the legislature, for the election district in which he holds such property, or is so resident (6 Thorpe, p. 3267).

Immediately after the Civil War, in 1865, a new constitution appeared:

In all elections to be made by the people of this State, or of any part thereof, for civil or political offices, every person shall be entitled to vote who has the following qualifications, to wit: He shall be a free white man who has attained the age of 21 years, and is not a pauper, nor a noncommissioned officer, or private soldier of the Army, nor a seaman or marine of the Navy of the United

States. He shall, for the 2 years next preceding the day of election, have been a citizen of this State, or, for the same period, an emigrant from Europe, who has declared his intention to become a citizen of the United States, according to the Constitution and laws of the United States. He shall have resided in this State for at least 2 years next preceding the day of election, and for the last 6 months of that time in the district in which he offers to vote: *Provided, however,* That the general assembly may, by requiring a registry of voters, or other suitable legislation, guard against frauds in elections and usurpations of the right of suffrage, may impose disqualification to vote as a punishment for crime, and may prescribe additional qualifications for voters in municipal elections (6 Thorpe, supra, p. 3276, art. IV).

In 1868 another constitution came into being:

SEC. 31. All elections shall be free and open, and every inhabitant of this commonwealth possessing the qualifications provided for in this constitution shall have an equal right to elect officers and be elected to fill public office.

SEC. 33. The right of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or improper conduct (6 Thorpe, p. 3284).

ARTICLE VIII

SECTION 1. In all elections by the people the electors shall vote by ballot.

SEC. 2. Every male citizen of the United States, of the age of 21 years and upward, not laboring under the disability named in this constitution, without distinction of race, color, or former condition, who shall be a resident of this State at the time of the adoption of this constitution, or who shall thereafter reside in this State 1 year, and in the county in which he offers to vote 60 days next preceding any election, shall be entitled to vote for all officers that are now, or hereafter may be, elected by the people, and upon all questions submitted to the electors at any elections: *Provided,* That no person shall be allowed to vote or hold office who is now or hereafter may be disqualified therefor by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States: *Provided further,* That no person, while kept in any almshouse or asylum, or of unsound mind, or confined in any public prison, shall be allowed to vote or hold office.

SEC. 3. It shall be the duty of the general assembly to provide from time to time for the registration of all electors.

SEC. 4. For the purpose of voting, no person shall be deemed to have lost his residence by reason of absence while employed in the service of the United States, nor while engaged upon the waters of this State or the United States, or of the high seas, nor while temporarily absent from the State.

SEC. 5. No soldier, seaman, or marine in the Army or Navy of the United States shall be deemed a resident of this State in consequence of having been stationed therein.

SEC. 6. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest and civil process during their attendance at elections, and in going to and returning from the same (6 Thorpe, supra, p. 3297).

In this constitution we see the absence of the former color line—due to the 15th amendment—and also no requirement of residence or property holding.

In 1895 a convention ratified still another constitution for South Carolina. Its declaration of rights provided, in article I:

SEC. 9. The right of suffrage, as regulated in this constitution, shall be protected by law regulating elections and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or improper conduct (6 Thorpe, supra, p. 3307).

SEC. 10. All elections shall be free and open, and every inhabitant of this State possessing the qualificationss provided for in this constitution shall have an equal right to elect officers and be elected to fill public office.

SEC. 11. No property qualification, unless prescribed in this constitution, shall be necessary for an election to or the holding of any office. No person shall be elected or appointed to officer in this State for life or during good behavior, but the terms of all officers shall be for some specified period, except notaries public and officers in the militia. After the adoption of this constitution any person who shall fight a duel or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of holding any office of honor or trust in this State, and shall be otherwise punished as the law shall prescribe (6 Thorpe, supra, p. 3308).

ARTICLE II

SECTION 1. All elections by the people shall be by ballot, and elections shall never be held or the ballots counted in secret.

SEC. 2. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age, as prescribed in this constitution. But no person shall hold two offices of honor or profit at the same time: *Provided,* That any person holding another office may at the same time be an officer in the militia or a notary public.

SEC. 3. Every male citizen of this State and of the United States 21 years of age and upwards, not laboring under the disabilities named in this constitution and possessing the qualifications required by it, shall be an elector.

SEC. 4. The qualifications for suffrage shall be as follows:

(a) Residence in the State for 2 years, in the county 1 year, in the polling precinct in which the elector offers to vote 4 months, and the payment 6 months before any election of any poll tax then due and payable: *Provided,* That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after 6 months' residence in the State, otherwise qualified.

(b) Registration, which shall provide for the enrollment of every elector once in 10 years, and also an enrollment during each and every year of every elector not previously registered under the provisions of this article.

(c) Up to January 1, 1898, all male persons of voting age applying for registration who can read any section in this constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer, shall be entitled to register and become electors. A separate record of all persons registered before January 1, 1898, sworn to by the registration officer, shall be filed, one copy with the clerk of court and one in the office of the secretary of state, on or before February 1, 1898, and such persons shall remain during life qualified electors unless disqualified by the other provisions of this article. The certificate of the clerk of court or secretary of state shall be sufficient evidence to establish the right of said citizens to any subsequent registration and the franchise under the limitations herein imposed.

(d) Any person who shall apply for registration after January 1, 1898, if otherwise qualified, shall be registered: *Provided,* That he can both read and write any section of this constitution submitted to him by the registration officer or can show that he owns, and has paid all taxes collectible during the previous year on property in this State assessed at $300 or more.

(e) Managers of election shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him and collectible during the previous year. The production of a certificate or of the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof.

(f) The general assembly shall provide for issuing to each duly registered elector a certificate of registration, and shall provide for the renewal of such certificate when lost, mutilated or destroyed, if the applicant is still a qualified elector under the provisions of this constitution, or if he has been registered as provided in subsection (c).

SEC. 5. Any person denied registration shall have the right to appeal to the court of common pleas, or any judge thereof, and thence to the supreme court, to determine his right to vote under the limitations imposed in this article, and on such appeal the hearing shall be de novo, and the general assembly shall provide by law for such appeal, and for the correction of illegal and fraudulent registration, voting, and all other crimes against the election laws.

SEC. 6. The following persons are disqualified from being registered or voting:

"First. Persons convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wifebeating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, larceny, or crimes against the election laws: *Provided,* That the pardon of the Governor shall remove such disqualification.

"Second. Persons who are idiots, insane, paupers supported at the public expense, and persons confined in any public prison." (Quote 6 Thorpe supra p. 3309–3311, first six sections of article II.)

SEC. 7. Residence gained or lost: For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas, nor while a student of any institution of learning.

SEC. 8. Registration provided: elections; board of registration; books of registration: The general assembly shall provide by law for the registration of all qualified electors, and shall prescribe the manner of holding elections and of ascertaining the results of the same: *Provided,* At the first registration under this constitution, and until the 1st of January 1898, the registration shall be conducted by a board of three discreet persons in each county, to be appointed by the Governor, by and with the advice and consent of the senate. For the first registration to be provided for under this constitution, the registration books shall be kept open for at least 6 consecutive weeks; and thereafter from time to time at least 1 week in each month, up to 30 days next preceding the first election to be held under this constitution. The registration books shall be public records open to the inspection of any citizen at all times.

SEC. 14. Electors shall in all cases except treason, felony, or a breach of the peace, be privileged from arrest on the days of election during their attendance at the polls, and going to and returning therefrom.

SEC. 15. No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage in this State (6 Thorpe, supra, p. 3312).

In 1931 South Carolina amended section 2 of article II to render circuit judges eligible to appointment as acting associate justices of the South Carolina Supreme Court.

Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age, as prescribed in this constitution. But no person shall hold two offices of honor or profit at the same time: *Provided*, That any person holding another office may at the same time be an officer in the militia or a notary public: *Provided, further*, That the limitation above set forth "But no person shall hold two offices of honor or profit at the same time" shall not apply to the circuit judges of the State under the circumstances hereinafter stated, but that whenever it shall appear that any or all of the justices of the supreme court shall be disqualified or be otherwise prevented from presiding in any cause, or causes, for the reasons set forth in section 6 of article V of the constitution, the chief justice or in his stead the senior associate justice shall when available designate the requisite number of circuit judges for the hearing and determination thereof.

In 1951, a joint resolution was proposed to amend section 2 of article II, to permit an elective officeholder to serve as a delegate to constitutional conventions. This amendment was ratified in 1953:

SEC. 2. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age, as prescribed in this constitution. But no person shall hold two offices of honor or profit at the same time: *Provided*, That any person holding another office may at the same time be an officer in the militia or a notary public: *Provided, further*, That the limitation above set forth "But no person shall hold two offices of honor or profit at the same time" shall not apply to the circuit judges of the State under the circumstances hereinafter stated, but that whenever it shall appear that any or all of the justices of the supreme court shall be disqualified or be otherwise prevented from presiding in any cause, or causes, for the reason set forth in section 6 of article V of the constitution, the chief justice or in his stead the senior associate justice shall when available designate the requisite number of circuit judges for the hearing and determination thereof: *Provided*, The limitation above set forth shall not prohibit any officeholder from being a delegate to a constitutional convention.

Sections 4(a) and 4(e) of article II were amended in 1931 to eliminate the requirement that all taxes be paid before an elector could vote, and required only that poll taxes be paid prior to voting:

(a) Residence in the State for 2 years, in the county 1 year, in the polling precinct in which the elector offers to vote 4 months: *Provided*, That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after 6 months' residence in the State, otherwise qualified.

(e) Managers of election shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment 30 days before any election of any poll tax then due and payable. The production of a certificate or of the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof.

The poll tax requirement was abolished in 1951, when section 4(e) was stricken from the constitution.

Chafee briefs it as follows:

Who may vote: Persons who have resided in the State 2 years, the county 1 year, and the precinct 4 months. Elector must have paid all poll taxes due and payable by October 3 or have paid during the previous year taxes on property assessed at $300 or more.

In the period of transition from property requirements:

South Carolina further modified the landholding qualification by laying stress on the payment of taxes. One must have possessed 100 acres of unsettled land on which he paid taxes, or a settled plantation, or he must have owned a townhouse and lot worth 60 pounds on which he paid taxes, or he must have paid taxes amounting to 10 shillings per annum, which would be sufficient in itself. Residence of 1 year in the province was required, and the franchise was limited to Protestants (Porter, "History of Suffrage in the United States," p. 9).

It is interesting to note that there is still a qualified or alternative property requirement. Also the clause "acknowledge the being of a God and belief in a future state of rewards and punishments" is unusual in the constitution of 1778, and was, says Porter, probably an oversight; there is no evidence of its having been enforced, and 10 years later it was repealed.

Porter further says:

Equally of interest is it to observe that South Carolina added to her constitution in 1810 an alternative to the 50 acres or a town lot prescribed as a suffrage qualification in the Revolutionary constitution. The alternative ranks with that of Louisiana for unusualness. It was simply residence in the election district for 6 months, as well as a 2-year residence in the State. Of course this simple alternative to all intents and purposes put a complete end to the property test. Two years was quite a high residence qualification, and that, together with the new 6 months' residence as an alternative to property holding, would indicate that South Carolina had come to look upon permanence and stability as the most desirable factors to secure the good of the State. Voters, according to this provision, must be white males, but nothing is said about citizenship (Porter, "History of Suffrage in the United States," p. 40).

The inclusion of the literacy test and the post-Civil War clause speaking of "race, color, or previous condition of servitude," was discussed at the 1868 Convention:

In January a convention assembled at Charleston, in South Carolina. A campaign was launched at once to prevent the putting of any provision in the suffrage clause that would necessarily involve permanent and arbitrary exclusion on the face of it. It was urged that all disabilities which involved discriminations which men could never overcome of their own action should be abandoned. Such a policy would prevent the disfranchising of Confederates and those mentioned in the Reconstruction acts. Such sentiments as these quickly brought the convention to the consideration of literacy or property tests. The committee reported in favor of applying a reading and writing test in 1875, and debate in convention on the matter of suffrage was largely confined to this proposition.

Indignant opposition appeared at once. It was pointed out that although the committee would postpone the operation of the test for 7 years, it was very unjust to the Negro. It was said that it would take more years than seven to establish a school system throughout the South that would embrace the Negro population. Charleston was the only city in the State having a comprehensive system at that time.

(NOTE.—South Carolina convention, 1868, proceedings, p. 49: One delegate said with much point, "I think it would come with bad grace from any individual in this State, who has helped to deprive men for 2 centuries of the means of education, to demand that in 7 years all unable to read should not be allowed to vote."

In view of the committee's report and the spirited support it received, the final vote on the matter is surprising. The literacy test was snowed under 107 to 2, with 10 not voting.

There was some debate on whether foreigners should be allowed to vote after declaring intention; the need of encouraging immigration was pointed out, but the convention did not support the move.

As the constitution finally stood, it was one of the simplest of all. It enfranchised all male citizens "without distinction of race, color, or former condition." No one was specifically excluded, although an unnecessary phrase declared that none should vote who were excluded by the U.S. Constitution (Porter, supra, pp. 186–187).

Virginia's first charter was in 1606; the second in 1609; the third in 1611–12. Its first constitution was in 1776. Its bill of rights provided:

Elections of members to serve as representatives of the people, in assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assembled, for the public good (7 Thorpe, p. 3813).

In 1830 the new constitution prefixed this same bill of rights to it. Then they added:

SEC. 14. Every white male citizen of the Commonwealth, resident therein, aged 21 years and upwards, being qualified to exercise the right of suffrage according to the former constitution and laws; and every such citizen being possessed, or those tenant for years, at will, or at sufferance is possessed, of an estate or freehold in land of the value of $25, and so assessed to be if any assessment thereof be required by law; and every such citizen being entitled to a reversion or vested remainder in fee, expectant on an estate for life or lives, in land of the value of $50, and so assessed to be if any assessment thereof be required by law (each and every such citizen unless his title shall have come to him by descent, devise, marriage, or marriage settlement, having been so possessed or entitled for 6 months); and every such citizen who shall own and be himself in actual occupation of a leasehold estate, with the evidence of title recorded 2 months before he shall offer to vote, of a term originally not less than 5 years, of the annual value or rent of $20; and every such citizen who for 12 months next preceding has been a housekeeper and head of a family within the

county, city, town, borough, or election district where he may offer to vote, and shall have been assessed with a part of the revenues of the Commonwealth within the preceding year, and actually paid the same, and no other persons, shall be qualified to vote for members of the general assembly in the county, city, town, or borough, respectively, wherein such land shall lie, or such housekeeper and head of a family shall live. And in case of two or more tenants in common, joint tenants, or parceners in possession, reversion, or remainder, having interest in land, the value whereof shall be insufficient to entitle them all to vote, they shall together have as many votes as the value of the land shall entitle them to; and the legislature shall by law provide the mode in which their vote or votes shall in such case be given: *Provided, nevertheless,* That the right of suffrage shall not be exercised by any person of unsound mind, or who shall be a pauper, or a noncommissioned officer, soldier, seaman, or marine in the service of the United States, or by any person convicted of any infamous offense.

SEC. 15. In all elections in this Commonwealth to an office or place of trust, honor, or profit, the votes shall be given openly, or viva voce, and not by ballot (Thorpe 7, pp. 3825–3826).

In 1850 the bill of rights to the constitution provided:

VI. That all elections ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that if their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good (7 Thorpe, p. 3830).

ARTICLE III

SECTION 1. Every white male citizen of the Commonwealth, of the age of 21 years, who has been a resident of the State for 2 years, and of the county, city, or town where he offers to vote for 12 months next preceding an election, and no other person, shall be qualified to vote for members of the general assembly and all officers elective by the people; but no person in the military, naval, or marine service of the United States shall be deemed a resident of this State by reason of being stationed therein. And no person shall have the right to vote who is of unsound mind, or a pauper, or a noncommissioned officer, soldier, seaman, or marine in the service of the United States or who has been convicted of bribery in an election, or of any infamous offense.

SEC. 2. The general assembly, at its first session after the adoption of this constitution, and afterward as occasion may require, shall cause every city or town, the white population of which exceeds 5,000, to be laid off into convenient wards, and a separate place of voting to be established in each; and thereafter no inhabitant of such city or town shall be allowed to vote except in the ward in which he resides.

SEC. 3. No voter during the time for holding any election at which he is entitled to vote shall be compelled to perform military service, except in time of war or public danger; to work upon the public roads, or to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at elections, or in going to and returning from them.

SEC. 4. In all elections votes shall be given openly, or viva voce, and not by ballot; but dumb persons entitled to suffrage may vote by ballot (7 Thorpe, *supra,* pp. 3832–3833).

We note here, as is typical of that period, the disappearance of the property requirement.

The constitution of 1864 copied the bill of rights of the constitution of 1830. The provisions of article III:

SECTION 1. Every white male citizen of the Commonwealth, of the age of 21 years, who has been a resident of the State for 1 year, and of the county, city, or town where he offers to vote for 6 months next preceding an election, and who has paid all taxes assessed to him, after the adoption of this constitution, under the laws of the Commonwealth after the reorganization of the county, city, or town where he offers to vote, shall be qualified to vote for members of the general assembly, and all officers elective by the people: *Provided, however,* That no one shall be allowed to vote who, when he offers to vote, shall not thereupon take, or shall not before have taken, the following oath:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the laws made in pursuance thereof, as the supreme law of the land, anything in the constitution and laws of the State of Virginia, or in the ordinances of the convention which assembled at Richmond on the 13th day of February 1861, to the contrary notwithstanding; and that I will uphold and defend the government of Virginia as restored by the convention which assembled at Wheeling on the 11th day of June 1861, and that I have not since the 1st day of January 1864 voluntarily given aid or assistance, in any way, to those in rebellion against the Government of the United States for the purpose of promoting the same."

But the legislature shall have power to pass an act or acts prescribing means by which persons who have been disfranchised by this provision shall or may be restored to the rights of voters when in their opinion it will be safe to do so. Any person falsely so swearing shall be subject to the penalties of perjury.

No person shall hold any office under this constitution who shall not have taken and subscribed the oath aforesaid. But no person shall vote or hold office under this constitution who has held office under the so-called Confederate government, or under any rebellious State government, or who has been a member of the so-called Confederate Congress, or a member of any State legislature in rebellion against the authority of the United States, excepting therefrom county officers.

No person in the military, naval, or marine service of the United States shall be deemed a resident of this State by reason of being stationed therein; but citizens of this State, when in the military service of the United States, shall be permitted to vote, under such regulations as may be prescribed by the general assembly, wherever they may be stationed, the same as if they were within their respective cities, counties, or districts. No person shall have the right to vote who is of unsound mind or a pauper, or who has been convicted of bribery in an election, or of any infamous offense.

SEC. 2. The general assembly, as occasion may require, shall cause every city or town, the white population of which exceeds 5,000, to be laid off into convenient wards, and a separate place of voting to be established in each; and thereafter no inhabitants of such city or town shall be allowed to vote except in the ward in which he resides.

SEC. 3. No voter, during the time for holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger, to work upon the public roads, or to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at elections, or in going to or returning from them.

SEC. 4. In all elections for members of the general assembly and other State officers, votes shall be given by ballot, and not viva voce, for which the general assembly shall provide by law, at its first session after the adoption of this constitution, but until such provision shall have been made, votes shall be given as heretofore (7 Thorpe, supra, pp. 3854–3856).

Here we see the special oath reaffirming allegiance to the United States as the outgrowth of the Civil War.

Still another constitution in 1870 provided:

SEC. 8. That all elections ought to be free, and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community have the right of suffrage, and cannot be taxed or deprived of their property for public uses without their own consent, or that of their representatives so elected, nor bound by any law to which they have not in like manner assented, for the public good (7 Thorpe, supra, p. 3874).

ARTICLE III

Elective franchise and qualifications for office

SECTION 1. Every male citizen of the United States, 21 years old, who shall have been a resident of this State 12 months, and of the county, city, or town in which he shall offer to vote 3 months next preceding any election, shall be entitled to vote upon all questions submitted to the people at such election: *Provided,* That no officer, soldier, seaman, or marine of the U.S. Army or Navy shall be considered a resident of this State by reason of being stationed therein: *And provided also,* That the following persons shall be excluded from voting:

First. Idiots and lunatics.

Second. Persons convicted of bribery in any election, embezzlement of funds, treason, or felony.

Third. No person who, while a citizen of this State, has, since the adoption of this constitution, fought a duel with a deadly weapon, sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to vote or hold any office of honor, profit, or trust under this constitution.

Fourth. Every person who has been a Senator or Representative in Congress, or elector of President or Vice President, or who held any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a Member of Congress or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.

This clause shall include the following officers: Governor, Lieutenant Governor, secretary of state, auditor of public accounts, second auditor, register of the land office, State treasurer, attorney general, sheriffs, sergeant of a city or town, commissioner of the revenue, county surveyors, constables, overseers of the poor, commissioner of the board of public works, judges of the Supreme Court, judges of the circuit courts, judge of the court of hustings, justices of the county courts, mayor, recorder, alderman, councilmen of a city or town, coroners, escheators, inspectors of tobacco, flour, etc., clerks of the

supreme, district, circuit, and county courts, and of the court of hustings, and attorneys for the Commonwealth: *Provided*, That the legislature may, by a vote of three-fifths of both houses, remove the disabilities incurred by this clause from any person included therein, by a separate vote in each case.

SEC. 2. All elections shall be ballot, and all persons entitled to vote shall be eligible to any office within the gift of the people, except as restricted in this constitution (7 Thorpe, supra, pp. 3875–3876).

In 1902 the constitution was revised and amended. The bill of rights provision on elections was the same. Article II provided:

ELECTIVE FRANCHISE AND QUALIFICATIONS FOR OFFICE

SEC. 18. Every male citizen of the United States, 21 years of age, who has been a resident of the State 2 years, of the county, city, or town 1 year, and of the precinct in which he offers to vote, 30 days, next preceding the election in which he offers to vote, has been registered, and has paid his State poll taxes, as hereinafter required, shall be entitled to vote for members of the general assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city, or town shall not deprive any person of his right to vote in the precinct from which he has moved, until the expiration of 30 days after such removal.

SEC. 19. There shall be general registrations in the counties, cities, and towns of the State during the years 1902 and 1903 at such times and in such manner as may be prescribed by an ordinance of this convention. At such registrations every male citizen of the United States having the qualifications of age, and residence required in section 18 shall be entitled to register, if he be:

First, a person who, prior to the adoption of this constitution, served in time of war in the Army or Navy of the United States, of the Confederate States, or of any State of the United States or of the Confederate States; or

Second, a son of any such person; or

Third, a person, who owns property upon which, for the year next preceding that in which he offers to register, States taxes aggregating at least $1 have been paid; or

Fourth, a person able to read any section of this constitution submitted to him by the officers of registration and to give a reasonable explanation of the same; or, if unable to read such section, able to understand and give a reasonable explanation thereof when read to him by the officers.

A roll containing the names of all persons thus registered, sworn to and certified by the officers of registration, shall be filed, for record and preservation, in the clerk's office of the circuit court of the county, or the clerk's office of the corporation court of the city, as the case may be. Persons thus enrolled shall not be required to register again, unless they shall have ceased to be residents of the State, or become disqualified by section 23. Any person denied registration under this section shall have the right of appeal to the circuit court of his county, or the corporation court of his city, or to the judge thereof in vacation.

SEC. 20. After the 1st day of January 1904, every male citizen of the United States, having the qualifications of age and residence required in section 18, shall be entitled to register, provided:

First, that he has personally paid to the proper officer all State poll taxes assessed or assessable against him, under this or the former constitution, and for the 3 years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid $1.50, in satisfaction of the first year's poll tax assessable against him; and,

Second, that, unless physically unable, he make application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officers, stating therein his name, age, date and place of birth, residence and occupation at the time and for the 2 years next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; and

Third, that he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the officers of registration, which questions, and his answers thereto, shall be reduced to writing, certified by the said officers, and preserved as a part of their official records.

SEC. 21. Any person registered under either of the last two sections, shall have the right to vote for members of the general assembly and all officers elective by the people, subject to the following conditions:

That he, unless exempted by section 22, shall, as a prerequisite to the right to vote after the 1st day of January 1904, personally pay, at least 6 months prior to the election, all State poll taxes assessed or assessable against him, under this constitution, during the 3 years next preceding that in which he offers to vote: *Provided*, That, if he registered after the 1st day of January 1904, he shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law may prescribe; but any voter registered prior to that date may be aided in the preparation of his ballot by such officer of election as he himself may designate.

SEC. 22. No person who, during the late War Between the States, served in the Army or Navy of the United States, or the Confederate States, or any State of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the State poll tax assessed against anyone shall not be enforced by legal process until the same has become 3 years past due.

SEC. 23. The following persons shall be excluded from registering and voting: Idiots, insane persons, and paupers; persons who, prior to the adoption of this Constitution, were disqualified from voting, by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of this Constitution, either within or without this State, of treason, or of any felony, bribery, petit larceny, obtaining money or property under false pretences, embezzlement, forgery, or perjury; persons, who, while citizens of this State, after the adoption of this Constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such duel, either within or without this State, or knowingly conveyed a challenge, or aided or assisted in any way in the fighting of such duel (7 Thorpe, supra, pp. 3906–3908).

SEC. 27. All elections by the people shall be by ballot; all elections by any representative body shall be viva voce, and the vote recorded in the journal thereof.

The ballot box shall be kept in public view during all elections, and shall not be opened, nor the ballots canvassed or counted, in secret.

So far as consistent with the provisions of this Constitution, the absolute secrecy of the ballot shall be maintained.

SEC. 28. The general assembly shall provide for ballots without any distinguishing mark or symbol, for use in all State, county, city, and other elections by the people, and the form thereof shall be the same in all places where any such election is held. All ballots shall contain the names of the candidates, and of the offices to be filled, in clear print and in due and orderly succession; but any voter may erase any name and insert another.

SEC. 29. No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at election or in going to or returning therefrom.

SEC. 30. The general assembly may prescribe a property qualification not exceeding $250 for voters in any county or subdivision thereof, or city or town, as a prerequisite for voting in any election for officers, other than the members of the general assembly, to be wholly elected by the voters of such county or subdivision thereof, or city, or town; such action, if taken, to be had upon the initiative of a representative in the general assembly of the county, city or town affected: *Provided*, That the general assembly in its discretion may make such exemptions from the operation of said property qualification as shall not be in conflict with the Constitution of the United States.

SEC. 31. There shall be in each county and city an electoral board, composed of three members, appointed by the circuit court of the county or the corporation court of the city, or the judge of the court in vacation. Of those first appointed one shall be appointed for a term of 1 year, one for a term of 2 years, and one for a term of 3 years; and thereafter their successors shall be appointed for the full term of 3 years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term.

Each electoral board shall appoint the judges, clerks, and registrars of election for its county or city; and, in appointing judges of election, representation as far as possible shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, holding any office or post of profit or emolument, under the U.S. Government, or who is in the employment of such Government, or holding any elective office of profit or trust in the State, or in the county, city, or town thereof, shall be appointed a member of the electoral board, or registrar, or judge of election (7 Thorpe, supra, p. 3909).

These elaborate provisions were aimed, of course, at a number of things, including the 15th amendment to the U.S. Constitution.

Today the Bill of Rights provision remains the same. The other provisions have been amended. Some of the requirements have disappeared along with the so-called "grandfather" clause—that is, one which provides that the son of a voter is qualified by the fact of relationship. The judicial decisions doubtless influenced this, which I shall discuss in the section of my argument on cases, which will follow my history of State suffrage laws:

ARTICLE II

Elective franchise and qualifications for office

SEC. 18. Qualifications of voters: Every citizen of the United States, 21 years of age, who has been a resident of the State 1 year, of the county, city, or town, 6 months, and of the precinct in which he offers to vote,

30 days, next preceding the election in which he offers to vote, has been registered, and has paid his State poll taxes, as hereinafter required, shall be entitled to vote for members of the general assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city, or town shall not deprive any person of his right to vote in the precinct from which he has moved, until the expiration of 30 days after such removal.

The right of citizens to vote shall not be denied or abridged on account of sex (as amended June 19, 1928).

SEC. 19. Registration of voters; those registered prior to 1904: Persons registered under the general registration of voters during the years 1902 and 1903, whose names were required to be certified by the officers of registration for filing, record, and preservation in the clerk's offices of the several circuit and corporation courts, shall not be required to register again, unless they have ceased to be residents of the State, or became disqualified by section 23.

SEC. 20. Who may register: Every citizen of the United States, having the qualifications of age and residence required in section 18, shall be entitled to register, provided:

First, that he has personally paid to the proper officer all State poll taxes legally assessed or assessable against him for the 3 years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid $1.50, in satisfaction of the first year's poll tax assessable against him:

Second, that unless physically unable, he make application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officer, stating therein his name, age, date, and place of birth, residence and occupation at the time and for the 1 year next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; and

Third, that he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the registration officer, which questions, and his answers thereto, shall be reduced to writing, certified by the said officer, and preserved as a part of his official records (as amended June 19, 1928).

SEC. 21. Conditions for voting: A person registered under the general registration of voters during the years 1902 and 1903, or under the last section, shall have the right to vote for all officers elective by the people, subject to the following conditions:

That unless exempted by section 22, he shall, as a prerequisite to the right to vote, personally pay, at least 6 months prior to the election, all State poll taxes assessed or assessable against him, under this Constitution, during the 3 years next preceding that in which he offers to vote.

If he shall have registered after the 1st day of January, 1904, he shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law may prescribe; but any voter registered prior to that date may be aided in the preparation of his ballot by such officer of election as he himself may designate.

SEC. 22. Persons exempt from payment of poll tax as condition of right to vote: No person, nor the wife or widow of such person, who, during the late war between the States, served in the Army or Navy of the United States, or of the Confederate States, or of any State of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the State poll tax assessed against anyone shall not be enforced by legal process until the same has become 3 years past due.

SEC. 23. Persons excluded from registering and voting: The following persons shall be excluded from registering and voting: Idiots, insane persons and paupers; persons who, prior to the adoption of this constitution, were disqualified from voting, by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of this constitution, either within or without this State, of treason, or of any felony, bribery, petit larceny, obtaining money or property under false pretenses, embezzlement, forgery or perjury; persons who while citizens of this State, after the adoption of this constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such a duel, either within or without this State, or knowingly conveyed such a challenge, or aided or assisted in any way in the fighting of such duel. ("Constitution of the States and the United States," pp. 1850–1851).

SEC. 24. Who not deemed to have gained legal residence: No officer, soldier, seaman, or marine of the U.S. Army or Navy shall be deemed to have gained a residence as to the right of suffrage, in the State, or in any county, city, or town thereof by reason of being stationed therein; nor shall an inmate of any charitable institution or a student in any institution of learning, be regarded as having either gained or lost a residence, as to the right of suffrage, by reason of his location or sojourn in such institution.

SEC. 25. Directions to general assembly in regard to registration and transfers: The general assembly shall provide for the annual registration of voters under section 20 for an appeal by any person denied registration, for the correction of illegal or fraudulent registration thereunder, and also for the proper transfer of all voters registered under this constitution.

SEC. 26. Persons qualified to vote at next election shall be admitted to registration: Any person who, in respect to age or residence, would be qualified to vote at the next election shall be admitted to registration, notwithstanding that at the time thereof he is not so qualified, and shall be entitled to vote at said election if then qualified under the provisions of this constitution.

SEC. 27. Method of voting: All elections by the people shall be by ballot; all elections by any representative body shall be viva voce, and the vote recorded in the journal thereof.

The ballot box shall be kept in public view during all elections, and shall not be opened, nor the ballots canvassed or counted, in secret.

So far as consistent with the provisions of this constitution, the absolute secrecy of the ballot shall be maintained.

SEC. 29. Privileges of voters during election: No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at election or in going to or returning therefrom.

SEC. 30. General assembly may prescribe property qualifications for voting in county, city, or town elections: The general assembly may prescribe a property qualification not exceeding $250 for voters in any county or subdivision thereof, or city or town as a prerequisite for voting in any election for officers, other than the members of the general assembly, to be wholly elected by the voters of such county or subdivision thereof, or, city, or town; such action, if taken, to be had upon the initiative of a representative in the general assembly of the county, city, or town affected: *Provided*, That the general assembly, in its discretion, may make such exemptions from the operation of said property qualifications as shall not be in conflict with the Constitution of the United States ("Constitution of the States and the United States," p. 1582).

SEC. 35. Primary elections; who may vote: No person shall vote at any legalized primary election for the nomination of any candidate for office unless he is at the time registered and qualified to vote at the next succeeding election.

SEC. 36. General assembly shall enact laws to regulate elections: The general assembly shall enact such laws as are necessary and proper for the purpose of securing the regularity and purity of general, local, and primary elections, and preventing and punishing any corrupt practices in connection therewith; and shall have power, in addition to other penalties and punishments now or hereafter prescribed by law for such offenses, to provide that persons convicted of them shall thereafter be disqualified from voting or holding office (Constitution of the States and the United States, p. 1583).

Regarding the property requirements in Virginia in 1829, Porter says:

It is necessary now to pass over a few years and come to the situation at it was in Virginia in 1829. It will be remembered that Virginia labored under a very limited franchise. Great stress was put upon ownership of real estate. This situation in some ways had exerted an unfortunate influence on the development of Virginia. Legislation and official positions were practically confined to landholders. Small landholders and very worthy men who owned no property had avoided Virginia. And just this type of men Virginia needed to develop her resources and keep her in pace with other States. Sturdy, rugged pioneers, men who were ready to seize upon undeveloped land, far from the centers of city life, and make something of it were not the sort of men who were willing to tolerate suffrage restrictions. They were the kind of men who were populating Illinois, Indiana, and Wisconsin, the kind of men who cared very little about government anyhow, who looked upon it as a mere convenience but would not consent to have it autocratic in the slightest degree. Where they were in the majority, as in the Western States, the question of property restrictions never arose. These were the men whom Virginia was driving away from her border. Then, too, there was a steadily growing class of men within the State who paid taxes and yet could not vote. Conservatism was strongly rooted in Virginia and bid fair to hold the reins a few years longer.

In these circumstances a constitutional convention was called in 1829. A majority of the delegates and people at large considered the chief question at issue that of suffrage. But the very first presentation of the question in debate closed the door against any argument on the propriety of some kind of property qualification. A resolution was put before the house providing a freehold qualification, the point left open for debate being the size or value of the freehold to be required. Such men as Madison, Monroe, Marshall, Randolph, and Upshur were there to defend the freehold qualification. At no time was there serious danger of its being lost. So the debate at once centered around fixing the size or value of the freehold.

A rather peculiar situation existed in Virginia. There were very large tracts of land in the western part of the State, but this land was practically valueless. On the other hand, it was thought desirable to allow those pioneers who explored and settled this land to vote, for in many ways they were the finest

type that any State could boast of. And, on the other hand, certain speculators had obtained title to large areas of this land, and if a mere freehold were to be a license to vote they could dispose of it in small tracts and conceivably could work great corruption by turning it over to undesirables.

Here again there were these qualifications written into the State constitution. We note the great care which was taken to prevent fraud from creeping in, to destroy the right to vote.

Hence it was better to prescribe to the freehold a fixed value or a fixed area that should entitle a man to vote. But the problem was complicated because of the more thickly populated East. If a value were fixed, the eastern owner would be satisfied, for a small piece of land would be valued relatively high, but the westerner must own a great many acres of land in order to be worth as much as the easterner. But if a certain size were fixed, the westerner could easily satisfy the test, while the man in the East would find it a hardship. But even so a property test of some kind was a foregone conclusion.

The virtues of the landowner were loudly extolled. He was the only safe repository of civil power. The very fact that he possessed land would insure his being cautious, wise, and prudent in dealing with the State finances, for he paid taxes and supported the State. If the rabble were let in property would be exploited. But it was not necessary to argue very hard. Everything went well here for the property owners. In answer to the argument about taxation and representation they said that the interests of the property owner were so closely identified with the interests of other men that no possible harm could come from leaving the exercise of the franchise with them.

The opposition to the property interests was characterized by an attitude of bitter hopelessness in great contrast to the situation in New York and Massachusetts 9 years before. Here in Virginia, the original stronghold of America's aristocracy, the democratic fever of the age had not yet penetrated. In some other States, Rhode Island, for instance, there was plenty of discontent, but inability to secure an extension of the suffrage. In Virginia all was peaceful. The element that would have made a loud outcry against the restriction of suffrage had been driven away from the State, and hence it was free of the turbulent Democrats who were making life so miserable for the old Federalists up north. Office-holders in Virginia exerted not a little influence, and to a man, of course, they favored a restriction of the suffrage to those who possessed a freehold. The feeling of bitterness was occasionally toward these smug office-holders who spoke so highly of the status quo. They said that things were moving splendidly and that it was foolish to make a change. But they did not always escape without suffering a retort.

Footnote: In answer to one of these men it was said: "A good official station has a charming effect in smoothing the asperities of life and imparting brighter tints to the scenes around one. But it does not follow from all this that the people are content with their disfranchisement. I wish the worthy gentleman a long continuance of the advantages he has so richly merited, but my first wish is for my country"—(Virginia Conv., 1829–30, "Debates," p. 360.) However, the most serious consequence of the restricted suffrage, in the minds of most of those who did urge a broader extension, seemed to be the continued tendency to drive worthy, valuable men out of the State when they were needed so badly.

Footnote: A delegate complained: "I have seen respectable young men of the country, the mechanic, the merchant, the farmer of mature age, with intelligence superior to that of one-half the freeholders, and glowing with a partiotism that would make them laugh at death in defense of their country; I have seen such commanded to stand back from the polls, to give way to the owner of a petty freehold"—(Virginia Conv., 1829–30, "Debates," p. 353).

The ultimate result of the labors of this convention was a rather muddled qualification that was sufficiently illiberal to satisfy the old guard. It provided that one must have an estate or freehold worth $25, or be in occupation of a house worth $20 yearly, or else be the father of a family and pay taxes. This convention also rounded out its work by disfranchising for an infamous crime and excluding the insane and paupers and also soldiers and sailors. The Negro question naturally could not arise in Virginia, and the position of the foreigner was no problem here (Porter, "History of Suffrage in the United States," pp. 72–76).

In speaking of the end of the property tests between 1845 and 1850,

A review of the situation at this date will reveal the fact that an uncompromising property qualification still remained in two States, North Carolina and Virginia.

Footnote: "(A great many histories, books on political institutions, magazine articles, and the cyclopedias give summaries of the early suffrage qualifications and the dates when they were altered. The evidence of these writings frequently seems to conflict, and sometimes it is actually wrong, but there is some confusion as to what, for instance, a property test is. For example, a property qualification existed in Rhode Island after 1843, but there was an alternative by the side of it. Under certain circumstances one need not satisfy the property test. Hence it is decidedly misleading to say that a property test existed there—it did, but it amounted to little. The same situation existed in Louisiana between 1812 and 1844. It was the taxpaying qualification only that was significant. So in this work, when it is said that a property test applied, the implication is that there is no alternative. When an alternative appears, it is the alternative that is significant and not the property test.)" These States were the stronghold of the southern aristocracy, if there was such a thing, and the democratic pioneers who opened up the West never went to these States, and neither did the noisy proletariat that was filling up the busy northern States. Being free of these two elements, Virginia had been able to withstand the democratic tendencies, but in 1850 a constitutional convention eliminated the property qualification without even leaving a taxpaying requirement.

The original committee report which was finally adopted admitted all white male citizens of the United States to the polls. A feeble attempt was made to introduce a taxpaying qualification, but it met with no success. There was more evidence of a desire to use the suffrage machinery as a club to force men to pay their legitimate taxes. A move was made designed to exclude from the polls all who were returned as delinquent. Quite a number of resolutions were presented with this in view. It exhibits a rather unfortunate tendency to warp the suffrage laws away from their proper function. Machinery for the collection of delinquent taxes ought to be adequate without exploiting the suffrage clause. The implication is conveyed that if a man be willing to forgo his vote he may neglect to pay his taxes.

This convention interested itself with the foreigner problem. There was no thought of giving the franchise to unnaturalized foreigners, but the committee was instructed to consider the advisability of imposing special disabilities upon those who had become naturalized, such as extra years of residence, or taking of special oaths. The convention favored the application of a special oath of allegiance to the State of Virginia. No higher residence requirement was exacted, but 2 years in the State was demanded of all. The usual disabilities were also put on soldiers, sailors, the insane, and criminals (Porter, supra, pp. 105–106).

The 2-year residence requirement in Virginia is a rather unusually long one, in contrast to the less conservative States of the West and Middle West which were more anxious to attract newcomers.

In speaking of the effect of the 15th amendment to the U.S. Constitution and the answers to it by the Southern States, it was said of Virginia:

"The last and in many ways the most illuminating and significant step taken by one of the ex-Confederate States to disfranchise the Negro came in Virginia in 1902. It is well worthwhile considering the work of the convention which drew this constitution, for it gives the best view of the situation as it exists in the South today. These delegates met as usual, with the avowed intention of excluding the Negro from the suffrage. As one writer has said, they intended to give permanent and legal form to existing conditions. The Negro did not vote in Virginia to any great extent, and they wished to make his exclusion legal. Where he did vote conditions seemed to be intolerable. A most impassioned plea was delivered in the convention begging the delegates to relieve Virginia of the blight of Negro suffrage. It was said that the real greatness of the States was being obliterated. The able statesmen were overwhelmed by the illiterate Negroes. All ambition in the white man was smothered, for their efforts came to naught in a State where there were large numbers of Negro voters. White men in the Black Belt were unable to contribute anything to the statesmanship of their time. The State could not take its proper place as a leader in the Nation. Reference was made to the gallant struggle of the white men of this State during the past 30 years against Negro misrule and corruption. Relief from this bitter struggle was sought in appropriate constitutional provisions. It was a terrible humiliation to proud Virginians, conscious of their glorious history, to realize that stupid, vicious Negroes had such a large hand in the control of the State government. The attitude of this Virginia convention undoubtedly reflects the situation as it exists in the South today. Southern white men are positively determined to exclude the Negro and only hope that they will be allowed to do it quietly and legally" (Porter, supra, pp. 215–216).

New York's first constitution, drafted by John Jay, was adopted by its convention with but one dissenting vote, in 1777.

And whereas an opinion hath long prevailed among divers of the good people of this State that voting at elections by ballot would tend more to preserve the liberty and equal freedom of the people than voting viva voce: To the end, therefore, that a fair experiment be made, which of those two methods of voting is to be preferred: Be it

Ordained, That as soon as may be after the termination of the present war between the United States of America and Great Britain, an act or acts be passed by the legislature

of this State for causing all elections thereafter to be held in this State for senators and representatives in assembly to be by ballot, and directing the manner in which the same shall be conducted. And whereas it is possible that, after all the care of the legislature in framing the said act or acts, certain inconveniences and mischiefs, unforeseen at this day, may be found to attend the said mode of electing by ballot; it is further

Ordained, That if, after a full and fair experiment shall be made of voting by ballot aforesaid, the same shall be found less conducive to the safety or interest of the State than the method of voting viva voce, it shall be lawful and constitutional for the legislature to abolish the same, provided two-thirds of the members present in each house, respectively, shall concur therein. And further, that, during the continuance of the present war, and until the legislature of this State shall provide for the election of senators and representatives in assembly by ballot, the said election shall be made viva voce.

That every male inhabitant of full age, who shall have personally resided within one of the counties of this State for 6 months immediately preceding the day of election, shall, at such election, be entitled to vote for representatives of the said county in assembly; if, during the time aforesaid, he shall have been a freeholder, possessing a freehold of the value of 20 pounds, within the said county, or have rented a tenement therein of the yearly value of 40 shillings, and been rated and actually paid taxes to this State:

Provided always, That every person who now is a freeman of the city of Albany, or who was made a freeman of the city of New York on or before the 14th day of October, in the year of our Lord 1775, and shall be actually and usually, resident in the said cities, respectively, shall be entitled to vote for representatives in assembly within his said place of residence.

That every elector, before he is admitted to vote, shall, if required by the returning officer or either of the inspectors, take an oath, or, if of the people called Quakers, an affirmation, of allegiance to the State (5 Thorpe, supra, arts. VI, VII, VIII, pp. 2630 and 2631).

In 1821, New York formed a new constitution.

Every male citizen of the age of 21 years, who shall have been an inhabitant of this State 1 year preceding any election, and for the last 6 months a resident of the town or county where he may offer his vote; and shall have, within the year next preceding the election, paid a tax to the State or county, assessed upon his real or personal property; or shall by law be exempted from taxation; or being armed and equipped according to law, shall have performed within that year military duty in the militia of this State; or who shall be exempted from performing militia duty in consequence of being a fireman in any city, town, or village in this State; and also, every male citizen of the age of 21 years, who shall have been for, 3 years next preceding such election, an inhabitant of this State; and for the last year a resident in the town or county where he may offer his vote; and shall have been, within the last year, assessed to labor upon the public highways, and shall have performed the labor, or paid an equivalent therefor, according to law, shall be entitled to vote in the town or ward where he actually resides, and not elsewhere, for all officers that now are, or hereafter may be, elective by the people; but no man of color, unless he shall have been for 3 years a citizen of this State, and for 1 year next preceding any election shall be seized and possessed of a free-hold estate of the value of $250 over and above all debts and encumbrances charged thereon, and shall have been actually rated, and paid a tax thereon, shall be entitled to vote at any such election. And no person of color shall be subject to direct taxation unless he shall be seized and possessed of such real estate as aforesaid.

SEC. 2. Laws may be passed excluding from the right of suffrage persons who have been or may be convicted of infamous crimes.

SEC. 3. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established.

SEC. 4. All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen (5 Thorpe, supra, art. II, pp. 2642–2643).

The permission to colored males under certain conditions is an unusual one. In 1846 a constitution was adopted, and submitted to the people, who ratified it. Article II was somewhat modified.

SECTION 1. Every male citizen of the age of 21 years, who shall have been a citizen for 10 days, and an inhabitant of this State 1 year next preceding any election, and for the last 4 months a resident of the county where he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people; but such citizen shall have been for 30 days next preceding the election, a resident of the district from which the officer is to be chosen for whom he offers his vote. But no man of color, unless he shall have been for 3 years a citizen of this State, and for 1 year next preceding any election shall have been seized and possessed of a freehold estate of the value of $250, over and above all debts and incumbrances charged thereon, and shall have been actually rated and paid a tax thereon, shall be entitled to vote at such election. And no person of color shall be subject to direct taxation unless he shall be seized and possessed of such real estate as aforesaid.

SEC. 2. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery, of larceny, or of any infamous crime; and for depriving every person who shall make, or become directly, or indirectly interested in any bet or wager depending upon the result of any election from the right to vote at such election.

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison.

SEC. 4. Laws shall be made for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage hereby established.

SEC. 5. All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen (5 Thorpe, supra, p. 2656, art. II).

It was amended specifically in 1874.

SECTION 1. Every male citizen of the age of 21 years who shall have been a citizen for 10 days and an inhabitant of this State 1 year next preceding an election, and the last 4 months a resident of the county and for the last 30 days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the State, or of the United States, in the Army or Navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

SEC. 2. No person who shall receive, expect, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered, or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The legislature, at the session thereof next after the adoption of this section, shall, and from time to time thereafter may, enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime.

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison (Thorpe 5, p. 2675, art. II, secs. 1–3).

Here, following the Civil War and the 15th amendment, we notice the omission of provisions concerning persons of color.

In 1894 at Albany, New York framed another constitution.

ARTICLE 2. SUFFRAGE

SECTION 1. Every male citizen of the age of 21 years, who shall have been a citizen for 90 days, and an inhabitant of this State 1 year next preceding an election, and for the last 4 months a resident of the county, and for the last 30 days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people, provided that in time of war no elector in the actual military service of the State, or of the United States, in the Army or Navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

SEC. 2. No person who shall receive, accept, or offer to receive, or pay, offer or promise to pay, contribute, offer, or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The legislature shall enact laws excluding from the right of suffrage all persons convicted of bribery or any infamous crime.

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other asylum, or institution wholly or partly supported at public expense or by charity; nor while confined in any public prison.

SEC. 4. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall be completed at least 10 days before each election. Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having 5,000 inhabitants or more, according to the last preceding State enumeration of inhabitants, voters shall be registered upon personal application only; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters.

SEC. 5. All elections by the citizens, except for such town officers as may by law be directed to be otherwise chosen, shall be by ballot, or by such other method as may be prescribed by law, provided that secrecy in voting be preserved.

SEC. 6. All laws creating, regulating or affecting boards of officers charged with the duty of registering voters, or of distributing ballots at the polls to voters, or of receiving, recording or counting votes at elections, shall secure equal representation of the two political parties which, at the general election next preceding that for which such boards of officers are to serve, cast the highest and the next highest number of votes. All such boards and officers shall be appointed or elected in such manner, and upon the nomination of such representatives of said parties respectively, as the legislature may direct. Existing laws on this subject shall continue until the legislature shall otherwise provide. This section shall not apply to town meetings, or to village elections (5 Thorpe, supra, pp. 2697-2698, art. II).

Section I was amended to add education requirements in 1921—"Elections":

SECTION 1. Qualification of voters: Every citizen of the age of 21 years, who shall have been a citizen for 90 days, and an inhabitant of this State 1 year next preceding an election, and for the last 4 months a resident of the county and for the last 30 days a resident of the election district in which he or she may offer his or her vote, shall be entitled to vote at such election in the election district of which he or she shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people: *Provided, however,* That a citizen by marriage shall have been an inhabitant of the United States for 5 years; and provided that in time of war no elector in the actual military service of the State, or of the United States, in the Army or Navy thereof, shall be deprived of his or her vote by reason of his or her absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes. Notwithstanding the foregoing provisions, after January 1, 1922, no person shall become entitled to vote by attaining majority, by naturalization or otherwise, unless such person is also able, except for physical disability, to read and write English, and suitable laws shall be passed by the legislature to enforce this provision.

SECTION 1. (a) (Absentee voting): The legislature may, by general law, provide a manner in which, and the time and place at which, qualified voters who may, on the occurrence of any general election, be unavoidably absent from the State or county of their residence because they are inmates of a soldiers' and sailors' home or of a U.S. veterans' bureau hospital, or because of their duties, occupation or business require them to be elsewhere within the United States, may vote, and for the return and canvass of their votes in the election district in which they respectively reside. (Sec. 1(a) was added in 1929) (Constitution of the States and the United States, pp. 1098 and 1099).

In 1938, as a result of a special constitutional convention, New York revised not only the provisions, but the entire structure of its constitution, and the revised version was made effective January 1, 1939.

Article 2 of the revised constitution deals with suffrage:

SECTION 1. Qualifications of voters: Every citizen of the age of 21 years, who shall have been a citizen for 90 days, and an inhabitant of this State for 1 year next preceding an election, and for the last 4 months a resident of the county, city, or village, and for the last 30 days a resident of the election district in which he or she may offer his or her vote, shall be entitled to vote at such election in the election district of which he or she shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people: *Provided, however,* That no elector in the actual military service of the State, or of the United States, in the Army, Navy, Air Force, or any branch thereof, or in the Coast Guard, or the spouse, parent, or child of such elector, accompanying or being with him or her, if a qualified voter and a resident of the same election district, shall be deprived of his or her vote by reason of his or her absence from such election district, and the legislature shall provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes: *And provided further,* That in any election district in which registration is not required to be personal, no elector who is registered and otherwise qualified to vote at an election shall be deprived of his or her right to vote by reason of his or her removal from one election district to another election district in the same county within the 30 days next preceding the election at which he or she seeks to vote, and every such elector shall be entitled to vote at such election in the election district from which he or she has so removed.

Notwithstanding the foregoing provisions, after January 1, 1922, no person shall become entitled to vote by attaining majority, by naturalization, or otherwise, unless such person is also able, except for physical disability, to read and write English. (Amended by constitutional convention of 1938; approved by the people November 8, 1938; amended and approved November 2, 1943, November 6, 1945, November 6, 1951; effective January 1, 1952.)

In 1943 an amendment extended residence provisions to include cities or villages.

An amendment in 1945 authorized voting by persons who change residence within 30 days preceding election in permanent registration districts.

A 1951 amendment extended the provision concerning voting by electors in military service to include spouses, parents, or children of electors who are with them, and included electors in the Air Force or in the Coast Guard, and discontinued limitation to time of war.

SEC. 2. Absentee voting: The legislature may, by general law, provide a manner in which, and the time and place at which, qualified voters who, on the occurrence of any election, may be unavoidably absent from the place of their residence because they are inmates of a soldiers' and sailors' home or of a United States Veterans' Bureau hospital, or because their duties, occupation, or business, or those of members of their families, require them to be elsewhere, and qualified voters who, on the occurrence of any election, may be unable to appear personally at the polling place because of illness or physical disability may vote and for the return and canvass of their votes. (Amended and approved November 8, 1955; effective January 1, 1956.)

In other words, it is apparent, as I have pointed out, that each State had its own peculiar definitions, or qualifications, I may say, for voting. But all States reserved unto themselves the right to declare and provide what those qualifications should be.

The 1955 amendment to this section and section 5 of this article authorized the legislature to provide for absentee voting by qualified voters who are unable to appear personally at the polling place on election day because of illness or physical disability, and to provide that voters who are inmates of a veterans' hospital, regardless of its location, and voters who are unable to appear personally for registration because of illness or physical disability, or because their duties, occupations, or business require them to be outside the State of New York, and a spouse, parent, or child of such a voter, accompanying or being with him, if a qualified voter and a resident of the same election district, and if outside the county of such election district, shall not be required to register personally.

SEC. 3. Persons excluded from the right of suffrage: No person who shall receive, accept, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any

money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The legislature shall enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime. (Formerly sec. 2, renumbered 3 by constitutional convention of 1938; approved by the people November 8, 1938.)

SEC. 4. Certain occupations and conditions not to affect residence: For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other asylum, or institution wholly or partly supported at public expense or by charity; nor while confined in any public prison. (Formerly sec. 3, renumbered 4 by constitutional convention of 1938; approved by the people November 8, 1938.)

SEC. 5. Registration of voters: Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall be completed at least 10 days before each election. Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having 5,000 inhabitants or more, voters shall be registered upon personal application only; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters; however, voters who are in the actual military service of the State or of the United States, in the Army, Navy, Air Force, or any branch thereof, or in the Coast Guard, or inmates of a Veterans' Bureau hospital and voters who are unable to appear personally for registration because of illness or physical disability or because their duties, occupation, or business require them to be outside the State of New York; and a spouse, parent, or child of such a voter in the actual military service or of such an inmate or of such a voter unable to appear personally for registration, accompanying or being with him or her, if a qualified voter and a resident of the same election district, and if outside the county of such election district, shall not be required to register personally. The number of such inhabitants shall be determined according to the latest census or enumeration, Federal or State, showing the population of the city or village, except that the Federal census shall be controlling unless such State enumeration, if any, shall have been taken and returned 2 or more years after the return of the preceding Federal census. As amended and approved November 6, 1951, and November 8, 1955.

The 1955 amendment to this section and section 5 of this article authorized the legislature to provide for absentee voting by qualified voters who are unable to appear personally at the polling place on election day because of illness or physical disability, and to provide that voters who are inmates of a veterans' hospital regardless of its location and voters who are unable to appear personally for registration because of illness or physical disability or because of their duties, occupation or business require them to be outside the State of New York, and a spouse, parent, or child of such a voter, accompanying or being with him, if a qualified voter and a resident of the same election district, and if outside the county of such election district, shall not be required to register personally.

SEC. 6. Permanent registration: The legislature may provide by law for a system or systems of registration whereby upon personal application a voter may be registered and his registration continued so long as he shall remain qualified to vote from the same address, or for such shorter period as the legislature may prescribe. (Adopted by constitutional convention of 1938; approved by the people November 8, 1938.)

SEC. 7. Manner of voting; identification of voters: All elections by the citizens, except for such town officers as may by law be directed to be otherwise chosen, shall be by ballot, or by such other method as may be prescribed by law, provided that secrecy in voting be preserved. The legislature shall provide for identification of voters through their signatures in all cases where personal registration is required and shall also provide for the signatures, at the time of voting, of all persons voting in person by ballot or voting machine, whether or not they have registered in person, save only in cases of illiteracy or physical disability. (Formerly sec. 5, renumbered 7, and amended by constitutional convention of 1938; approved by the people November 8, 1938.)

SEC. 8. Bipartisan registration and election boards: All laws creating, regulating or affecting boards or officers charged with the duty of registering voters, or of distributing ballots to voters, or of receiving, recording, or counting votes at elections, shall secure equal representation of the two political parties which, at the general election next preceding that for which such boards or officers are to serve, cast the highest and the next highest number of votes. All such boards and officers shall be appointed or elected in such manner, and upon the nomination of such representatives of said parties respectively, as the legislature may direct. Existing laws on this subject shall continue until the legislature shall otherwise provide. This section shall not apply to town, or village elections. (Formerly sec. 6, renumbered 8, and amended by constitutional convention of 1938; approved by the people November 8, 1938.)

There is an interesting discussion of the fight against the early property qualifications in New York.

The following decade, 1820–30, witnessed three of the most noteworthy constitutional conventions in the history of the United States. Jeffersonian democracy had done its work. Delegates came to the conventions fired with determination to vindicate the teachings of democracy or, on the other hand, to make one last heroic stand for conservatism and property rights. In New York there was staged a battle royal centering largely around the suffrage question. The property interests were represented by some of the best political talent in the country, Chancellor Kent being one of the most conspicuous delegates. They were determined to save as much of special privilege for themselves as they possibly could, and only acquiesced in compromise when they saw that their cause was hopeless. For many years it had been obvious that property was bound to lose its prestige everywhere in the Union. The new incoming States in the Mississippi Valley were not even giving property a taste of special privilege. The new States farther east were tempering property qualifications with alternatives that paralyzed, and when property tests were included they were so very small and insignificant as to be of no importance. The propertied class had seen its best days and knew it. Only in such States as New York, where there were large and ancient property interests bulwarked with many years of special privilege, could a vigorous fight be put up, for it must be remembered that the electorate is something like a closed corporation, only enlarging itself by co-opting whom it pleases. All extension of the suffrage must come through those who have it. In New York there were very powerful property interests capable of exerting vast influence.

A certain amount of propaganda against property qualifications had been spread over the State previous to the convention, but the precepts of the new democracy hardly needed propagation. What was needed was talent capable of bearing down the conservative vested interests and courage to take advantage of numerical majority and draw a constitution that the people really wanted. In New York this was not quite done, and the people remedied the fault by means of a referendum 5 years later. The popular opinion now was that a property qualification always was bad. The proposition was advanced that if a property test were small it tempted to fraud, and if it were large it created an aristocracy. The idea also gained popularity that the property holder, by virtue of his wealth, was better able to protect himself than the poor man, who therefore needed Government protection most. And yet there seems to have been prevailing a sort of undeliberative feeling for manhood suffrage that felt no need for argument.

The committee on elective franchise in the New York convention of 1821 proposed to abolish all property distinctions and make the right to vote uniform. This committee advanced the proposition that property distinctions were of British origin, where the various classes of society needed special representation. In the United States there was only one homogeneous group—the people—and all interests were identical. The only qualification should be virtue and morality. But although the property interests had been unable to get a favorable committee report they marshaled their forces and proceeded to assail the liberal position of the franchise committee.

It was very soon evident that a general-property test could never be put through. All proposals, however mild, were decisively repudiated. But the property interests were not lacking in resourcefulness. They immediately proposed to retain a property qualification for voters for Senators, and on this proposition they based all their hopes. It was insisted that real property afforded the most substantial security to the Government. It was considered to be the main source of wealth from which the State could draw its revenue. Its immovable and imperishable qualities made it a secure and tangible bulwark to which the State might tie. Possession of real property was considered the best possible evidence of a firm interest in the well-being of the State, would make the owner cautious about public expenditures, insure economy, etc. The same argu-

ments that had served the purpose for two centuries were brought forth. And the suggested compromise of having a property qualification for electors of Senators provided a fine opportunity to press these arguments with new force.

The suggested compromise also offered opportunity for a new theory of representation to be developed. It was said that men have equal rights, to be sure, but if every man has life and liberty to be protected the property owner has something more. Hence let the unpropertied man vote for members of the lower house, but let the senate serve as a protection for property and allow only property owners to vote for senators. When the government protected all a man possessed, what more could he ask? But in all justice the man with property should have that protected as well as his life and liberty. This argument supported in a new way the well-known doctrine of checks and balances. It was urged that it was not expedient to derive both houses from identical constituencies, and what could be more logical than to give to property owners special representation? These arguments made a very strong appeal. Even the ablest of the progressives seemed not to recognize the illogical position of property owners in claiming a larger share in supporting the government. The truth seemed never to be brought out that the real producer of wealth contributed to the support of the State every day he worked, and whether or not he owned property was quite inconsequential. Of course, property owners would not accept such a doctrine, but it is strange that the unpropertied men did not see it either. They found these arguments of the conservatives exceedingly hard to combat and many times just sullenly refused to agree to their arguments without attempting to dispose of them.

But the idea of looking upon legislators as representing certain defined interests, life, liberty, property, etc., involved a division of labor, as it were, that was quickly shown to be absurd. If the argument was sound, men should be represented according to the amount of property they owned, the wealthy man enjoying the largest representation, the man with only life and liberty enjoying the least. Also, it was pointed out, such a scheme would at once create clearly defined political groups based on property lines, which circumstance would have a distinctly unwholesome effect on the body politic. Cleavages on political questions would then cut horizontally, as it were, instead of vertically; that is, men of all classes would not take sides on the merits of the issue at hand, but men of particular classes would line up according to their property holdings.

Such a situation would cause to exist in every community two distinct more or less hostile factions based solely on property. This would involve a perpetuation of an illusory division of interests that would be quite unfortunate.

Another aspect of the case was this: The prejudice against foreigners developed in the 20 years following the Revolution had by no means died out, and farseeing men could easily look forward to the new foreigner problem destined to trouble the States in later years. The new influx was to be from Ireland and Germany as well; the Englishmen and the few Frenchmen were rapidly disappearing, but the other type was coming. These conventions in the early twenties really came between these two periods; but statesmen saw the coming throng and urged that property tests would protect the State against the tumultous, disorderly Irishmen in the cities and the Germans in the country. It was an argument that made a strong appeal, for men yet felt that America was for Americans and heartily resented the participation even of naturalized citizens in the affairs of government. It was not until the Western States felt the need of foreigners to develop their untilled lands that this prejudice was broken down, and even so it died hard and even resulted in the formation of very considerable political parties. It was just about this time, 1821, that the lines upon which this new problem was to be fought out began to appear. There is no doubt that this argument had as much to do as any other single point with maintaining the taxpaying qualification.

There was every evidence in the debates of this convention that the delegates were not sure of their ground, that they were not at all positive as to what the people really wanted. This comment surely is justified by the fact that less than 5 years after the convention the people repudiated their suffrage clause. In every convention advocates insist that they are backed up by a majority of the people, of course, but tendency to vacillate, propose compromises, and in general exhibit great uncertainty shows that here there was a real doubt. The mere fact that the convention was willing to tolerate the endless debates illustrates the uncertainty, and even so the final vote on the property test for senatorial electors was quite decisive. After an exceedingly long wrangle, dragged out by endless speeches merely reiterating the same old arguments, the property interests succumbed 100 to 19. Property had made its last stand and had failed. All that could be secured was a trifling taxpaying qualification with a paralyzing alternative.

The tax qualification was put in these terms: Electors must have paid a State or county tax, or have performed military service, or have worked on the highway, or have lived 3 years in the State instead of the 1 year prescribed ordinarily. These alternatives, of course, have every earmark of makeshift compromise. These were the only things many of the progressives had the courage and skill to insist upon, and of course they drew the sting out of the taxpaying test. It can be understood how these measures were nervously and apologetically inserted to secure what was really wanted, whereas the property and tax tests could have been boldly repudiated altogether.

Chancellor Kent feared excess of democracy. He would not bow before the idol of universal suffrage. It would be treason to the agricultural element, the backbone of the State; this must have safeguards thrown around it as protection from the city mob of irresponsibles. He painted a dreadful picture: "The Radicals of England, with the force of that mighty engine (universal suffrage), would at once sweep away the property, the laws, and the liberties of that island like a deluge." He heaped scathing contempt upon the proposed alternatives. Serving a day upon the road or an idle hour in the militia, said he, was a mere nominal test of merit. The convention had not the courage to defeat him utterly, and hence the compromises.

But the convention was not so disdainful about the idle hour in the militia. It seemed fundamentally unjust that the men who fought the Nation's battles might not vote. Many a veteran of the War of 1812 found the polls closed to him, and this offended the innate sense of justice in men. An attempt was made to get in a clause that would enfranchise veterans but not the militiamen, a great many of whom, it was said, never did anything but parade. One of the generals said that he was not in favor of permitting anyone to vote who was not to be found when the taxgatherer or the enemy appeared, and yet he wanted only veterans to be relieved of taxpaying tests, not the militiamen. Indeed the plight of veterans was greatly exploited in oratorical and emotional manner. The president of the convention contributed to this and elicited a sarcastic retort from one member:

"Vivid and impressive as was the picture drawn by our President of the gallant officer who died of a broken heart because, as it would seem, he was not an elector, even a limited fancy might add to the apparent injustice of our country. Suppose the gallant hero had been a youth of 20 years of age. Is it proposed to embrace his case and make brave infants voters?"

And yet not a few men were convinced that if a brave infant was able to carry a gun for his country he was able to carry a ballot to the voting booth, and there is no little doubt that if the gentleman had continued with the sarcasm "brave infants" might have been provided for as well as their elders. A deepseated affection existed then as now for the boys who went to war, and only calm judgment, not lack of appreciation of their service, resulted in keeping the age limit at 21. Militiamen as well as veterans were exempted from the tax test by a vote of 68 to 48.

As to workers on the highway, the franchise was extended to them because such work was considered equivalent to a tax. It is unnecessary to develop the argument.

But the property test was not the only problem that occupied the attention of the New York convention in fixing the suffrage qualifications. The free Negro was coming to be a problem at this time. And in fact it was in this very convention that one of the first great battles for Negro suffrage was staged. From this time on Negro suffrage was an issue everywhere outside the strictly Southern States. In the border States, of course, the battle waged the fiercest. Some Negroes were being set free, others were escaping from their owners, and naturally most of them went no farther north than across the border of a free State. The number of such men was rapidly growing, and before long the problem of Negro suffrage eclipsed the problem of the foreigner. Foreigners were quickly absorbed and ceased to advertise the fact of their difference from native Americans, but the Negro never could hide his identity, and black faces at the polls invariably roused a storm of indignation among a certain class of people. Hence there was no hope for settlement until the Civil War was over.

New York was not a State that suffered greatly from the presence of the Negro, and yet there were enough of them there to stir up very keen interest in the matter, and the convention of 1821 was very ready to discuss any suffrage issue to the bitter end. At once the proposition was set forth that color had nothing to do with ability to vote. Color was declared to be an utterly foolish standard, having no rational basis. There was no excuse for considering the matter of color at all. All freemen should be treated exactly alike. It was said that to deny the Negro the right to vote was to "punish the children for the crime inflicted upon their parents." The Negroes constituted a one-fortieth part of the population, and the present was an excellent time to begin training them for intelligent citizenship.

It seems that the State law of New York prevented the Negroes from serving in the militia, although there is little doubt that they would have been welcome enough in time of war. The argument that since they were not in the militia and hence were not under arms and ready to defend the State was answered by saying that there was no good reason why they should not be in the militia. This exclusion from the militia led to another consideration. Was it not unwise to set up and perpetuate distinctions that might cause serious rupture in the future? Such a policy of exclusion from participation in government activity was

calculated to inspire jealousy, resentment, distrust, and hatred that might prove quite inimical to the best interests of the State and would surely be inconsistent with sound policy. It would alienate one portion of the community from the other, and such a state of affairs could never make for good.

But the argument which carried the most weight seemed to be that as the Negro was subject to all acts of the legislature he should have a voice in the election of representatives. He also was taxed if he owned property (which was seldom), and in such cases the sacred principle of no taxation without representation was ruthlessly violated. It is interesting that arguments having the most weight very frequently proved weak and unworkable when carried out consistently. This has been particularly true of the doctrine of natural right, the doctrine that men had a natural right to vote. It was used so much that a few paragraphs devoted to it here will not be out of place.

In the matter of suffrage a principle of exclusion must be followed. No visionary, even worshiping and abstraction, would go so far as to support universal suffrage absolutely. The possibility of allowing infants and imbiciles to vote is not debatable. Thus inevitably, even when a person exploits the natural, inalienable, inherent right-to-vote doctrine, he necessarily excludes someone; but he sets whatever limitation seems to him consistent with his individual interpretation of natural right. Hence every expression of natural right is anomalous. Every individual who uses the phrase determines upon what he thinks is right under the circumstances and in the light of his understanding and then uses the words natural, inalienable, and inherent in order to give his opinion a sonorous sound. Hence the phrase "natural right to vote" has been quite meaningless when subjected to close analysis. Practically all who have used the doctrine have tacitly left out young men under 21, almost all have left out women, a larger number have left out Negroes, and usually criminals and paupers have been left out by common consent. But the doctrine of natural right has had tremendous influence, and there appears the strange phenomenon of suffrage being carried forward on a tide of fallacies and specious doctrine.

There would surely be reaction and a return to former conditions were it not for the fact that the forward movement has really had a sound basis. The reason suffrage has broadened is because it was best for all mankind that it should broaden, not because any particular group had an inherent right to the franchise. Personal rights are completely swallowed up in a doctrine of social good, of expediency, and in the past have been sacrificed to it almost unconsciously. Men have been unwilling to say that certain groups have been left out or admitted because it has seemed best from the social point of view. They have much preferred to dilate on personal rights.

Quite a number of men in this convention were evidently opposed to Negro suffrage, but they were more or less apologetic about it and did not like to speak out plainly. They made long explanations of their votes and based them usually on the statement that the Negroes were probably inefficient and incompetent, unable to exercise the right in a proper way. But a few strong-minded individuals spoke loudly about matters which many secretly believed but did not care to espouse because of the difficulty of reconciling popular ideas of democracy with exclusion of Negroes. The colored race was said to be far, far below the white in the social structure. It would disrupt society to admit these debased men to the suffrage. When they could be met as equals in social intercourse, then would be the time to extend the suffrage rights to them. Obviously such arguments as this and others of the same sort reflecting upon the Negro's ability and mental capacity would apply with equal force to any group of men suffering similar limitations. New York's struggle over Negro suffrage merely illustrates again the recurring situation in connection with suffrage extension—firm-rooted determination not based on logical argument that would bear analysis. Invariably the partisans on either side would argue the question of right, the questions of democracy, taxation, representation, consent of governed, social position, and always avoid the real determining factor of expediency. Those who sought to secure suffrage for the Negro knew that they could not support their cause by saying that they believed it would be for the good of the State, so they invoked democratic philosophy, sympathetic interest, and natural rights. The opponents did not care to be so brazen as to declare that admitting the Negro would be a bad thing for the State regardless of his rights, the dictates of democracy, the Declaration of Independence, and what not. So they twisted and squirmed as best they could to construe democratic philosophy against those who invoked it and to show that the Negro's rights were not invaded. They were driven to the doctrine of expediency but would not admit it. In nearly every case where the issue rose and the Negroes were excluded it was because of a sullen conviction that it would not be right to let them in. Men were easily brought to a point of violent indignation, deaf to all argument, by such persons as Colonel Young, who recalled the unfortunate mistake in New Jersey that permitted women to vote there for a time. He became almost apoplectic over the possibility of a Negress voting in New York.

The point simply is that many a time, in fact in the majority of cases, a decision was reached through ridiculous channels that would have been arrived at just the same were the question dealt with in a rational manner.

After a very long debate a compromise was affected. Full Negro suffrage had lost by a very narrow margin. Now it was proposed to grant the ballot to those Negroes who owned property. This proposition, of course, struck at the very root of the opposition argument. Evidence of holding property was considered pretty good indication of interest in the community and capacity to act intelligently. Lack of such capacity had been the chief argument against the Negroes. Enough of the opposition was persuaded that this was so, and a clause was inserted in the constitution granting the ballot to Negroes owning $250 worth of property on which they paid taxes. Of course, such a compromise was quite irrational; if there was any virtue in the principle involved, it should have been applied to all men. But there were enough men in the convention satisfied with such a compromise, and hence the property test was prolonged in New York for the benefit of the Negro race.

A great many times delegates spoke of coming universal suffrage. The concept seems to have penetrated this convention as it had no other previous to this time. Many contemplated it with great alarm; others looked upon its coming with great complacency. Some delegates saw the way the wind was blowing; that every group which had the slightest claim to suffrage could find defenders in a convention, that compromise and logrolling inevitably would let down the bars on every side, and that every step in advance made the next step doubly easy. It is significant that the suffrage extension did run smoothly until it struck the Negro problem; getting over the race barrier was a much more difficult matter than letting a few more white men in by one means or another. In fact there are three very important things to note in connection with the debates on suffrage in this particular convention: First, the property test was easily disposed of. Those who wanted it saw that their cause was lost and devoted their energies to securing a taxpaying qualification. Secondly, the taxpaying proposition elicited thorough, intelligent, honest, and moderate debate, with opinion fairly evenly divided. Thirdly, the Negro-suffrage issue plunged the convention into a turmoil of irrational, bombastic, verbose oratory, hiding prejudice, indecision, and stupidity.

Five years later, in 1826, a referendum was allowed on the taxpaying clause of the constitution and the voters of the State turned it down. Thus New York in 1826 in a most effective and democratic manner put away once for all property and taxpaying qualifications for the suffrage. There had been considerable indecision exhibited in the convention, and public opinion seems to have crystallized soon after, if indeed it had not been well formed before. Seldom has it happened that a State has made such a significant step in such a fitting way (Porter, "History of Suffrage in the United States," p. 54).

New York, of course, had to cope with a particularly difficult "foreigner" problem.

To show the influence of foreigners upon American political institutions, the city of New York is a conspicuous example: of the population in 1910, over 40 percent was foreign born and over 38 percent of foreign parentage—leaving but a little over 21 percent with a truly American heritage. About one-half of the immigrants stopped in New York City formerly. Also, just when the tide of immigration began to rise, all offices were made elective. No wonder that Tammany became a power. In 1868 Tweed's judges "naturalized" over 41,000 aliens (the annual average for the previous decade had been a little over 9,000) and there were 8 percent more votes cast than there were electors in the city. It has been said that the Irish rule Tammany and thus New York City and the Nation. New York has afforded an instance of city misgovernment that might be duplicated in other large cities of America, for the percentage of foreign-born denizens and the political status is quite similar. One reason for all this is apparent; the alien voter.

The most helpless classes of immigrants do not venture into the country. And it is because they colonize in the great cities that they are so dangerous politically. They do not there come in contact with American ideas and ideals but are directly under the influence of corrupt politicians. Hence the foreign wards are usually a unit against good and honest government. It is almost impossible for any but "their own" to reach these congested foreign quarters, because of their prejudice and clannishness. Therefore, they obey the "boss" implicitly. The "big man" operates through henchmen racially entrenched in these alien wards. The aliens that settle in the country districts come into much closer touch with their American neighbors, and after a generation they are thoroughly Americanized. Especially, is this true of immigrants from northern Europe. Theirs is a comparatively easy problem. The American city, while it leads the Nation's public opinion with its press, is at the same time the cancerous sore that contaminates the whole body politic. The core of the evil is the foreign voter—ignorant but not often vicious. It is hopeless to permanently better civic conditions until this menace is removed.

Not all foreign electors are unsafe. Even in New York City a majority of the voters are opposed to the corrupt methods in their government. The mass of honest citizens does not always submit to the rule of the boss. Samuel J. Tilden led a reform against

Tweed, who died in prison. Again, Seth Low won in the struggle for clean government honestly administered; but in the succeeding election partisanship was again active and the reformer failed of reelection. More recently, John Mitchell gave the city an efficient administration, but he failed to secure another term as mayor. The great difficulty is to maintain a sustained effort on the part of the unorganized mass of honest electors, while the machine is always at work—in season and out of season. The result has been that there have been waves of reform followed by a gradual return to the former corrupt conditions. Public opinion is mighty when aroused, but it is long suffering and has a very poor memory. The public had rather suffer than act. Because of the lethargy on the part of the average citizen, the ignorant and un-American voter in the city will continue under machine direction and, therefore, a menace to American institutions (McCulloch, "Suffrage and Its Problems," pp. 142, 143, 144).

North Carolina was chartered in 1663 by Charles the Second. The so-called fundamental constitutions of Carolina came in 1669. In 1776 the first constitution of North Carolina as a State was framed.

VII. That all freemen, of the age of 21 years, who have been inhabitants of any one county within the State 12 months immediately preceding the day of any election, and possessed of a freehold within the same county of 50 acres of land, for 6 months next before, and at the day of election, shall be entitled to vote for a member of the senate.

VIII. That all freemen of the age of 21 years, who have been inhabitants of any one county within this State 12 months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the house of commons for the county in which he resides.

IX. That all persons possessed of a freehold in any town in this State, having a right of representation, and also all freemen, who have been inhabitants of any such town 12 months before, and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the house of commons: *Provided, always,* That this section shall not entitle any inhabitant of such town to vote for members, of the house of commons, for the county in which he may reside, nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for said town (5 Thorpe, p. 2790).

This was amended in 1835 as follows:

SEC. 3. (1) Each member of the senate shall have usually resided in the district for which he is chosen for 1 year immediately preceding his election, and for the same time shall have possessed and continue to possess in the district which he represents, not less than 300 acres of land in fee.

(2) All freemen of the age of 21 years (except as is hereinafter declared), who have been inhabitants of any one district within the State, 12 months immediately preceding the day of any election, and possessed of a freehold within the same district of 50 acres of land, for 6 months next before and at the day of election, shall be entitled to vote for a member of the senate.

(3) No free Negro, free mulatto, or free person of mixed blood, descended from Negro ancestors, to the fourth generation inclusive (though one ancestor of each generation may have been a white person), shall vote for members of the senate or house of commons (5 Thorpe, p. 2796).

The broad Negro exclusion is of interest. Clause 2 was further changed in 1856.

ARTICLE I

SEC. 3. Clause 2: Every free white man at the age of 21 years, being a native or naturalized citizen of the United States, and who has been an inhabitant of the State for 12 months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to a vote for a member of the senate for the district in which he resides (5 Thorpe, supra, p. 2799).

In 1868 a new constitution was formed under the Reconstruction Acts of Congress. Section 10 of article I provided:

All elections ought to be free (5 Thorpe, supra, p. 2801).

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, 21 years old or upward, who shall have resided in this State 12 months next preceding the election, and 30 days in the county in which he offers to vote, shall be deemed an elector.

SEC. 2. It shall be the duty of the general assembly to provide from time to time, for the registration of all electors, and no person shall be allowed to vote without registration, or to register, without first taking an oath or affirmation to support and maintain the Constitution and laws of the United States, and the constitution and laws of North Carolina not inconsistent therewith.

SEC. 3. All elections by the people shall be by ballot, and all elections by the general assembly shall be viva voce.

SEC. 4. Every voter, except as hereinafter provided, shall be eligible to office; but before entering upon the discharge of the duties of his office, he shall take and subscribe the following oath: "I, ———, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office: So help me God."

SEC. 5. The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God; second, all persons who shall have been convicted of treason, perjury, or of any other infamous crime, since becoming citizens of the United States, or of corruption, or malpractice in office, unless such persons shall have been legally restored to the rights of citizenship (5 Thorpe, supra, p. 2801).

In 1875 a constitutional convention made a number of changes in the 1868 North Carolina constitution, and in 1899 additional modifications were approved.

Article VI, dealing with suffrage and eligibility to office, was redrafted and submitted to a popular vote August 2, 1900, to become effective July 1, 1902.

Except for minor changes made after that time, the 1900 revision reflects the present North Carolina voting requirements.

Under the existing North Carolina constitution, section 1 reads:

SECTION 1. Who may vote. Every person born in the United States, and every person who has been naturalized, 21 years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided (Constitution 1868; convention 1875; 1899, c. 218; 1900, c. 2; 1945, c. 634, s. 2).

Comparing this section with section 1 of the original 1868 constitution, a number of changes are apparent. First, the convention of 1875 changed the 30-day residence requirement in the county, to 90 days, and added the sentence:

But no person who, upon conviction or confession in open court, shall be adjudged guilty of a felony, or any other crime infamous by the laws of this State, and hereafter committed shall be deemed an elector, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

This section was last amended by vote at the general election of 1946. The amendment deleted the word "male" formerly appearing before the word "persons."

Section 2 of the present constitution was added in 1900. The first sentence at that time read:

He shall have resided in the State of North Carolina for 2 years, in the county 6 months, and in the precinct, ward, or other election district in which he offers to vote, 4 months next preceding the election.

A minor change in phraseology was made in 1920, and in 1954 another revision of the first sentence was ratified. At the present time section 2 reads as follows:

SEC. 2. Qualifications of voters. Any person who shall have resided in the State of North Carolina for 1 year, and in the precinct, ward or other election district in which such person offers to vote for 30 days next preceding an election, and possessing the other qualifications set out in this article, shall be entitled to vote at any election held in this State: *Provided,* That removal from one precinct, ward or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which such person has removed until 30 days after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's prison, shall be permitted to vote, unless the said person shall be first restored to citizenship in the manner prescribed by law (Convention 1875; 1899, c. 218; 1900, c. 2, s. 2; ex. sess. 1920, c. 93; 1953, c. 972).

Section 3 was formerly section 2 of the 1868 constitution. In 1899, it was revised and renumbered to read as follows:

SEC. 3. Voters to be registered. Every person offering to vote shall be at the time a legally registered voter as herein prescribed, and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article (Constitution 1868; 1899, c. 218, 1900, c. 2, s. 3).

Section 4 was added in 1899. A number of changes were made in 1920, the most important of which was eliminating language requiring payment of a poll tax as a prerequisite to voting. At present the section reads:

SEC. 4. Qualification for registration: Every person presenting himself for registration shall be able to read and write any section of the constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided,* He shall have registered in accordance with the terms of this section prior to December 1, 1908. The general assembly shall provide for the registration of all persons entitled to vote without the educational qualifications

herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article. (Constitution 1868; 1899, ch. 218; 1900, ch. 2, sec. 4; ex. sess. 1920, ch. 93.)

Section 5 was also added in 1899. It reads:

SEC. 5. Indivisible plan; legislative intent: That this amendment to the constitution is presented, and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other; that the whole shall stand or fall together (1900, ch. 2, sec. 5).

Section 6 of the present constitution was formerly section 3. It reads:

SEC. 6. Elections by people and general assembly: All elections by the people shall be by ballot, and all elections by the general assembly shall be viva voce. (Constitution 1868; 1899, ch. 218.)

Section 4 of the constitution of 1868 became section 7 of the present constitution, pursuant to chapter 218, Public Laws of 1899, and chapter 2, Public Laws of 1900. It now reads:

SEC. 7. Eligibility to office; official oath: Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

"I, ——— do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as ———, so help me, God. (Constitution 1868; 1899, ch. 218; 1900, ch. 2, sec. 7.)

Section 8 is based upon section 5 of the constitution of 1868. It reads as follows:

SEC. 8. Disqualification for office: The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God; second, all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law. (Constitution 1868; 1899, ch. 218; 1900, ch. 2, sec. 8.)

The only change was a rewording of the second classification of persons disqualified from office, which formerly read:

Second, all persons who shall have been convicted of treason, perjury, or of any other infamous crime, since becoming citizens of the United States, or of corruption, or malpractice in office, unless such person shall have been legally restored to the rights of citizenship.

Concerning the history of North Carolina's sweeping exclusion of the Negro at an early date, we find the following:

In spite of the schemes to be rid of him the Negro is here to stay. The Negro will not go, nor will the whites let him go. Exemplifying the attitude of the South, North Carolina prohibited the exportation of Negroes. Amalgamation is out of the question. So it may be safely concluded that the Negro will remain in America: an alien element intermixed with the whites, yet distinct and unabsorbable. In 1920 there were 10,463,131 Negroes in the United States, with total population of 106,418,284. Considering that the South contains one-third of the population of the United States and that one-third of this is Negroes (in two Commonwealths they are in the majority), the Negro problem of suffrage is paramount. There are 5,522,475 possible Negro voters, while 1,512,987 blacks of voting age are illiterate. It is purely a political question. While the Negro deserves industrial equality, social is impossible.

Race prejudice is an Anglo-Saxon trait. It has greatly hindered England in her government of India. The Romance peoples (notably the Spanish) have not shown this race aversion but have mingled their blood freely with that of the red, black, and brown races—result, Latin-America, not a desirable racial achievement, certainly. In the United States race prejudice has not been strictly sectional; nor is it so now. North Carolina prohibited the teaching of Negroes in 1830, while a mob destroyed the Crandall School in Connecticut because of Negro pupils. After following the color line, Ray Stanard Baker concluded that the South has little hope for the Negro as a race but rather likes the individual, while the North has great expectations for the race but is impatient with its concrete representative. The climate is not the only thing that has kept the Negro south of Mason and Dixon's line. In the early history of the Colonies there were no racial tests for suffrage even in the South. The first law debarring Negroes was passed in North Carolina in 1715, but at the mandatory request of the Crown was repealed in 1743. The precedent was followed by other southern colonies. South Carolina had such a law in 1716, Virginia in 1723 (repealed by proclamation and reenacted in 1762), and Georgia in 1761. The year 1835 saw the last Negro voter in the South until Reconstruction days; in that year North Carolina finally disfranchised Negroes. Tennessee had withdrawn the privilege of allowing Negroes to vote in 1834. There were no race qualifications in the North previous to the Declaration of Independence (McCulloch, "Suffrage and Its Problems," pp. 78 and 79).

In North Carolina the following year, 1855, the same problem was in evidence. Previous to this time there had been nothing in the constitution to prevent the Negro from exercising the right of suffrage. This was a rare situation in the South, but it is said on good authority that practically none of the black race was suffered to attend the polls.

(Footnote: Weeks, "Political Science Quarterly," IX, 675): Where the law was lax public opinion filled the breach, and Negroes for the most part were sufficiently content with their freedom and kept away from the polls. Virginia provided a good illustration. The constitution of 1830 did not exclude them in terms, and in fact this was not done until 1864, yet the same authority declares that "Negroes never voted in Virginia in the period from the Revolution to the Civil War." It, therefore, required some boldness for delegates to press the cause of free Negroes.

The first committee report in the North Carolina convention excluded Negroes and mulattoes within four degrees. The social inferiority of the Negro was much stressed. It was said that public sentiment would inevitably exclude him from most of the important activities of social and political life and that it was foolish to attempt to bring about a situation of equality by law that that free Negroes were in a peculiarily difficult could not exist in fact. It was recognized position. They were a sort of buffer between the whites and slaves. Some looked upon this group as a mongrel, outcast, nondescript lot that were eminently undesirable, while others looked upon them as a link between the other two groups, through whom more satisfactory and sympathetic relationships could be developed. The number of free Negroes was by no means inconsiderable in this part of the country. To a certain extent Negroes were being freed by their masters as the sentiment against slavery developed, and this very situation contained a menace, said some, for if the free Negroes were permitted to vote, their ex-masters would have such a strong influence over them as to control the suffrage to their own ends.

Compromises were introduced in the North Carolina convention as elsewhere. Whereas in some other States compensating benefits were conferred in repayment for exclusion, in North Carolina the compromises took a different form. It was suggested that additional qualifications be exacted of the Negro in order that he might vote. Two hundred and fifty dollars' worth of property was suggested by some; others thought that if a Negro had never been convicted of any misdemeanor or crime he should be permitted to vote. But such halfway measures derogated from the principle involved and really failed to satisfy either side. It was declared that if these qualifications were appropriate at all they should be applied to all men, and most of those who opposed the Negro suffrage could not be moved by additional qualifications that really had nothing to do with the Negro as a Negro.

The taxation-without-representation argument was introduced briefly, but the convention met it with some impatience. These old-time arguments, relics of Revolutionary days, always have been exploited, and it is interesting to note how irritating they were, for as the science of politics developed and new situations appeared men saw how utterly impossible it was to carry out the doctrines to their logical conclusion. It would mean that every individual who paid a tax should vote, that all who were governed should have opportunity to consent or dissent, etc. But the phrases had a charming sound until they worked like boomerangs, and then they stirred up disagreeable doubts and were dreadfully annoying.

The North Carolina convention finally decided to exclude the Negro completely and not even let him in under the various compromises that were suggested. It was a very close decision, 64 to 55. If what has been said by certain writers be quite true, that Negroes as a matter of fact did not exercise the suffrage even when it was not forbidden them, it is rather difficult to understand why so much attention should be given to the question. It would seem that public sentiment was decidedly against their voting, and yet their cause was ably supported by a considerable number in the convention. It indicates that the question was largely one of principle.

This year did not witness the complete abondonment of the property qualification in North Carolina. It was still made necessary to possess 50 acres of land in order to vote for Senators. The old aristocratic element was still able to hold a remaining vestige of their special privilege. It was on the wane, of course, and this is one of the exceedingly rare cases where they were able to avoid the last final step and make the last exit in two steps, as it were. Since 1776 it has very seldom happened that suffrage qualifications have differed for any public offices (Porter, "History Suffrage in United States," pp. 82, 83, 84, 85).

Mr. President, I come now to the great—even though small—State of Rhode Island, the last of the Thirteen Original States I shall discuss. After doing so, I hope to conclude my remarks.

Mr. President, from reading the documents and the debates in connection with Rhode Island's ratification of the Federal Constitution, we observe how the State of Rhode Island retained the right to declare who shall vote and who shall not vote. Although it may sound repetitious, yet, Mr. President, if comparison is made, it will be seen that most of the Original Thirteen States had similar requirements in regard to voting. In the early days, as I have pointed out, some of the States would not permit Catholics to vote. Some of the States would not permit Jews to vote. Some of the States would not permit Protestants to vote. From studying the early records, we find that they demonstrate that the States themselves zealously guarded that right; and in the respective constitutions of the Original Thirteen States, the qualifications of voters in the respective States were outlined or defined.

Mr. President, I cannot emphasize too often that except for the fact that the Original Thirteen States retained that right, today we would not have a Federal Constitution, in my humble judgment. I believe I pointed that out very succinctly, last Wednesday, by quoting from the debates at the great Constitutional Convention.

Mr. President, if and when the matter now at issue here comes before the courts, I hope the judges will take the time to read some of the data which some of us have placed in this RECORD, particularly the debates at the Constitutional Convention in Philadelphia and the constitutions of the Thirteen Original States, about which I have been talking for the last 3 or 4 days. If that is done, I am sure the courts will find out for themselves that the Federal Government has no right to define or declare in any way who shall vote and who shall not vote in the various States or what shall be the qualifications of the voters in the States.

Mr. President, Rhode Island had its own unique character in its inception, caused by the fact that:

Rhode Island was first settled in 1636 by Roger Williams and other immigrants who had suffered persecution in Massachusetts, and who established at Providence "a pure democracy, which for the first time guarded jealously the rights of conscience by ignoring any power in the body politic to interfere with those matters that alone concern man and his Maker." (Thorpe, 6, supra, p. 3205, footnote (a).)

The constitution of Rhode Island in 1842 provided:

ARTICLE II. QUALIFICATIONS OF ELECTORS

SECTION 1. Every male citizen of the United States, of the age of 21 years, who has had his residence and home in this State for 1 year, and in the town or city in which he may claim a right to vote, 6 months next preceding the time of voting, and who is really and truly possessed in his own right of real estate in such town or city of the value of $134 over and above all incumbrances, or which shall rent for $7 per annum over and above any rent reserved or the interest of any incumbrances thereon, being an estate in fee-simple, fee-tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least 90 days, shall thereafter have a right to vote in the election of all civil officers and on all questions in all legal town or ward meetings so long as he continues so qualified. And if any person hereinbefore described shall own any such estate within this State out of the town or city in which he resides, he shall have a right to vote in the election of all general officers and members of the general assembly in the town or city in which he shall have had his residence and home for the term of 6 months next preceding the election, upon producing a certificate from the clerk of the town or city in which his estate lies, bearing date within 10 days of the time of his voting, setting forth that such person has a sufficient estate therein to qualify him as a voter; and that the deed, if any, has been recorded 90 days.

SEC. 2. Every male native citizen of the United States, of the age of 21 years, who has had his residence and home in this State 2 years, and in the town or city in which he may offer to vote, 6 months next preceding the time of voting, whose name is registered pursuant to the act calling the convention to frame this constitution, or shall be registered in the office of the clerk of such town or city at least 7 days before the time he shall offer to vote, and before the last day of December in the present year; and who has paid or shall pay a tax or taxes assessed upon his estate within this State, and within a year of the time of voting, to the amount of $1, or who shall voluntarily pay, at least 7 days before the time he shall offer to vote, and before said last day of December, to the clerk or treasurer of the town or city where he resides, the sum of $1 or such sum as with his other taxes shall amount to $1, for the support of public schools therein, and shall make proof of the same, by the certificate of the clerk, treasurer, or collector of any town or city where such payment is made; or who, being so registered, has been enrolled in any military company in this State, and done military service or duty therein, within the present year, pursuant to law, and shall (until other proof is required by law) prove by the certificate of the officer legally commanding the regiment, or chartered, or legally authorized volunteer company in which he may have served or done duty, that he has been equipped and done duty according to law, or by the certificate of the commissioners upon military claims, that he has performed military service, shall have a right to vote in the election of all civil officers, and on all questions in all legally organized town or war meetings, until the end of the first year after the adoption of this constitution, or until the end of the year 1843.

From and after that time, every such citizen who has had the residence herein required, and whose name shall be registered in the town where he resides, on or before the last day of December, in the year next preceding the time of his voting, and who shall show by legal proof, that he has for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this State, to the amount of $1, or that he has been enrolled in a military company in this State, been equipped and done duty therein according to law, and at least for 1 day during such year, shall have a right to vote in the election of all civil officers, and on all questions, in all legally organized town or ward meetings: *Provided*, That no person shall at any time be allowed to vote in the election of the city council of the city of Providence, or upon any proposition to impose a tax, or for the expenditure of money in any town or city, unless he shall within the year next preceding have paid a tax assessed upon his property therein, valued at least at $134.

SEC. 3. The assessors of each town or city shall annually assess upon every person whose name shall be registered a tax of $1, or such sum as with his other taxes shall amount to $1, which registry tax shall be paid into the treasury of such town or city, and be applied to the support of public schools therein; but no compulsory process shall issue for the collection of any registry tax; *Provided*, That the registry tax of every person who has performed military duty according to the provisions of the preceding section shall be remitted for the year he shall perform such duty; and the registry tax assessed upon any mariner, for any year while he is at sea, shall, upon his application, be remitted; and no person shall be allowed to vote whose registry tax for either of the 2 years next preceding the time of voting is not paid or remitted as herein provided.

SEC. 4. No person in the military, naval, marine, or any other service of the United States shall be considered as having the required residence by reason of being employed in any garrison, barrack, or military or naval station in this State: and no pauper, lunatic, person non compos mentis, person under guardianship, or member of the Narragansett tribe of Indians, shall be permitted to be registered or to vote. Nor shall any person convicted of bribery, or of any crime deemed infamous at common law, be permitted to exercise that privilege, until he be expressly restored thereto by act of the general assembly.

SEC. 5. Persons residing on lands ceded by this State to the United States shall not be entitled to exercise the privilege of electors.

SEC. 6. The general assembly shall have full power to provide for a registry of voters, to prescribe the manner of conducting the elections, the form of certificates, the nature of the evidence to be required in case of a dispute as to the right of any person to vote, and generally to enact all laws necessary to carry this article into effect, and to prevent abuse, corruption and fraud in voting (6 Thorpe, supra, pp. 3224, 3225, 3226, art. II).

In 1864, article IV of the amendments was added:

Electors in this State who, in time of war, are absent from the State, in the actual military service of the United States, being otherwise qualified, shall have a right to vote in all elections in the State for electors of President and Vice President of the United States, Representatives in Congress and general officers of the State. The general assembly shall have full power to provide by law for carrying this article into effect; and until such provision shall be made by law, every such absent elector on the day of such elections, may deliver a written or printed ballot, with the names of the persons voted for thereon, and his Christian and surname, and his voting residence in the State, written at length on the back thereof, to the officer commanding the regiment or company to which he belongs; and all such ballots, certified by such commanding officer to have been given by the elector whose name is written thereon, and returned by such commanding officer to the secretary of state within the time prescribed by law for counting the votes in such elections, shall be received and counted with the same effect as if given by such elector in open town, ward, or district meeting; and the clerk of each town or city, until otherwise provided by law, shall within 5 days after any such election, transmit to the secretary of state a certified list of the names of all such electors on their respective voting lists (6 Thorpe, supra, pp. 3235 and 3236, art. IV).

This article was superseded in 1930 by article XXI of the articles of amendment:

SEC. 1. The electors of this State, who are absent from the State, being otherwise qualified to vote at the general election held

biennially on the Tuesday next after the first Monday in November, shall have the right to vote in all elections in the State for electors of President and Vice President of the United States, Senators in Congress, Representatives in Congress, general officers of the State, senator and representatives in the general assembly from the respective city, town, or district in which the elector is duly qualified to vote, and for any other officers whose names appear on the State ballot, and also to approve or reject any proposition of amendment to the constitution, or other proposition appearing on the State ballot. The general assembly shall have full power to provide by law for carrying this article into effect and any ballot cast under the provisions of such law shall be received and counted with the same effect as if given by such elector in open town, ward or district meeting. The general assembly may also provide special regulations and manner of voting for those persons who are absent from the State in the actual military service of the United States.

SEC. 2. This amendment shall take in the constitution of the State, the place of article IV of articles of amendment to the constitution, which said article and all other provisions of the constitution, inconsistent herewith are hereby annulled.

On November 2, 1948, Rhode Island ratified article XXIII of the articles of amendment, which annulled article XXI of the articles of amendment. The new constitutional outline of absentee voting requirements includes aged and physically disabled persons among the categories eligible to vote in absentia, and also broadens the class of local offices which may be voted upon by absentee ballot:

ARTICLE OF AMENDMENT, ADOPTED NOVEMBER 2, 1948

ARTICLE XXIII

SEC. 1. The electors of this State who are absent from the State, or who, by reason of old age, physical disability, illness, or for other physical infirmities, are unable to vote in person, being otherwise qualified to vote at the general election held biennially on the Tuesday next after the first Monday in November, shall have the right to vote in all elections in the State for electors of President and Vice President of the United States, U.S. Senators in Congress, Representatives in Congress, general officers of the State, senators and representatives in the general assembly for the respective city, town, or districts, in which the elector is duly qualified to vote, and for any other officers whose names appear on the State ballot and for any city, town, water district officers whose names appear on the respective city or town ballots in the ward or district of the city or town in which the elector is duly qualified to vote, and also to approve or reject any proposition of amendment to the constitution or other propositions appearing on the State, city, or town ballot. The general assembly shall have full power to provide by law for carrying this article into effect and any ballot cast under the provisions of such law shall be received and counted with the same effect as if given by such elector in open town, ward or district meeting.

SEC. 2. This amendment shall take in the constitution of the State the place of article XXI of articles of amendment to the constitution, which said article and all other provisions of the constitution inconsistent herewith are hereby annulled: *Provided, however,* That the provisions of this article shall not be construed to amend or repeal article XXII of the articles of amendment to the constitution (Rhode Island Manual, pp. 81, 82).

This section, in turn, was annulled by article XXXIV of the amendments, adopted February 27, 1958.

In its place was substituted a section proposed at a limited constitutional convention called by the general assembly on December 16, 1957. It was adopted by the convention by a vote of 180 to 2, and then adopted by the people of Rhode Island by a vote of 17,973 to 1,592 on February 27, 1958.

The two sections read as follows:

1. Absentee voting: The general assembly is authorized and empowered to enact legislation prescribing the time, place, manner, and extent of voting by electors of this State, who are absent from the State, or who, by reason of old age, physical disability, illness or other physical infirmities, are unable to vote in person.

2. Existing laws remain in effect: All laws of the State in effect on the date of the adoption hereof relating to the time, place, manner, and extent of voting by the electors of the State referred to in section I hereof shall remain in full force and effect until amended or repealed by the general assembly.

In 1886, article VI of the amendments was approved, conferring upon alien veterans the right to vote:

All soldiers and sailors of foreign birth, citizens of the United States, who served in the Army and Navy of the United States from this State in the late Civil War, and who were honorably discharged from such service, shall have the right to vote on all questions in all legally organized town, district or ward meetings, upon the same conditions and under and subject to the same restrictions as native-born citizens. (Obsolete by article VII of amendments.)

The provisions of article VI of the amendments, as above quoted, were rendered obsolete in 1888 by article VII of the amendments; and these amendments annulled and superseded sections 2 and 3 of article II of the 1842 constitution. Article VII of the amendments was as follows:

SECTION 1. Every male citizen of the United States of the age of 21 years, who has had his residence and home in this State for 2 years, and in the town or city in which he may offer to vote for 6 months next preceding the time of his voting, and whose name shall be registered in the town or city where he resides on or before the last day of December, in the year next preceding the time of his voting, shall have a right to vote (in the election) in the election of all civil officers and on all questions in all legally organized town or ward meetings: *Provided,* That no person shall at any time be allowed to vote in the election of the city council of any city, or upon any proposition to impose a tax or for the expenditure of money in any town or city, unless he shall within the year next preceding have paid a tax assessed upon his property therein, valued at least at $134. (Annulled by article XX of amendments; see article XIX of amendments to U.S. Constitution.)

SEC. 2. The assessors of each town and city shall annually assess upon every person who, if registered, would be qualified to vote a tax of $1, or such sum as with his other taxes shall amount to $1, which tax shall be paid into the treasury of such town or city and be applied to the support of public schools therein: *Provided,* That such tax assessed upon any person who has performed military duty shall be remitted for the year he shall perform such duty; and said tax assessed upon any mariner for any year while he is at sea, or upon any person who by reason of extreme poverty is unable to pay said tax, shall, upon application of such mariner or person, be remitted. The general assembly shall have power to provide by law for the collection and remission of said tax.

Poll tax on female voters: This constitutional section does not authorize assessment of a poll tax upon female voters who, if registered, are entitled to vote for electors of President and Vice President of the United States. In re Opinion to the Governor, 42, R. I. 558, 109 Atl. 84.

SEC. 3. This amendment shall take in the constitution of the state, the place of sections 2 and 3 of articles II, of the Qualification of Electors, which said sections are hereby annulled.

Effect of section: By the provisions of this section, section 1 of this article becomes a part of article II of the constitution (*King* v. *Board of Canvassers of City of Providence* (42 R.I. 41, 105 Atl. 372)).

Article VIII of the amendments, adopted in 1889, annulled article V of the amendments, relating to soldiers and sailors of foreign birth.

Article XX of the amendments, ratified in 1928, superseded section 1 of article VII of the articles of amendments, adopted in 1888, to which I have previously referred. Section 1 of the 1888 amendment, Senators will recall, took the place of section 2 of article II of the 1842 constitution. Article XX of the articles of amendment reads as follows:

SECTION 1. Every citizen of the United States of the age of 21 years, who has had his residence and home in this State for 2 years, and in the town or city in which he may offer to vote 6 months next preceding the time of his voting, and whose name shall be registered in the town or city where he resides on or before the last day of June in the registration period next preceding the time of his voting shall have a right to vote in the election of all civil officers and on all questions in all legally organized town, ward, or district meetings: *Provided,* That no person shall at any time be allowed to vote upon any proposition to impose a tax or for the expenditure of money in any town, as distinguished from a city, unless he shall be qualified under section 1 of article II of this constitution, or unless he shall within the year next preceding have paid a tax assessed upon his personal property in said town, of the value of at least $134; *Provided,* That if the general assembly shall at any time vest the authority to impose taxes and for the expenditure of money in any town or city in budget commission, such commission shall consist of not less than 5 nor more than 15 electors, of such qualifications and with such powers as the general assembly may prescribe, to be elected by the qualified electors of such town or city: *Provided,* That no such budget commission shall be created for a town, as distinguished from a city, unless the electors thereof in a financial town meeting regularly called, due notice of such proposition appearing in the call for such meeting, shall by a majority vote of those present and voting, vote to submit such proposition to the electors of such town qualified to vote upon any proposition to impose a tax or for the expenditure of money, at the next regular election of town officers, and unless such electors at such election shall by a majority vote of those present and voting approve such proposition: *Provided,* That any elector, being otherwise qualified, whose name is on the real estate or the personal property voting list of any town or city on the date of the adoption of this article of amendment by the electors of the State, and any elector, being otherwise qualified, whose name shall

thereafter be placed upon such list as a real estate or personal property voter, shall have a right to vote in the election of all civil officers and on all questions in all legally organized town, ward, or district meetings, and to have his name retained on said list without further registration, so long as he continues so qualified; and in the event that an elector whose name is on the real estate voting list of any town or city at the end of any registration period for voters shall thereafter during the next succeeding registration period for voters transfer all his real estate in said town or city as shown by record, his name shall forthwith be transferred to the list of registry voters, unless qualified as a personal voter, and such elector shall be entitled to vote as a registry voter during the remainder of the then current registration period for voters; and in the event that an elector whose name is on the personal property voting list of any town or city at the end of any registration period for voters thereafter during the next succeeding registration period for voters fails to pay the personal property tax assessed against him, his name shall be transferred to the list of registry voters, and such elector shall be entitled to vote as a registry voter during the remainder of the then current registration period for voters: *And provided*, That the registration period for voters shall include the 2 years ending June 30 next preceding the election of general officers of the State.

SEC. 2. This amendment shall take in the constitution of the State, the place of section 1 of article VII of the articles of amendment, adopted April 1888, which said section and all other provisions of the constitution inconsistent herewith are hereby annulled.

In 1950, article XXIV of the articles of amendment replaced section 4 of article II of the 1842 constitution:

ARTICLE OF AMENDMENT, ADOPTED NOVEMBER 7, 1950

ARTICLE XXIV

SECTION 1. Section 4 of article II of the constitution of the State is hereby amended to read as follows:

"SEC. 4. No person in the military, naval, marine, or any other service of the United States shall be considered as having the required residence by reason of being employed in any garrison, barrack, or military or naval station in this State: and no pauper, lunatic, person non compos mentis, or person under guardianship shall be permitted to be registered or to vote. Nor shall any person convicted of bribery, or of any crime deemed infamous at common law, be permitted to exercise that privilege, until he be expressly restored thereto by act of the general assembly."

SEC. 2. This amendment shall take in the constitution of the State the place of section 4 of article II, "of the qualifications of electors," which said section and all other provisions of the constitution inconsistent herewith are hereby annulled (Rhode Island Manual, p. 82).

At the same time—that is, in 1950—amendment XXV of the articles of amendment was ratified, by which the qualifications of electors were revised:

ARTICLE OF AMENDMENT, ADOPTED NOVEMBER 7, 1950

ARTICLE XXV

SECTION 1. Every citizen of the United States, at the age of 21 years or over, who has had his residence and home in this State for 1 year and in the town or city in which he may offer to vote 6 months next preceding the time of voting, and whose name shall be registered in accordance with this article and the statutes adopted under its authority in the town or city where he resides at least 60 days next preceding the time of his voting shall, except as provided in section 2 hereof, have a right to vote in the election of all civil officers and on all questions in all legally organized town, ward, or district meetings so long as he continues so qualified. A person who has so registered shall not be required to register again so long as he continues to have his residence and home in said town or city and continues to be otherwise qualified: *Provided, however*, That if a registered voter has not voted at least once at an election, primary, caucus, or meeting within the 5 preceding calendar years his registration shall be canceled, except that the registration of no person shall be so canceled during his service in the Armed Forces of the United States. A voter whose registration has been so canceled shall not thereafter be eligible to vote unless he shall again register in accordance with this article and the statutes adopted under its authority.

SEC. 2. No person shall, except as provided in section 3 hereof, at any time be allowed to vote upon any proposition to impose a tax or for the expenditure of money in any town, as distinguished from a city, unless he shall either (1) be really and truly possessed in his own right of real estate in such town of the value of $134 over and above all encumbrances, or which shall rent for $7 per annum over and above any rent reserved or the interest of any encumbrances thereon, being an estate in fee simple, fee tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least 90 days prior to the time of voting or (2) shall within the year next preceding have paid a tax assessed upon his personal property in said town of the value of at least $134.

SEC. 3. If the general assembly shall at any time vest the authority to impose taxes and for the expenditure of money in any town or city in a budget commission, such commission shall consist of not less than 5 nor more than 15 electors, of such qualifications and with such powers as the general assembly may prescribe, to be elected by the qualified electors of such town or city. No such budget commission shall be created for a town, as distinguished from a city, unless the electors thereof in a financial town meeting regularly called, due notice of such proposition appearing in the call for such meeting, shall by a majority vote of those present and voting, vote to submit such proposition to the electors of such town qualified to vote upon any proposition to impose a tax or for the expenditure of money, at the next regular election of town officers, and unless such electors at such election shall by a majority vote of those present and voting approve such proposition.

SEC. 4. The general assembly shall provide by law for a uniform registration of voters who possess the qualifications prescribed in this article and shall include in such provisions suitable methods of identification of such voters, by signature or otherwise.

SEC. 5. Until the general assembly shall otherwise prescribe: Whenever any person eligible to vote shall register to vote in any town or city he shall be required to sign his name on three separate and distinct cards, or in three separate and distinct books or on one or more cards and in one or more books making a total of three cards or books in all, and at the time he shall so register he shall be given by the official or clerk so registering him an identification card upon which such qualified elector shall sign his name in the presence of such official or clerk. The general assembly may provide by law that in case any person shall be unable to sign his name because of physical incapacity or otherwise he may be exempted from the foregoing provisions in regard to signing his name and the general assembly shall provide that in such cases such person shall comply with other requirements which shall assist in providing identification of such voter. One of said registration cards or books shall at all times be retained in the custody of the town or city official or board in whom or in which is vested authority to register voters, one of said registration cards or books shall be sent by said town or city official or board to the State official or board in whom or in which is vested authority to supervise elections throughout the State and one of such registration cards or books shall be sent by said town or city official or board to the polling place of meeting at which any votes are to be taken or election, primary or caucus is to be held and shall be delivered by said official or board to the moderator of said polling place or meeting and shall at all times during the conduct of such election, primary, caucus, or meeting be kept in the custody of said moderator, and following the conclusion of such election, primary, caucus, or meeting shall be redelivered by the moderator to said town or city official or board.

SEC. 6. In all elections, primaries, caucuses, or meetings held before the 1st day of July occurring next after 6 months following the adoption of this amendment, the qualifications to vote, including the registration qualifications, requirements, and periods, shall be the same as before the adoption of this amendment. No person shall, however, be qualified to vote in any election, primary, caucus, or meeting held on or after said 1st day of July, unless he shall be registered under the authority of this article and all voters, whether they have theretofore been real estate, personal property, or registry voters shall be required to register under the authority of this article in order to continue to be qualified to vote after said date.

SEC. 7. This amendment shall take in the constitution of the State the place of section I of article II and of articles XVIII and XX of the amendments to said constitution, which said section and articles and all other provisions of the constitution inconsistent herewith are hereby annulled: *Provided, however*, That nothing contained in this article shall in any way be deemed to modify or affect the provisions of article XXII of the amendments to the constitution except that the reference therein to article XX of the amendments to the constitution shall be deemed to refer to this article. (Rhode Island Manual, pp. 83, 84, 85.)

Also on November 7, 1950, Rhode Island ratified article XXVI of the articles of amendment which replaced article XX of the articles of amendment. Article XX, Senators will recall, had replaced section 1 of article VII of the articles of amendment. Article XXVI of the articles of amendment read as follows:

ARTICLE OF AMENDMENT, ADOPTED NOVEMBER 7, 1950

ARTICLE XXVI

SECTION 1. Every citizen of the United States of the age of 21 years, who has had his residence and home in this State for 2 years, and in the town or city in which he may offer to vote 6 months next preceding the time of his voting, and whose name shall be registered in the town or city where he resides on or before the last day of June in the registration period next preceding the time of his voting shall have a right to vote in the election of all civil officers and on all questions in all legally organized town, ward, or district meetings: *Provided*, That no person shall at any time be allowed to vote upon any proposition to impose a tax or for the expenditure of money in any town, as distinguished from a city, unless he shall be qualified under section 1 or article II of this constitution, or unless he shall within the year next preceding have paid a tax assessed upon

his personal property in said town, of the value of at least $134, or unless he shall be exempted from the payment of a tax upon personal property of the value of at least $134 owned by him, by reason of his having served in the Armed Forces of the United States of America: *Provided*, That if the general assembly shall at any time vest the authority to impose taxs and for the expenditure of money in any town or city in a budget commission, such commission shall consist of not less than 5 nor more than 15 electors, of such qualifications and with such powers as the general assembly may prescribe, to be elected by the qualified electors of such town or city: *Provided*, That no such budget commission shall be created for a town, as distinguished from a city, unless the electors thereof in a financial town meeting regularly called, due notice of such proposition appearing in the call for such meeting, shall by a majority vote of those present and voting, vote to submit such proposition to the electors of such town qualified to vote upon any proposition to impose a tax or for the expenditure of money, at the next regular election of town officers, and unless such electors at such election shall by a majority vote of those present and voting approve such proposition: *Provided*, That any elector, being otherwise qualified, whose name is on the real estate or the personal property voting list of any town or city on the date of the adoption of this article of amendment by the electors of the State, and any elector, being otherwise qualified, whose name shall thereafter be placed upon such list as a real estate or personal property voter, shall have a right to vote in the election of all civil officers and on all questions in all legally organized town, ward, or district meetings, and to have his name retained on said list without further registration, so long as he continues so qualified; and in the event that an elector whose name is on the real estate voting list of any town or city at the end of any registration period for voters shall thereafter during the next succeeding registration period for voters transfer all his real estate in said town or city, as shown by record, his name shall forthwith be transferred to the list of registry voters, unless qualified as a personal voter, and such elector shall be entitled to vote as a registry voter during the remainder of the then current registration period for voters; and in the event that an elector whose name is on the personal property voting list of any town or city at the end of any registration period for voters thereafter during the next succeeding registration period for voters fails to pay the personal property tax assessed against him, his name shall be transferred to the list of registry voters, and such elector shall be entitled to vote as a registry voter during the remainder of the then current registration period for voters: *And provided*, That the registration period for voters shall include the 2 years ending June 30 next preceding the election of general officers of the State.

SEC. 2. This amendment shall take in the constitution of the State, the place of section 1 of article XX of the articles of amendment, adopted November 6, 1928, which said section and all other provisions of the constitution inconsistent herewith are hereby annulled (Rhode Island Manual, pp. 86, 87).

In 1951, the qualifications of Rhode Island voters were again revised, with the adoption on June 28 of articles XXVII, XXVIII, and XXIX of the articles of amendment:

ARTICLE OF AMENDMENT, ADOPTED JUNE 28, 1951

ARTICLE XXVII

SECTION 1. Section 2 of article VII of the articles of amendment to the constitution of this date is hereby annulled.

SEC. 2. Section 3 of article II of the constitution of this State shall remain annulled.

SEC. 3. All other provisions of the constitution inconsistent herewith are hereby annulled.

SEC. 4. This amendment shall take effect whenever a majority of electors voting at a special election, to which this amendment is submitted after adoption by the constitutional convention, shall approve the same.

ARTICLE XXVIII

SECTION 1. It is the intention of this article to grant and confirm to the people of every city and town in this State the right of self-government in all local matters.

SEC. 2. Every city and town shall have the power at any time to adopt a charter, amend its charter, enact and amend local laws relating to its property, affairs, and government not inconsistent with this constitution and laws enacted by the general assembly in conformity with the powers reserved to the general assembly.

SEC. 3. Notwithstanding anything contained in this article, every city and town shall have a legislative body composed of one or two branches elected by vote of its qualified electors.

SEC. 4. The general assembly shall have the power to act in relation to the property, affairs, and government of any city or town by general laws which shall apply alike to all cities and towns, but which shall not affect the form of government of any city or town. The general assembly shall also have the power to act in relation to the property, affairs, and government of a particular city or town provided that such legislative action shall become effective only upon approval by a majority of the qualified electors of the said city or town voting at a general or special election, except that in the case of acts involving the imposition of a tax or the expenditure of money by a town the same shall provide for the submission thereof to those electors in said town qualified to vote upon a proposition to impose a tax or for the expenditure of money.

SEC. 5. Nothing contained in this article shall be deemed to grant to any city or town the power to levy, assess, and collect taxes or to borrow money, except as authorized by the general assembly.

SEC. 6. Every city and town shall have the power to adopt a charter in the following manner: Whenever a petition for the adoption of a charter signed by 15 percent, of the qualified electors of a city, or in a town by 15 percent, but not less than 100 in number, of those persons qualified to vote on any proposition to impose a tax or for the expenditure of money shall be filed with the legislative body of any city or town the same shall be referred forthwith to the canvassing authority which shall within 10 days after its receipt determine the sufficiency thereof and certify the results to the legislative body of said city or town. Within 60 days thereafter the legislative body of a city shall submit to its qualified electors and the legislative body of a town shall submit to the electors of said town qualified to vote upon a proposition to impose a tax or for the expenditure of money the following question: "Shall a commission be appointed to frame a charter?" and the legislative body of any city or town shall provide by ordinance or resolution a method for the nomination and election of a charter commission to frame a charter consisting in a city of nine qualified electors and in a town of nine electors of said town qualified to vote upon a proposition to impose a tax or for the expenditure of money who shall be elected at large without party or political designation and who shall be listed alphabetically on the ballot used for said election. Such ordinance or resolution shall provide for the submission of the question and the election of the charter commission at the same time. Upon approval of the question submitted the nine candidates who individually receive the greater numbers of votes shall be declared elected and shall constitute the charter commission.

SEC. 7. Within 1 year from the date of the election of the charter commission the charter framed by the commission shall be submitted to the legislative body of the city or town which body shall provide for publication of said charter and shall provide for the submission of said charter to the electors of a city or town qualified to vote for general State officers at the general election next succeeding 30 days from the date of the submission of the charter by the charter commission. If said charter is approved by a majority of said electors voting thereon, it shall become effective upon the date fixed therein.

SEC. 8. The legislative body of any city or town may propose amendments to a charter which amendments shall be submitted for approval in the same manner as provided in this article for the adoption of a charter except that the same may be submited at a special election: *And provided further*, That in the case of a town, amendments concerning a proposition to impose a tax or for the expenditure of money, shall be submitted at a special or regular financial town meeting.

SEC. 9. Whenever the legislative body of any city or town consists of more than one branch, a petition for the adoption of a charter as provided in this article may be filed with either branch of said legislative body.

SEC. 10. Duplicate certificates shall be made setting forth the charter adopted and any amendments approved and the same shall be signed by a majority of the canvassing authority; one of such certified copies shall be deposited in the office of the secretary of state and the other after having been recorded in the records of the city or town shall be deposited among the archives of the said city or town and all courts shall take judicial notice thereof.

SEC. 11. The judicial powers of the State shall not be diminished by the provisions of this article.

SEC. 12. This amendment shall take effect whenever a majority of electors voting at a special election, to which this amendment is submitted after adoption by the Constitutional Convention, shall approve the same.

ARTICLE XXIX

SECTION 1. Every citizen of the United States, of the age of 21 years or over, who has had his residence and home in this State for 1 year and in the town or city in which he may offer to vote 6 months next preceding the time of voting, and whose name shall be registered in accordance with this article and the statutes adopted under its authority in the town or city where he resides at least 60 days next preceding the time of his voting shall, except as provided in section 2 hereof, have a right to vote in the election of all civil officers and on all questions in all legally organized town, ward, or district meetings so long as he continues so qualified. A person who has so registered shall not be required to register again so long as he continues to have his residence and home in said town or city and continues to be otherwise qualified: *Provided, however*, That if a registered voter does not vote at least once at an election, primary, or caucus within the 5 calendar years succeeeding his registration, his said registration shall be canceled, except that the registration of no person shall be so canceled during his service in the Armed Forces of the United States and during 2 years thereafter. A voter whose registration has been so canceled shall not thereafter be eligible to vote unless he shall again register in accordance with this article and the statutes adopted under its authority.

SEC. 2. No person shall, except as provided in section 3 hereof, at any time be allowed

to vote upon any proposition to impose a tax or for the expenditure of money in any town, as distinguished from a city, unless he shall be qualified under the provisions of section 1 hereof and shall either (1) be really and truly possessed in his own right of real estate in such town of the value of $134 over and above all incumbrances, or which shall rent for $7 per annum over and above any rent reserved or the interest of any incumbrances thereon, being an estate in fee-simple, fee-tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least 90 days prior to the time of voting or (2) shall within the year next preceding have paid a tax assessed upon his personal property in said town of the value of at least $134.

SEC. 3. If the general assembly shall at any time vest the authority to impose taxes and for the expenditure of money in any town or city in a budget commission, such commission shall consist of not less than 5 nor more than 15 electors, of such qualifications and with such powers as the general assembly may prescribe, to be elected by the qualified electors of such town or city. No such budget commission shall be created for a town, as distinguished from a city, unless the electors thereof in a financial town meeting regularly called, due notice of such proposition appearing in the call for such meeting, shall by a majority vote of those present and voting, vote to submit such proposition to the electors of such town qualified to vote upon any proposition to impose a tax or for the expenditure of money, at the next regular election of town officers, and unless such electors at such election shall by a majority vote of those present and voting approve such proposition. Budget commissions heretofore created pursuant to the provisions of section 1 of article XX of the amendments to the constitution shall be deemed to have been created pursuant to the provisions of this section.

SEC. 4. The general assembly shall provide by law for a uniform registration of voters who possess the qualifications prescribed by this article. In each city and town the registration, canvassing of the rights and correcting the list of voters shall be administered by a canvassing authority. Beginning in January of each year in which a general election is to be held a census of registered voters at their addresses appearing in the registration records shall be jointly made in each voting district of each city and town by two persons appointed by said authority, one of whom shall represent one of the two political parties, and the other of whom shall represent the other of the two political parties whose candidates for Governor shall have received the larger numbers of votes in the general election then next preceding. Said persons, having conducted the census, shall deliver their report of said census to the canvassing authority. The canvassing authority shall forthwith notify every person reported as not residing at the address on said records of voters to appear before said canvassing authority within a certain time thereafter to show cause, if any, why his name should not be stricken from said records of voters. If such person so notified fails to appear as aforesaid, or appearing fails to show such cause, the canvassing authority shall strike the name of such person from said records of voters.

The warden or moderator, as the case may be, or the clerk, supervisor or party watcher, may challenge, in the polling place, the identity of any person who offers to vote under a name appearing upon the voting list. The person so challenged may thereupon present evidence of his identity, and if such evidence is satisfactory to the warden or moderator, as the case may be, and to the clerk, he shall be permitted to vote. If he fails to present such evidence, or if the evidence presented is not satisfactory to the warden or moderator, as the case may be, and to the clerk, the person who offers to vote and whose identity is challenged shall be required to make an affidavit under penalty setting forth that he is the same person whose name appears upon the list and that the name under which he offers to vote is his own name. Upon executing said affidavit, he shall be permitted to vote.

SEC. 5. Until the first day of July 1952 the qualifications and right to vote shall be governed by the laws of this State as they existed on November 6, 1950.

No person shall, however, be qualified to vote in any election, primary, caucus, or meeting held on or after said 1st day of July 1952 unless he shall be registered under the authority of this article and all voters, whether they have theretofore been real estate, personal property, or registry voters shall be required to register under the authority of this article in order to continue to be qualified to vote after said date.

SEC. 6. Upon the approval of this article of amendment by the people, and upon the enactment of legislation pursuant to section 4 hereof, the proper officers are hereby authorized, empowered and directed to accept registrations of voters pursuant to the provisions hereof, which registrations shall become effective on the 1st day of July 1952.

SEC. 7. The general assembly shall have full power to prescribe the manner of conducting the elections, the form of certificates, the nature of the evidence to be required in case of a dispute as to the right of any person to vote, and generally to enact all laws necessary to carry this article into effect, and to prevent abuse, corruption, and fraud in voting.

SEC. 8. This amendment shall take in the constitution of the State the places of sections 1, 2, 3, and 6 of article II; and in the articles of amendment to said constitution, of article VII, section 11 of article XI and of articles XVIII and XX, and those two certain articles of amendment providing respectively for permanent registration and for qualification of electors approved the 7th day of November 1950 upon submission pursuant to chapters 2294 and 2305 of the Public Laws, of 1949, which said sections and articles and all other provisions of the constitution inconsistent herewith are hereby annulled: *Provided, however,* That nothing contained in this article shall in any way be deemed to modify or affect the provisions of article XXII of the amendments to the constitution shall be deemed to refer to this article.

SEC. 9. This amendment shall take effect whenever a majority of electors voting at a special election, to which this amendment is submitted after adoption by the constitutional Convention, shall approve the same (Rhode Island Manual, pp. 88, 89, 90, 91, 92, 93, 94).

A portion of section 4 of article XXIX dealing with uniform registration of voters was deleted and new sections dealing with the canvassing and list of electors and the effective date of the amendment were added.

The provisions of article XXXV of the amendments, adopted on February 27, 1958, are as follows:

Annulment of portion of 29th amendment: That portion of the 4th section of the 29th article of amendment to the constitution of the State reading as follows: "Beginning in January of each year in which a general election is to be held a census of registered voters at their addresses appearing in the registration records shall be jointly made in each voting district of each city and town by two persons appointed by said authority, one of whom shall represent one of the two political parties, and the other of whom shall represent the other of the two political parties whose candidates for Governor shall have received the larger number of votes in the general election then next preceding. Said persons, having conducted the census, shall deliver their report of said census to the canvassing authority. The canvassing authority shall forthwith notify every person reported as not residing at the address on said records of voters to appear before said canvassing authority within a certain time thereafter to show cause, if any, why his name should not be stricken from said records of voters. If such person so notified fails to appear as aforesaid, or appearing fails to show such cause, the canvassing authority shall strike the name of such person from said records of voters," is hereby annulled.

2. Canvassing and lists of electors: The general assembly is authorized and empowered to provide by law for a method of canvassing the lists of qualified electors.

3. Effective date: If a majority of electors voting at a special election, to which this amendment is submitted after adoption by the constitutional convention, shall approve the same this amendment shall become effective on December 31, 1958, unless the general assembly prior thereto shall enact provisions for a method of canvassing said lists in which case this amendment shall take effect upon such enactment.

Article XXX of the articles of amendment, adopted June 28, 1951, permits specified classes of persons exempt from taxation to vote upon proposals imposing taxes for expenditures in a town, as distinguished from a city:

ARTICLE XXX

SECTION 1. For the purpose of determining the qualification of persons to vote upon any proposition to impose a tax or for the expenditure of money in a town, as distinguished from a city, exemption from taxation granted to any person by reason of his or her having served in the Armed Forces of the United States of America, or by reason of being the unremarried widow of such person, or by reason of being the parent of such person, which such person shall have lost his or her life as a casualty in any war in which the United States of America shall have been engaged, shall be considered payment in the amount exempted.

SEC. 2. This amendment shall take effect whenever a majority of electors voting at a special election, to which this amendment is submitted after adoption by the constitutional convention, shall approve the same (Rhode Island Manual, pp. 94, 95).

Rhode Island's property qualifications were strict. They died hard. Porter says:

In Rhode Island the demand for abolition of property qualifications for suffrage ultimately led to a small-sized revolution. This State has been mentioned several times as being particularly well fortified against the progressive movements of the day. But it seems that the longer the conservatives succeeded in staving off the day of reckoning the harder they were destined to fall. Only a complete surrender to the popular demands saved bloodshed, and if the people of Rhode Island did have to wait until 1843 to get the franchise without impediments, it is worth noting that the step from a real estate to no kind of property qualifications was made in about as quick time as it took to write it down. There was no dillydallying through the various stages of personal-property alternatives. The disorder resulting in this sudden change is known to history as the Dorr Rebellion of 1841.

Rhode Island had never provided herself with modern constitution such as the other States possessed. Rhode Island always

seemed to take pride in being eccentric, and it pleased her public men to say that their State was operating satisfactorily under the ancient charter granted by Charles II in 1663. It seems that this antiquity was supposed to lend a certain prestige to the State which the 19th century generation of Democrats failed to appreciate. The charter provided a property in real estate qualification for the suffrage. It did not excite much opposition until the Jeffersonian movement was at its height. For a time the Republicans or Antifederalists were in power, and steps were taken looking toward a cutting down of the suffrage qualification. Had those who worked for such a move been successful, in all probability a taxpaying alternative would have been provided and Rhode Island would have illustrated the same gradual tendency that was observable in other States. But the remanent of Federalists got back in power before the step was accomplished, and nothing was done. This happened in 1811.

Rhode Island naturally became a manufacturing State and thousands of workers flocked into the cities. They formed a malcontent group that was continually grumbling against repression; but the property interests were firmly intrenched back of their hoary charter, and the democratic element could not pry its way into the "closed corporation." Suffrage was being extended in all the States surrounding them, as has been seen. And there was no lack of agitation in Rhode Island either. Scarcely 10 years elapsed from the time of the former effort when in the early twenties a proposition for a new constitution was put before the electorate and failed of adoption. This was quite to be expected, for those who exercised the franchise were satisfied, and the malcontent group was not able yet to awe them. The governing class here was particularly arrogant and supercilious.

In 1829 bold demands were made upon the assembly to make some move toward establishing a more democratic government. But these demands only provoked the most amazing declarations against democratic principles. One would have thought that this assembly had never heard of the Declaration of Independence of the United States of America, and that King Charles had graciously blessed them with his charter, perhaps the year before. Democracy was roundly denounced and the freehold qualification stoutly supported.

It was about this time that one Thomas Dorr appeared upon the scene. He was a man of education and good family and seemed ready to give his entire energy to the cause of broader suffrage. He assumed the leadership of suffrage advocates and, in May 1833, organized a party for the purpose of carrying on a systematic propaganda for a taxpaying suffrage clause. This is significant. Dorr and his followers did not want full suffrage. What they wanted at this time was taxpaying qualification only. The party consisted of mechanics and workingmen for the most part, that is, the best of these, the sort who paid some taxes but did not own real estate. They held regular meetings in the townhouse at Providence and discussed the suffrage question. The occasions were not without picturesque interest, for the speakers and prominent leaders, wishing to emphasize the plebeian character of the organization, always appeared in rough clothing and assumed rude manners. They wrote messages to State and National dignitaries and would sign their names: "John Jones, carpenter," "William Smith, shoemaker," "George Clark, blacksmith," etc. They were as proud of being plebes as the aristocrats were of being proteges of the beloved King Charles.

These activities resulted in a constitutional convention being called by the assembly in 1834. But delegates were to have no pay, which shut out the poor electorate while the legitimate convention was having a recess. It was approved by an overwhelming majority at the polls. This constitution embraced a much more liberal program than had at first been intended. Every white male citizen of the United States was to have the franchise after a residence of 1 year in the State and 6 months in the town.

The legitimate convention hastened to reassemble and promptly drew up a constitution, known as the landholder's constitution, which was surprisingly liberal. It was provided that every white male native citizen of the United States could vote if he possessed $134 worth of property and had lived in the State 1 year. If he had lived in the State 2 years the property requirement was not to apply. Foreigners must have lived in the State 3 years after naturalization and in any event satisfy the property requirement. This was certainly enough to have caused the end of the revolution. There is no doubt at all that the extra year of residence would soon have been taken off, and the disabilities against foreigners ought not to have offended the original suffrage leaders, for they favored such measures themselves. But Dorr and his crowd were angry. They did not want anybody to spoil their revolution and, as a result of their agitation, the landholders' constitution was defeated on March 1, 1842. The suffrage leaders had refused to accept the equivalent of their own program when it came through a legitimate channel.

Dorr now declared that the people's constitution was legally in force and proposed to set up a government under that constitution. Of course such a proceeding was absolutely illegal, but a government was organized nevertheless. The legitimate government was very slow to oppose any of Dorr's activities. He had been elected Governor under the people's constitution and pretended to act as Governor. On May 18 he undertook to seize the arsenal as a first step in his warlike program of ousting the legitimate government and establishing his own. He had a goodly following and marched up to the arsenal boldly enough. He ordered the defenders to surrender, which they refused to do. He had brought an old cannon with him and now ordered the men to shoot it. But, as has been well said, "The men who followed Mr. Dorr to the field, it appeared, had not gone there to fight, but to witness the fulfillment of his prediction that the arsenal would be surrendered without firing a gun." He tried to fire the cannon himself, but it would not go off. The attack was then given up for the time being. The government treated the affair with great indulgence. Dorr was permitted to escape from the State, but a month later he returned and issued various proclamations as Governor of Rhode Island, calling the people to arms. The legitimate assembly now prepared in earnest to put an end to his nonsense. On June 25 the city was under martial law and a considerable force was under arms. They were well organized and proceeded to surround Dorr and his force.

On the evening of the 27th Dorr unexpectedly fled, deserting his followers, and leaving a note saying that evidently those who voted for the people's constitution were not willing to fight for it. He advised his followers to disperse. This was the end of the Dorr Rebellion. Only one man had been killed in the whole affray, and that happened in a disorderly mob. Dorr was later captured, tried, sentenced to life imprisonment, and the next year set at liberty by the legislature upon which he had made war.

In the meantime a constitutional convention had been called, the delegates to which were to be elected by native males who had lived in the State 3 years. This provision was noticeable for not discriminating against Negroes. It is quite evident that at last the assembly had come to a point where it was willing to go to almost any limits to satisfy the popular clamor. The Dorr Rebellion is a landmark. It was by far the biggest, most dramatic, and most determined attack upon property qualifications that had ever occurred, and it was practically the last struggle that was necessary to break the hold of property qualifications for good. The only incident in the history of suffrage in the United States that can eclipse this in importance is the passage of the 14th amendment.

The Dorr Rebellion had really assumed national significance and was supported by Democrats all over the United States. The President had been asked to support the legitimate government with Federal troops, but public sentiment restrained him until the last moment. There is no doubt that the movement had the full, whole-hearted sympathy of the entire Nation. If Dorr had only accepted the advances of the legitimate government in Rhode Island and had not clung to his foolish, illegal project after the real aim had been accomplished, the incident would not suffer the opprobrium with which it must now be stigmatized. The rebellion had collapsed for want of a real issue, but the leaders were too selfish to acknowledge the fact.

The modern constitution which was the ultimate outcome of this trouble was not put in force until 1843, and it embodied some unusual alternatives. Native citizens of the United States who had paid a tax of not less than $1 or had done military service could vote after satisfying a 2-year-residence requirement. If a man owned $134 worth of property, or property yielding $7 annual income, he could vote after living in the State 1 year. The taxpaying requirement amounted to nothing but a registry tax of $1, but to the conservative element it was only a slight measure of consolation. It is to be noted that naturalized citizens could not escape the property test and that there was no discrimination against Negroes. This constitution was not as liberal as the so-called landholder's constitution that had been repudiated by the suffrage advocates, but they were not disturbed over the matter. A majority of the population was quite ready to put disabilities upon the foreigner, and the $1 tax was not particularly offensive.

Indians were excluded from the suffrage, as were also sailors, soldiers, the insane, and paupers; infamous crimes, bribery in particular, were to be cause for exclusion. On the whole this constitution had a very comprehensive suffrage clause (Porter, "History of Suffrage in the United States," p. 93).

As I have pointed out, all of the original States zealously guarded the right to spell out and to fix, in their own constitutions and their own statutes, the qualifications of voters. That right was maintained and exercised not only by the Original Thirteen States, but all States admitted to our Union since the adoption of our Constitution.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. ELLENDER. I yield for a question.

The PRESIDING OFFICER. The Chair is advised that the Senator from Illinois has control of the floor.

Mr. DIRKSEN. Mr. President, before I yield to the Senator from Ohio, and with the understanding that I do not lose my right to the floor, I first want to thank the distinguished Senator from

Louisiana not only for his constructive contribution to the debate on the issue which has engaged our attention for the last 2 months, but for the fine forbearance he has shown. I am deeply grateful to him.

Mr. President, first, I yield 1½ minutes to the distinguished Senator from Wisconsin, with the understanding that I do not lose the floor.

THE DOUGLAS TRUTH IN CREDIT BILL WILL HELP BEAT THE AUTO FINANCE KICKBACK RACKET

Mr. PROXMIRE. Mr. President, yesterday, Mr. Herbert E. Cheever, vice president of the First National Bank of Brookings, S. Dak., made a remarkable statement before a Senate Banking and Currency Subcommittee supporting the Douglas truth in credit bill.

Mr. Cheever, who represents the dominant bank in Brookings, argued eloquently that banking and credit constitute a public trust. He said that his bank has been following the policy of telling its borrowers exactly what their total finance charges amount to, and also providing them with the annual interest rate on the average diminishing balance of their loans.

Of course, Mr. President, this is exactly what the Douglas bill requires.

In the course of his statement, this successful banker made this shocking observation with regard to automobile financing kickbacks—the finance equivalent for payola—by finance companies to dealers for sending them the financed deal:

> In my judgment this situation is getting completely out of control. Only a small part of the amounts credited to a dealer are a legitimate reserve. The balance represents how much the dealer can get for selling the paper. The situation has deteriorated so far that today if a dealer merely sends a customer to a financial institution, and they make a direct loan, that dealer is given a substantial check for sending someone a customer. A perfectly normal payoff on that type of a transaction is approximately 20 percent of the finance fee which again is all added to the cost of the credit to the consumer.

Mr. President, under my questioning in committee, Mr. Cheever said he felt that this practice was standard and widespread—not simply confined to a few chiselers and racketeers, but the regular way business is done.

Here, Mr. President, is a telling argument for the Douglas truth in credit bill, and I ask unanimous consent that Mr. Cheever's statement be printed in the RECORD at this point.

Also, Mr. President, the Wisconsin Home Economics Association has just passed a resolution supporting the truth in credit bill. I ask unanimous consent that the resolution adopted by this responsible and expert group be printed in the RECORD at this point, together with a letter from Chairman Louise A. Young of the family economics-home management section of the Wisconsin Home Economics Association, forwarding the resolution.

There being no objection, the statement, resolution, and letter, were ordered to be printed in the RECORD, as follows:

STATEMENT OF HERBERT E. CHEEVER, VICE PRESIDENT, FIRST NATIONAL BANK, BROOKINGS, S. DAK., BEFORE THE SUBCOMMITTEE ON PRODUCTION AND STABILIZATION OF THE SENATE COMMITTEE ON BANKING AND CURRENCY, THURSDAY, APRIL 7, 1960, ON S. 2755

I have been associated with the First National Bank in Brookings, of Brookings, S. Dak., for a period of 22 years, and for many years I have been in charge of the real estate and installment loan division of the bank.

The city of Brookings is quite a typical Midwest city of about 10,000 population. It is located in Brookings County, which is an agricultural area. There are seven banks within Brookings County, and in the city itself there are two banks and three finance companies. Total deposits in the First National Bank are a little over $10,500,000, which represents something over 50 percent of the deposit volume in the county.

The First National Bank is a completely independent bank. One thing about it, that is perhaps not typical of most banking institutions, is the fact that the only interest charge in the entire bank operation is based on simple interest and that the maximum charge and the predominant rate in the installment loan division is 8-percent simple interest. When a client wants an installment loan, he is advised that the rate is 8-percent simple interest, and he has the choice of either paying the interest annually, or, if he chooses to include the interest in the monthly payments, we then add to the principal of the note the interest which is computed with a factor of 4.33 for the first year, and one-third of 1 percent is added for each month beyond 12. In other words, the factor for a 2-year loan would be 8.33, or, if the loan were for 3 years, 12.33. When interest has been thus added to the note, a statement is typed on the back of the instrument to the effect that interest has been computed on the basis of 8-percent simple and included in monthly payments. If the note is prepaid, the same rate is used in computing the refund. In short, we want our client to fully understand the rate that he is actually paying and not be under any misconception that he is borrowing money at 4 percent because that is the annual factor used.

The growth of consumer credit during the past decade has been little short of phenomenal. Whenever we have a vast expansion in any part of our national economy, we are bound to find certain abuses that will creep into this expansion, and that is certainly true in the field of consumer credit. Maximum interest rates are regulated by the laws of each State, and I firmly believe that that is where rate control should be. Conditions that might exist in Alaska certainly would not be the same as in South Dakota or Florida.

As individuals, we are all interested in the cost price of any commodity. When the cost of that commodity is greatly enhanced by the addition of very heavy carrying or finance charges, then it is bound to affect the well-being of our economy. One of the most unfortunate things that is happening in the consumer credit field today is that very few buyers know or realize the rate of interest they are required to pay. Various misleading terminologies are used, and most people are unable to translate the finance charge in terms of actual interest.

Permit me to illustrate this point. Supposing that Joe is purchasing a car and wants to finance $1,500, which is to be repaid at a rate of $125 plus interest each month and to be paid in full over a period of 12 months. He inquires as to the interest rate and is told that this can be financed for "6 percent straight." How much interest is Joe going to pay? The answer is $90, or 6 percent of the entire amount borrowed. The fact that the borrower was making monthly payments did not cut the interest at all, and when he was down to the last month and owed only $125, he was still paying interest on the entire original amount borrowed. He thought he was borrowing money at 6 percent interest, when the truth is it was nearly 12 percent on a simple-interest basis.

I will illustrate this further by a concrete case. This man is a college graduate, and, in fact, has a master's degree in economics. Several years ago he asked us to finance $4,000 on a trailer home, and at that time we were loaning money on a 7 percent simple basis. The loan was set up 1 year at a time with the entire balance due on the 12th month. Interest was, of course, computed on the unpaid balances from month to month. The first year went by, and the loan was renewed for a second year. In the meantime interest rates had increased, and we told him that the rate would go up to 8 percent simple interest for the third year. Our client told us that he could get money at 7 percent, and that was all there was to it. Our loan was paid off with a check from a finance company. I was pretty sure that I knew what had happened, and several months later I found out, for our client came back and asked us to please figure out what was wrong with his loan. It was easy to work out, for in order to avoid our 8 percent simple interest rate, he had fallen for the so-called 7 percent straight interest talk, and too late, he found out that he was paying between 13 and 14 percent for the use of the money. This man then asked the finance company to pay off the loan, and, of course, he again had to pay a penalty for prepayment.

Here is another situation which is very common. An individual will make a purchase, and he will then be asked if he would like to arrange the financing of a part of the purchase price. The main question that he is asked is, How much per month is he able to pay? The contract will be drawn to fit his budget, but for some reason unknown to me, the purchaser will not pay any attention to the number of months that the contract is going to run. Certainly it is stupid on the part of the buyer for the contract will probably set out in black and white the dollar amount of finance charges, insurance, etc., but the buyer goes out completely oblivious as to what he is actually paying for this service. This is a concrete example. A young man with a high-school education purchased a car. The difference in the exchange was $825. The financing was arranged at $52.30 per month for a total of 24 months. The total amount to be repaid was, of course, $1,255. Thus, the finance cost of $430 was more than 50 percent of the amount of the exchange. Broken down, this included about $175 for 2 years' insurance, and the balance of $260 was the carrying charge. The buyer was, of course, purchasing the insurance, and that should be added to the purchase price, so that the amount that he was borrowing was just under $1,000. The $260 charge for carrying the $1,000 for 2 years meant that he was paying just about 25 percent on a simple interest basis. The young man showed this contract to his employer who brought it in to the bank, and the finance company was paid off. The bank loan, which also included insurance, was set up over an 18-month period. The repayment figure was $54 per month. While the monthly payment was increased by $1.70 per month for 18 months, the buyer shortened the paying period by 6 months at $52.30. I will refer to another situation in this case later in this statement.

Another similar factual situation was that a customer of ours called me one evening and said that he wanted to go to a nearby city to purchase a car that he had seen

advertised on television. I approved the loan for $1,800, payable $60 per month, which, with interest, would require about 33 months to liquidate. The man called me back the next day from this city and told me that the car had just been sold before he arrived, but that he could buy another one just about like it for a couple hundred dollars more. He also told me that the dealer had offered him a better finance deal than ours because he could get a contract at only $55 per month rather than $60. I naturally asked the customer how many months he would have to pay the $55, and he couldn't tell me. When he found out that the contract was to run for approximately 40 months, he, of course, saw daylight, but again for some reason the customer was totally ignorant as to the true finance charge and the number of months that the contract had to run.

S. 2755 is a very simple and forthright measure. It merely requires that any one that is extending credit advise the purchaser in writing before the transaction is consummated, first the amount of the charge for the credit, and second a statement in terms of simple interest as to what that charge amounts to. The use of money has a certain basic value. Any loaning institution must add to that a charge for the risk involved, plus an additional charge for the work element that may be required to handle that type of transaction. I do not say that some of these transactions should not have a high rate of interest, but I do say, and firmly believe, that the borrower has a right to know what he is actually having to pay and in the terms of simple interest. If the buyer has that awareness, then it can only be up to him as to whether or not he wants to complete the transaction. To me, one of the main objectives of government is the protection of its citizens. If there are large numbers of our people that are unable to comprehend or understand the confusing and misleading interest terminologies that are commonly used, and, if we can correct this situation by the enactment of a measure such as this, then I think we owe that obligation to our citizenry.

To me, S. 2755 is not a regulatory measure. If we were to enact a law that would attempt to limit the rate of interest that could be charged or to limit the number of months in which payments could be made, or, if we would try to prescribe the amount of the downpayment, then such a law would be regulatory. In S. 2755, all that is being required is that the buyer be informed of the truth in language that he can understand. We have legislation today that requires the manufacturer of clothing to show us the kind of materials that are in the piece of goods. We are entitled to know the percentage of wool and whether it is new or reused wool. We are entitled to know the percentage of the garment that might be cotton, dacron, or some other fiber, and, if the fiber is a trade name, we are even entitled to know of what it is made. The same situation exists with the Food and Drug Act. Whether we are buying vitamins or cornflakes, the label must tell the buyer just what is in the package or the bottle. Those measures exist for the protection of the buyer and the obvious reason for the law was to correct abuses that must have existed. S. 2755 does exactly the same thing.

Millions of people in our Nation find that it is necessary or expedient to use consumer credit, and this credit is a very integral part of our economy. When excessive charges are made, it has a very definite effect on both the people that are paying those charges and on our economy in general. In analyzing the consumer credit problem, we should give some thought as to why certain abuses exist. In the first place, the financing of consumer credit is, of course, a very competitive field. Normally competition in itself will regulate the price. Unfortunately, that has not been the case with consumer credit. The great bulk of consumer credit originates with the merchant or dealer. They are the ones that control where this finance paper is going to be sold. The competition that has developed is as to which financial institution can do the most for the dealer. What I am talking about is the "kickback" from the financial institution to the originator of the credit. This item in itself is costing the people of our country untold millions of dollars and is all being added in as a part of the cost of consumer credit to the purchaser. I am sure that I am safe in saying that with many originators of credit the fees they are receiving for these "kickbacks" will be a very substantial part of their net earnings.

Again, we should step back a few years in the history of consumer credit. As the plan was growing and developing, dealers and merchants were selling paper to financial institutions, and the originator of the credit was required to guarantee the payment of the obligation of the purchaser. Good business practice was to set up a reserve fund out of which losses would be paid. This is still done and is legitimate to a degree; that degree should be a reserve in an amount that would protect the dealer from losses that he might sustain on the paper sold. As consumer credit continued to develop, most financial institutions found that in general their experience was very satisfactory. Consequently, the provisions of the guarantee were limited. As the reserve fund became larger than was necessary for the dealer's protection, the overages were returned to the dealer.

In my judgment this situation is getting completely out of control. Only a small part of the amounts credited to a dealer are a legitimate reserve. The balance of it represents how much the dealer can get for selling the paper. The situation has deteriorated so far that today if a dealer merely sends a customer to a financial institution and they make a direct loan, that dealer is given a substantial check for sending someone a customer. A perfectly normal payoff on that type of a transaction is approximately 20 percent of the finance fee, which again is all added to the cost of the credit to the consumer.

Another situation that exists is that many financial institutions will furnish to the dealer a table of a net amount that they will have to receive on various classifications of credit. The dealer is authorized to make any additional charge that he can within the limits of the State law, and he will pocket the difference.

You will recall that I mentioned that I would refer again to a case in which the differential on a transaction was $825, with a $430 finance charge which included insurance of $175 and a carrying charge of $260. The day that we happened to take up that loan, the dealer in question let it be known to me that what we had done had just cost him $77. The dealer received approximately 23 percent of the $260 finance charge, or $60, and in addition received 10 percent of the amount of insurance that was sold, or $17 more.

It so happens that the $77 dealer "kickback" was $18 more than our interest charge for financing the loan over a period of 18 months. The young man that signed up the contract was totally ignorant as to the rate that he was having to pay. In our own bank there is no such thing as a dealer "kickback." One of the main reasons that we will not tolerate it is that the "kickback" would, of course, have to be added to the cost of financing, and we know that the customer would be told that he was getting a bank loan, and the blame for the higher rate would, of course, fall on our shoulders because whenever a bank is buying dealer paper the purchaser again is lulled into security because of the fact that he thinks that it is a bank loan.

I am frankly just as critical of banks as I am of finance companies for permitting this situation to get so far out of hand.

What salutary effect would S. 2755 have on a situation like the dealer "kickback"? In my judgment, no dealer is going to enjoy telling a customer that he is going to have to charge him 15 percent or 25 percent interest, particularly when that charge includes a substantial part of it for the dealer. Certainly, both the dealer and the customer will be seeking outlets where the price for the use of the credit will be commensurate with the risk.

In my judgment the passage of S. 2755 would give immeasurable protection to those that cannot understand the intricacies of consumer credit contract. I sincerely think and feel that it would be a good thing for the economy of our Nation.

STATE OF WISCONSIN,
AGRICULTURAL EXTENSION SERVICE,
Madison, Wis., April 6, 1960.

Hon. WILLIAM PROXMIRE,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR PROXMIRE: Enclosed is a copy of a resolution passed by the Wisconsin Home Economics Association regarding legislation requiring disclosure of finance charges, which we offer in support of Senate bill 2755, which I believe you and Senator DOUGLAS are cosponsoring. We feel very strongly that credit granting institutions should give more information and should reveal the true annual interest rate, since many consumers do not understand the costs which they are paying.

Sincerely yours,

LOUISE A. YOUNG,
Chairman, Family Economics-Home Management Section, Wisconsin Home Economics Association.

RESOLUTION FROM THE WISCONSIN HOME ECONOMICS ASSOCIATION REGARDING LEGISLATION REQUIRING DISCLOSURE OF FINANCE CHARGES

Whereas consumers frequently fail to inquire regarding credit costs, are ill informed or are unable to determine true credit costs; and

Whereas credit granting institutions frequently fail to give consumers information regarding charges for financing: Be it

Resolved, That the Wisconsin Home Economics Association hereby gives support to legislation requiring the disclosure to consumers of all finance and other charges in itemized form and in terms of both monetary value and true annual interest rate in connection with the extension of credit to persons by all credit granting institutions.

This is in support of Senate bill 2755, amended or a substitute bill.

MISCONDUCT BY MILITARY PERSONNEL

Mr. DIRKSEN. Mr. President, reserving my right to the floor, I yield 3 minutes to the distinguished Senator from Ohio [Mr. LAUSCHE].

The PRESIDING OFFICER. The Senator from Ohio.

Mr. LAUSCHE. Mr. President, based upon repeated disclosures in the newspapers of imprudent management, extravagance, and, frequently, conduct bordering upon deliberate misuse of taxpayers' money in the Department of Defense, there is coming to me a deluge of letters asking why Congress does not do something about it. I have particularly in mind the footlocker episode in which a request was made by an Army base in

Europe for 300 footlockers. Within a few hundred miles of that Army base there were available 700 unused footlockers, but, through some legerdemain, it was decided in the Pentagon to ship 30,017 of them—29,717 more than were needed. In the making of that shipment, $100,000 was expended as shipping costs. In addition to that, those 29,717 lockers will have to be stored and expenses paid incident thereto.

More than that, Mr. President, there recently was disclosed the abuse of engaging in the black market in Turkey. High Army officials were alleged to be involved. Turkish currency was being bought in the open black market at a price far below the official market price.

Those high officials have gone unpunished and undisciplined, although the black marketing was definitely in the realm of commercial activity.

I recognize that with a budget of $40 billion, errors and mistakes will occur in its expenditure, but they are happening with entirely too much frequency.

These reports are red lights. We ought to stop when we see them. We ought to make certain that something is not existent which is running throughout the whole structure of the Department of Defense.

Having in mind the fact that in a huge organization of that type mismanagement will occur, these things are happening entirely too frequently, without any indication that adequate disciplinary action is being taken. I am glad to see that in the House of Representatives these matters are being investigated.

Mr. President, these letters come to me. I am only 1 of 100 Senators. I have no executive power over the matter. I wish I did have. These abuses would not go unchecked. The public would know what was happening, and adequate action would be taken, to set a deterring example for others.

My own belief is that the Committee on Government Operations ought to begin investigating these matters and taking the necessary action to bring the abuses to an end.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DIRKSEN. Mr. President, there are a few other short speeches before I make the motion to table. I can recognize the distinguished Senator from Florida [Mr. HOLLAND], if he is ready to proceed at this time, or the distinguished Senator from New York [Mr. JAVITS].

The PRESIDING OFFICER. Who receives the designation from the Senator from Illinois?

Mr. DIRKSEN. Mr. President, if the Senator from Florida is ready to proceed, I yield to the Senator from Florida with the understanding that I reserve my rights to the floor.

The PRESIDING OFFICER. Without objection, the Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I appreciate the courtesy of the distinguished minority leader.

Mr. President, as we approach the end of our consideration of the so-called civil rights proposals in this, the eighth week of debate, I believe it is appropriate to survey the results of the many hours and days of strenuous, time-consuming effort which have been devoted to the debate by Senators of all points of view. When the group of southern Senators of which I am a member began extended debate there were many persons in our States and throughout the Nation who expressed the opinion that ours was a hopeless effort, foredoomed to complete and humiliating defeat. However, as we examine the bill which seems about to be passed, I believe the inevitable conclusion is that never in the history of the Senate has the use of extended debate been more completely justified, both as a defensive shield against the extreme measures which were threatened and as a means of accomplishing sweeping changes after and as the result of an educational campaign.

A comparison of the bill before us today with the substitute to H.R. 8315 offered by the distinguished minority leader, Senator DIRKSEN, on February 24, reveals the extent to which reason, commonsense, and good will have prevailed. In title I of H.R. 8601, as the result of amendments which were approved, we now have a provision which makes it a criminal offense to obstruct all Federal court orders, not just those relating to school desegregation, as was provided in the original Dirksen measure. This provision, of course, gives the alleged offender the right of trial by jury. During the bill's consideration the Senate eliminated from this provision the flagrant threat to freedom of speech which was contained in section 1 of the original Dirksen substitute.

Title II of the pending bill has been enlarged so that it now creates a new criminal offense—to travel in interstate or foreign commerce to avoid prosecution or the giving of testimony in connection with bombings of all types of property, not just that which is used for religious or educational purposes. This is a significant change from the original wording which would have winked at other instances of hate bombings, including its actual use heretofore in some labor disputes. As now written, this section makes possible active participation of the FBI in apprehending criminals who resort to this despicable practice. Our Florida delegation was heretofore denied the help of the FBI in seeking to solve a hate bombing of a Florida synagogue.

Title III of the bill before us has been made more workable and reasonable by reducing from 3 years to 22 months the time of the period during which voting records and papers must be retained after the holding of an election. This will avoid interfering with the use of ballot boxes, voting machines, and all types of papers and records in subsequent elections of the same type, which customarily occur at 24-month intervals. Another meritorious amendment requires that any inspection or reproduction of voting records must be carried out at the principal office of the local voting official, thus sparing him the time, inconvenience, and expense required to transport his records to some other location.

Title V of the pending bill, to provide Federal schooling for defense-impacted areas, has been moderated by eliminating the extreme provision which would have given the Commissioner of Education in some cases the arbitrary power to seize local schools closed by racial difficulties.

While I regret that the voting referee provision, title VI, has been retained in this bill, it is comforting to realize that Senators have overwhelmingly rejected all efforts to include in it the provision for Federal registrars. These officials would have been political officers, appointed by the President, who would have been allowed to conduct star-chamber proceedings. While it is regrettable that a court referee, appointed under this title, may supplant locally elected registration officials, it is far better to have this function, wrong as it is in principle, carried out by an officer of a court in a judicial atmosphere, rather than by a group of political appointees. In addition, the amendment adopted yesterday expresses the intent of the bill never to override State laws for voter qualification.

Other extreme, coercive measures have fallen by the wayside during this prolonged debate as a result of the good judgment and good will of the Senate, which have come into play as an incident of the extended debate. The provision in the minority leader's substitute which sought to impose upon this great legislative body the responsibility for rubber stamping the Supreme Court decision regarding segregation in public schools has been defeated. Also rejected was the provision declaring it a Federal responsibility to share in expenses of school desegregation and authorizing the Commissioner of Education to carry out certain activities regarding desegregation. We have also decisively defeated all provisions of the type usually known as limited FEPC proposals, as represented by Section 6 of the Dirksen substitute, and by more general FEPC amendments which were advanced by several Senators.

Other extreme measures which were not in the substitute sponsored by the distinguished minority leader have been repeatedly rejected. On three separate occasions proposals of the type represented by title III of the 1957 bill have been brought up in the Senate as amendments for inclusion in the legislation before us, and all three times the Senate has repulsed these zealous efforts. These proposals were designed to permit the Attorney General to use injunctions in all kinds of civil rights cases and to use criminal contempt proceedings for enforcement which would have largely done away with the right of trial by jury. Other radical amendments such as anti-lynching proposals were lurking in the wings as printed amendments, lying on the desk and

ready to be presented at the first sign of encouragement, which fortunately never came.

As the debate progressed, it became clearer and clearer that a great majority of the 100 Senators were inclined to approach the race problem in the South through persuasion and conciliation and to avoid coercion, compulsion, and punitive vindictiveness.

By thus refining this measure through the course of the 8-week debate the Senate has once again demonstrated the wisdom of the Senate rule permitting unlimited debate. We have shown that this rule makes it possible to require both the Senate and the Nation to stop, look, and listen. We have once again demonstrated the wisdom of Mr. Walter Lippmann's observation:

> When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary and it is better to postpone the decision * * * to respect the opposition and then to accept the burden of trying to persuade it. For a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce. The opposition and the resistance having been overridden, will not disappear. * * *
>
> The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on a majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorities shall not be coerced by majorities—is conserved.
>
> For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people.

Earlier in the debate, I quoted Mr. Lippmann's entire article on this subject, as well as articles of Messrs. Arthur Krock and David Lawrence on the soundness of the rule permitting unlimited debate. These three experienced observers of the American scene are entitled to the great respect of Americans of all points of view. My quotations from them will be found on pages 4370 to 4372 of the CONGRESSIONAL RECORD for March 3.

As we look back upon the past 8 weeks of debate, Mr. President, I feel that all Americans are justified in being optimistic over the future of our great Nation and of its people. We are compelled to recognize the value of unlimited debate as part of our system of checks and balances, which, while exasperating at times to the impetuous, gives time for emotions to cool and for reason to prevail, thus protecting the American people from ill-considered, unwise, and divisive proposals.

Senators of both of our great political parties, from all sections of our country, have joined in helping to defeat the plethora of punitive proposals which would have wrought so much havoc in the Southland. On behalf of all of the people of Florida, I express our profound gratitude to all those Senators who have been tolerant, understanding, patient, and considerate of us and of the difficult racial problems which we are trying to solve for the best interests of both races. We from the South will make every effort to be just as considerate of your people when other issues are before the Senate which vitally affect your areas. And we shall continue our permissive, persuasive, but not coercive course of action under which we have made so much progress.

In particular, Mr. President, I wish to express to the distinguished majority and minority leaders, Senator JOHNSON, of Texas, and Senator DIRKSEN, of Illinois, my own special appreciation of the fact that they have insisted on seeing that the South had ample time to state its case and they have not hesitated to stand with us when they thought we were right. They have not deviated from their announced intention to secure the enactment of a civil rights bill along lines which they clearly outlined, time and time again, but they have shown their concern for the rights of the States represented by the southern Senators and have insisted that the 50 million people whom we represent should not be unduly punished or humiliated by any bill which should be passed by the Senate on this subject. In the main they have shown their understanding that progress will not be accomplished in this difficult field by coercion or compulsion.

Mr. President, I wish I were in position to vote for the bill, because of the vast improvements which have been made in it, and because so many conscientious Senators from every area of the Nation, and from both sides of the aisle, have assisted us in confining the legislation within the relatively moderate provisions of the pending bill.

However, in all candor, I must and shall vote against the bill, because of the voting referee provision in title VI. I do not think it is wise procedure or sound constitutional law to displace duly elected registration officers by referees appointed by the Federal courts and under Federal law. I believe that little good and much harm will be done if that provision is activated in every county where a Negro citizen or group of such citizens may be persuaded by the NAACP to press their complaint before a Federal court instead of before the local officials and courts of their State, or the Governor of their State.

Permissive procedures are now under way in all the Southern States. My own State has gone particularly far in that regard. We repealed the poll tax in 1937. We eliminated the all-white primary in the legislative session of 1943. Last year we had more than 152,000 Negroes registered on our rolls. This year, as we prepare for the general election, that number is being sizably enlarged. Even in the five counties in our State where the procedure has not been generally accepted heretofore, there has been a large additional registration of Negro citizens in the last few weeks, just before our primaries next month.

Florida, from its practically standing start in 1937, has now come to a position in which 41.6 percent of all our Negro citizens of mature age are registered and are taking part in our government.

We shall continue in that course of permissive action. Senators will recall that a few weeks ago on this floor I strongly urged the submission of a constitutional amendment to the States of the Nation eliminating the poll tax requirement for participation in all Federal elections. The Senate adopted that amendment by an overwhelming vote. I hope that measure will be pushed to ratification by the States, because I predict that in most of the cases which may arise under title VI of the proposed law, in those States where the poll tax provision still exists, it will be found, at long last, that Negro citizens who are applying and complaining because of inability to register, as claimed by them, have not paid their poll tax, and therefore are not qualified to vote, under that completely clear provision of the State law.

I close by saying that in my judgment the Senate has abundantly justified the wisdom of the Senate system. I am grateful for the kindness, for the good feeling, for the absence of bitterness, and for the sensible way in which the debate has gone forward, as well as for the fact that I believe, without a single exception, every speech made during the course of the debate has been germane to the many issues involved, which have rightfully arisen during the discussion.

I yield the floor.

Mr. DIRKSEN. Mr. President, I am grateful to the distinguished Senator from Florida for his generous allusions to me.

Reserving my right to the floor, I yield 5 minutes to the distinguished senior Senator from New York [Mr. JAVITS]. I believe that my colleague from Illinois desires 4 minutes.

Mr. DOUGLAS. Mr. President, I should like to have 6 minutes.

Mr. DIRKSEN. Very well; I shall yield 6 minutes to my colleague. At the end of these statements I shall renew my motion to table the motion of the distinguished Senator from Mississippi [Mr. EASTLAND]. I shall then suggest the absence of a quorum and ask that the Senate may proceed to vote on my motion.

Therefore, reserving my right to the floor, I yield 5 minutes to the distinguished senior Senator from New York.

Mr. JAVITS. Mr. President, the bill we expect to pass today, which bears the name "Civil Rights Act of 1960," is not one of which either the Senate or the country properly can be proud.

It is by no means a meaningless bill, and it does constitute a modest advance which is worth voting for, since it contains provisions against hate-bombing, punishing obstruction of court orders, requiring voting record retention, providing desegregated schools for children of the members of the armed services, and for voting referees. But it is also very disappointing that after 8 weeks and so many hours of debate we should end up with a product which is so much less than the moderate bill the President had requested, and does not rise to the towering issues of racial relations at home or abroad.

Mistake it not—this bill might be considered a victory for the Old South, using that term in its traditionalist sense. It may be a Pyrrhic victory—but it may be

considered a victory nonetheless, considering what was kept out of the bill. For, in the failure of the Congress to meet the issue of laws and action to thwart compliance with the constitutional guarantee of equal educational opportunity, and in the defeat of the effort to give a statutory base to the Commission on Equal Job Opportunity Under Government Contracts—notwithstanding that the two items were part of the administration program—the Old South may be considered to have scored a marked success—again I use that term in its traditionalist sense—in the civil rights fight. This is quite apart from the fact that the voting referee provision has been reduced in its impact and that nothing was done in the bill about any authority to the Attorney General to sue in other than voting rights cases. Mr. President, I believe the New York Times this morning summed it up rather well when it said that this was "only one victory out of a dozen attempts to tighten the bill."

I hasten to say that it is no disgrace to be defeated. So I, too, would like to join in paying tribute to the leaders who did their best, according to their lights, to bring through some kind of bill, and who, from all appearances, have apparently succeeded.

It is not for any of us to say that this itself is not a very remarkable thing under the circumstances, in view of another point which I shall make in a minute.

I hope and pray that the majority may be right if it be their view that this legislation is adequate to head off deeper troubles. I have the faith in the American system to be anxious that this be so, and that everything will be done to make this bill work. That will take further action by the Executive in implementing with courage and vigor the powers which are given it in the bill; by the Congress in providing sufficient funds and personnel to carry out its objectives; and by the judiciary, which has carried the greatest burden so far in protecting the constitutional rights of all citizens to continue in this effort.

My final observation is this. I do not believe this is the civil rights bill the majority of the Senate wants. I could not believe it in the face of the growing tension on this issue in our own country and the world and the duty of legislators to seek to head off these conditions instead of letting them threaten to overtake us. It is not what they want, but this is what they thought they could get.

The Senator from Illinois [Mr. DOUGLAS], who is in the Chamber, and I tried cloture and failed to get even a majority, and it seemed that there were just not enough votes for cloture at any stage. Senators wanted the terms of the bill settled before voting cloture, and this is the very essence of the self-contradiction in the Senate rules. By this means a minority of the Senate exercises, even in the final analysis, a veto power over civil rights legislation.

In conclusion, the real lesson of the Civil Rights Act of 1960 is the failure of the Senate rules to measure up to the Senate's responsibility to the Nation at home and abroad. The Senate was again unable to secure civil rights legislation free from the threat which was constantly with us, that if the bill was not cut to a pattern which the South was willing to accept, it would be impossible to get it to a final vote. I believe that many of the needed amendments which failed to get even a majority vote were victims of an unwillingness by the Senate majority to risk a filibuster. We will not be able to get civil rights legislation adequate to the problems of our time through the Senate unless rule XXII is amended again. I believe the proposal reported by the Rules Committee which was before us at the opening of this Congress allowing cloture by a constitutional majority after 15 days of debate to be the best one. It preserves free debate without giving a veto power to a third of the Senate. I intend to join in the effort to again amend rule XXII at the opening of the next session. This effort on the rules should be followed by a new effort to get adequate civil rights legislation. This is but one in a series of civil rights Congresses, because the situation will tolerate nothing else.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield me 30 seconds?

Mr. DIRKSEN. I yield 1 additional minute to the Senator from New York.

Mr. JAVITS. Mr. President, I would like to say to the Senator from Illinois, before I close this debate—and I wish the Senator from Texas [Mr. JOHNSON] were here—that whatever may have been our disagreements in these very tense times, it was a great joy to work with men of intelligence, whose word was good, who knew what they were about, and who were real companions as well as colleagues. I had a very difficult role which the Senator from Illinois assigned to me.

I did my best with it. I am sure it was not always satisfactory. It was certainly not always satisfactory to me. But I did want to pay this personal tribute of friendship and warm affection to my colleagues, whatever might have been our differences as to the real effectiveness of this legislation, or as to what we should have done in particular cases with respect to it.

I thank my colleagues, and I yield the floor.

Mr. DIRKSEN. Mr. President, I thank the distinguished Senator from New York. He has always been a tower of strength in this whole debate. I have relied heavily on him from time to time for his efforts and for his help. For his tribute I am humbly grateful. I now yield 6 minutes to my distinguished colleague from Illinois.

Mr. DOUGLAS. Mr. President, the bill which the Senate is about to pass sets up an elaborate obstacle course which the disenfranchised Negro in the South must successfully run before he will be permitted to vote at all. At every strategic point there are high technical walls which he must scale, and along the course there are numerous cunningly devised legal pitfalls into which he may fall. The delays and the discouragements have been multiplied so that the Senator from Mississippi spoke truly and frankly in the last public meeting of the Judiciary Committee when he said that the bill would permit only a very few additional Negroes to vote.

The precise nature of these unnecessary hurdles, pitfalls, and water jumps which have been constructed by the framers of this bill has by now been fully revealed to the Senate. They will be revealed to the country in the months and years ahead.

And it should be further noted that every move to strengthen the bill, however mild, has been defeated by a coalition—operating with the threat of filibuster—of the southern opponents of any legislation, of the overwhelming majority of the administration Republicans, and of the Democratic leadership with its 12 to 15 hard core supporters.

In all kindness, may I say that these last two groups should not take either public or secret pride in their work. It is grossly inadequate to right the great wrongs which are now practiced. It will hurt rather than help the image of America abroad, and it will be one more argument which our enemies will use against us among the colored peoples of the world. Ninety years after the 15th amendment and 93 years after the 14th, this is not a good day for the American tradition of equal opportunity. While I shall not vote against this bill, I would not blame any true battler for civil rights who in disgust with the measure refuses to vote for it.

Last night in a somewhat discouraged mood, I turned to the works of T. S. Eliot and read the concluding lines of his poem, "The Hollow Men":

> This is the way the world ends
> This is the way the world ends
> This is the way the world ends
> Not with a bang but a whimper.

I thought that in a sense this should describe the results of the work of the sponsors of this bill who, saying that they were going to produce a "meaningful" civil rights bill, have produced this hollow measure.

But those of us from the North and West on this side of the aisle, and our few but gallant allies on the other side, are not ending this fight with any whimpers of failure. We shall carry this issue to the public and be back again soon to renew our drive for a more meaningful and robust proposal.

I have quoted the poet of disillusion and discouragement. But for those of us who have tried to fight the good fight I would prefer to quote the lines from a New England poet written in a similar period of national discouragement over what was basically the same issue; namely, the struggle for human rights:

> Truth forever on the scaffold,
> Wrong forever on the throne;
> Yet that scaffold sways the future,
> And beyond the dim unknown
> Standeth God within the shadows
> Keeping watch above His own.

May God indeed not only watch over His children—among whom are the Negroes and Mexican Americans, as well as ourselves—but help us all to act in a more brotherly fashion toward each other.

Mr. JAVITS. Mr. President, will the distinguished minority leader yield me a minute to say just a word to the distinguished senior Senator from Illinois?

Mr. DIRKSEN. Reserving my right to the floor, I yield 1 minute to the Senator from New York.

Mr. JAVITS. I wish to say to the distinguished Senator from Illinois, with whom I have worked so closely during the whole debate, and as we did before, in 1957, that I derived great satisfaction from this comradeship and from trying to work things out together. I think it had its effect in helping to perfect the bill. This was the job the minority leader gave me.

I express my gratification to the Senator from Illinois for his understanding, his cooperation, and his forbearance.

Mr. DOUGLAS. Mr. President, will the distinguished minority leader permit me to reply?

Mr. DIRKSEN. Reserving my right to the floor, I yield to my colleague from Illinois.

Mr. DOUGLAS. The Senator from New York has been magnificent in this whole fight. No one could have been more determined and yet, at the same time, more poised, more balanced, or more conciliatory. The privilege of working with him and with other Senators on the other side of the aisle who felt similarly is one of the memories which I shall always cherish.

Mr. JAVITS. I thank the Senator from Illinois.

Mr. STENNIS. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. Reserving my right to the floor, I yield 4 minutes to the distinguished Senator from Mississippi, who will make the final speech before the motion to lay on the table will be made.

Mr. STENNIS. I thank the Senator from Illinois.

Mr. President, before the Senate votes on the motion to recommit the bill, I express the very fervent hope that the Senate never again will undertake to enact a major piece of legislation on any subject without the language first having been referred to a committee, there to be studied by experts and measured, and a report of some kind made to this body.

I make particular reference in that connection to the language on page 16, line 17, where this most amazing sentence appears:

> Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election.

I venture to say that very few Members of the Senate realize the full import of this language; and more than that, very few realize that this language can be brought into operation on the flimsiest kind of finding, not in the trial of a lawsuit, with a conclusion reached and a decision rendered by a Federal judge, but in a mere proceeding whereby someone can walk into court from the area where it has been declared that a pattern or a practice exists, and on proof of his own, without anyone else being given notice, and with no chance for an adversary to come into court or to be heard, have the court render its conclusion that the person is a qualified elector.

Such a flimsy proceeding is held to be enough to set aside the action of State boards, State officers, or State courts, even though they be composed of learned men, who have reached a most deliberate conclusion; or to procure a decision setting aside the provisions of a State constitution or a State legislative act.

Mr. President, it is amazing that we have reached this point. No one has undertaken to define this language, unless it be a few individual Senators in their speeches. It is an alarming day when we have come to the point of casually breezing along with such language as this, particularly when it is in connection with a subject that goes to the very heart and vitals of one of the most sensitive, most important phases of government in any State, whether it be a State of the Union or any other governmental body. That is, it has to do with the election laws, the infringement of the right to vote, and the conduct of elections.

I am amazed that such a summary proceeding as this will be accepted by this body as a basis for overriding and upsetting court decisions, acts of officers, and legislative enactments. With all deference, I frankly do not believe the Senate realizes what it is doing when it accepts language of this kind.

I thank the Senator from Illinois for yielding.

Mr. DIRKSEN. Mr. President, reserving my right to the floor, I yield 2 minutes to the Senator from Nevada [Mr. BIBLE].

Mr. BIBLE. Mr. President, the action of the Senate in passing a workable bill to provide equal voting rights for all of our citizens is another forward step in the march toward better human relations.

From the time the Fort Crowder measure was called up until the final vote is taken on a meaningful civil rights voting measure, the spotlight has been on the deliberations of this great body.

In reviewing the achievement that has been wrought here, Mr. President, I speak as a moderate—as one who has tried to view this entire debate objectively, dispassionately, and with honest regard for the arguments presented by both sides.

I have consistently been on record as supporting legislation to establish strong constitutional guarantees in the field of voting.

Reasonable men quite often seek to obtain a common goal, but their methods frequently vary.

To me there has never been a question of the right of any eligible person to vote, and I so expressed myself when the Civil Rights Act of 1957 was passed.

We regarded our work in that year as an important milestone in civil rights, but the hopes we than expressed were never fully realized in certain areas of our country.

Incontrovertible evidence abounds that many of our Negro citizens have been deprived of the opportunity to benefit from the legislation we had enacted.

I have read the reams of statistics from the reports of the Civil Rights Commission, but I am not impressed as much by numbers as I am by the lamentable fact that even one American citizen should be denied his franchise.

In a democracy a man's vote is a silent weapon against tyranny; his ballot is insurance against the fall of democracy.

Today we are spreading the message of America and its freedoms to the peoples of all the world. It is certainly a sorrowful paradox, Mr. President, that we should be urging the newly developing nations to emulate our democratic processes at a time when we are not abiding by our own constitutional directives.

I am sure, Mr. President, that by enacting a strong measure on voting rights, we are also serving notice to the world that we really do practice what we preach.

This is an election year, and it would be naive to suggest that politics has not figured in the current issue. In my opinion, Mr. President, what we have resolved in the field of civil rights this session is not the handiwork of partisanship. I look upon it as the final product of long, and at times tortuous, days of debate, of sound thinking, and sensible compromise on the part of both sides.

Mr. President, I feel that had we adjourned without moving forward in the civil rights field we would and should have been the object of censure.

As the guardian of our Nation's legislative conscience, we have produced another chapter in an unfinished volume. Gradualism might draw the scorn of impatient extremists, yet to me it represents the only sensible course to follow in an area fraught with supercharged emotions and irreconciliable viewpoints.

I make no apology for the bill we are about to pass, although I know there are those who claim it goes too far and others who complain that it does not go far enough.

It took Congress 82 years before it passed the Civil Rights Act of 1957. Now, less than 3 years later, we have again moved ahead to instill added meaning to constitutional guarantees.

I predict that what we did in 1957 and what we accomplished this year will serve as historic guideposts on the path toward eventual recognition of Thomas Jefferson's meaning of democracy:

> Equal and exact justice to all men, of whatever state or persuasion, religious or political.

Mr. DIRKSEN. Mr. President, I move that the motion submitted by the distinguished Senator from Mississippi [Mr. EASTLAND] to recommit the bill to the Committee on the Judiciary be tabled; and pending the vote on that motion, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. What is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the motion of the Senator from Illinois [Mr. DIRKSEN] to lay on the table the motion of the Senator from Mississippi [Mr. EASTLAND] to recommit the pending bill to the Committee on the Judiciary.

Mr. DIRKSEN. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. HENNINGS. I announce that the Senator from Oklahoma [Mr. KERR] and the Senator from Montana [Mr. MANSFIELD] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Oklahoma [Mr. KERR], the Senator from Montana [Mr. MANSFIELD], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senator from Colorado [Mr. ALLOTT], the Senators from Kansas [Mr. SCHOEPPEL and Mr. CARLSON], and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Idaho [Mr. DWORSHAK] is absent on official business attending a meeting of the Air Force Academy. If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. ALLOTT], the Senators from Kansas [Mr. SCHOEPPEL and Mr. CARLSON], the Senator from Idaho [Mr. DWORSHAK], and the Senator from Arizona [Mr. GOLDWATER] would each vote "yea."

The result was announced—yeas 70, nays 19, as follows:

[No. 163]

YEAS—70

Anderson	Curtis	Kefauver
Bartlett	Dirksen	Kennedy
Beall	Douglas	Kuchel
Bennett	Engle	Lausche
Bible	Fong	Long, Hawaii
Bridges	Frear	Lusk
Brunsdale	Gore	McCarthy
Bush	Green	McGee
Butler	Gruening	McNamara
Byrd, W. Va.	Hart	Magnuson
Cannon	Hartke	Martin
Capehart	Hayden	Monroney
Carroll	Hennings	Morse
Case, N.J.	Hickenlooper	Morton
Case, S. Dak.	Hruska	Moss
Church	Jackson	Mundt
Clark	Javits	Murray
Cooper	Johnson, Tex.	Muskie
Cotton	Keating	Pastore
Prouty	Smith	Yarborough
Proxmire	Symington	Young, N. Dak.
Randolph	Wiley	Young, Ohio
Saltonstall	Williams, Del.	
Scott	Williams, N.J.	

NAYS—19

Byrd, Va.	Holland	Smathers
Chavez	Johnston, S.C.	Sparkman
Eastland	Jordan	Stennis
Ellender	Long, La.	Talmadge
Ervin	McClellan	Thurmond
Fulbright	Robertson	
Hill	Russell	

NOT VOTING—11

Aiken	Dworshak	Mansfield
Allott	Goldwater	O'Mahoney
Carlson	Humphrey	Schoeppel
Dodd	Kerr	

So Mr. DIRKSEN's motion to lay on the table Mr. EASTLAND's motion to recommit was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that we may have the yeas and nays ordered on final passage, and that the minority leader may have 3 minutes before the rollcall.

The PRESIDING OFFICER. Is there objection?

Mr. LONG of Louisiana. Mr. President, does that unanimous consent limit the time to 3 minutes? If so, I object.

The PRESIDING OFFICER. There is objection.

The yeas and nays on final passage have been requested.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. DIRKSEN. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois.

Mr. LONG of Louisiana. Mr. President, if the Senator from Illinois does not care to have the floor, he may yield.

Mr. DIRKSEN. Mr. President, I am ready to vote if the Senator from Louisiana——

Mr. LONG of Louisiana. Mr. President, I would care to say a few words on the bill.

The PRESIDING OFFICER. The Senator from Illinois has been recognized.

Mr. RUSSELL. Mr. President, the Senator from Illinois cannot hold the floor to the exclusion of other Senators.

Mr. LONG of Louisiana. Mr. President, if the Senator from Illinois does not care to speak, I do not see how he can hold the floor.

The PRESIDING OFFICER. Does the Senator from Illinois yield the floor?

Mr. DIRKSEN. Mr. President, the Senator from Illinois has not yet yielded the floor. If the Senate will indulge me, I will occupy the floor for only about 3 minutes.

Mr. PASTORE. Mr. President, will the Senator please speak a little louder?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. LONG of Louisiana. I wish the Senator to know that I have no objection whatever to the Senator having the floor for 3 minutes. My objection was to the request to cut off debate for the other 99 Senators.

Mr. DIRKSEN. I understand.

Mr. President, this has been a long and hard and somewhat tortuous road. We have deliberated this matter for nearly 8 weeks. I suppose some feel that the effort has been wasted. Others feel that we have not gone far enough.

Mr. RUSSELL. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Illinois may proceed.

Mr. DIRKSEN. Mr. President, others may feel we have gone too far, but in my opinion, we have wrought something worth while, which is progressive, which is constructive, and which is purposeful. I believe it to be meaningful.

The whole debate demonstrates anew certain truths. The first is the caution which must be exercised when one intrudes the Federal power into the affairs of the State. I have a high regard for our State-Federal relationship, so I like to see caution exercised, as I think it was exercised in this long discussion.

This proves also, Mr. President, that the fulfillment of the American dream is a gradual process. It does not come about overnight. All its intimate relationships are involved before us, in the passion with which we can address ourselves to this question of civil rights. This demonstrates anew that by a gradual process we round out the great American dream which was sketched for us 180 years ago.

It demonstrates also that the Senate is capable of moderation and of avoiding the extremes. I think it could be said that 25 years ago sometimes we charged first down one extreme road and then down another, only to find that we had to retrieve our steps. What we have now wrought is a moderate bill, and yet it represents a significant forward step in the whole field of civil rights. I salute the tolerance of the U.S. Senate. We could have gotten into difficulties had we permitted spleen and passion and provocation to carry us to expressions which would reflect ill temper, but almost always, with very few exceptions, the entire debate was germane to the issue, and there was a rare kind of tolerance at all times in considering this matter.

What the Senate did demonstrates also that the Senate in this day and age is equal to a crisis, even as it has been in every generation of the Republic. Crises have occurred, and others will occur in every generation. The very fact that we have not shirked our responsibility, that we have wrestled with this problem for 8 weeks, demonstrates as nothing else can that when a crisis comes—and this was something of a crisis—we are equal to it. This issue has been dormant for nearly fourscore years, but finally we found it on our doorstep. Instead of sidestepping or shrinking, we have met the challenge in

a gradual and a rational fashion, which reflects credit on the entire Senate.

I believe what we are about to accomplish will enlarge the influence of the United States abroad. If we are going to sell freedom, if we are going to sell equality, then it becomes our responsibility to practice what we preach. I am not Irish at all, but I have often said that one of the glaring mistakes in British policy was that the British did not permit the people of Ireland, by a plebiscite, to vote upon their own union and the joining of those six counties which are today not properly a part of Ireland and really under the jurisdiction of Great Britain. I indicated as much to the Colonial Minister in London some years ago when I said, "How do you expect to persuade the people elsewhere in the world to follow Anglo-Saxon leadership unless you practice what you preach? Charity should begin at home."

So in what we are doing we are practicing what we preach. It will in my judgment enlarge the prestige and the influence of our beloved country.

I close on one note. I salute the majority leader of the U.S. Senate. It required no particular courage on my part to pursue the course I have followed. It would have required no particular courage on my part to have pursued an even wider course, if necessary. However, for the majority leader to have devoted his skill, his talent, his conviction—and it must have been conviction—and his courage, to the task which began on the 15th of February, is a remarkable tribute to the majority leader of the U.S. Senate. I think he is entitled to the plaudits and the tribute of every Member of this body.

I hope Senators will bear with me. I have a particular salute for my distinguished friends from New York [Mr. JAVITS and Mr. KEATING]. They have monitored this bill from start to finish. I know, since they have a situation somewhat different from mine, because of the conviction which has ever marked their course, sometimes they might have been frustrated. Never has it been reflected in temper or in feeling. Always there has been the best of spirits.

This, too, is a testimony to the Senate, when it deals with a very complicated problem.

I am glad we are at the end of the road. I think we have reflected credit upon this body. I am grateful to the Senators for their diligence and for their devotion, in remaining with this issue until we have brought it to this point, where the Senate will now determine whether the bill shall pass.

For myself, I can only humbly express my gratitude that I had a very modest part in the fulfillment of this achievement, which marks forward progress in the fulfillment of the American dream.

Mr. President, I am prepared to vote.

Mr. LONG of Louisiana. Mr. President——

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG of Louisiana. Mr. President, anyone who is sincerely interested in the welfare of the Negro should recognize that more will be accomplished by conscientious well-meaning white people of the South than any law which the Federal Government can impose upon our area.

We have before us a bill which proposes to protect the voting rights of the colored man. Very little will be accomplished by passage of this bill if the majority of the white people of the South are determined to frustrate its terms and conditions. There occur to me many ways in which white southerners can frustrate the terms of the bill before us, if they care to do so. For one thing, so long as the poll tax is legal and constitutional, a State can pass a high poll tax, particularly if it is an accumulative poll tax which denies a person the right to vote unless he has paid his poll tax for 3 or 4 successive years.

On occasion I have pointed out the extent to which poll taxes have retarded the registration of poor white voters and Negro voters alike. Thus, by means of a high poll tax, a State can prevent the great majority of Negro voters from registering and participating in elections.

Furthermore, States can require educational qualifications beyond the ability of the great majority of Negroes. These are only two of the most obvious ways in which the white southerner can overcome Federal restrictions in his effort to benefit Negro voters so long as the desire is not present to respect the purpose and the spirit of the law. However, far beyond the measures available to southern whites to resist the purpose of the legislation before us without violating the law itself, are the many measures available to southern whites to retard the progress of the Negro, if the white people care to do so.

It must be remembered that in Southern States, notwithstanding the high percentage of Negro population, the majority of people are white. With the single exception of the State of Mississippi, not a mere majority, but an overwhelming majority of the citizens of those areas are white. Furthermore, the whites as a class control most of the wealth and most of the positions of power—economically, socially, and politically. This will continue to be the case for a great number of years, whether Senators like it or not.

Anyone who even begins to understand the political, social, and economical situation in the South would be quickly forced to the inescapable conclusion that little indeed can be done for the colored minority in the Southern States without the cooperation and assistance of the white majority. As a white southerner, I have seen the tremendous progress made by the Negro people of my State. It has been a progress which has accelerated from year to year. The progress of the colored man in the South was continuing to pick up speed and momentum until the unfortunate, and I believe almost disastrous, decision of the Supreme Court in ordering an end to segregation of the public schools in the South. A great amount of this progress was accomplished because of the good will and the active assistance of the white leaders of that area.

I do not for a moment contend that this good will and active assistance in helping the colored man to better himself has been universal or without exception. The South, like every other part of the Nation, has a number of people who are motivated by fear, distrust, suspicion, and hatred. However, the South, like every other section of the Nation, is led and controlled by people of good will, human understanding, and Christian charity. The story of the Good Samaritan has just as much meaning to whites and Negroes alike in the South as it has to citizens of other sections of the Nation.

Negroes vote in great numbers in the State of Louisiana because white men and women were content that it should be so. While there has been considerable resistance to colored registration in some areas, there has been active pressure on the part of some of the outstanding and highly regarded white citizens of Louisiana to assure that qualified Negroes should be registered and that they should vote.

Today, approximately 14 percent of the registration in Louisiana is colored voters. In view of the fact that illiteracy is highest among the Negro race, it is apparent that at least half of the job of qualifying Negro voters has been accomplished. Everyone recognizes the importance of the colored man voting, if he is to receive his share of benefits which a government is capable of bestowing upon its citizens. This increase in Negro registration was achieved without even the Civil Rights Act of 1957.

I, for one, could point to a great number of examples in my own community, I recall very well that prior to the registration of large numbers of Negroes in East Baton Rouge Parish, where the State Capitol is located, very little public improvements in the way of pavements, sidewalks, sanitary sewerage, street lights, and so forth, were directed toward the areas where the colored population was concentrated. After large numbers of Negroes were registered and began to vote, all of this changed. Today, many of the best streets, sidewalks, and other facilities are located in those same areas.

Mind you, Mr. President, this was not accomplished by any Supreme Court decision. It was accomplished because the whites of the community were willing to accept the colored voter upon the basis of equality.

Mr. GRUENING. Mr. President, will the Senator yield for a question, with the understanding that he will not lose the floor?

Mr. LONG of Louisiana. I yield.

Mr. GRUENING. Will the Senator be kind enough to inform those of us who may have other engagements how long he intends to continue?

Mr. LONG of Louisiana. I cannot inform the Senator exactly how long I expect to talk.

Mr. GRUENING. Can the Senator tell us approximately how long?

Mr. LONG of Louisiana. I should like to speak for a while. If the Senator does not care to hear my presentation, he is privileged to leave.

Mr. GRUENING. I always enjoy hearing the Senator.

Mr. LONG of Louisiana. I thank the Senator. His remark is more than I deserve.

A few years ago a colored citizen ran for the school board and, although he was not elected, he received a very substantial vote and also a respectable vote in boxes in which no Negro voters were registered. Furthermore, in that community, as well as the majority of communities in Louisiana, funds for new school construction were being concentrated on equalizing school facilities for the benefit of colored children. While the Negroes numbered only one-third of the population, more than half of the funds available for school construction was being directed toward schools for Negroes.

Now let us see how some of the misguided efforts of northerners to assist our colored voters has worked out. Recently, in the same community, and after the Supreme Court decision, there occurred a race for district attorney. The candidate who ran first in the first primary received an overwhelming majority of the votes in boxes where the Negro vote was the heaviest. In the runoff he was overwhelmingly defeated. The same thing more recently happened with regard to a race for city judge. Anyone who is familiar with the political situation could see what had happened in those two cases. The fact that a candidate had received overwhelming support from the Negroes caused vast numbers of whites to vote against him in the runoff. Far from helping him, the overwhelming colored vote that the candidate received in the first primary dictated his defeat in the runoff.

Again, a similar case occurred in the recent Democratic gubernatorial primary held in Louisiana. The leader in the first primary collected a large majority of the colored vote; he was defeated in the runoff for the Democratic nomination for Governor.

In prior years, the Negro vote was no such liability. As a matter of fact, some years before, a candidate for reelection as sheriff was regarded as almost a certainty to be successful. When the election occurred, he was overwhelmingly defeated. It was the first election in which large numbers of Negroes had voted. Judging from the returns, it appeared that the Negroes had voted almost unanimously against the incumbent.

White citizens of the community did not resent the outcome in any respect, because they recalled rumors of the beating of Negro prisoners to obtain confessions. The majority of whites felt that the defeat of their sheriff was probably a step toward better government to which the overwhelming majority of Negro voters had contributed.

Prior to the Supreme Court decision on segregation, there was no organization in my community, nor anywhere else in Louisiana to my knowledge, directed toward resisting integration of the races, nor preserving segregation laws and customs. Today in almost every parish in Louisiana, white citizens councils have been organized. In many instances, we have had examples of white citizens boycotting other white citizens whom the former regarded as being overly sympathetic to the Negroes.

What I am trying to demonstrate to my colleagues is that the good will, sympathy, and cooperation of the white majority in the South is indispensable to the progress of the Negro citizen of that area. Little will be accomplished by laws which contribute to a movement that loses for the colored man the support and the assistance of the great numbers of influential southerners who have helped him in the past. It is for this reason that I urge my colleagues to recognize that their desire to benefit the Negroes of the South will be unsuccessful and will accomplish exactly the opposite of their intentions unless the laws they pass make sense and appear to be just and fair to a substantial segment of the white majority of the area.

Very little indeed will be accomplished by having the Attorney General of the United States file lawsuits against white southerners at the expense of the Federal Government, if this results in an accelerated trend toward white voters rejecting any candidate for public office who shows sympathy for the problems of the colored man.

Very little will be accomplished by securing the right of ballot for a colored man if it is followed by State laws which impose educational qualifications on voting beyond the ability of the colored voters to comply.

I plead with my colleagues from the North, East, and West—do not force upon the South laws that will further separate well-meaning southerners from the Negro minority which has benefited greatly from the assistance of those people.

In Louisiana the relationship between the Negroes and the whites was very good at the time the Supreme Court took upon itself the unprecedented power and authority to decree social judgments. Our Nation only grew to greatness because it was peopled initially by those who came to escape the kind of personal judgments on humanity which was exercised by this unanimous judgment of nine men.

Until it is explained in terms of how it was reached, this judgment will remain for me an outstanding mystery of this age.

What we have to deal with now is the situation created in large part by this decision. Those of us who are Members of the Senate representing Southern States can no more avoid dealing with this issue than can our colleagues representing the so-called Northern States. It would appear rather unnecessary to state that those of us who represent the States in which the supposed evil exists—which it is alleged should now be stamped out—should know more about it than our colleagues from States who seem so determined to point the finger of guilt. I have pointed out in previous discussions where situations worse than ours exist.

When I look at conditions in my native State, I find no quarrel with the manner in which events were developing between the white and colored races at the time the Supreme Court handed down its school desegregation creed on May 17, 1954. There was a growing understanding between white and colored citizens that their color was not the determining factor in their accomplishment. In the name of justice and in the name of our Constitution, the Supreme Court said, in effect, that it was impossible for a colored child to be given an opportunity in a public school which was composed solely of students of his own race. Certainly those of us who have grown up in the South with no prejudice and with much understanding could never agree with this judgment.

All my personal recollections are that I felt a great pleasure in observing the accomplishments of colored citizens in Louisiana. I had occasion to be helpful to many of them. I hope to be helpful to many in the future, also.

Yet, in the past few years since the school desegregation decision, there has been more and more reaction against measures to cooperate in advancing the Negro. This is the same reaction and the same feeling that free men everywhere have experienced when attempts were made by law to legislate their personal judgments.

In the almost 2 months of debate on the so-called civil rights measures, I do not believe that a single Member of the Senate has in the course of the discussion asserted that the position of the colored citizens in the Southern States was deteriorating.

They all know that the facts are directly contrary. In no single period in this country's history, or in the history of any other country of which I have knowledge, was so much progress made in improving the conditions of a minority group and in proving the acceptability of accomplishments made by a group in the community which was advancing from an inferior position.

Mr. President, I think that we witnessed a sad spectacle during the past 2 months. I hope that those of us who were born in the South and who represent it in the Nation's Capital will not again see an application of the methods that were employed here in the Senate used for a similar purpose.

To express this hope may seem to be bold and even a foolish statement. If it is, I can only say that it is based upon my own fundamental belief in the essential justice and sympathetic understanding of my colleagues. It has ever been in history that those who chased supposed evil often found themselves going too far in their efforts to stamp it out, and those who press upon us new legislative acts today are, in my opinion, already far beyond in their own thinking what they really wish to see accomplished.

They seem to be borne on and on by elements in the past which never really existed in the manner they have come to believe and which certainly today are not in existence.

The South is not a vast slave area and its white citizens are not dedicated to the suppression of its black citizens. More than anywhere else in the Nation, we in the South know that we must continue to live with the problems created

by the many differences in the ways of life of these two groups.

In closing this debate, Mr. President, I do so in the fervent hope that we are forever closing the door against force legislation that can only ultimately harm those it is supposed to help.

Mr. KEFAUVER. Mr. President, I stated 1 month ago—on March 14—that I would vote for a civil rights bill which contained measures designed to strengthen the right of every qualified citizen in this Nation to vote.

It was my feeling at that time that such a bill would evolve from the long hours of debate and the hard work of those who have aimed for this objective from the time when this legislation came before the Senate on February 15. This has been my objective.

I shall, therefore, vote for this bill—the Civil Rights Act of 1960. I shall do so because I believe it is reasonable, constructive, and morally right. It contains the three elements which, from the beginning, I have said it should contain.

It is primarily a voting rights bill. I have always been of the opinion, and shall continue to be of the opinion, that all qualified citizens—regardless of race or color—should have the right freely to register and vote. This bill strengthens the basic right, and its provisions on this subject are workable and fair.

The bill also has provisions outlawing hate-bombings and enforcing compliance with court orders, whether in the civil rights field or across the board.

I believe that from the beginning of this 8 weeks' debate, the Senate has wanted a moderate bill with these three elements. Consequently, it has rejected out of hand such far-ranging items as a new FEPC, the old title III of the act of 1957, and a number of other extraneous provisions.

The bill as it passed the House has been improved by a number of amendments. I was particularly anxious to have adopted an amendment to the voting provisions which would have assured that proceedings before voting referees would take place in public. Although my amendment was modified to specify only that the judge should set the time and place of such hearings, this is a considerable improvement over the language in the House version of the bill, and should prevent abuse of anyone's rights.

I believe the result of my efforts has been to insure the rights of public officials, without in any way impeding the rights of those who enter complaints against such officials.

The passage of this constructive bill has taken considerable time. Its passage has been achieved without a resumption of the filibuster which met the administration bill which was introduced and originally was debated in the Senate.

We were able to reach agreement on the House version of the bill without bypassing the Judiciary Committee and without taking the extreme measure of closing the debate through a cloture petition. To my way of thinking, this is a real accomplishment. It indicates that both sides are willing to be reasonable and, in the final analysis, want to avoid needless heightening of racial tensions.

Mr. McCARTHY. Mr. President, I ask unanimous consent that remarks prepared by the Senator from Minnesota [Mr. HUMPHREY] on the civil rights bill may be printed in the RECORD preceding the vote on that bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HUMPHREY

After 2 long months of debate the Senate is about to pass the pending civil rights bill.

It is my intention to support this bill on final passage, but I must candidly state that the bill falls far short of my hopes and expectations. As the debate has worn on the bill has been made weaker and weaker. The proponents of civil rights who have sought to strengthen the bill have been defeated on vote after vote. The bill as it now stands cannot be heralded as any great triumph for protection of civil rights of Negro citizens.

In the Senate on March 3 I set down what I considered as the minimum provisions of a meaningful civil rights bill this year as follows:

1. A declaration of support for the Supreme Court school desegregation decisions and the provision of step-by-step assistance to the States and local governmental bodies to aid in implementing desegregation.

2. Granting to the Attorney General authority to bring suits on behalf of individuals whose civil rights under the Constitution of the United States are violated.

3. Voting right protection for disfranchised Negroes by way of Presidentially appointed registrars in accordance with the recommendation of the Civil Rights Commission.

I deeply regret that the Senate did not include these provisions in the civil rights bill.

The bill before us contains six titles. But let no one be led to believe that the number of titles indicates great strides forward. The first five titles are of relatively minor import. The heart of the bill is title VI, which provides for court-appointed referees to register disfranchised Negroes.

In my judgment, it would have been far more desirable to have provided for Presidentially appointed registrars, as recommended by the Civil Rights Commission and as provided for in legislation such as I introduced in this body.

Many, including myself, have grave doubts that any significant number of Negroes will ever get to vote under this present bill. Anyone who sits down and reads this bill knows how complicated the procedure is which a disfranchised Negro is required to follow before he ever gets to the polls and has his vote counted. Even the esteemed lawyers who serve in this body do not seem to agree as to what the voting rights section provides. There is general agreement only on one thing—the machinery is very complex.

However, despite my disappointment over the rejection of the much simpler and less cumbersome registrar proposals, I am willing to give this referee proposal a chance to prove itself.

If, however, this bill fails in its avowed purpose of enabling any significant number of Negroes to vote due to legal redtape, those of us who have advocated civil rights legislation for so many years shall call for the passage of more effective measures.

The obligation of the Congress lies not only in the area of voting rights. We must take appropriate action to guarantee to every American, regardless of race, color, or religion, the basic rights as guaranteed in the Constitution. I am confident that the people in the coming November elections will elect a Congress and an administration which will move promptly and vigorously in this field.

The PRESIDING OFFICER (Mr. McGEE in the chair). The question is on the passage of the bill. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HENNINGS. I announce that the Senator from Oklahoma [Mr. KERR] and the Senator from Montana [Mr. MANSFIELD] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Oklahoma [Mr. KERR], the Senator from Montana [Mr. MANSFIELD], and the Senator from Wyoming [Mr. O'MAHONEY], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senator from Colorado [Mr. ALLOTT], the Senators from Kansas [Mr. SCHOEPPEL and Mr. CARLSON], and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Idaho [Mr. DWORSHAK] is absent on official business attending a meeting of the Air Force Academy.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. ALLOTT], the Senators from Kansas [Mr. SCHOEPPEL and Mr. CARLSON], the Senator from Idaho [Mr. DWORSHAK], and the Senator from Arizona [Mr. GOLDWATER] would each vote "yea."

The result was announced—yeas 71, nays 18, as follows:

[No. 164]

YEAS—71

Anderson	Fong	Magnuson
Bartlett	Frear	Martin
Beall	Gore	Monroney
Bennett	Green	Morse
Bible	Gruening	Morton
Bridges	Hart	Moss
Brunsdale	Hartke	Mundt
Bush	Hayden	Murray
Butler	Hennings	Muskie
Byrd, W. Va.	Hickenlooper	Pastore
Cannon	Hruska	Prouty
Capehart	Jackson	Proxmire
Carroll	Javits	Randolph
Case, N.J.	Johnson, Tex.	Saltonstall
Case, S. Dak.	Keating	Scott
Chavez	Kefauver	Smith
Church	Kennedy	Symington
Clark	Kuchel	Wiley
Cooper	Lausche	Williams, Del.
Cotton	Long, Hawaii	Williams, N.J.
Curtis	Lusk	Yarborough
Dirksen	McCarthy	Young, N. Dak.
Douglas	McGee	Young, Ohio
Engle	McNamara	

NAYS—18

Byrd, Va.	Holland	Russell
Eastland	Johnston, S.C.	Smathers
Ellender	Jordan	Sparkman
Ervin	Long, La.	Stennis
Fulbright	McClellan	Talmadge
Hill	Robertson	Thurmond

NOT VOTING—11

Aiken	Dworshak	Mansfield
Allott	Goldwater	O'Mahoney
Carlson	Humphrey	Schoeppel
Dodd	Kerr	

So the bill (H.R. 8601) was passed.

Mr. DIRKSEN. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that House bill 8601, just passed by the Senate, be printed with all the Senate amendments thereto numbered.

The PRESIDING OFFICER Without objection, it is so ordered.

Mr. STENNIS. Mr. President, will the Senator from Texas request that the bill, as amended, be printed in the RECORD?

Mr. JOHNSON of Texas. Yes.

Mr. President, I ask unanimous consent that House bill 8601, as amended by the Senate, be printed in the RECORD immediately following a memorandum and a compilation of the yea-and-nay votes on the bill which I submit. There were 43 yea-and-nay votes in connection with the bill, and they show the unmistakable fact that a substantial majority of the Senate in each instance had its opinion prevail. Therefore, I have asked unanimous consent that a memorandum and a compilation of the yea-and-nay votes, beginning with vote No. 16, and continuing through vote No. 65, be printed at this point in the RECORD; and that immediately thereafter, House bill 8601, as amended by the Senate, be printed in the RECORD.

There being no objection, the memorandum, compilation, and bill were ordered to be printed in the RECORD, as follows:

MEMORANDUM

1. Liberals or conservatives have the unquestioned right to criticize the civil rights bill as being too weak or too strong. Nobody would deny them this right.

2. But it should be made absolutely clear that in criticizing the bill they are criticizing the Senate itself. The facts are that every conceivable civil rights proposal had a fair day in court and was either adopted or rejected by a majority vote. The bill that has emerged is the handiwork of the majority of the Senate itself.

3. The critics of the bill are going to drum up various reasons why the bill fell short of their expectations or went further than they would like to go. But these reasons are completely beside the point. Anyone who is dissatisfied with the bill must trace his dissatisfaction to one source—he could not muster enough votes among 100 Senators representing all parts of the country to secure adoption of his viewpoint.

4. There can be no objection to anyone who wants to "educate" the public and try to win majority acquiescence to his views. But he must bear in mind the fact that the bill is what it is today simply because a majority of the Senate thought that this is the way it should be.

COMPILATION OF CIVIL RIGHTS VOTES, 1960

Vote No. 16, Russell motion to postpone further consideration of H.R. 8315 until February 23, 1960: Yeas 28, nays 61, not voting 11.

Vote No. 17, discharge resolution (final passage), Senate Resolution 273, a resolution to discharge under certain conditions the Committee on the Judiciary from further consideration of the Senate bill 2391, a civil rights measure: Yeas 4, nays 68, not voting 28.

Vote No. 20, on Johnson motion that the Senate adjourn at 5 o'clock Monday, February 29, 1960: Yeas 10, nays 67, not voting 23.

Vote No. 21, on Morse motion that the Senate adjourn at 8 p.m., March 1, 1960: Yeas 6, nays 55, not voting 39.

Vote No. 22, on Johnson motion that the Sergeant at Arms be directed to request the attendance of absentee Senators: Yeas 55, nays 5, not voting 40.

Vote No. 23, Johnson motion to request absentee Senators: Yeas 62, nays 7, not voting 31.

Vote No. 23, Johnson motion to table Ellender motion to adjourn Senate until 12 o'clock noon, March 2, 1960: Yeas 64, nays 6, not voting 30.

Vote No. 25, Johnson motion to table Ervin motion to adjourn Senate until 12 o'clock noon, March 3, 1960: Yeas 65, nays 7, not voting 28.

Vote No. 26, Johnson motion to table Long amendment: Yeas 64, nays 8, not voting 28.

Vote No. 27, Johnson motion to request absentee Senators: Yeas 56, nays 1, not voting 43.

Vote No. 28, Johnson motion to proceed to consideration of executive business: Yeas 56, nays 0, not voting 44.

Vote No. 29, Johnson motion to request absentee Senators: Yeas 52, nays 0, not voting 48.

Vote No. 30, Johnson motion to request absentee Senators: Yeas 56, nays 2, not voting 42.

Vote No. 31, Johnson motion to request absentee Senators: Yeas 53, nays 3, not voting 44.

Vote No. 32, Johnson motion to request absentee Senators: Yeas 53, nays 3, not voting 44.

Vote No. 33, Johnson motion Senate adjourn 4:05, March 8, 1960, to establish new legislative day: Yeas 53, nays 4, not voting 43.

Vote No. 34, cloture petition: Yeas 42, nays 53, not voting 4.

Vote No. 35, Johnson motion to table the Case of South Dakota amendment (to the Ervin amendment): Yeas 55, nays 38, not voting 6.

Vote No. 36, Ervin amendment to the first section of the amendment, in the nature of a substitute, offered by Senator DIRKSEN: Yeas 89, nays 0, not voting 10.

Vote No. 37, Lausche amendment to section 1 of the Dirksen substitute (the administration bill) (across-the-board court orders): Yeas 65, nays 19, not voting 15.

Vote No. 38, Morse motion to table section 1 of the Dirksen substitute, as amended: Yeas 49, nays 35, not voting 15.

Vote No. 39, Goldwater (and five others) amendment (to sec. 2 of the Dirksen substitute), antibombing section: Yeas 85, nays 1, not voting 13.

Vote No. 40, Keating amendment (to sec. 2 of the Dirksen substitute), antibombing section: Yeas 87, nays 0, not voting 12.

Vote No. 41, vote on section 2 of the Dirksen substitute, as amended: Yeas 86, nays 1, not voting 12.

Vote No. 42, Dirksen motion to table Douglas-Javits amendment (to sec. 3 of Dirksen substitute): Yeas 53, nays 24, not voting 22.

Vote No. 43, Johnson motion that Senate recess until 12 noon on March 24, 1960: Yeas 85, nays 1, not voting 14.

Vote No. 44, Morse motion to table the Clark-Javits (and 11 others) amendment to section 3 of the Dirksen (administration) proposal: Yeas 51, nays 43, not voting 6.

Vote No. 45, Eastland motion to refer H.R. 8601 to Senate Judiciary Committee: Yeas 19, nays 72, not voting 9.

Vote No. 46, Johnson motion to refer H.R. 8601, the House-passed civil rights bill, to the Senate Judiciary Committee with instructions to report back by Tuesday, March 29, 1960: Yeas 86, nays 5, not voting 9.

Vote No. 54, Johnson motion that the Senate proceed to the consideration of H.R. 8601: Yeas 71, nays 17, not voting 12.

Vote No. 55, vote on committee amendment to H.R. 8601 across-the-board court orders: Yeas 68, nays 20, not voting 12.

Vote No. 56, Carroll amendment (to the committee-Kefauver amendment) to require, under the revised referee plan, that the applicant be given an ex parte hearing at such times and places as the court shall direct: Yeas 69, nays 22, not voting 9.

Vote No. 57, Dirksen motion to table equal job opportunity amendment: Yeas 48, nays 38, not voting 14.

Vote No. 58, Mansfield motion to table Keating financial assistance amendment: Yeas 61, nays 30, not voting 9.

Vote No. 59, Dirksen tabling motion of Javits intervention amendment: Yeas 56, nays 34, not voting 10.

Vote No. 60, Dirksen motion to table Hart amendment: Yeas 52, nays 38, not voting 10.

Vote No. 61, Dirksen tabling motion of Hennings amendment: Yeas 58, nays 26, not voting 16.

Vote No. 62, Ervin-McClellan rules of procedure amendment: Yeas 29, nays 64, not voting 7.

Vote No. 63, Kuchel motion to table Ervin amendment, limiting the voting rights section to candidates for Congress (instead of applying the right to all elections): Yeas 72, nays 16, not voting 12.

Vote No. 64, Dirksen motion to table Johnston (S.C.) amendment, limiting the right to vote to general elections in lieu of special primary, and general elections: Yeas 68, nays 18, not voting 14.

Vote No. 65, Dirksen motion to table Carroll amendment: Yeas 62, nays 32, not voting 6.

H.R. 8601

An act to enforce constitutional rights, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1960".

TITLE I

Obstruction of court orders

SEC. 101. Chapter 73 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1509. Obstruction of court orders

"Whoever, by threats or force, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime."

SEC. 102. The analysis of chapter 73 of such title is amended by adding at the end thereof the following:

"1509. Obstruction of court orders."

TITLE II

Flight to avoid prosecution for damaging or destroying any building or other real or personal property; and, illegal transportation, use or possession of explosives; and, threats or false information concerning attempts to damage or destroy real or personal property by fire or explosives

SEC. 201. Chapter 49 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property

"(a) Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully attempting to or damaging or destroying by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(b) Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement: *Provided, however,* That this section shall not be construed as indicating an intent on the part of Congress to prevent any State, Territory, Commonwealth, or possession of the United States of any jurisdiction over any offense over which they would have jurisdiction in the absence of such section."

SEC. 202. The analysis of chapter 49 of such title is amended by adding thereto the following:

"1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property."

SEC. 203. Chapter 39 of title 18 of the Untied States Code is amended by adding at the end thereof the following new section:

"§ 837. Explosives; illegal use or possession; and, threats or false information concerning attempts to damage or destroy real or personal property by fire or explosives

"(a) As used in this section—

" 'commerce' means commerce between any State, Territory, Commonwealth, District, or possession of the United States, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory, or possession of the United States, or the District of Columbia;

" 'explosive' means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers) detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion.

"(b) Whoever transports or aids and abets another in transporting in interstate or foreign commerce any explosive, with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both; and if personal injury results shall be subject to imprisonment for not more than ten years or a fine of not more than $10,000, or both; and if death results shall be subject to imprisonment for any term of years or for life, but the court may impose the death penalty if the jury so recommends.

"(c) The possession of an explosive in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or other real or personal property used for educational, religious, charitable, residential, business, or civic objectives or to intimidate any person pursuing such objectives, creates rebuttable presumptions that the explosive was transported in interstate or foreign commerce or caused to be transported in interstate or foreign commerce by the person so possessing or using it, or by a person aiding or abetting the person so possessing or using it: *Provided, however,* That no person may be convicted under this section unless there is evidence independent of the presumptions that this section has been violated.

"(d) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully imparts or conveys, or causes to be imparted or conveyed, any threat, or false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives, or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

"(e) This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, Territory, Commonwealth, or possession of the United States, and no law of any State, Territory, Commonwealth, or possession of the United States which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section."

SEC. 204. The analysis of chapter 39 of title 18 is amended by adding thereto the following:

"837. Explosives; illegal use or possession; and threats or false information concerning attempts to damage or destroy real or personal property by fire or explosives."

TITLE III

Federal election records

SEC. 301. Every officer of election shall retain and preserve, for a period of 22 months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 302. Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 301 to be retained and preserved shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 303. Any record or paper required by section 301 to be retained and preserved shall, upon demand in writing by the Attorney General or his representatives directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian, by the Attorney General or his representative. This demand shall contain a statement of the basis and the purpose therefor.

SEC. 304. Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

SEC. 305. The United States district court for the district in which a demand is made pursuant to section 303, or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

SEC. 306. As used in this title, the term "officer of election" means any person who, under color of any Federal, State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which votes are cast for candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico.

TITLE IV

Extension of powers of Civil Rights Commission

SEC. 401. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. Supp. V 1975d) (71 Stat. 635) is amended by adding the following new subsection at the end thereof:

"(h) Without limiting the generality of the foregoing, each member of the Commission shall have the power and authority to administer oaths or take statements of witnesses under affirmation."

TITLE V

Education of children of members of Armed Forces

SEC. 501. (a) Subsection (a) of section 6 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, relating to arrangements for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements to provide free public education may also be made for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational

agency is able to provide suitable free public education for such children."

(b)(1) The first sentence of subsection (d) of such section 6 is amended by adding before the period at the end thereof: "or, in the case of children to whom the second sentence of subsection (a) applies, with the head of any Federal department or agency having jurisdiction over the parents of some or all of such children".

(2) The second sentence of such subsection (d) is amended by striking out "Arrangements" and inserting in lieu thereof "Except where the Commissioner makes arrangements pursuant to the second sentence of subsection (a), arrangements".

SEC. 502. Section 10 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended, relating to arrangements for facilities for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements may also be made to provide, on a temporary basis, minimum school facilities for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

TITLE VI

SEC. 601. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

(a) Add the following as subsection (e) and designate the present subsection (e) as subsection "(f)":

"In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, who shall subscribe to the oath of office required by Revised Statutes, section 1757 (5 U.S.C. 16), to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte at such times and places as the court shall direct. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"The court, or at its direction the voting referee, shall issue to each applicant so declared a certificate identifying the holder thereof as a person so qualified.

"Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally: *Provided, however,* That such applicant shall be qualified to vote under State law. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

"When used in the subsection, the word 'vote' includes all action necessary to make a vote effective, including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words 'affected area' shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words 'qualified under State law' shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist."

(b) Add the following sentence at the end of subsection (c):

"Whenever, in a proceeding instituted under this subsection any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State."

TITLE VII

Separability

SEC. 701. If any provision of this Act is held invalid, the remainder of this Act shall not be affected thereby.

Mr. JOHNSON of Texas. Mr. President, I wish to say that there is nothing that I could add to what has already been said with regard to the measure just passed by the Senate.

I do want all my colleagues to know that I am very grateful to each one of them for their understanding, their courtesy, and their patience; and I am particularly grateful to the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], for his complete cooperation at all times, and also for the undeserved statements he made regarding me.

Mr. DIRKSEN. Mr. President, before the distinguished senior Senator from Georgia [Mr. RUSSELL] leaves the Chamber, I just wish to salute a great parliamentarian, a great captain, a worthy antagonist, and a man of deep

conviction, whom I have learned to admire and to revere in 25 years of legislative service. My respect and my admiration for him are greater today than they ever were before.

Mr. RUSSELL. Mr. President, I deeply appreciate the very kind comments of the distinguished Senator from Illinois. I have met him as an adversary time and again over a period of 25 years. He is a tough but a fair fighter. He keeps all of his blows above the belt.

I am very grateful to him for the generous sentiments he has expressed, even though he wears the garlands of victory because of the passage of this bill, which I opposed as vigorously as I know how.

ORDER FOR CALL OF THE CALENDAR ON MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that on Monday, at the conclusion of routine morning business, the bills and other measures on the calendar, beginning with Calendar No. 1242, be called, for the consideration of measures to which there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNUAL AUDIT OF BRIDGE COMMISSION AND AUTHORITIES

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1109, Senate bill 1511, in order to make that bill the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title, for the information of the Senate.

The CHIEF CLERK. A bill (S. 1511) to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the bill (S. 1511), which had been reported from the Committee on Public Works with amendments.

STELLA REORGANIZED SCHOOLS, MISSOURI

Mr. RUSSELL. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. RUSSELL. I wonder whether the Senator from Texas can advise the Senate as to when it might expect to resume the consideration of House bill 8315, the Stella School District bill?

Mr. JOHNSON of Texas. I am prepared to call it up now.

Mr. President, I ask unanimous consent that the Senate resume the consideration of Calendar No. 924, House bill 8315, the Stella School District bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. JOHNSON of Texas. Mr. President, I move that the Dirksen amendment to the bill be stricken out.

Mr. RUSSELL. Mr. President, I do not believe there is an amendment to the bill.

The PRESIDING OFFICER. The Chair is advised that an amendment to the bill is pending.

Mr. JOHNSON of Texas. I ask that the amendment be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MORSE. Mr. President, I realize the mood of the Senate; but I have pending an amendment to the bill, and I wish to discuss the amendment at some length, unless we can obtain an agreement that the bill can be amended so as to conform to the Morse formula. But at present the bill does not do so.

I have discussed this matter briefly before now. I do not think the difference between us is very great, except over the matter of principle.

My amendment provides that the value of the leasehold interest be appraised, and that the school district pay half the fair market value of the leasehold interest.

As I said once before during the debate on this matter, I think there are a good many offsets, and that the amount of money, if any, which the school district would owe the Federal Government would not be very great. In fact, it might even be a nominal amount.

But in its present form the bill clearly violates a principle for which I have fought in the Senate for many years; and I do not intend to let the bill be rushed through tonight without having adequate consideration given to my amendment and to a review of the problem involved in connection with it.

I have no objection to having the bill made the pending business; but I served notice of this matter on February 15, I believe.

However, I think we might obtain an agreement from the Senator from Georgia [Mr. RUSSELL], because during the debate on February 15, I believe we were almost in agreement that probably the school district would not have to pay anything by way of rent, after the offsets were taken care of.

But certainly a determination should be made as to whether the leasehold is of any remaining value to the Federal Government.

I should like to have the Senator from Georgia state what his view regarding this matter is.

Mr. RUSSELL. Mr. President, it would seem that the Stella School District bill is almost as controversial now as it was on February 15. So I suggest that the Senator from Texas withdraw his request.

Mr. JOHNSON of Texas. Mr. President, I have no desire to involve the Senate in controversy this evening. I thought the bill did not involve the Morse formula, and I understood that the Armed Services Committee felt that it would be proper to have the bill passed by the Senate.

However, if the Senator from Oregon objects to the passage of the bill at this time, then I intend to move that the bill be brought up at a later date, in view of the fact that the bill involves some rental payment.

Mr. MORSE. Mr. President, I do object to having the bill passed at this time, until there has been adequate discussion and consideration of this problem.

Mr. JOHNSON of Texas. Very well.

Mr. President, I ask unanimous consent that House bill 8315 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations this evening it stand in adjournment until Monday at 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that there may be printed in the RECORD a statement prepared by me on the civil rights bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BYRD

Now that the battle of the so-called civil rights bill is over in the Senate of the United States, I want to make this statement to the people of Virginia.

In my 28 years of service in the Senate I have never known such a determined effort to enact punitive legislation, most of which was unconstitutional and offensive to the South.

The debate has gone on for 2 months, and in one period the Senate was forced to meet around the clock for 125 consecutive hours in an effort to wear down the southern Senators.

Eighteen Senators were opposing 82.

In the main the result has been a victory for the South when the substance of the bill as passed is compared with the provisions of the original bill and the 40-odd amendments which were proposed.

Superbly led by Senator RICHARD B. RUSSELL, of Georgia, the southerners in the Senate demonstrated the effectiveness of courageous massive resistance. The opposition of southerners in the House of Representatives, led by Representative HOWARD W. SMITH, of Virginia, was equally resolute and formidable.

With our backs to the wall, the southerners withstood the power of the Federal Government, the political pressure of those States appealing to the Negro vote, and the propaganda of the facilities available to the NAACP. The more vicious proposals and the worst features of the administration bill were eliminated.

One of the most offensive provisions was a declaration by statute that the illegal Warren Court school decision was the supreme law of the land. This was defeated by a vote of more than two to one. Also defeated was the provision to bribe with Federal payments States or localities which, without opposition, would integrate public schools under the Warren decision.

Another defeated provision would have made it a felony to resist Federal court orders in school cases, and this was so loosely worded as perhaps to make those who have set up the private school system in Prince Edward County guilty of a felony.

The FEPC provision was defeated. The language of the so-called antibombing section was greatly modified; and so were the provisions for voting referees and preservation of voting records.

All in all, the southerners in Congress succeeded in defeating the most offensive provisions and modifying others in measurable degree. There were times in the debate when this appeared to be impossible.

Of course, the bill is still objectionable and all southerners voted against it, but to paraphrase Sir Winston Churchill, So few at such great odds have done so much for so many.

MEMORIAL SERVICE FOR THE LATE SENATOR NEUBERGER, OF OREGON

Mr. JOHNSON of Texas. Mr. President, on March 13 a group of our colleagues attended the memorial services for the late Senator Richard L. Neuberger in Portland, Oreg.

It was a moving service, one that was in keeping with the high character and the simple directness of our late colleague. Those who were present spoke of the tremendous work that Dick Neuberger had done for his country. They listed his many accomplishments and his dedication to the service of his fellow men. I ask unanimous consent that the transcribed text of the memorial service be printed in the body of the RECORD in memory of our colleague.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

MEMORIAL SERVICES FOR THE LATE SENATOR RICHARD L. NEUBERGER, OF OREGON

Memorial services for the late Senator Richard L. Neuberger of Oregon were held Sunday, March 13, 1960, at Temple Beth Israel, in Portland, Oreg., with Rabbi Emanuel Rose officiating. Members of the committee of the U.S. Senate and the House of Representatives attending the services were the senior Senator from Texas, Mr. JOHNSON; the senior Senator from Oregon, Mr. MORSE; the senior Senator from Illinois, Mr. DOUGLAS; the senior Senator from Idaho, Mr. DWORSHAK; the junior Senator from Washington, Mr. JACKSON; the junior Senator from Kentucky, Mr. MORTON; the junior Senator from Idaho, Mr. CHURCH; the junior Senator from Texas, Mr. YARBOROUGH; the senior Senator from Alaska, Mr. BARTLETT; the junior Senator from Alaska, Mr. GRUENING; the junior Senator from Wyoming, Mr. MCGEE; Representative HENRY S. REUSS, of Wisconsin; Representatives WALTER NORBLAD, EDITH GREEN, CHARLES O. PORTER, and AL ULLMAN, all of Oregon. Also attending were Mesdames Church, Bartlett, and McGee.

Memorial addresses were delivered by Rabbi Emanuel Rose of Temple Beth Israel, the Honorable Mark O. Hatfield, Governor of the State of Oregon; the Honorable Lyndon B. Johnson, U.S. Senator from the State of Texas and majority leader of the U.S. Senate; the Honorable Robert D. Holmes, former Governor of the State of Oregon; the Honorable E. Palmer Hoyt, editor and publisher of the Denver Post of Denver, Colo.; the Honorable William O. Douglas, Associate Justice of the Supreme Court of the United States; the Honorable Paul H. Douglas, U.S. Senator from the State of Illinois; the Honorable Ernest Gruening, U.S. Senator from the State of Alaska; Dr. Richard M. Steiner, pastor of the First Unitarian Church of Portland, Oreg. Transcribed text of the ceremonies follows:

Rabbi Emanuel Rose: "Oh, God, who art our master of life and death, we know how limited is our wisdom, how short our vision. One by one the children of men passing along the road of life disappear from our view. We know that each of us must walk the same path to the doorway of the grave. We strain our eyes to see what lies beyond the gate, but all is darkness to our mortal sight. For Thee, oh God, the night shineth as the day, the darkness is even as the light. Into Thy gracious hands we commit the spirits of our dear ones who are gone from this earth, assured that Thou keepest faith with Thy children in death as in life. Sustain us, oh God, that we may meet with calm serenity the dark mysteries that lie ahead, knowing that when we walk through the valley of the shadow Thou art with us, Thou art our loving Father, and in Thee do we put our trust.

" 'The Lord is my Shepherd, I shall not want. He maketh me to lie down in green pastures, He leadeth me beside the still waters, He restoreth my soul, He guideth me in straight paths for His name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil, for Thou art with me. Thy rod and Thy staff they comfort me. Thou preparest a table before me in the presence of mine enemies, Thou hast anointed my head with oil, my cup runneth over. Surely goodness and mercy shall follow me all the days of my life, and I shall dwell in the house of the Lord, forever.'

"Early one morn I had an interview with death. The place, a lonely dell where winter lingered and swathed in snow. In the sky a waning moon, one last star paling, prophetic of the dawn. A spirit prompted me to hail this heartless being. Said I in accents strained, as if to keep my courage up, 'Death of thee no one speaks well. Thy tread, though soft and silent, makes firesides tremble, and in thy presence, flowers die. No gleeful child is safe from thy all-withering touch, no parent dost thou spare, no lovers weaving life's threads of hope into fancies colored green. No saint in humble prayer. Why not content thyself with beasts of prey, why devastate our homes, oh death? I wish that thou were dead.' And then death replied, and filled me with amaze. His voice was even mild and sweet, and through the gloom I saw suggestion of a smile. 'I am God's servant, as thou art,' he said. 'The flock must be gathered home. I am sent to bring the wandering to their fold. I give to weary feet the gift of rest.' But I asked, 'Might not some brighter messenger be sent—an angel with music in his voice and laughter in his eyes? His coming would be welcome as to birds the coming spring, or opening day. Thou dost alarm us so, and make us die so often, dying once. If one we knew full well might come.' 'I understand you well,' said death, 'but this grimness thou alone dost see. The living never see me as I am. Only the dying see death. What life is to the living, death is to the dead. I am a mask. The angel thou hath asked for is behind. Sometimes 'tis sainted mother, sometimes sainted father, sometimes parted lover. Only to the living seem I what I'm not. No more revile me, I am thy friend in disguise.'

"Dear friends, our rabbis, many centuries ago sought to select the most meaningful character quality of man, and one of the phrases which they selected was a good name. Senator Richard Neuberger had a good name, and testimony to this, not only his family, but the citizens of our Nation, also mourn his passing, and testimony to his good name. We are honored to have in our presence today a number of men who worked with him. The Honorable Mark O. Hatfield, Governor of the State of Oregon."

Governor Hatfield: "Senator Richard L. Neuberger utilized every ounce of energy and strength to advance his beliefs, whether in the spoken or written words. He was well on his way to becoming one of the foremost authors of our time, when public service began taking more and more of his time; first as a State representative, then as a member of the armed services, later, in the State senate, and, finally, in the Senate of the United States. During my service in the State legislature, it was an educational experience to work with Dick Neuberger as he advocated, pleaded, implored, beseeched, and pressed fully for legislation in which he believed. He had a handfull of members of his party from a period in their history when their senate caucus numbered four, until a majority was attained shortly after his elevation to the Nation's Capital. Equipped with a brilliant intellect, Dick Neuberger fought the status quo. He ceaselessly, restlessly wanted to move forward, to do more for his people, to leave them a legacy of carefully husbanded natural resources, a future as bright as that which our pioneer predecessors envisioned. Even as he was held high in the esteem by those with whom he associated, so he extolled the memory of those he emulated. Similarly, one of those he admired most, Franklin Delano Roosevelt, also won out over almost insurmountable odds of an earlier dread disease, but was struck down by a like attack. Each had work yet to do, each had plans not yet fulfilled, and yet another parallel exists. Both were aided immeasurably by an able wife, who had developed complementary talents in her own right over the years. And even as Mrs. Roosevelt today is an elder stateswoman, so do I predict Mrs. Neuberger will contribute much to the society in the years ahead. As Governor of the State of Oregon, as a former State legislative colleague, I acknowledge with deep gratitude this afternoon the lasting contributions Senator Neuberger made to this State and to the Nation. He grew tall to match our forests, he saw to the horizons as from our mountaintops, he spoke with the eloquence of his writings, he shared himself with us, he spared himself not. He was our faithful servant, may he rest in peace."

The Honorable LYNDON B. JOHNSON, U.S. Senator from the State of Texas and majority leader of the U.S. Senate: "Rabbi Rose, Governor Hatfield, Justice Douglas, my colleagues, fellow Americans, Mrs. Johnson and I were shocked and saddened when we learned of Senator Neuberger's untimely death. My colleagues and I have flown across the country, 2,400 miles today, in order to share the privilege of joining all of you in paying tribute to one of the great Americans of our time. Dick Neuberger was my devoted friend. I might add that it was a mutual friendship. He was never afraid to be on any unpopular side once he was convinced that this course of action was in the best interests of the country he loved so much. He was an impeccably honest public servant. I think he was the truest and most genuine liberal I have ever known. Sham and hypocrisy, and demagoguery were foreign to his nature. He was a great humanitarian. He loved people—all the people, but particularly little people. He fought their battles, he bled for them, he stayed awake at night attempting to devise means to improve their lives. It mattered not whether it was the postman who bore the burden of a mailsack on his back, or the widowed clerk who needed health insurance. He was a dedicated conservationist, he was a lover of the beauties of nature.

"His career in the U.S. Senate was entirely too short. He was loved and respected by Democrats and Republicans, as attested by their presence here today. During 30

years of service in the Nation's Capital, I have never heard as many eloquent eulogies as those paid to Dick Neuberger by his colleagues in the Senate last week and I have never known them to be more deserved. My life has been enriched as a consequence of my very brief association with him. Dick Neuberger was constantly reaching out, searching for legislation that would make a better world for all citizens, irrespective of their nationality, their race, their religion, their color, or their creed. He was chiefly responsible for the elimination of unsightly billboards from our Interstate Highway System. No Senator has ever worked harder to secure adequate appropriations for research in cancer, and heart, and the other dread diseases. And some of us are here today because of efforts of Dick Neuberger and men like him. Because of his leadership, because of his inspiration, because of his noble fight, the battle to end these disease killers will go forward with greater impetus and with a more determined dedication. And we who are left will pick up that flag that he had to drop.

"I have never known a man that was more devoted to his lovely wife, Maurine, or one who received more inspiration from their helpmate than Dick did from Maurine. I have always heard that it took two great women to make one good man, and I have been enriched by the privilege of seeing his lovely Maurine today and meeting his wonderful mother. I have never seen a team that was more dedicated or more effective. They seemed always to know where the ball was and they knew how to carry it together. Oregon has lost a great son; Maurine has lost a devoted husband; Mr. and Mrs. Neuberger have lost a proud child. Yet I know all of you will go forward with greater determination so that we can truly say that he did not die in vain. The Northwest, the Nation, the free world, I am confident history will record are much better because Dick Neuberger came our way."

The Honorable Robert D. Holmes, former Governor of the State of Oregon: "With real humility I am privileged to share with you today some observations of Dick Neuberger's great service as a State senator, speaking in behalf of all of those of us who served with him. His work in this capacity, as was all of his work, was monumental, an enormous fund of information, his vision about necessary reforms, his ability as a speaker and debater, and his inherent know-how in the art of politics, his absolutely unlimited capacity for work—all contributed, I think, to the passage of some of the most important State legislation in two decades: fair employment practices, Portland State College, reapportionment. A list of the many accomplishments that began with Dick's ideas would be endless. And much more such legislation that started with one of his ideas will certainly be enacted in later years because of his vision. Always, as a State senator, a member of the minority, he somehow always could provide the ideas, and to drive and to marshal our forces so effectively, that it finally helped lead to majority status. The opposition always respected him. I think perhaps they feared him. He was their conscience. Had Dick Neuberger never been privileged to serve in the U.S. Senate, our State of Oregon would still owe him a great debt and great homage for his contributions to our social progress in this State. It was a privilege to serve with him, it was an even greater privilege to call him friend."

E. Palmer Hoyt, editor of the Denver Post and former editor of the Oregonian: "Dick Neuberger was many different things to many people but he never tried to be all things to all people. Dick was, in my judgment, a true liberal in the classic sense. He was completely dedicated to making democracy work. I knew Dick in different ways than many people. I knew him as a newspaperman, a writer, and a personal friend. He was, if you please, a protege of mine, in his early years. Remarkably enough, we both survived that relationship and became fast and firm friends. I well remember my first official contact with Dick Neuberger. He had been hired in the early thirties as a cub reporter in the sports department of the Oregonian. Came a Monday when most of the sports department reporters had a day off. Came the first edition, then out at 7 p.m. The sports pages showed some radical changes. Radical changes at that time were not easily tolerated in the Oregonian. These radical changes were called to my attention. I asked for Gregory, McCloud, Buck, Buxton, Bostwick. I asked, 'Who is in charge?' I was told 'Neuberger.' I said, 'Who is Neuberger?' 'The new cub reporter in sports,' I was informed. I sent for Dick and discovered a bright young man, who from then on occupied a part of my heart, and I must say of my attention, too. Dick Neuberger set at the feet of many men. Some of these men lived in return to sit at his feet. Dick in his youth was a hero worshipper. Among his heroes were Franklin D. Roosevelt, Senator George Norris, William O. Douglas, Bernie Baruch, Senator Lehman, Senator Borah, Senator Bert Wheeler, to name a few. Dick had the faculty, while still in his teens, of making friends in high places. Probably the greatest shock ever to be experienced by the Democratic hierarchy of Oregon was in 1932 when they learned that Mr. Roosevelt was getting his political dope on Oregon, not from the national committeeman, not from the State chairman, but from phone calls to young Dick Neuberger, age 19. Dick was curious but not contentious. We disagreed on many things but always disagreed intelligently. Dick was essentially a man of good will. It always troubled him deeply that men should hate him. Dick was a smart political campaigner but with solid techniques inborn. As in his campaign for the U.S. senatorship in 1954, there were many reasons why he scored one of the great upsets of Oregon's political history, but one reason was that he put a picture of Hells Canyon Dam in the front room of every home in a public power State. Dick Neuberger deserves this tribute. The world is a better place because he lived in it."

The Honorable William O. Douglas, Justice of the U.S. Supreme Court: "Rabbi Rose, friends of Dick Neuberger, those of us who just arrived from Washington dropped by Dick's house a few moments ago to see his parents, to see Maurine, to extend to them our deepest sympathies, and Maurine suggested that perhaps we would like to see Dick's study. And so the few things that I have to say to you are things that came flooding back to me a few minutes ago when I was in Dick's study because there on the walls were some wonderful photographs of mountain trips that Dick and I had taken together. I knew Dick when he was just out of the University of Oregon, a young newspaperman, and that was the beginning of a very warm and enduring friendship. All of us who have lived in the Northwest and call this our home have a special debt to Dick because he translated this great Northwest to all the peoples of America, telling them about its wonders and its mysteries; about its waterfalls and its people; about its forests, and its problems, and its cattle and sheep. And a bit more, I suppose, than any person in American history, to bring to the attention of the Nation at large the great potential of a particular area of the United States. These trips that Dick and I had together in the mountains were sometimes written up by him. Sometimes little paragraphs appeared in his books and articles, but mostly they were hours and days of relaxation. The days, the hours we spent floating the McKenzie here in Oregon, the days we spent on the high trails in the Wallowas and in the Cascades—those were very rich experiences for both of us.

"Dick had a real passion, I think, for the soil and the trees and the grass, and the rivers and the mountains of America. Dick had a real passion, I think, for the wilderness of America and the wildlife in America—the birds, the geese, the ducks, the deer, the beaver, the fish, the coyotes—the great community that makes up life. He knew how empty America would be if we ended up our destructive practices with nothing but people left, because man needs these creatures of the wilderness to live a full life.

"And I suppose that there was no greater passion in Dick's life than the preservation of the wilderness and his wilderness bill that he nurtured before the Senate, and the long hearings that he attended and conducted. I don't suppose that there is any living American who has done more to inculcate into the minds of this generation and the oncoming generation the need for conservation, the need for preservation of the richness in the woods, in the lakes, and the streams and the meadows of America.

"So I think, this afternoon, as I thought when I saw those wonderful pictures in Dick's study a few minutes ago, that he had probably done more to impress upon all of us in this time that we are merely life tenants here, and that we should pass on some of the greatness of the wilderness of America to those who come behind.

"And I think that if we do end up with bits of wilderness that we can pass on to our sons and our grandsons and granddaughters, that we will owe it in very large measure to the great American who passed this way, who came out from Oregon to tell the world and America about the greatness of this wonderful region."

The Honorable PAUL DOUGLAS, Senator from the State of Illinois: "Friends, you in Oregon and the Pacific Northwest have known, admired and loved Dick Neuberger for many years, but until 1955 we in the Senate, with the exception of ERNEST GRUENING, had in the East only known him from afar as a penetrating writer upon the history, the outdoors and the social and political movements of the Northwest. During these last 5 years, however, he won for himself universal respect, general admiration, and wide friendship, while there were many of us who really loved him, and when I speak of Dick, I, of course, speak of Maurine as well, for the two were indeed one. As Justice Douglas has said, Dick loved the striking places of natural beauty in this country, of which this region contains so many. The majestic mountains—some of them snowclad—the fertile valleys, the green forests, the swift flowing rivers, and even the tawny deserts. He wanted these preserved in their beauty for the use of the people of the United States and to prevent them from being defiled, debased or exploited. If the roadsides of the great highways of America are protected from becoming canyons of defacing billboards, he will have effected it. If great forests are preserved, he will have helped. And if some of the beauty of our ocean and lake shoreline is saved, his labors will have helped. If the rushing waters of your magnificent rivers turn increasingly the turbines which bring production, employment and well-being to the people of the Northwest, his voice and pen will have played an honored and important part. But Dick also had a deep feeling for people, and he was anxious to help the poor, the sick, the old, the weak, and yet in doing so he was scrupulously fair to the strong.

"His close brush with death 18 months ago made him even more compassionate, if that was possible, and at the same time anxious to lift the curse of cancer from man-

kind. As a true outdoorsman should, Dick had also a basic and fundamental feeling for freedom: for freedom of thought, freedom of expression, and freedom of assemblage. He believed in a wide diffusion of both economic and political power so that all men may have enough power to be secure, and yet none may have so much as to threaten the liberty of others.

"Dick, as we all know, had also an extraordinarily able and analytical mind; and having literary skill, he was certainly one of the most gifted writers of our time. To this he added never-ceasing industry, and unfailing personal kindness and courtesy. As I have said, Dick had a scrupulous sense of fairness. To opponents, to people who differed with him, to the man on the street, he was ethical, indeed fastidiously ethical, in his private and in his public life. He was in fact everything that a man should be and, to my mind, everything that a Senator should be. The country has suffered a loss which we can ill afford to bear. It seems cruel to lose him at an age while the arc of his abilities was still rising. But Dick's life proved the aptness of old Ben Johnson's line, 'And in short measure life may perfect be.' Like many others in these last difficult months, I have pondered about the relative balance of good and evil in human life, and of the comparative strength of love and hate. There is certainly much good in man, but whether there is enough good to save him from ultimate destruction, may indeed be questionable.

"But whatever the final result, the struggle is worth making, and Dick's example will give us courage on the way. And if by chance or by divine providence, or by the structure of biological and physical life itself, the cause of human brotherhood should ultimately triumph—which it may not do—he will have had an honorable and important part in its achievement. The State of Oregon can indeed be proud for having given such a noble son to the Nation."

The Honorable ERNEST GRUENING, U.S. Senator from the State of Alaska: "Friends of Dick and Maurine Neuberger, it's really difficult to speak of Dick in the past tense. Not only was he such an alive and vivid personality, so keenly interested in the many worthy, all good, deserving causes in which he was enlisted, but the really important thing is he does live on, he lives on in a great variety of activities: some of which he saw fulfilled, some of which he started on their way, and which will carry on and will be monuments to him—not that he wanted that type of monument—but because the community, the State, the Nation, will be all the better for their ultimate realization.

"I think I have known Dick Neuberger perhaps longer than any other Member of the Senate, unless he was an Oregonian, and my first encounter with Dick, I think, was very characteristic of him. It was in the late summer of 1933. He had been to Europe. He had been to Germany. Adolf Hitler had come to power a few months before and very little of what had really transpired under this totalitarian regime had reached the outside world and the American people. In fact the word had been brought back by a few superficial commentators that Germany had awakened from a period of doldrums, it was on the march forward, and that on balance what had happened was beneficial. Dick, as a great journalist, when he got through as to what was going on in Germany, left the beaten path to which tourists were directed, and he went out and saw for himself the horror and the brutality and the ruthlessness of National Socialist Germany under Adolf Hitler. And when he came back to New York in August of 1933, he came into the office of the Nation, to which he had been a subscriber, thinking that we might be interested and told me what he had seen, and I asked him to write it. And it appeared at that time, and it was the first realistic article that told the truth about what was going on. It had tremendous effect—had effect on all journalism and all the reporting—because here was the clear record of the ruthlessness and the horror that was going on, and that was being concealed from the world by censorship.

"Now this episode was typical of Dick, in that he turned everything that he saw and everything he experienced, to good use, to public use. Throughout the years everything that he did, when he went outdoors as Justice Douglas has told us, when he enjoyed his mountain climbs, when he enjoyed swimming in lakes—that stimulated in him the desire that others could enjoy these things and enjoy them in perpetuity. Never has the great outdoors, never has the inherited beauty, the primitive beauty of America had such a stanch defender, and if it is perpetuated it will be largely due to the energy, to the enthusiasm, and to the message of Dick Neuberger. And you can carry this through all his activities. He wasn't merely interested in nature. There was no subject that didn't interest him. You heard our majority leader say to you that in all his long experience he never heard tributes to a departed Senator which were so sincere, so devoted, so moving, as those which were paid to Dick—and he knows.

"And I think it is particularly striking in that there was very little time for preparation. The morning paper in Washington did not carry the news of Dick's death. It came over the radio. And when the Senators came to an early session of the Senate, they were not prepared but they spoke spontaneously, and they spoke from the heart. And though my experience is very brief in the Senate, I think I would like to say in the presence of my colleagues that it is my belief that no Senator ever accomplished so much in his first and single term as did Dick Neuberger. There is a tradition which we all know about, that freshmen Senators are supposed to be seen and not heard for a long time, and are not supposed to speak very often. Dick didn't adhere to that. He was so full of the things he believed in, that he spoke early. And I think if anybody has shattered that tradition, and perhaps shattered it well and wisely, it was Dick Neuberger, because people listened to him, and he had something to say on every subject.

"He has left a great legacy, long before he came to the Senate, when he started on his writing career. And if you recall the many articles that he had written in every type of magazine, magazines of wide circulation, such as the Saturday Evening Post and Collier's, magazines of limited circulation appearing to special audiences, all kinds of obscure magazines, but never did he write anything that didn't contain a kernel of great truth; something that hadn't been discovered before; a new, fresh point of view; a new and keen analysis that was constructive, and that left a thinking reader, who hadn't thought about these things before. In a foreword of one of the books which is a part of Dick's great legacy, a book entitled 'Integrity,' the life of George W. Norris, whom Dick admired greatly, and whom he greatly resembled, in the beginning of that book is a quotation from a speech which Franklin Delano Roosevelt made in behalf of George Norris in which he said we should remember that the ultimate analysis of history asks these questions: 'Did the man have integrity, did the man have unselfishness, did the man have courage, did the man have consistency?' And he went on to say, 'If the individual under the scrutiny of the historic microscope measures up to an affirmative answer to these questions, then history has set him down as great indeed in the pages of all the years to come.'

"He, of course, applied that to George Norris. I tell you my friends it applies in no less degree to Richard Neuberger. He had integrity, he had unselfishness. I can think of no man who had it to a greater degree. He was always thoughtful and considerate of others. Even in the great rush and bustle, and the pressures which we are under, I never knew Dick not to pause and stop to perform some kindly act, utter some kindly word, to do some generous geture for his fellow men; and that just as much for those with whom he differed politically. He was able to differ politically and leave everybody feeling friendlier and better than ever before. Did he have courage? He had the courage of a lion. He fought unceasingly for the many things that he believed in.

"As PAUL DOUGLAS has said, all the freedoms, the basic freedoms, with an independence of thought, and a perspicacity that brought those freedoms home in lots of new ways. Today there are millions of people who are the better because Dick Neuberger served in the Senate. All the Federal employees today have health insurance because of a bill that he sponsored and pushed through to completion.

"Unfinished, but soon finished, will be a similar bill I trust for all those retirees who could not get this insurance under the ordinary procedures and the ordinary channels. And the thing that must make you lift up your hearts, I say to you, is that Dick Neuberger's work goes on. It's permanent, it's constructive.

"He died last week, and if he had lived longer, he could have done many more things, but he has done more in his short life than very few men can accomplish in a much longer life. Oregon, the Nation, and the world, are infinitely better for his being there."

Dr. Richard M. Steiner of the First Unitarian Church of Portland: "It is for me a great honor to have been asked to pay the final tribute at this hour to the life and influence of Richard L. Neuberger. We were friends, but not intimates. He sometimes came to me for advice—more often I offered it unsolicited, which he took with good nature albeit not always following it, for Dick could sift the wheat from the chaff. I recall vividly one piece of advice I gave him which, had he followed it, would have robbed our State and Nation of a great public servant. He came to me in 1948, I think, to ask my opinion about the advisability of running that year for Governor or for U.S. Senator. I told him I thought it unwise, not only for him to run in 1948 but for some years to come. Fortunately for our State and the Nation, he did not heed my advice. Instead, he ran for the Senate in 1954 and was victorious in that race. He was a driven man, with the blood and fire of the prophets in his veins.

"To him freedom was more than a word; it was something to be achieved and cherished. It was something for which he felt responsible.

"For him freedom was more than a word. It was a schoolbus stopping at the country crossroads picking up children to be taught at the expense of the community—the liberating art of literacy. It was the secret ballot, the primary, the legislature, and the courts, by which and through which people expressed their desire to live under law for the protection of their lives and property. It was the initiative and referendum, the recall, and procedures of impeachment by which people might display their displeasure and pleasure with laws and with men. It was the microphone in every radio and television station which could be purchased for 30 seconds or an hour to tell the Nation or a part of the Nation that you were running for office, and why. Freedom to him was more than a word. It was to make a better mousetrap than your neighbor and sell it for a profit;

it was the right to strike, that the sweat of your brow should not be sold for a farthing, and that you should have leisure hours to enjoy the fruits of your labor. It was not to wake up in the night in fear that the knock on the door was a squad of secret police, who had come to take you away for your words of criticism or condemnation. It was not looking over your shoulder for fear that an informer might hear those words and run to the authorities.

"Freedom to him was more than a word. It was walking into the church or synagogue of your choice, to worship God in accordance with your conscience without having your choice affect your livelihood or your availability for public office. It was to be born black, red, or yellow without having that fact deprive you of educational, political, economic or social equality by those who had been born white, and for that fact alone.

"Freedom to him was George W. Norris and the U.S. Senate, speaking and voicing his convictions about freedoms and about our natural resources without regard to political consequences but only with regard to what he thought was right. It was because freedom meant so much to him that Dick felt compelled to enlist in the service of freedom, even as the Senator from Nebraska had enlisted.

"His work is done, and yet not done. Somewhere, we trust, in a public or parochial school, in a State university, or private college, a young man or young woman will find inspiration from the life and from the works of Richard L. Neuberger, to dedicate his or her life to the preservation of our natural resources and to the extension of the freedoms of this our beloved land. I cannot bring this tribute to a close without a word about Dick's humanity—a humanity that concerned itself with people as persons and not as creatures to be manipulated. He had the divine but troublesome gift of empathy. He could feel another's hurt whether it be a college student suffering the indignities of a hazing or whether it be a Negro refused service at a lunch counter.

"No effort was too great for him to redress what he believed to be a wrong. A personal injustice to someone known only to him perhaps by name. No effort was too great to bring to some humble soul a sense of personal worth. No sacrifice was too great to assure some youngster an education.

"He will be remembered by the State of Oregon and by the Nation for his statesmanship. He will be remembered by persons for the humaneness of his spirit—a spirit that is now at peace with God, who gave him to us. It is that spirit which will ever remain with us. We all sorrow for his family and for ourselves, but we rejoice that he lived to enrich our lives with his service to us. We rejoice also in the sure and certain faith that he has now joined with the immortal souls of all the dear and faithful dead who belong to the family of God. Let us pray.

"Oh, thou whose never failing providence ordereth all things both in heaven and on earth, by whose loving kindness we are given to know life and death and all things, we have brought to thee this hour the gratitude of our hearts for the life which thou did givest for a season and which now has been surrendered unto thee. We thank thee for the endless renewing of life and for thy patience with us. Though we know nothing of the morrow, may we be faithful today to the vision of thy prophets and their servants, who sought to bring unto this world thy peaceable kingdom ruled by thy law and governed by thy wisdom. We pray for the good estate of this, our beloved land, that all men of every race and faith may enjoy the blessings of an impartial freedom and thus fulfill the dream of brotherhood among all peoples, for which men of good will have lived and died throughout all generations—even as he whose life we have praised this day. May his memorial be in our words and thoughts and made precious by our deeds. In thy name we ask it. Amen."

Rabbi Rose: "After the closing prayer will the congregation please remain standing until the members of the family, those distinguished guests in the procession who have honored the memory of Senator RICHARD L. NEUBERGER, and the speakers on the rostrum have left the sanctuary.

"When cherished ties are broken and fond hopes shattered, only faith and confidence can lighten the heaviness of the heart. The pang of separation is hard to bear, but to brood over our sorrow is to embitter our grief. The psalmist said that in his affliction he learned the law of God. Indeed, not unavailing will be our grief, if it send us back to serve and bless the living. We learn how to counsel and comfort those who like ourselves are sorrow stricken. Though absent, the departed still minister to our spirits, teaching us patience, faithfulness and devotion. In the remembrance of their virtues and affections, the best and purest part of their nature lies eternally in shrine. Let us lift our head in hope, and summon our strength for duty. We dwell in the shelter of the Almighty for He is our refuge and our fortress."

HEBREW PRAYER

"Extolled and hallowed be the name of God, throughout the world which He has created according to his will. May His kingdom come and His will be done in all the earth. The departed whom we now remember has entered into the peace of life eternal. He still lives on earth in the acts of goodness he performed, and in the hearts of those who will ever cherish his memory. May the beauty of his life abide among us as a loving benediction, may the Father of peace send peace to all who mourn, and comfort all the bereaved among us here, and wherever they may be. Amen."

CIVIL RIGHTS LEGISLATION

Mr. MORSE. Mr. President, I have discussed civil rights legislation so many times in the Senate that there is little I can add to what I have already stated for the RECORD. Therefore, my remarks at this time will be very brief, in explanation of my vote in support of the inadequate civil rights bill which we just passed.

The civil rights bill just voted on is a great disappointment to all of us who are seeking to bring the colored people of America into first-class citizenship.

What its voting section provides is not the protection of the suffrage for the large mass of disenfranchised Negroes of the South, but an individual-by-individual proceeding in court whereby a few of them can get registered and vote.

In other words, as I have said before, this is a bill characterized chiefly by the descriptive term "litigious bill." It is a bill which makes it necessary to find that there was discrimination in denying a colored person the right to vote, and after such a finding, that colored person is put in a position wherein he is the complainant, and must come forward and run all the harassments and risks that go with his seeking to raise an issue over denial of his right to vote.

As I have said elsewhere, I say here tonight. To use a hypothetical example, if Mr. Jones is a colored clerk in a grocery store in an area where the right to vote is being denied on a discriminatory basis, and he finds himself in a position where he is, in effect, the complaining witness, the chances are good that economic pressure will be brought against him and he will find himself, in many instances, out of a job once he files a complaint. That is why I fought so hard in the debate for the Clark-Javits amendment, of which I was one of the cosponsors, which amendment would have provided for an enrollment system as an alternative to the referee system, which would have resulted, in my judgment, in tens of thousands of Negroes being registered to vote, in contrast with what I predict tonight will be but a few hundred a year that will ever get the right to vote under the system, called the referee system, which has been adopted and made a part of this bill.

The language of the bill now really provides what we might call "token" voting by Southern Negroes. It opens up a procedure whereby those colored Americans who are so anxious to cast a ballot that they are willing to undergo considerable effort, make public issue as individuals of voting discrimination in their community, and be prepared to spend a good deal of time in court may, in the end, be able to cast a vote on election day which they cannot now cast.

Another section of the bill requires preservation of State voting records for 22 months, and opens them to inspection by the Attorney General. That section accomplishes the purpose of my own bill, S. 2722, introduced last fall.

The bill further enables the Federal Bureau of Investigation to enter into cases of bombings, where pursuit across State lines is involved. It authorizes the armed services to provide for the education of children of servicemen if local schools near military bases are closed.

For these minor advances in the guaranteeing of our civil rights, I voted for the bill.

On balance, I do not think section 1 adds anything to present protection of Federal court orders. It permits prosecution of those who obstruct such orders, by threat or force, but it assures the individual of a jury trial both in the prosecution and in the contempt proceeding.

I do not believe that very many Southern juries will convict in cases involving obstruction of court orders in desegregation cases. We need to keep in mind that these are Federal cases and will require the unanimous verdict of the jury, which means only one member of the jury is necessary to hang the jury and prevent a verdict. In my judgment, therefore, section 1 will not be very effective in really preventing obstruction of court orders, particularly in desegregation cases.

Because the voting rights section of this measure sets forth such an elaborate legal procedure, it is far short of coming to grips with the administrative problem of registering great numbers of people.

For that reason, this bill is only a small, tentative step in the direction of making the 15th amendment meaningful to those for whom it is now only a paper guarantee.

I consider H.R. 8601 a foot in the door. But the door must still be widened. We must continue keeping the pressure

on for enfranchisement of every American of voting age, and we cannot relax our efforts until that goal is attained.

It may be that this token voting procedure, established by law to operate in the Federal courts, may indicate, to those areas where voting discrimination still prevails, that theirs is a losing way of doing things. It may influence some communities to abandon voluntarily their discriminatory practices, used to keep Negroes from the voting booth. I fervently pray that that will be one of the results.

It may have an effect similar to that of a handful of court decisions on desegregation, which have produced desegregation in many additional areas, without litigation.

I hope and pray that will continue to be the effect.

But our efforts to gain first-class citizenship for every American cannot flag for a moment. This issue of voting rights and of equal protection of the law will continue to come up in Congress after Congress until it is settled in favor of full exercise of all constitutional rights.

I serve notice that I shall not put this issue aside just because this token voting rights bill has been passed in the Senate. I have voted for it because it, at long last, places a legislative sanction on the 15th amendment. However, I shall continue, so long as I serve in the Senate, to work for the passage of a broad civil rights bill which will bring to the colored people of our country the full rights of first-class citizenship to which the Constitution of the United States entitles them.

Mr. President, I turn to another matter. I have two or three other items I am going to put in the RECORD tonight, because I shall catch a plane later for my home State, where I shall be for the next several days, and these are matters on which I have announced previously to interested constituents and interested parties I would make these comments before adjournment tonight.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

CAUCASIANS ONLY—BOOK REVIEW

Mr. MORSE. Mr. President, in the April 11, 1960, issue of the New Leader, there is reviewed a book recently published entitled "Caucasians Only."

The book is written by Prof. Clement Vose of the University of California, and is reviewed for the New Leader by Samuel Krislov.

This book is the story of the legal battle which culminated in the decision of the U.S. Supreme Court in the case of Shelley against Kraemer, denying the enforceability of so-called restrictive covenants in real estate transactions.

As is duly brought out in the review, this decision was one of the greatest civil rights triumphs achieved by litigation.

In connection with it, I wish to mention my bill, S. 1000, which would ban inclusion of a restrictive covenant in real estate transactions in the District of Columbia. While the courts have held them not to be enforceable, their continuance in any form is obnoxious. They simply seek to deny property ownership to individuals of minority races and religions.

That is a practice we are trying hard to stamp out in all our economic and political life. I ask unanimous consent that this review be printed in the RECORD at the close of these remarks. Professor Vose has made a great contribution to the study of the legal history of the protection of our constitutional rights by the courts of America. His book deserves to be widely read.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Is there objection to the request of the Senator from Oregon?

There being no objection, the book review was ordered to be printed in the RECORD, as follows:

HOUSING IN BLACK AND WHITE

Hopefully, the problem of southern school integration has entered a phase of compromise and solution. Certainly issues of integration in the North are and will be coming to the fore; discrimination in housing, and not in education, gives promise of emerging as the Nation's most serious interracial problem.

Clement Vose's timely new book, "Caucasians Only," is an absorbing, if unevenly written, account of the first round of the battle on racism in housing. It is a detailed record of the 31-year fight, which culminated in the Supreme Court's 1948 ruling that agreements restricting the sale of property to specific racial groups could not be enforced through Court procedures. This decision in *Shelley* v. *Kraemer* ranks with the segregation decision and the invalidation of the white primary as among the greatest civil rights triumphs achieved by litigation, and on that basis alone, deserves study.

What makes the book unique, however, is that the author has not limited himself to legal questions, but has given us an absorbing account of the genesis and conduct of the litigation. Vose is the first to attempt to give an account of the gestation and birth of legal change.

By emphasizing the tactics and maneuvers of opposing group forces as an element in litigation, Vose is forging a new tool of analysis that scholars and lawyers will be able to use to supplement more traditional doctrinal exegesis. By delving beneath the legal facade and concentrating on the flesh-and-blood basis of law traced in the activities of men and organizations, Vose has earned a debt of gratitude from all students of American government and legal processes. The pattern of activity traced here, though, is so absorbing that it would be unfortunate if "Caucasians Only" were to be relegated to the scholar's shelf. Every case has its share of drama, but this is one of the few instances of nonfictional litigation told in all its richness and human complication.

Vose is particularly at home in the narrative sections that begin with an NAACP meeting of lawyers and experts in 1945. The conference was the result of the wartime intensification of the problem of Negro ghettoes in the North. Neither the improvement of Negro economic status nor the increase of Negro populations in industrial cities had resulted in significant opening up of new neighborhoods to ease the overcrowding that has been the pattern of Negro life in the ubran North.

The result of the conference was a determination to place high priority on the fight against restrictive covenants. A nationwide publicity campaign was inaugurated, and a full-time staff member in the NAACP office assigned to the problem of housing. Attorneys were encouraged to bring cases on the lower court level, more with the thought of using the trials as vehicles for dramatizing issues and educating the public on such questions as alleged deterioration of property values when Negroes move into neighborhoods, than with the hope of winning at this level. Articles were encouraged in both popular and scholarly journals. Charles Abrams' article on housing in "Commentary" (May 1947) was one of the fruits of this policy: Dudley McGovney's article in the "California Law Review" suggesting a new legal argument, which eventually meant success in the Supreme Court, was another.

While forces friendly to Negro rights were mobilizing, defenders of the status quo were not idle. Neighborhood associations (often one-man affairs), real estate brokers, and their legal representatives took the lead in enforcement and defense of covenants.

While tactics were similar on both sides, the NAACP had many advantages. The objective situation aided their cause, and the cooperation of scholars like Louis Wirth in fully developing the inequities of residential restrictions was valuable. Then, too, the structure of the Negro community aided their cause. The separatism of prejudice was an advantage in a legal and logical struggle, with the unity of the Negro community lending coherence and devotion to the cause of Negro rights. This is particularly true of Negro attorneys, many graduates of Howard University Law School, and until quite recently, largely excluded from the American Bar Association and organized in their own National Bar Association. The cooperation of other national organizations devoted to civil liberties was another asset.

But the advantages of organization of the antirestrictive covenant group were clearly relative. By no standard can the conduct of the litigation be described as efficient. Only on the most superficial level does the book conform with the ultra rightwing view of a coordinated conspiratorial effort on the part of a "big four" (or any other number) of civil rights organizations. What stands out, indeed, is all too often dissonance and the impossibility of complete coordination.

This is perhaps best illustrated in the cases actually put before the Court. The title case, Shelley against Kraemer, was not one NAACP strategists wished brought to the Court; the filing was independently made by George Vaughn, the attorney in the case, and was premature in the judgment of some NAACP counselors. Only one of the four cases the Court finally considered could properly be referred to as conducted by the association. Within the ranks of the lawyers handling the cases there was considerable disagreement. Against the advice of all involved, Vaughn wished to deemphasize sociological data and to concentrate the legal argument upon the antislavery provisions of the 13th amendment.

In an embarrassment of riches so many organizations filed amicus curiae briefs ("friend of the Court" statements, developing ideas of parties interested but not actually involved in the litigation) that the attorneys and strategists were fearful of alienating the Justices by what might be construed as a naked show of strength. Another problem was the repetitiousness of these briefs, threatening another danger—boredom on the part of the Justices.

In an informative letter, Charles Abrams sought to have the American Jewish Committee brief altered, and developed his ideas on the role of amicus curiae briefs. His advice to Newman Levy was that the AJC brief avoid the major issues the principal attorneys should be responsible for, but should rather develop side issues and novel arguments with moral overtones, which the main advocates would have to avoid, but which might have an effect on judicial decision. "Why desert all these rich and adventurous passages to jam the safe waters that should be reserved for the main advocates?" he

asked. An NAACP assistant counsel applauded Abrams for his letter. "I wish I'd had the courage," she said, "to write that kind of letter to all the amici." Levy, on his part, admitted the logic of Abrams' position, but justified his actions in terms of his own organization and his responsibilities. Should the Court cite the expected arguments, "we all will be able to say to our members 'isn't that exactly what we told the Court?'"

If the spectacle of human frailties and individualistic, even egoistic, strivings sometimes lacks epic and heroic elements, it nonetheless rings true to life. Within the pages of the book, too, there are chronicled instances of cases handled at considerable sacrifice, of houses bought and lived in at risk of life and injury. It is, in any event, fitting that the cause of human liberty should be advanced in this almost haphazard, human way, rather than with the stern efficiency of Spartan phalanxes. It is, above all, fitting that this struggle should be chronicled in a book that opens up new understanding of man and the law.

STREETCAR CONVERSION

Mr. MORSE. Mr. President, I recently received a copy of the opinion of the Public Utilities Commission in support of findings, conclusions, and the order of March 2, 1960, establishing a new fare schedule for D.C. Transit. The opinion runs to 34 pages, and seems to be the product of much careful study of the testimony taken in public hearings. In reading it, I noted particularly the attention given to the factors entering into the decision to raise fares.

It is not with respect to the fare increase, however, that I wish to address myself primarily today. I am more concerned at this time about the rapid conversion of our streetcars into buses. I feel most sympathetic toward the many District citizens who have voiced their concern about streetcar displacement on many lines, and who view the future of a trolley-free Washington with dismay.

Let me say at the outset that I cannot quarrel with the Public Utilities Commission. The Commission is bound to follow the law as we wrote it in the 84th Congress, when we gave a charter which contained fairly clear directions to the Public Utilities Commission and to D.C. Transit. If second thoughts are to be had about that decision, they must originate in the Congress. We cannot expect the Commission to perform our function for us.

Senators will recall that in Public Law 757 of the 84th Congress, section 7 stated:

SEC. 7. The corporation shall be obligated to initiate and carry out a plan of gradual conversion of its street railway operations to bus operations within seven years from the date of the enactment of this Act upon terms and conditions prescribed by the Commission, with such regard as is reasonably possible when appropriate to the highway development plans of the District of Columbia and the economies implicit in coordinating the corporation's track removal program with such plans; except that upon good and sufficient cause shown the Commission may in its discretion extend beyond seven years, the period for carrying out such conversion. All of the provisions of the full paragraph of the District of Columbia Appropriation Act, 1942 (55 Stat. 499, 533), under the title "Highway Fund, Gasoline Tax and Motor Vehicle Fees," subtitle "street improvements," relating to the removal of abandoned tracks, regrading of track areas, and paving abandoned track areas, shall be applicable to the corporation.

Mr. President, it will be further recalled that section 4 of the franchise stated:

SEC. 4. It is hereby declared as a matter of legislative policy that in order to assure the Washington metropolitan area of an adequate transportation system operating as a private enterprise, the corporation, in accordance with standards and rules prescribed by the Commission, should be afforded the opportunity of earning such return as to make the corporation an attractive investment to private investors. As an incident thereto the Congress finds that the opportunity to earn a return of at least 6½ percent net after all taxes properly chargeable to transportation operations, including but not limited to income taxes, on either the system rate base or on gross operating revenues would not be unreasonable, and that the Commission should encourage and facilitate the shifting to such gross operating revenue base as promptly as possible and as conditions warrant; and if conditions warrant not later than August 15, 1958. It is further declared as a matter of legislative policy that if the corporation does provide the Washington metropolitan area with a good public transportation system, with reasonable rates, the Congress will maintain a continuing interest in the welfare of the corporation and its investors.

Mr. President, the interrelationship between these two sections of the franchise provide a strong incentive to D.C. Transit to complete the conversion program as rapidly as it can. I document this by the data appearing upon pages 3, 4, 5, and 6 of the opinion in support of the Public Utility Commission's fare raise findings wherein are detailed the conditions laid down by the Commission for the establishment of a shift to the gross operating revenue method desired by D.C. Transit. Pages 3, 4, 5, and 6 read as follows:

On January 14, 1959, the company by letter requested a decision from the Commission as to when it would approve the adoption of the gross operating revenue method for the determination of the return to be earned by the company. On January 27, 1959, the Commission replied, in part, as follows:

"It is the considered view of the Commission that the major conditions to be met by the company before a shifting to gross operating revenue method is warranted, would include compliance with the following:

"1. A conversion of street railway operations to bus operations measured by abandonment of not less than 55 percent of street railway track on the basis of mileage; or

"2. Completion of not less than 51 percent of the conversion program as measured on the basis of new buses purchased (or committed to be purchased) to replace retired street cars; and

"3. Adoption of a firm program of gradually replacing existing buses which are more than 16 years of age."

The Commission has been mindful of the legislative policy as enunciated by Congress in section 4 of the Franchise Act that we should encourage and facilitate a shifting from the system rate base to the gross operating revenue base "as promptly as possible and as conditions warrant." It is apparent from the very language of the Franchise Act that Congress intended for this Commission to adopt the gross operating revenue method, leaving to us the sole duty of determining the time when such adoption should take place. In other words, Congress has charted a course which this Commission can postpone for cause but cannot change.

In light of the declaration of Congress, we are unable to reconcile the opposition of some of the parties in this proceeding to utilizing the gross operating revenue method of fixing rates. An intervenor's witness (Dr. Ezekiel Limmer) testified that, although he had not read the Franchise Act, he opposed the theory of the gross operating revenue method in rate proceedings, and that such method would not be "proper" or "warranted" at any time under any conditions even though he was aware of the fact that for many years the Interstate Commerce Commission has employed gross operating revenues in fixing motor bus rates. The same witness testified that the gross operating revenue method is nothing more than a cost-plus method and therefore undesirable. The validity of this argument is open to question for, in the final analysis, every rate determination is nothing more than the sum of cost plus a reasonable profit.

The Commission does not feel that it is necessary in this proceeding to discuss or to pass upon the merits of the gross operating revenue method of rate fixing.[1] Suffice it to say, it is the opinion of the Commission that the Franchise Act explicitly prescribes the use of the gross operating revenue method as soon as possible and as conditions warrant, and, accordingly, this Commission has no recourse but to adopt such method if conditions warrant. The Franchise Act did not enumerate the conditions which would warrant the adoption of the gross operating revenue method. Our problem therefore has been to determine the intent of Congress as to just what conditions would warrant a shifting to the gross operating revenue method and to determine whether the company has met those conditions.

The Commission in its letter to the company of January 27, 1959, laid down two conditions that should be met before a shifting to the gross operating revenue method would be warranted, namely: that the company would have to (1) make substantial progress in converting street railway operations to bus operations; and (2) adopt a firm program of gradually replacing existing buses which are more than 16 years of age.

With respect to the first condition, the Commission specified that conversion to bus operations would be deemed substantial if (a) not less than 55 percent of the street railway track was abandoned, or (b) if not less than 51 percent of the conversion program as measured on the basis of new buses purchased or committed to be purchased to replace retired streetcars was completed.

The evidence of record in this proceeding shows that before the close of the hearing the company had successfully met both of the foregoing considerations relating to conversion. With respect to track abandonment, the record shows that by January 3, 1960, the company had abandoned 61.1 percent of street railway track on the basis of mileage, or 6.1 percent more than required by the Commission.

[1] We are aware that the gross operating revenue method has been used by the Interstate Commerce Commission and by many State regulatory commissions to regulate the motor carrier industry. These State commissions include California, Connecticut, Florida, Hawaii, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Utah, Washington, and Wisconsin. We are also aware of the fact that the ordinary rate-base-rate of return approach to allowable earnings is not as reliable a gage in the case of a transit company as it is in the case of electric, gas, and telephone utilities, for the reason that

With respect to new buses purchased to replace retired streetcars, the record shows that 100 new buses were delivered in the fall of 1958, that 75 new buses were delivered in the fall of 1959, that 25 new buses were scheduled for delivery before the end of 1959,[2] and that 100 new buses were scheduled for delivery in the spring of 1960.[3] The first two deliveries, aggregating 175 buses, constituted 55.5 percent of the buses required to replace streetcars, or 4.5 percent more than required by the Commission. With the delivery of the next 25 buses, the aggregate of 200 buses constituted 63.5 percent, or 12.5 percent more than required by the Commission. With the delivery of the next 100 buses, the aggregate of 300 buses will constitute 95.2 percent, or 44.2 percent more than required by the Commission. On the basis of the foregoing the Commission finds that the company has complied with the condition relating to the conversion of street railway operations to bus operations.

With respect to the second condition, that the company adopt a firm program of gradually replacing existing buses which are more than 16 years of age, the record discloses that in addition to the 100 buses presently on order for delivery in the spring of 1960 the company, during the course of the hearings, through its witness Flanagan committed itself to a firm program of purchasing 100 buses in 1961 and 100 buses in 1962. Staff witness Falk questioned the adequacy of the company's replacement program and pointed out that at the end of 1962 when the conversion program is scheduled for completion there will still be 175 buses more than 20 years of age. He testified that the replacement program to which the company is now committed was inadequate and recommended that the company be required to commit itself to purchase 125 buses in each of the years 1961, 1962, and 1963.

We agree with the staff that a more extensive replacement program than that proposed by the company would be desirable, both from the standpoint of benefit to the riding public in comfort and service and to the company in economy and efficiency of operation, but we believe it would be unwise to require the company to commit itself at this time to making heavy capital outlays for a period in the future when operating revenues and expenses cannot be forecast with any reasonable accuracy. We believe that the sounder course to follow is to adopt a replacement program which the company can meet financially and which has a reasonable assurance of being successfully attained. The Commission will adopt a policy of making a continuous study of the need for replacing overage buses and, as well, of the financial ability of the company to satisfy such need. If, in the future, the need for new buses becomes more acute than at present the Commission will initiate appropriate action to require the company to step up its replacement program. Moreover, we cannot foresee the possible effect on the company of legislation pending in the Congress to create a temporary National Capital Transportation Agency and to authorize creation of a National Capital Transportation Corporation. Until present plans to develop a unified and integrated system of transportation for the National Capital region progress to the point when the impact of such plans on private transit can be evaluated, we believe it desirable to adopt a moderate policy in the area of bus replacement. On the basis of the foregoing the Commission finds that the company has substantially complied with the condition that it adopt a firm program of gradually replacing existing buses which are more than 16 years of age.

After giving careful study to the provisions of the Franchise Act, and after careful consideration of the evidence of record bearing on the issue of whether the gross operating revenue method should now be adopted in fixing the rates of the company, the Commission finds that the company has complied substantially with the intent of the Franchise Act and with the conditions heretofore indicated by the Commission as warranting the utilization of the gross operating revenue method for ratemaking purposes in keeping with the legislative policy declared in section 4 of the Franchise Act, and concludes that the gross operating revenue method should be utilized to fix rates in this proceeding.

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the revenues and expenses of transit companies are both relatively high as measured against their plant accounts.

[2] The Commission is advised that this group of 25 buses was placed in service on January 3, 1960.

[3] The Commission is advised that this group of 100 buses will be placed in service during March 1960.

Mr. President, last year, on December 31, 1959, I wrote to the Chairman of the Public Utilities Commission regarding the discontinuance of the Cabin John line and I received a reply on January 11, 1960, to that letter. Since at that time a hearing upon the rate case was pending, I did not feel justified in pursuing the matter until the rate case was finally disposed of. With the receipt of the March 31, 1960, opinion, I feel that the correspondence can, with propriety, be released.

Mr. President, I ask unanimous consent that the two letters to which I have referred be printed in the RECORD at this point in my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DECEMBER 31, 1959.

Mr. GEORGE E. C. HAYES,
Chairman, Public Utilities Commission,
District Building, Washington, D.C.

DEAR MR. HAYES: My attention has been directed recently by a number of District citizens to the proposed discontinuance, effective January 3, of the Cabin John streetcar line.

It is my understanding that the adoption by the Public Utilities Commission of the plan proposed by the management of D.C. Transit to effectuate the gradual conversion from street railway to buslines in accordance with the provisions of section 7 of Public Law 757, 84th Congress, was not preceded by a formal public hearing. It is my further understanding that the Commission is of the opinion it lacks the statutory authority to hold such a public hearing in advance of the adoption of the specific stages of the conversion operation. I am also informed it is the position of the Commission that, even if the authority to hold such a hearing could be construed from the language of the statute, no useful purpose would be served through scheduling a public hearing because the intent of Congress has been expressed in the statute.

I should very much appreciate being informed whether the foregoing is in fact a fair statement of the view of the Commission. Secondly, I should appreciate being informed of the dates upon which the company plan for conversion was submitted to the Commission, considered by the Commission, and ordered by the Commission.

If the information is available and can be released, I should appreciate receiving from the Commission a statement as to what time schedule has been adopted for the coming 3-year period for the completion of the conversion program; specifically, in what order the remaining routes are to be converted.

I should further like to inquire of the Commission whether, in implementing the conversion program under the statute, the Commission has taken cognizance of (a) the Mass Transportation Survey Report, and (b) the hearings upon that report before the Joint Committee on Washington Metropolitan Problems, insofar as these affect mass transit within the District of Columbia.

The latter point is one upon which I would particularly appreciate information for the reason that opponents of the conversion program have pointed out that the discretionary powers of the Commission under the Charter Act are such that a delay in placing into operation the stages of the conversion program might well be in the public interest if the conversion program has not been related to the needs shown by the mass transportation survey. It is the feeling of those who present this point of view that until the basic decisions concerning the mass transportation survey are made by the Congress it may be premature to take steps which by their very nature are irrevocable.

I am sure that you and the other members of the Commission can appreciate that in this matter I am simply seeking information which will be helpful to me in the consideration of proposed legislation, and that, as I have demonstrated in public hearings, I have no wish in any manner to suggest to the Commission any action upon any proposal before it which is inconsistent with the necessarily independent and autonomous nature of the Public Utilities Commission.

Please convey to the staff and members of the Commission my best wishes for the coming year.

Sincerely,

WAYNE MORSE.

PUBLIC UTILITIES COMMISSION
OF THE DISTRICT OF COLUMBIA,
Washington, D.C. January 11, 1960.

The Honorable WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: Please allow me to address myself to the matters set forth in your letter to me of December 31, 1959, having to do primarily with the discontinuance of the Cabin John streetcar line as of January 3, 1960.

It is a fact that the adoption by the Public Utilities Commission of the plan proposed by the management of D.C. Transit System, Inc., to effectuate the gradual conversion from street railway to buslines in accordance with the provisions of section 7 of Public Law 757, 84th Congress, was not preceded by a formal hearing. It is our belief that the circumstances of the case did not warrant such a hearing. We have no question as to our statutory authority to hold a public hearing in advance of, or following, the adoption of any specific stage of the conversion operation for the purpose of determining the adequacy of proposed substituted bus service. However, we do not believe that we could with propriety hold a public hearing looking toward the possible retention of streetcars and by so doing circumvent the will of Congress in requiring the Transit Co. to convert from streetcars to buses in an approximate 7-year period.

Up until December 1959 no requests were received by our Commission for hearings relative to the timing of any of the publicized program of the Transit Co. nor as to the adequacy of the proposed substituted bus service. All prior requests for a public hearing on the streetcar-bus conversion program have appeared to be based on a desire to retain streetcar service indefinitely in the future. Our Commission has taken the position that the authority granted to it by section 7; namely, that upon a showing of good and sufficient cause we may extend the time beyond August 26, 1963, did not include the right to countermand the expressed intent

of Congress to convert from streetcars to buses.

Our position that no useful purpose would be served by holding a public hearing had to do generally with the proposed holding of a hearing by our Commission to retain streetcars throughout the District of Columbia. Our specific holding that no useful purpose would be served had to do with a request for a public hearing on the retention of the Cabin John streetcar service. As to this phase of the conversion program, I would like to give you something of a chronological picture of happenings:

The first stages of the 7-year conversion program were effectuated on September 7, 1958, when the company converted its Michigan Avenue-North Capitol and Rhode Island Avenue carlines to motorbus operations. Prior to and as of that date, D.C. Transit had failed to inform the Commission of any subsequent plans or overall program the company had for the elimination of its remaining streetcar routes. Accordingly, on October 3, 1958, the Commission requested the company to provide the details of its complete conversion program through 1963.

On January 14, 1959, D.C. Transit replied to the Commission letter by setting out an eight-stage schedule for replacing streetcars with buses. Stage one was the already-completed Michigan and Rhode Island Avenue conversions; stages two and three, tentatively timed for 1959, were encompassed in the rail substitutions effectuated on January 3, 1960. The replacement of the Cabin John rail service was a part of stage three of the program. The company plan was accepted by the Public Utilities Commission as satisfactory in a January 27, 1959 letter to D.C. Transit, and the completely detailed conversion program was publicized by local newspapers on January 28. There were no requests for a public hearing on the conversion schedule at the time it was accepted by the Commission and announced in the local press.

On November 24, 1959, D.C. Transit formally requested permission, effective January 3, 1960, to discontinue rail operations on the Cabin John, Friendship Heights, and Georgia Avenue-7th Street routes, in accordance with stages two and three of the program approved January 27, 1959. Authority for the proposed changes was granted by the Commission on December 3, 1959.

Civic opposition developed to only one of the three proposed route changes, the Cabin John rail substitution. Much of the opposition appeared to be based on the proposed substitution of a shuttle-bus service for that portion of the rail operation in Maryland. Although the matter of the operation in Maryland was a matter beyond our jurisdiction, we had concern as to the adequacy of service under the proposed substituted bus service and, with a view of correcting the situation before the substitution became operative, we held an informal public hearing in our offices on December 11, 1959, to which we invited representatives from civic associations in the areas affected (including Maryland groups) and representatives from D.C. Transit. A staff member of the Maryland Public Service Commission was present in an observer capacity. As a result of the discussion we suggested to D.C. Transit that it establish an additional rush-hour bus service to link directly the MacArthur Boulevard area, near the District line with the Federal Triangle employment area. This new operation was effected by our Order No. 4604, dated December 21, 1959.

I enclose a copy of identical letters which were sent to persons present at our December 11 hearing in their respective representative capacities. This letter will reveal to you our position taken in the Cabin John matter and is also an expression of our preparedness to hold public hearings in this and other instances where the purposes sought are within our jurisdiction. I enclose the orders issued incident to this phase of the conversion.

You are perhaps aware of the fact that as of November 24, 1959, there was before us a hearing instituted by D.C. Transit seeking an increase in rates. That case is still pending and testimony will again be taken on January 25, 1960. A representative of D.C. Transit testified in this hearing that the remaining routes to be converted would be so converted by August 1963. A request was made at that time that detailed information on the remaining stages be furnished our Commission. Thereafter, and by letter of December 30, 1959, we directed D.C. Transit to provide the company's best estimate of the specific dates for the remainder of the conversion program. As soon as the company provides this requested information we shall see that you are furnished with a copy thereof.

Our Commission has endeavored to keep itself informed on all phases of the mass transportation survey. We reviewed the study's conclusions and recommendations when they were released. Two members of the Commission (Commissioner Kertz and I) testified last year before a subcommittee of the House Judiciary Committee at hearings on the Washington metropolitan area transit regulatory compact. Commission staff members were present at all of the recent sessions of the joint congressional committee hearings on Washington metropolitan area transportation problems, and have reported to us thereon. The Commission has requested printed copies of those hearings, as soon as they become available, for a more detailed review of the testimony. We have encountered nothing so far which would interfere with the transit company's proposed plan of implementing the conversion program. In this connection, your attention is invited to the last paragraph of page 69 of "Transportation Plan—National Capital Region." The paragraph states:

"The use of present-day streetcars for express service was also considered, but rejected. Streetcars do not have sufficient capacity to carry the passenger volumes that will be attracted to the two recommended rail transit routes. Substitution of streetcars for express buses on any of the other routes would require extensive construction not needed by buses, similar to that envisaged in the hypothetical rail transit system. Costly downtown subway construction for streetcars would not be justified by their low carrying capacity. Omission of subways would require operation of streetcars on surface streets as at present."

"Transportation Plan" (p. 70) also states:

"The use of existing railroad tracks and the sharing of railroad rights-of-way was considered, but found to be an unsatisfactory arrangement on most routes. Some use of railroad property is proposed for the route to Alexandria, but in other cases the small number of vehicles that could be operated on railroad facilities in the peak hours without interfering with railroad operations constitutes a serious drawback. Other difficulties include the present lack of a downtown distribution system and the present lack of railroad rights-of-way through many of the areas needing rapid transit service."

We are presently unaware of any circumstance that would justify any step on our part to delay placing into operation stages of the transit company's conversion program, as it is presently known to us.

Please know that we are happy to furnish you any information which you desire at our hands.

Our Commission and staff wholeheartedly return to you our best wishes for the coming year.

Sincerely yours,

GEORGE E. C. HAYES,
Chairman.

PUBLIC UTILITIES COMMISSION,
OF THE DISTRICT OF COLUMBIA,
Washington, D.C., December 21, 1959.

DEAR ———: The Commission has considered the oral and written representations made by you and by other representatives of civic groups at the informal hearing in the office of the Commission on December 11, 1959, with respect to (1) the advisability of converting at this time the Cabin John line (Route 20) from streetcar to bus operations; (2) the adequacy of proposed bus substitution on Cabin John line; and (3) the need for a public hearing with respect to 1 and 2 above.

We shall discuss the representations in the order stated.

CONVERSION OF CABIN JOHN LINE

Section 7 of the franchise granted D.C. Transit System, Inc. (Public Law 757, 84th Cong., 2d sess.) provides that the company "shall be obligated to initiate and carry out a plan of gradual conversion of its street railway operations within 7 years" from July 24, 1956.

The Commission considers that the company has a contractual obligation to convert within the prescribed time. The Commission also considers that it has the duty to see that the company performs its obligation under the franchise in an orderly and efficient manner consistent with the public interest.

At the request of the Commission the company filed a program setting forth the contemplated stages of conversion from street railway to bus operations to comply with the provisions of section 7 referred to above. The Commission concluded that the conversion program proposed by the company would satisfactorily meet the congressional mandate set forth in section 7 of the Franchise Act. Pursuant to such program, the company in September of 1958 embarked on stage 1 of the conversion program by substituting bus operations for rail operations on the North Capitol Street line between 12th and Monroe Streets NE., and Washington Circle, and on the Maryland line between Branchville in Maryland and Potomac Park. The company has now requested authority to accomplish stage 2 of its program by substituting bus operations for rail operations on the Georgia Avenue-Seventh Street line (routes 70, 72, and 74), the Tenleytown-Pennsylvania Avenue line (route 30), and the Cabin John line (route 20)—such substitutions to be made as of January 3, 1960.

The Commission has been mindful of the congressional mandate that there shall be "a gradual conversion" over a period of 7 years. The necessity for a program of gradual conversion is obvious. The magnitude of the overall program prohibits a simultaneous conversion of all the lines involved. The only practical course of meeting and solving the operating and economic problems incident to conversion is to effectuate the conversion by well-planned stages. The stages of conversion proposed by the company and approved by the Commission resulted from separate as well as joint studies on the part of the company and the Commission covering a period of more than 2 years, and the program which eventually evolved was well publicized in the press.

The Commission considers that the conversion contemplated by stage 2 is a logical and necessary step in accomplishing the overall plan. Completion of stage 2 will mean that approximately 50 percent of required con-

version will have been accomplished within the first half of the allotted period of 7 years.

It has been suggested by interested parties that stage 2 of the conversion plan be accomplished without including the Cabin John line. This suggestion has received our earnest consideration. The Commission is of the opinion that the elimination of the Cabin John line from stage 2 of the program would pose many practical operating problems. Even if it could be shown that the operating problems resulting from the elimination of the Cabin John line from stage 2 could be successfully overcome, there would remain the very substantial economic problems of operating the Cabin John line following the abandonment of street railway operations on Wisconsin Avenue. Experience dictates that such an operation would involve unwarranted financial loss which in the final analysis would have to be subsidized by other transit riders. The Commission can only conclude that if stage 2 of the conversion program is to be successfully accomplished it must include the Cabin John line.

It has also been suggested by interested parties that conversion of the Cabin John line be postponed until the public has had an opportunity to present its views as to the advisability of converting the line either now or hereafter. It has been the policy of this Commission to accede to requests for a public hearing when the issue in dispute involves an exercise of authority or discretion on the part of the Commission. In the instant matter, however, the Commission does not possess the statutory authority to take any action contrary to the specific mandate of section 7 of the Franchise Act. The Commission is, therefore, foreclosed from granting a hearing on the merits as to whether the Cabin John line should or should not be converted from street railway to bus operations, as it must be assumed that Congress was fully cognizant of the pros and cons of conversion and gave full consideration to the same when it directed that the company should convert in 7 years. It follows, therefore, that no useful purpose would be served by a public hearing.

Even if a strained interpretation of the Franchise Act would permit the Commission to delay the conversion of the Cabin John line, such delay, as indicated above, could not be justified either from an economic viewpoint or from an operational viewpoint.

In view of the foregoing, the Commission has concluded that it is in the best interest of the public to permit D.C. Transit System, Inc., to abandon streetcar operations on the Cabin John line in conjunction with like abandonment on the Tenleytown-Pennsylvania Avenue line and the Georgia Avenue-Seventh Street line.

We enclose for your information a copy of our Order No. 4602 entered today authorizing the company to proceed to abandon streetcar operations in accordance with section 1 of the order.

ADEQUACY OF PROPOSED BUS SERVICE ON FORMER ROUTE 20

It has been suggested by you and other interested parties that the proposed bus service to be substituted for the Cabin John line is inadequate in that it does not provide as good service as that presently being received by Cabin John streetcar riders. The Cabin John line operates between Cabin John, Md., and Union Station via Prospect Street, 36th Street, 35th Street, O Street, P. Street, Wisconsin and Pennsylvania Avenues. With respect to that part of the route west of Georgetown, the proposed bus service must of necessity operate on MacArthur Boulevard as there is no other roadway on which buses can operate. The company proposes to operate a shuttle bus from the District line to Manning Place, where it will connect with the existing D–4 Bus Line. The route D–4 bus operates on MacArthur Boulevard westbound from Foxhall Road to Manning Place, and eastbound from Manning Place to Q Street and thence on Q Street to Foxhall Road. Thus far the substitute bus service generally parallels streetcar route 20 although requiring a transfer at Manning Place. The necessity for a transfer at Manning Place cannot be avoided as the 12,000-pound weight limitation imposed on MacArthur Boulevard will not permit the operation of a normal-size bus. From Foxhall Road the D–4 route operates to Georgetown via Reservoir Road, 35th Street, and Q Street, and thence to the downtown area. This route does not serve the same area presently served by Route 20 between the junction of MacArthur Boulevard and Canal Road and downtown Pennsylvania Avenue. For those desiring to reach the downtown area via Pennsylvania Avenue a transfer can be made at Wisconsin Avenue and Q Street.

The Commission fully realizes that the requirement of a transfer at Manning Place and a second transfer at Wisconsin Avenue for those desiring to reach the downtown area via Pennsylvania Avenue would constitute a hardship involving inconvenience and delay. In order to ameliorate an admittedly undesirable situation and to provide fast one-transfer service to the downtown area via Pennsylvania Avenue, the Commission is requiring the company to add a new rush period route to be known as D–3. This route will operate between MacArthur Boulevard at Manning Place and 9th Street and Constitution Avenue via MacArthur Boulevard, Foxhall and Canal Roads, M Street, Pennsylvania Avenue, 23d Street, and Virginia and Constitution Avenues. It will provide direct service for residents of the MacArthur Boulevard area and transferees from the Cabin John shuttle bus line to the Potomac Park and Federal triangle areas.

The Commission has had the benefit of engineering and traffic studies by both the company and its own staff and is of the opinion that the combined D–4 and D–3 bus services will give the residents of Maryland and of the District presently being served by Route 20 adequate public transportation. Accordingly, the Commission has concluded to authorize the proposed substituted bus service as set forth in section 2 of order No. 4602 referred to above, and to institute additional rush hour service in accordance with its order No. 4604, a copy of which is enclosed for your information.

It has also been suggested by interested parties that the adequacy of the proposed bus substitution on the Cabin John line be made the subject of a public hearing. Ordinarily the Commission would be most happy to accede to this suggestion but we do not believe that a public hearing would produce any facts which have not already been presented to this Commission by the interested parties.

Moreover, it is believed that the new D–3 rush hour service now required of the company will meet most, if not all, of the objections previously advanced.

The Commission proposes to make a continuing investigation as to whether the substituted bus service on the Cabin John line adequately fills the needs of the area residents. Should experience prove that the substituted bus service as now proposed is not adequate, the Commission will give favorable consideration to a request for a public hearing.

We desire to assure you and your associates that the Commission will cooperate in every way possible in providing good and adequate service.

By direction of the Commission.

NORMAN B. BELT,
Executive Secretary.

Mr. MORSE. Mr. President, in reviewing these matters which I have just brought to the attention of the Senate, I have become about convinced that to unravel this interlocked skein of congressional action, D.C. Transit action and Public Utility Commission action is important and justified, and I have asked myself how best it could be accomplished.

As far as I am concerned, there is one question of fact which seems to me to be controlling in this matter once we are sure that we have all the facts necessary for a sound answer to the question. That question of fact is this, "Will the mass transportation needs of the District of Columbia be best served now and for the future by the elimination of the streetcar system?"

To answer this question we must know what the current facts are in regard to the relative cost of an all-bus system in comparison with a partial bus system and a partial streetcar system. We need to know what the effect of a dual system would be on fare rates. We need to know which system will move the greatest number of riders to and from their work in the District of Columbia at the lowest fares, the shortest time, and with the greatest comfort and efficiency, and at the same time permit the D.C. Transit Co. to earn a fair rate upon its investment.

On the basis of the representations which have been made to me by those who are urging that the District of Columbia should not reduce further its streetcars, I have come to the conclusion that further conversion from streetcar service from bus service should be delayed until Congress can review this problem and make certain as a result of thorough public hearings that an all-bus service is in fact the transportation system which will best meet the transportation needs of the citizens of the District of Columbia.

In this connection, the report of the House Committee on Interstate and Foreign Commerce in the 84th Congress, in commenting upon the conversion program contained in the House bill is worthy of note for the word of caution it contains.

Mr. President, I ask unanimous consent that material from pages 14 and 15 of the House report to which I have made reference be printed in the RECORD at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SECTION 6. CONVERSION OF STREETCAR OPERATIONS TO ALL-BUS OPERATIONS

As has been mentioned, the invitations to bid issued by the Public Utilities Commission relative to a successor private operator restricted applicants to an all-bus system. The public authority contemplated by the legislation introduced was also based on all-bus operations. As will appear from the hearings, the District Commissioners expressed the view that immediate conversion to all-bus operations is desirable although witnesses representing civic groups urged retention of street railway service.

In 1955, the Capital Transit Co. retained W. C. Gilman & Co. to study and make a report on the desirability of conversion of street railway operations to motorbus, and, if conversion were desirable, what the conversion

timing should be. This report, submitted September 26, 1955, which is set forth in full in the committee hearings at pages 287–307, recommended a conversion program calling for completion about 1962.

In reaching its conclusions, W. C. Gilman & Co. stated it had studied and considered the following:

(1) The extent of the existing street-railway operations, the physical plant used for such operations, and the type and quality of service which that plant is furnishing.

(2) The prospective and reasonable service life of that street-railway plant and the dates at which specific portions of that property will require substantial capital expenditures for replacements.

(3) The type and quality of substituted motorbus service, its relative rider appeal, and the capital costs and physical problems involved in a conversion to such service.

(4) The effect of such motorbus substitution, or lack of it, on the general traffic situation in Washington and on proposed highway improvements in the area.

In the light of these and other factors, W. C. Gilman & Co. concluded:

"Based on the existing overall conditions of the rail system and the quality of service being furnished, it is our opinion that an immediate complete conversion to motor bus of the entire streetcar operation would be an economic waste that would not be justified by the service results which could be secured. We have developed, however, a conversion program for Washington to be completed over the next 7 or 8 years. The approximate timing of the abandonment of various sections of the present rail operations has been determined so as to make unnecessary the major portion of the expenditures which have been estimated would be required at various times for track replacements at various locations if rail service is to be perpetuated. This will permit the realization of several years of additional service life from major portions of present rail property, although still not to the extent to which such potential service life has been used up in other cities before conversion to rubber-tired vehicles."

It is obvious that if there were to be a complete cessation of street-railway service in the District this coming August, as was contemplated by the Commissioners of the District, it would be impossible to furnish to the residents of the area the full transit service to which they are entitled. However, the committee approves gradual conversion to an all-bus operation within a reasonable time, in the interest of economy and efficiency of operation.

Accordingly, the committee has included this section making it the duty of the Capital Transit Co. to carry out a plan of gradual conversion of its street-railway operations to bus operations in general conformity with the economic concepts contained in the Gilman report, above referred to.

Mr. MORSE. Mr. President, Senators will note that the W. C. Gilman Co. in its conclusions, based upon its study, recommended against an immediate conversion at that time as an economic waste. Further it will be noted that the 7- to 8-year conversion program which was developed by the company was done for the purpose of obtaining additional years of service life for the rail equipment. The last point to be noted is the language of the consultant firm when it states that even with the 7- to 8-year postponement major portions of the rail property would not be used up to the extent of potential service life of comparable equipment in other cities.

I ask unanimous consent that a letter from the W. C. Gilman Co., enclosing their report, be printed at this point in the RECORD.

There being no objection, the letter and report were ordered to be printed in the RECORD, as follows:

CAPITAL TRANSIT CO. REPORT ON CONVERSION OF STREET RAILWAY OPERATIONS TO MOTORBUS

W. O. GILMAN & CO.,
New York, N.Y., September 26, 1955.

Report on a program of conversion to motorbus of the street railway operations of Capital Transit Co.

MR. J. A. B. BROADWATER,
President, Capital Transit Co., Washington, D.C.

DEAR SIR: Transmitted to you herewith is our report on whether the street railway operations of Capital Transit Co., should be converted to motorbus and, if so, what the conversion timing should be. In reaching our conclusions on this matter we have studied and considered the following:

(1) The extent of the existing street railway operations, the physical plant used from such operations, and the type and quality of service which that plant is furnishing;

(2) The prospective reasonable service life of that street railway plant and the dates at which specific portions of that property will require substantial capital expenditures for replacements;

(3) The type and quality of a substituted motorbus service, its relative rider appeal and the capital costs and physical problems involved in a conversion to such service, and

(4) The effect of such motorbus substitution or lack of it, on the general traffic situation in Washington and on proposed highway improvements in the area.

Our summarized conclusions are as follows:

(a) The present street railway plant is an exceptionally good one and comprises a major part of the Capital Transit system. To show the relationship of this rail operation to the total system the following basic facts with respect to it are set forth below:

	Streetcar system units	Streetcar in percent of total system operations
Passenger revenues [1]	$13,388,889	51.2
Revenue passengers [1]	83,466,603	50.4
Streetcar-miles operated [1]	12,254,997	36.1
Streetcar-hours operated [1]	1,479,507	40.3
Street miles of route [1]	72	18.0
Miles of single track:		
Conduit [2]	80.54	
Overhead trolley [2]	63.39	
Total [2]	143.93	
Number of primary street-car routes [2]	14	
Streetcars required for 1954 fall schedules, excluding spares	379	33.3
Streetcars owned [2]	508	36.4
Number of operating car stations [2]	6	
Number of substations [2]	20	

[1] Year ended Dec. 31, 1954.
[2] As of Dec. 31, 1954.

This rail system is currently providing safe and comfortable transportation at speeds which, for a large part of the operations, are much below the operating capabilities of the streetcars and the track because of the interference to such service caused by general vehicular traffic.

(b) The service furnished by the present rail system is good and would be improved little, if any, by motorbus substitution, except for increased flexibility in case of delays and possibly more express service where warranted by traffic volumes. In many respects the well-maintained PCC car on good track has a greater rider appeal than a motorbus. Under comparable operating conditions the PCC cars in Washington maintain speeds equal to the motorbuses. There is not in Washington, the picture of wornout and sometimes unsafe track frequently combined with old, uncomfortable and slow-moving streetcars which has been present in practically all cities where long-term programs for conversion from rail to bus have been completed or are still in progress. The present rail operations of the company are far from obsolete either physically or functionally.

(c) The present streetcar property was well built and has been well maintained. The average remaining service life of the present rail system as a whole is, in our opinion, in excess of 20 years. The cars are in uniformly good condition. The same is true of the buildings with minor exceptions. As would be expected, the track condition covers a wide range from sections which will require extensive work within the next few years to sections which are as good as new and can render service for the next 35 or 40 years, with an overall average present condition approximating that of the system as a whole.

Unfortunately, the poorer and better sections of track are scattered throughout the system and the various routes, and the poorer track is not necessarily at the outer ends of the lines. Frequently the reverse is true. Track replacements, therefore, necessary for the continuation of rail service will be required on different parts of the system at various dates in the future. The estimated expenditures required for these replacements of conduit track are as follows:

Estimated cost of replacements—Conduit track

Approximate time periods:	
1955–65	$7,573,000
1966–75	7,056,000
1976–85	5,078,000
1986 and thereafter	11,303,000
Total	31,010,000

Similar replacement requirements for overhead trolley track are nominal for the next 15 years.

(d) The physical and financial problems incident to a conversion to motorbus of the entire street railway service of Capital Transit, and particularly to an expedited or immediate conversion, are substantial and would include the following:

1. The purchase of some 430 51-passenger motorbuses at a cost of approximately $9,460,000.

2. The reconstruction of existing car stations, enlargements of present garages or the development of new garage locations to provide facilities for the fueling, lubricating, inspecting, and housing of these 430 additional buses, which would, in our opinion, require expenditures of from $2 million to $4 million, depending on the extent to which present facilities could be utilized for the efficient handling of motorbuses and on the extent and costs of the construction required, and would take a considerable period of time. Heating, clearances between columns, the presence of track pits, and conformity with building code regulations for fire protection are some of the problems faced in converting present carhouses.

3. The development of the Fourth Street shops, or elsewhere, of automotive and body-repair facilities capable of handling efficiently the maintenance of a motorbus fleet nearly 50 percent larger than the present fleet, which would also take time and for which we estimate that the necessary expenditures would run from $1 million to $2,500,000, again depending on the adaptability of the existing plant.

4. The training of some 600 operators for motorbus operations and a substantial number of mechanics for automotive inspection and maintenance and the making of adequate provisions for any present company personnel not able to qualify for these new occupations.

These several essential steps would require capital expenditures of from $11 million to $16 million and, in our opinion, the minimum time element required for an immediate 100 percent conversion would be from 18 to 24 months. These approximate estimates give no consideration to the costs of removal of permanent loading platforms or track structure from paved streets.

(e) Based on the existing overall condition of the rail system and the quality of service being furnished, it is our opinion that an immediate complete conversion to motorbus of the entire street car operation would be an economic waste that would not be justified by the service results which would be secured. We have developed, however, a conversion program for Washington to be completed over the next 7 or 8 years. The approximate timing of the abandonment of various sections of the present rail operations has been determined so as to make unnecessary the major portion of the expenditures which have been estimated would be required at various times for track replacements at various locations if rail service is to be perpetuated. This will permit the realization of several years of additional service life from major portions of present rail property, although still not to the extent to which such potential service life has been used up in other cities before conversion to rubber-tired vehicles.

(f) Our recommended conversion program consists of five phases, the timing of each and the major conversions in each phase being as follows:

Phase	Timing	Major streetcar operations discontinued
1	1956–57	West end of Mount Pleasant (routes No. 40 and No. 42) west of 14th and H Sts. NW. 13th and D, NE (route No. 42) east of Union Station Plaza. 11th and Monroe (route No. 60), entire line. Routes No. 90 and No. 92 west of 14th and U Sts. NW. Double tracks in south half of Union Station Plaza.
2	1957–58	Maryland Line (route No. 82) north and east of 5th and G Sts. NW.
3	1958–59	All rail service west of Pennsylvania Avenue and 19th St. NW. (routes No. 20, Cabin John; No. 30, Friendship Heights; No. 80, Rosslyn). Route No. 92 from Florida and New Jersey to 8th and Pennsylvania Ave. SE. Bureau of Engraving (route No. 50), south of 14th and Pennsylvania Ave. NW.
4	1960–61	14th St. (routes No. 50 and No. 54) north of 14th and G Sts. NW. 7th St. and Georgia Ave. (routes No. 70, No. 72 and No. 74) north of 7th and Pennsylvania NW. East Capitol (route No. 40) east of 1st St. east. Pennsylvania Ave. and 7th St. NW. to Independence and 1st St SE., all of 1st St. west and all track from 5th to G NW. on 5th, Indiana Ave. and C St. North to 1st and C Sts. NE. Pennsylvania Ave., 8th St. SE. to Barney Circle.
5	1961–62	All remaining track, which would include F and G Sts. NW., New Jersey Ave., 7th St. south of Pennsylvania, Independence Ave. from 7th St. to and including the Southwest Mall Loop, north half of Union Station Plaza, 1st East and Pennsylvania and 8th St. SE. From 1st and Independence SE to the Navy Yard.

This program, in our opinion, could be accomplished with expenditures for track replacements in the 7 years between now and 1962 of approximately $1 million and would require the purchase of new buses as follows:

Estimated bus purchases for conversion

Years	Number of buses	Estimated costs
1956–57	90	$1,980,000
1957–58	30	660,000
1958–59	115	2,530,000
1960–61	115	2,530,000
1961–62	80	1,760,000
Total	430	9,460,000

The expenditures for bus inspection, fueling, and housing facilities would be similarly spread over the period. No expenditures would be required for the construction of new track or track connections. From 1 to 7 or possibly 8 years of additional service life would be realized from present streetcar property and even then the streetcars, most of the overhead trolley tracks and substantial portions of the conduit track would go out of service many years before the end of their potential future service life.

We believe that this conversion program will present no serious interferences with proposed highway improvements.

(g) Traffic congestion is caused primarily by too many vehicles in relation to available street space rather than by the type of vehicle. It is our opinion that many conclusions as to the causes of and possible remedies for traffic problems are based too frequently on sentiment rather than on facts. Transit vehicles of any type do contribute somewhat to traffic delays, but so do all other types of vehicles. It is our opinion that the conversion of present streetcar operations to motorbus will have no material effect on the general traffic situation except at the 53 locations (out of a total of 487) where general traffic is prohibited from using the traffic lane to the left of streetcar loading platforms. Of these 53 locations, 24 are on Pennsylvania Avenue, an exceptionally wide street.

(h) We are living in a motorized age. Millions of dollars have been spent in Washington and elsewhere and similar future expenditures are contemplated in attempts to enable motor vehicles to move more freely. None of these expenditures have been or will be of much, if any, benefit to mass transportation and many actually make local transit operations more difficult. The real problem is the movement of people and essential goods. A large part of these expenditures could be saved if existing street space were used more efficiently as would be the situation if more of the public used transit vehicles, particularly in the congested areas. Unfortunately the trend is the other way, primarily because of this subsidized competition with which transit has to compete without the benefits of any similar assistance.

Very truly yours,

W. C. GILMAN & CO.

REPORT ON CONVERSION OF STREET RAILWAY OPERATIONS TO MOTORBUS, SEPTEMBER 26, 1955

PURPOSE AND SCOPE OF REPORT

This report, and the study on which it is based, have been undertaken by us at the request of Capital Transit Co. as one of the matters agreed to in the Memorandum of Understanding issued by the Public Utilities Commission of the District of Columbia under date of August 6, 1954. The problem involved is whether the present street railway operations of Capital Transit Co. should be converted to motorbus operations and, if so, what the conversion timing should be.

The solution of the problem requires the consideration and weighing of the effects of such a conversion on transit service and on the users of such service, on the community in general and on Capital Transit Co. or any other operator which in the future may be supplying transit service to the District of Columbia. More specifically this involves consideration of the present physical condition of the existing street railway plant, the type and quality of service which that present plant can continue to furnish, the prospective reasonable service life of that plant prior to the time when there will be the necessity for substantial capital expenditures for replacements, the type and quality of a substituted motorbus service and its relative rider appeal, its capital costs and the effect of such motorbus substitution or lack of it on the general traffic situation in Washington and on proposed highway improvements in the area. All of these matters are discussed in detail is various sections of this report.

RELATION OF PRESENT RAIL OPERATIONS TO TOTAL SYSTEM

In order to develop a proper perspective, we have set forth below certain indicative figures for the total operations of Capital Transit Co. and the division of these total figures between present bus operations and street railway operations. The tabulated data is for the year ended December 31, 1954, unless otherwise indicated:

	Total Capital Transit System	Present motorbus	Streetcar operations	
			Amounts	Percent of system total
Passenger revenues	$26,153,391	$12,764,502	$13,388,889	51.2
Revenue passengers carried	165,742,957	82,276,354	83,466,603	50.4
Vehicle-miles operated	33,901,214	21,646,217	12,254,997	36.1
Vehicle-hours operated	3,673,405	2,193,898	1,479,507	40.3
Vehicle-miles per vehicle-hour	9.23	9.87	8.28	
Maximum vehicles required for 1954 fall schedules, excluding spares	1,137	758	379	33.3
Street-miles of operation [1]	400	328	72	18.0
Per vehicle-mile:				
Passenger revenues	$0.77	$0.59	$1.09	
Revenue passengers	4.89	3.80	6.81	

[1] As of Dec. 31, 1954.

The figures above indicate that the streetcars, representing 33.3 percent of total scheduled vehicles and 36.1 percent of the vehicle-miles, collected 51.2 percent of system passenger revenues in 1954 and carried 50.4 percent of system revenue passengers. It is evident from these comparisons that the present streetcar operations comprise a major portion of the transit system.

The streetcar passenger revenues were $1.09 per car-mile and the bus revenues were $0.59 per bus-mile operated. Corresponding revenue passengers per vehicle-mile were 6.81 for the streetcar operations and 3.80 for the present bus operations. The passenger volumes carried per vehicle-mile are substantially larger for the streetcar operations than for the motorbus operations. This is not due to the fact that the one type of service is streetcars and that the other type is motorbus. These differences in traffic volume characteristics are due to the locations

of the streetcar routes as a whole and to the areas served by them as compared with the locations of the bus routes as a whole and the areas served by them.

As shown by map 1, the streetcar routes all pass through the downtown area of Washington and in general do not extend into the outer areas of the District of Columbia or into Maryland. In contrast, many of the motorbus routes are crosstown lines which do not enter the downtown area or are routes radiating from the outer terminals of rail lines so that a larger proportion of the mileage of the bus system is in the outlying areas, including Maryland. These differences in traffic and operating characteristics are reflected also in the average operating speeds, which are 8.28 miles per hour for the streetcar operations as a whole and 9.87 miles per hour for the present bus operations as a whole.

These differences in the operating and traffic characteristics of those two portions of the present system which now happen to be streetcar or motorbus operations will continue to exist irrespective of the type of service.

THE PRESENT STREETCAR SYSTEM

Trackage

The present rail system of Capital Transit consists of 143.93 miles of single track. Of this total, 80.54 miles of single track are of conduit or underground trolley type of construction. The remaining 63.39 miles of single track are of the more conventional overhead trolley type of construction. There are five locations on the system where there are "plow pits" at which a change is made from conduit operation to overhead trolley operation outbound and the reverse change is made inbound. These pits, in which the current collector plows used on conduit track are detached or attached, are located as follows:

LOCATIONS OF PLOW PITS AND ROUTES USING PITS

1. End of Prospect Avenue west of 36th Street NW.: Cabin John (No. 20).

2. Wisconsin Avenue north of P Street NW.: Friendship Heights (No. 30).

3. Georgia Avenue and Barry Place NW.: Georgia and Alaska (No. 70), Takoma (No. 72), Soldiers Home (No. 74).

4. North Capitol Street and W Street: Brookland (No. 80).

5. T Street east of 3d Street NE.: Branchville (No. 82).

All of the other rail routes operate entirely on conduit track.

The rail system is essentially 100 percent double tracks for operational purposes. At a few locations there is one-way operation on a single track on one street with the reverse direction operation on a single track on an adjoining street. The only case of two-way operation on a single track is the 0.21 mile at the outer end of the Branchville line (Route No. 82). The rail system, therefore, represents approximately 72 route-miles.

All of the track of the company in the District of Columbia, with minor exceptions, is in the street center and is paved. The two most important exceptions are Pennsylvania Avenue SE. from Independence to Barney Circle where the tracks are in a reservation strip in the center of the street with the track zone paved, and Independence Avenue between First Street SW. and First Street SE. where the double tracks are in the street pavement but adjacent to the north curb. All of the track in Maryland is on private right-of-way and is unpaved except at highway crossings.

Much of the trackage is used by two or more streetcar routes. Of the total conduit track mileage approximately 45 percent is jointly used and of the overhead trolley track mileage approximately 12 percent is similarly used, giving a system total of 31 percent or about 44 miles of single track which is jointly used. This is all in the District of Columbia.

Streetcars

The company owns 508 streetcars, 488 of which are PCC type (President's Conference Committee) and the remaining 20 are "Streamliners" which are similar in design and operating characteristics. The number of streetcars needed to fill the maximum requirements of the 1954 fall schedules was 379, excluding spares. This total was divided by routes as follows:

Maximum streetcars needed for schedule requirements

Route No:	
20	16
30	46
40–42	73
50–54	58
60	13
70–72–74	56
80	27
82	38
90–92	52
Total	379

These streetcars represent the most modern design. They are capable of maximum rates of acceleration, deceleration, and free running speed. The average seating capacity is 49. They are equipped with trucks and wheels which were especially designed to give quiet operation and smooth riding. They are well lighted, ventilated and heated.

Carhouses

These streetcars are housed at 6 carhouse locations at which are also located facilities for divisional supervisory personnel, station cashiers, and streetcar operators as well as for the washing, cleaning, and inspecting of the streetcars. The carhouses, their locations and the numbers of cars assigned at each are as follows:

Station	Location	Streetcars assigned
1. Eastern	East Capitol and 14th and 15th Sts. NE.	111
2. Navy Yard	8th and L and M Sts. SE.	81
3. Northeastern	4th and T Sts. NE.	86
4. Northern	14th and Decatur Sts. NW.	103
5. Southern	Maine Ave. and P St. SW.	83
6. Western	Wisconsin and Harrison NW.	44
Total		508

Streetcar routes

The present streetcar operations of Capital Transit comprise 14 routes which are in reality 9 trunkline routes with various branches or split terminals, as listed below:

Route number	Between	And
20	Union Station	Cabin John.
30	Friendship Heights	17th and Pennsylvania Ave. SE.
40	Mount Pleasant	Lincoln Park.
42	do	13th and D Sts. NE.
50	14th and Colorado NW.	Bureau of Engraving.
54	do	Navy Yard.
60	11th and Monroe NW.	Pennsylvania Ave. and 6th St. NW.
70	Georgia and Alaska NW.	Southwest Mall.
72	Takoma	7th Street Wharves.
74	Soldiers' Home	Do.
80	Brookland	Rosslyn.
82	Branchville	Potomac Park.
90	Calvert Street Bridge, Northwest.	17th and Pennsylvania Ave. SE. via New Jersey Ave.
92	do	Navy Yard via Florida Ave.

During the rush hours certain cars are operated to short route or intermediate terminals and service from several routes is operated to special areas such as the Navy Yard, Southwest Mall, Bureau of Engraving, and Potomac Park to supplement basic route services and reduce the necessity for passenger transfers.

These car houses are individually described in more detail in following paragraphs.

CONDITION OF PRESENT RAIL SYSTEM

We have carefully examined the present streetcar operations by riding all of the routes and noting rail wear and alinement and the condition of track zone pavement. We have visited and inspected the car houses and shops and noted the layout, type of construction, and present condition of the buildings at each location. Our extensive riding of the routes and our car house and shop inspections have enabled us to form an opinion as to the condition of the streetcars. Our own observations as to these matters have been supplemented by an examination of certain operating records and special studies prepared by the company.

The streetcars are in exceptionally good condition. The following records indications of this:

Year	Armature failures		PUC inspections	
	PCC cars in service	Armature failures	Number of cars inspected	Number of cars reported with defects
1946	489	57		
1947	489	35	729	427
1948	489	26	693	327
1949	489	8	649	312
1950	509	7	509	239
1951	509	10	509	205
1952	509	3	509	188
1953	509	15	509	133
1954	509	9	509	125

With a continuation of adequate maintenance, the present fleet of PCC cars can continue to operate efficiently for an almost indefinite period.

The average estimated service life of conduit track is 40 years and the average estimated remaining life of such track is at least 20 years. This is indicated by the estimated annual expenditures required in future years for conduit track reconstruction. Such reconstruction costs for the 80.54 miles of conduit track are estimated at approximately $31 million distributed over future periods as follows:

Estimated required expenditures for reconstruction of conduit track

Future periods:	
1955–65	$7,573,000
1966–75	7,056,000
1976–85	5,078,000
After 1985	11,303,000
Total	31,010,000

The average remaining estimated service life of the overhead trolley track is even longer with only minor amounts of reconstruction required within the next 10 years.

Special work for both types of track is replaced on a piecemeal basis wherever possible rather than on the basis of an entire installation. Out of 20,783 lineal feet of special work track, only 3,511 lineal feet is estimated for replacement in the next 10 years.

The car house and shop buildings are, with minor exceptions, substantial structures which have been well maintained and have an almost indefinite future service life under present conditions of use. The principal exception is western car house.

RELATIVE RIDER APPEAL

Unfortunately transit systems are not in a position to provide as much rider appeal

in their services as both the transit operators and the public desire. The two major factors conducive to building up rider appeal are increased speed of operation and greater rider comfort. The comments in this section represent our conclusions as to the extent to which an immediate or expedited conversion of the Capital Transit streetcar service to motorbuses would generate improvement in rider appeal.

The speed of operation of transit service is determined primarily by the combination of three major factors; namely, (a) the operating characteristics of the transit vehicle, (b) the time consumed by passenger stops and the loading and unloading of passengers, and (c) the time consumed by the inability of transit vehicles to utilize their potential operating characteristics because of the interference of other vehicular traffic and the additional or lengthened stopping time resulting from traffic-control devices or traffic officers.

As expressed elsewhere in this report the potential operating characteristics of the PCC-type streetcars as to acceleration, deceleration, and maximum running speed are at least equal to the modern bus. As shown above the average realized speeds for present system motorbus operations are greater than for system streetcar operations, but this is not due to the primary operating characteristics of the two types of vehicles. It arises from the average system conditions under which the two types of service operate. The major part of present system motorbus mileage is in outlying areas where general traffic is less congested. The streetcar routes are more generally confined to the more heavily congested area and, in addition, handle larger volumes of passengers.

Our observations are that where there is no outside interference with either vehicle the PCC cars in Washington can usually keep pace with a bus and can sometimes cover ground more expeditiously. Under rush-hour conditions of general traffic we have seen a PCC car keep pace with the paralleling lines of automobiles for over half a mile in spite of traffic lights and passenger interchange.

While left turning general traffic frequently imposes substantial delays to streetcar progress, right turning general traffic causes greater delays to buses than to streetcars. The motorbus is more flexible in case of delays, caused by equipment failures or otherwise, and does permit express or limited-stop operation.

For riding comfort it is our opinion that the PCC car has more to offer than the motorbus. It is a roomier vehicle with better lighting, cooler in the summer, and better ventilated in the winter. Its wider aisles and entrance and exit doors facilitate passenger movement within the vehicle as well as when boarding and alighting. On even moderately smooth track the streetcar offers a smoother ride than the bus, free from the bumps and vibrations caused by uneven pavements. The streetcar produces no fumes or odors to irritate either the passengers or the general public.

These comments are made to point out that solely from the standpoint of rider appeal the rail service operated by Capital Transit is not inferior to that offered by the motorbus. This comparison would be even more favorable to the streetcar if its potential operating characteristics could be utilized to a greater extent. From the standpoint of this study these conclusions are important as indicating to us that a conversion from rail to bus in Washington would not offer the same improvement in quality and comfort of service as has resulted from similar conversions in cities such as Minneapolis, St. Paul, Milwaukee, Baltimore, Cincinnati, Buffalo, and New York City. In these and other cities the rail services which have been converted to bus represented principally slow moving and uncomfortable streetcars operating on wornout, and in some cases unsafe, track. These conditions do not exist in Washington.

THE PHYSICAL AND FINANCIAL PROBLEMS OF CONVERSION

The physical job of converting to motorbus a rail system operating some 400 streetcars over 72 miles of route and having passenger revenues of some $13,389,000 a year is a problem of substantial magnitude and cannot be accomplished overnight. This physical job requires the following:

(a) The purchase and procurement of delivery of 450 motorbuses.

(b) The providing of facilities for the storage, inspection, and fueling of these 450 motorbuses.

(c) The revamping of present motorbus shops to provide maintenance facilities for a bus fleet 50 percent greater than that now owned by the company.

(d) The training of operators to operate and mechanics to inspect and maintain these additional buses.

(e) The working out of routes over suitable highways for the buses which would be substituted for streetcars now operating on track located on private right-of-way and determining the methods of bus operation in other locations where present streetcars use off-street facilities.

(f) The preparation of schedules for the operation of these buses.

These are the physical problems. Many of the items will involve financial problems in the form of either substantial cash payments of the making of substantial cash commitments, or both. Both the physical and financial aspects of these items are discussed in detail in the following paragraphs.

Bus requirements

As stated above 379 streetcars were required to meet the maximum schedule requirements for the present rail operations based on 1954 fall schedules. We have examined the maximum load point checks on these streetcar lines and we estimate that 398 motorbuses of 51-seat capacity would be required to furnish the equivalent service during peak hours. These vehicle requirements by routes have been estimated by us as follows:

Vehicles needed to meet maximum schedule requirements

Present streetcar routes Nos.	Streetcars	51-seat buses
20	16	16
30	46	49
40–42	73	78
50–54	58	60
60	13	14
70–72–74	56	57
80	27	30
82	38	41
90–92	52	53
Total	379	398

In order to assure continuity of service an additional 8 percent or 32 buses would be required as spares to provide replacements for buses which would have to be temporarily withdrawn from service for current maintenance requirements or for repairs caused by accidents. Total conversion of all streetcar routes would require, therefore, the purchase of 430 motorbuses. Bus manufacturers have indicated to us that the delivery period on these buses would range from 4 to 8 months depending on the number of buses ordered from a single manufacturer. The current price for a modern 51-seat motorbus is about $22,000 including delivery to the Washington area and the 8 percent Federal tax but excluding tires. A fleet of 430 buses would cost approximately $9,460,000. Financing could probably be arranged on the basis of a minimum down payment of 10 percent or $946,000, with the balance payable over 72 months with interest within the range from 4 to 5 percent.

Bus housing

This new fleet of 430 motorbuses will have to be provided with facilities for cleaning, washing, fueling, and inspection. Off-street storage will have to be provided and even with the climatic conditions in Washington there are operating and cost advantages of having such storage under cover and heated, although the company is storing many of its present buses outdoors. The following are the several possibilities for the solving of this problem:

(a) Utilizing spare capacity in existing bus garages or expanding such facilities by additional buildings on present sites or enlargement of present sites, to the extent that such expansion might be possible at any of the present garage locations.

(b) Utilization of present carhouse structure to the extent that it would prove to be physically and economically feasible to adapt any of these structures for efficient use as motorbus garages, or utilization of present carhouses.

(c) Purchase of new sites and construction of new buildings.

The company now has 6 bus garages, as follows:

Garage location	Total bus storage capacity		Number of assigned buses	Undercover storage capacity
	A	B	C	A
1. Western—Wisconsin Ave. and Harrison St. NW.[1]	105	90	101	70
2. Northern—14th and Decatur NW.[2]	165	140	160	80
3. Central—Georgia Ave. and W St. NW	100	85	86	100
4. Brookland—9th and Michigan NE	195	166	185	56
5. Trinidad—16th and Benning Rd. NE	200	170	183	35
6. Southwestern—Half and M Sts. SE	177	151	136	93
Total	942	802	851	434

[1] Adjoins the rear of Western car house.
[2] Adjoins the rear of Northern car house and utilizes basement level of the car house for bus storage.

A—Based on 35-foot buses.
B—Estimated for 40-foot (51-seat) buses.
C—Buses of assorted sizes, present fleet.

It is obvious from the figures above that present bus garage facilities taken as a group, offer little, if any, additional bus storage capacity when consideration is given to the fact that all future increases in the bus fleet will probably be 40-foot buses. This

means that additional capacity in connection with present garage locations would necessitate the purchase of additional property. Such a procedure would, of course, be expensive, would probably require condemnation and for certain of the locations might encounter the problem of zoning regulations.

From the standpoint of the most economical operation with a 100 percent motorbus fleet, it would be desirable to consolidate as many as possible of the present operating locations. With a total fleet of somewhere around 1,300 buses, operations could be most economically carried on from not to exceed 6 total locations as against the 10 which the system would have if all present garage and carhouse locations were maintained.

The most obvious procedure to provide inspection and housing facilities for some 430 additional buses would be to utilize the present carhouse facilities as they become available with the termination of rail operation. This is the procedure which has been used to a large extent on other properties where streetcar service has been converted into motorbus. In Washington, however, this procedure presents certain serious problems.

Of the six present carhouses, four, namely, northern, eastern, navy yard, and southern are located on the conduit track system. While cars do not operate with the underground trolley on the storage tracks at these carhouses, the plows are left on the cars, which means that all of the storage tracks in these four carhouses are built over pits and the transfer of the cars from the operating tracks to the storage tracks is accomplished by the use of transfer tables. For movement of the cars on the storage tracks the car is powered by a plug-in feeder cable which is energized from a small trolley carriage running on a pair of overhead wires. The conversion of this type of structure from streetcar to motorbus use involves the problem of either filling up or covering over the depressed floor area on which the transfer table operates and the pit space between the rails. With respect to eastern, navy yard, and southern carhouses, there would be no structural problem in this connection as the tracks are located on ground level. At northern carhouse the problem is more serious. The car storage floor which is at street level on the 14th Street side of the building is in fact the second-floor level for the major portion of the building with a ground level floor which opens to the rear of the structure and which is now used for the storage of buses housed at northern garage. The rails in the car storage space on the second floor are supported on columns and beams but there is some question as to whether the concrete floor covering the space between adjacent tracks is of sufficient strength to permit motorbus operation which could not, of course, be confined to the exact location of the present rails.

Another problem, particularly with respect to northern, navy yard, and southern carhouses is that the bays between the supporting roof columns are barely wide enough for two or three lanes of streetcars, as the case may be, and are not wide enough to be utilized for the same number of lanes of free wheeling buses. A further drawback is that in these carhouses, most of the buses would have to be backed into the storage lanes, a procedure which is time consuming and dangerous.

In the case of eastern carhouse the clearances between supporting columns is much more adequate and additional doors could be placed in each end of the structure to permit the through operation of buses. That structure, however, has a considerable amount of exposed steel and some exposed timbers and would probably require extensive fireproofing in order to conform to the building code regulations applicable to structures used for motorbus storage. This problem would not be encountered at northern, navy yard, or southern carhouses as they are reinforced concrete structures.

The two remaining carhouses, namely, western, and northeastern, are located on overhead trolley track and do not have pits except to the limited extent necessary for streetcar inspection purposes. The building structure at northeastern is reasonably modern and that carhouse location could be converted to motorbus use at what might be considered a nominal cost. Western carhouse immediately adjoins western garage and the land area and possibly the present structure could also be adapted to bus use at nominal expense.

At the present time all motorbus maintenance is carried on at the Fourth Street shops, at which the body repair and painting work is done for streetcars. The mechanical and electrical work in connection with streetcar maintenance is now carried on at the M Street shops of the company in Georgetown. Since all motorbus maintenance work for a 100-percent bus fleet should be carried on in one location, there would be no economic justification in attempting to adapt the M Street shops for any portion of bus maintenance. There is some question in our minds as to whether the floor space which would be made available at the Fourth Street shops by the elimination of the streetcar body and paint work would provide a sufficient area for increasing the facilities at that location for the efficient maintenance of a motorbus fleet 50 percent larger than that which the system now has.

These comments are made to point out some of the physical difficulties which will have to be overcome in providing proper storage, inspection, and maintenance facilities for 430 motorbuses. The reconstruction costs involved at all of the present car stations except western and northeastern would be very substantial and it is questionable in our minds whether, even with such substantial expenditures in money, the resulting structures would provide for efficient operation.

Another important aspect of this problem is that little, if any, of the required reconstruction could be carried on as long as streetcar operations were maintained at a given location. This would mean that the major part of the reconstruction work at any one location would have to be done after streetcar operation was terminated from that location and until such work was completed that particular location would not be available as a bus garage. The structures at navy yard car house and Fourth Street shops occupy the entire site area. At eastern car house there is a small open yard at one corner of the site and at southern car house there is a small open yard on an adjacent piece of property.

Based on these various problems which we have discussed, it is our estimate that the provision of adequate storage and servicing facilities for 430 additional buses would involve expenditures ranging from a minimum of $2 million to as much as $4 million and that the providing of adequate shop facilities for the increased bus fleet would involve costs from $1 million to $2,500,000, depending in each case on a more careful study of the properties to determine to what extent the present sites and structures could be utilized.

Other conversion problems

All present streetcar operators have not qualified as motorbus operators, and some of them would not be able to meet the requirements for such operations. It would be necessary, therefore, to train a substantial number of men as motorbus operators. The same situation exists with respect to the present streetcar shop personnel. Time would be required to procure the necessary number of men and further time would be needed for operator training.

Present employees who could not qualify for these new job requirements would present a problem to the system, particularly if there was an immediate 100 percent conversion to motorbus. With such a program spread over a number of years, as we have recommended, there would be more opportunity to work out this problem.

There are two locations, at least, on the system where the direct substitution of motorbuses for streetcars present operating problems. The major one is the Cabin John route (No. 20) where there is no adequate immediately paralleling highway. Also, we are advised that certain limitations as to the weights of vehicles which can operate on Conduit Road would prevent the use of large-capacity buses. Another location is the underground rail terminal at the Bureau of Engraving where short-radius turns and ventilating problems would require some alterations to the present structure. We understand that the Du Pont Circle rail underpass could be used for motorbuses with little, if any, expenditures except for paving the approaches.

EFFECT OF CONVERSION ON GENERAL TRAFFIC CONDITIONS

Traffic congestion is caused primarily by too many vehicles in relation to the available street space, rather than by the type of vehicle. It is our opinion that many of the conclusions as to the causes of and possible remedies for traffic problems are based too frequently on sentiment rather than on facts.

Transit vehicles of any type do without question contribute somewhat to traffic delays, but this is also true with respect to all other types of vehicles using public streets. One major utilization of street space by the streetcars in Washington is the presence of some 487 fixed or movable passenger-loading platforms adjacent to the car tracks. However, with respect to only 53 of these loading platforms are nontransit vehicles prohibited from using the lefthand lane and of these 53 exceptions 24 of them are on Pennsylvania Avenue NW., an exceptionally wide street. In these particular cases, where nontransit vehicles are prohibited from using the lefthand lane, the presence of these loading platforms reduces the number of traffic lanes available for such vehicles. It is probably true that in a few of the some 434 locations where nontransit vehicles can use either the left- or right-hand lanes at loading platforms, the presence of such platforms may also reduce the total number of traffic lanes. The other side of this picture is that at these 434 locations the presence of nontransit vehicles on the left-hand side of passenger-loading platforms frequently causes substantial delays to streetcars.

The turning movements of vehicles and the presence of pedestrians are also contributing causes to traffic delays. There is no question but what streetcars are delayed more frequently than buses by left-turning vehicles. On the other hand the right-turning movements of general traffic universally cause greater delays to motorbuses because of pedestrian interference than they do to streetcars. All transit vehicles whether streetcars or motorbuses cause delays to other traffic which are unavoidable because of the necessary stops which transit vehicles must make for the pickup and discharge of passengers.

It is our opinion that in the overall picture the conversion of the present rail operations to motorbus will not result in any material improvement in the general traffic situation. It is, of course, obvious that the removal of two-way streetcar operation would permit reversible traffic lanes or 100 percent one-way vehicle operation in the relatively few locations on street car routes where such traffic devices might be advantageous.

It has been our belief for some time that the only permanent and effective method of

securing real traffic relief is to reduce the number of nonessential vehicles which are at present using available street space in downtown areas, either as vehicles in motion or as parked vehicles. It would definitely be to the economic advantage of the Washington metropolitan area if the movement of both people and goods could be expedited, particularly in the downtown area.

To accomplish this with existing street facilities requires the most efficient use of present pavement widths and this can best be accomplished by a reduction in some way of the present excessive use of such pavements by private automobiles, particularly the automobile commuters who drive to and from their places of work every day. This condition is more acute in Washington than in most other cities because of the unusually extensive facilities in or adjacent to the downtown area for free all-day automobile parking.

RECOMMENDED CONVERSION PROGRAM

As indicated above the expenditures required for track replacements in the next 11-year period—1955 through 1965—have been estimated at $7,573,000 if the entire present rail system is to be continued as an operating entity. These expenditures have been estimated by years as follows:

Estimated expenditures for track replacements

1955	$392,000
1956	662,000
1957	543,000
1958	572,000
1959	244,000
1960	1,877,000
1961	705,000
1962	386,000
1963	187,000
1964	485,000
1965	1,520,000
Total (11 years)	7,573,000

In working out our conversion program we have attempted to arrive at the best compromise combination of all factors to arrive at the following objective:

To secure the longest possible future service of life of the present track with the minimum aggregate expenditures for track replacements and have at all times a useful rail operation utilizing existing terminal and looping facilities, maintaining access to adequate car house and shop facilities and fitting in, as far as possible, with proposed highway improvements. Our program requires the construction of no new track or track connections.

In our timing of the conversions to bus of the various routes or portions of routes we have been guided primarily by the track replacement costs which have been estimated as necessary at various locations and during various future years. These estimates have been based on a program which would keep the rail system in approximately its present average physical condition and not on the premise of maintaining a safe and serviceable system for only a limited future period of operation as is contemplated in our conversion program. We have, therefore, based our program on the assumption that with an early retirement date in sight, certain sections of present track can be kept in service somewhat longer without making the major expenditures at the times estimated.

Our suggested conversion program is divided into five sections or phases as follows:

Phase 1: To be completed during 1956–57. Streetcar operation to be discontinued over the following locations: Mount Pleasant, routes No. 40 and No. 42 west of 14th and H Streets NW.; 13th and D NE., route No. 42 east of Union Station Plaza; 11th and Monroe, route No. 60 on 11th Street north of E, on E Street and on 9th Street from Pennsylvania Avenue to G Street NW.; double track in south portion of Union Station Plaza; routes No. 90 and No. 92 west of 14th and U Streets NW.

Route No. 40, Lincoln Park, cars would then have to be terminated at some point downtown such as Potomac Park loop or on F Street, 14th Street and G Street loop. Route No. 90 and No. 92 cars would be divided between northerly terminals at the T Street, 7th Street and U Street loop or 14th and Decatur. The removal of the south half of the loop at Union Station Plaza will require a relocating of the eastern terminal of the Cabin John No. 20 carline and should permit the proposed rearrangement of the roadways in the plaza without additional track changes. These changes should release about 77 streetcars and require the purchase of 90 buses.

If it proves to be economically feasible to convert eastern car house to a bus garage, that work could be commenced in connection with phase 1, and a portion of the new buses housed at that location. The remainder of the additional buses should be housed in the north central area of the city if facilities could be made available at either northern or central garages.

Phase 2: To be completed during 1957–58. Streetcar operation to be discontinued over the Maryland line (route No. 82) between 5th and G Streets NW. and Branchville.

This change should release about 25 streetcars and will require the purchase of about 30 buses. It will be necessary to retain the track on Fourth Street NE. from the northeastern car house to Michigan as the Brookland, route No. 80, cars are housed at that car house and should continue to be housed there together with the 30 new buses.

Phase 3: To be completed during 1958–59. Streetcar operation to be discontinued over the following locations: Routes No. 20, No. 30 and No. 80 west of Pennsylvania Avenue and 19th NW.; route No. 92 between Florida and New Jersey and Eighth and Pennsylvania SE.

Route No. 50, on 14th Street south of Pennsylvania (Bureau of Engraving).

These changes are necessitated primarily because of major track reconstruction requirements on Pennsylvania Avenue west of 19th and on M Street. They will eliminate the Cabin John route (No. 20) for which motor bus replacement represents a serious problem because of the lack of an immediately paralleling highway and certain vehicle weight limitation on Conduit Road. The elimination of the Rosslyn end of route No. 80 would remove the question of track reconstruction in connection with the widening of the Key Bridge. Western car house would be isolated from the remaining rail system and should be converted to become an enlargement of western garage for the housing of some of the new buses required. These changes should release about 105 streetcars and would require the purchase of 115 buses.

This will isolate the M Street shops. Temporary arrangements would have to be made to carry on all streetcar maintenance for the balance of the period of rail operation at the 4th Street shops and southern car house.

Phase 4: To be completed during 1960–61. Streetcar operation to be discontinued over the following locations: 14th Street, routes No. 50 and No. 54 north of 14th and G Streets NW.; 7th and Georgia Avenue, routes No. 70, No. 72 and No. 74 north of 7th and Pennsylvania NW.; U Street from 7th to 14th NW.; East Capitol (Lincoln Park) route No. 40, east of First Street; Independence Avenue from First SW. to First SE.; First Street west from Independence to C Street NW.; C Street, D Street, Indiana Avenue and Fifth Street from First and C Streets, NE. to Fifth and G Streets NW.; Pennsylvania Avenue from 7th Street NW. to Peace Monument, including loop; Pennsylvania Avenue from 8th Street SE. to Barney Circle.

These major changes would leave a rail system serving the Potomac Park and Southwest Mall loops, the Navy Yard, south Seventh Street and Brookland with a crosstown line from the Navy Yard to Seventh Street and Florida Avenue. Service to Barney Circle has been dropped because of the lack of track connections to reach Barney Circle from Navy Yard car house.

These changes would release about 108 streetcars and require the purchase of 115 buses. Both eastern and northern car houses become isolated from the rail system, leaving Navy Yard and southern car houses.

Phase 5: To be completed during 1961–62.

This final phase discontinues all remaining streetcar service and releases the streetcars required to provide the 64 necessary to operate the rail system existing after phase 4. This final phase will require the purchase of 80 buses.

This conversion program is outlined for completion about 1962. Existing track conditions would probably permit certain of the route conversions to be made at somewhat later dates than those indicated. Our program would permit the realization of from 1 to 7 or 8 years of additional service life for the present streetcar system, and we estimate that the required expenditures for track renewals and repavements in the meantime would aggregate approximately $1 million. Even then the streetcars, practically all of the overhead trolley track and substantial portions of the conduit track would go out of service many years before the end of their potential future service life.

This program would also provide time for working out the physical and financial problems incident to a conversion of this magnitude and would be generally in line with the procedures which have been followed in most other cities. The purchase of new buses would be distributed over the conversion period as follows:

Estimated bus purchases for conversion

Years	Number of buses	Estimated cost
1956–57	90	$1,980,000
1957–58	30	660,000
1958–59	115	2,530,000
1960–61	115	2,530,000
1961–62	80	1,700,000
Total	430	9,460,000

IMPACT ON THE FUTURE OF TRANSIT OF PROPOSED HIGHWAY IMPROVEMENTS

Currently there are under consideration several specific plans for highway improvements in the District of Columbia. The major projects, on the layout of which DeLeuw-Cather & Co. has been working, is a limited access belt highway to provide for by-passing traffic around the central business area, with new bridges over the Potomac River, access to the Anacostia River bridges and a north and south center connection of similar characteristics running roughly from the Belt Highway at F and Second Streets SW. along Second and First Streets and New Jersey Avenue to the Belt Highway at about Q or R Streets NW.

Among the proposed local projects are a rearrangement of the roadways in and around Union Station Plaza, the widening of Independence Avenue east of about Second Street SW., the widening of the roadway on the Key Bridge and additional one-way streets or the use of reversible traffic lanes.

In our conversion program we have provided for the elimination at an early date of the double tracks now located in the southern portion of the Union Station Plaza and

the double track branchoff leading from the Plaza into Massachusetts Avenue SE. This should permit the retention of the present northerly tracks in the Union Station Plaza connecting Massachusetts Avenue NW., with First Street NE., and still allow for satisfactory roadway rearrangements.

The proposed widening of Independence Avenue is at a location where the tracks in that street are an important link between the rail system in the southeastern section of Washington and the downtown area. Our proposed conversion program contemplates the retention of these tracks in their present location for a short future period so as to avoid the necessity of circuitous routings.

The proposed Key Bridge widening is specifically referred to in the outline of our conversion program.

The comprehensive Belt Highway program will present some problems to the transit system for both its present bus as well as its rail operations. Insofar as phase I of the Belt Highway is concerned, the principal problems relate to the present Southwest Mall track loop situated immediately south of Independence Avenue, on Third, Second, and D Streets SW. The proposed route of the center connection of the Belt Highway will require the closing of Second Street SW., from Independence Avenue to south of E Street, and will mean that rail service over the Southwest Mall loop will have to be discontinued whenever highway construction at that location is commenced. Also, in connection with phase I of the Belt Highway, separated grades will have to be provided on Seventh Street SW. at approximately F Street and on Independence Avenue at Canal Street.

Separated grades with provision for streetcar tracks will also have to be provided at 22 other locations provided construction of future stages of the proposed Belt Highway commence before streetcar operations are eliminated on these particular streets.

These locations and the dates at which our program contemplates the discontinuance of streetcar service are as follows:

Street on which there are now tracks	Section of Belt Highway crossed	Date of conversion to bus shown in program
Pennsylvania Ave. NW. at Washington Circle	West	1958–59
Connecticut Ave. NW	do	1956–57
14th St. NW	North	1960–61
11th St. NW	do	1956–57
7th St. NW	Northeast	1960–61
New Jersey Ave. NW	Northeast and central	1961–62
North Capitol St	Northeast	1961–62
New York Ave. NE	do	1957–58
Florida Ave. NE	do	1958–59
8th St. NE	do	1958–59
D St. NE	East	1956–57
C St. NE	do	1956–57
East Capitol St	do	1960–61
Pennsylvania Ave. SE	do	1960–61
8th St. SE	Southeast	1961–62
7th St. SW	Southwest	1961–62
New York Ave. NW	Central	1957–58
G St. NW	do	1961–62
D St. NW	do	1960–61
Indiana Ave. NW	do	1960–61
Pennsylvania Ave. NW. near Peace Monument	do	1960–61
Independence Ave. SW	do	1960–61
2d St. SW	do	1961–62

On New Jersey Avenue between N and O Streets NW. and on Florida Avenue from Fourth to Eighth Streets NE., the indicated street changes are so substantial that street railway track relocation would be required. We are advised, however, that construction on those particular portions of the proposed Belt Highway is a considerable distance in the future.

It also should be noted that the proposed extension of the Belt Highway eastward from 11th Street NE. to the Anacostia River would deprive the transit system of its present Trinidad motorbus garage located on Benning Road immediately east of 15th Street NE. Also the connection of the Belt Highway with the John Philip Sousa Bridge would necessitate the elimination or relocation of the present streetcar and bus terminal at Barney Circle.

These highway improvements in the District of Columbia which are currently being planned and many others which have been completed in the past few years are primarily for the benefit of the private automobile driver. None of them has or will be of much, if any, benefit to local mass transportation. Many actually make local transit operation more difficult, some have actually cost the transit system substantial amounts of money, and all of them contribute materially to the increased use of private automobiles and, therefore, to the continuing decline in transit riders. Many millions of dollars are spent in attempts to enable vehicles to move more freely when the real problem is the movement of people and essential goods. A large part of these expenditures could be saved if existing street space were used more efficiently, as would be the situation if more of the public used transit vehicles, particularly in the congested areas. Unfortunately, the trend is the other way, primarily because of this subsidized competition with which transit has to compete without the benefits of any similar assistance.

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Mr. MORSE. Mr. President, our system is now about 61 percent converted. I would like to find out for District citizens the service life potential of the remainder of the street railway system. The best way to do this is through public hearings where the facts can be developed.

It may be that such a delay might cause some hardship upon the D.C. Transit Co. in view of the mandate now contained in the franchise, as passed by the Congress in 1956, requiring it to convert its transportation system to an all-bus system within 7 years. In the event that any hardship would be imposed upon the D.C. Transit Co. by such a delay as I suggest, I think it would be only fair that an equitable adjustment be made by the Congress in whatever manner that would be necessary in order to be fair to the company.

However, it should be pointed out that the franchise does say, "* * * except that upon good and sufficient cause shown the Commission may in its discretion extend beyond 7 years the period for carrying out such conversion."

What I am suggesting tonight, Mr. President, is that this section of the franchise be used by the Public Utilities Commission to delay for a while further conversion of the remainder of the streetcar system into a bus system, until there can be conducted the hearings necessary to get all the facts on a public record as to the desirability of a complete conversion from a street railway system to a bus system.

In my judgment, the legislative situation in this session of Congress practically precludes any possibility of getting any legislation on this subject passed before Congress adjourns in July. Therefore, I wish to avoid raising any false hopes on the part of those people who are seeking some legislative action in this session of Congress for a change in the franchise before we adjourn.

I want the RECORD to be perfectly clear. The groups which are interested in having the remainder of the streetcar system continued have come to me as chairman of the Subcommittee of the Senate District of Columbia Committee which has jurisdiction over the subject matter, and asked for the introduction of a bill which would have the effect of seeking to have the franchise amended so that there could be a stoppage to the conversion from street railways to buses.

I have never knowingly or intentionally raised false hopes on the part of citizens who have sought legislative action, when I was satisfied that the request they were making was simply impossible of accomplishment in that particular session of Congress. I may be proved wrong in my judgment as to the timing, but I do not think it is within the realm of probability, in the few weeks remaining in this session of Congress, that this very complicated problem of amending a franchise for the D.C. Transit Co., with all the intricate legal questions that any proposed amendment to the charter would be bound to raise, could be acted upon in this session of Congress. If I had wanted to play politics, I would have gone through the gesture of introducing such a bill and saying, "Well, I did the best I could, but Congress did not get to it."

What I have done has been to say to those people, "You are probably not going to accomplish anything that way in this session of the Congress. Let us take a look at the procedures which are available to you. In my judgment you cannot do it by way of legislation."

There is a bill on the House side on this subject matter. If the House should take action and get the bill over to the Senate, we might be able to take a look at it between now and adjournment. In my judgment, however, no action will occur on the House side. However, there is a procedure available in the existing franchise, through the Public Utilities Commission itself.

The suggestion I am making on the floor of the Senate tonight is that the Public Utilities Commission take a second look at that section of the franchise

which, in effect, authorizes the Public Utilities Commission upon good and sufficient cause shown to extend the period of conversion from streetcars to buses. The Commission is vested with discretion by that section, when such an issue has been raised, and there are requests for a public hearing to take another look at the public interest in connection with the matter of conversion from street railways to buses to hold such a hearing.

Also I have said to those who have come to me and said that they do not think there should be any further conversion from streetcars to buses, "I do not know what the facts are from the standpoint of the best public interest, and I do not intend to prejudge the question. I shall wait until the facts are in." The only way to get the facts, it seems to me, is through such a procedure of hearings as I am suggesting here tonight.

I note that the Public Utilities Commission in commenting upon the adequacy of the service rendered by D.C. Transit on page 33 of the opinion says:

> In this connection, we feel it is appropriate to comment upon the proposal of the company to convert its remaining rail operations on January 2, 1962. In our opinion the proposal as submitted is too general and unsupported in detail to warrant any commitment from us as to its desirability or feasibility. We shall require of the company a detailed outline of its plans, and if the facts demonstrate a necessity therefor we shall set the matter down for hearing in order that we may have before us as complete a picture as possible to enable us to carry out our function, not only of supervising the conversion from rail to bus as required by Congress, but of performing our duty, of seeing that the company gives adequate service to the public.

Mr. President, I ask unanimous consent that the entire page 33 of the opinion be printed in the RECORD at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

ADEQUACY OF SERVICE

In making the findings and conclusions herein set forth we do not disregard our continuing responsibility to see to it that an "adequate transportation system" is maintained. We conceive the definition of adequacy as having to do, among other things, with service. Service has many facets, and a broad comprehensive look must be taken of the picture, not only as it is related to the fare structures, but also as to the quality of service being afforded the community, now and in the foreseeable future. The entire matter must be approached with a realization that the company has been called upon to convert from streetcars to buses within a 7-year period. Section 7 of the Franchise Act reads in part as follows:

"SEC. 7. The corporation shall be obligated to initiate and carry out a plan of gradual conversion of its street railway operations to bus operations within seven years from the date of the enactment of this Act upon terms and conditions prescribed by the Commission, with such regard as is reasonably possible when appropriate to the highway development plans of the District of Columbia and the economies implicit in coordinating the corporation's track removal program with such plans; except that upon good and sufficient cause shown the Commission may in its discretion extend beyond seven years, the period for carrying out such conversion."

Discounting what we believe to be the improper interpretations that have been placed upon this language to the effect that this Commission can presently postpone or halt the requirement for conversion, we face the issue that adequate service must be maintained while meeting the requirement of conversion. With this in mind, we feel called upon to see that an orderly conversion is effected, and that the substituted bus operation is adequate both as to service and equipment, to meet the public demand. This is our continuing obligation and we shall investigate and act promptly upon any failure of the company in any of these areas. We shall keep ourselves constantly informed of the quantity and quality of the service which the company is affording to the public.

In this connection, we feel it is appropriate to comment upon the proposal of the company to convert its remaining rail operations on January 2, 1962. In our opinion the proposal as submitted is too general and unsupported in detail to warrant any commitment from us as to its desirability or feasibility. We shall require of the company a detailed outline of its plans, and if the facts demonstrate a necessity therefor we shall set the matter down for hearing in order that we may have before us as complete a picture as possible to enable us to carry out our function, not only of supervising the conversion from rail to bus as required by Congress, but of performing our duty, of seeing that the company gives adequate service to the public.

Mr. MORSE. Mr. President, I am confident that the Public Utilities Commission will perform its duty of seeing that the company gives adequate service to the public, and will keep itself constantly informed of the quantity and quality of service which the company is affording the public. But I would suggest, in view of the questions that have been raised as to the desirability now, at this time, of continuing the conversion program that the Commission would be well within its authority in scheduling a hearing upon the merits of the conversion program per se, so that it could come before the legislative committees of the 87th Congress to testify upon the current situation and present its factual recommendations to the legislative committees for changes in the charter language that it would find to be justified with respect to this program.

Such a hearing by the Public Utilities Commission would have a secondary benefit besides that of marshalling in orderly fashion the basic facts of the situation; it would permit sufficient care to be exercised in the drafting of legislation, if such is needed, so that the Congress could act in this intricate field of utility control in an informed manner free from the pressures of time and circumstance which surrounded the enactment of Public Law 757.

To encourage the Public Utilities Commission to give careful attention to the suggestion I have outlined, I wish to give formal notice by this comment upon the floor of the Senate today that I propose to offer suitable legislation in the 87th Congress, upon which hearings will be held, which will have for its goal the full exploration of the conversion program prior to the end of the 7-year period. Such legislation, when introduced, would, I believe, be a sufficient basis for the Commission to exercise its discretion in extending the conversion period for at least until the legislation can be disposed of by the Congress.

I believe that in giving that notice of intention to introduce a bill at the beginning of the 87th Congress, I am being fair to all concerned. I will not be a party to what I consider to be an empty gesture. Introducing such a bill in the closing weeks of this session of the Congress seems to me to be an empty gesture. I say to those who have been urging me to do it that they need to take a look at the schedule of the Senate. We have a great legislative backlog that we must still dispose of. If I were to introduce a bill tonight I could give no assurance of early hearings on the bill before the Senate Committee on the District of Columbia this session. I think that would be a form of political deception on my part, to give any such false hope. But I have outlined in this speech what I think is a procedure which should be made available to the interested parties. I hope the Public Utilities Commission will take note of the remarks I am making in the Senate tonight. I hope it will proceed to give consideration to this question and to the representations of the parties, and make clear that it will use that section of the franchise which permits it to extend the period of 7 years for conversion to a reasonable degree, until the bill which I shall introduce in the first part of the 87th Congress can be considered on the basis of the current factual situation.

Mr. President, I turn now to another subject.

The PRESIDING OFFICER. The Senator from Oregon.

THE GOVERNMENT'S GROWING RECOGNITION OF SOCIAL SCIENCE

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "The Government's Growing Recognition of Social Science," written by Dr. Harry Alpert and published in the Annals of the American Academy of Political and Social Science, in the issue of January 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GOVERNMENT'S GROWING RECOGNITION OF SOCIAL SCIENCE

(By Harry Alpert)

Abstract: Important new developments have strengthened the standing of the social sciences in the Federal Government. Historical analysis emphasizes the recency of the Government's recognition of the national contributions of social science research. Significant progress has been made despite critical fluctuations. Five factors contributing to the more favored governmental position of social science research are (1) changing congressional attitudes; (2) acceptance of the social sciences at the White House level; (3) inclusion of the social sciences as part of broad definitions of scientific disciplines; (4) the general postsputnik interest in American education; and (5) the concern with redressing imbalances in American higher education. Research support for the social sciences is growing but a critical shortage remains in funds for fellowships and

assistantships. The social sciences approach the next decade in a climate of acceptance and encouragement.

"They never had it so good." This vernacular phrase may startle grammarians, but it describes accurately the present position of the social sciences with respect to support and interest by the Federal Government. As the result of important new developments which have served to consolidate the standing of the social sciences in the Federal Government, there is every likelihood that the 10 years from 1950 to 1960 will be viewed as the "March" decade of the social sciences. March, according to folk weather lore, comes in like a lion and goes out like a lamb. Similarly, the 1950's may be said to have come in with a roaring antipathy to the social sciences and to be departing with attitudes of positive interest and quiet acceptance.

That it has taken so long for the Federal Government to develop a modus vivendi with the social sciences is quite ironical, for its involvement in social research was written into the U.S. Constitution. By providing for a decennial census and making this count of the population the basis for representation in Congress, our Founding Fathers made a social science activity the ultimate basis of political power.[1] In fact, the gathering, analysis, and dissemination of social and economic statistics has continued to be one of the three major ways in which the Federal Government relates itself to the social sciences. The other two are: exploitation and utilization of the findings and results of social research; and direct support of social sciences through the intramural conduct of social science research in the Federal Government's own research laboratories and units or through contracts and grants for extramural social science studies at colleges and universities, other nonprofit organizations, and business and commercial establishments.

PRE-WORLD WAR II STATUS

Up to World War II, the role of the Federal Government in the social sciences consisted largely of the first two of these functions, namely, producing mass statistical series and exploiting social science findings produced outside of the Government. During the 19th century, the social sciences played a modest but effective role in the development of Government powers and programs. Don K. Price has called attention to the contribution of economic and statistical series in the growing development of the regulation of business, as well as to the impact of John R. Commons' institutional economics on labor legislation and of Charles Francis Adams' studies on the regulation of railroads.[2]

Even as late as 1940, the Government's direct activities in the social sciences were still predominantly confined to the collection and analysis of statistical information.[3] However, the roots of later developments in the Government's social science programs were discernible in the 1920's. The appointment by President Hoover of a research committee on recent social trends provided significant White House endorsement of a major social science enterprise. Further impetus for governmental support of the social sciences came in the thirties from the practical programs of the New Deal. An outstanding example was the Department of Agriculture's Division of Program Surveys which assumed the leadership in introducing the sample interview survey as a basic social science tool and as an instrument of governmental policy.

IMPACT OF WORLD WAR II

But the defense mobilization period and World War II itself were undoubtedly the major catalytic events leading to the expansion of the Federal Government's programs of social science research. The events of the war on both the military and civilian fronts and the problems of postwar adjustment as they affected the Nation and the individual provided the social sciences with dramatic opportunities to demonstrate their practical value and essential role in modern society. A brief review of illustrative uses of social science during World War II lists eight examples of problem areas in which important social science research accomplishments were achieved: soldier orientation and morale; analysis of command problems, particularly among Negro troops; more efficient use of psychiatry; venereal disease control; analysis of the American soldier's problems of adjustment, combat performance, and response to mass communications; evaluation of Japanese morale; estimation of war production requirements; and regulation of prices and rationing.[4] To this list may be added the media analysis activities of the Office of War Information and the Foreign Broadcast Intelligence Service; the propaganda studies of the Library of Congress, Department of Justice, and various intelligence agencies; the surveys of war bond purchases and other evaluations of the effectiveness of drives; the testing of the public comprehension of governmental information materials; and research on national character and other problems related to a better understanding of the behavioral characteristics of foreign peoples.

POSTWAR DIFFICULTIES

The immediate postwar period of demobilization witnessed the dismantling and disappearance of many of these wartime programs. Dissatisfaction with the limited accomplishments of some of these social science activities was expressed, largely as the result of the disillusionment which set in when excessive promises of achievement were unfulfilled. Social scientists became their own worst enemies by promising too much, too fast, and accepting funds in excess of what could be effectively expended. Moreover, the social sciences have suffered from their minority group status among the scientific disciplines. Like minority groups on the labor market, they are subject to the rule of "last hired, first fired." Thus, many social science programs were speedily demobilized because of their relatively low priority and because of a failure to appreciate their long-range implications and future contributions.

Nevertheless, significant efforts were made to continue programs which had demonstrated their effectiveness during the war. The Office of Naval Research, created shortly after World War II, supported research on manpower problems, personnel and training, group morale, organizational structure, and related social psychological areas. The Army continued, in abbreviated form, its studies of opinions and attitudes of American soldiers. The new Department of the Air Force, proud of the accomplishments of the aviation psychology program, organized units to undertake and support research in problems of selection and training, manpower, leadership, human relations and morale, and psychological warfare. When the Research and Development Board was established in the Department of Defense it included a Committee on Human Resources.

However, the skepticism and disenchantment which many of these programs engendered did not provide a favorable environment for their persistent growth and development. There set in, consequently, a period of recurring ups and downs, of "acute, and sometimes critical fluctuations," as Leonard S. Cottrell, Jr., has described it.[5] A "starts and fits" pattern became evident: an activity got started and then was curtailed or discontinued when some Congressman or general threw a fit. The Division of Research of the Housing and Home Finance Agency, the excellent survey research unit of the Veterans' Administration, the Air Force's Human Resources Research Institute at Maxwell Field, and its personnel and training center at Lackland Air Force Base were but a few of the research units which experienced difficulty.

Despite the "on again, off again" character of some of these programs, the long-term trend was toward increasing appreciation of the social sciences as valuable national assets. As the postwar pattern of extramural support developed, the social sciences, too, received encouragement, although not at the same rate and magnitude as the physical and life sciences.

THE "MARCH" DECADE

The "March" decade, 1950–60, will perhaps be viewed historically as the turning point in Federal Government recognition of the social sciences. The full measure of the change from the "lion" to the "lamb" phase of this decade may be observed in comparing the National Science Foundation Act of 1950 with the National Defense Education Act of 1958. In the former legislation, the social sciences are included only on a permissive basis and are referred to only as "other sciences." In the 1958 act, the section dealing with graduate fellowships mentions no limitations whatsoever with respect to disciplines. Moreover, a separate title provides for research and experimentation in more effective utilization of television, radio, motion pictures, and related media for educational purposes. This act also recognizes the importance of improving statistical series in the field of education.

Note must be taken, also, of other evidences of changing attitudes toward the social sciences, such as the establishment, in December 1958, of an Office of Social Sciences within the National Science Foundation; the appointment, in the spring of 1959, of a sociologist, President Logan Wilson of the University of Texas,[6] as a member of the National Science Board; and the expansion of the social science research activities of the Department of Health, Education, and Welfare.

In the vernacular of the boxing ring, it may be said that the social sciences were, for several years, definitely "rocky and punch drunk," but were still on their feet when the fight was over. They have survived Cox Committee and Reese Committee investigations. They have endured pariah status and innumerable reorganizations. They have weathered appropriation storms which threatened to cut off funds for studies of child-rearing practices, mother-love among lambs, population dynamics, message diffusion, and other projects which became the pet peeves of individual legislators.

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[1] See Don K. Price, "Government and Science" (New York): New York University Press, 1954, p. 5.

[2] Ibid, pp. 11–12.

[3] The several paragraphs which follow are adapted from the author's chapter on "The Growth of Social Research in the United States" in Daniel Lerner, editor, The Human Meaning of the Social Sciences (New York: Meridian Books, 1959), pp. 73–86.

[4] Russell Sage Foundation, "Effective Use of Social Science Research in the Federal Services" (New York, Russell Sage Foundation, 1950).

[5] Leonard S. Cottrell, Jr., in Foreword to Morris Janowitz "Sociology and the Military Establishment" (New York: Russell Sage Foundation, 1959), p. 5.

[6] Dr. Wilson was subsequently required by Texas law to give up his membership on the National Science Board.

MAJOR DYNAMIC FACTORS

In attempting to assess the major factors that account for the more favorable position in which the social sciences find themselves at the end of this decade, I am able to identify five important considerations: (1) changing congressional attitudes; (2) acceptance of the social sciences at the White House level; (3) inclusion of the social sciences as part of broad umbrella definitions of scientific disciplines; (4) the general postsputnik interest in American education; and (5) the concern with redressing the imbalances in education which stemmed from the earlier almost exclusive emphasis on natural science and mathematics. Brief comments on each of these five factors follow.

CHANGING CONGRESSIONAL ATTITUDES

In his report on the crucial Senate debate in 1946 which preceded the vote to exclude from the then pending bill to establish a National Science Foundation the specific provision which created a Division of Social Sciences, George A. Lundberg concluded that the Senate thought of the social sciences as at best "a propagandist, reformist, evangelical sort of cult."[7] The unfortunate phonetic confusion of social science with socialism reinforced such viewpoints. Just a few years later, however, more positive attitudes were being expressed. In 1953, the Cox committee, in its "Final Report," noted the special importance of the social sciences in the contemporary world. It stated:

"It is entirely possible that in a time when man's mastery over the physical sciences threatens him with possible extermination the eventual reward from the pursuit of the social sciences may prove even more important than the accomplishments in the physical sciences."[8]

Other important turning points in congressional expressions toward the social sciences were the vigorous statements by Senator ESTES KEFAUVER'S Subcommittee on Juvenile Delinquency in 1955, 1956, and 1957; the 1955 recommendations of Representative RICHARD BOLLING'S Subcommittee on Economic Statistics of the Joint Committee on the Economic Report; Senator HUBERT HUMPHREY'S report to the Senate in 1957 of his experiences in the Middle East; and speeches by Senator WAYNE MORSE, Representative CHARLES O. PORTER and others.[9] This year neither House of Congress raised any objections to the National Science Foundation's request for $2 million for support of basic research in the social sciences in fiscal year 1960, even though this represented a considerable increase over the $850,000 appropriated for this purpose for fiscal year 1959. (The actual budgetary allowance for social science research in the National Science Foundation for fiscal year 1960 is $1,600,000.)

This is an encouraging picture, indeed. But congressional confusion regarding social science has by no means been completely eliminated. Negative attitudes still persist and need to be reckoned with.[10]

WHITE HOUSE INTEREST

The White House, too, has shown increasing interest in the support of the social sciences. In his state of the Union message delivered on January 9, 1959, President Eisenhower expressed his desire to undertake a systematic study of American values, goals, and social trends, comparable to the earlier Hoover committee study.

The objective, President Eisenhower said, would be "the establishment of national goals that would not only spur us on to our finest efforts but would meet the stern test of practicality." He hoped that this new study would be concerned, among other things, "with the acceleration of our economy's growth and the living standards of our people, their health and education, their better assurance of life and liberty and their greater opportunities." He noted that the report of Hoover's Recent Social Trends Committee "has stood the test of time and has had a beneficial influence on national development." Here, indeed, is a significant compliment to social science.

And in its report on "Strengthening American Science," issued December 27, 1958, the President's Science Advisory Committee included social psychology among the scientific disciplines for which a strong case could be made for intensifying the Nation's scientific effort. The Committee stated, "And advances in social psychology might help to reduce tension and conflict at every level of human intercourse—in our communities, in business and industry, in Government, and even among nations."[11] Furthermore, as previously noted, President Eisenhower has appointed a social scientist to the National Science Board. This policy-determining body for government science on January 23, 1959 adopted the following statement:

The National Science Board recognized the importance, as well as the complexity and difficulty, of research in the social sciences. It is clear that the intellectual, economic, and social strength of our Nation requires a vigorous approach to social problems, with scientific techniques of study making their maximum contribution.[12]

PROTECTIVE UMBRELLAS

The social sciences have prospered best in the Federal Government where they have been included under broad umbrella classifications of the scientific disciplines such as agricultural sciences, military sciences, medical sciences, and health sciences. Under such umbrellas and in close company with scientific areas which enjoy the prestige and status of biological or physical sciences, the social sciences have enjoyed a protection and nourishment which they normally do not have when they are identified as such and stand exposed, naked and alone.

Agricultural research has been heavily supported by the Federal Government from its very inception. Quite early the concept of agricultural sciences was broadened to include not only biological research but agricultural economics and rural sociology as well. In fact, for many years the Department of Agriculture's Bureau of Agricultural Economics was internationally famous for its leadership in significant areas of social and economic research. Although from time to time specific social science projects of the Department of Agriculture have suffered congressional attack, there has been little question of the legitimacy of the inclusion of social research in the scientific program of the Department. In fact, one appropriation committee, with remarkable indifference to the distinction between biological and social science research, once included, in a list of fields for which research funds were not to be expended, the orchids of Guatemala, the flora of Dominica, child-rearing practices, research methodology, and population dynamics.

The medical sciences and health sciences rubrics have also provided generous hospitality to the social sciences. Social science research projects are given careful and sympathetic consideration by at least five study sections of the National Institutes of Health: Behavioral sciences, hospital facilities research, mental health, nursing research, and public health research. Social scientists serve as members of these study sections as well as on several other committees of the National Institutes of Health. The National Institute of Mental Health's Laboratory of Socio-Environmental Studies is outstanding in the quality of its research program.

Research undertaken by the Military Establishment in relation to the defense needs of the Nation develops strong immunities to congressional or other attacks if military authorities certify its importance to the mission of the Department of Defense. Despite the ups and downs previously referred to, the Army, Navy, and Air Force have arrived at a realization of the importance of basic research in the social sciences. The Office of Naval Research includes a Psychological Sciences Division. The Air Force has established a Behavioral Sciences Program in its Office of Scientific Research. And here is the testimony of an Army general presented recently before an appropriations committee:

We can never afford to neglect basic research and the Army wants to do more of it whenever we find applicable projects to further this increase of scientific knowledge. Such research is not confined to the physical sciences. Investigation of the social sciences to help us to utilize more effectively our manpower and insure man-machine compatibility with complex engines of war being developed is vital. Should we neglect these important considerations we only aggravate the trend in which the physical sciences are outstripping the social sciences and may, in time, reach a point where the machine may destroy its maker.[13]

These are the words of Lt. Gen. Arthur G. Trudeau, Chief of Research and Development, Department of the Army.

Another important umbrella for the social sciences is Operations Research. The various operations research units supported by the Federal Government have invariably included a social science component.

IMPACT OF SPUTNIKS

The social sciences have not been indifferent to the whir of the Russian sputniks and have directly felt the impact of these successes in space technology. It was recognized that Soviet Russia's accomplishment was not only the result of advances in science and engineering but also the consequence of a social system that was capable of making and carrying out significant decisions. Interest developed in studies of the social, economic, and political implications of the space age. It became imperative that we keep ahead of the Russians in the social science fields. For this reason, Vice President RICHARD M. NIXON encouraged the formation of a

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[7] "The Senate Ponders Social Science," The Scientific Monthly, Vol. 64, No. 5 (May 1947), p. 399.

[8] Final report of the Select Committee to Investigate Foundations and Other Oganizations, 82d Cong., 2d sess., H.R. No. 2514, Union Calendar No. 801 (Washington: Government Printing Office, January 1, 1953), pp. 9–10.

[9] For details and references, see Harry Alpert, "Congressmen, Social Scientists, and Attitudes Toward Federal Support of Social Science Research," American Sociological Review, vol. 23, No. 6 (December 1958), pp. 682–686.

[10] See, for example, Independent Offices Appropriations for 1960. Hearings before the Subcommittee of the Committee on Appropriations, House of Representatives, 86th Congress, 1st session (Washington: Government Printing Office, 1959), p. 527. For a discussion of persisting negative attitudes, see Harry Alpert, op. cit.

[11] *Strengthening American Science:* A Report of the President's Science Advisory Committee (Washington: Government Printing Office, 1958), p. 4.

[12] Reproduced in CONGRESSIONAL RECORD by Representative CHARLES O. PORTER, Mar. 10, 1959.

[13] "Department of Defense Appropriations for 1960," hearings before the Subcommittee on Appropriations, House of Representatives, 86th Cong., 1st sess. (Washington: Government Printing Office), p. 339.

committee on National support for Behavioral Science which reported on social science needs to the President's Scientific Advisory Committee. Substantially increased appropriations were made available to the National Science Foundation, and in the National Defense Education Act of 1958, Congress officially declared as national policy the doctrine that the defense of this Nation depends upon the mastery of modern techniques developed from complex scientific principles, and, as well, upon "the discovery and development of new principles, new techniques, and new knowledge." [14]

REDRESSING IMBALANCES

For a time, it looked as if only the natural sciences and mathematics would be the beneficiaries of the increased responsibilities of the Federal Government toward research and education. Programs were quickly organized to improve the quality of science teaching, to train more scientists and engineers, and to intensify the pace of research in the physical, mathematical, and biological sciences. It became evident, however, that the neglect of other areas of scholarship and learning would spell national disaster. The Government's difficulties in international relations led to intensified interest in language study. Soon voices were heard calling attention to the need to redress the imbalances in American education which a predominant concern with the natural sciences and engineering was creating.[15] Cognizance of this requirement is found in the newly released report of the President's Science Advisory Committee on "Education for the Age of Science." This report stresses the fact that, "Today in America we need a very wide variety of human talents." [16] It goes on to urge that "a proper balance be maintained in our educational offerings." [17] To achieve such a balance we must encourage intellectual leadership in the humanities and social sciences as well as in the natural sciences and mathematics.

HEALTHY PROGNOSIS

The social sciences thus face the 1960's in an atmosphere of encouragement and with the active support of influential well-wishers. Research funds are becoming more plentiful. The Federal Government alone will soon be spending in the neighborhood of $60 million a year in support of the social sciences. This estimate does not include the $100 million or so that the Decennial Census of 1960 will cost.

MORE FELLOWSHIPS NEEDED

A major problem, however, remains. The most urgent need of the social sciences is expansion of the pool of available trained, specialized manpower. Recent studies have indicated that the length of time required to obtain the Ph. D. degree is strongly influenced by the availability of financial support to graduate students in the form of assistantships and fellowships. It is here that the social sciences, and humanities, too, are most seriously disadvantaged vis-a-vis the natural sciences. The major bottleneck in the advancement of the social sciences is not research funds, but fellowship and scholarship opportunities for basic and advanced training. If the social sciences are to fulfill the general public's expectations of them, they must double, at least, the number of trained practitioners. To make the training process more productive and more effective, however, additional fellowships and other types of financial support for training are an imperious and critical necessity. Title IV of the National Defense Education Act has been extremely helpful in this regard. Almost a fourth (23 percent) of the first 1,000 graduate fellowships were awarded in the social sciences. The various training programs of the National Institutes of Health also provide valuable opportunities for social science education. But more needs to be done. The National Science Foundation, for example, has the basic legislation to include the social sciences within its "education in the sciences" program. It also has reasonably adequate funds for training and education. It has broadened its conception of the social sciences in its research support program. Only administrative nearsightedness prevents it from giving the social sciences, broadly conceived, their deserved place within the various program activities of its Division of Scientific Personnel and Education.

COMPLACENCY TO BE AVOIDED

We can be proud of the achievements of the social sciences in government, but we cannot afford to be complacent. Certain past mistakes must be avoided; premature promises, excessive expectations, hasty growth, disastrous indifference to the political process, unwarranted impatience with the administrative processes of justification and review, and lack of concern with the public image of the social sciences. By careful planning and effective operations a solid basis can be established for future growth.

Advance in the social sciences will depend most immediately on what in fact social scientists do: how well they teach at the undergraduate level, how well they communicate with the general public, how effectively they respond to calls from industry and government for help in resolving practical problems, and how much they devote to fundamental research. It depends also on their willingness to cultivate patience and humility.[18] Charles Dollard has well defined the problem: "The long-term contract of the social scientist with society is not to perform miracles but to bring to the study of man and his problems the same objectivity and the same passion for truth which have in the past given us some understanding and control of the physical world." [19]

Mr. MORSE. Mr. President, this article bears upon an issue on which I have spoken many times during by 16 years in the Senate, an issue with regard to which I have been helpful in obtaining some recognition, both in the Foreign Relations Committee legislation and legislation before the Committee on Labor and Public Welfare at various times; namely, the issue of giving greater recognition to the social sciences, both in our foreign aid program and in our education program.

This very able and scholarly item was written for the Annals of the American Academy of Political and Social Science by a fine scholar, Dr. Harry Alpert, dean of the graduate school, and professor of sociology at the University of the State of Oregon. The article is entitled "The Government's growing Recognition of Social Science."

It is with some pride that I ask unanimous consent to have this article inserted in the RECORD, not only because of the great scholarship of Dean Alpert, but because I am indebted to Dean Alpert for the excellent assistance he has been to me in the past as these social science issues have been raised in connection with legislation in the Senate. He has been most helpful to me in making available to me the facts and data from his store of learning that I needed in order to buttress by arguments. In this article he further strengthens the position I have taken many times in the Senate in urging that the Senate give greater recognition in its legislation to the need for strengthening the social sciences in our country.

SITUS PICKETING

Mr. President, last Friday, April 1, the junior Senator from Arizona [Mr. GOLDWATER] made extensive comments about his views on the undesirability of enacting legislation which would permit situs picketing in the building and construction industries. He also made some observations concerning the accuracy and consistency of the views expressed by the Senator from Oregon on March 24. The Senator from Arizona would have us believe that the purpose of this legislation embodied in a bill I introduced on February 25, S. 3097, and S. 2643, introduced by the Senator from Massachusetts and others, is to permit a wholesale and widespread use of the secondary boycott in the construction industry, and, furthermore, to permit the building trades unions to enforce closed shop conditions.

I am especially gratified to note that on this very day April 8, 1960, the Committee on Education and Labor of the House has by an overwhelming vote reported a common situs picketing bill favorably.

The real issue which this legislation involves is simple economics. I have had occasion recently to spend some time in the State of Maryland. Figures have been brought to my attention relating to wage rates among building tradesmen in the city of Baltimore. Much of this material was presented to the House Committee on Education and Labor on February 26, 1960, and appears in the printed hearings—H.R. 9070, and others—on pages 266 and those following. In Baltimore an organization known as the Associated Builders and Contractors, Inc., has grown up over the past 10 years dedicated to the cause of breaking down union conditions in an ever widening area of operations. Today this organization, according to its own figures, lists 660 member firms—page 221. In 1953 the Associated Builders and Contractors endeavored to attack a law passed by the city of Baltimore establishing prevailing rates for construction jobs—in effect, a municipal Davis-Bacon Act. It was the position of A.B.C. that the wage rate set by the city of Baltimore was not, in reality, a prevailing rate, but was, on the other hand, a union negotiated rate. It sought by documents—its own documents, note—to prove that the prevailing rate paid by its members was substantially lower. Carpenters in 1953 by the union rate were paid $2.58—by the open shop rate, $2.05. Comparable fig-

[14] Public Law 85–864, sec. 101.

[15] See, for example, statements by Pendleton Herring and Harry Alpert in the February 1, 1958, issue of the Saturday Review (vol. 41, No. 5).

[16] "Education for the Age of Science." President's Science Advisory Committee (May 24, 1959), p. 3.

[17] Ibid., p. 6.

[18] See the Saturday Review, vol. 41, No. 5 (Feb. 1, 1958), p. 38 and the Saturday Review, vol. 42, No. 14 (Apr. 4, 1959), p. 64.

[19] "Strategy for Advancing the Social Sciences," in Social Science Research Center of the Graduate School, University of Minnesota, "The Social Sciences at Mid-Century" (Minneapolis: University of Minnesota Press, 1952), pp. 19–20.

ures for electricians were $2.87, compared to $1.70. Today comparable rates for electricians are $3.75, compared to the open shop rate of $2.25—a difference of $1.50 an hour.

Mr. President, it seems to me that we should think through the meaning of these wage differentials. A contractor, when he bids on a job, ascertains his costs long before the job is started. He makes this estimate in relation to the labor costs. He, therefore, makes a decision when he puts in his bid as to whether or not he will employ a union subcontractor who pays the union wage scale or whether he will utilize a nonunion subcontractor at the open shop rate. If he knows he can get the open shop contractor at the cheaper rates on the job without interference from the building trades organizations, it is not surprising that he will make that choice. Whether Congress, in accordance with the wishes of many Senators and Congressmen and the recommendations of the President of the United States, will permit situs picketing is therefore a simple issue as to whether or not the building trades will be able to protect their negotiated wage scales. In Baltimore, as well as many other areas throughout the country, the issue is not whether an employer will hire exclusively union men—and if he did so it would be against the law—but whether or not he can be persuaded to sign an agreement which will obligate him to pay the union negotiated scale.

The issue is whether building trades unions are to be allowed to use their legitimate right to picket a jobsite to persuade nonunion employers to agree to fill their hiring needs among building trades craftsmen paid at union scale rates.

The Senator from Arizona has made a fairly elaborate effort to suggest that I, along with others, rejected common situs picketing during the debate on the labor bill last April, because we rejected a substitution of S. 748 for the bill which we had reported out of committee. S. 748, it will be recalled, was the administration bill introduced by the Senator from Arizona; it contained extensive restrictions on secondary boycotts, as well as organizational picketing. This bill was so clearly antilabor that even the Landrum-Griffin bill passed by the House of Representatives did not go so far. It is true that S. 748 did contain in section 503 what appeared to be a relaxation of situs picketing. However, its restrictions on organizational picketing in section 504 went so far as to leave the building trades organizations in a worse position than they were under existing interpretations of the Taft-Hartley Act. In other words, we rejected the administration's bill, not because it permitted situs picketing, but because, among other things, it would have been more restrictive.

The Senator from Arizona has attempted to provide himself with some amusement at the expense of the Senator from Oregon by suggesting that consistency requires him to be against a situs picketing bill because it is legislation for a special interest. The Senator from Arizona illustrates his point by my opposition to hot-cargo exemptions applied to the coal industry. There are many industries as highly integrated as the coal industry—printing, for instance, certain kinds of metal processing such as electroplating—and many others which might well deserve to be treated in the same way. In my speech of last September 3 opposing passage of the bill, I said this:

> My objection to singling out industries in the conference bill was related primarily to the hot-cargo issue. Here is a new and far-reaching notion in the law which would ban a union and a company from stating conditions upon which the company would do business with other companies. The number of industries which will be affected by this proviso are incalculable, and it would have been a serious injustice to have taken care of the problems of one industry, which was relatively integrated, without taking care of other industries with similar problems of integration.

Unfortunately, the Senator from Arizona is discussing an extremely complex field of activity in which the subleties escape him. The reason, in justice, why the situs picketing bill should be passed is because the building trades organizations are, in a manner not shared by any other group, suffering under the disability of not being able to utilize the procedures of the National Labor Relations Board to put themselves in a position to bargain collectively with the employers in the industry. The National Labor Relations Board election conducted on a jobsite on which employees work for short periods of time for employers with whom such employees have only casual relationships means very little. These casual relationships do not fit into the legal concepts under which the employer is obligated to bargain with a labor organization for an appropriate bargaining unit. In no other industry in the country is the bulk of the working force in as casual a relationship with their employers as in the building industry.

I am indebted to the Senator from Vermont [Mr. PROUTY] for corroborating my views. On September 2, 1959, he said:

> I regret that more was not done to ameliorate the problem of employees in the construction industry. Because of the peculiar nature of this industry, rights enjoyed by other segments of organized labor have not been available to workers in the building trades and to me this represents a definite inequity. For this reason I proposed an amendment which has been recommended by President Eisenhower since 1954, has the full support of the Secretary of Labor, and was included in the administration's labor bill.

The Senator from Arizona derives some pleasure from his effort to prove that I was inaccurate in my belief that the Senate had made clear it was not opposed to situs picketing. Had the Senate affirmatively approved situs picketing, it would have done so by voting in favor of an amendment, and I would have said as much. But I chose my words more carefully because I knew whereof I spoke.

I should like to go back to Friday, August 28, 1959. On that day two resolutions—Senate Resolution 180 and Senate Resolution 181—were submitted, in effect seeking instructions from the Senate for the guidance of the conferees. Senate Resolution 181 submitted by the four Senate Democratic members of the conference, contained a situs picketing provision. It was there because a majority of the Senate conferees wanted it there—it was also there because a great deal of very careful conferring had taken place among many Members of the Senate. We included situs picketing and insisted on it in conference on August 31 and September 1 because we had made very certain of what position we would find ourselves if we found it necessary to recess the conference and ask for instructions.

Interestingly enough, I believe it is the Senator from Arizona who has let the cat out of the bag when he said, as he did on April Fool's Day, that, "I think all of us are aware that the point of order obstacle was no real obstacle at all under either the House or Senate rules; it served merely as a convenient pretext for not putting the issue of common situs picketing to the test of a Senate vote."

Until April 1, I had not thought the point of order was a contrivance to prevent a vote. I had instead taken at face value the account of the minority leader set forth in the CONGRESSIONAL RECORD, volume 105, part 13, page 17228, when he described on September 2 what had happened on September 1:

> At this time I wish to say a word about the allusion which was made by my distinguished friend, the Senator from Vermont, in regard to a point of order, because I am afraid I had something to do with it. It was not partisan in any sense whatever. But inasmuch as I had served a long time in the House of Representatives, and had served for 16 years on conference committees, and had developed some familiarity with the Rules of the House of Representatives, it occurred to me yesterday afternoon that language dealing with so-called situs agreements involving the construction industry and the legality or illegality of a strike which involved many contractors—including prime contractors and subcontractors—was new matter. It did not appear in the Senate version of the bill; it did not appear in the House version of the bill; and although it was germane to a House provision under the general subject of boycotts and picketing, yet it was a new substantive provision.
>
> So while there was a hiatus in the conference on yesterday afternoon, I said to the distinguished Representative from Georgia, PHIL LANDRUM, that I would like to go to the House and talk to the Parliamentarian. So, together with Representative LANDRUM, I went to the House, and talked to the Parliamentarian.
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> Inasmuch as I have known Lewis Deschler intimately for a long time, I said to him, "Lew, here is the picture. I think you know the whole situation. Can you give us some suggestions as to what your notions are in regard to whether this is in order in the conference report?"
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> He replied, "I will give you an opinion off the top of my head; I don't want to be committed at the moment. But I would say, offhand, that, generally speaking, under the House rules, new matter is not within the frame of the conference, and therefore it would be out of order."
>
> I initiated that, if no one knew it before; and it was said to me in the presence of Representative LANDRUM, one of the authors of the House version of the bill.

So, Mr. President, at the proper time, in the conference, that point was made. I helped energize it up to a proper degree; and we let it go at that.

Upon reading this, I prefer to believe that the minority leader acted out of respect for the Rules of the House and not to prevent the adoption of a situs picketing amendment. Moreover, I know the minority leader believes that we should join this year in passing this legislation which I also had assumed had the support of the Senator from Arizona. Senator DIRKSEN went on to say on page 17229:

Mr. President, I believe the chairman of the conference will agree with me when I say that if we have not completed the necessary action, in the sense that something still remains to be done in connection with the construction field, certainly the majority leader has given his word, and the chairman of the conference committee has given his word, and the distinguished junior Senator from Arizona [Mr. GOLDWATER] concurs, and I concur, that when we come back here in January, if there is something to be done in that field, we will do it, so that nobody will feel aggrieved or feel that he has been forgotten in the process.

In summary, the building trades unions operate in an industry the unusual nature of which has been recognized by the President of the United States in three messages to the Congress. Not only do they suffer from the disability of not having NLRB election procedures available, but they also suffer from the disability of not being able to engage in primary organizational picketing, even to the extent permitted by the bill which we enacted into law last year. The Denver Building Trades decision of the Supreme Court affirmed the view of the National Labor Relations Board that the existence of several employees on a jobsite meant it was extremely difficult to conduct a picket line at a jobsite without violating the secondary boycott provisions of the Taft-Hartley law. We therefore are presented with a group of citizens who are encouraged by national policy to believe in the value of collective bargaining, but who, in fact, are denied any method by which to bring the collective bargaining relationship into reality.

Mr. President, I commend the Senator from Arizona for his ardent exposition of his reasons for opposing a common situs picketing bill. I know he will take pleasure in knowing that he advocates breaking down the wage conditions of a very substantial group of the citizens of this country.

WHITHER AMERICA?

Mr. BYRD of West Virginia. Mr President, the junior Senator from Wyoming [Mr. MCGEE] delivered a sermon on Sunday, March 6, 1960, in the Universalist Church of New York City. The sermon was titled "Whither America?" It presents a challenging question and an equally challenging solution thereto. I congratulate the Senator on his excellent presentation, and I commend it to the attention of our colleagues in the Congress.

Mr. President, I ask unanimous consent to have Senator MCGEE's sermon printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

SERMON BY THE HONORABLE GALE MCGEE, U.S. SENATOR FROM WYOMING, AT THE UNIVERSALIST CHURCH OF NEW YORK CITY, MARCH 6, 1960

"No man can serve two masters • • • God and mammon," was the winged warning of Jesus to Israel. Its terrible truth applies as inexorably to us as it did to Canaan, Babylon, Egypt, Persia, Greece, Rome, medieval Europe and a dozen other civilizations that passed from the earth because of inner decay and outer attack. In fact, more than 100 years ago, the British historian Lord Macauley warned, "Your republic will be as fearfully plundered and laid waste by barbarians in the 20th century as the Roman Empire was in the fifth, with this difference: that your Huns and Vandals will have been engendered within your own country by your own institutions."

That our decline impends is reason enough to sound the alarm. But that redirection of our national forces is called for without delay is an imperative not readily admitted to by a majority of our compatriots. Wishful thinking about peace and prosperity seems still to be preferred to realistic thinking about national priorities and personal sacrifice. Yet, the latter must come—and now—if we are to survive.

The time has come for Americans to rededicate themselves to clearly defined goals, to establish serious objectives and to set a new course on the high level that inspired the earlier, richer chapters of our national history. This would involve:

1. Assessing our total national needs and, in equating them with our international obligations, arrive at an honest price tag as a budget goal.

2. Refocusing our total effort in the direction of people instead of things. For example; to help people help themselves not because they're anti-Communist, not because they will oppose Russians or Chinese, but only because they are people.

3. Dedicating our national behavior to a deep and abiding faith in the militant pursuit of truth and freedom.

Let us make it clear that in our abundance, we desire to help others out of the goodness of our heart rather than out of the desperation of our souls. This simple formula of forthright honesty with ourselves at home and abroad will provide the edifice of the new America of the decade ahead. This simple formula will reestablish a nation that replaces hypocrisy with forthrightness, uncertainy and fear with national courage, cringing distrust with massive confidence in the pursuit of truth both within and without, and a simple dedication to the goodness of man whatever his nationality, his color, or his religion.

WHITHER AMERICA?

Struggle in the present world has come to be a conflict between consistently conflicting ways of life, that of totalitarianism on the one hand and of our own free society on the other. After a heroic crusade by ourselves through both hot and cold wars, we in America have emerged as the hope for those peoples who believe in the integrity of the individual in national independence and in moral strength.

Yet at the very moment when the challenge to our leadership is the greatest, our position seems to be wobbly and uncertain; at the time when Mr. Khrushchev openly declares economic war on the United States, we seem to cringe in uncertainty behind an economics of scarcity rather than develop and use our God-given abundance in the interest of mankind. All around us we see fellow Americans who have confused luxury with national prosperity; an entire nation which wallows amid surplus foods when most of the world has too little; a nation that seems to have lost its dedication to high principles amid an abundance of materialistic gimmicks; a nation that has surrendered ideals to gadgetry. These passing attributes reveal a nation and a people who have lost sight of their national purpose. They prompt one to ask, "Whither America?"

Two facets of American life reveal the moral decadence of public responsibility and the emergence of a massive public hypocrisy which have overtaken our land. One is in the realm of economics, the other in ideology.

In the first, our national obsession has become that of producing less and less in a world that cries out for more and more. We have been seduced by the wishful image of bargain-basement taxes and balanced budgets. We have been afraid to ask ourselves the right questions for fear that the right answers would require greater sacrifice. As a consequence, a great national hyprocisy has emerged with citizens demanding lower taxes and balanced budgets in the same breath that they demand more services for themselves and the country as a whole. Unless and until someone confronts the American people themselves with the harsh consequences of this hypocrisy, our position of great economic strength will have been forfeited.

Marshal Petain was moved to declare at the time France fell to the Nazis in 1940:

"Our spirit of enjoyment was greater than our spirit of sacrifice. We wanted to have more than we wanted to give. We spared effort, and we met disaster."

And so it may be here, with us.

Yet, in an election year, who has the courage in whatever political party to tell the electorate the frightening burden of need rather than the more pleasing illusions of personal comfort? Who has the courage to discipline the public mind to the harsh requirements of economic warfare and the drafting of a national budget geared to such goals? While it is easy to blame the politician, the root of the blame goes back in large measure also to the public mind that has become dishonest with itself.

It is time that we lay on the table what it is we, as a nation, must do to survive rather than what we can get by with in order to exist. This will require setting up national priorities which put first things first and leave convenience and comfort last.

If our materialistic opportunity in economic warfare stems from our God-given abundance, our ideological and psychological opportunity stems from our example of dedication to freedom. Yet at the very moment we are upholding freedom as a torch by which to light the world, we ourselves seem to be stumbling in the darkened shadows of selfishness, suspicion, and fear.

Selfishness has overtaken us through the abundance of our agricultural production. We make no bones of the fact that our most troublesome domestic problem is surplus farm commodities. And more and more we strive to produce less and less.

In a world in which three-fourths of the people have too little rather than too much, it is understandable perhaps that non-Americans in Africa and particularly Asia find this image of the United States at best perplexing and at worst revolting.

Last Thanksgiving Day we were in South Asia. Enjoying wide circulation by radio and the press in that part of the world was a Thanksgiving Day editorial from a New York newspaper. Its theme: "Dear God, we in America are floundering amid abundance. We thank Thee not for plenty—for our plentifulness has turned into too much. Our petition to Thee on this Thanksgiving 1959 is for less not more."

Asians asked us repeatedly, "How can you wish for less while we in this part of the world desperately need so much more?" How do we explain to developing Asia the complexities of distribution?

Suspicion is reflected in the recent regrettable incident of the Air Force manual. While the manual itself makes it clear that the most dangerous attribute of communism is that it resorts to appealing ideas, the Air Force manual nonetheless proposes to combat those same ideas with professionally trained patrioteers; to pursue hostile ideas with uniformed vigilantes.

How ridiculous the philosophy of the manual when arrayed alongside the philosophy of the great Thomas Jefferson. President Jefferson reminded us in his first inaugural that "If there be any among us who would wish to dissolve this Union or to change its Republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it." The attempt to attack the great churches of America through the innuendos of suspicion is but a sordid remnant of those moments not too many years ago when America not only distrusted herself, but Americans were said to distrust one another.

What our long history should have taught us is that you cannot legislate ideas out of existence. One can only fight ideas with better ideas.

A manifestation of the creeping fear within ourselves is reflected in the drive of supposedly well-intentioned groups to demand loyalty oaths of certain college students. Once again this reflects a distrust of what we have always proudly held up as the greatest strength and resource of our way of life—education. There can be no explanation of the Communist disclaimer oath other than a lack of confidence in the basic principles of education. My deep conviction remains that the pursuit of truth, wherever it may lead, is the greatest bulwark of all against alien philosophies and ways of life; it remains the taproot of democracy engendered through the basic institutions of education. Once more, however, our Hollywood-Madison Avenue jag has tempted us to believe that loyalty can be packaged and bought. What we have yet to learn again is that loyalty cannot be legislated; loyalty cannot be coerced; loyalty can only be earned and inspired. Loyalty is an article of faith and a deep sense of dedication.

Concerning this decline in American goodness and the resultant tarnishing of the American image, no one has written more perceptively than my old friend and your esteemed trustee, Roland Gammon. In a recent penetrating tract entitled "Ethics Is Everybody's Business," he petitions his fellow businessmen to reexamine their ethics and their personal codes. His message was so moving that I inserted it in the CONGRESSIONAL RECORD so that my colleagues might share his thoughts. In a flaming indictment of our current national drift, Roland Gammon writes: "Having tried everything else, let us try honesty for a while. If we can't go back to plain living, let us at least practice high thinking, gracious speaking, just dealing."

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILL INTRODUCED

Mr. LONG of Hawaii, for himself and Mr. FONG, by unanimous consent, introduced a bill (S. 3358) to broaden the coverage of the Federal Flood Insurance Act of 1956 to include losses resulting from lava flow due to volcanic activity, which was read twice by its title and referred to the Committee on Banking and Currency.

(See the remarks of Mr. LONG of Hawaii when he introduced the above bill, which appear under a separate heading.)

EXTENSION OF FEDERAL FLOOD INSURANCE ACT TO DAMAGE FROM LAVA FLOWS

Mr. LONG of Hawaii. Mr. President, on behalf of my colleague the senior Senator from Hawaii [Mr. FONG] and myself, I introduce, for appropriate reference, a bill to amend the Federal Flood Insurance Act of 1956. The act already extends to damage from tidal waves, which from time to time sweep up to the shores of Hawaii.

However, it does not presently apply to damage from another type of flow which in the past year alone ruined many acres of agricultural land on the island of Hawaii and destroyed scores of buildings. This destroyer is the flow of lava from the volcanoes on our big island. The volcanoes of Mauna Loa and Kilauea offer spectacular attractions for the people of Hawaii and for their visitors. They are safe to watch and thrilling. Unfortunately, the lava has caused millions of dollars of property damage as recently as this past winter.

Under the bill I am introducing, the Federal Flood Insurance Act would apply to damage caused by flows from active volcanoes, either in Hawaii or wherever they may occur in the rest of the Nation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3358) to broaden the coverage of the Federal Flood Insurance Act of 1956 to include losses resulting from lava flow due to volcanic activity, introduced by Mr. LONG of Hawaii (for himself and Mr. FONG), was received, read twice by its title, and referred to the Committee on Banking and Currency.

ADJOURNMENT TO MONDAY

Mr. MORSE. Mr. President, in accordance with the previous order, I move that the Senate stand adjourned until 12 o'clock noon on Monday.

The motion was agreed to; and (at 8 o'clock and 44 minutes p.m.) the Senate, in accordance with the order previously entered, adjourned until Monday, April 11, 1960, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

The "China Problem" Reconsidered

EXTENSION OF REMARKS

OF

HON. CLAIR ENGLE

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Friday, April 8, 1960

Mr. ENGLE. Mr. President, our distinguished colleague in the House of Representatives, CHESTER BOWLES, has presented a penetrating analysis of the present situation with regard to American relations with Red China, in the April 1960 issue of Foreign Affairs magazine.

Providing us with a very realistic approach to the problem in an article entitled "The 'China Problem' Reconsidered," Representative BOWLES makes certain recommendations about ways we can "start to move off dead center in east Asia."

This is exactly the kind of thought-provoking assessment of the needs of U.S. Far Eastern foreign policy I had in mind when I made an address on this subject on the floor of the Senate last May. While my conclusions were not the same as Representative BOWLES' in every instance, we share the common belief that this country must develop a more flexible policy in Asia if we are to contribute to the stability of the free nations in that area. CHESTER BOWLES has made a major contribution to American thinking on a very complex problem and I commend his article to my colleagues.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE "CHINA PROBLEM" RECONSIDERED

(By CHESTER BOWLES)

In the autumn of 1949, after 22 years of bitter and protracted struggle, Mao Tse-tung and his Red armies finally established Communist rule over mainland China. The initial American reaction was division and confusion. It has remained so to this day. We still are certain only of what we will not do about China. We will not give formal recognition to the government in Peiping. We will not agree to Chinese Communist membership in the United Nations.

For too long now we have remained at the mercy of events set in motion by leaders in Taipei and Peiping. We have neglected to make constructive use of the periods of uneasy calm between recurring crises. We have failed to take into account adequately the long-range forces which seem certain to shape future developments. Has the time not come to face the fundamental realities of our "China problem"? Until we do, we shall continue to be severely hampered in our relations with all of Asia.

Under present conditions, debate over recognition of Communist China by the United States is largely a dead-end street. If we should propose an exchange of Ambassadors, Mao Tse-tung would surely ask if our recognition extended to Communist sovereignty over the Province of Formosa. And when we replied that it did not, his response would inevitably be a contemptuous refusal of our offer. A similar outcome can be predicted if we proposed that "both Chinas" be admitted to the United Nations. Chiang Kai-shek would also reject such a proposal. The stalemate would persist.

This means that the two primary questions which have caused such deep discord here in America are not at the moment solvable. At some later stage we may find it useful to test the peaceful intentions of the Chinese Communists by proposing that both sides accept a situation which neither we nor they can alter short of war. But until then, let us bypass the question of formal relationships and focus on the immediate and, perhaps, obtainable.

If there were no other reason to seek a fresh perspective on Communist China, the crucial issue of disarmament would in itself be enough. For it is clear beyond doubt that no disarmament plan can have meaning without her participation. She possesses not only the world's largest army but a potential capacity for the production of nuclear weapons. Nor is there any reason to believe that we can hold the Soviet Union accountable for Peiping on this matter. Either we must give up any thought of reaching an agreement on a safeguarded system of worldwide disarmament or search for ways to influence the course of events in the China theater.

While we may be almost totally unable to affect short-term developments in Communist China, our capacity to influence other aspects of the China problem is greater than we seem to realize.

Formosa (Taiwan) offers a case in point. The island is rich and its economic development has been spectacular; yet its political position remains precarious, not only in regard to mainland China but also in its relations with the whole arc of free Asia from India to Japan. This is so because Formosa's political status is founded on a myth that Chiang Kai-shek, who was driven from the mainland 11 years ago, remains the ruler of 650 million Chinese. This myth—rejected by most Asians, by our NATO allies, by our closest friends the Canadians, and by a large number of Americans—is supported only by three or four Asian governments under heavy pressure from Washington, by our Department of State and by some Members of Congress. Perpetuation of the myth will increasingly isolate Formosa at a time when its leaders should be striving in every way to identify their future with the mainstream of thought and action in free, non-Communist Asia.

Americans and Nationalist Chinese alike should now strive to find a common ground with their allies and friends, and to relate their policies more rationally to the forces which will shape events in Asia during the next decade. Such policies, I believe, may be based on the following assumptions:

1. That the Peiping government, although beset with difficulties, is in firm control of mainland China.

2. The mainland China, with an inadequate resource base, spiraling population, ruthless Communist leadership and intense nationalist spirit, will develop fiercely expansionist tendencies directed toward the weaker neighboring states to the south.

3. That a primary aim of American policy should be to prevent the armed expansion into southeast Asia which Chinese Communists leaders may be tempted to undertake.

4. That any effective disarmament program will ultimately require Peiping's participation.

5. That in the present circumstances no negotiation of our major differences with the Peiping government seems likely to be productive.

6. That the 8 million Formosans and the 2 million mainland Chinese on Formosa have the right to a secure, independent existence and to cultural development outside the Communist orbit; and that such an evolution on Formosa is in the interests of the American people.

7. That for the time being Formosa's independence will continue to depend on American military guarantees and economic assistance.

8. That in the long run the security and prosperity of the people of Formosa will depend on the orderly political growth of the non-Communist nations of Asia, particularly India and Japan, and on their attitudes toward the Formosa Government.

9. That if ever it becomes practicable it will be in our national interest to restore our traditionally friendly ties with the Chinese people on the mainland.

Let us now examine, within the framework of these assumptions, the realities with which American policy must grapple.

II

Formosa, an island of 14,000 square miles of lofty mountains and fertile valleys, has hovered on the edge of Chinese history for several hundred years. In the mid-17th century, when the invading Manchus displaced the Ming emperor in Peiping and overran China, Formosa served as a refuge for adherents to the Ming régime, much as it now serves Chiang Kai-shek. In 1683, after 40 years of fitful struggle, the Manchus finally annexed the island and made it for the first time a province of China. In 1895, following the Japanese victory over China, Formosa passed under the rule of Tokyo and remained there until its liberation by American forces 50 years later.

Today political power in Formosa rests exclusively with the Generalissimo's authoritarian Nationalist Government. The 2 million mainlanders who fled with Chiang across the Formosa Straits in 1949 provide most of the Central Government's staff and account for two-thirds of his army of nearly 600,000 men. For a decade, American policy in regard to Formosa has largely focused on this Nationalist Chinese ruling minority. Yet in the long run it is the 8 million native Formosans who will shape the island's fate. We hear very little about their wishes, hopes, and fears. One of them, writing in this review recently, noted that there are no independent Formosan newspapers and no recognized Formosan political parties.[1]

Some observers have suggested that the ultimate solution in Formosa may be to hold a plebiscite. As a practical matter, however, a plebiscite would almost certainly be rejected by both the Taipei and Peiping Governments. We, therefore, can only guess what most Formosans really want. Several significant facts can nevertheless be cited.

For nearly two generations prior to 1945, Formosans knew only Japanese rule. Although most of them speak the Fukien dialect of southeast China, they were educated in Japanese schools. Because the island prospered, many of them had come to feel closer to Tokyo than to the mainland. But 15 years of Nationalist rule have brought significant changes. Time, proximity, and education are creating, among the younger ages in particular, a gradual amalgamation of the island's Chinese and Formosan communities. There may slowly be emerging a new national identity predominantly Chinese by culture but Formosan in outlook.

This process has been aided by several important economic and political developments which critics of Chiang Kai-shek often neglect. Since 1949 the Nationalist Government has taken a series of constructive steps which it failed to take while it was on the mainland. Among the most important is its recognition of the decisive importance of the villagers who, as in all Asian nations, not only constitute the majority but also control the food supply and hence provide the economic and political key to orderly growth. Under Chiang's direction, a reform program which limits land ownership to 10 acres and substantially reduces rentals has been combined with a competent rural extension service, easy credit, and an expanded fertilizer industry. The result has been a sharp increase in the output of rice and cotton per acre and an easier and more prosperous life for the peasants. Formosan living standards are now the second highest in Asia, surpassed only by Japan.

The internal political situation has also improved since the bloody 1947 uprising against the misrule of a carpetbagging Nationalist Governor. To be sure, the National Government is still run almost entirely by mainlanders. The assembly has 1,576 members, of whom only 26 are Formosans. Yet there has been some progress toward democratic participation by Formosans. In the provincial assemblies and county administrations, for instance, the islanders hold large majorities through reasonably free elections. The mayors of most towns are also native Formosans.

For over 30 years in victory and defeat the Generalissimo has almost singlehandedly held the Kuomintang together. But though he is robust at 73 he cannot rule forever. Formosa's future depends on the stability of the government which will survive his passing from the scene.

As long as the United States maintains adequate sea and air power in east Asia, and the will to use it, there is only one way in which Mao Tse-tung can establish his sovereignty over Formosa and that is by a coup d'état which would depose Chiang or his successor and place in power a new island government prepared to come to terms with Peiping.

This development is improbable but not impossible. For 10 years the 2 million Nationalists on Formosa have been told that sooner or later Chiang's army—backed by massive American military support—would invade the Fukien coast and start the long-promised reconquest of the motherland. An increasing number of them have come to understand the practical impossibility of such a venture. Meanwhile, Peiping's propaganda broadcasts have skillfully played on their nostalgia and promised them forgiveness for their past sins, a hearty welcome home and even privileged positions in the new China. At the same time, Peiping has offered Formosa a special status as an autonomous area.

The persuasiveness of these appeals has been cut, of course, by reports of the way the commune system is working on the mainland and by Peiping's actions in Tibet. Yet the pull of the homeland still contributes to the potentially unstable political situation.

On the mainland, powerful totalitarian forces are reshaping Chinese society, remolding Chinese thought, and rewriting Chinese history within the constructing framework of the Lenin-Stalin-Mao ideology.

An independent Sino-Formosan nation can offer the contrast of a modernized non-Communist Chinese society, free from mass regimentation, with an increasing measure of political liberty and with expanding economic opportunities for all citizens. In building such a society the younger generation of Taiwanese and Chinese can find a common sense of purpose and at the same time supply a cultural base for the 13 million overseas Chinese.

III

How can we adjust our policy to foster such a development?

Let us accept the fact that Formosa's adoption of an affirmative new role in non-Communist Asia cannot be stage managed by American policymakers, however well supplied with good will and dollars. Nor can it be arbitrarily imposed on the Formosan majority by the Nationalist refugees from the mainland. Our role must be that of a genu-

[1] Li Thian-hok, "The China Impasse: A Formosan View," Foreign Affairs, April 1958.

ine friend. The native Formosans, the Nationalist Chinese, and the world generally must be convinced that our objective is not to create a military base for the invasion of the mainland but to encourage the orderly growth of a new, independent nation.

In this perspective, our exposed position on Quemoy and Matsu makes very little sense. As Secretary of State Herter said on September 29, 1958, in a speech at Atlantic City: "Anyone can see from looking at the map" that these islands "are not strategically defensible in the defense of Formosa * * *" despite the fact that the Nationalist Chinese "have a fixed devotion to these islands which is almost pathological." In spite of this the State Department still hesitates to bring its tactics into harmony with such realities. So long as our position remains unclear we leave the initiative to others and expose ourselves to the possibility, if not the probability, that once again we will face the unhappy choice of retreating under fire or attempting to stand firm on a militarily untenable position.

On the one hand, we should encourage the neutralization of the offshore islands immediately adjacent to the Chinese coast. In their present status they serve only to keep alive the myth that a Nationalist invasion of the mainland is imminent and thereby give Peiping a handy excuse for "counter" hostilities.

On the other hand, our assurance that we will offer all-out military opposition to a Communist attack on Formosa itself should be substantially strengthened and extended to include any measures necessary to deter a coup d'état. In the event of such a coup, we should institute an economic and naval blockade to deny the Peiping Government effective occupation.

It might well take some time for Formosa's position in the United Nations as an independent nation to become accepted. Once this happened, its security would be backed by the organization's full guarantees. In the meantime our unilateral military commitment to defend the island must be unequivocal. We can no more abandon the people of Formosa than we can those of West Berlin.

As our military obligations in the area are gradually brought in line with the realities, we shall be able to reduce our military grants substantially. The savings can be profitably diverted into a further expansion of the Formosan economy.

The solid industrial and agricultural base now in process of creation will be a long step toward economic self-reliance. If the resulting economic benefits are directed largely to the peasants and workers instead of to the Nationalist minority already at the top of the economic pyramid, orderly political growth will be further stimulated. Private capital investment in Formosa should also be vigorously encouraged. If the island's independent future could be made more sure, increased capital would become available from Hong Kong.

American policy and American funds should also be directed toward the development of Formosa as a cultural center for non-Communist Chinese everywhere. Substantially increased assistance to Formosan colleges from public and private American sources can be an important first step in that direction. Scholarships for overseas Chinese to study on Formosa as well as scholarships for both Chinese and Formosans to study in the United States should also be increased. Similarly, more fellowships to enable talented American students to follow Chinese studies in Formosan institutions would help create the basis for a new partnership. Despite our long association with the Chinese, too many Americans are ignorant of their history and culture.

Finally, and of the utmost importance, every effort should be made to persuade the Nationalist Government to adopt a more realistic approach to their non-Communist fellow Asians. Formosa's future as an independent nation is tied to the future of free Asia and particularly to those two great geographic and political anchors, India and Japan. Unhappily, many Nationalist leaders have shown nothing but contempt for those free Asian governments which do not share their own doctrinaire interpretation of the world conflict. Instead, they often seem to speak and act on the assumption that a third world war is inevitable and that anyone who fails to agree is a Communist dupe. And, of course, such an assumption is basic to the myth of mainland reconquest. A wide gap therefore exists between the Nationalist Government and most of the peoples and leaders of non-Communist Asia. We should do all we can to close this gap and thus diminish Formosa's present political isolation.

Now what of "the other China," the giant on the mainland? Here our field for creative action is inevitably more restricted.

The Chinese Communist Government today is embarked upon a gigantic effort to industrialize its 650 million people on a resource base which is woefully inadequate. There seems to me to be three possible results of this experiment.

The Chinese Communists may be impelled by the harsh economic limitations of their position to modify their policies gradually, reduce their objectives, and seek to relieve their food and other shortages through peaceful foreign trade. In view of their intense, deeply rooted and doctrinaire Communist nationalism this development appears unlikely in the foreseeable future.

A second possibility is that they will seek to resettle part of their swelling population in the vast expanses of the Soviet Union bordering on China. But a large-scale development of these inner Asian regions of severe and uncertain climate would not be easy, and it is hard to imagine the conditions under which the Soviet Union would accept a great influx of Chinese settlers.

The third possibility is expansion into southeast Asia, with its wealth of underpopulated, food-rich countryside, as well as the great reserves of oil, tin, rubber, and other resources which China badly needs. Our objective must be to create a military, political, and economic barrier sufficient to discourage any such attempt.

For us to indulge in threats of atomic war would merely frighten the non-Communist Asian nations and further feed the fires of aggressive Chinese nationalism. It is vital, however, that we make clear in temperate language and through diplomatic channels our total commitment to defend southeast Asia against Chinese attack. And unlike an attack on Formosa, a Chinese thrust southward would also bring into play the existing guarantees in the United Nations Charter.

Ultimately, however, the fate of the non-Communist nations of south and southeast Asia will be determined by two factors which we can influence only indirectly: first, by their own economic and political stability and by their willingness to oppose any infringement on their sovereignty; and second, by the willingness of the two principal nations of the region, India and Pakistan, to add their weight more and more to the balance against Chinese aggression.

The role of India is of particular importance. Indeed, it is fair to say that an India which is politically stable and developing economically, and which works in harmony with the rest of non-Communist Asia, is the key to the ultimate balance of power in Asia and the Middle East as well. The recent Chinese probings of the Indian border regions have underscored both the significance of India and the dilemma she faces. Nor has the lesson been lost on India's neighbors. Indeed, the attitudes in free Asia seem to be moving closer together in face of the common danger.

By wise and sensitive diplomacy we can contribute to this development. In the military sense, our role should be one of quiet readiness for any emergency, much as the British Fleet gave meaning to the Monroe Doctrine during our neutralist 19th century. Our direct economic assistance should give the highest priority to those nations which are willing and competent to help themselves and to devise programs to stabilize raw material prices at levels fair to the producers.

We undoubtedly have the strength to play our proper role in Asia; the question is whether we have the necessary tact, subtlety and flexibility. Let us, to begin with, put aside some of our own doctrinaire preconceptions and examine realistically the complex nature of the Sino-Soviet relationship.

Deep potential differences exist between Chinese and Russian communism as a result of the radically different cultures, experiences and leaderships in the two countries. These are magnified by the fact that the two societies are at different stages of development—the one industrialized, with rich resources and an abundance of land; the other with a shortage in agriculture, inadequate resources and a burgeoning population.

Because of these differences we may assume the the Soviet Union and Communist China view the cold war from quite different perspectives. The Peiping government utilizes the present tense situation in east Asia to fan the nationalistic fervor of its people, divert attention from internal difficulties and assure continued economic assistance and military support from the Soviet Union. When Moscow professes a desire to lessen tensions with the non-Communist world, there is every reason to believe that Peiping tends to pull hard in the other direction.

No outsider can be sure of the present nature or future development of the Sino-Soviet alliance, but certainly it is an infinitely complex and delicate arrangement. The assumption that it is rigid, monolithic and unchangeable is out of date. In view of this, recent efforts of State Department spokesmen to score debaters' points by depicting Mr. Khrushchev as leader of the world Communist movement and twitting him for not keeping China in line are naive and self-defeating. Let us realize that Communist alliances as well as Communist nations are subject to the eroding effects of economics, nationalism and history.

Between 1919 and 1933 the United States had no diplomatic relations with the Soviet Union. Yet during that period thousands of Americans traveled in Russia and thereby increased both our knowledge of developments there and the Russian people's awareness and understanding of us. It seems to me that today we should be striving by all reasonable means to establish people-to-people contacts with mainland China. It may be useful as a first step to offer a fresh approach to the exchange of correspondents with Red China. We are badly in need of the facts and perspective that able American reporters can give us, and we have no reason to be embarrassed by what Chinese journalists may see in America.

Such a two-way exchange has been obstructed so far both by Peiping and by our State Department. It would be wishful thinking, of course, to assume that our attempts to reopen communications with the people of China will be welcomed by Peiping. In many ways, the Communists serve their own interests best by keeping us their public enemy. It is up to us, however, to remove all technical obstacles to the travel of correspondents still existing on our side so that responsibility for the continuing communications barrier will clearly rest with Peiping.

But the freer flow of news is only the beginning. Educators, politicians, businessmen—all the many Americans who could profit by a first-hand understanding of the Chinese

revolution and who could transmit their understanding to the rest of us—should be allowed access to the mainland by our authorities, with reciprocal privileges for the Chinese. A by-product of such contacts would almost surely be the freeing of the five Americans charged with espionage and still held in Chinese prisons.

As I have already pointed out in regard to trade, it would be unrealistic at this stage in China's development to expect the doctrinaire Communist government in Peiping to attempt to meet its steadily growing food and raw-material needs by major purchases overseas. Yet in the longer perspective it seems clear that China's only practical alternative to an effort to seize the material and land resources of southeast Asia by force is to embark on a greatly expanded trade program. Since world peace will depend on which road China ultimately chooses, this question deserves the most urgent attention of American policymakers.

Only when we start to move off dead center in east Asia, beginning with the creation and implementation of imaginative policies based on the reality of two Chinas, will we start to exert a constructive influence on the shape of events to come. And as we do so, is it too much to hope that the sheer magnitude of the war danger in east Asia may gradually bring a degree of at least tacit cooperation between the United States and the Soviet Union in that area? Despite our profound ideological and political differences and aims we seem to have a common interest in the development of a less precarious military, economic, and political balance of power in Asia.

Nationalist extremists on Formosa will not be happy about the policies which I have suggested, and the Communists in Peiping will denounce them violently. The patriotic but quite unrealistic Formosan Nationalists who demand that we push Chiang aside and help them set up their own government will reject them also.

At this point, our policy should be directed toward proving these things to the Chinese Communist leaders: One, we will oppose by all necessary means any movement of theirs into southeast Asia. Two, we will not allow them to overrun Formosa either by direct attack or by subversion. Three, our military installations on Formosa are not designed to aid or abet a Nationalist attack against the mainland. Four, Formosa is to remain a free entity and all its people should eventually be consulted as to its form of government.

If we adopt these objectives, it is possible that as the prosperity and stability of Formosa become evident the Peiping government may grudgingly come to accept the island's independence as one of the facts of life in non-Communist Asia.

Health Problems of Senior Citizens

EXTENSION OF REMARKS

OF

HON. PAT McNAMARA

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Friday, April 8, 1960

Mr. McNAMARA. Mr. President, the Senate Subcommittee on Problems of the Aged and Aging has been holding hearings this week on the health problems which face 16 million senior Americans citizens.

We have heard important and illuminating testimony on the extent of health needs, the problems of financing health care and the kinds of health services older persons require to live not only longer but healthier and happier.

I expect to present a detailed report on the health problems of older persons at the conclusion of these hearings and to introduce legislation which will provide a program of balanced health services for a healthier-dignified life in retirement.

I thought—however—that it would be of interest to the Members of the Senate to have a few of the highlights of these hearings as they are going on.

Mr. President, I ask unanimous consent to insert at this point a memorandum which—in brief fashion—highlights some of the testimony of the witnesses.

There being no objection the memorandum was ordered to be printed in the RECORD, as follows:

DR. JOHN D. PORTERFIELD, DEPUTY SURGEON GENERAL, U.S. PUBLIC HEALTH SERVICE

Of the 10 million persons in the Nation who have heart disease—4 million, 40 percent—are 65 or older. At any given time, some 750,000 persons have cancer and most of these are persons who are over 65. Almost 3 million persons have diabetes and the elderly have more than their proportionate share.

This is also true of the 5 million who suffer from arthritis and the 6 million who are affected by related rheumatic disorders.

Forty-nine percent of those who are 65 or older are limited in activity—compared to 21 percent of all ages. Only 3 percent of all ages have limitations of mobility—compared with 19 percent of those who are over 65.

WALTER P. REUTHER, PRESIDENT, UNITED AUTO WORKERS

"Mr. Flemming has indicated on a number of occasions, that his Department has been continuing to explore ways to meet the undeniable need of older people for help with their medical and hospital bills. In the last few weeks the press has been full of accounts of struggle inside the Republican administration about what action shall be taken on this politically explosive subject.

"But as in so many other questions where Goverment spending is being balanced against human welfare—the people have apparently lost again. The New York Times of Thursday, March 24, reported Mr. Flemming's comment: 'All the administration has endorsed is exploration.'

"In spite of our capacity for the highest standards of health—we Americans are not the healthiest people in the world. The life expectancy of older citizens in our country is less than in a great many countries including Canada, Cyprus, Denmark, West Germany, Iceland, Israel, Japan, the Netherlands, Norway, and Sweden," Mr. Reuther declared.

DR. JAMES Z. APPEL, MEMBER, BOARD OF TRUSTEES, AMERICAN MEDICAL ASSOCIATION

"Physicians themselves are doing what they can as individuals to soften medical expenses for persons over 65 with modest resources," Dr. Appel said.

The indigent are cared for by public welfare—religious and fraternal programs—as well as donated services by the doctors.

State medical societies and physicians should take action to expedite the development of low cost voluntary health insurance and prepayment programs for the elderly with low family incomes.

The AMA also recommends that physicians accept reduced compensation for their services.

GUY R. JUSTIS, DIRECTOR, STATE DEPARTMENT OF PUBLIC WELFARE, COLORADO

Each old age pensioner in Colorado receives $106 a month less any income he may have in cash or kind. In addition he receives necessary hospitalization, nursing home care, surgery, and physician visits paid for out of a $10 million medical care fund administered through Blue Cross and Blue Shield.

JERRY VOORHIS, EXECUTIVE DIRECTOR, GROUP HEALTH ASSOCIATION AND COOPERATIVE LEAGUE OF AMERICA

"Our organization would take the position that while voluntary health plans of every sort should do everything possible to provide protection for the health of our older citizens, it is probably impossible for them to do this in any adequate way without assumption of at least a portion of the financial responsibility by some governmental unit, Federal, State, or local," Mr. Voorhis asserted.

DEAN DOUGLAS BROWN, DEAN OF FACULTY AND ECONOMICS, PRINCETON UNIVERSITY

"Subsidation of private insurance carriers by the Government from taxation to permit them to provide health insurance to aged persons at less than true cost is a most clumsy-hybrid arrangement which involves overwhelming administrative difficulties and excessive costs," Dean Brown said.

"It seems to me that it is far better to have what is 'insurance within insurance' under the OASDI program with costs averaged over the whole working lives of all participants," he advised.

DR. JAMES DIXON, PRESIDENT, ANTIOCH COLLEGE, YELLOW SPRINGS, OHIO

"The evidence all indicates that if one uses the health status of the employed person as a norm—the older person is disadvantaged relatively and absolutely in terms of services and their availability. I share entirely Dean Brown's feeling concerning the use of the social security mechanism as the appropriate device at this point of time in our country under the present circumstances to begin to meet this problem," Dr. Dixon said.

DR. MICHAEL DACSO, DIRECTOR, DEPARTMENT OF PHYSICAL MEDICINE, GOLDWATER MEMORIAL HOSPITAL, NEW YORK

In order to prevent excessive institutionalization disabilities must be prevented.

Physical disability is preventable even if the disease causing it cannot be corrected. For example, in many, if not all heart diseases, physical incapacity caused by heart disease can be prevented.

A great deal more research will have to be done in this field as well as in training disabled persons to the point of self-sufficiency, Dr. Dacso emphasized.

JAMES CAREY, PRESIDENT, INTERNATIONAL UNION OF ELECTRICAL RADIO AND MACHINE WORKERS

"Investigation shows that the majority of our retired elder citizens depend almost entirely upon Federal old-age insurance benefits for subsistence.

"While people seek desperately to put a few dollars aside for their old age—only one person in six who retires at age 65 has as much as $5,000 in savings," Mr. Carey said.

"Costs of voluntary health insurance continues to rise at the rate of 10 percent a year. It now costs about $15 a month for the average retiree to cover himself and his wife for Blue Cross and Blue Shield. For most retirees who depend on old-age benefits this is an impossible price tag," he stated.

HON. ARTHUR FLEMMING, SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Estimates indicate that 42 percent of the aged—approximately 6½ million persons—have some health insurance and that 56 percent of the aged would have coverage by 1965 and about 68 percent by 1970.

"Nevertheless, even though we do experience continued progress in this area, I believe we will still be left with serious problems. There will still be aged persons whose policies provide inadequate protection. Also there will still be aged persons who will have no protection but who would be willing to participate in voluntary programs if provided with policies at rates they could afford to pay.

"This administration is acutely aware of the need for approaching these problems with a sense of urgency," Secretary Flemming said.

An intensive study is currently being made of the problem, the subcommittee was told.

"In an effort to arrive at sound conclusions we are now consulting not only with experts in the Government—but also with outside experts and groups—and with State officials. I expect to complete these consultations within the next 2 weeks. I will then move at once to develop a specific proposal within the executive branch," Secretary Flemming said.

On April 7, the Washington Post published a perceptive editorial summarizing a number of important facts developed in these hearings and concluding with the following statement:

"The one practical way to provide insurance against the health hazards of retirement years is to let people pay the premiums in the form of social security taxes while they are earning wages and are able to do so. This is precisely how they now provide retirement income for themselves under the social security program—and this kind of protection is made compulsory because the lack of it would have a disastrous social impact. Those who denounce this proposal as 'socialistic' without proposing any workable alternative are foolishly doctrinaire.

"They might just about as sensibly oppose as socialistic the Nation's public schools, fire departments and parks because these represent communal efforts financed through taxation. One of the fundamental purposes for which the U.S. Government was established was 'to promote the general welfare.'"

The subcommittee has scheduled additional hearings on the general problem for next Monday, Tuesday, and Wednesday, April 11, 12, and 13.

It will devote extensive attention to one of the crucial questions in this area; namely, the extent to which private insurance is meeting the problem and can be expected to do so in the future. Executives of profit and nonprofit insurance groups plan to participate in these hearings and to give us the benefit of their experience in this field to such a large segment of American society.

SENATE

MONDAY, APRIL 11, 1960

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, we would enter this Holy Week with the light of a cross upon the tasks which await in this Chamber of national deliberation.

Forbid that we should come to this cloister of faith without anything holy touching our spirits and bidding us take off our shoes on sacred ground. Make vivid to us that it is the ground where men and women of whom the world was not worthy, having saved others, could not save themselves.

For us and an uncounted multitude, above the brightest and best of all the sons of men who have sacrificed self on the altar of service, and who found their lives by losing them, towers the Man of Nazareth, who in so brief a time blazed the trail for all who would find life's enduring rewards and satisfactions.

May these days of the week of weeks, which for Him, in the anguish of loneliness, was reddened with blood, bring us face to face with the truth He dared to follow, the words He dared to utter, the hypocrisy He dared to flay, and the steadfast purpose from which He would not shrink, even when the road He took grew bleak and black before Him.

For these days of the Passion, hear this, our prayer—"O God, to us may grace be given to follow in His train." Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 8, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on April 8, 1960, the President had approved and signed the following act and joint resolution:

S. 2220. An act to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matters, and for other purposes; and

S.J. Res. 128. Joint resolution to establish a commission to formulate plans for a memorial to James Madison.

REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 376)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying report, referred to the Committee on Public Works:

To the Congress of the United States:

Pursuant to the provisions of section 10 of Public Law 358, 83d Congress, I transmit herewith for the information of the Congress the report of the St. Lawrence Seaway Development Corporation, covering its activities for the year ended December 31, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *April 11, 1960.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H.R. 135. An act to amend the Internal Revenue Code of 1954 to exclude from gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries;

H.R. 3472. An act to repeal section 1505 of the Social Security Act so that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State laws, and for other purposes;

H.R. 6155. An act to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951; and

H.R. 6785. An act to amend section 4071 of the Internal Revenue Code of 1954 so as to fix a tax of 1 cent per pound of certain laminated tires produced from used tires.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills and joint resolution of the House:

H.R. 529. An act to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs, and for other purposes;

H.R. 7588. An act to amend the Internal Revenue Code of 1954 with respect to the treatment of copyright royalties for purposes of the personal holding company tax; and

H.J. Res. 621. Joint resolution making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes, and it was signed by the President pro tempore.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

JAMES W. MURPHY

Mr. MANSFIELD. Mr. President, it is with regret that I inform the Senate today that James W. Murphy, Official Reporter of Debates, passed away this morning, at 8:15, after a long illness.

Mr. Murphy first became connected with the Office of the Official Reporters in 1896. So his tenure has covered a span of nearly 65 years. He has participated in producing and editing the debates of the Senate for the CONGRESSIONAL RECORD during all the critical years of the century; and he gave up only when he was physically unable to come to his office in the Capitol.

His father, E. V. Murphy, became Official Reporter about 1860. His uncle, Dennis F. Murphy, joined the Official Reporters in 1848, and in 1873 was largely instrumental in establishing the CONGRESSIONAL RECORD.

Mr. President, Mr. Murphy has performed his services honorably and well. He has become a tradition in the life of the Senate; and we are deeply disturbed and tremendously sorry that at long last his productive life has come to an end.

May his soul rest in peace.

Mr. DIRKSEN. Mr. President, I have thought often about Jim Murphy and his identity with Government, particularly with the legislative branch. I have thought often of his diligence and his devotion over a long period of time to make sure that the record of the proceedings of the Senate was accurate, was authentic, and could be consulted with confidence by Members.

No one could think of him without thinking of the continuity of the Republic and of how young it really is, for when his uncle first became identified with the same function, back in 1848, Lincoln was then a Member of Congress from Illinois.

Then, in 1873, when Dennis Murphy established what we know as the CONGRESSIONAL RECORD, the country was in the throes of its third major economic depression, or panic.

His father came, in 1860, to become identified with the same work.

And finally came our beloved Jim Murphy.

When I think of his coming to the Office of the Official Reporters in 1896, I obviously identify it as the year in which I was born. It makes me feel a little younger, of course, to think about it.

What a long and great record he had, and how faithfully he performed his services. He felt that was his highest duty; and he rose to it so nobly on every occasion.

We shall miss him.

Mr. WILEY. Mr. President, when I first came to the Senate, 20 years ago, one of the first to welcome me with a good smile and a good Irish story was James W. Murphy.

For 65 years he served this body. No one can realize the amount of work he performed.

As suggested by the distinguished Senator from Illinois, I think in terms of the years that Jim Murphy lived right in this very room; I think of the issues he has reported, commencing before the Spanish American War. Then, as all of us know, he reported the League of Nations debates in this Chamber; and his service continued through the years, into the period of the last war, and up until now. He was always pleasant, always congenial. Many times I would go into his office and visit with him.

Of course, we who believe there is no end to life realize that James Murphy has merely gone ahead on the journey, and probably he now has answers that he did not have before he left this mortal coil.

Mr. President, I think of the times when I would go into his office and would see that he had some Wisconsin cheese. He would talk about that cheese and what it meant to him and what effect it had on him. He was a booster for that product.

James Murphy leaves behind two sons, who are lawyers; and a daughter, who married a lawyer; and he has a host of grandchildren. He has left them a heritage of dedication to service. None has ever performed better the service to which he was devoted. His was a dedication to American principles.

So, Mr. President, when I think of James W. Murphy, I think of him working over yonder as he worked here—industriously, and with a smile on his lips.

Mr. President, let me read a beautiful poem which is very appealing and comforting:

Death is only an old door
Set in a garden wall.
On gentle hinges it gives
At dusk when the thrushes call.
Along the lintel are green leaves,
Beyond the light lies still.
Very willing and weary feet
Go over that sill.
There is nothing to trouble any heart,
Nothing to hurt at all.
Death is only a quiet door
In an old wall.

—*Nancy Turner.*

Mr. PROXMIRE. Mr. President, I knew James Murphy for a very short period of time, compared with his 65 years of service in the U.S. Senate. I knew him in a different way, I suppose, than did most other Senators. I can recall a number of occasions when I went into the Official Reporters room late at night. Mr. Murphy would always be there, sometimes after a session lasting nearly until midnight, and sometimes even later.

I was greatly touched by the dedication Mr. Murphy gave to his work. Here was a man obviously in his eighties, a man in very ill health, a man who had trouble breathing, a man who obviously had a struggle to remain alive.

He was so dedicated to his work that he would continue working hour after hour, in spite of pleas by his colleagues to go home and safeguard his health.

Mr. Murphy was dedicated to the U.S. Senate. He took great pride in his work on the CONGRESSIONAL RECORD. I believe that anyone who reads the CONGRESSIONAL RECORD for 1 year deserves a medal. Mr. Murphy read every issue of it for 65 years, often under the most difficult circumstances. He contributed greatly to its accuracy and quality.

Mr. CASE of South Dakota. Mr. President, only a few moments ago I learned that the dean of the employees of the Senate had passed away this morning. Presumably, before I was able to come to the floor, something may have been said about the passing of James W. Murphy. I should not want the day to pass without recording my own personal appreciation of the very high quality of service given to the U.S. Senate, to Congress, and to the United States itself by the 65 years of service which has been rendered by this outstanding public servant.

Mr. Murphy began his service with Congress early in 1896. During the years, he has come to be, if not the best versed, one of the best versed men in the traditions of Congress. He has been a veritable living cross-reference encyclopedia as the editor of the remarks made on the floor of the Senate before they were printed in the CONGRESSIONAL RECORD.

During the 83d Congress, I had occasion to make a study of some of the senior or veteran employees of the Senate, and placed in the RECORD a statement covering the lives and service of several of them up to that time. Among all the senior employees, the name of James W. Murphy will stand high.

His father and two of his uncles had served on the Senate reporting corps before him. He carried on the tradition well, and performed a day-to-day service of which the country probably was seldom aware, but which was all-important to the work of this body.

I join with other Senators in paying tribute to his memory.

Mr. COOPER. Mr. President, I was saddened today when I learned of the death of the Honorable James W. Murphy, Chief Official Reporter of Debates of the U.S. Senate. I know that Members of the Senate, those who have served in the Senate in past years, his coworkers, and hundreds of others who knew him share my feeling of great loss.

Mr. Murphy was outstanding in ability. To the difficult task of editing the remarks, speeches, and reports that come daily before the Senate, he brought not only great ability, but also profound historical and literary knowledge.

He was faithful to his duties. In recent years he had been ill. At times it was necessary for him to be away from work. But always, as quickly as possible, he returned to his desk. Early and late, whether he was sick or well, he gave of his best to the task that he loved.

We will not forget the rare qualities of good humor and gentleness, with those with whom he worked and all of us here in the Senate.

I understand Mr. Murphy worked for 65 years on the staff of the Senate, and his father and two of his uncles also served the Senate as official reporters. He was a part of the tradition of the Senate.

We shall miss Mr. Murphy, and I know that we should like to convey to his family and to his many friends the knowledge that we admired, respected, and held him in great affection.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the acting majority leader about the schedule for today and what he envisions for the remainder of the week.

Mr. MANSFIELD. After discussing this matter with the distinguished minority leader, Mr. President, it is my understanding that the Senate, at the conclusion of its session today, will go over until Thursday, at which time we hope to have the Treasury-Post Office appropriation bill ready for consideration. If that bill is not ready this week, it is not anticipated that there will be any rollcalls after today.

So far as the nominations on the Executive Calendar are concerned, it is my understanding that the only nomination which we still have before us—that of the Honorable James R. Durfee, of Wisconsin, to be an associate judge of the U.S. Court of Claims—will not be considered this week.

Mr. DIRKSEN. In other words, it is definite that the Durfee nomination will not, at the earliest, come up until next week. Is that correct?

Mr. MANSFIELD. That is correct.

Mr. DIRKSEN. And probably no earlier than Tuesday next. Is that correct?

Mr. MANSFIELD. That is correct; that would be my guess, at the very earliest.

Mr. DIRKSEN. One more inquiry. I presume we shall have a calendar call today.

Mr. MANSFIELD. Yes. We will consider all the items on the calendar to which there is no objection, and perhaps a few others about which there is little dispute. Then it is the intention of the leadership, after consultation with the distinguished minority leader, to go over until Thursday next.

Mr. DIRKSEN. I thank the acting majority leader.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Interstate and Foreign Commerce:

"ASSEMBLY JOINT RESOLUTION 3

"Joint resolution relative to west coast shipbuilding

"Whereas bill H.R. 8093 has been introduced in the Congress of the United States to delete subsection (d) of section 502 of the Merchant Marine Act, 1936 (49 Stat. 1985), which allows a 6-percent differential for bids of west coast shipyards for the construction of ships to be operated by steamship companies whose home office is located at Pacific coast ports; and

"Whereas Congressman JOHN F. SHELLEY has introduced H.R. 9899 to extend the allowance of a 6-percent differential for bids of west coast shipyards for the construction of all ships regardless of the location of the home port of the steamship company; and

"Whereas the retention and expansion of the 6-percent differential is vital for the preservation of the west coast shipbuilding industry because of the higher construction costs of this area; and

"Whereas the security of the United States requires a healthy and vigorous shipbuilding industry on the Pacific coast as well as on the Atlantic and gulf seaboards; and

"Whereas not only California but the other 12 Western States including Alaska and Hawaii will be affected by the proposed repeal or extension of the 6-percent differential, since they furnish both raw materials and manpower to the shipbuilding industry on the Pacific coast: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California (jointly)*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to retain and expand the 6-percent differential allowed for bids of west coast shipyards for the construction of ships by rejecting H.R. 8093 and supporting the Shelley bill H.R. 9899; and be it further

"*Resolved*, That the chief clerk of the assembly is directed to send copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California, and the other 12 Western States, in the Congress of the United States, and to Jeremy Ets-Hokin, chairman of the California Governor's committee for ship construction and repair, Thomas A. Rotell, executive secretary of the Pacific Coast Metal Trades District Council, Hugh Gallagher, chairman of the San Francisco mayor's committee for shipping, shipbuilding, and ship repair, and Louis Ets-Hokin, president of the Western Shipbuilding Association."

A concurrent resolution of the Legislature of the State of New York; to the Committee on Foreign Relations:

"RESOLUTION 143

"Concurrent resolution memorializing the Congress and Department of Defense of the United States and the Government of Canada in relation to undertaking and progressing the development of the proposed New York-Montreal Seaway project

"Whereas construction of a deepwater seaway between the city of New York and the city of Montreal, Canada, would be of inestimable benefit to the development of the commercial, economic, and natural resources of the State of New York; and

"Whereas this seaway would revitalize the port of New York, the Hudson Valley, and the Champlain region through increased industrialization and seaborne commerce; and

"Whereas this seaway would cut the water distance between New York City and Montreal by 1,350 miles; and

"Whereas its construction would reduce the cost of delivery of newsprint and other Canadian materials to residents of the State of New York and residents of adjacent States; and

"Whereas it would assure an unlimited supply of fresh water for all cities adjacent to the Hudson River; and

"Whereas the International Joint Commission reported that construction of a New York-Montreal Seaway could be justified after completion of the St. Lawrence Seaway; and

"Whereas the St. Lawrence Seaway is now an accomplished fact; and

"Whereas the committee for the New York-Montreal Seaway, composed of leading engineers and responsible persons from other fields of endeavor, has deemed construction of this seaway an essential element in the growth of the State's economic climate: Now, therefore, be it

"*Resolved (if the assembly concur)*, That the Congress of the United States and the U.S. Department of Defense be and hereby are respectfully memorialized to have the route of the proposed seaway surveyed by the Army Engineers; and be it further

"*Resolved (if the assembly concur)*, That the Government of Canada be and hereby is respectfully memorialized to continue its interest and cooperation in the development of this project; and be it further

"*Resolved (if the assembly concur)*, That the Joint Legislative Committee on Commerce and Economic Development and the Joint Legislative Committee on Interstate Cooperation be urged to lend assistance to governmental and private agencies interested in construction of this seaway; and be it further

"*Resolved (if the assembly concur)*, That copies of this resolution be transmitted to the Secretary of the U.S. Senate, the Clerk of the House of Representatives of the United States, the Secretary of Defense of the United States, the Prime Minister of Canada, the Premier of the Province of Quebec, the Governor of the State of Vermont, and all Members of the U.S. Congress elected from the States of New York and Vermont.

"By order of the senate,

"JOHN J. SANDLER,
"Secretary.

"By order of assembly.

"ANSLEY B. BORKOWSKI,
"Clerk."

A resolution adopted by the Polish Legion of American Veterans, U.S.A., at a national executive conference in Elizabeth, N.J., protesting against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

Memorials signed by W. A. Lucker and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2087. A bill for the relief of Janis Papulis (Rept. No. 1242);

S. 2499. A bill for the relief of Halina Konik Wojtusiak (Rept. No. 1243);

S. 2769. A bill for the relief of John George Sarkis Lindell (Rept. No. 1244);

S. 2792. A bill for the relief of Luigia Mion (Rept. No. 1245);

S. 2822. A bill for the relief of Low Wing Quey (Kwai) (Rept. No. 1246);

S. 2966. A bill for the relief of Antigone Apostolaki Cassel (Rept. No. 1247);

S. 2923. A bill for the relief of Ki Su (Theresa) Moun (Rept. No. 1248);

H.R. 1456. An act for the relief of Universal Trades, Inc. (Rept. No. 1254);

H.R. 6083. An act for the relief of Mary V. Jones (Rept. No. 1255);

H.R. 6493. An act for the relief of Robert Dolton (Rept. No. 1256);

H.R. 7226. An act for the relief of Mr. Hughie D. Martin and Ione Martin (Rept. No. 1257);

H.R. 7363. An act for the relief of Chester A. Spindler (Rept. No. 1258);

H.R. 8280. An act for the relief of Clarence T. Tolpo (Rept. No. 1259);

H.R. 8383. An act for the relief of Maj. Jack E. Hudson (Rept. No. 1260);

H.R. 8456. An act for the relief of Capt. Jack Rubley (Rept. No. 1261);

H.R. 8868. An act for the relief of the Albertson Water District, Nassau County, N.Y. (Rept. No. 1262);

H.R. 8941. An act for the relief of Mrs. Alice Anderson (Rept. No. 1263);

H.R. 9216. An act for the relief of Daniel C. Turner (Rept. No. 1264); and

H.R. 9476. An act for the relief of George E. Williams and William L. Johnson (Rept. No. 1265).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 477. A bill for the relief of Joanne Lea (Buffington) Lybarger (Rept. No. 1249);

S. 2369. A bill for the relief of Sachiko Kato (Rept. No. 1250);

S. 2528. A bill for the relief of John Lipset (Rept No. 1251);

S. 2681. A bill for the relief of Yi Young An (Rept. No. 1252); and

H.R. 1607. An act for the relief of Mrs. Anne Morgan (Rept. No. 1266).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 2765. A bill for the relief of Sofia Skolopoulon (Rept. No. 1253).

By Mr. CARROLL, from the Committee on the Judiciary, without amendment:

S. 511. A bill for the relief of the estate of Eileen G. Foster (Rept. No. 1240).

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Mr. EASTLAND, from the Committee on the Judiciary, reported an original concurrent resolution (S. Con. Res. 103) favoring the suspension of deportation in the cases of certain aliens, and submitted a report (No. 1241) thereon; which concurrent resolution was placed on the calendar, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation for more than six months:

A-7197635, Apsis, Chrysostome Alexander.
A-7415400, Apsis, Diane Helen.
A-7351220, Donze, Peter.
A-4031108, Farfan, Domingo.
A-3544790, Fatovic, Sime.
A-7137472, Rodriguez-Guzman, Guillermo.
A-10255185, Santos, Manuel.
A-9678132, Tsakiridis, Anastassios.
A-8960659, Young, Richard Kai.
A-2088508, Gomez, Salvador.
A-7083633, Lyras, Sozon.
A-6799270, Ojeda, Miguel Carrizales.
A-11134483, Ojeda, Simona Hernandez.
A-5962211, Schoenfeldt, Rudolf Herman.
A-10088698, Yew, Lai Wo.
A-10073984, Sirakof, Mehmadale Ibrahim.
A-3848598, Ying, Shih Tseng.
A-3354528, Ying, Agnes S.
A-4314277, Hochstaedt, Amalie.
A-3870732, Hochstaedt, Samuel.
A-9799578, Wong, How Tung.
A-9734746, Wai, Young.
A-5631916, Cooper, Morris.

REPORT ENTITLED "ORGANIZATION OF FEDERAL EXECUTIVE DEPARTMENTS AND AGENCIES" (S. REPT. NO. 1267)

Mr. McCLELLAN. Mr. President, I submit herewith on behalf of the Committee on Government Operations a report on "Organization of Federal Executive Departments and Agencies." This report was compiled by the staff of the Committee on Government Operations along with a chart showing in detail the organizational structure of the executive branch of the Federal Government and the number of employees assigned to its various operations.

The report, which was compiled upon information submitted to the committee by the heads of the various departments and agencies of the Federal Government, reflects that the total number of Federal civilian employees increased to 2,378,961 as of January 1, 1960, compared to 2,352,863, as of January 1, 1959, a net increase of 26,098 during the year. This compares with a net increase of 26,987 in 1958.

In the 20th of a series of special reports to the Senate on "Organization of the Executive Branch of the Government," dating from 1947, the committee reported a total increase of 57,455 during 1959 in the civilian executive departments of the Government which was offset by a decrease of 36,277 civilian employees in the military departments, resulting in a net increase of 21,228 in the 10 Cabinet departments alone. In addition, there was a 4,706 increase in the 55 independent agencies. On top of that, the White House reported an increase of 140 employees in the Executive Office of the President bringing that Office's total paid civilian employees to 2,814. These additions bring the total increase in executive branch employment for 1959 to 26,074. The judicial branch reported an increase of 54, but the legislative branch a decrease of 30, resulting in the total increase for the Government of 26,098.

The total Federal employment of 2,378,961 as of January 1, 1960, was divided among the three branches of Government as follows: The executive branch 2,351,786, the legislative branch 22,242, and the judicial branch 4,933. Of the 2,351,786 employees in the executive branch, 168,654—of which 59,558 were American citizens—were employed overseas as of January 1, 1960, compared to 196,561—of which 85,595 were American citizens—on January 1, 1959, a decrease of 27,907.

The executive branch's total of 2,351,786 as of January 1, 1960, compares with 2,334,697 as of January 1, 1955, 5 years ago, and with 1,961,029 as of January 1, 1950, 10 years ago, an increase during the past decade of 390,757 Federal civilian employees.

Total executive branch employment as of January 1, 1950, to January 1, 1960, by years follows:

Jan. 1:	
1950	1,961,029
1951	2,165,362
1952	2,484,412
1953	2,564,111
1954	2,349,962
1955	2,334,697
1956	2,329,019
1957	2,376,513
1958	2,298,883
1959	2,325,712
1960	2,351,786

Included in the report is a section showing that 63 agencies, commissions, boards, and other instrumentalities of Government have been created since January 1, 1947, including a Cabinet Department, the Department of Health, Education, and Welfare, and the establishment of the Department of Defense. During this same period 43 agencies, commissions, and components of Government have been abolished, consolidated with or their functions transferred to other agencies, reflecting a net increase of 20 agencies during that period.

The committee report contains a special section covering the creation of Government commissions, which covers 20 permanent and 10 temporary commissions, including an outline of the objectives and status of each of the latter. In addition, during the period from January 1, 1947, to January 1, 1960, 13 temporary commissions have been abolished or terminated after performing the functions assigned to them.

I ask that the report be printed.

The PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Arkansas.

REPORT ENTITLED "NATIONAL PENITENTIARIES" (S. REPT. NO. 1268)

Mr. HENNINGS, from the Committee on the Judiciary, pursuant to Senate Resolution 60, 86th Congress, 1st session, as extended, submitted a report entitled "National Penitentiaries," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance:

Robert A. Forsythe, of Minnesota, to be an Assistant Secretary of Health, Education, and Welfare.

By Mr. EASTLAND, from the Committee on the Judiciary:

William F. Howland, Jr., of Virginia, to be a member of the Board of Parole.

Richard A. Chappell, of Georgia, to be a member of the Board of Parole.

By Mr. HENNINGS, from the Committee on the Judiciary:

William H. Webster, of Missouri, to be U.S. attorney for the eastern district of Missouri.

By Mr. HRUSKA, from the Committee on the Judiciary:

Clemente Ruiz Nazario, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PROXMIRE:

S. 3359. A bill to amend the Administrative Procedure Act to provide for the public disclosure of certain congressional communications relating to proceedings conducted by administrative agencies, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. PROXMIRE when he introduced the above bill, which appear under a separate heading.)

By Mr. JOHNSTON of South Carolina (by request):

S. 3360. A bill to amend sections 22, 23, and 24, title 13, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

CONCURRENT RESOLUTION

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Mr. EASTLAND, from the Committee on the Judiciary, reported an original concurrent resolution (S. Con. Res. 103) favoring the suspension of deportation in the cases of certain aliens, which was placed on the calendar.

(See the above concurrent resolution printed in full when reported by Mr. EASTLAND, which appears under the heading "Reports of Committees".)

AMENDMENT OF ADMINISTRATIVE PROCEDURE ACT TO PROVIDE PUBLIC DISCLOSURE OF CERTAIN CONGRESSIONAL COMMUNICATIONS

Mr. PROXMIRE. Mr. President, the Subcommittee on Administrative Practice and Procedure of the Judiciary Committee has been studying the problem of ex parte contacts with regulatory agencies. Hearings have been held on a bill introduced by the junior Senator from Colorado [Mr. CARROLL] (S. 2374) which would attempt to publicize such contacts so that the country could know what is going on behind closed doors.

In their quasi-judicial capacity, members of the regulatory commissions must behave much as judges should. One of the basic canons of the judicial code of ethics is that a judge must not receive ex parte communications without making them known to the opposition counsel—Judicial Canon 18, American Bar Association Canons of Judicial Ethics.

We have had a long series of revelations in recent months of the kind of ex parte communications, as well as social favors—6 days of hospitality on a yacht, social weekends and so forth—received by members of the Federal Communications Commission, the Civil Aeronautics Board, and the Federal Power Commission. In the most recent case it appears entirely possible that the private representations of a gas company lawyer resulted in a change of heart in the Federal Power Commission and brought about a more favorable ruling for the gas company than might otherwise have been given.

The junior Senator from Colorado is to be highly commended for introducing S. 2374 and for seeking a solution to this problem in his subcommittee. It is my understanding that in the discussions on this bill, certain questions have been raised about whether it will do the whole job, and that the subcommittee is still receptive to ideas for sharpening and clarifying the procedures to be prescribed.

With this background in mind I am introducing today my own bill dealing with at least one phase of this problem. When Members of Congress point the finger at private companies for this kind of ex parte communications there are those who feel that this is a case of the pot calling the kettle black. Critics point out that Senators and Representatives frequently do make inquiries or representations on behalf of their constituents with the regulatory commissions. The bill that I am introducing requires that all such contacts by Members of Congress be recorded in a public congressional file to be maintained in each agency. With this kind of procedure, any citizen, member of the press, or opposition politician could judge for himself the nature of the communications taking place between Members of Congress and persons charged with making these delicate quasi-judicial, quasi-administrative decisions. This file would be permanently available whereas a record in case file would be closed after the hearing is concluded.

I would point out that in addition to the fact that my bill proposes a congressional file, there are one or two other points which might be taken into consideration by those who are studying this question. It is proposed as an amendment to section 5 of the Administrative Procedure Act—5 U.S.C. 1004—rather than as a new act. Finally, we have tried to make the language of the bill, including the definitions of just what proceedings are to be covered, as clear and concise as possible.

In this kind of question we are dealing again with this very difficult area of personal conduct. There are those who feel that these things cannot be regulated by law, but I believe that the requirement of publicity in this case will give new confidence to the American people that the activities of their elected representatives are entirely in the public interest and need no concealment from the scrutiny of public opinion.

I introduce the bill I have described and ask that it be appropriately referred.

Mr. President, I ask that the bill which I am introducing be printed in the RECORD and also that an editorial in the Milwaukee Journal March 27, 1960, which strongly endorses the principle of this bill, be placed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and without objection, the bill and editorial will be printed in the RECORD.

The bill (S. 3359) to amend the Administrative Procedure Act to provide for the public disclosure of certain congressional communications relating to proceedings conducted by administrative agencies, and for other purposes, introduced by Mr. PROXMIRE, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5 of the Administrative Procedure Act (5 U.S.C. 1004) is amended by adding at the end thereof the following new subsection:

"(e) CONGRESSIONAL COMMUNICATIONS.—Whenever any agency proceeding is conducted by any agency with regard to any matter as to which agency action can be taken only after notice and an opportunity for hearing has been accorded to interested parties, and any written communication with respect to the status, disposition, or merits thereof is received by such agency from any Member of Congress, such communication and a true and correct copy of any written response made by the agency to any oral or written communication received by the agency from any Member of Congress with respect to the status, disposition, or merits of any such agency proceeding, shall be deposited promptly in a congressional file which shall be established and maintained in the principal office of that agency. The true and correct substance of any oral communication received by any agency from any Member of Congress, and the true and correct substance of any oral response made by any agency to any communication received from any Member of Congress, with respect to the status, disposition, or merits of any such agency proceeding, shall be reduced to writing by any member, officer, or employee thereof who receives such communication or responds thereto. The original of each such writing shall be deposited promptly in the congressional file, and a copy thereof shall be transmitted promptly to the Member of Congress concerned. The congressional file established within any agency in compliance with this subsection shall be available for public inspection during all business hours of that agency. The documents deposited in any such file shall be so arranged, classified, and indexed as to facilitate the examination of all such documents which relate to each particular agency proceeding. As used in this subsection—

"(1) The term 'agency' includes any member, officer, or employee of any agency; and

"(2) The term 'Member of Congress' includes any Member of Congress, any elected officer of either House of the Congress, any employee of any Member of Congress, and any employee of any joint committee of the Congress or any committee or subcommittee of either House of the Congress.

(b) The amendment made by this Act shall take effect on the first day of the second month beginning after the date of enactment of this Act.

The editorial presented by Mr. PROXMIRE is as follows:

LIMITING IMPROPER INFLUENCE

In discussing ways to protect regulatory agencies from improper outside influence, Congressmen shy away from imposing curbs on Congress. It is the duty of Congressmen, they say, to serve constituents by asking the status of cases before regulatory agencies in which constituents are interested.

One proposed curb seems innocuous enough—but important. It would merely do this: When a Congressman called a regulatory agency or any official connected with it a record of the call and its purpose would be included in the official case record. Thus it would be out in the open where the public could see it.

If a Congressman's inquiry or call at an agency was legitimate the record would speak for itself and he would have nothing to fear. He could serve his constituent and get credit for it while being protected from any implication that he was up to anything wrong. Who could object to this rule except the Congressman who did mean improperly to influence an agency?

PROVISION FOR PRIVATE AIRCRAFT TO TRAVEL BETWEEN THE UNITED STATES AND CANADA OR MEXICO WITHOUT REQUIRING CERTAIN REIMBURSEMENT — ADDITIONAL COSPONSOR OF BILL

Mr. MURRAY. Mr. President, on January 21, 1960, I introduced the bill (S. 2874) to provide that private aircraft may travel between the United States and Canada or Mexico without requiring the owners or operators thereof to

reimburse the United States for extra compensation paid customs officers and employees.

I ask unanimous consent that the name of the senior Senator from Minnesota [Mr. HUMPHREY] be added as a cosponsor of the bill the next time it is printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF TIME FOR FILING REPORT—INDEFINITE POSTPONEMENT OF RESOLUTION

Mr. McCLELLAN. Mr. President, I ask unanimous consent that Calendar No. 1244, S. Res. 294, a resolution extending the time for filing the final report of the Select Committee on Improper Activities in the Labor or Management Field and continuing its authority, be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, let me ask the Senator from Arkansas a question. What the indefinite postponement of Calendar No. 1244, Senate Resolution 294, really means is that the so-called McClellan committee, the Select Committee on Improper Activities in the Labor or Management Field, came to an end at midnight on March 31 this year, and is no longer in existence.

Mr. McCLELLAN. That is correct; and there is now nothing pending before the Senate to revive it.

NOTICE OF HEARING ON NOMINATION OF LOUIS WELLINGTON CABOT TO BE REPRESENTATIVE OF THE UNITED STATES TO THE 15th SESSION OF THE ECONOMIC COMMISSION FOR EUROPE OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS

Mr. FULBRIGHT. Mr. President, on behalf of the Committee on Foreign Relations, I desire to announce that the Senate today received the nomination of Louis Wellington Cabot, of Massachusetts, to be the representative of the United States of America to the 15th session of the Economic Commission for Europe of the Economic and Social Council of the United Nations.

In accordance with the committee rule, the pending nomination may not be considered prior to the expiration of 6 days.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Broadcast by him over Station WGN, Chicago, on April 3, 1960, relating to the economic situation.

NEED FOR TAX REFORM

Mr. WILEY. Mr. President, on April 15, the American taxpayer, if he has not previously done so, will feel the "cut" of Uncle Sam's "take" of his income.

Over the years, the administration of public affairs, particularly as these relate to defense as well as promoting the general welfare, has resulted in higher and higher costs to Mr. and Mrs. John Q. Public.

The U.S. tax system has grown to gargantuan size through enactment of new laws, revision of old ones—in rare cases, repeal, and in other modifications of the tax system.

The taxpayers, today, particularly those in the lower income bracket, are "hard put," because of the high costs of living, to pay bills, including taxes.

From time to time, evidence, reveals that there are inequities in our tax system, including escape of a substantial amount of revenue, either in part or altogether.

The philosophy of a realistic, equitable tax system should be not to destroy, but, insofar as possible, to create incentive, while at the same time requiring and allowing individuals, businesses, and industries to make a necessary contribution to the general welfare.

The fast-changing times and economic conditions, I believe, warrant a new look at our tax laws, to assure that they reflect, and take into account, the changing economic conditions of our society.

Since the outlook for immediate, large-scale reductions is extremely dim, this would be a particularly opportune time to make a comprehensive overhaul of the tax structure.

Yesterday This Week magazine, a Sunday supplement, published a thought-provoking article entitled "Our Scandalous Income Tax Snarl," by Dexter M. Keezer, family-finance editor of this fine publication.

Among other conclusions, Mr. Keezer, in the constructive article, finds our tax system "(1) tortuously complicated, (2) grossly unfair, and (3) bountifully equipped with loopholes."

Interestingly, he concludes as follows:

The only way I can see of having a tolerably good chance of adequate income-tax reform is to:

1. Create a special task force with personnel and prestige comparable to that of the original Commission on Governmental Reorganization, headed by former President Hoover.

2. Give the commission the duty of preparing for Congress and the Nation a comprehensive set of plans for a fair and efficient Federal income-tax structure to replace the present lopsided, jerry-built contraption.

In the Treasury Department, in Congress, and congressional tax staffs, in the Internal Revenue Service, in the universities and in the business community we have the technical capacity to put the Federal income-tax system in respectable order. But it must be mobilized and given strong and sustained direction. Also, it must be accorded the highest prestige that the Government and the people can confer.

My colleagues will recall that in the 1st session of this Congress I introduced a bill, S. 1885, to establish a Hoover-type Tax Commission. The purpose would be to iron out inequities, plug loopholes, so far as possible, more fairly distribute the tax burdens, and generally provide a fairer tax system.

Currently, the measure is pending before the Senate Finance Committee.

In the light of the great need, as well as the fact that this appears to be an opportune time for such an action, I respectfully urge action by Congress on this legislation as soon as possible.

At this time I ask unanimous consent to have the article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From This Week magazine, Apr. 10, 1960]

OUR SCANDALOUS INCOME-TAX SNARL

(By Dexter M. Keezer)

"Our tax system has become a house of horrors." The characterization is that of Congressman WILBUR D. MILLS, Democrat, of Arkansas, whose Ways and Means Committee has legislative responsibility for seeing that our Federal tax system meets the revenue needs of the Government fairly and efficiently.

Today the odds are that the income tax you are preparing to send Uncle Sam is neither a fair nor efficient cut of your income. And every year the law tends to get less fair and less efficient, as new amendments and interpretations are tacked on to the rickety, jerry-built structure.

Let's look at some of the fantastic details of our tax tangle before I tell you how you can help get a sweeping tax cleanup under way.

In hearings recently completed by Chairman Mills and his committee, no less than 175 tax experts convincingly demonstrated that our Federal income tax system is (1) tortuously complicated; (2) grossly unfair; (3) bountifully equipped with loopholes.

One observer put it bluntly: "These characteristics are making crooks of millions of men."

Let's take a closer look.

Complications: Even the person fervently intent on paying every cent of income tax he owes may not succeed because of the vast complexity of the forms, rules and regulations. The chasing of income exemptions, deductions and tax calculations back and forth around Form 1040 and through the dozen packed pages of instruction is a maddening process.

As a small sample, take this gem from the instructions on handling "Medical and Dental Expenses": "If you pay someone to perform both nursing and domestic duties, you can deduct only that part of the cost which is for nursing." So you have a relapse trying to break down the practical nurse's time between bedroom and kitchen.

This is an infinitesimal part of the complexity embodied in over 3,000 (yes, 3,000) pages of law and basic regulations, plus some 225 large volumes of decisions and interpretations, which form the groaning library of facts about our income tax.

Unfairness: Fifty million of us have our wages or salaries subjected to witholding tax. But while 95 percent of this income is caught in the tax collector's net, the experts say that several other types of income never appear on Federal income-tax returns: 50 percent of the total income of farmers, 25 percent of income of unincorporated businesses, 15 percent of dividend payments, 58 percent of interest payments.

The Government loses a billion dollars a year in taxes not collected on interest payments and dividends alone.

Another example of unfairness is the unequal treatment shown married and unmarried persons. The tax law discriminates against bachelors and spinsters, who with exactly the same incomes as married couples pay for larger income taxes.

An expert who works with Chairman MILLS demonstrated for me how an elderly couple with an income of $6,000 may be getting off income-tax free while a young couple with exactly the same income, but without the benefit of special tax dispensations for older people, is being stuck with paying a tax of about $800.

Loopholes: It is possible to have an annual income of $100,000 and pay no Federal income tax at all. This is done by having the income in the form of interest on State and municipal bonds which are exempted from the Federal tax. About $49 billion of these bonds are outstanding, to provide a major escape hatch from Federal income tax.

Another escape route is provided by the way capital gains are handled. On income in the form of long-term capital gains (roughly, profits on the sale of property held more than 6 months) the tax is never higher than 25 percent. This is not much higher than the 20-percent rate for the lowest tax bracket. People in the higher tax brackets often manage to take advantage of the much lower capital gains rate for part of their income.

THAT CAPITAL-GAINS LOOPHOLE

Although it is often called a loophole, the special 25 percent maximum rate on capital gains was no oversight by Congress. This special treatment has been deliberately enacted to encourage capital investment by giving preferential treatment to gains from it. So were a whole series of provisions for special allowances on income from oil wells and mines to offset the depletion of the resources being used up.

There is nothing wrong with a policy aimed at encouraging a high rate of investment. But Congress hasn't followed up to see that its income-tax incentives to a high level of investment are working. There currently is a hodge-podge of depletion allowances, running from 27½ percent for income from oil and gas wells, 23 percent for uranium, 10 percent for asbestos (yes, that's mined) down to 5 percent for sand and gravel. Capital gains provisions apply to some sales of cattle and sheep but not to sales of turkeys and chickens.

THE TAX STAYS THE SAME

The 25 percent capital-gains tax applies if the capital involved is held for 1 day over 6 months. But after that the tax remains 25 percent indefinitely and the capital can be held from then on to eternity, including transfer at death, without being required to pay the tax. Result: Far from encouraging new investment, the tax keeps billions of dollars tied up in old investments.

There is no tax on a whole range of "fringe benefits" (free medical service, free insurance, etc.) and often payments in kind (free meals, lodging, etc.) provided by business firms for their employees. I was told that they add up to about $20 billion a year.

Business people with expense accounts to entertain their customers almost inevitably increase their own tax-free real income in the process.

There are obviously a lot of business expenses for travel, entertainment of customers, and so forth, which are legitimate. But when the expenses of maintaining yachts and going on safaris to Africa get deducted and approved as "ordinary and necessary" business expenses, the whole process seems designed to encourage the artful dodger.

The experts say that around $1.5 billion a year is improperly deducted from taxable income for dubious business expenses and that the Government loses somewhere around $750 million in taxes as a result.

But, in the minds of many people, the tax loss through income-tax evasion is not as serious as another loss—that of business and personal honesty. On this, Senator JOSEPH S. CLARK, Jr., Democrat, of Pennsylvania, said to me, "Tax reform is a 'must' not only to insure that public revenues cover national needs, but also to eliminate those provisions which reward deceit, dishonesty and immorality."

The present income tax setup is undermining what has been one of the Nation's greatest strengths. That is the general inclination of the people to pay their taxes willingly and honestly. In too many countries beating the tax collector is a way of life. It is also a well-worn way to political and economic decay.

It was made very clear to me, however, that the income tax is never going to be straightened out by piecemeal efforts to eliminate abuses and discriminations. One obvious reason is that the large army of those getting special tax breaks can readily be rallied to squash isolated reform efforts.

Also, an adequate revision of the income tax code is a job of such great technical complexity that it calls for the full-time effort of a large and, needless to say, competent staff especially assigned to it.

The only way I can see of having a tolerably good chance of adequate income-tax reform is to:

1. Create a special task force with personnel and prestige comparable to that of the original Commission on Governmental Reorganization, headed by former President Hoover.

2. Give the commission the duty of preparing for Congress and the Nation a comprehensive set of plans for a fair and efficient Federal income-tax structure to replace the present lopsided, jerry-built contraption.

In the Treasury Department, in Congress and congressional tax staffs, in the Internal Revenue Service, in the universities and in the business community we have the technical capacity to put the Federal income-tax system in respectable order. But it must be mobilized and given strong and sustained direction. Also, it must be accorded the highest prestige that the Government and the people can confer.

A LETTER MIGHT HELP

Probably the preeminent requirement, however, is that the harassed legions of income taxpayers let it be known unmistakably that they want the job done. So, along with paying your income tax as honestly as you possibly can, send a note expressing your sentiments to the tax collector. He doesn't write the laws but he'll pass the word along.

You might send your Congressman a copy of your note. Also, you can insist that the candidates in the coming presidential election commit themselves on the problem of cleaning up the income tax "house of horrors."

Doing your part to get the mess cleaned up has become a patriotic duty. For, again in the words of Chairman MILLS, "bringing order out of chaos is as important to our national survival as is our defense program."

UTAH'S COMPARATIVE POSITION IN EDUCATION

Mr. MOSS. Mr. President, the Utah Foundation, a private, nonprofit research agency dedicated to a study of State and local government in Utah and to the effect of taxes and public expenditures on the State's economy, has recently published a report entitled "Utah's Comparative Position in Education." There is a striking similarity between the figures and conclusions in this report and those I gave on the floor of the Senate in my speech in support of S. 8, the Senate-passed Federal aid to education bill. The report takes no stand on Federal aid, of course, but it makes an excellent case for it.

Through necessity and by profound conviction, Utah has always placed a heavy emphasis on education. The size and scope of Utah's educational responsibility is outlined in a highlight summary which preceded the body of the foundation's report. The summary states:

> Utah has one of the highest—if not the highest—educational burdens in the Nation. This situation is due to a combination of high birthrate, a traditional zeal for education, stringent school attendance laws, low personal income, few private schools, and a recent influx of new inhabitants.

To fulfill this immense responsibility, Utah squeezes the most out of every education penny by consolidating school districts, cutting down one-teacher schools, and making the system as efficient as possible. This efficiency has been widely recognized and commended.

The size of the problem is compounded by the great desire in Utah for higher education, where the percentage of the population enrolled in public colleges and universities is twice the national average.

Financing this huge educational system at all levels has put a tremendous strain on the tax structure of the State.

"By almost any standard of measurement," the foundation summary points out, "Utah's financial ability to support education is low when compared with other States. Utah ranks 43d in the amount of personal income per school child enrolled in public schools—total individual income payments in the State divided by the public school enrollment—and 47th in the amount of income per student enrolled in the public colleges."

This point is expanded in the body of the report:

> The State's per capita personal income is approximately 16 percent below the national average.
>
> The average wage received by Utahans in covered employment (jobs subject to unemployment compensation laws) is 7 percent below the average of the United States.
>
> In 1956 the amount of assessed valuation for property tax purposes (in most States the major revenue source for schools) per enrolled pupil in Utah was 33 percent below the national average, and 13 percent under the Rocky Mountain average.

Utah has watered down these handicaps by devoting a much higher proportion of its personal income to education than most other States. In 1959–60, the report says, it has been estimated that the "State and local school revenue in Utah will be equal to 5.42 percent of the State's personal income. This percentage is approximately 59 percent greater than the average for the entire United States—3.49—and 27 percent above the average for the Rocky Mountain States—4.26."

Despite this heroic effort to give Utah's children the best education in the country—and here the report reveals figures which are the crux of the matter—the State is able to spend only $345 a year per schoolchild, in comparison to a national expenditure of $369 and an expenditure for the Rocky Mountain States of $374.

Mr. President, Utah has done a magnificent job of educating its children

with fewer dollars than most States, and it has acquired a high academic reputation in the Nation. Because of the lack of funds there are naturally some shortcomings in the program, and these have been pointed out by surveys conducted by the Utah Public School Survey Commission and by a committee of management and industrial leaders. These surveys state that we are failing, as the foundation report reiterates, to prepare fully Utah young people for the opportunities of today and that our schools are below desirable standards in teaching certain basic skills.

In total impact, therefore, the foundation report offers an unanswerable argument for the equalization formula. It is an argument offered unintentionally, but it is none the less emphatic.

Under the provisions of S. 8, as everyone remembers, every State would receive grants-in-aid totaling $20 per school child for each of the next 2 years. This would enable relatively low per capita income States like Utah to spend more on the education of each of its children and to approach the educational standards reached by the richer States. It would give those States at the bottom of the educational ladder a fighting chance to provide educational opportunities for their children equal at least to those of the average States. It would raise the quality of education out across the land.

The equalization provisions of S. 8, to a very small extent, do on a nationwide basis exactly what the State of Utah has done on a statewide basis for years. Larger and richer districts and counties have provided tax funds which have been diverted into the schools in poorer districts and counties. No one has questioned the right or the wisdom of the State in doing this. Most people have considered it a matter of pure necessity. This policy has equalized educational opportunities within the State, and it can equalize educational opportunities across a nation—to the undeniable benefit of all. With Americans, and young people particularly, on the move, no one area can afford to turn its back on poor schools and educational opportunities in another. Illiteracy and half learning know no State boundaries.

Grants for Federal aid to education are, of course, not the only equalizing Federal grants. All of the Federal Government's grants to State and local governments have equalizing factors since they balance expenditure opportunities between the so-called poor and rich States.

Detailed information on the aiding and aided States was published recently by the New Jersey Taxpayers Association. Their report shows that there are 14 States which contribute more to the Federal Government than they receive in Federal aid. The outgoing Federal aid tax cost to these 14 States is $2.2 billion, and their incoming Federal aid is $1.4 billion.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MOSS. Mr. President, I ask unanimous consent to have an additional 2 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOSS. Mr. President, the amounts taxpayers in each of these States pay in taxes for each dollar returned in Federal aid is as follows:

Delaware	$2.65
New Jersey	2.62
Connecticut	2.05
Indiana	1.87
New York	1.79
Illinois	1.71
Pennsylvania	1.67
Ohio	1.40
Maryland	1.38
Michigan	1.38
Wisconsin	1.30
Massachusetts	1.29
Virginia	1.15
California	1.08

I want to point out here, Mr. President, that for these 14 "aid-ing" States, it is not entirely a matter of all outgo, with nothing in return. Their Federal tax dollars which are invested in other States are not an expense, but a capital investment. Take, for example, the tax dollars which would go into Federal grants-in-aid for education.

Most of these 14 States are the great industrial States which draw personnel from all over the country. Good elementary and secondary educations are basic for the type of personnel they want and need. When they can contribute a very small fraction of the educational costs of a State that is doing the job Utah is—and a State that sends as many men and women to work in the highly industrialized States—they are getting a real bargain. They know that Utah is already making a creditable contribution to their scientific and professional staffs and to their general work forces—but that under equalization, Utah could make an even more substantial contribution.

The "aided" States—the remaining 36 States and the District of Columbia—received Federal aid dollars which, according to the New Jersey report, cost them anywhere from 16 to 97 cents. These States, and the amounts they paid for each $1 of Federal aid returned to them are:

Florida	$0.97
Minnesota	.93
Hawaii	.83
Nebraska	.81
Rhode Island	.78
Oregon	.75
Washington	.75
District of Columbia	.74
New Hampshire	.74
West Virginia	.74
Kansas	.73
Texas	.73
Maine	.71
Iowa	.67
Missouri	.65
Tennessee	.64
Vermont	.64
Utah	.62
North Carolina	.61
Kentucky	.60
Colorado	.54
South Carolina	.54
Georgia	.51
Idaho	.49
Arizona	.48
Montana	.48
Nevada	.48
Louisiana	.45
Alabama	.41
South Dakota	$0.37
Oklahoma	.34
North Dakota	.32
Wyoming	.31
Arkansas	.30
New Mexico	.27
Mississippi	.25
Alaska	.16

It is obvious, therefore, that, on the basis of the New Jersey study, all States would get a good buy of one type or another under the equalization formula of the Federal aid to education bill. The "aid-ing" States would get better trained people for their industrial operations; the "aided" States would receive more money to build a better educational system, which in the case of Utah would be almost $2 in Federal aid returned to the State for every $1 in Federal taxes paid out. And, most important of all, the country as a whole would profit by the added strength and security that a better educated citizenry could give it.

I believe that a Federal aid to education measure is scheduled to come before the other body shortly, and I hope that it will be summarily passed. In my opinion, this Congress must not adjourn before taking action to move us more closely to our ultimate goal of a quality education for every American child.

In conclusion, I ask unanimous consent to have printed in the RECORD at the close of these remarks the entire "highlight" section of the Utah Foundation research report, entitled "Utah's Comparative Position in Education."

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS

Historically, Utahans have placed a great amount of emphasis on education. A number of impartial studies over the years have placed Utah at or near the top in overall educational performance.

Utah has one of the highest—if not the highest—public educational burdens in the Nation. This situation is due to a combination of a high birthrate, a traditional zeal for education, stringent school attendance laws, low personal income, few private schools, and a recent influx of new inhabitants.

In addition to a high public school load, Utah has a large burden of providing higher education. The percent of population enrolled in public colleges and universities in Utah is twice the national rate.

Most Utah residents (more than 90 percent) choose to remain in the State for their college training. Utah institutions of higher education, however, tend to attract many students from other States. This is true for both the public and private colleges. As a result, the net inmigration rate of college students at public colleges and universities in Utah is third highest in the Nation.

By almost any standard of measurement, Utah's financial ability to support education is low when compared with the other States. Utah ranks 43d in the amount of personal income per child enrolled in the public schools (total individual income payments in the State divided by the public school enrollment), and 47th in the amount of income per student enrolled in public colleges.

Utah ranks near the top among the 50 States in the percentage of personal income which is devoted to public education. If every State in the Nation made the same relative effort as does Utah, an additional $7.7 billion in State and local revenue would be available to the schools across the Nation.

Capital outlay expenditures for public schools last year were equal to 1.77 percent of Utah's personal income, compared to 0.91 in the Nation. If all States had spent the same percentage of personal income for public school capital outlay as did Utah, an additional $3,076 million—enough to build 77,900 new classrooms—would have been available in the Nation for this purpose last year.

Despite the high proportion of personal income being devoted to education in Utah, the amount spent per schoolchild is somewhat below the national average. National Education Association estimates place the current expense per schoolchild this school year (1959–60) at $345 for Utah, $369 for the United States, and $374 for the eight Mountain States.

Because of differences in the relative efficiencies of the respective school systems, the cost per schoolchild measurement is not always an accurate indicator of effort or quality of education. In general, Utah operates an efficient school system with few one-teacher schools (fewer than 5 percent compared with 27 percent for the Nation), a limited number of separate administrative units (only 40 as contrasted with an average of 812 school districts per State throughout the United States), and a high degree of school consolidation.

When school expenditures are related to the number of teachers, or classrooms, the amount spent in Utah is above the United States and Mountain States averages.

National Education Association estimates indicate that the average salary received by Utah teachers this year (1959–60) is approximately equal to the averages for the United States and the eight Mountain States.

Utah has a higher percentage of male teachers in its school system than any other State. Approximately 42 percent of Utah's 1959–60 teaching force were men, compared with 27.6 percent for the Nation as a whole.

Nearly 92 percent of Utah's elementary teachers have had 4 or more years of college preparation. Nationally, only 75 percent of the elementary teachers have completed 4 or more years of college.

TREASURY OFFERING OF 4¼ PERCENT 25-YEAR BONDS

Mr. BUSH. Mr. President, I wish to comment upon the recent Treasury offering of 4¼ percent 25-year bonds. I will say, inasmuch as the name of the senior Senator from Illinois [Mr. DOUGLAS] comes into this discussion, I notified the Senator on Friday that I intended to comment, but unfortunately he cannot be present. I hope his staff will bring my remarks to his attention.

Mr. President, in commenting upon the Treasury offering of 4¼ percent 25-year bonds that drew only $370 million of public subscriptions, the senior Senator from Illinois, according to the Wall Street Journal and the New York Times, said:

> I do not charge the Treasury with deliberately planning to have the issue fail, but I do say that if it had planned for failure it would not have acted much differently.

This is in effect a condemnation of either the integrity or judgment of those Treasury officials charged with the responsibility of managing the public debt.

Mr. President, I take strong exception to this charge, or to this implication. While the Senator from Illinois says he does not charge that failure was planned, he raises the question and by implication does indict the Treasury for having planned a failure in this important offering. I object to this, because the Secretary of the Treasury is my constituent, my friend, and my neighbor in the State of Connecticut, and I believe he is one of the most honorable men who has ever sat in the office of Secretary of the Treasury. I deplore this reflection upon his integrity.

One would think that so serious an implication would be supported by strong convincing evidence. But such is not the case. The Senator, taking the role of a "Monday morning quarterback," bases his case on his absurd contention that—and I quote the New York Times—the Treasury "did not give adequate notice to the special types of investment institutions which would have been interested in this issue of bonds."

The fact is that the offering was announced Thursday afternoon, March 31, and the terms were carried on Friday morning in newspapers throughout the country; the Federal Reserve banks, acting as fiscal agents for the Treasury, distributed tens of thousands of notices describing the issue, and these were in the hands of most potential buyers by Friday and at the latest, by Monday morning; and the so-called market letters which many investors received Monday morning carried not only a description of the offering but a detailed analysis of the securities from an investment standpoint.

I also wish to say, Mr. President, the issue had the biggest buildup of any issue the Treasury has had in many a year. Therefore, any investor who was at all interested in this type of security had plenty of notice.

This is convincing evidence that the offering was indeed well advertised, and that even the smallest investors had adequate information to make up their minds and submit their subscriptions by midnight, Tuesday, April 5.

The position of the senior Senator from Illinois is puzzling in still another respect. He has argued at length that the Treasury should sell all of its long-term bonds on an auction basis; this method, he maintains, would assure the Treasury the lowest possible interest rate. Thus, he is asking us to believe that the savings type investors, such as pension funds, would be eager to enter bids for new bonds, figured to the last decimal point, despite the fact that chances of loss because of a high bid in terms of price might be very great indeed.

The PRESIDING OFFICER (Mr. Moss in the chair). The time of the Senator from Connecticut has expired.

Mr. BUSH. Mr. President, I ask unanimous consent that I may continue for another 3 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and it is so ordered.

Mr. BUSH. Mr. President, while the Senator would argue that such investors are sufficiently informed and sophisticated to make such bids with confidence, he now states that they are not sufficiently aware of the terms of a widely advertised new Treasury bond issue to prepare and submit a subscription at a stipulated price within a period of 5 days. Are we to assume that the Senator is no longer in favor of the auction technique for selling long-term bonds? Or are we to assume that sometime within the past few weeks the degree of sophistication of investors in Government securities throughout the country has somehow decreased greatly?

I will say parenthetically, Mr. President, that all these investors can buy all the bonds they want now at a discount, because this morning the bonds are selling at $99^{12}/_{32}$. Everyone can come and get them. This is several days after the books were closed, so it is plenty of notice.

All of this, I believe, gives a very dubious value to the assertions of the able Senator, my good friend, the senior Senator from Illinois.

If the pension funds want to buy these bonds so badly, they can do so now and get them at a discount.

"Monday morning quarterbacking" is fair play in the sporting world, but we cannot accept such reasoning when applied to so serious a matter as management of the public debt. The Senator said nothing about the terms of the issue on Thursday night, March 31; Friday, April 1; Saturday, April 2; Sunday, April 3; Monday, April 4; Tuesday, April 5; or Wednesday, April 6. But on Thursday, April 7, after the announcement of the results, he suddenly tells us that the offering was, in effect, doomed to failure from the very first. And he strongly implies that the Treasury planned it that way.

This is a cruel indictment, indeed.

In conclusion, Mr. President, the fact is, of course, that there simply is not any significant demand for long-term Treasury bonds at interest rates of 4¼ percent or below. This is the reason only $370 million of the bonds, out of a maximum offering of $1.5 billion, were subscribed for. The evidence is clear that the outmoded interest rate ceiling still prevents the Treasury from engaging in the debt lengthening that is so badly needed at this time. I call upon the senior Senator from Illinois, and his associates, to refrain from further speculation with the Government's credit; to face up to the central issue; and to return the authority over debt management to the Secretary of the Treasury, where the responsibility should and does rest.

Mr. President, I ask unanimous consent that some comments on adequate notice which I have prepared be printed in the RECORD at this point in my remarks.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

COMMENTS ON ADEQUATE NOTICE

There were no over-10-year bonds issued from 1946 through 1952. Not including yesterday, 7 issues were offered in the period 1953–59.

In no case was the elapsed time from announcement to book closing more than 6

days. Specifically 6 days, two issues; 5 days two issues; 4 days, two issues; 2 days, one issue. (All except one issue had 2-day weekends in middle.)

Participation by savings-type investors ranged from 29 to 73 percent of total issued (excluding Government accounts); participation in the recent issue by such investors was at least 54 percent.

Federal Reserve mailing lists have 30,000 to 35,000 names including all savings-type investors who have ever indicated interest.

Mr. BUSH. Mr. President, I also ask unanimous consent that an editorial from today's Washington Post and Times Herald entitled "The Squeeze Confirmed," be printed in the RECORD. The Washington Post and Times Herald points out in the editorial:

The disappointingly small subscription to the 25-year, 4¼-percent issue tends to show that any substantial lengthening of the average maturity of the Federal debt in prosperous times—when the effort ought to be made—will remain very difficult unless the ceiling is raised.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 11, 1960]

THE SQUEEZE CONFIRMED

The Treasury's testing of the long-term Government bond market was a bold move politically. This is true even if Senator DOUGLAS and others are right in arguing that the test was not as vigorous as it might have been. And the gamble has paid off, we think, for advocates of Treasury-sponsored legislation to lift the 4¼-percent ceiling on bond interest rates. The disappointingly small subscription to the 25-year, 4¼-percent issue tends to show that any substantial lengthening of the average maturity of the Federal debt in prosperous times—when the effort ought to be made—will remain very difficult unless the ceiling is raised.

This does not mean that better procedures for bond marketing are unnecessary. Mr. DOUGLAS and his colleagues on the Joint Economic Committee have suggested some improvements that the Treasury and the Federal Reserve Board ought to be acting upon. But despite the short notice, the existence of a kind of monopoly in Government bond marketing and other shortcomings, the experimental 25-year offering showed plainly enough that the 4¼-percent ceiling is too low to allow needed flexibility in debt management. We hope that the experience will persuade Congress that the compromise plan for partial removal of the ceiling already approved by the House Ways and Means Committee ought to be adopted as a minimum.

Mr. BUSH. Mr. President, I also ask unanimous consent that in addition there be printed in the RECORD an article from the Washington Post and Times Herald, written by Harold B. Dorsey; an editorial from today's issue of the Wall Street Journal on the same subject; and an article from the New York Times entitled, "Response Is Weak to Treasury 4¼s."

There being no objection, the articles and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 11, 1960]

TREASURY EXPERIMENTS

(By Harold B. Dorsey)

The Treasury offering last week of a long-term Government bond was not only significant because it was the first bond issue beyond 5 years maturity that the Treasury has been able to offer within the restrictive 4¼-percent ceiling in the past 12 months. Perhaps more significant, it also demonstrated a willingness on the part of the Treasury to experiment with some of the more important suggestions which have been made by congressional critics of the Government's financing techniques.

In view of the fact that credit markets eased sharply in the past couple of months, perhaps it can be argued that some interest savings occurred because the Treasury was not able to borrow long-term funds at the high interest rates prevailing in the past winter. At the same time, thousands of borrowers, small and large, find it difficult to forget that because the Government consequently was forced to compete with them for the available supply of short-term credit, they have had to pay excessively high interest rates in the past 9 months. The distortions forced on the credit markets also had an adverse effect on the availability of mortgage money, to the detriment of residential construction activity. In brief, the freezing of the interest rate in one sector of the credit market seriously disrupted the supply and demand for credit in the other sectors.

I would judge from an interview which I had with Senator DOUGLAS about 10 days ago that he is not so much opposed to the removal of the interest rate ceiling on Government bonds as he is anxious to use the occasion as an opportunity to demand certain changes in the techniques of the Treasury's financing operations. He is the generally recognized leader of the group which is blocking the legislation which would remove the 4¼-percent ceiling.

Over the years he has made very clear his convictions that Government financing should not be a prime determinant of national credit policies. And as a highly respected economist, he knows that arbitrarily fixing the price of anything—in this instance the interest rate on bonds—usually causes distortions in supply-demand-price relationships.

But he strongly believes that it would be in the best interest of the taxpayers if: (1) Steps were taken to eliminate unhealthy speculation that has been apparent in some of the Government's refunding operations; (2) if new bonds issued during periods of high interest rates had a provision which would permit the Government to call them before maturity during some future period when they could be refunded at lower interest rates; and (3) if the Treasury would offer its bonds at auction (rather than offering a set amount of bonds at a set price), thus letting the supply and demand forces establish the proper price.

To a considerable extent, the Treasury's most recent announcement of new financing encompassed these three ideas.

The announcement made it clear that future refunding operations would not necessarily give the holders of maturing bonds the right to exchange for the new bonds. This would seem to preclude speculation in the sometimes valuable rights of the old bonds to swap into the new issue.

The new 4¼ percent would mature in 25 years, but would give the Treasury the right to call them in for repayment after 15 years, if the Treasury then felt that the issue could be refunded into an issue carrying a lower interest rate.

While the new 4¼-percent bond was offered at a set price (par), one aspect of the auction feature was used, in effect, by permitting the market to establish how many bonds it is willing to buy at that price—any quantity up to $1.5 billion, with the hope that subscriptions would be at least $500 million. As the actual facts developed, however, investors would only take $370 million because the ceiling rate of 4¼ percent was not quite high enough.

During recent hearings before the Congressional Joint Economic Committee, Senator DOUGLAS and his group requested a letter from Treasury Secretary Anderson which would express his willingness to accept the foregoing suggestions. At that time Secretary Anderson demurred. But DOUGLAS will probably recognize in last week's financing the tangible evidence that the Treasury is giving very practical consideration to techniques which he has criticized.

And since these points have appeared to be an important portion of his reasons for objecting to lifting the interest rate ceiling on Government bonds, it would seem logical to presume that his resistance to that legislation has been considerably reduced.

Now that a change in the condition of the credit market is permitted the Treasury to obtain a very small portion of its needs in the long-term market within the 4¼-percent ceiling, there is a broad feeling that legislation to lift the ceiling has become academic. This attitude, however, presumes that credit conditions later on—possibly in the second half of this year—will not become just as tight as they were in the second half of last year.

The disappointing results of last week's bond offering clearly demonstrated that if credit tightens only a little from present levels, the Treasury again will be completely excluded from the long-term credit market, and again have to confine its credit needs to the short-term market, and again cause thousands of borrowers—large and small—to pay very high interest rates. Thus it would seem that those who are responsible for the failure to lift the ceiling are assuming the responsibility for the possible recurrence of a similar painful disturbance.

[From the Wall Street Journal, Apr. 11, 1960]

SHIFTLESS SAM

Then there's the story about the shiftless fellow who had a leaky roof. He couldn't fix it when it was raining; and when it wasn't raining, why bother?

This has been pretty much the attitude of the Democrats in Congress toward the Government's leaky fiscal structure.

When interest rates were high and rising the Treasury found it impossible to borrow any money at all on bonds at 4¼ percent, the maximum the law permits it to pay. But, said the Democrats, the law shouldn't be fixed then because it wouldn't do to let Uncle Sam pay more when money was already tight. Then when interest rates dropped somewhat, and it looked as though the Treasury might float a 4¼-percent bond issue, the Democrats said, "Why bother about changing the law?"

Now it has turned out, of course, that the Treasury can't borrow money that way in any appreciable amount. Secretary Anderson offered the public a 25-year 4¼-percent bond issue, expecting to sell a minimum of $500 million and hoping for $1.5 billion to bail him out. Mr. Anderson got offers of barely $370 million. So there you are.

Naturally, this altered the Democrat's views not a whit. With much grave shaking of heads they decided the failure of the Treasury's bond issue meant this was not the time to fix the law. In one of the most magnificent nonsequiturs of the season, Senator DOUGLAS said this was just "proof that the Treasury should develop better methods for marketing bond issues"—without the slightest intimation that meeting the market price for bonds is one of the best methods ever devised.

Oh, well. We suppose nobody should be surprised. After all, it's the same attitude that says Uncle Sam can't afford to cut his

budget in hard times and in good times it ain't necessary. Shiftless Sam is just goin' to set 'till the roof falls in.

[From the New York Times, Apr. 10, 1960]

RESPONSE IS WEAK TO TREASURY 4¼S—ISSUE VIEWED AS MANEUVER IN CONTROVERSY OVER THE BOND RATE CEILING

(By Paul Heffernan)

The Government's cash borrowing last week of nearly $2,500 million on notes due in 1962 and bonds due in 1985 was one of the Treasury's lesser accomplishments in public debt management.

The transaction may be remembered, however, as the reductio ad absurdum of the statutory 4¼-percent long-term borrowing ceiling enacted by Congress during World War I.

The Treasury had invited subscriptions up to $1,500 million for a new issue of 4¼-percent bonds due in 25 years and callable in 15 years. The response of the public was $370 million. It was the first postwar Government borrowing at long-term at the statutory 4¼-percent ceiling. It could be the last.

Alongside the national budget, the total Government debt, and the annual aggregates of financing transactions executed by the Treasury, the $2,470 million raised last week was slight.

NO CAUSE FOR APPREHENSION

Certainly there was little about it to bring on any chills of apprehension like those that must seize the Treasury whenever it looks ahead and sees the encircled date of November 15, 1961, when $11,177 million of 2½-percent bonds have to be paid off or refunded with a new offering of violets.

It is, of course, incredible that a nation with a public debt of $286,750 million should flunk out on raising $400 million in the public market on long-term bonds. The explanation probably lies in the fact that the 4¼s were conceived with a split personality. One function was to raise whatever money they could—a lot, a little, or none, it mattered not. The larger purpose was to place on the record that the Treasury had at least tried to borrow long-term money at the statutory ceiling.

In the latter respect, the borrowing was a response to the sham warfare visited on the Treasury by a group of Democratic legislators who seem to feel that the Treasury functions in a chronic state of ineptitude and that the Federal Reserve System has outlived the functions set up for it in 1912 and should be transformed, by radical changes.

LEVERAGE VALUE

By and large, this legislative band, which is headed by Senator PAUL DOUGLAS, of Illinois, itself sees little point either in the 4¼-percent cost ceiling or in any limit on the total national debt. But they regard their legislative power over the interest cost ceiling as leverage for enforcing on the Treasury and the Federal Reserve schemes for managing money, credit, and debt that are largely unproved in the free world and have historical existence chiefly in the enthusiasm of academic theorists and the experiments of socialist administrators.

With the Treasury's basic short-term borrowing rate—that incurred on weekly offerings of discount bills—now approximately less than 3 percent, and with only one of the Treasury's interest-bearing securities selling in the market to yield more than 4¼ percent, it is difficult to see how Congress is going to get stirred up about changing the 4¼-percent ceiling, especially in a presidential election year.

It is unfortunately true that few people in Washington or elsewhere have any sympathy with or understanding of the Government's money-raising problems. Most legislators of both parties tend to view the necessary borrowings of the Treasury as a national obscenity and to regard any interest cost incurred as excessive. Even high spokesmen of the Federal Reserve System have helped foster the cheap-money cult of the wishful populists and the deliberate inflationists.

Probably the cost of short-term money must again soar well beyond 5 percent and stay there before the Treasury can hope realistically to get the ear of the legislators. Conceivably, the public could empty the Nation's thrift institutions of savings and switch the money into Treasury bills before the national legislators could get themselves to give the matter any serious attention.

TEACHERS FOR THE DEAF

Mr. GRUENING. Mr. President, I have received an excellent letter from a doctor in the Alaska Native Health Service, in behalf of Senate Joint Resolution 127, a bill for the training of teachers for the deaf and the training of speech pathologists and audiologists, which is now pending before the Senate Labor and Public Welfare Committee. I call this admirable resolution, introduced by the Senator from Alabama [Mr. HILL] and cosponsored by the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Mississippi [Mr. STENNIS], the Senator from Missouri [Mr. SYMINGTON], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Wisconsin [Mr. WILEY], to the attention of my colleagues, because I think that many of us do not fully realize the pressing need for this kind of assistance to children handicapped by deafness. In a survey of various kinds of educators carried out by the Office of Education, it was brought out that of all the categories of teachers, those with special training to help the deaf are the most difficult to obtain. This is so, primarily, because there simply are not enough of them—or enough facilities to train them. The entire country offers only 25 such training programs a year, yet to meet the general need, at least 500 teachers ought to be trained yearly. As it is, less than one-third of this figure receive training and lack of funds is certainly a major cause for this deficiency.

The letter I referred to earlier gives an especially poignant picture of the need for teachers of the deaf for Alaskan children, but I know this same story can be duplicated over and over again in other States. The Senate should be glad, indeed, to have had a resolution introduced to change this story of need, and I hope it will be possible for us to consider and act on it at this session.

I ask unanimous consent that the letter to which I have referred may be printed at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MOUNT EDGECUMBE, ALASKA,
March 17, 1960.

Hon. ERNEST GRUENING,
Senator from Alaska,
Senate Office Building,
Washington, D.C.

DEAR SENATOR GRUENING: I am writing with reference to Senate Joint Resolution 127, introduced by Senator LISTER HILL, an act for the training of teachers of the deaf and for the training of speech pathologists and audiologists. I believe that the substance of this resolution is particularly important to residents of Alaska.

You are aware that social and economic problems and the difficulty of providing emergency medical care at all times in our more remote villages have been particularly harmful to the health of children in Alaska. Resulting handicaps have been especially prevalent in preschool children and particularly native youngsters from the more isolated villages. And among the most frequent resulting disease situations is chronic infection of the middle ear with mastoiditis. If untreated the sequel of this chronic ear infection is deafness in a majority of cases.

As pediatrician for the Alaska Native Health Service at Mount Edgecumbe, pediatric consultant for the Alaska Department of Health, and school physician at the two boarding schools operated by the Bureau of Indian Affairs, I have had unusual opportunities to observe the prevalence of chronic ear infections and consequent deafness among children. Chronic ear infections are found in as many as 30 percent of children admitted to Mount Edgecumbe Hospital from outside the local community for reasons other than ear infection. Chronic ear infections are found in 10 percent of the students enrolled at Wrangell Institute Elementary Boarding School who come from the more remote villages of Alaska and in more than 5 percent of the students enrolled at Mount Edgecumbe Secondary Boarding School. Chronic ear infections have been found in as many as 30 percent of randomly selected children evaluated in certain native villages and are prevalent in a large number of the villages particularly in the Bethel area, but widely scattered throughout Alaska.

Educationally handicapping deafness due almost entirely to chronic ear infections has been found in as many as 50 percent of those children under treatment for ear infections at Mount Edgecumbe Hospital and in as many as 8 percent of the students at Wrangell Institute and approximately 4 percent of the students at Mount Edgecumbe School. Only in southeast Alaska has reasonably complete audiometric testing in the village schools been possible through a hearing and speech program of the Maternal and Child Health Section of the Division of Health of the State Division of Health. This program, supervised by Mrs. Henrietta Krantz, has revealed an incidence of educationally handicapping deafness less than that mentioned above but still far greater than that found in a population of comparable age in other States.

Fortunately, treatment of chronic ear infection even if of several years duration may produce acceptable hearing. Also, improvements in emergency medical care available in the villages, particularly in the past 3 years, is materially decreasing the number of new cases of otogenic deafness, but these measures cannot eliminate the large number of cases of deafness already discovered and awaiting discovery.

At present, speech therapy and auricular training for most of these deaf children must, in the majority of cases in Alaska, be given by untrained volunteers under the occasional supervision of a qualified teacher of the deaf. This is due much less to lack of funds and to the unavailability of qualified teachers of the deaf, speech pathologists, and audiologists. During the next 10 years there will be a particular need in Alaska for people with these professional qualifications.

For these reasons, I trust that you will review with particular care the figures prepared by the Division of Health regarding the incidence of deafness among Alaska children and that you will give your support

to Senate Joint Resolution 127 and to any comparable resolution introduced in the House.

Very sincerely yours,

DAVID L. SPARLING, M.D.

THE COLD WAR GI EDUCATIONAL BILL IS A GOOD INVESTMENT—IT WILL PAY FOR ITSELF

Mr. YARBOROUGH. Mr. President, in July of last year the Senate, after weeks of hearings, careful consideration and considerable debate, passed the cold war veterans GI bill extending educational and on-the-job training opportunities to our young men who serve in our armed services during the cold war.

That bill is now under consideration by the House Veterans Committee, and it is hoped it may be favorably reported by that committee in the near future.

At this point, the Council of State Chambers of Commerce has seen fit to oppose the bill, principally on the mistaken view that it would encourage men to leave the armed services. This position is wrong, and the hearings on this bill, over which I had the privilege of presiding last year for the Senate Veterans' Affairs Subcommittee, proved they are wrong. On page 177 of the Senate record of hearings for April 24, 1959, Department of Defense statistics clearly show that reenlistment rates are almost wholly independent of the existence of educational benefits. In the last few years, the Armed Forces were able to increase reenlistments threefold in groups all of whom were eligible for training under the Korean GI bill. The Defense Department's own figures clearly indicate that no one can demonstrate any relationship between a low reenlistment rate and the availability of readjustment benefits.

There are grounds for belief, however, that the GI bill did offer an additional incentive for first term enlistment for those who wanted to go to college and did not have the funds to enroll without the help of the GI bill or some other program.

The claim of military injury is spurious. I say this as one who was in active service in World War II, is now a colonel in the active Army Reserves, and as a member of the national legislative committee of the Reserve Officers Association, and as one who worked in the Senate for the incentive pay increases which were enacted for the Armed Forces.

Mr. President, experience not only tells us that the Council of State Chambers of Commerce position on this is wrong, experience also has taught us that the council's decisions on education seem always to be made with the blinding light of dollar marks shining in its eyes. The position of the chambers in opposing this sound and proven national education program, which could so improve and enrich the lives of millions of Americans, is more than intellectually unsound. It is a blatantly reprehensible blow at the education of our youth, and, therefore, at the future of America.

This Nation can never go wrong by instituting programs which afford all its young men and women an opportunity to attend college. Events of these times have proven that we need to greatly expand our national educational program and to develop our greatest resource—the brainpower of our youth.

Costs of education, just as in the case of everything else, have gone higher than ever before. Parents are having more and more trouble raising the money to keep their youngsters in college.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to be allowed to proceed for 3 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. YARBOROUGH. The Kiplinger magazine recently reported that it now costs approximately $2,750 a year to send a student to one of our major universities. The admissions officer at one institution said it's tough for a family with below $10,000 a year income to send a student to the university without outside aid, and it's almost impossible for a family earning below $6,000 or $7,000. It just happens, I am sure, that most of the key figures of the chambers who entered into this decision are in at least that income range and usually considerably higher. Most of them have no personal problem with educating their youngsters, sending them to college, and I congratulate them on their success. I do feel they might find it in their conscience to at least not oppose programs which would help our young people who come from low income families to have a better chance for an education.

Since the Council of Chambers of Commerce are chiefly concerned with dollars, the need for this program is apparent, even if considered only on a dollar basis. Dr. Paul G. Glick, Chief Social Statistician of the U.S. Bureau of Census, has analyzed lifetime earnings and compared them with years of schooling. He found that the average lifetime earning of a man who graduated from high school was $165,000 while that of a man who graduated from college was $268,000 in his lifetime. He also found that in families headed by high school graduates, the median annual family income was $5,667 as compared with $8,143 for families headed by college graduates.

If the chambers will take time to have a little faith in the future and belief in the ability of our young people, they will see that within a very few years of higher productivity and taxes, our GI's who are educated will much more than repay the costs of this modest program. The increased income taxes they pay will, alone, more than repay it.

The views in the chambers of commerce memorandum do not reflect the aims and aspirations of America of these times, when the whole national conscience is stirred by the need to develop our greatest resource—the brainpower of our youth.

Mr. President, I hope the Council of State Chambers of Commerce will reconsider its position on this matter and instead of opposing will put its very considerable influence in support of the proposal to extend educational benefits to our veterans of the cold war.

After all, these young men are spending 2 or more years of their lives protecting Americans, their property and institutions, including the chambers of commerce. It does not seem to me that it is asking too much for the veterans to expect the chambers of commerce to help them with the proposed minimum program of educational opportunities.

THE MINORITY LEADER ON THE SENATE STAGE

Mr. KEATING. Mr. President, a spate of newspaper articles in recent days have dealt with the performance of the distinguished minority leader of the Senate. A case in point is an interesting article which appeared in the New York Times of April 6.

Although this article could scarcely be characterized as extravagant praise, few will argue with the statement that Senator DIRKSEN is "probably the most effective leader the Republicans had had in the Senate for years." Members of this body—on both sides of the aisle—can also testify emphatically to the fairness with which the minority leader has carried out the trying responsibilities of his position. Although he and I have sometimes found ourselves differing on certain issues, and at times he may secretly have felt I was one of his greatest headaches, our dealings have always been most cordial and friendly. Senator DIRKSEN has at all times been considerate, at no time arbitrary.

At the same time, the manner in which the Senator from Illinois has carried the banner of administration policies in this body has won the admiration of political friend and foe alike. None can dispute that he has discharged this duty with skill, diligence and perseverance.

Perhaps the highest tribute which can be paid to the minority leader is that although he has often been a controversial Member of this body, he has remained a true friend to every Member. His word can always be relied upon. It is a quality to be envied and emulated by all of us.

Mr. President, I ask unanimous consent that the article from the New York Times to which I have referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATE IS HIS STAGE—EVERETT MCKINLEY DIRKSEN

WASHINGTON, April 6.—In the political era of the organization man, EVERETT MCKINLEY DIRKSEN is as refreshing a remnant of old Americana as a rocking chair in the Museum of Modern Art. Moving among the Senate's legions of earnest, firm-principled, young men, all tailored and mentally accoutered in the latest Westport style, one comes upon him with a sense of delight and relief, as though discovering Long John Silver at a congress of social workers.

His manner is florid and expansive, in the old style, and he has the old-fashioned imposing physique to match—the portly Re-

publican facade sloping upward to noble brow crowned by gray and slightly curly locks just right for theatrical rumpling.

In his role as Senate Republican leader responsible for protecting the administration's position on such issues as civil rights and health insurance for the aged, he has been rumpling the tousled locks more often than usual these last few weeks, and not always for theatrical effect.

Today he was berating a labor leader with such terms as "stinking" and "shameful" for charging the administration had betrayed the health needs of the aged.

This is obviously a strange trial for a one-time isolationist from Illinois who has never been excessively zealous for too long about anything and who started his relations with this administration in a state of open warfare.

His pale blue eyes can be as innocent one moment as a baby's and as crafty a moment later as a roadshow Iago's. His organ-tone rhetoric is an echo from the old Chautauqua stump delivered with mock-tragic passion. It was an unfortunate day for the theater when young EVERETT decided to enter politics, but the political stage is the richer for it.

Liberals everywhere have cataloged him as a "bad guy" in their cast of Washington heroes and villains. It is fashionable to say, "DIRKSEN is utterly without principle." While it is true that during his 30 years in Washington, he has stood on every possible side of every major issue, the charge that he is utterly unprincipled is unjust.

He firmly believes in the sanctity of his word in a deal and in getting EVERETT MCKINLEY DIRKSEN and the Republican Party elected. Occasionally, he notes, it is necessary to change one's position in politics. Thus, at various times he has been a bitter opponent of Dwight D. Eisenhower, and a fierce champion of Dwight D. Eisenhower, a supporter of Senator Joseph R. McCarthy, and an opponent of Joseph R. McCarthy, a bitter opponent of foreign aid and a champion of foreign aid.

When he was elected Republican leader last January, nearly half his party—the Senate's liberal Republicans, opposed him as a symbol of the Old Guard they thought the party should hide from public view.

Since then most of them have been grudgingly won over by the hard cunning of a political master, by his refusal to take sides and his insistence on giving all factions a full chance to be heard. Although many in the administration suspected that he would play Trilby to the Svengali of LYNDON B. JOHNSON, the Democratic impresario, it began occurring to everybody late last session that he was probably the most effective leader the Republicans had had in the Senate for years.

Mr. DIRKSEN was born January 4, 1896, in Pekin, Ill., to German-born parents who added McKinley to his name when he was 11 months old in honor of President McKinley.

After working his way through the University of Minnesota, he served briefly with the World War I Army overseas. Back home, he made an unsuccessful attempt to start a washing-machine manufacturing business, worked for a while as manager of a dredging company, then entered the wholesale bakery business.

He was elected to Congress in 1932 and served until 1948 when he decided not to stand for reelection. In 1950, running as an old-fashioned Midwestern isolationist after a wartime flirtation with internationalism, he won the Senate seat of Scott Lucas, then Democratic Senate leader.

Mr. DIRKSEN is married to the former Luella Carter, and has a daughter, Mrs. Howard H. Baker, Jr.

Besides politicking, he has written more than 100 short stories and 5 novels, all unpublished.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. BUSH. Mr. President, I am very glad that the distinguished Senator from New York has brought this subject before the Senate today. I agree with all the Senator has said about our able friend, the minority leader. His performance in that post has exceeded my very fondest hopes and expectations. I believe that all of us feel that way. Last week I read an article, written by William White, in which he also spoke of Senator DIRKSEN as being the most effective leader we have had since the elections of 1952. I subscribe to that statement also.

An evidence of that was shown last year by the degree of unanimity we achieved under Senator DIRKSEN's leadership on the minority side of the Senate. It has been repeatedly shown by the action of the Senate in sustaining the vetoes of the President of the United States. No minority leader, and no leader of either party, could more solidly support an incumbent President through thick and thin than Senator DIRKSEN has supported President Eisenhower and the President's policies and his administration. For that I also commend my good friend from Illinois.

Finally, I should like to say that it is an inspiration to work under the leadership of one so enthusiastic as the Senator from Illinois. By his own enthusiasm and his own vigor and direction he carries us along together and makes this job of ours, which is a difficult one, at times really a very pleasurable one.

Mr. KEATING. I thank my good friend from Connecticut for his remarks.

Mr. COOPER. Mr. President, will the Senator yield on that point?

Mr. KEATING. Mr. President, I ask unanimous consent that I may proceed for an additional minute on this subject, so that I may yield to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. I wish to join the junior Senator from New York [Mr. KEATING] and the senior Senator from Connecticut [Mr. BUSH] in their tributes to our minority leader, Senator DIRKSEN. Two months ago Senator DIRKSEN brought the civil rights bill before the Senate. After 8 long weeks of debate, a civil rights bill was passed. Many labored to that end, but I believe that major credit for the passage of the bill goes to our minority leader. Throughout these weeks he has been faithful in prosecuting its passage. He has shown great ability in reconciling different points of view. When the record is finally read in history, the Senator from Illinois will be shown, I believe, as deserving greatest credit for the passage of the bill.

I associate myself also with the remarks which have been made about the leadership of our friend, the Senator from Illinois since he became minority leader in 1959. His energy, his steadfastness, his work with us, and his fighting qualities have given us true leadership. I join with my colleagues in paying tribute to our good friend, the Senator from Illinois.

Mr. KEATING. I am grateful to the Senator from Kentucky for these remarks.

Mr. President, I ask unanimous consent that I may yield myself an additional minute so that I may yield to the Senator from South Dakota on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE of South Dakota. Mr. President, I join in what has been said in commendation of the outstanding leadership given by the distinguished Senator from Illinois [Mr. DIRKSEN], not merely with respect to the civil rights bill, but also in his work generally as the minority leader of the Senate.

There is only one point I should like to modify with respect to what the Senator from Connecticut has said. He said that the minority leader's performance had exceeded the expectations of the Senator from Connecticut. I have always had high hopes and expectations in that regard. Of course, I had a privilege the Senator from Connecticut did not have. I was privileged to serve with the Senator from Illinois for many years in the House of Representatives. He was my senior there on the Appropriations Subcommittee for the Independent Offices. He was my mentor and my leader there. I knew what he could do. So I have always had high hopes for him.

Perhaps he has exceeded my expectations in some respects. However, I do want the Senate to know that by reason of my long experience with the Senator from Illinois in the House of Representatives, and from what I was able to observe of him there, I had high expectations, and that those expectations have not been disappointed in any respect.

I wish to second what the Senator from Kentucky has said with regard to the credit that ought to be given to the Senator from Illinois respecting the passage of the civil rights bill.

It was the Senator from Illinois who diplomatically, but insistently, before the adjournment of the 1st session of the 86th Congress secured from the majority leader the promise that on or about the 15th of February 1960, during the second session, the Senate would take up civil rights. It was that pledge, I think, which the majority leader honored in due course, that enabled the Senate to get under way on that subject, and it was the demonstration that the Senate was going to do something about civil rights which, I believe, had much to do with the House of Representatives taking up a similar bill, passing it, and sending it to the Senate. Now a civil rights bill has been passed by both the House and the Senate.

I thank the Senator from New York.

Mr. BUSH. Mr. President, since the Senator from South Dakota has mentioned my name, I hope he will yield me half a minute to say that my expectations of the Senator from Illinois were also very high, but they were exceeded.

Mr. KEATING. I am grateful to all my colleagues for joining with me in this testimonial to our distinguished minority leader.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield?

Mr. KEATING. Mr. President, I ask unanimous consent that, without losing the floor, I may yield for an additional minute to the distinguished Senator from Montana to speak on this subject.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I wish to join with my colleagues in the congratulations and commendations which have been paid to the minority leader, the distinguished Senator from Illinois [Mr. DIRKSEN], for the part he has played in the passage of a reasonably good, strong civil rights bill. It was a long and difficult task and there is enough credit to go around. I believe the majority leader, the distinguished Senator from Texas [Mr. JOHNSON], and the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] did a good, responsible job. They were more interested in the passage of a bill which had merit to it than they were in creating an issue. I think that to both of them, and especially to the Senator from Illinois, much credit must be given. The Senator from Illinois has demonstrated the qualities which make for leadership. He has shown them consistently in his spirit of tolerance and understanding since his assumption of the leadership of the Republicans in this body. I believe the Republican Party is extremely fortunate to have a man of the caliber of Senator DIRKSEN to lead it in the Senate. I believe the Senate is fortunate, as well.

Mr. KEATING. Mr. President, I express my gratitude to the distinguished Senator from Montana for the very gracious and sincere words which he has spoken on this subject.

USE OF SUEZ CANAL AS POLITICAL WEAPON DECRIED

Mr. KEATING. Mr. President, an editorial entitled "Colonel Nasser's Canal," and published in the New York Times of Sunday, April 10, serves to focus deserved attention upon the vital questions of right and of principles so flagrantly and arbitrarily flaunted by Colonel Nasser in his use of the Suez Canal as a weapon of revenge against the State of Israel. Among others in Congress, I have already raised my voice in sharp protest against the restrictive actions taken by the United Arab Republic in denying access to the canal to Israeli and Israeli-bound shipping.

The recent acts of the Nasser regime in implementing their anti-Israel policy represent outright theft of ship's cargo, in keeping with the planned design of stifling by all means the growth and prosperity of Israel. In view of my expressed opposition to the recent World Bank loan for the development of the Suez Canal, I would draw special attention to the contention of the Times editorial that no policy of loans or assistance to the United Arab Republic should be undertaken by the United States so long as the Suez Canal continues to be used as a political weapon.

Mr. President, I ask unanimous consent that the New York Times editorial cited be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COLONEL NASSER'S CANAL

United Nations Secretary General Hammarskjold's statement of last Friday on Colonel Nasser's Suez Canal policy was mild in its terms, but severe in its implications. The Secretary General did not speak lightly when he said that the detention and confiscation of Israeli cargoes carried in ships of other nationalities went against the principles upheld by the United Nations. Since the beginning of 1959 the Cairo government has been seizing the cargoes of ships bound to or from Israeli ports whenever they attempted to pass through the Suez Canal. Four such ships and cargoes are mentioned in a current Israeli statement. The latest is a little Greek freighter called the *Astypalea*, loaded with cement and bound for the port of Djibouti. In each of these cases Colonel Nasser's government has confiscated—if this polite word is the correct one—the ship's cargo.

Colonel Nasser has done this thing contrary to the original Canal Convention of 1888, contrary to his own agreement with the United Nations, and contrary to international law. The Israelis believe that he has also violated an agreement privately made with Secretary General Hammarskjold, although the Secretary General did not allude to such an agreement in his statement last Friday. The only defense Colonel Nasser can make is that there is at least a theoretical state of war between Israel and the United Arab Republic. It is a shabby defense indeed. Colonel Nasser should not expect loans or other assistance from the United States for the development of the canal while he continues to use that waterway as a political weapon.

ANNIVERSARY OF BATAAN DAY

Mr. KEATING. Mr. President, the date of April 9, designated as Bataan Day, commemorates one of the imperishable anniversaries of our history as a nation. It is an anniversary whose deep significance we are proud to share with our brothers in war and in peace, the splendid people of the Philippines.

In the epic battle of Bataan, American and Filipino troops fought side by side, with a common valor and a common fortitude, and they exemplified to the highest degree the union of free men dedicated to the precious cause of freedom.

It will be remembered that at the time of the outbreak of war with Japan, the Philippine Islands held a commonwealth status. It was American territory, and it was under the protection of our flag and our might. The magnificent manner in which the loyal Filipinos rallied in the defense of that flag, standing shoulder to shoulder with our troops, remains one of the most inspiring pages of our common history.

Despite the tremendous military pressures exerted by the enemy, the combined U.S.-Filipino forces immortalized the name Bataan in the epochal heroism of their defense.

In paying due and loving tribute to the soldiers who laid down their lives at Bataan, let us resolve that this anniversary must remain undying in our memory. Let it refresh, as well, our traditional sense of kinship with the great and courageous nation of the Philippines, our comrades in war, our friends in peace.

WHO REALLY BENEFITS FROM FARM SUBSIDY

Mr. CASE of South Dakota. Mr. President, honest figures do not lie, but figures used carelessly do deceive. Today the farmers of America are the victims of a big deception.

That deception is the use of the total budget estimates for the Department of Agriculture as an amount of money Uncle Sam spends on farmers. So used, the figures do not give a true picture.

The truth is that American consumers in general actually receive a larger share of the Federal funds spent each year in the name of agriculture than the farmers themselves.

For current 1960 the budget total is $5.7 billion. But of that amount, only $2.6 billion really goes to farmers. The other $3.08 billion are for programs having multiple benefits not correctly chargeable to farmers.

For example, $208 million this year go to the Forest Service. Now, the Forest Service actually collects more in timber sales and grazing fees than it spends but this does not show. Besides that, who needs the national forests more? The city dweller or the rural resident?

Two hundred and thirty-seven million dollars this year is for strategic minerals bought for the national stockpile by barter of U.S.-owned agricultural commodities. Is it more for the benefit of the farmer than of the urbanite that Uncle Sam stocks up on tin and chrome and tungsten?

Eighty million dollars is for school milk and $154 million for the school lunch program. Is it the city child or is it the country child who drinks the milk that is provided in the city schools or eats the school-provided lunch? Yet, Mr. President, the funds required for these programs are charged to the agricultural program.

Then there is the $115 million for emergency famine relief to friendly peoples abroad. For whose benefit do we try to win the friendship of peoples abroad? Is it for the benefit of the farmers, or is it for the benefit of everyone in this country?

Why should the farmer be charged the $1,055 million we obtain in foreign currencies for our agricultural commodities which are sold abroad? Those foreign currencies are used to pay the expenses of our embassies, to build homes for our troops stationed overseas, and to purchase critical items for our national stockpile.

Then there are the repayable loans—$251 million for the Farmers Home Administration and $325 million for the Rural Electrification Administration. All those loans are repayable with interest. Once in a while we hear something said about charging the going rate on Government bonds; but to date the total interest collected by the Government from farmers has exceeded what the Government paid on these funds that were loaned. So, Mr. President, how does that program line the pockets of the farmers? And has not all America gained by the extension of electricity to the farms? That has resulted in the selling of wash-

ing machines, refrigerators, water pumps, and plumbing. Farmers are good customers.

And, Mr. President, who benefits from the funds expended for meat inspection, soil and water conservation, and pest control? Does the consumer not benefit from those expenditures? Does all America not benefit from them?

Even of the $2,600 million, the lesser half of the total budget figure, $1,800 million is for price-support loans that are secured by the grain itself—loans which either are paid off or are paid out by taking the grain. Those are not expenditures which are gone forever. The farmer gives up his product, and the net proceeds get back into the Treasury.

Mr. President, the American people have been deluded and deceived long enough on this score. It is time for a fair story to be told about these matters, and it is time for there to be a general and widespread realization that everyone has a stake in a healthy, prosperous agriculture.

Steel processors, farm machinery manufacturers, automobile makers—all workers—and main street business and professional men have a vital interest in the prosperity of the man who starts the production of new wealth at its source—in the soil of America.

Mr. President, I have obtained tables which show the actual breakdown of the budget figures for agriculture for the fiscal years 1960 and 1961.

In addition, I wish to call attention to a very fine article on this general subject, which was published on April 9 in the Saturday Evening Post. The article is entitled "The Farmer's Side of the Case," and was written by the wife of a Kansas dairy farmer.

I now ask unanimous consent that these tables and the article from the Saturday Evening Post be printed in the RECORD at the conclusion of my remarks.

There being no objection, the tables and the article were ordered to be printed in the RECORD, as follows:

U.S. Department of Agriculture budget expenditures (based on 1961 budget)

[In millions of dollars]

	Estimated, 1960	Estimated, 1961
PART A		
Programs having multiple benefits and not directly chargeable to the farmer:		
Programs having foreign relations and defense aspects:		
Sales of surplus agricultural commodities for foreign currencies	1,055	1,172
Emergency famine relief to friendly peoples	115	120
International Wheat Agreement	49	68
Transfer of bartered materials to supplemental stockpile	237	127
Payments to Veterans' Administration and armed services under sec. 202 of the Agricultural Act of 1949, as amended, for milk and other dairy products used in excess of normal requirements	29	24
Value of foreign currencies used by Defense Department for military housing	5	−3
Total	1,490	1,508

U.S. Department of Agriculture budget expenditures (based on 1961 budget)—Con.

	Estimated, 1960	Estimated, 1961
Food distribution programs:		
Commodity purchases under the program for removal of surplus agricultural commodities	108	108
School lunch program	154	150
School milk program	80	84
Total	342	342
Investment in REA and FHA loans, which are subject to repayment:		
REA loans	325	345
FHA loans	251	203
Total	576	548
Long-range programs for the improvement of agricultural resources, including research, meat inspection, disease and pest control, education, market development and services, protection of soil and water resources, and forest and public land management:		
Forest Service	208	206
Agricultural Research Service	172	185
Soil Conservation Service	130	137
Extension Service	64	67
Agricultural Marketing Service, marketing research and service	40	43
Farmers Home Administration, salaries and expenses	31	32
Other, including FCS, FAS, CEA, FCIC, REA expenses, and staff offices	31	63
Total	676	733
Total, part A	3,084	3,131
PART B		
Programs predominantly for the benefit of the farmer:		
Agricultural conservation program	244	233
Soil bank programs:		
Acreage reserve program	5	----------
Conservation reserve program	365	394
Total	370	394
CCC price support, supply, and related programs:		
CCC price support, supply and related programs	1,828	2,279
Less payments to Veterans' Administration and armed services under sec. 202 of the Agricultural Act of 1949, as amended, for milk and other dairy products used in excess of normal requirements	−29	−24
National Wool Act program	94	70
Acreage allotments and marketing quotas	41	40
Total	1,934	2,365
Sugar Act program	74	78
Total, part B	2,622	3,070
Grand total, parts A and B	5,706	6,201

[From the Saturday Evening Post, April 9, 1960]

THE FARMER'S SIDE OF THE CASE

(By Mary Conger)

My husband Carl and I firmly believe that our farm—a large, beautiful, family-type farm—makes a substantial contribution to the economy and health of our country. Every day of the year the dairy herd on our Triple C Farms produces enough milk to feed 1,000 children their daily quart of milk.

Our 720 acres of land are located in Allen County in southeastern Kansas, an area of diversified crops and livestock. Carl was born in this county, where he has a lifetime knowledge of the idiosyncrasies of weather and soil. To this understanding he has added a college degree in scientific agriculture and a number of years of professional experience as a county agricultural agent and soil conservationist.

Our herd of 200 registered Holsteins—100 cows and 100 heifers—are considerably above average in production. We market Grade A milk, for which we receive premium prices. Our farm's gross income ranks in the upper 3 percent of farms in the United States. Our farm is adequately capitalized and highly mechanized for large-volume production.

SEVEN THOUSAND DOLLARS IN DEBT

Supposedly ours is a successful farm enterprise—and it has been. We bought our farm in 1939, making the downpayment with money we had saved for years from Carl's modest salary as a county agent. Since then much of our life, our thought and our work has gone into building up our land and herd. The only trouble is that since 1952 our farm has made little, if any, profit in good years—and in bad years, such as 1955, we have lost as much as $4,058. By the end of 1958—a bumper-crop year—we had accumulated $7,000 in unpaid bills for operating expenses. Last year we just about broke even, so we had to borrow $3,500 at the bank to pay off the most pressing part of that $7,000.

We now are caught in a merciless cost-price squeeze, and each year that economic turnbuckle tightens another notch. Back in 1952 all political parties were in favor of 100 percent of parity in purchasing power for the farmer; then there was no public hint of a national policy to drive down the prices of food. Then we were getting 11 cents a quart for our milk. Now we are getting 8.1 cents.

When that first slash in farm prices came 6 years ago, we doubled our milking herd in an effort to increase gross income so that, in turn, we could meet our fixed charges—such as interest and taxes—and the rising cost of things we must buy. We built a new labor saving milking parlor—a sort of assembly-line milking system—equipped with a pipeline milker and a bulk refrigeration tank. No expensive labor is wasted carrying milk buckets on our farm. But then came years when our crops were cut by drought, hail and wet weather, and we fell behind on the feed bill for the cattle. In good years we struggled to catch up. We tripled the milking herd. Milk prices declined further. Costs went on up. We were on a treadmill, always running faster just to keep in the same place.

REASSURANCE GIVEN

While we were struggling to meet our expenses, we constantly were reassured by some of our spokesmen for agriculture that efficient, commercial farmers were doing just fine. Statistics showed the average per capita farm income to be just half of that for nonfarmers, but these figures didn't tell the true story, the spokesmen said, because they included 2 million small, inefficient subsistence farmers who produced only a minute part of the Nation's food supply. Also, so many people were leaving the farms that the income of agriculture, even though shrinking, was being divided among fewer and fewer farmers. And there were always success stories at the top. These were the farmers who most often were sought out for interviews and publicity.

So it appeared that there was nothing the matter with anyone but us. Still our neighbors kept complaining, saying such things as "If I count a fair return on my investment, I'm throwing in my labor free of charge." And at a recent meeting of the board of directors of the Kansas Dairy Association in Topeka, I stepped into a group of prominent farmers just as George Schumann, of Hiawatha, Kans., was saying, "The thing that has me worried is how we're going to stay out there on the farm with no profit."

T. Hobart McVay, of Nickerson, a nationally known Holstein breeder and president of the Kansas Dairy Association, added, "It just won't figure. I've been farming all

my life, and I know it can't be done with the present cost-price situation." He shook his head. "I'm sure I don't know the answer."

FEELING OF FUTILITY

This discussion reflects the farmer's feeling of futility. At all meetings of farm organizations I have attended recently there is an undercurrent of despair—and there is a belief that the general public, seeing news stories about the surpluses and the farm subsidies, is not aware of the true farm situation at all.

It was after this meeting that I began to wonder just what was happening to our kind of farmer—to the operator of the modern, bigger-than-average commercial farm. I sympathize with the too small, marginal, or subsistence farmers, but after all, the problem of fitting them into the industrial age, so that they contribute more to the economy and also can improve their own lot, is primarily a sociological challenge. But what is the size of the remaining problem after this particular portion has been set off to itself?

For some answers I turned to the records of members of our State's Farm Management Association, made available to me by Kansas State University. The facts I found there proved I had not just been mumbling to myself as I scrubbed the dairy barn walls—and I do scrub them.

The farmers in this association are above average in their area by almost any yardstick. They own larger farms, have more livestock, keep accurate records under supervision of an association management specialist, and utilize the technical advice the State agricultural college has to offer.

What did I find?

FARMER'S WAGES

Let me explain that the management association figures farm returns this way: First, operating expenses are deducted from gross receipts of the farm. From this profit is deducted a fair investment return of 6 percent on net working capital and 4 percent on net fixed capital. Then the value of any unpaid family labor—such as mine—is subtracted. What is left—if anything—is the farm operator's wages, his return for his own labor and management of his farm enterprise.

In our own southeastern Kansas, association farms had averaged only $805 per year in labor and management income during the past 6 years. Or put another way, the average farm earned a total of only $4,834 in wages for its operator for the whole 6 years. In fact, the farmers had received even less pay than their hired men—and hired farm labor is at the absolute bottom of the industrial wage scale.

However, our particular part of the State has poorer soil than many other areas. So I looked at the records for the State as a whole. I found that the 1958 returns for association farms had been the best in 11 years, owing to bumper crop weather that coincided with a peak in the price cycle of cattle and hogs. And that year the labor and management earnings per farmer in the association were $4,120—nothing more than any skilled laborer earns.

But 1958 was the only year in 11 in which Kansas association members drew such fancy wages. In 1955, the poorest year, the net labor loss per farm for all association members in the State was $938. Everybody worked all year, received no pay, and went into debt besides. From these figures it was easy to see that many other "good" farmers were in the same boat as the Congers.

SHOCKINGLY LOW RETURN

The fact is that the farmer has been getting a shockingly low return for his labor and skill. Wages lost in industrial strikes are microscopic as compared to the loss which farmers have suffered in the last decade. And I mean the commercial farmer, such as those in our association—the man who runs an agricultural enterprise with a capital investment of $54,800 per worker, about three times as large as the average industrial investment per worker.

The usual farm-income figures, low as they are, don't accurately reflect the situation because they are computed as "net income" above production expenses and include the financial returns from investments in land and equipment that the farm family may have accumulated over a lifetime of frugality—or may even represent the saving of several generations. The net income per farm also includes the labor of the entire family in producing such income. To this is added the value of whatever food the family may have raised for its own use, the rental value of the farm home—often an old farmhouse that is far from being "modern" by urban standards of today. On top of this is put any off-the-farm income that some member of the family may have earned. All this is lumped into a thing called the "real income" of the farm family, a figure that is used to disguise the disgraceful disparity of the actual wages earned by farmers for producing the Nation's food.

SUBSIDIES INCLUDED

The farm-income figures also include any Government subsidies the farmer may have received. I am quite aware that many city people believe that farmers are getting richly paid by the Government for not growing crops, or in artificially supported prices for their farm products. I'm not going to argue that price supports don't cost the Government a lot of money or that Government storage of surplus crops is not expensive—but I do know these things aren't making farmers prosperous. For the record, such Government programs have little effect on the income of our Triple C Farms. We have no land in the soil bank; we need it for our cows. Our milk price is not subsidized. During the war years, when wheat was greatly needed, we usually raised 150 acres of this crop; since then our allotted acreage of wheat has been cut to 61 acres. Wheat produced on that land is eligible for a Government loan—last year it ran $1.98 per bushel. In any case, income from wheat amounts to less than 9 percent of our gross receipts; our major enterprise is dairying.

We also received soil-conservation payments last year amounting to $282.30 for the establishment of soil-saving crops, in this case a permanent pasture. Part of the payment, $143, went directly to a dealer in payment for the necessary fertilizer, and the balance, $139.30, came to us to help pay for preparing the land and seeding the pasture. These soil-conservation payments are supposed to encourage the conservation—in fact, the improvement—of the Nation's limited soil resources for the benefit of future generations when, say the population experts, we won't be troubled by surplus crops, but rather will need all the good land we can find.

That is the total of the Congers subsidy.

BIGGEST SUBSIDY

The most gigantic subsidy in the United States is not the Federal agricultural price-support program, but the unpaid or underpaid labor that farmers and their families contribute to the production of cheap food for the American people. Even in 1955, that year of crop failure when members of the Kansas Farm Management Association earned less than nothing, the average member produced $9,000 worth of food, or so valued when sold at the farm price level. At the supermarket this per-man output of meat, milk, eggs and bread cost housewives around $24,300.

We farmers don't want sympathy, but we would like better understanding of what we are up against. We don't like to be accused of being greedy or of being tax-eating parasites. We don't like to have our "real income" misrepresented for political purposes. We know that an urban worker may also have income from investments, may enjoy certain fringe benefits, may live in his own home without paying rent, may raise food in his garden, and members of his family may have other jobs—all without being considered part of his wages. And then, if he is a steelworker, he also gets gross hourly earnings that are 85 percent higher than they were in 1950.

On the battleground of inflation farmers have been hit hard on all sides. The tractor we bought in 1950 for $2,200 must now be replaced at $3,800, but the milk that brings in our income has dropped 27 percent in price. Thus we are helping to pay the bill for the wage-price spiral on one front and are absorbing a part of the consumer's grocery bill on the other.

FOOD PRICES STABLE

Now I know that groceries seem higher to the housewife, but that's because the housewife doesn't just buy flour and beans and potatoes these days; she buys more semi-processed foods, such as cake mixes and packaged frozen vegetables that are ready for the pot or oven. The manufacturer is doing more of the housewife's kitchen work for her, and he's charging her for that extra service. Also people are eating more of the expensive foods—more fresh fruits, more meats (and more expensive cuts) than ever before. The truth is that food was never cheaper. People in the United States buy their food with the fewest hours of labor ever required in the history of mankind. Month after month the financial pages report increases in the cost of housing, medical expenses, transportation and all the goods and service—except food. Food prices hold steady or go lower.

It is impossible to figure exactly how much the Nation's farmers have sacrificed to inflation. For example, I wonder what Triple C Farms milk would cost the consumer if it had increased in the same proportion as other living costs—40 cents a quart? Fifty cents? I do know that some economists have estimated that farmers have been shortchanged about $70 billion which they would have earned had their products risen in price at the same rate as other commodities. There is evidence that the farm family has been absorbing about 25 percent of the Nation's grocery bill.

Perhaps it is just our hard luck—and the hard luck of millions of other farmers—to be in this business during a time of inflation, and also in a time when a great technological revolution is sweeping many of those farmers from the land. There are some people who believe the solution is obvious. They say, "If the nincompoops can't make a go of farming, why don't they get a job in town like everybody else?" And thousands of farm families are solving their individual problem in just that way. They are leaving the land.

WANT TO STAY

Carl and I don't see it that way. We can't. We've invested too much of our lives in this land of ours. Rather than let go, we've been trying to grow. Five years ago, when we needed additional space for our expanding herd, we bought a neighboring 80-acre farm. It had been the subsistence home of an old couple and came on the market when the husband, a carpenter and painter, passed away. The only crop on the wornout land was some drought-stunted sorghum.

Carl promptly applied a complete soil conservation plan to our new land. He bulldozed out old hedges and brush, built terraces and dug ponds. He spread lime and fertilizer. He plowed up the weedy pastures and seeded them to brome grass and alfalfa. Within 6 months that old farm was under a luxuriant cover of soil-building grasses and legumes.

Statistics recorded one less farm and farmer, but farm production didn't decline. It increased. An inefficient unit had been absorbed into a larger, more efficient one. And so, while people have been leaving agriculture at the rate of 1 million a year for the last 16 years—an exodus that is amazing by any standards—the productive capacity of our farms has been expanding rapidly.

But there is a tragic catch to this process. While we were expanding our dairy herd, improving the output per cow and building up our pastures, so were all our neighbors. Our concerted efforts flooded the local market with a record flow of milk last fall—and the price of milk slipped lower and lower. Collectively we destroy ourselves by individual actions we are forced to follow.

Carl and I will have to stay on our farm and ride out the storm. All our resources—education, experience, finances—have been committed to farming. We have had a busy, happy life on our farm. Our children grew up here and helped with the farmwork and were 4-H members.

Still with us is our daughter, Carleen, a 16 year old. But gone from home are our 2 sons—as soon as he came of age, we encouraged them not to stay on the farm but to leave and make their start in the business world without losing time. This they have done. Our son Gordon, 25, is with a construction firm in Kansas City, and David, 21, is a distributor for a bread company. Practically all their classmates have left the country. Very few of the once-hopeful veterans who took on-the-farm training after the war now remain in agriculture. They have been forced to find other ways of making a living after losing 10 youthful years in a lost cause. As in so many rural areas, our neighborhood rapidly is becoming a place of old- and middle-aged people.

CHANGE IS NOT EASY

In any case, making a change is not easy. A neighbor of ours, Maurice Wray, 44 years old and farming 210 acres, says, "What would I do in the city? I'd just be unskilled labor." Yet as a farmer he utilizes a whole range of highly developed mechanical and scientific skills—in addition to duties of management and the responsibility of handling his investment in a high-risk enterprise.

As I write this I think back to a winter evening * * * everyone else in the family has gone to a meeting. I retire early to my favorite cold-weather pastime, reading in bed with the heat pad turned on. My book is about the difficulties of flight into outer space, but I don't get farther than the first asteroid when there is a crunching of snow outside my window—a sound that may be made by a cow walking close to the house.

I get up and turn on the yard light. It's a cow, all right; the whole herd is out, all over the yard and scattering down the road. It's up to me and to old Queen, our dog, to round them up.

This calls for long underwear, jeans, overshoes, winter wraps. Outside, the crisp air is exhilarating as I set out with Queen trotting along beside me. The stars glittering coldly on the snow reflect enough light to pick out black-and-white cows wandering everywhere. Queen enters the game enthusiastically, barking around the pond, beyond the shelter belt, behind the granary. Rounding up the first few dozen cows is great sport, but finding and chasing all the stragglers begins to be hard work. Even Queen loses her enthusiasm.

My overshoes are beginning to get heavy as I plod patiently on. There is time for thinking, and my mind is in a resentful turmoil over the latest city newspaper editorial which denounced the pampered farmers and righteously demanded that agriculture return to a free economy where prices are determined only by supply and demand. Farmers should stand on their own feet and compete on an efficiency basis, the same as other industries.

HOW TO COMPETE

Indeed, I think, why shouldn't farmers adopt the methods of other economic groups? Perhaps we should start with a 27½-percent soil-depletion allowance for income-tax purposes, the same as the depletion allowance granted the oil industry. However, I must admit that income-tax relief would be a hollow mockery to the millions of farmers who aren't making enough income to pay taxes.

How about enabling legislation that would extend to farmers the same rights of collective bargaining, without antitrust penalties, such as labor enjoys? Or, if we can't have monopoly, how about a fairly well developed oligopoly, a combination that might act to curtail production and maintain prices? This might even up the odds, as it is oligopoly with which farmers must bargain.

And then there's the strike weapon. How about a 116-day farm strike? Farmers make up 12 percent of the population and receive only 5 percent of the total gross national product, so a booming economy shouldn't suffer much from this little loss. In fact, the Nation could survive on all those surpluses we're always complaining about. Of course, a diet of bread and cornmeal mush might get tiresome, without even cheese or meat to make sandwiches after the first week. But look what we'd save on storage costs.

Of course, if farmers struck for a few months, about 40 percent of the Nation's labor force would have to be laid off; all those engaged in processing and marketing food and those who sell services and supplies to agriculture. Things might get slightly dull, too, for the steel, petroleum, and transportation industries with one of their major customers out of business.

On the other hand, the wall-to-wall carpet industry and the central-heating and air-conditioning companies would scarcely feel the pinch at all—except indirectly—since they do only a trickle of farm business anyway.

FOREIGN AID, MAYBE

If we get really hungry, we could appeal for foreign aid, or reverse lend-lease. Maybe some of our friends of the free and twilight world would send CARE packages. Even powdered milk would improve all this mush. But what would other nations have to spare? We could import plenty of wheat, which we already have—indeed we would be having it three times a day. Or there's coffee, although most people soon would be in a mood to drink something stronger. But meat, milk, eggs—the high-protein foods; the sinews of muscle, health, and the very essence of the life cell itself—protein, is a very scarce world commodity. We could import only the merest fraction of the amount needed to relieve our distress. There is no other land on the face of this earth or several other planets that can pour forth the wealth of food produced by our own midwestern farm States.

It's hard to imagine just what phrases the financial page would use to describe a farm strike after months of referring to steel as the "most basic industry." Comfortably overfed as we now are, it's easy to forget that for countless eons of time mankind devoted his entire time and energy to the acquisition of just enough food for survival. Only recently has man been able to produce enough surplus food to enable him to develop his intellect and finally think of such things as steel.

But now the cows are relatively docile after their first wild ecstasy of running free. I round up the stragglers alone. Queen is tired and just politely refuses to help. The sharp air feels like pure oxygen, and my head spins.

SHOULD FARMER PAY?

How about the immutable old law of supply and demand? Has anyone ever considered whether or not the Nation would like to have its food supply reduced to the precarious scarcity that would be necessary to raise prices to a fair level in the marketplace? If the country wants a comfortable margin of food over and above our immediate daily needs, who should pay for this insurance? Should farmers be expected to carry the entire premium in the form of depressed prices?

While a farmer does not want to become a ward of the Government, there are some suggested remedies that give him the uncomfortable suspicion that he is being told, "This operation is going to be painful, and you may not survive. But it surely will cure what ails you."

Just exactly how free is the free economy to which agriculture is supposed to be returned? In a period of recession which is supposed to bring about adjustments, people refuse to buy, yet prices do not drop; there is unemployment, yet wages do not decline. Other parts of our economy seem to have developed some gimmicks that rather effectively prevent a free economy from adjusting itself at their expense.

Agriculture already is one of the most competitive of all enterprises. All different foods compete for the limited space in the human stomach. Geographical areas are pitted against one another for a share of the market. Efficiency of production is a relentless pressure within the industry, ruthlessly grinding the less fortunate into the necessity of accepting failure. And then the industry as a whole competes against all other economic groups for a fair share of the Nation's income.

Perhaps we should return the rest of the economy to the competitive status of agriculture.

FANTASY FADES

The last cow walks into the lot at her own deliberate, dignified rate. I shut the gate. Back in the warm house, I am tired. The intoxicating spell of the night air fades, and fantasy is dispelled by glaring light. I return to the practical.

When the Nation's farmers totaled their records for 1959, they found that their income had declined 15 percent from the year before. All predictions now are for a further downhill slide in 1960. Not a single economist forecasts any significant improvement in the farm-income situation in the years ahead. There is every evidence that the farmer has the technical ability to expand production even faster than the population increases for quite a few years to come. The farm surpluses will be with us for a long time.

And there is no sound, unified program to meet this situation. The voice of the farmer is weak and faltering because the several national farm organizations which are supposed to speak for him are deadlocked in uncompromising disagreement on possible solutions. They have taken fixed positions and continue to defend them, come what may, while the situation steadily worsens.

HOW WE HANG ON

How then, if we are losing money, do we—Carl and Mary Conger—manage to hang on? We have done it, thus far, by the very inflationary force which threatens to destroy us. Inflation operates in strange ways, and while it has put our income in a cost-price squeeze, it has caused a rise in land values. Also, the desperate need to grow larger, for efficiency's sake, has caused farmers themselves to bid up the price of land. Thus our farm, like most others, is worth more each year—on paper—and we borrow against that increased value to meet our losses. We know

this is a dangerous process, one that is under way in much of agriculture, one that could engulf us all unless the decline in farm income can be halted.

Meanwhile we tighten our belts. We put off reshingling the roof yet another year. And we don't really need a new refrigerator—the old one has run for 17 years without stopping. We hang on, knowing that for farmers everywhere there will be more debts, a gradual loss of their equity in their land and a widespread fear that someday, unless something is done, the scales will tip too far, and family farms such as ours will be a thing of the past.

THE CUBAN SITUATION

Mr. KEFAUVER. Mr. President, during recent months, our relations with Cuba have gone from bad to worse. Under our present approach to the problem, I can see no prospect other than further deterioration of these relations.

I believe the situation is serious; and I believe that a more constructive approach is urgently needed, unless we are willing to see Cuba become a hostile cold war outpost against the United States.

A principal cause of the unfortunate state of our present relations with Cuba is the controversy over charges that the United States is condoning, if not encouraging, raids against Cuba from American soil.

On this issue, Castro has made a mountain out of a molehill. I believe he has blown up a whirlwind of propaganda out of a few isolated incidents over which the United States had no adequate control. This propaganda campaign is apparently based on Castro's fears that the United States is trying to torpedo his government.

These fears are wholly without foundation in fact. The United States has not condoned, and does not condone, raids against Cuba from our soil. The President has ordered the FBI to take special precautions against such raids, while Congress has recently passed a $500,000 appropriation to employ more agents to check airfields and to clamp down as tightly as possible on these unfortunate free-lance, light-plane raids. This country is not the enemy of Cuba.

Despite these measures, Fidel Castro has continued to level charges that the United States is "out to get" Cuba. There can be no solution to our misunderstanding with Cuba unless the air is cleared of suspicion and of the deplorable propaganda war which presently is being waged. This dispute must be lifted from the street level to a higher plane. It must be placed beyond the reach of exaggerated fears and unfounded propaganda attacks.

I suggest—as others have done—that the U.S. Government offer to have the Organization of American States investigate Cuba's charges, and make recommendations for the resolution of our current difficulties with that country. After all, the Organization of American States was established for that very purpose—to help iron out difficulties which may arise among nations of the Western Hemisphere.

The Organization has a high reputation for impartiality and for exercising an effective and constructive influence on disputes on which it has been requested and permitted to act. The purpose of submitting the dispute to the OAS would be to request the use of the good offices of our Western Hemisphere neighbors to settle a dispute which hitherto we have been unsuccessful in settling bilaterally.

Under international law, every country has a clear obligation to use due diligence to prevent its own territory from being used as a base for hostile operations against other countries. I am confident that most of the allegations which have been levelled against the United States are greatly exaggerated. Quite obviously the U.S. Government is not attempting to destroy Cuba by means of occasional light-plane raids.

On the other hand, respect for international law is very much a part of our basic political philosophy; and if any damage at all to Cuba has resulted from our failure adequately to discharge our international legal obligations, we should not seek to evade responsibility for it.

A declaration of our willingness to submit the dispute to the Organization of American States would be an undeniable demonstration of good faith. And an investigation by that body would do much to clear the air of the various charges and countercharges which have done so much to poison America's relations with Cuba.

Moreover, Cuba could not turn down an American offer to submit the charges to the Organization of American States, for investigation, without lending substance to the American position and without casting doubts on the integrity of, and thus offending, the other Latin American countries.

Our present policy toward Cuba is basically negative. We have taken the preventive measures of which I spoke, and in one case we have apologized for damage caused by a light plane which raided Cuba from American soil. Generally speaking, however, we have denied or denounced Cuban allegations, without disproving them. We have raised the threat of possibly cutting Cuba's sugar quota. There are frequent suggestions that Fidel Castro is personally Communist inclined, and therefore should be treated as a pariah. All of these things tend to confirm Castro's exaggerated suspicions of the United States and to alienate him further.

The Cuban revolution has produced many excesses, and they are to be deplored. But an attitude of general hostility by the United States will not result in a decrease in such excesses. A hostile attitude is more likely to aggravate the atmosphere of suspicion and fear in which excesses take place.

We should certainly not condone anything which runs contrary to our principles. We should be firm in defense of our morally legitimate rights. We should, however, adopt a more positive approach to Cuba and to Latin America in general than we have in the recent past. We should encourage and assist constructive economic and political developments in Latin America, instead of merely contending ourselves with expressions of disapproval in connection with things which we may find distasteful.

We must either make positive efforts to place our relations with Cuba on an honorable, friendly basis, or we must content ourselves with the prospect of a continued deterioration in our relations with that country.

The administration apparently assumes that if Castro is given enough rope, he "will hang himself." I do not believe that should be our attitude. Moreover, I am sure that it will not work. Our experience with Nasser should warn us that Castro will look elsewhere for help, rather than accept failure, and that the Soviets will regard the situation as a Heaven-sent opportunity to extend their influence to the Western Hemisphere.

Recent Cuban trade negotiations with Communist bloc countries are ominous straws in the wind. The long-range prospect of our present policy toward Cuba is destruction of the Monroe Doctrine.

Despite this prospect, it is neither in the interest of the United States nor in the interest of Fidel Castro himself that he be forced into heavy dependence on the Soviet-led Communist bloc or on their domestic sympathizers. The basis for a more fruitful relationship between the United States and Cuba exists. But a more constructive American policy toward Cuba is needed now, before the situation gets out of hand.

RELIEF FOR THE FAMILIES OF NINETEEN NAVY BANDSMEN

Mr. KEFAUVER. Mr. President, President Eisenhower's triumphal tour of South America already is fading into history; but it will not be forgotten in 19 homes. The families of the 19 Navy bandsmen who died in the air tragedy over Rio de Janeiro harbor cannot easily forget the flag-draped coffins which came home to them.

If these 19 men had died in battle, the Nation would have honored them as heroes, and there might now be more concern for their families. But the 19 died in the cause of peace; they had been sent on a good-will mission.

For the bereaved families, their great personal loss was not the only tragedy. The widows and children of these servicemen have been left in serious financial difficulties. Their financial plight is due at least in considerable measure to the fact that—as nearby as can be discovered—not one of them had any accident insurance for the fatal flight.

There have been a great number of accusations that their failure to take out insurance, as they normally did when flying, was due either to misfeasance or malfeasance on the part of the Navy. These accusations, which have been leveled at the Navy from a number of different directions, have been steadfastly denied by the Navy Department.

In brief, the accusations are that the bandsmen were kept in the dark as to their itinerary in Latin America, and were discouraged from taking out insurance which would have covered them on the fatal flight.

Without going into the merits of these accusations, Mr. President, I would like to ask unanimous consent to place in the

record at this point a remarkably restrained document which has been signed by all but one of the widows of the Navy bandsmen.

If the circumstances are roughly similar to those as described in this letter and in various newspaper articles which have appeared on this subject, I believe we have a case which falls outside of the usual statutory relief and which demands special consideration on the ground of equity.

I have drafted a private bill to provide equitable relief for the widows and children of these men.

I am delaying introduction of this bill because of the announcement of two investigations of the tragic event by committees of the House of Representatives. Representative PAUL J. KILDAY of the House Armed Services Committee and Representative JOHN MOSS of the House Committee on Government Operations will hold special investigations of the matter.

When they have developed all of the facts, it will be appropriate to decide whether equitable relief is in order, and if so, the manner in which such relief can best be given.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the document was ordered to be printed in the RECORD, as follows:

We are the widows of the Navy bandsmen who died in the air crash on February 25, 1960 over Rio de Janeiro while being transported to perform at a reception to be given by the President of the United States for the President of Brazil and other dignitaries at the American Embassy. We are writing to acquaint you with the facts as we know them and to enlist your help and support for such congressional action as you deem equitable and just.

On January 26, 1960, the bandsmen were alerted to the possibility of a South American tour. On January 28 this was confirmed and the date of departure established as February 6. On February 5, the day before departure, the bandsmen were handed two forms for insurance coverage made available by Mutual of Omaha. One covered only the trip to Trinidad at the rate of $1 per $25,000 (maximum $50,000), and the other $10,000 maximum for $12 for 45 days covering the entire tour. At that time the only flights on the tour of which the men had knowledge were the flight to Trinidad for embarkation on the *Macon*, and a possible helicopter flight from Buenos Aires to Montevideo (which did not take place) of about 70 miles. It was also understood that there would be a return flight from Rio de Janeiro to Washington, but that insurance at a slightly higher rate than for the flight to Trinidad would be made available at the time of return. No itinerary had been announced and, as nearly as we can determine, none existed at that time.

Since the only known flights of any length were the one to Trinidad and the return flight from Rio de Janeiro, and in view of the relatively high cost and inadequate $10,000 blanket 45-day coverage, the majority of the men purchased the $25,000 or $50,000 Trinidad trip insurance with the expectation that they would purchase insurance for the return trip from Rio de Janeiro at that time. So far as we know no one purchased the $10,000 blanket coverage.

After flying to Trinidad the band traveled via the *Macon* to Rio de Janeiro where they played one performance, and from there to Buenos Aires, arriving on the 20th. The itinerary was not made available until February 22. This itinerary scheduled a flight in an Argentine navy plane for February 24 (which did not take place) and the fatal flight by the string orchestra to be directed by Lieutenant Fultz on the 25th from Buenos Aires back to Rio de Janeiro and return to Buenos Aires on the 26th.

Although Lieutenant Fultz and the eight string players of the group were thus given notice on the 22d, the 10 wind players of the group were not designated until the list was read to them on the 24th. The departure time was 6:30 a.m., on the 25th. We have been told that the men asked for insurance for this flight and were told that it was not available. After the tragic flight, $20,000 coverage for each member for the remainder of the trip was arranged for by telegraph by the Navy with the North American Insurance Co. for $10 per man to be paid for on return.

Whatever the reason for the sudden decision to send the band to South America, the facts are that regularly scheduled tours are known and the itinerary prepared months ahead of time, and adequate flight insurance is regularly made available in advance at reasonable cost. In this case the absence of an advance itinerary due to the hasty arrangements were, as explained earlier, the direct cause of the unavailability of adequate insurance and of the decisions by the men not to take out the $10,000 high cost insurance that was available. We know without question that, but for these circumstances, our husbands would have protected their families with the maximum fight insurance available (usually $20,000, sometimes more) because this is what they have always done in the past. We feel that, having given their lives for their country in the struggle to win the hearts of our South American neighbors to our side, they would wish that their country ease at least the financial burden of their loved ones to the extent that they would have done so had they had a fair chance.

We respectfully urge that you give this your most earnest consideration and, if you believe in our cause, introduce or join in sponsoring or voting on such legislative measure as you deem just.

Respectfully yours,

Norene Micallef, Brooklyn, N.Y.; Majorie H. Albrecht, San Francisco, Calif.; Ann Armiger, Hillside, Md.; Margaret K. Clark, Lockport, N.Y.; Judith J. D'Amico, Jersey City, N.J.; Isabel M. Gaglio, Compton, Calif.; Patricia Harl, Altoona, Pa.; Elizabeth L. Mohs, Cincinnati, Ohio; Phyllis A. Penland, Iowa City, Iowa; Arlene E. Richey, Seattle, Wash.; Francis Rosenthal, Chillum, Md.; Beatrice Tramentana, New York City; Beverly J. Wilklow, Perry, N.Y.

THE IMMORTAL MESSAGE

Mr. BYRD of West Virginia. Mr. President, spiritual awareness was not confined to those who formed our Government. It was rooted in the hearts of the people, and, therefore, appeared in every facet of American life. This is clearly emphasized by the following historical event.

In 1839, when Morse had perfected his telegraph to the point where he could send a message more than 3 miles, he took it to Washington. He appealed unsuccessfully to Congress for an appropriation to continue his experiments.

Disappointed and dejected, Morse went to Europe and tried to patent his invention. His applications in England and Russia failed. France accepted the telegraph, but never paid Morse.

He returned to Washington. On the last day of the congressional session in February 1843, 4 years after his original appeal, Morse still had not received the necessary appropriation. Discouraged and broken in spirit, he packed his bag, paid his hotel bill, and bought a train ticket for home. On the way to breakfast, Morse met the daughter of a friend. Running up to him, she said breathlessly, "I have to congratulate you."

"Congratulate me. What for?" asked Morse.

Then she told him. Congress had appropriated $25,000 for a telegraph line.

Overjoyed, Morse told the young woman that she would write the first message to go over the telegraph wire.

A little over a year later, in May 1844, the wire was completed. It stretched from Washington to Baltimore. Alfred Vail, Morse's coworker, was at the Baltimore end of the wire. In Washington, Morse kept his promise to the young woman, who was on hand for the great occasion. She handed him a piece of paper. On it was written the first message ever to go over the telegraph. Morse tapped out the words: "What hath God wrought?"

A few minutes later the same words came back over the wire: "What hath God wrought?"

Vail had answered with the same immortal message.

HEALTH PROBLEMS OF THE AGED

Mr. MCNAMARA. Mr. President, as chairman of the Subcommittee on Problems of the Aged and Aging, I have been impressed by the many thoughtful statements that are being made at the hearings we are now conducting on the critical health problems facing the elderly citizens of our Nation.

I would like especially to draw attention to the testimony of the distinguished junior Senator from New Jersey [Mr. WILLIAMS] before the subcommittee April 6. I am pleased by his strong support for prompt action to help meet the health needs of the aged, and I am especially pleased by his comments stressing the need for comprehensive low-cost medical care to provide coverage for a broad range of medical services.

Mr. President, I ask unanimous consent that Senator WILLIAMS' statement to the subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR HARRISON A. WILLIAMS, OF NEW JERSEY, BEFORE SENATE SUBCOMMITTEE ON AGING, APRIL 6, 1960, ON HEALTH PROBLEMS OF THE AGED

Mr. Chairman, I am extremely grateful for the opportunity to appear here today to say a few words on the very serious health problems facing the elderly people of our country.

And may I say, I think the Subcommittee on Problems of the Aged and Aging has been doing an outstanding job in dramatizing the implications of the trend that is adding a full 1 million people every 3 years to the ranks of the 15.3 million men and women who are now 65 years or older.

It is especially helpful that, with these hearings, you have focused on the most overwhelmingly important aspect of this trend—the health problem.

For it is the onset and continuation of serious illness at a time of minimum income that has made a mockery of the pursuit of happiness for millions of Americans in their last years of leisure.

With just subsistence income and a little savings to carry them through their years of retirement, millions of our elderly men and women have seen their modest dreams for a decent life go up in smoke with the receipt of no more than a single hospital bill.

There are, of course, vast quantities of statistics to document the seriousness of the problem. We know that the aged suffer two to three times as much chronic illness as the rest of the population under the age of 65.

We know that their expenditures for all kinds of health care are at least twice as great as the rest of the population has to pay.

We know that medical costs have, since 1947, been rising twice as fast as the cost of living as a whole.

And we know that the incomes of those over 65 are hardly adequate to cover the bare costs of normal living, much less the special health costs of a serious and chronic illness.

According to the statistical abstract of the United States, there were a full 6 million people in 1958 over the age of 65 with income from all sources, of $966 or less. Somewhat less than 150,000 of our 15 million aged people had incomes of more than $10,000. The great bulk are way down at the bottom of the income scale.

Perhaps some are inclined to say, "perhaps their income may be low after 65, but most of them have enough of a nest egg tucked away to take care of things."

Unfortunately, the statistical abstract gives no support to this belief.

Of all the people receiving old-age and survivors insurance, 35.9 percent of them had no nest egg or liquid assets at all; no money in the bank, no postal savings, no stocks or bonds, and no money loaned out to others.

Another 19.5 percent had liquid assets ranging from $1 to $999—making a total of 55 percent who had less than $1,000 to spend on an emergency without having to hock the family car or the living room furniture.

I think, then, it is fair to say that there is a vast number of elderly people who are barely managing to get by with a minimum of creature comforts.

Nevertheless, suppose we assume that most of these people are able to scrape enough together to maintain a private health insurance policy.

As I understand it, about the most liberal private health insurance program now available for the aged costs $6 a month, or $72 a year. This would be nearly 10 percent of the total income of nearly 6 million people at the present time.

In return for this extremely costly expenditure, the policyholder gets about $10 a day for 31 days in the hospital; $200 for surgical benefits and only 50 percent of the miscellaneous hospital expenses—which sometimes is a very large item on the bill—up to a total of $125. And, of course, this policy does not cover doctor bills, or any nursing home care that may be needed, or the cost of drugs—which we all now know are high indeed.

Now in New Jersey, the average cost of a hospital bed is $25 a day and this rate is, no doubt, much the same across the Nation. So if our hypothetical policyholder should be forced to spend 30 days in the hospital, it would cost the person $15 a day extra for the bed, for a total of $450.

This alone would wipe out nearly half of the yearly income of some 6 million people.

It seems to me that these facts take a good deal—if not most—of the luster off all the talk we have been hearing recently about what a vast increase there has been in the number of elderly people who now have voluntary health insurance.

And there has been a great deal of this talk. The American Medical Association is fond of saying that voluntary health insurance programs have made revolutionary progress since World War II, that by 1970 about 90 percent of the population will be covered. They often neglect to add that by 1970 more than 30 percent of those over 65 will still have no health insurance.

At the present time, there are some 9 million old people, or 60 percent of that age group, who are not covered by health insurance of any shape or form.

But the bone that sticks in the craw—and that will continue to stick—is the extremely high cost of any voluntary health insurance. Six dollars a month is high enough for people with the kinds of income we are talking about, and still the benefits of a premium of this price are sadly inadequate. One can imagine what the premium would have to be for anything approaching necessary coverage for such poor risk people as the aged.

I am sure, Mr. Chairman, that you are familiar with the remarkable letter received recently by Congressman FORAND from the distinguished Dr. Basil C. MacLean, who recently retired as president of the National Blue Cross Association.

But I think his comments on the costs of insurance are worth repeating, for he writes:

"A lifetime's experience has led me at last to conclude that the costs of care of the aged cannot be met, unaided, by the mechanism of insurance or prepayment as they exist today. The aged simply cannot afford to buy from any of these, the scope of care that is required, nor do the stern competitive realities permit any carrier, whether nonprofit or commercial, to provide benefits which are adequate at a price which is feasible for any but a small proportion of the aged."

It is because of these virtually inherent difficulties in our present medical care system that Congress is unavoidably confronted with the choice of making a "new departure" or decreeing severe economic hardship and often more painful and shorter lives for the men and women who nurtured most of us, sacrificed themselves for our benefit, educated us, fought our wars, built our country and made possible everything that we are able to enjoy today.

If nothing else, simple humanity should compel us all to find some way of guaranteeing our elderly citizens that quiet dignity, the peace of mind and freedom from catastrophe they so clearly deserve.

Yet what do we see today? We see a propaganda campaign of utter hysteria being directed at a proposal that wouldn't even stiffen the bristle of the most reactionary Tory in Great Britain.

This is, of course, the proposal that the able and dedicated Congressman from Rhode Island [Mr. FORAND], has sponsored—to permit the people of the United States to enjoy adequate medical care after retirement by paying for their insurance during their working years through small, steady tax contributions to the social security trust fund.

Of course, there are defects to this proposal which render it less than a perfect solution to the health problems of the aged.

But to listen to some of the more fervent opponents, one would think that everything that could possibly be subsumed under the phrase, the American way of life, hangs on whether a Forand-type bill is passed by Congress.

For example, we have heard the argument that "the adoption of this program at this time would impose a serious and indefensible burden on private enterprise" at a time when it is already badly overtaxed.

Or that this legislation "will eventually be dictated by political expedience and not by considerations based on sound economics."

Or that "this program would result in the creation of a new, extensive, and costly Federal bureaucracy which would assume prerogatives which rightfully belong to the States."

Or that the experience of European countries with compulsory social insurance legislation has demonstrated that such legislation as this is unwise.

Or that "this program would undermine the fabric of our economic and social life by destroying initiative, discouraging thrift, and stifling individual responsibility."

These criticisms have such a ring of antiquity about them that you would almost think they were pages torn from the days of the great New Deal debates.

In fact, that's just where they came from.

All the arguments I have just mentioned are taken from the testimony of a representative of the Illinois Manufacturers Association at the hearings in 1935 on H.R. 4120, the Economic Security Act.

Today we are hearing much the same thing about the Forand bill. And most of the criticism is wrapped up in the charge, made recently in a special "Forand issue" put out by the AMA newspaper, that this whole business is but a "bold attempt to foist off on the American people a scheme of compulsory health insurance that would carry this country into the abyss of socialism."

To me this illustrates the kind of old guard, ostrichlike statements, in the face of a serious social problem, that historically have been the motive power for eventual changes of a far more drastic nature than would have been the case had some sort of accommodation and constructive action been taken promptly.

I think there is as much reason to argue that the present position of the AMA and its allies, is more likely to lead to socialized medicine than the passage of the Forand-type bill.

Another frequently voiced criticism concerns the compulsory nature of the Forand-type legislation and the alleged inequity of making one group, the employed, pay for the benefits of another, the retired.

On the question of compulsory insurance, I would say that this is something that should be weighed very carefully by Congress, for certainly no one wants to limit anyone's freedom of choice any more than is absolutely essential.

But the opponents of any health insurance legislation have distorted this problem all out of proportion. They have tried to turn this word into something sinister and subversive.

Actually, however, every time Congress passes a law it is engaged in the process of limiting the freedom of choice of some, in order to insure a greater freedom or more social justice for others.

But even more to the point is that there are already many compulsory features to the present voluntary health plans. In many companies, if you wish to work for them, you have no choice but to contribute to their pension system or take out health insurance or whatever else is decided upon as a result of collective bargaining or management decision.

Furthermore, the employer who makes his part of the contribution to these plans then turns around and claims a tax deduction from the Federal Treasury, which in turn, collects from the taxpayer, who has no choice in the matter at all.

As for the inequity argument of making one group pay for the benefits of another, this is already happening to every single person who holds Blue Cross insurance.

We have all read of the serious financial difficulty of the Blue Cross organizations all across the country and the steep premium increases that are being made. This has happened in large part because of the Blue Cross commitment to universal coverage and level-payment premiums. But to cover the costs of the increasing number of older people who have joined, the premium has to be increased far beyond the actuarial cost of covering young people. There is no question that the younger members of Blue Cross are subsidizing the older.

But nowhere is the hollowness of the logic of the opponents more evident than in the charge that passage of compulsory health insurance legislation would lead to overutilization of hospital facilities that could not be controlled, resulting in "runaway costs, with consequences that could be disastrous to hospitals and the public."

Yet in the very same breath, these prophets of gloom are loudly boasting that by 1970 more than 90 percent of the people in the United States will be covered by voluntary health insurance plans.

It is incomprehensible to me how anyone can say the danger of overcrowding is any greater in the one case than in the other—if, in fact, these people believe that eventually 90 percent of the population will be covered and that the insurance will be genuinely adequate to the needs of our aged.

Either the danger is going to be the same in both cases or the voluntary insurance will have to be much more severely limited in benefits than we are being led to believe.

I personally believe the danger of overutilization will be very small if the proper precautions are taken.

In the first place, under the proposals now being considered, no one would be put in a hospital unless admitted by a doctor.

Thus overutilization would only occur if doctors sent their patients to hospitals when they didn't need to go. And it is somewhat ironic that the AMA and others who espouse this theory of overutilization seem to hold the integrity and responsibility of our doctors in such low esteem.

It seems to me, however, that this possibility of abuse is something that Congress ought to consider very carefully in the formulation of any legislation.

And this abuse would be much less likely to occur, I think, if the legislation is not narrowly drawn in the interests of passage.

By this I mean, if benefits are limited, for example, to just the cost of hospitalization, a great many doctors would be put under unnecessarily severe pressure to abuse the program, it seems to me.

For suppose an elderly person has need for a great deal of nonhospital care but can't afford to pay for the treatment. The doctor, then, is faced with the hard choice of foregoing all or more of his fee or sending the patient to the hospital for the service.

A good illustration of the problems of narrowly conceived health insurance can be seen in the operation of the Blue Cross.

Mr. Chairman, I would like to have included in the record of these hearings a very informative analysis of the many-faceted problems besetting the health insurance field, written by Mr. Edward Chase, in the October 29, 1959, issue of the Reporter. In connection with what I have said, he writes:

"Blue Cross now finds itself backed to the wall by the fact that its coverage is, with only the rarest exceptions, confined to treatment in hospitals. The resultant overutilization of the hospital has become something of a national scandal," simply because many patients can't afford to pay for complete health examinations, X-rays and laboratory tests, and the insurance policy doesn't cover these services unless performed in the hospital.

In addition to throwing unduly heavy burdens on the hospitals, the present scope of Blue Cross coverage, according to Mr. Chase, runs "directly counter to the prevailing trend in contemporary medical thinking" which puts the emphasis on more and better preventive practices and true rehabilitation care. As he correctly states, "Blue Cross is not contributing to realization of this ideal" and indeed it cannot give the nature of its coverage, which is of course dictated by underwriting costs.

Therefore, it seems to me of greatest importance, if there is to be legislation on the subject, to have benefits for the most complete range of medical services possible and necessary.

If proper attention is given to this matter, it seems to me that the danger of overutilization could be greatly reduced, that the total cost of medical care could be lessened by including a few ounces of prevention, and that the overall health of the aged would be materially enhanced.

Some of the things I think ought to be included would be adequate coverage for hospital costs, including bed and certain miscellaneous expenses; coverage for such services such as X-rays, diagnostic and laboratory tests on an out-patient basis, to help in the prevention and early cure of illness; coverage for necessary skilled nursing services to help in more effective rehabilitation; and coverage for limited amounts of expensive drugs that are prescribed by physicians for patients receiving care outside of hospitals.

Mr. Chairman, to me, the need for action now and the need for comprehensive low-cost medical care for our elderly citizens is of far greater importance than the particular method of financing it.

It seems to me that the use of the social security mechanism is a common sense approach with many advantages. It is a way of providing immediate coverage to the widest number of people without forcing severe financial burdens on them. Because of its virtual universality among the present working force, it will insure coverage for nearly everyone when they reach retirement and its strong financial base will permit a much lower premium cost per person than any other approach. It would eliminate the need of premium payment after retirement which most voluntary plans require.

Perhaps other financing mechanisms would work as well but these are matters that could be worked out by reasonable men who genuinely felt the pressing health problems of our aged. I sincerely hope the efforts of your committee will succeed in making the health needs of the aged more clearly felt by all.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Is morning business concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

FUNERAL EXPENSES OF THE LATE SENATOR NEUBERGER

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The call of the calendar is now in order, commencing with Calendar No. 1242, Senate Resolution 289.

Mr. BARTLETT. Mr. President. I move that the Senate proceed to the consideration of Calendar No. 1242, Senate Resolution 289.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 289) to pay certain funeral expenses of the late Senator Richard L. Neuberger, of Oregon.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to proceed to the consideration of S. Res. 289.

The resolution (S. Res. 289) was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed to arrange for and attend the funeral of the Honorable Richard L. Neuberger, late a Senator from the State of Oregon, on vouchers to be approved by the chairman of the Committee on Rules and Administration.

ADDITIONAL FUNDS FOR THE COMMITTEE ON APPROPRIATIONS

The resolution (S. Res. 282) to provide additional funds for the Committee on Appropriations was considered and agreed to, as follows:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Eighty-sixth Congress, $20,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, and Senate Resolution 137, agreed to July 6, 1959.

RESOLUTION PASSED OVER

The resolution (S. Res. 294) extending the time for filing the final report of the Select Committee on Improper Activities in the Labor or Management Field, and continuing its authority, was announced as next in order.

Mr. BARTLETT. Over, Mr. President, as not properly calendar business.

The PRESIDING OFFICER. The resolution will be passed over.

PAYMENT OF SALARIES OF SENATE EMPLOYEES

The joint resolution (S.J. Res. 178) relating to the payment of salaries of employees of the Senate was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the compensation of officers (other than Senators) and employees, whose compensation is disbursed by the Secretary of the Senate, shall be payable on the fifth day of the

month following the month in which such compensation accrued, except that—

(1) all such compensation for the month of December shall be payable on the twentieth day of December;

(2) when such fifth or twentieth day falls on Saturday, Sunday, or on a legal holiday, such compensation shall be payable on the next preceding workday; and

(3) any part of such compensation accrued for any month may, in the discretion of the Secretary of the Senate, be paid prior to the day specified in the preceding provisions of this section.

For accounting and reporting purposes, disbursements made in accordance with this section on the fifth day of a month, or on the next preceding workday if such fifth day falls on Saturday, Sunday, or a legal holiday, shall be considered to have been made on the last day of the preceding month.

SEC. 2. (a) The joint resolution of May 21, 1937 (50 Stat. 199; 2 U.S.C. 60d), is amended by striking out the words "the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives" and inserting in lieu thereof the following: "the Clerk of the House of Representatives is authorized and directed to pay to the officers and employees of the House of Representatives".

(b) Section 2 of the joint resolution approved May 21, 1937, as amended (53 Stat. 802; 2 U.S.C. 60e), is amended by striking out "The Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives", and inserting in lieu thereof "The Clerk of the House of Representatives is authorized and directed to pay to the officers and employees of the House of Representatives".

(c) The last paragraph under the heading "Contingent Expense of the House" in the First Deficiency Appropriation Act, 1946 (59 Stat. 633; 2 U.S.C. 60e–1), is amended to read as follows:

"Whenever the usual day for paying salaries in or under the House of Representatives falls on Saturday, such salaries may be paid on the preceding workday."

SEC. 3. This joint resolution shall be effective with respect to compensation accruing on or after the first day of the month following the month in which it is enacted.

PUBLIC HEARINGS ON WASHINGTON METROPOLITAN PROBLEMS

The concurrent resolution (S. Con. Res. 101) authorizing public hearings and recommendations on the bills S. 3193 and H.R. 11135 by the Joint Committee on Washington Metropolitan Problems was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Washington Metropolitan Problems, created by House Concurrent Resolution 172, agreed to August 29, 1957, is hereby authorized to hold public hearings on the bills S. 3193 and H.R. 11135, and to furnish transcripts of such hearings, and make such recommendations as it sees fit, to the Committees on the District of Columbia of the Senate and House of Representatives, respectively.

PROPOSALS TO LEASE RESERVED MINERAL LANDS

The bill (S. 1268) to provide for notice to States owning surface of lands in which minerals are reserved to Federal Government of proposals to lease such minerals was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall, in each case where he has authority to lease deposits of oil, gas, or other minerals where title to the surface is held by one of the several States, give written notice to the State in which the lands are situate of offers to lease such rights promptly upon receipt of such offer. He shall afford the affected State an opportunity to present its views within thirty days of receipt of such notice, and shall give such views full consideration. Where multiple offers are made on a particular tract, a single notice to the State shall be deemed adequate notice.

ADDITION OF CERTAIN DONATED LANDS TO EVERGLADES NATIONAL PARK

The bill (S. 2576) to authorize the addition of certain donated lands to the Everglades National Park was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept for Everglades National Park purposes, title to approximately 1,160 acres of land and submerged land lying within sections 25, 26, and 36 of township 53 south, range 29 east, and section 30, township 53 south, range 30 east, Tallahassee meridian, and being a portion of the land and submerged land donated and conveyed by three Collier deeds in 1951 and 1952 to the trustees of the internal improvement fund of the State of Florida for subsequent inclusion in the Everglades National Park. Such three Collier deeds are dated December 12, 1951, December 26, 1951, and March 21, 1952, and are recorded in deed book 22, page 240, deed book 22, page 244, and deed book 39, page 25, respectively, in Collier County, Florida. The aforesaid land and submerged land shall be subject to the reservations set forth in the aforementioned Collier deeds for public utility easements and rights-of-way of the public with respect to Indian Key Channel, and also to a public right-of-way for the State highway or causeway from Everglades City to Chokoloskee Island.

SEC. 2. All lands and submerged lands title to which is accepted by the Secretary of the Interior pursuant to the provisions of this Act shall, upon the acceptance of title thereto, become parts of the Everglades National Park and shall be subject to all laws and regulations applicable thereto.

REMOVAL OF RESERVATION OF TIMBER RIGHTS FROM PATENT ISSUED TO IVAN H. McCORMACK

The joint resolution (S.J. Res. 9) to provide for the removal of a reservation of timber rights from a patent issued to Ivan H. McCormack was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act for the relief of Ivan H. McCormack", approved August 23, 1935 (49 Stat. 2163), is amended by striking out ": *Provided further*, That the patent issued hereunder shall contain a reservation to the United States of the timber on the northeast quarter southwest quarter and the northwest quarter southeast quarter of said section 31, which timber shall remain subject to sale, and the proceeds thereof shall be credited to the 'Oregon and California land-grant fund' in accordance with the provisions of the Act of June 9, 1916 (39 Stat. L. 218)".

SEC. 2. The Secretary of the Interior shall execute and deliver to Clarence A. Sapp and Pearl E. Sapp of Philomath, Oregon, an appropriate written instrument which will effect with respect to the land conveyed under such Act the amendment made by the first section of this Act.

The preamble was agreed to.

BILL PLACED AT FOOT OF CALENDAR

The bill (H.R. 725) to provide for the establishment of the Wilsons Creek Battlefield National Park in the State of Missouri, was announced as next in order.

Mr. KEATING. Mr. President, I ask unanimous consent that the bill be placed at the foot of the calendar, to be called again.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none; and, without objection, the bill will be placed at the foot of the calendar.

PRESERVATION OF THE ANTIETAM BATTLEFIELD

The bill (H.R. 1805) to provide for the protection and preservation of the Antietam battlefield in the State of Maryland was considered, ordered to a third reading, read the third time, and passed.

STONES RIVER NATIONAL MILITARY PARK, TENN.

The bill (H.R. 9543) to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

REVISION OF BOUNDARIES OF FORT DONELSON NATIONAL MILITARY PARK

The Senate proceeded to consider the bill (S. 1066) to revise the boundaries of Fort Donelson National Military Park, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with an amendment on page 2, line 13, after the word "elevation", to strike out "367" and insert "369", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in furtherance of the purposes of the Act of March 26, 1928 (45 Stat. 367), and to facilitate an appropriate observance of the one hundredth anniversary of the Battle of Fort Donelson, the Secretary of the Interior is authorized to designate for addition to the present Fort Donelson National Military Park such lands and interests in lands adjacent to said park as in his discretion are necessary to preserve

and interpret this historic battleground, including the nearby historic Surrender House and the land upon which it is situated on Spring Street in the town of Dover, Tennessee: *Provided*, That the total area commemorating the Battle of Fort Donelson shall not exceed six hundred acres.

SEC. 2. Within the area so designated the Secretary is authorized to acquire non-Federal lands and interests in lands by purchase, donation, with donated funds or in such other manner and by such means as he may deem to be in the public interest, except that the Surrender House and land upon which it is situated shall be acquired only by donation or with donated funds. Administrative jurisdiction and control over lands administered by the Corps of Engineers, Department of the Army, above contour elevation 369 and which, under authority of section 1 of this Act, are designated for inclusion in the park shall upon agreement of the administering agency be transferred to the Secretary of the Interior, without a transfer of funds.

SEC. 3. Upon acquisition of the additional lands, pursuant to authority contained in this Act, the Fort Donelson National Military Park shall be redesignated as the Fort Donelson National Battlefield by publication of notice thereof in the Federal Register, whereupon any remaining balance of funds appropriated for purposes of said park shall be available for the purposes of the Fort Donelson National Battlefield.

SEC. 4. The administration, protection, and development of the Fort Donelson National Battlefield shall be exercised by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes," as amended.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WEST VIRGINIA PULP & PAPER CO.

The Senate proceeded to consider the bill (S. 2128) for the relief of the West Virginia Pulp & Paper Co. which had been reported from the Committee on Interior and Insular Affairs, with an amendment on page 1, after the enacting clause, to strike out:

That the Secretary of the Interior is authorized and directed to convey by quitclaim deed without consideration to the West Virginia Pulp and Paper Company all oil, gas, and other mineral rights of the United States in the following-described lands located in Calhoun County, South Carolina:

And, in lieu thereof, to insert:

That the Secretary of the Interior is authorized and directed to convey to the West Virginia Pulp and Paper Company, under the same terms and conditions as those established by the Act of September 6, 1950 (64 Stat. 769), except as to the required time within which application must be made and except that the Secretary of the Interior shall perform the duties assigned to the Secretary of Agriculture by that Act, all the mineral rights of the United States in and to the following described lands in Calhoun County, South Carolina:

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey to the West Virginia Pulp and Paper Company, under the same terms and conditions as those established by the Act of September 6, 1950 (64 Stat. 769), except as to the required time within which application must be made and except that the Secretary of the Interior shall perform the duties assigned to the Secretary of Agriculture by that Act, all the mineral rights of the United States in and to the following described lands in Calhoun County, South Carolina:

Beginning at a point of intersection of the southeast right-of-way line of South Carolina Highway Numbered 31 with the northwest boundary line of a tract of land designated as unit numbered 70 of the Orangeburg Farms Project, the said point being also a common corner of lands of the said unit numbered 70, with lands now owned or formerly owned by one Caldwell Estate, and thence leaving the said highway right-of-way line and running south 44 degrees 44 minutes west 417.40 feet thence north 45 degrees 29 minutes west 506.65 feet, thence south 42 degrees 38 minutes west 165.00 feet, thence south 43 degrees 56 minutes west, 2,023.20 feet to the point of beginning of the tract hereinafter described; thence south 43 degrees 53 minutes west 589.00 feet, thence south 44 degrees 02 minutes west 1,215.25 feet, thence south 44 degrees 00 minutes west 422.15 feet, thence south 44 degrees 04 minutes west 509.35 feet, thence south 43 degrees 36 minutes east 815.50 feet, thence south 44 degrees 02 minutes east 444.00 feet, thence north 48 degrees 26 minutes east, 2,122.50 feet, thence north 50 degrees 08 minutes east 152.90 feet, thence north 44 degrees 26 minutes east 308.75 feet, thence north 38 degrees 10 minutes west 1,455.80 feet to the point of beginning, containing 83.216 acres, more or less.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PERMISSION TO FILE APPLICATION FOR PATENT TO CERTAIN LAND IN FLORIDA

The Senate proceeded to consider the bill (S. 2174) to permit M. Margaretta Van Horne to file application for a patent to certain land in Florida, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 1, line 8, after "(69 Stat. 541)", to strike out "a patent may be issued pursuant to the provisions of such Act to M. Margaretta Van Horne, of Miami, Florida, to the following described tract of land if she files application therefor within one year after the date of enactment of this Act:

"Beginning at a point on the south line of lands deeded by Maragaret P. and William Wilson to John W. Y. Stelfox, recorded in deed book U, at page 154, public records of Brevard County, Florida, said point being 846 feet west of the east line of lot 4 in section 25, in township 27 south of range 37 east; thence running west along said Stelfox south line to the margin of Indian River; thence southerly along the margin of Indian River to a line 515 feet due south of said Stelfox south line; thence east and parallel with said south line to a point 846 feet west of the east line of lot 4 aforesaid; thence north 515 feet to the place of beginning and containing 17 acres of land to be the same more or less" and, in lieu thereof, to insert "patents should be issued pursuant to the provisions of that Act to the following-described tracts of land if application therefor is filed within one year after the date of approval of this Act: Lots 11, 12, section 13, lots 15 and 16, section 14, and lot 13, section 25, township 27 south, range 37 east, Tallahassee meridian, Florida."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any limitation upon the time within which applications for patents must be filed in order for patents to be issued pursuant to the provisions of the Act entitled "An Act to authorize the Secretary of the Interior to issue patents for certain lands in Florida bordering upon Indian River", approved August 9, 1955 (69 Stat. 541), patents should be issued pursuant to the provisions of that Act to the following-described tracts of land if application therefor is filed within one year after the date of approval of this Act: Lots 11, 12, section 13, lots 15 and 16, section 14, and lot 13, section 25, township 27 south, range 37 east, Tallahassee meridian, Florida.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to permit the filing of applications for patents to certain lands in Florida."

ACQUISITION OF CERTAIN LANDS FOR ADDITION TO HARPERS FERRY NATIONAL MONUMENT

The Senate proceeded to consider the bill (S. 2674) to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 1, line 8, after the word "Federal," to strike out "arsenal" and insert "armory," so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to further the commemorative purposes of the Act of June 30, 1944 (58 Stat. 645), by providing historic properties and administrative facilities, the Secretary of the Interior is hereby authorized to acquire, in the manner hereafter stated, the Storer College site, the original site of John Brown's "Fort" and the old Federal armory, comprising altogether approximately thirty acres, for addition to Harpers Ferry National Monument.

SEC. 2. (a) The Secretary of the Interior may accept the conveyance of all right, title, and interest of the trustees of Storer College in and to the lands and improvements in Harpers Ferry, West Virginia, granted to their predecessors for educational purposes pursuant to section 2 of the Act of December 15, 1868 (15 Stat. 266), upon payment to said trustees of not more than the current fair market value of the improvements located upon such lands. The Secretary may also purchase lands, interests therein, and improvements thereon, which lands were granted to the trustees of Storer College pursuant to such Act of 1868 and subsequently were alienated by the trustees: *Provided*, That he may pay not in excess of the amount paid thereof by the then owners plus the cost of existing improvements placed thereon by them, and, in no event may he pay more than the current fair market value. The Secretary may also purchase

from the trustees of Storer College, at not more than their fair market value, other lands and interests in lands acquired by them or their predecessors as a part of the college site, together with any improvements thereon. In addition, up to seven acres of privately owned lands, interests therein, and improvements thereon, which are interspersed with the aforesaid college lands may be purchased by the Secretary. Lands and interests purchased under this subsection may be exchanged for other lands, and interests therein, of approximately equal value, which comprise the college and interspersed lands otherwise authorized herein for purchase.

(b) To facilitate the acquisition of the original site of the engine house known as John Brown's "Fort" and the old Federal arsenal, the Secretary of the Interior is hereby authorized to exchange therefor federally owned park lands or interests in lands of approximately equal value in the vicinity of Cumberland, Maryland, which he finds are no longer required for park purposes.

SEC. 3. There are authorized to be appropriated such sums, not to exceed $300,000, as may be necessary for the purchase of lands, interests therein, and improvements thereon pursuant to this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. RANDOLPH. Mr. President, S. 2674, which has just been passed, is a measure as to which my colleague from West Virginia [Mr. BYRD] and I have joined in sponsorship. A like measure has been introduced in the House of Representatives by Representative STAGGERS of the Second Congressional District.

Mr. President, the acquisition of additional land and facilities at Harpers Ferry National Monument is most important at this time. The area is becoming increasingly attractive to Americans from the East and, in fact, from all sections of the country. In 1959 there were more than 650,000 persons who signed the guest book at the headquarters at scenic and historic Harpers Ferry National Monument.

This legislation is in the public interest, and I am sure it will add to the attractiveness of the area I have mentioned, as well as provide the National Park Service with valuable and useful facilities.

Mr. President, it was my privilege to have been the sponsor of legislation, originally proposed in 1936 under the Historic Sites Act, and enacted June 30, 1944, which created a boundary study and otherwise authorized the acquisition of appropriate lands for the Harpers Ferry National Monument. Following the required boundary investigations, acreage was set at 1,383 of the possible 1,500 acres authorized. On August 21, 1945, then Secretary of the Interior Harold L. Ickes approved the boundary report and thereafter the progression of events continued toward the goal of creating the national monument.

The West Virginia Legislature appropriated $350,000 for land acquisition in March 1951 and the Maryland Legislature appropriated $40,000 the same year. The State of West Virginia deeded 515 acres to the U.S. Government on January 16, 1953. A park ranger was assigned to the Harpers Ferry National Monument project in June of 1954 and a superintendent was appointed in August of 1955.

Mr. President, we have passed this measure today with the knowledge that it would permit the Secretary of the Interior to purchase at fair market value certain lands, the title to which is held by the trustees of Storer College, as well as other lands now in private ownership which were acquired from the trustees of the college.

Storer College no longer operates and there is contemplated a disposition of its properties within and in the vicinity of Harpers Ferry. On the college grounds are located several historic buildings associated with the armory and rifle works and prominent landmarks in the Civil War. Also on the campus is the famed John Brown "fort" which was relocated on the property many years ago. In addition, there are substantial buildings formerly used for classrooms and related purposes, for college administration, and as residences.

These properties offer a desirable solution to certain long-range problems at the Harpers Ferry National Monument, such as the need for housing, office space, general headquarters, and utility areas, the provision of which should not impinge on objects and places of historic significance in the town. Certain of these facilities are readily adaptable for use as a needed eastern National Park Service training center.

The PRESIDING OFFICER. The clerk will state the next item on the calendar.

CONVEYANCE OF CERTAIN PUBLIC LANDS IN THE STATE OF NEVADA

The bill (H.R. 7359) to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the Colorado River Commission of Nevada acting for the State of Nevada was considered, ordered to a third reading, read the third time, and passed.

ESTABLISHMENT OF THE FORT BOWIE NATIONAL HISTORIC SITE, ARIZ.

The bill (S. 939) to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to designate, for preservation as the Fort Bowie National Historic Site, the site and remaining historic structures of old Fort Bowie, situated in Cochise County, Arizona, together with such additional land, interests in land, and improvements thereon, as the Secretary in his discretion may deem necessary to accomplish the purposes of this Act: *Provided,* That the Secretary shall designate no more than one thousand acres for inclusion in said site.

SEC. 2. Within the area designated pursuant to section 1 hereof, the Secretary of the Interior is authorized, under such terms, reservations, and conditions as he may deem satisfactory, to procure by purchase, donation, with donated funds, exchange, or otherwise, land and interests in land for the national historic site. When the historic remains of old Fort Bowie, and all other privately owned lands within the aforesaid designated area have been acquired as provided in this Act, notice thereof and of the establishment of the Fort Bowie National Historic Site shall be published in the Federal Register. Thereupon all public lands within the designated area shall become a part of the Fort Bowie National Historic Site.

SEC. 3. The Fort Bowie National Historic Site, as constituted under this Act, shall be administered by the Secretary of the Interior as a part of the national park system, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended, the Historic Sites Act of August 21, 1935 (49 Stat. 666), and all laws and regulations of general application to historic areas within the national park system.

SEC. 4. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

RESTORATION OF CERTAIN PUBLIC LANDS IN ALASKA

The bill (S. 1411) to amend the act of August 1, 1956 (70 Stat. 898) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 1, 1956 (70 Stat. 898), is hereby amended by adding section 5 thereto, reading as follows:

"SEC. 5. For the purposes of this Act, the words 'restored lands' include, without limiting the meaning thereof, those lands at Big Delta and Tok Junctions that are withdrawn by public land orders numbered 808 and 975 and that lie between the centerline of the Richardson and Glenn Highways and the land included within United States surveys 2727, 2728, 2770, 2771, 2772, 2773, 2774, 2723, 2724, 2725, and 2726."

CONVEYANCE OF CERTAIN LANDS TO THE CITY OF TILLAMOOK, OREG.

The Senate proceeded to consider the bill (H.R. 3676) to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg.

Mr. LUSK. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement by my colleague the senior Senator from Oregon [Mr. MORSE] with reference to the pending measure.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

H.R. 3676 provides for conveyance by the Secretary of the Interior to the city of Tillamook, Oreg., of 1.98 acres of federally owned land. The report of the Senate Committee on Interior and Insular Affairs states that there is no Federal need for the 1.98 acres and that the tract is desired by the city for development of a boat-launching and marine park.

The bill would require the city to pay the Government the appraised fair market value of the property. In view of this fact, the

bill is consistent with the Morse formula. I am pleased to state that the bill has my full support.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

ESTABLISHMENT OF NATIONAL HISTORIC SITE AT BENT'S OLD FORT NEAR LA JUNTA, COLO.

The Senate proceeded to consider the bill (S. 1833) authorizing the establishment of a national historic site at Bent's Old Fort near La Junta, Colo., which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 1, line 5, after the word "otherwise", to strike out "all right, title, and interest in and to such lands, together with any" and insert "such lands, interests therein and", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall acquire, on behalf of the United States, by gift, purchase, condemnation, or otherwise, such lands, interests therein and improvements thereon, as the Secretary may deem necessary for the purpose of establishing a national historic site at the site of Bent's Old Fort on the Old Santa Fe Trail, located in Otero County, Colorado, approximately seven miles east of La Junta, north of the Arkansas River.

SEC. 2. (a) The property acquired under the provisions of the first section of this Act shall be designated as the Bent's Old Fort National Historic Site and shall be set aside as a public national memorial to commemorate the historic role played by such fort in the opening of the West. The National Park Service, under the direction of the Secretary of the Interior, shall administer, protect, and develop such monument, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, as amended and supplemented and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935, as amended.

(b) In order to provide for the proper development and maintenance of such national historic site, the Secretary of the Interior is authorized to construct and maintain therein such markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXEMPTION FROM TAXATION OF CERTAIN ADDITIONAL PROPERTY IN THE DISTRICT OF COLUMBIA

The bill (H.R. 9451) to amend the act of July 19, 1954, to exempt from taxation certain additional property of the Veterans of Foreign Wars of the United States in the District of Columbia, and to provide that the tax exemption granted the property of the Veterans of Foreign Wars of the United States in the District of Columbia shall be effective with respect to taxable years beginning on and after July 1, 1959 was considered, ordered to a third reading, read the third time, and passed.

EXEMPTION FROM TAXATION OF CERTAIN PROPERTY OF THE AMERICAN WAR MOTHERS, INC.

The Senate proceeded to consider the bill (S. 2671) to exempt from taxation certain property of the American War Mothers, Inc., which had been reported from the Committee on the District of Columbia, with an amendment, on page 2, after line 3, to insert a new section, as follows:

SEC. 2. The tax exemption authorized by this Act shall take effect on July 1, 1960.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the real estate described as lots numbered 837 and 838 in square numbered 2205, situated at 2615 Woodley Place Northwest, in the city of Washington, District of Columbia, owned by the American War Mothers, Incorporated, is hereby exempt from all taxation as long as the same is owned and occupied by the American War Mothers, Incorporated, and is not used for commercial purposes, subject to the provisions of sections 2, 3, and 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (56 Stat. 1091; D.C. Code, secs. 47–801b, 47–801c, and 47–801e).

SEC. 2. The tax exemption authorized by this Act shall take effect on July 1, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXEMPTION FROM TAXATION OF CERTAIN PROPERTY OF THE NATIONAL WOMAN'S PARTY, INC.

The Senate proceeded to consider the bill (S. 2306) to exempt from taxation certain property of the National Woman's Party, Inc., in the District of Columbia, which had been reported from the Committee on the District of Columbia, with amendments, on page 2, line 6, after the word "taxation", to strike out "national and municipal,"; in line 9, after the word "Inc.", to insert "and is not used for commercial purposes or for the purpose of securing a rent or income,"; in line 15, after the word "public", to insert "without charge or payment of a fee of any kind"; in line 19, after the word "sections", to strike out "3" and insert "2, 3,"; in line 22, after the word "Code", to strike out "secs. 47–801c" and insert "secs. 47–801b, 47–801c"; and, after line 23, to insert a new section, as follows:

SEC. 2. The tax exemption authorized by this Act shall take effect on July 1, 1960.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That certain property in the District of Columbia, known in the sixteen hundreds and seventeen hundreds as Cerne Abbey Manor; later the property of members of the distinguished Carroll and Sewall families; still later the office and residence of Albert Gallatin, Secretary of the Treasury, 1801–1813, who here directed the financing of the Louisiana Purchase; since 1929 the headquarters of the National Woman's Party and known as the Alva Belmont House—described as lots numbered 863, 864, and 885 in square numbered 725, together with improvements thereon and outbuildings, and the furniture, furnishings, and other personal property therein, owned by the National Woman's Party, Inc., a nonprofit corporation organized and existing under the laws of the District of Columbia—shall be exempt from taxation, in recognition of the patriotic efforts made by the National Woman's Party, Inc., to preserve this historic monument, so long as the same property is owned by said National Woman's Party, Inc., and is not used for commercial purposes or for the purpose of securing a rent or income, subject to the proviso that said corporation shall maintain the said property as historical buildings which shall be preserved for their architectural, historical, and educational significance, which buildings shall be accessible to members of the general public without charge or payment of a fee of any kind at such reasonable hours and under such regulations as may from time to time be prescribed by said corporation, subject to the provisions of sections 2, 3, and 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (56 Stat. 1091; D.C. Code secs. 47–801b, 47–801c, and 47–801e).

SEC. 2. The tax exemption authorized by this Act shall take effect on July 1, 1960.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTABLISHMENT OF OFFICE OF CIVIL DEFENSE FOR THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 2446) to amend the act entitled "An act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes," approved August 11, 1950, which had been reported from the Committee on District of Columbia, with amendments, on page 6, line 6, after the word "any", to strike out "of the Armed Forces of the United States or any" and insert "civilian"; in line 20, after the word "the", to strike out "retired pay,"; in line 14, after the word "same", to strike out "retired pay,"; after line 17, to strike out:

(c) (1) Each person employed pursuant to this Act shall execute the loyalty oath or appointment affidavit prescribed by the Civil Service Commission. Each person, other than an alien, enrolled to serve as a volunteer pursuant to this Act shall, before entering upon his duties, take an oath in writing before a person authorized to administer oaths, or such other person as may be designated by the Commissioners for this purpose, which oath shall be substantially as follows:

And, lieu thereof, to insert:

(c) (1) Each person employed pursuant to this Act shall exclude the oath of office, loyalty oath and other affidavits required of other persons employed by the District of Columbia.

(2) Each person, other than an alien, enrolled to serve as a volunteer pursuant to this Act shall, before entering upon his duties, take an oath in writing before a person authorized to administer oaths, or such other person as may be designated by the Commissioners for this purpose, which oath shall be substantially as follows:

On page 8, at the beginning of line 6, to strike out "(2)" and insert "(3)"; on page 10, line 2, after the word "of", to strike out "$200" and insert "$300"; after line 2, to strike out:

(2) As used in paragraph (1), the term "injury" means injury arising out of and in the course of service as a member of such unit or organization while serving as such member and engaged in active duty or while engaged in training under orders of competent authority related to specific training assignment, and includes disease proximately caused by such service as such member of such unit or organization.

And insert:

(2) As used in paragraph (1), the term "injury" means injury arising out of and in the course of actual service as a member of such unit or organization while serving as such member and engaged in authorized active duty or while actually engaged in training under orders of competent authority related to specific training assignments and does not include injury sustained in travel to or returning from an active duty or training assignment.

After line 18, to insert:

(3) The term "injury" as defined in paragraph (2) includes such disease or infection as arises naturally out of such actual service or training or naturally or unavoidably results from an accidental injury incurred in such service or training.

At the beginning of line 24, to strike out "(b)" and insert "(b)(1)"; on page 11, after line 7, to insert:

(2) The Secretary shall have a lien and a right of recovery, to the extent of any payments made under this section on account of injury or death, against any compensation payable under any other workmen's compensation law on account of the same injury or death; and any amounts recovered under this subsection shall be covered into the fund established under section 35 of the Act of September 7, 1916, as amended.

On page 15, line 13, after the word "of", to strike out "trainin" and insert "training"; at the top of page 18, to insert:

(p) PRESERVATION OF RECORDS.—To provide for the preservation of records considered essential to the functioning of the government of the District, including the copying of such records, where necessary, and the storage thereof in a safe place either within or outside the District.

On page 30, line 10, after the word "section", to strike out "307" and insert "306", and at the beginning of line 18, to strike out "307" and insert "306", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes", approved August 11, 1950 (Public Law 686, Eighty-first Congress), as amended, is amended to read as follows:

"SECTION 1. PURPOSES.—Because of the existing and continuing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from an attack and in order to insure that preparations of the District will be adequate to deal with such disasters or emergencies, and generally to provide for the common defense and to protect the public peace, health, and safety, to stabilize the economy, and to preserve the lives and property of the people of the District, it is hereby found and declared to be necessary: (1) to take preliminary precautionary steps; (2) to confer upon the Commissioners emergency powers; and (3) to authorize the establishment of such organizations and the taking of such steps as are necessary and appropriate to carry out the provisions of this Act. The Congress also finds, and declares, that it is necessary to make provision for the protection of lives and property of persons in the District from major disaster.

"SEC. 2. DEFINITIONS.—As used in this Act, unless the context indicates a different meaning—

"(a) 'District' means the District of Columbia;

"(b) 'Commissioners' means the Board of Commissioners of the District of Columbia;

"(c) 'Civil defense' means all those activities and measures designed or undertaken (1) to minimize the effects upon the civilian population of the District caused by an attack upon the United States; (2) to deal with the immediate emergency conditions which would be created by any such attack; and (3) to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack. Such term shall include, but shall not be limited to, (A) measures to be taken in preparation for anticipated attack, (B) measures to be taken during attack, and (C) measures to be taken following an attack.

"(d) 'Metropolitan area of the District' means the District and the counties of Arlington and Fairfax and the cities of Alexandria and Falls Church in Virginia and the counties of Prince Georges and Montgomery in Maryland.

"(e) 'Facilities' includes buildings, shelters, utilities, and land.

"(f) 'Materials' includes raw materials, supplies, medicines, equipment, component parts, and technical information and processes necessary for civil defense.

"(g) 'Attack' means any act or series of acts by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by use of bombs, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or processes.

"(h) 'Major disaster' means any flood, drought, fire, hurricane, earthquake, storm, or any catastrophe other than attack, in any part of the metropolitan area of the District which, in the determination of the Commissioners is or threatens to be of such severity and magnitude that the personnel, materials, and facilities normally available for the protection of life and property are inadequate and emergency assistance is warranted.

"TITLE I—ORGANIZATION AND PERSONNEL

"SEC. 101. (a) OFFICE OF CIVIL DEFENSE.—To effectuate the purposes of this Act the Commissioners are authorized (1) to create in the District government an Office of Civil Defense to be headed by a director; (2) to employ personnel, including temporary and part-time personnel, and to fix their compensation in accordance with the Classification Act of 1949, as amended: *Provided,* That no person shall be employed pursuant to this section unless an agency of the District government designated by the Commissioners has made an investigation concerning such person and made a finding that he is suitable for employment: *Provided further,* That upon request of the Commissioners, the United States Civil Service Commission shall conduct on a reimbursable basis, a full field investigation of any such person and furnish a report thereon to the Commissioners: *Provided further,* That in the event any investigation made pursuant to this section develops a question concerning the loyalty or subversive activities or affiliations of the individual who is the subject of the investigation, the investigating agency of the District government of the United States Civil Service Commission shall refer the matter to the Federal Bureau of Investigation for a full field investigation, the results of which shall be furnished the Commissioners; (3) to establish such civil defense units and organizations, including an auxiliary police force, as they may deem appropriate; (4) to expand existing agencies of the District government concerned with civil defense; (5) to recruit, organize, equip, and train volunteers and to accept and utilize their services; (6) to make orders, rules, and regulations governing the operation of such civil defense units and organizations and the discipline of members and personnel thereof: *Provided,* That nothing contained in this Act shall be construed to authorize any such volunteer to demand or receive any salary or wages by reason of such training or service: *Provided further,* That during any period in which title III or title IV of this Act is in effect no person shall be entitled to any benefits under the Federal Employees Compensation Act, approved September 7, 1916, as amended, by reason of such training or service of any such volunteer; and (7) to cooperate with governmental and nongovernmental agencies, organizations, associations, and other entities, and coordinate the activities of all organizations for civil defense within the District.

"(b) RETIRED PERSONNEL MAY BE EMPLOYED.—Notwithstanding any limitation of any other law, there may be employed in such Office of Civil Defense any person who has been retired from any civilian office or position in the Federal or District governments, and while so employed in such Office of Civil Defense any such retired person may receive the compensation authorized for such employment or the retirement compensation, or annuity, which ever he may elect, and upon the termination of his employment in such Office of Civil Defense, he shall be restored to the same status as a retired officer or employee with the same retirement compensation, or annuity to which he was entitled before having been employed in such Office of Civil Defense.

"(c)(1) Each person employed pursuant to this Act shall execute the oath of office, loyalty oath and other affidavits required of other persons employed by the District of Columbia.

"(2) Each person, other than an alien, enrolled to serve as a volunteer pursuant to this Act shall, before entering upon his duties, take an oath in writing before a person authorized to administer oaths, or such other person as may be designated by the Commissioners for this purpose, which oath shall be substantially as follows:

"'I, ----------, do solemnly swear (or affirm) I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"'I do further swear (or affirm) that I have not at any time heretofore advocated, that I do not now advocate and that during such time as I am a member of the (name of civil defense organization) I will not advocate the overthrow of the Government of the United States by force or violence.'

Any person who shall be found guilty of having falsely taken such oath shall be punished as provided in section 1621, title 18, United States Code.

"(3) Notwithstanding the requirements of section 403(b) of the Federal Civil Defense Act of 1950, as amended, any alien enrolled to serve as a volunteer pursuant to this Act shall, before entering upon his duties, take an oath in writing before a person authorized to administer oaths, or such other person as may be designated by the Commissioners for this purpose, which oath shall be substantially as follows:

"'I, _____, do solemnly swear (or affirm) that I have not at any time heretofore advocated, that I do not now advocate, and that during such time as I am a member of the (name of civil defense organization) I will not advocate, the overthrow of the Government of the United States by force or violence.

"'And I do further swear (or affirm) that I have not been a member or an affiliate, that I am not now a member or an affiliate, and that during such time as I am a member of the (name of civil defense organization) I will not become a member or affiliate of, any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.'

Any person who shall be found guilty of having falsely taken such oath shall be punished as provided in section 1621, title 18, United States Code.

"SEC. 102. (a) INJURY AND DEATH BENEFITS FOR VOLUNTEERS.—(1) Except while title III or title IV of this Act is in effect, in case of injury or death resulting from injury (as defined in paragraph (2) of this subsection) to any duly enrolled volunteer member of any civil defense unit or organization created pursuant to this Act, the provisions of the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, subject to the other subsections of this section, shall apply and such Act shall be administered by the Secretary of Labor (hereinafter called the Secretary) in the same manner and to the same extent as if such person were a civil employee of the United States and were injured while in the performance of his duty: *Provided*, That for benefit computation, regardless of pay or status, such person shall be deemed to have had a monthly pay of $300.

"(2) As used in paragraph (1), the term 'injury' means injury arising out of and in the course of actual service as a member of such unit or organization while serving as such member and engaged in authorized active duty or while actually engaged in training under orders of competent authority related to specific training assignments and does not include injury sustained in travel to or returning from an active duty or training assignment.

"(3) The term 'injury' as defined in paragraph (2) includes such disease or infection as arises naturally out of such actual service or training or naturally or unavoidably results from an accidental injury incurred in such service or training.

"(b)(1) Where, because of a concurrent employment status of such a member, benefits for disability or death would accrue to a person under the District of Columbia workmen's compensation law, or the workmen's compensation law of any State or Territory, or the Federal Employees' Compensation Act, or under a pension or disability system applicable to members of a police or fire department, the person entitled to such other benefits shall not be entitled to benefits under this section.

"(2) The Secretary shall have a lien and a right of recovery, to the extent of any payments made under this section on account of injury or death, against any compensation payable under any other workmen's compensation law on account of the same injury or death; and any amounts recovered under this subsection shall be covered into the fund established under section 35 of the Act of September 7, 1916, as amended.

"(c) Whenever a claim is filed with the Secretary for benefits because of an alleged injury or death within the purview of this section, he shall notify the Commissioners and they or their designee shall investigate the facts surrounding such alleged injury and make certification with respect thereto, including certification as to such injured or deceased person's membership in a civil defense unit or organization created pursuant to this Act, and whether the injury or death arose out of and in the course of service as a member of such unit or organization while serving as a member and engaged in active duty or while engaged in training under orders of competent authority related to a specific training assignment. Such certification shall not excuse the making of such reports as are required by such Act of September 7, 1916, nor shall it be conclusive as to any facts therein.

"(d) Any compensation award made pursuant to the authority contained in this section shall be paid in the manner provided by law for the payment of general expenses of the government of the District.

"TITLE II—POWERS AND DUTIES

"SEC. 201. The Commissioners are authorized, in order to carry out the purposes of this Act:

"(a) PLANS AND PROGRAMS.—To prepare comprehensive plans and programs for civil defense, including plans for utilization of shelters or evacuation, or both, as protective measures, such plans and programs to be integrated into and coordinated with the civil defense plans and programs of the Federal Government and of States and appropriate political subdivisions thereof.

"(b) TRAINING AND PREPARATION.—To conduct training programs and public information programs; to publicly disseminate appropriate civil defense information by all appropriate means; to organize, equip, and train civil defense units and organizations, including auxiliary police and firefighting forces, and the personnel thereof; to conduct blackouts and practice blackouts, air raid drills, mobilization of civil defense forces, and other tests and exercises; to construct or prepare shelters for protection from enemy attack; to participate either within or outside the District in drills or tests jointly with States and political subdivisions thereof; to provide for the effective screening or extinguishing of all lights or lighting devices and appliances; and to take other preparatory steps, including the partial or full mobilization of civil defense units and organizations.

"(c) CONTROL DURING DRILLS.—To control pedestrian and vehicular traffic, transportation, communication, and other public utility facilities and services, and the conduct of persons other than members of the armed services of the United States during drills and tests and immediately prior and subsequent thereto.

"(d) COMMUNICATION, ATTACK WARNING, AND CONTROL FACILITIES.—To provide and maintain necessary civil defense communications and devices for warning the civilian population of attack; and to establish and maintain control and reporting centers and other operational headquarters and facilities, including one or more such facilities outside the District.

"(e) POLICE POWERS FOR AUXILIARY POLICE.—To vest such members of the auxiliary police force with such of the powers, and to impose upon them such of the duties, of members of the Metropolitan Police force as the Commissioners may determine: *Provided*, That the Commissioners shall not vest any such power in any such member unless they are satisfied that such member has received sufficient training and is otherwise qualified: *Provided further*, That powers of members of the Metropolitan Police force so vested shall be exercised only during a state of civil defense emergency established or declared in accordance with the provisions of section 301 of this Act and, when authorized by the Commissioners (a) during drills and tests, (b) during periods of training, and (c) immediately prior to and during major disasters.

"(f) SURVEYS OF RESOURCES.—To make studies and surveys of the resources and facilities within or available to the District for civil defense, and to plan for the most efficient emergency use thereof.

"(g) STOCKING OF MATERIALS.—To procure and stockpile necessary materials and to store them within or outside the District.

"(h) PROTECTION OF VITAL FACILITIES AND MATERIALS.—To provide for the guarding and protection of water supplies, railroads, public utilities, bridges, highways, public buildings, communication facilities, vital and strategic materials, and other focal points of possible attack, the loss or destruction of which might menace or endanger the security and safety of the civilian population or impede the defense effort.

"(i) ACCEPTANCE OF GIFTS OF FACILITIES, MATERIALS, AND FUNDS.—Notwithstanding the provisions of any other law, to accept gifts of facilities, materials, and funds that may from time to time be offered to the government of the District and to use or expend the same for purposes of this Act.

"(j) UTILIZATION OF FEDERAL DEPARTMENTS AND AGENCIES.—To request any Federal department or agency, to provide the District with assistance for purposes of planning for civil defense and natural disasters and of training District government employees and others in civil defense and natural disaster methods, techniques and practices; and such departments and agencies are authorized to provide such assistance."

"(k) (1) ASSIGNMENT OF FUNCTIONS TO DISTRICT DEPARTMENTS, AND SO FORTH.—To assign specific civil defense functions to any District department, office, board, commission, or agency. In order to perform such assigned functions, each District department, office, board, commission, and agency is authorized to utilize its personnel, facilities, resources, and funds, and recruit, organize, train, equip, and utilize volunteers.

"(2) Each officer and employee of each department, office, board, commission, or agency (a) which has no specific civil defense function assigned to it by the Commissioners, or (b) which is not, in the judgment of the Commissioners, immediately necessary for the continued operation of essential services while title III of this Act is in effect, shall be assigned to and trained in such civil defense duties as the Commissioners shall direct, such duties to be performed during any period when title III of this Act shall be in effect.

"(l) ACQUISITION AND USE OF MATERIALS, FACILITIES, LANDS, AND SERVICES.—To acquire by loan, donation, purchase, or rental, and to use, operate, and maintain, equipment and materials of all kinds; to acquire, by loan, donation, purchase, or condemnation, or to rent, lands and buildings or any interest therein; to construct, maintain, repair, alter, and use structures of all kinds and to procure, by contract or otherwise, services of any nature.

"(m) WAIVER OF BUILDING REGULATIONS.—To waive any regulation governing the erection, alteration, height, or use of structures, buildings, towers, or appurtenances, or parts thereof, whenever the same shall be necessary for civil defense purposes.

"(n) (1) REGULATIONS AND PENALTIES.—To make regulations to carry out the purposes of this Act, including regulations establishing security requirements and safeguards and restricting access to information and property, and to prescribe penalties for violations of such regulations not exceeding a fine of $300 or imprisonment for ninety days. Prosecutions for violations of such regulations shall be brought in the name of the District of Columbia by the Corporation Counsel or any of his assistants. Regulations which are to become effective only when title III or title IV of this Act shall become effective may be promulgated prior to the taking effect of such title III or title IV.

"(2) LIABILITIES AND PENALTIES UNDER REPEALED REGULATIONS SAVED.—When any regulation made under the authority of this Act is repealed, rescinded, or ceases to be effective, penalties and liabilities thereunder shall not be released or extinguished, unless there be an express provision to so release or extinguish, but such regulations shall be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of any such penalty or liability.

"(o) INTERSTATE COMPACTS.—To take all necessary actions to carry out the purposes of interstate civil defense and disaster compacts entered into pursuant to the joint resolution entitled 'Joint resolution authorizing the District of Columbia to enter into interstate civil-defense compacts', approved April 22, 1954 (68 Stat. 59).

"(p) PRESERVATION OF RECORDS.—To provide for the preservation of records considered essential to the functioning of the government of the District, including the copying of such records, where necessary, and the storage thereof in a safe place either within or outside the District.

"TITLE III—EMERGENCY POWERS

"SEC. 301. WHEN EFFECTIVE.—The provisions of this title shall be operative (a) whenever a state of civil defense emergency in the District has been proclaimed by the President or by Congress in accordance with the provisions of the Federal Civil Defense Act of 1950; or (b) whenever the Commissioners invoke the provisions of this title in the absence of a declaration of civil defense emergency (1) upon receipt of strategic intelligence from the Director of the Office of Civil and Defense Mobilization indicating an attack is probable, (2) upon warning of attack by the Office of Civil and Defense Mobilization, or (3) upon the occurrence of an attack.

"SEC. 302. POWERS AND DUTIES OF COMMISSIONERS.—In addition to the powers and duties which are now or may hereafter be vested in the Commissioners, they are hereby authorized to take such measures during any such emergency as may be necessary for the protection, relief, and assistance of persons and property without regard to the provisions of any other law to the extent that such provisions interfere with or prevent the carrying out of such measures, including, but not limited to, the following:

"(a) POWERS UNDER TITLE II EXTENDED TO TITLE III.—To exercise all powers and authority vested in them by title II of this Act.

"(b) POLICE POWERS.—To vest members of District civil defense units and organizations with such authority, including such of the powers of the Metropolitan Police force as the Commissioners may deem appropriate, as will enable such members to carry out and perform the functions and duties imposed upon them pursuant to this Act.

"(c) PROTECTION OF PERSONS WITHIN THE DISTRICT.—To prepare for, order, and regulate the carrying out of measures for the protection of persons in the District, including the evacuation of persons from the District or from any part thereof, to such places, including shelters, in the District, as the Commissioners may designate, or outside the District as the Commissioners may designate with the approval of the Governor of any State or the designee of such Governor, and to provide for the reception, housing, maintenance, and care of such evacuees: *Provided,* That the evacuation of personnel of any activity of the Federal Government shall take place only upon the consent of the Office of Civil and Defense Mobilization or of such other authority or authorities as may be designated by the President; however, upon agreement, any prearranged plan between such Office or such other authorities and the Commissioners shall constitute such consent.

"(d) AUTHORITY OF THE COMMISSIONERS OVER THE SEMIAUTONOMOUS AGENCIES OF THE DISTRICT OF COLUMBIA.—For the purposes of civil defense only, to exercise full authority over those semiautonomous agencies, officers, and individuals exercising governmental authority in and performing governmental functions for the District of Columbia, including the Apprenticeship Council, the Board for the Condemnation of Insanitary Buildings, the Board of Education, the Board of Elections, the Board of Library Trustees, the Board of Recreation, the Board of Zoning Adjustment, the National Zoological Park, the Public Utilities Commission, the District of Columbia Redevelopment Land Agency, the Zoning Commission, the District of Columbia Tax Court, the Juvenile Court of the District of Columbia, the Municipal Court for the District of Columbia, and the Municipal Court of Appeals for the District of Columbia.

"(e) AVAILABILITY OF FUNDS.—For the purposes of carrying out the provisions of this Act, to expend at the discretion of the Commissioners: (a) the unexpended balances of appropriations in any District of Columbia Appropriation Act, including but not limited to any funds obligated for accounting purposes but which in the judgment of the Commissioners may be diverted to civil defense purposes; and (b) any funds to the credit of the District of Columbia in the Treasury not otherwise appropriated, and such funds are hereby appropriated for such purposes.

"(f) DISPOSITION OF MATERIALS.—Either within or outside the District, to sell, lease, lend, transfer, or deliver materials or perform services for civil defense purposes on such terms and conditions as the Commissioners shall prescribe.

"(g) DISTRIBUTION OF SUPPLIES AND FINANCIAL ASSISTANCE FOR TEMPORARY RELIEF.—Either within or outside the District, to expend and distribute materials, including but not limited to food, fuel, and clothing; to provide emergency housing; to provide financial assistance for the temporary relief or aid of any civilian injured or in want as the result of attack; and to take whatever other action may be necessary for the purpose of preventing and alleviating suffering of persons and preventing the spread of disease and to obligate the District for the payment therefor.

"(h) ALLOCATION OF FOOD, FUEL, AND OTHER VITAL SUPPLIES.—To promulgate regulations prohibiting or regulating the sale, use, disposition, or transfer, and the transportation from within the District to any point outside the District, of such food, fuel, medical supplies, electric power, gas, or other articles necessary to prevent or alleviate suffering of persons or to prevent the spread of disease in said District, and to allocate all or any of the same in such manner, upon such conditions, and to such extent as they may deem necessary or appropriate to effectuate the purposes of this title: *Provided,* That every such regulation shall cease to be effective on the ninetieth day after the effective date of such regulation or upon the effective date of any regulation of general application and dealing with the same subject matter issued by any agency of the United States.

"(i) SHUTTING OFF UTILITIES SERVICES.—To shut off, disconnect, or suspend service from or by, or require the shutting off, disconnection, or suspension of service from or by, gas mains, electric powerlines, or other utilities.

"(j) DESTRUCTION OF CONTAMINATED PROPERTY.—To destroy or cause to be destroyed any property, real or personal, in the District found to be contaminated by radioactive or poisonous substance, or contaminated by germs, viruses, or other matter deleterious to life or health, and, by reason of such contamination, dangerous to persons or property, and pending the time when any such contaminated property shall be rendered safe, to prohibit persons from contacting or approaching so close to such property as to endanger their lives or health.

"(k) OTHER MEASURES FOLLOWING ATTACK.—To take such other measures as are necessary following attack, including but not limited to, firefighting, rescue, medical, health and sanitation services, radiological monitoring, unexploded bomb reconnaissance, debris removal, and essential emergency repair or restoration of vital facilities.

"(l) BURIAL OF DEAD.—To provide for the burial of the bodies of human beings whose deaths are caused by or result from the occurrence of disaster contemplated by this Act and whenever the public interest is such as to require the same, the Commissioners may provide for the burial of such bodies in common graves.

"(m) REQUISITIONING OF PRIVATE PERSONAL PROPERTY.—To requisition, take possession of, and use privately owned personal property of whatever kind and nature or any rights therein as may in their opinion be necessary for the purposes of this Act and to ascertain and pay just compensation for such property or any rights therein to be determined as hereinafter provided. The Commissioners shall promptly determine the amount of compensation to be paid for any such property or the use thereof requisitioned pursuant to this Act but each such determination shall be made as of the time it is requisitioned in accordance with the provision for just compensation in the fifth amendment of the Constitution of the United States. If the person entitled to receive the amount so determined by the Commissioners as just compensation is unwilling to accept the same as full and complete compensation for such property or the use thereof he shall be paid promptly 75 per centum of such amount and shall be entitled to recover from the District in an action brought in the appropriate court within three years after the date of the Commissioners' award, an additional amount which, when added to the amount so paid to him, shall be just compensation.

"(n) DISPOSAL OF PERSONAL PROPERTY.—Whenever the need for the purposes of this Act of any personal property requisitioned under this title shall terminate, the Commissioners may dispose of such property under such terms and conditions as they deem appropriate, but to the extent feasible and practicable they shall give the former owner of any property so disposed of an opportunity to reacquire it (1) at its then fair value as determined by the Commissioners or (2) if it is to be disposed of (otherwise than at a public sale of which he is given reasonable notice) at less than such value, at the highest price any other person is willing to pay therefor: *Provided,* That such opportu-

nity to reacquire need not be given in the case of fungibles or items having a then fair value of less than $1,000.

"SEC. 303. NONLIABILITY OF DISTRICT AND OTHERS FOR DAMAGES.—Neither the District nor any officer, agent, employee, or regularly appointed volunteer worker in the service of said District, nor any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith and without willful or gross negligence carrying out, complying with, enforcing, or attempting to carry out, comply with, or enforce this Act or any order, rule, or regulation issued or promulgated pursuant to this Act, shall be liable for any damage sustained by any person, including volunteers, or property as the result of such activity. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under section 102 of this Act, or any workmen's compensation law, or under any pension, retirement, or disability law, nor the right of any such person to receive any benefits or compensation under any other Act of Congress.

"SEC. 304. REMOVAL FROM DISTRICT.—During such time as this title is in effect the Commissioners may order the government of the District, or any part thereof, its personnel and its property, removed from the District; and while outside the District the personnel are authorized to perform such duties as are assigned by the Commissioners or by the civil defense authorities of the State in which they are then located.

"SEC. 305. OPERATIONS OUTSIDE THE DISTRICT.—During such time as the District government is located outside the District the Commissioners shall continue to exercise the powers conferred upon them by this or any other Act: *Provided*, That such powers shall be exercised only over and with respect to the District of Columbia, property owned by the District of Columbia, or property owned by the United States and used by the District with the permission of the United States.

"SEC. 306. OPERATIONS IN THE ABSENCE OF A QUORUM OF THE BOARD OF COMMISSIONERS.—In the absence of a quorum of the Board of Commissioners, one Commissioner, or the Assistant to the Engineer Commissioner authorized to perform the functions of the Engineer Commissioner in his absence or disability, shall exercise all of the powers and perform all of the functions of the Board of Commissioners including, but not limited to, (a) making and adopting regulations, (b) approving contracts in excess of $25,000, (c) appointing or removing the head of any agency responsible directly to the Board of Commissioners, (d) approving the budget for the District of Columbia, and (e) authorizing the performance of any of the Board's functions by any officer, employee, or agency of the government of the District of Columbia, except the courts thereof: *Provided*, That such Commissioner or such Assistant to the Engineer Commissioner shall not provide for the performance by any other officer, employee, or agency of the functions enumerated in (a) through (d) of this section.

"TITLE IV—MAJOR DISASTERS

"SEC. 401. WHEN EFFECTIVE.—The provisions of this title shall be operative only during a major disaster, as determined by the Commissioners to exist and as proclaimed by them with the approval of the President. The Commissioners shall announce the termination of a major disaster by a proclamation issued on their own initiative or upon direction of the President.

"SEC. 402. POWERS AND DUTIES OF COMMISSIONERS.—Whenever a major disaster has been proclaimed (a) there shall be vested in the Commissioners, in addition to the powers and duties which are now or may hereafter be vested in them, the powers and duties which would be vested in them as if title III of this Act was in effect, and (b) all provisions of such title III shall, insofar as they are applicable, be operative as if they were set forth in this title.

"TITLE V—GENERAL PROVISIONS

"SEC. 501. MOTOR VEHICLE SAFETY RESPONSIBILITY ACT INAPPLICABLE.—During such periods of time that any privately owned motor vehicle is used by the District under the authority of this Act the operator thereof shall not be deemed or held to be the agent of the owner of such vehicle within the meaning of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120, ch. 222), as amended (title 40, ch. 4, D.C. Code, 1951 edition).

"SEC. 502. NONLIABILITY OF PERSONS PERMITTING USE OF REAL PROPERTY AS SHELTER.—Any person owning or controlling real property who, voluntarily and without compensation, grants to the District a license or privilege, or otherwise permits the District to inspect, designate, and use the whole or any part or parts of such real property for the purpose of sheltering persons during periods when title III of this Act is operative, or at any time for purposes of drilling persons in or familiarizing persons with emergency procedures, shall together with his successors in interest, if any, not be civilly liable for negligently causing the death of, or injury to, any person, or for loss of or damage to property of such person on or about such real property under such license, privilege, or other permission.

"SEC. 503. DELEGATION OF AUTHORITY.—The Commissioners are authorized to delegate to officers and employees of the District and to such other persons as the Commissioners deem appropriate such of the powers conferred upon them by this Act as they may determine and may by regulation provide for the subdelegation of any delegated power: *Provided*, That except when title III or title IV of this Act is in effect, the Commissioners shall not delegate the power to make regulations authorized by this Act.

"SEC. 504. APPROPRIATIONS.—Appropriations to carry out the purposes of this Act are hereby authorized.

"SEC. 505. ACT OF MAY 21, 1951, AS AMENDED.—The provisions of the Act approved May 21, 1951, as amended by the Act approved July 6, 1953 (Public Law 103, Eighty-third Congress), authorizing the appointment of a member of the Metropolitan Police Department or a member of the Fire Department, District of Columbia, to any position in any office or agency succeeding to the functions of the Office of Civil Defense (abolished pursuant to Reorganization Plan Numbered 5 of 1952) shall be applicable with respect to the Office of Civil Defense created by this amendatory Act.

"SEC. 506. ARMED SERVICES.—Nothing contained in this Act shall be construed as authorizing the Commissioners to direct or control in any manner the activities, personnel, installations, facilities, or equipment of the armed services of the United States, or any of the subordinate agencies of such armed services.

"SEC. 507. Nothing in this Act shall be construed to amend or modify the provisions of the Federal Civil Defense Act of 1950, as amended, or the Act 'To authorize Federal assistance to States and local government in major disasters, and for other purposes', approved September 30, 1950 (64 Stat. 1109).

"SEC. 508. SEPARABILITY.—If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of the Act, and the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 509. REORGANIZATION PLAN NUMBERED 5 OF 1952.—Except as otherwise provided in section 306 of this Act, this Act shall not be considered as affecting the authority vested in the Commissioners by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824; D.C. Code, title 1, appendix, 1951 edition, Supp. VI). Any function vested by this Act in any agency established pursuant to this Act or such plan shall be deemed to be vested in said Commissioners and shall be subject to delegation in accordance with section 306 of this Act.

"SEC. 510. SHORT TITLE.—This Act may be cited as the 'District of Columbia Civil Defense Act'."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF FINANCE CHARGES FOR RETAIL INSTALLMENT SALES OF MOTOR VEHICLES IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 10683) to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes.

Mr. HARTKE. Mr. President, as chairman of the subcommittee which handled hearings on a Senate companion bill to the pending measure, H.R. 10683, I want to say that this legislation will impose necessary curbs on a few unscrupulous used-car dealers and fly-by-night finance companies in the District of Columbia.

It has been the practice of these dealers and finance companies to pry every last dollar possible from those members of the public who patronize used-car lots. This legislation will permit the fixing of fair ceilings on finance charges and the bonding of used-car salesmen.

It will protect the unsuspecting citizens of the District of Columbia and the metropolitan area from the fast-talking salesmen who have preyed too long on the service men and women and the public in general here in the Nation's Capital city.

Likewise, Mr. President, may I say that I believe Miss Miriam Ottenberg, a staff correspondent of the Washington Evening Star, and her paper, deserve the plaudits of this city and the Congress for presenting the "Buyer Beware" series which focused attention on these unethical practices.

Mr. President, I request unanimous consent that an explanation of the bill, H.R. 10683, be inserted into the body of the RECORD at this point in my remarks.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

There is at present in the District of Columbia no regulation of the rate of finance charges made in connection with sales of motor vehicles on time, that is, sales of motor vehicles whereby any part of the purchase price is to be paid in installments. Although the District Commissioners, under authority vested in them by acts of Congress, have required motor-vehicle dealers to be licensed and to be regulated in respect to many phases of their activity, and although the Commissioners have authority to require the licensing of persons engaging

in the business of financing installment sales of motor vehicles and to regulate their activities, the Commissioners are without authority to fix and regulate the rates of finance charges made for installment sales of motor vehicles. The Commissioners also are lacking in authority to require bonds of motor vehicle dealers or of persons licensed to engage in the business of financing installment sales of motor vehicles.

Testimony during the hearings developed the fact that 30 or more States regulate finance charges made in connection with detail installment sales of motor vehicles.

The committee believes that with the enactment of this bill, together with the promulgation and enforcement by the Commissioners of stricter regulations governing the businesses of motor-vehicle dealers and financing of installment sales of motor vehicles, the evils prevailing in the District in connection with the installment selling of motor vehicles, can be dealt with properly.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2131) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended, was announced as next in order.

Mr. BARTLETT. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

MANAGEMENT OF CERTAIN DISTRICT OF COLUMBIA CORPORATIONS

The bill (H.R. 9737) to amend the act of March 3, 1901, to eliminate requirement that certain District of Columbia corporations be managed by trustees the majority of whom are citizens of the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

TEMPORARY SUSPENSION OF TAX ON FIRST DOMESTIC PROCESSING OF COCONUT OIL AND PALM OIL

The bill (H.R. 8649) to continue for a temporary period the existing suspensions of tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof was considered, ordered to a third reading, read the third time, and passed.

TEMPORARY FREE IMPORTATION OF CERTAIN TANNING EXTRACTS

The bill (H.R. 9820) to extend the period during which certain tanning extracts, and extracts of hemlock or eucalyptus suitable for use for tanning may be imported free of duty was considered, ordered to a third reading, read the third time, and passed.

SUSPENSION OF DUTY ON CERTAIN ALUMINA AND BAUXITE

The Senate proceeded to consider the bill (H.R. 9307) to continue for 2 years the suspension of duty on certain alumina and bauxite, which had been reported from the Committee on Finance, with amendments, on page 1, after line 7, to insert a new section, as follows:

SEC. 2. (a) Section 1 of the Act entitled "An Act to suspend for two years the duty on crude chicory and to amend the Tariff Act of 1930 as it relates to chicory", approved April 16, 1958 (72 Stat. 87; 19 U. S. C. 1001, par. 776 and note), is amended by striking out "the two-year period beginning the day following the date of enactment of this Act" and inserting in lieu thereof "the period beginning April 17, 1958, and expiring at the close of July 16, 1960".

(b) Section 3 of such Act is amended by striking out "after the date of the enactment of this Act and prior to the expiration of two years after such date" and inserting in lieu thereof "after April 16, 1958, and prior to the close of July 16, 1960".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to continue for two years the suspension of duty on certain alumina and bauxite, and to extend until July 16, 1960, the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory."

DELIVERY OF WATER TO LANDS IN CERTAIN IRRIGATION DISTRICTS, STATE OF WASHINGTON

The Senate proceeded to consider the joint resolution (S.J. Res. 162) authorizing the Secretary of the Interior during the calendar years 1960 and 1961 to continue to deliver water to lands, in certain irrigation districts in the State of Washington, which had been reported from the Committee on Interior and Insular Affairs, with an amendment on page 2, after line 2, to insert a new section, as follows:

SEC. 2. (a) There is hereby established a Board of two members appointed by the Secretary of the Interior, who shall have an intimate knowledge of irrigation farming and related economic factors, who are not officials or employees of the Department of the Interior and have no financial interest in the matters to be investigated by the Board. One of such members shall be selected by the Secretary from a list of not less than three qualified citizens submitted to the Secretary by the Governor of the State of Washington. The members of the Board shall select a Chairman. The Board shall make an investigation of all phases of the reclamation program on the Columbia Basin project, including repayment problems, the utilization of power revenues, and all related economic considerations, with particular reference to the repayment ability of water users. This investigation shall be for the purpose of recommending bases for amendatory repayment contracts between the project districts and the United States. The Board shall submit a report of its findings and recommendations to the Congress, through the Secretary of the Interior (with his comments) by February 1, 1961. Each member of the Board shall receive $50 per diem and reimbursement for travel, subsistence, and other necessary expenses when engaged in the performance of duties vested in the Board.

(b) The report of the Board shall not be presented as an arbitration of the matters in dispute, but shall be considered by the Secretary and the Congress with other presentations in resolving the questions at issue.

And, on page 3, after line 6, to insert a new section, as follows:

SEC. 3. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts not in excess of $50,000, as may be necessary to carry out the provisions of this resolution. The Board is authorized to appoint and fix the compensation of such employees as it deems advisable without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

So as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That pending completion of amendatory repayment contracts the Secretary of the Interior is authorized during the calendar years 1960 and 1961 to continue to deliver water to, and to construct such drainage works as are required for, the lands in the Quincy-Columbia Basin Irrigation District, the East Columbia Basin Irrigation District, and the South Columbia Basin Irrigation District, State of Washington, under the provisions of the existing repayment contracts with such districts, notwithstanding the provisions of article 7 of such contracts.

SEC. 2. (a) There is hereby established a Board of two members appointed by the Secretary of the Interior, who shall have an intimate knowledge of irrigation farming and related economic factors, who are not officials or employees of the Department of the Interior and have no financial interest in the matters to be investigated by the Board. One of such members shall be selected by the Secretary from a list of not less than three qualified citizens submitted to the Secretary by the Governor of the State of Washington. The members of the Board shall select a Chairman. The Board shall make an investigation of all phases of the reclamation program on the Columbia Basin project, including repayment problems, the utilization of power revenues, and all related economic considerations, with particular reference to the repayment ability of water users. This investigation shall be for the purpose of recommending bases for amendatory repayment contracts between the project districts and the United States. The Board shall submit a report of its findings and recommendations to the Congress, through the Secretary of the Interior (with his comments) by February 1, 1961. Each member of the Board shall receive $50 per diem and reimbursement for travel, subsistence, and other necessary expenses when engaged in the performance of duties vested in the Board.

(b) The report of the Board shall not be presented as an arbitration of the matters in dispute, but shall be considered by the Secretary and the Congress with other presentations in resolving the questions at issue.

SEC. 3. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts not in excess of $50,000, as may be necessary to carry out the provisions of this resolution. The Board is authorized to appoint and fix the compensation of such employees as it deems advisable without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

The amendments were agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing the Secretary of the Interior during the calendar years 1960 and 1961 to continue to deliver water to lands in certain irrigation districts in the State of Washington, and for other purposes."

CONVEYANCE OF CERTAIN LAND IN CASCADE, EL PASO, COLO.

The bill (S. 2772) to authorize the Secretary of Agriculture to convey land in the town of Cascade, El Paso County, Colo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to convey by quitclaim deed, without consideration, to Mary E. Cusack, her heirs, devisees or other successors in interest, donor in a certain deed to the United States dated May 5, 1920, filed for record in El Paso County on December 30, 1920, and recorded in book 627, page 439, all the right, title, and interest of the United States in and to the following described land located in the town of Cascade, El Paso County, Colo.: The easterly one hundred feet of lots numbered 7, 8, 9, 10, 11, 12, 13, and 14, block 24, all in addition numbered 1 to the said townsite of Cascade, El Paso County, Colo., and lying and being within section 26, township 13 south, range 68 west of the Sixth principal meridian: *Provided,* That application for any such conveyance and proof of interest satisfactory to the Secretary of Agriculture shall be made within five years from the date of this Act.

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a brief explanation of Senate bill 2772, prepared by the senior Senator from Louisiana [Mr. ELLENDER].

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ELLENDER

This bill provides for the reconveyance of certain land in order to clear the title to it. The land was donated to the United States for use as a ranger station site. The deed conveying it to the United States specified that the conveyance was for only so long as the property was used for the purpose specified. Such use ceased in 1928 and the donor resumed possession at that time. Neither the donor nor the United States intended that the United States should continue to have any interest in the property after such use ceased. However the deed to the Government was defective in that it failed to provide specifically for reversion of title upon cessation of use for the purpose specified. The bill would remedy this defect.

BILL PASSED OVER

The bill (H.R. 4781) to amend the Watershed Protection and Flood Prevention Act to provide that its loan provisions shall be applicable to certain other projects and for other purposes, was announced as next in order.

Mr. BARTLETT. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

CONSTRUCTION OF CHENEY DIVISION, WICHITA FEDERAL RECLAMATION PROJECT, KANSAS

The Senate proceeded to consider the bill (S. 1092) to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 4, line 7, after "section 2", to strike out "of the Act of August 14, 1946 (60 Stat. 1080), as amended," and insert "of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C., sec. 661, and the following)"; and in line 22, after the word "laws", to insert "Appropriate portions of the project area may be made available by the Secretary of the Interior to the Kansas Forestry, Fish, and Game Commission for fish and wildlife management as provided in sections 3 and 4 of said Act.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to construct, operate, and maintain the Cheney division, Wichita Federal reclamation project, consisting of a dam, reservoir, and related facilities near Cheney, Kansas, on the North Fork of the Ninnescah River, Kansas, for the purposes of furnishing water for municipal uses, controlling floods, facilitating irrigation, enhancing recreational opportunities, preserving and propagating fish and wildlife, and for related purposes.

SEC. 2. In constructing, operating, and maintaining the works authorized by this Act, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Act amendatory thereof or supplementary thereto), except as is otherwise provided in this Act.

SEC. 3. Construction of the project shall not be commenced, and no construction contracts therefor shall be awarded, until a contract or contracts complying with the provisions of this Act have been entered into with the city of Wichita under which it shall have obligated itself to repay to the United States, within a period of not more than forty years from the time water is first made available from said works, those portions of the Federal costs of constructing, operating, and maintaining the works herein authorized which are allocated to municipal water supply, and interest on the unamortized balance of the amount of construction costs so allocated including interest during construction. If any net revenues are derived from temporary water supply contracts, prior to the end of the repayment period for water furnished from, by, or through the works authorized herein, the construction cost obligation of the city may be decreased by that portion of the amount of any such net revenues which bears the same proportion to the total amount of such net revenues as the amount of the project costs allocated to municipal water supply bears to the total Federal costs of constructing the project. Interest shall be at the average rate, which rate shall be certified by the Secretary of the Treasury, paid by the United States on its marketable long-term securities outstanding on the date of this Act and adjusted to the nearest one-eighth of 1 per centum. Upon the completion of the payment of the city's construction cost obligation, together with the interest thereon, the city shall have a permanent right to the use of that portion of the storage space in the project allocable to municipal water supply purposes.

SEC. 4. Contracts may be entered into with the city of Wichita pursuant to the provisions of this Act without regard to the last sentence of subsection (c) of section 9 of the Reclamation Project Act of 1939.

SEC. 5. The Secretary is authorized to transfer to the city of Wichita the care, operation, and maintenance of the works herein authorized and, if such transfer is made, to deduct from the obligation of the city the reasonable capitalized equivalent of that portion of the estimated operation and maintenance costs of the undertaking which, if the United States continued to operate the works, would be allocated to flood control and fish and wildlife purposes. Prior to taking over the care, operation, and maintenance of said works, the city shall obligate itself to operate them in accordance with criteria specified by the Secretary of the Army with respect to flood control and by the Secretary of the Interior with respect to fish and wildlife.

SEC. 6. The Secretary may make such reasonable provision in connection with the works of the Cheney division, Wichita Federal reclamation project, in accordance with section 2 of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C., sec. 661, and the following), as he finds to be required for the preservation and propagation of fish and wildlife, and to acquire approximately 2,500 acres of land for wildlife management purposes within and adjacent to Cheney Reservoir. A minimum pool of approximately ten thousand acre-feet shall be maintained in said reservoir for fish life. An appropriate portion of the construction cost of the Cheney division of the project shall be allocated as provided in said Act and it, together with the portion of the construction cost allocated to flood control and the portions of the operation and maintenance costs allocated to these functions or the equivalent capitalized value thereof, shall be nonreimbursable and nonreturnable under the Federal reclamation laws. Appropriate portions of the project area may be made available by the Secretary of the Interior to the Kansas Forestry, Fish and Game Commission for fish and wildlife management as provided in sections 3 and 4 of said Act.

SEC. 7. The Secretary may, upon conclusion of a suitable agreement with any qualified agency of the State of Kansas or political subdivision or agency thereof for assumption of the administration, operation, and maintenance thereof at the earliest practicable data, provide minimum basic public recreation facilities at or near Cheney Reservoir and the cost thereof incurred by the United States shall be nonreimbursable and nonreturnable under the Federal reclamation laws.

SEC. 8. Expenditures for Cheney Reservoir may be made without regard to the soil survey and land classification requirements of the Interior Department Appropriation Act, 1954 (67 Stat. 261, 266–267).

SEC. 9. There are hereby authorized to be appropriated such sums as may be required to carry out the purposes of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF ADDITIONAL COPIES OF THE UNEMPLOYMENT SELECTED READINGS

Mr. HAYDEN. Mr. President, there are on the calendar two printing resolutions which I reported from the Committee on Rules and Administration; namely, Calendar No. 1126, Senate Resolution 256, and Calendar No. 1127, Senate Resolution 257. In each instance the

number of copies to be printed was reduced, and, as amended, I should like to have the two resolutions considered.

The PRESIDING OFFICER. The resolutions will be stated by title.

The CHIEF CLERK. A resolution (S. Res. 256) authorizing the printing of additional copies of the unemployment selected readings prepared by the Special Committee on Unemployment Problems.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with an amendment, in line 2, after the word "Problems", to strike out "one thousand" and insert "six hundred", so as to make the resolution read:

Resolved, That there be printed for the use of the Special Committee on Unemployment Problems six hundred additional copies of the unemployment selected readings prepared by that committee.

The amendment was agreed to.

The resolution, as amended, was agreed to.

PRINTING OF ADDITIONAL COPIES OF THE STUDIES IN UNEMPLOYMENT

The CHIEF CLERK. A resolution (S. Res. 257) authorizing the printing of additional copies of the studies in unemployment prepared by the Special Committee on Unemployment Problems.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration, with an amendment, in line 2, after the word "Problems," to strike out "three" and insert "one," so as to make the resolution read:

Resolved, That there be printed for the use of the Special Committee on Unemployment Problems one thousand additional copies of the studies in unemployment prepared by that committee.

The amendment was agreed to.

The resolution, as amended, was agreed to.

ESTABLISHMENT OF WILSON'S CREEK BATTLEFIELD NATIONAL PARK, MO.

The PRESIDING OFFICER. The bill passed to the foot of the calendar is next in order. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 725) to provide for the establishment of the Wilson's Creek Battlefield National Park in the State of Missouri.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MARTIN. Mr. President, H.R. 725, to establish the Wilson's Creek Battlefield National Park in the State of Missouri, was passed by the House of Representatives on February 15, 1960, and it has been approved unanimously by the Senate Committee on Interior and Insular Affairs.

While this bill is under consideration, I want to extend credit to our senior Senator from Missouri [Mr. HENNINGS], who introduced in the Senate S. 290 on January 14, 1959, to provide for the establishment of this national park. The junior Senator from Missouri [Mr. SYMINGTON] joined with Senator HENNINGS as cosponsor of that bill.

I wish to extend credit also to Dr. Lewis E. Meador, professor emeritus of history and political science at Drury College, Springfield, Mo., for his valuable assistance in supplying us with the historical information in support of this bill.

Because of the importance of the battle of Wilson's Creek, I urge passage of this bill.

Mr. YARBOROUGH. Mr. President, on behalf of many people in my home State, I desire to state our support of H.R. 725, establishing Wilson's Creek Battlefield National Park in Missouri.

This matter has been under consideration by the State and Federal Governments for a number of years. I desire to commend Representative BROWN, the bill's sponsor in the House, for his fine work on it; I also commend the able and distinguished Senators from Missouri for their support of this measure.

With the nearness of the Civil War Centennial, and the renewed interest of the people in the Civil War and its battlefields, this is a propitious time for the creation of this battlefield national park in Missouri.

Not only will it mark the site of the first major battle fought west of the Mississippi in the Civil War, it will be established in an area not as well marked historically as the areas east of the Mississippi.

Located near Springfield, Mo., Wilson's Creek Battlefield will be near both U.S. Highways 60 and 66, two great arteries of travel across the heartland of our country. That gives assurance of a heavy patronage for the park.

Higher assurance is given by the interest of this generation in the valor of the brave men who fought there. The Federal forces from Missouri, Iowa, and Kansas, with a number of regular Army units also, were boldly led by the dashing Gen. Nathional Lyons, who lost his life on the field of battle.

The Confederate forces from Missouri, Arkansas, Louisiana and Texas, were led by Gen. Benjamin McCulloch, of Texas, and Gen. Sterling Price, of Missouri.

Texas troops in this battle were Col. Elkanah Greer's Regiment of First South Kansas-Texas Cavalry. The Good-Douglas Battery of Artillery from Dallas and Tyler arrived on the field a few hours after the battle. Men from more than a dozen east Texas counties were with the Texan force of over a thousand in this battle. Their descendants are now widely scattered over the country, but in common with the descendants of Union soldiers participants, many would like to see the battleground where their forefathers valorously fought.

Mr. Jack Greer, great-grandson of Col. Elkanah Greer who commanded the Texas Regiment at Wilson's Creek, now lives at Tyler, Tex., and leads the work of the Smith County, Tex., Historical Society. The Houston Civil War Round Table Group through communications by Messrs. Cooper K. Ragan and Palmer Bradley has strongly supported this measure.

Mr. President, turning to the need for national parks in the United States, and in this area in particular, the need for more parks is illustrated by noting the estimated population increases of the United States which is expected over the coming years.

The estimated U.S. populations:

December:	*Million*
1959	179
1962	188
1964	195
1965	198
1970	219

Mr. President, I have obtained from the National Park Service the record of attendance for the 183 units of national parks, for the year 1959. This record shows that almost 63 million Americans visited our national parks last year.

Our battlefield parks drew attendance in the following numbers in 1959:

Gettysburg National Park	870,000
Vicksburg National Park	445,000
Fort Donelson National Park	222,700
Look Out Mountain Park, Chickamauga, Chattanooga	339,000
Chalmette Park, New Orleans	354,600
Harpers Ferry National Park	605,000

Mr. President, it seems clear that it is probable that we will have 60 to 70 million people visiting our national parks annually in the very near future.

The strategic location of this park near the center of the United States makes it accessible to a large segment of our population, and the historic interest in this Trans-Mississippi struggle assures that public interest so necessary to make a park a place of living interest.

The PRESIDING OFFICER. If there is no amendment to be offered, the question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

ANNUAL AUDIT OF BRIDGE COMMISSIONS AND AUTHORITIES

Mr. CHAVEZ. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1511, Calendar No. 1109.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1511) to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments on page 1, line 5, after the word "independent", to strike out "firm of certified public accountants" and insert "public accountant of recognized standing"; in line 8, after the word "with", to strike out "the principles and procedures applicable to commercial corporate transactions" and insert "generally accepted auditing standards"; on page 2, after line 7, to strike out:

(b) The commission or authority within four months following the close of the fiscal year for which the audit is made shall submit a copy of the audit report to the Governors of the States concerned. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital, and surplus or deficit; a statement of surplus or deficit analysis, a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the Governors of the States concerned informed of the operations and financial condition of the commission.

After line 19, to strike out:

(c) The Governor of either State concerned is authorized to provide for the conduct of further audits of any bridge commission or authority created by Act of Congress if the audit report submitted under subsection (b) is not satisfactory to said Governor.

At the top of page 3, to strike out:

(d) The commission or authority shall bear all expenses of auditing its financial transactions as required by this section.

After line 3, to insert:

(b) The commission or authority within four months following the close of the fiscal year for which the audit is made shall submit a copy of the audit report to the Governors of the States concerned and to the Secretary of Commerce. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital, and surplus or deficit; a statement of surplus or deficit analysis, a statement of income and expenses; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the Governors of the States concerned and the Secretary of Commerce informed of the operations and financial condition of the commission.

After line 16, to insert:

(c) The Governor of either State concerned or the Secretary of Commerce is authorized to provide for the conduct of further audits of any bridge commission or authority created by Act of Congress if the audit report submitted under subsection (b) is not satisfactory to said Governor or to the Secretary of Commerce, respectively.

After line 22, to insert:

(d) The commission or authority shall bear all expenses of the annual audit of its financial transactions as required by this section. All expenses of any additional audit required under this section shall be paid by the official or agency requesting such additional audit.

On page 5, after line 2, to strike out:

(c) A vacancy in the membership of any bridge commission or authority to which this Act is applicable occurring by reason of expiration of term, failure to qualify as a member, death, removal from office, resignation, or otherwise, shall be filled by the Governor of the State having the minority of members on the commission or authority. If both States have equal representation, the Governor of the State from which the last member was appointed to the position then vacant shall fill the vacancy. Incumbent members whose terms have expired shall hold over in office until their successors are appointed and qualified.

After line 13, to strike out:

(d) Each member appointed under this Act shall qualify within thirty days after appointment by filing with the Governor of the State in which he resides an oath that he will faithfully perform the duties imposed upon him by law.

After line 17, to strike out:

(e) Each member appointed under this Act shall be removable for cause by the Governor of the State in which he resides.

After line 20, to strike out:

(f) This section shall not be applicable to ex officio members of such bridge commissions or authorities.

After line 22, to insert:

(c) A vacancy in the membership of any bridge commission or authority to which this Act is applicable occurring by reason of expiration of term, failure to qualify as a member, death, removal from office, resignation, or otherwise, shall be filled by the Secretary of Commerce. Incumbent members whose terms have expired shall hold over in office until their successors are appointed and qualified:

On page 6, after line 6, to insert:

(d) Each member appointed under this Act shall qualify within thirty days after appointment by filing with the Secretary of Commerce an oath that he will faithfully perform the duties imposed upon him by law.

After line 10, to insert:

(e) Each member appointed under this Act shall be removable for cause by the Secretary of Commerce.

After line 12, to insert:

(f) This section shall not be applicable to ex officio members or State highway department members of such bridge commissions or authorities.

On page 7, after line 21, to strike out:

Section 12 of the Act approved August 9, 1939 (53 Stat. 1272).

On page 8, after line 10, to strike out:

(2) Louisiana-Vicksburg Bridge Commission, created by the Act approved August 9, 1939 (53 Stat. 1267).

At the beginning of line 14, to strike out "(3)" and insert "(2)"; at the beginning of line 16, to strike out "(4)" and insert "(3)"; at the beginning of line 19, to strike out "(5)" and insert "(4)", and at the beginning of line 22, to strike out "(6)" and insert "(5)"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each bridge commission and authority created by Act of Congress shall provide for an annual audit of its financial transactions by an independent public accountant of recognized standing in such manner as prescribed by the Governors of the States concerned and in accordance with generally accepted auditing standards. Each such commission and authority shall make available for such purposes all books, accounts, financial records, reports, files, and all other papers, documents, or property belonging to or in use by such commission or authority. The General Accounting Office is authorized and directed to make available its advice on any matter pertaining to an audit performed pursuant to this section.

(b) The commission or authority within four months following the close of the fiscal year from which the audit is made shall submit a copy of the audit report to the Governors of the States concerned and to the Secretary of Commerce. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital, and surplus or deficit; a statement of surplus or deficit analysis, a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep Governors of the States concerned and the Secretary of Commerce informed of the operations and financial condition of the commission.

(c) The Governor of either State concerned or the Secretary of Commerce is authorized to provide for the conduct of further audits of any bridge commission or authority created by Act of Congress if the audit report submitted under subsection (b) is not satisfactory to said Governor or to the Secretary of Commerce, respectively.

(d) The commission or authority shall bear all expenses of the annual audit of its financial transactions as required by this section. All expenses of any additional audit required under this section shall be paid by the official or agency requesting such additional audit.

SEC. 2. (a) Each person who is a member, on the date of enactment of this Act, of a bridge commission or authority created by Act of Congress shall continue in office until the expiration of his present term, except as provided under subsection (b) of this section.

(b) Where provision is made in the Act creating a bridge commission or authority for membership thereon without limitation as to length of term of office the Secretary of Commerce shall, on or before the expiration of ninety days after the date of this Act, reappoint not more than one-third of the persons who are members of such bridge commission or authority on the date of enactment of this Act as members of such bridge commission or authority for a term of two years from the date of reappointment, reappoint not more than one-third of the members of such bridge commission or authority for a term of four years, and reappoint the remaining members for a term of six years. Thereafter, the term of each member appointed to such commission or authority shall be six years, except when an appointment is made to fill an unexpired term or when an incumbent member whose term has expired holds over until his successor is appointed and vacancies shall be filled as provided under subsection (c) of this section.

(c) A vacancy in the membership of any bridge commission or authority to which this Act is applicable occurring by reason of expiration of term, failure to qualify as a member, death, removal from office, resignation, or otherwise, shall be filled by the Secretary of Commerce. Incumbent members whose terms have expired shall hold over in office until their successors are appointed and qualified.

(d) Each member appointed under this Act shall qualify within thirty days after appointment by filing with the Secretary of Commerce an oath that he will faithfully perform the duties imposed upon him by law.

(e) Each member appointed under this Act shall be removable for cause by the Secretary of Commerce.

(f) This section shall not be applicable to ex officio members or State highway department members of such bridge commissions or authorities.

SEC. 3. Each bridge commission and authority created by Act of Congress shall submit an annual report, covering its operations and fiscal transactions during the preceding fiscal year, its financial condition and a statement of all receipts and expenditures during such period, to the Governors of the States concerned and to the Secretary of Commerce not later than four months following the close of the fiscal year for which the audit required under section 1 of this Act is made.

SEC. 4. Authority is hereby granted to transfer all functions, powers, duties, responsibilities, authority, assets, liability, obligations, books, records, property, and equipment of any existing bridge commission or authority created by Act of Congress to the highway department or other agency of the State or States concerned, or to joint agencies established by interstate compact or agreement. Such transfer shall be carried out in a manner as may be prescribed or authorized by the laws of the State or States concerned. Upon such transfer, such bridge commission or authority shall cease to exist.

SEC. 5. (a) All provisions of Acts of Congress creating bridge commissions or authorities may be enforced or the violation thereof prevented by mandamus, injunction, or other appropriate remedy by the chief legal officer of either State concerned, in any court having competent jurisdiction of the subject matter and of the parties. The following provisions of law are hereby repealed.

Section 11 of the Act approved October 30, 1951 (65 Stat. 699);

Section 15 of the Act approved July 26, 1956 (70 Stat. 676);

Section 12 of the Act approved April 12, 1941 (55 Stat. 144).

(b) Members and employees of bridge commissions and authorities created by Act of Congress shall not be deemed to be Federal officers and employees.

SEC. 6. The provisions of this Act shall apply to any bridge commission or authority created by Act of Congress and authorized to construct and/or acquire an interstate bridge, including—

(1) Arkansas-Mississippi Bridge Commission, created by the Act approved May 17, 1939 (53 Stat. 747);

(2) White County Bridge Commission, created by the Act approved April 12, 1941 (55 Stat. 140);

(3) City of Clinton Bridge Commission, created by the Act approved December 21, 1944 (58 Stat. 846);

(4) Sabine Lake Bridge and Causeway Authority, created by the Act approved October 30, 1951 (65 Stat. 695); and

(5) Muscatine Bridge Commission, created by the Act approved July 26, 1956 (70 Stat. 669).

SEC. 7. If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. MARTIN. Mr. President, the purpose of S. 1511, as proposed to be amended, is to provide that each bridge commission and authority created by act of Congress shall provide for an annual audit of its financial transactions by an independent public accountant of recognized standing at its own expense in a manner prescribed by the Governors of the States concerned, with a copy of the audit report and an annual report to be furnished to the Governors and to the Secretary of Commerce. If the audit report is not considered satisfactory to the Governor or the Secretary of Commerce, further audits are authorized, and such additional audit expenses shall be borne by the official or agency requesting it.

Under the provisions of the bill, each member of such bridge commission or authority shall continue in office until the expiration of his present term, except that where a member is serving without limitation as to length of term, the Secretary of Commerce will reappoint such members for specific terms, eventually to get all members on a 6-year term basis. Vacancies in the memberships of the commissions will be filled through appointments by the Secretary of Commerce. Incumbent members will hold over until successors qualify. The provisions of the bill do not apply to ex officio members.

The annual report of each bridge commission or authority will be submitted to the Governors and the Secretary of Commerce within 4 months following the close of the fiscal year for which the audit is made. Authority is granted to transfer the functions, powers, duties, assets, records, and so forth, of the commissions to highway departments or to other agencies of the State or States concerned, or to any joint agency created by interstate compact or agreement, after which transfer the bridge commission or authority will cease to exist.

The bill provides for enforcement of the provisions of the laws creating the bridge commissions, prevention of the violation thereof by the chief legal officer of either State concerned, by injunction or other appropriate remedy in any court of competent jurisdiction, and it repeals the enforcement provisions of the laws establishing the bridge commissions. Members of the bridge commissions and employees are not deemed to be Federal officers and employers.

An amendment now proposed by the committee would equalize the compensation of members of the various bridge commissions and authorities, increase the mileage allowance, and permit ex officio members and State highway department members to be compensated for their actual and traveling expenses where they are not so compensated for such in their present capacity. This would bring the compensation of all members more nearly up to date and equitable. The rates of compensation for some of the commissions established a number of years ago are out of line with those established in recent years.

This legislation was requested by the Secretary of Commerce in compliance with the statement of the President on July 26, 1956, when he approved the Muscatine Bridge Commission bill, Public Law 811, 84th Congress, wherein he recommended that legislation be considered with respect to existing federally created bridge commissions to require that they be subject to uniform safeguards providing for an annual audit by competent authority, and for fixed conditions for filling commission vacancies. He pointed out that the construction and operation of interstate bridges traditionally has been a State rather than a Federal responsibility, and that a serious legal and administrative problem is presented in that no official or agency is charged with the responsibility of assuring that commissions faithfully carry out their public responsibilities.

Opposition to the legislation developed primarily on two points: First, that the bill would require the bridge commissions to bear the cost of any audits performed under the legislation; and, second, that the bill would provide for further appointments to the commissions to be made by the Governors of the States involved rather than by the Secretary of Commerce.

The commissions have no objection to paying for their regular annual audits, but believe that any additional or special audits should be paid for by the party requiring them. It was suggested that appointment of members of the commissions by the Governors might result in political clashes between commissions of different States interested in a bridge between those States. Also at some future time, the Governors concerned might be disinterested or unsympathetic toward the bridge commissions.

Members of certain bridge commissions met with representatives of the Secretary of Commerce and worked out some proposed amendments that would meet their objections. The suggested amendments were transmitted to the committee by the Acting Secretary of Commerce on July 15, 1959.

The legislation would apply to six commissions and authorities created by acts of Congress. Since its introduction, one commission has been abolished by Federal law and one of the authorities has only ex officio members.

S. 1511 will establish standard procedures for an audit of the various bridge commissions and authorities created by act of Congress, establish uniform terms of office for members of such commissions and authorities, provide for the transfer of functions and property to State agencies, equalize rates of compensation, and authorize State law enforcement officers to enforce all provisions of the various acts of Congress creating bridge commissions and authorities. It is believed that proper administration of such agencies should primarily be a matter of concern to the State involved, but that the Federal Government, having created such bodies has a continuing responsibility to insure proper, efficient, and economic administration.

It is further believed that S. 1511 will provide adequate procedures under which the operations of the bridge commissions and authorities will be subject to periodic review by Federal and State officials to insure that the intent of Congress in establishing such commissions will be carried out.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the committee amendments en bloc.

The amendments were agreed to, en bloc.

Mr. CHAVEZ. Mr. President, on behalf of the Committee on Public Works I send an amendment to the desk and ask that it be stated.

The LEGISLATIVE CLERK. On page 8, between lines 3 and 4, insert the following:

(c) The members of such bridge commissions and authorities shall each be entitled to a per diem compensation for their services of $20 for each day actually spent in the business of the commission or authority, but the maximum per diem compensation of the chairman in any one year shall not exceed $3,000, and of each other member in any one year shall not exceed $2,000. The members of such commissions and authorities shall also be entitled to receive traveling expense allowance of 12 cents a mile for each mile actually traveled on the business of the commission or authority. Ex-officio members or State highway department members of the commissions or authorities shall not receive a salary for their services as members, but shall be paid their actual expenses not exceeding $25 per day for each day actually devoted to the performance of their duties as such members, and shall also be entitled to receive traveling expense allowance of 12 cents a mile actually traveled on the business of the commission or authority, whenever such reimbursement for their actual expenses and traveling expenses is not provided from some other source. Payments under the provisions of this subsection shall be in lieu of any other payments for salary or expenses authorized for service as a member of any such commission or authority under the provisions of any other Federal law relating to such commission or authority, but nothing in this subsection shall affect any other Federal law with respect to the funds from which any such payments shall be made.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

LIONIE TARPINIAN AND SIRVART KASABIAN

Mr. BARTLETT. Mr. President, on behalf of the chairman of the Committee on the Judiciary, I make the following statement:

On August 24 and July 6, 1959, the Senate passed S. 594 and S. 1241, respectively, which granted the status of permanent residence in the United States to the beneficiaries, who are 61 and 43 years of age.

On March 15, 1960, the House of Representatives passed S. 594 and S. 1241, each with an amendment to provide only for cancellation of outstanding deportation proceedings in behalf of the beneficiaries. Under the amended bill, the beneficiaries will be permitted to remain in the United States, but will be unable to proceed toward United States citizenship.

The Senate Judiciary Committee favors the language of the bills, as passed by the Senate, which included a quota deduction for each beneficiary, to that of the bills as amended by the House of Representatives. However, in view of the fact that at least the younger beneficiary of S. 1241 may be able to later adjust her status administratively to that of a lawful resident alien, I move that the Senate concur in the House amendments to the bills, S. 594 and S. 1241.

LIONIE TARPINIAN

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 594) for the relief of Lionie Tarpinian, which was, to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Lionie Tarpinian. From and after the date of the enactment of this Act, the said Lionie Tarpinian shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

SIRVART KASABIAN

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1241) for the relief of Sirvart Kasabian, which was, to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Sirvart Kasabian. From and after the date of the enactment of this Act, the said Sirvart Kasabian shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

THE IMPLEMENTATION OF REGULATORY ORDERS AFFECTING PROCESSED FOODS AND OTHER COMMODITIES BY THE FOOD AND DRUG ADMINISTRATION

Mr. HOLLAND. Mr. President, on behalf of the Florida congressional delegation and the citrus industry of our State and of California I want the RECORD to show that, contrary to the popular belief that the Food and Drug Administration is completely impractical in implementing regulatory orders which hurtfully affect processed foods and other commodities, that agency, when fully informed on the hurtful aspects of such proposed regulations, can and does act with understanding, reason, and practicality in staying the effectiveness of its orders pending full hearings on the matters at issue where no hazard to the health of consumers is involved.

On Friday, April 8, it was my responsibility, along with representatives of my colleagues in the Senate and our colleagues in the House of Representatives, to meet with Food and Drug officials and with leading people from the Florida and California citrus and citrus-processing industries to engage in a discussion of the very harmful effect on those industries of a proposed new labeling requirement contained in the proposed Food and Drug order of March 1, 1960, on standards of identity for orange juice and orange juice products. Provisions of the order were to be effective as of June 1, 1960. When it was shown that extensive chainstore buyer resistance was being generated by the proposed labeling requirement and that the processors could not possibly move into trade channels the huge inventory of citrus concentrate now on hand and to be accumulated within the next 2 months because of it, the Food and Drug officials acted promptly in issuing an order staying the effective date of the basic order pending a hearing. They also issued a policy statement designed to allay the fears of retailers that they might be caught, when the final order was to go into effect, with large stocks of improperly labeled citrus products in their warehouses and on the shelves of their retail outlets.

Mr. President, I know that none of us are perfect and that sometimes in overzeal to get a job done quickly we make mistakes. However, I want the RECORD to show that in this instance I observed the Food and Drug Administration, when the facts were properly presented, to be understanding, reasonable, and practical in their action.

AMENDMENT OF MOTOR VEHICLE SAFETY RESPONSIBILITY ACT OF THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1267, S. 2131.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2131) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection the Senate proceeded to consider the bill, which had been reported from the Committee of the District of Columbia, with amendments, on page 1, line 3, after the word "That", to strike out "sectioin" and insert "section"; on page 2, line 13, after the word "approved", to strike out "August 28, 1958" and insert "May 25, 1954"; in line 18, after the word "approved", to strike out "August 28, 1958" and insert "May 25, 1954"; and in line 22, after the word "the", to strike out "Owner's" and insert "Owners' "; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved

May 25, 1954 (68 Stat. 121; sec. 40–419, D.C. Code, 1951 edition), as amended, is amended by adding the following subsection:

"(d) The Commissioners shall retain records required for the administration of this Act for a period of five years, after which the Commissioners may destroy or otherwise dispose of such record."

SEC. 2. Section 14 of such Act approved May 25, 1954 (68 Stat. 124; sec. 40–430, D.C. Code 1951 edition), as amended, is amended by inserting the words "and registration" immediately after the word "license".

SEC. 3. Section 30 of such Act approved May 25, 1954 (68 Stat. 129; sec. 40–446, D.C. Code, 1951 edition), is amended by striking "or by reason of having received no information".

SEC. 4. Subsection (a) of section 37 of such Act, approved May 25, 1954 (68 Stat. 130; sec. 40–453, D.C. Code, 1951 edition), as amended, is amended by inserting the words "shall have been convicted of, or" immediately after the words "by a final order or judgment".

SEC. 5. Section 58 of such Act, approved May 25, 1954 (68 Stat. 135; sec. 40–474, D.C. Code, 1951 edition), is amended by deleting "or expiration" wherever such phrase appears in such section.

SEC. 6. The second paragraph of section 62 of such Act, approved May 25, 1954 (68 Stat. 139; sec. 40–498c, D.C. Code, 1951 edition), is amended to read as follows: "The Act of May 3, 1935 (49 Stat. 166, ch. 89; title 40, ch. 4, D.C. Code, 1951 edition), as amended, known as the Owners' Financial Responsibility Act of the District of Columbia, is hereby repealed except with respect to any accident or judgment arising therefrom occurring prior to the effective date of this Act. Section 68 of this Act shall govern as to the duration of proof of financial responsibility in all cases arising under the aforementioned Act of May 3, 1935."

ADDITIONAL FUNDS FOR COMMITTEE ON GOVERNMENT OPERATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1125, Senate Resolution 255.

The PRESIDING OFFICER. Is there objection?

There being no objection the Senate proceeded to consider the resolution (S. Res. 255), providing additional funds for the completion by the Committee on Government Operations of its study of worldwide health and medical research and authorizing the employment of additional personnel, which had been reported from the Committee on Rules and Administration, with an amendment, on page 3, line 6, after the word "committee,", to strike out "from date of approval to January 31, 1961, inclusive," and insert "from February 1, 1960, through January 31, 1961,", so as to make the resolution read:

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate—

(a) to complete its study of worldwide health research, assistance, and rehabilitation matters; and

(b) to examine, investigate, and make a complete study of any and all matters in scientific and other fields where there may be indications of a need for (a) improved budgeting, accounting, and other managerial practices on the part of agencies of the United States Government; (b) strengthened cooperation and coordination among Federal agencies; (c) effectiveness of international organizations of which the United States is a member; and (d) avoidance of Federal duplication of private responsibilities and activities.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1960, through January 31, 1961, is authorized to (1) make such expenditures as it deems advisable; (2) employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized at its discretion to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable to the Senate at the earliest practicable date, but not later than January 31, 1961.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $8,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. McCLELLAN obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield, to permit me to suggest the absence of a quorum?

Mr. McCLELLAN. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I offer an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 4, after line 3, insert the following new section:

SEC. 5. (a) Upon the filing of the final report of the Select Committee on Improper Activities in the Labor or Management Field, established by S. Res. 74, 85th Congress, agreed to January 30, 1957, as amended and supplemented, all files, papers, records, and documents in the possession of such select committee shall be transferred to the Committee on Government Operations for the use of such committee or any duly authorized subcommittee thereof in carrying out its functions under S. Res. 246, 86th Congress, agreed to February 6, 1960, and under this section: *Provided,* That any of such files, papers, records and documents, or photostatic copies thereof shall, upon written request of the chairman of the Committee on Labor and Public Welfare specifying or identifying the material desired, be made available to said committee for use by it in carrying out any of its legislative oversight functions over the administration of the Labor-Management Reporting and Disclosure Act of 1959.

(b) The Committee on Government Operations or any duly authorized subcommittee thereof is authorized April 1, 1960–January 31, 1961, to conduct an investigation and study of the extent to which criminal or other improper practices or activities are, or have been engaged in in the field of labor management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities. Nothing contained in this section shall affect or impair the exercise by the Committee on Labor and Public Welfare of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(c) For the purposes of this section, the committee from April 1, 1960, to January 31, 1961, inclusive, is authorized, as it deems necessary and appropriate, to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony, either orally or by deposition; (7) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (8) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and further, with the consent of other committees or subcommittees, to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the committee.

(d) The expenses of the committee under this section, which shall not exceed $75,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Amend the title so as to read: "Resolution providing additional funds for the Committee on Government Operations to complete a study of worldwide health and medical research; for the transfer of all papers of the Select Committee on Improper Activities in the Labor or Management Field, and authorizing continuing studies."

The PRESIDING OFFICER. A committee amendment is pending and is awaiting action before further amendments may be considered. The clerk will state the committee amendment.

The CHIEF CLERK. On page 3, line 6, after the word "committee," it is proposed to strike out "from date of approval to January 31, 1961, inclusive," and insert "from February 1, 1960, through January 31, 1961,".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment offered by the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, the amendment I offer does no violence to Senate Resolution 255, the pending reso-

lution. It is not designed to affect or in any way interfere with that resolution. It simply adds to Senate Resolution 255 a revised version of Senate Resolution 287, originally submitted by me, to transfer certain functions of the Select Committee on Improper Activities in the Labor or Management Field to the Committee on Government Operations.

At or subsequent to the time Senate Resolution 287 was submitted, a question arose concerning the wisdom of making such a transfer, because there was some thought that such a transfer might transgress upon the prerogatives and regular functions of the Committee on Labor and Public Welfare.

Thereafter a resolution, Senate Resolution 294, was submitted and is now pending on the calendar as Calendar No. 1244, to continue the Select Committee on Improper Activities in the Labor or Management Field.

In the meantime, after a number of conferences, apparently all parties at interest, including the Senator from Alabama [Mr. HILL], who is chairman of the Committee on Labor and Public Welfare, and the majority leader and minority leader, have agreed that the amendment now being considered is possibly the best way and the proper course in which to handle the matter.

I am certain that the chairman of the Committee on Labor and Public Welfare, the distinguished Senator from Alabama, is thoroughly satisfied that the language now contained in the amendment will not in any way infringe upon, in any sense or to any degree, the proper functions and jurisdiction of the Committee on Labor and Public Welfare.

Mr. HILL. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. HILL. I agree with the statement of the Senator from Arkansas. The amendment as it is now written and before the Senate for action fully protects the jurisdiction of the Committee on Labor and Public Welfare. I am in agreement with the Senator from Arkansas, the majority leader, and the minority leader. I hope the Senate will agree to the resolution as amended by the amendment of the Senator from Arkansas.

Mr. McCLELLAN. The amendment should prove to be a bit more economical than Senate Resolution 294 would be, because the staff which has been doing the work of the select committee, or a large part of it, is already on loan from the Committee on Government Operations or a subcommittee thereof.

The experienced staff of the select committee would thus be made available to the Committee on Government Operations, and the select committee's valuable files would be within the custody of the Committee on Government Operations, with the specific provision in this measure that the Committee on Labor and Public Welfare shall be entitled to the use of any of the files which it may desire to use in connection with its work—or photostatic copies of them; in most instances I am sure photostatic copies would serve that purpose, thus keeping the original files intact.

The entire purpose is to provide the necessary authority for the Committee on Labor and Public Welfare and the Committee on Government Operations, both of which have, under the Senate rules, certain jurisdiction in this field, but neither of which has the authority which must necessarily be had if they are to go beyond certain areas, in order to obtain in other areas proof which might be needed.

All these purposes are now being served economically, and would continue to be served more economically in this way than if we were to continue the life of the select committee and to have its staff maintained separately. I trust that point is clearly understood.

By placing this authority in the Committee on Government Operations, only one Senate committee and its staff will do the work, whereas if two separate committees were assigned this responsibility, an additional staff would have to be maintained, at additional expense. The way we now propose is the economical way to proceed.

I may point out that one of the principal reasons for this proposal is to make available to the proper authorities the records of the select committee, which are valuable. Day by day we are called upon to make those records available to the Department of Justice and to other law-enforcement agencies. So it is important that the records be kept here, under the control of the Senate or some agency of the Senate, so that the full benefit of the labors of the select committee may be realized. If the records were sent to the National Archives, anyone who would have custody of them there would not be familiar with them, and they would not be made available for purposes which are legitimate and essential if the full fruits of the labors of the select committee are to be realized.

We are trying to proceed in the most economical way.

As I have previously stated, I now state without any reservation that if I had had in mind in a continuing crusade, I would simply have requested a continuation of the Senate select committee, with all its powers, and possibly with the same amount of funds which the committee has been receiving in the past—in other words, approximately $750,000. But that is not the purpose. Instead, our purpose is to have these records preserved, with standby authority if some emergency situation arises, and to do so in the most economical way possible.

I believe this matter has been worked out with some wisdom and discretion, and with full justification. So I hope the amendment will be agreed to.

Another way to proceed would be, of course, to call up Senate Resolution 294, and then offer this measure as an amendment in the nature of a substitute. But since Senate Resolution 255, which the Senate is now considering, came from the Committee on Government Operations, I believe it appropriate, and possibly the most orderly way, simply to offer this measure as an amendment to Senate Resolution 255. If the amendment is agreed to and if the resolution as thus amended is adopted, then Senate Resolution 294, Calendar No. 1244, would be subject to a motion to postpone indefinitely. In that event, the matter would be resolved and the question would be settled in what I believe to be the proper way.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I am glad to yield.

Mr. MANSFIELD. Then, as I understand the statement of the Senator from Arkansas, if his amendment to Senate Resolution 255 is adopted and if the resotion as thus amended is agreed to, it will then be in order to postpone indefinitely the further consideration of Senate Resolution 294, which calls for an extension of the so-called Select Committee on Improper Activities in the Labor or Management Field and a continuation of its authority. In other words, there would then not be an extension of the McClellan committee, as such, because the objectives the Senator from Arkansas seeks, would be achieved through adoption of the Humphrey resolution, as thus amended. Is that correct?

Mr. McCLELLAN. The Senator from Montana is entirely correct. I have always taken the position that the select committee was created to do the particular thing it has done. But we should bear in mind that the information which gave impetus to, if it did not direct, the creation of the select committee came about from an investigation made by the Committee on Government Operations, which developed certain facts and indicated other conditions which the committee lacked authority, under its regular jurisdiction, to go into far enough to be able to make a full disclosure to the Congress.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield further to me?

Mr. McCLELLAN. I am happy to yield.

Mr. MANSFIELD. Then the Senate is faced with the alternative of either agreeing to the resolution now under consideration, Senate Resolution 255, as thus amended, or a continuation of the so-called McClellan committee—the Select Committee on Improper Activities in the Labor or Management Field—until January 31, 1961?

Mr. McCLELLAN. Yes, those are the two alternatives.

I prefer the former course; I have always thought that since the bulk of the work of the Select Committee was done, this power should be vested on a standby basis in the Committee on Government Operations, which has a qualified staff, and is familiar with the work, and has the records; and thus the full benefits, as well as any further benefits, could be derived from the labors of the select committee, and would be kept available to us, rather than to have the entire matter washed out and the records sent to the National Archives, and thus be of no great value to us.

Mr. ELLENDER. Mr. President, will the Senator from Arkansas yield to me?

Mr. McCLELLAN. I am very glad to yield to the distinguished Senator from Louisiana.

Mr. ELLENDER. As I recall, the distinguished Senator from Arkansas in

earlier debate, said that the select committee would cease functioning on March 31.

Mr. McCLELLAN. That is correct; and this is what I had in mind, and I had said from time to time that a vacuum should not be created, but some committee should have this authority.

Mr. ELLENDER. In other words, as I understand, under the action now proposed, if the amendment is adopted, the life of the select committee would be terminated on March 31?

Mr. McCLELLAN. That is correct.

Mr. ELLENDER. Very well. What use will then be made of the $75,000 that this amendment provides?

Mr. McCLELLAN. It will be used to carry out the authority provided in the amendment. Among other things, we shall keep those records; and we shall keep a skeleton staff, to make investigations, if and as they may be needed. I point out that we are not undertaking to carry on a crusade of investigations.

But I do say to my friend that this authority should not at this time be washed out; and I make that statement on the basis of knowledge of, and experience with, the conditions which prevail. In my judgment, it would be a sad mistake to do that at this time.

Mr. ELLENDER. Then, as I understand, it is the intention of the Senator from Arkansas to continue this work, through another way.

Mr. McCLELLAN. Yes, on a standby basis.

Mr. ELLENDER. Who will be the chairman of that committee?

Mr. McCLELLAN. I am the chairman of the committee.

Mr. ELLENDER. What will it be called?

Mr. McCLELLAN. It will not be called anything; we shall transfer this authority to the Committee on Government Operations; and, as the Senator from Louisiana will recall, that committee has a permanent Subcommittee on Investigations. This work will be done by that subcommittee of the committee which originally discovered the need for such authority, and reported that to the Congress, and was, I think I can correctly say, primarily responsible for the creation of the select committee, with these powers to make the investigations.

Mr. ELLENDER. Is it the purpose of the Senator from Arkansas to maintain this study from now on? Will there be any end to it?

Mr. McCLELLAN. Let me say here that the Senate Committee on Government Operations is a permanent committee of the Senate. The duties and the powers of that committee are set forth in the Senate rules, of course. There has been created, in order to carry out these functions of that committee, what is known as its permanent Subcommittee on Investigations. That subcommittee conducts such investigations into the activities of the Government, in order to ascertain their efficiency and economy at all levels.

Mr. ELLENDER. Is this an added duty?

Mr. McCLELLAN. This will be, temporarily, an added duty.

Mr. ELLENDER. What is that subcommittee now obtaining from the Congress by way of money?

Mr. McCLELLAN. I believe the last amount was $275,000. That is my recollection.

Mr. ELLENDER. So to that amount of $275,000 there is going to be added another $75,000, which will make $350,000 that is going to be given to the subcommittee. Is that correct?

Mr. McCLELLAN. That is correct. May I say we have been returning money. This past year——

Mr. ELLENDER. It is not a question of returning money, I say to the Senator.

Mr. McCLELLAN. Out of last year's appropriation of $225,000 for the committee, we returned $112,000. The primary reason for it was not that there was not work to do, but that the time of the chairman and other members of the committee was all taken with the select committee. We have a backlog of work which needs to be done. This is a most reasonable request, if we are going to hold these records together, and if we are going to keep the full value of the labors of the select committee.

Mr. ELLENDER. Will the Senator yield further?

Mr. McCLELLAN. The Senator from Louisiana is interested in economy, and I believe I am, too. I may say to him that we returned $112,000 last year, and, according to my recollection, the select committee returned $120,000. The money that has been appropriated for the select committee amounted to about $2 million. I had the clerk of the committee give me a statement as to how much of that money had been spent to reimburse me as chairman, for transportation or other expense. I may tell the Senator I have that statement somewhere.

Mr. ELLENDER. I know that the distinguished Senator from Arkansas has been consistent in his attempts to conserve the taxpayer's dollars, but some committees at times are disposed to ask for a little more than they expect to spend. I am not accusing the Senator of making such a request, but the Senator knows that it sometimes occurs.

Mr. McCLELLAN. I do not operate committees that way. I operate them as economically as it is possible for them to function.

Mr. ELLENDER. I am wondering, if the Senator from Arkansas desires to save money merely to preserve these records, why that could not be done within the $225,000 which the committee normally receives. Why add this $75,000?

Mr. McCLELLAN. The preservation of records is not all that will be done.

Mr. ELLENDER. If that is not all that is going to be done, then the Senator expects to keep on investigating.

Mr. McCLELLAN. I have said this is standby authority and that if occasion arises for an investigation, it can be had. I do not want to have any misunderstanding about it. I say such authority ought to be vested today in some committee of the Senate, and this is the most economical way to do it.

Before I conclude and yield further, I wish to say I had the clerk give me a certificate of the amount of money that had been spent by or for the chairman in the performance of his duties. The total amount is $68.73 over a period of 3 years and 2 months. Mr. President, that is how we have tried to operate. I have done everything I could to function economically and at the same time carry out, effectively and properly, the assignment that was given to the committee by the Senate.

Now I am glad to yield.

Mr. ELLENDER. Mr. President, I wish to say to my good friend from Arkansas I do not suppose there is any Senator who has done more work beyond the call of duty than has the Senator from Arkansas. I am not questioning that fact at all. What I am finding fault with, if it is a fault, is that the select committee was supposed to terminate its duties on March 31. The Senator admits that intention. It is there in the record. But now, merely to preserve these records, and perhaps hold hearings in the event the occasion may arise, he wants the Senate to appropriate an additional $75,000, which, as I have said, is going to be requested as a yearly contribution for that purpose.

As I brought out earlier in the Senate, the distinguished Senator from Alabama [Mr. HILL] secured passage of a resolution which allowed the Committee on Labor and Public Welfare to hire two additional professional staff members, and one additional clerical assistant to act as a sort of watchdog in regard to the legislation which was enacted and which resulted from the hearings that my good friend from Arkansas held through the years.

I go back to the proposition that when these committees are organized they seem never to expire. I am rather disappointed that even this small sum of $75,000 is requested. It strikes me that the mere preservation of these records is something the committee itself should do. I do not want to pinch pennies, but it strikes me it could be done in that way, and thereby do away with the subcommittee. For transferring these functions to the subcommittee the request this year is for an additional $75,000. But my guess is that next year the request will be for $100,000, or perhaps $150,000. That is what happens to these committees.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. ELLENDER. The Senator from Arkansas has the floor.

Mr. McCLELLAN. I did not want to interrupt the Senator. I think the record I have made as chairman of this committee and the other committee clearly refutes the alarm or suspicions the Senator from Louisiana may have. I have not shown a record of exaggerated expenditures. I have shown a record of returning money to the Senate. I point out now that this power ought to be continued somewhere. The Select Committee is ending. I want it to end, so that there will be only standby authority and so economy can be effected and so we shall not be asking for more

money than is needed. But if more money is granted than is needed, the record shows it will be returned to the Treasury. I hope that is not a disappointment to my friend from Louisiana.

Mr. ELLENDER. It will not be a disappointment to me, Mr. President, but what I find fault with, as I have said, is that after these committees are created they seem never to die; they keep on going.

Mr. McCLELLAN. This one is dying. I want it to die. We are getting rid of it. We are not operating it at a tremendous expense. We are doing all the practical things that ought to be done to handle this property.

Mr. ELLENDER. I think this is a mighty expensive item, the spending of $75,000 merely to preserve records.

Mr. McCLELLAN. That is not all.

Mr. ELLENDER. As I pointed out, this subject matter is in the realm of functions which belong to the Committee on Labor and Public Welfare. As I said before, we have already provided quite a bit of money in order that the Senator from Alabama may be a watchdog for this new labor bill. I do not know how much will be spent for that. But I imagine that the time will come when this watchdog group in labor and public welfare will find a little more work to do and the need for a little more money to be spent.

Mr. McCLELLAN. Mr. President, neither the Committee on Labor and Public Welfare nor the Committee on Government Operations has all the authority which is needed, or which was needed. That prompted the Senate to create the select committee. From the standpoint of law enforcement, from the standpoint of getting the benefits which should result and which are a potential result of the work of the select committee, which has now expired, it is essential that the provision be in the proposed legislation.

There is no desire to take anything away from—and nothing is taken away from—the Committee on Labor and Public Welfare. Neither the Committee on Labor and Public Welfare nor the Committee on Government Operations can reach out into certain areas where it may become necessary to reach to bring to the Congress the information it needs. Neither committee can do that under the regular powers. Unless there is a provision such as is proposed, applicable to one committee or the other, or to the select committee, it cannot be done.

Mr. ELLENDER. Mr. President, do I correctly understand that Calendar No. 1244, Senate Resolution 294, will be indefinitely postponed?

Mr. McCLELLAN. I shall make that motion upon the adoption of this resolution.

Mr. ELLENDER. Mr. President, I should like to ask a few questions about the original resolution to which this amendment is to be attached. I notice we are being asked to contribute $85,000 that this subcommittee of the Committee on Government Operations can (a) complete its study of worldwide health research, assistance, and rehabilitation matters; and (b) examine, investigate, and make a complete study of any and all matters in scientific and other fields where there may be indications of a need for (a) improved budgeting, accounting—Lord knows we need that—and other managerial practices on the part of agencies of the U.S. Government; (b) strengthened cooperation and coordination among Federal agencies; (c) effectiveness of international organizations of which the United States is a member; and (d) avoidance of Federal duplication of private responsibilities and activities.

Is there any Senator present who can give us a little information as to what the subcommittee has already done with the money we have appropriated, as to how much money the subcommittee has spent, and what the subcommittee proposes to do with the funds it now seeks, plus any other pertinent information?

Mr. MANSFIELD. Mr. President, if I may speak, inadequately, for the Senator from Minnesota and his subcommittee, it is my impression that the subcommittee has done an outstanding job over the past year. The subcommittee does have the authority to investigate the fields which the Senator from Louisiana has listed. The subcommittee has returned portions of the funds which have been allocated to it on two previous occasions. The subcommittee intends to broaden the scope of its activities, which is fully within the scope of the authority of the Committee on Government Operations in the study of health, in the study of better managerial practices, and in the documentation necessary in this field.

I would point out to the Senator from Louisiana that health is something which is not confined to a national border or frontier, but is worldwide in its implications.

It is my belief that this subcommittee has been doing an outstanding job.

Mr. ELLENDER. What has the subcommittee done? Can the Senator tell us that? Has it held hearings? Where were the hearings held? Has any legislation been passed because of the work of the subcommittee? Exactly what has occurred?

Mr. MANSFIELD. The subcommittee has issued reports. It is my understanding that one of the finest reports ever issued in the field of medical diseases was the result of the work of this subcommittee. The subcommittee has held hearings, and will hold more hearings. Of course, the subcommittee has given evidence of the work which has been done. I think the members of the subcommittee have entered into this activity with a great deal of vigor as well as with a great deal of support from the medical profession, from the administration, and also, I believe, from the Senate as a whole.

Mr. ELLENDER. To what extent is the work of the subcommittee to be expanded, may I ask my good friend?

Mr. MANSFIELD. The total expenditure, I understand, will be $85,000, for the next year.

Mr. ELLENDER. So that the request is to increase the committee budget by $30,000?

Mr. MANSFIELD. That is correct, compared to last year. I would point out that when the subcommittee has received the appropriations in the past, it has on both occasions turned back funds to the Treasury.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed at this point in my remarks the budget of the subcommittee, indicating how the money is to be spent.

There being no objection, the budget was ordered to be printed in the RECORD, as follows:

Budget

Position	Number	Base salary (per annum)	Gross salary (per annum)	Monthly salary (gross)	Total for period of budget (gross)
STAFF					
Legal and investigative: General counsel or staff director	1	$8,000	$14,979.45	$1,248.29	$14,979.45
Editorial and research:					
Research assistant	1	6,000	11,709.76	975.81	11,709.76
Staff member	1	4,200	8,568.87	714.07	8,568.87
Administrative and clerical:					
Stenotypist	1	3,660	7,551.53	629.29	7,551.53
Assistant clerk	1	2,880	6,082.04	506.83	6,082.04
Stenographer	1	2,340	5,064.68	422.05	4,064.68
Typist	1	2,100	4,612.55	384.37	4,612.55
Total					58,568.88
ADMINISTRATIVE					
Contribution to employees health benefit programs (Public Law 86-382, effective July 1, 1960)					399.00
Contribution to civil service retirement fund (6½ percent of total salaries paid)					3,806.97
Contribution to employees Federal employees group life insurance (27 cents per month per $1,000 coverage)					191.15
Reimbursable payments to agencies					10,000.00
Travel (inclusive of field investigations)					4,500.00
Hearings (inclusive of reporters' fees)					4,200.00
Witness fees, expenses					300.00
Stationery, office supplies					300.00
Communications (telephone, telegraph)					200.00
Newspapers, magazines, documents					150.00
Contingent fund					2,384.00
Total					26,431.12
Grand total					85,000.00

Fund requested, S. Res. 255, $85,000.

Mr. ELLENDER. Mr. President, I notice the subcommittee will have a general counsel or staff director, $14,979.45; an editorial research assistant, $11,709,76; a staff member, $8,568.87; a stenotypist, $7,551.53; an assistant clerk, $6,082.04; a stenographer, $4,064.68; and a typist, $4,612.55; for a total of $58,568.88.

I notice also there will be reimbursements to agencies of $10,000. Can the Senator tell us how that money is going to be spent? Will that be used to obtain information from Government agencies?

Mr. MANSFIELD. It may well be so used. It is the usual practice among congressional committees to make use on occasion of the services of governmental agencies, and to reimburse them for the cost of the services rendered. This is nothing unusual. This is something which is rather common.

Mr. President, I ask unanimous consent, following the request of the Senator from Louisiana, to have printed in the RECORD certain excerpts from the report accompanying Calendar No. 1125, such as the letter to the chairman of the Committee on Rules and Administration, from the Senator from Minnesota [Mr. HUMPHREY]; the memorandum to the chairman of the Committee on Rules and Administration from the Senator from Minnesota [Mr. HUMPHREY]; and other pertinent material in the report.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

LETTER FROM COMMITTEE ON GOVERNMENT OPERATIONS, SUBCOMMITTEE ON REORGANIZATION AND INTERNATIONAL ORGANIZATIONS

JANUARY 20, 1960.

Hon. THOMAS C. HENNINGS, Jr.,
Chairman, Committee on Rules,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: May I respectfully submit the enclosed memorandum in support of Senate Resolution 255 which was introduced by myself on January 20, 1960, on behalf of the Committee on Government Operations, as approved the previous day.

Senate Resolution 255 would grant authority to the Committee on Government Operations for the following purposes:

1. To complete the study of world health "research, assistance, and rehabilitation," which was authorized under Senate Resolution 347, 85th Congress, and extended under Senate Resolution 42, 86th Congress.

2. To examine, investigate, and make a complete study of "any and all matters in scientific and other fields where there may be indications of a need for (a) improved budgeting, accounting, and other managerial practices on the part of agencies of the U.S. Government; (b) strengthened cooperation and coordination among Federal agencies; (c) effectiveness of international organizations of which the United States is a member; and (d) avoidance of Federal duplication of private responsibilities and activities."

What we propose under this resolution is, in effect, a study of interagency coordination.

Thus, we would examine in a select number of significant fields; for example, research and development in the physical sciences, the extent to which Federal agencies coordinate among themselves in handling related activities.

We propose to study the expenditures of the agencies in these related fields, to examine their budgeting and accounting practices, to learn about their respective allocations of personnel.

This study of interagency coordination is clearly within the scope of the Committee on Government Operations as defined under the legislative reorganization law.

The authority of this committee places it in an excellent position to analyze diverse activities which are handled in common by a number of Federal agencies.

Specifically, the proposed resolution would enable us to complete the study of that phase of interagency coordination which relates to international health (as authorized by previous Senate resolutions).

We believe that out of the study of that phase, and now of other phases of interagency coordination, will come (1) recommendations for new legislation and/or (2) recommendations for administrative changes which we trust might result in improved economy and efficiency in the operations of the U.S. Government. In particular, we believe that we will be able to recommend actions which will lead to reorganization of various Federal activities.

Through the $85,000 being requested under the resolution, we hope to examine broad activities within the executive branch which currently involve expenditures of literally billions of dollars each year in taxpayers' resources.

We feel that this relatively small sum to carry out our study will thus be amply justified by the savings and increased efficiency which we believe will result therefrom.

I will appreciate the opportunity of presenting to the Committee on Rules in person any supplementary information which may be desired on this resolution and to answer any questions which your members would like to ask.

Sincerely,

HUBERT H. HUMPHREY,
Chairman, Subcommittee on Reorganization and International Organizations.

JANUARY 19, 1960.

Memorandum to: The Honorable THOMAS C. HENNINGS, JR., Chairman, Committee on Rules.

From: Senator HUBERT H. HUMPHREY, Chairman, Subcommittee on Reorganization and International Organizations.

PURPOSE

This memorandum presents reasons in support of the attached resolution, introduced on January 19, 1960, on behalf of the Committee on Government Operations.

The memorandum describes—

(a) What has been accomplished to date by the Committee on Government Operations through its Subcommittee on Reorganization and International Organizations, in accordance with authority previously conferred by the Senate for an international health study.

(b) What we propose to do in the future, if the present resolution is approved and if we can thereby complete the health study and carry through on other studies of interagency coordination.

This memorandum summarizes therefore, the need for an overall study of interagency coordination.

STANDING AUTHORITY OF COMMITTEE

First, it should be noted that under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations has the duty of studying the operation of Government activities at all levels with a view to determining its economy and efficiency, and the further duty of studying inter-governmental relationships between the United States and international organizations of which the United States is a member.

Thus, it is to our committee that legislation has been assigned when issues of Federal reorganization have arisen. This has been the case in connection with legislation arising out of the important work of the Hoover Commissions on the Organization of the Executive Branch of Government.

And so, the proposed resolution now before the Committee on Rules would enable us to carry out our continuing responsibility for study of Federal organization and of relationships between the work of Federal agencies.

In this memorandum, part I which follows describes how we propose to devote the overwhelming proportion of our future work if the proposed resolution is approved.

Part II shows how we propose to devote a small part of our future work toward completing the health study previously approved by the Senate and now far along toward termination.

Part III sums up our recommendations for the resolution.

PART I. PROPOSED FUTURE STUDY OF INTERAGENCY COORDINATION

Broader review than last year

Most of our proposed future budget would be devoted to new analysis of interagency coordination.

Thus, the reason we are proposing a larger budget than last year is that we propose to conduct a much broader review than the previous specialized study which involved but one field.

Our new work will require examination of work in the executive branch, involving ultimately literally billions of dollars of taxpayers' resources.

Key to this examination is study of common, related activities shared by several agencies and in which there may be, at present, overlapping, duplication, or waste.

This committee is in a particularly strong vantage point to appraise such across-the-board, interagency problems more conveniently than other committees, which have expert but more limited jurisdiction (involving but one or two agencies).

Interagency work in physical sciences

First, we propose to make an intensive analysis particularly with respect to the "economy and efficiency" of certain phases of activity of Federal agencies' work in the physical sciences.

Again, it is this committee which can appropriately review this problem, since it is we who have studied proposed Department of Science and Technology, Commission on Science, and other related bills involving interagency scientific work.

An illustration: Review of lack of central Federal indexing

We may illustrate one possible type of future analysis as follows:

A very important problem for interagency management concerns "How to organize Federal documentation in the physical sciences, particularly current research and development projects of interest to more than one agency."

As my colleagues are aware, the executive branch's proposed 1961 fiscal year budget contemplates $8.3 billion in scientific spending. Somewhat less than half that amount is apparently for research, the remainder for development.

We have noted that today there are being performed an estimated 100,000 separate, active research and development tasks in some 7,000 different research installations. A striking fact is there is a wide diversity in recordkeeping on all this scattered work. There is no central index or inventory of projects sponsored by the Federal Government.

A great many separate indexes—simple or complex—manual or automatic, now exist

among the Federal agencies. These systems are disuniform in nature, in use, and in effectiveness.

Many able Federal scientists are keenly aware of this problem and have given thought to a proposed Federal Clearinghouse of Information for the Physical Sciences.

How much would such a proposal cost? How much has been the cost of study which has already gone into it? What is the administrative cost of all the present scattered indexes? How effective are they? To what extent, for example, does Agency A which may be considering proposed specialized electronics research (unclassified) know what Agency B has done or is now doing in the same or related field?

These are a few of the questions which we may explore.

Interagency documentation

But indexing, it will be recalled, is but one small phase of the overall Federal documentation problem. It is hardly enough merely to index; the actual reports must be stored and retrieved for circumstances when they are needed, how they are needed, where and by whom.

This reportkeeping problem is therefore one of the major tasks to which we may devote further intensive effort if adequate resources become available to us.

While we are especially interested in recordkeeping on scientific projects, we may review other areas of active report-management as well.

And with the funds which we propose, if time is available, we may make comparatively brief, intensive studies of additional areas of Federal interagency management problems, as may concern domestic and/or foreign activities.

One professional staff member used last year

Thus, the Committee on Government Operations proposes with careful use of funds to analyze a vital, costly, and diverse range of Federal problems.

Our own committee cost will be comparatively minimal. Already, we have been conducting a somewhat similar review in the health field with but a single professional staff member. The same staff member with but two research assistants would represent the sole full-time professional staff contemplated for the subcommittee's payroll, aided by reimbursable support from the agencies.

PART II. COMPLETING PREVIOUSLY AUTHORIZED HEALTH STUDY

The proposed budget contemplates the orderly rounding out of the previously authorized study of oversea health activities of Federal agencies.

In completing this study, we will have published a series of what we regard as significant tools for analysis of the coordination of these particular activities.

Funds previously expended for health study

This study "of any and all matters pertaining to worldwide health assistance, research, and collaboration" was authorized under Senate Resolution 347, 85th Congress, in August 1958, and extended under Senate Resolution 42, 86th Congress, January 1959.

Under Senate Resolution 347, $30,000 was authorized. Over $21,000 was returned to the Senate as of January 31, 1959.

Under Senate Resolution 42, $45,000 was authorized, and later, under Senate Resolution 176, an additional $10,000 was authorized. Of the $55,000 which has been made available for the year ending January 31, 1960, the subcommittee estimates that around $2,000 will be returned.

It is respectfully submitted that for the expenditures above outlined we have made available to the Congress information of an importance which amply justifies the total.

Our professional staff consisted solely of a project director. Together with a stenographic force and with the cooperation of Federal agencies and private sources we have developed certain data never heretofore available to the Federal Government.

We have stimulated a number of organizational changes in the executive branch, and we have achieved a number of other objectives which will be stated below and in future reports by the subcommittee.

Small sum necessary to complete health study

Of the $85,000 now being sought to carry on our work only the very smallest fraction will be used to complete the health study as such.

Only the part-time work of a few of the personnel on the staff will be required; the remainder of time will be devoted to the new projects in other fields.

We contemplate the opening of no new phases of the health study, only the completion in a logical manner of work projects already well under way.

This includes the completion of a number of proposed committee publications now in manuscript, galley proof, or page proof form. In that way, the investment in labor which we of the legislative branch and which cooperating offices in the executive branch have already made in these now incomplete tasks, will be fully realized.

These publications, largely in the nature of staff compilations, will provide indispensable background for appraisal of both economy and efficiency.

Favorable public reactions to health study

Public reaction to this study has been enthusiastic. In the CONGRESSIONAL RECORD published September 30, 1959, will be found a few dozen quotations from among hundreds of favorable messages from leading physicians, scientists, and scientific organizations, as received by the subcommittee.

A wide number of additional favorable reactions have been received since the compilation as of September 30, 1959.

It can be soundly estimated that well over 95 percent of all reactions received have been favorable. Many have expressed profound gratification that the U.S. Senate is taking up a subject of this nature, affecting the health of everyone.

Hearings and publications

Since the passage of Senate Resolution 347, the subcommittee has held hearings both in Washington and in several European capitals.

By the end of this month, we will have issued a volume of hearings (with comprehensive exhibits) and 10 committee prints on topics within this broad field, e.g., statutory authority for these activities, basic research by the National Science Foundation, the budgets and work of international organizations of which the United States is a member, oversea budget of the National Institutes of Health, etc.

We are now completing a work summary which we anticipate filing as an interim report, assuming that the Senate will see fit to extend the deadline of the study.

Importance to the taxpayer—$3 billion involved

Our work has, in our judgment, been well merited from the standpoint of the American taxpayer. Thus—

(a) The number of Federal agencies involved in health-related programs is large—over a dozen—and growing larger;

(b) The United States is moreover a member of no less than 3 international official organizations with major health programs and of 11 additional international organizations with limited health programs.

The American taxpayer has, therefore, a definite interest in being informed through his Congress as to (a) how and why all of these programs are being conducted and (b) with what degree of coordination.

In the interim report mentioned above, a section will present for the first time a comprehensive budget picture of all health-related activities in the U.S. Government at home and abroad. This section, which requires more than 150 pages of text, includes a series of statistical tables, one of which for the first time is an authoritative summary of all totals obligated for international health activities as such.

This overall section will bring together information which even the U.S. Bureau of the Budget has heretofore not compiled.

Our tentative figures indicate a grand total of $2.9 billion of health-related expenditures by Federal agencies in the 1958 fiscal year and $3.2 billion in the 1959 fiscal year. (Of this total, a sum somewhat in excess of $100 million is spent for oversea health activities as such.)

Achievements under health study to date

It would be far too early to attempt to estimate results of the health study. Other sources would be in a more objective position to appraise our results.

Three observations may, however, be noted:

1. In accordance with sound congressional procedure, this study will result and has already begun to result in specific proposals for legislation to remedy various difficulties, as they are determined.

2. A number of administrative changes have already been made within the executive branch which this subcommittee has informally helped to induce.

The subcommittee would not attempt to estimate what proportion of credit might be properly assigned to its informal suggestions. The executive branch itself was apparently dissatisfied with certain previous structure and procedure; the subcommittee's suggestions may merely have served as a catalyst.

The fact of the matter is, however, that we have reason to believe that had it not been for this subcommittee, executive branch changes might not have occurred at all, or as rapidly as they have occurred.

For example, there is now functioning for the first time, an Interdepartmental Committee of International Health Policy. It does not have a formal charter, but its task forces are in operation.

The subcommittee might have formally recommended such an interdepartmental group as a first step toward improving coordination which had been rather deficient and which still apparently leaves something to be desired.

Moreover on January 8, 1960, Dr. Wallace Brode, science adviser to the Secretary of State, advised in response to our inquiry:

"[There] will soon be operating an International Committee of the Federal Council for Science and Technology. * * * Its overall purpose is to provide recommendations to the Council on measures to promote and enhance U.S. participation in and support for international scientific activities compatible with foreign policy."

This statement is of deep interest to the Committee on Government Operations not merely from the standpoint of health, but in view of this committee's deep interest in overall scientific work by the U.S. Government at home and abroad, as mentioned earlier.

In fact, it is believed that no committee of the Congress has concerned itself in more detail or with more continuity than has this committee in connection with the overall organization of Federal scientific work.

3. According to a number of leading private organizations, the subcommittee has served as a catalyst in encouraging them to help meet international health problems by their own resources.

The subcommittee has consistently asked this question:

"What tasks can voluntary agencies perform privately which might otherwise be performed with public money, either in whole or in part?"

As chairman of the subcommittee, I have followed the axiom that it will serve the public interest to help encourage private philanthropic groups to relieve oversea burdens which might otherwise confront the Federal Government.

A number of private groups have enthusiastically praised the committee for helping moreover to clarify the present roles of public and private sources.

Fulfillment of committee's obligations

Our committee has acted with all due dispatch. We believe that, considering the technical and detailed workload which we took on, we have carried out our obligations as effectively as the Senate would expect. The virtual unanimity of commendations received from both official and private sources confirms the soundness of our efforts.

PART III. SUMMARY

The resolution which was introduced in the Senate on behalf of the Committee on Government Operations is based on recognition of these facts:

1. Jurisdiction: The Committee on Government Operations has standing jurisdiction for review of problems of interagency coordination, budgeting, and accounting.

2. Staff: To make such a review requires additional resources over and above those presently available to the committee.

The regular professional staff of the committee is necessarily engaged in a review of a wide number of bills referred to this committee in a vast range of legislative fields.

3. Value: The budget which we propose is comparatively minimal in relation to the broad task which we propose to undertake.

It is a budget whose implementing should result in worthwhile "dividends" to the Congress and to the American taxpayer—"dividends" in terms of findings which will result in increased economy and efficiency.

4. Nonduplication with other committees: This committee deeply respects the jurisdiction of other standing committees of the Senate. In no way do we propose to duplicate the work of such other committees. We have enjoyed excellent cooperation from them in the past.

We propose to concentrate now, as previously, on common and related activities of Federal agencies which are performed within such diverse departments or units as to be beyond the scope of review of other committees.

The scientific field is cited as an illustration.

As far back as 4 years ago, the National Science Foundation reported that scientific activities are distributed among no less than 38 of the 80 executive agencies. Eight Federal agencies account for about 98 percent of total expenditures for scientific research and development. Ten percent of the total Federal budget is involved.

5. Analysis: In our future study we would follow a pattern of analysis which we believe we have been successfully carrying out in the case of the international health review.

Thus, we would first analyze the statutory authority which the Congress has granted for present activities, the budget of the various agencies' related activities, the numbers of personnel involved, a description of the technical nature of the work, a reporting of expert appraisals by authorities on present interagency coordinations, etc.

6. Completion of present study: The health study, if carried to logical completion, will constitute an important asset to future review by the Congress of appropriations and expenditures in this general field.

It may result, we believe, in both statutory and administrative changes.

In the above points, I have summarized what I believe are the most pertinent factors involved in the Senate's consideration of our authorizing resolution and our future committee budget.

However, I have compiled for use of the Subcommittee on Reorganization and International Organizations and for the use of the Committee on Government Operations as a whole, additional factual analyses which I will be more than happy to make available to my colleagues, as to the need for interagency coordination.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that a statement by the Senator from Minnesota [Mr. HUMPHREY], the chairman of the Subcommittee on Reorganization and International Organizations, sent to the Senate, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MEMORANDUM OF MARCH 30, 1960

From: Senator HUBERT H. HUMPHREY, chairman, Subcommittee on Reorganization and International Organizations.

On: Senate Resolution 255, Calendar No. 1089, 86th Congress, authorizing completion of study on international health and medical research and conduct of review of inter-agency coordination.

Senate Resolution 255 was reported to the calendar from the Committee on Rules on February 17, 1960.

Purpose of Senate Resolution 255 is twofold:

1. To authorize completion of a study previously authorized under Senate Resolution 347, 85th Congress and Senate Resolution 42, 86th Congress, relating to international health.

2. To authorize broad review of problems of inter-agency coordination. Terminal date for the activity under Senate Resolution 255 would be January 31, 1961 (replacing the date of January 31, 1960 in S. Res. 42, 86th Congress).

Funds proposed for broader study

Eighty-five thousand dollars is sought under the resolution.

This compares with slightly under $55,000 spent under Senate Resolution 42. However, the later sum was devoted to but one specialized problem—Federal biomedical work.

By contrast, the authority proposed under the new resolution is far broader. It involves a much heavier assignment in numerous fields. The first of those fields might involve an accounting-type review of diverse Federal research and development work in many physical sciences. (This work involves around $7.5 billion in Federal expenditures.)

Text of resolution

Senate Resolution 255 authorizes the Committee on Government Operations, pursuant to its jurisdiction under rule XXV of the Standing Rules of the Senate to:

(a) To complete its study of worldwide health research, assistance, and rehabilitation matters; and (b) to examine, investigate, and make a complete study of any and all matters in scientific and other fields where there may be indications of a need for (a) improved budgeting, accounting, and other managerial practices on the part of agencies of the U.S. Government; (b) strengthened cooperation and coordination among Federal agencies; (c) effectiveness of international organizations of which the United States is a member; and (d) avoidance of Federal duplication of private responsibilities and activities.

Under the legislative reorganization law, this type of study is especially pertinent to the Committee on Government Operations in view of its continuing authority to study problems of "budgeting and accounting, other than appropriations" and to study activities of intergovernmental organizations of which the United States is a member.

PART I. PAST SUBCOMMITTEE'S WORK IN HEALTH

Vast scope of Federal health programs

With regard to the first phase to be authorized under Senate Resolution 255, namely, completion of the health study, its significance can be partially noted in terms of these facts:

Internationally, the United States is a member of three intergovernmental organizations with major health activities and of 11 more with limited health activity.

Domestically, no less than seven Federal agencies perform and/or support medical research. No less than 20 agencies have related health activities.

Fiscal significance of health study—$3.2 billion involved

Pertinent financial facts include:

(a) Federal medical research currently involves over $400 million in annual expenditures.

(b) International medical assistance and research under State Department and mutual security programs alone involve over $86 million.

(c) Oversea health spending involves over $130 million.

(d) Total Federal medical and health-related activities, which are affected by research, involve over $3.2 billion in expenditures.

All of these and other facts will be set forth in a comprehensive budget report expected to be issued, shortly after Senate approval of Senate Resolution 255.

Large volume of evidence

The evidence on international health which the subcommittee has compiled is undoubtedly the largest body of information on the oversea phase ever compiled by a legislative group. This evidence, it is believed, helpfully supplements information available from other expert committees of the Senate.

The evidence is based on:

(a) Two days of formal hearings in Washington on July 9 and 16, 1959, at which a dozen famous medical experts testified.

(b) Three weeks of meetings in Western Europe as conducted by the chairman of the subcommittee in November and early December 1958. These meetings were held, successively in Paris, Geneva, Copenhagen, Stockholm, Helsinki, Moscow, Oslo, and London.

(c) Scores of informal meetings in Washington.

(d) A formal conference in Washington on how foreign currencies owned and/or jointly controlled by the U.S. Government are planned to be used for a proposed research hospital in Poland.

(e) Hundreds of replies and reports from many of America's leading medical authorities—Federal agency officials, officers of the American Medical Association and of specialized medical organizations, heads of voluntary health agencies, deans of medical schools, superintendents of leading hospitals and rehabilitation centers, winners of the Nobel Prize, famous biologists, chemists, physicists and others—commenting on international scientific collaboration.

(f) Hundreds more of replies and reports from comparable medical experts abroad, including ministers of health, and officials of international organizations, etc.

Many months required

The amassing of this evidence, has inevitably consumed considerable time. This is particularly the case in connection with technical correspondence to and from foreign nations. Often detailed letters to directors of foreign medical organizations have involved many months in time lapse prior to response. This has included the period from the time the subcommittee originally inquired through the time required for the letters' receipt abroad, translation, response, mailing, receipt and retranslation here.

Virtually unanimous approval of subcommittee's work

The committee has met with virtually unanimous approval from the start of its study.

Literally hundreds of enthusiastic messages have been received from medical experts and laymen.

Minimum staff; single professional staff member used

The committee has carried out its considerable operations while employing but a single professional staff member—its project director.

Together with a stenographic-clerical staff, he has assisted the members of the subcommittee in—

(a) responding to literally thousands of expert suggestions, contained in letters from medical authorities, in addition to responding to letters from the public.

(b) cooperating with official and private sources in developing the eight committee prints issued to date.

(c) working on an almost equal number of draft prints which are now in galley proof, page proof, or manuscript form.

(d) conferring with scores of medical visitors from the United States and abroad, at the suggestion in part, of numerous Members of the Senate and House.

(e) meeting with experts in their own institutions in the United States and abroad.

Eight committee prints issued to date

Under this study, eight committee prints have been issued to date. Three of these have been filed, as well, as Senate reports.

The titles of the committee prints are "International Medical Research"; "Statutory Authority for Medical and Other Health-Related Research in the U.S. Government"; "The Status of World Health"; "The United States and the World Health Organization"; "Cancer—A Worldwide Menace"; "Patterns of Incidence of Certain Diseases Throughout the World"; "The National Science Foundation and the Life Sciences"; and "Rehabilitation of the Disabled in 37 Countries of the World."

Requests for several of the prints have completely exhausted both the initial supply and reruns.

Achievements under the study

In the report of the Committee on Rules favoring the extension of the health study (S. Rept. 1089), a subcommittee memorandum is reprinted citing what are regarded as achievements to date:

Thus:

1. Significant shortcomings in certain existing practices among the Federal agencies have been discovered, particularly as these practices relate to interagency coordination or lack of it.

2. Partly or perhaps entirely as a result of the work of this subcommittee, strengthened coordination of Federal agency activities has been commenced. For example, there has been formed a new Interdepartmental Committee on International Health Policy.

3. For the first time, comprehensive budget information has been assembled on the diverse nature of research and health activities in the Federal Government, especially in relation to international expenditures of both dollars and foreign currencies.

This information reveals that current expenditures for health at home and abroad are higher than have been indicated in previous executive branch estimates to the Congress.

4. Numerous draft recommendations for proposed new legislation to correct existing inadequacies have been prepared.

PART 2. PROPOSED WORK IN INTERAGENCY COORDINATION

On the second phase of the resolution, the relatively new field of study, Senate Report No. 1089 quotes the subcommittee in the memorandum previously cited as follows:

"Broader review than last year

"Most of our proposed future budget would be devoted to new analysis of interagency coordination.

"Thus, the reason we are proposing a larger budget than last year is that we propose to conduct a much broader review than the previous specialized study which involved but one field.

"Our new work will require examination of work in the executive branch, involving ultimately literally billions of dollars of taxpayers' resources.

"Key to this examination is study of common, related activities shared by several agencies and in which there may be, at present, overlapping, duplication, or waste.

"This committee is in a particularly strong vantage point to appraise such across-the-board, interagency problems more conveniently than other committees, which have expert but more limited jurisdiction (involving but one or two agencies).

"Interagency work in physical sciences

"First, we propose to make an intensive analysis particularly with respect to the 'economy and efficiency' of certain phases of activity of Federal agencies' work in the physical sciences.

* * * * *

"Again, it is this committee which can appropriately review this problem, since it is we who have studied proposed Department of Science and Technology, Commission on Science, and other related bills involving interagency scientific work.

"An illustration: Review of lack of central Federal indexing

"We may illustrate one possible type of future analysis as follows:

"A very important problem for interagency management concerns: How to organize Federal documentation in the physical sciences, particularly current research and development projects of interest to more than one agency.

* * * * *

"As my colleagues are aware, the executive branch's proposed 1961 fiscal year budget contemplates $8.3 billion in scientific spending. Somewhat less than half that amount is apparently for research, the remainder for development.

"We have noted that today there are being performed an estimated 100,000 separate, active research and development tasks in some 7,000 different research installations. A striking fact is there is a wide diversity in recordkeeping on all this scattered work. There is no central index or inventory of projects sponsored by the Federal Government.

"A great many separate indexes—simple or complex—manual or automatic, now exist among the Federal agencies. These systems are disuniform in nature, in use, and in effectiveness.

"Many able Federal scientists are keenly aware of this problem and have given thought to a proposed Federal clearinghouse of information for the physical sciences.

"How much would such a proposal cost? How much has been the cost of study which has already gone into it? What is the administrative cost of all the present scattered indexes? How effective are they? To what extent, for example, does Agency A which may be considering proposed specialized electronics research (unclassified) know what Agency B has done or is now doing in the same or related field?

"These are a few of the questions which we may explore.

"PART III. SUMMARY

"The resolution which was introduced in the Senate on behalf of the Committee on Government Operations is based on recognition of these facts:

"1. Jurisdiction: The Committee on Government Operations has standing jurisdiction for review of problems of interagency coordination, budgeting, and accounting.

"2. Staff: To make such a review requires additional resources over and above those presently available to the committee.

"The regular professional staff of the committee is necessarily engaged in a review of a wide number of bills referred to this committee in a vast range of legislative fields.

"3. Value: The budget which we propose is comparatively minimal in relation to the broad task which we propose to undertake.

"It is a budget whose implementing should result in worthwhile dividends to the Congress and to the American taxpayer dividends in terms of findings which will result in increased economy and efficiency.

"4. Nonduplication with other committees: This committee deeply respects the jurisdiction of other standing committees of the Senate. In no way do we propose to duplicate the work of such other committees. We have enjoyed excellent cooperation from them in the past.

"We propose to concentrate now, as previously, on common and related activities of Federal agencies which are performed within such diverse departments or units as to be beyond the scope of review of other committees.

"The scientific field is cited as an illustration.

"As far back as 4 years ago, the National Science Foundation reported that scientific activities are distributed among no less than 38 of the 80 executive agencies. Eight Federal agencies account for about 98 percent of total expenditures for scientific research and development. Ten percent of the total Federal budget is involved.

"5. Analysis: In our future study we would follow a pattern of analysis which we believe we have been successfully carrying out in the case of the international health review.

"Thus, we would first analyze the statutory authority which the Congress has granted for present activities, the budget of the various agencies, related activities, the numbers of personnel involved, a description of the technical nature of the work, a reporting of expert appraisals by authorities on present interagency coordination, etc."

Mr. ELLENDER. I wonder if the Senator could give us any assurance as to how long will it be necessary to have the committee.

Mr. MANSFIELD. I can only say to the Senator that committees are usually of 1-year or 2-year duration. Each year the committees have to come before the Committee on Rules and Administration for reinvigoration, so to speak. All I can say is that this subcommittee will not go beyond January 31 of next year.

Mr. ELLENDER. The Senator means the subcommittee is seeking money for

1-year. As is true with regard to all subcommittees, they will come back for more, and I guess the Senate is going to be generous enough to give them anything they ask for.

Mr. MANSFIELD. No; I would not say that.

Mr. ELLENDER. Oh, yes. That has been the case in the past. I have tried with all my strength to curtail these expenses, but to no avail. But while I am disappointed, I am not ready to quit. I want to present the full facts to the Senate and the American people.

Mr. MANSFIELD. Mr. President, I certainly want to commend the Senator from Louisiana, who is determined, who is dogged, who is obdurate, who is obstinate—who is always trying to do something, and who I believe is to be commended because of the efforts he has made. I honor him for his consistency and dedication and I want to say that, in my opinion, the Senate is better off because of what he has always endeavored to do in this field.

There are occasions—rare, I will admit—when I can go along with the Senator. I only wish there were more occasions when I could join the Senator in cutting the budgets requested by the various senatorial committees and subcommittees.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. McCLELLAN].

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution (S. Res. 255), as amended, was agreed to, as follows:

Whereas, pursuant to S. Res. 347, Eighty-fifth Congress, and S. Res. 42, Eighty-sixth Congress, the Committee on Government Operations has been conducting a "complete study of any and all matters pertaining to the international activities of Federal executive branch departments and agencies relative to worldwide health matters"; and

Whereas the study indicates significant problems of coordination between (a) numerous agencies of the United States Government engaged in health activities, (b) agencies of the United States Government and international organizations of which the United States is a member, (c) official programs of the United States Government and related nonofficial programs of private voluntary organizations, in addition to problems of Federal budgeting and accounting; and

Whereas the study confirms the continued existence of certain problems of the interagency organization of common Federal activities such as documentation and other problem areas of management of the general type revealed in past studies by the Commission on the Organization of the Executive Branch of Government; and

Whereas pursuant to rule XXV of the Standing Rules of the Senate, the Committee on Government Operations has the duty of studying the operation of Government activities at all levels with a view to determining its economy and efficiency, and the further duty of studying intergovernmental relationships between the United States and international organizations of which the United States is a member: Now, therefore, be it

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate—

(a) to complete its study of worldwide health research, assistance, and rehabilitation matters; and

(b) to examine, investigate, and make a complete study of any and all matters in scientific and other fields where there may be indications of a need for (a) improved budgeting, accounting, and other managerial practices on the part of agencies of the United States Government; (b) strengthened cooperation and coordination among Federal agencies; (c) effectiveness of international organizations of which the United States is a member; and (d) avoidance of Federal duplication of private responsibilities and activities.

SEC. 2. For the purposes of the first section of this resolution the committeee, from February 1, 1960, through January 31, 1961, is authorized to (1) make such expenditures as it deems advisable; (2) employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized at its discretion to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings upon the study and investigation authorized by the first section of this resolution, together with its recommendations for legislation as it deems advisable to the Senate at the earliest practicable date, but not later than January 31, 1961.

SEC. 4. Expenses of the committee, under sections 1, 2, and 3 of this resolution, which shall not exceed $85,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SEC. 5. (a) Upon the filing of the final report of the Select Committee on Improper Activities in the Labor or Management Field, established by S. Res. 74, Eighty-fifth Congress, agreed to January 30, 1957, as amended and supplemented, all files, papers, records, and documents in the possession of such select committee shall be transferred to the Committee on Government Operations for the use of such committee or any duly authorized subcommittee thereof in carrying out its functions under S. Res. 246, Eighty-sixth Congress, agreed to February 6, 1960, and under this section: *Provided*, That any of such files, papers, records, and documents, or photostatic copies thereof shall, upon written request of the chairman of the Committee on Labor and Public Welfare specifying or identifying the material desired, be made available to said committee for use by it in carrying out any of its legislative oversight functions over the administration of the Labor-Management Reporting and Disclosure Act of 1959.

(b) The Committee on Government Operations or any duly authorized subcommittee thereof is authorized April 1, 1960, through January 31, 1961, to conduct an investigation and study of the extent to which criminal or other improper practices or activities are, or have been engaged in, in the field of labor management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities. Nothing contained in this section shall affect or impair the exercise by the Committee on Labor and Public Welfare of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(c) For the purposes of this section, the committee from April 1, 1960, to January 31, 1961, inclusive, is authorized, as it deems necessary and appropriate, to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony, either orally or by deposition; (7) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (8) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and further, with the consent of other committees or subcommittees, to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the committee.

(d) The expenses of the committee under this section, which shall not exceed $75,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The preamble was agreed to.

The title was amended so as to read: "Providing additional funds for the Committee on Government Operations to complete a study of worldwide health and medical research; for the transfer of all papers of the Select Committee on Improper Activities in the Labor or Management Field, and authorizing continuing studies."

AUTHORIZATION TO VICE PRESIDENT OR PRESIDENT PRO TEMPORE TO SIGN BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate after today, the Vice President or the President pro tempore be authorized to sign enrolled bills and joint resolutions passed by the two Houses and found to be truly enrolled.

The PRESIDING OFFICER. Without objection, it is so ordered.

MRS. BESSIE S. CHEATHAM

Mrs. SMITH. Mr. President, today is the 80th birthday of a grand lady who is well known and beloved to the Members of the U.S. Senate. I think the shortest and best description that we could give to her is the unofficial title of "The 101st Senator"—for she has truly become one of the fixtures of the Senate.

Almost every day that the Senate is in session, she can be seen in the first row of the Senate gallery near the clock.

Timeless as she is, she is a marked contrast to that nearby clock. Her steady attendance of the Senate sessions is almost as constant as that of most Members of the Senate. And she is probably a better parliamentarian than most Members of the Senate.

She follows the debate on legislation closely with her ever keenly analytical mind. In fact, at times fellow galleryites will overhear her "quarterback" remarks intended for her favorite candidate for President, Senate Majority Leader LYNDON JOHNSON.

She is so well known to the Members of the Senate that it really is not necessary for me to identify her by name. I am sure that the Members of the Senate know that I am speaking of Mrs. Bessie Staley Cheatham, of Washington, D.C., and North Carolina, the mother of the Senate's capable assistant to the Sergeant at Arms.

I know that all Members of the Senate join me in saluting her today on her 80th birthday and wishing her many more happy birthdays—and in expressing our happiness with her presence in the Senate gallery.

I ask unanimous consent to place in the RECORD at this point an article about Bessie Staley Cheatham appearing in the May 31, 1958, issue of the Burlington (N.C.) Daily Times-News

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MRS. BESSIE CHEATHAM COMES BACK TO AREA FOR VISIT AND GRADUATION

(By Ruth Rush)

Not every college can boast of an alumnae of the class of 1898 who attends reunions regularly.

But Elon College has that distinction because of Mrs. Bessie Staley Cheatham, of Washington, D.C. She attended the Elon commencement this week after a trip from Raleigh where she visited Peace College, her school from 1888 through 1890.

Today she is on her way to Chapel Hill to renew friendships with fellow graduates from the class of 1900 at the University of North Carolina where she was the school's second coed to register.

Mrs. Cheatham, a native of Graham, also is doing quite a bit of visiting in this area where she has numerous friends and relatives. Her father, Dr. W. W. Staley, was the second president of Elon College.

At present, the 78-year-old lady resides in Washington, D.C., and leads an active life working for civic groups, visiting hospitals, and taking part in church work.

Friends say she also can act as an excellent guide any place in the city. Her son, William Staley Cheatham, is assistant to the Sergeant at Arms of the U.S. Senate, and her daughter-in-law is secretary to Justice Harold Hitz Burton of the U.S. Supreme Court.

The active little lady who follows a rigorous schedule all year long, hasn't missed a University of North Carolina reunion in 10 years.

Commenting on a reception this week at Elon College, Mrs. Cheatham told of a companion who suggested they "pull up a chair and rest a bit" during the long periods while waiting in the receiving line.

"I had no idea of doing that," she exclaimed. "Couldn't let people think I'm getting old. I may call myself old, but I'm not ready to act that way yet."

And proof of that statement comes to light when Mrs. Cheatham tells a little of her background.

She went to Washington after the death of her husband and when her son "was just a youngster in rompers." She continued working there until her son was educated.

"They finally retired me from my Government job. But then I went right to work in a printshop, doing proofreading from midnight until 8 a.m. And the graveyard shift didn't bother me a bit—not even when we had dinner at 4 o'clock in the morning," she asserted.

Describing her life in Washington, Mrs. Cheatham says she has seen all the Presidents since Theodore Roosevelt. She speaks of meeting Wilson, Taft, Harding, Hoover, and Coolidge at open houses held at the President's home every New Year's.

Going a little further back, Mrs. Cheatham's first job after graduating from college, was teaching school, and she held positions in Raleigh, Suffolk, Va., and Greenville, N.C. And all through her life, she notes that there has been a great deal of traveling.

"My father used to say that travel was the best way to educate—next to studying books. First, you have to learn what's in the books, and then you can appreciate what you see while traveling," she stated.

Mrs. Cheatham's first big trip was a tour of Europe—her father's present to her after she graduated from the university.

And she's kept up with her traveling through the years with excursions to South America, Canada, Cuba, Jamaica, Mexico, and 40 States in the United States.

Mrs. Cheatham pointed out that her son took numerous trips with her that all began when he first saved enough money to buy a model T coupe.

"It was quite a surprise when he told me he had bought a car," she said. "But, of course, I was proud of him."

She explained that he began working as a Senate page when he was 12 years old. And Mrs. Cheatham remarked that she still remembered the valedictory address he gave when he graduated from night grammar school.

Her son was one of the first Washington officials to arrive here for the funeral of the late Kerr Scott.

Commenting on friends and family ties in this area, Mrs. Cheatham expressed her pleasure returning for visits each year.

"It's something I always look forward to—I have a special interest in the people here and, of course, in Elon College," she said.

Mrs. Cheatham showed a ring she was wearing—a miniature pansy enameled in royal purple and lavender with a tiny chip diamond in the center, set on a thin gold band.

She explained that it was the ring she designed for her graduating class at Elon College. Underneath the tiny flower, petals bear her initials, and the initials for Elon College, and the year, 1898.

"A good year," remarked Mrs. Cheatham.

And her friends will agree: a good year for Elon when a cum laude graduate became one of the most loyal alumnae.

AMENDMENT OF MOTOR VEHICLE SAFETY RESPONSIBILITY ACT OF THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 2131) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended.

TREASURY FINANCING

Mr. CLARK. Mr. President, earlier today the senior Senator from Connecticut [Mr. BUSH] rose and attacked my colleague the senior Senator from Illinois [Mr. DOUGLAS] for certain comments the Senator from Illinois made with respect to the recent effort of the Treasury to float long-term bonds within the 4¼-percent ceiling.

With his usual courtesy, the Senator from Connecticut stated that he had advised the office of the Senator from Illinois that he intended to make this talk, but found, unfortunately, that the Senator was out of the city. Because the matter seemed so important to several of us on this side of the aisle, we concluded to reply today to what the Senator from Connecticut had to say, rather than to await the return of the Senator from Illinois, who, of course, is well able to take care of himself on this floor and elsewhere, and no doubt will do so at an early date.

The Senator from Connecticut stated that in his judgment the Senator from Illinois was attacking either the integrity or the judgment of the officials of the U.S. Treasury. To my way of thinking, this charge is at least in part incorrect, because the Senator from Illinois made no attack on the integrity of the Treasury officials. He and we do attack, and attack vigorously, the judgment of the Treasury officials.

Mr. BUSH. Mr. President——

Mr. CLARK. I shall be glad to yield in just a moment.

I point out that while neither the Senator from Illinois nor I, nor, so far as I know, any Member on this side of the aisle, has attacked the integrity of the Treasury officials—nor would I, for one, ever do it. However, in the Wall Street Journal of today, that bible of so many of our friends on the other side of the aisle, the following comment appears in an article dealing with the interest rate ceiling:

A number of private financial men expressed the belief the Treasury's 4½ percent bond was motivated by reasons other than simply to raise funds.

DONE TO IMPRESS CONGRESS?

"Frankly," declared a top executive of a big consumer finance company in Chicago, "I think the Treasury put these bonds on the market, not really expecting them to sell at all, but to break the logjam in Congress. Now the Treasury can go to Congress and say, 'See, we couldn't raise the money we needed at 4½ percent.'"

A New York financial expert goes so far as to suggest the debt managers may have actually invited failure by selecting an issue due in 1985 and callable in 1975, clashing with outstanding issues in the same range—the 3¼s of 1985 and 3¼s of 1978–83.

In other words, neither the Senator from Illinois nor the Senator from Pennsylvania is attacking the integrity of the Treasury, and I know of no other Senator on this side of the aisle who is attacking the integrity of the Treasury. But here is a comment in the Wall Street Journal which certainly raises grave question as to the motivation of the Treasury. I do not deal in motivations. I specifically do not endorse the comments of the Wall Street Journal. I say only that they are interesting.

I am happy now to yield to my friend from Connecticut.

Mr. BUSH. I thank the Senator for yielding.

I merely repeat what I said earlier, namely, that I consider the remarks of the Senator from Illinois as a reflection upon the integrity of the Secretary of the Treasury, because the clear inference from what he said was that the Treasury had planned to offer a failure in this long-term bond issue. The Senator from Illinois said that if they had planned a failure, it would not have looked any different than it did. If he did not think there was something deliberate about it, why did he call attention to it?

Mr. CLARK. I think he called attention to it because he, as do I, and as do many of the rest of us, attack the judgment of the Treasury, which I think was deplorable. That has nothing to do with the question of integrity. It involves the question of judgment.

Mr. BUSH. Yes; it does involve the question of integrity. I think any Secretary of the Treasury who tried to plan an issue of long-term bonds of the United States to be a failure would be lacking in integrity.

Mr. CLARK. The Senator from Illinois said no such thing, as a careful reading of his remarks will show. He will be able to defend himself when he returns. I reiterate that he did not attack anyone's integrity. He attacked the judgment of the Treasury officials.

Mr. BUSH. The Senator from Illinois can deny it, if he wishes—and I hope he will. But what he said left nothing but a clear inference of reflection upon the character of the Secretary of the Treasury, and that is why I so strongly resent it.

Mr. CLARK. I find myself in complete disagreement with my friend from Connecticut. In this regard I would suggest that he has raised a strawman and then has very effectively knocked him down.

Turning to the merits of the situation, my friend from Connecticut suggested that the Senator from Illinois had made the "absurd contention" that there had been inadequate notice given of the sale of these bonds. Mr. President, there is nothing absurd about what the Senator from Illinois has said. It is true that it had been customary for the Treasury to give no more than 1 week's notice of its intention to sell long-term Government bonds. However, the Senator from Illinois thinks—and I am inclined to agree with him—that this is one of the many bad procedures which the Treasury has been following for many years.

More adequate notice would make it possible for the financial institutions to get the approval of their boards of directors in order to subscribe to bonds of this sort, and therefore it would substantially widen the market for these bonds. I believe the Senator from Illinois is correct and, with due deference, I believe the Senator from Connecticut is wrong. I now yield to my friend the Senator from Wisconsin.

Mr. PROXMIRE. Is it not true that although the Treasury may be acting properly with notice of this kind when it is selling notes, and if it is selling to professionals, but when it is selling long-term bonds, which ought to be bought by institutions, which cannot act with such complete alacrity, it should allow more than 5 days, particularly when 2 of those days are a Saturday and a Sunday, which leaves only an effective 3 days?

An issue of this kind should find its way into credit unions and other institutions. That takes time, particularly to have the boards of directors of such institutions pass on the question, after due consideration. After all, such institutions do not make investments every day. Under those circumstances a period of 3 days' notice would not be logical.

Mr. CLARK. I thank my friend from Wisconsin. He is correct, of course. In addition, he has put his finger on another unfortunate, longstanding procedure which has been followed by the Treasury in connection with the marketing of long-term bonds; namely, that the Treasury wants to deal only with the pros, and they do not want the people to get an opportunity to buy these bonds. That was shown when they offered the fabulous 5s earlier in the year, when the public was willing to come in.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield.

Mr. BUSH. The bonds were offered 10 days or more ago. In the first instance, as of today, the bonds are actually selling at a discount.

Mr. CLARK. I find that statement quite nonpersuasive.

Mr. BUSH. Well, that is the fact. What I mean to show is that even after 10 days of discussion about this bond issue which, as I said, has been more widely advertised than any that I can remember, the bonds are selling at a discount. Therefore, anyone who wants to buy the bonds is better off by buying them now than when they were first offered.

Mr. CLARK. There are a good many reasons why in my judgment what my friend from Connecticut has said is not wholly correct. There are other reasons why the bonds are selling at a discount. One of them is that there was not enough notice. The other reason I will come to in a moment.

Mr. MONRONEY. Will the Senator yield so that I may ask a question of the Senator from Connecticut?

Mr. CLARK. I yield.

Mr. MONRONEY. May I ask the distinguished Senator from Connecticut which market he is quoting when he says that the bonds are selling at a discount?

Mr. BUSH. The Government bond market.

Mr. MONRONEY. As of what date?

Mr. BUSH. This morning.

Mr. MONRONEY. I called what is probably the largest brokerage house in Washington and asked what the bonds were selling for. I was advised that they did not have a quotation on those bonds, and will not have one until the market closes. Last Thursday I read that brokers were quoting a price when issued of $99^{30}/_{32}$. I cannot find this morning what the bonds are selling for. Perhaps the Senator has better sources of information.

Mr. BUSH. I suggest that the Senator call the U.S. Treasury. They keep very close contact with the market. If he calls the Treasury, he will find that as of this morning the market for these bonds is $99^{12}/_{32}$, bid.

Mr. MONRONEY. Apparently the Treasury is ahead of the local brokerage houses.

Mr. BUSH. I do not know which brokerage house the Senator has in mind, but certainly the Treasury keeps in close touch with the Government bond market.

Mr. MONRONEY. I did not know that they were in such close touch. It is a little strange to me that the Senator can say that the bonds are selling at a discount. Perhaps they will sell at a discount, because of the nature of the ugly duckling that was put out. It was a bad mistake, in my judgment. I am certainly not questioning anyone's integrity. I have the highest regard for Secretary Anderson, and I have repeatedly so stated.

That does not mean that I have not questioned repeatedly the failure of the Treasury to modernize the E-bond program, to let people in on the Government bond issues, and their failure to put out a package that would make it very attractive for the people to invest in Government bonds. Now, for the first time since 1953, the Government chooses to issue a callable bond. Certainly that is not playing it safe. Clearly its maximum sales potential was for a 10-year bond. The Government need only look at the yield of its 4s, due in 1969, which is the closest to a 10-year period. Those bonds are selling at 99.14, with a yield of 4.04 percent. That would indicate that they could have floated a half billion dollars or so, and perhaps more, if they had tailored them to about a 10-year term.

Mr. BUSH. Is the Senator objecting to the fact that it is a callable bond?

Mr. MONRONEY. Yes; I object very much.

Mr. BUSH. That is one of the points the Senator from Illinois has been trying to drive home with the Treasury, that they should sell callable bonds.

Mr. MONRONEY. The Senator from Connecticut did not follow what the Senator from Illinois has said. He said that if we did give a suspension or take off the historic limitation of 4¼ percent on the interest rate, then if they issued bonds at the higher rates, the bonds should be callable. It is the same thing that Mr. Humphrey, as Secretary of the Treasury, did when he sprung the 2½ and 2¾ ceiling on Government longterms, and surprised the whole financial community with the "Humphrey-Dumphreys" at 3¼. This was a callable bond. Of course, in such a case if the interest rate goes up, the investor is stuck with the bond. The Senator from Illinois has stated repeatedly that if we are to suspend the ceiling on the interest rate, then the bonds should be callable, so the Government can be protected to some extent.

The Government says, "We will not put out a straight bond, but one that is callable in 15 years, if the interest rate

goes down. However, if the interest rate goes up, you will be stuck for the 25 years."

Mr. BUSH. Mr. President, I should like to observe one thing. If the Treasury had issued the 4½-percent issue without making it callable, the Treasury would have been under attack from the very people who are now attacking them for putting a call price on it. It would have been contended that the Government should have put a call price on them. Therefore the Treasury is in the position of the man who gets "damned if he does and damned if he does not."

Mr. CLARK. I am sure the Senator, in his enthusiasm for the cause which he so ably represents, has fallen again into the egregious error of believing that the callable feature of the 25-year bond is not one of the things which, as the distinguished Senator from Oklahoma has said, has brought this issue to the point where subscriptions were discouraged. I think most competent financial observers thought the Treasury would have the good sense to offer a 10-year bond, period. If they had done so, I think there are many sound economists who would attest to the fact that the issue would have been a success. When a 25-year bond is issued, which nobody thought would be done, making them callable at the end of 15 years, I would make the suggestion to the Senator from Oklahoma that that factor alone pushed up the interest rate perceptibly in connection with the offer.

Mr. MONRONEY. Mr. President, will the Senator further yield?

Mr. CLARK. I yield.

Mr. MONRONEY. Would not the Senator also say that putting an acceptable limit of a billion and a half, but announcing at the time the sale was made that the Treasury would be very happy if only a half or one-third were accepted, did not increase the enthusiasm on the part of the investor?

Mr. CLARK. It may not have increased enthusiasm, but it helped save the oriental face of the Treasury.

Mr. MONRONEY. That is true; but if they had really wanted to demonstrate that a 4¼-percent bond would sell for a long-term period, they would have fixed a definite, direct yield. The best financial advice I have received from those who have had long familiarity with successful financing of U.S. Government securities had so indicated.

Mr. CLARK. I think that is true.

Mr. MONRONEY. They would have issued a limited amount to test the market. They could have taken a casual reading of what bonds were doing in the market. They were doing well with 4-percent bonds due in 1969, which were selling on a 99.8 to 99.6 bid-and-asked basis, or a 4.04-percent yield on the market as of Friday. They could have sounded out the market to demonstrate their capability by comparing it with something which was selling on the market. This they did not do.

This is why we were fearful when this issue was announced. I had calls from two men whom I consider as experienced and just as knowledgeable about securities of the United States as the present people in the Treasury. They cautioned me that this package was destined to failure. We had numerous conferences.

I talked with several people in the active bond markets. They also expressed some doubt. They thought the market might be strong enough to at least sustain $500 million of direct Treasury bonds. These men, who have had long experience, said that we get the worst of both worlds with the 15-year callables in the time-money market. They do not have the vast amount of sugar which Mr. Humphrey put on his 3¼ Humphrey-Dumphreys. He was jumping them up a half of 1 percent, and he could afford to put a callable weight around the neck of that bond.

Mr. CLARK. Mr. President, I may say to the distinguished Senator from Oklahoma and the distinguished Senator from Connecticut that I have an important engagement with the chairman of the Republican National Committee at 3 o'clock, an appointment I am most desirous of keeping. I should like to complete my relatively brief remarks. At the end of that time I shall be glad to yield the floor to my two friends, so that they may continue the colloquy. But I regretfully shall have to hold the floor for the next 4 or 5 minutes, so that I can finish what I have to say.

In other words, the mistake which the Treasury made in connection with this issue were in making a 25-year bond callable at the end of 15 years, and not giving enough notice to prospective investors who might come in to make this issue a success. There were, however, in my judgment, at least two other important failures by another governmental agency, the Federal Reserve Board, which contributed to the failure, or comparative failure, of this issue.

The first is the bills-only policy, which made it impossible for the Federal Reserve Board to go in and buy a few Government bonds, not to peg the market, but to render that kind of normal support for an issue which is being floated, which the investment bankers of the country, including the firm to which the distinguished Senator from Connecticut has so long belonged, constantly do when a corporate bond issue comes on the market after having been registered with the Securities and Exchange Commission.

The failure of the Federal Reserve Board to abandon its obsolete, unwise bills-only policy was really a contributing factor to the failure of this issue.

Another factor was the most important failure of the Federal Reserve Board—a long-range failure which contributed to this situation, and which has contributed to the unnecessarily high interest, tight money policy which this administration has followed. This was the failure of the Federal Reserve Board to permit the money supply to increase in proportion to the increase in gross national product. This has been a long-standing failure on the part of the Board. It has had more to do with tight money and high interest than many other factors. They contend that the country lives in a stable free market, whereas we actually live in a manipulated money market. So the failure of the Fed to get an increased flow of money into circulation, so as to keep up with the increase in gross national product, is, in my judgment, one of the outstanding reasons why money is tight and interest is high. Its policy has done nothing to enable the Government to refinance its long-term debt.

The Senator from Connecticut raised a query as to whether the Senator from Illinois [Mr. DOUGLAS] was backing away from the technique of auctioning these bonds. I am quite confident he is not backing away from it.

I wonder to what extent the offer could be termed a bona fide auction. It certainly was not in the form of the ordinary auction. I think all of us feel that the offer to open up the bond market on an auction basis to other than the 17 dealers in Government bonds is a wise and sensible move. I hope future issues will be opened up on an even wider basis. I believe that what was done is not the best kind of auction technique which could be devised.

The Senator from Connecticut also inquired why the Senator from Illinois did not take the floor last week, during the advertising days for this issue, to state then what he said later. The reason for that is perfectly clear, indeed. None of us did so because we did not want to rock the boat. We wanted to give the Treasury an opportunity to sell the bonds. We held off until the issue was all over.

I know exactly what would have happened if the Senator from Oklahoma, the Senator from Wisconsin, the Senator from Illinois, and I had taken the floor and attacked the terms of this issue. We would have been accused of sabotaging it. So we held our peace until it was over. I am glad we did so.

I have a rather extensive speech on this subject which I hope to make at a later date. I hope the Senator from Connecticut will not think I am hitting and running on him if I now go to meet the chairman of the Republican National Committee. If he has a question he wishes to ask for a moment or two, I should be happy to yield to him for a minute.

Mr. BUSH. I thank the Senator from Pennsylvania. I do not wish to detain him. I hope he will not mind if I question a few of his remarks before he leaves.

Mr. CLARK. That is quite all right.

Mr. BUSH. I think I have said about all I want to say. But I direct the Senator's attention to the 1960 Joint Economic Report, in which a majority of the committee, the chairman being the senior Senator from Illinois [Mr. DOUGLAS], on page 16, speak of the needed reverse in the Treasury debt management and monetary policy. At the bottom of the page, under that title, are the recommendations for what the Treasury should do in connection with offering bonds. Three out of four of the recommendations were, I think, positively valid in connection with the last issue of long-term bonds.

Recommendation (a) possibly was not valid, but this is what it is:

(a) Avoid seeking advice on new issues from organized groups of their customers who are interested parties.

I do not know whether that was valid.

Mr. CLARK. It was not valid, because the newspapers announced that the same old advisers were going to be consulted again.

Mr. BUSH. I think it is rather bad advice, anyway. I hope it will not be followed.

The next recommendation is: That the Treasury should

(b) Institute a system of callable bonds, so that the public will not be saddled interminably with high interest rates.

That is exactly what the Senator from Oklahoma was talking about.

Mr. CLARK. The Senator is not correct about that.

Mr. BUSH. Item (c) is a recommendation that the Treasury should extend the auction method to other than short-term bills, and to agree to sell long-term bonds, in the main, when interest rates are low. That was just when they sold these bonds—when interest rates were going down and were low in relation to recent levels of interest rates.

Mr. CLARK. The rates had not gone down low enough.

Mr. BUSH. That is the Senator's judgment now.

Mr. CLARK. I think it is the judgment of the Senator from Connecticut, too, is it not?

Mr. BUSH. I am not attempting to judge the course of interest rates in the next few months or during the remainder of the year. But in that connection, I will say that the Senator from Pennsylvania and his friends who agree with him are taking a terrible responsibility when they endeavor to keep the interest ceiling, because of the possible very harmful effects of such a development in the event of business expansion and a tightening up of the interest rates.

Mr. CLARK. And I think the Senator from Connecticut and his associates are taking a terrible responsibility when they attempt to put this heavy and unnecessary high interest burden on our children and our grandchildren. I am not sure who is taking the greater responsibility, but I am not prepared to vote for the course the Senator from Connecticut is urging.

Mr. BUSH. The Senator from Pennsylvania is implying that the course I favor would result in placing such a burden on future generations. But that is not a correct statement. I am seeking what is logical and what all the other free governments are doing; namely, to give the Treasury the right to handle the debt in a way that is consistent with common sense and national security.

Mr. CLARK. I am afraid that my friend's reference to common sense and national security cannot be sustained on the basis of a historical analysis. But I shall have more to say about that matter at a later time.

Mr. BUSH. Every financial analyst and financial observer who has been studying this matter during the past year is in agreement with the President's request that the ceiling on the interest rate be lifted.

From reading the newspapers published all over the country, I find very, very little agreement with the viewpoint of my friend, the Senator from Pennsylvania, and that of his colleagues who so strongly agree with him.

Mr. MONRONEY. Mr. President——

Mr. CLARK. Mr. President, I now defer to my friend, the Senator from Oklahoma.

Mr. MONRONEY. Mr. President, will the Senator yield to me?

Mr. BUSH. I yield.

Mr. MONRONEY. Mr. President, one of the difficulties we have with the so-called financial writers and experts arises from the fact that they have done very little research in regard to the origin of the 4¼ percent interest rate ceiling.

This interest rate ceiling goes back to the time of the founding of the Republic. The power to float long-term bonds and the power to fix the interest rate has been an inherent power of the Congress since the very First Congress.

That power extended not only to the interest rates which should be paid, but also to the amount of each bond issue. That was the situation throughout our history until 1918. During World War I, the then Secretary of the Treasury, Carter Glass, requested the right to determine the amount of each issue, under a fixed debt ceiling. Congress then fixed the interest rate ceiling at not to exceed 4¼ percent. So that is the origin of this "silly old law," to which all the financial writers refer as just a casual operation of the Congress during World War I. It was carefully considered legislation by means of which Congress surrendered its power to determine the amount of each issue, but imposed a debt ceiling.

It is true that the ceiling has been raised. But Congress still imposes the debt ceiling.

And by the same token, Congress still imposes—and properly so, I believe—a ceiling on the interest on the long-term debt. That ceiling has stood the test of the World War I financing and the financing during the great depression of the 1930's, and the expansion of our debt from $52 billion to $275 billion over a period during which the interest rate has remained stable, as a result of the wise action of the Federal Reserve System and the Treasury.

Now we reach a point where we are told we should remove this "silly old ceiling," in order to provide flexibility. The administration does not want any ceiling. Yet, every time we have raised the ceiling on federally guaranteed securities, such as GI mortgages or FHA's, we have experienced an upward cycle of interest rates.

The form of indebtedness most nearly comparable to a Government bond is a mortgage which the Government backs and guarantees with its full faith and credit.

Mr. BUSH. Mr. President, the able Senator from Oklahoma deserves great credit for having introduced the bill—he introduced it last year, I believe—which resulted in the formation of the International Development Association.

Mr. MONRONEY. I received great help, in many, many ways, from the distinguished Senator from Connecticut.

Mr. BUSH. I was pleased to be associated with the Senator from Oklahoma in that effort; but certainly he was the author of the bill, and he handled it very well through the Congress.

That organization now finds itself under the general supervision of the World Bank; it is an adjunct and an affiliate, we may say, of the World Bank.

The nearly 67 or 68 countries which are members of the World Bank admire the Senator from Oklahoma very much for his taking the initiative in that important matter. But I must say that when the representatives of those countries were in Washington in September, at the annual meeting of the World Bank, not one of them could understand the reluctance of the Congress and, I may say, of my good friend, the Senator from Oklahoma, who has been one of the most ardent advocates of keeping the interest ceiling where it is. Not one of them could understand the reluctance of the Congress to provide the necessary authority; not one of them could understand the insistence of the Congress on keeping the hands of the Secretary of the Treasury tied in connection with the matter of debt management. They could not believe that a great government such as ours would place such a handicap upon its own administration and its own Secretary of the Treasury. It was only because they felt that Congress had shown some conservatism during the last months, in the course of sustaining Presidential vetoes and generally supporting the administration in other fields, except this particular one, that they were somewhat comforted in their anxiety, at least to a certain degree, I may say, concerning the effect this policy was having upon the credit of the United States.

So the financial writers and the analysts are not the only ones who agree with Secretary Anderson, and who call this a "silly old law"——

Mr. MONRONEY. I did not say Secretary Anderson called it a "silly old law." I say the financial writers who make that statement have never bothered to look up the history of these powers of the Congress.

Mr. BUSH. Mr. President, I do not choose to yield at this time.

Mr. MONRONEY. But I do not want the RECORD to show that I said Secretary Anderson said this is "a silly old law."

Mr. BUSH. At any rate, the Senator from Oklahoma said the financial writers say it is a "silly old law"; and I, myself, think it is. So I shall associate myself with the view of those writers.

But the fact is that Congress passed the law in 1916 or 1918, as I recall; and Congress has just as much right now to remove the ceiling as it originally had to impose the ceiling.

I say this ceiling has completely outlived its usefulness. No other country in the world would so handicap itself in connection with debt management. I am afraid that all this is doing now

is putting a ceiling on maturities of 5 years, and not at all a ceiling on interest rates. We saw that effect during the closing months of 1959, when the short-term interest rates were higher than the long-term interest rates; and the reason was that the Government, with its gigantic operations, was forced into the short-term market, in order to obtain long-term money. I think that is one of the most ridiculous ways to run a government.

Mr. MONRONEY. Mr. President, will the Senator from Connecticut yield further?

The PRESIDING OFFICER (Mr. FONG in the chair). Does the Senator from Connecticut yield to the Senator from Oklahoma?

Mr. BUSH. I yield.

Mr. MONRONEY. Evidently the Senator from Connecticut prefers a higher peak on the interest rates, such as the one we experienced when the rate on short-term Government bonds reached 5 percent; and evidently the Senator wishes to have us bound by the 5 percent rate for 25 years, as part of an Eisenhower legacy.

Or would the Senator prefer to have the high interest rate apply only for the 90-day, 6-month, 1-year or 2-year issues, after which we would not be burdened with so high a rate? Why is it necessary to penalize ourselves by insisting that the peak interest rate be the rate at which the Government will obtain the necessary funds for the running of the Government for many, many years to come?

Mr. BUSH. Mr. President, I shall answer that question at once. The effect of the policy the Treasury has been forced into has been to force the Government into the short-term markets. That imposes a great burden on those who need to borrow money in order to build homes. That burden is very great on the homebuilders, the contractors, and small business. More and more we hear complaints from the small business associations. They were in Washington last week. I attended some of the hearings. Perhaps some other Senators here did.

What has been the program they have called for? Removal of the interest-rate ceiling. The reason is that it has been hurting their business and has done them great harm. The Home Builders Association has come out recently for removal of it. The mortgage bankers of the United States, who handle most of these mortgages that go into the insurance companies and savings banks and make possible funds that go into home building, are in favor of the interest rate removal. So it is not just a few newspaper or magazine writers. It is these people who are in this business up to their elbows that are against this "silly old law," as it was referred to.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. BUSH. Yes.

Mr. MONRONEY. I do not know exactly what motivated the heads of the National Home Builders Association. I had the privilege of addressing them at their national convention in Chicago. From my estimation of the crowd and the condemnation of what the tight money policy and the high interest rate was doing to the home-building industry, the rank and file of the home builders were not in favor of a policy that was causing them to sell more mortgage than house, which is happening under the program which the Senator has advocated and which I have opposed. Under that program money did not get looser, it got tighter, and mortgage rates went up and up, and buyers of straight Government bonds demanded higher interest rates. It was like a man bidding against his wife at an auction. I do not see how, on 15- to 25-year mortgages, the financing of which has to be undertaken by the home building industry, we are getting in the way of short-term financing.

Mr. BUSH. First, I think the Senator will have to agree that the Home Builders Association know what is good for them.

Mr. MONRONEY. They know what is good for them. They want to sell their mortgages.

Mr. BUSH. No; they want to build homes.

Mr. MONRONEY. Sometimes it has been dictated by the investment mortgage companies, and not by the rank-and-file poor individual who has to build a home.

Mr. BUSH. The association is interested in building homes. They are interested in legislation that will help promote the building of homes. That is why they think the Senator's plan is interfering with such home building, because it keeps a lid on interest rates. It drives the Government into the short-term money market. I have said this repeatedly. It pushes the short-term market rate up for the people who have to go into the short-term market to borrow money to build homes before they can sell homes. When short-term money is selling above the long-term rate, we are hurting the homebuilder and the small businessman. They were down in Washington pleading with us to take this interest rate ceiling off so small business would not be under the handicap of high interest rates.

Mr. MONRONEY. Then it is the short-term construction money, which a builder has to borrow in the short-term market, that the Senator is concerned about. I happen to be concerned with the GI who is paying high interest rates and is getting more mortgage than he is house.

Mr. BUSH. I want to make this clear to the Senator. It has the effect of diverting funds for lending for mortgages into short-term investments, because the money rates are so high. The lenders are going to take it where they can get it best. Mortgage funds are being diverted, and that is the complaint of the Home Builders Association.

Mr. MONRONEY. The Senator well knows most of these short-term bonds go to the banks and the short-term moneylenders. The investment bankers or mortgage bankers willing to buy mortgages have managed to push the interest rates up to 7 percent in California and 6 percent in most other places on Government-guaranteed mortgages. Short-term borrowing is not in the same field as 15- to 25-year mortgage financing.

It used to be that the insurance companies, fiduciary trusts, and others were taking a responsible share of the burden of the public debt. They have been liquidating their portfolios.

I talked to the Chairman of the Federal Reserve Board and asked him if they were in this market. He said they were not, that they wanted to adhere to their policy of bills only. I say to the Senator that by their own announced policy they will not come into the long-term market. They are assisting the high-interest-rate policy because they do not have to come into it; but when they take themselves out of it, every banker who may be desirous of having higher and higher interest rates knows he is not going to have to compete with the Federal Reserve in buying $100 or $200 million worth of long-term Government bonds.

Mr. BUSH. The Senator talks about high interest policy. There is no high interest policy, and never has been a high interest policy. The only thing that has brought about high interest rates is the demand for money, the law of supply and demand. It is as simple as that. There is no tight money policy or high interest rate policy, which the Senator has said repeatedly on the floor. If there was a high-interest-rate policy, why would the Government allow the interest rate to go down, as it has gone down in the last few weeks, and why would it have let it go down as it did in 1957 and 1958? The interest rate went down to 1½ percent, and then went back up when the demand for money increased. There is no policy, I repeat, for the 488th time on the floor, of tight money or high interest rates.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BUSH. Yes.

Mr. PROXMIRE. There is no question that interest rates can fluctuate in response to business conditions independently of the policy of the Federal Reserve. There is also no question the Federal Reserve can in the long run—and the long run is not very long—determine the course of interest rates and when they wish, push the rate of interest up. That has been so since 1914.

It is also true that the Federal Reserve has been keeping the money supply restricted while the gross national product has been rising. The effect of that has been to push interest rates higher and higher.

In the last few weeks it is true that temporarily in response to business conditions interest rates have dropped, but that is only on a short-term basis, and if the Federal Reserve continues to restrict the money supply, the interest rates will go up again.

The Senator from Connecticut said short-term interest rates have gone down. He has argued on both sides of the question. He has said the policy that the Senate Democrats have been advocating, and which they have followed successfully since the end of the last session, namely, the maintenance of interest rate ceilings, has had very

serious effect on small business, because in the short-term market they have had to pay more interest. Yet the Senator has said that those interest rates have gone down——

Mr. BUSH. I want to correct what the Senator has said. It was small business themselves who said it was hurting them. It was not my statement. I repeated it. I thank the Senator.

Mr. PROXMIRE. I can get the floor in my own right when the Senator finishes his statement.

Mr. BUSH. I will yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the point I wish to establish, as emphatically and as clearly as I can, is that at the end of the last session a number of Senate Democrats, led by the Senator from Illinois [Mr. DOUGLAS], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. ANDERSON], and the Senator from Tennessee [Mr. GORE], served notice that we were going to do the best in our power to maintain the ceiling on interest rates. We were told this would have a devastating effect on Treasury financing and that it would drive up short-term interest rates. What has happened?

The fact is that since that time, as Sylvia Porter reported only 2 or 3 days ago, if any Senators have ever been in the position of being able to say, "I told you so," it is the Senate Democrats who made this fight. What has happened is that business conditions have changed. In spite of the policy of the Federal Reserve, the short-term interest rates have not gone up but instead have gone down. The consequence of this has been that small business has not been seriously handicapped by the policy. The consequence has been that the Treasury can borrow money on a short-term basis now at a lower cost.

If we had yielded last August and last September to the entreaties of the Treasury, if we had taken off the 4¼ percent interest rate ceiling, and if the Federal Government had borrowed $2 billion, $3 billion, $4 billion or $5 billion at an interest rate of 5 percent or 5½ percent, we would be frozen into that position for 25 years. Now it is possible for the Treasury to borrow at less than 4 percent interest. The Treasury can borrow at 3½-percent interest for 1 year bills, and even for some notes. Of course, this is a far lower rate. It also puts the Treasury in a much more flexible position. As interest rates begin to fall—I feel very strongly that the Federal Reserve Board may change its policy and may make it possible to expand the money supply as the gross national product increases—and as we get into the long term drop, which has historically been the tendency, then the Treasury can step in, and the Federal Government will be able to borrow money at a lower rate.

I should like to make a few comments on some of the points the distinguished Senator from Connecticut raised in his very, very able defense of the Treasury policy.

The Senator asked why those of us who have been arguing as we have, along with the distinguished Senator from Illinois [Mr. DOUGLAS], did not speak out at the time the bonds were advertised, to point out that this callable feature in the new 25 year 4¼ test bonds was a foolish feature, and to say that 25 years was the wrong term. It seems to me that if we had wanted to speak out, we would have spoken out at that point by saying, "I told you so." This was a temptation. We were crowding the heroes' bench by not doing it, by not pointing out that the Treasury has come around to our way of thinking and has decided it can, indeed, sell long-term bonds.

We did not do that. We did not want to rock the boat. We did not criticize or try to evaluate the kind of instrument which the administration was trying to sell. Instead of that, we felt the wise and proper thing to do was to let the Treasury go ahead with the instrument, which we thought was very defective, and which has been shown to be defective, and then, after this was tried, when we would not cause any damage to the Treasury, we might speak out.

Mr. BUSH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. PROXMIRE. I yield to my good friend from Connecticut.

Mr. BUSH. I will say to my friend from Wisconsin, speaking as to the causing of damage, I think that—though certainly not wittingly—the position which the Senator and his colleagues have taken has caused more damage to the credit of the United States than any similar position which has been taken within my memory affecting the whole question of debt management and finances.

Mr. PROXMIRE. Mr. President——

Mr. BUSH. I shall be through with this statement very quickly. I say this only for the reason that the credit of the United States is of tremendous importance to the whole free world. The free world cannot understand how the Congress can take such a shortsighted view of this matter and restrict the Treasury in its ability to manage the debt. Soon our friends will begin to worry about the $17 billion or $18 billion of short-term notes and gold which they have in the United States, which is payable in dollars.

Mr. PROXMIRE. Now, Mr. President——

Mr. BUSH. It is a very, very serious matter.

Mr. PROXMIRE. I should like to reply to my good friend from Connecticut. The argument has always been, on the part of those who advocate keeping the money supply constricted and those who feel that we should accept high interest rates as the price of this, that if we do not do so we will have inflation. The argument against our position of maintaining the ceiling on the interest rate on long-term bonds is that it would be inflationary for the Federal Government to have to be in the short-term market.

What has happened? Have prices risen? In fact, we have had fairly stable price levels since last August; remarkably stable, under the circumstances. Furthermore, the bond market has steadily improved.

It seems to me that the consequences of following the policy advocated by the Senator from Oklahoma and the Senator from Illinois have been good for the Government bond market and have been good in terms of our price level.

Mr. MONRONEY. Mr. President, will the Senator yield to me?

Mr. PROXMIRE. I yield to the Senator from Oklahoma.

Mr. MONRONEY. Would the Senator not agree that the Congress, since it is concerned with the budget and is concerned with keeping a balanced budget, in accordance with national defense requirements, must be concerned also with the cost of money to Uncle Sam? The Government is the biggest borrower we have in this country.

I was amazed to look at some of the statistics which were provided the other day, when I learned that under the high interest rate policy, the tight money policy—consciously adopted and followed by the Federal Reserve and the administration—this year the cost of the interest on the public debt will exceed the cost of running the entire Federal Government during any year from 1933 until 1940.

Mr. PROXMIRE. If the Senator will permit, I should like to make a comment.

Mr. MONRONEY. This is the cost of the interest alone. The interest cost for this year will exceed the cost for any single year of the administration of that so-called "wild spender." The Republicans charged Franklin Delano Roosevelt with being a "wild spender," yet during all of those prewar years, those peacetime years, the expenses were not as high as the present interest cost. During all of that time the total cost to the Federal Government did not run as much as the cost of carrying the interest on the debt today, which has now gone up over $9 billion.

Mr. PROXMIRE. If the Senator will yield to me at that point, I should like to point out also that the cost of servicing the national debt is the second biggest cost of this Government, only exceeded by the cost of defense itself.

Furthermore, this is not only the second biggest cost to the Government, but it is the fastest rising. There is no other cost to this Government which has been rising as rapidly as the cost of servicing the national debt.

Furthermore, this cost is not rising because the Federal debt is increasing; it is rising because the Federal Reserve Board and the Treasury Department, as the Senator from Oklahoma has pointed out, are following a policy of tight money, of constricting the money supply, which has had an inevitable effect of driving interest rates up.

This is the second greatest burden upon the American taxpayers today, and it is the fastest rising burden.

Not only that, but there is no return, for the Federal Government is buying nothing but air. The Government is

not building a house or providing a tank or providing a plane, but is simply getting nothing for the additional expenditure. This entire national debt could be financed at a $4 billion saving to the taxpayer without sacrificing a single service to our citizens.

Mr. MONRONEY. Not only is that true, but in many cases the Federal Government is receiving practically no taxes from the money income involved in the interest payments. There are certain tax-exempt foundations and certain institutional groups—life insurance and others—which have a tax structure so favorable that the Government does not get an adequate return on the income earned by those groups and institutions, from the interest.

This is the fastest rising portion of our economy. The percentages of earnings during this administration show that more has been lavishly spent on the money lenders than on any other segment of the economy.

I should like to ask the Senator if he noticed that the Wall Street Journal, which is, again, the bible of our dear friends on the other side of the aisle, has commented on the "Monday morning quarterbacking"?

Mr. BUSH. Mr. President, will the Senator yield to me?

Mr. PROXMIRE. I yield to the Senator.

Mr. BUSH. I notice that whenever our friends across the aisle want to make an important point they quote the Wall Street Journal themselves.

Mr. MONRONEY. We do. We like to have our statements unchallenged, because if any statement bears the stamp of the name "Wall Street," then the Republicans say, "This is gospel."

Mr. BUSH. I know this is the favorite "whipping boy" of our colleagues across the aisle, but I wish to say that the American Association of Newspaper Editors has ranked the Wall Street Journal sixth among the newspapers, in excellence, in a judging of all the newspapers in the country. I thought that was a significant fact. I am not surprised that the Senator would quote the Wall Street Journal.

Mr. MONRONEY. As an old newspaperman, I would rank the Wall Street Journal higher than sixth for reportorial ability. For editorial ability I would not rank that paper more than 25th, but but for reportorial ability, for perspicuity and so on, the Wall Street Journal is very good.

I should like to read a paragraph from the Wall Street Journal, from an article entitled "Drop in Interest Rates May Have Ended, Bankers Say; Cite Disappointing Response to 25-Year U.S. Bond."

In other words, here we go again. We are on the toboggan. We are having a free ride.

It is quite interesting to note some of the comments by the financial authorities.

In San Francisco, an official of Kern County Land Co. said: "If this thing (the 4¼-percent bond sale) had gone over with the banks, I would have considered it a reflection of a widely held attitude that credit was going to be relaxed.

In other words, that is the last thing in the world that the people who were to buy these bonds wanted to see. I do not think there was any great enthusiasm, whether the package was wrong or whether the ultimate result, if the Treasury had succeeded in this bond issue, might have been an end to the cycling up of high interest rates, which many long-term investors like to see. They associate high interest rates with prosperity—their own prosperity—and they are willing to do almost anything they can to maintain a satisfactory condition.

I am afraid that some of the banker-oriented advisers to the Treasury—not within the Treasury, but the banker-oriented advisers—see absolutely nothing wrong with the fact that the cost of carrying the public debt has gone up by $4 billion a year. They think it would be twice as good if it went up $8 billion a year. But we on the Democratic side feel that the Government interest ceiling, as it goes up, acts as a brake on the expansion of all business, big and little. The historic periods of expansion of our economy, our industrial components, construction, homebuilding, and so forth, have been largely in periods of low interest rates.

Mr. BUSH. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I yield to the Senator from Connecticut for a question.

Mr. BUSH. What did the Senator from Oklahoma say about the interest rates going up $4 billion a year?

Mr. MONRONEY. The interest rate cost has risen from 1952, when it was $5 billion, to well over $9 billion.

Mr. BUSH. Is that $4 billion a year?

Mr. MONRONEY. That is an annual rate, which is budgeted; and I presume the Budget Bureau knows what it is doing.

Mr. BUSH. I understand what the Senator is saying. What he said previously was that it had been going up at the rate $4 billion a year.

Mr. MONRONEY. It is $4 billion a year now above the annual cost of servicing the public debt in 1952. The Senator from Oklahoma was not trying to say anything else. I think that is plenty. I do not think we should go beyond that. I believe that by wise management and by a decent cooperative effort to buy a few long-term bonds to be held by the Federal Reserve, we would be able to influence the rate downward, instead of influencing it upward. If the Federal Reserve could remain neutral, that would be one thing; but they have been on the side of high interest rates by their announced public withdrawal and abstension from the long-term money market. They have succeeded in reducing by a considerable amount, through the maturing of the long-term issues which they hold, the portfolio of long-term U.S. bonds, while at the same time the Treasury is pleading with everyone to buy long-term issues. I would like to have the Treasury and the Federal Reserve get together. Long-term bonds are so good for everyone else, but they are bad for the Federal Reserve.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. BUSH. Of course the total interest rate has gone up, on an annual basis; but I also observe that, as the Senator from Wisconsin pointed out a little while ago, we have enjoyed a relative degree of stability in price levels during the same period.

Mr. PROXMIRE. I was talking about the stability since last August. We have not enjoyed the same degree of stability.

Mr. BUSH. I appreciate what the Senator is talking about, but it reminded me of the relative degree of stability which we have enjoyed through the past 7 or 8 years. Checking of the inflationary forces due to that period of relative price stability has been a very important matter to the savers of the country, whose savings now amount to $800 billion and more. The fact that the interest cost of financing the debt has gone up is the result of an end to the artificial suppression of interest rates for so long, over a period of some 20 years. The result of the artificial depressing of interest rates was an inflation which, as we all know, resulted in erosion of the dollar savings of the people of the country to the extent of something like 50 percent.

Mr. PROXMIRE. I should like to ask my good friend from Connecticut, who understands economic history as well as any Member of the Senate, if he can cite any peacetime period in American history in which the cost of living has increased more rapidly than it has since the Eisenhower administration took over in 1953. Since then we have been at peace. In spite of that fact, we have had inflation. It has been a fairly moderate inflation, as compared with some of the wartime inflations; but has there been any comparable peacetime period—except, of course, immediately after a cataclysmic war such as World War II or the Civil War—when the cost of living has risen so rapidly? With the exception of those overwhelming catastrophes, which involved the entire economy, dammed up and artificially restricted purchasing power temporarily, and resulted in 5 or 6 years of enormous spending after the war, can the Senator think of any comparable peacetime period? It seems to me there has been no other such inflationary peacetime period in history. At the same time we have had tight money.

Mr. BUSH. The Senator has asked a comprehensive question, and I am afraid I cannot answer it directly, because I do not have the figures handy enough to answer such a comprehensive question.

The Senator is talking now about a long period in history, and I do not carry the charts in my mind well enough to make an intelligent answer.

I am reminded by the Senator's question that during the period of the 1920's we had a very rapid and remarkable expansion in this country. During that period interest rates were very much higher than they have been in recent years, in the last year or two, when there has been so much complaint about them. It is also interesting to observe that during that period, which was one of the really important periods of expansion,

growth, and employment in our country, interest rates were quite high, and the price level was relatively stable throughout that period.

Mr. PROXMIRE. There has been a tendency for interest rates to be reduced as we have achieved more security in business, as there has been more stability in the economy, and in the growth of the United States as a nation. The whole business economy has been able to operate in a more stable way. There has been less risk.

This is logical and to be expected. At the same time, we have had very sharp increases in the interest rate level since 1953, and prices have gone up at the same time.

I conclude by saying that I think the Senator from Oklahoma and the Senator from Pennsylvania have made a very devastating case this afternoon in arguing that the Treasury, in following a policy of trying to sell 4¼-percent bonds, with a 25-year term, callable in 15 years, has obviously given the investor the worst of all possible choices. If interest rates had gone down, the Treasury then could call the bonds, and the yield to the investor would disappear. If interest rates went up, the investor would be locked in, and could only sell at a loss.

Furthermore, it has been established very clearly that the Treasury did not permit the logical investors in this 25-year instrument, the institutions, the time to make an investment. The Treasury is too habituated to selling bills and notes to the fast "wheel-and-deal pros" instead of giving ample time for the credit unions, the insurance companies, and others who might be interested in this kind of investment to come in. The Treasury allowed only 5 days, 2 of which were holidays, and therefore allowed only 3 days. Under those circumstances—I think the Senator from Pennsylvania and the Senator from Oklahoma have made the case unanswerable—that the opportunities to sell long-term bonds have not been tested by the Treasury Department.

Mr. President, I yield the floor.

Mr. BUSH. Mr. President, I wish to conclude. I thank my two friends for their courtesy, and also my friend from Pennsylvania, who has participated in the colloquy this afternoon.

I wish to make this observation in concluding my own comments: We hear a great deal of talk about high-interest rates and a tight-money policy, both of which are nonexistent, as I have said many times. But during all the time this has been going on in the past few years, and a political issue has been in the making by those who talk about high-interest rates, the United States has enjoyed the lowest interest rate structure of any country in the free world except two.

I believe Switzerland is one of the countries. There is one other country, which is also a smaller country; however, all the great countries of the free world are enduring higher interest rates than we are. Those countries are growing and their economies are growing. We have seen the tremendous growth of Germany, Italy, France, Belgium, and the Scandinavian countries. In all of those countries the interest rate structure has been higher than ours.

Therefore, I cannot understand how a case can be made for the statement that high-interest rate policies have retarded the growth of this country. They certainly have not. They have not retarded growth in any of the other countries either. We have seen the growth that has been going on in these countries, and we have become a little concerned about it, because they are competing in the free market with us. They are offering competition to us not only in the free world markets, but also in our markets at home. That is true not only with respect to automobiles, but also with respect to other commodities. It is felt particularly in the automobile market because of its effect on unemployment. However, the same competition is being faced by our companies in products like barbed wire, which comes into our country through the St. Lawrence Seaway and is landed at Cleveland. There it is underselling the barbed wire made by the American Steel Wire Co. in that city.

Therefore, I feel we should not think we know it all. We should not be afraid to learn what we can from our good friends in the free world.

In conclusion——

Mr. MONRONEY. Mr. President, will the Senator yield before he concludes his statement?

Mr. BUSH. I yield.

Mr. MONRONEY. The Senator has been identified for a long period of time with international finance. Would he not say that it has been traditional and historic that the interest rate on government bonds issued by France, Denmark, Holland and other countries has been customarily higher than the rate which has been paid by the U.S. Treasury? This is nothing new.

Mr. BUSH. I do not know whether I can answer that question statistically. However, if it is true, then that fact lends support to my statement that our interest rate structure is not high, and has not been high.

Mr. MONRONEY. What I am trying to point out is that one of the reasons for our American industrial progress has been the fact that money did not cost as much to borrow for expansion in America as it did overseas. In Europe 10 percent on money is not unusual. Ten percent on money is customary for private industry. Likewise, 5 percent and 6 percent on private bonds has been rather customary in European countries. I cannot say as much for England, but for almost all the other countries, that would be about right.

Mr. BUSH. During the period of the twenties, or from the twenties to the thirties, or at least during most of that period, we had relatively high money rates, even higher than some of the countries abroad, for a brief period of time. Our good friend, the president of the World Bank, said a few months ago that he remembered buying one bond of the Reynolds Tobacco Co. with a yield of 9 percent. Companies like General Motors Acceptance Corp. were offering paper for a reasonable medium term yielding 7 and 8 percent. I recall an issue from the State of the Senator from Wisconsin, the Ajax Tire & Rubber Co., which had a yield of 8 percent. That was one of the best growth periods we had, in spite of the high interest rate.

Mr. MONRONEY. Of course at that time our public debt was under $125 billion. It should be remembered also that that period was followed by the biggest depression we had ever experienced. The Government interest rate formerly had been quite firm, and it had a minor significance, and it had a minor effect on the national interest rate policy and on the going rates of interest. However, today, when we have $270 billion of Government bonds, it sets the pattern, it is the granddaddy of all interest rates. When it is high, all other interest rates, those for the small borrower as well as those for the large borrower, rise above the plateau of the Government interest rate.

That is what depressed me. It depresses me that the Government should not be trying to advance some new programs, such as the distinguished Senator from Delaware [Mr. WILLIAMS] has been advocating, a modern E-bond policy, which gives us the largest amount of long-term financing that we have outstanding, and which we are getting at 3¾ percent, instead of 3¼ percent, of course, but which is still a great deal less than the 5 percent that we paid on the magic 5s.

What we Democrats are complaining about is that there has been no modern thinking, no progressive thinking, no searching out for new funds, no development of a new program that can be sold as a package which is modern enough to give us money at a reasonable rate.

Mr. BUSH. Mr. President, I thank the Senator. In conclusion, I should like to go back to what my friend the Senator from Illinois said on the floor of the Senate. I am sorry that he is not here to participate in the debate. I go back to a speech he made on the floor of the Senate in 1951. It bears on the situation today. The burden of what he said at that time—and I am not attempting to quote him directly—was that if the Federal Government were to continue to artificially depress the interest rate and keep it down, the inflationary effect would be so disastrous as to greatly increase the cost of national financing and greatly increase the cost of living, and the people would be a lot worse off because of the inflationary effects of artificial monkeying with the interest rate.

So I conclude by saying that I beg my good friends across the aisle, in all sincerity, to abandon their policy, and to cooperate, instead, with the Treasury of the United States, in order not to injure our credit, in order not to disturb the confidence of our allies abroad, and not to bring about a deleterious effect upon the grand alliance and upon our defensive position vis-a-vis the cold war and the potential hot war.

The credit of the United States, as I have said before, is the great bulwark of defense of our free world. It should not

be monkeyed with by putting an artificial restraint upon the Treasury in the management of its debt.

Mr. PROXMIRE. I wish to make 2 very brief remarks, and then, unless other Senators wish to make some remarks, I shall move that the Senate adjourn.

Mr. President, the argument which the Senator from Connecticut has made, that lower interest rates would be inflationary, only applies if we have full employment and full utilization of our resources, a shortage of manpower, and a shortage of factory capacity.

The fact is that today we have almost as many unemployed as we had during the recession of 1954. The fact is that our steel industry, the bellwether of the economy, is operating at 85 percent of our capacity, and a good deal of it has been below 80 percent of capacity. The fact is that our plants are operating at two-thirds of their capacity. Machine tools are at two-thirds of capacity. Throughout America today our factories are far short of capacity operations.

What would happen if interest rates were lowered and plant expansion and other industrial activity were encouraged, would be good for the economy. We would expand and grow. The Senator from Connecticut is absolutely right that lowering interest rates excessively in periods of full employment, or virtually full employment, is inflationary. But we are arguing for a moderate decrease in the interest rate, to be maintained at a reasonable level when our resources are far below capacity utilization. We are not arguing that we should have 2 percent interest.

HIDDEN INTEREST COSTS

Mr. PROXMIRE. Mr. President, the Washington Daily News today has published a very informative article entitled "Hidden Interest Costs Buyers Millions in Tax Deduction," written by Jack Steele, a Scripps-Howard staff writer.

The article shows convincingly that if the Douglas-Bush bill, which provides for truth in credit, is enacted by Congress and signed by the President, one of the many benefits which will flow from it is that people will know what interest they are paying and can take legitimate deductions for their income tax.

Mr. President, I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIDDEN INTEREST COSTS BUYERS MILLIONS IN TAX DEDUCTIONS

(By Jack Steele)

A Senate Banking Subcommittee is looking into credit practices which deprive consumers of millions of dollars of tax deductions each year for the "interest" they pay on loans and installment purchases.

The subcommittee's interest in this little-understood tax problem comes at a time when most taxpayers are making out their 1959 Federal tax returns.

It came across the problem in the course of its hearing on a bill proposed by Chairman PAUL H. DOUGLAS, Democrat, of Illinois, to require lenders and installment sellers to label their finance and interest charges.

HERE'S HOW

Here is the tax situation which results in this "loss" of interest deductions:

The Internal Revenue Code permits taxpayers to claim deductions for the full amount of interest they pay on loans and other forms of credit.

But the fine print of the code provides that when a taxpayer cannot determine what part of his finance or carrying charges are actually interest, he can deduct an amount equal to only 6 percent of the average unpaid balance of his credit in the tax year.

A preliminary inquiry by the subcommittee's staff indicates that this means, in practice, that many consumers are limited to an interest deduction of only 6 percent on their outstanding credit.

But the subcommittee's hearings have revealed that finance charges on automobiles, appliances, small loans, and so forth, usually range from 12 to 36 percent—and in some fringe cases run as high as 60, 80, or even 100 percent.

HEARINGS

The hearings have shown that lenders and installment sellers now rarely break down their finance charges so that consumers can determine either the amount or rate of interest they are paying.

And spot checks by the subcommittee's staff indicate that these creditors—even when they are requested to do so for income tax purposes—seldom will break out their actual interest charges on loans or installment sales.

This apparently is the case with most auto finance companies, small loan firms, and retailers and department stores which sell goods either on the installment plan or on revolving credit plans.

Mortgage lenders are the only major exception to this practice. Banks and savings and loan associations usually give homeowners and other mortagagees exact breakdowns on their annual interest payments.

NOT 6 PERCENT

As it happens, however, interest on mortgages usually does not exceed 6 percent. And the Revenue Code provides that the flat 6 percent interest deduction can be used only when the finance charges exceed that rate.

As a result, most borrowers and installment buyers—except those who are paying on mortgages—can claim only 6 percent interest deductions on their tax returns even though they pay much higher interest charges for their credit.

The Douglas bill, by requiring lenders and retailers to set forth their interest charges, would enable most consumers to claim larger tax deductions for interest.

The amount of taxes they would save as a result are anybody's guess. But sponsors of the Douglas bill and Internal Revenue Service officials agree that the annual tax savings would run into millions of dollars.

INTEREST RATES ON GOVERNMENT BONDS

Mr. MONRONEY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Demos Have Boast; Ceiling on Bonds Causes Wide Claims," written by Sylvia Porter, a nationally known financial journalist, and published in the Anniston, Ala., Star of April 8, 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEMOS HAVE BOAST—CEILING ON BONDS CAUSES WIDE CLAIMS

(By Sylvia Porter)

NEW YORK.—"Now the Democrats are going to boast 'We told you so.' Now they're going to claim they have saved taxpayers enormous sums in excessive interest payments on the public debt by refusing the administration's urgent request for removal of the 4¼-percent interest rate ceiling on sale of new bond issues.

"Now the Democrats are going to say that if a handful of their leaders hadn't stood firm against the administration and the Wall Street bankers, all taxpayers would be saddled with an unnecessary interest load running into hundreds of millions of dollars a year."

When early this week the U.S. Treasury sold a hefty chunk of new 4¼-percent bonds to large investors all over the Nation, just about every conversation I had with my financially sophisticated friends in Washington and Wall Street included the above lament.

DEMOS CLAIM CREDIT

Well, to be fair about it, the Democrats in the House and Senate who have fought so relentlessly against removal of the 4¼-percent rate ceiling on new U.S. bonds can now properly make just that claim.

For, despite the fact that no one believed it could be done until right before it was done, the Treasury did sell this week an issue of new marketable U.S. bonds due 25 years from now with a 4¼-percent coupon—within the ceiling imposed on rates back in World War I.

Despite the fact that the ceiling has no logical justification, its existence has protected us against a further skyrocketing in the cost of the national debt—and all taxpayers pay this debt interest.

Behind this financial-political tale lies a fascinating history. It goes back to mid-1959, when President Eisenhower and Secretary of the Treasury Anderson first formally asked Congress to eliminate the rate ceiling on new U.S. bond issues because the climbing level of interest rates was making it extremely difficult for the Treasury to manage the public debt intelligently.

As rates continued to soar in late 1959 and the Treasury was blocked out of the bond market, its dilemma got worldwide headlines.

OFFICIALS MAKE OFFER

As holders of low-coupon U.S. bonds dumped them at huge losses, Treasury officials openly pledged that if the ceiling was removed, they'd offer holders of these bonds new ones returning them as much as 4½, 4¾ percent a year or more.

But the Democratic opposition in Congress remained powerful. Some of it was strictly political. The lawmakers didn't want to be identified with any high interest rate law and they figured tight money could be a superb campaign issue.

Some of it was definitely informed—based on honest concern over the cost to taxpayers, honest worry about whether high rates were stifling economic growth.

Then out of nowhere in February came forces which turned the picture upside down. The economy lost its post-steel-strike exuberance, the demand for loans became less fierce, the supply of credit started to ease a bit, interest rates began to fall at an accelerating pace.

BOND DUE IN 1985

And this week, the Treasury successfully sold a bond due in 1985 with a coupon as low as 4¼ percent.

Had the ceiling on new bond rates been eliminated, by now the Treasury undoubtedly would have sold huge amounts of high-coupon bonds and the cost of the debt would have been raised way above where it is. As it is, the ceiling stands.

"It will be interesting to see what the administration, the Reserve, the financial community, and the financial writers will say in the light of these developments and facts," remarked Illinois Senator DOUGLAS,

chairman of Congress' Joint Economic Committee and leader of the opposition, rather plaintively to the Senate the other day.

Relax, Senator. They're lamenting that you're going to boast, "We told you so." Which, of course, you are.

ADJOURNMENT TO THURSDAY

Mr. PROXMIRE. Mr. President, I move that the Senate adjourn until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 3 o'clock and 51 minutes p.m.) the Senate adjourned until Thursday, April 14, 1960, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, April 11, 1960:

United Nations

Louis Wellington Cabot, of Massachusetts, to be the representative of the United States of America to the 15th session of the Economic Commission for Europe of the Economic and Social Council of the United Nations.

Appointments in the Regular Air Force

The following persons for appointment in the Regular Air Force in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be captains, USAF (Medical)

Philip W. Andrews, AO3079276.
Jack B. Crosby, AO3078041.
William L. Foster, AO3077539.
Harold G. Hutson, AO3090227.
Joseph A. Lucarella, AO3079048.
Alfred L. Thompson, Jr., AO3077180.
Harry A. Whitaker, Jr., AO3074784.
John R. Wiley, AO3074986.

To be captains, USAF (Dental)

John D. Bigbie.
Robert J. Clement, AO3075910.
James C. Clower, AO785477.
George T. Greer, AO3045132.
Paul J. Hungerman, AO3043708.
Robert T. Solinski, AO3075245.
Thomas J. Treloar, AO3000465.
Charles R. Wellner, AO3045041.

To be captains, USAF (Medical Service)

Larry E. Brown, Jr., AO2220978.
Philip A. Taylor, AO2221452.

To be captain, USAF (Medical Specialist)

Jean T. Smith, AR1906251.

To be captains, USAF (Nurse)

Billie B. Green, AN804932.
Ellen L. Gregory, AN2241576.

To be first lieutenants, USAF (Medical)

James F. Arens, AO3089064.
Billy A. Finney, AO3075256.
John B. Laubach, AO3089253.
William F. McKee, Jr., AO3091147.
William D. Munroe, AO3075101.
Giles M. Schanen, AO3089105.

To be first lieutenants, USAF (Dental)

Darwin L. Brendlinger, AO3088993.
Charles J. Cappetta, AO3090262.
Samuel R. Willis, AO3089028.

To be first lieutenants, USAF (Judge Advocate)

Ronald R. Austin, AO3102094.
Robert L. Bates, AO3060079.
Thomas P. Keenan, Jr., AO3060618.
James S. Okazaki, AO3060916.
Robert C. Ripple, AO3059955.
Loyd A. Shookman, AO3030555.

To be first lieutenants, USAF (Medical Service)

Harold L. Newman, AO3077282.
Nelson E. Wilder, AO2246197.

To be first lieutenants, USAF (Nurse)

Pauline V. Ellis, AN3044853.
Myrtle Y. Pounds, AN2243170.
Lois D. Richard, AN3089669.
Cathleen M. Walsh, AN2243496.

The following persons for appointment in the Regular Air Force in the grades indicated, under section 8284 of title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenants

Norman B. Alter, AO3067856.
Arthur D. Anderson, AO3066072.
Melvin J. Anderson, AO3066387.
Charles E. Archie, AO3054757.
Lantz A. Balthazar, AO3066092.
John D. Bell, AO3070596.
Arthur J. Benjamin, AO3070364.
William I. Blanton, Jr., AO3056587.
Neil H. Bowles, AO3067898.
Alfred A. Breaud, Jr., AO3054317.
Donald E. Brown, AO3055527.
Raynova B. Burck, AO3056591.
Gaylord W. Clark, AO3056596.
Thomas S. Clark, Jr., AO3055579.
Otto F. Crumroy, Jr., AO3069535.
Richard W. Cullom, AO3056602.
Verla O. Eary, Jr., AO3054812.
Richard K. Ellingson, AO3069538.
Kenneth V. Gasior, AO3069891.
Charles W. Gentry, AO3056609.
Paul A. Hamrick, AO3054035.
James E. Haynes, Jr., AO3055445.
Heinrich F. Hogendorf, AO3059723.
Clifford M. Jackson, AO3069250.
Joseph Kohut, AO3066865.
William A. Laur, AO3056640.
Billy J. Lewis, AO3056641.
Robert G. Lippemeier, AO3071409.
Curtis R. Lynch, AO3054106.
Joseph G. Martin, AO3070506.
Roger E. Maves, AO3056648.
Jerry K. McCallister, AO3070043.
William F. McGovern, AO3054684.
Richard J. Miles, AO3066434.
Robert W. Morgan, AO3056653.
Lajuana J. Morton, AL3059762.
Jonathan Myer, AO3070569.
John D. Nail, Jr., AO3066288.
Gerald A. Newburger, AO3070116.
George R. Nicholas, AO3056657.
Ernest B. Paliszewski, AO3068821.
Randall D. Peat, AO3055669.
Kenneth W. Pichon, AO3087480.
Dale K. Polenske, AO3053944.
Harry E. Ragsdale, AO3087481.
Edward O. Rapp, AO3070988.
Roy H. Reiman, AO3069463.
Robert J. Revisky, AO3066290.
Kenneth J. Richards, AO3069735.
William L. Richards, AO3053945.
James A. Riggs, Jr., AO3070125.
Alan R. Schaertel, AO3070574.
William E. Schesser, AO3070344.
Robert F. Schram, AO3066340.
Thomas G. Seigler, AO3055017.
Benton E. Sheats, AO3066447.
William H. Simpson, AO3087492.
Jerrold F. Smith, AO3070959.
William A. Smith, AO3066294.
William L. Smith, AO3087495.
George R. Stewart, AO3087501.
James D. Thompson, AO3087512.
Gerald D. Walker, AO3071118.
Kenneth H. Wallace, AO3054075.
Richard A. Wehr, AO3066347.
Robert E. Welch, AO3071664.
Charles M. Williams, AO3068431.
Denzel G. Wilson, AO3012909.
George R. Wilson, AO3055884.
Walter T. Winkler, AO3067894.

To be second lieutenants

Distinguished Aviation Cadet Graduates

David L. Altic, AO3102406.
James F. Baird, AO3102931.
Charles H. Croninger, AO3103159.
Arthur W. Draut, Jr., AO3103116.
David L. Driscoll, AO3102938.
Joseph A. Galemmo, AO3103031.
Clifford J. Lanning, Jr., AO3103108.
William F. Needham, AO3103093.
Florian R. Neveu, AO3102959.
Stanley C. Pettersen, AO3103208.
Jennings K. Scarborough, Jr., AO3103156.
William E. Smith, AO3103125.
Merlin F. Stevens, AO3103158.
Francis E. Wood, AO3103167.

Distinguished Officer Candidate Graduates

Robert L. Haley, AO3101857.
William H. Hill, AO3101889.
David M. Sibbald, AO3101945.
Susan J. Thompson, AL3101917.
Samuel M. Ward, AO3101903.

Subject to medical qualification and subject to designation as distinguished military graduates, the following distinguished military students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under section 8284 of title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Donald N. Bersoff
Dale A. Doty
Edward L. Gieszelmann
Thomas H. Sheridan
Robert J. Zapotocky

The following-named cadets, U.S. Air Force Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284 of title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Derry Allan Adamson
James William Alexander
Norman Cope Alexander
Donald Henry Almanzar
Kenneth John Alnwick
Richard Conrad Ames
James Wilbur Anderson III
Fuller David Atkinson
Robert Errol Badger
Robert Louis Baker
Andrew William Biancur
Kenneth Hubert Biehle
James Anthony Bilello
William Stephen Bishop
Valmore William Bourque
John Frederick Boutz
Gregory Boyington, Jr.
Dean Leroy Bristow
Howard Franklin Bronson III
Harold Garfield Brost
John Paul Browning
John Stanley Brush
Michael George Buchen
James Henry Bujalski
Thomas Edward Burke
David William Burns
Anthony Joseph Burshnick
Peter Jacquet Burton
Alfred Kirkland Canterbury, Jr.
William Andrew Carnegie
James Richard Carter
Jerry Lewis Caskey
James Walker Clark, Jr.
Michael Anthony Clarke
Michael Jerome Clarke
Alfred Joseph Cler, Jr.
George M. Collier
Norman Buck Congdon
Garth Robert Cooke
Phillip Arthur Cooke
Gary Francis Crew
Bert Charles Croft
John Russell Currey, Jr.
William Robert Currier
Jerry Morris Daily
Robert Charles Davis
Jon Roby Day
Brian Alvin Deem
Ronald Deep
Gerard de la Cruz
Neil Phillip Delisanti

Billy Gene Delony
Charles Stewart Diver
Clemeunt Tranumn Douglass III
Richard Lee Doyle
Herbert Michael Eckweiler
George Emerson Elsea
Jerry Lance Farquhar
James Carl Fey
Robert Henry Fischer
Gordon Robert Flygare
Charles Stanley Folkart, Jr.
George Joseph Charles Fries
Ben Tadashi Furuta
Walter Leonidas Futch
Gerald Hunter Gammill
Charles David Georgi
John Crowe Giffen
William Allen Gillis
Jerry Lynn Girard
James Frederick Glaza
John Peter Gonsky
Wilfred Leon Goodson
William George Goodyear
Frank Wimberley Gorham, Jr.
Athos Eugene Guillot, Jr.
Gary Gunnar Gulbransen
Sydney Ellsworth Gurley
John Edward Gutzweiler, Jr.
Edward John Haerter
William Donald Hales
Norman Mehlhorn Haller
Denis Joseph Haney
Jasper Horace Hardison, Jr.
Charles Edgar Hart
Richard Glenn Head
Robert Harlan Heiges, Jr.
Joseph Leo Higgins
Richard Joel Hillman
George Hamilton Hines
Leslie Alden Hobgood
William Thomas Hodson III
James Nicholas Holly
Charles Andrew Holman, Jr.
Stephen Ray Holt
Edward Donald Hopkins
John Henry Huhn
Michael Lewis Hyde
John Robert Jansen
Daniel Keith Johnson
John Allen Johnson
Lawrence Merlin Johnson
William Roy Jolly
Karl McMaster Jones, Jr.
Tony McMackin Jones
Brian Grant Kaley
Gary Lyle Karschnick
Miles Alfred Kaspar, Jr.
Wayne Franklin Kendall, Jr.
James Alexander Kerr, Jr.
Harrison Edward King, Jr.
Richard Allyn Kingman
William John Kornitzer, Jr.
John David Kuenzel
David Erwin Lachelt
Thomas Ralph Lalime
Hardy Franklin Lebel
William Harold Leninger
Roger Charles Lent
Edward Watson Leonard, Jr.
George Thrower Lester
Arthur Joseph Lewis
Charles Franklin Liggett
John Michael Loh
Anthony Hugh Long
Michael Vickers Love
Clifton Cameron Lovell
David Barclay Luce
George Elliott Luck
John David Macartney
Russell Reed MacDonald, Jr.
Willard Richard Macfarlane
Jerry Lee Mason
Richard Thomas Mathews
Frank David Mayberry
Dale Quentin Mayo
Charles Milton McCain
Michael James McCall
Jon Wilton McClure
John Robert McCullough
Florian Philip Meinhardt
Richard Farrior Meyer, Jr.
Kerry Douglas Miller
Ralph Edward Miller
James Dale Mills
Leon F. Molinelli
James Edward Morton, Jr.
Bruce Morton Mosier
Richard James Mrosla
Sidney Howard Newcomb
Robert James Newson, Jr.
Edmond Joseph Nogar, Jr.
Robert Paul Odenweller
Richard Dennis O'Keefe
James Clinton O'Rourke
William Reno Ouellette
Ronald Durward Patchett
John Franklin Peebles
James Earl Peel
Wayne Albert Peterson
Fred Howard Porter III
Lew Paxton Price
Hoyt Leroy Prindle, Jr.
George Samuel Pupich
Robert Gene Rager
Neal Taylor Reavely
David John Reed
Douglas Arland Rekenthaler
Martin Edwin Richert
Philip Francis Roberts
Peter Hobson Roe
Ronald Dwight Sandholzer
Charles Dudley Sands II
Robert Byron Sapp
Gordon Stanley Savage, Jr.
Richard Robert Schehr
John Albert Schira, Jr.
Thomas Walter Schlechte
Jock Charles Henry Schwank
Thomas Frederick Seebode
Richard Raymond Sexton
Gary Dean Sheets
Richard Bayley Shepard
Isham Creston Shields, Jr.
Lloyd Ellis Shier
William David Siebecker
Donald Edward Singer
John Thomas Smith
Patrick John Smith
Gerald Thomas Stack, Jr.
Donald Duane Stevens
Theodore Joseph Stumm
Paul Matthew Sullivan
Walter Campbell Sweeney III
David Lee Sweigart
William Wallace Taylor
Victor Ralph Thomas
James Howard Thomasson
Charles Hilary Thompson, Jr.
Dale Willard Thompson, Jr.
Aaron Dean Thrush
Donald Lee Thurman
Johnnie Floyd Townsend
Charles Warren Upton
Paul Joseph Vallerie
Earl Sumner Van Inwegen
Gary Lynn Van Singel
Dean Franklin Vikan
James Edward Waddle
Clark Miles Walker
Frederick Thomas Walker
Denis Leo Walsh
Christian Adam Warack
Donald Frank Ware
Charles Russell Waterman, Jr.
Samuel Edwin Waters, Jr.
Grant Reed Waugh
Robert Paul Weinaug
Kenneth Philip Werrell
Ernest Derieux Whaley, Jr.
Howard McLean Whitfield
Edwin Lewis Whitman
David Lewis Wiest
Donald Lee Wolfswinkel
Ronald Wilburn Yates
Victor Emmett Yoakum
William Frederick Hugo Zersen
Alex Drewe Zimmerman

The following-named cadets, U.S. Military Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284 of title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Herbert William Barnett
Larry Albert Bauermeister
John Christian Birkholz, Jr.
William Martin Breit
Jimmy Donald Carver
Frank Louis Cloutier
Craig Goldsbrough Colter
Charles Ray Coon
James Maurice Crabbe
John Kneeland Davidson
Glenn Edwin Dawson
James Howard De Ment, Jr.
Robert Gene Drennan
John Vincent Ello
Lee Alexander Farmelo
Henry Bishop Fisher, Jr.
Lawrence Nelson Geist
Ralph Fred Gerenz
Warren Henry Glenn
Karl Trueheart Gould II
John Francis Hargrove
Melvin Blair Hayes
Calvin Robert Johnson
Lyle Thomas Jones
Robert Lavern Keen
John Patrick Kirby, Jr.
George Wayne Kramer
Henry Dillon Lambert
John Anthony Lopiano
Henry Lewis Meloan
William Alvin Myers
Keith James Nance
Patrick James O'Donnell
Edward Allen Osborne, Jr.
Joseph Michael Robinson
Jay Hilyard Rodman
Garrett Ross Sampson
Robert Neal Schannep
Kenneth Ellsworth Sindora
James Richard Smith
John Cecil Stanley
Larry Duane Struck
Davis Stevens Tarr
Donald James Usry
Duncan Wilmore
Cyrus Clarke Wilson
John Evon Young

The following-named midshipmen, U.S. Naval Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284 of title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Alan Buford Adler
Carl Joseph Aglio
Thomas Berry Albershart
James Michael Alford
Gary Carl Bagnard
John Peter Bevans
George Michael Bezek
John Edward Blum
Richard Leroy Brown, Jr.
Raymond Thomas Burkley
Robert Anthony Byrne
William Eldridge Cartwright, Jr.
Charles Vernon Collins
John Paul Cotis
Walter Lee Daudel
Francis Xavier Delano
Charles Samuel Della Peruta
Thomas Edmund Doherty
George Washington Dowell III
Anthony James Dunne
Henry Patrick Egan, Jr.
William Eugene Ellington, Jr.
William Roy Fannemel
Francis Van Rensselaer Ganss
Thomas Charles Glew
Robert Daniel Hastings
Marshall Lee Heard
Alfred Charles Holden, Jr.
Daniel Henri Jean
Charles David Jenkins
Norman Lewis Jones
Salim Joseph Kanakry
Walter Ray Land
Hal Phillip Lansing

Anthony John Lanzetta
Axel Martin Larsen, Jr.
Joseph Francis Law
Joseph Crumpler Maiolo
Paul Mankowich
James Gateley Maxfield, Jr.
Thomas McCarthy
Calvin Richard McConnell
Dennie Lockhart McCrary
William Justin Mitchell
Donald Allan Mollicone
David Eugene Mullen
Harold Dean Neeley
Melvin Anthony Nosal
John Ernest Carl Paepcke
Donald Arthur Peasley
Daniel Fred Reid
John Joseph Reilly
Kevin Thomas Ryan
John William Sammon, Jr.
David John Schnegelberger
Clifford Francis Schumann
Lee Charles Seligman
Freeman Robert Shaw, Jr.
James Edward Sweeney
Robert Alan Ulrich
Edward Wayne Vinje
Charles Dennis Volzer
David Crow Williams
Richard Lloyd Wolf
David Jeremiah Young
Salvatore Albert Zaccagnino

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 11, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 72: 17: *His name shall endure forever; and men shall be blessed in Him; all nations shall call Him blessed.*

Almighty God, who art the Supreme Ruler of the Universe, we have entered humbly and reverently upon Holy Week, commemorating days in the life of our Saviour, whose solemn and sacred meaning our finite minds can only faintly comprehend.

We thank Thee for Palm Sunday when the King of Kings, who wore no crown, carried no scepter or sword, and displayed none of the emblems of temporal authority, but having in His heart the spirit of sacrificial love, went forth on His glorious mission of releasing the hidden splendor of humanity, emancipating it from everything that defiles the life of man and mars the image of God in which we have been created.

Grant that we may continue His triumphal march and mission, having in our own hearts that same spirit of love and in our hands the palm branches of peace and good will, striving for that blessed day when all mankind shall accept his regal claims and be inspired to build a nobler civilization.

Hear us through the merits and mediation of our Saviour. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, April 7, 1960, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On April 4, 1960:

H.R. 24. An act to provide that certain real property of the United States situated in the State of Nevada shall be held in trust for members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, Nev.;

H.R. 4483. An act to amend the act of December 24, 1942 (56 Stat. 1086, 43 U.S.C., 36b), entitled "An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey";

H.R. 5270. An act to authorize the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all right, title, and interest of the United States in certain lands located in Salt Lake County, Utah;

H.R. 5301. An act for the relief of Harry E. Nelson;

H.R. 5887. An act to amend the Tariff Act of 1930 to place ground, powdered, or granulated seaweeds on the free list;

H.R. 6136. An act to authorize the sale of certain tribal land of the Lac du Flambeau Band of Lake Superior Chippewa Indians, Wis.;

H.R. 6516. An act to approve a contract with the Conejos Water Conservancy District, Colorado, to ratify its execution, and for other purposes;

H.R. 7037. An act for the relief of Carl J. Fisher, captain, U.S. Army, retired;

H.R. 7116. An act for the relief of George W. Gibson;

H.R. 7447. An act for the relief of Paul Levitt;

H.R. 7456. An act to extend until July 1, 1960, the suspension of duty on imports of casein;

H.R. 8801. An act for the relief of the Maco Warehouse Co., and

H.R. 7889 An act to require marketing quotas for rice when the total supply exceeds the normal supply.

On April 5, 1960:

H.R. 1540. An act for the relief of the estate of John Steve;

H.R. 6948. An act for the relief of Miss Marion A. Cramer; and

H.R. 9599. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation.

On April 8, 1960:

H.R. 2164. An act to reduce the cabaret tax from 20 percent to 10 percent;

H.R. 2740. An act to amend section 2734 of title 10, United States Code, to extend the statute of limitations in the case of certain foreign claims;

H.R. 2849. An act for the relief of Oscar A. LaBranche;

H.R. 4586. An act to amend section 4021 of the Internal Revenue Code of 1954;

H.R. 6027. An act for the relief of Joseph J. O'Loughlin;

H.R. 6132. An act relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies;

H.R. 6402. An act for the relief of Victor Stiglic;

H.R. 6885. An act for the relief of Neal E. Andersen;

H.R. 7079. An act for the relief of Don L. Herring;

H.R. 7365. An act for the relief of Mrs. Nell C. Player;

H.R. 7636. An act for the relief of Mrs. Viola H. Rooks;

H.R. 8106. An act to provide for the relief of certain members and former members of the Department of the Navy for the expenses of temporary storage of household effects;

H.R. 8318. An act to amend the Internal Revenue Code of 1954 to exempt bicycle tires and tubes used in the manufacture or production of new bicycles from the manufacturers excise tax on tires and tubes; and

H.R. 10233. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes.

On April 9, 1960:

H.R. 4874. An act to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty;

H.R. 6329. An act to convey certain land in McKinley County, N. Mex., to the Navajo tribe of Indians;

H.R. 8251. An act for the relief of Tatsumi Ajisaka and others;

H.R. 8343. An act relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain;

H.R. 9444. An act for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li); and

H.J. Res. 283. Joint resolution to authorize participation by the United States in parliamentary conferences with Mexico.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8601. An act to enforce constitutional rights, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 684. An act for the relief of Gerald Degnan, William C. Williams, Harry Eakon, Jacob Beebe, Thorvald Ohnstad, Evan S. Henry, Henry Pitmatalik, D. LeRoy Kotila, Bernard Rock, Bud J. Carlson, Charles F. Curtis, and A. N. Dake; and

S. 2434. An act to revise the boundaries and change the name of the Fort Laramie National Monument, Wyo., and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10743) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 4, 8, 15, 19, and 40 to the above-entitled bill.

SUPPLEMENTAL APPROPRIATIONS, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, FISCAL YEAR 1960

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 621) making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 4 and 5, strike out "for the National Aeronautics and Space Administration."

Page 1, after line 6, insert:

"LEGISLATIVE BRANCH

"Senate

"Contingent expenses of the Senate

"Joint Committee on Atomic Energy

"For an additional amount for 'Joint Committee on Atomic Energy,' $79,000."

Page 1, after line 6, insert:

"Independent offices

Amend the title so as to read: "Joint resolution making additional supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

EXCLUSION OF CERTAIN AMOUNTS FROM GROSS INCOME

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 135) to amend the Internal Revenue Code of 1954 to exclude from gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 3, line 4, strike out "1958" and insert "1959."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, as Members will recall, this bill deals with the taxation of civil service annuities received by nonresident aliens. The people affected by this bill are nonresident alien individuals not engaged in a trade or business within the United States.

The House bill, which the Treasury Department favored, and which passed the House unanimously last session, applied to taxable years beginning after December 31, 1958.

The Senate amendment merely changes the effective date to taxable years beginning after December 31, 1959.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, the House-passed version of H.R. 135 would have excluded from U.S. tax for nonresident alien individuals the portion of amounts paid to them by the United States under existing law with respect to civil service annuities and other retirement benefits for services performed abroad as employees of the United States. Such individuals are exempt from U.S. tax on their earned income and this legislation would accord similar tax treatment with respect to their pension income.

As passed by the House the legislation would have been effective for taxable years beginning on or after January 1, 1959. Because of the passage of time since the House acted on this bill the Senate has approved an amendment so that the effective date will be taxable years beginning on or after January 1, 1960. The Treasury Department and the Civil Service Commission are in accord with the objectives of this legislation.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

NARCOTIC DRUGS

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 529) to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 14, after line 11 insert:

"(d) The amendment to subsection (g) of section 4731 of the Internal Revenue Code of 1954 made by subsection (b) of this section, shall not affect any proceeding commenced before such amendment, but such proceeding shall be continued to final disposition as if the amendment had not been made."

Page 20, line 6, strike out "1960" and insert "1961".

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, the bill, H.R. 529, is designed to give full effect to treaty obligations of the United States to limit exclusively to medical and scientific purposes the manufacture of narcotic drugs and to require that such manufacture be restricted to persons and premises that have been licensed for the purpose. It also brings the laws dealing with narcotic exports into conformity with current treaty obligations and it permits import and export of certain narcotic drugs for scientific research. One Senate amendment changes the effective date from January 1, 1960, to January 1, 1961. The other amendment made by the Senate also deals with an effective date problem. It provides that for certain legal procedures already undertaken the existing law will continue to apply until the particular action is disposed of.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, the House passed version of H.R. 529 pertained to the performance by the United States of undertakings prescribed in treaty obligations affecting narcotic drugs so as to limit their manufacture exclusively to medical and scientific purposes. The legislation would require that such manufacture be restricted to persons and premises that have been licensed for that purpose.

The Senate has amended the House passed bill so as to adjust certain effective dates. The Senate amendments are consistent with the House objectives and it is appropriate that the House should concur in those Senate amendments.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES—TREATMENT OF ACCRUED ANNUAL LEAVE

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3472) to repeal section 1505 of the Social Security Act so that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State laws, and for other purposes, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

After line 10, insert:

"SEC. 3. Section 213(a)2(B) of the Social Security Act is amended by adding at the end thereof the following language: 'If, in the case of an individual who did not die prior to January 1, 1955, and who attained retirement age or died before July 1, 1957, the requirements for insured status in section 214(a)(3) are not met because of his having too few quarters of coverage but would be met if his quarters of coverage

in the first calendar year in which he had any covered employment had been determined on the basis of the period during which wages were earned rather than on the basis of the period during which wages were paid (any such wages paid that are reallocated on an earned basis shall not be used in determining quarters of coverage for subsequent calender years), then upon application filed by the individual or his survivors and satisfactory proof of his record of wages earned being furnished by such individual or his survivors, the quarters of coverage in such calendar year may be determined on the basis of the periods during which wages were earned.'

"This amendment shall be applicable in the case of monthly benefits under title II of the Social Security Act for months after June 1957, and in the case of the lump-sum death payments under such title, with respect to deaths occurring after such month; the requirements for filing applications for such benefits and payments within certain time limits, as prescribed in section 202(i) and 202(j) of such title, shall not apply if an application is filed within the one-year period beginning with the first day of the month after the month in which this Act is enacted."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, this bill deals with eligibility of Federal civilian employees for unemployment compensation during periods after separation covered by accrued annual leave. Present law prohibits payment of unemployment compensation benefits during this period. The bill removes this prohibition and leaves the matter to the unemployment compensation laws of the States. Some State laws recognize that these two payments are made for different reasons and, therefore, permit employment benefits to be paid during the period after dismissal covered by accrued annual leave.

The Senate amendment amends the coverage provisions of the Social Security Act. In general an individual has OASI coverage if he receives wages in covered employment for 6 quarters immediately prior to retirement. The amendment extends coverage to certain individuals who would have received coverage under this provision except that the actual receipt of wages happened to fall entirely into 5 quarters while the employment itself was spread over 6 quarters. The amendment is limited in application to certain individuals who attained retirement age before January 1, 1957.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, H.R. 3472 as approved by the House of Representatives last year provided that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave would be treated in accordance with State law.

The Senate in acting on this legislation added a meritorious amendment which was designed to correct an undue hardship resulting from a technical provision of title II of the Social Security Act. Under existing law in determining eligibility for OASI benefits a quarter of coverage is based on the quarter in which wages are paid. This Senate amendment would make it clear that with respect to qualification for social security benefits the mere fact that wages are paid a few days after the quarter of actual employment will not keep that quarter from being taken into account in determining eligibility. This Senate amendment was concurred in by the Department of Health, Education, and Welfare, and it is appropriate that the House has just acted to accept the Senate amendment.

INCOME TAX FOR CERTAIN NONPROFIT ORGANIZATIONS ORGANIZED AFTER AUGUST 31, 1951, AND BEFORE SEPTEMBER 1, 1957

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6155) to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 8, strike out "1958" and insert "1959".

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. MILLS]?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, this bill which was unanimously passed by the House provided tax exemption for certain mutual nonprofit organizations operating to provide reserves and insurance for building and loan associations, cooperative banks, or mutual savings banks. Such organizations are presently exempt from tax if organized before September 1, 1951. The House bill changed this qualifying date for organization to September 1, 1957.

The Senate amendment merely provided that the bill would be applicable to taxable years beginning in 1960 rather than in 1959 as would have been provided under the House bill.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, H.R. 6155 as it passed the House provided exemption for a corporation or association of the type described in section 501(c)(14) of the Internal Revenue Code if it was organized prior to September 1, 1957. The effective date of the House-passed version would have made the change applicable to taxable years beginning after September 30, 1958. The Senate has changed the effective date so as to make the provision applicable to taxable years beginning after December 31, 1959. It is appropriate for the House to have concurred in this Senate amendment.

TAX ON CERTAIN LAMINATED TIRES

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6785) to amend section 4071 of the Internal Revenue Code of 1954 so as to fix a tax of 1 cent per pound of certain laminated tires produced from used tires, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 2, line 11, strike out "(4)" and insert "(3)".

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. MILLS]?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, this bill as unanimously passed by the House provided a tax of 1 cent per pound on certain laminated tires produced from used tires. These tires are solid rubber taken from used highway tires and are intended for off-highway use. The regular tire tax of 5 cents a pound for off-highway vehicles produces an unrealistic burden. The bill reduces this rate to 1 cent a pound for laminated tires.

The Senate amendment simply corrects a typographical error in the referred print of the bill, and makes no substantive change.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, present law imposes a tax of 8 cents a pound in the case of tires for highway vehicles and a tax of 5 cents a pound in the case of other tires. The tax is imposed on the rubber content of the tire. It was demonstrated that existing law imposes a particular hardship on a relatively recent development in a tire product known as laminated tires. Therefore, last year the House approved a bill to correct this hardship by providing a tax of 1 cent a pound in the case of the sale of laminated tires not of the type used on highway vehicles where the tire consisted wholly of scrap rubber. The Senate has amended this bill so as to correct a typographical error, and it is appropriate of course that the House should concur in this clerical amendment.

TREATMENT OF COPYRIGHT ROYALTIES FOR PURPOSES OF PERSONAL HOLDING COMPANY TAX.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7588) to amend the Internal Revenue Code of 1954 with respect to the treatment of copyright royalties for purposes of the personal holding company tax, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 14, after "544." insert: "This paragraph shall not apply to compensation which is rent within the meaning of paragraph (7), determined without regard to the requirement that rents constitute 50 percent or more of the gross income."

Page 5, line 17, strike out "1958" and insert "1959".

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, this bill, as passed by the House, was designed to prevent the application of the personal holding company tax to income from copyright royalties to certain companies. The problem arose on the fact that music publishing companies presently get most of their income from royalties on record sales where previously the principal income came from sheet music sales. Despite the fact that the income is technically in the form of royalties, the bill prevents it from being personal holding company income where the income arises in substance from the active conduct of a business. The Senate made two amendments. One was to change the effective date from 1959 to 1960. The other amendment was designed to prevent a possible unintended effect of the House bill as treating certain motion picture and TV film and tape rentals as personal holding company income.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, H.R. 7588 as passed by the House was designed to prevent the personal holding company tax from applying to operating income in the music publishing industry. This is accomplished in the bill by excluding copyright royalties from the definition of personal holding company income under certain prescribed circumstances.

The Senate amended the House-passed bill to make it clear that copyright royalties do not include income from the leasing of motion picture films which have been held under existing law to be rents and not royalties. The Senate also amended the legislation so as to make the change applicable to taxable years beginning after December 31, 1959.

Mr. Speaker, it is appropriate that the House should concur in the Senate amendments.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 376)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed with illustrations:

To the Congress of the United States:

Pursuant to the provisions of section 10 of Public Law 358, 83d Congress, I transmit herewith for the information of the Congress the report of the St. Lawrence Seaway Development Corporation, covering its activities for the year ended December 31, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *April 11, 1960.*

OFFICE OF THE MAJORITY LEADER

Mr. McCORMACK. Mr Speaker, I offer a resolution, House Resolution 500, and ask unanimous consent for its present consideration.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, That, effective April 1, 1960, there shall be allocated from the contingent fund of the House, until otherwise provided by law, for personal services in the office of the majority floor leader of the House, an additional basic sum of $1,500 per annum.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WILLIAM J. KAISER—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 374)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H.R. 6023, a bill for the relief of William J. Kaiser.

The bill would relieve Mr. Kaiser of all liability to refund to the United States amounts improperly paid to him as sickness and unemployment benefits under the Railroad Unemployment Insurance Act while he was also receiving a pension as a retired member of the New York City Fire Department. The bill would further direct the Railroad Retirement Board to repay to Mr. Kaiser from the railroad unemployment insurance account of the unemployment trust fund the amounts already recovered from him.

The Railroad Unemployment Insurance Act itself provides that the Railroad Retirement Board may extend equitable or compassionate relief in appropriate cases of overpayment when the Board finds recovery would be against equity or good conscience. This the Board did not do and there is no evidence available to me that indicates the Board's decision to have been erroneous.

The payments which the bill would require are not authorized by general law. More importantly, the money for the payments would have to come from a trust fund. The beneficiary has no valid claim to this money and its payment would constitute a discriminatory gift from funds which the Government holds in trust for railroad employees.

For these reasons, and because the bill would create an undesirable precedent, I am constrained to withhold my approval.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *April 11, 1960.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the bill and message will be referred to the Committee on the Judiciary and ordered to be printed.

There was no objection.

MRS. VIRGINIA BOND—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 375)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith, without my approval, H.R. 7933, "For the relief of Mrs. Virginia Bond."

The $1,582.89 of death pension benefits authorized by this bill are for the period between Mrs. Bond's husband's death on June 29, 1957, and May 13, 1959, the effective date of the pension Mrs. Bond currently receives. The benefits provided by H.R. 7933 are retroactive and may not be paid under existing legislation. Such an exception to general law should be made only to correct a serious inequity or in other unusually meritorious circumstances. I find no such basis for approving this bill.

Mrs. Bond on July 11, 1957, filed a claim for death pension benefits with the Veterans' Administration. Had this claim been allowed Mrs. Bond's pension, because applied for within a year of her husband's death, would have been retroactive to the date of her husband's death. Her claim was denied, however, because it was determined that her husband's death was not due to his service—nor was the evidence in support of the claim sufficient to entitle Mrs. Bond to a non-service-connected death pension. This denial was affirmed on appeal.

On May 13, 1959, Mrs. Bond filed a second claim with new evidence and on the basis thereof she was awarded the death pension she is now receiving. The law, however, specifically requires that such a second claim be treated as a new claim. The effective date of the award, therefore, was the date of the second claim because it had been filed more than 1 year after the death of Mr. Bond.

This history affords no valid justification for the special relief the bill would accord. The language of the law requiring that second claims be treated as new claims is clear and unmistakable. Furthermore, the insufficiency of the evidence in support of the first claim is attributable to Mrs. Bond, not to the Government.

Because the bill would discriminate against others similarly situated and would create an undesirable precedent, I am constrained to withhold my approval.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *April 11, 1960.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the bill and message will be referred to the Committee on the Judiciary and ordered to be printed.

There was no objection.

THE CHERRY BLOSSOM FESTIVAL

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, the Cherry Blossom Festival held each year here in Washington is an outstanding event which brings to the Nation's Capital, people from every section of our country. I have always looked forward to the festivals for they give me an opportunity to greet many of my constituents who are making their first visit to Washington.

This year I had more than a usual interest in the Cherry Blossom Festival. Several weeks ago I was pleased to receive the news from festival officials that the 87-member Cherryville, N.C., High School Band had been selected to attend the festival and take part in the band concert and march in the parade. I was delighted to receive the news in that I had called to the attention of the Washington Board of Trade this outstanding band.

The band is considered one of the superior high school bands in the United States and is under the able direction of Mr. C. Ravon Smith, of Cherryville, N.C. I was not surprised when I learned last week that the band on its way to Washington had won a superior rating at Greensboro, N.C., in the North Carolina high school band contest.

Last Thursday the band took part in the Cherry Blossom Festival concert contest. The members of the band performed in their usual magnificent manner, and, as a result, won first place in the contest. A beautiful 20-inch gold trophy was awarded to the band by festival officials in recognition of its splendid performance.

Mr. Speaker, I am very proud of the wonderful record that has been made in the Nation's Capital by the Cherryville High School Band. The boys and girls in the band have brought honor and recognition to their home community. I know that their parents and the many people and business firms who made their trip to Washington possible share my pride in their achievement.

I congratulate the band for a superior performance, and commend the people who gave my young constituents the opportunity to come to Washington.

ADEQUATE HEALTH INSURANCE FOR PEOPLE OVER 65

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I notice that this morning the President of the United States left for a golfing vacation. I am also happy to note that he has been given a special putter, guaranteed to cut two strokes off his score, by one of our distinguished colleagues in the House. It is my hope that this putter will enable the President of the United States to complete his golf game a little earlier and finish his vacation a little sooner and come back to Washington and devote himself to just one of the many pressing issues facing the United States. I refer to the problem of providing hospitalization insurance to the people of the 65 and over age group. I would urge that he listen to some of the remarks that his Secretary of Health, Education, and Welfare made on the inadequacy of existing private prepaid medical insurance plans to meet the needs of the aged for some kind of adequate medical care. I would commend to his sincere attention the provisions of the Forand bill, which will meet this need.

The SPEAKER. The time of the gentleman from Michigan has expired.

HON. JOHN E. FOGARTY

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, this Chamber can rejoice in the decision of our beloved colleague, Congressman JOHN E. FOGARTY, of Rhode Island, that he will seek reelection to the House of Representatives.

The opportunity to move to the Senate came with the announcement many weeks ago that the distinguished senior Senator from Rhode Island, THEODORE FRANCIS GREEN, would not be a candidate to succeed himself. Anyone familiar with politics knows that this kind of a statement usually stirs a State with a rash of candidacies for the senatorial vacancy. But, Mr. Speaker, this was not the case within the Democratic Party in Rhode Island. There were no announcements. It was generally assumed that Congressman FOGARTY would declare for the Senate. The field was clear and open to him alone. This, in and of itself, was a magnificent tribute by the Democratic Party to JOHN FOGARTY. The nomination was his for the asking and it was generally conceded that he would be overwhelmingly elected.

Mr. Speaker, last Saturday afternoon, Congressman FOGARTY took himself out of the Senate race. Knowing him as well as we do, we know that he reached this decision after a long, thorough, painstaking review. It was not an easy thing to do. For, how often, Mr. Speaker, does one reach this kind of an impasse in life? The opportunity to serve in the Senate of the United States comes to few men and few men would pass it by. What motivated his conclusion?

It could not be better stated than in his own words:

> In considering whether or not to become a candidate for the U.S. Senate, I am not insensitive to the honor that position would confer upon me. I believe, however, that in making a decision such as this, personal considerations must be put to one side. I must consider first how I can best serve all of the people of the State and Nation.

So, Mr. Speaker, it was these impersonal considerations that prompted his declaration. And this is typical of him.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and announce that I will seek further time to expand on Congressman FOGARTY's record and his welcome intention to come back to this great body.

DISPLAY OF AMERICAN FLAG OVER U.S. EMBASSIES

Mr. JOHANSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, the State Department took a firm stand this past week.

It upheld the right of our diplomatic representatives abroad to defend our flag by keeping it in hiding—except on special occasions.

Specifically, the State Department notified the House Committee on Foreign Affairs that it does not favor enactment of my House Joint Resolution 599 making mandatory regular display of the U.S. flag on our diplomatic establishments abroad.

I introduced this resolution in February after I learned that the U.S. Ambassador to Panama has curtailed display of our flag on the Embassy in Panama City ever since desecration of our flag by a Panamanian mob.

Following the usual legislative procedure, my bill was sent to the State Department for comments. Here is the key paragraph in the reply of Assistant Secretary of State William B. Macomber, Jr., sent to Chairman THOMAS E. MORGAN this week:

> The Department believes that the chief of mission should have discretion regarding display of the flag to conform with local custom or with local situations as they arise. In several countries it is customary among all accredited diplomatic missions to display the flag only on national days of the host country, on national days of the country represented, or other special occasions. It is believed that the chief of mission is in the proper position to judge whether failure to comply with such customs is inimical to the interests of the United States and should have authority to conform should he deem it advisable.

Stripped of its verbiage, this means that the State Department wants to retain authority to practice appeasement by curtailing and restricting display of our flag whenever it sees fit to do so.

That is the real significance of the phrase:

> The chief of mission should have discretion regarding display of the flag to conform with * * * local situations as they arise.

I have notified the State Department that I am completely dissatisfied with the position it has taken and I have requested the chairman of the House Foreign Affairs Committee to hold hearings on my resolution.

Just as our flag is the symbol of our national authority and sovereignty, the curtailment or restriction of display of the flag over our extraterritorial diplomatic establishments abroad is a symbol and symptom of weakness, appeasement, and loss of national self-respect.

That is why I am so insistent on making an issue of what has happened in Panama and, quite possibly, elsewhere throughout the world.

I am sure you cannot legislate iron in the spine where there is so obvious a deficiency.

But it is just possible that an informed and aroused public sentiment could bring some changes in policy and personnel even in so sacrosanct an agency of our Government as the State Department.

PROPOSED COMPROMISE ON TERRITORIAL SEA LIMIT IS GIVEAWAY

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, some 88 nations are meeting in Geneva to discuss a change in the traditional 3-mile limit.

The U.S. delegation has joined in a compromise proposal with Canada. George A. Drew, of Canada, says that the compromise involves sacrifices for all.

The United States would give up its historic and legal rights to fish outside Canada's 3-mile limit except that for 10 years we could fish in the 6-mile zone outside a new 6-mile limit.

Canada would gain an immediate exclusive right to fish from the present 3-mile limit to a new 6-mile limit. After 10 years this would be extended to include an additional exclusive fishing right in a 6-mile zone beyond the new 6-mile limit.

What a sacrifice. Canada gives up nothing and gains everything.

The United States gains nothing and gives up everything.

If this giveaway is adopted, Mr. Speaker, I hope Congress will put a perpetual embargo on fish caught in this fishery where our rights are in process of being bargained away.

What a sacrifice poor Canada is making. She would gain exclusive sovereignty to our fishing grounds and then sell us back our own fish.

COMMITTEE ON GOVERNMENT OPERATIONS

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, I do not know whether I speak on behalf of the Michigan delegation, but I assume that I do not, for Michigan Republicans are an independent group, each intent on his own work, and each, at heart, an individualist, but all desirous of reelection, and convinced that he can be of value to the country, and perhaps to the party as well. Each willing to do battle with the common enemy while it may be taking on some of his Republican colleagues. If the gentleman from Bay City, Mr. CEDERBERG, our Michigan whip, will remain here, he can correct me if I am wrong in my statement.

Permit me to congratulate the gentleman from Detroit, Mr. DINGELL, for expressing his pleasure that someone had given the President a gadget which may enable him to get through with his vacation a little quicker and so get back on the job. The President is on the job as has been no other since President Hoover. F.D.R. and Sinless Harry certainly attended to their party duties as distinguished from the Presidential duties far better than does Ike, and the harder they worked, the less the benefit to the country.

I hope my colleagues from Michigan, and most of them seem to be present, will join me in making a request of the chairman of the Committee on Government Operations who just last month got $400,000 in addition to the $640,000 he had last year, for impartial investigations when investigations are held. Two of the subcommittees of that committee, in my opinion, are using some of this money for what appear to be political purposes. One of them is writing the President trying to find out what he is doing.

If the gentleman from Michigan [Mr. DINGELL], who seems to be worried about the President's golf, will exert a little influence on that particular subcommittee and let the President alone, the President might have time to attend to some of these jobs which the gentleman from Michigan thinks the President may be neglecting.

The gentleman from Michigan [Mr. DINGELL] apparently is worrying about the President's golf and the few hours of relief he may get from official duties—if he gets any, when he is not sleeping.

It seems to me that the minority members of the committee ought to know the names of the majority staff—but to this moment, I have not been able to get them, or to learn how many we have.

The Committee on Government Operations, which has unknown number of employees in addition to the ten authorized by the Reorganization Act, has at least two subcommittees which are continually making trouble for the departments.

It is undoubtedly true that there is, and will be as long as we have a government, because of its size, instances where there is inefficiency, waste, extravagance, and worse, malfeasance and criminality, always with us.

It is equally true that it is commendatory as well as the duty of the Congress and its committees, to attempt to minimize, and, if possible end, the wrongdoing. But the fact that evil exists is no excuse for mere harassment of the Executive departments for the sake of harassment.

There should always be an effort to correct, and, once again, let me refer to "The Enemy Within," by the very brilliant young man, Robert Kennedy, where, in chapter 14, beginning on page 300, he attempts to set forth the old, old formula and pattern for congressional hearings. It is regrettable that he did not follow through on his own advice in the committee hearings where

he was chief counsel. Too bad the boy fouled off, apparently because the scent was strong on a course which, if he followed it, would expose Reuther and the UAW.

Apparently, some of our Democratic friends will never forgive the people for electing a Republican President and an executive department, the heads of which do not, each morning, call a congressional committee chairman or subcommittee chairman, ask for the day's program and, as the sun sets in the west, call upon some Congressman, preferably a Democrat, to tell the heads of these departments when to go to bed, whether to sleep on his back, side, or face, what time to again get up in the morning, and call for a chart as to how to conduct the office to which they have been elected or appointed.

Why not, may I ask my dear Democratic friends, why not let the administration go ahead, stumble over its own feet if it so desires; then submit the issue to the people at election?

THE HONORABLE CLARENCE CANNON

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, I am taking this opportunity to remind the Members of the House that today is the birthday of one of the most distinguished Members of this body, a man who came to Washington more than 49 years ago, and who since has been associated with the House of Representatives in many capacities, including that as a Member of this body since March 4, 1923.

I am referring, of course, to the Honorable CLARENCE CANNON, to whom I would like to extend felicitations on his birthday, and I am sure I am joined by every Member of the House in the wish that he may continue to serve his district, his State, and his Nation for many more years.

When the distinguished chairman of the Appropriations Committee came to Washington in 1911, as a temporary clerk in the office of the late Speaker Champ Clark, his plans were to stay here 6 weeks, but the weeks extended to months and the months to years, and somewhere along the way our friend and colleague evidently decided to make a career of this business. And what a career he did carve for himself, one that is without parallel and which I believe most of us will readily agree will never be equaled.

From a temporary clerk, he became the confidential secretary of Speaker Clark and later served as journal clerk of the House, in which capacity he instituted some practices which are followed to this day.

At the outbreak of World War I, when the son of Speaker Clark—the late Senator Bennett Champ Clark—entered the service, it was CLARENCE CANNON who succeeded him as Parliamentarian of the House, a post in which he served faithfully and well under both Democratic and Republican administrations during the 64th, 65th, and 66th Congresses. Following the death of Speaker Clark, CLARENCE CANNON, without opposition in the Democratic primary, was elected to the 68th Congress and has been returned at each election since, usually without opposition in either the primary or general elections.

For me to attempt to elaborate on the many honors which have been bestowed upon him during the time he has served here so faithfully and so well, and to attempt to point out the many services he has rendered his district, State, and Nation would be like attempting to "gild the lily," so in closing may I just say that on this 11th day of April we salute a great guy, and pray that God, in His infinite wisdom, may preserve and keep this great American and his wonderful helpmate, "Miss Ida," for many years, that we all may continue to enjoy his friendship and wise counsel which grows increasingly valuable with the years.

Mr. TABER. Mr. Speaker, I wish to join the gentleman from Missouri [Mr. JONES] in felicitating the gentleman from Missouri [Mr. CANNON] on his birthday. He has been doing a remarkable job this year, as he has over a number of years past, in trying to keep down and keep out the unnecessary expenditures of the Federal Government. I think that that is probably as much of a job as anybody can successfully tackle. That he is doing it and doing it as well as he has bespeaks the sincere respect and admiration in which he is held by the members of the committee and by the Members of the House. I hope that he will have very many happy returns of the day.

Mr. RAYBURN. Mr. Speaker, I want to join my colleagues in wishing the gentleman from Missouri [Mr. CANNON] many happy returns of the day. He is a great servant of the American people, a great chairman of a great committee, and a man whose lifelong dedication to the service of his country will be an inspiration to all down through the corridors of time.

His contributions in the field of parliamentary law alone would have been the hallmark of a great career, but these are just one phase of this devoted man's labors in his country's behalf for nearly half a century.

For my great friend in the years ahead I wish all good health and happiness that he may continue his great service to all the people.

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from Florida [Mr. MATTHEWS].

PLAZA OF THE AMERICAS

Mr. MATTHEWS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 11415) to provide for the designation of a portion of the District of Columbia as the "Plaza of the Americas," and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the portion of the District of Columbia located between Constitution Avenue and C Street, Northwest, and between Nineteenth and Seventeenth Streets, Northwest, is hereby designated as "Plaza of the Americas."

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATTHEWS. I will be delighted to yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman state whether this bill will cost anything now or in the future?

Mr. MATTHEWS. I will say to the gentleman from Iowa that the bill will not cost anything now or in the future, and I would be very disappointed if this bill is used as a background to try to get any money for any purpose in the future.

Mr. GROSS. Well, it is not a question of the gentleman's disappointment altogether. It would be a disappointment, I am sure, to the other Members of the House and to the taxpayers at large if we were to pass here a bill that would call for some more spending, as some of these bills do indirectly. So, I hope the gentleman can give the House assurance that this bill, by virtue of its passage, is not going to cost any money today or in the future.

Mr. MATTHEWS. I will say to the gentleman that certainly in my opinion about this matter this bill will not cost any money. If the gentleman will permit me, I would like to make a brief statement in explanation of the bill.

Mr. Speaker, this bill was introduced by the distinguished gentleman from Alabama [Mr. SELDEN] who, as the House knows, is the chairman of the subcommittee of the House Committee on Foreign Relations that deals with inter-American affairs. The gentleman from Alabama felt that things of the spirit are eternally important, and oftentimes, in thinking what we can do to cement relations with our friends to the South, we forget these things of the spirit. So, it was his idea that we take a certain area of the District of Columbia and call it the Plaza of the Americas to emphasize our concern for and our interest in the Latin American republics.

Now, Mr. Speaker, the purpose of this legislation is to designate an area bounded by Constitution Avenue on the south, C Street, NW., on the north and from 17th Street to 19th Street as the "Plaza of the Americas."

Within these two blocks are concentrated a number of monuments to inter-American friendship and cooperation.

On the corner of 17th Street and Constitution Avenue stands the magnificent Pan American Union Building, seat of the Organization of American States and center of many of the dramas that have highlighted the American Republics' 70-year efforts to attain peace and justice in the Western Hemisphere through cooperative endeavors. Behind the Pan American Union Building stands the new Pan American Administration Building which houses the Secretariat of the Organization of American States.

Also within this area are statutes of Simon Bolivar, great liberator of the northern states of South America and Jose Artigas, the national hero of Uruguay.

This legislation has the strong support of the Pan American Liaison Committee of Women's Organizations, which is engaged in effectively furthering inter-American understanding and good will.

At a hearing before a subcommittee of the House District Committee on April 1 Hon. ARMISTEAD I. SELDEN, Jr., a Member of Congress from the State of Alabama, who is a member of the Foreign Affairs Committee of the House and also chairman of the Subcommittee on Inter-American Affairs, testified and strongly urged the passage of this legislation and emphasized that the naming of this area as the "Plaza of the Americas" would be a symbol of U.S. friendship and a fitting tribute and durable demonstration of the esteem in which we hold our sister Republics.

Hon. David B. Karrick, the acting president of the Board of Commissioners of the District of Columbia, also appeared at this hearing and stated that the Commissioners of the District believe that the designation of the area described in this bill as the "Plaza of the Americas" is appropriate and desirable and recommended the enactment of such legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATTHEWS. I am delighted to yield to the gentleman.

Mr. GROSS. Will this area include block 59 which was authorized for purchase by the House a few days ago at a cost of $879,000 on which, if the other body gives its consent, there will be constructed apparently a new multimillion-dollar Pan America building?

Mr. MATTHEWS. It is my understanding it will not include that particular building about which the gentleman is talking.

Mr. GROSS. Then this will not be the Plaza of the Americas; will it?

Mr. MATTHEWS. Yes, sir; I believe it will. Naturally they are not trying to set the limit within which all things pertaining to Latin America would be included. But this comparatively small area will have such substance in the composition of these Latin American buildings and statues and sentiments that I think very definitely it could properly be called the Plaza of the Americas.

Mr. GROSS. I am pleased to hear that there is one building dealing with the South American countries here that is not going to cost us any money.

Mr. MATTHEWS. I thank the gentleman.

Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. SELDEN] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, last Wednesday we heard President Lleras Camargo of Colombia say eloquently of the 21 American republics:

> Whatever may happen, we are, above all, members of the most ancient regional community in existence, partners in the most effective enterprise for the elimination of war, for collective defense and peaceful cooperation.

It was this sentiment of respect for our inter-American community which I hoped to embody in the bill now under consideration.

Here in Washington we are privileged to have the core of the unique regional organiaztion of which President Lleras Camargo spoke. Inside the Pan American Union Building on 17th and Constitution Avenue and its companion building, the Pan American Administration Building, representatives of the 21 American nations meet regularly to advance our common goals of hemisphere peace and well-being.

This measure, if enacted, would designate as the "Plaza of the Americas" that portion of the Nation's Capital which encompasses the Pan American Union Building, the Pan American Administration Building, and the statues of the Latin American heroes, Simon Bolivar and Jose Artigas.

I have received a letter from Dr. Jose Mora, the Secretary-General of the Organization of American States, in which he states:

> I hope very much that your proposal may be favorably received by the Congress. The name you have suggested would not only serve to remind the citizens of Washington and visitors to the city of the strong ties uniting the United States with its neighbors to the south, but would also be a distinct tribute to our regional organization, which this year celebrates, as you know, its 70th anniversary.

I would like to commend the chairman of the District of Columbia Committee, Representatives MCMILLAN, and Representative BILLY MATTHEWS, chairman of the subcommittee, for the courteous and expeditious manner in which they handled this legislation.

I hope Congress will agree that a Plaza of the Americas at the site indicated in this legislation would be a fitting tribute to our sister republics and a demonstration of the esteem in which we hold them.

Mr. MATTHEWS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, it is with great pleasure that I rise in support of this legislation, which I was privileged to cosponsor, providing for the designation of the "Plaza of the Americas" in downtown Washington, D.C.

Those of us privileged to serve on the Inter-American Affairs Subcommittee of the Committee on Foreign Affairs are particularly interested in the passage of this bill as another manifestation of our respect for the people and nations of the Americas.

Without question, there is greater need today than ever before for the preservation of the solid bond of friendship between the United States and her great neighbor nations to the South. We have enjoyed, and are enjoying, growing friendship; but at no time in history has there been a stronger effort from the outside to divide us.

Passage of the bill before us today would, I believe, show to the world the high esteem in which we hold our neighbors in the Americas, and would be another gesture by which we could strengthen the bonds of friendship in existence today.

It is entirely fitting that the District of Columbia should have within its boundaries an area designated as the "Plaza of the Americas." It is my sincere hope that all Members of Congress will join in warm endorsement of this proposal.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

IMPORT DUTIES ON CERTAIN COARSE WOOL

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9322) to make permanent the existing suspension of duties on certain coarse wool, which was reported unanimously by the Committee on Ways and Means.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I trust the gentleman is going to explain this bill.

Mr. MILLS. I shall be glad to.

Mr. GROSS. Mr. Speaker, with that understanding, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to provide for the temporary suspension of the import duties on certain coarse wool, and to provide additional time for the Tariff Commission to review the customs tariff schedules", approved May 19, 1958 (Public Law 85-418; 72 Stat. 120), is amended by striking out "during the period beginning on the sixtieth day after the date of the enactment of this Act and ending at the close of June 30, 1960"

and inserting in lieu thereof "on or after the sixtieth day after the date of the enactment of this Act."

Mr. MILLS. Mr. Speaker, H.R. 9322, as amended by the Committee on Ways and Means, would make permanent the existing suspension of import duties on certain coarse wools used in the manufacture of carpets, papermakers' felts and certain other products.

The Committee on Ways and Means held public hearings on this bill and, as amended, the bill enjoys the support of all segments of the wool industry including the carpet industry, the papermakers' felt industry, the wool growers and the wool trade.

The Committee on Ways and Means was unanimous in recommending the enactment of this bill.

As I have indicated, there is presently in effect a suspension of duties on certain coarse wools imported under bond for use in the manufacture of rugs and carpets. This suspension was provided in Public Law 418 of the 85th Congress and continues until June 30 of this year. The rug and carpet industry has traditionally enjoyed the privilege of duty-free importation of the coarse wools necessary in the manufacture of carpets. Because of the change in competitive conditions in the world market and the declining availability of certain types of coarse wools, the Congress broadened somewhat the types of coarse wools eligible for duty-free importation by the carpet industry in enacting Public Law 418 of the 85th Congress.

When the Committee on Finance of the Senate reported favorably the legislation that subsequently became Public Law 418, it also called on the U.S. Tariff Commission to make a thorough study of this whole subject. The amendments adopted by the Committee on Ways and Means to H.R. 9322 reflect certain considerations brought to the attention of your committee by the report of the U.S. Tariff Commission as well as by representatives of the domestic industry that appeared at the public hearings which the committee held.

The committee adopted two amendments to the bill. First, it extended the duty-free importation privilege with respect to the coarse wools under consideration to the papermakers' felt industry. Thus, any competitive disadvantage that the papermakers' felt industry might face in competing with the rug industry for the supply of coarse wools available in the world market, would be removed.

Secondly, the committee removed a limitation in existing law which has prevented the Secretary of Agriculture from developing and promulgating new and improved standards for the grading of imported wools. This amendment was supported by the Department of Agriculture and by the domestic wool-growing industry.

Thus, as reported unanimously by the Committee on Ways and Means, H.R. 9322 has the support of all segments of our domestic wool industry.

I urge enactment of the bill.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from West Virginia.

Mr. BAILEY. Naturally I am suspicious of any proposal to take articles off the dutiable list. May I ask the gentleman if representatives of the Wool Growers Association testified before the committee?

Mr. MILLS. Yes; they did. They appeared in the hearings. The gentleman understands the wool industry has been concerned about the inability of the Secretary of Agriculture to have authority to promulgate these new methods of classifying wool. In the interest of taking care of their problems, the committee adopted this second amendment to which I have already referred. The wool growing industry is very anxious to have that particular provision enacted into law.

Mr. BAILEY. Will the gentleman advise the Members of the House if there is any of this coarse grade of wool produced in this country?

Mr. MILLS. The carpet industry has always had to obtain its coarse wool from the world market. As I pointed out, the industry has always been able to do that duty free. There is very little if any of this type of wool grown in the United States, so that this action would not, in the opinion of those who testified before the committee, pose any threat whatsoever to the wool growing industry here in the United States.

Mr. BAILEY. May I say to the distinguished chairman of the Committee on Ways and Means that my State of West Virginia is building up its wool industry. We are anxious to know whether this is going to be beneficial or injurious to our efforts in the State. Apparently there is no danger in this legislation in that connection.

Mr. MILLS. I do not think there is anything adverse to that industry in the gentleman's State in this bill.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield.

Mr. BYRNES of Wisconsin. It should be noted that one of the primary objectives of the legislation is to make raw materials not available in the United States available to our domestic manufacturers so as to improve the competitive position of domestic products of the United States in world markets. This legislation represents an endeavor to do something to put our producers in a better competitive position.

Mr. MILLS. The gentleman's point is well taken. It is one of the very important reasons for the adoption of the bill.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks, that the gentleman from Wisconsin [Mr. BYRNES] be permitted to extend his remarks at this point in the RECORD, and that the author of the bill also have that privilege.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, the legislation which has just been approved by the House, H.R. 9322, was reported favorably to the House by the unanimous action of the membership of the Committee on Ways and Means.

The purpose of this legislation as amended by the committee is to make the existing suspension of import duties on certain coarse wools brought into the United States under bond a permanent suspension. The types of wools covered in the act are certain wools used in the manufacture of rugs and carpets, in the manufacture of papermakers' felts, and in the manufacture of certain other products. In addition, the legislation would authorize the Secretary of Agriculture to establish modern standards for determining grades of wool.

It will be recalled that the original suspension of duty on coarse wools imported into the United States for use in the manufacture of carpets and rugs was approved on May 19, 1958. That legislation excluded papermakers' felts as one of the end uses for which these coarse wools could be imported under the suspension. Objection was made to the legislation in that form because it served to discriminate against other American industries that were competitive buyers with the carpet industry for available supplies of the types of wool covered by the legislation. We have now succeeded in removing this discrimination from the proposal by including the end use of papermakers' felts and therefore there was no opposition presented to the Committee on Ways and Means to the broadening of the scope of the suspension and to making the suspension permanent.

I should be noted that one of the primary objectives of this legislation is to make raw materials not produced in the United States available to our domestic manufacturers so as to improve the competitive position of domestic products in the United States and in world markets.

Mr. HARRISON. Mr. Speaker, our distinguished chairman has set forth succinctly the purposes of, and justification for, this legislation.

The various affected groups have cooperated fully in framing appropriate language, and I have been happy to sponsor a bill which not only can contribute to the economic welfare of a substantial number of experienced and efficient Virginia craftsmen in the carpet industry but contains also a provision recommended by domestic woolgrowers in the interest of orderly modernization of wool standards.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read the committee amendment, as follows:

Page 1, after line 12, insert the following:

"SEC. 2. (a) The first sentence of paragraph 1101(b) of the Tariff Act of 1930 (19 U.S.C., sec. 1001, par. 1101(b)) is amended by inserting 'papermakers' felts,' immediately after 'press cloth,'.

"(b) The amendment made by subsection (a) shall be effective only with respect to wool or hair entered, or withdrawn from warehouse, for consumption, on or after the 30th day after the date of the enactment of this Act.

"SEC. 3. Paragraph (5) of paragraph 1001(c) of the Tariff Act of 1930 (19 U.S.C., sec. 1001, par. 1101(c)) is amended to read as follows:

"'(5) the standards for determining grades of wools shall be those which are established

from time to time by the Secretary of Agriculture pursuant to law and which are in effect on the date of importation of the wools.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks in two instances at this point in the body of the RECORD and include extraneous matter, and also that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the body of the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE TREASURY SOLD LESS BONDS AT 4¼ PERCENT THAN IT SAYS IT HOPED TO SELL, IN WHICH CASE THE PUBLIC WON A VICTORY

Mr. PATMAN. Mr. Speaker, the financial writers and many of the newspapers are now saying that the Treasury's issue of a 25-year, 4¼-percent bond last week was a failure, and Congress will have to repeal the 4¼-percent interest-rate ceiling after all.

I say that the issue was a great success, because the public was not saddled with anything like the amount of 4¼-percent bonds it might have been saddled with. The Treasury's peculiar handling of this issue, which helped to make it a failure, and Wall Street's boycott of the issue, resulted in a public victory.

FAILURE ARRANGED TO IMPRESS CONGRESS?

The point has been made that the Treasury permitted only 3 working days between the announcement of this bond and the date when it closed its books. It thus afforded no opportunity for consideration by the many pension funds and mutual funds that have to hold a board meeting, or a meeting of a large finance committee, before they can make investment decisions.

I might point out another peculiar circumstance: The Treasury required only 2 percent downpayment with subscriptions to its 4-percent, 25-month notes, which were offered at the same time, and are being hailed as a great success, though it required a 20 percent downpayment to accompany subscriptions to its bonds.

This morning's Wall Street Journal quotes several operators in the bond market to the effect that the Treasury wanted the issue to fail. For example, the Wall Street Journal quotes a top executive of a big consumer finance company in Chicago as saying:

I think the Treasury put these bonds on the market, not really expecting them to sell at all, but to break the logjam in Congress. Now the Treasury can go to Congress and say "See, we couldn't raise the money we needed at 4¼ percent."

Further, it quotes a New York financial expert to the effect that—

The debt managers may have actually invited failure by selecting an issue due in 1985 and callable in 1975, clashing with outstanding issues in the same range—the 3¼s of 1985 and 3¼s of 1973–83.

Actually the Treasury did not have to try very hard to make this bond issue a failure. All it had to do was signal its wishes to obtain the cooperation of Wall Street. On Monday and Tuesday of last week when the books were opened, the word was being passed around Wall Street not to subscribe to these bonds, because it would jeopardize the Treasury's chance of getting Congress to repeal the interest-rate ceiling.

This boycott was an amazing success, one which we really cannot fully appreciate until we consider the vast difference between the yields on these bonds and market yields on exactly comparable bonds already outstanding.

Several different organizations report market prices and yields on Government bonds. All of these show that on Monday and Tuesday of last week, when the Treasury was taking subscriptions for the new bonds, traders in the market were buying exactly comparable outstanding bonds at much smaller yields, while passing over the new bonds paying the higher yields.

TRADERS BOUGHT COMPARABLE BONDS AT LOWER YIELDS WHILE REFUSING THE NEW BOND AT HIGH YIELDS

In order to have the most authoritative figures, I have obtained the market averages compiled by the Federal Reserve System. This is what they show: On Monday and Tuesday, when the Wall Street operators were passing over the new 25-year bond paying 4.25 percent, the Treasury's 3¼s of 1985, which also mature in 25 years, were being traded at a yield of 4.11 percent. In other words, on the basis of actual market yields on Monday and Tuesday, the bond buyers passed over a tremendous bargain.

Is it not interesting that buyers were bidding a price which would yield them 4.11 percent on outstanding bonds at the same time they were refusing to buy new bonds which would yield them 4.25 percent? Is the difference between a yield of 4.11 percent and one of 4.25 percent of small consequence in the bond market? I assure you it is not.

To illustrate, I have had the yields computed on the asking prices—for 7 consecutive trading days—in order that we may compare these to the yields on the bid prices, which is the normal method of computation.

On Monday, April 4, bid price on the Treasury's 3¼s of 1985 was 86$^{2}/_{32}$, while the asking price was 86$^{30}/_{32}$. The yield to the purchaser at the bid price was 4.11 percent, while the yield at the asking price was 4.09 percent. In other words, there was only two one-hundredths of 1 percent difference between the yield on the bid price and the yield on the asking price. On none of the 7 days was the difference greater, and on most occasions the difference between the yield on the bid and asking prices was only one-hundredth of 1 percent.

In other words, all that stood in the way between all proposed purchases and all proposed sales during this week was two one-hundredths of a percentage point. Yet purchasers were passing over a new bond which offered them 14 one-hundredths of a percentage point more than the bonds they were actually trying to buy, at the price they were trying to buy them. Rather remarkable, is it not?

I will insert in the RECORD the table showing market prices and yields on this bond, beginning Thursday, March 31, and going through last Friday, April 8.

Market prices and yields of outstanding Treasury bonds maturing in 25 years (Treasury 3¼s of 1985)

	Bid [1]	Ask [1]	Yield computed on—	
			Bid price	Ask price
			Pct.	*Pct.*
Thursday, Mar. 31	87.20	87.10	4.08	4.07
Friday, Apr. 1	86.18	86.26	4.12	4.11
Monday, Apr. 4 [2]	86.22	86.30	4.11	4.09
Tuesday, Apr. 5 [2]	86.20	86.28	4.11	4.09
Wednesday, Apr. 6	86.12	86.20	4.13	4.11
Thursday, Apr. 7	86.40	86.12	4.14	4.13
Friday, Apr. 8	85.24	86.00	4.17	4.16

[1] Fractions of prices are in 32ds of a dollar; quotations are at market close.

[2] Dates on which subscriptions were being taken on the new 4½-percent bond due in 25 years, callable in 15 years.

Source: Federal Reserve System.

It is true that the Treasury's issue of last week is callable in 15 years. In other words, after 15 years the Treasury may, if it sees fit to do so, call these bonds in at that time. So it may be fairer to consider the new bonds as 15-year bonds, rather than 25-year bonds. Consequently, I have made the same comparison between market yields on already outstanding bonds maturing in 15 years. These were being traded last Monday and Tuesday at a price which yields 4.16 percent. In other words, people in Wall Street were buying these bonds also at a much smaller yield than they could have had on the new issue. The prices and yields on these bonds were as follows:

Market prices and yields on outstanding Treasury bonds maturing in 15 years (Treasury 3⅞s of 1974)

	Bid [1]	Ask [1]	Yield computed on—	
			Bid price	Ask price
			Pct.	*Pct.*
Thursday, Mar. 31	97.16	97.24	4.10	4.08
Friday, Apr. 1 [2]	96.26	97.20	4.17	4.15
Monday, Apr. 4 [2]	96.28	97.40	4.16	4.14
Tuesday, Apr. 5	96.26	97.20	4.16	4.14
Wednesday, Apr. 6	96.18	96.26	4.19	4.17
Thursday, Apr. 7	96.12	96.20	4.21	4.19
Friday, Apr. 8	96.60	96.14	4.22	4.20

[1] Fractions of prices are in 32ds of a dollar; quotations are at market close.

[2] Dates on which subscriptions were being taken on the new 4½-percent bond due in 25 years, callable in 15 years.

Source: Federal Reserve System.

THIS ADMINISTRATION SHOULD BE DISCOURAGED FROM WRITING ITS INTEREST-RATE POLICY INTO LONG-TERM CONTRACTS

At the time this issue was announced, and in the days following, the Treasury widely publicized a statement that it hoped to sell $500 million worth. In reality it sold only $370 million worth. The general public is most fortunate that the Treasury did not hit what it claimed to be its target. It would be even more fortunate if the Treasury sold no long-term bonds whatever at 4¼ percent. That rate is much too high. Furthermore, this administration will leave office in January next, and it is to be hoped that the next administration will have a more reasonable interest-rate policy. I say let the present administration obtain its money on the short-term basis—the shorter, the better—and not write its interest-rate policy into contracts running over the next 10, 15, and 25 years. Four and one-fourth is much too high a rate for the Treasury to pay on its bonds.

PASSOVER, 1960 (5720)

Mr. DINGELL. Mr. Speaker, this happy season of the Passover brings to the hearts of Jew and Christian alike the warm realization that our freedom is of divine origin, and under divine protection. The faith in God, the religious fortitude and perseverance, that brought the children of Israel through plagues and perils and wanderings, from slavery and oppression to a land they could inhabit in freedom and peace, still inspire the devotion and bravery with which we face the hostile forces in the world today. Well may we Christians, at this festive time, join our brothers of the Jewish faith in the beautiful benediction that concludes the Seder:

With songs of praise we have lifted up the cup, symbolizing the divine promises of salvation, and we have called upon the name of God. Let us again lift our soul to God in faith and hope. May He who broke Pharaoh's yoke, forever shatter all fetters of oppression and hasten the day when swords shall at last be broken and wars ended. Soon may He cause the glad tidings of redemption to be heard in all lands, so that mankind—freed from violence and from wrong and united in an eternal confidence of brotherhood—may celebrate the universal Passover in the name of our God of Freedom.

HEALTH INSURANCE FOR THE AGED ACT

Mr. RIEHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RIEHLMAN. Mr. Speaker, today I have introduced a bill that would make voluntary health insurance coverage available to every person in the United States who is over age 65.

This program would not be tied to social security. It would be administered by the States and the insurance coverage would be provided through private insurance firms. The Federal and State Governments would participate with the individual subscriber in the payment of premiums. The degree of Federal-State participation would be determined by the income of the individual subscriber.

Adequate provision for the health needs of America's senior citizens constitute one of our most pressing domestic problems.

The existence of this problem should be clear to any person who is attuned to the needs of our society.

Sixty percent of those people over 65 have an annual income of less than $1,000.

Yet there is little question that the health needs and the costs of meeting those needs are much greater for persons in this group than for any other age group in the population.

So the aged are faced with the devastating problem of accelerated medical and health needs at the very time in life when income is at its lowest level.

Tremendous credit is due the private health insurance firms in this country. They have seen this need and have made rapid progress in establishing health insurance programs for the aged. I hold firm to the belief that nothing should be done to put a damper on this progress.

We are still faced, however, with the critical problem of having a large number of persons over age 65 whose incomes simply do not permit them to maintain sufficient health insurance and for whom a serious or prolonged illness would be catastrophic.

When faced with this situation I feel it becomes the responsibility of Federal and State governments to assist the individual in obtaining adequate health care.

I have long recognized the need for making adequate health care available to those individuals in this age group who, in all probability could not otherwise obtain it.

I have held in the past to my belief that any governmental program offering the aged a means of obtaining health insurance must satisfy several conditions to be acceptable. The legislation I have introduced today satisfies those conditions.

The established program would be voluntary. It has no compulsory features.

The coverage would be available to every person in the United States over age 65. It would not be confined to any particular segment of this age group.

The insurance would be provided through either private or nonprofit insurance carriers under contract with participating State agencies. In other words, this program would supplement, and not supplant, private efforts. It would work through private insurance firms and not against them.

This bill emphasizes the special health needs of the aged. The coverage provided could consist of 60 days of full cost, semi-private care in a general hospital or equivalent-cost care in a nursing home or home for the aged; surgery in or out of hospital, medical care in a hospital, visits to a doctor's office with needed laboratory tests, diagnostic X-rays and specialist consultation; and visiting nurse service at home.

Insurance companies have estimated that such a plan could be provided at a cost of about $150 per year per person.

This program is geared to help those persons who are clearly in need of help. It is aimed at persons with relatively low incomes. Any person having an annual income of $3,600 or above, would bear the entire cost of the $13 monthly premium. A person with an annual income below $500 would have his premium paid by Federal and State funds. Those individuals with incomes between $500 and $3,600 would receive Federal and State assistance in varying amounts depending upon the individual's income.

This bill is also consistent with the pattern of doctor-patient relationships that constitutes such an important facet of our unequaled system of medical care. It would allow the patient complete freedom in choosing a doctor.

We are all able to recognize the existence of this problem.

We differ as to the most desirable means of solving it.

The approach embodied in the bill I have introduced is, I feel, clearly superior to that of the so-called Forand bill. It is voluntary, it is handled by private insurance firms, and it covers those of our senior citizens who need help the most.

I might also add that this bill in my estimation meets the guidelines for an acceptable program that have been laid down by the administration.

This bill embodies a sound approach to a pressing problem.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DENT (at the request of Mr. WALTER), for 1 hour, on Wednesday next.

Mr. STEED, for 30 minutes, on Thursday next.

Mr. THOMPSON of New Jersey (at the request of Mr. ALBERT), for 30 minutes, on Wednesday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ROBERTS.

Mr. LEVERING and include extraneous matter.

Mr. PELLY in two instances and include extraneous matter.

Mr. HOFFMAN of Michigan and to include extraneous matter.

Mr. STEED and to include the text of a speech delivered by Hon. JAMES ROOSEVELT.

Mr. ALGER.

(At the request of Mr. CUNNINGHAM and to include extraneous matter the following:)

Mr. BYRNES of Wisconsin.

Mr. SCHWENGEL in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 684. An act for the relief of Gerald Degnan, William C. Williams, Harry Eakon, Jacob Beebe, Thorvald Ohnstad, Evan S. Henry, Henry Pitmatalik, D. LeRoy Kotila, Bernard Rock, Bud J. Carlson, Charles F. Curtis, and A. N. Dake; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 10743. An act making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 42 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 12, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2040. A letter from the Assistant Secretary of Agriculture, transmitting a report showing no significant developments for the month of March relating to the cooperative program of the United States with Mexico for the control and eradication of foot-and-mouth disease, pursuant to Public Law 8, 80th Congress; to the Committee on Agriculture.

2041. A letter from the Secretary of Commerce, transmitting copies of the report entitled, "The Role of the Department of Commerce in Science and Technology"; to the Committee on Interstate and Foreign Commerce.

2042. A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a draft of proposed legislation entitled "A bill to amend the act relating to the small claims and conciliation branch of the municipal court of the District of Columbia, and for other purposes"; to the Committee on the District of Columbia.

2043. A letter from the president, Boy's Clubs of America, transmitting a report which describes the growth and activities of the Boy's Clubs of America, which is a supplement to the financial report submitted on February 29, 1960, as executive communication No. 1885; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of April 7, 1960, the following bill was reported on April 8, 1960:

Mr. ROONEY: Committee on Appropriations. H.R. 11616. A bill making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961, and for other purposes; without amendment (Rept. No. 1467). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted April 11, 1960*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBERTS: Committee on Interstate and Foreign Commerce. H.R. 7480. A bill to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil; without amendment (Rept. No. 1468). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of April 7, 1960, the following bill was introduced April 8, 1960:

By Mr. ROONEY:

H.R. 11666. A bill making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

[*Introduced and referred April 11, 1960*]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY:

H.R. 11667. A bill to amend the Natural Gas Act to prohibit a rate increase from becoming effective, subject to bond, before a pending rate increase proceeding has been finally determined; to the Committee on Interstate and Foreign Commerce.

H.R. 11668. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. BROYHILL:

H.R. 11669. A bill to amend section 11 of the Administrative Procedure Act; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.R. 11670. A bill to amend section 37 of the Internal Revenue Code of 1954 to equalize for all taxpayers the amount which may be taken into account in computing the retirement income credit thereunder; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 11671. A bill to amend the National Labor Relations Act to make it an unfair labor practice for an employer or a labor organization to discriminate unjustifiably on account of age; to the Committee on Education and Labor.

By Mr. FASCELL:

H.R. 11672. A bill to provide for the designation of a portion of the District of Columbia as the "Plaza of the Americas"; to the Committee on the District of Columbia.

By Mr. GEORGE:

H.R. 11673. A bill to repeal the tax on transportation of persons; to the Committee on Ways and Means.

By Mr. GROSS:

H.R. 11674. A bill to amend the Migratory Bird Treaty Act to increase the penalties for violation of such act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GUBSER:

H.R. 11675. A bill to provide for a study of the advisability of establishing the West Coast Skyline National Parkway; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 11676. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. LINDSAY:

H.R. 11677. A bill to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay; to the Committee on Interstate and Foreign Commerce.

By Mr. McDOWELL:

H.R. 11678. A bill to amend the Public Buildings Act of 1959 to provide a study as to the best location for a new building for certain courts of the United States, to preserve the Dolly Madison House and other historic buildings near the White House for cultural and educational purposes in keeping with the national policy enunciated in the Historic Sites, Buildings, and Antiquities Act, and for other purposes; to the Committee on Public Works.

H.R. 11679. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. MACHROWICZ:

H.R. 11680. A bill to amend section 902(b) of the Internal Revenue Code of 1954 to allow a credit for foreign taxes paid by a foreign corporation 20 percent or more of the voting stock of which is owned by another foreign corporation in which a domestic corporation has a substantial stock interest; to the Committee on Ways and Means.

By Mr. KNOX:

H.R. 11681. A bill to amend section 902(b) of the Internal Revenue Code of 1954 to allow a credit for foreign taxes paid by a foreign corporation 20 percent or more of the voting stock of which is owned by another foreign corporation in which a domestic corporation has a substantial stock interest; to the Committee on Ways and Means.

By Mr. CLEM MILLER:

H.R. 11682. A bill to provide for the retirement of the public debt in amounts which reflect annual increases in the gross national product; to the Committee on Ways and Means.

By Mr. PIRNIE:

H.R. 11683. A bill to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay; to the Committee on Interstate and Foreign Commerce.

By Mr. REES of Kansas:

H.R. 11684. A bill to repeal the tax on transportation of persons; to the Committee on Ways and Means.

By Mr. RIEHLMAN:

H.R. 11685. A bill to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS:

H.R. 11686. A bill for the relief of Elmore County, Ala.; to the Committee on the Judiciary.

By Mr. ROGERS of Texas:

H.R. 11687. A bill to eliminate acreage allotments for sugar beets; to the Committee on Agriculture.

H.R. 11688. A bill to amend the Sugar Act of 1948 to increase sugar quotas for domestic producers; to the Committee on Agriculture.

H.R. 11689. A bill to amend the Sugar Act of 1948 to provide that future increases in sugar quotas will be allocated to domestic beet sugar producers in a manner which will assure new growers a fair share of such increases; to the Committee on Agriculture.

By Mr. SMITH of Virginia (by request):

H.R. 11690. A bill to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia, to provide for the indemnification of persons sustaining injuries as a result of the operation of motor vehicles by uninsured motorists, by persons operating vehicles without permission of the owners thereof, by hit-and-run drivers, and for other purposes; to the Committee on the District of Columbia.

By Mr. THOMPSON of New Jersey:

H.R. 11691. A bill to amend the Public Buildings Act of 1959 to provide a study as to the best location for a new building for certain courts of the United States, to preserve the Dolly Madison House and other historic buildings near the White House for cultural and educational purposes in keeping with the national policy enunciated in the Historic Sites, Buildings, and Antiquities Act, and for other purposes; to the Committee on Public Works.

By Mr. WILLIS:

H.J. Res. 683. Joint resolution to provide for the designation of June 4, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

By Mr. ANFUSO:

H. Con. Res. 657. Concurrent resolution expressing the sense of the Congress with respect to the participation by other nations in the space exploration program of the United States; to the Committee on Science and Astronautics.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. FORAND: Memorial of the Rhode Island General Assembly memorializing Congress respectfully requesting that the Federal statutes be amended to increase the income of a widow or widower of a deceased member of the Armed Forces from $1,400 to $2,400 total earnings before stopping payment and to increase payments from $50 to $100 a month; to the Committee on Veterans' Affairs.

By The SPEAKER: Memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States requesting that Senate bill 1123 not be enacted into law; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to a White House Conference on Narcotics; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of California:

H.R. 11692. A bill for the relief of C. W. Jones; to the Committee on the Judiciary.

By Mr. ROONEY:

H.R. 11693. A bill for the relief of Penelope Pappatheodorou; to the Committee on the Judiciary.

By Mr. SMITH of Kansas:

H.R. 11694. A bill for the relief of Fritz J. Urbanek, Jr., to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

412. By Mr. GIAIMO: Petition of Comdr. C. A. Cullen and 29 other members of the West Haven, Conn., Barracks No. 850, Veterans of World War I of the U.S.A., Inc., pertaining to H.R. 9336 (World War I Pension Act of 1960); to the Committee on Veterans' Affairs.

413. By Mr. WESTLAND: Resolution adopted by members of Orchard Grange No. 346, Ferndale, Wash., recommending the enactment of legislation which would require all imported farm products be plainly labeled to show origin, and standards of same comply with food laws and standards of Washington State and the Federal Government; to the Committee on Agriculture.

414. Also, petition of Clayton J. Sayer and 79 other members of the Small Business Organization of Washington, Seattle, Wash., in support of H.R. 1253 and/or S. 1083, fair trade legislation; to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

"Traffic Court" Seen by Bar

EXTENSION OF REMARKS

OF

HON. KENNETH A. ROBERTS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1960

Mr. ROBERTS. Mr. Speaker, the television program produced here in Washington, "Traffic Court," is certainly an effective manner of bringing highway safety to the attention of the public.

Recently, this program was seen by those attending the American Bar Association's Traffic Court Conference at the Yale Law School at New Haven, Conn., March 28 through April 1.

Municipal Court Judge George D. Neilson who appeared on the first 10 TV "Traffic Court" programs and who has taken a keen interest in traffic problems for many years and the program producer Lou Brott were invited by the bar association to introduce and present a recent kinescope of "Traffic Court" and explain how the program has served to mold and support community interest in traffic safety on a Washington metropolitan areawide basis.

Format of "Traffic Court" is the reenactment of previously decided cases taken from the official files of the District of Columbia, and nearby Maryland and Virginia.

Participating in the broadcasts on a rotating basis—with "Juvenile Court" seen every fourth week—are the police, judges, and prosecutors of Alexandria, Arlington, District of Columbia, Falls Church, Fairfax County, Montgomery County, and Prince Georges County.

It is now sponsored by the Metropolitan Area Traffic Council as an important part of the Council's traffic safety education efforts of the jurisdictions in the District, Maryland, and Virginia.

It is estimated that current audience ratings of the "Traffic Court" period give the program a weekly audience of over 200,000 persons in the WRC–TV viewing area.

Federal School Funds Without Strings

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1960

Mr. PELLY. Mr. Speaker, I have introduced a bill—H.R. 11705—which is my proposal to meet the problem of financing public education without permitting Federal control in any way, shape, or form. This legislation would give Federal aid in a manner that would preclude any risk of reducing local and State responsibility for the administration of public education. Substantial and increasing amounts would be available to each State to be used as the State legislatures direct, under my plan, by the return to the respective States for education of three-quarters of the Federal cigarette tax collected by the Federal Government on each package of cigarettes sold in each State.

Some of us honestly feel that education should be administered locally in order to insure its freedom from regimentation and regulation such as once led Japan, Germany, and Italy to thought-control and dictatorship, and is presently the basis for Communist domination of almost half the population of the world.

Aside from the risk of Federal control, however, I see no valid reason why the Federal Government should not cooperate with the States by giving up certain revenues so that the States can better meet the pressing needs of public education.

In this connection, last year I made a suggestion and introduced legislation providing for the return to each State of a portion of the amount each State contributed to the Federal Treasury through income taxes.

Objections were raised to this plan in that certain large taxpayers do not pay their taxes in the State where their profits are earned and thus branch office areas such as Seattle would not get their fair share of the money to which they would be entitled. In the meanwhile, some major school legislation is under consideration by Congress and there is much difference of opinion on various plans so that considerable doubt exists as to passage of any school bill at this session.

That the total cost of public education will require greatly increased finances I do not believe anyone denies. The Federal Government of course already is

aiding education. The Library of Congress tells me that the expenditures for federally impacted areas and other school aid in fiscal 1959 was $294,490,051, so those of us who voted for such funds certainly are not flatly opposed to Federal dollars for schools. We are opposed only to controls over the dollars. We want the States to control.

Because I am convinced that the school experts are justified in seeking additional sources of revenue, I am offering this new proposal. For the convenience of my colleagues I will insert a table showing by State the money which is estimated under my new bill would be available based on fiscal 1959 cigarette sales. The total transfer to the States under this proposal would approximate $1.2 billion per annum.

The tabulation also shows the sums available the first year under three other plans. These latter ones are those feared to contain toe-in-the-door controls and that could lead to Federal regulation of public schools.

Before setting forth the comparative table showing the amount each State would receive under my bill as against various other bills, I think it would be in order to say this: nobody at the moment can foretell what action the Rules Committee will take on any education legislation. Each proponent of a plan to help the schools hopes to offer an amendment if and when a bill is considered by the House. Each would substitute or add provisions which coincide with his ideas. I hope to offer my plan.

However, while the dollars involved may not vary as between different plans, the philosophy of how and why assistance is given to public education is the basic issue. Certainly the House cannot pass a bill that does not satisfy the objections of the President. Congress could not override a veto. Of that I am sure.

Thus and in view of widespread concern of legislation which might involve Federal controls, I want to point up the philosophy and absolute simplicity of my proposal.

The objective, of course, is to strengthen State finances so each State is itself better able to provide an adequate education to every child residing in that State.

The bill clearly declares that responsibility for and over education is one of the powers not delegated to the Federal Government but reserved under the 10th amendment of the Constitution to the States.

Secondly the bill affirms and reenacts a part of article III of the Ordinance of 1787, adopted by the Confederation Congress, that religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, and the means of education shall forever be encouraged.

Encouragement of education is then provided for by the financial strengthening of the States and in this connection the bill authorizes the Secretary of the Treasury to return to each State 6 cents of the 8-cent Federal cigarette tax.

In conclusion, let me just say that friends and foes of Federal aid to education are, so to speak, locked in mortal combat as far as the Murray-Metcalf and other school bills are concerned. But here in my proposal is a measure that both sides could agree on. It is a bill—the only one in my opinion of all the various bills—that could be enacted into law. I hope those who are dedicated to preserving our schools from Federal regimentation, and my friends on the other side of the argument who are equally determined that each child in America have the opportunity of quality education will think this over and study my plan.

Meanwhile, here is a computation of the amount each State would receive under the three bills now being considered:

A comparison of estimated 1st year Federal allotments to individual States under various bills

	H.R. 11705, the Pelly bill to strengthen State finances for education	H.R. 22, as amended, the so-called Murray-Metcalf bill for school construction and salaries	H.R. 10128, the so-called Thompson bill for school construction	S. 8, as passed by the Senate for school construction and teachers' salaries
Alabama	$17,232,000	$22,275,000	$6,695,000	$25,855,000
Alaska	1,314,000	1,350,000	358,000	623,000
Arizona	8,556,000	7,975,000	2,275,000	7,985,000
Arkansas	8,874,000	11,675,000	3,575,000	13,749,000
California	(1)	87,800,000	25,090,000	50,211,000
Colorado	(1)	11,100,000	3,218,000	9,660,000
Connecticut	21,510,000	13,525,000	3,933,000	5,626,000
Delaware	3,912,000	2,775,000	813,000	1,256,000
District of Columbia	7,980,000	4,025,000	1,170,000	1,689,000
Florida	36,798,000	26,700,000	7,605,000	23,399,000
Georgia	21,462,000	26,275,000	7,930,000	30,013,000
Idaho	3,846,000	4,525,000	1,333,000	4,701,000
Illinois	78,246,000	57,950,000	16,933,000	34,008,000
Indiana	33,534,000	29,250,000	8,515,000	24,687,000
Iowa	17,754,000	17,250,000	5,103,000	15,679,000
Kansas	13,404,000	13,250,000	3,868,000	11,766,000
Kentucky	20,628,000	20,457,000	6,143,000	23,039,000
Louisiana	19,230,000	22,050,000	6,468,000	24,239,000
Maine	7,692,000	5,825,000	1,723,000	5,571,000
Maryland	22,158,000	19,000,000	5,493,000	14,784,000
Massachusetts	38,268,000	27,050,000	8,028,000	16,047,000
Michigan	56,328,000	51,400,000	14,885,000	41,164,000
Minnesota	21,474,000	21,550,000	6,338,000	19,762,000
Mississippi	10,176,000	15,625,000	4,680,000	18,857,000
Missouri	33,030,000	24,900,000	7,345,000	19,566,000
Montana	4,530,000	4,525,000	1,333,000	4,167,000
Nebraska	8,898,000	8,900,000	2,633,000	8,070,000
Nevada	$3,006,000	$1,750,000	$488,000	$1,125,000
New Hampshire	6,768,000	3,425,000	1,008,000	2,932,000
New Jersey	46,692,000	3,425,000	9,653,000	17,937,000
New Mexico	5,346,000	6,300,000	1,853,000	6,866,000
New York	140,802,000	90,350,000	26,520,000	44,226,000
North Carolina	(1)	31,325,000	9,328,000	36,051,000
North Dakota	3,516,000	4,440,000	1,300,000	4,742,000
Ohio	67,170,000	58,650,000	17,030,000	43,490,000
Oklahoma	14,550,000	13,952,000	4,193,000	13,411,000
Oregon	(1)	11,250,000	3,283,000	9,521,000
Pennsylvania	77,526,000	64,925,000	19,175,000	47,662,000
Rhode Island	7,176,000	4,875,000	1,430,000	3,642,000
South Carolina	12,816,000	17,925,000	5,330,000	22,005,000
South Dakota	4,122,000	4,600,000	1,365,000	4,877,000
Tennessee	19,698,000	22,900,000	6,825,000	25,338,000
Texas	61,746,000	63,825,000	18,525,000	62,901,000
Utah	3,420,000	6,425,000	1,853,000	6,836,000
Vermont	3,120,000	2,325,000	715,000	2,231,000
Virginia	(1)	25,450,000	7,475,000	25,538,000
Washington	17,676,000	17,675,000	5,135,000	14,004,000
West Virginia	11,472,000	13,175,000	3,998,000	14,067,000
Wisconsin	24,984,000	24,675,000	7,248,000	21,541,000
Wyoming	2,508,000	2,175,000	650,000	1,927,000
Hawaii	(1)	(1)	1,203,000	3,993,000
Total [2]	1,200,000,000	1,085,000,000	325,000,000	916,000,000

[1] The separate statistics for cigarette sales in 6 States presently are not available so these figures are omitted although they are included in the estimated total.

[2] Estimated total includes the new State of Hawaii and territories of the United States.

The Interest Rate Ceiling Hinders Treasury Debt Financing Operations

EXTENSION OF REMARKS

OF

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1960

Mr. BYRNES of Wisconsin. Mr. Speaker, in this calendar year the Secretary of the Treasury will be required to refinance $80 billion in maturing public debt obligations of the United States.

Unless the Congress acts on legislation removing the stringent shackles of the 4¼-percent interest rate ceiling, that refinancing will have to be done in the short-term money market. The only other escape from the ceiling limitation trap would be an economic downturn.

On April 9, 1960, I issued a statement reiterating a call for immediate legislative action to repeal the archaic 4¼-percent interest rate ceiling. I pointed out the fact that a Treasury offering of up to $1.5 billion of 4¼-percent, 25-year bonds received public subscriptions only to the extent of $370 million. This recent Treasury experience in unsuccessfully seeking to extend the maturity of the public debt forcefully demonstrates the need for removal of the ceiling.

Crisis seldom is the proper motivation for sound legislative action nor should it be considered a prerequisite to such action. Despite the fact that projections of budgetary surpluses for fiscal years 1960 and 1961 have served to ease

somewhat Treasury financing problems we still are confronted with the need to maintain the $290 billion existing public debt as economically as possible. By avoiding future budgetary deficits we have bolstered confidence in our Government's determination to avoid inflation. However, Congress has the obligation to give to the Secretary of the Treasury the tools for proper debt management so that his authority will be commensurate with his responsibilities in this area. The removal of the ceiling would provide flexibility to the Treasury in its debt operations; the removal would not cause interest rates to go up or down. The Treasury would still finance the debt at minimum possible cost.

Mr. Speaker, as a part of my remarks I will include at this point in the RECORD the text of the statement I issued on April 9 and also an article from the April 8, 1960, issue of Business Week captioned "Rate Ceiling Compromise":

STATEMENT OF HON. JOHN W. BYRNES

The public subscriptions for only $370 million of the Treasury's offering of up to $1.5 billion of 4¼-percent, 25-year bonds conclusively prove the urgency of removing the 4¼-percent interest rate ceiling as requested by the administration 10 months ago. The disappointing results make poor prophets indeed of the self-designated experts in the Congress who have been proclaiming in recent weeks that the Treasury could sell substantial amounts of long-term bonds within the limit of the ceiling.

The Treasury is in a trap—a trap blindly insisted on by the majority party in the Congress which apparently believes that the Secretary of the Treasury should bear the responsibility, but not have the authority, for proper debt management. It is a sorry spectacle for our great Government to have to conduct important public debt operations, with all that the success of these operations mean to the people of America, within the straitjacket of a senseless and an inflationary restriction. The interest rate ceiling has not kept interest rates down and the removal of the ceiling would not cause interest rates to go up.

Certain would-be congressional monetary experts erroneously construed recent bond market conditions, in which outstanding Government bonds were yielding less than 4¼ percent to mean that the Treasury could now sell "substantial amounts" of bonds within the stringent limitations of the ceiling. The Treasury cautioned and the facts proved that the Government bond market had been so inactive that the market quotations were misleading. The facts also proved that these self-appointed congressional oracles on monetary matters were wrong.

The prevailing market conditions and the continued existence of the ceiling prevented the Treasury from selling any marketable bonds for a year. There was no way to gage the strength of the market demand at 4¼ percent. The Treasury took the logical course of testing the market with a 4¼-percent bond issue. The results of the test are in; the results are conclusive. The ceiling continues to bar the Treasury from proper and efficient debt management practices.

Unless this Congress is to sit idly by while our huge Government debt grows shorter and shorter in maturity, with possible severe damage to our domestic economy and impairment of public confidence, the archaic 4¼-percent interest rate ceiling must be removed once and for all without delay.

[From Business Week, Apr. 8, 1960]

THE FINANCE PATTERN—RATE CEILING COMPROMISE

For almost 2 years, the U.S. Treasury has been unable to sell any new long-term bonds. This was because outstanding long-term Treasury issues sold to yield more than 4¼ percent, the legal maximum that can be placed on any new Government issue with a maturity longer than 5 years. The Treasury could have marketed bonds at a discount, but it chose not to take this back-door out. Instead, the administration requested Congress to raise the ceiling.

This week, without the help of Congress, Treasury Secretary Robert B. Anderson was able to sell a long-term issue, priced at 4¼ percent, because of a sharp drop in outstanding interest rates. Undoubtedly, Anderson recognized that Congress may take this move as an excuse to maintain the ceiling, but he had pledged that the Treasury would sell long-term bonds whenever economic conditions—and the market—permitted, and he lived up to his word.

LITTLE CHOICE

Debt management has not been a very useful weapon over the past few years. With the ceiling in effect, the Treasury has been unable to use the debt in true contracyclical fashion. This job has been done solely by the Federal Reserve, and while monetary policy has been extremely useful at times, even the money managers say that they cannot do it all.

A case, in fact, can be made that monetary policy must be tighter than conditions call for as long as debt management is of no real use. This suggests that if debt management can be utilized effectively, monetary policy could be eased somewhat.

DEMOCRATIC VIEW

This possibility escapes the Democratic opposition in Congress who refused to yield on the ceiling. They argue that the public has been saved millions of dollars in payments on the debt by their efforts. And they say that the administration's request should be buried because interest rates are now back to normal.

This I-told-you-so attitude is both premature and harmful. The Treasury still needs maximum freedom if it is to manage the national debt with any effectiveness. Over the past year, the interest rate ceiling has forced Anderson to market short-term obligations at increasingly higher interest rates and in an atmosphere of near crisis. This was not only expensive but also posed a threat of inflation. And there is no assurance that we will not see a return of those conditions.

ACADEMIC BARRIER

The opposition refuses to consider this possibility. They insist that there will be no return to higher rates or, if there is, that the Treasury will be able to scrape through again.

But if rates were artificially high, then there should be no logical objection to raising the ceiling. For the Treasury naturally wants to do its financing as cheaply as it can.

POSSIBLE COMPROMISE

Last summer, Congress would have been willing to lift the ceiling if the administration had agreed to a resolution suggesting that the Federal Reserve follow a more flexible monetary policy. Anderson—and Federal Reserve Chairman William McC. Martin—felt that Federal Reserve policy should not have been an issue and considered the resolution too high a price to pay. Congress retaliated by keeping the ceiling on interest rates. But Anderson is now ready to accept a compromise deal—one that would allow the Treasury to exceed the ceiling for some, but not all, of its financing.

Certainly it would be wrong to wait for another crisis. Legislation adopted under crisis conditions often needs repairing once the worst is over. Congress now has an opportunity to reexamine the situation without the pressure of a crisis. If it uses this opportunity, it will realize that debt management cannot be effective as a stabilizing weapon so long as it is hampered by an archaic and unrealistic barrier.

Civil Rights: Less Talk, More Action

EXTENSION OF REMARKS
OF
HON. CLARE E. HOFFMAN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, April 11, 1960

Mr. HOFFMAN of Michigan. Mr. Speaker, ever since my vote was cast against the House civil rights bill, politicians high in the party command have said and written that my vote was hurting their efforts to induce the colored people to vote the Republican ticket. The colored vote cannot be bought.

They asked why my vote was cast against the House bill. The answer is simple. It was a bad bill. It gave arbitrary power to politically appointed referees and established procedures which could have been corruptly used. It was discriminatory in that it gave the courts power to punish the violators of some injunctions, not of others.

We have legislation which, if enforced, would protect the right of every qualified voter to cast a secret ballot. The House bill contained unsound provisions which have been eliminated. The bill was a political maneuver—top politicians in both parties thinking they would get a political advantage out of the issue in the coming November election. The Senate has now so amended the bill that when returned to the House, it is my intention to vote for it.

TOO MUCH POLITICAL MANEUVERING

One trouble, caused in the main by agitators who have too much leisure on their hands and by a comparatively few sincere, charitable individuals who misjudge the national need, was on the way to a satisfactory solution. The present agitation has retarded the ultimate goal of equal justice for all.

As the daily press has indicated, the controversy has not been minimized, but emphasized, not only here, but in other parts of the world, especially South Africa. Today's issue is not alone the right to vote, but the extent of the right of association. There has been far too much talk, too little action. I have always acted, not just talked—done what I could to end discrimination.

Let me give you the facts: In 1934, my first primary campaign, we had eight young women, university graduates, two young white men, and one colored man, Elijah Ampey, a personal friend from my home county, campaigning. We toured the six counties in the district. There was no discrimination until we hit Benton Harbor at the Bridgman Hotel.

The clerk, a young Jewish man, told us Lija could not eat in the dining room with us. A controversy arose. It was settled when I insisted there would be no discrimination against him because of color. He ate with us. We had no other trouble.

In 1951, in Benton Harbor and St. Joseph, our committee held hearings to correct an order of the food department. The chairman of our committee, William Dawson, a colored veteran, presided. He was a guest at the Whitcomb Hotel, owned and operated by my personal Jewish friend, Leon Harris. Friend Dawson was welcomed as a guest at a dinner in his honor, was treated with every courtesy. Even the most critical agitator could not discover any trace of discrimination because there was none.

If more people would adhere to the Golden Rule, attend to their own business, cease their efforts to regulate the social and business life of their neighbors, discrimination because of color would end more quickly.

As often happens, the votes against the House bill, the debate in the Senate, has resulted in far more equitable proposed legislation. If it comes back to the House with the Senate amendments, I shall vote to adopt it, even though adequate enforcement of our present laws at this time would seem to make it unnecessary.

I am wondering what the professional agitators will bring up next; when, if ever, they will enforce the legislation which permits a man to work at an acceptable job without paying tribute to some pressure group; when more will back their enactments with action as some have been doing; when we will get labor legislation without partisan political implications.

Positive Action Needed To Save Small Business

EXTENSION OF REMARKS
OF
HON. TOM STEED
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 11, 1960

Mr. STEED. Mr. Speaker, I have asked permission to include in my remarks the full text of a speech delivered recently by the Honorable JAMES ROOSEVELT, of California, before the annual convention of the National Independent Dairy Association.

Mr. ROOSEVELT has served as a member of my special subcommittee on dairy problems since its inception. In addition, his own subcommittee's work in the full industry and the gasoline price war problem of the Nation have given him an unusually broad introduction to some of our most distressful economic problems of our times.

I especially commend his comment on remedies that are available by this Congress to all my colleagues. I heartily endorse his views on these matters.

The text follows:

POSITIVE ACTION NEEDED TO SAVE SMALL BUSINESS

(Speech of Hon. JAMES ROOSEVELT before the National Independent Dairies Association, Washington, D.C., Tuesday, April 5, 1960)

It is a pleasure to attend and participate with you in this third annual convention of the National Independent Dairies Association. You are to be congratulated on the fact that you have taken positive action in organizing and sustaining a trade association, through which Members of Congress are enabled to learn about your problems and to ascertain your views on what should be done to help save small business. Also, you are to be complimented on your selection of the leaders of your association. Mr. Stovall, your president, and Mr. Daniel, your counsel, have demonstrated that they are alert to small business problems in the dairy industry, and have been quick to act in requesting Members of Congress to give these problems appropriate consideration.

As chairman of the House Small Business Committee's Subcommittee No. 5, I have learned much about small business problems. However, it has been a revelation to sit as a member of the special subcommittee under the chairmanship of our colleague, the Honorable TOM STEED, and hear about your problems. In hearing about the small business problems in the dairy industry, we have learned that there are more troublesome problems than the milking of cows in the dairy industry. We have learned that small and independent processors and distributors of dairy products are subjected to the trials and tribulations incident to ruthless price wars and various other practices, which weaken small business concerns and tend to eliminate competition. I know I could spend several hours reciting to you what I have learned about your problems, but why do that? I suspect that you not only want to get rid of your problems, but that you would like to be free from hearing about them.

It has been suggested that I devote some of my time before you today to a discussion of H.R. 9898, a bill I introduced on January 25, 1960. That bill, as you know, is designed to prevent the integration of food distribution through the operations of large chain retail food organizations with the processing and production of food items.

The bill would accomplish this objective by making it unlawful for anyone engaged in the retail sale of merchandise in any more than one market area, through food or grocery stores, to engage in the manufacturing, processing, or preparation of any such merchandise. This would be done through an amendment of the Federal Trade Commission Act. The amendment would make it unlawful and an unfair act and practice in commerce within the meaning of section 5 of this act, for any person, partnership, or corporation, engaged in the retail sale of merchandise, or the distribution for retail sale of merchandise in or affecting commerce, to engage in the manufacturing, processing, or preparation of any such merchandise, where the effect of integrating the retailing of such merchandise with such manufacturing, processing, or preparation may be substantially to lessen competition or tend to create a monopoly in any line of commerce.

It should be emphasized that the bill would not apply to all integrated processing and retailing operations. Many small business concerns are engaged in processing and retailing food items. For example, the retail bakers prepare bread in the backroom and retail it in the frontroom of a single establishment. Likewise, small processors and distributors of dairy products operate from a single plant, and frequently deliver the processed dairy products directly to homes in retail lots. The bill would not apply to small business concerns engaged in operations of this kind. I say that because the bill would have application, as I have pointed out, to the integrating of retailing with manufacturing, processing, or preparation of food items only where the effect may be substantially to lessen competition. It is inconceivable that a small, independent processor and distributor of dairy products, who has confined his operations to a single market, would be charged with a violation of the provisions of H.R. 9898 simply because he has integrated his processing and packaging of milk with a few deliveries and sales to homes at retail. Of course, it is clear that the provisions of the bill could not be applied to the operations of small business concerns whose operations could not possibly have the effect of substantially lessening competition or tend to create monopoly in any line of commerce. Instead, the bill would apply to those firms which have integrated their activities to include the manufacturing, processing, preparation, and retailing of food items in such large volume and over such a wide area as to affect competition adversely and substantially. In that respect, the attention would be directed particularly to the multiple-market operators. We know that in the dairy industry we have multiple-market operators with farflung organizations—some extending over the breadth and length of the country. Their activities embrace manufacturing, processing, preparation, and retailing of dairy products. Their integrated activities and pricing practices, when considered in the light of the size of their organization and volume of business, would undoubtedly be considered to be within the purview of H.R. 9898. In other words, it is simply another case where character and size are factors which would require or compel good conduct. Misconduct by a large overgrown evil man usually is more damaging than misconduct by a small innocent child. The provisions of the bill would apply only to those having the size and power to do damage and the use of that size, power, and position in damaging competition.

We did not reach lightly the conclusion that action such as is provided for in H.R. 9898, should be taken. We have made our proposals only after giving much thought and study to the problems of small business in food distribution.

When the program for Subcommittee No. 5 was announced March 17, 1959, we stated that it was the intent and purpose of the subcommittee to review the trade relations and trade practices in the field of food distribution. We noted that in that connection it had been alleged that monopolistic and unfair trade practices were becoming matters of great concern to those who cherish and fight for a free and competitive enterprise system in this country. We were told that the anticompetitive conditions and anticompetitive practices present a threat to those things needed for the growth and survival of a healthy small business community.

Only a short time before we announced our program for the study of small business problems in food distribution by Subcommittee No. 5, the Federal Trade Commission had stated that "There have developed tendencies to concentration of economic power, to collusive price action, and to unfair competitive methods." In that connection, Hon. John W. Gwynne, then Chairman of the Federal Trade Commission, in announcing that the Federal Trade Commission would study the situation said:

"We want to know why the industry is getting so tough for the smaller operator. * * * The trend seems to be to eliminate the small man entirely."

We made field investigations and we conducted extensive hearings in Washington, D.C., San Francisco, Calif., and in Denver, Colo. We received testimony and considerable additional evidence from scores of witnesses, and accumulated a printed record of approximately 2,000 pages. We heard from the chainstores and the co-ops, from the frozen food people and the poultrymen, from the wholesalers and retailers, and from the farmers. The Government agencies gave us facts on how many retail grocery stores there are and how much money we spend in them. From all of this information we have a broad picture of small business problems in food distribution.

Out of this mass of information emerged the showing of need for legislation to help small business in dealing with some of these problems. For example, in the course of our hearings in Washington, we found that approximately 40 percent of all markets for preserves and jellies have been captured by large chain retailers who are either producing their supplies or have made special long-term arrangements for their supplies. In the face of these facts, small independent producers and packers of jams, jellies, and preserves are under severe handicaps in their efforts to survive.

During the course of our hearings in San Francisco, we were told that a few buyers or large chain food retailers, with offices on or near California Street, San Francisco, were buying 80 percent of the annual output of canned fruits and vegetables produced in that section of the country. Incidentally, California produces almost 50 percent of the national output. We were told that these few buyers for the large chain food retailers are utilizing their combined economic power in such a way as to result in the destruction of countless independent business enterprises.

Our Denver hearings disclosed that large chain food retailers are getting into the production, preparation, and distribution of meat food products. Large food retailers have captured a substantial portion of the total retail market of meat food products. Proceeding from that vantage position, they are integrating backward into the processing, slaughtering, and even the feeding of cattle.

Representatives of small meatpackers, feedlot operators, ranchers and many other businesses testified that the practices of large food retailers in integrating the retailing with the feeding, slaughtering, and packing of meat food products are destroying small and independent business enterprises and competitive markets for those products. It was pointed out that the strongest argument now being put forward by the large packers for relief from the provisions of the meatpacking decree of 1920 is the fact that the large food retailers are integrating backward into the meatpacking business. In that connection, I stated on the record during the course of our hearings in Denver that "If the basic and fundamental principles which brought about that consent decree were sound, and we must believe they were sound—they remained in operation for many, many years, and were therefore in the public interest—it would seem to me a poor excuse to upset them simply because someone else in the other direction was going forward to accomplish the same thing. And my question would be, Would it be unreasonable to think that should the 1920 consent decree be reversed, or be obliterated, that there would also be the great danger that that would be the opening door for an amalgamation of the chainstore and the large packer to accomplish exactly what was prohibited in 1920?"

Through the information we have developed during the course of the hearings before Subcommittee No. 5, and the special subcommittee, regarding small business problems in the dairy industry, we have been impressed with the fact that certain large chain retail food distributors are integrating the processing and packaging of dairy products with their retail operations. Safeway, with its Lucerne brand, and Kroger, with its private brand on dairy products for a long time, have been engaged in these integrated operations. More recently, we noted during the course of the hearings before the special subcommittee in Boston on February 17, 18, and 19, 1960, that one of the largest retail food chains in that area has integrated or brought under its control the processing and packaging of milk and other dairy products distributed through its retail stores. Information available to us is to the effect that another one of the leading food retail chain organizations in that area is engaged in preparations for integrating the processing, packaging, and distribution of dairy products.

How much these integrated activities will affect the small independent processors and distributors of dairy products remains unanswered. However, we are informed that many independent processors and distributors of dairy products have lost or are in the process of losing their markets as a result of these integrated operations, coupled with the pricing practices involved in the marketing of dairy products in the affected areas. If these effects should rise in their significance to the point of substantially lessening competition or tend to create a monopoly in any line of commerce, then H.R. 9898, if enacted into law, could be applied to help save small business concerns. In my view, therefore, its enactment could well be positive action taken to save small business. It is hoped that you will study and consider H.R. 9898 and conclude that it has the virtues for saving small business, as we do.

In conclusion, I thank you again for your graciousness in permitting me to attend and participate in this third annual convention of the National Independent Dairies Association.

Congressman Edward J. Derwinski's Remarks at Pulaski Foundation Banquet, Honoring Congressman Clement J. Zablocki and Architect Biernacki-Poray, March 28, 1960

EXTENSION OF REMARKS
OF
HON. FRED SCHWENGEL
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 11, 1960

Mr. SCHWENGEL. Mr. Speaker, it was my privilege to be present at the General Pulaski birthday dinner sponsored by the Pulaski Foundation, Inc., March 28.

Our colleague, Congressman CLEMENT J. ZABLOCKI, of Wisconsin, was honored on that occasion along with the famous architect Biernacki-Poray.

During the course of the festivities, Congressman E. J. DERWINSKI, of Illinois, paid tribute to these gentlemen for their roles in the building of a children's hospital in Krakow, Poland.

Under leave to extend my remarks, I would ask that Congressman DERWINSKI's remarks appear in the RECORD so that all Members who did not attend the banquet can have the opportunity of knowing about the significance of this occasion.

The remarks follow:

Before I deliver my statements on the importance of this occasion, I have a personal message to deliver to Majority Leader JOHN MCCORMACK. As you know JOHN, I am speaking on behalf of the Republican Members of the House honoring our good friend and colleague, CLEMENT ZABLOCKI. CHARLIE HALLECK, our gentle, quiet, soft-spoken minority floor leader, has a great admiration for you, JOHN, and he asked that I deliver this reminder to you. CHARLIE is aware that your preoccupation with helping us balance the budget has made you a bit absent-minded and wants to remind you that you are speaking to the Pulaski Foundation, a Polish-American organization, rather than to one of your fine Irish groups in Boston where you would be more apt to be singing "Mother Machree."

Seriously, it is a pleasure for me to represent the Republican Members of Congress in honoring our colleague CLEM ZABLOCKI. Actually, I wish to speak to you this evening not in my position as a Member of the House, but as an American of Polish extraction who appreciates the bipartisan nature of this evening. We are gathered here to join the Pulaski Foundation as they honor CLEM and Wladek Poray.

When I attended the Interparliamentary Union in Warsaw last fall I had occasion to consult with Mr. Poray and to examine with him the proposed site of this wonderful hospital that will soon be a reality. It was obvious to me that this action represented a concrete example of the effectiveness of a true "People to People Program." This project is a wonderful example of what we, as ordinary citizens with humanitarian hearts, can do to help people in a nation less fortunate. By a program such as this we effectively display personal interest and spirit that a cold precise government cannot convey. We further prove that our Nation above all else can be proud of the great hearts that our citizens possess and our truly national desire to, whenever possible, be of help to afflicted peoples.

Poland is one of the unfortunate countries entrapped behind the Iron Curtain as a result of the unfortunate Yalta Agreement, but her proud people maintain a hope that the future will alleviate their present distress. The development of this hospital plan, first sparked by the vision of Wladek Poray, spearheaded by CLEM ZABLOCKI and all our colleagues on the Foreign Affairs Committee, approved by both Houses of Congress in a great display of bipartisanship, approved by our State Department and signed by President Eisenhower, proves to witnesses throughout the world that the heart of our Nation remains as great and as vigorous as it has always been. When we give public recognition to these gentlemen and all who cooperated with them, we cannot help but have tremendous hope and stanch confidence that acts like these will help create in the future a much better, healthier, happier, and freer world.

The President's and Vice President's Statements in Connection With National Library Week, April 3–9, 1960

EXTENSION OF REMARKS
OF
HON. FRED SCHWENGEL
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 11, 1960

Mr. SCHWENGEL. Mr. Speaker, in a democracy such as ours, it is important

that the people be up to date in all of their information about this great country of ours and the operation of its Government. That is why our libraries and their services are so essential and why we must do everything we can to see that these services be made available to more people.

In Iowa I take special pride in the role I played in the expansion of library services within the State. I was the author of many bills which brought the great world of books and the printed word to more of our citizens. The literacy rate in Iowa is among the highest in the Nation.

During National Library Week—April 3–9—I was impressed by the statements of President Eisenhower and Vice President NIXON. Under leave to extend my remarks, I would like to bring these statements to the attention of my colleagues.

The President's statement was made in a letter to Benjamin E. Powell, president of the American Library Association. The President said:

During National Library Week, our people have the opportunity to renew their interest in, and support for, the libraries of America. These libraries contribute much to the pleasure and intellectual growth of us all. Unfortunately, many citizens have no access to library. This handicaps the minds of both young and old. I am glad that the programs of National Library Week will emphasize the need to broaden the availability of books for a better-read, better-informed America. I wish every success to these efforts.

Vice President NIXON's statement was printed in the April 3 edition of This Week magazine. It is as follows:

BE READY! BE LUCKY!

(By RICHARD M. NIXON, Vice President of the United States)

At our house, as in the homes of millions of other American families, we enjoy a good television program. However, we sometimes find it too easy to spend more time than we should just watching. Stimulating as television can be, we realize afterward that there are other spare time activities which make for a rich and interesting life and have more permanent value.

Take reading as an example. I think our young people in particular miss a great deal when they deny themselves the opportunity of reading in their spare time. Reading is not only fun—but through it we have at our fingertips the whole of Western civilization.

And reading has an added attraction. When someone handles a difficult situation well, you often hear it said that he is lucky. There is no question but that the breaks do play an important part in life.

Generally, however, you will find that what seems to be luck comes to those who have done their homework.

The phrase "he is lucky" more often than not applies to a person who has prepared himself to take advantage of the breaks when they come his way.

Words are not simply things in themselves but keys to ideas. Every word and every sentence you read is a tool for unlocking your mind. And once the mind is unlocked, it becomes the doorway to ever-widening vistas of knowledge. With ideas and opinions in your mind, you can be prepared for any eventuality.

Jonathan Swift once referred to the "artillery of words." This phrase has vital meaning for us today. The Communists are waging an all-out war for men's minds. We must counter their barrages of words with meaningful ideas of our own.

To win a battle in which words are artillery and ideas have the impact of missiles, we need minds of broad caliber and depths of intellect. People are not born with minds like this; but they can develop them. The reading you do when you are young disciplines your mind and increases your capacity for understanding of the problems of the future.

For this reason reading, study, and the intellectual discipline in an atmosphere of freedom in the long run will be the major strengths in the free world arsenal. And today's young Americans, who tomorrow will have to assume leadership in this battle, must be prepared to meet the challenge.

Knowledge is no luxury. It is the key to survival.

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1960

Mr. ALGER. Mr. Speaker, I include the following newsletter of April 9, 1960:

WASHINGTON REPORT

(By Congressman BRUCE ALGER, Fifth District, Texas)

How to compromise differences in viewpoints without abandoning one's own principles is a problem often confronting every conscientious officeholder. A Member of Congress, for example, has moral obligations to (1) himself and his own set of values, (2) the Nation as a whole, (3) his constituents, whom he is charged to represent, and (4) his political party. More often than not, these responsibilities parallel one another and are easily discharged. But the possibility for conflict is pretty obvious. Any single controversial piece of legislation—any burning issue—may pose a real dilemma.

It was with all these thoughts in mind that I paid a visit to Vice President NIXON the other day. For myself, I felt a duty in conscience to share with him some accumulated hopes and concerns. Too, I wanted to pass on the views of many constituents who have told me personally and by mail what course they believe the Vice President should adopt, both in his present office and in his candidacy for the White House. As for our party, I hoped to express and bolster the more conservative viewpoint about which we hear a good deal less in today's press.

It was the newspaper image of DICK NIXON becoming more liberal—an image at variance with his long voting record—which had disturbed many, including me. If there were any truth in that picture, it seemed to me most important that the Vice President realize the tremendous underlying voting strength of conservatives. True, the conservatives are not as vocal, nor as well organized, as are the so-called liberals and some of the minority pressure groups, but I'm convinced that a great reservoir of political strength is there, awaiting only adequate leadership.

Due to their lack of organization—their failure to unite and campaign effectively—all too many candidates have felt no need to appeal to the great body of conservatives, and they have stayed away from the polls in alarming numbers, losing by default. However, the conservative—the fellow who believes in a balanced budget for his Government as he believes in one for his family, who believes in paying down our debts and in preserving a sound dollar, who believes in protecting and strengthening individual freedom and who rejects the bureaucratic regimentation so dear to the self-styled "liberals," is today opening his political eyes. He is organizing, and winning, in certain congressional districts already. He needs and wants a leader he can follow.

So I pointed out to the Vice President that to the degree his own course might move to the left, or that others might successfully picture him as having moved left, he would lose political strength. A Republican Presidential aspirant can win only as a conservative. The Democrats have the "liberal" votes sewed up. By appearing to woo these groups, a Republican can only discourage and lose support among the conservative majority. As I see it, DICK NIXON has only to encourage and inspire action by the commonsense and conservative majority. He can best do this by stressing his own dedicated convictions on the role of Federal Government in our lives, as demonstrated by his own voting record.

Without quoting the Vice President, I can at least relate my own very clear impressions of some points he made, and with which I agree. (1) Politically, he'd be foolish indeed to come out with a lot of flatfooted pronouncements on any and all issues until his opponent in the race is determined; meantime, though, he's admittedly vulnerable to attack by liberal columnists and members of the press who choose to misrepresent or misinterpret his views. (2) He has a responsibility as Vice President, to be a spokesman for administration positions, at this time. (3) The campaign against the Democrat nominee, when known, will permit a clear differentiation of viewpoints that will be encouraging to conservatives. (4) There is, and must always be, room for honest difference of opinion between members of the same party.

It is my hope that conservatives will remember that it isn't enough to complain. Political action is what counts. And political action backing bedrock, constitutional principles, aimed at limiting the role of the Government in our lives, can win out, hands down. True, demagogery and political expediency have won elections in the past. This year, I believe, will be the year for aroused conservatives. DICK NIXON can be their leader.

Remarks of Congressman Robert W. Levering on the Occasion of the Presentation of the Plaque Commemorating the Anniversary of the Fall of Bataan at the Tomb of the Unknown Soldier, Arlington, Va., April 9, 1960

EXTENSION OF REMARKS
OF
HON. ROBERT W. LEVERING
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1960

Mr. LEVERING. Mr. Speaker, on Saturday last, April 9, the 18th anniversary of the fall of Bataan, the American Defenders of Bataan and Corregidor, an organization unique in this country, presented a beautiful plaque to the trophy room at the Tomb of the Unknown Soldier in Arlington, Va., in the name of the unknown among those who died in defense of freedom in the early months of World War II in the Philippines.

Present for the ceremony on behalf of the American Defenders of Bataan and Corregidor were Kenneth Stull, national commander, John S. Koot and Joseph Vater, of the tribute committee, as well as Albert Senna, former national commander, and several other members of the organization. Col. Ismael Lapus and Lt. Alejandro Melchoir from the Philippine Embassy appeared on behalf of the Independent Republic of the Philippines.

Mr. Speaker, I can attest personally to the fact that many of the defenders of Bataan and Corregidor were buried in unmarked graves during the 3½-year period our troops were confined in prisoner-of-war camps. By unanimous consent heretofore granted, I include, for the RECORD, the remarks it was my privilege to make on the occasion of the trophy presentation:

Today as we observe the 18th anniversary of the fall of Bataan, we perform a conscious act of recalling those far-off days of suffering and sacrifice. As we dedicate this plaque we pay tribute to those who did not return.

In December 1941 the ground forces available to meet the Japanese invasion of the Philippines comprised the Philippine Army, with a total strength of less than 100,000, and a U.S. Regular Army contingent of some 25,000. The Philippine Army was ill-equipped and its training was incomplete. These forces, we quickly learned, were inadequate to stop the enemy at the shoreline, and General MacArthur withdrew them into the mountainous peninsula of Bataan and to the island of Corregidor. This withdrawal was conducted with consummate skill under constant enemy attack.

The epic struggle against overwhelming odds began on December 10, 1941, when the initial Japanese amphibious landings were made on the island of Luzon. The Japanese timetable of conquest called for the overwhelming of the Philippines in 10 days. But the enemy had not anticipated the heroic resistance of the American soldiers and their Filipino comrades in arms. Actually, it was almost 120 days before the Americans and the Filipinos, too weakened to resist any longer, were forced to surrender.

Shortage of food had reduced the defenders of Bataan to less than one-fourth rations. The supply of needed clothing had long been exhausted and a large part of the troops were barefooted and clad in rags. Wounds and disease had taken their toll; less than half the men were capable of walking any distance. Those indescribably weary men still capable of action in the twilight hours of Bataan had little left with which to continue the fight other than their will and their pride. They had no antitank weapons and little or no artillery. They had only rifles and small amounts of ammunition. Four long months of bitter fighting against a well-trained and well-equipped foe, without replacements in men, equipment, or supplies, had brought them to the brink of annihilation.

April 9, 1942, when Bataan fell, was a dark day in the course of our struggle in the Pacific. But Bataan has become a word of honor and courage in the language of freedom the world over. Bataan was a valuable lesson in the relationship of free peoples. Even as this gallant band of Filipinos and Americans laid down its arms, the loyalty of the Filipinos, soldiers and civilians alike, to the cause of freedom remained steadfast.

Bataan was a military defeat, but it was a victory of the spirit—the spirit which moves men of different nationalities to fight shoulder to shoulder for their common freedom.

This plaque commemorates those men who fought as heroically and tenaciously as any military force has ever done. It commemorates especially those who did not return. Their desperate resistance, holding as they did a sizable portion of the Japanese strength at bay for so long, allowed American forces to be dispatched to Australia, New Caledonia, and other islands for the counter-offensive which began 4 months later at Guadalcanal. Nobody could have done more.

It seem to me the words of Jose Rizal, the Philippines' greatest hero, spoken on the night before his execution, are appropriate at this time. "The place matters not, cypress or laurel or lily white, scaffold or open plain, combat or martyrdom's plight."

A Higher Living Standard for American Migrant Workers

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, April 11, 1960

Mr. PELLY. Mr. Speaker, I believe there is an opportunity to improve the lot of the American migratory farmworker. In this connection, under unanimous consent I include in the CONGRESSIONAL RECORD an address on this subject by Secretary of Labor James P. Mitchell which he made last week to the National Travelers Aid Association.

This speech has a close relationship to a bill, H.R. 11313, introduced by me to eliminate the importation of foreign farm labor and to replace it with our own transient farmworkers who now average less than a thousand dollars' earnings a year and who could do the work now done by imported Mexican nationals.

The address follows:

ADDRESS BY SECRETARY OF LABOR JAMES P. MITCHELL AT THE LUNCHEON OF THE 1960 BIENNIAL CONVENTION OF THE NATIONAL TRAVELERS AID ASSOCIATION, WASHINGTON, D.C., APRIL 6, 1960

Members of the National Travelers Aid Society, I was pleased by your invitation to luncheon with you this afternoon, and to remark briefly on the status, and the prospects, of our migratory farmworkers—families that are often desolate, always in need of some kind.

It is my hope to use this time to recount for you some of the things that have been done to help the migrant, and to talk about some of the things that I feel must be done in the future if the migrant is ever to take his place as a full citizen of this wealthy Nation, with full access to the responsibilities and rewards of our social and economic life.

I would like to remark first, however, on the work of the Travelers Aid Society. There is no lonelier person than a traveler in trouble; our clearest example of the virtue of charity is the story of the Samaritan who helped a traveler in trouble.

Each year 30 million Americans of every background and income group change their city of residence. This ability to move freely, to pursue opportunity, to change jobs at will, was a breathtaking freedom to the people who came to this new world from the social confines and economic strictures of the old. In a dynamic economy such as ours, it remains an American characteristic.

Yet most people on the move must rely upon the uncertain help of strangers in case of trouble. To all travelers, the glow of the Travelers Aid lamp in bus, rail, and air terminals throughout the Nation is a welcome one.

Unfortunately, there are few such "kindly lights" for the 500,000 American migratory farmworkers to steer by.

Anyone familiar with American agriculture is aware of the extraordinry changes that have taken place in recent decades, and that are continuing. We can produce immense crops from fewer acres, far beyond our limit to consume them or profitably dispose of them. Modern processing, packaging and marketing techniques have brought to agriculture the stylization and management methods of industrial production—a system in which the migrant appears as an economic element, as one of the phases in the process.

President Eisenhower has warned that failure to confront the complex problems of the new mass agriculture "can cause serious strains on the firm freedom supports of our society." Of particular interest to us is the fact that the "scientific revolution" that causes headaches to agricultural producers also brings grief to agricultural labor—helps, in fact, to perpetuate the migratory labor system itself.

This much seems certain to me: We may have learned to use the tools of technology to dramatically increase agricultural production but we have failed to use those tools of progress to benefit many of the men, women, and children who labor for hire on American farms.

The migrants will be coming north now. As I speak to you, migrant families in our Southern States are gathering their few belongings, boarding the old trucks and buses to begin their long trek. They will work long days, travel great distances before autumn brings them home again. And they can expect certain things:

The migrant can expect to receive the lowest wages in the entire American economy, less than $900 a year.

He can expect to be unemployed, numbering the jobs he is able to pick up away from the farm as well as those on the farm, about half of the days of the year.

He is expressly left out from the protection of most of our social and labor legislation.

He can expect to be ineligible, in all but a very few cases, for health and welfare services because of residency requirements fashioned, in some places, with him in mind.

He can expect that his children will be forced by economic necessity to work beside him in the fields, and that those same children, because they move with their parents from place to place, will often be deprived of the opportunity for an education.

Our 500,000 domestic American migrants can expect, also, to be in competition with 500,000 foreign workers, brought into this country every year.

And the migrant can expect to be considered, by many who employ him, and in the literal sense of the word, a "commodity" to be bought and used at the lowest possible price.

Those are his expectations, right now, as he starts north to harvest our crops and fill our supermarkets.

I have never been able to understand the apathy of most farm employer organizations over the years when it comes to finding solutions to this vast and compelling human problem.

Even more distressing is the traditional and historical opposition of those farm employer organizations to any and all suggestions that are put forward for the relief of the substandard conditions of farmworkers.

Now I do not doubt that American growers and their organizations are not devoid of humanitarian instinct, nor that they have contributed their just share to the Albert Schweitzers and the Dr. Dooleys who dedicate their lives to the underprivileged of foreign countries. I have no doubt that many of these organizations support our foreign aid programs to assist those nations that are underprivileged.

Yet, when suggestions are made that would raise the status of our own migratory workers, who live in the poverty of a $900-a-year average income, these same individuals and organizations are seized with a pious horror at this assault upon free enterprise.

During the past 2 years I have made several speeches on the problems of the migrant farmworker. I have attempted to show that it is a problem that cannot be rationalized out of existence, that our posture as a nation founded on human dignity is seriously impaired by a farm labor system based upon the availability of a large supply of poverty-stricken workers.

In response to this position, recommendations have been made by farm employer organizations that would have the effect of making it the policy of the U.S. Government to help maintain that supply of underemployed and underpaid workers for the benefit of agricultural employers.

I do not believe that American agriculture does, can or should depend upon such a labor system.

In accordance with that conviction, I have made proposals and advanced programs that, in my opinion, would improve agricultural labor conditions and, in the long run, the health of agriculture itself.

Today I would like to summarize briefly what progress we have been able to make in the past 4 years. I would also like to summarize briefly some of the more important proposals, and advise you on their status.

I have the honor to serve as chairman of the President's Committee on Migratory Labor, established by President Eisenhower in August 1954.

One of the most important projects of the committee is the promotion of joint Federal-State action through the establishment of State migratory labor committees. Much of the responsibility for the well-being of migrants and their families rests with the States. Workmen's compensation, unemployment insurance, residency laws, and regulations for housing and transportation are, for example, primarily State responsibilities.

At the time the committee was established, only seven States had migratory labor committees. Today, the total has reached 28. Of the 31 States which employ 4,000 or more domestic migrants per year, 24 have organized migratory labor committees.

It seems to me that during the next general State legislative year, 1961, we should see a good deal of action by the States in the field of migratory labor. My optimism is based on a new source of support for migratory labor legislation. In the past what has been lacking in attempts to extend protective legislation to farmworkers has been support from most farm employer organizations.

At a speech in Chicago last year, I suggested that such organizations might contribute constructive suggestions in this area. I am delighted by the news that the American Farm Bureau Federation has recommended that its affiliated State farm bureaus consider State legislation to (1) improve housing standards for migratory workers; (2) extend occupational insurance to farm workers; (3) license farm labor contractors; (4) enact safety standards for truck transportation of farmworkers; (5) insure availability of school facilities to children of migratory workers; and (6) establish minimum age restrictions for the employment of minors in agriculture.

I welcome this somewhat belated action on the part of the Farm Bureau, and I would like to suggest that they join with those groups and individuals which have traditionally fought for such legislation through the years to put their recommendations across.

In addition to the growth of State interest stimulated by the President's Committee, the Department of Labor has been moving ahead in those areas within its competence and interest. Among those programs are:

Development and expansion of the annual worker plan through which an estimated 200,000 workers will move this year.

Development and issuance of amendments to the regulations governing the interstate recruitment of migratory farmworkers.

Development and introduction of a bill for national registration of crew leaders operating across State lines.

Development under PCML auspices of proposed legislation for the establishment of overnight rest facilities for migrant workers.

Initiation of studies now under way in several States to determine the advisability and feasibility of extending unemployment compensation to farmworkers.

Development of much stronger foreign worker standards—protecting our own workers from substandard competition.

These are concrete accomplishments by the Department of Labor in the field of farm labor. Taken together, they represent more significant progress than was made in any comparable period of time in history. I think that in the years to come the record will show that the programs undertaken by the Department of Labor over the past 4 years on behalf of farmworkers will have laid the groundwork for the accomplishments of the future.

In regard to that future, I believe there are a number of items of the first priority.

There is, first, the question of a minimum wage in agriculture.

In February of last year I first announced my conviction that a minimum wage for farmworkers was an essential first step in providing our migrants with the necessary economic improvement from which other improvements would follow, and without which no lasting improvement is possible.

At that time, I directed a special study to determine both the desirability and the feasibility of extending the minimum wage to agricultural workers.

A report will be released at the end of this month, and it will show that minimum wage for hired farmworkers is both feasible and desirable.

It will also show that such a minimum would apply to a relatively small percentage of farm employers, all of them large, who hire a substantial portion of the hired farm help in the United States, and would not apply to the small family farmer.

To assume, of course, that such legislation would receive the appropriate attention of Congress in a political year is to avoid the realities of our society. I am releasing this report however, so that ample discussion and thought can be given to it, in sufficient time and detail, to insure a meaningful consideration in the next Congress.

A second broad question relating to the future of the American migrant is the status of our foreign labor programs.

A little over a year ago, I appointed four distinguished consultants to advise me on the operation of Public Law 78, the act which enables the Secretary of Labor to recruit supplemental farm labor from Mexico.

The consultants reported that the mass importation of Mexican farmworkers, occurring at the rate of 450,000 last year, is having a definite adverse effect on the wages and working conditions of American farmworkers. To cure this, the consultants made recommendations.

In recent weeks, the Subcommittee on Equipment, Supplies, and Manpower of the House Committee on Agriculture has held hearings on the extension of Public Law 78.

Several of the bills before that subcommittee would do the opposite of what the consultants recommended. They would not only dilute the Secretary of Labor's authority to administer this very difficult program; three of the bills would also revoke the Secretary of Labor's authority to issue regulations governing the use of the U.S. Employment Service—a service through which many farm employers recruit domestic farm help.

I think that those bills are hostile to progress. I consider them dangerous to the progress that has been made so far, and I urged strongly that the administration declare itself against them by opposing them without dissent—and this was done.

It is the Department of Labor's position that Public Law 78 should not be extended unless and until adequate remedial measures are adopted and substantial improvements are made in the program.

The Department of Labor, in accordance with that position, will make recommendations for improving the operation of the Mexican farm labor program before the present law runs out.

To the individuals and organizations that have supported the Department of Labor's farm labor programs, I would like to say that even though the attention of Congress is distracted in a political year, that is not an indication that the momentum toward reform is slackening. Rather the opposite is true. Indifference is giving way to concern; ignorance is declining before knowledge.

This problem is going to be solved. Despite the long history of frustration that has been the lot of those who have worked to find just solutions to this great human need, the tide is beginning to run with them. I believe that the day will come when the migratory American farm worker will be able to hold up his head as a self-sufficient and self-sustaining member of our society, like every other American worker.

When that day comes—and it will come—then we will have held out a genuine hand of help to the families that wander on the face of our land, and know so little of its true richness.

Thank you.

Address by Hon. Alexander Wiley, of Wisconsin, Over Radio Station WGN, Chicago

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EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Monday, April 11, 1960

Mr. WILEY. Mr. President, in further regard to the economic situation, I was privileged to participate this weekend in a special broadcast series over WGN, Chicago.

In the broadcast, I reviewed a number of ways in which, in my humble judgment, constructive efforts could be made to further strengthen our country.

These included: First, encouraging more of our people to invest in our economy; second, as previously stated, to revise our tax system; third, effectively combat inflation; and a number of other general ways in which we can improve the economy.

Reflecting upon this great challenge before the American people, I ask unanimous consent to have the text of the broadcast printed in the CONGRESSIONAL RECORD.

There being no objection, the broadcast was ordered to be printed in the RECORD, as follows:

WILEY URGES PUBLIC TO "INVEST IN AMERICA"; STRESSES NEED FOR HOOVER-TYPE COMMISSION FOR OVERHAUL OF TAX SYSTEM; OUTLINES SEVEN PROGRAMS FOR STRENGTHENING ECONOMY

(Excerpts of address prepared for delivery by Senator ALEXANDER WILEY, Republican, of Wisconsin, over radio station WGN, Chicago, April 3, 1960)

Friends, I welcome the opportunity to discuss with you a number of issues confronting our country and the world.

As citizens, you and I face daily decisions on a wide variety of issues affecting the personal lives of ourselves and families; community projects and programs; issues at the State level; national and international developments that relate to our security, progress, and outlook for the future.

Briefly, now, I would like to review challenges in the domestic economic picture that, I feel, are of special interest to all of us.

As a people we face such problems as:

Does the bread winner earn enough take-home pay to meet the family bills?

Is it possible to afford to send eligible children to school, and to college?

Do self-employed folks in business and professions retain enough income to meet needs and obligations?

Do we have opportunities to enjoy enough of the good things created by the free enterprise system?

For the answers to these questions, we must turn a microscopic eye on our domestic economy to determine (1) how it is meeting the needs of our people; (2) where it may be failing; and (3) what can be done to further improve the economic outlook for all of us?

WILEY SAYS: INVEST IN AMERICA

Question. Senator WILEY, what can we do toward a better, stronger economy for the future?

Answer. First, I believe we need to further educate the American people on the merits, benefits, and opportunities provided by our free enterprise system. All too often it is taken for granted that our economy has created the highest standard of living and the greatest agriculture and industrial output in the history of the world.

As citizens of a free country, it is important that we do everything possible to further strengthen our system.

Question. How would you suggest this be done?

Answer. A major contribution can be made by encouraging more people to invest in our economy.

Today, there are more than 12 million shareowners of publicly owned corporations in this country. These shareowners, represent not just the rich, but a broad cross section of our people, including modest income individuals such as workers, housewives, teachers, professionals, and many others.

To encourage such investment, I have introduced a resolution in Congress to authorize and request the President to proclaim April 24 through 30, 1960, as National Invest-in-America Week.

By observance of such a week, Americans can reaffirm their belief in the power of work, savings, and investments to create new business and better job opportunities for all our citizens.

This is particularly important since our free system is now on trial globally in a battle of survival against communism.

NEEDED REVISION OF OUR TAX SYSTEM

Question. What are some further recommendations for strengthening our economy?

Answer. Secondly, I believe we must carry out a sound, fair, top-to-bottom revision of our tax system. As you and I well know, taxes—direct and hidden—take one of the biggest bites out of our income.

In themselves, also, taxes can be inflationary—driving up prices, and thus further reducing the buying power of our dollars.

Unfortunately, the great demands on Uncle Sam—particularly the high cost of a space age defense—dims the outlook for early relief from Federal taxes at the present time.

In view of this fact, I believe this provides a good opportunity to undertake a complete—and much needed—overhaul of the tax structure.

We recall, of course, that over the past months, the Ways and Means Committee of Congress has held hearings on various aspects of this system. However, these studies have not as yet, in my humble opinion, been of a sufficiently broad scope to really do the job.

That is why I am again urging enactment of my bill, S. 1885, for establishment of a Hoover-type commission to revise the tax system.

Question. Just what would you do, Senator WILEY?

Answer. The purpose would be to iron out inequities; plug loopholes; if possible, establish a fairer distribution of the tax burden; and, overall, encourage tax policies that would stimulate, not stunt, economic growth and opportunity for individuals, as well as businesses and enterprise.

The Commission, comprised of competent individuals from both private and public life, would also aim at reflecting new light on such aspects of our tax system as (1) the interrelationship of Federal, State, and local taxes; (2) the impact of the present system on individuals and enterprises; (3) "rooting out" taxes that may be discriminatory; and (4) generally assuring that the system allows incentive to earn, grow, expand, and enjoy the fruits of labor.

Question. What taxes would be involved?

Answer. Although the whole system should be scrutinized, special studies should include—

Taxes on job-creating businesses and industry, particularly those included in the small business category;

Treatment of retirement benefits;

Possible tax adjustments to help meet the increasingly high costs of education, and thus help to fill a national need;

Depletion allowances for oil, gas, and other similar resources;

Treatment of working mothers under the tax laws;

Deductions for business expense accounts;

Excise taxes continued long beyond their wartime purposes;

Capital gains taxes.

In addition there are a great many other areas of taxation which deserve careful reconsideration.

We recall that it has been traditionally stated that "the power to tax is the power to destroy."

In our own system, we need to assure that our taxes do not destroy individual incentive and progress in our economy. Rather, the system must be designed to assure that taxes are imposed only to meet real needs of our people—and, insofar as necessary, these be fairly proportioned, according to sound principles in the best interests of the economy.

Question. Now, what are some of your other recommendations for strengthening the economy, Senator WILEY.

Answer. Although these cover many fronts, they should include:

Third. Improving job opportunities for our working force of almost 69 million workers, of which nearly 4 million are still unfortunately out of jobs.

Fourth. Encourage realistic Federal spending policies, including a balanced budget and, if possible, a surplus to begin reduction of the national debt. This also involves—

Carefully restricting Federal programs to proper limitation of Federal responsibility so as to prevent undue competition on the money market or to create unnecessary competition with private enterprise; and

Further educating our people to the realism that demands for more and more services by the Federal Government can only postpone the time for a lessening of the tax burden.

Question. What else should be done?

Answer. Fifth, assuring a competitive climate in which businesses, industries, and other enterprises—both small and large—have an opportunity to prosper and make their contribution to our economic life;

Sixth. Encourage management and labor to plan cooperatively together for the common good, and to work together against the destructive powers of inflation; and

Seventh. Public encouragement should be given to nongovernmental sectors of the economy to increase productivity, guide production into items of greater durability, and less obsolescence, and lower prices.

Overall, the Government, as well as consumers, labor, industry, and all others, have a proportionate responsibility not only for sharing in the efforts to combat inflation, but also to promote economic health for the country.

Question. How can this be accomplished, Senator WILEY?

Answer. Through sound buying, borrowing, spending, and saving practices by consumers.

By labor making only realistic demands for pay and better working conditions based among other factors upon increased productivity.

And by industry establishing realistic pricing and profit practices on commodities.

And prospects for an ever-brighter future can be fulfilled only if there is full cooperation of all segments of the economy, with planning based on realistic economic principles, not wishful thinking.

CONCLUSION

Senator Wiley, thank you very much for this fine review of ways for strengthening our economy.

I have welcomed the opportunity to present these ideas to you.

If you folks listening in have any comments on these proposals, I would be glad to hear from you. Also, if you feel that some of the recommendations have merit—for example, the invest-in-America and tax revision proposals—you might want to directly contact Members of Congress—in addition to myself—to express your interest in them.

Many thanks for listening.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 12, 1960

The House met at 12 o'clock noon.

The Reverend Father Joseph F. Thorning, D.D., pastor of St. Joseph's Church, Carrollton Manor, Md., and professor of Latin American history, Marymount College, Arlington, Va., offered the following prayer:

Heavenly Father, author of light and of love, let the brightness of Thy countenance shine radiantly upon the Speaker of this House and all the Members of the U.S. Congress.

Impart, we beseech Thee, Thy best blessings to the Presidents of all the American Republics, to public servants everywhere, and to the peoples themselves, granting them the divine graces they need to uphold human freedom, their national independence, genuine social progress, and the sacred truths and values confided to us in the Old and New Testaments.

In this moment of history, when the shadows of a new slavery are apparent over nearby American skies, strengthen our God-loving leaders throughout the Western Hemisphere to show the vision and courage essential to a secure peace, inspiring all citizens with a determination to remain loyal to their plighted word and to the noble principles of inter-American friendship and cooperation.

In our rededication to the ideals of the good-neighbor policy on this 16th congressional celebration of Pan-American Day, we implore fresh gifts of wisdom, bravery, resourcefulness, and imagination characteristic of men and women of prayer, that we may grow in Thy friendship and in our love for one another.

We humbly seek Thy daily blessings in the name of our most Holy Redeemer, the Christ of the Andes. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 725. An act to provide for the establishment of the Wilsons Creek Battlefield National Park, in the State of Missouri;

H.R. 1805. An act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland;

H.R. 3676. An act to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg.;

H.R. 7359. An act to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the Colorado River Commission of Nevada acting for the State of Nevada;

H.R. 8649. An act to continue for a temporary period the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof;

H.R. 9451. An act to amend the act of July 19, 1954, to exempt from taxation certain additional property of the Veterans of Foreign Wars of the United States in the District of Columbia, and to provide that the tax exemption granted the property of the Veterans of Foreign Wars of the United States in the District of Columbia shall be effective with respect to taxable years beginning on and after July 1, 1959;

H.R. 9543. An act to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes;

H.R. 9737. An act to amend the act of March 3, 1901, to eliminate the requirement that certain District of Columbia corporations be managed by trustees the majority of whom are citizens of the District of Columbia;

H.R. 9820. An act to extend the period during which certain tanning extracts, and extracts of hemlock or eucalyptus suitable for use for tanning, may be imported free of duty; and

H.R. 10683. An act to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9307. An act to continue for 2 years the suspension of duty on certain alumina and bauxite.

The message also announced that the Senate had passed bills, joint resolutions, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 939. An act to authorize the establishment of the Fort Bowie National Historic Site, in the State of Arizona, and for other purposes;

S. 1066. An act to revise the boundaries and change the name of Fort Donelson National Military Park, and for other purposes;

S. 1092. An act to provide for the construction of the Cheney Division, Wichita Federal reclamation project, Kansas, and for other purposes;

S. 1268. An act to provide for notice to States owning surface lands in which minerals are reserved to Federal Government of proposals to lease such minerals;

S. 1411. An act to amend the act of August 1, 1956 (70 Stat. 898);

S. 1511. An act to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes;

S. 1833. An act authorizing the establishment of a national historic site at Bent's Old Fort, near La Junta, Colo.;

S. 2128. An act for the relief of the West Virginia Pulp & Paper Co.;

S. 2174. An act to permit the filing of applications for patents to certain lands in Florida;

S. 2306. An act to exempt from taxation certain property of the National Woman's Party, Inc., in the District of Columbia;

S. 2446. An act to amend the act entitled "An act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes," approved August 11, 1950;

S. 2576. An act to authorize the addition of certain donated lands to the Everglades National Park;

S. 2671. An act to exempt from taxation certain property of the American War Mothers, Inc.;

S. 2674. An act to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes;

S. 2772. An act to authorize the Secretary of Agriculture to convey land in the town of Cascade, El Paso County, Colo.;

S.J. Res. 9. Joint resolution to provide for the removal of a reservation of timber rights from a patent issued to Ivan H. McCormack;

S.J. Res. 162. Joint resolution authorizing the Secretary of the Interior during the calendar years 1960 and 1961 to continue to deliver water to lands in certain irrigation districts in the State of Washington, and for other purposes;

S.J. Res. 178. Joint resolution relating to the payment of salaries of employees of the Senate; and

S. Con. Res. 101. Concurrent resolution authorizing public hearings and recommendations on the bills S. 3193 and H.R. 11135, by the Joint Committee on Washington Metropolitan Problems.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 594. An act for the relief of Lionie Tarpinian; and

S. 1241. An act for the relief of Sirvart Kasabian.

TRANSFERRING TO MASSACHUSETTS PORT AUTHORITY CERTAIN LANDS

Mr. VINSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5888), an act to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements theron comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Mass., in exchange for certain other lands, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none and appoints the following conferees: Mr. VINSON, Mr. KILDAY, Mr. PHILBIN, Mr. ARENDS, and Mr. GAVIN.

PAN AMERICAN DAY

The SPEAKER. Pursuant to House Resolution 491, this day has been designated as Pan American Day. The Chair recognizes the gentleman from Alabama [Mr. SELDEN].

Mr. SELDEN. Mr. Speaker, I offer a resolution (H. Res. 501), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas April 14 marks the seventieth anniversary of the founding of the Pan American Union, the nucleus from which grew the present inter-American regional system called the Organization of American States; and

Whereas the Organization of American States is dedicated to the promotion of hemispheric understanding and friendship, the advancement of the principles of individual freedom and justice, the maintenance of peace, and the mutual defense of the sovereignty, territorial integrity, and independence of the American Republics; and

Whereas the House of Representatives has encouraged activities which promote hemispheric cooperation and solidarity and, during the last seventy years, has recognized the valuable contributions of the inter-American system to those ends; and

Whereas the twenty-one respective legislatures traditionally honor the observance of April 14 as Pan American Day, symbolizing inter-American friendship; and

Whereas the House of Representatives recognizes that friendship is one of the basic foundations for the continuing search for peace and progress in this hemisphere: Therefore be it

Resolved, That the House of Representatives extends to the representative bodies of each of the other American Republics on the occasion of Pan American Day its cordial greetings and expresses its profound desire for the strengthening of the bonds of friendship and cooperation which have made possible the maintenance of a unique regional organization devoted to our common objectives of hemispheric peace and well-being.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. SELDEN].

Mr. SELDEN. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks immediately following the remarks I am about to make, and I also ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the subject of Pan-American Day.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, April 14 marks the 70th anniversary of the Western Hemisphere regional organization, the Organization of American States.

We are all familiar with the modest beginning of our pan-American system. The first Pan American Conference in 1890 ventured to establish only a commercial bureau for the purpose of distributing trade information to merchants and shippers. As representatives of the American Republics became accustomed to meeting around the conference table, the idea of Western Hemisphere cooperation toward shared goals grew. Topics of mutual concern other than commerce became subjects of discussion.

Perhaps the greatest milestone in inter-American developments prior to World War II occurred at the conference in Montevideo in 1934. There the United States renounced every form of intervention in the affairs of its sister republics. Thus the foundation was laid for an international organization based on the rule of law, binding on the strong as well as upon the weak. When war clouds gathered in Europe, the American nations had at hand mechanisms for an inter-American alliance which emerged from earlier efforts at cooperation.

After World War II, we formalized our loosely knit system in two principal documents, the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance.

As President Lleras-Camargo of Colombia said in his speech to a joint session of Congress only last week:

We are partners in the most effective enterprise for the elimination of war, for collective defense and peaceful cooperation. Our related lives are ruled by the clearest statutes of reciprocal obligations and rights amongst our 21 nations, statutes which are at once a kind of inter-American constitution and, as Franklin Delano Roosevelt would have it, a declaration of interdependence.

Several generations of Americans, north and south of the Rio Grande, can be justifiably proud of the progress made in the past 70 years by our remarkable regional organization. But our work is far from finished. We cannot expect the system to be self-operative, running on past momentum. Changing conditions within the hemisphere, as well as outside pressures, create new situations with which the inter-American system must deal if it is to fulfill its role.

NEW CHALLENGES

Within the last several years we have witnessed in Latin America increased opposition to authoritarian government. At the same time, the Latin American people are demanding an end to poverty and illiteracy. Both currents inevitably are affecting the inter-American system.

In the first instance, the OAS has found itself called upon to resolve an apparent conflict in its own statutes. While the charter declares that representative government shall be the foundation of the Organization of American States, some hold the view that the OAS, by answering calls to halt foreign-based aggression, has shielded autocratic governments. On the other hand, any attempt by the OAS to protect human rights within a member State gives rise to the protest that the OAS is violating the principle of nonintervention.

Last year revolutionary activities in the Caribbean caused sharp tensions. The turmoil which threatened the peace in that area led to the convocation of the fifth meeting of consultation of Ministers of Foreign Affairs of the 21 member countries in Chile last August. At Santiago the foreign ministers were confronted with the problem of maintaining hemisphere peace without lending support to unpopular governments.

In the declaration of Santiago, the foreign ministers restated the democratic principles of the inter-American system. The Inter-American Peace Committee was assigned the task of examining the relationship between violations of human rights or the nonexercise of representative democracy, on the one hand, and the political tensions that affect hemisphere peace, on the other. The Committee may act either at the request of governments or on its own initiative. However, a government's consent is needed for on-the-spot investigations.

At the same time, the foreign ministers requested the Inter-American Council of Jurists to draft a convention on human rights. The OAS Council, in another step growing out of the foreign ministers' meeting, has named an additional special committee to prepare a draft convention on the effective exercise of representative democracy.

The OAS undoubtedly has a long road ahead before desirable and acceptable norms can be established to assure that inter-American peace can be maintained. The important thing is that the inter-American system has moved promptly and vigorously to hammer out guideline.

ECONOMIC COOPERATION

The second great challenge to the inter-American system lies in the realm of economics. At this time in Latin America more people are represented by democratically elected governments than at any time in the history of the region. The capable and responsible men who head the governments know that they must produce hope for progress toward decent living conditions or see democracy seriously discredited in the hemisphere.

In the postwar era a number of inter-American conferences have been held. There the Latin American delegates tried to make their needs understood. Often discussions were bitter, and the delegates departed with feelings of frustration.

But these conferences were by no means wasted effort. They led, on the one hand, to a greater understanding in the United States of Latin American problems, and on the other hand, to an appreciation in Latin America of the limitations on the United States imposed by world commitments. In any case, our views have moved closer together. We have reached the point where economic cooperation to spark Latin American development is now possible.

The OAS is proving to be an effective instrument in achieving economic progress. Through negotiations carried on at the Pan American Union, the agreement establishing the Inter-American Development Bank was consummated last December 30. The Economic and Social Council of the OAS and the Committee of 21 are at work on recommendations for other cooperative ventures. Through inter-American cooperation, the smaller nations can enjoy the benefits of a combined technical staff whose services would otherwise be beyond their reach.

For an extended period, we can probably expect instability in parts of Latin America. However, I have great faith that through cooperative efforts the OAS will be a major force in guiding events toward our mutual goals of peace and well being for all the people of the Western Hemisphere.

PLAZA OF THE AMERICAS

I was very pleased when the House only yesterday passed legislation designed to strengthen the bonds of friendship between the United States and our Latin American neighbors. The approved measure designates as the "Plaza of the

Americas" that portion of the District of Columbia in which are located the buildings of the Organization of American States and the statues of the South American heroes, Simón Bolívar and José Artigas.

Again and again the Congress of the United States has given evidence of its support of the inter-American system and its profound belief that together the 21 American Republics can forge a great bulwark of freedom and prosperity.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the distinguished gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, the gentleman from Alabama [Mr. SELDEN], we know, is the distinguished chairman of the subcommittee of the great Committee on Foreign Affairs of the House specializing in the affairs of Central and South America. I have had occasion to work with him this year. I know of his attention to this very important problem of hemispheric solidarity. In connection with the recent disturbances in Panama—in which, Mr. Speaker, you know, I was concerned—and in connection with resolutions presented by me to the gentleman's committee, he gave great and careful attention and subsequently led this House to commendable action. Further, I have presented a resolution in which I urge the extension of the Monroe Doctrine based upon the thoughts which I will read in one sentence from the Declaration of Caracas of March 1954, where the American Republics declared:

> International communism, by its antidemocratic nature and interventionist tendency, is incompatible with the concept of American freedom, the domination or control of the political institutions of any American State by the international Communist movement, extending to this hemisphere the political system of an extracontinental power, would constitute a threat * * * endangering the peace of America.

Now, I am sure my friend from Alabama, and I believe every Member of this House, knows of the Organization of American States; its whole concept of relationship with our southern friends. The celebrations here on this floor every year since 1931 all go to prove and endorse the language of the Caracas agreement that I have just read. It is to be deplored, it is to be regretted that the Republic of Cuba, that great friend of ours for generations, the pearl of the Antilles, has seen fit to declare against the precepts and the principles of the Caracas agreement. It is to be hoped that this is only a passing fancy and that reason will return to our Cuban neighbor in this connection.

So, Mr. Speaker, I commend my friend the gentleman from Alabama [Mr. SELDEN] for leading us on this Pan American Day. It is good to know that we had the word of God asked today, as we have in previous years, by a great friend of Pan America and of this country, Father Thorning, a distinguished Jesuit priest. These things are good to know, and I give my compliments to my friend from Alabama who led us so well.

Mr. Speaker, 70 years ago, on April 14, 1890, a conference of 18 nations of this hemisphere adopted a resolution forming the Pan American Union. Out of that resolution has grown one of the most productive and mutually beneficial regional international organizations in history, the Organization of American States. Since 1931 April 14 has been set aside as Pan American Day to honor this great association of republics bound together not only by geographical proximity but also by their common devotion to liberty.

Throughout its history, the Organization of American States and its predecessor groups have been living, growing organisms, adding new functions as the need arose. In 1947 the Inter-American Treaty of Reciprocal Assistance, signed at Rio de Janeiro, became the first regional collective security organization, expressing the principle that an armed attack by any state against an American State shall be considered as an attack against all the American States. Later, in the declaration of Caracas of March 1954, the American Republics declared that "international communism, by its antidemocratic nature and interventionist tendency, is incompatible with the concept of American freedom" and that "the domination or control of the political institutions of any American State by the international Communist movement, extending to this hemisphere the political system of an extracontinental power, would constitute a threat endangering the peace of America." The latest example of this essential ability to adopt new machinery when necessary to handle new problems is the Inter-American Development Bank, which will help bring about the massive economic development needed in so many Latin American countries.

The Organization of American States has an impressive record in the peaceful settlement of disputes, for which it has developed procedures unmatched anywhere in the world. It has also done much to carry out its purposes of solving economic problems and promoting economic, social, and cultural development. For example, it has undertaken to eradicate illiteracy and to bring about free and universal education everywhere in the Western Hemisphere. It provides technical assistance for the improvement of agricultural and rural life. Through the Pan American Sanitary Bureau the member states cooperate in the prevention of epidemics and the improvement of health services.

The vitality of the Organization of American States is a result of the knowledge that hemispheric cooperation will benefit all the participants. We in the United States recognize the economic, political, and strategic importance of Latin America and it grieves us when misunderstandings occur between us and any of our southern neighbors. On this Pan American Day let us express our good will and admiration for all the peoples of Latin America. May the Organization of American States continue to develop new avenues of cooperation, maintain peaceful relations within the hemisphere, and strengthen the defenses against any aggression from abroad.

Mr. SELDEN. Mr. Speaker, I am aware of the deep and sincere interest the gentleman from Pennsylvania has in our neighbors to the south. I thank him for his complementary remarks and commend him for his untiring efforts to promote good will and mutual understanding in this area.

Mr. SELDEN. Mr. Speaker, I yield to the distinguished minority leader, the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, this year Pan American Day and Week have acquired especial significance because of the very recent visit of President Eisenhower to South America, and the present visit of President Lleras of Colombia to the United States. We have fresh in mind both President Eisenhower's heartening report to the Nation upon his return, and the eloquent address made by the Colombian President to a joint session of the Congress.

Hemisphere relations have unquestionably benefited from the interchange of ideas, the increased good will and understanding, generated by these visits of the two Chiefs of State. The welcome given to President Eisenhower by the peoples and the governments in the countries on his itinerary, and the welcome our own people and Government are according President Lleras, demonstrate the real friendship that unites the citizens of this hemisphere.

When we speak of the American family of nations we are using a figure of speech justified by reality. The American Republics are alike in their origins as Old World settlements in a New World, in their growth generation by generation into true citizenry no longer of the Old World but the New, in their national emergence as independent countries, and in their political development as constitutional democracies.

We are also alike in our adherence to the free world of which our nations are so integrally a part; of which, indeed, they are the most powerful support. Perhaps we are most alike in the inherent devotion of all our peoples to the basic principles of peace and freedom. We know that peace without freedom becomes servitude, and that freedom without peace becomes gangsterism. Our American peoples demand for themselves, and desire for all mankind, peace with freedom, liberty with law. It is in that spirit we commemorate Pan American Day and Week. It was from that concept that the inter-American system has developed as a pattern and a program.

The Organization of American States, the regional group of our 21 American Republics within the global framework of the United Nations, has brought the method of the conference table to the greatest effectiveness ever known over so long a period by so many governments. Pan American Day this year marks the 70th anniversary of inter-American cooperation. That cooperation is made fruitful and beneficial through many channels; not political and diplomatic only, but economic and cultural as well.

It is furthered by people-to-people contacts as well as—perhaps even more than—by official agencies.

My own State of Indiana can offer many examples of the widespread, nationwide, ever-growing consciousness of the importance of our relations with the other Republics of this hemisphere. Let me cite just two examples. At Brazil, Ind., there is a beautiful replica of a famous Brazilian colonial fountain which was given by the people of the Republic of Brazil, in recognition of continuous inter-American activities, to this Indiana community which bears their great country's name.

Our famous Indiana State Fair accords special place and honor year by year to exhibits representing Latin America. And I should add that in our educational system, from the primary grades through the university, increasing attention is paid to Latin American developments and achievements, and to the importance of inter-American relations.

During Pan American Week and the other 51 weeks of the year, let us all, in public life and private, remember how important that relationship really is. In this connection I should like to cite an affirmation made by President Eisenhower on February 26 to the Congress of Argentina:

> It was once possible to think of democratic freedom as a matter of purely national concern. But now, in a world of exacting interdependence, freedom must be fostered, developed, and maintained cooperatively among many nations. Hence, across national boundaries, among peoples and governments, a constant increase in mutual understanding must prevail. Based on that understanding, political, cultural, and economic cooperation will succeed, with benefits for all.

Mr. SELDEN. Mr. Speaker, I thank the distinguished minority leader for his very fine statement.

At this time I yield to the distinguished gentleman from Massachusetts, the majority leader of the House of Representatives [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, observance of the anniversaries of events is perhaps the best way of refreshing one's memory of the significance of such events. I was happy to welcome, several years ago, the suggestion to support the congressional resolution providing for the annual observance of Pan American Day on the 14th of April. The idea was not new then, for the initial suggestion to have the founding date of the Pan American Union celebrated in all countries of the Americas was made by the governing board of the Union several decades ago, but it was significant to have such a resolution adopted by our Congress.

Today's celebration, marking the 70th anniversary of the Pan American Union, or, to give that body its present designation, the Organization of American States, is of immense national and international significance. More than any other date or event, and its annual observance, the Pan American Day celebrations in all countries in this hemisphere indicate the spirit of union and cooperation that motivates the peoples of the Americas. It is a most heartening sign to learn and be convinced that all peoples in this hemisphere, though living under different circumstances and of course in different climes, have one common bond of friendly feeling. Despite occasional irritations among them, caused by mere misunderstandings rather than by deep-seated animosities, they all are conscious of this common bond of friendship.

It is fitting and eminently appropriate that we commemorate the birth of an organization which has been the promoter of such a warm bond of friendship among the peoples of this hemisphere. On this 70th anniversary celebration of the founding of that organization we have the opportunity to take a fresh look at the common principles and policies, ideas and ideals, which bind the countries of this hemisphere so firmly together.

In today's world, while the inevitable trend seems to be in the direction of world and universal organizations, there is, and has always been, a definite place for closely knit and smoothly working regional organizations. As such the Organization of American States is a successful and living model. It has done good work without fuss or fanfare, and that is well recognized among all member States. New levels have been reached in political and economic cooperation among many member States. The Committee of Presidential Representatives, which came into being in 1956, has been active in its consideration of economic and social problems. Recommendations of this Committee have been translated into such tangible programs as malaria eradication, agricultural improvement, public housing, and a variety of technical studies.

Ceaseless efforts are being made to broaden the cultural ties between the United States and Latin America. Our educational exchange programs have been expanded and accelerated. In the academic year 1957–58, for instance, some 8,000 Latin American students studied in the institutions of learning in this country. Then there is the large number of specialists and technicians exchanged under bilateral cooperation programs. Growing interest in Latin America is evidenced by the scores of Pan American societies and organizations throughout the United States, which are actively engaged in promoting a better and broadened understanding of our neighbors to the south.

One of the most significant developments in recent years was the establishment of the Inter-American Development Bank with the participation and support of this country. The creation of such a huge, multilateral development institution serving the needs of the region as a whole represents an important milestone in inter-American relations. At the same time our Government has been active in stimulating the flow of assistance by public and private financial institutions to South American countries. All such assistance and similar measures advocated and adopted have the common purpose of raising inter-American cooperation to new, high levels.

On this 70th anniversary one cannot help but recall that the cooperative spirit, first sparked by that great Venezuelan statesman, Simón Bolívar, in 1826, again ignited in 1890 by the founding of the Pan American Union, and under its encouraging guidance, spreading ever since, is a sure guarantee for the welfare and well-being of all concerned in this hemisphere. Without the wholehearted cooperation, without the united and unified efforts of all the governments in the Organization of American States, it is difficult if not impossible to attain the goals which all of us have before us. But with an understanding of each other's problems, and with an honest effort to solve them, without causing irritations and frictions, peoples and governments are resolved to live in peace and amity. In all this the Organization of American States is rendering a valuable and inestimable service. On this 70th anniversary celebration we all wish it more power to carry on its worthy endeavors and success in the attainment of its goals.

Mr. SELDEN. I thank the gentleman from Massachusetts.

Mr. Speaker, I yield to the gentleman from California [Mr. JACKSON], the ranking Republican member of the Inter-American Subcommittee.

Mr. JACKSON. Mr. Speaker, it is fitting that on one day every year, we North Americans pay tribute to the other Americas, and to the millions of other Americans who populate our great hemisphere. While the course of true love never runs as smoothly as poets sometimes picture it, I think it can be said, in all truthfulness, that the Republics of North, Central, and South America, together with our great neighbor on the north, Canada, have given the world some excellent examples of harmonious relationships between countries and peoples of diverse races and origins.

On this Pan American Day, as on others in the past, there are differences between some of the sister Republics, but for the large part a trend has been steadily maintained toward the ultimate and end goal of greater freedom under law, and toward a fuller exercise of personal freedom of action as guaranteed in all of the constitutions of these republics. That there is still governmental repression exercised in one form or another in some countries should not be a source of discouragement to others, but rather a challenge to demonstrate by example and precept the advantages which flow from a system which permits the maximum expression of self-determination and personal initiative.

The United States has accepted an obligation to preserve peace in the hemisphere, not by unilateral force, but in willing concert with its neighbors. In pursuit of this policy of nonintervention in political and economic affairs of its coequal partners, the past few months have witnessed this country become the target for unbridled vilification and abuse from the government of a sister

Republic, whose people owe their independence, in part, to the North Americans who died at Santiago and at San Juan Hill.

As we North Americans cherish liberty for ourselves, we support its principles and espouse its tenets for others. As we exercise our own privilege of free worship, we recommend its exercise to others. As we gather together to discuss and ofttimes criticize the Government we elect freely, we view with deep concern the inability of others to associate freely together in their own interests. As we read the columns of a free press, upon which the heavy hand of governmental censorship does not rest, we regret reprisals and the rigid control which serves to still the pen of principle and truth elsewhere throughout the world. As we voice our opinions on any subject without fear of a prison cell, we grieve for those who are voiceless in the grip of tyranny.

Government as a master is worse than no government at all. This we believe, and our conviction in this is shared by millions of our neighbors in the hemisphere. A tyrannical dictatorship, whether of right or left, which brooks no difference of opinion among its people, contains the seeds of its own destruction, and must certainly crumble in history's dust. Nor can the trappings of tyranny be hidden behind a professed concern for land reform, social security, or other sanctimonious professions. There are too many examples amongst the sister Republics of progress in freedom to sustain the argument that progress can come garbed in dictatorial array. One can be for human progress without linking arms with those whose devotion to human progress has been spelled out in terms of terror, suppression, and violence. One can be for land reform without adopting the tactics and techniques which have characterized the brutal invasions by Communist aggressors in China, along the frontiers of India and in Tibet. To contend that known agents of a philosophy alien to all concepts of individual freedom can be trusted to lead a country to peace and tranquillity is to suggest that terror is a fit companion for compassion, and the lust for power synonomous with wisdom and justice. Men can be free and judicious only when their hands and their minds are unfettered. Criticism, when directed to the welfare of one's native land and one's own people, is the bridge by which reason crosses the gulf of misunderstanding. Deprive an honest man of his right to comment freely upon the actions of those in power, and frustration seeks an outlet in violence and bloodshed.

The United States does not covet a foot of the soil belonging to any nation. It seeks harmony and understanding based upon a just peace. Toward this goal, and in concert with our allies, we have shed the blood of our sons, and given freely of our human, physical, and financial resources. We desire that others shall benefit, not only by our contributions to the common welfare, but by the mistakes we have made as a Nation.

On this occasion, we North Americans reaffirm our purposes. We salute those of the sister Republics whose peoples have achieved a state of advanced political maturity and whose destinies are guided today by men whose minds and talents are devoted to the erection of standards of honesty, tolerance and understanding. We pledge our continued support to forward-looking policies in the economic area, and to unwavering support of the undertakings upon which this country has embarked with the other Republics. Our commitments for the common defense of uncommon ideals will be observed to the letter, and our devotion to collective defense of the Western World remains unswerving and unchanged.

To the Organization of American States—the Ambassadors of that organization—and to the governments and peoples whom they have the honor to represent, we offer our congratulations. The record of peaceful negotiation—of patient representations—of effective mediation—compiled by the OAS is the brightest achievement in the entire history of pan-American relationships. The great moral force represented by this oldest of regional groupments, remains the most effective instrument for order and stability in the Western World. OAS has demonstrated in its specialized committees as well as at the consultative level, a unique capacity to meet with and deal effectively with every recurrent threat to the security of its member states. At this moment, OAS is confronted with many problems of a complex nature, problems which at times appear to defy unilateral adjudication. To unravel these military and diplomatic knots will require a high degree of statesmanship—patience of an unbelievable order—and firmness to implement findings and recommendations in any instance. We have confidence that the OAS can and will meet the challenges in a forthright manner designed to maintain the Western World under God and under law.

Mr. JACKSON. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio may extend her remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. BOLTON. Mr. Speaker, on this 70th anniversary of the Organization of American States, I am delighted to join with my colleagues in extending greetings to the Latin American Republics. Each year at this time, Pan American Day provides us opportunity to renew the traditional ties of friendship which bind the countries of the Western Hemisphere so firmly together.

The past year has seen the attainment of new levels in inter-American cooperation, and numerous demonstrations of friendship and good will. President Eisenhower's unforgettable reception during his recent trip to Latin America attests to the respect and affection which our peoples have for one another. Moreover, the President's trip demonstrated that we are genuinely interested in the social and economic advancement of our neighbors to the south.

The United States is actively cooperating with the Latin American countries to improve living standards all over the hemisphere. Capital and technical assistance are supplied through the channels of the mutual security program, supplemented by loans from the Export-Import Bank and other Government sources. Private U.S. investments in Latin America total more than $9 billion, and are increasing at an average of some $600 million per year.

Earlier this year the Inter-American Development Bank became a reality, with the United States subscribing 45 percent of the capital and the Latin American countries themselves putting up the remainder. It is expected that the Bank will come to occupy a central role in development efforts, providing technical assistance to participating countries so that projects may be soundly conceived and implemented.

As we join in this 70th anniversary of Pan American Day, Mr. Speaker, it is well to remember that North and South America are bound together strategically, and culturally, as well as economically. The American Republics are truly interdependent, and vitally concerned with the problems of one another.

The hemisphere cooperation which has been achieved through the Organization of American States dramatically emphasizes the maturing relationships between our two continents.

Mr. CHIPERFIELD. Mr. Speaker, I want to commend the distinguished gentlemen from Alabama, Mr. ARMISTEAD I. SELDEN, JR., chairman of the Subcommittee on Inter-American Affairs, and Mr. JACKSON, of California, for so ably expressing our sentiments of friendship for our sister Republics to the south.

The occasion today is even more auspicious since we are fortunate to have His Excellency the President of Colombia and Madam Lleras visiting in our country at this time. President Lleras was formerly head of the Organization of American States and he and his country have contributed much to its development.

It was my good fortune to represent the House of Representatives of the United States at an International Conference of Representatives of Legislative Bodies of the Americas at Santiago some time ago.

I simply want to stress the importance of this day and repeat some of the historical facts leading up to this celebration.

April 14 marks the date on which the resolution creating Pan American Day was adopted in 1890 at the first International Conference of American States. For us in the New World it is a day peculiarly our own—the day of the Americas—when Americans both to the north and south can join hands to bring about a better understanding of one another and cement hemispheric solidarity.

Painfully, with measured steps and in spite of many weaknesses and misunderstandings the nations of the Americas have progressed along a weary road until now they clearly understand that while they are equal independent and sovereign nations, at the same time they

are interdependent neighbors with similar problems.

As far back as 1810 the eminent Chilean, Don Juan Egana, made the first proposal for pan-American unity, foreseeing with statesmanlike outlook the importance of unity of purpose and policy of the American Republics.

Many important steps have been taken to increase the effectiveness of the inter-American system and of course one of the greatest of these was the founding of the Pan American Union 68 years ago today.

Another was when President Hoover, 28 years ago, proclaimed April 14, 1931, as Pan American Day.

From a series of inter-American conferences a better understanding was brought about and the keystone for closer ties of friendship was the machinery set up for prompt consultation on matters of common concern.

In 1940 at Havana it was recognized an aggression of the territory or sovereignty of any nation in the Americas should be considered as an aggression against all.

These policies led ultimately to the act of Chapultepec at Mexico City where it was agreed not only acts of aggression from without should be the concern of all, but also acts of aggression from within the hemisphere against another American State.

The United Nations at San Francisco recognized the importance of such regional arrangements by approving of such agreements in its charter just as the signers of the Act of Chapultepec recognized the United Nations by agreeing its activities should be consistent with the purposes and principles of the general international organization.

So today the Americas have adopted a charter of their own to keep the peace. The 3,000-mile unfortified border between Canada and the United States, the towering figure of the Christ of the Andes high on the border between Chile and Argentina take on a new and added significance.

As I have indicated there have been many factors which have tended to bring about hemispheric security and to consolidate the ties of understanding and confraternity.

Among these is the fact that the Americas of all the areas of the world are best suited for geographical unity. Without the racial and historical prejudices of the Old World they comprise an area equal to 25 percent of the globe—consisting of 12 million square miles of the richest and the most diversified resources of the world. Their climates and crops supplement each other which in and of itself draws the peoples of the hemisphere closer together and creates bonds of solidarity.

Just as we, in the years past, fought and died for our independence in the New World so did the patriots of our neighbors to the south fight for the independence of their respective countries. This, too, provides a common bond of understanding as all these countries have heritages dedicated to the same ideals of independence of nations.

I need not add that in the fields of culture, music, art, and sciences there are great opportunities for progress, because contacts of this character ignore national borders and local differences.

It is significant that in the Americas alone of all the world there is no quota restrictions on immigration to this country.

While I have recited many instances of progress which we in the Americas have made in the past it does little good to blink the fact that there are still many problems to be solved.

The so-called good-neighbor policy is not dependent on any one administration for its execution. The good-neighbor policy is a continuing one. It is the universal desire of the vast majority of our people to have hemispheric unity for the betterment of us all—not just for the present, but as a permanent policy.

As has so well been said, let us improve the inter-American system and remember its interdependence is its foundation, cooperation is its keystone.

Mr. SELDEN. Mr. Speaker, I yield to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, it is highly appropriate that special observance should be dedicated to this day. Perhaps no one would contend that all is perfect between our neighbors to the south and us to the north. But, when one looks back at the comparative progress that has been made, as the gentleman from California [Mr. JACKSON] has described, one can see that it is an amazing accomplishment. At this time, I think it is well that we look to the future to accomplish still greater things in the full realization that we have a common purpose. That common purpose and mutual aspirations expresses itself in the Organization of American States. It is highly appropriate at this time, Mr. Speaker, for us to dwell upon the promise of the future.

Mr. Speaker, it is also apropos to this occasion to add my compliments to the gentleman from Alabama [Mr. SELDEN] for his diligent efforts and his dedication in leading the Subcommittee on Inter-American Affairs of the Committee on Foreign Affairs. The gentleman is doing a splendid job. He has performed ably and with energy and enthusiasm. I compliment the gentleman in highest terms and assure him of my cooperation as a member of his committee to accomplish the greatest possible good in the future.

Mr. SELDEN. Mr. Speaker, the gentleman from Texas is an extremely able member of the Inter-American Subcommittee of the Committee on Foreign Affairs, and I am deeply grateful to him for his kind remarks.

Mr. SELDEN. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. Mr. Speaker, I am happy to join with the gentleman from Alabama in paying my small tribute to our neighbors to the South of us whose friendship we are fortunate to enjoy.

I think that each of these nations has been our friend in time of war, at the political conference, and in trade relations. Not only have those nations been our allies in two great World Wars; but at the conference tables they have, almost without exception, helped us with free world policies. They have stood with us against the Soviet bloc.

One of the significant things that we have not touched on today is the growing economic potential of these nations. As they continue to develop, they become our best customers. One time some years ago, in the early days of the two Republics, there was a war between the United States and Mexico. Today quite the contrary. Mexico, our nearest neighbor to the South, is one of our best customers. As Cordell Hull said, "Nations that trade do not fight." As we look into the future and contemplate the tremendous growth in population in Latin America and the need for roads, for schools, for industrial installations, and all of those things that go with great industrial development, they will continue to take billions and billions of dollars' worth of American goods both from our plants and our farms.

Some of us are inclined to think about Latin America in terms of being undeveloped. This is true in some areas, but I would invite my colleagues to go to Brasilia, beautiful new capital growing up on the plains of Brazil, with its beautiful architecture—a whole city being built at one time by the largest nation in Latin America. Or if you would prefer a great industrial complex where skyscrapers are being built at an unbelievable pace, go to São Paulo, Brazil, or go to Lima, Peru, where was established the first seat of learning in the New World. So these people are undeveloped only in the sense that they do not have the great industrial development that we have in the United States, but they do have the desire, they do have the same dedication to freedom and to the Christian tradition which has built the New World.

I am happy to join with my colleagues on both sides of the aisle in paying tribute to these our friends and neighbors. I, too, regret the development in Cuba. I think this demonstrates so well what happens when you have Communist infiltration and where the institutions of communism take over in place of the institutions of freedom. I would hope that we would succeed in helping the people of Cuba, and that that nation will soon be rid of the problems they have.

My own town of New Orleans has built an institution that we call International House, and there come many visitors from all of these other nations. In International House they have found an atmosphere of friendship and helpfulness.

Mr. SELDEN. I thank the gentleman for his very fine contribution.

Mr. ROONEY. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from New York.

Mr. ROONEY. Mr. Speaker, it was indeed a joy once again to hear a beautiful prayer offered today by my friend and a friend of many distinguished Members of the U.S. Congress, the Reverend Father Joseph F. Thorning, Ph. D., D.D., pastor of historic St. Joseph's Church, Carrollton Manor, Md., and honorary

professor of international relations in the Catholic University of Chile, a pontifical institution.

I should like to join in today's celebration of Pan American Day. The Pan American Union was started in the year 1890, 70 years ago, and has had as its objective the task of bringing the peoples of the Americas closer by advocating constant cooperation mutually advantageous to all concerned.

In the course of its long history, the Pan American Union, and in recent years under its present name as the Organization of American States, still clings to that lofty idea of advocating and advancing mutual aid, better understanding, and pacific settlement of all disputes. It also stands for the creation of a massive common front for combating the forces of Communist totalitarianism in this hemisphere. On this 70th anniversary, let us all hope for success in all its worthy endeavors, and work to strengthen it in the performance of its mutually beneficial, difficult, and delicate tasks. It is my fervent wish that we shall always celebrate Pan American Day in peace and respect and understanding of one another.

Mr. BECKER. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from New York.

Mr. BECKER. Mr. Speaker, in recognition of Pan American Day, it is appropriate that Father Joseph Thorning gave the opening prayer of the House on this occasion because certainly he has given many years of his life, ability, and energy to promotion of good will and understanding between the Americans in both North and South America. He continuously exerts every effort in this direction.

As time moves on, it must be apparent to all of us that our relations with the people of South America must have a firm foundation brought about by a mutual understanding.

Certainly, the recent visit made by President Eisenhower to our Latin American neighbors must have indicated to the world, as it did to me, that on behalf of the United States, President Eisenhower demonstrated the great good will of the American people and the desire for friendship and peace.

It is my sincere hope that today and in the future the friendship between North and South America will ever increase.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Mr. Speaker, Pan American Day is growing in importance year by year. One indication of this is the fact that President Eisenhower for several years past has been proclaiming not only Pan American Day but Pan American Week. There is a very friendly and practical reason for that. Throughout our land, many schools and other organizations, and even entire communities, carry out pan-American festivities on such a large scale that 1 day does not give enough time for celebrating inter-American solidarity and friendship. Of course, the best thing about this is that it represents a continual, year-long attitude, not just a sporadic ceremony. In fact, mutual good will is the basic, the fundamental, attitude of the peoples of our 21 American Republics, no matter what problems or disagreements may from time to time trouble the surfaces of relationship.

One hundred and thirty-four years ago, in 1826, a great President of the United States, a great citizen of my own State of Massachusetts, John Quincy Adams, defined our country's inter-American policy. During the succeeding generations that policy has continued to be fundamental in our hemisphere relations. It has been accepted by the citizens of this country, and supported by our two great national political parties. It was never a partisan pronouncement but the enunciation of a doctrine to which all patriotic citizens can subscribe wholeheartedly.

The occasion was an invitation for the United States to take part in the Pan American Congress in Panama, the first such meeting, which had been convoked by Simón Bolívar. In his message to this House of Representatives regarding acceptance of the invitation, President Adams stated that our country's relations with the other peoples of this hemisphere—we were not yet 21 American Republics, then, but only 9—rest on three basic principles. These principles may be summarized as follows:

First. We should not, in our dealings with the sister nations, seek only our own advantage.

Second. We should maintain cordial good will toward them.

Third. We should all have fair and equal sovereignty.

More than a hundred years later, in 1930, President Hoover issued our first Pan American Day proclamation; and all successive Presidents have done the same. Five years ago President Eisenhower, as I have noted, proclaimed Pan-American Week as well as Pan American Day, and has continued that as an annual custom.

There have been many historic milestones in hemisphere progress toward cooperation and interdependence. One of the most impressive was the Inter-American Conference on Problems of War and Peace, held in Mexico City in 1945. It is one of my proudest memories as a citizen that I was a member of the U.S. delegation to that meeting, which restated so eloquently the justification for continental consultation. It was this Conference which adopted the act of Chapultepec, calling for joint defense of all the American Republics in event of foreign aggression against any one of them since, when the safety of one American Republic is endangered, the threat is to the safety of all.

Our inter-American policy is not just an emergency measure to aid in time of crisis, however. It is a day-to-day relationship, something that has become a part of our national way of life. The American Republics have firmly established and developed good neighborliness and good partnership. Inter-American cooperation is of utmost value in maintaining peace in this hemisphere, and in enlarging the horizons of opportunity and progress for all the American peoples. In so doing, nothing is more sure than that we are likewise contributing toward peace throughout the world, and enlarging opportunities for all mankind.

Mr. MATTHEWS. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Florida.

Mr. MATTHEWS. Mr. Speaker, I want to associate myself with the many wonderful things that have been said about our neighbors and friends in the Latin American nations.

I want particularly to congratulate the gentleman from Alabama for the leadership he has taken in this matter, and to remind the House that just yesterday under his leadership we passed a bill which would designate a certain area in the District of Columbia as "The Plaza of the Americas."

I think it is of special interest for me to point out to the House that just this morning in my office I had the pleasure and honor of speaking to about 25 young men from Bolivia who have been attending my alma mater, the University of Florida, at Gainesville, and who are now visiting in the Nation's Capital.

In the plaza designated yesterday there is a statue of Simón Bolívar, and these young men from Bolivia, a country named after the great liberator, were very pleased to note the action that the House took yesterday.

I emphasize again, Mr. Speaker, the fact that the problems of this world are not all economic and material; they are also, at least to a very great extent, spiritual problems; and that our friends appreciate the amity we have for them so far as the same spiritual yearnings are concerned.

The State of Florida is very close to the Latin nations. The very name "Florida" is a Spanish word. We entertain great friendship toward our sister nations to the South, and I am sure we will extend to our sister Republics in the Latin American nations tangible evidence of that friendship in the years that are to come.

I thank the gentleman for yielding to me.

Mr. SELDEN. Mr. Speaker, I thank the gentleman from Florida for his complimentary remarks and I would like at this time to commend him for the very fine leadership he showed in bringing before his subcommittee and the full Committee on the District of Columbia the bill to which he referred a moment ago, and for the expeditious passage of the measure.

In closing, Mr. Speaker, let me say it is most meaningful to have with us today a clergyman who has for many years taken a very active and effective interest in the proceedings of Pan American Day here in the House of Representatives. I refer, of course, to our friend, Dr. Joseph Thorning, who opened the session today with a beautiful prayer asking for divine guidance and the strengthening of friendship between the peoples of the Western Hemisphere. We are most

happy to have him with us during the observance of the 70th anniversary of the Organization of the American States.

Mr. FASCELL. Mr. Speaker, today the Congress of the United States and the legislatures of many of our sister Republics in the Americas pause in the consideration of government business to dramatize Pan American Day—to give oratorical form to the mutual feeling of friendship which is manifest in our day-to-day relationships.

It is coincidental to the observance of Pan American Day that there have been so many recent evidences of multilateral interest in the maintenance and strengthening of the historic bonds which unite the Americas in the common cause of freedom and justice.

Just last week, the Congress of the United States was honored to hear in joint session the remarks of Dr. Alberto Lleras-Camargo, the distinguished and able President of the vibrant and growing Republic of Colombia.

During his stay in Washington, Dr. Lleras and President Eisenhower conferred on conditions in Latin America. This week, Dr. Lleras will be guest of honor at a civic banquet and round of appearances in Miami, Fla., as a part of the activity of the People to People Program, which has done so much in its 4-year history to advance the cause of world peace.

The people of the Fourth Congressional District and the State of Florida are very grateful to this outstanding world statesman for taking the time from a very demanding schedule to meet with us in the interest of global understanding.

Just yesterday, the House of Representatives passed a resolution to designate an area in the District of Columbia as the "Plaza of the Americas" as a symbol of our high respect for our neighboring nations.

And it was just 3 weeks ago that the House of Representatives passed a bill, which I also was privileged to cosponsor, to purchase certain land in the District of Columbia for donation to the Pan American Health Organization as a site for its new headquarters.

Within the past few months, the President of the United States and the distinguished junior Senator from Florida, the Honorable GEORGE SMATHERS, have traveled south of the border to show our interest in that area and to give official meaning to our friendship. In addition, Mr. Adlai E. Stevenson, one of the Nation's leading citizens, has just concluded a Latin American tour to learn of the problems of our neighbors and to foster good will.

Each of these incidents certainly is important in itself. But, taken together they reflect a pattern of interest and concern that augurs well for the maintenance of sound relations. The complexity of international affairs today demands that we constantly reevaluate our policies and programs, keeping ever in mind the problems being created by change daily in our Nation and within and among the Republics of Pan America.

Static friendship is not durable. Friendship taken for granted is not friendship at all. Meaningful friendship among nations must be vital, dynamic. It must be based on understanding of one another's problems. This kind of understanding is born of exchange of ideas and frank discussion among leadership in all walks of life. This is one reason I am so pleased with the visit here of Dr. Lleras and the trips to the Americas of our leading officials and citizens.

The people of the Republics of Pan America have set their sights high; and as the result of the indomitable spirit with which they are blessed, and an overwhelming dedication to the cause of self-sufficiency and freedom, they are taking giant steps forward culturally and economically.

We should be, and are, proud of our friendship with people of this character. We can learn much from them. Our continued friendship can be mutually invaluable.

So, on this observance of Pan American Day, we pay tribute to our neighbors to the south. And, further, we should resolve to continue and to broaden our mutual cooperation and to remain constantly alert to each other's problems lest we stumble over avoidable misunderstanding.

Mr. GALLAGHER. Mr. Speaker, Pan American Day provides all Americans of this hemisphere with the opportunity to stop and contemplate where we are heading and to assess the strengths and weaknesses of the American system. For us of the United States it is a fitting occasion to look to our responsibilities as a great power and consider whether or not we are bearing these responsibilities commensurate with our power.

No one can seriously doubt that our greatest enemy, real and potential, in world affairs is communism. We of the United States have understood this threat to our security in all its diverse manifestations; but we have understood it more in terms of its application to Europe rather than to our own backyard. For seemingly inexplicable reasons, we have taken for granted our sister republics of Latin America and held the naive faith that they would never be threatened by Soviet Russia.

But as recent events have shown, many of us have underestimated the strength of Moscow's fifth column, the world Communist movement. We witnessed an attempted Communist coup in Guatemala a few years ago, but seemed to relax when that danger subsided. Now, however, we are witnessing an even greater threat in Castro's Cuba which lies at our very doorstep. Reports by responsible authorities indicate that leading minds in the Castro movement are probably Communists or at least fellow travelers. This shift to the left in a movement that originally had our wholehearted support seems to be accelerating, and at this moment we honestly do not know how far it will go. We do know—and there can be no doubt about this—that the Cuban situation is full of danger for us and our sister Republics in the American system.

Yet, the problem of Cuba is only a microcosm of the larger problem of Latin America, namely, the state of protracted economic distress. Democracy as we know it cannot flourish in poverty, and it cannot exist for long in political and social structures unsuited for the current era.

On this Pan American Day it behooves us, therefore, to think through some of the imminent dangers to our security, as that posed by Castro's Cuba. It also behooves us to think through the larger and underlying economic problems besetting our hemisphere so that we as the leading nation of this American constellation of states can assume the responsibility our power imposes.

Mr. DADDARIO. Mr. Speaker, as we come to Pan American Day we recall again the reasons for the unity among the American Republics and for setting aside this day to celebrate our solidarity and common interests.

From the beginnings of the independent existence of these Republics we began an experiment in this hemisphere, an experiment in republicanism, in government of, by, and for the people. Isolation from the old centers of power in Europe offered a measure of security for this experiment. But isolation was not sufficient to provide certain security. Divided and weak, many of the new Republics found themselves relatively defenseless. The famous warning to threatening powers issued by President Monroe, a manifestation of the pan-Americanism we are celebrating, was made in the attempt to safeguard the Republics and the precious experiment which has contributed so much to human liberty.

We have seen in more recent times how a new threat from Europe, the threat of fascism and Hitlerism, brought the American Republics still closer together. I am sure we all recall how complete was the mutual assistance and cooperation manifested during those years of World War II when democracy hung in trembling balance.

With the end of the war came an inevitable relaxation and each country turned to its own problems and to its own pursuits. With the physical threat to the security of the hemisphere removed, the sense of allegiance to mutually held ideals was somewhat dimmed, the close unity was somewhat faded.

But although one physical threat was removed 15 years ago, another threat to the fundamental principles we all share has arisen. Now, as much as ever before, we need to stand together and to work actively together for the common good and security. We have stood fast when the threat to our democracy and our way of life came from the outside. We must also stand fast against the threat when it burrows from within. We know the nature of the threat. We know how it operates—by stealth, deception, and force. We know that if this power establishes itself in any part of this hemisphere, the unity which has been our strength will be breached.

This is a threat and a challenge which we can meet as we have met other challenges and threats in the past. The way to meet this challenge is by improved democratic procedures, higher standards of living, education, land re-

form, all of those economic and social measures which would put into practice the ideals of freedom and of equality of opportunity which we have always cherished. Although each country bears primary responsibility for meeting this challenge within its own borders, mutual cooperation could strengthen us all. We must reforge pan-Americanism on a new basis of greater freedom and rising standards of living.

Only by doing so will the cherished unity which has prevailed in the past continue in the future. Only by doing so can we continue to celebrate Pan American Day with the gratitude we feel at this moment.

Mr. O'HARA of Illinois. Mr. Speaker, it is a privilege and a pleasure to join with the great chairman of the Inter-American Subcommittee of the Committee on Foreign Affairs, the distinguished gentleman from Alabama [Mr. SELDEN] in extending to our sisters Republics and the men, women, and children in all the areas of our hemisphere, our greetings and our every good wish. This hemisphere is our home and all who live on it are of the same hemispheric family. What is good for any of the Republics is good for all the Republics. As time moves on, I think we will more and more realize the truth of this statement. Our annual observance here in the House of Representatives of the Congress of the United States of Pan American Day is the very best indication of the depth and sincerity of our interest in hemispheric friendship and hemispheric solidarity.

I am greatly heartened by the progress we are making. The recent visit to this Chamber at a joint session of the Congress of His Excellency Alberto Lleras-Camargo, President of the Republic of Colombia, pinpointed the closeness of the ties that bind us. The words of the President of Colombia, framed in the diction of a scholar and voiced in the eloquence of sincerity, moved us deeply. The warmth of his reception, Members standing on their feet and applauding long and loud, must have impressed the President of Colombia with our friendship for him, for his country, and for the peoples of all our sister Republics to the south of us.

Soon the Inter-American Highway will be opened as far as Panama, and thousands of touring Americans will get to know personally the peoples of the many lands that stretch from the United States to Panama and Colombia. We get closer in understanding when we get to know people. Misunderstanding quickly disappears when hands are clasped in greeting.

The establishment of an Inter-American Development Bank is another long step forward. I expect great benefits to come from the credit this Bank will extend to worthy ventures, especially in the smaller nations. It is something that our hemisphere has long needed. I would say, Mr. Speaker, that its establishment will prove the greatest contribution that has been made in many years to hemispheric solidarity.

Mr. Speaker, I think I should take this opportunity to mention something that I find cropping up in the conversation whenever I talk with visitors from Latin America. This is the need for stabilization. Unless there is a stabilization of prices for their products, many of our neighbors to the south will suffer from fluctuating economies. I appreciate that it is a difficult problem, but it is a problem to which we must give our most serious attention. I anticipate with confidence that the stabilization so urgently demanded will be accomplished. As the years roll on more and more the people of this hemisphere will be united in understanding and in affection. I repeat, this hemisphere of ours is the common home of all who live on it. It is the mission of the United States to serve, in the spirit of a family member, the other members of the hemispheric family. All we seek is the opportunity to help in every way, as one of good heart serves his friend and his neighbor.

I am happy to have had this opportunity of participating in this observance of Pan American Day.

Mr. IRWIN. Mr. Speaker, I am happy to comment on the pending celebration of Pan American Day.

At this time, I believe it is more important than ever before that we reaffirm the expressions of friendship and cooperation among the 21 Republics of the Organization of American States.

We have been told that our prestige in Latin America is at its highest point in history but I believe we all realize that this is not a fact, that our position in Latin America has never been as perilous.

We must reestablish strong, wholesome relationships with Latin American nations to avert the consequences toward which we are presently headed.

Through the Organization of American States, we have made progress in fostering inter-American economic, political, and cultural cooperation.

It is urgent that we increase our participation in such efforts.

At the same time, it is of critical importance that we give all Latin America a precise description of our long-range objectives, of our programs and hopes for the free people of Latin America. We must explain our democratic system of government and outline the role that private enterprise can serve in development of Latin American countries.

Mr. MULTER. Mr. Speaker, on April 14, 1890, the Latin American Republics and the United States adopted a resolution by which the first attempt at continuing cooperation between the nations of the Americas was launched.

Today marks the 70th anniversary of that memorable occasion when the inter-American system was born.

Since 1890 many changes have taken place. The name of the Pan American Union has been changed to that of the Organization of American States. With a change in name there was also a change in policies, attitudes and programs between the nations forming this novel experiment in international relations. Mutual understanding and cooperation increased.

No longer is the inter-American system simply a clearinghouse for economic and commercial information. The measures taken by the member states since World War II to strengthen the bonds of cooperation are numerous.

It is gratifying that on the 70th anniversary of this unique institution—the Organization of American States—one of the most important projects for inter-American cooperation has been officially established. I refer to the creation of the Inter-American Development Bank. Undoubtedly economic cooperation in the inter-American system is in the forefront of our relations with our neighbors to the South.

It is impossible to view with indifference the increasing economic problems confronting the Latin American people today. Consequently, more effective cooperation of all the inter-American system in the economic field is needed today. The creation of the Inter-American Development Bank should be a great stimulus to those forces working to bring about greater prosperity and well-being to all of us in the Western Hemisphere.

Without a doubt the inter-American system has advanced a long way since 1890. Its record is one of continuous progress and positive achievements. It is a record that will also show our united determination for a happier and a better America.

Mr. BOLAND. Mr. Speaker, on the occasion of the 70th anniversary of the founding of the pan-American system, it gives me great pleasure to extend my best wishes and sincere feelings of friendship and admiration to our sister Republics south of the Rio Grande. Pan American Day has come to be a commemorative symbol of the sovereignty of the American nations and the voluntary union of all in one continental community.

It should be restated that the Latin Americans are in a special position with relation to us. They constitute the one really effective regional organization—in the full sense of that term—that exists in the world today—an organization with a long, historical tradition that on many occasions has demonstrated its effectiveness. It is not a mere military alliance, for the inter-American regional system has far broader purposes and objectives.

It is my dearest hope, therefore, that the unity, friendship, and understanding, that has traditionally characterized the pan-American system, will be increased and strengthened. Thus, on this memorable day I move to ask all of the Americas to join in a common effort to fortify this free and unique association.

PUBLIC WORK PLANS UNDER WATERSHED PROTECTION AND FLOOD PREVENTION ACT

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Appropriations:

APRIL 11, 1960.

HON. SAM RAYBURN,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as

amended, the Committee on Public Works has approved the work plans transmitted to you which were referred to this committee. The work plans involved are:

State	Watershed	Executive Communication No.	Committee approval
Alabama and Georgia	Terrapin Creek	1964	Apr. 6, 1960
Arkansas	East Fork Point Remove Creek	1964	Do.
Do	West Fork Point Remove Creek	1964	Do.
Kentucky	Beaver Creek	1964	Do.

Sincerely yours,

CHARLES A. BUCKLEY,
Member of Congress, Chairman, Committee on Public Works, House of Representatives.

PAYMENT OF SALARIES OF EMPLOYEES OF THE SENATE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 178.

The Clerk read the Senate joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the compensation of officers (other than Senators) and employees, whose compensation is disbursed by the Secretary of the Senate, shall be payable on the fifth day of the month following the month in which such compensation accrued, except that—

(1) all such compensation for the month of December shall be payable on the twentieth day of December;

(2) when such fifth or twentieth day falls on Saturday, Sunday, or on a legal holiday, such compensation shall be payable on the next preceding workday; and

(3) any part of such compensation accrued for any month may, in the discretion of the Secretary of the Senate, be paid prior to the day specified in the preceding provisions of this section.

For accounting and reporting purposes, disbursements made in accordance with this section on the fifth day of a month, or on the next preceding workday if such fifth day falls on Saturday, Sunday, or a legal holiday, shall be considered to have been made on the last day of the preceding month.

SEC. 2. (a) The joint resolution of May 21, 1937 (50 Stat. 199; 2 U.S.C. 60d), is amended by striking out the words "the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives" and inserting in lieu thereof the following: "The Clerk of the House of Representatives is authorized and directed to pay to the officers and employees of the House of Representatives".

(b) Section 2 of the joint resolution approved May 21, 1937, as amended (53 Stat. 802; 2 U.S.C. 60e), is amended by striking out "The Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives", and inserting in lieu thereof "The Clerk of the House of Representatives is authorized and directed to pay to the officers and employees of the House of Representatives".

(c) The last paragraph under the heading "Contingent Expense of the House" in the First Deficiency Appropriation Act, 1946 (59 Stat. 633; 2 U.S.C. 60e–1), is amended to read as follows:

"Whenever the usual day for paying salaries in or under the House of Representatives falls on Saturday, such salaries may be paid on the preceding workday."

SEC. 3. This joint resolution shall be effective with respect to compensation accruing on or after the first day of the month following the month in which it is enacted.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 43]

Adair	Flynt	Morris, N. Mex.
Addonizio	Fogarty	Morris, Okla.
Albert	Ford	Multer
Alexander	Frazier	Mumma
Allen	Gallagher	Norrell
Andersen, Minn.	Gilbert	O'Brien, Ill.
Barden	Granahan	Osmers
Barrett	Grant	Philbin
Bass, N.H.	Gubser	Pilcher
Baumhart	Hargis	Pillion
Bennett, Mich.	Harrison	Porter
Bentley	Healey	Powell
Blitch	Hess	Preston
Bonner	Hoffman, Ill.	Pucinski
Bowles	Holt	Quigley
Bray	Horan	Reece, Tenn.
Brewster	Jackson	Riehlman
Brooks, La.	Jarman	Rodino
Brown, Mo.	Jones, Ala.	Rogers, Colo.
Buckley	Judd	Rostenkowski
Burdick	Kasem	St. George
Canfield	Kearns	Santangelo
Casey	Kluczynski	Schwengel
Celler	Lafore	Shelley
Chamberlain	Landrum	Sheppard
Chelf	Lesinski	Siler
Coffin	Libonati	Spence
Cohelan	Loser	Steed
Collier	McDowell	Taylor
Colmer	McGovern	Teller
Corbett	Marshall	Thompson, Tex.
Davis, Tenn.	Mason	Ullman
Dawson	May	Van Pelt
Dent	Merrow	Weis
Diggs	Meyer	Wharton
Dowdy	Michel	Wier
Doyle	Miller, George P.	Willis
Dulski	Miller, N.Y.	Withrow
Edmondson	Mills	Yates
Farbstein	Mitchell	Zelenko
Fascell	Montoya	

The SPEAKER. On this rollcall 309 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPROPRIATIONS FOR DEPARTMENTS OF STATE, JUSTICE, JUDICIARY, AND RELATED AGENCIES FOR FISCAL YEAR 1961

Mr. ROONEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11666) making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961, and for other purposes; and, pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 2 hours, the time to be equally divided between the gentleman from Ohio [Mr. Bow] and myself.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 11666, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from New York [Mr. ROONEY] will be recognized for 1 hour, and the gentleman from Ohio [Mr. Bow] will be recognized for 1 hour.

The Chair recognizes the gentleman from New York [Mr. ROONEY].

Mr. ROONEY. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, this bill carries appropriations for the coming fiscal year, to wit, fiscal year 1961, which begins this coming July 1 for the Department of State, the Department of Justice, the Federal Judiciary, the U.S. Information Agency, the President's so-called special international program, and the Commission on Civil Rights.

At the outset I should like to extend my grateful appreciation for their splendid cooperation in preparing this bill to my colleagues on the subcommittee, the gentleman from Georgia [Mr. PRESTON], the gentleman from Florida [Mr. SIKES], the gentleman from Washington [Mr. MAGNUSON], the ranking minority member, the gentleman from Ohio [Mr. Bow], the gentleman from California [Mr. LIPSCOMB], and the gentleman from Michigan [Mr. CEDERBERG].

Also, I should like to express the appreciation of myself and all the members of the subcommittee to the highly capable staff assistant to the subcommittee, Mr. Jay B. Howe.

Mr. Chairman, the committee had before it for consideration appropriations estimates submitted by the President's Bureau of the Budget in the total amount of $713,803,755. After extended hearings, the subcommittee—and the action was subsequently approved by the full committee—recommended in the pending

bill a total amount of $676,579,807. This is a reduction of $37,223,948, or over 5 percent in the amount of the President's budget estimates and is an increase of $14,563,161 over the appropriations to date for the current fiscal year.

It should be noted, however, that the fiscal year 1960 appropriation figures do not include substantial amounts contained in the second supplemental appropriation bill for 1960, the conference report on which bill was acted upon in this House one day last week.

Of the total recommended by the committee in the bill, the committee has required that no less than $53,095,000, or approximately 8 percent of the total 1961 fiscal year appropriation, be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States.

The following table summarizes the amounts recommended in the bill in comparison with the corresponding budget estimates and 1960 appropriations:

Department or agency	Appropriations, 1960 [1]	Estimates, 1961	Recommended in bill for 1961	Bill compared with—	
				1960 appropriations	1961 estimates
Department of State	$222,305,500	$247,013,610	$223,784,754	+$1,479,254	−$23,228,856
Department of Justice	266,100,000	280,900,000	278,220,180	+12,120,180	−2,679,820
The Judiciary	48,450,900	52,501,965	49,800,045	+1,349,145	−2,701,920
U.S. Information Agency	118,234,746	123,793,180	116,988,980	−1,245,766	−6,804,200
President's special international program	6,145,500	8,600,000	6,935,848	+790,348	−1,644,152
Civil Rights Commission	780,000	995,000	850,000	+70,000	−145,000
Total	662,016,646	713,803,755	676,579,807	+14,563,161	−37,223,948

[1] Appropriations contained in the 2d supplemental appropriation bill, 1960, are not included.

The first item in the bill concerns the Department of State. The request for that Department was in the amount of $247,013,610. The committee allowed $223,784,754 which is a reduction of $23,228,856 in the amount of the budget estimates, or an increase of $1,479,254 over the appropriations for that department in the current fiscal year.

I might say before I get into the Department of State figures, that in the overall bill, as the result of the committee action on this bill, there will be a net increase in positions of approximately 190. Of these added positions 137 of them are in connection with the FBI, and a program for the hiring of low-salaried personnel, all of them clerks, to work in improving and substantially increasing the efficiency of the FBI identification division fingerprint operations.

With regard to the requests for additional personnel submitted to the committee, the committee has decreased these requests by approximately 1,100 positions.

To revert to the Department of State phase of the pending bill, and in connection with the item salaries and expenses for that Department, the committee points out that in the present fiscal year the Department of State has 13,331 permanent positions provided for, of which 4,589 are domestic and 8,742 are in the Foreign Service. Their requested increase was for 568 new positions in the coming fiscal year. The committee has not approved this request for these additional 568 positions, but has provided sufficient funds to maintain the current 1960 position level. The necessary reduction in positions can be made in existing operations to supply the positions required for new programs including new posts and elevations of posts to diplomatic status.

It is expected in connection with the completion of the new $53 million building for the Department of State here in the District of Columbia, that substantial savings will be made. The effectiveness of the operations of the Department should be increased for the reason that the Department has been, prior to the completion of this building—and it is not totally completed as yet—as I recall, in 22 different locations here in Washington.

With regard to the Foreign Service Institute which is connected with the Department of State, and funds for which are included in the overall item of salaries and expenses, Department of State, the committee found that approximately 700 wives of personnel were being given foreign language courses without any authority in law whatever. We point out on page 3 of the committee report that it seems somewhat incongruous that approximately 700 dependents can be trained in the Foreign Service Institute at a cost of practically nothing, as claimed by Foreign Service Institute officials, although whenever they propose to train a small number of additional personnel, such a proposal is always accompanied by a request for additional funds. The fact that the Foreign Service Institute has been training dependents without legal authority therefor might conceivably have some bearing on these estimated costs.

The Foreign Service Institute, together with the Office of Personnel of the State Department, have done many things which have been pretty hard to understand. You will recall the situation described in the printed hearings where, after teaching a gentleman Chinese at substantial cost to the taxpayer, he was then assigned to London. There have been some newspaper accounts with regard to this and I understand an article appears in a magazine today offering some explanation to the effect that he was sent to London to serve as a translator. There is not any accuracy at all in this belated assertion. He was a low-level employee and was sent to London to sit down with a chap in the British Foreign Office who was also a student of Chinese so they would transact their British-American diplomatic business together in Chinese rather than in English. The Department agreed that the postcurriculums study of these two gentlemen extended to visits to Chinese restaurants in London where they could discuss their business and the topics of the day with one another in Chinese.

We have tried to get the State Department to do something with regard to this Foreign Service Institute for the past number of years. There is not a member of this committee who does not believe that our Foreign Service personnel should be adequately trained and fully equipped in a foreign language, but the Department just does not seem to want to change its course. The Foreign Service Institute is presently leasing garage space in Arlington Towers across the river in Virginia at a cost of $3.75 a square foot. They have a 5-year lease on that space, but 60 out of 100 classrooms were found on a number of occasions to be vacant during the hours of 9 in the morning to 4:30 in the afternoon.

I think the story of the mismanaged Foreign Service Institute is fairly well covered in the hearings which have been printed and which you have available to you. This is one area of the State Department that once again I say must be cleaned up. They just do not know what they are doing. They cannot tell you how much it really costs to teach a Foreign Service officer or an employee foreign languages. The committee has felt all along that they should consult with recognized universities. There are three universities here in Washington giving courses in all languages. You have great universities throughout the United States teaching languages. The committee is convinced that the taxpayer would be far better off to send these people to recognized universities, such as Syracuse, the University of Indiana or in other parts of the country, as well as to Georgetown University, American University, and George Washington University here in the District of Columbia. The committee thinks that if the department will well and truly explore this we could very well conclude the foreign language teaching in the Foreign Service Institute where they do not know what they are doing, and if they do not know what they are doing I wonder what good their teaching is as far as their students are concerned.

As to representation allowances, a subject dear to the heart of my distinguished friend the gentleman from Iowa, the committee has seen fit to cut this request by $40,000. The amount would be an increase of $10,000 over the amount for this purpose in the current fiscal year. This increase is allowed in order to provide for the opening of new posts and the elevation of consular posts to full diplomatic status.

As to acquisition, operation, and maintenance of buildings abroad, the committee has included in the bill $15,223,000 for these purposes. The amount allowed is $2,149,000 less than the amount appropriated for the current fiscal year and $6,999,000 below the amount of the President's budget estimates.

There are two items involved here. As to the first item of $10,723,000 included in the bill under this heading this amount exhausts the total authorization for both dollars and foreign credits. The committee, therefore, had no alternative but to deny the remaining $6,649,000 of the request, for which there is no legal authority.

Proceeding now to the item "Extension and Remodeling, State Department Building," the committee has included the amount of $225,000 for this purpose, which is $575,000 below the sum requested in the President's budget. The amount allowed is for recording, projection, and interpreting equipment and for furnishings and finishings of the eighth floor where the State dining room and adjacent reception areas are located. The committee feels that, of course, this State dining room and these reception areas must be completed as part of this new $53 million building, the largest here in the Nation's Capital, but it should be done on a more modest scale than the one presented to the committee.

You will recall that the committee fully explored the details of the items which make up the requested $180,800 for these furnishings and finishings, and has furnished the facts in the printed hearings.

As to "Contributions to international organizations," the committee, as in every year, is confronted with no alternative but to sign the check for commitments previously made with regard to these international organizations. We take the position that if we are members of these international organizations we must pay our dues. The dues are determined in the organization itself and as long as we are members we must pay our share.

Now, as to international conferences and contingencies, the committee has included in the bill $1,843,000 to provide funds for the cost of participating in recurring and emergency international conferences and other activities arising in the conduct of foreign affairs. The amount allowed is $57,000 below the amount originally appropriated for the current fiscal year and is $607,000 below the amount of the President's budget estimate. However, when comparative transfers are taken into consideration, the amount allowed for fiscal year 1961 is the same as that for fiscal year 1960.

Next is the item entitled "International Tariff Negotiations," and I think this is the one that my distinguished friend from West Virginia intended to rise on. I should be glad to yield to him later on in regard thereto. We had a budget request in the amount of $900,000, which we considered utterly exorbitant, and therefore included in the bill two-thirds of this amount, to wit, $600,000.

Now, to pass on to the Department of Justice, the total amount contained in the bill for that Department is $278,220,180, a reduction of $2,679,820 in the amount of the budget estimates and an increase of $12,120,180 over the amounts appropriated for the current fiscal year.

The increases allowed are distributed as follows: Legal activities and general administration, $1,475,180; Federal Bureau of Investigation, $3,400,000. This will include, as I said awhile ago, the 137 additional clerical positions in that agency. The increases, further, are in the Immigration and Naturalization Service in the amount of $2,300,000, and the Federal Prison System, $4,945,000.

There is an item in connection with the appropriation for U.S. attorneys and marshals which has been given careful consideration by the committee. It concerns the appointment of land commissioners by judges in certain parts of the country. A practice on the part of these judges has developed into such a highly costly procedure that the committee has inserted language in the bill which would provide that none of the funds may be used for the compensation of commissioners appointed in lands cases under rule 71A(h) of the Federal Rules of Civil Procedure. This has been done at the suggestion of not only the Department of Justice but representatives of the Federal judiciary who advise that the use of these commissioners has gotten entirely out of hand, and that certain judges have been using the method presently permitted by law to incur exorbitant expenses which were never previously anticipated. For that reason there is no money included in the bill for these land commissioners. You will notice that at page 11 of the committee report reference is made to certain testimony of Assistant Attorney General Perry W. Morton, head of the Lands Division.

As to the Federal prison system, the amount included in the bill will provide for the carrying on of that system in the coming fiscal year. The committee has allowed the full amount, namely, $8,875,000 to complete the construction of the new maximum security institution at Marion, Ill., for which $1 million, you will recall, was appropriated last year. It is expected that this will complete the cost of construction of this new maximum security prison.

As to the Judiciary, the bill includes appropriations for the highest court, the Supreme Court of the United States, the Court of Customs and Patent Appeals, the Customs Court, the Court of Claims, the Courts of Appeal, the District courts, as well as other judicial services including salaries and expenses of referees in bankruptcy.

It should be noted, at page 17 of the committee report, that bankruptcies are once again at an all-time high. I should point out that in 1952 we had in number of bankruptcy cases filed 34,873 cases. Now we find that the expert estimate for the coming fiscal year of number of bankruptcy cases to be filed is 110,000.

In explaining this item for the Courts of Appeal, District courts, and other judicial services we found an interesting situation which shows how some bills get by this House and the other body on the Consent Calendar.

In this budget there was orginally a request in the amount $953,600 for additional law clerks and secretaries to judges. This request, mind you, for $953,600, was based upon the passage of Public Law 86-221 approved last September 1. When the request for this legislation was forwarded here to Capitol Hill and to both Houses of Congress, a letter of transmittal which accompanied the submission of this legislation to the Congress, which letter was signed by the Director of the Administrative Office of the United States Courts, in urging the passage of this legislation now known as Public Law 86-221, said:

> It would thus make for better and more expeditious administration of justice in the Federal courts and improve the service to the public with, it is important to emphasize, no additional expense to the Government.

In the House report on this very bill, House Report No. 344 from the Committee on the Judiciary this was stated:

> The committee believes that enactment of this legislation will result in eliminating an unnecessary administrative requirement and will improve the operation of the Federal courts at no additional expense.

Notwithstanding the statement in the letter and the statement in the report of "no additional expense," the additional sum of $815,900 was requested in this item as well as $137,700 for travel and miscellaneous expenses.

Needless to say the committee, after consultation with Members concerned from the House Committee on the Judiciary, disallowed every nickel of this request.

We now come to the U.S. Information Agency where a total of $116,988,980 is included in the bill in four appropriation items for this agency. The total allowed is a decrease of $1,245,766 below the amount appropriated for the current fiscal year and is a decrease of $6,804,200 in the budget request.

We feel, those of us on the subcommittee, all of whom believe in having an adequate Information Agency and having it operate properly, that they have just too much money. We came across, not one instance such as the one I am going to relate to you, but many, many instances throughout Europe, particularly in Germany, where people were and are being paid far in excess of the amounts allocated by the agency itself for the positions they hold or held.

For example, there was a cultural affairs officer in Iceland. We inquired as to his salary. It was $8,610 per annum. We further inquired as to the kind of job he did. We were told he did a fine job, he was a fine cultural affairs officer. Incidentally he was administering, as we found out later in the bill, a $1,900 a year cultural program.

He was doing this very fine job according to the agency when it was decided to transfer him to Vienna. So they moved up from Germany a lady employee who took the place of this $8,610 a year competent gentleman at a salary $5,500 a year in excess of his; a $14,190-a-year employee to take the place of and do the same job as an $8,610-a-year employee.

Now you may understand why I say they just plain have too much money. They cannot handle it. The committee seeks by its action on this bill today to attempt to tighten their belt a bit so that we get some semblance of common sense in their administration.

In regard to this instance of a $14,190-a-year employee taking the place of a satisfactory $8,610-a-year employee, when Mr. Allen, the Director, was asked by the distinguished gentleman from Ohio [Mr. Bow] what a situation such as this would mean to morale in the agency, what that cultural officer who was getting $8,610 a year would think when he found he was supplanted by a lady getting $5,500 a year more, Mr. Allen said, why, he would write back to the folks at home and tell what a great thing it was that the $8,610-a-year position he filled was later filled by a lady getting $5,500 a year more.

I believe I can fairly say that this was the best explanation given by the Information Agency as to facts to which I have alluded. I do not want you to think this is just an isolated instance. If you will read the hearings you will find maybe 30 instances of the same sort of thing in Europe alone, all plush jobs to take care of people who have good standing in the club.

With that I shall pass on to the item, "Funds Appropriated to the President." Included in this bill is the sum of $6,935,848 for expenses necessary to enable the President to carry out the provisions of the International Cultural Exchange and Trade Fair Participation Act of 1956. Since there will be as of June 30 next an unobligated balance of $104,652 from the moneys appropriated for the American National Exhibition held in Moscow last summer, the committee has allowed this balance together with new funds in the bill which will provide a total of $7,040,500 for this program. Of this total amount $630,000 is for the Turin Centennial Exposition at Turin, Italy. When the amount for the Turin Centennial is deducted from the total available there remains $6,410,500 for the regular phases of the program, which is exactly the same amount as they have for these purposes in the current fiscal year.

As to the item in the bill entitled "Federal Prison Industries, Inc.," the committee has nothing but praise for the operation of this program. This is a Government corporation which has earned millions upon millions of dollars for the taxpayers in keeping inmates of our penal institutions busy with work, and then realizing a profit from the work. I should say that this item does not at all require the expenditure of taxpayers' dollars.

Finally, with regard to the Commission on Civil Rights, there is included in the bill the sum of $850,000 for necessary expenses of the Commission in the coming fiscal year. The amount carried in the bill is $70,000 over the amount appropriated for the Commission in the current fiscal year. As to this item, there was a difference of opinion in the committee. Some, as I, thought the reduction in the budget request should not be as much as it was. Others, thought it should have been more.

So, Mr. Chairman, I now yield to the distinguished gentleman from Iowa [Mr. GROSS].

Mr. GROSS. I thank the gentleman for yielding. I wonder why we have any cultural program at all in Iceland? Can the gentleman give us any reason why we should have a cultural program there?

Mr. ROONEY. Well, I always frankly admit that when it comes to culture I might be called the uncultured gentleman from Brooklyn. I say this as the result of the 16 years that I have had to do with this bill. I do not understand a lot of things that they do these days under the guise of culture. But I do recognize the fact that we Americans have quite some culture and so in connection with the program in Iceland, if they wish to present some proper aspects of our American culture to the folks in Iceland, it may very well be a good thing.

Mr. GROSS. With respect to the new State Department building; does the gentleman not think that even with the reduction in the amount of money to be expended that that is going to be a pretty plush establishment?

Mr. ROONEY. I will agree that it is not by any means going to be a niggardly approach. But this is a new $53 million building. Included in the plans of the building there is a state dining room and reception area. Instead of having the situation such as happens at times when the President of France or the head of some other government necessarily has to be entertained, when our Government must use Anderson House, as it does on occasion, or if there is a larger group invited, must use the Pan American Union, this will concentrate this sort of thing all in one place. I do not see any objection to this as long as it is done on a modest, appropriate scale. For that reason, the committee has included in the bill sufficient moneys to appropriately do the job.

Mr. GROSS. I was interested in reading in the hearings where someone from the Department of State suggested that Members of Congress were apparently already looking with longing eyes at those new dining and drawing rooms—looking with these longing eyes to the use of these facilities. Does the gentleman think that that is going to become, as someone on his committee referred to it, Washington's Top of the Mark?

Mr. ROONEY. I am the gentleman who referred to it as Washington's Top of the Mark, and I meant that as a compliment. The view from the eighth floor of this new State Department building, the view overlooking the Washington Monument and the Capitol at night is really beautiful. This is truly going to be the top spot in town. If the gentleman from Iowa is suggesting my using the state dining room or the facilities there for a party, the gentleman is mistaken. I recall asking about the use of this building and I got the answer that some Members from Capitol Hill might use it. I pursued that further and, as I recall, the result was "Well, they did not know exactly who might use it, but that anybody could use it because the building belonged to the Government here in Washington."

I assure the gentleman from Iowa that I will have no use for it.

Mr. GROSS. Does the gentleman from New York suppose that the operations there will be put on a catering basis?

Mr. ROONEY. Oh, yes; whatever food is served there will have to be served on a catering basis because there are no facilities for cooking food adjacent to the dining room.

Mr. GROSS. Of course they will have no trouble with a bar in this establishment.

Mr. ROONEY. Of course in these days they have what they call "portable bars." All you need is the wherewithal.

Mr. GROSS. I am interested in this establishment, and I am going over and take a look at it one of these days. I want to see some of those $26-a-yard drapes.

Mr. ROONEY. The gentleman cannot say that the gentleman from New York has not fairly put the proposition up on the table for the membership of the House. I think a reading of the record will show that we gave you the most minute detail as to all of these items for furniture and finishings in these three rooms. It would appear from some of the newspaper accounts that this area is like a three-room apartment. Of course that is not so at all. This is a huge area on top of this building. Having spent $53 million on the building, I think it should be finished in decent, moderate decor.

Mr. GROSS. Yes. I agree with the gentleman that we should have the very best.

Mr. ROONEY. Oh, but I do not say the very best.

Mr. GROSS. Any nation with a $292 billion debt ought to set up the plushest affair in the world.

Mr. ROONEY. In approaching this we certainly must realize that last year the Eisenhower administration spent $12½ billion more than it took in. So we have approached all the items in the bill with that unfortunate situation in mind.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I gladly yield to the gentleman from West Virginia.

Mr. BAILEY. I would like to ask the distinguished chairman of the subcommittee some questions for clarification. On page 8 of the act under "International tariff negotiations":

> For necessary expenses of participation by the United States in the fifth round of tariff negotiations beginning in fiscal year 1961, including not to exceed $1,000 for representation allowances * * * and for entertainment, $600,000: *Provided*, That this appropriation shall be available in accordance with authority specified in the current appropriation for "International conferences and contingencies."

In the section just preceding that, on page 7, "International conferences and contingencies" and "Missions to international organizations," I fail to find the General Agreement on Tariffs and Trade mentioned in that section, but the closing part of that section on top of page 8 makes available $1,843,000, "of which not to exceed a total of $100,000 may be expended for representation allowances as authorized by section 901(3) of the act of August 13, 1946, and for entertainment."

It is plain that the committee is trying to take that $600,000 for the use of the Tariff Commission out of this appropriation and other international conferences that the United States is supposed to have representation in.

Going to page 7 of the committee report, I read:

> Included in the bill is the amount $600,000 to provide for U.S. participation in negotiations of trade agreements under the General Agreement on Tariffs and Trade, pursuant to the Trade Agreements Extension Act of 1958.

I have here a copy of the act of 1958, and I fail to find any authorization for appropriation. I do find in the last paragraph of the bill a section which says the enactment of this act shall not be construed to determine or indicate approval or disapproval of the Congress of the executive agreement, known as the General Agreement on Tariffs and Trade.

I would like to remind the gentleman that the Congress has not approved what we call GATT, the General Agreements on Tariff and Trade, yet here you are proposing to make an appropriation to carry on activities which have never been approved by the Congress. Here when they are considering these different activities which are enumerated on page 7 of the bill I do not find the Tariff Commission as being one of them listed there. They are attempting to make this appropriation that is not properly covered, and I would like for the gentleman to explain just what kind of maneuvering they did to put it in.

Mr. ROONEY. I should like to reply to the gentleman. He is asking, in effect, two or three questions at the same time.

First, this appropriation for international tariff negotiations is set up as a separate item rather than included in the appropriation for international conferences and contingencies. That is the way the administration sent it up, as a separate item. Second, we prefer that it be sent up as a separate item, because it then stands right out there by itself, and is not a recurring conference or meeting such as contemplated in most of the international conferences and contingencies provided for at page 7 of the bill.

The gentleman referred to representation allowances and entertainment in connection with this expected year-long negotiation with other nations of the world. I should like to point out that the request was in the amount of $7,000, and the committee cut that by $6,000, allowing $1,000.

As to there being authority for the allowance of the $600,000 recommended by the committee, which is a cut of $300,000, or only two-thirds of the amount requested, there is authority in law, I should say to the gentleman.

Mr. BAILEY. Mr. Chairman, will the gentleman yield further?

Mr. ROONEY. I yield.

Mr. BAILEY. May I say to the gentleman that I would consider, and I think the Congress would consider if the matter were laid squarely before it, that unless the Congress takes action approving the General Agreement on Tariffs and Trade set up at Geneva, which we have disapproved continuously, by putting this caveat in the appropriation bills and authorization bills—until that is done I think this item of $600,000 is entirely illegal.

Mr. ROONEY. What this comes to is a matter of opinion. The distinguished gentleman from West Virginia and I are not always in accord on tariff matters. But is not the gentleman better off, taking the opposing position he does with regard to GAAT, to have this appropriation set out as a separate item entitled, "International Tariff Negotiations" apart from the appropriation for numerous international conferences and meetings, so that if the gentleman sought to strike out the entire paragraph on page 8, it would be so much easier for him to attempt to do so.

Mr. BAILEY. I want to agree with the gentleman that I think it was proper to bring this item out into the open. Here we are planning to send 162 members from various departments and agencies, to pay their living expenses and their entertainment expenses while they are in Geneva. Now they are coming out in the open with it and I think it might be a good time to question the legality of the appropriation.

Mr. ROONEY. I should again like to point out to the gentleman that they requested $900,000, which the committee reduced to $600,000. But I want him to understand that by no means does this $600,000 include the cost of the salaries of American representatives at that conference. There will be people from the Labor Department whose salaries will be paid out of Labor Department money.

Mr. BAILEY. And the Commerce Department.

Mr. ROONEY. And people will be there from the Commerce Department whose salaries will be paid out of Commerce Department funds. State Department salaries will be paid out of salaries and expenses. An amusing thing in connection with this request was an item for the purchase of four automobiles and the providing of four private chauffeurs to be at the beck and call of this delegation in the city of Geneva, Switzerland. The committee has disallowed funds for those four automobiles and the four chauffeurs.

Mr. BAILEY. And I think properly so. Now, just one more point and then I shall desist from my inquiry.

The gentleman suggests that I try to remedy this by some other means.

Mr. ROONEY. No; I did not make any suggestion to the gentleman at all.

Mr. BAILEY. I got that impression, at least.

Mr. ROONEY. Please do not get that impression, because I am going to defend the allowance by the committee of $600,000 for this purpose. I think the committee properly operated on the patient when it cut him by one-third, from $900,000 down to $600,000. But these reciprocal trade agreements are the law of the land. There is definite authority under the law for sending a delegation to these tariff meetings.

Mr. BAILEY. But no authority to appropriate the money to pay the bill.

Mr. ROONEY. Oh, I think we have. The gentleman might test that by making a point of order.

Mr. BAILEY. I will take that under consideration.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the gentleman from California.

Mr. TEAGUE of California. I should like very much to call the attention of the distinguished gentleman from New York to section 207 which he discussed in his explanation of the bill and to ask him a question as to his interpretation and the interpretation of the committee about a situation which I will briefly explain.

Out in California, in Ventura County, at the present moment there is pending a condemnation procedure or, rather, a series of condemnation procedures, involving several thousand acres of land and several million dollars of property, all in relation to the condemnation necessary as a result of the Bureau of Reclamation Ventura River Dam, which is being built out there.

Several years ago now one of the Federal judges out there appointed three commissioners to hear these cases. It is my understanding that this matter is not completed, it is still in the process of being developed, and it is to be hoped fairly soon a settlement will be reached with these landowners or a decision made by the commissioners.

My question is this: Under these circumstances is it the intention of the committee that this prohibition in section 207 against the use of funds appropriated under this bill for compensation to commissioners is intended to cut off cases that are pending at the present time?

Mr. ROONEY. The committee action refers only to 1961 fiscal year funds. The gentleman previously discussed this with me. At that time I said to him that in this particular case, since the action has already been taken by the judge in California and the commissioners have already been appointed, that if they have performed certain duties, they are entitled to be paid a reasonable amount therefor by the Government for services prior to 1961.

It is the very case that the gentleman mentions which has brought about the action of the committee in inserting section 207 in the bill. This judge in the southern district of California has been the greatest contributor to the increase in these costs. These land commissioners were never intended to serve except in highly unusual and rare cases. Instead of that, we find a practice developing, which has now alarmed not only the Department of Justice but also certain members of the judicial conference. The cost of these commissioners is expected to increase by $80,000 due to the recent action of this certain judge in the southern district of California appointing three separate commissions of three members each for an indefinite period to consider condemnation matters in that district. We are going to have to get away from this. The tax-

payers cannot afford it, the Government lawyers, the Attorney General, and his representatives, say we have to discontinue it, some members of the Federal judiciary agree with this, and the committee action is an attempt to discontinue this sort of thing in the future.

Mr. TEAGUE of California. I am not for a moment questioning the judgment of the committee in laying down this general prohibition.

Here we have a situation where large sums have been spent, and the cases are pretty well along. To call it off at this stage and require the landowners to start all over again before a Federal judge would be a costly undertaking.

Mr. ROONEY. I have but very little time left, I must say to my distinguished friend from California, but I should think, as a lawyer, that if the commissioners have already been appointed and they have performed some service, they have a claim against the Government for those services, and their services have to be paid. The action that the committee seeks to prevent is the use of any 1961 funds or any funds in the future for this purpose.

Mr. TEAGUE of California. I thank the gentleman.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the gentleman from Connecticut.

Mr. MONAGAN. In connection with the item "Contributions to International Organizations," does that include an appropriation for financing the international refugee program?

Mr. ROONEY. No; it does not. That money is included, generally, in the foreign aid bill.

Mr. MONAGAN. What is the status of the construction of the Embassy building at Dublin at the present time?

Mr. ROONEY. Well, as far as I am personally concerned, they may go ahead any day with it. Sufficient funds for it have already been appropriated, and if the State Department wants the office building in Dublin on Elgin Road, they can proceed with the project.

Mr. MONAGAN. As far as this committee is concerned, there is no inhibition to the construction of this building?

Mr. ROONEY. There is none on my part.

Mr. MONAGAN. What about the alien property program? How long is that going to continue?

Mr. ROONEY. The alien property program as now constituted expires on June 30. It will then go into the Office of the Attorney General as a part of the regular activities of the Attorney General's Office.

Mr. MONAGAN. I thank the gentleman.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GRAY. Mr. Chairman, I rise at this time to congratulate the distinguished chairman of this subcommittee, my good friend the gentleman from New York [Mr. ROONEY], and the members of his committee for their diligent efforts and forthright action in the handling of the bill before us. The very able gentleman from New York and his committee can always be counted upon to closely scrutinize every item requested by the departments.

I particularly want to congratulate the committee for allowing a request for $8,875,000 to complete construction on the maximum security prison near Marion, Ill. As you know $1 million was provided by Congress last year to start the survey and planning work, site clearance, extension of utilities, and other necessary work preparatory to awarding the main contract for construction of this much needed institution. Mr. Chairman, the prison population has had another sharp increase and we see in the newspapers very often of new prison riots because of crowded conditions and antiquated facilities. So I think everyone will agree that the quicker we finish the new maximum security institution, the better.

Mr. Chairman, by allowing the full $8,875,000 it will not be necessary to piecemeal the awarding of contracts that would unquestionably cost several million dollars more but instead announce for bids and award one contract for the entire plant. This is to be a modern institution that will attract worldwide interest and I feel confident that bidding will be keen and we will get a much needed Federal Prison for a very reasonable cost. I might add that the 1 million appropriated last year has been obligated and all the contracts were near or below estimates.

In closing, let me again thank this subcommittee headed by my good friend and highly capable chairman, Mr. ROONEY and the other members of the committee for their wisdom and understanding in allowing this item. I know when this institution has been completed and the Bureau of Prisons under the leadership of its very able Director, James V. Bennett, starts the arduous task of rehabilitating some of America's most hardened criminals, every Member of Congress will be proud of this accomplishment. If it is at all possible to return some of these almost irredeemable people to useful lives outside, this should be the place where it can happen. Thank you very much.

Mr. BOW. Mr. Chairman, I yield 10 minutes to the gentlewoman from Ohio [Mrs. BOLTON].

Mrs. BOLTON. Mr. Chairman, in order that some of the record may be, shall I say, straightened out a little bit, I would like to make certain statements here that I think need to be made. I happen to be on the board of the Foreign Service Institute, and have been for a number of years. I have worked diligently in an effort to make that institute a thoroughly productive organization. Naturally, anything of that kind takes time to build up, but we have done some exceedingly interesting things, very worthwhile things. The board is made up of men of top caliber and capacity and reputation, and for the last 5 years extraordinary things have been done in the improvement of the training of foreign service officers.

First, I want to make just one brief statement. It has been brought to my attention several times by a member of your committee that the rent paid over there is exorbitant. I have inquired of GSA and I find that the Government is paying $3.75 a square foot. The State Department is not responsible because these matters are handled by GSA, so I would suggest that it not be laid upon the already overburdened shoulders of the Department of State. As far as GSA can advise me, that is one of the lowest rents paid by any government office in the District. Various figures which they gave me are $4.20, $4.00, $3.85, and $4.56, for remodeled buildings.

The Institute moved into the Arlington Towers space. I understand that the people who own the building made the changes in it at their own expense. I can well believe that there may be some empty rooms. That is perfectly possible in any school; but I have not had the time to look up how many other organizations use those facilities. ICA has space there, and their people have classes there as well as other agencies of the Government.

In regard to the language teaching may I say that we looked very carefully into the possible economy that might be obtained from having languages taught in universities and found that it was not only not as economical but that in most of them they did not teach the kind of language work that is essential to a Foreign Service officer.

In the matter of the officer trained in Chinese, Mr. Chairman, may I say to the committee that the man in question is Chinese language trained and is an expert in Chinese affairs. He is in London, yes, and probably going to Hong Kong, so it is well for him to stop in London on the way. But a great deal of his present work consists of going to Warsaw where he is the interpreter for the Americans in the conversations that are going forward between the Red Chinese and ourselves. May I suggest that this is not an unimportant job.

Mr. Chairman, I would also like to give you just a little rundown, if I may, of the number of students we have recently trained. During 1959 there were 9,267 students enrolled in training programs conducted by the Foreign Service Institute in the United States and overseas. Of this total 4,811, or 52 percent, were Department of State personnel; 4,456, or 48 percent, were enrolled from 25 other Federal agencies concerned with foreign affairs, in accordance with the authority given in the Foreign Service Act of 1946.

The expanded effort which began in 1958, and only in 1958, to improve the foreign language capabilities of the Foreign Service was sustained in 1959. In 1958 a total of 1,981 State Department employees received language training. In 1959 the total was increased to 2,216. The scope of this effort during 1959 was

further brought out by the following indicators:

Twenty-nine languages taught in Washington and 43 abroad.

One hundred and five full-time students in 21 hard languages for periods of 6 months to a year.

If you have ever done a full-time language study you will have some conception of what that means. You spend 24 hours a day of each day in that language, you literally live in that language.

Four hundred and forty-five full-time students in the five world languages for periods of from 12 to 16 weeks.

Three hundred and ten part-time students in Washington in 19 languages of whom 241 took instruction on their own time before working hours. That means about 7 o'clock in the morning.

One thousand three hundred and fifty-six part-time students as of June 30, 1959, at 164 posts training in 43 languages.

The result of this effort is beginning to become very evident. In March 1958 for example, it was estimated that only about 50 percent of the officers in the Foreign Service possessed a working knowledge of any foreign language. The results of language proficiency tests which are now mandatory for Foreign Service officers indicate that progress has been made in correcting this deficiency: currently 83.5 percent of the officers have at least a working knowledge of one or more foreign languages.

At the same time it should be noted, however, that only 60.1 percent of the officers have a minimum professional knowledge. Therefore, before any slackening in the amount of language training can safely be considered, further improvement in the level of language proficiency of the Service must still be made.

The full-time training goals for the current fiscal year have again been fixed by the Institute in collaboration with the Office of Personnel of the Department of State, which is responsible for all assignments including training, and with the Committee on Foreign Service Training, a group of senior operating officials appointed by the Deputy Under Secretary for Administration to advise on the training requirements of the Department. One major exception to the amount demanded is the hard language training objective. In 1959 there were 105 officers on full-time assignment to hard language training, and hard languages are those such as Russian, Swahili, Hindi, and some of those very difficult languages. This year there are 128 officers on assignment to hard language training. The increase is consistent with the Department's plan to overcome over the next 5 years, and we need the 5 years, the deficit in officer proficiency in a number of the hard languages.

Two new functional programs were initiated in 1960 to meet recognized shortages in labor and administration. Four Foreign Service officers have been assigned to this program for a full year. During this time they will receive training assignments with several agencies of the Government responsible for labor affairs and with selected labor unions, supplemented by academic work at a local university. The other new development is the assignment of two officers to universities for a full academic year of study in the field of advanced public administration and management.

The House committee also was concerned with the high cost of teaching certain languages to employees and directed the Department to ascertain if these languages could not be more ably and economically taught in existing, reputable educational institutions. That has been very carefully gone into. We, in the Institute, believe, and I speak as a member of the board of that organization, that universities cannot teach the kind of language in the time allowed that is needed by the Foreign Service officers. Possibly they will adjust their training because the schools today are being forced to begin teaching languages again, so that they will become a part of the background and the capacities of all of our young people. The results of the survey undertaken indicate that none of the universities or commercial schools has quoted a cost for comparable training below the cost of training by the Institute.

The major expansion which we are proposing over there, which we hope we will be able to put into effect, is the hard language training. The Department initiated and expanded hard language training in 1960 and is going on with it from 1960 to 1964.

There is another thing which we are hoping very much will happen as universities and schools throughout the country recognize their responsibility in the teaching of language to Americans. We Americans have been entirely too isolated in our attitude toward languages. We are hoping that in a very few years we shall be able to say to all applicants for State Department Foreign Service positions that they must speak one of the soft languages, that they must be proficient in them. That will mean a very great advantage to the Service. At the moment we cannot do that as some of the best applicants we have were missing the skill in the soft languages—French, German, Italian, and Spanish. They did not have what we anticipated as very necessary and what we hope to make possible. But once the emphasis upon languages begins to be felt everywhere we shall hope to make this a qualification for application to the Foreign Service.

Mr. ROONEY. Mr. Chairman, will the distinguished gentlewoman yield?

Mrs. BOLTON. I yield.

Mr. ROONEY. I should first like to agree with the gentlewoman that this is a highly unusual school. It is the sort of school we just do not understand—at least those of us who believe in our Foreign Service officers knowing something about languages. The gentlewoman realizes, does she not, that the Congress has increased year after year the funds for the training of personnel in foreign languages. Is that correct?

Mrs. BOLTON. Oh, indeed, it is.

Mr. ROONEY. Of course it is. And the committee is entirely in accord with our people having these languages, but would not the gentlewoman say that it is a highly unusual school that has 60 out of 100 classrooms closed between the hours of 9 in the morning and 4 o'clock in the afternoon? Further, is it not a highly unusual school that when the investigators made visits between 4 and 5 o'clock in the afternoon, 95 percent of the classroom space remained vacant? Further, is it not a highly unusual school that has never flunked a student?

Mrs. BOLTON. The gentleman is very clear in his questioning—may I say it is a highly unusual school and thank heaven we have it. As to the fact that some of the rooms are empty—is the gentleman quite sure that all the rooms are used by the Foreign Service because some of the rooms are used by other departments.

Mr. ROONEY. Mr. Chairman, I can do no more than to call the attention of the gentlewoman to page 649, I believe it was——

Mrs. BOLTON. Yes; I have read that, Mr. Chairman.

Mr. ROONEY. I would call the attention of the gentlewoman to pages 649 and 650 of the printed hearings in which they admitted that these things were so.

Mrs. BOLTON. Naturally, they would not say that they were not so if they were.

Mr. LINDSAY. Mr. Chairman, will the gentlewoman yield?

Mrs. BOLTON. I yield.

Mr. LINDSAY. I do not know whether the gentlewoman from Ohio can answer the question or not, but we all recognize, I am sure, that the question of language training is of utmost importance and that the Foreign Service Institute is a vital factor in this program. What I am trying to understand is—has the Department of State made a request for an additional budget appropriation directly affecting language study programs which request was not granted by the subcommittee?

Mrs. BOLTON. No, sir; as far as I know, they have been granted. I think the difficulty arises from the understanding that people have as to what is supposed to be taught under this program.

Mr. LINDSAY. I see. What I am trying to determine is whether the gentlewoman is making the point that a budgetary request had been denied or that a cut had been made which should be restored, perhaps, in order to enable the Department of State to go forward on this language training program.

Mrs. BOLTON. Of course, being a member of that board, I would ilke to see more money appropriated, but that does not affect the situation at the moment.

Mr. ROONEY. Mr. Chairman, will the distinguished gentlewoman yield?

The CHAIRMAN. The time of the gentlewoman from Ohio has expired.

Mr. ROONEY. Mr. Chairman, I yield the gentlewoman 1 additional minute.

Mr. Chairman, will the gentlewoman yield?

Mrs. BOLTON. I yield.

Mr. ROONEY. I should like to call the attention of the distinguished and highly capable gentlewoman from Ohio to the fact that as to the FSO–6, this very important fellow, the student in Chinese that they sent to London, according to

the printed hearings, they had not the slightest intention of locating him in Hong Kong at all; and this business of him having something to do with relations with the Red Chinese in London or in Poland was an afterthought, because they could not justify such a thing before the subcommittee.

Mrs. BOLTON. Of course, Mr. Chairman, I must say that I have more confidence than the gentleman from New York appears to have in the judgment of the people who are involved.

I am sorry I do not have the time to take up some of the questions bearing on the matter of foreign buildings which I would very much have liked to discuss, and I regret it is not possible in the time that has been allotted to me.

The CHAIRMAN. The time of the gentlewoman from Ohio has expired.

Mr. BOW. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, at the outset, I want to commend the committee and the gentleman from New York [Mr. ROONEY] in particular for spreading on the record of the hearings some of the facts of life about the Department of State and the innumerable international organizations and missions.

I also want to commend the gentleman from Ohio [Mr. Bow] and the gentleman from California [Mr. LIPSCOMB] for aiding in making one of the most complete hearing records in connection with the State Department, USIA, the Judiciary, and other agencies.

In this connection I want especially to commend the committee for the pressure it applied to the State Department, International Cooperation Administration, and others, that effected a savings of $267,377 in the crating and warehousing of personal effects of employees who roam back and forth from the United States to all corners of the world. This has resulted in a saving of more than half a million dollars when spread to other agencies, but the incredible part of this deal is why the State Department, ICA, and others had to be forced to these economy measures. Now it is revealed through competitive bids in the matter of crating and warehousing of personal effects, that the Federal and Security Storage Companies, which previously had a virtual monopoly, were 100 percent higher than the present costs for the same services.

I notice the committee had an almost impossible task of trying to find out the actual costs of language training at the Foreign Service Institute which was established in the Arlington Towers Apartments just across the Potomac. The committee did establish that last year a large number of students trained in languages were sent to countries where the languages are of little or no use. And the committee has revealed to the public for what I believe is the first time, that the cost of the language training school that was operated at Nice, on the French Riviera, and described in some quarters as a "rest home," was $16,618 per student man-year. It is also indicated that to add further glow to this training on the Riviera the Government supplied the trainees with wine.

But back to the Foreign Service Institute. It is indicated that for one period there were four students studying the Serbian-Croatian language under three instructors who were paid $2 and $3 per hour.

And the record further shows, as the gentleman from New York [Mr. ROONEY] has already stated, that 694 dependents of those stationed overseas have been given language training without the slightest authority in law for spending Federal funds for such purpose.

My question is did the committee grant the Foreign Service Institute the same amount of money it had last year, and if so, why?

Mr. ROONEY. No. The committee left the amount in the hands of the Secretary of State to allocate a reasonable amount to this purpose in view of the testimony adduced during the hearings.

Mr. GROSS. Let me say to the gentleman that situations of this kind will never be corrected with a slap on the wrist. The only language that these people seem to understand is a substantial cut in the appropriations for a year or until such time as it takes to convince them that Congress means business. In this case of the Foreign Service Institute, the man most responsible appears to be Harold B. Hoskins, Director of that Institute, who knew he did not have authority for spending the money to send 694 dependents to language-training schools in foreign countries. He ought to be fired, and Secretary of State Herter will be derelict in his duty if he fails to remove him immediately.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. HAYS. Do I understand the gentleman feels that $2.25 an hour is too much to pay somebody to teach the Serbian-Croatian language?

Mr. GROSS. Yes, when there are three instructors for four students.

Mr. HAYS. Presumably there is only one teaching at a time.

Mr. GROSS. I do not presume that to be the fact.

Mr. HAYS. Coal heavers in my district get $3 an hour.

Mr. GROSS. Let us turn now for a brief look at the hiring of consultants in the State Department, and let me add at the outset that I am sick and tired of almost every department and agency, with the number of Government employees steadily increasing, hiring people to do the work Foreign Service and Classification Act employees ought to be doing.

I am unable to determine from the bill or from the hearings how much money is to be appropriated for the hiring of individual and institutional consultants. I note in the hearings one list of individual consultants who have been paid many thousands of dollars on a per diem and travel basis. And among the institutional contractors, peddling a lot of consulting service to the Government is Johns Hopkins University, whose president is Mr. Milton Eisenhower. I get the impression from reading the hearings that travel expense in connection with these consultants in the State Department alone runs to about $200,000 a year.

I note on page 366 of the hearings some interesting information. I also note on page 367 of the hearings that the State Department apparently failed to comply with the specific request of the gentleman from New York [Mr. ROONEY] the subcommittee chairman.

I wonder if someone on the committee would tell the House approximately how much this bill provides for the pay of so-called consultants and whether about $200,000 will be made available for travel all over the world of these consultants who all too often are only propagandists for larger foreign handout programs?

I note on page 366 of the hearings figures such as these: a Dr. Alexander Stoehr from the Bernice P. Bishop Museum upon Little Hawaii, who drew down $1,515.34 as salary and $4,211.81 for travel.

Marian Anderson, an alternate representative on the U.S. delegation to the 13th General Assembly of the United Nations, got $6,903.62 as salary and $889.20 for travel.

Here is an alternate representative to the Executive Board of the World Health Organization, Dr. Lowell T. Coggeshall, who got $571.91 and drew down $2,043.94 for travel.

There are a number of others on this page.

I notice on page 367, despite the chairman's insistence, that the per diem paid consultants under the title "International Educational Exchange Activities Appropriation," not a single one has listed the per diem compensation. They listed their travel, but not per diem compensation. I wonder if somebody on the committee could tell the House how much approximately this bill provides for the pay of consultants.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. ROONEY. The gentleman is looking at details of the International Educational Exchange Activities appropriation on page 367 of the printed hearings. I take the printed presentation to indicate that there was no money spent for salaries, but that the sum of $21,471 was spent for travel, and I consider this to be an honest and full compliance with the request of the committee.

Mr. GROSS. Certainly it is, if that is the story.

Mr. ROONEY. If that is the fact, and to this moment I do not have any reason to suspect that they are submitting false information and that salaries were paid but not included in the chart.

Mr. GROSS. I did not say they were submitting false information.

Mr. ROONEY. If the consultants were paid no salary they would have no figure to insert.

Mr. GROSS. That is right, but in that case they might well have noted the fact that they were not paid a per diem. Does not the gentleman think that would have been reasonable?

Mr. ROONEY. There is a blank after each name in the column headed "Salary"—in fact, all of the these names are a total blank for salary—there is $21,471 for travel, and then a total of the figures for travel and for salary in the entire Department of State.

Mr. GROSS. Let us test it and see whether they got anything.

Mr. ROONEY. I am sure if the gentleman were to communicate with the Department they would advise him promptly.

Mr. GROSS. I am sure they will, too. I intend to find out, and I am sure the gentleman will find out.

Now, I want to again commend the committee for laying on the record the near scandalous situation that apparently exists with respect to the foreign exchange student program. I did not realize until I read the hearings that American taxpayers are paying foreign student leaders $17 per day and foreign students $6 to $8 per day, plus their transportation, and it is my understanding that tuition and other expenses are being paid on top of that. As Mr. ROONEY has well stated, the purpose of this program is to educate foreign students and send them back to their countries to practice their professions and spread the gospel of this Republic. Yet the evidence clearly shows that all too few of them are returning to their home countries and the administration of these programs is so scattered that no one department or agency seems to care very much about what is taking place. That was not the intent of Congress and this entire student-exchange program ought to be suspended temporarily until a clear line of authority is put into effect. There must be an immediate end to the education of foreign students who have no thought of returning to their home countries.

We have with us in this bill another waste of more than a million dollars in connection with missions to international organizations. This includes $30,000 each or a total of $90,000 for the Interparliamentary Union, NATO Parliamentary Conference, and the Canada-United States Interparliamentary Group—three of the best junketing outfits yet devised by Members of Congress. If anyone can tell me of any accomplishment that has resulted from these expenditures except to provide Members of Congress, their wives, and others with free junkets to foreign countries I will be glad to hear about it. And remember, the appropriations to be made here are only part of the total bill, for in many instances the Military Air Transport Service has provided the planes that ferried the freeloaders to the far corners of the earth. I remember one report of the Interparliamentary Union junket to Vienna which emphasized the great pleasure that was derived by the Members of Congress and their companions from the boat ride that was given them on the blue Danube.

This year I came across something which I had not previously noticed—the U.S. resident delegation for international organizations in Geneva, Switzerland, which cost around $300,000 last year and probably is down for the same amount in this bill. It seems there are so many American missions floating in and out of Geneva that it takes a superduper mission to hold the hands of all the rest.

Speaking of Geneva, Switzerland, it was with more than passing interest that I read on page 1070 of the hearings of the insistence by the State Department that it be given $8,000 for entertainment in behalf of tariff negotiations, and this is the way the money would be spent: a dinner for 40 people at $7.50 a head; another for 20 people at $7.50 a head; a luncheon for 500 persons at $5 apiece; cocktail parties for 400 persons, divided into groups of 10 to 20, at $3 a head; another so-called working luncheon for 500 persons at $5 apiece, and a reception for all delegations—approximately 800 persons—at $4 a head. I may have missed one or two of the proposed whing-dings, but what I have just related from the hearings ought to be enough to provide an idea of what it is supposed to take by way of food and liquor at a GATT conference in Geneva to induce our so-called foreign friends to continue their drive for ever lower U.S. tariffs so they can continue to flood us with their imports and wreck American agriculture and labor.

This ought to be a good time and place in this discussion to mention the $835,000 contained in the bill to provide the State Department with a year's supply of entertainment and liquor. In the State Department this is known as the "representation allowance." In other areas in which the internationalists operate it is known as "hospitality," and in still other areas it has been ferreted out of hiding in "salaries and allowances."

In any event there is firewater in almost any direction you care to look in the funds sought to keep the international merry-go-round in operation.

For instance, the outfit with the glorified title of United Nations Educational, Scientific, and Cultural Organization—UNESCO—asked for a "hospitality" fund of $36,245 for next year. It might be added that the latest report shows that some 40 foreign countries are in arrears by more than $4 million in their contributions to UNESCO, but apparently the liquor will flow whether their debts are paid or not.

Another example of how this booze business operates is gleaned from the hearings concerning the International Atomic Energy Agency. The chairman, the gentleman from New York [Mr. ROONEY], had before him a request for $7,500 for "hospitality" that that Agency but earlier he had been given a figure of $22,500 for the same purpose. When he finally hammered the facts out of Deputy Assistant Secretary Henderson he found that the other $15,000 was "included in the amount for salaries and wages in the form of allowances."

In response to further questioning by Mr. ROONEY, Secretary Henderson finally admitted that an American taxpayer would have a tough time finding out how much entertaining was going on.

Just to keep the record straight, the State Department requested—and it was apparently approved by the budget—that no less than $355,043 be provided for entertainment and liquor for United States missions to international organizations. Add to this the $835,000 which the State Department allots to its Embassies for its own use in Washington and it appears that fiscal 1961 will be a good year for the guzzlers if not for the Americans who pay the bills.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will be glad to.

Mr. ROONEY. I should like to correct the RECORD, if I may. The gentleman, I believe, mentioned the figure of $355,000 for liquor and entertainment for American missions to international organizations.

Mr. GROSS. It is $355,043.

Mr. ROONEY. I am sure there is a mistake.

Mr. GROSS. No; I do not think there is any mistake. The gentleman will find this information in his hearings.

Mr. ROONEY. What is the page?

Mr. GROSS. I do not have the page number at the moment, but I will be glad to search it out for the gentleman later.

Mr. ROONEY. I believe that refers to an answer somebody from the Department made, which was not correct, which would indicate that this was the amount of money for American missions to international organizations entertainment. Actually it is the total for entertainment, hospitality, or what have you, of all international organizations from U.N. down, not for the American missions thereto.

Mr. GROSS. That is what I said.

Mr. ROONEY. I understood the gentleman to say this was for American missions.

Mr. GROSS. I did say that it was for U.S. missions, and if I am wrong I will correct the RECORD and make it all missions to international organizations. The gentleman does not dispute that we will put up most of the money for this additional liquor fund, does he, since we pay the big end of the bills for all international organizations?

Mr. ROONEY. I very often think that we put up too much of it, and I deplore the fact that this administration has gone along in building up and building up these costs. They do not seem to be able to do anything about it.

Mr. GROSS. Well, I will say to the gentleman I will give him an opportunity later on. I will offer an amendment to cut the State Department liquor fund.

Mr. ROONEY. But, I, as chairman of the committee, will have to oppose it. The committee has cut the item sufficiently.

Mr. GROSS. I am sure the gentleman will do just that.

I want to return for a minute or two to UNESCO, whose new international headquarters in Paris has been described as "a $3 million modernistic palace, featuring a 400-square-foot Picasso mural which exposes the world's largest navel on a reclining figure of undeterminable sex."

This organization continues its drive for world government, a drive that received a big boost from Mr. Milton S. Eisenhower when he was Chairman of the U.S. National Commission for UNESCO.

Let me quote briefly from one of the speeches by Milton Eisenhower in which he said:

> Every member of the United Nations has accepted, in theory, the principle that the United Nations must be able to impose military sanctions in order to keep the peace—which is to say that every member is committed in theory to the sacrifice of individual sovereignty of the group. * * * But even the theoretical commitment to limited sovereignty marks, I think, a considerable advance in our progress toward effective and orderly world government.

Now we find the promoters of UNESCO telling this appropriations subcommittee that "It seems imperative, in the year ahead, to do more than we have in the past to tell the UNESCO story to the American public."

Despite the millions already spent on this organization and the fact that the UNESCO propaganda staff is constantly issuing publicity releases for the U.S. National Commission for UNESCO, the State Department, through its new bureau for the coordination of international education and cultural relations, sought to obtain additional funds to carry on the campaign of selling the United States down the river and into the unholy state of world government.

Mr. Chairman, this appropriation for the State Department and innumerable international commissions, missions, and bureaus calls for the spending next year of $224 million. That is $1½ million more than was spent for the same purpose last year, and it comes at a time when this Government ought to be cutting expenditures rather than increasing them.

I give the Appropriations Committee credit for a cut of some $24 million below what the administration requested, but that is paper economy. The real economy that the country must have is reductions in spending as compared with the previous year.

I have no intention of supporting this bill. It ought to be cut several million dollars below the figures which we have before us.

Mr. BOW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today in the consideration of this bill we have heard a great deal of criticism of the State Department, of USIA, and other agencies included in the bill. I suppose it is rather natural, after hearings of this kind, where searching inquiry is made of the conduct of the agencies, that these matters are highlighted.

Mr. Chairman, it seems to me that we would be amiss if, in the consideration of these bills, all of the comments were critical because, of course, in these hearings we do not always bring out those things for which the various agencies, the State Department or USIA and others, could be complimented.

It would seem to me that we should pay a tribute to many fine Americans all over the world who are working hard to preserve the peace, who are bringing to the peoples of the world the American way of life, people who have devoted themselves to trying to carry out the policies of this administration, of President Eisenhower, so that we may have world peace. There are many, as I have said before, and I repeat today, among those people, who are doing magnificent jobs in our State Department throughout the world. And among those are many who have been with the State Department for more than 8 years, who were there under previous administrations. We have many people who have made great contributions to this Nation and I do not believe we should let this day go by without paying tribute to those who have contributed so much to our Nation and who receive so little credit for what they do.

Mr. Chairman, as I say, in these hearings we are critical. We try to find places where we may be able to save for the American taxpayer. But I would not want the day to go by without saying that we have thousands of fine Americans in these agencies, in these departments, working for the best interests of our Nation.

Mr. Chairman, I would like to review some of this testimony because I think it is important. Some of it has already been covered. But with regard to the matter of the Foreign Language Institute across the river, where the rent is $3.75 a square foot in this garage, and with respect to which something has been said that it was pretty cheap, I think $3.75 a square foot for garage space is more than any Member of this Congress would pay. So we are using garage space at $3.75 a square foot, and that is high rent for these empty classrooms.

May I say further on the question of foreign languages that the gentleman from New York [Mr. ROONEY], the chairman of our subcommittee, has rightly said that every member of this subcommittee believes we should be teaching foreign languages and believes the Foreign Service officers should have foreign languages. We have urged at times that we try to find other areas where we can do it more cheaply. It is amazing to me that the Assistant Under Secretary of State, Mr. Loy Henderson, in his testimony had this to say:

> The Department hopes to be able to carry on its foreign language training program in such manner that in spite of the generally inadequate foreign language training offered by our national education system, our Foreign Service will eventually become the most accomplished Foreign Service in the world.

We hope it will, too. But I pointed out to the Secretary that he had made quite an indictment against the colleges and other schools of this country in saying they were inadequate and could not properly teach foreign languages. This was his answer to me when I said he was making quite an indictment of our national educational system. He said:

> I intend it to be.

So here instead of trying to find out whether we can do it more cheaply at Harvard, Yale, in the Carolinas, in the State of Michigan, at Northwestern—I could go around the floor of this House and have suggested many other fine colleges, and may I say Ohio State, where they have fine language classes—here is that indictment that we do not teach properly in this country.

But let me point out this fact, Mr. Chairman, that if this is true we have made some terrible mistakes. Just within the past few days or few weeks we appropriated money in the bill for the Department of Health, Education, and Welfare for these loan funds. There is more than $20 million in that bill to provide scholarships to send people to learn languages in these colleges that the State Department says do not know how to teach them, and for other grants and payments directly connected with teaching foreign languages.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from North Carolina.

Mr. JONAS. Is it or is it not true that the courses in the Institute are far more concentrated than the language courses are in the universities?

Mr. BOW. Yes; I think that is right. I would say so.

Mr. JONAS. I would think that a person from the State Department in the Foreign Service who is trying to learn a foreign language could do so much more quickly at the Institute than he could by attending a university where the course would be extended throughout a semester.

Mr. BOW. That is the point the committee has made and the point I feel the State Department has failed to carry out, that they have failed to try to work with these colleges to establish these courses within the confines of a college or a university where these courses can be handled in that same manner, where they are prepared to do it probably at a much smaller cost than they can do it down here at this very expensive school where time and classrooms are being wasted.

Mr. JONAS. Would they not have to put in a very accelerated and concentrated course?

Mr. BOW. Perhaps they would. I hope this will be checked on. I hope the State Department in connection with the Spanish language will consider the University of Puerto Rico. Here is a fine university, in an area of the United States where Spanish is the language. People could live in a Spanish-speaking area. This would be a place where we might be able to have very good training, if they will do it.

Mr. ROONEY. Mr. Chairman, will the distinguished gentleman yield?

Mr. BOW. I yield to the gentleman from New York.

Mr. ROONEY. In connection with the colloquy just had with the distinguished gentleman from North Carolina, may I point out that included in the investigators' report, part of which is printed at page 696 of the hearings, we have this statement by these impartial investigators:

> Eight universities and two commercial language schools contacted by the staff are

interested in training Government employees. The methods of training at the universities, with one exception, are the same as at FSI—

Meaning the Foreign Service Institute.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. HAYS. I would say to the gentleman, I have a little experience personally and Ohio State could teach French just as well as they can at the FSI. They may not be able to do it as intensively because normally it is spread over a longer period of time, but I believe if proper negotiations were made, perhaps not with Ohio State, but with certain universities, something could be accomplished in many languages. I am not so sure about the so-called hard languages.

Mr. BOW. I think the gentleman is right so far as the hard languages are concerned. It is much more difficult to teach them here. I believe in teaching the languages in the area where they are used, and that could be done at a savings of thousands of dollars of the American taxpayers' money.

Mr. HAYS. There is a myth abroad that languages cannot be taught in the universities. I studied French more than 20 years ago at Ohio State, and thought that I did not know how to speak it until I had an opportunity one time in France to speak it and I was amazed to find out that they could understand me. I was not perfect, but they knew what I was talking about. And as to the rent over there, I would like to agree with the gentleman, if he will continue to yield, that it is too high. And, again, speaking from personal experience, because I used to rent garage space over there, and I think the space was about 25 feet long and 8 feet wide, which would be 200 square feet for which I paid $90 a year or about $40 and some cents a square foot.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. JONAS. May I make it clear at the outset that I am not defending this situation at all. The purpose of my question is to find out some information that will help me to understand the situation better. But, with respect to sending students to Puerto Rico, of course they have a fine university there, but I do not want to run the risk of compounding the extravagance that we have been criticising in the south of France. I am afraid if we send many students to Puerto Rico, next year the committee will be here denouncing the Department for sending them on a junket to some foreign university.

Mr. BOW. Of course, I will say to the gentleman that the question of the language school at Nice was not as to whether they were being sent to a university, but to the Villa Warden, which is one of the most beautiful estates in Nice, which was owned by the Department of State, but which has since been sold. I would certainly not approve that. But, I do believe it is well sometimes to have the students study in an area where the language is spoken. I propose that merely as a suggestion as to what the Department of State might do.

Mr. ROONEY. Mr. Chairman, will the gentleman yield once again before we leave this subject?

Mr. BOW. I yield.

Mr. ROONEY. I should like to point out further reliable comment made at the same page in the printed hearings as follows:

Five members of FSI's linguistic staff who also taught the intensive method at universities are of the opinion little difference exists between FSI and university methods of training except perhaps in length of courses or supervision—

Meaning there are more supervisors at the Foreign Service Institute.

Mr. BOW. And so far as the Chinese student is concerned, may I point out that page 622 of our printed hearings shows there is absolutely nothing said about the gentleman going to Hong Kong. Mr. Brown said he probably would have gotten more Chinese in Hong Kong but there is nothing which said he was on his way to Hong Kong. The only thing in the record about anybody going to Hong Kong from the Foreign Service Institute was about a graduate in French. So here we have the man who graduated in the Chinese language being sent to London, and the man who had been graduated in French being sent to Hong Kong where they speak Chinese. This is the type of thing that just does not make sense to the committee.

I am going to move on from the foreign language school. May I suggest to the gentleman from New York, my chairman has raised some question about the $53 million State Department Building, probably because it cost $53 million, and that is one reason why we have this expensive furniture. I hope that does not become a criterion as to why we should buy expensive furniture. The House of Representatives is building a $69 million building. What they put on the roof of this building would be pretty expensive furniture. So I do not think we should take that amount into consideration.

Now, on USIA, they have a very important mission to fill. I think they have done an excellent job in some areas. But may I point out one thing that disturbed me in these hearings, and I think it would disturb other Members of Congress. In my questioning "What does Radio Moscow do?" and "What does the Voice of America do?" so that we could make a comparison, I said, "Where is there an area in the world that we can get a broadcast for the same date and translated into English and compare it?" After some thought it was decided we could take them from Iran. So I asked them to get them both for a particular day. I said "Let us take any day." I think it was March 6. So they got them for us and they are in the hearings. Much to my surprise, in reading the broadcasts I find that was the day that Mr. Khrushchev had landed at Kabul in Afghanistan. The Voice of America said that Mr. Khrushchev had landed at Kabul in Afghanistan and that he was enthusiastically greeted by a half million visitors. Enthusiastically greeted by a half million. That was the Voice of America.

But what did Radio Moscow say? They said he was warmly greeted by thousands. Our broadcast said "a half million enthusiastically." Their broadcast said "warmly greeted by thousands."

The next item in the Voice of America was that on the arrival of President Eisenhower in Uruguay. The Voice of America said he was greeted by some thousands, but on his way into the city there were demonstrations and tear gas was used and the President had to get the tear gas out of his eyes. Most of the broadcast went to the demonstrations against the President of the United States. What did Radio Moscow say about it? Absolutely nothing. So, if the people of Iran were listening only to radio for their news, they would have known from our broadcasts about the demonstrations against the President, not from Moscow Radio. They would have been told by their radio that he was greeted by a half million instead of thousands. Those are the types of things that worry you when you sit on an Appropriations Committee in an area where you feel there is an important function to be done.

Then another thing that startled me was when I read the broadcast on Abraham Lincoln. The high point was that when Lincoln was elected President of the United States he received congratulations and they named one person who congratulated him, and that was Karl Marx.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. JONAS. What does the Director say in explanation of this type of broadcasting?

Mr. BOW. I will say that the Director was as concerned about it as we were. He had not seen it. I cannot take the time to look at the hearings now, but this is the type of thing that disturbs your committee.

Mr. JONAS. It disturbs me, and I am wondering what steps we can take to cure it.

Mr. BOW. I wish I could bring in all the broadcasts. I am sure I could also show you some of the fine things the Agency has been doing. I do not want anything I am saying here to be interpreted as saying I am condemning; I am simply pointing out that these are the things we must deal with and that disturb the committee when it comes to this bill.

Now I would like before closing to discuss one other matter, and that has to do, I will say to my colleagues, with an area which I do not like to enter because one of the greatest institutions for the preservation of our rights in this Nation is our judiciary. I have always objected to those who stepped over the line in our separation of government and became critical of another branch of government. But I have been disturbed, and I should like to call the committee's

attention to the hearings starting on page 154 of the small book of hearings on the judiciary where it relates to the travel of judges. We hear so much at times about the travel and junkets of Members of Congress, but I think we ought to take a look at this, it has occurred to me, because senior judges and acting judges are spending a lot of money traveling all over the country trying cases. I point out to you, however, that one of the most congested districts in the entire United States is the southern district of New York. They tell us they need more judges there. In our hearings we are told stories about their great congested dockets, but let me say to you that they have time to travel to California and try cases out in California; and, lo and behold, around theater season—I do not know what season it is there, but anyway around theater season—and we are into the fifth season now, I think—at least there is a theater season in New York, and lo and behold, the California judges around that season find time to go to New York to try cases.

And in the springtime in Carolina. I am telling you they should not be a case behind in their dockets in the Carolinas, because in the springtime you will find, if you look at the record, the number of Federal judges who go down there in the balmy beautiful spring.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. COHELAN. I am sure the gentleman does not mean by his remarks that there is not a great backlog of cases in California.

Mr. BOW. No, I do not mean that; but the point I am making is—I do not like to say this—but the judges in California find time to travel to these other areas. I think they should be back home trying their own cases. I am looking at the hearings hurriedly, but if you take time to go through them you will find where a certain judge spent 114 or 115 days in one area, and if you take the trouble to look at the actual time spent in trial during his stay in the area I think you will see it is proper that we begin to take a look at this item.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I shall be delighted to yield to the gentleman from North Carolina.

Mr. JONAS. Of course, the seasons are so fine, and the scenery is so grand, and the people are so hospitable in North Carolina that I do not blame these judges from other parts of the country desiring to be sent down there to try cases. But there is one point I wish the gentleman would clarify for the benefit of the Members: What is the current per diem in addition to travel of these judges holding court away from their home jurisdiction?

Mr. BOW. I think it is $25 a day in addition to their transportation; and you will find in this table that they take their secretaries, their criers, their law clerks along with them. I have just gotten a little weary of some of our friends and colleagues talking about the junkets of Congress.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. McCULLOCH. Mr. Chairman, I am very happy to know that this subcommittee has delved into this problem, and I think it serves a very good public purpose to have it written in the RECORD. I should like to ask the gentleman from Ohio this question: Who requests the assignment of these judges from one district or one circuit to another?

Mr. BOW. I am advised that is done through the administrative office of the courts. The assignments are made there. I could not say to the gentleman specifically who has made the request in the cases I have outlined. I have been told in some areas certain judges will request that they be assigned to other areas.

I regret to say to the gentleman from Ohio, the ranking minority member of the Committee on the Judiciary, that we did not delve that far into this. We will do it in hearings at a later date. I am sure his committee will now become interested in these judge bills that we have up; that they will become interested in the question of active judges leaving their districts when they are claiming they are so far behind.

Mr. McCULLOCH. I want to again compliment the gentleman from Ohio and his subcommittee for alerting us to this condition which I do not think serves too good a purpose. In view of the fact that we have been requested, that is, the Committee on the Judiciary, to provide from 40 to 60 additional Federal judges in this session of Congress, it is well that this matter come to light at this time and I hope the committee will continue to furnish this evidence.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Am I justified in assuming that the gentleman is conveying to the Members of the House that we ought to be very careful in passing any bill increasing Federal judgeships?

Mr. BOW. I am conveying that we ought to take a good look at the way they are leaving their districts.

Mr. McCORMACK. I mean, in increasing the number of judges.

Mr. BOW. I understand that. We ought to take a good look at it.

Mr. McCORMACK. As majority leader, I assure the gentleman we are going to take a long look at it.

Mr. McCULLOCH. I am happy to note that the majority leader is going to take that look. We have been attempting to take that kind of look for nigh on to 14 months.

Mr. BOW. I think it would be proper to say that in a matter as important as the creation of new judgeships, both the majority leader and the minority leader, as well as every Member of the House, should take a good look because it is obvious that every Member of Congress will have to be convinced after taking a good look.

Mr. COHELAN. Mr. Chairman, I trust that in his remarks with reference to State Department expenditures, in which he mentioned Miss Marian Anderson, the gentleman from Iowa [Mr. GROSS] did not intend criticism of this great American and world-renowned artist.

Miss Anderson's 1957 State Department tour of 13 Far Eastern countries, during which she gave 24 concerts in the period of 2 months, 20 of them in such major cities as Hong Kong and New Delhi, will not soon be forgotten, either by millions of our friends there or by Americans who saw the record of her tour in the CBS television presentation, "Lady From Philadelphia."

Mr. ROONEY. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the able presentation of the distinguished gentleman from Ohio [Mr. BOW] in which there was included reference to certain broadcasts, both of Radio Moscow and the Voice of America, with regard to Iran, brought to my mind the fact that we had before us the broadcast service of the U.S. Information Agency, the so-called Voice of America, and we asked them to bring up the scripts of the broadcasts which had been delivered on September 15, 1959, the first day of the visit of Khrushchev to this country.

At page 4 of the 8 a.m. roundup of that date, a very important time, incidentally, in the broadcast day, we found that the following language had been X'd out in the account of the Khrushchev visit to the United States:

> There have been protest demonstrations in several American cities over the Khrushchev visit. These have included silent parades with marchers displaying black armbands and funeral crepe in memory of victims of Communist oppression. In many churches, special prayers were said.

I immediately sought to inquire why it was that such facts were deleted from the broadcast, and particularly of the broadcast to people behind the Iron Curtain. The following colloquy ensued:

Mr. ROONEY. What does this page we're looking at indicate to you?

Mr. LOOMIS. I believe that indicates——

Mr. ROONEY. What language?

Mr. LOOMIS. I believe that appeared—I know that appeared—on the central news file as optional. I believe the X's indicate that optional paragraph was not carried in the Russian language as of that date.

Mr. ROONEY. Why not?

It was the fact, was it not—and I assume you would be interested in broadcasting the truth—that there were protest demonstrations by several American citizens over the Khrushchev visit?

Mr. LOOMIS. Yes, sir; that is the fact.

Mr. ROONEY. And it was the fact that these included silent parades with marchers displaying black armbands and funeral crepe in memory of victims of Communist oppression?

Mr. LOOMIS. That is also a fact.

Mr. ROONEY. And it was a fact that in many churches special prayers were said?

Mr. LOOMIS. That is also a fact.

Mr. ROONEY. Can you conceive why we shouldn't broadcast these truths to the Russian people? And rebroadcast them hour after hour?

Mr. LOOMIS. One of the problems, Mr. Chairman, in the Russian broadcast are that the translation of English into Russian, you find that it takes 25 percent more space to say in the Russian language what you say in

the English language. So that whenever you take a central script written in English, you will have to reduce about 25 percent of it to stay within the program time.

This requires constant editorial judgment. It is one of our most difficult problems which we face constantly.

Mr. ROONEY. Wasn't it more important to broadcast these truths to the Russian people behind the Iron Curtain than a great many of the other items?—and I hand you your file.

Wasn't this the nub of the whole thing? This was the most important news of all—the fact that there were protest demonstrations and that there were silent parades with marchers displaying black armbands and funeral crepe in memory of the victims of Communist oppression, and that in many churches special prayers were said.

This went on all over America; didn't it?

Mr. LOOMIS. Yes, sir.

Mr. ROONEY. There were church services at the time of the Khruschev visit, praying for the deliverance of the Russian people. Isn't that correct?

Mr. LOOMIS. Yes, sir.

Mr. ROONEY. Why wasn't that used in Russia, regardless of whether it took 25 percent more time or space?

Mr. LOOMIS. I can check with the desk people who made the translation.

I can only say it must have been the judgment of the editor at that time, in view of the other material in the news file. Some days news is very plentiful; other days it is scarce. It is a difficult judgment.

This is the problem which we are living with all the time—how to make these editorial judgments.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 901(3) of the Foreign Service Act of 1946 (22 U.S.C. 1131), $835,000.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 4, line 8, strike out the figure "$835,000" and insert "$400,000".

Mr. GROSS. Mr. Chairman, before I speak to the amendment, I should like to call the attention of the gentleman from New York to page 940 of the hearings in connection with the statement that I made a while ago with respect to an additional hospitality and liquor allowance, and quoting from page 940 I read:

Mr. ROONEY. No; I mean with regard to U.S. missions to all international organizations.

Mr. HENDERSON. No, sir. * * * The total of their representation amounts within those budgets comes to $355,043.

I do not believe I will change my remarks, since the question was asked as to how much is being spent on entertainment by U.S. missions. Those were the words I used in my statement.

Mr. ROONEY. Mr. Chairman, if the gentleman will kindly yield, the gentleman may fairly make that conclusion, because the question and answer were mixed up; one did not understand the other. But I assure the gentleman that there is no such sum as $355,043 for American missions to international organizations entertainment. This figure represents the total for all the countries of the world that belong to these international organizations, for hospitality, entertainment, and so forth. I thought the gentleman understood that.

Mr. GROSS. I do not understand that and that is not what the hearing record shows. I am relying on the hearing record, I will say to the gentleman.

Mr. ROONEY. If the gentleman will yield for a moment further, so as to get this clear—and if the gentleman does not have sufficient time to discuss his amendment, I shall ask unanimous consent that he be granted additional time—let me quote from the hearings.

Mr. GROSS. I yield to the gentleman.

Mr. ROONEY.

Mr. HENDERSON. You mean with regard to U.S. mission to the U.N.?

Mr. ROONEY. No; I mean with regard to U.S. missions to all international organizations. This figure could not be right.

Both of us are mixed up. So, referring to the figure $355,043 previously given, I say to him—

This figure could not be right.

Mr. HENDERSON. No, sir; we have a breakdown for those organizations whose annual budgets are in excess of $500,000.

The total of their representation amounts within those budgets comes to $355,043.

Those are printed in the record, the budgets of those organizations.

The total of their representation amounts within those budgets comes to $355,043.

Mr. ROONEY. It is quite a bill; is it not?

Mr. HENDERSON. Yes, sir.

Mr. GROSS. Mr. Chairman, I am not going to argue the point any longer. Cut it as thick or thin as you want, we are putting up most of the money. If they are spending $355,043 for entertainment and liquor, all international organizations of which we are members, we are putting up the bulk of the money. So I shall leave it right there.

With reference to my amendment, I would have offered an amendment to strike the entire $835,000, but I am well aware that probably would not be accepted. We have here a situation that has been going on for some years and, as with a narcotic addict, you do not want to take all of the dope away at one time. So I am willing to cut this item down to size and save the taxpayers $435,000. And you cannot make such a saving every 15 minutes around here.

The State Department can get along very well with $400,000 for liquor and entertainment next year. I believe the gentleman from New York will agree with that and I hope that he will accept this amendment in the interest of saving the taxpayers some money.

Mr. ROONEY. Mr. Chairman, will the distinguished gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ROONEY. Does the gentleman understand that this item as for expenses incurred in pursuance of the following official duties: Promotion of U.S. national interests; promotion of U.S. citizens' interests; promotion of economic activities, and commemorative and ceremonial requirements?

Mr. GROSS. Oh, yes. I have heard that in years past. I have read the gentleman's discussions with those appearing before his committee. The gentleman is well aware what this money is spent for and the records of the hearings this year and in previous years show that.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GROSS] has expired.

Mr. ROONEY. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa [Mr. GROSS] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GROSS. Mr. Chairman, I yield to the gentleman from New York.

Mr. ROONEY. Let us get down to cases, I shall say to my distinguished friend from Iowa. If we are going to have diplomatic establishments all over the world, at over 180 locations, some of which are quite lonely, hardship posts, and if we are going to be represented in Paris, London and Rome, and if we are going to have our diplomats working hard in the best interests of the people of the United States, surely the gentleman will not refuse them enough to serve a drink—a martini or a scotch and soda.

That is about what the distinguished gentleman would do if this amendment of his were to be adopted. Why, you would cripple the State Department. They would all be in debt. They have not had an amount as low as $400,000, I believe, in many, many years. The committee has cut this appropriation every year. They have come along and asked for $1,200,000 but we did not go along. We want them to have just enough to function properly.

Mr. GROSS. Mr. Chairman, I did not realize until the gentleman explained what an important part bourbon and scotch play in the foreign policy of the United States, and at meetings of international organizations.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. REES of Kansas. The gentleman knows and the gentleman from New York also realizes that this fund started at about $250,000 a few years ago, then it grew to $300,000, $400,000, or $500,000. I go along with the gentleman in that. I think we can get along with $400,000.

Mr. ROONEY. This fund amounted to $675,000 in 1958. The Eisenhower administration has been doing fairly well in increasing it. With the approval of Congress, it is now up to $825,000.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, just a few minutes ago the gentleman from Ohio [Mr. BOW], if I understood his argument correctly, and I came in a little late, was intimating, or suggesting, or drawing some inference, that perhaps our judges did not work in office and library as hard as they should, that they were off at social activities part of the time when they might better have used that time to

study the law books or the legal precedents. That may be all very well and perhaps true. I would have no objection to the judges' having vacations—they are supposed to work pretty hard and I think they do—if they spent part of that time when they are away from their law books, their briefs, and their records—if they would spend just a small part of that time getting acquainted with the people in the country and some of their customs and some of their thinking and beliefs.

Those thoughts came to me because of two recent decisions. I recall the segregation cases where, if memory serves correctly, the Court cited one Kansas case, and the rest of the citations they made were to books of some writers on social problems.

The argument as finally developed was that it was impossible to properly educate a colored individual for him to succeed in his efforts to become educated unless he was associated with white students. It could not be done. It did not matter who the instructors were or what he studied or what his books were, nothing counted unless he had white associates.

All right, but with that connection in mind where do we get from a practical standpoint? Here in Washington we have schools with more than 1,000 colored individuals and perhaps 50 to 60, no more than 100, white youths. In other places you have schools where you do not have any white pupils. If the Supreme Court is right, if you cannot educate either race without association with the other, if you must have that association or intermingling, otherwise you cannot learn to read or write, cannot learn the alphabet, cannot learn the multiplication table, cannot learn much of anything except perhaps how to swim in a swimming pool, something of that kind, we must all remain uneducated.

If that is true, you see where we get. With schools with only colored individuals in them, no white people, the colored people cannot be educated? That is the argument—and the conclusion—certainly a false one as history has demonstrated, for we have educated in both races.

That argument is an absurdity on the face of it; is it not? So what do they do? They tell us that in New York they go over to the other side of the city to another school district and pick up a bunch of white pupils and take them over to a colored school. I assume they do the same thing with the colored pupils. Transfer some to a white school. That is one decision that makes me think that if the judges did not know so many things about situations that are not true, and if they would just use a little more common sense and have a little more association with the people back home—in the sticks, if you wish—they would learn something about how the laws should be written, if the Court intends to write the laws and, apparently, we know from the recent decisions, the Supreme Court is making the laws rather than the Congress. So I would not object if the judges did not spend all their time with their books, but got out and mingled with the people and found out something about the facts of life, what the people thought and believed and did away with some of these ideas that just do not work out nor conform to the thinking and living of our people.

There is another recent case that rather shocked me and many of our people too. Shocked us because it is contrary to our way of life, to our religious thinking, to our accepted customs to our family substance. It was that case which came up from New York where the court said that a certain picture should not be shown because the implications were all wrong and that that picture should not be permitted to be publicly shown. You remember the New York regents, I think it was there, banned this picture from the screen. The Supreme Court wrote six opinions. They were quoted in the CONGRESSIONAL RECORD, volume 105, part 14, pages 17581–17584. I have spoken about this before, will probably speak about it again some time, especially back home where the people have what I call decent ideas in their heads and do not go along with some of this, what I would call, rot. Of course, I may be mistaken but it does not seem to me we have gone back to licentious days of old nor have become so liberal that we have forgotten all of the Ten Commandments nor the decency of our parents. Anyway, the decision in that case which was written by the first justice was in substance, and it goes back to freedom of thought and freedom of speech—and that is where you get this divergence of opinions—the decision in New York banned this picture, because the thought back of the picture was that a little adultery by the proper people at the proper time was a subject which you might advocate. I was wondering—I know some fellows, some people think ought to be killed. Can I go out, am I permitted to go out on the highway and the byway in public wherever I may desire and suggest that a certain group be killed right off the bat? Have I the freedom under the freedom-of-speech doctrine to advocate the commission of crime? Have I the right to suggest that some group be liquidated? That is the logic of what that decision boils down to. To me it is complete and utter nonsense. There may be a time in the years to come when advocating that sort of thing will be all right, but as I recall it, it goes contrary to the Ten Commandments. It is contrary to our own thinking for—well, ever since we became a nation. So why should the Supreme Court go off on that kind of a tangent? Nonsense.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan may proceed for 1 additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. GROSS. I asked the gentleman to yield to find out what the leader of our party thinks of my amendment and whether he thinks the Department of State ought to have more martinis or less martinis?

Mr. HOFFMAN of Michigan. I will support the amendment. They can do with less. I do not use the stuff myself, no doubt am biased, but I am sort of liberal in my attitude—and that is the trouble with the Supreme Court. It has been going from one extreme to the other. First, the Supreme Court says under the first amendment, I have the right anywhere to get up and advocate whatever policy I may have in mind. Then it steps over the other way and it says—no; I cannot do that, you may injure the public, we will have to protect the welfare of the people. Now between those two extremes, the Court has been going back and forth and back and forth. First one side of the road—then the other. The course which will give individual freedom and protect the welfare of the public is, we all admit, a difficult one to follow. Perhaps we should thank the Court instead of condemning it. Read the decisions of Justice Frankfurter—now the great conservative. He gave expression to more utter nonsense from the viewpoint of the average individual who just knows a little common sense that any Justice who has ever been on that Court. He has now learned from experience to use a little common sense. God bless him. I hope he keeps on drifting a little bit toward the right, toward protecting the welfare of the people and not go along, as the Court did for so long, and so often, with the right of the individual to do just as he darn pleases.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from Iowa to the State Department appropriation would make it impossible for necessary public functions to be carried on by the Department during the next fiscal year. It is just as simple as that. The State Department must deal with representatives and citizens of other nations other than in purely formal negotiations, and a representation allowance is needed for this purpose. The money in this bill for representation allowance is now down to a rockbottom figure. I do not think we can properly reduce it. But before I talk about his amendment, I do want to take a few moments to say that I personally appreciate the studious, diligent, and patriotic effort that the gentleman from Iowa [Mr. GROSS] makes in this House day after day after day. I think he knows more about more bills than any one of the rest of us. He is one of the most valuable men in the Congress. I want the RECORD to show that I appreciate his efforts for a better America.

Now, Mr. Chairman, we have recommended the sum of $835,000 for representation allowance. This is $40,000 less than the State Department felt it must have for this job. It is only $10,000 more than the Congress appropriated for the fiscal year 1960. In other words, we are

recommending about 1 percent more than the amount of money that was appropriated last year for this purpose, despite the fact there has been an increase in all costs during that period, and despite the fact that 8 or 10 new American posts must be established with the funds that are available. We have 183 diplomatic posts spread around the whole world, and each of them must carry on certain diplomatic social activities which require expenditures from the representation allowance.

Actually, per diplomatic post, there will be less money for this year's requirements, even though the costs are higher than they were a year ago.

Now let us face it. This is not a whisky allowance. Of course some whisky is bought. It is served at most social functions, including those to which we Congressmen are invited in Washington. Certainly it is a part of diplomatic functions. So is food. So are flowers. So are service costs. In other words, this is just what it says, a representation allowance. Our representatives are entertained at social affairs by diplomats from other nations. We have to reciprocate. It is to our advantage to show the proper courtesies to the leading figures in the nations to which our representatives are accredited. People are human. They appreciate these things. What is more, they expect them. Everybody does it. There are national days to which all the diplomatic corps are invited, such as our own Fourth of July. When those things take place it is very important to show proper recognition of local customs and to maintain cordial relations with the people in other embassies and in the other nations where we have our own representatives. Each of us on the floor recognizes the value of social gatherings. We attend them quite frequently. We participate in them. We do these things because we can see the advantage of maintaining contact with other people. Sometimes more can be accomplished or more learned at a social function than in any other way. The State Department does exactly the same thing with its representation allowance in order to further the interests of this Government. If we were not to follow this procedure we would be the only country, major or minor, that fails to do so. We would be looked upon with scorn by our neighbors in the world. Our representatives abroad have a big and important job to do and that job they must do for the good of this Nation, and for our world interests.

I trust the amendment will be rejected.

Mr. BOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if this were $400,000 for liquor I would join the gentleman in support of his amendment, but this is not $400,000 or $800,000 for liquor. This is the amount set aside for the work of our ambassadors and consuls general and others abroad. Frankly, it is an entertainment allowance. Entertainment takes up something more than serving liquor and meals. In large capitals there is the usual round of dinners, and much of the work of these people is done in these areas. I would say that if we should adopt this amendment we would very seriously affect the work.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. HAYS. I just want to point out that one of the very important embassies in this city has a representation allowance of $106,000. For our embassy to that country we allow our ambassador a representation allowance of $25,000. Consequently we have to appoint a millionaire to such embassies or you just could not run the embassy.

Mr. BOW. The gentleman is quite correct, and that is true of other embassies throughout the world. In some we have career men. Even they have to go into their own pockets to take care of some of these expenses. And I think, looking at it for what it is, we just cannot support this amendment. It is going to affect the work of our people abroad. It is not fair to stand up and call it the whisky allowance or gin allowance. We have got to be big enough to face the facts. May I say to you that I join with the gentleman from Michigan; if I go there I will not use any of it, but I just do not believe we should cripple this area in this bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I shall be delighted to yield to the gentleman from Iowa.

Mr. GROSS. Accepting the formula set up by the gentleman from Ohio [Mr. HAYS], I suppose that impersonally if we increased this to a million dollars it would still be subject to the same criticism. The hearings will show how lightly this was referred to and some of the things that were said about it impersonally.

Mr. BOW. Now, the gentleman has made a statement as if I were trying to mislead. Just go through the record and show me any place where I have referred to it as anything else.

Mr. GROSS. I said your subcommittee, your hearings, members of the committee. This was referred to as firewater, as hospitality in quotation marks, and so on and so forth. Let us not kid ourselves.

Mr. BOW. I cannot tell the gentleman where the quotation marks came from. If my dear friend from New York in his enthusiasm in the interrogation of witnesses at times refers to firewater, that does not change the fact as to what it actually is.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. BOW. Certainly I yield.

Mr. ROONEY. I am sure if I inadvertently used the term "firewater" it was not used in any sense or in any way referring to bad liquor.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. GROSS. The gentleman from Ohio [Mr. HAYS] I think has a formula that you must have a representation allowance or you must have a millionaire in a foreign post. Do you mean to say that if we were to increase this to $5 million that we would go out and get some ordinary citizens and send them overseas as ambassadors?

Mr. HAYS. If the gentleman will yield, we might want to send the gentleman from Iowa as ambassador to some foreign country, to send him to Cuba or Russia. The gentleman has talents we could use and cannot afford to let waste.

Mr. BOW. In closing I may say that the increase in this item comes about because we have a number of new embassies which will be set up this year, in Africa, Cyprus, and other places. The increase is small, roughly, $10,000.

I sincerely hope the Committee will reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

The Clerk read as follows:

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

Contributions to international organizations

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific acts of Congress, $48,700,754.

Mr. PELLY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the discussion of appropriations for the Department of State and with particular reference to funds for international conferences leads me to call to the attention of the Committee that right now in Geneva, Switzerland, there is such a meeting in the form of the United Nations Conference on the Law of the Sea.

There has been reference to inclusion of funds for entertainment or, as it is called, representation allowances which includes social gatherings and I suspect cocktail parties. For all I know, right at this moment the representatives of the State Department and our delegates in Geneva are attending such a social gathering. On these occasions, as I understand, the delegates of foreign nations are softened up for supporting our proposals and program. This is important because in Geneva there are 88 nations each of which has an equal vote. We are negotiating an important matter having to do with a change in the old 3-mile limit and the extension of the territorial sea to include an exclusive fishing zone. A nation that has no seacoast or interest in fishing gets the same vote that we do.

Now, Mr. Chairman, as I said yesterday on the floor of this House, in the Geneva Conference, Canada and the United States have made a joint proposal. The chairman of the Canadian delegation has suggested that this proposal entails great sacrifice by all nations. What sacrifice is it for a nation that loses nothing? The facts of the case are that this joint proposal contains an opportunity for Canada to gain valuable fishing grounds at the expense of the United States. Mr. Chairman, 54 percent of all ground fish imports that come into the United States are from Canada. We imported in 1959, 184 million pounds of such fish. Ninety-four million pounds of this came from Canada which is more than the entire annual ground fish production of the United States. On the Pacific coast including

Alaska the United States ground fish production last year was approximately 40 million pounds. Of this amount, a little over half were harvested by American fishermen outside the 3-mile limit of British Columbia.

Now, by international negotiation we are threatened with a loss of all fish caught off Canada up to the 12-mile limit. In the outer 6-mile zone we would lose our rights after 10 years. In the area in which Canada would gain exclusive rights, our Pacific Northwest fishing fleet has harvested about 8 million pounds per year—$2 million in value. We would lose this to Canada, but what is more important, of course, is that Canada would expect to export the fish to the United States. We would be buying our own fish caught in an area which we pioneered and in which we have legal and historic rights. Nor does this include the loss in the way of migrating salmon and also our annual catch of crab and shellfish.

I call this to the attention of the Committee because if this international giveaway is consummated, Mr. Chairman, I would hope that the Congress would afford some protection for our American fishing industry. I would hope the treaty would not be ratified at the other end of the Capitol. Further, I certainly would hope Congress either by tariff or embargo would take steps to protect the fishing industry in this country.

The gentleman from Iowa [Mr. GROSS] has always been vigilant in calling to the attention of Congress these international intrigues. I know I can count on his support. In the meantime, I think Members of Congress should know of the threat to the American fishing industry that exists in Geneva.

The Clerk read as follows:

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For expenses necessary for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific acts of Congress, including expenses authorized by the pertinent acts and conventions providing for such representation; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); hire of passenger motor vehicles; printing and binding, without regard to section 11 of the act of March 1, 1919 (44 U.S.C. 111); and purchase of uniforms for guards and chauffeurs; $1,850,000.

Mr. GROSS. Mr. Chairman, I make a point of order against the language on page 7 beginning with line 1 and running through line 12 on the ground that it contains an appropriation not authorized by law.

Mr. Chairman, I call your attention to page 7 of the report on the pending bill, H.R. 11666, which states:

The following table sets forth the amounts allowed for each organization.

Item 7 provides $30,000 for the Interparliamentary Union.

Mr. Chairman, I also call your attention to page 1035 of the hearings and the justification for this appropriation, from which I read as follows:

The act of June 28, 1935, as amended by Public Law 409, approved February 6, 1948 (22 U.S.C. 276), authorizes an amount of $15,000 to assist in meeting the expenses of the American group of the Interparliamentary Union for each fiscal year.

I further read from the justification to be found on the same page:

Although the enabling legislation authorizes an appropriation of $15,000, there is included in this request $30,000.

Mr. Chairman, I make the point of order that this violates rule 21, paragraph 2, of Cannon's Procedures which provides that no appropriation shall be made without prior authorization.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. ROONEY. Yes, Mr. Chairman. This is going to be a great deal of tweedledee and tweedledum. It is the fact, and we concede, that the Interparliamentary Union, which has been in existence for some 70-odd years, does not have an authorization for expenditure beyond $15,000 per annum, whereas the newly created NATO Interparliamentary Union and the Canadian Interparliamentary Union have authorizations for $30,000. The committee felt that the oldest one, the 70-year-old one, should be put on the same basis as the two lately formed ones, and for that reason inserted in the bill $30,000.

Mr. Chairman, I am now constrained to concede that the point of order is well taken and I shall immediately offer an amendment.

The CHAIRMAN. The point of order is conceded and sustained.

Mr. ROONEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROONEY: On page 7, line 12, strike out "$1,850,000" and insert "$1,835,000".

Mr. ROONEY. Mr. Chairman, this should cure the situation to which I referred. Instead of the amount being $1,850,000, as originally provided in the pending bill, we have reduced that by $15,000 to $1,835,000.

The CHAIRMAN. Let the Chair point out to the gentleman from New York that on the point of order the entire language on page 7, line 1 through line 12, was stricken out.

Mr. ROONEY. The proposed amendment is exactly the same as the language contained on page 7, lines 1 to 12, with a change in the amount from $1,850,000 to $1,835,000. We shall have the amendment prepared in just a few seconds.

The CHAIRMAN. The Clerk will report the amendment.

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Would it be in order to call for the regular order?

The CHAIRMAN. The regular order is that the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROONEY: On page 7, line 1, insert:

"MISSIONS TO INTERNATIONAL ORGANIZATIONS

"For expenses necessary for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific acts of Congress, including expenses authorized by the pertinent acts and conventions providing for such representation; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); hire of passenger motor vehicles; printing and binding, without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111); and purchase of uniforms for guards and chauffeurs; $1,835,000."

Mr. ROONEY. Mr. Chairman, this would cure the paragraph printed in the bill at page 7, lines 1 to 12, the change being to take out $15,000, the amount of the unauthorized appropriation for the Interparliamentary Union.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to my distinguished friend from Iowa.

Mr. GROSS. Mr. Chairman, I had just the faintest hope that I would be able to kill the whole thing, because I think we have gone far overboard on these international missions. But the gentleman was too fast afoot for me.

Mr. ROONEY. Mr. Chairman, of course we could not do that. There would not be much sense in our belonging to the United Nations and paying our share for it if we did not have a spokesman up there, Ambassador Lodge, and a staff; and there would not be much sense in our belonging to the international organizations at Geneva, the International Civil Aviation Organization, and the Organization of American States, to which reference was made earlier today, since this is Pan American Day, and to the International Atomic Energy Commission and other international organizations, without having American representatives there to express our viewpoint.

Mr. GROSS. That is exactly right. I said that the gentleman sustained what I had said, that we have gone overboard on this business of financing international missions and organizations.

Mr. ROONEY. Mr. Chairman, I am grateful that the gentleman from Iowa gives me approbation in having gotton the parliamentary situation together so that we now are prepared to vote on inserting what was originally in the bill, except for the $15,000, the unauthorized amount for the 70-year-old international parliamentary organization which I insist—although I have not been to one of their meetings since the one in Rome in 1948—which I insist is one of the most worthwhile organizations to which we belong.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the distinguished gentleman.

Mr. GROSS. The gentleman cannot point to a single worthwhile accomplishment on the part of that organization.

Mr. ROONEY. Oh, I think if nothing happened other than that parliamentarians and elected representatives from the free nations of the world met, it would be well worth the $15,000 that the gentleman has been referring to this afternoon.

Mr. GROSS. The gentleman well knows that they are going to get another $15,000; that nobody can stop it.

Mr. ROONEY. We all try to be realists. There will be a bill on the Consent Calendar in the next week or so and this situation will be straightened out by the will of a majority of the Members of the House.

Mr. GROSS. And then we will roll out the jet planes and haul the junketers overseas.

Mr. ROONEY. I do not know whether they travel in jets or propeller planes, but I take it they will attend the conferences wherever they are held in the world. Personally, I do not go to these conferences but I think they are worthwhile.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the distinguished gentleman from Ohio.

Mr. HAYS. I have been to some of them and we have never gone in a jet yet. But if the President is not using his to go to Augusta, I would be happy if he would let us have it this fall.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ROONEY].

The amendment was agreed to.

The Clerk read as follows:

INTERNATIONAL CONFERENCE AND CONTINGENCIES

For necessary expenses of participation by the United States upon approval by the Secretary of State, in international activities which arise from time to time in the conduct of foreign affairs and for which specific appropriations have not been provided pursuant to treaties, conventions, or special Acts of Congress, including personal services without regard to civil service and classification laws; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); hire of passenger motor vehicles; contributions for the share of the United States in expenses of international organizations; and printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111); $1,843,000, of which not to exceed a total of $100,000 may be expended for representation allowances as authorized by section 901 (3) of the Act of August 13, 1946 (22 U.S.C. 1131), and for entertainment.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I would like to go back to page 4 of the bill. I neglected to ask a question earlier about these 10 automobiles at $7,800 apiece. Who is going to get those?

Mr. ROONEY. This is the same as carried in the bill in the current fiscal year. This is a replacement program of cars for your important ambassadors abroad.

Mr. GROSS. At $7,800, they are all air conditioned, I assume, even those in the Scandinavian countries, where they would not have much need of it?

Mr. ROONEY. I do not believe so.

Mr. GROSS. I thank the gentleman, and I wish to add only this that $7,800 automobiles for public officials are fast becoming a symbol of a nation that is $292 billion in debt.

Mr. ROONEY. President Eisenhower has requested these 10 automobiles. It is claimed they are necessary.

The Clerk read as follows:

EDUCATIONAL EXCHANGE

International educational exchange activities

For necessary expenses, not otherwise provided for, to enable the Department of State to carry out international educational exchange activities, as authorized by the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431–1479), and the Act of August 9, 1939 (22 U.S.C. 501), and to administer the programs authorized by section 32(b)(2) of the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1641 (b)), the Act of August 24, 1949 (20 U.S.C. 222–224), and the Act of September 29, 1950 (20 U.S.C. 225), including salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); hire of passenger motor vehicles; entertainment within the United States (not to exceed $1,000); services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and advance of funds notwithstanding section 3648 of the Revised Statutes, as amended; $23,210,000, of which not less than $5,500,000 shall be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States: *Provided*, That not to exceed $1,437,500 may be used for administrative expenses during the current fiscal year.

Mrs. CHURCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the chairman of the subcommittee about some amounts as carried in the table on page 24 of the report, with reference to the educational exchange program.

I notice that the budget estimate for fiscal year 1961 for the international educational exchange activities was $28,200,000, and that the committee is recommending in this bill $23,210,000. With regard to international educational exchange activities in connection with the special foreign currency program, the amount sought by the Bureau of the Budget was $6,960,610, of which amount $6,600,000 has been recommended by the committee. I wonder if the chairman of the subcommittee could tell me what particular curtailment of anticipated activity might be involved by this decision not to appropriate the requested amount.

Mr. ROONEY. There will be no curtailment at all of the present activity. The action of the committee in connection with the total request of $35,160,610 is to be found in two items, which combined make $29,810,000. The committee allowed the amount to which the distinguished gentlewoman referred, $23,210,000, for what has been heretofore carried in the bill as international educational exchange activities, as well as $6,600,000 for the special foreign currency program under Public Law 480, relating to disposal of surplus agricultural commodities, which give a total figure of $29,810,000. This would provide the same amount in the first instance as is provided in the present fiscal year, and would amount to a cut of $360,610 in the $6,960,610 item for the special foreign currency program.

Mrs. CHURCH. So that it is true, as the report states, that the total for fiscal year 1961 will be $3,600,000 over what was appropriated in 1960? Is that correct?

Mr. ROONEY. That is correct.

Mrs. CHURCH. I would say to the gentleman that I certainly hope that there will be no unwise curtailment of this program.

Reference was made during general debate to some perhaps merited criticism of some aspects of the operation of the program, but I would like to state that this is one of our international activities in which I have put most faith. I have had occasion, through my university connections, to interview and know intimately many of these students that have come here from foreign countries. It has furthermore been my privilege abroad as a member of the Committee on Foreign Affairs to talk to students who have returned to their own countries, after the rich experience gained as foreign exchange students here. This is one way in which we build mutual knowledge and mutual good faith, and lay the intimate groundwork for the understanding that underlies friendship and the pursuit of peace.

Mr. ROONEY. I assure the gentlewoman that under the suggested action of the committee the administration would have between $5 million and $6 million more in foreign credits than they have in the current year.

Mrs. CHURCH. I am very glad to hear that. I would particularly hope that more local currencies, which we seem to be accumulating so rapidly, could be made available for this purpose.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I should like to ask the gentleman from New York about the $6 to $8 a day pay to foreign students in the student exchange program.

Mr. ROONEY. That is for living expenses, to provide meals and accommodations.

Mr. GROSS. Under our GI bill of rights, were not our servicemen paid $120 a month, that is, an unmarried student?

Mr. ROONEY. Something like that.

Mr. GROSS. Then why pay foreign students $6 to $8 a day?

Mr. ROONEY. At the demand of the Eisenhower administration there are $17 per diems included in this bill.

Mr. GROSS. For leaders?

Mr. ROONEY. Yes. I am sure the gentleman has run across that testimony.

Mr. GROSS. Yes, I spoke of it a while ago and mentioned the $6 to $8 per day per diem paid to these students who come over here and your hearings are very complete as to the defects in this program in that these students are staying in this country; they are not going back to their own countries as this educational program intended they should.

Mr. ROONEY. Yes; that is one of the failures of the program. We spend taxpayers' money to bring these folks here from overseas and then have them with us for a certain period of time, hoping that they will learn to like us so much that when they return to their native country, they will be friends of ours for life. Unfortunately they come to like our country so much, that very few of them want to go back home. They want to stay here.

This is one of the failures of the program. I do not know what the complete

answer to it is, but I am not willing to destroy the entire program because of a number of such instances.

Mr. GROSS. That is a very basic defect in the program and it is so serious that it must be stopped.

Mr. ROONEY. I would agree. I do not want to infer that this is a general statement that I am making, but it certainly applies in particular areas. We have alien doctors who come here from abroad. A great many of them are not here at Government expense. They are employed in our hospitals and are paid for their services. When they get here, they come to like our country so much that the next thing that happens, they meet a nice looking American girl and then the next thing that happens is that they get married, and then there is an American citizen born of that marriage. They do not then want to return to their native country. What the answer to this is, I will say to my distinguished friend from Iowa, I just do not know.

Mr. GROSS. I still do not understand why we should pay foreign students $6 to $8 a day when under the GI bill of rights we paid our own servicemen less than half that amount.

Mr. ROONEY. The gentleman is talking about a long time ago. I am sure the gentleman knows that there have been increases in prices and even in cost of representation over the years.

Mr. GROSS. I am well aware of that. You have over a million dollars in this bill for representation allowances; and, if we could find them all, there would be much more than that.

Mr. COHELAN. Mr. Chairman, if the gentleman will yield, is the gentleman aware of the very stringent regulations in respect to this type of visa by the Immigration Department? I am sure the Chairman must recall that that is so. As a matter of fact, within my recollection on the floor of this House, the gentleman from Pennsylvania [Mr. WALTER] made a very firm statement with reference to this problem. I am aware of this problem because some students at the University of California in the district I represent have been very seriously affected by these regulations and are required to go home.

Mr. GROSS. But the facts do not bear that out.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. ROONEY. I suggest that that is not the fact at all with reference to the matter to which my distinguished friend refers. He will find testimony on this bill, although I just cannot put my finger on it at the moment, but I will be glad to get it, showing that there are a great many who have had waivers of the 2-year requirement that they go home.

Mr. GROSS. That is right.

Mr. TOLL. I would like to commend the gentleman from New York on his explanation and comment that at least the relatives of these students who are in this country know that the students love this country so much that they do not want to return to their native land, and we do earn the reputation that America is a good country in which to live.

Mr. ROONEY. May I say to the distinguished gentleman from Pennsylvania, if the gentleman will permit me, that that is not the purpose of the expenditure of these funds at all. These funds are intended to be spent in order to project our friendship all over the world, to make friends for us in countries all over the world, and I am not so much interested at this moment in talking about the money that is included in this bill, as to whether or not they like our country. They could not help but like it.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

RAMA ROAD, NICARAGUA

For an additional amount for necessary expenses for the survey and construction of the Rama Road, Nicaragua, in accordance with the provisions of section 5 of the Federal-Aid Highway Act of 1952 (66 Stat. 160), as supplemented by section 8 of the Federal-Aid Highway Act of 1954 (68 Stat. 74) and the Act of September 2, 1958 (72 Stat. 1709), $1,000,000, to remain available until expended: *Provided*, That transfer of funds may be made from this appropriation to the Department of Commerce for the performance of work for which the appropriation is made.

Mr. MEADER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time simply to call attention to an item that has been kicking around here for a great many years, namely, the Rama Road in Nicaragua.

This item originated from an informal conversation between President Roosevelt and President Somoza of Nicaragua in 1939. President Somoza was unhappy because the Corps of Engineers had recommended against building a canal across Nicaragua. So to make him happy President Roosevelt offered to give him $2 million out of his emergency fund to build the road from San Benito to Rama, a port on the Escondido River in Nicaragua.

It turned out that $2 million would not build much of a road. So the President gave Nicaragua another $2 million from his emergency fund. This was before Congress passed on the matter. But from 1942 to date the Congress has authorized a total of $16 million on a project that was originally to cost $2 million.

On page 848 of the hearings of the Appropriations Subcommittee Mr. Stewart gives notice that there is going to be some more. I quote from page 848.

An annual appropriation of $1 million will force the remainder of the highway construction to be let on a piecemeal basis. This means that the project will have to absorb price increases in steel, other materials, and labor, as well as higher contractor costs for the moving of equipment to piecemeal jobs rather than one move in a major contract. Because of the necessity for constructing this highway on a piecemeal basis, no assurance can be given that an additional authorization will not be required for the completion of the Rama Road.

They have been building this road since 1943. It is only 158 miles long. After the $1 million in this bill, there will be a remainder of $2½ million authorized but not yet appropriated to date. Now we are put on notice that when that $2½ million is appropriated we are going to have still another authorization bill. Can the gentleman tell me if we are ever going to get this road finished?

Mr. ROONEY. Undoubtedly, this Rama Road is the brainchild of the late Franklin D. Roosevelt. This road construction was appropriated for piecemeal over the years in amounts which were stated to be required by the U.S. Bureau of Public Roads. When the new administration came in I did not expect President Eisenhower or the Republicans to embrace this road, which is 158 miles long, and which would connect this river port town with the Inter-American Highway. So the administration began to get tired of appropriating for it piecemeal every year. Last year we appropriated $3½ or $4½ million——

Mr. MEADER. Four and a half million, and the Senate cut it to one million.

Mr. ROONEY. The $4½ million was to complete the road. We put that amount of money in the bill, and the distinguished gentleman and everyone else in the House approved of it. But the other body, either thinking they were going to save some money or to make the figures in the bill look better, decided to appropriate but $1 million. So we are back here now with another request by President Eisenhower and increased costs and prices. I properly criticize President Eisenhower and his Bureau of the Budget for not presently asking enough money so that we would be through with this road once and for all. I hope my explanation is satisfactory to the gentleman.

Mr. MEADER. I know what the gentleman says is printed in the hearings. I do not find anywhere in the hearings where the gentleman asked Mr. Stewart just how much more money he thought would be necessary to complete the road. He gives notice here they are going to come in for further and additional authorization.

Mr. ROONEY. Is the gentleman suggesting that the gentleman from New York and his colleagues should appropriate to the President more money than he wants?

Mr. MEADER. I was not suggesting that at all.

Mr. ROONEY. He has only asked for $1 million.

Mr. MEADER. I was not suggesting that. I was asking the gentleman why he did not find out from Mr. Stewart how much this road was going to cost.

Mr. ROONEY. Mr. Stewart frankly says he does not know how much more it is going to cost; but you cannot build a road on this basis, not down in that part of the world.

Mr. BOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I, too, would like to talk a little bit about the Rama Road. It has been one of my favorite subjects for the last 10 years. I agree with the gentleman from Michigan that it would be well if we could find out when we were going to get rid of it.

I remind you of another highway, the Inter-American, that we dealt with in another subcommittee on appropriations. When it came to the floor the last time

it was said that this would be the last appropriation and we served notice there would be no more. I am told now, however, that probably next year we will have a request for a new authorization for the Pan American Highway.

Now, let us get the record straight. My distinguished friend from New York is agile on his feet, as always, but he has blown a little hot and cold with us here this afternoon on this matter of appropriations. He has blamed the Eisenhower administration for not asking for the full amount. I would remind him that last year the Eisenhower administration through the Bureau of the Budget did just that, asked for enough money to finish the job; and the House in its wisdom granted the appropriation. We agreed with the administration. I might say that I was delighted to see that my friend from New York, the chairman of this subcommittee, agreed with the President that it should be done that way. Then when the bill went over on the other side of the Capitol, the leadership of that body also being Democratic, struck it out. They did not like it over there and they only appropriated a million dollars, and the House went along with it in conference. So now we are following the criterion set by the Democratic leadership in Congress. President Eisenhower and the Bureau of the Budget want to get rid of it, but Congress under Democratic leadership only appropriated a million dollars.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. BOW. I will yield after a bit. I know exactly what the gentleman is going to say, for we went all through this in subcommittee.

After this Democratic Congress denied the full amount last year which the gentleman from New York now says it should have granted, but recognizing the leadership here the Bureau of the Budget said: "Well, they knocked us down last year, why march up the hill and march back down again? They gave us only $1 million." Anticipating that the leadership here would act as they did last year the Bureau of the Budget did not ask the full amount. So, you see, you cannot blame the Eisenhower administration. It just illustrates the old story that there is a separation between downtown and up here on the Hill.

I now yield to the gentleman from New York, but I know just exactly what he is going to say. Let us see.

Mr. ROONEY. Is the gentleman implying that President Eisenhower and the brain trust that surrounds him down at 1600 Pennsylvania Avenue and his Bureau of the Budget are succumbing to the leadership of the Democratic Congress?

Mr. BOW. I would say to the gentleman that at this particular time where they tried to do what was right, as the gentleman says was the proper thing to do—they tried it last year—the same leadership is here today as was here last year and they have little reason to hope they would get any different treatment this year from what they got last year; so they just said, "We will go along with it this year on the basis of what they did last year."

Mr. ROONEY. Is the gentleman now saying that President Eisenhower and his Bureau of the Budget have a defeatist attitude with regard to constructing this road down in Latin America?

Mr. BOW. I do not have any defeated attitude. I think they are just rather weary with this procedure which has gone on over the years since Franklin Delano Roosevelt brought it into existence and the millions that have been poured into it; they are a little bit disgusted.

Mr. ROONEY. I think the gentleman was on the subcommittee when we used to go to conference with the other body and the distinguished then Senator from the State of Michigan, Homer Ferguson, made this his life work, trying to stop construction of this highway.

As long as we have spent $16 million on this highway so far, let us get it done. If President Eisenhower had only asked for the amount of money necessary to finish it this very year, the gentleman from Ohio, I and other members of the subcommittee would have succumbed to his judgment.

Mr. BOW. We probably would, because in our wisdom we recognized the ability of the people downtown, but for some reason or other the other body has not gone along with us.

Mr. ROONEY. I am more inclined to agree with that than anything else the gentleman has said.

Mr. JOHANSEN. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I take this time to address an inquiry to the gentleman from New York as to whether there is included in this appropriation, particularly under the item for the Inter-American Organizations, any funds direct or indirectly, for the Republic of Panama.

Mr. ROONEY. I should say to the gentleman that there is an item in the budget but not in this bill for the Republic of Panama. It is shown at page 22 of the committee report: "Payment to the Republic of Panama, $1,930,000."

As I understand it, this is the usual payment in connection with the Panama Canal. It is a permanent appropriation.

Mr. JOHANSEN. Are there any other benefits for the Republic of Panama in connection with the Inter-American Organizations? Do they participate directly or indirectly in our share or in our contribution to that organization?

Mr. ROONEY. No; they would not participate in our share. We pay our own share, for instance, in the Organization of American States.

Mr. JOHANSEN. Do they participate in the benefits of our payment toward the organization insofar as they benefit from it?

Mr. ROONEY. I suppose so, the same as a fellow member of a club would participate as a result of your paying your dues and keeping your membership up.

Mr. JOHANSEN. I thank the gentleman for his answer. I want the RECORD to show that as of the latest information I have, the flying of the U.S. flag over our Embassy in Panama is curtailed under authority of regulations of the State Department to curtail the display of the flag when local conditions are held by the chief of mission to make it desirable so to do.

I simply make the point because that curtailment occurred following desecration of the flag on the 3d of November last. The State Department has endeavored to avoid acknowledgement to a Member of Congress that there was any connection between the riot and the desecration of the flag and its curtailment. However, according to a national news magazine it is the direct result of it and because of that I have introduced a resolution to make mandatory the display of the flag over our Embassies.

I want to offer the observation that perhaps we might not win so many friends but we may win a great deal more respect if we at least stood behind our flag and its display on our own extraterritorial properties in our embassies abroad and in Panama.

The Clerk read as follows:

SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $22,035,520: *Provided*, That the compensation of secretaries and law clerks of circuit and district judges shall be fixed by the Director of the Administrative Office of the United States Courts without regard to the Classification Act of 1949, as amended, except that the salary of a secretary shall conform with that of the General Schedule grades (GS) 5, 6, 7, 8, 9, or 10, as the appointing judge shall determine, and the salary of a law clerk shall conform with that of the General Schedules grades (GS) 7, 8, 9, 10, 11, or 12, as the appointing judge shall determine, subject to review by the Judicial Conference of the United States if requested by the Director, such determination by the judge otherwise to be final: *Provided further*, That (exclusive of step increases corresponding with those provided for by title VII of the Classification Act of 1949, as amended, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by one judge shall not exceed $14,835 per annum, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $19,815 per annum.

Mr. LINDSAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LINDSAY: On page 28, line 9, strike out "$22,035,520" and insert "$22,435,520".

Mr. LINDSAY. Mr. Chairman, I take this time in order to point out a matter in the committee report. I ask the committee to refer to page 16 of the report wherein it is stated that a request by the Administrative Office of the United States Courts for approximately $800,000 for additional costs in the matter of clerks and secretaries for the U.S. judges was denied solely for the following reason: It is indicated on this page that the Administrator of the United States Courts misled the subcommittee as to the amount of money that would be required in order to achieve the objectives of Public Law 86-221.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from New York.

Mr. ROONEY. Whom did the gentleman say misled the committee?

Mr. LINDSAY. The head of the Administrative Office of the United States Courts is, by clear implication, accused in the committee report of having misled the Subcommittee on Appropriations. I refer to page 16.

Perhaps I can shed some light on this matter or perhaps I can be enlightened myself. In any event I should like to get to the bottom of it. In the first session of this Congress a bill was passed which created greater flexibility in the use of law secretaries and clerks for U.S. judges. Prior to this law, a judge was limited to one law clerk. Under the new law he could have a greater number.

What it meant in substance was that professional help could be employed who would require higher salaries. At all times the judges have been controlled by an appropriation which limits the aggregate amount that a judge may spend for help in his office, both professional and nonprofessional, to approximately $14,000. Until Public Law 86–221 was passed, which provides for greater flexibility in the kind of personnel that may be employed by a judge, the judges had not been spending up to the full amount of the allowance that they were given. It is somewhat comparable to the clerk hire situation we have here in the House except that our elaborate formula is not used in the court system.

Now, the Committee will note on page 16 of the committee report that it is stated that the Director of the Administrative Office of the U.S. Courts stated to the House Committee on the Judiciary that he believed Public Law 86–221 would not result in any additional expense. And indeed this same statement appeared in the report of the House Committee on the Judiciary when it reported out the bill.

Apparently there is misunderstanding as to what was meant by that comment. What was meant, according to the Administrative Office, was that no additional appropriation would be required which would bring the aggregate allowed for each judge for total office help over and above $14,000 per judge. This is fixed by law, and in theory at least judges should be given money to use up to that figure. If I am wrong on that I would like to be corrected. Nevertheless, the statement that appears on page 16 of the committee report is as follows:

> The committee deplores the practice of Government officials appearing before the legislative committees of the Congress and presenting misleading statements minimizing the ultimate cost of the legislation they are sponsoring and/or supporting. Such a practice, whether it be intentional or otherwise, must be stopped. The committee will do its utmost to discourage such practice by denying the requests for funds.

If this is the sole reason why the amount requested was denied, it is important that we get to the bottom of it. The matter is too important not to be considered on the merits.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield.

Mr. WHITENER. Mr. Chairman, I may say to the gentleman that this bill which we passed in 1959 came before the subcommittee of the Committee on the Judiciary, of which I am a member, and Judge Biggs, representing the judiciary, testified before that committee, along with other witnesses. They said emphatically that it was a housekeeping bill, that it would not involve any additional cost. They said it without qualification or equivocation. And if the gentleman will refer to the letter written by Mr. Warren Olney 3d, Director of the Administrative Office of the United States Courts, he will find that Mr. Olney said emphatically in the letter:

> It would thus make for better and more expeditious administration of justice in the Federal courts and improve the service to the public with, it is important to emphasize, no additional expense to the Government.

The CHAIRMAN. The time of the gentleman from New York [Mr. LINDSAY] has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, I might say to my friend from New York that, having heard that testimony as a member of the subcommittee, I went along with this bill in subcommittee, as did other members of our subcommittee. I can say, speaking only for myself, that had we had any notion that there would be a request for additional money, that this bill, H.R. 2979, passed in the 1st session of the 86th Congress, in my judgment, would not have been on the statute books of this country. I hope that the gentleman will not insist upon assisting some people in breaking faith with the Committee on the Judiciary at this time.

Mr. LINDSAY. Again, may I say to the distinguished gentleman from North Carolina, I hark back to my original premise, which is that I believed there was a clear misunderstanding as to what was meant by additional expense. As I understand it, each district judge is controlled by the appropriations laws as to the aggregate amount of money that he may spend for clerical and professional help in his office. The new law as to which Mr. Olney was testifying before the gentleman's committee did not have anything to do with a change in that aggregate. The only thing it permitted was a change in the type of clerk hire that could be employed by any particular judge.

This actually resulted in more judges using more professional help, law clerks, at higher salaries, which meant that more judges needed to draw the aggregate maximum amount to which they were entitled by law. That is the point.

May I say that when we go back into the House I shall ask unanimous consent to have inserted in the RECORD a letter by the Administrator of the United States Courts, Mr. Olney, dated February 4, 1960, to the Chairman of the Subcommittee giving a full history of this matter, explaining the misunderstanding, and expressing his regret that it occurred.

My point, again, is that I think it is regrettable that the cut should be made solely for this reason. The amendment I have offered would restore only 50 percent of the amount that was estimated would be needed. I do that because as I understand it, the original amount requested, $800,000 is also an estimate. If we are to do anything about this backlog in the courts, an aspect of which is to provide a better system for clerk hire, I would think that restoring at least some of the amount cut would be a sensible step.

Mr. WHITENER. I know my friend from New York is not a member of the subcommittee which heard this testimony in the Committee on the Judiciary.

Mr. LINDSAY. That is correct.

Mr. WHITENER. Let me say to him that the true facts about this matter were that the administrative office and the judges came to us and said that they were running into a situation which was somewhat embarrassing to the local district judges and that they in order to employ personnel such as clerks and stenographers, were required to go through the indignity of getting approval from the chief judge of the circuit, as well as undergo other administrative detail. They thought that a man entrusted with the office of Federal judge should be given permission to employ personnel without dictation or interference from anyone else; also that they were not asking for additional money but they wanted to give this power to the judges to employ this personnel within the limits then imposed by law upon them.

May I say to the gentleman that it was with that in mind that I went along, and I am sure the other members of our subcommittee went along, with the proposition that these local judges should have this authority, but we were told not only by this letter from this office but by the testimony of the spokesmen of the Judicial Conference, Judge Biggs, I think, of Indiana, and others, that there need be no apprehension about any additional cost at any time to the taxpayers because it was merely an administrative change that they sought to make.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LINDSAY. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield.

Mr. GROSS. Where is this misunderstanding supposed to have occurred?

Mr. LINDSAY. I think where the misunderstanding occurred was between the Subcommittee of the Committee on Appropriations and Mr. Olney, Director of the Administrative Office of the United States Courts.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. LINDSAY. I yield.

Mr. GROSS. I have not researched the CONGRESSIONAL RECORD, but I certainly will do so. If I remember correctly, this bill came in on the Consent

Calendar. If I remember correctly, I raised the question, or perhaps others did about the cost of this bill. There was absolutely no misunderstanding when the bill went through the House, whether I raised the question or someone else did, as to the statement that it was not going to cost any additional money.

Mr. LINDSAY. Mr. Olney is an honorable man as is Judge Biggs. Here again, what they were talking of, for example, is the Appropriation Act of 1957 which provides, and these are the words, that "the aggregate salaries paid to secretaries and law clerks appointed by one judge shall not exceed $13,485 per annum." Now this is not changed. This is the law under which they operate. There is no change made here.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield.

Mr. ROONEY. Does not the gentleman realize that unless the law were changed, they could not ask for any more money? Does not the gentleman realize that after telling Congress it would not cost the taxpayers an additional nickel, they sent out all over the country, I believe under date of October 15, following the passage of the new law, an invitation to "Send in your names and amounts so that we can put them in the 1961 budget." Does the gentleman not realize that this then resulted in an increase in an item which formerly cost the taxpayers a bit over $4 million—resulted in them coming in here with a request for $953,600. Does not the gentleman realize that the judges presently have 625 secretaries and law clerks throughout the country?

Mr. LINDSAY. Again I do not think the gentleman sees the point I am making.

Mr. ROONEY. Mr. Chairman, will the gentleman yield further?

Mr. LINDSAY. I yield.

Mr. ROONEY. When the gentleman talks of a misunderstanding, let me say that there was no misunderstanding in this subcommittee. If there was any misunderstanding, it might have been with the subcommittee of the Committee on the Judiciary. I am glad to see the distinguished chairman of the Judiciary subcommittee who managed this legislation through the House present here on the floor, and I am sure that if the gentleman from New York will ask him, he will explain what went on with regard to the passage of this law which now would cost the taxpayers—what does the gentleman want them to pay—$400,000?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LINDSAY. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. In answer to my distinguished colleague, the gentleman from New York, what was requested was $815,900. Now, is it not correct that there exists a limitation on the aggregate amount that may be spent by any one judge?

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield.

Mr. ROONEY. The gentleman is incorrect in that statement too because there was a request not for only $815,900 but for $137,000, making a total of $953,600.

Mr. LINDSAY. That was for travel. The $137,700 does not apply specifically to the point I am talking about.

Mr. ROONEY. It certainly does. There would be travel for law clerks and secretaries.

Mr. LINDSAY. What I am stating is, Is it not correct that in the past in some courts the judges had not used up to the full amount of their allowances and the reason they have not done so is because of the inflexibility that had existed in the system prior to the passage of Public Law 86–221?

Mr. ROONEY. Mr. Chairman, will the gentleman yield once again?

Mr. LINDSAY. I yield.

Mr. ROONEY. I should like to point out to the gentleman that this subcommittee does not want to do anything to harm the functioning and operation of the judiciary, but this was such a barefaced thing put over on the Congress of the United States that this subcommittee communicated with everybody concerned. Of all the people concerned, mind you, in the Congress and in the judiciary, the only one who takes the position that the gentleman from New York takes is Mr. Olney.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield.

Mr. FORRESTER. Would the gentleman be kind enough to tell me where that misunderstanding arose? I believe you said there was some misunderstanding.

Mr. LINDSAY. I should like to quote from a letter from Mr. Olney to the chairman of the subcommittee.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, at the request of Mr. FORRESTER, Mr. LINDSAY was granted 3 additional minutes.)

Mr. LINDSAY. Here is what Mr. Olney states:

> In view of the foregoing legislative history, there can be no doubt but that the Congress passed H.R. 2979 fully aware of all the facts and circumstances concerning the probable expense and specific limitations. Even further, the Congress had full knowledge of the number of existing district judgeships, and the amount of the limitation on each, and therefore had before it the precise formula for determining the very maximum expense which could possibly be incurred as a consequence of the legislation.
>
> I very much regret that in my letters to the Speaker of the House and the President of the Senate I included the sentence: "It would thus make for better and more expeditious administration of justice in the Federal courts and improve the service to the public with, it is important to emphasize, no additional expense to the Government," and for this I did not hesitate to apologize at the hearing.
>
> I regret the use of this language because when taken out of context, as you have done, it appears inconsistent with our appropriation request.
>
> The above-described record, however, shows that when my letters are considered in their entirety that the actual situation was correctly and fully explained in both letters.
>
> For the Committee on Appropriations to deny sufficient funds within the limitation to achieve the objectives of Public Law 86–221 because of this sentence would appear to me to be quite unfair both to the author of the letter and even more so to the hard-working district judges of the country who in fact need this assistance in the proper performance of their official functions.

Mr. FORRESTER. I happen to be chairman of the subcommittee that heard that particular letter. It is somewhat embarrassing to me to stand up here and say that the testimony produced before that subcommittee, even involving Mr. Olney, was that that legislation would not cost the taxpayers of this country 1 cent. Not only was that testified to before the subcommittee, but when the matter of appropriations came before the gentleman from New York [Mr. ROONEY], the gentleman took it up with me, and I told him that was the fact. Then the gentleman from New York communicated with Mr. Olney, and I did not think there was any argument or dispute about it. The facts simply are that they testified positively.

Mr. LINDSAY. Very well. Let me ask this one question: Apart from the question of whether or not Mr. Olney was talking about one thing and the Subcommittee of the Judiciary Committee about another thing, I would like to ask the distinguished chairman of the Appropriations Subcommittee whether or not the merits of the question were examined and whether or not the subcommittee came to any conclusion as to the actual need for the appropriation?

Mr. ROONEY. Of course the merits were examined, and we consulted everyone concerned. The only one who did not agree that not a nickel should be put into this bill was Mr. Olney. Mr. Olney was the gentleman who told the Congress that the legislation would not cost an additional nickel, and after the bill passed both the House and Senate and was signed by the President, then wrote an invitation to every judge in the country asking them to submit the names and amounts for additional people to be put on the payroll.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LINDSAY. Mr. Chairman, the full text of Mr. Olney's letter to the subcommittee follows:

ADMINISTRATIVE OFFICE OF THE
U.S. COURTS,
Washington, D.C., February 4, 1960.

Hon. JOHN J. ROONEY,

Chairman, Subcommittee of the House Appropriations Committee on the Appropriations for 1961 for the Departments of State and Justice, the Judiciary, and Related Agencies, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN ROONEY: During the recent hearings on the judiciary appropriation for fiscal 1961, it was stated that the committees of Congress, and the Congress

itself, had been misled and, as a consequence, had enacted Public Law 86–221, 73 Stat. 452, on the representation that the objective of the statute could be accomplished with no additional expense to the Government.

This it patently untrue, and the legislative history of the act bears this out. Therefore, in order to have the full facts on the record, I should like to have this letter appear at the appropriate place in my testimony.

The law regarding the employment of law clerks and secretaries to district judges prior to the enactment of Public Law 86–221 was as follows (28 U.S.C. 752):

"Each district judge may appoint a secretary and upon certification of necessity by the chief judge of his circuit, a law clerk. The chief judge of a district having five or more district judges may also appoint an assistant secretary."

The Comptroller General of the United States, in his decision B–102063, dated April 25, 1951, ruled that this provision permitted a district judge to have but one law clerk.

The salary allotment available to each district [and circuit] judge for his secretary and law clerk, and the grades of such employees, as controlled by the annual Judiciary Appropriation Act, which at that time was Public Law 85–49, approved June 11, 1957, read as follows:

"*Provided*, That the compensation of secretaries and law clerks of circuit and district judges shall be fixed by the Director of the Administrative Office without regard to the Classification Act of 1949, as amended, except that the salary of a secretary shall conform with that of the general schedule grades (GS) 5, 6, 7, 8, 9, or 10, as the appointing judge shall determine, and the salary of a law clerk shall conform with that of the general schedule grades (GS) 5, 7, 9, 11, or 12, as the appointing judge shall determine, subject to review by the Judicial conference if requested by the Director, such determination by the judge otherwise to be final: *Provided further*, That (exclusive of step increases corresponding with those provided for by title VII of the Classification Act of 1949, as amended, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by one judge shall not exceed $13,485 per annum, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $18,010 per annum."

In March 1956, the Judicial Conference of the United States recommended the amendment of 28 U.S.C. 752 to read as follows:

"District judges may appoint necessary law clerks and secretaries."

This recommendation was intended to make the statutory authorization for law clerks and secretaries to district judges identical with that allowed to circuit judges by 28 U.S.C. 712, and to eliminate the existing requirement for a certificate of necessity by the chief judge of the circuit. Moreover, each district judge who wished to do so would then have been able to employ additional employees at lower grades within his salary allotment, instead of one law clerk and one secretary at the maximum grades (GS–12 and GS–10, respectively). This would, of course, have made a number of alternative staff arrangements available to each district judge.

The recommendation of the Judicial Conference was transmitted to the Speaker of the House of Representatives on January 18, 1957, and introduced by Congressman EMANUEL CELLER, chairman of the Committee on the Judiciary, as H.R. 3816. The pertinent language of the bill embodied the precise proposal of the Judicial Conference, as follows:

"District judges may appoint necessary law clerks and secretaries."

Hearings were held on the bill on February 3, 1958. Chief Judge John Biggs, Jr., of the Court of Appeals for the Third Judicial Circuit, and I attended the hearings, and Judge Biggs, who testified in favor of the bill, was explicit in the matter of additional expense. The following excerpt is from his testimony:

"The proposed change would leave it to the individual district judge, just as it is now left to the individual circuit judge, to select the number of his employees within the qualifications—the job qualifications—set up by the Administrative Office under the direction of the Judicial Conference of the United States.

* * * * *

"Now the limitations on the amounts which can be spent by a judge for his personal employees are set up year by year in the Judiciary Appropriation Act. For example, presently in Public Law 85–940, approved June 11, 1957, it is provided that each judge other than a chief judge of a court of five or more judges, or a chief judge of a circuit, shall have for his personal employees not to exceed $13,485 a year; and that a chief judge of a district court having five or more judges or a chief judge of a circuit shall have for his personal employees an aggregate salary allowance not to exceed $18,010 a year.

"The change embodied in H.R. 3816 would give the judge much greater flexibility in appointing these individual employees than he presently has so far as district judges are concerned.

* * * * *

"There is no reason to think that a district judge would want a law clerk unless he really needed one, and this is demonstrated I think by the fact that only about 75 percent of them now have law clerks. I think those judges, the remaining 25 percent, would not get law clerks; but if an assistant secretary was needed and the judge could bring that within his appropriation of $13,485, if he were a district judge, or within his $18,010 if he were a chief judge of a district. A district judge could mold, so to speak, his personal employees into his appropriation limit, if the proposed amendment were effected. He would be able to employ an assistant secretary or an assistant law clerk or a law-clerk secretary.

"Set out on this memorandum which has been prepared by Mr. Ellis, the Assistant Director of the Administrative Office, are some of the combinations of employees which would be possible, and I doubt very much if it would result in any at all substantial increase in the expenditures. It certainly would not result in any substantial increase in the budget, because the aggregate limits are now in the Judiciary Appropriation Act. This, as I have said, is merely to put district judges on the same basis as circuit judges. I would be glad to answer any questions."

On March 12, 1958, the bill H.R. 3816 was favorably reported to the House with a committee amendment, which read:

"District judges may appoint necessary law clerks and secretaries subject to any limitation on the aggregate salaries of such employees which may be imposed by law."

As stated in the committee report (Rept. No. 1498, 85th Cong.): "The purpose of the committee amendment is merely to emphasize the need to remain within that limitation," i.e., the ceiling on aggregate salaries available to a judge under the annual appropriation act. The bill, as amended, passed the House of Representatives on April 21, 1958, but there was no action in the Senate.

The House Judiciary Committee considered the legislation (H.R. 2979) again during the 1st session of the 86th Congress, and again reported it favorably to the House (Rept. No. 344, 86th Cong.) with the following admonition:

"This bill would make it possible for district judges to appoint such law clerks and secretaries as he requires without obtaining approval of the chief judge, provided, of course, that the aggregate salaries of his staff remain within the limitations imposed by law. The authority which this bill gives district judges is the same as that now given to circuit judges.

"The committee believes that enactment of this legislation will result in eliminating an unnecessary administrative requirement and will improve the operation of the Federal courts at no additional expense."

This is the very first time in the legislative history that the term "at no additional expense" was used, and it obviously was used by the committee, when taken in context with the preceding sentence, to acquaint the House of Representatives with the fact that no additional expense would be entailed beyond the limitations on the aggregate salaries imposed by law.

The report of the committee also contains the letter from the Director of the Administrative Office, including the following representations:

"The amendment would change the section to read that 'District judges may appoint necessary law clerks and secretaries subject to any limitation on the aggregate salaries of such employees which may be imposed by law.' This would make the section conform with the provision of section 712 of title 28 authorizing circuit judges to 'appoint necessary law clerks and secretaries.' The proposed change in section 752 would eliminate the requirement of a certificate of necessity by the chief judge of the circuit for the appointment of a law clerk by a district judge. It would also make it possible, within existing approved limits on the aggregate salaries paid to the secretaries and law clerks of one judge, for district judges to appoint more than one secretary or law clerk if needed.

* * * * *

"A sufficient safeguard against the employment of unnecessary supporting personnel is the limit upon the aggregate salaries of secretaries and law clerks for any one judge fixed in a resolution adopted by the Judicial Conference of the United States at the above-mentioned meeting. The limit prescribed is $14,835 per annum for a single judge, except in the case of the chief judge of a circuit, and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $19,815 per annum (exclusive of step increases conforming with title VII of the Classification Act of 1949 and of compensation paid for temporary assistance).

* * * * *

"It would thus make for better and more expeditious administration of justice in the Federal courts and improve the service to the public with, it is important to emphasize, no additional expense to the Government."

When considered in its full context, this language of the Director makes it abundantly clear that the district judges would have full flexibility within the limitation on the aggregate salaries and that, beyond the already existing limitation of law, Congress would not be asked to authorize any additional expense whatsoever to the Government.

The bill H.R. 2979 passed the House of Representatives on May 18, 1959.

In the Senate, the bill was considered by the Committee on the Judiciary and favorably reported (Rept. No. 788, 86th Cong.), with this language:

"The purpose of the proposed legislation is to permit district judges to appoint necessary law clerks and secretaries subject to any limitations on the aggregate salaries of such employees which may be imposed by law.

* * * * *

"It would also make possible, within existing approved limits on the aggregate salaries paid to the secretaries and law clerks of one judge, for a district judge to appoint more than one secretary or law clerk if needed.

* * * * *

"In relation to the aggregate amount of salaries to be paid, there exists a resolution adopted by the Judicial Conference of the United States in which the limit prescribed is fixed at $14,835 per annum for a single judge, except in the case of the chief judge of a circuit, and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $19,815 per annum. This, of course, is exclusive of step increases conforming with title VII of the Classification Act of 1949 and of compensation paid for temporary assistance. The proposed legislation, therefore, will allow the judges to make such appointments as they deem necessary, so long as they remain within the total amounts fixed by the Judicial Conference of the United States, as hereinbefore set forth.

"The report of the Administrative Office of United States Courts states that the pressure of business on the district courts is now very great and the courts are, on the whole, putting forth their best efforts to handle their cases as promptly as possible and reduce delays. The greater latitude which the proposed legislation will give to the district judges in the employment of law clerks and secretaries seems to the committee to be of material aid to them in their endeavors. The committee, therefore, recommends that the bill, H.R. 2979, be considered favorably."

Included in the Senate report was the full text of the letter from the Director of the Administrative Office, setting forth the identical details with respect to the limitations as contained in the House report.

The bill passed the Senate and was sent to the President. Before his signature was requested by the Bureau of the Budget, the Administrative Office was asked for its views on the bill and amendment, and responded as follows:

"The amendment would allow a district judge to appoint more than one secretary or law clerk, if needed. The exercise of this power to appoint by the district judge is limited, in that the aggregate salaries, authorized by statute, payable to law clerks and secretaries may not be exceeded. This provision thereby removes the possibility of the employment of unnecessary personnel."

In view of the foregoing legislative history, there can be no doubt but that the Congress passed H.R. 2979 fully aware of all the facts and circumstances concerning the probable expense and specific limitations. Even further, the Congress had full knowledge of the number of existing district judgeships, and the amount of the limitation on each, and therefore had before it the precise formula for determining the very maximum expense which could possibly be incurred as a consequence of the legislation.

I very much regret that in my letters to the Speaker of the House and the President of the Senate I included the sentence, "It would thus make for better and more expeditious administration of justice in the Federal courts and improve the service to the public with, it is important to emphasize, no additional expense to the Government," and for this I did not hesitate to apologize at the hearing.

I regret the use of this language because when taken out of context, as you have done, it appears inconsistent with our appropriation request.

The above described record, however, shows that when my letters are considered in their entirety that the actual situation was correctly and fully explained in both letters.

For the Committee on Appropriations to deny sufficient funds within the limitation to achieve the objectives of Public Law 86-221 because of this sentence would appear to me to be quite unfair both to the author of the letter and even more so to the hard working district judges of the country who in fact need this assistance in the proper performance of their official functions.

Sincerely yours,

WARREN OLNEY III,
Director.

Mr. ROONEY. Mr. Chairman, I rise in opposition to the pending amendment. I am not going to delay the decision on this matter any longer. I reiterate that the subcommittee consulted everybody concerned. I have learned that one of the judicial witnesses who appeared before the subcomittee of the distinguished gentleman from Georgia [Mr. FORRESTER] in behalf of the legislation with Mr. Olney agreed that not a dime should be allowed under method of procedure used. If you are going to stand for anybody coming up here to Capitol Hill and saying, "If you pass this bill it will merely straighten out some redtape; it will not cost the taxpayers a nickel," and then go to the other body, say the same thing and have the bill signed by the President, then come a couple of months later to the Congress with a request for over $900,000 additional as the consequence of that so-called legislation—if you are going to stand for this sort of thing we do not need any subcommittee on appropriations, and it is useless for us to hold hearings.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the distinguished gentleman from Georgia.

Mr. FORRESTER. I would like to ask the distinguished gentleman from New York if it is not true that the gentleman went into that very matter and he found that there was incorporated in the record a statement to the effect it was not going to cost the taxpayers anything? And then when there was this request he came to me and asked me to discuss the matter with him?

Mr. ROONEY. That is the fact.

Mr. FORRESTER. Is it not true that as the chairman of this subcommittee I brought the ranking minority member of the subcommittee, the gentleman from Virginia [Mr. POFF], and we both said to you that the testimony positively and unequivocally was that this would not cost 1 cent? That was the testimony of Mr. Olney himself and also Judge Biggs.

Mr. ROONEY. I am given to understand that Judge Biggs really thought it was not going to cost the taxpayers a nickel. That is my information. He did not tell me directly, but he did advise a member of the Judiciary Committee, and I believe he meant it.

Mr. FORRESTER. There is no question of doubt that Judge Biggs believed that. Every member of the subcommittee was told that, and we understood that, and we came out with a favorable recommendation because of that. Under no circumstance would we have done so had we known it was going to cost more money.

Mr. ROONEY. The gentleman is entirely correct.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. Briefly.

Mr. GROSS. And the Subcommittee on Appropriations is simply keeping faith with the House. To take any other position would be unconscionable.

Mr. ROONEY. It certainly would be unconscionable. Finally, the subcommittee has cleared this with everybody concerned in the House of Representatives on both sides of the aisle. We have discussed this with members of the judiciary, everybody concerned, and everybody with the exception of the Director of the Administrative Office of the United States Courts and the distinguished gentleman from New York [Mr. LINDSAY], agree that the funds should be denied.

Mr. Chairman, I ask that the pending amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LINDSAY].

The amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. ROONEY. I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11666) making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. ROONEY. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes had it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that further proceedings on the pending bill go over until tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL PERMISSION TO EXTEND REMARKS

Mr. ROONEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill, H.R. 11666.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT OF MEMBERS OF THE U.S. DELEGATION TO THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86-42, in addition to the gentlewoman from New York, Mrs. KELLY, chairman; the gentleman from Maine; Mr. COFFIN; the gentleman from Minnesota, Mr. JUDD; and the gentleman from New Hampshire, Mr. MERROW; who were appointed to serve for the 86th Congress, the Chair appoints as members of the U.S. Delegation of the Canada-United States Interparliamentary group for the meeting to be held in the United States during April 1960, the following Members on the part of the House: Mr. POAGE, Texas; Mr. ASPINALL, Colorado; Mr. YATES, Illinois; Mr. IKARD, Texas; Mrs. SULLIVAN, Missouri; Mr. DULSKI, New York; Mr. FORD, Michigan; Mr. BUDGE, Idaho.

AMENDMENT TO MUTUAL SECURITY ACT OF 1954

Mr. TRIMBLE, from the Committee on Rules, reported the following privileged resolution (H. Res. 502, Rept. No. 1494) which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11510) to amend further the Mutual Security Act of 1954, as amended, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

A LONG LOOK TO THE FUTURE

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. MCINTIRE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MCINTIRE. Mr. Speaker, May Craig, one of America's distinguished newspaper correspondents, recently toured Africa. While out of the country—February 18 to March 24—she continued her column, "Inside Washington," which is published in the Guy Gannett papers of Portland, Maine. I regularly read her daily reports, deriving great satisfaction from her interesting observations and keen introspections. Although I feel that each of May's columns had a high interest quotient, I was particularly intrigued by the graphic summary of the trip which she prepared upon her return to America.

Feeling that this summary is deserving of the attention of my colleagues, I am inserting into the RECORD, May Craig's April 3 column entitled "A Long Look to the Future," as follows:

A LONG LOOK TO THE FUTURE

(By May Craig)

WASHINGTON.—The heart turns homeward from the foreign land before the body leaves it for the beloved homeland. So it was with me in Algeria, the last stop at the end of the circle trip around Africa, which began with Morocco, next neighbor to Algeria on the west.

There is a gladness that is almost keen as anguish, when one glimpses the homeland. Patriotism is not bad, one might remember in the fashionable internationalism of today. The modern promotion of internationalism at the expenses of family and own land may not be in the best interest of individual liberty and development. The Red Chinese are trying to destroy family and religion in working their will to subordinate everything to the state control, even the age-old devotion of ownership of a piece of land. The farmer, owning his own land, has always been a foundation stone of the United States and the development of the corporation instead of small business, the factory farm instead of the individual farm, the centralization of power in the Federal Government at the expense of States and communities and private enterprise may be the end of individual choices and development. The end is in a conformity that does not foster free thought, free religion and free education. The individual is not free to think, to choose his government, his education, his God, to follow his individual conscience.

Internationalism would further this dilution of individual development nationally. Africa, determined to get freedom from outside colonialism, talks of pan-Africanism, of federating the whole continent. No whole continent has ever been federated. Even in North America there are three countries, Canada, United States, Mexico, all individual, all independent, all friendly, with not even a border fort. This is a pattern that might well be followed by all homogeneous groups of people, countries, if they choose freely and carefully.

All over Africa I found different political and social and religious setups. South Africa is determined to live alone; the middle and western groupings who do not want to join the blacks or the Middle East-Egyptian-Arabs-Moslems. The blacks are determined not to be dominated by north African Arabs. Yet the newly free, or almost free colonial blacks talked of pan-Africanism—though most will privately admit, and some publicly (as Ethiopia) that they want to be independent of all, but friendly to all.

There is danger of replacing the European colonialism by black colonialism, Red Chinese colonialism, Communist imperialism from Russia. There is already civil and tribal war in the free or nearly free black countries. Most of them are unprepared for freedom and would do well in their new freedoms to keep their former white masters on as hired help to show them how to run their countries. Tripoli did that; Burma did not and now regrets it. Those who do not step carefully, may fall into chaos and find themselves under dictatorship, red or black.

One thing is for sure. The whites are doomed as such all over the world. Not today or tomorrow, but eventually. We are the minority. The rising tide of color—yellow, brown, black—will submerge us, dilute the whiteness. In the United States, the blacks will be swallowed up in the whites; in thin dilution, their African personality will be lost. When the Founders of this Republic said all men are born equal, and the Supreme Court of the United States said that racial segregation is inherently unconstitutional, they doomed the African Americans to be absorbed into the white population.

Segregation in the South is doomed. But the white race everywhere will be absorbed into the colored. There will be a battle between the yellows and blacks and they and the browns will all become browns with perhaps slant eyes and less curly hair than present blacks. The present browns are too lazy or too diluted to win in this battle. Nobody knows the fate of religions as we know them now. The Union of South Africa, fighting for pure white, is doomed; their apartheid cannot win despite the killing.

In the far north there are a few Eskimos left, they are dying a natural death, unable to adjust to civilization. There are oases of pure whites in Scandinavia, where blacks cannot live because they need more sun. The browns who may be the ultimate unified color can live there with modern discoveries of artificial sunlight, vitamins, air conditioning. The Russians, afraid of the Red Chinese, may in the not-too-distant-future, join the West in the battle against the yellow, though themselves diluted already by the Mongol and Manchurian. It is useless, though it may delay the day of complete amalgamation of all races into one in conformity.

One day creatures from other worlds may come here and stand on the ruins of Carthage as I did. They may look upon the desolate remains of an earth whose people ate of the tree of knowledge, who knew good and evil, who split the atom but were not worthy to know the secrets of nature. There is no assurance that a unified race will be any better than a mixture of races. The unified race could destroy itself in the fury and fire of nuclear fusion. Perhaps beings from other planets will be better than we; perhaps not. The universe is dotted with dead planets and suns and stars and moons and the dust of what once was. This may be earth's destiny.

WEST BERLIN: EASEMENTS—WAYS OF NECESSITY

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCCORMACK. Mr. Speaker, it is a universally established principle that where a tract of land is conveyed which

is separated by other lands of the grantor or surrounded by his lands or by his and those of third persons, there arises, by implication, in favor of the grantee, a way of necessity across the premises of the grantor to the highway. The granting of an easement under such circumstances is due to the fact that it is against public policy for land to be owned to which there are no means of ingress or egress. This principle of law is universally recognized and established.

The application of this principle of law to the West Berlin situation seem to be equally sound on the international level. In the case of West Berlin, which is an integral part of West Germany, and which is geographically isolated from West Germany, international law should recognize and provide that under such circumstances an area situated like West Berlin is, should have means of ingress and egress to the country of which it is a part.

In connection with this question and the geographical situation of West Berlin, I requested Charles S. Sullivan, Jr., who was special assistant to the Attorney General for 10 years from 1948 to 1958, to make a study of the law, both domestic and international.

I include in my remarks a memorandum, or brief, prepared by Mr. Sullivan and submitted to me. This memorandum or brief, in my opinion, is of particular application to West Berlin. It would be indefensible for any country, or countries, to deny the people of West Berlin physical means of communication with the Republic of West Germany, of which West Berlin is an integral part. Certainly the extension of the law of easement, through necessity, to any international situation is a sound and logical one. It is also evident from Mr. Sullivan's memorandum or brief to me that there is precedence in accordance with the "Law of Nations" or as more recently termed "International Law."

WEST BERLIN: EASEMENTS—WAYS OF NECESSITY

A way of necessity is an easement arising from an implied grant or an implied reservation (*Corea* v. *Higuera* (153 Cal. 451, 95 Pac. 882), *Rater* v. *Shuttlefield* (146 Iowa 512, 125 N.W. 235)) and originates from the common law, supported by the rule of sound public policy that lands should not be rendered unfit for occupancy (*Wiese* v. *Thien* (279 Mo. 524, 214 S.W. 853), *Bismarck* v. *Casey* (77 N.D. 295, 43 N.W. 2d 372)).

"A way of necessity arises as an implication of law from the principle that where anything is granted, the means to attain it are granted, and a grant of ground includes a way to it" (*Wauburn Beach* v. *Wilson* (265 N.W. 474)).

"It is just what it purports to be, a way arising by implication of law out of the necessities of the case" (*Bismarck* v. *Casey, supra;* see also *Adams* v. *Cale* (48 N.J. Super 119, 137 A 2d 92); *Perodeau* v. *O'Connor* (146 N.E. 2d (Mass.) 512); *Condry* v. *Laurie* (184 Md. 317, 41 A 2d 66)). A way of necessity is the result of the application of the presumption that whenever a party conveys property, he conveys whatever is necessity for the beneficial use of that property and retains whatever is necessary for the beneficial use of the land he still possesses (*Bussmeyer* v. *Jablonsky* (241 Mo. 681, 145 S.W. 772); see also *Powers* v. *Heffernan* (233 Ill. 597, 84 N.E. 661); *Pyramid Coal Corporation* v. *Pratt* (229 Ind. 648, 99 N.E. 2d 427); *Palmer* v. *Palmer* (150 N.Y. 139, 44 N.E. 966); *Ashby* v. *Justus* (183 Va. 555, 32 S.E. 2d 709); *Galloway* v. *Bonesteel* (65 Wis. 79, 26 N.W. 262)).

It was said in *Brigham* v. *Smith* (4 Gray (Mass.) 297), which is quoted in *Pyramid Coal Corporation* v. *Pratt* (99 N.E. 2d 427 (1951)):

"It is settled law that if one conveys a part of his land in such form as to deprive himself of access to the remainder, unless he goes across the land sold, he has a way of necessity over the portion conveyed. This is because the law presumes an understanding of the parties that the one selling a portion of his land shall have a legal right of access over the part sold to the remainder, if he cannot reach it in any other way. * * * The law presumes that one would not sell his land to another without an understanding that the grantee should have a legal right to access thereto over the part not conveyed."

In *Barrick* v. *Gillette* (187 S.W. 2d 683 at 687) the following comment appears:

"The element of necessity is a component part of the controlling issue or ground of recovery in a case where the establishment of an easement, implied from the use made of the adjoining tract of land by a common grantor, is sought to be established. The degree of necessity requisite to the establishment by necessity is such merely as renders the easement necessary for the convenience and comfortable enjoyment of the property as it existed when the severance was made."

It is a universally established principle that where a tract of land is conveyed which is separated by other lands of the grantor or surrounded by his lands or by his and those of third persons, there arises, by implication, in favor of the grantee, a way of necessity across the premises of the grantor to the highway (*Pinnington* v. *Galland* (9 Exchequer 1)); see also the following cases where the foregoing principle is repeated, *Robinson* v. *Clapp* (65 Conn. 365, 32A939); *Finn* v. *Williams* (376 Ill. 95, 33 N.E. 2d 226); *Ellis* v. *Bassett* (128 Ind. 27 N.E. 334); *Adams* v. *Marshall* (138 Mass. 228); *Berlin* v. *Robbins* (180 Wash. 176, 78 Pac. 2d 1047); *Screven* v. *Gregorie* (42 S.C.L. (8 Rich.) 158); *Othen* v. *Rosier* (148 Tex. 485, 226 S.W. 2d 622); *Derifield* v. *Maynard* (126 W. Va. 750, 30 S.E. 2d 1C); *Backhousan* v *Mayer* (204 Wis. 286, 234 N.W. 904).

The requirement that an easement be apparent and continuous in order to imply a grant or reservation does not apply to a way of necessity (*Barrick* v. *Gillette,* supra), and it is immaterial whether the grant is voluntary or involuntary by operation of law (*Ritchey* v. *Welch* (149 Ind. 214, 48 N.E. 1031); *Proudfoot* v. *Saffle* (62 W. Va. 51, 57 S.E. 256)).

It will be seen in the application of international law to the type of easement under discussion that the reason why it is immaterial whether the easement is voluntary is because an easement by necessity is based on the law of necessity which was defined as "the law of nature" by Numa about 629 B.C.

While it has been held that the necessity must be reasonable necessity as distinguished from mere convenience, nevertheless an inconvenience may be so great as to amount to the kind of necessity required to create a way by necessity (*Screven* v. *Gregorie* (42 S.C.L. (8 Rich.) 158, 64 Am. Decisions 747); *Lawton* v. *Ruers* (13 S.C.L. (2 M'Cord) 445, 13 Am. Dec. 741)).

A way of necessity is not sanctioned where there is available another means of ingress and egress to and from the claimant's land even though it may be less convenient and will involve some labor and expense to repair and maintain (*Jennings* v. *Lineberry* (180 Va. 44, 21 S.E. 2d 769)). However, it has been held that where the alternate to using a way through a mountain pass is to scale a mountain, the way of necessity will be granted (*Ashby* v. *Justus* (183 Va. 555, 32 S.E. 2d 709)).

Thus the general rule is that inconvenience alone will not create a way by necessity, the prevailing rule is that the creation of such an easement is implied only by a reasonable necessity (*Greenwalt* v. *McCardell* (178 Md. 132, 12 A. 2d 522); *Olson* v. *Mullen* (244 Minn. 31, 68 N.W. 2d 640); *Paine* v. *Chandler* (134 N.Y. 385, 32 N.E. 18); *Gorman* v. *Overmeyer* (199 Okla. 451, 190 P. 2d 447); *Jack* v. *Hunt* (200 Ore. 263, 264 P. 2d 461, 265 P. 2d 251); *Evich* v. *Kovacevich* (33 Wash. 2d 151, 204 P. 2d 839)).

INTERNATIONAL LAW—THE LAW OF NATIONS

The obligations of the fundamental principles of "The Law of Nations" arise from "The Law of Nature," deducing the duties, both of individuals and states from one common origin, pursuing these deductions into their different ramifications, both of social and of national obligation. (Manning, "Law of Nations," p. 2.)

The "Law of Nature," guiding the conduct of mankind, constitutes the basis of the "Law of Nations." In the Institutes of Justinian, it was referred to as "Jus Naturae." The law of nations became more fully developed in the Rhodian code of laws and was first recognized and sanctioned by the Emperor Tiberius, subsequently by Adrian and then by all succeeding emperors.

In commenting on the right of passage through another country in order to enter territory beyond, Grotius asserts: "Nothing but extreme necessity can give us any right over the property of another and before necessity can give us any such right it must be shown that the owner has not an equal necessity for the same thing. It must be shown that the exercise of the right to forbid passage is not equally important to the sovereign of the neutral country" (Grotius, "Law of Nations," 1625). In the Parthian expedition of Alexander Severus, it was an act of necessity for an easement through a neutral country in order to reach another territory, thus acquiring an easement by necessity for passage of his troops. The passage of troops through the neutral nation was quite innocuous as his troops were so well disciplined. Severe punishment was imposed upon the soldiers of Alexander's army by his own generals and officers for any violations of the local laws of the neutral country. This action resulted in a feeling of tranquillity of the citizens of the neutral nation toward Alexander's army (Grotius).

Vattel, "The Law of Nature as Applied to the Necessary Law of Nations," 1785, is of the same opinion, and states: "Extreme necessity may force passage through neutral territory as when an army finds itself exposed to imminent destruction or is unable to return to its own country, unless it pass through neutral territories."

De Martens, "The Law of Nations," 1785, published the same year as that of Vattel, is of the same view as Grotius and Vattel.

The procedure by which an easement through necessity was effected among nations, was established by Numa about 629 B.C. Of his council of 20, four ambassadors were selected to inform the neutral nation that, since there was no other avenue of ingress or egress to reach the desired territory, a passage by necessity for the Roman troops was imperative. The ambassadors were to assure the foreign government that the passage would be:

1. Peaceful;
2. All local laws strictly obeyed;
3. Integrity of the sovereignty guaranteed, and
4. Noninterference with the neutrality of the country.

The latter included a promise that the neutral country would not be used for stockpiling, erection of fortifications, etc.

NOTE.—This procedure is not to be confused with an easement obtained through contract (or treaty).

In the event the neutral nation refused easement, the matter was to be negotiated, if possible, and the specific conditions agreed upon set forth in a contract (or treaty). Failure of agreement often resulted in the passing through by military force.

It is the consensus of most historians that, in early times, immediately following Numa's promulgation of "The Law of Nations," easements by necessity, acquired by armies, were absolutely necessary in order to reach their objective. (Grotius, Vattel, De Martens, "Law of Nations.")

Numa was the first to maintain that the "Law of Nations" was based upon the natural law which is derived from "The Law of Necessity," when he gave to the world the first legal code, reduced to writing, for the conduct of sovereign governments, known as "The Law of Nations." In the early part of the 19th century the term, "The Law of Nations," was changed to "International Law," by the authors of that period, and is known as such by all countries today.

Both the private and international "easement by necessity" are so interwoven, it may be said that the requirements for each appear to be identical, as illustrated by previous cases cited on the domestic law, and the reiteration of historical events in the intercourse of nations.

Grotius asserts that there have been several occasions in history where easements by necessity were established by armies because there was no other means of passage but that these were inconsequential, due to the strict observance of the internal laws of the neutral nations, and noninterference with the peaceful business of its citizens.

It was not until the Crusades that the easement by necessity among nations changed from peaceful passage to invasion. This was due to abuses inflicted upon the people of neutral countries by the armies moving through their territories. As a result of these abuses, easement by necessity practically passed into oblivion, and entrance by a foreign army was accomplished either by specific agreement (treaty), or military aggression (Grotius, Vattel, De Martens). These last two methods are the only kinds of passage employed by nations today, according to authors of the 20th century (Manning, Hall, Hallack, Finn, DuFol, etc.).

The only known instance in modern times, where an easement by necessity was acquired in the absence of a treaty or armed aggression, was during the Russo-Japanese war when Japan's Army marched through Manchuria to invade Russia. Passage through the Polish Corridor, Danzig, Panama Canal Zone, Greco-Turkish easement, and all other rights-of-way obtained by nations in the 20th century are the result of treaties.

It will be seen that the "easement by necessity," so well known to law in this country and England among litigants, originates from "the natural law," which is, in reality, "the law of necessity."

Acclaimed by Numa as essential for the benefit of countries and recognized by man as indispensable to progress, the principles upon which this doctrine was formed remain the same today for both individuals and nations.

Respectfully submitted.

CHARLES S. SULLIVAN, Jr.

APRIL 4, 1960.

According to the Encyclopedia Britannica, two explorers, in 1851, found the code containing the "Law of Nations," alleged to have been written by Numa, a forgery. This same claim was made by some historians in the latter part of the last century, B.C. But Plutarch, the biographer who wrote the life of Numa and boasts of standing very close on one occasion to the Emperor Nero, states that the original writings were found by the Praeter Petilius who made oath on the senate floor, about 400 years after Numa's death, that he had read the code of laws promulgated by Numa. Notwithstanding some of the exaggerations about Numa, Plutarch says that, nevertheless, Numa gave to civilization the laws for nations by which they may live together in peace and tranquillity.

The two explorers claimed they found two chests which had been uncovered by the rains and storms. One chest was empty while the other contained the Laws by Numa, which they assert were a forgery. It is interesting to observe that the conditions under which they discovered the purported forgery were described by Plutarch over 1,800 years previous although there was no contention that the original writings were not genuine, as revealed below.

Plutarch states on page 92 of his biography of Numa that "about 400 years afterward (Numa's death) when P. Cornelius and M. Baebius were consuls, in a time of heavy rains, a violent torrent washed away the earth and dislodged the chests; and, their covers falling off, one of them was found wholly empty, without the least relic of any human body; in the other were the books before mentioned (the "Laws of Numa"), which the Praeter Petilius having read and pursued, made oath in the senate that, in his opinion, it was not fit for their contents to be made public to the people; whereupon the volumes were all carried to the Comitium and there burnt."

Plutarch says in the second paragraph preceding the above quotation that, "Numa's original writings were considered so sacred it was decreed that they should be buried with his body and placed in a coffin beside that of his remains in order that they may not be divulged to an unworthy person, for the gods would punish this wickedness and profanity by a signal and widespreading calamity."

Hence, it is easily understood why Petilius refused to divulge their contents and the senate voted to have them burned.

FRANKLIN DELANO ROOSEVELT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks in the body of the RECORD on the anniversary of the death of the late Franklin D. Roosevelt.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MURPHY. Mr. Speaker, the death of a hero brings sadness to the hearts of all who admire ability. But in no way does it parallel the response to news that a friend has passed away. Heroes are far removed from our personal lives and when one goes to rest, another can generally be found to replace him. Yet none of us can so regard the permanent loss of friendship, rarest and dearest of all the commodities on earth.

In recalling America's response to the death of Franklin D. Roosevelt, 15 years ago today, one memory is paramount: that the people were moved in a personal way.

Certainly, the President was a national hero. Had he not taken the governmental reins in the midst of the great depression, and guided us back to economic stability? Had he not directed the great awakening of American industrial might and overseen the destruction of our foreign enemies? Yes, he was unquestionably a hero.

But he was also a friend, whose familiar radio voice had become an American institution; whose triumph over the rigors of infantile paralysis was popularly regarded with a pride generally reserved for family members; whose comings and goings over the years came to seem like the actions of some personal acquaintance. And the question, "Is the President back from Casablanca?" had an air of asking if Uncle Roscoe had returned from the candy store.

Many statesmen earn popular respect but few establish a sense of personal friendship with the people. It is a thought worth remembering as we pay our respects today to Franklin D. Roosevelt, the hero of many, a friend to all.

Mr. PUCINSKI. Mr. Speaker, on this beautiful spring day in Washington, when the cherry blossoms have finally burst into bloom, we pause to recall that day 15 years ago when the news of the death of President Franklin D. Roosevelt halted the entire Nation in a vise of grief.

Throughout the Presidential tenure of Franklin D. Roosevelt, winter served as the traditional time of crisis. It was in March 1933, when first he was inaugurated, that the Nation wallowed in a condition bordering on economic collapse. It was in December 1941 that foreign enemies attacked Pearl Harbor. It was in December 1944 that the enemy turned upon us in the terrible Battle of the Bulge.

In each instance the President called upon the American people to meet the threat to the national security, and on each occasion the fire of his appeal warmed the people to the mighty tasks ahead.

Few statesmen in American history have possessed such a capacity for leadership, and none needed the talent more than Franklin D. Roosevelt during the dramatic times through which he moved.

Perhaps it would be well on this day to again recall that statement from his inaugural address of March 4, 1933, with which he won the confidence and heart of this Nation:

> The only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance. In every dark hour of our national life a leadership of frankness and vigor has met with that understanding and support of the people themselves which is essential to victory. I am convinced that you will again give that support to leadership in these critical days.

This became the keynote of his entire administration. America responded enthusiastically and, under the clear and forceful leadership of the new President, threw off the shackles of economic depression. Then, when war came, Mr. Roosevelt once again rallied the people in the same manner of confident resolution, and once again they responded, in the face of the most trying circumstances.

In the final analysis it is the will of the people that carries a nation forward to greatness. Yet, it is the power of leadership that sparks all such forward efforts.

That Franklin D. Roosevelt supplied this leadership in the face of unparalleled difficulties, the world is well aware.

It was just this winter that a definite decision was made to erect an appropriate memorial to honor the memory of this great man within the Washington-Lincoln-Jefferson triangle here in the Capital of our Nation. When it has been completed, we will have a quadrangle grouping of our four great Presidents, and it is my hope that the planners of this project will capture for all Americans of all generations his faith in our country and the contributions of Franklin D. Roosevelt to this Nation.

Mr. KEOGH. Mr. Speaker, 15 years ago today every American, regardless of his political faith, was stunned by the news of the sudden death of our President, Franklin D. Roosevelt. Never in the memory of any individual alive today had the death of a man had such a profound impact upon the intellect and emotions of the American people—in fact, upon all the freedom-loving people throughout the entire world.

The dauntless President, who, in the face of odds and circumstances that would have seemed insurmountable to anyone of lesser greatness, had with supreme courage planned for victory and had united all Americans in harmony against two enemies in a global war, had been taken from us while news from the battlefronts was attesting to his foresight and wisdom. Within 4 weeks our Armed Forces were to attain a victory in the European war that was the implementation of the policies of their Commander in Chief.

Those of us who served in this body before and during the war years had many occasions to be grateful for the foresight of President Roosevelt. Even those who had opposed his earlier warnings and heroic efforts for preparedness were to come to a realization of the validity of his position. His vast understanding and interpretation of the implications of prewar events had been justified. Fortunately, for the destiny of America, a majority of the Congress had agreed with him and had authorized the armed services and the materiel that he knew would be required to preserve freedom.

Ten years before his passing the United States had been in the depths of a terrible depression and hundreds of factories throughout the land were decomposing from desuetude. On the day of his death the United States stood transformed as the greatest military power in the history of the world on the verge of victory over enemies that had for many years deprived their people of freedom in order to prepare for war.

All the actions of the illustrious President Franklin D. Roosevelt seemed to have been inspired by a paraphrase of the prayer of Admiral Nelson, 140 years earlier:

> May the great God whom I worship grant to my country and for the benefit of the world in general, a great and glorious victory, and may no misconduct in anyone tarnish it, and may humanity after the victory be the predominant feature in the American people.

Mr. BREEDING. Mr. Speaker, I am happy to have an opportunity to pay tribute to the memory of Franklin Delano Roosevelt.

When this great man died 15 years ago the entire world suffered a grievous loss. Millions upon millions of people throughout the world felt as if they had lost a close personal friend or a member of their own family. I have had hard-bitten soldiers and sailors—men who were risking their lives in defense of our country in farflung reaches of the world—tell me that they broke down and cried when news of Roosevelt's death was flashed to our troops.

Roosevelt was a great man. He was an intensely human person. He enjoyed life to its fullest.

He has left an indelible mark upon this great Nation of ours. He stepped into the Presidency at one of the most serious moments of our history, at a time of grave crisis. He mastered the many serious problems besetting our Nation; he turned deadly pessimism over the future into an inconquerable spirit which triumphed over depression and war.

Roosevelt was fearless. He did not hesitate to propose bold answers to the Nation's many problems. A sizable segment of the population feared and, yes, even hated him. He was pilloried in the press.

Yet, in the face of this opposition—probably as bitter as that known by any President in history—he persevered in his fight to remake America.

Roosevelt has been attacked by some of his detractors as a dangerous revolutionary. In my mind, this criticism is not only unfair; it is simply not true.

The truth of the matter is that Roosevelt saved our system of free capitalism. He pointed the way toward a sound banking system, one that has thrived and prospered under the ground rules he laid down. He restored confidence in the stock market. He lead the fight for free trade unionism. He rescued the farmers from the edge of bankruptcy and ended a dangerous feeling of unrest among men who had been pushed to the brink of desperation by years of grinding poverty.

Roosevelt saved and strengthened our free enterprise system. It would have been much easier for him to have called for completely new and revolutionary approaches to the many grave problems facing the country. He was dedicated to our system of capitalism. He wanted to save it and strengthen it for future generations.

His wartime leadership was an inspiration to a world threatened by total subjugation by Nazi Germany. He rallied free people everywhere. His moving and eloquent statements in behalf of freedom kept alive the belief in ultimate victory, even among those peoples living directly under the heels of the oppressor.

Franklin Delano Roosevelt has been dead for 15 years, Mr. Speaker, but his spirit lives on. His unquenchable dedication to liberty, freedom, and justice everywhere strengthens us today as we again face a serious challenge from abroad. As long as freedom exists in this great Nation of ours, the memory of Franklin Delano Roosevelt will live on.

Mr. FRIEDEL. Mr. Speaker, it is proper that we pause in our deliberations today to pay tribute to the memory of Franklin Delano Roosevelt on this, the 15th anniversary of his passing from our midst. We still mourn this great man who was the 32d President of the United States, and courageous leader of the people in World War II. He lived to see the assurance of the victory, but not to share it.

We can never forget Franklin D. Roosevelt, who took office at the gravest moment of an economic crisis which threatened the security of the Republic. He played a great part in major events in the world's history. Under his leadership, our country reached the position of great importance and power among the nations of the earth.

Perhaps the outstanding characteristic of this truly great man was his love of mankind and his deep concern for the forgotten man. There was no one in public life in our time who had the confidence and genuine affection of a greater number of the people of the earth than Franklin Roosevelt. The world to him was not composed of nations only, but of human beings. He loved men, but he loved them to be free and to be themselves.

Few men in history were ever braver. He conquered a frightful and crippling disease. He helped America conquer its enemies and he dared to act with courage in the face of tremendous opposition. In two great crises, one national, the other international, his acts altered history. The reaffirmations of the rights of man to which he committed his administration and his country in the domestic and foreign crises of his years as President stand with the imperishable documents of all time. Those who know and appreciate what risks he had to take, what burdens of responsibility he had to bear, know his true greatness.

The passing of the years has not dimmed our respect for him, but has only increased it. We do not honor his memory today because the American people shattered precedent and elected him as their President four times; we do not honor him merely because he was an instrument of destiny and became a world leader; we honor his memory because of his personal qualities—of his great humanitarianism and intellectual stature.

Although Franklin D. Roosevelt's voice is silent, his faith and hope are not extinguished. His soul is with his Maker and his spirit still moves us to strive and work for a still greater America in a world at peace. In his words:

> Let us move forward with a strong and active faith, remembering that the only limit to our realization of tomorrow is our doubts of today.

Mr. BARRETT. Mr. Speaker, so heedless of the past is youth and so short the recollection of their elders, that April 12, 1945, may seem to some as merely a remote moment in history. Yet to those of us who grew up in the time of the great depression and World War II, there is every reason to hold this date in reverence, for it marked the end to an era of greatness, bringing to a close the life of Franklin D. Roosevelt: a man of genius, of heart, and idealistic purpose.

Ascending to the highest elective office in the land at a moment when the people stood faced with economic tragedy, President Roosevelt brought order out of chaos and won the confidence of the democratic world.

And when there arose foreign tyrants to threaten the hard-won freedom of every democratic nation on earth, it was President Roosevelt who marshalled the strength of our Nation, led us forward, and banished the threat to oblivion.

He was a great man—a great President—and a leader among men. His deeds will live forever in the pages of history. His memory will endure.

Mr. BUCKLEY. Mr. Speaker, today marks the 15th anniversary of the passing of a man who was not only one of the great men of our time but of all time. This man, because of the scope and magnitude of his character and his actions during his lifetime, has left a lasting imprint on the pages of history. His work will be remembered and felt for untold generations yet to come. I am speaking of our late great President Franklin Delano Roosevelt. He died on April 12, 1945.

At his death the whole world mourned. He died while the free world's struggle against tyranny was still in progress but he died with the knowledge that victory for the forces of peace was in sight. He was indeed during his lifetime the true leader of all freedom-loving men throughout the world and the spiritual inheritance that he left us is an inspiration to all who oppose tyranny in any size, shape, or form.

Might I say, for I remember the time well, that when one looks back to the great depression days of 1933 and the early days of the Roosevelt Presidency one can fully appreciate what he did for his country. He assumed office in those days with the Nation drifting helplessly in the grip of an economic depression the like of which the world had never seen before. Men were disheartened. There appeared to be no hope anywhere. Millions were unemployed. And yet through the magnitude of his efforts and the spirit he engendered the Nation became revitalized and today as a direct result of the many social reforms he fostered it is stronger than ever.

I am proud to salute the memory of this man today with the firm knowledge that through the years the ideals which his very actions embodied will continue to grow stronger as the course of humanity and justice advance throughout all nations.

Mr. NIX. Mr. Speaker, April 12 marks the 15th anniversary of the death of Franklin Delano Roosevelt. On this anniversary of his passing it is fitting that we pause to pay tribute to the memory of a great American.

Franklin D. Roosevelt was an apostle of hope and of freedom. When he assumed office in 1933 the Nation was in the depth of the great depression. All around us there was no hope, no confidence, no future. Unemployment and want had robbed the people of faith in their Government. The Nation was in despair and chaos, and the agitators who feed on discord and misery were becoming increasingly more active. New and dangerous ideologies were dangled before the American people and won many converts in the midst of unemployment, want, and misery. There were many who doubted that our democratic institutions could survive.

It was against this background on Inauguration Day that a new spirit came to America. The voters had elected a man of courage and faith—a man not dismayed by disaster but rather emboldened by it. In this time of crisis Franklin D. Roosevelt provided the firm and farsighted leadership that the country so desperately needed.

Seldom has there been a leader who knew and understood so well the common man and the role of the Federal Government in providing for his welfare in those areas where individual efforts or local or State activities were powerless to help. It was Franklin D. Roosevelt's philosophy of Government that made it possible for the New Deal to assist the American people in pulling themselves up from the depths of depression. It was a philosophy which did not fear Government but saw in it a force for good rather than a necessary evil.

Under his leadership, great social and economic reforms were conceived, initiated and accomplished. Emergency relief and public works projects were established. Closer supervision was established over the issuing of corporate securities. Social security and unemployment compensation programs were enacted into law. Bank deposits were protected by the Federal Deposit Insurance Corporation. These and many other pieces of social legislation constitute an enduring memorial to our great President.

Roosevelt had been President for more than 6 years when the German armies marched into Poland. He was prepared for the full implication of that challenge to freedom. To him more than to any other man belongs the credit for leading the free world out of a threatening engulfment by the forces of despotism and tyranny.

When we think of Franklin D. Roosevelt, we think first of all of courage. His was not only the personal courage which overcame a crippling handicap, but the even deeper courage with which he was able to inspire the Nation and the free world. From the words he spoke in his first inaugural address—"the only thing we have to fear is fear itself"—to the last words he wrote just before his death—"the only limit to our realization of tomorrow will be our doubts of today"—Roosevelt gave to the people of our country a confidence in a destiny that they themselves could bring about.

Roosevelt believed intensely in the individual—in his rights, his freedom, and his capacity to create for the benefit of his fellow men. Under his leadership Americans put forward their best efforts to meet social problems, to build new institutions, and to win a war against the forces of oppression.

Franklin D. Roosevelt's position in history is firmly established. His spirit will live as long as our civilization endures. On this occasion we can best commemorate the anniversary of his death by rededicating ourselves to the objectives for which he labored—for world peace, and for full employment and economic abundance for Americans and for all people everywhere.

Mr. McDOWELL. Mr. Speaker, courage is the mark of a true statesman. And to those of us who grew up during the period of the great depression and World War II, courage is a word forever to be associated with the name of President Franklin D. Roosevelt, whom we honor today on the 15th anniversary of his departure from this earth.

Elected to the highest office in the land in a period frought with economic uncertainty and popular despair, President Roosevelt faced the crisis in the manner of a gladiator born to battle.

His famous observation: "We have nothing to fear but fear itself," electrified the Nation and keynoted an economic recovery, unprecedented in our history. His courage in the face of adversity, his confidence in the face of serious obstacles proved like a tonic to the popular mind, previously sickened by pessimism. Overnight, morale was reestablished, as if the confidence of one man were sufficiently contagious to life the spirits of millions.

And when, again, the people were troubled by the ominous threat of totalitarian aggression—once more the statesmanlike courage of Roosevelt shined through; and once more the people closed ranks beneath his triumphant banner.

There were other qualities in evidence, also, for Franklin D. Roosevelt was no mere man of iron. He was deeply sensitive and personally concerned over the troubles of groups and individuals. This the American people recognized, full well. Moreover, as time passed, and the influence of Roosevelt spread throughout the world, the peoples of many lands came under the spell of his love for humanity, and its splendor took on worldwide significance.

Few generations are privileged to experience such leadership or sense the thrill of its effect upon the masses. Indeed, as we honor his memory today, we cannot fail to recognize that it was Franklin D. Roosevelt who honored us in his life time. For certainly it is honor enough to say that one lived in the time of true statesmanship and served in accomplishing its purpose.

Mr. ZABLOCKI. Mr. Speaker, today marks the 15th anniversary of the death of Franklin Delano Roosevelt. It is a fitting time for a lesson in courage that his life offers.

President Roosevelt was elected during a time of grave economic crisis for the United States, presided and led the free world during the cataclysmic struggle of World War II, and having spent his strength for the cause of peace, died shortly before the final victory was achieved. The years of his Presidency witnessed the initiation of such farsighted programs as the trade agreements program, the social security program, basic legislation to help the farmer and the city worker, the good-neighbor policy, the lend-lease program, and many others. During those years, also, the Atlantic Charter was signed, and the groundwork

was laid for the United Nations Organization, reflecting President Roosevelt's unceasing interest in and dedication to the attainment of just and lasting peace in the world.

Courage was apparent in the momentous decisions which President Roosevelt made in the interest of the Nation, and in his own personal life. Beset with a crippling disease in his prime years, he nevertheless aspired to and attained greatness. Determined to help others suffering the same tragic plight, he marshalled the will of our people in a campaign aimed at eradicating polio—a campaign, I may add, which has borne great fruits in recent years. He respected his fellow men without discrimination, and, in return, was loved by his own people and by the people from many lands. As any human being, he had his shortcomings and his faults; but I believe all will agree that he was a great man quick to act when action was needed, steadfast, and loyal to the interests of our Nation.

In our present conflict with communism, the courage and bravery shown to us by President Roosevelt should be an inspiration for every American.

Mr. CELLER. Mr. Speaker, 15 years ago the entire world stood in shock when the news of the death of President Franklin Delano Roosevelt spread to all the corners of the earth. It is a day of vivid memory. The sense of personal loss was universal.

Franklin Roosevelt had led this country through the national disaster of depression and out of the wreckage had grown an America stronger, with a keener sense of justice and humanity. He had led this country as President and as Commander in Chief to its ultimate victory over the bitter foes of civilization. He did not live to see the final fruits of that victory, though he was its chief architect. He brought to life the concept of the United Nations and it was in the very act of preparing his major address for the opening session of that collective body that he died.

The United States, indeed the world, is different because Franklin Delano Roosevelt lived and served. When he stated, "We have nothing to fear but fear itself," he conquered the heart of America and when he talked of the four freedoms, the world responded. He saved the Nation from disaster and gave it the vision with which to grow.

F.D.R. shall always be remembered as one of the symbols of American greatness.

THE PRICE OF SHORT-TERM MONEY HAS BEEN BOOSTED BY 33 PERCENT WITHIN THE WEEK; NEW ANTICS IN THE GOVERNMENT SECURITIES MARKET CRY FOR CONGRESSIONAL INVESTIGATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. PATMAN. Mr. Speaker, if the price of steel had been increased by 33 percent within the past week, there is no doubt there would be an immediate congressional investigation. The same would be true if there had been such a price increase in automobiles, gasoline, or almost any other important industrial commodity.

Thirty-three percent is the amount by which the price of short-term money has been boosted within the past week. And this will have a much greater effect on consumers, on business—in short, the economy of the country—than would a comparable increase in the price of steel.

The morning newspapers report that the interest yield on 91-day Treasury bills issued by the Treasury yesterday jumped to 3.622 percent, as compared to a yield of 2.731 percent on the same bills issued last week.

Such a jump as this in the price of short-term money represents the kind of market reaction we would expect from a world-shaking event such as the outbreak of war. This, and the events of last week, cry for a congressional investigation.

Yesterday's phenomenal rise in the short-term bill rate is not the result of any sudden surge in the demand for short-term credit. On the contrary, there are no facts and no reports in the financial press to suggest that there has been a spectacular increase in the demand for short-term credit.

This jump in the short-term rate represents a renewed hope in Wall Street that Congress will be maneuvered into repealing the interest rate ceiling on Treasury bonds after all, and that all interest rates will be on the way up. The renewed hope has been built up by newspaper reactions to the so-called failure of the Treasury's issue of a 23-year, 4¼-percent bond last week.

I believe that the Members are aware of how this bond issue arose. The Treasury was in the embarassing position of continuing to lobby for removal of the 4¼-percent ceiling on bonds of 5 years or more long after credit had been eased and interest yields on outstanding bonds had drifted much lower than 4¼ percent. Some of the opponents of this mad proposal to repeal the interest rate ceiling have pointed out that at current interest rates the Treasury could sell bonds under the present ceiling.

BONDS BOYCOTTED

To test this charge, the Treasury offered long-term bonds last week at the 4¼-percent rate. The bonds were successfully boycotted, and the Treasury sold much fewer than it said it expected to sell. At the same time the Wall Street traders were refusing the new bonds, they were buying exactly comparable bonds already outstanding at interest yields much below that of the new bond.

The surgeon who wields the knife should wish the patient to live. But the surgeon in this operation—the Treasury—seems not to want the patient to live. It has not wanted to cut interest rates, and it has not wanted its 4¼-percent bond issue to succeed.

The Treasury is operating through a clique of 17 Wall Street dealers who serve as agent-wholesalers for most of its securities. These are all headquartered in Wall Street, all have direct telephone lines among themselves, and all carry on their so-called competition over a party telephone line.

This so-called Government securities market is completely unsupervised and unregulated, though the volume of trading done is more than three times the combined volume of business of all stock and commodity markets in the country. It is not a free market, it is a Republican political market.

BUSINESS IN ORDER ON MONDAY NEXT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that on Monday next the call of the Consent Calendar be postponed until the following day and that the Speaker on that day may recognize Members to suspend the rules.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, does that mean that there is no business to be transacted next Monday?

Mr. McCORMACK. There will be no business on next Monday, because I had given the promise, by implication, at least, with the recess starting Thursday, the Monday following Easter would be a free day. If I could have made it Wednesday, I had intended to do so. I am hopeful that we can dispose of this week's business tomorrow.

Mr. GROSS. Under that schedule it means that the 4-day Easter recess is something more than a 4-day Easter recess.

Mr. McCORMACK. The gentleman from Massachusetts had that in mind all the time.

Mr. GROSS. The gentleman from Iowa did not understand that some time ago when the notice was sent around that we would have a 4-day recess.

Mr. McCORMACK. I could not announce publicly, but I told everyone I possibly could who asked me, if I could get through with business on Wednesday, I would, and that Monday following Easter would be as light as possible, and that meant to me that the only business we had was the Consent Calendar, and, so the Members might know definitely, that is the reason for my request that the Consent Calendar and any suspensions be in order on Tuesday next.

Mrs. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentlewoman from Ohio.

Mrs. BOLTON. I understand that there is a primary in New Jersey on Tuesday.

Mr. McCORMACK. Exactly, and any rollcalls on Tuesday except on a rule or a quorum call, of course, I would ask the

indulgence of the House to go over until the next day.

Mr. GROSS. I withdraw my reservation of objection, Mr. Speaker.

Mrs. ROGERS of Massachusetts. Mr. Speaker, reserving the right to object, I know the gentleman wants to have every attention paid to Lexington and Concord, because that is the day when the first blow for freedom was struck in this country. We celebrate that in my district, in the gentleman's district, and in the rest of Massachusetts. It comes on the 19th of April, as the gentleman well knows.

Mr. McCORMACK. Of course, the 19th of April is next Tuesday. There are going to be no rollcalls on that day. I know that there is no harder working legislator in the Congress than the gentlewoman from Massachusetts, so I am glad to tell her that she can adequately celebrate April 19 and be here on Wednesday.

Mrs. ROGERS of Massachusetts. I try to keep up a little with the gentleman from Massachusetts [Mr. McCORMACK], but I am a poor second.

Mr. McCORMACK. I am willing to admit that the lady is ahead of me all the time.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

VOLUNTARY HEALTH INSURANCE PROGRAM FOR THE ELDERLY

The SPEAKER. Under previous order of the House, the gentlewoman from New Jersey [Mrs. DWYER] is recognized for 10 minutes.

Mrs. DWYER. Mr. Speaker, I have today introduced a bill to provide for Federal assistance to the States to establish a voluntary health insurance program for persons aged 65 and older and their spouses. This bill is identical to the legislation introduced last week in the other body by Republican Senators JAVITS, COOPER, CASE of New Jersey, PROUTY, SCOTT, AIKEN, FONG, and KEATING.

I can think of no other national issue, Mr. Speaker, for which various legislative proposals have been offered, which has remained unresolved for so long a time. As each year passes, health care for the elderly becomes a more urgent necessity. The rapid growth of our Nation's population has been marked by an even faster growth in the number of persons in the age group above 65. The dramatic progress in the health and living standards of most Americans has, ironically, magnified the problem, for while the frontiers of age have been pushed back we have not advanced equally as far in assuring sufficient resources for the particular needs of elderly people.

If we examine the situation of those who are presently over 65, we can understand why this is so. During the most productive years of their lives, this group has been beset by two World Wars, by the most severe depression in our history, and by one of the most prolonged periods of inflation we have ever witnessed. Consequently, not only have many older people been handicapped in saving for their old age, but even the savings they have accumulated have been subjected to the steady deterioration of climbing prices.

Furthermore, Mr. Speaker, it is common knowledge that older people have lower per capita incomes than the rest of the adult population. As a group, they also have much greater need of medical, surgical, nursing home, and visiting nurse services, as well as drugs and medicines, than other have. Yet the elderly have considerably less than half as much private health insurance coverage by which to meet these needs.

It is my conviction, Mr. Speaker, that the Federal Government has an obligation to help older people obtain the health protection they require and cannot otherwise afford by themselves. The question, of course, is how best to accomplish this.

As our colleagues well know, current interest has been centered on the bill, H.R. 4700, popularly known as the Forand bill. Admittedly, the Forand bill would be the easy way to achieve the very laudable goal of health care for the elderly. It would simply expand the old-age and survivors' insurance program to include, in effect, a health insurance policy for all OASI beneficiaries. Its simplicity, however, masks a number of objections which make the Forand bill—for me—very questionable.

By utilizing the social security system, the Forand bill would create a compulsory health insurance program and would inevitably destroy private and cooperative insurance programs for the over-65 group and severely handicap the private health insurance industry generally.

Among its worst features, the Forand bill would exclude millions of people who need health protection most, the approximately 4,500,000 elderly persons who are not now eligible for OASI benefits, the average incomes of whom are below those of OASI beneficiaries.

There would be no need criteria under the Forand bill. Therefore, the benefits of the health protection would go equally to those who need it and those who don't. The ability to pay for one's own health care would be completely eliminated as a factor under the Forand bill.

Finally, there is considerable doubt whether the estimated cost of financing the Forand bill will be adequate. Whereas proponents of the social security approach expect to finance the new program with an additional tax of from one-quarter to three-eighths of 1 percent, more conservative estimates indicate that the tax increase will necessarily be in the range of from 2⅓ percent to nearly 3 percent above present levels.

Mr. Speaker, the bill I have cosponsored today removes each one of these objections and in addition offers several notable advantages.

It would be voluntary, which in a free society is an important matter.

It would offer prospective beneficiaries a choice among insurance programs most suited to their specific requirements.

All persons over 65 years of age would be eligible to participate, not just a select group. No one would be excluded.

Everyone who could afford to do so would contribute at least his fair share toward the costs of health insurance protection, from 50 cents a month to $13 a month, depending on ability to pay.

A person's need would be the determining factor in the amount of assistance he would receive. No one would go without; the neediest would obtain the highest degree of help.

Private, cooperative, and nonprofit health insurance systems would be utilized, rather than scrapped. Appropriate regulations would protect the participants.

The several States, which clearly have a similar responsibility, would contribute with the Federal Government to make up the portion of health insurance costs which participants could not meet.

Federal controls would be minimized.

Continued progress under our traditional private health insurance system would be assured, and the private relationship between patient and doctor would be safeguarded.

Finally, the benefits to participants under the bill I have cosponsored would be more extensive and would include those tailored especially for elderly people—such as nursing care at home, prescribed drugs and medicines, and outpatient care, which services can help relieve the strain on limited hospital facilities.

For these reasons, Mr. Speaker, I commend this bill to the earnest study of our colleagues. I believe it is the most hopeful and practicable plan yet advanced whereby our people can successfully meet our obligations to those of advanced age who cannot, by themselves, afford the cost of the medical care they need.

It is in the best American tradition, I believe, to take cooperative action to help those who need help. For anyone who has seen the impact on families of major medical or surgical expenses or who has witnessed the steady drain on resources because of lingering sickness among older members of the family, the need is apparent.

The sponsor and many of the supporters of the Forand bill have stated that they would welcome alternative proposals. I do not maintain that the bill I have introduced today is the last word or the perfect plan, but I suggest, Mr. Speaker, that it represents a major improvement over the Forand bill.

I hope it will receive early and sympathetic consideration.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BREWSTER (at the request of Mr. JOHNSON of Maryland), for Tuesday, April 12, on account of illness.

Mr. DOYLE (at the request of Mr. JOHNSON of California), for today and the balance of the week, on account of the death of his sister.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. CURTIN (at the request of Mr. CUNNINGHAM), for 10 minutes, on April 13.

Mrs. DWYER, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ROONEY, the remarks he made in the Committee of the Whole today, and to include tables and extraneous matter.

Mr. LINDSAY, the remarks he made in the Committee of the Whole today, and to include extraneous matter.

Mr. MCCORMACK and to include extraneous matter, notwithstanding the fact it exceeds the limit and is estimated by the Public Printer to cost $297.

(At the request of Mr. ALBERT, and to include extraneous matter, the following:)

Mr. MULTER in three instances.

Mr. MCDOWELL in two instances.

Mr. O'BRIEN of New York.

Mr. BLATNIK.

(At the request of Mr. CUNNINGHAM, and to include extraneous matter, the following:)

Mr. SAYLOR in four instances.

Mr. DEROUNIAN.

Mr. CURTIS of Missouri.

SENATE BILL, JOINT RESOLUTIONS, AND CONCURRENT RESOLUTIONS REFERRED

Bills, joint resolutions, and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 939. An act to authorize the establishment of the Fort Bowie National Historic Site, in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1066. An act to revise the boundaries and change the name of Fort Donelson National Military Park, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1092. An act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1268. An act to provide for notice to States owning surface lands in which minerals are reserved to Federal Government of proposals to lease such minerals; to the Committee on Interior and Insular Affairs.

S. 1411. An act to amend the act of August 1, 1956 (70 Stat. 898); to the Committee on Interior and Insular Affairs.

S. 1511. An act to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes; to the Committee on Public Works.

S. 1833. An act authorizing the establishment of a national historic site at Bent's Old Fort, near La Junta, Colo.; to the Committee on Interior and Insular Affairs.

S. 2128. An act for the relief of the West Virginia Pulp & Paper Co.; to the Committee on Interior and Insular Affairs.

S. 2174. An act to permit the filing of applications for patents to certain lands in Florida; to the Committee on Interior and Insular Affairs.

S. 2306. An act to exempt from taxation certain property of the National Woman's Party, Inc., in the District of Columbia; to the Committee on the District of Columbia.

S. 2446. An act to amend the act entitled "An act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes," approved August 11, 1950; to the Committee on the District of Columbia.

S. 2576. An act to authorize the addition of certain donated lands to the Everglades National Park; to the Committee on Interior and Insular Affairs.

S. 2671. An act to exempt from taxation certain property of the American War Mothers, Inc.; to the Committee on the District of Columbia.

S. 2674. An act to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2772. An act to authorize the Secretary of Agriculture to convey land in the town of Cascade, El Paso County, Colo.; to the Committee on Agriculture.

S.J. Res. 9. Joint resolution to provide for the removal of a reservation of timber rights from a patent issued to Ivan H. McCormack; to the Committee on Interior and Insular Affairs.

S.J. Res. 162. Joint resolution authorizing the Secretary of the Interior during the calendar years 1960 and 1961 to continue to deliver water to lands in certain irrigation districts in the State of Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

S. Con. Res. 101. Concurrent resolution authorizing public hearings and recommendations on the bills S. 3193 and H.R. 11135, by the Joint Committee on Washington Metropolitan Problems; to the Committee on Rules.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 135. An act to amend the Internal Revenue Code of 1954 to exclude from gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries;

H.R. 3676. An act to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg.;

H.R. 6155. An act to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951;

H.R. 6785. An act to amend section 4071 of the Internal Revenue Code of 1954 so as to fix a tax of 1 cent per pound of certain laminated tires produced from used tires;

H.R. 8649. An act to make permanent the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof; and

H.R. 9737. An act to amend the act of March 3, 1901, to eliminate the requirement that certain District of Columbia corporations be managed by trustees the majority of whom are citizens of the District of Columbia.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 594. An act for the relief of Lione Tarpinian; and

S. 1241. An act for the relief of Sirvart Kasabian.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On April 11, 1960:

H.R. 10743. An act making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

On April 12, 1960:

H.R. 135. An act to amend the Internal Revenue Code of 1954 to exclude from gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries;

H.R. 3676. An act to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg.;

H.R. 6155. An act to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951;

H.R. 6785. An act to amend section 4071 of the Internal Revenue Code of 1954 so as to fix a tax of 1 cent per pound of certain laminated tires produced from used tires;

H.R. 8649. An act to make permanent the existing suspension of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations or mixtures thereof; and

H.R. 9737. An act to amend the act of March 3, 1901, to eliminate the requirement that certain District of Columbia corporations be managed by trustees the majority of whom are citizens of the District of Columbia.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 13, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2044. A letter from the Governor of the Canal Zone, President, Panama Canal Company, transmitting a draft of proposed legislation entitled "A bill to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama, and for other purposes"; to the Committee on Merchant Marine and Fisheries.

2045. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation entitled "A bill to amend the Federal Employees' Group Life Insurance Act"; to the Committee on Post Office and Civil Service.

2046. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled "A bill to authorize user charges for certain services performed by the Department of Agriculture, and for other purposes"; to the Committee on Agriculture.

2047. A letter from the Administrator, General Services Administration, relative to a notice of a proposed disposition of approximately 6,285 short tons of ground steatite talc now held in the national stockpile, pursuant to the Strategic and Critical Materials Stock Piling Act (53 Stat. 811, as amended, 50 U.S.C. 98b(e)); to the Committee on Armed Services.

2048. A letter from the Comptroller General of the United States, transmitting a report on the audit of the retirement and survivor benefit program of the Railroad Retirement Board as of July 1959; to the Committee on Government Operations.

2049. A letter from the executive vice president, National Safety Council, transmitting a report of the audit of the financial transactions of the National Safety Council for the year 1959, pursuant to Public Law 259, 83d Congress; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. IRWIN: Committee on Post Office and Civil Services. H.R. 10695. A bill to provide for the rotation in oversea assignments of civilian employees under the Defense Establishment having career-conditional and career appointments in the competitive civil service, and for other purposes; without amendment (Rept. No. 1469). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. S. 2804. An act to donate to the Keweenaw Bay Indian Tribe, L'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon; without amendment (Rept. No. 1484). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. S. 2877. An act to authorize the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns; without amendment (Rept. No. 1485). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 5870. A bill to place in trust status certain lands on the Wind River Indian Reservation in Wyoming; without amendment (Rept. No. 1486). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 8295. A bill to authorize the transfer to the Navajo Tribe of irrigation project works on the Navajo Reservation, and for other purposes; without amendment (Rept. No. 1487). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 9028. A bill to provide that certain funds shall be paid to the Kickapoo Tribal Council of Oklahoma; with amendment (Rept. No. 1488). Referred to the Committee of the Whole House on the State of the Union.

Mr. LESINSKI: Committee on Post Office and Civil Service. H.R. 1907. A bill to amend the Veterans' Preference Act of 1944 to define mothers for purposes of such act; without amendment (Rept. No. 1489). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. H.R. 9507. A bill to authorize the Postmaster General to waive collections on raised money orders cashed by banks and other business concerns, and for other purposes; without amendment (Rept. No. 1490). Referred to the Committee of the Whole House on the State of the Union.

Mr. PORTER: Committee on Post Office and Civil Service. H.R. 9889. A bill to eliminate the mandatory requirements for penalty charges on short-paid mail, and for other purposes; without amendment (Rept. No. 1491). Referred to the Committee of the Whole House on the State of the Union.

Mr. PROKOP: Committee on Post Office and Civil Service. H.R. 10996. A bill to authorize the use of certified mail for the transmission or service of matter required by certain Federal laws to be transmitted or served by registered mail, and for other purposes; without amendment (Rept. No. 1492). Referred to the Committee of the Whole House on the State of the Union.

Mrs. GRANAHAN: Committee on Post Office and Civil Service. H.R. 11516. A bill to create a judicial officer for the Post Office Department; without amendment (Rept. No. 1493). Referred to the Committee of the Whole House on the State of the Union.

Mr. TRIMBLE: Committee on Rules. House Resolution 502. Resolution for consideration of H.R. 11510, a bill to amend further the Mutual Security Act of 1954, as amended, and for other purposes; without amendment (Rept. No. 1494). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. House Joint Resolution 678. Joint resolution relating to the entry of certain aliens; with amendment (Rept. No. 1470). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1466. An act for the relief of Sofia N. Sarris; without amendment (Rept. No. 1471). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1856. An act for the relief of Frank Podany; without amendment (Rept. No. 1472). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2309. An act for the relief of Gim Bong Wong; without amendment (Rept. No. 1473). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 1493. A bill for the relief of Antonio Mendez Garcia and Palmira Lavin Garcia; with amendment (Rept. No. 1474). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 2085. A bill for the relief of Mrs. Margaret Baker; without amendment (Rept. No. 1475). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 2588. A bill for the relief of Buck Yuen Sah; without amendment (Rept. No. 1476). Referred to the Committee of the Whole House.

Mr. SMITH of California: Committee on the Judiciary. H.R. 2665. A bill for the relief of Briccio Garces de Castro; without amendment (Rept. No. 1477). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 2671. A bill for the relief of Antonia Martinez; with amendment (Rept. No. 1478). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 2823. A bill for the relief of Fumie Yoshioka; with amendment (Rept. No. 1479). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 3789. A bill for the relief of Preciolita V. Corliss (nee Preciolita Valera); without amendment (Rept. No. 1480). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 4670. A bill for the relief of Karnail Singh Mahal; without amendment (Rept. No. 1481). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 7033. A bill for the relief of Jack Darwin; with amendment (Rept. No. 1482). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 7895. A bill for the relief of Gloria Anne Loveday; with amendment (Rept. No. 1483). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDONIZIO:

H.R. 11695. A bill to provide a health benefits program for certain retired employees of the Government; to the Committee on Post Office and Civil Service.

By Mr. BARING:

H.R. 11696. A bill to provide for the allocation of portions of the costs of Davis Dam and Reservoir to servicing the Mexican Water Treaty, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11697. A bill to permit certain service performed by employees of the Walker Irrigation District, of Yerington, Nev., to constitute "employment" for purposes of the insurance system established by title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. BLATNIK:

H.R. 11698. A bill to amend the Housing Amendments of 1955 to expand the public facility loan program of the Community Facilities Administration in the Housing and Home Finance Agency, and for other purposes; to the Committee on Banking and Currency.

By Mr. CLARK:

H.R. 11699. A bill to help restore the balance between the production of and the market demand for wheat, and for other purposes; to the Committee on Agriculture.

By Mr. DAVIS of Georgia (by request):

H.R. 11700. A bill to amend the act "An act to establish a code of law for the District of Columbia," approved March 3, 1901; to the Committee on the District of Columbia.

By Mr. DENT:

H.R. 11701. A bill to amend the Fair Labor Standards Act of 1938 to increase to 40 cents per hour the minimum wage applicable to blind workers and to provide for periodic increases beginning January 1, 1961; to the Committee on Education and Labor.

By Mrs. DWYER:

H.R. 11702. A bill to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL:

H.R. 11703. A bill to amend the Federal Trade Commission Act to strengthen independent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11704. A bill to amend the Federal Trade Commission Act to provide for the issuance of temporary cease-and-desist orders to prevent certain acts and practices pending completion of Federal Trade Commission proceedings; to the Committee on Interstate and Foreign Commerce.

By Mr. PELLY:

H.R. 11705. A bill to strengthen State governments, to provide financial assistance to States for educational purposes by returning a portion of the Federal taxes collected therein, and for other purposes; to the Committee on Education and Labor.

By Mr. SAUND:

H.R. 11706. A bill to authorize an extension of time for final proof under the desert land laws under certain conditions; to the Committee on Interior and Insular Affairs.

By Mr. UTT:

H.R. 11707. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11708. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. ZABLOCKI:

H.R. 11709. A bill to amend the Mutual Defense Assistance Control Act of 1951; to the Committee on Foreign Affairs.

H.R. 11710. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended; to the Committee on Education and Labor.

By Mr. CEDERBERG:

H.R. 11711. A bill to require contractors having certain contracts with the United States to name their subcontractors, material men, and supply men, to quote subcontract and material and supply prices, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia:

H.R. 11712. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. DURHAM:

H.R. 11713. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mrs. GREEN of Oregon:

H.R. 11714. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, as amended, to provide increased benefits in case of disabling injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 11715. A bill to authorize the establishment of a Youth Conservation Corps to provide healthful outdoor training and employment for young men and to advance the conservation, development, and management of national resources of timber, soil, and range, and of recreational areas; to the Committee on Education and Labor.

By Mr. HAGEN:

H.R. 11716. A bill to provide for the issuance of a special postage stamp which shall symbolize the American people's aspirations for world peace, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HARMON:

H.R. 11717. A bill to amend the Federal Trade Commission Act to provide for the issuance of temporary cease and desist orders to prevent certain acts and practices pending completion of Federal Trade Commission proceedings; to the Committee on Interstate and Foreign Commerce.

H.R. 11718. A bill to amend the Federal Trade Commission Act to strengthen independent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11719. A bill to amend the Federal Trade Commission Act, to promote quality and price stabilization, to define and restrain certain unfair methods of distribution and to confirm and define the rights of producers and resellers in the distribution of goods identified by distinguishing brands, names, or trademarks, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HÉBERT:

H.R. 11720. A bill to provide for the designation of June 4, 1960, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

By Mr. KOWALSKI:

H.R. 11721. A bill to provide for the construction of a shellfisheries research center at Milford, Conn.; to the Committee on Merchant Marine and Fisheries.

By Mr. LAIRD:

H.R. 11722. A bill to bring employees of agricultural stabilization and conservation county committees within the purview of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959; to the Committee on Post Office and Civil Service.

By Mr. MORRIS of New Mexico:

H.R. 11723. A bill to amend section 5001 of title 38, United States Code, to provide for the establishment of domiciliary facilities in each State for the care of war veterans; to the Committee on Veterans' Affairs.

By Mr. SAUND:

H.R. 11724. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of irrigation and other water district assessments; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 11725. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. WILLIAMS:

H.R. 11726. A bill to consolidate Vicksburg National Military Park and to provide for certain adjustments necessitated by the installation of a park tour road, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FLYNN:

H.J. Res. 684. Joint resolution to establish a commission for the celebration of the 100th anniversary of the birth of Gen. John J. Pershing; to the Committee on the Judiciary.

By Mr. GILBERT:

H.J. Res. 685. Joint resolution declaring the first Tuesday after the first Monday of November in each even-numbered year to be a legal public holiday; to the Committee on the Judiciary.

By Mr. PASSMAN:

H.J. Res. 686. Joint resolution to provide for the designation of June 4, 1960, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

By Mr. BOSCH:

H. Con. Res. 658. Concurrent resolution authorizing and requesting the President of the United States to set aside a week during 1960 to be known as Hungarian Youth Week; to the Committee on the Judiciary.

By Mr. BOLLING:

H. Res. 503. Resolution providing for concurrence in the Senate amendments to the bill H.R. 8601, to enforce constitutional rights, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUDGE:

H.R. 11727. A bill to confer jurisdiction upon the U.S. District Court for the Eastern District of Idaho to hear, determine, and render judgment upon certain claims of Bert Ruud and Emma Ruud; to the Committee on the Judiciary.

By Mr. DEVINE:

H.R. 11728. A bill for the relief of Mary S. Apostolopoulou; to the Committee on the Judiciary.

By Mr. DOOLEY:

H.R. 11729. A bill for the relief of Vilma D. Beckles; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 11730. A bill for the relief of Jung Yee Chan; to the Committee on the Judiciary.

H.R. 11731. A bill for the relief of Fuk Lum Kwong; to the Committee on the Judiciary.

By Mrs. GRANAHAN:

H.R. 11732. A bill for the relief of Bill Joseph Gordon, Jr.; to the Committee on the Judiciary.

By Mr. KASEM:

H.R. 11733. A bill for the relief of Peter Holtz; to the Committee on the Judiciary.

H.R. 11734. A bill for the relief of Zenaida Torres de Lewis; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 11735. A bill for the relief of Clyde M. Alexanderson; to the Committee on the Judiciary.

H.R. 11736. A bill for the relief of Jan Majka Formanek; to the Committee on the Judiciary.

By Mr. WAINWRIGHT:

H.R. 11737. A bill for the relief of Clarence G. Marshall; to the Committee on the Judiciary.

H.R. 11738. A bill for the relief of Teresa Coluccio Ieraci; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.J. Res. 687. Joint resolution providing for the award of the Silver Star to Herbert Wilkin Wier, formerly a first lieutenant, Army of the United States; to the Committee on Armed Services.

By Mr. WALTER:

H.J. Res. 688. Joint resolution for the relief of certain aliens; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

The Department of Defense Is Using College and University Talent To Entertain Our Troops Abroad and Should Schedule Them To Appear Before Students of Other Countries—Mankind Will Profit When Young Men and Women of All Nations and in Great Numbers Study and Learn Together, President Eisenhower Says

EXTENSION OF REMARKS
OF
HON. HARRIS B. McDOWELL, JR.
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 12, 1960

Mr. McDOWELL. Mr. Speaker, President Eisenhower gave top priority to a massive interchange of mutual understanding in his highly important speech at Delhi University in India last December. At that time the President said:

More enduringly than from the deliberations of high councils, I believe mankind will profit when young men and women of all nations and in great numbers study and learn together. In so doing, they will concern themselves with the problems, possibilities, resources and rewards of their common destiny.

Through the centuries nations have sent their youth armed for war to oppose their neighbors. Let us in this day look on our youth, eager for a larger and clearer knowledge, as forces for international understanding; and send them, one nation to another, on missions of peace.

The President's special international cultural exchange program has so far failed miserably to include young people from our colleges and universities in its program. Yet I am assured by Dr. Howard Hanson, president and chairman of the board of the National Music Council, that student groups "will contribute even more importantly to the cultural exchange program than the exchange of commercial professional groups."

I have introduced legislation to provide the massive interchange which President Eisenhower has called for; and this legislation has been cosponsored by my good friend and colleague from New Jersey, the Honorable FRANK THOMPSON, JR. At the same time, the Department of Defense—which sends college and university talent abroad to entertain our troops—could schedule them to appear before students of those countries where our troops are stationed. Such a step would be a highly significant addition to our Nation's foreign policy and would be the most important step to implement the President's suggestions at Delhi University which has been made to date.

At the same time, the administration should abandon its plans to destroy the historic buildings on Lafayette Square in the Nation's Capital just across the street from the White House. These buildings could be utilized for educational and cultural purposes in the expansion of the massive interchange the President has called for. Congressman FRANK THOMPSON and I have sponsored legislation—H.R. 11678 and H.R. 11691—for this purpose too. Similar legislation has been cosponsored by Senators KENNEDY, MORSE, HUMPHREY, DOUGLAS, HENNINGS, GRUENING, MANSFIELD, and MURRAY.

I include as part of my remarks a speech on the subject of "The Arts and Sciences and International Understanding," which I made on April 11, 1960, to the members of the University Women's Club of Washington, D.C.:

THE ARTS AND SCIENCES AND INTERNATIONAL UNDERSTANDING

I am happy to have this opportunity to discuss with you the Nation's need to further develop its creative resources. This country is richer than we know in artistic achievement. The Communists, however, are telling people around the world that Americans are hardhearted materialists interested only in making money. This is strange talk from the irreligious materialists of Moscow, but it is sometimes a convincing argument to people around the world who know little of our cultural achievements. This type of Communist propaganda makes it obvious that today the United States is involved on a new front in its struggle to win the support and understanding of the world for democracy. We face a committed, energetic, formidable competitor in the Soviet Union. The Communist cause is stretching out to reach millions of persons around the world. We must compete more actively if we are to reach the minds and hearts of the youth of other countries who are to be the leaders of tomorrow.

Experience has demonstrated that military, political, and economic diplomacy, although practiced so effectively in the past, are no longer enough to win peoples' understanding. In a world whose political and military geniuses are stalemated by the discoveries of scientists, we have learned that negotiations over the green baize tables of diplomacy are only one way for nations to try to reach an understanding. Direct contacts between our people and people of other nations are essential to help dispel some of the misconceptions they have concerning the philosophy and goals of the United States.

We must provide new avenues by which we can demonstrate the American imagination and its creative force to many more of our own citizens as well as to people throughout the world. An intensified encouragement of our participation in the arts would make it manifest that cultural endeavor is an integral part of this Nation's way of life. We need to establish a cultural breakthrough at both the national and international levels. A concerted effort must be made to better display America's cultural image.

In the field of music alone, how many people realize, for example, that Americans in a recent year spent more money at the box office for concerts than they spent for baseball games; that we support in this country 1,000 symphony orchestras and 450 opera-producing groups; that over 255 educational institutions offer degree courses in music and advanced level musical training. We have a plentiful reservoir of artistic talent in this country. We should place this talent in the spotlight.

If we are going to take significant steps toward making far-reaching contributions in the cultural field, the task before us is a great one. Today, I want to discuss some of the specific actions which should be taken to accomplish these ends. If the United States is to be able to establish a cultural and scientific breakthrough around the world, we have to take definite action.

President Eisenhower gave top priority to massive interchange of mutual understanding in his speech at Delhi University last December. At that time the President said:

"More enduringly than from the deliberations of high councils, I believe mankind will profit when young men and women of all nations and in great numbers study and learn together. In so doing, they will concern themselves with the problems, possibilities, resources and rewards of their common destiny.

"Through the centuries nations have sent their youth armed for war to oppose their neighbors. Let us in this day look on our youth, eager for a larger and clearer knowledge, as forces for international understanding; and send them, one nation to another, on missions of peace."

As a corollary to this idea we must make certain that many more of America's talented young artists are included in the President's special international cultural exchange program. To achieve this end I have proposed legislation to create an actual two-way exchange program since no such cultural exchange now exists. So far, the major, if not the entire, emphasis of the program has been restricted to large professional groups and individual professional artists. Moreover, the price of tickets of admission in many instances has been beyond the pocketbooks of most people in other countries. There is some doubt that the program as presently administered is as much of a success as some of its proponents would have us believe. Under the present program the large professional groups and distinguished American artists perform in opera houses and great halls and usually for only limited engagements because of the expense.

Why should we display only that portion of America's artistic talent which draws huge impersonal audiences? Why should we play only to a world of gilded mirrors and red plush? Truly these performances do not reach the man in the street, the university student with limited funds, and the student artists in the countries around the world. It is the individual whom we must reach. Our international cultural exchange program must include our students and their teachers, community groups, and university and conservatory groups. There is not only a vast audience abroad for every one of them, but also a vast reservoir of friendship for them to tap. In addition to the professional artists, we should be most certainly sending our talented young artists and art groups on a university circuit all over the globe.

My proposal envisages an actual two-way cultural exchange program. It would support the performances of individual artists, choral groups, youth orchestras, and drama groups from other countries on their tour of the university circuit in the United States. Thus, young artists from around the world would have a chance to see this country, to learn something of our way of life on university campuses and, what is most important, have a chance to talk with other young people who have similar interests and talent. The merits of this type of exchange

are undeniable for, as Isaac Stern declared at the recent International Music Conference, the most effective penetration in cultural exchange is at the youth level, on both sides.

Recently I returned from an inspection tour of the operations of the mutual security program in some 20 countries in Asia, Africa, and southern Europe. I was impressed especially by the fact that the leaders in many of these nations are very young, under 30 years of age in many cases. It is my firm belief that we can best reach the young people in other countries through a cultural exchange program such as I have described.

Van Cliburn made the most significant cultural breakthrough in the last decade, yet he received absolutely no financial help at all from the President's special international cultural exchange program.

Van Cliburn's expenses were paid with funds raised by the Institute of International Education from the Martha Baird Rockefeller Fund. Many others of our highly talented young people who could help to carry the message of international goodwill have not been able to secure such distinguished private patronage. Furthermore, the door of the Government's cultural exchange program has been closed by administrators in the Department of State who seem surprisingly unaware of the tremendous potential of the young talent in our colleges and universities.

So far the President's special international cultural exchange program has devoted almost its entire congressional appropriations to sending major professional groups abroad. The State Department overlooks the opportunity of utilizing young talented American artists in this program. This shortsightedness must be corrected if we are going to effect a massive interchange of mutual understanding through student exchanges. The legislation which I have proposed would make permanent the inclusion of young American artists in our cultural exchange programs. No longer would this endeavor be subject to the whim of individual officials or of any political administration in Washington. The enactment of this legislation would insure that a specific provision for young artists has the support of the Congress which is vital if we are to enhance America's cultural image.

In addition to the need for the Federal Government to place a broader emphasis on the arts in direct connection with international cultural activities, we should provide a means to promote among more of our own citizens a knowledge of and interest in the creative arts. For example, I believe we should establish in Washington, D.C., a national showcase program to display the very excellent fine arts programs of our institutions of higher education. The primary purpose of the showcase would be to encourage the further development and growth of all the arts in colleges and universities. The time is right to establish a permanent program to encourage our young people with interest and talent in the arts, instead of leaving their discovery—as in the case of Van Cliburn—to the U.S.S.R.

As R. L. Bruckberger emphasized in his recent book "The Image of America," "America does not always give its own creative minds the recognition due them, indeed it sometimes ignores them altogether. This is so often the case that an observer as casual as the average European traveler in America finds it only too easy to assume that in certain fields there are no creative minds. * * * In their hearts, Americans do not believe that there could ever be found among them men of such stature as Stravinsky, Picasso, and Bergson."

It is my firm conviction that we do have talent which can be encouraged through the showcase program by giving national recognition and encouragement to young American artists. The bill I have introduced is sponsored also by Representative CARL ELLIOTT, of Alabama; Representative EDITH GREEN, of Oregon; Representative FRANK THOMPSON, of New Jersey; and Senator WAYNE MORSE, of Oregon. It would inaugurate an International Olympiad of the Arts and Sciences. This program, to be held every 2 years, would present high quality international exhibitions, productions, festivals, and programs in these fields. I am sure that such an enterprise would greatly strengthen the mutual understanding of the peoples of the world.

I have often been asked how I would expect the International Olympiad of the Arts and Sciences to be initiated, organized, and operated. Here are some answers to the questions that have been raised.

The President of the United States would communicate with the heads of all the nations in the world, inviting them to send representatives to Washington for a conference. This meeting could be under the chairmanship of the Secretary of Health, Education, and Welfare, who would be responsible for practical arrangements. The President would address this conference, calling upon the nations to join with the United States in competitions in the arts and sciences.

Following this conference I would expect that most of the nations would set up committees which would be responsible for arranging participation in the competitions. An American committee would work through the Department of Health, Education, and Welfare, under appropriate guidance from the Department of State. Distinguished private citizens would be appointed by the President to serve on this committee.

As I mentioned before, my bill calls for an International Olympiad of the Arts and Sciences to be held every 2 years. I would hope that the first Olympiad might take place in the new Lincoln Center in New York, and that our proposed National Cultural Center in Washington would be completed in time for the second. If a cooperating nation extended an invitation for the Olympiad, I think that this invitation should be carefully considered and accepted if approved by a meeting of representatives of all participating countries. Pending the assurance that there would be facilities for the competitions overseas, I believe we should continue to hold them at 2-year intervals in the Nation's Capital.

As I see it, the Olympiad of the Arts and Sciences could include competitions in five main fields.

First, I should like to see an international folk festival, where the nations of the world would compete in dancing and folk singing, and in displaying native handicrafts including fabrics, woodcarving, and other traditional crafts. This would help to preserve the folk heritage of mankind, a heritage which is rapidly being dissipated around the world. The industrialization of the modern world is seriously diminishing the interest of many in the folk arts. It would be a tragedy if these noble traditions were to be lost. I believe that the International Olympiad program would be a strong influence in preserving this inheritance from man's past.

Secondly, there could be festival of drama and the dance which would involve competition in the presentation of assigned classical plays, such as Shakespearean tragedy; competition in the presentation of original plays; competition in the presentation of national theatrical forms such as the Kabuki and plays of Japan; and finally, competition in classical dance forms such as the ballet. The difference between these dances and those which might be presented under the folk festival is that there are certain types of dances which are common to a variety of cultures and competition here would be on the basis of national interpretation of these classical dance forms.

There could be a music festival which would involve individual competition in all of the principal instruments in use today around the world. We should have competition in piano, the stringed instruments, the brasses, and the woodwinds. Special categories for national instruments which would make it possible for the world to become acquainted with the unique musical heritage of various cultures could be included.

There could also be a competition in painting and sculpture. Here an international body of critics might set up the appropriate categories, and select qualified judges. I hope there will be several categories, including both the classical and modern schools, and the traditional art of the world's civilizations.

The fifth competition might be in the sciences. A group of distinguished international scientists could decide upon the type of competitions to be held. It might be patterned after the science talent search and National Science Fair, which are sponsored by Science Service.

The International Olympiad could follow the tradition of the sports olympics with the lighting of the traditional flame, the reciting of the Olympic oath, and the awarding of medals.

However, I believe that the winners in the Olympiad should receive additional prizes, such as opportunities for concert tours, gifts of musical instruments, and opportunities for additional exhibits of their artistic or scientific achievements.

Many benefits are to be derived from these contests. First, there would be an opportunity for young artists or scientists to win distinction. Secondly, people would have a chance to learn that Americans are not materialistic money-minded individuals. Finally, the world would be enriched by this exchange of artistic and scientific ideas.

Unquestionably an appropriation would be required from the Congress to initiate these contests. However, I think that there would be enough public interest after the first Olympiad to warrant reliance upon public subscription to finance future American participation. The revenue from admission to various events would be very substantial, and should go a long way toward financing the entire project.

The arts and the sciences are a universal language. We should use this language to become better acquainted with our friends around the world, and to enable them to understand us.

The milennium will have to be achieved by hard work. The alternative may be the destruction of mankind. I believe the International Olympiad of the Arts and Sciences and the two-way cultural exchange program of young artists would be gigantic steps toward more effectively promoting international stability and mutual understanding of the world's peoples.

As we go about living our busy lives today, we think of and pray for peace in our time. And as we ask for divine guidance, we should remember that it is not enough just to ask for peace—we must work for it.

Pesach, 5720—Passover, 1960

EXTENSION OF REMARKS

OF

HON. ABRAHAM J. MULTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1960

Mr. MULTER. For people who share the precious heritage of the Jewish faith, history, and cultural traditions, the Pass-

over is, of all seasons of the year, perhaps the fullest of religious depth, historical significance, human warmth and youthful gladness.

It is a reminder, in the prescribed foods of the Seder, as well as in the four questions asked thereat and their answers, of one of the greatest events of history, the delivery of the children of Israel from their bondage in Egypt.

It is a reminder of our reliance, then and now, upon divine providence. It is an exacting test of the knowledge and wisdom of the father, in replying to his son's four questions, and a stimulus to the faith and courage of all who share in the ceremony. In this religious ceremony, in this family meal, in this glad festival, families are drawn together, renewing their old bonds of affection, and resolving anew to live in the warmth of these human relationships and religious traditions.

In the singing and storytelling, in the ceremonial sharing of the wine, in the beautiful words of the benediction that concludes the Passover service, we feel ourselves brought together in affection and happiness—parents and children and guests, and all the broad world upon which we call down the blessings of redemption, and peace, and justice, and brotherhood.

This Is the Man

EXTENSION OF REMARKS
OF
HON. LEO W. O'BRIEN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 12, 1960

Mr. O'BRIEN of New York. Mr. Speaker, I hesitate to burden the RECORD with a dispute over dead men's bones and to weary my colleagues with a discussion now of a bill which was passed unanimously last year by the House. But, the double task has been thrust upon me by a distinguished Member from Indiana who, on March 24, revived a claim, first circulated in 1928, that a Samuel Wilson, buried in Merriam, Ind., was the progenitor of "Uncle Sam," our national symbol.

This House, acting on the recommendation of the Committee on Interior and Insular Affairs, and by unanimous vote, passed early last summer a joint resolution honoring Samuel Wilson, of Troy, N.Y., as the real progenitor of "Uncle Sam" and declaring his grave in Oakwood Cemetery, Troy, to be a national shrine.

The statement by the gentleman from Indiana obviously was not made to influence House action, already taken, but to persuade the other body to sidetrack or kill the resolution, denying Samuel Wilson of Troy the full recognition nationally already accorded him by historians, the city of Troy, and the State of New York.

Is it not fair to ask why those who now revive the bit of Merriam, Ind., folklore were silent last year when this matter was before the House? Where were they on May 7, 1959, when the Subcommittee on Public Lands, headed by the Honorable GRACIE PFOST, of Idaho, conducted a day long public hearing on the bill which the House later passed? Where were they when the resolution came before the Committee on Interior and Insular Affairs, headed by the Honorable WAYNE ASPINALL, of Colorado, which committee passed it unanimously? Where were they when the matter was before a Senate subcommittee earlier this year, which committee subsequently approved it?

Perhaps it will be claimed that they did not know about the Troy resolution. All the wire services carried stories about it. Many great newspapers and national magazines carried feature articles about it.

A large delegation came from Troy to Washington, stopping at Philadelphia en route for well-publicized ceremonies at Independence Hall. Leading the delegation was a distinguished citizen of Troy, attired in a colorful "Uncle Sam" garb. He walked about Capitol Hill and posed for national television shots on the Capitol steps. Certainly the whole effort was not made in the dead of night.

The Troy group did not press their case with a newspaper feature story. They brought with them men who had made long and careful studies of historical fact. They included historians Thomas I. Gerson of the Record Newspapers, Troy, N.Y., Col. Edgar T. Noyes of Texas, and Dr. J. Almus Russell of Pennsylvania.

At the hearing, there was not a written word of opposition to the resolution expressing the sense of the Congress with respect to the recognition of the grave of Samuel Wilson in Oakwood Cemetery, Troy, as a national shrine.

The resolution was also supported by the American coalition of patriotic societies, the Eastern Regional Council of the U.S. Flag Committee, the National Society of U.S. Daughters of 1812, and many other groups.

As to the value of testimony submitted at the House subcommittee hearing on May 7, 1959, the Honorable JAMES E. MURRAY, U.S. Senator, chairman of the Committee on Interior and Insular Affairs, wrote to Mr. Gerson on March 30, 1960:

> I believe the record made before the House committee is complete and that it makes out a prima facie case warranting the enactment of the resolution. It is my intention to make that record available to the Indiana parties, with the suggestion that they disprove the record, if possible. If they cannot successfully challenge the record, the committee will proceed with the consideration of the resolution.

Passage of this legislation is important, because the "Uncle Sam" symbol represents very much the same in the minds and hearts of our people as does the U.S. flag, and as such it must be protected. The testimony before the House subcommittee revealed that some writers have attacked the symbol "Uncle Sam" as being archaic and suggested that it be abandoned. The enactment of this resolution would be an expression of the determination of Congress not to yield to forces which would destroy this enduring symbol.

It has been proved by testimony that the symbol of "Uncle Sam" is not the creature of a cartoonist's pen, but the result of the evolution of the American dream—as expressed in the life story of a most representative American, Samuel Wilson, who was born in Menotomy, now Arlington, Mass., on September 13, 1766, and who died in Troy, N.Y., July 31, 1854, and who is buried in Oakwood Cemetery, Troy, N.Y., where a bronze tablet marks his final resting place. Over his peaceful grave fly the Stars and Stripes maintained by the Uncle Sam's Council, Boy Scouts of America, Troy, N.Y.

The story of Sam Wilson's life is an abridged story of America. As a boy, Sam helped his brothers and sisters run the Wilson farm at Menotomy when their father, Edward Wilson, answered Paul Revere's dramatic call to arms on April 18–19, 1775, and took part in the Battle of Lexington which signaled the birth of New World freedom. Samuel Wilson, then but a boy of 8½, helped to ring the church bell and beat the drums that aroused the other Minute Men. The American Revolution had truly begun, and the Wilson family, all settlers and farmers, took an active part in it. Sam's older brothers, Joseph and Edward, Jr., fought with Gen. George Washington. Sam Wilson himself, as a boy of 14½, ran away from home to serve as a service boy with the American Army until the end of the war.

Samuel Wilson did not know it, but this was his training ground for the next war with England, the War of 1812, when he would emerge as "Uncle Sam," the symbol of an aspiring America and the embodiment of its spirit.

Young Sam was tall, lanky, and strong as a young bullock when he returned from the war. The dark fighting days of the Revolutionary War had broadened his vision, sharpened his wits. Just as Sam Wilson had spoken out against those defeatists who believed that the 13 separate and loosely joined Colonies could not win their independence from England, so he now opposed those pessimists who believed that the new Nation, perpetuated on September 17, 1787, could not survive as a weak and debt-burdened infant nation.

In February of 1789, almost penniless, Samuel Wilson and his brother Ebenezer migrated to Troy, where by dint of hard work Sam took root in the community and became known for his honesty and common sense, wielding great influence for good.

By the beginning of the War of 1812 Sam Wilson had become prominent in the State. A tall, slender man with a "nutcracker" face, he was especially liked by children who called him "Uncle Sam." People came for miles around for his counsel. He was deeply religious, and was quoted as saying:

> The big thing is not what happens to us in life, but what we do about what happens to us.

He had left his mark upon Troy and the State of New York by the time 1812 rolled around. He had spurred the development of waterpower, championed

many civic improvements—helped to give America its purpose and direction.

Sam Wilson and his brother, besides operating a brickmaking plant, a general store, and freightage service on the Hudson River—also owned and operated a meatpacking plant under the name of E. & S. Wilson," where they slaughtered 150 head of cattle a day.

In October of 1812 Sam Wilson was made inspector of provisions for the Army in New York by Elbert Anderson, Jr., the contractor for the Army. Anderson lived in New York City, and had no known holdings in Troy, other than his contract with Samuel Wilson.

Early in 1812, as the war got under way, Mr. Anderson arrived in Troy with Theodorus Bailey, the postmaster of New York City, according to Col. Edgar T. Noyes. Mr. Bailey, who represented New York State in Congress during his lifetime, had attained the rank of brigadier general in the New York State Militia. When Mr. Bailey died in 1828, according to Colonel Noyes, he left a written account of the origin of "Uncle Sam," for he had witnessed the incident that had linked Samuel Wilson who is now buried in Oakwood Cemetery, Troy, N.Y., to America's symbol.

That incident revealed that one of the visitors to the Wilson plant in Troy on October 1, 1812, asked what the initials "EA-US" on the barrels of meat stood for. A workman replied that the "EA" stood for Elbert Anderson, the contractor, and added jokingly that the "US" stood for "Uncle Sam" Wilson, or an abbreviation for the United States.

The allusion caught on and spread rapidly, for Sam Wilson was popular. He epitomized the plain American, with a devotion to honesty, self-reliance, and a passion for justice for himself and all men. The step from this to an impersonation of our country by an ideal "Uncle Sam" was a logical sequence. The term caught on like wildfire and the rest is history—history made largely by newspapers and cartoonists whose classic figure of Uncle Sam wears striped trousers, frock coat, and tall hat—clothing typical of successful businessmen of that era.

Cartoonists of the day such as Thomas Nast and Frank Bellew joined the crusade for Uncle Sam as the symbol of our national aspirations. They were displeased with the earlier symbol of colonial America personified by "Brother Jonathan," a country bumpkin created during the Revolutionary War, who often got the best of King George. They found him just as inadequate as they did "Yankee Doodle," which had served its purpose.

The need for another national symbol was felt after America won independence, and around the turn of the century when Americans began to feel there was poetry and drama in the continental sweep of their expansion.

The Troy Record newspapers helped to bring the story of the origin of Uncle Sam to the attention of the Nation. Artists like Joseph Keppler propagated the figure of "Uncle Sam" built by Nast, Bellew, and others.

European caricaturists also accepted "Uncle Sam" with open arms, and even made him a rare target for the barbed jibes of jealous Old World nations.

Today, thanks to our testimony, "Uncle Sam" lives on for Americans as a flesh-and-blood human being, because we have accepted his origin. He is the neighbor who swaps yarns over the back fence at sunset; he is easy-walking, easy-talking. You know where you are with "Uncle Sam." And yet he remains a spokesman for all that went before him in the building of America, and all that is yet to come. For there is that sense of dedication in him, that urge of destiny running through him, because "Uncle Sam" Wilson who lies buried at Oakwood Cemetery, Troy, N.Y., faced the problems of his troubled times with faith and courage, and with a deep conviction in the glorious destiny of the United States of America which the Wilson family helped to create.

Samuel Wilson, the prototype of "Uncle Sam," never left Troy except for several years after the War of 1812 when he and a younger brother opened another meat-processing plant in Catskill, N.Y. Oddly enough, there were many Samuel Wilsons living in the United States at that time, and many of these Samuel Wilsons were mistaken for the kindly, genial prototype of "Uncle Sam" who lived at 144 Ferry Street, Troy, N.Y.

Samuel Wilson died at his home, 144 Ferry Street, Troy, N.Y., on July 31, 1854, at the age of 88. He died of old age, and was buried the next day in Mount Ida Cemetery, Troy.

Some years later members of the extensive Wilson family moved Sam Wilson's body from Mount Ida Cemetery in Troy, N.Y., to its present location in Oakwood Cemetery, Troy, N.Y.

In 1931, a granddaughter, Marion Wilson Sheldon, erected a 5-ton granite shaft to his memory at his grave at Oakwood Cemetery, with an appropriate bronze plaque:

U.S.: In loving memory of "Uncle Sam," the name originating with Samuel Wilson, 1766–1854, during the War of 1812 and since adopted by the United States.

Appended for inclusion is the affidavit of the record of burial in Oakwood Cemetery:

TROY CEMETERY ASSOCIATION,
OAKWOOD,
TROY, N.Y., *May 1, 1959.*

To Whom It May Concern:

This is to certify that, according to the permanent records of Oakwood Cemetery, Troy, N.Y., Samuel Wilson is interred in lots Nos. 46 and 47, section F, grave No. 3. The records also show the interment number as 922.

Samuel Wilson was born in Massachusetts and died in Troy, N.Y., on July 31, 1854, at the age of 88. Cause of death is listed as old age. His parents are shown as Edward and Lucy Wilson.

We further certify that his wife, Betsy M. Wilson, is interred beside him in grave No. 4 in the above-mentioned lots and section, interment No. 1642. Betsy M. Wilson was born in New Hampshire and died in Troy, N.Y., on August 20, 1863, at the age of 90. Cause of death, old age.

ELBERT A. HOFFMAN,
Assistant Secretary and Superintendent.

Elbert A. Hoffman, to me personally known, appeared before me on May 1, 1959, and swore that the above information are statistics taken from the permanent records of the Troy Cemetery Association.

MARGARET A. BRENNAN,
Notary Public.

I assure the gentleman from Indiana that I respect the memory of the old gentleman buried in his State, but there is no historical proof that he was "Uncle Sam" or that he even lived in Troy.

We have submitted full proof and we ask that the honor due "Uncle Sam" Wilson not be rejected on the basis of a bit of folklore submitted at the 11th hour.

The spirit of our "Uncle Sam" might well, in the midst of this controversy, paraphrase Shakespeare to say:

He who steals my purse steals trash;
He who steals my name steals all.

The "Samuel Wilson" said to be buried in Merriam, Ind., must have been a member of another Wilson family and not the Samuel Wilson who died in Troy in 1854 at the age of 88. According to the accounts accepted in Indiana, he was quite a patriot in his own right.

But he was not the Samuel Wilson, the original "Uncle Sam," whose family fought in the War for Independence; whose life from 1766 to 1854 witnessed the birth and progress of the United States, spanning as it did the period before the Declaration of Independence to the emergence of the United States as a world power.

On April 2, 1856, Benjamin Mann Wilson, a son of "Uncle Sam" Wilson and "Aunt Betsy" Wilson, purchased two lots at Oakwood Cemetery—because Troy was growing, and plans were afoot to use the Mount Ida Cemetery for other purposes. And a few years later, Samuel Wilson's body was disinterred and reburied in its present resting place at Oakwood Cemetery, where he lies beside his beloved "Aunt Betsy."

Moral Principles Should Be Paramount

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 12, 1960

Mr. MULTER. Mr. Speaker, not only does the United Arab Republic continue to violate international morals and the resolutions of the United Nations but it also is now stirring up trouble in countries in the Western Hemisphere.

There is more than ample evidence that Nasser's agents are operating throughout the Caribbean, in Cuba, and in the Republic of Panama, as well as elsewhere. We will never be able to make him behave nor prevent other Nassers from cropping up all over the world if, on the one hand, we condemn by moralistic resolutions their conduct, and, on the other hand, make grants and loans to them so that they can carry on their nefarious conduct.

It is quite true that the grants and loans are always made for purposes and projects which are in complete harmony with our desire to improve the standards of living and the economies of free peoples the world over. But when foreign countries misuse their own funds for the building up of war materiel for purposes of aggression, we aid their unjust and immoral cause by freeing their own funds for that purpose as we make other funds available for peaceful purposes.

The recent World Bank loan to the United Arab Republic is a typical example of how the free world should not act with reference to a country that has established its immorality in international affairs by flaunting everything that is good and decent.

The following editorial from the New York Herald Tribune of April 12 is most apropos:

THE SUEZ BLOCKADE ISSUE PERSISTS

If U.N. Secretary General Dag Hammarskjold were a man given to bluster and denunciation, his recent statement on Egypt's blockade of the Suez Canal against Israeli shipping would merit little attention. But precisely because Mr. Hammarskjold customarily avoids the slightest indication of annoyance or displeasure his assertion that the detention by the Egyptians of the Greek ship *Astypalea* "goes against the principle upheld by the United Nations" has all the force of a rebuke to Cairo.

That the rebuke will go unheeded is a reasonable assumption, for President Nasser has so far ignored all efforts by Mr. Hammarskjold to obtain either an end to the United Arab Republic's blockade or a least a modification which would permit Israeli cargoes in foreign-owned ships to pass.

Mr. Hammarskjold, discouraged though he has every right to be by Nasser's rebuffs, indicated in his statement that he intends to pursue his efforts to arrive at workable practices in the Suez Canal. We're glad he hasn't given up. But we would like to see him get some positive support from those nations—especially our own—which have an interest in maintaining freedom of navigation in general and preserving the peace in the Middle East in particular. Even Prime Minister Nehru of India, who is currently entertaining President Nasser, could do worse than bring up the subject of Suez in his conversations with his distinguished guest.

Mr. Speaker, the Congress will shortly be asked to act upon H.R. 11001, a bill sponsored by the State and Treasury Departments to provide for the participation by the United States in the International Development Association which is being created as an arm or a division of the International Bank for Reconstruction and Development, often referred to by its initials "IBRD" and more commonly known as the World Bank.

In connection with that bill, I have suggested that the World Bank Board of Governors adopt, by Board action, a policy which would enunciate the principle that no member who declares itself to be at war with another member could borrow money from the Bank. The startling answer came back that for the Board of the World Bank to enunciate such a policy would in effect be an admission that they made a mistake in granting a loan to the United Arab Republic. I accordingly am urging an amendment to H.R. 11001 which will provide, in so many words, that no loan shall be made by the International Development Association to any member which claims to be at war with any other member.

There can be no sound objection to such an amendment. The Departments undoubtedly will urge, as they have already done, that such a provision will require a renegotiation of the underlying agreement. The answer is that no matter how long it might take for such renegotiation, the United States, which claims to be the leader of the free world, has no right to sacrifice moral principle because it might take a little time to negotiate what is morally right and proper, and, above all, sound in international law.

What has already happened with the United Arab Republic might very well happen in the Caribbean, in Central America, or in South America. We would be the laughing stock of the world if we contributed our gold to the World Bank to be loaned by it to countries bent on destruction of world peace.

Can any American in his right mind condone the making of a loan to the Republic of Panama if it attempted to seize the Panama Canal? All of the trouble we are having now with reference to the Panama Canal is directly traceable to what Nasser did with the Suez Canal. If Egypt had a right to violate its international obligations and take the Suez Canal, the Republic of Panama has the right to do the same with the Panama Canal.

Both the Republic of Panama and Cuba are members of the World Bank and are signatories to the underlying agreement sought to be approved by H.R. 11001. Most of the Central and South American countries are also members and signatories. Shall we permit the World Bank to make loans to Cuba if it seeks to invade any of these countries? Will we permit the World Bank to make loans to any of these countries who attacks a neighbor? The questions answer themselves.

It Would Be an Act of Folly To Destroy the Dolly Madison House and the Other Historic Buildings Near the White House

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EXTENSION OF REMARKS

OF

HON. HARRIS B. McDOWELL, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1960

Mr. McDOWELL. Mr. Speaker, it would be an act of folly to destroy the Dolly Madison House and the other historic buildings on Lafayette Square near the White House in the Nation's Capital.

Many organizations are interested in preserving these historical buildings, among them the General Federation of Women's Clubs, the National Trust for Historic Preservation, the American Institution of Architects, the National Federation of Music Clubs, the AFL–CIO, the Washington (D.C.) Post and Times Herald, the Commission of Fine Arts, and the National Capital Planning Commission.

Governor Rockefeller and Mayor Wagner have sponsored legislation to save historic Carnegie Hall in New York City. Here in Washington, my able colleague from New Jersey, Congressman FRANK THOMPSON, JR., and I have sponsored legislation to save the Dolly Madison House and other historic buildings on Lafayette Square from destruction. Bills for the same purpose have been sponsored by Senators JOHN F. KENNEDY, WAYNE MORSE, HUBERT H. HUMPHREY, THOMAS C. HENNINGS, JR., PAUL H. DOUGLAS, ERNEST GRUENING, and MIKE MANSFIELD.

I include the text of the bill which Congressman FRANK THOMSON, JR., and I have cosponsored:

TEXT OF THOMPSON-McDOWELL BILLS: H.R. 11678 AND H.R. 11691

A bill to amend the Public Buildings Act of 1959 to provide a study as to the best location for a new building for certain courts of the United States, to preserve the Dolly Madison House and other historic buildings near the White House for cultural and educational purposes in keeping with the national policy enunciated in the Historic Sites, Buildings, and Antiquities Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Buildings Act of 1959 is amended by adding at the end thereof the following new sections:

"SEC. 18. The Administrator is authorized and directed to conduct a joint study, together with the National Capital Planning Commission and the Commission of Fine Arts, for the purpose of determining the feasibility of constructing in the area bounded by Pennsylvania Avenue on the north, Seventeenth Street on the east, New York Avenue on the south, and Eighteenth Street on the west, in the Northwest sector of Washington, District of Columbia, or near the Supreme Court of the United States, adequate facilities to house the Court of Claims, and the Court of Customs and Patent Appeals of the United States. As soon as practicable after the date of enactment of this section, the Administrator shall submit a report on the results of such study, together with such recommendations as the three agencies may deem advisable, to the Committees on Public Works of the Senate and House of Representatives.

"SEC. 19. (a) In keeping with the national policy of protecting and preserving historic American buildings and sites for the inspiration and benefit of the people of the United States, the Administrator shall preserve and maintain the Dolly Madison House, the Benjamin Taylor House, and the Belasco Theater on Lafayette Square near the White House in the District of Columbia for historical, civic, cultural, and educational purposes and to further the purposes of the Act of June 5, 1860 (12 Stat. 35) chartering the National Gallery and School of Arts; the Act of March 3, 1863 (36 U.S.C., 251–253), chartering the National Academy of Sciences; the Act of March 3, 1891 (26 Stat. 1093), providing for a National Conservatory of Music; the Act of March 3, 1901 (31 Stat. 1438), chartering the General Federation of Women's Clubs for educational, literary, artistic, and scientific culture; the Act of June 3, 1906 (34 Stat. 804), chartering the National Education Association of the United States; the Act of February 4, 1913 (37 Stat. 660), chartering the National Institute of

Arts and Letters; the Act of April 17, 1916 (39 Stat. 51), chartering the American Academy of Arts and Letters; the Act of July 5, 1935 (49 Stat. 457), chartering the American National Theater and Academy; the Act of October 26, 1949 (16 U.S.C., 468–468e), establishing the National Trust for Historic Preservation; and the Act of August 1, 1956 (36 U.S.C., 661–680), chartering the National Music Council. The Administrator is authorized and directed to restore the Belasco Theater to a condition at least equal to its condition at the time it was acquired by the Federal Government, and to accept contributions of money which shall constitute 'charitable contributions' for purposes of section 170 of the Internal Revenue Code of 1954 (relating to deductions for charitable, etc., contributions and gifts), for the purpose of assisting him in the restoration of the Belasco Theater.

"(b) The President is authorized to create such interagency committees and advisory committees as in his judgment may be of assistance in carrying out the purposes of this section. The provisions of section 214 of the Act of May 3, 1945 (59 Stat. 134; U.S.C., sec. 691), shall be applicable to any interagency committee created pursuant to this section."

Hofstra College: A Community Accomplishment

EXTENSION OF REMARKS
OF
HON. STEVEN B. DEROUNIAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 12, 1960

Mr. DEROUNIAN. Mr. Speaker, I am justifiably proud of an outstanding educational accomplishment in my congressional district. This month, Hofstra College, in Hempstead, N.Y., celebrates the 25th anniversary of its founding.

HOFSTRA COLLEGE BACKGROUND INFORMATION

Twenty-five years ago, on April 8, 1935, the executors of the estate of Mrs. William S. Hofstra signed over a 12-acre Hempstead property to New York University. The following September, Nassau College-Hofstra Memorial opened its doors to 159 full-time freshmen and 631 evening students.

This was in keeping with Mrs. Hofstra's wish that the home, then called "The Netherlands," be used for the benefit of the Long Island community as a memorial to her deceased husband. At first a 2-year college, it was granted a provisional charter in 1937 to operate as a 4-year institution known as Hofstra College of New York University. Two years later, in 1939, the independent board of trustees terminated the contract with NYU and, in 1940, an absolute charter was given by the regents of the University of the State of New York to Hofstra College.

All classrooms and offices were housed in The Netherlands, the homestead renamed Hofstra Hall, in 1935. By 1938, additional acreage had been acquired and Calkins Gymnasium, Brower and Barnard Halls were erected, forming, with Hofstra Hall, the first or main quadrangle. Mason Hall, the library, was completed soon after. Today the library has 90,000 volumes.

Memorial Hall, devoted to student activities and named in memory of the Hofstra students who gave their lives in World War II, opened in 1949. Three wings have been added to the building which houses the cafeteria, bookstore, game rooms, lounges, dean of students and activities offices. The cafeteria seats 910 persons at one time and makes more than 5,000 daily sales, ranging from a cup of coffee to full-course meals.

Hofstra now has 18 buildings located on its 70-acre campus. Two additional buildings are under construction. All new buildings from the first one have been designed by one architect, Aymar Embury II.

Dr. Truesdel Peck Calkins was the first president of Hofstra. When he died in 1942, Howard S. Brower, one of the Hofstra estate executors and chairman of the college board of trustees, became acting president, serving until Dr. John Canford Adams became the second president in 1944.

The college has seen its period of greatest growth under the direction of President Adams, a world-recognized Shakespearean authority. The only 4-year college in Nassau or Suffolk Counties to cater exclusively to the commuting student, Hofstra has no dormitories but does have parking spaces for some 2,000 cars. It is estimated that 92 percent of its 8,500 day and evening enrollment comes from Long Island.

This enrollment consists of some 3,000 day students, most of whom carry full schedules and are working toward the bachelor's degree; of 5,000 late afternoon and evening students who are employed during the day or are housewives; and about 500 students in 2 extension programs at Brentwood and Huntington.

According to a survey published in January 1960, by School and Society magazine, Hofstra today is the largest private independent college of liberal arts and sciences in this country and ranks fifth among all independent colleges, including public institutions.

President Adams is proud of the young, vigorous faculty Hofstra attracts. Of the 205 teachers serving full time, 114 hold the Ph. D. degree. Most of the 77 holding master's and the 14 with bachelor's degrees are currently studying toward the higher degrees. Two regular faculty members are on leave this year to accept Fulbright fellowships for teaching and study abroad. The part-time faculty of 157 includes many experts in their fields who are employed elsewhere when they are not teaching.

Always interested in experimentation, Hofstra will open, in September 1960, an experimental branch to be called the New College. With the help of a $170,000 grant from the fund for the advancement of education of the Ford Foundation, it will attempt to combine the freshman and sophomore academic years into one calendar year. Under the direction of Dr. Jack T. Johnson, Hofstra vice president and provost of the New College, the branch will emphasize a close faculty-student relationship and self-study. Enrollment will be limited to 120, with a handpicked faculty of 6. The branch will open in a new building at the extreme western end of the campus but it is hoped that it will be moved away from the parent institution when another location is found.

Hofstra's curriculum is organized into five divisions: Humanities; natural sciences, mathematics, and engineering; social sciences; business; and education. Advanced degrees include the master of arts in a number of specializations; master of business administration; and master of science in education. The college recently announced that 1,316 schoolteachers of the metropolitan area are working toward their master's degrees in the evening program.

The Hofstra Playhouse, completed in 1958, provides a most modern and attractive setting for the numerous cultural and civic events sponsored by the college for its students and the Long Island community. The second annual subscription series of outstanding entertainers opened last fall with Katharine Cornell and Brian Aherne in "Dear Liar.' The Hofstra Symphony Orchestra concerts and productions by the drama department are open to the public. The college is noted for its annual Shakespeare festival.

Other services, available not only to the Hofstra students but to the community, include a reading center for the improvement of that skill, a speech clinic, and a testing and counseling service. Civic, business, and educational organizations frequently use meeting spaces for lectures, films, and forums.

Although a commuter's college, Hofstra provides an atmosphere of campus life. Fraternities and sororities, chapters of national honor societies, and many special interest clubs abound. The memorial hall meetingrooms and lounges are used by these groups during winter months, and in the warm spring and fall the students can be found relaxing, between classes, on the well-kept lawns of the three large quadrangles. This year, most of the co-curricular groups have been busy for weeks, planning their floats for the annual spring day parade through the streets of Hempstead. Appropriately, the theme of the parade, which will complete the 25th year festivities on June 4, will be "celebrations."

Save Our River

EXTENSION OF REMARKS
OF
HON. JOHN P. SAYLOR
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 12, 1960

Mr. SAYLOR. Mr. Speaker, the Evening Star of March 30, 1960, printed a letter to the editor from F. S. Wilson entitled "Save Our River." I do not know Mr. Wilson, but I think all true conservationists should be interested in what he wrote. For this reason I want to insert it in the RECORD following my remarks.

We have spent billions of dollars in this country building huge mainstem dams on our rivers. This has been done in the name of conservation. The people and organizations backing these big dams claim to be conservationists—but are they? A true conservationist will not unnecessarily sacrifice one irreplaceable natural resource in order to develop another or wastefully spend Federal funds that could be more gainfully employed in a sounder method of preserving our resources.

Water and land are our two greatest irreplaceable resources. The conservation of both is essential to our national economy. Promiscuous construction of large mainstem dams, however, is not the answer to conservation of either.

To conserve both land and water we should start by retaining the raindrop as near as possible where it falls. This is accomplished best in two primary stages. The first stage entails contouring, sodding, and reforestation of the land. This stage will not always retain all the water, so a second stage should be construction of smaller temporary retention reservoirs where necessary in the upper reaches of the watershed. These first two methods of attack will retard runoff and greatly reduce erosion of the soil. This is of extreme importance because of the many years it takes to build up even a quarter of an inch of topsoil. It is also very important because it builds up our ground water supply which in many cases is becoming critical.

After the potential of the first two stages has been exploited, it may still be necessary to construct some dams on the mainstem of our rivers for flood control, navigation, irrigation, and other water uses. But, Mr. Speaker, there is no engineer, irrespective of his ability, who can tell us with any degree of accuracy, how many mainstem dams we need, what size they should be, or where they should be located until we have utilized the potential of stages one and two.

Our so-called planners have put the buggy before the horse. They wanted to build large dams. The less spectacular approach of preserving our soil and construction of small dams in the upper reaches of the watershed has not appealed to them. Often the construction of large dams has actually depleted both our land and water supply. Construction of large reservoirs frequently inundates some of our most fertile lands permanently. This forever deprives us of the use of these lands for production. The Tennessee Valley is a good example of this. In the name of flood control it permanently flooded more land than was ever subjected to infrequent floods.

While we build big dams, flooding valuable land, we let our reservoirs gradually fill up with irreplaceable topsoil because we have not protected our watersheds. In talking about the conservation of water we also forget that ground water and water flowing in our streambeds from return ground water does not evaporate like it does from the surface of our large reservoirs. We can actually develop storage on rivers to the extent that we lose more water from evaporation than we conserve.

Mr. Speaker, I am afraid that those in charge of our conservation programs and those pseudoconservationists, both individuals and organizations, who are so vociferous in their demands for big dam construction are more interested in other things than they are in true conservation. Read the releases of the Bureau of Reclamation and the Army engineers and see how many times they point with pride to their developments as being the biggest this and biggest that. A committee of the Congress visits Russia and comes back with the report that the Russians are building a bigger dam or hydroelectric plant than we have over here. Immediately, certain elements in this country begin the cry that we have to start a crash program of more and larger dams over here in order to keep ahead of them. It seems to make no difference whether the dams are needed, whether they are economic or what other resources they may destroy, just so they are bigger and there are more of them.

Even some otherwise conservative businessmen may want a big dam—not in your or my area but in theirs—if it will drop a big payroll in their trading territory.

Probably the most ardent supporters of the big dam are the Government power advocates. They want the Government to build more hydroelectric developments, irrespective of the need for power in the area or regardless of economic feasibility, so long as it will supply their tax-exempt distributors with some federally subsidized power. And they use every subterfuge in the book to get the Government involved—navigation, flood control, irrigation, and all the rest.

Mr. Speaker, we have our bureaucrats wanting to build something spectacular; our businessmen wanting a big Government payroll dumped in their backyard; and the public power crowd wanting more Federal subsidy—so the big dam program goes on in the name of conservation while true conservation takes a back seat. We can go ahead spending ourselves into bankruptcy on plans guided more by selfishness than by accomplishment.

It is too bad that we do not have more unselfish, intelligent people in this country taking an active interest in our conservation program.

The letter follows:

SAVE OUR RIVER

I was glad to see your March 24 editorial, "Save Our River," and I am sorry this is not one of the items I see in your "50 Years Ago in the Star." It is too late now to save "our river." I should like to quote as pertinent some extracts from "Road to Survival," an alarming and well-authenticated book published by William Vogt, an expert on conservation and wastage of natural resources, with a preface by Bernard Baruch. This is pertinent to your appeal to the Army Engineers.

"Effective conservation has been made impossible, in many parts of the world, by man's failure to recognize the indispensability of scientific treatment. When a man is sick, he goes to a highly trained general practitioner who may send him to a specialist. A sick river valley is vastly more complicated than a sick man. In some parts of the world the sick valley may be subjected to the blundering management of a lawyer. In the United States we are likely to turn it over to an Army engineer. Is it any wonder that flood peaks are steadily rising?

"It [elementalistic thinking] is partly responsible for the antics of such people as Army engineers, who seem literally incapable of understanding the necessity of beginning flood-control work on the hilltops.

"To reduce temporary floods by building a series of dams that would permanently submerge some of the richest land in the world—the project of the U.S. Army Engineers—would seem to compound the foolishness. We can no longer afford to waste fertile fields beneath hydroelectric reservoirs. We do not have enough good land to meet current needs.

"In the southeastern part of the United States 13 costly major reservoirs have been filled to the top of the dam with the products of erosion over an average of less than 30 years. Engineers have not found an economical method for cleaning a reservoir once it is filled with sand and mud. * * * During the past 100 years the Potomac River has carried more than half a billion tons of soil past Washington. * * * Small wonder that the deep harbor into which came ocean-going ships from the seven seas has filled with silt and is now the site of the Lincoln Memorial.

"An especial danger is that the Engineers will be turned loose before adequate studies have been made. To locate dams without them—as the Army Engineers and Bureau of Reclamation have been doing—seems like irresponsible abuse of both the land and the taxpayer."

In view of these statements, it appears that the plan to build big dams and pools north of Washington is going to be much less effective in the long run than reforestation of denuded slopes. And most certainly, in view of past failures, any plan of the Army Engineers should be scrutinized by scientists with broader backgrounds than the engineers have.

F. S. WILSON.

Community Facilities Act of 1960

EXTENSION OF REMARKS

OF

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1960

Mr. BLATNIK. Mr. Speaker, almost 3 years ago the President's Special Assistant for Public Works Planning advised him:

In almost every category of public works, severe shortages have arisen. Our highways, water and antipollution facilities, hospitals, transit systems, school buildings and others have fallen, on the average, below minimum acceptable requirements.

The report to the President cited two specific examples—highways and water supply—to dramatize the extent and urgency of the Nation's public facilities needs.

With regard to highways the President was told:

The Nation has fallen so far behind in highway construction that 80 percent of the highway needs for the next 10 years are really backlog.

The President's reaction was to recommend a substantial cutback in highway construction. Congress did not

agree and has enacted legislation designed to assure an adequate program of highway development.

With regard to water, the President was told:

To meet our needs for water, conservation is the order of the day. We cannot manufacture this necessity of life. We must store and use it more efficiently, learn to convert saline waters, and find ways to improve the distribution of it. Most important of all, our rivers will have to be cleaned, and adequate treatment facilities installed to prevent upstream pollution. To accomplish this job, we need almost 8,000 municipal treatment plants alone, and, in all, some 17,000 facilities, public and private, to insure that all of the potential sources of pollution are adequately controlled.

The President's reaction was swift. Within 6 months he recommended that Federal aid to communities for the construction of needed waste-treatment facilities be cut back by 60 percent and terminated altogether by 1960. Congress again disagreed and enacted legislation expanding Federal aid in this vital field, only to have their efforts thwarted by a Presidential veto.

As a member of the House Committee on Public Works I am especially interested in these two areas of public works—highways and water pollution control. But the public works problem does not end there. As the President's public works planning assistant further advised him 3 years ago:

These examples are unfortunately typical ones. In almost every field in public works—hospitals, schools, civic centers, recreational facilities—shortages are the rule, not the exception. In almost every category we are falling farther and farther behind in meeting even current demands. Backlogs, inadequate replacement schedules, urgent new requirements are characteristic of public works problems across the Nation.

In short, Mr. Speaker, the lack of adequate community facilities has become the most critical domestic problem we face today. According to Walter Lippmann in a recent article:

This is the central issue of our time, and no one who is interested in public life can ignore it.

To meet this issue, and it seems all others, the President and his advisers recommend that we reduce the share of the national income which is spent by the Federal Government. In their view, it seems, the purpose of our economy is to make bigger and better automobiles with higher and wider tail fins and other shining consumer baubles and gadgets. This philosophy was expressed recently by the Chairman of the President's Council of Economic Advisers when he said:

As I understand an economy, its ultimate purpose is to produce more consumer goods. This is the object of everything we are working at: to produce things for consumers.

Maximum consumer consumption is a worthy object, Mr. Speaker, but is it truly our ultimate purpose? Does our national strength increase in a direct ratio to the number of television sets or souped-up automobiles that are purchased each year? Have we become so affluent, smug, and self-satisfied that we think we can lead the world to peace, with justice and freedom for all, on our Detroit-made chariot viewing the latest adult western?

The sacrifice of public needs to private consumption has left its scar across the length and breadth of this Nation. The President's own expert on public works confirms this. In certain specific areas such as highways, water pollution control, education, airports, and housing the Congress has attempted to enact adequate programs designed to cope with the problem, and fill the needs in these areas. Without exception the administration has thwarted these efforts with vetoes, threats of vetoes, and reduced budget requests.

In the general field of community facilities, also, legislation has been delayed by administration opposition. Nonetheless, Mr. Speaker, I feel it is our duty to the American people to consider and enact a bill designed to encourage and stimulate local community facilities construction. Our local communities are unprepared for the new demands being placed upon them for additional public services. They are simply unable financially to support them. It is essential, therefore, that we institute a program on a national scale which will provide these communities with loans at reasonable rates of interest with which to finance these projects.

Apart from the social and community aspects of such a program, Mr. Speaker, its enactment would greatly bolster and strengthen our economy. As was pointed out recently by the Committee on Banking and Currency under the chairmanship of the able and distinguished gentleman from Kentucky [Mr. SPENCE]:

By providing long-term financing on extremely favorable terms, local governments will be encouraged to undertake community facilities and public works which will have a strong generating effect on the economy.

According to reports just received, Mr. Speaker ,the economy needs such a boost. Unemployment for March shows 4.2 million unemployed. Instead of a seasonal increase in employment usually realized the past month showed instead an actual increase in unemployment. Other economic indicators show a dangerous softening in our economy that we must begin to cope with now before it is too late.

I have today introduced a bill to accomplish this purpose, Mr. Speaker. It would authorize Federal loans to municipalities for public works construction with major emphasis on hospitals, nursing homes, water and sewer works, and other community facilities. Under leave to extend my remarks, I include the following section-by-section summary of the bill:

COMMUNITY FACILITIES ACT OF 1960—SECTION-BY-SECTION SUMMARY

SHORT TITLE

The first section of the bill provides that the act may be cited by its short title (the Community Facilities Act of 1960).

COMMUNITY FACILITY LOANS

Section 2 extensively amends title II of the Housing Amendments of 1955 so as to expand the public facility loan program presently provided by that title.

Section 201 of the new title II sets forth the congressional policies which form the basis for the expanded program embodied in the bill. After expressing the long-established policy of the Congress to assist and encourage the development of well-planned and healthy communities (an objective which in many instances would be thwarted by the community's lack of financial resources without such assistance), and finding that the immediate construction of essential community facilities (including nonprofit hospitals and nonprofit nursing homes) would enhance the public health and welfare and contribute substantially to achieving the steady economic growth essential to a full-employment economy, it is declared to be the policy of the Congress and the purpose of the new title II to extend credit to aid municipalities and other political subdivisions of States in providing essential community facilities (and to aid in the modernization and construction of nonprofit hospitals and nursing homes) where such credit is not otherwise available on equally favorable terms.

Section 202(a) authorizes the Community Facilities Commissioner to make loans to municipalities and other political subdivisions of States (including purchases of their securities and obligations) to finance the construction, repair, and improvement of specific community facilities, and to make loans to nonprofit hospitals and nonprofit nursing homes (including purchases of their securities and obligations) to finance specific projects for hospital or nursing home construction, repair, or improvement.

Section 202(b) sets forth certain restrictions and limitations upon the Commissioner's authority to make these loans:

1. No loan may be made unless the assistance applied for it not otherwise available on equally favorable terms and conditions (and no securities or obligations may be purchased unless they cannot be disposed of at public sale on equally favorable terms and conditions). All loans must be of such sound value or so secured as reasonably to assure repayment; and participations are permitted.

2. The maximum maturity of any such loan is 40 years.

3. Any such loan will bear interest at not more than the average annual interest rate on all interest-bearing obligations of the United States forming a part of the public debt, as computed on the preceding May 31 or November 30; except that loans made for projects in communities of 5,000 or less will bear interest at the rate applicable to REA loans.

4. The total amount of funds available for such loans at any time will be allotted to States (i.e., to communities within such States) in proportion to their population. Amounts allotted to any State but not used can be reallotted by the Commissioner after a reasonable period (not less than 2 years).

5. Of the total amount of funds available for such loans at any time, at least 25 percent will be reserved for water and sewer works and at least 25 percent for hospitals and nursing homes. These reservations are computed without regard to State allotments under paragraph 4.

6. Of the total amount of funds available for such loans at any time, at least 33⅓ percent will be reserved for communities of less than 50,000. This reservation is computed without regard to State allotments under paragraph 4 or the special reservations under paragraph 5.

7. The amount of any such loan may not exceed the development cost of the project or (except in the case of a hospital) $5 million.

8. A loan for a hospital or nursing home may be made only after the Surgeon General has certified that it complies with

certain provisions of the Hill-Burton Act. Loans for hospitals or nursing homes in metropolitan areas which are covered by approved area-wide hospital plans will have a priority. Funds to be used for hospital or nursing home projects will be allotted among the several States on the basis of population, relative need, and other pertinent factors.

9. Loans for water and sewer works and other public facilities (except hospitals and nursing homes) will be granted under a system of priorities based on financial and community needs, with primary consideration being given to need for more adequate water and sewer facilities, particularly those which would serve rural areas, areas with small financial resources, and suburban areas adversely affected by extensive construction (existing or proposed) of federally insured or guaranteed dwellings.

10. No loan may be made for a publicly owned public utility which would compete with a regulated privately owned public utility unless the State regulatory agency determines that the community requires an increase in service which the existing utility cannot meet.

Section 203 authorizes appropriations aggregating not more than $1 billion which, together with loan repayments (including repayments of loans made under the old title II), would constitute a revolving fund to be used by the Commissioner in carrying out the program.

Section 204 provides that the Commissioner shall have the same functions, powers, and duties for purposes of this title (in addition to those specifically vested in him by law) as the Housing and Home Finance Administrator has for purposes of the college housing program, to the extent delegated to him by such Administrator.

Section 205 contains definitions of terms used in the new title II—"Commissioner," "State," "community facilities," "hospital," "nursing home," "nonprofit hospital," "nonprofit nursing home," and "development cost."

Section 206 provides that the Commissioner shall require the application of the Davis-Bacon Act and the payment of time-and-a-half for overtime on all projects assisted under the program.

RESERVE OF PLANNED PUBLIC WORKS

Section 3 of the bill amends section 702 of the Housing Act of 1954 to increase by $50 million the amount which may be appropriated to the revolving fund which is established under such section 702 and from which the Housing and Home Finance Administrator makes advances to public agencies for the maintenance of a reserve of planned public works.

Unification of Supplies

EXTENSION OF REMARKS
OF

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1960

Mr. CURTIS. Mr. Speaker, for the past 10 years I have been actively interested in reducing waste in common supply and service activities in the Defense agencies. I was on the so-called Bonner committee for 2 years and we made extensive investigations and reports and I can say unhesitatingly that every member of that subcommittee was of the opinion that billions of dollars could be saved if we had proper unification of the supply and service activities in the Department of Defense.

As a result of the work of the Bonner committee a bill was introduced which would have established a supply corps for the DOD. The supply corps would have been similar to the one which it was found necessary to create to integrate common activities in the several bureaus of the Navy by the establishment of the Bureau of Supplies and Accounts.

While the bill sponsored by the Bonner committee was never enacted it did stimulate sufficient action in the Senate so that the so-called O'Mahoney amendment was enacted as a rider to the Defense appropriations bill for 1953. In essence, the O'Mahoney amendment required the Secretary of Defense to issue regulations designed to bring about an integrated supply system for the DOD. In the fall of 1952 Secretary Lovett issued regulation 4000.8 which was intended to carry out the O'Mahoney amendment. Considerable progress was made at that time toward achieving economy and efficiency in the military supply activities and of particular importance was the establishment of an integrated medical supply distribution system under the Army at Alameda, Calif. This successfully demonstrated that one service could buy, store, and distribute medical supplies for all services.

I am unhappy to relate that with the advent of the new administration the idea of an integrated supply system was abandoned and the concept of three departments separately administered was advocated and pressed by Secretaries Wilson, Keyes, Thomas, Pike Lanphier, and so forth.

The single managership for medical supply was abandoned in November 1954 and it was not until a storm of protest developed as a result of the Hamburger hearings, the Hoover Commission reports, protests from the Bonner committee members and others that Secretary Wilson belatedly in 1955 began a single managership program first for subsistence and a few months later in 1956 for clothing and textiles, petroleum products, and medical supplies and equipment. The medical single managership was reinstated this time by parceling it out to the Navy which had scuttled the 1954 effort.

After 1956 no additional single managerships were established until the gentleman from Massachusetts [Mr. McCORMACK] with my assistance and the assistance of other Members, secured the passage of what is known as the McCormack-Curtis amendment to the DOD Reorganization Act of 1958. This important piece of legislation gives the Secretary of Defense undisputed authority to manage supply and service activities in such a way as to best achieve economy, efficiency, and effectiveness. The McCormack-Curtis amendment is much broader than the O'Mahoney amendment in that service activities are included in addition to supply activities. Little progress was achieved by the DOD under the McCormack-Curtis amendment until the chairman of the Joint Economic Committee established a Special Subcommittee on Defense Procurement to consider the impact of military supply and service activities upon the national economy. The announcement of these hearings had a remarkable effect in producing results in the Pentagon, and single managerships have now been established for hand tools and housekeeping supplies assigned to the Army; and hardware, paint, and related items assigned to the Navy. Announcements are expected momentarily of assignment of automotive equipment and construction equipment.

Studies are also being made as to the assignment of 990,000 electronic electrical items. It is my understanding from articles I have seen in the papers and from other information that the usual struggle is developing as to which service will receive this single managership since great stakes are involved. I have taken the liberty to address a letter to the Secretary of Defense whom I consider to be an excellent Secretary and have admonished him to use the greatest care in the assignment of these 990,000 items which comprise a fairly large percentage of the Defense procurement budget. My letter to Secretary Gates follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 11, 1960.

Hon. THOMAS S. GATES, Jr.,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: On January 28, 29, and 30, 1960, the Special Subcommittee on Defense Procurement of the Joint Economic Committee held hearings on the impact of defense procurement on the economy.

One of the most interesting aspects of the hearings was the report made by the Office of the Assistant Secretary of Defense (S. & L.), Hon. Perkins McGuire, on "Management of General Supplies." We discussed this excellent report in considerable detail, and I was particularly impressed by the fact that a very important decision must soon be made as to the manner in which the 990,000 electronic electrical items, which I understand take a large percentage of the procurement dollar, will be managed.

I have been interested in improvement of military supply management since I have been in Congress. As you know, the McCormack-Curtis amendment (sec. 3(a)(6), P.L. 85-599) gives you great authority in deciding the manner in which common supplies and services will be handled in the Department of Defense. I am sure that you are also aware that the Congress did not desire that the Department of the Air Force duplicate supply and service functions of the Army where the Air Force had received its support. The Eisenhower-Spaatz agreements were intended to implement this congressional intent.

Still later in 1952 the O'Mahoney amendment was designed to provide beyond any doubt an integrated supply system for the Department of Defense.

The history of the road to the development of the single manager systems since the Draper-Strauss reports were first made in 1944, has been disgraceful to say the least. I have often expressed the idea that there has been a systematic parceling of common supply and service activities in order to keep each service relatively happy and in business. This parceling out system which necessitates the continuation of three or more sets of existing facilities rather than their integration, results in the "giantism"

which we all deplore. I, for one, am confident that the proper integration of these common supply and service functions will result in a much smaller overall organizational arrangement than we now have in the multiple systems which place such a heavy drain upon our resources and our taxes. It will also be much more effective, efficient, and economical.

My reason for writing to you at this time, therefore, is to urge that most careful topside consideration be given to the assignment of the single manager for the 990,000 electronic electrical items. These items utilize a considerable part of the expenditure budget each year and are, of course, vitally important to weapons development and practically every other activity in each of the armed services.

I am most hopeful that the decision you reach in this matter will be consistent with the intent of the National Security Act, the Eisenhower-Spaatz agreements, the O'Mahoney amendment, and the McCormack-Curtis amendment.

This matter is of such importance to me that I am sending copies of this letter to the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers to the President, Chairman DOUGLAS and members of the Special Subcommittee on Defense Procurement of the Joint Economic Committee, Congressman MCCORMACK, majority leader of the House of Representatives, and others who have joined with me in highlighting this matter in the last few years. It is also my plan to place the letter in the CONGRESSIONAL RECORD with appropriate remarks.

May I hear from you personally on this matter?

Sincerely,

THOMAS B. CURTIS.

To Extend the Library Services Act, H.R. 11175

EXTENSION OF REMARKS
OF

HON. ABRAHAM J. MULTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1960

Mr. MULTER. Mr. Speaker, on March 15, 1960, I introduced H.R. 11175 to extend the Library Services Act for 5 years. On April 5, the Subcommittee on Special Education of the House Education and Labor Committee held hearings on this and similar measures.

My statement before the subcommittee follows:

STATEMENT OF HON. ABRAHAM J. MULTER BEFORE THE SUBCOMMITTEE ON SPECIAL EDUCATION OF THE HOUSE COMMITTEE ON EDUCATION AND LABOR IN SUPPORT OF H.R. 11175, TUESDAY, APRIL 5, 1960

Mr. Chairman, I appreciate this opportunity to appear before your committee in support of my bill, H.R. 11175, proposing a 5-year extension of the Library Services Act.

During the week of April 3 through April 9, many communities throughout America will be celebrating National Library Week. We shall be hearing and seeing such slogans as: "Read Books That Have Shaped the World," and "Open Wonderful New Worlds: Wake Up and Read."

Posters, programs, and displays will spotlight the many satisfactions of reading. One of the aims of National Library Week is to remind the American people that reading can help them to explore and to satisfy their need for a greater sense of purpose and meaning in their lives.

During National Library Week, when we are considering the multiple rewards of knowledge and pleasure gained from reading, and when we are again directing our hopes and energies to the goal of a better read, better informed America, we must be forcibly reminded that millions of our citizens are still totally without library facilities, while millions of other Americans are in the position of having to make do with very little.

Estimates suggest that something like 46 million Americans are limited to inadequate library facilities; 25 million have none at all. If these Americans who have not yet experienced the benefits of the Library Services Act are overlooked the clarion calls of National Library Week will to them, indeed, have a hollow ring.

It seems, therefore, particularly appropriate at this time to call attention to, and ask support for, pending legislation to extend the Library Services Act.

Since the 84th Congress enacted the Library Services Act in 1956, over 800 rural communities, representing a population of over 11 million, have obtained new or somewhat more adequate library services. The work accomplished clearly indicates that the Federal allotments have stirred State and county governments to make efforts that they had not been able to manage alone. Congress has shown its growing understanding of the value of programs resulting from the Library Services Act by steadily increasing appropriations.

My bill, H.R. 11175, which I introduced in the House of Representatives on March 15, 1960, would amend the Library Services Act in order to extend for 5 years the authorization for Federal appropriations. It also proposes that the Federal share for any State shall be 100 percent minus the State share. The State share shall bear the same ratio to 50 percent as the per capita income of such State bears to the national per capita income. In no case shall the Federal share be more than 66 percent or less than 33 percent. For Puerto Rico, Guam, and the Virgin Islands, the Federal share shall be 66 percent.

Current proposals for legislation to extend the act may be supported on several grounds. Two reasons particularly convince me of the merits of extending the Library Services Act:

First, the goals originally envisioned when this legislation was passed remain unaccomplished to a substantial extent, due to the fact that earlier appropriations of Federal funds lagged considerably below the amount authorized by the act. Second, since the proof of the pudding is in the eating, accomplishments reported by the States have certainly given many of us a clearer appreciation of how worthwhile the supporting expenditures are in this fruitful partnership between Federal, State, and local resources.

In New York State, for example, Federal allotments, coupled with new State aid, are stimulating the greatest period of change and growth in rural public library development that my State has ever seen. The program has led to a notable expansion of field consultant services which has been very helpful in accelerating the development of cooperative library systems.

Between July 1958 and June 1959, 5 new cooperative library systems serving 13 counties were established. A bookmobile, purchased with Library Services Act funds, has been a great success. Demonstrated on the road and exhibited at county fairs, it has made many rural New Yorkers aware of its exciting possibilities.

Presently arrangements are being made to purchase two additional bookmobiles to be used in similar demonstration projects during the 1960 fiscal year.

Another interesting project has resulted in faster communication between four library systems and the New York State Library. Teletypewriter service is now being used to speed up the transmittal of requests for interlibrary loans, thereby cutting down on the time a borrower must wait for a specially requested book.

Other developments include a program that awards scholarships to college graduates interested in rural librarianship and also provides modest grants that help pay the expenses of librarians who visit and study another New York State rural system as an aid in planning improved library service in their own areas.

In addition, over 50 regional workshops have been held, with over half of them concentrated on reference and children's library work.

Problems of rural library size and distribution and problems of securing adequately trained librarians are the tough nuts that every State is trying to crack. In 1956 the American Library Association stated in its pamphlet called Public Library Service; A Guide to Evaluation, With Minimum Standards:

"Achieving standard library facilities presents special difficulties in small cities, scattered suburbs, towns, villages, and rural areas. Even with a substantial financial effort, the small locality is often not able to buy the books needed and to employ the requisite personnel. For these reasons the many smaller libraries in the country have usually not approached the range and standard specified in national standards."

Recent studies have indicated that for real efficiency and economy a library should serve a population grouping which consists of at least 100,000 persons. To manage this, will require the kind of imagination and ingenuity that lends itself to creative and skillfully worked-out innovations.

I am told that cooperative library systems which cut across county and township lines have great possibilities in many areas. In order to reap the gains of pooling rural library resources and personnel, the smaller units are looking for ways of organizing themselves together in constructive patterns that best serve their communities.

Bookmobiles; improved communications such as that furnished by teletypewriter; more rural librarians who are trained to meet the special challenges of their work—these are some of the steps that will carry us toward the goal of making it possible for any American, no matter where he lives in our country, to be, if he so desires, part of a better read, better informed America.

Enthusiasm for the results of the Library Services Act is dramatically tangible, in the reports of State library extension agencies, in the overwhelming response of librarians, and in the many letters which have requested an extension of the act.

The satisfaction of rural librarians and communities in better serving their public is unquestioned. A great start has been made. However, every person interested in better library facilities has a distinct consciousness of what must still be accomplished if we are to be credited with making more than a small dent in the problem. We must now decide upon a less than adequate program, or one that fulfills its finer possibilities. I very much hope that the answer will be in the affirmative.

Thank you.

Chaotic and Deplorable Condition Found in the Dairy Industry

EXTENSION OF REMARKS
OF
HON. JOHN W. McCORMACK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 12, 1960

Mr. McCORMACK. Mr. Speaker, hearings which have just been concluded before the House Small Business Committee's Special Subcommittee on Small Business Problems in the Dairy Industry, produced evidence of chaotic and deplorable conditions in the dairy industry. This has been shown to be the case in several sections of the United States, including our own great Commonwealth of Massachusetts. The Honorable WRIGHT PATMAN, chairman of the House Small Business Committee, had appointed a special subcommittee to look into this matter. The hearings to which I have made reference were before that special subcommittee, over which our distinguished colleague, the gentleman from Oklahoma [Mr. STEED] presided. In the course of these hearings, the chairman of the special subcommittee, the Honorable TOM STEED, stated:

The Chair would like to say that in the Congress we have two types of committees that conduct public hearings. We have legislative committees and then we have the special select committees such as this one here today. Our Small Business Committee is not a legislative committee. It has been set up as a factfinding committee to keep the House of Representatives informed on troubles and problems of the small business community.

This special subcommittee deals with the dairy industry. All of the complaints that have been looked into, both from the staff and from the public hearing level, have been brought to this subcommittee by Members of the Congress at the request of constituents of theirs. We have operated in many States because this problem is a widespread problem. When price wars are involved, naturally every consumer is interested in buying what he wants at as low a price as he can get it and it is often an easy feeling on the part of the buyers that low prices are to be desired, and because of that we sometimes find ourselves in the position of, in the minds of some, of being interested only in raising prices, making the public pay more than it otherwise has to pay. That is not so. This subcommittee is not interested in prices as such. We believe that only when there is free and open competition can the consumer have quality service and prices that are fair to him, and since milk is the most widely and largely consumed item of food that we have, we feel that there is no more important industry in our country than the dairy industry, and our purpose is trying to determine the facts of the chaotic and unstable conditions we find in this industry today and to see if recommendations can be made to the legislative committees of remedies that might help insure that the traditional old tried and true American system of free enterprise can be maintained.

Mr. Speaker, it should be noted that as a result of the work of this Special Subcommittee on Small Business Problems in the Dairy Industry, two very important bills have been introduced to assist and encourage small business in its struggle to survive and prosper. Those bills are H.R. 8841, introduced by our colleague the gentleman from Oklahoma [Mr. STEED], and H.R. 10235, introduced by our colleague the gentleman from Texas [Mr. PATMAN]. The first of these would empower the Federal Trade Commission to enter temporary cease-and-desist orders in an effort to help save small business. The other bill, H.R. 10235, would help save small business by prohibiting sales at prices below cost in certain situations where the existence of small business concerns and competition are threatened.

In the hearings before the special subcommittee, a large amount of additional evidence of the chaotic and deplorable condition in the dairy industry resulting from unfair trade practices was received and considered by the subcommittee. This included the presentation of factual evidence by Mr. Brooks Robertson, a research analyst of the subcommittee. Mr. Robertson's presentation is a brief of the conditions in the industry as he found them in making many of the spot investigations as a result of the complaints received from Members of the Congress who had, in turn, received these complaints from their constituents throughout the United States.

Under leave to extend and revise my remarks I include in the RECORD at this point the presentation of these facts as made to the special subcommittee by Mr. Brooks Robertson on April 6, 1960:

STATEMENT OF BROOKS ROBERTSON, INVESTIGATOR-ANALYST FOR THE SPECIAL SUBCOMMITTEE ON SMALL BUSINESS PROBLEMS IN THE DAIRY INDUSTRY

Mr. ROBERTSON. Mr. Chairman and members of the subcommittee, Congressman STUBBLEFIELD and Congressman JOHNSON of Colorado, my name is Brooks Robertson and I am investigator-analyst for the Special Subcommittee on Small Business Problems in the Dairy Industry of the Select Committee on Small Business of the House of Representatives.

At your request, I have prepared summaries of the results of investigations that I have made for the subcommittee in various sections of the United States where the subcommittee has not as yet been able to schedule public hearings. These investigations, as well as those which led to public hearings, were without exception made at the request of one or more Members of Congress representing the areas involved, who had received complaints from their constituents relative to alleged improper acts and practices noted in the dairy industry.

Among the Members of the House of Representatives who requested formal public hearings were Hon. JOHN W. MCCORMACK, Hon. MORGAN M. MOULDER, Hon. BYRON L. JOHNSON, Hon. CHARLES H. BROWN, Hon. JOHN B. BENNETT, Hon. E. ROSS ADAIR, Hon. JOHN BRADEMAS, Hon. RANDALL S. HARMON, Hon. CLARE E. HOFFMAN, Hon. BYRON G. ROGERS, Hon. SILVIO O. CONTE, Hon. EDWARD BOLAND, Hon. TOM O'NEILL, Hon. J. CARLTON LOSER.

Complying with requests of several Congressmen in whose districts these investigations have been made, as well as in which public hearings have been held, copies of the results, including confidential material, have been transmitted by you, Mr. Chairman, to the Federal Trade Commission or the Antitrust Division of the Department of Justice, for their assistance and guidance in looking into alleged law violations in this industry. As a result, complaints have been issued by the Federal Trade Commission and indictments secured by the Department of Justice, and it is understood that several investigations are being made at this time by these two enforcement agencies of the Federal Government.

With your consent, I shall read the summaries mentioned and request that they and the attached affidavits, statements, photographs, and other data mentioned be included in this record of the final hearings of this subcommittee during the 86th Congress.

It is also requested that the confidential and other data received during these investigations and not included in the record, be received into the files of the committee for future reference.

GREATER METROPOLITAN WASHINGTON, D.C., AREA

This milkshed includes the area within a radius of approximately 150 miles of Washington, D.C., and the marketing area served includes Washington, the three nearby counties of Maryland, and the nearby area of Virginia.

Early in 1959, the dairy industry of this area was, through the acts of the local operating division of the National Dairy Products Corporation, thrown into a chaotic condition which condition affected the entire industry in this area from the individual dairy farmer producers through the various handler levels and, of course, the consumers.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate this matter by the Honorable HOWARD W. SMITH, Member of Congress from the affected area, who had received numerous complaints from farmer-producer constituents. Complaints were also received from numerous individuals and concerns at other levels in the industry and the consuming public manifested its interest and concern as this situation was developing.

On April 1, 1959, I was directed to make an aggressive, thorough, and comprehensive investigation into this matter with a view of providing information on which might be based a public hearing in Washington, D.C., by your subcommittee. I was actively engaged in this investigation for several months, during which time dozens of interviews were held with representatives of the industry at all levels. Maryland, Virginia, and District of Columbia health officials, officers of milk producers cooperatives and retail outlets, including virtually all of the large grocery chain stores and supermarkets were interviewed. I attended numerous meetings and conferences held by the District of Columbia Commissioners and meeting held by other interested groups.

As is well known, this alleged milk price war was widely publicized by radio, television, and the press, with the two sides purchasing time and space on these media to present their respective positions to the public on this controversy.

Information obtained indicated that the largest processor and distributor in the area, the National Dairy Products Corp., had taken the position that the price of the raw product from local sources was too high and their continuing to pay it was rendering their position noncompetitive in this market. It was reported that this concern was making an effort to cause the District of Columbia health code to be relaxed to permit the importation, processing and distribution of milk from areas other than this milkshed and thus endeavor to avail themselves of a less expensive supply of raw milk.

It appears that to offset this move and thus to preserve their market, the farmer-producers acting through their marketing cooperatives, petitioned the Secretary of

Agriculture to issue and make effective a Federal milk marketing order for this area which was accomplished and which became effective July 1, 1959. Under this order minimum prices paid producers for milk were established by the Secretary.

The activities of your subcommittee in thoroughly investigating and following these developments closely were well known in the industry at all levels, as well as by health officials involved, and shortly after July 1, 1959, the effective date of the Federal milk marketing order, the situation started to improve. The public hearings by your subcommittee, already postponed from a tentative starting date in June, were again postponed pending further resolution of the problems noted. The greatest contribution, it is believed, to the solution of the many problems, appeared to have come from the industry itself and all segments participated. Late in July, it was decided by your subcommittee that the situation had so improved and that as all segments were endeavoring to continue this improvement, it would not be necessary to hold public hearings at that time.

Following your instructions, your staff has continued to observe and note further developments in this area and will continue to do so. Should acts or practices reoccur that would tend to demoralize the industry and the market, the information already obtained and that the subcommittee is continuing to receive, will be available for an early public hearing into the matter.

In view of the present status of the market in this area at this time, as described above, the only document offered into the record at this time is the attached statement of Mr. William B. Hooper, general manager of the Maryland and Virginia Milk Producers Association, which outlines some of the problems of the milk producers in this area and milkshed.

Mr. STEED. Without objection, his statement will be received as a part of the record.

(Above-mentioned statement not included in CONGRESSIONAL RECORD.)

UPPER BAY, SACRAMENTO AND SAN JOAQUIN VALLEY, CALIF., AREA

Mr. ROBERTSON. This area includes the cities of San Francisco, Berkeley, and Oakland, and the rather extended section north of San Francisco, the milkshed adjacent to Sacramento and the entire San Joaquin Valley south to and including the area adjacent to Los Angeles.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate the problems of milk producers and independent processors by Hon. JOHN J. MCFALL, Hon. HARLAN HAGEN, and Hon. B. F. SISK, Members of Congress representing districts in this area.

Requests for the investigation which I made during the week of October 26–30, 1959, were received as a result of complaints from the constituents of these Congressmen and from the Associated Independent Dairies of America, San Francisco, as well as from several milk producers' cooperatives concerning practices employed by the major processors and distributors of milk and other dairy products in the area described.

The Association of Independent Dairies has a membership of approximately 22 which concerns appear to be all of the independents that are left in this area at this time. This group has, since the completion of my investigation, filed a suit in the State courts of California against the major dairies alleging violations of the State law. A large percentage of the complaints received were from many independent producers presented, in some cases, through the particular cooperative to which they belong and all allege unfair treatment by the major dairies.

The situation in California is unique in that there appear to be no effective bargaining cooperatives such as found in other areas and the individual producer in a large majority of the cases has no alternative but to negotiate individually with the particular dairy to which his milk is sold. The State law provides a minimum price to be paid to producers as well as a maximum price to be charged consumers and the difficulty in which the producers find themselves is brought about through the terms of the contracts through which the milk is purchased and the various bases of utilization as class I and class II. It is alleged that an actual feudal system is in effect in this connection and that the major dairies who purchase the raw product from the producers are arrogant and unfair to the producers in their arbitrary handling of the contracts and their determination of the usage and subsequent payments. In general, the complaints describe the agent of the purchasing dairy as submitting a contract to the producer calling for delivery of a certain percentage of his production at the class I rate, sometimes as low as 50 percent of his entire daily production. The purchaser will then require the producer to sell him the balance of his production at the class II or manufacturing rate.

There appears to be no successful appeal channel open to these producers and history has shown that if the producer objects to this usage ratio, the big dairy will cancel the contract, summarily, thus causing the producer to become a grade B producer with all of his milk going to the manufacturing plants at the low class II rate. It is further alleged that once a producer has failed to comply with the terms of the large dairy and his grade A contract has been thus canceled, he finds it impossible to get a contract with another dairy and hence remains a grade B producer indefinitely.

Information tending to confirm these and other charges of unfair practices in the industry as described above, was received from the following:

California Milk Producers Federation, San Francisco, Calif.

DeLash Distributing Co., Patterson, Calif.

Charles J. DeMartini Dairy, Petaluma, Calif.

Pete Van Ruiten Dairy, Artesia, Calif.

Delbert F. Bettencourt, Gustine, Calif.

John Verboon, Hanford, Calif.

Jack W. Lowe, Hanford, Calif.

Wallace R. Clark, Hanford, Calif.

The information provided by the above concerns was received on a confidential basis and is included in the committee files for future reference. Additional information received and submitted herewith for inclusion in this report is as follows:

1. Resolution No. 11, dated November 2, 1959, of the Western Dairymen's Association.

2. Statement on vertical integration and contract buying in the dairy industry of the California Milk Producers Federation, dated September 29, 1959.

3. Statement of experiences of the Central Valley Milk Marketing Association with milk distributors, dated October 30, 1959.

4. Statement of Virgil E. Ernest and Nelson S. Riddle, doing business as Laurel Farms, Tulare, Calif., dated November 9, 1959.

Mr. STEED. Without objection, the material will be received for the record.

(Above material not included in the CONGRESSIONAL RECORD.)

Mr. ROBERTSON. Mr. Chairman, in reading the next summary, which concerns the southeastern Florida area, attention is invited to a more recent report given by the Honorable BYRON L. JOHNSON a few minutes ago.

This area includes cities from Vero Beach on the north to Key West on the south, and intermediate points.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate pricing practices in this area by the Honorable PAUL G. ROGERS and the Honorable DANTE B. FASCELL, Members of Congress representing districts within the area, and Mr. D. C. Daniel, executive vice president of the National Independent Dairies Association.

Requests for the investigation which I made on September 8, 9, and 10, 1959, were received as a result of complaints of constituents of the Congressmen and members of NADA concerning pricing practices noted in the area. These practices, it was alleged, involved accusations against Foremost Dairy, Inc., the Borden Co., and Sealtest Southern Dairies, a division of National Dairy Products Corp.

During the course of these investigations, information was received to the effect that the large dairies operating in the area had broken the market to the point that half gallons of milk were sold out of stores at 19 cents and in some instances at lower prices. This milk price war, being carried on at sales below cost and alleged discriminatory pricing, was proving disastrous to the smaller independent dairies. There is attached an affidavit made by Tripson Dairy, Inc., Vero Beach, Fla., a statement from the Velda Corp., Miami, Fla., and a statement from the Adams Dairy, Key West, Fla., which documents are submitted for inclusion in this report and which tend to verify the complaints described above.

In addition to the attached information, additional information has been received for the confidential use of the committee and is included in the committee files.

Mr. STEED. Without objection, the statements will be received for the record.

(Above material not included in CONGRESSIONAL RECORD.)

MEMPHIS, TENN., AND VICINITY AREA

Mr. ROBERTSON. This milkshed and marketing area consists of an area with a radius of about 30 miles from Memphis on both sides of the Mississippi River at this point.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to make an investigation by the Honorable CLIFFORD DAVIS, Member of Congress from this district, who had received complaints from his constituents, and Mr. D. C. Daniel, executive vice president of the National Independent Dairies Association, who had received complaints from his members concerning the pricing practices in this area.

My investigation, which was made August 27–30, 1959, revealed a truly chaotic condition in this market and tended to verify the complaints from the small businessmen which had been received. Four major dairies appeared to control the pricing policies in the area which, during the price war, resulted in sales below cost and discriminatory pricing. The three small independent dairies surviving this type of competition were struggling against great odds to stay in business. Here, again, as in many other areas investigated, the supermarkets and chain grocery stores appeared to be accomplices of the giant dairies in these sales and pricing programs and immediate relief was sought by the small businessmen.

Attached to this report for inclusion in the record are affidavits submitted by Meadow Brook Dairies, Inc., Cedar Grove Dairies, both of Memphis, and the Southern Guernsey Dairy of nearby Hernando, Miss.

Considerable additional information was secured relative to the milk market situation in this area and has been included in the committee files for future reference.

Mr. STEED. Without objection, the statements will be received for the record.

(Above information not included in CONGRESSIONAL RECORD.)

PADUCAH, MURRAY, AND MAYFIELD, KY., AREA

Mr. ROBERTSON. This area includes the three cities mentioned and intermediate and adjacent points.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to make an investigation by the Honorable FRANK A. STUBBLEFIELD, Member of Congress from this area, who had received complaints from constituents, and Mr. D. C. Daniel, executive vice president of the National Independent Dairies Association, who had received complaints from his members concerning the chaotic pricing situation which had developed in this market.

My investigation, which was made on August 30, 31, and September 1, 1959, revealed that in the city of Paducah, only one independent processor and distributor of milk and dairy products has survived the alleged unfair competition of certain of the nationwide chain dairies and that in the entire area the competition presented by the large dairies owned outside of this area were repeatedly reducing local competition and tending to create monopolies. Information received tended to verify these complaints as well as the complaints that large nationwide supermarket and chain grocery stores were cooperating with the large dairies with the result that in the entire area fluid milk was being sold at prices below cost of production and intra-area discriminatory pricing was apparent.

Attached hereto for inclusion in this report are affidavits from the Dairy Brand Products Co., Harrisburg, Ill., Ryan Milk Co., Inc., Murray, Ky., and the Sunshine Dairy, of Paducah, Ky., outlining the situation investigated in detail.

In addition to these affidavits, considerable other information was received tending to confirm the merits of the complaints received and are made a part of the committee files for future reference.

Mr. STEED. Without objection, the statements will be received for the record.

(Above material not included in CONGRESSIONAL RECORD.)

INDIANAPOLIS, COLUMBUS, AND MUNCIE, IND., AREA

Mr. ROBERTSON. The entire State of Indiana has been suffering from a chaotic condition existing in the dairy industry from the producer through the consumer levels in which connection reference is respectfully made to the hearings held by the Special Subcommittee on Small Business Problems in the Dairy Industry at South Bend, Ind., on July 1, 1959. The particular area, subject of my investigation on January 20, 21, and 22, 1960, includes Indianapolis, Columbus, and Muncie, Ind., and intermediate points.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate pricing practices in this area by the Honorable JOSEPH W. BARR, the Honorable RANDALL S. HARMON, and the Honorable EARL HOGAN, who represent congressional districts in this area.

These requests for an investigation were made as a result of the Members of Congress receiving complaints from their constituents concerning pricing practices noted in the area. These practices, it is alleged, involved wholesale and retail sales below cost, discriminatory pricing, and other trade practices believed to be unfair to these smaller and independent businessmen.

Cited in the complaints received are several of the large grocery chains reported by some to be in collusion with the larger dairies operating in this area, the result of which collusion appearing to be lessening of competition and thus tending to create monopolies.

Affidavits received from the following independent processors and distributors verifying the complaints received are attached and made a part of this report:

Maplehurst Farms, Inc., Indianapolis, Ind.

Hoosier Dairy Products Co., Noblesville, Ind.

William R. Roberts & Sons, Inc., Indianapolis, Ind.

Thompson Dairy, Inc., Columbus, Ind.

Hornaday Milk Co., Indianapolis, Ind.

Banquet Ice Cream & Milk Co., Inc., Indianapolis, Ind.

In addition to these affidavits, letters and statements were received from the following independent processors and distributors which are also made a part of this report:

Golden Guernsey Farms, Inc., Indianapolis, Ind.

Riggins, Inc., Muncie, Ind.

Mutual Milk Co., Indianapolis, Ind.

Mr. STEED. Without objection, the statements will be received in the record.

(Above affidavits not included in CONGRESSIONAL RECORD.)

PASCAGOULA, BILOXI, AND GULFPORT, MISS., AREA

Mr. ROBERTSON. This area includes the three cities mentioned and intermediate points located on or near the Gulf of Mexico.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate pricing problems in this area by the Honorable WILLIAM M. COLMER, Member of Congress, representing the area and by Mr. D. C. Daniel, executive vice president of the National Independent Dairies Association.

These requests for an investigation were made as a result of the Member of Congress receiving complaints from his constituents and NIDA from its members concerning the pricing practices noted in the area. Charges were made that through the use of milk as a loss leader, sales below cost and discriminatory pricing by the large nationwide dairies, the smaller independent dairies in the area are being damaged to an irreparable extent.

On March 17 and 18, 1960, I conducted a thorough investigation into the complaints received from this area and received information tending to substantiate the charges. This included discriminatory pricing by the utilization of unrealistic large discounts and rebates to particular customers resulting in the practice of sales below cost which, it is charged, could be designed only to reduce and eliminate the competition of independent dairies and the creation of a monopoly.

There is attached and made a part of this report an affidavit dated March 24, 1960, from Suni-Land Dairy, Inc., Pascagoula, Miss., verifying most of these allegations and additional information was received from the Home Milk Products Co., Biloxi, Miss. In addition to the information hereby included in the record, other information of a confidential nature is included in the committee files for future reference.

Mr. STEED. Without objection, the statements will be received for the record.

(Above statements not included in CONGRESSIONAL RECORD.)

DETROIT AND FLINT, MICH., AREA

Mr. ROBERTSON. This area includes the eastern part of the State of Michigan, including the cities of Flint, Detroit, and intermediate points. The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate pricing practices in this area, particularly Detroit, by Members of Congress from Michigan, including Hon. LOUIS C. RABAUT, Hon. JAMES G. O'HARA, Hon. JOHN D. DINGELL, Hon. CHARLES C. DIGGS, Hon. THADDEUS M. MACHROWICZ, and Hon. MARTHA W. GRIFFITHS.

These requests for investigations were made as a result of the Members of Congress receiving complaints from their constituents concerning the pricing practices noted in the area. These practices, it is alleged, involve collusion between supermarket foodstores and large processors and distributors of fluid milk and other dairy products. Particularly, attention was invited to the plight of the now independent retail routemen who, until about a year ago, were employees of the large dairies, but who were forced to purchase their routes or have their employment terminated.

Several hundred of these men were thus virtually compelled to purchase their routes and have made full payment to the large dairies involved. It is alleged that within a short time thereafter, the chain supermarkets, through special discounts or other means, offered milk for sale at retail at their stores at prices below those being charged these routemen by the same large wholesale distributors.

On March 14, 15, and 16, 1960, I conducted an investigation into this situation based on the complaints that had been received. The investigation developed information to the effect that supermarkets and other retail stores were, in fact, selling milk at prices far below cost—in some cases as low as 19 cents per half gallon. At the same time, routemen were being charged from 35 cents to 41 cents per half gallon by the same wholesale suppliers, thus making an obviously impossible competitive situation. It was generally charged that the large dairies, in collusion with the large supermarkets, were willfully attempting to eliminate the home delivery service through these pricing practices and thus concentrate the retail distribution of milk in the stores.

Information confirming the situation as described herein was received through interviews with officers and members of the United Dairy Workers, AFL–CIO, Local No. 83, Highland Park, Mich., and Local No. 383, Flint, Mich. In addition, newspaper clippings, photographs, and written statements were secured and the following such material is submitted for the record: Letter dated March 21, 1960, from the United Dairy Workers, Local No. 383, Flint, Mich.; photostatic copies of supermarket advertisements taken from Michigan newspapers; and letter dated January 15, 1960, and resolution from United Dairy Workers Local No. 83, and 116 letters received from the following independent milk deliverymen described above, which letters are to be retained in the subcommittee files for future reference; letter dated April 1, 1960, from Twin Pines Dairy Farm, Detroit, Mich., and statement from Mr. Glenn Lake, president, Michigan Milk Producers Association.

Mr. STEED. Without objection, the statements will be received for the record.

(Above statements not included in CONGRESSIONAL RECORD.)

EAST ST. LOUIS, BELLEVILLE, GRANITE CITY, AND SOUTHERN ILLINOIS AREA

Mr. ROBERTSON. This area includes, in addition to the cities mentioned above, practically the entire southern half of the State of Illinois. In this general area, all of the more disturbing factors are found at all levels of the dairy industry.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate pricing practices in this area by the Honorable MELVIN PRICE and the Honorable KENNETH J. GRAY, Members of Congress representing districts within this area.

Requests for the investigation were received from the Congressmen as a result of complaints received from their constituents which included independent processors and distributors, dairy workers' local unions, individual employees of dairies employed as retail deliverymen on a commission basis, and producers. On February 23, 1960, I proceeded to this area interviewing several dozen members of the industry on all levels, completing the investigation in 4 days, on February 26, 1960.

The complaints investigated were sales below cost, discriminatory pricing and a planned program by the large national dairies to eliminate home delivery and the small independent dairies. I covered this area thoroughly and noted that in a majority of instances fluid milk was advertised in the windows and offered for sale in the stores at the ridiculously low price of 10 cents per half gallon and in some cases even less. I arranged for pictures to be taken of this evidence of this milk price war and they are attached and made a part of this report.

The most common general complaint encountered was one which I verified involving particularly the large Pevely and Adams Dairies of St. Louis, Mo., which concerns continue to flood the market in nearby Illinois with their milk at wholesale prices always below wholesale prices offered by independent dairies in Illinois regardless of the general and comparative price levels.

Affidavits were received from the Edwardsville Creamery Co., Edwardsville, Ill., the New Era Dairy, Inc., Carbondale, Ill., and the Dressel-Young Dairy of Granite City, Ill., which reflect and substantiate the complaints and which are attached and made a part of this record.

In addition to these affidavits, statements were received and are made a part of this record from the Collinsville Dairy, Collinsville, Ill., Joseph L. Powers, representing employees of the Niederer Dairy, East St. Louis, Ill., Pat Quick, representing Sealtest Dairy employees, East St. Louis, Ill., and Milk Haulers & Dairy Workers Local No. 528, Greenville, Ill.

Also submitted herewith for inclusion in the printed record are photographs taken in the area visited, advertising milk for sale at prices as low as 10 cents per half gallon. Your attention is invited to the last picture of this series taken of a sign in the window of the State Street Supermarket, El Dorado, Ill. The sign reads as follows: "Going Wild, We Don't Have Cheap Milk, But We Do Have a Bargain in Dollar Bills, We Will Give You a Dollar Bill for 75 Cents."

This comedy relief is introduced as portraying the general confusion, misunderstanding and fear that prevails in the lower economic levels in the dairy industry in this area of Illinois.

An abundance of material, including newspaper advertisements of below-cost prices, statistics and other statements of a confidential nature, were received and are being held in the committee files.

Mr. STEED. Without objection, the material will be received for the record.

(Above material not included in CONGRESSIONAL RECORD.)

NORTHWEST ARKANSAS AREA

Mr. ROBERTSON. This area includes the northwest section of Arkansas from Fort Smith north to the Missouri line and east to the area of Siloam Springs, Ark., and intermediate points.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate the dairy industry in this area by the Honorable JAMES W. TRIMBLE, Member of Congress representing the area and Mr. D. C. Daniel, executive vice president of the National Independent Dairies Association. These requests for the investigation were made as a result of the Congressman receiving complaints from his constituents and NIDA receiving compaints from its members concerning the pricing practices noted in the area. These practices, it is alleged, involve sale of milk below cost through the supermarkets, chainstores and other outlets, the excessive use of milk as a loss leader and other unfair trade practices alleged to be followed for the purpose of reducing or eliminating competition of small independent processors and distributors. Direct charges were received against Foremost, Beatrice, and other large dairies alleging unfair competitive trade practices as mentioned.

I conducted an investigation in this area on February 24, 25, and 26, 1960, and received information tending to verify the allegations made. For example, in one retail store that I visited, I received a quart of Meadow Gold milk distributed by Beatrice Foods Co., by surrendering a small coupon taken from the local paper. This milk was given away free with no purchasing performance required. This appears to be the most flagrant loss leader use of milk that the subcommittee has encountered and presents an example of apparent collusion between the large distributors and certain retail outlets designed to provide unfair competition to the local independent dairies and their commission deliverymen. Obviously, the home delivery service of the industry in this area cannot survive a continuation of these practices.

Information confirming the practices herein described was received through interviews with officers of independent dairies, routemen, and from newspaper advertisements which are attached and made a part of this record. Statements were also received from the Dixie Dairy, Inc., Siloam Springs, Ark., and the Cottage Club Dairy, Inc., Fayetteville, Ark., which are attached and made a part of this record. Likewise attached for inclusion in the record is a picture which I had taken of the milk display case in the Thriftway IGA store in Fayetteville, Ark., on February 24, 1960, attached to which is a page from the newspaper mentioned above, which has the coupon mentioned describing the gift of one quart of Meadow Gold milk free.

In addition to the above information that is included in this record concerning this area, an abundance of additional supporting material is included in the committee files for future reference.

Mr. STEED. Without objection, the statements will be made part of the record.

(Above statements not included in CONGRESSIONAL RECORD.)

BURLINGTON, IOWA, AREA

Mr. ROBERTSON. This area includes the city of Burlington, Iowa, and all nearby points within a radius of approximately 30 miles. The population served is estimated at 40,000 and the total fluid milk product is produced, processed, and consumed within this area. Import and export of fluid milk is negligible.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate pricing practices in this area by the Honorable FRED SCHWENGEL, representing this district in Congress, and by Mr. D. C. Daniel, executive vice president of the National Independent Dairies Association.

Requests for the investigation, which I made on March 24 and 25, 1960, were received as a result of complaints from constituents of the Congressman and members of the NIDA concerning the pricing practices noted in the area. These practices, it is alleged, involve a concerted effort on the part of supermarkets and chain stores, apparently in collusion, toward the illegal control of prices of milk and in and out of the stores. The objectives are alleged to be (1) the control of pricing, (2) use of milk as a loss leader, and (3) the elimination of the home delivery feature of the industry in this area. There are three well-established and efficient independent processors and distributors in this area, all of whom are receiving 36 cents per half gallon with no quantity or other discounts admitted, and during my visit to the area the out-of-store price was 29 cents per half gallon. Obviously a continuation of this practice would eliminate the home deliverymen who work on a commission basis for the dairies and are required to sell to their customers at prices far in excess of the current out-of-store prices.

Information confirming the situation as described herein was received through interviews with managers of supermarkets, officers of the three dairies and home deliverymen employed by these dairies. Inasmuch as it appears that retaliatory pricing practices are being used against some small business concern and these retaliatory pricing actions were being used because the small busines concerns did not participate in and carry out an agreement fixing the resale price of dairy products and inasmuch as the Federal Trade Commission is presently investigating the situation in this area, no documents are submitted at this time for inclusion in the record. The statements and other information received during this investigation are included in the committee files for future reference.

MONAHANS, ODESSA, AND MIDLAND, TEX., AREA

This area includes the three cities mentioned above and some additional territory in the east central part of the State of Texas.

The Special Subcommittee on Small Business Problems in the dairy industry was requested to investigate pricing practices in this area by the Honorable J. T. RUTHERFORD, Member of Congress representing this district.

Requests for the investigation, which I made on March 19, 1960, were received as a result of complaints of constituents of the Congressman concerning pricing practices noted in the area.

Information received during the investigation revealed that very little milk is produced in this immediate area and that the requirement of this commodity is, therefore, necessarily imported from other points such as New Orleans, La., Dallas and Abilene, Tex. Thus, very little fluid milk is processed in the area and the complaints were received from local distributors of the out-of-area processors and several of the local retail stores. It appears that the intense competition for this business has produced the use of large discounts and rebates involving discriminatory pricing in many instances. One independent businessman, having the agency for the product of a New Orleans dairy, advised that he does not grant discounts or pay rebates, but simply reduces his list price to meet wholesale and retail competitive prices that have been reduced by the discount system. The alleged cutthroat competition in this market has, in the opinion of those interviewed, resulted in below cost selling and discriminatory pricing resulting in a disastrous effect on the small distributors in the area.

Confusion and fear of reprisals and loss of business appear to dominate the small businessmen in this industry in this area and reluctance was noted on their part to document their problems. The investigation, however, produced some detailed information which was received in confidence and which is made a part of the committee files for future reference.

Mr. STEED. Thank you, Mr. Robertson.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 13, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Luke 4: 4: *Man shall not live by bread alone, but by every word of God.*

Almighty God, grant that these days of Lent and of Holy Week, which we are now observing, may be for all of us not only a special season for commemorating the great sacrificial love of our blessed Lord but a time when our minds and hearts are stirred with a passion to consecrate and dedicate ourselves anew to that which is highest and holiest.

Forgive us for so frequently directing our thoughts and energies merely to a search for those temporal and transient things which we feel will gratify and minister to our epicurean desires for physical ease and comfort and with little concern for the abiding spiritual blessings.

Inspire us daily with that true humility of spirit and those nobler impulses, which befit the solemnity and sanctity of Holy Week, and help us to recognize and understand more clearly that if we are to achieve a deeper insight and a well-ordered inner life of peace and joy then we must give primacy to Thy word and the spiritual values, for man cannot live by bread alone.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

APPROPRIATIONS FOR DEPARTMENTS OF STATE, JUSTICE, JUDICIARY, AND RELATED AGENCIES FOR FISCAL YEAR 1961

The SPEAKER. The unfinished business is the passage of the bill (H.R. 11666) making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 312, nays 31, not voting 87, as follows:

[Roll No. 44]

YEAS—312

Abbitt	Anfuso	Ayres
Albert	Arends	Baker
Alger	Aspinall	Baldwin
Anderson, Mont.	Auchincloss	Baring
	Avery	Barr
Barrett	Green, Pa.	Mumma
Barry	Griffin	Murphy
Bass, N.H.	Griffiths	Murray
Bass, Tenn.	Hagen	Natcher
Bates	Haley	Nelsen
Baumhart	Halleck	Nix
Becker	Halpern	Norblad
Beckworth	Hardy	O'Brien, N.Y.
Belcher	Hargis	O'Hara, Ill.
Bentley	Harris	O'Hara, Mich.
Berry	Harrison	O'Neill
Betts	Hays	Oliver
Blatnik	Healey	Osmers
Boggs	Hechler	Ostertag
Boland	Henderson	Passman
Bolling	Herlong	Patman
Bolton	Hiestand	Pelly
Bosch	Hoeven	Perkins
Bow	Hogan	Pfost
Boykin	Holifield	Philbin
Brademas	Holland	Pirnie
Bray	Holt	Poage
Breeding	Holtzman	Poff
Brock	Hosmer	Porter
Brooks, Tex.	Huddleston	Price
Broomfield	Hull	Prokop
Brown, Ga.	Ikard	Pucinski
Brown, Ohio	Inouye	Quie
Broyhill	Irwin	Quigley
Budge	Jackson	Rabaut
Burke, Ky.	Jarman	Randall
Burke, Mass.	Jennings	Ray
Byrne, Pa.	Jensen	Reece, Tenn.
Byrnes, Wis.	Johnson, Calif.	Rees, Kans.
Cahill	Johnson, Colo.	Reuss
Cannon	Johnson, Md.	Rhodes, Ariz.
Carnahan	Johnson, Wis.	Rhodes, Pa.
Casey	Jonas	Riley
Cederberg	Jones, Mo.	Rivers, Alaska
Chelf	Judd	Robison
Chenoweth	Karsten	Rodino
Chiperfield	Karth	Rogers, Fla.
Church	Kastenmeier	Rogers, Mass.
Clark	Kearns	Rooney
Coad	Kee	Roosevelt
Coffin	Keith	Roush
Cohelan	Kelly	Rutherford
Conte	Keogh	St. George
Cook	Kilday	Saund
Cooley	Kilgore	Saylor
Corbett	King, Calif.	Schenck
Cramer	King, Utah	Schwengel
Cunningham	Kitchin	Shelley
Curtin	Knox	Sheppard
Curtis, Mass.	Kowalski	Shipley
Curtis, Mo.	Kyl	Simpson, Ill.
Daddario	Lafore	Sisk
Dague	Laird	Slack
Daniels	Lane	Smith, Calif.
Davis, Ga.	Langen	Smith, Iowa
Davis, Tenn.	Lankford	Smith, Va.
Delaney	Latta	Spence
Dent	Levering	Springer
Denton	Lindsay	Steed
Derounian	Lipscomb	Stratton
Devine	McCormack	Stubblefield
Dixon	McCulloch	Sullivan
Donohue	McDonough	Taber
Dorn, N.Y.	McDowell	Teague, Calif.
Downing	McFall	Thomas
Durham	McGinley	Thompson, N.J.
Dwyer	McGovern	Thompson, Tex.
Edmondson	McIntire	Thomson, Wyo.
Fallon	McSween	Thornberry
Farbstein	Macdonald	Toll
Feighan	Machrowicz	Tollefson
Fenton	Madden	Trimble
Fino	Magnuson	Tuck
Fisher	Mahon	Udall
Flood	Mailliard	Ullman
Flynn	Martin	Vanik
Foley	Mason	Van Zandt
Forand	Meader	Vinson
Ford	Merrow	Wainwright
Forrester	Metcalf	Wallhauser
Fountain	Miller, George P.	Walter
Frelinghuysen	Miller, N.Y.	Watts
Friedel	Milliken	Weaver
Fulton	Mills	Westland
Gallagher	Minshall	Whitener
Garmatz	Moeller	Widnall
Gary	Monagan	Willis
Gathings	Moorhead	Wilson
George	Morgan	Wolf
Giaimo	Morris, Okla.	Wright
Gilbert	Morrison	Yates
Glenn	Moss	Young
Goodell	Moulder	Younger
Gray	Multer	Zablocki
Green, Oreg.		

NAYS—31

Alford	Blitch	Elliott
Ashmore	Burleson	Everett
Bennett, Fla.	Dorn, S.C.	Gross
Harmon	Norrell	Smith, Kans.
Hemphill	O'Konski	Smith, Miss.
Hoffman, Mich.	Rivers, S.C.	Thompson, La.
Johansen	Rogers, Tex.	Whitten
Landrum	Scherer	Williams
Lennon	Scott	Winstead
McMillan	Selden	
Matthews	Short	

NOT VOTING—87

Abernethy	Doyle	Montoya
Adair	Dulski	Moore
Addonizio	Evins	Morris, N. Mex.
Alexander	Fascell	O'Brien, Ill.
Allen	Flynt	Pilcher
Andersen, Minn.	Fogarty	Pillion
	Frazier	Powell
Andrews	Gavin	Preston
Ashley	Granahan	Rains
Bailey	Grant	Riehlman
Barden	Gubser	Roberts
Bennett, Mich.	Hébert	Rogers, Colo.
Bonner	Hess	Rostenkowski
Bowles	Hoffman, Ill.	Santangelo
Brewster	Horan	Sikes
Brooks, La.	Jones, Ala.	Siler
Brown, Mo.	Kasem	Staggers
Buckley	Kilburn	Taylor
Burdick	Kirwan	Teague, Tex.
Canfield	Klucynski	Teller
Celler	Lesinski	Utt
Chamberlain	Libonati	Van Pelt
Collier	Loser	Wampler
Colmer	Mack, Ill.	Weis
Dawson	Marshall	Wharton
Derwinski	May	Wier
Diggs	Meyer	Withrow
Dingell	Michel	Zelenko
Dooley	Miller, Clem	
Dowdy	Mitchell	

So the bill was passed.

The clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Bailey against.

Until further notice:

Mr. Libonati with Mr. Taylor.
Mr. O'Brien of Illinois with Mr. Withrow.
Mr. Kirwan with Mr. Adair.
Mr. Brewster with Mr. Gavin.
Mr. Preston with Mr. Gubser.
Mr. Pilcher with Mr. Hoffman of Illinois.
Mr. Clem Miller with Mr. Kilburn.
Mr. Bowles with Mr. May.
Mr. Dulski with Mr. Riehlman.
Mr. Addonizio with Mr. Siler.
Mr. Abernethy with Mr. Van Pelt.
Mr. Alexander with Mrs. Weis.
Mr. Burdick with Mr. Bennett of Michigan.
Mr. Dingell with Mr. Canfield.
Mrs. Granahan with Mr. Allen.
Mr. Montoya with Mr. Moore.
Mr. Morris of New Mexico with Mr. Horan.
Mr. Rogers of Colorado with Mr. Dooley.
Mr. Lesinski with Mr. Derwinski.
Mr. Sikes with Mr. Hess.
Mr. Andrews with Mr. Michel.
Mr. Brown of Missouri with Mr. Pillion.
Mr. Colmer with Mr. Utt.
Mr. Doyle with Mr. Wharton.
Mr. Flynt with Mr. Collier.
Mr. Loser with Mr. Chamberlain.
Mr. Rains with Mr. Andersen of Minnesota.

Mrs. BLITCH and Messrs. RIVERS of South Carolina, ELLIOTT, ASHMORE, and EVERETT changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

AUTHORIZING THE CONSTRUCTION OF NAVAL VESSELS

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 497 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10474) to authorize the construction of modern naval vessels. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to myself; and at the conclusion of my remarks, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. O'NEILL. Mr. Speaker, House Resolution 497 makes in order the consideration of H.R. 10474, to authorize the construction of modern naval vessels. This resolution provides for an open rule and 1 hour of general debate.

The bill would authorize the construction of 8,000 tons of amphibious warfare vessels and landing craft, 4,000 tons of patrol vessels, and 20,000 tons of auxiliary vessels. The vessels to be constructed are one amphibious transport, dock, two escort vessels, and one fast combat support ship.

The amphibious transport, dock was designed to replace the attack transport and attack cargo ship, and will carry transport helicopters and landing craft. The big advantage is that the men and their equipment will both be carried in the same ship. It will combat load, transport, and land about 900 troops and their equipment via helicopters and landing craft.

The escort vessels are especially designed for optimum performance in locating and destroying enemy submarines. They can operate as part of a hunter-killer group, screen amphibious forces, patrol coastal waters for missile-firing submarines or escort convoys.

The fast combat support ship is of a new design. It will operate as an integral unit of a fast task force to provide continuous replenishment of black oil, aviation fuel, diesel oil, conventional ammunition, fleet missiles, selected underwater ordnance, special weapons, and provisions and fleet freight for selective issue.

The basic consideration in the preparation of the annual shipbuilding and conversion program of the Navy is the maintenance of the security of the United States. This is the paramount objective of the Joint Chiefs of Staff in assigning force levels and manning levels to the various Armed Forces. The Department of the Navy, to implement the maintenance of its assigned force levels with modern equipment and installations, has a long-term shipbuilding and conversion program which is reflected in the annual shipbuilding and conversion program presented to Congress. The continuing shipbuilding program is based on many considerations: for example, the rate of obsolescence of existing ships and equipment; the capability of such ships and equipment to be modernized economically; and the force levels and capabilities of potential enemies and allies.

The rapid growth of the Soviet Navy has placed the U.S.S.R. in the position of a major naval power. The Russian submarine fleet now numbers about 450, most of which are long-range boats built since the end of World War II. In addition the U.S.S.R. has built a large number of cruisers and destroyers since the end of World War II. The impact of this on our ability to control the seas of war is obvious. Loss of such control would be a major catastrophe, one which might well determine the outcome of a war.

I urge the adoption of House Resolution 497.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Massachusetts [Mr. O'NEILL] has explained, House Resolution 497 makes in order the consideration of H.R. 10474. The rule is an open rule and provides for 1 hour of general debate.

The purpose of the bill is to authorize the construction of certain naval vessels.

Mr. Speaker, apparently there was no opposition to this bill in the Committee on Armed Services, nor was there opposition before the Committee on Rules.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HIESTAND].

Mr. HIESTAND. Mr. Speaker, I ask unanimous consent to proceed out of order, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HIESTAND. Mr. Speaker, I am today introducing a bill to repeal certain laws which are generally known as the silver purchase laws. The first of these laws was enacted in 1934 and provides for Treasury purchases of silver abroad. The other two laws require the Secretary of the Treasury to accept domestically produced silver at a fixed price.

The silver purchase law of 1934 declared it to be the policy of the United States to purchase silver, which policy, if carried out today, would necessitate the purchase of 1.6 billion ounces of foreign silver. This silver would, of course, have to be paid for in gold and would result in a loss of approximately $2 billion in our current stocks. There is not that much silver available in the world. If the Treasury undertook to purchase this silver, the resultant price rise would disrupt every monetary system in the world where silver is used. Fortunately, there is a provision in this law which states that the Secretary of the Treasury is authorized to make such purchases as he may deem reasonable and most advantageous to the public interest. For nearly 20 years no Secretary of the Treasury has deemed such purchases to be in the public interest. This law should obviously be repealed.

A section of the act of July 6, 1939, generally referred to as the domestic silver law of 1939, required the Treasury to receive domestically mined silver at 71.11 cents per ounce. This was amended by the silver law of 1946 to provide for 90.5 cents per ounce. The market price dropped to 60 cents in 1947. However, because of the above market price, the miners have turned into the Treasury 375 million ounces of silver since 1946, keeping domestic silver off the market. As a result, the market price has risen to 91⅜ cents per ounce, which is above the Treasury price.

The silver producers estimate that consumption is now and will be greatly in excess of production. Consequently, a subsidy or a support price is superflous. Under these circumstances, a free and open market would obviously be to the advantage of the silver producers, and accordingly, I expect their support in the repeal of the laws set forth in the bill. Any further governmental action to force up the market price for silver would largely benefit foreign producers who would, of course, be paid in gold. At the present time approximately two-thirds of the silver consumed in this country comes from foreign sources.

Although the silver purchase laws were purportedly passed as monetary laws, they were actually passed to benefit the mining industry. Their obvious intent was to provide a subsidy for domestic silver producers. Approximately two-thirds of domestically produced silver is actually a byproduct in the production of copper, lead, and zinc. No one can contend that the copper producers need a higher price for silver in order to enable them to produce copper profitably. Testimony before the Mining Committee in the House last year brought out the fact that an increase in the price of silver would not materially benefit the lead-zinc industry as a whole and that producers outside the Rocky Mountain area would receive no assistance. Most of the silver produced in this country is obtained as a byproduct of copper, lead, and zinc mining in proportions so small that an increase in the price would have no great effect upon the fortunes of the major companies. The only beneficiaries of any governmental action to force up the price of silver would be a few companies employing a few hundred men in the production of silver.

There has been much said about the background of the silver purchase laws. I should like to introduce in the RECORD the minority report of the Committee on Ways and Means on H.R. 9745, which became the silver purchase law of 1934. This report can be found in Document No. 181 containing the hearings on May 25 and 26, 1934, 73d Congress, 2d session.

I hope that members of both parties will join me in seeking repeal of the outmoded silver purchase laws.

MINORITY VIEWS

(Hearings before the Committee on Ways and Means, House of Representatives, 73d Cong., 2d sess., on H.R. 9745, May 25 and 26, 1934. Doc. No. 181—A bill to authorize the Secretary of the Treasury to purchase silver, etc.)

Mr. Treadway, in behalf of himself and the undersigned minority members of the Committee on Ways and Means, submitted the following minority views:

"The minority protest most vigorously against the haste with which this legislation has been considered and reported to the House. It is one of the important pieces of legislation coming before the Congress, and may have a profound and far reaching effect upon the economic welfare of our people.

"Under section 2 of the bill it is declared to be the policy of this Government that the proportion of silver to gold in the monetary stocks of the United States should be increased, with the ultimate objective of having one-fourth of the monetary value of such stocks in silver. This represents a drastic and complete change of policy upon the part of this Government, yet the Democratic members of the committee proceeded to the consideration of the bill upon the theory that the change of policy should be taken for granted, and that the committee should only be concerned with the other features of the measure.

"On Tuesday, May 22, the President sent to Congress a message urging the enactment of this legislation. The pending bill was introduced in the House the following day. On Friday the committee was called together to consider the bill, it being stated that the Secretary of the Treasury would be present to explain its provisions.

"When the committee met Friday morning, it developed that the session was to be executive, that the public and the press had been excluded, and that there were to be no open hearings on the bill. Upon the protestation of minority members, the doors were later opened. However, the chairman frankly stated that it was not the purpose of the committee to have a debate upon the pros and cons of the silver question, but that the meeting had been called merely to have an explanation of the bill. The Democratic majority did not want any information upon the issues involved, and did not want the minority to have any. They were told by the Secretary of the Treasury at the outset that the bill was an administration measure, and with that assurance they were satisfied to approve the same without what we believe to be proper and deliberate consideration.

"It is almost inconceivable that a measure as important as the pending bill, involving as it does such a complete change of national policy, should be considered by a committee of the House without attempting to secure information against as well as for it. So far as we know there has been no time when a committee considering a bill involving a complete change of an important policy of Government has not diligently sought views opposed to the measure.

"We believe that the public good cannot be served except by a full discussion of proposed legislation, and after hearing both sides of the issues presented. The minority asked that time be allowed for opponents of the measure to put in an appearance, and suggested that a certain outstanding authority upon the money question appear in opposition to the bill. It was the purpose of the chairman to conclude the hearing in 1 day, if possible, but when it appeared late Friday afternoon that a Saturday session would be necessary in order to hear the Member sponsoring the bill, the minority were told that if the witness they desired to have testify could be present at 10 o'clock the following morning he would be heard.

"The gentleman whom the minority desired to hear was Dr. Edwin W. Kemmerer, of Princeton University, an international authority upon money questions. A telegram was sent to him at Princeton, N.J., at 4:30 p.m., Friday, asking him if he would care to testify the following morning. No response was received to this telegram until Monday, when it developed that Dr. Kemmerer had been out of the city on a western trip and would not have been able to put in an appearance on Saturday in any event.

"The arbitrary manner in which the hearings on this bill were conducted is all the more surprising when it is considered that the Ways and Means Committee does not have general jurisdiction of money questions. Were it not for the taxation features of the present bill, it would have been considered by the Committee on Coinage, Weights, and Measures. Naturally, the members of the Ways and Means Committee do not have the same degree of familiarity with money questions as the members of the committees having jurisdiction of such matters. Yet the majority members were willing to pass upon this important question after hearing a representative of the Secretary of the Treasury give a technical explanation of the bill, without explaining its purpose or philosophy, and after listening to an able presentation of the history of the money question by the gentleman from Texas, Mr. Dies. The Secretary of the Treasury made only a brief statement, and no one was able to give any reason for the change of policy contemplated by the bill.

"The hearings were begun at 10 o'clock Friday morning and were concluded late Saturday afternoon, with only a few members present at the time. Immediately thereafter the chairman called the committee into executive session to consider the bill. The minority members had no notice that an executive session was to be called Saturday afternoon, and apparently few of the majority members had any such information, because at no time during the executive session was there a quorum present. Without any discussion of the issues involved, the handful of members present, of whom only one was of the minority, proceeded to the consideration of a few administration amendments to the bill and reported it out in a session lasting only a few minutes.

"No better evidence could be had than this in support of the oft-repeated allegation that the Democratic majority is nothing but a rubber stamp in the hands of the administration.

"In view of the lack of information upon the bill, the minority are not prepared to enter into a discussion of the merits of the proposed legislation.

"ALLEN T. TREADWAY."

We concur in the above views:

Isaac Bacharach, Frank Crowther, Harold Knutson, Daniel A. Reed, Roy O. Woodruff, Thomas A. Jenkins, W. E. Evans, Thomas C. Cochran.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time.

Mr. O'NEILL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. VINSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10474) to authorize the construction of modern naval vessels.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10474, with Mr. DELANEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. VINSON. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, the subject matter of this bill is the authorization of 8,000 tons of amphibious warfare vessels, 4,000 tons of patrol vessels, and 20,000 tons of auxiliary vessels.

The specific ships to be constructed pursuant to this bill are as follows:

1 amphibious transport, dock—7,800 tons	$41,400,000
2 patrol vessels (similar to destroyer escorts) of 1,850 tons each	50,500,000
1 fast combat support ship of 19,200 tons	66,000,000
Total	157,900,000

The amphibious transport, dock which carries in its hull small boats for landing operations, and carries helicopters on its deck.

The patrol vessels are destroyer escort types especially designed for locating and destroying enemy submarines.

The fast combat support ship is a new design. It will operate as a part of a task force to provide continuous replenishment of oil, aviation fuel, diesel oil, ammunition, missiles, and special weapons.

The total estimated cost of the ships in this bill is $157,900,000.

It should be understood, of course, that this bill represents only a very small portion of the total shipbuilding program of the Navy for fiscal year 1961. The ships in the bill must be specifically authorized since these ships, unlike warships, do not have the pool of residual tonnage to draw from as such was provided in the Vinson-Trammell Act and subsequent tonnage authorization bills.

Actually, the total shipbuilding and conversion program for fiscal year 1961 involves 57 ships. Of this number, 42 are new construction and 15 are conversions. The total cost of the whole fiscal year 1961 shipbuilding and conversion program is $2,032 million.

One last fact that I think will be of interest to the Members of the House. There are 105 fleet and naval vessels which are being built today or are planned for building at the present time. There are also 27 conversions of existing vessels in the current program.

The combined total cost of the Navy's current construction and conversion programs, including development, is a little over $7 billion. This money has already been appropriated in the past. To this, of course, would be added the budget figure for fiscal 1961 of another $2,032 million.

This indicates a healthy shipbuilding industry and, of course, under existing law there is a division of new warship construction between Navy and private shipyards (48 Stat. 504) and also a provision (10 U.S.C. 7302) for the construction of ships on the west coast when the President deems it necessary to maintain

facilities for national defense in this fashion.

Now, that is what this bill would do and I urge prompt and favorable consideration of this important measure.

Mr. Chairman, that is the whole story of this bill, and if there are no questions I will reserve the balance of my time.

Mr. HOFFMAN of Michigan. There are a whole flock of questions. It is extremely difficult for many of us to understand, first, one time we give away or loan ships. Was it just last week? Did we not lend a string of ships to some other country?

Mr. VINSON. Yes; we loaned ships to a few countries.

Mr. HOFFMAN of Michigan. How many ships?

Mr. VINSON. I think the last bill was for about one or two destroyers. Yesterday, we delivered to the West German Government a destroyer in Charleston, S.C. It was reconditioned at the expense of the German Government, and becomes temporarily a part and parcel of their navy. Now that has happened. Congress had to authorize it. It cannot be done until we have a hearing on it, and until Congress passes a law for it.

Mr. HOFFMAN of Michigan. Why do we loan these ships?

Mr. VINSON. We loan these ships because they are in the reserve fleet and are surplus to our needs at this time. They, when loaned, are valuable in contributing to the cause of the free world.

Mr. HOFFMAN of Michigan. Will the gentleman yield just there? I would like to have some other folks hear the gentleman, and I just do not want to have to ask the gentleman to compete with the other speakers.

Mr. VINSON. Well, you have to be like the gentleman from Michigan and have a strong voice to contend with all the competition, oftentimes, when we address the House.

Mr. HOFFMAN of Michigan. My colleague, Reuther, was down here and had lunch with some of you gentlemen just this noon.

Mr. VINSON. He did not have lunch with me.

Mr. HOFFMAN of Michigan. We ought to get him up here and give him a little information, and get him back to common sense in government.

Mr. VINSON. The only information I am trying to give now to the Members of the House is that relating to how to enable us to keep a strong national defense.

Mr. HOFFMAN of Michigan. What I am trying to learn is only an answer to letters that come to me wanting to know why we first maybe make an appropriation of millions or billions of dollars to build implements of war, ships in this particular case, and then the folks back home read the papers where we have given away other ships which cost millions and billions of dollars. Is it because we are so progressive—or why is it?

Mr. VINSON. It is because we want to utilize to the best degree possible those ships for which we do not have any immediate need, so far as that particular type of ship is concerned.

Mr. HOFFMAN of Michigan. Do you mean we anticipate our needs then?

Mr. VINSON. We did anticipate our needs, in that sense. This is a continuing program, keep and use the new and efficient ships, loan the old to our friends.

Mr. HOFFMAN of Michigan. Then have our needs changed?

Mr. VINSON. Those ships were built during wartime. Loaning them to our friends is the best use we can put them to.

Mr. HOFFMAN of Michigan. If the gentleman will wait just a moment—we either anticipated our needs or our needs changed.

Mr. VINSON. Of course, our needs change so far as keeping up our fleet in peacetime, and so far as the strength that is necessary in wartime.

Mr. HOFFMAN of Michigan. No; I still do not get it.

Mr. VINSON. I am sorry.

Mr. HOFFMAN of Michigan. Do the people who manufacture these ships or whatever it is that we are buying, these new implements of war all the time, do the ideas come from them or do they come from our own Government or do they come from individuals who anticipate our needs who are experts?

Mr. VINSON. I would say the genesis of this bill was in the Defense Department, sanctioned by the President of the United States, on the basis of the security of the country requiring these additional ships. No shipbuilder guides the defense policy of this country.

Mr. VAN ZANDT. I am sure the gentleman will agree that when we loan these ships to the foreign country, the foreign government makes those ships part of their navy. Their navy is assigned the particular ship.

Mr. VINSON. That is right.

Mr. VAN ZANDT. In other words, these destroyers will be employed in patrolling the coast in antisubmarine warfare. They will be manned by officers and men of that navy.

Mr. VINSON. The gentleman is correct. In addition, those governments reconditioned the ships without any expense to the United States.

Mr. HOFFMAN of Michigan. Will the gentleman yield further?

Mr. VINSON. I yield.

Mr. HOFFMAN of Michigan. All of which, as the gentleman has just stated—and I know of no one in this House for whose knowledge and patriotism I have more respect than the gentleman from Pennsylvania [Mr. VAN ZANDT], but everything he said rests upon the assumption that those people to whom we gave those ships are going to remain our friends.

Mr. VINSON. We hope and expect they will remain our friends.

Mr. HOFFMAN of Michigan. Meantime, we do not have the money to give post office workers the money they need. We cannot give the people on social security what they need, as we are short of funds. We know that, but we put this money into the Defense Department. I am not critical. I am just inquiring why it is, first that we appropriate billions for new construction of something and then shortly we give it away. Is it because science makes so much progress or is it because friendships throughout the world change?

Mr. VINSON. The advances in science give us better ships. Our friendships have not changed so far as the loan of ships is concerned.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. VINSON. I yield.

Mr. VAN ZANDT. Is it not true that these ships cannot be converted to fulfill the mission of these new ships for which we are asking authorization today?

Mr. VINSON. That is right.

Mr. GROSS. Will the gentleman yield?

Mr. VINSON. I yield.

Mr. GROSS. Let us take the case of the aircraft carrier we gave to France on a so-called loan. Is there any assurance that that aircraft carrier would be used in our behalf if the chips were down, and we were really involved in war? Does the gentleman think the French would be in another war with us?

Mr. VINSON. The gentleman's conclusion is just as good as mine.

Mr. GROSS. That is what I thought. I am still interested in the abandonment of the San Jacinto Ordnance Depot in Texas. I am wondering if the Navy is being used to dump some of that ammunition into the Gulf of Mexico.

Mr. VINSON. No. There is no Navy ship being used to dump ammunition into the Gulf of Mexico.

Mr. GROSS. I wonder what ships they are using.

Mr. VINSON. If they are dumping any, and I doubt that they are dumping any ammunition unless it is obsolete. If the effectiveness of the ammunition has deteriorated, if it has no strength or firing power to it, it ceases to be of any value, of course.

Mr. GROSS. If the gentleman will yield further, let all doubt be dispelled in his mind as to whether or not they are taking ammunition from the Government arsenal at San Jacinto and dumping it in the gulf, for I have a letter from the Defense Department in which they admit that a good many thousand tons are being dumped.

Mr. VINSON. May I ask the distinguished gentleman from Iowa what that has to do with the construction of these ships?

Mr. GROSS. I merely raise the question here for I would like to keep it before the House.

Mr. VINSON. It is a good thing to keep it before the House, but there is always an opportune time to bring it up. This is the inopportune time because it is not relevant. I hate to see the gentleman scatter his shots; I would like to see them effective when he fires his guns.

Mr. GROSS. Is there any money in this bill for an atomic-powered icebreaker?

Mr. VINSON. No; none at all. All this bill does is to provide for the building of these three different types of ships. It is absolutely necessary that we do that to keep progressing and to maintain an adequate national defense.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Mr. HOFFMAN of Michigan. Just a few days ago, without any hearings being available, the House passed an authorization bill of $915 million for the space agency.

Mr. VINSON. That is right.

Mr. HOFFMAN of Michigan. Is there any thought that perhaps we are appropriating too much money for investigations into space and for progress? Of course, that grows out of this, that if we are continually creating implements of war which shortly go obsolete, which we give away and then have to replace with something else, should we not give a little more thought to what is happening to the pocketbooks of our taxpayers?

Mr. VINSON. The gentleman will not get me involved in anything except this one thing we have before us.

Mr. HOFFMAN of Michigan. If the gentleman will yield further, it has a direct connection with the bill before us.

Mr. VINSON. What is it?

Mr. HOFFMAN of Michigan. Because the folks back home are wondering whether or not they will have money enough to live on if we carry out all these programs that have been advocated. However, I do not know anything except what I read or someone tells me.

Mr. VINSON. That is right; that is all I know.

Mr. HOFFMAN of Michigan. That is not information enough.

Mr. VINSON. We are both in the same boat.

Mr. HOFFMAN of Michigan. I do not know what to tell the folks back home, but they are asking these questions and they are entitled to know.

Mr. VINSON. Well, you tell those constituents who have sent you here for the past 25 or 30 years that you always stand for strong adequate national defense and they will continue to send you back here for an additional 25 years. The first function of Government is self-preservation.

Mr. HOFFMAN of Michigan. Yes, and the first function of the people is to keep themselves strong and stable so they can support the Government.

Mr. VINSON. That is right.

Mr. HOFFMAN of Michigan. But if the Government takes everything away from them before they can spend it what are they going to do?

Mr. VINSON. We are taking $157 million for our defense.

Mr. HOFFMAN of Michigan. But there is always more and more taking. Remember the old hymn.

Mr. ARENDS. Mr. Chairman, I yield myself such time as I may need.

Mr. Chairman, as the report on this bill indicates, "if we ever lose command of the seas, we lose the war—whether it be big or little, cold or hot."

This statement is as true today as it was during World War II or World War I. Freedom of the seas and its use for all of our many wartime purposes is an absolute essential to victory.

This bill is a relatively small step toward insuring that the seas will be available to us should the requirement for their use arise again.

As has been pointed out, the four ships which are authorized by the bill constitute only a very small portion of the total shipbuilding program for fiscal year 1961. Their number is small but their importance is great, indeed. One of them, the fast combat support ship, is of new design. It is not only interesting as a ship, it is interesting as an idea because it illustrates the continuous movement and change of our defensive and offensive concepts.

We are not standing still and attempting to utilize in today's world—ships that were adequate for the circumstances existing 5 or 10 or 15 years ago. As the methods of war change so must we and so must our ships. We can all agree that the aggressive, imaginative approach, well illustrated by the request of the Navy for this particular ship, can give us all assurance that those in the executive branch charged with the responsibilities of our defense are taking this job seriously and are doing it well.

I am very much encouraged as I know every Member of the House will be, to note also the widespread distribution of shipbuilding in the United States as such is set out in the committee report. The 73 major combatant ships which are being built or which are just about to be built are distributed through 41 private and naval shipyards scattered throughout the whole country.

In addition to these ships, there are, of course, many other smaller vessels also being constructed in shipyards throughout the country thereby providing employment and economic stability to the particular areas involved while at the same time keeping us strong in the field of naval warfare.

H.R. 10474 is a bill which every Member of the House can support without any hesitation and I can give you my personal assurance that the hearings held before the Armed Services Committee clearly indicated the need for these ships in the program for the coming fiscal year.

Mr. ARENDS. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. VAN ZANDT].

Mr. VAN ZANDT. Mr. Chairman, in this bill which we are considering today, H.R. 10474, to authorize the construction of modern naval vessels, is contained the authorization for the construction of an amphibious transport, dock—LPD. It would therefore seem appropriate to discuss, in connection with this bill, the modern concepts of amphibious warfare and what changes have been made in amphibious warfare concepts since World War II.

With the development of atomic bombs came the beginning of the end of World War II type of amphibious operations. During World War II an amphibious operation involved tremendous concentrations of shipping and personnel. You have all seen portrayals of an amphibious operation as it was done during that war. Such concentrations were feasible and workable when in use against the weapons of the day. But against nuclear weapons, concentration of shipping and personnel is highly hazardous. Tactically speaking, nuclear weapons are revolutionary only in the magnitude of their effect. The atom and hydrogen bombs have not made any type military operation impossible, but they have made large concentrations unprofitable. Every increase in firepower since the beginning of military history has caused increased dispersion. This is the case today. Dispersion in itself is a relatively simple matter, but to be combat effective there must also be the ability to reconcentrate the fighting force at the point of decision.

Thus it is seen that the development of the atomic and hydrogen bombs has made it necessary for amphibious operations to change in design and concept. The new doctrine for modern amphibious operation calls for complete integrated marine air-ground landing forces, organized, trained, and equipped to exploit the speed and flexibility of the helicopter. The new doctrine is called vertical assault. It is comprised of seven points:

The first is tactical mobility. By reorganizing the troops and equipment required for the assault, they can be lifted in helicopters instead of boats or amphibian tractors.

The second is rapid assault. By carrying the entire assault force in ships designed for unloading by helicopter it can close on objectives quickly.

Third, isolation of the objective. By utilizing long range aircraft operating from carriers as much as 1,000 miles at sea, and through use of missiles, it is possible to effect the sudden and concentrated destruction of enemy air and ground forces, thus isolating the specific objectives of our mission.

The fourth feature is unrestricted movement. By transporting assault forces from ship to shore by helicopter widely dispersed objectives can be seized as deep as 100 miles from the launching ships and along a frontage of 50 miles. Forces can approach from any direction.

Fifth, by exploiting the speed and versatility of the helicopter tactical opportunities can be developed after the landing.

Sixth is all-weather air support. Operating from carriers at sea, all-weather air support can be utilized for continued isolation of the objective area, for reconnaissance, to furnish fire support for ground troops, and to protect our helicopters.

The last feature is transport aircraft. Both land and sea planes can provide additional reinforcements and supplies for the landing force. Only by airlift can logistic support be provided for widely dispersed landing forces.

It is easy to see from what I have described that the World War II concepts have been changed greatly. And with these changes there must also be a change in the type of ships used to support an amphibious operation. Since future amphibious operations will depend so greatly on the use of the helicopter, ships had to be designed to carry

and provide launching facilities for these helicopters. Thus the key ship in the modern amphibious striking force is the amphibious assault ship designated LPH. The first of this type to be built from the keel up will be the U.S.S. *Iwo Jima* now under construction. Two others are currently in the Navy's shipbuilding program as indicated in the committee report on the bill. Meanwhile an immediate, though interim, helicopter assault capability is provided to the fleets by one converted escort carrier and two former *Essex*-class support carriers. The first of these is the *Thetic Bay*. Although it cannot do the job which will ultimately be required of an amphibious assault ship, it has done much to aid in the development of the heliborne tactics and techniques during the last few years. The *Boxer* and *Princeton*, both of which saw much action in Korea as attack carriers and subsequently operated as antisubmarine carriers, have taken interim roles as amphibious assault ships in the Atlantic and Pacific fleets.

The companion ships to the amphibious assault ships will be the amphibious transport dock, or LPD. This ship resembles in outward appearance the Thomaston-class landing ship dock. The new LPD will differ from the old LSD in that it has a large helicopter deck, greater troop and cargo carrying capacity and a smaller well in which landing craft may be carried and operated. Two such ships have been funded. The first was included in the fiscal year 1959 program and the second was in the 1960 program. The bill under consideration here contains the authorization for construction of a third. These ships are designed to replace the attack transport and attack cargo ship. The big advantage will be that the men and their equipment will both be carried in the same ship. It will combat load, transport and land about 900 troops and their equipment via helicopters and landing craft. They will carry six of the large transport helicopters, one large utility landing craft, and three of the smaller personnel landing craft or other equivalent combinations. Both the landing craft and the helicopters may be launched when the ship is underway or stopped. This is a major contribution to the changing concepts of amphibious warfare.

The amphibious capabilities of the U.S. fleet will be called upon in the future despite the development of super bombs. We must be ready to deter aggression and to reassure our friends of our ability to come quickly to their assistance. Marine landing forces in fast and modern amphibious ships, such as authorized by this bill, will provide a versatile, flexible, and highly mobile means of doing this.

Mr. ARENDS. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. I wish to address a question to the distinguished chairman of the Committee on Armed Services. I have been concerned about dispersal of our fleet and where we keep our vessels. I would like to ask the chairman if his committee is constantly reviewing that situation.

Mr. VINSON. Does the gentleman mean by dispersal of ships, where they are kept?

Mr. PELLY. Ships that are in port at one time. I refer to active combat ships such as the gentleman from Iowa once referred to when he stated he has seen a picture of five aircraft carriers all right together at San Diego where one bomb could have sunk them all.

Mr. VINSON. We keep a constant surveillance of that situation.

Mr. PELLY. Regarding the deployment of our combat vessels—and I am speaking again of our active ships—I have noticed that naval operations policy, as far as the Atlantic coast is concerned, has been one of basing the fleet so as to greatly reduce the hazard of attack. In other words, I think that the distinguished chairman of the Armed Services Committee knows that the Navy has followed a policy of dispersal on our eastern seacoast.

Unfortunately, Mr. Chairman, as far as the Pacific coast is concerned, this has not been true. The Chief of Naval Operations, for whom I have the highest regard, has taken the position that additional west coast dispersal entails capital expenditures and for budgetary reasons the Navy has not recommended, or perhaps I should say approved, studies which have recommended the basing of active naval components of the fleet outside California. My colleague the gentleman from Washington [Mr. TOLLEFSON] and I have been urging the matter of wider dispersal for some time. Sometimes we have felt that the Pacific Northwest was considered by the Navy as expendable, because the entire Pacific Fleet was based either in Pearl Harbor or San Diego.

Of course H.R. 10474 authorizes construction of additional amphibious warfare vessels and landing craft together with auxiliary vessels. I am in full support of the bill, but I take this occasion as I said earlier to bring to the attention of the distinguished gentleman from Georgia [Mr. VINSON] the matter of basing the Navy vessels after they are built because it seems a good time to point up the situation.

In this connection, I just want to add one thing more. There is one unique advantage of the Puget Sound area and that has to do with the testing and operation of submarines. I have been told that nowhere else in the world are there more suitable waters for the testing of submarines and training of submarine personnel.

With the new emphasis on nuclear-powered submarines and the strategic importance of Polaris missiles, I trust that consideration will be given to establishing a base in the Pacific Northwest for these new submarines. My colleague, the gentleman from Washington [Mr. TOLLEFSON] and I are firmly convinced of the desirability of locating such a base in the Puget Sound area and with our fine facilities at the Puget Sound Naval Shipyard and likewise the deep-water ammunition depot at Bangor, together with a supply depot at Seattle to supplement such a submarine base, we hope that the great concentration of naval facilities in southern California will not be aggravated by continued lack of dispersal. The public interest would hardly be served by a new base located in California where the sunshine seems to be so important to the morale of the golf-playing high brass of the Navy.

In this latter respect we trust that the chairman of the Armed Services Committee will see the merit of our argument and lend us the benefit of his support for a new submarine base in the Pacific Northwest.

Certainly the recent article in the newspapers saying the British have developed a traveling mechanical spy, a new device capable of discovering enemy submarines a thousand miles away, has a bearing on the location of a submarine base.

Killer attack submarines would be a day or two closer to a home port and to the potential enemy operating from a Puget Sound base as against sunny California. Also, the Polaris would be closer to both the icecap or Siberia. I hope the chairman, for whom I have great admiration, will continue to watch that situation.

Mr. VINSON. We are watching it all the time.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. VINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, I should like to address a question to the chairman of the Committee on Armed Services. I have heard several statements made here in support of this legislation that if we ever lose command of the seas all sorts of dire things are predicted. Is this legislation going to make the difference between losing command of the seas and not losing it?

I would like to ask the chairman whether or not this is as important legislation as some of the Members have indicated.

Mr. VINSON. I am glad to answer the gentleman's question. It is very important legislation because this is a part of the whole; therefore, if we do not have this type of ship we cannot be as efficient with the whole as we would have been if we had it. It is highly important legislation.

Mr. PUCINSKI. The committee report says that we now have 198 various craft under construction. In the program involving the 198 are any of these ships included?

Mr. VINSON. Of this type, none are included. The gentleman will see in the report where we state what is being built now. It appears on page 7. That gives a description of each one of them. These are auxiliaries, these are not combatant ships. But the auxiliaries play just as prominent a part in a total fleet as a combatant ship.

Mr. PUCINSKI. I thank the chairman. Earlier we heard the statement that the ships we now have in mothballs cannot be converted to this type of operation. I wonder if someone would be willing to expand on that.

Mr. VINSON. In reply to that I will say that those we do have in mothballs

of this type that could be converted to meet this situation have been converted; but we do not have enough to meet our requirements, therefore we have asked for an authorization to build these auxiliaries.

Mr. PUCINSKI. I am sure that there is not an American who would oppose any appropriation for an adequate Defense Establishment for this country. But, as I see these various bills coming in here, we keep hearing the statement that, if we do not get this, we are going to lose command of the sea, or we are going to lose command of the air. I am wondering myself if perhaps we should not wait with this legislation until after the summit meeting. We have been hearing all sorts of promises for disarmament. Other proposals are going to be made at the summit meeting. We are appropriating tremendous amounts of money. There is a question about all this, in my mind.

Mr. VINSON. Let me comment on that, because I think the gentleman is somewhat in error in the premise he has taken. You cannot hesitate to keep this country prepared in every phase, notwithstanding the fact that there is in the atmosphere some conversation about a summit meeting. When disarmament reaches a conclusion and is accomplished, then you will not have this type of bill brought in. We can talk about disarmament, but in the meantime we know we need to be prepared, and we have to keep the fleet modernized.

Mr. PUCINSKI. The only reason I asked these questions, Mr. Chairman, is because I have been receiving mail from my constituents, as have all other Members, and I am convinced that the American people are willing to make their financial contribution to an adequate Defense Establishment for America; but I am also aware of the fact that the people back home who are footing the bills are demanding from their Representatives in Congress that every cent we spend on this type of appropriation be carefully considered. I trust this is the committee's recommendation, and that in the opinion of the chairman this particular type of program is absolutely essential.

Mr. VINSON. I can assure the gentleman that in the judgment of 37 members of the Committee on Armed Services it is absolutely essential that we pass this authorization.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The time of the gentleman from Georgia has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to undertake the construction of not to exceed eight thousand tons of amphibious warfare vessels and landing craft, not to exceed four thousand tons of patrol vessels, and not to exceed twenty thousand tons of auxiliary vessels.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Now, Mr. Chairman, we have given foreign countries hundreds of millions of dollars worth of naval craft. May I ask the chairman of the House Armed Services Committee this question: Is this included in the foreign hand-out program? That is, the value of these ships that we have given to foreign countries.

Mr. VINSON. This particular bill is straight authorization legislation. It is necessary to have this legislation in order to have a well-rounded-out Navy.

Mr. GROSS. But is the value of the ships we have given away listed as a part of the foreign give-away program?

Mr. VINSON. Of course not, not the value of the ships. Some of the rehabilitation costs of the ship is, of course, but only some, not all.

Mr. GROSS. Well, then, we should add many millions of dollars to the bill for the so-called foreign aid program; is that correct?

Mr. VINSON. Well, the foreign aid program and this authorization are entirely different things.

Mr. GROSS. No; it is not entirely different. If we are giving them ships they do not have to build them, and therefore that is still another contribution to their aid.

Mr. VINSON. We are not giving them; we loan them. And, these ships are old ships. We are not repairing them. We permit the foreign governments, by an act of Congress, to come here and employ our industry to repair them largely at their own expense, and then we turn them over to them on loan.

Mr. GROSS. And if we ever get those ships back, they will be ready for the junk yard.

Mr. VINSON. I hope not. They will be good ships, and they will be used for good purposes while loaned.

Mr. GROSS. Some of these ships are more than 5 years old before they are loaned, are they not?

Mr. VINSON. Yes. They are modernized and brought up to date, just like you repair an automobile. It increases the life if you put a new motor in it, and the same thing is true with a ship.

Mr. GROSS. The gentleman previously said that some of these ships were obsolete.

Mr. VINSON. They are old, it is true. They are obsolescent and they have been in the mothball fleet. We permit them to be taken out under an act of Congress and loaned.

Mr. GROSS. If they are loaned to a foreign government and they are obsolete and they come back to us, they are going to be scrapped, are they not? You have scrapped better than obsolete ships, have you not?

Mr. VINSON. Well, here is the great advantage to the ship loan program. If these countries did not do the patrolling, the responsibility would fall upon us. It would increase our budget. Every ship that we turn over to any of our friendly nations is used for our mutual defense, and they perform their military mission with their navy. It lessens to that degree our responsibility, and it is in the interest of economy and mutual defense to do it.

Mr. GROSS. Of course, the gentleman and I disagree about the help we will ever get from some of these so-called friendly nations.

Mr. KOWALSKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Connecticut.

Mr. KOWALSKI. I rise in support of the bill, Mr. Chairman, but I cannot agree entirely with the benefits that we get from this loaning of vessels outside the country. For example, Germany today is only contributing 3.1 percent of its gross national product for defense while we are contributing some 9 percent. I think this is a significant thing. I think it is important to our constituents. I think we should make these other countries pay more for the kind of help they are getting. It is not only to our own benefit; it is just as much to the benefit of Germany as any other nation.

Mr. GROSS. I will say to the gentleman that I think some of these countries ought to be buying these ships rather than we loaning them, which is in the nature of a giveaway.

Mr. KOWALSKI. And many other areas, too. They could support some of our very expensive installations in Europe as well as other places.

Mr. GROSS. That is certainly right.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. Germany has spent $40 million on six destroyers they have gotten under the loan program. They have paid every nickel of the cost of rehabilitation, and they are one of the two countries that have done that. Germany has paid its way on everything they have gotten to the extent of $40 million, to my certain knowledge. Germany has done that.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

The Clerk read as follows:

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary for the construction of the foregoing vessels.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the chairman of the committee, the gentleman from Georgia [Mr. VINSON] has been talking about progress and how things including ships become outmoded or obsolete. There is one thing that is absolutely sure; the folks back home are catching on to what is going on. They not only have the TV, the radio, and the newspapers, they have the columnists and the editors—all of that—and hardly a day goes by but that in the press and over the air are these statements about the waste and extravagance, the misfeasance, the nonfeasance, the malfeasance—the whole long list—telling where the Nation's dollars are being wasted. The people are not being fooled. They know that we are spending more money than they can afford to pay. They want to know how to get around this practice. That is my interest. And the trouble back home is increasing all the time because of the fact that when it is an election year the candidates are talking about how the administration wastes our money, asking the people to forget that it is the Congress, controlled by the gentleman's

party which authorizes the expenditures. The press picks up the story and they can sell it. And they tell about how strong the other nations are. Here just recently I noticed that one of the Democratic candidates for President—and because he is a Member of the other body I suppose I cannot speak about him by name; at least, somebody thinks I cannot, although I think under the rules I can—he said that Ike is all wrong. If I read the papers correctly he says that Ike is not telling the truth about our preparedness. That Ike does not know what he is talking about and when he does know, even then he is misrepresenting the situation.

If my information is correct, the other countries, including Russia, capitalize on that. It causes the Communists, especially the Russian Communists to think that we are weaker than we actually are. It certainly lends them encouragement. It would seem that all that propaganda that these Democratic candidates are feeding us day after day just makes the other nations who might be inclined to be our enemies think that perhaps they can push us a little bit harder—and all the time.

So what is the answer? The answer is that our folks at home must dig up more money for national defense. There is so much of it, as the gentleman from Georgia [Mr. VINSON] conceded a while ago, he and I do not know all of it. The trouble is I do not know much, if any, of it; in fact, none of it, as to what we need. All I can rely upon is what those in authority or those who pretend to be our experts tell me.

I thought that the people of our country did not want a military man for President. Apparently I was mistaken about that. Now when we have elected a military man, President Eisenhower, the man who was at the top, the man who commanded during the World War, who is given some credit at least for winning it, when he comes along with his flock of advisers, we are told by these experts on the majority side—I said experts; they presume to speak as experts—that we do not have anything adequate for defense. That the President does not know anything about what we actually need and what we actually must have. What is a poor fellow from the sticks to do about it? You can take it to the Lord in prayer, as I do. But I do not get an answer printed in the newspapers. I do not get an answer for the people back home to hear. So there you are, and in an election year when the safety of the Nation—do I put this too strong?—depends upon the reelection of the present Congressmen. What nonsense. But it leaves a fellow confused.

Mr. VINSON. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. VINSON. The gentleman stated he did not have the information, that he did not know about these things. I suggest to the gentleman that he have faith.

Mr. HOFFMAN of Michigan. Faith without works?

Mr. VINSON. Faith, just have faith.

Mr. HOFFMAN of Michigan. I have faith in the President's military knowledge and ability—even the bitter outcries and charges made day after day by the Democrat candidates does not weaken it but certainly gives encouragement to our enemies. But everything we do, according to the gentleman's committee, is not enough. They always want more and more. We cannot travel into outer space. There was that $915 million that we authorized the other day to study space. But we cannot travel into outer space to get the dollars or the implements of war that the gentleman says we must have. We cannot get out there. There is no way at the present time, if I am correctly informed, to get those things back from the moon or any of the planets—the ships, the implements of war.

The people, our folks, must dig and dig again. The least we can do is not to spend ourselves into inability to do what must be done if we are to survive. We just have to make implements of war in our own factories and we cannot survive unless we protect our ability to produce.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Iowa.

Mr. GROSS. According to the distinguished chairman of the Committee on Armed Services this bill has the complete support of the White House and the Budget Bureau in behalf of national defense.

Mr. HOFFMAN of Michigan. I can get an overwhelming majority for the spending of other people's money any time I want to ask for it, as long as those voting on the proposition do not have to contribute.

Mr. GROSS. I reiterate that the pending legislation is an administration measure in support of national defense.

Mr. HOFFMAN of Michigan. I thank the other half of my party.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. ALBERT] having assumed the chair, Mr. DELANEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10474) to authorize the construction of modern naval vessels, pursuant to House Resolution 497, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

VETERANS' MEDICAL SERVICES

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mr. ROGERS of Massachusetts. Mr. Speaker, 2 days ago a very fine chief of one of the veterans' medical services performed one of the kindest acts I have ever known of, taking care of a very ill nurse with a very special kind of operation. This is the kind of thing the veterans' medical services are doing. This was one of the kindest. It makes you feel that God is in his heaven and all is well with the world.

PERSONAL ANNOUNCEMENT

Mr. CHAMBERLAIN. Mr. Speaker, because of official business I was absent during rollcall No. 44, on the passage of the appropriation bill for the Departments of State, and Justice, the Judiciary, and related agencies, for the fiscal year 1961. I take this occasion to state that had I been present I would have voted "yea."

THE TEAMSTERS UNION SHOULD HAVE FREE AND FAIR ELECTIONS

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from Pennsylvania [Mr. DENT] is recognized for 60 minutes.

Mr. DENT. Mr. Speaker, for some time now I have been receiving communications and phone calls concerning internal matters of public interest in the much publicized Teamsters Union.

In order to bring the matter squarely before you and the other Members of this Congress I want to insert at this point a telegram from local No. 30 of the Teamsters from my home town, Jeannette, Pa., marked "Exhibit A":

EXHIBIT A

JEANNETTE, PA., *April 11, 1960.*

Congressman JOHN H. DENT,
House of Representatives,
Washington, D.C.:

We, the undersigned members of the rank and file of Teamsters Local Union No. 30, Jeannette, Pa., ask for redress of the following:

1. Demand of our Federal rights for a free and fair election in our international union as guaranteed by the Landrum-Griffin law and which are being denied by arbitrary action of the Federal district court.

2. Urge you to use your good office and influence, as our Representative in Congress, to bring this matter to the attention of Congress.

3. Urge you to do all in your power to secure hearing for our rank-and-files denial of our rights, and the waste of our union dues at the rate of $2,000 per day by the monitors.

Sincerely,

Luther B. Ickes, Walter Chrzan, John Odorisio, Domenick Detore, Philip Cristina, Edward Welser, Betty McIlvaine, Ruth Acito, Albert Yanosko, William Miller, Ray Lash, Charles E. Smith, Jr., Jay Ruffner, John Sakos, Albert Dorundo, John Hohider, Paul Todd, Robert Peoples, Thomas Dursa, Michael Murkley, Louis Vitace, Margaret Fox, Glenn A. Turney, Joseph Di Cecco, Charles Wisniewski.

You will note, Mr. Speaker, that point 2 of this telegram requests that I bring this matter before Congress. Pursuant to their constitutional rights and my sworn duties as a Member of Congress, I shall comply with their request.

By way of explanation, let me say that the Luther B. Ickes who heads the list of signers has been associated with this local since its infancy and has always been a resident in good standing in my home community.

Amongst the rest of the signers are many personal friends and acquaintances whom I have known over these many years.

Pursuant to this request, allow me to elaborate on the points of inquiry and interest as contained in this wire and covered in other correspondence.

In line with point No. 1 of their petition, I requested detailed information showing action on the part of their union for an election pursuant to their much heralded rights under the Landrum-Griffin bill. I herewith submit documented papers marked "Exhibit B" which answers my query as to whether proper action has been taken to comply with the requirements of the law:

EXHIBIT B

IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—JOHN CUNNINGHAM, ET AL., PLAINTIFFS *v.* JOHN F. ENGLISH, ET AL., DEFENDANTS—CIVIL ACTION NO. 2361–57—DEFENDANTS' MOTION FOR A CONVENTION

The defendants, by their undersigned attorneys, hereby move the court for an order directing the immediate calling of a convention of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, for the election of officers for a 5-year term, the said convention to be held as soon as is permitted by the notice provisions of the international constitution. As grounds for their motion, the defendants state, all as more fully appears from their points and authorities filed herewith, that (1) it is desirable that there be early transition from court supervision of the international to normal organizational management; (2) the ever-increasing cost of the monitorship is a burdensome charge against the funds of the international which charge ought to be eliminated without unnecessary delay; (3) the monitorship, having ceased to function as the advisory institution intended by the consent decree to render a valuable service to the international and its membership and having adopted an adversary and prosecutional attitude which creates more difficulties than it solves, has outlived its usefulness; (4) performance under the consent decree of January 31, 1958, has advanced to a point which gives reasonable assurance of new elections in accord with membership rights under the international constitution; (5) further assurance in this regard is provided by the Labor-Management Reporting and Disclosure Act of 1959, which became effective on September 14, 1959; (6) the sanctions and remedies provided by the said act guarantee also that the obligations of the defendants embodied in the consent decree will continue to be performed in the future; and (7) any remaining doubt as to the efficacy of an early convention as an expression of the free preference of the membership of the international will be obviated by such supervision of the convention and the antecedent elections of delegates as to the court shall seem necessary and proper, in which connection the defendants are willing that the election of local union delegates to the convention be supervised by such independent public or private agencies as the court may select.

EDWARD BENNETT WILLIAMS,
RAYMOND W. BERGAN,
HAROLD UNGAR,
Attorneys for Defendants.

Of counsel:

DAVID PREVIONT,
Warner Theater Building,
Milwaukee, Wis.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion, together with the points and authorities in support thereof, has been mailed this day of March 1960 to each of the following: Godfrey P. Schmidt, Esq., 12 East 41st Street, New York, N.Y.; Martin F. O'Donoghue, Esq., 831 Tower Building, Washington, D.C.; Herbert J. Miller, Esq., World Center Building, Washington, D.C.; J. Benjamin Simmons, Esq., 1010 Vermont Avenue NW., Washington, D.C.

IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—JOHN CUNNINGHAM, ET AL., PLAINTIFFS *v.* JOHN F. ENGLISH, ET AL., DEFENDANTS—CIVIL ACTION NO. 2361–57—POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS' MOTION FOR A CONVENTION

1. This action was commenced in September 1957 because of an alleged "rigging" of the 1957 convention of the international, as a result of which alleged rigging the adoption of the new international constitution and the election of international officers at such convention were claimed to be in violation of the 1952 international constitution and the rights thereunder of the membership represented by the plaintiffs. The complaint further alleged various breaches of fiduciary duties and responsibilities by some of the named defendants and by other officers of the international and its affiliates. The plaintiffs prayed that a temporary receivership be established for the limited purpose of assuring and supervising elections and a convention that would be conducted in strict compliance with the international constitution.

2. The litigation terminated in a compromise embodied in a consent decree adopted by the court on January 31, 1958, the purport and intent of which compromise were to assure a new convention at the earliest possible time in accordance with the terms and conditions set forth in the said consent decree. Specifically, section 8 of the consent decree provided:

"A new convention and election of officers shall be held at any time after the expiration of 1 year from the date of this order when the general executive board by majority vote shall resolve to call such convention and hold such election."

Thus, it was contemplated that the new convention could have been held more than a year ago.

3. This court, however, having found that conditions for a new convention were not yet ripe after a year of operation under the consent decree, ordered, on February 9, 1959, that section 8 of the decree be modified to make the time for the new convention "subject to recommendation by the board of monitors to the general executive board of the international brotherhood, with the exact time of holding the convention being subject to the final approval of the court."

So much of this modification as subjected the date of the new convention to control by the monitors was held by the court of appeals to be error. *English, et al.* v. *Cunningham, et al.* (—U.S. App. D.C.—, —, 269 F. 2d 517, 524 (1959)). The principle that the new convention date be controlled by the district court itself was, however, upheld. Ibid. The basis upon which this court is to exercise that control is sufficiently indicated in the opinion of the court of appeals. That court said:

"We realize the desirability of early transition from court supervision to normal organizational management, but the district court is not required by law, or by the consent decree, to step aside until conditions advance to a point which gives reasonable assurance of new elections in accord with membership rights under the Teamsters' constitution. If defendants' obligations are not yet fulfilled we think the time for doing so may be enlarged" (—U.S. App. D.C. at —, 269 F. 2d at 524).

In short, this court is to extricate itself from the somewhat unaccustomed role of labor union supervision and is to restore to the international the full management of its own affairs as soon as there is a proper atmosphere for the transition. In determining the existence vel non of such an atmosphere, the court is to consider whether operation under the monitorship has progressed to a point giving reasonable assurance that the membership's preferences will be reflected in the transition to independence. In making that determination, moreover, the court must give due regard to the effect of the Labor-Management Reporting and Disclosure Act of 1959, adopted after entry of the consent decree herein. The effect of the act is hereinafter discussed. The mere fact that certain monitorial recommendations have not received full compliance would not necessarily mean that the proper atmosphere for the transition does not exist, because some of the recommendations may have no significant relation to the fulfillment of the defendants' obligation to produce an atmosphere in which a transition to independence can be made with "reasonable assurance of new elections in accord with membership rights." What the court of appeals has required is not that the defendants shall have crossed every "t" and dotted every "i" that the monitors may have seen fit to demand of them, but only that they present an overall picture of compliance with their obligations to protect membership rights. Indeed, in spelling out the areas in which this court may direct action by the defendants, the court of appeals repeatedly limits such direction to cases where "the defendants fail to comply in any significant respect with their obligations under the consent decree" (— U.S. App. D.C. at —, —, 269 F. 2d at 522–23, 525).

5. The monitorship established under the consent decree has now been in existence for more than 2 years—a period more than double that originally contemplated by the parties and the court. That there may still be room for improvement in some of the international's policies and practices is no justification for further prolongation of the monitorship. It was never contemplated that the monitorship would produce perfection. Indeed, no organization as large and complex as the international can ever be expected to reach perfection. Certainly nothing like perfection could possibly be attained in a period of 1 year. Therefore, in agreeing to the provision of section 8 of the consent decree that the general executive board of the international could terminate the monitorship after 1 year by holding a new convention, the parties must necessarily have contemplated that some minor complaints would not be considered by the monitor, but would be left for future correction by the normal operation of a democratically constituted international. What the monitorship was designed to accomplish was, as the court of appeals said, "reasonable assurance" that new elections and a new convention could be conducted in a manner according with membership rights under the constitution. As soon as there is such "reasonable assurance," the international and its membership are entitled to a termination of

the monitorship and a restoration of autonomy without delay. That time, we submit, has arrived.

6. The very substantial degree of compliance by the defendants with the various orders of the court under the consent decree is well known to the court and need not here be set forth in detail. That some of the court's orders may not have been fully executed (in some measure, because of foot dragging by the monitors, as will hereinafter appear) does not detract from the fact that the basic obligation under the decree—that of assuring free and democratic elections leading to a fair convention—has been carried out. Witness, for example, the promulgation by the general president of proposed uniform local union election rules. Small deviations from perfection in peripheral matters should not be seized upon as a justification for continuing the monitorship to a point where it disserves the interests of the membership.

7. Since the appointment of the present chairman of the board of monitors, and more particularly since the denial by the Supreme Court of the defendants' petition for certiorari, the majority of the board of monitors has adopted a position adversary and hostile to the defendants, abandoning the advisory role assigned to the board under the consent decree, with the result that the monitorship has now become merely a continuation of the litigation which the decree was to have settled. The board has repeatedly neglected and refused to consult with the officers of the international toward the solution of problems. It has repeatedly disregarded or rejected invitations to attend meetings of the general executive board of the international. The court will recall one occasion when it found it necessary to instruct the monitors to meet with the general executive board. What the monitors are presently devoting their time and energies to are the various alleged acts of misconduct by some of the defendants which acts were charged in the complaint and which were disposed of by the compromise embodied in the consent decree. They are, for example, busily gathering evidence to support a charge against the general president of the international which the plaintiffs had alleged in their complaint and, on April 28, 1960, they expect to prosecute him on that charge before this court, notwithstanding that the plaintiffs gave up the charge by consenting to the decree. This adversary, hostile, and prosecutory position violates the spirit of the decree, perverts its purpose, and frustrates the attainment of the ultimate objective of the suit and the decree to assure a free, fair, and democratic election of international officers. The bias and the adversary attitude of the chairman of the board of monitors appear from the affidavit of Monitor Maher attached hereto as exhibit X.

8. The effect of the monitors' foot dragging is well exemplified by their record regarding the formulation of model local union bylaws. The drafting of such bylaws was a duty placed on the board of monitors by section 4 of the consent decree on January 31, 1958. To date, there has not yet been a formal submission by the board of monitors to the international of a draft of proposed bylaws. The chairman of the board of monitors did, however, almost 2 years after the board's duty arose, submit a draft which had not been formally adopted by the board. To get the monitors to submit their proposal and to discuss it with the general executive board of the international took very considerable pressure on the part of the defendants and even the intercession of this court. As a result of this pressure, it now appears that a model code of local union bylaws will soon be recommended for adoption by the local unions. The chairman of the board of monitors, however, with an apparent abhorrence of accomplishment, has recently announced that the present unofficially proposed provisions for insertion in the bylaws are not final, that he reserves the right to propose others, and that he anticipates that it may take another year or a year and half for the board of monitors to complete its duty under section 4 of the decree. The right of the international and its membership to a restoration of self-government cannot in justice and equity be thus frustrated at the whim of the chairman of the board of monitors.

9. The monitors' performance under section 5 of the consent decree is another example of foot dragging which should not be allowed to result, even if so designed, in undue prolongation of the monitorship. That section gives the monitors a consultative role in the duty imposed on the general executive board to "review and where needed establish accounting and financial methods, procedures and controls affecting all funds and properties held, received and disbursed by or on behalf of the international * * * and its subordinate bodies." To perform that role the monitors obtained the consent of the international to hire an accounting firm at the international's expense. That firm, although it has acknowledged the excellence of the international's present system of recordkeeping with the exception only that records of the good-standing status of all members of local unions are not kept at the international office, has yet to recommend any revised bookkeeping system. The accounting firm has, however, billed the international to date for $18,721 for consultation fees alone. To remedy the one alleged defect of the international's recordkeeping system (a course not yet formally recommended by the monitors) would involve an initial expenditure in excess of $330,000 and would increase recordkeeping costs by over $142,000 per year.

10. A large component of the plaintiffs' complaint that the 1957 convention did not fairly reflect membership preferences was the fact that 109 of the international's local unions were in trusteeship. The consent decree provided, therefore, in section 7, for elimination of trusteeships "with all deliberate speed consistent with the best interests of the membership of such locals." The international, in compliance with this provision, immediately embarked upon a vigorous campaign to eliminate trusteeships and restore local unions to autonomy wherever possible. It had already restored 41 locals to autonomy and was in the process of restoring 21 more to autonomy when the Board of Monitors, on June 17, 1958, issued an order of recommendation that the campaign of restoration be suspended until the monitors could consider what rules should apply to election at trusteed locals. There followed more than a year of discussion between the monitors and the international concerning proposed election rules for autonomous as well as trusteed locals, the greater part of this period being consumed by long silences on the part of the monitors. The logjam was not broken until October 13, 1959, when the general president promulgated a set of temporary local union election rules, recommending them for adoption by all autonomous locals and announcing that he would use them in all trusteed locals. The international thereafter acceded to the monitors' demand that the release of trusteed locals remain suspended until 12 pilot elections could be held under supervision of an outside agency. The international, desiring the speediest possible elimination of trusteeships, cooperated fully with the Honest Ballot Association, which had been selected by the monitors to supervise six of the pilot elections, and a modus operandi was agreed upon for the conduct of the elections. There was, therefore, every prospect that the ultimate release of all of the trusteed locals could be accomplished very quickly. Thereafter, however, the American Aribitration Association, the agency selected by the monitors to supervise the other six pilot elections, proposed a modus operandi not only far more expensive than that proposed by the Honest Ballot Association, but also extremely burdensome and rationally inapplicable to the circumstances of the six locals whose elections were to be supervised. The monitors' apparent disenchantment with the Honest Ballot Association and their stubborn espousal of the procedures suggested by the American Aribtration Association have had the effect, thus far, of delaying the completion of the international's program of restoring all trusteed locals to autonomy. Some of the trusteed locals have been in trusteeship for more than 18 months, contrary to the spirit and purpose of title III of the Labor-Management Reporting and Disclosure Act of 1959, hereinafter more fully discussed. It is hoped that, despite difficulties injected by the monitors, the program of release of trusteeships can shortly be brought to substantial completion. To the extent that it has not been completed, however, there is no reason, on that account, to postpone the holding of a new convention. Since, under section 303(a) of the new act, convention delegates from a trusteed local are required to be elected by secret ballot, there is as much assurance of democratic control as there would be if all the locals were autonomous. The condition for a new convention imposed by the court of appeals has, therefore, been satisfied.

11. In the fall of 1959 almost half of the local unions constituting the international held their elections of officers. In some cases, disputes arose as to eligibility, which disputes were to be expected in view of the fact that a new eligibility standard was being used at the instance of the board of monitors. These disputes have been decided by this court to the satisfaction of the board of monitors. As for complaints to the monitors about the manner in which these elections were conducted, they have rejected those they have thus far acted upon. There can be no stronger evidence, we submit, that there is now reasonable assurance that delegates to a new convention can be elected in full accord with membership rights under the constitution.

12. During the more than 2 years since the entry of the consent decree and despite the increasingly hostile and adversary attitude of the majority of the board of monitors, the officers of the international have not only produced an atmosphere satisfying the court of appeals' requirement of "reasonable assurance of new elections in accord with membership rights under the Teamsters' constitution," but have discharged their obligations under the decree and the international constitution in the handling of receipts and disbursements each in excess of $24 million; they have faithfully managed and conserved over $39 million of assets; the membership of the international has increased by over 28,000 members; the international has paid out over $4,400,000 in strike benefits; it has expended more than $3,597,000 in organizing campaigns; the international officers have assisted the various area conferences and local unions in negotiating thousands of contracts covering collective bargaining units ranging from two or three employees to 100,000 employees; the international's investments have been handled in strict accord with fiduciary standards; and the general president and general secretary-treasurer have worked efficiently and diligently, often more than 12 hours a day and for 6 or 7 days a week, in the discharge of their duties to the international, its subordinate bodies, and its membership.

13. The number of complaints received by the board of monitors alleging grievances

claimed to have occurred since the entry of the consent decree has probably averaged no higher than three or four per week. The great majority of these complaints are acknowledged by the monitors to be either without merit or beyond the jurisdiction of the monitors under the decree. The continuation of the monitorship for the purpose of processing an ever diminishing trickle of ever less meritorious complaints cannot be defended on any rational basis and cannot justify the drain on union funds which the monitorship entails. The direct expense of this litigation to the international has already been more than $690,000, without counting the $210,000 of fees allowed for plaintiffs' attorneys and now on appeal. The cost of the monitorship has accounted for the fact that, for the roughly 2 years of the monitorship, the international's expenses have exceeded its income by over $84,000. The monthly cost to the international entailed by the monitorship has now risen to about $35,000. The board of monitors which consisted originally only of its three members, has grown and grown, until it now employs a full-time staff of five lawyers, six secretaries, and a staff analyst, all paid by the international, as well as retaining the services of a law firm whose bill, for its first 8 weeks of work, is over $18,000. This court will, of course, follow Mr. Justice Frankfurter's admonition to be thrifty in the expenditure of the international's funds. The most significant consideration in such thrift, we submit, is that the machinery upon which the funds are expended not be kept in operation beyond the point of economic utility. That point has long since passed.

14. In considering the need for and the utility of the machinery established under the consent decree, the court must be mindful that, subsequent to the entry of the decree, Congress adopted and the President signed the Labor-Management Reporting and Disclosure Act of 1959, which became effective on September 14, 1959. A copy of that act is attached hereto as exhibit II. In the course of the debates and arguments in Congress and before its various committees, it was repeatedly stated and acknowledged that the principal purpose of the legislation was to correct and to prohibit the repetition of those very conditions and circumstances alleged in the complaint in the instant litigation. Accordingly, the act deals specifically with the very matters which were the subject of the suit herein and which are now covered by the consent decree, to wit:

(a) The right to vote periodically for elective officers, the right to honest advertised elections, the right to fair and uniform qualifications to stand for office, and freedom to express views at meetings (section 3, consent decree) are specifically covered by titles I, III, and IV, as well as sections 609 and 610 of the act, which secures these rights through penal sanctions and civil injunctive proceedings either at the instance of aggrieved members or upon application of the Secretary of Labor.

(b) The adoption of local union bylaws (section 4, consent decree) is required by sections 101(a)(1) and 201(a) of the act.

(c) The establishment of accounting and financial methods and procedures and the imposition of fiduciary standards (section 5 of the consent decree) are covered by titles II and V of the act.

(d) The provision against conflict of interest (section 6, consent decree) is covered by section 202(a) and title V of the act.

(e) The provisions for restoration of autonomy to local unions under trusteeship (section 7, consent decree) are covered by title III of the act.

(f) The requirements for a full and fair convention of the international union (section 9, consent decree) are covered by titles I and IV of the act.

(g) The prohibition against reprisals (section 13, consent decree) is covered by sections 101(a)(5), 102, 401(e) and 610 of the act.

Under the act, the State courts, the Federal courts, the Department of Labor, and the Department of Justice are empowered, upon individual or class complaints, to seek and provide remedies, both criminal and civil in nature, against any of the wrongful conduct covered by the consent decree. Accordingly, the use of the new procedures available under the law will eliminate all of the costs and expenses of the monitorship, while at the same time achieving all of the objectives and purposes of the monitorship, to wit: democracy in union affairs, full reporting and disclosure, adherence to fiduciary standards and democratic elections. Indeed, Mr. Godfrey Schmidt has observed to this court that "had the Landrum-Griffin bill been a law at the time we instituted this case, we might very well have adopted other procedures under such a bill." It was because of the absence of such statutory procedures, he added, that the plaintiffs "were forced to have recourse to a court of equity" (transcript of hearing of Oct. 16, 1959, p. 241).

15. By the enactment of the new law, Congress clearly expressed its desire and intention that matters such as are involved in this proceeding be handled in the manner set forth in such law. Congress also reaffirmed and gave protection to individual rights of members to participate in and to conduct their own affairs in accordance with their own constitution and bylaws and in the exercise of the democratic rights assured by titles I and IV of the act. Further prolongation of the monitorship would deprive the members of this international of those rights.

16. For the remedies of title IV of the act, relating to elections, to be available to the members of this international, it is necessary that there be changes in the international constitution; e.g., as to terms of office of local union officers, as to election of unopposed candidates, and as to election of officers of intermediate affiliated bodies, etc. Under section 404(2), these changes are to be made, within a year of the date of enactment of the statute, by action of a convention. If a convention is not held within a year, the general executive board is empowered to make the changes. The only impediment to holding of a convention by September 14, 1960, can be this court's refusal to permit it. In view both of the purpose of the complaint which started this action and of the policy of the new act that the membership of the international have the strongest possible voice in the affairs of their organization, we submit that there is every reason for this court not to interpose any impediment to an early convention.

17. Section 403 of the new act provides:

"No labor organization shall be required by law to conduct elections of officers * * * in a different form or manner than is required by its own constitution or bylaws, except as otherwise provided by this title. Existing rights and remedies to enforce the constitution and bylaws of a labor organization with respect to elections prior to the conduct thereof shall not be affected by the provisions of this title. The remedy provided by this title for challenging an election already conducted shall be exclusive."

Thus the statute, having provided for certain democratic safeguards for future elections and having required that such safeguards be included in the international constitution, forbids the imposition of rules or restrictions other than those so stated in the constitution. For this or any other court to require elections to be conducted in any other form or manner would violate the clearly expressed statutory policy. So far as concerns elections already held, the statutory challenge procedure is made exclusive. It need not here be decided whether this has the effect of terminating the jurisdiction of this court over this lawsuit brought to challenge the 1957 elections. Cf. *Kline* v. *Burke Construction Co.* (260 U.S. 226, 234 (1922)). It is enough to observe that proper effectuation of the policy expressed in the statute would require this court to conclude that such part, if any, of the controversy remaining for justification has been rendered moot.

18. If the court requires further assurance that the earliest possible convention of the international will be a true reflection of the desires of the membership and will be conducted in full accord with the constitutional rights of the membership, the defendants hereby state to the court their willingness and agreement that all local union elections of delegates to the convention be conducted by secret ballot under the supervision of such independent public or private agencies as the court may select.

CONCLUSION

It is submitted, in the light of the foregoing, that, as a matter of law and equity, a new convention of the international should immediately be authorized.

Respectfully submitted.

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Insofar as point 3 in the wire is concerned, I have had to rely on conversation, some documentary evidence, and various published stories of the apparent friction within the monitors' group, between the monitors and the court and between the monitors and the union.

The serious charge of waste of union funds by the monitors, of course, cannot be declared valid without an investigation by an outside body interested in the matter from the viewpoint of public interest and public welfare.

Many charges have been made against various union officials during Senate hearings both before the committee and in the public media of press, TV, and radio.

However, few lines have appeared in connection with the rank-and-file charges of union members that the monitors are spending union funds at the rate of $2,000 a day or better than $700,000 yearly in their operations as monitors of the union.

If this is so, then this Congress ought to look into the matter if for no other reason than to fulfill the promises contained in both the arguments and the language of the Landrum-Griffin bill for fair play, personal rights, and guarantees against waste of union funds.

Tyranny, dictatorial, and arbitrary power and abuse are elements we seek to eliminate from union activities according to our promises to the public and to say that any charges of such practices are only to be investigated when perpetrated by union officials is to give a blessing to such practices if practiced by others who by whatever means gain control of the purse strings and everyday activities of any union, local, national, or international.

I sincerely believe that the time has come for an interrogation and investigation into the monitors against union controversy. We cannot hide our heads

in the sand because of the much-publicized hue and cry against individuals within the union and stand idly by while the rights, privileges, and the economic welfare of every union member is in jeopardy.

These charges, whether substantiated by the record or not, are serious enough to compel this Congress to set up a special committee to look into the entire matter since the very preamble of the so-called labor's bill of rights for rank and file members appears to be completely ignored.

It might be interesting and certainly important at this time to insert here in part the wording and intentions of the preamble: "A bill to protect the members of labor organizations within their labor unions; to establish standards and procedures for the election of officers and other representatives of labor organizations in order to protect the right of members of labor organizations to be represented by representatives of their own choosing; to reinforce the rights of members of labor organizations with respect to funds and property, and create fiduciary duties and responsibilities with respect to the administration, disbursement, and reporting of funds of labor organizations by their officials; to prevent abuses in the establishment and administration of trusteeships by labor organizations; and for other purposes."

How can any body of duly elected representatives sit idly by and watch such charges as have appeared in the public press against the monitors and apparently reaching over into criticizing of the court itself. In this regard, note the following excerpt from the Wall Street Journal, dated April 6, 1960:

MONITORING HOFFA

We hope no one will take what follows here as an argument to keep James R. Hoffa in his job as president of the Teamsters. The man is as much a menace now as he was before Federal Judge Letts switched the Teamsters' monitors around.

The three monitors, it will be recalled, were appointed 2 years ago as the result of a compromise in a court suit filed by some dissident Teamsters against Hoffa's rule; they claimed Hoffa's election as president was rigged, and they asked for a new election. Under the compromise, Hoffa was permitted to take office provisionally under the eye of a three-man monitor panel. One member was to be nominated by the union, which is to say Hoffa; one member by the dissidents, and one, an impartial chairman, by Judge Letts.

As a result of the ineffectiveness of the monitors, Judge Letts recently decided to make some changes. So he removed Lawrence T. Smith, the panel member who represented the anti-Hoffa Teamsters because he thought Mr. Smith did not have his heart in his work.

To replace Mr. Smith, Judge Letts appointed a former Federal Bureau of Investigation agent who in past years has investigated Hoffa. Simultaneous with that change, Hoffa's member of the monitor panel, Daniel Maher, notified Judge Letts that he wished to resign and Hoffa nominated a Teamster lawyer to take his place. Judge Letts not only declined to accept Hoffa's nominee; he declined to accept Maher's resignation.

Thus the monitor panel is composed of a Hoffa man who has been ordered to continue serving though he doesn't want to, and two men both appointed by Judge Letts.

Some comments, we think, are in order.

First, anyone who thinks Hoffa is going to overlook the opportunity to call this present monitor board "rigged" just doesn't know his man. Hoffa will use this development to obtain as much sympathy for Hoffa as he can force from it.

More important, though, is the fact that a Federal court has become as entangled as this one in trying to manage the Teamsters. In retrospect, it would appear far better to have gone ahead with the rigged election suit against Hoffa, instead of permitting such a compromised snarl. If Hoffa stole the election, he could have been ousted by the court. If it could not have been proved that the election was rigged, that issue would have at least been disposed of.

But, because a different course from a Federal trial with witnesses and evidence was sought, what have we now? A Federal judge with other judicial duties has to spend a great deal of time trying to run a labor union.

And we have 2 years during which not very much has been done about Hoffa and the Teamsters.

On April 5, 1960, the Detroit News carried a story by Robert Ball, headed "Plot To Frame Hoffa Charged to Monitors," as well as other related stories. A copy of this article follows with another critical analysis of the issue from the Detroit Free Press:

[From the Detroit News, Apr. 5, 1960]

PLOT TO FRAME HOFFA CHARGED TO MONITORS

(By Robert S. Ball)

WASHINGTON, April 5.—A Teamster lawyer today accused officers of the board of monitors of conspiring to frame James R. Hoffa on charges that he violated the terms of a Federal court consent decree which installed him as provisional president of the union in January 1958.

The accusation was made by Jacob Kossman, representing the Teamsters Union, in the course of taking depositions preparatory to the trial of Hoffa later this month on charges of misuse of union funds.

TARGET OF CHARGES

Target of his accusations was Martin F. O'Donoghue, chairman of the watchdog monitor board, and John Joseph Cassidy, 30-year-old executive assistant to the board.

It was during the questioning of Cassidy that Kossman accused the two of conspiring to circumvent the orders of the court by not permitting the Teamster executive board to clean up the union, thus causing the court to throw out Hoffa.

"Did you ever say that Hoffa must not be given a chance to comply with court decisions and thus get off the hook?" Kossman asked Cassidy.

"I don't recall," the $10,000-a-year monitor staff member replied.

REFUSES TO ANSWER

When the union attorney asked Cassidy if he formed policy for the monitors, Cassidy refused to answer.

At one point Kossman exploded and accused Cassidy of taking the fifth amendment by his failure to recall earlier action and his slow answers.

"It looks like I'll have to go into district court to get Cassidy to answer questions in order to show that there is a conspiracy to bypass the instructions of the court of appeals," Kossman said.

Meantime, the refusal of the Teamster-designated member of the board of monitors to continue to serve had brought no rejoinder from the court.

Daniel B. Maher, who has been seeking to resign for reasons of health since last January, has been blocked by Judge F. Dickinson Letts, supervisor of the monitor setup, who has refused to accept repeated letters of resignation.

[From the Detroit Free Press, Apr. 5, 1960]

TEAMSTERS MONITOR WON'T SERVE

WASHINGTON.—A member of the Teamsters Union board of monitors advised Federal Judge F. Dickinson Letts Monday that he is unable and unwilling to serve on the court-appointed "watchdog" panel any longer.

Daniel B. Maher, 54, said he has been trying to resign for 3 months. He said his health has been "seriously impaired."

"I, therefore, reluctantly advise the court that as of this date, I shall no longer serve on the board," he wrote the judge.

[From the Detroit Free-Press, Mar. 30, 1960]

HARD TALK ABOUT HOFFA—MORE BITTER THAN HURTFUL

The Senate Rackets Committee wound up its 3-year investigation of Teamster President James Hoffa with what amounted to a declaration that "Hoffa must go."

The Teamster boss, said the committee, is a pariah "who makes only a pretense of fulfilling the grave responsibility and trust that his position as general president entails."

The Senate committee's indictment of Hoffa was loud and bitter, but it does not convict him. For the better part of 3 years, the McClellan committee exposed Hoffa's operations, and brought out charge after charge that the Teamster president has betrayed his own membership, the whole labor movement, and has lined his pockets at the expense of his followers.

The Justice Department moved against him, but has not been able to get a conviction. The AFL–CIO expelled the Teamsters because they did not clean up corruption within their organization. A Federal court appointed a board of monitors to clean up the union and force Hoffa out.

Despite all of these things, Hoffa still rules the Teamsters in much the same fashion that he always has. A. H. Raskin, the New York Times labor commentator, states that Hoffa is stronger than ever.

[From the Nation, Apr. 9, 1960]

MONITORS VERSUS THE TEAMSTERS

(By William Goffen)

Last week's ousting of Godfrey P. Schmidt as attorney for the dissident Teamsters, and the scheduled trial next month of James Hoffa on charges of misusing his union's funds, focus attention on what Justice Felix Frankfurter has called "a most unusual manifestation of the equity powers" of a court—the monitorship which has ruled the union since early 1958.

Shortly after the union election of 1957, 13 rank-and-file dissidents, then represented by Schmidt, instituted legal action to set the election aside as rigged. After 22 days of trial, the plaintiffs rested, whereupon the defendants (the union's elected officials), agreed to a settlement without ever having taken the stand in their own defense. The terms were expressed in a consent decree entered on January 31, 1958, by Judge F. Dickinson Letts, of the U.S. District Court for the District of Columbia, who had presided over the trial.

The settlement provided for a board of three monitors to serve until a new convention for the election of officers. One of the monitors appointed by Judge Letts was Schmidt. The officials who had been elected at the 1957 convention were to serve provisionally until the new election, which the general executive board of the Teamsters was authorized to call after 1 year, and the balloting was to be held with such guarantees of the democratic process as the secret ballot and supervision by an outside agency like the Honest Ballot Association.

Had the defendants, instead of agreeing to a settlement, gone through with the trial and then lost, the victorious plaintiffs would have achieved no more than the prompt

calling of a new convention and an election under court supervision. Since Hoffa, who had been chosen president at the 1957 convention by overwhelming vote, seemed certain to win again in a new election conducted under any conditions, it is difficult to understand why defense counsel consented to the agreement calling for a monitorship.

As authorized by the consent decree, the Teamsters' general executive board issued a call for a new convention and election for March 1959. At this point Schmidt, who had signed the consent decree as plaintiff's counsel, nevertheless petitioned Judge Letts to postpone the balloting. The judge obliged by issuing a modification order postponing the holding of any new election until such time as recommended by the board of monitors.

Schmidt's opposition to a new ballot (which under the terms of the agreement would have dissolved the monitorship and terminated the lawsuit) is understandable for reasons other than his professed concern for the welfare of the rank-and-file Teamsters he represented. Since February 1958, the board of monitors has taken more than $350,000 in fees out of the dues of the rank-and-file membership. In addition, Schmidt and his co-counsel have so far claimed sums amounting to $210,000, plus expenditures exceeding $17,000, for services as plaintiffs' attorneys.

Judge Letts' modification order, aside from postponing the election to which the Teamsters' membership was entitled, granted to the monitors unlimited authority to investigate the international union and its locals, and even to institute disciplinary proceedings leading to expulsion of its duly elected officials. The court avowed that the plaintiffs had proved that the 1957 convention was "rigged" even though the case had been voluntarily settled without a single word of testimony on behalf of the defendants.

Hoffa and his fellow union officials appealed the modification order in vain; the Court of Appeals sustained the power to prohibit an election, although at the discretion of Judge Letts rather than of the monitors. If this determination is a sound precedent, it would appear that any litigant is ill-advised to settle his lawsuit, but should always fight his case until final judgment.

While generally upholding Judge Letts, the Court of Appeals did find that Schmidt had been guilty of conflict of interest, in that while serving as a monitor, he further profited by representing numerous employers in their negotiations with the Teamsters. Forced to resign as monitor, he was permitted by Judge Letts to appoint Lawrence T. Smith, a member of his own law firm, as his successor. And until last week, he continued as plaintiffs' counsel. (Judge Letts has now also dismissed Smith, and the original three-man monitorship has been reduced to one.—Editor)

Despite the extraordinary national and legal importance of a case involving denial of due process through judicial deprivation of the right of 1,600,000 union members to a free election, the U.S. Supreme Court has refused review. Attorneys for the plaintiffs have argued persistently that a democratic election was impossible without a prior, undefined "housecleaning" of the union. This aspect has been given widespread coverage by the press. Yet, according to the Election Institute (specialists in the conduct of honest labor elections), and the Honest Ballot Association, a free and democratic election could have been arranged for the Teamsters in 3 months, let alone the long-expired 1-year minimum set by the consent decree.

The refusal of the Supreme Court to act has apparently been construed by Judge Letts and the monitors as a warrant for wide-ranging intervention in the internal affairs of the union. Judge Letts has granted subpena power to the monitors, despite the absence of statutory authority for its exercise. The monitors, for their part, are presently engaged in an attempt to oust Hoffa as president and as a member of the Teamsters. Their chief ground—it is the issue involved in the Hoffa trial scheduled for next month—is that Hoffa was guilty of a conflict of interest in connection with a project in Sun Valley, Fla., for the construction of homes for aged Teamster members. At one point in the course of complicated realty and bank negotiations, Hoffa had an option to purchase stock in the firm which was to construct the homes.

It is ironic that Hoffa and Schmidt, who for so long have been battling each other in and out of the courts, should both stand accused of conflicts of interest. The trial, of course, will fix Hoffa's legal responsibility in the Sun Valley affair. But it seems reasonable to draw a distinction, on moral grounds at least, between the acts charged to Hoffa and those of Schmidt's which resulted in the latter's dismissal as a monitor. Whatever profit Hoffa may personally have stood to gain in the Sun Valley project, his union would have gained an old people's home—certainly a worthy plan. But Schmidt's activities, while of profit to himself and perhaps to the employers in whose behalf he negotiated with the union, can in no way be construed as having profited the Teamsters, whose membership, as a monitor, he was supposed to protect.

The Teamsters' membership has expressed its opposition to the monitorship through the following petition to Judge Letts:

"We, the undersigned members of the International Brotherhood of Teamsters, want an election of officers of the I.B.T. now. We do not want the monitorship which is eroding the foundations of our union by maligning our membership, generating an atmosphere of fear, weakening our organizational functions and depleting our treasury."

There can be no question of a Hoffa victory if a new election were to be held. The union, as a matter of fact, has "never had it so good." While other unions—notably the Auto Workers, Steelworkers, and Machinists—have been losing membership, the Teamsters gained more than 20,000 new members last year.

The truth is that to deprive union members of the right to vote for their international officers is no more defensible, legally, than to deprive stockholders of their right to elect the officers of United States Steel.

It would seem that if the Teamsters' monitors sincerely believed that a union housecleaning was desirable, they would willingly withdraw their opposition to an election, the democratic way for housecleaning of any group. Their continued opposition can be regarded as consistent with a general tendency, in recent years, to erode labor's rights.

These are just samples of the many stories appearing in our public press on this issue. The time has certainly come for a showdown by way of a free election to either put the Teamsters back under their duly elected officials or to at least have an accounting from the monitors who appear to have, as the newspapers point out, acocmplished none of the objectives that prompted their appointment.

The courtroom of Judge Letts has become too confining for a problem involving not alone millions of dues dollars, but, more important, the economic welfare of the very members whose rights were to be protected.

If these various charges are false, then the searching sunlight of an honest investigation will show just that; if they are true then is it not time for the public to know what is going on?

It is no longer a mere rumor and/or gossip topic to hear charges that the monitors have set out to destroy the Teamsters' Union.

It may be a worthwhile objective to destroy a union and its memberships' welfare, but certainly it should not be part of the duty of a Congressman to watch it happen under the guise of a benefit for his constituents.

The men who signed the wire exhibited in the foregoing part of this presentation have the right to be heard and attention be given to their complaints.

I am sure other Members of this Congress feel as I do in the matter of justice for the rank and file members of this union, as well as all other unions.

This is no time to discuss the question of whether unions are or are not necessary but it is time to discuss the right to freedom of action by union members.

It doesn't matter whether the arbitrary and dictatorial power comes from an elected or an appointed official, it is still arbitrary and dictatorial and as such must be stamped out and the rights of all persons put in proper order.

Mr. Speaker, before coming before the House on this very touchy subject I made every effort to get evidence that would substantiate the charges being made by the rank and file members; to wit, that the monitor setup is costing the union members exhorbitant sums of money.

I submit the pertinent information I gathered from correspondence and facts submitted:

The total hours spent by the board of monitors from March 18, 1959, to March 25, 1960, totals 156 hours, 16 minutes; total number of meetings, 84; average time spent per week, 2 hours and 56 minutes; the bill submitted by each of the monitors has averaged over $45,000 for this period for each monitor.

This amounts to over $500 per meeting per member, and approximately $265 per hour of actual time spent in doing their duties.

There is nothing in their appointment that restricts their activities to tending only to the business of the Teamsters' Union. This appears to be a rather high income for a part-time job.

The monitors have averaged 2½ to 5 hours per week in meetings.

The union has spent well over $1 million since the inception of the monitorship.

Total paid is estimated to be for monitors technical staff, monitors themselves, their regular staff and expenses, over $3,000 per day. This does not include expenses of the international union which is over $1,000 per day for monitor business; plus the fact that the monitors have required the international union to agree to use the American Arbitration Association to conduct the release of six trusteed local unions at the average rate of $10,000 per local union, which could be handled by little or no expense by the local union, by using governmental agencies to conduct these same elections. Since the present new labor law establishes the procedures for such elections and guarantees the democracy in such elections, it is only necessary to have an

observer and tellers, which can be supplied by State agencies at no cost to the unions. Taking the above as the initial cost for 6 trusteed local unions, there are 54 local unions still in trusteeship and this would mean a cost of over $500,000 from the treasury of the international union which belong to the rank and file members. Adding all of this together, it is conceivable this monitorship could cost well over $2 million. Under the present plans of the monitors, who refuse to complete any arrangements for the orderly conduct of a convention which could return the International Brotherhood of Teamsters to its local officers, members, and executive board of the IBT by so doing, they could perpetuate themselves in office. One can anticipate well over $5 million in expenditures for the monitorship in the very near future.

In closing I would like to call your attention to a story by Dickson Preston in last night's Washington Daily News.

I quote in part:

No. 1 job of the Senate Rackets Committee, now that it has been officially revived in a new form, will be to investigate what goes on between James R. Hoffa and the monitors who are supposed to clean up his Teamster Union.

Reliable sources confirmed this today after the Senate voted to turn over powers of the old McClellan committee to a permanent Government Operations Investigating Subcommittee also headed by Senator JOHN L. MCCLELLAN, Democrat, of Arkansas.

Senator MCCLELLAN himself said "some information has come to us" on the Hoffa-monitor problem and "I expect the committee to consider it." He added, however, that "I don't want to give the impression the Teamsters are the only thing we are interested in."

"We are a watchdog group on enforcement of the whole (Landrum-Griffin) labor law," Senator MCCLELLAN added. "We're not making a project out of the Teamsters."

It appears to me, sir, that the matter of the rights of union members and their welfare is properly a subject for this committee to study.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Ohio.

Mr. FEIGHAN. I would like to inquire whether or not the expenditures for monitors must not be approved by the courts.

Mr. DENT. To the best of my knowledge, that is so.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield.

Mr. ROOSEVELT. May I say to my colleague that the rank and file of the Teamster unions have acted as he has quoted, but I believe the record will also show that on February 2, 1960, a petition to intervene in the case pending before Judge Letts' court was presented on behalf of 160,000 rank-and-file members, and that from that time to this in spite of diligent effort by their counsel, the judge has refused to give a decision one way or another as to whether he would entertain that motion and, therefore, he has blocked any ability to appeal to a higher court to get some action. This by itself would be an arbitrary denial of plain justice.

Mr. Speaker, for the RECORD I include the telegrams received by me at this point:

LOS ANGELES, CALIF., *April 13, 1960.*
Congressman JAMES ROOSEVELT,
House Office Building, Washington, D.C.:

We plead you assist in stopping monitors in interfering in the internal affairs of the Teamsters International Union.

A. J. MENARD,
Secretary-Treasurer, Los Angeles Meat and Provision Drivers Union, Local No. 626.

LOS ANGELES, CALIF., *April 13, 1960.*
Congressman JAMES ROOSEVELT,
House Office Building, Washington, D.C.:

Please assist in stopping the monitors interfering in the operation of the Teamsters International Union.

JOHN ENNIS,
Los Angeles Meat and Provision Drivers Union, Local No. 626.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JAMES ROOSEVELT,
Washington, D.C.:

As spokesmen for 5,000 members of Local No. 208 we feel that our rights under the Landrum-Griffin bill have been denied us by the district court and the monitors. We the members ask you to use your offices in helping us gain a convention for our international union. This monitorship program is not only costing us over $2,000 a day but is preventing us from electing our international officers which is our democratic right.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
RAY SANTANA, *Los Angeles, Calif.*
CALVIN NICHOLS, *Artesia, Calif.*
HENRY WILLIAMS, *La Puente, Calif.*
JACK WIEMER, *Garden Grove, Calif.*

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JIMMIE ROOSEVELT,
House of Representatives, Washington, D.C.:

The undersigned rank-and-file member of Teamsters Local No. 208, feels that we are being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court; therefore, within the rights guaranteed us by this Federal law we demand that a convention be granted our international union at the earliest opportunity so that we can under the provisions of the law resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and therefore should call hearings by the appropriate committee to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2½ years during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the 5,000 members of local No. 208. Will you please use your good offices to be of assistance to us in this matter?

SIDNEY H. COHEN,
Monterey Park, Calif.

LOS ANGELES, CALIF.
Hon. JIMMIE ROOSEVELT,
House of Representatives, Washington, D.C.:

The undersigned rank-and-file member of Teamsters Local No. 208, feels that we are being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court; therefore, within the rights guaranteed us by this Federal law we demand that a convention be granted our international union at the earliest opportunity so that we can, under the provisions of the law, resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and, therefore, should call hearings by the appropriate committee to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2½ years during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the 5,000 members of local No. 208. Will you please use your good offices to be of assistance to us in this matter?

CAM FERRELL,
Glendale, Calif.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JIMMIE ROOSEVELT,
House of Representatives,
Washington, D.C.:

The undersigned rank-and-file member of Teamsters Local, No. 208, feels that we are being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court; therefore, within the rights guaranteed us by this Federal law, we demand that a convention be granted our international union at the earliest opportunity so that we can, under the provisions of the law, resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and, therefore, should call hearings by the appropriate committee to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2½ years, during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the 5,000 members of local No. 208. Will you please use your good offices to be of assistance to us in this matter.

WILLIAM CROYSDILL,
Azusa, Calif.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JIMMIE ROOSEVELT,
House of Representatives,
Washington, D.C.:

The undersigned rank-and-file member of Teamsters Local, No. 208, feels that we are being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court; therefore, within the rights guaranteed us by this Federal law, we demand that a convention be granted our international union at the earliest opportunity so that we can, under the provisions of the law, resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and, therefore, should call hearings by the appropriate committee to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2½ years, during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the 5,000 members of local 208. Will you please use your good offices to be of assistance to us in this matter.

ALDO PISETTI,
Downey, Calif.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JIMMIE ROOSEVELT,
House of Representatives,
Washington, D.C.:

The undersigned rank-and-file member of Teamsters Local No. 208 feels that we are

being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court; therefore, within the rights guaranteed us by this Federal law we demand that a convention be granted our international union at the earliest opportunity so that we can under the provisions of the law resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and therefore should call hearings by the appropriate committee to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2½ years during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the 5,000 members of local 208. Will you please use your good offices to be of assistance to us in this matter?

NEAL EVANIKOFF,
St. Monterey Park, Calif.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JIMMIE ROOSEVELT,
House of Representatives,
Washington, D.C.:

The undersigned rank-and-file member of Teamsters Local No. 208 feels that we are being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court; therefore, within the rights guaranteed us by this Federal law we demand that a convention be granted our international union at the earliest opportunity so that we can under the provisions of the law resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and therefore should call hearings by the appropriate committee to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2½ years during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the 5,000 members of local 208, Will you please use your good offices to be of assistance to us in this matter?

GENE BLACKWELL,
Downey, Calif.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JAMES ROOSEVELT,
Washington, D.C.:

As members of Local No. 208, International Brotherhood of Teamsters, we are stating that our right and freedom which was guaranteed us under the Landrum-Griffin bill and by the Federal district court and its appointed monitors is being denied us. We unanimously request and demand a convention be called immediately for our international union. This so-called monitorship program has prevented us for the past 2½ years from electing our international officers and has at the same time cost our union over $2,000 a day.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
DAVID W. FUEHRING,
JAMES DAW,
JOHN P. WILLIAMS,
COMPTON WITT BLANEY.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JIMMIE ROOSEVELT,
House of Representatives,
Washington, D. C.:

The undersigned rank and file member of Teamsters Local No. 208 feels that we are being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal District court and the monitors appointed by that court; therefore, within the rights guaranteed us by this Federal law we demand that a convention be granted our international union at the earliest opportunity so that we can under the provisions of the law resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and therefore should call hearings by the appropriate committee to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2½ years during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the 5,000 members of local No. 208. Will you please use your good offices to be of assistance to us in this matter.

ROBERT SAVAGE.
ELMONTE, CALIF.

LOS ANGLES, CALIF., *April 13, 1960.*
Hon. JIMMY ROOSEVELT,
House of Representatives,
Washington, D.C.:

Under the Landrum-Griffin bill and by the Federal district court and monitors our right and freedom which supposedly is guaranteed us has been denied us. Our international union is wholeheartedly in favor of a convention. This is Congress' responsibility and we request that it be found out why our rights have been denied us. The expensive monitorship program is costing our union over $2,000 a day and has been for 2½ years and during this time our right to elect our international officers has been denied us.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
ROBERT FOX,
Covina, Calif.
WALLACE TRIGGS,
Los Angeles, Calif.
HUGH STRICKLAND,
Alhambra, Calif.
JACK STEWART, Sr.,
Norwalk, Calif.

LOS ANGLES, CALIF., *April 13, 1960.*
Hon. JIMMIE ROOSEVELT,
Washington, D.C.:

We the members of Local No. 208, Teamsters, demand we be granted a convention so that we can resume the democratic control of our organization. Under the Landrum-Griffin bill our right and freedom is guaranteed us by Federal district court and the monitors appointed by that court. We feel that this right is being denied us and also feel that Congress has a responsibility in finding out why these rights have been denied us. An expensive monitorship program for the past 2½ years has been costing our international union over $2,000 a day and has prevented us from the right of electing our international officers.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
JOE LADLANK,
North Hollywood, Calif.
KENNETH E. SUCHER,
El Monte, Calif.
JAKE NUNEZ,
Whittier, Calif.
FRANK V. MORRELLO,
Compton, Calif.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JAMES ROOSEVELT,
Washington, D.C.:

We feel that we have been denied our right and freedom which has been guaranteed us under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court. We demand a convention be granted our international union. We feel Congress has a responsibility in guaranteeing us these rights. We know that the monitorship is an expensive program, costing over $2,000 a day and it has been prolonged for 2½ years. During this time our right to elect our international officers has been denied us.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS.
JAMES HENRY, *West Covina.*
ED BURGESS,
GLEN BURGER, *Los Angeles.*
OSCAR S. ECKMAN,
Lakewood, Calif.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JIMMIE ROOSEVELT,
House of Representatives,
Washington, D.C.:

The undersigned rank-and-file member of Teamsters Local No. 208, feel that we are being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court, therefore, within the rights guaranteed us by this Federal law. We demand that a convention be granted our international union at the earliest opportunity so that we can, under the provisions of the law, resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and therefore should call hearings by the appropriate committee to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2½ years during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the 5,000 members of local 208. Will you please use your good offices to be of assistance to us in this matter?

ROBERT SAVAGE.
EL MONTE, CALIF.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JAMES ROOSEVELT,
Washington, D.C.:

This is a plea asking you to use your offices in helping us, the members of local No. 208, obtain a convention for our international union. We feel that our right and freedom which is guaranteed us under the Landrum-Griffin bill and by the Federal district court and its monitors is being denied us. This monitorship program has been a waste of time and funds of our international union and it has prevented us from electing our international officers which is our democratic right.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
JOHN ROETH,
Artesia.
REX LUNEY,
Baldwin Park.
PHIL SCHUSTER,
Long Beach.

LOS ANGELES, CALIF., *April 13, 1960.*
Congressman JAMES ROOSEVELT,
House Office Building,
Washington, D.C.:

I respectfully request that you try to assist the Teamsters International Union in arranging for another convention. We are sick and tired of having the monitors destroy our Teamsters International that we have worked so hard for so many years to achieve decent working conditions for our members in the Teamsters Union.

MIKE SINGER,
Business Representative, Los Angeles Meat and Provision Drivers Union, Local No. 626.

LOS ANGELES, CALIF., *April 13, 1960.*
Congressman JAMES ROOSEVELT,
House Office Building, Washington, D.C.:
Respectively request that you stop the monitors from interferring in the operation of the Teamsters International Union.

CHARLES A. POTTER,
Business Representative, Los Angeles Meat and Provision Drivers Union, Local No. 626.

LOS ANGELES, CALIF., *April 13, 1960.*
Congressman JAMES ROOSEVELT,
House Office Building, Washington, D.C.:
I respectfully request that you stop the monitors from interferring in the operation of the Teamsters International Union. In my opinion these tactics by the monitors seems to be the ways and means of weakening our local No. 789.

MORRY MOZER.

CULVER CITY, CALIF.

LOS ANGELES, CALIF., *April 13, 1960.*
Congressman JAMES ROOSEVELT,
House Office Building, Washington, D.C.:
Request that you insist in stopping the monitors in interferring with operation of the Teamsters International Union.

MIKE M. GRANCICH,
Business Representative, Los Angeles Meat Provision Drivers Union, Local No. 626.

LOS ANGELES, CALIF., *April 13, 1960.*
Congressman JAMES ROOSEVELT,
House Office Building, Washington, D.C.:
Please assist in stopping the monitors in interferring with the operation of the Teamsters International Union.

CHARLES A. RICO,
Business Representative, Los Angeles Meat Provision Drivers Union, Local No. 626.

I would ask my colleague whether he would not agree with me that what we are attacking or defending here is not Mr. Hoffa one way or another; that what we are actually trying to do is to make sure that the monitor proceedings will not be used as an excuse for prosecution or persecution.

Would my friend not agree that perhaps the judge has overplayed his individual powers at this point and is in fact denying not only justice to some who want it, but also is actually preventing the trial which the general public as well as many others have an interest in seeing come to a head.

Mr. DENT. I would answer the gentleman by saying that that is exactly one of the complaints one local union has put into its document to me.

They are being denied their right under existing law, and this petition that the gentleman talks about is another example of the arbitrary attitude taken by these monitors.

Mr. ROOSEVELT. May I also say that this is not an opinion that has just suddenly risen on the part of a few people but has been under observation across the country. The gentleman has quoted an editorial from the Wall Street Journal. If he does not mind, I would like to put the entire editorial at this point in the RECORD.

The editorial referred to follows:

[From the Wall Street Journal, Apr. 6, 1960]

MONITORING HOFFA

We hope no one will take what follows here as an argument to keep James R. Hoffa in his job as president of the Teamsters. The man is as much a menace now as he was before Federal Judge Letts switched the Teamsters' monitors around.

The three monitors, it will be recalled, were appointed 2 years ago as the result of a compromise in a court suit filed by some dissident Teamsters against Hoffa's rule; they claimed Hoffa's election as president was rigged, and they asked for a new election. Under the compromise, Hoffa was permitted to take office provisionally under the eye of a three-man monitor panel. One member was to be nominated by the union, which is to say Hoffa; one member by the dissidents, and one, an impartial chairman, by Judge Letts.

As a result of the ineffectiveness of the monitors, Judge Letts recently decided to make some changes. So he removed Lawrence T. Smith, the panel member who represented the anti-Hoffa Teamsters because he thought Mr. Smith did not have his heart in his work.

To replace Mr. Smith, Judge Letts appointed a former Federal Bureau of Investigation agent who in past years has investigated Hoffa. Simultaneous with that change, Hoffa's member of the monitor panel, Daniel Maher, notified Judge Letts that he wished to resign and Hoffa nominated a Teamster lawyer to take his place. Judge Letts not only declined to accept Hoffa's nominee; he declined to accept Maher's resignation.

Thus the monitor panel is composed of a Hoffa man who has been ordered to continue serving though he doesn't want to and two men both appointed by Judge Letts.

Some comments, we think, are in order.

First, anyone who thinks Hoffa is going to overlook the opportunity to call this present monitor board "rigged" just doesn't know his man. Hoffa will use this development to obtain as much sympathy for Hoffa as he can force from it.

More important, though, is the fact that a Federal court has become as entangled as this one in trying to manage the Teamsters. In retrospect, it would appear far better to have gone ahead with the rigged election suit against Hoffa, instead of permitting such a compromised snarl. If Hoffa stole the election, he could have been ousted by the court. If it could not have been proved that the election was rigged, that issue would have at least been disposed of.

But, because a different course from a Federal trial with witnesses and evidence was sought, what have we now? A Federal judge with other judicial duties has to spend a great deal of time trying to run a labor union.

And we have 2 years during which not very much has been done about Hoffa and the Teamsters.

Not only does the Wall Street Journal, which cannot be considered in any way a prolabor newspaper, make these comments, but in the Toledo (Ohio) Blade of April 5, 1960, a similar editorial states the case very concisely.

Getting away from the conservative side, there is an article in the Nation magazine, edited by William Goffen, who is coauthor of the New York Criminal Law and who teaches at the College of the City of New York, in which he analyzes the situation.

The editorial from the Toledo Blade follows:

MONITOR TURNOVER

This might be as good a time as any for U.S. District Judge F. Dickinson Letts to dissolve the board of monitors he appointed to supervise operations of the Teamsters Union before the board disintegrates from internal bickering.

Since the monitors were established early in 1958, supposedly to prevent abuses by the union's leadership, it has had precious little time to devote to its knitting, for most of the period has been taken up trying to keep three monitors in office long enough to grasp their function.

The firing by Judge Letts of L. T. Smith, New York attorney, as a monitor and the naming of Terrence McShane, ex-FBI agent, to succeed him are only the latest moves in a bizarre episode of judicial tightrope walking that, so far, has gone nowhere. A week earlier, Daniel B. Maher submitted his resignation (which Judge Letts has refused to accept), and before him came former Judge Nathan Clayton, and Attorneys L. N. D. Wells, Jr., and Godfrey P. Schmidt—all of whom left the board for one reason or another in little more than 2 years.

Is it any wonder that the monitors have wracked up a record notable for its lack of any concrete accomplishment? And meanwhile, Teamster President James Hoffa, whose disputed election in 1957 led eventually to creation of the monitors, has kept a firm hand on union reins, and shows no apparent signs of slipping from office.

How much better it might have been if Judge Letts had faced up to the question confronting him back in 1958—whether Mr. Hoffa was legally entitled to the union presidency or not—instead of sidestepping a decision by setting up the clumsy monitor arrangement. It was obvious from the beginning to most observers that the three-man board would be in constant disagreement, composed, as it is, of one member recommended by Mr. Hoffa, one by anti-Hoffa forces, and the third by the court.

In view of its dubious record over the past 2 years or so, and the questionable wisdom of setting up such a creation in the first place, Judge Letts could put an end to the whirling dervish atmosphere that has prevailed by withdrawing all monitor appointments, and letting the courts handle any proved violations of law, which is as it should be.

The article from the Nation follows:

MONITORS VERSUS THE TEAMSTERS

(By William Goffen)

Last week's ousting of Godfrey P. Schmidt as attorney for the dissident Teamsters, and the scheduled trial next month of James Hoffa on charges of misusing his union's funds, focus attention on what Justice Felix Frankfurter has called "a most unusual manifestation of the equity powers" of a court—the monitorship which has ruled the union since early 1958.

Shortly after the union election of 1957, 13 rank-and-file dissidents, then represented by Schmidt, instituted legal action to set the election aside as "rigged." After 22 days of trial, the plaintiffs rested, whereupon the defendants (the union's elected officials) agreed to a settlement without ever having taken the stand in their own defense. The terms were expressed in a consent decree entered on January 31, 1958, by Judge F. Dickinson Letts of the U.S. District Court for the District of Columbia, who had presided over the trial.

The settlement provided for a board of three monitors to serve until a new convention for the election of officers. One of the monitors appointed by Judge Letts was Schmidt. The officials who had been elected at the 1957 convention were to serve provisionally until the new election, which the general executive board of the Teamsters was authorized to call after 1 year, and the balloting was to be held with such guarantees of the democratic process as the secret ballot and supervision by an outside agency like the Honest Ballot Association.

Had the defendants, instead of agreeing to a settlement, gone through with the trial and then lost, the victorious plaintiffs would have achieved no more than the prompt

calling of a new convention and an election under court supervision. Since Hoffa, who had been chosen president at the 1957 convention by overwhelming vote, seemed certain to win again in a new election conducted under any conditions, it is difficult to understand why defense counsel consented to the agreement calling for a monitorship.

As authorized by the consent decree, the Teamsters' general executive board issued a call for a new convention and election for March 1959. At this point Schmidt, who had signed the consent decree as plaintiff's counsel, nevertheless petitioned Judge Letts to postpone the balloting. The judge obliged by issuing a modification order postponing the holding of any new election until such time as recommended by the board of monitors.

Schmidt's opposition to a new ballot (which under the terms of the agreement would have dissolved the monitorship and terminated the lawsuit) is understandable for reasons other than his professed concern for the welfare of the rank-and-file Teamsters he represented. Since February 1958, the board of monitors has taken more than $350,000 in fees out of the dues of the rank-and-file membership. In addition, Schmidt and his cocounsel have so far claimed sums amounting to $210,000, plus expenditures exceeding $17,000, for services as plaintiffs' attorneys.

Judge Lett's modification order, aside from postponing the election to which the Teamsters' membership was entitled, granted to the monitors unlimited authority to investigate the international union and its locals, and even to institute disciplinary proceedings leading to expulsion of its duly elected officials. The court avowed that the plaintiffs had proved that the 1957 convention was rigged even though the case had been voluntarily settled without a single word of testimony on behalf of the defendants.

Hoffa and his fellow union officials appealed the modification order in vain; the court of appeals sustained the power to prohibit an election, although at the discretion of Judge Letts rather than of the monitors. If this determination is a sound precedent, it would appear that any litigant is ill-advised to settle his lawsuit, but should always fight his case until final judgment.

While generally upholding Judge Letts, the court of appeals did find that Schmidt had been guilty of conflict of interest, in that while serving as a monitor, he further profited by representing numerous employers in their negotiations with the Teamsters. Forced to resign as monitor, he was permitted by Judge Letts to appoint Lawrence T. Smith, a member of his own law firm, as his successor. And until last week he continued as plaintiffs' counsel. (Judge Letts has now also dismissed Smith, and the original three-man monitorship has been reduced to one.—Editor)

Despite the extraordinary national and legal importance of a case involving denial of due process through judicial deprivation of the right of 1,600,000 union members to a free election, the U.S. Supreme Court has refused review. Attorneys for the plaintiffs have argued persistently that a democratic election was impossible without a prior, undefined housecleaning of the union. This aspect has been given widespread coverage by the press. Yet, according to the Election Institute (specialists in the conduct of honest labor elections), and the Honest Ballot Association, a free and democratic election could have been arranged for the Teamsters in 3 months, let alone the long-expired 1-year minimum set by the consent decree.

The refusal of the Supreme Court to act has apparently been construed by Judge Letts and the monitors as a warrant for wide-ranging intervention in the internal affairs of the union. Judge Letts has granted subpena power to the monitors, despite the absence of statutory authority for its exercise. The monitors, for their part, are presently engaged in an attempt to oust Hoffa as president and as a member of the Teamsters. Their chief ground—it is the issue involved in the Hoffa trial scheduled for next month—is that Hoffa was guilty of a conflict of interest in connection with a project in Sun Valley, Fla., for the construction of homes for aged Teamster members. At one point in the course of complicated realty and bank negotiations, Hoffa had an option to purchase stock in the firm which was to construct the homes.

It is ironic that Hoffa and Schmidt, who for so long have been battling each other in and out of the courts should both stand accused of conflicts of interest. The trial, of course, will fix Hoffa's legal responsibility in the Sun Valley affair. But it seems reasonable to draw a distinction, on moral grounds at least, between the acts charged to Hoffa and those of Schmidt's which resulted in the latter's dismissal as a monitor. Whatever profit Hoffa may personally have stood to gain in the Sun Valley project, his union would have gained an old people's home—certainly a worthy plan. But Schmidt's activities, while of profit to himself and perhaps to the employers in whose behalf he negotiated with the union, can in no way be construed as having profited the Teamsters, whose membership, as a monitor, he was supposed to protect.

The Teamsters' membership has expressed its opposition to the monitorship through the following petition to Judge Letts:

"We, the undersigned members of the International Brotherhood of Teamsters, want an election of officers of the I.B.T. now. We do not want the monitorship which is eroding the foundations of our union by maligning our membership, generating an atmosphere of fear, weakening our organizational functions, and depleting our treasury."

There can be no question of a Hoffa victory if a new election were to be held. The union, as a matter of fact, has "never had it so good." While other unions—notably the Auto Workers, Steelworkers, and Machinists, have been losing membership, the Teamsters gained more than 20,000 new members last year.

The truth is that to deprive union members of the right to vote for their international officers is no more defensible, legally, than to deprive stockholders of their right to elect the officers of United States Steel.

It would seem that if the Teamsters' monitors sincerely believed that a union housecleaning was desirable, they would willingly withdraw their opposition to an election, the democratic way for housecleaning of any group. Their continued opposition can be regarded as consistent with a general tendency, in recent years, to erode labor's rights.

I will say to the gentleman it seems to me if the judge persists in such a course of action he is inviting investigation by the proper committee of this House, which I believe would be the Committee on the Judiciary. If it was found he had so far overstepped his bounds, as indicated by these disinterested editorials, serious consideration should be given to a request directed at the Committee on the Judiciary as to what proper action, perhaps even including impeachment, could be taken against someone who is going beyond the bounds of this judicial orbit and preventing the resolving of one of the great issues of our time. As long as the matter remains unresolved, not only does great harm come to all organized labor because of the weapon it gives those who oppose organized labor by the use of innuendo, but also as I think my good friend from Pennsylvania has pointed out, it denies the right that we voted in this House, to provide the rank and file with complete control over their own affairs.

Today we see that control specifically denied to the rank and file of one of the greatest unions and completely placed in the hands of three people who are obviously not in agreement as to the carrying out of their own official duties as set up by one man in the person of Judge Letts.

I hope the gentleman in his time will engage in a thorough review of these actions and that it will result in the resolving of this issue in order that it may come to an end at an early date.

Mr. DENT. I thank the gentleman from California. I might say that in a paragraph of my statement I have covered the very ground that the gentleman has questioned on when I said: It does not matter whether the arbitrary and dictatorial power comes from an elected or appointed official, it is still arbitrary and dictatorial, and as such must be stamped out so that the rights of all persons are put in proper order under the Constitution.

Mr. MULTER. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from New York.

Mr. MULTER. Mr. Speaker, I would like to say at this moment that prior to being advised by the distinguished gentleman from Pennsylvania that he intended to take this time to talk about this important subject—and I certainly commend him for bringing it to the attention of the House—I had intended to insert in the RECORD the two editorials which he and the gentleman from California [Mr. ROOSEVELT] have referred to.

It is a strange thing. On the one hand, on April 6, the Wall Street Journal writes an editorial—and surely the least we can say is that the Wall Street Journal has been the voice of the capitalist classes—and on the other hand, from the Nation, on April 9, which I think we can fairly say has most frequently talked for the masses of the working people of this country, comes another item on the same subject. Both arrived at the identical conclusion as has been so well stated to the House here today by the gentleman from Pennsylvania and reaffirmed by the gentleman from California.

It matters not whether Mr. Hoffa is doing a good job or a bad job. The fact of the matter is that the most that could have been sought by this litigation, as the result of which we have this most unusual and unheard of procedure of monitors running a union—the most that could have been accomplished by that litigation was to bring about a new election, as the result of which, the union rank and file, could have voiced their selection and elected either the same officers or new ones.

Instead of that we had a consent decree, and how the court could have confirmed this situation I do not know. It is entirely unheard of in the law. On the one hand the president of the union says he will appoint a monitor who is going

to participate in the running of this union, the operations of which by law and its bylaws are vested in the duly elected officers, and on the other hand, the plaintiffs, representing a minority of the rank and file, say, "We will appoint a monitor who will also participate in the operation of this union," and the judge says that he, too, will appoint a monitor, and the three together are going to run this organization.

Now, it seems to me that the only reason that the court could have approved that kind of an arrangement is because there was some awfully nice patronage involved, as the gentleman pointed out, to the extent of over $700,000 a year. The money comes from the union funds. There is no doubt that the rank and file of this union have a right to protest against this unusual proceeding.

Then we get the situation where for physical reasons, for medical reasons, the monitor appointed by the union president wants to resign and the court says, "You can't resign; I am not going to let you resign." He nevertheless persists and the court says, "I am not going to let you resign; I am not going to approve the appointment of your successor," named by the same people who named the original man who wants to resign. On the other hand, this same judge, the same court, lets the monitor resign who was appointed by the plaintiffs. And, who does he then approve as the successor of these plaintiffs' monitor but the person recommended not by the plaintiffs but by the plaintiffs' monitor who is now resigning. I never heard of such legal proceedings.

Then, as has already been said, when the rank and file come into court and say, "We want to be represented in this proceeding; we want an election," the court takes no proceedings, does not let them in, does not say, "You can't come in," as the gentleman pointed out. No order has been entered, so that they cannot appeal. But the judge is going to run this union as he sees fit. I happen to be one of those that challenged the proponents of the Landrum-Griffin bill which the gentleman referred to as a new union labor rights bill. He referred to it in quotes, I am sure. But the proponents of the bill put it forth as a means, a method, of stopping this kind of procedure and putting Hoffa in his place if he is doing wrong and thus make sure that the rank and file have an election by which they can elect the men they want to represent them.

I now challenge the proponents of the Landrum-Griffin bill to put it to the test, if that bill is going to do the things they said it would, and prove me wrong, when I said that it will not do those things; let us put it to the test in this very case.

Let us see if the rank and file are protected by this new bill of rights. If they are, then there should be a convention ordered immediately and they can voice their opinion under the protections thrown around them by this new bill of rights. Certainly they ought to be able to have a free election and name their choice, whoever that may be who should then run this union. The court can then go back to attending to its judicial business and get out of the business of running the union.

Mr. DENT. Mr. Speaker, I might say to the gentleman from New York that one of the main arguments presented for the passage of the Landrum-Griffin bill was the argument that many local union members were being disfranchised of their rights. There is no record of any larger group in the history of this country being disfranchised under their own election than is presented today in the arbitrary position of the court in denying these members the right to hold an election.

Mr. HOLLAND. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to my colleague from Pennsylvania.

Mr. HOLLAND. Mr. Speaker, I want to join my colleague from Pennsylvania in the remarks he has made. I, too, have received a great many letters, a lot of mail from the rank-and-file membership of unions back home. I tried to draw up a concise statement of their demands and they are as follows:

First, they want their Federal rights for a free and fair election in their international union as guaranteed by the Landrum-Griffin bill, which are now being denied by the arbitrary action of a Federal district court.

Secondly, they urge me to use my office and influence as their Representative in Congress to bring this matter to the attention of the Congress. They also urge me to do all in my power to secure hearings on the rank and file being denied their rights and on the waste of their union dues at the rate of $2,000 per day.

These letters and telegrams were sent to me by the actual membership, the rank-and-file membership of locals Nos. 305, 485, 609, 341, and 635. Every name represents a rank-and-file member. After I got these communications I did a little research work on how often these monitors have met. Here is a report which I have condensed to show what they have done.

The monitors are milking the treasury of the rank and file of the local Teamsters Union at the rate of $2,000 per day.

During the past year the monitors have met on an average of 2 hours and 56 minutes per week; from March 18, 1959, to March 25, 1960, they totaled 156 hours, 16 minutes, and held a total of 84 meetings, an average of 1 hour and 45 minutes per meeting. The average bill for this period for each monitor was $45,000.

Mr. Speaker, I say to you, instead of destroying rackets by the Landrum-Griffin bill we are permitting the existence of a legalized racket under the supervision of a Federal judge. This entire expenditure could be eliminated by utilizing machinery already provided for by the Landrum-Griffin Act. This duplication of machinery and extravagant use of union funds by the monitors should be investigated by Congress to protect the rights given the rank-and-file members under the Landrum-Griffin Act. These rights and privileges should be given to each individual member.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman.

Mr. PUCINSKI. The gentleman from New York in his remarks has, in effect, thrown out a challenge to those who supported the conference report on the labor-management bill last year. I was one of those who opposed the Landrum-Griffin bill but supported the conference report because I believed the conference report contained adequate machinery to deal with problems involving the Teamsters Union or any other union. I hope that the appropriate committee of this House can consider this matter or that an appropriate resolution can be prepared which will in fact call for the Labor Department to exercise its rights and responsibilities under the 1959 Labor-Management Reporting and Disclosure Act to bring some degree of order out of the utter chaos which confronts the Teamsters Union today under the present monitor system.

It is interesting, however, to find that a local of the Teamsters international should be petitioning Congress for redress under the provisions of the 1959 Labor-Management Reporting Act, when the president of the union, Mr. Hoffa, has said repeatedly that this is a bad act. It would indicate to me that this local, at least, sees in this 1959 act some hope of relief. I believe that the local is correct. The 1959 act does provide that the Secretary of Labor may order a secret election of delegates to a convention and supervise and spell out the procedure for a convention.

Certainly if the present leadership of the Teamsters Union does not share the confidence of the rank-and-file membership, that situation can be corrected within the framework of the 1959 act. It certainly appears conclusive that order cannot be restored into this present situation under the monitor plan. But the monitor plan continues to cost the members of the Teamsters vast sums of money. The press reports $700,000 of union funds already has been spent on the monitors.

I recall how Mr. Godfrey Schmidt testified before the Labor Committee last year on the labor bill. I recall very vividly his certainty that if the circuit court had sustained the recommendations made by the monitors at the time that Mr. Schmidt was a member of that board, and these were his words, "the fur would fly in the Teamsters Union." This is the same Mr. Schmidt who has since been ordered to resign as a monitor because of a conflict of interest.

We now see the three monitors feuding very bitterly among themselves, apparently unable to agree on a course to follow.

I do not believe you are going to get any cure through the monitor procedure. Therefore, I suggest the challenge of the gentleman from New York be accepted. I do hope provisions of the 1959 act will be applied to bring some order to this union. Under provisions of this act, there is sufficient power vested in the rank-and-file membership of the Teamsters to clean their own house, and the monitors be discharged.

Mr. DENT. The gentleman will remember there is no other act these members can go to at the present time but the 1959 act.

Mr. KARTH. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Minnesota.

Mr. KARTH. I do not want to be repetitious and therefore repeat what has already been said by the very distinguished gentleman from Pennsylvania and our other able colleagues, but I should like to associate myself with their remarks.

I, too, have received telegrams from rank-and-file members of the Teamsters Union back home. I have checked them very carefully. These are not elected officers, they are not business agents, they are rank-and-file Teamster members. On several occasions, I found, the rank-and-file members were opposed to Jimmy Hoffa as an individual. In other instances I found that some of the rank-and-file people who contacted me thought he had done a fairly good job on an overall basis. But, more important than that, they all agree they should have the right under the law that passed some 7 months ago to settle their own problems and their own troubles and decide their own destiny by the free and democratic process of election at a national convention.

I submit to the Members of the House of Representatives that there is more involved than personalities. There is a very deep principle involved in this thing and we must pay more attention to the principle than to the personality. The Landrum-Griffin bill, and I am sure you all know this, but apparently it does not hurt to call it again to the attention of the House, was passed to assure the democratic process of the rank and file to choose their representative at national conventions as well as within the four walls of their union halls. It is for that very reason, I stand here and call to the attention of the House that there is apparently little faith on the part of those people who are responsible for the implementation of this law, and that may well include the courts, and as a result of this it increases my suspicion that the only reason for the Landrum-Griffin law was not to protect the "rank-and-filer," but perhaps to hamstring him.

Again, may I thank the gentleman from Pennsylvania for yielding to me for this purpose, and I commend him for his courage in standing up and calling this to the attention of the Congress and the American people.

Mr. DENT. I thank the gentleman very kindly.

Mr. SHELLEY. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield.

Mr. SHELLEY. Mr. Speaker, I think the whole crux of the situation, as contained in and described by the remarks of the gentleman from Pennsylvania [Mr. DENT], can be summed up in one sentence; whether individual Members of the House of Representatives voted for or against the Landrum-Griffin bill—and I voted against it down the line—it is now the law of the land. Once it became the law of the land, there was no longer any necessity for setting up a monitors provision to handle, differently than the law provides, the situation inside the International Brotherhood of Teamsters. As a matter of fact, I pointed that out to one of the very strong proponents of the Landrum-Griffin bill, Senator GOLDWATER, in a TV discussion just a day or two after it passed the other body. I said that the Teamster attorneys can go in at any time with good grace and on good legal grounds now and say that since there is a regulatory statute, there is no need for this special court overseer. Evidently, they saw fit not to do so for reasons of their own. But, this situation is becoming so oppressive to the members that it has become a denial of the rights that are supposed to be set up under the existing law. The action of the monitors and the court—or I should say lack of action—has made the entire thing completely ridiculous. I have telegrams from members of the Teamsters Union in my district also.

Mr. Speaker, I think the airing of this situation at this time is a healthy thing and may contribute to opening this matter up and letting either a committee of this House go into the situation or the judge examine his own conscience in this situation. But, in any event, out of this there should come some result that will give these people an opportunity to know where they are going and to know that they are protected and they are not being discriminated against.

Mr. DENT. I thank my colleague kindly.

Mr. SHELLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include some telegrams.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. I agree fully with the gentleman from Pennsylvania, and also the gentleman from California [Mr. SHELLEY]. Over the weekend I was contacted by many rank-and-file members of the Teamsters Union, and also some of the leadership. One of the leaders for teamsters in New England is Nicholas Morrissey, who has been in the labor movement for many, many years. I know him as a close personal friend. His neighbors and friends have the highest regard for him. Through my many years of political experience I know him to be an outstanding labor leader, highly conscientious and a terrific worker in the vineyard for those who drive a truck for a living. He in a group contacted me and told me of the unfairness of the present situation. Here is one of the monitors wanting to quit; the judge refusing to allow him to. The law of the land should be enacted and we would not have to have these monitors. The rank and file of the membership of the union I have the greatest respect for. I know nothing about the teamsters in other sections of the country. I only speak of my own home locale. I know they are spending $2,000 a day of their hard-earned dues. I saw the editorial in the Wall Street Journal. They hit it right on the nose when they said the whole situation is a ridiculous thing. The monitor system and the judge should be eliminated at this time and a free and fair election should be held under the direction of the National Labor Relations Board.

Mr. DENT. I thank the gentleman.

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from California.

Mr. McFALL. I thank the gentleman for bringing this matter before the Congress.

Mr. McFALL. Mr. Speaker, I have received a number of telegrams today from San Joaquin and Stanislaus County, Calif., constituents who are members of the Teamsters Union. These people have the right to petition Congress, and I believe it is my duty to call their appeal to the attention of the Congress. I will read the identical telegrams as follows:

We, the undersigned rank and file members of the Teamsters local feel that we are being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court. Therefore, within the rights guaranteed us by the Federal law, we demand that a convention be granted our international union at the earliest opportunity so that we can, under the provisions of the law, resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and therefore should call hearings by the appropriate committees to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2½ years during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the vast majority of the membership of our local. Will you please use your good offices to be of assistance to us in this matter?

These telegrams were signed by the following: Teamsters Local No. 386, Modesto, Calif., Bud Austin, C. W. Marcher, William Sperry, Harvey Elzea, James Crawford, Robert Bacigalupi, Marie Poland; Cannery Warehousemen, Food Processors, Drivers, and Helpers Local No. 748, Modesto, Calif., Ed Seagraves, Barney Wilson, Sallie A. Turner, Minnie Shamberg, Esther M. Frazier, Beala M. Colvard, Jim K. Stark, John Mota, Josephine Abbey, Mayme Neil; Cannery Warehousemen, Food Processors, Drivers, and Helpers Local No. 601, Stockton, Calif., Frank Morelli, Tony Romero, Joe Sejas, John B. Jones, Elvin R. Mitchell, James Linford, Robert L. Martinez, Sal Correa, Floyd Humeston.

Teamsters Local No. 386 in Modesto, Calif., voted against the election of James Hoffa as president of the International Teamsters at the last election.

The troubles of the board of monitors is described in an editorial in the April 12, 1960, edition of the Washington Post which I quote as follows:

The troubles of the board of monitors to the Teamsters Union are a keen disappointment to those who have looked upon it as

a promising device for cleaning up union corruption. Under the best of circumstances the monitors had an extremely difficult task in trying to rescue the big truckers' union from unscrupulous chieftains. But they have complicated their problem by internal squabbles, and now the board is enmeshed in legal tangles that threaten further to undermine its usefulness.

The chief hope for purifying the Teamsters Union lay in a working partnership between Chairman Martin F. O'Donoghue and Lawrence T. Smith on the board of monitors. Instead, they pulled in opposite directions, with the result that Federal Judge Letts has ousted Mr. Smith to save the board from chaos. Mr. Smith has challenged the validity of that action in the Court of Appeals, however, and questions have been raised about the naming of Terence F. McShane, former FBI agent, to the vacancy.

A further complication arises from the efforts of the union to replace Daniel B. Maher on the Board by William E. Bufalino, president of Teamsters' Local 985 in Detroit. Last year the McClellan committee described this union as "a leech preying upon working men and women to provide personal aggrandizement for Mr. Bufalino and his friends." Apparently the proposed shift is designed further to embarrass the monitors and complicate their important task. Judge Letts has refused to accept Mr. Maher's resignation, but the latter insists that he will no longer serve because of ill health.

The Teamsters Union is entitled to nominate one of the three monitors, but they constitute an agency of the court and the judge cannot be expected to accept a nominee in whom he may have no confidence. Nor would it appear reasonable to allow the union to hamstring the Board by nominating only unacceptable persons. As we see it, the public interest would best be served by letting the two monitors function until the union nominates a third who can win approval by the court.

Meanwhile the monitors certainly have an obligation to end the squabbling and agree upon a fair and workable plan to purge the union of its corruptionists. Charges looking to the ouster of James R. Hoffa from the presidency of the Teamsters will be pressed in a hearing before Judge Letts on April 27. Whether they succeed or fail, it is of great importance to demonstrate the effectiveness of the Monitor Board approach to union corruption—if that is possible.

Members of the Teamsters Union should have the opportunity to belong to an honestly operated union which they themselves control, and I would hope that some committee of this Congress would consider taking whatever action is necessary to investigate these charges.

Mr. DENT. I thank the gentleman.

I think that is slightly above the minimum wage this Congress is trying to fix for many millions of Americans making less than a dollar an hour in many industries of our Nation.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from California.

Mr. SISK. I want to compliment the gentleman from Pennsylvania for the amount of work he has done in the preparation of the statement he has made to us today.

I have been vitally concerned with seeing orderly procedure brought out of what has amounted to chaos with reference to the Teamsters' Union. All of us, have a lot of members in our districts. They are good, honest, sincere, hard-working people. I am sure the great majority of conscientious members do not condone some of the things the leadership has done, and I have been frank to say so publicly. At the same time I am concerned for the protection and the proper procedure for the individual members of the union and to permit them to work out their problems in an orderly way.

I want to compliment the gentleman for his great interest in this matter. I think he and I agree that what we are concerned with, is the great mass of people in this organization, and to see to it that they have an opportunity, in a democratic way, to work out their problems and live under the laws which Congress has enacted for the control and guidance of organized labor in this country.

Mr. DENT. I want to thank the gentleman from California for his contribution, and to assure him that I want him and the rest of the Members to know that is the only interest I have, and I believe it is the only interest of all of those who participated in this discussion today, to see to it that these rights of the individuals be not paper rights but that they be the kind of rights they can exercise.

Mr. Speaker, I yield back the balance of my time.

THE TEAMSTERS UNION

Mr. OSMERS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. OSMERS. Mr. Speaker, because my district is located at the threshold of the New York metropolitan area, scores of the Nation's largest trucking firms have located terminals in and near the communities which I represent. Consequently, thousands of truck drivers, many of whom are members of the Teamsters Union, are constituents of mine.

At the outset of these brief remarks, let me say that I have never received nor sought the endorsement of the International Brotherhood of Teamsters or any of its locals. Nor have I ever met or communicated with President James Hoffa of the Teamsters.

Some of my constituents, however, who are members of the Teamsters Union, have been asking questions about the present board of monitors created on January 31, 1958, by a consent decree entered into after 22 days of a trial before Judge F. Dickinson Letts of the U.S. district court. The original court action was instituted by rank-and-file Teamsters who sought to set aside the Teamster election of 1957. Under the terms of this consent decree, the officers elected at the disputed 1957 election were to serve until a new election had been held which the general executive board of the Teamsters was authorized to call after 1 year from the date of the decree. The election was to be held under strict supervision with full guarantee of the democratic process, of course.

The Labor-Management Reporting and Disclosure Act of 1959 establishes the basic right of every member of every union to have a voice in selecting his union officers. Because of the refusal of Judge Letts and the monitors to agree to an election, 1,600,000 members of the Teamsters Union are presently denied these rights provided by law and by the consent decree. The actions of Judge Letts and the board of monitors indefinitely substitutes the judgment of the Federal courts for the judgment of the members of the union and continues the present officers.

To a layman like myself, the disputes among Judge Letts and individual monitors are reaching comic opera proportions. One of the monitors was found guilty of conflict of interest and is now trying to collect a very large fee for his work. A successor has been dismissed by Judge Letts. Another monitor has been forbidden to resign.

The confidence of the public and of Teamster members that a square deal will result from board of monitors' activity has largely disappeared.

Mr. Speaker, the Labor-Management Act of 1959, over which so much blood was spilled here in Congress, was passed to bring democracy to unions. Has not the board of monitors, as constituted and directed by Judge Letts, become largely ineffective? The election provided for in the original consent decree of January 31, 1958, has not been held and apparently will not be held in the foreseeable future. Should the pertinent clauses of the Labor-Management Reporting and Disclosure Act of 1959 not now be applied to the Teamsters? It is not time for an honest, secret ballot election to determine what leadership the Teamsters themselves want? It at some future time, Hoffa, or any other officer in the Teamsters, or in any other union, should be found guilty of offenses which require removal from union office under the law, then such removal should be made at that time without question or delay.

Possibly the most succinct comment on operating a union by a Federal judge is contained in the Wall Street Journal of April 6, 1960:

> A Federal judge with other judicial duties has to spend a great deal of time trying to run a labor union.
>
> And we have 2 years during which not very much has been done about Hoffa and the Teamsters.

JEFFERSON ANNIVERSARY

Mr. ALFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ALFORD. Mr. Speaker, 217 years ago this date, on April 13, 1743, was born in that beloved cradle of America, the sovereign State of Virginia, Thomas Jefferson.

Jefferson probably gave to the world more broad principles of government that any other man. Jefferson stands

in history as the author of the Declaration of Independence, a Member of Congress, Secretary of State, third President of the United States, and founder of the Democratic Party.

He stands in history for a republican form of government, sovereignty of the people, universal education, local self-government, constitutional government, freedom of religion, freedom of speech, and freedom from tyrannical and oppressive government.

As long as democratic principles and republic forms of government exist the name of Thomas Jefferson will be uttered with reverence and respect. Thomas Jefferson, the author of American independence.

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks on Jefferson anniversary at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THOMAS JEFFERSON

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, it is well that we pause today in connection with the birthday anniversary of the immortal Thomas Jefferson. As the gentleman from Arkansas has so well said, he is recognized in history, and properly so, as the author of the Constitution of the United States.

Thomas Jefferson was also the founder of the Democratic Party; Thomas Jefferson fought for the rights of the people during his entire lifetime and the Democratic Party ever since has always been the hope and the party of the people.

As long as we adhere to Jefferson and the great immortal truths and idealisms he gave to mankind, the Democratic Party will always exist, it will always strengthen, and it will always prosper.

Some of us may disagree as to certain of the interpretations of Jefferson's great philosophy, but the fact is he was not only one of the greatest Americans in history, but he is one of the great figures in world history and on the constructive side of world history.

Among the many sweet philosophies expressed by Thomas Jefferson is one I read some years ago and which I remember now. It might be well for Democrats of all sections of the country, north, east, south, and west to remember. Thomas Jefferson said—and how sweet the philosophy is—that "disagreement among friends is no cause for separation."

Jefferson will always live in the mind of the average person, not only in America, but throughout the world, for the great truths of government that he stood for, that he fought for, that he enunciated, and which he put into operation. Jefferson gave the leadership that was close to the people.

I am a Democrat because I believe in Jefferson. I have studied Jefferson, I have studied his life, I have studied the great truths enunciated by Jefferson, the great ideals of Jefferson. Coming from Boston, Mass., I am a Democrat because of the great truths and ideals that Jefferson stood for and which he gave to the people of America—yes, to the people of the world. Those great truths and ideals are the foundation of the great Democratic Party of which I am a member and which I love and respect so much.

I believe that the best interests of the party calls for complete harmony within the Democratic Party. I am one of those Democrats who also believes that with the ideals and the truths of Jefferson the people of the country, the people of the several States are best served when they elect the Democratic Party to have control of government. While I believe in government above party, nevertheless the best way for government to function in the interest of the people is by the Democratic Party being in control.

So, today, it is well to pause on Jefferson's birthday because he was not only a great American, a great world figure, but he was the founder of the Democratic Party, and Democrats everywhere throughout the country this year should never forget it. He believed in religious freedom, which he helped so effectively to give to the country; he gave to the country the great principle of freedom of speech, he believed that suffrage should be possessed by all the people.

We know the history of America as it was written in those days. There was the Hamiltonian theory of government as distinguished from the Jeffersonian theory of government. We know, thank God, that the Jeffersonian theory of government prevailed, that suffrage is not dependent upon the exercise of the vote by a selected few, based upon property possession or wealth alone, but suffrage is inherent in all Americans and should be possessed by all Americans under the Constitution. Jefferson stood for equal opportunity under the law. That is one of the great truths that Jefferson gave to the American people and to mankind throughout the world.

People of other countries, adopting and following the great truths and the great ideals of Jefferson, applied them to their own forms of government as they emerged from colonialism.

Mr. Speaker, I congratulate the gentleman from Arkansas [Mr. ALFORD] for addressing the House on the birthday anniversary of this great man, and I am glad I was on the floor when he made the comments about the immortal Jefferson, the great American, and the founder of the Democratic Party.

Mr. HECHLER. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from West Virginia.

Mr. HECHLER. Mr. Speaker, I was very inspired by the remarks of our majority leader regarding Thomas Jefferson. Along with the gentleman from Indiana [Mr. BRADEMAS], I had the honor of being in Charlottesville, Va., last evening to attend the Founder's Day exercises, and to hear a moving address on Jefferson's heritage delivered by the Honorable Adlai E. Stevenson. Governor Stevenson stressed the Jeffersonian principle of the people's right to know, and he remarked:

> To Jefferson, this tendency to stifle debate struck at the very heart of our idea of government by consent, the moral foundation on which government rested.

He also remarked that:

> Our Chief Executive will have to be a man who agrees with Franklin Roosevelt's definition of the Presidency as "preeminently a position of moral leadership," and who deeply believes, as Jefferson did, that "the spirit of liberty, when conducted by public virtue, is invincible."

Yesterday was the 15th anniversary of the death of Franklin D. Roosevelt. I wonder if the able majority leader recalls that the very last address which Franklin D. Roosevelt prepared for delivery, which was a speech to be delivered on Jefferson's birthday, President Roosevelt penned these words:

> Let us move forward with strong and active faith.

I believe that President Roosevelt and all the leaders of the Democratic Party have carried out the spirit of Thomas Jefferson in their lives actions.

Mr. McCORMACK. No question about that. And, might I say in connection with Franklin Delano Roosevelt and the gentleman's comments about him, that I have two unusual recollections that I will always carry with me. I presided at the last big political rally in Boston that he addressed before his death, and I was the Speaker pro tempore at the last joint session of the Congress that he addressed. The Speaker was out of town at the time, and I was the Speaker pro tempore. So, I have many cherished memories of that great man, Franklin Delano Roosevelt, who was a disciple of Jefferson, like I am, or try to be. But, those two incidents will always remain with me, that at the last political rally he addressed I presided and introduced him and at the last joint meeting of the Congress that he addressed at that time from the well of the House I was the Speaker pro tempore of the House.

HEALTH BENEFITS FOR OUR AGED

Mr. MACHROWICZ. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MACHROWICZ. Mr. Speaker, I rise today to make some brief comments on a development which has taken place recently in connection with proposals to provide health benefits for our aged.

There should no longer be any doubt about the fact that the American people have rallied in tremendous numbers and with tremendous enthusiasm to the basic concept of the Forand bill. Under that bill, which I have been very proud to support from its very inception, the social security mechanism would be used to provide health insurance for old people, who need it most and can afford to purchase it the least.

I will not take the time now to burden the record with all of the evidence which has been adduced in support of this important step in providing security for our people. The evidence has been so overwhelming, as a matter of fact, that there are few in this country who question the need for some governmental action in this field. The big question now facing us, here in the Congress and throughout America, is what kind of governmental action should be taken.

Because I believe that we are now at the point where some action will in fact be taken, I rise to point out the dangers of taking the wrong kind of action. Action which would take us down the wrong road would of course be terribly unwise; action which would do nothing to meet the problems that concern us would be futile.

I believe most strongly that a proposal presented to the Congress last week by a group of eight Republican members of the other body, and since sponsored by a number of Members of this House, would at best do nothing and at worst be taking us down a wrong road from which it would be most difficult to return.

S. 3350, the proposed Health Insurance for the Aged Act, has been properly labeled "pie-in-the-sky." It presumes to meet the basic health needs of our older people, but fails completely to provide the tools for doing so. It is, to put it bluntly, a transparent political device to take some shaken Republican politicians off the hook. Unable, for political reasons, to support legislation along the lines of the Forand bill, they have found it necessary to develop and promote some gimmick which will sound like it meets the problems for which the Forand bill was developed. It is a "Rube Goldberg" contraption and just as cumbersome.

It does not take very long to see the obvious deficiencies of this approach. Without going into great detail, let me list its glaring weaknesses:

First. There are no—I repeat, no—benefits guaranteed in the bill. The glowing description of broad benefits contained in the press release which accompanied the introduction of the bill reflects merely the rosy hopes of the sponsors and not the contents of the proposed legislation.

This is what I mean by "pie in the sky."

Second. The principal sponsor of S. 3350 estimates that it will cost the U.S. Treasury approximately $480 million for the first year. Do we have the right to assume that this Congress will appropriate such funds without concurrent action to raise such funds?

This is what I mean by "pie in the sky."

Third. Assuming that the Federal moneys are available, the next hurdle must be overcome by the States which, under the bill, must match this with a total of $640 million for the first year. Do we have the right to assume that the States, already in serious financial straits, will in fact appropriate such funds?

This is what I mean by "pie in the sky."

Fourth. Even before they can know how much money they need to raise, and long, long before any American will spend a day in a hospital or get nursing home care under this program, the State will have to pass the enabling legislation, set up complex administrative machinery, and negotiate contracts with a multitude of insurance carriers.

This is what I mean by "pie in the sky."

Fifth. But it isn't enough that Uncle Sam and the individual States find the necessary funds to meet the costs of the proposed program. The beneficiary himself must make a substantial contribution—unless he is totally or almost totally without income. Rates go as high as $26 per month per couple for undetermined benefits. This is a "pig-in-a-poke" proposition that would not appeal to me—whether it is offered by an insurance salesman, or by a politician.

This is what I mean by "pie in the sky."

Sixth. Assuming that all these barriers are crossed, that all of the machinery is developed, we then have the question of determining what will be purchased with the moneys raised by the Federal Government, the State governments, and the beneficiary himself. We have the horrible experience of workmen's compensation—with its use of private insurance carriers—where only 56 cents of every premium dollar goes to actual benefits. I warn the American people that only part of their money would result in actual health benefits.

This is what I mean by "pie in the sky."

Mr. Speaker, I do not enjoy this role of tearing down a proposition which may seem to some people to offer some hope for health security. I am sure that at least some of the plan's supporters are sincere in their promotion of it. But it would be a disservice to our senior citizens, and to all America, to permit them to be hoodwinked into acceptance of an unworkable, unrealistic, pig-in-a-poke plan.

There is simply no proper alternative to the use of the social security mechanism for meeting this vital need of our people. Twenty-five years ago, the Congress defied the cynics, the do-nothing crowd, the calamity howlers, when it passed the Social Security Act. We heard then of "compulsion," of "regimentation," of "bureaucracy," of "socialism." We proved them all wrong—and we will again.

This Congress must—and I feel confident, will—act on health benefits for the aged. The Ways and Means Committee has refused to endorse the Forand bill, but this does not end the matter. I hope the committee will reconsider its action and pass a bill along the lines of the Forand bill. Whether the committee does so or not, I know the Congress will find a way to take appropriate action.

Mr. Speaker, a very useful analysis of the Javits bill has come to my attention. It is a statement by the director of the social security department of the AFL–CIO, Mr. Nelson Cruikshank. Under unanimous consent I include it at this point in the RECORD:

STATEMENT OF NELSON CRUIKSHANK ON S. 3350, A HEALTH INSURANCE FOR THE AGED BILL, INTRODUCED APRIL 7, 1960, BY SENATOR JAVITS AND OTHERS

We have studied S. 3350, the health insurance for the aged bill, introduced last week by Senator JAVITS and several of his colleagues. The scope of benefits and the objectives described by Mr. JAVITS in introducing the bill are laudable. We have come to the conclusion, however, that the mechanisms provided in the bill cannot accomplish the fine things it aims to do.

1. STATE FINANCING

We see virtually no possibility that each of the 50 States, many of which are already in substantial debt and financial difficulty, would raise the necessary funds to put this program into operation. By Senator JAVITS' own conservative estimate, $640 million of State funds would be required.

There is no question but that the major legislative problem faced by the State today is that of raising funds to meet the growing needs for which the States have already assumed responsibility.

The States and localities are currently going deeper and deeper in debt. Between 1946 and 1958 their total debt increased from $16 billion to over $57 billion. By 1970, State and local outlays for programs to which the States and localities are already committed may well reach $85 billion—nearly twice the present level—according to projections of the National Bureau of Economic Research.

Most State tax structures already impose the heaviest burden on families least able to pay. Additional taxes would be most likely to take increasingly regressive forms.

2. FEDERAL FINANCING OUT OF GENERAL REVENUES

The prospect of getting an appropriation of nearly half a billion dollars (again using Senator JAVITS' own estimate) out of general revenues for the health care of the aged, passed by Congress and signed by the President this year, is at best, remote.

3. SCOPE OF BENEFITS

Senator JAVITS' statement which accompanied the introduction of S. 3350 contained this hopeful description of benefits: "Generally, a service plan would provide 60 days of full cost, semiprivate hospital care or the equivalent cost care in a nursing home for the aged and make satisfactory provision for surgery both in and out of the hospital, hospital medical care, visits to the doctor's office, along with necessary laboratory tests, diagnostic X-rays, specialist consultations, and visiting nurse service in the home."

There is nothing in the bill to justify such an optimistic view of the benefits which would be provided. The only benefit specifications which the bill contains are that each plan must provide outpatient care up to one-third of the premium cost, that coverage during an individual's temporary absence from the State must be included, and that plans of both the indemnity and the service variety must be offered in all of the States. This last provision is weakened by

the qualification that service plans need only provide service benefits in part, with no limitation on how small the service part may be.

Thus, it is altogether possible that a plan could obtain approval to participate in the proposed program and receive Government subsidies under it while providing partial and inadequate indemnification for only a few of the services and only some of the care listed by Senator JAVITS.

4. NEGOTIATIONS WITH CARRIERS

The task set by S. 3350, for 50 State governments, to negotiate with a multitude of insurance carriers is not only formidable, it is most unlikely to be carried to a successful conclusion. Early this year, a crack task force of experts within the U.S. Civil Service Commission, trying valiantly to negotiate one similar program for far fewer people (U.S. Federal employees), was nearly overwhelmed by the complexity of the task.

The original authors of S. 3350 were perhaps not unaware of this difficulty, for the analysis which accompanies the bill states that "In instances where State cannot contract with a private carrier, State is permitted to provide the coverage." At some stage, however, the provision of the bill to which this statement refers must have been deleted, for it can be found nowhere in the bill as introduced.

5. INCOME TEST

We cannot conceive of any way that the income test provided for in S. 3350 could be made to work with any degree of equity and some guarantee of the preservation of the dignity of the potential health plan subscriber. There is no indication in the bill as to whether it would be a State or Federal agency which would bear the responsibility of prying into the income of the elderly citizens of the Nation. The income test as proposed is clumsy and inequitable.

6. USE OF COMMERCIAL INSURANCE CARRIERS

Commercial insurance companies would be eligible, along with nonprofit health plans, to write Government subsidized health insurance for old people under this proposal. There is no evidence available to lead one to believe that a substantially greater part of the subsidy would go into benefits for old people than would go into insurance company profits.

Fifty years of practical experience in the field of workmen's compensation demonstrates that putting what is in essence a social insurance program in the hands of commercial carriers results in extravagance, waste, inefficiency, and deterioration of the basic purposes of the program. In 1958 employers in the United States paid $1,235 million to private insurance carriers to insure their risk under State workmen's compensation laws. In this same year the insurance carriers paid cash and medical benefits in the amount of $694,373,000; in other words, 56.2 cents out of every premium dollar went into benefits to injured workmen and their dependents that year.

The total benefits paid under all accident and sickness policies underwritten in the United States by commercial carriers in 1958 amounted to 71.2 cents out of each premium dollar. Under individual policies only 48.6 cents of each premium dollar went into benefits in 1958.

The record of commercial insurance carriers with individual non-cancelable policies, to which the policies in the Javits bill would be most analogous, was even worse. Under these policies, during 1958, only 40.8 cents out of each premium dollar was paid in benefits.

We trust that the objective of Senator JAVITS and his colleagues who are cosponsors of S. 3350 is the same as ours: to find a way to lighten the financial burden of sickness in old age. We are dismayed that they should propose a route to this goal so circuitous that it cannot reach the goal at all.

There is a direct and workable method: the use of the Social Security System. The use of the Social Security System would allow aged people to draw benefits as a simple matter of right, with their income or their poverty not at issue. The funds under a program like the Forand bill would go into health benefits for old people and not into insurance company profits. Financing would come from the contributions made by people during their working lives, with a matching contribution by employers. There would be no added financial burden on Federal or State Governments, or on the meager incomes of people who have retired.

The Forand bill would make it possible for voluntary insurance plans, both commercial and nonprofit, to grow and prosper by relieving them of a risk which they cannot cope. It would provide health benefits to old people in an effective and economic way.

RISING TRAFFIC IN OBSCENE MATERIAL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. CURTIN] is recognized for 10 minutes.

Mr. CURTIN. Mr. Speaker, the problem of curbing the rising traffic in obscene material is a matter of increasing concern to parents, religious leaders, educators, and to other thoughtful citizens in many walks of life in America who share a common interest in the moral standards of our country.

It was a perceiving philosopher who wrote that "Morality, when vigorously alive, sees farther than intellect," and another who observed that "Veracity is the heart of morality." Perhaps Will Durant summed it up best of all when he commented in his work, "The Story of Philosophy," as follows: "Morality, said Nietzsche, is the bravery of the strong; morality, said Plato, is the effective harmony of the whole." Probably all doctrines must be combined to find a perfect ethic.

These definitions should be considered as we look to the reasons why it is so urgently important to address ourselves seriously and with utmost earnestness to a formula for countering the insidious efforts of peddlers in obscene material. For these purveyors of corrupt matter have set out to profit on a bold and blatantly commercial basis by engaging in the procuring and the sale of all nature of salacious matter, and there seems to be no limit to the purulent depths to which they will descend in their shameless, unfeeling activity in which decency and right ideals of human conduct are altogether bypassed. If ever the oftheard phrase "filthy lucre" applied, it is to these callous traffickers in obscene literature.

So very often the dealers in corrupt and depraved material strive to cloak their activity behind the argument that no one of us has either the wisdom or the license to decide what is right or wrong. Unfortunately their cause sometimes is unwittingly supported by well-intended individuals who rise to the bait and defend them by citing the dangers of increased censorship and who fear the circumventing of previous privileges guaranteed under our Constitution and Bill of Rights.

Those well-meaning persons raise the specter of censorship, insist stoutly that any attempt to draw a bead on so-called obscene matter is to engage in thought control and say all this is completely alien to our constitutional rights which entitle every individual to full enjoyment of art and literature. They advance the argument that no one is forced to buy an obscene book or a magazine that is pornographic, no one is compelled to look at salacious reading or films.

Such reasoning is based on the mistaken premise that everyone is strong, with full power to perceive good from evil. It assumes that everyone is adult both in years and mental attitude. Would that this were so; we would then require few if any rules or regulations in society. But the stark truth is that some are stronger than others; some are more susceptible than others; some are weaker than others. It would be a wonderful world of Utopian proportions if we could arrive at the point where every individual was of such strength and moral fiber as to be capable of deciding what is good for him and what is bad for him. Unfortunately, we have not gotten there yet and I am afraid we are a long way off.

I am as much concerned as anyone about the preservation of the freedoms assured by our American Constitution and Bill of Rights. I deplore any heavy-handed invasion by Government of the rights of any citizen. I recognize the danger of censorship and abuse of authority that comes with undue exercise of authority by the state. I perceive that there is a narrow and delicate dividing line between the realm of genuine art and literature, and the darker area of coarse material that is openly designed to appeal to the basest instincts.

But how can we, in the name of freedom and fear of censorship, allow traffic in obscene material to run wild and unchallenged? To do this is to default on our duty as parents, as citizens and as legislators. We should not and I am sure do not want to evade our responsibility to affirm in the strongest possible terms a determination to no longer tolerate this commerce in depraved, blighted material that poisons and saps the strength of our people.

Mr. Speaker, it is for these reasons that I have introduced a bill, H.R. 10957, which proposes to amend certain sections of the United States Code to provide mandatory prison sentences in certain cases for mailing, importing, or transporting obscene material. This bill would amend section 1461 of title 18 of the United States Code, relating to mailing obscene matter, to provide that anyone who knowingly uses the mails for the mailing, carriage in the mails, or delivery of any obscene, lewd, lascivious, indecent, filthy, or vile matter, or who knowingly takes any such thing from the mails for the purpose of circulating or disposing thereof, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both, for the first such offense, and shall be imprisoned not less than 1 year nor more than 5 years for each offense thereafter.

The same penalties would apply under this bill, by amendment to section 1465 of title 18 of the United States Code, relating to transportation of obscene matter for sale or distribution. This would cover those who knowingly transport in interstate or foreign commerce for the purpose of sale or distribution any obscene, lewd, lascivious, or filthy book, pamphlet, picture, film, paper, letter, writing, print, silhouette, drawing, figure, image, cast, phonograph, recording, electrical transcription or any other article capable of producing sound, or any other matter of indecent or immoral character.

Mr. Speaker, when we talk about morality, we are, in the words of Charles Dickens, contemplating existence itself. It is part and parcel of life. We cannot evade it, we cannot sidestep it. We cannot put on blinders to the jeopardy that exists to America's vigor and robustness if we permit to go unchecked this growing traffic in obscene material. We dare not flinch from this duty; it is not enough to preach and protest piously. We must toughen the enforcement provisions of existing laws against purveyors of lewd material and thereby put them on notice that stronger, sterner penalties than ever before await those who besmirch the standards of decency.

The effect of my bill is to provide more stringent measures, against repeat offenders. In short, repeat offenders would go to jail. I urge the early passage of this bill, Mr. Speaker, because I sincerely believe that teeth must be put in the existing statutes covering these offenses.

NATIONWIDE SUPPORT FOR H.R. 9488, TO END AIRLIFT OF 4-CENT LETTERS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Nebraska [Mr. CUNNINGHAM] is recognized for 10 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include certain letters.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, support for H.R. 9488, the legislation to prohibit the airlift of 4-cent letter mail, has come from all parts of the country, from railroad people, postal employees, persons interested in saving some of their tax dollars, those wanting dependable service, and others.

Little attention has been paid to these important groups in the proposed expansion of the experimental airlift of 4-cent letter mail. Little attention has been paid to securing the necessary congressional authorization for such an expansion. In fact, so little attention has been given to these important aspects of the program that I wonder just how well such a program would work if it is ever instituted. I wonder whether the implications of this expansion have been fully considered.

I have found no evidence that there would be any reduction in the cost of running our Government if this airlift is expanded. In fact, I strongly suspect there will be increased costs for such services as taking the mail to the airport—and frequently back again when there is no space available—sorting after the mail is delivered to its destination instead of en route sorting now used, higher cost of flying mail as compared to surface transportation, delayed delivery, and so forth.

The reliance of business and Government on railroads during adverse weather and during national emergencies has often been demonstrated. Suffice to say now that any expansion of the experimental airlift—now nearly 7 years old—would have a definite adverse effect on railroads and their employees, and there can be little doubt that an expansion of this program will mean the difference betwen train service and no train service to hundreds of towns. As of today, there are many lines which stay in operation only because of the mail they carry. If this is withdrawn, there will be no more service.

Thus we find a real concern by many thoughtful people who are not connected with the post office or railroads about this airlift program. As an indication of this concern and the support for H.R. 9488 which would end the experimental airlift, I include portions of a few of the many letters I have received from across the country on this bill:

OMAHA, NEBR.

With all the taxes the railroads pay, and the hard struggle they are having in competing with other forms of transportation, which, unlike the railroads, are subsidized by the Government, it is hard to understand why our Postmaster General or any other Government official would propose to further jeopardize the position of the railroad industry by diverting more business away from them. With all the subsidies that go to other forms of transportation, it's like knocking the poor railroads down, and then proceeding to step on them.

Mr. and Mrs. W. H. A.

ELKHART, IND.

If the sender wished it to be air mail, he would have put postage thereon to send it as such.

Mr. E. R. B.

OMAHA, NEBR.

It is only reasonable to expect that if the public knows that they can get equal or almost equal service for less money, the air-mail revenue is bound to take such a setback that it might even have to be discontinued, thereby causing more loss.

Mr. E. A. B.

MALVERN, IOWA.

I believe those who want their mail to move by airplane are willing to pay the legal airplane postage rate. It seems to me it is illegal to handle mail by airplane at lower postage rates.

Mr. W. A. C.

SEATTLE, WASH.

I heartily endorse your bill restricting air transportation to that portion of the mail bearing prepaid air-mail postage.

The public has not been apprised of the action about to be undertaken by the Post Office Department and neither has it been asked for its opinion in the matter. Neither has advance information been released on the cost for air transportation of the mail (reputed to be well over three times the cost of surface transportation).

Mrs. K. L. C.

CHADRON, NEBR.

There is an important reason why mail should not go by airplane without the sender's consent. Papers that cannot be replaced, as well as letters containing money, are liable to destruction. Such a case happened near Jacksonville, Fla., in 1955 when a large plane carrying valuable papers and large sums of money crashed and the contents were burned.

Mr. H. C.

FORT WORTH, TEX.

The Postmaster General states that he will give next day delivery on letters between metropolitan centers by virtue of the airlift program. As far as I know, nobody expects next day delivery on mail between, for instance, New York City and Kansas City.

As far as I am personally concerned, I am more interested in getting next day delivery on letters right here in the city of Fort Worth. Under the present post office system it takes about 46 hours for a letter to be delivered to some of my friends.

Mr. J. E. D.

COSTRO VALLEY, CALIF.

We all know if a mail-carrying railroad did not or could not accommodate all the mail that was offered at all times, it would be fined. Now can anyone fine an airline for turning down mail offered to them? You could not even fine them if they accepted mail at a given point and unloaded it short of destination to accommodate baggage or freight.

Mr. R. G.

MIAMI BEACH, FLA.

I am sending our sincere thanks for the introduction of a bill in the House (H.R. 9488) which we sincerely hope will do away with the flying of ordinary surface mail.

If a postal patron is to get airmail service and the benefit of premium service, he should pay for the service. If the Post Office Department decides to fly all mail, then there should be only one domestic letter rate.

Mr. R. L. M.

CHATTANOOGA, TENN.

I am very much in favor of your bill H.R. 9488 on the airlift.

Mr. R. H. P.

KANSAS CITY, MO.

Thank you for introducing the bill to prohibit the airlifting of 4-cent letters. This airlift is a great injustice to the railroads and the general public. There is no reason for a 4-cent letter to receive the same service as 7-cent letters.

Mr. C. L. S.

DENVER, COLO.

I write to thank and congratulate you on your bill H.R. 9488. It is very gratifying to know we have able men in Washington that cannot be sold such a ridiculous plan as airlift of 4-cent mail. There could be no clearer way to waste such a terrific amount of money, to damage American railroads, and ruin the U.S. postal service.

Mr. J. A. W.

Mr. Speaker, the bill H.R. 9488 is scheduled to be heard before the Committee on the Post Office and Civil Service some time in the near future. I hope all the Members of Congress who are concerned about this problem, and it is

an urgent one, and who want this matter to be settled in a legislative way, will prepare their arguments in favor of this legislation so that they may be presented when the bill is heard before that committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BREWSTER (at the request of Mr. FOLEY), on Wednesday, April 13, 1960, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. JACKSON, for 30 minutes, on Wednesday, April 20.

Mr. CUNNINGHAM, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

(At the request of Mr. HOLLAND, the following Members were granted permission to extend their remarks and include extraneous matter in the RECORD.

Mr. RUTHERFORD.

Mr. DADDARIO.

Mr. ANFUSO.

Mr. MONAGAN in two instances.

(At the request of Mr. CUNNINGHAM, the following Members were granted permission to extend their remarks and include extraneous matter in the RECORD:)

Mr. GLENN.

Mrs. ST. GEORGE.

Mr. LANGEN.

(The following (at the request of Mr. MCCORMACK) and to include extraneous matter:)

Mr. HULL.

Mr. KEARNS (at the request of Mr. CUNNINGHAM) and to include extraneous matter.

Mr. FLYNN (at the request of Mr. LEVERING) in four instances and to include extraneous matter.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 529. An act to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs, and for other purposes;

H.R. 725. An act to provide for the establishment of the Wilson's Creek Battlefield National Park in the State of Missouri;

H.R. 1805. An act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland;

H.R. 3472. An act to repeal section 1505 of the Social Security Act so that in determining eligibility for unemployment compensation their accrued annual leave shall be treated in accordance with State laws, and for other purposes;

H.R. 7588. An act to amend the Internal Revenue Code of 1954 with respect to the treatment of copyright royalties for purposes of the personal holding company tax;

H.R. 9451. An act to amend the act of July 19, 1954, to exempt from taxation certain additional property of the Veterans of Foreign Wars of the United States in the District of Columbia, and to provide that the tax exemption granted the property of the Veterans of Foreign Wars of the United States in the District of Columbia shall be effective with respect to the taxable years beginning on and after July 1, 1959;

H.R. 9543. An act to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes;

H.R. 9820. An act to extend the period during which certain tanning extracts, and extracts of hemlock and eucalyptus suitable for use for tanning, may be imported free of duty;

H.R. 10683. An act to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes; and

H.J. Res. 621. Joint resolution making additional supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 529. An act to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs, and for other purposes;

H.R. 725. An act to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri;

H.R. 1805. An act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland;

H.R. 3472. An act to repeal section 1505 of the Social Security Act so that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State laws, and for other purposes;

H.R. 7588. An act to amend the Internal Revenue Code of 1954 with respect to the treatment of copyright royalties for purposes of the personal holding company tax;

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H.R. 9543. An act to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes;

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H.R. 10683. An act to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes; and

H.J. Res. 621. Joint resolution making additional supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

ADJOURNMENT

Mr. LEVERING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 25 minutes p.m.) the House adjourned until tomorrow, Thursday, April 14, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2050. Under clause 2 of rule XXIV, a letter from the Director, International Cooperation Administration, transmitting a copy of his reply to the Comptroller General of the United States which relates to a report by the General Accounting Office on the economic and technical assistance program for Guatemala as administered by the International Cooperation Administration under the mutual security program, which was transmitted to the Congress March 22, 1960, and recorded as Executive Communication No. 1973, was taken from the Speaker's table and referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. ST. GEORGE: Committee on Armed Services. H.R. 6479. A bill to provide for the conveyance of certain real property of the United States to the village of Highland Falls, N.Y.; with amendment (Rept. No. 1509). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 8024. A bill to amend the act of May 9, 1876, to permit certain streets in San Francisco, Calif., within the area known as the San Francisco Palace of Fine Arts, to be used for park and other purposes; without amendment (Rept. No. 1510). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 8713. A bill to authorize the Secretary of the Navy to convey certain real estate to the Oxnard Harbor District, Port Hueneme, Calif., and for other purposes; with amendment (Rept. No. 1511). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 10068. A bill to amend section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services, and for other purposes; without amendment (Rept. No. 1512). Referred to the Committee of the Whole House on the State of the Union.

Mr. KILDAY: Committee on Armed Services. H.R. 11318. A bill to provide that those persons entitled to retired pay or retainer pay under the Career Compensation

Act of 1949 who were prohibited from computing their retired pay or retainer pay under the rates provided by the act of May 20, 1958, shall be entitled to have their retired pay or retainer pay recomputed on the rates of basic pay provided by the act of May 20, 1958; without amendment (Rept. No. 1513). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. S. 1328. An act for the relief of Parker E. Dragoo; without amendment (Rept. No. 1495). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 1408. An act for the relief of Ronald R. Dagon and Richard J. Hensel; without amendment (Rept. No. 1496). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 1410. An act for the relief of Jay R. Melville and Peter E. K. Shepherd; without amendment (Rept. No. 1497). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 2173. An act for the relief of Mrs. John Slingsby, Lena Slingsby, Alice V. Slingsby, and Harry Slingsby; without amendment (Rept. No. 1498). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 2234. An act for the relief of the estate of Hilma Claxton; without amendment (Rept. No. 1499). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 2333. An act for the relief of the heirs of Caroline Henkel, William Henkel (now deceased), and George Henkel (presently residing at Babb, Mont.), and for other purposes; without amendment (Rept. No. 1500). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 2507. An act to relieve Joe Keller and H. E. Piper from 1958 wheat marketing penalties and loss of soil bank benefits; without amendment (Rept. No. 1501). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9760. A bill for the relief of Sam Doolittle; without amendment (Rept. No. 1502). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9652. A bill for the relief of Lt. Col. Alonzo C. Tenney; without amendment (Rept. No. 1503). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 9563. A bill for the relief of Josef Enzinger; with amendment (Rept. No. 1504). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 7367. A bill for the relief of Chieko Sakano; with amendment (Rept. No. 1505). Referred to the Committee of the Whole House.

Mr. SMITH of California: Committee on the Judiciary. H.R. 8156. A bill for the relief of Jack Kent Cooke; with amendment (Rept. No. 1506). Referred to the Committee of the Whole House.

Mr. TOLL: Committee on the Judiciary. H.R. 11190. A bill for the relief of Cora V. March; with amendment (Rept. No. 1507). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 2430. An act for the relief of certain employees of the General Services Administration; without amendment (Rept. No. 1508). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. House Joint Resolution 688. Joint resolution for the relief of certain aliens; without amendment (Rept. No. 1514). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BETTS:

H.R. 11739. A bill to amend paragraph 1810 of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. BREEDING:

H.R. 11740. A bill to provide that the Secretary of the Treasury shall coin special 50-cent pieces in commemoration of each centennial anniversary of the admission of each of the several States into the Union; to the Committee on Banking and Currency.

By Mr. BROOMFIELD:

H.R. 11741. A bill to provide for a Capitol Pages' Selection and Residence Board which shall be responsible for the selection of pages for the Senate and House of Representatives and for providing a residence for such pages, and for other purposes; to the Committee on House Administration.

By Mr. GEORGE:

H.R. 11742. A bill to provide that the Secretary of the Treasury shall coin special 50-cent pieces in commemoration of each centennial anniversary of the admission of each of the several States into the Union; to the Committee on Banking and Currency.

By Mr. HERLONG:

H.R. 11743. A bill to repeal that portion of the act of March 3, 1893, which prohibits the employment, in any Government service or by any officer of the District of Columbia, of any employee of the Pinkerton Detective Agency or any similar agency; to the Committee on Government Operations.

By Mr. HIESTAND:

H.R. 11744. A bill to repeal certain legislation relating to the purchase of silver, and for other purposes; to the Committee on Banking and Currency.

By Mr. JONAS:

H.R. 11745. A bill to authorize the donation by Commodity Credit Corporation of surplus feeds to State agencies to provide feed for wildlife in areas determined to be emergency areas, and for other purposes, to the Committee on Agriculture.

By Mr. LAFORE:

H.R. 11746. A bill to amend paragraph 1810 of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. LAIRD:

H.R. 11747. A bill to protect the public health by requiring appropriate warning labels on packages of substances intended or suitable for household use, where the substance or the container thereof may cause accidental injury or illness in the absence of proper precautions; to the Committee on Interstate and Foreign Commerce.

By Mr. MACHROWICZ:

H.R. 11748. A bill to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes; to the Committee on Ways and Means.

By Mr. MOORE:

H.R. 11749. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. SCHWENGEL:

H.R. 11750. A bill to amend the Soil Bank Act, as amended, and the Agricultural Act of 1956, as amended; to the Committee on Agriculture.

H.R. 11751. A bill to help restore the balance between the production of and the market demand for wheat, and for other purposes; to the Committee on Agriculture.

By Mr. SISK:

H.R. 11752. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STUBBLEFIELD:

H.R. 11753. A bill to amend the Federal Trade Commission Act to strengthen independent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11754. A bill to amend the Federal Trade Commission Act to provide for the issuance of temporary cease and desist orders to prevent certain acts and practices pending completion of Federal Trade Commission proceedings; to the Committee on Interstate and Foreign Commerce.

By Mr. WESTLAND:

H.R. 11755. A bill to amend section 6(c) of the Civil Service Retirement Act with respect to the retirement of employees engaged in the investigation, apprehension, or detention of persons suspected or convicted of violations of the criminal laws of the United States; to the Committee on Post Office and Civil Service.

By Mr. HULL:

H.J. Res. 689. Joint resolution to establish a commission for the celebration of the 100th anniversary of the birth of Gen. John J. Pershing; to the Committee on the Judiciary.

By Mr. RANDALL:

H.J. Res. 690. Joint resolution to establish a commission for the celebration of the 100th anniversary of the birth of Gen. John J. Pershing; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. STRATTON: Resolution No. 139 of the Senate and Assembly of the State of New York memorializing the Congress and the President of the United States to initiate a program for radioactive fallout protection for all citizens of the United States; to the Committee on Armed Services.

Also, Concurrent Resolution No. 143 of the Senate of the State of New York memorializing the Congress and Department of Defense of the United States and the Government of Canada in relation to undertaking and progressing the development of the proposed New York-Montreal Seaway project; to the Committee on Public Works.

By the SPEAKER: Memorial of the Legislature of the State of Hawaii, memorializing the President and the Congress of the United States requesting passage of the Price bill (H.R. 1157), or similar legislation; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to the excise tax on the transportation of persons; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to old-age, survivors, and disability insurance; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 11756. A bill for the relief of Cato Bros., Inc.; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

H.R. 11757. A bill for the relief of Mary A. Combs; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 11758. A bill for the relief of Edward P. Wall; to the Committee on the Judiciary.

By Mr. LIPSCOMB (by request):

H.R. 11759. A bill for the relief of Faustino Caballero-Corral; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

415. By Mr. STRATTON: Resolution No. 57 of the Board of Supervisors of Fulton County in the 32d Congressional District of New York, opposing the proposal of the New York Central Railroad to isolate Fulton County by discontinuing passenger service at Fonda, N.Y., and urging that every proper method be pursued, in company with other afflicted communities, to resist; to the Committee on Interstate and Foreign Commerce.

416. Also, petition of 41 members of Glenville Barracks 1674, Veterans of World War I of the USA, Scotia, N.Y., in support of H.R. 9336, providing for the payment of a pension to World War I Veterans; to the Committee on Veterans' Affairs.

417. Also, petition of 63 members of United Papermakers and Paperworkers Local No. 530 who, are residents of the 32d Congressional District of New York, urging passage of the Forand bill as a minimum first step toward providing decent medical care (hospitalization, surgical services and nursing home care) for those persons eligible (retired or not) for social security benefits; to the Committee on Ways and Means.

418. By Mr. WESTLAND: Petition of Bert Sorensen, president of the Whatcom County Cattlemen's Association, Bellingham, Wash., requesting the 86th Congress to revise the importation laws pertaining to livestock, livestock products and commodities; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Text of Pony Express Centennial Address by Representative William R. Hull

EXTENSION OF REMARKS
OF
HON. W. R. HULL, JR.
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. HULL. Mr. Speaker, it was a privilege for me to make the principal speech April 3 at the centennial celebration of the pony express in St. Joseph, Mo.

Under leave to extend my remarks, I include my speech on that occasion:

TEXT OF PONY EXPRESS CENTENNIAL ADDRESS BY REPRESENTATIVE WILLIAM R. HULL

Governor Blair, Governor Docking, Mayor Meers, distinguished guests, ladies and gentlemen, thank you very much. It is an honor to be with you on this memorable occasion.

This great celebration has been made a reality through the efforts of a great many public-spirited citizens and I want to take this moment to congratulate each and every person who has contributed, in time and effort, to the success of this occasion.

To try to list the names of all these citizens would be quite impossible but I do believe it is fitting for us to pay tribute to the memory of one man who did much to make this day one to remember.

I refer of course to our friend, the late Karl Goetz, and I know that all of us wish he could be here with us to enjoy this great day.

Ladies and gentlemen, near this spot 100 years ago, a stirring scene in the drama which is the development of America was enacted.

A young man—it matters not whether Johnny Fry or Billy Richardson or Alex Carlyle—mounted his horse and galloped off through the gathering darkness on the first leg of a perilous journey which today symbolizes the winning of the West.

It is not difficult for us to recapture the excitement and significance of that day. As we retell and reenact the events of 100 years ago, we share in its color and drama.

Through the eyes of Johnny Fry or Billy Richardson we can look west, across our familiar river, at the huge untamed territory lying beyond the outpost States of the Mississippi Valley.

In all this vast expanse between our Missouri River and California is a pioneer land, where the Indian and the buffalo roam at will, where civilized people are few and far between, and where the yoke of law hangs lightly on every shoulder.

On the western rim of the Mississippi Valley, the land begins to rise across semiarid stretches to the foothills of the Rockies.

Beyond these towering mountains lay more than a thousand miles of plateau and basin, split by mountains, slashed by valleys, and blistered by deserts.

Across the plains and mountains and deserts, trails have been worn deep by the tread of oxen and the grind of wheels, and near the trails are many graves.

This vast, rich dominion is yet to be conquered and exploited. In 1860, the territory is American, but just barely.

This is the challenge to the men of the pony express: To link East with West, to provide a fast communication link between the old territory east of Missouri with the new area west.

The difficulties to be surmounted are formidable. We must overcome savages and weather and terrain, and brave hundreds of unknown dangers which lurk along the trail from St. Joseph to Sacramento.

The reward is $25 a week and immortal glory.

In the San Francisco newspapers, an advertisement has appeared. It reads: "Wanted, young skinny, wiry fellows not over 18. Must be expert riders willing to risk death daily. Orphans preferred. Wages $25 per week."

That is a quaint way to recruit employees by present-day standards but remember, this is 1860, and today in St. Joseph there are any number of fellows who, with the vision of $25 per week, will gladly change places with Johnny Fry or Billy Richardson.

Although the businessmen who are in charge of the operation, Messrs. Russell, Majors, and Waddell, do not know, their pony express venture is destined to become a financial failure.

In less than 2 years, it will be a business of the past.

But in that short span of time, it will make contributions to the development of America which will be forever inscribed on the pages of our history books. Its significance is unquestioned. The pony express has blazed a new trail from east to west, the trail of communication.

By swiftly conveying news of great national importance from Washington and the East to the Pacific coast, the pony express cements the loyalty of the western territory to the Federal Union in the perilous days of 1860 and 1861.

It opens the West to orderly progress and seals its loyalty to the Nation.

Thousands of people preceded the lonely pony express rider across the great reaches of the West, but he helped open the door for many millions to follow.

Today, of course, is 1960 and the world has turned over many times since the pony express rider dashed away from these stables, which are now a great historical shrine.

Times have changed a very great deal. The transmission of a message from St. Joseph to Sacramento, for example, can be accomplished almost instantaneously, instead of in 10 days.

But this city of St. Joseph, which we love, still is an important crossroad of our Nation. It remains a vital link between the old East and the still young and ever growing West.

Likewise, we in St. Joseph still face challenges, as did the intrepid men of the pony express whom we honor here today.

And I believe we can take a page from the book of these men who, whether by personal design or accident, wrote a courageous chapter in the history of our country.

Today, our Nation still is threatened by savages, of a different sort.

We still must contend with perverse weather and the occasional obstinacies of terrain.

In a word, we are plagued by the same type of conditions and circumstances which beset the heroes of the pony express, although perhaps they appear in a different guise.

Our national goal is not too much different than it was in the boisterous 1860's, the achievement of a strong and stable America and the perpetuation of our own form of democracy.

To solve our national problems and achieve our national aspirations, we can certainly borrow the quality which distinguished above all others the riders of the pony express, courage.

We must acknowledge that the greatness of our country has not been easily achieved, and cannot be easily protected. We must realize that no goals worthy of the name can be attained without sacrifice, and to sacrifice requires courage.

We must unswervingly protect and augment what we know to be our just credo, that every person born by the grace of God has the right to live in freedom and pursue happiness, regardless of origin of birth, race, color or creed.

In this troubled world, we must strive to bring about a moral rejuvenation which alone can achieve the lasting peace which nuclear bombs and diplomatic convolutions cannot possibly achieve.

Yes, even though our world today is in many respects a world apart from that of the men of the pony express whose work immortalized this spot at which we are gathered, we can borrow very liberally upon

their qualities to build an even better America.

St. Joseph, Mo., the proud birthplace of a great episode in American history, is the best place in the world to dedicate ourselves to the job of carrying forward, with similar courage and enterprise, the American goals so nobly served by the pony express.

My friends, the men of the pony express pursued a dream, and captured it.

Let us have the courage to do the same.

The Landrum-Griffin Bill

EXTENSION OF REMARKS
OF
HON. GERALD T. FLYNN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. FLYNN. Mr. Speaker, labor in the United States had during the 18th century and the first half of the 19th century a very stormy existence. It was a federally unregulated commodity when management-labor disputes arose. The only recourse that either side had to a responsible legal tribunal was in the event the criminal law was violated or in the event a situation existed which permitted the seeking of an injunction. The days from Samuel Gompers to William Green were hectic days for labor; days when working men and women found that they had no rights that could be protected in a court of justice and that the democracy for which this country was known throughout the world including the right to a fair trial did not exist when a labor dispute was involved. Criminal prosecution for violence was frequently prosecuted by management against individuals whose emotions caused them to violate the criminal law during their picketing operations. Management used the injunction to the fullest extent possible, but there was no legal tribunal prior to the passage of the Wagner Act during the Roosevelt administration in 1934 that could determine whether a bargaining unit existed among the employees and what union, if any, represented the employees. There was no law that required management to sit down with labor's representatives and bargain collectively on the issues involved in the labor dispute. Working men and women were thus powerless to demand better wages, hours or working conditions. The Wagner Act became the Magna Carta of the American working man and woman. For 25 years, American labor grew and prospered under the protective arm of the Wagner Act. Congress attempted to repeal it, to amend it out of existence, or in other ways to scuttle it. Nineteen States passed right-to-work laws which virtually repealed the Wagner Act insofar as those 19 States were concerned. Congress refused to appropriate adequate funds to permit the act to be administered properly throughout the United States. This required the Labor Relations Board to reject many classes of cases. These became known as the "no-man's land" cases because there remained no court to which the issues and disputes could be taken. However, basically the Wagner Act stood as a monumental bulwark for the protection of American working men and women as well as for the protection of employers in the event of unlawful or unfair claims by the working man and woman.

The enemies of labor scored in 1959 during the 86th Congress. They were able to blow up a national prejudice against certain labor leaders because of unfair or unscrupulous conduct in their individual cases and that developed a national hysteria and hatred against labor and the labor movement throughout the United States. This hysteria descended on Congress through a campaign carried on by the national chamber of commerce and the National Manufacturers Association in 1959 when Congress was considering a perfectly fair and reasonable bill which was designed to regulate labor just as the banks are regulated; to regulate it with the thought in mind of improving it and with no thought of injuring the labor movement. Honest labor and labor leaders were cooperating with the Congress in an attempt to pass a fair regulatory piece of legislation.

Hysteria among the people fomented by every known media of communication caused Congress to pass the now infamous Landrum-Griffin bill which did the following things:

First. Authorized the National Labor Relations Board on a permanent basis to continue limited operation of the National Labor Relations Board and to continue to refuse to act upon those classes of cases which fell within the "no-man's land" cases. This meant that the National Labor Relations Board could permanently give up jurisdiction over management or labor grievances as was provided for in the Wagner Act. This was a repeal of the Wagner Act insofar as it affected those cases.

Second. The cases involved in the "no-man's land" dispute affected 90 percent of the employers of the United States and approximately 30 percent of the working men and women of the United States.

Third. The above constituted an emasculation of the Wagner Act and was an absolute repeal of the Wagner Act insofar as it applied to 90 percent of the employers and 30 percent of the employees of this Nation.

Fourth. The Landrum-Griffin bill requires the payment of excessive bonding fees to a chosen few insurance companies. This excessive expense will be a burden to many trade unions in this country.

Fifth. The Landrum-Griffin bill permits both unions and employers to be sued for union or nonunion activity. One employer in my district at Whitewater, Wis., is now being sued for $1½ million because of antiunion activity. Many unions throughout the country are similarly being sued.

Sixth. Because of the removal of the jurisdiction of the National Labor Relations Board from labor disputes involving merchants doing business in every city in this country, it has made these merchants "prey" of whatever demands James Hoffa may make upon them when he organizes them into his union. I mention this because the bill was passed for the purpose of controlling James Hoffa and, as a matter of fact, it has given to him a large field where he can work without the fear of any Federal control or intervention and beyond the veil of the National Labor Relations Board.

Captive Europe and the Summit

EXTENSION OF REMARKS
OF
HON. JOHN S. MONAGAN
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. MONAGAN. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to draw the attention of the Members of Congress to a statement by Senator THOMAS J. DODD which appears as the lead article in the current issue of Free World Review.

In this article, Senator DODD makes the argument that we would be on sure ground—legally, morally, and politically—if we raise the issue of the captive nations at the forthcoming summit meetings; and he argues further that this is the only way in which the West can go over from its present defensive position to a diplomatic offensive.

Because of its significance, I include the text of Senator DODD's article, entitled "Captive Europe and the Summit," in the RECORD. I believe that Senator DODD has formulated his proposal in a manner which makes it appear both logical and politically realistic.

The article follows:

CAPTIVE EUROPE AND THE SUMMIT

(By THOMAS J. DODD, U.S. Senator)

If the Western Powers continue further along the path they followed so far at Geneva, the forthcoming summit conference may very well result in a new "Munich."

On the other hand, if the Western Powers go to the summit with a clear awareness of what is at stake, the summit may yet be used as an opportunity to seize the initiative from the Kremlin and reverse the sorry trend of recent years.

As the distinguished editors of Protracted Conflict have pointed out, the cold war has thus far been conducted according to a one-sided set of rules. It has always been fought on the territory of the free world, while the territory controlled by the Communist world has been considered sacrosanct. We have fought back against Communist offensives—sometimes successfully, sometimes unsuccessfully—but we have never ourselves launched a political offensive or counter-offensive.

I fear that if we continue to adhere to this self-imposed set of rules through very many more years of cold war, the free world will be lost.

At the forthcoming summit meeting the Communists will endeavor to confine the discussion to Berlin, as they did so successfully at Geneva. If we permit them thus to limit the agenda to the territory of the free world, the conference, almost inevitably, will result in a further retreat by the West. Somehow the West must find a way of going over to the offensive. But how do we do it, and at what points?

In my opinion, the only answer to this question is—the captive nations. On this issue we are on sure ground—legally, morally, and politically.

Legally, we can point to the series of postwar covenants assuring the captive nations of the right to choose their governments in democratic elections.

Morally, we can invoke the Atlantic Charter and we can point to the overwhelming vote by which the U.N. General Assembly condemned Soviet intervention in Hungary.

Politically, there is no issue on which the Kremlin is more sensitive or more vulnerable.

There may have been a time when the Kremlin believed that it could crush the spirit of resistance in the captive nations and ultimately produce a generation of Communist robots. If they seriously entertained this illusion, the events of the past few years have certainly destroyed it. In quick succession there have been the East German uprising, the Poznan uprising, the Polish revolt against Moscovite control, the Hungarian revolution, the Tibetan revolution.

That the will to freedom which exploded so heroically in Hungary in October 1956 remains unsubdued was once again proved by the spontaneous emotional mass demonstration which greeted Vice President NIXON in Warsaw. Marguerite Higgins quoted a senior European diplomat as saying that the Warsaw demonstration convinced him that, if it came to war, the Kremlin would have to place the whole of Poland under military occupation.

In my opinion, this is a great understatement. If it came to war in Europe, the Kremlin would have to place its entire satellite empire and much of the territory of the Soviet Union under military occupation. This task alone would strain the resources of the 100 Red army divisions west of the Urals. As for the 75 satellite divisions, there is a far greater chance that they would fight on our side than that they would fight on the side of the Soviet Union.

I believe we should call Khrushchev's bluff by saying these things frankly to him. And, having done this, I believe we should place before the summit conference a package deal that calls for—

(a) Free elections under U.N. supervision in East Germany and the captive nations;

(b) Disengagement in depth on both sides of the prewar Soviet frontiers;

(c) A nuclear test ban and a substantial degree of disarmament, with adequate inspection; and

(d) Increased East-West trade, including the extension of credits.

The liberation of the captive nations, in my opinion, is the one objective for which we should be willing to pay with substantial reciprocal concessions. If the Soviets were to agree to liberation, then we could afford to offer such concessions without endangering our future security.

From the Soviet standpoint, the package deal I have outlined would have definite advantages. It would enable them to disembarrass themselves of the troublesome, rebellious captive nations under the protection of a face-saving formula. It would offer them security, disarmament, trade credits—all objectives that have figured high on their list of demands. And, in pursuing this line of argument, it might be pointed out to them—in all accuracy—that their relations with independent, non-Communist Finland have in many respects been more satisfactory than their relations with some of their satellites.

In pursuing the objective of liberation, we should use all the devices of diplomacy. We must first of all establish our strength and persuade the enemy that we are aware of his weakness. We must place him on the defensive by shifting the arena of diplomatic controversy to territory under his control. We must offer counterconcessions that are not only intrinsically valid but provide the enemy with a face-saving formula. We must show ourselves as persistent in pursuit of our goals as the enemy is in pursuit of his.

And finally, we must hold forth to the world the possibility of genuine coexistence.

(The dictionary defines imperialism as a "doctrine leading to the territorial expansion of a state or to its domination of others.")

Year	Countries	Population (thousands)	Area (square miles)
	ANNEXED OR UNDER SOVIET ADMINISTRATION		
1940	Part of Finland	450	17,600
1940	Estonia	1,122	18,300
1940	Latvia	1,951	25,400
1940	Lithuania	2,957	21,500
1945	Part of German East Prussia.	1,187	5,400
1945	Part of Poland	11,800	69,900
1945	Part of Czechoslovakia	731	4,900
1945	Part of Rumania	3,700	19,400
	Total	23,898	182,400
	CONTROLLED BY U.S.S.R.		
1945	East Germany	18,807	42,900
1945	Poland	26,500	120,355
1948	Czechoslovakia	12,340	49,381
1947	Hungary	9,750	35,902
1948	Rumania	16,100	91,584
1946	Bulgaria	7,160	42,796
1946	Albania	1,175	10,629
	Total	91,832	393,547

In all, within 8 years Moscow succeeded in extending its control over an area of 575,947 square miles with 115,730,000 inhabitants.

Only one power used the Second World War as a cover for its own territorial expansion—the Soviet Union.

Dr. Murry H. Fly

EXTENSION OF REMARKS
OF
HON. J. T. RUTHERFORD
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. RUTHERFORD. Mr. Speaker, one of Texas' greatest educators, Dr. Murry H. Fly, passed away in Odessa, Tex., on April 4, 1960, after a lifetime of dedicated service to his profession and his fellow men. The people he helped numbered in the thousands, and I think that every person whose life was touched by Murry Fly is better for it. I personally will always owe him a debt of gratitude for the guidance and kindly assistance he gave me during my formative years. It shall always be a matter of deep pride and personal satisfaction to me that I had the opportunity to graduate from a public school system which Murry Fly guided with wisdom, kindness, and a dedication almost beyond belief.

At the time of his passing, Dr. Fly was president of Odessa College, which he founded in 1946. The college started first as a dream of Murry Fly's, but he was not one to idly dream and do nothing about making it a reality. When the Odessa College was first founded, students met in borrowed or makeshift classrooms, utilizing whatever facilities were available. But Murry Fly was a builder and in the 14 years he served as president of Odessa College he fashioned an excellent, modern school with many beautiful buildings located on its own campus. Those houses of learning will stand as a monument to Murry Fly, and the good that he did will continue to be reflected in the thousands of young people who attend Odessa College in years to come.

Before founding Odessa College, Dr. Fly served for 24 years as superintendent of Ector County schools, and it was here that I first came to know him when I was a schoolboy looking for the leadership that he provided. Prior to his long and distinguished service with the Ector County schools, Dr. Fly had served as superintendent of school systems in Red River County, Collin County, and Strawn County, all in Texas. On July 1, 1959, he celebrated his 50th year in education, and received justly deserved tributes from friends, outstanding citizens, former students and fellow educators all over the world.

Dr. Fly was himself the product of the rural public schools of his native Mississippi, and received his bachelor of arts degree at East Texas State College. He took bachelor of arts and master of arts degrees from the University of Texas, and graduate work at the University of Chicago and Denver University. He received his doctorate degree at Texas Tech College.

Dr. Fly was born October 8, 1886, at Friar's Point, Miss., and in 1913 married Mildred Hamm, of Fort Worth, Tex. From their long happy union came five sons and two daughters, each of whom are outstanding people worthy of their heritage, and I am proud to call them my personal friends.

Dr. Fly was a tireless worker for any cause in which he enlisted. He served his community in many ways, and was proud of the fact that he had a record of 24 years of perfect attendance in the Lions Club. He served as governor of 2-T-2 District, Lions International, and held 1 of the 11 international keys presented in the history of international lionism. He was active in many educational and teachers organizations, serving in many elective capacities within them. He also served a term as president of the Odessa Chamber of Commerce, and was a devout member of the First Christian Church.

I extend my sincere sympathy to Dr. Fly's bereaved widow, to his children, grandchildren and other relatives. I feel a sense of personal loss in his passing, but I am consoled by the thought that the good works he did will live on.

Questionnaire Results

EXTENSION OF REMARKS
OF
HON. ODIN LANGEN
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. LANGEN. Mr. Speaker, our office has just finished tabulating the results of a questionnaire which we sent out

earlier in the session to residents of Minnesota's Ninth Congressional District. This questionnaire deals with eight of the issues facing this body, and the 7,027 replies which we have thus far received have been evaluated both totally and in five separate occupational groupings.

In the hope that the opinions expressed in this poll might be of benefit to my colleagues, I am calling them to the attention of the House at this time.

Comments and a percentage summary follow:

1. In the field of Government spending, the replies which we received indicated an overwhelming majority in favor of payment on the national debt or, at least, a balanced budget.

2. In response to the agricultural question, 63.5 percent of those replying indicated their favor with some type of controls and supports. The differences of opinion with regard to what form this program should take, however, reflect the general lack of agreement on how best to improve agricultural income and reduce taxpayer expense.

3. Regarding our mutual security (foreign aid) program, a large majority was almost equally divided between appropriations smaller than last year and appropriations the same as last year; 5.5 percent voted for increased foreign aid spending.

4. A raising of the present $1,200 limitation on outside earnings of those receiving social security benefits was favored by a majority of those who replied. This majority was largest among business and professional people, and smallest among those who are presently retired. A majority of farmers replying were against the raising of this limitation.

5. Together with the question concerning agriculture, that regarding a medical and surgical health plan for social security recipients resulted in the greatest difference of opinion. The replies against such a proposal were 1.1 percent larger than those in favor. Replies against were more common among business and professional people; replies for were more common among retired and salaried people.

6 and 7. A majority of those who replied were against Federal financial assistance for school construction, and a very large majority were opposed to such aid for teachers' salaries. This was uniformly true among all groups, with the exception of professional people, who comprised about 10 percent of the total replies. Those in this occupational grouping, while substantially opposed to Federal assistance for teachers' salaries, voted slightly in favor of aid for construction.

8. The large majority in all groups who voted in favor of Federal legislation to deal with such situations as the recent steel strike indicated the general response to such labor-management disputes.

PERCENTAGE SUMMARY

1. Which approach to Government spending do you believe will best serve the Nation's economy at this time? (1) Deficit spending, 2.9 percent; (2) a balanced budget, 37.1 percent; or (3) income exceeding outgo, permitting payment on the national debt, 56.1 percent. No opinion, 3.9 percent.

2. Which do you believe will best serve to bolster farm income, and at the same time decrease costs to the taxpayer? (1) Increased controls and supports, 12.5 percent; (2) reduced controls and support, 20.4 percent; (3) increased use of the soil bank principle, 5.2 percent; (4) a combination of controls, supports, and increased use of the soil bank, 25.4 percent; or (5) absolutely no Government participation in agriculture, 29.9 percent. No opinion, 7.3 percent.

3. Do you believe this year's budget for our Nation's mutual security (foreign aid) program should be (1) Smaller than, 44.8 percent; (2) roughly the same as, 44.2 percent; or (3) larger than, 5.5 percent—the approximately $3.1 billion appropriated by the Congress last year? No opinion, 5.5 percent.

4. Do you believe the present $1,200 limitation on outside earnings for those receiving social security benefits should be raised? Yes, 54.6 percent; no, 43 percent; no opinion, 2.4 percent.

5. Do you believe this country should institute a medical and surgical health plan for those receiving social security benefits which would be administered and financed by the Social Security Administration? Yes, 47.9 percent; no, 49 percent; no opinion, 3.1 percent.

6. Do you believe the Federal Government should provide financial assistance for elementary and secondary school construction? Yes, 42.5 percent; no, 53.3 percent; no opinion, 4.2 percent.

7. Do you believe the Federal Government should provide financial assistance for teachers' salaries? Yes, 19.8 percent; no, 76 percent; no opinion, 4.2 percent.

8. Do you believe the latest steel strike has shown a need for Federal legislation in this field? Yes, 80.4 percent; no, 15.6 percent; no opinion, 4 percent.

Transfer of the U.S.S. "Charles Ausburne" to the Federal Republic of Germany

EXTENSION OF REMARKS
OF
HON. KATHARINE ST. GEORGE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mrs. ST. GEORGE. Mr. Speaker, the following remarks by our colleague, Congressman RIVERS, of South Carolina's First District, were made at the transfer ceremonies of the U.S.S. *Charles Ausburne* (DD–570) to the Federal Republic of Germany, in Charleston on April 12, 1960.

This gallant ship was Adm. Arleigh Burke's flagship in the war in the Pacific.

These ceremonies, that I had the honor to attend, were impressive and moving, and Mr. RIVERS' splendid speech was one of the high points of this truly great and historic occasion. The speech follows:

Never before in recorded history has a vanquished nation risen from the depths of adversity to regain and reclaim its position among the freedom-loving nations of the world.

The success of the Federal German Republic in reasserting its economic position in European and world trade is due in large part to the faith and understanding of the American people.

The Congress of the United States has reflected this confidence of the American people by joining hands with the leaders of the Federal German Republic to provide it with the necessary tools to insure its freedom against possible future oppression. As a Member of the Congress of the United States, and also as a citizen of the great State of South Carolina, I am particularly aware of the problems that have faced the Federal German Republic since World War II.

As you know, we in the South have also known the bitterness of defeat. We also know the heartbreak and anguish that faces a great people when the fortunes of war turn against them. Most importantly, however, we know the burning desire of the vanquished for freedom and the right to live as a God-fearing people, and therefore, I think it is particularly appropriate that the people of Charleston have joined hands with the peoples of West Germany to assist them in their continued fight for freedom.

We in America recognize the splendid recovery which is the story of postwar West Germany. We share your hopes and aspirations for the future and therefore, I think it particularly significant that upon the occasion of the recent visit of Chancellor Adenauer, our President reassured him personally, that we would not abandon West Berlin under any circumstances.

We know that some of our allies appear not to share our strong views on this issue. However, in America we recognize full well that the future of West Berlin is inextricably tied to the future freedom of all Europe. And, to the extent that we may compromise our stand on West Berlin, to the same extent we compromise forever the principles of freedom for which we all stand.

I think it also significant that the President of the United States endorsed the necessity for future tariff reductions among the free nations of Western Europe so as to insure the continued economic growth of this vital bastion of freedom.

Great words have been said about the importance of this last destroyer being transferred to the German Republic. Nothing more need be said on this subject for I am certain that my good friend Admiral Ruge will do a masterful job of welding this latest link into the defense armor of the free nations of Western Europe.

We in America are not militarist, nor are the people of Western Germany. However, we have all learned to be realists. We know that we cannot continue to enjoy the fruits of freedom without paying the price of an adequate defense; therefore, in closing I think it important to reiterate that the cost of freedom and peace is high, but it is well worth the price we pay.

Thank you.

Tribute to Farrell Senior High School

EXTENSION OF REMARKS
OF
HON. CARROLL D. KEARNS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. KEARNS. Mr. Speaker, I wish to pay tribute to the Farrell Senior High School, where I was superintendent of schools before coming to Congress, on its fine record in the field of athletics.

Farrell High School is a comparatively young school so far as organized and competitive sports are concerned, having competed only since 1916. The Farrell High School basketball team has won five State championships—1952, 1954, 1956, 1959, and 1960. This is more State championships than any other school in Pennsylvania has won—and under one coach, Mr. Edward J. McCluskey. These championships won since 1952 are in class A, the highest classification in basketball among schools in the State.

I not only pay honor to the coach, Mr. Edward McCluskey, but also to Mr. John Hetra, who succeeded me as superintendent of schools in Farrell, and who was a great basketball player and referee himself.

My tribute to the superintendent and the coach reflects back also on each and every member of the team and the student body.

Salaries for Postal Employees Should Be Raised

EXTENSION OF REMARKS
OF
HON. GERALD T. FLYNN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. FLYNN. Mr. Speaker, the Federal employees, and in particular postal employees, are complaining bitterly about the failure of the U.S. Government to keep their pay schedule on a par with the cost-of-living index. Postal employees are a dedicated group. They are men who have given up the chance of larger earnings for the security that goes with Federal employment. They cannot strike. They cannot even bargain collectively. They are at the mercy of a Government that should be dedicated to fair and equitable treatment of its employees. The Government, however, is taking advantage of the employees and their inability to bargain collectively or to strike, and is failing to pay the postal workers a rate that is commensurate with similar employees in municipal and private employment.

Starting in 1952 the wage rates of policemen and firemen throughout the country have gone consistently upward. The increases for postal workers has failed to keep pace with increases to firemen and policemen, and today many a postal employee's family finds that the annual salary of the breadwinner of the family falls several hundred dollars short of paying the normal costs of supporting a family. This group was shocked to find that the President did not provide additional funds for a pay increase in his budget message, or ask for an increase in the state of the Union message. Instead, double talk was used and it was suggested that a study be made of Federal wage rates. It reminds one of Nero playing the fiddle while Rome burns. This callous disregard of the immediate needs of the postal employees for a fair and adequate raise in pay cannot be understood by the postal employees or their families, or justified by the Government. It appears that a fair and adequate wage rate is sacrificed to the desire of the administration for a surplus in the budget. We all want a surplus in the budget, but not at the expense of being unfair to postal employees or to other Federal employees. It has been said that we cannot afford an adequate military defense, that we cannot afford to keep even with Russia in the missile race, that we cannot afford the money necessary to protect the health of our people through initiation of an adequate water pollution program, that we cannot afford to spend money on public works to maintain our physical plant; such as preventing flood control on the rivers of Indiana where millions of dollars in damage is caused through floods every spring, that we cannot afford housing programs or the expenditure of a reasonable amount of money for slum clearance and for urban renewal. To the above must now be added that we cannot afford to pay our own postal employees a fair day of pay for a fair day of work.

We can, however, in the thinking of the administration, afford passage of the vault cash bill, to raise the interest rate for the benefit of the bankers at a cost to the Federal Government and private enterprise of approximately $40 billion a year. We can afford to spend approximately $4 billion a year on foreign aid.

Do you not think that our Nation can afford to treat its Federal employees and, in particular the postal employees, in a just manner insofar as their wages are concerned?

Accolade to Atlantic City Commissioners

EXTENSION OF REMARKS
OF
HON. MILTON W. GLENN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. GLENN. Mr. Speaker, in New Jersey, a certain form of municipal government widely used is the commission form, with either five or three commissioners, according to population, and who in turn elect one of their members as a mayor. One of the unusual aspects of this form of government is that it has its own special election date, and the candidates run without any official designation of a political party. It is a political nonpartisan election.

The largest city in my Second District of New Jersey is Atlantic City, the mecca of thousands of vacationists every year, and the convention capital of the world. It was incorporated as a city in 1854 and was under a councilmanic form of government until 1912, when it adopted the commission form with a mayor and four commissioners. During all these years, there was never an election without opposing candidates or tickets, and I may say many Atlantic City elections of the past were turbulent to say the least.

This year on May 10, there will be another election for five commissioners, and for the first time in the history of Atlantic City no opposing candidates have filed to oppose the incumbents. This is so unprecedented it calls for comment.

The present commissioners are Mayor Joseph Altman and Commissioners John O'Donnell, Meredith B. Kerstetter, William F. Casey, and Richard S. Jackson, and they are all candidates for reelection. As natives of Atlantic City, they have seen and lived through many periods as the prosperity of Atlantic City follows the economic trend of the Nation. It is a health and pleasure resort with little industry, and has annual problems to face with a fluctuating population of 60,000 in winter to over 300,000 in summer, on an island 5 miles from the New Jersey mainland. The municipal maintenance and supervision of the economy are difficult under such circumstances, but added to this is the fact that Atlantic City must compete with scores of other cities and areas as a health, and recreation resort and convention city.

Down through the years the city has held its own, but in the past decade it began to show signs of wear. True, the ocean, the beach, and the sunshine were always there, but these were not enough in this modern world.

These five commissioners under Mayor Altman—these five dedicated officials saw these things and decided the world's playground needed a face lifting—that its facilities and the economy needed help. They proceeded with a planned program of municipal renovation—removing the antiquated trolley car system running the length of the island and replacing it with buses; widening and repaving the main through streets; improving and modernizing the world's largest convention hall; rebuilding, redecking, and beautifying the world-famous boardwalk; changing municipal ordinances to encourage the removal of old wood constructed side avenue hotels for modern fireproof motels with side-by-side swimming pools and ice skating rinks. These things—this encouragement—this leadership has brought results. In the last several years, Atlantic City has and is undergoing an economic revolution. Scores of new modern motels in all locations have been erected, and are still going up. Convention business is increasing, bank deposits making new records, and thousands of satisfied guests are being served weekly.

Therefore, it must be that the citizens of Atlantic City have recognized these things and do honor to their incumbent commissioners by not opposing them for reelection. They have taken cognizance of the fact that their welfare depends on the good management of their city by experienced and dedicated officials. To one in the political field, I know of no way that an electorate could better show their confidence in their elected officials than by this reelection by unanimous acclaim. I join them in this accolade to Mayor Joseph Altman and Commissioners O'Donnell, Kerstetter, Casey, and Jackson.

Franklin Pierce Adams

EXTENSION OF REMARKS
OF
HON. JOHN S. MONAGAN
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. MONAGAN. Mr. Speaker, I was saddened recently to read of the death of Franklin Pierce Adams, the famed

columnist, "F.P.A.," who for so many years conducted the noted "Conning Tower" column in various metropolitan newspapers.

For those of us who came of age in the twenties and thirties, "F.P.A." and his column had a place in our lives which has never been duplicated.

Urbane and witty, Adams through his life fostered a respect for classical learning, a love for good literature and a sense of the importance of the ability to construct a clear and coherent English sentence.

In a time when regard for cultural matters was not as current in America as it is today, Adams through the persistence of his efforts inculcated in his readers an interest in great poetry, in notable writing and in artistic creation generally which was then encouraged by too few others in positions of such influence.

To remember how we awaited his translations of Horace, his Gilbertian verse or his weekly diary in the style of Samuel Pepys is to evoke the atmosphere of another day.

It is my conviction that we as a nation must return to adherence to many of the values which Franklin P. Adams thought important and which we have thoughtlessly discarded in the hectic war and postwar years.

Franklin P. Adams' efforts to raise our American cultural standards have been monumental and I can think of no finer tribute to his memory than to say that these efforts are still bearing fruit.

The Folly of the Buy-European Program

EXTENSION OF REMARKS
OF
HON. GERALD T. FLYNN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. FLYNN. Mr. Speaker, my thoughts turn to the folly of the buy-European program because of a letter written by one of my constituents to Mr. Charles Coe, editor of the Whitewater (Wis.) Register. The letter is set forth as follows:

MARCH 23, 1960.

Mr. CHARLES COE,
Whitewater Register,
Whitewater, Wis.

DEAR CHARLES: I do not know whether this information is of interest to your readers or not. Sometimes I think there is no interest, again I believe there is interest but they do not know what to do about it.

As you know 80 percent of our production is in plastics. We have just received a letter from the Society of the Plastic Industry telling us that a total of 6,547,000 plastic raincoats were imported to the United States from Japan and other foreign countries in 1959. When this is a broken down against our labor in Whitewater it means a total of 4 coats per hour or a total of 818 people working 40 hours per week for 1 year's time.

This is what is happening to the plastic raincoat industries in the United States. Now, this is but a small example, what about the 1,001 other products and industries in the United States where imports are taking command.

I would think that if politicians and union leaders would get out and promise relief and fight this infiltration of foreign goods it would mean a lot more to our economy than many of the things being promised and offered to get votes.

It can only mean that many a worker will be seeking unemployment compensation and then relief if this situation continues. Any worker that goes out and buys foreign products is asking for trouble, as we cannot have our cake and eat it too. I am beginning to think we should again think in terms of "Buy America First."

Very truly yours,

LEO PERRY.

It has been brought to my attention, through a committee in which I serve, that this country is a customer for 12,000 fishing vessels in the next 10 years. These vessels can be bought in foreign shipyards for one-half of what they can be purchased for in this country. Our committee is informed that it is the policy of the administration to permit these fishing vessels to be purchased in foreign shipyards. Our committee is almost unanimously opposed to this policy. I have a special interest in that particular contract, because most of the powerplants in these boats will be manufactured by Fairbanks, Morse Co., a substantial industry in my district.

I have many cases in my district where manufacturers have reported to me that they were the low American bidder, and that the bid was so low that they could not reduce it and make out on the job; nevertheless, because of low wages in foreign countries, coupled with a lower standard of living, which means a lesser cost for raw materials involved, and because the manufacturer is not paying American taxes, the 6-percent preference granted to American bidders was wholly insufficient to make up the difference in cost and the work is going to Japanese, German, Italian, or other European concerns. I refer to a wire cable company in my district, a fine organization with a background of about 100 years of manufacturing, which lost a large contract in competition with a European bidder. I refer to a $6 million contract for locomotives at the Panama Canal where several American bidders, including one in my district, lost out to the Mitsubishi Co. of Japan. Each of you who read this article can add many specific examples to this list, I am sure, and I could, also, add many others. These, however, pinpoint the fact that American business is going European. When this happens, it means that American citizens lose employment. When they lose employment, the Government loses taxes for the reason that the Government is a partner with every individual workman and manufacturer. The manufacturer loses the normal profit and suffers idleness of his plant, causing harm to his corporation and loss to the entire community, because of the loss of payroll and subcontract work in the area where the manufacturer is located. If the manufacturer takes the contract at a price competitive with European bidders, it means that he must lower wages in his plant and lower other costs. The result of this is that his workmen and those dealing with him must, because of their lowered income, reduce their standard of living. This tends to lower the American standard of living and brings it down to the standard of living of people in European or Asiatic countries.

I do not believe this is proper. I believe it is the duty of every elected representative to support, maintain, and improve the standard of living of all American citizens. People, the world round, desire American citizenship because of the fact that this country has been able to offer its citizens a better way of life and a higher standard of living than they have known in other countries. It is the duty of all of us to maintain this and to continue to build our country and to improve the way of life in our country.

It is appalling to most of us to see the Eisenhower administration supporting, encouraging, and promulgating the "buy European" program. We all know that we must buy abroad if Europe is to buy from us, but—there is such a thing as Government control—such as we had during the days when Cordell Hull was Secretary of State when he negotiated independent trade treaties with each foreign country and thereby improved trade relations for American merchants throughout the world and at the same time kept a balance of trade in favor of this country. This kept moderation in the "buy European" programing and prevented unnecessary high tariffs. Today, we have a steam engine running without an engineer. There appears to be no one steering the ship of State. American purchasing power is being spent abroad to improve the standard of living in Europe, while American manufacturers have idled their factories, and American workmen are unemployed because they cannot secure American orders unless they reduce their standard of living to that of Europe or Asia. The result of this is loss of taxes to the United States and a lower standard of living for American citizens.

I believe that Leo Perry of Whitewater, Wis., was entirely correct in the position that he took in his letter to the editor of the Whitewater Register. His small industry is typical of the thousands like it throughout the country who have suffered, and will continue to suffer, if this country permits the "buy European" program to grow without the imposition of controls and regulations.

Congressman Donald J. Irwin on Cuba

EXTENSION OF REMARKS
OF
HON. EMILIO Q. DADDARIO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. DADDARIO. Mr. Speaker, my distinguished colleague from Connecticut, Congressman DONALD J. IRWIN, is most knowledgeable about matters dealing with Latin America.

He recently made a statement concerning Cuba which prompted editorial comment in the Bridgeport Sunday Post on April 10, 1960.

Congressman IRWIN said:

WHAT MUST WE DO CONCERNING CUBA?

It is important, I think, that we respond with vigor to unfavorable and unwarranted attacks upon us by the Castro government. We must do so, I feel, with the idea in mind of protecting our interests in the rest of Latin America. At the same time, we must take every step to prevent any untoward incident that will give Castro an opportunity to attack us further. Specifically, we must halt unauthorized flights by American planes over Cuba, for such flights only weaken our position at home and abroad.

I am very much opposed, incidentally, to proposals for broadcasting directly from the United States to Cuba. Such plans, it seems to me, would be repeating the fatal mistake made during the days of Peron in Argentina when our Ambassador tried to interfere. If we broadcast anti-Cuban programs, then we will be identified as the only anti-Castro force in Cuba and all Cubans will rally behind Castro. This suggestion only underlines the need for a full-blown Voice of America program for all of Latin America which would bring to the Latin Americans a clear idea of what the long-range U.S. objectives are. The VOA would spell out specifically what our programs and hopes are for the free people of Latin America.

President Eisenhower's recent trip aroused all kinds of hopes for the roles we are to play in the future development of Latin America and we must be ready to help meet these expectations. I disagree with Mr. Eisenhower's claim upon his return from his recent goodwill tour, however. The President maintained that our prestige was never higher in Latin America. In my opinion, our position in Latin America has never been more perilous.

It is of vital importance, I believe, that we explain our democratic system of government and outline the role that private enterprise can play in the development of Latin American countries. Private American capital invested abroad can do much to help Latin America meet its needs.

These remarks not only initiated the following article but caused a change of opinion within the editorial staff of the Bridgeport Sunday Post:

IRWIN REPORTS ON CUBA

Congressman DONALD IRWIN, of Norwalk, recently back from a meeting of the Caribbean Assembly and a personally financed side trip to Cuba to get firsthand impressions of the situation there, says the island republic is headed for "serious economic troubles in the near future."

All signs point to it, but despite the fact, Cubans do not want Fulgencio Batista, or anyone like him, back in power. Representative IRWIN had only 48 hours to make observations in Cuba but his fluency in the Spanish language made the gathering of information comparatively easy for him.

Anti-American attacks by Castro, he believes, should be answered "with vigor" but with the idea in mind of protection for our interests in other Latin American countries. He failed to notice, he reports, any spontaneous anti-Americanism, as he walked about the streets. Cubans knew at once he was an American, yet there was no demonstration of the hatred that has been generated by the head of the rebel regime.

The Fairfield County Congressman came away convinced that Castro's management of economic affairs will surely lead to crisis. He favors a ban on unauthorized flights to Cuba from Florida, but he is opposed to broadcasting directly from this country to the island.

We had regarded the broadcasting idea as a good one, to talk directly to the Cuban people, but Representative IRWIN says if we do it, we will be identified as the only anti-Castro force in Cuba, and all Cubans, of all shades of opinion, will rally to Fidel against the United States. That seems to be sound reasoning.

Representative IRWIN suggests the need for broadcasting the Voice of America to all Latin American nations, to give them a clear idea of our long-range friendly objectives, spelling out our hopes and our programs for the free peoples.

Our Congressman's is the latest voice to be raised in explaining what now seems to be inevitable. Castro was big enough to lead a revolt against brutality, thievery and general economic distress. But he has proved beyond any doubt that he is not big enough to lead his nation toward prosperity and good relations with us. His campaign against us has been deliberate, not accidental, and is without basis in fact.

This is known by the business and professional people in Cuba, and the middle-class citizens. Soon the peasants and the poorest workers will know it, too. And then things will have to change—for the better we hope.

Address by Chairman Overton Brooks on Government and Outer Space

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. ANFUSO. Mr. Speaker, under leave to extend my remarks, I wish to insert in the RECORD a major address delivered by the gentleman from Louisiana [Mr. BROOKS], who is chairman of the Committee on Science and Astronautics, of which I am a member.

Congressman OVERTON BROOKS spoke at the University of California at Los Angeles on Wednesday, April 13, 1960, in the fourth of a series of 12 lectures on "Peacetime Uses of Space." Other speakers in the series include Lt. Gen. J. H. "Jimmy" Doolittle, Lloyd V. Berkner, Ralph J. Cordiner, Dr. Willard F. Libby, Vice Adm. John T. Hayward, and Dr. Edward Teller.

In this distinguished company, Congressman BROOKS delivered a sound and discerning address on "The Place of Government in the Utilization of Space." He pointed out that our space lag, in comparison with the U.S.S.R., resulted from our own past decisions and not from any inability to do things in outer space as well and as fast as the Russians. In fact, he said, we have apparently taken only about half as long as the Russians to develop IRBM's and ICBM's. Congressman BROOKS proposed a number of steps that would enable this country to make the best possible effort in outer space.

I particularly welcome the statements by Congressman BROOKS that new international accommodations will be necessary in the peaceful uses of outer space, and that the space age will increase the incentives and opportunities for nations to live together in peace and harmony.

The address follows:

THE PLACE OF GOVERNMENT IN THE UTILIZATION OF SPACE

I. INTRODUCTION

It is a great pleasure to take part in this exceptional series of lectures on the peacetime uses of space. The University of California has earned the gratitude of all Americans by providing a forum for a distinguished array of speakers to examine in detail the sweeping implications of space technology. Dr. Simon Ramo, who suggested the series, has expressed the hope that public understanding and responsiveness will be enlarged and heightened. All of us who have been honored with the opportunity of speaking here must share that hope and accept its challenge.

My topic is the place of Government in the utilization of space. In dealing with so broad a subject matter, it will be necessary to pick out certain aspects as most suitable to the purposes of the lecture series.

I will begin with the present circumstances of the national space program; the values we can expect it to achieve; its importance to our international position; proposed changes, and historical background.

Then I will take up some problems of space regulation and control. Space law is not only needed, but needed urgently, in view of the facts of space and the participation by other countries in space exploration and research. Later, it will also be necessary to regulate the activities of private enterprise in space. Up to now, all American space activities have been conducted by the National Government. For some time to come, the Government will continue to be the principal space entrepreneur. In a society dedicated to private enterprise, however, it seems inevitable that space will sooner or later be used for private purposes. Space law must anticipate this development.

Finally, I will list some steps that would enable this country to reap the benefits of space technology both sooner and more certainly. Time is short. The opportunities are vast.

II. NEED AND VALUE OF ASTRONAUTICS

The year 1960 began in Washington with a great debate over the national space program. I wish I could tell you that the outcome was a clear set of conclusions. Unhappily, the charges and rebuttals are still flying through the air like ballistic missiles. Many outsiders complain that they feel confused. Some insiders may secretly feel the same way, though they may never admit it. And no wonder. For example, at least four different sets of comparisons of American and Soviet missile strength have appeared in major newspapers of the Nation.

I am not going to try to clear up the missile gap or even the space lag. The roots of the disagreement go deeper. If you want to know about the prospects and problems of using outer space, including our chances of outstripping the U.S.S.R. in the long run, and what our Government can do to help, you need information of a more fundamental kind. Perhaps we should return to fundamentals, and start with the need and value of space flight. The debate in Washington has revealed a difference of opinion on this subject, even within the executive branch of the Government.

People have been dreaming about space travel for thousands of years. Now that we have the means to make the dream come true, however, many people begin to doubt the value of our space program. Is it merely political and psychological—that is, are we going into outer space just for reasons of national prestige and advantage in the cold war? Or is it military—to prevent outer space from being used against us, and to

use it, if need be, against our enemies? I would answer that the value of our space program is both psychological and military, in the cold war and the hot war alike, and could be amply justified on either ground, in the perspective of 10 or 20 years. Or we can justify it on the ground that it leads mankind further along the roadway toward his destiny.

More directly, for most of us, the value of our space program is also scientific and economic. If you happen to be a teacher or a housewife, it may be hard to think of outer space as something that affects you. Yet it does just this; and sooner or later, a lot of our prosperity as well as our national security is going to be wrapped up in outer space.

For example, we can look forward to better and cheaper methods of radio communication, weather forecasting and navigation by means of satellites. Already new developments in treating diseases and in analyzing the human anatomy, which will have a direct effect upon human beings, are being developed in our space program. New space exploration may unlock the ancient secrets about the origin and use of the solar system and even of life itself.

Admittedly, such wonders lie in the future. Yet I expect to see some of them myself in the next 10 years or so.

At present, space exploration is first and foremost a new means of scientific research. Naturally, this aspect appeals to the scientific community, both at home and abroad. It is only the beginning.

III. MILITARY AND CIVILIAN USES OF SPACE

From what I have just said, you can see that the benefits we hope to gain in outer space are both military and civilian. We all welcome the fact that the value of space exploration is apparently much greater than just the military possibilities. At the same time, the relationship between the military and civilian space programs has raised problems from the very beginning. The first successful American satellite was launched with a military missile in the hands of military personnel. We thus began to acquire the ability to explore space, in the first place, through military efforts to develop missiles as weapons of war. The U.S.S.R. had the same experience.

All concerned, including our military leaders, agree that space exploration is not solely a military program. Neither can we deny that space has tremendous military significance. The problem, then, is either to separate military and civilian space functions, or to link them in some effective relationship.

As many of you know, this kind of problem is not confined to space alone. It is a perennial problem of government in dealing with new technology. For example, the Atomic Energy Commission was given the job of providing nuclear warheads for military missiles. The armed services, however, remained responsible for the means of delivery and for developing and using the military weapon systems. In the field of atomic energy, then, civilian and military functions are not entirely separated. This arrangement has worked well.

The Space Act of 1958 created a new civilian space agency. The result is a system of cordinate civilian-military control, which was recommended by the President in his message to Congress of April 2, 1958. In its final form the act had the full approval and signature of the President.

The civilian space agency was given general authority to plan, direct and conduct aeronautical and space activities. At the same time, the act provided for full cooperation between the civilian agency and the defense establishment. Because civilian and military interests in space are often difficult to separate and unavoidably overlap, machinery was created both for coordination and for overall control. For this purpose the act established a National Aeronautics and Space Council, of which the President has been chairman, and a Civilian-Military Liaison Committee for the day-to-day coordination of civilian and military space activities.

As time has gone on, it has become apparent that neither the Space Council nor the Liaison Committee was used effectively. On the other hand, there is general agreement that the Space Act provides an adequate basic framework for national space activities.

In a recent message to Congress, President Eisenhower declared that—

"A single program embracing military as well as nonmilitary space activities * * * does not exist and is in fact unattainable."

There are certain questions that trouble me on this score: Are the military and civilian space programs really so separate and distinct? How should they be coordinated? How should the space effort be divided between military and civilian agencies? Is there a need for long-term planning, direction and coordination, encompassing both the military and the civilian space programs; and, if so, how should the need be met?

On all these questions there is a clear-cut difference of opinion. For example, in contrast to President Eisenhower's views, General Medaris told the Committee on Science and Astronautics:

"I believe strongly, and feel that it is wholly demonstrable, that the fields of ballistic missilery and space exploration and exploitation are in fact naturally indivisible elements of a single broad technology and that a continuance of divided efforts in this broad area cannot but result in delay, duplication, and waste of both money and manpower.

"From a purely technical viewpoint, there is so little difference between civilian and military space programs that there is no justification for their division and resulting duplication."

In dealing with the various proposals to proceed with space development, the U.S. Government must draw upon the thinking of its ablest leaders—in politics, science and economics. As time moves along and developments indicate shortcomings in the space program, changes in space legislation as well as in the organization of the executive branch may be necessary.

In order to make wise decisions, the Federal Government must determine what priorities should be assigned to the space program; and, as time goes on, this decision will have to be reviewed repeatedly.

President Eisenhower has indicated that in his mind this Government is not engaged in a space race with the U.S.S.R. For example, he was asked whether he felt any sense of urgency in catching up with Russia either in space exploration or in military missiles. He replied (according to the New York Times):

"I am always a little bit amazed at this business of catching up. What you want is enough, a thing that is adequate."

We may naturally ask: "Adequate for what?" Surely not adequate for catching up with Russia.

Again, when he was asked whether our national prestige was at stake in space exploration, he replied:

"Not particularly, no."

At that time he seemed to take issue with the overwhelming, if not unanimous, opinion of vigorous leaders who have come by the hundreds before the committees of Congress declaring that our national prestige was, in fact, in great jeopardy. Every witness who has stated his views on the subject to the Committee on Science and Astronautics has agreed that our status in space development is a major factor in the cold war, and tends to be taken abroad as an indication of our civilian and military prowess.

President Eisenhower also said in his state of the Union message:

"Our effort in space exploration * * * is often mistakenly supposed to be an integral part of defense research and development."

This fits in well with the other statements I have quoted. The view that we are not, or need not be, in a space race with the U.S.S.R. in my opinion, ignores both the effect of space achievements on other nations and the military potential of space technology—which I believe cannot be denied.

And, of course, space developments do have a vital military potential. It is difficult to conceive of any major development in space that may not in time fulfill vital military needs.

Like the automobile and the truck, space vehicles must in time fulfill military needs. All means of communication and conveyance have military potentialities, and having these potentialities, are subject to military use. Nuclear energy in time may be diverted entirely to meet civilian energy requirements, but will continue to have important military applications. Space developments, too, may be devoted to peacetime pursuits and requirements, but they will still have vital military applications which we should not attempt to deny.

Under these circumstances, what is most needed in space research? Surely, basic research is fundamental to the needs of the military as well as to peacetime necessities. It is fundamental, not only in the field of space but also in other types of research and development. For example, the knowledge that we gain from the man-in-space program will apply to the medical treatment of man-on-earth.

All these considerations affect the question whether the space program should be divided among different departments of the Government or should be placed entirely in the NASA. Of course, no one would deny to the military the development of weapons in their field applications.

I know that there are, in this country, people to whom competition is still the "spice of life," and who urge that it will make for better progress if basic research is divided among different Government agencies. They argue, naturally, that the need of economy in these new developments will be met by efficiency and reducing unnecessary effort. Of course, no system can avoid some degree of duplication. But competition in pure science is costly in both time and money.

It would be better to have competition among individual scientists, and complete cooperation among the various agencies of Government in our space program. America has neglected basic science. Only in recent years have our leaders given thought to better, more aggressive and more efficient programs for building up our treasures of basic research. In our official program of pure (as contrasted with applied) space science, NASA can be expected to put forth its full effort with a minimum of overlapping and duplication (and without the bickering and back-biting which in the past have muddied our major space efforts).

IV. STATUS AND PROSPECTS OF THE NATIONAL SPACE PROGRAM

At present, the space program is drifting with the winds of expediency. While continuing to deny that our space program involves national prestige, competes with the Soviet program or requires any particular urgency, the present administration is nevertheless devoting more money to the development of this program. Federal funding of the space program must of necessity increase year by year. The demands of NASA will increase, and the space development of the armed services will not diminish for many years.

Only three Polaris submarines were included in the current budget. Without

prior warning, Admiral Burke stated on February 8 that the Navy will ask for funds to build six more.

The administration had directed a drastic cut in funds requested by the Atomic Energy Commission to develop a nuclear-powered space rocket (Project Rover). As a result, the project was expected to be delayed by a year or more. There are those who say that the delay was not justified on technical grounds. On March 8, 1960, the AEC transferred funds within its own budget to add $11 million to Project Rover.

Naturally, I am pleased that these vital programs will be getting more support. It does seem to me, though, that they should have had adequate support at an earlier date in accordance with an overall plan. Must we proceed by fits and starts—one step forward and two steps back? Surely it is costly and dangerous to play our national space policy by ear.

Suppose we take a longer look ahead. What are the long-term plans for our space program?

On January 28, 1960, the National Aeronautics and Space Administration gave the Committee on Science and Astronautics an estimate of its budget needs for the next 10 years. The total was less than $15 billion, or an average annual rate of some $1.5 billion. Recall that the agency received more than $500 million for this year—its first full year of operation—and is requesting $915 million for fiscal year 1961.

Yet the agency presented its 10-year budget forecast as sufficient to wrest space leadership from the U.S.S.R.

Although it seems to lack sufficient urgency, the 10-year program is technically well thought out. It calls for the flight of a Mercury astronaut (not in orbit) in 1960; an unmanned "hard" landing on the Moon in 1961; planetary probes of Mars or Venus in 1962; and an unmanned "soft" landing on the Moon in 1963.

By the standard of meeting our competition, however, it seems too low, overoptimistic, and unrealistic.

For example, the only big space boosters included in the 10-year program are those already under research and development: the Saturn and the Nova. As you know, our space lag is mainly in boosters. The Saturn is expected to become available by 1965. Four F–1 engines (six in some versions), each producing 1½ million pounds of thrust, will be clustered to make the Nova. The first flight test of the F–1 engine is not scheduled till 1968. No date has been set for completion of the Nova. If the U.S.S.R. develops even bigger boosters in the meantime—before 1970—ours space budget will need to be raised very sharply, or we will fail to reach the goal of catching up. Dr. Wernher von Braun told my committee: "I consider it quite likely the Russians have a larger rocket than any they have flown so far."

To give another example, manned flight to the moon is not scheduled in the 10-year program until after 1970. Dr. von Braun also told my committee that he "would not be surprised if Russia makes a soft landing on the moon this year."

Can we catch up with the Soviet Union? I believe we can, and I have yet to meet any American who thinks otherwise. Even Khrushchev seems to agree. At the U.S. Fair in Moscow last summer, Khrushchev talked with Dr. John Turkevich, a Princeton professor who speaks fluent Russian. Dr. Turkevich later reported that he said to Khrushchev:

"We will catch up to you and beat you in satellite weight before you surpass us in wheat production" (an astute remark in more ways than one).

Khrushchev replied seriously: "America is a strong and powerful country. If it sets its mind to do something, it will succeed."

V. THE SPACE LAG

Ever since the first Russian satellite was launched in 1957, we have heard loud cries that we were lagging behind the Russians in space. This charge is not to be lightly brushed aside. Qualified witnesses have agreed that the mainstage rocket, or booster, used in Soviet space missions produces from six to eight hundred thousand pounds of thrust. In this country, the largest rocket booster is still the 300,000-pound-thrust Atlas. We are trying to bridge the gap by developing high-energy upper stages as well as bigger boosters. Within a few years, we may have perfected the giant Saturn rocket. In the meantime, however, the U.S.S.R. is not likely to stand still.

According to testimony given to my committee, the Soviet space lead is based primarily on this 2-to-1 superiority in rocket thrust. Greater thrust permits the U.S.S.R. to carry out space missions that would otherwise be impossible. It also shortens leadtime, and increases reliability.

As you all know, the result has been a string of firsts and other exhibitions of Soviet prowess in rocketry. These are not hollow triumphs; they reflect an ability to put men and instruments into orbit, or into deep space, for a variety of purposes. They have also convinced many people around the world of Soviet leadership not only in rocketry but in broad areas of science and technology. While it is clearly a delusion to take rocketry alone as a proof of general scientific progress, the fact that many people do so has affected the world position of the United States.

The impact of Soviet space feats on world opinion has now been recognized by many high officials of the present administration—including Dr. George Kistiakowsky, the President's scientific adviser, who recently said that we "cannot ignore the very real political implications of various spectacular accomplishments in outer space that have come to have symbolic meaning to the world at large."

A month or so earlier, Dr. Kistiakowsky observed that this country is engaged in "a scientific and technological contest with the Soviet Union, which today involves our national prestige, and tomorrow, perhaps, our very survival."

Now, I am not recommending national self-flagellation, though I think a little self-criticism is good for the soul and good for the country. On the contrary, I believe that Soviet superiority in rocket thrust, while undeniably an important index of space capabilities, should be kept in proper perspective.

Whether in space research or military astronautics, the best results are not always obtained with the biggest boosters. Nor can progress in space research be measured by the chronology of spectacular feats. There are too many partial measures which cannot simply be added up—for instance, the variety and types of missiles and space vehicles, the number of successful launchings, instrumentation, reliability, tracking and control devices.

Dr. Homer Newell of the National Aeronautics and Space Administration recently completed a study of American and Soviet space research programs. He concluded that the U.S.S.R. leads us in high-altitude measurements, biological experiments, payload package ejection, deep-space probes, and vehicle technology. On the other hand, he said, the two countries appear to be nearly equal in upper air research and in satellite studies of the earth's environment; and the United States has taken the lead in solar radiation experiments and in studies of the atmosphere up to an altitude of about 200 miles.

The detailed comparisons made by Dr. Newell may be cause for concern but hardly for despair. In fact, he might well have included a list of the very creditable American "firsts" in outer space—for example, putting the first satellite into a polar orbit; putting the first satellite into a (near) circular orbit; the first ejection of capsules from satellites; and the first use of a satellite for communications relay. It is widely believed, furthermore, that we have more than held our own in guidance, miniaturization, and data recovery. There is even some feeling, though it is hard to verify, that we have acquired more useful scientific data.

I particularly wish to point out that our space lag, in comparison with the U.S.S.R., is the result of conscious choices.

It is not the result of inability to do things in outer space as well and as fast as the Russians. In fact, the Russians have developed more powerful rockets than ours because they began their development 5 or 6 years earlier.

We did not give high priority to ballistic missiles until 1954, when we first knew that we could make light, small nuclear warheads. Government witnesses told my committee that we made a choice at that time between lighter warheads and more powerful rockets. We chose the lighter warheads. Why could we not pursue both courses, and make both the lighter warheads and the more powerful rockets? If we had done so, according to expert testimony, we might not now be trailing the Russians in outer space.

Is it possible that the space and missile programs have been tailored to fit budgetary preconceptions?

In August of 1955, Dr. von Braun told a high-level meeting that he had the hardware to put the world's first satellite into orbit. He was not allowed to proceed.

In 1956, General Medaris received an order from Washington, instructing him not to let the Jupiter C go into orbit. At that time, General Medaris and his scientific colleagues were about to test-fire the Jupiter C. They believed it could be put into orbit at will.

Remember, the first Russian satellite was not launched until October 1957.

Yet, as you know, our Thor and Jupiter IRBM's are now available in quantity, and our Atlas ICBM's became operational at about the same time as their Russian counterparts. Considering the dates when we began our programs, it appears that we developed IRBM's and ICBM's in about half as much time as the Russians.

This is an accomplishment in which we can all take pride. But it was made necessary by our own earlier decisions not to develop large rocket boosters and not to engage in a satellite program. The same decisions have hampered our efforts in outer space up to this very day.

VI. SPACE LAW AND INTERNATIONAL COOPERATION

So far, I have been talking about our own national space program, what it means to us, and how it seems to be progressing. Now I should like to turn for a moment to the less evident but no less vital problems of space regulation and control.

There is a need now to begin work on the establishment of general space law. Man's ability to explore and use outer space is developing rapidly. Not only the United States and the U.S.S.R. but many other nations will soon be in the game. Any delay in creating applicable rules of international law may make our later efforts more difficult.

The need for space law is more than a mere matter of traffic control, important though that may be. Perhaps it would help to give a few examples.

A pressing problem of space law concerns responsibility for the effects caused by the return of spacecraft to earth. In addition to the need for international agreements dealing with liability for the resulting injury or damage, it may well be necessary to change domestic law. At present, it is by

no means certain that an American citizen harmed by an American space vehicle could recover damages in an action against the Government.

Another problem is the allocation of radio frequencies for space use. Frequencies have been used in violation of treaty provisions, and transmissions have continued, interfering with normal communications, long after their purpose had been served. Looking to the future, we can see a coming "war" of the radio frequency spectrum. In effect, the spectrum is a scarce natural resource, already overloaded, which will be required to carry more and more traffic. The growing overload will come not only from military but from scientific and commercial use. Rapid communications will be needed among an increasing number of points for production, transportation, and other economic activities. In outer space, unless agreement is reached on frequency allocations, the information acquired by difficult and costly experiments may well be lost.

To give another example, scientists are beseeching their governments to help in keeping space clean. At the first international meeting on space science, held at Nice in January of this year, great concern was expressed over the dangers of contaminating other planets with living organisms from the earth and of contaminating the earth if space vehicles return from other planets. In H. G. Wells' novel, "War of the Worlds," man himself could not overcome the invaders from Mars, but man's diseases did. The dangers of interplanetary contamination are far-reaching and not at all fanciful. They are certainly a proper subject for space law.

It is apparent that new international accommodations will be necessary in the peaceful uses of outer space. Without trying to make a complete list, we can see now that conflicts may arise, unless an understanding is reached, in a number of fields including the extension of national sovereignty into outer space, interference among space systems and rivalry on the moon and the planets.

There is a more positive side to the novel forms of international cooperation which are likely if not certain to develop as a result. It is true that the use of outer space may create new international problems and tensions. We should not forget, however, that it also increases the incentives and opportunities for nations to live together in peace and harmony.

I will not trespass any further on the domain of the space lawyers except to repeat that their work and its practical applications are of great concern to us all. In order to benefit from the full fruits of space exploration, I believe, we must proceed at once to develop the principles of space law, and try to reach early agreement on the scientific and commercial uses of space.

VII. CONCLUSIONS

To me, the most hopeful omen of our future space progress is the growth of public understanding and support. Two years ago, there were many doubters. Today, most informed people in this country seem convinced of the necessity for going ahead in space at urgent speed.

Let me suggest some definite steps that would enable us to make the best possible effort. My suggestions will not be startling. In fact, I believe that each of these steps is self-evident and that most of you will find yourselves in agreement that each should be taken.

First, recognize that we are engaged in a long-run space race with the U.S.S.R., and make up our minds to compete.

I am speaking, of course, about the scientific and peaceful investigation of outer space. In the field of military missiles, however, there are two matters that deserve special mention: defense against the ICBM and the Polaris program.

An adequate means of defense against ICBM's has not yet been developed. We should not rest until it has been perfected.

Polaris is not just another missile system. It is a different kind of weapon—an almost invulnerable means of inevitable retaliation, if it can be made ready in time. The Minuteman, with mobility made possible by trucks and rail transportation, has a finite ability to land nuclear warheads at the end of an 8,000-mile range, doubtless within a mile of its target, as the Russians claim for themselves.

To close the missile gap by matching the U.S.S.R. missile for missile would be costly, protracted, and perhaps unprofitable at this time; to leap it with Polaris and Minuteman could transform our whole strategic situation. To develop Nike-Zeus as a sure, effective means of stopping nuclear warheads launched from 8,000 miles away would give us in America the possibility of returning to a posture of composure which is badly needed.

Second, emphasize large rocket boosters and high-energy upper stages, including the possibilities of nuclear and ion propulsion.

Third, improve the management of our military and civilian space programs. I will not try to predict what precise form of organization will finally emerge. There is a crying need, however, for comprehensive long-range planning, clear lines of authority, vigorous leadership, and continuity of effort.

Finally, further emphasize basic and supporting research and scientific training—the indispensable reservoir on which all our future progress must depend.

VIII. EPILOGUE

In conclusion, I want to say that we are now crossing the threshold into a new and expanding era of human development—the space age. It is perhaps the most interesting and exciting age through which mankind has ever passed. It is an age filled with tremendous developments, discoveries, and changes, the character of which we cannot at this hour even predict.

At the inception of this entirely new era, the Government must take the leadership in space. As time moves on and the age of space takes form and becomes more sharply focused, activity will tend to move from complete Federal control and direction into the hands of private commerce and enterprise. As it grows, space will become a human activity, felt in the channels of commerce, industry, and even in the normal and routine activities of everyday home life. We today are laying the basis for life in this new age.

The Terrible Cost of Inflation

EXTENSION OF REMARKS

OF

HON. GERALD T. FLYNN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1960

Mr. FLYNN. Mr. Speaker, American citizens and constituents in all of our districts are sincerely and vitally concerned about the effect that inflation will have and is having upon our country, our economy and the value of the property which American citizens own. It is well that the people of this country should be aroused, because it is only through an aroused citizenry that anything effective can or will be done to stop the paralysis of inflation from engulfing and paralyzing the economy of our Nation.

This is an election year and matters of such great concern to the people will, during the coming campaign, be discussed openly and vigorously. It is well that this be done. I, as a Democratic Member of this body, place the blame for the inflation that already exists and for that which may come upon our Republican leadership. We had little or no inflation during the Korean war and after World War II because President Truman and the Democratic leadership inaugurated steps to prevent it. When the Republicans took office in 1952, they virtually invited inflation and are continuing today the very policies that have caused the inflation that presently exists. The Republicans refused to take steps to have the Federal Reserve bank support the bond market of the Treasury Department. The Federal Reserve bank then went on strike against the Government of the United States and refused to buy the 2½-percent bonds which the Government was issuing to finance its public debt. During the Democratic administration, steps were taken to force the Federal Reserve bank to support the Treasury Department. This resulted in the bond retaining the full value of 100 cents on the dollar and in interest remaining at 2½ percent on the public debt. Private interest rates follow the public interest rates and remain about 2 percent above. It, therefore, resulted in private interest rates ranging from 4 to 5 percent.

When the Federal Reserve Bank went on strike against the Treasury of the United States, it forced the Secretary of the Treasury to offer an increased rate of interest on the Government bonds. This policy continued with the Federal Reserve Bank continuing to keep pressure on the Secretary of the Treasury until they forced the interest rate on the long term bonds to the maximum legal limit of 4¼ percent. This drove the private interest rate to approximately 6 percent and in some cases 7 percent. The President of the United States then led the drive to secure for the bankers of this country a further increase in the interest rate; and has continued, to the present time, to put pressure on Congress to remove the 4¼ legal rate on long term Government bonds. To date, Congress has resisted this pressure but may possibly weaken before the end of this session. If Congress does weaken, it will mean that the interest rate on long-term Government bonds will increase, I believe, to at least 6 percent. This would bring the private interest rate to 8 or 9 percent. The result of the present interest increase is that the interest on the public, private, corporate, and municipal debt has increased by approximately $15 billion per year. These are all inflationary dollars, since neither the Government nor the people receive anything in return, either in the way of service or commodities for the additional interest that is paid. Infla-

tion is also brought about by constant wage increases where employers pay more for the same productivity, and no one denies that wage increases have had an inflationary effect. The Government, however, and the Republican Party attempts to deny that the interest increase has had a deflationary effect. They are wrong. The Republicans issue news releases to the paper viewing with alarm the inflationary trend, and then inaugurate interest increase which is the most inflationary act that any government or people could permit at a time such as we are living in. This same party advocated the vault cash bill which gave without consideration to the Federal Reserve banks $15 billion worth of American bonds, and then required the taxpayers of America to repurchase these same bonds with further tax dollars to the tune of another $15 billion. This act also denies the U.S. Treasury the interest that it was receiving on the $15 billion worth of bonds which it has authorized to be turned over to the Federal Reserve bank without consideration. I ask each Representative in Congress if the people in your congressional district can afford to pay the taxes necessary to repurchase the $15 billion in bonds that the Republican Party wanted given without consideration to the Federal Reserve banks. I ask you if the people in your congressional districts can afford to pay the increased interest on the private and public debt to the tune of $15 billion per year that the Republican policy has brought about as a result of their permitting the Federal Reserve bank to strike against the Treasury of the United States.

I point out, too, that Republican administration increased the cost of operating the Department of Agriculture from slightly over $2 billion per year when they took over in 1952 to better than $7 billion per year at the present time. They removed the local committee jobs that were handled gratis by local committeemen on an honorary basis and replaced them with an army of bureaucrats drawing from $5,000 to $10,000 per year each. They have failed to improve the farm situation, but they are spending $5 billion inflationary dollars each year more than was being spent under the Democratic administration when the farmers were receiving 100 percent of parity for their produce. The Republican Party continues to engage in diversionary tactics to attempt to throw the blame for inflation upon the Democrats, while they yield to the big money interest and the banking interest and engage in consistent inflationary programs that injure the taxpayer and help only the banks.

I have recently received a communication from the St. Mark's Home and School Association which is located in my district. Those who prepared this resolution are sincere, honest, God-fearing Americans and who truly have at heart, the best interest and the welfare of this country and its people. They are thinking of the future of their children and of the American way of life and they have good reason to be concerned. I print at length the resolution received, as I believe that it testifies to the thinkings and feelings of the average American citizen in this country today:

RESOLUTION OF ST. MARK'S HOME AND SCHOOL ASSOCIATION

Whereas for nearly two decades, and particularly following World War II, the United States has experienced a sharp inflation of its currency, which inflation is still continuing; and

Whereas during the last decade the value of the U.S. dollar has been reduced more than half; and

Whereas if this trend continues it will seriously affect our economy, destroy our position as a leader in world affairs, aid Russia's avowed intention to destroy us as a democracy, and may even destroy the form of government under which we now live; and

Whereas such inflationary trend has already wreaked havoc upon many of our citizens who depend upon fixed incomes such as pensions and other like means of income, and has debilitated the savings of the older citizens who have frugally prepared for their old age and further inflation will wreak even further havoc upon them; and

Whereas one of the causes of such inflation has been the Federal Government's policy of refusing to live within its income, borrowing money for current expenses and increasing the legal debt limit; and

Whereas during times of war it may be necessary for the Government to borrow in order to meet extraordinary expenses, but to continue to do so in times of peace is against the rules of sound economy and against our tradition as a nation; and

Whereas our Government, by pursing a policy of thrift and frugality can, we believe, live within its income, balance its budget and reduce its indebtedness, and by pursuing such a policy reduce the heavy burden of taxes as well: Now, therefore, we do hereby

Resolve, That we urge our elected Members of the Congress of the United States to use their voices, influence, and votes to reduce waste and extravagance in Government, to cease borrowing additional moneys with which to meet current expenses, to work for a balanced budget, and to refuse further raises in the debt limit except in cases of extreme emergency.

Dated at Kenosha, Wis., this 21st day of March A.D. 1960.

Mrs. LAWRENCE RUETZ,
President.

Attest:

Mrs. EDWARD W. JEANNAT,
Secretary.

SENATE

THURSDAY, APRIL 14, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, in these holy days when we observe the passion even unto death of the one Thou didst send to reveal Thy love which will not let us go, forgive us that too often we call ourselves by His name, and then measure success in material terms which He would scorn. In the light of this Holy Week, save us from the supreme folly of making money and security the goals of personal living and of national existence.

Grant us the grace to rekindle the candles of devotion and sacrifice upon the inner altar of our hearts.

For all through life we see a cross
Where sons of God give up their breath.
There is no gain, except by loss;
There is no life, except by death.

Beneath the cross of Jesus, help us to write this redeeming truth upon our own lives. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 11, 1960, was dispensed with.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of Monday, April 11, 1960,

The Secretary of the Senate received the following messages from the House of Representatives:

On April 12, 1960:

That the Speaker had affixed his signature to the following enrolled bills:

S. 594. An act for the relief of Lione Tarpinian;

S. 1241. An act for the relief of Sirvart Kasabian;

H.R. 135. An act to amend the Internal Revenue Code of 1954 to exclude from gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries;

H.R. 3676. An act to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg.;

H.R. 6155. An act to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951;

H.R. 6785. An act to amend section 4071 of the Internal Revenue Code of 1954 so as to fix a tax of 1 cent per pound on certain laminated tires produced from used tires;

H.R. 8649. An act to make permanent the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof; and

H.R. 9737. An act to amend the act of March 3, 1901, to eliminate the requirement that certain District of Columbia corporations be managed by trustees the majority of whom are citizens of the District of Columbia.

On April 13, 1960:

That the Speaker had affixed his signature to the following enrolled bills and joint resolution:

H.R. 529. An act to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs, and for other purposes;

H.R. 725. An act to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri;

H.R. 1805. An act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland;

H.R. 3472. An act to repeal section 1505 of the Social Security Act so that in determining eligibility for unemployment compensation their accrued annual leave shall be treated in accordance with State laws, and for other purposes;

H.R. 7588. An act to amend the Internal Revenue Code of 1954 with respect to the treatment of copyright royalties for purposes of the personal holding company tax;

H.R. 9451. An act to amend the act of July 19, 1954, to exempt from taxation certain additional property of the Veterans of Foreign Wars of the United States in the District of Columbia, and to provide that the tax exemption granted the property of the Veterans of Foreign Wars of the United States in the District of Columbia shall be effective with respect to the taxable years beginning on and after July 1, 1959;

H.R. 9543. An act to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes;

H.R. 9820. An act to extend the period during which certain tanning extracts, and extracts of hemlock and eucalyptus suitable for use for tanning, may be imported free of duty;

H.R. 10683. An act to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes; and

H.J. Res. 621. Joint resolution making additional supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED DURING ADJOURNMENT

Under authority of the order of the Senate of Monday, April 11, 1960,

The PRESIDENT pro tempore, on April 12, 1960, signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 594. An act for the relief of Lione Tarpinian;

S. 1241. An act for the relief of Sirvart Kasabian;

H.R. 135. An act to amend the Internal Revenue Code of 1954 to exclude from gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries;

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H.R. 6155. An act to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951;

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H.R. 10683. An act to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes; and

H.J. Res. 621. Joint resolution making additional supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, notified the Senate that, pursuant to the provisions of section 1, Public Law 86-42, the Speaker had appointed Mr. POAGE, Mr. ASPINALL, Mr. YATES, Mr. IKARD, Mrs. SULLIVAN, Mr. DULSKI, Mr. FORD, and Mr. BUDGE as additional members of the U.S. delegation of the Canada-United States interparliamentary group.

The message announced that the House had passed, without amendment, the joint resolution (S.J. Res. 178) relating to the payment of salaries of employees of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 5888) to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements thereon comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Mass., in exchange for certain other lands; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. VINSON, Mr. KILDAY, Mr. PHILBIN, Mr. ARENDS, and Mr. GAVIN were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9307) to continue for 2 years the suspension of duty on certain alumina and bauxite.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9322. An act to make permanent the existing suspension of duties on certain coarse wool;

H.R. 10474. An act to authorize the construction of modern naval vessels;

H.R. 11415. An act to provide for the designation of a portion of the District of Columbia as the "Plaza of the Americas"; and

H.R. 11666. An act making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 9322. An act to make permanent the existing suspension of duties on certain coarse wool; to the Committee on Finance.

H.R. 10474. An act to authorize the construction of modern naval vessels; to the Committee on Armed Services.

H.R. 11415. An act to provide for the designation of a portion of the District of Columbia as the "Plaza of the Americas"; to the Committee on the District of Columbia.

H.R. 11666. An act making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961, and for other purposes; to the Committee on Appropriations.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour, for the introduction of bills and the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

JAMES W. MURPHY

Mr. BRIDGES. Mr. President, during my 24 years as a Member of the Senate, a number of faithful employees have passed on to their reward. On those occasions it has been my sad experience to call attention to what their loss has meant to Congress, and to their great devotion to their duties to the American people.

Today I feel very deep sadness in the passing of our beloved and devoted Official Reporter, Jim Murphy, who had been with the Senate for an extraordinary period of service—64 years. In all, Jim, his father before him, and earlier two of his uncles, served in the aggregate 112

years—starting in 1848. I doubt very much that a similar record will be attained by any other family. Jim Murphy was to me, and I am sure he was to all of us, more than an Official Reporter. He was a real friend, a man who served not only faithfully over the years in a very exacting duty, but brought his personal warmth, his Irish witticism, and cheer to us during trying days and nights of debate and other Senate business.

Despite the nerve-wracking tension of his office, his patience with everyone seemed indestructible. Few can claim that quality.

Jim Murphy saw modern history unfold itself since before the turn of the century. He was on the scene for the great debates of our time. He recorded for the American people and for history the decisions of this body before, during, and after tragic wars, depressions, and prosperity.

There have been few Jim Murphys in history. We will miss him, and we can only console ourselves in the conviction that he has left behind him a record of great love of his work and an unshakable faith in his Government for others to study and pursue.

My deep sympathy goes to the family of Jim Murphy, and I join with them in the sadness brought by the loss of a wonderful person.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the new reports on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce:

Bradley Fisk, of New York, to be an Assistant Secretary of Commerce;

William G. Stokes, for permanent appointment as ensign in the Coast and Geodetic Survey; and

Sigfrid B. Unander, of Oregon, to be a member of the Federal Maritime Board.

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the calendar, beginning with the new reports, will be stated.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The Chief Clerk read the nomination of Robert A. Forsythe, of Minnesota, to be an Assistant Secretary of Health, Education, and Welfare.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

U.S. DISTRICT JUDGE

The Chief Clerk read the nomination of Clemente Ruiz Nazario, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico for a term of 8 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

U.S. ATTORNEY

The Chief Clerk read the nomination of William H. Webster, of Missouri, to be U.S. attorney for the eastern district of Missouri.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

BOARD OF PAROLE

The Chief Clerk read the nomination of Richard A. Chappell, of Georgia, to be a member of the Board of Parole for the term expiring September 30, 1966.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of William F. Howland, Jr., of Virginia, to be a member of the Board of Parole for the term expiring September 30, 1966.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

That completes the new reports on the calendar.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. DIRKSEN, and by unanimous consent, the Monopoly and Antitrust Subcommittee of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

GREETINGS OF SENATE ON 70TH ANNIVERSARY OF FOUNDING OF PAN AMERICAN UNION

Mr. DIRKSEN. Mr. President, on behalf of myself, the Senator from Texas [Mr. JOHNSON], the Senator from Oregon [Mr. MORSE], the Senator from Vermont [Mr. AIKEN], and the Senator from Montana [Mr. MANSFIELD], I submit a resolution extending greetings of the Senate to the other Republics of the Western Hemisphere on the 70th anniversary of the founding of the Pan American Union. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The resolution (S. Res. 304) was read as follows:

Whereas April 14 marks the anniversary of the founding of the Pan American Union, from which the present Organization of American States has evolved;

Whereas the Organization of American States seeks to promote understanding and cordiality among the Republics of the Western Hemisphere;

Whereas understanding and cordiality among the American Republics is a foundation for the peace and economic and social progress of the Americas: Therefore be it

Resolved, That on this seventieth anniversary of the founding of the Pan American Union the Senate of the United States extends to the legislative bodies of each of the other Republics of the Western Hemisphere its warm greetings and expresses a sincere hope for the continuance and intensification of the cooperation of the Americas in the Organization of American States and in other feasible ways.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and unanimously agreed to.

The preamble was agreed to.

PAN AMERICAN DAY

Mr. MANSFIELD. Mr. President, today marks the 70th anniversary of the founding of the Pan American Union, which we now know as the Organization of the American States. This is the principal organization through which the American Republics give institutional form to their common desire for close and continuing cooperation in all matters affecting the Western Hemisphere.

The past year in hemispheric history, Mr. President, has not been without its grave difficulties. One has only to note, in this connection, the unfortunate tensions which exist between this Nation and our close neighbor, Cuba. On the other hand, there have been encouraging developments during the past year. The frank exchanges which occurred between Mr. Eisenhower and Latin American leaders during the course of the President's recent visit and the straight-talking of President Frondizi, of Argentina, and President Lleras, and others, on their visits to the United States, have helped to clear the air.

The stage is set to go forward to a new era of hemispheric cooperation; and I hope that we shall see that era begin in the near future. I express particularly the hope that the passions will cool in our difficulties with Cuba, and that the present antagonism and estrangement will be replaced by a determined effort on both sides to reach an understanding of one another's complaints, attitudes, and aspirations, and that in that fashion we shall begin to close the present unfortunate breach.

Hemispheric cooperation is something every American Republic—our own no less than any other—needs in its own national interest. It is a foundation of the peace and the economic and social progress of the Americas. I can think of no better occasion on which to reaffirm our determination to face frankly and to deal patiently, but persistently, with the problems which beset that cooperation, than this anniversary, this Pan American Day.

Mr. SMATHERS. Mr. President, I would like to take this opportunity to

associate myself with the remarks of the distinguished assistant majority leader, in his tribute to Pan American Day and the spirit of pan-Americanism. His knowledge of Latin American history, culture, and traditions is indeed broad. His application of this knowledge in working for greater inter-American understanding is a service to the nations of our hemisphere.

MEMBERS OF U.S. DELEGATION FOR THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP MEETINGS

The VICE PRESIDENT. The Chair, pursuant to the provisions of Public Law 42, 86th Congress, which authorizes participation by the United States in parliamentary conferences with Canada, appoints the following Senators as members of the U.S. delegation for the Canada-United States interparliamentary group meetings which will convene on April 20, 1960:

Senators FULBRIGHT, RUSSELL, WILEY, AIKEN, MAGNUSON, CAPEHART, MORSE, CASE of South Dakota, MANSFIELD, COTTON, CHURCH, and BARTLETT.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

AUTHORIZATION OF USER CHARGES FOR CERTAIN SERVICES PERFORMED BY DEPARTMENT OF AGRICULTURE

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize user charges for certain services performed by the Department of Agriculture and for other purposes (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON COOPERATION WITH MEXICO IN CONTROL AND ERADICATION OF FOOT-AND-MOUTH DISEASE

A letter from the Assistant Secretary of Agriculture, reporting, pursuant to law, that there have been no significant developments to report for the month of March, 1960, relating to the cooperative program of the United States with Mexico for the control and eradication of foot-and-mouth disease; to the Committee on Agriculture and Forestry.

NOTICE OF PROPOSED DISPOSITION OF CERTAIN GROUND STEATITE TALC

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 6,285 short tons of ground steatite talc now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

REPORT ON AIR FORCE MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISING

A letter from the Director, Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report of the Air Force military construction contracts awarded by that Department without formal advertising, for the period July 1, 1959, through December 31, 1959 (with an accompanying report); to the Committee on Armed Services.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO TAX UPON THE SALE OF AVIATION FUEL

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 by imposing a tax upon the sale of aviation fuel, and for other purposes (with an accompanying paper); to the Committee on Finance.

IMPROVEMENT OF BUDGET AND ACCOUNTING PROCEDURES OF LOAN GUARANTY PROGRAM OF VETERANS' ADMINISTRATION

A letter from the Administrator, Veterans' Administration, Washington, D.C., transmitting a draft of proposed legislation to improve the budget and accounting procedures of the loan guaranty program of the Veterans' Administration by establishing a revolving fund (with an accompanying paper); to the Committee on Finance.

AUDIT REPORT ON RETIREMENT AND SURVIVOR BENEFIT PROGRAM, RAILROAD RETIREMENT BOARD

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the retirement and survivor benefit program, Railroad Retirement Board, July 1959 (with an accompanying report); to the Committee on Government Operations.

ECONOMIC AND TECHNICAL ASSISTANCE PROGRAM FOR GUATEMALA

A letter from the Director, International Cooperation Administration, Washington, D.C., transmitting, for the information of the Senate, a copy of his letter to the Comptroller General of the United States, relating to the economic and technical assistance program for Guatemala, as administered by the International Cooperation Administration (with an accompanying paper); to the Committee on Government Operations.

REPORT ON THE ROLE OF THE DEPARTMENT OF COMMERCE IN SCIENCE AND TECHNOLOGY

A letter from the Secretary of Commerce, transmitting, for the information of the Senate, a report on the role of the Department of Commerce in science and technology (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

AMENDMENT OF INTERSTATE COMMERCE ACT, RELATING TO CIVIL LIABILITY FOR VIOLATIONS OF THAT ACT

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to amend the Interstate Commerce Act in order to provide civil liability for violations of such act by common carriers by motor vehicle and freight forwarders (with an accompanying paper); to the Committee on Interstate and Foreign Commerce.

REIMBURSEMENT OF TREASURY BY PANAMA CANAL COMPANY FOR ANNUITY PAID TO REPUBLIC OF PANAMA

A letter from the Governor of the Panama Canal Zone, transmitting a draft of proposed legislation to provide for the reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama, and for other purposes (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

AMENDMENT OF TITLE 18, UNITED STATES CODE, RELATING TO ESCAPE OR ATTEMPTED ESCAPE OF JUVENILE DELINQUENTS

A letter from the Attorney General, transmitting a draft of proposed legislation to amend chapter 35 of title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents (with an accompanying paper); to the Committee on the Judiciary.

AMENDMENT OF SECTION 1073, TITLE 18, UNITED STATES CODE, THE FUGITIVE FELON ACT

A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 1073 of title 18, United States Code, the Fugitive Felon Act (with an accompanying paper); to the Committee on the Judiciary.

FINANCIAL REPORT OF NATIONAL SAFETY COUNCIL

A letter from the executive vice president, National Safety Council, Chicago, Ill., transmitting, pursuant to law, a report of the audit of the financial transactions of that council, for the year 1959 (with an accompanying report); to the Committee on the Judiciary.

COST ASCERTAINMENT REPORT OF POST OFFICE DEPARTMENT

A letter from the Postmaster General, transmitting, pursuant to law, the cost ascertainment report of that Department, for the fiscal year 1959 (with an accompanying report); to the Committee on Post Office and Civil Service.

AMENDMENT OF FEDERAL EMPLOYEES' GROUP LIFE INSURANCE ACT

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend the Federal Employees' Group Life Insurance Act (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT THE FORAND BILL TO PROVIDE HEALTH INSURANCE COVERAGE AS PART OF SOCIAL SECURITY BENEFITS

"Whereas the Forand bill now pending before the Congress of the United States provides health insurance coverage as part of social security benefits thereby providing 9 out of 10 people 65 years of age and over with health and hospitalization benefits as part of their social security benefits, said benefits to be paid for by the beneficiaries during their working years; and

"Whereas said bill has the endorsement of many medical and hospital authorities and is considered essential to meet the growing need for more adequate medical care for elderly people: Therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the enactment of the Forand bill providing health insurance coverage as part of social security benefits; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

"Adopted by house of representatives, February 29, 1960.

"LAWRENCE R. GROVE,
"Clerk.

"Adopted by senate in concurrence, March 2, 1960.

"IRVING N. HAYDEN,
"Clerk.

"Attest:

"JOSEPH D. WARD,
"Secretary of the Commonwealth."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Armed Services:

"HOUSE CONCURRENT RESOLUTION 10

"Concurrent resolution relating to urging the Congress of the United States to pass the Price bill (H.R. 1157, 86th Cong.) or similar legislation

"Whereas the United States has assumed the right to exercise all and any powers of administration, legislation, and jurisdiction over the territory and inhabitants of Ryukyu Islands under the treaty of peace with Japan; and

"Whereas under Executive Order No. 10713 dated June 5, 1957, the Secretary of Defense is directed to 'encourage the development of an effective and responsible Ryukyuan Government, based on democratic principles and supported by a sound financial structure,' and to 'make every effort to improve the welfare and well-being of the inhabitants of the Ryukyu Islands,' and to 'continue to promote the economic and cultural advancement of the inhabitants'; and

"Whereas the U.S. Civil Administration of the Ryukyu Islands was established pursuant to said Executive order to assure that the Ryukyu Islands will contribute most effectively to the peace and security of the free world and that its basic functions are concerned with the entire operation of the Ryukyuan Government; and

"Whereas the basic operating objectives of the U.S. Civil Administration are as follows:

"1. To promote and encourage the development of an effective and responsible Ryukyuan Government, based on democratic principles and supported by a sound financial structure.

"2. To assist the Ryukyuan people in achieving a viable economy by encouraging all suitable forms of agriculture, fishing, all forms of industry and commerce under a system of free competitive enterprise.

"3. To motivate and encourage the Government and the people of the Ryukyu Islands in achieving constant improvement in the standard of living including housing, education, sanitation, health, and welfare; and

"Whereas it has been difficult for the U.S. Civil Administration of the Ryukyu Islands to implement the aforesaid objectives due to the lack of any revolving funds of reliability to assure the Government of the Ryukyu Islands; and

"Whereas the Price bill (H.R. 1157, 86th Cong.) provides for the establishment of a revolving fund up to $6 million to be available to the Government of the Ryukyu Islands so that it may be the basis for planned long-term economic and social development which would facilitate a more rapid progress toward a self-sufficient Ryukyuan economy and to further the aforesaid objectives of the Executive order; and

"Whereas such a fund would enable the U.S. Civil Administration of the Ryukyu Islands and the Government of Ryukyu Islands to work together as partners to build a "showcase of democracy" in the Far East: Now, therefore, be it

"Resolved by the House of Representatives of the First Legislature of the State of Hawaii, regular session of 1960 (the Senate concurring), That the Congress of the United States be and it is hereby urged to pass the Price bill (H.R. 1157, 86th Cong.) or similar legislation; and be it further

"Resolved, That duly authenticated copies of this resolution be transmitted to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, to the majority and minority leaders of the Senate and the House of Representatives of the Congress of the United States, to the chairman of the Committee on Armed Services of the Senate and of the House of Representatives of the Congress of the United States, to the Honorable Senator HIRAM L. FONG, the Honorable Senator OREN E. LONG, and the Honorable Representative to Congress DANIEL K. INOUYE.

"ELMER F. CRAVALHO,
"Speaker, House of Representatives.
"HERMAN T. F. LUM,
"Clerk, House of Representatives.
"WILLIAM H. HILL,
"President of the Senate.
"WALTER CHUCK,
"Clerk of the Senate."

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"SENATE JOINT RESOLUTION 2

"Joint resolution relative to the transfer of certain military lands for establishment of the Golden Gate Memorial State Park

"Whereas the major western entrance to continental United States has world renown as the Golden Gate; and

"Whereas the Golden Gate has many rich historical associations, including legendary Chinese voyages, the sea expeditions of Cabrillo in 1542, Drake in 1579, Cermeno in 1595, Viscaino in 1602–03, the Portola discovery expedition in 1769, the entrance of Ayala's San Carlos in 1775, the founding of the Mission Dolores and the San Francisco Presidio in 1776, and the voyages of Vancouver in 1792–94 and Rezanov in 1806, among others; and

"Whereas this scenic area, so rich in historic beauty, has a special aura of romance in the opening and development of California and the West, particularly in connection with thousands of gold-rush argonauts who entered California by ship through the portals of the Golden Gate; and

"Whereas both shores of the Golden Gate in California have been held by the United States as historic military forts for more than 100 years; and

"Whereas great numbers of America's Armed Forces departed and returned through the Golden Gate during the Mexican, Civil, and Spanish-American Wars, and during World War I, World War II, and the Korean war; and

"Whereas modern military methods have revised defense tactics to the extent that portions of these romantic and historic military reservations have been declared surplus; and

"Whereas more lands are expected to become surplus in the future; and

"Whereas undeveloped lands within the San Francisco Bay area will be increasingly important for recreation, offered in this historic setting of outstanding natural land and seascape to millions of people, now and in the future: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to consider the transfer to the Division of Beaches and Parks of the State of California of these military lands, if and when they are no longer required for national defense, to be dedicated as the Golden Gate Memorial State Park, a memorial to the history and romance of the West, both military and pioneer, for the enjoyment and use of the people of the State of California and the people of the United States for all time; and be it further

"Resolved, That the secretary of the senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior."

Three joint resolutions of the Legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION 1

"Joint resolution relative to old-age survivors, and disability insurance

"Whereas employees of the largest public agencies in this State, including the State of California, the University of California, the several California State colleges, the city and county of Los Angeles, and other jurisdictions, constituting an estimated 300,000 employees, are not yet covered under the old-age, survivors, and disability insurance program of social security; and

"Whereas the employees of these public agencies may, within the next 2 years, be given the opportunity to come under the old-age, survivors, and disability insurance program by action of this body at its regular session in 1961, and by action of the governing bodies and electorate of certain local jurisdictions; and

"Whereas unlike public employees who were enabled to come under the program prior to 1960, the employees who come into the old-age, survivors, and disability insurance system after 1959 will be at a disadvantage with respect to benefits available to themselves and their beneficiaries, unless the provisions of the Social Security Act relating to retroactive coverage are amended by Congress; and

"Whereas these employees should not be penalized because of the special conditions and problems involved in extending old-age, survivors, and disability insurance to public employees, and in the interests of fulfilling the social objectives of social security and of encouraging universal coverage, Congress should be urged to adopt technical amendments to the Social Security Act required to permit these employees to obtain retroactive coverage to January 1, 1956: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation which will enable public employees who come under old-age, survivors, and disability insurance of social security prior to 1962 to have retroactive coverage to January 1, 1956; and be it further

"Resolved, That the secretary of the senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the chairman of the House Ways and Means Committee, and to each Senator and Representative from California in the Congress of the United States; and be it further

"Resolved, That this resolution does not constitute an expression of legislative policy with respect to the question of social security for State employees."

"SENATE JOINT RESOLUTION 3

"Joint resolution relative to a White House Conference on Narcotics

"Whereas the illegal traffic in narcotics is both national and international in its scope; and

"Whereas California continues to suffer from the failure of agencies of the Federal Government to reduce or prevent the smuggling of narcotics into this State; and

"Whereas the Members of the Senate who officially represented the Senate at the symposium on the history on drug addictions (sponsored by the U.S. Department of Health, Education, and Welfare, and held at Bethesda, Md., on March 27–28, 1958) have observed an apparent lack of cooperation by responsible Federal agencies, in that the Commissioner of Narcotics and his staff were conspicuously absent from the symposium, and,

unaccountably, the proceedings of the symposium have never been published; and

"Whereas the inability of the Federal Government to control the illegal traffic in narcotics through several agencies with overlapping, divided enforcement responsibilities, including the Treasury Department's Bureau of Narcotics and Bureau of Customs and the Justice Department's Immigration and Naturalization Service, utilizing a multiplicity of laws with varied penalties, urgently warrants reevaluation by the President of the United States, of the present approach to the problem; and

"Whereas there have been introduced at the current session of Congress, by a Senator and a Representative from California, Senate Resolution 284 and House Resolution 431, calling upon the President for stated reasons to convene a White House Conference on Narcotics to submit recommendations with respect to the problems relating to the traffic, and in addiction to, narcotics: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (jointly), That the Legislature of the State of California urges the adoption of Senate Resolution 284 and House Resolution 431 by the respective Houses of Congress and urges the early convening of a White House Conference on Narcotics; and be it further

"Resolved, That the secretary of the senate is directed to transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the U.S. House of Representatives, the chairman of the Committee on the Judiciary of the U.S. Senate, the chairman of the Committee on the Judiciary of the U.S. House of Representatives, and to each Senator and Representative from California in the U.S. Congress."

"SENATE JOINT RESOLUTION 4

"Joint resolution relative to the excise tax on the transportation of persons

"Whereas in 1941, as a wartime expediency, the Congress of the United States enacted as an excise tax a levy on the transportation of persons; and

"Whereas the principal purpose in levying such a tax was to discourage unnecessary wartime travel; however, today, 15 years after the cessation of hostilities, there continues a 10-percent levy on the transportation of persons; and

"Whereas the present transportation tax imposes an unfair burden on the long-distance traveler; and

"Whereas this is of vital concern to the people of California and the other Western States who are located some distance from other areas of great population; and

"Whereas it should be a principle of Federal taxation to levy taxes in such a manner as to prevent them from falling as an unequal burden on citizens residing in different areas of the country; and

"Whereas the State of California is particularly interested in protecting and developing its vacation and tourist travel on an equal basis with other vacation travel areas, but is being seriously handicapped in this endeavor by the unfair burden imposed by this tax on the long-distance traveler; and

"Whereas the transportation of persons plays such a vital role in the economic life of this country that the costs of transportation should always be kept at the lowest possible level; and

"Whereas there is sound reason for distinguishing between the transportation tax and other excise taxes that are imposed upon luxury items, for transportation is no longer a luxury for a few, but is a vital necessity for a great many; and

"Whereas it is the opinion of the Legislature of the State of California that the best interests of the country, and particularly those of the Western States who are discriminated against by the present transportation tax, would be served by a repeal of that tax; and

"Whereas there is presently pending before the Congress of the United States legislation which would repeal the tax on transportation of persons: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the California Members of Congress of the United States to urge upon the Speaker of the House, the chairman of the House Committee on Ways and Means, and the chairman of the Senate Finance Committee the immediate need to enact into law such legislation or any other bill or bills which would repeal the tax on transportation of persons; and be it further

"Resolved, That the secretary of the senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"SENATE JOINT RESOLUTION 6

"Joint resolution relative to facilities for the treatment of narcotics addicts

"Whereas the Congress of the United States and the Legislature of the State of California are vitally concerned with the increase in the number of narcotics addicts in the State of California; and

"Whereas the United States, at present, has but two hospitals of the U.S. Public Health Service providing treatment for certain narcotic drug addicts, namely, at Lexington, Ky., and Fort Worth, Tex.; and

"Whereas the U.S. Public Heatlh Service has a hospital located in San Francisco, Calif.; and

"Whereas both houses of the Legislature of the State of California are anxious that the State employ all means possible, alone and in coordination with the Federal Government, to diminish the number of narcotics addicts in California: Now, therefore, be it

"Resolved by the Senate and the Assembly of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to appropriate sufficient funds to build an addition to the U.S. Public Health Service Hospital located in San Francisco, Calif., in which narcotics addicts can be selected for treatment and treated by the Public Health Service; and be it further

"Resolved, That pending such action, not less than 10 beds with supportive professional treatment staff services be made available for cooperative research in the control of formerly addicted Federal probationers or parolees resident in the State of California; and be it further

"Resolved, That the secretary of the senate be hereby directed to prepare and transmit suitable copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Health, Education, and Welfare, and the Director of the Administrative Office of the U.S. Courts."

A resolution of the House of Representatives of the State of Alaska; to the Committee on Interior and Insular Affairs:

"HOUSE MEMORIAL 13

"To the Honorable RICHARD M. NIXON, PRESIDENT OF THE SENATE; THE HONORABLE SAM RAYBURN, SPEAKER OF THE HOUSE OF REPRESENTATIVES; THE HONORABLE E. L. BARTLETT AND THE HONORABLE ERNEST GRUENING, SENATORS FROM ALASKA; AND THE HONORABLE RALPH J. RIVERS, REPRESENTATIVE FROM ALASKA:

"Your memorialist, the House of Representatives of the State of Alaska in first legislature, second session assembled, respectfully represents that:

"Whereas the great advancement of industry, agriculture, and transportation in the United States has been made possible through an assured supply of fuels, minerals, timber, and arable land; and

"Whereas the United States, with only 7 percent of the world's population, consumes over a third of the world's production of fuels, minerals, and timber products; and

"Whereas increasing population and improved living standards throughout the world are placing increased demands on natural resources to the extent that this Nation's dominant use of such resources is seriously threatened; and

"Whereas the State of Alaska is the largest, underdeveloped, integral part of the United States and the most attractive source from which to replenish these dwindling resources of the Nation and their development will assure continued prosperity to the United States; and

"Whereas Senate bill No. 1123, the Wilderness Act, would effectively discourage and prevent the development of the mineral wealth of Alaska, the scientific harvesting of its timber, the development of power for industry and the economical location of processing plants for wealth from the sea; and

"Whereas although congressional hearings on said bill were held in some parts of the State, no hearings were held in northwestern Alaska thereby depriving the people of that area who are affected by the bill from being heard:

"Now, therefore, your memorialist urges that the Senate of the United States of America, in the national interest, not enact into law Senate bill No. 1123.

"Passed by the house March 15, 1960.

"WARREN A. TAYLOR,
"Speaker of the House.

"Attest:

"ESTHER REED,
"Chief Clerk of the House."

A paper in the nature of a petition from William M. Cavaney, of Los Angeles, Calif., relating to a town site for the Aerofoil Mark I, AMI, and air and space center development; to the Committee on Interior and Insular Affairs.

The petition of Corda C. Cox, of Springfield, Mo., praying for a redress of grievances; to the Committee on the Judiciary.

A resolution adopted by the Student Association of the Hebrew Union College-Jewish Institute of Religion, Cincinnati, Ohio, protesting against capital punishment; to the Committee on the Judiciary.

The petitions of C. C. Childress, Albert Henrichs, and Eugene Gilbert, all members of the Teamsters Local Union No. 135, of Indianapolis, Ind., praying for a redress of grievances; to the Committee on Labor and Public Welfare.

A resolution adopted by the executive council of the Brooklyn College Student Activities Organization, Brooklyn, N.Y., relating to the loyalty oath in regard to student

loans; to the Committee on Labor and Public Welfare.

The memorial of George Washington Williams, of Baltimore, Md., remonstrating against the creation of a memorial to Woodrow Wilson; to the Committee on Rules and Administration.

RESOLUTIONS OF CITIZENS' ACTION COMMITTEE OF NASSAU AND SUFFOLK COUNTIES, N.Y.

Mr. KEATING. Mr. President, I ask unanimous consent that two resolutions which I have received from the Citizens' Action Committee of Nassau and Suffolk Counties, N.Y., relating to the authority of the Secretary of State in regard to denial of passports and the foreign aid program, be printed in the RECORD at this point and appropriately referred.

There being no objection, the resolutions were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE CITIZENS' ACTION COMMITTEE OF NASSAU AND SUFFOLK COUNTIES, N.Y.

Whereas since 1856 the Secretary of State of the United States had had the authority, by law, to issue or deny passports, and traditionally passports were denied on the ground that individual's activities abroad were prejudicial to the foreign relations of the United States; and

Whereas in 1950 the Congress enacted legislation establishing procedures to identify and label subversive organizations and made it a crime for any member of such group to apply for or be issued a passport, and the State Department had set up elaborate regulations to prevent bureaucratic injustices; and

Whereas such safeguards caused the Communist Party to spend an estimated $300,000 for propaganda to get the courts to demolish the barriers to Red travel operations; and

Whereas three test cases were carried to the Supreme Court of the United States, all three cases being of known and proven Communists; and

Whereas on June 16, 1958, the Supreme Court ruled (5 to 4) that all three were entitled to passports because of stated lack of authority to control travel even by revolutionaries; and

Whereas in the next 10 months 1,150 persons whose passports should have been withheld, because of Communist activity and were not, traveled abroad: Be it

Resolved, by Citizen's Action Committee Nassau, Suffolk Counties, That Congress be petitioned wholly and severally to act promptly and wisely to legislate power (that the Supreme Court cannot nullify or circumvent) to the State Department to permit it to withhold passports from our enemies, the Communists and their associates.

RESOLUTION OF THE CITIZENS' ACTION COMMITTEE OF NASSAU AND SUFFOLK COUNTIES, N.Y.

Whereas the question of the character and extent of foreign aid given by the U.S. Government, its planning and administration, have long been the subject of great concern to many Americans; and

Whereas a subcommittee of the Foreign Affairs Committee of the House of Representatives has recently submitted its report, after having inspected foreign aid installations in 17 countries, involving over 40,000 miles of travel; and

Whereas that report finds that there is evidence of careless planning and lax administration in many of the areas visited; and

Whereas the economy of American taxpayers and the prestige of our Government in the eyes of distant countries suffer seriously as a result of extravagance and maladministration in those fields: Now, therefore, be it

Resolved, That the Citizens' Action Committee of Nassau and Suffolk Counties, N.Y., at its executive board meeting of April 6, 1960 (a) commends the operation of the aforenamed subcommittee and the intention to scan carefully the expenditure of taxpayers' money in foreign aid; and (b) urges that the International Cooperation Administration plan only for such projects as will positively promote practical improvement in the living standards of the people who receive our assistance and enable them to be self-supporting as early as possible; and be it further

Resolved, That copies of this resolution be sent to the chairman of the subcommittee, to Long Island Representatives and to Senators JAVITS and KEATING.

RECOGNITION OF JURISDICTION OF INTERNATIONAL COURT OF JUSTICE—LETTER

Mr. KEATING. Mr. President, I ask unanimous consent that a letter to me from Angelo R. Cavaliere, secretary, Holy Name Society, Our Lady of Peace Church, Brooklyn, N.Y., in opposition to repeal of the Connally amendment, be printed at this point in the RECORD and appropriately referred.

There being no objection, the letter was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

HOLY NAME SOCIETY,
OUR LADY OF PEACE CHURCH,
Brooklyn, N.Y., March 28, 1960.

Senator KENNETH B. KEATING,
Senate Office Building,
Washington, D.C.

Hon. SENATOR KEATING: Whereas un-Christian and un-American ideology now infests our national bloodstream, and whereas domestic Communists, fellow travelers, pseudo-liberals, opportunists and dupes (some knowingly, some otherwise) have taken our Nation far down the road to Communist enslavement, and whereas aforementioned persons have sought unceasingly to stampede the United States of America into the Communist version of world government, and whereas they have succeeded in engineering throwaway after throwaway of our national sovereignty, and whereas to permit any world court, on which (among others) avowed enemies of our country would sit, to decide which issues involving the United States of America would come under its jurisdiction, is the ultimate folly, and would in all likelihood result in national suicide, I am most strongly opposed to repeal of the Connally amendment, and request my protest be read into the CONGRESSIONAL RECORD.

Thank you,

ANGELO R. CAVALIERE,
Secretary.

RESOLUTION OF NIAGARA FALLS BRANCH OF NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. KEATING. Mr. President, I ask unanimous consent that a resolution adopted by the Niagara Falls Branch of the National Association for the Advancement of Colored People, relating to the lunch-counter incidents in the South, be printed at this point in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas the United States of America is the leading country in the struggle for democracy against totalitarianism in a world of social unrest; and

Whereas acts of bigotry, disunity, and flagrant injustice within its territory are amplified and exhibited as proof positive of decadence and unworkability of a democratic form of government in contributing to the edification of the dignity of man; and

Whereas the lunch-counter incidents as occurring in the southern area of the United States of America are unquestionably acts which clearly demonstrate man's inhumanity to man, intolerance, and a denial, to some, of the rights and privileges guaranteed to all under the Constitution of the United States: Now, therefore, be it

Resolved, That persons and organizations who engage or participate in denying service to a segment of the population solely on the premise of race, creed, or national origin are guilty of grave disservice to the cause of American leadership and world democracy; and be it further

Resolved, That any law or ordinance which permits or ordains such denials are in direct oppostion to the spirit and principles of the Constitution of the United States of America and should and ought to be declared herewith and henceforth illegal; and be it further

Resolved, That copies of this resolution be sent to the President of the United States; the two New York State Senators; the 42d District Representative in Congress; the Governor of the State of New York; the national office of the National Association for the Advancement of Colored People and to the Speaker of the House of the U.S. Congress, and the majority leader of the U.S. Senate.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENNETT, from the Committee on Finance, without amendment:

H.R. 9861. An act to continue for a temporary period the existing suspension of duty on certain istle or Tampico fiber (Rept. No. 1269):

By Mr. BENNETT, from the Committee on Finance, with amendments:

H.R. 9862. An act to continue for 2 years the existing suspension of duties on certain lathes used for shoe last roughing or for shoe last finishing (Rept. No. 1270);

By Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, with amendments:

S. 2452. A bill to establish a joint board and to permit the filing of through routes and joint rates for carriers serving Alaska, Hawaii, and the other States (Rept. No. 1271).

REPORT ENTITLED "IMMIGRATION AND NATURALIZATION"—SUPPLEMENTAL VIEWS (S. REPT. NO. 1272)

Mr. JOHNSTON of South Carolina. Mr. President, on behalf of the Senator from Mississippi [Mr. EASTLAND], from

the Committee on the Judiciary, pursuant to Senate Resolution 55, as amended and extended, I submit a report entitled "Immigration and Naturalization," and I ask that the report, together with the supplemental views of the Senator from New York [Mr. KEATING], may be printed.

The PRESIDING OFFICER (Mr. CARLSON in the chair). The report will be received and printed, as requested by the Senator from South Carolina.

REPORT ENTITLED "STUDY OF THE FEDERAL JUDICIAL SYSTEM"—SUPPLEMENTAL VIEWS (S. REPT. NO. 1273)

Mr. JOHNSTON of South Carolina. Mr. President, pursuant to Senate Resolution 91, 86th Congress, 1st session, as extended, from the Committee on the Judiciary, I submit a report entitled "Study of the Federal Judicial System." I ask that the report, together with the supplemental views of the Senator from New York [Mr. KEATING], be printed.

The PRESIDING OFFICER. The report will be received and printed, as requested by the Senator from South Carolina.

STUDY OF USES OF GOVERNMENT LICENSED MEDIA FOR DISSEMINATION OF POLITICAL OPINIONS, ETC.

Mr. YARBOROUGH, from the Committee on Interstate and Foreign Commerce, reported an original resolution (S. Res. 305) providing for a study of the uses of Government licensed media for the dissemination of political opinions, news, and so forth, which was referred to the Committee on Rules and Administration, as follows:

Whereas freedom of communication is essential to the maintenance of a democracy; and

Whereas Congress has established a national policy of fairness and impartiality in the use by political candidates of communications media operating under Government license; and

Whereas Congress by the passage of Public Law 274 of the 86th Congress modified the "equal time" requirement in the use of broadcast facilities by legally qualified candidates on newscast and similar type programs; and

Whereas Public Law 274 states the intent of Congress that oversight will be exercised over the Federal Communications Commission in its determination of questions arising under the amendment in order to assure fulfillment of the national policy of fairness and impartiality: Now, therefore, be it

Resolved, That the Committee on Interstate and Foreign Commerce, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) Federal policy on uses of Government-licensed media for the dissemination of political opinions, news, and advertising, and the presentation of political candidates; and

(2) a review and examination of information and complaints concerning the dissemination of news by such media.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1960, to January 31, 1961, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, on a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1961.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $45,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER (for himself, Mr. HOLLAND, Mr. LONG of Hawaii, Mr. CHURCH, and Mr. YOUNG of North Dakota):

S. 3361. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Finance.

(See the remarks of Mr. ELLENDER when he introduced the above bill, which appear under a separate heading.)

By Mr. MANSFIELD:

S. 3362. A bill for the relief of Kurt E. Weber; to the Committee on the Judiciary.

By Mr. JOHNSTON of South Carolina:

S. 3363. A bill to validate certain overpayments inadvertently made by the United States to several of the States and to relieve certifying and disbursing officers from liability therefrom; to the Committee on the Judiciary.

(See the remarks of Mr. JOHNSTON of South Carolina when he introduced the above bill, which appear under a separate heading.)

By Mr. SCHOEPPEL:

S. 3364. A bill for the relief of the Great American Life Insurance Co.; to the Committee on the Judiciary.

By Mr. CURTIS:

S. 3365. A bill to provide further for permissible writing and printing on third- and fourth-class mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DIRKSEN:

S. 3366. A bill to amend title 18, United States Code, sections 871 and 3056, to provide penalties for threats against the successors to the Presidency and to authorize their protection by the Secret Service; to the Committee on the Judiciary.

By Mr. LONG of Hawaii:

S. 3367. A bill for the relief of Dr. Herman Piet Kramer and Marie Kramer; to the Committee on the Judiciary.

(See the remarks of Mr. LONG of Hawaii when he introduced the above bill, which appear under a separate heading.)

By Mr. BENNETT:

S. 3368. A bill to permit a civil action to be brought against an officer of the United States in his official capacity, a person acting under him, or an agency of the United States, in any judicial district of the United States where a plaintiff in the action resides; to the Committee on the Judiciary.

(See the remarks of Mr. BENNETT when he introduced the above bill, which appear under a separate heading.)

By Mr. CAPEHART (for himself and Mr. FREAR):

S. 3369. A bill to establish the procedure for the determination of the economic justification of certain inland waterway improvement projects, and for other purposes; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. CAPEHART when he introduced the above bill, which appear under a separate heading.)

By Mr. YARBOROUGH:

S. 3370. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; and

S. 3371. A bill to amend title I of the Social Security Act to provide that the States disregard certain income in determining need for old-age assistance under the State programs established pursuant to such title; to the Committee on Finance.

(See the remarks of Mr. YARBOROUGH when he introduced the above bills, which appear under a separate heading.)

By Mr. BIBLE:

S. 3372. A bill for the relief of Amaran Bin Jamil; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3373. A bill for the relief of Marcelle Mallah and Louise Najib; to the Committee on the Judiciary.

By Mr. HARTKE (for Mr. MCNAMARA):

S. 3374. A bill for the relief of Ivan Balog; and

S. 3375. A bill for the relief of Salim David Sesi; to the Committee on the Judiciary.

By Mr. ALLOTT (for himself and Mr. MURRAY):

S. 3376. A bill to amend the Helium Act of March 3, 1925, as amended, for the defense, security, and the general welfare of the United States; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. ALLOTT when he introduced the above bill, which appear under a separate heading.)

By Mr. COOPER:

S. 3377. A bill to amend the Internal Revenue Code of 1954 to extend the time within which a minister may elect coverage as a self-employed individual for social security purposes; to the Committee on Finance.

S. 3378. A bill to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instruction materials for the blind, and to increase the appropriations authorized for this purpose, and to otherwise improve such act; to the Committee on Labor and Public Welfare.

By Mr. WILEY (for himself and Mr. RANDOLPH):

S.J. Res. 186. Joint resolution to provide for the designation of the first Tuesday after the first Monday in November of each year as "National Voters' Day"; to the Committee on the Judiciary.

(See the remarks of Mr. WILEY when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. SALTONSTALL (for himself, Mr. KENNEDY, Mr. BRIDGES, and Mr. O'MAHONEY):

S.J. Res. 187. Joint resolution to provide for the designation of the month of September 1960, as "National Wool Month"; to the Committee on the Judiciary.

(See the remarks of Mr. SALTONSTALL when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTIONS

GREETINGS OF THE SENATE ON 70TH ANNIVERSARY OF FOUNDING OF PAN AMERICAN UNION

Mr. DIRKSEN (for himself, Mr. JOHNSON of Texas, Mr. MORSE, Mr. AIKEN, and Mr. MANSFIELD) submitted a resolution (S. Res. 304) extending greetings of the Senate to the other Republics of the Western Hemisphere on the 70th anniversary of the founding of the Pan American Union, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. DIRKSEN, which appears under a separate heading.)

STUDY OF USES OF GOVERNMENT LICENSES MEDIA FOR DISSEMINATION OF POLITICAL OPINIONS, ETC.

Mr. YARBOROUGH, from the Committee on Interstate and Foreign Commerce, reported an original resolution (S. Res. 305) providing for a study of the uses of Government-licensed media for the dissemination of political opinions, news, etc., which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. YARBOROUGH, which appears under the heading "Reports of Committees.")

ADDITIONAL COPIES OF HEARINGS ON ORGANIZING FOR NATIONAL SECURITY

Mr. JACKSON submitted the following resolution (S. Res. 306); which was referred to the Committee on Rules and Administration:

Resolved, That there be printed for the use of the Committee on Government Operations one thousand five hundred additional copies of the hearing entitled "Organizing for National Security," which was held by that Committee during the second session of the Eighty-sixth Congress.

AMENDMENT AND EXTENSION OF SUGAR ACT OF 1948

Mr. ELLENDER. Mr. President, I introduce, for appropriate reference, a bill to amend and extend the provisions of the Sugar Act of 1948, as amended, on behalf of myself, the senior Senator from Florida [Mr. HOLLAND], the junior Senator from Idaho [Mr. CHURCH], the junior Senator from Hawaii [Mr. LONG], and the senior Senator from North Dakota [Mr. YOUNG], and ask unanimous consent that the bill lie on the table through Wednesday, April 20, so that Senators who may desire to do so may join me in cosponsoring this proposed legislation.

Mr. President, the bill has five major features. First, it would extend the Sugar Act, which, as Senators know, is based upon a quota system, for a period of 4 years.

It would provide fixed increases of 50,000 tons in the quota for the mainland cane area, and 150,000 tons in the quota for the sugar-beet area, in exchange for domestic areas waiving all rights to receive any reallocation of deficits which may accrue from Puerto Rico.

It would rewrite the deficit area provisions of section 204(a) of the act to provide that future Puerto Rico deficits shall be reallocated to foreign countries. Further, it would accomplish minor adjustments in supplies such as the reallocation of deficits which may occur in the mainland cane area to other cane areas, and not to the beet area and, in addition, would simplify language and eliminate qualifications pertaining to situations which are no longer likely to exist.

As drafted, our bill would specify that the quota of any foreign country, other than the Republic of the Philippines, can be reduced to the extent that the Secretary of Agriculture determines a deficit to exist. This, in effect, would accord to the Secretary authority to deal with any adverse situation which might result in the event any foreign country presently authorized a quota under the act should willfully fail to periodically meet its quota privileges.

Along these same lines, Mr. President, our bill would provide authority to cope with situations which might occur in the nature of threats or actual damages unduly imposed upon American interests by foreign countries presently accorded a quota under the Sugar Act.

As Senators will recall, the President originally requested that he be given power to adjust foreign sugar quotas. Our bill specifies that upon appropriate findings by the President, and, should the Congress be in session, the President must recommend action involving adjustments in foreign quotas to the Congress. However, should the Congress not be in session, authority is given to the President to meet emergency situations by permitting him to adjust quotas upon the publication of such a determination in the Federal Register.

Authority to supply sugar to fill any unfilled portion of quotas which might be adjusted under this authority is accorded to the Secretary of Agriculture with the further provision that, in so doing, he must give consideration to acquiring such sugar from foreign producers who now supply us in such a manner as to accord them equitable treatment.

Senators will look in vain in this bill for any language designed to penalize the people of Cuba. This is not punitive legislation. Authority is given, as I have indicated, initially to the Congress or, should the Congress not be in session, to the President, to deal with any arbitrary or high-handed actions on the part of foreign governments whose sugar producers are accorded a quota under the act.

I do not believe that I need to dwell any further on this particular point, except to say that the Sugar Act was not designed as, or must be permitted to become a punitive economic weapon, designed to wreak hardship upon peoples with whom we have enjoyed friendly relations in the past. By the same token, I do believe it is reasonable to include in any extension of the act realistic emergency power, designed to protect American interests and American citizens from the wanton ravages of foreign dictators.

In this connection, Mr. President, the Sugar Act, prior to 1952, contained similar emergency authority designed to deal with essentially the same kind of contingencies with which our measure is concerned. The amendments we propose today involve a refinement of this prior authority.

Mr. President, the Sugar Act, since its inception back in 1937, has worked well. It has provided ample supplies of sugar to consumers at reasonable prices. Domestic producers have been protected against wild fluctuations which, prior to the enactment of the present sugar quota system, periodically brought ruin to the domestic beet and cane industries, as well as to foreign producers.

It is one of the few farm programs which has consistently shown a profit, in that benefit payments to producers have been less than the fund from which such payments are made, a fund derived principally from a modest tariff on sugar and a processing tax.

We suggest a 4-year extension of the act, since American sugar producers deserve, indeed they urgently need, relatively long-term assurance as to price and market, in order to sufficiently plan and conduct their operations.

A similar bill has been introduced in the House of Representatives. I express the hope that the House will soon take action on this important legislation.

I ask unanimous consent that the bill lie on the table through Wednesday, April 20, so that Senators who may desire to do so may join in cosponsoring the proposed legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Louisiana.

The bill (S. 3361) to amend and extend the provisions of the Sugar Act of 1948, as amended, introduced by Mr. ELLENDER (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

Mr. BENNETT. Mr. President, I congratulate the senior Senator from Louisiana on the introduction of his bill. So far as I understand it, it varies from the bill I introduced on behalf of the administration only with respect to the limitations that would be put on the proposed powers of the President. This may be an important variation; if so, it will certainly be possible to work it out by a bipartisan approach to this very important problem, and we will be able to work out a definition of the powers of the President when the Committee on Finance has an opportunity to consider the two bills.

VALIDATION OF CERTAIN OVERPAYMENTS TO STATES

Mr. JOHNSTON of South Carolina. Mr. President, under the authority of the Flood Control Act of 1941, the Corps of Engineers was authorized to pay to the

local counties 75 percent of the proceeds derived from the lease rental of lands having been declared surplus. These moneys were paid to the local counties. The Corps of Engineers also paid inadvertently to these counties 75 percent of the proceeds derived from the sale of certain licenses for recreational activities in connection with these same lands. During the fiscal years ending in 1954, 1955, and 1956 the Corps of Engineers overpaid to these counties located in 18 States a total of $72,451.86.

Since this overpayment the General Accounting Office has directed the Corps of Engineers to deduct this amount from the future allotments paid to these counties from the proceeds of the lease rentals. Because of the serious financial conditions in these counties which was part of the very motive for the original authorization, I feel that Congress should validate these payments.

As we know, many thousands of acres of land were taken over, and that land was taken off the tax books.

Mr. President, I, therefore, introduce, for appropriate reference, a bill which would validate these payments with the hope that the Senate will see fit to enact this bill before Congress adjourns. Otherwise, the Corps of Engineers will deduct this amount. The States involved, the number of counties, and the amounts overpaid are as follows:

Alabama, 2 counties	$112.50
Arkansas, 8 counties	16,045.67
Georgia, 3 counties	17,988.15
Illinois, 2 counties	1,254.75
Kansas, 2 counties	109.87
Louisiana, 9 parishes	5,086.12
Massachusetts, 1 county	502.50
Mississippi, 6 counties	7,272.51
Missouri, 4 counties	2,534.08
New Jersey, 1 county	18.75
Oklahoma, 3 counties	476.35
Pennsylvania, 1 county	11.25
South Carolina, 1 county	4,964.31
South Dakota, 2 counties	281.25
Texas, 6 counties	14,754.38
Vermont, 1 county	1.50
Virginia, 1 county	914.17
Washington, 1 county	123.75
Total	72,451.86

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3363) to validate certain overpayments inadvertently made by the United States to several of the States and to relieve certifying and disbursing officers from liability therefrom, introduced by Mr. JOHNSTON of South Carolina, was received, read twice by its title, and referred to the Committee on the Judiciary.

DR. HERMAN PIET KRAMER AND MARIE KRAMER

Mr. LONG of Hawaii. Mr. President, I introduce, for appropriate reference, a bill to facilitate U.S. citizenship for Dr. and Mrs. Herman Piet Kramer of Kalaupapa, Molokai.

Dr. Kramer is the only doctor at the Kalaupapa settlement and has been with the Hawaii Department of Health, department of Hansen's disease, since September 1957.

From 1952 to 1955, Dr. Kramer, a Dutch national, served as medical superintendent of the hospital in Apai, Western British Samoa. In 1955 he was offered a position in the medical service of American Samoa, where Dr. Kramer became chief of surgery.

Gov. Peter T. Coleman, of American Samoa, has cited Dr. Kramer for his work and noted that it contributed to "the mutual benefit of the Government and the Samoan people."

In September 1960, Dr. Kramer will have rendered 5 continuous years of service under the American flag, 2 of them in American Samoa. Under the Immigration and Nationality Act he is eligible to apply for naturalization after 5 years of American residence. The act, however, specifies that residence in American Samoa cannot be counted as part of the 5-year American residence requirement. This bill would provide that Dr. Kramer's 2 years in American Samoa would count toward American residence and enable Dr. Kramer to apply for naturalization in September 1960.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3367) for the relief of Dr. Herman Piet Kramer and Marie Kramer, intoduced by Mr. LONG of Hawaii, was received, read twice by its title, and referred to the Committee on the Judiciary.

CIVIL ACTIONS AGAINST CERTAIN GOVERNMENT OFFICERS IN JUDICIAL DISTRICT WHERE PLAINTIFF RESIDES

Mr. BENNETT. Mr. President, I introduce, for appropriate reference, a bill to permit civil actions to be brought against the Federal Government in the judicial district in which the plaintiff resides.

The purpose of this bill is simple. It is intended to make justice available to many who are now denied it for purely geographical reasons. Many types of legal actions must be brought by a plaintiff in Washington, which involves a considerable investment of both time and money. The result is that in many cases, particularly if the amount involved is only a few hundred dollars, the plaintiff forfeits his legal rights rather than risk the uncertainties of litigation over distances ranging up to several thousand miles.

And even in cases where the amounts involved may be larger, the possibility of a protracted suit often discourages the plaintiff from asserting his legal rights. For those living far from the Nation's Capital this amounts, in practice, to a denial of the right of equal protection under the law.

This problem has been particularly acute in the field of grazing suits, and I am cosponsor of a bill (S. 3174) introduced by the junior Senator from Idaho which would correct the problem in that one area. The purpose of the bill I am introducing today is to extend the principle to cover other types of suits. It would provide that when a citizen disagrees with the findings of an agency of the Federal Government, he may, after exhausting the administrative remedies available to him, file civil action with the U.S. attorney for the judicial district in which he resides.

Passage of this bill would help to establish stronger safeguards against capricious or ill-considered exercise of administrative powers by Federal agencies. I urge its early enactment.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3368) to permit a civil action to be brought against an officer of the United States in his official capacity, a person acting under him, or an agency of the United States, in any judicial district of the United States where a plaintiff in the action resides, introduced by Mr. BENNETT, was received, read twice by its title, and referred to the Committee on the Judiciary.

PROCEDURE FOR DETERMINATION OF ECONOMIC JUSTIFICATION OF CERTAIN INLAND WATERWAY IMPROVEMENT PROJECTS

Mr. CAPEHART. Mr. President, on behalf of myself, and the Senator from Delaware [Mr. FREAR], I introduce, for appropriate reference, a bill to establish the procedure for the determination of the economic justification of certain inland waterway improvement projects, and for other purposes. I ask unanimous consent that a brief statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 3369) to establish the procedure for the determination of the economic justification of certain inland waterway improvement projects, and for other purposes, introduced by Mr. CAPEHART (for himself and Mr. FREAR), was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The statement presented by Mr. CAPEHART is as follows:

THE INTERSTATE COMMERCE COMMISSION SHOULD PARTICIPATE IN SURVEYS OF ECONOMIC JUSTIFICATION OF PROPOSED INLAND WATERWAY IMPROVEMENT PROJECTS DESIGNED TO AID NAVIGATION

Under present statutory procedures the agency that makes the recommendation to Congress regarding the desirability of inland waterway improvements is the Corps of Engineers, U.S. Army.

There is no specific injunction from Congress that requires the Corps of Engineers to give due regard to the effect of an improvement of an inland waterway upon the national transportation system. The corps has no responsibility for the development and maintenance of a sound national transportation system. Moreover, its functions and its past experience do not provide a basis upon which the corps could properly evaluate the effect of proposed inland waterway improvements upon existing transportation facilities. It is clear from a study of the reports of the Corps of Engineers on inland waterway improvement projects that it makes its recommendations without giving due consideration to the effect which the improvements would have either on compet-

ing forms of transportation or on the national transportation system as a whole.

The broad purpose of this bill is to place upon the Interstate Commerce Commission the duty and responsibility for making the principal study and report concerning the economic justification and the public convenience and necessity for the transportation features of every proposed inland waterway improvement project. The Interstate Commerce Commission is clearly the logical agency to be charged with this duty and responsibility.

The construction of a canal or the improvement of an inland waterway in aid of navigation constitutes an addition to the transportation facilities of the Nation. These waterways form a part of our national transportation system. The determination whether to build them should be based primarily upon transportation considerations. At the very least their feasibility should be considered and reported upon by a transportation agency.

We have a declaration of national transportation policy the avowed objective of which is the development, coordination, and preservation of a national transportation system by water, highway, and rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the postal service, and of the national defense. The Interstate Commerce Commission is charged with the duty of administering and enforcing the Interstate Commerce Act with a view to carrying out that declaration. Also the Interstate Commerce Commission is already charged with the responsibility of regulating domestic water carriers with respect to most of their activities, including the issuance of certificates of convenience and necessity to common carriers and permits to contract carriers.

Clearly, if the Commission is to have control over the issuance of certificates and permits it should be the agency delegated by Congress to make recommendations with respect to the wisdom of the Government constructing additional waterways, the provision of which has so much bearing on the effective exercise of authority over certificates and permits.

The basis upon which the Corps of Engineers generally has reached its determination of whether to recommend a particular inland waterway improvement project is very narrow and inadequate. In arriving at their recommendations, the Engineers first perform their appropriate function as engineers in estimating the total cost to build the project. From this they calculate annual costs, against which they balance benefits, consisting almost wholly of assumed savings in transportation costs as compared with charges over existing means and routes of transportation.

These so-called savings are, of course, not true economic savings but result principally from shifting true transportation costs from shippers to taxpayers through providing the waterway at public expense.

The determination of the economic impact upon existing transportation facilities and overall economic feasibility of an inland waterway project from a transportation viewpoint requires a careful analysis of rate structures, traffic generating possibilities and existing transportation facilities. The Army Engineers are not transportation experts and should not be expected to evaluate these complex considerations.

It seems perfectly clear that a sound integrated national transportation policy can never be achieved so long as waterway improvements are made without regard to their effect on the transportation system as a whole. The true test of the economic justification for the improvement of an inland waterway should be the broad public interest. By that is meant that the determination should depend upon whether, in the event the improvement were made, the transportation system as a whole would be stronger or weaker and whether the total cost of transportation including the cost to taxpayers as well as to shippers would be greater or less. This points to the necessity of having the recommendation on the need of particular waterway improvements made by the agency responsible for the effectuation of a sound national transportation policy and the maintenance of a sound national transportation system.

This bill would provide that the national transportation policy as set forth in the Transportation Act of 1940 shall be a guide in the exercise of jurisdiction over the construction of works and improvements on the inland waterways of the United States in aid of navigation. Under its provisions no project is to be undertaken, nor any Federal funds expended or allocated on projects already authorized if less than 25 percent completed, until the Interstate Commerce Commission, after hearing, files a report with the Corps of Engineers with respect to the economic justification and public convenience and necessity for its transportation features.

The bill would also provide that no inland waterway improvement project to aid navigation shall be recommended by the engineers to Congress or to the appropriate committee thereof unless such recommendation is accompanied by a report on such project submitted by the Interstate Commerce Commission. It would impose a duty on the Interstate Commerce Commission to investigate as to whether the present or future public convenience and necessity requires or will require construction of a proposed project with respect to which the report of the Army Engineers contains a favorable recommendation. The Interstate Commerce Commission would also be required to report with respect to any review report a congressional committee by resolution may have directed the Board of Engineers for Rivers and Harbors to make. Detailed findings and conclusions with respect to eight specific matters relating to transportation would be required to be made by the Interstate Commerce Commission and included in its report.

The interjection of the Interstate Commerce Commission into the existing procedure by which inland waterway projects are recommended would not alter in any respect the requirement upon the Corps of Engineers to furnish an engineering cost, and related study upon which the Congress may rely in determining the feasibility of a proposed project. It would simply provide additional data for the guidance of Congress in the form of the ICC report that is required to accompany the engineers' report. Such additional data is vital to the preservation and development of a sound national transportation system.

NATIONAL VOTERS' DAY

Mr. WILEY. Mr. President, my mail indicates that there is considerable concern over the lack of participation in voting. The people of the United States, who have the right to vote, should exercise that right. But the percentage of those who vote has declined a great deal. Ever since the women of the United States were given the right to vote, the percentage of American women who exercise the franchise has decreased.

Mr. President, this is no time for Americans to forget the history of the last 30 years. In countries where people failed to exercise their franchise, Hitlers and Mussolinis arose, and the right to vote was taken from the common people.

Therefore, Mr. President, I introduce for appropriate reference, a joint resolution to designate a National Voters Day.

The purpose is to stimulate greater voter participation in local, State, and national elections.

Regrettably, the percentage of eligible voters who exercise their suffrage rights in elections has been deplorably low. In recent national elections, for example, voter participation was as follows: 1952, 63 percent; 1954, 42.5 percent; 1956, 60 percent; 1958, 44 percent.

What does this mean? Among other things, it signifies:

First. Too many of our citizens are staying home on election day;

Second. The low level of voter participation results in rule, not by a majority, but by a minority;

Third. The nonvoters—who deprive themselves of a voice in Government—may not find the policies and programs to their liking; and this may result in discord among our citizens.

As prescribed by law, the first Tuesday after the first Monday in November is the day for the election of Members of both Houses of Congress and the President.

In the light of these factors, I am recommending that the first Tuesday after the first Monday of November each year be designated National Voters' Day.

During the years in which there were no national elections, the observance of a special day for voters would offer an opportunity to educate the public on the following: The significance of the voters' role in a republic; encouragement to go to the polls; education, as necessary, on ballot marking, operating voting machines, and other fundamentals of voting; ascertaining that qualified individuals are properly registered, so as to be eligible at election time; and similar activities.

This proposal does not envisage the establishment of a national legal holiday at this time, although this may be done at some future time. However, the purpose includes:

The President shall proclaim the first Tuesday after the first Monday of the month of November each year as National Voters' Day.

State and local communities shall be encouraged to carry on observances to stimulate voter activity.

Civically oriented organizations shall be encouraged to voluntarily carry on activities to increase voter participation in elections.

Business, industry, and local, State, and Federal governments, and other employers should make a real effort to encourage and provide an opportunity for employees to go to the polls.

The establishment of a National Voters' Day would, I believe, create a greater sense of civic responsibility among our citizens, and, as a result, would strengthen and further improve the electoral process of our free system.

Mr. President, I ask unanimous consent to have the text of the joint resolution printed at this point in the RECORD, and that the joint resolution lie on the table until the close of business

next Wednesday. This will afford any of my colleagues who may wish to do so an opportunity to join in cosponsoring this measure to designate a National Voters' Day.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD, and lie on the desk, as requested by the Senator from Wisconsin.

The joint resolution (S.J. Res. 186) to provide for the designation of the first Tuesday after the first Monday in November of each year as "National Voters' Day," introduced by Mr. WILEY (for himself and Mr. RANDOLPH), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the first Tuesday after the first Monday in November of each year as "National Voters' Day," and calling upon Federal, State, and local governments; civic, industrial, and business groups and organizations; and upon the people of the United States, in general, to observe such day with activities and ceremonies designed effectively (a) to impress upon the American people the importance of the elective franchise under our republican form of government; (b) to educate them with respect to the qualifications requisite for the privilege of voting and the manner in which ballots are cast; and (c) to encourage all who are eligible to do so to exercise the privilege of voting.

Mr. WILEY. Mr. President, I am privileged to state that the distinguished Senator from West Virginia [Mr. RANDOLPH] has just now requested that his name be added as a cosponsor of the resolution; and I so request.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF MONTH OF SEPTEMBER 1960, AS NATIONAL WOOL MONTH

Mr. SALTONSTALL. Mr. President, from the earliest days of its history, the growth and production of wool has played a key role in the economic life of our country.

At the start, it was a domestic industry. Later it developed into a major industry principally concentrated in New England with thousands of workers in many textile mills. Today, an industry of truly nationwide scope, it represents more than $5 billion a year in retail value, and is fighting valiantly to maintain its position in the face of heavy competition.

Mr. President, to properly honor this great American industry, I introduce, for appropriate reference, a joint resolution on behalf of myself and Senators KENNEDY, BRIDGES, and O'MAHONEY, to provide for the designation by the President of the United States, of the month of September 1960, as "National Wool Month."

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD immediately following these remarks.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 187) to provide for the designation of the month of September 1960, as "National Wool Month," introduced by Mr. SALTONSTALL (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Whereas September 1960 marks the 200th anniversary of the recognition of wool production and wool manufacture in the United States as an industry; and

Whereas from its humble beginning in the homes and on the farms of the colonists in the early 1600's, the American wool growing and textile industry has become an integral part of our national economy and one of our great industries with millions of citizens directly, or indirectly, dependent upon it, and representing more than $5 billion a year in the retail value of its products; and

Whereas its nationwide scope is evidenced in that over 3,000 of the 3,068 counties in the United States are involved in one or more wool production or textile operations, with wool grown in every State of the Union, including Alaska and Hawaii; and

Whereas this great industry has been and is now facing severe competition from various sources, and is fighting in every way to preserve wool growing and wool manufacturing in the United States, it is most fitting that national recognition and support be given the wool industry: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of September 1960, as "National Wool Month," and calling upon the people of the United States to observe such month with appropriate activities and ceremonies.

CONSTRUCTION, REPAIR, AND PRESERVATION OF CERTAIN PUBLIC WORKS ON RIVERS AND HARBORS—AMENDMENTS

Mr. LONG of Louisiana (for himself and Mr. ELLENDER) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 7634) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and other purposes, which were referred to the Committee on Public Works and ordered to be printed.

Mr. DIRKSEN submitted an amendment, intended to be proposed by him, to House bill 7634, supra, which was referred to the Committee on Public Works, and ordered to be printed.

EXTENSION OF TIME FOR COMMITTEE ON THE JUDICIARY TO SUBMIT CERTAIN REPORTS

Mr. JOHNSTON of South Carolina. Mr. President, at the request of the chairman of the Committee on the Judiciary, the Senator from Mississippi [Mr. EASTLAND], and on behalf of the committee, I ask unanimous consent that the time for the filing of reports pursuant to Senate Resolutions 54, 56, and 61, of the 86th Congress, be extended to May 16, 1960. This request concerns annual reports of certain subcommittees of the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on April 12, 1960, he presented to the President of the United States the following enrolled bills:

S. 594. An act for the relief of Lione Tarpinian; and

S. 1241. An act for the relief of Sirvart Kasabian.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:

Address delivered by Senator JOHNSTON of South Carolina at flag raising and dedicatory exercises at D.C. Home for Crippled Children, April 9, 1960.

Letter dated April 5, 1960, written by Joseph E. Moody, president of the National Coal Policy Conference, Inc., to the Honorable Fred A. Seaton, Secretary of the Interior, dealing with the importation of foreign residual oil.

THE BOEING B–52G BOMBER

Mr. SCHOEPPEL. Mr. President, it long has been my contention that the most effective striking weapon which this Nation has today in long-range combat is the B–52G, predecessor of the B–52H, which now is ready for production. These bombers are products of the Wichita Division of the Boeing Airplane Co.

In the past I have consistently urged that the Strategic Air Command be given an increased number of B–52 wings. I believe it is a matter of public record that the Russians are giving top priority to the manufacture of manned interceptors. Certainly this means they fear our intercontinental B–52 force much more than our intercontinental missile force. We cannot shoot down missiles with fighters.

The B–52 has proved itself and, as I have repeatedly stated, one wing of B–52's is worth more than many other modernistic weapons which still are blueprints on the drawing board. Let us beef up our striking power with these superbombers which now are equipped with deadly accurate missiles.

This very week, a Boeing B–52 bomber of the Strategic Air Command carried two GAM–77 Hound Dog missiles from Eglin Air Force Base, Fla., to the North Pole and back to the coastal waters off Cape Canaveral, Fla. In the course of this 22-hour, 10,800-mile nonstop flight there occurred a successful launching and free flight of one of these missiles over the Atlantic Missile Range.

I ask unanimous consent to have printed in the body of the RECORD the

official Air Force release about this amazing accomplishment.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

OFFICIAL AIR FORCE RELEASE FROM HEADQUARTERS, STRATEGIC AIR COMMAND, OFFUTT AIR FORCE BASE, NEBR., APRIL 12

A Boeing B–52G bomber of the Strategic Air Command has carried two GAM–77 Hound Dog missiles from Eglin Air Force Base, Fla., to the North Pole and back to the coastal waters off Cape Canaveral, Fla.

Climax of the 22-hour, 10,800-mile nonstop flight was a successful launching and free flight of gone of these missiles over the Atlantic Missile Range.

Flying high over the polar ice for several hours, an aircrew of Eglin's 4135th Strategic Wing completed extensive tests of bomber and missile guidance systems in temperatures as low as 75 degrees below zero (Fahrenheit).

The supersonic air-to-surface missile was launched at 10 a.m. eastern standard time today. It flew several hundred miles on a preset path which included evasive action before striking the target.

Mounted on the long-range B–52, this demonstrated a high degree of mobility and speed of reaction.

SAC officials expressed satisfaction with this demonstration of long-range striking power by the Air Force strategic bomber and air-to-surface missile combination.

Equipping the Stratofortress with the Hound Dog provides a significant increase in the firepower and operational flexibility of the B–52 force.

The eight-jet Boeing bomber was manned by the same crew of six that launched the first two Air Force operational-type Hound Dogs on February 29. After today's launching they returned to Eglin with one North American-built missile still in carrying position beneath the wing of the aircraft.

Aircraft commander was Capt. Jay L. McDonald, Oklahoma City, Okla., of the 301st Bombardment Squadron.

Leaving Eglin shortly after noon Monday, central standard time, the pioneer aircrewman scored another "first" when they took on jet fuel high over the polar ice cap. Boeing KC–135 jet tankers out of Westover Air Force Base, Mass., provided the first air-to-air refueling of a SAC bomber carrying two Hound Dog missiles.

Continuing north in daylight while the sun had set over the United States, the B–52G passed over the North Pole shortly after midnight and turned for the flight back. The missile bomber took on another load of jet fuel over Lake Superior and pushed south to Key West before rounding Florida for the Atlantic range.

Accuracy of the Hound Dog's free flight was monitored and recorded by a chain of radar sites on the islands southeast of Florida. Ground safety observers could have destroyed the missile in flight at any time if these stations had shown it was veering from the preset course.

As an added precaution, several safeguards make it impossible for any Hound Dog to drop accidently while carried beneath the bomber's wing.

Lt. Col. William T. Wilborn, Missoula, Mont., Test and Evaluation Director for the SAC Project Office at Eglin, directed the missile launching and monitored its flight from the missile control center at Cape Canaveral.

The bomber crew included three men responsible for launching the Hound Dog. 1st Lt. Bennie F. Leatherwood, Hutto, Tex., navigator, doubled as missile operator, programing its course, and making the actual launch.

The missile's Pratt & Whitney turbojet engine was started and controlled before launching by 1st Lt. Franklin G. Rutty, Jr., Kannapolis, N. Dak., pilot. Radar navigator, 1st Lt. Gale Stokes, Hamilton, N.Y., provided data for the missile's inertial guidance system, and took over navigation of the B–52G while the navigator was working on the "bird."

Observers aboard the aircraft were Col. Guy M. Townsend, Columbus, Miss., Chief of the Requirements Division at SAC Headquarters, and Capt. John E. Meyers, Carlsbad, N. Mex., of the SAC project office at Eglin. Other crew members were 1st Lt. George H. Edwards, Troy, Mo., electronics warfare officer, and S. Sgt. James H. Jurney, Mount Airy, N.C., gunner.

Final testing of the GAM–77 is being conducted at Eglin by a SAC-directed joint test force composed of personnel from the 4135th Strategic Wing, Air Proving Ground Center and North American Aviation. When testing is completed the wing will be the first combat-ready unit of the Strategic Air Command to be equipped with the new missile.

FIFTEENTH ANNIVERSARY OF THE DEATH OF PRESIDENT FRANKLIN D. ROOSEVELT

Mr. RANDOLPH. Mr. President, these brief remarks would have been made on Tuesday had the Senate been in session.

On April 12, 1945, the peoples of the free world were shocked and saddened by the loss of President Franklin Delano Roosevelt, one of the truly great leaders of this century. Our Commander in Chief gave his life in the cause of human freedom and the dignity of man as surely as though he had died on the beaches of Salerno.

Those of us who were Members of his original congressional team during the famous first 100 days well remember the electric sense of action and purpose which he brought to our citizens at a desperate time.

Those always-to-be-remembered 100 days occurred during the 1st session of the 73d Congress, which convened March 9, 1933, and 26 of us who served then are Members of this 86th Congress. Senators who continue to be Members of the Senate and who were serving in this body at that time are the senior Senator from Arizona [Mr. HAYDEN], the senior Senator from Georgia [Mr. RUSSELL], and the senior Senator from Virginia [Mr. BYRD]. Senators presently in the Senate who were Members of the House of Representatives during those memorable days are the senior Senator from New Mexico [Mr. CHAVEZ], the senior Senator from Alabama [Mr. HILL], the junior Senator from Illinois [Mr. DIRKSEN], the junior Senator from Virginia [Mr. ROBERTSON], and the senior Senator from West Virginia [Mr. RANDOLPH].

The roster of the membership of the House of Representatives today includes the following 18 Representatives who were Members of that body that first session of the 73d Congress: Speaker SAM RAYBURN, of Texas; Majority Leader JOHN W. MCCORMACK, of Massachusetts; Representaitve HOWARD W. SMITH, of Virginia; Representative CLARENCE CANNON, of Missouri; Representative CARL VINSON, of Georgia; Representative LEO E. ALLEN, of Illinois; Representative EMANUEL CELLER, of New York; Representative WILLIAM M. COLMER, of Mississippi; Representative WILLIAM E. HESS, of Ohio; Representative JOSEPH W. MARTIN, JR., of Massachusetts; Representative THOMAS J. O'BRIEN, of Illinois; Representative WRIGHT PATMAN, of Texas; Representative B. CARROLL REECE, of Tennessee; Representative EDITH NOURSE ROGERS, of Massachusetts; Representative BRENT SPENCE, of Kentucky; Representative JOHN TABER, of New York; Representative FRANCIS E. WALTER, of Pennsylvania; and Representative GARDNER R. WITHROW, of Wisconsin.

Most of the battles Franklin Roosevelt fought have been won, and his contributions have become an organic part of the continuing life of our Government, our laws, and our society.

But even today, 15 years after his death, in an era which he only dimly foresaw, there remains something eternally fresh in the spirit of F.D.R. from which we may today draw strength if we will. This was his delight in the challenge, his sense of alertness to the possibilities of life, and his determination to use the power of government to make these possibilities become realities.

Mr. President, as we face the challenges of a new and, at times, alien world—a world in which our country is opposed by a ruthless and resourceful protagonist—we may no longer find our answers in the philosophy of the New Deal, nor in the wartime coalition built by F.D.R. But we may consult with profit the ideals to which Franklin Roosevelt devoted his life—the spirit of daring, the regard for the inquiring mind of man, and the dedication to belief in human progress.

Mr. GRUENING. Mr. President, 15 years ago, this week, President Franklin Delano Roosevelt died. It is appropriate that, as is being widely done, tributes be paid to his great service to the Nation and to the world. This service appears all the more outstanding as the passage of time places it in its proper perspective. This service appears all the greater as the passions and animosities which inevitably beset any truly great occupant of the White House fade into the past, and a truer valuation of the man and the statesman emerges.

We are witnessing the publication of a great volume of literature about President Roosevelt. Much of it is excellent. Far more is yet to come. The transcendent reforms which his leadership accomplished which restored the national economy and established long overdue social reforms at the end of our worst domestic crisis since the Civil War, and the service rendered in World War II which surmounted the totalitarianisms that then menaced mankind, and raised the United States to world leadership are yet to be further appraised and evaluated.

The passage of time and our presence in a year of a presidential election, throw into salient relief for the consideration of the American people the requirements of the Presidential office. What are the characteristics that make a great President? What made President Roosevelt one of the alltime greats among the Presidents? For I would say, at the risk of inviting differing opinions, that I consider him one of the greatest of our

Presidents to be ranked in a category immediately after Washington, Jefferson, and Lincoln.

One of the finest appraisals of what made F.D.R. a great President appears in the concluding pages of the second volume of Arthur Schlesinger, Jr.'s, definitive opus, "The Age of Roosevelt." Two volumes have been published, and I understand that three more are in prospect. I know of no finer analysis of President Roosevelt's qualities as President than this, and I desire to read it:

In the end, a President of the United States must stand or fall by his instinct for the future as well as by his understanding of the past and his mastery of the present. Implanted within him, there must be an image, not necessarily—or even desirably—explicit or conscious, but profoundly rich, plastic, and capacious, of the kind of America he wants, of the vision of the American promise he is dedicated to realize, of the direction in which he believes the world is moving. Without such a sense, his Presidency will be static and uncreative. As Franklin Roosevelt's successor once put it, "The President's got to set the sights." This vision of the future becomes the source of his values; it justifies his strivings; it renews his hopes; it provides his life with its magnetic orientation.

It was this astonishing instinct for the future which above all distinguished Roosevelt, his extraordinary sensitivity to the emergent tendencies of his age and to the rising aspirations of ordinary people—a sensitivity housed at the same time within a personality and intelligence sufficiently conventional to provide in itself a bridge holding together past and future. Indeed, his very position on the breaking point between an old world and a new one gave him a special freedom and spontaneity which only a man can possess who is nourished by older values. When Roosevelt accepted the inevitability of change, he did so, not by necessity, but by conscious choice. He had made a deliberate decision, both temperamental and intellectual, in favor of adventure and experiment. "My impression of both him and of Mrs. Roosevelt," wrote H. G. Wells, "is that they are unlimited people, entirely modern in the openness of their minds and the logic of their actions." Nothing could daunt him, very little surprised him, he was receptive to everything, and not in a passive sense either, he received, not to accumulate, but to act; the future which he perceived was (this he deeply believed) to be in part his own creation. Wells summed him up: "The most effective transmitting instrument possible for the coming of the new world order. He is eminently 'reasonable' and fundamentally implacable. He demonstrates that comprehensive new ideas can be taken up, tried out and made operative in general affairs without rigidity or dogma. He is continuously revolutionary in the new way without ever provoking a stark revolutionary crisis."

The essence of Roosevelt, the quality which fulfilled the best in him and explained the potency of his appeal, was his intrepid and passionate affirmation. He always cast his vote for life, for action, for forward motion, for the future. His response to the magnificent emptiness of the Grand Canyon was typical: "It looks dead. I like my green trees at Hyde Park better. They are alive and growing." He responded to what was vital, not to what was lifeless; to what was coming, not to what was lifeless; to what was coming, not to what was passing away. He lived by his exultation in distant horizons and uncharted seas. It was this which won him confidence and loyalty in a frightened age when the air was filled with the sound of certitudes cracking on every side—this and the conviction of plain people that he had given them head and heart and would not cease fighting in their cause.

Mr. SYMINGTON. Mr. President, on April 12, 1945, 15 years ago, the hearts and minds of peoples everywhere were saddened. The life of Franklin Delano Roosevelt, one of the world's greatest men, had ended.

His personality, his dynamic leadership, had become so much a part of this country that it seemed at the time as if a close friend—a member of everyone's family—had been taken away. And, in a sense, that is actually what had happened.

Today, as we indulge in the brief luxury of looking back, we cannot help being impressed with the realization of how much of Franklin Roosevelt still lives, and prospers, and helps those who otherwise might be overwhelmed with the struggles of life.

All of us owe much to the courage, the concern for the less fortunate, and the vision of this man.

His memory and his deeds live on in the greatness of this Nation. When we forget these things, we are weaker; when we remember them, we cannot help being stronger.

Mr. LONG of Hawaii. Mr. President, I wish to be associated with the distinguished Senators who have spoken earlier today in beautiful and deserved tribute to the memory of one of the greatest Americans—Franklin Delano Roosevelt. At the present time, when leadership is so sorely needed by the Western World, one remembers the late Mr. Roosevelt for the inspiring leadership he gave to our country in those trying days between the depression and the end of World War II.

Harry L. Hopkins put his finger on Mr. Roosevelt's quality for leadership when he wrote about F. D. R.'s speeches in "Nothing To Fear":

When great issues were at stake, Roosevelt never faltered. He had a genius for driving home in simple language the controversial economic issues which beset his first two terms in office. And, beginning with the quarantine speech of 1937, he made crystal clear to the whole world the vital issues between those who loved freedom and those who were devoted to the tyranny of Hitler's Nazi state. Roosevelt had more to do than any man of his time in arousing the conscience of the civilized world to the menace of fascism and nazism.

Fifteen years after his death, the words of the late President Roosevelt still ring out to us, as they will continue to ring through future generations, to remind us of the great leadership which he offered, both in word and deed, in times of domestic and foreign crisis.

CUBA'S "HATE THE UNITED STATES" CAMPAIGN

Mr. SMATHERS. Mr. President, the news which comes out of Cuba grows ever more disheartening. In last night's Washington Evening Star there was published a story written by Mr. William L. Ryan, Associated Press foreign news analyst, entitled "Cuban Schools Teach Children To Hate the United States."

In that article it is stated:

Under Cubela, all levels get an indoctrination in hate, principally for the United States. It reaches all the way down to the ranks of children just learning to read. And there is indoctrination in a cult of Fidel.

Children now singsong these lines in Spanish:

"Si las cosas de Fidel son Communists que me pongan en la vista, pues yo estoy conel."

The translation of which is:

If the things a student sees Fidel doing are Communist, I am with him.

The article further says:

New textbooks, required for primary schools, have been published. These make an undisguised attempt to focus young hatred on the United States.

One such book is "Geography of Cuba," by Antonio Nunez Jimeneny, rebel army captain who now, as Executive Secretary, heads the extremely powerful and often oppressive National Institute of Agrarian Reform. On page 16, he writes:

"In 1898, Cuba was able to gain her independence in the struggle which began February 24, 1895. Then the North American soldiers disembarked at Santiage de Cuba and the United States took over the country, seized the sovereignty won in struggle and sacrifice, and later imposed the Platt amendment on the newborn of intervention."

The Platt amendment was abolished 25 years ago, but Nunez says it really was in effect all the time until January 1959.

Mr. President, I shall not read all the article. I ask unanimous consent that it be printed as a part of my remarks at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CUBAN SCHOOLS TEACH CHILDREN TO HATE UNITED STATES

(By William L. Ryan)

CAMAGUEY, CUBA.—"Tomorrow," says the teacher, "the class will—"

A student interrupts: "Gomez says no school tomorrow."

"Gomez has declared a holiday," shouts another.

Who is Gomez? (The name here is fictitious to protect sources.)

Allegedly he is a student, although he may be years overage for the school. If his assignment is the provinces, likely he has been sent by Havana. He is the local leader of the student union, and in effect directs the school. He can tell teacher or principal whether there will be classes on any given day. He can, when and if he chooses, declare a holiday.

If students do not like what the teacher is saying, or do not agree, they shout her down. The student leader usually is in the forefront of this curious activity in the secondary and higher schools. Some teachers have stopped fighting—resigned rather than go on under such conditions.

CULT OF FIDEL

Gomez, or his counterpart anywhere in Cuba, is the representative of ambitious, opportunistic Roland Cubela, a brown-haired, good-looking former revolutionary army major who resigned the promising job of Deputy Interior Minister to take over the presidency of the union of university students. He is Prime Minister Fidel Castro's agent in the important field of direction and propagandizing of students. Many support him, but a large number of students—and teachers—detest him.

Under Cubela, all levels get an indoctrination in hate, principally for the United States. It reaches all the way down to the

ranks of children just learning to read. And there is indoctrination in a cult of Fidel.

Children now singsong these lines:

"Si las cosas de Fidel son Communists que me pongan en la vista, pues yo estoy con el." It means: if the things a student sees Fidel doing are Communist, I am with him.

New textbooks, required for primary schools, have been published. These make an undisguised attempt to focus young hatred on the United States.

HISTORY REVISED

One such book is "Geography of Cuba," by Antonio Nunez Jimeneny, rebel army captain who now, as executive secretary, heads the extremely powerful and often oppressive National Institute of Agrarian Reform. On page 16, he writes:

"In 1898, Cuba was able to gain her independence in the struggle which began February 24, 1895. Then the North American soldiers disembarked at Santiage de Cuba and the United States took over the country, seized the sovereignty won in struggle and sacrifice, and later imposed the Platt amendment on the newborn of intervention."

The Platt amendment was abolished 25 years ago, but Nunez says it really was in effect all the time until January 1959, when Cuba for the first time won economic and political liberty. He suggests, echoing the current official line, that the United States itself sank the battleship *Maine* in 1898 to provide an excuse to declare war on Spain and seize Cuba.

This book tells children the United States plundered Cuba for a half a century in a manner typical of colonialism throughout the world. If Cuba is underdeveloped now, that is the United States fault. All Cuba's troubles are blamed on Washington and Yankee imperialism.

ONE-SIDED COMMUNISTS

History is being rewritten industriously. Writers support their thesis by the texts of Jose Marti. Cuba's George Washington, quoting his criticisms but never his appreciations of the United States.

In Camaguey Province, a cartoon book is being distributed under the title, "Cuba, a Heroic People." The cover shows an octopus, wearing a dollar sign, its tentacles labeled "traitors" and "monopolies" being cut off by the machete of heroic-looking revolutionary.

The cartoon story goes back to the discovery of Cuba and the conquest of the Indians by wicked Spaniards, overlooking the obvious fact that today's Cubans are of Spanish, not Indian, descent. It jumps to the Spanish-American War and depicts the United States as seizing Cuba, saying "the people began to be enslaved again." The face of Fulgencio Batista, the former dictator who has some Negro blood, is pictured unnecessarily dark as he accepts bombs and guns from the United States to battle the Castro revolution.

After glorifying the revolution, it continues with the story, attacking U.S. press media, listing the Associated Press first. The AP is pictured as one of the claws on a horrifying beast labeled with a dollar sign. Uncle Sam is shown trying to take over Latin America. A Cuban with a machete stands alert, ready to defeat this design.

GLORIFICATION OF CASTRO

Another textbook just issued is a second grade Spanish language reader, an ordinary one until the last four pages. These are devoted to an extravagant glorification of Castro. Teachers are required to read it daily. Unfortunately for the publishers, this panegyric includes among the heroes surrounding Castro the name of Maj. Huber Matos, since sentenced to 30 years as a traitor for opposing Communist influence. Teachers have been told to skip that name.

Schools remain a problem for the Castro government. Rural schools are being built, similar to those constructed under the Batista regime, but teachers for them are scarce. A beginning teacher gets 67 pesos monthly, from which she must pay her own transportation and expenses in the village. This is $67 at the official exchange rate. New teachers last, often, only 3 months.

Some areas now have schools for the first time. Some have adult education for the first time, and many a peasant is learning the thrill of writing his name. But the program is slowed for lack of money.

Mr. Castro promised to turn military barracks into schools. He has done that in Camaguey and Oriente Province, in the rosy flush of the first months of revolutionary victory when Mr. Castro was saying there would be no more need of arms and soldiers. Cuba would be at peace with everybody. Now his army is bigger than General Batista's ever was. He is spending enormous sums for arms.

But the barracks had been changed into schools. There was only one solution.

Mr. Castro built new barracks.

Mr. SMATHERS. Mr. President, I cannot help believing that those who have made the statement they do not think we should do anything with respect to Cuba—that we should, as a matter of fact, continue for another year the sugar quota, which now gives to Cuba in the neighborhood of $375 million a year—must reassess this evaluation which has been made by some, and remember that the $375 million, as has been so well pointed out in the article, is being used in order to subsidize a "hate the United States" program. This money is being used to subsidize a Communist government in the Caribbean. This money is being used to indoctrinate young minds to hate the United States, something which will plague the United States for generations to come.

I hope particularly that our U.S. State Department, which has given some indication that it hopes we will continue somehow to carry on the preferential sugar quota for the Cuban Government, will reassess the statements made in the light of what is happening, so that no longer will we see the American people subsidizing a Communist government, a government which is using the money which it is getting from us to create a "hate America" program.

Mr. GRUENING. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I am happy to yield to the distinguished Senator from Alaska.

Mr. GRUENING. Is it not a fact that the Cuban Government officially or semi-officially has declared that our present sugar arrangement, by which, in addition to giving Cuba a generous quota we pay for the existing quota of sugar at 5 cents a pound, is an oppressive example of our imperialism?

Mr. SMATHERS. The able Senator is absolutely correct. What is ironic about that statement, Mr. President, is that because we are today paying the Cuban Government approximately 5½ to 6 cents a pound for sugar, it enables them to sell sugar to the Soviet Union at 2½ or 3 cents a pound, at less than cost. What does this mean? It means that the American taxpayers are subsidizing the sale of sugar to the Soviet Union at less than cost. How ridiculous can we get?

Mr. GRUENING. Mr. President, will the Senator yield for another question?

Mr. SMATHERS. I am happy to yield to the Senator.

Mr. GRUENING. Would it not seem reasonable, therefore, in the interest of better relations, and to demonstrate our lack of imperialism, to relieve the Cuban people of some of this oppression and to reduce the quota and the price we pay, so that they may no longer feel oppressed?

Mr. SMATHERS. I could not agree with the able Senator more.

It is a little ridiculous for the Cubans to say that the arrangement which they have made with the Soviet Union is helpful to them, when they charge the Soviets 2½ or 3 cents a pound for sugar, and that the arrangement we have made with them, whereby we give them 6 cents a pound, is somehow economic oppression.

I thank the able Senator from Alaska.

ORDER FOR ADJOURNMENT UNTIL MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business today it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Without objection, it is so ordered.

ORDER GRANTING PERMISSION FOR AMBASSADOR OF CANADA AND PARTY TO ACCOMPANY CANADIAN FOREIGN MINISTER INTO SENATE CHAMBER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Ambassador of Canada, Hon. Arnold I. P. Heeney, and his party be allowed to accompany the Canadian Foreign Minister, Hon. Howard Green, when he arrives at the Senate Chamber at approximately 12:30 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHAT IS INFLATION?

Mr. CARLSON. Mr. President, there is much discussion on the subject of inflation. How it affects our everyday life and how it affects our future is of concern to every one of us.

History is replete with instances of uncontrolled inflation, which has destroyed, first, the economy of a nation, which has been followed by a collapse of the government. Savings and investments have been wiped out, resulting in tragic consequences for people who deserved a better fate.

Despite the lessons of the past, there are many who believe we can spend ourselves to prosperity and that the Government should be continually entering into every field of endeavor with Federal funds.

The April issue of Dun's Review carries an editorial entitled "What Is Inflation," written by A. M. Sullivan, editor of that publication.

I ask unanimous consent that the editorial be printed as a part of these remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHAT IS INFLATION?

Inflation is not increased wages, nor rising prices alone. Neither productivity, nor money value is the only measure of inflation.

The value of any product or service is best measured against the investment of money, labor, skill, and faith that went into the total project. Our generous level of American living, with its spread of wealth, bodily comforts, recreational benefits, and educational opportunities is not inflationary in itself, if there is an honest exchange of time and effort to acquire these symbols of a civilized existence. The rising cost of food, clothing, shelter, education, and recreation is not the immediate result of inflation. It costs more to live nowadays, because life demands more in convenience and comfort. When a person gives more to get more, there is no inflation. But any attempt to evade the effort or reduce our own moral and physical contribution to the system that supports us is inflationary, because it means we are demanding more for thinking less and doing less.

The tough and elastic skin of our economy can stand the pressures of economic expansion, but there is danger when the internal pressures exceed the pressures outside. Inflation is welcomed by some businessmen because it eases resistance to price increases. A creeping inflation offers a kind of false security to some, but a day of reckoning is inevitable. Deflation, when it comes, is as impartial as a bomb thrown in a crowd, and it leaves many economic scars on the body of business.

Long ago, Bishop Fleetwood, an Anglican cleric with an eye for economics, studied prices current in England from the Battle of Hastings in 1066 to the year 1707. He found that barter, a clumsy method of exchange, was a fair test of values. For instance, the price of a pair of brogues or shoes at any period was equal to a day's labor in the fields or at the work bench. Even today, the price of shoes on a barter basis is still a day's effort for the working man.

Some liberal economists defend a creeping inflation as the necessary price we pay for accelerating the momentum of trade. They welcome the Keynesian philosophy of spending our way to prosperity. They encourage the Government to move into minor lulls in the rhythm of business with the stimulus of public works spending, a device which often interferes with the natural corrections in business cycles. The investment in public works can spread the tensions and ease the pain of economic shock, but it is never a substitute for individual incentive and productivity.

Inflation is not primarily a matter of money but of social behavior. Currency values are a statistical guide established for the convenience of traders of goods and services, but to negotiators at a bargaining table, money fluctuations and cost-of-living indices can be more deceptive than helpful in measuring a fair exchange. In the end, inflation is the revealing mirror of the conscience of man—the man who wants something for nothing and needs an excuse to justify his action.

THE FARM PROBLEM

Mr. CARLSON. Mr. President, one of the important problems concerning this Congress is the farm problem. It is the No. 1 domestic issue, and is one which is not easy to solve.

Net farm income went down 16 percent in 1959, and it is expected that there will be a further reduction in farm income in 1960.

The American farmer is entitled to his fair share of the national income, and that is all that he is asking. At the present time, the farmer is forced to buy his machinery, pay for his labor, and pay his taxes in an economy which is continually rising, while, at the same time, his income is gradually going back.

Recently the Consumers' Cooperative Association of Kansas City, Mo., sponsored a full-page advertisement which appeared in the Wall Street Journal and other newspapers concerning the plight of agriculture.

The Consumers' Cooperative Association extends to parts of 11 States and serves approximately 500,000 farm families through 1,700 local retail cooperatives.

The late Senator Arthur Capper, of Kansas, one of America's great leaders in agriculture, recognized the importance of farmers working together with the following statement:

With the legal status of cooperatives clearly defined * * * farmers can do something to cut down the spread between the prices they now receive and those paid by consumers. All over this country a great cooperative movement is taking form and will not be denied. Our American farmers are beginning to see that their very existence depends on pushing cooperative organizations.

I ask unanimous consent that the article appearing in the press entitled "Me Take a 20-Percent Pay Cut?" with the subheading "The Farmer Has Done Just That," be printed as a part of these remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Net farm income went down 16 percent in 1959. It is expected to go down 7 to 8 percent more in 1960. To the farmer this means a pay cut of more than 20 percent in a 2-year period. It comes at a time when the cost of living is going up. What would a 20-percent pay cut mean to you—today?

The farmer's real problem is how to keep up—with less money.

WHERE DOES YOUR FOOD DOLLAR GO?

You pay 12 percent more for your food today than you did in 1950. But this increase does not help the farmer. He gets 9 percent less of the money you spend for food than he got 10 years ago. Where does the money go? It goes into processing, handling, and selling * * * into higher profits and wages for the people who own and work in these industries. While the farmer is getting 9 percent less than he was 10 years ago, these industries are taking 31 percent more.

MORE OF YOUR DOLLAR IS FREE FOR OTHER USES

In 1950 the farmer got 47 cents of each dollar you spent for food. Today he gets about 38 cents. The consumer spends a much smaller percentage of his income on food than he did 10 years ago.

The farmer, through new efficiency and lower net return in relation to expenses, has freed part of the consumer's dollars so that it can be spent for other things * * * new homes, new automobiles, new appliances, clothing, boats, and vacations.

WHAT IS THE FARMER'S ANSWER?

He has tried a lot of things. He has tried efficiency. He has bought new machinery, new fertilizers, improved feeds, hybrid seeds, better breeding stock, new chemicals to fight insects and diseases. Productivity has zoomed. The average hen produced 60 more eggs in 1958 than in 1940. The average acre produces more corn, more wheat. But the farmer is on an economic treadmill and his increase in efficiency has been offset by a decrease in income. Average per capita farm income, according to most recently available Government figures, is only about $1,066, compared to $2,066 for the nonfarm population. And the figure for farmers includes income from part-time jobs off the farm.

EFFICIENT PRODUCTION NOT THE ANSWER

The farmer's output per man-hour has increased 69 percent since 1950. People who work in factories and offices have increased their output only 21 percent. Their income, through wages, has gone up 58 percent. The farmer's income still is where it was 10 years ago. He is producing more efficiently—and he is not getting paid for it.

WORKING TOGETHER—A TIME-TRIED POLICY

Chief Justice Warren has said, "Working together is the imperishable policy of America." Farmers have worked together to clear land, build barns, and harvest crops. For many years now they have worked together to market crops and buy supplies. They do this through their cooperatives. Department stores get together in the same manner to share New York buying offices. Newspapers cooperate in the gathering of news, through the Associated Press. Railroads join in the ownership of bridges and terminals. This is economic cooperation, a practice of business as well as of agriculture. It is self-help without government intervention. It is free enterprise in the purest sense.

THE FARMER'S OWN FARM PROGRAM

Farmer cooperatives are one answer to the problems that have plagued farmers for this "decade of progress." By working together in their cooperatives to market crops and buy supplies, they have cut the gap between cost and income. At Johnson, Kans., last year, a combined grain marketing and farm supply cooperative earned net savings of $415,000. At Sioux Center, Iowa, the combined savings of four cooperatives serving farmers of that area were $359,000. The fact that farmers can make savings like these through their own businesses should point the way to greater use of cooperatives in solving the farm problem. All Americans should be proud that farmers are tackling the problem in their own way, through their own organizations. We invite your understanding of what farmers are doing—through their cooperatives.

PLIGHT OF THE RADIO AND TELEVISION INDUSTRY

Mr. McGEE. Mr. President, we have been assembling in the RECORD the testimony of experts and people otherwise concerned with the state of the television and radio industry. Recently, the new Chairman of the Federal Communications Commission, Frederick W. Ford, made his maiden public address in Chicago. A summary of the principal points

in that speech is the subject of a discussion by John Crosby in a recent Washington newspaper column. The point of Mr. Crosby's observation is that this speech has sent shivers through the television industry, because here, for one of the rare moments in recent years, we seem to have a regulatory official who believes that it is the duty of his office to regulate.

Of course, the days ahead will test the validity of this observation. I ask unanimous consent that the column by Mr. Crosby be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 11, 1960]

FORD'S TALK MUST SEND SHIVERS THROUGH INDUSTRY

(By John Crosby)

The new Chairman of the Federal Communications Commission, Frederick W. Ford, has made his maiden public address at the Chicago convention of the National Association of Broadcasters and it is a dilly. That is, from the point of view of the intelligent viewer, the concerned citizen, and the outraged parent. The broadcasters may call it something else.

To the visitors from Mars, Mr. Ford's speech might seem almost prosaic. All he did, really, was remind the broadcasters they had certain responsibilities. He reminded them that their obligations could not "be sidetracked by or subordinated to the business aspects." This is like saying that the Bill of Rights is not suspended because business is bad. These truths, to coin a phrase, should be self-evident. But they are not. It's heartening to see someone high in a regulatory body state them.

It is also unusual to find a person in a regulatory body—particularly this regulatory body—who believes his function is to regulate.

One passage in Ford's talk that must have caused discomfort in the upper echelons of broadcasting was: "It is not merely a question of whether there is too much of this type or that type of program or advertising matter. Rather, it is a question of whether this industry will measure up to its self-imposed responsibilities with respect to the advancement of education, religion, and culture, the provisions of wholesome entertainment, its special responsibility toward children, decency and decorum in production, its unique position as a vehicle for community affairs, and in its factual, fair, and unbiased treatment of news, public events, and controversial issues."

Let's break that down a little. How well has the industry fulfilled its responsibilities toward education, religion, and culture? Towards education, it has hardly paid more than lip service. Ditto religion. Culturally, it had its own thriving field of drama once (about 5 years ago) which has just about disappeared. There are flashes—NBC opera, Leonard Bernstein's series on CBS—of good music. There is hardly a single good program for children on the networks.

As for "its unique position as a vehicle for community affairs," that is strictly for laughs. Neither radio nor television ever paid much attention to the communities they lived in. The one field mentioned by Ford in which the broadcaster has an excellent record is that of news, public events, and controversial issues (on the last of which it's sometimes much better than the press). Now it just happens that last category is the one the networks run themselves. The news staffs work directly for the networks or the stations, not for a package outfit. This meant they were not nearly so susceptible or vulnerable to the whims of advertisers or the people who package shows in this business, which has a very high concentration of blithering idiots.

Mr. McGEE. A similar summary of the White House Conference on Youth has brought about a summation of the concern of that Conference with the radio and television industry. In this summation, by Isabelle Shelton, points were raised with respect to the caliber of the programs now being offered. I ask unanimous consent that this article be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Mar. 30, 1960]

RADIO-TV INDUSTRY BLASTED—HORROR SHOWS, BAD GRAMMAR, SEEN HARMING YOUTH

(By Isabelle Shelton)

The radio-television industry, already under fire on Capitol Hill for payola and related evils, is about to be blasted again, this time for harmful effects on children and youth.

Work groups at the White House Conference on Children and Youth meeting here this week, were polishing strong statements yesterday denouncing the industry for:

"Too much crime, horror and violence on TV," not enough "high quality" programs at prime viewing hours, "offensive insidious advertising, exploitation of children," not presenting a "truthful, realistic reflection of our society," teaching bad grammar to children by allowing it to be used on programs, and scheduling the relatively few "good" programs in competition with each other.

Networks, local stations and sponsors are included in the indictment.

FCC RAPPED TOO

The Federal Communication Commission is likely to be rapped on the knuckles too, for not "carrying out its mandate" to be sure that stations are operating in the public interest, as their license requires.

In this connection, several delegates thought the FCC should not have to wait until a station seeks renewal of its license to crack down on it for failing to live up to the "public interest" requirement. A law establishing "some power of review," including authority to cancel a license, probably will be recommended.

Parents won't escape without criticism, either. There was a widespread view that they do not exericse enough supervision over the programs their children watch.

TURN IT OFF

"We are losing our perspective," one delegate complained. "We are talking as if we can't turn the set off."

"That isn't practical," rejoined another. "If the broadcasting industry doesn't have a sense of responsibility, Heaven knows what our children will be looking at. Sometimes mother is busy cooking dinner in the kitchen and Dad isn't home from work yet. It's up to the stations."

Another proposal would denounce programs "which seek to appeal to animal instincts, especially things that degrade sex."

The group that proposed this, however, said its members then "got to talking about how much more there is in print in this field than on the air." Sometimes, they decided, programs were "simply boring."

Asked for examples of boring shows, they listed the Ed Sullivan and Steve Allen programs.

There were some kind words for broadcasting, however. A pat on the back was given several programs for being "true to life, natural, wholesome, and presenting positive ideals with a desired emphasis."

Listed were: "Father Knows Best," "Leave It to Beaver," the Danny Thomas show, Walt Disney programs, "Twentieth Century", and "Omnibus."

COMMISSION SOUGHT

Other proposals being drafted called for:

1. Establishment of a permanent commission, probably in the Office of Education in the Department of Health, Education, and Welfare, "to supervise and evaluate this important area of mass communications."

When one delegate pointed out he thought that this was what the FCC was supposed to do, another commented: "Well, if that's so, they certainly aren't doing it."

2. Another proposal, along similar lines, would call on the FCC to appoint a "watchdog" to monitor programs for good taste.

3. Establishment of a research program, probably to be carried on in universities or by an organization like the Brookings Institution, and paid for by Government and foundation grants, "to establish scientifically just what effect shows of violence have on children."

Although many delegates were willing to accept the premise that TV crime and violence obviously were bad for children, others seemed to feel the need of scientific data to support this view.

ADMINISTRATION OF THE PACKERS AND STOCKYARDS ACT

Mr. McGEE. Mr. President, I have recently been in correspondence with the Secretary of Agriculture with respect to the administration of the Packers and Stockyards Act. Out in the West we are deeply concerned with the Packers and Stockyards Act. I raised with the Secretary a series of questions pertaining to some of the enforcement provisions of that act. I ask unanimous consent that my communication to the Secretary of Agriculture be printed in the RECORD at this point as part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
April 12, 1960.

Hon. EZRA TAFT BENSON,
Secretary of Agriculture,
Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: A matter which is of vital importance to the people of the United States, especially those of us who live in the West, is the administration of the Packers and Stockyards Act. As you are well aware, my colleague, the Honorable JOSEPH C. O'MAHONEY, conducted rather extensive hearings on the administration of this act and as a result of these hearings, amendments were agreed upon in 1958 which changed the law.

The law has been in effect for well over a year now, and I believe the Department has had an opportunity to review its effect. One of the more important aspects of the law is the enforcement regulation which the Department of Agriculture had which was greatly broadened and extended to cover all livestock marketing in the United States, both to packers and to feeders, whether at a terminal market, at auction yards, or by individual traders. The intent, of course,

being to secure equal and uniform enforcement of Packers and Stockyards Act regulations on all segments of the livestock marketing industry.

In view of congressional action, I should like to have the answers to several questions relating to this act:

1. Will you please provide me with a complete record of the new cases brought against meatpackers by the Department of Agriculture for violation of the Packers and Stockyards Act since the 1958 amendment, the names of the parties involved, and descriptions of the nature of the actions, and the present status of each of these.

2. A list of all instances where the Federal Trade Commission has requested the Department of Agriculture's permission to conduct investigations involving meatpackers under the terms of the 1958 amendment and the action your Department took on these requests.

3. The number of instances when the Agriculture Department requested the Federal Trade Commission authority to conduct investigations against meatpackers at the retail level in accordance with the terms of the 1958 amendment and the action the Federal Trade Commission took on these requests.

4. What actual changes have been made in the organizational setup of the Department dealing with the enforcement of the Packers and Stockyards Act?

5. How many new people have been assigned to work exclusively on the enforcement of the Packers and Stockyards Act; and of this number, how many are in Washington and how many are in the field?

6. How much additional posting of stockyards has been done as a result of the 1958 amendments and where did these postings occur?

7. What funds were requested from the Bureau of the Budget for the enforcement of this act for fiscal year 1961?

8. What funds would be needed to conduct effectively a program of equal and uniform enforcement as intended by Congress?

Realizing the time is short, I feel this matter is of utmost importance and in all probability, the subcommittee of the Appropriations Committee for the Department of Agriculture and related agencies will want to give this matter considerable thought. It is hoped this information can be available to the subcommittee during our hearings.

Sincerely yours,

GALE W. MCGEE,
U.S. Senator.

WRONG KIND OF AMERICANS IN ETHIOPIA

Mr. MCGEE. Mr. President, I have received from a constituent in Casper, Wyo., a clipping of a column by Mr. Robert C. Ruark, entitled "Wrong Kind of Americans in Ethiopia." The burden of Mr. Ruark's column was that we were sending the wrong Americans there, and too many of them were doing the wrong things. My constituent wanted to know the reason why.

On the House side a gesture was made to include Mr. Ruark's column in the RECORD some days ago. Since then I have received from the International Cooperation Administration a reply to a communication from me, in behalf of my constituent, qualifying and modifying some of the more extreme assertions made in the Ruark column.

I ask unanimous consent that my correspondence with the ICA on this subject be made a part of the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

INTERNATIONAL
COOPERATION ADMINISTRATION,
Washington, D.C., April 4, 1960.

The Honorable GALE W. MCGEE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCGEE: I am pleased to have the opportunity to reply to your letter of March 11, to which was attached a letter from your constituent Mr. T. J. Files of Casper, Wyo., concerning an article by Mr. Robert C. Ruark, entitled "Wrong Kind of Americans in Ethiopia." Mr. Ruark's informant has considerably distorted the facts and has presented a very exaggerated picture of the standard of living of American families in Ethiopia.

I am informed that there are a total of 326 U.S. Government personnel (direct hire and contract) assigned to Ethiopia, of whom a majority have families. Sixty-eight of these are with the Military Assistance Advisory Group of the Department of Defense, 60 are employees of the U.S. Embassy and consulate, and 5 are on the staff of the U.S. Information Agency. The remaining 193 are direct hire personnel of the International Cooperation Administration or participating agencies, and contract employees funded by ICA charged to USOM-Ethiopia rolls at the end of last month. Of the ICA total, 171 were present in Ethiopia at the end of February. The ICA personnel are located at Addis Ababa and at five outlying towns in Ethiopia. The Mission Director and Deputy Director have complete responsibility for all ICA projects and staff in the country. They also are responsible for the negotiation of U.S. assistance programs with the Ethiopian Government and serve as members of the U.S. Ambassador's country team along with senior Embassy staff and heads of MAAG and USIS. There never has been nor is there now an assistant deputy director to the mission.

ICA overseas personnel receive salaries and allowances in accordance with the standards established by the Foreign Service Act. In a recent study made on costs incurred for ICA technicians, it has been determined that total expenses of transporting a technician with three dependents from St. Louis to Addis Ababa amounts to $7,820. This includes transportation and per diem of employee and family, unaccompanied baggage, automobile, and limited household effects. This cost is about equally divided between family travel and transportation of goods. The average cost last year was $5,000 per technician. Therefore, our information does not support the statement made that "it costs the American Government about $25,000 to bring a family to Ethiopia."

Because of the great distance involved and the high cost of shipping, we have found that it is less expensive to provide basically furnished housing for our personnel in Ethiopia, rather than to ship each employee's furniture to and from that country. Consequently, it is our policy to provide Government-leased and Government-furnished quarters rather than to grant housing allowances. We do provide a refrigerator and stove to each house, but we do not provide such things as a washing machine or other electrical appliances, nor, of course, such things as dishes and silverware, glassware, or decorative ornaments. Although the nights are cold at the high elevation in Addis Ababa and the houses are not centrally heated, we nevertheless do not provide space heaters except to families with very small children and except in those cases where it is found to be essential for medical reasons. Generally speaking, the housing we provide is modest in size, furnishing, and equipment. It conforms with that occupied by Europeans in Ethiopia. A housing committee was established some 2 or 3 years ago at ICA's initiative, under the chairmanship of the U.S. Embassy, in order to prevent competitive bidding for available housing and to hold down rental costs. I am told that ICA's average rental is one of the lowest of any organization of any size in the city.

Mr. Ruark's mention of Greenbelt, Md., undoubtedly refers to the large U.S. Department of Agriculture Experiment Station at Beltsville near Washington. We have helped the Ethiopian Ministry of Agriculture to establish a small agricultural experiment station at a site about 30 miles from Addis Ababa. Ethiopia has a considerable potential for developing its agricultural resources, and this experiment station is doing some highly important work basic to that development. However, it hardly compares with Beltsville.

Ethiopia does observe a considerable number of holidays, most of which are Coptic Church religious holidays. Our mission observes only those few important holidays which the Embassy has determined must be observed in respect to local custom.

Mr. Ruark's informant suggests that the Americans in Ethiopia are living more comfortably, or more luxuriously than they would in the United States—that they have "got it made." The fact is, on the contrary, that we have difficulty recruiting for Ethiopia and similar posts, and our turnover is high because of the more attractive employment opportunities available elsewhere.

The size of the ICA mission reflects the requests of the Imperial Ethiopian Government for U.S. assistance on a variety of projects and the interests of the U.S. Government to respond to these requests. Ethiopia's greatest need is for trained manpower. Accordingly the program is primarily one of technical cooperation. American specialists are helping to train a nucleus of Ethiopians in such basic fields as health, education, and agriculture. As a matter of policy our technicians are assigned at the specific request and approval of the Ethiopians.

The fiscal year 1960 technical cooperation program in Ethiopia includes 33 projects at a total cost of just under $5 million. The major portion of this assistance is being provided for the establishment and strengthening of several educational institutions and for the development of the governmental school system. The Imperial Agricultural College at Alemaya and the agricultural technical school at Jimma are staffed with U.S. technicians provided under an ICA contract with Oklahoma State University. To date 53 students have been awarded bachelor of science degrees and an additional 24 are expected to graduate this year. Over 200 Ethiopians have graduated from the agricultural technical school. The Oklahoma staff of 65 persons are also training Ethiopians for the agricultural extension service and carrying out important agricultural research and experimentation work at several research centers in various parts of the country.

ICA staff at the Haile Selassie I Public Health College and Training Center, working with representatives of the Ministry of Public Health, and WHO, have developed an effective training program for community health service teams. A total of 49 health officers, 28 community nurses and 31 sanitarians have been graduated. Other U.S. technicians are working with two teacher training schools, two vocational trades schools, and the national airlines training center.

One major area of assistance is the Blue Nile River Basin investigation project

which is being carried out for ICA by the U.S. Coast and Geodetic Service and the Bureau of Reclamation. This project includes a reconnaissance study of an area of approximately 113,000 square miles. U.S. technicians are also helping to establish a permanent Department of Water Resources and train Ethiopian personnel to staff it. Other areas of U.S. technical cooperation which have been undertaken at the request of the Ethiopian Government include community development training, audiovisual center, livestock improvement, and community water supply. In addition the ICA mission has responsibility for a small commodity import program and the use of local currencies generated therefrom.

Mr. Marcus J. Gordon, who is now ICA's regional director for Africa and Europe, and Mr. Herman Kleine, assistant deputy director for Operations, have both served as directors of our ICA mission in Addis Ababa. I asked them to give me a statement concerning the Ruark article. In addition to providing the above facts, they made the following comments, which may be of interest to you:

Mr. Gordon: "As mission director, I enjoyed somewhat better facilities than the average U.S. technician. Houses tend to be large in size and perhaps impressive looking to the casual visitor. However, the plumbing and electricity functioned intermittently, water was often off, one always had to boil any water to be used for drinking, etc.

"When living in Africa one has to accept hospitality that is offered and do his utmost to be a creditable representative of the United States. As a result, one cannot avoid many serious health hazards. During my time in Africa I personally had yellow jaundice, frequent bouts of dysentery, two tapeworms, and two attacks of malaria.

"After 7 years of this 'high living' in Africa, I can assure you that my family and I consider it somewhat of a luxury to be living temporarily back in the United States, in a small but modern house, and close to good educational and medical facilities."

Mr. Kleine: "While in recent years there has been some improvement in the problems noted by Mr. Gordon, the mission continues to experience considerable difficulties as regards housing, health, and education facilities for its personnel. As regards housing, it should be noted that the recent influx of numbers of personnel assigned to the newly created UN Economic Commission for Africa and the buildup of staffs of other foreign embassies as well as private firms have served to create heavy demand for relatively limited availabilities in housing. Consequently our personnel often must spend long periods in hotels prior to finding family housing facilities at reasonable rentals. To obtain the greatest return on U.S. Government expenditures for housing, the combined housing board of the U.S. agencies in Ethiopia has been very effective. Through this system we were able to obtain housing at an overall cost lower than would be involved if individuals had to negotiate for their own housing based on individual rental allowances. Turnover of personnel continues relatively high in Ethiopia because of the continuing inadequate facilities for serious medical attention for our personnel and their families and education for children."

Sincerely yours,

L. J. SACCIO,
Deputy Director.

LOYALTY OATH IN CONNECTION WITH STUDENT LOANS

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a news column entitled "Loyalty Vow for Loans Is Protested," written by Erwin Knoll and published in the Washington Post of April 10, 1960, summarizing the present status of the loyalty-oath question. The point is made that the great citadels of learning in America are one by one lining up in protest against these loyalty oaths.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOYALTY VOW FOR LOANS IS PROTESTED

(By Erwin Knoll)

At least two dozen colleges and universities, including most of the Nation's top prestige institutions, are not participating in the student loan program of the National Defense Education Act because they object to a controversial loyalty affidavit requirement.

Trustees of Brandeis University voted recently to add their institution to the list of those which have withdrawn from the student loan program since it was inaugurated in 1958.

Other schools which have withdrawn include Amherst, Antioch, Bennington, Goucher, Grinnell, Harvard, Oberlin, Radcliffe, Reed, St. John's, Sarah Lawrence, Wilmington, Wesleyan (Connnecticut), Yale, and the Interdenominational Theological Center (Georgia).

Eight institutions refused from the very beginning to take part in the student loan program because they found the loyalty affidavit objectionable. They are Beloit, Bryn Mawr, Haverford, Mills, Princeton, Swarthmore, Wellesley, and the University of Richmond.

The student loan program permits low-interest loans of up to $1,000 a year, to be administered by the colleges, which put up $1 for every $9 of Federal loan funds.

OATH AND DISCLAIMER

Each student receiving a loan must swear on oath of allegiance to the United States and file an affidavit that he "does not believe in, and is not a member of, and does not support any organization that believes in or teaches the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional methods."

Most opposition has been directed not against the oath of allegiance but against the "disclaimer affidavit."

Educators protest that it is discriminatory, singling out students—and particularly students in need of loans—as subjects of distrust.

The administration has asked for repeal of the affidavit requirement, and legislation to that effect, sponsored by Senator JOHN F. KENNEDY, Democrat, of Massachusetts, has been approved by a Senate committee. It may come to a vote when the civil rights debate ends.

But in the House, where similar legislation has been introduced, no hearings have been held and action in this session is regarded as unlikely.

EIGHTY-THREE COLLEGES OBJECT

The U.S. Office of Education, which administers the National Defense Education Act, says at least 83 colleges and universities participating in the loan program have voiced objections to the loyalty affidavit. There may be more, since the Office of Education has never asked the institutions to state their position.

Among the protesting institutions are State universities in Arizona, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, New Hampshire, North Carolina, Pennsylvania, Rhode Island, Washington, and Wisconsin.

A number of national organizations, including the major education groups, the National Council of Churches of Christ, the American Jewish Congress, and the New England Society of Newspaper Editors, have also objected to the affidavit.

The American Legion has come out in favor of the requirement, as have a few small colleges participating in the program.

SUBSCRIPTION TELEVISION

Mr. McGEE. Mr. President, there appeared in the Wall Street Journal for April 11, 1960, an article entitled "Oklahoman Seeking Paramount Pictures Franchise for Pay-TV." Since this article bears on the subject of S. 2653, a bill which would put community antenna television systems under the jurisdiction of the Federal Communications Commission, and which is now on the Senate Calendar, I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OKLAHOMAN SEEKING PARAMOUNT PICTURES FRANCHISE FOR PAY-TV—MOVIE OPERATOR'S WIRED SYSTEM WAS UNSUCCESSFUL IN 1957; SAYS TELEMETER SOLVES PROBLEMS

NEW YORK.—An Oklahoma movie theater operator, who made an early experiment in subscription television, said he is negotiating for franchises for Paramount Pictures Corp.'s telemeter pay-TV system.

The announcement was the first indication of where the initial telemeter installation in the United States may come. Paramount's International Telemeter Co. division is testing the system in Etobicoke, a suburb of Toronto, Canada. The system, which pipes programs into homes through coaxial cables, doesn't require sanction of the Federal Communications Commission, unlike broadcast systems using the air waves.

The telemeter franchises are sought by Henry Griffing, president of Video Independent Theaters Corp., Oklahoma City, which operates 200 theaters in Oklahoma, Texas, and New Mexico. The chain also has community TV antenna systems in Oklahoma, Texas, Kansas, Florida, and Mississippi.

In 1957 and 1958, Mr. Griffing tried out his own cable pay-TV in Bartlesville, Okla. "Financially we were unsuccessful," he said, "but telemeter solves the problems we had." He indicated that his first telemeter installations would be in cities having community antenna systems. In these cities, where TV reception is poor because of terrain, TV sets already are linked by cable to a central pickup and transmission station.

Terming the Bartlesville experiment "premature and primitive," Mr. Griffing pointed out that he had charged his customers a flat monthly fee of $9.50, no matter how many shows they watched, confined programs essentially to motion pictures, and offered only one movie at a time. Telemeter, he said permits the viewer to choose among three simultaneous programs and pay only for what he sees, because of a meter attached to his receiver. Mr. Griffing said he planned a wide variety of programing, obtained from all available sources.

Lewis Novins, president of International Telemeter, attended a news conference at which Mr. Griffing made his announcement. Mr. Novins said the two companies are $5 apart in financial discussions, but he declined to say whether negotiations with other interested concerns are closer to completion.

VISIT TO THE CHAMBER BY THE FOREIGN MINISTER OF CANADA AND THE AMBASSADOR FROM CANADA

Mr. AIKEN. Mr. President, our country does business with over 80 different countries of the world. However, there is one country with which we are more closely aligned—geographically, racially, economically, militarily, and so on—than with any other country. I refer to the country to the north of us, with whom we have a long boundary of 3,000 miles, and where we have common works which are carried on cooperatively by the two countries. It is a country which is closer to us than any other country in the whole world.

We are honored today by having as a visitor to the Senate the distinguished Minister for External Affairs of Canada, whose office in this country corresponds to that of our Secretary of State. He is the Honorable Howard Green. I am pleased to introduce to the Senate the Minister for External Affairs, of Canada, the Honorable Howard Green.

[Applause, Senators rising.]

Mr. AIKEN. Mr. President, I wish to introduce also that good-looking gentleman who is accompanying the Minister for External Affairs. He is none other than Mr. Arnold I. P. Heeney, Ambassador from Canada to the United States.

[Applause, Senators rising.]

Mr. MANSFIELD. Mr. President, it is a singular pleasure and privilege to join with my distinguished colleague the senior Senator from Vermont [Mr. AIKEN], who is also chairman of the Senate section of the Canadian-American interparliamentary group of the Senate to greet the distinguished Foreign Minister of Canada, the Honorable Howard Green. Mr. Green is with us as the representative of a nation which is most close to us; it is close to us not only in a geographic sense but, more important, in the sense of a shared outlook, shared ideals, and one may say, even a shared destiny.

It is possible to conceive of points of differences between the foreign policies and the immediate interests of Canada and the United States; that is inevitable among independent and equal nations. It is inconceivable, however, that Canada and the United States will ever permit these differences to transcend the deeper intermingling of the fortunes of the two countries.

I know I speak for my colleagues, Mr. Minister, when I say that the Senate of the United States nourishes only the warmest sentiments toward Canada and the Canadian people. We wish for nothing more than a continuing abatement of any differences which may exist and a continuing growth of cordiality and cooperation in all spheres of relations with our great neighbor to the north.

It is with that thought, Mr. Minister, that we bid you and the able and distinguished Ambassador to the United States from Canada welcome to the Senate.

[Applause, Senators rising.]

Mr. DIRKSEN. Mr. President, there is a durability to the friendship between the people of the United States and the people of Canada which I believe transcends all difficulties, and is a living testament to the fact that we can have our differences of opinion and yet never impair that friendship and that sense of understanding.

You may not know it, Mr. Minister, but I am one of those who on occasions have tried, for my constituents, to secure some additional water from the Great Lakes, particularly Lake Michigan, by way of diversion for domestic purposes. Yet I have found it always agreeable to have Mr. Heeney come to pay me a call, at which time we can, in the most friendly fashion, discuss the problem, with each one continuing to hold his own views.

The very fact that matters of this kind are ventilated before the committees of the Senate—no matter how vigorous our efforts, no matter how purple the language that might at times be employed—shows that the friendship between our countries is immune to all difficulties and all misunderstanding.

I am confident that that very felicitous relationship which has existed between our two countries will continue forevermore.

It is a delight to see you gentlemen and to extend our hand of fellowship to you.

Mr. AIKEN. Mr. President, in view of the precedent established by the Senator from Illinois, I might perhaps suggest that this would be a good opportunity for me to put in a plug for the Hudson-Champlain-Richelieu Waterway. [Laughter.]

Mr. GRUENING. Mr. President, in joining in welcoming our distinguished visitors from Canada, I should like to call to the attention of my good friend from Vermont, with whom I have enjoyed friendship for many years, that the unguarded border between our two countries is not 3,000 miles long, but 4,400 miles. Alaska has added 1,400 miles to that boundary. Since Alaska has joined the Union, the importance of that boundary has been greatly increased and its length extended.

Mr. AIKEN. I apologize to the Senator from Alaska. I am sure that the length of the boundary will continue, unless we have a very long hot spell, when it may be shortened at the northern end. [Laughter.]

SPECIAL MILK PROGRAM—CONFERENCE REPORT

Mr. HOLLAND. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken by the Senate amendment insert the following:

"SEC. 2. Such Act is further amended by adding after the first sentence thereof the following new sentence: 'There is authorized to be appropriated for the purposes of this Act for the fiscal year beginning July 1, 1960, separate from any other appropriation of funds for Commodity Credit Corporation, such amount as may be deemed to be necessary to reimburse Commodity Credit Corporation for amounts advanced by it under this Act.' "

And the Senate agree to the same.

That the Senate recede from its amendment to the title.

ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
HUBERT H. HUMPHREY,
WILLIAM PROXMIRE,
GEORGE D. AIKEN,
MILTON R. YOUNG,
B. B. HICKENLOOPER,
Managers on the Part of the Senate.

HAROLD D. COOLEY,
W. R. POAGE,
THOMAS G. ABERNETHY,
LESTER R. JOHNSON,
CHARLES B. HOEVEN,
PAUL B. DAGUE,
CLIFFORD G. MCINTIRE,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HOLLAND. Mr. President, the report is a unanimous report of all the conferees of the Senate and House of Representatives.

The House bill would have increased the amount which could be expended from Commodity Credit Corporation funds on the special school milk program to $85 million for the current fiscal year, and $85 million for the fiscal year beginning this July. In addition, it authorized the appropriation of up to an additional $15 million for the program for the fiscal year beginning this July.

The House bill did not provide for extension of the program beyond its present expiration date of June 30, 1961. The first Senate amendment would have made the program permanent. The conference report recommends that the Senate recede from this amendment, leaving the matter of extension of the program to await later legislation.

The second Senate amendment would have increased the amount of Commodity Credit Corporation funds which might be expended on the program during the fiscal years beginning this July to $95 million. The conference report recommend that the House recede from its disagreement to this amendment, so

that adequate funds will be available from a single source to carry out the program next year.

The third Senate amendment struck out the language proposed by the House bill authorizing the appropriation of an additional $15 million for the program for the fiscal year beginning this July. The purpose of the House provision was to begin a transition to the use of appropriated funds, rather than Commodity Credit Corporation funds, for the program. The objective of using appropriated funds was to make it clear that expenditures for the program are not to be considered price-support expenditures. The law already provides that such expenditures are not to be considered price-support expenditures; and the Committee of Conference felt that the objective of the House provision could be reached by authorizing a special appropriation to reimburse the Commodity Credit Corporation for its expenses in carrying out this program for the fiscal year beginning this July. Such appropriation would be kept separate and apart from any appropriation to restore funds expended by Commodity Credit Corporation under the price-support program. The conference report, therefore, recommends that the House recede from its disagreement to the third Senate amendment with an amendment providing for such a separate appropriation.

The Senate also amended the title of the bill so that it would reflect the Senate amendment extending the program on a permanent basis. Since the conference report recommends that the Senate recede from its amendment making the program permanent, it also recommends that the Senate recede from its amendment to the title.

Mr. President, I have already stated that the conference report is supported by the unanimous agreement of the conferees of both bodies. I am willing to answer any questions, if there be any.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AFRICA FREEDOM DAY

Mr. SYMINGTON. Mr. President, the American Committee on Africa convened in New York City yesterday to observe Africa Freedom Day.

I ask unanimous consent to have printed at this point in the RECORD a message I sent to the meeting.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

Mr. GEORGE HOUSER,
American Committee on Africa,
New York, N.Y.:

I join you in celebrating Africa Freedom Day as the symbol of the independence of 16 African nations and as the symbol of hope for near future self-rule for many others. The successes in breaking the chains of colonialism and the vigorous desire to become self-sufficient find a parallel in the beginnings of our own Nation.

Further, I am in full accord with the action of our Government and the United Nations in protesting the brutality in South Africa. It was a shocking example of man's inhumanity to man. We can hope it will swing the pendulum back toward respect for human dignity.

STUART SYMINGTON,
U.S. Senator.

THE NECESSITY FOR COST KNOWLEDGE IN SETTING FAIR GRAIN STORAGE RATES

Mr. SYMINGTON. Mr. President, recently the Secretary of Agriculture announced that he planned to negotiate new and lower grain storage rates with the grain trade.

It has now come to my attention that certain Members of the Senate have requested the Secretary of Agriculture to suspend these negotiations until a report is filed by the Special Senate Agriculture Investigating Subcommittee, of which I have the honor to be chairman.

Any report from the Special Agriculture Investigating Subcommittee should not and would not contain any specific recommendations as to the rates to be paid under the uniform grain storage agreement.

The establishment of those rates obviously is the proper function of the executive branch, through agreements between the Secretary of Agriculture and the warehousemen who store Government grain. Neither the farmers nor the Congress is a party to these negotiations.

Upon direction from the full committee, this subcommittee was directed to determine the facts concerning the administration of the Commodity Credit Corporation, of which the negotiation of the uniform grain storage agreement is a segment.

In this work we have had the wise and constructive cooperation of the General Accounting Office and its able head, Comptroller General Joseph Campbell.

According to testimony before the subcommittee, in the last 7 years the Department of Agriculture has spent $2½ billion for commodity storage; and the Secretary of Agriculture repeatedly refers to the high cost of this program.

In recent years the Department has negotiated the grain storage agreement twice; and, according to the testimony of the Director of the Grain Division itself, it has done so without any actual knowledge of the cost of storing grain.

Such action—reaching rate decisions without knowledge of costs—violates the basic concept of good business management under sound accounting principles.

Any businessman, whether in a city or on a farm, knows you cannot operate efficiently unless you have knowledge of your costs.

Unless and until, therefore, the Department of Agriculture has the same type and character of cost information about grain storage that any businessman has about his costs, the grain storage program can never be handled with fairness and efficiency.

If the Department continues to try to operate without a proper knowledge of costs, it can only continue to set storage rates which result in excessive profits to some operators, but denies others the opportunity to earn a fair profit.

All the waste which results from this kind of "management in the dark" procedure is charged to the overall farm program—and therefore to the farmers themselves.

The subcommittee has invited the National Grain Trade Council, the Grain and Feed Dealers National Association, the National Federation of Grain Cooperatives, as well as any others interested, to testify before the subcommittee.

The subcommittee will thereupon see to it that any such testimony is forwarded promptly to the Secretary of Agriculture, in the hope that the testimony will be of assistance to the Department.

The subcommittee will continue its review of the management of the Department of Agriculture, and will ask the same type and character of questions that are being asked by farmers, members of the trade, and all citizens interested in a sound farm program. As an example, we shall ask:

First. Is the Department of Agriculture undertaking an adequate cost study to negotiate rates so as to prevent some excessive profits at the expense of farmers and other taxpayers—but so as also to give opportunity for a fair profit to those who are providing needed storage service to the farm communities of this country?

Second. Is the Department conducting an adequate cost study survey to determine the cost of on-the-farm grain storage?

Third. Does the Department recognize that the farmer does not receive a handling rate for his on-the-farm storage as is paid the commercial warehouseman?

Fourth. Has the Department considered the fact that any proposed new rate will proportionately add to or subtract from the income of the individual farmer, since the latter is charged for the initial storage payments paid when crops are taken to the elevator for storage under the loan program?

Fifth. Is the Department taking the necessary steps to find out the differences in costs between storing grain in certain parts of the country as against others?

Sixth. Is the Department considering a "renegotiation clause" to prevent excessive profits? Its own recent survey shows the differences in the cost of storage to be as much as 50 cents per bushel.

Seventh. Is the Department considering the plight of the operators who, while providing necessary services to the farmers in their communities, are losing on every bushel of Government grain stored?

These conditions can be corrected only if the Department has a proper knowledge of the costs involved.

The Secretary of Agriculture often talks about the huge cost of storing Government grain. Only now, however, is any real effort being made to obtain normal data about the cost of doing this business.

If there is anyone who believes the Federal Government should allow some to make tremendously excessive profits on grain storage, while at the same time

denying others a fair and reasonable profit, let him come forward and say so.

We urge the Secretary of Agriculture to hurry up and get the facts. Only with the facts can he make decisions in this matter which are based on good business practice under sound accounting principles.

INCREASED OLD-AGE ASSISTANCE AND SOCIAL SECURITY PAYMENTS—INTRODUCTION OF BILLS

Mr. YARBOROUGH. Mr. President, one of the facts of life of our day is that there are over 8 million Americans who cannot afford a square meal, cannot meet the rent on a decent place to live, cannot pay for the medical care and medicine they need.

There is much debate and study over what we should do to alleviate the problems of the aged and aging, one of the most complex social dilemmas of our times. While the debate and the studies continue, I propose that we take immediate, emergency action in this manner: Let us allow and encourage those who are able to work, to earn more money, without being penalized by deductions from their pensions or their social security payments.

Therefore, Mr. President, I introduce, for appropriate reference, and send to the desk, two bills to help achieve this purpose. The first bill will rewrite the socalled "retirement test" in the Social Security Act, which applies to almost half a million people in Texas alone, in order to raise the annual earning limitation to $2,400.

Under present law, a social security beneficiary loses 1 month's benefits for each $80, or fraction thereof, by which his annual earnings exceed $1,200. This low earnings limitation works a great hardship on many beneficiaries who must work to supplement their social security benefits if they are to maintain a decent standard of living. The average old-age benefit under social security is still just $72 per month.

If we cannot provide benefits in an amount which would relieve the necessity for work, we must allow the beneficiaries to earn supplemental amounts which will, together with benefits, permit them to live in a decent manner. Today, the minimum benefit is $33 per month, or $396 per year. I submit that the resulting ceiling of $1,596 a year is not enough to maintain a person adequately for a year. Moreover, we are expending a great deal of energy toward the rehabilitation, retraining, and reemployment of older persons; but at the same time we are discouraging them from taking employment, by this low limit on annual earnings by the recipients of social security benefits.

Therefore, Mr. President, one of the bills I am introducing would raise the annual earnings limitation to $2,400. Even this change is little enough, but it is far better than the present law. In the example given above, the beneficiary could have a combined income of $2,796.

I hope the Congress will enact such legislation during this session, since it is already long overdue.

Mr. President, the second bill which I am introducing requires that in determining need, the first $50 per month of earned income must be disregarded in figuring old age assistance pensions.

One of the main complaints that I have received about our State and Federal old age pension programs is that they often discourage people from working, even when they want to work and are able to work, and in many cases would be happier with at least some additional employment.

In my State, an elderly person—for instance, a widow 70 years of age—might be able to earn a few dollars a week as a baby sitter or even as a practical nurse. However, if her earnings exceed the permissible minimum, which is very low, she would have her name taken off the pension rolls. If thereafter that temporary employment ceased, it would take her many months to have her name restored to the pension rolls. Such a situation is most discouraging to the persons who are in this group. It has an adverse effect on their happiness, and it discourages them from doing such work as they may be able to do. This situation also has a most depressing effect on the spirit of these people.

Under my amendment, we are saying to some 2,400,000 penniless older men and women in the United States, of whom some 229,000 are in my own State of Texas, that if they can manage to add a few dollars to the pitifully small payments they are receiving under these programs, those payments no longer will be "docked." To those who might protest that such a change will increase the expenditures for old-age assistance, I point out that the average old-age assistance recipient is a widow, age 75, who, in my State, is receiving $52 a month. I know that many of them are so feeble that they cannot earn as much as they need for adequate food, clothing, and shelter; but I certainly think they should have the opportunity to do so if they can.

Most of the people now on old-age assistance are unable to qualify for social security because the family breadwinner worked all of his life in a job not covered by social security—particularly in States like mine and that of the distinguished Senator from Kansas [Mr. CARLSON] who is now presiding, which have been agrarian States, and people in those States worked in an agrarian economy.

The kind of a ceiling on submarginal income imposed by existing law goes back to the Elizabethan age poor laws for its justification. Mr. President, we live in the 20th century, not in the 16th. It is time we adopted a more enlightened policy, one which would exempt at least the first $50 a month of earned income in figuring old-age pensions for our needy senior citizens.

Mr. President, this is the first session of the Senate since the 15th anniversary of the death of Franklin D. Roosevelt. It is appropriate that these bills be introduced today, for they aim to extend two of the humane programs of social justice, social progress, and public welfare initiated by the late beloved Franklin D. Roosevelt.

It is in his spirit of action rather than talk that I introduce these bills, in the hope that action will be taken on them this session.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. MONRONEY. I should like to congratulate my colleague from the neighboring State of Texas for his foresight and humanity in introducing the two bills, which are so badly needed. It was brought out in the Appropriations Subcommittee on the Department of Health, Education, and Welfare, that over 47 percent of those on old-age assistance are also recipients of social security. They receive an average of $43 a month from social security, and they must have the earned old-age retirement benefit implemented by old-age assistance of $50, thereby cutting down the availability of funds that might prove to be of benefit to others who do not have the benefit of such programs.

Further, the prohibition against the earning of more than $100 a month denies to those persons the right to implement their meager social security retirement payments. They must, therefore, seek public assistance out of funds half of which are matched by the Federal Government, in order to maintain the most meager standard of living.

The Senator is moving in the right direction in seeking to enlarge the amount which retirees under the social security program can earn. Thus, we shall not only encourage the initiative of older citizens to seek work to supplement their retirement benefits, but we shall also take away a heavy drain on the old-age assistance program, which can be utilized in other needed ways. Further, we shall reduce the workload of the caseworkers, because 27½ percent of the old-age assistance program under State and Federal funds must be monitored by thousands upon thousands of social service workers. As a result, there is extra overhead expense, which funds could more properly be devoted to improving the health of the aged. If those funds are not necessary for old-age assistance, they can be used for a desperately needed program to improve the health of the aging people of America.

Mr. YARBOROUGH. Mr. President, I thank the distinguished Senator from Oklahoma for his contribution on this question. As usual, he is in the forefront of thinking in this body on programs of social advancement, as well as showing leadership in foreign programs. The Senator has given us a great deal of very valuable information in support of these bills. There is a sort of popular belief that those who are the recipients of social security benefits receive much larger payments than those who receive old-age pensions, and are therefore better off. The Senator from Oklahoma has pointed out that 27 percent of those who receive social security benefits receive payments that are so low that they must also receive old-age pension payments in order that their income may be brought up to the level received by old-age recipients.

The Senator has pointed out that money that may be saved as a result of eliminating the need for extra caseworkers, in order to take care of cases of those receiving old-age pensions, to be sure they do not get over $75 a month, can be used for other purposes. The very fact that those people are receiving such low benefits results in aging their minds and bodies more than does the passage of time. We ought to make it possible for them to earn a few more dollars. It is contrary to the American spirit to deny them that right.

I thank the Senator from Oklahoma for making such a fine contribution to this discussion.

The PRESIDING OFFICER (Mr. CARLSON in the chair). The bills will be received and appropriately referred.

The bills, introduced by Mr. YARBOROUGH, were received, read twice by their titles, and referred to the Committee on Finance, as follows:

S. 3370. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; and

S. 3371. A bill to amend title I of the Social Security Act to provide that the States disregard certain income in determining need for old-age assistance under the State programs established pursuant to such title.

Mr. JOHNSTON of South Carolina. Mr. President, I wish to commend the junior Senator from Texas for having introduced these bills in regard to benefits for aged people in the United States. I think when the matter is before the committee we should look into the question of the present value of the dollar. I am sure we will learn that the dollar has been stretched out, and that $1,200 is not what it used to be. Such an inquiry will help us to carry out what the Senator has in mind at the present time should be carried out. The Senator from Texas thinks a higher exemption than $1,200 should be allowed. It should be $2,400. I desire to express my appreciation to the Senator.

Mr. YARBOROUGH. I appreciate the contribution made by the senior Senator from South Carolina in pointing out that the limitation of $1,200 is even smaller now than it was years ago, because of the decreased purchasing power of the dollar.

Having the privilege of serving on the Post Office and Civil Service Committee under the leadership of the senior Senator from South Carolina, who is the chairman, I have watched his leadership in the field of pay increases for the underpaid Federal workers and the underpaid postal workers, his leadership in helping push through the passage last year of the Federal health and hospitalization program for Federal employees, his constant work now for similar benefits for retired civil service employees, his part in matters relating to social security and old age pensions for older people. The humanitarian support that the distinguished Senator from South Carolina gives all these programs has been known for a long time in my State. I appreciate his added support today.

Mr. JOHNSTON of South Carolina. I thank the junior Senator from Texas for his remarks concerning me, but he well remembers that he was on the committee and he worked hard on these matters when they were before the committee at the time.

Mr. YARBOROUGH. I thank the Senator.

TEXAS SHEEP AND GOAT RAISERS' RESOLUTIONS ON PREDATOR CONTROL

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD two resolutions recently passed by directors of the Texas Sheep and Goat Raisers Association at their spring meeting.

These resolutions are concerned with the increase in predatory animals, which has resulted in excessive losses of livestock in some areas of Texas and other States, and the necessity of furnishing means to control predators.

I ask unanimous consent that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY TEXAS SHEEP AND GOAT RAISERS ASSOCIATION, MARCH 26, 1960, BROWNWOOD, TEX.

Whereas coyote-getters, traps, and toxic baits are essential for the control of wild animals which prey upon and destroy livestock, crops, and game; and

Whereas the branch of predator and rodent control of the Bureau of Sport Fisheries and Wildlife and the rodent and predatory animal control service of the Texas A. & M. College system is continually working toward the development of more humane methods of capturing such injurious wild animals; and

Whereas the American Humane Association has not recognized any new trap or device as being eligible for the $20,000 humane trap award; and

Whereas the passage of H.R. 5737 and S. 2030 by the 86th Congress would no longer permit such devices and materials to be used on public lands: Now, therefore

The Texas Sheep and Goat Raisers Association opposes the passage of H.R. 5737 or S. 2030 or any similar legislation that would limit the methods or taking of injurious wild animals.

RESOLUTION ADOPTED BY TEXAS SHEEP AND GOAT RAISERS ASSOCIATION, MARCH 26, 1960, BROWNWOOD, TEX.

Whereas the increase in predatory animals has resulted in excessive losses of livestock; and

Whereas there has been an increase in the trapper force from 140 to 150 without any increase in funds appropriated by the State legislature or the Federal Congress; and

Whereas the Texas Predatory Animal Control Association members and cooperators have had to increase their proportionate share of the local cost of predatory animal control to meet this emergency; and

Whereas the increase in predators has been brought about by intensified land development programs sponsored and supported financially in part by Federal funds; and

Whereas, the addition of 10 trappers is not an expansion of the predatory animal control program: Now, therefore, be it

Resolved, That Texas Senators and Representatives in the Federal Congress be requested to provide for an increase of funds during this and succeeding fiscal years in the amount of $7,000 per quarter.

ALASKA GAVE A HAND

Mr. BARTLETT. Mr. President, the Congressional Information Bureau publishes a daily newsletter reporting items of interest to the steamship industry. Court cases, committee hearings, Federal Maritime Board proceedings—all developments bearing upon the steamship industry—may find their way into the daily newsletter.

The newsletter of April 11, 1960, Mr. President, was of particular interest to me. A hearing held under the auspices of the Federal Maritime Board hearing examiners' office and dealing with proposed freight rate increases in the Guam trade is reported in it. No Alaskan could read the report of the hearing without a feeling of nostalgia. Here in Guam is an area in which U.S. military forces constitute a major part of the economy. In Guam, as in Alaska, the costs of borrowing money are higher than in the 48 contiguous States. Guam merchants, like Alaska merchants, must maintain high inventories with low turnovers, and face substantial competition from military post exchanges, ship stores, commissaries, and package stores, to which goods are shipped at Government expense. Mr. Won Pat, the Speaker of the Guam Legislature told the hearing examiner that if the proposed new rates become effective, "the increases will be borne by the United States," because, "the U.S. Government is the big industry on Guam." "In the meantime," Mr. Won Pat added, "the people on Guam will be sorely squeezed."

Farming in Guam, like farming in Alaska, is an infant industry. The Legislature of Guam, like the Legislature of Alaska, has appropriated money to resist freight rate increases.

Mr. President, it is not my intention to imply that the Territory of Guam and the State of Alaska have more in common than other areas under the U.S. flag. Indeed, there are many differences. The economies, the peoples, the cultures, are different. The treatment afforded Guam and the treatment afforded Alaska are not comparable.

One very great difference comes to mind, Mr. President. When Alaskans protested a rate increase just a few months ago, the Federal Maritime Board allowed the increase to become effective without hearings. The Board said that its suspension powers were limited to 4 months, and that 4 months would not afford adequate time for a hearing. The Board told the people of Alaska that their remedy—if it could be called that—was to bear the burden of the rate increase and show at a future date that the increase was unmerited. Upon such a showing, the Board announced, refunds would be made to shippers who had paid the rate increase during the period between the effective date of the increase and the time of the finding that the increase was unwarranted. Of course, Mr. President, the Board suggested no way, under such a procedure, whereby consumers in Alaska would receive refunds

for the higher cost to them of shipped-in commodities.

As a consequence, the people of Alaska are engaged in a legal struggle to remove the burden of higher freight rates, even in the knowledge that if the new rates which have been imposed are found to have been unwarranted, no way exists for refunds to the Alaska consumers who, in the meantime, are paying increased prices for commodities.

It is gratifying to note that the Federal Maritime Board has adopted a different procedure with respect to proposed rate increases in the Guam trade. The Federal Maritime Board has suspended the imposition of the new rates and afforded the people of Guam an opportunity to challenge the rates before they become effective. Of course, I do not know whether the rates asked for the Guam trade should be granted. But I do know that the procedure used by the Board in the Guam case is better procedure than that which the Board followed in the Alaska case. The proposed Guam rate increase is more complicated than the Alaska rate increase, I understand, yet the Board found that suspension of rates pending hearings is proper and feasible. Mr. President, I muse upon the possibility that the protests raised by us Alaskans at the procedure followed in the Alaska proceedings have contributed to the Board's decision to follow a better procedure in the case of Guam.

INTERNATIONAL CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE IN HAWAII

Mr. LONG of Hawaii. Mr. President, since Hawaii was granted statehood, no project has so fired the imagination and enthusiasm of its people as has the proposal of our farsighted majority leader for establishing an international center for cultural and technical interchange in Hawaii. The proposal gives the people of Hawaii the opportunity they have been seeking to be of service to the Nation which has now embraced them as full citizens.

Each day my mail brings letters from individual citizens of Hawaii expressing their pleasure that our island community can contribute through the East-West center to better understanding between the United States and its neighbors in the Pacific. An especially good expression of this sentiment was made in a letter which I just received from John M. Aki, Jr., student government president of the Church College of Hawaii. I ask unanimous consent that Mr. Aki's letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE CHURCH COLLEGE OF HAWAII,
Laie, Hawaii, April 7, 1960.

Senator OREN E. LONG,
Congress, Washington, D.C.

DEAR SIR: The Church College of Hawaii has been following with deep concern the interest and speculation which has been built up for the possibility of the establishment of an East-West cultural center at the University of Hawaii.

The Church College of Hawaii is Hawaii's newest institute of higher learning, but already it is the second largest in the State. Although we are privately endowed by the Church of Jesus Christ of Latter-day Saints, and therefore fall under the classification of a private school rather than a land-grant college, we nevertheless feel a close relationship and a deep affinity to the University of Hawaii.

We here feel that there is a tremendous potential for Hawaii becoming the bridge for a closer and friendlier understanding and relation between the people of the United States and the rest of Asia. The University of Hawaii and the people of Hawaii have helped to contribute to the building of this bridge of human relations with our Asian brethren in the past, but we feel that the strengthening of the bridge between East and West is needed in these times.

The University of Hawaii and the State of Hawaii have done as much as they can possibly do to build and maintain this bridge and we who represent a part of the Hawaiian educational community and the brotherhood of Hawaii's colleges and universities would like to urge you to give careful consideration and your wholehearted support to the forthcoming proposal in Congress of the establishment of an East-West center at the University of Hawaii. We feel that nothing but the greatest good, not only for the University of Hawaii or for the State of Hawaii, but also for the good of the United States and its relations with the people of Asia and the Pacific, can come from such a worthy project as the establishment of the East-West cultural center at the University of Hawaii.

We are sure that you feel that in these times and in future times much of our Nation's future and much of the peace of the world will depend on how many friends we have in Asia. We therefore feel that the establishment of an East-West center at the University of Hawaii is an investment in the future of not only the United States but in the peace and understanding of the whole world.

We are certain that you will agree that textbooks cost less than atom bombs, and we are also certain that you would rather be hit by a textbook than an atom bomb. Therefore, may we urge you to consider, with your customary care, the importance and necessity of establishing this East-West cultural center at the University of Hawaii.

Sincerely yours,

JOHN M. AKI, Jr.,
Student Government President.

CIVIL DEFENSE WASTE

Mr. YOUNG of Ohio. Mr. President, the awkward and wasteful ways of unwieldy bureaucracy are nowhere more evident than in the Office of Civil and Defense Mobilization.

Since 1951, taxpayers have seen over a billion dollars wasted on civil defense, as now conducted. This superannuated Agency now seeks authority to spend $76 million next year—$20 million more than it was allotted in fiscal year 1960.

Much of this hard earned taxpayers' money has been spent fiddling around with pamphlets, posters, model shelters, screeching sirens, and other items all of doubtful use.

Americans are tired of hairbrained schemes to provide identification bracelets for teenagers to exchange; of stockpiled penicillin going to waste because of faulty planning; of millions of contradictory and confusing pamphlets; of highly publicized bomb shelter honeymoons; of silly short-sighted planning—in short, of the whole confused mess we call our civil defense program.

Only recently $40,000 of taxpayers' money was completely wasted when 44,000 bottles of penicillin were destroyed by the civil defense organization in my home city of Cleveland, Ohio. To make matters worse, a similar amount will have to be destroyed there in the near future.

The penicillin was purchased by the Federal Government and given to the Cuyahoga County civil defense organization 8 years ago. Boondogglers here in Washington purchased penicillin with an oil base. Present penicillin has a water base instead of an oil base. This stockpiled penicillin is completely useless today, and might even be deadly if used.

This incident is reminiscent of the waste of $73,000 of penicillin by the State civil defense organization in Ohio last year for the same reason.

Mr. President, if over $150,000 worth of stockpiled penicillin has deteriorated in Ohio because of faulty planning, think of what the cost must be when the waste of just this one stockpiled item is totaled nationally. The total of $4½ million of outdated penicillin is being destroyed in the Nation.

Of course, this is just one item. In Cleveland alone, the local defense organization has approximately a million dollars worth of stockpiled medical supplies, communications equipment, and other material.

Even the local civil defense director, who has a vested interest in continuing his outdated agency, has admitted that much of this material is bound to deteriorate.

This latest Cleveland throw-away is chicken feed compared to the recent announcement by the civil defense boondogglers that a $700,000 civil defense traffic light system in Columbus, Ohio, has been completed and is ready to aid in evacuating the city in case of atomic attack.

The Federal Government is paying $240,000 of the total cost of this moron's brainchild while the city is paying the remaining $460,000.

This idiotic, half-baked program, promulgated by some high-salaried civil defense official, is planned for that time when the Russians fire a missile directed at the city of Columbus, or at the time the nuclear warhead strikes its target. This civil defense planner doubtless figured that Ohio's capital city would be a prime target, instead of an American missile base or air base. That is a silly idea. Possibly he considers that Soviet dictators fear the Ohio Legislature which meets there.

Mr. President, I am certain that if an atomic bomb were to strike the non-industrial city of Columbus, Ohio, and perchance kill some of the legislators in the august body of the General Assembly of Ohio, a divine providence would come to the aid of our beloved country and fill the vacant chairs.

At best, there would be 15 minutes' warning of a nuclear attack, and then all traffic signals would be switched to steady green and flashing amber for out-

going traffic, with flashing amber and flashing red facing all cross streets.

Does any intelligent person think that civilians fleeing an atomic attack would watch, much less obey, traffic signals?

Can any reasonable human being imagine all the automobiles in Columbus, a city of half a million people, being driven from the city at one time? The idea is too ridiculous to contemplate under the best peacetime conditions.

Even assuming ample warning time—which will not be—the chaos would be unbelievable and would probably produce as many casualties as the bomb or missile itself.

Mr. President, the truth is that the theory of evacuation in the nuclear age is not only silly, but dangerous. Soviet submarines off our coasts could send rockets with nuclear warheads 1,500 miles or more inland with accuracy. We would be lucky to have 5 minutes' warning.

Intercontinental ballistic missiles fired from the Soviet Union or Red China proper would perhaps allow us 15 to 20 minutes' warning time. To consider evacuation under these circumstances is absolutely absurd.

The thermonuclear weapon, with its tremendous destructive power, and the missile, with its great speed, have now made evacuation not only impractical, but impossible.

As long ago as 1944, sirens were useless in London against V–2 rockets which were primitive toys compared with modern weapons.

In spite of this, Russ Pennell, the salaried civil defense director at Columbus, publicly stated at this late date: "Evacuation represents our greatest hope of survival." Of course, Mr. Pennell must have some project, foolish and expensive as it may be, to justify his place on the public payroll.

During the last 4 years alone, the Columbus civil defense organization has been allotted over $150,000 from the city treasury. It is interesting to note that approximately half of this amount is for salaries. Even at that, this percentage still does not equal the national civil defense average of 62 percent of the proposed civil defense budget for salaries and expenses.

I am convinced the citizens of Columbus, Ohio, are not one whit more secure today, in event of atomic attack, than they were 4 years ago.

In fact, I assert that not only are the people of Columbus no more secure, but they have been hoodwinked into spending over a half million dollars for salaries and traffic light schemes that have no justification in reality whatsoever. These are downright silly, except that an outrage has been perpetrated against our taxpayers.

In my home city of Cleveland, Ohio, the local civil defense agency enjoys an annual slice of a quarter of a million dollars of taxpayers' money.

Recently, its director disclosed that his outfit wants $30,000 to erect 1,800 blue arrow signs on all major roads in Cuyahoga County. The purpose is to point out the routes citizens should follow to evacuate the Cleveland area in event of an atomic attack. Of course, the Federal Government would pay the cost of the roadside signs, as it has for many another equally ridiculous local civil defense project.

It is contemplated that these signs will replace the earlier ones which said the roads would be closed to all but civil defense traffic in event of emergency. I am sure that practically every American, including my colleagues here in the Senate, have seen untold numbers of these signs on every major highway in the Nation.

At the time they were placed on these highways, the civil defense policy was to ask everyone to run. Then the civil defense doctrine was to stay home and hide. Now the advice appears to be to evacuate—or hide—or both. With the exception that before we evacuate, we are to build shelters in our basements and backyards which we are to leave behind when we run.

Perhaps what the Nation really needs at this time is another agency to interpret the puzzling ambiguities issued by the present civil defense agency.

Mr. President, the truth is that neither evacuation nor the makeshift shelter program has any validity in modern warfare. An adequate shelter system to minimize casualties would cost at least $20 billion. Even then there is no assurance that they would not be outmoded by more advanced weapons, or that they would offer protection against an attack even more deadly than a nuclear attack—biological warfare.

It is time we stop fooling ourselves and the American people. Paid civil defense officials are perpetrating a cruel deception upon the thousands of worthy civil defense volunteer workers who are really the only persons making any sacrifice whatever in connection with civil defense. These officials draw high salaries, issue directives from lush offices paid for by taxpayers, and give out high-sounding phrases about survival shelters which really would be utterly useless and, in fact, might become dangerous fire traps in urban centers in event a powerful enemy, such as the Soviet Union, were to suddenly strike at targets in this country with their nuclear missiles.

General Curtis LeMay recently testified that the real question is whether we should build holes in the ground or more weapons. It is his belief that we would be promoting the defense of our civilians by strengthening our retaliatory and deterrent power by building more missiles; and if we hasten and perfect our preparedness, we will never be hit first nor at any time.

If Columbus or Cleveland or Washington were to be hit by a few missiles with nuclear warheads, everything in the civil defense handbooks would certainly go out the window.

There is only one real defense against a nuclear war, and that is peace. Instead of spending billions for useless bomb shelters, we would be far wiser to spend this money in a massive effort to improve the lot of mankind everywhere.

If the brainless planners of the Office of Civil and Defense Mobilization have their way, there will be $12 million more this year for matching funds to pay salaries of State and local civil defense officials. It may not save any more lives in event of attack, but it certainly will add over 4,000 more jobholders feeding at the public trough in city halls and county courthouses throughout the land. It will assuredly expand and encourage a lethargic bureaucracy that has already sent about a billion dollars down the drain.

At a time when State and local governments are desperately searching for new sources of revenue, it is foolhardy to encourage paid civil defense officials to spend an additional $12 million in matching funds on useless inane projects.

Nothing should shock us, Mr. President, after the latest civil defense fiasco when civil defense boondogglers scheduled another one of their ridiculous and ineffective nationwide alerts, including massive test evacuations, on May 3, the very day that important elections are to take place in 4 States and in the District of Columbia.

It is my fervent hope that the Congress will deny requests for appropriations for the Office of Civil and Defense Mobilization this year. Otherwise, there will be no end to this ever-growing bureaucratic monstrosity geared to a bygone age.

I again pay tribute to the hundreds of thousands of patriotic Americans who volunteered their time and efforts, often at risk to themselves. These people have performed important service in times of floods, fires and hurricanes, while paid officials directed them from places of safety. Americans have responded before in times of disaster, and will do so again. The doubtful leadership of the Civil Defense Agency is no leadership.

Mr. LONG of Louisiana. Mr. President, will the Senator from Ohio yield?

The PRESIDING OFFICER. The Chair reminds the Senator that the Senate is still in the morning hour. The Chair has tried to be very generous in the matter of time.

The time of the Senator from Ohio has expired.

Mr. LONG of Louisiana. I will wait until the Senator concludes, and speak briefly in my own time.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. YOUNG of Ohio. The civil defense we have today is a myth. The only sensible thing to do is to abolish the entire present setup. Defense of our civilians is an important factor in the defense of our Nation. Civil defense is a part of our total defense. As such, it should be under the direction of those who know most about defense—the officers and men of our Armed Forces. The Nation can ill afford to separate the defense of its most valuable resource—our people—from the defense of the Nation as a whole.

In event of a missile attack, the military would take over as it did in our Civil War, as the Senator from Louisiana well

knows, when Abraham Lincoln immediately declared martial law and seized a series of powers that amounted to a virtual dictatorship.

Civilians in armbands will cut no figure whatsoever—certainly not with hard-boiled Army sergeants. The sensible thing to do is to face this fact and merge our civil defense program with the military.

In addition, we should initiate a vigorous and continuing campaign of education on self-protection in a nuclear war, using all media of communication at our command—television, radio, newspapers, magazines, and our schools.

Truly, Mr. President, we seek the day when we in the United States may safely end the armaments race with the Soviet Union and Red China, plus adequate safeguards. We must proceed to end nuclear bomb testing, plus strong and adequate safeguards.

The history of the world since 1900 has proven that every armaments race seems inevitably to have resulted in a devastating war.

We must unify our Armed Forces. We must end duplication which is wasting at least $5 billion of taxpayers' money each year. We must go ahead with the greatest urgency to close the missile gap between us and the Soviet Union. No doubt, we should reinforce our airborne alert so that if war and destruction bursts suddenly upon us within the United States, our jet bombers and missiles will be on the way—and in force—in instant and massive retaliation.

That, Mr. President, is the defense of American civilians.

Civil defense, in this nuclear age of challenge, has no more place than flintlock muskets and tallow dips of the Revolutionary era and the era of the Dictator Napoleon Bonaparte.

Siren sounders and civilian armband wearers and politicians on the civil defense payroll, from ex-Governor Hoegh on down, accomplish no useful purpose now or ever.

May I ask what sane reason can any high-salaried official in the Office of Civil and Defense Mobilization give for the shrill sounding of sirens at 12:15 o'clock every Monday afternoon in Cleveland, Ohio, and in other cities?

Mr. President, mine is not a voice in the wilderness crying out against the stupidity of the Civil Defense Agency. Representative CHET HOLIFIELD, a distinguished Member of the other body, says that the Nation's civil defense program is deplorable. This outstanding Member of the Congress from California, has been a member of the President's special evaluation Commission on Atomic Bomb Tests; he is a member of the Joint Committee on Atomic Energy; he was, in fact, congressional adviser to the American delegation at the conference at Geneva, Switzerland, in 1959 on the discontinuance of nuclear weapon tests.

Mr. President, it is high time that we put an absolute end to this boondogle operated under the high sounding title of "Office of Civil and Defense Mobilization."

The PRESIDING OFFICER. Is there further morning business?

Mr. LONG of Louisiana. Mr. President, I should like to claim the floor for only a moment in the morning business to congratulate the Senator from Ohio for the statement he has made today and the others he has made on the subject of civil defense.

This is a subject which certainly needs some restudy. As one who has visited in various parts of the country, I know that not only in my area but also in the area around Washington every road leading out of a big city has on it the familiar sign stating: "In case of enemy attack, this road will be closed to all traffic except military."

I should like to ask the Senator from Ohio if he can tell me what roads will be left open. So far as I know, people are supposed to get out of cities in an atomic attack. However, with so many signs stating that the roads will be closed, no one has advised the people whether there will be any road left open for the purpose of getting out of the cities.

Mr. YOUNG of Ohio. I thank the distinguished Senator from Louisiana for his commendatory comment, which means so much to me, coming from him.

In Cleveland, Ohio, for example, the road from Cleveland to Lorain, 25 miles distant on the main lake road, is reserved in case of an atomic attack, just as the Senator has stated. It is also marked for evacuation from Cleveland toward Lorain. In Lorain the civil defense planners have a harebrain scheme to evacuate the people of Lorain on the same road toward Cleveland. So it goes throughout the country.

HARRY MORGAN'S FRIENDSHIP AMBASSADORS

Mr. FULBRIGHT. Mr. President, this year nearly 50,000 foreign students are enrolled in American colleges and universities. Most of them are here at their own expense. Since these students are potential leaders of their native lands, it is difficult to overestimate the effect that they can have on future relations between our country and theirs.

It has become apparent, however, that many of these foreign guests have not been given a full opportunity to benefit from their experience. They are going away from America without having really learned about this country. They come here and we tend to forget about them. They may soon feel like outsiders—not because of anything we do deliberately, but through our indifference.

When a foreign student arrives in this country, he is likely to need some help—perhaps with his English—perhaps to find housing. But most of all, he needs our active interest to draw him into the mainstream of American life.

This is not to say that we are entirely neglecting the foreign students who come here. Our small schools in college towns, which have a limited number of foreign students, generally do a good job in meeting their needs. In these small schools the foreign student is almost automatically integrated into campus life.

A very high proportion of foreign students, however, attend colleges in urban areas. Due to difficult financial problems, many of these institutions have not been able to devote the necessary resources to developing ways and techniques to integrate these foreign students into American life.

To help meet this problem, I introduced an amendment to the U.S. Information and Educational Exchange Act which will, if enacted, authorize a small program of assistance to colleges and universities in the United States on a matching basis so they can provide minimum counseling and orientation assistance.

Individuals and organizations can also help meet this problem and make the stay of these foreign visitors more meaningful.

I have in mind among other things, the extension of home hospitality programs which some communities have developed and which have been described by many students as among the most rewarding parts of their American experience.

Another imaginative plan begun by Mr. Harry Morgan, a student at Rutgers University, was described in the February 1960, issue of the Reader's Digest. Financed by individual contributions, Mr. Morgan personally conducts foreign students on grassroots tours of the United States, introducing them to various aspects of American life. Such a program not only provides a way for these students to learn about Americans, but just as important, it helps Americans to understand other countries.

Mr. President, I ask unanimous consent that the article entitled "Harry Morgan's Friendship Ambassadors" by Clarence W. Hall, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HARRY MORGAN'S FRIENDSHIP AMBASSADORS

(By Clarence W. Hall)

One day last spring Harry Morgan, student-body president at Rutgers University, New Brunswick, N.J., listened aghast as an exchange student from Pakistan ticked off his impressions of the United States. Nural Khan's opinions embraced many of the stock criticisms of this country that are voiced abroad—stereotypes gained from newspaper headlines, from American movies, and tourists.

These false images—many of them Communist-inspired—picture the United States as the land of disrupted family life, low moral standards, quick discrimination against all people of color. According to surveys made by the U.S. State Department, Americans are believed to be smugly complacent, shallowly religious, politically naive, lovers of gadgets and luxury, frenzied pursuers of the fast buck. They are said to know little of foreign peoples—and to care less.

Harry Morgan was shocked to discover that Nural Khan held these opinions—since the young Pakistani had been living in the United States for 2 years. Nural Khan was slated to return home soon, and would be taking with him these twisted images of his host country.

"Tell me, Nural," Harry Morgan asked, "how much of the United States have you

seen beyond this campus? How many American have you met?"

Khan admitted that he'd been no farther than New York City. His off-campus contact with Americans had been limited to an occasional visit to a fellow student's home for a holiday dinner.

Harry Morgan did some research into our gigantic student-exchange program. He discovered that there were then in the United States 47,245 foreign students from 131 countries. A large majority were here on scholarships provided by the U.S. Government or private philanthropy, representing an investment of more than $200 million. And only a tiny minority ever had a chance to see the country and meet Americans in their own homes and communities, sample their friendliness, grasp their way of life.

Convinced that Americans were getting small return on their whopping investment in good will, Harry Morgan resolved to do something about it. A personable young man of 25, with an easy charm and quick smile, he was not without experience in helping visitors from abroad learn about the United States. For 3 previous years—the first time when he was on leave from the Air Force—he'd brought to the States small groups of average but critical Europeans. Supported by friends who bought "shares" (at $1 each) in his one-man Ambassadors for Friendship program, he'd given the visitors grass-roots tours, sent them home singing praises of the United States.[1] In his ambassadors treasury he had $1,000, and he determined, with the approval of his "shareholders," to use this for a nationwide tour with four foreign students.

Nural Khan, of course, was first on his list. A Fulbright scholar studying for his master's degree in economics, Khan was a leader among foreign students at Rutgers, was committed to enter Pakistan's diplomatic service upon his return home. To find three others to join Khan on the tour, Harry Morgan talked with 150 foreign students at Rutgers and New York City's International House. Beyond a warped point of view about the United States, his guests-to-be needed certain qualifications: A winning personality, a sufficient facility in English to communicate to Americans an interesting picture of their own countries and customs, and an ability to interpret to their homelands what they saw of this country. After 6 weeks, Morgan had found his three other young ambassadors for friendship.

Dorio Mutti, a student at Rutgers, came from Parma, Italy, a town largely Communist. Dorio was acting as U.S. correspondent for his home newspaper, Gazzetta di Parma—and his dispatches had been bitter.

José Aruego, Jr., from the Philippines, a lawyer turned artist, was studying at Parsons School of Design in New York. José was doing a series of American-life sketches which he planned to send to a Manila newspaper. Titled "This Is America", the drawings were clever caricatures of New York City's worst aspects.

Hugo Vercelli, from Argentina, was a civil engineer attending classes at Columbia University. Handsome and a fiery speaker, Hugo had been a student leader in the revolt against Perón. He had come to the States "to learn from Americans how to preserve our democracy," had found little chance to learn about the real America save through textbooks. Bitterly he said, "I could have read these at home."

Calling the four together, Morgan explained the all-expenses-paid, 2 months' trip for which they had been selected.

"But where's all the money coming from, Harry? Are you rich?"

He replied, "Yes. Rich in friends, many of whom I haven't even met." He showed the students the long list of his shareholders who had financed his previous Ambassadors for Friendship tours.

His tentative itinerary covered 38 States. "We'll see a lot of natural beauty," he said. "But mainly we'll meet people, the kinds who make America what it is. You've got your ideas about them. Let's find out if you're right."

When they had examined the itinerary, he asked, "Anywhere else you'd like to go?" One said, "How about Little Rock?" Harry promptly added it. Nothing was to be off limits on this tour.

Needing a car for transportation, Harry wrote to George Romney, president of American Motors. Back came a wire: "What color?"—and a few days later a new red-and-white Rambler station wagon was delivered, inscribed with the words "Ambassadors for Friendship" and the names of the countries represented by the students. From the Hilton Hotels Corp. came a letter offering hospitality in any city where the Hilton organization had a hotel. From friends of former tours came offers of hospitality in their homes, more than Harry could ever use.

After 4 days' briefing on facets of American life by history professor George Frick, the young ambassadors set out to see how the facts fitted their notes. The first leg of the itinerary took them to Washington, D.C., to see the U.S. Government at work, thence to Williamsburg, Va., shrine of the American heritage. Among the first private citizens they met were Harry Golden and Carl Sandburg, in North Carolina.

Golden, author of the best-seller "Only in America," took the boys to his home, talked for hours of his experiences as a poor kid with all the strikes against him, member of a minority group, growing up in all the wrong places, doing most of the wrong things, but—thanks to the understanding encouragement of Americans of all creeds and colors—managing to snatch a measure of success out of it all.

The day spent with Sandburg at his home was, as one of the students expressed it, like a visit with Lincoln himself. Sandburg received them warmly, recited for them his poems in praise of America and excerpts from speeches by Lincoln "who gathered the feel of the American dream and saw its kindred over the earth." They left the great poetic interpreter of America's spirit with his words ringing in their ears: "We need your understanding of America. We need you to help us understand your countries. Let's weave the strands of understanding from both ends. Only so can we truly join the family of man."

Sandburg's parting shot: "From here you go to Little Rock. You'll find members of the family of man there, too."

To their surprise they did. At no other place on their tour did their image of what's wrong with America undergo such a sharp change. Harry Morgan saw to it that they met representatives of every shade of opinion on the issues and events that have given Little Rock an ugly reputation around the world. They talked with school board members and teachers, with white and Negro students. Harry S. Ashmore, Pulitzer prize-winning editor of the Arkansas Gazette, spent an afternoon with them, reviewing the segregation problem from the Civil War to the present.

Nural Khan was fearful at first that his own dark skin would cause trouble. His fears melted fast. Standing on the street the first day in Little Rock, he was approached by a man who, with hand extended, said, "You're one of the foreign students I read about in the paper? As just an average citizen, may I welcome you to my town?"

Hundreds of other average citizens displayed equal eagerness to correct the unhappy image of Little Rock projected around the globe. After every press mention of the students' presence, calls flooded in: "Please give us a chance to entertain these boys in our homes. We'd like them to hear the other side of the story."

"We got the humbling reminder that the U.S. South has no exclusive corner on prejudice," Nural Khan said. "When I get home and hear someone mention Little Rock, I must remind him that we Pakistanis have not entirely banished our caste system." Dorio Mutti wrote home, "Before we condemn Little Rock, we should remember that Italians are not bereft of their prejudices toward Ethiopians."

Everywhere across the country Harry Morgan showed his students how average Americans live, work, play, worship, think. He took them to church clambakes and ball games; to PTA meetings, women's clubs and political rallies; to factories and industries to see how management and labor get along; to courts to see how U.S. justice works.

While traveling through the West, one of them said, "Look, Harry, how about the American Indians? Don't they hate the Government for taking their land, herding them into reservations?"

Harry replied, "Let's look up some and find out."

In Arizona they visited a section of the Hopi Reservation. The chief took them on a tour of a village, introduced them to members of the tribe, told how they spent their time hunting, building homes, working together to make a better life for all. "My people are happy," said the chief. "They are free to pursue their own life and culture as they wish."

Most stops during the trip were impromptu—depending upon where nightfall caught them. "We'll take potluck with American hospitality," Harry told them, "spontaneous and unrehearsed."

Passing a farmhouse at day's end, Harry Morgan would drive up, explain the purpose of the tour—and invariably the whole group would be invited in. They would be fed a huge farm supper, then made comfortable for the night in spare rooms or invited to spread their sleeping bags in a barn.

At an Oklahoma farm, one such stop was extended to 3 days when a farmer and his neighbors insisted on giving the boys a taste of American farm life and themselves an experience in international understanding. The students got up at 4:30 in the morning to do farm chores. Just before they left, a community dinner was organized and farmers and their families came from miles around to hear the boys tell of their experiences in the United States and answer questions about their homelands.

Passing a park in Hays, Kans., Harry spotted a picnicking crowd, stopped to inquire about road conditions ahead. "If you are looking for America, you have found it," said the chairman, who promptly swept them in to share the food and fun.

In Marshalltown, Iowa, one night, they stayed at the home of a truckdriver. His wife cooked up a big chicken dinner, and the guests were bedded down on cots and sofas in the living room.

Amazed at "such friendliness from people I've never seen before," Hugo Vercelli from Argentina commented, "The most wonderful thing about America is its wonderful 'little people.'"

Stops were made in national parks—the Grand Canyon, Yellowstone, the Grand Tetons—where the boys camped out and cooked their national dishes for casual guests, sat around the campfires of vacationing American families, swapping cups of coffee and stories of their experiences.

[1] See "Harry Morgan's 'People-to-People' Adventure," The Reader's Digest, February 1958.

Another of their distorted images faded fast: that Americans are provincial, isolationist, selfishly uninterested in other peoples and their problems. Said the boy from Pakistan, "You know, I've just realized where my Fulbright scholarship comes from—not from some Government agency, but from the pockets of people like these."

The notion that Americans generally are basically uncultured with little interest in art, literature, and music, was quickly debunked as the students were taken to art galleries, museums, libraries; saw overflowing crowds at community-sponsored concerts; observed in humble homes well-stocked bookshelves and stacks of recordings of the world's finest music.

Said Mutti, the Italian, "The thing that amazes me is that Americans don't depend on government, as we Europeans do, to provide their cultural programs. They sponsor them themselves, pay for them themselves."

The Communist-inspired stereotype of the "greedy American capitalist" underwent sharp revision at the home of a wealthy industrialist in Michigan. "We expected to find him huddled over a stock ticker," said Vercelli. "Instead we found him in his basement, in overalls, hammer in hand, repairing a table for a library he'd founded. He talked at length about the educational foundation he had set up, and the fun he was having in giving away practically everything he had."

Aruego added, "Wealthy men in our countries don't do such things."

American family life—formerly pictured for them as "disrupted and spoiled by easy money and easy living"—also was a revelation. Speaking before civic clubs or giving newspaper interviews, they told their audiences, "Nobody is so unjustly maligned in our countries as the American woman." They stated their amazement at discovering "how smoothly she runs her home without servants, all the while serving as wife and mother, cook and seamstress, counselor and chauffeur—yet somehow finding time for community services as a volunteer worker."

As for America's alleged "loose living and immortality," one told a reporter, "We've visited towns all across the country; none of them looked like 'Peyton Place' to us." Another demanded, "Why do you allow your movies sent abroad to misrepresent you so horribly?"

Perhaps the sharpest effect was registered by Dorio Mutti's weekly articles on America published in his Communist hometown's Gazzetta di Parma. His descriptions of Americans (the Iowa truckdriver who "can afford to have a TV set in his home and a new car in his garage," or the housewife in Salinas, Calif., who "stayed up late to wash and iron our laundry") created a sensation. Parma's Communist mayor told Dorio's father, "Your son is giving us an understanding of America we have never had before."

The tour over, three of the students returned to their studies. Nural Khan applied to the U.S. Information Agency in Pakistan for a job. "I'd like to spread my message about America," he said, "before entering my country's diplomatic service."

Following his graduation from Rutgers University this June, Harry Morgan plans to devote his full time to widespread development of his Ambassadors for Friendship program in the United States. Next summer he will conduct another tour for students from abroad. As he says, "For generations the Statue of Liberty in New York Harbor has been inviting the world to send its tired, its poor, its huddled masses. Today they're sending us their brilliant, their gifted, their leaders to be. It takes so little—for an individual, a group, a community—to show these, too, at firsthand what American freedom is."

"THE UGLY AMERICAN"—LETTER

Mr. FULBRIGHT. Mr. President, for more than 72 weeks now a book of fiction, "The Ugly American," by William Lederer and Eugene Burdick, has been on the bestseller lists. I have been deeply concerned that the many Americans who are reading this book may accept the authors' claim that this is a work based on fact. I have pointed out several times before how dangerous it would be to accept as representative of loyal Americans serving overseas the stream of reckless, irresponsible and usually unfounded criticism which these authors and others have directed at our representatives.

Recently I received a letter from William A. Ulman, president of the Institute of World Travel, Inc., who has just returned from an extensive trip through Western Europe, Greece, Turkey, and Iran. Mr. Ulman, who is a private citizen, wrote that he had contacted American Foreign Service officers and commercial attachés in each of these countries and that he was both proud and overwhelmed with the energy, efficiency, and cordiality with which he was received, and his problems attended to.

I wish the message contained in Mr. Ulman's letter could be turned into a bestseller. However, the fiction that our American agencies overseas are staffed with incompetents seems to have more appeal than the fact that we have an efficient Foreign Service Corps serving our Nation abroad.

Mr. President, I ask unanimous consent that Mr. Ulman's letter commenting on the outstanding performance of our Foreign Service be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INSTITUTE OF WORLD TRAVEL, INC.,
WASHINGTON, D.C., *March 2, 1960.*

The Honorable J. W. FULBRIGHT,
Senator of Arkansas, Chairman of the Foreign Relations Committee of the Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR: I have just returned from an extensive trip through Western Europe, Greece, Turkey, and Iran. The reason for my trip was the development of the research aspects of my company, the Institute of World Travel, which is dedicated to the promotion of travel at the intergovernmental level, with strong attitudes concerning the economy of those countries currently undersaturated as far as U.S. tourists are concerned, and with a strong acknowledgment of the people-to-people program.

It is therefore with a great deal of pleasure that I address you at this time to comment enthusiastically upon the outstanding performance of the Foreign Service officers and the commercial attachés with whom I had contact in every country.

Too often, we as Americans have been led to believe that nationals of other Western countries receive outstanding help from their embassies and that we receive little or nothing. It is a pleasure to be able to contradict that thinking flatly. As I have informed the Deputy Under Secretary of State, and the Assistant Secretary for International Affairs of the Department of Commerce by letter this date, I was both proud and overwhelmed with the energy, efficiency, and cordiality with which I was received, and my problems attended to.

We are all aware that we have a Foreign Service in which we can have just pride when it comes to the management of our international relations; too often at the level of the citizen-businessman we forget entirely the day-to-day work which these men carry out in assisting the American businessman abroad.

In this day of criticism, let me add my word of praise.

Yours truly,

WILLIAM A. ULMAN.

BILLS DEALING WITH TAX MATTERS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished chairman of the Senate Finance Committee, the Senator from Virginia [Mr. BYRD], I make the following statement:

The House has disagreed to the Senate amendments on H.R. 9660, H.R. 8684, and H.R. 7947, and has asked for a conference on each bill.

I, therefore, ask unanimous consent that the Chair lay before the Senate the messages from the House on H.R. 9660, H.R. 8684, and H.R. 7947, and that the Chair appoint conferees on the part of the Senate.

AMENDMENT OF INTERNAL REVENUE CODE WITH RESPECT TO PROCEDURE FOR ASSESSING CERTAIN ADDITIONS TO TAX

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 9660) to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. WILLIAMS of Delaware, and Mr. CARLSON conferees on the part of the Senate.

TRANSITIONAL PROVISIONS FOR INCOME-TAX TREATMENT OF DEALER RESERVE INCOME

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 8684) to provide transitional provisions for the income-tax treatment of dealer reserve income, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. CARLSON, and Mr. BENNETT conferees on the part of the Senate.

INCOME-TAX TREATMENT OF CERTAIN NONREFUNDABLE CAPITAL CONTRIBUTIONS

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 7947) relating to the income-tax treatment of nonrefundable capital contributions to Federal National Mortgage Association, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. CARLSON, and Mr. WILLIAMS of Delaware conferees on the part of the Senate.

APPLICATION OF LOAN PROVISIONS TO CERTAIN PROJECTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1275, H.R. 4781. Consideration of this bill was objected to by one of the Senators last Monday, on the call of the calendar. The Senator has since withdrawn his objection. It has been cleared with the Republican leadership.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 4781) to amend the Watershed Protection and Flood Prevention Act to provide that its loan provisions shall be applicable to certain other projects, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 1, line 10, after the word "improvement", to strike out "for any of the purposes provided for by this Act" and insert "(as defined in section 2 of this Act)", and on page 2, after line 20, to insert a new section, as follows:

SEC. 3. Section 10 of the Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended by adding at the end thereof the following: "No appropriation hereafter available for assisting local organizations in preparing and carrying out plans for works of improvement under the provisions of section 3 or clause (a) of section 8 of this Act shall be available for any works of improvement pursuant to this Act or otherwise in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented, or for making loans or advancements to State and local agencies as authorized by clause (b) of section 8."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an explanation of the bill be incorporated in the RECORD, as follows:

There being no objection, the statement was ordered to be printed in the RECORD at this point.

EXPLANATION OF H.R. 4781

This bill does two things.

First, it authorizes the Secretary of Agriculture to prosecute non-flood-prevention water management measures in connection with the 11 watershed improvement programs authorized by the Flood Control Act of 1944. The additional measures which could be prosecuted would be similar to those provided for by the Watershed Protection and Flood Prevention Act and the same local organization participation would be required. By undertaking them pursuant to the special provisions of the bill, however, instead of under the general provisions of the Watershed Protection and Flood Prevention Act, it is hoped that funds for the entire program for these 11 watersheds can be kept together in the same appropriation, so that better budgetary control may be obtained. To make this purpose clear the committee has recommended an amendment prohibiting funds appropriated for carrying out the general purposes of the Watershed Protection and Flood Prevention Act from being used for these 11 programs.

Second, the bill permits the Secretary to make loans to cover the local share of these 11 programs in the same manner that he is authorized to make loans to cover the local share of programs under the Watershed Protection and Flood Prevention Act. This is intended to apply both to the flood-prevention and non-flood-prevention features of these programs; and the committee has recommended an amendment to make it clear that this loan provision is not limited to the additional measures provided for by the bill. Funds appropriated generally for the Watershed Protection and Flood Prevention Act would not be available for loans in these 11 watershed programs.

The possible cost of this proposal will depend upon the local demand for assistance under it and the amounts that Congress will be willing to appropriate in order to meet that demand. While such cost cannot therefore be estimated, the Department contemplates that it will not add significantly to the total cost of the 11 programs.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FOUNDER'S DAY ADDRESS AT THE UNIVERSITY OF VIRGINIA BY ADLAI E. STEVENSON

Mr. MONRONEY. Mr. President, on Tuesday evening, on the 15th anniversary of the death of Franklin D. Roosevelt at Warm Springs, Ga., the founder's day address at the University of Virginia was delivered by Adlai E. Stevenson. His address on that occasion was scholarly, clear, strong, and incisive. In it he discussed Jefferson's great contribution to our freedoms and to our Nation's influence in the world. His address was also an appeal to regain the leadership the United States has lost—certainly, a theme which is not foreign to Jefferson's philosophy.

Political writers have sought for political significance in this address. The speech is far more than just a speech with some current political connotations. It is a guide to the philosophy of America's future, and I commend it to the reading of all Senators. I therefore ask unanimous consent that it be published in the body of the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF VIRGINIA FOUNDER'S DAY ADDRESS BY ADLAI E. STEVENSON, APRIL 12, 1960

This is the 15th anniversary of the death of Franklin D. Roosevelt at Warm Springs, Ga. It was at Warm Springs, after he had been crippled by paralysis, that he said, "We will build a cottage here and begin a new life."

To build a cottage and begin a new life seems to me a peculiarly Jeffersonian idea, for that is what he helped to do in this country, and that is what he wanted for the world. I was reminded of this in South America, from whence I have just returned. When Jefferson was Ambassador to France in 1787, he met a young Brazilian patriot who was seeking aid for their struggle for independence. Jefferson explained to Senhor da Maia that he had no authority to discuss such a delicate subject, but that while the very young Government of the United States could not get involved, the American people could and should be concerned with Brazil's freedom. He made a distinction between the acts of governments and the acts of citizens, who played such a significant part in the independence struggle in Latin America.

I like to think about that talk long ago in a little French provincial inn and of what Jefferson may have said to the eager young Brazilian. Historians have long since released Jefferson from the narrow partisan and States rights prisons that could never confine his universal dimensions. And he must have revealed that his great hope, as expressed in some magnificent letters, was not to extend our national power but to spread the dominion of our national ideals: "May it be to the world what I believe it will be (to some parts sooner, to others later, but finally to all) the signal of arousing men * * * to assume the blessings and security of self-government."

South America must have been much in his mind when he wrote that. And I wonder if he didn't warn his young friend about the evils of the European social order as well as the colonial system of that time; how, as he put it, "they have divided their nations into two classes, wolves and sheep." While he loved Europe, he was horrified by a system in which, in words he quoted from Voltaire, every man was either the hammer or the anvil.

"Cherish therefore," Jefferson wrote, "the spirit of our people, and keep alive their attention. Do not be too severe upon their errors, but reclaim them by enlightening them. Once they become inattentive to

public affairs, you and I, and Congress and * * * judges and governors shall all become wolves."

Jefferson today would, I suspect, scent some wolves and prescribe a large dose of enlightenment to keep alive "the people's attention." To be sure, the agrarian society that delighted Jefferson is a lost world, and he would have been dismayed by the urban, industrialized, automated society in which we live today. But he would have understood that, as the population swelled from 5 million to 180 million, it brought profound changes; that with the machine age would come tremendous pressures toward impersonalized conformity. For Jefferson knew full well that the world does not stand still. "The earth," he said, "belongs always to the living generation," and "nothing is unchangeable but the inherent and inalienable rights of man."

So Jefferson today would be plunged into a battle that was familiar to him, even though the terrain is different. The challenge of free men to stay free in a swiftly changing world would absorb all his energies. As he fought for the Bill of Rights in his own lifetime, so would he be fighting today for their application to all Americans. What mattered to him, as to all liberals, was the extension of freedom and the rights of the individual. And he would be shocked to hear his name invoked in defense of doctrines no longer designed to extend civil rights, but to curtail them.

He would, I think, be quick to remind the Americans of today that they cannot take their freedom and security for granted, that they can no longer indulge in the comfortable illusion, as one historian put it, that "history does not happen to us." For we are no longer far removed from the tidal waves of history, and the Western world is no longer the center of gravity on our planet. And our common culture and convictions are challenged as they have not been since Islam's challenge to Christianity hundreds of years ago.

I also believe that Jefferson would be deeply disturbed by the slowness with which this reality is sinking in. Not only has our society become infinitely more complex, but life itself has become infinitely more perilous. Not long ago, I visited Dr. Albert Schweitzer in his jungle hospital in equatorial Africa. He told me he thought this the most dangerous period in all human history. Why? Because, he said, man is no longer controlled by nature. He has learned to control the elemental forces of nature, before he has learned to control himself.

To one who spent a dauntless, restless lifetime in the service of his fellow men, some other symptoms of our times would also be profoundly disturbing. Jefferson thought of democracy as a moral principle. What of our public morals today? He knew how hard it was to win and preserve freedom. But the freedom many people want today is freedom from responsibility. Jefferson toiled night and day to serve his country. But in our time, millions of Americans are seemingly so indifferent to public affairs that they do not even feel an obligation to vote.

We can hear his pleading again: "Cherish the spirit of our people, and keep alive their attention * * * by enlightening them." Would he not say to us, "Man your defenses, and reaffirm your faith in salvation by works"? Would he not say, "Strengthen the morals and might of your society to meet and master the new challenge of tyranny"? Would he not say, "Rise up to the altitude of man's peril to prevent forever the thermonuclear tragedy"?

What would he say about leadership? Jefferson's whole philosophy was based on belief in the ability and decency of the average man. But would he not caution us to beware of easy options and of men on horseback? Would he not remind us again that any dominant group, however ostensibly enlightened, would, if given a chance, exploit the people? (The way beekeepers do to bees, was the way he put it.) Would he not decry our anti-intellectualism and the cult of the lowest common denominator at a time when terrible and dangerous decisions have to be made?

There is no doubt in my mind where Jefferson would stand. He was—to use a contemporary term—an egghead, and proud of it. "Of all the charges brought against me by my political adversaries," he said on leaving the Presidency, "that of possessing some science has probably done them the least credit. Our countrymen are too enlightened themselves to believe that ignorance is the best qualification for their service." He would see that our national leadership has not prepared us for the tasks of this searching century; that it has not summoned us to our duty; that it has not, in his words, "kept alive our attention." Too often—and I wish I could call Jefferson as a witness—our leadership has been hesitant and half-hearted, and has concealed from us the nature and dimensions of the crisis.

Such failure of leadership and communication touches the roots of the idea of democratic society. Our system of government was founded, as Jefferson declared, "not in the fears and follies of man, but on his reason, on his sense of right, on the predominance of the social over his dissocial passions." For the people can neither grant not withhold consent on rational or just grounds unless they are informed—"enlightened," to use Jefferson's word. Government by concealment, by soothing assurances rather than candid communication, cannot be long tolerated if our system is to endure.

Concealment of the true nature of the crisis—even assurances from a Secretary of State, as late as 1956, that communism is "a gigantic failure"—has been accompanied by an attitude on the part of our leaders that seems almost to equate discussion with disunity and criticism with disloyalty. When some of our most distinguished citizens and generals express concern about the obvious fact that our defenses are not as strong as they were, the President becomes angry, Mr. NIXON considers that it undermines our security, and the Republican national chairman contributes a sarcastic remark about their "paper hats and wooden swords."

And this recent history of truth trifling and misrepresentation goes way back to the talk about liberating Eastern Europe, unleashing Chiang Kai-shek, Communists in government, and a long procession of impostures born of political expediency and cynical salesmanship.

But these impostures also derive from misunderstanding or disrespect for our system—from a vague feeling that the best kind of government is one in which the people turn their hopes and fears over to a kind of caretaker for the national welfare and conscience, to a benign chief magistrate who countenances little criticism and comforts the people with good news or none. This concept of leadership is in sharp contrast to Jefferson's conviction that the people must be kept attentive by enlightening them, and that democracy needs the fertilization of dissent if it is not to wither like a plant without water.

But if what I have been saying seems too contemporary for a memorial lecture, my excuse is that these attitudes about leadership are not new. Thomas Jefferson knew them well. Indeed, they represent one of the two enduring polarities of thought around which our political life has centered. What distinguished the Federalists, the Whigs, and in our day the Republicans from the party that Jefferson founded is that their leaders never really trusted what he called "the good sense of the people." Instead, they felt that the business of government should be left in the hands of those who believed they knew best.

This distinction was perceived by Tocqueville more than a hundred years ago. He called it a division "between two opinions which are as old as the world * * * the one tending to limit, the other to extend indefinitely the power of the people." This is a moral issue that has always kindled strong feelings, and he concluded that whenever America lost this distinction dividing the two parties, "her morality * * * suffered by their extinction."

Jefferson, too, discerned a natural division of men into opposing parties in every free and deliberative society—with each taking his side according to his fear of or confidence in the good sense of the people. And although historical parallels are never exact, we can see similarities between the central issue of today—the right of the people to know—and the one that the Nation faced in what Jefferson called the momentous crisis of 1800.

Then, too, the Nation had recently experienced an effort to suspend political debate, a drift away from government through discussion and toward a curbing of criticism. Even Washington, a military and world hero, cautioned in his Farewell Address against those self-created societies that had fomented so much political dissent. He spoke warmly of respect for law and order, little upon the subject of liberties and not at all upon the right to criticize. And at the close of the 1790's, this tendency reached its most extreme form in legislation which sought, in the name of national security, to apply a checkrein to criticism of public officials.

To Jefferson, this tendency to stifle debate struck at the very heart of our idea of government by consent, the moral foundation on which government rested. That is why I think he would be dismayed at today's public relations techniques which are designed to smother political debate with images, slogans, and catchwords. In 1952, you remember, it was "communism and corruption" and "I shall go to Korea." In 1956, it was "I like Ike" and "peace, progress, and prosperity." And in 1960 it will probably be something about "7 wonderful years"—or more accurately, "7 comfortable years."

But whatever the slogans that are being tooled for us this year, we who trust the good sense of the people must report the facts and raise the questions the people must answer. In Jefferson's phrase, we must cherish the spirit of our people, even though we will no doubt be accused of gloom and doom, extravagance, hysteria, socialism and, if Mr. NIXON again lets himself go, of something just short of treason. For, as Jefferson once said, "No experiment can be more interesting than that which we are now trying, and which we trust will end in establishing the fact that man may be governed by reason and truth. Our first object should therefore be to leave open all the avenues to truth."

In the months ahead, I hope his party, the Democratic Party, will open up the avenues to many truths, avenues that have been obscured too long. The people have a right to know why we have lost our once unquestioned military superiority; why we have repeatedly allowed the Soviets to seize the diplomatic initiative; why we have faltered in the fight for disarmament; why we are not providing our children with education to which they are entitled; why—nearly a century after the 14th and 15th amendments—all of our citizens have still not been guaranteed the right to vote; why we spend billions of dollars storing surplus food when one-third of humanity goes to bed hungry; why we have not formulated an economic development program geared to the worldwide passion for economic growth; why we

have failed to win the confidence and respect of the billions of impatient people in Asia, Africa, and Latin America; why millions of Americans lead blighted lives in our spreading urban slums; why we have fewer doctors per capita than we did 50 years ago and pay more for our medical care than ever before; why we spent more money last year on tranquilizers than on space exploration, and more on leisure than on learning; why the richest nation in the history of the world cannot support the public services and facilities we must have not only for world power but for national growth and opportunity.

The people have a right to know—and their leaders have a duty to tell them—the truth about the nature of our crisis and the dimensions of the problems that will have to be faced by the next administration. We are entering a decade of great decisions affecting our nation, our civilization and our very survival as human beings—a decade as fateful for the Republic as the one that began with Jefferson in 1800, and the one that began with Lincoln just a hundred years ago, in 1860. And one of the first of these decisions will be to select new leadership—leadership that will treat Americans as grown up people, that will help us understand our choices and our dangers, and how to cope with them.

The next President's task is heavier than any autocrat's because in the decade of the 1960's democracy and the slow process of persuasion must match the efficiency of central planning and the swiftness and certainty of dictatorial decision. Our chief executive will have to be a man who agrees with Franklin Roosevelt's definition of the Presidency as "preeminently a position of moral leadership," and who deeply believes, as Jefferson did, that "the spirit of liberty, when conducted by public virtue, is invincible."

Jefferson was this kind of President. In 1800, we as a nation were a defenseless confederation standing at the mercy of two great world powers. Yet this was the nation that Jefferson proclaimed to be the strongest on earth, not because of its military might or its productive capacity—for it had little of either—but because its people believed profoundly in a moral purpose from which they could not be swayed, even when men in office sought to curb their energies and suppress their criticisms.

Jefferson believed that the American revolution belonged to all mankind. "The inquiry which has been excited by our revolution, and its consequences," he said, "will ameliorate the condition of men over a great portion of the globe." There was no lethargy in 1800, no confusion about our values or objectives. Excitement was in the air, for we stood as a nation at the head of a crusade for freedom that was just beginning to unshackle humanity from the servitude of centuries.

Today we are no longer poor and defenseless. We are by far the richest nation on earth and, until recently, the most impregnable. Yet, ironically, our actions have been timid and irresolute. Our leaders talk of freedom—and embrace dictators. We do not act as frightened as we did during the shameful McCarthy era. But to millions of people just emerging from feudalism or colonialism we still look like a nation that has forgotten its revolutionary heritage and moral purpose, and that prefers the political status quo, business profits, and personal comforts to the traditions on which our Republic was founded.

Rich and endowed as we are, the dominant concerns of our leadership have been almost wholly defensive. Our foreign policy has been dominated by sterile anticommunism and stupid, wishful thinking, our domestic policy by fear of inflation and mistrust of government. We offer aid less to help others than to shield ourselves. We have been reassured on the one hand that America has never been stronger or more prosperous or more respected in the world. And on the other hand, we have been warned that in spite of a gross national product of $500 billion, bankruptcy stares us in the face if we divert any more of our wealth from private self-indulgence to the urgent task of meeting the challenge of a totalitarian society, already growing faster than ours, whose leaders are determined to remake the whole world in their own image.

And our leaders tell us in effect that if we can just balance the budget and produce more consumer goods, the Soviet challenge will somehow disappear.

This is dangerous deception. It is impossible to spend years traveling around the world, as I have, without a disquieting awareness of the thrust and purpose of Soviet society. Its leaders believe in their revolution as the leaders in the American Revolution believed in theirs. They are quietly confident that it will sweep the world, that collective man in a collective state is the ultimate unfolding of human destiny. Their agents are everywhere. No effort is too great that may help to realize their goals, and no corner of humanity is too insignificant to those who believe the whole human race is destined to become one in Communist brotherhood.

And beyond Russia, in a nation that our leaders pretend does not exist, there is an even greater thrust of power and purpose by 650 million Chinese under a system even more disciplined and under leaders even more dedicated to the triumph of their fanatical dream.

Our own leaders have deceived us by underrating the magnitude of the crisis. But haven't we, as a people, also deceived ourselves? The harsh verdict of history will be that our Nation was quiescent and complacent, content with illusions; that we failed to insist, through our press and other agencies of opinion, that all the avenues to truth be kept open.

Our strength does not lie in the iron discipline of the state. Nor does it lie in the balance of a budget. It does not even lie in the productive capacity of our farms and factories. These are instruments of power, and we must wield them to accelerate our growth. In the final analysis, as Jefferson said, our national strength lies "in the spirit and the manners of the people." And late in life, Jefferson reflected upon the good fortune that "the full experiment of a government democratical, but representative, was reserved for us." But knowing that we would never be a perfected society and should never think of ourselves as one, he added, "and is still reserved for us."

The experiment, he knew, could never be concluded. Political action alternates endlessly between the great poles of attitude that determine policy. Periods of high purpose and endeavor yield to periods of complacency and relaxation, eras of energy and innovation are supplanted by eras of static timidity, stages of high public virtue are succeeded by stages of moral confusion, long years of struggle over mountainous terrain are followed by years of slumber in green valleys.

We are emerging—we must emerge—from one of these valleys today with leaders who will have the courage to tell us the truth, the heart to inspire us and the energy and wisdom to show us the way. We do not have such leadership now. Early this year RICHARD NIXON admitted that a crisis provokes demands that the President "lead the people up to the mountain top." And he added that this was the easy way, but not often the wise way. Mr. NIXON is wrong. It is the wise way. But it is not the easy way.

And today, Jefferson would not understand why anything should stop us from showing this restless, inquisitive world—only now beginning to sense its common humanity—that our free civilization is just as vigorous as the Soviet civilization, and that we Americans are just as capable of great deeds as we were when our frontier was not the wilderness of space but the wilderness of our own continent.

"We are never permitted to despair of the commonwealth," said Jefferson. To do so would be the ultimate treason, the last refuge of the faithless citizen. But hope, in the face of universal and revolutionary change, cannot be sustained by platitudes and pieties. Publicity photographs are no substitute for making decisions; personal appearances in foreign capitals, for the hard work of imaginative diplomacy. Nor can we longer let our fears and mistaken priorities deter Federal action where Federal action is needed on defense, on education, on civil rights, on housing and slums, on industrial strife, on farm income and surpluses, on water resources, on the cost of medical care—on all the problems that affect the strength and well-being of the whole Nation.

These have been tranquil, comfortable years, but the great decisions have been postponed. This is why the year 1960, like the year 1860 and the year 1800, is one in which the issues transcend all the usual political passions of a quadrennial election. This year we will be making a choice between two approaches. We shall have to decide whether to go on putting private consumption first or shift the first priority to our public needs. Not long ago, the Chairman of the President's Council of Economic Advisers said, "As I understand our economy, its ultimate purpose is to produce more consumer goods. This is the objective of everything we are working at: to produce things for consumers."

This preference for private indulgence to public need is a far cry from the ideals expressed by Thomas Jefferson. So long as this kind of thinking prevails in our leadership, America will continue to entice talented young people into entertainment rather than teaching; into high-priced psychiatry rather than low-cost public health. And America, as a nation, will be the weaker for it.

We can no longer pretend that the challenge of the 20th century can be met with better detergents and more toothpaste—with private opulence and public squalor. It can only be met with better education and more attention to our public needs.

But to achieve a greater tempo in the development of national power, our President has told us that we will have to "take our country and make it an armed camp and regiment it * * * and get people steamed up like you did in wars."

Is the President saying that we cannot meet the Communist challenge without changing our system and giving up our freedoms? Is he saying that our system of liberty is so fragile that it cannot keep up the pace in this great contest of national power? Is he saying that with a $500 billion economy the Nation will be imperiled if it devotes a somewhat larger share of its resources to public purposes?

This is the language of those who fought Jefferson in 1800. It is the language of those who fought Roosevelt's great initiative, the New Deal, at another time of decision nearly 30 years ago. It is the language of those who have no confidence in the good sense of the people.

But our national character has not deteriorated beyond repair in this period of leaderless lassitude. Whatever their condition, Jefferson believed in the capacity of the people to rise to greatness once they know, once they are told, once they are summoned. In 1800 he brought a drifting Nation back to a sense of its proper mission, not for the sake of any narrow, selfish nationalism but for those maxims of a free society that Lincoln reaffirmed in 1860.

So now he would call upon this still young, still vigorous Nation to rouse itself and resume the everlasting work of preserving the blessings and security of self-government.

His power, his leadership, did not come just from the fact that he was a philosopher-statesman, a teacher, and that, in Henry Adams' phrase, he dared to legislate for all humanity. Rather his power lay in his unshaken confidence in the capacity for good in human beings, a confidence based not on fatuous illusions but on a clear, hardheaded realization that only on such a foundation could "the last best hope of earth" endure.

Jefferson's use of the power of the Presidency communicated a respect for the intelligence as well as the virtue of the people. As the avenues to truth are opened up, he would expect the people to understand the gravity of the issues and the decisions that lie before them. This is the Jeffersonian mission—the sacred obligation that confronts all Americans who honor his name today—the overwhelming challenge, the exciting opportunity to show the world that the American Revolution still belongs to all mankind.

TRIBUTE TO JACK BELL, AUTHOR OF "THE SPLENDID MISERY"

Mr. MONRONEY. Mr. President, most of us know Jack Bell, of the AP. We know him as an objective, dispassionate reporter who chronicles the facts without opinion or interpretation in an embodiment of the very core of Associated Press tradition.

We see another side of Jack Bell in his new book, "The Splendid Misery," a bestseller. Here we observe, not detachment, but strong opinion. The style is neither that of a news writer nor of a historian dealing with a dead past. Jack Bell has used his many years of first-hand experience in Washington to give his story of the Presidency color and interest, but he also has done the deep research to place the facts in perspective.

In "Splendid Misery," the past is comprehensible because of the contrast shown to recent events with which we already are familiar. Similarly, the present becomes more understandable because the author interprets it in the light both of the recent past and earlier epochs.

There is much of interest to Senators in this book and there is a great deal of pride in it down in Jack's former State of Oklahoma. I ask unanimous consent to have printed at this point in the RECORD a review of his book from the Daily Oklahoman, the Oklahoma City paper where he once served as city editor.

There being no objection, the book review was ordered to be printed in the RECORD, as follows:

REPORTER LOOKS AT OUR LEADERS

(Review of "The Splendid Misery," by Jack Bell)

(By Paul Hood)

A reporter, particularly a press association reporter, is bound to a creed of objectivity. So when he breaks out of the bounds of his everyday writing assignment and into the comparative freedom of the pages of a book, he usually has some definite opinions waiting to be uncorked.

Jack Bell, an experienced Washington Associated Press reporter who worked in his early years on the Daily Oklahoman and Times, lets fly with plenty of opinions in this study of the presidency and the men who have filled it. With some of them you'll agree, while others will strike sparks. The net result must inevitably be a better understanding of our Government.

While there is more than a smattering of history in this study, the book is much more concerned with the present and immediate past. As such it offers one of the first comprehensive and critical estimates of the Eisenhower administration (and a not very flattering one). Written by a man who has had a close working knowledge of the Government and the personalities involved, the book is no effort to flaunt the "I was there" theme. Bell rarely projects himself into this stream of history, and then only to lend a needed touch of authenticity to the story.

The newsman hopscotches through history to draw contrasts and parallels among various individuals' approaches to problems of the presidency. Sometimes this makes for a jerky and disconnected treatment that leaves the reader uncertain as to the period under discussion.

Out of it all you sense the feeling of frustration on the part of a skilled observer when he believes the full powers of leadership are not exercised for the Nation's benefit. And you see his admiration when, even though constitutional authority may be exceeded, a strong personality grabs the initiative and pushes a positive, aggressive program. In this respect Presidents such as Jackson, Lincoln, the two Roosevelts and Truman draw the author's praise.

In a year when all should be considering the qualifications of a man for occupancy of the White House, Bell's well-documented analysis of the triumphs and failures of the past could be extremely helpful in influencing your ballot decision.

LEAVE OF ABSENCE

Mr. MONRONEY. Mr. President, as most of my colleagues are aware, I have been assigned to represent the Senate at the meeting of the Executive Council of the Interparliamentary Union which will be held next week in Athens, and I should like at this time to formally request the permission of the Senate to be absent for this purpose during the week beginning April 18.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it should also appear in the RECORD that the Senator from Oklahoma is representing the Senate at the meeting at the request of the Senate leadership.

Mr. MONRONEY. I thank the Senator for that statement. I deeply regret that the program in the Senate will be such next week that other Members of the Senate will be unable to be present at the meeting in Athens to represent the Senate.

NOMINATION OF JAMES R. DURFEE TO BE A JUDGE OF THE U.S. COURT OF CLAIMS

Mr. MONRONEY. Mr. President, I had intended to make some brief comments at the time the Senate considered the nomination of the Honorable James R. Durfee, present Chairman of the Civil Aeronautics Board, to be a judge of the U.S. Court of Claims. I now understand that this matter will be considered by the Senate next week during the time when I will be absent. I shall, therefore, make my comments at this time, and ask unanimous consent that I may proceed for 10 minutes for this purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Oklahoma is recognized for 10 minutes.

Mr. MONRONEY. Mr. President, I support the confirmation of the nomination of the Honorable James R. Durfee, of Wisconsin, who has been appointed by the President to be judge of the U.S. Court of Claims.

I regret that in this matter I find myself in opposition to the position taken by my friend the distinguished junior Senator from Wisconsin [Mr. PROXMIRE], since I am convinced that his opposition is quite sincere, and because all of us are inclined to give great weight to the recommendations of the Senators from the home State of a nominee.

However, in the case of Jim Durfee I feel that I have a clear duty to the Senate to support his nomination and to comment on some of the charges which have been made against him. I do not purport to judge whether his background and experience properly equip him in a professional way for service on the Court of Claims. This is a matter which has been carefully considered by the Committee on the Judiciary, certainly the Members of the Senate best able to make such a judgment, and that committee has unanimously concluded that the nominee is well fitted for the office to which he has been named.

Rather, my responsibility in connection with this nomination arises from the fact that questions have been raised as to the propriety of certain conduct by the nominee during the time that he has been Chairman of the Civil Aeronautics Board. During the entire 4 years of his service on the Board, I have served as Chairman of the Aviation Subcommittee of the Committee on Interstate and Foreign Commerce, and therefore have probably had more direct contact with James Durfee and a more adequate basis on which to evaluate his service as Chairman of the Board than any other Member of the Senate.

I can say to Senators in all sincerity that that service has been distinguished by Mr. Durfee's diligence, courage, and fairness. I know James Durfee as a man of great integrity and great dedication. I know of no public official whose elevation to the Federal judiciary I could more enthusiastically support.

A member of the Civil Aeronautics Board, and particularly its Chairman, must constantly seek to find the public interest in matters where private interests are conflicting. Not only must he pass upon the competing claims of individual airlines for a particular route, but what is even more difficult he must constantly pass upon the competing claims of different segments of the aviation industry. He must weigh the effect of the Board's actions not only upon trunk carriers, but upon local service carriers, all-cargo carriers, supplemental carriers—and each group's interests are frequently in conflict with those of other groups. He must weigh the impact of the Board's actions upon municipal and State aviation authorities and upon

fixed base operators. During most of the time which James Durfee has served as a member of the Board its responsibility extended not only to economic regulation, but to traffic control, safety regulation, and accident investigation. Throughout this constant clamor of conflicting interests, a member of the Board is faced with the almost impossible task of dealing fairly with all of them and yet maintaining an overriding concern with the interests of the general public.

I know of no member of the Board during my experience who has succeeded more brilliantly in fulfilling this most difficult role. I know of no single carrier or group of carriers who has ever expressed, either publicly or privately to me, the slightest misgivings as to James Durfee's integrity or fairness.

More than this, however, James Durfee's service as Chairman of the CAB has been distinguished by the vigor of his response to the first and primary admonition of the Federal Aviation Act:

> In the exercise and performance of its powers and duties * * * the Board shall consider * * * as being in the public interest * * * the encouragement and development of an air transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the postal service, and of the national defense.

It is this admonition which not only explains, but justifies, the conduct for which James Durfee has been subjected to criticism.

Three incidents have been called into question in the course of the hearings on the nominee's confirmation. Two of them involve his participation in inaugural flights by U.S. international carriers, one to Mexico City and one to Rome. I do not intend to discuss either of these incidents in detail, for I believe they have absolutely no bearing upon the question before the Senate. I assure Senators that it has been customary for members of the Board to participate in such inaugural flights to foreign countries as a matter of carefully considered Board policy. Such participation has taken place for as long as I have any recollection, because it is in connection with the inauguration of a line carrying the American flag to new areas of the world.

There are a number of excellent reasons for this policy. One is that it affords an opportunity for members of the Board to meet and become acquainted with foreign officials with whom they must negotiate bilateral agreements in behalf of the United States. American planes cannot land at foreign airports unless the United States has bilateral agreements with the foreign nations concerned. More important, since such flights normally represent the fruits of successful agreements, their failure to do so might well be considered as an official diplomatic affront.

I cannot help but remark in passing that because of the serious attitude which James Durfee has toward his administrative responsibilities as Board Chairman, his participation in these occasions has been infrequent. I would also say that his choice of the flights to Rome and Mexico City—the two which he has made—seem to me to show excellent judgment in selecting those in which he would take part.

It is perhaps more difficult for some of my colleagues to understand the third incident for which Chairman Durfee is criticized—his attending with a number of other people a meeting at Pinehurst, N.C., where he was the guest of two carriers, Flying Tiger Line and Overseas National Airways. I can only say to my colleagues that it was an extremely useful meeting, and that had Chairman Durfee consulted me in advance, I personally would have urged him to attend.

Because he takes seriously the statutory admonition to encourage and develop an adequate air transportation system, Chairman Durfee has actively participated with Mr. E. R. Quesada, Administrator of the Federal Aviation Agency, members of our committee, and similar committees in the House, in efforts to solve what is one of the most basic and most difficult of the problems facing American aviation today: that is, the proper role of civil aviation in meeting military airlift requirements.

The meeting at Pinehurst was for the purpose of discussing these problems. It was attended by the deputy commander of the Military Air Transportation Service; another member of the Civil Aeronautics Board in addition to Mr. Durfee, representatives of three carriers engaged in international air transportation—one a trunk carrier, one a cargo carrier, and one a supplemental carrier—and a number of distinguished former officials of the Department of Defense. The kind of prolonged and relaxed discussion which occurred could only have taken place in relative privacy, away from the demands of a hectic Washington office, particularly the office of the Chairman of the Civil Aeronautics Board. The different groups which participated were acting from competing positions and represented different points of view.

I will also say to my colleagues that if participation in such a meeting is to be condemned, then not a single responsible official concerned with civil aviation would escape censure. During the last few years we have met with the military, with the presidents of airlines, with carrier operating personnel, with economists, and with bankers. As a result of these meetings, the most fruitful of which have been informal social occasions, we have made substantial progress in mutual understanding of our problems and in finding common approaches to their solution. In this effort no one has contributed more than has the present Chairman of the Civil Aeronautics Board, whose appointment to a vacancy on the Court of Claims is being considered.

The necessity for informal consultation with industry representatives and others by members of the Civil Aeronautics Board is not confined to special problem areas such as military air transportation. Such meetings have occurred and must occur with respect to a wide range of matters in which the Board is interested. For example, only recently members of the Board have participated in off-the-record conferences in connection with aviation safety in efforts to prevent recurrence of some particularly alarming aviation accidents. They have conferred on subsidy problems with local service carriers to explore informally possible approaches to reduction in the present level of subsidy payments. They have conferred with carriers on the problems connected with the air transportation of nonpriority mail. I would emphasize that this is a far different thing from discussing the issues in a contested proceeding between two or more carriers with one of the interested parties in the absence of the others. Rather, these meetings represent efforts to find solutions to problems which are industrywide and on which the Board must remain available to the carriers and must seek useful suggestions and ideas from every source within the industry without being inhibited by an atmosphere of suspicion and distrust because these carriers are also litigants before the Board in connection with other matters.

Chairman Durfee has aptly described the role of the Board in the hearings on the confirmation of his nomination:

> We in the regulatory field are sometimes told that we should at all times maintain the same judicial aloofness from the industry which we regulate as judges do from litigants. As to matters involved in adjudication following hearings on the record, this is correct. But the Board is not entirely a court. It is also a quasi-legislative body, with powers to make, as well as judge, law in aviation, within the rulemaking powers delegated to it by Congress.
>
> In defining these powers of the Board, Congress at the outset directs the Board to encourage and develop an air transportation system properly adapted to meet the present and future needs of the foreign and domestic commerce of the United States, of the postal service, and of the national defense. In essence, we are directed to promote aviation in these three directives. There are those who criticize these dual quasi-legislative—quasi-judicial functions of the Board as imposing inconsistent standards of ethical conduct, but, Mr. Chairman, that is the law under which the Board operates.
>
> Generally speaking, the courts construe and apply the statutory law as Congress writes it in arriving at their judgments. Courts are not expected to promote or develop aviation or any other business. The Board is not only expected to do this, it is directed and required to do it by Congress.
>
> We certainly do not go about this promotion and development of aviation in the aloof atmosphere of a courtroom or the strict isolation of a judge's chambers. We work with this industry every day to encourage and develop aviation. That is a very important part of the job that Congress has directed us to do.

Each Member of the Senate must arrive at his own judgment as to propriety of any conduct on the part of a Government official. Many of us I am sure would reach different conclusions as to particular conduct, but one's judgment of a man must be based on more than a single incident.

So my judgment of James Durfee, and perhaps the construction which I place on these individual incidents which have been criticized, must be based upon my knowledge and observation of him in one of the most difficult jobs in our Government over a period of 4 years. On the

basis of that knowledge and that observation, I can only say to my colleagues again that it is my personal conviction that James Durfee is a man of stature, of integrity, and of courage, and that he will serve with distinction and with honor in any task to which his country calls him.

AMENDMENT OF MOTOR VEHICLE SAFETY RESPONSIBILITY ACT OF THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. The hour of 2 o'clock has arrived; and the Chair lays before the Senate the unfinished business, which will be read by title.

The LEGISLATIVE CLERK. A bill (S. 2131) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended.

WIRETAP BAN—AN OPEN LINE FOR CRIME

Mr. KEATING. Mr. President, last week I introduced a bill (S. 3340) which would make it clear that no Federal law prohibits court-authorized wiretapping by State law-enforcement officials. I have previously introduced a more comprehensive measure (S. 1292), which would regulate all forms of eavesdropping, including wiretapping. In my opinion, it is essential that legislation in this field be enacted at the earliest possible time by Congress. In the case of New York, which has its own very carefully devised program for regulating all forms of eavesdropping, what is particularly needed is enactment of the bill which would revalidate the provisions of the New York statutes. The same is true of at least two other States—Maryland and Oregon—and probably of others which have similar statutes.

The difficulty in New York is, however, that a decision of a State court has enjoined the law-enforcement officials from introducing such evidence in criminal cases, because of the fact that to do so would violate a Federal law.

The problems in this field have received considerable attention in the New York press. There have appeared in many newspapers throughout the State editorials endorsing the principles of the legislation I have proposed on this subject.

Incidentally, similar proposed legislation has been introduced in the other body by the distinguished chairman of the Judiciary Committee of the House of Representatives, Mr. CELLER.

Recently, one of New York's leading newspapers, Newsday, published a series of articles, by Michael Dorman, entitled "If Wiretaps Are Banned—An Open Line for Crime." This series describes many important examples of the serious law-enforcement problems which have arisen as a result of the inadequacies of the present laws on this subject. In an editorial commenting on this series, Newsday concluded that wiretapping should be permitted by Federal and State agents under "strict controls," and that at the same time "eavesdropping by the unauthorized for purposes of curiosity, blackmail, and so forth, should be flatly outlawed." This dual objective is the goal of both measures which I have introduced on this subject.

Mr. President, this series of articles and the editorial in Newsday should be considered by all Members of the Congress who are interested in dealing with this vital problem of law enforcement. I, therefore, ask unanimous consent that the editorial and the Newsday series of articles be printed at this point in the RECORD.

There being no objection, the editorial and the articles were ordered to be printed in the RECORD, as follows:

[From Newsday, Mar. 25, 1960]

THE WIRETAPPING PROBLEM

The third article of a series by Michael Dorman on wiretapping appears on page 1–C of today's paper, summing up the inconsistencies of the Federal communications law. This forbids "eavesdropping" on phone, radio, and other wire communications, and the divulging of information thus obtained.

The Federal courts have held that investigators from the FBI or other Government law-enforcement agencies may make a wiretap, but what they hear cannot be admitted as evidence. Thus the FBI knew through a tap the names of the 11 gangsters who carried through the $1,200,000 Brink's holdup in Boston for a full 5 years before arrests could be made—and then only because one of the gang confessed. In other cases, notably that of the spy Judy Coplon, known offenders have gone scot free because wiretapping was used to collect information leading to an arrest.

In New York State, up to now, wiretapping has been permitted police and prosecutors subject to approval by a judge, and admitted as evidence. A recent decision by the circuit court of appeals places even this limited prerogative in jeopardy. Manifestly, the law has to be changed. It should be available to Federal and State agents alike under strict controls; and at the same time eavesdropping by the unauthorized for purposes of curiosity, blackmail, etc., should be flatly outlawed.

This ambiguous law has to be made more specific. Otherwise, criminals and traitors will continue to go free. The safety of our country, as well said by Senator KENNETH B. KEATING, Republican, of New York, must be paramount.

[From Newsday, Mar. 23, 1960]

IF WIRETAPS ARE BANNED—AN OPEN LINE FOR CRIME

(By Michael Dorman)

Did you know that Judy Coplon was caught redhanded giving secret Government documents to a Soviet agent?

Did you know that she walks free today, not because of moral innocence, but because FBI men were led to her rendezvous by a wiretap?

Ex-Justice Department employee Coplon was turned loose under a legal provision that has long hamstrung Federal investigations: A Federal court defendant cannot be convicted on the basis of evidence gathered—directly or indirectly—through a wiretap. It makes no difference that the wiretapped conversation itself is not introduced in evidence. The defendant may go free merely if the tap plays a significant role in providing clues that lead to his arrest.

Now, officials in New York and elsewhere are expressing grave fears that appeals court rulings are about to extend the Federal ban on wiretap evidence to the State courts. They feel this would cripple law enforcement—compelling the average lawman to struggle with one legal arm tied behind his back in the battle against such resourceful criminals as kidnapers and syndicate racketeers.

Though the problem of wiretapping has tormented legal experts for years, the tap cases with perhaps the most far-reaching consequences have been argued in court only in the last 7 weeks. February 11, Judge Harold Medina handed down a majority ruling for the Second U.S. Circuit Court of Appeals in New York— a ruling that strikes at the very heart of legalized wiretapping in New York and other States. The ruling granted a temporary injunction preventing the use of wiretap evidence in the Bronx County Court trial of Burton Pugach, a Westchester attorney accused of hiring three men to throw blinding lye into his former fiance's eyes.

The effect of the decision was to delay Pugach's trial pending a permanent ruling by the circuit court on whether tap evidence is admissible in any court—local, State, or Federal. It became immediately apparent that court orders such as the Pugach temporary injunction could be used by defense attorneys to seek interminable delays in cases involving wiretap evidence—unless a later ruling or new legislation resolved the murky legal situation.

O'ROURKE LOST HIS BID

Attorneys for East Coast Teamster Boss John J. O'Rourke, on trial in Mineola on juke box extortion charges, promptly walked into Federal court and demanded the same kind of ruling granted in the Pugach case. They were turned down on the basis that O'Rourke's trial was already under way, while the Pugach trial had not yet started. But Nassau prosecutors, fearful that a conviction might be reversed if wiretap evidence were used, have postponed introducing such proof in the hope that a new ruling will clear up the current muddle. Both the Pugach and O'Rourke cases seemed destined for the Supreme Court.

There have been many attempts over the years to pin the blame on the parties responsible for what Attorney General Rogers calls the "thoroughly unreasonable and unrealistic" Federal wiretap law. Some critics blame the Supreme Court. But most experts put the chief responsibility on Congress for permitting a vast superstructure of confusing court rulings to be built around a "sleeper" of 31 obscure words slipped into the Federal Communications Act of 1934.

The fact that these 31 words were not intended as definitive legislation on wiretapping seems clear when you consider that the wiretap issue was never even mentioned in Congress during the debate leading up to passage of the 20,000-word act. Apparently, Congress intended the 31 words to prevent indiscriminate taps by private detectives and other citizens. But the effect has been to restrict the crime-busting tactics of Federal agents.

The crucial words of the act ban "eavesdropping" on phone, radio, and other wire communications in this language: "* * * no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect or meaning of such intercepted communications to any person. * * *" Of the 31 words, the most significant is "divulge." This lone word represents a vast gulf between the positions on wiretapping taken by the States and the Federal Government.

Under the Federal statutes, it is legal for an FBI man to make a tap, provided he does so with the permission of top Justice Department officials. But it is illegal for him to "divulge" what was heard during the tap, either on the witness stand or elsewhere.

Some experts claim he has no right to tell what he heard even to other FBI agents. But the Supreme Court has held that the Government constitutes a single legal "person" and G-Men therefore may inform other Government personnel what was said during a tapped conversation.

The practical effect of court rulings has been to force Federal agents to use the wiretap merely as a means of uncovering crime and espionage—rather than a means of proving cases in court. As the Coplon case illustrated, FBI use of the wiretap is so restricted that agents cannot even base a criminal complaint on wiretap information, but must develop other evidence sufficient to warrant an arrest.

Four-fifths of the States, including New York, have laws permitting taps by peace officers, generally with permission of a judge. But now, prosecutors fear, this valuable weapon is about to be taken away. If they read the signs properly, the Federal courts are preparing to decide that the Federal law overrules all State wiretap laws.

Tomorrow: Case histories; wiretaps at work.

[From Newsday, Mar. 24, 1960]

IF WIRETAPS ARE BANNED—AN OPEN LINE FOR CRIME

(By Michael Dorman)

Did you know that the FBI learned the names of the 11 hoodlums who pulled the $1,200,000 Brink's holdup a full 5 years before any arrests were made?

Did you know that FBI agents were helpless to make the arrests until 4 days before the statute of limitations would have run out—freeing the robbers from prosecution? Did you know that the Federal men, after breaking the case, turned it over to State prosecutors in Boston? And did you know that all this came about chiefly because of quirks in the Federal wiretap laws?

Though no wiretapped conservations were introduced as evidence in the State court trial, Newsday learned that a tap provided a key clue that enabled FBI agents to track down the holdup gang. For 5 years, the G-men were frustrated in efforts to round up the holdup men.

They knew they could make no arrests on the basis of wiretap evidence. For not only is such evidence inadmissable in Federal court, but any arrest based on significant clues provided by a wiretap is illegal under Federal law—without other evidence sufficient to warrant a complaint. The G-men had the wiretap—but not the other evidence from 1950 to 1955.

ONE TURNED INFORMER

Finally, in January of 1956, Joseph (Specs) O'Keefe, knowing of the wiretap and fearing he was marked for death by fellow gang members for beefing about his cut of the loot, loosened his tongue. He squealed first to FBI agents, then to a Boston grand jury. The FBI rounded up the other gang members and turned them over to State authorities, who used O'Keefe as a star witness in sending the majority of the robbers to prison for life.

The Brink's case provides an excellent example of what could happen if the right to wiretap were taken away from both Federal and State officers; or if evidence stemming from a tap were outlawed in State trials under a Federal court ruling. Lawmen and prosecutors fear this kind of decision may be in the offing. Under such a ruling, many of the Brink's robbers—all professional hoods, one with a record of 63 arrests and another a convicted killer—might still be walking the streets.

Law enforcement people point to scores of criminals who were put behind bars with the help of wiretaps. They mention syndicate racketeers such as gambling kingpin Frank Costello of Sands Point and Manhattan; kidnapers such as Angelo John LaMarca, who went to the electric chair after handwriting specimens and wiretaps led to his arrest for stealing 33-day-old Peter Weinberger from a baby carriage in Westbury and later leaving the child to die; political bosses such as Huntington GOP strongman John Hulsen, convicted last year in a major Suffolk scandals case.

The lawmen point also to numerous cases where taps established key evidence of official corruption, links between politicians and gangsters, subversive activities and labor-management racketeering. While not all of this evidence resulted in criminal convictions, it was put to good use in forcing reforms. Conversely, peace officers, prosecutors, and Government officials point to a number of miscarriages of justice and catastrophes that might have been averted if use of wiretaps had been permitted. For example, some FBI men feel the Pearl Harbor disaster could have been prevented if the Federal Communications Commission (FCC) had allowed G-men and intelligence officers to intercept Japanese messages in the days just before the sneak attack.

This opinion was bolstered by the report of a commission which investigated the Pearl Harbor affair. Associate Supreme Court Justice Owen J. Roberts, who headed the commission, advised President Roosevelt: "Efforts were made by the FBI to uncover espionage activities in Hawaii * * * (but) restrictions imposed (by the FCC) prevented resort to certain methods of obtaining the content of messages transmitted by telephone or radio telegraph over the commercial lines operating between Oahu and Japan."

THE COSTELLO WIRETAPS

Wiretaps were used by Manhattan District Attorney Frank Hogan, congressional investigators and other corruption-hunters to link racketeer Costello with such assorted figures as former New York Mayor William O'Dwyer, Lido Beach Gangster Thomas (Three Fingers Brown) Luchese, and Roosevelt Raceway officials.

In hearings before the Kefauver committee, wiretap evidence gathered by New York police under a court order was used to establish that raceway officials paid Costello $60,000 to help solve problems at the raceway. Costello claimed his sole mission was to chase bookies from the raceway, but the wiretap evidence included a statement from a raceway official to the racketeer that "we can't jeopardize the bookmakers." Costello never explained the inconsistency, nor did he explain references to the fact that Costello was the boss.

KIDNAPER'S VOICE HEARD

In the LaMarca case, wiretaps helped greatly in bolstering the identification of the kidnaper. One man on the inside of the investigation said: "The taps helped us tremendously. They gave us the kidnaper's voice right on the tape, telling the Weinbergers exactly where to leave the ransom money—in a bag made from pieces of an automobile seat. The seat was later found and linked with the material in the bag. Taps also were responsible for our catching at least one of a number of cranks who had been phoning the Weinbergers."

The Hulsen case was perhaps a classic in demonstrating the difference between a trial in which wiretap evidence is used and one where it is not used. No tap evidence was introduced in his first trial on charges of trying to shake down businessmen with threats of his vast political power. The verdict: Not guilty. In his second trial, tap evidence was used to substantiate evidence similar to that in the first case. The verdict: Guilty. The sentence: 2½–7½ years in Sing Sing.

[From Newsday, Mar. 25, 1960]

IF WIRETAPS ARE BANNED—AN OPEN LINE FOR CRIME

(By Michael Dorman)

("I daresay that the most violent critic of the FBI would urge the use of wiretapping techniques if his child were kidnaped and held in custody."—J. Edgar Hoover.)

These words from FBI Director Hoover take the problem of wiretapping out of the realm of abstract legal theory and place it squarely in perspective for any parent. What would you do if your child were kidnaped? Would you want lawmen to use every means available—including wiretaps—to bring the child back alive? Or would you tell the officers not to employ any taps, for fear of invading the kidnaper's privacy?

The answers are obvious. Perhaps some critics of wiretapping might accuse Hoover of resorting to emotional appeals in bringing the safety of small children into the long-standing debate over use of taps. But there is no disputing that wiretaps have often been used effectively in cracking cases where lives of both children and adults have been at stake.

Hoover's opinions on the necessity of wiretaps, voiced often in the past, are now more appropriate than ever. They are being echoed and amplified by law enforcement experts all over the country in a drive to obtain new legislation or court rulings that will clearly spell out the right of lawmen to employ taps in rooting out crime.

Prosecutors fear that recent rulings by Federal appeals judges threaten to take away the time-honored rights of local and State lawmen to make taps and use tap evidence in court. If such rulings become the law of the land, penalties up to 1 year in prison and $10,000 fines could be imposed on officers, district attorneys, even judges who make possible wiretaps authorized under State laws. For that reason, several New York judges recently have refused to sign court orders permitting police to make taps.

OUTSPOKEN ADVOCATE

One of the most outspoken advocates of new Federal legislation to clear up the murky wiretapping picture is New York Assemblyman Anthony P. Savarese Jr., Republican of Queens, chairman of a joint legislative committee which made a lengthy study of the problem. "Recent court events have multiplied what was already a serious Federal threat and challenge to the police power of New York and other States in the area of law enforcement wiretapping," Savarese said. "Unless Congress acts, New York seems almost certain to be stripped of its court-regulated system of wiretapping—a major weapon against organized crime." Savarese called the 26-year-old Federal Communications Act's ban on wiretaps an "inadequate, slipshod, half-baked" piece of legislation which needs amending.

Six district attorneys from the New York metropolitan area, including Nassau District Attorney Manuel Levine, went to Washington March 2 with a personal plea to Congress for new legislation. This week, Representative EMANUEL CELLER, Democrat of Brooklyn, whose position as chairman of the powerful Judiciary Committee makes him a keyman in debate over such legislation, told Newsday: "There is considerable disagreement among members of the committee on whether we should recommend a bill that would change the situation in States which now do not permit wiretapping. I am sponsoring a bill that would permit both Federal and State officers to make wiretaps in States where the legislatures have legalized taps. In such a State, like New York, wiretap evidence would be admissible in both State and Federal courts. But it

would not be admitted as Federal court evidence in States where the legislatures have not legalized wiretapping."

NO WORSE THAN INFORMANTS

Attorney General William Rogers, one of the leaders in the fight for new wiretap legislation, calls taps necessary for the pursuit of spies, saboteurs, and other subversives and criminals. "Wiretaps are no worse, when used by proper officials and subject to adequate safeguards, than the use of informants, decoys, dictaphones, peeping, and the like—all of which have been accepted practices for many years," Rogers said.

Former Federal Prosecutor Peter Megargee Brown and New York attorney Richard S. Peer, coauthors of a study of labor racketeering, have urged in the Cornell University Law Quarterly that three major changes be made in Federal wiretap law: (1) Wiretapping must be made available to Federal agents under court orders, with necessary safeguards and use restricted to certain specified crimes; (2) the States could be given clear authority to permit taps; (3) the law must be brought up to date on indiscriminate, unauthorized eavesdropping to prohibit use of newly developed devices that make possible recording of conversations even though actual contact with phone wires is not made.

USED IN SCANDALS CASES

A man who can talk from personal experience on the value of wiretaps is Edwyn Silberling, who has made key use of tap evidence as special prosecutor in the Suffolk scandals cases. "If there should be any attempt to block use of wiretap evidence in our courts, there would be a tremendous loss of protection to the public," Silberling said. "All the advantages of technical development are available to organized criminals. To prevent prosecutors or investigators from availing themselves of modern technical methods in fighting modern criminals would pose a very serious law-enforcement problem."

Two main objections raised by opponents of wiretapping are that it constitutes an invasion of privacy and that the possibility exists for indiscriminate tapping by lawmen or private citizens. Supporters of tapping say they will countenance no relaxing of the strict regulations that govern authorized taps. As for the question of invasion of privacy, they point to the statement of Senator KENNETH B. KEATING, Republican, of New York: "Invasion of privacy is repugnant to all Americans. And it should be. Nevertheless, the safety of our Nation and its people must be paramount."

THE TRAGIC AND REPREHENSIBLE IMPRISONMENT OF BISHOP WALSH

Mr. KEATING. Mr. President, the Communist leaders of Red China have exemplified all too often before the civilized world their callous disregard of the basic principles of right and justice. The wanton jailing and maltreatment of American soldiers and civilians, as well as those of other lands, over a period of years, has made Communist China a symbol of savage criminality in the eyes of the free world. Ironically enough, their own people have felt this brutality through the dehumanizing system of communes created by the Government of Red China. More recently, the tragedy of Tibet has again brought home to the free world the brutal disregard both of the territorial integrity of a people and of the sanctity of ancient and cherished beliefs.

As all of us know to our sorrow, the latest Red Chinese affront to human decency has taken the form of the sentencing of Bishop James Walsh to 20 years of imprisonment, on charges so transparently invented that it is idle even to cite them. To those who would call for recognition of the regime responsible for this and other atrocities, it can well be said that we recognize Red China for what it is—a nation committed to fighting humanity, rather than to joining it. We recognize, as well, the deep atheistic nature of this regime.

In the name of the Government and people of the United States, and, indeed, in the name of the conscience of the world, Secretary of State Herter has vigorously condemned the heinous brutality of the Chinese Communist regime in their treatment of Bishop Walsh. All possible diplomatic representations have been made, and will continue to be made, to secure the bishop's deliverance from the sufferings and indignity of his captivity. I shall continue to press for action to rectify this wrong. It remains the fervent hope and prayer of all Americans, of freemen everywhere, that that day of deliverance may be hastened.

Mr. President, in testimony of our sorrow and our resolve in this unfortunate circumstance, I ask that a resolution of the New York chapter, Knights of Columbus, bearing upon the inhumanity visited upon Bishop Walsh, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE NEW YORK CHAPTER KNIGHTS OF COLUMBUS

Whereas the imprisonment by the Communist government of China of the Most Reverend James E. Walsh, M.M., former superior general of the Maryknoll Fathers, is a travesty of international justice and decency; and

Whereas the malicious, spurious and specious charges of espionage against his excellency as the result of the efforts of the communistic leaders to discredit the Catholic Church among the Chinese people and to deprive the faithful of this most important link with Christianity; and

Whereas this is a further evidence of the contemptible and brazen attitude of the leaders of the communistic government of China in imprisoning American citizens without legal cause or merit; and

Whereas by their own actions the leaders of the communist government of China can at best be termed barbaric and not in consonance with the moral philosophy of the free world: Now, therefore, be it

Resolved, That the New York Chapter Knights of Columbus unanimously urge that the U.S. Government exert fully, every diplomatic and legal resource at its command to solicit freedom for Bishop Walsh; and be it further

Resolved, That the President of the United States and his Secretary of State continue to maintain an alert vigil to prevent the barbaric Communist government of China from gaining admission to the world society of the United Nations; and be it further

Resolved, That the President of the United States and his Secretary of State exert their powerful world positions to instill in other free nations of the world the necessity of denying diplomatic recognition to the Communist government of China; and be it further

Resolved, That this resolution be publicized with the widest of latitude to urge others to similar action and, in particular, that copies hereof be forwarded to Dwight D. Eisenhower, President; Christian Herter, Secretary of State; Luke E. Hart, supreme knight, Knights of Columbus; Emmett Burke, State deputy, New York State council, Knights of Columbus; Jacob K. Javits, U.S. Senator; Kenneth B. Keating, U.S. Senator; the Catholic News; the Tablet; and to various lay newspapers.

SOCIAL SECURITY EARNINGS LIMITATION IS UNREALISTIC

Mr. KEATING. Mr. President, there has of late been a great deal of discussion of the need for various changes and improvements in our Federal social security statutes. One of the aspects of our social security programs which has received wide attention is the limitation on the amount which an individual can earn while receiving old age benefits.

Earlier today we heard from our distinguished colleagues, the Senator from Texas [Mr. YARBOROUGH], the Senator from South Carolina [Mr. JOHNSTON], and other Members of the Senate about this problem.

Under the present law, if an individual earns over $100 in a given month he must forfeit his social security benefit for that month. On an annual basis, the recipient loses one monthly benefit check for every $80, or fraction thereof, in earnings over the $100-a-month earnings limit. I ask unanimous consent that a Social Security Administration table, which illustrates how this limit works, appears in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows.

Annual earnings:	*Number of monthly checks not due you*
$1,200.01 to $1,280	1
$1,280.01 to $1,360	2
$1,360.01 to $1,440	3
$1,440.01 to $1,520	4
$1,520.01 to $1,600	5
$1,600.01 to $1,680	6
$1,680.01 to $1,760	7
$1,760.01 to $1,840	8
$1,840.01 to $1,920	9
$1,920.01 to $2,000	10
$2,000.01 to $2,080	11
$2,080.01 or more	12

Mr. KEATING. Mr. President, as a Member of Congress, I have long supported legislation to remove this arbitrary and unrealistic Social Security earnings limitation. In my opinion it is extremely unfortunate that many retired persons, who would be much happier and more contented if they could continue to work, are deterred from working, because they feel they have paid for their Social Security coverage and should not surrender its benefits. I feel strongly that it is essential to the self respect of these retired persons that our Social Security statutes should not discourage them from continuing to work and leading useful and active lives after they have reached retirement age.

Mr. President, last year I introduced in the Senate a bill (S. 1168) which called for the complete removal of the social security earnings limitation. I

think that is the only action we should take here. My bill is straightforward and uncomplicated. It would simply remove the limitation by deleting the sections of existing law which restrict the earnings of old-age benefit recipients to $100 a month.

Mr. President, an able and very well informed writer, Inez Robb, recently wrote an article on the earnings limitation, which appeared in the Rochester, (N.Y.) Times-Union. Miss Robb characterized this limit as "cruel and unfair" to America's senior citizens, and called for its total elimination. She referred with respect to the action of one of our colleagues in introducing a bill which would permit such persons to earn $2,000 annually; and she wrote, "I respect the Senator for trying to up the ante, but I wish he had tried for a touchdown instead of a place kick."

Mr. President, I ask unanimous consent that the article be printed in full at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Rochester Times Union, Mar. 30, 1960]

SOCIAL SECURITY'S LIMITS ON EARNINGS: ASININE

(By Inez Robb)

If a qualified jury were asked to choose the silliest law in the whole, jerry-built Federal tax structure, it would be hard put to select the really ultimate "lulu."

However, I have a nomination: the majestic statute that now forbids anyone, between the ages of 65 and 72 and receiving social security, to earn in excess of $1,200 annually. Any senior citizen with the "git-up-and-go" to earn in excess of $1,200 is penalized by cuts in or loss of his social security benefits.

Senator CLINTON P. ANDERSON, Democrat, of New Mexico, former Secretary of Agriculture, has introduced a bill that would permit willing and able elders to earn $2,000 annually before the penalties set in. Well, I respect the Senator for trying to "up the ante" but I wish he had tried for a touchdown instead of a placekick.

It is not only silly but cruel and unfair to restrict the earning power of any free American who is willing to roll up his sleeves and pitch in. It is a crazy infringement on the guaranteed liberties of the citizen to tell him what he can or can't earn, or how much he can work, or to restrict him to a bare livelihood on the subsistence level that social security provides.

Social security is not a gift or a free-will offering of the Federal Government. Those who receive social security have, by law, contributed regularly to the fund, as have their employers. It represents part of the savings of the worker against old age and should be free of strings.

It is not only asinine but a waste of the Nation's skilled and experienced manpower to insist that the worker at age 65, who accepts social security, must for the next 7 years twiddle his thumbs. The Government graciously allows the oldster, after he reaches 72, to make all the money he can.

Such restrictions on an American's right to earn, not only plays ducks-and-drakes with his freedom, but there is a vicious inequity in the law. The Government is only interested in the earned income of oldsters between 65 and 72. The penalty is all on earned income; there is none on unearned income.

Thus, the retired citizen who has been able to save a fair share of his earned income during his working life and has an income, no matter what the amount, in addition to social security is not touched by these penalties.

As a result, the retired worker with an income of $8,000 a year, in addition to social security benefits, suffers no penalties. Nor do I think he should, perish forbid. It would be dastardly to penalize such a citizen.

The idea that the time would ever come in this Nation when a citizen would be penalized for his willingness to work is enough to make the Founding Fathers whirl. Such a penalty might make sense during a catastrophic economic depression with resultant widespread unemployment, such as gave birth to social security in the first place.

But it makes no sense in times of surpassing prosperity, such as these we live in. The Nation cheats itself no less than its oldsters, with their reservoir of skills and talents, when it transgresses on the liberty of citizens by prescribing at any period in their lives the hours they may work and the sums they may earn.

The basic law of our land provides for a redress of civilian grievances. This imbecilic penalty on grit and gumption bedded in the social security laws screams for redress.

Mr. KEATING. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD an article which I wrote on this subject, which appeared in the December 1959 issue of the magazine Greater Rochester Commerce.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTICLE BY SENATOR KENNETH B. KEATING ON SOCIAL SECURITY AND PROPOSED CHANGES WHICH APPEARED IN THE GREATER ROCHESTER COMMERCE, DECEMBER 1959

As is well known, a person receiving social security payments is limited as to the amount of income which he can earn and still receive benefits under existing social security procedures. The law states that if an individual earns more than $100 a month, he is not entitled to receive social security for that month. Spread over the year, this means that if he has an annual earned income of more than $2,080, or monthly wage of more than $100 he forfeits OASI payments for the period.

I do not believe that there is any justification for this arbitrary limitation on earnings. If an individual regularly pays into the social security trust fund, he should be entitled to the full benefits for which he has paid. Social security payments are not simply relief. Social security is and should be a bona fide form of insurance in which all qualified may participate.

Like any similar insurance program, a man should be expected to pay his premiums and when he reaches a certain age, should be entitled to payments at a given level regardless of whether he works and how much he earns.

There is another important humane reason for removing this limitation on earnings. Many older persons are much happier and contented to continue working, even at a reduced pace, but they are deterred from doing so because they feel they have paid for their social security and should not surrender its benefits. They should not be forced to do so.

I have introduced a bill which would remove the limitations on earnings for persons covered under social security. This bill (S. 1168) was referred to the Senate Committee on Finance where it is still pending. The bill is straightforward and uncomplicated. It would simply remove the limitation by deleting those sections of the existing law which limit earnings to $100 per month.

I shall continue to press for this legislation and in this way seek to bring our social security program more in line with our economic system and our ideas about government. It is my hope that in the near future every person covered under social security will receive equal treatment as to the level and frequency of benefits and the present discriminations will be removed.

HEALTH INSURANCE FOR THE AGED

Mr. KEATING. Mr. President, a number of proposals have been put forth in the field of health insurance for the aged, beginning, of course, with H.R. 4700, the widely discussed Forand bill. Last week, eight Senators, including myself, introduced a voluntary health-insurance-for-the-aged bill, which, while agreeing with the Forand bill as to objectives, encompasses a somewhat different approach to the health needs of our Nation's senior citizens.

I am informed, also, that the administration is about to make its recommendation for legislation in this field. In addition, it is reported that the majority leader of the Senate and the Speaker of the House are working on legislation to provide some form of health insurance for the aged.

Mr. President, this is just what we need. As more groups and more Members of Congress make known their views on this issue, it will increasingly become possible for us to get down to the all-important business of framing legislation based on a consensus as to what is needed in the way of health assistance for the aged.

Mr. President, I am of the firm opinion that we can and will pass a bill this year to relieve persons over 65 of part of the heavy expenses of medical care. It is likely that this bill will resemble in essentials a bill similar to ours, which is based upon the guidelines set down by the President at his March 30 press conference, at which he thoroughly discussed this entire subject.

In brief, our bill, S. 3350, calls for Federal-State participation in a program to provide health and medical insurance to all persons over 65 who want such insurance and who could not otherwise afford it. This plan has several advantages:

First. It is voluntary.

Second. It builds upon the progress already made by various mutual and private insurance organizations.

Third. It helps all of the aged—not just those under social security, as is the case with the Forand bill.

Fourth. It is keyed to the needs of those of the aged whose incomes do not permit them to purchase such insurance.

Fifth. It would not be unduly expensive for the Federal Government, as it involves State participation and contributions from policyholders.

Sixth. It would involve very little direct Federal control. The States would have primary jurisdiction over the structure and administration of this program.

Seventh. It is not tied to social security. It is a public health measure, and

for this reason is presently pending before the Senate Labor and Public Welfare Committee.

Eighth. The benefit package places stress upon the special health needs of the aged; namely, home, outpatient, and nursing home care, as well as actual hospital care, and perhaps that more importantly.

Mr. President, I was pleased that the editors of the Washington Star, in an editorial which was printed on April 12, endorsed the guidelines set down by the President in this field and which, as I said earlier, are clearly encompassed in S. 3350, the bill of which I am a cosponsor.

I consider this bill a basic vehicle. I am confident that Congress will press forward and will build on and improve existing proposals in order to develop and enact an acceptable bill in this vital area.

Mr. President, I ask unanimous consent that the editorial to which I just referred appear at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Apr. 12, 1960]

GUIDANCE NEEDED

Despite politically flavored criticism, Welfare Secretary Flemming is justified in his insistence that an administration-supported plan for providing health insurance for the aged should be sound, should be based upon solutions that expedite rather than impede accomplishment of their purpose. It has been indicated by other administration spokesmen that when and if recommended it will be a voluntary rather than a compulsory program, involving Federal, State, and individual participation, and not financed by an increase in social security taxes.

This is a better approach than the costly, compulsory program, limited only to social security pensioners, contained in the Forand bill which the House Ways and Means Committee already has pigeonholed.

At the same time, there are good reasons why the administration should not justify the charge of labor leader James B. Carey, that it "seems intent upon studying this problem to death." One reason is the need of older citizens, and particularly those of limited means, to have a wider choice of insurance against the high costs of medical care. Another reason is that this issue already is becoming a political football, with the danger that administration inaction or lack of guidance will only encourage support for something like the Forand formula. With a national election campaign coming up, Congress not only is under pressure, but apparently in a mood, on both sides of the party aisle, to do something. If so, the administration can help to see that that something is sound and constructive.

Mr. KEATING. Mr. President, my distinguished colleague from New York [Mr. JAVITS], the chief architect of S. 3350, has done a great deal of hard work on this bill.

In this connection, he recently appeared before Senator MCNAMARA's Subcommittee on Problems of the Aged and Aging and presented testimony on S. 3350. I ask unanimous consent that this valuable and informative statement be printed at this point in the RECORD, and that the RECORD also include a copy of S. 3350.

There being no objection, the statement and bill were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JAVITS ON S. 3350 (HEALTH INSURANCE FOR THE AGED ACT), BEFORE THE SUBCOMMITTEE ON PROBLEMS OF THE AGED AND AGING OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE AT 10 A.M., WEDNESDAY, APRIL 13, 1960

Modern medical science has brought about a miracle in extending the life expectancy of the individual. Today men can expect to live an average of 71 years. Sixty years ago life expectancy was 48 years. Between 1900 and 1850 it had increased only 10 years. In 1850 a man could expect to live only 38 years. In 1960 the even larger miracle is that having attained 65 years of age the individual has a life expectancy of 14 years. As a result, it has been estimated that there are 35 million more Americans alive today than there would be if no medical progress had been made since 1900. Approximately 16 million Americans are 65 years of age or older, and the statistics which are available make it amply clear that their numbers will increase rapidly within the next decade.

Today it is becoming increasingly clear, as medical care costs and the pressure on medical facilities increase, that without some form of help our senior citizens in the main cannot get the health care they need. The question is, What kind of help for health care shall they get?

It is of the utmost concern to us that these Americans who have given much to building up our country shall have the health care they need. Admittedly the problem is one of major proportions. I regard it as one of the very important issues confronting our country. This means that we must take measures toward a solution promptly and effectively before the problem reaches such proportions that it will get completely out of hand.

To meet the objective of providing adequate health care for our senior citizens at a cost they and we can afford, I have introduced S. 3350 with Senators COOPER, SCOTT, AIKEN, CASE, KEATING, FONG, and PROUTY. In connection with this bill, there are three general points which I should like to make clear:

First. It is a practical, complete, and effective voluntary health care plan, and I am convinced that it can become law at this session of the Congress; it is not a political stopgap. It is a measure within the administrative and financial means of all concerned, from the individual to the Federal Government. It will provide the special kind of health care benefits that older citizens need on a basis that they can afford without imposing a means test or taxing every able-bodied worker—whether or not they have social security.

Second. It will do the most good in the shortest practicable time. It provides medical security rather than social security for persons 65 years of age and over—as well as their spouses—who need it. It builds on existing agencies and facilities within each of our 50 States—according to the medical facilities and means in each State and makes the plan feasible without establishing a large bureaucracy to do the job. By permitting private nonprofit cooperatives, group practice units and prepayment health plans and insurance companies under State supervision to come in under the plan, it makes use of existing facilities and experience in dealing with this problem.

Third. It is designed to meet the medical facilities available in each of the 50 States by allowing each State to set up its own health care plan for the aged subject only to the approval of the Secretary of HEW. Availability of doctors, nurses, hospitals, nursing homes and so forth varies greatly from State to State, and these local conditions must be reflected in the design in any plan. The bill, therefore, provides for the primacy of health care administered by State agencies.

I have just written to the Governors of the 50 States to ascertain their opinion and comments on the feasibility of our bill and whether their States would come in under the bill.

There is no other proposal before the Congress which fulfills all these desirable conditions and would benefit as many people as quickly as this bill. Even those presently receiving old-age assistance benefits could be brought in under this coverage—and there were 2,390,000 such individuals in December 1959 while those 65 and over who received benefits from Social Security in that month totaled only 7,188,000.

The administration should support this plan because it follows the guidelines set down by the administration following the President's statement at his press conference on March 30. These guidelines as stated by the Secretary of the Department of Health, Education, and Welfare in his testimony before this committee call for a program providing:

1. No compulsion on anyone to participate.
2. It build on the existing basis of private enterprise in the health insurance field and stimulate the growth and development of its coverage.
3. Preservation of doctor-patient relationship.
4. Eligibility for all elderly persons to participate.
5. Adequate protection, particularly in lower income groups, against catastrophic illness.

It is estimated that good basic coverage of health care for people over 65 can be provided, on the kind of group basis proposed, even in high-cost parts of the country for about $150 a year per person the country over—this then is the maximum payment for subscribers in the highest income bracket. Under such a program, it is estimated, except in the highest cost areas, a service plan could provide 60 days of full-cost semiprivate care in a general hospital or equivalent-cost care in a nursing home or home for the aged; surgery in or out of hospital, medical care in the hospital, visits to the doctor's office with needed laboratory tests, diagnostic X-rays, and specialist consultations, with few limitations; and visiting nurse service at home.

Under such a program in a similar area it is estimated an indemnity plan could be provided on a nationwide basis to provide a maximum benefit for all years combined of $10,000. This assumes that a person who has reached age 65 will have a life expectancy of 14 years.

The major medical benefits under this indemnity plan would be as follows: $250 of hospital room and board (semiprivate) expense incurred in any calendar year, then 75 percent of any such additional expenses; after deducting the first $75 of any medical or surgical expenses, 75 percent of all such expenses; and 75 percent of the cost of all out-of-hospital drugs after deducting the first $30 of expense.

The difference between the aggregate of subscriptions paid by beneficiaries and the full premium cost of approved plans would be divided between the States and the Federal Government, the Federal share running from a minimum of one-third to a maximum of three-quarters in inverse ratio to average per capita income of the State compared to the national average (basically, the Hill-Burton Hospital Construction Act formula).

Based on the likelihood that 70 percent of those eligible will join the plan because the others are carried now in a suitable health

plan or for other reasons are not included, the estimated median average cost per year of this program to the Federal Government based on expected allocations by States would be about $480 million; to the States $640 million, and $400 million to the subscribers.

Although the number of eligibles under this program is expected to grow at the rate of about 1 million a year, the cost to government, both State and Federal, should increase only a little if at all, because progressively smaller proportion of those reaching 65 will fall into the lowest income categories. Today, only about 70 percent receive or are eligible for social security benefits, whereas at least 80 percent of the present employed will be covered.

This type of program lends itself to progressive improvement through a combination of voluntary subscription, public subsidy and the cooperation of the voluntary health insurance system.

S. 3350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Insurance for the Aged Act."

SEC. 2. The Public Health Service Act is is hereby amended by inserting at the end thereof the following new title:

"TITLE VIII—HEALTH INSURANCE FOR THE AGED

"Declaration of purpose

"SEC. 801. It is the purpose of this title to assist the States in establishing State plans of health insurance designed to enable aged individuals to obtain needed personal health services.

"Definitions

"SEC. 802. As used in this title, the term—

"(a) 'Service benefits' means the actual furnishing of health services to an insured individual by and through licensed physicians, hospitals, and other health personnel and institutions which have entered into contracts with insurance carriers to provide such services to such individuals;

"(b) 'Indemnity benefits' means benefits provided to an insured individual by an insurance carrier in the form of money payments toward the cost of specified personal health services, such payments being made either to the insured individual or to the provider of such services, and not necessarily covering the full cost of such services;

"(c) 'Income of insured individual' means income from whatever source derived; provided, however, that it shall include the value of gifts received by the subscriber and the computed value of board and lodging, according to regulations of the Secretary, furnished to the subscriber by any other person; and

"(d) 'Secretary' means the Secretary of Health, Education, and Welfare.

"Requirements of State plans

"SEC. 803. A State plan under this title shall—

"(a) designate a single State agency to administer the State plan;

"(b) provide for financial participation by the State;

"(c) permit participation in the health insurance program established under such plan of every individual in the State who has attained age 65 or is married to an individual who has attained such age; but may not permit any individual to participate in such program who has not attained such age or is not married to an individual who has reached such age.

"(d) provide to each individual eligible for health insurance under the plan a choice of at least two types of health insurance, one of which shall provide 'service benefits' in whole or in part and the other 'indemnity benefits';

"(e) provide that (1) the coverage of home medical services and physician's office calls and other ambulatory services or hospital outpatient treatment under any health insurance program under the State plan shall constitute not less than one-third of the total premium cost of such insurance program; and

"(2) under any such program, care in skilled nursing homes or equivalent licensed institutions may be substituted for care of equal cost in general hospitals;

"(f) conform to reasonable standards prescribed by the Secretary with respect to (1) the providing of benefits to subscribers of health insurance programs under the State plan during temporary absence from the State in which they reside, (2) the eligibility to participate in such programs of otherwise eligible individuals who have previously discontinued participation therein, (3) the provision of additional periods after the date subscription charges become due during which subscribers may pay such charges without forfeiting coverage under such programs, (4) eligibility of individuals to transfer coverage from one type of health insurance to another type offered under the State plan of a State, (5) the period of eligibility to participate in such programs of individuals who do not elect to participate therein at the earliest date for which they are eligible to do so, and (6) the eligibility of individuals who are covered by such a health insurance program of one State to become covered by such a health insurance program of another State;

"(g) provide that the subscription charges for individual subscribers of health insurance programs under the State plan shall conform to the following schedule (except that the maximum monthly subscription rate of no individual shall exceed the maximum premium cost in such State if it is less than $13 per month):

I. Income of subscriber for preceding year	II. Monthly subscription rate
Under $500	None
$500 and under $1,000	$0.50
$1,000 and under $1,250	1.00
$1,250 and under $1,500	2.00
$1,500 and under $1,750	3.00
$1,750 and under $2,000	4.50
$2,000 and under $2,250	6.00
$2,250 and under $2,500	7.50
$2,500 and under $2,750	9.00
$2,750 and under $3,000	10.00
$3,000 and under $3,250	11.00
$3,250 and under $3,600	12.00
$3,600 and over	[1] 13.00

[1] Or such greater amount as may be provided by the State plan.

"(h) provide that the State agency administering State welfare or public assistance programs shall be permitted to secure for the recipients of such programs health insurance under the State plan on a negotiated rate basis;

"(i) make provision (1) authorizing employees' pension or welfare funds to contribute to the payment of subscription charges under the State health insurance program for or on behalf of eligible members of beneficiaries of such funds, (2) authorizing employers (including the State or any political subdivision thereof when acting as an employer) or trustee or other governing body of such fund to deduct from his wages or from such fund, as the case may be, an amount equal to his subscription charges under the State health insurance program and to pay the same to the State agency administering the State plan;

"(j) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

"(k) provide for the collection of subscription charges for health insurance under the State plan;

"(l) provide that the health insurance coverage extended to individuals eligible therefor under the State plan shall be provided by private, commercial, prepayment or nonprofit insurance carriers under appropriate contracts entered into between such carriers and the State agency;

"(m) provide that such contracts extend health insurance coverage to individuals eligible therefor under the State plan of any or all of the following: (1) Services rendered by licensed physicians, licensed dentists, and, under the supervision of licensed physicians or dentists, by auxiliary personnel, (2) the use by such licensed or auxiliary personnel of any and all apparatus or machines designed to aid in the diagnosis or treatment of disease or injury, (3) the provision of bed and board in general or special hospitals, skilled nursing or convalescent homes, or other institutions licensed or designated as such institutions is prescribed by and under the supervision of licensed physicians, and (4) the provision of drugs and medicines, dressings and supplies, prostheses and appliances, and ambulance service, when prescribed by licensed physicians; and

"(n) make adequate provision out of general revenues of the State for the expenses incurred by the State under such plan.

"Payment to States

"SEC. 804. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for health insurance for the aged, for each quarter (beginning with the quarter commencing July 1, 1961) (1) an amount equal to the Federal percentage of the amount by which the amount produced by multiplying—

"(i) the per capita premium cost up to but not exceeding $13 per month, by

"(ii) the sum of the total number of subscribers of health insurance for the aged for each of the months in such quarter,

exceeds the total sum of the amounts actually paid by such subscribers as subscription charges during each of such months; plus (2) an amount equal to one-half of the sums expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of State plan.

"(b) The method of computing and paying such amounts to the State shall be as follows: The Secretary shall, prior to the beginning of each quarter, estimate the amounts to be paid to the State under subsection (a), such estimate to be based on (A) reports filed by the State containing its estimates of the total sums to be expended by it in such quarter in accordance with subsection (a), and (b) such other investigation as the Secretary may find necessary.

"(c) The Secretary shall then certify to the Secretary of the Treasury the amount so estimated by the Secretary, reduced or increased, as the case may be, by any sums by which he finds that his estimates for any prior quarter were greater or less than the amounts which should have been paid to the State under subsection (a).

"(d) For the purposes of this section the 'Federal percentage' for any State shall be 100 per centum less than percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States (including Alaska and Hawaii), except that (1) the Federal percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and (2) and Federal percentage for Guam, Puerto Rico,

and the Virgin Islands shall be 75 per centum each. The Federal percentages shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States (including Alaska and Hawaii) for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

"Operation of State plans

"SEC. 805. (a) If the Secretary, after reasonable notice and opportunity for hearing to the State agency, finds (1) that the State agency is not complying substantially with the provisions of the State plan, or (2) that any Federal funds have been diverted from the purposes for which they have been paid under this title, the Secretary shall forthwith withhold further payments to the State under section 804 until he is satisfied that the conditions which required him to withhold such payments no longer exist.

"(b) If any State is dissatisfied with the Secretary's action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Secretary shall forthwith certify and file in the court the transcript of the proceedings and record on which he based his action.

"(c) The findings of fact by the Secretary, unless substantially contrary to the weight of evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive unless substantially contrary to the weight of the evidence.

"(d) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28 of the United States Code, section 1254.

"Authorization of compacts between States

"SEC. 806. In order that individuals who are covered by a health insurance program established under this title by the State in which they reside shall not, by reason of their temporary presence in another State at the time benefits provided by such program are needed by them, be hampered in actually receiving such benefits, the consent of Congress is hereby granted to any two or more States to enter into appropriate compacts or agreements with respect to the administration and operation of their respective health insurance programs established under this title.

"Administration

"SEC. 807. (a) The Secretary of Health, Education, and Welfare is authorized to make such administrative regulations and perform such other actions as he finds necessary to carry out the provisions of this title.

"(b) In administering the provisions of this title, the Secretary is authorized to utilize the services and facilities of any executive department of the Government in accordance with an agreement with the head thereof. Payment for such services and facilities shall be made in advance or by way of reimbursement, as may be agreed upon between the Secretary and the head of the executive department furnishing such services or facilities.

"(c) In administering this title the Secretary shall cooperate with and render advice and assistance to States and the appropriate public authorities therein in formulating and operating State plans under this title.

"Savings provision

"SEC. 808. Nothing in this title shall modify obligations assumed by the Federal Government under other laws for the hospital and medical care of veterans or other presently authorized recipients of hospital and medical care under Federal programs."

RELATIVE WATER AND POWER RESOURCE DEVELOPMENT IN THE U.S.S.R. AND THE U.S.A.—STATEMENT BY SENATOR MOSS, OF UTAH

Mr. CHURCH. Mr. President, on April 5, 1960, the distinguished junior Senator from Utah [Mr. Moss] summarized his trip to the Soviet Union for the student body of the Utah State University at Logan, Utah. As the Senate knows, members of the Interior and Public Works Committees, staff members and consultants, traveled extensively in the Soviet Union last fall, and following their return issued a report entitled "Relative Water and Power Resource Development in the U.S.S.R. and the U.S.A."

Senator Moss' talk to the students of this university in his State is an admirable summary of this report, and I ask that it be printed in the RECORD at this point in my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR MOSS BEFORE STUDENT BODY, UTAH STATE UNIVERSITY, LOGAN, UTAH, APRIL 5, 1960

Kuybyshev, on the Volga River in the Soviet Union, with an installed capacity of over 2 million kilowatts, is the largest power-producing dam in the world today. It has taken the title away from the United States, which for years led the world—first with the Hoover Dam on the Colorado and later with the Grand Coulee on the Columbia.

In 1961, the Stalingrad Dam, located virtually within the heroic city of World War II, will wrest from Kuybyshev the title of the world's largest power dam. Stalingrad will have an installed capacity of 2½ million kilowatts.

By 1963, the giant Bratsk Dam on the Angara River, deep in Sibera, will take its turn at being the world's largest, only to be supplanted a few years later in the kilowatt tug-of-war by another Siberian dam, Krasnoyarsk on the Yenisey.

Krasnoyarsk will have an installed capacity of 5 million kilowatts, which is almost 5 times as much as Hoover Dam, 2½ times more than Grand Coulee, and practically twice that of all 31 dams in the Tennessee Valley.

These are some of the facts which were propelled with the force of a Russian ICBM at the special Senate subcommittee I headed to the Soviet Union last fall to study hydroelectric development—facts which exploded like hydrogen bombs around us during the entire month in which we traveled more than 12,500 Russian miles—10,800 by air, mostly by comfortable and fast jet planes, about a thousand miles by automobile, and 300 each by boat and train.

We made eyewitness inspections of Kuybyshev, Stalingrad, and Bratsk, and eight other dams. We visited power substations, hydroelectric research institutes and thermal plants. We saw models of the great regional grids which will eventually tie into an integrated transmission system, crisscrossing the Soviet Union and putting every kilowatt to work, often hundreds of miles from the spot at which it was produced, and at higher voltages than we are presently using in the United States.

Everywhere we went we were allowed to ask all of the questions we wished, and we received frank and explicit replies. We came away convinced that if the Russians continue power production development at their present pace while we continue at our present rate of growth, the Soviet Union could overtake the United States in power production in about 15 years.

And since Russia has about 10 percent of the world's water resources, while the United States has only 3 percent, the long-range potential for hydroelectric development is relentlessly in Russia's favor.

Let me remind you at this point that there are two main ways of driving turbines to generate electricity—by coal, gas, oil, or peat steamplants (which is called thermal), and by using the weight of falling water (which is called hydro). Depending on costs in relation to output, up to a point the hydro method is cheaper. So the usual practice is to utilize as much of the water power of a country as can be harnessed efficiently, and make up the balance with thermal plants.

We may therefore be very deeply concerned about the drive of this immense country whose land mass is three times larger than ours to build great power dams and complete a vast transmission grid.

We do not know, of course, what the men in the Kremlin are planning. And I do not want to claim to be a specialist on Russia on the basis only of one month's intensive study in the country. But I am fully convinced that the Soviet Union is mounting a worldwide trade offensive aimed primarily at America. I believe that the challenge of America is now total—that to the besetting military, political, and intellectual challenge the Soviets have added a passionate and determined industrial challenge.

The study of Soviet hydroelectric development was authorized by the U.S. Senate before I was elected. It was a joint study project of the Senate Interior and Insular Affairs Committee and of the Senate Public Works Committee, both of which I am now a member.

More than a year of negotiations with the Russians had gone into the trip before I was asked to accept the assignment as chairman. Two other Senators agreed to become members of the subcommittee: Senator ERNEST GRUENING, of Alaska, and Senator EDMUND S. MUSKIE, of Maine. The remainder of the party consisted of four staff members of each of the two Senate committees, and four nonpaid consultants with a broad background in the fields of engineering, power development, dam construction, and rural electrification.

We entered Russia from Helsinki, Finland, and our fast jetplane had scarcely set down at the giant Moscow airport before we became aware of the motivation for the spectacular economic progress the country is making.

In the place of billboards selling soap and baby food, we saw on all sides of us large posters exhorting the people to greater effort to meet the nation's goals under the 7-year plan. These goals are set forth in bold and dramatic style: "Raise More Food," "Weave More Cloth," "Build More Houses," "Generate More Electricity." Goals in every field which will strengthen the economy of the Soviet Union.

The zeal whipped up by these bold goals, coupled with the satisfaction all human beings derive from winning against odds, has impelled the Russian people not only to meet them, but to exceed them. Kuybyshev Dam, for example, was completed just about on

schedule, but Stalingrad will be completed a year ahead of schedule, and Bratsk—barely half done—is already 2 years ahead of schedule.

Russian engineers say frankly that the basis of their accomplishments is American and western European technical know-how. But for the past 9 years the design, construction, and machinery have all been Russian. They are exploring some new ground with skill and imagination. For example, because Russia is a northern country with long bitter-cold winters, they have developed heated forms and a heated mix, so they can pour concrete all winter long. They are also using large precast concrete blocks which spectacularly speed up work on a dam.

The Soviet Union is now exporting power equipment to more than 20 countries many of them former U.S. customers. The Soviets are also exporting engineering knowledge. The great Ichang Gorge Dam on the Yangtze in China, which was originally planned at 15 million kilowatts by John Savage of the U.S. Bureau of Reclamation, has been redesigned by Communist Chinese and Soviet engineers for a first-stage capacity of 25, and later 40 million, kilowatts. This will make it 12 to 20 times larger than Grand Coulee. Russian engineers and construction experts are building the Aswan Dam on the Nile in Egypt and will install generators built in Leningrad.

With so much of Russia's capital effort going into heavy industry, little is left to lift the standard of living of Russia's people. The giant strides Russia has made in hydroelectric development have not been matched in the construction of homes or the production of consumer goods. Russia is, therefore, a land of great and ever-present contrasts.

The center of Moscow itself is most impressive. Red Square is one of the finest squares in the world. At one end of it stands St. Basil's Cathedral, its onion domes and multicolored cupolas so beautiful and unique that Ivan the Great is reported to have blinded the Italian architect so he could not build another. The austere red granite tomb of Lenin and Stalin is nearby—orderly and reverent crowds always lined up to go through it.

The Kremlin, whose wall borders Red Square, is a magnificent architectural ensemble of palaces and ancient cathedrals, belfries, and towers. Within the walls are also the great Kremlin Palace, where the sessions of the Supreme Soviet are held, and the offices of the Soviet leaders. Adjacent to them are museums with collections of magnificent items from the days of the czars—crowns and scepters and armors and swords and saddles and coaches and miters and china and tapestry—opulence without end. The grounds are beautiful with flowers and trees.

Outside, the city is big and crowded. Most of its 5 million citizens live in poorly lighted, crowded, rundown log houses. Streets and streets of these shabby houses stretch out in every direction. In fact, I looked down from the magnificence of the hotel in which I stayed when in Moscow on a row of cramped log houses.

I shall never forget my first view of my Moscow Hotel suite because I was completely unprepared for its magnificence. It consisted of four rooms and a large hall. Every room had hardwood floors, silk brocade walls, 12-foot ceilings, and crystal chandeliers. The entrance was room-sized. An office to one side was furnished with blue brocade chairs, a round table for conferences, a desk, and a telephone. The living room was immense, and had a TV set which, incidentally, I could not work. There was a complete dining room with a table, side board, a vitrine filled with fine porcelain, figurines, and other objects of art, and enough silver, linen, and dishes for a banquet. The bedroom had double beds with golden velvet spreads, and silk draperies—and two bathrooms with cheap and poor plumbing fixtures and rusty water.

Let me hasten to point out that there was not only a great contrast between this suite and some of the homes of the Russian people near the hotel, but between this Moscow hotel and some of the others in which we stayed. In the larger cities, notably in Leningrad, the former St. Petersburg which was the home of the czars, in Stalingrad, which has been completely rebuilt, and in Sochi, the resort city on the Black Sea which is now a workers' vacation spot, our accommodations were relatively comfortable. But in some of the other places we found ourselves back in the middle of the 19th century, with floors of staggered wood blocks, ancient plumbing, cold water, or no water in the room at all. In the frontier towns of Siberia, our quarters were often quite primitive.

Housing is the one consumer area where the Russians, who now have less than 60 square feet per person, have set high accomplishment goals. New apartments are going up at a rapid rate in Moscow and other cities. By our standards they are plain and uninviting, but by Russian standards they are most desirable. Made of precast concrete blocks, there are rows and rows of them as alike as peas in a pod. Most of the buildings are four or five stories high, and the average family has two rooms. Little of the electric power being generated at the new dams goes into making living easier or more pleasant—electricity is pretty much limited to a single light hanging on a cord from the ceiling, and to some refrigerators and televisions.

Although no new single-dwelling units can be built in Moscow, we did see a few going up outside Tbilsi, which is in Georgia, and outside Irkutsk in Siberia.

In Siberia we found new log apartment houses being built, as well as a few single-dwelling houses. Siberian houses are most picturesque, with gingerbread frames painted blue or green. Painting the gingerbread sashes is a countrywide practice in Russia, but in most places they are faded and washed out, and add to the general rundown appearance of the log houses. In the Ukraine the houses have thatched roofs and have cane stalks fastened to the outside walls for insulation.

Adjacent to all of the new dams, we found whole new cities and towns being built—towns going up almost overnight.

Some of the boulevards in Moscow are wide and well paved. They reminded me of our wide Utah streets. But as soon as you move off these boulevards, and into the side streets, the mud is ankle deep the moment it rains, which it did practically all of the time we were in Russia. Rubber boots are a must for both men and women.

If there is one word which generally describes Russian life, it is the word "bleak." The homes, as I have said, are rundown and crowded. The clothes of both the men and women are adequate but plain, with little variation in style. The shawl or the scarf is almost the universal headgear for women. Women seldom wear hats, and for the benefit of the young women in the audience, I will tell you that the spiked heel has not yet invaded Russia. Heels are much broader than any we have seen in a decade in this country.

The people are starved for consumer goods. You see them waiting in long lines for consumer goods outside of the small shops, the roadside markets, and even the occasional supermarkets which one finds in Russia. They snatch up quickly anything that is offered. The department stores are as jammed all the time as ZCMI is at Christmas.

There are few luxuries in Russia, and they are so expensive that almost no one can buy. Necessities are hard to find, and they, too, cost a great deal. I saw shoes in Moscow priced at 600 rubles or about $60. Few people have private cars, although the streets are packed with trucks and buses. I saw only two gasoline stations in Moscow. I say "gasoline station" advisedly. In no wise could they be described as "service stations." I also saw only one sports store, although throughout Russia I observed many basketball standards fastened to barn doors and poles and anywhere else the boys could find a place to hang them.

The life of a woman in Russia is particularly hard. Women do almost every type of heavy manual labor handled in this country by machines or by strong young men. I saw women as section hands driving spikes on the railroad, as hod carriers, as brick masons, as policemen, as construction workers in jack boots and quilted coats, as stevedores loading boulders on railroads, and comprising entire roadbuilding gangs. I saw women soldiers and sentries, complete with rifles.

In the fields women were topping beets, and digging carrots and shoveling soil. In Siberia, they were doing their washing in the Angara River in weather like one of our cold December days. I saw women street-cleaners with brooms made of twigs, and on one occasion I saw two old ladies sawing wood with a buck saw.

All barbers in Russia are women. There are no expensive hydraulic chairs which can be raised or lowered. Women barbers are all small, and they put you in an armchair set flat on the floor, and stoop over as much as necessary to cut your hair. They have few barber tools, but they do have electric clippers. There is no nonsense about shampoo lotions or extra towels or other foo foo. But then a haircut costs only 2 rubles (20 cents).

There is little beauty in the material surroundings of the Russian people—with the exception of some of their art galleries and theaters. The famous Bolshoi Theater, the home of the Russian ballet, is a magnificent building filled with gold leaf and crystal. It seats more than 2,000, and the sets and costuming are striking. The opera in every city is a beautiful building, and there are outstanding theaters in Leningrad and some of the larger towns outside of Moscow. (More description here.)

One of the most splendid sights in Moscow is, strangely enough, the subway, or the metro, as it is called. Each station represents one of the Soviet republics and depicts its history and products. The stations are sumptuous, made of marble tile or glass, with paintings and mosaics. Escalators are long and steep, and extremely fast. The trains run every 2 minutes, and every minute in the rush hour. The crowds are like those on Broadway in a rush hour. But most Russians are courteous. A young boy of 14 rose to give me his seat when I entered a subway car.

The interiors of Russian churches still maintain much of their medieval magnificence, though the exteriors are often neglected. The icons, which are paintings or mosaics, are all still very beautiful, and the ritual has the marvelous pageantry and opulence of the Russian Orthodox Church.

The churches have survived in Russia only because of the old people. The young people have been brought up without any religion, and they are almost insulted if you ask them if they go to church. Perhaps they fear reprisals—I don't know. But thousands of older people are quietly asserting their right to go to church.

It is impossible to say how many believers there are in the Soviet Union today. But it is clear that the church, which was "disestablished" when the Soviets took control, has been gaining ground steadily. The Roman Catholics, the Jews, the Protestants as well as the Russian Orthodox have churches still open.

The institution in Russia which has priority over all others is the school. Schools are built first, and then other public buildings and apartments and homes. The Soviets have obviously decided that education is the best means of winning their place in the sun—and on the moon.

The University of Moscow is housed in a giant skyscraper with a breathtaking view on a high point southwest of Moscow. More than 22,000 undergraduates and 14,000 postgraduates are enrolled in its 12 departments. It has a great auditorium, a stadium which will seat 100,000 and a swimming pool at which 45,000 can watch a swimming meet. The cafeterias are large and well run. However, the living quarters for the students are small by our standards—no one in Russia has much living space.

The atmosphere on the campus is serious and determined. One feels the desire of the students to go far and fast in a passionate surge for knowledge which spreads out across the boundaries of the campus. Dr. Lawrence Derthick, U.S. Commissioner of Education, has said:

"The Soviet Union is like one vast college campus on the eve of a football game with its greatest rival. That rival is the United States."

I realized the depth of the Russian educational challenge when I visited an elementary school in Stalingrad and had a fifth grade girl student translate back immediately in Russian to her classmates the brief talk I had just made to them in English. All children in Russia study two languages, beginning in the second grade in some areas and from the fifth grade on everywhere.

While I was in Georgia, I had an opportunity to visit an agricultural college. I was delighted because Georgia, more than any other area I saw, resembles Utah in topographical appearance and climate.

The college is coeducational on a 60–40 basis. The students attend for 6 months out of every year for 6 years, and do all of the work on the state farm. They also live there.

The grapes which they produce are distributed by the Ministry of Trade, and the operating funds for the school come from the sale of that produce. Students earn about 800 or 900 rubles a month, which is about $80 or $90, and they also have a small stipend each month for living costs. They can earn up to 800 additional rubles a month as a bonus.

Without question, agriculture is the weakest link in Russia's economy. Nearly half of the country's 210 million people are engaged in agricultural pursuits as compared with only 10 percent of our 177 million people.

Even so, the Soviets do not yet produce enough food to give all the people a good, well-balanced diet. On all sides Russian billboards proclaim the intensity of the drive to produce more food.

We all know that a corollary exists between agricultural production per capita and the amount of electrical usage per farm. Or to put it another way, the more electricity that is used efficiently in farmwork, the greater the production per farmworker.

We can only surmise the extent to which Russia's fantastic step-up in power dam construction, and her large and efficient generators and transmission lines, will be applied to electrifying Russia's farms. But it will undoubtedly allow the Soviet Union to produce more food with fewer man and woman work hours, and release more of the population for industry and other purposes.

Russia, which is still using the oxcart, has already gone to the moon—what's ahead?

The longer I stayed in Russia the deeper became the enigma of the people and the country. They were friendly and eager to talk. They were willing to return in kind every friendly gesture I made to them. Only the very young children, to whom I gave chocolate and bright new pennies, did not try to give me back more than a grin in return. Children are the same everywhere, I guess.

Whenever I handed an older boy or girl an American coin, they dug down in their pockets and handed me back a Russian coin. On one occasion when I gave an official a silver dollar which I had as a pocket piece, he insisted on giving me a hundred-ruble note in return.

The people I saw in Russia were eager to talk. When we encountered adults who knew English, they delighted in trying it out on us. They seemed to think highly of all Americans, despite the anti-American propaganda barrage which they have borne for decades.

All of the Russians whom I met accepted their limited consumer goods standards cheerfully, even proudly. All seemed converted to the Soviet goals and to the state. They have great pride in the fact that their country has emerged from the dark ages into the 20th century in only 40 years, with most of the advances made since World War II, and they are willing to dedicate themselves to whatever course is necessary to keep their forward momentum.

The Russian people want peace. If the Khrushchev proposals for disarmament are sincere, the people will implement them if given the chance.

To maintain her position in the world, America must understand these people and their dedication to their way of life. I wished many times that we Americans could be as imbued with a sense of national purpose, and aspire as wholly to national goals—goals which we could reach and still retain our sacred personal freedoms.

Our free enterprise system is fundamental to our accomplishments. The tremendous gains we have achieved for our citizens, the fine, free, abundant life we have made for ourselves, are mute testimony of the superiority of our system.

I am deeply convinced of the inherent strength of our free enterprise system, and I feel that Russia will never overtake us if we arouse ourselves to meet the challenge.

But I feel we would make one of the most serious mistakes of our national lives—one of the most serious mistakes of all history—if we underestimate the firmness of purpose and the capabilities not only of the Soviet leaders but of the Soviet people.

SENATOR JOHNSON OF TEXAS AND CIVIL RIGHTS LEGISLATION

Mr. MANSFIELD. Mr. President, in her column, "My Day," which appeared in the New York Post on April 11, 1960, Mrs. Eleanor Roosevelt comments on the Senate passage of the civil rights legislation. Mrs. Roosevelt notes, with great perception, the importance of this measure and the singular role which the distinguished majority leader [Mr. JOHNSON of Texas] with his great parliamentary skill, played in furthering, through this measure, the right of Americans to vote.

The achievement takes on an especial significance in the light of developments in South Africa, which, as Mrs. Roosevelt also notes in her column, have not only brought grave difficulties to that nation but have also posed enormous problems for the entire Commonwealth.

I ask unanimous consent that these wise observations of Mrs. Roosevelt, as expressed in the column previously referred to, be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Post, Apr. 11, 1960]

MY DAY

(By Eleanor Roosevelt)

It is a good thing that the Senate has finally passed the civil rights bill after an 8-week fight, with 42 Democrats and 29 Republicans in favor. This is only the second civil rights legislation to pass the Senate since the Reconstruction era. The first Civil Rights Act of 1957 was also a voting rights measure. Already those who want a really fair bill giving the Negroes their full rights are denouncing this bill, and I am quite sure that it will continue to be denounced. But I hope it is at least a step in the right direction.

All of us in the Democratic Party, I think, owe Senator JOHNSON a vote of thanks. He has risked repercussions among his southern colleagues and among his own constituents. He has made it possible for the Democrats to claim equal, if not more, responsibility for the passage of the bill, which, of course, should never have had to be passed—for the right to vote should be something that every citizen of this country enjoys without any question. Since it was necessary to pass the bill, however, we are fortunate to have had a parliamentary leader with the skill of Senator JOHNSON.

My one fear is of the intimidation that I feel sure will be tried to prevent Negro citizens in the South from registering and voting. I hope the Attorney General can find ways of protecting the registration and of preventing retaliation when the Negro citizens of the South exercise their constitutional right.

It is notable that the House of Commons in London unanimously approved the resolution deploring South Africa's racial policies and urging the British Government to voice a strong feeling of disapproval at the forthcoming Commonwealth conference. It is difficult to imagine the kind of atmosphere that will exist at this conference—with Ghana, India, and Great Britain itself, as well as other Commonwealth countries, protesting the policy of one of their members. A Labor Party member presented the resolution with backing from all parties, and the feeling was voiced that this was not a party question.

Things seem to go from bad to worse in South Africa, and nothing seems to move the people there but fear. When you have to arrest hundreds of Africans and formally ban two African political groups, you are not living in a safe community or one that has reached a point of understanding where reasonable living condition can be arranged between the races. It is a very sad situation and one where the fundamental rights of human beings are so clearly involved that world public opinion is turning completely against South Africa.

LIBBY DAM—A SYMBOL OF CANADIAN-UNITED STATES COOPERATION

Mr. MANSFIELD. Mr. President, the visit of the Honorable Howard Green, the Canadian Secretary for External Affairs, to the United States, and to the Senate today, is symbolic of the wonderful cooperation that exists between the United States and our neighbor to the north.

The United States and Canada have much in common—our people, our natural resources, and our capacity to get things done. Perhaps one of the greatest resources that we share is the hydroelectric power and flood control potential

that exists in the Columbia River Basin. As we all know, negotiators from both countries are now actively negotiating an agreement which will facilitate the development of the Columbia Basin to the fullest extent and to the benefit of both nations.

In the Columbia River Basin we have the finest undeveloped multi-purpose damsite that exists today in the United States—Libby Dam. This project's major benefits are in the form of a vast supply of electric power at low rates, and flood control, which is vital in northern Idaho, northwestern Montana, and British Columbia. This project has been enthusiastically supported for many years by everyone, but its construction has been delayed because the construction of the project would create a reservoir which would back waters into Canada, thus requiring an international agreement between our two nations. This has not been forthcoming, and I feel that this project is too important to all of us to let it stand idle for all time to come.

I recently discussed this matter with our Secretary of State Christian A. Herter, and I proposed that Libby Dam be constructed on the border between our two countries within the State of Montana and the Province of British Columbia. This would be a joint effort which would serve as a symbol of the friendship and dependence, one upon the other, of the people of Canada and the United States.

I am hopeful that the U.S. negotiating team will actively explore this proposal, which might lead to a solution of the differences that have existed in this area for many years. I also hope that Mr. Green will take these thoughts on Libby Dam home to our friends in Ottawa and British Columbia.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks in the CONGRESSIONAL RECORD my letter of April 6, 1960, addressed to Hon. Christian A. Herter, Secretary, Department of State.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
April 6, 1960.

The Honorable CHRISTIAN A. HERTER,
Secretary, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: As you know, negotiations are now in process between Ottawa and Washington covering boundary water questions between the United States and Canada. On March 23, 1960, the U.S. Ambassador to Canada, the Honorable Richard B. Wigglesworth, in a speech to the Massena, N.Y., Chamber of Commerce, said:

"A current problem of considerable importance is the question of the development of the Columbia River Basin. This is actually and potentially a tremendous resource for western Canada as well as for the northwestern part of the United States. Arriving at an agreement as to the best way to use the resources of the Columbia River Basin to benefit both countries and to avoid damage to either is extremely complicated and difficult. Negotiations are now under way, and no one expects them to be easy. Nevertheless with good will and a proper spirit of give and take, a solution to the Columbia River Basin problem can be found."

Because of my deep interest in the development of the Libby Dam project in northwestern Montana, I noted in press reports out of Ottawa that Gen. A. G. L. McNaughton, Chairman of the Canadian section of the International Joint Commission, came out very vigorously and emphatically against the proposal to build Libby Dam in Montana. I have a great respect for General McNaughton and admire his integrity and his devotion to Canadian affairs. I had hoped that with the passage of time and with the development of better understanding concerning Libby that perhaps General McNaughton's attitude would become more conciliatory and understanding. In this I was disappointed.

In view of the general's widely publicized statements in opposition to Libby and in view of the fact that the situation is now being considered at higher levels in both Canada and the United States, I would like to advance this new proposal and ask you to give it your most serious consideration.

Would it be possible to build the Libby project on the border between our two countries within the State of Montana and the Province of British Columbia?

Would a joint effort of this kind not serve as a symbol of the friendship and the dependence, one upon the other, of the people of Canada and the United States?

Would it not be on the Canadian-American border a counterpart to the Falcon Dam on the border between Mexico and the United States?

Could a joint agreement not be arrived at whereby each Government could assume its fair share of the cost of construction and a distribution of the power from this project?

It is my hope that the above proposals will be given your personal attention; that they will be passed on to the negotiating committees of the two countries now meeting; and that out of these proposals will come a joint solution which will bring to an end the differences which have marked our two countries on this particular matter before too long.

Again referring to Ambassador Wigglesworth's speech, I find myself in complete accord with the following: "With good will and a proper spirit of give and take, a solution to the Columbia River Basin problem can be found," and I hope that the joint negotiations will continue to operate in that spirit.

With best personal wishes, I am,
Sincerely yours,

MIKE MANSFIELD.

SECRETARY OF THE INTERIOR DISCUSSES INDIAN AFFAIRS

Mr. MANSFIELD. Mr. President, one of the outstanding portions of the recent White House Conference on Children and Youth was the participation, for the first time, by a group of Indian young people. There were 25 delegates representing Indian groups throughout the country. Montana sent a very fine representative group, including Miss Indian America, Delores Racine, from Browning, Mont., and the Blackfeet Indian Reservation.

This group of Indian young people were honored at a luncheon sponsored by Arrow, Inc., an organization concerned with the welfare of American Indians and in cooperation with the Department of the Interior.

The luncheon speaker was the Secretary of the Interior, Fred Seaton, who outlined what we have in the way of a Federal Indian policy, the improvements that have been made, and the things that must be done in the very near future. The Secretary shows an excellent grasp of Indian affairs, both past and present.

As the Senate knows, I have been in sharp disagreement with the Bureau of Indian Affairs on several occasions over policy questions, but I do think that the Secretary of the Interior has shown a very fine cooperative attitude in most Indian matters.

I recognize that certain improvements have been made on many of our Indian reservations, but much remains to be done. Several reservations in Montana are vivid examples of why we need a more imaginative and dynamic Indian policy. The administration is not entirely to blame and the Congress has not indicated a willingness to sit down and really discuss these problems. But it is my sincere hope that, with the leadership of Secretary Seaton and the cooperation of Congress, something can be done to improve the economic and social status of America's first citizens, the Indians.

Mr. President, I ask unanimous consent to have printed in the body of the CONGRESSIONAL RECORD the text of the address by Secretary of the Interior Fred Seaton before the Arrow, Inc., luncheon on March 31, 1960.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY FRED A. SEATON, SECRETARY OF THE INTERIOR, AT THE ARROW, INC., LUNCHEON, WASHINGTON, D.C., MARCH 31, 1960

Arrow, Inc., has established a unique place for itself as an organization concerned with the welfare of American Indians.

Two and a half years ago the Department of the Interior was privileged to join hands with Arrow in sponsoring the first nationwide conference on Indian youth. Since then we have worked together on various projects, such as this one in which we here participate, today.

This luncheon was arranged to help pay the expenses of these Indian young people who are taking part, for the first time, in a White House Conference on Children and Youth.

To Arrow as an organization, to Mrs. Robert Guggenheim, honorary chairman for the luncheon, to Mrs. Glenn L. Emmons, chairman for the luncheon, and to all the volunteers who have helped make this project such a conspicuous success, you all deserve the highest commendation.

To the 25 delegates present as representatives of your tribal groups—please accept my congratulations on having been chosen for this honor. I do hope your stay in Washington is an enjoyable one. Certain it is that your very presence will do much to spotlight public attention on the special needs and problems of the Indian segment of America's younger population.

It is my purpose today to outline for you what we are striving to accomplish in the broad field of Indian affairs.

Toward that end, we should recall to mind that at the beginning of the last decade, the Indians living on reservations and other lands under Federal jurisdiction were unquestionably one of the most disadvantaged and neglected groups in our whole national population. Far too many of the youngsters were doomed to face adulthood without even a smattering of elementary education. Far too many families were mired down in poverty and disease, in ignorance and despair.

The reasons were as varied as they were many. To see why, let us look back a bit.

Beginning in the latter part of the 19th century, the Indian population on reservations throughout the country steadily increased while the available land resources at best remained static. In many cases the land actually dwindled for one reason or another, including some for which America has cause to feel ashamed.

Along with this, during the first half of this century, in my opinion, there was an unfortunate tendency on the part of the Federal Government to regard all Indians as basically an agricultural people.

Federal policies and programs were all too often drawn up in a way which actually accentuated the dependence of the growing population on the narrowing land base. We now realize that little or nothing was done to encourage a broadening of social outlook or a healthy diversification in the means of making a living. Under those circumstances, it is not at all surprising that so many of the reservation communities became veritable islands of poverty and despair, and that they were largely cut off from the main currents of our 20th century progress.

One of the results of what we now recognize to be the inadequate and ill-conceived policies of the past, no matter how sincere their authors were, is that most American Indian reservations have become seriously overpopulated—overpopulated in the sense of measuring the population against the available land resources and the local opportunities for making an adequate living. It is a fact that while there were approximately 230,000 Indians resident on reservations in 1940, there are 275,000 today. Yet the land area involved in the reservations remains approximately the same. Obviously, something has to give. Just as obviously, our Indian policy cannot be static, if ever we were justified in having it so. What we have now and must have in the future is a policy which is imaginative, dynamic, and productive of results.

Now, of itself, there is neither anything radical nor anything basically wrong about a movement of Indian population away from the reservations. As a matter of record, for many years there has been a movement away from reservations as the population has built up and the social and economic pressures have gradually intensified. What has been wrong was the fact that altogether too many of the Indian people have not been suitably equipped, either by education or training, for off-reservation life.

I am absolutely convinced that it is an important part of our job to do our best to help every Indian prepare to meet the challenge of living off the reservation, if he decides to leave.

Let me assure you that we have no thought whatever of trying to force Indian people off the reservations, or even of subtly persuading them to move against their will. That would be cruel and inhumane, and foredoomed to failure. I will have no part of it. Nor will I be a party to insisting that they remain on the reservation, no matter what.

Experience teaches us that a very large percentage of the younger people are voluntarily seeking to make their livelihood away from the reservations. Therefore, it seems clear we must continue—as one of our primary goals in working with younger Indians—to provide them with an opportunity for a sound education. Education for every Indian child is now the keystone of our policies. It must be so in the future.

As recently as 1953, only 79 percent of the Indian children between the ages of 6 and 18 were enrolled in school. Approximately 20,000 Indian youngsters were therefore in danger of going through life as illiterates. It was a desperately urgent problem and it called for quick and effective action.

The Department of the Interior, with the backing of the President and with bipartisan support in the Congress, took such action. Each year since there has been steady improvement, and by next fall we confidently expect to meet, for the first time in history, the educational needs of all school-age Indian children throughout the entire United States. In addition, the groundwork has been laid for the most fully educated adult Indian population, a generation from now, this Nation has ever known.

We have also emphasized the importance of providing the Indian children, wherever possible, and wherever desired by tribal groups, with a public school rather than a Federal school education. Our purpose in that respect is to give these youngsters the advantages of mingling fully and freely with their non-Indian neighbors during their formative years, so that they will be better prepared for the contacts and the competitions that inevitably come in later life.

You will be interested to know that whereas the enrollment of Indian children in our Federal schools has increased by only 8 percent since 1953, enrollment of Indian children in public schools has jumped almost 50 percent. In the long run, this shifting of emphasis in the public school direction may well turn out to be as second in importance only to the gross increase of enrollment which has taken place over the past 7 years.

We have taken active steps to repair the damages of past educational neglect among the adult Indian people.

Since 1955, an adult education program has grown to the place where it is being conducted at 80 locations on Indian reservations and in the native villages of Alaska. Altogether, some 3,000 adult Indians and native Alaskans are enrolled. Some of them, to be sure, are presently being taught only the rudiments of reading, writing, and speaking the English language; others are learning how to manage more effectively their personal and household finances, and how to play a more significant role as participating citizens of American democracy. It is the sort of program which was long overdue in our administration of Indian affairs.

Much progress has also been made in the field of higher education for Indian youth. Today there are 29 tribal organizations which have funds for this purpose, and scholarships for Indian students are being furnished by State governments, by private organizations such as Arrow, by church groups, and by the Bureau of Indian Affairs in greater volume than ever before. As a result, the enrollment of Indian young people in colleges and other institutions of higher learning has almost doubled in the last 5 years. I am sure most of you youngsters being honored today are recipients of scholarships or grants from these various groups.

Beyond general education, the Bureau of Indian Affairs is engaged in other important activities to stimulate and encourage Indian advancement.

One of these is the conservation and development of the lands and other physical resources which the Federal Government holds in trust for the Indian people. Here our objective is twofold—protecting these basic assets against misuse and deterioration and providing the management to insure the best possible income for the Indian owners.

Yes, much has been accomplished but there is more remaining to be done. Evident to anyone are the improved roads which have been built to open up some of the more isolated sections of Indian country. Additional acres of Indian lands have been brought under irrigation. Up-to-date Indian forest management practices have made possible more extensive sales of Indian timber. The tremendous increases in both tribal and individual income which some of the more fortunate tribes have realized from leasing their lands for oil and gas, uranium, and real estate development have provided badly needed funds for a wide variety of proper tribal activities.

Yet, even after the resources on Indian reservations have been developed to the fullest practical extent, I do not believe we can realistically expect these resources alone to provide an adequate livelihood for all the families living on all the reservations. And even if we could, we must reckon, again, with the fact that only a comparatively small number of the younger Indian people have shown any interest in making a living directly from the land.

For this reason, we are engaged in several other important economic development programs.

The oldest of these, begun in 1952, is referred to as voluntary relocation services. Under its terms, Indians who decide on their own initiative to move to some of the larger metropolitan centers are given aid and guidance in making the transition.

The second, which is a necessary corollary to the first, began in 1956. It is a program of vocational training in trade schools and on-the-job training in industrial plants. The obvious purpose is to equip the adult Indian with an occupational skill so he can qualify for better paying jobs and enjoy a fuller measure of security than he could otherwise possibly expect. This program is one which I believe holds much promise and should be accelerated as time goes on.

A third is designed to encourage industry to locate on or near Indian reservations. With this in mind, we are helping tribal organizations and local groups such as chambers of commerce to work together in creating and publicizing an environment that will be more attractive to industry. One of the prime inducements the Federal Government itself can provide is to compensate industrial concerns for furnishing Indian workers with on-the-job training in their plants through the adult vocational training program. This, we are doing, with welcome bipartisan support in the Congress. All these varied activities are aimed at one overriding objective.

Simply stated, that objective is to provide our Indian citizens with adequate opportunities for personal development and growth so they can ultimately take whatever place they choose in the larger fabric of our national life. It is not to try to mold Indian people into some abstract image of what we think they ought to be. Neither is it to terminate special Federal protection and services for any tribe or group of Indians until they themselves are ready, prepared, and willing to take on the full responsibilities for managing their own affairs.

Encouraging as our progress has been of late years, I must warn that much more must be done before we can completely bridge the gap still separating so many Indian people from full participation in the benefits of modern America.

For one thing, although Indians who have left reservations have generally been welcomed in the 50 States as full-fledged citizens (which they are) in the communities in which they settle, there are, unfortunately, some exceptions. It is my sincere hope that soon there will be no such exceptions. True enough, Indians must earn their place in life—just as non-Indians must. But when they have done that, it is not only contrary to the law of the land, it is utterly reprehensible that they should be denied the rights of any other American.

One final thought, ladies and gentlemen, about the sponsoring organization for this luncheon—Arrow, Inc. Just as the arrow is a device which throughout mankind's recorded history has signified an object which flies straight to the point, it seems to be peculiarly fitting, therefore, that the name "Arrow, Inc." has been adopted by this organization. Arrow, Inc., the Department of the Interior through its Bureau of Indian Affairs, and you as citizens interested in the welfare of our fellow citizens—the American

Indians—have a common objective. Once more, I cheerfully acknowledge the tremendous debt of gratitude all of us owe to Arrow.

Now, please let me say this—in spite of many foreseeable problems, I am resolutely optimistic about the future outlook for the American Indian. Certain it is there will be many more like Maria Tallchief in the arts, Allie Reynolds in sports, Dr. Ben Reifel in government, W. W. Keeler in business, others in law, teaching, and every other line of constructive endeavor. There will be many more such as the 25 fine, young delegates we honor here today—young men and women whose future prospects are great for themselves, and for us.

America has always been a land of opportunity, and with God's help we all mean to keep it so. Granted that, it remains for each of us to seize opportunity—not only to share in the material advantages of our free society—but share in its challenges, its responsibilities, and in the many rich rewards it holds for the human spirit. We must see to it that our Indian fellow citizens are privileged to the same hopes and aspirations as are all other Americans. Working together, I am sure we can accomplish that purpose.

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

THE DEEPENING DISQUIET

Mr. MANSFIELD. Mr. President, today is a quiet day, and it is a good day to get some things which have been bothering me off my chest.

I make these remarks, today, to express what I believe to be a deepening disquiet in the Nation. It is as though we were passing through a stretch of stormy seas in a ship which is obviously powerful and luxurious, but a ship, nevertheless, frozen in a dangerous course and with a hull in pressing need of repair.

Let me say at the outset that I do not speak solely of questions of national defense or of space exploration. To be sure there are grounds for concern in these matters.

We will distort the problem, however, if we view it solely from that perspective. The disquiet, the deepening national disquiet, is many-sided in its origins. We shall measure it in full dimension only as we see the multiple sources from which it derives. We shall deal with it only as we have the courage and the will to act as heart and mind tell us we must act in the light of what we see.

If the disquiet in the Nation is due in part to apparent deficiencies of national defense, it comes even more from a growing awareness that international peace is held together by a thread stretched taut. That is the case even though, as never before, the hopes for peace are universal. That is the case even though, as never before, the fearful price of another war is accurately estimated everywhere in the world. That is the case, even though, as never before, the world is flooded with cries for peace and, indeed, with deeply sincere efforts for peace.

Why, Mr. President? Why, despite these universal hopes, these universal estimates, these universal cries, these universal efforts, are we no closer to peace? For years we have answered this question or thought that we have answered it in a fashion which was at once simple and reassuring. We had only to charge the Russians or the Chinese with keeping the goal of peace beyond the outstretched fingers of mankind. The evidence was enough and more to brand these nations for their disservices to peace, and so we branded them. We did it again and again. But has it been enough, Mr. President? Has it been enough for this Nation? Has it been enough—this simple formula—for the human race?

Do shortcomings elsewhere, though they be many, relieve us of the necessity of facing our own? Do shortcomings elsewhere explain why there is so little to show for the enormous sacrifice for peace and national defense which the people of the United States have made in these postwar years?

I know, Mr. President, that it is regarded in some quarters as fashionable to belittle that sacrifice. It has been caricatured many times. Let us not in the Senate, however, make the mistake of confusing the caricature with the character of the effort. In a decade and a half, the people of the United States, through the Congress, have appropriated $500 billions for the Defense Department and countless additional billions for related purposes. They have made available foreign aid over the same period which is now approaching a total of $100 billion.

These are not small sacrifices. They are unprecedented sacrifices for peace and defense, unequaled anywhere in the world. Add to them the priceless human sacrifices in Korea. Add to them, finally, the searing revolution of the soul which the American people have undergone and the change which they have accepted in consequence. That change, Mr. President, is implicit in the move from a high degree of national isolation 25 years ago into the role of foremost exponent of the United Nations system and of alliances and other international undertakings which stretch from one end of the globe to the other.

No, Mr. President, let us not speak lightly of the burden which the people of the United States have borne on behalf of the common defense of the Nation and on behalf of peace. The question is not, Why have the people of this Nation been willing to do so little for defense and peace? Rather, the question is, Why has not more been done for defense and peace with what the people have been willing to do?

Indeed, it is that question which is asked more and more by the citizens of this Nation. In that question lies one of the great sources of the deepening disquiet in the land.

GLITTERING NATIONAL STATISTICS VERSUS HUMAN REALITIES

And there are other questions, many others, from whence this disquiet springs. There are those questions involving the inner state of the Nation and its economic well-being. It is difficult to raise these questions without being reminded that ours is the most powerful and affluent Nation anywhere in the world.

Let me say that I do not need such reminders. The power and affluence are there, and it is fortunate for us that they are there. The statistics make it clear, very clear, that we still are as we have been, for decades, the most producing, the most consuming Nation the world has ever known. That point is not at issue.

But if man does not live by bread alone, much less does he live by national statistics. These statistics of vast national production and vast consumption have meaning, ultimately, only in terms of individual Americans and their families. And where in these statistics do we find the American family which struggles against the high cost of living on an income of $3,000 or $4,000 or less a year? How well does $3,000 or $4,000 a year or less take care of a family's needs for food, clothing, shelter, and medical services? How well does $3,000 or $4,000 or less provide for the education of children and for a measure of recreation? Yet, in 1958, out of the 45 million families in this Nation almost 25 percent, or 11 million, had incomes of $3,000 or less and over one-third, or 15 million families, had incomes of $4,000 or less. Are these families to bask in the reflected glory of the Nation's great economic power and affluence, or are they to sense the deepening disquiet?

Probe the national statistics more deeply, Mr. President. Put the question to those who live on an old-age pittance or on retirement incomes fixed years ago at far lower price levels. What Member of the Senate does not know of these people? What Senator's mail does not bring, every day, grim reminders of countless personal tragedies of this kind? The glitter of the Nation's power and affluence may obliterate but it does not alleviate the disquiet of these Americans.

Nor does the power and affluence reach the mining families of West Virginia or Montana, nor the textile families in Rhode Island or Massachusetts, nor the men and women in many other parts of the land where millions of willing hands are held in pockets of unemployment or inadequate employment. It does not matter much whether these hands are stilled by automation, by shifting internal markets, by new oversea trade channels, by resource underdevelopment or resource exhaustion, by mergers, by recession-depression, or whatever. The hands that are stilled belong to Americans; Americans stranded by the vast waves of industrial change which sweep through the basic economic structure of the Nation and break suddenly upon one segment or another of the people. They are hands which belong to Americans shunted aside by forces which are often beyond the power of individuals and localities and States even to comprehend, let alone control.

It has been said that these great forces of change contribute to the welfare of all Americans. The Nation is made more powerful by them. The national statistics glow more brightly in consequence of them. That may well be true. In time, the changes—at least those changes

which tend to greater national productivity—undoubtedly bring with them attendant benefits. But, Mr. President, what of the meantime? What of those Americans who feel, now, the backlash of change? What of those who will feel it in the near future in order that all Americans may ultimately benefit? For them, unfortunately, there is the disquiet today, sensed more deeply than the golden promise of tomorrow.

STATE OF AGRICULTURE AS A FACTOR IN THE NATION'S DISQUIET

I turn next to still another source of the Nation's deepening disquiet—to the state of American agriculture. We have great farm lands, able farmers, and brilliant scientists and technicians. These assets have been combined with mechanical ingenuity to create an incredibly productive agriculture in this Nation. There is food in abundance; and for that abundance there can only be gratitude.

But, Mr. President, when Government stimulates production beyond abundance, beyond superabundance, when it diverts the energies and resources of the Nation, insensibly, into the creation of ever-mounting surpluses, then gratitude gives way to disquiet. It gives way in spreading doubt as to whether we know what we are about. It gives way in a growing public awareness of an enormous waste of effort and resources and of the cynical subordination of the welfare of the Nation to the gain of the few.

Whatever justification Government agricultural subsidies—and let us call a spade a spade, for subsidies are what these programs provide—whatever justification they may have had in the past, what is their justification now? The justification, now, can rest only on insuring to working farm families an income sufficient to remain on the land because we find in the family farm unit, beyond mere economics, some special national virtue. I do not question this objective. I question the manner in which it is pursued. Instead of preserving the family farm unit, the number of farms in the Nation has declined from 5.6 million in 1950 to 4.6 million in 1959, a loss of one million in a decade. Last year, moreover, farm income fell 16.8 percent, despite a program which has cost the American people billions of dollars to operate.

And still the surpluses accumulate. Today the Government owns or has under loan a total of $7 billion of agricultural products. Storage and other handling costs alone may well exceed a billion dollars in 1960.

In short, what began as a decent effort to preserve the family farm has become a monstrous thing. It has swallowed the concept and is disgorging in its place a new get-rich-quick class of Government-subsidized farm industrialists and surplus-storage operators.

Is there any wonder that the disquiet deepens? It deepens among those who seek only an adequate income in order that they may remain on the land. It deepens among all Americans who see no benefit in the form of lower food prices for the billions of public funds which have supported the agricultural programs. It deepens among those who perceive the fundamental immorality of rotting stockpiles of food, even as human beings, both at home and abroad, hunger for adequate sustenance.

STATE OF PUBLIC SERVICES AS A FACTOR IN THE NATION'S DISQUIET

With the threat to peace and the problems of defense, with the human dislocations brought about by rapid industrial and commercial change, and with the chaos in Government agricultural programs, we have still not exhausted the sources of the Nation's disquiet. We must inquire into other spheres to grasp its full dimension.

Ask, Mr. President, after our capacity to prevent the stoppage of production in basic industries, such as steel, whether such stoppages be due to labor-management disputes or to that which is hardly less damaging to the Nation, stoppages in consequence of recession. Note in this connection that steel production was 54.2 million tons below capacity in 1959 largely because of a labor-management dispute. But in 1958 it was 55.5 million tons below capacity largely because of the business recession.

Ask, too, particularly in the West, after the manner in which the power, irrigation, and other basic resource needs of our own underdeveloped States are being met, even as we recognize and strive to fill such needs abroad.

Ask in the metropolitan areas, whether they contain 50,000, 500,000, or 5 million or more citizens, ask of the urban decay which spreads its blight of slums and attendant evils, spreads it faster than rebuilding takes place. Ask, too, of the strangulation of cities in the toils of inadequate roads and transportation facilities and the growing contamination of the very air that is breathed. Ask of the reliability of the Nation's supply of water, pure and simple, over the next few years in the light of rising demand and of an industrial, atomic, and human pollution which more and more clogs the lakes, streams, and rivers.

Ask, too, after the Nation's children and youth and whether or not they are receiving equal and adequate opportunity for education and sufficient constructive outlets for their energies.

Ask after the mounting crime rate and the inadequacies of the machinery of law enforcement. And ask after the adequacy of the Nation's correctional procedures and facilities.

Ask after the Nation's sick, particularly the aged and the mentally ill, of the vast human need for care and cure which now goes unfilled and, in the face of it, the supercommercialization of the drug industry and the hospitals, if not, indeed, of the medical profession itself.

Ask after the Nation's recreational facilities, particularly in the crowded East—the adequacy of the wilderness areas, parks, and shorelines which must meet growing needs now and explosive needs in the near future. It was these areas which our late colleague, the Senator from Oregon, Mr. Neuberger, with great foresight and dedication, sought to safeguard for all, for the future as well as the present, against the inroads and depredations of the predatory and the unthinking.

I know, Mr. President, that these problems and many others of the same kind have been with the Nation for a long time. I know that someone, somewhere—the States or the localities or private citizens—is supposed to be taking care of these matters. But the dangerous strains do not lessen; they grow more intense, and these inner weaknesses mock the vast power and affluence of the Nation, which can mask them no longer.

This Nation has suffered a long night of national neglect in its ordinary and essential public services no less than in matters of defense and peace, no less than in its management of the implications of vast and sweeping industrial and agricultural change. All of us who presume to exercise leadership and authority share the responsibility for this neglect. That the responsibility is multisided, however, does not exonerate those who exercise the highest powers in the land. In this Nation, whether it is recognized or not, it is the Federal administration which sets the tone. And as the tone is set so rings the bell.

FOREIGN POLICY AND THE NATION'S DISQUIET

In no other area is the authority and, hence, the responsibility of the Federal administration more clear cut and absolute than in the conduct of this Nation's quest for a durable peace and adequate national defense. Individuals have not stood in the way here. Nor have the localities or States. Nor, in truth, has the Congress.

All that has been asked by the administration for defense and more has been provided. What has been honestly sought for foreign policy has not been denied, including, year in and year out, the President's request for foreign aid. If we have become more reluctant of late in matters of foreign aid, we have become so only as the evidence of aimlessness, of ineffectiveness and waste in administration, and of political manipulation has accumulated. In spite of this reluctance, Mr. President, I say again that the administration has had the cooperation and the support of the Congress in all decisive matters of foreign relations and defense.

FAR EAST

What has the administration done with this cooperation and support? Has it directed foreign relations in a fashion which has closed the gap between the hope and the reality of peace? Have we really moved closer to peace, even in Korea, as has been proclaimed or implied over the years? I am not aware that in Korea we did more than convert the unwritten truce, which had prevailed in that country for months prior, into a written truce, when in July 1953, the administration signed an agreement with the Communists.

To be sure, Americans are not now being killed in combat in Korea; that is a source of deep gratitude. To draw relief from a truce in Korea, however, should not blind us to the fact that there is no peace in Korea. To call peace that which is no peace at all is to make a

mockery of the sacrifices of those who gave so much in Korea.

The fact is that in the 7 years which have elapsed since the signing of the Korean truce not one further step toward a durable peace has been taken in that region. If there is any doubt on that score, read the sterile debates at the United Nations on the Korean issue, year in and year out. The ideas do not change. Even the words change scarcely at all.

In short, the situation in Korea remains as it was in 1953 except, so far as can be determined, the Chinese are no longer directly engaged with large numbers of military forces in that country, and we are. The situation is, as it was, a makeshift, supported on our part by armed forces and by hundreds of millions of dollars of aid for South Korea each year. And I may add in this connection that some of the recent reports emanating from that Nation suggest—to say the least—a grave and shocking misuse of this aid.

If there is not peace in Korea, where in the Far East is it to be found? At Formosa? In Vietnam? In Laos? All we have obtained in these places and others in Asia is time. We have obtained it at the cost of billions of dollars in aid and a vast and costly deployment of American military forces in the Far East. And more and more, Mr. President, it appears that we have bought time only in order that we may continue to buy time.

What has time, this costly time, produced with regard to the key action of China? We have stood by while the Chinese Communists have consolidated their position on the Asian mainland and vastly expanded their power until its use along its borders grows more arrogant and aggressive.

With a closed-eyes policy we have done nothing more than reinforce our own official ignorance and diplomatic isolation with regard to one of the most crucial areas of the globe. This policy has not brought about the downfall of the Peiping regime, but it has made certain that a new generation of tens of millions of Chinese will come of age in this decade, with a high degree of hatred in their hearts for this Nation and its people.

MIDDLE EAST

Have we done better elsewhere? In the Middle East are we closer to peace now than a decade ago? Countless millions of dollars of public funds have been thrown into currying favor with this leader or that. Time and again, we have seen this practice blow up in our faces and still those who manipulate the policies and administer the public funds do not learn.

For some strange reason, we have persisted in ignoring the one course which might conceivably contribute to a durable peace in the Middle East, insofar as it rests within our capacity so to contribute. That course is one of clear and consistent cooperation with any nation in that area which is prepared to observe a consistent pattern of responsibility and forbearance in the face of the grave problems of peace in that area, a willingness to search now for peaceful and permanent solutions. If that course will not succeed, then I wonder at what strange reckoning we continue to pour millions upon millions of dollars of public funds haphazardly into the Middle East year after year. This attempt to placate the implacable, to purchase the cooperation of the uncooperative with resources of the people of the United States is as immature as the immaturity to which it is addressed. Yet the attempt goes on and on and there is not yet in sight an end to it. And peace—a durable peace—is no closer in the Middle East, but even now, once again, edges toward collapse.

EUROPE AND GERMANY

Are the prospects better in Europe? A foundation for peace was built a long time ago in Western Europe, with the Marshall plan, with the practical initiation of the European movement toward integration, and with the whole encased in the North Atlantic Treaty alliance. Yet, this foundation can give way. It can give way through internal dissensions within Western Europe, and a failure to adjust the institutions of Western unity to ever changing circumstances. It can give way in Germany, particularly over the issue of Berlin.

Once again the forces of incipient conflict are rising at Berlin to a point of naked and devastating confrontation. Are we more ready now in a diplomatic or in a practical military sense for the second German crisis than we were for the first? Are we equipped in policy with new and powerful ideas which might hold the promise of peace without appeasement? Are we joined with the Western European nations in a deep sense of common purpose as the crisis approaches? We are on paths to summits, Mr. President, but apparently, we have yet to find the paths for continued Western unity and for a closing of the division in Germany and Europe, a closing upon which peace ultimately depends.

UNDERDEVELOPED AREAS AND AID

If we are no closer to peace, a durable peace in Germany and Europe, can anyone say that there exists the conditions of progress on which a stable peace depends in the underdeveloped regions of Asia and Africa indeed, even in this hemisphere? The administration uses words of constructive challenge in justification of its request for billions of dollars of aid for these areas each year. But, Mr. President, they are the words of a decade ago and they are tired words. The same clarion has sounded too many times and its notes grow feeble. The inspiration of the point 4 program of helping others to help themselves has been exhausted in a labyrinth of bureaucracy and in a haphazard accumulation of activity for activity's sake. More and more people at home, no less than people abroad, cease to hear the promise and ask after the results. Still we go on and on largely in the same pattern of aimlessness and endlessness that has persisted in this program since the Marshall plan came to a close.

ARMS CONTROL

Nor are we nearer to peace, Mr. President, in the matter of arms control. Fifteen years of costly negotiation, within the United Nations and without, have yet to yield one signed and sealed agreement of substance. The Soviet Union announces cuts in its fighting forces. We make them. In the most deadly fields of missiles and nuclear weapons, the competition to refine the instruments of universal annihilation goes on. Nuclear testing is under a moratorium imposed by world opinion but clouds, heavy with the rain of radioactive death, still hang ominously over the earth.

Once there was one, then two, then three, and now four members of the nuclear club. The countup is likely to continue as the scientific and technical bars to membership come down. More and more fingers will probe the triggers of weapons of immense human destruction, weapons primed and reprimed to respond evermore quickly.

Mr. President, it is this panorama of a world, less, not more peaceful today, in any real sense of the word "peace," than it was a decade and a half ago, which is unfolding its deepening disquiet in the consciousness of the people of the United States. This grim and clouded panorama spreads a growing public awareness that our policy has become, less a positive search for peace and more a vast and costly holding action. It is no wonder that the question is more and more asked in the Nation: Why has not more been done for peace with what the American people have been willing to do?

NATIONAL DEFENSE AND THE NATION'S DISQUIET

Even as this question is asked in the realm of foreign policy where the Russians or the Chinese still offer an excuse—in part accurate and in part glib—for our own inadequacies and inertia, it must be asked even more in matters of national defense. At the end of a decade and a half of spending, $500 billion later, a half-trillion dollars later, we are now at a point where the gravest uncertainties exist among those who should know, as to our military capacity and readiness to defend ourselves.

What has been said in public, what can be seen with one's own eyes and heard with one's own ears, is sufficient to persuade me and, I believe, other Americans that there are grounds for concern—deep concern—over the operation of the national defense system, quite apart from the Soviet threat, the Chinese threat, or whatever. There are grounds for concern which have to do with our own shortcomings, and they cannot be dismissed by general reference to motes in other eyes.

There are grounds for deep concern over our rate of achievement in space technology in a world which, for better or worse, increasingly measures national competence with the yardstick of advanced scientific progress. There are grounds for concern over the present system of administration by which the vital questions of defense are interrelated with the vital questions of foreign

policy, the system by which these questions are answered by decisions—if, indeed, they are answered at all. There are grounds for concern over the manner in which the supposedly unified Defense Department is organized and staffed to fulfill its primary functions of military defense at the direction of responsible civilian authority. There are grounds for concern over the manner in which the Department of Defense handles the public funds of the people of the United States.

What other conclusion can be drawn from the visible gaps in space exploration? What other conclusion can be drawn from the words of experienced Americans who have been appearing before the special committee on national policy machinery under the chairmanship of the able Senator from Washington [Mr. JACKSON] which suggest that the premium in this administration is on the avoidance rather than the making of decisions by responsible political authority? What other conclusion can be drawn from the conflicting testimony of representatives of the Air Force, the Navy, and the Army as they push for appropriations for their particular service almost as though the others were nonexistent, almost as though it was incumbent upon each service alone to defend the Nation without aid or interference from the others? What other conclusion can be drawn from the revelations of the waste of enlisted manpower and the abuse of the privileges of rank, the revelations which have been made by Representative KOWALSKI and others in the other House? What other conclusion can be drawn from the questionable training manuals of the Defense Department which were recently brought to light? What other conclusion is to be drawn from what is, to say the least, a careless regard for conflict of interest in the part of many retired officers—civilian and military—now retained at high salary by firms whose primary business is selling to the Defense Department? What other conclusion is to be drawn from what would have been, except for the pressures from Congress, the passing over for promotion and, hence, the retirement of one of the most creative officers in the service—the admiral who was the driving force behind the development of the atomic-powered submarine?

What other conclusion can be drawn, when a decade and a half after the urgency of World War II, 7 years after the urgency of the Korean conflict, the Defense Department still places 80 percent of its $20–$25 billion of procurement orders each year on the urgent and extraordinarily expensive basis of cost-plus contracts without competitive bids?

What other conclusion can be drawn when we learn that the Defense Department wrote off—got rid of—in 1958, $7.5 billion of its public assets at a fraction of their value? When we learn that through mistakes of judgment and what appear to be fantastic concepts of need and obsolescence, the practice of write-off of assets in something of this same magnitude is repeated over and over each year and is likely, when the figures are in, to reach $10 billion for 1959? Even the mountains of surplus agricultural products rotting in the warehouses at Government expense pale into insignificance in comparison with this waste. Note in this connection that the British defense establishment has a budget of only $4 to $5 billion annually. In other words, the British operate their entire military establishment—army, navy, and air force—each year at about half of the cost of the assets which our Defense Department abandons each year; in short, at about half the cost of what our Military Establishment—avoidably or unavoidably—wastes each year.

Mr. President, I do not know whether we need to keep a third, as some have suggested, or a half or two thirds of the Strategic Air Command aloft at all times to insure our national survival. I do not know whether we need to convert the basement playgrounds into bombproof shelters or otherwise to burrow into the earth, as others have suggested, in order to insure our national survival.

I do believe, however, that we need decisions by the responsible elected leadership rather than the aimless drift either through mutual accommodation or unrelated action among the swollen bureaucracies of administration if we are to have even a chance to assure our national survival in freedom. I do believe that we need to bring about an alert, streamlined, and disciplined administration of the Military Establishment if we are to have even a chance of insuring our national survival in freedom.

It is becoming crystal clear that the ills of national defense, no less than those of foreign policy, are not of a kind which lend themselves to cure by additional injections of dollars.

CONCLUSION

Mr. President, in giving voice to these thoughts, to this deepening disquiet which is spreading through the Nation, I said and I say again that all, all who presume to exercise leadership and authority share responsibility for the present state of the Nation's public affairs. That is true of the local official, no less than the State official, no less than Congress and the administration. But as the public power is not equally divided, so, too, is the responsibility for the deepening disquiet in the Nation not equally divided.

If the remarks which I am now concluding seem to apply more pointedly to the Federal Government and to its administration it is because the Federal administration—regardless of party—wields the primary public authority and occupies the citadel of national leadership. That is clearly the case, as I have noted, in regard to matters of peace and defense. It is more and more the case as regards the fibers of the public services which bind together the Nation and safeguard its inner health and vitality.

This era, Mr. President, began as a crusade with the bright promise of change for the better. It began with the promise of peace; it began with an almost built-in guarantee of more effective defense. It began with the assurance of the new broom that sweeps clean. This era, Mr. President, is ending with the broom still in the closet, with the inner problems of the Nation accumulating, through neglect and evasion, at a rapid rate, a rate the more shameful because of the vaunted power and affluence of the Nation. This era is ending with the Nation, relatively, far less secure than it was 15 years ago, less secure than it was a decade ago, still less secure than it was 5 years ago. As this era is ending, durable peace is still as elusive as the Abominable Snow Man of the Himalayas, pursued from summit to summit by one goodwill expedition after another.

Whatever is achieved in the remaining months, one certainty there is: There will pass to the next administration—Republican or Democratic—a monumental accumulation of unfilled needs for public action. The needs will not be filled by crusades which crumble after the first flush of political victory. They will not be filled by the manipulation of words. They will be filled by an administration which, with the cooperation of the Congress, accepts—rather than evades—the responsibilities of the second half of the 20th century. They will be filled by an administration which serves, equitably, all the people of the United States. They will be filled by an administration which does more, far more, with what the people are willing to do for peace and for defense. They will be filled by an administration which has the capacity to lead and the determination to lead, by an administration which calls forth from this Government and from this people a new dedication to the unfinished work of freedom.

Mr. CHURCH. Mr. President, I desire to let the distinguished Senator from Montana know how heartened I have been by his remarks this afternoon. I desire to commend him on the outstanding address he has just now concluded.

Certainly I would not attempt to add to so sweeping an analysis of our national afflictions. But I would ask the Senator from Montana whether he believes that the core of our problem may be the question of our national values. In the course of his remarks, he has alluded to this question.

I am struck by the fact that a country so rich in private automobiles that they "constipate" its city streets, yet—for lack of funds—finds its public transportation at least 30 years behind its needs.

I am also struck by the fact that private entertainment flourishes, while public education is confronted with a growing crisis. The classroom shortage has not been solved, and each year the problems facing our public schools grow more serious.

I am also struck by the fact that our private drugstores display a billion bottles of perfumed water; yet the water in our public rivers is polluted, and our urban air thickens with contamination which each day poses a more serious threat to the public health.

So I wonder whether we are headed toward a point where America will be-

come a kind of modern Babylon of private plenty in the midst of public poverty.

Therefore, I would ask the Senator from Montana, who has just now given us the benefit of such an outstanding address, whether he shares my feeling that at the root of these afflictions, which beset us at home and plague us abroad, this question of values may be the most fundamental of all?

Mr. MANSFIELD. Mr. President, in response to what my distinguished friend, the Senator from Idaho, has said, I can only state that in a few words he has said what I tried to convey with many. The Senator from Idaho has stated more simply and more accurately than I did, or than I could, just what the nub of the question is.

I am afraid that we, as a people, have a distorted sense of values; and that we are trying, ostrichlike, to hide our heads in the sand, in order to avoid confronting some of the difficulties which we face today; that our people are looking to Washington, to "a great White Father," in hopes that he will take them into his arms; that we are eager to avoid such questions, rather than face up to them and pay the price which solving them will entail.

Let me say that I am in full accord with what my friend, the Senator from Idaho, has said; and again I state that in a few words he has said what I have endeavored to say in many words.

Mr. CHURCH. Mr. President, I thank the Senator from Montana for his generosity. But let me say that since I first came to the Senate, I have been one of many to be impressed with the reflective and well-reasoned addresses of the distinguished Senator from Montana. He has done much to instruct the Senate and to enlighten the country. I think the address he has just now delivered is climatic; and I hope that many will read it and will take it to heart.

Mr. McGEE. Mr. President, will the Senator from Montana yield to me?

Mr. MANSFIELD. I yield.

Mr. McGEE. I wish to join my colleague, the Senator from Idaho, in expressing deep personal appreciation for the searching nature of the questions which have been raised here, this afternoon, by the remarks of the distinguished Senator from Montana. My only regret is that the proximity of the Easter holiday has resulted in the absence from the floor, this afternoon, of so many of our colleagues.

The questions the Senator from Montana has described as disquieting queries are the kinds that any man responsible for the direction of government ought to be haunted by, day and night.

I wish the Senator from Montana to know that there are those of us who personally will do everything that we can in order to see to it that others have the benefit of the penetrating inquiries he has launched this afternoon.

I did not intend to be in the Chamber myself, this afternoon, until I learned, quite by chance, that the Senator from Montana was going to develop some of his thoughts on this afternoon, which he has described as a quiet one.

At this time I should like to suggest that when the Senator from Montana, in the beginning of his remarks today, stated that at this time the ship of state is frozen on a dangerous course, perhaps he was putting the matter too kindly. I believe that the record shows that our ship of state is frozen; but probably it is not frozen on any course at all, and therefore we find ourselves in our present plight.

Will the Senator from Montana accept that modification—that there seems to be no direction, rather than even a direction on a dangerous course?

Mr. MANSFIELD. If I may reply to my friend from Wyoming, I think that there are evidences of direction now and again, but so far as a true and steady course is concerned, it was lacking, in my opinion. I would point out, too, that this is a matter in which blame can be divided; that the Congress as well as the American people have, to a certain extent, been at fault, even though the contributions of the American people, large though they have been, and made through Congress, have indicated evidence of a desire to face up to the difficulties that confront us. However, under our system, responsibility for the administration of defense, foreign policy, and related matters in the domestic field falls on the administration, on the executive branch of the Government, and I think it is there that there has been a lack of direction as to what course we should pursue—perhaps understandably so—because there are many questions to face and many problems to solve. I would say that we are not exactly frozen; but that, instead, we have not shown what course we should pursue.

Mr. McGEE. I thank the Senator for that answer. I desire to pursue one other thought in connection with his speech today. I think he has left his remarks on a statesmanlike level, with no partisan wranglings contained in it, which is proper. I fear that the plight in which we find ourselves as a nation today has resulted in part because politicians, regardless of party, seem to have their eyes focused on November 1960 in preference to the long period ahead, which requires the kind of imagination and defining of direction to which the Senator from Montana repeatedly alluded in his remarks.

I think one of the real dangers we are indulging at this moment is the temptation somehow to squeeze by next November, regardless of party, rather than face the facts. There is a reluctance, in my judgment, to tell the people the truth—at least the whole truth—to try to submit them to the opiates of wishful thinking, rather than shock them with the kind of realism, in the form of penetrating questions, such as the Senator from Montana has propounded here this afternoon. People would much rather hear about peace and prosperity than face the harsh requisites of human want and need—national need, I may add—and international hopes. Sometimes those things cost money. Certainly, if they are to be achieved in balance, they require sacrifice.

If we can have our cake and eat it, too, it seems to me we have concocted a delightful formula for waging an election campaign. The tragedy is that we are not likely to be pleased with the result, and we are going to have to make a choice, and I think that choice must be directed at two ends: One, at the real price on national need, and the other at the real hope for international expectations; and they become substantial programs on both grounds, if I assess the events around us at all accurately.

How can we, for example, as legislators, honestly go to the people and say that we are going to lower taxes, or we are going to lower the budget, or we are going to balance the budget, when we are confronted with reports from our own experts that we are falling far short of our needs? How can we, with real conscience, claim to direct the ship of state, with whatever small modicum of responsibility we possess unless we tell the people the truth?

I am a member of the Select Committee on National Water Resources in which we have been told that if we are going to meet our water requirements in the next 10 years—our own requirements, not those of areas of the world that are even shorter of water than we are—somebody, somewhere, sometime in that period, is going to have to spend $171 billion. Who is going to tell the people that and try to run for public office at the same time?

The Senator from Montana and I are deeply concerned about the deterioration of our national forests. The harvesting of trees is a big business in this country, and the Forest Service is warning us that we are running out of trees and running out of other forest products. To keep up with the programs advocated by both Franklin and Theodore Roosevelt, we must expand our forest resources. At the present rate of budgetary control, it is going to take 400 years in my own State of Wyoming to catch up with the replenishment of our deteriorated forest supplies. For the State of Montana the figure is still higher. In some States, at present rates, it is going to take 5,000 years to do so.

That is why many of us argue that the people should be told the truth. It seems to me we ought to place on a great national table, for all to observe, what it is that this Nation must do, what is necessary for this country of great strength and richness to do, and then to adjust a budget discipline to national need. Such a program will require national priorities, putting first things first; but I fear we have fallen for the gimmick of budgetry. I fear we have confused personal luxury with national prosperity. Gimmicks and gadgets are easily confused with progress, because, for a day, for a few moments, they seem to make life more convenient. But in terms of the needs of the people, in terms of the national requirements, in terms of expectations on international quiet, which some call peace, we have missed the mark in the telling ways in which the Senator's questions have pointed out.

A gentleman with whom I had a discussion at some length in Hong Kong in December had just returned from Moscow. I do not know what his own affiliation was. He may have been leaning toward the regime in Peiping, for all I know. He did not say. But he did say, "I have been to your country, America, and I was impressed with your conveniences, with the tail fins on your automobiles, with the high standard of living your people seem to have achieved in a material way. But," he said, "sir, if I may say so, I had the feeling that you are through, that you are not going anywhere, and I hope you will not take offense at my saying that. I have just returned from Moscow," he went on, "and there, while they have not yet overtaken you in personal comforts and in individual luxuries, one still had the conviction that these people seemed to be going somewhere and intended to get there."

Whether he is telling the truth or not, he certainly has raised an analogy that ought to concern every American; and I suggest the time has come, as the Senator's questions imply, for all Americans to ask themselves this question: "America, where are we heading? America, what are we for? And, America, what are we willing to sacrifice in order to get there?"

It seems to me we need to rededicate our national energy as well as our personal expectations. Is it not time that we subscribe once again to that which Thomas Jefferson represented? He stood for people. That was what distinguished Jefferson from his colleagues. He believed in people.

What set Andrew Jackson aside from his contemporaries was that he believed in the common man.

This is what marked Abraham Lincoln.

That is what set aside the New Deal and Franklin D. Roosevelt.

The moment has come when Americans must set up a charter of goals, ask the price, and weigh the processes for meeting that price. It is time we can afford to be for people, whether they be our own people or our fellow men whom God has created elsewhere around the world.

There is nothing so wrong with people that we could not correct the drift in the present American position, both at home and abroad.

I personally resent the attitude among many groups in my own country, who pretend that if we simply will sit still and not "rock the boat" somehow we will make it through. History is not going to be that kind to us, Mr. President. History teaches us nothing if it does not teach us the inevitability of change. We are not going to stop history. We can be swept aside by it.

Because of our role, in my judgment we have an opportunity to make history. In my judgment, the Senator from Montana has made history today by asking the right questions, to which courageous Americans of any political faith ought to be seeking answers—and sooner, rather than later, if we are to triumph.

Once again I thank my colleague for having done what should have been done long ago in this body, for bringing into focus the need, and for asking the proper questions, in the hope that we can find the proper answers.

Mr. MANSFIELD. Mr. President, I wish to express my deep thanks to the Senator from Wyoming for his kind remarks, and to assure him that I listened to him this afternoon, as I always do, with great interest, because I know he has a tremendous background and a great well of knowledge on which to draw. When the Senator speaks he speaks with knowledge as well as with wisdom. I can well understand why he was such a popular and much sought after professor while he served on the faculty of the University of Wyoming, before coming to this body.

Again I express my deep personal thanks for the kind remarks he made this afternoon.

Mr. HARTKE. Mr. President, I should like to add my words of commendation to the distinguished assistant majority leader for the fine address he has made this afternoon. As I briefly stated to the Senator in private, and as I now state publicly, I think the Senator speaks as a man of wisdom, a man of learning, and a man of foresight, who is telling the Nation what it should hear.

The Senator from Montana is to be congratulated upon a fine address. I know he will continue to bring to the attention of the Nation those things which the Nation must hear if we are going to continue to live the way Americans have always lived.

Mr. MANSFIELD. Mr. President, I express my deep thanks to the Senator from Indiana for his kind words.

UNEMPLOYMENT

Mr. HARTKE. Mr. President, following what the distinguished Senator from Montana has had to say, I should like to discuss for a few moments a matter which it seems to me is very important for all of America. I refer to the problem of what we are going to do about more than 4 million Americans who do not know where to find a job. These Americans are looking for some place to work, and they do not know where to go.

Frankly, Mr. President, I am an optimist by nature, but I see these reports and observe that they are glossed over without much attention being paid to conditions, and it is sort of shocking to me. I can understand why people should become disturbed at this time.

Mr. President, the New York Times is certainly not considered to be anything except a wonderful newspaper, with its feet upon the ground and its head high in the air. That newspaper commented editorially upon the April Labor Force report issued by the Secretary of Labor, Secretary Mitchell, concerning the employment situation for March 1960. I should like to quote a bit of that New York Times editorial, to show the concern about people who want to work and who cannot find a place to work.

The editorial states:

> Our economy is so large and diversified that even temporary weakness in the automobile and steel industries is no necessary harbinger of general difficulty. But certainly the latest data on employment and unemployment, as well as on production trends, suggest that this is a time for increased alertness among economic observers in business and government. The balance of probability is still in favor of this year being one of the most prosperous in our history. But it would not be inappropriate for those in responsible position to start thinking about what might be done should the present spotty weaknesses in the economy show signs of becoming cumulative and more general.

Mr. President, I think anyone who reads the report will certainly be shocked by it. These are ordinary Americans, who like to look upon their country as one of the greatest countries in the world. The words themselves are shocking. It is hard to understand how they would not be given serious consideration.

I wish to read what the Secretary of Labor had to say in his monthly report on the labor force for March, 1960:

> The unemployment situation in March was seriously affected by the unusually cold weather and heavy snowfalls throughout large areas of the country. Instead of showing the customary March increase, total employment edged down by a quarter of a million to 64.3 million. Agriculture and construction failed to show any other substantial seasonal pickup which normally occurs at this time of year.

The Secretary went on to say:

> Unemployment increased by nearly 300,000 to 4.2 million between February and March.

Everyone knows that between February and March ordinarily the employment picks up and unemployment goes down. In fact, this is the most outrageous report on the unemployment picture for our Americans which we have had since World War II for the month of March.

As I stated, Mr. President, when we presented the report of the Special Committee on Unemployment Problems to this body not over a month ago, we learned of an unemployment rate in Western Europe, in the great country of Sweden, for example, which, since World War II, has never been more than 2½ percent. The unemployment rate in West Germany has not been more than 2 percent, and the unemployment rate has not been more than 2 percent in England. In the great country of America we have an unemployment rate of 5.4 percent, with more than 4 million people out of work.

It is contended that a large part of the rise in unemployment has occurred among the outdoor workers, although there were some cutbacks in automobile and aircraft plants.

Mr. President, though I do not remember it very well, since I was quite young at the time, I remember a time when we had 4 million people unemployed, at another time in our history. I will tell Senators that one time we had 4 million people unemployed, at the bottom of the 1954 recession, not in a time of prosperity and not in a time when we are supposed to be "going great guns" and when we are supposed to be in a great big boom. At the bottom of

the 1954 recession we had 4 million people out of work.

Mr. President, there was another time when we had 4 million people out of work. That was in the spring of 1930. At that time we had 4 million people out of work. I will tell Senators that the weather during the winter of 1929–30 was exceptionally good and exceptionally mild. I am going to tell Senators what was said about the weather conditions on March 4 of 1930, approximately 6 months after the stock market crashed, when we had millions of people looking for work. These are the words of Tom Lamont, one of the greatest financiers of the United States. This is a quote from a statement of March 4, 1930:

> As weather conditions moderate we are likely to find the country as a whole enjoying its wanted state of prosperity.

The statements made are very similar. We are talking about the same thing, over 4 million people who are out of work.

I remember another great man at that time, the then President of the United States, who, on the day following the stock market crash, gave the same optimistic reports as to what the condition of business was going to be. He said, on October 30, 1929, the day after the stock market crash:

> The fundamental business of the country, that is, production and distribution of commodities, is on a sound and prosperous basis.

This is the prosperity we hear people talking about today. Let us see what is involved. Let us simply look at the report of Secretary Mitchell for a moment. We see that it contains these very selfsame warnings.

Mr. President, I do not want anyone to think I am saying that the country is in the same shape it was in in 1932, but certainly these are some warnings which should be carefully considered.

In the Secretary's report he says that automobile production is declining at a time when it should be increasing. He says that the average weekly hours of production workers in manufacturing industries declined when they should have been increasing, from February to March. He says that overtime declined in the last month, when normally it should be increasing. He says that the number of long-term unemployed—that is, those people who are out of work for 15 weeks or longer—still exceeds the all-time high. The figure stands at 1.2 million; and he says that whereas we should have an expanding economy with a growing population and the overall size of our labor force should be increasing rapidly, ours—not in his words, but, in effect, in his terms—is growing at a snail's pace.

Let us see exactly where we are in March 1960. Unemployment went up 300,000, to a total of 4,206,000. It should have dropped by 170,000. According to the Secretary's own words, this means that there are now—even from February 1960 to March 1960—475,000 more people out of work than normally should have been the situation.

Consider employment, the other side of the picture. The figures show that employment, instead of going up, dropped 250,000. The Secretary said it should have increased by 450,000, which means that we should have 700,000 more people employed this month than are actually employed.

There is one great light shed, one great ray of hope, one field in which employment went up substantially; namely, in the number of Government workers. There are 180,000 additional Government workers, because of the census. If we add those 180,000 to the 700,000 less who are employed at the present time, we come up with the staggering total of 880,000 people more than the number in February who should be working today, who are not working.

These are the Secretary's figures. What does he say? Has he any program? Only excuses are offered. The weather is blamed. Last fall it was the steel strike. After the steel strike, the inventories. The situation is even the subject of jokes. Men talk about going out and eating their hats, made from cake. In my opinion, humor is not proper under such circumstances.

These people are humans, and not mere statistics. They want to work for a living. As we have shown in the hearings conducted all over the United States, these people want to work. They say, "We want work. We do not want to draw unemployment compensation checks"—even though in many cases unemployment compensation has expired. They say, "We are too proud to go on relief. We do not send our children to school, because we do not have decent clothes for them."

The distinguished Senator from Kentucky [Mr. COOPER] knows that it was testified in some places that the situation was such that shoes were being collected to give to people who were out of work.

There were some agreements among our Committee on Unemployment Problems. Basically the majority and minority agreed upon one simple fact—in the first place, that we had a problem of national concern. No one can deny that today.

The majority made 13 distinct recommendations; and I think honestly we can look at those and divide them into two sections. The first group are designed to alleviate the effects of unemployment, the actual immediate effects of human suffering.

I think it is appropriate during Holy Week to remember that the Christian duty must concern itself with human suffering. That is a Christian duty. Much more, it should be a governmental duty for the Government to concern itself with human suffering. When we find a man who is out of work and sees his children starving, he will steal before he lets them starve. I know that we do not want to contribute to such a situation.

As I have stated, the 13 recommendations can be divided into two parts:

In the first group, those solutions designed to alleviate human suffering. First, we talked about legislation to assist distressed areas; second, about unemployment insurance to take care of the immediate needs of the unemployed; third, public assistance to take care of those people whose unemployment compensation has been exhausted.

Fourth, we talked also about strengthening the employment services themselves.

Fifth, we talked about legislation to take care of industries hurt by foreign competition.

In the second group we have measures, generally speaking, designed to prevent unemployment and to promote economic growth. If we are going to get at the heart and nub of the problem, the thing to do with the unemployed men is to put them to work. But it is not a mere matter of words. We must have action.

We relied to a great extent upon the report of the Joint Economic Committee, which made its study of the economic conditions of the United States. The Joint Economic Committee pointed out that the economic growth of the United States was not keeping pace. In fact, if our growth had been 5 percent from 1947 to 1959, our gross annual product would have been increased by $371 billion. Along with this, we could have satisfied many of the human needs and provided many jobs. But frankly, it appears that this administration and the President have put a governor on our economy. The only thing which seems to be ahead of schedule today is the predicted recession. It is coming much sooner than most people anticipate.

Many people say, concerning the predicted recession, "This is a political year. These statements come from the mouths of politicians." I should like to quote from a rather reputable magazine, which does an excellent job, namely, Nation's Business, the official organ of the U.S. Chamber of Commerce. On page 7 of the April 1960 issue we find the following:

> Next news you'll hear about overtime work is that it's slipping.
>
> Here's picture in advance:
>
> Average factory worker is putting in 2 hours, 48 minutes a week overtime.
>
> It's 3 hours a week for workers in durable goods industries, 2 hours, 36 minutes for nondurable goods.
>
> Average has been creeping up.
>
> Now it's expected to plateau, then begin creeping back down.
>
> That'll reduce average workweek (now little less than 40½ hours).
>
> Importance to all businessmen—big or small—is this:
>
> Changes in length of average workweek usually come months ahead of major economic fluctuations.
>
> Study covering economic changes since end of World War I indicates length of average workweek will taper off, begin to decline about 7 months ahead of business dip.

This is April 1960. Let me tell Senators what some of our people out in Indiana are doing. This is what some of those who are studying business conditions think. This comes from the Indiana University School of Business, in the April 1960 issue of their magazine. They come forth with some rather informative statements. I think I shall let

them speak for themselves. I read from page 6 of the report for April 1960:

Thus, it seems premature to predict a recession beginning within the next 3 to 6 months.

On the other hand, a recession within the next year to 18 months seems likely.

We have seen more than 4 million people out of work, at a rate of unemployment of 5.4 percent, in a period which we call prosperity. This is a paradox. According to Nation's Business, and according to the people who are working at Indiana University, we are heading for another recession, with a backlog of more than 4 million people who want to work, but cannot find jobs.

I read further from the report of the University of Indiana:

When it comes, many economists feel that an informed public policy should see to it that the budget is unbalanced with greater alacrity than was the case in the last two recessions. A good many of us argued in the winter of 1957–58 that an across-the-board tax reduction was called for to bring the economy soaring out of the recession of 1957–58, and hindsight should convince many legislators of the validity of this view. For the economy has not yet returned to anything like its vast potential, and it begins to look as though it will not do so in 1960.

More and more people in this country are beginning to feel that in the short run a restrictive monetary policy is awfully bad for business and that in the long run it impedes the growth of the economy.

Mr. President, these are statements by people concerned with the future of America. Some people, on the other hand, say, "You should not bring these facts out, because they are rather pessimistic."

There never was a period of greater optimism in the history of the United States than that which preceded the crash of 1929. Optimism and optimistic talk cannot assure prosperity. It will take more than words. It will take action. The administration, even though it knows it is faced with a grave national problem, has not come forward with a solitary piece of legislation or other proposal to alleviate the human suffering of 4 million Americans tonight. They refuse to do so. If they will not do anything about it, it will be necessary for us in Congress to give consideration to the problem, and do something about it. Of course, no matter what laws we pass, unless they are administered properly, that action will not be effective.

There may be some other solutions. Dr. Arthur Burns, former Chairman of the President's Council of Economic Advisers, and now president of the American Economic Association, gave some ideas on what should be done. He talked about having standby public works programs. He also spoke about tax revision on a real basis as a means of preventing economic recession.

Therefore it is possible that we will have to give some thought to the congressional action along three definite lines. We must substitute for the tight-money policy of the administration a new program, not necessarily one of loose money, but one which will accomplish economic growth through a managed economic program. The tight-money policy has only slowed our growth and has not halted inflation. It has certainly made it more difficult for business to live and to provide jobs for people who want to work.

I believe that we must certainly give some consideration to some real tax relief which will help economic growth, including efforts along the lines which have been suggested by former Presidential Adviser Arthur Burns during the 1958 recession.

We must also help restore our status in foreign trade, so that we can stop "exporting jobs." In this particular field I believe I can give some more ideas at a later time, along with what might be a possible solution.

The worst that the administration, in standing before the American people, can be accused of is not that they do not see the problem but, rather, that the problem is there but they have failed to offer any solution.

Congress is offering some solutions. Before they criticize these solutions too seriously, I believe it is proper for them to come up with some suggested solutions of their own.

SPACE ACCOMPLISHMENTS

Mr. COOPER. Mr. President, last month, on March 11, the United States successfully launched Pioneer V into orbit around the Sun. It carries the first long-range communications system designed to return signals over truly interplanetary distances in space, which is expected to radio data to the Earth across 50 million miles from the vicinity of the orbit of Venus. Pioneer V, the "paddlewheel" space probe, at noon today will be 4,586,063 miles from Earth, and is sending back scientific information daily. Within 2 or 3 weeks, its long-range radio will be called upon.

On April 1—2 weeks ago—at 6:40 a.m. e.s.t., the United States put Tiros I into a nearly perfect circular orbit. By tomorrow morning at 6:40, it will have made 202 circuits of the Earth—and hundreds of pictures. Tiros, the "weather eye" takes pictures of the weather on a global scale—an advance which is clearly a meteorological breakthrough. It is, I think, the first true space platform doing peaceful work useful to all mankind.

Yesterday, the United States launched Transit IB, a satellite testing a navigation system which could be used by ships and planes of every nation, in all parts of the world in any weather. Transit is this country's third space-age "first" within a month—in as many specific fields.

These historic feats compel the attention of the world to the accomplishments of this country in the peaceful use of space.

Since Russia launched Sputnik I on October 4, 1957, and Lunik I on January 2, 1959, great concern has been expressed in this country about our defenses, our progress in science and technology, and about our position of world leadership. There have been many critical speeches on the floor of the Senate calling attention to the Russian achievements, and demanding greater efforts by this country in the realm of space. This has been true, although while the United States has launched 2 highly successful Earth satellites within 2 weeks, and now has 9 satellites orbiting the Earth of the 17 it has successfully launched, the Soviet Union, as far as we know, has not launched an Earth satellite for nearly 2 years, since Sputnik III.

Had the launching of Pioneer V, Tiros, and Transit been Russian accomplishments, we would have heard many speeches about it on the floor of the Senate, expressing great concern about the state of our scientific progress and the delinquencies of our space program—and calls for imagination and urgent steps by the administration.

As it is, these exciting demonstrations of scientific progress and technical capability by U.S. satellites have not been mentioned by the critics of the Nation's space program.

In fact, the only comment I have heard in the Senate was made a few days ago by the distinguished Senator from South Dakota [Mr. CASE].

Two nights ago, the able titular leader of the Democratic Party, Mr. Stevenson, speaking in Charlottesville, Va., on the subject of truth to the people of this Nation, as I understood the subject, did not see fit to call to the attention of his audience or the people of the United States these tremendous achievements of our country in the field of space within the last 2 weeks.

I was sorry that I could not be here a few minutes ago to hear the speech of my friend and distinguished colleague, the Senator from Montana [Mr. MANSFIELD]. I would say about him—as I am sure most Senators would say—that when he speaks, he speaks from deep patriotic impulses. He is as little partisan as anyone in the Senate, particularly when he speaks on questions which affect the security of the United States.

I am sorry he is not here. However, in reading his speech, I find at page 20 the statement:

There are grounds for deep concern over our rate of achievement in space technology in a world which, for better or worse, increasingly measures national competence with the yardstick of advanced scientific progress.

That is a true statement, but again I say that there has been no critic of this administration or of the space program of our country, who has hailed the achievement of our scientists in the last 2 weeks with reference to the tremendous achievement in the launching of these Earth satellites.

I should like to speak today particularly about Tiros I, not only because it represents a demonstration of techniques, skill, and organization which testifies to tremendous progress in space, and points most hopefully toward even greater achievements. I speak of Tiros because I believe it is the first in the generation of useful satellites, which will benefit mankind.

I point out these obvious conclusions, which scientists have stated; and, of course, I draw from their conclusions.

First, certainly a primary consideration in rocketry is precision, and accuracy of launching. I understand that Tiros I is in the most perfect orbit ever achieved, having an apogee of 468 miles and perigee of 435 miles. I had not learned what those terms meant until several years ago, when the first satellite was placed in orbit. They mean that in its orbit almost 9,000 miles across, the satellite swings toward and away from the earth only 16 miles each way. Such an orbit, as nearly round as the earth itself, must have required a launching accuracy of four one-hundredths of a degree, and a cut-off speed timed within 22 feet per second of the planned velocity of 24,633 feet per second.

Second, Tiros I, launched by a Thor-Able three-stage rocket, not only weighs 270 pounds and is the largest "live" satellite flying, but is fully equipped with two television cameras, tape recorders, and transmitting equipment for each; receivers, sequence timers, and controls; position sensors; solar generators, batteries, and converters. Our first small satellites merely bleated the fact of their existence. Tiros I receives instructions, stores millions of bits of information, and transmits detailed photographs showing global cloud cover, and cloud types over smaller areas, to our receiving stations—on demand.

Third, our first satellites had a short, useful life. The surface of Tiros I is tiled with a mosaic of 9,200 solar generating cells, again a development of the United States, which during the illumined half of the trip convert sunshine into enough electricity to operate its cameras and recording and transmitting equipment, and can do so for an indefinite period.

Fourth, the early satellites tumbled through space. Obviously, Tiros I is stabilized and maintains its position. Its cameras will continue to scan the earth until its orbit and the position of the Sun put them in darkness after 3 months.

Fifth, while the Russians were able to take pictures of the hidden side of the Moon—and that was a historic achievement—the photographs taken by Tiros I are as useful and practical as they are technically spectacular.

These scientific and technical achievements do great credit to our continuing efforts in rocketry, communications, and the peaceful use of space. Tiros should be recognized for its combination of launching power and precision, together with its extremely complex payload, command control, and the wealth of information communicated. But greater than the prestige and satisfaction which the successful combining of these separate achievements permits us, is the contribution of Tiros I to the store of man's knowledge about his environment.

A record of the constantly changing and shifting cloud cover over large portions of the earth's surface represents a tremendous advance in weather information, with great potential for both short- and long-range forecasting, and toward developing basic meteorological theory. No possible combination of observations laboriously compiled from the surface of the earth could match the speed and scope of this feat—which a few years ago would have been considered fantastic.

As Dr. Wexler, Research Director of the U.S. Weather Bureau, has pointed out, even with the most elaborate networks we are now observing only about one-fifth of the total atmospheric mass. Large areas of the ocean, desert, and polar regions are completely uncovered by weather stations. Storms may brew in these areas for a day or longer without our being aware of them. So a Tiros system would improve the accuracy of forecasts, if for no other reason than that it will be observing parts of the atmosphere never observed before.

The Honorable T. Keith Glennan, Administrator of the National Aeronautics and Space Administration, has said that, of course, the purpose of the launching of the Tiros satellites is peaceful. Last Sunday, anyone who had the opportunity to hear Dr. Glennan on the program "Meet the Press," must have been impressed by his recital of the achievements of the Space Agency, and of the purposes of its satellites. But we know that satellites have other possibilities.

I shall not dwell on the implications of Tiros I for a more accurate mapping of the Earth's surface, for infrared sensing, and for defense. It may be hoped—and I mention this as a possibility—that observation from space could in time contribute toward disarmament by overcoming objections to observations carried out on the ground. In this respect, it seems to me that some future Tiros might very well carry out the purposes of the President's "open skies" proposal. It offers the hope of observation which could reduce tensions by overflying, in space, national barriers.

I hope we may be able to look back on these tangible achievements of the past month as a turning point, after which talk about losing the space race will have lost its point. If we maintain and increase our efforts as planned, I believe this will prove to be the case.

I take these accomplishments as a sign for the future, and as scientific and organizational achievements before the world which say that this Nation is, and promises to be, second to none.

Now, Mr. President, Mr. Glennan in his remarks last Sunday—and I intend to ask that parts of them be placed in the RECORD at the conclusion of my remarks—made a very interesting statement. I do not believe it has been questioned that the United States in its space program, so far as precision and accuracy are concerned, is at least equal to and may be ahead of the Russians. The criticism which has been made of the United States in its space program is that we have not yet developed an engine having the thrust to place large satellites into outer space, as have the Russians. It is believed that the Russians may have an engine with a thrust of 750,000 pounds, or perhaps 1 million pounds. We know that our own engines develop 350,000 pounds of thrust, and that we are working on engines which will develop a thrust of 1,500,000 pounds.

We hear criticism of the administration, especially the criticism that it is not doing enough. Dr. Glennan was asked on the "Meet the Press" program, "What effect did the cut by Congress last year in the appropriation for the space program have upon the planned projects of the Space Agency? Dr. Glennan said the Agency had been working on the F–1 engine. I have inquired about that engine and have been told that it is one of the scientific developments being worked on by the space agency, toward developing an engine which could produce a thrust of 1,500,000 pounds. Last year Congress—and I assume some of those who criticized our space programs had a part in it—reduced the appropriation for the space agency. Dr. Glennan said it was necessary to make a choice, and that, in his opinion, the reduction of the appropriation had set back the development of the F–1 engine at least 6 months. He said others thought it had set back the program from a year to a year and a half.

Mr. President, today I have suggested to the Senate and to the country, and particularly to those who, day after day and month after month, are critical of the efforts of this Administration, that the developments of the last few weeks have again shown that in regard to precision, techniques, and scientific developments, we have made great progress. The critics who say to the Nation that they are stating the truth, should at least give the Nation all the truth, and should tell the people of the great progress that has been made by the National Aeronautics and Space Administration, under the able leadership of Dr. Glennan and supported by the devoted efforts of hundreds and hundreds of scientists, technicians, and workers.

I now ask unanimous consent to have printed in the RECORD certain excerpts from the "Meet the Press" program; a very fine editorial published in the April 11 issue of Aviation Week and Space Technology; also a summary of the satellite situation, which shows the scorecard in regard to United States and Russian satellites; an editorial from the Christian Science Monitor of April 5; and an article from the New York Times of April 3.

There being no objection, the excerpts, editorials, summary, and articles were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM NBC RADIO AND TELEVISION PROGRAM "MEET THE PRESS" SUNDAY, APRIL 10, 1960

Moderator: Ned Brooks.

Guest: T. Keith Glennan, Administrator, National Aeronautics and Space Administration.

Panel: John Finney, New York Times; Peter Hackes, NBC, news; William Hines, Washington Evening Star; Lawrence E. Spivak, regular panel member.

Mr. BROOKS. Welcome once again to "Meet the Press."

The dramatic performance of the weather satellite, Tiros, now circling the earth has again focused world attention on the extraordinary possibilities of space exploration.

Our guest today is the head of the NASA, Dr. Keith Glennan. His agency was set up 18 months ago to conduct research and development of a program for the peaceful use of outer space. One of his top priority projects is the Mercury program for sending the first man into space.

Dr. Glennan served on the scientific team which made notable contributions to the war effort. For his work in the Navy's Underwater Sound Laboratory he was awarded the Medal of Merit. He served for 2 years as a member of the Atomic Energy Commission.

Dr. Glennan is now on leave from the presidency of Case Institute of Technology in Cleveland, a position he has held since 1947.

* * * * *

Mr. SPIVAK. Dr. Glennan, there are many people in this country who believe that unless we outstrip the Soviet Union in the exploration and exploitation of space we could as a nation face destruction. Do you?

Dr. GLENNAN. Mr. Spivak, I do not feel that the space business is the only business in which this Nation must win a competitive advantage with the Russians.

Mr. SPIVAK. Dr. Glennan, you yourself at one time said that Russia's head start in the space race—and I think these were your words "represents a real threat to our security."

Now what did you mean by that?

Dr. GLENNAN. I don't recall, Mr. Spivak, having made that statement, but I would think that if I did make it, and you say I did, that what I really meant was that unless we got on with the business of developing the scientific and technological know-how which we have in this country and putting it to very good use, we could fall behind in a variety of fields of technology and this we would not want to do.

Mr. SPIVAK. Well, I am only raising the question of what would happen if the Russians beat us in space? I am not suggesting that they are going to. I want to know how serious that would be? Men like Von Braun, for example, have said that we would be in mortal danger if the Russians first gained control of outer space. And this is the question I am asking: Do you think that we would be in mortal danger if the Russians did beat us? I am not saying that they have or will.

Dr. GLENNAN. I don't think we would be in mortal danger if the Russians gained control of outer space. I'd put it the other way, Mr. Spivak. I think the nation which is the leader on earth is going to control outer space. I don't believe myself that the control of outer space for military purposes such as the launching of missiles or anything of that sort is a probability in the very near future and thus I can't say that I would consider that the United States was in mortal danger if we did not control outer space.

Mr. SPIVAK. You say the nation that was the leader on earth will control outer space?

Dr. GLENNAN. I think so.

Mr. SPIVAK. What do you mean by that?

Dr. GLENNAN. I mean that the strong nation on earth is undoubtedly the nation which will be first in outer space.

Mr. SPIVAK. But the question I come back to is not whether we are going to be the first there, but how serious would it be if we were not there ahead of the Russians?

Dr. GLENNAN. I think it would be serious in the sense that it would mean that our total technology had in essence broken down. This is probably the most difficult and complex technology that any of us have ever tried to deal with, and thus I think that it would mean that we had really given up.

* * * * *

Mr. FINNEY. You are one of our leaders here in the space program, Dr. Glennan. Would you have any objection to the Soviet Union putting a military reconnaissance satellite over our Nation?

Dr. GLENNAN. They can get the information they need about our Nation very much more easily just by reading your paper, Mr. Finney.

Mr. FINNEY. One further question on Tiros: When Mr. Khrushchev was here last fall he presented President Eisenhower with a model of the payload the Soviet Union put on the moon.

I wonder if there are any plans now for President Eisenhower to present Mr. Khrushchev with an album of photographs of the Soviet Union taken by an American satellite?

Dr. GLENNAN. That might be an idea. I don't know of one, but we ought to take that into consideration.

Mr. FINNEY. I wonder if we might propose that to President Eisenhower?

Dr. GLENNAN. I will tell him that you have suggested it.

* * * * *

Mr. HINES. Now I would like to ask you a few more questions about the Mercury astronaut program. One of them relates to the time, the approximate time of the first Redstone shot. I understand you are going to put a man up about 100 miles up and about 100 miles out and bring him back to earth sometime this year.

Can you give us a little closer fix of time?

Dr. GLENNAN. No; I think not, Mr. Hines. We have said consistently that we will not attempt a manned flight until we are as certain as possible of the reliability of the various systems and subsystems that are involved in the Mercury package.

The way the program is presently going, we feel fairly confident that late this year we will be able to attempt a training flight of the astronaut on the nose of a Redstone missile.

* * * * *

Mr. SPIVAK. Well, the question I am raising: We have all begun to take it for granted now that someone is going to the moon sooner or later, and coming back. Now do we know enough scientifically now to be able to say that that is a certainty, that sooner or later if not in our lifetime, shortly after, someone will go to the moon and come back?

Dr. GLENNAN. Well, I have no question of this. I think this will be done. Just as men for decades attempted to climb Mount Everest. Someone got there finally.

Mr. SPIVAK. Is this a hope on your part, but do we know enough scientifically now to be able to say that it is going to happen? Is certain to happen?

Dr. GLENNAN. It is a conviction on my part. I simply say there is a great deal of information that must be found out before it can be done. I am optimistic about our finding out that information.

Mr. SPIVAK. Do you think we would be able to work this out faster if the Russians and the Americans worked together on this plan?

Dr. GLENNAN. I don't know that we would work it out any faster, but I think we might do a better job. This is strangely enough one of the areas which interests me most. That in the space business we have, I think, perhaps a new mechanism for international cooperation which we ought to push just as hard as we can.

Mr. SPIVAK. Have you or has anybody in the United States proposed to the Russians that we work on this one project together, of getting a man to the moon and back?

Dr. GLENNAN. No; we have not, Mr. Spivak. The——

Mr. SPIVAK. Would you like to see this happen?

Dr. GLENNAN. Yes; I would like to see this happen. I did make a proposal in a speech which was covered by a letter to the Russians, offering them the use of, or offering to provide them information from our tracking stations for whatever man-in-space program they might have. They responded saying that this was an offer which they were grateful for and if they needed it they would make use of it.

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Mr. FINNEY. I'd like to go to your budget, Dr. Glennan. Last year the Democratic Congress cut your budget by about 6 percent, giving you $500 million.

What effect did this cut have in slowing down our space program?

Dr. GLENNAN. Well, it required us to make some decisions with respect to particular projects which would be reduced in support. In a situation of that kind one most often takes the long-range project and reduces that and says, "Well, we will pick this up a year from now."

This was the case with the F–1 engine, for instance, which we reduced by some $6 million. This probably slowed it down—I think somebody used the figure of 12 to 18 months. I don't really know what it would be, but my guess is perhaps more nearly 6 months.

Mr. FINNEY. Now there is a report circulating on Capitol Hill that the House Appropriations Committee is about to cut your budget for the coming fiscal year—you requested $915 million—by 4 percent. If such a cut were made, would it have a harmful impact upon our space program?

Dr. GLENNAN. Most certainly, Mr. Finney. We don't play at putting budgets together. That is a serious request. In my opinion it is a tight budget in the sense that we have not provided for a lot of extra money that would help us were we to have a failure in some particular element in our program.

No, it would hurt us.

Mr. HINES. Dr. Glennan, I would like to go back to follow up on Mr. Spivak's question about the joint effort. His question was directed to joint efforts between the Soviet Union and the United States. Do you think perhaps our space dollar would go further if we had a joint effort between the military and civilian ends of the space business in the United States?

Dr. GLENNAN. I doubt at the present time whether this would be the case, actually. We do have, of course, a very well articulated effort as between NASA and the military. They are pursuing a series of projects which they believe will allow them to do a particular task in space better than they can do it in some other medium.

Mr. HINES. Some time ago on this same program, Chairman McCone of the Atomic Energy Commission, a member of the Space Council at that time, said that he favored a single, coordinated civilian-dominated space agency, including military applications. How do you feel about this same thing?

Dr. GLENNAN. I do not favor that. This is the essence of democracy. We each state our own point of view. I feel rather strongly that the way we are organized presently is perhaps the best, at least for the present time.

[From Aviation Week and Space Technology, Apr. 11, 1960]

SPACE PROGRAM TURNS A CORNER

(By Robert Hotz)

The successful operations of the Pioneer V deep space probe and the Tiros weather-eye satellite during the past few weeks may indicate a significant upturn for the U.S. space program as currently operated by the National Aeronautics and Space Administration. Both of these space shots were executed with technical precision that placed their payloads in their anticipated positions in space. Both payloads have been functioning with a high degree of reliability and returning a significant amount of useful scientific data to earth. The almost perfect circular orbit of Tiros is another major advance.

These successful space ventures are also significant because they prove a point many people made in the early days of the sputnik era. This was that this country has the technical capability to mount a scientifically significant and internationally useful space

exploration program and that the only essential ingredient lacking was national leadership and organization.

All of the hardware utilized in both Pioneer V and Tiros came from groups long established in the aerospace industry: Radio Corp. of America, Space Technology Laboratories, Douglas Aircraft, North American Aviation, Aerojet, Hercules Powder Co. and several universities. Launchings were handled by the USAF Ballistic Missile Division which has managed the ballistic missile program so expeditiously. NASA, of course, served as the overall systems manager for both of these projects.

There are some notable differences between Pioneer V and Tiros, on the one hand, and the Soviet lunar ventures of last fall. The Soviets have still not furnished much useful scientific data from these lunar ventures despite the successful execution of both the impact and satellite missions. Nor have the Soviets, for all their lip service to scientific interchange, made much tangible contribution to this cause. This may be because the data returned from their impressive list of successful space vehicles is meager and they might be internationally embarrassed by this exposure or it may be simply another manifestation of the centuries-old Russian passion for secrecy in conflict with its modern environment.

However, both Pioneer V and Tiros are already firmly established by their performance in space as scientifically useful ventures. This significance is expanding with each passing day of their performance. Pioneer V, among other things, has proved the feasibility of long-range communications in outer space and has given a remarkable demonstration of the reliable use of solar energy in this area. Tiros, providing its global cloud cover strips, certainly must have an impact on some of the early skeptics who refused to believe that anything really useful to man on earth could come from this space nonsense. Tiros is the first of the initial generation of useful satellite programs whose benefit will soon be available.

On the basis of the data made available by pioneer NASA on its variety of space programs, particularly Pioneer V and Tiros, compared with what the Soviets have made public on their efforts, it appears that we have begun to produce more scientifically useful space efforts than the Soviets, although it will be a long time before the international propaganda luster is worn from their initial successes.

It would be a mistake to conclude that Pioneer V and Tiros, have in themselves won the space race with the Soviets and that we can now relax and coast along comfortably. It is obvious that the Soviets have more tricks to pull from their space bag. With the decay of Sputnik III it is not likely that they will leave space bare of devices bering the "CCCP" label of their Cyrillic alphabet. It takes no special crystal ball to predict that the next Soviet space efforts will be timed to obtain maximum political effect from the summit meetings in May and President Eisenhower's visit to the U.S.S.R. in June.

Thus far, the Soviet space scientists have loftily rejected U.S. proposals to establish an International Academy of Space Sciences (AW March 28, p. 25) as premature. This attitude is apparently stimulated by the Soviet feeling that they are the primary fount of space science, and little contributions are available now from other countries. Dr. Theodore von Karman, one of the authors of the international proposal, has wisely observed that this Soviet intransigence is likely to melt once we have a few successes. It will be interesting to watch the Soviet attitude toward the international academy proposal as a possible barometer of their own space technology and an indication of when they feel they may have something to gain from an international scientific exchange.

One other aspect of the Soviet space program, in contrast with our own, that emerges with the passing of time is the surprising lack of depth and scope to their effort. They have conducted no satellite launchings since Sputnik III on May 15, 1958. In the interval, they have mounted only three lunar missions. This is ample for an international propaganda program but can hardly fill the requirements of a serious space exploration program.

In contrast, both the NASA and USAF space programs are now moving on an extremely broad front covering the entire spectrum of immediately feasible space exploration projects and aimed at providing immediately useful results from space such as long-range communications, reconnaissance, weather information, and precise navigation fixes.

Thus, as we pass the halfway mark of the third year of the space era, we can see some significant changes developing in our position versus that of the Soviets.

There is general agreement that NASA has developed a sound 10-year program for the scientific exploration of space and the military services keenly appreciate the potential of space systems to deter aggression and blunt the edge of enemy surprise.

The problem now is to stick to the objectives detailed in the NASA program and to push their achievement with the full budgeting and technical support they require.

We are certainly in a bitter international contest with the U.S.S.R. for the minds of men, and space is an important sector in that battle. But, regardless of this important aspect of our space program, there are many other valid reasons for pressing on at a maximum technical pace to reap for ourselves and the rest of mankind the immediate benefits available in space and to provide more knowledge of the universe around us that is the truly distinguishing mark of man himself.

Satellite situation report

	Code name	Source	Launch	Status	Period, minutes	Statute miles	
						Apogee	Perigee
Satellite:							
Alpha 1	Rocket body	U.S.S.R.	Oct. 4, 1957	Down Dec. 1, 1957			
Alpha 2	Sputnik 1	U.S.S.R.	do	Down early January 1958			
Beta	Sputnik 2	U.S.S.R.	Nov. 3, 1957	Down Apr. 14, 1958			
Alpha	Explorer 1	United States	Jan. 31, 1958	In orbit	108.6	1,232	216
Beta 1	Rocket body	do	Mar. 17, 1958	do	138.2	2,683	402
Beta 2	Vanguard 1	do	do	do	133.8	2,445	401
Gamma	Explorer 3	do	Mar. 26 1958	Down June 28, 1958			
Delta 1	Rocket body	U.S.S.R.	May 15, 1958	Down Dec. 3, 1958			
Delta 2	Sputnik 3	U.S.S.R.	do	Down Apr. 6, 1960	89.7	238	105
Epsilon	Explorer 4	United States	July 26, 1958	Down Oct. 23, 1959			
Zeta	Atlas	do	Dec. 18, 1958	Down Jan. 21, 1959			
Alpha 1	Vanguard 2	do	Feb. 17, 1959	In orbit	125.0	2,049	347
Alpha 2	Rocket Body	do	do	do	129.6	2,279	347
Beta	Discoverer 1	do	Feb. 28, 1959	Down early March 1959			
Gamma	Discoverer 2	do	Apr. 13, 1959	Down Apr. 26, 1959			
Delta	Explorer 6	do	Aug. 7, 1959	In orbit	686.2	23,980	117
Epsilon 1	Discoverer 5	do	Aug. 13, 1959	Down Sept. 28, 1959			
Epsilon 2	Capsule	do	do	In orbit	103.2	1,004	121
Zeta	Discoverer 6	do	Aug. 19, 1959	Down Oct. 20, 1959			
Eta	Vanguard 3	do	Sept. 18, 1959	In orbit	130.0	2,322	315
Iota 1	Explorer 7	do	Oct. 13, 1959	do	101.2	671	345
Iota 2	Rocket body	do	do	do	101.1	670	343
Kappa	Discoverer 7	do	Nov. 7, 1959	Down Nov. 26, 1959			
Lambda	Discoverer 8	do	Nov. 20, 1959	Down Mar. 8, 1960			
Tiros 1		do	Apr. 1, 1960	Orbiting earth	99.15	468	435
Transit 1		do	Apr. 13, 1960	do	94		
Lunar and space probes:							
Lunik 1	Mechta	U.S.S.R.	Jan. 2, 1959	Orbiting sun			
Pioneer 4		United States	Mar. 3, 1959	do			
Lunik 2		U.S.S.R.	Sept. 12, 1959	Hit moon, Sept. 13, 1959			
Lunik 3	59 Theta	do	Oct. 4, 1959	Orbiting earth			
Pioneer 5		United States	Mar. 11, 1960	Orbiting sun			

SCORECARD ON SPACE SATELLITES

This is a report on satellites and space probes since 1957. Fourteen American and two Soviet satellites are still in orbit in outer space. The apogee and perigee—or maximum and minimum altitudes—of the satellites also is listed in cases where this data is known.

[From the Christian Science Monitor, Apr. 5, 1960]

PEACEFUL SATELLITES

The peaceful uses of space should predominate over its potentialities for strife. The space age opened under happier auguries than the atomic age. The earth satellites, from sputnik to Tiros, have been devoted to widening the horizons of knowledge. So have the moon probes. Men seeking peace should endeavor to preserve this emphasis.

World thought is too much obsessed with weapons. From some discussions of defense one might gather that all rockets are missiles and missiles alone count in military preparedness. And now Tiros is being labeled a "spy in the sky."

Of course the reconnaissance value of satellites is obvious. Tiros' pictures give startling evidence of the possibility of keeping a continual photographic and infrared watch on the globe. Such an aid to inspection could become important in arms control.

But Tiros' immediate concern is with the weather; it is spying on cloud formations and movements. This kind of service could become highly valuable to the whole world. It could well be established as a cooperative international undertaking. And similar values should be developed by communications satellites.

Moreover, it should be recognized that even when satellites are developed for reconnaissance they will still be primarily agents of peace—promoting arms controls and lessening both the fears and the temptations of surprise attack.

[From the New York Times, Apr. 3, 1960]

NEW TIROS SATELLITE WILL HELP IN FORECASTING GLOBAL CONDITIONS

(By John W. Finney)

On April Fool's Day this week a "weather eye" satellite was launched which some day should help keep the weatherman from being fooled by the weather. Eventually the satellite may also lead to the day when man can modify and control the weather. In the long history of weather forecasting, which over the ages has developed from personal hunches to a science of meteorology, the satellite marks the most revolutionary step forward in understanding and predicting the weather.

The 270-pound pillbox shaped satellite, known as Tiros I, for the first time was giving the earthbound weatherman a glimpse, from the vantage point of space, of how the weather looks. Within the satellite are two television cameras taking pictures of the cloud cover below from an altitude of over 400 miles. One of the cameras is taking pictures covering a 640,000-square-mile area. The other is taking more detailed pictures within this area. The series of space "snapshots," stored on magnetic tape within the satellite, are relayed by radio to two tracking stations—one in Hawaii and the other in New Jersey—where they are reconstructed into pictures.

PICTURES TRANSMITTED

Within a few hours after the launching early Friday morning Tiros I was relaying back pictures as it circled the earth between 50° north and south.

The pictures were somewhat fuzzy, but they clearly showed a cloud mass stretching from north to south over the gulf of St. Lawrence. Most importantly, they demonstrated the feasibility of using satellites as global weather stations.

This is the basic significance of Tiros I for it points to the day when man at last can get a global picture of the weather which is obviously global in its nature. At present, the meteorologist is forced to piece together a global weather picture from a series of widely separated observations made from the ground. And there are great gaps in this observational network.

As a weather-eye satellite, the weatherman will at last be able to get a global insight into the weather, the basic mechanics of the earth's weather, how storms are formed, the influence of solar disturbances upon weather patterns. From the standpoint of basic knowledge of the weather, information will be obtained on how the earth's great heat machine works in taking in energy from the sun, absorbing and storing the energy and reradiating it back into space. It is the operation of this heat machine, taking in energy near the equator and transferring it toward the polar regions to be sent back into space, which regulates the formation of weather.

HEAT BALANCE

But the operations of this heat machine are still not well understood. The balance between the energy acquired near the equator and lost over the polar regions is still a mystery. If this mystery can be solved—and satellites now provide the tools for solving it—the weatherman will acquire the basic knowledge necessary for constructing patterns of weather as well as for answering that intriguing question of whether earth is gradually warming up.

More practically, the weather-eye satellite will fill in the great gaps in the observation of the weather and permit not only better forecasts but early detection of storm patterns which will grow into hurricanes, cyclones and thunderstorms.

Tiros I is but a crude forerunner of weather-eye satellites which will follow. Future meteorological satellites—such as Tiros II, which will be launched this summer—will contain infrared detection devices which will measure the earth's heat budget, or how much energy is received by the earth over different regions, how much is reflected back by the clouds, how much is stored in the earth, and how much is reradiated later back into space. The infrared devices will also be able to measure the temperatures on top of the clouds and below the clouds.

Future weather satellites now being planned by the National Aeronautics and Space Administration will carry improved television cameras which will be able to take more detailed pictures of the cloud cover and storm formations. They will also carry small radars which will be able to measure the thickness of cloud formations and spot rain and snowstorms in much the same manner as the Weather Bureau's ground radars.

NOT OVER POLES

As a weather-eye satellite, Tiros suffers from two basic handicaps. Its orbit does not carry it over the polar regions where much of the weather is formed. Secondly, it is so stabilized in space that its television cameras, jutting out from the bottom, do not always point toward the earth. The space agency is now working on a satellite, known as Nimbus, which will overcome both of these handicaps.

Nimbus is the prototype for the network of meteorological satellites which the space agency hopes to establish in space before the end of this decade. The space weather system will consist of about half a dozen satellites, in polar orbits and spaced apart so that they will be able to maintain virtually continuous surveillance of all parts of the earth. And circling around the equator would be one or two satellites looking for potential hurricanes or typhoons.

Before the end of this decade, therefore, the successors of Tiros I should be providing man with greatly improved forecasts of the weather over every region of the earth. And by the end of this decade, meteorologists believe they should have enough basic knowledge about the weathermaking process to be able to say whether man can, at least in some small measure, modify or control the weather.

Down-to-earth technical and political problems remain to be solved before such a space weather system can be placed into operation. The weather satellites will literally deluge the weather man with information and large electronic computer centers will have to be developed to collect and analyze the satellite data and translate it into weather forecasts.

In the years to come, the April 1 launching of Tiros will probably be looked back upon as the day when man began to use space for practical applications and in the process to save mankind from untold losses through better weather prediction.

Mr. CARLSON. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. CARLSON. I wish to commend the distinguished Senator from Kentucky for his very timely statement on our space program. His statement is most helpful, and I am delighted that this afternoon he was informed the Senate and the country of the great progress that is being made in the space field.

I think the RECORD should show what has already been demonstrated, namely, that not only are we getting underway with this program, but we are also making rapid progress; and it will be only a matter of time until we achieve—if we have not already achieved them—results equal to, or greater than, those of Russia.

The Senator from Kentucky has this afternoon given a most encouraging report, and I thank him for it.

Mr. COOPER. I thank the Senator from Kansas for what he has said. I appreciate very much his kind remarks.

Mr. ALLOTT. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. ALLOTT. I wish to say that in my opinion the Senator from Kentucky has performed a most worthwhile service by calling to the attention of the country and the Senate the kind of job our country has been doing in this particular field.

Only this morning I had an opportunity to have made a considerable review of the situation and the facts in regard to Tiros I. I believe it significant that 9 of our 17 successful earth satellites are still circling the earth, whereas I believe that the last Russian satellite is now out of the skies; and we have two far out, circling the sun.

What the Senator from Kentucky has done is good for us, because it calls the attention of the American people to the fact that we are making positive scientific achievements. The spectacular results of Tiros I already are such as to justify great faith in our scientists.

In calling this matter to the attention of the Senate and to the attention of the country, the Senator from Kentucky has, by his very thoughtful remarks, certainly rendered a very worthwhile service.

Mr. COOPER. I thank the Senator from Colorado.

I agree with him that these developments are signs of healthy progress and good progress in this field.

CENSUS STATISTICS CAN'T BE MADE COLORBLIND

Mr. COOPER. Mr. President, questions have been raised about the propriety of the census question asking about race. As I understand, the short form distributed in advance asks: "Color or race—white, Negro, American Indian, Japanese, Chinese, Filipino, other?" I

understand that race has been asked in every decennial census since 1790, and that it was originally required by section 2 of article I of the Constitution. Since 1870 it has had added pertinence under the 14th and 15th amendments to the Constitution.

In this connection, I ask unanimous consent that an editorial from the Louisville Courier-Journal for Sunday, April 10, be printed at this point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, Apr. 10, 1960]

CENSUS STATISTICS CAN'T BE MADE COLORBLIND

The American Civil Liberties Union's zeal is so customarily well directed that we note an exception with both surprise and regret. The ACLU has in effect challenged the Government's right to collect statistics bearing on the race and color of the population. It offers to defend anyone threatened with prosecution for refusing to answer a question which, in essence, the Census Bureau says, has been part of every decennial enumeration, beginning in 1790.

About 20 years ago, the Carnegie Corporation of New York imported a noted Swedish scholar, Gunnar Myrdal, to make a comprehensive study of the Negro in the United States. The corporation, a philanthropic foundation, felt that it and other foundations needed more light than was readily available on the racial problem before funds meant to hasten its solution could be intelligently distributed. The corporation also felt that a foreign scholar from a country having no background or traditions of imperialism would be desirable.

Mr. Myrdal went about his work with extraordinary diligence, producing in 1944 a two-volume work entitled "An American Dilemma." The book is the opposite of unsympathetic to the Negro. We refer to it now because we don't see how it could have been published without reference to the vast libraries of statistics which the Government during many decades has gathered relating to the subject matter. In listing his sources, Mr. Myrdal names no fewer than 30 Census Bureau publications, and a much larger number of other Government publications which Mr. Myrdal found useful because of their bearing on race and color in this country.

The Census Bureau's question may be awkwardly or confusingly phrased, as the ACLU alleges. This is a characteristic common to most bureaucratic questions—a characteristic to which, in another field, thousands of tax lawyers owe their livelihood. But to say, as the ACLU does, that a mere attempt to collect relevant statistics "raises in the minds of many people the specter of some threatened discrimination" is to insult the intelligence of every American who is not white.

Mr. COOPER. Mr. President, I should like to add, for myself, that I do not see how problems in the field of civil rights can be defined, or their scope known, if such statistics are not kept. Certainly the census figures compiled by the Department of Commerce are among the most fundamental data on which departments of the Government, the Congress, the press, and the public must depend for the factual information which precedes any informed discussion.

The Congress has just completed a long debate on civil rights. Although many figures which might have been helpful were not available, Members of Congress have at least been able to relate the problems of desegregation and voting rights to the size of the Negro population of particular areas. If population figures by race are not kept, it would confuse even this starting point for discussion, and perhaps would lead to fruitless argument over the most basic assumptions.

Furthermore, it seems to me a disservice to those most directly concerned to recommend wiping out a basis on which economic progress and changes taking place in the distribution of population can be measured.

All of us are familiar with the legitimate objections to questions as to race or color, when there is a possibility that they could be improperly used. But the census seeks only to compile totals, and cannot be applied to individual situations as a means of discrimination.

We know also of the sensitivity to such questions, aroused undoubtedly by the fact of discrimination. To a lesser degree there is also sensitivity as to questions about age, income, and the other information required by the census. But in the census, all these questions are objective; each individual response disappears into the totals.

If any census category is dropped, there are two results: First, it becomes impossible to make the distributions for that group by area, income level, occupation, housing and facilities, age or any other factor—that is, to describe the group. Second, if it is a significant category, with differences, these differences are merged into an average which may be meaningless for either group.

I suggest that the most helpful course for those interested in minority groups is to encourage more information, rather than the curtailing of information. For example, I note that the U.S. Civil Rights Commission, in its 1959 report—chapter IX, page 136—directed its first voting rights recommendation to a count by the census of individuals who are registered, and who have voted—by race, color, and national origin. The Commission cited a "compelling need" for such statistics, such that a supplementary census ought to be considered.

And in its second education recommendation—chapter XI, page 327—the Commission recommended that the decennial census, and an annual census thereafter, compile data on the number and race of all students enrolled in public educational institutions, by States and by school districts. It did so because basic data on desegregation are no longer available.

I do not at this time support these recommendations; they may not be practical. But I think they make clear the fact that reliable, basic census data, by race, is essential to progress in civil rights, and to intelligent discussion of the problems we face.

INTEGRATION ENDORSED BY CHURCHES

Mr. President, I also ask unanimous consent to have printed in the body of the RECORD an editorial entitled "The Churches Endorse Business Integration," which was published on April 9 in the Louisville Courier-Journal. The editorial commends the action of the Louisville Ministerial Association on this issue.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, Apr. 9, 1960]

THE CHURCHES ENDORSE BUSINESS INTEGRATION

The question of segregation, as we observed in these columns in February, is a constant challenge to white church leaders and to all who like to think of themselves as bound by moral laws.

After long deliberation, the Louisville Ministerial Association, a Protestant group with a white majority membership, met this challenge courageously by calling for strong measures against segregation in restaurants, theaters, hotels, and motels. The ministers' resolution did not mention churches, some of which draw no racial lines, but it did bespeak "voluntary desegregation by persuasion through individual contacts with businessmen" before legal action in the business field is invoked.

For the sake of continued progress in good racial relations in Louisville, to which the far-sightedness and patience of Negro leadership has contributed so much, we hope the community will support the voluntary-desegregation program of the churches. It will be better for all concerned if it works, with progress instead of possible trouble insured.

The legal issue, of course, is not as simple as the moral issue. The Attorney General has found nothing in the State or Federal constitutions to prevent an ordinance compelling business houses to desegregate, but the almost unanimous resolution of the board of aldermen against such force, and Mayor Hoblitzell's insistence that "integration of private business must be a voluntary thing," reflects a wide belief that attempts to force integration by law would set back progress rather than advance it. Louisville has made considerable progress in voluntary desegregation. We believe it should and will make more.

HELIUM CONSERVATION

Mr. ALLOTT. Mr. President, on behalf of myself and the senior Senator from Montana [Mr. MURRAY] I introduce, out of order, and send to the desk, for appropriate reference, a bill to amend the Helium Act of March 3, 1925, as amended. The bill provides for a helium conservation program similar to that under Senate bill 2567, sent up last year by Secretary Seaton, and introduced at that time by Senator MURRAY. Since the introduction of that bill, which I cosponsored, a variety of suggestions for improving it have come to my attention.

Briefly, the bill will permit the Secretary of the Interior to acquire—although the Secretary already has many of these powers—for purposes of conserving, producing, buying, and selling helium, the authority to acquire by purchase, lease, gift, exchange, or eminent domain, lands, or interest therein or options thereon, including sites and rights to use oil and gas leases and oil and gas and helium mixtures, as well as helium itself, in order that helium may be collected, gathered, and preserved in

underground storage or other storage, for the safety and welfare of the United States.

Mr. President, it is no secret that helium is today becoming more and more valuable to the United States. A great deal of the natural helium in our country is now being burned in furnaces, stoves, and all sorts of manufacturing processes, because the gas which contains helium is burned, and the helium then goes up the flues.

Therefore, if we are to preserve for our great future scientific progress the helium we have in this country, and if we are also to preserve it for our aircraft and for all of the other thousands of increasing uses to which it can be put, it is necessary that we expand the legislation in this field, in order adequately to protect the helium we now have, and take care of that which now is being wasted, but which hereafter will be stored, under the authority proposed by this bill to be given to the Secretary of the Interior.

For almost 2 years I have been engaged in continuing discussions with representatives of the Department of the Interior and affected industry representatives. These have led to the development of this bill, which I sincerely believe is in much cleaner form and more technically sound than the original bill, S. 2567, introduced by Senator MURRAY. In drafting this bill, with the excellent help of the Office of Legislative Counsel, it has been my concern to insure that the program envisaged by this legislation be effectively administered in the national interest by the Department, and also be equitable to those who have found and developed these helium-bearing gases.

I should like to take a moment, at this late hour, to discuss one very real and substantive problem in connection with the earlier draft of the bill. This problem relates to the power of the Secretary of the Interior to condemn and take not only the helium and gas but also an entire gas-producing field and appurtenant pipelines and property. This authority may be necessary under extreme circumstances, and I believe the Secretary should have such authority. Everyone seems agreed that it would be much better to purchase only the helium itself; and ordinarily that procedure will be utilized by the Secretary. This bill specifically directs the Secretary to attempt to negotiate such contracts, but authorizes him to condemn any property or rights necessary if, after a hearing, he makes a finding that he is unable to acquire the helium upon reasonable terms and at the fair market value.

House bill 10548, introduced by Representative ROGERS of Texas on February 18, 1960, and other bills introduced this year in the House, would meet this problem by precluding the Secretary of Interior from utilizing the eminent domain procedure when the owner is willing to sell such helium "upon terms and at a price which is commensurate with the fair market price." I am concerned lest such a provision allow someone arbitrarily to hold up this much-needed helium conservation program by several years of court proceedings before the Secretary could even initiate a condemnation action.

I believe sincerely that the provisions of this bill represent a fair compromise under which the owner of natural gas properties will be protected from any possibility of the arbitrary use of eminent domain authority; but, under the bill undue burdens will not be imposed on the Secretary if it should become necessary to enter into a condemnation proceeding.

The bill also would avoid the problems inherent in using a fair market price concept in a situation in which there is actually no market and, accordingly, no price.

I am advised that the Public Lands Subcommittee of the House Committee on Interior and Insular Affairs has today considered legislation on this subject, and reported it favorably to the full Interior Committee of the other body. I hope the provisions of my bill will be considered as the legislation moves through the Congress. I believe my bill represents an improvement over the earlier measures.

In the interest of national defense and our general welfare, it is urgent that as soon as possible we get on with the long overdue job of conserving our scarce supply of helium, much of which is now being wasted. Enactment of this bill will make it possible to meet these objectives without endangering the traditional and basic tenets underlying our system of private enterprise in the production of fuels.

I ask unanimous consent that the bill be printed at this point in the RECORD.

The bill (S. 3376) to amend the Helium Act of March 3, 1925, as amended, for the defense, security, and the general welfare of the United States, introduced by Mr. ALLOTT (for himself and Mr. MURRAY), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes", approved March 3, 1925 (43 Stat. 1110), as amended, is amended to read as follows:

"That this Act may be cited as the 'Helium Act of 1960'.

"SEC. 2. As used in this Act:

"(1) The term 'Secretary' means the Secretary of the Interior;

"(2) The term 'person' means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, or State or political subdivision thereof; and

"(3) The terms 'helium-bearing natural gas' and 'helium-gas mixture' mean, respectively, natural gas and gas mixtures containing three-tenths of 1 per centum or more of helium by volume.

"SEC. 3. (a) For the purpose of conserving, producing, buying, and selling helium, the Secretary is authorized—

"(1) to acquire by purchase, lease, gift, exchange, or eminent domain, lands or interests therein or options thereon, including but not limited to sites, rights-of-way, and oil or gas leases containing obligations to pay rental in advance or damages arising out of the use and operation of such properties; but any such land or interest in lands may be acquired by eminent domain only when the Secretary determines (A) that he is unable to make a satisfactory agreement to acquire such land or interest in land, and (B) that such acquisition by eminent domain is necessary in the national interest;

"(2) to make contracts and agreements for the acquisition, processing, transportation, or conservation of helium, helium-bearing natural gas or helium-gas mixtures upon such terms and conditions, and for such periods, not exceeding twenty-five years, as may be necessary to accomplish the purposes of this Act, except that such contracts and agreements shall not require payments by the Government in any one fiscal year aggregating more than the amount which shall be established initially in an appropriation Act and which may be increased from time to time in appropriation Acts, or if the Secretary—

"(A) determines that the national interests require the conservation of any helium or require any helium-bearing natural gas or any helium-gas mixture for the production or conservation of helium, and

"(B) after a hearing granted to the owner of such helium, helium-bearing natural gas, or helium-gas mixture, makes a finding that he is unable to acquire such helium, helium-bearing natural gas, or helium-gas mixture upon reasonable terms and at the fair market value,

he is authorized to acquire by eminent domain such helium and so much of such helium-bearing natural gas or helium-gas mixture as is necessarily consumed in the extraction of such helium after removal from its place of deposit in nature and wherever found, or the temporary use of such helium-bearing natural gas or helium-gas mixture for the purpose of extracting helium, together with the appropriate interest in pipelines, equipment, installations, facilities, personal or real property, including reserves, easements or other rights necessary or incident to the acquisition of such helium, natural gas, or mixture, but the condemnation of any such helium, helium-bearing natural gas, or helium-gas mixture, shall be effected in the same manner and following the procedures established in section 8(a) of this Act, the just compensation for such condemnation to be measured by terms and prices determined to be commensurate with the fair market value, and in the temporary use of any helium-bearing natural gas or helium-gas mixture for the purpose of extracting helium the Secretary shall cause no delay in the delivery of natural gas to the owner, purchaser, or purchasers thereof, except that required by the extractive processes;

"(3) to construct or acquire by purchase, lease, exchange, gift or eminent domain, plants, wells, pipelines, compressor stations, camp buildings, and other facilities, for the production, storage, purification, transportation, purchase, and sale of helium, helium-bearing natural gas, and helium-gas mixtures; and to acquire patents or rights therein and reports of experimentation and research used in connection with the properties acquired or useful in the Government's helium operations;

"(4) to dispose, by lease or sale, of property, including wells, lands, or interests therein, not valuable for helium production, oil, gas, and byproducts of helium operations not needed for Government use, except that property determined by the Secretary to be 'excess' within the meaning of section 3(e) of the Federal Property and Administrative Services Act of June 30, 1949 (60 Stat. 378; 40 U.S.C. 472(e)), as amended, shall be disposed of in accordance with the provisions

of that Act; and to issue leases to the surface of lands or structures thereon for grazing or other purposes when the same may be done without interfering with the production of helium; and

"(5) to accept equipment, money, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private.

"(b) Any known helium-gas-bearing land on the public domain not covered at the time by leases or permits under the Mineral Lands Leasing Act of February 25, 1920, as amended, may be reserved for the purposes of this Act, and such reservation may include the right to extract such helium, under such rules and regulations as may be prescribed by the Secretary, from all gas produced from lands so permitted, leased, or otherwise granted for development, except that in the extraction of helium from gas produced from such lands, it shall be extracted so as to cause no delay, except that required by the extraction process, in the delivery of gas produced from the well to the purchaser or purchasers thereof at the point of delivery specified in contracts for the purchase of such gas.

"SEC. 4. The Secretary is authorized to maintain and operate helium production and purification plants together with facilities and accessories thereto; to acquire, store, transport, sell, and conserve helium, helium-bearing natural gas, and helium-gas mixtures, to conduct exploration for and production of helium on and from the lands acquired, leased, or reserved; and to conduct or contract with public or private parties for experimentation and research to discover helium supplies and to improve processes and methods of helium production, purification, transportation, liquefaction, storage, and utilization.

"SEC. 5. (a) Whenever the President determines that the defense, security, and general welfare of the United States requires such action, the Secretary shall issue such regulations as he deems necessary for the licensing of sales and transportation of helium in interstate commerce after extraction from helium-bearing natural gas or helium-gas mixtures. Thereafter it shall be unlawful for any person to sell or transfer helium in interstate commerce except in accordance with such regulations or pursuant to the terms of a license issued by the Secretary, or in accordance with the terms of a contract or agreement with the Secretary entered into pursuant to this Act. For the purpose of this section, the term 'helium' shall mean helium, after extraction from helium-bearing natural gas or helium-gas mixtures, in a refined or semirefined state suitable for use.

"(b) Each license shall be issued for a specified period to be determined by the Secretary, but not exceeding five years, and may be renewed by the Secretary upon the expiration of such period. No such license shall be issued to a person if in the opinion of the Secretary the issuance of a license to such person would be inimical to the defense and security of the United States. No such license shall be assigned or otherwise transferred directly or indirectly except with the consent or approval of the Secretary in writing. Any such license may be revoked for any material false statement in the application for license, or for violation or a failure to comply with the terms and provisions of this Act, the regulations issued by the Secretary pursuant thereto, or the terms of the license.

"(c) In issuing licenses under this section, the Secretary shall impose such regulations and terms of licenses as will permit him effectively to promote the common defense and security as well as the general welfare of the United States.

"(d) Whenever Congress or the President declares that a war or national emergency exists, the Secretary is authorized to suspend any license granted under this Act if in his judgment such suspension is necessary to the defense and security of the United States, and he is further authorized to take such steps as may be necessary to recapture or reacquire supplies of helium.

"SEC. 6. (a) The Department of Defense, the Atomic Energy Commission, and other agencies of the Federal Government, to the extent that supplies are readily available, shall purchase all major requirements of helium from the Secretary.

"(b) The Secretary is authorized to sell helium for Federal, medical, scientific, and commercial uses in such quantities and under such terms and conditions as he determines.

"(c) Sales of helium by the Secretary shall be at prices established by him which shall be adequate to cover costs incurred in carrying out the provisions of this Act and to repay to the United States by deposit in the Treasury, together with interest as provided in subsection (d) of this section, the following:

"(1) Within twenty-five years from the date of enactment of the Helium Act of 1960, the net capital and retained earnings of the helium production fund, determined by the Secretary as of the date of enactment of such Act, plus any moneys expended thereafter by the Department of the Interior from funds provided in the Supplemental Appropriation Act, 1959, for construction of a helium plant at Keyes, Oklahoma;

"(2) Within twenty-five years from the date of borrowing, all funds borrowed, as provided in section 12 of this Act, to acquire and construct helium plants and facilities; and

"(3) Within twenty-five years from the date of enactment of the Helium Act of 1960, unless the Secretary determines that said period should be extended for not more than ten years, all funds borrowed, as provided in section 12 of this Act, for all purposes other than those specified in clause (2) above.

"(d) Compound interest on the amounts specified in clauses (1), (2), and (3) of subsection (c) which have not been paid to the Treasury shall be calculated annually at rates determined by the Secretary of the Treasury taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the investments authorized by this Act, except that the interest rate on the amounts specified in clause (1) of this subsection shall be determined as of the date of enactment of the Helium Act of 1960, and the interest rate on the obligations specified in clauses (2) and (3) of this subsection as of the time of each borrowing.

"(e) Helium shall be sold for medical purposes at prices which will permit its general use therefor; and all sales of helium to non-Federal purchasers shall be upon condition that the Federal Government shall have a right to repurchase helium so sold that has not been lost or dissipated, when needed for Government use, under terms and at prices established by regulations.

"(f) All moneys received under this Act, including moneys from sale of helium or other products resulting from helium operations and from the sale of excess property shall be credited to a helium production fund, which shall be available without fiscal year limitation, and the Secretary may draw on said fund to carry out the provisions of this Act. Amounts accumulating in said fund in excess of amounts the Secretary deems necessary to carry out this Act and contracts negotiated hereunder shall be paid to the Treasury and credited against the amounts required to be repaid to the Treasury under subsection (c) of this section.

"SEC. 7. The Secretary of Defense and the Chairman of the Atomic Energy Commission may each designate representatives to cooperate with the Secretary in carrying out the purposes of this Act, and shall have complete right of access to plants, data, and accounts.

"SEC. 8. (a) Proceedings for the condemnation of any property under section 3 of this Act shall be instituted and maintained pursuant to the provisions of the Act of August 1, 1888 (25 Stat. 357; 40 U.S.C. 257), as amended, and sections 1358 and 1403 of title 28 of the United States Code, or any other Federal statute applicable to the acquisition of real property by eminent domain. The Acts of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a–258e) and October 21, 1942 (56 Stat. 797; 40 U.S.C. 258f), shall be applicable to any such proceedings. Wherever the words 'real property', 'realty', 'land', 'easement', 'right-of-way', or words of similar meaning, are used in such code provisions or Acts relating to procedure, jurisdiction, and venue, they shall be deemed, for the purposes of this Act, to include any personal property authorized to be acquired hereunder.

"(b) In the event of disposal under section 3(a)(4) of this Act of any property acquired by eminent domain pursuant to this Act, the former owner or successor in interest of the rights therein shall have the preferential right to reacquire such property on terms as favorable as those terms whereby disposition may be made under such section.

"SEC. 9. The Secretary is hereby authorized to establish and promulgate such rules and regulations, as are consistent with the directions of this Act and are necessary to carry out the provisions hereof.

"SEC. 10. (a) The provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 637; 5 U.S.C. 1001–1011), as amended, shall apply to any agency proceeding and any agency action taken under this Act, including the issuance of rules and regulations, and the terms 'agency proceeding' and 'agency action' shall have the meaning specified in the Administrative Procedure Act.

"(b) In any proceeding under this Act for the granting, suspending, revoking, or amending of any license, or application to transfer control thereof, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licenses, the Secretary shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding. Any final order entered in any such proceedings shall be subject to judicial review in the manner prescribed in the Act of December 29, 1950 (64 Stat. 1129; 5 U.S.C. 1031–1042), as amended, and to the provisions of section 10 of the Administrative Procedure Act.

"SEC. 11. The provisions of the Natural Gas Act of June 21, 1938 (52 Stat. 821; 15 U.S.C. 717–717w), as amended, shall not be applicable to the sale, extraction, processing, transportation, or storage of helium either prior to or subsequent to its separation from the natural gas with which it is commingled, whether or not the provisions of such Act apply to such natural gas, and, in the determination of rates under sections 4 and 5 of the Natural Gas Act, as amended, the income received from such helium shall not be considered and no exploration, production, gathering, extraction, processing, compression, transportation, storage, or other costs which were or would have been incurred in the absence of the extraction of the helium shall be allocated or assigned to the helium.

"SEC. 12. (a) The Secretary is authorized to borrow annually from the Treasury and

credit to the fund established under section 6(f) of this Act such amounts as may be authorized initially in an appropriation Act and which may be increased from time to time in appropriation Acts and as are necessary to carry out the provisions of this Act and contractual obligations hereunder.

"(b) For the purpose of this section the Secretary may issue to the Secretary of the Treasury notes, debentures, bonds, or other obligations to be redeemable at the option of the Secretary before maturity in such manner as may be stipulated in such obligations. The Secretary of the Treasury is authorized and directed to purchase any obligations issued by the Secretary under authority of this section and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of obligations of the Secretary hereunder.

"SEC. 13. Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this Act or any regulation or order issued or any terms of a license granted thereunder shall, upon conviction thereof, be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation, shall upon conviction thereof, be punished by a fine of not more than $20,000 or by imprisonment for not more than twenty years, or both.

"SEC. 14. Whenever in the judgment of the Secretary any person has engaged or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this Act, or any regulation or order issued or any term of a license granted thereunder, any such act or practice may be enjoined by any district court having jurisdiction of such person, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States.

"SEC. 15. If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

THE FEDERAL BUREAU OF INVESTIGATION AND LOCAL LAW ENFORCEMENT AGENCIES

Mr. BRIDGES. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "The FBI: Nemesis of Crime-Filled Fifties—A Story of Diligence, Cooperation," written by Walter Trohan and published in the Chicago Tribune of March 19, 1960.

Mr. Trohan, who is an outstanding and able analyst of national affairs, has written an exceptional study of the consistently fine record of cooperation between the Federal Bureau of Investigation and local law enforcement agencies throughout the country during the last 10 years.

The article points out the distinguished contribution made by the FBI, not only to law and order, but also to the internal security of this Nation, in the face of increasingly heavy demands upon the Bureau's personnel and facilities.

J. Edgar Hoover and his associates deserve the highest commendation for the effective work described by Mr. Trohan. I believe the article warrants the attention of all thoughtful Americans.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FBI: NEMESIS OF CRIME-FILLED FIFTIES—A STORY OF DILIGENCE, COOPERATION—DECADE A VARIED TESTIMONIAL TO A TOUGH AGENCY

(By Walter Trohan)

WASHINGTON, March 18.—The Federal Bureau of Investigation has cooperated with various Federal, State, and local police units and authorities in solving major crimes of the last decade.

This was disclosed after Robert Kennedy, former counsel of the Senate Rackets Committee and now manager of the presidential campaign of his brother, Senator JOHN F. KENNEDY, Democrat, of Massachusetts, called for the creation of a national crime commission. Agitation for such a commission, which would take over some, if not all, FBI functions, has been under way sporadically for 10 years.

The purpose of the crime commission would be to keep records available to law enforcement agencies and to segments of the public. The FBI records now are not available to the public.

The FBI exchanges information with municipal, county, State, and Federal law enforcement agencies concerning matters of mutual interest. The dissemination of data furnished by FBI confidential files resulted in the arrest of 2,195 persons and the recovery of stolen and contraband valuables worth $745,974 during 1959.

The decade just ended presented many challenges to the FBI as a law enforcement and intelligence agency, because it was a decade of record crime rates. More serious crimes were committed in the last decade than in any other in American history.

In the same period the threat of espionage, sabotage, and subversion was heightened by the Korean conflict and the armed disputes in the Near East. The stage for subversive activity was set in 1949 by the conviction of 11 members of the American Communist Party, so that the decade of the fifties marked a period when the party went underground with members donning disguises, changing their names, abandoning their families, and disappearing into an elaborate underground apparatus.

The late 1940's witnessed the beginning of an FBI investigation which was to lead early in the next decade to the arrests of Klaus Fuchs, Harry Gold, Julius and Ethel Rosenberg, Morton Sobell, and other Russian spies. In the winter of 1948–49—shortly before the FBI sprang the trap which netted Russian spies Judith Coplon and Valentin Gubitchev—Col. Rudolf Ivanovich Abel, one of Russia's most experienced intelligence agents, was to slip into the country.

As the 1940's ended, 11 men in Boston were completing the spade work for one of the most daring robberies ever committed. A young man, bearing a fresh military discharge, was preparing to settle down again in Denver, where he would construct a time bomb and commit one of the most atrocious mass murders imaginable. And in Kansas City, Mo., a 2-year-old boy scampered without a care in the world—no one suspecting that before his seventh birthday he would become the victim of a kidnap-murder that sickened the Nation.

During the 1950's, a total of 104,544 Federal convictions were recorded in FBI cases. These convictions represented 96.7 percent of the persons brought to trial in FBI cases, and 93 percent were by pleas of guilty. Included in the overall figure were 398 convictions for Federal kidnaping violations; 2,646 convictions for burglaries, larcenies, and robberies of banks and other financial institutions in violation of the Federal Bank Robbery Act, and 6,928 convictions for hijackings and other crimes involving thefts from interstate shipments.

Fines, savings, and recoveries during this 10-year period totaled $1,084,600,740—including the value of 143,904 stolen automobiles which were located in connection with FBI investigations under the interstate transportation of stolen motor vehicles statute.

Also located in these 10 years were 100,440 FBI fugitives, including 113 who had been on the list of the FBI's "10 most wanted fugitives." [The original list was released March 14, 1950.]

In addition to the 11 convictions of Communist Party leaders in October 1949, under the Smith Act, 98 other Communists were found guilty of Smith Act violations at Federal trials completed during the 1950's. Of these 109 convictions, only 39 remained as the decade ended. The other 70 had been reversed by the courts. In 26 of the 70 cases, the defendants were ordered acquitted; the other 44 had been remanded for new trials.

The FBI has played a major role in employment of science in crime detection. It has made its laboratory services available to other law agencies. In 1950 the laboratory conducted 100,540 examinations and by 1959 these examinations virtually had doubled.

The FBI fingerprint division closed the decade with 154,363,719 fingerprint cards in its files. Of these 35,319,253 were in the criminal file and represented 13,181,900 arrested persons. The remaining 119,044,466 included members of the armed services, civilians employed by the Government, aliens, and persons who had volunteered their fingerprints to assure against loss of identity.

The FBI disaster squad, a group of fingerprint experts who are available to assist in identifying bodies, were dispatched to the scenes of many tragedies.

During the decade there were 22 sessions of the National Police Academy, which provides 12 weeks of training to career law enforcement men. The 1,742 officers who completed the course raised the number of FBI trained men to 3,819.

The FBI assisted in 27,418 police training schools across the country. It also sponsored various regional conferences on law enforcement, concerning such problems as traffic in stolen property, bombings, threats of bombings, bank robbery, fleeing felons, and organized crime and racketeering.

DIARY OF CRIME, JUSTICE

The list of crimes in which the Federal Bureau of Investigation cooperated with law authorities at home and abroad reads like a Newgate calendar for the decade of the 1950's. The highlights in the period follow:

Year 1950

For the FBI, as well as Massachusetts authorities, the decade started at a frantic pace as one of the most intensive investigations in history was set in motion by the seven armed, disguised men who staged the $2,775,000 robbery of Brink's, Inc., in Boston, on January 17, 1950.

The Brink's robbery was the richest holdup in the annals of U.S. crime. The loot consisted of $1,218,211 in cash and another $1,557,183 in checks and securities, some of them negotiable.

The gunmen opened a locked door of the heavily barred second floor office of the big armored car garage in Boston's north end, where five Brink's men had taken off their sidearms and were handling millions of dollars in cash and securities, routinely packaging fat bundles of bills and payrolls in preparation for the next day's deliveries.

The bandits, all dressed in Navy pea jackets, chauffeur caps, and grotesque rubber Halloween masks, quietly held up the Brink's men, put adhesive tape over their victims' mouths, then filled heavy canvas bags with bundles of cash and securities. After 20 minutes they disappeared into the night and the oblivion that was to keep the case a mystery for many years until the FBI was able to crack it.

Four days after the robbery, on January 21, Alger Hiss was found guilty on two counts of an indictment charging him with perjury arising from his denial of statements made by a self-admitted former Russian espionage agent, Whittaker Chambers.

Hiss, then a State Department official, was accused of passing State Department papers to Chambers, a Communist spy courier. Hiss had been a key man at the 1945 U.N. founding in San Francisco and at the Yalta Conference. The case raised fears that the Reds had infiltrated high places in the U.S. Government.

After two trials, Hiss was sentenced to a 5-year prison term. He served 44 months. Hiss professed a clear conscience over what he did, and numerous apologizers have written extensively in his behalf, but his case was carried through the full course of American courts and the U.S. Supreme Court let his conviction stand.

On February 2, 1950, Klaus Fuchs, a scientist who had helped betray secrets of the atomic bomb to Russia, was arrested in England. An FBI investigation led to the identification of Fuchs as a Russian spy. Continuing investigation resulted in the identification and apprehension of a 39-year-old Philadelphia chemist, Harry Gold, on May 23, 1950, as Fuchs' contact man in this intelligence operation. Fuchs and Gold were convicted.

In June, July, and August of 1950, there followed in quick succession the identification and arrest of other atomic spies: David Greenglass; Julius Rosenberg; Ethel Rosenberg, sister of Greenglass and wife of Julius, and Morton Sobell, arrested in Texas following his deportation from Mexico where he had fled to evade justice. All were convicted.

Alfred Dean Slack, another chemist who had passed classified information to Gold, also was arrested. Following a plea of guilty, in September 1950, Slack was sentenced to 15 years' imprisonment.

The case of the Rosenbergs was the most sensational, perhaps because it was made so through exploitation by the Communists. The couple were convicted of conspiring to give atomic secrets to the Russians, in which activity they were particularly active in 1947–48, and eventually were put to death in the electric chair.

Only recently the public learned, through disclosures by Senate probers, that Rosenberg stole and turned over to the Russians secret American scientific data which enabled the Russians to send satellites into orbit. Investigators learned the details from Greenglass.

Communists in this country raised a great furor over the Rosenberg case. They orated, marched, hurled charges, and used the case to raise funds for the party. Thousands of persons were transported to Washington to picket the White House. They charged that punishment of the Rosenbergs as spies was prompted by anti-Semitism and was carried out by a frameup.

However, an indication of the real purpose of the furor was seen in disclosures that, of a total of $302,000 collected by Communist controlled groups who exploited the Rosenberg case, the two young children of the spies, who were paraded to arouse sympathy and elicit funds, received only $1,299.

Year 1951

On January 15, 1951, William Edward Cook, Jr., robber, kidnaper, and killer of six persons, including one entire family, was turned over to FBI agents by Mexican authorities. Cook had fled across the border with two hostages. American law-enforcement agencies closed in.

Cook, 23, called a mad dog killer, was sentenced to 300 years imprisonment in Alcatraz for slaying five members of the Carl Mosser family of Atwood, Ill., the parents and three children, whose bodies he stuffed into an abandoned mine shaft near Joplin, Mo., his home town. The Federal judge who imposed the prison term rather than the death sentence said society was responsible for the young killer's crimes. Cook had spent part of his childhood living in a cave after his mother abandoned him.

The action caused an outburst in the court. Members of the audience shook their fists at Cook, deplored "this sad state of affairs" because they predicted "he'll be out in 10 years" and recommended that "the psychiatrists be sent to prison." The Federal prosecutor angrily called the case "the greatest travesty of justice I ever heard off."

However, Cook was brought to trial for a sixth murder, the slaying of a motorist in the killer's flight toward Mexico after the massacre of the Mossers. The next year he died in the San Quentin gas chamber.

One June 4, 1951, the U.S. Supreme Court affirmed, 6 to 2, the convictions of 11 top functionaries of the Communist Party, U.S.A., who had been tried and found guilty of violating the Smith Act in 1949. This proved the signal for 4 of the 11 to jump bail and disappear into the Communist underground.

One of the four, Gus Hall, was seized by FBI agents at the Texas-Mexican border on October 10, 1951. After serving a prison sentence, Hall returned to leadership in the party and ended the 1950's as the dominant Communist figure in the United States.

Year 1952

On February 16, 1952, as a result of the abduction and flogging of two persons, FBI agents in North Carolina arrested 10 former members of the Ku Klux Klan on Federal kidnaping and civil rights charges. Other arrests followed as the FBI determined that three other persons, in addition to the victims in this case, had been kidnaped and flogged by the Klan in the Carolinas during the fall of 1951. Despite the fear of some persons to cooperate in the investigations and despite the sympathy toward the Klan displayed by others, evidence was gathered which resulted in 38 Federal convictions.

On July 26, 1952, Special Agent Joseph John Brock was killed in New York by Gerhard Arthur Puff. Puff, 1 of the FBI's "10 most wanted" fugitives, was executed for this crime.

In addition to Brock, two other FBI agents were to be killed by vicious gunmen during the 1950's: J. Brady Murphy, murdered at Baltimore, Md., on September 26, 1953, and Richard P. Horan, ambushed at Suffield, Conn., on April 18, 1957. The killers of Special Agents Murphy and Horan were slain at the murder scenes.

Year 1953

On April 3, 1953, nine stolen oil paintings were recovered. This case involved the theft of religious masterpieces from a cathedral in Bardstown, Ky. The nine paintings had been cut from their frames in the cathedral and transported across State lines for sale to the highest bidder.

After more than 2 years of intensive investigation, on August 27, 1953, FBI agents in California apprehended Robert Thompson and Sidney Steinberg, Smith Act fugitives, at a Communist underground hideout in the Sierras. Arrested with them were three other persons who were tried on charges of harboring and acting as accessories after the fact.

On September 28, 1953, Bobby Greenlease, 6, became the victim in a $600,000 kidnap plot engineered by two alcoholic sadists, Carl Austin Hall and Bonnie Heady. Identified and arrested in October 1953, Hall and Bonnie made a full confession and admitted murdering their victim and burying his body beside her St. Joseph, Mo., home. Convicted in Federal court, they were executed after being sentenced by a judge who called their crime "the most coldblooded, brutal murder I have ever tried."

It shocked the Nation as few other crimes had since the kidnaping and slaying of the Lindbergh baby and continued as a sensation long after the execution of the killers, because of the mysterious disappearance of half of the record ransom paid and the involvement of police and the underworld in that phase of the case.

Year 1954

On May 26, 1954, FBI agents in Chicago, New York City, and in Puerto Rico arrested 11 members of the Nationalist Party of Puerto Rico. These 11 subversives—together with the 4 terrorists who staged a violent March 1954 assault upon Members of Congress and 2 others who were in prison—had been indicted for seditious conspiracy.

In October 1954, nine additional members of the party were arrested in New York and Chicago. Among these nine persons were (1) a terrorist who had been convicted of murder following the attempted assassination of the Governor of Puerto Rico in 1938, and (2) the common-law widow of an assassin who was killed in the attempt upon the life of President Truman in November 1950.

On November 24, 1954, William Walter Remington died after being assaulted and beaten 2 days earlier at the Federal penitentiary in Lewisburg, Pa. Soon after his death, FBI agents filed complaints charging three of Remington's fellow inmates with this murder. Remington had been committed to Lewisburg for perjury—the result of his denying charges made by FBI informant Elizabeth Bentley that he was a Communist who had furnished classified information to her during the period in which she was serving the Russians.

Year 1955

On August 27, 1955, Elmer Francis (Trigger) Burke, a notorious underworld "gun for hire" who calmly had admitted that "Killing is my business," was arrested by FBI agents in South Carolina. In his cottage were two .38 caliber revolvers and two rifles—one with telescopic sights. Removed to New York to face murder charges, Burke received the death penalty.

At 7:03 p.m. on November 1, 1955—11 minutes after it left the Denver Airport—a passenger plane exploded over a Colorado beet farm. All 44 persons aboard the plane perished. Less than 2 weeks later, FBI agents identified Jack Gilbert Graham as the executioner of these 44 persons. In order to collect insurance money on his mother, who was a passenger on the plane, he had hidden a time bomb in her luggage. He was executed.

Two St. Louis policemen, Lt. Louis Shoulders and Patrolman Elmer Dolan, were sent to prison in connection with the disappearance of $300,000 of the recovered ransom, which vanished after it had been taken to a police station. Numerous underworld characters have been suspected and questioned about possible complicity in the theft. Reports have persisted that gangsters took the money away from policemen who had stolen it.

The huge sum still is missing and the mystery has kept the FBI on a ceaseless investigation.

Year 1956

On January 12, 1956, nearly 6 years of intensive investigations produced results as

FBI agents in Boston arrested six men as members of the gang which had committed the $2,775,000 Brink's robbery. Also charged as members of the Brink's gang were two inmates of prisons, one deceased criminal, and two other Boston hoodlums who had gone into hiding. These two fugitives were traced to a Massachusetts hideout and arrested on May 16, 1956.

Fantastic as was the big robbery, the story of how it was planned and carried out was even more fabulous. A member of the gang related that they "cased" the Brink's plant for months, then performed the slickest part of the job. They picked a lock on a Brink's door, took out the mechanism, had a key made to fit it, then returned it without it being missed.

They did the same with other locks inside the building over a period of months. That was how the bandits were able to walk in so quietly and surprise the Brink's men at work.

The story was told from the witness stand by a gang member, Joseph (Specs) O'Keefe. He "sang" because his pals gypped him out of most of his share of the loot. When he complained, they imported a hired gunman to silence him. The attempt came close but failed when O'Keefe escaped a hail of machinegun slugs with only a wrist injury.

The FBI's investigation of the April 5, 1956, acid blinding of Columnist Victor Riesel paid dividends on August 17, 1956, when two New York hoodlums were arrested by special agents on charges of conspiracy to obstruct justice. Other arrests for this crime followed. Named as the actual acid thrower was Abraham Telvi whose body—with a bullet hole in the back of the head—was found on a New York street on July 28, 1956.

Another kidnaping occurred on July 4, 1956, when month-old Peter Weinberger was abducted in New York. After 7 days—the period then required before the FBI could actively investigate a kidnaping in which there was no indication of interstate transportation—FBI agents joined the search for the baby and his abductor.

Among the projects undertaken was a systematic review of records bearing samples of the handwriting of persons in the vicinity of New York City. On August 22, 1956, after nearly 2 million handwriting specimens had been examined, Angelo La Marca was identified as the man who had written the $2,000 ransom demand. Arrested the following day, he admitted the crime, including abandoning the baby in a field to die. La Marca was executed.

Year 1957

On January 25, 1957, a blow was dealt the Russian intelligence service when Jack Soble, Myra Soble, and Jacob Albam were arrested by FBI agents in New York City on charges of conspiracy to commit espionage. The arrests led to the disclosure that Boris Morros, a well known person in music and motion picture circles in New York and Hollywood, had been furnishing information to the FBI while supposedly serving Russia. Fearing to return to the United States, a number of Americans named by Morros as being involved in this espionage ring have sought permanent refuge in other countries. The Sobles and Albam pleaded guilty in April 1957.

Still reeling from the damage done by the arrests of Albam and the Sobles, the Russians were stunned again on June 21, 1957, when Rudolf Ivanovich Abel was taken into custody on a warrant charging him with illegally entering the United States and failing to register as an alien.

His New York hotel room contained a short-wave radio and a microfilmed schedule of Moscow radio broadcasts. Two additional short wave radios were found in the Brooklyn photographic studio which he had opened as a cover for his intelligence activities. Convicted in Federal court as a Russian spy, Abel was sentenced to 30 years imprisonment. A classic addendum to Abel's story of un-American intrigue is the fact that he appealed his conviction.

Year 1958

On January 7, 1958, David Louis Goldreyer, one of several master confidence men whom the FBI helped bring to justice during the decade, pleaded guilty to a series of Federal charges. Goldreyer, a bad check artist, had earned the reputation of being America's top impostor and the Nation's top credit card thief during the late 1950's. His modus operandi involved the theft of credit cards and other identification papers from country club locker rooms. He used these papers to cash fraudulent checks in major cities across the Nation.

An investigation of an extortion involving a threat to dynamite a passenger train was successfully concluded on May 23, 1958, by FBI agents in Puente, Calif. The extortionist demanded that $500,000 be thrown from a fast-moving train at a spot to be designated by a signal he would give somewhere along a 2,000-mile stretch of track.

On the night set for the payoff, special agents were assigned to accompany the train—and to cover its route by air, automobile, and foot. The extortionist's signal was received 19 miles east of Los Angeles; a package was thrown from the train, and the criminal was arrested when he picked up the package.

Year 1959

In the war on organized crime and racketeering, a major breakthrough was scored with the arrests of seven men on February 13 and 16, 1959, on charges involving jury fixing. The alleged jury fixing occurred in 1956 during the Federal income tax evasion trial of Abner "Longie" Zwillman, reputed boss of the New Jersey underworld and self-admitted prohibition era bootleg baron. Less than 2 weeks after FBI agents arrested the seven, Zwillman committed suicide.

On March 23, 1959—before the quiz program fixes and record industry payola became everyday topics—FBI agents arrested 12 persons across the Nation in a farflung swindle involving newspaper puzzle contests. Through the use of advance copies of puzzles and their solutions, this ring reportedly bilked newspapers of more than $45,000 during a 4-month period alone.

On the night of December 23, 1959, FBI agents in North Carolina arrested two men and a woman in connection with a plot to sell weapons to the Castro government of Cuba. In addition, during 1958 and 1959, primarily as a result of activities in the United States by persons interested in the Cuban revolution, 122 convictions were recorded under neutrality statutes within the FBI's jurisdiction.

HISTORY OF THE BUREAU

The history of the Federal Bureau of Investigation spans 52 years, but its record as the skilled and incorruptible force now recognized as the world's top law enforcement agency began approximately 34 years ago, when J. Edgar Hoover took charge.

Its inauspicious beginning in 1908 was a haphazard start. Attorney General Charles J. Bonaparte shuffled together an assortment of purported sleuths and bank examiners from various Federal departments, plus the proteges of politicians. The agency was plagued by politics for many years.

The unit, then known simply as the Bureau of Investigation, was a vague organization with vague duties. In a sketchy way, it was charged with detection and apprehension of violators of Federal statutes. But its men had no authority to make arrests and they were not permitted to carry firearms. Their inquiries were concerned mostly with bankruptcy frauds.

In 1910 the Bureau's duties were increased by passage of the Mann Act, which was designed to break up the white slave traffic by prostitution rings.

In 1917, the hysteria stirred by World War I turned the Bureau into a counterespionage organization. After the war, its attention was aimed at agitators and radicals. In 1919, the Dyer Act, making transportation of stolen cars across State lines a Federal offense, added to the Bureau's work.

But it was not until 1932, when kidnaping across State lines was made a Federal offense, that existence of the Bureau became widely known to the public.

Hoover went to work for the Department of Justice, of which the Bureau was and still is a part, in 1917. After 2 years in a clerical position, and 2 years as a special assistant to the Attorney General, he served from 1919 to 1924 as Assistant Director of the Bureau of Investigation.

The Bureau then was headed by the famed detective, William J. Burns. In a shakeup of the Bureau, he retired and Hoover was named by Harlan F. Stone, then Attorney General and later Chief Justice, to head the department. Hoover has been boss ever since.

HOLY WEEK

Mr. CARLSON. Mr. President, as we conclude our deliberations in the Senate in the midst of Holy Week, it is appropriate that we free our thoughts from the burden of concern with material problems, and reflect on ills of the spirit, which are a heavier weight on man.

In this hour of confusion and uncertainty, with the fear of atomic and hydrogen warfare haunting men everywhere, it occurs to me that the peace of the Risen Christ has a particular significance this year.

This Passion Week contains a series of meaningful events. There was the Cross, and then the overwhelming consumation of the Resurrection. It is out of these events that Christendom has shaped the modern world.

It is the events of Calvary and of the Resurrection, with its symbolism of hope through generations covering 2,000 years, that have meant much to all mankind.

Today as we look to the Prince of Peace for the way to a true and lasting peace, we must realize that the peace of the world begins with each one of us.

As we observe world problems, we must be neither afraid nor dismayed as we approach them through the Conqueror of Death who overcame the world.

We continue through the decades, the generations, and the centuries, imperfect of conduct, weak of will, but always reaching for the higher ground so brilliantly dramatized during Passion Week. The period between Palm Sunday and Easter has never had a parallel in its pull on the hearts of men.

I think it appropriate that we refer back to a prayer offered by the late Chaplain of the Senate, Rev. Peter Marshall, during Passion Week, Thursday, March 25, 1948, which is as follows:

"Lord Jesus, Saviour of the World, in Thy holy name we join our hearts in prayer.

"This week, as we remember all Thou didst endure for us, we may be sure Thou hast not forgotten. For we will not let Thee forget.

"With every sin of ours, we renew the pain Thy heart did know.

"Every time we ignore Thee, forget Thee, and heed not Thy way, we revive for Thee the loneliness Thou didst feel

and the spiritual blindness that broke Thy heart.

"O Lord, give us Thy grace that we may not crucify Thee afresh, but, loving Thee, keep Thy commandments.

"With steady faith that Thy kingdom will yet be established upon the earth, help us to hasten its coming by letting Thee work in us and through us to do Thy will. Amen."

ADJOURNMENT TO MONDAY, APRIL 18, 1960

Mr. CARLSON. Mr. President, if no other Senator wishes to seek recognition, I move that the Senate now stand adjourned in accordance with the previous order.

The motion was agreed to; and (at 4 o'clock and 13 minutes p.m.), under the previous order, the Senate adjourned until Monday, April 18, 1960, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 14, 1960:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Robert A. Forsythe, of Minnesota, to be an Assistant Secretary of Health, Education, and Welfare.

U.S. DISTRICT JUDGE

Clemente Ruiz Nazario, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico for a term of 8 years (now serving in this office under an appointment which expired March 14, 1960).

U.S. ATTORNEY

William H. Webster, of Missouri, to be U.S. attorney for the eastern district of Missouri.

BOARD OF PAROLE

Richard A. Chappell, of Georgia, to be a member of the Board of Parole for the term expiring September 30, 1966 (now serving in this post under an appointment which expires September 30, 1960).

William F. Howland, Jr., of Virginia, to be a member of the Board of Parole for the term expiring September 30, 1966 (now serving in this post under an appointment which expires September 30, 1960).

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 14, 1960

The House met at 12 o'clock noon.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCCORMACK). The Chair lays before the House the following communication:

The Clerk read as follows:

APRIL 14, 1960.

I hereby designate the Honorable JOHN W. MCCORMACK to act as Speaker pro tempore today.

SAM RAYBURN,
Speaker of the House of Representatives.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Colossians 3: 1: *If ye then be risen with Christ, seek those things which are above where Christ dwelleth on the right hand of God.*

God of all grace, whose amazing love we cannot fathom, we rejoice that when there was no eye to pity and no arm to save, then, in the fullness of time, Thou didst send the Christ, Thine only begotten Son, the Great High Priest, who, on Good Friday, gave His life upon the cross, a willing and acceptable sacrifice for the salvation of the world.

We pray that, as we turn to the cross on the coming day to meditate upon its sacred meaning, we may hear and heed His voice saying unto us: "This I have done for thee, what wilt thou do for Me?"

May we respond to His love by sharing in His redemptive ministry and by helping to meet the needs of struggling and suffering humanity and lifting and leading all who dwell in darkness and bondage into the light and liberty of the Son of God.

Grant that on Easter Sunday we may be partakers of His glorious resurrection; and being raised to newness of spirit, may we aspire and labor to make our whole life a quest for those things that are noble and righteous and a conquest over everything that undermines our character and corrupts our souls.

Hear us in the name of our crucified Saviour and risen Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

REPORTING INDEPENDENT OFFICES APPROPRIATION BILL, 1961

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the independent offices appropriation bill, 1961.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. OSTERTAG reserved all points of order on the bill.

SUSPENSION OF IMPORT DUTY ON ALUMINA AND BAUXITE

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9307) to continue for 2 years the suspension of duty on certain alumina and bauxite, together with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

After line 7, insert:

"SEC. 2. (a) Section 1 of the Act entitled "An Act to suspend for two years the duty on crude chicory and to amend the Tariff Act of 1930 as it relates to chicory", approved April 16, 1958 (72 Stat. 87; 19 U.S.C. 1001, par. 776 and note), is amended by striking out "the two-year period beginning the day following the date of enactment of this Act" and inserting in lieu thereof "the period beginning April 17, 1958, and expiring at the close of July 16, 1960".

(b) Section 3 of such Act is amended by striking out "after the date of the enactment of this Act and prior to the expiration of two years after such date" and inserting in lieu thereof "after April 16, 1958, and prior to the close of July 16, 1960".

Amend the title so as to read: "An Act to continue for two years the suspension of duty on certain alumina and bauxite, and to extend until July 16, 1960, the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, as Members of the House will recall, in the form in which it passed the House of Representatives, H.R. 9307 proposed to continue for 2 years, until July 16, 1962, the suspension of duty on first, alumina when imported for use in producing aluminum; second, bauxite, crude, not refined or otherwise advanced in condition in any manner; and third, calcined bauxite. The bill was unanimously reported by the Committee on Ways and Means, and unanimously passed the House on March 2, 1960.

The Senate amended this bill so as to add a provision to extend for 90 days, until July 16, 1960, the present suspension of import duty on crude chicory and the reduction in duty on ground chicory.

As Members of the House will further recall, the House of Representatives unanimously passed H.R. 9308, which proposed a 3-year extension of the suspension of duty on crude chicory and to continue the reduction in duty on ground chicory for a similar period. The Senate Finance Committee concluded that it would require further time for consideration of this latter bill. However, in order that the existing suspension might not lapse before the Finance Committee has had an opportunity to further review the situation, that committee added the amendment in question for a 90-day suspension to H.R. 9307.

Therefore, the Senate amendment relates solely to a temporary continuation of the suspension of duty on crude chicory and the reduction in duty on ground chicory, and does not relate in any manner to the basic purpose of H.R. 9307, which related to the duty on alumina, bauxite, and calcined bauxite.

Mr. MASON. Mr. Speaker, the House-passed version of H.R. 9307 continued for a period of 2 years until July 16, 1962, the suspension of import duties on alumina and certain bauxite.

The Senate action on this legislation resulted in amendments adding a provision to the bill suspending the duty on imports of crude chicory and reducing the duty on ground chicory for a period of 90 days.

With respect to the Senate amendments it will be recalled that on March 2 of this year the House of Representatives approved H.R. 9308 providing a 3-year extension of the existing duty status of chicory. The report of the Senate Finance Committee on H.R. 9307 indicates that the Senate committee has passed

over H.R. 9308 without prejudice and that legislation dealing with chicory remains on the docket of the Senate Finance Committee for further consideration. However, the laws now affecting the tariff status of chicory are scheduled to expire on April 16, 1960, and the Senate amendments to H.R. 9307 have the effect of continuing existing tariff treatment for an additional 90 days.

It is appropriate that the House should agree to the Senate amendment to H.R. 9307.

LEGISLATIVE PROGRAM

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute to ask the acting majority leader, the gentleman from Oklahoma [Mr. ALBERT], if he will kindly inform us as to the program for next week.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

ADJOURNMENT OVER

Mr. ALBERT. It is the intention when the House adjourns today to adjourn over until Monday, and if the gentleman would yield for that purpose, I now ask unanimous consent, Mr. Speaker, that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROGRAM FOR WEEK OF APRIL 18

Mr. ALBERT. Monday: No business.

Tuesday: The Consent Calendar will be called.

The Private Calender will be called.

Under agreement previously obtained, there will be one suspension, H.R. 8074, agriculture attaché rotation.

The independent offices appropriation bill will then be taken up.

Should any rollcall vote be demanded on Tuesday, it will go over until Wednesday, because of the New Jersey primary.

Wednesday, Thursday, and balance of the week: The authorization bill, Mutual Security Act of 1960.

And if a resolution from the Committee on Rules is ready it will be called up. It would take from the Speaker's table and agree to the Senate amendments to the bill H.R. 8601, the Civil Rights Act of 1959.

I advise the gentleman that it is intended, if the rule is reported on the civil rights bill, to make that the first order of business on Thursday.

I make the usual reservation that any change in program will be announced and that conference reports may be called up at any time.

THE SHIPBUILDING STRIKE

Mr. BURKE of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BURKE of Massachusetts. Mr. Speaker, the present strike in the shipbuilding industry in the eight east coast shipyards is now in its 84th day. It is my understanding that negotiations are going on in New York City today. Everything possible has been done by the Members of Congress to have the Department of Labor, the Department of Defense, and other agencies in the administration to be more energetic in their efforts to bring about a settlement of conditions. Special pleas have been made to officials of the Bethlehem Steel Co., Shipbuilding Division, and to officials of the Shipbuilding Workers Union of America to get together and end this work stoppage that has proved to be so costly to the Nation, the company, the employees, and the communities wherein the shipyards are located.

For the information of the Members of Congress I am including the petition filed by Bernard L. Alpert, regional director of the first region of the National Labor Relations Board, for and on behalf of the National Labor Relations Board. I am also including the findings made by Judge George C. Sweeney of the U.S. District Court, District of Massachusetts.

Both parties have filed appeals to these findings.

(U.S. District Court, District of Massachusetts: Bernard L. Alpert, regional director of the First Region of the National Labor Relations Board, for and on behalf of the National Labor Relations Board, Petitioner, against Bethlehem Steel Co. (Shipbuilding Division); Bethlehem-Sparrows Point Shipyard, Inc.; Industrial Union of Marine and Shipbuilding Workers of America, AFL–CIO; Industrial Union of Marine and Shipbuilding Workers of America, AFL–CIO, Local No. 5; Industrial Union of Marine and Shipbuilding Workers of America, AFL–CIO, Local No. 90; American Federation of Technical Engineers, AFL–CIO; and American Federation of Technical Engineers, AFL–CIO, Local No. 151, Respondents; Civil No. 60–217–S.)

COMPLIANCE WITH RULE 65(D) OF THE FEDERAL RULES OF CIVIL PROCEDURE

(April 11, 1960)

Sweeney, chief judge: In this action the plaintiff seeks under section 10(j) of the National Labor Relations Act (29 U.S.C., par. 160(j)) appropriate temporary injunctions against all defendants named therein. This action is filed in aid of two cases presently before the National Labor Relations Board. The defendants Bethlehem Steel Co. (Shipbuilding Division), and Bethlehem-Sparrows Point Shipyard, Inc., hereinafter referred to as the company, and the other above-entitled defendants, hereinafter referred to as labor, are presently engaged in a contractual controversy which affects the public interest, the public economy, and possibly the national defense. Although the Board is the complainant, the antagonistic parties to the contract are the defendant company and the defendant labor. They will hereinafter be referred to as the parties. The present status of the parties grows logically out of abuse by both the company and labor of rights granted and reserved by the act.

Beginning in February 1959, the company, in preparation for a new contract with labor, made certain studies of its contract and position in the competitive shipbuilding market, and reduced its studies to proposals for a contract which resulted in the so-called white book. In May of 1959 both the company and industrial, local No. 5 and local No. 90, advised each other of the intention to terminate the then-existing 1956 contract effective July 30, 1959. On July 7, 1959, by mutual agreement, the parties met, and on that day and the ensuing day, each advised the other of its suggested terms of a new contract. From then on the parties met many times in joint session up to October 1959. I find that there is reasonable cause to believe that from the outset the company had no intention of bargaining with these unions in the commonly accepted meaning of the word. It had closed its mind to anything other that a contract based on the terms of the white book which it had on July 8 outlined to labor. In all of the meetings thereafter the company refused in effect to discuss any retreat from the position that it took in the white book on the many clauses of the contract. The company had a take it or leave it attitude, and in spite of all of its protestations of good faith, that attitude persists to this moment and precludes bargaining within the meaning of the act, and within its normal connotation. The negotiations with local No. 151 were conducted in a similar manner.

"[The act] obligates the parties to make an honest effort to come to terms; they are required to try to reach an agreement in good faith. 'Good faith' means more than merely going through the motions of negotiating; it is inconsistent with a predetermined resolve not to budge from an initial position. But it is not necessarily incompatible with stubbornness or even with what to an outsider may seem unreasonableness." *National Labor Relations Board* v. *Truitt Mfg. Co.* (351 U.S. 149, 154 (1956)), opinion of Frankfurter, J., concurring in part and dissenting in part.

Labor, on its part, sought to explore many items of the white book, but because of the company's adamant attitude there was no real agreement on any item of the white book. In fact, during the months of alleged bargaining conferences, the parties discussed but 19 out of 26 proposals therein. On August 11, 1959, the company unilaterally put into effect the white book, and on January 23, 1960, labor called a strike, and posted picket lines in front of all of the company's gates. Picketing can be a normal adjunct to a labor strike, and when properly conducted serves to notify the public that labor is on strike against the company. But the use of the picket line can be so abused as to be a menace to law and order, and can become a threat to, and accomplishment of bodily injury. It can approach the low level of being a riot inciter. In the case under consideration, labor has abused the use of the picket line and some violence and considerable potential danger has resulted. This has been so found in a proceeding pending in the superior court of the Commonwealth of Massachusetts, and as those findings are now on appeal, they are used as a reference rather than as a basis for my findings. Testimony from witnesses and photographs of actual violence on the part of the pickets have convinced me that there is ample reason to believe that unfair labor practices were committed by the unions.

On the basis of the above findings, the court will issue the injunctions as prayed for in the Board's original petition.

The parties on entering the bargaining room should not, in a spirit of controversy, insist on their initial positions and completely refuse to recede, on terms. The object of a bargaining conference is to arrive at a contract. This can be done only by deliberation, mutual concession, and a due deference to the position of the other party.

The court will retain the case for possible future orders in the light of future developments.

ORDER GRANTING TEMPORARY INJUNCTION

This cause came on to be heard upon the verified petition of Bernard L. Alpert, regional director of the first region of the National Labor Relations Board, for and on behalf of said Board, for a temporary injunction pursuant to section 10(j) of the National Labor Relations Act, as amended, pending the final adjudication of said Board with respect to the matters involved, and upon the issuance of an order to show cause why injunctive relief should not be granted as prayed in said petition; and

Counsel of record for all respondents having appeared, and the court having made findings of fact and conclusions of law, it is—

Ordered, adjudged, and decreed that respondents Bethlehem Steel Co. (shipbuilding division), and Bethlehem-Sparrows Point Shipyard, Inc., their officers, agents, representatives, servants, employees, attorneys, and all persons acting in concert of participation with them, are enjoined, pending the final disposition of the matters involved pending before the Board from:

(a) Refusing to bargain collectively in good faith with Industrial Union of Marine and Shipbuilding Workers of America, AFL–CIO, and Local 151, American Federation of Technical Engineers, AFL–CIO, as the exclusive bargaining representatives of their employees with respect to rates of pay, wages, hours of employment, and other conditions of employment; or

(b) In any like manner interfering with, restraining, or coercing their employees in the exercise of the right to self-organization, to form labor organizations, to assist Industrial Union of Marine and Shipbuilding Workers of America, AFL–CIO, and Local 151, American Federation of Technical Engineers, AFL–CIO, or any other labor organization, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8(a)(3) of the act, as modified by the Labor Management Reporting and Disclosure Act of 1959.

Done at Boston, Mass., this 11th day of April 1960.

Judge GEORGE C. SWEENEY,
Chief Judge, U.S. District Court.

ORDER GRANTING TEMPORARY INJUNCTION

This cause came on to be heard upon the verified petition of Bernard L. Alpert, regional director of the First Region of the National Labor Relations Board, for and on behalf of said Board, for a temporary injunction pursuant to section 10(j) of the National Labor Relations Act, as amended, pending the final adjudication of said Board with respect to the matters involved, and upon the issuance of an order to show cause why injunctive relief should not be granted as prayed in said petition; and

Counsel of record for all respondents having appeared, and the court having made findings of fact and conclusions of law, it is—

Ordered, adjudged, and decreed that respondents Industrial Union of Marine and Shipbuilding Workers of America, AFL–CIO, its officers, agents, representatives, servants, employees, attorneys, and all members and persons acting in concert or participation with it or them, are enjoined, pending the final disposition of the matters involved pending before the Board, from in any manner, including mass picketing, assaults or threats thereof, acts of violence or threats thereof, physical blockading of entrances or exits, or by permitting any such to continue in existence or effect, restraining or coercing employees of Bethlehem Steel Co. at any of its shipyards, or of any other employer, in the exercise of their rights guaranteed in section 7 of the act.

Done at Boston, Mass., this 11th day of April 1960.

Judge GEORGE C. SWEENEY,
Chief Judge, U.S. District Court.

ORDER GRANTING TEMPORARY INJUNCTION

This cause came on to be heard upon the verified petition of Bernard L. Alpert, Regional Director of the First Region of the National Labor Relations Board, for and on behalf of said Board, for a temporary injunction pursuant to section 10(j) of the National Labor Relations Act, as amended, pending the final adjudication of said Board with respect to the matters involved, and upon the issuance of an order to show cause why injunctive relief should not be granted as prayed in said petition; and

Council of record for all respondents having appeared, and the court having made findings of fact and conclusions of law, it is—

Ordered, adjudged, and decreed that respondents Industrial, Local 5, Local 90, Engineers and Local 151, their officers, agents, representatives, servants, employees, attorneys, and all members and persons acting in concert or participation with them, are enjoined, pending the final disposition of the matters involved pending before the Board, from:

(a) Engaging in mass picketing at any of the entrances to, or exits from, the Bethlehem Steel Co.'s Quincy and Hingham shipyards, or in any other manner physically blockading said entrances or exits; or

(b) Assaulting or threatening to assault any person attempting to enter or leave Bethlehem Steel Co.'s Quincy and Hingham shipyards; or

(c) In any manner or by any means, including mass picketing, assaults or threats thereof, acts of violence or threats thereof, physical blockading of entrances or exits, or by permitting any such to continue in existence or effect, restraining or coercing employees of Bethlehem Steel Co., or of any other employer, in the exercise of their rights guaranteed in section 7 of the act.

Done at Boston, Mass., this 11th day of April 1960.

Judge GEORGE C. SWEENEY,
Chief Judge, U.S. District Court.

SECONDARY BOYCOTTING IN THE BUILDING AND CONSTRUCTION INDUSTRY

Mr. LANDRUM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia.

There was no objection.

Mr. LANDRUM. Mr. Speaker, the House Committee on Education and Labor has seen fit to report H.R. 9070, a bill legalizing so-called common situs picketing—another name for secondary boycotting in the building and construction industry. While the technicalities of this sugar-coated pill are cloudy and complex, the consequences of passage are brilliantly clear—indeed, so clear as apparently to blind many to its disastrous results.

In good conscience, and in view of the mandate of the American people last year, resulting in the passage of the 1959 labor reform law, I feel impelled to speak out on this vital matter.

I am opposed to legalizing such secondary boycotts for the following reasons:

First. It would surrender millions of honest American men and women in this important industry to the tender mercies of such men as Mr. Hoffa. Free choice would become only a thing of the past. Employees and employers alike would be forced to capitulate, or die an economic death.

Second. It would result in virtual closed shop conditions in the building and construction industry, something specifically outlawed in the Taft-Hartley law.

Third. It would help directly not only those unions which, in last year's law reform, were given certain benefits, but directly aid and comfort those unions which as the record shows, are grossly guilty of secondary boycott activities.

Fourth. It would invite imitation of racketeer, hoodlum and gangster power tactics by, at least, the 26 unions which would gain from this law. Such invitations are often not refused.

Fifth. It also could have disastrous results upon the national defense efforts and activities of this country. For instance, in 1958 at the Redstone Arsenal in Alabama, the Electricians' Union, by placing pickets at all entrances, succeeded in shutting down the entire construction program, employing many contractors and subcontractors at the arsenal for 32 days, although the dispute was with only one contractor. Similarly, in 1956 at Cape Canaveral, the Plumbing Union, by engaging in such picketing, shut the entire construction program down for more than 2 weeks. One contractor lost more than $100,000. Nor is it hard to see what could happen at a missile launching base in Wyoming. There, there are under construction 9 separate missile launchers; 30 to 40 miles separate some of these launchers, and the distance around this base is 400 miles. This entire construction program constitutes one construction project. Enactment of this bill would permit a union, in a dispute with any one of many subcontractors, to picket and subsequently close down the entire construction job.

Shall we give any group such a life-or-death legal stranglehold upon such a life and death matter?

I refuse to believe, in view of the overwhelming demand by America last year for an effective reform law, that it will view, with compassion, enactment of one of the most vicious pieces of class legislation which I have seen since coming to Congress.

Enactment of this bill could only open a Pandora's box of trouble, strife and confusion—for ourselves, for our children and for our country's future.

THE FAMILY FARM ACT OF 1960

Mr. POAGE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POAGE. Mr. Speaker, on February 10 I was joined by some 20 colleagues in introducing H.R. 10355, known as the Family Farm Income Act of 1960. During the intervening 2 months many Members of Congress and many interested parties outside of Congress have sought to improve this legislation. The Agriculture Committee has held hearings at which all parties interested in general farm legislation have had an opportunity to express their views on this and similar bills. This legislation, as introduced, was admittedly imperfect. It needed revision. Today I am introducing a new bill known as the Family Farm Act of 1960.

This measure has been worked out in cooperation with many other Members of Congress. We think that it is a great improvement on the original proposal, although the basic idea is the same. This bill, like its predecessor, makes it possible for producers of any farm commodity, in cooperation with the Secretary of Agriculture, to work out a stabilization program for the commodity. Doubtless, with many of the lesser commodities marketing orders will be used. For the major commodities, programs must be kept within certain guidelines set down in this bill. If the program meets these requirements, the Secretary will submit it to the Congress along with his recommendation. Either House of the Congress will have the opportunity to disapprove the program if it desires. If, however, the Congress approves, the program will be submitted to the producers of the commodity, where a two-thirds vote will be required to put the program into effect.

Certainly this is democracy in action. Certainly there is no way under the terms of this proposal whereby a program may be imposed upon producers of any agricultural commodity without the support of an overwhelming majority of those producers. Nor can producers ignore the rights of consumers and taxpayers. If they tried, the Congress would surely slap them down.

This bill has three basic objectives:

First, to reduce the cost of the agricultural program to the taxpayers. It achieves this by prohibiting the expenditure of more than 10 percent of the value of any crop on supports for that crop. This is far less than we are presently spending. But present excessive expenditures will not be necessary to maintain farmer income if we actually balance supply and demand as this bill requires.

This bill instructs the Secretary to make sure that any program submitted to the Congress will bring about a balance and, in calculating that balance, the interests of the public are protected because the Secretary must determine that the program will insure adequate production to meet consumer demands. The interests of farmers are protected because the controls will be in units of production—that is, pounds, bales, or bushels, not in acres as in the past. The interests of the taxpayers are protected because the Secretary must, in calculating this balance, provide for the movement of at least 10 percent of the needed supplies out of surplus stocks as long as such surpluses exist. The bill will further protect taxpayers by eliminating completely the buildup of unneeded surpluses. Under the programs authorized by this bill there can be no further acquisition of agricultural commodities by the U.S. Government. There can be no further increase in burdensome storage charges. The one and only tool denied to producers in developing programs is the use of devices which result in acquisition of title by the Government. The President has told us that we would shortly be spending a billion dollars a year for storage alone. This bill stops the buildup of these stocks where they are and the provision above referred to provides for their gradual disposition.

The second major objective of the bill is to protect the public as consumers. Under the terms of this bill no program can be approved which results in restricting supply to a point below the needs of our people. It charges the Secretary of Agriculture with the obligation to protect the needs of consumers as well as the needs of producers and to secure a balance between supply and demand at a fair price level.

The bill makes provision for moving additional quantities of protein food into the hands of low-income groups. It authorizes the use of such distribution devices as food stamps, et cetera.

In the third place, this bill protects the income of farmers. It gives the producers of any commodity which is or becomes in surplus the right to elect committees to work with the Secretary of Agriculture to develop a stabilization program for the particular commodity which will give a fair price income—90 percent of parity. Corn, grain sorghum, oats, barley, and rye are considered feed grains, and posted as one commodity. In developing these programs producers are allowed to use any tool which does not result in the acquisition of commodities by the U.S. Government. That is, the Government cannot continue to build up surpluses as it has done in the past. If this bill contained no other feature, this provision alone should entitle it to general support. If the farm program developed by producers involves production controls, and they must be used if the Secretary finds they are necessary to balance supply and demand, they are to be expressed in units of production—that is, pounds, bales, or bushels—so as to make them really effective.

The only major farm program which has actually balanced production and demand over any extended time in the past has been the tobacco program and it is, of course, the one program which has resulted in an increased income to producers with a minimum of cost to the Government. For most commodities the balancing of supply and demand will of itself provide a fair price. To the extent that it fails to achieve this fair price in the market, this bill allows the use of other programs, but in no event to involve the Government in costs exceeding 10 percent of the value of the crop. This 10 percent should be adequate to care for every crop. It should be far more than is needed for most crops.

To help balance supply and demand the bill authorizes a substantial land retirement program. Indeed, it requires that every producer who participates in any of the farmer developed support programs would be required to retire 10 percent of his total tilled acres from production for a period of at least 3 years. For this he would receive no payment. This 10 percent, if all of the major commodities adopted programs, would remove more land than is presently in the existing soil bank, although it would undoubtedly be land of low productivity.

The bill further provides that cooperators may, if they desire, remove an additional acreage up to a total of 40 percent. For this extra 30 percent they will receive payment in kind—that is, they will receive from the Commodity Credit Corporation two-thirds of the normal production of the extra land thus removed. I think that this is going to result in the removal of a very substantial amount of land, but since whole farms cannot be removed under this program, there will be no such movement of farm families off of the land as has been caused by the present soil bank.

Since payment for retiring this land will be made from surplus commodities, the out-of-pocket cost to the Government will be kept to a minimum. Since the program is applicable only to commodities which are in surplus, the public is protected against any squeeze on or shortage of supplies

Title 4 of this bill simply provides for the immediate authorization of a new wheat program. The program provided is substantially similar to the legislation which was vetoed last year, except that, in an attempt to secure Presidential approval, the support price of wheat, which was fixed at 90 percent of parity in last year's bill, is dropped to 85 percent. This should eliminate the objections which the President expressed last year. While I think, and most of the authors of this bill think, that 90 percent was and is entirely justified, the President has indicated that he thinks it should be something less. We are giving him something less. At the same time we are requiring enough cut in acreage—25 percent—to materially reduce the buildup of surplus wheat. In order to protect the farmer whose income is dependent upon the price of wheat times the volume he is allowed to produce, we provide for payments in kind for retired acreage at a rate of 55 percent of his normal production as against 33 percent in last year's bill. According to the figures we have, this means that the total of wheat farmers' income will remain just about the same that it would have been under last year's bill, but the support level to which the President objected will be reduced. This special provision as to wheat will remain effective only until such time as wheat producers avail themselves of the right given in other sections of the bill to adopt a program which they themselves have worked out. It was felt desirable to insert a wheat section in order that there might b. an adjustment of the present unsatisfactory wheat program, effective this fall. It is clear that this

bill, even though adopted at this session, could not provide the basis for any new program until sometime in 1961, because farmers would have to work out their programs, the Congress would have to approve them, and they would have to be ratified by two-thirds vote of the producers before they would become effective. The authors of this bill felt that it was undesirable to let the wheat situation remain as it is for another year.

It should also be noted that the general provisions of the bill specifically continue all existing stabilization and adjustment programs in full force and effect until they are replaced by farmer-developed programs. In other words, this bill cannot interfere with any satisfactory program unless two-thirds of the producers want it changed.

Section 5 of the bill is nothing more than legislative findings which are required from a technical or drafting standpoint.

In summary, this bill, if passed and signed by the President, would:

First. Establish real democracy for agricultural producers. Under it the producers of any surplus crop could develop their own program.

Second. It would absolutely stop the movement of surplus commodities into Government warehouses. It prohibits further acquisition of agricultural commodities by the Government.

Third. It would materially reduce the cost of our agricultural program. Basically, it would do this by balancing supply and demand so as to achieve the much talked of "parity in the market place," but unlike this meaningless talk, the bill provides for the use of any programs, except Government acquisition of title, which may be desired by the producers to bring their returns up to a "fair price"—90 percent of parity.

Fourth. The bill recognizes the interest of consumers and provides machinery for the disposal of additional foods to needy people. At the same time it provides for a fair accounting of the cost of these programs.

Fifth. The bill meets the problem of the existence of an excess of productive lands by using surplus commodities to encourage the retirement of unneeded acres.

Sixth. The bill provides a wheat program which is a compromise between the positions heretofore adopted by the Congress and by the President. It provides an effective means of promptly stopping the dangerous buildup of surplus wheat.

The bill does not contain any provisions extending marketing orders to canning crops nor to the basic commodities.

The bill does not contain any mandate that producers must use direct production payments. Neither does it contain any inhibition against their use.

The bill does not contain any limitation on the size of payments or other benefits. Again, this is left to the discretion of the producers themselves.

Finally, the bill does not embrace the philosophy of the Secretary of Agriculture to the effect that it is better, or even possible, to achieve adjustments in supply and demand of total agricultural production by constantly lowering prices. It recognizes that no matter how low farm prices go, the same number of acres will still be available for production. On the contrary, the authors of this bill believe that so long as farmers must buy in a controlled or administered market, they must be able to use governmentally authorized programs to administer the price of things they sell. Since we feel that it would be but inviting disaster to remove the bargaining tools we have given to industry, labor, and business, we feel that common sense, as well as common justice, requires that we extend the use of the same tools to agriculture.

A BILL TO ESTABLISH THE BONNEVILLE POWER CORPORATION

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, to revise and extend my remarks, and to include a bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, the development of a sound pattern for self-financing for the Federal power system in the Pacific Northwest was one of the objectives pursued with vigor by my friend and colleague, the late Senator Richard L. Neuberger, of Oregon.

Dick introduced legislation to establish the Bonneville Power Corporation, which he envisioned as the planning, financing, and power-wholesaling agency which would meet the net power needs of the area in the future.

S. 1927, which Senator Neuberger introduced last year, was the latest of a series of drafts of the Bonneville self-financing legislation. Each draft had been discussed extensively in the Northwest and the 1959 draft had the benefit of two public hearings and of Senator Neuberger's conscientious and thorough deliberations.

S. 1927 had made substantial progress toward reconciling the divergent views of the people of the Northwest on the future role of the Federal power system. It promised to be the vehicle for developing the abundant supply of low-cost power which is essential to the long-term growth of the region.

Today I am introducing an identical bill in the hope that the progress made under Senator Neuberger's leadership will be carried forward. No similar bill has previously been introduced in the House of Representatives.

The bill contains provisions which may need improvement and further clarification. It may be that the preference clause changes require further qualification. Some sort of permanent agency must soon take responsibility for coordinating the efforts of the various public and private groups which are now attempting to meet the power needs of the area. Only a regional approach can be effective.

This legislation proposes to incorporate the Federal Bonneville Power Administration and give it the authority, under congressional control, to issue up to $750 million in revenue bonds to pay for power facilities at projects to be built by the Bureau of Reclamation and the U.S. Army Corps of Engineers, to build its own thermal plants, including atomic plants, and to provide for necessary transmission lines and substations.

Private money costs more than public money and this means higher power costs. However, TVA leaders finally concluded that development needs went beyond what public money could finance. The situation in the Northwest is similar.

The new corporation would be responsible for estimating the power needs of the region, for determining what portion of these needs would be supplied by electric plants of local public agencies and private utility companies, and to construct such facilities as are necessary to meet area needs.

The utility responsibility which would be undertaken by the new corporation under the Neuberger bill would, I believe, assure a stable power supply to present and potential residents of the Northwest and to the expanding industries which we need to provide a sound economic base for the region.

The text of the bill follows:

H.R. 11770

A bill to amend the Bonneville Project Act in order to establish the Bonneville Power Corporation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bonneville Reorganization Act of 1959".

SEC. 2. Section 1 of the Act entitled "An Act to authorize the completion, maintenance, and operation of Bonneville project for navigation, and for other purposes", approved August 20, 1937 (50 Stat. 731), is amended to read as follows:

"(a) That for the purposes of facilitating the orderly, timely, and efficient development of the electric power aspects of the water resources of the Pacific Northwest on a self-sustaining, businesslike basis, of administering such development from centers close to the people most directly affected, and of facilitating greater participation in the formulation and administration of such development by the people of the region and their local instrumentalities, there is hereby created as an instrumentality of the United States a body corporate to be known as the Bonneville Power Corporation (hereinafter referred to as the "Corporation"). The Corporation shall be operated under the direction and supervision of the President and shall maintain its principal office within the Pacific Northwest.

"(b) It is hereby declared to be the policy of the Congress that the conservation and development of the water resources of the Pacific Northwest, to the extent that it is undertaken by the Federal Government or is subject to the control or regulation of the Federal Government, shall be based upon adequate and reliable data and shall be planned on a regional, comprehensive multiple-purpose basis and be prosecuted so as to attain the maximum sustained public benefit from such resources through their use for all beneficial purposes which may economically be served consistently with such sustained public benefit. The plans, programs, and activities of the Corporation and of all other Federal agencies concerned with water resources development in the Pacific Northwest shall conform to this policy. It is the further policy of Congress that one

of the equal purposes for which the Federal Government should participate in comprehensive multiple-purpose water resource development is the development of electric power as a means of increasing national productive capacity, promoting the general welfare, strengthening the national defense, and assisting the economic feasibility of navigation, flood control, and irrigation developments in the Pacific Northwest. In carrying out its responsibilities under this Act, the Corporation shall be guided by the policies and objectives of the Employment Act of 1946, as amended.

"(c) The management of the Corporation shall be vested in a board of five directors (hereinafter referred to as the "Board") who shall be appointed by the President, by and with the advice and consent of the Senate and who shall receive compensation at a rate of $20,000 per annum, except that the Chairman shall receive compensation at the rate of $20,500 per annum. A Director shall be appointed for a term expiring five years after the expiration date of the term for which his predecessor was appointed, except that the terms of office of the Directors first taking office after the enactment of this Act shall expire as designated by the President at the time of appointment, one on each of the first five anniversaries of such date of enactment, and a Director appointed to fill a vacancy on the Board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of his term, a Director shall continue in office until his successor is appointed and has qualified. The Chairman of the Board shall be designated by the President.

"Vacancies in the Board so long as there be three Directors in office shall not impair the powers of the Board to act. Three Directors shall constitute a quorum to transact the business of the Board, and the vote of a majority of Directors present shall be sufficient to decide any issue before the Board. Directors shall be residents of the Pacific Northwest at the time of their appointment and during their tenure in office, and all directors shall be persons who profess a belief in the feasibility and wisdom of this Act. The Board shall include a Director appointed from the residents of each of the States of the Pacific Northwest. No Director shall, during his tenure in office, be actively engaged in any other business, be an officer or employee of, or have a financial interest in, any public utility engaged in the business of generating, transmitting, distributing, or selling electric power to the public, or in any holding company or subsidiary company of a holding company as those terms are defined in the Public Utility Holding Company Act of 1935, or in any other private firm doing business with the Corporation or having a direct financial interest in its operations.

"The Board shall direct the exercise of all the powers of the Corporation, confer with the Advisory Council, attend all meetings thereof, and prepare the Council's bylaws and rules, and may divide the Advisory Council into geographical divisions.

"The Corporation shall seek counsel, assistance, and participation of the people of the Pacific Northwest, particularly through representatives of State and local governments and other organizations, public and private, and through the Advisory Council. To this end the Corporation shall hold public meetings at least annually in each State in the Pacific Northwest at which the views of those interested can be presented and information concerning the Corporation's policies and programs shall be made available. The Corporation also may, on its own motion, and upon request of the Advisory Council shall, conduct hearings on any aspect of its program or activities. The Corporation may make additional arrangements for such consultation and interchange of views with respect to the formulation and execution of its programs as it may deem advisable.

"(d) The Board shall appoint a General Manager who shall be the chief executive officer of the Corporation and who shall discharge such of the administrative and executive functions of the Corporation as the Board may direct. The General Manager shall serve at the pleasure of the Board, shall be removable by the Board, and shall receive compensation at the rate determined by the Board, but not in excess of $20,000 per annum.

"(e) The General Manager shall appoint, with the approval of the Board and without regard to the civil service laws, an Assistant General Manager, a Chief Engineer, and a General Council and shall fix the compensation of each, but not in excess of $19,000 per annum. The Assistant General Manager shall act in the stead of the General Manager during the latter's absence or disability or in the event of a vacancy in the office of the General Manager, and shall perform such other administrative or executive functions of the General Manager as the latter shall direct. The Assistant General Manager, Chief Engineer, and General Counsel shall serve at the pleasure of the General Manager and shall be removable by him.

"(f) To make continuously available independent assistance and counsel reflecting the needs and opinions of the people of the Pacific Northwest, there shall be an Advisory Council to be composed of individuals who, except for the representatives of Federal agencies, shall be residents of the Pacific Northwest who are not officers or employees of the United States. For the purpose of this Act, Reserve personnel of the Armed Forces not on full-time active duty and experts and consultants employed by the United States only occasionally shall not be considered to be officers or employees of the United States. Advisory Council members shall not be considered to be officers or employees of the United States by reason of such membership. The Advisory Council shall consist of (1) not more than forty members at large appointed by the Board, (2) one member appointed by each Member of the United States Senate and House of Representatives from the Pacific Northwest and by the Governor of each State of the Pacific Northwest, and (3) ex officio nonvoting members representing Federal agencies which desire representation on the Council. In its appointments the Board shall endeavor to obtain representation of the diverse interests and geographical areas affected by the activities of the Corporation. The Advisory Council shall elect a chairman annually and shall meet at the call of its chairman or the Board, but not less often than once each year. The Council's meetings shall be open to the public.

"The Council may make such reviews or studies related to the program, policies, and activities of the Corporation as it deems appropriate and may advise the Board and the General Manager of its views with respect thereto. It may publish or otherwise publicize its findings and recommendations. The Corporation shall cooperate with the Council in furnishing appropriate information and shall furnish such facilities and personnel as the Council may reasonably require to carry out its functions. All expenses of the Council within maximum limitations fixed by the Board, including necessary transportation expenses and per diem in lieu of subsistence for Council members who are not Federal employees while engaged in the performance of their duties, shall be paid from the funds of the Corporation as current expenses."

SEC. 3. Section 2 of said Act, as amended, is amended by substituting the following for subsections (a) and (b) thereof and by redesignating the existing subsections (c) through (f) as subsections (d) through (g) of section 9:

"SEC. 2. (a) Except as otherwise provided herein, any Federal agency operating power-producing facilities at any project now or hereafter constructed in the Pacific Northwest shall deliver the electric energy not consumed by such agency, or otherwise reserved by law, to the Corporation for disposition in accordance with the terms of this Act. Any agency constructing or operating any Federal water resource project in the Pacific Northwest shall, from funds advanced by the Corporation hereunder, install, operate, and maintain such machinery, equipment, and facilities for the generation of electric energy as the Corporation finds appropriate to carry out the purposes of this Act and as will not adversely affect the operation of the project for the other purposes for which it was authorized, and such installation is hereby authorized. The operating agency shall schedule the operations of the several electrical generating units and appurtenant equipment of any such project in accordance with the requirements of the Corporation to the extent not inconsistent with other laws relating to the operation of the project. The operating agency shall, from funds advanced by the Corporation hereunder, provide and maintain for the use of the Corporation at such projects adequate station space and equipment, including such switches, switchboards, instruments, and dispatching facilities as may be required by the Corporation for proper reception, handling, and dispatching of the electric power produced at the project, together with transformers and other equipment required by the Corporation for the transmission of energy at suitable voltage from the project to the markets to be served by the Corporation. The Corporation shall reimburse the Federal agency operating and maintaining any project which is operated under this section for power purposes for the costs of such operation and maintenance which are allocated to power or are assigned for repayment out of power revenues, and upon request may advance to any such agency sums to cover such costs.

"(b) The Corporation may provide to the constructing agencies, on schedules mutually agreed upon, funds for the capital costs of such authorized Federal water resource development facilities in the Pacific Northwest (whether or not allocable to power if such facilities are necessary for the operation of the project for the production of power at that or any other project) as the Corporation deems to be necessary or desirable to enable it to meet electric power demands for all uses to maintain an expanding economy or otherwise improve the general welfare throughout the Pacific Northwest. The agencies charged with the construction of such facilities are authorized to receive such funds and expend them for the purposes specified. The Corporation and the constructing agencies shall consult with each other and with other affected Federal, State, or local agencies to the fullest extent necessary to facilitate their advance planning and financing arrangements and to secure timely construction of such facilities in the most advantageous sequence and economical manner consistently with the development of the water resources of the Pacific Northwest for multiple-purposes, including the improvement of navigation, control of floods, development of irrigation and reclamation, generation of electric power, creation of recreational opportunities, preservation and propagation of fish and wildlife resources, and other purposes.

"(c) The Corporation may construct, acquire (but not by condemnation), improve, operate, and maintain such thermal or nuclear powered facilities for the generation of electric power as may be necessary to permit the Corporation to carry out its

functions and meet its responsibilities under this Act, including the best utilization of the hydroelectric power subject to its disposition. The construction, acquisition, or operation of such facilities shall be limited to the Pacific Northwest and to power facilities, facilities jointly used for power and one or more other purposes, and such nonpower facilities as may be necessary for or incidental to the generation of electric power, and except upon the express order of the President in time of war or national emergency, which shall have been included in the Corporation's budget program approved by the Congress. The Corporation shall dispose of all electric power produced at such facilities in accordance with the terms of this Act.

"(d) In order to encourage the widest possible use of all electric power that can be generated and marketed and to provide reasonable outlets therefor, to prevent the monopolization thereof by limited groups, and to promote the diversified economic and industrial development of the several States of the Pacific Northwest, the Corporation is authorized and directed to provide, construct, operate, maintain, and improve such electric transmission lines and substations, and facilities and structures appurtenant thereto, as it finds necessary, desirable, or appropriate to transmit electric power available to it for disposition to existing and potential markets, to interconnect its system with projects and power systems now or hereafter constructed, and to carry out its contracts or agreements for the transmission or interchange of electric power from non-Federal projects.

"(e) Subject to the limitations of this Act, the Corporation may carry out such activities as may be necessary or appropriate for the generation, transmission, and sale of electric power, including contracting or arranging for (1) the purchase or exchange of electric power, (2) the use of transmission facilities, and (3) the purchase, exchange, sale, storage, or release of water incident to the generation of electric power. Such arrangements may include the exchange of such water or water use, electric power or the use of transmission facilities, one for the other. The limitations in subsection (c) of this section on the area within which the Corporation may construct or acquire generating facilities shall not apply to the purchase or exchange of electric power or to such purchase, exchange, sale, storage, or release of water. Nothing in this Act shall authorize the Corporation to (1) acquire water for hydroelectric generation purposes by condemnation, (2) divert or cause the diversion of water from the Pacific Northwest, (3) construct or condemn any hydroelectric generating facility, or (4) construct, acquire, or operate any 'production facilities' as that term is defined in the Atomic Energy Act of 1954, except pursuant to a license from the Atomic Energy Commission.

"(f) The Corporation may, subject to the supervision of the Secretary of State or of the United States section of any international commission or agency having jurisdiction in the Pacific Northwest, participate in studies or surveys of the water or electric power resources of the Pacific Northwest and British Columbia and make appropriate arrangements, contracts, or agreements for coordinating its activities with those of appropriate United States, Canadian, or international agencies with respect to any utilization of water or electric power resources of British Columbia or the Pacific Northwest which affects the land, water, or electric power resources of the other country. When authorized by, and subject to the provisions of, any treaty or other agreement between the United States and Canada, the Corporation, to the extent necessary to assist it in carrying out the purposes of this Act, may carry out in British Columbia any activity or function which it is authorized to carry out in the Pacific Northwest, and may advance funds to any construction agency for capital costs of water resource development facilities (whether or not allocable to power if such facilities are necessary for the operation of the project for the production of power at that or any other project) for the purposes provided by subsection (b) of section 2 of this Act for Federal water resource development facilities in the Pacific Northwest. Nothing in this Act shall affect the jurisdiction, powers, or prerogatives of any international commission or agency having responsibilities in the Pacific Northwest or any portion thereof, nor shall anything contained herein authorize the Corporation to make any arrangements with any foreign government, or subdivision, agency, or representative thereof, except through or with the approval of the Department of State.

"(g) Subject to the provisions of this Act, the Corporation is authorized and directed to schedule and construct or arrange for the construction of generating and transmission facilities, or to purchase and exchange electric power, so as to enable it to supply the net wholesale electric power needs of all distributors or consumers within the Pacific Northwest who desire and are willing to enter into contracts to purchase such power from the Corporation. In order to promote the diversified agricultural, industrial, and economic development of the several States of the Pacific Northwest it is hereby declared to be the policy of the Government to distribute electric power equitably throughout the States of the Pacific Northwest so that there will be no unreasonable geographic concentration thereof.

"(h) The Corporation shall prepare and submit to the President and Congress annually an advance program for the construction of such facilities as will permit it to meet its responsibilities under this Act for the next six years. The first such program shall be submitted within two years from the effective date of this section. In preparing such programs the Corporation shall consider pertinent surveys and plans of other agencies, conduct such additional investigations as may be necessary, and obtain the advice and assistance of appropriate Federal, State, and local agencies. The Corporation shall endeavor to coordinate its programs with such programs for flood control, navigation improvement, irrigation development, fish and wildlife preservation and propagation, recreation development, pollution control, and protection and improvement of water supplies as shall have been developed by the agencies primarily responsible therefor. The advance program shall among other things set forth the nature, extent, general location, sequence, and timing of major projects and major transmission facilities recommended; the method by which such major projects are proposed to be undertaken, including any arrangements recommended for joint and cooperative action by the Corporation and other agencies; evidence that each project is economically sound and in the public interest including, where appropriate, estimates of costs and benefits over its economic service life; the tentative allocation of costs to various purposes to be served, to be determined as herein provided; and the amounts to be repaid by the beneficiaries. At least sixty days prior to the presentation of any advance program to the President and Congress it shall be submitted to the Governors of the States of the Pacific Northwest, the Secretary of the Interior, the Secretary of the Army, and to such other Federal or interstate agencies as the President may designate from time to time. The comments submitted by the Governors or agencies shall be transmitted to the President and Congress with the advance program."

SEC. 4. Section 3 of said Act is hereby amended by adding thereto the following: "As employed in this Act, the term 'Pacific Northwest' means the area comprising the States of Washington, Oregon, and Idaho, and that part of the State of Montana which lies west of the Continental Divide".

SEC. 5. The first sentence of subsection (a) of section 5 of said Act, as amended, is amended to read as follows: "Subject to the provisions of this Act, the Corporation shall negotiate and enter into contracts for the sale at wholesale of electric energy, either for resale or direct consumption, to public bodies and cooperatives and to private agencies and persons and for the disposition of electric energy to Federal agencies".

SEC. 6. Section 6 of said Act, as amended, is amended to read as follows:

"SEC. 6. (a) Schedules of rates for the sale of electric power shall be established by the Corporation from time to time, after public hearings, with a view to encouraging the widest possible diversified use of electric power at the lowest possible rates to consumers consistent with sound business principles but not less than those which, together with other revenues of the Corporation, will produce revenues at least sufficient in the aggregate to cover all costs or other charges to be paid out of power revenues, including (1) costs of generating, purchasing, and marketing of such power, (2) costs of services to be contracted hereunder, (3) costs allocated to purposes other than electric power but assigned for repayment out of power revenues, and (4) such additional amounts, if any, as may be required to repay all obligations issued to the Secretary of the Treasury within the term of such obligations or any authorized renewal thereof. Rate schedules may provide for uniform rates, or rates uniform throughout prescribed transmission areas, in order to extend the benefits of an integrated transmission system and encourage the equitable distribution of electric power to the maximum number of consumers at the lowest possible price. Rate schedules shall be based upon allocations of costs heretofore made pursuant to law and hereafter made pursuant to this Act.

"(b) The Corporation may fix rates and charges for wheeling, storage, and other services authorized hereunder.

"(c) The Corporation shall at all times maintain complete and accurate books of account, including, with respect to the purchase, generation, transmission, and disposition of electric power, accounts kept in accordance with section 303 of the Federal Power Act, as amended, except that in lieu of depreciation accounting the accounts shall reflect amortization of the Capital Account in accordance with the requirements of section 12 of this Act. In the maintenance of such accounts, appropriate obligations shall be established for annual and sick leave of absence as earned.

"(d) Hereafter, allocations of costs for any multiple purpose water resource project, the construction or repayment of which is financed in whole or in part from funds of the Corporation, shall be made in accordance with this section. Any final allocation of cost made prior to the effective date of this Act shall remain in effect unless modified in accordance with this section.

"Except where Congress expressly authorizes allocations to other purposes, costs of such water resource projects shall be allocated under this section among the following purposes only: (1) generation, transmission, and disposition of electric power; (2) reclamation; (3) domestic, municipal, or industrial water supply, including anticipated future demands for such purposes pursuant to the Water Supply Act of 1958; (4) flood control; (5) navigation; (6) preservation and propagation of fish and wildlife; (7) recreation development; and (8) pollution control

or abatement. Costs with respect to facilities and activities serving more than one purpose shall be allocated among such purposes so as to achieve an equitable sharing of the savings of multiple purpose construction. Costs with respect to facilities and activities serving only one purpose shall be allocated to that purpose.

"Any report submitted to the Congress by the Corporation requesting authorization of appropriations or other approval for the start of construction, or major modification for any such project or separate division thereof, shall include a tentative allocation of costs prepared by the Board taking into account the advice of each Federal agency directly affected, and such tentative cost allocation report shall be acompanied by such comments as any such Federal agency desires to make. When reclamation is one of the project purposes, the amount assigned for repayment by the water users or landowners (as distinguished from the amount allocated to reclamation) shall be fixed by the Secretary of the Interior pursuant to the Federal reclamation laws. Such tentative cost allocation report shall be the temporary basis for allocating costs, subject to adjustment when any such subsequent tentative cost allocation report or the final cost allocation report becomes effective. The Corporation and the constructing and operating agencies shall make such adjustments as may be necessary to reflect the retroactive application of all such cost allocations.

"Within one year after the substantial completion of any project or separate division or modification thereof, the Board, following the same procedure provided above for the tentative cost allocation report, shall prepare a final cost allocation report and submit it to the President, who, if he approves, shall transmit it to the Congress. The final cost allocation report shall become effective upon the passage by the two Houses of a concurrent resolution stating in substance that the Congress favors the report, or upon the expiration of a period of ninety calendar days of continuous session of the Congress following the date on which the report is transmitted to it, unless there has been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the report.

"When justified by changed operations or benefits of a project, final allocations of costs may be modified in accordance with the above procedure but such modification shall not be applied retroactively."

SEC. 7. Section 7 of said Act is amended to read as follows:

"SEC. 7. (a) Penstocks and other facilities adapted to possible future use in the development of hydroelectric power shall be installed in any Federal dam hereafter constructed in the Pacific Northwest when approved by the construction agency upon the recommendation of the Corporation.

"(b) With respect to any project constructed by the Department of the Interior, the construction or repayment of which is financed in whole or in part by the Corporation pursuant to this Act, the Secretary of the Interior shall have the same authority as is conferred upon the Chief of Engineers and the Secretary of the Army by section 209 of the Flood Control Act of 1954 (68 Stat. 1266)."

SEC. 8. Section 8 of said Act is hereby amended by striking the figure "$500" appearing therein and substituting therefor the following: "$2,500; or (4) in any instance in which authority for the Corporation to negotiate purchases and contracts for property or services is delegated by the General Services Administrator pursuant to the Federal Property and Administrative Services Act of 1949, as amended;".

SEC. 9. (a) Subsections (a), (b) and (c) of section 9 of said Act, as amended, are amended to read as follows:

"(a) The Corporation—

"(1) shall have succession in its corporate name; may adopt, alter, and use a corporate seal; may sue and be sued in its corporate name; and may adopt, amend, and repeal bylaws, rules and regulations governing the manner in which its operations may be conducted and the powers vested in it exercised;

"(2) shall be held to be an inhabitant and resident, within the meaning of the laws of the United States relating to the venue of civil suits, of any judicial district in whole or in part within the Pacific Northwest, in which the Corporation carries on activities at the time of the commencement of suit. The Corporation may be sued in the district court of the United States for any such district without regard to the amount in controversy. Any proceeding brought against the Corporation in a court of any State may be removed by the Corporation to the district court of the United States for the district in which such proceeding is pending, and, to effect such removal, it shall not be necessary that any other party or parties defendant join in the petition for removal;

"(3) may determine, settle, compromise, submit to arbitration, and pay any claim for not in excess of $1,000 against the Corporation or the United States for bodily injury, death, or damage to or loss of real or personal property resulting from the activities of the Corporation and which is presented to the Corporation in writing within two years after the claim accrues, and for this purpose the Corporation shall have, with respect to claims within the scope of title 28, United States Code, chapter 171 (tort claims procedure), the functions assigned to the Attorney General by that chapter; may with respect to any such claim repair all or any part of damage to property in lieu of making payment therefor; may determine, compromise, and settle any claims of the Corporation or the United States against other parties or persons for any losses, injuries, or damages to property of the Corporation; and any determination, compromise, settlement, or payment of a claim under this subsection shall be final and conclusive upon all officers of the Government;

"(4) may, subject to the applicable rules and practices of such body, appear or intervene before any Federal, State, or local body in any matter which the Corporation believes will affect its responsibilities under this Act;

"(5) may make mutual assistance or other arrangements with any public or private agency for using personnel, equipment, or facilities of the Corporation, with or without reimbursement, in emergency situations involving the preservation of life, health, or property or the maintenance or restoration of electric power service;

"(6) may enter into agreements with its power customers and power systems interconnected with its facilities for the performance by either party for the other of operating and maintenance services, emergency repairs, or the maintenance of power facilities on a reimbursable, exchange or replacement basis;

"(7) may make such expenditures for offices, vehicles, furnishings, equipment, supplies, books, and publications; for attendance at meetings; and for such other facilities and services as it finds necessary for the proper administration of this Act;

"(8) may accept gifts, donations, or grants of services, money, or property, in the interest of itself or its activities and may cooperate with public or private agencies in studies, surveys, research, testing, or development on matters affecting or affected by the Corporation's activities;

"(9) shall, in cooperation or consultation with the United States Fish and Wildlife Service, State fish and game agencies, or other public or private agencies, undertake a program of research and development on means to minimize any adverse effect of dams, reservoirs, or other power facilities on the passage or propagation of fish;

"(10) may conduct such studies, research, and development on any means of generation, transmission or use of low cost electric energy, or as may otherwise be necessary or useful to it in carrying out the purpose of this Act;

"(11) may obtain services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $100 per diem for individuals;

"(12) may employ retired commissioned officers of the Armed Forces of the United States and compensate them at the rate established for the positions occupied by them within the Corporation, subject only to the limitations in pay set forth in section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a);

"(13) may, where such facilities are not otherwise reasonably available, provide by contract or otherwise for cafeterias and other necessary facilities for the welfare of its employees at its installations and furnish and maintain equipment therefor;

"(14) may conduct any of its activities through or in cooperation with Federal agencies or instrumentalities, States, counties, municipalities, cooperatives, individuals, educational or scientific institutions, or other bodies or agencies, public or private, and may use or advance its funds in carrying out such activities; Federal agencies and instrumentalities are hereby authorized to participate in or carry out such activities on terms mutually agreeable to the agency involved and the Corporation: *Provided*, That before entering into any agreement for the construction or operation of any electric power generating facility by a non-Federal agency, the Corporation shall make a finding that the agreement is in the public interest, shall give notice thereof to its customers, and upon request by parties affected, shall conduct public hearings thereon;

"(15) may, in accordance with such regulations as it may prescribe and to the extent it determines to be fair and reasonable, but not to exceed 25 per centum of the fair value, as determined by the Corporation, of the land interest acquired, reimburse owners and tenants of land who are required to move because of the acquisition of such lands or any interest therein by the Corporation, for actual expenses, losses, and damages incurred by them as a result of such moves; and

"(16) shall annually file with the President and the Congress a financial statement and a complete report as to the business of the Corporation covering the preceding governmental fiscal year.

"(b) Section 101 of the Government Corporation Control Act is hereby amended by inserting after 'Saint Lawrence Seaway Development Corporation;' the following: 'Bonneville Power Corporation;'.

"(c) Subject to security regulations, any Federal agency or instrumentality having information pertinent to the functions of the Corporation shall make such information available to the Corporation."

(b) The subsection herein redesignated as subsection (d) of section 9 of said Act is amended by inserting the word "exchange," after the word "lease". The subsection herein redesignated as subsection (f) of section 9 of said Act is amended by inserting the word "exchange," after the word "lease" and by deleting the proviso.

SEC. 10. Section 10 of said Act, as amended, is amended to read as follows:

"SEC. 10. (a) The Corporation shall appoint, subject to the civil service laws, such officers, employees, attorneys, and agents as may be necessary to carry out the functions of the Corporation, the appointment of whom is not otherwise provided for, define their duties, and fix their compensation in accordance with the Classification Act of 1949, as amended. Subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, the Corporation is authorized to place not to exceed ten positions in grades 16, 17, or 18 of the General Schedule established by such Act in addition to the number of positions (including positions transferred to the Corporation pursuant to this Act) authorized to be placed in such grades by such section 505. The Corporation may employ laborers, mechanics, and workmen in accordance with the civil service laws and may fix their compensation without regard to the Classification Act of 1949, as amended, or any other laws, rules, or regulations relating to the payment of employees of the United States except the Civil Service Retirement Act, to the extent that it otherwise is applicable. Subject to the provisions of this Act, the Corporation may deal collectively with its employees through representatives of their own choosing and may enter into written or oral agreements with such employee representatives. The Corporation may employ physicians, under agreement and without regard to the civil service laws or regulations, to make physical examinations of employees or prospective employees who are, or may become, laborers, mechanics, or workmen. The Corporation may require bonds of such of its officers, employees, attorneys, and agents as it deems appropriate, the premiums for which shall be paid by the Corporation. The Corporation may accept and utilize such voluntary and uncompensated services and with the consent of the agency concerned, with or without reimbursement, may utilize such officers, employees, or equipment of any agency of the Federal, State, or local governments as it finds helpful in carrying out the purposes of this Act. In connection with the utilization of such services, reasonable payments may be allowed for necessary travel and other expenses.

"(b) In the employment, selection, classification, and promotion of officers and employees of the Corporation, no political test or qualification shall be permitted or given consideration, but all such employments and promotions shall be given and made on the basis of merit and efficiency. It shall be unlawful to make or assist in the making of or cause to be made any employment, selection, classification, or promotion of any officer or employee of the Corporation on the basis of or because of any political qualification or test. Any employee of the Corporation who is found to be guilty of a violation of this subsection shall be removed by the Board.

"(c) The benefits of the Federal Employees' Compensation Act (39 Stat. 743), as amended, shall extend to persons given employment pursuant to subsection (a) of this section; and the right to benefits under such Act, as amended, shall be exclusive and in place of any and all other liability of the Corporation and the United States to pay damages or workmen's compensation to such persons, or to the dependents, next of kin, or legal representatives of such persons, or to any person otherwise entitled to recover damages, on account of injury or death within the purview of such Act.

"(d)(1) All laborers and mechanics employed by contractors or subcontractors in the performance of work within the United States financed in whole or in part with Federal funds under the provisions of this Act, pursuant to contracts in excess of $2,000 for the construction, alteration, or repair of buildings, dams, locks, or other structures or facilities, shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and every such employee shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in the workweek, as the case may be. The Corporation shall not make any payment of Federal funds without first obtaining adequate assurance that these labor standards will be maintained.

"(2) The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1) of this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, 5 U.S.C. 133z–15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended, 40 U.S.C. 276c).

"(e) The Corporation shall contribute to the civil service retirement and disability fund, on the basis of annual billings as determined by the Civil Service Commission, for that part of the Government's share of the cost, which is not covered by the Corporation's contribution under section 4(a) of the Civil Service Retirement Act, of the civil service retirement system applicable to the Corporation's employees and their beneficiaries. The Corporation shall also contribute to the employee's compensation fund, on the basis of annual billings as determined by the Secretary of Labor, for the benefit payments made from such fund on account of the Corporation's employees. The annual billings shall also include a statement of a fair portion of the cost of the administration of the respective funds, which shall be paid by the Corporation into the Treasury as miscellaneous receipts."

SEC. 11. Section 11 of said Act, as amended, is amended to read as follows:

"SEC. 11. (a) To carry out the functions authorized by this Act, there shall be established in the Treasury of the United States a Bonneville Power Corporation Operating Fund (hereinafter referred to as the 'Operating Fund'). The Operating Fund shall consist of the funds transferred to the Corporation in accordance with subsection 12(c) of this Act, funds credited to the Operating Fund under subsection (c) of this section, all appropriations made to the Corporation as authorized by subsection (e) of this section, and all cash receipts of the Corporation.

"(b) Expenditures from the Operating Fund may be made for any purposes necessary or appropriate to carry out the purposes of this Act, including, but not limited to—

"(1) the payment of administrative expenses of the Corporation;

"(2) the expenses of operating and maintaining the Corporation's properties, and reimbursements and advances for operation and maintenance expenses pursuant to section 2 of this Act to agencies supplying power to it;

"(3) payments for the operation or rental of other facilities or for the purchase of power or water;

"(4) capital costs of expanding the Corporation's power system, including funds advanced to other agencies pursuant to section 2 of this Act, and costs of acquisition, construction, improvement, and replacement of equipment, facilities, or other properties as authorized in this Act;

"(5) interest and principal on all obligations issued under subsection (c) of this section;

"(6) all interest and principal payments required for the service and retirement of the Capital Account; and

"(7) to provide reserves in such amount and manner as the Corporation may deem necessary and appropriate.

All funds advanced by the Corporation which are not utilized for the purpose or purposes for which advanced shall be returned to the Corporation. Moneys in the Operating Fund derived from appropriations shall be used only for the purposes for which such funds are appropriated.

"(c) In order to effectuate the purposes of this Act, the Corporation may from time to time issue to the Secretary of the Treasury negotiable interest-bearing obligations, secured by a pledge of its revenues to the extent required for the payment of the interest on and principal of such obligations and redeemable at the option of the Corporation before maturity in such manner as may be stipulated in such obligations, subject to the following conditions:

"(1) Each issue of such obligations, together with all issues renewing or refunding such issues, shall mature in not to exceed fifty years from the date of initial issuance, and provision shall be made, by serial maturities, sinking fund payments, or otherwise, for the complete amortization and retirement of each issue of such obligations within a period of fifty years from date of initial issuance.

"(2) The amount of any such issue added to the outstanding long-term obligations of the Corporation, not including the Capital Account, shall not exceed $1,100,000,000.

"(3) As soon as practicable after the Corporation considers it probable that additional obligations must be issued, but not less than ninety days preceding the approximate proposed date of issue of such obligations, it shall consult with the Secretary of the Treasury, or such officer as he may designate, regarding the probable terms and arrangements pertaining to such obligations. If after such preliminary consultation the Corporation decides to proceed with the issuance of such obligations, it shall so inform the Secretary of the Treasury, who shall set the exact terms and date of the issue: *Provided*, That the determination of the Corporation regarding the need for and the approximate timing of any proposed issue shall be final. The rate of interest in each fiscal year on such obligations shall be equal to the computed average interest rate payable by the Treasury upon its total marketable public obligations as of the beginning of said fiscal year. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation issued hereunder if he is satisfied that it appears reasonably probable that all installments of principal and interest on such obligations will be met from revenues of the Corporation. For the purposes of this subsection the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under said Act are extended to include any purchases of the Corporation's obligations hereunder. All sums loaned to the Corporation in accordance with this subsection shall be credited to the Operating Fund upon the date of issuance of the obligations purchased by the Secretary of the Treasury.

"(d) The Corporation shall at all times keep the Secretary of the Treasury informed concerning its fiscal operations and status and, not less than once each year, shall transmit to him a report containing an estimate of its capital requirements for the ensuing six years, its earnings and expenses

during the same period, and such supplemental information as it deems necessary and appropriate or as he may request.

"(e) Appropriations to carry out any of the purposes of this Act are hereby authorized.

"(f) At the start of the first regular session of Congress following the eighth anniversary of the effective date of this Act, the Corporation shall submit to the President and the Congress a report on the operation of the financing method herein provided and its recommendation concerning the permanent method of financing to be provided for the Corporation, based upon its experience to that time and such additional investigations as it may find necessary or useful."

SEC. 12. Section 12 of said Act, as amended, is amended to read as follows:

"SEC. 12. (a) The properties, facilities, contracts, accounts receivable, and miscellaneous and other assets of the Bonneville Power Administration are hereby transferred to the Corporation, and such transfer shall be carried out by the Secretary of the Interior at the earliest feasible time after the effective date of this Act. The Secretary of the Interior also shall transfer to the Corporation such properties, facilities, contracts, accounts receivable, and other assets of the Bureau of Reclamation and other offices of the Department of the Interior as he determines are connected with the activities transferred to the Corporation and deems appropriate to carry out the purposes of this Act.

"(b) Employees of the Bonneville Power Administration, and such other employees of the Department of the Interior as the Secretary of the Interior and the Corporation shall determine are connected with the activities transferred to the Corporation and shall designate, shall, at the time of transfer pursuant to this section, become employees of the Corporation.

"(c) In connection with the transfers pursuant to subsections (a) and (b) of this section, the unexpended balances of funds appropriated or otherwise made available for the Bonneville Power Administration, of any balance in the special fund receipt account into which revenue from the sale of electric power by the Bonneville Power Administrator is payable pursuant to Executive Order Numbered 8526, dated August 26, 1940, and such funds appropriated or otherwise available to the Bureau of Reclamation or other offices as the Director of the Bureau of the Budget determines are connected with the facilities, activities, and personnel transferred to the Corporation, shall be transferred to the Corporation. All funds transferred hereunder shall be available for expenditure and shall be expended in the same manner and to the same extent as all other funds of the Corporation, except that they shall be expended by the Corporation subject to such limitations as may be prescribed by any applicable appropriation Act during such period as may elapse between their transfer and the approval by the Congress of the first subsequent annual budget program of the Corporation.

"(d) The Corporation shall assume all of the obligations and liabilities of the United States pertaining to any properties and contracts transferred to the Corporation, except that in the sale or disposition of power from any generating unit completed after the effective date of this Act the Corporation shall not be bound by the provision of any contract which purports to restrict sales for industrial purposes in any manner not expressly provided for by this Act.

"(e) There is hereby authorized to be established in the Treasury of the United States a Bonneville Power Corporation Capital Account (hereinafter referred to as the 'Capital Account'). The Capital Account shall be charged with (1) the unrepaid balance of the Federal investment in the assets transferred to the Corporation pursuant to subsections (a) and (c) of this section (in the event of a disagreement over the amount of such balance, the matter shall be referred to the Comptroller General of the United States whose decision shall be final), (2) all appropriated funds subsequently received by the Corporation and not expressly excepted by the Congress from inclusion in the Capital Account, and (3) all other unrepaid capital costs assigned for return from revenues from the disposition of power marketed by the Corporation and not contributed by the Corporation.

"(f) As of the close of each fiscal year the Corporation shall cover into the Treasury to the credit of miscellaneous receipts interest on the unrepaid balance of the Capital Account, after deducting the unrepaid balance of all capital costs allocated to purposes other than power including those assigned for repayment out of power revenues, at a rate equal to the computed average interest rate payable by the Treasury upon its total marketable public obligations as of the beginning of said fiscal year.

"(g) The Corporation, from the Operating Fund, shall cover the principal of the Capital Account into the Treasury pursuant to the following schedules: (1) as to the unrepaid balance of the Federal investment in the assets transferred pursuant to subsections (a) and (c) of this section, over a period of fifty years from the effective date of this Act, (2) as to appropriated funds subsequently received by the Corporation, over a period of fifty years from the date of completion of each generating unit or other feature constfucted therewith, (3) as to unrepaid capital costs of projects allocated to power and not contributed by the Corporation, over a period of fifty years from the effective date of this Act or from the date of completion of each generating unit or feature, whichever is later, and (4) as to unrepaid capital costs of projects allocated to purposes other than power but assigned for repayment out of power revenues, over such period as may be provided by law. The principal of all charges in the Capital Account of the types specified in subdivisions (1), (3), and (4) of this subsection shall be credited with all funds advanced by the Corporation pursuant to subsections (b) and (f) of section 2 of this Act which are allocable to purposes other than power and are not assigned for return from power revenues. Interest paid by the Corporation on any obligations which it issues to provide funds for such advances shall be credited in the same manner. Appropriate adjustment in the charges and credits to the Capital Account shall be made to reflect retroactively any changes made by, and to conform with, each final cost allocation and prospectively any subsequent modification thereof. The Secretary of the Treasury shall credit all payments and credits provided for in this subsection to the Reclamation Fund, miscellaneous receipts, or other fund as may be provided by law.

"(h) Unless or until a system of capital accounting has been established in the Treasury of the United States, in any accounting computation involving the total of the national debt such total as otherwise computed shall be reduced by the sum of the Capital Account and the total of the outstanding obligations of the Corporation held by the Secretary of the Treasury."

SEC. 13. Said Act, as amended, is hereby further amended by adding thereto the following new sections:

"SEC. 14. The consent of Congress is hereby given to the States of Idaho, Montana, Oregon, and Washington to negotiate a compact providing in whole or in part for the assumption of the functions, duties, and powers of the Corporation upon condition that one qualified person shall be appointed by the President who shall participate in said negotiations as the representative of the United States and shall make report to the Congress of the proceedings and of any compact agreed upon. Any such compact shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been ratified by the legislature of each of the four States and thereafter consented to by the Congress.

"SEC. 15. (a) Except as expressly provided in this subsection, nothing in this Act shall affect, enlarge, impair, diminish, or subordinate the rights, powers, or authority of the United States or of any State to appropriate, use, divert, or store, or to control the appropriation, use, diversion, or storage of water for beneficial consumptive purposes, or modify or repeal any provision of any existing Act of Congress requiring that rights of the United States or its licensees or permittees to the use of water be acquired pursuant to State law. The use of water for navigation, in connection with the operation and maintenance of any works the construction or repayment of which is financed in whole or in part by the Corporation pursuant to this Act, shall be only such use as does not conflict with any present or future beneficial consumptive use in the Pacific Northwest, or in any portion of the affected watershed lying outside of the Pacific Northwest, of such water for domestic, municipal, stock water, irrigation, mining, or industrial purposes.

"(b) Nothing in this Act shall alter, repeal, or supersede the provisions of any interstate compact pertaining to water resources of the Pacific Northwest heretofore consented to by the Congress or the provisions of any Act of Congress consenting to our approving any such compact.

"(c) All provisions of other Acts authorizing or directing any Federal agency or official to enter into contracts or otherwise sell or dispose of electric power and energy not required for project uses from any Federal project located in the Pacific Northwest are modified to the extent necessary to comply with the provisions of this Act: *Provided*, That nothing in this Act shall change, with respect to any project, the requirements of any existing Act with respect to (1) the periods established for the repayment of costs of such project allocated to purposes other than power, (2) the use of power revenues for repayment of any portion of the costs of such project allocated to purposes other than power, (3) the rate of interest to be charged with respect to the repayment of any of the costs of such project allocated to purposes other than power or the application to be made of the interest component of the power rates, (4) any reservation of power or energy for use for specific project or nonproject purposes or for use in any State or area, or (5) any special rates, or special factors affecting rates, with respect to any power or energy required to be so reserved.

"(d) The Bonneville project authorized by section 1 of the Act of August 30, 1935 (49 Stat. 1028), shall continue to be operated and maintained under the direction of the Secretary of the Army and the supervision of the Chief of Engineers subject to the provisions of this Act.

"SEC. 16. This Act may be cited as the 'Bonneville Power Corporation Act'."

SEC. 14. Said Act, as amended, is hereby further amended by striking the word "Administrator" wherever it appears therein and substituting therefor the word "Corporation" and by striking the pronouns "he" or "his" wherever they appear therein with reference to the Administrator and substituting therefor the pronouns "it" or "its" respectively.

SEC. 15. Effective on the effective date of the amendments made by this Act—

(a) section 5 of the Act of December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, second session), shall not apply to projects located in the Pacific Northwest;

(b) the two proviso clauses set forth in that portion of section 2 of the River and Harbor Act approved March 2, 1945 (Public, Numbered 14, Seventy-ninth Congress, first session), authorizing projects on the Snake River, Oregon, Washington, and Idaho, in accordance with House Document 704, Seventy-sixth Congress, and the first two proviso clauses of that portion of said section 2 of said Act authorizing the construction of the Umatilla (McNary) Dam, Oregon and Washington, are repealed;

(c) section 6 of the Act of July 27, 1954 (Public, Numbered 544, Eighty-third Congress, second session), is amended by changing the terms "Bonneville Power Administrator" and "Secretary of the Interior" to "Bonneville Power Corporation" and by changing "Bonneville Project Act" to "Bonneville Power Corporation Act".

SEC. 16. The amendments made by this Act shall be effective on such date, not more than six months after the date of enactment of this Act, as may be designated by the President, except that effective on such date of enactment and in accordance with such amendments (1) the members of the Board may be appointed, and (2) such other officers and employees may be appointed and such expenditures made as may be necessary prior to the effective date of such amendments to organize the Corporation and prepare for the transfer of functions and activities authorized herein. The President is authorized to make available such funds appropriated to the Bonneville Power Administration as may be necessary to defray the costs of such activities until the effective date of such amendments. Prior to such effective date the Secretary of the Interior may authorize officers and employees of the Department of the Interior to perform functions requested by the Corporation, in addition to their functions for the Department of the Interior.

REUNIFICATION OF ALL ARMED FORCES UNDER A SINGLE CIVILIAN COMMAND

Mr. JOHNSON of Colorado. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. WOLF] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. WOLF. Mr. Speaker, I am introducing a bill today which calls for the reunification of all Armed Forces under a single civilian command.

The purpose of this bill is to eliminate the impossible duplication and waste which presently exists in our Defense Establishment.

Mr. Speaker, more specifically this bill will—

Eliminate all existing distinctions between the individual military services and merge them into one defense force;

Give full command authority to a civilian Secretary of Defense subject only to the President as Commander in Chief;

Establish the post of Deputy Secretary of Defense, to be filled by a career member of the Military Establishment;

Abolish the Joint Chiefs of Staff; and

Establish within the Department of Defense nine functional branches, each under a chief of branch answerable directly to the Secretary of Defense. The branches would be identified as Combat, Program, Personnel, Development, Procurement, Transportation, Training, Inspection and Service.

It is a mystery to me that people who cry "spender" when one votes for a million dollar appropriation bill to encourage flood control are peculiarly silent on the issue of getting rid of the waste and duplication in the Armed Forces. Congressman KOWALSKI, who is one of the great specialists on our defense program, has estimated that about $7 billion a year of our military budget can be saved if we are willing to reorganize the Defense Department.

I believe this saving could be had without losing one bit of the military security we presently have. I hope that the slogan-throwers will begin using some of their power to get behind a serious attempt to cut down on needless defense spending. Or are there too many vested interests and are there too many crass and cynical men who are not truly interested in saving the tax dollar but are more expert in creating the illusion that they are savers?

I would like to add one more reason why I support this bill. Presently in the Defense Department, the left hand does not know what the right hand is doing—Navy competes with Army, the Air Force with the Marines. Each has its own pet programs—its own weapons systems and its own axes to grind. Each group would gladly subvert the position of the other.

This is shocking for two reasons. First of all, our national defense posture is, in fact, unclear, and secondly, and more important, until we have unification and central control in the Defense Department there is no chance at all for effecting disarmament agreements. Our programs must be integrated and controlled which is not the case at all at this time.

How will it be possible to negotiate disarmament agreements when we have no idea what our weapons systems should or should not be—or more to the point, what our weapons systems are? Thus, there is no doubt that if we are ever going to achieve a strong national defense position unification must occur, and if we are ever to negotiate seriously disarmament agreements, we had better begin making order out of chaos and decide what we will give up first and what we will give up last. This can occur only if there is unified control.

AUTHORIZING PRESIDENT TO USE ITEM VETO

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, today I have introduced three separate joint resolutions to amend the Constitution and empower the Congress to authorize the President to use the item veto authority.

This legislation is the outgrowth of a strong conviction of mine that the framers of the Constitution never intended that the President should be required to sign a bill and thus give official approval to an item which he does not approve in order to avoid vetoing the whole bill, some provisions of which he may consider very important.

My decision on this matter has come after long study and from experience in Congress and in the legislature in Iowa.

All of us know that this has happened many times. As a case in point, we only have to look back to the civil works appropriation bill last year. The President disapproved some 67 projects, but it was necessary for him to veto an entire bill with hundreds of worthy projects just to eliminate the ones he did not approve—most of which I believe were not justified. As it turned out, a new bill in which a slight reduction was made, was also vetoed, but passed over the Presidential veto by the Congress—the only time the Congress has seen fit to override the President during his 7 years in office.

Because I felt that the President was right in this action, I voted to sustain his veto although I was in reality voting against several worthy projects in my district—all with a high benefit-cost ratio—and none of them among the 67 to which the President objected.

I know of other Members who were placed in this position and as a consequence had some explaining to do to their constituents.

Had the President been able to use the item veto he could have deleted the undesirable projects, approved the others, and returned the bill with his signature.

The American taxpayer would have been the beneficiary in a situation of this kind. He would not have been saddled with the expense of a lot of pork barrel items where the comparatively small initial cost is just the beginning of an annual drain on the Treasury and where each succeeding year sees an increase in the appropriation requests until the project is completely milked.

Last year's experience on this particular bill was all of the prompting I needed to realize that there is a crying need for legislation to give the President the item veto authority.

To provide me with the background on the issue, and assemble the pros and cons, as well as to work out tentative drafts for the bills, I called upon my legislative research team at the State University of Iowa.

Three law students serve on this team. None is a relative, but each is on my payroll. They are paid the going rate for this type of work on the campus. They are a tremendous help to me and the money they receive is a tremendous help to them in defraying the costs of their education.

To supervise the activities of these assistants, I am fortunate to have the services of Dr. Russell Ross, instructor

in the Political Science Department at the State University of Iowa. Dr. Ross serves without pay. Besides being an outstanding political science instructor, he is also a recognized authority on State and local government. He is the author of several books and lectures regularly outside the classroom on the need for reform in our county system of government within the States.

Dr. Ross presently directs the activities of D. T. Doan, Robert Downer and Tom Scheuerman. The current project since last September has been the item veto. Soon the team will start on another project.

In the past he has given direction to research on small business, tax deductions for college costs, equalization of collection procedures for the Federal tax on gasoline and the feasibility of an extension service for small business firms.

I was especially gratified 2 years ago when Dr. Ross and the members of the research team were invited to appear before the Select Committee on Small Business and present their findings on needed legislation to aid small businessmen. To my knowledge this is the first testimony of its kind to be presented before a congressional committee.

Many of the recommendations to come out of the research of this group have been enacted into law. I am sure that there will be others.

With a record of this type, it is easy to see why I place such great store in their findings. I know the work will be thorough, accurate, and tempered with good judgment.

Besides the drafts of the resolutions which I am offering today, the team has also provided me with material for a series of speeches which I plan to deliver on the House floor in the weeks ahead so that I can generate public support for the item veto. I expect to go into the history of this legislation before Congress; the history of the use of the item veto in State government and the pros and cons of the legislation.

The resolutions which I am introducing today afford three approaches to the granting of the item veto authority: One bill would authorize the President to approve or disapprove separate items in any bill; another to limit the disapproval and/or reduction to items in general appropriation bills and the other joint resolution would grant the authority to approve or disapprove separate items except in those instances where a specific item has been approved by all interested departments and agencies of the executive branch of the Government and by all the appropriate committees in Congress.

All of these resolutions would seek to amend the Constitution so that this authority would be explicit. All of them provide that any item disapproved by the President can be repassed by two-thirds of the House and Senate. This would enable the Congress to decide a controversial project or item on its merits, and in cases involving the expenditure of public funds, Congress should certainly exercise that prerogative.

In the introduction of these resolutions and in the preparation of my remarks which I will make on the floor of the House in the weeks to come, I have worked closely with the Bureau of the Budget. Their advise and counsel has been invaluable to me and I feel that the legislation will be more effective by incorporating the suggestions which came from the Bureau of the Budget.

Based on the extensive study I have made, it certainly amazes me to realize how slow Congress has been in measuring up to its responsibilties in this respect. I feel that part of the reason lies in the fact that the taxpaying public has not been aroused to the vital necessity of this authority in order to help control Federal spending. I plan to do something about this and by taking the floor and emphasizing the need, I am hopeful that the people will be as concerned about this as they were about inflation and the sound dollar. I want them to put the pressure on Congress so we can get this authority on the books.

THE FEDERAL NATIONAL DEBT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oklahoma [Mr. STEED] is recognized for 30 minutes.

Mr. STEED. Mr. Speaker, our Federal national debt on March 17, the latest date for which figures are available, stood at $290.2 billion.

For several years the annual interest payments have been curving upward at an alarming rate. In fiscal 1959 the interest alone came to $7.7 billion. It is estimated officially that in the current fiscal year this figure will skyrocket to $9.4 billion. A further increase to $9.6 billion is deemed likely for fiscal 1961. The interest on the national debt is now the second largest single item in our Federal budget, exceeded only by defense.

Thus, this year we will be paying on the national debt $9.4 billion—$275 for each head of household in the country—which at the end of the year we will still owe.

As long as we make no payment on the principal of the debt we are in the position of a man who has borrowed $10,000 to buy a home but whose monthly payments cover the interest only. Thus he goes on owing $10,000 indefinitely.

The trend toward higher interest rates threatens to make this burden even greater.

Should things go on as at present, within 28 years we would have paid a sum equal to the entire present debt, yet we would still owe it all.

In behalf of our children and grandchildren as well as ourselves we should adopt a plan now to begin the systematic retirement of this debt. This can be done by writing into law the requirement that in each year we shall pay on the principal an amount equal to at least 1 percent of our indebtedness today, or $2.9 billion.

Such a policy would pay off the debt within 100 years. A century is a long time, but the size of this burden is tremendous, and so will be the savings to the people if this plan is carried out.

Within 100 years, a table compiled by the gentleman from Texas, Mr. Wright, shows, we can pay the entire debt and the required interest for $485 billion less than it would cost us to continue the debt at its present level and pay the interest alone.

In the beginning, of course, it would be an added load to make a $2.9 billion payment in each budget. But within a relatively short time the reduction of the principal and interest would begin to tell and the savings would make themselves felt.

The American people are wise enough and farsighted enough to approve this policy. It merely carries out for the Nation as a whole what any prudent citizen realizes would be sound for him as a person.

Therefore I am happy to join my distinguished colleagues, Hon. JIM WRIGHT and Hon. FRANK IKARD, the gentleman from Texas, in sponsoring this proposal, which I am introducing today.

In traveling through my home district during the period between sessions I discussed this issue with many citizens. The response was overwhelmingly favorable and encouraging.

It may be pointed out that exceptions to the annual payment might be necessary in time of unlimited national emergency—war or depression. That is true, but such exceptions should be made only after solemn deliberation and with the approval of the President and Congress of the United States. And such exceptions, should they lamentably have to be made, would serve to underline the larger aim.

The essential strength of our economy needs more emphasis. In deploring the size of the debt, too often we forget that $230 billion of this $290 billion came during World War II when we were fighting for survival. Much of the remainder can be attributed to World War I and the Korean conflict.

Many believe that since the end of World War II the debt has been rocketing out of control. Actually, it has followed a zigzag course under administration of both parties.

We must not forget that the size of the national debt has remained relatively stable since 1945. It has increased only 10 percent in that 15-year period, which included Korea. And this is despite the fact that in fiscal 1959 we had the biggest peacetime deficit in history. In the same 15 years local and State debts have mounted by 350 percent.

Compared with the overall size of our steadily growing economy, the debt is relatively smaller and more manageable now than in 1945.

Of course, this record could be improved upon. But it shows there is room for hope and achievement.

The passage of this measure would dramatize fiscal responsibility. In the history of our country the direct threats

to prosperity have flowed from weak financial policies, not strong ones. By publicly committing ourselves to this goal we will unify our purpose for effective action. This program means self-restraint for both people and Congress, and I believe they are equal to the responsibility.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, I am glad to join with my colleague from Oklahoma in this matter. It has been a very disturbing thing insofar as the gentleman from Florida is concerned that in a time of high prosperity in this Nation, the greatest that we have ever known, we continue to operate this Government on the basis of a deficit financing.

At the beginning of the 1st session of the 86th Congress I introduced a bill, H.R. 5203, that would make it mandatory for the President of the United States to submit to the Congress a balanced budget and require the Secretary of the Treasury to set aside the first 5 percent of the income, based on the income of the previous year, to apply on the national debt. Of course, the gentleman realizes that under the proposition of the income of the Federal Government now being approximately $80 billion, we could apply approximately $4 billion a year toward this tremendous debt. I think it is about time that the Members of the Congress begin to take cognizance of this tremendous, staggering debt. We have shirked our responsibility in that regard and have continued to finance the Government on a deficit operation, thereby placing on the shoulders of future generations the responsibility of paying this staggering amount of money. I commend the gentleman for his interest in this matter. I might say that the bill that I introduced has been referred to the Committee on Government Operations, and I hope the gentleman will join me in an attempt to dislodge that bill, or at least have some hearings, so that the American people will know that some of us in the Congress are interested in this very vital situation. Let us assume some fiscal responsibility in our own time and not pass along this huge debt for future generations to pay.

Mr. STEED. I thank the gentleman for his contribution, and I am happy to know that we share this concern together. The legislation we are sponsoring has the same general purpose, and I do hope that we, as he suggests, can get some favorable action in that direction. I think it is certainly high time to do so.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BALDWIN and to include extraneous matter.

Mr. Bow.

(The following Member (at the request of Mr. CUNNINGHAM) and to include extraneous matter:)

Mr. HENDERSON.

ADJOURNMENT

Mrs. GRIFFITHS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Monday, April 18, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2051. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation entitled "A bill to amend the Interstate Commerce Act in order to provide civil liability for violations of such act by common carriers by motor vehicle and freight forwarders"; to the Committee on Interstate and Foreign Commerce.

2052. A letter from the Attorney General, transmitting a draft of proposed legislation entitled "A bill to amend section 1073 of title 18, United States Code (the Fugitive Felon Act); to the Committee on the Judiciary.

2053. A letter from the Attorney General, transmitting a draft of proposed legislation entitled "A bill to amend chapter 35 of title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents"; to the Committee on the Judiciary.

2054. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill for the relief of Loren W. Willis"; to the Committee on the Judiciary.

2055. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill for the relief of Maj. Howard L. Clark"; to the Committee on the Judiciary.

2056. A letter from the Postmaster General, transmitting the cost ascertainment report of the Post Office Department for the fiscal year 1959, pursuant to 39 U.S.C. 826; to the Committee on Post Office and Civil Service.

2057. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation entitled "A bill to amend the Internal Revenue Code of 1954 by imposing a tax upon the sale of aviation fuel, and for other purposes"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE: Committee on Armed Services. H.R. 1157. A bill to provide for promotion of economic and social development in the Ryukyu Islands; with amendment (Rept. No. 1517). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 10164. A bill to change the name of the locks and dam No. 41 on the Ohio River at Louisville, Ky.; without amendment (Rept. No. 1518). Referred to the House Calendar.

Mr. THOMAS: Committee on Appropriations. H.R. 11776. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices for the fiscal year ending June 30, 1961, and for other purposes; without amendment (Rept. No. 1519). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASEM: Committee on the Judiciary. H.R. 4437. A bill for the relief of Mrs. Mauricia Reyes; with amendments (Rept. No. 1515). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 5589. A bill for the relief of Michael J. Collins; with amendment (Rept. No. 1516). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 11760. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

By Mr. COOLEY:

H.R. 11761. A bill to simplify, consolidate, and improve the authority of the Secretary of Agriculture with respect to loans to farmers and ranchers, and for other purposes; to the Committee on Agriculture.

By Mr. DIXON:

H.R. 11762. A bill to further amend section 2276 of the Revised Statutes of the United States (43 U.S.C. 852) with respect to certain lands granted to States and Territories for public lands; to the Committee on Interior and Insular Affairs.

By Mr. FLYNN:

H.R. 11763. A bill to improve commerce and industrial development through the establishment of a county industrial agent program; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAY:

H.R. 11764. A bill to amend the Federal Trade Commission Act to strengthen independent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11765. A bill to amend the Federal Trade Commission Act to provide for the issuance of temporary cease and desist orders to prevent certain acts and practices pending completion of Federal Trade Commission proceedings; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.R. 11766. A bill to amend section 35 of title 18 of the United States Code so as to increase the punishment for knowingly giving false information concerning destruction of aircraft and motor vehicles; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 11767. A bill to provide that for estate tax purposes a donor's gross estate shall not include certain property which he transferred before his death for the benefit of minors; to the Committee on Ways and Means.

By Mr. MOORE:

H.R. 11768. A bill to provide for the acquisition by the Secretary of the Army of certain real property to be used for the expansion of the national cemetery at Grafton, W. Va.; to the Committee on Interior and Insular Affairs.

By Mr. POAGE:

H.R. 11769. A bill to reduce the cost to the U.S. Treasury of farm price and income-stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. PORTER:

H.R. 11770. A bill to amend the Bonneville Project Act in order to establish the Bonneville Power Corporation; to the Committee on Public Works.

By Mrs. ST. GEORGE:

H.R. 11771. A bill to grant natives of the Dependency of Malta unlimited access to the immigration quota for Great Britain; to the Committee on the Judiciary.

By Mr SCHWENGEL:

H.R. 11772. A bill to provide career status as rural carriers without examination to certain qualified substitute rural carriers of record in certain cases, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STEED:

H.R. 11773. A bill to amend section 21 of the Second Liberty Bond Act to provide for the retirement of the public debt; to the Committee on Ways and Means.

By Mr. WILLIS:

H.R. 11774. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

By Mr. WOLF:

H.R. 11775. A bill to organize the Department of Defense and to provide for the administration thereof; to the Committee on Armed Services.

By Mr. THOMAS:

H.R. 11776. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes.

By Mr. SCHWENGEL:

H.J. Res. 691. Joint resolution proposing an amendment to the Constitution of the United States empowering the Congress to authorize the President to approve and disapprove separate items in bills with certain exceptions; to the Committee on the Judiciary.

H.J. Res. 692. Joint resolution proposing an amendment to the Constitution of the United States relative to disapproval and reduction of items in general appropriation bills; to the Committee on the Judiciary.

H.J. Res. 693. Joint resolution proposing an amendment to the Constitution of the United States empowering the Congress to authorize the President to approve and disapprove separate items in any bill; to the Committee on the Judiciary.

By Mr. WAMPLER:

H. Con. Res. 659. Concurrent resolution to create a Joint Committee on a National Fuels Policy; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H.R. 11777. A bill providing for the extension of Patent No. 2,331,420; to the Committee on the Judiciary.

By Mr. DULSKI (by request):

H.R. 11778. A bill for the relief of Jerzy N. Kosinski; to the Committee on the Judiciary.

By Mr. HERLONG:

H.R. 11779. A bill for the relief of Mrs. Asuncion Yiagan Colvin; to the Committee on the Judiciary.

By Mr. SANTANGELO:

H.R. 11780. A bill for the relief of Maj. Katherine F. Bradspires; to the Committee on the Judiciary.

H.R. 11781. A bill for the relief of Mr. and Mrs. Salvatore Mortelliti and son, Antonio Mortelliti; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

419. By the SPEAKER: Petition of Miss Corda Corrine Cox, Springfield, Mo., relative to a citizen's urgency appeal and petition for protection and constitutional rights to face accusers; to the Committee on the Judiciary.

420. Also, petition of Citizens Congressional Committee, Los Angeles, Calif., relative to the U.S. Supreme Court; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Address by Senator Johnston of South Carolina

EXTENSION OF REMARKS

OF

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 14, 1960

Mr. RANDOLPH. Mr. President, I desire to have printed in the CONGRESSIONAL RECORD, and ask unanimous consent to do so, the very excellent address delivered on April 9 by our esteemed colleague, Senator OLIN D. JOHNSTON, of South Carolina, when he was the orator at the flag raising and dedicatory exercises for the District of Columbia Home for Crippled Children, the organization before which he spoke on this occasion being the Woodmen of the World.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FLAG RAISING AND DEDICATORY EXERCISES AT DISTRICT OF COLUMBIA HOME FOR CRIPPLED CHILDREN, UNDER AUSPICES OF THE WOODMEN OF THE WORLD, CAMP NO. 4, WASHINGTON, D.C., APRIL 9, 1960

Mr. President, ladies and gentlemen, it is a real pleasure for me to participate with you in these dedication ceremonies.

The cause being served by the Crippled Children's Society is worthy and needed. Possibly only here in free America are we permitted, without restriction or hindrance, to freely give and generously support organizations of the commendable character possessed by yours.

I have been a member of the Woodmen of the World longer than any other organization to which I have belonged in my entire life, except the church. I joined the Woodmen of the World in 1913 and even when I was a soldier in France I sent my dues back regularly. For nearly a half century I have been deeply interested in the excellent work which the Woodmen of the World have accomplished for the youth of our country. So it is a special pleasure for me to be here today speaking at this exercise dedicating this flagpole upon which will fly the flag of our Nation.

Our flag, the emblem of civil and religious liberty and freedom, well deserves to fly in honor and glory over our institutions dedicated to the service of worthy mankind.

Holy Writ teaches us, "Suffer little children to come unto Me and forbid them not, for such is the kingdom of heaven."

The words of the Master imply physical fitness and mental development. We know that one's mental growth and full intellectual achievement may be retarded when handicapped by physical disabilities. To cure, mend, repair, and rehabilitate young children are to insure stronger, better, and more useful adults. The individual is served immensely by your efforts, assistance, and donations. The Nation is benefited by more useful and dedicated citizens.

You may recall the story of the visitor to a hospital for crippled children who, in talking to a little boy and trying to be considerate, asked, "Do you know many little boys and girls who are crippled?" The answer was, "I don't know any." That sort of spirit is the result of the work of organizations such as yours.

One of the happiest moments abroad is to enter our Embassies or other American installations where we find Old Glory waving in the breeze. It gives you an uplift in spirit and thought. You have the same fulsome experience upon returning to America from abroad. There is always an indefinable feeling that fills your being. It was my good fortune and privilege to experience these feelings early in my young manhood as a member of our American Expeditionary Forces in France and Germany in World War I. The passage of the years has not lessened the feeling of joy or the spiritual uplift that comes to me on occasions like this. Last year Mrs. Johnston and I were on an official visit to Greece in connection with my duties as a member of the Senate Committee on Agriculture and Forestry. The authorities at the hotel, upon learning of our official visit, placed an American flag outside our window. This simple demonstration made our visit more homelike and enjoyable.

The greatness of our country, its noble aims and purposes, the dedication of its people, all find a responsive chord in our hearts when we honor our flag at our meetings and on our buildings. Every civilized nation honors its flag. Every citizen of every nation is happy to honor its presence and welcome the meaning of its glories.

The flag abounds in our Nation's Capital over public and private buildings. This is natural. This is to be expected. It is a constant reminder to us of its significance. Our free institutions are honored by its ever-present flying. We who have followed it in time of war know its meaning. We who have been baptized by fire in battle have a deep reverence for what it stands. May she, to paraphrase the words of Nathan Hale, be always right, but right or wrong, I shall follow our flag.

The flag is a symbol of the principles for which it stands. It is our duty as Americans

to see that these principles are right. They have made America strong. We must transmit them unimpaired to our children and they to their children.

There is abroad in our midst those who would degrade our flag, its meaning and the principles for which it stands. Against such subversion we must be on guard both day and night.

No other flag the world over has represented the dawn of individual liberty as has our flag. It bears no symbol of force, no fierce beast—just a simple banner that pictures the faith, aspirations, and history of free men.

To Americans—and to free men everywhere—our flag means honor, honesty, integrity, and faith in the divine power; it represents our homes, schools, churches; it symbolizes a heritage that is ours to cherish and maintain from generation to generation; it stands for the free enterprise system and the rights of the individual as the two basic principles of our economy.

May we always accept the flag in its fullness of meaning. It is our American history, it is our Constitution, it is our Republic. Let it be our prayer and struggle that we never forget the history and tradition which have made our flag the symbol of the highest form of government ever devised by man; and may we always be proud to call ourselves a part of those valiant patriots from Valley Forge through Heartbreak Ridge who were willing to make the supreme sacrifice for the flag of the United States.

Such is the nature of our flag. Such are the obligations to it. Let it ever fly over the land of the free and the home of the brave.

Results of Questionnaire Mailed by Hon. John F. Baldwin, of California, to Residents of the California Sixth District

EXTENSION OF REMARKS
OF
HON. JOHN F. BALDWIN, JR.
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 14, 1960

Mr. BALDWIN. Mr. Speaker, 2 months ago I mailed a questionnaire to every family of registered voters in the California Sixth Congressional District. The response to this questionnaire was so large that my office was swamped for weeks with returned completed questionnaires and accompanying correspondence. Many constituents not only answered the questionnaire, but wrote detailed comments on the back of the questionnaire, or attached supplementary letters. I have spent many hours personally reading all these comments, and they have been most helpful. I am firmly convinced that a Congressman can better represent his constituents if he knows the views of his constituents on important issues pending before Congress, than if he does not know them.

The tabulation of the questionnaire is summarized below:

1. The President has submitted a budget for fiscal year 1961 which contains an estimated surplus of $4.2 billion. Do you feel this surplus should be: (a) Applied to reduce the national debt, 64 percent; (b) applied to reduce taxes, 29 percent; (c) no opinion, 7 percent.

2. Do you feel Congress should pass a law to make illegal the rigging of television quiz shows? Yes, 58 percent; no, 31 percent; undecided, 11 percent.

3. There is now a surplus of over $3.4 billion in wheat stored by the Government under the present price support program. Would you favor legislation to lower wheat price supports in an effort to reduce such surplus production? Favor, 85 percent; oppose, 6 percent; undecided 9 percent.

4. Under present Federal law, there is no interest rate ceiling on Federal bonds of less than 5 years' duration, but there is a 4¼-percent interest rate ceiling on bonds of more than 5 years' duration. President Eisenhower has recommended legislation to remove this 4¼-percent ceiling on long-term bonds. Do you favor or oppose the removal of this ceiling? Favor, 48 percent; oppose, 32 percent; undecided, 20 percent.

5. Would you favor legislation to authorize Federal registrars to be appointed to register voters for Federal elections where local registrars have discriminated upon the basis of race or color in registering voters? Yes, 64 percent; no, 24 percent; undecided, 12 percent.

6. A "national wilderness preservation bill" is pending which would require present wilderness areas in national parks, national forests, wildlife refuges, and on public lands to be preserved from invasion or use by grazing, lumbering, mining, petroleum, and other commercial interests. Would you favor this bill? Favor, 77 percent; oppose, 14 percent; undecided, 9 percent.

7. The present Cuban Government has been seizing American-owned property in Cuba without any agreement for compensation to the owners. In view of this fact, do you feel that Congress should modify our Sugar Act to reduce our yearly commitment to import Cuban sugar at prices above world prices? Yes, 80 percent; no, 10 percent; undecided, 10 percent.

8. The present law allows the recipient of a social security pension to earn up to $1,200 per year before being disqualified from receiving the pension. Would you favor an increase in this exemption to $1,800? Yes, 88 percent; no, 9 percent; undecided, 3 percent.

9. Would you favor legislation to establish more stringent safeguards against the sending of obscene literature through the mails? Yes, 82 percent; no, 11 percent; undecided, 7 percent.

10. Would you favor legislation to require a secret ballot vote by union members before a strike is called by the union? Yes, 91 percent; no, 5 percent; undecided, 4 percent.

Answers from union members: Yes, 90 percent; no, 7 percent; undecided, 3 percent.

Answers from nonunion members: Yes, 92 percent; no, 4 percent; undecided, 4 percent.

11. Would you favor the elimination of all deductions under the Federal income tax laws (such as charitable, medical, and tax deductions), and establishing lower income tax rates which, because of the elimination of deductions, would raise the same amount of revenue? Yes, 37 percent; no, 48 percent; undecided, 15 percent.

Sunrise Easter Services

EXTENSION OF REMARKS
OF
HON. FRANK T. BOW
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 14, 1960

Mr. BOW. Mr. Speaker, nearly 200 years ago in the village of Schoenbrunn, near the present city of New Philadelphia, Ohio, Moravian missionaries and the Christian Indians, among whom the Moravians lived, celebrated what was surely one of the first sunrise Easter services in frontier America.

Sunday at Schoenbrunn and in the Moravian churches at nearby Gnadenhutten and Tuscarawas this traditional service will be repeated.

Easter dawn will be heralded by the sound of 18th century trombones from the church tower in Gnadenhutten. Later the trombone choirs will march through the village, calling the faithful to worship. Services beginning in the churches will be concluded in nearby cemeteries just as the first rays of the sun appear.

The liturgy used in these services is the most complete statement of creed that the Moravians have.

The special character of this traditional service in Tuscarawas County recalls to us the splendid contribution of religious faith, spiritual strength, and rugged individualism, for which all Ohio is indebted to its earliest Christian settlers.

Presidential Poll—15th District of Ohio

EXTENSION OF REMARKS
OF
HON. JOHN E. HENDERSON
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 14, 1960

Mr. HENDERSON. Mr. Speaker, each year for the past 4 years, it has been my privilege to conduct a poll of public opinion in the 15th Congressional District of Ohio which I represent here. The poll this year, taken during the last 6 weeks was based upon a questionnaire containing 22 questions dealing with a broad range of public issues which will occupy the attention of the Congress during the current session.

In the preparation of the questions, every effort was made to eliminate wording which would influence responses. The questionnaire was distributed throughout the seven counties of the district in southeastern Ohio without regard to the political philosophies held by those receiving it. It was also reprinted in a number of daily and weekly newspapers of the district. Many of those participating in the poll obtained their copy of the questions from these publications. Schools using the questionnaire as a basis for the discussion of current issues reported the results of classroom debates. None of these student reports indicated unanimity of thinking on any of the questions. I am convinced, therefore, that this poll represents a broad and representative sample of the thinking of the people of the district.

The tabulation of the results includes all of the replies which I received prior to April 2. This number totaled almost 6,000 replies. Although the expression of affirmative or negative opinions on each of the questions is a valuable gage of popular attitudes, the detailed and thoughtful comments I received on the

various questions multiply the value of this survey. Although it is not possible to reduce these remarks to statistical terms, I should like to explain some of the reactions I received to several of the questions.

The importance of Government economy and the need to balance national spending and income was perhaps the most important single issue according to the several thousand comments included in the questionnaires returned. It was generally recognized that increased Federal spending is a temptation of popular government which can often cause disillusion through resulting inflation and increased taxation affecting those who were to be benefited most.

A total of 46 percent of those responding expressed opposition to legislation for an additional temporary one-half cent per gallon gasoline tax. The temporary character of the proposed tax was often doubted and the question was asked in return, "Is there such a thing as a temporary tax?"

Perhaps the most perplexing question proved to be that regarding defense spending. The text of the question was "Do you feel that the $45½ billion requested for defense next year is sufficient for our national security?" Of those responding, 66.2 percent expressed their feeling that the amount was sufficient. However, 21.4 percent did not answer the question with a categorical "yes" or "no." Many persons cited the complexity of technological developments in defense weapons as their reason for failing to answer. Large numbers insisted that the Nation must provide whatever funds are necessary for this program vital to our survival. At the same time, they stated the belief that a careful balance must be struck and that blank check policies for defense would be both ineffective and uselessly costly. Veterans were particularly vigorous in stating their opinion that service rivalries, duplication, and waste in our Armed Forces remain major obstacles to both defense strength and efficient management.

The question pertaining to providing medical benefits under the Social Security program received considered comment. Few persons doubted the seriousness of the problem. A majority of the 36.7 percent favoring the proposal were outspoken in their support of such assistance to older persons. Among the 57.4 percent opposing the plan, many pointed out difficulties of financing, entry of Government into the field of medical care, and a feeling that such a program would prove inadequate for real needs after years of investment.

The following is a tabulation of the results of my 1960 poll:

	Yes	No	No answer
1. Do you believe it advisable that the Federal Government balance its budget and reduce the national debt?	87.5	8.0	4.5
2. Are you in favor of providing Federal tax benefits to companies which will employ greater numbers of persons over 50 years of age?	50.2	43.7	6.1
3. Do you believe that the Defense Education Act should be changed to eliminate the requirement that students receiving Federal loans take loyalty oaths?	20.8	75.9	3.3
4. Would you favor Federal aid for school construction even though it would require tax increases or deficit financing?	28.3	66.4	5.3
5. Do you feel that the $45½ billion requested for defense next year is sufficient for our national security?	66.2	12.4	21.4
6. Would you favor granting the President the power to veto parts of appropriation bills passed by Congress in place of the present system requiring his acceptance or veto of entire bills?	64.4	30.3	5.3
7. Do you support a temporary increase in the Federal gasoline tax of ½ cent per gallon to pay for the highway construction program?	46.0	50.8	3.2
8. Do you favor changes in the Taft-Hartley Act to eliminate the power of States to enact their own right-to-work laws?	24.2	68.4	7.4
9. Are you in favor of the United States greatly increasing spending in its program for the exploration of outer space?	23.2	69.1	7.7
10. Do you believe Communist China should be admitted to the United Nations?	11.9	81.5	6.6
11. Are you in favor of proposals to give up U.S. ownership of the Panama Canal in favor of international control?	12.9	81.1	6.0
12. Do you feel that Congress should enact legislation to give the Federal Government greater power in negotiating settlements of prolonged nationwide labor-management disputes?	71.3	24.4	4.3
13. Do you support a national fair trade law whereby a manufacturer could require that his product be sold to a consumer for a stated minimum price?	32.1	60.5	7.4
14. Do you favor increasing the hourly minimum wage from $1 to $1.25?	51.5	43.7	4.8
15. Do you favor ending agricultural controls and the termination of price supports?	73.2	18.3	8.5
16. Do you favor legislation to provide medical benefits under the social security program financed by an increase in the tax? (Present social security law provides that the combined employee-employer tax will become 9 percent on incomes up to $4,800 in 1969.)	36.7	57.4	5.9
17. Would you favor the Federal Government exercising greater surveillance over practices in radio and TV programs and advertising?	58.7	35.1	6.2
18. Do you believe Congress should pass civil rights legislation providing Federal guarantees of individual voting rights in Federal elections?	73.9	17.5	8.6
19. Are you in favor of policies which seek to fight inflation through increases on interest rates for installment credit buying?	50.8	40.5	8.7
20. Do you feel that the chances for world peace are better today than they were 10 years ago?	51.6	38.6	9.8
21. Would you support legislation to provide a Federal pension of $100 per month for all World War I veterans at age 65?	46.2	48.1	5.7
22. Are you in favor of continuing our present policy of purchasing sugar from Cuba at prices higher than those prevailing on the world market?	5.3	91.1	3.6

Residual Oil Imports

EXTENSION OF REMARKS

OF

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 14, 1960

Mr. RANDOLPH. Mr. President, approximately a year ago, the President of the United States issued a proclamation establishing import quotas on crude oil, petroleum products, and residual fuel oil. This step, said to have been in the interest of national security, set the amount of oil to be imported at the level of 1957—a year in which substantial quantity of oil was brought into this country. It was determined by the Office of Civil and Defense Mobilization that the level of imports in 1957 could not be greatly exceeded without endangering the stability and well-being of America's domestic fuels industries. This decision led to the Presidential proclamation.

Since that time the administration of the mandatory controls on oil imports has been a considerable problem. The quotas granted oil importers have been revised upward several times by the Department of the Interior—the executive establishment unit charged with responsibility for this program. The basis on which these revisions were made seem to have always been nebulous at best; yet a recent development with regard to imported residual oil indicates that the entire program of mandatory controls is now in jeopardy.

The development to which I refer is the decision of the Department of the Interior, on April 9, to grant additional quotas for the importation of residual oil for the months of April, May, and June 1960, despite the fact that reasonable quotas for the period January through June 1960 had already been established by that Department.

This increase appears to have been made in response to the pleas of several large oil importers who had unwisely, I believe, used up the greater part of their 6-month allowance in the months of January and February alone. The damage done the domestic coal industry—an industry of vital importance to the State of West Virginia, as well as many other States of the Union—by this quota augmentation is very serious. At a time when the coal industry is fighting for survival this decision could have far-reaching effects.

Recently, a significant letter was sent by Joseph E. Moody, president of the National Coal Policy Conference, Inc., to the Honorable Fred A. Seaton, Secretary of the Interior, which I commend to my colleagues. Mr. President, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL COAL POLICY CONFERENCE, INC.,
Washington, D.C., April 5, 1960.

Hon. FRED A. SEATON,
Secretary, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: We continue to hear disturbing rumors, perhaps inspired by international oil importing interests, that there may be an increase in residual oil import quotas for the remainder of the present 6 months' quota period. We want again to call your attention to the serious effect such action would have on the 2 million American people in this country who are dependent on the domestic coal industry.

We find it hard to believe that our Government could seriously consider an increase in quotas, which are already 26 percent higher than the level of 1957 established in the President's proclamation of mandatory controls last year, merely to meet a situation brought about by the frantic sales efforts of three or four giant international oil companies seeking to extend their markets.

It is obvious that a few of these large international companies, who have imprudently exhausted much of their half year's quotas while creating an artificial demand through sales well below listed prices, are using this rigged situation to claim that shortages will soon deprive many users of essential fuels, and are thus putting tremendous pressure on your Department further to increase allocations between now and June 30.

We do not refer to the many companies who, as Mr. Bennett pointed out in his recent letter to the president of Standard Oil Co. (New Jersey), have "fully met" a "responsibility equal to that of the Government in connection with this (program), as with other national security programs." Instead, the present situation has been created by a few companies which have expended a large percentage of their quotas in the first 3 months, and are now exerting pressures for an allotment increase which would virtually wreck the import control program and would be disastrous to the domestic coal and domestic oil industries.

We trust that imperative considerations of the welfare of millions of Americans, as well as of national security, will prevail and that these attacks on the President's mandatory control program will be unsuccessful.

Indeed, we believe the facts prove that, instead of increasing import quotas, the amount of residual oil now being permitted to be imported into this country should be materially reduced.

When the President was forced to impose mandatory quotas on petroleum and petroleum products in March of 1959, following unsuccessful attempts to limit imports voluntarily, his proclamation provided that the imports of residual fuel oil should not exceed the level of imports of that product into district I–IV during the calendar year 1957 (or 343,445 barrels per day.) The mandatory program was extended to residual oil because of a finding by the President that unrestricted imports posed a threat to the national security.

Twice since then the Department of the Interior, by administrative decision as permitted in a revision of the President's proclamation, has increased quotas above the 1957 level so that present quotas permit the import of 425,000 barrels daily. On an annual basis, this is the equivalent of 38 million tons of coal, compared to 30 million tons lost to imported residual oil in 1957.

The loss of this tonnage is a severe economic blow to the domestic coal industry. Recent press stories have pointed to the pitiful plight of thousands of unemployed coal miners in this country, and any further inroads on coal's markets by cheap imported residual could only add to their suffering. Also, it should be realized that the effect of this unemployment spreads widely throughout the communities and areas in which it exists—to merchants, school and tax districts, transportation agencies, service establishments and all who depend secondarily on a healthy coal industry for their prosperity.

Mr. George H. Love, chairman of the National Coal Policy Conference and chairman of the board of Consolidation Coal Co., Pittsburgh, recently told the annual dinner of the conference that residual imported at a level higher than that for 1957 would "tend to put the coal industry and railroads on a standby basis, and on such a basis there is no way to maintain either of them."

"Certainly the threat of war prevents us from letting our country become dependent on these importations, but even without war, governments and circumstances can change and foreign oil sources be cut off," he pointed out.

In view of all these facts, we think that the Oil Import Administration and the Department of the Interior should give serious consideration to an immediate reduction on quotas to no more than the 1957 levels originally contemplated in the President's proclamation.

Since the heavy burn season is now ending for this year, demand will be considerably less for the next several months, even despite the new consumption recently stimulated by the price-cutting marketing activities of certain importers. Therefore, we urge that the next quotas be set for a 3-month period beginning July 1, and be based on a 1957 level (daily) seasonally adjusted downward to allow for the normally low consumption during the summer. If this resulted in any legitimate shortage of stocks by fall, ample time would remain to rebuild them for heavy winter demand beginning in October.

Meantime, however, such a firm stand by the Department of the Interior would serve to convince these few large international oil companies that they must meet their responsibilities to the Nation and to national security

It would likewise be of tremendous encouragement to the millions of American citizens dependent on the domestic fuels industries and to all those seriously concerned with a self-sufficiency of dependable fuel within our borders to meet any demands of national emergency.

Sincerely yours,

JOSEPH E. MOODY,
President.

Mr. RANDOLPH. Mr. President, I request also that a joint statement issued to the Associated Press, April 10, 1960, by my colleague from West Virginia [Mr. BYRD] and me, in response to an inquiry, be printed in the RECORD following Mr. Moody's letter to Secretary Seaton.

There being no objection, the joint statement by the Senators from West Virginia was ordered to be printed in the RECORD, as follows:

(Joint statement by Senators JENNINGS RANDOLPH and ROBERT C. BYRD, Democrats, of West Virginia, April 10, 1960)

UNITED STATES BOOSTS IMPORTS OF RESIDUAL OIL

The Government yesterday boosted import levels for residual fuel oil by 12 million barrels for the April 1–June 30 period.

The action came shortly after the National Coal Policy Conference asked Congress and the Interior Department to investigate what it called efforts to sabotage the oil import control program. In its protest it named the Standard Oil Co. of New Jersey, Texaco, Inc., and Hess, Inc.—the Nation's three largest residual oil importers.

The increase for the area east of the Rocky Mountains was announced by Secretary of the Interior Fred A. Seaton. He said it was needed because of higher than anticipated demands resulting from cold weather in March and the "irregular marketing pattern of a few major importers."

(After publication of the above, the Associated Press asked for comment from the Members of the U.S. Senate from West Virginia, and in response Senators RANDOLPH and BYRD jointly issued the statement below:)

"The 12-million barrel increase in the April through June quota for residual oil imports is, of course, a disappointing development because it highlights the fact that the Secretary of Interior has relied too much on voluntary response by the international oil companies to the mandatory quota system.

"But out of this situation the Senators from West Virginia were assured Saturday, April 9, during a conference with Interior Secretary Fred A. Seaton and his principal assistants, that major changes in departmental policy for administration of the import controls will be ordered.

"The most significant of the revamped procedures impending, we were told, will be a shortening of the period for which quotas will be set from the present semi-annual arrangement to a quarterly basis.

"This change, while potentially helpful, we suggested to the Interior officials, will not be effective unless the Department more stringently controls inventory replacements such as the 12-million barrel addition just authorized for the April through June period.

"Assurances were given in response to this suggestion, that the Interior Department will establish a plan for bringing inventory build-up within the quarterly quotas—and hopefully at 1957 import levels. Unless this is accomplished we will consider the quota system breached and we will suggest corrective procedures."

SENATE

MONDAY, APRIL 18, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God: From the beauty of the lilies, in the afterglow of earth's gladdest day, we come girding ourselves with its deathless message, as in the sense of the eternal we take up our daily tasks again.

Amid all the fret and fever of present demands, may we be steadied by the conquering assurance that even when truth seems crushed to earth, with absolute certainty the third day comes, and banished truth is not vanquished truth; that error on the throne is always on the way to the dungeon, and that right in the dungeon is always on the way to the throne.

With that invincible defense, strengthen us to face whatever the future holds, e'en though it be a cross, calm and confident that:

There lives the beauty that man cannot kill;
Yea, that shall kill all ugliness at last,
And Christ risen, in love's white vesture
Moveth still among us.
May we hold that creed and hold it fast!

We ask it in the name of the Redeemer who saves us by the power of an endless life. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 14, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on April 14, 1960, the President had approved and signed the act (S. 231) for the relief of Patricia Crouse Bredee.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H.R. 7359. An act to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the Colorado River Commission of Nevada acting for the State of Nevada; and

S.J. Res. 178. Joint resolution relating to the payment of salaries of employees of the Senate.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to consider executive business, to act on the new reports on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The VICE PRESIDENT. If there be no reports of committees, the new reports on the Executive Calendar will be stated.

DEPARTMENT OF COMMERCE

The Chief Clerk read the nomination of Bradley Fisk, of New York, to be an Assistant Secretary of Commerce.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

FEDERAL MARITIME BOARD

The Chief Clerk read the nomination of Sigfrid B. Unander, of Oregon, to be a member of the Federal Maritime Board for the remainder of the term expiring June 30, 1961.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

COAST AND GEODETIC SURVEY

The Chief Clerk read the nomination of William G. Stokes to be ensign for permanent appointment in the Coast and Geodetic Survey, subject to qualifications provided by law.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON DISTRIBUTION OF FEDERAL SURPLUS FOODS TO NEEDY FAMILIES

A letter from the Acting Secretary of Agriculture, transmitting, pursuant to law, a report on the distribution of Federal surplus foods to needy families (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF U.S. ADVISORY COMMISSION ON EDUCATIONAL EXCHANGE

A letter from the Chairman, U.S. Advisory Commission on Educational Exchange, transmitting, pursuant to law, a report of that Commission, for the period July 1, 1959, to December 31, 1959 (with an accompanying report); to the Committee on Foreign Relations.

LAWS ENACTED BY LEGISLATURE OF GUAM

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, copies of laws enacted by the Fifth Guam Legislature, 1959 (with accompanying papers); to the Committee on Interior and Insular Affairs.

MAJ. HOWARD L. CLARK

A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of Maj. Howard L. Clark (with an accompanying paper); to the Committee on the Judiciary.

LOREN W. WILLIS

A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of Loren W. Willis (with an accompanying paper); to the Committee on the Judiciary.

REPORT OF DIRECTOR OF ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

A letter from the Director, Administrative Office of the United States Courts, Washington, D.C., transmitting, pursuant to law, his annual report for the fiscal year 1959 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF BOYS' CLUBS OF AMERICA

A letter from the President and National Director, Boys' Clubs of America, New York, N.Y., transmitting, pursuant to law, a report of that organization, for the year 1959 (with an accompanying report); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITION

The VICE PRESIDENT laid before the Senate the petition of H. Joseph Mahoney, of Bronxville, N.Y., relating to the ratification of certain treaties with France and Pakistan, transmitted to the Senate by the President of the United States on April 6, 1960, which was referred to the Committee on Foreign Relations.

BILL AND JOINT RESOLUTION INTRODUCED

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPARKMAN:

S. 3379. A bill to establish an annual or biannual national housing goal, to provide for a research and study program to improve the quality of residential construction without increasing the cost thereof, to encourage advanced techniques in housing construction, and to continue the farm housing program under title V of the Housing Act of 1949; to the Committee on Banking and Currency.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. WILEY:

S.J. Res. 188. Joint resolution to establish a Commission on Manpower Needs for Defense in the Space Age; to the Committee on Armed Services.

(See the remarks of Mr. WILEY when he introduced the above joint resolution, which appear under a separate heading.)

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 18, 1960, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 178) relating to the payment of salaries of employees of the Senate.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. WILEY:

Suggested 12-point space program.

U.S. MILITARY AID PROGRAM IN LATIN AMERICA

Mr. MANSFIELD. Mr. President, at my request, Mr. Charles R. Gellner, of the Library of Congress, has prepared an unusually fine and well-balanced paper on the U.S. military aid program in Latin America. I ask unanimous consent that the study be printed at this point in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

[From the Library of Congress Legislative Reference Service]

THE U.S. MILITARY AID PROGRAM IN LATIN AMERICA

(By Charles R. Gellner, Foreign Affairs Division)

HISTORY OF MILITARY ASSISTANCE TO LATIN AMERICA

The United States began sending military missions to other countries in this hemisphere in the 1920's, and this policy was stepped up in the 1930's. However, during the pre-World War II period most of the military equipment and military missions received by Latin American Governments came from the Axis countries. During World War II the idea was developed of a cooperative inter-American defense system and this reached fruition in the defense pact of Rio de Janeiro concluded in 1947.

The worsening postwar international situation inspired a U.S. program of military aid to the NATO countries under the Mutual Defense Assistance Act of 1949. After the outbreak of the Korean war the U.S. Government came to the conclusion that military aid should be extended to many countries around the world, including Latin America. Congressional authorization for such a program was given in the Mutual Security Act of 1951. This act specified that "military assistance may be furnished to the other American Republics only in accordance with defense plans which * * * require the recipient nations to participate in missions important to the defense of the Western Hemisphere."

An amendment to the Mutual Security Act in 1958 required the President to make a review annually of the Latin American recipient's participation in a hemispheric defense plan, and to determine annually whether military assistance from the United States was necessary to enable such participation to be carried out. It was also stipulated in the law that internal security requirements of the countries concerned would not normally be the basis for extending military aid.[1] Thus under the law American military aid to Latin America is strictly limited to the support of hemispheric defense plans.

The record of deliveries of military materiel to Latin American countries from the inception of the program to fiscal 1959 has been as follows: [2]

[Shipments in millions of dollars]

Fiscal year:	
1952	0.2
1953	65.2
1954	37.9
1955	36.9
1956	21.2
1957	32.0
1958	56.8
1959	67.0

On February 15, 1960, the Defense Department released the following breakdown of military aid deliveries to Latin America:

[In thousands of dollars]

Latin America	Fiscal year 1959	Fiscal years 1950–59	Estimated fiscal year 1960
Argentina			223
Brazil	13,142	144,411	27,364
Chile	6,759	43,793	5,888
Colombia	2,718	27,717	3,281
Costa Rica			9
Cuba	543	15,604	249
Dominican Republic	1,089	7,846	445
Ecuador	3,055	16,534	3,874
El Salvador			69
Guatemala	107	843	405
Haiti	47	1,547	255
Honduras	62	726	154
Mexico	485	1,102	3,051
Nicaragua	138	1,154	222
Paraguay	13	147	161
Peru	4,900	48,048	4,054
Uruguay	5,165	22,457	2,183
Venezuela	13,272	13,272	17,393
Undistributed	1,488	2,530	671
Total	52,983	347,821	69,951

DID THE DEFENSE DEPARTMENT VIOLATE THE LAW?

The question was raised on the floor of the Senate on February 25, 1960, whether the Defense Department had violated an injunction written into the Mutual Security Act of 1959. This injunction (sec. 105(b)(4) of the Mutual Security Act) reads in part:

"The aggregate amount of funds which may be obligated or reserved during the fiscal year 1960 for furnishing military assistance to American Republics shall not exceed the aggregate amount of funds obligated or reserved for such purpose during the fiscal year 1959."

The question was raised because figures released a short time previously by the Defense Department stated that $53.8 millions were programed for the Latin American military assistance in fiscal 1959 and that $68.9 millions were programed for fiscal 1960.[3]

The Defense Department has stated in explanation [4] that the totals released to the public had not shown the breakdown between military assistance grants and other programed deliveries which did not involve any obligation or expenditure of military assistance funds. The latter, according to the Defense Department, are not affected by the restriction written into the 1959 act since this restriction applies only to appropriated mutual-security funds.

The two categories included in the published military aid totals that do not involve a charge on military aid funds are (1) "excess equipment," and (2) equipment furnished on a reimbursable basis, in other words, sold, to the Latin American countries. The "excess equipment" is that defined in section 545 of the Mutual Security Act as "in excess of the mobilization reserve of such equipment or materials." The money valuation assigned to it in the totals released by the Defense Department represents acquisition cost but not a charge on the military assistance appropriation.

The amounts programed for excess and reimbursable equipment in fiscal 1959 and 1960 were as follows:

[In millions of dollars]

Excess equipment:	
Fiscal year 1959	$1.116
Fiscal year 1960	2.037
Reimbursable equipment:	
Fiscal year 1959	5.500
Fiscal year 1960	22.850

If these sums are deducted from the totals first published, the amounts of programed military aid chargeable to appropriated funds are $47.2 millions for fiscal 1959 and $44.1 millions for fiscal 1960.

ARGUMENTS PRO AND CON ON MILITARY AID

Arguments that have been advanced for and against military aid to Latin America can be divided into military and political.

Military pro

Proponents of continuing assistance to Latin America make points along the following lines insofar as military considerations are concerned.[5]

1. There is a threat to the security of Latin America arising from both external and internal sources. There is an external military threat to the communication lines of the hemisphere as well as to population and industrial centers. There is also an internal Communist subversion threat. Although the military threat is perhaps not as great as in other areas of the world, it is nevertheless a real one.

2. Defense today must be collective and cooperative. Military assistance is necessary to complement and give teeth to the Rio Treaty and other collective defense obligations agreed upon for protecting the Western Hemisphere. The Latin American countries do not themselves have the means of providing the military equipment and training required to fulfill the collective defense obligations that they have undertaken and are most anxious to fulfill.

3. Latin America is of great strategic importance to the United States because of its location and because it is a source of strategic raw materials. Control of a Latin American country by an enemy would be a threat to the United States whether it occurred by overt aggression or by covert subversion.

Raw material sources in Latin America must not only be guarded but lines of transportation between them and the United States must also be protected. For this reason arms and equipment for antisubmarine warfare now form a large part of military aid.

4. The United States had to station 200,000 Army, Navy, and Air Force personnel in Latin America during World War II. It does not want to shoulder such a burden in another war because it will have so many commitments elsewhere. Consequently, the Latin Americans should be assisted to build up their own forces for participation in hemisphere defense, especially for guarding lines of communications, ports, and other transportation facilities.

5. The United States, by the military assistance program, is not trying to expand Latin American forces so much as it is trying to modernize them. The United States can best encourage the Latin American nations to the development of the modern mobile units needed for hemisphere defense by

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[1] In 1959 the word "normally" was eliminated. The Conference Report on the Mutual Security Act of 1959 asserted: "The elimination of the word "normally" from the sentence providing that internal security requirements shall not "normally" be the basis for military assistance programs to Latin America makes it clear that it is the intent of the committee of conference that internal security requirements shall not, in the absence of a Presidential exception, be the basis for furnishing military assistance to Latin America. Rather, it is the intent of the committee of conference that such military assistance as is furnished shall be in accordance with hemisphere defense planning and should be in furtherance of hemispheric missions."

[2] Edwin Lieuwen, "Arms and Politics in Latin America," Council on Foreign Relations, 1960, p. 202.

[3] See figures quoted above on p. 3. The figures for "programs" were listed in the same Defense Department release that gave the "delivery" figures quoted above.

[4] By phone to LRS.

[5] Based largely upon statements of administration witnesses in Senate foreign relations hearings on mutual security in 1959, and on Lieuwen, op. cit.

extending military aid. By modernizing forces through the military aid program, the United States hopes to get the Latin American armies to discard old equipment and reduce the overall size of their forces.

6. Military aid must be provided by the United States in order to promote standardization of Latin American arms and equipment. If we do not provide it, the Latin Americans will, as they have done in the past and do in the present, go elsewhere to get equipment and end up with a conglomeration of different kinds of guns, ships, planes, and armaments that greatly complicates both training and logistics.

Military con

The military objections that have been raised against military aid to Latin America include the following considerations:

1. There is no serious external threat to the security of Latin America. Between the Soviet Union and Latin America stand NATO and U.S. Armed Forces. Because of the character of the present strategic situation the Soviet Union would not pay much attention to Latin America in the event of a major nuclear war. Latin America has little interest in sending armed forces outside the hemisphere to oppose Soviet aggression. In fact, the percentage of men under arms in Latin America is relatively very small, and the military potential of Latin America counts for little in comparison with the major powers of the world. In other words, the role they can play in meeting the external Communist threat is insignificant.

Although there may be a Communist threat from within, it is not serious as a military problem. It is more a political and economic problem, and any disorder it causes can be handled by the police. If anything, the latter should be strengthened rather than the military forces. Moreover, U.S. military assistance is nowhere near large enough to enable Latin America to contribute significantly to free world strength against the external or internal threat of Communist aggression.

2. The concept of collective planning and defense in the Western Hemisphere has little practical application. There is little practical cooperation among hemispheric defense forces. The Inter-American Defense Board has not evolved a comprehensive defense plan and such practical defense arrangements as exist are the result of bilateral agreements between the United States and some Latin American countries. Collective hemispheric defense is a political concept rather than a practical working arrangement.

3. The military aid program contributes little to Latin America's defense capabilities. Much of the arms and equipment supplied consists of obsolete or obsolescent materiel, that is soon destined to become practically useless as spare parts and suitable ammunition cease to be manufactured by the United States and thus become unavailable.

Military aid to Latin America has been very modest compared with that to the rest of the world. Since 1951 less than 2 percent of American mutual defense assistance funds have gone to Latin America. The U.S. contribution represents only about 5 pecent of what Latin America spends annually on its own armed forces. The program is so small it scarcely serves any constructive military purpose.

4. The military aid program has little or no efficacy as a guarantee of access to Latin America's strategic materials. It does not appreciably increase the protection of such materials in Latin America nor protect the transfer of such materials to the United States. It cannot be convincingly argued that military aid tends to make those governments in which the military are influential more willing to furnish strategic materials to the United States. The United States is their best customer and out of economic self-interest they are willing to sell to the United States.

POLITICAL ARGUMENTS FOR AND AGAINST MILITARY AID

Political pro

Among the political arguments that have been advanced for military aid to Latin America are the following:

1. The objectives of the military assistance program are primarily political even though the military aims are often more prominently presented in official programs.

Like the United States the Latin American countries have a patriotic tradition of bearing arms. They won their independence by force of arms, and out of a sense of national pride and self-respect they wish to defend their soverignty and freedom by maintaining their own military forces. Consequently, they want military forces as an expression of national honor, sovereignty, and prestige. We can win their esteem and friendship by helping them fulfill this desire.

2. Hemispheric cooperation has been built up largely on the notion of collective self-defense. The Rio Treaty of 1947 was justified in terms of collective security. When NATO was formed shortly afterward and large quantities of military aid were funneled into Western Europe, the United States for political reasons could not then completely deny Latin American requests for military aid. The United States then decided to grant military assistance to the Latin American countries largely to reinforce the inter-American political system. If the United States were to act as if there were no danger of aggression against the hemisphere or as if it thought the other American Republics had no contribution to make to hemispheric security the foundations of inter-American cooperation would be endangered.

Military aid strengthens inter-American unity because it furnishes concrete evidence that we believe the American States have stature and are worthy of sharing responsibility for joint defense.

3. The military aid program involves in part the expenses of training Latin American military officers in the United States. This is a very valuable part of the program because the military are often a class of influence or of leadership in many Latin American states and their training in the United States helps to cement bonds of friendship with this country and to give them an appreciation of American democracy. The Draper Committee has urged that this phase of the program should not only be continued but increased.

4. If the Latin American countries do not obtain arms from the United States they will merely turn to other sources. This might expose them to undesirable influences, including military missions from other countries.

5. By striving for standardization and qualitative improvement of armaments, through our military aid we can encourage the Latin Americans to discard old armaments and armaments from other sources and thus effect an overall reduction of arms.

6. In terms of the entire military assistance program the grant aid provided to Latin America is very small in monetary terms. But this small investment brings in large political dividends. Specific political considerations that prompt military aid are often of great importance. For instance, the largest country program in 1960—$17 million—is that for Brazil. A major factor in this program is the fact that Brazil is furnishing us with land for a missile tracking station on the island of Fernando de Noronha.

Political con

Among the political arguments that have been made against the extension of military aid to Latin America are the following:

1. Military aid to dictatorial governments in Latin America has done the United States much harm. It has tended to identify the United States in Latin American public opinion with the maintenance of dictatorships. This is true despite provisions of the mutual security law that aid should not be used for internal security purposes.

Aid to Cuba and the Dominican Republic especially has aroused popular resentment in Latin America. Arms sent to Batista for instance were used against those opposing his dictatorship. For these reasons arms aid should not be given to dictators.

2. Nor should arms aid be extended on the grounds that it strengthens American influence with the military classes in Latin American countries. Actually arms aid tends to strengthen militarism and encourages the armed forces to play politics. The contest for power between civilian and military elements in a number of Latin American countries is a close one. The United States by its aid should not tip the balance in favor of the military, but rather it should do all it can to encourage democratic elements.

3. In fact, in its general policy toward Latin America, the United States has been overemphasizing military defense. The character of the cold war is changing more to competition with the Communist world on nonmilitary grounds. We have reached a point where we should give more stress to economic, social, and political factors in our Latin American policy. As part of the deemphasis upon military factors in our policy we should shift away from grants of arms assistance.

4. The Latin American governments should spend much more of their scarce economic resources on economic development. In many Latin American countries a large portion of the available national product is spent on the armed forces, more for reasons of prestige than for any pressing hemispheric defense purpose. More of this arms money should be channeled into economic growth.

President Eisenhower repeatedly suggested this on his recent trip to Latin America. Latin American opinion is also shifting in favor of reduction of armaments. The Chilean and Peruvian Governments, among others, have recently been voicing support of a disarmament agreement among Latin American states. The United States should support this trend in Latin America and thus coordinate its own policy with emerging Latin American policy by reducing arms aid.

5. Military assistance to certain Latin American governments could also encourage international friction in the hemisphere. Some governments have been trying to carry out aggressive or subversive policies against other governments. The United States should not provide arms that might be used to disturb the peace of the hemisphere.

6. It is a mistake and undignified to attempt to buy the friendship and cooperation of other American states by a policy of military aid that amounts to little more than a sort of bribe. American hemispheric friendship rests on a sounder foundation than this, and military aid is not necessary for this purpose.

7. The Draper Commission has suggested the phasing out of grant military aid to Latin America in favor of credit or direct sales. It has suggested, however, that it be done gradually, rather than suddenly or drastically, in order not to create an impression of slighting Latin America or of being unheedful of the feelings of our Latin American friends.

TRIBUTE TO THE U.S. AMBASSADOR TO MEXICO

Mr. MANSFIELD. Mr. President, one of the outstanding Ambassadors of this country is the Honorable Robert C. Hill, at present our Ambassador to Mexico. He has done a remarkably efficient job in the 3 years he has represented us in that nearby and friendly country.

An excellent article, entitled "U.S. Envoy Cements Mexican Friendship," has been written by Marion Wilhelm and was published in the Christian Science Monitor of April 15. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. ENVOY CEMENTS MEXICAN FRIENDSHIP

(By Marion Wilhelm)

MEXICO CITY.—Anyone who pictures a U.S. Ambassador sitting behind his desk in formal conferences will have to change the picture when thinking of diplomatic relations in Mexico.

Ambassador Robert C. Hill is more often seen in a charro suit watching a bullfight tienta at a ranch; batting off a baseball game in a city stadium, and kicking a football 60 yards down the university gridiron; riding horseback over the countryside with a State Governor before breakfast (then pitching into a typical Mexican morning meal of "huevos rancheros" and steak) or receiving gifts from Indian pueblos—most recently a live turkey.

The remarkable young envoy, a big, smiling American from New Hampshire, has completed a series of official calls on capitals and villages in all Mexico's 29 States and two Territories.

FRIENDSHIP HAILED

He has accomplished this record during less than 3 years in Mexico, traveling usually in the company of Latin American Ambassadors.

"Everywhere that my staff and I have gone," he recalls, "we have been received with the friendship and cordiality characteristic of the Mexican people. We feel these sentiments were not meant as much for us, personally, as they were for the Nation we represent in Mexico."

He is not referring, of course, to the turkey placed in his arms in Oaxaca by the beaming Indian women in the "Guelaguetza" dance.

When the Zapotecs of that southern State entertain visitors they follow a ritual dating back to pre-Cortes days. After each dance, they bestow indigenous gifts. Some give flowers, others hand-woven blankets, or clay pots full of spicy foods.

The Ambassador took his turkey and two chickens back in the Embassy plane and put them in his garden to the delight of his sons, Graham, 11, and Jimmie, 6.

In other trips through the 760,373 square miles of Mexican territory he has visited the cotton farms and cattle ranches of northern Sonora, the steel works and factories of Nuevo Leon and Jalisco, pyramids and temples in Yucatan, fishing wharves in Campeche on the Gulf of Mexico, a gas and oil city in the jungles of Tabasco.

Mr. Hill—he prefers to be called Bob—has been the guest of Governors in every State, and he has invited Ambassadors of other Latin American countries to share the provincial honors.

This Pan-American approach to winning friends for the United States makes a good impression on Mexican officials.

The U.S. Ambassador, though, is a good deal more interested in the impressions North Americans make on the ordinary citizens of the country, and no previous Ambassador has worked harder at it.

"This is a tough battle we're in today," he explains, "a fight for the minds and hearts of the peoples of the world. You cannot ignore the people, their hopes and aspirations, and hope to win. I think the people of other countries want to be friends. I want them to know we do, too.

ENTHUSIASM NOTED

"Compare the Mexican revolution with the Russian revolution. In every aspect, the Mexican revolution, evoking the words of Lincoln, has been a revolution of the people, by the people, for the people, and not—as was the revolution in Russia—for the glorification of the party and the state against the individual's liberty and search for happiness.

"I am impressed by the enthusiasm and the spirit of progress of the Mexican people, their national pride and love of country. I have visited some 54 countries around the world and, in my opinion, Mexico stands out among all the others in these important qualities."

The Governor of Oaxaca, Alfonso Pérez Gazga, was pleased when Mr. Hill showed up with the director of the nation's tourist department.

Oaxaca was the seat of the Zapotec and Mixtec civilizations. Tourists come to see the monumental ceremonial centers at Mitla and Monte Albán.

EARLY ARRIVAL

Gov. Alberto Trueba Urbina met the plane in Campeche, and was delighted to find the Ambassador had invited along his colleagues from Peru and France, Ambassadors Germán Aramburu and Jean Vyau de Lagarde.

He took them to see the new wharves built around the harbor full of shrimping boats, on to the town's new hotel and the seaside museum stocked with relics of pirate days.

When several of the press were invited to breakfast with Gov. Gustavo Baz, of the State of Mexico, before touring the State's federal electricity system, we were told to arrive at 8 a.m. Driving from Mexico City, 50 miles away, we arrived at the gubernatorial house in Toluca 15 minutes before the breakfast hour.

"Where is the Governor?" asked the writer of the Mexican group gathered in the garden.

"Oh, he's out riding with Ambassador Hill," was the reply. "The Ambassador got here at 6 a.m. to try out one of the Governor's prize rodeo horses."

PROPOSED MANPOWER COMMISSION FOR SPACE DEFENSE

Mr. WILEY. Mr. President, I introduce, for appropriate reference, a joint resolution for the establishment of a Hoover-type Manpower Commission to determine personnel defense requirements of the space age.

The advent of the space age, a shrinking world in which new relationships among the people of the earth are emerging, the impact of the miracles of science and technology—all of these and other factors are having a revolutionary effect upon our way of life, economy, and security. Particularly, the space age—with its revolutionary developments—will have a great effect on our defense.

NEEDED: ESTABLISHMENT OF MANPOWER COMMISSION

How can we best cope with the challenge?

Overall, I believe it will require a whole "new look" at our defense system: the organizational pattern of each of the armed services; the military draft, and its ability, or inability, to provide the manpower for a complex space-type defense; requirements of industries that provide support for our overall defense program; enlisting the scientific manpower, not only for producing and manning weapons, but also to carry on research for the even more advanced equipment, instruments, and vehicles of the future.

How can this be accomplished? Frankly, I believe it will require an objective, top-to-bottom reevaluation of our manpower for defense. To help accomplish such a goal, I am proposing the creation of a special Commission.

The Manpower Commission would be comprised of members representing the Defense Department, National Space Agency, the scientific field, industry, related fields, and last, but not least, the American taxpayer.

OBJECTIVES OF MANPOWER COMMISSION

What would be the objective of the Commission? Among others, the purposes would be: First, to determine the impact of the space age upon manpower requirements of the Armed Forces; second, to evaluate the adequacy of existing programs for training personnel of the Armed Forces to operate and service the advanced weaponry of the space age; third, to determine where, and how, the lack of trained personnel impairs or lessens the value of technological advances in weaponry; fourth, to eliminate overlapping, duplication, and unnecessary rivalry in the armed services in utilizing personnel; fifth, to explore the need for training requirements of the civilian components of national defense; sixth, to recommend ways and means, not only for providing, but also for more effective utilization of, adequately trained manpower.

The far-reaching impact of space weapons on our defense, I believe, requires no less than a top-to-bottom review, accompanied by recommendations for remodeling the defense system to equip us for the future. I ask unanimous consent to have the joint resolution, followed by a supplementary statement, printed at this point in the RECORD, and, in addition, I also request unanimous consent to have the joint resolution lie on the table until the end of this business week. This will allow any of my colleagues who may wish to do so an opportunity to join this proposal.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and the statement will be printed in the RECORD, and the joint resolution will lie on the desk, as requested.

The joint resolution (S.J. Res. 188) to establish a Commission on Manpower Needs for Defense in the Space Age, introduced by Mr. WILEY, was received, read twice by its title, referred to the Committee on Armed Services, and

ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND PURPOSE

SECTION 1. The Congress finds that the development of intercontinental ballistic missiles, intermediate range ballistic missiles, air-to-air, ground-to-air, air-to-ground, and other complex types of missile weaponry has caused extensive changes to occur in the defense requirements of the Nation. One of the most significant of these changes is the increased time which is now required to train personnel for the complex tasks which are required for defense in the space age. It may be reasonably expected that as the technology of the space age advances the need for highly trained personnel in the military services and in the civilian components of national defense will increase tremendously. It is the purpose of this joint resolution to establish a high level commission to assess the manpower requirements for defense in the space age, to formulate a program for meeting the complex training needs of defense personnel in that age, and to provide recommendations with respect thereto.

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is hereby established a commission to be known as the Commission on Manpower Needs for Defense in the Space Age, hereinafter referred to as the "Commission."

(b) The Commission shall be composed of twelve members, as follows:

(1) Four members appointed by the President of the United States, from public and private life, including at least one from the Armed Forces of the United States, and one from the National Aeronautics and Space Administration;

(2) Four members appointed by the President of the Senate, two from the Senate, and two from private life; and

(3) Four members appointed by the Speaker of the House of Representatives, two from the House of Representatives, and two from private life.

(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) Seven members of the Commission shall constitute a quorum but a lesser number may conduct hearings.

(e) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(f) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

DUTIES OF COMMISSION

SEC. 3. (a) The Commission shall carry out the purposes set forth in section 1 of this joint resolution. In carrying out such purposes the Commission shall give particular attention to—

(1) the impact of the space age upon manpower requirements of the Armed Forces;

(2) the adequacy of existing programs for training personnel of the Armed Forces to operate and service the advanced weaponry of the space age, and whether the lack of trained personnel impairs or lessens the value of technological advances in weaponry;

(3) the training requirements of the civilian components of national defense in the space age;

(4) the adequacy of existing procedures for meeting overall manpower needs for national defense in the space age; and

(5) ways and means for the more effective utilization of adequately trained manpower for defense in the space age.

(b) The Commission, not later than ———, shall submit to the President for transmittal to the Congress its final report. Such report shall contain the findings and recommendations of the Commission, together with such proposals for legislative or administrative action as it may deem necessary or desirable. The Commission may also submit such interim reports as it may deem advisable.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 4. (a) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received for their services in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) The members from private life shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 5. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

(b) The Commission may procure, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed $50 per diem for individuals.

POWERS OF THE COMMISSION

SEC. 6. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 to 104, inclusive, of the Revised Statutes (title 2 U.S.C., secs. 192–194), shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this joint resolution; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon requests made by the Chairman or Vice Chairman.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution.

TERMINATION OF THE COMMISSION

SEC. 8. On the sixtieth day after the transmittal to the Congress of the final report provided for in section 3(b) of this joint resolution, the Commission shall cease to exist.

STATEMENT BY SENATOR WILEY

The advent of the space age is likely to have a far-reaching effect on the Armed Forces of the United States.

A space defense with tremendously increased atomic hydrogen firepower will, no doubt, require redeployment of personnel to best maintain and operate modern, space-age weapons. Too, a broad-scale study is essential to determine just how many soldiers of security—civilian and military—will be needed to create, maintain, and keep at-the-ready a space-age defense system.

MANPOWER—KEY TO NATIONAL DEFENSE

The question of adequate manpower deserves consideration equal to that of development of weapons systems. Until now, the public spotlight—to a large degree—has been focused upon the weapons themselves—that is, missiles, jet planes, military potential of satellites, atomic submarines, and others.

However, a major key to effective defense is manpower. In accordance with our best American traditions, I am confident that—once the missile program is really underway—our economy, through its mass production system, can produce weapons as rapidly—and in whatever quantity—as will be required for national defense.

However, we cannot roll highly skilled personnel off the assembly line. Instead, the training of technicians, engineers, scientists, and other personnel for operations and replacement, may well take considerably longer than producing the weapons.

Consequently, we need a long-range manpower program to serve as the foundation for our defense.

NEEDED: NEW LOOK AT MILITARY DRAFT

Now let's take a look at the military draft.

As we know, the draft has provided the Nation a means—although a controversial one—of providing manpower for the defense, not only for hot wars but also for the post-World War II cold war era. The long arm of conscription reaches in every State, community, and almost every family. Throughout the Nation, there are now about 23 million veterans—including over 470,000 in Wisconsin who have answered the call to the colors and served in our Armed Forces. With their families, these comprise about 45 percent of our total population of nearly 180 million people.

Throughout our history, more than 32 million have served in the Armed Forces of the United States.

The years ahead—with the ever-growing power of the Communist bloc—promises no relief from the need of readiness and preparedness by our country. However, there is a serious question as to whether, for example, the present 2-year draft system would be able to provide the highly skilled personnel needed to man a complex defense system. Consequently, this program—as well as our overall manpower utilization policies—will need to undergo careful scrutiny.

DETERRENT—NOT JUST MILITARY WEAPONS

Recognizing the need for effective armed forces, I want to stress, however, that defense is not all weapons or military prowess. Fundamentally, the ability of a nation to defend itself, to promote progress, and to meet challenges to its survival, depends upon the spirit of its people.

In the space age—as in historical times—the oft-repeated adage is still true that: The price of liberty is eternal vigilance. More than vigilance, however, it means an eternal willingness of our people to dedicate themselves, their resources, and energies and ingenuity to protect our ramparts and to lift our Nation and its people to ever-higher plateaus of economic, moral, cultural, and spiritual life—in accordance with the ideals and principles of our forefathers.

In designing programs for security and progress, it is necessary to consider a great many additional factors—at home and abroad. These include: (1) an effective internal security program comprised of well-enforced laws and Federal regulations—as well as an alert citizenry—to protect our country from internal enemies; and (2) effective cooperation with other nations (a) to promote mutual interests economically, politically, culturally, ideologically, and in other ways; and (b) to combine strengths against a common enemy—at this time in history, communism.

In addition to marshaling the people, and the natural resources of the free world, we cannot realistically write off the people behind the Iron and Bamboo Curtains. One billion strong, these people represent a tremendous will for freedom. We recognize, of course, that they are now dominated—and strongly so—by the iron hand of communism. I firmly believe, however, that these people, imbued with common human desires for freedom, will ultimately make their voices heard: (1) for a greater degree of personal liberty; (2) for a larger share of the fruits of their labor—rather than have it siphoned off for building of ever-greater war machines; and finally (3) as an antiwar deterrent, recognizing that because of modern destructive weapons, men and nations must either learn to live together on the globe—or perish.

CALL OF THE CALENDAR DISPENSED WITH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the calendar, under the rule, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL TOMORROW AT NOON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session today, it adjourn until tomorrow, at noon.

The VICE PRESIDENT. Without objection, it is so ordered.

CONSIDERATION TOMORROW OF NOMINATION OF JAMES R. DURFEE TO BE ASSOCIATE JUDGE OF THE U.S. COURT OF CLAIMS

Mr. MANSFIELD. Mr. President, I wish to announce to the Senate, after consultation with the distinguished minority leader, that tomorrow the Senate will take up the nomination of James R. Durfee to be associate judge of the U.S. Court of Claims.

HOME MORTGAGE CREDIT

Mr. SPARKMAN. Mr. President, in the fall of 1958 the Subcommittee on Housing began a project concerned with legislation which might be required to satisfy the demand for home mortgage credit anticipated during the decade of the sixties. This work was started at the conclusion of the 2d session of the 85th Congress, during which many legislative proposals were unresolved. These proposals, and the demand for credit which could be foreseen, indicated that it would be necessary for the subcommittee to make informed judgments about the need and the demand for homes and rental units; the quantity and sources of required credit; the maximum maturity, minimum equity, and other terms of required loans; anticipated construction cost levels; income characteristics of families in the housing market; and many interrelated subjects.

The subcommittee attempted to answer the basic question: How should Federal housing programs be supplemented or modified to insure a supply of home mortgage credit adequate to meet the great demand anticipated in the 1960's, upon terms and conditions which consumers can afford and which are economically sound?

This basic question was expanded into an outline of component topics concerned with factors contributing to the demand for housing and factors contributing to the supply of housing. Recognized authorities from government, industry, and educational institutions were requested to prepare papers on each of the component topics. Insofar as possible, where the handling of a subject was susceptible to differing points of view, authors representative of these different views were invited to participate.

The outline of topics, and authors who submitted papers, are as follows:

DEMAND AND NEED FACTORS

Changes in inventory of households:

"Growth in Households in the United States, 1960, 1965, and 1970"; Elmer C. Bratt, professor of economics, Lehigh University, Bethlehem, Pa.

"Projection of Number of Households, 1961–70"; Commerce Department, Bureau of the Census.

Changes in inventory of dwelling units:

"Importance of Net Replacements in Householding Demand"; Sherman J. Maisel, professor of business administration, University of California, Berkeley, Calif.

"Substandard Dwelling Units and Their Replacements, 1961–70"; Reinhold P. Wolff, director, bureau of business and economic research, University of Miami, Coral Gables, Fla.

"Family Income and Buying Power"; Commerce Department, Office of Business Economics.

Relationships between family income and housing expense:

"Relationships Between Family Income and Housing Expense"; James Morgan, survey research center, University of Michigan, Ann Arbor, Mich.

"Housing Costs and Family Income"; H. E. Riley, Labor Department.

Credit terms:

"Credit Terms and Effective Demand for New Housing"; Charles Abrams, visiting professor, Massachusetts Institute of Technology, Cambridge, Mass., and Morton Schussheim, director of research, New York State Rent Commission.

"Credit Terms and Demand for Residential Construction"; Ramsay Wood, bureau of business and economic research, University of California, Los Angeles, Calif.

Farm housing: "Demand and Need Factors—U.S. Farm Housing, 1960–70"; Glenn H. Beyer, director, housing research center, Cornell University, Ithaca, N.Y.

SUPPLY FACTORS

Housing:

"Technological Changes in Residential Construction, 1961–70"; Ralph J. Johnson, director, research institute, National Association of Home Builders, Washington, D.C.

"Expected Technological Developments in Home Construction, 1961–70"; George Price, president, National Homes Corp., Lafayette, Ind.

Requirements for basic residential construction materials during the 1960's; Joseph L. Fisher, associate director and secretary, Resources for the Future, Inc., Washington, D.C., and Edward Boorstein, economist, Resources for the Future, Inc., Washington, D.C.

Residential construction labor supply and costs, 1961–70; Emerson P. Schmidt, director of economic research, Chamber of Commerce of the United States, Washington, D.C.

The provision of adequate residential building sites in the sixties; Richard U. Ratcliff, professor of land economics, school of commerce, University of Wisconsin, Madison, Wis.

Critical problems to be faced in obtaining residential building sites; 1961–70; Max Wehrly, executive director, Urban Land Institute, Washington, D.C.

"Farm Housing"; E. V. Smith, director, agricultural experiment station, dean, Auburn University, Auburn, Ala.

"Supply of Dwellings for Underhoused Farm Families"; Agriculture Department.

Financing:

"Financing the Housing Market of the Sixties"; David L. Grove, economist, Bank of America National Trust & Savings Association, San Francisco, Calif.

"The Availability of Residential Mortgage Credit"; Saul B. Klaman, economist, National Association of Mutual Savings Banks, New York, N.Y.

"Postwar Trends in the Sources and Uses of Capital Funds"; James J. O'Leary, director of economic research, Life Insurance Association of America, New York, N.Y.

"The Effects of Monetary Policies on the Residential Mortgage Market"; James J. O'Leary, director of research, Life Insurance Association of America, New York, N.Y.

"The Impact of Monetary Policy on Residential Construction, 1948–58"; Warren L. Smith, University of Michigan and Harvard University.

"Improvements of Federal Home Loan Bank Programs"; Edward E. Edwards, professor of finance, School of Business, University of Indiana, Bloomington, Ind.

"A Program for the Federal Home Loan Bank System Designed To Improve the Distribution of the Pool of Credit Available for New Residential Construction"; Kurt E. Flexner, associate professor of finance, New York University, New York, N.Y.

"Changes in Federal Home Loan Bank Programs"; Robinson Newcomb, economic consultant, Washington, D.C.

"Increasing Credit for New Construction"; Neal J. Hardy, director, National Housing Center, Washington, D.C.

"A More Effective Mortgage Insurance Corporation"; Miles L. Colean, economic consultant, Washington, D.C.

"Suggested Modifications of the FHA, VA, and FNMA Programs To Improve the Supply and Distribution of Mortgage Credit Available for Home Financing"; Robert E. Scott, realtor, Elizabeth, N.J.

"The FHA Mortgage Insurance Premium—An Analysis and an Alternative"; Ernest M. Fisher, professor of urban land economics, Columbia University, New York, N.Y., and Chester Rapkin, research associate professor, University of Pennsylvania, Philadelphia, Pa.

"FHA Premiums and Fund Mutuality"; Harry Held, vice president, Bowery Savings Bank, New York, N.Y.

"Proposal for a Central Mortgage Reserve Bank"; Thomas P. Coogan, president, Housing Securities, New York, N.Y.

"Facilities for Mortgage Credit"; James W. Rouse, mortgage banker, Baltimore, Md.

"Housing Credit for Middle-Income Families"; William L. C. Wheaton, director, Institute for Urban Studies, University of Pennsylvania, Philadelphia, Pa.

"Government Aids to Financing Private Purchase of Houses"; Sherman J. Maisel, professor of business administration, University of California, Berkeley, Calif.

"Sources of Farm Housing Credit"; Agriculture Department.

The compendium of papers was published in December 1958, and was distributed to participating authors, Government agencies, trade associations having an interest in housing legislation, and members of the public who expressed an interest in the publication.

During the period May 14 through May 29, 1959, the subcommittee held hearings to further amplify information contained in the December publication. Participating authors appeared to discuss their papers, with the following exceptions:

Everett Ashley III, Director, Statistical Reports and Development Branch, Housing and Home Finance Agency, appeared in place of Professor Ratcliff, who could not be present.

Hobart Carr, chairman, Department of Banking and Finance, New York University, appeared in place of Dr. Flexner, who could not be present.

David K. Gillogly, graduate fellow in economic research, University of Miami, Coral Gables, Fla., appeared in place of Dr. Wolff, who could not be present.

David L. Grove was unable to appear, but submitted a statement for the record of the hearings.

In addition, Mr. L. Durward Badgley, director of real estate and mortgage research, Mutual Life Insurance Co. of New York; Mr. Cornelius R. Gray, administrative assistant to the president and secretary-treasurer, Building and Construction Trades Department, AFL–CIO; Mr. Louis Paradiso, Assistant Director, Office of Business Economics, Department of Commerce; Kenneth L. Scott, Director of Agricultural Credit Services; Mr. Kermit H. Hansen, Administrator, and Charles C. Barnard, Director, Budget and Statistics Division, Farmers Home Administration, Department of Agriculture—appeared before the subcommittee and submitted testimony. The Federal Home Loan Bank Board did not appear at the hearings, but submitted a statement for the record.

The record of these hearings was published later in 1959.

Since adjournment of the 1st session of the 86th Congress, the subcommittee has reviewed data obtained in the compendium of papers and in the public hearings, has reached certain conclusions, and has made recommendations for legislation. These recommendations, supported by findings and conclusions, have been submitted for the consideration of the Committee on Banking and Currency.

I ask unanimous consent that the subcommittee's conclusions and recommendations be inserted at this point in my remarks.

There being no objection, the conclusions and recommendations were ordered to be printed in the RECORD, as follows:

SUMMARY OF CONCLUSIONS

DEMAND AND NEED FACTORS

Estimate of new units required

New permanent residential construction required for the period 1961–70 is estimated at a minimum of 16 million nonfarm units, provided an active effort is made to eliminate substandard housing. Substandard housing could be reduced from 11.5 million in 1960 to 5.5 million in 1970. The total inventory of housing would increase from 58.3 million dwellings in 1960 to 70.8 million in 1970.

Family income, purchasing power, and housing expense

Average family income, representing real purchasing power, should be 22 percent higher in 1970 than in 1960, but despite some flattening of the income curve there is no prospect for a significant reduction in the 20 million families and individuals who have current annual incomes of less than $4,000.

The effect of this on housing is to expect the construction of better quality and higher priced homes, corresponding to the 22-percent increase in real family income. However, unless this is accompanied by a building program to supplement the supply of housing for occupancy by low- and moderate-income families, it will leave unresolved the housing problems of many American families. Furthermore, the estimated large number of low-income families by 1970 points up the difficulty of demolishing or otherwise eliminating 4 million units of substandard housing on which is predicated the construction of 16 million nonfarm permanent homes during the sixties.

The American people have demonstrated a great desire for better living conditions and a willingness to make the necessary sacrifices to satisfy this desire. The potential purchasing power in this Nation should be adequate to support a demand for a new construction program of 16 million permanent nonfarm units from 1961 to 1970, although greater flexibility in qualifying potential consumers may be required to satisfy this demand.

Credit terms and demand for residential construction

Existing law gives considerable discretion to administrative agencies of the Federal Government to cause changes in credit terms for transactions in residential real estate. The principles related in the summary by Mr. Ramsay Wood are generally sound and are recommended to the careful attention of Federal agencies which have this discretion.

SUPPLY FACTORS

Materials

The prospects are good for an adequate supply of basic building materials to meet the needs of residential construction during the sixties. Special types of lumber products may show up in short supply in some areas but not enough to cause a serious rise in prices.

Land

The supply of land for residential development is adequate. The economical development of this land, however, depends upon the availability of community facilities at minimum cost.

An alternative to acquisition and development of raw land in the suburbs is more intensive and efficient use of available areas in the cities made possible by urban renewal programs.

Labor

Labor supply for residential construction does not appear to be a problem for the sixties. Local shortages in particular skills may occur from time to time, but unless there are sporadic sharp increases in demand for labor because of instability of construction activity, no overall shortages are expected.

Technology and research

If new homes of the sixties are to improve in quality in conformity with other great advances anticipated in our economy, and if advanced technology is to compensate for increases in the prices of developed land and materials, a comprehensive and aggressive research program to develop new and better techniques in all phases of residential construction is essential.

In addition to such technical research, studies should be undertaken on other important phases of our shelter problem—marketing, financing, and consumer abilities and desires.

Mortgage loan requirements

New funds required to finance 16 million new permanent nonfarm units in the sixties are estimated at $160 billion, or about 60 percent greater than the quantity used during the past decade. The need for these funds will vary as home starts vary, increasing from about $11 billion in 1961 to about $20 billion by 1970.

These estimates assume that mortgage funds to finance existing home purchases will come from repayments and prepayments of existing mortgages.

Supply of mortgage credit

A supply of mortgage funds for residential construction amounting to an estimated

$160 billion will be available for the decade of the sixties only if the past rate of savings and the proportion flowing into mortgages continues as in the past decade. This is not likely to occur unless positive action is taken to assure it. New sources of credit may have to be used, and new financial instruments may be needed to insure a required flow of $160 billion.

Monetary policy and the flow of mortgage credit

In an economic environment where general credit controls operate in connection with Federal housing programs characterized by relatively inflexible interest rates, the volume of credit flowing into mortgages is extremely sensitive to changes in monetary policy. The flow of home mortgage funds fluctuates more violently than capital flow to other sectors of the economy, and the movement upward and downward usually precedes the movement in other sectors. Thus, housing, as an industry, is relatively less stable than the economy in general.

This instability might be relieved by (1) more selectivity in the application of monetary restraint or ease, or (2) more active use of fiscal policy, in cooperation with monetary policy to achieve economic stability, or (3) more flexibility in FHA and VA interest rates, or (4) supplementing the free flow of funds to insure that FHA and VA programs do not fluctuate so rapidly, or (5) a combination of these actions.

FEDERAL PROGRAMS

Federal Home Loan Bank System

The Federal Home Loan Bank System could provide a source of long-term credit to member institutions to an extent greater than is now being done. The System does not contain machinery to permit the operation of a secondary market in conventional mortgages. A policy to supply long-term credit to member institutions in conjunction with a market for conventional loans would probably increase the supply of home mortgage credit and would permit funds to move more freely from one area to another.

Federal Housing Administration, Veterans' Administration, and secondary market for FHA and VA loans

The insurance and guarantee programs administered by the Federal Housing Administration and the Veterans' Administration contribute to the distribution of mortgage credit to the extent that private investors judge FHA and VA maximum interest rates to be attractive. In the absence of Federal support for FHA and VA interest rates, the activity of these programs rises and falls as their interest rates may be more or less competitive with alternative investments. The activity of these programs could be made more stable by more flexible interest rate policies or by more Federal support.

The contribution of the Federal Housing Administration could be increased by further study and experimentation. For example, (1) the question of the FHA insurance premium—amount, method of collection, and mutuality—should be considered in conjunction with the need to serve borrowers who may represent greater risks; (2) the increased use of certified agents to reduce processing delays should be considered in conjunction with the need to maintain high standards of appraisal and construction; and (3) the question of providing FHA operating funds by the usual appropriation process should be reviewed in the light of economies which might be achieved through permitting the agency to operate by use of fee and premium income.

The Federal National Mortgage Association, as presently constituted and administered, cannot be expected to supplement and stabilize the flow of mortgage credit to the extent that may be desirable. If this supplementation and stabilization are to be objectives of Federal policy during the 1960's, it will be necessary to (1) reconstitute the Federal National Mortgage Association, or (2) change its administrative policies, or (3) create new institutions, such as a Central Mortgage Bank, to operate in lieu of or in conjunction with the FNMA, or (4) a combination of these actions.

Middle-income housing

Existing institutions available to help achieve the national housing policy of "a decent home and suitable living environment for every American family * * *" are inadequate. It is evident that families of low and moderate income cannot be housed decently, within the foreseeable future, unless new programs for this purpose are fostered by the Federal Government, or by State and local governments, or by all levels of government.

Farm housing

A large segment of the farm population occupies substandard housing. This has been true for many years and is likely to continue in the future, unless positive action is taken to change existing conditions.

The farm housing problem is inseparable from the farm problem in general—it is basically an income problem. In some respects, however, housing of farmers is worse than warranted by economic conditions. Substantial improvements can be made in farm housing through an intensive program—sympathetically and conscientiously administered—of education, research, and the extension of credit.

RECOMMENDATIONS

RECOMMENDATION NO. 1

The subcommittee believes that a minimum of 16 million permanent nonfarm housing units should be constructed during the 10-year period beginning in January 1961. The subcommittee further believes that the achievement of this goal is consistent with economic growth and stability throughout the economy. This goal cannot be achieved, however, without perfection and supplementation of existing Federal housing laws and without deliberate action by the executive branch of the Federal Government to administer these laws in terms of the achievement of this minimum goal. Consequently, the subcommittee recommends, as an initial step, an amendment of existing law to require the following annual report from the President: At the beginning of each session of the Congress the President shall transmit to the Senate and the House of Representatives a report stating, among other things, (1) the minimum number of housing units which should be started during the calendar year, or 2 calendar years following submission of the report, in order to be consistent with the program of the President; (2) the manner in which discretion contained in law will be used by Federal agencies to achieve this minimum volume of starts; and (3) recommendations for changes in law which may be required to enable the achievement of this minimum number of starts.

RECOMMENDATION NO. 2

Among the physical factors which contribute to the production of new housing—land, labor, and materials—only land appears to represent a serious problem. Although the supply of land is adequate, the cost of preparing land for residential development and the cost of providing essential community facilities and services may seriously retard the achievement of the minimum goal of 16 million units from 1961–70. Consequently, the subcommittee recommends the continuation and liberalization of several existing programs, as follows:

1. The program of urban planning assistance, under which the Federal Government grants funds on a matching basis for urban planning by smaller communities, should be continued with average annual resources of at least $10 million.

2. The program of public facility loans, under which the Federal Government lends funds to State and local governments to finance construction of essential community facilities, should be continued at an interest rate which does not return a profit to the Federal Government and with average annual resources of at least $50 million.

3. The program of advances for public works planning, under which the Federal Government makes interest-free advances for the planning of future public works projects, should be continued with average annual resources of at least $15 million.

4. The Federal urban renewal program, under which the Federal Government makes grants to assist localities complete projects for urban renewal and redevelopment, should be continued with average annual resources at a level substantially higher than at present.

RECOMMENDATION NO. 3

The subcommittee believes that technological advance represents the best opportunity for improving the quality of residential construction without increasing unit cost. In order that this opportunity may be fully exploited, the subcommittee recommends implementation of existing law to establish a research program within the Housing and Home Finance Agency. The objective of this program should be to identify problems in residential construction which could be solved by further research and to foster this research by direct activity of the Agency, by contracting with agencies or organizations outside the Federal Government, and by encouraging research that may be undertaken independently of the Federal program.

RECOMMENDATION NO. 4

The subcommittee further recommends that existing law be amended to direct the Federal Housing Administration to encourage research and experimentation in residential construction by insuring loans and minimizing the risks of private lenders who are willing to accept residential units of advanced design and technology as security for mortgage loans.

RECOMMENDATION NO. 5

The subcommittee believes that the instability of residential construction, which is partially attributable to monetary policy, should be minimized. Consequently, the subcommittee recommends that the Board of Governors of the Federal Reserve System be requested to submit a report not later than January 1, 1961, which report shall, among other things, include the following:

1. An analysis of residential construction activity during the period 1946 through 1959, and a comparison of this activity with general economic activity over the same period.

2. An explanation of the factors which have contributed to instability in residential construction during this period.

3. Recommendations for minimizing this instability during the 10-year period beginning in January 1961, recognizing the need for a minimum construction of 16 million permanent nonfarm units and recognizing the need for general economic growth and stability.

RECOMMENDATION NO. 6

The subcommittee believes that the Federal Home Loan Bank System can make a significant contribution toward the achievement of a construction goal of 16 million permanent nonfarm units during the 10-year period beginning in January 1961, and that this contribution might be assured by changes in the System which would permit

a larger volume of long-term borrowing by member institutions and which would provide a secondary market for conventional loans. Consequently, the subcommittee recommends that the Chairman of the Federal Home Loan Bank Board be requested to submit a report not later than January 1, 1961, which report shall, among other things, include the following:

1. The extent to which member institutions could, with safety, be permitted to increase their volume of long-term borrowings from sources within as well as without the Federal Home Loan Bank System.

2. Legislative proposals which may be necessary to permit such long-term borrowings.

3. The desirability of establishing a secondary market for conventional loans within the Federal Home Loan Bank System.

4. Legislative proposals which may be required to inaugurate such a secondary market.

RECOMMENDATION NO. 7

The subcommittee believes that the flow of mortgage credit required to produce 16 million permanent nonfarm units during the 10-year period beginning in January 1961 may not be achieved without the perfection or supplementation of existing institutions designed to provide a secondary and supplementary market for loans insured by the Federal Housing Administration or guaranteed by the Veterans' Administration. Consequently, the subcommittee recommends that the Administrator of the Housing and Home Finance Agency be requested to submit a report, not later than January 1, 1961, which report shall, among other things, include—

1. An analysis of total mortgage credit requirements which may be required to support new residential construction activity of 16 million permanent nonfarm units, on a stable basis, during the 10-year period beginning on January 1, 1961.

2. The extent to which this volume of credit may be available, on a stable basis, without revision of the enabling legislation or the administrative policies of the Federal National Mortgage Association or without the creation of a new institution to provide an active secondary market for loans insured by the Federal Housing Administration or guaranteed by the Veterans' Administration.

3. The desirability of creating an independent board to establish interest rate policies for programs administered by the Federal Housing Administration and the Veterans' Administration, and to establish purchase and marketing policies of the Federal National Mortgage Association or any other institution created to provide a secondary market for loans insured by the Federal Housing Administration or guaranteed by the Veterans' Administration.

RECOMMENDATION NO. 8

The subcommittee recognizes that the Federal Housing Administration has passed its 25th anniversary and has in a large measure been successful in working toward the purposes of its enabling legislation. The subcommittee believes that the programs administered by the Federal Housing Administration should be continued but that its usefulness could be increased by changes in its basic statutes and by changes in administrative policies made to implement these statutes. Consequently, the subcommittee recommends that the Administrator of the Housing and Home Finance Agency be requested to submit a report, not later than January 1, 1961, which report shall, among other things, include—

1. An analysis of the present rate of, method of collection, and mutuality of the FHA insurance premium; and recommendations concerning the desirability of reducing the rate, changing the method of collection, and eliminating or extending mutuality; such recommendations to be made in the light of the necessity to serve the needs of borrowers who may represent greater risks than borrowers who now receive benefits of FHA programs.

2. An analysis of the present program by which the actions of certified agents are accepted in lieu of normal FHA processing, and recommendations regarding the extent to which this activity might be expanded without jeopardizing high standards of appraisal and construction.

3. Recommendations regarding the desirability of amending existing law to permit the Federal Housing Administration to staff its field offices at levels consistent with variations in field office activity and by the use of funds derived from fee and premium income.

RECOMMENDATION NO. 9

The subcommittee believes that the national housing policy of "a decent home and suitable living environment for every American family * * *" cannot be achieved within the foreseeable future without the creation of new programs designed to solve this problem. Consequently, the subcommittee recommends that bills now pending, which propose a Federal program to increase the volume or residential construction for middle income families, should be given high priority and should be considered as soon as possible during the current session of Congress.

RECOMMENDATION NO. 10

The subcommittee believes that significant improvement in the housing conditions of millions of farm families can be achieved only through an intensive program of education, research, and extension of needed credit to worthy farm families. Consequently, the subcommittee recommends that existing law be amended to authorize and direct the Department of Agriculture and the Housing and Home Finance Agency to undertake a program of education and research designed to reduce the volume of substandard farm housing. The subcommittee further recommends that existing programs administered by the Department of Agriculture be continued with annual resources of not less than $50 million for loans on adequate farms, $2 million for contributions on potentially adequate farms, and $10 million for loans and grants on farms not eligible for regular loans or contributions.

Mr. SPARKMAN. Mr. President, some of these recommendations contemplate legislation without further delay. Other recommendations contemplate legislation after receipt of reports from executive agencies next January. I send to the desk a bill which would implement recommendations numbered 1, 3, 4, and 10.

I ask unanimous consent that the text of this bill and a summary of its provisions be printed at this point in my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and the summary will be printed in the RECORD.

The bill (S. 3379) to establish an annual or biannual national housing goal, to provide for a research and study program to improve the quality of residential construction without increasing the cost thereof, to encourage advanced techniques in housing construction, and to continue the farm housing program under title V of the Housing Act of 1949, introduced by Mr. SPARKMAN, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

NATIONAL HOUSING GOAL

SECTION 1. The program of the President as expressed in his annual message to the Congress shall include statements and recommendations concerning a residential construction goal. In furtherance of the realization of this goal the President shall transmit to the Senate and the House of Representatives, after the beginning of each session of the Congress, but not later than January 20, a report which shall include the following: (1) a statement indicating the minimum number of housing units which should be started during the then current calendar year, or such year and the next following calendar year, in order to be consistent with the program of the President, (2) an indication of the manner in which the law will be administered by the executive agencies to achieve the number of housing units specified under clause (1), and (3) any recommendations for legislative action that the President determines are necessary or desirable in order that the construction of such specified number of housing units may be started.

HOUSING RESEARCH

SEC. 2. (a) It is the sense of the Congress that technological advance represents the best opportunity for improving the quality of residential construction without increasing unit cost. In order that this opportunity may be fully exploited, the Housing and Home Finance Administrator is authorized and directed to undertake and carry out a research and study program (1) to identify problems in residential construction which are preventing an improvement in the quality of construction and which could in all probability be solved without increasing the unit cost thereof, if the necessary research were undertaken, and (2) to undertake such research.

(b) In performing the functions vested in him by this section, the Administrator may—

(1) carry out research and studies within the Housing and Home Finance Agency;

(2) enter into contracts with any State or local public agency or instrumentality, or educational institution, or other agency or organization, and for such purpose exercise any of the powers vested in him by section 502(c) of the Housing Act of 1948; and

(3) encourage research and studies which are not instigated by the Federal Government, but which hold promise of results furthering the purposes of this section, and, when requested, provide technical advice and guidance in the conduct thereof.

(c) The Administrator shall disseminate, without regard to section 306 of the Act of June 25, 1948, as amended (39 U.S.C. 321n), the results of the research and studies conducted under this section in such forms as may be most useful to industry and to the general public.

(d) The provisions of the third and fourth sentences of section 301(a) of the Housing Act of 1948, as amended, shall apply to contracts and appropriations pursuant to this section.

(e) Nothing in this section shall limit any authority of the Administrator under title III of the Housing Act of 1948, as amended, or any other provision of law.

(f) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

ENCOURAGEMENT OF IMPROVED DESIGN AND TECHNOLOGY IN HOUSING CONSTRUCTION

SEC. 3. Title V of the National Housing Act is amended by adding at the end thereof a new section as follows:

"HOUSING CONSTRUCTION

"SEC. 517. The Congress hereby declares that the provisions of this Act should be administered to encourage the utilization of advanced design and technology in the construction of residential structures where such design and technology will reduce unit costs without sacrificing quality or livability. In accordance with this policy, the Commissioner shall, in the processing of applications for mortgage insurance, give careful and sympathetic consideration to applications for the insurance of mortgages which are secured by residential properties designed and constructed in accordance with advanced techniques to reduce unit cost without sacrificing quality or livability."

FARM HOUSING

SEC. 4. (a) The second sentence of section 511 of the Housing Act of 1949 is amended—

(1) by inserting "(1)" after "section"; and

(2) by inserting before the period a comma and the following: "and (2) during the period beginning July 1, 1961, and ending June 30, 1971, shall not exceed $500,000,000: *Provided,* That the total principal amount of such notes and obligations issued in any fiscal year commencing after June 30, 1961, shall not exceed $50,000,000".

(b) Section 512 of such Act is amended—

(1) by inserting "(1)" after "aggregating"; and

(2) by inserting before the period a comma and the following: "and (2) not to exceed $20,000,000 during the period beginning July 1, 1961, and ending June 30, 1971: *Provided,* That the aggregate commitments for contributions made in any fiscal year after June 30, 1961, shall not exceed $2,000,000".

(c) Clause (b) of section 513 of such Act is amended to read as follows: "(b) for grants pursuant to section 504(a) and loans pursuant to section 504(b), not to exceed (1) $50,000,000 during the period beginning July 1, 1956, and ending June 30, 1961, and (2) $10,000,000 for any fiscal year commencing after June 30, 1961, and ending prior to July 1, 1971; and".

The summary presented by Mr. SPARKMAN is as follows:

DIGEST OF BILL

Section 1 requires the President, in furtherance of the National Housing Goal, to transmit an annual report to the Congress containing recommendations indicating (1) the minimum number of housing starts which should be undertaken during the following year or 2 years; (2) the manner in which the Federal Government proposes to assist in achieving the number of starts specified; and (3) legislation which may be necessary to achieve such starts.

Section 2 directs the Administrator of the Housing and Home Finance Agency to undertake and carry out research and studies for improving residential construction without increasing costs. Permits the Administrator to carry out these studies within the HHFA or to enter into contracts for such studies to be made by State or local public agencies or educational institutions. Further requires that the results of such studies and research be published for general public use.

Section 3 declares it to be the intent of the Congress that the Commissioner of the Federal Housing Administration should encourage the utilization of advance design and technology in the construction of residential structures in order to reduce costs, provided that such design and techniques do not sacrifice quality or livability.

Section 4 extends title V of the Housing Act of 1949 to provide for a 10-year farm housing program, commencing July 1, 1961, and ending June 30, 1971, by authorizing (1) $500 million to be made available, at not to exceed $50 million in any one year, for direct farm housing loans; (2) $20 million to be made available, at not to exceed $2 million in any one year, for contributions pursuant to commitments made by the Secretary of Agriculture to prevent defaults in payments on loans for potentially adequate farms; and (3) an appropriation of $10 million per year for grants and loans for minor improvements and repairs to keep farm houses safe and sanitary and also to encourage family size farms.

Mr. SPARKMAN. This bill, and other bills pending before the Subcommittee on Housing, will be considered in open hearings which I plan to announce within the next 10 days.

I have requested the reports from executive agencies as recommended by the subcommittee, in order that action on the mortgage credit study may be completed in the next session of Congress. I hope that before adjournment of the 1st session of the 87th Congress, we shall have enacted proposals designed to assure an adequate and stable supply of housing credit throughout the next decade.

THE HEAVY CRUISER "SAN FRANCISCO"

Mr. SPARKMAN. Mr. President, one of the finest fighting ships in World War II, and one which had an excruciating, agonizing trial in one of the early battles of the war—the Battle of Guadalcanal—was the heavy cruiser *San Francisco.* The chaplain on the *San Francisco* was Francis B. Sayre, Jr., who now is the dean of the Washington Cathedral.

Recently it has been decided to scrap the *San Francisco.* When Dean Sayre heard of that, he ascertained where the ship is now located—in Philadelphia—and obtained permission to go aboard her, and to take his young son with him. Following that visit, he wrote to his former shipmates a letter in which he told of his experience, and recalled some of the experiences they had had together during their service on that fine fighting ship, the *San Francisco.*

This is a very readable, very interesting, and very informative letter by Dr. Sayre. I believe everyone will find it interesting reading. I therefore ask unanimous consent that it be included at this point in the RECORD, as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FAREWELL "FRISCO"

DEAR SHIPMATE: Herewith an erstwhile padre sends you the final report from our old ship.

A week ago I read in the Washington paper that the U.S.S. *San Francisco* is to be scrapped. At once I called the Navy Department and found that the old maru had been sold to the Union Mineral Alloy Corp., of New York. A long-distance call to Mr. Hecht of that company disclosed that our ship was now lying at pier 16 south in Philadelphia, preparatory to being towed away to the ironmongers.

It's a strange nostalgia that long afterward makes a man think wistfully of the ship where many lived and some died, and none was very comfortable. But she took us half way around the world, through many a tight spot, and back under the Golden Gate again. And no one who was ever aboard failed to know that she was an old gal of character. Call her "Asiatic bucket," or what you like, but she had guts.

So this morning I took the train to Philly, with Tom, my 9-year-old son. He'd heard so much about the ship that now he wanted to see if she really existed. He didn't have long to wait. As our taxi made its way along the rain-soaked riverfront, suddenly there she was, the big "38" on her bow soaring up over the dockside. The *Portland* was alongside, awaiting the same fate, but the *Frisco* was next to the pier. We let the cab go and rang the bell for the watchman on the dock. It was Saturday, the place was deserted, and the watchman, though sympathetic, told me he had no authority to allow us aboard the ship. "She's a dead ship, anyway," he said, "no lights, no power, nobody on board." "She'll never die," I said and picked up the phone to call the Globe Detective Agency, which now replaces the Fleet Marine Force to repel all boarders and guard the ship. It took considerable arranging, but after several calls to the New York owners, and goodness knows what other snipped redtape, we were given a cordial green light.

But how to get on board? Unlike the first time I ever set foot on her deck, there was no gangway now. Incidently, do you remember that time in Mare Island when the ship's first chaplain made his initial appearance? I recall what a time I had trying to salute the colors, salute the officer of the deck, and at the same time balance on my shoulder a fresh case of very good communion wine. I think the astonished crew was somewhat amused when the officer of the deck immediately commanded the orderly to put the wine under lock and key, and almost included the chaplain with it.

Well, this time there was no saluting—only an old ladder to climb, which we found lying on the wharf. But it was sufficient to span the murky water, and up we clambered to the well deck, hard by the port silo.

It's funny how the years can drop away at such a moment. There was the hangar where we held church. There was the teak deck, warped a bit and dirty from 10 years of moth-balled neglect at the Philadelphia Navy yard. I thought of the deck division and the bos'un mates who used to swab and scrub, dungarees rolled up to their knees. What would Mr. Manown have said if he had seen the wooden pins holding down the planks half out of their sockets as they are now? Or the paint peeling off the galley hatch?

Atop the silos, the catapults had been removed, though the big crane on the boat deck was still there, silhouetted against the sky. But the planes were gone, just as Mr. Peterson and Mr. Bowers and Mr. Gable and Mr. Duttweiler and Johnny Crews and the other pilots were gone. No more antique SOC's for the modern Navy: no need of obsolete open-crockpitted biplanes to spot for the big guns. The guns themselves are all but gone on the newer ships. It's all rockets now. But there, on the *Frisco,* you could still see the big 8-inchers, poking their grey snouts over the quay in the direction of Independence Hall. Tom climbed up into turrent 2, and it's a good thing that Jim Beloate, who was turret captain long ago, explained to me how the gunner's mates made those babies belch, for I had to tell the boy exactly how the shells came up the hoists and were laid in the cradle, with the cordite bags behind. How well I remember the marvelous precision of the gun crew when the shell

was rammed home, the breach closed and the ready signal pulled. As I stood there today I could almost feel the sideways leap of the ship as those guns went off, rattling every bulkhead in the vessel.

It was a strange feeling, taking my son around the ship. The last time I had seen a kid on the *San Francisco* was the Christmas party that we held in 1943 for children of the yardworkers at Pearl Harbor. Do you remember then how they flocked aboard and made mincemeat of shipboard discipline? I think it was the very day that Captain Overesch just came on board to take command of the ship. What must he have thought of the Christmas tree in the hangar and the small banshees operating the 40 mm. directors and Arnold Vasa handing the pretty little girls down the ladders? What a flock of presents you all piled up under that tree for those kids. And what a nice dinner in the mess hall afterwards, turkey and all.

That was in the darkest days of the war. But now the ship was silent. McDonald was not presiding over the crap game in the photographer's shop in the loft of the starboard silo. "Fuzzy" was not there to hand out mail, and the chiefs were not loafing on the fantail. But Tom, his eyes wide, peopled the ship with all the many friends of whom his father had often told him. We climbed to the 5-inch guns, and there in the passage by the admiral's cabin he saw Elbert Pittman, pharmacist's mate, whittling boat models, as he and I used to do every morning during predawn GQ. Up a little higher, and there was Snow presiding over the signal bridge, only now the flags are gone and the halyards, too. Then on to the bridge where Captain France used to sit quietly on his chair looking out over the gray calm of a twilight night in Aleutian waters, while whales and porpoises played 'round our wake, and the snow-clad Komandorski Islands lifted pink peaks above the glassy sea. We even went up by the forward director, though, like the 40 millimeters below, it too had a protective cocoon around it to fend off rust and decay. There I told Tom of the boys who manned the big telescope, and how through it we had watched the soldiers and Marines fighting on Saipan. Even as we bombarded them, you could see the Japs, shooting from their holes over on the beach.

We had brought a flashlight with us from Washington, and a good thing it was that we did. For when we came to pick our way past the wardroom to the cabin which Fred Hanbury and I shared up in the port bow, we had to make our way in the darkness past upturned tables and hanging cables that would once have horrified Commander Schonland as executive officer. But my boy had to see where his old man had bunked, and even the head where a bullet once penetrated while the chaplain occupied the throne. It was pretty gloomy in that part of the ship, so we retreated aft to the well deck again, collecting an old soup ladle at the galley on the way, as a souvenir to keep in memory of Chief (ship's cook) Baca, the mainstay of our boxing team, who I learned recently was later killed.

Undogging the hatch to the hangar, we entered the kingdom of the V-division. That was a good gang who ran the aviation radio shop, engine and repair shop, and who so lovingly tended the obsolete monsters which they were always having to roll in or out of the hangar to make way for movies or church. I can just hear Chief Kelly grumbling, while Otto Birch in his beard and stocking cap would swing his bird up to the catapult.

Now the place is stacked almost to the overhead with life preservers, rafts and lines and all the loose gear from the whole ship. I suppose they just dumped it all there when the last honest-to-God sailor was piped over the side. But there, just outside the after hatch, I found what used to be the captain's chair. It was in the very spot to which I once had it removed after he had sent it down from his cabin for divine service. I remember that Sunday when the Old Man arrived and discovered he would have to sit on a messhall bench after all. After church, I explained to him that for at least 1 hour in the week we ought to remember that we are all equal in the sight of God. I thought he took it very well—at any rate I didn't end up in the brig, and I was pleased to see the skipper sans chair arrive the following Sunday morning.

We tried to go below, but most of the hatches were painted shut. The engine room was sealed off impenetrably. But we did manage to reach the chaplain's office where T. O. Preston Y2c used to preside over the ship's library. That was a compartment which I remember persuading Bruce McCandless, the navigator, to let me "borrow" in the crew's behalf. He never got it back, and in fact the chaplain even succeeded in stealing the little office next door as well. We cut a square hole in the bulkhead between the two compartments, so Preston could exchange scuttlebutt with Shorty Shelburne, editor of the famous ship's journal Fore 'n Aft. The hole still remains, and I could almost hear the sound of voices firing salvoes through the opening at one another, in the paper game of "Battleship." Come to think of it, that game was once a lifesaver: in the long dull patrol of the Bering Sea. Our men were rotting of boredom in those months of 1944, when cold weather shut us all up in our cramped tin box. Mr. Bieri, the supply officer, parted reluctantly with 10,000 sheets of scarce mimeograph paper, which soon found their way to every corner of the vessel, as men squatted in the passages and gun turrets preferring the make-believe war of a game to the real thing around us.

The well deck, in the waist of the ship was once the core of her life. There Doc Brown had his head shaved when we crossed the "line", and was made to carry a sign that read "Butcher 1c." But he was only one of the many who felt the tickle of McDermatt's shillelagh as the pollywogs faced the fire hose and the padre was made a "special case." It seemed strange today to see the place deserted: even the whaleboats had abandoned ship along with the crew. As I stood for a moment before going down over the side for the last time, I conjured up many a scene that you will recognize.

In the deck you could still see where the stanchions had been set to rig the ring for Mr. Gebert's boxers. Where the Provost brothers now? And Augie Augustine and Hammers and Ransome and Gastelum and Warren Guidry? I wished I knew, though I do have the comfort of knowing that Red Britton, the heavyweight smasher, is today the sheriff of Klamath County, Oreg. It makes you feel safe in that part of the world. And I thought of Sherer and Collingsworth, too, who used to wow the smokers with their guitars. And Shorty Pascini on the mouth harp, clowning all the way.

On March 10, 1944, the *Frisco* was in Pearl, girding her loins for the next strike. Will you ever forget the word that was passed over the ship's speakers that evening? "Now hear this: all hands lay up to the well deck for a hula hula show." And up they came through scuttles and hatches like rockets from below. There was hardly room on the deck for all the "Asiatic" admirers of the ancient art, which the chaplain announced was presented through the courtesy of the USO Wichita.

And then there was the time the hurricane hit us in the Aleutians. That was a bleak and dangerous scene on the well deck. A plane was loose, careening from rail to rail until it was twisted pulp. And one gigantic wave cracked the deck from side to side. But despite the bitter wind and the wildly rolling ship, we were all glued to our perches on top of the hangar or the gun deck, fascinated by the scene of destruction and the gallant old ship which weathered the storm and kept us afloat mid the icy surf.

And now she must go. Ship of 17 battle stars. Ship of the Presidential unit citation. Ship who was home to 1,172 fighting seamen. She responded to their spirit as if she had a stronger spirit of her own. And I believe she did too, for every one of us is better for having served aboard her. She made men out of boys and then knit them as shipmates together. And I was not sorry that I could not stay to see the gaunt old gal bow her proud neck to the ignominy of the tug that will come to take her off to her grave. Farewell *Frisco*.

FRANCIS B. SAYRE, Jr.

SUMMIT CONFERENCES AND THE QUESTION OF BERLIN

Mr. HRUSKA. Mr. President, it is a source of considerable reassurance that the Foreign Ministers of the Big Three, currently meeting in Washington, have achieved a unified stand on the question of Berlin, thus strengthening the hand of our President at the summit conferences in Paris next month. The prospect that the position on our rights in Berlin might be modified must have given comfort to the Kremlin, as it worried our friends in West Germany. Now the way has been cleared for crisp talks with the gentlemen from Moscow, who will realize that neither threats nor cajolery can melt down our determination not to let Berlin fall into Communist hands. The blueprint for the summit conference has been drawn, and the world watches and waits.

In this connection, I ask unanimous consent for permission to print in the CONGRESSIONAL RECORD a letter to the New York Herald Tribune by the distinguished Gen. Julius Klein, of Chicago, who summarizes well the situation in present-day Germany. I also ask such consent for printing in the RECORD editorials in the New York Mirror of April 15, in the New York Herald Tribune of April 14, and the text of a television interview with Chancellor Konrad Adenauer on "Meet the Press" recently.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, Apr. 14, 1960]

GERMANY VITAL TO WEST

To the New York Herald Tribune:

On May 16 the Big Four Summit Conference will open in Paris in an atmosphere of gloom bordering on despair, particularly among the peoples of divided Germany whose destiny is not in their own hands, but rather under the control of alien states—men far from the state, from the actors, and from the dramatis personae as well.

The reason for this attitude of negativism, which I observed on my trip to Germany a few weeks ago, basically is the threat of atomic extermination which is hurled at the German people day after day, week after week, by Radio Moscow and its satellites. While Khrushchev prates about the Camp David spirit and the relaxation of tensions, his psychological warfare specialists raise the spector of missiles with atomic warheads on German soil, extinction by nuclear

bombs, etc. But even more menacing than these belligerent warnings is a lurking fear on the part of the West German population that they will be abandoned by their NATO allies, chiefly the United States, in the upcoming Paris negotiations.

The free peoples of the Western Alliance clearly state that they will never sacrifice Berlin in the interest of expediency.

We must make certain that these reassurances reach the ears of the German people, but particularly the ears of Nikita Khrushchev, who seems to have reached the false and dangerous conclusion that the free world is intimidated by his claims to power and supremacy.

JULIUS KLEIN,
Major General, U.S. Army, retired.

CHICAGO.

[From the New York Daily Mirror, Apr. 15, 1960]

GERMANY AFTER 15 YEARS

The central issue of international relations at the present time is Germany. The summit conference in May will deal with it first. The Foreign Ministers Conference which has been meeting in Washington dealt principally with the German question.

It is impossible to separate Berlin from Germany, which is what Soviet Russia is really trying to do.

West Germany was represented at the Washington meeting by its Foreign Minister, Dr. Heinrich von Brentano, who is adamant that Berlin should not become absorbed among satellites of Soviet Russia.

He is fighting the policy of Great Britain which is one of opportunistic appeasement. If West Germany is to be betrayed at the summit conference, West Germany will take steps not to be reduced to a Soviet satellite. In this, West Germany will be supported by France.

Thus 15 years after the end of World War II, the wheel of history has turned and the United States is now no longer the enemy of Germany but the friend and supporter. True, West Germany has engaged not only in a brilliant reconstruction of its economy and its industry, but has conducted a worldwide political propaganda, the best example of which was the recent meeting in New York between Chancellor Adenauer and Prime Minister Ben-Gurion of Israel.

This meeting brought to a close the Hitler era. It was an open assertion that nazism as a racial doctrine was offensive to West Germany and that the West German Government opposes any recurrence of anti-Semitism. The importance of this is that it is widely believed that the recent attacks on Jews throughout the world were Communist inspired.

Von Brentano, in his address before a group of U.S. Senators, restated West Germany's position, the essence of which is:

1. West Germany favors the unification of Germany, but not as a Soviet satellite;

2. West Germany insists that Berlin should not be absorbed by Communist East Germany which is a satellite of Soviet Russia;

3. West Germany is not to be sacrificed to appease the imperialistic ambitions of the Kremlin.

The policy of the United States has been to build up West Germany as a modern state, associated with France in the Common Market and as a bulwark against further aggression in Europe by Soviet Russia.

This was the Dulles-Adenauer line which has proven to be historically correct. Any other position imperils France and can lead either to the reduction of Western Europe to a satellite of Soviet Russia or to forcing West Germany into some kind of an understanding with Soviet Russia which would imperil our economic position in Europe.

The queer thing about all this is that while the United States is wobbling between the British policy of appeasement and the Adenauer-Dulles policy of insistence upon maintaining the right of Germany to its own existence, it is West Germany which is really maintaining the position that the fundamental rights of the United States as the victor in a war be fully respected.

The question is: Do we have to lose everything we fought for in World War II? Does Soviet Russia have to have all the gains from World War II? President Eisenhower will have to answer at the summit conference.

[From the New York Herald Tribune, Apr. 14, 1950]

NO MOUNTAIN FEVER THIS TIME

The Foreign Ministers of France, Britain, and the United States, with other Western colleagues, are meeting this week in Washington in formal preparation for the summit conference in Paris next month. They will meet twice again before the curtain actually goes up. But this time the approach to the summit is being made at a deliberate and measured pace, quite different from the breathless scramble which brought East and West together at Geneva 5 years ago. This time, there is little mountain fever. The trails seem plainly marked and the ascent looks routine.

One reason for the lack of agitation and excitement is that the summit of 1960 is clearly not viewed by public opinion as a desperate rescue operation on which the fate of humanity depends. At Geneva, the heads of government were looked on as surgeons who had the world on their operating table in dire need of amputations and blood transfusions if it was to survive. But the Geneva meeting accomplished nothing in particular, and the world survived anyway.

At Paris, it will not be so much a question of rescue as of preservation, of holding present advantages as against the risks of seeking new ways to set the world, once and for all, in order. Of course, there is a more positive prospect in the field of disarmament. The possibility of some form of agreement to ban nuclear tests has become a strong one, and it is in this field that the greatest flexibility, perhaps the only flexibility, exists. Therefore disarmament is the most potentially fruitful of all topics of discussion, and that is why Western statesmen hope it will be the principal one.

It is unlikely that Mr. Khrushchev will show flexibility over Berlin or German reunification. Dr. Adenauer's belief that any change in the status of Berlin itself will be to the West's disadvantage is surely the right one. The big worry here is that Mr. Khrushchev will make a brutal effort to force the issue.

Another reason for the summit atmosphere is that in the past year the ground has been so often and so carefully covered. There has been the Foreign Ministers' Geneva Conference of last summer on Berlin. There are the two current disarmament conferences, again on the shores of Lake Leman, and the issues and positions are being endlessly aired. There have been spectacular visits between the world's capitals. In the past month only, Mr. Khrushchev has been to Paris, General de Gaulle to London, Dr. Adenauer to Washington, and Prime Minister Macmillan to both Washington and Paris. The summit, in a manner of speaking, is a continuing body.

On the whole, these things are to the good. A summit meeting which arouses no great hopes can cause no great disappointments. And it should be easier to gain the painful inch when no one is talking about the grandiose but vacuous mile.

"MEET THE PRESS"

(Produced by Lawrence E. Spivak; guest, Dr. Konrad Adenauer, Chancellor of the Federal Republic of Germany; panel, Frank Bourgholtzer, NBC News; Marquis Childs, St. Louis Post-Dispatch; James Reston, the New York Times; Lawrence E. Spivak, regular panel member; moderator, Ned Brooks; March 20, 1960)

ANNOUNCER. Now, "Meet the Press," produced by Lawrence E. Spivak. Remember that the questions asked by the members of the panel do not necessarily reflect their point of view. It is their way of getting the story for you. Now here is the moderator of "Meet the Press," Mr. Ned Brooks.

Mr. BROOKS. Welcome once again to "Meet the Press." Our guest today is the Chancellor of West Germany, Dr. Konrad Adenauer. He is in Washington for an exchange of views with President Eisenhower on the forthcoming East-West summit conference.

Dr. Adenauer, now 84 years old, has served as Chancellor since 1949. He was an outspoken foe of nazism. He was twice arrested. Today he is recognized throughout the world as an unyielding enemy of communism.

Dr. Adenauer has been the chief architect of West Germany's postwar recovery and renewed participation in world affairs. Under his leadership West Germany regained her sovereignty and obtained the right to rearm as a partner in the NATO defense organization.

He began his career as mayor of Cologne, and he was one of the founders of the Christian Democratic Party.

Assisting us today in our program are two translators. With their help we will bring you a simultaneous translation. That accounts for the earphones.

Now, Dr. Adenauer, if you are ready, we will start the questions with Mr. Spivak.

Mr. SPIVAK. Chancellor Adenauer, the joint statement issued at the White House after your conference with President Eisenhower said this, and I quote: "They further agreed that the preservation of the freedom of the people of West Berlin and their right of self-determination must underlie any further agreement affecting the city."

Do you interpret that to mean that President Eisenhower has agreed that there should be no change in the status of West Berlin?

(The remarks of Chancellor Adenauer are made through an interpreter.)

Chancellor ADENAUER. I think it is necessary to add to that statement what President Eisenhower has said in the press conference, which took place yesterday, and only when you combine the two will you get the real picture, and that is why I can answer your question in the affirmative.

Mr. SPIVAK. Are there, in your judgment, any significant changes that you can agree to on West Berlin that would not jeopardize the freedom of the city?

Chancellor ADENAUER. The status will have to be preserved, and the rights of the Berlin population will have to be preserved. During the past—since 1945—some changes have been made, but still the flag of the United States will have to continue to fly over Berlin, and it will.

Mr. SPIVAK. I take it then that you do see some area for compromise?

Chancellor ADENAUER. Well, I think that when facing as difficult negotiations as the ones on the summit meeting, one should not now start talking about possibilities of compromise. One will have to discuss, and then we will see whether compromises will be possible. At any rate, there are no big compromises possible.

Mr. RESTON. Chancellor Adenauer, are you satisfied that the British agree with you and President Eisenhower and General de Gaulle on what the policy should be at the summit meeting?

Chancellor ADENAUER. I think we may assume that, that they are all agreed on it. They were agreed in Paris in December last in the Western summit meeting.

Mr. RESTON. Is it your policy to stand on the rights of conquest of the understanding of 1945, or are you willing to negotiate a new interim agreement for Berlin?

Chancellor ADENAUER. The right of conquest is, of course, a little misleading. It is the right stemming from conquest. The Berlin population, and the opinion of the Berlin population is, of course, decisive for all of us Germans. They have the most urgent wish that no changes should be made as regards that right. So you have the rare case where the conquered is very satisfied with the conqueror.

Mr. RESTON. Could I ask you one other thing: What is the end of all this? How do you see this thing finally ending, by a diminution of Soviet power, or how?

Chancellor ADENAUER. Dear Mr. Reston, I think an answer to that question can't be expected from me. Nobody knows now. We will have to wait and see how development goes. That is the purpose of the conference, of finding out exactly what the intentions are, and to find out what really is the situation, and I think that it is a good procedure for us to assume that the essence of the status of Berlin must not be affected.

Mr. BOURGHOLTZER. Mr. Chancellor, you have said during your present visit to America that you think, should the Russians or the East Germans put obstacles on the access routes to Berlin, that the Western Powers could safely act to remove them because you have said you don't think Khrushchev is willing to risk a nuclear war on this subject. Do you believe President Eisenhower is willing to risk nuclear war to take such action, if it is necessary, for Berlin?

Chancellor ADENAUER. My dear Mr. Bourgholtzer, who am I to know what President Eisenhower is prepared to do, and what he is not prepared to do? Such things are only discussed once they become burning, but not 6 weeks before it. But I don't even believe that such possibility exists. I am convinced that Khrushchev does not want any war. He just hasn't any use for a war. He needs the whole force of Soviet Russia for peaceful reconstruction for the next 7 years at least to carry through his 7 years' plan.

Mr. BOURGHOLTZER. May I just follow up to clarify, Mr. Chancellor? Does that mean that as of now you have no commitment from President Eisenhower or any of the other Western leaders to go to that limit in defense of Berlin if it is necessary?

Chancellor ADENAUER. Well, I ask, beg you—I would never ask for such a commitment, nor would the President be able to give me such a commitment—but I am quite satisfied if the President says what he has said in the communique and in his press conference, and I can add to that that he said that the flag of the United States will continue to fly over Berlin.

Mr. CHILDS. As I am sure you know, Chancellor Adenauer, there has been an increase in distrust and fear of Germany since the anti-Semitic outbreaks and since Minister Strauss' negotiations for the Spanish bases. What assurance here on your visit can you give the American people that a nationalistic Germany will not again threaten the peace of the world?

Chancellor ADENAUER. First of all, we will have to separate the anti-Semitic and the Semitic outbreaks, and the Spanish events.

Now, insofar as the anti-Semitic outbreaks are concerned, you certainly have seen the picture of the Prime Minister of Israel and myself sitting together—is really the best proof of what the actual atmosphere is between our two countries. And, believe me, the German people are not anti-Semitic, and it is not national socialist.

There may be the one or the other old fool running around in the streets—you can't imprison them all—but he is being laughed at, and I think that is the best thing you can do about it. You shouldn't make him a martyr.

Now as to the Spanish legend, this is a rather strange thing—not to use any other word—the logistics are of greater importance with regard to military defense, and with the present weapons technique the territory of the Federal Republic and of other NATO partners is not large enough, not deep enough to be able to even install any depots. Unfortunately, up to now the problem of logistics has remained a national problem to be solved by each nation partner to NATO, and we have been advocating for a long time that this is a matter to be dealt with in common and to be solved by NATO. And all NATO countries in our neighborhood had been asked by us whether they had any space for us, and they didn't have any.

Now what has happened in Spain is nothing but a question that was put whether there is any space available. No precise negotiations have been carried out, and we were quite clear from the very beginning that we would not do anything without consulting NATO and without approval by the Council of NATO, and SHAPE was informed by the way.

Mr. CHILDS. But this matter is so important in terms of logistics that you feel if your partners in NATO will not grant you space you will have to go to Spain or another country?

Chancellor ADENAUER. I think the question is of the greatest importance, and it is related to the fact that since NATO has been established, the progress in armament has been so terrifying—NATO was formed in 1949—if a war had come in 1950, then the appropriations would have been sufficient to counteract the attack. But now in 1960 if there were to be a war, the organization of NATO will have to be adjusted to the new developments and this organization of NATO which needs adjustment in the field of weapons techniques, this field also includes logistics.

Mr. SPIVAK. Chancellor Adenauer, what do you hope will come out of the summit conference?

Chancellor ADENAUER. I am of the opinion that one should never have too great hopes; but you shouldn't be desperate either, but to take the patient way of moderate hope, and that is also true for the summit meeting. But this will not be the one and only summit meeting. There will be others, because the questions that are being touched upon are so difficult that they cannot simply be solved within a few days.

Mr. SPIVAK. Do you think a satisfactory solution of the summit will be simply to go back to before May 27, before Mr. Khrushchev made his threat on West Berlin? Will that be satisfactory to you and to the West, or must we expect more from the summit?

Chancellor ADENAUER. Much more must be done. You don't even mention the question of disarmament. That is the really vital problem for all peoples: controlled nuclear disarmament and controlled conventional disarmament. That is the question, the solution of which mankind is expecting and very justly so. But this cannot be solved in this summit meeting. But on the other hand one cannot say that now there is the 10-nation committee of the United Nations that deals with it, and you cannot even say that in Geneva, for many months they have been discussing the question of atomic tests. The question of controlled disarmament is not only a technical question but it is of the utmost political importance. And I am of the opinion that the four gentlemen who will be on the summit meeting have the obligation toward all mankind to have a very profound discussion on controlled disarmament and to be very much in favor of it. That is the basic question, without the solution of which we will never come to rest, and humanity will never be freed from its worries.

Mr. SPIVAK. These disarmament conferences have been going on for a very considerable time, and nothing has come of it. Do you think that the four leaders can settle in a few days what they have been unable to settle in years, on the matter of disarmament?

Chancellor ADENAUER. May I just repeat: You have got to distinguish the technical and the political side of disarmament. Now the technicians, the experts, cannot decide really the political. The politicians will have to give the decision, and the four heads of government in that summit meeting will have to have a very clear and very detailed discussion and be in favor of disarmament so as to allow the experts really to make progress.

Mr. SPIVAK. But Mr. Chancellor, all the heads of government for years have been in favor of disarmament. It has been the technicians, when they get down to the details, who have made it impossible to get anywhere. Do you think then that the four heads will get anywhere?

Chancellor ADENAUER. I don't think it is true that all the leaders were in favor of it because the Soviets weren't. The United States of North America have offered several times at a time when they were holders of the atomic monopoly to submit all their bombs and fission material to an international commission so as to use that power for peaceful purposes, and the Soviets have rejected it at the time. And in 1957, in the London Disarmament Subcommittee's discussions, they had already progressed to a very great extent, and in these negotiations not only experts were there but also politicians. It was then that the Russians suddenly said, "Now we just don't go on."

If we thought that they have always been in favor—well, I am convinced that Mr. Khrushchev does not always speak exactly what he has—say always what he has in mind, but there has to be a very committal statement; it has got to be made.

Mr. RESTON. Chancellor Adenauer, going back to Mr. Childs' question, have you made similar inquiries as you made in Madrid, say in North Africa, on the southern shore of the Mediterranean? Have you discussed it with De Gaulle, the possibility of having space in that region as well?

Chancellor ADENAUER. I didn't discuss it with De Gaulle, nor have we tried any investigation in Africa, but as the United States themselves have these large airfields in Spain, we thought that would perhaps be a place where one could get something.

Mr. RESTON. Could I ask you a quite different question: Would you tell us something about the postwar generation in Germany? What is the spirit of that generation? Is it more European minded, say, than your generation? Is it different? Could you define the spirit of these young people rising in Germany?

Chancellor ADENAUER. I would certainly like to answer that question. First of all the European idea, which didn't exist in the time that I was young—don't forget that that was the time of national states—the European spirit is very strong with our German youth, and quite generally our youth is very comparable to the youth of other countries. They are a little upset by the technical progress. They want to earn without working hard for it, and they want to get entertainment on Saturday and Sunday. They sometimes even do it at the expense of their health, but I think we can say here that the free peoples altogether owe much greater attention and must give much greater attention to the youth of all peoples, because our

youth is now growing into an age—and it will only be able to meet the dangers of that age if they have a sound moral basis and if they know something.

Now you know certainly very well the memorandum of Dr. Conant, and you know that the Democrats have requested to give, I think, $250 million to these countries. But unfortunately the request was—the version was rejected. But it is a question which is of burning importance in all countries. And the danger of communism is not only a military one, the menace is also a moral one, and that is where we must really strengthen our youth.

Mr. BOURGHOLTZER. Mr. Chancellor, you were one of the very first Western leaders to visit Moscow. You went shortly after the last summit conference, as I recall, and established personal contact with Mr. Khrushchev. But since that time, Khrushchev and his government have made a great many very bitter personal attacks against you, and I wonder if it is still possible for you to have a personal meeting with Khrushchev, or are you and Khrushchev all washed up?

Chancellor ADENAUER. We are exchanging letters, you know, and I am the one who has got to answer the last letter from Khrushchev. I have already asked our Ambassador in Moscow to tell Khrushchev that I will answer his letter when I come back from my trip, because I hope to gain a lot of knowledge and to learn much on this trip. Now why should a meeting between Khrushchev and myself be excluded? I think that in some way we do respect each other. In other cases we don't.

Mr. CHILDS. Chancellor Adenauer, you are going to run for reelection next year, I understand, and you have said in the past that one thing wrong with German democracy is that the opposition is so feeble. Is there anyone in Germany who can give you a real race next year?

Chancellor ADENAUER. What am I supposed to have said? That their position was so weak?

Mr. CHILDS. So weak. Isn't that true, Chancellor, that your political opposition is very weak?

Chancellor ADENAUER. But they in turn will say the same thing when they hear what you say. They are very strong.

No, I have said the following thing: I have said that I very urgently desire that in decisive questions which really affect the whole of the people, that coalition and opposition should work together. And then during election campaigns, the opposition can still lose a little bit. Not too much, but a little bit.

Mr. BROOKS. Gentlemen, I think at this time I will have to interrupt. I see that our time is up. Thank you very much Chancellor Adenauer, for being with us.

RELIGIOUS ISSUE IN PRESIDENTIAL RACE GROSSLY EXAGGERATED

Mr. PROXMIRE. Mr. President, as the junior Senator from Wisconsin, I deplore some of the press and radio-TV coverage of our recent presidential primary in my State because of its unwarranted and unhealthy emphasis on the so-called religious issue.

Of course, there are differences among Americans because of religion, just as there are differences among us by reason of ethnic origin, economic position, social preference, geographical location, and so forth. And I suppose there may be some tendency for persons to vote for a German name if they happen to be of German origin, to vote for a southerner if they are southerners, to vote for a businessman if they are businessmen; so we might expect Jews, Catholics, Protestants, in some cases, to be influenced by their identity with a candidate for office.

Mr. President, all observers agree that to give any of these factors serious weight distorts the citizen's good judgment because it prevents him from basing his decision on the candidates' qualifications, their record, and the kind of programs for which they stand.

Mr. President, it seems to me that the reports on the Wisconsin presidential primary are exactly the kind of terribly exaggerated overemphasis on religion which will drum up and provoke religion into a devisive issue that can only embitter and befog the enormously important election that confronts the country this year.

For these reasons, I welcome a splendid editorial from the Washington Post, entitled "An Issue Overblown," which puts the whole problem in perspective in a sensible and responsible way. I ask unanimous consent that this fine editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 14, 1960]

AN ISSUE OVERBLOWN

The American voter will be psychoanalyzed so extensively between now and November 8 that he may begin to feel as if his brain were in a goldfish bowl. Political speculation is among the oldest national sports, and the current focus is the effect of the religious issue in the campaign. A substantial share of Senator KENNEDY's victory in Wisconsin, it is said, stemmed from bloc voting by Catholics for a coreligionist. But, it is also said, the fact that Mr. KENNEDY is a Catholic will make much more difficulty for him in the West Virginia Democratic primary because the percentage of Catholics there is the smallest of any State.

Well, perhaps so. Perhaps there were groups of Catholic citizens in Wisconsin who voted for Mr. KENNEDY for no other reason than that he is a Catholic, and perhaps there were groups of Protestant voters who cast their ballots against him for the same solitary reason. Perhaps these considerations will weigh heavily in the West Virginia primary. We simply don't know. But we don't think that anyone else knows for sure, either. Furthermore, we don't think that anyone will know for sure after the primary is over.

There are at least a score of reasons for favoring or opposing Senator KENNEDY's nomination that have nothing to do with his religious persuasion. There are at least a score of influences among voters other than religion—economic issues, social preferences, special interest concerns among them—that may make for atavistic responses. In seeking to isolate the effect of the religious issue from all these influences, the analysts and pollsters may well be exceeding the limitations of their art.

The temptation is altogether understandable. It has become fashionable to attempt to reduce everything to purely rational terms by analysis. The habits of consumers can be dissected; the general impact of a certain product on the buying public can be forecast with some degree of accuracy; and even the preference of dogs for certain food preparations can be predicted.

But when it comes to the absolute determination of human motivations at a given moment, polling and analysis are inexact techniques. They can show conclusively the fact that certain voters have behaved in certain ways. But they cannot show precisely why. Some aspects of the emotions and thought process are unfathomable. One might as well attempt to define a sunset or prescribe the sure formula for a happy marriage.

Thank heaven for this last refuge of privacy. If the reactions of the political animal were ever to become totally predictable, regimentation would inevitably follow. Elections would become a matter of subliminal appeal and response; the victory would go to the fellow who poured in the most money and followed the Madison Avenue cues most meticulously. Here would be a clearcut formula for totalitarian manipulation.

Happily it just isn't so. Historians are still arguing over why Woodrow Wilson won in 1916 and why Harry S. Truman defeated Thomas E. Dewey in 1948. Assumptions may have greater or lesser validity, but none of them is susceptible of absolute proof. Some persons went into the polling booths in 1948 intending on every logical basis to vote for Mr. Dewey and simply could not bring themselves to do it. The motivations in what happened may have varied from last-minute admiration for the underdog to aversion for mustaches.

Now, unquestionably Senator KENNEDY's religion has become a factor in the 1960 campaign, but to say that it has become a determining factor would be to endow analysis with occult powers. His religious preference can be exploited on his behalf as well as against his nomination or election. One result may be to create a dilemma for the Democratic Party. If Senator KENNEDY should fail to receive the nomination, some persons have argued, this would indicate that the Democratic Party was anti-Catholic and thereby alienate many voters. The companion of this heads-I-win-tails-you-lose argument is the notion that when the other Democrats contending for the nomination oppose Mr. KENNEDY they will automatically be appealing to religious prejudice.

Further speculation on the matter doubtless is inevitable. It may be just as well that the religious issue has been raised early in the campaign, because perhaps by election time the public will have become surfeited with it and the good sense of the voters will have reduced it to perspective. To the extent that overemphasis magnifies the issue into more of a consideration than it really is, however, it tends to transform political preference into a moral problem.

Religion may indeed be an influence upon voter response, but no one knows how much. It would be a relief to be able to let the matter go at that. There is a great distinction between a vote for Senator KENNEDY because he is a Catholic and a vote for him because he has political appeal and happens incidentally to be a Catholic; and there is a great distinction between a vote against him because he is a Catholic and a vote against him because someone else has more appeal. As the members of the French Assembly are said to have chanted when advised by a learned analyst that there is very little difference between men and women, "Vive la difference."

SPACE EXPLORATION

Mr. BRIDGES. Mr. President, in recent months much has been said and written about this country's efforts in the field of rocketry and space exploration. While I have my own thoughts as to the motives of those who are criticizing this administration's policy in this field, the loudest critics have assured the Nation

that they have no intention of making a political football out of so serious an issue.

In the light of the recent controversy, I think it is well at this time to set the record straight as to just what has been accomplished under the present administration in the field of space exploration. An editorial which appeared in last Thursday's edition of the Washington Evening Star entitled "Box Score in Space" categorically states the record of accomplishments along this line. This is a most informative commentary, and I wish to call it to the attention of my colleagues in the Senate, particularly those who have seen fit to belittle our achievements in this field. I ask unanimous consent that this editorial be printed in the body of the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

BOX SCORE IN SPACE

Coming so soon after Pioneer V's flight into orbit around the sun, and Tiros I's bow as the world's first picture-taking weatherman with a globe-encircling eye, the successful launching of Transit I–B serves as striking additional evidence of the steady progress our country is making in its effort to be second to none in space.

The Navy, using Air Force rocketry, is responsible for having put this latest of our earth satellites into orbit. Although described as only a test vehicle, Transit I–B represents a vital step in the development of a great new navigational system of far-reaching military significance, not merely in terms of guiding warships at sea, but also in terms of insuring the accuracy of nuclear ballistic missiles like the Polaris.

Indeed, according to spokesmen for the Navy, this new traveler in space confirms predictions that the United States—by 1962, if not sooner—will have in operation a full-scale Transit system made up of four signaling satellites (each in a different orbit) covering every square mile of earth. Clearly, as soon as such a system is functioning, missile-bearing vessels, particularly the Polaris submarine, will be endowed with a deadly new degree of effectiveness, and all other ships, including nonmilitary passenger liners, will have spatial navigational assistance enabling them, as never before, to determine their exact positions almost instantaneously.

So Transit I–B, though basically a military project, holds out a good promise of important peaceful applications. More than that, it helps to remind the world at large that our country is doing rather well in competing with the Soviet Union in space. The box score may be set forth as follows, dating it from October 4, 1957, when the Russians startled all of us by putting into orbit Sputnik I, history's first manmade earth satellite:

(1) Seventeen earth satellites launched successfully thus far by the United States, with eight continuing in orbit; (2) three launched successfully by the U.S.S.R., with none now in orbit; (3) four deep-space probes successfully launched by us, with two—Pioneers IV and V—hurtling perpetually around the sun; (4) three deep-space probes, including Lunik II's hard landing on the moon, launched successfully by the U.S.S.R.; and (5) all Soviet instruments now absolutely silent as important information is still being transmitted by five of ours—Vanguard I, Explorer VII, Pioneer V, Tiros I, and now Transit I–B.

This is a comparison that speaks pretty much for itself. Although the Russians still excel us in the rocket power needed to put heavy payloads into space (an advantage they are likely to lose in the next year or so), our American program continues to produce scientific data more efficiently and in greater volume than theirs. We have no reason to be complacent, of course; but neither have we any reason to belittle ourselves.

FEDERAL AID TO EDUCATION

Mr. BRIDGES. Mr. President, the pressure for Federal aid to education is rapidly achieving the status of becoming a perennial as far as the Congress is concerned. While it is generally considered a new pressure due to the unusual circumstances of the present day, actually it has been a pressure on the Congress since 1872. The pressure is founded on the spurious premise that somehow or other the Federal Government can do what the body of people which makes up the Federal Government cannot do for themselves.

Standing up to the annual pressure becomes increasingly difficult because those who resist are now castigated as enemies of young children and foes of improved education, which, we all realize, is one of the foundation stones of survival in the highly competitive world of today.

Each year the most dire figures are trotted out showing the need for aid in the whole gamut of the educational process from teachers' salaries to school construction. In the face of all this, it is somewhat refreshing to read "D-Day for Federal School Aid?" written by Mr. Roger A. Freeman.

Mr. Freeman is vice president of the Institute for Social Science Research. After a distinguished business career in merchandising and financing in the manufacturing and retailing branches of the shoe business, he served as an assistant for 6 years to Governor Langlie, of Washington, when the Governor took over as chief executive of that State and found a floating deficit of $50 million. During Mr. Freeman's service with Governor Langlie, he was responsible for budget and planning legislative liaison and was the Governor's representative on the State's Little Hoover Commission. Following that, Mr. Freeman conducted the research of the education study made by the U.S. Commission on Intergovernmental Relations and on the conclusion of that work, he served as consultant on school finance to the White House Conference on Education. Subsequently, he became a member of the White House staff in the Executive Office of the President, working on problems of fiscal policy, intergovernmental relations, and public works planning. In recent years, just prior to his present employment, he has served as financial adviser to the Bolivian Government on a joint mission of the U.S. State and Treasury Departments and the ICA.

Mr. Freeman's other accomplishments are as follows: chairman of the Committee on the Financing of Public Education of the National Tax Association; a member of the Advisory Council of the Tax Institute, Princeton, N.J.; a former chairman of the State and Local Government Advisory Committee to the U.S. Bureau of the Census, and a member of a number of professional societies including the National Tax Association, Governmental Research Association, American Political Science Association, American Society for Public Administration, American Economic Association, Municipal Finance Officers Association, and National Municipal League.

Mr. President, I ask unanimous consent that his very penetrating article, "D–Day for Federal School Aid?" which appeared in the April 1960 issue of Social Order magazine, be printed in full in the body of the RECORD, because it contains most valuable information on a little understood subject, on which there has not hitherto been a great deal of objective information.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

D-DAY FOR FEDERAL SCHOOL AID?

(By Roger A. Freeman [1])

Last month the campaign for Federal school aid celebrated an anniversary that is rare among nationwide movements; just 90 years have passed since the first bill authorizing Federal funds for the common schools was introduced in Congress on February 25, 1870. Close to a thousand bills have since been submitted, there have been weeks of committee hearings, thousands of pages of testimony, lengthy and acrid floor debates. But the bills that became laws concern only peripheral or minor aspects of school operations.

On the whole, the battle for Federal aid to education has been one of the most bitter and emotion-charged, most ardently fought-over and most frustrated drives on the national scene. The House passed a general school aid bill in 1872, the Senate went through the motions no fewer than seven times: In 1880, 1884, 1886, 1888, 1948, 1949, and again on February 4, 1960. Although none of those bills was enacted, the protagonists of Federal aid are neither discouraged nor deterred by their repeated defeats. They have been predicting final victory each year for a long time and appear more certain than ever of their eventual triumph. Many expect it confidently in 1960.

It is certain that the House is not ready to accept the Senate-passed $900 million a year bill for teachers' salaries and construction aid. It may, however, be willing to approve a program it has repeatedly rejected in recent years: About $300 million in annual school building grants. If it does and if the Senate agrees (which it probably will), only the President's pen stands between the bill and its enactment into law. Will the President sign or veto it?

The present administration's stand on Federal aid to education has vacillated. In its early years it adhered to the principle that schools are a State and local responsibility. After the 1954 elections the President relented sufficiently to send a message to the Hill on February 8, 1955, that recommended Federal credit assistance on school bonds and $66.7 million a year in construction grants for 3 years. In 1956 and 1957 his attitude softened further and he upped the proposed annual grants to $250 million and $325 million respectively, for 4 or 5 years. The bills were defeated in the House, both in 1956 and 1957. That seemed to settle the issue

[1] Mr. Freeman has been a member of the research staffs of both presidential commissions that have studied school finance within the past 20 years. He subsequently served on the White House staff and is now vice president of the Institute for Social Science Research in Washington, D.C.

until sputnik came along and caused Congress to pass the administration-sponsored National Defense Education Act of 1958 which provided aid for science and foreign language teaching, counseling, fellowships, etc.

Soon after, proposals for general Federal aid to education were again gaining congressional attention. In 1959 the President sanctioned a program (though he refused to send a message to Congress recommending it), that would pay half the debt service on school bonds in "needy" districts. He left no doubt that he would veto any bill providing aid for teachers' salaries and that he opposed outright grants for school purposes. Yet he permitted the Department of Health, Education, and Welfare and its Office of Education to issue reports and statements which, if true, would prove that the administration program is inadequate. The advocates of massive Federal aid, not surprisingly, built their case upon these reports which supplied them with all the ammunition they needed to attack the President's program and to substantiate their own case. The chairman of the Republican National Committee, Senator MORTON, had no sooner finished presenting the administration's case in the Senate than he was faced with citations from statements by the Secretary of Health, Education, and Welfare and the Commissioner of Education. This inconsistency is one of the enigmas of the present administration which outsiders find hard to comprehend.

The case for Federal school aid has changed very little since the 1870's and some of the congressional speeches of 70 or 80 years ago could with a few adjustments have been given last month. Of course, the statistics have grown bigger: enrollment in the public schools has multiplied 5 times, school expenditure 250 times.

The case for massive Federal aid is disarmingly simple: rapid enrollment increases are making heavier financial demands upon the schools than States and local communities can meet from their limited financial resources. Teachers are badly underpaid and serious shortages of teachers and classrooms have developed all over the country. Federal support will cure all these ills.

EXPANDED ENROLLMENT

How well does this case stand up under close analysis? School enrollment has been growing at an unprecedented rate. Public school enrollment climbed 42 percent in the past 20 years. That is a spectacular expansion. Set beside the 147-percent increase in private elementary and secondary schools, however, it does not look quite as impressive. Somehow the private schools managed to expand two and one-half times within 20 years not only without Federal aid but without any public funds whatsoever. But the significant fact is that in the 20 years when the number of children increased 42 percent, the expenditure of the public schools jumped 567 percent (this is not a typographical error, expenditures went from $2.3 billion in 1940 to $15.5 billion in 1960). Even with the dollar's value cut in half this would look to a lay observer to be a phenomenal increase which should have amply taken care of essential needs. We are told, however, that it has not, that the real breakthrough to a new and higher level of school support is yet to come.

Here lies a deep ideological chasm. On the one side are those who believe that America's educational problem can be expressed in numbers of teachers and classrooms and the size of the teachers' pay, that lack of adequate finances is solely responsible for whatever deficiencies exist in our schools and colleges, and that "there is nothing wrong with the schools that more money won't cure." On the other side are those who blame the low status of American education and its product upon a lack of sense of purpose, a lowering of standards of teaching, of promotion, of graduation: these people hold that available human and physical resources are used inadequately and wastefully, and that what is needed above all is not so much more money but greater wisdom in spending it. The antithesis may be concisely expressed by the question whether the more urgent need is to get more dollars for education or more education for the dollars. To be sure, nobody questions that the schools will need additional billions in the years ahead. Some observers doubt, however, that any amount of money can improve the educational product without major changes in the schools' methods and practices.

SCHOOL FUNDS INCREASED

By how much will school funds need to be increased in the 1960's? The heaviest enrollment increases are almost over. As the war and postwar babies are reaching school-leaving age, annual enrollment increases will shrink to less than half toward the end of the decade, from 1.2 million now to about 600,000 a year between 1965 and 1970. The number of children in the public schools will grow 20 percent between 1960 and 1970 or, according to more expansive projections, 24 percent. Yet the demand is being raised insistently that school outlays be at least doubled. An increase of 100 percent in funds during a period of a 20–24 percent enrollment rise is deemed necessary because vast shortages of classrooms and teachers are reported to exist which were created during the past 20 years when the schools suffered from inadequate support.

The classroom shortage, which has been very much in the public eye for the past 10 years, was placed at 132,400 in the fall of 1959 by the Office of Education. That looks very big and serious indeed, until we remember that the Commissioner of Education only 5 years earlier (in October 1954) testified before a congressional committee to a deficiency of 370,000 classrooms which he expected to increase. Soon after, the chairman of the Senate Labor and Public Welfare Committee predicted that we would be 600,000 classrooms short by 1958. Contrary to these expert forecasts, shortages have been coming down ever since. Over the past 5 years, while enrollment climbed 20 percent, the number of available classrooms grew 30 percent. When the various State reports are analyzed more closely, they reveal such sharp discrepancies and inconsistencies that it becomes difficult to accept any of them at face value. But they are, at this time, the only available official information on the classroom situation.

PROJECTED CONSTRUCTION

Two years ago, in my book "School Needs in the Decade Ahead,"[2] I projected classroom needs to 1970, counting in the so-called backlog or current shortage, increasing enrollments, abandonments, etc. I arrived at an annual construction need of 60,000 classrooms for the succeeding 12 years (to 1970). Since new construction averaged close to 70,000 classrooms a year, the outlook did not seem overly disturbing. But my projection was in some circles regarded as disturbing. However, in December 1959, the Chief of the Projection Section in the Office of Education, Louis Conger, presented a paper at the convention of the American Statistical Association in which he estimated the construction need in the ensuing 10 years at an average of 61,000 classrooms yearly. For some reason, the Department of Health, Education, and Welfare never got around to publishing Mr. Conger's paper nor referred to it in its subsequent statements or reports. The fact remains that the classroom construction rate has been running higher for over 5 years than the level at which it needs to be maintained during the next 10.

DIFFICULTY IN FUND RAISING?

It has been asserted that many school districts all over the country have reached the limit of their bonding capacity and that, without adequate Federal or State aid, cannot build the schools they need. When the Department of Health, Education, and Welfare—not on its own initiative—canvassed the chief State school officers in January 1960, it found that out of a total of 40,600 school districts in the country, only 237 (which needed 3,086 classrooms) reported to be borrowed-up.

Some of the low-income States may, at times, find it difficult to raise the required funds. Fortunately, almost all of the big enrollment increases are taking place in the wealthier States; low-income States are experiencing an outmigration and tend to lose population. Moreover, schools cost less in some areas than in others. The huge construction program of the Georgia State School Building Authority runs at $500 per pupil, while public schools in northern States usually cost $1,000 or more. New York City school projects cost from $2,000 per pupil up and some exceed $3,000. It is most enlightening to compare the cost of public and parochial schools in some of the larger cities. Public schools cost anywhere from 50 to 100 percent more than parochial schools. The reason is usually obvious: space allowances have almost doubled in public schools over the past quarter century, from around 50 square feet per pupil to 100 or more. Parochial schoolchildren still get along on 50 square feet, as do the children in European and Soviet schools. No evidence has ever been shown that children learn more if their schools are more spacious. Spacious schools, of course, cost more money and the argument over the cost, or the difficulty of raising the higher amount, sometimes delays completion for years.

TEACHER SHORTAGE DUBIOUS

The teacher shortage picture is even more confused than the classroom situation. The Department of Health, Education, and Welfare reported on August 30, 1959, a shortage of 195,000 teachers; further, that the number of teachers in the schools would decline 32,700 between 1958–59 and 1959–60. But statistics in its magazine School Life, December 1959, showed that there were 61,000 more teachers in the schools than there had been the year before. In its August report the Department upped the shortage for 1958–59 retroactively from 132,000 to 182,000—that is, by 49,800—although simultaneous statistics revealed that there had been 65,900 more qualified teachers in the schools than the Department had estimated 1 year before.

In the case of the classroom shortage the Department can at least plead that it is only compiling reports submitted by the State departments of education. But the States prepare no teacher shortage reports. The estimates are computed in the U.S. Office of Education and have for the past 5 years consistently understated the number of qualified teachers in the schools by 60,000 to 70,000—as the statistics released 1 year later regularly reveal. This is no error but outright and deliberate deception which has been sharply and repeatedly criticized but so far not corrected.

The fact is that between 1953 and 1959, when according to the Office of Education the teacher shortage grew from 72,000 to 195,000, the certified staff in the public schools increased 34 percent, the number of children only 25 percent. The number of children per teacher has been consistently reduced, from 36 around 1900 to 29 in 1930 and

[2] Institute for Social Science Research, Washington, D.C., 1958, $5.

to 25 in 1959. Yet the teacher shortage is reported to be growing. Many educational researchers set out to prove that children learn more in small classes than in large. Dozens of such studies have been conducted, but the evidence has been negative. If anything it seemed to point in the other direction (compare a series of six editorials on class size in the Catholic School Journal, 1959). It is well known that class sizes in parochial schools are usually far larger than in public schools.

The outlook for the teacher supply is highly assuring. The percentage of all college graduates who prepared for teaching has risen from 21 percent in 1948 to 32 percent in 1959, and the number of college graduates is projected to double between 1958 and 1970. So if the percentage of students choosing a teaching career is only maintained, we shall double the supply of new teacher graduates. On the other hand, the annual pupil enrollment increase will shrink to half during the 1960's, as I mentioned earlier. This means, then, that the demand to meet higher enrollments will be cut in half, while the supply of new teachers will double.

Are teachers underpaid? Many undoubtedly are, as they must, under a system which pays by uniform schedules rather than by individual merit and performance. Particularly teachers with family obligations often have a difficult time making ends meet. However, only 1 teacher in 10 is a man with a family and he usually takes a supplemental job when his 36-week school year ends. Something will have to be done about teachers' salaries, but it may not be across-the-board raises for everybody. It may be a full workyear (like everybody else), increased productivity, and pay according to professional principles rather than union scale.

On the whole, teachers have done better than others. Over the past 30 years their average salary has gone up 103 percent, the earnings of all employed persons only 83 percent (in constant dollars). Since 1950 teachers' salaries have advanced 40 percent (in constant dollars). How much should they go up in the 1960's? Secretary of Health, Education, and Welfare Flemming proposed at the dedication of the new NEA building in Washington early in 1959 that teachers' salaries be doubled within 10 years. A short time later, at the librarians' convention, he suggested that librarians' salaries be doubled. It seems fortunate that Mr. Flemming was not invited to address the steelworkers, or we would never have gotten the steel strike settled.

RISING SALARIES

States and communities have been raising teachers' salaries right along and, to all appearances, will continue to do so. Between 1952–53 and 1959–60 the percentage of teachers earning less than $3,500 a year dropped from 62 to 13 percent; those making more than $4,500 jumped from 13 to 57 percent. Not many other occupational groups could schedule their annual convention in Hawaii (as the NEA Department of Classroom Teachers did in 1960), and expect their members to afford to attend.[3] Probably few family heads will. But they number only 1 teacher out of 10.

By and large, it seems that the way to attract a higher caliber of candidates to the teaching profession—and, in fact, the answer to most school problems—is not just do more of what we have been doing but to seek better ways of doing it.

The historical record of public school support in the United States is truly outstanding. Since the end of the war, public school expenditures have risen from 1.6 percent of the national income in 1945–46 to 2.7 percent in 1949–50 and to 3.8 percent in 1959–60. A comparison of the material investment—equipment, spaciousness of buildings, recreational facilities, class size, teacher salary, etc.—with European or Soviet schools, or with American private schools, shows our public schools to be far ahead. This, unfortunately, cannot be said of the level of learning. In terms of acquired skills and knowledge, students of European and Soviet schools are reported to be 2 or more years ahead.

In any case, it is clear that the cost of the public schools is going up and that additional billions will be needed to support them. How shall they be raised? The principle of subsidiarity suggests that the preferred solution be sought at the lowest level of government that is capable of performing the task. The claim that the residents of New York, California, Illinois, or Connecticut cannot afford to pay for the education of their children and need outside aid is silly on its face. A better case can conceivably be made for assistance to some of the low-income States. But even here, shrinking income differentials, relatively stable population size, and lower costs weaken the case. Experience has shown time and again that Congress will not touch an aid bill that benefits only a few States. This is a case of bringing home the bacon; charity begins at home. In fact, the sentiment has tended away even from equalizing bills (allocating relatively more to low-income States) and toward the flat grant principle embodied in the Murray-Metcalf bill. It is today plainly unrealistic and naive to suggest Federal aid to low-income States only. They don't have the votes—and, if they did, they'd vote it down. Federal school aid will be enacted for all States or for none.

The Murray-Metcalf bill would have authorized grants to all States rising from $25 to $100 per child within 4 years. The Monroney amendment to the McNamara bill (S. 8), which was approved by the Senate, allows each State $20 per year for every child of school age (5 to 17 years). All children residing in a State will count but Federal funds will be divided among public schools only. In other words, public schools will receive relatively more where a larger percentage of the children attends private schools.

AVOIDS FATEFUL ISSUE

The bill is very cleverly drafted. Its authors tried to avoid the argument over aid for auxiliary services to private schools that sealed the fate of the 1948 and 1949 bills. They provided that Federal funds be available not for general school purposes but only for teachers' salaries and school construction, Church-connected schools are ineligible for both under the Supreme Court decisions in the Everson and McCollum cases.

The Morse amendment would have permitted $75 million annually in loans to private nonprofit schools at 2¾ percent interest. It should come as no particular surprise that it was voted down.[4] Its passage would, in the view of some of the advocates of Federal aid, have defeated one of the bill's major purposes. The sharp expansion of the private schools—at a far more rapid rate than public schools—has caused anxiety among some of the public school administrators who fear continuance of the trend. They know that private schools have long waiting lists and that their enrollment would jump several additional millions if they had the money to build facilities and hire teachers.

During the 1958 Senate hearings the executive secretaries of the Council of Chief State School Officers and of the National School Boards Association objected vigorously to benefits to private schools in the Defense Education Act. The latter volunteered his belief that the educational benefits in the GI bill violated the principle of separation of church and state and that if similar tuition grants were made available to the parents of school children, usable at schools of their choice, "the public schools of the Nation would be doomed."

Those who view the apparent preference of a growing number of parents for private schools not as a challenge to the public schools but as a menance will rather forgo Federal aid than acquiesce in a provision that would even in the smallest way benefit private schools. The NEA could have had a school aid bill in 1948 if it had been willing to concede 1 or 2 percent of the amount to private schools for auxiliary services. But, as one of the leaders in that fight told me years later: "On this point we cannot and we shall not compromise." Father Neil McCluskey, S.J., commented in his excellent "Catholic Viewpoint on Education":

"An even larger group of Americans bases its opposition on the fear that whatever favors the growth of private education serves to weaken public education—that any Government step facilitating the expansion of parochial schools redounds to the harm of public schools."[5]

PRIVATE SCHOOLS DISADVANTAGED

To reverse the 20-year enrollment trend to private schools and to direct it again toward the public schools is one of the major impelling forces in the organized drive for Federal aid. Federal support of the public schools could make private schools less able to compete in terms of teachers' salaries and school facilities, and might gradually tip the scales against them. Those who favored a sharing of the Federal funds (for auxiliary services) by private schools, joining with the opponents to all Federal aid, succeeded in 1948 and 1949 in blocking bills that restricted benefits exclusively to public schools. It is doubtful whether they could do so today. It is obvious that those who want private schools to participate lack the votes to pass their type of bill. Nor are they likely to get the votes—at least for a long, long time.

The immediate financial impact of the bill now under consideration in the House would be slight. It would raise Federal funds from $2 to $3 billion in 3 years during which the public schools will spend at least $50 billion. But the long-range effects would be significant. If public school expenditures are to be boosted by $15 billion over the next 10 years, and if States and communities cannot do this under their own power, then Federal aid amounting to $300 or $500 million, or even $1 billion a year is no answer. It would take at least $5 billion a year, as the original Murray-Metcalf provided, to make an impact. To assure early consideration of an increase in the amount, the Monroney amendment cut the Senate bill's authorization to 2 years.

APPROPRIATIONS—INFLUENCE

Federal appropriations of $5 billion a year or more, of course, would lead to growing Federal influence upon the schools, as James Bryant Conant has pointed out in his

[3] It is hard to conceive of a national society of college teachers staging their annual meeting in Hawaii. They certainly could not afford it.

[4] Nine Senators voted for the Morse amendment who later voted against passage of the bill without it (eight Republicans, one Democrat [LAUSCHE]). Twenty-three Senators voted against the Morse amendment who later voted for the passage of the bill without it (19 Democrats, 4 Republicans [CASE of South Dakota, COOPER, JAVITS, MUNDT]). Senator KENNEDY was absent, but registered his vote against the Morse amendment and for the passage of the bill. The House Education and Labor Committee, on February 25, 1960, voted 18–6 for a construction bill and against benefits to private schools.

[5] Hanover House, New York, 1959, p. 175.

recent book, "The Child, the Parent, and the State." The real significance, however, goes beyond the old question of Federal control. Federal funds would vest unprecedented powers in State departments of education and school administrators in general. All of the school aid bills place the distribution of Federal funds among school districts in the hands of chief State school officers, whether through the drafting of State plans or otherwise. Those officials would no longer be dependent upon the legislature for the parceling out of aid to the local schools. Nor would local school administrators remain as dependent upon their boards and communities for the approval of funds.

THE CRUX

Here is the real crux of the fight over Federal aid. Lay control of the schools is exercised largely through the power over the purse, through the approval or denial of the funds demanded by the administrators. To the extent to which centrally raised funds are supplied, lay influence wanes. Public dissatisfaction with the schools and their products has multiplied in recent years. In the rising wave of unhappiness over the appalling lack of skills and knowledge displayed by the schools' graduates, administrators at times find it difficult to get their tax and bond proposals adopted. They are afraid that ever-growing tax bills will cause parents to take a more critical look at the efficiency in the use of manpower and facilities, at curriculum, educational standards, and grade promotion practices. Federal aid offers a way out. It would tend, for better or worse, to shift the control of the schools from lay communities to the professional administrators at local, State, and Federal levels.

The American public has been subjected to exaggerations and distortions for so long that, in the absence of any organized effort to correct the picture, it has come to believe the mythology of Federal aid. The vast propaganda effort that has gone into this campaign over many years is now paying off.

The road toward sharply increased school support is not being presented as offering the alternative routes of higher State-local taxes or higher Federal taxes. Rather, it is being represented as a choice between higher State-local taxes and Federal aid. Federal money is viewed as coming for free from the inexhaustible Federal Treasury. Why should local citizens vote for a local bond issue or tax rate when they may soon be able to get the new school (or teachers' salary hike) for 50 cents or less on the dollar? Many ask: If school costs are to double, as we are told they must, why should we pay for them? Let Uncle Sam do it, then it won't cost us so much.

Viewing it realistically, the chances of passing a school aid bill in the 86th Congress are better than even. It almost always pays to vote for all appropriations and against all taxes (unless they are levied upon a vote-weak minority) especially during an election year. The Powell amendment (which would prevent Federal funds from going to segregated schools) may be less effective in blocking passage in a year in which Members of Congress have a chance to demonstrate their conviction against racial discrimination by voting for a strong civil rights bill.

Nobody can foretell at this time what the President will do. If the bill is scaled down and divested of some of its most objectionable features, he might well yield to the pressures upon him and sign. If he vetoes the bill, who will repeat the feat in 1961?

The VICE PRESIDENT. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The chief clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, I understand that there are no Senators who wish to address the Senate at this time. Therefore, under the order previously entered, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 12 o'clock and 13 minutes p.m.), under the order previously entered, the Senate adjourned until tomorrow, Tuesday, April 19, 1960, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 18, 1960:

U.S. AIR FORCE

Lt. Gen. William H. Tunner, 374A (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code.

The following officers to be assigned to positions of importance and responsibility designated by the President in the rank of lieutenant general, under the provisions of section 8066, title 10, of the United States Code:

Maj. Gen. Ralph P. Swofford, Jr., 547A, Regular Air Force.

Maj. Gen. Edward H. Underhill, 421A, Regular Air Force.

Maj. Gen. Donald N. Yates, 584A, Regular Air Force.

Maj. Gen. Joe W. Kelly, 612A, Regular Air Force.

U.S. COAST GUARD

The following-named persons to be commanders in the U.S. Coast Guard:

Richard H. Puckett
Arthur C. Hoene, Jr.
James W. Conway
Arthur A. Atkinson, Jr.
Thomas F. Dunham, Jr.

The following-named person to be a lieutenant commander in the U.S. Coast Guard:

James M. Winn

The following-named persons to be lieutenants in the U.S. Coast Guard:

David P. Bosomworth
Paul F. Bade
George H. Garbe

The following-named persons to be lieutenants (junior grade) in the U.S. Coast Guard:

Robert Burke
John W. Kime
Richard J. Green
Thomas D. Combs, Jr.
Paul T. Kaufmann
Louis K. Bragaw, Jr.
Charles S. Niederman
Ronald A. McClellan
David R. Markey
William C. Parish, Jr.
Frederick C. Bruner
Henry J. Harris, Jr.
Keith D. Ripley
Harold E. Fallon, Jr.
Arnold B. Beran
Donald M. Morrison, Jr.
Ronald G. Malone
Tommy G. Woodworth
Robert L. McMichiell
John I. Maloney, Jr.
Russell C. Bishop, Jr.
Terrill M. Gloege
Thomas T. Matteson
Ralph N. Pennacchini
Thomas W. Finnegan
John P. Flaherty, Jr.
John R. Mitchell
Albert D. Super
John B. Lynn
Harlan D. Hanson
David J. Meskell, Jr.
James E. Brown, Jr.
George D. Passmore, Jr.
Richard J. Collins
George P. Vance
John C. Wirtz
Robert A. Johnson
Richard W. Michaels
Douglas B. Thurnher
James C. Osborn
John M. Cece
Richard "D" Thompson
Robert J. Cardinal
Donald B. Davis
Thomas P. Nolan
Peter J. Rots
Matthew J. Ahearn
Everett L. Crowell
Ralph Z. DelGiorno
John R. Erickson
William R. Babineau
Richard Buell
Ernest J. Bader
Carol E. Conry
Richard J. Marcott
Andrew R. Rippel

The following-named persons to be ensigns in the U.S. Coast Guard:

Leonard Francis Alcantara
Rudolph George Anderson
Leon Elwood Beaudin
Daniel Francis Bobeck
Carl Melvin Brothers
Robert Allen Burt
Richard Oliver Buttrick
Frederick Michael Casciano
Robert James Cheney, Jr.
Gerald Francis Corcoran
Robert Austin Creighton
Ian Stuart Cruickshank
Kenneth Charles Cutler
Randolph DeKroney
Michael Bernard Dunn
William Joseph Ecker
John Norman Faigle
Jerome Patrick Foley
Bailey Mozo Geeslin
Robert Alan Ginn
Donald Charles Greenman
William Henry Hall, Jr.
John Richard Hay
Neal Frederick Herbert
Eugene Joseph Hickey, Jr.
John Heaton Hill
Douglas Anthony Hlousek
Ronald Paul Hunter
George Forsyth Ireland
Robert Edward Isherwood
Michael Richard Johnson
Frederick Paul Karres
Eugene Martin Kelly
Charles Harold King, Jr.
Richard Robert Kuhn
Thomas Youlden Lawrence, Jr.
Walter Ted Leland
Paul Robert Lewis
Jan Darryl Long
Merrill Conrad Louks
Terry Luther Lucas
James Edwin Margeson, Jr.
Paul Anthony Joseph Martino
John Eugene McCarty
Angus McKinnon
George Henry Moritz III
Martin James Moynihan
Jerome Marvin Myers
William Edgar Neal
Harry Elis Obedin
James Harold Parent
David Loren Parr
George Henry Peck III
Keith Palmer Pensom
Theodore Hugh Purcell
Kenneth Monfort Rappolt
Rupert Blue Reynolds, Jr.
Paul Dennis Russell
John Allan Schmidt
Robert Allen Schwartz
Joseph Kenneth Shartiag, Jr.
Clifford Gerard Spelman, Jr.
Thomas Norman Sullivan
William Robert Allen
Robert Stanley Bates
Joseph Snowball Blackett, Jr.
Gary Joe Boyle
Lloyd Cornell Burger
James Franklin Butler
William Joseph Campbell
Donald Robert Casey

David Emil Ciancaglini
Charles William Craycroft
Gary Fred Crosby
David Frederick Cunningham
Wesley Gwynne Davis, Jr.
Michael Alan Duke
William Earl Ecker, Jr.
Roderick Yerkes Edwards, Jr.
Robert James Finan
David Herman Freese, Jr.
Ralph Edward Giffin
Joseph Bramble Goodwin III
Richard Earl Haas
James William Haugen
William Hugh Hayes, Jr.
Jack Buran Hewes
Frederick Andrew Hill
Paul Kenneth Hinkley
Gerald Francis Hotchkiss
Robert Austin Ingalls
Thomas Bone Irish, Jr.
Donald Frederick Jenkins
Manuel Josephs, Jr.
Charles Lee Keller
Lawrence Allen Kidd
Leroy George Krumm
Carl Eugene Kunkel, Jr.
James Theodore Leigh
Jack Walter Lewis
Lloyd Ralph Lomer
Richard Wayne Long
William Henry Low, Jr.
Fred Ernst Maiser
Joseph Marotta
Michael Paul Maurice
John Thomas McKean
Alan Francis Miller
Frank Clay Morgret III
Michael Paul Munkasey
Donald Anthony Naples
Merlin Gerald Nygren
John Francis Otranto, Jr.
William C. Park III
James David Partin
Gregory Alden Penington
Ronald Chester Pickup
Joel Graydon Rainwater
Wayne Elmer Rentfro
Edwin John Roland, Jr.
James Vincent Sayers
Leo Nicholas Schowengerdt, Jr.
Kyle Arnold Shaw
David Stewart Smith
John Robert Sproat
Allen John Taylor
William Thomas Troutman
James Lea Turman
Alfred David Utara
Jefferson James Walsh IV
William James Walsh
James Garfield Williams
Hugh Daniel Williams
Robert Gray Williams
John Knox Witherspoon, Jr.
Robert Milton Wood
Richard Walter Zins

The following named persons to be chief warrant officers, W–2, in the U.S. Coast Guard:

Warren O. Nilsson
William H. Bellow
John H. Olsen
John H. Coppens
Raymond W. Gifford
Frank A. Coleman
Fred Permenter
Albert Debrase
Karl M. Ashby
Paul R. Cornell
Eugene K. Kindschi
John Rekuc
Leonard L. Bouler
Robert L. Wilson
Clifton Cuthrell
James D. Toler
William A. Shaffer, Jr.
Kirven L. Dunn
Joseph F. Baranowski
Lester H. H. Oneil
Richard R. Anthony
Charles F. Potter, Jr.
George R. Brower
Wasey S. Hayes
Clark A. Johnson
James E. Butler
Dorris L. Steele
Ivan J. Anderson
Peter Lindquist
Joseph C. Waldrop
Jack G. Smith
Mortimer Jeffords
Robert E. Penny
Carl A. Carlson
Melvin G. McCoy
Harlan Montgomery
Edward T. Rollins
Charles H. Buckley
Merle L. Cochran
Earnest C. Justis
Harold G. Trupp
Douglas E. Walker
Harry C. Strother, Jr.
John J. Lencmeyer
Charles E. Bunkley
Leslie M. Furst
Robert C. Bainbridge
Eugene E. Moore
Richard M. Burdick
William E. Miller
George E. Rongner
Andrew Pietrykowski
Elmer E. Johnson
Howard R. Tarr, Jr.
Harold E. Gavin
Eric G. Bragg
Edward L. Muller
James B. Gill
Cleo Hack, Jr.
Donald O. Davey
Roy M. Schwanekamp
Darrel B. Sinift
Edmund A. Novak
Jerome R. Morton
Jack W. McDonald
William W. Muessel
Asa M. Jones
Euclid L. Wade
Eugene W. Darcy
Joseph F. Cody
Eugene R. Lockhart
Richard A. Krueger
Wallace N. Anderson
Floyd J. Mulheren
Charles W. Oldham
Robert Jiudice
Frederick H. Muesse
Jack K. Halbert
Richard J. Zwally
Roland A. Woodward
Morgan C. Hutto, Jr.
James A. Winslow
Roger G. Stanton
Thor B. Olson
Slavko Stokich
Donald W. McNaughton
Raymond B. Pote
Donald L. Janse
Robert G. Cameron
Olos F. Marshall
Everett J. Matteson
Russell A. Scruggs, Jr.
Arno J. Bowden
William B. Miner
William A. Vasquez
Grover C. Newberry
Edwin H. Cornell
Andrew Yackovetsky
Richard J. Laflin
Donald R. Myers
Clark W. Straus
Frank P. Huotte
Charles J. J. McGrath
Anton J. Foydl, Jr.
Paul L. Tomardy
Melvin Midgett
Russel H. Stockfleth
Bruce M. Buchanan
Paul G. Patrinos
David C. Adkins
Hollis L. Beard
Andrew J. Brovey
Lewie F. Trawick
James F. Jones
John C. Revels
Arthur B. Meyer
Keith R. McClinton
Clarence A. Long
Richard K. Mitchell
James V. Eigo
Harold I. Baker
Stanley J. Aymond
Myron E. Chesley
John A. Ritter
John T. Hartman
Charles A. Hatfield
Alfred L. Hunt
Alvadore C. Grant
Herbert W. Conger
Edward F. Mattingly
Edward L. Wyman
Keith R. Bruhl
Wallace P. Stembler
Joseph J. Glynn
Harlan F. Smith
Harry G. Lee
Joseph S. Moulton, Jr.
Eldred Bolinger
Carl B. Kaiser
George W. Tate
Orval K. Halsey
Donald C. Ebert
Milton M. Midgette
Karl C. Teater
Edward F. Barber
Leon D. Shea
William L. Patterson
Lyle G. Tilden
Donald S. Grisham
Louis E. K. Pall
William T. King
Ralph E. St. John
William M. Price, Jr.
Foster C. Spruill
Wilbert D. B. Williams
Bruce L. Sifford
Earl J. Wesner
John H. Liedke
Thomas D. Galliher
John F. Minster
Robert C. McClanahan
Stephen J. Flees
James Szokolay
Morris M. Spector
Richard P. McMullen
Frederick R. Nickerson
George G. Bannan
Walter W. Hake
William T. Morrison, Jr.
Herman H. Keith
Charles R. Fowler
Clyde S. Delanoy
Robert B. Collins
Wilbur E. Lincoln
Cyril L. Fennelly
Donald W. Olson
John W. Laine
Robert W. Conway
Wilfred C. Bullis
Robert A. McCarten
Raymond E. Masker
Donald B. Fish
William H. Westin
John E. Kenny
William W. Watkins
Raymond C. Herrington
Paul C. Carman
John W. Forster
Ray Johnson
Ernest B. Roark
Michael H. Bower
Eugene H. Kelly
Harold E. Stone
Norman A. Whitney
Elliott J. Echols
Fay K. Thompson
John D. Green
John W. McMinn
James L. Reynolds
Maurice K. Nelson
Fred Pilatsky
Robert J. W. Collins
Marion K. Reynolds
Ludvig Slavich, Jr.
Robert A. Kemmett
Leroy P. Phelps
Zigmond Golaszewski
William B. Eichler, Jr.
John Sabath
Theodore L. Turgeon
James C. Bond
Harry A. Benson
Alan H. J. Dowd
Joseph W. Dunhour
Wilbur J. Davis
Robert R. Harber, Jr.
Walter A. Evans
Porter F. Ammerman
Gordon L. Sims
Charles T. Buckner
Robert L. Sellers
Frederick Jones
Edward H. Askew, Jr.
Frank H. Buzzel, Jr.
Melvin H. Bateman
Baker W. Herbert
Paul H. Johannes
George M. Bruner
Herman Schmidt
Jesse B. Lowe
Lee R. Green
Lester M. H. Roehr
Raymond J. Moen
Kenneth C. Oliver
George A. Saunders
Lee O. Madden, Jr.
Edward A. Liles
Marion O. Simmons
Calvin W. Pratt
Thomas E. Bockman
Phillip E. Thompson
Joe D. Wright, Jr.
William K. Bailey
James P. McBride
Herbert L. Shuey
Lavern G. Ketcherside
George V. Stauffer
Charles E. Shook
James R. Comerford
Don E. McDonald
John C. Lippincott
Norval E. Cosby
Earl J. Potter
Benjamin R. Teal
Charles H. Dyer, Jr.
Norman F. Muench
Edmund J. Smenner
Jesse H. Burgess
Robert B. Paris
Lester E. Howe, Jr.
George A. Menge
Ralph E. Ford
Hubert A. Anderson
Reckner B. Moe
Charles W. Price
Robert H. McGinnis, Jr.
George C. Hickman
Arnold M. Deshaw
Curtis W. Chamberlain
Robert E. Calimer
Thomas H. Renfroe
John W. Hammack
Wilfred J. Sellers

CONFIRMATIONS

Executive nominations confirmed by the Senate April 18, 1960:

DEPARTMENT OF COMMERCE

Bradley Fisk, of New York, to be an Assistant Secretary of Commerce.

FEDERAL MARITIME BOARD

Sigfrid B. Unander, of Oregon, to be a member of the Federal Maritime Board for the remainder of the term expiring June 30, 1961.

COAST AND GEODETIC SURVEY

William G. Stokes to be an ensign for permanent appointment in the Coast and Geodetic Survey, subject to qualifications provided by law.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 18, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Romans 6: 4: *Like as Christ was raised from the dead, even so we also should walk in newness of life.*

Eternal God, during these days after Easter Sunday, may our minds and hearts continue to be thrilled and inspired by the historic victory of our blessed Lord and be hallowed by the glorious assurance that life is ever lord of death and that love can never lose its own.

Grant that His resurrection may be a present experience, quickening our listless and languid souls into newness of faith, hope, and love and constraining us to be fearless and faithful followers of the living Christ.

May we daily pray and labor to bring to fulfillment our desires and dreams of a better world wherein dwelleth the spirit of the risen Lord.

In His name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, April 14, 1960, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4781. An act to amend the Watershed Protection and Flood Prevention Act to provide that its loan provisions shall be applicable to certain other projects, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9331) entitled "An act to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7947) entitled "An act relating to the income tax treatment of nonrefundable capital contributions to Federal National Mortgage Association," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. WILLIAMS of Delaware, and Mr. CARLSON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8684) entitled "An act to provide transitional provisions for the income tax treatment of dealer reserve income," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. CARLSON, and Mr. BENNETT to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9660) entitled "An act to amend section 6659 (b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to the tax," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. WILLIAMS of Delaware, and Mr. CARLSON to be the conferees on the part of the Senate.

JOINT MEETING TO RECEIVE THE PRESIDENT OF THE FRENCH REPUBLIC

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Monday, April 25, 1960, for the Speaker to declare a recess for the purpose of receiving in joint meeting the President of the French Republic, His Excellency Charles de Gaulle.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THREE HUNDRED AND TWENTY-FIFTH ANNIVERSARY OF THE BOSTON LATIN SCHOOL

Mr. McCORMACK. Mr. Speaker, I offer a resolution (H. Res. 504) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas April 23, 1960, is the 325th anniversary of the establishment of the Boston Latin School; and

Whereas the Boston Latin School is one of the leading preparatory schools in the United States; and

Whereas the Boston Latin School has a distinguished roster of alumni who have made their marks in history; and

Whereas the Boston Latin School continues to prepare young men for useful lives just as it has throughout its long illustrious history: Now, therefore, be it

Resolved, That the House of Representatives extends its greetings and felicitations to the Boston Latin School and to all of its alumni on the occasion of the 325th anniversary of its establishment and extends best wishes for the success of the Boston Latin School in its programs and activities for the future.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, Mr. Speaker, do I understand that this is a Latin school?

Mr. McCORMACK. The Boston Latin School.

Mr. GROSS. L-a-t-i-n—is that it?

Mr. McCORMACK. L-a-t-i-n; Boston Latin School, which was first established in 1635. Among its graduates were five signers of the Declaration of Independence. It is one of the great schools of its kind not only in this country but in the world. I shall insert in the RECORD a history of the school for the enlightenment of my dear friend.

Mr. GROSS. I would be pleased to read the full story that merits this kind of treatment for a school.

Mr. McCORMACK. It certainly has a great history covering 325 years. If any of my colleagues have any vacancies for appointments to West Point or Annapolis, if they come to me, I will get them graduates of the Boston Latin School and there will be no difficulty about their passing the examination for entrance to those academies.

Mr. GROSS. This resolution will not cost any money now or later?

Mr. McCORMACK. No money.

Mr. GROSS. Not later?

Mr. McCORMACK. Not later; no.

Mr. GROSS. I thank the gentleman; and, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE BOSTON LATIN SCHOOL'S 325TH ANNIVERSARY

Mr. McCORMACK. Mr. Speaker, I asked unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts.?

There was no objection.

Mr. McCORMACK. Mr. Speaker, on April 25 the Boston Latin School will celebrate its 325th year as a renowned institution of classical education for high school boys. This remarkable institution for 325 years has been constant to one idea and one purpose.

As the noted philosopher, George Santayana, class of 1882, wrote for the school's 300th anniversary in 1935:

There may be older schools in other countries; but almost always they have suffered a complete change in spirit and have endured only by ceasing to be themselves. * * * But the Latin School, in its simpler sphere, has remained faithfully Latin. In spite of all revolutions and all the pressure of business and all the powerful influences inclining America to live in contemptuous ignorance of the rest of the world, and especially of the past, the Latin School, supported by the people of Boston, has kept the embers of traditional learning alive, at which the humblest rushlight might always be lighted; has kept the highway clear for every boy to the professions of theology, law, medicine, and teaching, and a window open to his mind from these times to all other times and from this place to all other places. * * *

The merely modern man never knows what he is about. A Latin education, far from alienating us from our own world, teaches us to discern the amiable traits in it, and the genuine achievements; helping us, amid so many distracting problems, to preserve a certain balance and dignity of mind, together with a same confidence in the future.

As America's oldest public secondary school of continuing existence, the Boston Latin School stands today as a beacon of traditional learning at a time when American education is searching for more effective ways to meet the challenges of the space age. For here is a school, supported by public funds, which for over three centuries has maintained a reputation for excellence by stressing the values of the past in preparing young men for the future.

The Boston Latin School is unique, therefore, not only for its consistent adherence to the classical curriculum but also for providing such learning within the framework of public education in a school which can enroll not just a select few but rather as many as 2,500 students.

Since the founding of the Boston Latin School in 1635, the consistent emphasis in the curriculum has been on imbuing the students with "the cultures of the world and imparting mastery of the fundamental tools of learning." As Headmaster George L. McKim has so eloquently pointed out:

We believe in training the intellect, training boys how to think, training boys to become leaders. We give them the proven wisdom and intellectual skills of mankind—something they'll have the rest of their lives.

We don't want them to learn vocations here. We teach them how to apply themselves, how to think, work, study. The businessmen tell us, "You give us boys with trained minds—we'll show them the trade."

Clearly, the Boston Latin School sharply contrasts with the many modern secondary schools of our day. In fact, the school is considered old fashioned

by many educators. And George McKim frankly admits:

> We're terribly old fashioned here. We insist on teaching them something. We insist that they get a good education.

By some, Boston Latin has even been called "a bastion of the Middle Ages." But Headmaster McKim explains:

> We stick to our course while the fashions in education come and go. The experimenters try out their new ideas, they see their errors, and eventually they come back to us. * * * Of course, the project approach of some modern schools—for example, a class undertaking to solve the city's traffic problem—is more showy. But we stress individual application and concentration. We do not try to make education palatable. We are convinced that a good part of education is learning to do things you don't like to do. It pays off later in life.

To illustrate what Mr. McKim means by a good basic education, we need only to look at the course requirements for boys at Boston Latin from the 7th through the 12th grades: 6 years of English, 6 years of Latin, 5 years of mathematics, 4 years of history, 3 years of French, 2 years of Greek or German, 2 years of general science, 1 year of physics. Seniors may elect additional French, Greek, or German, chemistry or solid geometry and trigonometry.

There are extracurricular activities as well including many club activities, but they are after-class hours. Boys may enroll in Boston Latin if they have B's or better in English, mathematics, history, and geography. Or, they may be admitted by taking qualifying examinations.

This emphasis on quality and high scholastic standards has proven worthwhile in terms of preparing students well for college entrance. In a recent compilation of college board examinations, for example, 60 percent of Boston Latin School boys scored honor grades. The national average for honor grades in these same examinations was 17 percent.

President A. Whitney Griswold, of Yale, has made some enlightening remarks on the value of the kind of solid education for which the Boston Latin School is renowned:

> We look at the high school records of boys seeking admission to Yale to see what kind of courses they took. We find their curriculums loaded with such subjects as band music, auto driving, bookkeeping, social adjustment. These subjects are all very well, but where are the solid liberal arts?
>
> We don't want to see the ablest students tied to the lockstep of the weakest. We'd like to see them all tied to the strongest—to get strength from them. The very essence of education is to stretch the mind, not to cushion it. Every boy and girl should be started up the path to solid education and carried as far as he and she can go.

Furthermore, the importance of a basic education is also borne out by achievements of the graduates of Boston Latin who have made significant contributions in all fields of endeavor throughout the years. Five signers of the Declaration of Independence—John Hancock, Samuel Adams, Benjamin Franklin, Robert Treat Paine, and William Hooper—were among its earliest graduates. Among its other illustrious graduates are Charles Bulfinch, architect; Harrison Gray Otis, U.S. Senator; Brig. Gen. Henry Knox; Gov. James Bowdoin; Gov. William Eustis; Gov. Christopher Gore; Judge Samuel Sewall; Sir William Pepperell; British Adm. Isaac Coffin; Wendell Phillips; Henry Ward Beecher; Charles Francis Adams, Minister to England; Charles Sumner, U.S. Senator; Ralph Waldo Emerson; Edward Everett Hale; Dr. Charles William Eliot, Harvard president; Bishop Phillips Brooks; Henry Lee Higginson; Samuel P. Langley, pioneer in aviation; Darius Cobb, famed artist; Leonard Bernstein, conductor; Joseph P. Kennedy, former Ambassador to Court of St. James; Howard Lindsay, playwright; George Santayana, philosopher; and A. M. Sonnabend, hotel man.

In fact, Boston Latin has probably graduated more men of note than any other public high school.

The 325th anniversary of the Boston Latin School will be celebrated on April 25 with day-long reunions of more than 1,000 of the 10,000 living graduates. Bishop John J. Wright of Pittsburgh, a distinguished graduate of 1927, will deliver the anniversary address. Bishop Wright is the third Catholic bishop to graduate from the school at which such famed Puritans as Cotton and Samuel Mather were also educated.

In its 325 years of existence the Boston Latin School has kept faith with our democratic tradition. It pays tribute to those enlightened Puritans who established the school in 1635 and invited the sons of those less favored than themselves to share the advantages of a college-preparatory public school education. The Boston Latin School was not only a major contributor to the establishment of Boston as an early center of intellectual life in America but also has maintained throughout our history a high standard of classical scholarship and dedication to excellence in public education.

SPECIAL MILK PROGRAM FOR CHILDREN

Mr. POAGE submitted a conference report and statement on the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children.

CENTENNIAL OF THE FIRST PERMANENT WHITE SETTLEMENT IN IDAHO

Mr. BUDGE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. BUDGE. Mr. Speaker, I take this opportunity to invite the attention of my colleagues to the fact that on Thursday, April 14, Idaho celebrated the 100th anniversary of the establishment of the first permanent white settlement in the State. The community of Franklin and the surrounding areas commemorated this event and concluded the celebration with a formal dinner that evening.

This event, in addition to calling attention to the first white settlement of Idaho, serves as the forerunner for the centennial celebration of the establishing of the Territory of Idaho in 1863.

The first permanent settlement in Idaho was established at Franklin on April 14, 1860, by 13 Mormon families who had left the pioneer settlements in the Salt Lake Valley to colonize farther north. They thought they were in Utah Territory but were in reality just across the line into the Idaho area. The site for this colony had been chosen in the previous year. Franklin D. Richards led this first colony of settlers. When the Idaho State Legislature divided off part of Oneida County to create the new county it gave it the name of Franklin after this colonizer.

In the fall of 1860 about 50 families had joined the new community just across the Idaho-Utah boundary. These settlers crossed Bear River at Park Ferry, which they established in 1861. In 1869 a toll bridge replaced the ferry, and the site became a stopping place and station for the Overland stage and mail route. The establishment of Franklin led to the development of the surrounding area and this led to the end of Indian hostilities in the Battle of Bear River.

This group of brave families which included wives and children had left the stronger communities of the Salt Lake Valley area to build up the intermountain region. They were not seeking to take from the area furs and gold but rather they were seeking to establish homes, churches, schools, farms, and communities. As a result, this group of families became a part of history. They established the first school for white children in the future State. More than this, they set up the first irrigation system in Idaho by diverting the waters of Maple Creek to their section of Cache Valley. Meanwhile, the indefatigable Brigham Young, their prophet leader, had bought a steam engine back east; had caused it to be shipped up the Missouri River to Fort Benton; then overland to Franklin. As one of the writers in Idaho has said, this alone is no small feat:

> When it is remembered that this engine weighed 10,000 pounds, the long trek for hundreds of miles by wagon and oxen over mountains and rivers is to be seen as a small epic in itself.

This engine, which may be described as the first historical relic of the future State, was used first as a sawmill in Franklin, was afterward moved to Soda Springs, then back to Franklin, and for a long time abandoned and forgotten. Finally, a group of citizens decided it was a relic worthy of preservation and placed it in the public hall at Franklin, where it may be seen to this day.

As a direct descendant of two of the early pioneer families of Idaho, it is an honor and pleasure to join with all other Idahoans in saluting these great Americans who helped build this Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NORBLAD (at the request of Mr. BYRNES of Wisconsin), for an indefinite period, on account of death in the family.

Mr. MOULDER, Mr. BROCK, Mr. DEROUNIAN, and Mr. YOUNGER (at the request of Mr. MCCORMACK), for this week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. GREEN of Oregon, for 1 hour, on Tuesday, April 19.

Mr. JOHNSON of Colorado (at the request of Mrs. GREEN of Oregon), for 1 hour on Tuesday, April 19.

Mr. SCHWENGEL, for 1 hour, on Tuesday, April 19.

Mr. LANKFORD, for 45 minutes, on Thursday next.

Mr. NELSEN (at the request of Mr. BYRNES of Wisconsin), for 30 minutes, on Wednesday next.

Mr. BRAY (at the request of Mr. ARENDS), for 10 minutes, on April 20.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. PORTER and to include extraneous matter.

Mr. HUDDLESTON and to include extraneous matter.

Mr. BOYKIN (at the request of Mr. SELDEN).

(At the request of Mr. MCCORMACK, and to include extraneous matter, the following:)

Mr. BARING.

Mr. COOLEY.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 7359. An act to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the Colorado River Commission of Nevada acting for the State of Nevada.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 178. Joint resolution relating to the payment of salaries of employees of the Senate.

ADJOURNMENT

Mr. MCCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 8 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 19, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2058. A letter from the Chairman, U.S. Advisory Commission on Educational Exchange, Department of State, transmitting the 23d semiannual report on the educational exchange activities conducted under the U.S. Information and Educational Exchange Act of 1948 (Public Law 402, 80th Cong.), from July 1 through December 31, 1959 (H. Doc. No. 379); to the Committee on Foreign Affairs and ordered to be printed.

2059. A letter from the Acting Secretary of Agriculture, transmitting a report on the distribution of surplus foods to needy families, pursuant to section 306 of Public Law 480, 83d Congress, as amended; to the Committee on Agriculture.

2060. A letter from the Administrator, General Services Administration, transmitting the report of the Archivist of the United States on records proposed for disposal under the law; to the Committee on House Administration.

2061. A letter from the Assistant Secretary of the Interior, transmitting one copy each of certain laws enacted by the Fifth Guam Legislature, 1959, pursuant to section 19 of the Organic Act of Guam; to the Committee on Interior and Insular Affairs.

2062. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to clarify the ownership of certain church properties located in the Virgin Islands"; to the Committee on Interior and Insular Affairs.

2063. A letter from the Director, Administrative Office, U.S. Courts, transmitting a copy of the annual report of the Director for the fiscal year 1959, which includes the reports of the annual and special meetings of the Judicial Conference of the United States held in 1959, pursuant to section 604(a)(4) of title 28 of the United States Code; to the Committee on the Judiciary.

2064. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases where the authority contained in the Immigration and Nationality Act was exercised in behalf of such aliens, pursuant to section 212(d)(6) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2065. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation entitled "A bill to improve the budget and accounting procedures of the loan guaranty program of the Veterans' Administration by establishing a revolving fund"; to the Committee on Veterans' Affairs.

2066. A letter from the Administrator, General Services Administration, transmitting a report on a proposed Presidential archival depository to be known as the Eisenhower Library, pursuant to section 507(f) of the Federal Property and Administrative Services Act of 1949, as amended (69 Stat. 695); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee of conference. H.R. 9331. A bill to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children (Rept. No. 1520). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROCK:

H.R. 11782. A bill providing for the disposition of judgment funds of the Omaha Tribe of Indians; to the Committee on Interior and Insular Affairs.

By Mr. COAD:

H.R. 11783. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. GEORGE:

H.R. 11784. A bill to authorize the appropriation of $5,000 for planning of works for the protection of the banks of the Kansas River against erosion; to the Committee on Public Works.

By Mr. JOHNSON of California:

H.R. 11785. A bill to amend the Tariff Act of 1930, so as to impose a duty upon the importation of montan wax produced in Communist-dominated or Communist-occupied areas of Germany; to the Committee on Ways and Means.

By Mrs. PFOST:

H.R. 11786. A bill to amend the Internal Revenue Code of 1954 to impose import taxes on lead and zinc; to the Committee on Ways and Means.

By Mr. RIVERS of South Carolina:

H.R. 11787. A bill to amend title 10, United States Code, to make permanent the authority for flight instruction for members of Reserve Officers' Training Corps, and for other purposes; to the Committee on Armed Services.

By Mr. SISK:

H.R. 11788. A bill to amend the Federal Trade Commission Act to strengthen independent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11789. A bill to amend the Federal Trade Commission Act to provide for the issuance of temporary cease and desist orders to prevent certain acts and practices pending completion of Federal Trade Commission proceedings; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of Texas:

H.R. 11790. A bill to repeal transportation excise tax; to the Committee on Ways and Means.

By Mr. HALPERN:

H.J. Res. 694. Joint resolution designating the second Sunday in September in each year as National Grandparents' Day; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of New York, memorializing the President and the Congress of the United States and the Department of Defense of the United States and

the Government of Canada in relation to undertaking and progressing the development of the proposed New York-Montreal Seaway project; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KEOGH:

H.R. 11791. A bill to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Paul Bernstein against the United States; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 11792. A bill for the relief of George Steve Eraklianos; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 11793. A bill for the relief of Capt. Arnold M. Anderson; to the Committee on the Judiciary.

By Mr. QUIGLEY:

H.R. 11794. A bill for the relief of Mrs. Telisa Prendic de Milenovic; to the Committee on the Judiciary.

By Mr. ROONEY:

H.R. 11795. A bill for the relief of Martin Albert Maidenbaum; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.R. 11796. A bill for the relief of Arnold George Kelly and his wife, Melvina Birdylyn Kelly; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

421. By Mr. LOSER: Petition of rank-and-file members of Teamsters' Union, Local No. 327, Nashville, Tenn., stating alleged grievances arising under Public Law 86-257 (Landrum-Griffin labor bill) and the first amendment to the Constitution of the United States, as well as alleged abuses of monitors appointed by U.S. district court; to the Committee on Education and Labor.

422. By the SPEAKER: Petition of Pfc. Michael O. Tockey and others, San Francisco, Calif., requesting passage of Senate bill 1138, extending educational benefits to Armed Forces veterans after January 1, 1955; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

National Space Goals

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Monday, April 18, 1960

Mr. WILEY. Mr. President, to us as a Nation, and to a world poised on the brink of a new frontier—outer space—the future promises great new illuminations, experience, discoveries, and progress for the human race.

Historically speaking, our space exploration accomplishments of today—impressive as orbiting satellites, moonshots, and other accomplishments may be—will, in all likelihood, be topped by even greater discoveries, advancements, and accomplishments of tomorrow.

As in all fields, the Nation, meaning not only the leaders, but also the people as a whole, needs to crystallize, insofar as possible, a concept of just where we are and where we are going in the space age, if we are to progress at maximum speed.

The challenge, of course, is highly complex. Realistically, however, we are in a space race, whether we like it or not.

The clear establishment of a program of national goals, supplemented or modified as required by time and changing events, would serve, I believe, to, first, give greater direction to our national efforts to explore space; second, create greater confidence of what we are shooting for in space; and third, provide a program to encourage trained and aspiring individuals to enter the field vocationally, and provide us with space engineers, scientists, technicians, astronauts, and other skilled personnel needed for the future.

Recently, I outlined a series of recommendations which, I believe, could well serve as a foundation for our new venture into space, both for defense and for peaceful purposes. By no means would I consider this an all-comprehensive program. In the days ahead, the space exploration efforts of all nations—still in infancy—will unveil new mysteries and unknowns of space environment, vehicles, instruments, and knowledge.

Based upon moderate experience, however, I believe there are fundamental programs and objectives which can now be crystallized as space goals. At this time, I ask unanimous consent to have my suggested 12-point program printed at this point in the RECORD.

There being no objection, the program was ordered to be printed in the RECORD, as follows:

TWELVE-POINT SPACE PROGRAM

In the interest of our national progress and international prestige, I believe we must go "full speed ahead" with an independent space program—not attempt to imitate, or even match one for one, feats by the Soviets. The U.S. goals should include:

1. Successfully manned space flights by 1961.

2. Establishment of a communications-satellite system, including transmission of radio, telephone, teletype, and television.

3. Further improvement of the weather satellites—and maximum utilization of its information data—for improved weather forecasting.

4. Hitting the target date of 1964—or, if possible, earlier—for completion of the Saturn booster of 1½-million-pound thrust and early followup development of a second-generation Saturn with a 15-million-pound thrust.

5. Effective accomplishment, as planned by NASA, of the following: Lunar impacts (reconnaissance), 1961–62; planetary probes to Mars and Venus, 1962; and lunar soft landings, 1963–64, carrying television, seismograph, radiation-detection devices to observe and analyze the surface and subsurface of the moon.

6. For scientific purposes, blasting of successive satellites, sounding rockets, and other launchings, including astronomical observance satellites to make observations from the obscuring and blanketing effect of the earth's atmosphere; through directed spectroscopes and other satellite instruments, to determine, among other things, the role the sun plays in natural events upon the earth; and, with satellites, investigate the upper atmosphere, ionosphere, the earth's magnetic field, the aurora and radiation phenomena, and the measuring of gamma and cosmic rays, and gathering other scientific data.

7. Adapting scientific and technological knowledge for creating a more effective space arsenal, including ICBM's, and military satellites, as needed, to act as a deterrent power, until safeguarded international agreements are reached—if they are—for inspection of armaments to carry out policies of dedication of space for peaceful purposes.

8. Creating an adequate national warning-tracking system—i.e., radar system, sentinel satellites, etc.—to provide us with a "space guard" against surprise attack.

9. Setting up an international traffic-control system, including exchange of information among nations on launchings and flights of satellites, and other space vehicles, to prevent unidentified flights from being interpreted as possible attacks and triggering a war.

10. Development of nuclear, ion, or other types of rocket power for flight control of space vehicles.

11. Establishing a Space Academy—similar to the Army, Navy, Air Force, Coast Guard, Merchant Marine—to provide an adequately trained Space Corps.

12. Establishment of space law, through cooperation of nations, the United Nations, and other international organizations, to assure protection of peaceful flights, to avoid unnecessary clashes of interest, and to attempt to assure nonviolation of rights of nations in space.

SPACE LEADERSHIP—OR FOLLOWSHIP?

Will this program be expensive? Yes. According to present planning, the Nation is expected to spend $12 to $15 billion in the next 10 years. For the future the cost will, in all likelihood, be even higher.

However, the question is not whether we will shoot for these and other objectives. Rather, I believe the big question is when will we do it—now, or later? Will we run ahead of—or lay behind—the Communists?

NEEDED: FLEXIBLE PROGRAMS

We recognize, of course, in a new exploratory field, the adoption of such national goals must be flexible to accommodate new developments and discoveries in vehicles, instrumentation, space environment, and other factors that may affect the program. Nevertheless, these goals, I believe, will—and should—serve as a "solid pad" for the national program for the immediate future.

PRACTICAL BENEFITS OF SPACE EXPLORATION

What will be the practical benefits of our space program? Among others, these should include: (1) A stronger defense; (2) improved radio, telephone, teletype, and television communications; (3) more effective weather forecasting to minimize loss from tornadoes, hurricanes, and other storms, and benefit agriculture and conservation programs for preservation of our natural resources; (4) further man's efforts to utilize heat and light from the sun and other natural forces of the universe; and (5) generally gather other data and information

about the elements and forces of space for harnessing them to serve mankind.

WHY A SPACE PROGRAM?

In man's eternal quest for knowledge, space provides the new frontier for exploration.

During normal times, the exploratory efforts probably would go forward at a slower pace. However, communism—the foe of freedom—is "up there."

Consequently, we need an effective program to pursue our fundamental interests, to protect our rights, to assure to ourselves the benefits of space potentials—many of which are yet unknown—and to counter any attempt by communism to use space vehicles as a tool for conquest by that international conspiracy.

What is at stake? Our survival.

Baring Telegraphs Question on Advisability of Narrows Bridge Bond Flotation While Charges Remain Unrefuted

EXTENSION OF REMARKS
OF
HON. WALTER S. BARING
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 1960

Mr. BARING. Mr. Speaker, under leave to extend my remarks, I wish to place in the RECORD a telegram I sent on April 16, 1960, to Dillon, Read & Co., Inc., attention, Mr. Frederic H. Brandi, president; White, Weld & Co., attention, Mr. Philip M. Neagle, partner; W. H. Morton & Co., Inc., attention, Mr. William H. Morton, president; and Allen & Co., attention, Mr. Charles Allen, Jr., partner. All addresses are located in New York City.

This telegram refers to the well-documented charge, among others, that the Narrows Bridge is improperly placed and would provide the key to a planned waste of $453 million in public roadbuilding funds.

The various charges have been made known to the superintendent of public works of the State of New York; to various members, I am informed, of the Legislature of the State of New York; and to the Governor of the State of New York.

None of the charges has been refuted.

On the contrary, the New York Times, April 16, 1960, reports that the Governor of the State of New York signed on April 15, 1960, a bridge bond bill to lift the 4-percent interest limit on securities sold to speed work on Narrows span.

In light of the increasing knowledge of the highway program scandal now spreading across the United States and as further revealed by the editorial and lead article "New Roads and Urban Chaos" in the April 14, 1960, Reporter magazine, it appears that attention to the charges discussed in this telegram and an investigation of the facts by members of the underwriting investment and banking professions and by the investing and general public at large can only be to their personal, the public, and the national interest.

The first of the four identical telegrams follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 16, 1960.
DILLON, READ & CO., INC.,
New York, N.Y.
Attention: Mr. Frederic H. Brandi, president.

As I have been informed that you are actively seeking to implement a financial program of the Triborough Bridge and Tunnel Authority and are seeking to arrange the sale of its bonds for its proposed Narrows Bridge, and as I understand charges of misstatement of engineering fact and exaggeration of representation of Narrows vehicular traffic flow have been made in connection with the proposed Narrows Bridge and its proposed associated Seventh Avenue Brooklyn approach, and against the desirability of the Narrows Bridge arterial plan itself, and as I understand these charges have not been answered, and as the Seventh Avenue approach if constructed is to be financed in part with Interstate Highway program Federal funds, and as false information concerning the status of demolition activity on the Seventh Avenue approach was presented to me by the superintendent of public works of the State of New York, and as this false information was baselessly alleged to me to be accurate by the city construction coordinator who was then and now is chairman of the Triborough Bridge and Tunnel Authority, and as a special committee of the Congress is now in existence to examine the Interstate Highway program, do you believe your best action in connection with the Narrows Bridge would be to withhold further support until said charges have been answered or refuted?

WALTER S. BARING,
Congressman for Nevada.

Joe D. Newton of the National Postal Transport Association

EXTENSION OF REMARKS
OF
HON. GEORGE HUDDLESTON, JR.
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 1960

Mr. HUDDLESTON. Mr. Speaker, Joe D. Newton, of Birmingham, Ala., has long been considered to be a fixture on the scene of postal employees relations in Birmingham and throughout Alabama and the Memphis postal region. Mr. Newton is president of the Alabama Branch of the National Postal Transport Association, the organization which represents postal employees who work in railway mail cars, in highway post offices and at airports and in terminal post offices throughout the United States. We thought Mr. Newton would remain as president of the Alabama branch for as long as he continues in the postal service. I have just learned that Mr. Newton will not be a candidate for reelection when his term expires on May 7, 1960. I hope that some other avenue will be found for utilizing Mr. Newton's unique talents because certainly now, if ever, postal employees need capable spokesmen to defend their position.

As a Member of Congress I have been very close to the National Postal Transport Association and even before coming to Congress I have been intimately friendly with Mr. Newton. I may have been the first Member of Congress to ride in a railway post office car. Certainly I was first in the sense that the ride, which was arranged for me by Mr. Newton, was accomplished even before I came to Congress in 1954. Under Mr. Newton's wise guidance I learned the specialties of railway mail clerks, the things they need to know, the importance of the service they perform. Today, 6 years after that ride on the railway post office car, I realize that no one either within or outside the Post Office Department has yet developed a method of mail handling which will equal the idea of en route distribution as a benefit to the postal service.

Partly because of the education I received on the trip, and partly because of the supporting material furnished me by Mr. Newton and his colleagues, all my distinguished congressional colleagues from Alabama joined me in a joint appeal to the Post Office Department to establish, or to extend highway post office service. This was done in the realization that with a contracting railway transportation structure the best alternative to the superlative railway post office would be to transplant the same type of operation to the Nation's highways.

My colleagues and I also joined in an appeal to the Post Office Department to continue the district transportation office in Birmingham. From what I can see the information provided by Mr. Newton to the Senators and Members of Congress from Alabama was extremely persuasive and I feel that had it not been that the program of closing district offices was a nationwide plan, we would have been able to succeed permanently as we did initially in maintaining the transportation office at Birmingham.

Thus, if after his term of office expires on May 7, Mr. Joe D. Newton of Birmingham continues to be a representative of postal employees, I hope that he will be able to exercise his persuasive talents at the level of the Memphis postal region. Communications, after all, are the heart of the postal service and so too, I as a Member of Congress, feel that I will be able to communicate more effectively with the several levels of the Post Office Department if Mr. Joe Newton, president of the Alabama branch of the National Postal Transport Association is persuaded to change his mind and to continue to serve as an employee representative.

Presidential Poll—Fourth District, Oregon

EXTENSION OF REMARKS
OF
HON. CHARLES O. PORTER
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 1960

Mr. PORTER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following press release

from my office and the results of a poll of choices for President which I included on my recent questionnaire sent to 131,000 of my constituents:

Senator WAYNE MORSE and Vice President RICHARD NIXON are the favorite presidential primary candidates of residents of Oregon's Fourth Congressional District. They led the field of presidential hopefuls in the postcard questionnaire mailed to 131,000 constituents by Representative CHARLES O. PORTER, Democrat, of Oregon.

Senator JOHN F. KENNEDY and Adlai Stevenson placed third and fourth. Stevenson's name will not appear on the Oregon primary ballot.

A total of 17,831 persons named their choices for President. NIXON received 5,883 votes (33 percent of that total). MORSE got 2,957 votes (16.5 percent). KENNEDY received 2,536 votes (14.2 percent). Stevenson received 2,179 votes (12.2 percent).

A total of 10,423 (58.5 percent) voted for Democrats. A total of 7,407 (41.5 percent) voted for Republicans.

Oregonians in the Fourth District also had other favorites. Senator HUBERT HUMPHREY received 1,160 votes (6.5 percent). Senator LYNDON JOHNSON received 817 (4.6 percent). Senator STUART SYMINGTON received 746 (4.2 percent). Gov. Nelson Rockefeller received 1,477 (8.3 percent).

A total of 76 miscellaneous votes (0.5 percent) were cast. Two votes went to "none of your business."

Senator MORSE was the leading Democratic candidate in five of the seven counties in the district. Senator KENNEDY outpolled him in two (DOUGLAS and JACKSON).

The presidential preference question was 1 of 13 in PORTER's questionnaire. Results on the others, which deal with Federal issues, are now being compiled. In all, 20,419 people in the district responded to the poll.

PORTER said his wife, Priscilla, tabulated almost all of the returned questionnaires.

A complete breakdown of the presidential-poll results follows. It lists figures and percentages for the district and for each county:

Analysis of votes for President in the 4th Congressional District of Oregon on questionnaires distributed by Representative Charles O. Porter

	Morse	Kennedy	Stevenson	Humphrey	Johnson	Symington	Nixon	Rockefeller	Miscellaneous	Total Democratic	Total Republican	Total votes
4th district:												
Number	2,957	2,536	2,179	1,160	817	746	5,883	1,477	76	10,424	7,407	17,831
Percent	16.5	14.2	12.2	6.5	4.6	4.2	33.0	8.3	0.5	58.5	41.5	100.0
Coos:												
Number	514	247	158	162	57	49	465	134	1	1,187	600	1,787
Percent	28.8	13.8	8.9	9.0	3.2	2.7	26.0	7.6	0	66.4	33.6	100.0
Curry:												
Number	122	78	66	25	14	17	164	48	0	322	212	534
Percent	22.8	14.6	12.4	4.7	2.6	3.2	30.7	9.0	0	60.5	39.5	100.0
Douglas:												
Number	252	361	270	141	120	142	720	174	10	1,290	900	2,190
Percent	11.5	16.5	12.3	6.4	5.5	6.5	32.9	7.9	0.5	58.9	41.1	100.0
Jackson:												
Number	348	379	351	153	156	140	984	311	23	1,531	1,314	2,845
Percent	12.2	13.3	12.3	5.4	5.5	4.9	34.7	10.9	0.8	53.8	46.2	100.0
Josephine:												
Number	230	175	129	49	96	48	482	73	6	728	560	1,288
Percent	17.9	13.6	10.0	3.8	7.5	3.7	37.4	5.7	0.4	56.5	43.5	100.0
Lane:												
Number	1,206	1,026	1,055	514	291	284	2,372	652	33	4,394	3,039	7,433
Percent	16.2	13.8	14.2	6.9	3.9	3.8	32.0	8.8	0.4	59.1	40.9	100.0
Linn:												
Number	285	270	150	116	83	66	696	85	3	972	782	1,754
Percent	16.3	15.4	8.5	6.6	4.7	3.8	39.7	4.8	0.2	55.4	44.6	100.0

Statement by Congressman Edward A. Garmatz

EXTENSION OF REMARKS
OF

HON. FRANK W. BOYKIN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1960

Mr. BOYKIN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and include in the RECORD a statement made at a Merchant Marine and Fisheries Committee hearing by one of the greatest Congressmen in this Nation. I have known and served with him for many long, wonderful years. I have traveled to shipbuilding plants and repair plants in many lands with my old friend, Congressman EDWARD A. GARMATZ, of Maryland.

Mr. Speaker, this man has brains and ability and an unlimited supply of energy and he is one of the greatest Americans that I have ever known, and I wish every one of his constituents could know, as I know, what he has done for his district, his State, and his Nation.

Mr. Speaker, I believe we will wipe out this 6 percent differential that the west coast has on shipbuilding. It should have been wiped out long, long ago, but now we have the Great Lakes and the east coast joining with us on the gulf coast, and I am sure we will put an end to this very unfair, unfavorable, and uncalled for 6 percent differential which has been granted to the west coast for so long. There was a time, Mr. Speaker, when the west coast needed this differential and I joined with a great Congressman on the west coast in helping to give it to them. That was the great Congressman Dick Welch, of California, who has gone to his reward. I will guarantee you, if Dick Welch were living today, he would vote to abolish this 6 percent differential. I do not want any part of this great Nation to have an unfair and unjust advantage of any other part of the United States. It is just like two people doing business with a bank—one that had to pay interest at 6 percent and one that did not have to pay any interest at all. You could not compete with the man who had the advantage of the 6 percent that the west coast is getting.

Now, I consider this as practically finished and it is "peanuts" compared to what is going on in the rest of the world in the building of ships, tankers, repair plants, and so forth. What I think we should do, Mr. Speaker, is to give the west coast, the gulf coast, the east coast, and the Great Lakes a real differential in building ships, so we can compete with all of the foreign nations that have more business than they can handle. Congressman GARMATZ and I visited many shipyards, and everywhere we went in England, France, Italy, and Scotland, these yards—these yards that the United States had helped them build—had more business than they could handle, and we were told in many instances they had a backlog that would carry them over until 1965.

Our committee has just passed a resolution to grant a 33⅓ percent subsidy to fishing boatbuilding. I am sure we will have no trouble in passing this bill when it is finally voted out of our committee, and I believe it will be voted out on our return from our Easter recess. What we did for harassed fishermen who had been told they should have their ships built in Japan and other foreign countries, we should do for the builders of cargo ships and all other ships; even if it takes more than 33⅓ percent—say 40 percent—this should be done, and at once, if we expect to survive as a shipbuilding nation.

I believe that Chairman Clarence Morse and his Maritime Board would go along on this a thousand percent, because Chairman Morse and his Commissioners accompanied us on the trip above referred to, where we found the shipyards in every country we visited loaded with work and in every instance it was ships and tankers for our great firms in this Nation—the United States of America.

The statement follows:

Mr. Chairman and members of the committee, we are, indeed, grateful to the members of the Merchant Marine Subcommittee that they have scheduled these hearings on H.R. 8205 and similar bills, to eliminate the

As long ago as 5 years, we knew that the 6-percent differential applying to certain bids of Pacific coast shipbuilders.

need for this differential no longer existed, and at that time I introduced the same bill as H.R. 8205, but the subcommittee did not reach it on the agenda. In the meantime, the situation continues to improve in favor of the west coast shipbuilders, until now, the point has been reached where the 6 percent proves to be a subsidy to them.

In its report on this legislation last August, the Navy Department stated, and I quote:

"It now appears, however, that Pacific coast private shipyards are gradually overcoming their previous competitive disadvantage through increased efficiency, application of improved industrial techniques and because of expanded west coast production of basic materials. During recent years, Pacific coast shipyards have been quite successful in competing for naval ship work.

"The Department of Defense has no convincing evidence that west coast shipyards are now at a significant disadvantage. The Department of Defense, however, is not in a

position to state whether or not some degree of subsidization is still required to enable those shipyards to participate in ship-construction programs on a competitive basis."

Mr. Chairman, the Defense Department may not be in a position to state whether such subsidization is still required, but facts and figures available prove that it definitely is not required, and they will be presented by other witnesses during these hearings.

If there ever was justification for a differential in favor of the Pacific coast shipyards, it no longer exists. The Pacific coast shipbuilding industry is not an infant industry, but a thriving giant. During the Second World War over 44 percent of all tonnage built in this country's recordbreaking shipbuilding effort (embracing Atlantic, gulf, Great Lakes, and Pacific shipyards) was constructed in Pacific coast yards. Today 36.5 percent of all tonnage under construction for the Maritime Board is in Pacific coast yards.

One of the justifications offered for the 1936 differential was the higher cost on the Pacific coast of material and components, which were believed to be more costly because they were manufactured in the East and had to be shipped by rail to the West. Today this is not true. Whereas in 1936 only 3 percent of the Nation's steel producing capacity was in plants west of the Rockies; today 9 percent of all steel capacity in the United States is west of the Rockies. By contrast, only 1½ percent of our steel production today goes into shipbuilding, so that there is enough steel capacity west of the Rockies to supply our entire shipbuilding industry nationwide many times over. Certainly there is enough to supply the Pacific coast shipyards, without any need on their part to purchase it in the East, or pay transcontinental freight rates. And the prices of steel sold by plants west of the Rockies are fully competitive with those of eastern steel manufacturers.

What is true of steel is likewise true of the other major components of shipbuilding. We are all aware of the tremendous growth of manufacturing on the west coast since the Second World War. West coast manufacturers now produce substantially all of the component parts used in shipbuilding and do so at prices competitive with those of the east coast manufacturers. Indeed, in many instances, the west coast manufacturers of major components are so competitive with east coast manufacturers, that shipyards on the east coast have found it cheaper to buy components from west coast suppliers, and have them shipped by rail across the country, paying transcontinental freight, than to buy from eastern suppliers.

For example, Maryland Shipbuilding & Drydock Co., a major shipyard in Maryland, recently purchased, after nationwide competitive bidding by suppliers, six cargo cranes at a price in excess of $1 million from a supplier in Alameda, Calif., for installation on two ships under construction in Baltimore.

Similarly, the same shipyard, after competitive bidding, placed an order for two main propulsion engines with the Sunnyvale, Calif., plant of the Westinghouse Electric Co., as the low bidder.

Such examples, which could be multiplied many times over, demonstrate that the west coast yards have not a disadvantage, but an actual cost advantage.

Even in the occasional instance where the west coast shipyards may look to the East for material or components, in almost all instances, the suppliers will deliver the components laid down at the shipyards, at the same delivered price, regardless of location. In short, the suppliers will absorb the rail freight. These facts suggest that any difference in cost which may have existed in 1936, is now wholly illusory, or, indeed, favors the west coast shipyards.

And the results bear out this view. Only the other day a west coast shipyard outbid east coast and Great Lakes competitors on a major contract for the construction of Navy vessels. In that bidding no 6-percent differential was involved. The west coast yard was the low bidder.

Results like these make clear that whatever economic justification may once have existed for a differential favoring Pacific coast shipyards has now disappeared.

At the time section 502(d) was enacted, the proponents of the legislation acknowledged that the differential could only be considered as temporary. A continuation of this differential at this time is unjust, unfair, and discriminatory.

If west coast shipyards believe it should be continued, let them come forth with some facts to prove it.

Coming from a district in which the shipbuilding industry is a vital part of the city's economy, I would be interested in having some concrete facts and figures to pass on to my constituents, who find it difficult to understand why the west coast should receive such favored treatment at their expense, especially so since such preferential treatment exists in no other area of procurement.

I am confident that when all the facts and figures have been submitted to your committee, you will see the fairness and necessity for favorable action on H.R. 8205 and similar legislation.

Soil Conservation Service—Quarter Century of Achievement

EXTENSION OF REMARKS
OF

HON. HAROLD D. COOLEY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1960

Mr. COOLEY. Mr. Speaker, all Americans will want to join in a salute to the Soil Conservation Service on its 25th birthday. SCS is the evangelist of the gospel of the conservation of our most vital resources—soil and water. Through its leadership we not only are blessed with abundance of food and fiber in our time but we also are bequeathing plenteousness of the land to the generations to follow us.

As a part of the celebration marking this quarter century of achievement, Mr. Speaker, and by permission of the House, I am placing in the CONGRESSIONAL RECORD the text of remarks I made over radio station WKIX, Raleigh, N.C., on April 17. These remarks follow:

CONSERVATION

(By HAROLD D. COOLEY)

During this month of April we celebrate a date important to all Americans. This Nation marks the 25th anniversary of the establishment of the Soil Conservation Service. On April 27, 1935, the Soil Conservation Act was signed into law. In the last quarter century, the Soil Conservation Service has influenced not only our farming operations but also the lives of millions of Americans. The work of our farmers, healing and protecting the land under the guidance of this service, will mean better lives for the generations that will follow us. I salute the men of the Soil Conservation Service who do credit to the Nation they serve.

The people of North Carolina have a special interest in the 25th anniversary of the nationwide program of soil and water conservation. Chiefly, this is because it is the home State of Hugh Hammond Bennett. And you literally can't think of Hugh Bennett without thinking of soil conservation—nor can you think of soil conservation without thinking of Hugh Bennett.

Since his graduation from the University of North Carolina in 1903, he has devoted his entire life to a study of the soil. In 1905, as a member of a soil survey party in Louisa County, Va., he first discovered the cause and true significance of soil erosion. From that point on, Bennett's life became a crusade for conservation.

In observing the 25th anniversary of the Soil Conservation Service, we have an opportunity to take stock of accomplishments. We are prone to forget, after a quarter of a century, the problems and the obstacles that had to be overcome in soil and water conservation. We forget the gullied land, the barren acres, the overgrazed pastures that were commonplace only 25 years ago. Today North Carolina, like much of the rest of the Nation, is a green and fertile land because of Hugh Bennett, the wisdom of a forward-looking Government, and because of the devoted and dedicated work of thousands of our farmers.

We forget, too, the rehabilitation of the thousands of young men who worked in CCC camps in those early days. Many of us can remember the great depression and the hordes of distraught young men riding on freight trains across the country, looking for work and finding none. The CCC camps gave them jobs on the land that made possible a quick demonstration of conservation measures.

In demonstration projects throughout the country, farmers learned that gullies and wasted land were not the inevitable result of farming. They learned that the land could be rebuilt, pastures could be improved, crop yields and farm income could be increased, timber and pulpwood could be produced through sound conservation farming. In North Carolina we had demonstration projects at High Point, Wadesboro, Greensboro, Reidsville, Franklinton, Charlotte, Burlington, and Lexington.

Another major event in the progress of soil and water conservation was the establishment of soil conservation districts. Bennett had felt from the beginning that the farmers themselves should take over the soil conservation movement. And it was significant that the Brown Creek Soil Conservation District, the first soil conservation district in history, included Hugh Bennett's home county, Anson. The Brown Creek Soil Conservation District was set up on August 4, 1937.

Soil conservation districts were established under State laws. The first such law was passed on March 3, 1937. By the end of that year, 22 States had enacted such laws authorizing creation of soil conservation districts, with legal status. They were created by action of farmers to assure continuance and progress of soil and water conservation throughout the Nation.

By July 1, 1945, all 48 States had enacted soil conservation district laws. Puerto Rico and the Virgin Islands passed such laws in 1946, and Hawaii and Alaska in 1947.

The soil conservation movement quickly took on international aspects. Agricultural leaders from countries all over the world came to America to get the inspiration and the know-how that farmers in this country had developed. Hugh Bennett himself traveled to many foreign countries to help them get under way conservation programs that would conserve their resources of soil and water. Soil conservation services, patterned after our own, were set up in many countries.

In our own country, June 9, 1947, was observed as Billion Acre Day. On that day the

San Juan Soil Conservation District in Colorado was chartered, bringing the total farm and ranch land in soil conservation districts to 1 billion acres.

From the beginning, Bennett had insisted that the fundamental principle of sound soil and water conservation was the use of each acre within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement. There was on September 9, 1946, an occasion of special significance to the people of North Carolina. It was the celebration of Hugh Bennett Day arranged by the Brown Creek Soil Conservation District.

Thomas Wolfe, one of the greatest writers North Carolina has ever produced, was the author of a novel titled "You Can't Go Home Again." But Hugh Bennett came home to North Carolina that day to a welcome in which the whole State joined. The principal speaker on that occasion was another great North Carolinian, Jonathan Daniels, author, journalist, and former Presidential secretary. I should like to quote briefly from the speech that Jonathan Daniels made on that occasion:

"In wartime," Daniels recalled, "we were fed from acres which, when Hugh Bennett began as Chief of the Soil Conservation Service, were producing only dustestorms for dark skies. But any people who think that Hugh Bennett's science is a mere matter of water and wind, soil and plows, have only the slightest understanding of the meaning of the man. What he discovered was the carelessness and blindness of man.

"What Hugh Bennett taught us," Jonathan Daniels continued, "was that in our ignorance and blindness and almost in secrecy, the treasure of our lands and our lives can slip from beneath us—and suddenly be gone forever."

That was a great tribute to a great man and to the relentless force of a personality that awakened America to the danger of the wasteful, careless road we were following with respect to our soil and water resources. Once awakened, we have remained alert to the needs of the land.

We have made tremendous progress in soil and water conservation in the past 25 years. We think today of soil conservation as a way of life. We have learned to think in new terms about the land. We realize that our present bounty can be as fleeting as a desert mirage, unless we guard continuously our precious heritage of soil and water.

Conservation farming is efficient farming. It includes such practices as irrigation to assure production when droughts occur; drainage to prevent damage to crops during wet years. It means growing trees, pastures, and row crops on land where these crops are best adapted, where they can be grown with less damage to the land. It means the preservation of the very source of life itself. It means a good life in our time and, above all, a priceless heritage for our children and for our children's children.

Truly, this is a momentous event that we shall commemorate on April 27—the 25th anniversary of the establishment of the Soil Conservation Service. I should like to quote again from the speech by Jonathan Daniels:

"This earth and its promise are ours," he said. "And upon it we shall measure ourselves and the future. The good earth is hacked but not lost. The hope of the Garden is not gone. But suddenly—very suddenly—in surprise and chagrin, we could face a desert where we hoped to behold fulfillment of our dreams. Blindness is not restricted to agriculture. Indeed they are blind who see what Hugh Bennett has taught us only in our fields. He has been talking and teaching not about our soils but ourselves. We need to contemplate not only our fields, but our old fears."

SENATE

TUESDAY, APRIL 19, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Rev. Robert W. Duke, minister, People's Congregational Christian Church, Dover, Del., offered the following prayer:

Gracious Heavenly Father, who hast called us into families, communities, and nations, we give Thee thanks for Thine eternal laws upon which we build our societies, for the indwelling presence of Thy spirit that encourages us to build, and for the voice of conscience which guides our labors.

Help us to remember, as we work, that except we build upon Thee, our families and our world will not be sustained.

O Thou who hast called us with our talents and abilities to serve, we thank Thee for our vocations, and pray that, whether we lead or follow, whether we give or receive, our decisions may be for the sake of the common good. Give us the courage to walk the high road of self-sacrifice; and, if we stumble, or are confused by the difficulties on our chosen way, wilt Thou forgive us and accept us with our weaknesses and our strengths into Thy fellowship. In His name we pray. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 18, 1960, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE PROGRAM AND COMMITTEE SESSIONS

Mr. MANSFIELD. Mr. President, I should like to make a request of the Senate, and this request meets with the concurrence of the minority leader, the Senator from Illinois [Mr. DIRKSEN]; namely, that the committees resume their meetings; that they begin to meet early, if need be; and that they begin to report proposed legislation, so the Senate can consider the bills and other measures in ample time before the adjournment for the conventions early in the summer.

On request of Mr. DIRKSEN, and by unanimous consent, the Subcommittee on Flood Control, Rivers and Harbors, of the Committee on Public Works, was authorized to meet during the session of the Senate today.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS

A letter from the Chairman, National Advisory Council on International Monetary and Financial Problems, Washington, D.C., transmitting, pursuant to law, a report of that Council, for the period January 1–June 30, 1959 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON PROPOSED PRESIDENTIAL ARCHIVAL DEPOSITORY

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on a proposed presidential archival depository to be known as the Eisenhower Library (with accompanying papers); to the Committee on Government Operations.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

AMENDMENT OF ATOMIC ENERGY ACT OF 1954, AS AMENDED

A letter from the Acting Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended (with accompanying papers); to the Joint Committee on Atomic Energy.

CONCURRENT RESOLUTION OF LEGISLATURE OF NEW YORK

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a concurrent resolution adopted by the Legislature of the State of New York, relating to the development of the proposed New York-Montreal Seaway project.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION 143

Concurrent resolution memorializing the Congress and Department of Defense of the United States and the Government of Canada in relation to undertaking and progressing the development of the proposed New York-Montreal Seaway project

Whereas construction of a deepwater seaway between the city of New York and the city of Montreal, Canada, would be of inestimable benefit to the development of the commercial, economic, and natural resources of the State of New York; and

Whereas this seaway would revitalize the Port of New York, the Hudson Valley, and the Champlain region through increased industrialization and seaborne commerce; and

Whereas this seaway would cut the water distance between New York City and Montreal by 1,350 miles; and

Whereas its construction would reduce the cost of delivery of newsprint and other Canadian materials to residents of the State of New York and residents of adjacent States; and

Whereas it would assure an unlimited supply of fresh water from all cities adjacent to the Hudson River; and

Whereas the International Joint Commission reported that construction of a New York-Montreal seaway could be justified after completion of the St. Lawrence Seaway; and

Whereas the St. Lawrence Seaway is now an accomplished fact; and

Whereas the Committee for the New York-Montreal Seaway, composed of leading engineers and responsible persons from other fields of endeavor, has deemed construction of this seaway an essential element in the growth of the State's economic climate: Now, therefore, be it

Resolved (*if the assembly concur*), That the Congress of the United States and the U.S. Department of Defense be and hereby are respectfully memorialized to have the route of the proposed seaway surveyed by the Army Engineers; and be it further

Resolved (*if the assembly concur*), That the Government of Canada be and hereby is respectfully memorialized to continue its interest and cooperation in the development of this project; and be it further

Resolved (*if the assembly concur*), That the Joint Legislative Committee on Commerce and Economic Development and the Joint Legislative Committee on Interstate Cooperation be urged to lend assistance to governmental and private agencies interested in construction of this seaway; and be it further

Resolved (*if the assembly concur*), That copies of this resolution be transmitted to the Secretary of the U.S. Senate, the Clerk of the House of Representatives of the United States, the Secretary of Defense of the United States, the Prime Minister of Canada, the Premier of the Province of Quebec, the Governor of the State of Vermont, and all Members of the U.S. Congress elected from the States of New York and Vermont.

By order of the senate:

JOHN J. SANDLER,
Secretary.

By order of assembly:

ANSLEY B. BORKOWSKI,
Clerk.

RESOLUTIONS OF ORGANIZATIONS IN STATE OF NEW YORK

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a series of resolutions adopted by organizations in the State of New York.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY CITIZENS ACTION COMMITTEE, NASSAU-SUFFOLK COUNTIES, N.Y., AT THEIR EXECUTIVE BOARD MEETING ON APRIL 6, 1960

Whereas the question of the character and extent of foreign aid given by the U.S. Government, its planning and administration, have long been the subject of great concern to many Americans;

Whereas a subcommittee of the Foreign Affairs Committee of the House of Representatives has recently submitted its report, after having inspected foreign aid installations in 17 countries, involving over 40,000 miles of travel;

Whereas that report finds that there is evidence of careless planning and lax administration in many of the areas visited; and

Whereas the economy of American taxpayers and the prestige of our Government in the eyes of distant countries suffer seriously as a result of extravagance and maladaministration on those fields: Now, therefore, be it

Resolved, That the Citizens Action Committee of Nassau and Suffolk Counties, N.Y., at its executive board meeting of April 6, 1960—

(a) Commends the operation of the aforenamed subcommittee and the intention to scan carefully the expenditure of taxpayers' money in foreign aid; and

(b) Urges that the International Cooperation Administration plan only for such projects as will positively promote practical improvement in the living standards of the people who receive our assistance and enable them to be self-supporting as early as possible; and be it further

Resolved, That copies of this resolution be sent to the chairman of the subcommittee, to Long Island Representatives and to Senators JAVITS and KEATING.

RESOLUTION OF MONTGOMERY COUNTY MEDICAL SOCIETY OF FONDA, N.Y.

Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

Whereas amendments to the Social Security Law are the favorite instruments for those who favor governmental medicine; and

Whereas the Forand Bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

Whereas it would be most difficult if not impossible to provide the best medical care under a Government-dominated program, which the passage of the Forand bill, or any bill of a similar type would bring about: Now, therefore, be it

Resolved, That the members of the Montgomery County Medical Society marshal all their resources for the purpose of preventing the enactment of the Forand bill, or any bill of a similar type; and be it further

Resolved, That a copy of this resolution be sent to Congressman SAMUEL S. STRATTON, Senator JACOB K. JAVITS, Senator KENNETH B. KEATING and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives.

RESOLUTION ADOPTED UNANIMOUSLY BY SYRACUSE UNIVERSITY SENATE, MARCH 9, 1960

Voted that the senate of Syracuse University go on record as disapproving the disclaimer affidavit of the National Defense Education Act of 1958 (sec. 1001(f), title X), on the following grounds:

1. That it will serve no useful purpose;

2. That it discriminates against students as if they were a class prone to disloyalty, as distinct from other recipients of Federal grants, and it also discriminates against other special academic groups receiving grants under the act (e.g., certain fellowship recipients and faculty personnel);

3. That it is so vaguely worded as to be susceptible to irresponsible interpretation, involving issues of "belief" rather than of action, and involving organizations not clearly identified. This brings it dangerously close to a concept that "belief" as opposed to overt action may be punishable by law.

Voted also that the action of this senate be reported by the secretary to U.S. Senators JACOB K. JAVITS and KENNETH B. KEATING, and U.S. Representatives R. WALTER RIEHLMAN and ALEXANDER PIRNIE.

RESOLUTION OF NIAGARA FALLS BRANCH OF NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, NIAGARA FALLS, N.Y.

Whereas the United States of America is the leading country in the struggle for democracy against totalitarianism in a world of social unrest,

And whereas acts of bigotry, disunity, and flagrant injustice within its territory are amplified and exhibited as proof positive of decadence and unworkability of a democratic form of government in contributing to the edification of the dignity of man,

And whereas the lunch counter incidents as occurring in the southern area of the United States of America are unquestionably acts which clearly demonstrate man's inhumanity to man, intolerance, and a denial, to some, of the rights and privileges guaranteed to all under the Constitution of the United States: Now, therefore, be it

Resolved, That persons and organizations who engage or participate in denying service to a segment of the population solely on the premise of race creed or national origin, are guilty of grave disservice to the cause of American leadership and world democracy; and be it further

Resolved, That any law or ordinance, which permits, or ordains such denials, are in direct opposition to the spirit and principles of the Constitution of the United States of America and should and ought to be declared herewith and henceforth illegal; and be it further

Resolved, That copies of this resolution be sent to the President of the United States; the two New York State Senators; the 42d District Representative in Congress; the Governor of the State of New York; the National Office of the National Association for the Advancement of Colored People, and to the Speaker of the House of the U.S. Congress, and the majority leader of the U.S. Senate.

Adopted this 27th day of March 1960, in the city of Niagara Falls, Niagara County, State of New York by representatives of the community in assembly for support of southern students arrested in lunch counter incidents troughout the Southland.

H. GERALD WHITAKER,
President, National Association for the Advancement of Colored People.

VERRAZANO DAY—PROCLAMATION

Mr. KEATING. Mr. President, the name of the great explorer, Giovanni da Verrazano, has been overshadowed in our history by famous names more closely identified with the discovery of the New World. Verrazano was, in fact, an outstanding pioneer in the exploration of the continent on which we live. Indeed, almost a century before the coming of the Pilgrims, Verrazano touched our shores and made preliminary explorations.

The State of New York is particularly cognizant of the role of this courageous prober into the unknown, for he and his French companions were the first white men to enter New York Harbor. In recognition of this great historical contribution of Verrazano, Nelson A. Rockefeller, Governor of the State of New York, proclaimed April 17 as Verrazano Day.

Mr. President, in view of the national significance of this proclamation, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION BY GOV. NELSON A. ROCKEFELLER, OF NEW YORK

Giovanni da Verrazano, for whom the great bridge across the mouth of New York Harbor will be named, was unquestionably the first man to sail from Europe to the

shores of North America, with the express intention of exploring them. This fact is recognized by the foremost historiographers and historical societies of the world. It is officially affirmed by the New York State historian.

This illustrious Florentine was not merely an expert pilot and navigator. He was learned in cosmography and an exceedingly well-informed, well-read man.

He was also a true pioneer. Sixty years before the men sent by Raleigh, 85 years before Hudson, 96 years before the Pilgrims of the Mayflower, he came to these shores, explored them carefully and wrote a report which is one of the most accurate of those made at the time. Verrazano and his French companions were the first white men to enter New York Harbor. They were the discoverers of the greater part of the Atlantic seaboard of the United States.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim April 17, 1960, as Verrazano Day in New York State.

Given under my hand and the privy seal of the State at the capitol in the city of Albany this 15th day of March in the year of our Lord one thousand nine hundred and sixty.

[SEAL]

By the Governor:

(Signed) NELSON A. ROCKEFELLER,

(Signed) WILLIAM J. RONAN,

Secretary to the Governor.

RESOLUTION ON IMPORTATION OF GLOVES ADOPTED BY REPUBLICAN CHAIRMEN OF FOURTH JUDICIAL DISTRICT, NEW YORK

Mr. KEATING. Mr. President, I want to invite attention to a forthright and informative resolution adopted by the Republican Chairmen of the 4th Judicial District of my State. The resolution protests the recent Tariff Commission finding of "no injury" in the case of leather dress gloves, and outlines the serious economic and employment difficulties which have been faced by the people of Fulton County, N.Y.—the center of what remains of the American glove industry.

I have on a number of occasions spoken on the floor of the Senate urging that some measure of real relief be granted to American industries, such as the glove industry, which have been seriously injured as a consequence of increased foreign competition over the past several years.

I have introduced a bill, S. 2882, which is cosponsored by a number of my colleagues in the Senate, which I believe would accomplish this purpose, and would, within the structure of our existing trade agreements legislation, tend to prevent a few American industries from bearing the full burden of increased competition from abroad.

Mr. President, the people of Gloversville have suffered enough. This fact is clearly documented by the resolution of the Republican Chairmen of the 4th Judicial District. The time has come for thoughtful and sensible attention to this situation, and for action. I sincerely hope that the Congress will in the very near future evaluate all of the several pending proposals in this field (including my bill, S. 2882) and that we will then get down to the business of enacting legislation which will permit the United States to strike a better and more realistic balance between our domestic and international economic policies.

Mr. President, I ask unanimous consent that the resolution which I referred to be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas an application recently submitted to the U.S. Tariff Commission by the National Association of Leather Glove Manufacturers, Inc., requesting that a quota be set on the import of women's fine leather dress gloves; and

Whereas said application was denied on the ground that such imports weren't in such a quantity as to cause injury to the domestic glove industry; and

Whereas 95 percent of such gloves are manufactured in Fulton County, and glove manufacturing accounts for 70 percent of the manufacturing employment in Fulton County; and

Whereas over 90 percent of raw materials used by Fulton County glove manufacturers tanned by Fulton County tanners are obtained from foreign sources and over the years have contributed greatly to international trade; and

Whereas the ratio of imports to domestic production of table cut and pattern cut gloves has increased from 1950 to 1959 from 29 percent to 150 percent, and domestic production of such gloves has dropped from 1950 to 1959 from 259,000 to 137,000 dozen; and

Whereas unemployment in Fulton County in January 1960 was 3,712 (2,646 of which were gloveworkers); and

Whereas the depressed economy of Fulton County could be revitalized by affording the glove industry some measure of protection from unlimited imports; and

Whereas the domestic glove industry has no market other than the domestic market; and

Whereas the unit value of domestic gloves in 1950 which was $25.04 has decreased to $24.87 in the face of a decade of rising prices in other industries; and

Whereas the 225,000 dozen of women's fine leather dress gloves imported into the United States has affected the production of leather dyes—chemicals, finishes, and many other materials—and has otherwise affected local industry so as to provide $6 million less in wages for the county of Fulton; and

Whereas the domestic glove industry is needed in the United States as the 180 million pairs of gloves supplied to the U.S. Armed Forces during World War II emphatically showed; and

Whereas there is a definite lack of job opportunities for young folks in Fulton County; and

Whereas the lack of employment due to the closing of glove factories (from 1946 to 1960 from 184 to 56) has had a disastrous effect on the morale of the people of Fulton County; and

Whereas the entire glove industry, let alone the manufacture of women's fine leather dress gloves is so relatively small that a quota on imports cannot too seriously affect world trade; and

Whereas Fulton County has been and still is considered by the U.S. Bureau of Unemployment in group "F," that is job seekers substantially in excess of job opportunities (rate of employment 12 per cent); and

Whereas self-help activity in the county of Fulton although vigorous and in part effective the stealing of industries from other distressed areas is and has been no solution; and

Whereas the city of Gloversville contains approximately half of the population of Fulton County; and

Whereas the construction of one family houses in the city of Gloversville dropped from 60 in 1950 to 6 in 1959 (a period when construction throughout the rest of the Nation was increasing); and

Whereas number of units in the city of Gloversville lost by demolition has increased from 2 in 1950 to 21 in 1959 (and are not being replaced); and

Whereas retail sales in the city of Gloversville dropped from $34,078,000 in 1957 to $32,168,000 in 1958 and dropped another 7 percent in 1959 (a year when the rest of the Nation increased by 8 percent): Now, therefore, be it

Resolved, That the county chairmen of the 4th judicial district in meeting assembled protest the recent decision of the U.S. Tariff Commission that there is no injury to the glove industry in Fulton County and that relief is not necessary by way of the quotas requested; and let it be further

Resolved, That a copy of this resolution be sent to the U.S. Tariff Commission, Senators Jacob Javits and Kenneth Keating, Governor Nelson Rockefeller, and to any and all others who can or may be able to help remedy the matter, and let it be further

Resolved, That the aforesaid Senators and Governor be requested to initiate and sponsor the necessary legislation or take any and all other steps that may be necessary (to protect the people of the county of Fulton, and the glove industry of Fulton County.)

James E. Cushing, chairman; Howard C. Marsha, Clinton County; Harry M. MacDougal, Essex County; Hayward Plumadore, Franklin County, William H. St. Thomas, Fulton County; Earl C. Farber, Hamilton County; Donald A. Campbell, Montgomery County; Cecil S. McConnell, St. Lawrence County; John W. Nichols, Saratoga County; James P. Kalteux, Schenectady County; Earl R. Vetter, Warren County; Herman Benjamin, Washington County.

APRIL 13, 1960.

RESOLUTION OF CITY COUNCIL OF VIRGINIA, MINN.

Mr. HUMPHREY. Mr. President, a growing number of local communities are going on record in support of a Federal program of medical care for the aged of our Nation. The City Council of the City of Virginia, Minn., on April 5 adopted a resolution call for such a program.

Mr. President, I ask unanimous consent that the Virginia, Minn., City Council resolution be printed in the RECORD, and appropriately referred.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

RESOLUTION 6934

Resolution of the City Council of the City of Virginia urging enactment of hospital and medical assistance to the aged

Whereas the great majority of those over the age of 65 years are in no position to pay the cost of proper medical services and hospitalization; and

Whereas it is essential and necessary that proper medical and hospital services be provided for the aged who can least afford it: Now, therefore, be it

Resolved, That the City Council of the City of Virginia deplores the inability of the aged to procure such services at a reasonable cost without aid from the Federal Government; and be it further

Resolved by the City Council of Virginia, That Congressman BLATNIK and Senators HUMPHREY and MCCARTHY be urged to sup-

port and father legislation by the Congress of the United States which will aid the aged in procuring proper medical and hospital services at a reasonable cost; and be it further

Resolved, That copies of this resolution be transmitted to Representative BLATNIK and Senators HUMPHREY and MCCARTHY.

RESOLUTIONS OF GROUP HEALTH MUTUAL, INC., ST. PAUL, MINN.

Mr. HUMPHREY. Mr. President, I have received resolutions in support of the Forand bill and a ban on further nuclear testing because of its dangers to health which were adopted by the membership of Group Health Mutual, Inc., of St. Paul, Minn., at their annual meeting.

Mr. President, I ask unanimous consent that these resolutions be printed in the RECORD, and appropriately referred.

There being no objection the resolutions were received, appropriately referred, and ordered to be printed in the RECORD, as follows:

To the Committee on Finance:

"RESOLUTION ON THE FORAND BILL

"Whereas hospital and medical care for citizens over 65 years of age is not now and cannot be adequately provided by private enterprise: Therefore be it

"*Resolved*, That Group Health hereby expresses support of the Forand bill or similar national legislation that will provide adequate hospital and medical care for this age group; and be it further

"*Resolved*, That a copy of this resolution be sent to all Congressmen and Senators in Group Health's six-State operating area and to the President of the United States; and be it further

"*Resolved*, That all delegates to this annual meeting be urged to write to their Congressmen and Senators urging support of the Forand bill."

To the Joint Committee on Atomic Energy:

"RESOLUTION ON BAN ON NUCLEAR TESTING

"Whereas scientists generally agree that nuclear bomb testing endangers the health of this generation as well as future generations because of genetic ill effects on children yet to be born; Therefore be it

"*Resolved*, That Group Health expresses itself as being opposed to further nuclear bomb testing because we consider it a serious health hazard; and be it further

"*Resolved*, That a copy of this resolution be sent to all Congressmen and Senators in Group Health's six-State operating area and to the President of the United States."

RESOLUTION OF ITASCA, MINN., COUNTY DEMOCRATIC FARMER-LABOR CONVENTION

Mr. HUMPHREY. Mr. President, among the many letters and messages I have received in support of medical care for the aged, such as the Forand bill and my own proposal, S. 1151, is a telegram from delegates to the Itasca, Minn., County Democratic Farmer Labor Convention who voted their support of these measures.

Mr. President, I ask unanimous consent that this wire be printed in the RECORD, and appropriately referred.

There being no objection, the telegram was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

HIBBING, MINN., *April 7, 1960.*

Hon. HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.:

All delegates at the Itasca County Democratic Farmer Labor Convention voted to request you to do all in your capacity as Senator to promote H.R. 4700 extending social security to provide health and medical care for our older citizens.

VLADIMIR SPEPKA,
NICK KRMPOTICH,
Chairman.

RESOLUTION OF FARMERS' UNION CENTRAL LOCAL, ROSEAU, MINN.

Mr. HUMPHREY. Mr. President, the Farmers' Union Central Local of Roseau, Minn., including 157 farm families in this area of my State, has adopted a resolution opposing measures to raise interest rates and encourage the administration in its unfortunate tight-money policy.

Mr. President, I ask unanimous consent that this resolution be printed in the RECORD, and appropriately referred.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Whereas the Congress is about to take up a bill which would compromise the traditional interest rate ceiling and thus remove one of the last effective bulwarks protecting us and all consumers from the ever-spiraling interest costs that are being imposed everywhere under the tight-money policy; and

Whereas the bill, if enacted, will give the President the authority to establish interest rates at any level he chooses, a fiscal power the Congress has never before seen fit to hand over to any President at any time; and

Whereas this bill, if enacted, will touch off a chain reaction that can result only in crippling damage to such programs as rural electrification resource development, housing, farm credit, education, small business, slum clearance—not to mention the extra costs it would inflict on national defense and government operations at all levels; and

Whereas the President has recommended that the Congress increase the REA rate to the level of interest on long term issues, plus an additional amount: Now, therefore, be it

Resolved, That we who are assembled in this local of 157 farm families in the Roseau area, appeal to our Senators and Congressman to defeat this legislation and begin forthwith a drive to get our national monetary policies back on a sound and sane basis.

MRS. GEORGE GOOS,
Secretary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENGLE, from the Committee on Interstate and Foreign Commerce, with amendments:

S. 1857. A bill to promote the foreign trade of the United States in grapes and plums, to protect the reputation of American-grown grapes and plums in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes (Rept. No. 1274); and

S. 2616. A bill to authorize the exchange of certain war-built vessels for more modern and efficient war-built vessels owned by the United States (Rept. No. 1275).

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, without amendment:

S. 3106. A bill to change the title of the Assistant Director of the Coast and Geodetic Survey (Rept. No. 1278); and

H.R. 9084. An act to repeal certain retirement promotion authority of the Coast and Geodetic Survey (Rept. No. 1280).

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, with amendments:

S. 3189. A bill to further amend the shipping laws to prohibit operation in the coastwise trade of a rebuilt vessel unless the entire rebuilding is effected within the United States, and for other purposes (Rept. No. 1279).

By Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, with amendments:

H.R. 4049. An act to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation for certain additional persons (Rept. No. 1281).

By Mr. KERR, from the Committee on Finance, with amendments:

H.R. 6482. An act relating to the credits against the unemployment tax in the case of merged corporations (Rept. No. 1276).

AUTHORIZATION FOR APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION—SEPARATE VIEWS—REPORT OF A COMMITTEE

Mr. GORE. Mr. President, on behalf of the Senator from New Mexico [Mr. ANDERSON], from the Joint Committee on Atomic Energy, I report an original bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, and I submit a report (No. 1277) thereon. I ask unanimous consent that the report may be printed, together with separate views.

The VICE PRESIDENT. The report will be received and printed, as requested by the Senator from Tennessee, and the bill will be placed on the calendar.

The bill (S. 3387) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, was read twice by its title, and placed on the calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

S. 3380. A bill to provide further for permissible writing and printing on third- and fourth-class matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CHAVEZ:

S. 3381. A bill to amend the National Cultural Center Act, as amended, to enlarge the site within which the National Cultural Center may be built; to the Committee on Public Works.

By Mr. BEALL (for himself and Mr. JAVITS):

S. 3382. A bill for the relief of the estates of certain former members of the U.S. Navy Band; to the Committee on the Judiciary.

(See the remarks of Mr. BEALL when he introduced the above bill, which appear under a separate heading.)

By Mr. ENGLE:

S. 3383. A bill to amend section 4 of the Watershed Protection and Flood Prevention Act; to the Committee on Agriculture and Forestry.

By Mr. CASE of New Jersey:

S. 3384. A bill for the relief of citizens of the State of Illinois and of the State of New Jersey, organizers and owners of First, Second, and Third National Steamship Cos.; to the Committee on the Judiciary.

By Mr. LONG of Hawaii (for himself, Mr. FONG, Mr. JOHNSON of Texas, Mr. DIRKSEN, Mr. MANSFIELD, and Mr. WILEY):

S. 3385. A bill to promote the foreign relations of the United States by providing for the establishment of a center for cultural and technical interchange between East and West in Hawaii; to the Committee on Foreign Relations.

(See the remarks of Mr. LONG of Hawaii when he introduced the above bill, which appear under a separate heading.)

By Mr. JOHNSTON of South Carolina:

S. 3386. A bill to provide for the acquisition or construction of a building to be used as a residence for pages of the Senate and of the House of Representatives, for a Capitol Pages' Residence Board, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. JOHNSTON of South Carolina when he introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON:

S. 3387. A bill to authorize appropriations for the Atomic Energy Commission in accordance with Section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; placed on the calendar.

(See reference to the above bill when reported by Mr. ANDERSON, which appears under the heading "Reports of Committees.")

By Mr. MAGNUSON (by request):

S. 3388. A bill to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama, and for other purposes; and

S. 3389. A bill to amend the Interstate Commerce Act in order to provide civil liability for violations of such act by common carriers by motor vehicle and freight forwarders; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bills, which appear under separate headings.)

By Mr. HUMPHREY:

S. 3390. A bill to incorporate the Indoor Sports' Club, Inc.; to the Committee on the Judiciary.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

ESTATES OF CERTAIN FORMER MEMBERS OF NAVY BAND

Mr. BEALL. Mr. President, on behalf of myself, and the Senator from New York [Mr. JAVITS], I introduce, for appropriate reference, a bill for the relief of the estates of certain former members of the U.S. Navy Band.

The purpose of this proposed legislation is to provide a gratuity in the sum of $50,000 to the families of those 19 Navy Band members who lost their lives in an airplane crash while on tour in South America.

I have prepared an explanation of the bill, which I ask unanimous consent may be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the explanation will be printed in the RECORD.

The bill (S. 3382) for the relief of the estates of certain former members of the U.S. Navy Band, introduced by Mr. BEALL (for himself and Mr. JAVITS), was received, read twice by its title, and referred to the Committee on the Judiciary.

The statement in explanation of the bill presented by Mr. BEALL is as follows:

EXPLANATORY STATEMENT BY SENATOR BEALL

My bill provides a payment of $50,000 to each of the bereaved families, and this figure is based partly on the fact that most of the bandsmen had purchased insurance in that amount for a part of the flight, but unfortunately such insurance did not cover the specially arranged side trip during which the bandsmen were killed. Full justification for this gratuity is found in the fact that the men were not afforded the opportunity to purchase insurance for the ill-fated flight.

Although the purchase of flight insurance is a personal matter, the Government has a certain paternal responsibility especially when the individuals were not given the opportunity to buy insurance for the quickly arranged side trip.

The Navy Band, totaling 92 members, including an 18-man choral group (the Sea Chanters), departed on a good will tour of South American capitals as an important part of the U.S. people-to-people program. The Navy Band was bringing its great music to the people of South America and was winning not only acclaim but further friendship and understanding for the United States in that vitally important area of the world.

After flying by Navy plane to Trinidad, the Navy musicians boarded the cruiser U.S.S. *Macon* which was to provide transportation and logistic support for the major portion of the tour. They arrived in Rio de Janeiro on February 16 for their first concert, and received a tremendous ovation from 6,000 Brazilians, indicative of the receptions they would be receiving throughout the tour.

Their next port of call was Buenos Aires. The February 22 concert at La Plata, 190 miles down the coast, jammed the theater with a capacity crowd of cheering Argentines while the program was broadcast throughout the country. The next 2 days in Buenos Aires were a continuation of the success they had enjoyed thus far on the tour.

The band's tour was not scheduled by or at the request of the White House. However, its schedule ran parallel to a part of the schedule of President Eisenhower's South American tour. The band was made available to American Ambassadors arranging the receptions for the President, and was used to play at occasions where the President was present. Some side trips for parts of the band were quickly arranged, and it was on one of these that the tragic accident occurred.

Band members could not be given much advance information about the plans, and for this reason they were not afforded opportunity to buy special flight insurance.

Although the Navy—or the U.S. Government—is not technically responsible for insurance for these men's families, under the circumstances I think we owe these families this gratuity. It is, of course, a poor substitute to these families for their loved ones who were killed, but it will help them in the necessary rearranging of their lives.

The figure set here does not, of course, place a monetary value of a life lost in service. Neither should it be considered as setting a precedent. This is an unusual circumstance—calling for an unusual action.

The value of the South American tour in advancing good will must not be overlooked. On February 27, two days after the tragic accident, the remaining members of the band appeared before a Buenos Aires crowd of 13,000. Upon completion of the program the audience, which included a large number of governmental leaders, gave the band a ten-minute standing ovation. It was a tribute, not only to the playing musicians, but to their comrades who had perished in the crash.

The next night they played before a crowd of 42,000 in a stadium in Santiago, Chile, receiving another tremendous ovation. The remainder of the tour was equally successful.

The ambassadors in every country they visited stated the U.S. Navy Band contributed inestimable support to promoting better ties with South America and endeared itself to the citizens of the visiting countries.

The news of the terrible disaster that took the lives of the 19 men shocked and saddened the entire naval service. However, the Navy takes comfort that the men died in the service of our great country, and while on a mission of great importance to the country.

The following message was sent to the band from the Chief of Naval Operations:

"For U.S. Navy Band. The numerous glowing reports received by CNO indicate your recent South American Tour was an outstanding success. The fact that you were able to carry on so magnificently in spite of the tragic loss suffered in Rio is indeed a tribute to your group and typical of the performance we have come to expect from our wonderful band.

"Our South American neighbors have been exceptionally enthusiastic in their praise of your group. You have added another brilliant page to the accomplishments of the U.S. Navy Band. Such performance brings credit to our Navy and enhances the prestige of our country abroad. Well done.

"ARLEIGH BURKE."

I am introducing this bill because I feel that the men who died on this mission deserve special consideration. Lacking prior knowledge of the ill-fated flight, these men had no reason to think that insurance would be needed. The gratuity provided here is in lieu of the insurance which presumably they would have purchased, had they had advance information about the flight plans.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST, HAWAII

Mr. LONG of Hawaii. Mr. President, for myself and on behalf of my distinguished colleagues, the senior Senator from Hawaii [Mr. FONG], the distinguished Majority Leader [Mr. JOHNSON], the distinguished Minority Leader [Mr. DIRKSEN], the distinguished Majority Whip [Mr. MANSFIELD], and the distinguished ranking minority member of the Foreign Relations Committee [Mr. WILEY], I introduce, for appropriate reference, a bill to promote the foreign relations of the United States by providing for the establishment of a Center for Cultural and Technical Interchange between East and West, Hawaii.

This bill would implement the recommendations of the Department of State to the Congress. In its report, which was undertaken pursuant to chapter 6 of the Mutual Security Act of 1959, the State Department stated:

The center as proposed could make a valuable contribution to the program of the

United States for the promotion of international, cultural and related activities * * * of better relations and understanding among the United States and the nations of Asia and the Pacific.

The bill would place with the Secretary of State responsibility for creation of the Center. This is appropriate, since the basic purpose of the Center is to promote the foreign relations of our country by promoting mutual understanding of our problems and aspirations and those of other nations across the Pacific Ocean.

However, the Secretary of State would have ample authority, under this bill, to enlist the cooperation of other Federal agencies, such as the Department of Health, Education, and Welfare, which routinely deals with educational programs and facilities.

The ultimate purpose of this act would be the establishment and operation in Hawaii of a center under the operation of the University of Hawaii, which has been making detailed studies of how the center could be best established and operated. There would be two major divisions within the center. One would be an International College which would provide facilities for students from abroad to study, together with American students, the history, institutions, and problems of their respective nations. An international training facility would offer technical instruction in a wide variety of work skills, through on-the-job and in-service training for participants from overseas. The training facilities would use Hawaii's government agencies, private businesses, and institutions to provide technical training.

Mr. President, there is urgent need for the establishment of this Center. Throughout our Nation, we now have thousands of students from abroad; but there is no facility especially designed for the interchange of ideas between the Occident and the Orient. No existing institution provides the physical facilities, specialized faculty, opportunities for practical training, and professional environment needed to accommodate, in quick order, a sizable number of persons from the nations of the Pacific and Asia. We want to bring in the potential leaders of Asia and offer them excellent training at a Center designed for this special purpose.

There are good reasons for establishing the East-West center in Hawaii, rather than in some other part of the United States. One obvious reason is geography. Hawaii is the extended hand of friendship of the United States across the Pacific, and it is readily grasped from the western shores of that broad ocean. Furthermore, Hawaii's unique amalgam of peoples, many of whom trace their ancestry to the nations of Asia, helps provide an ideal cultural setting for the center. Hawaii, while thoroughly American, has a quality that puts visitors from overseas quickly at their ease. This quality has been remarked on by many a visitor to international meetings in the Hawaiian Islands.

In the University of Hawaii there exists a going educational concern which possesses an excellent faculty of varied ethnic background. Many members of this faculty are fluent in the languages of Asia. Many of them have studied and worked in Asia. The University of Hawaii is already accustomed to serving students from the nations of Asia, and possesses one of the finest collections of oriental literature in the United States.

Mr. President, we of Hawaii want this center to be established in our new State. This desire is born of an urge to be of service to the Nation which granted us statehood and the full rights of being Americans. We of Hawaii feel that we have a contribution to make in bridging the gap of mutual ignorance between the two sides of the Pacific Ocean. We want to be used in creating a better understanding between our country and the nations of the Far East. We believe that in this way we can make our best contribution to the United States and to the cause of international understanding and peace.

The State of Hawaii is, within the limits of its financial capacity, supporting this institution. The State legislature has appropriated funds for planning the center and for an interim office during its construction. In addition, the University of Hawaii is making available the acres of land necessary for construction of the center, which would house up to 2,000 students and trainees. It will also make available its classrooms, its laboratories, libraries, and other facilities for the students, on the same basis as it does for its own students.

However, the State of Hawaii does not have the financial resources to establish this international center without assistance from the Federal Government. Nor should it be asked to. The East-West center is conceived as an instrument of national policy, whereby we can gain the sympathetic understanding of the future leaders of the nations of the East. This national objective is sufficiently broad as to require Federal support.

I urge with all the force I can exert that this session of Congress enact legislation necessary to establish the East-West center. We cannot set our own leisurely pace. Here, as in other fields, the Russians are working ahead with great speed. As I called to the attention of the Senate on February 25, the Soviet Government has announced that it has established a "University of Friendship of Peoples" in Moscow. Comrade Khrushchev said that this would be done when he was on tour in Indonesia. A few days later, it was announced in Isvestia that the new university would accept 4,000 to 5,000 students from the countries of Africa, Asia and South America.

Our plan for the East-West center in Hawaii should be more attractive to nations overseas and more productive of international good will. Under the Soviet program, students from abroad would study apart from Russian students. They would get the word from the Russians, but the Russians would not learn from them. The program we are proposing for America, Mr. President, provides for a bridge of understanding, with traffic moving in both directions, from east to west, and west to east. Only by such two-way traffic can there be established the mutual understanding and respect which is the necessary foundation for a lasting peace.

The importance of this becomes evident when we consider that billions of dollars are being spent each year for weapons whose destructive power is beyond human comprehension. These staggering sums of money are being paid, year after year, by the American taxpayer in an effort to preserve world peace. Here, with the proposed East-West center, we have a chance, as the majority leader has described it, "for an adventure down a new road," a road which may lead eventually to the real and lasting peace we are striving for. Mutual understanding, the keystone for peace, is born, not in the arsenals of hydrogen bombs, but in the minds of man. This experiment, this thrilling "adventure," at a fraction of what we are spending to develop a single intercontinental bomber or missile, is an investment which, for the sake of future generations, we cannot afford not to make.

But we must move ahead, with full speed, Mr. President. No matter how sound our proposal, no matter how willing the people of Hawaii are to serve as hosts to our friends from abroad, nothing can be accomplished of sufficient scope to have a real impact upon our international relations in the Pacific area until this Congress acts to make available the Federal support which is essential to the program. I ask the support of each Member of the Senate for this program.

Last session, the majority leader was joined by the chairman of the Committee on Foreign Relations and by the senior Senator from Wisconsin, ranking minority member on that committee, in proposing this imaginative approach to strengthening our bonds with the nations of Asia. This bill has similar bipartisan support, and we wish to give every Senator who so desires an opportunity to join as cosponsors. Therefore, Mr. President, I ask that the bill lie on the table for 3 days to be available for additional cosponsors.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will lie on the table as requested by the Senator from Hawaii.

The bill (S. 3385) to promote the foreign relations of the United States by providing for the establishment of a Center for Cultural and Technical Interchange Between East and West in Hawaii, introduced by Mr. LONG of Hawaii (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Foreign Relations.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Hawaii may have an additional 1 minute for the purpose of yielding to me.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I want to commend the distinguished Senator from Hawaii [Mr. LONG] and his colleague [Mr. FONG] for introducing this proposed

legislation for an East-West Cultural Center. I am delighted that he has been joined in this bill by the leadership, in the presence of the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], the distinguished majority leader, the Senator from Texas [Mr. JOHNSON], and the ranking Republican member of the Foreign Relations Committee, the Senator from Wisconsin [Mr. WILEY].

I want to commend the Senator from Hawaii for the nonpartisan, unbiased statement he has made of the need for this particular center in Hawaii. Certainly, it will be a step forward, not only insofar as creating a center in the middle of the Pacific is concerned, but in bringing the people of the Pacific closer and closer together.

So I want to say to the Senator from Hawaii that, so far as the leadership is concerned, we will do our very best to see that action is taken this year, to the end that this worthy project can get under way at the earliest possible moment.

Mr. LONG of Hawaii. I thank the distinguished Senator from Montana for his words of commendation and support.

Mr. FONG. Mr. President, it is an honor for me to join my distinguished colleague, the junior Senator from Hawaii [Mr. LONG], the distinguished majority leader, the Senator from Texas [Mr. JOHNSON], the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], the distinguished senior Senator from Wisconsin [Mr. WILEY], and the distinguished majority whip, the Senator from Montana [Mr. MANSFIELD], in sponsoring the bill which was just introduced to establish an international center in Hawaii for cultural and technical interchange between the East and the West. Many Senators are already familiar with it. It was the subject of bills introduced last year, both in the Senate and in the House. As a result of these proposals, the Secretary of State was directed, under the provisions of chapter 6 of the Mutual Security Act of 1959, to prepare and submit to the Congress a plan and program for the creation of such a center. This report was submitted to the Congress early this year. The report concluded that such a center could constitute a valuable long-term contribution to the promotion of better relations and understanding among the United States and the nations of Asia and the Pacific.

The legislation introduced today implements the report of the Secretary of State and authorizes an appropriation for establishment and operation of the center.

It is important to recognize that an international culture center in Hawaii is neither a vague dream nor a new idea. The proposal is the culmination of a long history of ethnic integration, cultural interchange, and dynamic growth, all of which mark Hawaii's emergence into the modern world. Thus Hawaii is, in a sense, already an international center for cultural and technical interchange, which makes her unique in the world and which at the same time charges her with deep responsibility to the world. Our great President recently stated while on his visit to India:

> Hawaii cries insistently to a divided world that all our differences of race and origin are less than the grand and indestructible unity of our common brotherhood. The world should take time to listen with attentive ear to Hawaii.

The University of Hawaii, to which the East-West center is to be a part, is already geared to the role of international interchange and has long served in that capacity. Its faculty represents East and West, as does its 7,500 students. Its curricula over many years reflect serious attention to Asian-American relationships. Its imaginative sponsorship of the highly successful East-West philosophers' conferences for the past 30 years has demonstrated its earnest concern with the bringing together the underlying basic ideas of East and West cultures.

The university has also held an international conference on race relations in world perspective; for 3 successive years conducted summer schools in Guam and the trust territory; repeatedly had its faculty and staff called upon to act as technical consultants in Asian countries; and at the present time is setting up, through a university team, technical and vocational training schools in 16 communities of Thailand. For the past 6 years the university has conducted an orientation center on behalf of the State Department, serving Asian scholars bound for graduate study on the mainland. Last year the university initiated an Asian institute for school teachers and military personnel, an undergraduate Asian studies program, and a graduate overseas operations program.

It has just completed a very successful orientation program for a large group of students from Asia and Africa. We have brought students and teachers and ideas together in a climate where no man or woman is a stranger, for Hawaii knows no strangers. We have laid the physical, intellectual, and philosophical foundations for the future.

In addition, the Legislature of the State of Hawaii has authorized an appropriation of $534,000 for the beginnings of such a center.

I do not intend here to outline the plan for the international center, except to say that it has been worked out in meticulous and scholarly detail, and with a realistic approach oriented to the needs of our Nation and those of our Asian neighbors.

Recently I returned from a 45-day tour of 14 countries of Asia and southeast Asia, and I have come back fully convinced of the need for better understanding between the people of America and the people of Asia and that whatever gap exists between us should be bridged.

Hawaii's statehood has brought the United States 3,000 miles closer to these people of Asia. The people of Asia know it and they feel it. From my trip—as I know others have found who made similar trips—I learned that there are many people ready to bridge the gap that exists between East and West.

Let us help build that bridge with this legislation.

Mr. WILEY. Mr. President, I commend the distinguished Senator from Hawaii. It was my privilege to be associated with him and the other distinguished Senator from that great State in relation to what we think is a most important project. We feel if we can go through with this project, it will mean bringing to the islands an indication that we of the United States really recognize Hawaii as one of us. We want the institution to be placed there. We want it because it will provide what we think is a light for the door to the Orient.

Mr. FONG. Mr. President, I thank the Senator from Wisconsin for cosponsoring the bill with us. I know his work on the Committee on Foreign Relations will be of great help in obtaining passage of the bill.

Mr. LONG of Hawaii. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. LONG of Hawaii. Mr. President, I thank my good friend and distinguished colleague, the senior Senator from Hawaii, for the very able and inspiring interpretation he has given us in relation to the proposed East-West Cultural and Technical Center. I do not know of anyone in the United States who has a better background for appreciating the importance of it and for a clear-cut understanding of its meaning. I thank the Senator very much for the assistance he has given, and for the opportunity he is affording the rest of us to work with him.

Mr. FONG. I thank the Senator from Hawaii for his very kind remarks. The Senator from Hawaii [Mr. LONG] has worked hard and long on the bill. He was the superintendent of public instruction of the Territory of Hawaii, now the State of Hawaii, for many years. He has also been a regent of the University of Hawaii. He has a great understanding of the problems of Hawaii and of the problems of the Far East, which will help us make Hawaii a true center for East and West culture.

I thank the Senator very much.

RESIDENCE FOR CAPITOL PAGES

Mr. JOHNSTON of South Carolina. Mr. President, I introduce, for appropriate reference, a bill to provide for the acquisition or construction of a building to be used as a residence for the pages of the Senate and of the House of Representatives, for a Capitol Pages' Residence Board, and for the appointment of a headmaster to be responsible for the operation and maintenance of this place of residence.

Since I have been a Member of the Senate many incidents have come to my attention which makes it very necessary to have such a home for these young men.

Members of Congress have appointed these young men to leave their homes and travel to the city where they will work and attend school. We should feel a certain responsibility toward them and their

families back home. I feel very keenly that it is our duty and moral obligation to establish such a Residence Board which would place these pages under adult supervision. This bill provides for the acquisition of property on which to locate the place of residence. I am sure that the cost will be very nominal compared to the benefit derived.

I sincerely hope that Congress will see fit to take some action this year on this legislation.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3386) to provide for the acquisition or construction of a building to be used as a residence for pages of the Senate and of the House of Representatives, for a Capitol Pages' Residence Board, and for other purposes, introduced by Mr. JOHNSTON of South Carolina, was received, read twice by its title, and referred to the Committee on Public Works.

REIMBURSEMENT OF PANAMA CANAL COMPANY FOR ANNUITY PAID TO REPUBLIC OF PANAMA

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama, and for other purposes. I ask unanimous consent that a letter from the Governor of the Canal Zone, President of the Panama Canal Company, requesting the proposed legislation, may be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3388) to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. MAGNUSON is as follows:

APRIL 11, 1960.

The PRESIDENT OF THE SENATE,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for consideration of the Congress is a draft of proposed bill "To provide for the reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama, and for other purposes." The proposed legislation would increase the fiscal obligations of the Panama Canal Company in three respects, as hereinafter discussed, section by section.

SECTION 1. RE ANNUITY PAYMENTS

Paragraph (e) of section 246 of title 2 of the Canal Zone Code, as added by section 7 of the act of September 26, 1950 (64 Stat. 1041), now obligates the Panama Canal Company to reimburse the Treasury for the annuity payments to Panama under article XIV of the Canal Convention of November 18, 1903, as modified by article VII of the treaty of March 2, 1936; or, in other words, obligates the Company to reimburse the sum of $430,000. However, by article 1 of the treaty signed January 25, 1955, the annuity payable to Panama was increased (by $1,500,000) to $1,930,000. Section 1 of the proposed legislation would obligate the Panama Canal Company, beginning with the first annuity payable after its enactment, to reimburse the entire annuity.

The bill to implement the 1955 treaty and accompanying memorandum (H.R. 6709, 85th Cong., later enacted with amendments as act August 30, 1957, Public Law 85–223, 71 Stat. 509) would have required the Panama Canal Company to reimburse the Treasury for the entire annuity. However, the provision was taken out of the bill in conference between the Senate and House on the ground that "this matter of internal accounting as between the Treasury and the Panama Canal Company should more properly be the subject of a separate bill" (H. Rept. 1196). A new separate bill (S. 2846) containing the annuity provision omitted from H.R. 6709, was introduced in the Senate and referred to the Committee on Interstate and Foreign Commerce, but was not acted upon.

The section is presented again on the premise that the increased annuity amount is of the same nature as the basic annuity amount now treated as an operating expense of the Panama Canal Company, rather than a national policy item payable by the State Department, and should therefore be borne by the Company.

The financial effect of enactment of section 1 would be to prospectively increase the operating costs of the Panama Canal Company by $1,500,000 annually.

SECTION 2. RE MARKET VALUE

Subsection (b) of section 102 of the act entitled "An act to implement a treaty and agreement with the Republic of Panama and for other purposes," approved August 30, 1957 (71 Stat. 509) now provides in pertinent part:

"(1) That the market value of the property of the Panama Canal Company conveyed to Panama under the directive of that act and of the 1955 treaty should be treated as extraordinary expenditures or losses incurred through directives based on national policy not related to the operations of the company (i.e., should be deducted from the net direct investment of the United States in the Company on which interest is paid to the Treasury).

"(2) That the market value of the property of the Canal Zone Government conveyed to Panama under the directive of that act should be removed from the capital investment of the United States in the Canal Zone Government without charge to the costs of operation of that agency."

Section 2 of the proposed legislation would amend "market value" in each of the two cases underlined above to read "book value."

In the bill, H.R. 6709—85th Congress, later enacted on August 30, 1957, as above stated, the original phraseology in each of the two cases was "book value." However, after extensive discussion of the question whether to use "book value" or "market value," the bill was reported and passed using the latter terminology.

Submission of section 2 is based on the fact that the financial interests of the Government would be better served if the measurement of the losses to the Panama Canal Company and the Canal Zone Government were in terms of book value rather than market value.

This section would be considered to apply retroactively to the conveyances already made as well as those remaining to be made. The remainder of the conveyances are expected to be accomplished this year. The total market value involved is $19,468,000 for the Panama Canal Company and $2,792,500 for the Canal Zone Government. Approximate corresponding book values are $2,850,000 for the Panama Canal Company and $1,250,000 for the Canal Zone Government.

The use of book value in lieu of market value would restore $16,618,000 to the directly invested capital of the Company resulting in a base that much higher upon which are computed annual interest payments to the U.S. Treasury. The financial effect of this would be an immediate obligation for payment of $640,000 covering retroactive interest, and future annual interest payments would be increased by $450,000. Also, the change would result in an immediate obligation for payment by the Company of $1,500,000 covering retroactive net costs of Canal Zone Government.

SECTION 3. RE BRIDGE AT BALBOA

Section 1 of the act "To authorize and direct the Panama Canal Company to construct, maintain, and operate a bridge over the Panama Canal at Balboa, Canal Zone," approved July 23, 1957 (Public Law 753, 84th Cong., 70 Stat. 597) now provides in pertinent part:

"That the expenses of construction, maintenance, and operation of any such bridge and the approaches thereto should be treated as extraordinary expenses incurred through a directive based on national policy and not related to the operations of the Panama Canal Company."

The act authorizes appropriations to cover the construction, operation, and maintenance of the bridge.

Section 3 of the proposed legislation would repeal section 1, supra. The effect of the repeal would be to obligate the Panama Canal Company to finance the construction, maintenance, and operation of the bridge either (1) through use of Company funds, or (2) through use, as at present, of appropriated funds but with the difference that such funds would form a part of the investment of the United States in the Company (the base on which the Company pays interest to the Treasury). The obligations of the Company under the legislation would also include bridge depreciation.

Section 3 is offered on the premise that if there were no Panama Canal there would be no requirement for the bridge and that, accordingly, costs of operation, maintenance, interest and depreciation should be borne by the Panama Canal Company.

The financial effect on the Panama Canal Company of enactment of section 3 would be (1) an immediate obligation for payment by the Panama Canal Company of $150,000 covering retroactive interest on accumulated withdrawals from the U.S. Treasury bridge appropriation account, (2) an increase in payments thereafter of $600,000 annually, covering interest on the amount appropriated to construct the bridge, (3) an addition to Company operating costs after construction is completed of $250,000 annually for depreciation, and (4) assumption of costs of maintenance and operation of the bridge ($100,000 annually).

OVERALL FINANCIAL EFFECT

The overall financial effect of enactment of the proposed legislation would be (1) an immediate obligation, resulting from sections 2 and 3, for payment of $2,290,000 by the Panama Canal Company covering retroactive interest and net costs of Canal Zone Government, and (2) an increase in operating costs thereafter, resulting from sections 1, 2, and 3, of $2,900,000 annually. A more detailed computation in tabular form of the fiscal effects of the proposed legislation is attached.

The Bureau of the Budget advises that the enactment of this legislation would be in accordance with the program of the President.

Sincerely yours,

W. E. POTTER,
Governor of the Canal Zone,
President, Panama Canal Co.

Financial effect on Panama Canal Company of proposed draft bill to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama and for other purposes, assuming enactment July 1, 1960

	Retroactive lump-sum payment to U.S. Treasury	Increase in annual costs
Sec. 1 of bill: Reimbursement for increase in annuity payable to Panama		$1,500,000
Sec. 2 of bill: Substitution of book value for market value:		
Additional interest, retroactive to dates of PCC conveyances to Panama	$540,000	450,000
Increase in net cost of Canal Zone Government—conveyances to Panama	1,500,000	
Secs. 3 and 4 of bill: Repeal of national policy concept re Balboa bridge		
Additional interest retroactive to dates of appropriations	150,000	600,000
Operation and maintenance		100,000
Depreciation		250,000
Total lump-sum retroactive payment to U.S. Treasury	2,200,000	
Increase in annual cost		2,900,000

CIVIL LIABILITY FOR CERTAIN VIOLATIONS OF INTERSTATE COMMERCE ACT

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Interstate Commerce Act in order to provide civil liability for violations of such act by common carriers by motor vehicle and freight forwarders. I ask unanimous consent that a letter from the Administrator, General Services Administration, requesting the proposed legislation, may be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3389) to amend the Interstate Commerce Act in order to provide civil liability for violations of such act by common carriers by motor vehicle and freight forwarders, introduced by Mr. MAGNUSON, by request, was received, red twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. MAGNUSON is as follows:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., April 13, 1960.

Hon. RICHARD M. NIXON,
President of the Senate,
Washington, D.C.

MY DEAR MR. PRESIDENT: There is enclosed for your consideration a draft of a bill to amend the Interstate Commerce Act in order to provide civil liability for violations of such act by common carriers by motor vehicle and freight forwarders.

This legislative proposal is designed to correct an existing situation which adversely affects the shipper interests of the Federal Government as well as the interests of private shippers. Because of its responsibilities under section 201 of the Federal Property and Administrative Services Act of 1949, as amended, with regard to transportation and traffic management on behalf of the executive agencies of the Government, General Services Administration recommends that the proposal have the early consideration of the Congress.

Under the provisions of parts I and III of the Interstate Commerce Act relating respectively to rail and water carriers, the shipper may litigate as to the reasonableness of past transportation charges. Parts II and IV of the act relating to motor carriers and freight forwarders do not contain comparable provisions. However, since the passage of the Motor Carrier Act in 1935 (part II), the Interstate Commerce Commission had interpreted the act as leaving shippers the right to sue in the courts for damages resulting from unlawful rates on a determination by ICC that the rates sued on were unreasonable or otherwise unlawful, thus providing essentially the same rights to shippers as were specified in parts I and III of that act.

In an opinion handed down May 18, 1959, the Supreme Court of the United States, in *T.I.M.E., Inc.* v. *United States of America* and *Davidson Transfer and Storage Company, Inc.* v. *United States of America*, Nos. 68 and 96, ruled, however, that under the statute, the recovery of reparations or damages arising from the application of unreasonable rates on past motor carrier shipments is precluded.

The effect of this ruling is to deprive shippers, including the U.S. Government, of a right to damages resulting from unreasonable or unlawful rates on past shipments. The Comptroller General of the United States has estimated, on the basis of the limited experience since the court's ruling, that the U.S. Government will suffer a loss of about $25,000 a week because of inability to recover charges in excess of those based on reasonable rates in connection with shipments by motor carriers subject to part II of the Interstate Commerce Act.

The enactment of this amendment will establish procedure for reparation awards and limitations of actions with respect to motor carrier and freight forwarder operations subject to parts II and IV of the Interstate Commerce Act comparable to that now provided in parts I and III of the act for rail and water transportation.

Congress has been on previous occasions considered legislative proposals to amend the act along lines similar to those now proposed. Legislative history seems to indicate that the principal reason for failure of enactment was reliance on the then existing Interstate Commerce Commission interpretation of the Motor Carrier Act that shippers could sue for damages resulting from unreasonable rates.

Under the present interpretation of the statute, a tariff rate filed by a motor carrier or freight forwarder, regardless how unreasonable or unlawful, is required by law to be charged by the carrier and paid by the shipper until that rate is ordered changed by the ICC. Shippers are now, by reason of the ruling of the Supreme Court, deprived of their right to a determination as to just and reasonable rates on shipments already made or to recover reparation for the excess paid over the reasonable rates.

This situation does not exist in rail and water charges. The Interstate Commerce Act gives shippers a legal right to reparation for unreasonable rail and water charges collected by the carrier. Enactment of the proposed amendment would, in this respect, place on a uniform footing all four classes of carriers under the jurisdiction of the Interstate Commerce Commission.

For these reasons, GSA recommends early enactment of the proposed bill.

The Bureau of the Budget has advised that there is no objection to transmittal of this legislative proposal to the Congress.

Sincerely yours,

FRANKLIN FLOETE,
Administrator.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO EXEMPTION FROM INCOME TAX FOR SUPPLEMENTAL UNEMPLOYMENT BENEFIT TRUSTS—AMENDMENTS

Mr. CASE of New Jersey submitted amendments, intended to be proposed by him, to the bill (H.R. 8229) to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts, which were referred to the Committee on Finance and ordered to be printed.

UP-TO-DATE SUPPLEMENT TO ANNOTATED CONSTITUTION—ADDITIONAL COSPONSOR OF JOINT RESOLUTION

Mr. WILEY. Mr. President, on March 28, the Senator from Mississippi [Mr. STENNIS], for himself and his colleague, the senior Senator from Mississippi [Mr. EASTLAND] introduced the joint resolution (S.J. Res. 176) authorizing the Library of Congress to prepare an up-to-date supplement to the annotated Constitution of the United States, previously published as Senate Document No. 170, 82d Congress. No doubt my colleagues are familiar with the 1953 edition of the annotated Constitution. This 1,361-page document represents the culmination of efforts which began at my request during my chairmanship of the Senate Judiciary Committee during the 80th Congress. The response to this document has been universally favorable. This document has been found indispensable, not only to legislators, but also to the practitioners of the American bar, teachers, librarians, students, and other countless constitutional scholars.

Several thousand copies of this document were sold. Several thousands are used for reference in congressional offices. I am informed that the annotated Constitution was one of the most sought after of Government publications.

The joint resolution introduced by the Senator from Mississippi would provide for an up-to-date supplement of this important document. The new publication would thus include annotation of cases decided by the Supreme Court of the United States since June 30, 1952—which was the closing date for the 1953 addition. Many cases bearing upon the analysis and the interpretation of the Constitution have been decided since that date and it is, therefore, very important that this document be brought up to date and be made available to both Members of Congress and the general public. It is, therefore, with great pleasure that I asked to add my name as a cosponsor of Senate Joint Resolution 176.

The VICE PRESIDENT. Without objection, it is so ordered.

SUPPORT FOR THE WATER POLLUTION CONTROL BILL

Mr. MOSS. Mr. President, it now appears that the defeat the people sustained when President Eisenhower

vetoed the water pollution control bill has put steel and momentum into the campaign for Federal assistance to combat the Nation's polluted waters, poisoned streams, and sewage-choked rivers. As every military man knows, the loss of a skirmish can sometimes insure victory in a full-scale battle.

I have found most encouraging the increase in articles and editorials, which have appeared in Utah publications, indicating that there is now more support for House bill 3610 than there was when it was before Congress.

An example of forceful thinking on the problem appeared in the April issue of the attractive and informative Utah Fish and Game magazine, published by the Utah State Fish and Game Commission, in the administration of our Republican Governor, the Honorable George D. Clyde. The article, entitled "Water Pollution," was written by Lee Kay, the magazine's editor. I ask unanimous consent that it appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WATER POLLUTION

(By Lee Kay)

It has been said that if you look into a glass of wine you will see the image of love and romance, and if you look into a glass of clear water you will see your own reflection, but if you look into the streams of America you will see the reflection of the conscience of the communities of America. America's streams, clouded and befouled with the siltation from mountains and prairie lands, dirtied with the refuse from factories, and made dangerous and unproductive with the refuse of man and other animals, presents a picture that indicates the American people have little conscience. The husbandry of the prairie lands and mountains has been apprised of their land-use practices, yet it has caused them to change their ways but very little.

Through research work, business has been shown that water can be cleaned, but it is slow to do anything about it unless forced to, or, if by cleaning the water, they can make a profit from products fabricated from the polluted streams. Towns dump the human wastes into the streams with the expression: "Jerk the chain. Greenville down the stream needs the water."

Water pollution is nationwide. Local governments cannot cope with the problem. Although some aid has been given as Federal appropriations, it has not been enough.

Senate bill 3610 was vetoed by the President. This bill would have amended the present Water Control Pollution Act and would have increased to $90 million annually the amount to be used to help cities build sewage disposal plants. The funds would have to be appropriated annually. Water pollution appropriation funds are matching funds.

Aside from the expenditure of Federal funds, there are several other factors of the bill that have great merit. The bill was intended to help with the joint construction of facilities by communities wherever it was practical. It also authorized recovery of unused funds already allocated to that purpose. It also wisely established within the Department of Health, Education, and Welfare an Office of Pollution Control, thus eliminating the overhead of another expensive Federal department.

The problem is so great it is foolish to think that, without some subsidization, most States can carry on the work of making clean water from the mess created.

In recent years, as a result of national emergencies such as the building of atomic plants, the opening up of extensive uranium mining sections, the establishment of military bases, and much other activity, relating to the defense of the Nation, small towns have become moderately large cities and communities have been built that never before existed. It is true that some of these municipalities have had their water pollution problems taken care of, but there are many that have not, mainly because the local governments could not afford it and they got little or no help from the Federal Government. It should also be remembered that in States like Utah, where 75 percent of the land belongs to the Federal Government, that a considerable amount of pollution and siltation of our streams had its beginning on the lands belonging to the Federal Government. Should not the Nation accept the responsibility for the conditions they, themselves, have allowed to be created?

Certainly, this is no time and no area in which to get parsimonious with Federal expenditures.

THE "CREDIT LABEL" BILL

Mr. MOSS. Mr. President, the Deseret News is one of the great newspapers of the State of Utah, and is published in Salt Lake City. On April 12 of this year the Deseret News published an editorial entitled "Trust Never Hurt Business." In the editorial, that newspaper supports the "credit label" bill which has been introduced by the Senator from Illinois [Mr. DOUGLAS]; and I have the honor of being a cosponsor of the bill. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Deseret News, Apr. 12, 1960]

TRUST NEVER HURT BUSINESS

Congressmen who will be lining themselves up soon on one side or another of a proposed "credit labeling" plan would do well to consider the results of another controversial, somewhat similar law on automobile pricing.

The "credit label" bill, backed chiefly by Senator PAUL DOUGLAS of Illinois, would require lenders to tell borrowers exactly what a loan would cost. It would apply whether the loan involved a carrying charge on a charge account or a mortgage on a house or anything in between.

The effect of such a law is outlined in a few examples given by the magazine U.S. News & World Report.

The present car buyer who borrows $1,800, for example, might be told he would pay $59.22 a month for 36 months, including 6 percent a year interest. Under the proposed Federal law, the costs might be outlined this way: Investigation fee, $8; total interest, $324, representing 12 percent annually on the declining balance.

Or the buyer of a TV set with $180 unpaid balance might be told at present his payments would be $11.30 a month for 18 months, including carrying charges. The new law would require a statement something like this: Total interest, $23.40—a 16.4 percent annual rate on the declining balance.

Or on a personal loan of $600, the lender, under present practice may deduct $10 for life insurance and ask repayment at the rate of $37.53 a month for 20 months. Under the new law, the statement would be: Total interest, $160.60—an annual rate of 31.1 percent on the declining balance.

Those examples are fairly representative of the credit structure that has come to play such a dominant place in our economy. The effect of spelling out exactly the costs involved in credit are rather obvious. Certainly such knowledge would make many persons much more careful about getting in over their heads.

Senator DOUGLAS says his mail is running 5 to 1 in favor of the bill. But opposition can be expected from the money lenders, certainly, and perhaps also from some businesses who might believe curtailing of credit would cut their sales volume.

To these businessmen, two observations might be pertinent.

First, it is not hard to recall the strenuous opposition of many automobile dealers to the bill a few years ago requiring dealers to list the exact price of automobiles with a detailed account of the cost of extras. The bill was intended to prevent such abuses as price packing in which the new car price was jacked up and the buyer then given what seemed an exorbitant tradein on his old car.

After a couple of years of operation under the labeling law, the auto industry seems universally persuaded it has helped strengthen and stabilize sales. It has built public confidence and trust in auto dealers, and we know of no instance in which confidence and trust has hurt a business.

The second consideration for retailers to ponder in respect to credit labeling is the extent to which credit costs drain off the public's real purchasing power. If more people, fully aware of the costs of credit, determine to save more diligently—at interest—until they can pay all or a bigger part of the cost of their purchases, the result ultimately will be more purchasing power and a stronger economy.

The credit labeling bill appears to represent a useful concept.

INSPECTIONS OF LOCKHEED ELECTRA

Mr. DIRKSEN. Mr. President, this morning's press carried an account of a statement made by the Senator from Indiana [Mr. HARTKE] which has the caption "HARTKE Cites High Toll of Turboprop Crashes."

I ask unanimous consent, first to insert in the RECORD the Associated Press article, and then to include a press release dated April 15, which came from the Federal Aviation Agency, and which is in the nature of an explanation of the whole matter. I ask that they be included in the body of the RECORD as a part of my remarks.

There being no objection, the article and press release were ordered to be printed in the RECORD, as follows:

HARTKE CITES HIGH TOLL OF TURBOPROP CRASHES

Senator VANCE HARTKE, Democrat of Indiana, yesterday said 76 percent of 147 deaths caused by plane crashes in the first 3 months this year involved turboprop planes.

In a written statement to newsmen, which he planned to read to the Senate today, HARTKE said he has only a layman's knowledge of aviation safety.

"But I certainly know that when a type of airplane flies only about 10 percent of the total hours and accounts for 76 percent of the deaths, its safety record is not good."

HARTKE said the Federal Aviation Agency should give publicly a detailed explanation of its refusal to ground all Electra propjet planes until they have been reinspected and declared airworthy.

He said Friday that the Civil Aeronautics Board had recommended that all Electras be kept on the ground pending such a reinspection, and that E. R. Quesada as FAA Administrator had rejected the recommendation.

In reply to HARTKE's statement Friday, Quesada said that special inspections of Electras have yielded no information that would warrant grounding the planes.

"Of 226 air deaths in 1959," HARTKE's statement said, "two-thirds were from propjet planes. During the first 3 months of 1960, there were 147 air deaths. Of these, 76 percent were on turboprops."

HARTKE said the figures embraced deaths from airplane crashes, and that Electras are not the only propjet planes covered by the figures.

STATEMENT BY E. R. QUESADA, ADMINISTRATOR, FEDERAL AVIATION AGENCY, ON INSPECTIONS OF THE LOCKHEED ELECTRA

The American air carriers who are operating Electra aircraft have, according to Federal Aviation Agency instructions, completed special comprehensive inspections of a total of 52 Electra aircraft. Nine additional planes of this type are in the process of being inspected. Forty-nine others are awaiting inspections. These special inspections are to be completed in 9 days.

In 52 Electra aircraft inspected to date, the findings do not indicate a need for imposing additional limitations on the aircraft. The results of our special inspections show that the extent of service defects is that which can be expected to be found on any comparable fleet after a similar service life. In no case have we identified any condition which would warrant the grounding of the Electra fleet.

I should like to emphasize that should future inspections reveal the need for additional limitations these limitations will be imposed immediately.

In accordance with instructions given Lockheed by the FAA, an extensive test program has been under way for the past 2 weeks. The National Aeronautics and Space Administration is assisting the FAA in the monitoring of this program. Comprehensive in-flight strain tests are being conducted with highly instrumented aircraft flown through conditions of severe atmospheric turbulence and unusual flight maneuvers. Although all of the results of these tests have by no means been fully analyzed, nothing has been revealed to date which would warrant the grounding of the fleet.

An extensive operational survey in which FAA inspectors are currently engaged indicates strict compliance by air carriers and air carrier pilots with the operating restrictions applied by the FAA in the special action taken March 25, 1960.

Unless future inspections or the additional investigations on the Electra reveal the need to revise our program, the series of safety measures imposed on the Electra by the Federal Aviation Agency on March 25 shall continue in effect. These measures were originally ordered to provide the necessary margin of safety essential to the operation of this aircraft. Nothing that we have learned since these orders were originally issued leads us at this time to believe that they are not wholly adequate.

The recent 100-knot reduction on the speed of the Electra gives it a structural margin as great, if not greater, than any aircraft in our air transport fleet today.

ANALYSIS OF EDITORIALS CITING "POSTAL FACTS"

Mr. DIRKSEN. Mr. President, I have received the following letter from the Postmaster General:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., April 19, 1960.

Hon. EVERETT M. DIRKSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DIRKSEN: A number of newspapers have printed editorials entitled, "Postal Facts" which are practically identical, word for word. It is obvious that these have been provided to the papers by some common source. The editorials have attacked the President's recommendation for postal rate increases on the basis of alleged facts which actually are complete misstatements of facts or material distortions of the facts.

Members of both Houses of Congress who are opposed to the present proposals for postal rate increases have been inserting these so-called editorials in the CONGRESSIONAL RECORD, frequently referring to them as sound and worthy of serious consideration. It is believed that these Congressmen are unaware of the fact that the editorials must represent the special pleading of some vested interest and are based almost entirely on erroneous information.

The attached is an analysis of such an editorial by the Detroit Times on March 21, 1960, as published in the CONGRESSIONAL RECORD of April 1, on pages 7186 and 7187.

Yours most sincerely,
ARTHUR E. SUMMERFIELD,
Postmaster General.

Mr. President, I noted that similar editorials have been inserted in the CONGRESSIONAL RECORD from the Baltimore News-Post, by Representative THOMAS F. JOHNSON; from the Boston Daily Record, by Representative PHILIP J. PHILBIN and Representative THOMAS J. LANE; from the Detroit Times, by the Senator from Michigan [Mr. HART], and Representative JOHN D. DINGELL; from the Milwaukee Sentinel, by Representative CLEMENT J. ZABLOCKI; from the Pittsburgh Sun Telegraph, by the Senator from Pennsylvania [Mr. CLARK]; and from the San Antonio Light, by the Senator from Texas [Mr. YARBOROUGH].

The Postmaster General has made an analysis of the statements in those editorials, and I ask unanimous consent, Mr. President, in connection with my remarks, that all this appear seriatim in the body of the RECORD, including the analysis made by the Postmaster General.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

POST OFFICE DEPARTMENT ANALYSIS OF SYNDICATED NEWSPAPER EDITORIAL ENTITLED "POSTAL FACTS"

THE EDITORIAL

"President Eisenhower's special message to Congress urging another postal rate increase presents one of those seemingly plausible arguments which is easily demolished by facts. Let's consider the facts.

"In essence the President says the Post Office is losing a lot of money. Therefore mail rates should be raised to wipe out the loss, or at least come close.

"This position, which apparently came to the President special delivery from Postmaster General Summerfield, is based on a fallacy.

"It is the error of assuming the Post Office is a business. In reality, in historical precedent and in everyday fact, it is a public service. It cannot possibly be conducted as both."

THE FACTS

The Post Office is indeed a public service. There are, however, many public services provided by the Government, charges for which are made to those using the service to cover the cost thereof. These include such activities as the Panama Canal, the St. Lawrence Seaway, the Patent Office, the issuance of passports, the sale of public documents, and so forth. Congress recognized the general principle of user charges for specific services to the public in 1951 (5 U.S.C. 140) and required its general application throughout the Government. Subsequently in 1958, it formally adopted as a matter of policy for the Post Office Department, the principle that postal rates and fees shall be adjusted from time to time as may be required to produce the amount of revenue approximately equal to the total cost of operating the Postal Establishment less the amount deemed to be attributable to certain identified public welfare items (Public Law 85-426, title I). For fiscal 1960 the Congress found that the cost of such public welfare items amounted to $37 million.

THE EDITORIAL

"Certainly it costs taxpayers money to run the Post Office Department. It also costs taxpayers money to run the White House, the Commerce Department, the Federal judiciary system, the FBI—almost every Federal activity.

"The costs of such public services are taken for granted. But the costs of the postal service are labeled 'deficit' and become issue.

"Why? The answer is that the Post Office takes in a great deal of money, about $2½ billion a year. No other Government department produces anywhere near as much revenue.

"But because the Postal Establishment costs more to operate than it takes in, and because a law requires annual reports comparing receipts with costs, the Post Office is singled out and charged with operating at a deficit."

THE FACTS

The comparison of the Post Office Department with the White House and the other governmental activities mentioned is obviously fallacious. If it were valid, no charges should be made for the postal service and the mail should be free to everyone. There is no inherent reason why taxpayers should subsidize the users of the mail except for the limited and recognized public-welfare-type services.

The excess of costs over revenue of the postal service is properly labeled "deficit" since it is generally the measure of the deficiency of postage rates in covering costs. The law properly requires annual reports comparing revenues with costs.

THE EDITORIAL

"Postal rates actually are a form of taxes. The Post Office does not keep the money it gets for selling stamps, but turns it into the Treasury. Thus in urging a postal rate increase, the administration is seeking an indirect tax increase."

THE FACTS

Postal rates are not a form of taxes. They are paid only by voluntary users of postal services and only when and to the extent that they use such services. Postage is paid by the postal patron for value received. At the present time, the value received in most instances exceeds the price paid and it is to correct this condition that postage rate increases are being proposed.

The Post Office in effect keeps the money it gets for selling stamps and does not turn it into the general fund of the Treasury. While Congress limits through the appropriation process the amount which the Department can spend annually, it actually appropriates from the Treasury the difference between the Department's receipts and its authorized obligations. It is this deficiency which is a perennial charge to the taxpayer and which the administration is seeking to eliminate.

THE EDITORIAL

"Finally, the theory that the Post Office is a business doesn't make sense. Would a business charge the same fee to deliver a message across the street as it does to handle a letter from Florida to Alaska?

"Would a business operate a branch office in every hamlet in the Nation, most of them losing money because of slight patronage? Would a business take on sideline jobs without remuneration, like selling duck stamps or registering aliens?"

THE FACTS

The implication that the Post Office is not operating on a business basis because it does not apply zone rates to letter mail is also specious. It is not generally known that transportation cost is the small element of the cost of delivering a letter. The clerical expense at both ends far exceeds the transportation costs. It would be expensive and administratively infeasible from a collection viewpoint to have zone rates for letter mail. Where transportation is a principal factor in cost as in the case of parcel post and catalogs, zone rates are used. It should be noted that local transportation systems which at one time used zone rates have generally abandoned them. One can travel on the New York subway from the Bronx to Coney Island for the same price that one pays to ride from one station to the next.

Public utilities extend electrical lines into rural areas where the business initially may not justify the cost. Any public service activity must meet the test of public convenience and necessity. As long as the enterprise as a whole is self-supporting and individual consumers receive full value for the rates they pay, the extent to which individual subunits may or may not be self-supporting is without significance. In the case of the postal service, the revenue generated at a fourth-class post office is not a true measure of the contribution of that unit to the system as a whole. Much mail, particularly parcel post, originating in metropolitan areas would not be generated but for the delivery outlets in the country. Thus, some share of the postage on all incoming items is properly creditable to any post office.

The Post Office is specifically reimbursed for most of the service which it renders to other governmental agencies such as those referred to in the editorial. To the extent that it is not so reimbursed, the Postal Policy Act has provided that the resulting loss shall be treated as a public welfare item reimbursable by appropriation from the Treasury.

THE EDITORIAL

"The Post Office is an essential public service, worth what it costs to operate.

"We suggest Mr. Summerfield ought to stop proclaiming (and complaining) how much his Department has lost and concentrate on getting the mails delivered as speedily and economically as possible."

THE FACTS

There is no quarrel with the statement that the Post Office Department is "worth what it costs to operate." The only question is who should pay this cost. It is congressional intent as expressed in the Postal Policy Act of 1958 that the users of the mail and not the taxpayers should pay the cost.

This administration has exerted every effort to improve the quality of the mail service and to reduce its cost. The metropolitan area plan recently instituted now provides overnight delivery of first-class letter mail within some 67 metropolitan areas involving a total population of 140 million. Rural delivery service has been extended to 460,000 additional farm families since 1958 and many other important service improvements have been instituted since 1953. A 20-percent increase in the volume of mail since 1953 has been handled with only 8 percent increase in employment. Excluding the increase attributable to city carriers as a result of the rapid spread of suburban areas throughout the country, the increase in employment would be only 2 percent.

THE EDITORIAL

"And Congress ought to ignore the request for another boost in rates."

THE FACTS

The editorial opinion that Congress ought to ignore the request for another increase in rates flies in the face of the Postal Policy Act which Congress enacted in 1958 which specifically provides that the postal service should be self-supporting after reimbursement for public services as determined by the Congress, and that an increase in rates should be made when necessary to achieve that end.

EXPORT TRADE

Mr. JAVITS. Mr. President, the New York Times of April 3 contained an interesting and fairly optimistic article on the revival in U.S. exports and on the continuing ability of U.S. producers to compete in the world markets. The article cites export gains during the 6 months, August 1959 to January 1960, as compared to the same period 1 year earlier, among certain items which are indicative of healthy oversea demand for American goods.

Broken down into greater detail, these items consist of power-generating machinery, textile machinery, office machines and parts, tractors, and parts and accessories, commercial trucks, and construction machinery. It should be noted that all of these, except the last (construction machinery) held remarkably steady even during our worst period for exports, January–June 1959, with office machines, tractors, and trucks even registering gains while total exports and exports of machinery and vehicles registered a 5-percent loss compared to the same period in 1958. By November of 1959, all of these items, except construction machinery, showed export gains over the previous year, while total exports and exports of machinery and vehicles still registered a 2-percent loss. However, all of these items, except office machinery, did participate in the great drop in exports which the United States experienced between 1957 and 1958, and nearly all of them either registered a decrease or had no increase in exports in 1958 as compared to the 1954–56 average. The exception is again office machinery, as well as certain power-generating machinery and one type of tractor.

Further investigation shows that in the years 1954 through 1957 these items accounted for more than $20 billion worth of domestic production; an average of between 10 percent and 40 percent on individual items was exported.

For instance, more than 20 percent of $2 billion of textile and sewing machinery production during those years was exported—but more than half of the $130 million production of industrial sewing machinery which falls into this general category—more than 40 percent of $1.5 billion production of track-laying tractors was exported while between 15 percent and 30 percent of $2.4 billion of other type tractor production was exported; and about 11 percent of $4.1 billion of office machinery production was exported. Since available statistics do not give export values for all items, it is difficult to assign a grand total export value to the production items under discussion, but the figures cited above certainly indicate that exports accounted for an important part of total production in these key industries. Again, insofar as data are available, the percentage of exports in relation to a diminished 1958 production in several of these items remained fairly steady—in other words, diminished domestic production and diminished exports were reflected in each other.

Several significant conclusions can be drawn from this discussion:

First. The items cited in the New York Times article have been lead items during the past year in our export recovery which has been taking place during only the past few months.

Second. Even so, most of these lead items are only recovering ground lost since 1954–56, and are not showing gains over an export average established 4 to 5 years ago in a fast-moving expanding and highly competitive trading world.

Third. These export items form an important part of our basic domestic production and, as indicators of our export position, also serve as signposts of our general productive competitiveness. They show only that the United States is recovering this competitiveness in relation to mid-1950 levels.

Fourth. The pace of the 1960's will demand an increase in our productivity (productive competitiveness) which, in turn, will become evident in increased exports, if exports are stimulated by imaginative implementation of the administration's export program.

Legislation in support of the Export-Import Bank's new export credit guarantee program, to support the creation of voluntary labor-management productivity councils, and to aid in the adjustment of business and labor to necessary imports in which increases are recorded are all directly related to the success of U.S. foreign and domestic economic policy in the 1960's.

Mr. President, I ask unanimous consent that the New York Times article may be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIGURES REFUTE GLOOM ON EXPORTS—CONTENTION THAT U.S. ITEMS ARE PRICED OUT OF MARKETS ABROAD NOT SUPPORTED—LEVEL UP BY 7 PERCENT—EARLIER DOWNTREND SAID TO REFLECT GENERAL DIP FOR TOTAL WORLD TRADE

(By Brendan M. Jones)

The fairly widespread contention that American products are being priced out of world markets is given practically no support in detailed export data of recent months.

Examination of figures by commodity and product classes of exports since last August shows generally a moderate to vigorous rise in most branches of trade. A study of the data for a 6-month period from last August to January of this year, in fact, tends to provide an effective antidote for the priced-out-of-the-market phobia.

This 6-month period is an appropriate basis for appraising the export trend because it has been one of sustained improvement. It also represents the latest 6 months for which detailed export statistics are available.

EXPORTS RISE 7 PERCENT

The figures, compiled by the U.S. Department of Commerce, show a gain of nearly 7 percent in commercial exports in comparison with a like 6-month period a year before. In the latest 6 months (August through January), the volume of commercial exports was $8,430 million. In the corresponding year-before period the export volume was $7,925 million.

The gain of more than $500 million in the recent 6 months ended a steady downward trend dating roughly from the end of 1957. This downtrend, which stirred much of the consternation over American export competitiveness, reflected a general and relatively moderate decline in world trade as a whole.

A tendency to view the slump in this country's exports, now showing every sign of a reversal, without regard for the general world trend, probably has caused much of the concern about its significance. The detailed facts and figures for the recent 6 months of sustained export recovery should now begin to provide a different perspective. It is apparent also that the upturn in American exports has coincided with a general upturn in world trade.

Among items indicative of economic development that have made sizable export gains are construction and power equipment; textile and general machinery; tractors and parts and trucks. Exports of office machines, which are something of a bellwether of business activity abroad, also have shown a marked increase.

While a 6-month period cannot be taken as conclusive evidence, that detailing the recent improvement in American exports provides strong reasons for optimism on this country's trade outlook.

Of the five major categories of exports, comparative year-to-year figures show gains for three; one even and one trailing moderately. Statistics for these groups show:

	August 1959 to January 1960	August 1958 to January 1959
Crude materials: Cotton, coal, oil, etc.	$1,222,000,000	$1,020,800,000
Crude foodstuffs: Grains, vegetables, etc.	704,500,000	705,000,000
Manufactured foodstuffs: Meats, dairy foods, etc	580,000,000	527,800,000
Semimanufactures: Fibers, chemicals, metals, etc.	1,312,000,000	1,186,000,000
Finished manufactures: Machinery, vehicles, textiles, etc.	5,155,200,000	5,347,000,000

NOTE.—These figures include a small amount of mutual-security shipments.

While the big category of finished manufactures shows a fairly substantial lag, it should be noted that the last 2 months of the latest period indicated marked improvement. This generally was true of the other categories also. The upturn apparent in the early months of the recent period tended to become more pronounced from November onward throughout nearly all of the export classifications.

A few of the large-volume key items of exports in finished manufactures, which have registered notable gains during the recent 6-month period, are the following:

Construction, mining and related machinery: $340 million, up by $20 million over the period a year ago.

Power-generating machinery: $122 million, also up by $20 million over the level a year ago.

Tractors: $98 million, up by $22 million. Tractor parts: $73,500,000, also up by $22 million.

New trucks and buses: $146 million, up by $22 million. Automotive parts for assembly: $271 million, up by $35 million.

In addition, chemicals, drug products, finished textiles and various metal items have made substantial gains or shown evidence of a rising trend.

On the whole the recent trend of exports, particularly in its sustained nature, has given every indication that most American products are again in strong demand abroad.

Weak spots in the overall list of exports are the exception rather than the rule. The marked recovery in cotton exports has contributed substantially to the recent gains, but the improvement also in exports of power and construction equipment, trucks, tractors and the like are significant.

Forecasts of a few months ago of a substantial improvement in exports this year seem well on the way to realization.

ADDRESS BY UNDER SECRETARY OF STATE C. DOUGLAS DILLON IN REGARD TO CONTRIBUTION OF GERMAN FEDERAL REPUBLIC TO NATO

Mr. JAVITS. Mr. President, the testimonial luncheon given on March 18, 1960, in honor of German Foreign Minister Dr. Heinrich von Brentano by Members of the U.S. Senate and House of Representatives heard an excellent address by the Honorable C. Douglas Dillon on the contribution of the German Federal Republic to NATO. Distinguished members of the Republican and Democratic Parties were present at this gathering, and listened with great interest to this address.

Several members of President Eisenhower's Cabinet were also present, including the Attorney General of the United States, William P. Rogers, and the Secretary of Commerce, Frederick H. Mueller.

I had the honor to preside over the luncheon jointly with the distinguished Senator from New Hampshire [Mr. BRIDGES].

Mr. President, I ask unanimous consent that there may be printed at this point in the RECORD, the remarks the Senator from New Hampshire [Mr. BRIDGES], in introducing Dr. von Brentano, as well as my introductory remarks at the luncheon, and the excellent address by Under Secretary of State C. Douglas Dillon.

There being no objection, the remarks and address were ordered to be printed in the RECORD, as follows:

SENATOR JAVITS' REMARKS

It is a great honor for Senator BRIDGES and myself to entertain a distinguished guest from abroad—and from a country which has distinguished itself so markedly as an ally of freedom in the free world. We all know Germany's history and, therefore we are doubly impressed by what is occurring today. So, on behalf of Senator BRIDGES and myself, I bid our guest of honor welcome, and welcome all you gentlemen to this gathering. I also want to express our pleasure and to say that we are honored to have with us several distinguished members of the President's Cabinet.

Some of our colleagues dropped by to pay their respects to our honored guest, and then had to return to the floor where debate on the civil rights bill is now taking place. (Senator JAVITS then introduced guests.)

The Vice President, RICHARD M. NIXON, could not be here today but to represent him are both Herbert Klein and Maj. Donald Hughes.

And now, gentlemen, in Minister von Brentano's party I would like to present to you at the head table the Chargé d'Affaires of the German Embassy, Minister Franz Krapf, and two of the Consul Generals of Germany are here with us today—the one from my home city of New York, Consul General George Federer and the Chicago representative, Consul General Friederich von Lupin. Also, from the Germany Embassy staff in Washington we have Dr. Rolf Paulls, First Secretary; and Mr. Robert Borchardt, Press Secretary. And in Minister von Brentano's own party we have Dr. Peter Limburg, the Minister's aide. And you will hear in due course the very gifted interpreter with whom I have had the pleasure of working, Mr. Heinz Weber, who will be translating for the Minister.

Now, STYLES and I want to thank our Senate and House colleagues for being here today. We are very grateful to them. After all, the purpose of having this kind of function in the Senate is to have as many of our colleagues as possible attend. When they turn out, I can't tell you how it warms the cockles of your host's heart.

If I may, I would like to read for Minister von Brentano the names of some of our colleagues who are here, and then present one or two of our senior Members who have honored us with their presence. Here today are Senator JOHN ALBERT CARROLL, of Colorado; Senator ROMAN LEE HRUSKA, of Nebraska; Senator STROM THURMOND, of South Carolina; Senator RALPH W. YARBOROUGH, of Texas; Senator GALE W. MCGEE, of Wyoming; Senator HUGH SCOTT, of Pennsylvania.

And now may I present in person, first, the dean of the Senate Foreign Relations Committee and, I suppose, the most admired young man in the Senate, Senator THEODORE FRANCIS GREEN. Then we have two committee chairmen present—Senator TOM HENNINGS, chairman of the Senate Committee on Rules and Administration, and Senator OLIN JOHNSTON, of the Post Office and Civil Service Committee. Also, to keep this strictly bipartisan we have our own minority whip, the distinguished Senator from California, Senator TOM KUCHEL; and the Senator from our newest State, Senator ERNEST GRUENING of Alaska.

And now, for the Members of the House. A number of them have had to make their apologies for not being able to be present today. Congressman EMANUEL CELLER, chairman of the Judiciary Committee, was very anxious to be with us but he is needed on the House floor, and it was simply impossible for him to remain with us. Congressman JOHN W. MCCORMACK, the majority leader of the House was here, but he, too, had to leave because of debate on the civil rights bill. Congressman LEO ALLEN, senior Republican on the Rules Committee, and one of the very powerful Members of the House also had to leave the gathering for the same reason—the pending bill.

However, we have with us three of our colleagues whose names I would like to present—Congressman D. S. SAUND, of California; Congressman CHESTER E. MERROW, of New Hampshire; and Congressman LINDLEY BECKWORTH, of Texas.

Now I would like to present to you, Mr. Minister, and to our colleagues one of our real seniors, the man I call my boss, in the House of Representatives, the former Speaker of the House, the Honorable JOSEPH MARTIN. My colleague, Senator BRIDGES, calls to my attention that we are also honored here with another senior Senator—Senator FRANK CARLSON of Kansas.

[After luncheon]

I would like to welcome Bob Merriam, Deputy Assistant to the President, who is here from the White House; former colleagues, the Honorable Homer Ferguson, a former Senator from Michigan and now judge of the U.S. Court of Military Appeals, and Owen Brewster, former Senator from Maine, who now enjoys the luxury of being a kind of private citizen; and, finally, there is Jack Martin, who we all know and love as Bob Taft's first assistant, and now also a U.S. judge.

I now have the honor to present the Honorable C. Douglas Dillon, Under Secretary of State.

ADDRESS BY THE HONORABLE C. DOUGLAS DILLON

Mr. Chairman, it is a great pleasure for us to welcome the representatives of the German Federal Republic to Washington. We had a most pleasant talk with the Chancellor of the Federal Republic, Dr. Adenauer, when he was here with Foreign Minister von Brentano. The reason our talks are always such a pleasure to us is that we find our views on the problems we face today, the great problems of the world, are always closely paralleled. The Federal Republic of Germany is, of course, a stanch member of the NATO alliance, and presently her contribution to the defense of the free world is coming very rapidly into full being. And it will not be many months before the contribution of the Federal Republic in ground strength to the NATO shield in Europe will be by far the strongest contribution in ground strength by any member of the NATO alliance. This represents a considerable effort on the part of the Federal Republic which they make most willingly and entirely from their own funds and resources.

The German Federal Republic has been from the beginning a stanch advocate of the principle of integration in Europe, as against the former system where we had extreme nationalism dividing Europe into many different and differing countries. The German Federal Republic has joined and has been a prime mover in the creation of the European Common Market, the Coal and Steel Community, and Euratom. In these organizations she has joined closely with France and Italy, and with the three Benelux countries. Thus, a new situation has actually arisen in Europe where the ancient differences between France and Germany which have made history—some of it not very pleasant over the past years—are now buried. We all think once and for all, when there has taken its place a feeling of cooperation which, to those of use who work with these two countries, is really wonderful to behold.

And now today we are moving into a new and third phase where, as the countries of Western Europe have grown in economic strength, they are prepared and ready to begin to join with us more fully in trying to carry the burden of the great challenge which we face in the coming years, the challenge of helping with the development of less developed countries. And in this field we have been having a series of talks with the Federal Republic and we have met with the greatest understanding on the part of her leaders.

This is a new concept for the Federal Republic. They have done a tremendous job in rebuilding their own country, but they have assured us that they recognize the problems involved in economic aid and the responsibility of those who are fortunate enough to be able to make a contribution to the common task. The Federal Republic is now engaged in working out ways and means by which her contribution can increase to the level where it will be a fully comparable one to that which we have been carrying ourselves. So it is a great pleasure for us, as you can see, to have these talks with the representatives of the Federal Republic and, in particular, with the very able, energetic, and friendly Minister of Foreign Affairs, Dr. Heinrich von Brentano, who is here with us today.

Senator JAVITS. Thank you very much, Mr. Secretary. And now I have the great honor to introduce the Honorable STYLES BRIDGES, one of the most respected Members ever to serve in the Senate, a friend of all other Senators, regardless of party.

REMARKS OF SENATOR BRIDGES

Senator BRIDGES. My colleague, Senator JAVITS, Mr. Minister, Mr. Attorney General, Mr. Secretary of Commerce, Mr. Dillon, Under Secretary of State, and friends. This is the first time we have had an opportunity of meeting in this room in the New Senate Office Building. This is a part of the Appropriations Committee chambers and it's the first time it has been used for a meeting of this kind.

Now, we like to have foreign visitors on our shores. And like Winston Churchill, who had American ancestors, our guest of today is no exception to that rule. Lorenz Brentano came to America in 1848 with Carl Schurz and others and settled in Chicago where a new German-American colony emerged. The families of Brentano, Schurz, and others remained in Chicago. His son, Judge Theodore Brentano, the distinguished jurist later became American Ambassador to Hungary and his nephew is our guest of honor here today.

When our late Secretary of State, John Foster Dulles, died there appeared a note of esteem in a Frankfurt newspaper which I take the liberty of quoting. This tribute was included in the CONGRESSIONAL RECORD of July 14, 1959, in a reprint prepared by our friend Gen. Julius Klein of Chicago, who is with us today. It quoted Minister von Brentano as follows:

"John Foster Dulles always dealt calmly and seriously with the political issues which put their stamp on the foreign policy picture of our time. His sense for the possible which was sharpened by experience, did not allow him to chase after illusions with which many of his critics would have liked to replace the facts.

"He represented the legitimate interest of the German people with the passion of the righteous thinker."

Our guest of honor is in many ways very much like our late Secretary of State whom he admired so much.

Dr. Heinrich von Brentano reflects the political philosophy and the credo of our late Secretary of State with whom he was on the friendliest of terms. They shared a passion for German reunification, a devotion to the ideal of European unity and cooperation, a dedication to their countries' own interests. They admired and respected one another, and met often to discuss the common objectives of West German and American policies. And today, Herr von Brentano is a loyal teammate of our distinguished Secretary of State, Christian Herter.

Let me say that there's no more stanch exponent of the theory of the Western civilization, there's no greater anti-Communist today in the free world than the very able Foreign Minister of the Federal Republic of Germany.

Gentlemen, may I present Chancellor Adenauer's loyal associate and coarchitect of the German foreign policy—so like ours which is geared against Soviet imperialism. It is my pleasure to present him to you.

His Excellency, the Foreign Minister, Dr. von Brentano of the Federal Republic of Germany.

SENATOR JAVITS' CONCLUDING REMARKS

Senator JAVITS. Minister von Brentano, we are very grateful. This marks a historic milestone in your visit here with the Chancellor. I believe the Chancellor's conversations with the President, your speech here, and the Chancellor's meeting with the Premier of Israel, David Ben-Gurion, are three historic events which all of us can be grateful for. I think what you said on this very great subject, all of us can say. And I think that our feeling in the Senate is clear and that we shall do our utmost to implement it. We thank you for being with us.

I have just one other small note. I omitted to introduce Dr. Dreher, the legal counselor of the German Embassy, who is here—and another guest at our head table, Gen. Julius Klein of Chicago, who is a great friend of the German Federal Republic.

Gentlemen, you've been wonderful to come. We are very grateful to you and to your colleagues, Mr. Minister, and we can only hope to see you soon again. And to my cohost, STYLES BRIDGES, thank you very much.

Mr. JAVITS. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point an editorial from the New York Times and an editorial from the New York Herald Tribune in regard to the situation in Berlin.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 19, 1960]

SOVIET OFFER IN BERLIN

Following the firm stand taken by the Western Powers at Washington on Germany and Berlin, the Soviets now seek to surround Premier Khrushchev's brinkmanship with a deceptive air of reasonableness that does nothing to lessen their demands or threats. They continue to reject the Western peace plan based on German reunification by means of free and properly supervised elections, starting with Greater Berlin. But they do begin to talk about the possibility that the summit meeting next month might reach a partial and temporary agreement on West Berlin that would permit the West to avoid an immediate crisis at the price of giving the Soviets what they want later.

A first hint to this effect appeared in the Moscow Pravda immediately after the Washington stand became known. Now Walter Ulbricht, the Soviet puppet boss of East Germany, acting on obvious instructions from the Kremlin, spells out the details of this offer.

Soviet Army Colonel Ulbricht maintains, of course, that the best solution is still Premier Khrushchev's plan for a free city of West Berlin, free from Western protective troops and subject to the same Communist pressures that drove the East German farmers into Communist collectives despite all the constitutional guarantees given them. But he is willing to wait. He therefore proposes a gradual reduction of Western military forces and a step-by-step abolition of the occupational status. To sweeten this new demand, he professes to adopt some of the Western concessions previously offered for an interim arrangement on Berlin, including a ban on nuclear weapons in West Berlin and curtailment of propaganda from West Berlin.

What Colonel Ulbricht ignores is that this arrangement was offered on a strictly reciprocal basis, applicable to both East and West Berlin, and was conditioned above all on continued Soviet recognition of the Western right to maintain troops in West Berlin and on Soviet guarantees of free access to that city, until Germany is reunited. In keeping with Premier Khrushchev's plan, Colonel Ulbricht proposes to abrogate that right, and though he offers guarantees on access for the interim period, the implication is that these guarantees would be extended by his East German puppet regime. This would not only put Berlin's lifelines at his mercy; it would also involve some

sort of Western recognition of his puppet regime, thereby implying Western acceptance of Germany's partition at the risk of an immediate crisis in the North Atlantic alliance.

This Soviet offer may, of course, represent only a bargaining position for later modification. If so, the new Soviet interest in an interim arrangement can be welcomed. But as it stands, the offer is merely an invitation to the West to commit suicide gradually, and the West is in no mood to do so.

[From the New York Herald Tribune, April 16, 1960]

MINDREADING IN WASHINGTON

The Foreign Ministers of Great Britain, France, and the United States have congratulated themselves on their progress toward agreed positions for the summit talks. Outside observers are in dispute as to whether these congratulations are really deserved.

There are certain predispositions, if not policies, on which the Big Three have usually disagreed and probably only when the summit talks are concluded will the world at large know whether these differences were resolved in advance—and whether they were important.

The preparations for the meeting of Premier Khrushchev with Presidents de Gaulle and Eisenhower and Prime Minister Macmillan are intrinsically difficult, quite apart from any divergences in the Western approach to East-West relations. This is because, in large part, the preparations require a certain amount of mindreading, which is never easy and is particularly difficult when the mind in question is so agile, so little bound by precedents or hampered by public opinion as that of Nikita Khrushchev.

The Russian leader is quite articulate, not to say voluble. He has had long conversations with all of his opposite numbers in the Western camp and he has made a great number of public speeches. At no time has he ever openly indicated any departure from his position on Berlin—that the West must get out, and that if the West does not do so willingly, he will turn the whole access question over to East Germany.

This would, unless the West can find some way around or through the roadblock, require direct negotiations with East Germany and a de facto recognition of East German sovereignty. It would put the seal of finality on a divided Germany and the impress of legality upon the fraudulent East German Government. And this in turn would undercut the basis for the Western presence in West Berlin, since that presence was agreed upon with the Soviet Union—not with the defeated Germans or the puppets Moscow placed over them.

That is the crux of the dilemma which the summit meeting has been convened to resolve. Of first importance are Mr. Khrushchev's intentions. Will he hold to his stand, and take steps to implement it that would certainly raise the threat of violence? Or will he held in letter and spirit to his other, often repeated, assertion that international questions must be solved by negotiation and not by force?

Spirit is the key word in the second alternative. Signing a peace treaty with East Germany and giving that satellite full control to the access routes to Berlin would not, in itself, be a violent act. But it would clearly be an act that might produce violence. Mr. Khrushchev knows that very well; he has made all sorts of threats about what Russia would do if violence erupted at the gates of West Berlin.

On the face of the record, there is nothing reassuring about Mr. Khrushchev's intentions. But to press them to extremes would incur great risks and forfeit considerable peaceful advantages. It is, therefore, almost impossible to predict just how the cat will jump when the summit meeting gets under way.

The peoples of the world cannot expect the Western leaders to be clairvoyant. They can expect them to be ready for anything, and surprised by nothing that Mr. Khrushchev may advance in Geneva.

LEAVE OF ABSENCE

Mr. JAVITS. Mr. President, as chairman of the Economic Committee of the NATO Parliamentarians Conference, I have been invited to address the Council of Europe at Strasbourg on April 25, 1960, and to consult with a number of the delegations in Europe contiguous to that time.

Accordingly, since it seems to be in the best interests of all the policy in which we are engaged that I accept these invitations, I ask unanimous consent that I may be excused from attendance at the sessions of the Senate from Friday, April 22, 1960, to and including Saturday, April 30, 1960.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Without objection, leave is granted.

BROTHERHOOD WEEK, 1960

Mr. WILEY. Mr. President, the annual observance of Brotherhood Week, celebrated earlier this year February 21–28, contributed, I believe, much to strengthening the bonds of human relations not only among our own citizens, but among people around the world.

We realize, of course, we need more than passive observances, even if laudable. Rather, the ideals and principles must be translated into action programs designed to meet the challenge of our time.

Recently I was privileged to receive from Maurice H. Terry, director of the National Conference of Christians and Jews, a résumé of a realistic, constructive effort to put into action not only the letter but also the spirit of Brotherhood Week.

Director Terry kindly forwarded a brief résumé of their program, designed to educate public thinking on the necessity for fair campaign practices. This is particularly significant in an election year.

My colleagues will recall that from time to time I have stressed that in addition to attempting to attain their goals of winning elections, candidates have a responsibility for clarifying, not obscuring, issues.

For the good of the country, as well as our prestige as a world leader, I believe we need a positive, not a negative, approach in conducting national elections.

Reflecting fundamental views of interest to candidates, campaign organizations, and the individuals who have the last word in elections—the voters—I request unanimous consent to have the brochure entitled "With Liberty and Justice for All" printed in the RECORD at this point as a part of my remarks.

There being no objection, the brochure was ordered to be printed in the RECORD, as follows:

WITH LIBERTY AND JUSTICE FOR ALL

Brotherhood Week, 1960, is dedicated, as always, to strengthening the bonds of confidence, neighborliness and good will upon which the future of every American community depends. Civic unity, fair play, community cooperation, and integrity are among the most valuable possessions of any American community. Our democracy depends upon these bonds of human relationships.

In 1960, the citizens of 50 States will elect a President and Vice President, Senators, Congressmen, Governors, jurists, and a host of other State and local officials.

To preserve the spirit of unity, civic cooperation, and good will in the midst of a hard-fought political campaign is not easy. It becomes impossible when appeals to bigotry, race prejudice, or religious hostility are used.

The use of bigotry in political campaigns is forcing Americans to give great concern to this problem. For any activity, individual, or group which seeks to pit race against race—set religion against religion—or exploit nationality groups, does a disservice to the total community. Such behavior is an immediate warning to responsible citizens.

If civic leaders act firmly in the spirit of unity and good neighborliness, they can prevent the ugly tragedy of having hostility, animosity, suspicion, and fear arise in their local communities.

NECESSITY FOR PROGRAMING

The National Conference of Christians and Jews appeals to civic leaders to protect our precious American heritage with an intelligent program of education for fair play in political campaigns. All organizations are urged to incorporate programs on this subject into their schedules during February. Such programs would not attempt to take sides in an election, but rather would stimulate concern for standards of justice and fair play.

Bruce L. Felknor, of the National Fair Campaign Practices Committee, states:

"If the world watches to see how we pick our leaders, we are apt to be in for some embarrassment. For it is virtually certain that some of them will win elections in campaigns marked by bigotry, vicious innuendo, and vilification. This forecast can be made on the basis of statewide studies of smear. The picture it presents is an ominous one.

"Episodes of smear in major (congressional and statewide) campaigns in 1958 exactly doubled those reported in the 1956 campaign. Appeals to racial and religious prejudice were up proportionately and accounted for one-quarter of the total."

The committee reported that appeals to bigotry were directed primarily at Catholics, Negroes, and Jews as targets.

SAMPLES OF PRACTICES

Let's be clear on one point: The concept of fair play for all and of hard, freeswinging political campaigns is very much in the American tradition. The hazard your community faces in such campaigns is the unjust and unfair appeal to prejudice and bigotry, which endangers civic unity and cooperation.

Charles P. Taft, of the National Fair Campaign Practices Committee, reports samples of unfair practices which endanger good community relations:

"On the basis of reports from 48 of the 49 States participating in the 1958 general elections, the incidence of unfair campaign tactics in last fall's elections was up 100 percent over the last previous study into the general elections of 1956.

"There were 64 episodes of unfair electioneering involving 35 candidates for congressional or statewide office reported for 1958 from a total of 21 States. This compares with 32 episodes from 19 States in 1956. Only nine States reported smears in both 1956 and 1958.

"In the 1956 study, the fair campaign practices committee said that nearly all smears reported were local or regional in origin and effect. Similarly in 1958, only a few episodes showed planning on a wider scale, and these involved application to election campaigns of hate literature prepared for general purposes by established operators in this field."

Among the types of unfair tactics reported by the committee were racial or religious bigotry; alleged former association with the underworld; under undue religious influence; last minute rumors of death or illness (this happened to President Eisenhower); publication of long-disproved charges against a candidate; and publication of statements, voting records, and excerpts from correspondence out of context, to support unfounded charges of venality or un-Americanism.

QUESTIONS WE MUST FACE

1. The first amendment guarantees the right of free speech. Does this right include the right to use groundless accusations and other similar tactics to win an election? Does it permit parties, candidates, or workers to appeal to prejudice, fear, or bias to win support? How can society cut down on the use of smear without infringing either the candidate's right to free speech or the voter's right to make the actual choice between the candidates?

2. Election campaigns are an important part of American political life. They are expected to be hard fought. They generate partisan loyalties. Men are vying with each other; critical of each other; citing records and experience. How can we assure a likelihood of the voter's choice being made on the basis of principles and ability, not on bias and prejudice?

3. Who is responsible for the ethical level of an election campaign? Voter? Candidate? Political parties? Political clubs? Special interest groups?

4. What is the difference between a "hard-fought" and a "dirty" campaign?

5. What can civic, fraternal, religious, and other organizations do to support fair play and integrity in campaigns?

STANDARDS WE MAY FOLLOW

Let's look at two codes which embody good standards of campaign practices:

Fair practices pledge prepared and adopted by the Milwaukee (Wis.) Bar Association

"We, being all of the candidates seeking election to the office of judge of the _____ court of Milwaukee County, branch _____, do hereby adopt and pledge to adhere to the following Canons of Fair Practices in Judicial Elections as adopted by the Milwaukee Bar Association.

"1. No candidate shall use, or permit to be used, in his behalf, any advertising or campaign material, or issue any public statement, verbal or written, which shall appeal to or reflect upon any race, creed, religion, or nationality.

"2. No candidate shall use, cause or permit to be used, any ambiguous, or misleading advertising, either in his behalf or against any other candidate.

"3. No candidates shall request, solicit, or urge any lawyer qualified to vote in the Judicial Poll, to vote, solicit, or urge, or induce himself or any other lawyer to vote, for or against, any one or more of the candidates whose qualifications are being considered in the Judicial Poll.

"4. No candidate shall spend, authorize, encourage, or permit any person, committee, club, or association organized to advance and promote his candidacy to spend or incur liability for more than the total aggregate sum of $20,000 in the advancement and promotion of his entire campaign for election, and no liability for more than $10,000 of said amount may be incurred for the primary election.

"5. Any alleged violations of the foregoing Canons of Fair Practices shall be submitted to the Committee on Judicial Qualifications, which shall take such action as it shall deem appropriate."

Code of fair campaign practice produced by the Fair Campaign Practices Committee

"There are basic principles of decency, honesty and fair play which every candidate for public office in the United States has a moral obligation to observe and uphold, in order that after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammeled choice and the will of the people may be fully and clearly expressed on the issues before the country.

"Therefore:

"I shall conduct my campaign in the best American tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponent and his party which merit such criticism.

"I shall defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

"I shall condemn the use of personal vilification, character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his personal or family life.

"I shall condemn the use of campaign material of any sort which misrepresents, distorts, or otherwise falsifies the facts regarding any candidate, as well as the use of malicious or unfounded accusations against any candidate which aim at creating or exploiting doubts, without justification, as to his loyalty and patriotism.

"I shall condemn any appeal to prejudice based on race, creed, or national origin.

"I shall condemn any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections or which hampers or prevents the full and free expression of the will of the voters.

"I shall immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn."

IT IS THE AMERICAN WAY

Citizens ask candidates for office

1. What experiences qualify you for the office you seek?

2. What personal qualities do you bring to the position that make you a more desirable candidate than your opponent?

3. What is the platform established by your party—which will limit or assist you? Will you, in general, be guided by it?

4. What will be your stand on the major issues now facing the American people?

5. What policies and programs do you propose to deal with those issues constructively?

6. What support or resistance will your political colleagues offer when you advocate these policies and programs?

Citizens do not make issues of these

1. Economic status: In America, the poor, the rich, and the middle class may seek public office without fear or favor because of their economic status. Brilliant performance in public office, as well as dull performance, comes from men of every station in life.

2. Racial or nationality background: In America, we do not judge a man by his ancestors. We have long since learned that performance in business, education, government, or religion is not related to national origin or ancestral traditions.

3. Religious convictions: In America, a man's religious faith is a personal matter. To make it a test of loyalty or government service violates our sense of justice and fair play. Religious convictions are respected in a democracy but they do not qualify or disqualify an individual for political office.

4. Fraternal associations: In America, no candidate should be judged by the number of social, fraternal, civic, or veterans' organizations in which he holds memberships. His participation in such organizations may give him wide contacts but it does not necessarily increase or decrease his ability to serve as a responsible official of government.

5. Personal family triumphs or tragedies, achievements, or failures: In America, each man is judged on his individual merit. He is neither favored nor penalized because of the success or failure of other members of his family. He is neither blamed nor praised for misfortune, hardship, heartbreak, brilliance, achievement, or good luck that his family may have experienced.

While religious affiliation, fraternal membership, business association, racial, and nationality background will be common knowledge in a political campaign, they should not be made a test for political office. Nevertheless, candidates may expect questions on political issues that have been stimulated by religious and other affiliations. When such questions are asked, honest answers are rightfully expected. However, the way such questions are asked is important. To put them in a "Do you still beat your wife?" way would be unfair and violate good practice. Furthermore, for a candidate to accuse his questioner of prejudice in order to avoid giving an honest answer is also grossly unfair. Your community's best hope is not to try to stop such questions, but to work to develop rules for the intelligent and honest handling of them.

WHAT CAN YOU AND YOUR ORGANIZATIONS DO TO HELP?

1. You can urge your friends to become interested and informed supporters of fair campaign practices.

2. You can ask your organizations to develop programs on this subject, using speakers, panels, or discussion.

3. You can let the candidates know that you stand for fair play.

4. You can secure the cooperation of your press, television, and radio stations for fair campaign practices.

A great number of civic, religious, veterans', professional, and other community organizations will be using this material in programing. They will do this because they recognize that our communities, as well as our State and Nation, can no longer afford the luxury of prejudice and bigotry in political campaigns or in other community activities. Civic unity, fair play, and community cooperation are too valuable to be endangered by any divisive activity. As J. Edgar Hoover has warned:

"Many of our problems spring from the failure of individuals to work together. We allow prejudice and bigotry to divide us. Hate and enmity often replace love and friendship. The best offense against these evils of society is a united effort of the entire community."

OUR LEADERS SPEAK

President Dwight D. Eisenhower: "The fight for freedom today is, in a real sense, a fight for the idea of brotherhood. * * * Bigotry and intolerance, racial or religious

hate and discrimination are spiritual acts of treason.

"It is imperative that * * * by word and deed, we give voice to our faith: that every man is indeed his brother's keeper, that no human being in the world can escape his spiritual involvement in what happens to any other human being."

Ralph J. Bunche: "To exert every possible effort to eliminate undemocratic practices and undemocratic attitudes, to do all that we can do to close the gap between our professions of democracy and our practice of it * * * is the only way that we can achieve our maximum national strength and unity and fully discharge our international responsibilities. In these critical times, this we must do. We cannot afford to do less."

Bernard M. Baruch: "To discriminate against a man because of race, color, creed, or national origin is antithetical to democracy and dangerous to America. In this time of democracy's testing, we must proclaim our faith in it and live closely by its principles. In these days of danger to America we can permit nothing to undermine the unity which is so essential to our safety. Nothing is so destructive of unity as the hate, discord, suspicion and bitterness which prejudice breeds."

Carlton J. H. Hayes: "What has saved us as a nation in the past from despotism and the denial of human liberties is primarily our religious, ethnic and cultural pluralism. And the only way by which such pluralism can be retained is general recognition that each group enriches rather than impoverishes the American scene and the national tradition, and that while learning to respect one another's peculiarities, all should learn to cooperate in the responsible tasks of American citizenship. We differ as groups, but we have like human interests and joint civil obligations. We certainly can and should cooperate to achieve social and economic justice in this country, to work for world peace, to deal intelligently with delinquency and crime, to cultivate standards of good taste to safeguard human rights."

Paul Hoffman: "We are the strongest free society in the world, but we must remain so and grow stronger. We can best accomplish that by holding fast to the concepts of freedom and justice which are our great heritage. We must strive to make our Bill of Rights a living document and to see that equality of opportunity for everyone regardless of race or creed or color is a fact rather than a pious hope. Working for brotherhood at home is vitally important in combating communism abroad."

Cornelia Otis Skinner: "The fact that racial and religious prejudice should, in any form, exist in a great democracy, is an incredible mockery of the very word democracy. It should be considered in the light of a personal disgrace to every citizen of that same democracy. For prejudice is a crime. It is a crime against the democratic ideal, a crime against the teachings of Christianity, Judaism and the great religions, a crime against human decency and a crime against just plain common sense. Furthermore, it is a crime for which every American citizen, directly or indirectly, is responsible, if not for its inception, at least for the continuance of its presence in our world today. We are responsible because of our apathy in sidestepping the issue, because of our outmoded give-it-time-it-will-cure-itself attitude, because of our kidding ourselves with the preposterous fable that it is a special problem to be solved by the special persons affected. The problem is our problem, and as long as prejudice exists in our land, we are the persons affected. The solving of it must be done by all of us, each and every man, woman and child of this Nation, of every walk of life and of every race, creed or color."

RELIEF OF WIDOWS AND FAMILIES OF NAVY BANDSMEN KILLED IN AIR DISASTER OVER RIO DE JANEIRO, BRAZIL

Mr. JAVITS. Mr. President, I am a cosponsor of the bill introduced by the Senator from Maryland [Mr. BEALL] today to provide some financial compensation for the families of the Navy bandsmen who were killed in a tragic air accident last February in Brazil during President Eisenhower's goodwill tour of South America. I had been personally requested by four of these Navy widows who are New York constituents of mine to offer legislation, and in fact was preparing a bill similar to that of my colleague. However, I am most happy instead to join forces with Senator BEALL as a cosponsor of this legislation and hope that others representing the States from which the Navy bandsmen came will join with us in a nonpartisan effort to win some relief for these 19 unfortunate families of servicemen killed in the line of duty.

In the letters written to me by the four New York widows, and in numerous news articles, it appears that due to last minute scheduling, the Navy bandsmen did not have an opportunity to provide for their families through the purchase of flight insurance to cover what proved to be the fatal lap of their journey. The four wives wrote me that normally on such journeys their husbands would have bought the maximum amount of insurance in case of mishap, and each widow asks that the Congress provide some measure of financial relief for them and their children.

I believe that their cause based on the facts as they are known to us is eminently just, and that the Congress should consider this legislation during this session so that there will not be any unnecessary delay in easing the financial burdens faced by the 15 widows, many of whom have young children, following their husbands' untimely deaths.

To the four New York widows who have contacted me, I am sending the following telegram today:

> The country and the Congress are most sympathetic to your plight and share in your grief over the tragic death of your husbands while on active duty. Today, I have joined Senator J. GLENN BEALL, of Maryland, in cosponsoring legislation to provide financial compensation of $50,000 to you as the maximum amount of flight insurance which could have been purchased by your husband had he had the opportunity prior to his departure. I believe your cause to be just and I shall do my utmost to seek passage of this legislation.
>
> Sincerely,
>
> JACOB K. JAVITS,
> *U.S. Senator.*

The four New York constituents whose husbands died in the tragic accident were Margaret K. Clark, Lockport, N.Y.; Norene Micallef, Brooklyn, N.Y.; Beatrice Tramentana, New York City; and Beverly J. Wilklow, Perry, N.Y.

MONTANA CADETS AT WEST POINT

Mr. MURRAY. Mr. President, an excellent article on Montana Cadets presently at West Point appeared in the Sunday, April 3, 1960, issue of the Great Falls Tribune of Great Falls, Mont.

Several of my appointees to the Military Academy are mentioned in the article which points out the very good foundation these young men are obtaining in military science and leadership during their 4 years at the U.S. Military Academy. I am very proud of these young Montanans who are making a sincere and conscientious effort to serve our country.

I request unanimous consent that the article from the Great Falls Tribune entitled "Montana Cadets at West Point" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MONTANA'S CADETS AT U.S. MILITARY ACADEMY—ELEVEN TREASURE STATE MEN AT HISTORIC WEST POINT

WEST POINT, N.Y.—Eleven Montana men are among the 2,500 cadets currently enrolled at the U.S. Military Academy which has operated here since 1802.

Like hundreds of thousands of other young men, they're busily engaged in getting a college education. But while they're doing that, they're also getting a good foundation in military science and in leadership.

As are the rest of the present Cadet Corps, the Montanans are a cross section of American youth, selected on the basis of ability and promise. They come from cities and ranches. Their parents include teachers, ranch foremen, ranch operators, accountants, social workers, executives, and military men.

John B. Seely is Montana's lone first classman, or senior. He is the son of Mr. and Mrs. Brad Seely, who live summers at Whitefish where they operate a resort and winters at Great Falls where Seely is president of the Montana Pipe and Concrete Co.

Cadet Seely is a Whitefish High School graduate. He was on the ski team for 4 years and a member of the State championship squad in 1953–54. He also played football for 4 years and was all-Western Conference tackle.

Seely is a member of the Ski Club at the Academy and also belongs to the Skeet and Handball Clubs.

The four Montanans in the second (junior) class are Ted A. Showalter of Roundup, Lawrence H. Prather, Jr., formerly of Hamilton, Charles H. Armstrong, of Malta, and Thomas J. Minnehan of Inverness.

Showalter's parents are Mr. and Mrs. Albert D. Showalter. His father operates ranches in Musselshell and Yellowstone Counties and a motel at Roundup. Showalter was winner of the regional science fair at Billings during his senior year at Roundup High School.

At West Point he is photography editor for the 1961 Howitzer, and a member of the Sailing, Outdoor Sportsmen's, and Camera Clubs. He also is on the Debate Council and Forum.

Prather is the son of Col. and Mrs. L. H. Prather, now at Chateauroux, France, where Colonel Prather is commanding officer of the military advisory program. Prather's mother is the former Helen Hayward of Hamilton. Cadet Prather was born there.

Prather belongs to the Spanish Club, Hi-Fi Club, Camera Club, and Rocket Society at West Point, plays on the 150-pound football squad, and the baseball C squad.

Armstrong is the son of Mr. and Mrs. Bert H. Armstrong of Malta. His father is a store manager. Armstrong was graduated from Glasgow High School and attended Montana State College for a year. He is

manager of the Academy's hockey A squad and belongs to the French Club, Handball Club, Skeet Club, and the Chapel Choir.

Minnehan's mother, Ruth M. Minnehan, lives at Inverness but teaches at Hingham. His father, the late John J. Minnehan, coached and taught at Columbia Falls, Froid, and Hi-Line towns in Montana for 25 years. Minnehan played with Shelby High's class B basketball champions in 1954–55 and also played 3 years of football. He played with the plebe basketball team at the Academy and is a member of the Rocket Society, German Club, Astronomy Club, and Ski Club.

The two Montana third classmen (sophomores) are Fred R. LaRoque, Eureka, and Lewis Higinbotham, Sunburst.

LaRoque's parents are Mr. and Mrs. Fred R. LaRoque, Sr. His father is a teacher and athletic coach at Lincoln County High School, Eureka. Higinbotham's parents, Mr. and Mrs. Robert Lewis Higinbotham, now live in Barcelona, Venezuela. Mr. Higinbotham is an oil accountant with Texaco, Inc. He formerly worked at the Texaco refinery at Sunburst.

LaRoque is on the Army varsity track squad. He runs the mile and 2-mile events and cross-country. He also is a French Club member.

Higinbotham won numerals in gymnastics at the Academy and belongs to the Chapel Choir, Glee Club, Pistol Club, Ski Club, and Cadet Sunday School Teachers. He is on the staff of the cadet magazine, the Pointer, and is a lifeguard.

Fourth classmen plebes (freshmen) are the Ellerson brothers, John C. and Geoffrey D., Jr., formerly of Butte; Thomas A. Dolighan, of Bozeman, and Joe F. Galle, of Shelby.

The Ellersons' parents are Col. and Mrs. Geoffrey Dixon Ellerson, now at Poitiers, France. Colonel Ellerson is assistant commander at the Army's 5th Logistic Command there. Both Mr. and Mrs. Ellerson are natives of Butte and Mrs. Ellerson, the former Mary F. Thomas, also resided at Grant. The cadet's grandmother, Mrs. R. E. Thomas, lives in Butte.

Dolighan's mother, Florence Burns Dolighan, is supervisor of the Gallatin County welfare department at Bozeman. His father, the late James Russell Dolighan, was a coach of the Great Falls hockey team when the family lived in the Electric City. The Dolighans also have lived in Helena and Deer Lodge.

Galle's stepfather and mother are Mr. and Mrs. E. E. Learn. Learn is foreman of a ranch near Shelby. The family formerly lived in the Manhattan area.

John Ellerson won his football numerals last fall and is a member of the Ski and Rocket Clubs. His brother Geoffrey is a member of the Cardinal Newman Club and takes part in intramural boxing.

Dolighan was on the Academy's C squad in wrestling and belongs to the Ski Club, Glee Club, Debate Council and Forum. Galle is a member of the C pistol squad, the Pistol Club and the Debate Council and Forum.

These cadets' rigorous academic and extracurricular activities get under way each day at 5:30 a.m. when reveille sounds. Breakfast is at 6:30. There are two classes in the morning, with a study period in between, and at least one class in the afternoon.

Each cadet spends at least two afternoon periods a week, following classes, in intramural sports.

The Academy practice of small classes allows each cadet a chance to recite or prepare a problem analysis, for scrutiny by his instructor, in each class. Except for a choice of one of five languages, the same curriculum is prescribed for all.

Evenings are devoted to study, in either the cadet rooms or the Academy library, until taps at 11 p.m.

Today's cadet has only 2 hours a week during the academic year of military instruction, but actually his every waking hour is spent in a military atmosphere and he is constantly being trained in the manner and bearing of the soldier.

Two summer months are devoted exclusively to military training. With a 9-month academic term, that leaves only 1 free month a year, but for these young men with a purpose, that's enough.

ANNIVERSARY OF THE DEATH OF FRANKLIN DELANO ROOSEVELT

Mr. WILLIAMS of New Jersey. Mr. President, millions of Americans paused, I am sure, on April 12, to remember the anniversary of the death of Franklin Delano Roosevelt.

Perhaps many of us felt once more some of the shock and dismay, when, on that day 15 years ago, we learned that a great leader was lost to us.

Many words have been written about F.D.R. He himself has contributed many speeches and statements which serve as inspiration to Americans as they face new challenge. One of the finest collection of statements by the late President was gathered by Richard B. Morris, chairman of the department of history at Columbia University, for the April 10 edition of the New York Times magazine.

And, from that collection, one of the most inspiring excerpts was taken from F.D.R.'s last written words in the unfinished manuscript of the Jefferson Day address he was preparing for delivery on April 13, 1945.

Mr. President, as we remember the past and look to the future, we may find guidance and comfort in those words. I ask unanimous consent to have them printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Today, as we move against the terrible scourge of war—as we go forward toward the greatest contribution that any generation of human beings can make in this world—the contribution of lasting peace, I ask you to keep up your faith. I measure the sound, solid achievement that can be made at this time by the straightedge of your own confidence and your resolve. And to you, and to all Americans who dedicate themselves with us to the making of an abiding peace, I say: The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith. (F.D.R.'s last written words in the unfinished manuscript of the Jefferson Day address he was preparing at Warm Springs for delivery April 13, 1945.)

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Is there further morning business? If not, morning business is concluded.

Without objection, the Chair lays before the Senate the unfinished business.

AMENDMENT OF MOTOR VEHICLE SAFETY RESPONSIBILITY ACT OF THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (S. 2131) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended.

RESIDUAL OIL

Mr. BYRD of West Virginia. Mr. President, the administration's position on residual oil import controls has been "elasticized" so frequently during recent months that the entire import control program is in jeopardy. The recent action of the administration in increasing import allocations on residual oil by an additional 12 million barrels for the period April–June 1960 threatens to destroy the integrity of the program and to weaken public confidence in the efficacy, not only of the program, but also of the Presidential Executive order upon which the import program is based.

When the increase of April 9 is considered in relation to the 26 percent increase in quota allocations granted when the 6-month quotas—January–June—were originally made, the volume of imports reaches staggering proportions.

An article in the New York Times of Wednesday, April 13, points out that the current increase of 12 million barrels represents 15.5 percent of the import quotas for the 6-month period.

The administration's action in acceding to demands for higher quotas during the current period resulted in the greatest benefits to the larger importers of residual oil. According to the previously referred to New York Times article, the largest increases went to Standard Oil of New Jersey, with 3,648,216 barrels; Texaco, Inc., 1,934,012 barrels, and Hess, Inc., with 1,362,768 barrels. The action of the administration in granting higher quotas was a complete about face on the part of administrating officials. It was on March 9, just 1 month previous to the current action that Elmer F. Bennett, Acting Secretary of the Interior, wrote Joseph E. Moody, president of the National Coal Policy Conference, as follows:

The allocation level for residual for the first half of 1960 was set in a fully responsible way at a level which, everything taken into consideration, was completely reasonable. If those who have allotments under the program make the decision to so gear their import and sales policies as to exhaust their allotments substantially before the end of the allocation period; that is their right, and it is a right with which this Department will not quarrel. I think, however, that these importers should be on notice that nothing has come to the attention of this Department which leads us to doubt the validity of the import level which was established for the first half of 1960, and that we have no information which would appear to warrant an upward adjustment in the residual allocation for this 6-month period.

West Virginia is the principal victim of these continuing increases of residual oil import allocations. The additional 12 million barrels of residual imports cleared for delivery between now and June 30 under the rearranged schedule, are equal to almost 3 million tons of coal in energy value. Most of this coal would have come from West Virginia's mines and been shipped over our railroad systems. Nowhere in these States of ours can you find greater distress and want than among the workmen engaged in these two major industries.

In a conference with Secretary of the Interior Seaton on April 9, participated

in by Senator RANDOLPH, Representative CLEVELAND BAILEY, and me, it was pointed out that one of the disturbing factors in the operations of the oil import control program was the lack of stability and the reliance on voluntary response by the international oil companies to the mandatory quota system. The Secretary and his principal assistants assured that major changes in departmental policy for administration of the import controls would be ordered.

It is now urgent that the Interior Department give serious consideration to a thorough study and investigation of the manner in which the oil import control program is being administered. It is our opinion that some of the economic factors used in basing the allocations are impractical and improvident. This particularly applies to the system of consumer demands estimates. Originally the program was to be based on the 1957 import levels. However, more recently this basis seemingly has been disregarded, and the artificially created market demand for residual oil has governed. This impact has been of such effect that in reality the snowballing of increased demands induced by "distress" prices offered by the major oil importers in order to move still larger quantities of the imported "liquid coal" is approaching proportions of "sabotage." It is a well-accepted fact in the trade that large percentages of the residual import allocations are being used by the major oil companies to convert not only customers who previously and traditionally had burned coal, but also to raid the markets of their other oil-supplying competitors. Little or no consideration has been given by the major importers to reserving a part of their periodic quotas for the use of regular customers. The regular customer is taken care of in the day-to-day operation, but the major selling effort is leveled at meeting and getting larger volumes in order that the importer, in turn, can show an increased demand and again come to the Government for increased import licenses.

This situation was recognized by Secretary Seaton in his announcement covering the increased quotas for the April-June period. In that announcement he attributed the necessity for the additional volume, not only to the colder weather during the month of March, but also to the "irregular marketing pattern of a few major importers." I believe the time has come when the influence of these major importers, not only on the fuel markets, but also on the administration of Government policies and programs, must be brought to an end.

It is my hope, and Senator RANDOLPH and the West Virginia delegation in the House will vigilantly pursue with the Department of Interior the accomplishment of such, that in the future, oil import allocations may be substantially reduced below the 1957 import levels or at least permitted to come in at no higher level, and in addition, that some program will be established whereby inventory buildup—for the protection of the regular residual customers—will be done within quarterly quotas.

Any action other than this is unfair not only to the domestic fuel industries, but to our entire national security.

THE "STOP KENNEDY COALITION"

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD at this point a news release which was issued from my office yesterday.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

SENATOR ROBERT C. BYRD HAS JUST RETURNED TO WASHINGTON FROM A 27-COUNTY VISIT IN WEST VIRGINIA THE WEEK OF APRIL 11 THROUGH 16. THE SENATOR ISSUED THE FOLLOWING STATEMENT CONCERNING THE PAST WEEK'S PUBLICITY ON A SO-CALLED STOP KENNEDY COALITION REPORTEDLY BEING FORMED UNDER HIS (BYRD'S) LEADERSHIP

There has been an effort to make it appear that a coalition has been formed against Senator KENNEDY in West Virginia and that I have urged such a forming of a coalition. This is not the case. I have merely endeavored to alert the Democrats of West Virginia to the significance of the West Virginia presidential primary, and I have indicated to them that if they are supporters of any presidential aspirant other than KENNEDY, it is vital that they go to the polls and vote.

This is not meant to be a reflection on Senator KENNEDY. I think that he is a good Senator, and this can be said of the other Senators who are being mentioned for the Presidency. I do think that Senator KENNEDY lacks the age and experience to be President in these perilous days. I find it difficult to be secure in the thought of his sitting down with the Adenauers, the de Gaulles, the Macmillans, and the Khrushchevs, as our country wrestles with important problems in the field of international affairs. If he were a man with the years and experience of Governor David Lawrence of Pennsylvania, himself a Catholic, it would be entirely different.

As to the formation of any coalition, it should be remembered that the man that I support as the Democratic presidential nominee, Senator LYNDON JOHNSON, who has as yet announced no intention to be a candidate for the Presidency, has no organization in West Virginia which could be used in Senator HUMPHREY'S behalf. Nor do I have knowledge of any organization there in behalf of Senator SYMINGTON or Adlai Stevenson. I think that the Kennedy forces would like to capitalize upon the so-called gang-up of forces against their candidate so as to make him appear to be the underdog. There is no question in my mind as to who bears the underdog title. Senator HUMPHREY'S lack of adequate finances with which to purchase ample television time and other advertising aids, his lack of an army of professional organizers to cover the State in his behalf, these things and more make him the underdog.

I deplore the effort being made upon the part of some persons to make it appear that a victory for Senator HUMPHREY in West Virginia would be a victory for religious prejudice. The effort is being made to put Senator HUMPHREY in the role of the anti-Catholic candidate. It is regrettable that anyone who happens to be for someone other than Senator KENNEDY is immediately attacked as being anti-Catholic. This is the course that is being followed by some of those who disapprove of my efforts in Senator HUMPHREY'S behalf. I am finding that there are a few persons who, while they abhor religious bigotry, prove themselves to be very intolerant of those of us who just happen to favor someone other than their candidate.

CALL OF THE ROLL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, will the Senator from Indiana yield, without his losing the floor?

Mr. HARTKE. I am glad to yield to the Senator from Texas.

WATERSHED PROTECTION AND FLOOD PREVENTION

Mr. YARBOROUGH. Mr. President, a remarkable example of a unique approach to economy is contained in the administration's budget suggestions for appropriations in flood control and soil conservation work. It wants to limit expenditures that will protect and improve our farmers' croplands, and invest more tax money in higher interest rates on Government bonds. With the farmers' share of the food dollar at the lowest point in over 20 years, and interest rates at their highest point in history, it seems logical that the administration might suggest doing something to improve the state of agriculture rather than to increase interest rates. Whether the Budget Bureau approves it or not, I strongly urge that we appropriate funds for a sound, adequate watershed protection and flood prevention program.

Mr. President, men in the best position to know—leaders of the Association of Texas Soil Conservation Districts—have advised me that Budget Bureau recommendations for watershed protection and flood prevention work will not nearly meet the acute need. The Budget Bureau wants to limit planning funds to $3½ million and installation funds for installations under Public Law 566 projects to $21,900,000, in the next fiscal year.

Mr. W. S. Gibbs, president of the association, recently wrote me explaining the need for additional planning and installations funds, in this manner:

In this present fiscal year there were 14 Public Law 566 projects that started operations in Texas, as compared to 26 similar projects that are now expected to be ready for operations next fiscal year. On a national basis, our information is that at the beginning of this present fiscal year there were 180 such projects authorized for operation whereas it is estimated that 260 such projects will have been authorized by this July 1.

Mr. President, I am in complete agreement with Mr. Gibbs and members of his association in the position that this vital program should not be limited or stinted. For that reason—to keep this great program moving forward in efficient coordination with long range plan-

ning—I am urging that funds for studies during the next fiscal year be increased from $3½ million to $5 million and that installation work be increased from the budget recommendation of $21.9 million to $35 million.

Mr. President, in order to give those interested an up-to-date report on accomplishments in watershed protection and flood prevention work in Texas, I ask unanimous consent to have printed at this point in the RECORD a letter from Mr. H. N. Smith, State Conservationist, U.S. Department of Agriculture, Soil Conservation Service, at Temple, Tex.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
SOIL CONSERVATION SERVICE,
Temple, Tex., March 4, 1960.

Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: As we have done in the past, we would like to bring you up to date on progress in watershed protection and flood prevention work in the State.

One of the most important developments in the progress of upstream watershed projects during the past year has been the efforts of local people to organize special-purpose districts with authority and financial ability to carry out their responsibilities under current watershed legislation. In some instances, city and county governments, or other existing subdivisions of State government, have agreed to cosponsor proposed projects.

The ability of the sponsoring organizations to furnish all land rights, administer construction contracts and to operate and maintain installed works of improvement is a primary consideration before the State Soil Conservation Board will recommend a Public Law 566 watershed for a planning priority. Local sponsoring organizations must, of course, show ability to fulfill their responsibilities before planning assistance can be furnished by the Soil Conservation Service.

A State summary of watershed activities under Public Law 566, as amended, shows the following:

Applications received by the State soil conservation board	149
Approved by board as feasible for planning	92
Disapproved by board	51
Applications pending before board	4
Applications withdrawn	2
Watersheds for which SCS Administrator has authorized planning assistance	36
Work plans approved	20
Work plans completed and in process of review	2
Watersheds on which planning is under way	9
Projects found not feasible during planning	5

PILOT WATERSHED PROJECTS

Installation of the planned works of improvement has been completed in three of the four pilot watershed projects being provided Federal assistance in installation of improvement measures under the watershed protection item in the appropriation bill for 1954. These three projects are Calaveras Creek, Bexar, and Wilson Counties, with nine floodwater retarding structures; Escondido Creek, Karnes County, with 11 floodwater retarding structures; and Green Creek, Erath County, with 13 floodwater retarding structures. The fourth pilot watershed, Cow Bayou, McLennan and Falls Counties, has nine floodwater retarding structures completed to date. The total Federal construction cost in the projects has been Calaveras, $315,917; Escondido, $506,988; Cow Bayou, $481,104; and Green, $775,475.

Considerable progress has been made in upstream flood prevention projects developed in those river watersheds for which work was authorized by the Flood Control Act of 1936, as amended and supplemented. These included the Upper Trinity River, the middle portion of the Colorado River and the Upper Washita River.

TRINITY RIVER WATERSHED

To date, construction has been completed or is currently under way on 246 floodwater retarding structures in the Trinity River watershed. It is anticipated that construction contracts will be awarded on 35 additional structures and approximately 14 miles of stream channel improvement during the remainder of the current fiscal year.

MIDDLE COLORADO RIVER WATERSHED

Seventy floodwater retarding structures have been completed or are under construction in the middle Colorado River watershed. It is anticipated that contracts will be awarded for construction of six additional structures and approximately 51 miles of stream channel improvement prior to June 30, 1960.

WASHITA RIVER WATERSHED

A watershed work plan has been developed for the upper portion of this watershed, Texas and Oklahoma, and the work plan was approved on July 6, 1959. The planned works of improvement in Texas include 36 floodwater retarding structures. Contracts for construction of eight of the structures should be awarded prior to June 30, 1960, and seven more are scheduled for construction during the 1961 fiscal year, providing funds are available.

U.S. STUDY COMMISSION—TEXAS

The Soil Conservation Service is participating in the work of the U.S. Study Commission—Texas. Currently, field investigations are under way to obtain pertinent data in connection with upstream flood prevention and water resources development in the eight river basins and intervening areas included in the study. Floodwater and sediment damage appraisals are being completed in all tributary areas preparatory to tabulating and summarizing by subbasin and river areas. Watershed problems are studied and the feasibility determined of needed works of improvement. This work is progressing a little ahead of schedule at the present time and it is anticipated that all necessary fieldwork by the Service will be completed by about August 1, of this year.

Field specialists and technicians are developing drainage information to be used by the Study Commission. The information includes location of drainage problem areas, those areas adequately drained at present, areas in need of drainage and a determination of the availability and adequacy of outlets. Estimates are also being prepared of expected future land use conversions with drainage installed. All field work is scheduled to be completed by July 1, 1960, and it is anticipated that summarized data in final form will be presented to the Commission by October 1, 1960.

The Soil Conservation Service is also utilizing its personnel and equipment to conduct studies, investigations, inventories and evaluations necessary to secure data on present and potential irrigation within the study area. The information will include the total acres under irrigation, acreages irrigated in 1958 by principal crops and the acres of dry land soil that could be irrigated if water were available. All work is nearing completion and it is anticipated that the desired information will be ready for the U.S. Study Commission by April 1, 1960.

I send best regards and good wishes.

Very truly yours,

H. N. SMITH,
State Conservationist.

Mr. YARBOROUGH. Mr. President, this letter shows, among other things, the total number of applications received, the number of applications approved as feasible, and other data which are pertinent to support the position taken.

I call attention to the fact that during the short session of the Senate yesterday the distinguished senior Senator from West Virginia [Mr. RANDOLPH] pointed out that the seventh annual nationwide meeting of soil conservation districts and of State watershed districts is taking place in Washington at this time. Thus it is appropriate that the need for this money be demonstrated while this great meeting of the National Watershed Congress is taking place in this city.

The National Watershed Congress is a group composed of some 20 associations, themselves nationwide in scope. The Watershed Congress points out the need for the comprehensive study of the Nation's watersheds.

The administration's effort to limit the services growing out of this work and to curtail the studies for comprehensive watersheds, with their influence for good on the habitat of the human race, of wildlife, and of plant life, is one of the most shortsighted policies of the Government.

In connection with my statement, I call attention to the issue of the CONGRESSIONAL RECORD for yesterday, April 18, 1960, where appear the very pertinent remarks of the distinguished Senator from West Virginia [Mr. RANDOLPH], the colleague of the distinguished junior Senator from West Virginia [Mr. BYRD], the present President Officer. These two Senators ably represent one of the great States of the Union.

TEXAS CLASSROOM TEACHERS ASSOCIATION RESOLUTIONS

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD two resolutions on public education recently adopted by delegates to the convention of the Texas Classroom Teachers Association in Beaumont, Tex., on April 8 and 9, 1960.

In view of the public-school construction and teachers' pay bill, which passed the Senate several weeks ago and is now awaiting House action, I believe these resolutions should be of special interest to all Members of Congress and the administration.

It has long been my belief that the crisis of financing a vastly enlarged and improved public education system must be met with teamwork and cooperation among all levels of government—school district, county, State, and National. Texas classrooms teachers concur in this belief. One portion of their resolutions reads:

We believe that it is the responsibility of the local, State, and National Governments to

provide maximum educational opportunities throughout the country; furthermore, means must be found by these agencies to share in this program of finance without sacrificing local autonomy.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

I. EDUCATION IN A DEMOCRACY

(a) We reaffirm our faith in public education as a significant agency for the perpetuation of American ideals of freedom, equality of opportunity, and self-government; and urge that greater emphasis be given in the instruction of children, youth, and adults concerning the vital place public schools have in our democratic way of life.

(b) We believe that our free public schools contribute immeasurably to our national security by the development of moral stamina, physical vigor, mental health, scientific knowledge, basic academic skills, and understandings.

II. LEGISLATION AND SCHOOL FINANCE

(a) We believe that it is the responsibility of the local, State, and National Governments to provide maximum educational opportunities throughout the country; furthermore, means must be found by these agencies to share in this program of finance without sacrificing local autonomy.

(b) Mounting school enrollments, rising costs, and the demands for an ever higher quality of education make it imperative that immediate legislation provide adequate support for the entire Hale-Aiken program.

(c) We believe that Federal funds should be appropriated to build classrooms and to increase salaries of teachers. We believe that legislation for these purposes should assure that funds will be distributed among the States and made available for public-school purposes according to an objective formula based on school-age children. We recommend that these funds be administered by the U.S. Office of Education and allocated to the local districts by the regular State education agencies.

Mr. YARBOROUGH. Mr. President, the first resolution expresses the need for education in a democracy and a reaffirmation of faith in an extended public education program for the perpetuation of American ideals. It urges that greater interest be shown in the instruction of children, youth, and adults concerning the vital place which schools have in our democratic way of life.

The second resolution, a very vital one, endorses the action of the authorities in their support of Federal appropriations for public education. In my own State, this is a very forward step, as many bodies in Texas have been taught by certain greedy, selfish interests that there is something wrong about seeking Federal aid for education. Yet in this country we are spending an amount equivalent to 4½ percent of our gross national product for education, and even such education is impaired. I favor the support of education at the local level, the State level, the Federal level, and at every other level necessary to provide adequate education.

We can no longer indefinitely hold our position of leadership in the world by spending for education, an amount equivalent to only 4½ percent of our gross national product, when another nation, having a greater land area and larger population than ours, spends 12½ percent of its gross national product on education.

GROUNDING, INSPECTION, AND APPROVAL OF ELECTRA AIRPLANES

Mr. HARTKE. Mr. President, I had planned to make these remarks yesterday, but due to the extremely short session I did not reach the floor in time to do so. I was engaged in a telephone conversation with an official of American Airlines, concerning the inspection of that company's planes. He explained that all the Electras flown by American Airlines have been inspected under the recent order for inspection. That was his statement. Although I cannot verify it, I understand it is correct.

During the holiday weekend, I became aware of some disturbing moves within some agencies whose activities come within the purview of this body.

I learned from newspaper friends on Friday that the Civil Aeronautics Board had on the previous day unanimously recommended to Gen. E. R. Quesada, the Administrator of the Federal Aviation Agency, that all Electra airplanes not yet inspected and approved be grounded. I have since been informed that the recommendation was originally issued on April 12, and that subsequent thereto, on April 13, the CAB met with the FAA officials, and again met with them on April 15. I talked of this with General Quesada.

General Quesada himself confirmed this to me. But he also told me he had no intention of following this recommendation.

He said that 60 percent of the Electras in use had been inspected; and, although most of them showed broken tabs where the metal covering is hooked together, he considered this rather minor. I suggested to him that it would seem prudent, nevertheless, to follow the advice of safety experts with the CAB. In any case, I continued, the Administrator most certainly should make a full explanation to the public.

Assuming that the Electra, once it is inspected, is a safe airplane, how is the public to know which Electras have been so inspected and approved? This is one thing that the officials of the American Airlines were talking about to me on yesterday.

The present uncertain state of affairs does grave damage to all airlines, including those flying equipment which the CAB considers safe.

At first, General Quesada said he would not make any public statement—a sort of brass-hat curtain of secrecy. But, later, he acknowledged that perhaps he should. While he was making this decision, I said I made a public statement expressing shock concerning his overall refusal to follow the CAB recommendation.

The question of whether this type of aircraft is safe or unsafe, or whether in its structure there are some "bugs" which remain to be worked out, has been the subject of controversy for many weeks. Last fall, near Buffalo, Tex., an Electra crashed under circumstances that led investigators to believe that the ship had fallen apart under the strain of speed when striking clear air turbulence.

A few weeks ago, the same thing occurred near Tell City and Cannelton, Ind. Senators may recall that I was at the crash scene in my own State, and that I suggested the grounding of this type of airplane, pending inspection and approval of all of them.

General Quesada at that time issued a slowdown order, indicating that this would make the plane safe. Shortly thereafter he issued a second slowdown order, and told all airlines that Electras would have to face a tough safety check. The Members of this body may recall that I applauded that move, and added that I hoped it would do the job of making flying in Electras safe. General Quesada himself congratulated me on my interest in safety.

I am certainly a layman when it comes to judging what is safe and what is not. I only know that when I was at the scene of the horrible disaster in southern Indiana, it was perfectly obvious that the wings had been ripped from that airplane. I also know that investigators there told me it was almost exactly like the crash near Buffalo, Tex., a few months earlier. I also know that experienced airmen have told me other facts about propjet flight.

Of 226 air deaths in 1959, two-thirds were from propjet planes. During the first 3 months of 1960, there were 147 air deaths. Of these 76 percent were on turboprops.

As I have said, I am a mere layman in this field. But I certainly know that when a type of airplane flies only about 10 percent of the total hours, but accounts for 76 percent of the deaths, its safety record is not good.

I believe that in fairness it should be pointed out that of the 192 turboprop planes in operation, 34 are Fairchild F–27's which have had no fatal accidents in 48,000 flying hours.

Again, as a layman, I was immensely impressed with the CAB investigators I saw in Indiana. It is my impression that the CAB has an excellent record in promotion of air safety.

General Quesada has chosen to ignore the recommendations of this Board, and to proceed according to information which I am told comes from investigators in his agency—the FAA. It may be that he and his people are entirely correct. At this late date, we can only hope that they are.

But we do know this much: First, the CAB experts and the FAA experts do not agree. CAB people, we hear by the grapevine, say the Electra airplane is not safe unless it has undergone a careful check and unless repairs have been made. FAA people, we hear, also via the grapevine, say it is safe, now that it has been slowed down. At best, our Government experts cannot agree. Do we need two sets of experts? Are not they duplicating each other's efforts? Second, the whole matter has been strangely secret. We, in the Congress, find things out by the rumor route. We are witnessing government by the grapevine.

Had I not received information from unofficial sources, the public might still not know as much as it does. Even after I released the facts as I knew them, General Quesada delayed his short statement for several hours, continuing an unjustified secrecy. Even then he chose to ignore any reference to the unanimous CAB recommendations, with the obvious intention of pretending such recommendation did not exist. I have contacted the CAB, and requested from it a copy of its report. The CAB told me the report was submitted to the FAA. I contacted the FAA, and am told by it that the report is not available. It is still a secret report, and it still has not been officially released by either agency. Yet everyone, even the press, seems to know the contents of the report; and today no one denies that the CAB unanimously recommended the grounding of all such planes until they were inspected and repaired.

Certainly everyone, the general public included, deserves to know the whole truth. After all, the experts did not agree to slow down the Electra until many, many lives had been lost. Right now, the experts cannot agree on whether it is a safe airplane. General Quesada has the responsibility of deciding what to do. He has made a decision, which all of us pray was the correct one. I, for one, feel that he owes all of us an explanation of how he arrived at this decision and what recommendations had first been given him. General Quesada should recognize a duty to the public, and should come forward with a detailed explanation without further delay.

Mr. SYMINGTON. Mr. President, I congratulate the able Senator from Indiana for the interest he has on this all-important subject and his statement.

Mr. President, no one knows what caused this Electra airplane to shed a wing twice.

The Lockheed Co. is being required by the FAA to conduct a three-prong program.

First, a vigorous flight test program of a highly instrumented airplane in which the airplane will be subjected to the severest of turbulence and the severest of flight maneuvers.

Second, a highly instrumented static test program.

Third, a reexamination of all the theoretical data that has gone into the design of the airplane.

This series of tests will cost approximately $25 million and will, in the opinion of the FAA, determine the cause.

The restrictions now imposed on the airplane will not be lifted until the cause is determined.

The Civil Aeronautics Board has recommended the grounding of these Electra aircraft that have not been inspected as per the FAA requirement.

More than 90 airplanes have completed their inspection. On 60 there is a detailed and accurate tabulation of every minor fault found.

The minor and major faults found do not establish any pattern leading to probable cause.

The CAB made this recommendation on grounds the FAA does not accept as valid.

There is a difference between the FAA and CAB—and the former has the responsibility.

The CAB has recommended the grounding of these airplanes.

The FAA, which will have inspected all the airplanes by the end of next week, does not believe this is necessary.

Mr. President, I rise not only to commend my colleague, the Senator from Indiana, for his interest in this important matter, but also to say that I, myself, do not know the condition of the airplane or whether the decision of the FAA is or is not right and proper.

But I do know that it is up to the FAA to make the decision—and, of course, there is an element of risk in any such decision.

Based on many years of firsthand knowledge and experience with Elwood Quesada, I know he is an able and patriotic public servant, a credit to the Government for which he works.

Mr. President, I thank my colleague for letting me make my statement.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the distinguished chairman of a great committee.

Mr. MAGNUSON. Mr. President, the Senator from Indiana, as I think the Senator from Missouri has pointed out, has done a great service by indicating his deep interest in this matter.

Mr. SYMINGTON. He certainly has.

Mr. MAGNUSON. I know of no one who has paid closer attention to this problem. However, what the Senator from Missouri has said is true. I have, for the last 3 or 4 days, kept in touch, as has the Senator from Indiana, with what is being done in this matter. The company involved is making most exhaustive tests. As a matter of fact, so unique has been the problem that other airplane companies, such as Boeing, have sent their experts there, free of charge, so they might find, for the benefit of everybody, just what the problem is all about. It is true that the CAB and the FAA did have some difference, apparently, as to what should be done. General Quesada reduced the load and speed of the airplane.

The Senator from Indiana and I discussed this matter a few minutes ago, privately. What the Senator from Missouri has said is correct. I think that within the week we shall know a great deal more about this situation.

Some problems will be posed that have not yet been brought out. As the Senator from Missouri well knows from experience, there are involved some problems in aerodynamics which are somewhat unusual. I am hopeful we can let this exhaustive investigation continue to its conclusion.

In the meantime, I know the Senator from Indiana is trying to do what everybody wants done; namely, not have any conflict on these matters so the public will know the facts. I just assured him that I shall be glad to have our committee stand at his disposal, in the way of hearings or in other lines.

The Senator from Indiana and the Senator from Oklahoma rendered a great service with respect to the so-called bomb accident in North Carolina, wherein the committee was a sort of forum for that incident, and it was cleared up in the public mind.

A tremendous stake is involved. Of course, airplane companies build airplanes, and want them to fly, and want to know what is wrong with them when something goes amiss. I think the Senator from Indiana has hastened the conclusion of the investigation.

Mr. SYMINGTON. I agree with the able senior Senator from Washington, and point out, having ridden on an Electra in the last few days, that as a result of the diligence and attention paid to this matter by our able colleague from Indiana the restrictions now placed on this airplane are rigid and apparently being observed. When I ask what time we would arrive in Chicago, the stewardess said, "Due to the restrictions that have been placed on this airplane, we shall not arrive until such-and-such a time," many minutes after scheduled arrival.

Mr. MAGNUSON. And if they can solve the problem involved in the recent accidents—and I am sure our top aerodynamic engineers can—I think the Senator from Indiana will agree it will mean a great deal for the future in this big field.

Mr. SYMINGTON. No question about it, and the results will be reflected in future airplanes. My primary purpose in taking the floor was not only to commend the Senator from Indiana, but also to assure our colleagues that there is no public servant rendering more service toward taking care of a great public responsibility than the Chairman of the FAA.

Mr. HARTKE. I wish to thank the Senator from Missouri for his kind remarks. The information he has given us is of great help. That information was not made available to me, and I have been trying to get it for several days. That points up what bothers me. Why all the secrecy? We are not in a war, except a war against death and a war for safety. We have two conflicting reports from two Government agencies. No one seems to know what is going on. Why all the secrecy?

Mr. SYMINGTON. I am sure the Senator from Indiana knows that any information I have is automatically his.

Mr. HARTKE. I appreciate that. The exhaustive tests which the Senator has described are certainly fine. I do not question that they possibly will cost a great deal of money. The tests were ordered by the FAA. So no one is questioning the validity of having the tests.

Even if the tests being made by the manufacturers, under the requests of the FAA or CAB, shall cost $25 million, that fact to me is immaterial. The accident in Indiana cost 63 lives, including the life of my good friend, Bob Orr. The lives of the wife and three children of a friend of mine were also lost in that

accident. Lives are involved in these accidents, and they cannot be measured in dollars.

Mr. SYMINGTON. I am sure the able Senator from Indiana knows I was not attempting in any way to characterize the money involved as being on the same plane as the value of those priceless human lives. I simply mentioned the amount to show the test was to be a most exhaustive one. I assure the Senator that I have nothing but admiration for his intense and experienced interest in the problem. We now once more run into something which the Senator from Washington and the Senator from Indiana know is characteristic of Government today. We have two agencies, one with the responsibility and authority, attempting to do the job, and one without the responsibility and authority criticizing the job the other agency is trying to do. I desire to keep this discussion on the highest plane, but must say that, whoever is the head person in the CAB, I am not impressed with the attempt to take potshots at the FAA action, because the latter people have made a real effort to ascertain the cause of this problem. The company is under orders to do its best to resolve the problem and of course wants to do just that, because if such accidents continue, they might have a serious effect on all air travel.

Mr. HARTKE. I appreciate that. I thank the distinguished chairman of the Interstate and Foreign Commerce Committee [Mr. MAGNUSON] for being so cooperative with me. I know of his interest also in air safety. I do not know what is wrong with the airplane. The public does not know. The agencies had the same facts. Now the facts are being kept secret. The two agencies made evaluations based on the facts, and the conclusions are directly contradictory to each other. Somebody ought to try to straighten the matter out, because some people must fly. I have flown in an Electra at reduced speed since the accident I have referred to. I was not too happy about it. The Senator from Maine [Mr. MUSKIE] and I flew together in one. I have great faith in these people. But here is a question of secret documents which the press knew about and which the public is going to know about. But the public cannot find out what the decision was based on. I think General Quesada should inform the public of all the facts, so members of the public can make up their minds as to whether they want to ride on the Electra. They are entitled to have the Government inform them of the facts concerning the investigation of these airplanes.

INTEREST RATE CEILING

Mr. SYMINGTON. Mr. President, for about a year now, the administration and some of its supporters have publicized the dire effects of the interest rate ceiling on long-term Government bonds.

Some of us have taken the position that the Treasury Department could stay well within the ceiling, and thereby avoid pushing up the price of money in general and the tax burden in particular.

Now there has been sufficient improvement in the bond market to ease the upward pressure on interest rates.

Fortunately, the informed leadership of experts like the able and experienced senior Senator from Illinois helped forestall the administration's efforts to inflate the price of money.

In a recent article from the Washington Star Miss Porter states:

> Had the ceiling on new bond rates been eliminated, by now the Treasury undoubtedly would have sold huge amounts of high-coupon bonds and the cost of the debt would have been raised way above where it is * * *.

I ask unanimous consent that Miss Porter's entire column be printed at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

DEMOCRATS BOAST "WE TOLD YOU SO"

(By Sylvia Porter)

"Now the Democrats are going to boast 'We told you so.' Now they're going to claim they have saved taxpayers enormous sums in excessive interest payments on the public debt by refusing the administration's request for removal of the 4¼-percent interest rate ceiling on sale of new bond issues. Now the Democrats are going to say that if a handful of their leaders hadn't stood firm against the administration and the Wall Street bankers, all taxpayers would be saddled with an unnecessary interest load running into hundreds of millions of dollars a year * * *."

When the Treasury sold a hefty chunk of new 4¼-percent loan last week to large investors, just about every conversation I had with friends in Washington and Wall Street included the above lament.

Well, to be fair about it, the Democrats in the House and Senate who fought so relentlessly against removal of the 4¼-percent rate ceiling on new Treasury bonds can make just that claim.

FEW BELIEVERS

Despite the fact that few believed it could be done, the Treasury did sell last week an issue of new marketable U.S. bonds, due in 25 years with a 4¼-percent coupon—within the ceiling imposed on rates in World War I.

Despite the fact that the ceiling has no logical justification, its existence has protected us against a further skyrocketing in the cost of the national debt.

Behind this financial-political tale lies an interesting history. It goes back to mid-1959, when President Eisenhower and Secretary of the Treasury Anderson first asked Congress to eliminate the rate ceiling on new U.S. bond issues because the climbing level of interest rates was making it extremely difficult for the Treasury to manage the public debt intelligently.

As rates continued to rise in late 1959 the Treasury was blocked out of the bond market. As holders of low-coupon Treasury bonds dumped them at huge losses, Treasury officials openly pledged that if the ceiling was removed, they'd offer holders of these bonds new ones returning them as much as 4½, 4¾ percent a year or more.

But the Democratic opposition in Congress remained adamant. Some of it was strictly political. The lawmakers didn't want to be identified with any high interest rate law and they figured tight money could be a superb campaign issue. Some of it, based on honest concern for the cost to taxpayers, honest worry about whether high rates were stifling economic growth.

PICTURE ALTERED

Then out of nowhere, in February, came forces which altered the picture. The economy lost its post-steel-strike exuberance, the demand for loans became less fierce, the supply of credit started to ease a bit, interest rates began to fall at an accelerating pace. And this week, the Treasury successfully sold a bond due in 1985 with a coupon as low as 4¼ percent.

Had the ceiling on new bond rates been eliminated, by now the Treasury undoubtedly would have sold huge amounts of high-coupon bonds and the cost of the debt would have been raised way above where it is. As it is, the ceiling stands.

"It will be interesting to see what the administration, the Federal Reserve, the financial community and the financial writers will say in the light of these developments and facts," remarked Illinois Senator DOUGLAS, Chairman of Congress' Joint Economic Committee and leader of the opposition, rather plaintively to the Senate the other day.

Relax, Senator. They're lamenting that you're going to boast, "We told you so." Which, of course, you are.

OUTER MONGOLIA AND NEWSMEN TO CHINA SUGGESTED NEW APPROACHES

Mr. MANSFIELD. Mr. President, it has long been the policy of this Government not to establish diplomatic relations with the Chinese Government at Peiping. And so far as I am aware, the Peiping Government has not indicated any desire to establish diplomatic relations with this Nation. The Chinese in Peiping, in short, appear to be as wedded to the continuance of the present diplomatic situation as we are.

The question of whether or not to seek to establish diplomatic relations—to extend official recognition—depends on many factors. I presume that this administration has weighed these factors in the same unemotional, objective, and nonpolitical fashion as its predecessor, and has come to the same conclusion—that to establish diplomatic relations with Peiping is not in our national interest. I do not quarrel with that decision. The executive branch has custody of all the facts which go into the decision, and the responsibility for the decision ultimately rests with that branch. I must say, however, that on the basis of such information as is public, it seems to me that the decision of the executive branch, in this connection, is the correct one.

Whether or not to establish diplomatic relations with any nation is one question. Whether or not to seek unofficial contacts is another. And in this situation, it seems to me that any avenue of contact which may help us to understand and to act intelligently on what is one of the most formidable developments of our times—the emergence and transformation of China into a militant Communist state—is not only not to be avoided but is to be sought out. I assume that this is one of the major considerations which has prompted this administration to keep a representative talking on and off with a Chinese Communist counterpart in Geneva and Warsaw since 1954. I assume that this is one of the considerations which prompts the administration to spend public funds in obtaining, wherever possible, information about developments within China and in analyzing and interpreting this information. I assume that this is one

of the considerations which inspires various departments of the administration to spend public funds in training employees in the Chinese language.

It seems to me that no opportunity should be lost for providing to the people of the Nation—no less than to those who conduct foreign policy—as much objective information about developments in China as can be obtained. That information should be drawn, if it is at all possible, from the actual source of the developments.

Since the Communists achieved military supremacy on the Chinese mainland, American journalists have been trying to do this job of information-gathering for the American people in much the same way as the executive branch does for its official purposes. They have put together a scattering of facts and rumors with the glue of speculative interpretation. Most American journalists recognize, I believe, that this is an inadequate way to do their job, even though it is the best that can be done in present circumstances.

But some years ago, apparently, an opportunity existed for reporters to get news as they would prefer it—first hand in China. That opportunity, which depended on the cooperation of the executive branch, was withheld for a time. Many months later the executive branch recognized the right of the newsmen to go there, but the situation had changed. By then, the Chinese Communists had closed the door which for a moment appeared to have opened.

I do not know what it will require now to get American newsmen into China. I do not know whether any arrangement is even possible. I believe now, however, as I did when the issue first arose, that it will be greatly in the interest of this Nation if the newsmen can gain entry. If for no other reason, it will give the people of the United States an opportunity to check, against their objective reporting, the secondhand, composite picture of the cataclysmic changes in China which trickles down to us through the sieve of speculation. In the long run, if our present policies with respect to China are to maintain their validity, in this as in any other matter, they must be supported by public attitudes arrived at through an independent evaluation of the facts. The failure, in the past, to grasp the opportunity to gain entry into China, the failure now to seek to reopen the opportunity, helps our policies not at all, and serves only to deny to the people of the United States the contribution which a free press is intended, under the Constitution, to provide to them in the conduct of the public business.

While the responsibility for paving the way rests within the administration, I would suggest most respectfully that a sincere and determined effort be made at this time to reach some agreement with Peiping for the reciprocal exchange of newsmen. That effort has little, if anything, to do with the question of formal diplomatic relations with China. It has much to do with an eyes-opened, rather than an eyes-closed policy regarding an area which carries the most far-reaching implications for the future of the Nation and the peace of the world.

In a similar vein, I refer to the situation in Outer Mongolia. Merely to mention Outer Mongolia in a serious vein is to invite a humorous reaction, or at best, a look of perplexity. While it may be difficult to grasp the relationship of a vast stretch of deserts and desolate mountains in Central Asia to major trends in world affairs, the relationship, nevertheless, is there. It is there, because in those deserts and mountains, the outward pulsations of Chinese and Russian society converge in a setting which is not in the least fixed or static.

Brought into direct juxtaposition in this fashion are two great powers, two sets of national interests and fears, as well as two variations of a shared ideology. That is the reality, whatever may be the apparent universality of international communism. How these national interests and these ideological variations reconcile or diverge, how these fears intensify or relax on contact—these questions involving Russia and China are of the greatest significance for the conduct of effective foreign policy. Indeed, the importance of this contact has been recognized in the many words which have been written by skilled people on this question, without specific reference to Outer Mongolia.

In Outer Mongolia, however, the living drama of the convergence is being enacted. It has been brilliantly described by Mr. Harrison Salisbury, of the New York Times, who visited the area last year. If there is any need for evidence of the extraordinary value to the people of this Nation and, indeed, to our Government, of having competent American journalists penetrate where the Government does not choose to tread, I would most respectfully submit these articles by Mr. Salisbury.

According to Mr. Salisbury, Chinese and Russians in large numbers are present in that borderland. Separate missions from each are at work on separate undertakings. Each acknowledges, formally, the national independence of the Mongolian people; but each seeks to influence in its own fashion the orientation and development of the Mongols. The picture which emerges from Mr. Salisbury's articles is by no means one of a monolithic, single-minded Communist superstate extending from Eastern Europe to Peking.

We have chosen in official policy—under both Democratic and Republican administrations—not to be firsthand witnesses to the drama in Outer Mongolia. We have chosen, apparently, to exclude ourselves from the legitimate and continuing observations which would be possible in Outer Mongolia if official contact were maintained with that country—observations which would be extremely helpful in the formulation of effective policies with regard to all of Asia, as well as Russia.

So far as I am aware, we have not explored the possibilities of some kind of formal ties with the Mongolian Government at Ulan Bator. That is the case, although the arguments against recognition of Peking do not apply in this situation; and although there are indications that the Mongolian Government, which is recognized by certain Asian countries, is anxious to establish contact with Western States. Furthermore, we have frowned upon the admission of Outer Mongolia to the United Nations. We apparently have marked it—perhaps in error—as just another Soviet province. In short, we may well be imprisoning our policies in an unnecessary separation of ourselves from a most valuable source of information and official contact in the heart of Asia, out of inadequate facts, inertia, or a fear of derision.

The decision to act in the case of Outer Mongolia, as in the case of a reciprocal exchange of newsmen with the Chinese mainland, is one which rests with the administration. I suggest, however, that we stand to gain by an initiative in this remote and little-known, but highly significant, area. I have yet to learn of any persuasive reason why we should not offer to exchange exploratory missions with the Outer Mongolian Government, with a view to considering the establishment of diplomatic or other ties. Furthermore, I believe our Government should propose in the United Nations that the Outer Mongolian Government, if it still desires admission to that organization, should exchange missions with the Secretary General of the United Nations. If the Secretary General finds a reasonable basis—comparable to some of the other admissions with which that organization has been able to live—for the admission of Outer Mongolia then the United States should not stand in the way.

Mr. President, I ask unanimous consent that there be printed in the RECORD, following my remarks, the series of articles written by Mr. Harrison Salisbury, and published in the New York Times.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 3, 1959]

OUTER MONGOLIA SEEKS TO CATCH UP WITH 20TH CENTURY—TEACHERS LEADING IN DRIVE TO CHANGE LIFE OF NOMADS

(By Harrison E. Salisbury)

ULAN BATOR.—A profound revolution is in the making in this ancient land.

Outer Mongolia still lives by the social pattern carved across her terrain by the ruthless hand of Genghis Khan. But after nearly 700 years this remote Asian country stands on the brink of change

This correspondent has spent 3 weeks in Outer Mongolia, which calls herself the Mongolian People's Republic. He has traveled more than 750 miles by jeep through roadless pastoral valleys and rugged mountains. He has talked with herdsmen in their yurts, the traditional Mongol round tents. He has interviewed officials from Premier Yumzhagiin Tsedenbal on down and visited industrial and agricultural enterprises.

The picture that emerges is that of a country at a turning point in history, a point likely to be marked by stress, strain, and radical overturn of an ancient and stubbornly held way of life.

The interest of the United States in Outer Mongolia's evolution from centuries of isolation is not inconsiderable. Outer Mongolia makes no secret of her desire to establish diplomatic and other contacts with the United States, a desire closely linked with the country's emerging future.

What is happening in Outer Mongolia is simply this: The nation's Communist rulers have embarked on a program designed to catapult the country from the 13th to the 20th century within not more than 10 years.

As Premier Tsedenbal puts it, "radical changes" are coming in the life of the people.

SOVIET AND CHINA PLAY ROLE

Under any circumstances social and economic change of such magnitude would attract world attention.

This interest is intensified by other factors. Outer Mongolia sprawls for 1,500 miles along the frontiers of the Soviet Union and China.

Both of these powers are participating in the Mongolian social and economic revolution. Each has a special interest in the outcome. And over the shoulders of the two great Communist powers watch the eyes of a dozen other nations of Asia, many of which face similar problems of development.

Listening to Premier Tsedenbal and his chief executives expound their plans for their country's future, one feels that the program makes technological sense.

AN ANACHRONISTIC NATION

In a century dominated by electronics and nuclear power, a herdsmen's nation—still living by the horse, by the nomadic raising of sheep and cattle, still housed in tents of felt and canvas and dedicated to much the same warrior's code of old—is an anachronism.

But it is one thing to draw a plan on paper for transforming prefeudal life into the civilization of 1960. It is another to persuade people committed to ancient ways to abandon them for strange new forms.

Thus, it is no surprise to find abundant signs of social, political, and economic stresses, such as inevitably accompany transformations in living patterns.

PARTY SPLIT OVER PLANS

These strains have not left the Mongolian People's Revolutionary (Communist) Party untouched. More than half the party's presidium, including Dorv Damba, the first secretary, have been purged in the last 6 months. The split centered on the ambitious scope of Premier Tsedenbal's plans.

The essence of Mr. Tsedenbal's program is: full speed ahead in a plan to change a nation of nomads into a nation based on the agriculture of the plow and the industry of the production line.

But one has to spend only a few days in the area to witness how fiercely Mongols cling to their ancient way of life. Genghis Khan died in 1227, but the imprint of the culture and tradition of his day is far stronger than any mark made by the 38 years of Communist rule.

HORSE THE CENTRAL ELEMENT

Today, as in 1227, the horse is the central element in the Mongol's life. The Mongol still lives in a round, portable, quickly erected tent. He still drinks "five elements" tea, a beverage consisting of tea, water, salt, milk, and sugar, to which often is added sheep's fat or butter.

The Mongol is still skilled in the traditional three "games of men," horseracing, archery, and Mongol wrestling. He drinks kumiss (fermented mare's milk) bowl after bowl. Mongol women and children are still at home on horseback.

Though many temples have been closed and idols put into museums, the name of Buddha is still revered throughout the land.

PLOWED FIELDS

It is still possible to ride from the snow-clad Altai Mountains on the west through the high grass valleys and plateaus to the Great Khingan Mountains in China's autonomous region of Inner Mongolia without seeing a plowed field.

The Mongols maintain that no man needs money, shelter or transport of his own in this country of unlimited horizons. A meal and overnight shelter are still the hospitable tradition of the yurt, the Mongols' tent. And anyone will lend a traveler a horse. For, of course, everyone in Mongolia has horses.

But nothing would be more misleading than to suppose that, because these patterns of Mongol life stand almost unchanged, there has been no change.

The best place to see change is here in Ulan Bator, which today is the battlefield of a struggle to smash the grip on Mongol traditions.

Ulan Bator even looks like a battlefield. The streets are trenched and barricaded. Earthworks surround the central plazas. These are the scars of a program to install water mains, sewerage, and central heating conduits.

On every side new buildings are going up—blocks of apartment houses, Government offices, factories, and educational institutions.

Ulan Bator may still appear as an encampment of yurts. But its character has changed almost beyond recognition in the last 3 or 4 years.

"I first saw Ulan Bator in 1950," a Russian said. "Then, it truly was a camp of yurts. Now it has changed beyond measure."

And it will change much more, according to the plans outlined by Mayor Bata, who was called back from Moscow, where he was serving as Ambassador, to take a key post in the Government at the time of the party split last winter.

Mr. Bata is a tough, able executive. He is building housing as rapidly as possible in a drive against the yurt. The yurt is a fine accommodation for nomadic herdsmen. But it is not a practical form of urban housing.

The yurts of Ulan Bator are enclosed in fenced compounds. Most of the occupants own livestock. This would be fine out on the open range, but it does not fit Mr. Bata's conception of a city.

"We have many problems," he says. "The great one is water. We must solve the water problem in the next 3 years. We hope the city will grow from 160,000 population to 230,000 by 1972. But it cannot without water. And we cannot live with so much livestock in the city."

Outer Mongolia is also pressing her fight against disease and squalor. Twenty years ago venereal disease was widespread. In the last 7 years field teams have been flown into even the most remote mountain valleys. A universal public health examination has been carried out. By use of modern techniques the venereal frequency in Outer Mongolia has been brought down.

DISEASES ARE REDUCED

A start has been made at reducing a high incidence of tuberculosis. Typhus, cholera, smallpox, and other epidemic diseases have been virtually eliminated. Standards of cleanliness are good. Even in roadside eating places of the interior, tables are clean, dishes well washed, and flies infrequent.

The effect on the population, now estimated at 1 million, has been dramatic. Deputy Health Minister Radnadorj said that in 1952 the birth rate was 13.4 per 1,000 and the death rate 6 per 1,000, giving a net increase of 7.4 per 1,000. In 1958, he asserted, the birth rate was 40.3 per 1,000, and the death rate 10 per 1,000, giving an increase of 30.3 per 1,000.

The Minister put infant mortality at 8 per 1,000 in 1952 and 5.6 per 1,000 in 1958. He attributed the phenomenal gain in birth rate primarily to the success of the campaign against venereal disease.

One great area of problems remains. This is what Director Lubsandagva of the Ulan Bator Children's Hospital calls winter sickness.

COMMON AILMENTS LISTED

Winter sickness includes pulmonary and bronchial infections that afflict Mongol children and adults in the winter. The sickness stems from life in the yurt, which, despite heavy felt and a pot-bellied stove, is likely to be a drafty place at 40 below.

Other common children's ailments are what Dr. Lubsandagva called diseases of the stomach. These are dietary disturbances, dysentery, and other ailments stemming from the Mongol diet, in which green vegetables and fruits are almost completely absent. The diet consists almost entirely of meat and milk in an infinite number of forms.

For real progress in combating these ailments, the Mongol yurt must go and the Mongol diet must be overturned.

The shock troops of the drive to revolutionize the Mongol way of life are the growing body of trained Mongol teachers, scientists, and engineers.

Many Mongols have received higher education and special training in recent years in the Soviet Union, Eastern Europe, and China. But the chief citadel of educational advance is the Mongolian State University of Ulan Bator.

The university was set up in 1942 with 90 students. To date it has graduated 2,000 students, 340 of them this year. It now has 2,500 students, 700 in medicine and the others in liberal arts, languages, and natural sciences. There is an agricultural institute with 700 students and a teacher's college with 500.

UNIVERSITY TO EXPAND

Next year, Rector D. Tsevegmid says, the university will add faculties of engineering, geology, and general technical education. The university has a library of 300,000 volumes and there is a state library with a large collection of Buddhist source materials in Mongol, Tibetan, Indian languages, and Chinese.

Outer Mongolia's university graduates are dedicated advocates of a change in the Mongol way of life. They wear Western clothes instead of the bright silk robes and sashes of the Mongol tradition.

The Mongol robe seems to be the accepted mode of dress only in the countryside.

The Mongol intellectuals hate the yurt. They are ashamed of every sign of Mongol backwardness, ancient traditions of culture.

The intellectuals drink kumiss, but they stress its healthful qualities and its supposed value as a curative for tuberculosis. "It is better than your Coca-Cola," one of them said.

The camel, used in the Gobi, the vast Mongolian desert, and other arid regions, is despised by the intellectuals as a symbol of backwardness.

"Foreigners used to come to Mongolia and take pictures of camels and yurts," one young university graduate said. "Now they no longer find them interesting."

SENSITIVE TO CRITICISM

The educated Mongols are sensitive to criticism by foreigners. Young officials assigned to accompany foreigners are fearful that the foreigner will acquire negative impressions. Foreign guests are usually lodged in guest houses outside Ulan Bator and are always escorted.

Of course, no foreigner can fail to see that living conditions, services, stores, and other facilities in Ulan Bator are sharply below the level found even in the back areas of Soviet Central Asia.

Unquestionably many Mongols resent the efforts to revolutionize their way of life. But the number of such rebels who would, by mastery of some foreign tongue, be able to communicate their ideas to a foreign visitor appears small.

BORDER CHECKS RIGOROUS

Outer Mongolian border precautions seem to be rigorous. Planes are not permitted to take off from Irkutsk, the Soviet air transit point, except at hours that permit them to cross the frontier by daylight.

Customs officials make the most minute search of foreign luggage. Every piece of luggage carried by this correspondent was searched. Shaving soap was examined.

On exit from Outer Mongolia, customs officials tried to seize film taken in the country, although every picture had been made with the approval of officials. A half dozen Outer Mongolian small coins were seized, but four coins were allowed to be taken out as souvenirs.

A Western correspondent who had been invited by the Outer Mongolian Journalists' Association to attend the national holiday celebrations was expelled after he had made remarks critical of an escorting officer's refusal to let him visit a bookstore in Ulan Bator.

POLICE ACTIVITY LIMITED

On the other hand, police activity did not seem excessive. The police inspect credentials of all wheeled traffic moving in and out of Ulan Bator, especially after dark. However, uniformed policemen do not seem more frequent than in other Communist countries. This correspondent saw no forced labor battalions or prisoners working under armed guard.

On the outskirts of Ulan Bator, about a mile from the Soviet Embassy, are two compounds, surrounded by wooden fences and barbed wire barricades and guarded by watchtowers equipped with floodlights. These presumably are the Ulan Bator prison facilities.

Government leaders do not appear to use excessive security precautions. Premier Tsedenbal moves about Ulan Bator with only one security car. His plainclothes detachment is small and inconspicuous.

"KREMLIN DOCTORS" CITED

One visitor to the state museum recently was struck by a remark made by his guide. The guide was pointing to the portraits of the joint leaders of the Mongolian Communist revolution, Sukhe Bator and Choibalsan.

"That is our great revolutionary leader, Sukhe Bator," the guide said. "He died in 1923—of poison administered by our enemies. And that is Choibalsan. He died in 1952—after an operation by the Kremlin doctors."

The phrase "the Kremlin doctors" was used in Moscow in the winter of 1953, when Stalin charged that there had been a plot, particularly by Jewish doctors, directed against high state figures. The charge has been repudiated.

The use of the phrase "the Kremlin doctors" suggests the existence of continuing tensions and suspicions in Outer Mongolia.

EXPLORER'S IMPRESSION

However, there is no doubt that progress is being made. The Russian explorer, Nikolai M. Przhevalsky, on his first visit to Urga (as Ulan Bator was then called) in 1870, painted a picture of sheer horror.

Starving beggars, many of them near death, surrounded the Buddhist monasteries. As they sank into a final coma, starving dogs would appear. There were no cemeteries. Corpses were disposed of by dogs and vultures.

Przhevalsky reported that he had never seen a people so dirty, so depressed, so lazy. But he added that he had never seen more magnificent horsemen or men more able to withstand the sandstorms of the Gobi.

Matched against the Mongol of today, Przhevalsky's picture sounds like a nightmare. The revolution that lies ahead for Outer Mongolia in the next few years is bound to change the nation's life beyond recognition. The social foundations on which it can be carried forward already seem to have been laid.

[From the New York Times, Aug. 4, 1959]

SOVIET AND RED CHINA COMPLETE FOR POWER IN OUTER MONGOLIA

(By Harrison E. Salisbury)

ULAN BATOR, OUTER MONGOLIA.—The Soviet Union and Communist China are competing in classic great-power fashion for dominant influence in Outer Mongolia.

The competition is being carried on behind a camouflage of honeyed words and platitudes about collaboration and friendship among Communist states.

But neither camouflage nor verbiage can conceal the fact that here in Central Asia Soviet and Chinese policies are competitive and are directed toward divergent goals.

It may be that the Chinese-Soviet struggle for influence in Outer Mongolia is an isolated phenomenon stemming from peculiarities of geography and history. Outer Mongolia for 1,500 miles lies on the flanks of the two great Communist powers. Conflict between Czarist Russia and the old Chinese Empire arose in this area more than a hundred years ago.

There are indications that there are deeper divergencies in Outer Mongolia than either Moscow or Peiping would like to acknowledge. Diplomatic observers familiar with the situation in Peiping, Ulan Bator, and Moscow believe that Mongolia may well prove the harbinger of future conflict between the two powers.

The importance of these developments to the United States is obvious. To even the most casual visitor it is apparent that Mongolia affords an unsurpassed laboratory for examination of divergent Soviet and Chinese policies.

UNITED STATES AVOIDS RELATIONS

Thus far, U.S. policy appears to have disregarded the opportunity. The United States has no diplomatic relations with Outer Mongolia.

The United States could easily play a considerable role here. The Outer Mongolian Government is eager to win recognition from the United States. It wishes to join the United Nations and to break out of its isolation.

No responsible official in Ulan Bator would think of saying anything publicly to offend Moscow or Peiping. But it is evident that Outer Mongolia is attempting to play the classic role of a weak country situated between two powerful neighbors, trying to balance one against the other. In this delicate game the ability to call in third powers is of major importance.

Outer Mongolia's ability to play the balancing game is handicapped by the fact that it is a member of the Communist bloc. For many years Outer Mongolia was treated as a Soviet protectorate with no real voice in foreign relations.

RED CHINA'S RISE A FACTOR

The rise of Communist China has brought an end to Outer Mongolia's role as a quasi-vassal of Moscow. Today the Ulan Bator Government is seeking to establish non-Communist international relationships on a broad scale.

Thus far, the steps have been halting. Diplomatic ties have been obtained with several Asian nations. An effort is under way to extend these ties to Arab and African States.

What Ulan Bator really wants is recognition by Western great powers. A few Western correspondents have been permitted to come to Outer Mongolia. In September, an international congress of specialists in Mongol language and literature is scheduled. Mongolists from 26 countries have been invited. The participants will spend about 10 days in Outer Mongolia, visiting historic sites.

An outstanding feature of the conflict between China and the Soviet Union is China's superior attractive force. Young Mongol intellectuals return from Peiping with a crusading spirit. No such emotional change seems to be produced by study or visits to the Soviet Union or Eastern Europe.

PEIPING'S DRIVE NOTED

Diplomats stationed in Red China say a similar enthusiasm is instilled in many young Asians who view Peiping as the Mecca of their dreams.

These diplomats view China's efforts to influence Outer Mongolia within the framework of a diplomatic offensive to win wider influence, especially in Asian and African countries.

It is not easy for the Soviet Union to combat the ideological pull of Peiping. In the first place, Moscow's record in Mongolia is hardly such as to inspire any enthusiasm.

True, the Communist regime was set up in 1921 with the support of the Red Army. But it is difficult to discover signs of any real Soviet assistance to or interest in Outer Mongolian problems from that time until about 1952, except for military questions.

Only a few small industrial enterprises were set up before 1952—a vodka factory, a small packing plant, a little leather tannery, and a coal mine. Traditional social patterns and the primitive nomadic life were hardly affected.

Moscow did display military interest in Outer Mongolia as a bridgehead against Japanese attack from Manchuria.

NO MODERN ARMY BUILT

Even this interest hardly extended to building up a modern army. Instead, Outer Mongolia was treated as a cavalry supply base. The Red Army drew on the country's fine horses. It requisitioned huge quantities of meat. It is probable that the Soviet Union deliberately held back the military development of Outer Mongolia lest the Japanese move in and take over any improvements installed by the Russians.

Not even the liquidation of the Japanese military threat with the Manchurian campaign of 1945 brought material change in Soviet policy.

Nor did the victory of the Chinese Communists in 1949 have any immediate effect. Only in 1952 and 1953, about the time of Stalin's death, did the Soviet Union begin to offer substantial assistance to Outer Mongolia's reforms. It was probably no coincidence that the adoption of a new Soviet aid policy coincided with the emergence of a vigorous Communist China on Outer Mongolia's southern and eastern borders.

The Soviet Union's ability to compete with China for Mongolian primacy should not be underestimated. The upper echelons of the Outer Mongolian Government and party bureaucracy are Moscow-trained men. There is no doubt that the Soviet Union exercised an effective veto over Outer Mongolia's personnel and policy during most of the years from 1921 to 1952.

Premier Yumzhagiin Tsedenbal, an able, intelligent and vigorous chief executive, is a Moscow-oriented man.

UNIFORMS ARE SIMILAR

So are most of his assistants in the government apparatus and in the Foreign Ministry. Russian is the second language of most educated Mongols. English rather than Chinese is likely to be the third language. Uniforms worn by the Mongolian Army and police resemble those of their Soviet counterparts.

Mongols who have abandoned the national dress of brilliant silk gowns have adopted

Russian-style clothing. They do not wear the blue uniforms and caps of the Chinese. The repertories of the Ulan Bator theaters resemble those of Soviet provincial theaters, not Chinese.

And the vast and windy Sukhe Bator Square in the center of Ulan Bator, with its red stone mausoleum housing the remains of Sukhe Bator and Choibalsan, derives inspiration from Red Square and the Lenin-Stalin Mausoleum.

Such contemporary art as Outer Mongolia has developed stems from Soviet Socialist realism. The architecture of the government and residential buildings rising in Ulan Bator is patterned after Soviet style.

The chief Mongolian newspaper is called Unen, which means "truth" in Mongol, just as Pravda means "truth" in Russian.

CYRILLIC SCRIPT USED

Unen is printed in the Cyrillic script used by the Russians. This is no accident. In 1946 Outer Mongolia at Soviet insistence replaced her ancient vertical script with a modified phonetic kind of Cyrillic.

This script is now taught in the schools and used in books and newspapers. But older Mongols still use the traditional script. Three weeks' close observation failed to uncover a single official who employed Cyrillic for writing notes of interviews or similar memoranda. Newspapers of Inner Mongolia, a part of China, are said to be popular in Outer Mongolia because they are printed in the old Mongol script.

The question of Mongol writing is closely associated with Soviet and Chinese maneuvering in the sphere of Mongol nationalism.

There are three principal areas of Mongol population. Independent outer Mongolia has a population of about 1 million. The Chinese autonomous province of Inner Mongolia, inhabited by 1,500,000 Mongols and 7 million Chinese, is an area of more advanced economy and culture than Outer Mongolia. Inner Mongolia is a Chinese base for exerting influence upon the Mongols of Outer Mongolia. It is probably no accident that easy population movements between the two areas are not permitted.

The third Mongol area, within the Soviet Union, was until about a year ago known as the Buryat-Mongol Autonomous Republic. The population of this area, just north of Outer Mongolia, is 671,000, of whom about half are Mongols.

Without explanation in July 1958, the Soviet Union dropped the word "Mongol" from the designation of the autonomous area, which became simply the "Buryat Autonomous Republic." It is possible that this move was designed to weaken the cohesive ties of the Mongol populace and to set up a bulwark against any future "Greater Mongolia" concept advanced by the Chinese.

Great emphasis is placed by Outer Mongolia authorities on population growth. This seems to be related quite clearly to the fact that the population density of adjacent Chinese areas is sharply higher than that of Outer Mongolia. The demographic ability of Outer Mongolia to resist population pressures indefinitely is obviously limited.

These pressures are already being felt. The biggest element in China's aid program to Outer Mongolia is laborers, of whom there are said to be 20,000.

Chinese laborers are at work constructing roads, laying asphalt, digging sewer mains, erecting buildings, installing machinery. Every big project under way in Ulan Bator is being built with Chinese labor.

The contrast in appearance between the Chinese and the Mongols is striking.

The Chinese are uniformly dressed in blue. They wear dark blue caps, except in rain, when they don broad straw hats and bright blue raincapes. They are strong, tall, fine-looking young men who move purposefully and confidently about the construction sites. The Mongols are smaller and diversely garbed.

The Chinese working force is not limited to Ulan Bator. Wherever there is a construction project, the Chinese are building it. A rush job to replace a bridge torn out by floods? The Chinese are working hard on it under arc lights at 2:30 a.m. A new irrigation project to turn a semidesert into agricultural land? The Chinese, 500 strong, are carrying it out.

Peiping is said to be pressing Ulan Bator to take more laborers, often without charge. These are proposals that a small nation, struggling to lift itself by its economic bootstraps, finds hard to refuse.

Yet, the question that Outer Mongolia's Soviet-oriented officials must face is the ultimate outcome of the influx of vigorous young Chinese, highly skilled and culturally advanced. The danger of domination at the hands of the more vigorous, more advanced race is obvious.

SOVIET AID REVISED

Compared with the pervasive efforts of the Chinese, the Soviet Union's aid program seems conventional. The unbalanced economic arrangements of the Stalin era have been liquidated. Joint Soviet-Mongolian enterprises have been turned over to the Mongols. About 1 billion rubles of aid, much of it in the form of repayable loans, has been advanced.

More beneficent export-import relationships have been established. These, in effect, constitute a substantial subsidy to Outer Mongolia. The Soviet Union is now paying world market prices for meat. Chinese credits run about one-third of those offered by Moscow. But the Mongols say that the Russians drive a tough, hard bargain. Chinese credit, they say, is almost a gift.

Although for centuries the Mongols hated the Chinese for their overlordship and, thus, welcomed Russia's advance to their frontiers in the 19th century, the position now seems to be reversed. The memories of Chinese rule are in the dim past. The Soviet Union is the more recent overlord.

"The momentum of the Chinese initiative is so great, the attractive force of Chinese dynamism is so overpowering," an Asian diplomat said, "that it is hard to see how, over the long run, Russia can maintain her position here. She is still the first power in Outer Mongolia. But 5 years from now this may well no longer be true."

The Western visitor to Outer Mongolia is struck by many unique impressions. Not the least of these is the immediate understanding that he feels with the Soviet community here.

JOINT INTERESTS NOTED

In Geneva, New York or Moscow, Americans and Russians may find themselves on opposite sides of ideological and diplomatic barricades. But in Ulan Bator they seem part of the same European community.

"It is curious," a recent Western visitor to Ulan Bator remarked, "how I feel toward the Russians. And, I must say, they are equally warm to me."

"I do not find that so strange," said an Asian diplomat who had just arrived from Peiping. "I think that you are merely experiencing a sensation which will be far more common in the future. To those of us who watch the world from Peiping there seem to be far more grounds for accord than disaccord between America and Russia. What you and your Russian friends feel today in Outer Mongolia will tomorrow be experienced in Gorky Street, Moscow, and Pennsylvania Avenue, Washington."

And a Soviet official who has spent many years in Outer Mongolia said over a glass of vodka to an American visitor to Ulan Bator:

"Really now, standing here tonight can you think for any reason why we Russians and you Americans should fight? Is there anyone here to whom you feel closer?

"To peace," the American proposed, raising his glass.

"To peace and the closest friendship of Russia and America," replied the Soviet official.

[From the New York Times, Aug. 5, 1959]

MONGOLIAN COMMUNIST LINE VIES WITH GENGHIS KHAN'S TRADITION

(By Harrison E. Salisbury)

KARAKORUM, OUTER MONGOLIA.—For 600 years not one stone atop another has remained to mark the site here of the mighty Mongol capital that a son of Genghis Khan built to fulfill his father's dream.

But in the Communist-directed state that Outer Mongolia has become, the memory of Karakorum's glory still burns more brightly than any vision of Marx or Engels.

The stubborn persistence of such past images and the vitality possessed by the legends of Genghis Khan confront Outer Mongolia's Communist rulers with their most difficult problems.

Unless and until the symbol of the hammer and sickle can be superimposed upon the icons of medieval grandeur, progress toward dedicating Outer Mongolia to the cult of materialist technology will be slow and hazardous.

Nowhere does this critical confrontation of Communist dictatorship and nomadic warrior ethos present itself more forcibly than in Karakorum.

Here it was that the greatest Mongol capital—the capital whose construction was decreed by Genghis Khan just before his death in 1227 and whose erection was faithfully carried out by Ugedi, the third and ablest son.

The walls of Karakorum arose in 1235, at a moment when the Mongols held sway from the pleasure palaces of Peking to the besieged castles of the Danube.

But those days lie far back in history. The Mongol Empire crumbled. Transcontinental rule based on the horse and his warrior rider disintegrated with the rise of the Renaissance state. Karakorum was razed in 1380. Its four great gates and their markets for hay, sheep, cattle, and horses vanished. Even the location of Karakorum disappeared from the memory of man.

SITE IS REDISCOVERED

Not until 1889, when an expedition of the Russian Geographic Society began to investigate the archeology of the Orkhan River, was the site of Karakorum rediscovered and traces of its fabulous richness once again brought to light.

But the memory of Karakorum and the years in which the world paid it tribute has never disappeared from the consciousness of the Mongol people.

Nor is this the only vein of tradition strongly persisting into contemporary Mongol life. Two hundred years after the destruction of Karakorum, there was another Mongol flowering. A new capital was erected, occupying a small quadrant of the area where Karakorum once stood.

The new capital was called Erdeni Dzu, in honor of Buddha, to whom it was dedicated. Erdeni Dzu is the Mongol name for Buddha. Then as now the name of Buddha was the most honored in Mongolia.

In time the new capital suffered the same fate as Karakorum. But the temples to Buddha remained. They still stand today, surrounded by a great wall with 108 decorative turrets, each of them honoring Buddha.

THREE TEMPLES IN AREA

Within the great wall stand three great temples to Buddha as a young man, as an old man and in middle age. There is a special shrine to Buddha. Also here are the tombs of Mongol rulers and the stone foun-

dations of a great royal yurt, a conical tent as big as those once used by the Ringling Brothers. The 1,500 Buddhist priests who once lived within the compound are gone. Rocks haunt the empty squares. The temples are closed and have been for 25 years. They are now regarded by the state as a museum. It is said that services are no longer held. Yet the odor of incense within the temples is as strong as if the monks left only yesterday.

Every relic and every image is in place, from the flowing bowls of grain that symbolize the Buddhist heaven to the great 20-foot prayer trumpets.

Such care and reverence for the Buddhist faith are not accidental. Outer Mongolia is the only example of a Communist state that was originally set up as a Buddhist theocracy. When the Communists came to power in 1921 they recognized the Buddhist theocrat, Bogdo Gegen, as the nation's constitutional monarch. This anomaly ended with the death of the theocrat in 1924, but the special attitude toward Buddhism did not.

Today in Outer Mongolia there is no officially inspired atheistic propaganda. Children are not taught in the schools, as in the Soviet Union, to despise religion as superstition. True, many ancient Buddhist shrines are no longer open. No longer is one out of three residents of Ulan Bator a Buddhist monk as was the case 100 years ago. No longer must each family possessing two or more sons designate one for the priesthood.

FOUR TEMPLES IN CAPITAL

But Ulan Bator, the present capital, still has four great temples of Buddhism. The temples have 10,000 monks and servitors, according to the chief lama of the Gandan monastery, the seat of the Buddhist faith in Ulan Bator. The chief lama is an honored figure in Outer Mongolia. He is a member of the audience on state occasions and a guest at Government receptions. State publications never fail to point out the positive role of Buddhism in developing and preserving Mongol culture, literature, and tradition

True, many collections of rare manuscripts, such as those of the 108-volume Ganjar and the 225-volume Danjur—classic Indian works translated into Mongol and Tibetan—have been removed from the temples and placed in the State library. But Buddhist literature is recognized as one of the glories of Mongol culture.

Under these circumstances it is not surprising to find small brass images of Buddha in the yurts of the nomads and even in the city apartments of some members of the intelligentsia. The images may be curios in the apartments. But they certainly are not so in the yurts.

There seem to be no reliable statistics on the actual numbers of Buddhist followers in Outer Mongolia. However, there is nothing to indicate that the Buddhist faith is losing its grip.

The Mongols received their Buddhism from Tibet. For countless centuries there have been Buddhist pilgrimages to and from Ulan Bator (or Urga, as it used to be called) and Lhasa. Connections between Mongolia and Tibet have always been close, although they must be carried out over difficult mountain passes or across the burning Gobi.

PILGRIMAGES HALTED

Pilgrimages have been curtailed in recent years. But they continued, at least on a small scale, until the anti-Communist outbreaks in Tibet last spring. Now, according to Outer Mongolia's Chief Lama, the pilgrimages have come to an end. It was not possible to determine whether there was a connection between the Tibetan troubles and the cessation of pilgrimages. Nor was it possible to establish how much the Mongols know of events in Lhasa and their reaction to the Chinese repression of Tibetan autonomy.

However, it is hardly likely that the Mongols would remain completely indifferent to the fate of a people with whom they have so long been closely linked by tradition and religion.

It is not only the Genghis Khan tradition and the Buddhist faith that have persisted so strongly in contemporary Outer Mongolia. The whole fabric of society is woven of an inheritance from the past.

Mongol men and women still prefer the traditional long robe with high collar and long sleeves that extend beyond the hands. The sleeves can be used as a kind of primitive gauntlet and protection against winter cold and snow. The robe enfolds the body from left to right. It is held around the waist by a sash. In winter it is padded with lambskin. In summer it is usually silk in dazzling colors, electric blue, shocking pink, shimmering yellow and royal purple.

Today as in the days of Genghis Khan men and women wear knee-high soft leather boots, often with a turned-up decorated toe piece. Hats are often conical, and rimmed with sable or beaver in winter.

HANDSHAKE IS NEW

The Mongols are only now beginning to learn the Western custom of shaking hands. The big personal and social holiday of the year is New Year's Day. But not the New Year of the Christian calendar. It is the new year of the ancient Mongol calendar, which usually falls in February. This is the one occasion when the people exchange gifts and when they greet each other by stretching out their arms slightly and giving a small bow.

These may seem to be trivial beliefs and habits. But in Outer Mongolia they are bound into a coherent and integrated way of life—a stubborn way against which the Communist agitators must prevail if they are to inculcate in this nomad state the drives and ideals necessary for radical transformation of society.

The task of the Communist Party is not one to be envied. If here at Karakorum it is possible to catch some sense of the weight of history upon contemporary Mongol character, there is one national event that etches the impression even more deeply.

This is the season of the national holiday, the Naadam. In literal translation this means games. In the day of Genghis Khan the Naadam lasted a month. It occurred in July, traditionally a time of relaxation for the nomad people. By July the herds were safely in the upper valley pastures. The shearing of wool was well behind. The foaling and the lambing was over. It is a season of plenty, a good time to relax and prepare for the campaigns of fall and the trials of winter.

THREE GAMES PLAYED

In ancient days the Naadam was devoted to what the Mongols still call the three games of men: Horse racing, archery, and Mongolian wrestling.

By the time of the autonomous Mongol regime of 1911–21, the Naadam had been reduced to a week. Today it lasts only 3 days.

But today, as it was 700 years ago, the Naadam is basically the same three games of men. True, the Communist regime has added a full program of track and field sports. There are parades and pageants by the inevitable physical culture societies.

Ulan Bator has a great new stadium with 15,000 seats, in which spectators may watch the Naadam, in place of the grassy lawns between the ceremonial tents of ancient days.

But none of the modern innovations has materially altered the character of the Naadam. In the week before the festival cavalcades of horsemen begin to descend upon Ulan Bator from all the ends of Outer Mongolia. They come as families and as tribes. They pack their yurts on wooden wheeled carts or on camels. In the encampments outside the city, white yurts spring up like enormous mushrooms after a rain.

WRESTLERS TOP ATTRACTION

When the great holiday finally dawns it is not the grandiose ballet of the gymnasts that draws the spectators. It is the archers, sometimes men of 70, sometimes boys of 17, whom the crowds watch as they compete to the keening chant of the old men. The chant rises and falls. It rises when an arrow topples the target of earthen pots. It falls when the winged shaft falls short of the mark.

The largest stadium crowd is attracted by the wrestlers, who present themselves to the audience in an arm-flapping pirouette that is said to be modeled on the walk of the eagle. The wrestling, too, is conventionalized on ancient formula. If an elbow or knee touches the ground the contestant loses. This year's champion was 29-year-old Damdin, a four-time winner, nicknamed "the Lion." He won over opponents bearing the titles "the Elephant," "the Eagle," "Great Mongol," and "Titan."

But the greatest competition of all is that of the horsemen. They are not necessarily men. Many are children, both boys and girls. The biggest race this year was that for boys and girls 6 to 14 years old.

Four hundred and forty youngsters competed, wearing the strange crusaders helmet of cloth that Mongol racers have worn for centuries. Only a handful failed to finish. This was not a sprint race over the turf but a gallop of 45 kilometers (about 28 miles) over cattle trails in the open grass plains. There was nothing about the scene that Genghis Khan would have had difficulty in recognizing, except the dozen automobiles of the diplomatic corps that raced alongside the young riders.

EACH BUILT A CAPITAL

No one who has witnessed the passion with which Mongols devote themselves to their traditional forms and concepts is likely to underestimate the task faced by Outer Mongolia's Communist rulers in attempting to move Mongol society onto a new socio-economic plane.

There are without doubt many reasons why so few Communist innovations were brought into Mongol life in the 30 odd years of Communist rule that preceded the present decade.

But not the least, certainly, has been the stubborn passion that Mongols have displayed century after century for maintaining the living patterns inherited from their fathers.

Why is it, a young Mongol was asked, that your capital has been changed so often from one city to another.

Every great conqueror wants to perpetuate his memory, the Mongol replied. He said each built a new capital. The country has had many capitals. All of the old capitals lie in ruins now. But no matter how often the capitals are destroyed the Mongol nation goes on. The Mongol people are a sturdy race and they know how to preserve their life, the youth said.

This does not mean that the Communist regime will not succeed in its efforts to revolutionize the basis of Outer Mongolian life. But success will not be lightly won.

Hidden under the hot sands of the desert for centuries have lain what the Mongols call dragon's eggs. These eggs, tradition holds, will release once more upon the earth the dragons that ruled the world of primitive man.

Under Communist rule not a few of the dragon's eggs have been dug out of their ancient nests of sand and brought to Ulan Bator for exhibition in the museums. The eggs, say the scientists, are those of dinosaurs. Talk of dragons is nothing but ancient and primitive superstition. To this, older Mongols gravely shake their heads in

doubt. Time will tell, they seem to believe, the fate of those who fly in the face of ancient tradition.

[From the New York Times, Aug. 6, 1959]

OUTER MONGOLIA A VISTA OF VAST FLOWERY VALLEYS—MONGOLIA OFFERS A FLOWERY VISTA—UNCHANGED SINCE DAYS OF GENGHIS KHAN, LAND NOW FACES MACHINE AGE

(By Harrison E. Salisbury)

TSETSERLIK, OUTER MONGOLIA.—A journey into the heartland of Outer Mongolia is a trip across forgotten pages of history into a time and space where the horse is king and man is only his companion.

It is a journey into a world of endless grass—the high green valleys and grass plateaus that nourished the cavalry with which Genghis Khan conquered most of the known lands of his day.

We think of Outer Mongolia as a country of fierce and burning deserts—of the Gobi bronzed by sun—a wasteland without water or life.

But like so many impressions of Outer Mongolia this is far from the fact. A 745-mile trip into the interior shows how little popular conception conforms to Mongol reality.

PASTURES SEEM ENDLESS

The horse armies of the Mongols were bred and nourished not in hot desert sands but in the greatest natural pasture man has ever seen, the lush and beautiful grass plains that lie hidden like an emerald jewel in the secret recesses of Asia.

Nothing has changed in this green universe since the era of the Mongol warrior. Indeed, it is from the enduring nature of this pasture land and the life that has been erected on it that stem most of Outer Mongolia's contemporary problems of economy, society, and politics.

Today, as it was a thousand years ago, this is a land of grass reaching to the infinity of blue heavens. But this will not be true much longer. This may be the last summer one may travel the virgin meadows, free of bulldozed roads or plowed fields, The era of machinery lies just ahead.

But this summer one still follows the trails of the caravans, the yellowed traces made by centuries of horsemen and grazing animals. Cities do not exist. Towns lie hundreds of miles apart. The next village is a day's ride distant.

YURTS DOT LANDSCAPE

The boundless grazing lands are dotted only here and there by colonies of white conical yurts, the canvas and felt-lined tents that for centuries have been the home of the Mongol nomad.

Only jeeps, horses, and camels can navigate this high green universe. The Mongol highway is a multiple-lane, unlimited access thoroughfare. If you do not like it you can make your own track, fresh and new across the green carpet.

Here and there on the high divides, on the crests of foothills and the jagged peaks a lonely cairn of stones has been erected. Sometimes these are adorned with a sheep's skull or the skeleton of a mountain goat. These aid the horseman in his solitary course toward the endless blue horizon.

Nowhere is there a sign or an arrow. Nowhere is there a highway policeman or a service station.

At night the traveler finds his way by the stars or, sometimes, by the dim silhouette of distant telegraph poles that march, like matchstick men across the plateaus and valleys. Travel over the boundless plain sometimes seems more like a sea voyage than an overland expedition.

FLOWERS CARPET VALLEYS

This is a world of men and animals and plants such as John C. Frémont found when he first rode west across the great American plain. To travel the high plateaus of Outer Mongolia in midsummer is to traverse an endless carpet of flowers that perfume the valleys. Yellow primroses and golden buttercups splash against the thick grass, along with violet canterbury bells, wild larkspur, tall and spiked white and gold milkweed, acres of wild mustard and great beds of nodding purple asters.

The air is heavy with a pungent herblike fennel that perfumes the flesh of the lambs. After a rain the heavy scent of a burning nettle puckers the nostrils. Some fields look like a painter's smock, splotched with tiny scarlet lilies, Indian paint, creeping lavender, delicate bluebells, columbine, and white mushrooms the size of a saucer.

So the land appeared when the hordes of the great Khan gathered for the midsummer Naadam, or games. So it appears today.

This is no empty vegetative world. Overhead drones a great carnivorous hawk, as big as an eagle. It circles like a vulture and poises, brown and menacing, ready to dive. Suddenly from a clump of bushes two brown thrushes fly upward, desperately wheeling with piteous chirps to draw the hawk away from their threatened nest. The hawk closes in on one thrush. Then the other wings closer in a feint and draws him away. For 10 minutes the birds maneuver the great predator as picadors maneuvered a bull, gradually drawing it farther and farther toward the horizon. Finally the birds vanish in the distance, their tactics apparently successful.

Near the water courses, brimming with the midsummer rains, are flocks of handsome Mongolian ducks, orange and brown and white, and as large as geese. They sturdily stare at the approaching jeep, but are quickly into the air every time Tasha, the chauffeur, a lover of hunting and fishing, halts to put them under the sights of his single-shot .25-caliber rifle.

Occasionally, there are wild turkeys, scrawny and bony as those colonial Americans first saw in New England, and statuesque gray and black cranes that look as if they stepped out of a Japanese print.

Tasha's eyes rove the countryside as he drives. He pays little attention to the great brown hares that bound out of sight in the tall grass. He merely gestures to the countless Mongolian prairie dogs that sit with folded paws beside their holes and then flash down them.

But it is a different matter when he spots a daub of alien color high on a neighboring butte. He slows the jeep to a halt, takes a long penetrating look, then reaches with one hand for his rifle and slowly points the jeep across the meadow and up the steep incline. As the jeep growls and roars Tasha pulls back the string of his cotton cartridge bag with his teeth and fingers out a bullet. He slips it into the chamber as the jeep climbs higher and higher.

Suddenly the jeep noses over a narrow ledge. There, a hundred feet higher, its forelegs sprawled like a lazy dog, sits a great fox, grayish red and as large as a wolf. Tasha brakes the jeep swinging it broadside and raising his rifle. The fox rises, ambles a few paces higher. Tasha pulls the trigger. A dull click. The cartridge (like half of those he uses) is defective. Fumblingly he ejects the shell and drops a fresh one into place. But now the fox is suspicious. Just as Tasha's shell rams forward the animal whisks about and disappears in the higher ledges.

FISHING IS BETTER

Tasha's luck is better with fishing. Below the surging falls of the Ulan (Red) River, he pulled out three fat fish, resembling pike or muskies. He took two others with a metal spinner and nylon casting line in the muddy waters of the Orkhon River.

"Ours is a wonderful country," said a young Mongol doctor as he sat under blue skies and hot sunshine beside the carved gorge of the Orkhon.

"We have very few people," he explained. "Only a million or so. And our land is very wide. So our rivers are filled with fish. And our fields and forests are filled with animals. When we want to hunt or fish there is always good sport."

Certainly few countries are richer in wildlife—mountain goats and snow panthers in the high peaks, bears and wolves at lower elevations and antelopes, wild donkeys, wild camels and wild horses, first observed by the Russian explorer, Nikolai M. Przhevalsky, and smaller game on the plains and deserts.

Life in the Outer Mongolian interior is reduced to a simple formula. If the rains are good, the grass is good. If the grass is good, the animals are fat and abundant. If the animals fare well, the people live well.

GRASS IS LUSH

Seldom has the grass been better than it is this year. The rains have drenched the land. Life in the yurts is easy and pleasant. Here in the high grassland the yurt seems a perfect kind of habitation—at least in summer. The tents are set up on the greensward, the canvas fitting around a crisscross of flexible wands. There is a circular opening at the top where the chimney of the potbellied stove protrudes. In rainy weather it is closed by an extra piece of canvas. In fine weather it is open to the blue skies. Oriental rugs, carpets, straw mats or oilcloth are laid on the grass. When the turf wears thin, the yurt is moved. It can be taken down or set up in 20 minutes by a Mongol woman and her children.

Inside, the yurt is surprisingly roomy. Chests, benches or narrow beds are arranged around the edges. The people squat on the carpet.

Nowhere does hospitality flow more warmly than in the yurt. The visitor hardly has time to seat himself before he is confronted with a great bowl of kumiss, or fermented mare's milk. A huge Chinese jar, sometimes almost as big as those in which Sinbad hid his sailors, is used to contain the kumiss.

A moment later a dozen other dishes appear—soft fresh yoghurt, cottage cheese, curds that are hung by a string along the yurt wall until they are as brown as ginger and hard as stone, and steaming bowls of the national "five elements" tea, which is made of milk, salt, sugar, water, tea, and sometimes a sixth or seventh element, such as butter or sheep's fat or meat.

But the piéce de résistance is a great metal basin of meat. In this the visitor finds a whole lamb, carved, and roasted. For the children there are the tender lamb hooves; for the honored guest, the delicate morsels of the lamb's jaw and cheeks.

GUEST SERVES

It is the guest's duty to serve the company. A beautiful knife of inlaid silver and enamel is placed in his hand. He carves the lamb and hands it out on the point of the knife.

At this moment the host's wife appears with a great jar of a fresh, colorless liquid. Spring water, or so it looks. Each guest receives a bowl of the beverage, a harmless milk product. Or so the host says. In reality it is raki, a high potency alcoholic beverage, flavored with anise, common to a dozen Asian lands from the Middle East to the borders of China..

This is life in the Mongolian heartland in this summer of 1959. Below the surface, of course, there are changes from the time of Genghis Khan. And more changes—deeply revolutionary ones—are just around the corner. But of this the residents of the yurt seem oblivious. They chew their lamb bones and wash the meat down with cups of raki.

"There is nothing better than lamb," one says.

"True," says another, leisurely drawing out his thin ebony and silver pipe and putting into its narrow bowl some dry and fragrant morsels, which he calls tobacco, but which certainly would never be recognized at a North Carolina auction.

"What more can a man want," says the first. "Good lamb to eat and good horses to ride."

"Ah, yes," says the other. "Our animals are good this summer and so our life is good. After all, we live for our animals. And our animals live for us."

[From the New York Times, Aug. 7, 1959]

MONGOLIAN PLOWED STRIP DENOTES START OF CHANGE—RED RULERS STRIVE TO SOVIETIZE LAND OF HERDSMEN

(By Harrison E. Salisbury)

ULAN BATOR, OUTER MONGOLIA.—For 20 miles along the valley of the Tarany River in Outer Mongolia, a 2-mile swath has been slashed by tractor-driven gangplows across the virgin grassland.

This swath is the frontline in a massive struggle by Outer Mongolia's Communist rulers to transform their country from a herdsman's paradise into a 20th century state.

Some say the signal for launching the battle came from Moscow. It is said that Moscow told the Mongolian leaders that only by turning the virgin lands, only by putting the plow to this kingdom of the horse could the foundations of a socially viable economy be laid.

Whatever the inspiration, the battle has been joined. Conflict over the wisdom of the move split Outer Mongolia's People's Revolutionary (Communist) Party. But advocates of change headed by Premier Yumzhagiin Tsedenbal won the day.

The struggle to transform Outer Mongolia is not going to be won easily. It has international ramifications. Both the Soviet Union and Communist China have a stake in the Mongolian scene. The interest of the United States in what happens in this remote but critical area of the world is not inconsiderable. Yet the United States has thus far largely been isolated from events in Outer Mongolia. It does not recognize the state and has little knowledge of what occurs on this key segment of the frontier between the Soviet Union and China.

PLOWED AREA STILL SMALL

Plowed fields are still few and far between in Outer Mongolia. Only three small experimental plots were encountered in a 200-mile drive west from Ulan Bator.

But in selected areas like the Tarany Valley the pastures have been taken from the herdsmen. New state farms have been set up. The herdsmen have a choice. They may work for the state farm or they can move away.

Out of such harsh decisions as this social tensions inevitably arise.

Land cultivation is new to Mongolia. For a 1,000 years or more Outer Mongolia has lived by her animals. A man reckoned his wealth by his horses and his sheep. Cattle counted for less. And none but barbarians tilled the soil.

COLLECTIVIZATION CITED

Now all of this will change. As recently as 4 years ago 90 percent of Outer Mongolia's livestock was owned by individual herdsmen. Collective enterprises and state farms split the remaining 10 percent. Now Mr. Tsedenbal says Outer Mongolia has been 100 percent collectivized, largely within the last 12 months.

The rapidity of the collectivization leaves doubt as to its thoroughness. But there is no doubt that many large-scale state and collective farms have been established in order to provide the framework of the intended changeover to an economy based on tillage, grain production, fodder production, cattle feeding and dairying rather than meat raising on natural grass pasture.

To introduce tillage and fodder feeding means an end to the nomadic life of the people. To introduce the state and collective farm means to weaken the traditional ties of tribe and family.

So far the new enterprises are largely mixed. For example, the Tuvsherulek State Farm is described as a combination animal breeding and land cultivation enterprise. It has 20,000 animals—14,000 sheep, 5,000 cattle and about 2,000 horses. Of its 80,000 hectares (about 197,000 acres) of land, 14,000 are in crops, mostly oats and forage for the animals.

GRAZING AREA STILL BIG

On the other hand, its chairman calls the new Karakorum State Farm a land cultivation enterprise devoted to the growing of wheat and oats. However, alongside the 15,000 hectares sown to wheat and oats this year and the 10,000 hectares prepared for grain sowing next year the farm has 175,000 hectares on which to graze its 15,000 sheep, 3,000 horses, and 2,000 cows.

Some indication of the practical problems encountered in converting these herd-minded people into sedentary farming is given by the fact that, although Chairman Shlen Bator of the Karakorum State Farm had more than 12,000 hectares sown to wheat, he was unable to say what variety had been planted or when it would be ripe for harvest.

"I think it is called pshenitsa," he said. "Pshenitsa" is the Russian word for wheat.

According to directors of state and collective farms, the government is paying heavy premiums to encourage cultivation of land. Workers on state farms are said to be drawing 600 and 700 tugriks a month. This stated wage scale is above that of Outer Mongolia's small-scale industrial enterprises. Moreover, workers on both state and collective farms are permitted to pasture up to 30 head of individually owned animals with the common flock.

Backing up the government drive to end Outer Mongolia's nomadism is the new State Agricultural Institute, headed by Y. Zhamianzhav, a smiling young man who was graduated from the Ulan Bator State University 10 years ago.

The institute is turning out about 200 trained agricultural specialists a year. But the experts in livestock and veterinary studies outnumber the land cultivation men 3 to 1.

Director Zhamianzhav was asked why Outer Mongolia clung to the horse with such passion. The nation has 1 million people. Of somewhat more than 20 million head of livestock, 2 million are horses and 2 million are cattle.

Would it not be more economic, Mr. Zhamianzhav was asked, to reduce the number of horses and devote more pasturage to cattle, particularly if the range was to be turned more and more to the plow?

The question seemed to shock the director and his associates.

"In Mongolia, we respect the horse," he said with dignity. "The horse is our national tradition."

In the courtyard of the school, outside the director's office a group of students were busy erecting a platform. "They are putting up a monument to the horse," the director explained.

EROSION IS A DANGER

Not all the problems of transforming the Outer Mongolian countryside lie in the realm of habit and tradition. There are grave natural hazards in the experiment upon which the country has embarked.

Outer Mongolia is not a land of excessive water, although very heavy downfalls occur in June and July. Cloudbursts are not infrequent at those times. The soil does not readily absorb such quantities of water, and the runoff across the grass plains is swift and broad.

Where the natural grass cover has been removed, erosion occurs with stupefying suddenness. The swift water cuts down through the land like a hot knife in ice cream. It does not merely wash away the soil—it carves it out, 2 yards at a time.

In winter there is little snow and much wind.

The combination of summer cloudburst and January windstorm, striking at plowed land no longer protected by its eternal grass cover, could bring a national disaster. Outer Mongolia's green pastures might be turned by wind and water into a desert more barren than the Gobi.

Presumably the Outer Mongolian soil specialists, and the Russian experts who are advising them on the basis of their own gamble with somewhat similar conditions in the virgin lands of Kazakhstan, have calculated this risk and think the chance worth taking.

If Outer Mongolia is to become an agricultural land rather than a herdsman's pasture, it must, of course, have a supporting industrial basis.

In this effort Outer Mongolia has been relying extensively on the assistance of her two great Communist neighbors, China and the Soviet Union.

The effort to create an industrial base has had to start from almost as rudimentary point, as is the case with agriculture. Prior to 1952 Outer Mongolia possessed a minor meatpacking industry, a small leatherworking plant, a vodka mill, a few dairies, and little else.

Now rapid progress is being made. The biggest enterprise under construction is a combination textile and leather factory being set up on the basis of the old leather plant. By 1960 the plant will be capable of processing 1,300,000 sheepskins a year. It will turn out 1,200,000 pairs of shoes and will have a woolen textile layout as fine as any in the world.

MINE OUTPUT GROWS

The woolen plant is being installed free by Chinese technicians according to plans drafted by Soviet engineers. Every bit of machinery in the plant has come from Britain, purchased for Outer Mongolia through the Chinese National Sales Corp. Pay in this factory runs from a minimum of 300 tugriks a month to a maximum of 900. The average is 600.

Another rapidly expanding enterprise is the Nalaikha coal mines, 40 miles outside Ulan Bator. The output soon will reach 600,000 tons a year, sufficient to meet Ulan Bator's requirements. This is a high-level mine that soon will begin open-cut operations along plans devised by Soviet engineers. Wages run from 500 to 800 tugriks a month. The mines have 25,000 cattle and 5,000 horses to provide employees with food and drink.

Other industrial plants under construction or expansion include a flour mill (Ulan Bator hopes soon to be self-sufficient in flour), a large modern dairy installed with Soviet aid, a glass factory put up with Chinese Communist help, a candy factory, and a macaroni mill. Wages in these enterprises run from 300 to 600 tugriks a month, with incentive bonuses for high production as in the Soviet Union.

The question of what a tugrik is worth is almost impossible to determine. Soviet sources quote the tugrik at par with the ruble and the official exchange rate gives 4 tugriks for $1. But the tugrik is also traded here at the rate of 2.4 rubles per tugrik. Thus the rates quoted in Moscow and in Ulan Bator are not compatible. Presumably, the rates are arbitrary. Not more than a

few thousand dollars a year flow into the Mongolian treasury. The ruble rate may be adjusted in favor of the tugrik as a kind of indirect subsidy by the Soviet Union to the Outer Mongolian economy.

PRICES VARY

Outer Mongolian prices seem to lack any rational basis. In general they are high. A short leather jacket costs 156 or 190 tugriks, depending on quality. A long leather coat is priced at 306 and a woman's nutria coat at 15,000 tugriks. Lamb costs 5 tugriks a kilogram (2.2 pounds) or 100 tugriks for a whole lamb. A camel sells for 200 tugriks and a horse for 300 to 400. Bread is 2 tugriks a kilogram (few Mongolians eat bread). Cigarettes cost 1.5 to 3 tugriks a pack. A postcard costs 1 tugrik and a steel knife with a little bonework and engraving 88 tugriks. A more elaborate knife and case costs 1,800 tugriks. A suit is priced at 500 tugriks, a pair of shoes at 90, a shirt at 80, a woman's rayon dress at 179 and a woman's calfskin jacket at 220.

An airmail postage stamp is 1.5 tugriks, and a 12-by-12-foot wool rug 3,480. Vodka is 40 or 50 tugriks a bottle. A meal in a hotel is 40 to 50 tugriks and overnight charges for a room may run as high as 100 tugriks. Yet rent of a two-room flat in one of the few Ulan Bator apartment buildings is only 6 or 7 tugriks a month.

Retail trade is rudimentary. Stores are few, stocks of goods scant and whole sections of stores may be closed for days because the sales girl assigned to a particular counter is on vacation.

SKILLED LABOR LACKING

The country suffers from an acute shortage of skilled labor. Every construction project observed in Outer Mongolia—whether it was the new bridge across the Tola River at Ulan Bator, the new shops for the glass factory at Nalaikla, the irrigation works on the Tarany River, the repair of the walls of the big Buddhist Temple or the construction of apartment houses for the new textile factory workers—was being carried on by Chinese crews.

In part this appeared to be a shortage of skills rather than an actual shortage of hands. Almost every Mongol official commented on the relaxation of the great burdens that armament and military defenses had laid on the economy until after World War II. It is obvious that there has been a radical demobilization of the Mongol military forces in recent years. Men in uniform were not numerous. And nowhere were military construction crews seen laying foundations, digging ditches or building roads, as used to be common in the Soviet Union before 1955.

The presumption is that the demobilized men have gone back into the traditional herdsman's life rather than joining the slowly growing city proletariat.

PLANS ARE GRANDIOSE

It is obvious even from so sketchy a résumé of the Mongol economy that the program upon which the Communist rulership has embarked is grandiose indeed. Unless the herdsmen prove far more malleable than they have been, it is going to be a task of extreme difficulty to persuade and compel them to abandon their ancient customs and dedicated way of life. Moreover, they have few of the skills needed either by cultivated agriculture or a factory industry.

The job of converting such a country and such a people is one that might well give pause even to a tough, experienced party leadership such as that of the Soviet Union. The fact that the neighboring Chinese Communists have rapidly moved their people into active Communist industrial and agricultural development offers no real parallel. The Chinese people have never had a pattern of nomadic, tribal, fiercely traditional and almost warrior-like existence such as has been found in Outer Mongolia for generations.

These are the factors that make Outer Mongolia so sensitive an area within the Communist world. Couple them with the active intervention, participation and rivalry of the two big Communist powers, Communist China and the Soviet Union, and you have a situation of the greatest complexity and highest importance. The theory of Mongol herdsmen that he who disturbs the dragon's eggs of the Gobi Desert will let loose a new era of monsters in the world may not be correct. But enough will probably happen in Outer Mongolia in the next few years to repay somewhat closer U.S. interest than is now the case.

FISHTRAPS IN ALASKAN WATERS

Mr. BARTLETT. Mr. President, the Federal Register for Saturday, April 9, contained regulations, prepared in the Bureau of Indian Affairs, approved and proposed by the Secretary of the Interior, and entitled "Alaska—Indian Fishing Regulations." I have read these regulations. I have studied them. They should concern every American who believes in a proper balance of authority and jurisdiction between the States and the Federal Government, every American who advocates civil rights, and every American who supports conservation of natural resources.

The regulations state that their purpose is to protect "certain fishing rights which have long been recognized." The regulations purport to control, protect, and preserve "existing fishing rights of Indians in Alaska," and they would permit the use of fish traps by three selected Indian communities, notwithstanding provisions in the constitution and laws of Alaska which prohibit traps in Alaska waters without exception. The regulations proposed by the Department of the Interior would resolve any conflicts with State laws and regulations by a provision that "the native Indians and Indian villages of Alaska shall be governed by the regulations in this part in the waters where they apply or by the regulations of the State of Alaska, whichever are least restrictive to their fishing operations."

That provision means one thing, and one thing only, Mr. President. It means that if the Secretary has his way, certain Alaskans will be immune from State laws and regulations to which other Alaskans will be subject, and it means that the Secretary is encouraging the use of fish traps in Alaska, in spite of a prohibition against such traps in the constitution of Alaska.

The regulations published on April 9 cite the act of June 6, 1924—the White Act—as a source. They purport to establish an exclusive right of fishery in the waters of the Karluk Indian Reservation "to the bona fide native inhabitants of the village of Karluk and vicinity." Disregarded and unmentioned is the 1948 decision of the Supreme Court of the United States, which dealt with the authority of the Secretary of the Interior to establish an exclusive right of fishery in these very waters. The Supreme Court held void regulations of the Secretary of the Interior which established the exclusive privilege. The Court said:

> We find nothing in the White Act that authorizes the Secretary of the Interior to grant reservation occupants the privilege of exclusive commercial fishing rights. "Exclusive," as used in section 1 of the White Act, forbids not only a grant to a single person or corporation but to any special group or number of people. The White Act fishing preserves were not intended to furnish a monopoly to a favored few. Whatever may be the powers of the Department of the Interior or the natives as to regulating the entrance of persons other than natives in possession of Karluk Reservation into or on the area of land and water in that reservation, they are not broad enough to allow the use of the White Act sanctions to protect the reservation against trespass. White Act sanctions are for White Act violations * * * an exception in favor of the natives * * * seems to rest on the fact that the natives are on a reservation that includes the White Act conservation area. This cannot be done. The welfare of the 57 electors of Karluk Reservation and their families is important. The Secretary of the Interior, however, cannot give them such preferences as are here given under the authority of the White Act. Other American citizens are equally entitled to the benefits from White Act preserves.

In spite of the Supreme Court decision, the Secretary proposes an exclusive right of fishery to be protected, under section 88.9 of the proposed regulations, by White Act sanctions. Indeed, Mr. President, the regulatory powers of the Secretary under the White Act were limited to "the purpose of protecting and conserving the fisheries of the United States in all waters of Alaska." Since Alaska's admission to the Union, the Secretary has certified to Congress "that the Alaska State Legislature has made adequate provision for the administration, management, and conservation" of fish and wildlife resources "in the broad national interest." What a paradox is this, Mr. President. Prior to statehood, the Secretary of the Interior could not grant exclusive rights of fishery and could regulate under the White Act only for the purpose of conservation. After statehood, the Secretary assumes prerogatives which he could not exercise before statehood. I submit the very simple premise that the powers of the Secretary in Alaska are less great now than they were when Alaska was a territory. The Department of the Interior, however, seems to proceed from an opposite premise.

After these regulations were published, Mr. President, I discussed them with one of my good friends at the Department of the Interior. He asked me what my reaction was to the regulations. I was surprised by his question. After all, I was one of the 21,285 Alaskans who voted for Ordinance No. 3 of the Alaska constitution, prohibiting without exception the use of fishtraps for the taking of salmon for commercial purposes.

Moreover, I was one of the 17,447 Alaskans who, in April, 1956, voted to adopt the constitution prepared and agreed upon by the 1956 Alaska Constitutional Convention. That constitution is now the Constitution of the State of

Alaska. Article 1, section 1, of the Alaska constitution provides:

> This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

Yes, the question concerning my reaction to these proposed regulations was a great surprise, for I have always feared the introduction into Alaska of the theory that the natives of Alaska are destined to be wards of the Secretary of the Interior. Mr. President, I was first elected to Congress, as Delegate from Alaska, in 1944. On November 10, 1944, prior to my departure for the District of Columbia, I issued a statement on this very subject:

> Simple justice, entirely aside from laws, calls for and should compel equal treatment for all classes of citizens. That is a principle we most assuredly aim at constantly.
>
> Establishment of reservations over such a broad expanse of country and over the bordering ocean where settlement both of natives and whites has proceeded for generations according to an entirely different principle would be a departure from established American procedure as unique as it would be unworkable.
>
> Let us not overlook the certainty that bitter antagonisms would be aroused. Where they would lead no man can foretell and I, for one, care to speculate as little as possible on that feature.
>
> For economic advantages which would accrue in greater or lesser degree, the native would be compelled to surrender a precious heritage. He would become a ward in the typical, generally accepted sense. Likewise, he would soon find that his life would be hinged about with restrictions imposed by government. For every gain, there would be a double loss.
>
> Gone forever would be the prospect, which has gradually appeared brighter, of whites and natives working together in real equality for a better Alaska. A racial wall which has been crumbling rapidly would be raised to a higher level than ever before.

Mr. President, article 1, section 1 of the Alaska constitution, as well as the fish-trap ban in Ordinance No. 3 of the constitution, was ratified, accepted, and confirmed by Congress in the Statehood Act.

Moreover, article 8, section 1, of the Alaska constitution provides that:

> It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

And section 3 of the same article states:

> Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

Mr. President, the words "for common use" are the key words, and are in contrast to the exclusive use provided in the proposed Federal regulations. Section 15 of article 8 is even more emphatic. It is subtitled "No Exclusive Right of Fishery." It reads:

> No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State.

I have been quoting from the constitution accepted, ratified, and confirmed by Congress. The words in the constitution reflect a community where all men stand equal in the eyes of their fellows, and where people of all races oppose efforts to create artificially political distinctions which have no basis in reason and which are alien to the Alaska tradition. Clearly, the policies of the Secretary of the Interior are inconsistent with the policies expressed by the people of Alaska in the constitution of Alaska. Congress has accepted the policies of the people of Alaska, and it appears that the Department of the Interior has gone off on a fishing expedition in Alaska without statutory authority and, in fact, in a manner prohibited by the White Act and the Statehood Act cited by the Department as warrants for its expedition.

Mr. President, a press release dated April 7, 1960, by the Department of the Interior Information Service, as it is called, deals with some of these mysteries. The press release states that the right to use traps was "preserved for the natives by section 4 of the Alaska Statehood Act." Two contradictory paragraphs later, the press release quotes the Secretary. "The Supreme Court," the Secretary states in the press release, "has already enjoined the State of Alaska from interfering with native fish traps until it is determined whether these traps involve native fishing rights protected by the Statehood Act." It appears that there is some confusion within the Department whether the right to use traps was preserved, was not preserved, or remains to be determined.

Mr. President, my remarks in chief will be directed, first, to the act of admission, or the Statehood Act; second, to the White Act. I feel invited to discuss these statutes because, according to the proposed regulations, "fishing rights of Indians in Alaska derive from the act of June 6, 1924"—the White Act—and were declared in "section 4 of the act of July 7, 1958"—the Statehood Act. These are the sources of authority cited by the Secretary himself for his regulations of this year which, according to the Secretary, "preserve such rights." Let us see whether those statutes can be used properly as authorization for the proposed regulations of the Department of the Interior.

Section 4 of the act of admission is a compact between the people of Alaska and the United States, under which the State and people of Alaska disclaim right or title, or jurisdiction, to property held by Indians, Eskimos, or Aleuts, or held by the United States in trust for them. The Secretary bases his regulations upon the proposition that section 4 "secured certain fishing rights to the Alaska Eskimos, Indians, and Aleuts," quoting from the regulations. That proposition is simply unsupportable, Mr. President. The language of section 4 of the Statehood Act is similar to the language of the constitution of the State of Alaska—section 12 of article 12—which the people of Alaska approved in 1956, and again in the statehood referendum of 1958. If section 4 "secured" certain fishing rights, including the right to use traps or to enjoy exclusive rights of fishery, how could the constitution of Alaska, where section 4 appears in substance, prohibit traps absolutely and prohibit exclusive right of fishery? Obviously, the securing of the right to use traps or enjoy exclusive right of fishery was not what the people of Alaska intended by the compact ratified in 1958 at the referendum and agreed to as early as the referendum of April 1956.

Mr. President, section 12 of article 12 of the constitution of Alaska has been likened by me to section 4 of the Statehood Act. Section 4, however, differs in some respects. I have discussed section 4 with Department of the Interior lawyers on several occasions. Sometimes they read section 4 to me, but the reading of section 4 always seems to stop at the colon before the first proviso. Now I quote the proviso:

> *Provided*, that nothing contained in this Act shall recognize, deny, enlarge, impair or otherwise affect any claim against the United States, and any such claim shall be governed by the laws of the United States applicable thereto; and nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any law applicable thereto authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act.

Now it is clear that a "claim," within the meaning of the proviso, relates to the "rights" mentioned in section 4 before the proviso. This must be so, because the proviso refers back to the earlier portions of section 4 where "rights" are discussed. There is no other reference. It must be so, too, in the light of the legislative history. Quoting from the Senate committee report in the 85th Congress on the statehood bill:

> The first proviso of section 4 directs that nothing contained in the act shall be construed to affect the existence or validity of any claim against the United States nor be construed as an interpretation of the meaning or application of any Federal law pertaining to such claims. The purpose of the proviso is to leave the legal question as to the existence or validity of any claim against the United States, including native claims, in exact status quo, and to leave the question for subsequent legislation or judicial decision without expressing any opinion or mandate in this act.

With this background, Mr. President, is it not hard to maintain that section 4 recognized "certain fishing rights," the jurisdiction over which was disclaimed by the State and people of Alaska? The real fact is that Congress neither expanded nor contracted any special rights of the native people, if any such rights exist. That is the position I urged Congress to take. That is the position that was taken.

The House committee report accompanying H.R. 7999, which became Public Law 85–508, the Statehood Act, is equally clear on this issue. Referring to page 19 of the House report, I quote:

> Finally the section provides that no attempt will be made to deal with the legal

merits of the indigenous rights but to leave the matter in status quo for either future legislative action or judicial determination.

Incidentally, Mr. President, I wonder how the proponents of these regulations, who claim that Congress intended the Secretary to exercise regulatory powers over the Alaska fishery, explain away section 6 (e) of the Statehood Act. In that section, Congress directed that:

All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska * * * shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: *Provided*, That the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the first day of the first calendar year following the expiration of 90 legislative days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: *Provided*, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife * * *.

In other words, Mr. President, Congress told the Secretary of the Interior to transfer to Alaska all property used for the sole purpose of conservation of the fisheries, and Congress instructed the Secretary to retain property used in connection with wildlife refuges and general research. This is the same Congress, under the Secretary's view, which wanted him to regulate certain Alaskans because of their race in their fishery activities. I submit that it is not logical to presume that a Congress which strips the Department of the Interior of the property used formerly by the Department to regulate the Alaska fishery, which commands the Department to transfer such property to the State, is a Congress that wants the Department to continue to regulate part of the Alaska fishery.

Mr. President, the Department of the Interior's press release tells a story, but not the whole story. Reference is made in the release to the Department of Justice communication to the House Committee on Interior and Insular Affairs regarding Alaska statehood in 1957:

Secretary Seaton pointed out that when the Alaska Statehood Act was being considered by the Congress the Department of Justice informed the Congress that the inclusion of a reference to fishing rights could well result in raising an implication that there is a "right or title" to fishing rights in the natives of Alaska despite prior court holdings to the contrary.

That is the quotation from the press release.

Now I shall quote from the Department of Justice communication itself so that Senators may note what was actually told the House committee by the Department.

Under section 4, the State and its people would agree and declare as a compact with the United States that they forever disclaim all right and title to "any lands or other property" not granted or confirmed to the State or its political subdivisions by or under the authority of the bill, the right or title to which is held by the United States "or is subject to disposition by the United States" and "to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives." Except as to such property held by individual natives in fee without restrictions on alienation, such property would be under the absolute jurisdiction and control of the United States, and such property and property hereafter acquired by the United States would not be taxable by the State, except as Congress prescribed.

Section 4 also includes a proviso with respect to claims against the United States so drafted as to make it clear that such claims are to remain unaffected by the act. House Report No. 88, on H.R. 2535, 84th Congress (pp. 28 and 47) includes the following statement on page 47 with respect to an identically worded proviso; "It is provided that no attempt will be made to deal with the legal merits of the indigenous rights but to leave the matter in status quo for either future legislative action or judicial determination.

In view of the foregoing and in the light of the judicial determinations hereinafter mentioned, it is recommended that the parenthetical phrase "(including fishing rights)" appearing on page 2, lines 24 and 25 of the bill be eliminated. The Court of Claims decided on July 12, 1955, in *The Tee-Hit-Ton Indians* v. *The United States* (132 Cl. 624), that the Indians had not since the acquisition of Alaska acquired any right to fish, by immemorial usage or otherwise, against the Government. In an earlier case, *Hynes* v. *Grimes Packing Company* (337 U.S. 86), an Indian group was held to have no exclusive irrevocable right to fish commercially in an area designated as a reservation by the Secretary of the Interior. These cases establish that the Alaskan Indians have no compensable claim to a right to fish, which is applicable as well to the Eskimos and Aleuts. The inclusion of a reference to "fishing rights" may have the consequence of raising an implication that there is a "right or title" to fishing rights by the natives of Alaska notwithstanding the above-cited judicial determinations.

Mr. President, that is the full statement of the Department of Justice to the Committee on Interior and Insular Affairs, House of Representatives, 85th Congress, relating to section 4. The Department of Justice statement cites the legislative history showing the intention of Congress was not to "deal with the legal merits of the indigenous rights but to leave the matter in status quo." The Department of Justice statement cites two court decisions holding that the Indians of Alaska have acquired no right to fish peculiar or exclusive to themselves, and no compensable claim to a right to fish. Yet upon the slenderest reed of a suggestion in a single sentence extracted from the statement as a whole, the Secretary rests his authority for the proposed regulations.

Why, it may be asked, was not the recommendation of the Justice Department followed and the words "including fishing rights" stricken from the statehood bill? I have a very lively memory as to what occurred in respect to the so-called disclaimer provision over the years during which the two legislative committees of the Congress considered Alaska statehood legislation. This arrangement, whereby the people of the State to be expressed willingness to forgo any claim to property which might be found at some later date to have been owned "since time immemorial," as the phrase goes, by the original Indian inhabitants was a customary provision in many statehood acts for the western territories. So far as I am aware there had not been previously in any statehood bill a specific reference to fishing rights. I can recall the strong insistence on the House side that the words which we now find in the law be inserted. This insistence came because many Alaska Indians have traditionally lived from the sea. And why should the words not have been inserted? So far as I am concerned, they had a very proper place there. For they conferred nothing—or so all of us on the House committee then believed and so the Congress assumed—to the native inhabitants and they took nothing away from the other people of the State or from the State itself; they merely left the subject open for later judicial or congressional determination. I do not recall that the suggestion was ever made that the determination should originate with the executive department of the Government. And, very frankly, views of the Justice Department relating to language changes in this disclaimer provision were very closely scrutinized in the light of the Department's historic position in opposition to these Indian claims wherever and whenever they were presented. I do not criticize this opposition; I merely state it. Speaking for myself, I should not have wanted to follow the recommendations of the Justice Department. I believed then and I believe now that Alaska natives should have opportunity to exhaust every legislative and judicial process in their efforts to demonstrate property rights, without being foreclosed by the Statehood Act or any other legislation.

Mr. President, the proposed regulations mention three other public laws—in addition to the White Act and the Statehood Act—as statutory bases for the exercise of regulatory power. One of the references is to section 485 of title 5, United States Code. That section says merely:

The Secretary of the Interior is charged with the supervision of public business relating to the following subjects and agencies: * * * Indians.

That is hardly a mandate, or even an authorization for regulations which anticipate judicial findings and contravene the constitution of Alaska which Congress has accepted, ratified, and confirmed.

Another of the references is to section 2 of title 25, United States Code, which states:

The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters arising out of Indian relations.

The question, "What are 'Indian affairs' and what are 'Indian relations' in which the Federal Government may participate rightfully?" should not be begged; it should be answered.

The final statutory reference in the regulations is to section 9 of title 25, which provides:

> The President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any act relating to Indian affairs, and for the settlement of the accounts of Indian affairs.

What is an act relating to Indian affairs and which such act do these proposed regulations carry into effect?

I need hardly suggest, Mr. President, that these statutes are bare bones indeed out of which to make a regulatory feast.

Mr. President, in the months before I came to Washington to become Delegate in Congress from Alaska in January 1945, and in the months which followed I was constantly "invited" to submit legislation to extinguish Indian rights without any provision for compensation in any manner or in any degree. I consistently refused, and would so refuse today, to do any such thing. But I must say that the wildest speculations on this subject back in 1945 would never have envisioned a situation whereby statehood would have been achieved and the Secretary of the Interior would then have acted unilaterally without awaiting legislative or judicial consideration.

Mr. President, the legal position of the Secretary of the Interior comes down to heedlessness of the following authorities:

First, there is heedlessness of the Alaska constitution, which prohibits exclusive right of fishery, bans all fish traps, and provides for common use of natural resources.

Second, there is heedlessness of section 1 of Public Law 85–508, the Statehood Act, in which Congress "accepted, ratified, and confirmed" the constitution of Alaska.

Third, there is heedlessness of Hynes against Grimes Packing Co., in which the Supreme Court of the United States held that the White Act bars an exclusive irrevocable right to fish commercially in an area designated as a reservation by the Secretary of the Interior. That case, says the Department of Justice, "establish(ed) that the Alaskan Indians have no compensable claims to a right to fish, which is applicable as well to the Eskimos and Aleuts."

Fourth, there is heedlessness of the second Tee-Hit-Ton case, which held, as the Department of Justice notes, "that the Indians have not since the acquisition of Alaska acquired the right to fish, by immemorial usage or otherwise, against the Government."

Fifth, there is heedlessness of the Court of Claims decision of October 1959, in the Tlingit-Haida case, in which the Court described the Indians' fishing rights in the area they once used and occupied to the exclusion of all others as an "asset lost."

Sixth, there is heedlessness of the Senate committee report and the House committee report which indicated that the question of compensable claims was left by the Statehood Act in exact status quo.

Seventh, there is heedlessness of the prohibition in the White Act against exclusive or several rights of fishery, a prohibition which the Supreme Court has found bars exclusive rights in native communities, as well as in other parties.

Eighth, there is heedlessness of the first proviso in section 4 of the Statehood Act itself, which, as the Department of Justice said, made "it clear that native claims are to remain unaffected by the act."

Ninth, there is heedlessness of the White Act provision allowing the Secretary of the Interior to regulate only "for the purpose of protecting and conserving the fisheries of the United States in all waters of Alaska." The face of these proposed regulations concedes that their design is to help Indians assert conjectural claims, and are not designed to conserve natural resources. Incidentally, as I shall show later, these regulations do not make it easier for natives to assert their claims and cannot be justified by the proposition that they do.

Tenth, there is heedlessness of the equal footing doctrine of constitutional law, under which all States have equal political powers. This doctrine was cited by Mr. Justice Brennan in his opinion last summer in the consolidated Angoon, Kake, and Metlakatla cases.

Eleventh, there is heedlessness of the only judicial decision since statehood in which the question of Indian fishing rights was answered on the merits by a court. I refer to the opinion of Judge Kelly of the U.S. District Court for the District of Juneau, in the consolidated Angoon, Kake, and Metlakatla versus Egan, Governor of Alaska, cases. Judge Kelly referred to the equal footing doctrine and to the meaning of the statutory phrase, "Indian fishing rights." He held:

> The new State of Alaska is entitled to such powers as have been given to all States by the Submerged Lands Act.
>
> "Indian fishing rights" do not include the right to fish with forbidden gear or in a manner prohibited to other citizens of the State.
>
> No property right exists in fish traps and their use has been legally prohibited in the State.
>
> The "equal footing" clause has long been held to refer to political rights and to sovereignty and to have a direct effect on certain property rights, and the question arose early in controversies between the States and the Federal Government as to ownership of the shores of navigable waters, and it was held that to deny to the States, admitted subsequent to the formation of the Union, ownership of this property, would deny them admission on an equal footing with the original States. *Pollard's Lessee* v. *Hagan* (44 U.S. 212, 228–229) and cases cited.
>
> Upon the admission of a State to the Union the title of the United States to lands underlying navigable waters within the State passes to it as incident to the transfer to the State of local sovereignty and is subject only to the paramount power of the United States to control such waters for purposes of navigation in interstate and foreign commerce. *United States* v. *Oregon* (295 U.S. 1, 14).
>
> The lands on which the fish traps are to be moored are tidelands or lands underlying inland waters, and subject to the authority of the State to regulate fishing.

Judge Kelly held that the White Act prohibits exclusive right of fishery, as the Supreme Court decided in the Hynes case.

The proposed regulations, Mr. President, disregard completely the opinion of Judge Kelly. In an apparently apologetic statement, the Secretary is quoted in the April 7 press release as following "the best legal advice I have been able to obtain from the Department of Justice and the Department of the Interior. Under the circumstances, I have no alternative but to permit these natives to operate the traps if they choose to do so." Mr. President, I can hardly imagine better legal advice than that which the judge of the District Court for the District of Juneau has already given the Secretary. The opinion is at 174 Federal Supplement.

The Interior Department's press release made brief reference to the opinion of Mr. Justice Brennan who, between sessions of the Supreme Court, restrained the State of Alaska from interfering with the fish traps of Kake, Angoon, and Metlakatla. It should be emphasized that Mr. Justice Brennan made no determinations of the legal questions involved. He balanced the hardships, and held that the restraining order would prevent hardship to the communities. Why? Because, he said:

> The communities have prepared for this (1959) season in reliance on the Secretary of Interior's opinion that, despite the State statute, they would be able to use their traps as authorized by him, and it is alleged that it is now impossible for them to conduct a successful operation without the traps. It is further alleged that without a successful season this year the three communities will be unable to sustain their economy and will default on their obligations to the United States to make repayment for their fishing and cannery equipment purchased for their use by the Federal Government.

He found that no corresponding hardship would accrue to the State of Alaska by the granting of the restraining order, and said "the questions proposed to be presented for review by this Court"—that is, the questions upon which Judge Kelly had passed—"are of such significance and difficulty that there is a substantial prospect that they will command four votes for review." Judge Kelly was never overruled, and his opinion remains the substantive law statement on the subject today, notwithstanding the decision by the Secretary of the Interior to disregard it.

The Secretary of the Interior's press release attempts to justify these proposed regulations on the ground that they make it possible for the natives to litigate any rights that they may have. Quoting the release:

> "Furthermore," Secretary Seaton said, "I would not eliminate the rights of any native by administrative action without giving him his day in court. These native people have taken their cause to the highest Court in our land and I am not going to act so as to deny them the very rights they seek to protect."

The fact is, Mr. President, that with or without the regulations of the Secretary, the communities concerned can obtain injunctive relief, if relief should be warranted, from the enforcement by the State of the fish trap ban. The Supreme Court, in the Hynes case, noted that

normally courts will not restrain the enforcement of the criminal law. But the court held:

If respondents show that they are without an adequate remedy at law and will suffer irreparable injury unless the enforcement of the alleged invalid regulation is restrained, a civil court will enjoin. While ordinarily criminal prosecutions will not be restrained even under an invalid statute, a civil action will lie in exceptional circumstances that make an injunction necessary to effectually protect property rights.

So, Mr. President, any desire of these communities to have their day in court can be satisfied without the regulations proposed by the Secretary. Further indication of this fact is found in the opinion of Mr. Justice Brennan, whose grant of the restraining order against State enforcement was made upon the time-honored principle that equity will balance hardships and will avoid irreparable injuries. Indeed, Mr. President, if I believed that the regulations were necessary to preserve to the Indians the right to litigate, I would not criticize the regulations as I do today. My position dates back to my support of section 4 in the Statehood Act, section 11 of the Alaska constitution, and my statement of November 10, 1944. Nothing should be done to foreclose the right to litigate. I introduced the act of June 4, 1945, extending the time within which the Tlingit and Haida Indians of Alaska could file suits for compensation. The 1945 statute made possible the October 1959 decision of the Court of Claims. Senators are familiar with my bill in this session of Congress, S. 3345, which would compensate the Yakutat local community for takings subsequent to 1952. In my statement of November 1944 I said this:

There is another way, a better way, to redress whatever wrongs may have been done. That is through presentation of claims for damages to the Court of Claims or other court of competent jurisdiction. As Delegate I shall stand ready to introduce and work for the passage of whatever legislation may be required to get the matter before a court.

Then, if the court makes an award and Congress passes the necessary appropriation bill—as it surely would—we shall have gained a common objective without the objectionable features of reservations. That, in my judgment, is the proper manner to settle this matter. It is the manner endorsed by many prominent native leaders who see disaster lying ahead for their race if they become reservation people.

This would permit, and in truth encourage, a common solidarity as between the whites and the natives. It would make it possible to lift eventually the sheltering hand of the Federal Government from the native people.

Clearly, Mr. President, the Secretary's regulations add nothing to the right to litigate, a right which is inherent, a right which I endorse.

Reduced to its essentials, the position of the Secretary is that section 4 is the source of fishing rights, in spite of all of the authorities mentioned above. Such a construction of the section contravenes the language and the legislative history I have mentioned.

Mr. President, the Secretary of the Interior has expressed reliance upon the White Act, and the Statehood Act, for his authority to promulgate regulations. I believe I have demonstrated how flimsy his basis for these regulations really is, with regard to the Statehood Act, and how contrary to the spirit of the White Act is the substance of the regulations.

Turning now from the legal aspects to the policy aspects, I want to emphasize the practical consequences of the Secretary's proposed regulations. The practical consequences will be to set Alaskan against Alaskan and to make more difficult the State's conservation efforts. The State will be in the position of requiring certain people to obey State regulations, while other people will assert immunity from them—on the basis of race. Can one imagine an atmosphere more unlikely to promote that voluntary cooperation and community understanding upon which fishery regulations so largely rely for their effectiveness? State efforts to conserve the fishery resource will be thwarted, if the Secretary's regulations go into effect. The Secretary may say he envisions cooperative effort between his agents and the Governor's agents. Be that as it may, the State will have a hard time persuading nonnative fishermen to obey State regulations which adjacent native fishermen are encouraged to flaunt.

Mr. President, I ask unanimous consent that a statement issued by the attorney general of Alaska, relating to enforcement problems, be inserted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT FROM THE OFFICE OF THE ATTORNEY GENERAL, HON. JOHN L. RADER, APRIL 14, 1960

This office has received a set of the proposed Indian fishing regulations issued by Secretary of the Interior Fred A. Seaton and recently published in the Federal Register. All interested parties, according to the notice, are given 30 days from date of publication, which we understand was approximately April 7, 1960, within which to register objections with the Commissioner, Bureau of Indian Affairs, Washington, D.C.

Although the proposed regulations have only recently been received by the State government and are under study by the departments of law and fish and game at this time, it appears that on the basis of race, the regulations purport to exempt persons of Indian or native blood from State fish and game regulations at the option of the Secretary of the Interior, in some areas and for some purposes.

The Karluk fishery of Kodiak Island has been open to natives and whites alike as have all the rest of the fishery resources of Alaska for many years. However, Secretary Seaton's proposed regulations purport to now give these fishery resources exclusively to persons of Indian blood in Karluk. In the past years it is estimated that approximately 50 to 100 non-Karluks have fished in the area to every Karluk. The non-Karluks, under the Secretary's regulations, will now be excluded, and the Karluks exempted from State licensing.

In southeastern Alaska the Secretary has blocked off a great area of water which extends from Magic River south to Juneau through Stevens Passage and Frederick Sound south to approximately Petersburg. He has blocked off another area of water extending from Tenakee Inlet south to where Chatham Strait joins Frederick Sound, and including within this body of water Peril Strait and the various arms and bays connected to the same. For Metlakatla the Secretary has blocked off an area of water extending from the southern tip of Cleveland Peninsula (which is 10 or 15 miles northwest of Ketchikan) south to the international boundary between Canada and the United States at Dixon entrance. This includes waters both north and south of Ketchikan, although it does not include the waters immediately adjacent to that city.

The proposed regulations provide that "the native Indians and Indian villages of Alaska shall be governed by these regulations in the waters where they apply or by the regulations of the State of Alaska, whichever are least restrictive to their fishing operations."

Within the bodies of water in southeastern Alaska above described, the Secretary has designated 11 fish trap sites to be operated by Kake, Angoon, and Metlakatla. These are the same 11 that were operated in 1959. However, in addition to this the Secretary has also designated an additional 10 trap sites within the bodies of water described which will be fished in the future at the option of the Secretary of the Interior—regardless of the State fishing regulations or conservation efforts.

The only intent and meaning which we can place upon these regulations of the Secretary is that if and when the people of Alaska, white and native alike, restrict their gear and their fishing efforts to conserve our fisheries and rebuild them, then as they are rebuilt the Secretary will authorize additional traps to be fished. He has already blocked them out. This is asking the fishermen of Alaska to restrict their gear and open periods so that fish traps can be used as an instrument of discrimination to catch the increased fish which may result from their sacrifices in the interest of conservation.

The Federal Government has controlled the fisheries of Alaska from the date of purchase from Russia until the present time. The fisheries resources of Alaska have practically been destroyed by Federal mismanagement and the Department of the Interior. Secretary Seaton has stated in the past that there was no conservation problem with fish traps, and his recorded statements in congressional hearings and otherwise indicate that he refused to abolish fish traps on the grounds of conservation prior to statehood.

Secretary Seaton in his regulations not only mentions Indian villages but also "native Indians." According to the last decennial census approximately half the Alaskans in the fishing industry are natives. The Secretary in effect is claiming that because of race, he has a right to continue, through a Federal bureaucracy, to control Alaska fisheries after statehood even though the State was supposed to have received complete control of its fisheries January 1, 1960, under the Westland proviso of the Statehood Act. Every fisherman knows that conservation methods cannot be effective if applied to only half the industry. This attempt to retain control of Alaska fisheries is against the constitution of the State of Alaska, against the interests of the people of Alaska, both native and white and, we believe, against the fundamental law of the United States which says that every State is equal in its sovereignty over its waters and its control of its fisheries, and that no resource can be taken from the people as a whole and given to any group as a special privilege, particularly when the basis for the discrimination is race, creed, or color.

We hope Secretary Seaton will reconsider his position and that the proposed regulations will not be adopted after he hears from Alaskans, native and nonnative alike.

Mr. BARTLETT. Nor, Mr. President, are the practical problems confined to the

commercial fishery of Alaska. Section 88.7, which would allow natives in Alaska to fish for personal use "except in those waters where the State of Alaska has determined that a complete prohibition on all fishing is necessary to prevent the destruction of existing salmon or other fish populations," threatens the integrity of the State's efforts to achieve a sound program of regulation for the great sport fishing of Alaska. Section 88.7 appears to place the State of Alaska into the dilemma of having to deny sport fishing to all, or of having to try to regulate the sport fishing of nonnatives while natives enjoy immunity from State regulations. Obviously, no sound conservation program, consistent with recreational use, can be established under such handicaps.

Mr. President, the abolition of fish traps and the prohibition against exclusive rights of fisheries have been the desire of an overwhelming number of Alaskans. I ask unanimous consent that a table showing the votes of the 1956 referendum, with percentages, be inserted at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Alaska referendum, 1948

	For traps	Against traps
1st division	1,113	7,179
2d division	521	1,151
3d division	552	7,727
4th division	438	3,655
Territorial total	2,624	19,712

1948 votes on fish trap ban—Angoon, Kake, Metlakatla precincts

	For traps	Against traps
Angoon	9	41
Kake	6	123
Metlakatla	33	112

Alaska referendum, 1956

	For	Against	Percent	
			For	Against
Approval or proposed State constitution	17,447	8,180	68	32
Absolute ban on fish traps	21,285	4,004	84	16
"Alaska-Tennessee plan"	15,011	9,556	61	39

1956 votes on fish trap ban—Angoon, Kake, Metlakatla precincts

	For traps	Against traps
Angoon	14	84
Kake	21	137
Metlakatla	65	68

Mr. BARTLETT. Mr. President, I ask unanimous consent that materials showing examples of the historic opposition of natives in Alaska to traps and exclusives rights of fishery, be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION No. 64—FISH TRAPS

Whereas this organization has for many years taken a definite and consistent stand against the use of driven pile and floating fish traps in Alaskan waters; and

Whereas Alaska as a whole has by official referendum vote in the last territorial election confirmed and proclaimed its will by an overwhelming vote in favor of the abolition of fish traps and asking for appropriate legislation: Therefore be it

Resolved, That this convention urge immediat enactment of such laws and that it be done at the earliest possible date and this organization continue to work with other Alaska organizations on the problem and that the ANB Fisheries Committee be instructed to continue their work as authorized and instructed by the grand camp; and be it further

Resolved, That copies of this resolution be sent to the House Merchant Marine and Fisheries Committee, to appropriate Senate committees, to the Honorable E. L. BARTLETT, and that the grand officers be authorized to send copies to other interested organizations and other Government officials deemed appropriate.

Adopted November 18, 1949.

Attest:

LESTER ROBERTS,
Alaska Native Brotherhood.

ABOLITION OF ALL FISH TRAPS

(Resolution 64–36, introduced by Klawock Camp No. 9 convention at Yakutat, November 9–14, 1959)

Whereas the native peoples of Alaska, through their officially recognized organization, have consistently opposed the use of fish traps in Alaskan waters; and

Whereas their opposition to these fish traps is in no way contrary to the State constitution of Alaska: Therefore be it

Resolved, That this convention of the Alaska Native Brotherhood and the Alaska Native Sisterhood reiterate our stand for complete abolition of traps, and that a copy of this resolution be directed to the Governor of Alaska.

AL WIDMARK,
Grand President, A.N.B.

Attest:

C. E. PECK,
Grand Secretary, A.N.B.

Mr. BARTLETT. These tables and documents indicate that the people of Alaska want no part of exclusive or several rights of fishery, and no part of fish traps. Our Constitution reflects this. We can only regard the promulgation of the Secretary's regulations as an interference by the Federal Government with local affairs in Alaska.

The people of Alaska, Mr. President, want—as our Constitution expresses it—a society in which "all people are equal and entitled to equal rights, opportunities, and protection under the law; and all persons have corresponding obligations to the people and to the State."

We want—as our Constitution expresses it—a State in which "no person is to be denied the enjoyment of any civil or political right because of race, color, creed, or national origin."

The action of the Secretary of the Interior, in promulgating these regulations, strikes at the Alaska concept of a society of political equals. Under the Secretary's hypothesis, one group of Alaskans will be subject to State laws and regulations and another group of Alaskans will be immune from them. Indeed, the Secretary's hypothesis appears to seek the division of Alaskans into at least three groups—the nonnative group, the Angoon-Kake-Metlakatla group, and the non-Angoon-Kake-Metlakatla native group. The Secretary's policies cut at the heart of Alaskans' desires for a community of political equals.

Mr. President, the Department of the Interior has taken a position which goes far beyond the question of fish traps, and far beyond the question of fisheries. If section 4, and all of the statutory and judicial authorities I have mentioned, are used by the Secretary as empty vessels into which he can pour anything he desires, we may face regulations involving lands and minerals, promulgated by the Secretary, and treating Indians, Aleuts, and Eskimos on a far different basis—without reason or basis in sound policy or tradition—from other Alaskans. Section 4, of course, speaks not only of fishing, but of property in general.

These considerations bring the problem into its national focus. Here is the Secretary of the Interior borrowing the doctrine of interposition, to encourage resistance to State laws and regulations. Here is the Secretary of the Interior creating difficult problems in the enforcement of the conservation laws, and contributing nothing to the well-being of any native or native community whose special rights, if any there be, are protected amply in the absence of Federal regulations. The language of section 4 of the Statehood Act is similar to, and based upon, language in previous statehood acts. For example, I refer to section 4 of the 1889 enabling act for North Dakota, South Dakota, Montana, and Washington, to section 25 of the Oklahoma Enabling Act of 1906, and to section 3 of the Utah Enabling Act of 1894. Yet the Secretary of the Interior undertakes action in Alaska which, as far as I know, is quite without precedent, and relies upon a statutory provision based upon similar provisions in previous statehood acts.

Mr. President, I do not propose, and I am surely not qualified, to argue the forthcoming Supreme Court case here on the Senate floor. The State of Alaska will be ably represented. It may be that the Secretary's position will be sustained in whole or in part. For example, the possibility is recognized that Metlakatla may stand on separate legal footing. But the Secretary is acting now, before the Supreme Court has heard the case, when virtually all of the authorities and all of the decisions, statutes, and legislative history, point the other way. He is taking serious action on the basis of conjecture, on the basis of a legal argument which Mr. Justice Brennan could only say is not "frivolous or even implausible," but which he noted would raise "questions as to the constitutionality under the 'equal footing' doctrine." Is it the duty of the Secretary of the Interior, in the face of all of the legislative history and legal authorities I

have cited, and more besides, to anticipate the resolution of conjectural issues? Assuming some doubt about these legal issues, should the Secretary not have awaited judicial determinations before plunging into the matter as he has, with divisive effects in Alaska?

There is sad irony in the fact that more than a year after statehood, and under a national administration which grinds out of thousands of mimeograph machines its statements against centralized government in Washington, the people of Alaska are subjected to the forceful intrusions of a far-distant executive.

Mr. President, I ask unanimous consent that an editorial entitled "Last Fish Trap Battle Centers on Alaskans," from the Anchorage Daily Times of Friday, May 29, 1959, be inserted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LAST FISH TRAP BATTLE CENTERS ON ALASKANS

Alaskans have tried for a generation to get rid of fish traps. They have always been opposed by the powerful, rich salmon packers who owned most of them.

Today the Alaskans are on the verge of winning their long war. Fish traps are outlawed under the constitution of the new State. Fish traps are banned under orders from the Governor forbidding the issuance of licenses for them. Fish traps are illegal under State statutes that make it unlawful to build, operate or maintain a trap on State-controlled lands. The tidelands are owned by the State and traps must be on them.

Under this barrage of law, regulation and the prevailing sentiment in Alaska, the powerful, rich salmon packers who proved invincible for so many years, have been vanquished. They know traps are doomed.

But the trap argument is still with us. And who is defying the law? Alaskans. Alaskans are now having trouble with Alaskans in getting rid of traps.

In southeastern Alaska there is an Indian community on Annette Island. It is Metlakatla. This community is one of the finest, most advanced, and picturesque communities of Indians in all of Alaska. The people there own and operate many enterprises, including salmon packing facilities. They own, as a community, four fish traps that operate in connection with their cannery.

The superintendent has announced that they will operate their traps in defiance to the law and admonitions from the Governor to abandon them. He contends that the State cannot abrogate the right of the Indians to operate traps.

Two other Indian communities, Angoon and Kake, may also defy the law by operating traps.

The issue is based on the fact that the Secretary of the Interior exempted Indian-owned traps from his order abolishing traps. The State contends that there is no exemption under State law or State regulations.

So now the long trap fight has veered around to the point where it is Alaskans versus Alaskans instead of Alaskans versus outsiders. The Governor has indicated that every legal means available to the State will be used to enforce the law forbidding traps.

It is understandable why the perpetuation of the traps is desirable from the point of view of the operators. Traps are the most efficient method of catching fish.

But the stand of the trap operator in defiance to the law and the Governor appears to be untenable. It seems to be based on the premise that traps are bad only when they are owned by salmon packers who reside outside of Alaska, and that they are not bad when they are owned by Alaskans.

The arguments against traps have never been based on such a point. Alaskans have become convinced that traps are bad in that they deplete the salmon resources, damage or kill fish even when they are not operating, prevent effective administration of conservation measures.

Alaskans wrote into their State constitution a blanket prohibition against traps, without mentioning the matter of ownership.

The Governor is right in his forthright stand in opposition to the proposals from Metlakatla or any other village. He has no authority to exempt any traps. Neither can he ignore the problem that has been raised, unless he is willing to be unfaithful to his oath of office.

Metlakatla is a fine community made up of fine people. All Alaskans are proud of them and their great achievements. It is unfortunate that they must lose their traps under the new laws, but it is inevitable.

INCORPORATION OF INDOOR SPORTS' CLUB, INC.

Mr. HUMPHREY. Mr. President, there is a dramatic story of individual courage being written every day in every corner of this Nation by thousands who are leading productive and satisfying lives despite physical handicaps. Many thousands of these men and women are not only personally independent but are supporting families and have as well extraordinary records of community service.

The physically handicapped seek opportunity to prove themselves on their own abilities. Industry after industry across the Nation has testified with open admiration of the contributions of physically handicapped employees to the production and the morale of their organizations.

The Indoor Sports' Club is an example of the determination and ability of the physically handicapped to help themselves despite seemingly overwhelming odds. The club is an international club for the physically handicapped which was founded in 1930 in California as a nonprofit, cooperative organization to create educational, economic, and social opportunities for its members.

The Indoor Sports' Club now has grown into an organization of more than 3,000 members in the United States, Canada, and Great Britain. The club works through all civic, religious, social, and fraternal organizations to bring about a better understanding and acceptance of the abilities and the needs of the physically handicapped.

Working together, with limited resources, using their ingenuity to overcome all sorts of handicaps, the Indoor Sports' Club is an excellent example of the dramatic change in the situation of the physically handicapped—largely through their own determination—during the past few years.

Mr. President, because of the very real contribution of the Indoor Sports' Club to the present and future of our Nation, I introduce for appropriate reference a bill to federally charter the Indoor Sports' Club.

I ask unanimous consent that a brief résumé of this club's background, purpose, activities, and qualifications for membership, entitled "Meet the Indoor Sports," be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the résumé will be printed in the RECORD.

The bill (S. 3390) to incorporate the Indoor Sports' Club, Inc., introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on the Judiciary.

The résumé presented by Mr. HUMPHREY is as follows:

MEET THE INDOOR SPORTS—AN INTERNATIONAL CLUB FOR THE PHYSICALLY HANDICAPPED

Founded in California in 1930 as a nonprofit organization and incorporated in the State of California in 1936, the Indoor Sports Club started primarily as a small local organization for the seriously physically handicapped. Within the past 8 years it has grown into a club of more than 3,000 members in all sections of the United States, Canada, and Great Britain. Its purpose is to encourage and provide opportunities for an active social and business life for the physically disabled. It believes in cooperation between all civic, religious, social, and fraternal organizations to bring about a better understanding and acceptance of the seriously physically handicapped by the able-bodied.

It pledges to support all legislation which gives the disabled better opportunities for adequate rehabilitation and employment and at the same time, supports programs which would raise the present submarginal welfare benefits now generally given to the forgotten minority, those citizens whose total and permanent disabilities are of such a serious nature that they cannot now, and never will be, employable. It actively encourages a greater number of disabled to become gainfully employed citizens, taking part in all phases of community life. It has shown to the heads of the Nation's businesses that physically handicapped persons make better than average employees and can be productive, taxpaying citizens if given a fair opportunity.

Membership is composed of all seriously disabled persons of any age and of all types of disabilities: Illness, war and accident victims, blind, disease, congenital handicaps, etc. Their main purpose is to prove that the physically handicapped, through association, can achieve happiness and a full and useful life, even after seemingly insurmountable tragedy has struck.

In the recent past, most so-called shut-ins were only folks who were shut out, because either they themselves or their families do not realize that practically all of the social and business activities of the able-bodied are open to them. The scope and importance of the club, based upon "ability, not disability," has given its thousands of members a new start. They do not ask for charity, only an opportunity to prove themselves. Besides helping each other, they volunteer for community services in many ways.

The club's individual member's greatest desire is to be treated as a person, not as a poor, dear cripple. Many are no longer content to sit on the sidelines, accepting outmoded labels such as shut-ins, unfortunates, cripples. Carrying forward this program is the club's twofold purpose: (1) To prove that physically handicapped persons are fully capable of leading a productive and full life; (2) to educate the public that the disabled can, if given a fair chance, compete with others toward a goal of economic self-sufficiency.

HOW CHAPTERS OPERATE

Each individual chapter of the club is a self-governing unit, both financially and

in determining its own social activities. Working under the framework of bylaws approved by the district and national organizations, the number of members in different chapters varies from 15 to 20 in smaller groups up to 150 and more.

The various chapters elect their own officers, hold meetings, plan social activities, promote jobs for handicapped, and take part in community life. The Indoor Sports' Club is really a way of life for its members, for they do care what happens to others. The comradeship they offer each other has paid off in many ways.

The success of the Indoor Sports' Club is due mainly to the untiring efforts of national, district, and chapter officers and other members, all of whom give their services without monetary compensations. In many cases, this proves to be a full-time job. The club has no paid employees, rents no offices (the homes of members serve for this purpose). Nonetheless, the club is a project for disabled the country over, a project which is becoming more and more important with each passing year.

MEMBERSHIP QUALIFICATIONS

Membership in the Indoor Sports' Club, Inc., and the chapters thereof shall be confined to physically disabled persons who have been so disabled for at least 6 months.

The term "physically disabled person" shall be defined as persons who—

1. Are confined to bed or wheelchair the majority of the time or require the use of a mechanical aid.

2. Require the assistance of at least one other person to get about.

3. Have lost, or lost the use of, a limb or the major part thereof.

4. Have a severe visible physical disability to the extent that they feel out of place in an able-bodied world.

CATHOLIC COLLEGE STUDENTS PROTEST DISCRIMINATION

Mr. HUMPHREY. Mr. President, I have previously expressed my sympathy with the peaceful protests of southern Negro students seeking equal rights with their fellow citizens. I have received a resolution adopted by the three universities and six colleges that comprise the Confederation of Northwest Catholic College Students during their spring meeting March 24–28, 1960.

Mr. President, I ask unanimous consent that this resolution of sympathy and cooperation of these students from the Northwest with their fellow students be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE CONFEDERATION OF NORTHWEST CATHOLIC COLLEGE STUDENTS

Whereas it is the general understanding of this confederation and of civilized society at large, that humanity, not color, ought to be the base for the rights and common privileges of men; and

Whereas this fundamental conviction of the American people is explicitly recognized in our Constitution, our laws, and our national public institutions; and

Whereas at this very time the Negro citizens of these United States residing in the States of South Carolina, Georgia, Alabama, and other Southern States are being denied the common right of common service in common public luncheon establishments of such chain stores as Kress, Kresge, and Woolworth, strictly on the grounds that they are of a different color than the greater part of their supposed fellow citizens: Be it

Resolved:

1. That the express judgment of these confederations, of its members, student governments, and of its 9,000 individual members condemns and deprecates the intolerant and unjust discrimination practiced against the Negro fellow citizens of the aforesaid establishments.

2. That the confederation warmly commends the activities of the U.S. National Student Association (USNSA), the Congress of Racial Equality (CORE), the National Association for the Advancement of Colored People (NAACP), and the National Federation of Catholic College Students (NFCCS) in their efforts to end this continuing scandal of racial discrimination.

3. That the CNCCS administration write a syndicated article in the campus newspapers of all CNCCS member schools publicizing and explaining the judgment of the confederation on this subject.

4. That the CNCCS senior delegates on each campus be recommended to seek publication in his diocesan paper of an article explaining and publicizing the judgment of the confederation on this subject.

5. That the CNCCS president send to the Governors of Georgia, Alabama, South Carolina, and other affected Southern States a letter expressing the confederation's position.

6. That this confederation congratulates and supports the courageous efforts of the students of certain southern colleges listed below to effect through peaceful sitdowns at the aforesaid luncheon establishments a respect for their proper rights.

7. That copies of the present resolution be sent to the head offices or other branches of Kress, Kresge, and Woolworth stores or other companies practicing racial discrimination; to the presidents of USNSA, CORE, NAACP, NFCCS; to the Governors of the States aforementioned; and to the student body presidents of the colleges listed below:

Friendship Junior College, Rock Hill, S.C.
Morris College, Columbia, S.C.
South Carolina State College, Orangeburg, S.C.
Chaffin College, Orangeburg, S.C.
Morehouse College, Atlanta, Ga.
Clark College, Atlanta, Ga.
Morris Brown College, Atlanta, Ga.
Spelman College, Atlanta, Ga.
Interdenominational Theological Center, Atlanta, Ga.

THE RULE OF LAW

Mr. HUMPHREY. Mr. President, I invite the attention of Senators to the recent radio broadcast by Edward P. Morgan in which he deplored what he called our "fingers-crossed adherence to the World Court," and suggested that we could really prove to the world that we believe in the rule of law by passing Senate Resolution 94, a resolution submitted by me.

There are a few passages which I particularly want to underline:

As it is, we recognize the World Court only if we choose to. Can you imagine the chaos our domestic society would be in if every citizen took the same attitude about justice—and got away with it? There are powerful and respectable forces, however, working in favor of our realistic acceptance of the World Court and eventually the Senate will have to face the issue. In trying to quiet the roar of history a little, the West is concerned, as it should be, about getting from the Russians an enforcible ban on testing of nuclear weapons as a prelude to broader disarmament. But as we probe them for evidence of sincerity and trust, let us probe ourselves, and just as deeply, for the same things.

Mr. President, I ask unanimous consent that the commentary of Edward P. Morgan of March 30 be printed at this point in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

COMMENTARY BY EDWARD P. MORGAN—AMERICAN BROADCASTING CO.

If we Americans would apply the same measure of skepticism to our own motives and sincerity on international issues as we apply to those of the Russians we could see more clearly the obstacles in the path of progress. We talk a great game of global cooperation but in a pinch we can be just as lopsided in our reservations as the next country.

A vividly discouraging example of this arose in the Senate Foreign Relations Committee yesterday. By a vote of nine to seven the committee postponed indefinitely action on a proposal by which the United States would pay more than lipservice to the principle of accepting the jurisdiction of the World Court. As it is, we recognize the court only if we choose to. Can you imagine the chaos our domestic society would be in if every citizen took the same attitude about justice—and got away with it?

There, of course, is the key to world crises. You ignore a sheaf of traffic tickets and sooner or later you're hauled into court. Even States can be sued. But national governments defy the law and get away with it. One of the motivating forces behind the founding of the U.N. was the concept of extending the rule of law to international disputes. A new World Court was created in the U.N. Charter. The United States hailed it but our adherence to it is a joke because of a loophole the Senate made in 1946 called the Connally amendment. This stipulated, in effect, that the United States, not the Court, would decide what disputes involving us the Court would have jurisdiction over. This is a little like a defendant in a lawsuit calling up the judge and saying "sorry, this is none of your business."

Yesterday's postponement was of a resolution by Senator HUMPHREY to remove our fingers-crossed adherence to the World Court by not insisting on deciding ourselves what were matters for purely domestic jurisdiction. The Senate greeted the action, or rather, inaction, with a sigh of relief. It has already been emotionally exhausted by the civil rights debate and it did not want to face another passionately divisive argument. "It's just too hot to handle," one Senator confessed. Presumably he was referring to the apoplectic opposition of right-wing so-called patriotic groups whose nationalism often verges on the violent.

There is a crushing irony to this spectacle: the greatest deliberative body in the world too tired to grapple with an issue on which a system of world order dangles because it had spent itself fighting the Civil War all over again. The administration was for the Humphrey resolution but that didn't stop five Republicans from voting decisively against it.

There are powerful and respectable forces, however, working in favor of our realistic acceptance of the World Court and eventually the Senate will have to face the issue. One of the most active supporters of the World Court is the American Bar Association's committee on world peace through law, largely inspired by Washington attorney Charles S. Rhyne when he was president of the ABA in 1958.

"The basic ungrasped fact of our time," Rhyne has said, "is that the lack of the rule of law in the world community is today the greatest gap in the growing structure of civilization." Urging a strengthened

World Court, Rhyne emphasizes that "law" and "courts" are "universal terms all men comprehend."

"As we listen to the roar of current history," he argues prophetically, "it is absolutely clear that mankind—men, nations and races—must learn to live together or else see civilization as we know it perish in the senseless devastation of war."

In trying to quiet the roar of current history a little, the West is concerned, as it should be, about getting from the Russians an enforcible ban on testing of nuclear weapons as a prelude to broader disarmament. But as we probe them for evidence of sincerity and trust, let us probe ourselves, and just as deeply, for the same things.

This is Edward P. Morgan saying goodnight from Washington.

Mr. HUMPHREY. Mr. President, I regret that the Committee on Foreign Relations saw fit not to report the resolution, at least at this time. I hope that later on the committee will find it possible to report it.

THE WORLD COURT

Mr. HUMPHREY. Mr. President, in three excellent editorials the Denver (Colo.) Post, the Baltimore Sun, and the Norfolk Virginian Pilot have warned against further delay in rescinding the U.S. reservation to its adherence to the Statute of the World Court, lest we permanently endanger the possibility of building a workable system of international law.

I compliment the editors of these newspapers upon their editorials. I encourage Senators to read every word contained in them, because I think the subject matter of the editorials points the way to a more peaceful world, one in which there will be a possibility for justice to triumph over the rule of force.

Mr. President, I ask unanimous consent that the three editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Denver (Colo.) Post, Apr. 5, 1960]

WORLD COURT ISSUE TOO HOT?

The Senate Foreign Relations Committee by a 9–7 vote has postponed indefinitely its consideration of proposals to repeal the Connally amendment which restricts our participation in the World Court.

This existing law says that the United States can judge for itself what it considers to be a domestic issue, and can refuse to let an issue so self-judged be presented to the World Court.

Consequently, nations with whom we might have litigation can take the same privilege of self-judgment.

As a result, very few of our international issues can be brought before the Court.

This year the American Bar Association, the Republican administration through statements by both the President and Vice President, and influential Democratic Senators such as HUBERT HUMPHREY, of Minnesota, and WILLIAM FULBRIGHT, of Arkansas, chairman of the Foreign Relations Committee, have spearheaded a drive to repeal the Connally amendment.

The gist of their case is that we had better practice what we preach about good international relations and the rule of law between nations.

They argue that the United States has little to fear because of the justice of its causes, and much to gain through strengthening international law, by agreeing to let the World Court itself decide when a case has sufficient international import to come before it.

How, they argue, can we say we stand for a system of international law if we at the same time insist on being the sole judges of our own conduct?

Unfortunately those forces in our society that think of themselves as super-Americans, afraid to yield the slightest degree of our sovereign national power to do exactly what we please, have scared the Senate into thinking, as one committee member put it, that the World Court issue is "too hot to handle."

Of the nine Senators voting to postpone action on the measure, five were Republicans. Only one Republican, Senator GEORGE AIKEN, of Vermont, voted to bring the issue to a test now.

The disparity between the strong efforts of Vice President NIXON to urge repeal of the Connally amendment and the failure of GOP Senators to back him on this crucial vote has already been noted by his Democratic opponents who promise it will be a campaign issue.

The average citizen must hope that the Senators will reconsider and push the resolution to a vote, and that they will turn a deafer ear to the minority that thinks this matter is so "hot."

Actually the only thing that is too "hot" for our modern world is the prospect of a breakdown in the international machinery that might help nations adjust their differences peaceably.

The World Court is one such instrument. We should be doing everything in our power to strengthen it if we really think international law, however imperfect, is a better long-run hope than the old rule of bluster and force.

[From the Norfolk (Va.) Virginian Pilot, Apr. 3, 1960]

THE REIGN OF LAW CONTINUES HOBBLED

The Senate Foreign Relations Committee voted by 9 to 7 on Tuesday to postpone indefinitely any consideration of the Humphrey resolution to repeal the Connally amendment of 1946 which limits American participation in World Court cases.

The limitation is that the World Court cannot hear any case involving the United States which the United States says is domestic. This seemed necessary in 1946 when participation in the World Court was first being considered. Fears were expressed then that we should be entrusting matters we regarded as of vital importance to a group of foreign judges. So the practical Senator Connally, then chairman of the committee, proposed the limitation that bears his name.

It worked. It worked so well that the World Court has deteriorated far below hopes that were held out for it. If a government like that of the United States has the power to say whether it will permit cases in which it is interested to be heard, then other governments must have the same power. In direct consequence the World Court is, on its record, a feeble institution.

The resolution to lift this restriction carries the name of its introducer, Senator HUMPHREY, but President Eisenhower has supported and asked for its passage. Vice President NIXON has favored the Humphrey resolution. The State Department has favored it. Why has the committee turned it down?

Primarily because Americans live in the cold war era and are suspicious of losing any degree of their sovereignty. Secondarily because the issue is charged with emotion, as the Foreign Relations Committee has found out from bales of pressure thrown against it. At a time when the civil rights issue has already made half the Senators nervous and jumpy at any sound louder than a whisper, not many of them want to plunge into another hard struggle in which charges of lack of patriotism would certainly be thrown around.

The more's the pity. The real potentialities of the World Court are impossible to measure because it has never had a fair chance. It has been hobbled all its life. It will now continue to be hobbled. No doubt we shall get along by letting the crippled court deal with unimportant matters. But we shall not help—indeed, we shall hurt—any hope of strengthening international law. We shall set a bad example for other nations. And we shall imply a distrust of a judge because he is a foreign judge no matter what other qualifications he may have. In a less tense age Americans would not be acting thus.

[From the Baltimore (Md.) Sun, Mar. 28, 1960]

THE WORLD COURT

What kind of a judicial system is it under which one party to a dispute can say, "No, thanks, I don't think I will concede the jurisdiction of the court" and effectively block legal action? This is precisely the position of the United States with respect to the International Court of Justice, more familiarly known as the World Court. In adopting the so-called Connally reservation in 1946, the Senate reserved the right to determine what disputes affecting the Nation are "essentially within the domestic jurisdiction of the United States" and therefore not subject to court adjudication.

The Senate Foreign Relations Committee now has before it Senator HUMPHREY's resolution repealing the Connally reservation. On present prospects, the votes to report it out of committee are available. But there is enough opposition within the Senate as a whole to make its passage questionable, and its backers may simply keep it in committee rather than risk a floor fight.

Some opponents of the resolution to repeal say the reservation would give the World Court jurisdiction over domestic American affairs. This the court is specifically forbidden to do and, in the words of an American Bar Association report last year, "The decisions of the court lead us to the conclusion that it has acted with conservatism and has given reason for confidence in its judicial standing, scholarship, and impartiality."

Others say there are Communists on the court. So there are. Two out of the total of 15. But as Senator HUMPHREY says, "I shall always be willing to settle for 13-to-2 ratio on what I believe is my side." Others foresee the court's handing down a decision which the United States considers absolutely intolerable. What then? In this highly unlikely case, the only enforcement agency provided is the United Nations Security Council—on which the United States possesses as large a veto as any of the other permanent powers.

Supporters of the Humphrey resolution to repeal the reservation have two important and wholly valid points. One is the need to encourage the peaceful adjudication of disputes which are of a justifiable character. By repealing the Connally reservation the United States would give such encouragement. Second, the Connally reservation actually weakens this country's position with respect to nations that claim no such right. For the statute of the court provides that every party to a dispute may assert each and every right its opponent has. Thus should this country bring suit, our opponent is also entitled to decide, unilaterally, whether the case is subject to the court's jurisdiction.

The Humphrey repeal resolution is backed not only by the Republican administration, but also by Democratic liberals; also by the American Bar Association and the League of

Women Voters. It is opposed by representatives of an emotional and vocal minority which seems to have the U.S. Senate scared half to death. Theirs is a counsel of fear and false pride, which Senators would do well to disregard.

CIVIL RIGHTS

Mr. HUMPHREY. Mr. President, recently the distinguished Governor of Michigan, the Governors or their representatives of 15 States, meeting in St. Paul, Minn., on March 3 and 4; and a group of public officials and private citizens participating in the Notre Dame University Civil Rights Conference thoughtfully considered the issue of civil rights.

The memorandum issued by Gov. G. Mennen Williams and the findings of the two conferences are excellent examples of the hard thinking and straight talking we must have throughout our Nation on this issue.

My good friend, Governor Williams, spoke of the Democratic Party and the American Negro and reminded all of us that the responsibility of our great Democratic Party is the same to all Americans.

Mr. President, these three statements set for us all clear, specific, and practical goals of equality in employment, housing, education, and voting rights for all our citizens. I ask unanimous consent, therefore, that "the Democratic Party and the American Negro," a memorandum by Gov. G. Mennen Williams, of Michigan, dated March 23, 1960, together with the appended findings of the Notre Dame University civil rights conference, February 14, 1960, and the summary of principles agreed upon at the third annual conference of the committee of Governors on civil rights, St. Paul, Minn., March 3 and 4, be printed in the RECORD.

There being no objection, the memorandums were ordered to be printed in the RECORD, as follows:

MARCH 23, 1960.

From: Gov. G. Mennen Williams.

Subject: The Democratic Party and the American Negro.

Recently I met with a group of distinguished Michigan Democrats, including a number of outstanding Negro leaders, to review ways in which our party could be of continued service to the people of the United States including Negro Americans. I believe that the consensus we reached at that discussion has relevance beyond Michigan's borders and therefore I am passing this summary on to you.

Naturally, the great question of equal opportunity—in voting, in housing, in employment, in education, in public accommodations—is top priority in the thinking of many Negroes on national issues, just as it should be top priority in the thinking of all Americans who understand the fundamental values of our heritage.

However, the mistake we often make is to assume that civil rights is a sort of hermit-issue, existing off in the woods someplace, in a social vacuum. Such is not the case. The essential problem of the Negro is not an abstraction called "civil rights." The Negro's problem is that he has all of the problems of the underprivileged groups in our society plus the race relations problem. Naturally, many of his housing, income, education and other problems stem directly from the race relations problem—but that makes them no less real.

Perhaps the most critical area of interest among Negroes is equal opportunity for decent and adequate housing. For most families, educational and economic attainments have as a principal objective the betterment of living conditions; and decent housing is an integral part of a family's living conditions. Yet, regardless of financial ability or educational accomplishment, Negroes are almost universally relegated to segregated, overcrowded, substandard housing. Housing is the only commodity Negroes cannot buy on the open market.

Therefore, Negroes couple an interest in providing equal opportunity in the sale and rental of housing with an interest in the availability of Federal funds for urban renewal and slum clearance, Federal guarantees of private loans, and the like.

The Negro knows that as a general rule he will be the first fired and the last hired. Therefore he couples an interest in Fair Employment legislation with a special interest in national economic policies which will speed up our growth and substitute a full-time full-employment economy for the periodic recessions which have characterized the Eisenhower era.

He knows that education and training which are restricted because of segregation are further limited by the failure of the national administration to give bold and imaginative leadership in meeting the educational needs of the country. Since education directly relates to employment, among other things, he is aware of the need to implement the recommendation of such groups as the Committee for the White House Conference on Education, the Rockefeller Report, and others that at a minimum, we must double our current annual investment in education.

Certainly the dread of an atomic war knows no barriers of race or color and Negroes are as anxious as other Americans that we arrive at an effective, immediate agreement to ban atomic tests. This concern extends to all of our foreign policy. There is, too, a heightened consciousness on the part of Negroes that the emergence of new nations, particularly in Africa, poses a test for this country. Many of these new nations are peopled by the darker races and in the family of nations have roles not unlike that of the American Negro at home. The relation between the revolution of rising expectations abroad and the fulfillment of long-held expectations at home is not lost on the American Negro.

In other words, it is important to recognize that Negroes are measuring our performance on all national issues and that our basic party responsibility is the same to all Americans. This recognition suggests that we have a further responsibility: to assure at all levels within the party the fullest participation of Negroes as citizens, not as Negroes.

It is, I submit, imperative that we include Negroes as we do other Democrats in every aspect of preconvention and preplatform planning, and in the campaign at all levels of the party and in every section across the country. Such participation will reflect our acceptance of equal opportunity as a party policy; it will also enhance our ability to interpret the ambitions and aspirations of all people.

These recommendations, I believe, will assure that we will have the kind of broad-based thinking applied to our deliberations which will give added substance to our ultimate decisions and that we will go before the American voters secure in the continued confidence of the vast majority of their number.

Because of the crucial debate in Congress on voting rights and of the importance of equal housing legislation under consideration in many States, I have appended to this letter conclusions reached at a recent conference on voting rights legislation at the Notre Dame Law School and a statement on housing legislation by the conference of Governors on civil rights which met early this month in St. Paul, Minn. Both of these conferences were participated in by outstanding Democrats.

THE NOTRE DAME CONFERENCE ON CIVIL RIGHTS—FEBRUARY 14, 1960—SUMMARY OF FINDINGS

1. There must be a Federal body—either a court or administrative agency or the President—empowered to make a finding as to the existence of a pattern or practice of voting discrimination in particular districts.

2. There must be some effective Federal machinery for the registration of persons in such districts who are denied their right to vote by reason of their race or color.

3. This Federal process of registering disenfranchised persons must be no more cumbersome or onerous than the State's existing process of registering other voters.

4. Such Federal registration must be effective for both Federal and State elections.

5. To assure that those thus registered will be permitted to vote enforcement must be available through Federal-court injunctions.

6. The time for the State to challenge the qualifications of a person thus federally registered should come when the person appears to vote, so that, pending decision on the challenge by the Federal courts, his vote can be cast and his ballot impounded and held for subsequent inclusion in the count.

THIRD ANNUAL CONFERENCE, COMMITTEE OF GOVERNORS ON CIVIL RIGHTS, ST. PAUL, MINN., MARCH 3–4, 1960

SUMMARY OF PRINCIPLES AGREED UPON

The following is a summary of principles agreed upon at the third annual conference of the Committee of Governors on Civil Rights. Fifteen States were represented at the conference by Governors or their representatives:

I. Responsibility

A. We recognize the urgent and imperative need for continued and intensified programs in the field of human rights, and the responsibility of all levels of government to contribute to this progress in their own field of operations and to cooperate with each other wherever possible. Any proper concept of States rights includes the imperative of States responsibilities.

B. The Governor of a State, representing all its citizens, must be the spokesman of their aspirations. This purpose can be served by:

1. Encouraging a favorable climate of opinion for disadvantaged groups through public statements in all the media of communication.

2. Keeping open the channels of communication between people and government.

3. Maintaining law and order in general and enforcing existing civil rights laws in particular.

4. Supporting efforts to extend and strengthen State legislation as needed.

5. Increasing the effectiveness of existing State agencies or supporting efforts to create appropriate State agencies to administer civil rights laws.

6. Using appointive power to further opportunities for all, according to individual merit.

II. Voting rights

We call upon the Federal Government to move ahead with urgent speed to secure the ballot for all qualified American citizens in all elections. We endorse the recommendation of the U.S. Commission on Civil Rights that some form of Federal legislation is necessary. Voting is the first responsibility

and the primary right of citizenship, any denial of the ballot strikes at the heart of our system of government; it cannot be tolerated.

III. State action

Constructive progress can be made by State action:

A. To strengthen and/or establish State agencies against discrimination, with functions encompassing education and public relations as well as securing compliance with the law.

B. To evaluate and strengthen where necessary State legislation directed toward insuring equality of opportunity in employment, housing, public accommodations, education, and voting.

C. To encourage and implement both interstate and Federal-State cooperation wherever appropriate and feasible to attain our goals.

IV. Housing

Housing is a field of urgent importance today, not only because of its vital relationship to law enforcement, public health and all of the factors involved in building healthy communities, but also because of the growth and shifts in our population. Our goal of equality of opportunity in housing can be approached by:

A. Enactment, enforcement and strengthening of laws against discrimination to insure fair opportunity in housing.

B. An effective program of public education, understanding, and community action in this field—a program that would seek the cooperation of the Federal Government, local governments, and private volunteer groups.

V. Migrant labor

Migrant labor represents another field in which interstate and Federal action can supplement action within the several States to achieve and maintain:

A. Higher standards of health, housing, transportation, wages, and other conditions.

B. Opportunity for education for children of migrant workers, and effective measures to apply equally to the children of migrant workers our standards relating to child labor.

C. Adequate legal protection against the hazards of illness and injury.

D. Adequate and effective welfare provisions.

VI. Support for Federal action

Federal action is essential in several fields, and it is appropriate that States should encourage and support such Federal action as:

A. Effective measures to insure voting rights.

B. Technical and financial assistance to those areas that are trying in good faith to achieve desegregation of the public schools.

C. Federal fair employment practices legislation.

D. Nondiscrimination policies in Federal agencies dealing with housing.

E. Endorsement of the principles stated in the recommendations of the Federal Commission on Civil Rights.

MINNEAPOLIS RETAIL GROCERS ASSOCIATION

Mr. HUMPHREY. Mr. President, on April 4, the Minneapolis Retail Grocers Association celebrated the 75th anniversary of its founding. I want to congratulate this fine group of community-minded businessmen who have been striving to serve the people of Minneapolis, not only with the best products and merchandising, but also with genuine dedication to protection of public health.

In its long and distinguished history, the Minneapolis Retail Grocers Association was a leader in the fight for the passage of the Pure Food and Drug Act; it pioneered in State and city programs for passage of legislation safeguarding the public health; and it took an active part in the civic and business activities of the community.

The Minneapolis Retail Grocers Association is one of the oldest food trade organizations in the United States. It was, in large measure, responsible in 1893 for the formation of the National Association of Retail Grocers, and, in 1897, for the formation of the Retail Grocers and General Merchants Association of Minnesota.

To inform grocers of new products, new food store equipment, new merchandising operations, and to develop and place into effect programs benefiting both merchant and consumer, were major purposes which brought about the formation of the Minneapolis association on April 4, 1885. More than 100 retail grocers and meat dealers met together shortly after 10 p.m., on that date, in the old Produce Exchange Building, on Hennepin Avenue, to form their organization. Many of the merchants were tired from the work done during the long Saturday of those days, when the working hours extended from early morning to late at night.

The first president of the association was Wesley Neill, an energetic and eloquent merchant. Other officers were H. S. Mallin and A. G. Moshier, vice presidents; F. H. Aldrich, treasurer; and E. S. Winters and L. B. Hopper, secretary and assistant secretary.

Mr. President, I congratulate this group as an excellent example of good business and good citizenship.

EXECUTIVE SESSION

Mr. HARTKE. Mr. President, I move that the Senate go into executive session, for consideration of the nomination on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Leland Barrows, of Kansas, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the State of Cameroun; and

Louis Wellington Cabot, of Massachusetts, to be the representative to the 15th session of the Economic Commission for Europe of the Economic and Social Council of the United Nations.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). If there be no further reports of committees, the clerk will state the nomination on the Executive Calendar.

U.S. COURT OF CLAIMS

The legislative clerk read the nomination of James R. Durfee, of Wisconsin, to be Associate Judge of the U.S. Court of Claims, vice Benjamin H. Littleton, retired.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EASTLAND. What is the pending business?

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of James R. Durfee, of Wisconsin, to be an associate judge of the U.S. Court of Claims?

Mr. EASTLAND. Mr. President, the Committee on the Judiciary, first through a subcommittee of which the Senator from Mississippi was chairman and of which the Senator from South Carolina [Mr. JOHNSTON] was a member, took testimony. We went very carefully into this nomination.

I think there is no question that Mr. Durfee is an able, high-class gentleman, well qualified in every respect for appointment to the position of associate judge of the U.S. Court of Claims. That is a legal position. An able lawyer on the Court of Claims can save the U.S. Government many millions of dollars.

To begin with, Mr. Durfee has been a very successful Chairman of the Civil Aeronautics Board. There was no objection to his nomination, except from one Member of the Senate; namely the junior Senator from Wisconsin [Mr. PROXMIRE].

I am certain that the junior Senator from Wisconsin is conscientious in his objections. He raised several points against Mr. Durfee, which I shall discuss. One point was that Mr. Durfee was not qualified for the place. Let me read from the RECORD:

Chairman EASTLAND. Did you know Mr. Durfee when he was practicing law in Wisconsin?

Senator PROXMIRE. I did not, no, sir.

Chairman EASTLAND. Do you know whether or not he was a successful lawyer?

Senator PROXMIRE. It is my understanding that he was a successful lawyer. I have no reason to doubt that. He was certainly popular, as I said earlier, and respected.

There can be no question that this nominee is an able lawyer, well qualified in every respect to be an outstanding member of the U.S. Court of Claims. The word which the junior Senator from Wisconsin uses, the word "respected," is worth a great deal. when we do our duty in confirming nominations. Mr. Durfee is a highly respected gentleman.

The case against Mr. Durfee was based principally on 3 grounds: First, that he flew on an Eastern Airlines plane to

Mexico City, in an inaugural flight; second, that he flew to Rome, on an inaugural flight; third, that he went to a meeting of the airline executives at Pinehurst, N.C.

The law, which he, as Chairman of CAB, is charged with administering, places on members of the Board the duty to work with industry to encourage and develop American aviation.

What is the Eastern Airlines Mexico City charge? There was an inaugural flight to Mexico City. Chairman Durfee was on the plane.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. EASTLAND. I will yield in a moment. Chairman Durfee was invited. Airlines are forbidden to charge for those flights. Our Government for 10 years had been negotiating with Mexico for American-flag carriers to have access to that great country. They had worked out an agreement of nonstop flights for a 2-year period. The chairman of the board, as it was his duty under the law, went down there to confer with officials of the Mexican Government, to expand and to extend the 2-year agreement. I should like to know if it was not his duty under the law to do that very thing. I now yield to my friend from South Carolina.

Mr. JOHNSTON of South Carolina. So far as the CAB was concerned, they passed on that issue even prior to Mr. Durfee's coming into the CAB, did they not?

Mr. EASTLAND. That is correct.

Mr. JOHNSTON of South Carolina. It was more than 10 years ago that they passed on that question. As the Senator knows, a good many Representatives and Senators visited the President of the United States and urged him to take up the matter with the officials in Mexico, in order to initiate this route, and get it into being after the issue was passed on more than 10 years ago. Is that not correct?

Mr. EASTLAND. What the Senator from South Carolina is saying is correct. I should now like to ask my distinguished friend from South Carolina a question. The Senator attended the hearings; in fact, he presided at one of the hearings. Is that correct?

Mr. JOHNSTON of South Carolina. That is true.

Mr. EASTLAND. The Senator heard all the testimony.

Mr. JOHNSTON of South Carolina. I did.

Mr. EASTLAND. Is it the Senator's judgment that Chairman Durfee will make an outstanding appointment to the court?

Mr. JOHNSTON of South Carolina. In my opinion he will make an outstanding appointment to the court. I am saying that although I am a strong Democrat and Mr. Durfee is a Republican. Nevertheless, I think he will make an outstanding man on the court.

Mr. EASTLAND. I should like to ask the Senator another question. Is there any scintilla of merit at all to the objections that are raised against Chairman Durfee?

Mr. JOHNSTON of South Carolina. Not in my opinion, for the simple reason that he was more or less duty-bound to make the initial trip, if it was at all possible for him to do so without interfering with the duties in his own office.

Mr. EASTLAND. What the Senator says is that there is not a scintilla of merit to the objections. The Senator heard all the testimony in this case, did he not?

Mr. JOHNSTON of South Carolina. I do not think there is a scintilla of evidence which should keep one from voting for the confirmation of this nomination. That was the unanimous opinion of the subcommittee.

Mr. EASTLAND. It was the unanimous opinion of the full committee, also. There was one objection, which was not based on anything in the record. It was based upon a decision which Mr. Durfee made as Chairman of the Board. Everywhere one turns he finds an objection to a decision by a judge. People fall out about those things.

Objection is made to a trip Chairman Durfee made to Rome, on an inaugural flight, when the airline was prohibited from charging for that flight. Let us get back again to what the law is.

It is the duty of the Chairman of the CAB to promote and develop American aviation. What did they do? There is no dispute about this in the record. They conferred with the Italian Ministry on Aviation, and with other Government officials, in their effort to revise our bilateral air agreement with the Italian Government, in the interest of two American-flag carriers who had been licensed to fly to Italy. One of them is TWA and the other is Pan American.

Mr. President, it has been the policy of this Government for Board members to make the inaugural flights, ever since 1940. That is 20 years. Yet this is the first time any objection has been made. There is no charge made that this nominee is dishonest, or that any wrong was done.

The third charge is that he went to Pinehurst, N.C., to a meeting of airline executives. The Flying Tiger Airline and another airline were represented. Who was present on that trip? The meeting was publicized in the newspapers. The information was published in magazines. Present were Mr. Frank Pace, former Secretary of the Army; Mr. Juan Trippe, president of Pan American; Col. Harmar Denny, member of the Civil Aeronautics Board; Mr. Eugene Zuckert, formerly Assistant Secretary of the Air Force; Mr. Prescott, president of the Flying Tiger Line; Mr. George Tompkins, president of the Overseas National; and General Wilson, Deputy Commander of Military Air Transport Service. General Twining, Chief of Air Staff, and Senator Symington were also invited but were unable to attend.

What was the purpose of the meeting? The Appropriations Committee of the Senate, the Comptroller General, and other governmental agencies have urged that the Board—meaning the CAB—and our carriers secure a larger allocation of military airlift for commercial carriers. Mr. Durfee was carrying out a public duty when he went there. It is charged that he was not. Let us see whether he was or was not. I read from the Hoover Commission Report of 1954, which states:

> That the peacetime operations of the integrated Military Air Transport Service be restricted and realistically limited to persons and cargo carefully evaluated as to necessity for military air transportation and, only after commercial carriers have been utilized to the maximum practicable extent, should transportation on service carriers be authorized.

This is the statement of the General Accounting Office:

> We believe it important that the Congress direct the Department of Defense to transfer, wherever possible, military mail, cargo, and passengers to United States certificated air carriers.

The House Appropriations Committee said:

> The Government should, to the greatest extent practicable, adjust its use of air transportation so as to use existing unutilized capacity of United States air carriers.

This was the recommendation of the Senate Committee on Appropriations in June 1956:

That the Department of Defense should, in the future, utilize the services of commercial transportation to the fullest extent possible when it is more economical, and that in evaluating relative costs of transportation, the Department of Defense should recognize the element of time saved as an important factor.

Mr. President, Mr. Durfee was fulfilling the directive of Congress. He was carrying out the directive of the executive branch of the Government.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. JOHNSTON of South Carolina. Is it not true that no charge whatsoever is made on each inaugural trip?

Mr. EASTLAND. The Senator means the inaugural flight, does he not?

Mr. JOHNSTON of South Carolina. The inaugural flight, yes. Is it not true that such flights are made to develop good relationships between the United States and the nations to which the inaugural flights are made?

Mr. EASTLAND. Of course. But Durfee did more than take the flight. In Mexico an attempt was made to arrange for the extension of the agreement. In Rome an attempt was made to arrange for more flights by United States airlines. Inaugural flights present a very great opportunity for the United States to expand its commerce, and the law places that responsibility on the Civil Aeronautics Board.

Mr. JOHNSTON of South Carolina. Mr. Durfee at that time was one of the commissioners, and it was necessary for a commissioner to participate in the inaugural flight so as to develop a better understanding between our Nation and the foreign nation.

Mr. EASTLAND. That is correct. To be perfectly frank, I think that the attack on the Chairman of the Civil

Aeronautics Board, Mr. Durfee, for having made those two flights, is an attack on Congress itself.

I remember last fall when a jet flight was inaugurated to the Caribbean. The airline could not charge its guests. I was invited to make the trip. Would the Senator from South Carolina say that had I gone, I would have done anything wrong by going?

Consider the Maritime Commission. Congress votes millions of dollars in subsidies for ship construction. Members of Congress are invited to go on the shakedown cruises of ships. Is there anything wrong in that? Still we are asked to adopt a different rule for a member of the Civil Aeronautics Board than we adopt for ourselves.

What is the truth about this practice? The truth is that there is nothing wrong in it. Nobody is bribed; nobody is influenced. The record shows that Mr. Durfee has been invited to make 50 inaugural flights, but has made only 2.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. JOHNSTON of South Carolina. To show how close I was to making such a trip, a trip to Mexico, I was invited to go, but I was busy in the Senate and did not go. If I had gone, does the Senator from Mississippi believe that it would have been wrong for me to have done so?

Mr. EASTLAND. Of course not. What does the record show about inaugural flights? It has been the policy since 1940 that officials of the Government and Members of Congress make inaugural flights. Since that time, CAB members who have made such flights have numbered 23; CAB staff, 71; Senators and Representatives, 56. In other words, 2½ times as many Members of Congress have made such trips as have CAB members. Seven members of congressional staffs have made them; other Federal officials have numbered 90; State and local officials, 206; foreign officials, 245; news media, 376.

It is a fact that on inaugural flights over new routes the airlines cannot charge those who make the trip; those who participate, do so by invitation.

The whole matter boils down to the jurisdiction of Representative HARRIS, of Arkansas, chairman of the House Subcommittee on Legislative Oversight. What does Mr. HARRIS say?

> The committee considered this information in the course of its investigation. The facts, of course, speak for themselves. On the basis of these facts and our committee investigation, the committee did not charge Mr. Durfee with any impropriety. Insofar as I know, the personal and professional conduct of Mr. Durfee has not been questioned by any reliable sources.

I emphasize the last phrase, "by any reliable sources."

Mr. President, the duties and the work of a U.S. Senator impose a tremendous responsibility. By our actions, we can hurt many persons. It has been the rule of the senior Senator from Mississippi that when a charge of dishonesty was made, it had to be proved, and had to be proved conclusively. Why? Because when we refuse to confirm a nomination on the ground of wrongdoing or of impropriety, we destroy the person concerned, and we embarrass and injure his family.

When the charge was made in this case, I went very carefully into the evidence. I did not find a scintilla of evidence to support the charge.

My friend and colleague, the distinguished junior Senator from Wisconsin [Mr. PROXMIRE], I say again, is conscientious and sincere in his position. But, Mr. President, there is nothing to the charge he makes. The Committee on the Judiciary, after a careful investigation believes that Durfee is well qualified; that Durfee is a man of integrity; that Durfee is a very fine, sound, able lawyer, and that he will make an outstanding member of the Court of Claims.

The committee believes that, by all means, his nomination should be confirmed.

Mr. WILEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LUSK in the chair) Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, there has been no business intervening since the last quorum call.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the presence of a quorum may be determined by the Presiding Officer.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I rise to ask my fellow Senators not to consent to the nomination of James Durfee, from my own State of Wisconsin, to be appointed to the Court of Claims.

I emphatically oppose this nomination of my fellow Wisconsin citizen. I do so because he lacks the necessary technical qualification for this particular appointment.

I am convinced I can demonstrate that fact in great detail in the course of this speech.

I also oppose the nomination of Mr. Durfee because his violation of the Judicial Code of Ethics of the Civil Aeronautics Board, of which he is Chairman, specifically unsuits him to a lifetime appointment in one of the country's highest judicial offices.

Wiser and more senior Members of the Senate have advised me that it is dangerous and politically foolish to oppose the appointment of a well-known and popular man from one's own State to a high national position outside the State.

There is no question that the nominee is very well known in Wisconsin. He is also popular. He is a former State chairman of the American Legion. He has been very active in Wisconsin for many, many years. He is a former chairman of the Wisconsin Public Service Commission. I recognize, in opposing the nomination, that I can expect serious opposition in the future for having done so. I have only decided to do this because in good conscience I feel I have no other choice.

POLITICAL PRESSURE FOR DURFEE

Of course, I recognize the immense odds against my success. Since this nomination was initially made last August, I have never known anything like the pressure which has been brought to bear on me to approve it. This includes not only the time of my service in the Senate but also the time before I came to the Senate, when I served in the State legislature and elsewhere.

Several prominent Democratic Senators vigorously urged me to support Mr. Durfee. Mr. Thomas Corcoran, who enjoyed an illustrious career in the Roosevelt administration, and who is considered by many to be very powerful in the high councils of my party, argued with me vehemently and repeatedly that I should approve the nomination of Mr. Durfee, and predicted political reprisals if I failed to do so. Mr. Corcoran went into considerable and very persuasive detail in arguing why it would be politically damaging in Wisconsin for me to oppose Mr. Durfee.

An owner of one of the largest television stations in Wisconsin, who is also a man of very considerable power in my State, traveled from Wisconsin to Washington, D.C., and urged me at length to support Mr. Durfee.

Delegations of airline executives—a large number—called upon me to ask that I support the nominee. Powerful airline executives also visited with me privately and individually to plead that I get behind the Durfee nomination.

Many others came to me individually, of course, including lobbyists from the airlines, to urge support of the nomination.

And in addition, of course, there were a very large number of letters from Wisconsin urging that I support the Durfee nomination.

In sharp contrast, there has been virtually no pressure from Wisconsin to oppose the nomination of Mr. Durfee. The only persons who have come to my office asking that I try to stop approval of the nomination have been persons with no political ax to grind. They have been members of the District of Columbia bar, who of course have no fragment of political influence in Wisconsin, and none in the Democratic Party. These persons opposed Durfee because they were convinced, on the basis of years of practice before the Court of Claims, that the nominee simply does not have the qualifications for

the job. As I shall show in detail later, they were correct.

From the pressures brought to bear on me, especially from within my own party, I was, of course, aware of what this nominee has going for him and how very difficult it will be to stop this nomination.

COMMITTEE REPORT LOADED FOR DURFEE

This is only the beginning. These pressures indicate only a part of the formidable force working to secure approval of the nomination. As a matter of fact, I think they indicate only the least significant part.

Let me make my position very clear.

The Judiciary Committee consists of some of the most competent Members of this body in both parties. They are also honorable men. They are excellent Senators. They are men of integrity. They are very conscientious about the discharge of their duties.

What I have to say about the committee report in this case pains me. I can think of few less promising avenues to success than to start by criticizing a committee report, particularly one which contains no minority views. But in this case I have no choice.

This committee report is as unbalanced as the affirmative side of a high school debating brief. It states one side, and one side only. As I think I can show, it gives no consideration to the heart of my objections, and it is in serious error in a number of instances, which I shall point out.

I shall discuss later the errors and inaccuracies in the committee report, as well as its failure to consider even the heart of my objections to Durfee. At this point, I only observe that the Judiciary Committee has acted favorably; and I am sure that this fact will persuade many Senators.

I am going to be frank. No one knows better than Senators how committee reports on a matter of this kind are likely to be put together. This committee report was not made by the Chairman of the Judiciary Committee, the Senator from Mississippi [Mr. EASTLAND]. It was not made by the chairman of any subcommittee. It was not made by any member of the majority party in the Senate, even though this is obviously our responsibility. It was made by my distinguished colleague, the senior Senator from Wisconsin [Mr. WILEY]. It is true that the senior Senator from Wisconsin is the ranking Republican member of the Judiciary Committee. He is also—and this is a big fact in the report—the sponsor of James Durfee for the nomination.

Senators know what affection and deference is felt in this body for my senior colleague. This is, I am sure, particularly true on the Judiciary Committee. Accordingly, Senators should be aware that this is a Wiley committee report. This is not a supposition. In black and white, on the face of the committee report, on the front page, the following is printed:

Nomination of James R. Durfee: Monday, March 7, 1960—ordered to be printed.

Mr. WILEY (for Mr. EASTLAND), from the Committee on the Judiciary, submitted the following report to accompany the nomination of James R. Durfee:

This is Senator WILEY's committee report. For this reason I feel that this report demands a critical evaluation, as the brief for one side. This committee report is not the opinion of a dispassionate umpire. It is the report of the manager, and, as a matter of fact, the chief proponent of the nominee. It seems to me it is just as though Casey Stengle should continue to serve as manager of the Yankees, but also take the umpire's place and call the balls and strikes, and all the close plays, in a world series game in which his own Yankees were playing for the championship.

As I stated previously, I shall later discuss the committee report in detail.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am delighted to yield to the senior Senator from Oregon.

Mr. MORSE. I should like to have clarified for my own thinking the point which the junior Senator from Wisconsin has just made.

Is it the position of the junior Senator from Wisconsin that the report which I hold in my hand, which is the committee report on the nomination of James R. Durfee, is being submitted to us, not by the membership of the Judiciary Committee, but by only one member of the committee? I raise the question, because of what I observe when I turn to the last page of the report. I do not know what the custom of the Judiciary Committee is. I know only what the custom of committees on which I serve happens to be, in this connection.

When a report is submitted by any of the committees on which I serve, the standard practice is to have the names of the members of the committee who join in the report, and the names of members who do not join in the report, designated. But I judge, from the first words in the report—"Mr. WILEY (for Mr. EASTLAND), from the Committee on the Judiciary, submitted the following report"—that that raises the presumption that the report is the report of the membership of the Judiciary Committee, and apparently the unanimous report of the members of the committee.

While listening to the junior Senator from Wisconsin for the past 5 minutes I had some doubt as to whether or not he believes that this is the unanimous report of a committee, or whether he believes, rather, that it is the report of only the very distinguished senior Senator from Wisconsin [Mr. WILEY].

Mr. PROXMIRE. It has been my assumption that this is the report of the Judiciary Committee. I think the Senator from Oregon raises an excellent point. It may be that my presentation was obscure. I could be mistaken; and I intend to explore this question before a vote is taken. When I wrote this speech, I did not mean to imply that this was not the report of the Judiciary Committee.

On the other hand, I did wish to emphasize that the member of the committee to whom was delegated the function of preparing the report was the senior Senator from Wisconsin, my colleague, the principal sponsor of the nominee.

It has been my experience on committees that the situation varies greatly, but often there is a tendency on the part of committee members to delegate a great deal of the judgment as to what should be in the report, how the material should be handled, what should be considered, and what should not be considered, to the member who writes the report itself.

As I shall attempt to show in the course of this speech, I think this is reflected in what is not in the report. Some of the statements in the report seem to stress only one side, and ignore the other side. That was the point I was trying to make.

Mr. MORSE. I thank the Senator. I only meant to clarify the situation, and clear up my own thinking on it.

One final question, if the Senator will yield further.

Mr. PROXMIRE. I am delighted to yield.

Mr. MORSE. The junior Senator from Wisconsin was the only witness who testified against the nominee; was he not?

Mr. PROXMIRE. I believe I was the only witness who testified against the nominee. It is my recollection that in addition to the nominee himself, only two persons testified for the nominee.

I could be wrong on that point. Of course, some letters are contained in the report.

Mr. MORSE. That was to be covered by my next question. In the testimony of the junior Senator from Wisconsin, did he submit for the record at the hearings communications setting forth objections raised by others than the junior Senator from Wisconsin?

Mr. PROXMIRE. In the course of the hearings I did set forth one letter. My difficulty was that the objections came from people who for obvious reasons could not risk giving their names. It was a matter of bread and butter to them, inasmuch as they were appearing before the Court of Claims. Although they were sincere people, and competent and qualified, they could not give their names. I did include one letter in the hearings from a man who opposed the nomination, but I did not disclose his identity.

Mr. MORSE. If, as a Senator, I wish to analyze the objections the junior Senator from Wisconsin raised pertaining to the nomination, I will not find a thorough analysis of his objections and the answers thereto in the report, but that I will have to read the entire committee hearings in order to find the basis for the objections of the junior Senator from Wisconsin?

Mr. PROXMIRE. The Senator from Oregon is absolutely correct. I thank him very much for this very helpful

colloquy. The nominee has the peculiar advantage of having as his sponsor not only the ranking minority member of the reporting subcommittee—and the only minority member of the subcommittee—but the person responsible for actually making the committee report.

The Senator from Oregon has very helpfully indicated what my position is by bringing that out. I agree that this is the report of the Committee on the Judiciary, but it is also the report written by the senior Senator from Wisconsin.

Mr. WILEY. Mr. President, will my colleague yield?

Mr. PROXMIRE. I yield.

Mr. WILEY. Let me say that this is the report of the committee. I hesitated very much about accepting a position on the subcommittee. However, when I found that my junior colleague from Wisconsin was the only Senator who was prosecuting, I felt I would have to act as a judge, as he will also in deciding the correctness of the conclusions.

The chairman of the subcommittee is a very busy man. He asked me to prepare the subcommittee report. I asked a number of the staff to assist in that respect. He drew the report. The report was then submitted to the committee. The committee was in full session, and the committee accepted the report. That is the way it stands.

Of course, I am used to this kind of tactic: "When you haven't got a case, jump on the other fellow." The only issue is whether Mr. Durfee is the right man for the position. That is the only issue.

My distinguished colleague, of course, in one sense is the prosecutor. I, in another sense, am the defender. We are both on the court. The judges are made up of the membership of this august body.

Consequently, I accepted the assignment on the subcommittee. In view of the testimony as it developed— I tried to be as judicial as I could, and I trust my junior colleague will likewise be judicial, because we are going to act as judges here—I went forward feeling that the nomination should be approved. Mr. Durfee also had the approval of the President, and, in spite of everything to the contrary, the best people have approved him. It seems to me that jumping on the senior Senator from Wisconsin is not the way to try out the issue.

Mr. MORSE. Mr. President, will the Senator yield for an observation?

Mr. PROXMIRE. I shall be happy to yield. Before I do so, I should like to make a brief reply to the senior Senator from Wisconsin, by saying that he presents a very interesting analogy. I would not accept it. I do not consider myself a prosecutor. I meant it when I said to the committee I felt reluctant to oppose the nomination of this gentleman from Wisconsin. I did so because I felt I had a duty to do so. I do not think he should be confirmed. I do not believe he is qualified.

Nevertheless, the analogy which has been chosen by my senior colleague is an analogy which we should pursue a little further. He says I am the prosecutor and he is the defense attorney. Can anyone imagine a more unfair situation than to have on a three-man court the attorney for the defense sitting as one of the three judges, that same man also being responsible for preparing and writing the report which was sent by the committee to the Senate?

My senior colleague had every right to serve on the subcommittee if he chose to do so. I think it is very pertinent and proper, in calling to the attention of the Senate the committee report, on which most Senators will rely, and should be permitted to rely, to point out that the principal sponsor of the nominee is the author of that report. I now yield to the Senator from Oregon.

Mr. MORSE. I wish to say to both Senators from Wisconsin that the senior Senator from Oregon has no intention of involving himself in a family quarrel. I am not making that approach to this problem.

Mr. PROXMIRE. I may say to my colleague from Oregon that he is welcome to get into the quarrel. I always appreciate his contributions.

Mr. MORSE. I am interested only in getting an answer to my questions in trying to find out what the facts are with respect to this nomination.

I assume that the Senators from Wisconsin will have quite a good deal to say in the course of the discussion this afternoon as to what the record shows. I am very much interested in what it does show, and what the analysis of each of the Senators will be in regard to the charges and counter charges involved in the nomination.

If the Senator will permit me to do so, I should like to make an observation in regard to Senate procedure at this point.

I will not say anything about the empty seats in the Chamber, because each Senator has the right to decide for himself whether he wishes to be present. I do think, however, that if a Senator is here he ought to have available to him at his fingertips the report of the hearings, so that he can follow what the two Senators from Wisconsin are saying. The report of the hearings has not been placed on our desks. I obtained the one I have by making a request for it. On an issue of this importance we ought to have on our desks the report of the hearings. We should not have to ask for it. It ought to be automatically placed on our desks.

Mr. PROXMIRE. I thank the Senator from Oregon. I wish to emphasize the point he makes. I was told by the chief clerk of the Committee on the Judiciary that the committee had no intention of printing the hearings before the nomination was discussed by the Senate. At that point I said I would do everything I could to postpone and defer and delay and object to consideration of the nomination until the Members of the Senate had an opportunity to study the hearings. The point the Senator from Oregon has made emphasizes the reason for that. The facts simply are not set forth in the committee report.

My senior colleague from Wisconsin has suggested that we discuss the facts in the case. That is what I have decided to do, in 50 legal-size pages of my speech. These pages contain in great detail the facts of this case. They are entirely germane. They are entirely related to the qualifications and the character of the nominee, and the conditions surrounding the consideration of his nomination by the committee and by the Senate.

SENATE'S TRADITIONALLY GREAT AUTHORITY AND RESPONSIBILITY FOR JUDICIAL APPOINTMENTS

From the beginning of this Republic, the Senate has exercised greater authority and discrimination through the advice and consent clause over judicial nominations than any other. It has with good reason exercised far more critical care in considering judicial nominations than the host of nominations within the executive branch. This has been a wise policy.

The origin of the constitutional function to advise and consent shows that in the Constitutional Convention of 1787 as many members thought that Congress or the Senate alone should appoint judges as thought the President alone should have the appointive power.

The resulting compromise indicates that there was no intention that this function should be a formality on the part of the Senate, but rather as Hamilton said in "The Federalist," No. 76:

> It would be an excellent check upon the spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity.

At the time of the Constitutional Convention in 1787, the Virginia plan provided that the national judiciary should be chosen by the legislature.

The committee of the whole reported on June 13, that members of the Supreme Court should be appointed by the Senate, members of the lower courts by the whole Congress.

The New Jersey plan called for appointment of judges by the Executive.

Tuesday, June 5, Hamilton first suggested "the idea of the Executive's appointing or nominating the judges to the Senate which should have the right of rejecting or approving." This was the compromise which was ultimately adopted.

As a matter of experience there has been a sharp difference both in attitude and action in the Senate's consideration of executive branch appointments in clear contrast to judicial nominations.

On the one hand it is rare for the Senate to reject a nomination to the President's Cabinet although—and I am certain every Member of the Senate recalls it—this very Senate, in the 86th Congress has provided one of the exceptions. In the history of the country

only eight Cabinet nominations have been rejected and only three in more than 100 years. The first was in 1834 under Jackson. There were four under Tyler in 1843 and 1844, one under Johnson in 1867, one under Coolidge in 1925, and the most recent, the nomination of Mr. Strauss, who was nominated to be Secretary of Commerce under President Eisenhower, and whose nomination was rejected in 1959.

The attitude which has generaly prevailed in the Senate was stated most clearly by Senator Guy Gillette when the nomination of Harry Hopkins to be Secretary of Commerce was before the Senate in 1939:

> The President is charged with full responsibility for the executive department. If there is any right (he has) * * * it is the right to name those with whom he is to work in that department, and particularly the official family who are close to him, and his nearest advisers.

Something of the same attitude—unless there is a clear and explicit reason that not being so—has generally prevailed towards single administrators to head non-Cabinet agencies and of advisory commissions.

Since the President is charged with the major responsibility for our foreign affairs, there have been relatively few occasions on which diplomatic nominations have been seriously questioned, although some nominees, associated with unpopular policies, have been closely scrutinized and received a fairly large number of opposition votes.

On the other hand, senatorial scrutiny of judicial appointments, however, has been quite a different matter. Here it is not a question of confirming the President's appointment of his own subordinates, but of choosing members for the third coordinate branch of the Government. The legislative branch has as much claim to control over these appointments as does the executive, since once appointed they are independent and should be independent of both.

A distinguished Senator, who incidentally is the present senior Senator from Illinois [Mr. DOUGLAS], recently summed up this view, as follows:

> The advice and consent of the Senate required by the Constitution for such appointments was intended to be real and not nominal. A large proportion of the members of the Convention (1787) were fearful that if the judges owed their appointments solely to the President, the judiciary, even with life tenure, would then become dependent upon the Executive and the powers of the latter would become overweening. By requiring joint action of the legislature and the Executive, it was believed that the judiciary would be made much more independent.

As a matter of fact, experience and precedent in the Senate have amply borne out the theory that in acting on appointments by the President to the Supreme Court, for example, 21 nominations have been either rejected, postponed, or withdrawn because of Senate opposition. This number constitutes one-fifth of the President's nominations to the Supreme Court, a proportion far higher than has been rejected for any other Federal office.

The grounds for opposition to judicial appointments have ranged from doubts about the qualifications of the nominee to outright partisan considerations, but there has never been the suggestion that the Senate should accept judicial appointments without the most careful, thoughtful, and prayerful scrutiny.

REASONS FOR NOT INVOKING SENATORIAL COURTESY

A number of persons, whose judgment I respect and whose judgment on these matters is probably better than my own, have asked me why, if I feel so strongly against the nomination of Mr. Durfee, I do not pull out the ultimate senatorial weapon, that nuclear warhead intercontinental ballistic missile of Senate nomination action, namely, invoke senatorial courtesy, declaring the nominee to be personally obnoxious to me.

Mr. President, I have chosen not to do so because my opposition to this nomination does not fit either the theory or the precedent required for such an objection. It does not do so because Mr. Durfee is being appointed to a position outside Wisconsin, not to a Federal judgeship or a Federal district attorneyship in Wisconsin. I realize that sometimes senatorial courtesy has been invoked under other circumstances. Let me deal with that subject

Since at least 1840 it has been well-established custom for the Senate to refuse to confirm appointments to Federal district judgeships within a State unless the nominee had been approved (if not initially selected) by the Senators of the party in power from the State in which the vacancy was to be filled or from which the nominee was chosen, which in most cases was the same.

Furthermore, because some very able, competent Senators, whom I greatly admire and respect, have urged me to invoke senatorial courtesy and to declare the nominee obnoxious, I think they deserve an explanation.

The explanation or defense of this practice ranges from the argument that Senators are better able to know the qualifications of the persons in question to the view that this is a necessary patronage device used to build up the Senator's own political fences.

Whatever analysis is made of this custom it is clear that it has been effectively followed only where the nomination was to a post whose jurisdiction lay entirely within one State. It is rarely employed in nominations to national posts even by those Senators from whose State the nominee may be a resident.

In fact, Senate Procedure, written by the distinguished parliamentarian of the Senate, Charles Watkins, and the assistant parliamentarian, Floyd Riddick, states, on page 386:

> Nominations submitted to the Senate for confirmation are occasionally opposed on the basis of being personally objectionable to a particular Senator, or that senatorial courtesy has not been considered. To come within the purview of this practice or unwritten rule the nominee must be from the State of the Senator and the appointment must be to a Federal position within the State as distinguished from a national office, as for example, a member of the Cabinet.

Furthermore, senatorial courtesy usually implies that the President in making the appointment has consulted with the Senator of his own party representing the State from which the appointment is being made. In this case, of course, the President and I belong to different parties, so the requirements of senatorial courtesy would have less force.

I am going into this much detail, Mr. President, because considerable confusion still exists on this matter.

As a matter of fact, only last month the very responsible New York Times reported, in an article on Chairman Jerome Kuykendall, of the Federal Power Commission, that in 1957, when the senior Senator from Washington, Mr. MAGNUSON, led the fight against confirmation of the nomination of Mr. Kuykendall, who is also from the State of Washington, Senator MAGNUSON could have blocked the Kuykendall nomination by declaring the nominee personally obnoxious and that would have ended it.

The theory behind the senatorial courtesy custom; the rules of the Senate, as interpreted by the parliamentarian; and the practice of the Senate all seem to contradict this New York Times interpretation.

Under these circumstances, I shall not invoke senatorial courtesy, because under the rules and precedents of the Senate I seem to be prohibited from doing so.

I also shall not rely on senatorial courtesy, because I feel that the Senate is not only entitled to know in full the reasons for the objection, but in this case it is also entitled to act solely on the basis of the validity of the objections.

I want to make clear, Mr. President, that there is precedent for the Senate's giving weight to the objections of a Senator who represents the State from which the nominee is appointed to Federal office; and that precedent is applicable, regardless of whether a Senator relies on the custom in regard to senatorial courtesy.

For instance, in 1950, when the Senate had under consideration the nomination of Martin A. Hutchinson, of Virginia, to be a member of the Federal Trade Commission, the Senate rejected the nomination, and did so because of the opposition of the Senator from Virginia [Mr. BYRD]. I may say that was an emphatic rejection; as I recall, the vote was 14 yeas to 51 nays. On that occasion, Senator BYRD was very careful to avoid invoking senatorial courtesy. In 1894, the personal objection of Senator Hill, of New York, to the appointment of Messrs. Hornblower and Peckham to the Supreme Court, which prevented confirmation of their nominations; and, in 1915, the objection of Senator Gallinger, of New Hampshire, to confirmation of the nomination of George Rublee, of New

Hampshire, appointed by President Wilson to the Federal Trade Commission, are other examples of the application of the rule to national officers.

Incidentally, the Gallinger-Rublee experience particularly emphasized the weight the Senate has given to the objections of a Senator to the appointment to a national office of a citizen from his State. Senator Gallinger was a Republican. President Wilson, a Democrat, made the appointment. In rejecting the nomination, the Senate, then controlled by a majority of Democrats, opposed the Democratic President, and sustained the minority Republican, Senator Gallinger.

In sum, what I am asking of my colleagues, Mr. President, is not automatic acceptance of my objections, but careful scrutiny of the basis for my objections to this nominee.

REASONS FOR OPPOSITION

I oppose, for two principal reasons, confirmation of the nomination of James Durfee.

First, I believe his qualifications for the position for which he has been nominated are, at the very best, minimal, and fall far below the standard established by the men who now serve on the Court. In a few minutes I shall nail that point right to the wall.

Second, I oppose confirmation of the nomination because the nominee's conduct as Chairman of the Civil Aeronautics Board shows a lack of the judicial behavior that is essential for the proper performance of the duties of the office to which he has been nominated.

I think that objection particularly pertinent today, because I believe all Senators are aware of the serious challenge, today, to America's moral strength and America's moral behavior. Today that challenge exists within this country; and there is also the external challenge by Soviet Russia and communism. Basically, that challenge is really to the character of the American people.

The question is how we are to do something about that. We can talk about it, and we can refer to examples to be found in history; but one way for action to be taken is through our Government. This body is known as the greatest deliberative body on the face of the earth. As Prof. Lindsay Rogers, of Columbia University, has pointed out, the Senate of the United States is the one platform in the country that can demand the attention of the country. If the Senate were to approve this nomination to the Court of Claims, after the nominee has indulged in a violation of precise and specific judicial ethics which were declared and promulgated at the time, and of which he was well aware—and I am positive that I can establish that such a violation did occur—it seems to me the country could hardly feel that its leaders were fully aware of the moral issue at stake.

There are only a few occasions on which it is possible for the leaders of the country to show by their action, as well as by their words, that they believe in the importance of good moral behavior. It seems to me this is one of those occasions. I suppose that a few cases could be described as either all black or all white. However, the case now before us is not one of them, and no one would pretend that it is. This is not a case in which the nomination can be summarily rejected. Of course, such a decision would be an easy one to make. But this case involves one of the difficult and troublesome decisions. That is why I shall go into a great deal of detail, today, and why I appeal fervently to my colleagues to study as carefully as they can all the facts in connection with this matter.

QUALIFICATIONS FOR THE COURT OF CLAIMS

Mr. President, I turn now to the question of the qualifications for appointment to the Court of Claims.

It has been said that, as a matter of history, the growth in power of the Supreme Court and the respect in which it is held by the people have been due largely to the legal ability and the force of character of the men who have composed that Court. This is particularly true, also, of the Court of Claims. It is my understanding that only 38 judges have served on this court since its establishment in 1855. Almost all of the men who have been appointed to this court have, prior to their appointment, demonstrated competence relevant to the kind of work they would do on the court—either on the bench or by appropriate experience in either the Senate or the House of Representatives, or by appropriate experience at the bar.

A man who has been a member of the Court of Claims bar for over 30 years recently wrote me in part as follows:

> The largest and most technical civil cases in America are decided in the Court of Claims. Individual suits against the United States sometimes involve millions of dollars.

In a few minutes I shall demonstrate what some of those suits are.

I read further from the letter:

> They are brought by railroads, aircraft companies manufacturing war planes and missiles, etc. A judge of the court should have an extensive background in this work. Tax refund cases, Government contracts, employee pay cases, etc., require the highest degree of experience and legal skill.
>
> You cannot expect the lawyers who actually practice in the court to come forward on this matter at this late date and express their views. That would be putting one's neck on the block in case Durfee was confirmed. The D.C. bar, of course, has more lawyers who practice in the court than all the rest of the country put together.

As a matter of fact I understand they handle about 70 percent of the cases.

I continue to read from the letter:

> It has consistently refused to endorse Mr. Durfee. It did propose through its Court of Claims Committee the names of three competent and experienced lawyers to the Attorney General.

I want to clarify that letter because there was some discussion, debate, denial, and affirmation of it in the hearings.

When I inquired about this, I was given the following information by Paul Rhodes, chairman of the court of claims committee of the District of Columbia Bar Association.

In October 1958, after Judge Littleton's announced intention to retire from the Court of Claims, the court of claims committee of the District Bar Association considered people acceptable for the position and selected three. Mr. Durfee was not among the three named.

According to the bylaws of the District Bar Association, recommendations for judicial office must come from the judicial selection committee. The court of claims committee therefore transmitted its recommendations to the judicial selection committee, which did not take any action on them. This was a matter of policy adopted by the judicial selection committee, based on the theory that the District Bar Association would impair its ability to influence local court appointments if it expressed its views on courts of national jurisdiction.

When the judicial selection committee refused to act on the three recommendations, the court of claims committee appealed to the board of directors of the bar association through its liaison, Richard Lyon, a director of the association. Each director is assigned to a committee as liaison between the committee and the board. The board of directors then ordered the judicial selection committee to make recommendations to the Attorney General, but the committee refused again to do so.

In November 1958, Rhodes, in an unofficial capacity, wrote to the Attorney General and informed him of the action taken by the court of claims committee.

This committee, composed of members who are familiar with the court and its workings because of constant practice before it, does not share the view that the effectiveness of the bar association in local judicial appointments would be destroyed if it involved itself in Federal appointments.

Mr. Rhodes said he hopes this will not be a permanent policy of the judicial selection committee and feels that it would be appropriate for the committee to change its policy.

To get back to the letter that was written by a member of the bar association, I might add that the District of Columbia bar includes those who serve on both sides, in cases for the Government and in cases against the Government. They serve both claimants and the Government.

Mr. Chairman, I call attention to the dimensions of the responsibility of the Court of Claims. For the year ended October 3, 1959, the Court of Claims had disposed of 2,636 cases.

Amount of money claimed was $402,137,897.30.

Judgment for the plaintiffs totaled $11,434,127.65.

Amount of above judgments carrying interest, $1,881,829.45.

Judgments on defendant's counterclaims amounted to $535,889.78.

The tax cases handled by the court are all for refunds on almost any kind of tax—personal income, corporation, transportation, documentary stamp, excess profits, excise, and so forth.

Some of the larger money cases for the year were.

Plaintiff	Amount claimed	Amount awarded or disposition	Claim
Hingham Management Corp.	$6,000,000.00	Case dismissed	Contract for lease of certain facilities, Naval Industrial Reserve Shipyard, Hingham, Mass., Navy Department.
Todd Shipyard Corp.	2,617,401.18	$2,575,641.38 (stipulated judgment, with interest).	Refund of income and excess-profits tax.
Idaho Maryland Mines Corp.	5,021,799.00	Case dismissed	Compensation for property taken, WPB.
Homestake Mining Co.	10,777,448.01	do	Do.
Empire Star Mines Co., Ltd.	5,386,822.02	do	Requisitioning of gold mine by closure and suspension of operations pursuant to order L-208, WPB.
U.S. Smelting, Refining & Mining Co.	11,900,000.00	do	Do.
Clare Shove (and 5 other parties)	15,000,000.00	do	Do.
Mabel N. Scott (and 3 other parties)	10,000,000.00	do	Do.
Otilia Acensi (and 87 other parties)	9,089,329.67	do	Contract for supplies furnished to guerrilla forces, Philippine Islands.
American Cyanamid Co.	1,689,625.82	do	Refund of excess-profits tax.
Western Contracting Corp.	1,144,535.00	$225,000	Contract for construction, etc., Department of the Army.
Enterprise Ry. Equipment Co.	587,681.52	$561,760.10 (with interest)	Refund of income tax.
Radio Patents Corp. (and 4 other parties)	10,000,000.00	Case dismissed	Infringement of patent, Army.
Sylvania Electric Products, Inc.	7,050,468.00	do	Refund of manufacturers excise taxes.
General Motors Corp.	8,507,624.08	do	Do.
M. Meads	4,216,852.25	$1,405.65	Requisition of saw mill, Department of the Army.
Bulova Watch Co., Inc.	732,134.71	$520,049.95 (with interest)	Refund of income and excess-profits tax.
Mella Alvina Hoover	15,000,000.00	Case dismissed	Compensatory relief and pecuniary damages.
Burnham Chemical Co.	44,711,028.00	Case dismissed; counterclaim dismissed.	Losses and reasonable profits, and damages.
Westinghouse Electric Corp.	3,737,677.62	Case dismissed	Refund of manufacturers' excise taxes.
Chrysler Corp.	5,344,864.48	do	Do.
Jose K. Lapus	2,448,596.00	do	Property requisitioned, Department of the Army.
Henry M. and Murray W. Garsson	18,500,000.00	do	Compensation for use of manufacturing methods, designs, process, and engineering developments of war materials, War.
Mississippi Valley Generating Co.	3,543,778.45	$1,867,545.56	Dixon-Yates power contract, AEC.
Chicago, Burlington & Quincy RR. Co.	21,008,304.42	Case dismissed	Refund of income and excess-profits tax.

Source: From report submitted to Congress on Jan. 6, 1960, by the clerk of the Court of Claims on all judgments rendered by the court for the year ended Oct. 3, 1959.

Mr. President, I submit that the fairest standard for evaluating Mr. Durfee's qualifications is to compare them with those of the men who now serve on the court and the retired judge, the Honorable Benjamin H. Littleton, whom Mr. Durfee has been nominated to succeed.

Here are brief résumés of their biographies:

MARVIN JONES, CHIEF JUDGE OF THE U.S. COURT OF CLAIMS

Born near Valley View, Tex.

Received bachelor of arts degree from Southwestern University, Georgetown, Tex., in 1905.

Received bachelor of laws degree from the University of Texas in 1907.

Admitted to the Texas bar in 1907; practiced at Amarillo.

Was appointed chairman of the board of legal examiners for the seventh supreme judicial district of Texas in 1913.

Elected to the 65th through 76th Congresses (1917–1941), 18th Congressional District.

Chairman of the House Committee on Agriculture from December 1931 to November 1940.

Mr. President, I think Senators should be aware of the fact that the Court of Claims is a peculiar creation, in that it is a congressional court. It was originally created to take from the shoulders of the Members of Congress the cases which had been pending before the Congress, which Congress found it simply did not have time to handle, since the cases were too complicated, too technical, and too burdensome. Therefore, the court was created. Extensive experience, such as 24 years of experience in the Congress of the United States, including experience as chairman of one of the most important committees of the House of Representatives, is pertinent and desirable and useful as a background on the Court of Claims. This nominee obviously had extensive experience, from the congressional standpoint, to deal with claims.

Mr. President, I continue with the résumé in regard to Judge Jones:

Appointed judge of the U.S. Court of Claims April 9, 1940.

Confirmed by Senate April 10, 1940.

Assumed duties November 20, 1940, after resigning from the House of Representatives.

On leave from January 1943 to July 1945; January 1943 to June 29, 1943, adviser and assistant to James Byrnes, Director of Economic Stabilization; May 18 to June 3, 1943, President, United Nations Conference on Food and Agriculture, Hot Springs, Va.; member President's War Mobilization Committee; June 29, 1943 to July 1, 1945, Administrator, U.S. War Food Administration.

Resumed duties as judge of Court of Claims, 1945.

Appointed chief judge of Court of Claims, July 10, 1947.

JOSEPH WARREN MADDEN, ASSOCIATE JUDGE, U.S. COURT OF CLAIMS

Born at Damascus, Ill., January 17, 1890.

Received bachelor of arts degree from the University of Illinois in 1911.

Received doctor of jurisprudence degree from the University of Chicago in 1914.

Admitted to the bar of Illinois in 1914; bar of Ohio, 1918; bar of West Virginia, 1922; bar of Pennsylvania, 1927.

Professor of law at the University of Oklahoma, 1914–16.

Practiced law in Rockford, Ill., 1916–17.

Special assistant to the Attorney General of the United States, 1920.

Professor of law at Ohio State University, 1917–21.

Dean of the Law School, West Virginia University, 1921–27.

Professor of law, University of Pittsburgh, 1927–37.

Visiting professor of law at the University of Chicago, North Carolina, Cornell, Stanford, Yale, and Vanderbilt Universities.

Practiced law in Illinois and part time in Ohio, West Virginia, and Pennsylvania.

Assisted West Virginia Revision and Codification Commission in revising property statutes, 1925.

Adviser on property and torts to the American Law Institute since 1934.

Member of the Governor's Commission (Pa.) on Private Policing in Industry in Pennsylvania, 1933–34.

Chairman, National Labor Relations Board, 1935–40.

After this extensive and very excellent background, this remarkably fine background, Judge Madden was commissioned a judge of the court of claims January 8, 1941.

As is true with regard to the Chief Judge, Marvin Jones, since serving on the court of claims Judge Madden has had further extensive experience. I continue with the résumé of his biography:

Went to Germany in July 1945 and served as associate director of the Legal Division and in 1946 as director of the Legal Division and legal adviser to the U.S. Military Governor and the Deputy Military Governor, Office of Military Government for Germany.

Awarded Medal of Freedom in 1947 for work with military government for Germany.

Returned to court of claims in July 1946.

Was exchange legal specialist, Germany, the summer of 1953.

Coauthor of a casebook on property.

Author of a treatise on domestic relations and a casebook on domestic relations.

SAMUEL ESTILL WHITAKER, ASSOCIATE JUDGE, U.S. COURT OF CLAIMS

Born in Winchester, Tenn., September 25, 1886.

Student at Winchester (Tenn.) Normal College, 1902–5; University of Virginia, 1905–6.

Bachelor of Law, University of Chattanooga, 1909.

Admitted to the Tennessee bar in 1909 and practiced in Chattanooga until outbreak of World War I.

This is a man who has had extensive and precise experience in exactly the kind of work which would suit him to be a judge of the court of claims. I continue with his biography:

Attorney, U.S. Department of Justice, 1919–20.

Attorney, Bureau of Internal Revenue, 1920.

Private practice in Chattanooga from 1921 to 1937.

City attorney, Chattanooga, 1923.

Mayor of Riverview, Tenn., 1925–29.

Employed from time to time as special assistant to the Attorney General of the United States, 1933–37.

Assistant Attorney General of the United States, 1937–39.

After this experience on the Government side of the claims work, he was appointed a judge of the U.S. Court of Claims July 13, 1939.

DON NELSON LARAMORE, ASSOCIATE JUDGE, U.S. COURT OF CLAIMS

Born at Hamlet, Ind., December 22, 1906.
Admitted to law practice in Indiana April 18, 1931.
Judge pro tempore, 44th Judicial Circuit of Indiana, 1942–1944.
Elected judge, 44th Judicial Circuit of Indiana, November 1944 and November 1950.
Commissioned judge, U.S. Court of Claims, March 17, 1954.

Judge Laramore served 12 years as a circuit judge. He is a man who has the background and qualifications the nominee does not have. Judge Laramore had served in a judicial office for 12 years before he was nominated to his present position.

Mr. President, I now wish to give the biography of the fifth member of the Court of Claims, the former member, the man whom the nominee has been selected to succeed. Judge Littleton had a particularly excellent background for service on the Court of Claims:

BENJAMIN H. LITTLETON, RETIRED JUDGE OF THE COURT OF CLAIMS WHOSE VACANCY JAMES DURFEE HAS BEEN NOMINATED TO FILL

Born in Weatherford, Tex., in 1889.
Educated in the public schools of Tennessee.
Received bachelor of law degree from Cumberland University, Lebanon, Tenn., in 1914.
Admitted to the Tennessee bar in 1914 and practiced law at Nashville.
Appointed assistant U.S. attorney for the middle district of Tennessee in 1918 (1918–1921).
Appointed special attorney, Treasury Department, in 1921.
Appointed a member of the U.S. Board of Tax Appeals,[1] July 16, 1924, for 2 years.
Reappointed June 6, 1926, for a term of 10 years.
Elected chairman of the Board in April 1927.
Reelected chairman in April 1929.
Commissioned judge of the Court of Claims on November 6, 1929.

It would be difficult to find a better background for the Court of Claims than Judge Littleton enjoys.

The present Tax Court of the United States was formerly the U.S. Board of Tax Appeals. The Board was created by the Revenue Act of 1924, and continued by the Revenue Act of 1926, the Internal Revenue Code of 1939, and the Internal Revenue Code of 1954. The change in name of the Tax Court was made by the Revenue Act of 1942.

To summarize the qualifications of these men to serve as judges on a court that is concerned with claims against the Government and particularly with immensely large tax claims, these men have the following qualifications:

Judge Laramore had served for 12 years as a judge on the bench in the 44th judicial circuit of Indiana prior to his appointment.

Judge Jones had served as chairman of the board of legal examiners in a judicial district in his State and had devoted some 24 years of his life to the Congress of the United States, including 9 years as chairman of the House Committee on Agriculture.

Judge Whitaker had prepared for the Court of Claims by serving as an attorney of the Bureau of Internal Revenue, and in turn as an attorney in the Department of Justice, as special assistant to the Attorney General of the United States and finally for 2 years as Assistant Attorney General of the United States.

Judge Madden's experience for the Court of Claims included service as special assistant to the Attorney General of the United States, professorships of law at the great Universities of Oklahoma, Ohio State, West Virginia, and Pittsburgh as well as visiting professorships at the Universities of Chicago, North Carolina, Cornell, Stanford, Yale, and Vanderbilt. He had been an adviser on property and torts to the American Law Institute and coauthor of a casebook on property.

Judge Littleton, who would be replaced by Mr. Durfee, had served as assistant U.S. attorney in Tennessee, a special attorney in the Treasury Department, a member of the Board of Tax Appeals, now known as the Tax Court, for 5 years, and chairman of the court for the last 2½ years of his term.

Mr. President, I submit that each of these men has had a far broader and deeper and more relevant experience to qualify him for the Court of Claims than has Mr. Durfee, whose background and experience has been confined to the practice of law in Wisconsin, with no evidence of substantial experience in any kind of Government claim work.

This is the heart of the qualification issue.

I wish to emphasize that because the committee report is in error on this point, and I can indicate how it contradicts the testimony of the nominee himself in the hearing.

In contrast with this background, the nominee has had service on two regulatory commissions, one State and one national, neither one of which provided a single day's experience or training in the kind of complex, highly technical work that would immediately confront Mr. Durfee on the Court of Claims. Mr. Durfee has had no visible experience in any of the three areas which have been the classic background for this important court. He has not served in Congress.

I make this point because service in Congress is not essential. Only one of the other five judges has served in Congress. However, service in Congress can be very helpful, because this court is a court established by Congress. It was established to take over the burden constitutionally originally assigned to the Congress. It is a court which deals in claims, claims with which Members of Congress may very well become familiar in their work. The nominee has not served in Congress.

He has not served as a judge on the bench. He has not had any substantial experience in handling claims cases of any kind, either for the public or for the Government.

COMMITTEE REPORT APPROVAL OF NOMINEE'S QUALIFICATIONS FLATLY CONTRADICTED BY TESTIMONY AT HEARINGS

The Wiley committee report meets these objections by dismissing the first two. It admits that the nominee has not had pertinent experience in Congress, and that he has not served in the judiciary, but says in effect, "So what?"

In reply to my assertion that the nominee has no substantial experience in any kind of Government claim work, the report asserts that the nominee has had "extensive experience in the handling of private claim cases." I repeat that, because it is a statement in the committee report which is false. The report asserts that the nominee has had "extensive experience in the handling of private claim cases."

Mr. President, this statement is absolutely wrong. There is not a shred of evidence in the hearings before the Judiciary Committee that Mr. Durfee had had any claims experience whatsoever. Mr. Durfee had ample time and opportunity to show evidence of "extensive experience in handling of private claim work." He did not show any evidence that he had done so.

What is more, Mr. President, the nominee himself in the hearing specifically denied that he had had any such experience that would qualify him for this appointment.

Mr. President, this is such an important contradiction of fact that I will read the question and answer in full from the hearings. This, as I say, goes to the very heart of the qualifications of the nominee. This is found on page 5 of the hearings:

Senator PROXMIRE. The question I have raised as to your qualifications is this—and I wish that you would tell the committee if this is not true—that you have not had congressional experience; that you have not been a judge on the bench; and you have not had cases involving the kind of work that would come before the Court of Claims, to wit—tax cases or Government contract cases, or at least a substantial number of them. You have not developed the kind of experience, in other words, that the present occupants of the Court of Claims have. If you have, it would be extremely interesting to me and the members of this committee I am sure, for you to set forth what your background has been to qualify you.

Mr. DURFEE. Prior to my past 10 years, which I have spent entirely in the regulatory field, I was engaged in the general practice of law in the county seat, a city of about 10,000 people.

I represented one of the two banks in that city. I represented other substantial clients.

I would not claim that I was a specialist in tax cases. I would say that I have had extensive practice and that I worked diligently and fulltime from 1932, when I left the office of district attorney, until 1951.

I would answer the Senator by saying that while I had experience in tax cases and in claims against the Government, not before the Court of Claims, but other courts, I did—as I said, I cannot say that I was a specialist in this kind of practice—that is correct.

I do not know how the English language could be any clearer than that. The nominee himself says that he has not had experience. He has not been a specialist. He has not had any experi-

[1] Now called the Tax Court of the United States.

ence—not a single case before the Court of Claims. He indicates that the only experience he has had is the kind of experience any lawyer in a relatively small town would have in connection with occasional claims of estates against muncipalities, or possibly against the Federal Government. But he has had no extensive experience at all, which completely contradicts the statement in the committee report and proves it to be false, to the effect that he has had "extensive experience in the handling of private claim cases."

Mr. President, this is one of several instances in which the committee report is seriously in error. And this error is crucial. The report argues that the nominee is qualified. Why? Because, the report argues, he has had "extensive experience in the handling of private claims cases." This is the only qualification that can be found for the nominee. But there is not only no scrap of evidence to support this very important contention. There is in fact the denial of the nominee himself that he has had extensive experience of this kind.

The only hard fact that the committee report can adduce to support the contention that the nominee is particularly qualified for the Court of Claims is knocked flat by the testimony of the nominee himself.

The report negatively concludes by arguing:

> We must note that no objection to this appointment has been officially advanced by any member of the judiciary or the legal profession.

Technically that is a correct statement, but only technically. The fact is that a number of competent practitioners before the Court of Claims specifically came to me to oppose the nomination. Of course, they cannot make their opposition public. Their future bread and butter depends on their success in appearing before the Court of Claims, and the prospect has been very strong ever since the President nominated this man that he would soon sit on the Court of Claims in judgment on cases brought by these practitioners.

Mr. President, I have already placed in the RECORD a letter from one of these men. As a matter of fact, the objection of these lawyers was so disinterested and qualified that I asked my staff to conduct a poll of practitioners now regularly practicing before the Court of Claims. We polled the practitioners before the court. We called everyone that we could reach. The replies were overwhelming to the effect that the nominee is not qualified to sit on the court.

RECORD OF JUDICIAL BEHAVIOR OF NOMINEE

I now come to the second part of my opposition to the confirmation of the nomination. I wish to make it clear that I feel very strongly about the record I have already made. As a rule, much more attention is paid to exciting and sensational and interesting aspects of a nomination than to more solid and important objection. There is no more important aspect in the consideration of a nomination than the question of whether a nominee is acceptable on the basis of qualifications.

On the basis of the case I have made so far, it is clear that there has been no showing made that the nominee is qualified for appointment to the Court of Claims. The only conclusion which can be reached from a fairminded and objective and dispassionate analysis of the nominee's record and of the record made by the judges who now serve on the Court of Claims, based on the experience they had before they were nominated and confirmed to sit on that court, is that the present nominee is not qualified. I emphasize this point.

I go into detail on this point because there has been the tendency, and very likely there will be the tendency in the future, to say, "Oh, the only objection is an objection based on the violation of a code of ethics."

There is that objection, and it is an important one. However, it is not the only one. There is the solid, firm objection that the nominee is not qualified for this office.

It might be said that as Chairman of the CAB, Mr. Durfee has enjoyed a kind of judicial experience. Like the Federal Power Commission and the Federal Communications Commission, the CAB is a quasi-judicial agency.

It has judicial—and promotional, I might say—as well as rulemaking and administrative functions. The behavior of the nominee in his judicial role is for this reason particularly pertinent to his qualifications for this nomination, and they indicate an attitude of the nominee in the performance of judicial functions as a member of the CAB.

There has been considerable discussion of the record of the nominee as Chairman of the CAB. I am not discussing the rulemaking or administrative record, because I feel it is not relevant. The only part of his background, as far as the nomination is concerned, which is central and relevant to that consideration, is the experience of the nominee in his judicial capacity.

Three times the nominee has been tried in his judicial capacity, and it seems to me that three times he has been found wanting. Each of these incidents constitute a serious demerit in the fitness of the nominee for the Court of Claims. In each incident it is the contrast between the behavior of the nominee and the judicial code of the organization which he served as chairman which disturbed me. For this reason I call the careful attention of the Senate to the "Principles of Practice of the Civil Aeronautics Board," sometimes called the "code of ethics." It is so central to my case that I am going to read it. It consists of about two pages. It indicates the kind of precise and exact code the nominee had to live by. This code is of very great importance in evaluating the misbehavior of the nominee. The code itself is why, Mr. President, the misconduct of the nominee, as I shall describe it below, was more serious by far than the misconduct of Chairman John Doerfer, of the FCC, whose conduct has been denounced from one end of the country to the other, with considerable merit, because he accepted the hospitality of a man who is the owner of a number of television stations and radio stations, and who entertained the Chairman of the Commission on his yacht. I feel that what the Chairman of the Federal Communications did was not a violation of any specific code of ethics, because the FCC does not have such a code of ethics. The CAB does have a specific code of ethics. It is explicit. It is clear. The Chairman of the CAB certainly knew it.

When Mr. Doerfer, the Chairman of FCC, accepted the hospitality of Mr. Storer and stayed on his yacht for 6 days, his conduct in that regard deserved censure and rightfully resulted in his resignation under fire. However, his conduct was not in violation of a specific code of ethics. If there had been such a code, which had been promulgated, his conduct would have been that much more serious.

I present herewith the pertinent regulations in full, from which I will read the sections that pertain especially to judicial conduct and the behavior of the nominee:

> REGULATIONS, SERIAL NO. PR–10
> UNITED STATES OF AMERICA,
> CIVIL AERONAUTICS BOARD,
> *Washington, D.C.*
>
> Procedural Regulations, part 300.
> Effective March 30, 1051.
> Adopted March 27, 1951.

Mr. WILEY. What date was that?

Mr. PROXMIRE. It was effective March 30, 1951. It was adopted on March 27, 1951.

PRINCIPLES OF PRACTICE OF THE CIVIL AERONAUTICS BOARD

Although the standards and principles which usually govern the proceedings of judicial bodies have always been applicable to the Board in the conduct of its quasi-judicial functions, the Board has not previously reduced to written form those principles of practice by which the Board and the persons appearing before it should be governed. In December of 1950 the Board requested a representative committee of industry counsel established as the Civil Aeronautics Board Advisory Committee on Practices and Procedures to assist and to advise it in formulating procedures and practices with respect to proceedings before the Board. As an initial phase in its activity, a statement of rules of conduct which will serve as a guide for all parties and the Board and its staff in relation to proceedings before the Board has been recommended by the Committee and as modified is being adopted and promulgated by the Board as a guide to all parties in relation to matters pending before the Board.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a new part 300 to the Board's Procedural Regulations to read as follows, effective March 30, 1951:

"Part 300.—Principles of practice of the Civil Aeronautics Board

"300.0. Applicability of part: The principles of practice set out herein to the extent applicable shall govern the relationships between the Board, its staff, and all other persons.

"300.1. Judicial standards of practice: In many respects the functions of the Board are similar to those of a court and parties to cases before it and those who represent such parties are expected to conduct themselves with honor and dignity. By the same token, the members of the Board, and those of its employees who participate with the Board members in the determination of

cases upon a record, are expected to conduct themselves with the same fidelity to standards of propriety that characterize a court and its staff."

Incidentally, that is a phrase which should be remembered as we discuss the conduct of the Chairman of the Civil Aeronautics Board.

"The standing and effectiveness of the Board are in direct relation to its observance, that of its staff, and the parties and attorneys appearing before it, of the highest standards of judicial and professional ethics."

It would be interesting to compare this language with what actually occurred.

"300.2 Hearing cases—Improper influence: It is essential in cases to be determined after notice and hearing and upon a record that the Board's judicial character be recognized and protected. In such cases—

"(a) It is improper that there be any private communication on the merits of the case to a member of the Board or its staff or to the examiner in the case by any person, either in private or public life, unless provided for by law."

In the rear of the Chamber is a picture of a group of gentlemen at Pinehurst, N.C., on a junket which I shall discuss in some detail later, a junket which was paid for by two airlines supervised by the Civil Aeronautics Board. In the picture is the Chairman of the Civil Aeronautics Board, Mr. Durfee. His hosts also appear in the picture.

In this particular case, the nominee and the proponents of his nomination made a great issue of the assertion that it was public business which was being transacted at Pinehurst, N.C.; that the nominee went there for a public purpose, namely, to assist private airlines under the regulation of his Board.

As I shall point out in detail, the bill for the chartered Pullman car, in which Mr. Durfee traveled to Pinehurst, N.C., was paid for by the private airlines which are under his jurisdiction.

I continue to read from the code of ethics:

"(b) It is likewise improper that there be any private communication on the merits of the case to a member of the Board or to the examiner in the case by any members of the Board's staff who participate in the hearing as witnesses or as counsel.

"(c) It is improper that there be any effort by any person interested in the case to sway the judgment of the Board by attempting to bring pressure or influence to bear upon the members of the Board or its staff, or that such person or any member of the Board's staff, directly or indirectly, give statements to the press or radio, by paid advertisements or otherwise, designed to influence the Board's judgment in the case.

"300.3. Conciseness of presentation: Persons practicing before the Board should endeavor to present their cases in concise form avoiding cumulative and repetitious evidence, since the members of the Board participating in the decision of a case, after notice and hearing and upon a record, must familiarize themselves with the evidence in the record and with the arguments made on behalf of the parties orally and in written briefs, and must base their decision solely on the record."

Mr. President, I shall complete my reading of the code of ethics in a few minutes; but before I do so, and without losing my right to the floor, I shall yield to the distinguished acting majority leader and the distinguished minority leader, who desire to transact some business.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I should like to inquire of the acting majority leader whether it would not be possible, for the convenience of Senators, to establish the meeting time of the Senate for tomorrow, and then to have an understanding that there will not be a yea-and-nay vote on the nomination tonight.

I am informed that the distinguished Senator from Wisconsin [Mr. PROXMIRE] contemplated continuing to speak until approximately 6 o'clock. I ask the Senator if my understanding is correct that he will continue, probably, until 6 o'clock.

Mr. PROXMIRE. That would be my expectation.

Mr. DIRKSEN. Will the Senator expect to ask for a yea-and-nay vote on the nomination?

Mr. PROXMIRE. Indeed, I will.

Mr. DIRKSEN. Would the Senator prefer not to have a vote tonight?

Mr. PROXMIRE. It seems to me that it might be inconvenient for Senators to vote tonight. I understand the distinguished minority leader will speak and that my distinguished colleague from Wisconsin [Mr. WILEY] will speak. I presume there will be some interchanges during the speeches, and that it might be 7 or 8 o'clock before we could vote. I am perfectly willing to stay to vote this evening; but perhaps it would be more convenient for other Senators to postpone the vote until tomorrow.

Mr. DIRKSEN. Mr. President, I respectfully suggest to the acting majority leader that he ask unanimous consent that when the Senate concludes its business today, it recess until 12 o'clock noon tomorrow. In that way the Senate would remain in executive session and would continue to act on the nomination of Mr. Durfee until the matter had been concluded.

Mr. PROXMIRE. That would be satisfactory to me.

Mr. MANSFIELD. As I understand, there is a good possibility that the Senate will reach a yea-and-nay vote on the Durfee nomination tomorrow.

Mr. DIRKSEN. Yes.

ORDER FOR RECESS UNTIL NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it take a recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER (Mr. LUSK in the chair). Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR TRANSACTION OF MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate meets tomorrow, there be a morning hour as in legislative session, for the transaction of routine business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 634. An act for the relief of Grace C. Ream;

S. 1856. An act for the relief of Frank Podany;

S. 2434. An act to revise the boundaries and change the name of the Fort Laramie National Monument, Wyo., and for other purposes;

S. 2804. An act to donate to the Keweenaw Bay Indian Tribe, L'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon; and

S. 2877. An act to authorize the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 9307. An act to continue for 2 years the suspension of duty on certain alumina and bauxite, and to extend until July 16, 1960, the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory; and

H.R. 9331. An act to extend and increase the authorized maximum expenditure for the special milk program for children.

NOMINATION OF JAMES R. DURFEE TO BE ASSOCIATE JUDGE OF THE U.S. COURT OF CLAIMS

The Senate resumed the consideration of the nomination of James R. Durfee to be associate judge of the U.S. Court of Claims.

Mr. PROXMIRE. Mr. President, before I yielded the floor temporarily I was reading the Principles of Practice of the Civil Aeronautics Board, the judicial code of ethics under which the nominee has been serving since his appointment to the Board, which has governed his actions and activities on the Board. I had completed reading the sections involving "Applicability of Part, Judicial Standards of Practice, Hearing Cases—Improper Influence, and Conciseness of Presentation."

Mr. President, I now come to the part of the code of ethics which is the most pertinent in regard to this nomination. It is "300.4. Unusual hospitality." This is the portion of the code under which the nominee was to have conducted himself as Chairman of the Civil Aeronautics

Board. This is what he was told he should do and could do:

"300.4. Unusual hospitality: It is particularly improper that persons interested in the business of the Board should provide unusual hospitality to the Board or its staff; nor should such hospitality be accepted."

There is only one word in this very important paragraph which is subject to any interpretation. The rest of the language is very clear and explicit. The word to which I refer is "unusual."

The paragraph reads:

"300.4 Unusual hospitality: It is particularly improper that persons interested in the business of the Board should provide unusual hospitality to the Board or its staff; nor should such hospitality be accepted."

This paragraph is essential to an evaluation of the conduct—the judicial misconduct—of the nominee. This paragraph is essential to any fair determination as to whether the nominee should have his nomination confirmed, for a lifetime appointment to the Court of Claims at $25,500 per year. I shall return to this paragraph and place it up against some of the lavish entertainment from airlines, subject to the regulation of the Board and of the Chairman, which was accepted by the nominee.

"300.5. Attorney-client relationship: Persons practicing or appearing before the Board, whether or not members of the bar, should have due regard for the standards of professional conduct applicable to the lawyer-client relationship and to the relationship between a lawyer and a judicial tribunal.

"(a) The nontechnical nature of the Board's procedure calls for special adherence, by practitioners, to scrupulous standards of fairness, candor, and consideration for the rights of others in the pleadings filed, evidence submitted, conduct of the hearing, and briefs and arguments made. In appearing for a client, the practitioner thereby vouches on his honor that in his opinion the client's cause is one proper for determination, and in presenting pleadings and offering evidence he represents that the same are not offered for unwarranted delay and that in his opinion the content thereof is not misleading. Nor should he indulge in offensive personalities, unseemly wrangling, or intemperate accusations or characterizations.

"(b) A practitioner, moreover, should advise his client to observe the law according to his conscientious belief as to its permissible meaning and should use his best efforts to restrain his client from improprieties in dealing with the Board or its staff. If a client persists in such improprieties, the practitioner should terminate their relationship."

The final paragraph in this code of ethics indicates the code meant business:

"300.6. Violations: The Board may disqualify and deny, temporary or permanently, the privilege of appearing or practicing before it in any way to any person who is found after hearing by the Board to have engaged in unethical or improper professional conduct. Violation of any of the foregoing principles shall be deemed to be such conduct."

(Secs. 205(a), 1001, 52 Stat. 984, 1017; 49 U.S.C. 425(a), 641.)

By the Civil Aeronautics Board:

M. C. MULLIGAN,
Secretary.

CVI——514

Mr. President, the Chairman of the Board, when asked by a reporter for the Madison (Wis.) Capital Times what he would do if a member of the Board, an employee of the Board, or a staff member of the Board, violated this code of ethics, said that such a person would be fired forthwith. It is clear that the Chairman of the Board recognized this code of ethics and recognized at least the duty he had to live by it.

INCIDENTS INVOLVING CODE OF ETHICS BY MR. DURFEE

Now, Mr. President, there had been reports in the press that Mr. Durfee, while chairman of the CAB, had accepted hospitality from airlines which had cases pending before his Board. The charge was further made in the press that in this alleged action, Mr. Durfee had violated the code of ethics, as the press put it—the regulations—which I have just finished reading.

In order to determine whether these press accounts were true or false, I wrote directly to the head of each airline which had allegedly entertained Mr. Durfee when he was the Chairman of the CAB.

The first incident involved Pinehurst, N.C.; October 19–21, 1956.

I shall present my replies from these airlines in chronological order. The first letter is from Mr. L. C. Burwell, Jr., who was vice president of the Flying Tiger Airlines during the period October 19 to 21, 1956, when Chairman Durfee is alleged to have been the guest of Flying Tiger and Overseas National Airlines at a golfing party at Pinehurst, N.C.

Here is the letter, in toto. I shall read it into the RECORD.

DECEMBER 4, 1959.

DEAR SENATOR PROXMIRE: I apologize for not answering your letter of November 25 until today, but I was away from the office practically all week. I am glad of the opportunity to set the record straight with regard to the Pinehurst golfing party, since there has been a considerable amount of rumor and distortion about this in the press.

When the reporter for the Capital Times called me, he implied that his paper was anxious to correct certain derogatory rumors relative to Mr. Durfee's participation. This was a misrepresentation on his part because his article as it came out was extremely antagonistic and not factual.

At the time of this outing I was vice president of the Flying Tigers. I did not associate with Overseas National Airways until July 1, 1957. My home is at Pinehurst, and I am a Democrat. I am a colonel in the Air Force Reserve and have been personally extremely interested in airpower, and officially concerned with the role of the Military Air Transport Service in the general air transportation scheme of things.

The Flying Tiger Line, at that time, operated a business amounting to about $6 million a season in transatlantic commercial charters. The two largest competitors in this business were Pan American and, potentially, Overseas National. However, there was one thing on which the management of these three companies could agree, and that was a plan to curtail the competition of MATS in moving routine line-haul traffic that rightly should go by commercial air carrier.

Obviously the president of the Flying Tiger Line indicated that the Flying Tiger Line, Pan American, and Overseas National could increase their profits and benefit privately, financially, and pecuniarily if they could get some kind of an opportunity to transport the cargo which had been transported by the Government by the Military Air Transport Service.

He goes on to say:

I conceived the idea of a golfing weekend and of inviting not only airline officials, but persons in the Government who represented both sides of the argument, plus the Chairmen of the CAB and the Federal Communications Commission, who we wished to persuade to our point of view, but only with advocates for both sides on hand.

We invited, in addition to those that did attend, Lieutenant General Smith, Commander of MATS (who sent his alternate, General Wilson); General Twining, Chief of Air Staff; and Senator SYMINGTON. None of these could come. However, we did have Mr. Frank Pace, formerly Secretary of the Army; Mr. Juan Trippe, president of Pan American, and one of its directors, Mr. Mark McKee; Col. Harmar Denny, member of the CAB; Mr. Eugene Zuckert, formerly Assistant Secretary of the Air Force; and several others who are not important at this time. Mr. Prescott, president of the Flying Tiger Line, and I were there as well as Mr. George Tompkins, president of Overseas National. In order to avoid any appearance of impropriety, I asked Mr. Tompkins if he wished to share the cost and be cohost, which he agreed to do.

This is an interesting notion of impropriety. The head of the Flying Tiger Line feels that any impropriety could be avoided if he shared the cost with one of his two competitors—not with Pan American, but with Overseas National. Somehow a private meeting under those circumstances, with the airlines paying the fare, would be perfectly all right, so long as they divided the cost of entertaining the head of the CAB.

Continuing with Mr. Burwell's letter:

As many of the guests as I could accommodate stayed at my house. All of the guests were from time to time entertained at my house. This was entirely at my personal expense. Those who were accommodated at the Carolina Hotel had their bills paid by the two airlines. The transportation was by rail, and this was paid by the two airlines, using a chartered pullman car. There never was but one outing so that the reference to similar excursions being paid alternately is incorrect. The costs were borne jointly on a 50–50 basis.

Now answering your questions specifically:

1. Mr. Durfee was present.

2. The two airlines bore the costs jointly and the approximate figure per person was $85.

3. Mr. Durfee, to my knowledge, has not accepted any other hospitality, service, or any other consideration from either the Flying Tiger Line or Overseas National Airways.

I would like to add that in addition to the golf and good fellowship, we had serious, and I believe fruitful, discussions as to possible ways and means of allocating logically and fairly certain airlift missions of MATS to the civil industry. When I invited Mr. Durfee, I pointed out that under the act Congress had charged him with the responsibility of fostering the growth of civil aviation and here was a good chance for him to strike a blow for freedom.

In other words, the executive representing the Flying Tiger Line said that in addition to entertaining the head of the CAB, providing golf, good fellowship, poker, and drinks—poker is not

indicated here, but it is indicated in certain of the documents—public business was discussed, and specifically the public business of persuading the Military Air Transport Service to relinquish some of its routes so that the Flying Tiger Line and Overseas National and Pan American could fly those routes for their own profit.

Mr. Burwell concludes:

We got far more accomplished in 2½ days than we had in the past 2½ years, or would have gotten in the next 2½ years through uncoordinated random efforts. The CAB, MATS, and the airlines, I believe, saw each others' positions clearly and without prejudice. I think much good has come out of the meeting.

I hope this answers your questions.

Sincerely,

L. C. BURWELL, Jr.

I would call particular attention of the Senate to two sections of this letter which I will read in connection with the regulations or code of ethics of the Civil Aeronautics Board.

I refer to section 300.4 of the "Principles of Practice of the CAB" which reads:

300.4. Unusual hospitality: It is particularly improper that persons interested in the business of the Board should provide unusual hospitality to the Board or its staff; nor should such hospitality be accepted.

On this point I refer the Senate to the following statement in the Burwell letter on the Pinehurst outing:

In order to avoid any appearance of impropriety, I asked Mr. Tompkins (George Tompkins, president of Overseas National), if he wished to share the cost and be cohost, which he agreed to do.

As many of the guests as I could accommodate stayed at my house. All of the guests were from time to time entertained at my house. This was entirely my personal expense. Those who were accommodated at the Carolina Hotel had their bills paid by the two airlines. The transportation was by rail and this was paid by the two airlines, using a chartered pullman car.

A little later in the Burwell letter:

Now answering your questions specifically:

1. Mr. Durfee was present.

2. The two airlines bore the costs jointly and the approximate figure per person was $85.

3. Mr. Durfee, to my knowledge, has not accepted any other hospitality, service, or any other consideration from either Flying Tiger Line or Overseas National Airways.

Did this constitute a violation of the section 300.4?

In the first place, there is no question that both Flying Tiger and Overseas National were deeply "interested in the business of the Board," before, during, and after this outing.

I call attention to the following applications of Flying Tiger and Overseas National pending on October 19, 20, and 21, 1956, which I received recently from the CAB.

At the very moment that Overseas National and the Flying Tiger Line were entertaining Mr. Durfee, Chairman of the CAB, at Pinehurst, the Flying Tiger Line had the following cases pending before the CAB:

TIGERS

Docket No. 6893, temporary exemption, transport ships crew from Lisbon to Baltimore for Mystic Steamship Co.

Docket No. 8255, temporary exemption, four round trip charter, American Legion Post from Frankfort to New York.

At the same time Overseas National had the following cases pending before the CAB:

OVERSEAS NATIONAL

Docket Nos. 4233, 5302, 5303, 5304, applications for various authorities in the large irregular Air Carrier case, which involved supplemental air carriers the scope of their operations and the type of authorizations to be issued.

Docket No. 8056, United States to various points in Europe, route application.

Docket No. 7838, temporary exemption from certain tariff filing provisions in connection with military charters. (Later dismissed as moot.)

In the second place there is no question that hospitality was offered by these interested persons and no question that it was accepted. The only question remaining is the reference in 300.4 to "unusual" as the description of the kind of hospitality that is forbidden. I ask the Senate to consider what type of entertainment might be considered unusual if this were not. Is there one man in a thousand who would not consider it unusual hospitality if he were taken on a golfing outing to Pinehurst, N.C., in a chartered pullman car for 2½ days of golfing and entertainment? Frankly, I think I have enjoyed my share of entertainment, but I can recall no occasion in my life where the entertainment was as unusual as this weekend. My own opinion is that this was a direct and flagrant violation of section 300.4 of the CAB code of ethics, a judicial code of ethics.

At a time when the character of our people is a matter of the deepest concern to our leadership, and to all the people of America, if the Senate is to approve the promotion to a lifetime judicial appointment of a man who has seriously violated a specific code of ethics by accepting unusual hospitality offered by airlines and paid for by airlines under his jurisdiction, it seems to me that there is a serious lack of concern on the part of Senators for the role this most powerful and most famous deliberative body plays with regard to the public morale and the public character.

COMMITTEE REPORT EVADES CENTRAL ISSUE IN PINEHURST TRIP

The Wiley report meets this sober and serious objection by completely evading it. The report argues that the safari to Pinehurst was justified because constructive public business was discussed. And this is the committee's only argument justifying the trip. Mr. President, this is exactly why this sojourn was not right. This is precisely the purpose of a code of ethics: to prevent the public business from being discussed under circumstances that would obligate public officials to the private interests which they are paid to regulate. Public business was discussed to the very great advantage of the private interests represented, and under circumstances which provided a subtle, pervading guest-host obligation on the part of the Chairman of the CAB—the nominee toward the hosts he has been hired to regulate—in direct violation of the code of ethics of the Civil Aeronautics Board.

The committee report deals with this allegation with this lame little concluding paragraph, all alone, consisting of 25 words:

It is certainly not within the jurisdiction of this committee to interpret the Civil Aeronautics Board code of ethics—

I stop right there to point out that the committee is being completely inconsistent in this regard because, a little later, reference is made in the report to the two inaugural flights taken by the Chairman. In that regard there is no hesitation on the part of the committee to interpret the code of ethics by saying that the code of ethics was not violated. That was the opinion of the committee with regard to two other occasions, but on this occasion it says the subject was not in the jurisdiction of the committee. It says the committee did not interpret the code of ethics.

I continue to quote from the committee's report:

Yet there is nothing in the evidence concerning this meeting which would raise any question in the minds of the members of this committee as to the propriety of the nominee's conduct.

It seems to me that if the Chairman of the Civil Aeronautics Board is going to accept the hospitality of 2½ days at Pinehurst, N.C., extended to him by 2 airlines which have cases pending before the CAB, the impropriety is perfectly obvious. It would also seem possible to ask the question whether the results of the meeting involved an impropriety other than what is an obvious, clear, prima facie impropriety, because there is no report of what happened except from the nominee himself and these interested parties. I will come to the kind of disclosure that was made of this meeting.

The heart of this nomination is the explicit breach of a clearly enunciated judicial code by the nominee. When the committee report says that it is not within the committee's jurisdiction to interpret the code, it evades the moral issue in this nomination.

There has been widespread and proper concern with the possible ethical breaches of the former Chairman of the Federal Communications Commission, who recently accepted lavish hospitality from the owner of television stations, when he accepted the hospitality of 6 days on a yacht owned by that television executive; and there has also been widespread concern with ex parte contacts and privately furnished plane rides by the gas industry with Federal Power Commission officials. These have shocked and aroused the Nation in front page exposés. The Chairman of the Federal Communications Commission

resigned his job under fire after a conference with the President. The Federal Power Commission faces a congressional investigation.

In this case we have a combination of the acceptance of an ex parte approach and lavish entertainment that directly contradicts a specific judicial code. Yet the committee report on the nomination of the violator to a highly responsible lifetime judicial appointment says in effect: whether the judicial code was violated is none of our business.

Mr. President, there may be very little the Senate or the Government can do to stiffen the moral flabbiness of the Nation but I know that we set a pitiful moral example for the Nation when we not only fail to censure this kind of conduct, but actually reward it with a lifetime judicial appointment at $25,500 per year.

COMMITTEE REPORT INCREDIBLY MISLEADING IN RELATING PUBLICITY ON PINEHURST TRIP

Mr. President, the committee report is seriously inaccurate in dealing with this incident. It says and I quote:

> It is to be noted further that this meeting was given widespread publicity.

I shall quote that again, because it is such a fantastic statement:

> It is to be noted further that this meeting was given widespread publicity.

This statement should be a sure winner in any competition for the title of most misleading of the year. Exactly what publicity did emerge from this meeting?

Was there a report to the aviation industry? There was not.

Was there a report to the Congress or its pertinent committees? There was not.

Was there an account in the New York Times or the Associated Press or the United Press International? There was not.

Was there a report in any daily newspaper or weekly newspaper anywhere? There was not.

Was there any kind of record kept, any stenographic transcript, any notes concerning the agenda or the details discussed or even the conclusion? There was not.

How then was the meeting given widespread publicity?

Mr. President, not in the New York Times, or the Wall Street Journal, not in any aviation publication or any official Government document.

The report was made, not in any of the 1,500 daily newspapers of America, not in any one of the 10,000 weekly newspapers of America. The report was made in Sports Illustrated in December 1956, 6 weeks after the event took place. That is right; I said Sports Illustrated. I suppose the Police Gazette, or Film Fun, Screen Romances, or Confidential would have been as appropriate.

Here in the wholesome aroma of the locker room, the 19th hole, How To Play Bridge, and who is the outstanding exponent of the butterfly kick, a report was made to the American public of this meeting involving the head of America's Civil Aeronautics Board, the top aviation regulatory agency in this country. The only report, that is right, the only report to the American people on this highly significant meeting.

And what was the nature of this report, Mr. President? Well, here it is in all of its entirety, this picture I have mounted in the back of the chamber of the nominee, the top man of the CAB, some other public officials past and present, and some of the leaders of the aviation industry. The description on the top is mine. It reads: "The only public record of the Pinehurst, N.C., conference at which CAB officials and airlines executives discussed public business."

The only words on this meeting appearing in Sports Illustrated are a notation of obscure implication in the upper right-hand corner labeled, "Pat on the Back." The cut line is headed "High Flying Golfers." This is the total report of the meeting, which the committee report calls widespread publicity:

> Putting shop talk aside, this group of top aeronautic executives and Government officials held an informal meeting of the exclusive golfing and inside-straight society—

I presume that refers to the poker games they played—

> and played their own tournament on the links at Pinehurst, N.C. Participating members are George Tompkins, president, Overseas National Airways; former Army Secretary Frank Pace, Jr., now executive vice president, General Dynamics Corp., and winner of the tournament—

This picture was printed in 1956. Since then some of these people have moved up the ladder.

> Juan Trippe, president, Pan American World Airways; Eugene Zuckert, attorney; Ramsay D. Potts, Jr., attorney; Lewis C. Burwell, Jr., vice president, Flying Tiger Airline; Robert Prescott, president, Flying Tiger Line; John Doerfer, Commissioner, Federal Communications Commission—

He is the man who resigned from the Federal Communications Commission under fire—

> James Durfee, Chairman, Civil Aeronautics Board; Marsden Blois, president, Miller & Lux; and Col. Harmar Denny, member, Civil Aeronautics Board.

The "golfing and inside-straight society" held a meeting at Pinehurst. Durfee and other big brass in aviation were there. This is the only information given to the American public, Mr. President, and unless they read Sports Illustrated they received no report at all.

Now, Mr. President, if the proponents of this nomination in the Senate want to argue that this meeting was widely publicized in any pertinent, judicious, useful way to an interested public curious about the policies being decided at Pinehurst, they argue in vain. I have in my hand a letter dated only a few days ago from the head of the Congressional Liaison Section of the CAB who declares to me that this Sports Illustrated picture and cutline was the only report made of the Pinehurst meeting. I quote from the letter from Charles T. Donnelly, Chief, Congressional Liaison Section, CAB:

> As Chairman Durfee testified before the Judiciary Committee, this trip was covered in a national magazine, Sports Illustrated, which I understand has a national circulation of about 90,000. I understand that this publicity was arranged by those who sponsored the trip. It is not customary for the Board to issue publicity on members' trips except where formal public appearances are involved and, as Chairman Durfee pointed out in his testimony, there was no formal publicity concerning this trip. I am not aware of any other publicity concerning the trip except the news coverage subsequent to the reports of Chairman Durfee and Member Denny on the trip, in October 1957 (a year later) to the House Subcommittee on Legislative Oversight.

That was when Mr. Doerfer and others were under fire for this kind of activity.

The fact is that the public was effectively and completely shut out of this meeting. Mr. Burwell, one of the two principal hosts and the vice president of Flying Tiger is on record in the letter I have previously put into the RECORD as saying:

> We got far more accomplished in 2½ days than we had in the past 2½ years or would have gotten in the next 2½ years.

That is great for Flying Tiger. Their profits have zoomed to reflect that Mr. Burwell was substantially correct in the accomplishment for his airline. The Military Air Transport Routes have been decimated since that meeting. Is this good for the defense of this Nation? Is it good for the taxpayer? Who knows? We cannot tell. The public was shut out. The door was slammed in the face of all reporters except Sports Illustrated which let the sports fans know that the big aviation brass had a good time playing golf and poker, because that magazine referred to the golfing and inside straight society.

Mr. President, the only way public officials in the Congress and newspapers outside the Congress can know whether this vitally important meeting violated the public interest is to have a report on it. The fact is that no report was made.

What is worse, from a judicial standpoint, the public, which has a prime interest in meetings as important as this one, has no judicial record on which to rely. Although some contending parties were present, the public was locked out. From a public standpoint, this is the worst aspect of ex parte violations. Yet the nominee indulged in it without apology, without the slightest recognition that anything was wrong.

It is true that an aspect of an ex parte approach, I presume, is that one party to a controversy approaches, or attempts to approach, a judge, and the other party has no knowledge of it. I feel certain that the proponents of Mr. Durfee's nomination will claim that this action was not ex parte, because various contending parties were represented. In this kind of consideration, where the airlines were desirous of taking over, as they admitted, the routes of the Military Air Transport Service, the party which should have been represented above all was the public. The public had the right to know what was taking place. However, the only report made

to the public was the report which appears in the rear of the Chamber—the report of those 10 or 12 happy golfers who were entertained by the airlines.

So there it is. Two private airlines in fact provided a lavish weekend of golf and poker for the nominee as head of the Civil Aeronautics Board. He accepted the hospitality, discussed business in detail with the hosts to their very great satisfaction, but made no report whatsoever to the public. This event certainly was not reported or made known to the public. Mr. President, if there were no judicial code governing the nominee's conduct, his action would be subject to serious criticism. But in this case there was an exact judicial code. The nominee violated it; and not a line in the committee report or in the testimony of the nominee in the hearings questions that on this occasion he violated the code of his own organization.

NOMINEE VIOLATED CRIMINAL LAW IN PINEHURST TRIP

Mr. President, I now come to an extremely serious allegation concerning this trip, because I am convinced that the nominee not only violated the code of ethics of his own organization by accepting this hospitality, but, in fact, violated the criminal statutes of the Federal Government.

I make this serious charge based on a letter which I received from the Comptroller General which offered the opinion on the following hypothesis:

An official of an agency of the United States who might have his transportation, costs, hotel bills, and other expenses paid by an individual, association, or corporation, there being no claim made by such employee or official for payment of any such expenses by the United States, * * * our decisions have indicated generally the view that the payment by others of the traveling expenses of an officer or employee of the Government is prohibited by 18 U.S.C. 1914. However, we pointed out that since 18 U.S.C. 1914 is a penal statute any purported violation thereof would be for final determination by the Department of Justice and the courts.

Of the propriety of the practice of having travel and other expenses of an officer or employee of the Government paid by a private party or parties, the Comptroller General wrote:

While we hesitate to say that the acceptance of gifts by officers of the regulatory agencies offend the sense of propriety in every instance, certainly the acceptance of the more expensive gifts, the payment of hotel bills and traveling expenses by outside agencies gives rise to serious doubts as to their propriety. In our opinion, such practice is not in keeping with the conduct which the public demands of Government officials and should not be condoned, thus avoiding any appearance of favoritism whatsoever.

That is the opinion, not of this Senator; it is the opinion of the Comptroller General of the United States, who raises this very serious question as to the legality of the action of the nominee. It seems to me that no other conclusion can possibly be reached by any court than that if this statute is construed, no matter how it is construed, the nominee violated the law.

Mr. President, I ask unanimous consent that the entire text of the letter from the Comptroller General, dated March 21, 1960, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., March 21, 1960.

Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: Reference is made to your recent inquiry concerning a weekend trip by Mr. James R. Durfee, Chairman, Civil Aeronautics Board, to Pinehurst, N.C., covering the period October 19 to 21, 1956, as a guest of certain airlines.

We have been unable to locate any record of any charge to the United States in connection with Mr. Durfee's trip to Pinehurst in 1956. Therefore, we assume that the Government paid none of the travel expenses of this trip.

As to the legality of payment by private parties of the expenses of an official of the United States incurred in the performance of official duty (no cost to the Government being involved), the only statute of which we are aware that might be for consideration is that contained in 18 U.S.C. 1914, which provides as follows:

"Whoever, being a Government official or employee, receives any salary in connection with his service as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

"Whoever, whether a person, association, or corporation, makes any contribution to, or in any way supplements the salary of, any Government official or employee for the services performed by him for the Government of the United States—

"Shall be fined not more than $1,000 or imprisoned not more than 6 months, or both."

In our letter of December 24, 1957, to the chairman, special Subcommittee on Legislative Oversight, Committee on Interstate and Foreign Commerce, House of Representatives, we discussed generally the application of 18 U.S.C. 1914 (pursuant to the subcommittee's request) to various practices of officers and employees of the regulatory agencies accepting entertainment and having their traveling and other expenses paid by an individual, association, or corporation subject to an agency's regulatory authority. One of the practices discussed was that of an official of an agency of the United States who might have his transportation costs, hotel bills, and other expenses paid by an individual, association, or corporation, there being no claim made by such employee or official for payment of any such expenses by the United States.

In commenting on that particular practice in our letter of December 24, 1957, we stated that our decisions have indicated generally the view that the payment by others of the traveling expenses of an officer or employee of the Government is prohibited by 18 U.S.C. 1914. However, we pointed out that since 18 U.S.C. 1914 is a penal statute any purported violation thereof would be for final determination by the Department of Justice and the courts. Also, we referred to the somewhat different view expressed in an opinion of the Attorney General (33 Op. Atty. Gen. 275) which held that where the officer or employee whose expenses are paid from outside sources does not personally benefit therefrom, any more than he would if he paid his own traveling expenses, the provisions of 18 U.S.C. 1914, are not violated.

In testimony before the Subcommittee on Legislative Oversight (February 3, 1958) on the same subject matter, we reiterated the points covered in our letter of December 24, 1957, as noted above, and again stated that the question whether the penal provisions of that statute are violated would be for decision by the Department of Justice and the courts.

Concerning the propriety of the general practice of traveling and other expenses of an officer or employee of the Government being paid by a private party or parties, the concluding paragraph of our letter of December 24, 1957, is as follows:

"While we hesitate to say that the acceptance of gifts by officers of the regulatory agencies offend the sense of propriety in every instance, certainly the acceptance of the more expensive gifts, the payment of hotel bills and traveling expenses by outside agencies gives rise to serious doubts as to their propriety. In our opinion, such practice is not in keeping with the conduct which the public demands of Government officials and should not be condoned, thus avoiding any appearance of favoritism whatsoever."

Referring again to our testimony on this subject matter, we indicated in our statement to the Subcommittee on Legislative Oversight that the views expressed in our letter of December 24, 1957, were furnished solely on the basis of the examples set forth in the subcommittee's letter to us which did not mention individuals.

We do not believe that it is a responsibility of our Office to undertake to express an opinion on the propriety of individual trips where none of the expenses of the officer or employee of the Government are paid by the Government, especially since we have no authority to make a final determination under 18 United States Code 1914, the enforcement of the statute being a function of the Department of Justice and the courts.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

Because the Comptroller General contended that I would have to count on the Attorney General for a specific determination of the legality or illegality of the nominee's action, I wrote the Attorney General, asking him to provide me with his opinion.

Mr. President, I shall read my letter to the Attorney General, because it seems to me to be necessary to make it clear that I have done everything in my power to make certain whether there was a violation by the nominee of the criminal code. I think it is extremely important to show how responsible officials of the Government have evaded an answer.

MARCH 22, 1960.

The Honorable WILLIAM P. ROGERS,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

DEAR ATTORNEY GENERAL ROGERS: I recently requested from the Comptroller General his view of the propriety and legality of a trip taken by James Durfee, in his official capacity as Chairman of the Civil Aeronautics Board, to Pinehurst, N.C., in October 1956 at the expense of two airlines which had cases pending before the CAB at the time.

I am enclosing a copy of the reply I received from the Comptroller General.

You will note that he concludes by stating: "We do not believe that it is a responsibility of our Office to undertake to express an opinion on the propriety of individual trips where none of the expenses of the officer or employee of the Government are paid by the

Government, especially since we have no authority to make a final determination under 18 United States Code 1914, the enforcement of that statute being a function of the Department of Justice and the courts."

In an earlier paragraph, Mr. Campbell stated that "* * * since 18 United States Code 1914 is a penal statute any purported violation thereof would be for final determination by the Department of Justice and the courts."

In view of the above statements by the Comptroller General, I am anxious to secure your opinion as to (1) the propriety of the specific trip in question, and (2) whether or not it is a violation of 18 United States Code 1914.

For your information, I am enclosing a copy of a letter I received from Mr. L. C. Burwell, who was then vice president of the Flying Tiger Line, one of the cohost airlines, regarding the circumstances and purpose of the Pinehurst trip. I am also enclosing a copy of that portion of Mr. Durfee's testimony before the Senate Judiciary Committee on his nomination to the Court of Claims which relates to this trip.

I would appreciate hearing from you as soon as possible on this matter.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

The Attorney General replied on April 1; he refused to inform me whether, in his judgment, the nominee had violated the law, although the Comptroller General had told me that I must rely on the Attorney General, or else—in effect—go to court and demand the arrest of the nominee, in order to secure a determination. The Attorney General refused to reply, on the ground that he is authorized by law to render legal opinions only to the President and to the heads of executive departments.

I shall read the letter, which was a reply by the Department of Justice to my request as to whether the action of the nominee was a violation of the criminal code.

Let me repeat that the Comptroller General had stated in his letter to me that only the Attorney General was in a position to act on this question, unless I wished to go to court and demand the arrest of the nominee, in order to obtain a court determination of this question.

Mr. President, I now read the letter from the Department of Justice:

DEPARTMENT OF JUSTICE,
Washington, April 1, 1960.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: The Attorney General has asked me to reply to your letter of March 22, 1960, requesting his opinion as to the propriety and legality of a trip taken by James R. Durfee, Chairman, Civil Aeronautics Board, to Pinehurst, N.C., in October 1956 as a guest of certain airlines. Your letter is accompanied by a copy of a letter of December 4, 1959, from L. C. Burwell, Jr., of Overseas National Airways, setting forth the circumstances of the trip in question, a copy of a letter of March 21, 1960, from the Comptroller General, relating to the same trip, and a copy of that portion of Mr. Durfee's testimony before the Senate Judiciary Committee on his nomination to the Court of Claims which relates to that trip.

The Attorney General is authorized by law to render legal opinions only to the President and the heads of executive departments. Consequently, the Attorney General is unable to comply with your request.

Sincerely yours,

ROBERT KRAMER,
Assistant Attorney General, Office of Legal Counsel.

Thus, Mr. President, the Attorney General turned down my request for a determination as to whether the action of the nominee constituted a violation of the Criminal Code.

I then took the only course remaining open to me. I wrote to President Eisenhower and asked him to request the Attorney General to give a legal opinion on whether the Pinehurst trip was illegal. My letter is relatively short and relates directly to this situation. Therefore, I now read the letter to the Senate:

APRIL 7, 1960.

Hon. DWIGHT D. EISENHOWER,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This letter relates to your appointment of James Durfee, presently Chairman of the Civil Aeronautics Board, to the U.S. Court of Claims.

I am anxious to be as fair to Mr. Durfee as I can. At the same time, as a Senator from Wisconsin, I feel a responsibility to the Senate to get all the facts relating to Mr. Durfee's conduct. They have an important bearing on this nomination.

I now find that only you are in a position to provide me with one essential fact that I need. This relates to the legality or illegality of certain conduct by Mr. Durfee.

The conduct in question involves a trip taken by Mr. Durfee, in his official capacity as Chairman of the Civil Aeronautics Board, to Pinehurst, N.C., in October 1956 at the expense of two airlines which had cases pending before the CAB at the time. Both Mr. Durfee and a host airline's executive have confirmed the fact that public business was discussed at this meeting.

I requested, first, from the Comptroller General and, later, from the Attorney General their opinion of whether Mr. Durfee's action in accepting hospitality from the industry his Board regulates constituted a violation of title 18, United States Code, 1914, which prohibits an employee of the Government from receiving any salary for his services as a Government employee from any source other than the Government or a State.

The Comptroller General replied that prior decisions of his office were that the payment by others of the traveling expenses of an officer or employee of the Government is prohibited by law, but that violation of the law would have to be determined legally by the Department of Justice and the courts.

In view of this reply, I then wrote to the Attorney General, to secure his opinion. I am enclosing a copy of the reply I received from the Assistant Attorney General, Robert Kramer, on behalf of the Attorney General, in which he states:

"The Attorney General is authorized by law to render legal opinions only to the President and heads of executive departments. Consequently, the Attorney General is unable to comply with your request."

I have tried through the only channels available—the Attorney General and the Comptroller General—to secure an opinion of the legality and propriety of Mr. Durfee's acceptance of the airlines' hospitality on the Pinehurst trip. I have been unable to do so. The Comptroller General informed me that he considers conduct similar to that indulged in by Mr. Durfee illegal, but only the Attorney General can make a formal legal determination. When I asked the Attorney General for a formal opinion, he informed me that you and your department heads alone had the right to request such an opinion.

In view of these statements and the fact that Mr. Durfee's nomination is a Presidential nomination to a high judicial post, I respectfully ask that you request the Attorney General to give you a legal opinion on the Pinehurst trip and that you make it available to me.

Since the Senate will act on the Durfee nomination shortly, I believe it necessary for Members of the Senate to have this information before deliberation begins.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

On April 9th, the President replied, through his Deputy Assistant. He said that he would not assist me to secure the definitive legal opinion on the legality of the nominee's trip to Pinehurst—on two interesting grounds: First, the President knew all about the facts of Durfee's trip when he nominated him for the Court of Claims; second, the Senate Judiciary Committee had already looked into "any possible questions which could be raised", and had not questioned the propriety of the nominee's conduct.

Mr. President, I shall ready this curious refusal in the name of the President of the United States to answer a simple question:

THE WHITE HOUSE,
Washington, April 9, 1960.

DEAR SENATOR PROXMIRE: This will acknowledge receipt of your letter of April 7 addressed to the President, with relation to his submission of the nomination of James Durfee to the United States Court of Claims. All of the facts which you relate were known to the President at the time he submitted his nomination of Mr. Durfee to the Senate. According to the March 7, 1960, report of the Senate Judiciary Committee in its consideration of the nomination of Chairman Durfee, all of the matters contained in your letter to the President were considered with care, and somewhat exhaustively, by the committee.

Mr. President, as a result of my earlier discussion of the committee report, I think it apparent that the portion of the letter I have just finished reading can scarcely be considered an accurate description of the action the committee took on the nomination.

I read further from the letter:

Following the hearing and consideration of these matters, Mr. Durfee's nomination was unanimously reported to the Senate. It would seem that any possible questions which could be raised as to the matter concerning you which you relate in your letter have been thoroughly considered and are a part of this report.

Once again, Mr. President, let me say that a most cursory examination of the report would indicate that in the letter which I have been reading to the Senate, the Administration has omitted any reference to a number of exceedingly important allegations which I made in my opposition to confirmation of the nomination, and would also indicate that the Administration either failed to consider them, or else handled them

inaccurately, and certainly without giving them fair consideration.

I read further from the letter from the White House:

> After discussing and carefully considering all of the facts in connection with the matter the Senate Judiciary Committee, before which you yourself testified on the very subject matter in question, unanimously found:
>
> "It is certainly not within the jurisdiction of this committee to interpret the Civil Aeronautics Board 'Code of Ethics,' yet there is nothing in the evidence concerning this meeting which would raise any question in the minds of the members of this committee as to the propriety of the nominee's conduct."

I have already addressed myself to that statement by the committee.

I now read the remainder of the letter from the White House:

> In view of the foregoing the President must decline to accede to your request.
>
> Sincerely,
>
> GERALD D. MORGAN,
> *The Deputy Assistant to the President.*

Mr. President, from any fairminded reading of the Comptroller General's analysis of the behavior of the nominee, it follows that there is very serious question, and there is a strong likelihood that the nominee has violated the criminal code. If he has not done so, the Attorney General could quickly and easily verify that he has not done so, via a Presidential request. The President has chosen to leave the legality of his nominee's conduct in serious doubt. Why?

REFERENCE TO THE PINEHURST TRIP IN THE SUBCOMMITTEE ON LEGISLATIVE OVERSIGHT

Mr. Durfee has stated that the report of the Subcommittee on Legislative Oversight contained no reference to the matter of his acceptance of free trips.

However, I should like to call the attention of the Senate to some of the questions put to Mr. Doerfer, former Chairman of the Federal Communications Commission, by that subcommittee's chief counsel, Mr. Bernard Schwartz, in which he referred in great detail to this particular trip to Pinehurst and the propriety of taking the trip. It seems to me that the line of questioning followed by the subcommittee's counsel made it very clear that he was questioning the propriety of a member of a regulatory commission accepting the hospitality of private companies under the regulation of that commission or board. I should like to read the pertinent parts of this exchange between Mr. Schwartz and Mr. Doerfer:

> Mr. SCHWARTZ. The question is whether it (a vacation or golfing trip) is the expense of any person, corporation, association, or representative thereof subject to your jurisdiction as Commissioner.
>
> Mr. DOERFER. I went to that golf course (Pinehurst) in October of 1956 at the invitation of some airline. Now, whether or not that particular airline has any facilities which we regulate or license, at the moment I wouldn't know.

It seems to me this reply by Mr. Doerfer, this man who resigned, under fire, from the FCC, and whose sensitivity on these matters one might tend to question, saw the relationship between accepting favors and regulating the donors of those favors.

Mr. Schwartz continued:

> Did they pay your transportation and expenses, Mr. Doerfer?
>
> Mr. DOERFER. Yes, they did.
>
> Mr. SCHWARTZ. Do you recall any members of regulatory commissions being along on that trip, Mr. Doerfer?
>
> Mr. DOERFER. Yes.
>
> Mr. SCHWARTZ. Would you tell us who they were.
>
> Mr. DOERFER. Mr. James Durfee of the CAB.

I think it is clear from this kind of questioning that the Subcommittee on Legislative Oversight, at least through its counsel, was highly interested in this free trip for members of regulatory commission whose members might be regulating the parties who paid for the trip.

MEXICO CITY INCIDENT

I come to the second incident, the Mexico City incident. The second letter I received in reply to my inquiry concerning the conduct of the nominee was from Mr. Eddie Rickenbacker, chairman of the board of Eastern Airlines. I will submit the letter in toto and then read pertinent parts of the letter as they seem to relate to Principles of Practice of the CAB, section 300.4 "Unusual Hospitality," which, I repeat, provides:

> It is particularly improper that persons interested in the business of the Board should provide unusual hospitality to the Board or its staff; nor should such hospitality be accepted.

Now let me say that on August 14, 1957, the CAB, headed by Mr. Durfee, had approved the award of a nonstop route from New York to Mexico City for Eastern Airlines. On September 13, 1957, Pan American Airlines petitioned the CAB to reconsider the allocation of the route to Eastern. From September 15, 1957, to September 18, 1957, Mr. Durfee was alleged to be the guest of Eastern Airlines on a special trip to Mexico City and back. On October 23, the CAB upheld the award of the route to Eastern Airlines and denied the petition of Pan American.

This is a significant factor in the situation which the committee report ignores. The Chairman of the Civil Aeronautics Board not only accepted hospitality from Eastern Air Lines, participating in the inaugural flight to Mexico City and back and being entertained for 4 days at the expense of Eastern Air Lines in Mexico City, but he accepted that hospitality and went on the trip 2 days after the very route for which the inaugural flight was being taken was subject to a petition by another airline challenging its allocation to Eastern. Pan American petitioned the CAB to revoke the allocation of this route to Eastern Air Lines on September 13, and while this petition was pending, the Chairman of CAB turned to Eastern and said, "I will accept your hospitality. I will go on the trip." In fact, he went on the trip, went to Mexico City, and accepted all of the hospitality offered by Eastern Air Lines during the trip. This was, as I have said, at a time when his board and he himself were responsible for determining whether or not Eastern Air Lines should be permitted to keep that route.

I think this is the clearest kind of impropriety, and I would certainly question the propriety of the Chairman of the CAB having a part in the decision as to the right of Eastern Air Lines to retain the route, when he had been a guest on the inaugural flight of that route.

Let me also add for the record that on September 30, 1957—the nearest date to the alleged trip for which statistics were available—there were no less than 76 applications by Eastern Air Lines pending with the Civil Aeronautics Board, according to information recently furnished me by the CAB, as follows:

Docket No. 7375, service to Puerto Rico case.
Docket No. 4842, service to Puerto Rico case.
Docket No. 7759, service to Puerto Rico case.
Docket No. 4096, reopened Charleston-Columbus.
Docket No. 8239, St. Louis-Southeast service case.
Docket No. 8240, St. Louis-Southeast service case.
Docket No. 2396, Great Lakes-Southeast service case.
Docket No. 7286, Great Lakes-Southeast service case.
Docket No. 7287, Great Lakes-Southeast service case.
Docket No. 7288, Great Lakes-Southeast service case.
Docket No. 7289, Great Lakes-Southeast service case.
Docket No. 7290, Great Lakes-Southeast service case.
Docket No. 7291, Great Lakes-Southeast service case.
Docket No. 7292, Great Lakes-Southeast service case.
Docket No. 7529, Great Lakes-Southeast service case.

This, Mr. President, at the time when Eastern Air Lines was entertaining the Chairman of the CAB by flying him to Mexico City and back.

I continue to relate the applications by Eastern Air Lines pending with the Civil Aeronautics Board at that time:

Docket No. 8207, Dallas to the West case.
Docket No. 3207, Chicago-Twin Cities case.
Docket No. 8726, enforcement proceeding.
Docket No. 3406, Southeastern area local service.
Docket No. 5255, Southeastern area local service.
Docket No. 7146, Southeastern area local service.
Docket No. 8147, Southeastern area local service.
Docket No. 8481, Southeastern area local service.
Docket No. 3151, Evansville, Ind.-Minneapolis/St. Paul, via intermediates.
Docket No. 3624, nonstop: Richmond or points north—points west of San Antonio.
Docket No. 3986, Chicago-Minneapolis/St. Paul; St. Louis-Tulsa, etc.
Docket No. 4090, consolidate Routes 5 and 6 and part of Route 10.
Docket No. 4092, remove restriction of Columbia and Charleston, S.C., on Route 6.
Docket No. 4278, more flexible operation on cargo flights on Routes 5, 6, 10, and 47.
Docket No. 4931, extend Route 6 from Roanoke to Chicago (severed from Docket 4837).
Docket No. 5973, St. Louis, Mo.-Kansas City, Mo.

Docket No. 6052, New York-San Francisco/Oakland, via intermediates.

Docket No. 6053, Ft. Worth-San Francisco/Oakland, via Albuquerque, Phoenix, Los Angeles.

Docket No. 6054, Washington-San Francisco/Oakland, via Cincinnati, Indianapolis, etc.

Docket No. 6055, San Francisco/Oakland-New York; New Orleans-Detroit.

Docket No. 6722, Remove restriction from Route 5 re service to Raleigh-Durham.

Docket No. 6829, Intermediates between a proposed Houston-Dallas Route (severed from 4144).

Docket No. 6833, Oklahoma City-San Francisco/Oakland (severed from 6056).

Docket No. 6834, Memphis-Chicago; Memphis-Kansas City; etc. (severed from 6057).

Mr. President, I shall continue, in a minute, listing the enormous number of cases Eastern had pending before the CAB at the very time when the Chairman of the CAB was the guest of Eastern on a flight to Mexico City and the guest of Eastern in Mexico City, where he was wined and dined, as I shall show shortly, very sumptuously.

Mr. President, I am taking the time of the Senate to go into this in detail because it seems to me there is necessary a repetition of the fact that there was not simply one case Eastern had pending before the CAB at that time, but case after case after case after case. In every single case the Chairman of the CAB was acting as a judge to determine whether Eastern or some other litigant should be favored by the decision of the CAB, or whether Eastern should receive some benefits which might occur at the expense of the public. As I say, I am not referring to one or two isolated cases, but to a tremendous number of cases. I am going to continue to read the list of cases which were pending at the time the Chairman of the CAB was entertained lavishly in Mexico City by Eastern Airlines:

Docket No. 7153, Miami-Dallas and El Paso; Birmingham-Dallas.

Docket No. 7293, extend Route 10; Chicago-Seattle, via intermediates.

Docket No. 7294, extend Route 10; St. Louis-San Francisco; Chicago-San Francisco.

Docket No. 7295, extend Route 10; Chicago-Seattle, San Diego, and San Francisco.

Docket No. 7452, delete restriction on Pittsburgh-Akron, Cleveland, Detroit service.

Docket No. 7453, Washington-Minneapolis/St. Paul, via Pittsburgh, Cleveland, etc.

Docket No. 7499, Birmingham-San Antonio, via intermediates (severed from 7286).

Docket No. 7500, Pittsburgh-New York/Newark/Detroit-Minneapolis/St. Paul (severed 7287).

Docket No. 7501, New York/Newark-Pittsburgh (severed from 7288).

Docket No. 7502, New Orleans-Louisville; Houston-Louisville (severed from 7289).

Docket No. 7503, Atlanta-Lexington/Frankfort; Detroit-Minneapolis/St. Paul (severed from 7290).

Docket No. 7504, Birmingham-San Antonio, via intermediates (severed from 7291).

Docket No. 7505, Chicago-Seattle, via intermediates (severed from 7292).

Docket No. 7779, New Orleans, La.-Louisville and Chicago, Ill. (severed from 7529).

Docket No. 8274, Cleveland, Ohio-Syracuse, N.Y., via Buffalo and Rochester, N.Y.

Docket No. 8275, Syracuse, N.Y.-Cincinnati, Ohio, via Pittsburgh, Columbus, Dayton.

Docket No. 8276, New York, N.Y.-Cincinnati, Ohio, via Philadelphia and Pittsburgh.

Docket No. 8277, Washington, D.C.-Pittsburgh, Pa.

Docket No. 8278, Pittsburgh, Pa.-Buffalo, N.Y.

Docket No. 8528, Atlanta-Dallas/Fort Worth; Chattanooga-Dallas/Fort Worth.

Docket No. 8529, Chattanooga-Memphis, via Huntsville and Muscle Shoals.

Docket No. 8653, Rockford, Ill., and Rochester, Minn. (on Chicago-Twin Cities route) (3207).

Docket No. 8870, remove certain restrictions on routes 5 and 10; etc. (from 3406).

Docket No. 2055, New York-Montreal and Quebec.

Docket No. 3825, Miami/Tampa-Bogotá: Miami-Caracas, New Orleans-Bogotá; etc.

Docket No. 5925, extend routes 6 and 10 to West End, Grand Bahama, British West Indies.

Docket No. 6605, Boston and New York-Mexico City.

Docket No. 7250, Pittsburgh-Toronto; Pittsburgh-Buffalo-Toronto.

Docket No. 7365, Miami-Nassau; New Orleans-Nassau, via Miami (severed from 6717). 6717).

Docket No. 8926, consolidate routes 5 and 6 with FAM-33 (Bermuda route).

Docket No. 8581, Hugh Knowlton.

Docket No. 9035, nonstop: Ottawa-Patrick Henry Field; P. H. Field-Washington.

Docket No. 4287, suspend Capital's route 51, Washington-Rocky Mount via Richmond.

Docket No. 6591, complaint re resort's tariff on Miami Stopovers.

Docket No. 7154, petition for investigation re southern transcontinental interchange.

Docket No. 7155, petition for investigation re southeast-southwest interchange.

Docket No. 8268, night coach fares.

If ever an airline had an interest in the business of the CAB in September of 1957 it would seem to be Eastern.

Here is the Rickenbacker letter:

EASTERN AIR LINES, INC.,
New York, December 21, 1959.

MY DEAR SENATOR: I have received your letter of November 25, 1959, addressed to our vice president, Robert Ramspeck, and we are happy to give you the information requested concerning the participation of Mr. James R. Durfee, chairman of the Civil Aeronautics Board, on the ceremonial preinaugural flight conducted by Eastern Air Lines between New York and Mexico City, September 15–18, 1957.

In order to answer the specific questions you asked, we requested, and your office kindly supplied, copies of the articles you referred to, as published in the Capital Times, of Madison, Wis., under the dates of March 31 and April 30, 1958.

The following are the facts:

1. The ceremonial introduction of new international air services has long been an accepted tradition between the countries and the airlines involved.

Representatives of the Government, including officials responsible for aviation, are customarily honored guests on these important "get-acquainted" occasions.

In this case, the successful conclusion, after nearly 11 years of effort, of the first bilateral air agreement between the United States and Mexico, was of unusual interest on both sides of the border. It made possible the first direct U.S. air services between New York and Washington and the capital city of Mexico over the New York-Mexico City direct route which, until September 1957, had been monopolized by a government-owned European-flag airline.

This final checkflight, over the new route, preparatory to inauguration of regularly scheduled service, therefore, presented an exceptional opportunity for aviation officials of both countries to meet and exchange views, to make proper response to the invitation to attend the president of Mexico's official reception, and to encourage, through press and other public channels, a better understanding of the common interests of both countries.

2. There was nothing "unusual" about the program carried out by Eastern Air Lines. The food and beverage service on the preinaugural flight was identical with the standard set for the subsequently established regular service on this route and is competitive with the paralleling "continental" service of Air France.

Mr. President, whether the hospitality is "unusual" does not depend upon whether the chairman of the board of Eastern Air Lines considers a menu offered to a guest to include an unusual dish. The point of the "unusual" phrase in the code of ethics, as indicated by a great deal of discussion and interpretation by the Comptroller General and others, relates to whether the entertainment constitutes more than a casual meal at somebody's house, or the offer of a cigarette or a cigar, or something of that kind. Certainly anyone would say that a 4-day trip to Mexico City and being entertained in Mexico City for 4 days would constitute "unusual hospitality." Perhaps it would not be unusual to the man who is the chairman of the board of one of the great airlines of the country, but I think to the overwhelming majority of the American people it would be extremely unusual.

I continue to read the letter:

3. All details of the preinaugural program and the list of invited guests were publicly announced, in advance, in Washington and Mexico City and the information was publicized throughout the United States and Mexico.

4. The schedule of the flight was as follows:

Southbound, September 15, 1957:
Leave New York, 10 a.m., e.d.t.
Arrive Washington, 11:03 a.m., e.d.t.
Leave Washington, 11:30 a.m., e.d.t.
Arrive Mexico City, 4:15 p.m., c.s.t.
Northbound, September 18, 1957:
Leave Mexico City, 11 a.m., c.s.t.
Arrive New Orleans, 2 p.m., c.s.t.
Leave New Orleans, 3 p.m., c.s.t.
Arrive Washington, 8:20 p.m., e.d.t.
Leave Washington, 8:50 p.m., e.d.t.
Arrive New York, 9:48 p.m., e.d.t.

5. The program of entertainment for the preinaugural guests from the United States was purposely limited in order to enable them to devote maximum time to informal activities with their official counterparts in Mexico.

6. The trip to Acapulco (where President Eisenhower and President Lopez Mateos subsequently met), was at the invitation of Mexico's former President Miguel Aleman. Aeronaves de Mexico (now owned and operated by the Government of Mexico), which was designated to operate the reciprocal service on the Mexico-New York route, was the participating host. There were no hotel accommodations required in Acapulco.

The 1-day trip was scheduled to allow for sightseeing and a luncheon at the home of Mr. Aleman. The party was to return to Mexico City at 5 p.m. the same day, to attend a dinner given in their honor by the national airline of Mexico, Aeronaves.

Due to inclement weather, the trip to Acapulco was canceled and a sightseeing trip around Mexico City and outlying areas was substituted.

7. The preinaugural party was accommodated at the Hotel Del Prado in downtown Mexico City.

8. For more than 13 years Eastern Air Lines has maintained, in Mexico City, the largest and best located city ticket office of any U.S.-flag airline, located on the plaza at the corner of Reforma and Morelos Avenues. It also has one of the major locations at the airport terminal.

9. On July 18–21, Eastern also operated preinaugural flights over the New Orleans-Mexico City route. This route was certificated to Eastern by the Civil Aeronautics Board and the President in 1946, but, until conclusion of the bilateral air agreement with Mexico in 1957, could not be implemented.

The purpose of this New Orleans introductory program was to introduce, to Mexico, civic and other representatives of the principal cities to be served on this route.

A guest list of those who participated on these flights is also attached.

10. The personal expenses, paid by Eastern Air Lines, were limited to individual hotel accommodations and the nominal charge for continental breakfasts which are served in the rooms, according to custom.

Eastern Air Lines did pay for the hotel accommodations and for the continental breakfasts, as well as for the cost of the flight.

11. Attached are documents, publicly distributed at the time these flights were being planned and carried out, including the flight schedule, itinerary and list of guests.

The only other occasion on which Eastern Air Lines was host to Mr. Durfee was during an introductory program for the first "Golden Falcon" type Douglas DC–7B aircraft. This consisted of a 45-minute luncheon flight, circling Washington. Members of the Civil Aeronautics Board and some 55 members of the staff were guests on this educational flight, one of a series conducted in the principal cities of the eastern half of the United States.

If there is any further information you desire, we would be most happy to try to locate it for you.

Sincerely,

EDDIE RICKENBACKER,
Chairman of the Board.

Now, Mr. President, in the first place, Mr. Rickenbacker confirms the fact that Mr. Durfee did take the flight. That is not an allegation. It is a confirmation by the chairman of the board.

In the second place, Mr. Rickenbacker asserts that Mr. Durfee was the guest of Eastern Air Lines. He says that Eastern provided food and beverage service which he describes as "identical with the standard set for the subsequently established regular service" on the route and Rickenbacker says it is no better than Air France "continental" service. Rickenbacker says there is nothing unusual about the program in this sense. He also points out that the entire program was publicly announced throughout the country, and says the entertainment was deliberately limited to enable guests from the United States to "devote maximum time to informal activities with their official counterparts in Mexico."

Mr. Rickenbacker also said:

The personal expenses, paid by Eastern Air Lines, were limited to individual hotel accommodations and the nominal charge for continental breakfasts which are served in the rooms, according to custom.

Mr. Rickenbacker did not answer my request for the approximate value of this trip. Unaccounted for, at the least, were air transportation and several items listed in the itinerary, such as reception and cocktails, Sunday evening, September 15, at the Del Prado Hotel, where the group stayed; cocktails and luncheon in the Chandelier Room of the Del Prado the following day, where the party reviewed the Independence Day parade; and later the same day, from 9:30 to midnight, dinner and entertainment at El Rancho del Artista.

An industry source told me that the excursion cost Eastern Air Lines in his opinion $2,000 per person or a total of $110,000. Even if the cost was only half this much, a 4-day excursion to Mexico City and back on Eastern Air Lines with cocktail parties, midnight dinners, and entertainment, would be considered by most persons as "unusual" entertainment. Certainly any judge of any court would consider such entertainment by any litigant to be unusual, at the very least. And I remind the Senate that if the code of ethics of the CAB serves any purpose at all it is to place the Board of the CAB in a judicial posture.

As a matter of fact, the code of ethics of the CAB, which I read earlier, refers to the insistance that the CAB does recognize that it is subject to a stringent code of ethics.

It seems to me that no judge in America would consider accepting, under any circumstances, the entertainment incident to an inaugural flight, regardless of how it is justified, regardless of what public purpose may be advanced by the interested parties who offer the entertainment. No judge could possibly accept from a litigant entertainment costing, conservatively, $1,000, and involving a lavish trip of this kind to Mexico City, without violating judicial ethics outrageously.

For these reasons the Mexico City trip constitutes in my judgment a second flagrant violation of the CAB code of ethics by Mr. Durfee. To construe it any other way would make the code of ethics a pious and ridiculous affirmation that in fact limits no one in any sense. It would mean the code of ethics is a meaningless mockery.

If this is not a violation of the code of ethics, I should like to see one hypothesized. It seems to me this is a clear violation.

I should like to modify that statement by saying that it seems to me the trip to Mexico City is not as clear a violation as the trip to Pinehurst, N.C. I admit that there is a difference between the trip to Mexico City, on an inaugural flight, for which there have indeed been precedents, and the trip to Pinehurst, N.C., for which there was no precedent, no authorization in the law, in a situation in which the Comptroller General makes it very clear that it seems there has been a violation of the law. The Attorney General, who is the only authority who can pass on the question, refuses to pass upon the question whether or not there was a violation of the law. It seems to me, however, that this Mexico City trip, too, constitutes a violation, which, if it is condoned, makes the code of ethics a meaningless mockery.

The committee report treats this flight together with another inaugural flight to Rome, Italy, so I will defer my reply to the committee report on this point until I discuss the trip to Rome.

I also wrote to the executives responsible for the trip to Rome, and I received a reply to my inquiry concerning the conduct of the nominee.

ROME, ITALY, INCIDENT

The third letter I received in reply to my inquiry concerning the conduct of the nominee was from Mr. Charles S. Thomas, president of Trans World Airlines. Once again I refer to the CAB code of ethics and the section which provides, and I repeat:

It is particularly improper that persons interested in the business of the Board should provide unusual hospitality to the Board or its staff; nor should such hospitality be accepted.

Did TWA have any interest in the business of the CAB during the period October 2 through October 6, 1957, when Mr. Durfee is alleged, along with his wife, to have been the guest of TWA on a 4-day trip to Rome, Italy?

The CAB has informed me that as of September 30, 1957, the nearest date to the Rome trip for which figures are available, the TWA had 15 applications pending before the CAB, 5 of which were regarded as of major importance. I submit the list of applications which TWA had pending at the CAB on September 30, 1957:

Docket No. 5065, Transpacific certificate renewal case, Docket No. 5031 et al. (deferred portion).

Docket No. 7378, transfer Cincinnati to Detroit route.

Docket No. 8216, *T.W.A.* v. *Northwest*, Capital's family fare plan.

Docket No. 7209, Seven States Area case.

Docket No. 8997, complaint re Southwest's EX–2, CAB 15; PR–4, CAB 43; PF–5, CAB 44.

Docket No. 7831, St. Louis-Southeast Service case.

Docket No. 7268, Great Lakes-Southeast Service case.

Docket No. 8235, control of TWA and Northeast by Howard Hughes.

Docket No. 7157, extend route 2, Albuquerque to Houston, via Fort Worth and Dallas.

Docket No. 8061, Hughes Tool Co. and TWA.

Docket No. 7703, eliminate restriction on route 2 re Las Vegas to Los Angeles.

Docket No. 7797, Las Vegas on segment 5 of route 2; Las Vegas to Phoenix service.

Docket No. 7957, remove restriction, Los Angeles to San Francisco/Oakland service on route 2.

Docket No. 3473, include Kuwait between Basra and Dhahran.

Docket No. 4546, include Madrid, Spain, on international route.

These include, as I have said, five really major applications, applications on which the Chairman of the Civil Aeronautics Board would be called upon to act. These were pending at the time the Chairman of the Civil Aeronautics Board was the guest of Trans World Airlines, on an inaugural flight, not merely to Mexico City, but halfway around the world, to Rome, Italy, a flight which he did not take alone, but on which he took his wife as a companion.

Certainly TWA qualifies as a concern which had an obvious and vital interest in the business of the Board.

Second, did Mr. Durfee in fact accept unusual hospitality from TWA during the period?

I submit for the information of the Senate the letter in toto from the President of TWA, Mr. Thomas.

TRANS WORLD AIRLINES,
New York, N.Y., December 1, 1959.

Hon. WILLIAM PROXMIRE,
U.S. Senate, Washington, D.C.

DEAR SENATOR PROXMIRE: In reply to your letter of November 25, TWA was host on a 4-day trip to Rome in October 1957, to approximately 100 Americans who were representative of their many respective fields, which included education, religion, the arts, sciences, sports, business, government and finance. The purpose of the trip was a meeting in Rome with their counterparts from European nations in furtherance of the President's people-to-people program.

Of course, a number of other Americans took this trip. As the president of TWA points out, they represented many fields, but there was only one man who was the chairman of the board which had the responsibility for regulating TWA, a responsibility which can properly be said to involve economic life or death, a responsibility which is immense, a responsibility which is judicial, and a responsibility which is proscribed by judicial code, which explicitly says that the chairman shall not accept hospitality from any firm or agency or person subject to regulation, or which has business pending before the Board.

The letter from Mr. Thomas continues:

As TWA's contribution to the program, our company helped to arrange the Rome meetings and transported representatives under International Air Transport Association authority as part of our Polar route and our New York to Rome nonstop inaugural flights.

Mr. and Mrs. James Durfee were guests on one of these flights and Mr. Durfee was an honored guest on the dais at the people-to-people dinner of all nations as a representative of American civil aviation. The dinner and preceding people-to-people meetings were attended by representatives from all over Europe, particularly NATO countries, and it was the consensus that the meetings made a positive contribution to the cause of better understanding between the United States and nations abroad.

Three groups—one each from Los Angeles, San Francisco, and New York—departed from the United States on October 2 and arrived in Rome on October 3. They departed from Rome for the United States on October 6.

Mr. and Mrs. Durfee were in the group departing from New York. The cost of their transportation, if paid for at 1957 fare levels, would have been $1,776. The approximate cost of their accommodations in Rome was $100.

In reply to the second part of your question, Mr. Durfee, to the best of my knowledge, has not accepted any hospitality, services or other consideration of value from TWA.

Sincerely,

CHARLES THOMAS.

Of course, it is hard for me to understand that statement by Mr. Thomas, in view of what he said in a preceding paragraph, that the cost of the transportation, if paid for at 1957 levels, would have been $1,776, and that the approximate cost of the accommodations in Rome was $100, which was paid for by TWA.

Did the Chairman of the CAB—Mr. Durfee—accept hospitality from this airline which had such a massive interest in the business of the CAB?

The answer, of course, is "Yes," on the testimony of the president of TWA.

Was this hospitality unusual?

Mr. President, any time anyone will provide a trip from New York City to Rome and return for any man and his wife with $25 a day hotel room in Rome for 4 days, that hospitality would be unusual for the most jaded millionaire.

Is there any lawyer anywhere who would not call such hospitality unusual for a judge who enjoyed it at the expense of a litigant before his court?

Once again, Mr. President, the nominee for the Court of Claims flagrantly violated the code of ethics of the agency he served as the responsible chief. Any contrary view must assume that there is nothing unusual about a hospitality that would fly a man and his wife halfway around the world and back.

COMMITTEE REPORT COMPLETELY MISSES ETHICAL POINT ON INAUGURAL FLIGHTS

What is the reply of the Judiciary Committee to the allegations I make that, by accepting hospitality on these inaugural flights, the Chairman of the Board of CAB has both violated the code of ethics of his organization and has put himself under an obligation to an airline which is subject to regulation by his Board?

The Wiley committee report response to my charge that Durfee had violated the code of ethics of the CAB by taking these flights at airline expense to Mexico City and Rome flatly contradicted its refusal to deal with the code of ethics question on the Pinehurst trip. On the Pinehurst junket, the report ducks the entire code issue by saying that interpretation of this code of ethics is beyond the jurisdiction of the Judiciary Committee.

Mr. Morgan, of the Office of the President of the United States, relied on this interpretation of the Committee on the Judiciary in refusing to tell me whether or not the trip to Pinehurst constituted a violation of the code of ethics. He relied on the statement that the interpretation of the CAB code of ethics is beyond the jurisdiction of the Committee on the Judiciary.

As I said, that was a fantastically ridiculous position for the Committee on the Judiciary to take.

Why in the world is that beyond the jurisdiction of the Committee on the Judiciary? If it is, and, as Mr. Morgan implies, it is beyond the jurisdiction of the President, who has jurisdiction? I presume the Chairman of the Board of the CAB would have jurisdiction. Yet the Chairman of the CAB is the man who has violated the code. Therefore I would presume that what the Committee on the Judiciary has been telling us is that nobody can judge the Chairman of the Board of CAB. They cannot judge the conduct. The President cannot judge it, apparently. Congress cannot judge it. Only the Chairman himself can judge it.

This is a very apt companion to the whole manner in which the case has been treated, when the responsibility for writing the committee report was assigned to my senior colleague from Wisconsin, a man for whom I have great esteem, but who, as everyone recognizes, is the principal sponsor of the nominee, and therefore has his case to plead. The same situation would obtain if I had been assigned to write the committee report, as the chief opponent of the nomination. It would have been just as improper for me to write the committee report, because it is well known that I am the principal opponent of the nominee.

If the committee is going to say that in the Pinehurst case the committee has no jurisdiction to judge the Code of Ethics of the CAB, they could at least be consistent about it. In the inaugural flight situation the report has no hesitation in interpreting the code of ethics, and flatly says that the nominee "was not in disregard" of it. That is the interpretation of the committee of the code of ethics. They interpret it in this case.

In other words, the report chooses to interpret the code of ethics when it feels it can make an interpretation favorable to the nominee. When the interpretation is likely to be unfavorable the report walks away from it as outside the committee's jurisdiction.

I am convinced that inaugural flights taken by members of the Board of the CAB have violated the code of ethics ever since the code was promulgated. Let me take up each point made by the committee report on this issue in turn:

First. The committee argues these flights are customary. Many CAB officials over a long period of time have gone on these flights without any serious question being raised about their propriety.

Mr. President, the fact that it has been customary for CAB officials to accept free transportation and hospitality from the airlines on such flights does not mean that it is a wise or ethical policy.

I should like to ask: Why is it an ethical policy? Who authorizes inaugural flights? They are authorized by the CAB. Who determines whether or not the airlines may charge for the inaugural flights? That determination is made by the CAB. The CAB tells the airlines, "You cannot charge for inaugural flights." Then the Chairman of the CAB takes flights. The staff members take flights. The Board members take flights. I do not want to use the term "racket" in the most sinister sense, but in a casual sense I would say that this is a nice, cozy little racket.

The CAB authorizes an inaugural flight and tells the airlines that it cannot charge for that flight. Then the staff of the CAB, the members of the Board, and the CAB Chairman take the flight. They take these flights to Mexico City and to Rome, and all over the world. The expenses are paid for by the airlines.

I can see how an appointment to the CAB might be a much-sought-after position. Any judge, any lawyer, any American citizen would agree that this is not

ethical conduct, that this is not right, that there is no justification for it.

The fact that the CAB felt it had to write an exception to its own code of ethics to permit such flights indicates that they were regarded as violating the general principle that Board members should not accept unusual favors from companies with cases pending before them. Bribery was customary in many State legislatures for many decades. This did not mean that it was an ethical practice.

As Walter Lippmann recently wrote:

> It is not asking too much that in the highest places men must be an example of what ought to be the general practice. They cannot excuse themselves by saying that in fact they have done only as many others have done.

I remind the Senate that this nominee is not being considered as an object of censure, although I think he has violated the law. He is being considered for promotion to a top post in the Federal judiciary—a lifetime responsibility at $25,500 per year.

Second. The committee report argues that, shortly after adopting its code of ethics, the CAB held that participation in inaugural flights was not within the prohibitions of the code. Incidentally, that point has never been proved or established.

The decision of the CAB to set up an exception to its section 300.4 in the CAB code of ethics does not make the practice of inaugural flights ethical. The general principle as set forward in the code of ethics is sound, and the fact that an exception was written indicates that the CAB regards participation in inaugural flights as unusual hospitality. It does not mean that the CAB should have written the exception.

Third. The committee report argues that Durfee was justified in taking these flights because they promoted better international understanding and U.S. friendly relations with foreign countries.

Mr. President, the basic issue in this controversy over inaugural flights is this: If the participation of CAB officials was necessary to the friendly relations of the United States with Mexico and Italy then the expenses of CAB officials should be paid for by the U.S. Government. To hold otherwise is to take the position that the U.S. Government must depend on the financing of private airline companies in order to carry on its necessary diplomatic relations. Whether the flights and Durfee's presence on them were necessary to our friendly relations with Mexico and Italy or not is not the question here. This was used as an argument for Durfee's presence. If it is true, the airlines should not have paid. For them to do so would be as if the United Fruit Co. paid for maintaining our Ambassador to Guatemala, as if our Ambassador to Guatemala had accepted pay perquisites from the United Fruit Co.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. HUMPHREY. Mr. President, I have assured the distinguished junior Senator from Wisconsin in my discussions with him prior to his address today that I believe the case he is making with reference to this nomination is a very valid one. The junior Senator from Wisconsin is performing a very great service. I compliment him upon it and assure him of my cooperation and support, as I indicated to him at the time of the exchange of our correspondence and our visits concerning this matter.

Mr. PROXMIRE. Mr. President, I wish to thank the Senator from Minnesota for his expression of support in opposing the nominee. He wrote to me and told me that he would support me in this case. Certainly there is no Member of the Senate whose support I would rather have than that of the Senator from Minnesota. He has tremendous intellectual capacity, strong character, and a long record of great interest in decency, honesty, responsibility, and morality in government. So his support is of very great importance to me.

Mr. HUMPHREY. I thank the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, a moment ago I referred to the allegation, as set forth in the committee report, that such inaugural flights are proper because they serve a public purpose, and that therefore it is perfectly proper for the airline companies to pay the transportation and hotel and related expenses of the Chairman of the Board which regulates the airline companies.

I pointed out that for the airline companies to pay those expenses would be as bad a procedure—in fact, it would be worse—than if the United Fruit Company were to pay for maintaining our Ambassador to Guatemala.

This is exactly why the Comptroller General, in a letter dated December 24, 1957, to the chairman of the House Subcommittee on Legislative Oversight, at that time Representative MOULDER, said:

> While we hesitate to say that the acceptance of gifts by officers of the regulatory agencies offend the sense of propriety in every instance, certainly the acceptance of the more expensive gifts, the payment of hotel bills—

And the nominee's hotel bills were paid—

> and traveling expenses—

And the nominee's travel expenses, and then some, were paid—

> by outside agencies gives rise to serious doubts as to their propriety. In our opinion such practice is not in keeping with the conduct which the public demands of Government officials and should not be condoned, thus avoiding any appearance of favoritism whatsoever.

But, Mr. President, if the Senate confirms the nomination of Mr. Durfee to the Court of Claims, it will be clear that such practices are condoned by the Senate, because in the remarks I have made today in the Senate, I have called attention to the fact that those practices have been indulged in; and neither in the committee report nor in the hearings is there any denial that the chairman of the Civil Aeronautics Board was at Pinehurst, N.C.—that is shown by the picture that is displayed in the rear of this Chamber—and that he was entertained there by the airlines, and that his expenses there and the cost of his travel there were paid by the airlines; also that the nominee was at Mexico City, under a similar arrangement; also that he was at Rome, Italy, under a similar arrangement. All that is, in fact, stipulated.

The committee report contends that one of the functions with which the CAB is charged is that of encouraging and promoting the aviation industry in the United States, and that by participating in these ceremonial flights, CAB officials help to fulfill this function.

Once again, Mr. President, if this is true, then the Government, not the airlines, should have paid Mr. Durfee's expenses. It is true that the Government is charged with encouraging the aviation industry. It may be unfortunate that the promotional and quasi-judicial functions are combined in one agency; but they are. This lays a great responsibility on Board members to carry out their promotional activities in such a way as not to prejudice themselves in their judicial activities. If the interest of the United States were furthered by Mr. Durfee's taking those flights, if he was fulfilling his duty in the CAB by them, the trips should be paid for by the Government.

Mr. President, of course I recognize there is a difference—and an important difference—in degree between the Pinehurst junket and the inaugural flights. There is no sanction in precedent or law for the Pinehurst trip. Precedent is an extenuating circumstance in the nominee's flight to Mexico City for 4 days of wining and dining at the expense of Eastern Airlines, and the travel to Rome and a $25 a day hotel suite in the Eternal City, with Mrs. Durfee as a companion, all at the expense of TWA. I would argue that the participation of the nominee in those flights and also the defense of this practice by the nominee as good public policy cast serious doubt on his understanding of the responsibilities of the judicial function of the CAB.

Mr. President, the saddest alibi given by the nominee and his supporters for such "freeloading" is that the CAB officials are prohibited from paying their own way, or the Government from paying for them. I asked the nominee, in the hearings, who determined that the airlines could not charge for such flights; his reply: the counsel for the CAB. I asked who authorized inaugural flights; the answer: the CAB. So it is clear that the CAB is responsible for this cozy little relationship. The CAB authorizes each inaugural flight. It interprets the law as forbidding the airlines to charge for it. The officers and staff of the CAB enjoy the flights and the payment of all expenses at the destinations. The nominee not only condones this; he defends it, and takes part in it.

ERRORS IN THE COMMITTEE'S REPORT

Mr. President, there are a series of grave errors in the committee report on this issue. At the top of page 3, the committee report misquotes the code of ethics of the CAB, by erroneously substituting the word "answered" for the correct word, "accepted."

A more serious error in the committee's report appears in its handling of

the opinions of the Comptroller General. On page 4, it quotes the Comptroller General as having stated the following:

We have no authority to make a binding determination as to proper interpretation of this statute and from the standpoint of the audit functions of this office I have no reason to question your determination as to the continued official nature of the flights mentioned or the participation therein by officials of the Civil Aeronautics Board, or their staffs, under the circumstances related. While in my opinion such action would not be a violation of 18 U.S.C. 1914, that is, as stated above, a matter for final determination by the Attorney General or the courts.

Actually, in reading from a copy of the original letter, which I have in my hand, we find that there are two paragraphs, which should read as follows:

We have no authority to make a binding determination as to the proper interpretation of this statute.

But the words I shall read now were very conveniently omitted from the report:

Therefore, any contrary construction of our role in this area is and should be regarded as incorrect.

Then the report quotes correctly the following part of the letter of the Comptroller General:

From the standpoint of the audit functions of this Office I have no reason to question your determination as to the continuing official nature of the flights mentioned or the participation therein by officials of the Civil Aeronautics Board—

But then the report quotes the Comptroller General as having used the words "or their staffs." However, that is not what he said. He said:

or their wives, under the circumstances related. While in my opinion such action would not be a violation of 18 U.S.C. 1914, that is, as stated above, a matter for final determination by the Attorney General or the courts.

But, Mr. President, of course the Comptroller General does not audit private payments. He audits only public payments. But no public payments were involved. The Comptroller General believes that such acceptance of hospitality violates the proprieties.

It seems to me unfortunate that we cannot rely on Senate committee reports to quote accurately and fairly from documents which they claim to be reproducing exactly.

These relatively minor inaccuracies are followed by a major omission. In the succeeding paragraph on page 3, the report says that it was implied that the presence of the nominee on the inaugural flight to Mexico City was ethically improper because some 76 applications by Eastern Air Lines were pending with the CAB at the time. Certainly I implied that; in fact, I said so.

But, Mr. President, there was a more specific objection to the nominee's decision to take that particular inaugural flight. That is because 2 days before Chairman Durfee took that flight on Eastern Air Lines, in inaugurating Eastern's route, Pan American Airways protested the assignment of that very route to Eastern. So the very route over which the Chairman was flying, at the expense of Eastern Air Lines, was in litigation before him at that time. The committee report also fails to mention that 1 month after the completion of the flight, the Pan American Airways petition was denied by Mr. Durfee's CAB.

Let me repeat, for emphasis, that Pan American Airways protested the assignment of that route to Eastern Air Lines; but after the protest was made, the Chairman of the Civil Aeronautics Board, which determined whether Eastern Air Lines or Pan American Airways would be assigned that route, accepted an invitation from Eastern Air Lines to travel to Mexico City, at the expense of Eastern Air Lines; and while he was in Mexico City he was entertained at the expense of Eastern Air Lines; and the cost of his return flight was also paid by Eastern Air Lines. Then, 1 month after his return from that trip, he upheld the assignment of that route to the company—Eastern Air Lines—which had entertained him in that way; and he rejected the protest by the competing company, Pan American Airways.

It seems to me that this is a clear impropriety and an obvious reason why the code of ethics was promulgated.

DURFEE MISCONDUCT PART OF PATTERN OF DEVELOPING MORAL WEAKNESS

Mr. President, in deciding his vote on this issue every Senator should recognize that this nomination to a Federal judgeship of a man who has accepted lavish hospitality from airlines which he was appointed to regulate comes at the very time when the country has been shocked by the acceptance of similar hospitality by the Chairman of the Federal Communications Commission. Mr. John Doerfer's—the FCC Chairman—indiscretion was followed by the President's acceptance of his resignation. But what is the difference between the Doerfer 6 days on a yacht and the Durfee 2½ days at swank Pinehurst?

There is a difference. It is that the nominee now before the Senate violated a specific code of ethics of his own organization, by accepting hospitality from airlines with business pending before the Board he headed. On the other hand, the Chairman of the FCC, who has been the object of a Niagara Falls of denunciation, accepted hospitality from a person with no cases pending at the time before his agency. And even if cases had been pending, the FCC Chairman—who has been denounced widely and nationally—would have violated no judicial code of his organization. Obviously, the misconduct of the nominee, on whose nomination we are to act tomorrow, is a great deal more serious than that of the widely denounced Mr. Doerfer.

I wonder how many Members of this body would vote for the former Chairman of the FCC for promotion to a lifetime job on the Court of Claims at $25,500 a year. Not many. Why? Why would we not vote for Doerfer if we would vote for Durfee?

If any Senator can show me how the misconduct of the FCC Chairman was as serious as the misbehavior of Mr. Durfee, I would like to hear about it. Mr. Doerfer would be forthwith rejected by this body because he is hot property. Why should Durfee be treated with such kid-glove kindness?

Later on I am going to refer to an editorial in the New York Times which makes exactly this point. The New York Times is certainly a dispassionate, qualified, unbiased observer, and it points out there is no difference in principle between what Doerfer has done and what Durfee has done.

The Doerfer and Durfee incidents are unfortunately not isolated. Most recently it has been revealed that the same Thomas Corcoran, the "Tommy the Cork" of the New Deal, who came to me last summer to vehemently urge my support for Durfee, has approached the FPC ex parte, secretly, in behalf of a gas client who paid Mr. Corcoran handsomely. Corcoran appears to have persuaded the FPC in his private visit to benefit the client by hiking rates.

The FPC is under vigorous congressional investigation for this incident and for the acceptance by three Federal Power Commissioners of a private plane ride—gas company furnished—to a funeral.

This latter incident has been roundly denounced throughout the country. One of the most eloquent denunciations was in yesterday's Washington Post by Roscoe Drummond, who wrote in part:

The transportation gift to the three Federal Power Commissioners with business before the Commission could, perhaps, be extenuated if it were an isolated instance. It isn't. It is part of a long, unending pattern of dubious conduct by Commissioners accepting interested hospitality and engaging in behind-the-scenes contact which Attorney General Rogers has urged Congress to forbid as improper.

Mr. President, I ask unanimous consent that this article by Mr. Drummond be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAVORS AND CONTACTS—DUBIOUS CONDUCT IN THE REGULATORY AGENCIES

(By Roscoe Drummond)

A pattern of dubious conduct is continuing to disfigure the regulatory agencies of the U.S. Government.

The unsavory record ranges all the way from the indictment of a Federal Communications Commissioner for allegedly selling his vote in the Miami channel 10 case to the acceptance by three Federal Power Commissioners of private-plane transportation given to them by a gas pipeline company with $45 million in rate increases pending before the Commission.

The offenses against sound public policy center on two main aspects of misconduct. One concerns back-door, under-the-table, over-the-cocktail ex parte contacts between applicants and the Commissions and the other concerns the acceptance by Commissioners of substantial favors and hospitality from industry people with business before the Commissions.

There is no evidence that the situation is getting better.

The moral climate is sorry and somebody needs to do something about it. Either Congress will have to try to do it by legislation or President Eisenhower—many of whose appointees have seriously let him down—

could usefully invite resignations if the Commissioners are not prepared to hew to the line of ethical conduct. Or both.

Some are disposed to extenuate the acceptance by the Chairman of the Federal Power Commission, Jerome K. Kuykendall, and two other Commissioners of the gift of private-plane transportation to attend the funeral of a fellow Commissioner in Shreveport, La. But two facts must stick in the craw of anybody who feels that the Commissioners, like judges, should not be beholden to those over whom they must sit in judgment.

It apparently never even occurred to Chairman Kuykendall to ask the Comptroller General whether such a trip was a reasonable charge against the Government. Nor did he seek commercial transportation. He said he "couldn't afford it." The United Gas Pipe Line Co. offered its plane. He accepted. He did have doubts—or else, believing he was doing right, he was afraid of congressional criticism unless he could clear it with somebody. And whom did he clear it with? The Comptroller General or the Justice Department? No, with Congressman OREN HARRIS, chairman of the House subcommittee investigating the regulatory agencies.

This transportation gift to the three Federal Power Commissioners by a company with business before the Commission could, perhaps, be extenuated if it were an isolated instance. It isn't. It is part of a long, unending pattern of dubious conduct by Commissioners accepting interested hospitality and engaging in behind-the-scenes contact which Attorney General William Rogers has urged Congress to forbid as improper.

Commissioner Richard A. Mack had to resign from the FCC after being indicted for accepting thousands of dollars from an attorney operating in behalf of a TV applicant who won the grant.

Former FCC Chairman George C. McConnaughey, while the Pittsburgh multi-million dollar channel 4 case was pending, negotiated a secret agreement to set up a law practice with George C. Sutton, attorney for one of the applicants. It provided that Sutton would help McConnaughey and Robert D. L'Heureux, aide to McConnaughey and a third firm member, earn $160,000. McConnaughey resigned from the FCC 1 day before this agreement went into effect.

His successor as FCC Chairman, John C. Doerfer, resigned earlier this year after he was caught yachting as the guest of George B. Storer, owner of radio and TV stations under FCC jurisdiction, his host on a similar expedition in 1955.

This isn't all of it. I can't escape the conviction that the Eisenhower Administration will regret it if it doesn't act decisively to disavow and disassociate itself from this sorry record. The only way to do so is to clean it up—and clean it out.

Mr. PROXMIRE. Mr. President, once again would anyone compare in seriousness the nationally denounced acceptance of a plane ride to a funeral by the three Power Commissioners with the conduct in which the nominee now before the Senate indulged? The moral misconduct of the nominee is clearly far more serious. But far from being censored, he is up for a handsome promotion—a lifetime appointment to the Federal court.

Mr. President, I should like to read from an editorial in the Washington Post, labeled "Hitchhikers":

Well, it seems that the Chairman and two members of the Federal Power Commission were waiting for an airplane to fly to some funeral, see, when along came this big, beautiful private plane owned by a gas pipeline company with $45 million in rate increases pending before the Commission. So the Chairman and the two members of the FPC hopped aboard, natch, and flew down to the funeral—and then back to Washington to deliberate on those rate increases; and it was all perfectly all right, you understand, because the funeral was for another Commissioner of the FPC—and besides, they cleared it in advance with that official arbiter of propriety, Congressman HARRIS.

It is hard to say which is the more astonishing—the obtuseness of this behavior or the inanity of the explanation. The country has already learned that Mr. Kuykendall, the FPC's gregarious Chairman, is a man not excessively meticulous about the proprieties. One would suppose, however, that he and his colleagues would at least have the simple mother wit to avoid hitchhiking with a petitioner at a time when a congressional spotlight had been focused on such hitchhiking—and just after another Commission Chairman, John Doerfer of the Federal Communications Commission, was persuaded to resign for indulging in it.

The Eisenhower administration—which came to Washington on a "clean up the mess" or "hound's tooth" crusade—seems to have picked for Federal regulatory Commissions some remarkably insensitive free loaders. Men who can't see anything wrong with cadging a free ride or taking other favors from a litigant simply don't belong in public positions involving regulation of natural resources or commerce. This rule applies equally to funerals, to weddings, to bridge games or to golf matches.

Another editorial which is also excellent and well worth reading, is entitled "Buddy-Buddy and the FPC."

I ask unanimous consent that these two excellent editorials decrying this trip, one from the Washington Post, and one from the Washington News, be printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 14, 1960]

HITCHHIKERS

Well, it seems that the Chairman and two members of the Federal Power Commission were waiting for an airplane to fly to some funeral, see, when along came this big, beautiful private plane owned by a gas pipeline company with $45 million in rate increases pending before the Commission. So the Chairman and the two members of the FPC hopped aboard, natch, and flew down to the funeral—and then back to Washington to deliberate on those rate increases; and it was all perfectly all right, you understand, because the funeral was for another Commissioner of the FPC—and besides, they cleared it in advance with that official arbiter of propriety, Congressman HARRIS.

It is hard to say which is the more astonishing—the obtuseness of this behavior or the inanity of the explanation. The country has already learned that Mr. Kuykendall, the FPC's gregarious Chairman, is a man not excessively meticulous about the proprieties. One would suppose, however, that he and his colleagues would at least have the simple mother wit to avoid hitchhiking with a petitioner at a time when a congressional spotlight has been focused on such hitchhiking—and just after another Commission Chairman, John Doerfer of the Federal Communications Commission, was persuaded to resign for indulging in it.

The Eisenhower administration—which came to Washington on a "clean up the mess" or "hound's tooth" crusade—seems to have picked for Federal regulatory Commissions some remarkably insensitive freeloaders. Men who can't see anything wrong with cadging a free ride or taking other favors from a litigant simply don't belong in public positions involving regulation of natural resources or commerce. This rule applies equally to funerals, to weddings, to bridge games or to golf matches. It ought to be particularly plain to the chairman of a congressional subcommittee engaged in the oversight of executive conduct. No one has empowered Mr. HARRIS to issue permits for impropriety.

[From the Washington Daily News, Apr. 14, 1960]

BUDDY-BUDDY AND THE FPC

Just how "buddy-buddy" some members of the Federal Power Commission have been with people in the industries they are supposed to regulate is not entirely clear. Nor the effects thereof.

But Chairman Kuykendall and the other Commissioners must have been aware—for more than a year—that Congress was looking down its nose at any off-the-record conferences between Federal agencies and their industrial subjects. And threatening legislation to outlaw such back-door contacts.

The FPC members also must have known of the censure other agency heads suffered when it was disclosed they had been accepting small favors from the people they are supposed to regulate.

Yet the FPC has been tagged in at least two instances of unofficial meetings with representatives of firms with pending cases. And in each case the FPC subsequently made decisions which broke with previous policies.

Now, it turns out, three FPC members accepted a free ride in an airplane owned by a pipeline company which has asked the FPC for rate increases worth $45 million.

Mr. Kuykendall says he sees nothing wrong in this. That's what some other Government officials said just before they were forced to quit their jobs.

In this case, however, Mr. Kuykendall cleared the trip with Representative OREN HARRIS, chairman of the committee investigating the FPC and other regulating agencies. The only net of that is to raise a question about Representative HARRIS' own perspicacity.

Three years ago Speaker SAM RAYBURN suggested a sweeping review of all the Government's redtape factories—the FPC, FTC, FCC, and others among them. Despite the Harris committee's meanderings and the notable scandals it has turned up, this rock-bottom type of inquiry is still needed. Obviously, Representative HARRIS is not the man to head it up.

Mr. Durfee's misbehavior has been disapproved by the National Tennessean.

I think most people are aware of Mr. Kuykendall's misbehavior and Mr. Durfee's misbehavior, but there are many persons not aware of the fact that Mr. Durfee, who has not been subject to censure, but who is up for promotion, has had his conduct disapproved. The Nashville Tennessean is a newspaper with an outstanding national reputation, and it questions Durfee's nomination both on the grounds of violation of ethics and lack of qualifications.

I ask unanimous consent that this editorial from the Nashville Tennessean be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Nashville Tennessean, Jan. 30, 1960]

CLAIMS COURT NO PLACE FOR MR. DURFEE

The Senate judiciary subcommittee is weighing the nomination of Mr. James Durfee, Chairman of the Civil Aeronautics Board, to the U.S. Court of Claims, and thanks to Senator WILLIAM PROXMIRE, there are heavy opposition arguments to weigh.

Senator PROXMIRE has raised questions about Mr. Durfee, both on the grounds of qualifications and violations of the code of ethics of the Agency he heads. And the Wisconsin Senator has documented instances in which Mr. Durfee accepted the hospitality of airlines which had cases pending before his Board for weekend golfing trips and airlines flights to Mexico, Rome and elsewhere.

Senator PROXMIRE has further argued that Mr. Durfee, a native of his own State, lacks the technical training and experience required. This is a point Mr. Durfee and his supporters can't challenge very well.

Mr. Durfee would succeed Judge Benjamin H. Littleton, who served as assistant U.S. attorney for middle Tennessee, special attorney for the Treasury Department, a member of the Board, and later, Chairman of the Tax Court of the United States before joining the claims court. In contrast, Mr. Durfee has no tax or Goverment claim experience, no actual judicial experience or any substantial background in claims matters.

A court in which the largest and most technical civil cases in America are decided is no place for one lacking a high degree of experience and legal skill. The Judiciary Subcommittee thus cannot escape the obvious: Mr. Durfee won't do.

Mr. PROXMIRE. Mr. President, this to my knowledge is the first time the question of the recent misbehavior of Federal employees has been squarely put to the U.S. Senate. Our decision is peculiarly important because this country is at an ethical crossroads. The greatest weakness in America today is not a military weakness or lack of economic growth or even educational shortages. These are all important weaknesses, but the fundamental, basic weakness in America is a moral weakness. Our difficulty is that we rarely have an opportunity to confront the moral problem directly and decisively, except when the decision is black and white and very simple. We suffer from a kind of nibbling away at moral substance. There are many sincere and inspiring calls to arms against this moral illness, but there is rarely or never any action. If the Senate approves this nomination it will be adding another who-gives-a-damn vote, this time from the body we proudly call the greatest deliberative body in the world, to the serious moral weakness of our country.

Mr. President, I ask unanimous consent that a brilliant and incisive analysis of how serious and widespread this moral sickness has become, an article entitled "Ethics Is Everybody's Business," by Mr. Roland Gammon, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ETHICS IS EVERBODY'S BUSINESS

(By Roland Gammon)

Even as Charles Van Doren played out his scapegoat role in the recent television quiz scandals, he wrote an article for the new literary quarterly, Leisure, in which he quoted the English poet William Wordsworth:

"The world is too much with us; late and soon,
Getting and spending, we lay waste our powers."

Unconsciously, perhaps, Van Doren wrote his own epitaph—and that of the dollar-dedicated society in which we live. The plain fact is that the sickness of an acquisitive society has become so acute we either must redeem it or perish.

Today, as both industry and Government widen their scandal inquiries, sharp censures stir the air Madison Avenue thought it owned: "an unholy mess," "this leeching industry," "vapid huckstering," "ill-gotten gains," "a diet of violence," "chromium-plated materialism." Slowly, a morally awakening America begins to suspect that television's bloated face may be its own.

Indeed, TV's tarnished image illuminates the landscape around us. The festering rottenness of much of media not only supported a fraud on the American people, but belatedly caused cries of alarm from its leaders. CBS president Frank Stanton admitted to the Harris committee, "Whoever may be to blame in this whole tawdry business, all broadcasting has been hurt."

"Clean up or give up," cried Donald S. Frost, president of the Association of National Advertisers.

"Greed is the universal denominator in all this," wrote Journal-American radio–TV critic Jack O'Brian.

"Integrity is our deepest lack today," deplored the Reverend Robert McCracken from his Riverside Church pulpit.

"The flannel-suited faithful have crammed our souls into a tube of toothpaste," bristled Drew Pearson's aid, Jack Anderson.

And New Jersey's Governor Robert Meyner dipped deep into U.S. history for the most damning quote of all: "It is a thing of splendid abilities, but utterly corrupt. It shines and stinks like a rotten mackerel by moonlight."

HISTORY REPLETE WITH LESSONS OF TOLL CORRUPTION MUST PAY

Of course, smile the cynics. It has all happened before and will again. Didn't Aristophanes indict a luxury-loving Greece with the charge, "Whirl is king, having driven out Zeus." Didn't Louis XV, contemplating the corruption of his court and the poverty of his peasants, accurately prophesy, "Après moi, le déluge." And when Swiss theologian Leonard Ragaz was asked why Czarist Russia collapsed, didn't he answer, "Karl Marx came because Jesus Christ was not allowed to come."

Dare we ask, even at Christmas and Chanukah, does the Christ spirit (i.e. love, charity, unselfishness) still abide in America? Or are mechanized, manipulated Americans too busy and too grasping to care? Beyond the crowded churches and synagogues, beyond the staggering statistics in church attendance, building and organized giving, is the bedrock of honorable conduct still there? Of deep faith, fair play, and righteousness in action? Of all things, dare we ask, can an honest man succeed on Madison Avenue?

The current convulsion along ad alley—and the idiot dream life which is its television product—only reflect a decadence disease wasting the entire country. In themselves, the television scandals are more effect than cause. They are part of a creeping corruption that stains almost every area of American life. They are the result—as is the mounting evidence of wrongdoing in business, labor, and government—of our substitution of thing worship for God worship, our debasing of moral values into money values, our surrender to the bitch-goddess success no matter what the cost. Because this crisis in character persists, we are deep in our time of trouble as a civilization.

Sordid as the recent revelations are, the tragedy of what President Eisenhower calls the "TV mess" goes far beyond the spiritual illiteracy of a few hundred producers, directors, sponsors, and contestants directly involved. It goes beyond the overcommercialism and business-as-usual callousness of certain network brass, agency nabobs, and major advertisers who only now have begun to clean house. The heart of the matter remains: the TV, deejay, and deceptive-ad scandals were spawned by a society that has overthrown its traditional values system and substituted lipservice to religious principles for their practice. Replacing "In God we trust" with "What's in it for me?" has not only changed the national motto, it has hastened America's twilight of honor.

IF AMERICA EVER CEASES TO BE GOOD, AMERICA WILL CEASE TO BE GREAT

More than a century ago, the French philosopher Alexis de Tocqueville wrote of our new democracy, "America is great because she is good and, if America ever ceases to be good, America will cease to be great." Today the majority of Americans are still good. But how long can any society survive what has been called "this revolution in self-indulgence"? At the present rate, it is only a matter of time before the poison of our elaborate make-believe—the papier-mache worlds of films, frills, fashion, broadcasting, advertising, and slick publicity—destroys the glossy animal who manufactures it.

Several years ago, assigned to write a magazine article on war hero John Crown, I visited the wounded veteran in Halloran General Hospital. This young paraplegic, who had "come back from death to a world I no longer care for" and who was soon to die, spoke of his shock at our cakes-and-circus culture. "All the world's troubles originate in the common man," he told me. "The selfish and greedy ways of nations are just the ways of individual man multiplied a thousandfold. When the morals of the common man drop, so do the morals of the United States and the world. Until each of us stops demanding more wages and more profits, stops 'hogging' the road with his car, stops fighting over a seat on the bus, stops arguing over who is going to cut the grass or occupy Trieste, there will be no peace in the world."

Any observer doubting this drift need only recall the events of the last two decades. Despite the heroism, sacrifice and generosity excited by war and postwar recovery, we also produced enough corruption to shame a land built on law, liberty, and love of God. Instead, worshiping the dollar as deity, we lived fast but not deep; wallowing in a fun morality, which made liquor, television, gambling, brand loyalty, credit buying and banal entertainment tribal rites for millions. We failed to develop an ethical counterpart to our materialism. Today, too much is spoiled by overuse and enslavement to a vulgar conformity.

A FRAME OF REFERENCE FOR THE RECENT TRADE SCANDALS

The results: individual and collective tragedy. Read and heed any page in our postwar saga of scandal—the conviction of both Congressmen and businessmen for wartime profiteering; the recurring inquiries into influence peddling from Capitol Hill to the Pentagon to the Government's regulatory bureaus; the rise and fall of "boiler room" swindlers in Wall Street; the corruption of college stars in the conspiracy to "fix" intercollegiate basketball games; the payoff bribes in New York's fire department (not to mention similar rackets in the welfare, building, police, and weights-and-measures departments) which resulted in the imprisonment of Commissioner James Moran; the gangster infiltration of big labor with such union leaders as Beck and Hoffa under indictment or investigation; the revelations about conniving executives, who in such telltale novels as "The Hucksters," "The Great Man," "The Big Wheel," "Executive Suite," and "The Hot Half Hour" foul their nests; the insurance company swindles in Texas, the gambling gyps in Nevada and Florida, the Apalachin underworld conference in New York, as well as the dope, prostitution and numbers rackets in most major cities, and most recently the long-overdue exposure of greed and corruption in the boxing business, the "payola" deejay and disgrace, the paid radio-TV "plugs" and blatant commercials that "exaggerate, irritate, and nauseate."

Are these but isolated incidents unrelated to a spreading skein of deceit? Not at all. They are the outcroppings of a society whose values run cockeyed, whose once-rugged individualists are hollow men and whose fat-dripping prosperity in part derives from plain cheating. Silently, contagiously, sometimes inside and sometimes outside the law, the national cheating habit deepens: contract kickbacks, shady deals, political grafting, media payoffs, business embezzlement, income concealment, labor featherbedding, capital price fixing, farm overpayments, shoddy workmanship, venal journalism, academic cribbing and, perhaps worst of all, a goof-off psychology which Madison Avenue's Charles Brower, president of Batten, Barton, Durstine & Osborne, has labeled an American stampede away from "responsibility * * * with laundrymen who won't iron shirts, waiters who won't serve, with carpenters who will come around someday maybe, with executives whose minds are on the golf course, with spiritual delinquents of all kinds who have been triumphantly determined to enjoy what was known until the present crisis as the new leisure.

The fuzzy minded, morally warped public relations field has been as guilty as any other. In their headlong haste to tell and sell, fake and take, plant a story, rig a "plug," or pay off a columnist or picture editor, public relations practitioners generally condone the very malpractices they have helped to create. From corporation consultants to Broadway press agents, too many publicists would rather be rich than right, safe than courageous, self-important than self-denying. Too many press agents, who can't think a straight thought or write a declarative sentence, are the not-so-hidden persuaders who believe the communications system exists only for their own manipulation. Little or no creative thinking has been done regarding the need for stricter morality in business or worthier aims for the Nation.

I speak from experience. On rare occasions during my editorial career on Life, Pageant, and See, I heard the siren song of fixers who wanted editorial space at a price (as most editors do, I refused outright); more often the blandishments took the form of free lunches, whisky, watches, lighters, leather goods, toiletries, parties, jewelry, and junkets. Today, as a freelancer who writes inspirational articles and as vice president of a public relations agency which is trying to set standards of excellence in a profession painfully lacking them, I recognize the problem persists. I recognize, too, that the price is never right when people sell themselves for a mess of pottage.

ANGLES REACHING NO RETURNS; WHY NOT REVERT TO HONESTY?

Having tried everything else, let us try honesty for awhile. If we can't go back to plain living, let us at least practice high thinking, gracious speaking, just dealing. In good conscience, Madison Avenue's everyman must learn to be the gentleman he seems, must lead in correcting the professional abuses that prevail. He also must learn to say "No" to both client and cash when the proposition turns out to be something less than the best.

"No man can serve two masters * * * God and mammon," was the winged warning of Jesus to Israel. Its terrible truth applies as inexorably to us as it did to Canaan, Babylon, Egypt, Persia, Greece, Rome, medieval Europe, and a dozen other civilizations that passed from the earth because of inner decay and outer attack. In fact, more than 100 years ago, the British historian Lord Macauley warned, "Your Republic will be as fearfully plundered and laid waste by barbarians in the 20th century as the Roman Empire was in the 5th, with this difference: That the Huns and Vandals who ravaged the Roman Empire came from without, and that your Huns and Vandals will have been engendered within your own country by your own institutions."

Only changed men can change that course. Only rededicated men, cherishing the American dream more than they do the American dollar, can build the city of God instead of the city of swine. For if our godless grasping continues, if our preoccupation with singing commercials, rock 'n' roll, the Dow-Jones ticker, and intercontinental rocketry grows apace, then our perpetual adolescent society careens blindly toward its doom.

When Gen. Robert E. Lee was an old man, a war widow came and asked him to bless her son. "Teach him he must deny himself," Lee replied. Today, in an era of moon shoots and 600-mile-an-hour jets, the greatest distance we have to travel is still within. Indeed, if we media men would reestablish respect for television and advertising, help reform the excesses of much of American business, we too most learn to deny ourselves, mend our ways, live according to the moral laws which are binding on all men. Then, and only then—when, with all our getting, we get understanding—can honest men succeed on Madison Avenue and America rise to the world leadership to which she is called.

Mr. PROXMIRE. Mr. President, there are two interesting historical forecasts in this remarkable article which suggest how much is at stake in this great moral problem. That peerless French observer of American life, Alexis de Tocqueville, said it simply and beautifully when he wrote, after his magnificent survey of America 130 years ago—as Mr. Gammon points out:

America is great because she is good and if America ever ceases to be good, America will cease to be great.

This perceptive concern for the character of our people was also reflected in Macauley's warning:

Your republic will be as fearfully plundered and laid waste by barbarians in the 20th century as the Roman Empire was in the 5th, with this difference: that the Huns and Vandals who ravaged the Roman Empire came from without, and that your Huns and Vandals will have been engendered within your own country by your own institutions.

I also ask unanimous consent, Mr. President that an article entitled "The Age of Payola," by William Attwood of Look, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE AGE OF PAYOLA

(By William Attwood)

HAVE OUR MORAL STANDARDS BEEN DESTROYED BY THE PURSUIT OF THE DOLLAR?

"Payola" is the year's new word. It does not sound as ugly as "bribe," but it means the same thing.

It was first coined to describe the money that disk jockeys took to plug certain records. Now the word is being applied to almost any shady deal involving a payoff. And judging from recent newspaper headlines, payola is just one phase of an epidemic of immorality in this supposedly God-fearing Nation.

Just look at some of the evidence:

In New York, a borough president is indicted on charges of conspiracy to obstruct justice and three violations of the city charter. Meat markets and fuel-oil dealers have been accused of defrauding the public of millions of dollars a year, with the cooperation of city inspectors.

In Chicago, police officers have been arraigned on charges of conspiring with a confessed burglar; and in New Haven, a group of Yale students from good families are accused of having lascivious relations with a 14-year-old girl.

On a national scale, no one seems immune from the cancer of moral indifference. A James Hoffa still rides high in the labor movement. High-ranking generals are treated to a Bahamas junket by a big aircraft company with defense contracts. Ministers go on preaching brotherhood to all-white congregations. A Mississippi grand jury refuses to indict known murderers. Charles Van Doren makes $129,000 on a rigged television show, lies to a grand jury, says he is sorry, is praised by Congressmen for his frankness—and keeps the money. And in Washington, the man who was the President's closest and most trusted assistant accepts gifts from Bernard Goldfine and makes phone calls on his behalf.

A syndicated columnist feels moved to write about Sherman Adams: "If he is a fellow of this sort, then they are all fellows of this sort; and we are all going to hell."

Are we? Do these symptoms of moral decay indicate a real slackening in our standards of right and wrong? Is this really the age of payola? And if so, do we care?

In January, a Look survey on the mood of America produced some disturbing clues: Less than 10 percent of the people interviewed felt that honesty was a prime requisite for success, and nearly three out of four said "most people" would have done what Van Doren did.

To find out more about the state of our private and public morality at the start of this new decade, 12 Look reporters were sent out to question their fellow Americans in all walks of life and in all parts of the country. They visited small towns and big cities, interviewed hundreds of people and returned to New York with nearly 60,000 words of notes.

They asked questions about cheating—in school, in business and between husbands and wives; about graft and shoplifting and insurance claims; about the things people would do if they were sure they wouldn't be caught. And to insure

frankness, it was agreed that no names would be used nor any community identified by Look.

This report is a summary of the answers the reporters brought back. It may shock you or it may reassure you, depending on how cynical you are. But it should not surprise you too much. For these are your neighbors talking, your friends, and fellow citizens.

"Who am I to say what's right and wrong?" This casual remark by a young woman in Pennsylvania summed up an attitude that Look reporters found prevalent from coast to coast. A moral relativism seems to have replaced the moral certitudes of the past. Would you fake an insurance claim? "It depends on the amount," said the hotel desk clerk. Would you return a lost wallet? "It depends who owned it," said the garage mechanic. "If it belonged to a rich man. * * *" Is it wrong to break a law? "It depends * * *" said the young woman.

It was a rare American who thought the change in our moral standards was for the better. Some detected no change, but a majority of those interviewed said our standards were deteriorating—one in five in a Kansas city, two of three in New York State, three out of four in Ohio and everybody in a Mississippi community.

Those who were pessimistic pointed to the rise in the national crime rate, to the increase in illegitimacy, to the public indifference to scandals and fraud, to the notion that wealth is the only criterion of success, to the growing preoccupation with the big deal and the fast buck, and to a lack of understanding of what morality is all about.

Morality, according to the dictionary, is the ability to discriminate between right and wrong. That is what makes it troublesome. Asked what actions are immoral, most people put malicious gossip high on the list; they also included theft, forgery and taking a bribe. Some thought drug addiction was immoral, but an equal number considered it a sickness. Only a minority saw anything wrong in drunkenness, gambling or traffic violations. Perjury and premarital sex relations were condemned, with reservations. The latter is widely excused, by and for men; the former is justified to protect one's family. (In a west Texas town, 46 out of 50 people called perjury immoral, yet all but 14 would commit perjury for their family's sake, and all but 26 for their own sake.) People usually agree that tax evasion is immoral, yet often admit fudging their own returns.

Americans seem even more confused about abstract morality. A Texas clergyman thought of it in terms of "sex or some awful thing like that." Others spoke of a code of financial ethics. Some, who admitted to frequent lying and cheating, cited the Ten Commandments. A Look reporter summed up most people's attitude toward morality as having to do with "a vague, unrealistic code which they should be familiar with, but which does not affect themselves."

In Vermont, a radio-station manager declared that everybody he knew padded his expense accounts. What about his own salesman? "I'd fire him if I caught him at it," he said. "It would be my money he was taking."

Van Doren's deception elicited these comments from teenagers in an eastern city where the juvenile crime rate rose 6 percent last year: "After all, he didn't hurt anybody." "Basically he was wrong, but those who enticed him were more wrong." "Once he took a wrong step, he couldn't stop it." A salesman finally spoke the words that every Look reporter heard again and again: "What's all the fuss about? It was entertainment."

Part of our moral confusion stems from conflicting laws. A bartender remarked, "What's legal in one State is against the law in another." A clergyman added, "What's right in one church is wrong in another." And Look reporters found little disposition to turn to Washington for moral guidance. An admittedly cynical Oklahoma lawyer put it bluntly: "We used to hear about mink coats and deep freezes in the White House. Now it's vicuna coats and oriental rugs. What's the difference?"

PEOPLE CHEAT ON EVERYTHING

Out of the confusion, a new American code of ethics seems to be evolving. Its terms are seldom stated in so many words, but it adds up to this: Whatever you do is all right if it's legal or if you disapprove of the law. It's all right if it doesn't hurt anybody. And it's all right if it's part of accepted business practice.

Under this code, you may cheat the Government on your income tax. And by their own admission, close to half the people do in the communities surveyed (tax lawyers usually put the figure higher). They chisel because they consider the law unfair and because of the "impersonality" of government. Said a Vermont farmer, "Most people are being stole blind by the Government anyway." A Colorado merchant didn't feel people were any more dishonest: "Darn near everybody will pay you if they owe you money. But on the income tax, plenty will take a chance."

Similarly, you don't try to cheat the corner grocer—he is a person. But you have a different feeling about the supermarket—that's a corporation. So is an insurance company. A claims adjuster told a Look reporter that most people are out to get as much as they can. "It didn't use to be this bad," he added. "I hate to say this, but 75 percent of the people we deal with now have no morals at all."

Yet a lost wallet in America will generally find its way back to its owner. Confronted with a hypothetical well-stocked wallet, most people reacted like the Illinois cab driver: "I'd figure that the guy who owned it needed the money."

Under the new code, you may cheat in school. A high-school principal pointed out, "Parents these days are less interested in what Johnny learns than in what marks he gets." So the pressure is there, and the rationale is easy: Good marks will get you into college, and a college degree will get you a good job.

"All around me," said a high school senior in New Jersey, "people cheat on everything and tend to think less and less about it. It's part of the high school code. Most of my friends don't see that it matters."

The only deterrent, according to other students, is getting caught. But if you can get away with it—why not? As they say, nobody gets hurt.

Cheating the law is taken for granted, so long as the particular law is regarded with disdain. Thus all 50 people interviewed in one Texas town said they violated liquor and traffic ordinances. In general, the regulations violated without many qualms are those pertaining to taxes, liquor, customs, traffic and farm subsidies.

Nearly everyone interviewed also admitted to lying several times a day, mainly to "avoid trouble," to "spare someone's feelings," to "keep my wife happy," or just to "get along." In a New York community, 60 percent of the people interviewed said they lied to their spouses, and 50 percent, to their children. The same people—or 85 percent of them—also said they tried to teach their kids the difference between right and wrong.

Lying for business reasons is considered part of the game and, by many, a greater part than ever before. "I'm bargaining for my clients and I have to get them the best possible deal," said an Illinois divorce lawyer. "The type of job I got, you have to tell lies to protect the boss," said a court bailiff in the same town. And a southern editor observed, "People are not as ethical as they used to be. I remember when any number of agreements and deals were made simply on the basis of a spoken promise and a handshake. My father used to say, 'If a man can't trust me to keep my word, I can't trust him.' How far do you think you'd get with that today?"

Cheating on the expense account is rarely regarded as cheating. "Everybody does it—their bosses expect them to," a midwestern appliance salesman told a Look reporter (whose boss didn't expect him to).

So it would seem that our changing code of ethics is creating a fifth American freedom—the freedom to chisel. And of those who try to explain it, nearly everyone blames our high standard of living. A newspaperman in California put it this way: "The desire for luxuries plus high taxes and inflation makes it hard for people to keep up. They have to stretch. So they are tempted to do more for a buck—and do it in a less honest way."

An advertising man summed it up: "In the pursuit of the dollar, anything goes." (Or, to quote the maxim so popular in dictatorships, the end justifies the means.)

The effect on young people is predictable. "Everyone is on the lookout for an easy dollar," said a smalltown editor in New Jersey, "in television, business, everywhere. If parents and people in top brackets take payola, how can it help but be reflected in their children?"

It can't. The only reason we have juvenile delinquents is that we have grown-up delinquents. The cycle is both vicious and self-generating.

Most adults still pay lip service to the old-fashioned virtues and are essentially honest in their dealings with people they know. They want to trust others and try not to lie. But a group morality appears to be replacing personal codes of ethics. That is, you no longer refrain from doing something because you couldn't live with yourself—you refrain from doing something because you couldn't live with your neighbors.

Some cheating is tolerated—and even approved—by the group, just so long as it doesn't seem to hurt anyone. "Everybody cheats," said a group-directed young man in Pennsylvania. "Look at the big shots. They have lawyers who do nothing but cut corners for them. Why shouldn't I do the same thing?"

A clergyman deplored the trend: "Most of us have lost our sense of importance and personal value. If a man stands up against the crowd for something he thinks is right, we say he should see a psychiatrist."

A Look reporter found an extreme and ironic case of neomoral conformity in Colorado, where a man who did not chisel on his income tax boasted that he did. To be well regarded by his friends, he pretended to be doing what he assumed the group considered smart.

Moral indignation is out of fashion: It isn't smart to get mad. Nor are people concerned with making moral judgments unless they are discussing clearly criminal behavior. The thing to be these days is cool, sophisticated—and tolerant of wrongdoing. The Biblical admonition, "Judge not, that you be not judged," has gained wide acceptance. Even in supposedly rock-ribbed Vermont, people hesitated to criticize the actions that led to Sherman Adams' resignation; they would only call him unwise or confused.

In Kansas, a restaurant owner gave an explanation for this attitude: "You get away with what you can. So when a guy like Van Doren gets caught, people feel sorry for him. It might have been them."

A suburban banker near New York had this to say: "When you're better fed, better

clothed, and better housed than ever before, you tend to have more compassion for people in trouble. But I think we are inclined to excuse too easily today, especially when someone's wrongdoing doesn't hurt us personally."

And in the same community, a 40-year-old woman officeworker said, "When I was a young girl, black was black and white was white. Today, evil is no longer shown as evil, but as part of the human condition."

So great is our tolerance that it extends even to excessive virtue. A veteran of the Korean war was telling a Look reporter that he knew of only one married man in his company who was faithful to his wife. "But no-one kidded him," he said, "because he didn't brag about it. In fact, we all respected him for it."

Tolerance encourages candor. People everywhere freely confessed to their moral lapses. So it is fair to conclude that hypocrisy is declining in America, once you accept the fact that many people regard churchgoing as no more than a social ritual.

Candor—you might even call it an aggressive ingenuousness—is most prevalent among the young. In a Vermont high school, a student told a Look reporter—with the evident approval of his classmates—that he would probably steal $10,000 if he could get away with it. "You'd be OK," he said, "so long as you kept busy and didn't have time to think about what you'd done."

In Mississippi, a school principal took a Look reporter into a classroom to discuss the Van Doren case. After discovering that only 3 of the 26 students thought Van Doren should have been fired, the principal asked the class how they would react if he offered $1,000 for the highest mark in an exam, and then gave one student the correct answers. A boy replied, to approving nods, "Well, sir, it's your $1,000. You have the privilege of deciding how you're going to hand it out."

In another town, a Look reporter asked many people what they would do if they collected an insurance claim for a lost watch and later found the watch. Those over 30 hesitated, then said they would call the insurance company. Younger people, without exception, said they would keep both the money and the watch. "Who would I be stealing from?" said one.

Tolerance and candor are especially noticeable in relation to sex. And wherever Look reporters went, they found that in any discussion of morality, sexual freedom among teenagers was often uppermost in people's minds. This has nothing to do with payola (there is no money in most 1960 sex), but it does reflect another change in our concepts of right and wrong. The writer of this article—a teenager in the thirties—can remember when a little necking after the movies was the ultimate gratification you could reasonably expect from a date. Judging from the gleanings of this survey, times have changed.

In one small Vermont town, three of last year's eight young marriages were "forced." In one Mississippi high school class, four of the six pregnant wives were married after they became pregnant. In Colorado, an honor student, 2 months pregnant, was taking part in a panel discussion on how to handle dates. And in every town surveyed, police blotters reflected the more lurid details of this new freedom.

The reasons given by clergymen, teachers, psychiatrists and teenagers themselves are various: irresponsible and indulgent parents; early dating (going steady makes it all right and dissipates guilt); mobility (cars); and money; the stimulation of the mass media ("they get it from all sides"); the growth of leisure.

One thing, however, is certain: The word "sin" has become archaic. Only one Look reporter heard it used, and that was when a minister said, "The identity of sin is being lost."

A New Jersey judge felt that youth no longer had a sense of responsibility: "I see this when I sit in municipal court and young people come before me. They just don't have an awareness toward their community, toward the fellow in the other car, toward the girl in their car, toward anyone but themselves."

The responsibility of parents to set an example was also cited by many people. Yet in every town, adultery, though not always widespread, was felt to be increasing—usually because of leisure and boredom. "And don't think that the kids don't know what's going on," said a State trooper. "After all, they use the same motels."

What is behind all this evidence of slackening morals? Objective morality is rare in America, but Look reporters found people ready to talk when the problem was put in personal terms. ("You know, I never thought of these things in just this way." * * * "I'm glad I talked to you." * * * "I wish I had more time to think of these things.") And what bothers them most is the feeling that there is no longer a firm center of moral authority. Since Freud, people find it harder to believe that behavior principles derive from God. A Mississippi editor remarked, "People are just not scared of God any more." Even God's ministers seem to have doubts about how they would react to certain situations. In New England, one asked plaintively, "Who knows what any of us would do if faced with the temptation of $129,000?"

Parental authority has lessened too. In one southwestern town, hardly any children could recall their parents teaching them anything about right and wrong. Many parents claimed they did, yet half of them admitted that they did not punish their children for lying. Most teachers in the same town said they passed students who should have been flunked. They called this "social promotion."

"People don't have the courage of their convictions," said a Colorado psychiatrist. "A good example hasn't been set for the children—and they're disturbed." A judge in Ohio agreed that this was the reason he now tried 600 juvenile cases a year, as against 20 back in the 1940's. A policeman in New Jersey shrugged. "It's soft times," he said. "We're easy on everyone, including ourselves." An executive in California said we lacked leadership: "People left unattended tend to drift. Leadership has a lot to do with morality, all the way down."

There still exists a longing for "old-fashioned morality," as symbolized by a stern but kindly father dispensing wisdom at the head of the table. The hazy authority of "group morality" has not yet provided a satisfactory substitute.

"To be an American," said the philosopher George Santayana, "is of itself almost a moral condition, an education and a career." Even if this statement was once true, it would have to be rewritten today. Yet the reporters who worked on this survey did not all come back dismayed or even more cynical than they started out. They agreed with the bishop who pointed out to one of them that Americans are "not maliciously sinful." In fact, those who went to rural communities—especially in the Midwest—were surprised at the extent to which people trusted each other's good faith. Doors were left unlocked, religious precepts were taken seriously, juvenile delinquency was seldom a serious problem, and strangers were taken at their word (no one ever asked the reporters for their credentials).

"A small town out here is like a large family," said a Kansas State senator. "If you do wrong, there's no place to hide. Also, I guess we're not so status seeking and success oriented. Not so sophisticated, maybe."

People everywhere also seem less cynical than might be expected. They would rather take a chance and trust somebody, even if they knew there was more chiseling going on. They were, however, found to be generally cynical about the integrity of politicians, although they nearly always praised their own congressman and local officials. And it is a fact that the kind of big-city machines once run by Hague and Crump are vanishing; flagrant graft is no longer tolerated.

Look reporters also found evidence that our consciences may be dulled, but not dead. In Mississippi, for example, one reporter made a point of never mentioning segregation to the people he interviewed. Yet every one of them brought up the subject. A local editor explained why: "We southerners spend more than half our time thinking about the race problem. We have a massive guilt feeling about it."

In any survey, there are people who make things look worse than they are—like the cab driver who said, "The whole country is beat." And there are those who try to make things look better—like the high-school principal who stressed student participation in the charity drive, but did not mention the previous week's basketball game, at which several schoolgirls were drunk, money was stolen from the locker room, and tires were slashed all over the parking lot.

But in general, the reporters felt that people usually tried to tell the truth as they saw it. There is a greater willingness to face the facts and not to cover up unpleasant realities. This attitude is what led one elderly businessman to remark with a chuckle, "I think we are just beginning to find out that we aren't as good as we always thought we were."

Summarizing the conclusions of 12 Look reporters, you can say this about American morality, 1960 style:

1. People are not inherently dishonest and are still inclined to trust each other.

2. They are under pressure from society to maintain their high standard of living. This has resulted in a recasting of old standards of right and wrong, so that anything that guarantees success—if you don't stretch the law too much—is all right; a deal once considered questionable would now be considered shrewd.

3. Moral authority has become diffused; the group is replacing church and family as the arbiter of what is done and not done. The group consists of others in a community we consider to be like ourselves; as such, it is incapable of moral direction.

4. Lacking a clear-cut code of ethics, people are falling back on a kind of personal, relative morality, which justifies most actions—even illegal ones—that don't actually cause harm to another person.

Thus, you needn't worry that payola will destroy our moral standards; indeed, payola is more of a symptom than a cause of our changing standards. The thing to worry about—if you feel like worrying—is that Americans do not seem to feel any personal responsibility for improving the Nation's moral condition. Headshaking and platitudes about human nature are as much a part of our bland and undistinguished morality as a euphemism like payola.

More than 50 years ago, after a lengthy investigation of corruption, Lincoln Steffens concluded that any society that conditioned people from the cradle to look at riches and power as the only goals worth seeking—whatever the cost—not only invited but insured corruption. His conclusion would probably be as valid in 1960 as it was when he and the other muckrakers stirred the Nation's conscience with their revelations.

The big difference today is that fewer people would care.

Mr. PROXMIRE. Mr. President, this Attwood article is quite a journalistic feat. It is not just the armchair rumination of one writer. It is the product of a concentrated, systematic study by 12 Look reporters in all parts of the country. The finding that too many Americans have lost their moral bearings should help arouse this Senate to the vital importance of setting an example of insistence on moral standards in passing on top Federal appointments.

One of the points which is emphasized by Mr. Attwood, as brought out in the article in Look magazine, is that in too many areas of the country people are not acting with the kind of strong moral character which we all recognize, as American citizens, is desirable and necessary for our country, because the people lack a specific moral code and because they lack any guidelines.

I would make two points in reference to that. The first point is that the best kind of example or precept which can be set is the kind which can be set by our national leaders, by U.S. Senators and by the President of the United States. We have that opportunity in respect to this nomination.

The second point I would make is that it is understandable how people can act in a way which lacks any moral foundation or sense when they do not have moral direction. This cannot be said of the nominee, because he had an explicit and exact code which said, "Do not accept 'unusual hospitality'." It was very clear when he violated the code.

Mr. President, I also ask unanimous consent to have printed in the RECORD a study which I had made by the Library of Congress some time ago of gratuities to public officials. This study was extremely competent and very, very enlightening. It provides an excellent basis for an understanding of the kind of moral judgment we can exercise in this very difficult case.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

A STUDY OF GRATUITIES AND THE PUBLIC EMPLOYEE

PREFACE

This report is an attempt to analyze from ethical and historical standpoints the problem of gift receiving as it relates to employees of the Federal Government. By "gift receiving" the report refers to the receipt of gifts by Federal employees from persons or organizations outside the Government service, though not those gifts received from foreign governments, since this area is well covered by statute.

In researching the problem for available material, it was found that the problem of gratuities is too minute to be widely treated in the literature. Therefore it had to be approached through more general problem areas which are given better coverage. It was found that the various authors in the field included the problem under such general headings as (1) Corruption in Government; (2) Conflicts of Interest; (3) Graft; (4) Bribery; (5) Undue Influence; (6) Venality; (7) Ethical Standards, Integrity, Honesty; (8) Public Morality.

All of these terms have similar or identical connotation. The problem remains the same whatever name it goes by.

DEFINITION OF THE PROBLEM

Gift receiving by Federal employees may occur in any agency or department of Government. It probably becomes most acute, however, in those places which have direct dealings with private persons and/or organizations doing business directly with the Government. Research and development, procurement, and contracting are specific areas in which the close relationship between governmental and private interests may cause a breakdown in governmental ethics.

In order clearly to understand the problem of gift receiving by employees of the Federal Government, the terms involved in the study must be defined. What is a gift? How does a gift differ from a bribe, and how does a bribe differ from extortion? Rev. William Joseph King, in his dissertation Moral Aspects of Dishonesty in Public Office, classifies the terms in this way:

"In the concept of graft there are, what one may call, three degrees or phases, namely, the gift, the bribe, and extortion. Any transaction classified as graft can usually be put under one of these classifications. By a gift we mean 'something that is freely and spontaneously offered without any agreement to do what is evil and without any hope of recompense, at least in the near future.' A gift, taken strictly, excludes any preceding debt of justice on the part of the donor. However, by chance, some debt of gratitude or dutifulness may intervene but then the gift could not be said to be entirely free. Among the various divisions of gifts A. Vermeersch speaks of the 'donation allectiva' by which he understands a gift given with the hope of some other action or gift in return. This hope in the mind of the donor does not make the gift a conditional one nor does it give the donor the right to demand anything back should his hopes be frustrated.

"Bribery is the 'practice of tendering and accepting private advantage as a reward for the violation of duty.' The duty involved is clearly understood, but it is neglected or misperformed in view of the personal advantage gained in the acceptance of the bribe. The bribed official knows the better and chooses the worse.

"Bribery contains the element of choice and when that factor is seriously curtailed we have extortion." [1]

In actual practice this classification does not seem to be as clear as Reverend King states. The dividing line is very thin between bribery and receipt of "innocent" gifts. An item which may be treated as a gift, given one set of circumstances, might actually be considered as a bribe, given another. The employee's psychological makeup, his job ethics, his homelife, his income and debt status, and so forth, are all variables in the decision of how to classify a gift received.

We can get some idea as to the problem of defining "gratuities" by listing the various terms that are used in the various departmental rules and regulations:

1. Gift; gratuity.
2. Favor; present; pecuniary favor; considerations.
3. Loans; advances; financial accommodations.
4. Unusual discount.
5. Service, gratuitous service.
6. Entertainment.
7. "Other thing of value."
8. Item of slight or substantial value.
9. Free transportation.
10. Unusual concessions.
11. Item of significant or substantial value.
12. Compromising social activities.
13. Free board from a timber operator.
14. Money; positions for relatives or friends; tips on horseraces or stocks; free trips on boat or other transportation lines; accommodations at hotels or clubs; tickets for theaters, prizefights, etc.
15. Anything of economic value.
16. Rewards; etc.

The receipt of articles under any of these terms makes the receiver liable to punishment, in some form or another.

Charles H. Garrigues, in his book "You're Paying for It," gives a rather interesting and amusing definition of the term "graft":

"Graft * * * resembles electricity * * *: In that, while everybody knows something about what it is and what it does, almost nobody is able to define it with any degree of intelligence. We know that graft exists, that it results in the construction of expensive and ornate public buildings, in the protection of vice and crime, and in the creation of other 'special privileges;' but we are not, for the most part, able to put our finger upon [2] any particular aspect of government and say with certainty: 'This is graft.'

"Graft in the broadest sense is merely any act which constitutes the avoidance by a public official of the terms of his contract of employment with the public, and the substitution of his own interest in place of the public interest as the controlling factor over his conduct.[3]

"The philosophical foundation of graft will be simplified even further if one will keep in mind two facts which the student of 'practical politics' learns early:

"1. The proportion of self-interest in the breast of the public official is neither greater nor less than the proportion of self-interest in the breast of the private businessman, citizen or taxpayer.

"2. That official is most successful from a standpoint of self-interest who subordinates the public good to his own welfare and decides his course of conduct solely on the basis of 'What will I get out of it?' rather than 'What will the public get out of it?' [4]

"The first of these facts is fairly self-evident. The ethics of politics is neither higher nor lower than the ethics of business. Politicians and other grafters are just like you and me—except that they work in a slightly different medium." [5]

An additional classification, which falls below the status of the term "gifts," relates to advertising mementos. These include pencils, pens, calendars, blotters, matchbooks, etc., upon which is imprinted the name of the business firm plus a possible advertising message. Again, there is a problem of definition or, at least, of clear categorization of such items. Which items should be considered as mementos, and at what stage do they become gifts or even bribes? For example, a $1 or $2 pen with the firm's name printed on the barrel might be considered as an advertising memento. But could a $25 pen, similarly imprinted, be classified as such? The fundamental, underlying factor that has to be considered in analyzing and classifying gratuities must be a determination of the influence which they have on the administrative decisions of the recipient.

(An interesting sidelight on this particular problem is the treatment that such mementos receive in some local Government purchasing offices. As many of them come through the mail in the course of business, it is rather difficult, and perhaps foolish, to return them. Therefore, the rule is for the various employees of the offices to keep such mementos off the tops of the desks and out of sight. The main reason is that open display of such items might be taken by the general public as evidence of favoritism.)

[1] King, Rev. William Joseph, "Moral Aspects of Dishonesty in Public Office," Washington, D.C., Catholic University Press, 1949, pp. 7–8, Classifications of graft (JA79K5 1949).

[2] Garrigues, Charles Harris, You're Paying for It. A guide to graft, New York, Funk & Wagnalls Co., 1936, p. 3.

[3] Ibid., p. 5.

[4] Ibid., p. 7.

[5] Ibid.

GRATUITIES AND PUBLIC MORALITY

In 1948 there occurred a gratuities scandal in the British Civil Service which caused Sir Hartley Shawcross to comment on the Services' highly rated integrity. The story, as related in Time magazine under the title "It's Not Done in Britain," goes as follows:

"John Belcher, a Labor Member of Parliament and Parliamentary Secretary to the Board of Trade, was found to have accepted a gold cigarette case, a suit of clothes, unlimited hospitality, and a week's vacation at a seaside resort from one Sydney Stanley. In return, Belcher helped Stanley around the Government, helped his friends get licenses for construction work on a resort hotel, and helped quash prosecution of a Stanley client for alleged shady dealings in a gambling pool.

"Sir Hartley Shawcross, then the Laborite Attorney General, eloquently voiced the uncompromising British attitude toward corruption in public office: 'Our whole system of government rests upon public confidence in the honor and integrity of those whether as ministers or civil servants who are officers of the Crown. * * * If in the end some perhaps once-promising and once-worthy political or public career is ended and the bell tolls on it * * * let no one take it as the occasion for smug self-righteousness or partisan satisfaction. It is a matter which affects every political party and every citizen, and every party and citizen suffers for it.'"[6]

Herman Finer, a well-known authority in the field of comparative government, stated that the integrity of the British civil servant "goes back to a way of life—a civilization; like civilization, like civil service."[7]

It can be observed from the British situation that the problem of gifts is just a section of the whole problem of ethics in government which in turn is just a part of the more total problem of public morality. It should also be noted that there is a great variation between the standards of ethics prevailing in the world of commercial business and those which should be maintained in governmental organizations. Gift-giving is an accepted practice of business administration; but, for many reasons to be enumerated later, such a practice cannot be accepted in public administration.

The political action committee of the CIO has written an interesting survey of the problem of private versus public ethics:

"Graft in the Government, generally speaking, results from the impact of ordinary business morals upon a weak or corrupt official.

"When an expensive camera is given an official, some businessman has ordered his corporation's money spent to buy the camera—and to buy favors.

"When a businessman sends deep freezes and gifts of perfume to officials, he is simply doing what comes naturally. That is the way he buys friendship and favors in ordinary business affairs.

"A businessman hungry for profitable contract has lunch with the man who can award the contract. If he gets the specifications of the contract drawn to favor him, he is in clover. And when he starts dealing with the Government, he will get public contracts drawn favorably—if he can.

"In business, it's smart salesmanship. In Government, it's graft."[8]

Wesley C. Clark, in his thesis, Public Administration and Private Interest, states that the morality of public administration "is not a constant; it varies from time to time."[9] He goes on to say:

"Depending upon many factors, it may favor administration in the public interest, and again it may favor administration in the private interest. In this variation is to be found the answer to many of the ills which beset the Federal administration today.

"Five major factors contribute to this administrative climate, and there are a multitude of subdivisions of these factors. First there is the moral tone of the Nation, second the machinery of administration, third the staff of administration, fourth—and perhaps most important—the leadership which guides the staff and controls the machinery of administration, and, fifth, the news spotlight in which administrative activities are conducted."[10]

It is interesting to note the emphasis that Clark places on national morality as a conditioning factor of public morality:

"The basic attitudes of Federal administrators cannot be expected to differ greatly from the attitudes of the Nation as a whole. It is axiomatic that Washington in any area cannot lag far behind or run far ahead of the thinking of the people of the Nation. This is just as true in respect to moral standards as in respect to defense or tax measures. Thus, if the moral standards of the Nation are lax, if there is a negligent attitude toward other people's money, this attitude will be reflected in administrative Washington, as well as in legislative and judicial Washington."[11]

The report of the Douglas Subcommittee on Ethical Standards in Government also noted the intertwining of public and private ethics:

"Ethics in government is a subject with endless ramifications. The standards of conduct of the legislative, executive, and judicial branches of Government are interwoven. The standards of conduct of all these public servants also are interwoven with those of all who actively take part in public affairs, and of all who do business with the Government. The morals of official conduct may be distinguished, but certainly not separated, from public morals generally. The moral standards of the country, indeed, provide the ethical environment which in turn conditions the standards of behavior of public officials. Low standards in the conduct of public affairs are a symptom of low standards in the country generally. High standards in the country are reflected in high standards in Government,"[12]

The problem next confronting us is: What are the variable judgments of the persons who are determining how high the ethics of the country are? Each person certainly has his own criteria, conditioned by his psychological makeup and geographical surrounding. For example, the criteria used by a businessman in judging public morality would be quite different from those utilized by a public servant with different objectives and obligations.

Senator ESTES KEFAUVER, in an appraisal of public ethics in the United States for the Annals of the American Academy of Political and Social Science, stated that "our standards of public ethics are unquestionably much clearer and much higher today than ever before. Indeed this fact is evidenced by the very intensity of our horror at each new instance of failure of our public servants to live up to them. Unfortunately—and here is the rub—our performance and enforcement of our standards fall far short of them. Indeed, in some respects, like the entrance of the criminal gangster into politics, our position is more serious than it has ever been before; the threat to our basic institution is more menacing than ever. Moreover, it is naturally disheartening to discover that, while we have been closing the doors to the success of the old methods of corruption and influence, our antagonists have been discovering and employing more insidious methods of ingress against which we have not yet established adequate bars."[13]

Senator DOUGLAS wrote (Ethics in Government):

"My own conclusion is, therefore, that there has been an appreciable long-time improvement in the level of political morals. But occasionally there are relapses and these generally come in the wake of great war. While there has been a distinct improvement in the ethics of government (1952), the recent revelations have certainly shown that the present standards of behavior are by no means good enough and need radical improvement."[14]

The report of the Douglas subcommittee said that the basic integrity of Government is relatively high:

"The overwhelming weight of testimony taken by the subcommittee is that the basic integrity of the Federal Government is relatively high. Most public servants, it was agreed, are honest and faithful. Witnesses with the longest experience in public affairs stated that standards of official conduct and public morals generally are rising, although the existence of dips in this long-term trend was conceded. The general trend, also, does not preclude significant deviations in particular levels of activity.

"We also believe that the ethical standards of public officials are probably higher than those prevailing in business and other walks of life. On this point, also, there was persuasive testimony from men of experience in both Government and business and from observers of both. Public officials are more conscious of the problem of moral standards."[15]

CODES OF ETHICS AND THE GRATUITIES PROBLEM

As has been stated before, the problem of gratuities in the Government can be categorized under the general term "ethics" or "morality." It might not be illegal to receive a gift from an outside entity in the performance of duty; but certainly it would violate the provisions of good ethics. The problem is the determination of whether or not written "codes of ethics" are sufficient to solve the gratuities situation.

Various attempts have been made in the various governmental jurisdictions to adopt codes of ethics. The already noted 1951 Douglas subcommittee of the Senate Committee on Labor and Public Welfare (82d Cong., 1st sess.) conducted hearings and issued a report recommending the establishment of a Commission on Ethics in Government to enforce supplemental proposed legislation. The proposed legislation (an amendment to the Administrative Procedure Act, S. 2293) cited in its section 102(b) that

[6] It's Not Done in Britain, Time, vol. 58, October 8, 1951: 24, p. 24.

[7] Finer, Herman, The Bookshelf, Public Personnel Review, vol. 13, 1952, p. 200.

[8] CIO political action committee Corruption pamphlet No. 4, Washington, CIO, 1952, p. 24.

[9] Clark, Wesley C., The Annals of the American Academy of Political and Social Science, March 1952, Public Administration and Private Interest, p. 67.

[10] Ibid., p. 68.

[11] Ibid.

[12] U.S. Senate Subcommittee of the Committee on Labor and Public Welfare, Ethical Standards in Government, Washington, U.S. Government Printing Office, 1951, committee print, p. 7. (Hereafter this document will be cited "U.S. Senate report.")

[13] KEFAUVER, ESTES, The Annals of the American Academy of Political and Social Science, March 1952, Past and Present Standards of Public Ethics in America: Are We Improving? p. 8.

[14] DOUGLAS, PAUL. Ethics in Government, Cambridge, Harvard University Press, 1952, p. 19.

[15] U.S. Senate report, op. cit., pp. 11–12.

"it shall be improper conduct for any officer or employee in the executive branch of the Goverment—to accept, directly or indirectly, any valuable gift, favor, or service from any person with whom he transacts business on behalf of the United States"; [16] and (e) "to become unduly involved, through frequent or expensive social engagements, with any person outside the Government with whom he transacts business on behalf of the United States." [17] Section 107 stated that "Notwithstanding the provisions of any other law, the head of any agency in the executive branch of the Government (1) may summarily dismiss any officer or employee in his agency whom he finds has violated section 102 of this title." [18]

The duties of the Commission as set forth in the bill (S.J. Res. 107) would have been "to make a thorough and complete study and investigation of the moral standards of official conduct of officers and employees of the United States; the effect thereon of the moral standards in business and political activity of persons and groups doing business with the Government or seeking to influence public policy and administration; and, in relation thereto, the moral standards generally prevailing in society which condition the conduct of public affairs or which affect the strength and unity of the Nation.[19]

Extensive hearings were held by the Douglas subcommittee prior to the issuance of the report. Many interesting facets of the gratuities problem were brought to light by learned political scientists and persons working with the problem day to day.

For example, Paul Appleby, noted writer in the field of public administration and author of the book "Morality and Administration," testified as to difficulties he had experienced in the Department of Agriculture in coping with the gift problem:

"One of the problems that is involved in this area is the problem of gifts to officials. That is not as simple a problem as it sounds. When a farmer out in the country, for example, sends a big watermelon to the Secretary of Agriculture, he is expressing a certain intimate relationship with the Government, and pride in a way that on the whole is good and not bad, and yet the receipt of the big watermelon can be expanded into the receipt of various gifts, and it becomes rather difficult to draw the line.

"In the Department of Agriculture, during my time, our practice was to receive gifts of that kind, and send them to public institutions, orphanages, and so on." [20]

Senator DOUGLAS then asked Appleby: "What would you do with neckties and whisky?" [21]

He replied:

"We never got them in our day in our office. The regulations of the Department were such that I think that they were very infrequently given. We notified recipients of the dispositions of gifts in that fashion and thus tried to make receipt of such gifts as were permitted free from any invidious suggestion. But I can see that in a government as big as this, there would be opportunity for a good many gifts that would gradually emerge from the simple and sincere and legitimate into the evil, and I know that some such gifts are given and received.

"Related to that is the problem of social involvement. I have known of a few Government employees who got involved with people who had a great deal more money than they and tried to keep up with them socially, and developed also a clique kind of interest in such associations, tending to impair their judgments.

"I think for myself the rather simple business of whether or not to accept a luncheon invitation was a serious problem, depending altogether on my relationship with the person concerned, whether I knew he was confident he would not get anything from me that he was not going to get otherwise. I sometimes wondered whether it was good business for me to be a friend of people on the Hill. When I became friendly with them, they called me more readily about all kinds of importunities that came to them, and it was often very embarrassing because they were good friends.

"So those friendly gifts that may become serious and social involvement are the most elementary source of venality and favoritism." [22]

The testimony in 1951 of Hon. Frederick J. Lawton, Director, Bureau of the Budget, as related to the gratuities problem, went as follows:

"Senator DOUGLAS. Would you say it would be a good rule that no public official should accept favors or gifts from persons who have business relationships with his agency?

"Mr. LAWTON. I think that there is no call in the ordinary circumstances for any person who has relations with a Government agency that is supposed to carry out a program to expect that he has to in effect bribe his way into special consideration.

"Senator DOUGLAS. But suppose he does it; then what should happen?

"Mr. LAWTON. I am definitely opposed to the granting of particular and specific favors or gifts to public officials in connection with the performance of their duty, be they either elected or appointed.

"Senator DOUGLAS. Should the person who receives such favors be disciplined?

"Mr. LAWTON. I certainly think so.

"Senator DOUGLAS. What do you think about this practice——

"Mr. LAWTON. Provided you draw a reasonable line. If a man gets a cigar or something of that sort, it is a different thing from getting a Cadillac.

"Senator NEELY. Let us analyze that. Is the offense to be appraised on the basis of the amount that one receives?

"Mr. LAWTON. No; but commonly accepted social amenities are something different, in my judgment, from attempts to influence by favors or gifts.

"Senator NEELY. Where would you draw the line? You suggest that it may be all right with a cigar or a box of candy. What would you say about a handbag that cost $10 or $50? Would you consider it proper for a Government employee to accept one of these in return for a public service?

"Mr. LAWTON. No; I would not consider it to be proper.

"Senator NEELY. Would you consider it appropriate for someone in your department who was going to pass on a matter that I had pending before it to accept a present costing more than $50?

"Mr. LAWTON. No present at all in that sense." [23]

The testimony of H. Jerry Voorhis, former Member of Congress from California, noted the problem of the administrative lobbyist and the use of the wining and dining technique of influencing decision-making:

"Now we come to the problem of what I call insidious lobbying, that is, lobbying or attempts to influence administrative decisions which is not openly carried on but takes place through so-called social contacts and private meetings. The problem of the frank, open lobbyist is very simple compared to this one, even if the registered lobbyist's purposes are not calculated to serve the highest general public interest.

"In my humble opinion, among the worst influences upon our Government and one of the places where unethical practices are most often broken down are Washington cocktail parties and a certain type of dinner party. * * * By that I mean that I think things are said that have no business being said; that they get on a basis where people are, to say the least, relaxed, and I think that a lot of bad practices take place." [24]

August Heckscher, in an article in the June 1951 Yale Review entitled "Ethics in Public Life," summed up his reasons for the establishment of a code of ethics. Note that this was written around the time of the Douglas hearings:

"The code governing (governmental-business) relationships would probably turn out to be a matter of commonsense. The administrator would be expected to do his business in office hours, not at bars, or at cocktail parties, or on the golf course. He would be expected to refuse all gifts from those with whom he had official dealings—whether at Christmas or at any other time. What is significant is that until now rules of this kind have not been promulgated at all; it has been assumed that simple moral postulates, or the injunctions of the Criminal Code, could cover all the intricacies of a changing human relationship." [25]

Dr. Theodore M. Green, of Yale University, asserted that "the formulation of 'standards of propriety' might be a useful reminder to busy and harassed executives and legislators who are already men of basic integrity.

"I am less optimistic about the likelihood of such restraints being too effective with respect to men who are determined to avoid them." [26]

Senator AIKEN, of Vermont, appended his additional remarks to the report. They present an interesting critical statement:

"The report of the subcommittee headed by Senator DOUGLAS contains a considerable amount of valuable information. And while the conclusions and recommendations contained in that report have much to commend them, and while I do not believe that either this report or the recommendations made by any commission established as a result of this report—even if such recommendations are approved by Congress—will automatically result in the elimination of corruption and debasement from the Government. Laws alone will never improve the ethical and moral standards in the Government; only a clear sense of the honor and duty imposed on those who hold the trust of public service can accomplish that end. 'I have done nothing illegal'—the defense so often put forward by those charged with improper and reprehensible conduct—represents an indifference to the public trust which, if continued, can successfully thwart even the most comprehensive legislation." [27]

The bills were presented by the full committee to the Senate but nothing further was done.

An article in the summer 1953 issue of Public Administration Review entitled "A Code of Ethics as a Means of Controlling Administrative Conduct," by Philip Moneypenny, associate professor of political science at the University of Illinois, stated, in reference to the Douglas subcommittee:

"A measure of skepticism seems in order with respect to the changes in administrative conduct that would result in such a code.

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[16] Ibid, p. 71.
[17] Ibid.
[18] Ibid, p. 72.
[19] Ibid., p. 70.
[20] United States Senate Subcommittee of the Committee on Labor and Public Welfare Hearings, Establishment of a Commission on Ethics in Government, Washington, United States Government Printing Office, 1951, p. 172, hereafter this document will be cited "United States Senate hearings."
[21] Ibid., p. 172.
[22] Ibid., pp. 172–173.
[23] Ibid., p. 85.
[24] Ibid., p. 313.
[25] Heckscher, August. Ethics in Public Life. The Yale Review. New Haven, the Yale University Press, June 1951, p. 587.
[26] U.S. Senate hearing, op. cit., p. 61.
[27] U.S. Senate report, op. cit., p. 66.

There are already statutes on the books which prohibit some of the transactions most subject to public censure. Would not a code of ethics be just another official pronouncement without any force of itself to secure the standards which it develops? There are reasons for believing, however, that under appropriate circumstances a deliberately formulated ethical code might be of use in controlling administrative conduct than would be achieved by the spontaneous development of individual or group standards among administrative personnel." [28]

Three House concurrent resolutions relating to Codes of Ethics for the Government Service were submitted during the 1st session of the 85th Congress (Note: Concurrent resolutions are not normally legislative in character but are used merely for expressing facts, principles, opinions, and purposes of the two Houses. They are not equivalent to a bill and their use is narrowly limited within these bounds. They do not require Presidential approval): (1) House Concurrent Resolution 5 (Jan. 3, 1957), Mr. BENNETT of Florida; (2) House Concurrent Resolution 43 (Jan. 5, 1957), Mrs. ST. GEORGE; (3) House Concurrent Resolution 175 (May 15, 1957) (passed House Aug. 28, 1957), Mr. BENNETT of Florida.

Essentially, these three bills are the same. Below is the text of House Concurrent Resolution 175, which still needs Senate concurrence:

"Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following code of ethics should be adhered to by all Government employees, including officeholders:

"CODE OF ETHICS FOR GOVERNMENT SERVICE

"Any person in Government service should—

"1. Put loyalty to the highest moral principles and to the country above loyalty to persons, party, or Government department.

"2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

"3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

"4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

"5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

"6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

"7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

"8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

"9. Expose corruption wherever discovered.

"10. Uphold these principles, ever conscious that public office is a public trust."

Both House Concurrent Resolutions 5 and 43 contain an interesting preamble, which states:

"Service of any person in any capacity in or under the Government requires both conscientious vocational labor and righteous personal conduct. It should be characterized by devotion to God and country.

"As a desire and purpose to forward the best interests of the United States are an essential part of the loyalty of citizenship, no person who fails to have such desire and purpose should be in the Government service."

At hearings on a similar bill held before the Committee on Post Office and Civil Service of the House of Representatives (84th Cong., 2d sess.), the Honorable Philip Young, Chairman, U.S. Civil Service Commission, states the CSC's objections to the phrasing of the bill on gift receiving, namely, "and never accept favors or benefits from persons doing business with the Government." [29] He said that the phrase "should be literally adhered to by some employees, but is unduly restrictive toward others." [30] He went on to say:

"I believe that a code of ethics would serve a real purpose in making new officials and employees aware of, and thoughtful about, the special ethical obligations that must be a part of public life in a free government.

"Another purpose to be served by practical standards of conduct is that it would put the public on notice as to its obligations in dealing with public servants. For example, expensive entertainments and gifts are many times the practice in securing private contracts, and many businessmen naturally but thoughtlessly assume that this practice is appropriate in their negotiations with Federal employees for Government contracts.

"A code of ethics that specifically covered this point would put the business world on notice that such practices were not acceptable, and would make it easier for public servants engaged in making contracts to decline offers of entertainment or gifts without appearing to be self-righteous or suspicious."

In further explanation, "a contracting or purchasing officer should certainly adhere strictly to this principle in his relationships with the representatives of private business with whom he has official dealings. However, it seems unduly restrictive to apply this rule to, say, a research engineer in his relationships with friends, relatives, or neighbors who may do business with the Government, but with whom the employee has no official dealings." [31]

Mr. Young then observed that since the problems in the various branches of Government were so different, there ought to be separate codes of ethics for each of the areas, as well as different ones for career and appointed employees.

These hearings produced some interesting colloquy pertinent to the problem. For example:

"Mr. BENNETT. I take a sack of potatoes from GRACIE PFOST. Why? Because I know GRACIE PFOST sent me those potatoes because she wanted to advertise the Idaho potatoes, and she sure did a good job of it, because they were wonderful potatoes, and I myself have sent out citrus as an advertising scheme from Florida.

"I think that if you got a souvenir of a pen set, set in star sapphires and diamonds, you would have a pretty good idea it was just not a souvenir. * * *

"Mr. MOSS. * * * Let's assume that there is a classified employee who is faced with the problem at Christmas time as to whether or not he could accept a gift of very nominal value.

"Mr. BENNETT. I regret to say, but I just don't believe that these people who send these hams, and crates of oranges, and so forth, to the classified employees have any noble intentions in most cases. I know it is done." [32]

* * * * *

"Mr. MOSS. (not in the same context) * * * (but) I am mindful of the fact that there are many companies in the United States who, as a matter of course, over a period of years, build up mailing lists for sending out Zippo lighters, or calendars, or desk pads, items of very small value: They are advertisements. They are a favor of some sort. They have perhaps some benefit.

"Mr. LESINSKI. * * * It seems to me that the people who are the most flagrant abusers, we will say, and need a code of ethics, are the appointed officials of the Federal Government. In other words, you have a civil service law that is not adhered to by various agencies, and you have other things that are brought out, and the employees in the Federal Government suffer by it accordingly. Personally, from my experience, I think that should be spelled out.

"Mr. BENNETT. Somebody has suggested language * * * indicating that 'all those in the Government service' includes elected officials, employees, officeholders, and all these various terminologies.

"Actually, when this was written it was intended to be all embracing from the President down to the janitor, and including all appointees, those elected, and anybody else." [33]

In the area of State governments, it is found that the New York State Legislature adopted a code of ethics for State employees which embraced the gratuities problems from several angles, but not specifically. For example:

"An employee of a State agency, member of the legislature or legislative employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position, or influence of any party or person.

"An officer or employee of a State agency (etc.), should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust" (public officers law, sec. 74 Code of Ethics).

The County Board of Arlington, Va., established a commission to study the problem of ethics in the county government and to draw up a code of ethics which could be adopted. For reasons as political as those which caused its inception, the commission's recommendations were never adopted. However, the report of the Citizen's Commission on Ethics in Government is noteworthy for its astute observations in the field of ethics. Much of this textual material can be applied to the gratuities situation.

The Commission was headed by Fritz Morstein Marx, a noted professor of political science and distinguished public servant. Much of the material contained in the report reveals the effects of Dr. Marx' political science background.

Actually the code that was proposed by the Commission contained no enforcement provisions. It was intended, however, as a guideline to good administrative behavior rather than as a punitive measure.

The preamble and the code set out the basic responsibilities of public office:

"In a free society, all public offices are held for the benefit of the public, as all government exists solely so that the people may

[28] Moneypenny, Philip, Public Administration Review, summer 1953, 185.

[29] U.S. House of Representatives, Committee on Post Office and Civil Service, hearing, Code of Ethics for Government Service, Washington, U.S. Government Printing Office, March 26, 1956, p. 8, hereafter this document will be cited "U.S. House of Representatives hearings."

[30] Ibid.

[31] Ibid.

[32] Ibid., p. 13.

[33] Ibid., pp. 14–15.

govern themselves. Those holding public office, as servants of the public, are not owners of authority but agents of a public purpose. In the exercise of the authority given them by the people, they are under three basic obligations. They are bound to do their best—that is, to serve with efficiency. They are bound to do what they are told to do—that is, to respect legality. And they are bound to do right—that is to heed the commands of morality. Public ethics is part and parcel of public office.

"As all public offices are held for the benefit of the community, public officials and employees owe a fundamental loyalty to the community as a whole. Each of them is a guardian of the public interest, even when his functions allow little discretion or may seem relatively unimportant. Each must serve equally all members of the community. This fundamental loyalty can not exist when it is overwhelmed by other loyalties—to a particular group of the public, to a particular economic interest, or to a particular political organization. Reconciliation is possible only as long as the narrower loyalties are subordinated to the basic allegiance. The attitude of individual public officials and employees on this point has great significance for their views on public ethics. All those in public offices owe it to the public to indicate their own position on the resolution of conflicts between narrower loyalties and the fundamental loyalty to the community as a whole.

"Because those holding public office are not owners of authority but agents of a public purpose, they have no right to exercise public functions or use public influence for personal gain or other private ends. Compensation for public office—sufficient to support competence and integrity—should be legally defined and made a matter of common knowledge. Official authority and public influence are not meant to be available for personal advancement or enrichment or for the benefit of any special interest.

"It is easy to turn down requests for special favors when such requests are made in ignorance of public ethics or when the public official or employee has not been put under any personal obligation. Favors are asked for and granted in return for favors received or expected by the official or employee or by others to whom he is tied. When he thus puts himself under an obligation, the official or employee in effect disqualifies himself and betrays the public confidence vested in him. No one in public office is entitled to become involved in a situation where such obligation may be assumed to exist.

"The final judge of official conduct is the public as a whole. But the public as a whole forms its judgment in broad generalization. It cannot look into the detail of the uncounted official actions performed each day and lost to public notice. This explains why wrong appearances may have no less damaging effect on public opinion than proved corruption. Each public official and employee must give continuous thought to the question of how his actions and behavior might be interpreted—and misinterpreted—by the public.

"Blind confidence in the integrity of those holding public offices is not a healthy attitude in a free society. Public wakefulness is to be cherished by all citizens, including those in public office, who also ought to appreciate that such wakefulness may run to excesses of reckless condemnation. One way in which public officials and employees themselves can contribute to keeping such excesses to a minimum is by taking steps promptly to meet any specific suspicions raised about their official conduct. This is not accomplished by mere denial. The pertinent facts must be laid out before the public, if necessary after special inquiry under impartial auspices, and well ahead of mounting public pressure.

"All public officials and employees share in the distinction that is attached to public service. Each of them must remember that his failings as well as his achievements affect the standards of public service. That applies to every aspect of the reputation the public service enjoys—to its efficiency, to its compliance with the laws, and to its adherence to the commands of public ethics. A high standard of official conduct cannot last for any length of time unless it is bolstered in the daily work performed at all levels of public responsibility In turn, each instance of unethical conduct endangers the standard—like a rip in a sail. Although the importance of personal example is not minimized by low position, it is particularly far-reaching in the higher positions because these cast the longest shadow across both the public service and the community.

"The principal appointive officials have the greatest practical familiarity with governmental work. They are thus in a strategic position to spot the points where a breakdown of public ethics has occurred or might occur. Such a breakdown can often be overcome or avoided altogether by developing procedures based upon a recognition of public ethics. It is a requirement of public ethics that the principal appointive officials exert sufficient influence in the development of reasonably foolproof procedures." [34]

Even though these abstracted parts of the proposed code applied to the problems of Arlington County, Va., it can be seen that they actually apply to all aspects of public administration. They are extremely relevant to the gratuities problem, because, as has been noted, the acceptance of gifts is a definite breakdown of public ethics. Note especially the phrase above "although the importance of personal example is not minimized by low position, it is particularly far-reaching in the higher positions because these cast the longest shadow across both the public service and the community" and the parallels that can be drawn in the Federal situation.

One of the problems encountered in enforcing codes of conduct, or specific regulations prohibiting the receipt of gratuities in the performance of duty, is that there is often inadequate publicity of the rules. Many of them, possibly, are broken out of sheer ignorance of the regulations. Detection of violations by supervisors is often difficult because of the subtleness of the process.

One agency in the Federal Government does give publicity to its regulations concerning gifts. In his letter to the Legislative Reference Service, the Acting Director of the Bureau of Land Management, Department of Interior, Earl J. Thomas stated:

"Members of the public who conduct business with the Bureau of Land Management are also reminded of our policy on gifts. A notice addressed to the public discouraging gifts is posted in each Bureau office where public business is conducted."

The notice reads as follows:

"To the Public:

"As Federal employees, our pledge and constant aid is to conduct the public business with integrity and with impartiality to all members of the public we serve.

"We seek to be the recipients of the general public's trust and confidence only—and not of material favors or gifts of any kind. The latter—even though prompted by personal friendship or individual gratitude—find no rightful place within the framework and tenets of the public service of which we are a part. 'Thank you' has a universal and single meaning and to us it is fitting recognition for any job which the public considers we have done well.

"EMPLOYEES OF THE BUREAU OF LAND MANAGEMENT."

The General Services Administration, the procuring agency for the Federal Government, has a printed form listing the Standards of Conduct of the GSA. All employees are asked to read and sign this document at the time of entering on duty. The regulation concerning gratuities states (rule No. 7):

"Gratuities: GSA employees shall not accept any gratuity or favor of any nature whatsoever, directly or indirectly, from any person, firm, corporation, or other entity, which has done, is doing, or proposes to do business with this Administration. Tentative or firm offers of money or other consideration, such as offers of future employment, which are made to influence official action, would, of course, constitute attempted bribery, a Federal criminal offense."

It further states "it is the policy of the General Services Administration that its employees shall be required, as a condition of their employment, to comply with the standards of conduct set below," and "I hereby certify that I have read the complete text of the General Services Administration Standards of Conduct, and that I am familiar with the provisions contained therein."

In his chapter, "Ethical Conduct in Public Service," Norman J. Powell ("Personnel Administration in Government") listed six conclusions that he arrived at after surveying the ethical standard of the Federal Government:

"1. Bureaucratic and legislative ethics are components of the ethical system of the community; public employees and officials will tend to have the same value system as the general population.

"2. The diversity, power, and energy of a democracy's agencies for checking on the public official make it altogether likely that corruption occurs less often and in lesser degree in a democratic society than in one which is totalitarian.

"3. Public standards of ethics are higher than they were in the past and they are higher than in private affairs.

"4. We are all eager to announce our devotion to virtue, but find that in present-day government unethical conduct is only partially a matter of blatant thievery. Often it is difficult to determine when bureaucratic behavior is acceptable and when one or another standard will impair or further the general interest. Modern problems of governmental ethics emerge from the positive role of government in performing acts and making choices that immediately affect intimately the lives and fortunes of people free to influence their governors. For instance, when government makes loans to individuals, both the official and the would-be borrower can easily find themselves in a situation where the correct thing to do is unclear, or personally disadvantageous, or where the wrong thing has strong attractions.

"5. Basic in the effort to deal with unethical conduct are the necessities for highly moral public opinion, competent government organization, effective administration of public finances, and dynamic management. The ultimate factor is the character of the people in the community; their concern with public affairs; and their intelligence in electing able people and checking on their work through pressure groups, the press, and other mass communications mediums, and other avenues.

"6. Confronted with the need to cope with immediate problems, jurisdictions have engaged in activities like setting up codes of ethics or establishing statutory restrictions

[34] Arlington County, Va., Citizen Commission on Ethics in Government, report, Attachment E, Code of Public Ethics, Arlington, Va., office of the county board August 15, 1952, pp. 3–7; 8–10.

on employee behavior. In devising agency techniques for promoting appropriate conduct by public officials, it would appear valuable to accentuate the positive by installing and maintaining a good personnel system." [35]

RECEIPT OF GIFTS BY THE PRESIDENTS

Judging by the writings of the period, in particular those of Washington, we can see that the Federalist period, in general, frowned on breakdown in morality, such as the receipt of gratuities.

In a letter written in 1794 to a Mrs. Matthew Anderson, the President said:

"MADAM: Not before the 8th instant had I the honor to receive your favor of the 17th of May, accompanied with a piece of silk of your own manufacture.

"Contrary as it is to an established maxim of mine, not to accept a present from anyone, yet, considering this as a mark of your peculiar attention to me and as evidence of what our climate, aided by industry, is capable of yielding, I receive, and thank you for this effort of your skill.

"I shall have it made up, and will wear it as a memento of your politeness, having the honor to be your, etc." [36]

In another case Washington returned a set of figurines to the sender:

"The President of the United States presents his compliments to Mr. Ciracchi and with many thanks for his offer of the very elegant figures sent him, begs leave to restore them again to Mr. Ciracchi. His situation calling for uniformity of conduct in these cases, he relies that Mr. Ciracchi will ascribe it in the presence [sic] instance to its true motives, and accept the assurances the President now gives of the high sense he entertains of his talents and merit." [37]

Washington did accept a number of books and seeds for his farm, for example, in a letter of appreciation, he says:

"As I have spent a great part of my life * * * in rural affairs, I am always obliged by receiving such communications or novelties in that way, as may tend to promote the system of husbandry in this country." [38]

An article in a 1789 magazine, the American Museum, stated:

"Good government manifestly depends much more on the goodness of the men who fill the public offices than on the goodness of the form of government, constitution, or even laws of the State; for the errors of all these, under the administration of good men, will be mended or made tolerable, either by the authority of the legislature or favorable construction; but weak and wicked men will pervert the best laws to the purposes of favor or oppression." [39]

Of the Jeffersonians, Leonard D. White, noted public administration historian, says that "the standard of official behavior approved by the Republicans was as laudable as that established by the Federalists."

"Circumstances within government favored sound canons of official ethics. * * * Persons of dubious character were automatically excluded from consideration [for appointment]. Personal integrity was taken as a matter of course. * * * External circumstances also favored high official standards. The pressures on officials were light. The General Government had relatively few contacts with citizens. It dispensed few favors and interfered with no established ways of life. Conversely, citizens had little to ask of government." [40]

Gilson Willets says of the period:

"Huge cheeses were sent to Jefferson and Jackson. But Mr. Jefferson insisted upon paying 50 percent more than the value of the mammoth product of dairy." [41]

Rayner's "Life of Jefferson" credits him with saying: "When a man considers himself a public trust, he should consider himself as a public property." [42]

The Jacksonians have often been credited with slipshod ethics in government but the record seems to be in conflict. Leonard White says that "President Jackson was annoyed by receiving a present of a lion and two horses from the Emperor of Morocco. He had to ask Congress what to do with these animals, and meanwhile instructed all foreign agents not to receive presents under any circumstances." [43]

Gilson Willets' account of the Jackson administration went as follows:

"President Jackson received so many gifts during his first weeks at the White House that he knew not where to store them, nor what to do with the more perishable of them. A newspaper account printed at the time (1829) says:

" 'The general is not likely to lack stores for the maintenance of the Republican hospitality of the palace. His supplies are daily coming in from every quarter in the shape of voluntary and gratuitous tribute. A great cheese, for instance, has been sent to him from New England; beef from New York; and the Kentuckians, they say, are to send him a whole hog'." [44]

The impression that White leaves his readers is that while the Jacksonians' morality did break down in many areas, particularly in the field offices, there was a very great effort on the part of the top officials to maintain the high standards of ethics that had prevailed under the Federalists and the Republicans. For example, this account of Secretary of the Treasury (and later Chief Justice) Roger B. Taney is illustrative:

"An acquaintance in the New York customhouse sent Secretary of the Treasury Taney two boxes of his favorite cigars. The Secretary insisted on paying for them, writing to his friend, 'You will, perhaps, smile at what you may think my fastidiousness about such a trifle as your cigars. But I have thought it the true rule for a public man, and that it ought to be inflexibly adhered to in every case." [45]

Also note this account of Jackson's Postmaster General:

"More alarming was the practice discovered by Amos Kendall by which purser and navy agents made valuable presents to the clerks who examined their accounts. He promptly forbade such transactions on pain of instant removal.

"Despite much contemporary aspersion, Amos Kendall, fourth auditor and Postmaster General from 1829 to 1840, might well be remembered as the defender of traditional standards of public morality. To him is due the first code of official ethics that has come to attention. In an 1829 circular addressed to his clerks he preached a little sermon on the duties of public officers and laid down a series of rules of conduct. (The code as relates to gifts states:)

" '5. The acceptance of any present or gratuity by any clerk from any person who has business with the office, or suffering such acceptance by any member of his family, will subject any clerk to instant removal'." [46]

The noted historian, Sydney Warren, commented on the Congress in the Jackson era:

"The atmosphere was such that even genuinely patriotic public officials who served their country well did not consider it immoral to use their positions to make some extra income. Daniel Webster of Massachusetts and Henry Clay of Kentucky were retained as attorneys by the Bank of the United States while holding their seats in Congress. Their votes went to support the bank and Webster supplied President Biddle with confidential information about his colleagues. Webster also served his wealthy Boston constituents so well with his advance reports on Government measures and projects that on one occasion he was handed $37,000 so that he would not carry out his threat to retire because he was unable to support himself on his congressional salary." [47]

John Quincy Adams also was known for his high standards of ethics, witness this story related by L. D. White:

"John Quincy Adams received a gift of soap from a manufacturer exhibiting at a Washington fair. His inclination was to decline the present but his wife, as he put it, shamed him out of that fancy. 'My principle has always been,' he wrote in his diary, 'to refuse all presents offered me as a public man; but, where the value is very small, I thought it would be ridiculous to make a point upon it. It has not always been easy for me to draw the line of distinction'." [48]

White also says that "President Polk would accept nothing of greater value than a book or a cane, a rule applied also to Mrs. Polk. Buchanan made it an invariable rule as President to accept no gifts of any value even from his intimate friends." [49]

Gilson Willets says that "Lincoln accepted many gifts, but Johnson would usually have none of them." [50]

For example, a letter from President Lincoln to a Mrs. A. Wathers in 1861:

"I take great pleasure in acknowledging the receipt of your letter of November 26; and in thanking you for the present by which it was accompanied. A pair of socks, so fine, and soft, and warm could hardly have been manufactured in any other way than the old Kentucky fashion." [51]

In reference to President Grant, Willets says:

"Honors of all kinds were thrust upon General Grant, during and after his term at the White House. While President, he received a carpet from the Sultan of Turkey as well as a silver coffeepot and a number of splendid leopard skins from the dons of Mexico. Meantime the people had given him a house, and had even asked him to accept gifts of money, all this in line with the universal honors that were showered upon him." [52]

Ira R. T. Smith, who was the long-time Chief of Mails in the White House, wrote much about Presidential gift receiving in his book, "Dear Mr. President," based on his inti-

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[35] Powell, Norman John, "Personnel Administration in Government," Englewood Cliffs, N.J., Prentice-Hall, Inc., 1956, pp. 126–127.

[36] Washington, George: Writings of, Editor: John C. Fitzpatrick, Washington, U.S. Government Printing Office, 1944, vol. 33, p. 433.

[37] Ibid., vol. 32, p. 43.

[38] Ibid., vol, 32, p. 59.

[39] White, Leonard D., "The Federalists," New York, the Macmillan Co., 1948, p. 268.

[40] White, Leonard D., "The Jeffersonians," New York, the Macmillan Co., 1951, pp. 411–412.

[41] Willets, Gibson, "The Inside Story of the White House," New York, the Christian Herald, 1908, p. 171.

[42] Rayner, B. L., "Life of Thomas Jefferson," Boston, Lilly, Wait, Coleman & Holden, 1834, p. 356.

[43] White, Leonard D., "The Jacksonians," New York, the Macmillan Co., 1954, p. 432–433.

[44] Willets, op. cit., p. 173.

[45] White: "Jacksonians," op. cit., p. 433.

[46] Ibid., p. 433–444.

[47] Warren, Sydney, "Corruption in Politics," Current History magazine, 1952 volume, p. 69.

[48] White: "Jacksonians," op. cit., p. 433.

[49] Ibid.

[50] Willets, op. cit., p. 171.

[51] Lincoln, Abraham, writings of, edited by Roy P. Bosler, New Brunswick (N.J.) Rutgers University Press, vol. 11, p. 57.

[52] Willets, op. cit., pp. 172–173.

mate knowledge. He says that President McKinley "was careful about accepting anything more than a crate of oranges or a box of cigars." [53]

Theodore Roosevelt "received many odd gifts, especially canes in the shape of the 'big stick' that he made famous, and his daughter Alice received a trainload of gifts when she was married." [54] Roosevelt was very determined to return all the gifts that he could, however, according to Willets. He did receive, of course, many anonymous gifts that were impossible to return:

"There come to the White House (1908) huge stacks of express packages, these being gifts of every conceivable character, from live guinea pigs to suspenders. 'At last I feel I can afford two pair of suspenders,' said the President (T. Roosevelt) to (his) Secretary when he first saw the suspenders. Yet the suspenders were returned to the donor along with other gifts galore.

" 'The President regrets that he cannot accept the deer head you so kindly sent him, as he is obliged to adhere to his rule to accept no presents. The deer head, therefore, is returned to you today by express.' Such, in substance, is the stereotype signed by (his secretary), a dozen or more of similar purport leaving the White House in the mail of every working day." [55]

Smith says that "one of the most-talked-about affairs given by the Tafts was in celebration of their silver wedding anniversary." [56] He adds:

"I have a list of the silver gifts from this country alone that covers 21 typewritten pages, and record more than 300 donors, who sent items ranging from umbrella handles to elaborate tea sets. When everything was counted up, the gifts included 131 silver dishes and bowls, and almost as many vases and pickle forks. It seemed unlikely the Tafts would be able to make use of all of them, but they made a wonderful display of gleaming silver." [57]

As for later Presidents: "Woodrow Wilson and Herbert Hoover were not interested, and did not want, even the most expensive gifts, but Calvin Coolidge kept a close record of all presents, and took many of them home to Vermont when he left the White House.[58]

"F. D. R. received a tremendous assortment of gifts, with canes (because he was crippled) probably the leading item. He took an interest in odd gifts, little carvings, ship models, and trinkets, and littered the place with those that happened to strike his fancy." [59]

Smith continues with this little story of F. D. R.: "The end of prohibition brought one wave of gifts that I well remember. All the manufacturers were eager to get their products publicized, and we were buried under 5-gallon cans of pretzels and bottles of legal beer. Three times a day the express trucks would bring a new load, and I was soon giving pretzels to anybody who would take them. The beer, for the most part, went over to the White House, but Mr. Roosevelt merely admired the freak bottles—some of them holding 10 gallons—and declined to drink any. He had been drinking a homebrew that was stirred up by Henry Nesbit, the steward, and he kept right on drinking it after repeal. Said he liked it better." [60]

President Truman, like all Presidents, received many gifts. Smith says that "once when (he) made an offhand remark about his own difficulties in getting white shirts during the war, he was inundated with a flood of white shirts in the next mail." [61]

An article in the U. S. News & World Report entitled "It's Christmas All the Time for United States Presidents," says that "Mr. Eisenhower's presents, on the whole, are more costly than the gifts that either President Truman or President Franklin D. Roosevelt received—even though Mr. Truman was the recipient of a bowling alley and Mr. Roosevelt was mentioned in at least two wills." [62]

The article continues:

"The gifts, in each case, generally center around the Chief Executive's hobbies and avocations. Mr. Roosevelt received many presents for his New York home. And there were presents for Mr. Truman to use in his home in Independence, Mo.

"Mr. Truman, in office, liked music and history. Besides getting the usual food, 10-gallon hats, and peace pipes, that every modern President receives, he got hundreds of records and books.

"Mr. Roosevelt, whose love for the sea was well known, received flotillas of ship models and closets full of yachting caps. He also received thousands of items for his stamp collection. About the only animals among his gifts were pet dogs and a horse.

"People appear to enjoy making gifts to President Eisenhower. Almost all Presidents in the past have received and accepted varied offerings. But gifts to Mr. Eisenhower are attracting more attention and, at times, are tending to be of more monetary value than those given to previous Chief Executives. * * * In general, however, acceptance of gifts by Presidents always has been taken for granted. There is no law that bears on the subject, no fixed standards by which acceptance or rejection of such gifts is measured.

"In the case of officials below the President the rules are more explicit. During the administration of Harry Truman, there was intense criticism inside and outside of Congress when gifts of home freezers, valued at a few hundred dollars, were accepted by some officials. There was much criticism, too, of gifts of mink coats." [63]

The article goes on to tell of the policy on the receipt of gifts at the time of its writing:

"The White House, at this time (1955) has no rigid policy on gifts. There is no limit on the value of a gift the President may receive, although no cash is ever accepted. A White House official explaining why a President can receive a thousand-dollar gift while a Government employee of less rank may be suspect if he receives a $25 ham, says: 'The Office of the President is too big to be influenced by any gift.' [64]

"The White House, in fact, is always on guard against manufacturers who send gifts and then point out that their products are used by the President. But firms sometimes can get their products accepted by appealing to their local Congressman. The Congressman often will petition the White House. An Eisenhower assistant reports that 'Ike sometimes accepts gifts which he would otherwise refuse, but it is hard to turn down Congressmen who ask him to accept gifts from groups in their districts.'

"As commander of Allied Forces in Europe during World War II, Mr. Eisenhower, then a general of the Army, received a large number of gifts, some of great value. There was, for example, a $100,000 diamond-studded Order of Victory decoration which he received from Soviet Marshal Georgi Zhukov. Then there were anonymous gifts that included 10 Chippendale chairs, a mahogany Hepplewhite table, and a 200-year-old Indian carpet, as well as elaborate jewels and swords.

"Those gifts were transferred by General Eisenhower to the Eisenhower Museum in his home town of Abilene, Kans., along with 2,500 other items." [65]

In summary, Gilson Willets says:

"All the Presidents have been made the recipients of a great number of presents from admirers throughout the country. Not all of such presents have been accepted. Most Presidents have made it a rule to return all gifts received from strangers, on the ground that to accept gifts from utter strangers was to become saddled with obligations which might at some inopportune moment confront a President to his extreme embarrassment." [66]

APPENDIX I. EXAMPLES OF ENFORCEMENT OF GIFT-GIVING RULES

"Testimony was presented * * * that a former quartermaster at Fort Dix, N.J., had accepted favors of salesmen who did business with the post's commissary. Col. Robert A. Gaw, the former quartermaster, is being tried by Army court-martial on charges of accepting such gifts.

"The * * * reserve officer is accused of having violated Army regulations by having accepted 3 dinners, 2 lunches, drinks, a case of canned peaches and admission to a baseball game" (New York Times, October 4, 1956, p. 15).

"The Agriculture Department said today that eight of its employees at Dallas, Tex., had been formally reprimanded for accepting gifts from persons doing business with the Government.

"Two other employees of the Production and Marketing Administration at Dallas received letters of caution. Another, John R. Ball, was cleared of charges that he had accepted gratuities.

"The Department said the service of the eight reprimanded had been otherwise satisfactory. It told them no other action had been taken because 'the acceptance of such gifts and favors as you received was known to and improperly condoned by your official superiors in the Dallas office.'

"The Department told an appropriations subcommittee of the House of Representatives last January that 16 Dallas employees were reported to have accepted gratuities ranging from weekend outings to Bibles, belt buckles, and picture calendars.

"The Dallas production and marketing chief and his assistant were subsequently discharged for neglect of duty. Stephen G. Benit resigned during an investigation of charges that he had taken a cash gift of $1,000" (New York Times, April 2, 1952, p. 22).

APPENDIX II

Bills introduced in the 85th Congress, 1st session, relating to changes in the "conflict-of-interest" statutes:

H.R. 249, to require persons who obtain commissions for rendering assistance in the obtaining of Government contracts to register with Congress.

H.R. 257, to revise the laws relating to the claims and services of former employees in matters affecting the Government of the United States. This bill broadens the scope of the statutes by specifying more actions against the United States which fall under the jurisdiction of the act.

S. 1057, to require Members of Congress, certain other officers and employees of the United States, and certain officials of political parties to file statements disclosing the amount and sources of their incomes, the value of their assets, and their dealings in securities and commodities.

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[53] Smith, Ira R. T., "Dear Mr. President," New York, Julien Messner, Inc., 1949, p. 204.
[54] Ibid.
[55] Willets, op. cit., p. 172.
[56] Smith, op. cit., p. 85.
[57] Ibid.
[58] Ibid., p. 204.
[59] Ibid., p. 205.
[60] Ibid., pp. 208–209.
[61] Ibid., p. 207.
[62] U. S. News & World Report, "It's Christmas All the Time for United States Presidents," vol. 39, Dec. 16, 1955, pp. 39–41.
[63] Ibid.
[64] Ibid.
[65] Ibid.
[66] Willets, op. cit., p. 171.

"That each Member of the Senate and House of Representatives (including each Delegate and Resident Commissioner); each officer and employee of the United States who (1) receives a salary at a rate of $10,000 or more per annum, or (2) holds a position of grade GS–15 or above, and each officer in the Armed Forces of the rank of colonel, or its equivalent, and above; and each member, chairman, or other officer of the national committee of a political party shall file annually with the Comptroller General a report containing a full and complete statement of—

"(1) the amount and resources of all income and gifts (of $100 or more in money or value, or in the case of multiple gifts from one person, aggregating $100 or more in money or value) received by him or any person on his behalf during the preceding calendar year."

S. 2259, to improve the efficiency of the Government by regulating the outside employment by officers and employees of the departments and agencies of the Government, and for other purposes.

S. 2461, to prohibit the unauthorized disclosure of certain information by members, officers, and employees of regulatory agencies of the Government.

S. 2462, to prohibit certain communications with respect to adjudicatory matters pending before Government agencies.

Mr. PROXMIRE. Mr. President, the most persuasive and convincing national comment on this nomination was made Sunday by the newspaper which is widely acknowledged to be the greatest in the country, the New York Times. The New York Times directly addressed itself to the Durfee nomination. Mr. President, because of the pertinence of this editorial, I am going to read it into the RECORD rather than simply ask that it be printed in the RECORD.

A QUESTION OF PROPRIETY

The slack sense of public ethics that has characterized a number of officials of this and previous administrations, and has resulted in their ouster, is a serious malady of American political life. It was most recently displayed in the case of Chairman John C. Doerfer of the Federal Communications Commission, who resigned after it was disclosed that he had accepted extensive (and expensive) hospitality from an executive in the radio and television industry—the very thing the FCC was set up to regulate.

We agree with Senator PROXMIRE of Wisconsin that there is no difference in principle between this case and that of the Chairman of another of the great Federal regulating agencies, the Civil Aeronautics Board, who in 1956 and 1957 allegedly accepted lavish hospitality from airlines whose applications were pending before the very same agency. According to Senator PROXMIRE, Chairman James R. Durfee of the CAB made trips at the expense of the Flying Tiger Airlines, Eastern and TWA, in the two latter cases 4-day excursions to Mexico City and Rome, respectively.

We find it difficult to follow Mr. Durfee's reasoning that he was acting properly and in the course of his official duty to promote aviation on these trips, even though the two foreign excursions were inaugural flights. One can fully accept his contention that he was not actually influenced in favor of the lines because of these junkets; but it was and is his duty to avoid placing himself in a position where the issue could even be raised. This is precisely the question of propriety that arose in connection with Chairman Doerfer of the FCC. We think it entirely proper of Senator PROXMIRE to raise it in the case of Chairman Durfee of the CAB.

Mr. President, the hour is late. I have a few more paragraphs, but because they represent a summary and conclusion, since they will consume very little time tomorrow, and because at least two of the principal arguments in favor of the confirmation of the nomination will be made tomorrow, I would prefer to stop now, and I intend to stop now. I shall carry on with my summary and conclusion tomorrow, preferably after my colleague, the distinguished senior Senator from Wisconsin [Mr. WILEY], and the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] have made their speeches.

Mr. President——

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The Senator from Wisconsin.

RECESS

Mr. PROXMIRE. Mr. President, unless there is further business to come before the Senate at this time, I move that the Senate stand in recess until 12 o'clock noon, tomorrow.

The motion was agreed to; and (at 6 o'clock and 26 minutes p.m.) the Senate took a recess, under the previous order, until tomorrow, Wednesday, April 20, 1960, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 19, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

II Peter 1: 2: *Grace and peace be multiplied unto you through the knowledge of God, and of Jesus, our Lord.*

Most merciful and gracious God, whose presence and power are the supreme needs of our minds and hearts, we beseech Thee to govern and guide us by Thy divine spirit as we assemble in this Chamber to take counsel together for the common good of our beloved country and all mankind.

Show us how we may mobilize our resources and contribute of our moral support and material substance toward the building of a nobler civilization with none of the members of the human family in dire need or seeking their own selfish advantage but all striving to widen the areas of cooperation and helpfulness and achieving a more intimate fellowship with Thee and a closer union with one another.

Grant that in spite of the many obstacles and reverses, which our Speaker and Representatives, in the business of statecraft, are continually encountering, may they carry on with increasing tenacity of faith, confident that our troubled world is moving on toward a new day when there shall be peace and more lasting reconciliations and agreements among all nations.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8042. An act to authorize the Secretary of Commerce to resell four C1–SAY–1 type vessels to the Government of the Republic of China for use in Chinese trade in Far East and Near East waters exclusively.

The message also announced the appointment of the following Senators to the Canada-United States Interparliamentary Group for the meeting to be held in the United States during April 1960; Mr. FULBRIGHT, Mr. RUSSELL, Mr. WILEY, Mr. AIKEN, Mr. MAGNUSON, Mr. CAPEHART, Mr. MORSE, Mr. CASE of South Dakota, Mr. MANSFIELD, Mr. COTTON, Mr. CHURCH, and Mr. BARTLETT.

MEMBERSHIP OF U.S. DELEGATION OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. The Chair lays before the House the following letter of resignation.

The Clerk read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 18, 1960.

Hon. SAM RAYBURN,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: It is with regret I must inform you that it will be impossible for me to serve as a member of the U.S. Delegation of the Canada-United States Interparliamentary Group.

Your courtesy in the matter is very much appreciated.

Respectfully,

HAMER H. BUDGE,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair lays before the House the following announcement.

The Clerk read as follows:

Pursuant to the provisions of section 1, Public Law 86-42, the Chair appoints as a member of the U.S. Delegation of the Canada-United States Interparliamentary Group for the meeting to be held in the United States during April 1960, the gentleman from North Dakota, Mr. SHORT, to fill the existing vacancy thereon.

COMMITTEE ON GOVERNMENT OPERATIONS, SUBCOMMITTEE ON FOREIGN OPERATIONS

Mr. HARDY. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight tonight to file a report from the Subcommittee on Foreign Operations.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

THE CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the calendar.

AGRICULTURAL ATTACHÉ ROTATION

The Clerk called the bill (H.R. 8074) to amend section 602 of the Agricultural Act of 1954.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

HUBBELL TRADING POST NATIONAL HISTORIC SITE, ARIZONA

The Clerk called the bill (H.R. 7279) to authorize the establishment of the Hubbell Trading Post National Historic Site, in the State of Arizona, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD, Mr. WEAVER, and Mr. GROSS objected.

RELIEF OF THE BOROUGH OF FORD CITY, PA.

The Clerk called the bill (H.R. 5850) for the relief of the borough of Ford City, Pa.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MEMBERSHIP ROLL OF INDIANS OF YAKIMA RESERVATION

The Clerk called the bill (H.R. 1176) to amend the act of August 9, 1946 (60 Stat. 968), providing for the preparation of a membership roll of the Indians of the Yakima Reservation.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 1(d) of the Act of August 9, 1946 (60 Stat. 968), is amended by changing the period at the end thereof to a comma and by adding "and all children of one-fourth or more blood of the Yakima Tribes born after the date this clause becomes effective to a parent who is an enrolled member at the time of the birth of the child, regardless of such parent's domicile."

SEC. 2. Section 3 of such Act is amended by changing the period at the end thereof to a comma and by adding "subject to review by the Secretary of the Interior."

SEC. 3. Section 4 of such Act is repealed.

SEC. 4. Section 7 of such Act shall be without force and effect in the probate of any estate of trust or restricted property of a deceased member of the Yakima Tribes who dies after the date of this Act.

With the following committee amendments:

Page 1, strike out all of lines 3 through 9 and insert in lieu thereof the following: "That subsection 1(d) of the Act of August 9, 1946 (60 Stat. 968), is amended by placing a period after 'member', by deleting the rest of the sentence, and by adding the following new sentence: 'No child enrolled pursuant to this subsection shall be eligible for a per capita payment that was authorized prior to his enrollment.'"

Page 2, strike out all of line 2 and insert in lieu thereof the following: "subject to review by the Secretary of the Interior. The Secretary is also authorized to review any refusal of the Yakima Tribal Council so to correct the roll."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEADQUARTERS SITE FOR MOUNT RAINIER NATIONAL PARK, WASH.

The Clerk called the bill (S. 1358) to authorize the Secretary of the Interior to provide a headquarters site for Mount Rainier National Park in the general vicinity of Ashford, Wash., and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ESTABLISHMENT OF NATIONAL HISTORIC SITE AT BENT'S OLD FORT, COLO.

The Clerk called the bill (H.R. 6851) authorizing the establishment of a national historic site at Bent's Old Fort near La Junta, Colo.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

KURE BEACH, N.C.

The Clerk called the resolution (H. Res. 470) providing for sending the bill H.R. 10919, with accompanying papers, to the Court of Claims.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

FORT LARAMIE NATIONAL MONUMENT, WYO.

The Clerk called the bill (H.R. 8567) to revise the boundaries and change the name of the Fort Laramie National Monument, Wyo., and for other purposes.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the bill (S. 2434) be considered in lieu of H.R. 8567.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the present consideration of the Senate bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve the sites of historic buildings and roads associated with Fort Laramie, the boundaries of the Fort Laramie National Monument are hereby revised to include the following area:

Beginning at the intersection of the section line common to sections 28 and 29, township 26 north, range 64 west, sixth principal meridian, with the northerly right-of-way line of the Fort Laramie Canal;

Thence southwesterly along said right-of-way line to the intersection of said line with the center of Deer Creek;

Thence northerly along the center of Deer Creek to the intersection of said center with the north line of the southeast quarter, section 29;

Thence westerly along said line to a point 1,100 feet east of the southwest corner of the northeast quarter, section 29;

Thence due north 1,320 feet to the point of intersection with the north line of the southwest quarter northeast quarter, section 29;

Thence westerly along said north line to a point at the intersection of said line with the easterly right-of-way line of the county road;

Thence northerly and easterly along said right-of-way line to a point 955 feet east of the section line common to sections 20 and 21;

Thence due south to the point of intersection with the section line common to sections 21 and 28;

Thence easterly along said section line to a point 2,090 feet east of the section corner common to sections 20, 21, 28, and 29;

Thence due south to the point of intersection with the northerly bank of Laramie River;

Thence easterly along said northerly bank to a point 150 feet west of the westerly right-of-way line of the county road, in section 27;

Thence northerly on a line paralleling at 150 feet said right-of-way line of county road to a point 660 feet north of section line common to sections 22 and 27;

Thence northwesterly in a straight line to a point on the southerly right-of-way line of the State highway relocation a distance of 150 feet east of the section line common to sections 21 and 22;

Thence northeasterly along said right-of-way line to the point of intersection with the lot line common to lots 1 and 2, section 22;

Thence southerly along said lot line to a point at the intersection of said line as

projected with the westerly or right bank of the North Platte River;

Thence southerly along said bank to its confluence with the northerly or left bank of the Laramie River in section 27;

Thence westerly along said bank of the Laramie River to the westernmost intersection of said bank with the north line of the south half of section 27;

Thence westerly along said line and the north line of the south half of section 28 to the point of intersection with the northerly right-of-way line of the Fort Laramie Canal;

Thence westerly along said right-of-way line to the point of beginning.

SEC. 2. In furtherance of the purposes of this Act, the Secretary of the Interior is authorized to procure, in such manner and subject to such terms and conditions as he may deem to be in the public interest, lands and interests in lands within the revised boundary described in section 1 hereof. To avoid the undesirable severance of parcels in private ownership which extend beyond the aforesaid revised boundaries, the Secretary may, in his discretion, and with the consent of the owners, acquire lands or interests in lands that are in such ownership but which lie outside the revised boundary. Property so acquired outside such revised boundary and federally owned lands excluded from the monument pursuant to section 1 hereof may be exchanged by the Secretary of the Interior for any land of approximately equal value within the monument boundaries.

SEC. 3. The Fort Laramie National Monument is hereby redesignated as the Fort Laramie National Historic Site and any remaining balance of funds appropriated for the monument shall be available for the purposes of the national historic site.

SEC. 4. The administration, protection, and development of the Fort Laramie National Historic Site shall be exercised by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service and for other purposes", as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider and a similar House bill (H.R. 8567) were laid on the table.

MANUFACTURE AND SALE OF CIVIL WAR CENTENNIAL MEDAL

The Clerk called the resolution (S. J. Res. 61) to amend Public Law 305 of the 85th Congress relative to the establishment of a commission to commemorate the 100th anniversary of the Civil War, to authorize the manufacture and sale of a Civil War Centennial Medal.

There being no objection, the Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act of September 7, 1957 (71 Stat. 627; 36 U.S.C. 745), is hereby amended by adding at the end thereof the following new subsection:

"(d) The Secretary of the Treasury is authorized and directed to prepare designs, models, and dies for a commemorative medal with suitable emblems, devices, and inscriptions to be determined by the Commission, with the approval of the Secretary of the Treasury, and to strike and furnish to the Commission medals in such numbers, not less than one thousand at one time, as the Commission may request during the calendar years 1961 through 1965. Such designs, models, dies, and medals shall be furnished to the Commission at not less than the estimated cost of manufacture including labor, materials, use of machinery, and overhead expenses, and may be sold by the Commission at cost or at a premium. Such medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368). The cost of the designs, models, dies, and medals shall be payable from and the proceeds of the sales of the medals shall be reimbursed to, the appropriation then current for the expenses of the Commission, and the proceeds shall be available for the purposes of this Act."

With the following committee amendments:

On page 2, line 12, after "from" insert "the appropriation then current for the expenses of the Commission".

On page 2, line 13, strike out "reimbursed to," and all of lines 14, 15, and 16 and insert in lieu thereof "covered into the miscellaneous receipts of the Treasury of the United States."

The committee amendments were agreed to.

The resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING THE LINCOLN SESQUICENTENNIAL COMMISSION

The Clerk called the resolution (H.J. Res. 598) to extend the time for filing of the final report of the Lincoln Sesquicentennial Commission.

There being no objection, the Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 5 of the joint resolution entitled "Joint Resolution to establish a Lincoln Sesquicentennial Commission" approved September 2, 1957 (71 Stat. 587), is amended by striking out "March 1, 1960," and inserting in lieu thereof "June 30, 1960".

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REVIEW OF CERTAIN AGENCY ORDERS

The Clerk called the bill (H.R. 7847) to make the uniform law relating to the record on review of agency orders (Public Law 85–791) applicable to the judicial review of orders issued under the Federal Aviation Act of 1958 and the Food Additives Amendment of 1958.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 1006 of the Federal Aviation Act of 1958 (72 Stat. 795) is amended to read as follows:

"(c) A copy of the petition shall, upon filing, be forthwith transmitted to the Board or Administrator by the clerk of the court, and the Board or Administrator shall thereupon file in the court the record, if any, upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code."

SEC. 2. The first and second sentences of paragraph (2) of subsection (g) of section 409 of the Federal Food, Drug, and Cosmetic Act, as added by the Food Additives Amendment of 1958 (72 Stat. 1788), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part."

With the following committee amendment:

On page 2, line 12, strike out the last sentence and insert in lieu thereof the following:

"Upon the filing of such petition the court shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to affirm or set aside the order complained of in whole or in part. Until the filing of the record the Secretary may modify or set aside his order."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTEND PAYMENT FOR PROPERTY TRANSFERRED BY RFC

The Clerk called the bill (H.R. 9983) to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 703 of the Federal Property and Administrative Services Act of 1949 (69 Stat. 722) is amended by striking out the figures "1961", and inserting in lieu thereof the figures "1963".

(b) Section 704 of such Act (69 Stat. 723) is amended by striking out the figures "1960", and inserting in lieu thereof the figures "1962".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISCONTINUANCE OF CERTAIN REPORTS NOW REQUIRED BY LAW

The Clerk called the bill (S. 899) to provide for the discontinuance of certain reports now required by law.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following reports or statements now required by law are hereby discontinued, and all Acts or parts of Acts herein cited as requiring the submission of such reports or statements are hereby repealed to the extent of such requirements:

REPORTS UNDER EACH EXECUTIVE DEPARTMENT AND INDEPENDENT ESTABLISHMENT

1. The annual report to the Post Office and Civil Service Committees and the Ap-

propriations Committees of the Senate and House of Representatives of the action taken in reviewing certain positions, together with information comparing the total number of employees on the payroll on June 30 and their average grade and salary with similar information for the previous June 30 (65 Stat. 757; 5 U.S.C. 43, note).

REPORTS UNDER DEPARTMENT OF THE TREASURY, HOUSING AND HOME FINANCE AGENCY, GENERAL SERVICES ADMINISTRATION, AND SMALL BUSINESS ADMINISTRATION

2. The quarterly reports to Congress of progress in liquidating the assets and winding up the affairs of the Reconstruction Finance Corporation as required by section 106(b) of the Reconstruction Finance Corporation Liquidation Act (67 Stat. 231; 15 U.S.C. 609, note) and by Reorganization Plan Numbered 1 of 1957.

REPORT UNDER THE DEPARTMENT OF STATE

3. The annual statement of expenditures from the contingent fund, including contingent expenses of foreign intercourse and of all the missions abroad (R.S. 209; 5 U.S.C. 164).

REPORTS UNDER THE DEPARTMENT OF TREASURY

4. The annual report to Congress of expenditures from the earnings of the Pershing Hall Memorial Fund (49 Stat. 426; 36 U.S.C. 492).

5. The inclusion in the annual report of amount expended under the Mustering Out Payment Act of 1944 (58 Stat. 10; 38 U.S.C. 691g).

6. The semiannual report to the Congress of claims paid which became due as the result of the correction of military records of the Coast Guard (10 U.S.C. 1552(f)).

7. The annual report to the Congress of the number by rank and age group of officers of the Coast Guard above the rank of lieutenant commander who are entitled to flight pay and the average monthly flight pay for the preceding six month period (60 Stat. 20; 37 U.S.C. 418a–1).

8. The report to Congress within twenty days after receipt of a payment exceeding $3,000 due the United States in settlement of a claim for damages to property in the Coast Guard service caused by a vessel or floating object or in settlement of a claim for damage cognizable in admiralty in a district court of the United States (14 U.S.C. 647(b)).

9. Inclusion in the annual report of the Secretary of the Treasury of the amounts expended under authority of the Armed Forces Leave Act of 1946 as required by section 8 of that Act (60 Stat. 967; 37 U.S.C. 37).

REPORTS UNDER THE DEPARTMENT OF DEFENSE

10. The semiannual report to Congress by the Secretary of Defense of claims paid which became due as the result of the correction of military records (10 U.S.C. 1552(f)).

11. The semiannual report to the Committees on Armed Services of the Senate and House of Representatives of the regulations governing the length of tours of duty outside the United States by members of the Army and Air Force (10 U.S.C. 714).

12. The report of proposed participation by personnel of the Armed Forces in international amateur sports competition (69 Stat. 11; 22 U.S.C. 1982(b)).

13. The report to Congress of all projects for the establishment or development of military, naval, or air force installations and facilities by the construction, installation, or equipment of temporary or permanent public works which have been authorized by the Congress and for which adequate funds have not been appropriated (64 Stat. 245).

14. The annual report to Congress by the Secretary of the Air Force of amounts paid or received in settlement of admiralty claims for damage, towage, and salvage and the report to the Committees on Armed Services of the Senate and House of Representatives within twenty days after paying a claim in an amount over $3,000 or after receiving payment of a claim (10 U.S.C. 9805).

15. The annual report to Congress by the Secretary of the Army of amounts paid or received in settlement of admiralty claims for damage, towage, and salvage and the report to the Committees on Armed Services of the Senate and House of Representatives within twenty days after paying a claim in an amount over $3,000 or after receiving payment of a claim (10 U.S.C. 4805).

16. The semiannual report to Congress by the Secretary of each military department of the research and development contracts made during the reporting period including specific information on each contract costing more than $50,000 (10 U.S.C. 2357).

17. The semiannual report to the Armed Services Committees of the Senate and House of Representatives by the Secretary of each military department of the exercise of authority to expend out of appropriations available for military construction amounts for public works projects not otherwise authorized by law and not exceeding $200,000 per project (70 Stat. 1016; 5 U.S.C. 171z 4).

18. The semiannual report to the Armed Services Committees of the Senate and House of Representatives by the Secretary of each military department of options procured on real estate during the reporting period (68 Stat. 560).

19. Inclusion in the annual report to Congress by each military department of the amounts expended under authority of the Armed Forces Leave Act of 1946 as required by section 8 of that Act (60 Stat. 967; 37 U.S.C. 37).

20. Inclusion in the annual report by each military department of the amounts expended under the Mustering-Out Payment Act of 1944 (58 Stat. 10; 38 U.S.C. 691g).

21. The annual report to Congress by the Secretary of the Navy of amounts paid or received in settlement of admiralty claims for damage, towage, and salvage and the report to the Committees on Armed Services of the Senate and the House of Representatives within 20 days after paying a claim in an amount over $3,000 or after receiving payment of a claim (10 U.S.C. 7624).

22. The annual report to Congress by the Secretary of the Navy of all vessels used for experimental purposes which have been stricken from the Naval Vessel Register (10 U.S.C. 7306(b)).

23. The annual report to Congress by the Secretary of the Navy of the appropriations for the Navy Department showing the amount appropriated, amount spent, the amount remaining unspent and estimate of probable demands (10 U.S.C. 7217).

24. The report to Congress by the Secretary of the Navy not less frequently than once every six months of all land acquired for the construction of ships or the production of ordnance material for ships to be constructed (56 Stat. 53).

25. The report every six months by the Secretary of the Army of the amount of dairy products acquired from the Commodity Credit Corporation and used to provide additional butter and cheese and other dairy products as a part of the ration of the Army, Navy, or Air Force and in hospitals under the jurisdiction of the Department of Defense (68 Stat. 900; 7 U.S.C. 1446a(b)).

REPORTS UNDER THE POST OFFICE DEPARTMENT

26. The inclusion in the annual report of operations of the postal savings system of the names of post offices receiving deposits, the number of depositors in each and the amount on deposit (36 Stat. 814; 39 U.S.C. 751).

27. The annual report by the Postmaster General of the number of articles bearing penalty indicia procured or accounted for through him by each executive department and agency, by each independent establishment and by each organization and person authorized by law to use the penalty privilege (62 Stat. 1048; 39 U.S.C. 321j).

REPORTS UNDER THE DEPARTMENT OF THE INTERIOR

28. The report to Congress of the action of the Secretary of the Interior to reserve lands within any Indian reservation valuable for power or reservoir sites or irrigation projects (36 Stat. 858; 43 U.S.C. 148).

29. The report to Congress of all withdrawals of public lands of the United States from settlement, location, sale, or entry (36 Stat. 848; 43 U.S.C. 143).

30. The annual report to Congress of any contract or contracts made under the provisions of the Act of June 4, 1936, and moneys expended thereunder (49 Stat. 1458; 25 U.S.C. 455).

31. The report to Congress of investigations made to determine the effects of domestic sewage, mine, petroleum, and industrial wastes, erosion silt, and other polluting substances on wildlife (60 Stat. 1080; 16 U.S.C. 665).

32. The annual report to the Appropriations Committees of the Senate and House of Representatives justifying and showing all investments and expenditures made or proposed out of the Colorado River Dam fund for the joint use of the project and of other Federal activities at or near Boulder City (62 Stat. 1130, 63 Stat. 764; 43 U.S.C. 618p).

REPORTS UNDER THE DEPARTMENT OF COMMERCE

33. The annual report to Congress covering the progress made in classifying the highways into groups composed of roads of similar service importance (54 Stat. 871; 23 U.S.C. 20a).

REPORTS UNDER THE DEPARTMENT OF AGRICULTURE

34. The annual report to Congress of activities relating to the Puerto Rico hurricane relief loans (45 Stat. 1067, 70 Stat. 525).

35. The monthly report to Congress with respect to the activities carried on under the authority for cooperation with Mexico in control and eradication of foot-and-mouth disease and rinderpest (61 Stat. 8; 21 U.S.C. 114d).

36. Inclusion, in the annual report of the Secretary on the operations of the Commodity Credit Corporation to dispose of all stocks of agricultural commodities held by it, of a detailed program for the expansion of markets for surplus agricultural commodities through marketing and utilization research and improvement of marketing facilities (70 Stat. 198; 7 U.S.C. 1851(b)).

37. The report of the estimates of national farm housing needs and of progress made toward meeting such needs (63 Stat. 435; 42 U.S.C. 1476(b)).

38. The annual report to Congress of the receipts, expenditures, and results of the cooperative agricultural extension work in all States receiving such benefits and as to whether the appropriation of any State has been withheld and if so the reasons therefor (38 Stat. 374; 67 Stat. 85; 7 U.S.C. 347).

39. The annual report to Congress of the receipts and expenditures and work of the agricultural experiment stations in all States and whether any portion of the appropriation available for allotment to any State has been withheld and if so the reasons therefor (69 Stat. 673; 7 U.S.C. 331g).

REPORT UNDER THE SMITHSONIAN INSTITUTION

40. The annual communication to Congress of the report of the National Yeomen F or of such portions of such report as the Secretary of the Smithsonian Institution may deem of national interest and importance (49 Stat. 1506; 36 U.S.C. 139b).

REPORT UNDER THE VETERANS' ADMINISTRATION

41. The monthly report of the amount of dairy products used in Veterans' Administration hospitals which was acquired from the Commodity Credit Corporation (68 Stat. 900; 7 U.S.C. 1446a(a)).

REPORT UNDER THE GENERAL SERVICES ADMINISTRATION

42. The annual report to Congress of activities under the Abaca Production Act of 1950 (64 Stat. 437; 50 U.S.C. 546).

REPORT UNDER THE FEDERAL COMMUNICATIONS COMMISSION

43. Inclusion in the annual report of information regarding each new employee, including biographical data and experience, Commission positions held and compensation paid, together with the names of employees leaving the employ of the Commission (66 Stat. 712; 47 U.S.C. 154(k)).

REPORT UNDER THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

44. Inclusion in the annual report to Congress on civilian positions established for professional and scientific services of a description of the qualifications of each incumbent together with a statement of functions performed by him (63 Stat. 411; 50 U.S.C. 159).

REPORTS AS TO RESTORATION OF UNOBLIGATED BALANCES OF APPROPRIATIONS

45. Reports transmitted to the President of the Senate and the Speaker of the House of Representatives as to the amount of each appropriation balance which is restored to an appropriation account upon a determination by the head of the agency concerned of necessity therefor under section 1(a)(2) of the Act of July 25, 1956 (70 Stat. 648; 31 U.S.C. 701).

With the following committee amendment:

Page 1, line 3, strike out all after the enacting clause and insert the following: "That the following provisions of law, which relate to the submission of certain reports to Congress or other Government authority, are hereby repealed, as follows:

"(1) Section 209 of the Revised Statutes (5 U.S.C. 164), relating to a certain statement of expenditures required to be made by the Secretary of State with respect to contingent expenses of certain activities abroad, which reads as follows:

"'SEC. 209. The annual statement of expenditures from the contingent fund required to be made by the Secretary of State, must include all the contingent expenses of foreign intercourse and of all the missions abroad, except such expenditures as are settled upon the certificate of the President.'.

"(2) Section 3 of the Act entitled 'An Act authorizing an appropriation to effect a settlement of the remainder due on Pershing Hall, a memorial already erected in Paris, France, to the Commander in Chief, officers, and men of the Expeditionary Forces, and for other purposes', approved June 28, 1935 (49 Stat. 426; 36 U.S.C. 492), which reads as follows:

"'SEC. 3. An itemized report shall be transmitted to the Senate and House of Representatives on the first day of each regular session of Congress of expenditures made in pursuance herewith.'.

"(3)(A) Section 646(b) of title 14 of the United States Code, relating to certain reports to Congress by the Secretary of the Treasury with respect to certain claims against the United States for damage by Coast Guard vessels, which reads as follows:

"'(b) On payment of any claim determined, compromised, or settled under this section at a net amount exceeding $3,000, but not exceeding $25,000, payable by the United States, the Secretary of the Treasury within twenty days of payment shall report to the Congress setting forth the nature of the claim, the vessel involved, the amount paid with respect thereto, the basis of the determination, compromise, or settlement, and other pertinent facts. The Secretary of the Treasury shall report to the Congress, at each session thereof, all claims which have been paid under this section. During any war the reports required under this section may omit any fact or facts disclosure of which, in the opinion of the Secretary, would be prejudicial to the national security.'.

"(B) Section 647(b) of title 14 of the United States Code, relating to certain reports to Congress by the Secretary of the Treasury with respect to certain claims of the United States for damages to Coast Guard property, which reads as follows:

"'(b) Within twenty days after receipt of a payment in a net amount exceeding $3,000 due the United States pursuant to determination, compromise, or settlement of any claim under this section, the Secretary of the Treasury shall report to the Congress setting forth the nature of the claim; the vessel or vessels involved; the amount received; the basis of determination, compromise, or settlement; and other pertinent facts. During any war the reports required under this section may omit any fact or facts, disclosure of which, in the opinion of the Secretary, would be prejudicial to the national security.'

"(4) Section 1552(f) of title 10 of the United States Code, relating to reports to Congress by the Secretary of Defense with respect to claims incident to correction of military records, which reads as follows:

"'(f) The Secretary of Defense for the military departments, and the Secretary of the Treasury for the Coast Guard, shall report to Congress every six months on claims paid under this section during the period covered by the report. The report shall include for each claim the name of the claimant, a brief description of the claim, and a statement of the amount paid.'.

"(5)(A) Section 714 of title 10 of the United States Code, relating to reports to Congress with respect to length of tours of duty outside the United States by members of the Army and Air Force, which reads as follows:

"'§ 714. Reports to Congress on length of tours of duty outside United States by members of Army and Air Force

"'The Secretary of Defense shall advise the Committees on Armed Services of the Senate and the House of Representatives, on April 1, and October 1 of each year, of the regulations governing the length of tours of duty outside the United States by members of the Army and the Air Force, including any changes in those regulations.'.

"(B) That part of the analysis of chapter 41 of title 10 of the United States Code which reads as follows:

"'714. Reports to Congress on length of tours of duty outside United States by members of Army and Air Force.'.

"(6) Section 408(b) of the Act entitled 'An Act to authorize certain construction at military and naval installations, and for other purposes', approved June 17, 1950 (64 Stat. 245), which reads as follows:

"'(b) The Secretary of Defense is authorized and directed to make a report to the Congress at the beginning of the first session of the Eighty-second Congress, and at the beginning of the first session of each succeeding Congress, listing all projects for the establishment or development of military, naval, or air-force installations and facilities by the construction, installation, or equipment of temporary or permanent public works which have been authorized by the Congress subsequent to the beginning of the Eightieth Congress and for which adequate funds for the completion thereof have not been appropriated. The report shall include any recommendations which the Secretary of Defense deems appropriate with respect to the rescission of all, or any portion, of the authority to proceed with any such project.'.

"(7)(A) Section 9805 of title 10 of the United States Code, relating to certain reports to Congress by the Secretary of the Air Force with respect to certain claims against and by the United States, which reads as follows:

"'§ 9805. Reports to Congress

"'The Secretary of the Air Force shall report to the Committees on Armed Services of the Senate and the House of Representatives within 20 days after paying a claim in an amount over $3,000 under section 9802 of this title, or receiving payment of a claim under section 9803 or 9804 of this title. The report shall include a description of the claim, the names of the vessels involved, a statement of the amount paid or received, the basis of the determination, and other pertinent information. The Secretary shall also report to Congress at each session all amounts paid or received under those sections during the period covered by the report. However, during a war, the Secretary may omit from a report under this section any information the disclosure of which he believes would prejudice the national security.'.

"(B) That part of the analysis of chapter 951 of title 10 of the United States Code which reads as follows:

"'9805. Reports to Congress.'.

"(8)(A) Section 4805 of title 10 of the United States Code, relating to certain reports to Congress by the Secretary of the Army with respect to certain claims against and by the United States, which reads as follows:

"'§ 4805. Reports to Congress

"'The Secretary of the Army shall report to the Committees on Armed Services of the Senate and the House of Representatives within 20 days after paying a claim in an amount over $3,000 under section 4802 of this title, or receiving payment of a claim under section 4803 or 4804 of this title. The report shall include a description of the claim, the names of the vessels involved, a statement of the amount paid or received, the basis of the determination, and other pertinent information. The Secretary shall also report to Congress at each session all amounts paid or received under those sections during the period covered by the report. However, during a war, the Secretary may omit from a report under this section any information the disclosure of which he believes would prejudice the national security.'.

"(B) That part of the analysis of chapter 451 of title 10 of the United States Code which reads as follows:

"'4805. Reports to Congress.'.

"(9) The last sentence of section 8 of the Armed Forces Leave Act of 1946, as amended (60 Stat. 967; 37 U.S.C. 37), which reads as follows: 'Amounts expended hereunder shall be included in the annual reports to the Congress by the Departments concerned.'.

"(10)(A) Section 7624 of title 10 of the United States Code, relating to certain reports to Congress by the Secretary of the Navy with respect to admiralty claims against the United States, which reads as follows:

"'§ 7624. Reports to Congress

"'(a) The Secretary of the Navy shall report to the Committees on Armed Services of the Senate and the House of Representatives within 20 days after an amount over $3,000 is paid by him under section 7622 of this title or is received by him under section 7623. The report shall include a desciption of the

claim, the names of the vessels involved, a statement of the amount paid or received, the basis of the determination, and other pertinent information.

"'(b) The Secretary shall report to Congress at each session all claims that have been paid under section 7622 of this title during the period covered by the report.

"'(c) During a war the Secretary may omit from a report under this section any information the disclosure of which he believes would prejudice the national security.'.

"(B) That part of the analysis of chapter 653 of title 10 of the United States Code which reads as follows:

"'7624. Reports to Congress.'.

"(11) Section 4 of the Act entitled 'An Act to authorize the construction of certain naval vessels, and for other purposes', approved February 6, 1942 (56 Stat. 53; Public Law 440, Seventy-seventh Congress), which reads as follows:

"'SEC. 4. The Secretary of the Navy from time to time, but not less frequently than once every six months, shall transmit to the Congress a full report of all acquisitions of land effected under authority of this or any subsequent Act.'.

"(12) Section 302 of the Penalty Mail Act of 1948, as amended (62 Stat. 1048; 39 U.S.C. 321j), which reads as follows:

"'SEC. 302. The Postmaster General shall report to the Congress and to the Bureau of the Budget within ninety days after the close of each fiscal year the number of envelopes, labels, wrappers, cards, and other articles bearing such penalty indicia procured or accounted for through him during such fiscal year by each executive department and agency, by each independent establishment, and by each organization and person authorized by law to use the penalty privilege.'.

"(13) That part of section 13 of the Act of June 25, 1910 (36 Stat. 858; 43 U.S.C. 148), relating to the authority of the Secretary of the Interior to reserve certain Indian lands valuable for power or reservoir sites or for irrigation projects and his reports thereon, which reads as follows: ', and he shall report to Congress all reservations made in conformity with this Act'.

"(14) Section 3 of the Act entitled 'An Act to authorize the President of the United States to make withdrawals of public lands in certain cases', approved June 25, 1910, as amended (36 Stat. 848; 43 U.S.C. 143), which reads as follows:

"'SEC. 3. That the Secretary of the Interior shall report all such withdrawals to Congress at the beginning of its next regular session after the date of the withdrawals.'.

"(15) Section 4 of the Act entitled 'An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes', approved April 16, 1934, as amended (49 Stat. 1459; 25 U.S.C. 455), which reads as follows:

"SEC. 4. That the Secretary of the Interior shall report annually to the Congress any contract or contracts made under the provisions of this Act, and the moneys expended thereunder.'.

"(16) The last sentence of section 10 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 470), providing for an annual report to Congress of transactions involving loans to Indians, which reads as follows: 'A report shall be made annually to Congress of transactions under this authorization.'.

"(17) Section 3 of the Act of December 18, 1942 (56 Stat. 1057; 30 U.S.C. 15), providing for the establishment of a research laboratory for the utilization of anthracite coal, which reads as follows:

"'SEC. 3. The Secretary, acting through the United States Bureau of Mines, shall make a report to Congress at the beginning of each regular session of the activities of, expenditures by, and donations to, the laboratory established under this Act.'.

"(18) Section 2 of the Act entitled 'An Act to authorize appropriations for the Bureau of Reclamation for payments to school districts on certain projects during their construction status', approved June 29, 1948 (62 Stat. 1108; 43 U.S.C. 385b), which reads as follows:

"'SEC. 2. The Secretary of the Interior shall furnish to the Congress each year, on or before the 3d day of January, a report on all activities undertaken during the preceding fiscal year pursuant to the provisions of this Act, together with such recommendations with respect to problems relating to it as he shall think appropriate.'.

"(19) Section 6 of the Act of October 26, 1949, as amended (63 Stat. 929; 16 U.S.C. 468e), establishing the National Trust for Historic Preservation in the United States, which reads as follows:

"'SEC. 6. The National Trust shall, on or before the 1st day of March in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year, including the full and complete statement of its receipts and expenditures.'.

"(20) Section 3 of the Act entitled 'An Act to authorize the Secretary of Agriculture to cooperate with the Government of Mexico in the control and eradication of foot-and-mouth disease and rinderpest', approved February 28, 1947, as amended (61 Stat. 8; 21 U.S.C. 114d), which reads as follows:

"'SEC. 3. Thirty days after the enactment of this Act, and every thirty days thereafter, the Secretary of Agriculture shall make a report to the Congress with respect to the activities carried on under this Act.'.

"(21) Section 7 of the Act of May 8, 1914, as amended (67 Stat. 85; 7 U.S.C. 347), relating to annual reports to Congress with respect to agricultural extension work, which reads as follows:

"'SEC. 7. The Secretary of Agriculture shall make an annual report to Congress of the receipts, expenditures, and results of the cooperative agricultural extension work in all of the States, Territories, or possessions receiving the benefits of this Act, and also whether the appropriation of any State, Territory, or possession has been withheld, and, if so, the reason therefor.'.

"(22) The last paragraph of section 7 of the Act of March 2, 1887, as amended (69 Stat. 674; 7 U.S.C. 361g), relating to annual reports to Congress with respect to the work of agricultural experiment stations, which reads as follows:

"'The Secretary of Agriculture shall make an annual report to the Congress during the first regular session of each year of the receipts and expenditures and work of the agricultural experiment stations in all the States under the provisions of this Act and also whether any portion of the appropriation available for allotment to any State has been withheld and if so the reasons therefor.'.

"(23) The first sentence of section 3 of the Act of June 15, 1936 (49 Stat. 1506; 36 U.S.C. 139b), establishing The National Yeomen F, which reads: 'That said organization shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings, and said Secretary shall communicate to Congress such portions thereof as he may deem of national interest and importance.'.

"(24) Subparagraph (3) of section 4(k) of the Communications Act of 1934, as amended (66 Stat. 712; 47 U.S.C. 154(k)(3)), which reads as follows:

"'(3) information with respect to all persons taken into the employment of the Commission during the year covered by the report, including names, pertinent biographical data and experience, Commission positions held and compensation paid, together with the names of those persons who have left the employ of the Commission during such year: *Provided*, That the first annual report following the date of enactment of the Communications Act Amendments, 1952, shall contain such information with respect to all persons in the employ of the Commission at the close of the year for which the report is made;'.

"(25) That part of paragraph (2) of subsection (a) of the first section of the Act of July 25, 1956 (70 Stat. 648; 31 U.S.C. 701(a)(2)), relating to the simplification of Government accounting and the facilitation of the payment of Government obligations, which reads ': *Provided further*, That prior thereto the head of the agency concerned shall make such report with respect to each such restoration as the Director of the Bureau of the Budget may require, and shall submit such report to the Director, the Comptroller General, the Speaker of the House of Representatives, and the President of the Senate'."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title of the bill was amended to read: "An act to repeal certain provisions of law requiring the submission of certain reports to Congress, and for other purposes."

A motion to reconsider was laid on the table.

AMENDING SECTION 403 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

The Clerk called the bill (H.R. 7480) to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

Mr. McFALL. Mr. Speaker, at the request of a Member who cannot be present, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ROTATION OF CIVILIAN EMPLOYEES OF THE DEFENSE ESTABLISHMENT

The Clerk called the bill (H.R. 10695) to provide for the rotation in oversea assignments of civilian employees under the Defense Establishment having career-conditional and career appointments in the competitive civil service, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 81 of title 10 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1586. Rotation of career-conditional and career employees assigned to duty outside the United States

"(a) In order to advance the programs and activities of the Defense Establishment, it is hereby declared to be the policy of the Congress to facilitate the interchange of civilian

employees of the Defense Establishment between posts of duty in the United States and posts of duty outside the United States through the establishment and operation of programs for the rotation, to the extent consistent with the missions of the Defense Establishment and sound principles of administration, of such employees who are assigned to duty outside the United States.

"(b) Nothwithstanding any other provision of law, the Secretary of Defense with respect to civilian employees of the Department of Defense other than employees of a military department, and the Secretary of each military department with respect to civilian employees of such military department, may, under such regulations as each such Secretary may prescribe with respect to the employees concerned and in accordance with the policy and other provisions of this section, establish and operate programs of rotation which provide for the granting of the right to return to a position in the United States to each civilian employee in the department concerned—

"(1) who, while serving under a career-conditional or career appointment in the competitive civil service, is assigned at the request of the department concerned to duty outside the United States,

"(2) who satisfactorily completes such duty, and

"(3) who applies, not later than thirty days after after his completion of such duty, for the right to return to a position in the United States as provided by subsection (c) of this section.

The Secretary of the department concerned may provide by regulation for the waiver of the provisions of paragraphs (2) and (3) of this subsection, or of either of such paragraphs, in those cases in which the application of such paragraphs, or either of them, would be against equity and good conscience or against the public interest.

"(c) The right to return to a position in the United States granted under this section shall be without reduction in the seniority, status, and tenure held by the employee immediately before his assignment to duty outside the United States and the employee shall be placed, not later than thirty days after the date on which he is determined to be immediately available to exercise such right, in accordance with the following provisions:

"(1) The employee shall be placed in the position which he held immediately before his assignment to duty outside the United States, if such position exists.

"(2) If such position does not exist, or with his consent, the employee shall be placed in a vacant existing position, or in a new continuing position, for which he is qualified, available for the purposes of this section in the department concerned, in the same geographical areas, with rights and benefits equal to the rights and benefits of, and in a grade equal to the grade of, the position which he held immediately before his assignment to duty outside the United States.

"(3) If the positions described in paragraph (1) and paragraph (2) of this subsection do not exist, the employee shall be placed in an additional position which shall be established by the department concerned for a period not in excess of ninety days in order to carry out the purposes of this section. Such additional position shall be in the same geographical area as, with rights and benefits not less than the rights and benefits of, and in a grade not lower than the grade of, the position held by the employee immediately before his assignment to duty outside the United States.

"(4) If, within ninety days after his placement in a position under paragraph (3) of this subsection, a vacant existing position or new continuing position, for which the employee is qualified, is available for the purposes of this section in the department concerned, in the same geographical area as, with rights and benefits equal to the rights and benefits of, and in a grade equal to the grade of, the position which he held immediately before his assignment to duty outside the United States, the employee shall be placed in such vacant existing position or new continuing position.

"(5) If, within the ninety-day period referred to in paragraphs (3) and (4) of this subsection, the employee cannot be placed in a position under such paragraph (4), he shall be reassigned or separated under the regulations prescribed by the United States Civil Service Commission to carry out section 12 of the Act of June 27, 1944 (5 U.S.C. 861).

"(6) If there is a termination of or material change in the activity in which the former position of the employee (referred to in paragraph (1) of this subsection) was located, he shall be placed, in the manner provided by paragraphs (2), (3), and (4), as applicable, of this subsection, in a position in the department concerned in a geographical area other than the geographical area in which such former position was located.

"(d) Each employee who is placed in a position under paragraph (1), (2), (3), (4), or (6) of subsection (c) of this section shall be paid at a rate of basic compensation which is not less than the rate of basic compensation to which he would have been entitled if he had not been assigned to duty outside the United States.

"(e)(1) Each employee who is displaced from a position by reason of the exercise of a return right under subsection (c)(1) of this section shall be placed, as of the date of such displacement, without reduction in seniority, status, and tenure, in a vacant existing position or new continuing position, for which he is qualified, available in the department concerned, in the same geographical area as, with rights and benefits equal to the rights and benefits of, in a grade equal to the grade of, and at a rate of basic compensation not less than the last rate of basic compensation to which he was entitled while in, the position from which he is displaced.

"(2) If the employee cannot be placed in a position under paragraph (1) of this subsection, he shall be reassigned to a position other than the position from which he is displaced, or separated, under the regulations prescribed by the United States Civil Service Commission to carry out section 12 of the Act of June 27, 1944 (5 U.S.C. 861).

"(f) The President may, upon his determination that such action is necessary in the national interest, declare that, for such period as he may specify, an assignment of an employee to duty in Alaska or Hawaii shall be held and considered, for the purposes of this section, to be an assignment to duty outside the United States.

"(g) For the purposes of this section—

"(1) 'rotation' means the assignment of civilian employees referred to in subsection (b) of this section to duty outside the United States and the return of such employees to duty within the United States; and

"(2) 'grade' means, as applicable, a grade of the compensation schedule for the General Schedule of the Classification Act of 1949, as amended, or a grade or level of the appropriate prevailing rate schedule."

SEC. 2. The analysis of chapter 81 of title 10 of the United States Code is amended by adding at the end thereof the following new item:

"1586. Rotation of career-conditional and career employees assigned to duty outside the United States."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KEWEENAW BAY INDIAN TRIBE (MICHIGAN)

The Clerk called the bill (S. 2804) to donate to the Keweenaw Bay Indian Tribe, L'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in the land described below, together with the buildings and improvements thereon, is hereby declared to be held in trust for the Keweenaw Bay Indian Tribe, L'Anse Reservation, Michigan: A tract of land in the northeast quarter southeast quarter of section 28, township 51 north, range 33 west, Michigan meridian, more particularly described as follows: Beginning at the quarter post between sections 27 and 28 thence west on quarter line a distance of 33 feet as the place of beginning; thence west on quarter line a distance of 100 feet; thence south 150 feet; thence east 100 feet; thence north a distance of 150 feet to the place of beginning, containing 15,000 square feet, or 0.34 acres more or less.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MUCKLESHOOT INDIAN TRIBE (WASHINGTON)

The Clerk called the bill (S. 2877) to authorize the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the constitution, bylaws, and corporate charter of the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington, the Tribal Council of the Muckleshoot Indian Tribe may, with the approval of the Secretary of the Interior, reconvey to the former owners or their heirs or devisees all of the right, title, and interest which the tribe and the United States acquired in restricted allotted lands in exchange for assignments of tribal lands. Each such conveyance shall have the same force and effect as the patent issued to the original allottee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WIND RIVER INDIAN RESERVATION, WYO.

The Clerk called the bill (H.R. 5870) to place in trust status certain lands on the Wind River Indian Reservation in Wyoming.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest in and to the south half of the southwest quarter

of the southwest quarter of the northwest quarter of section 28, township 1 north, range 1 east, Wind River meridian, containing 5 acres, more or less, shall hereafter be held by the United States in trust for the benefit of the Shoshone and Arapahoe Tribes of the Wind River Indian Reservation, Wyoming.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That all the right, title, and interest of the United States in and to the following-described tracts of land on the Wind River Indian Reservation in Wyoming shall hereafter be held in trust by the United States for the benefit of the Shoshone and Arapahoe Tribes of said reservation:

"SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WIND RIVER MERIDIAN

"(1) South half, southwest quarter, southwest quarter, northwest quarter, comprising 5.0 acres more or less.

"SECTION 32, TOWNSHIP 5 NORTH, RANGE 4 WEST, WIND RIVER MERIDIAN

"(2) Beginning at a point 553.8 feet south of the corner of sections 29, 30, 31, and 32; said point being corner numbered 1; thence south 106.2 feet to corner numbered 2 which is identical with the southwest corner of northwest quarter northwest quarter northwest quarter, section 32; thence east 200 feet to corner numbered 3, thence north 106.2 feet to corner numbered 4; thence west 200 feet to corner numbered 1 and place of beginning, comprising 0.487 acres.

"(3) Beginning at a point 118.2 feet south of the corner of sections 29, 30, 31, and 32; said point being corner numbered 1; thence south 435.6 feet to corner numbered 2; thence east 200 feet to corner numbered 3, thence north 435.6 feet to corner numbered 4; thence west 200 feet to point of beginning, or described as a 2-acre tract in the northwest quarter northwest quarter, section 32.

"(4) West half southwest quarter northwest quarter northwest quarter, section 32, comprising 5.0 acres."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill, S. 1751, to place in trust status certain lands on the Wind River Indian Reservation in Wyoming.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest in and to the following described lands on the Wind River Reservation in Wyoming, shall hereafter be held by the United States in trust for the benefit of the Shoshone Tribe and the Arapahoe Tribe of the Wind River Indian Reservation in Wyoming:

LAND DESCRIPTION

Section 32, township 5 north, range 4 west, Wind River meridian

Tract 1: Beginning at a point 553.8 feet south of the corner of sections 29, 30, 31, and 32; said point being corner numbered 1; thence south 106.2 feet to corner numbered 2 which is identical with the southwest corner of northwest quarter northwest quarter, section 32; thence east 200 feet to corner numbered 3; thence north 106.2 feet to corner numbered 4; thence west 200 feet to corner numbered 1 and place of beginning, comprising 0.487 acres.

Tract 2: Beginning at a point 118.2 feet south of the corner of sections 29, 30, 31, and 32; said point being corner numbered 1; thence south 435.6 feet to corner numbered 2; thence east 200 feet to corner numbered 3; thence north 435.6 feet to corner numbered 4; thence west 200 feet to point of beginning, or described as a 2-acre tract in the northwest quarter northwest quarter, section 32.

Tract 3: West half southwest quarter northwest quarter northwest quarter, section 32, comprising 5.0 acres.

Mr. ASPINALL. Mr. Speaker, I offer an amendment to strike out all after the enacting clause of the bill S. 1751 and to insert in lieu thereof the language of the House bill H.R. 5870 as passed.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause and insert the following: "That all the right, title, and interest of the United States in and to the following-described tracts of land on the Wind River Indian Reservation in Wyoming shall hereafter be held in trust by the United States for the benefit of the Shoshone and Arapahoe Tribes of said reservation:

"Section 28, township 1 north, range 1 east, Wind River meridian:

"(1) South half, southwest quarter, southwest quarter, northwest quarter, comprising 5.0 acres more or less.

"Section 32, township 5 north, range 4 west, Wind River meridian:

"(2) Beginning at a point 553.8 feet south of the corner of sections 29, 30, 31, and 32; said point being corner numbered 1; thence south 106.2 feet to corner numbered 2 which is identical with the southwest corner of northwest quarter northwest quarter northwest quarter, section 32; thence east 200 feet to corner numbered 3, thence north 106.2 feet to corner numbered 4; thence west 200 feet to corner numbered 1 and place of beginning, comprising 0.487 acres.

(3) Beginning at a point 118.2 feet south of the corner of sections 29, 30, 31, and 32; said point being corner numbered 1; thence south 435.6 feet to corner numbered 2; thence east 200 feet to corner numbered 3, thence north 435.6 feet to corner numbered 4; thence west 200 feet to point of beginning, or described as a 2-acre tract in the northwest quarter northwest quarter, section 32.

"(4) West half southwest quarter northwest quarter northwest quarter, section 32, comprising 5.0 acres."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H.R. 5870) was laid on the table.

A motion to reconsider was laid on the table.

NAVAJO TRIBE

The Clerk called the bill (H.R. 8295) to authorize the transfer to the Navajo Tribe of irrigation project works on the Navajo reservation, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill several questions.

Is the net effect of this proposed legislation that the balance of $5.9 million will not be paid back to the Federal Government or be reimbursable as long as the Indians maintain ownership?

Mr. UDALL. As coauthor of the bill I can answer the gentleman's question, which is a good one. The answer is "No." Under the Leavitt Act, which is general legislation affecting all Indian irrigation projects, repayment is deferred until such time as the Indian trust is ended. Therefore, what is being transferred here is merely the right to operate and maintain the project. This will involve an annual saving of $200,000 when the Indian tribe takes over from the Federal Government.

With regard to repayment, it is not affected in any way. It is left in the present status, and when the Indian trust is ended at that time a repayment contract must be made.

Mr. FORD. Under the current circumstances, without this legislation, I assume that the reimbursable payments to the Federal Treasury for construction costs would continue. Under this proposed legislation those reimbursements would not continue; they would be held in abeyance during the term of the Indian trusteeship?

Mr. UDALL. There are no payments currently at all, so that is not affected in any manner.

Mr. FORD. Why are there not payments?

Mr. UDALL. There are no payments on any Indian irrigation projects because the Indians are wards of the Government and the U.S. Government is trustee. The Leavitt Act provides there shall be no payment at all until the trust is ended. So that is not affected in any way. There are no payments at the present time; there will be none until the Indian trust is ended.

Mr. FORD. When we can look forward to the abandonment of the Indian trusteeship?

Mr. UDALL. When the Federal trusteeship is terminated, and in this particular instance this is in the indefinite future.

Mr. FORD. The normal period of repayment of this account is 40 to 50 years; is that correct?

Mr. UDALL. That is right.

Mr. FORD. Can we expect that the Indian trusteeship will be terminated sometime prior to the normal repayment period for these reimbursable construction costs?

Mr. UDALL. There is no way of fixing a date until the trust status is ended. We would then assume, under the Leavitt Act and past practices, that when termination occurs a 40- or 50-year period would be set up and the payments would begin, but the whole thing is held in abeyance until the United States terminates the trust.

Mr. FORD. But if and when this trusteeship is terminated, then the owners of the land so affected would make payments against these reimbursable costs to the Federal Treasury?

Mr. UDALL. That is correct.

Mr. FORD. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to transfer to the Navajo Tribe all of the right, title, and interest of the United States to any irrigation project works constructed by the United States within the Navajo Reservation prior to the date of approval of this Act, including machinery, equipment, tools, supplies, buildings, facilities, and improvements which are usable for the care, operation, and maintenance of such works and which are not needed for the continued efficient operation of the irrigation construction program within the Navajo Reservation: *Provided,* That no such transfer shall be made without the prior approval of the Navajo Tribe.

SEC. 2. Prior to or at the time of each such transfer, the Secretary and the chairman of the Navajo Tribal Council shall agree on the number of Department of the Interior personnel who shall be provided by the Secretary to train tribal personnel and to assist in operating irrigation project works transferred to the tribe until such time as tribal personnel are trained and qualified to assume full responsibility for any such irrigation project works. The Secretary and the chairman shall also agree on the time during which such Department personnel shall be provided. The cost of their employment shall be paid by the tribe.

SEC. 3. The transfer to the Navajo Tribe pursuant to this Act of any irrigation project works located in whole or in part within the boundaries of the reservation established by Executive order dated December 16, 1882, for the use and occupancy of the Moupi (Hopi) and such other Indians as the Secretary of the Interior may see fit to settle thereon shall not be construed to affect in any way the merits of the conflicting claims of the Navajo and the Hopi Indians to the use or ownership of the lands within said 1882 reservation.

SEC. 4. The irrigation project works transferred to the tribe pursuant to this Act and the land on which such works are located, shall be subject to no restriction on use, management, or disposition because of Indian ownership, but any such lands and project works and the income therefrom shall be exempt from all forms of taxation as long as, but no longer than, such lands and irrigation project works remain in the ownership of the Navajo Tribe or in the ownership of a legal entity controlled by the Navajo Tribe or its membership, unless otherwise provided by Congress.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FUNDS TO KICKAPOO TRIBAL COUNCIL OF OKLAHOMA

The Clerk called the bill (H.R. 9028) to provide that certain funds shall be paid to the Kickapoo Tribal Council of Oklahoma.

There being no objection, the clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall pay to the Kickapoo Tribal Council of Oklahoma the unexpended balances of funds in the Treasury of the United States under the following symbols and titles:

(1) 14X7053 Kickapoos in Oklahoma Fund;

(2) 14X7553 Interest and Accruals on Interest, Kickapoos in Oklahoma Fund;

(3) 14X7916 Interest and Accruals on Interest, Kickapoo General Fund.

The funds paid the Kickapoo Tribal Council of Oklahoma under this Act shall be used for the rebuilding and repair of the Kickapoo tribal community house near McLoud, Oklahoma, and for other tribal business purposes.

With the following committee amendment:

Page 1, line 9, strike out the semicolon and insert in lieu thereof a period and strike out all of lines 10 and 11.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMEND VETERANS' PREFERENCE ACT OF 1944

The Clerk called the bill (H.R. 1907) to amend the Veterans' Preference Act of 1944 to define mothers for purposes of such act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill or a member of the committee, What is the need for this proposed legislation?

Mr. ALFORD. Mr. Speaker, if the gentleman will yield, the chairman of the subcommittee is unable to be present today, so I shall attempt to answer that.

H.R. 1907 amends the Veterans' Preference Act of 1944 to define the terms "mother" and "mothers" to include a natural mother, a mother through adoption, or a female who stands in loco parentis to a deceased or service-connected permanently or totally disabled ex-serviceman or ex-servicewoman for not less than 1 year prior to the date the ex-serviceman or ex-servicewoman attained the age of 21 years.

As I understand this simply would protect, for example, a woman who had a nephew and reared this child and then would be granted preference. She would come under the Veterans' Preference Act. Does that answer your question?

Mr. FORD. I appreciate what the aim and the objective is, but I am a bit uncertain that the enactment of this legislation will not add any additional costs to the Federal Treasury. I find in the summary that I have here there is the statement there would be no additional cost to the Government. I have grave doubt that that is an accurate statement.

Mr. ALFORD. We were assured that there would be no additional cost to the Government. This purely and simply gives the same rights to a female who is, in fact, acting as the mother of a veteran in preference for employment.

Mr. FORD. If that is true, then it would seem to me that we are enlarging the number of people who would be eligible for these benefits, and if you enlarge those eligible, you would inevitably have more costs; is that not right?

Mr. Speaker, I withdraw my reservation of objection and ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

WAIVER OF COLLECTIONS ON CERTAIN RAISED MONEY ORDERS

The Clerk called the bill (H.R. 9507) to authorize the Postmaster General to waive collections on raised money orders cashed by banks and other business concerns, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARR. Mr. Speaker, reserving the right to object, I wonder if there is anyone present who can explain what this bill attempts to do?

Mr. FOLEY. Mr. Speaker, if the gentleman will yield, this bill would authorize the Postmaster General to withhold insistence that banks reimburse the Federal Government in the amount of $10,000 a year. There is no objection by the Postmaster General and there was no objection before the subcommittee or the full committee in considering this particular matter. This is a situation which has worked some hardship on commercial establishments that have accepted money orders and have been the unwitting victims of forgers or persons skilled in changing the amounts on money orders. The full committee has recommended that the Postmaster General's position be confirmed and that this bill be passed.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Postmaster General in his discretion may waive collection from any person not in the employ of the Post Office Department of claims arising from the overpayment of money orders when upon investigation he finds that—

(1) the overpayment resulted from alterations in the money order which were not apparent from visual inspection, and

(2) the person who paid the money order took it in good faith and for value, and had no notice of any defects in the money order.

(b) Nothing contained in this Act shall (1) affect the liability, or authorize the relief, of a person who alters a money order, or (2) relieve the Postmaster General of responsibility to pursue collection action against a person who alters a money order.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIMINATION OF PENALTY CHARGES ON SHORT-PAID MAIL

The Clerk called the bill (H.R. 9889) to eliminate the mandatory requirements for penalty charges on short-paid mail, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HAYS. Mr. Speaker, reserving the right to object, I should like someone on the committee, or the author of the bill, to tell us what this bill proposes to do.

Mr. PORTER. Mr. Speaker, if the gentleman will yield, this bill provides that the Postmaster General has the discretion whether or not to make a penalty charge on short-paid mail. As it is now he does have some discretion but if he does not exercise it, he is supposed to charge whatever the cost would be as computed by the cost ascertainment system. This has been thought to put too much of a burden on the Postmaster General. All that this bill does is to say that whenever the postage is insufficient, the Postmaster General may charge the penalty that he thinks is proper. This is just a matter of giving him more discretion in the interests of more efficient and flexible administration.

Mr. WALTER. Mr. Speaker, reserving the right to object—and I shall not object—I am just wondering whether or not the gentleman's committee is aware of the fact that several years ago the Committee on the Judiciary, at the request of the Postmaster General, recommended to the House and subsequently the Congress passed a law which, in the statement of the Postmaster General, was designed to eliminate forever the possibility of the dissemination of pornographic literature through the mails. Despite this fact, according to the press, the Postmaster General is still talking about additional legislation in order to meet this problem. I am just wondering whether the gentleman's committee is going to report additional legislation which, as I say, is not needed, or insist that the Postmaster General take the necessary steps to enforce the law which is already on the statute books.

Mr. PORTER. Mr. Speaker, if the gentleman will yield to me, I have no knowledge of the status of any pending legislation. We do have a very capable subcommittee headed by the gentlewoman from Pennsylvania [Mrs. GRANAHAN], but I agree with the gentleman from Pennsylvania [Mr. WALTERS] that the Postmaster General would do well to enforce the laws already on the books.

Mr. POAGE. Mr. Speaker, reserving the right to object, I want to ask the gentleman if he can tell us whether this bill enables the Postmaster General to impose penalties upon the recipient of this short-postage mail.

Mr. PORTER. Only in the event that he thought it was needed to protect the postal service. However, we are assured, according to our hearings, that this would be a very unusual event.

Mr. POAGE. Does it allow the Postmaster General to charge me a fee in the event somebody sent me some mail that I did not want and which did not have sufficient postage on it?

Mr. PORTER. This is already in the law. This does not change that situation, as I understand it.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of the first section of the Act entitled "An Act to revise the laws relating to the handling of short paid and undeliverable mail, and for other purposes", approved April 9, 1958 (72 Stat. 83; 39 U.S.C. 272a(b)), is amended to read as follows:

"(b) The Postmaster General shall prescribe by regulation from time to time the charges to be collected on delivery for any matter mailed without prepayment of any lawfully required postage or without prepayment of the full amount of the lawfully required postage. The Postmaster General may waive the collection of any charges when he deems such waiver to be in the best interest of the Government."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

USE OF CERTIFIED MAIL BY GOVERNMENT AGENCIES

The Clerk called the bill (H.R. 10996) to authorize the use of certified mail for the transmission or service of matter required by certain Federal laws to be transmitted or served by registered mail, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) section 12(b) of the Act of August 2, 1939, as added by section 4 of the Act of July 19, 1940 (54 Stat. 767; 5 U.S.C. 118k), is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear therein.

(2) Section 6(b) of the Commodity Exchange Act (42 Stat. 1001, 1002; 7 U.S.C. 9) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(3) Section 3 of the Act of March 3, 1927 (44 Stat. 1373; 7 U.S.C. 473), is amended (A) by inserting "or by certified mail" immediately following the words "registered mail" and (B) by inserting "or receipt for certified mail" immediately following the words "registry receipt".

(4) Section 6(c) of the Perishable Agricultural Commodities Act, 1930 (46 Stat. 534; 7 U.S.C. 499f), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(5) Section 365 of the Agricultural Adjustment Act of 1938 (52 Stat. 63; 7 U.S.C. 1365) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(6) The proviso in the last sentence of section 373(a) of the Agricultural Adjustment Act of 1938, as added by section 6 of the Act of June 13, 1940 (54 Stat. 394; 7 U.S.C. 1373), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(7) Section 409(d) of the Federal Seed Act (53 Stat. 1287; 7 U.S.C. 1599) is amended (A) by striking out the words "registering and mailing a copy thereof" in clause (3) of the first sentence and inserting in lieu thereof "mailing a copy thereof by registered mail or by certified mail" and (B) by striking out the words "registered and mailed" in the last sentence and inserting in lieu thereof "mailed by registered mail or by certified mail".

(8) Section 107(d) of the Soil Bank Act (70 Stat. 193; 7 U.S.C. 1831) is amended by inserting "or certified mail" immediately following the words "registered mail" wherever such words appear therein.

(9) Section 301 of the Act of March 9, 1933 (48 Stat. 5), as amended (12 U.S.C. 51a), is amended by inserting "or by certified mail" immediately following the words "registered mail" in the first sentence thereof.

(10) The last sentence of section 2(a) of the Act of August 17, 1950 (64 Stat. 456; 12 U.S.C. 214a), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(11) The last sentence in section 5(d)(1) of the Home Owners' Loan Act of 1933, as added by section 503 of the Housing Act of 1954 (68 Stat. 635; 12 U.S.C. 1464), is amended by inserting "or by certified mail," immediately following "registered mail,".

(12) Section 402(c)(4) of the National Housing Act, as amended by section 501 of the Housing Act of 1954 (68 Stat. 633; 12 U.S.C. 1725), is amended by inserting "or by certified mail" immediately following "registered mail".

(13) Section 5(f) of the Federal Trade Commission Act, as amended (52 Stat. 113; 15 U.S.C. 45), is amended (A) by striking out the words "registering and mailing a copy thereof" in clause (c) of the first sentence and inserting in lieu thereof "mailing a copy thereof by registered mail or by certified mail" and (B) by striking out the words "registered and mailed" in the last sentence and inserting in lieu thereof "mailed by registered mail or by certified mail".

(14) The first sentence of section 8(e) of the Investment Company Act of 1940 (54 Stat. 805; 15 U.S.C. 80a–8) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(15) The second sentence of section 40(a) of the Investment Company Act of 1940 (54 Stat. 842; 15 U.S.C. 80a–39) is amended by inserting "or certified mail" immediately following the words "registered mail".

(16) The second sentence of section 211(c) of the Investment Advisers Act of 1940 (54 Stat. 855; 15 U.S.C. 80b–11) is amended by inserting "or certified mail" immediately following the words "registered mail".

(17) The first sentence of section 5 of the Act of March 29, 1944 (58 Stat. 133; 16 U.S.C. 583d), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(18) Clause (2) of section 505(g) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1053; 21 U.S.C. 355) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(19) Section 2284 of title 28, United States Code, is amended by striking out "Such notice shall be given by registered mail by the clerk, and shall be complete on the mailing thereof." and inserting in lieu thereof the following:

"Such notice shall be given by registered mail or by certified mail by the clerk and shall be complete on the mailing thereof."

(20) The second sentence of section 2410(b) of title 28, United States Code, is amended by inserting "or by certified mail," immediately following "registered mail,".

(21) The third sentence in the third paragraph of section 17 of the Mineral Lands Leasing Act of February 25, 1920, as amended by the Act of July 29, 1954 (68 Stat. 584; 30 U.S.C. 226), is amended by inserting "or by certified mail," immediately following "registered mail,".

(22) The last sentence of section 207(b) of the Federal Coal Mine Safety Act, as added by the first section of the Act of July 16,

1952 (66 Stat. 700; 30 U.S.C. 477), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(23) The third sentence of section 207(i) of the Federal Coal Mine Safety Act, as added by the first section of the Act of July 16, 1952 (66 Stat. 702; 30 U.S.C. 477), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(24) The first sentence of section 208(b) of the Federal Coal Mine Safety Act, as added by the first section of the Act of July 16, 1952 (66 Stat. 702; 30 U.S.C. 478), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(25) Clause (1) of the last paragraph of section 7(a) of the Act of August 13, 1954 (68 Stat 713; 30 U.S.C. 527), is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear in such clause.

(26) Clause (1) of the last paragraph of section 5(a) of the Act of July 23, 1955 (69 Stat. 370; 30 U.S.C. 613), is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear in such clause.

(27) Section 2(b) of the Mining Claims Rights Restoration Act of 1955 (69 Stat. 682; 30 U.S.C. 621), is amended by inserting "or certified mail" immediately following the words "registered mail".

(28) The first sentence of section 3491(C) of the Revised Statutes, as added by the Act of December 23, 1943 (57 Stat. 608; 31 U.S.C. 232), is amended by inserting "or by certified mail," immediately following "registered mail,".

(29) Section 3491(D) of the Revised Statutes, as added by the Act of December 23, 1943 (57 Stat. 609; 31 U.S.C. 232), is amended by inserting "or by certified mail," immediately following "registered mail,".

(30) The second sentence of section 19(c) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1435; 33 U.S.C. 919) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(31) Section 19(e) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1435; 33 U.S.C. 919) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(32) Section 784(b) of title 38, United States Code, is amended by inserting "or by certified mail" immediately following the words "registered mail".

(33) Section 5226 of title 38, United States Code, is amended by inserting "or by certified mail" immediately following the words "registered mail".

(34) The second paragraph of section 2 of the Act of August 24, 1912, as amended (47 Stat. 1486; 39 U.S.C. 233), is amended by striking out "by registered letter" and inserting in lieu thereof "by registered mail or by certified mail".

(35) Section 205(d) of the Social Security Act, as amended (42 U.S.C. 405), is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear therein.

(36) The last sentence of section 4(d) of the National Science Foundation Act of 1950, as amended (73 Stat. 467; 42 U.S.C. 1863(d)), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(37) Section 12(a) of the Railroad Unemployment Insurance Act (52 Stat. 1107; 45 U.S.C. 362) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(38) The first sentence of section 19a(h) of the Act of February 4, 1887, as added by the Act of March 1, 1913 (37 Stat. 702), and thereafter amended (49 U.S.C. 19a(h)), is amended by striking out the words "registered letter" and inserting in lieu thereof "registered mail or by certified mail".

(39) Section 105(a) of the Renegotiation Act of 1951 (65 Stat. 12; 50 U.S.C. App. 1215) is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear therein.

(40) Section 107(e) of the Renegotiation Act of 1951 (65 Stat. 20; 50 U.S.C. App. 1217) is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear therein.

(41) The second sentence of section 9(b) of the Professional Engineers' Registration Act (64 Stat. 862; D.C. Code, sec. 2–1809(b)) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(42) The first sentence of section 10 of the Act of March 19, 1906 (34 Stat. 71), as amended (48 Stat. 845; D.C. Code, sec. 5–310), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(43) Clause (c) of the first sentence of section 3 of the Act of April 14, 1906 (34 Stat. 115; D.C. Code, sec. 5–315), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(44) The first sentence of section 5 of the Act of December 24, 1942 (56 Stat. 1084; D.C. Code, sec. 5–321), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(45) The Act of May 29, 1928 (45 Stat. 953; D.C. Code, sec. 7–221), is amended by striking out "registered letter" wherever such words appear and inserting in lieu thereof "registered mail or by certified mail".

(46) Section 5 of the Act of March 5, 1938 (52 Stat. 103; D.C. Code, sec. 11–805), is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear.

(47) The first proviso in section 2 of the Act of April 11, 1935 (49 Stat. 152; D.C. Code, sec. 16–613), is amended by inserting "or by certified mail" immediately following the word "registered mail".

(48) The fourth sentence in the first paragraph of section 24 of the Life Insurance Act (48 Stat. 1137; D.C. Code, sec. 35–423) is amended (A) by inserting "or by certified mail" immediately following the words "registered mail"; and (B) by striking out the words "registered receipt" and inserting in lieu thereof "the return receipt for such registered or certified mail".

(49) The third sentence of section 23(b) of the Fire and Casualty Act (54 Stat. 1075; D.C. Code, sec. 35–1327(b)) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(50) The first paragraph of section 9 of the Act of August 25, 1937 (50 Stat. 794; D.C. Code, sec. 45–1409), is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear therein.

(51) The last sentence of section 10(2) of the Act of August 25, 1937 (50 Stat. 795; D.C. Code, sec. 45–1410), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(52) The first proviso in section 3 of the Act of February 28, 1898, as added by the Act of February 22, 1944 (58 Stat. 20; D.C. Code, sec. 47–1003), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(53) The first sentence of section 2 of the Act of March 2, 1936 (49 Stat. 1154; D.C. Code, sec. 47–1012), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(54) The first sentence of section 5 of title XII of the District of Columbia Income and Franchise Tax of 1947 (61 Stat. 352; D.C. Code, sec. 47–1586d) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(55) The first sentence of section 3(c) of the Act of April 23, 1924, as added by section 3 of the Act of August 17, 1937 (50 Stat. 678; D.C. Code, sec. 47–1903), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(56) The fifth sentence of section 14(a) of title IX of the District of Columbia Revenue Act of 1937, as added by section 4 of the Act of July 10, 1952 (66 Stat. 546; D.C. Code, sec. 47–2413(a), is amended by inserting "or by certified mail" immediately following the words "registered mail".

SEC. 2. Return receipts for the delivery of certified mail which is utilized under any provision of law shall be received in the courts as prima facie evidence of delivery to the same extent as return receipts for registered mail.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUDICIAL OFFICER FOR THE POST OFFICE DEPARTMENT

The Clerk called the bill (H.R. 11516) to create a judicial officer for the Post Office Department.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HAYS. Reserving the right to object, Mr. Speaker, I should like someone to tell us what this bill does.

Mrs. GRANAHAN. There is no money involved in the creation of this judicial officer because the Department already has such an officer. The only thing this bill does is expedite the examining and the conviction on charges of using the mails of people sending out pornographic material. There is a person already in that position, although he is not a permanent fixture.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the Post Office Department a judicial officer, who shall be appointed by the Postmaster General and who shall perform such quasi-judicial duties as the Postmaster General may designate. This officer shall be the agency for the purposes of the requirements of the Administrative Procedure Act, as amended (5 U.S.C. 1001 and the following), to the extent that functions are delegated to him by the Postmaster General.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEYANCE OF CERTAIN REAL PROPERTY TO HIGHLAND FALLS, N.Y.

The Clerk called the bill (H.R. 6479) to provide for the conveyance of certain real property of the United States to the village of Highland Falls, N.Y.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the

Secretary of the Army shall convey to the village of Highland Falls, New York, all right, title, and interest of the United States in and to the real property described in section 2 of this Act, together with the right-of-way described in such section 2, to be used by such village for cemetery purposes.

SEC. 2. The real property and the right-of-way referred to in the first section of this Act are more particularly described as follows:

Beginning at the southwesterly corner in a stone wall, said point being south 12 degrees 49 minutes 48 seconds east 49.34 feet along a stone wall from cannon numbered 33 which was formerly the common corner of the patent to John Moore; the lands of Grover Cox; and the lands of Lena Adolph, thence passing through the lands formerly of Lena Adolph the following courses and distances: north 39 degrees 29 minutes 07 seconds east, 668.12 feet; south 50 degrees 30 minutes 53 seconds east, 486.57 feet; south 39 degrees 29 minutes 07 seconds west, 716.00 feet to a point in the northerly line of the Sacred Heart Catholic Cemetery, thence along the northerly boundary of said cemetery and formerly the southerly line of Lena Adolph the following courses and distances: north 50 degrees 30 minutes 53 seconds west, 30.45 feet; south 39 degrees 29 minutes 07 seconds west, 8.00 feet; thence along a stone wall north 50 degrees 30 minutes 53 seconds west, 44.55 feet to the northwesterly corner of said cemetery; thence continuing along a stone wall marking the southerly line formerly of Lena Adolph and the northerly line formerly of Grover Cox the following courses and distances: north 47 degrees 29 minutes 52 seconds west, 364.58 feet; north 12 degrees 49 minutes 48 seconds west, 60.00 feet to the point or place of beginning, containing 7.96 acres more or less.

Together with a right-of-way over an existing lane on the lands of the United States Military Academy for the purpose of ingress and egress to the aforesaid lands, approximately parallel to the southeasterly side of the Sacred Heart Cemetery and continuing approximately parallel to the southeasterly side of the lands now being conveyed for a total distance of 800 feet, whence the lane leaves the lands of the United States Military Academy and enters into the lands hereinabove described.

With the following committee amendment:

Page 1, lines 3 and 4, delete ", without consideration," and insert in lieu thereof the following: ", at 50 per centum of the fair market value as determined by the Secretary of the Army,".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SAN FRANCISCO PALACE OF FINE ARTS

The Clerk called the bill (H.R. 8024) to amend the act of May 9, 1876, to permit certain streets in San Francisco, Calif., within the area known as the San Francisco Palace of Fine Arts, to be used for park and other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to relinquish the interests of the United States in certain lands to the city and county of San Francisco, in the State of California", approved May 9, 1876 (19 Stat. 52), is amended by adding at the end thereof the following new section:

"SEC. 2. Notwithstanding any provision of the first section of this Act to the contrary, the use of Lyon Street from the northerly line of Bay Street to the northerly line of Jefferson Street, and of North Point, Beach and Jefferson Streets from the westerly line of Baker Street to the easterly line of Lyon Street, as public highways and streets, may be terminated by the City and County of San Francisco and such public highway and street areas may be used for park, cultural, recreational, educational, museum, artistic and musical purposes by the City and County of San Francisco, or by the State of California, if the San Francisco Palace of Fine Arts is conveyed by the City and County of San Francisco to the State of California pursuant to the California Statute entitled 'An act to provide for the acquisition, repair, and operation of the San Francisco Palace of Fine Arts as part of the State Park System, and making an appropriation therefor' (Calif. Stats. 1957, ch. 2386, p. 4132)."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OXNARD HARBOR DISTRICT, PORT HUENEME, CALIF.

The Clerk called the bill (H.R. 8713) to authorize the Secretary of the Navy to convey certain real estate to the Oxnard Harbor district, Port Hueneme, Calif., and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to convey to Oxnard Harbor District, Port Hueneme, California, an instrumentality of the State of California, all that tract or parcel of land situate, lying and being in the United States Naval Construction Battalion Center, Port Hueneme, California, comprising wharf numbered 1, and contiguous area, consisting of twenty-two and seven-tenths acres, more or less, and being more particularly described as follows:

Beginning at the northeast corner of wharf numbered 1, said point being particularly described as coordinate 6,013.48 feet north, 6,669.75 feet east as shown on the map of the United States Naval Construction Battalion Center, Port Hueneme, California; thence from said point of beginning, south 89 degrees 55 minutes 40 seconds west 1,386.1 feet, along the north edge of the wheel guard on the north side of wharf numbered 1 and the extension of this line to the westerly side of the dolphin which is at the western end of the catwalk that extends westerly from the west end of wharf numbered 1 to a point, said point being westerly 185.0 feet from the west end of wharf numbered 1; thence,

South 53 degrees 05 minutes 41 seconds east 106.4 feet to a point, said point being on the line of the bulkhead that extends westerly from the west end of wharf numbered 1 and is 100.0 feet westerly from the west end of wharf numbered 1; thence,

South 37 degrees 47 minutes 40 seconds west 397.4 feet to a point, said point being at the approximated mean high tide line and said point being also on the northeasterly side of the cattle chute of wharf F; thence,

North 52 degrees 15 minutes 20 seconds west 62.4 feet to a point, said point being on the northeasterly side of the said cattle chute of wharf F; thence,

South 37 degrees 44 minutes 40 seconds west 10.0 feet to a point, said point being at the northwesterly end of the cattle chute of wharf F; thence,

South 37 degrees 01 minutes 40 seconds west 82.0 feet to a point, said point being at the northwesterly end of wharf F; thence,

South 36 degrees 51 minutes 39 seconds west 68.58 feet to a point; thence,

South 37 degrees 01 minutes 40 seconds west 352.0 feet to a point, said point being approximately in line with the extension of the channel side edge of wharf F; thence,

South 52 degrees 58 minutes 20 seconds east 142.0 feet more or less to a point in the easterly line of the 13.5 acre parcel, sold to the Hueneme Dock Corporation by deed recorded in book 584, page 426 of Official Records of Ventura County; thence,

North 37 degrees 01 minutes 40 seconds east 452.0 feet more or less along said easterly line to a 2-inch by 2-inch wood stake set in concrete, said stake being on the north line of parcel D as delineated on Map numbered 1, Lands in Subdivisions 84, 85, and 87 of Rancho El Rio De Santa Clara o' La Colonia, recorded in book 3, page 13 of Miscellaneous (Maps) Records of Ventura County; thence easterly along said northerly line of parcel D;

North 89 degrees 56 minutes 39 seconds east 1,686.16 feet to a point; thence,

South 45 degrees 04 minutes 20 seconds east 74.18 feet to a point; thence,

North 88 degrees 28 minutes 04 seconds east 91.25 feet more or less to a point in the easterly line of said parcel D; thence,

North 0 degrees 14 minutes 13 seconds west 798.15 feet along said easterly line of parcel D and parcel C as delineated on map numbered 1, Lands in Subdivisions 84, 85, and 87 of Rancho El Rio De Santa Clara o' La Colonia recorded in book 3, page 13 of Miscellaneous (Maps) Records of Ventura County to a point; said point being on an easterly extension of a line parallel to and south 4.0 feet from the southerly edge of bulkhead on wharf numbered 2; thence,

South 89 degrees 53 minutes 34 seconds west 253.2 feet along the said easterly prolongation to a point; thence along the following courses and distances which are at approximate mean high tide line;

South 32 degrees 50 minutes 41 seconds east 44.0 feet to a point; thence,

South 04 degrees 59 minutes 11 seconds east 37.8 feet to a point; thence,

South 21 degrees 20 minutes 06 seconds east 27.2 feet to a point; thence,

South 09 degrees 47 minutes 21 seconds east 37.8 feet to a point; thence,

South 20 degrees 20 minutes 46 seconds east 21.5 feet to a point; thence,

South 0 degrees 54 minutes 44 seconds west 174.0 feet to a point, said point being 10.0 feet northeasterly measured radially from the center line of track A; thence,

Northwesterly 114.03 feet along a nontangent curve concave to the southeast, having a radius of 360.21 feet and a central angle of 18 degrees 08 minutes 14 seconds to the east end of wharf numbered 1; said curve being 10.0 feet northeasterly of measured radially and parallel to the center line of track A; thence,

North 0 degrees 04 minutes 20 seconds west 13.2 feet to the point of beginning and containing 22.07 acres more or less.

SEC. 2. The conveyance herein authorized shall be made at the fair market value of the property as determined by the Secretary of the Navy and shall be made upon such terms and conditions and shall include such reservations as the Secretary of the Navy shall determine to be in the public interest.

With the following committee amendment:

Page 1, line 9, delete the words "seven-tenths" and insert in lieu thereof the words "seven-hundredths".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALLOWANCES FOR CERTAIN MEMBERS OF UNIFORMED SERVICES

The Clerk called the bill (H.R. 10068) to amend section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Reserving the right to object, Mr. Speaker, may I ask the gentleman from South Carolina a question? Do I understand correctly that a Regular Army officer involuntarily separated from the service can claim his home at any place and have his transportation and that of his dependents and household effects paid to that place?

Mr. RIVERS of South Carolina. That is correct.

Mr. GROSS. To Hawaii or Guam or the South Sea Islands?

Mr. RIVERS of South Carolina. Any place he selects. That is the law.

Mr. GROSS. I am astounded that the Government pays these expenses any place anywhere in the world an officer wants to go.

Mr. RIVERS of South Carolina. Under the present law his home is where he elects it to be when he is released from the service, but that does not apply to a Reserve officer. The bill would enable the Reserve officer, when he is released, to select his place of residence.

Mr. GROSS. I agree with this legislation in that respect, and I am not opposing it, but I think there ought to be some restriction put upon the selection of a home by a discharged officer of any of the military services.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. FORD. This fact as far as the Regular officer is concerned and other personnel is just one reason why the transportation cost of the Department of Defense is almost $300 million each year. This is going to add some cost, how much I cannot forecast because we do not know where they are going to select their homes when they retire.

Mr. RIVERS of South Carolina. This puts the Reserve officers on an equal footing with the Regulars. We are going to make a study of that, and the chairman has already directed that that be done.

Mr. GROSS. May I ask the gentleman this question? What about a noncommissioned officer, if he is involuntarily separated from the service?

SAME AS OFFICERS

Mr. RIVERS of South Carolina. The law now only applies to Regular officers.

Mr. GROSS. I understand, but what about a noncommissioned officer? Is his transportation and the transportation of his dependents and household goods paid to anywhere in the world that he wants to designate as home?

Mr. RIVERS of South Carolina. I am not sure about anywhere in the world, but it is paid to anyplace within the continental United States. I am not sure about anywhere in the world, and I do not think that is the case.

Mr. GROSS. And the same thing is true of the noncommissioned officers; is that correct?

Mr. RIVERS of South Carolina. They are both on the same footing.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (2) of the second sentence of section 303(a) of the Career Compensation Act of 1949 (37 U.S.C. 253(a)) is amended to read as follows:

"(2) is retired with pay for any other reason, or, immediately following at least eight years of continuous active duty (no single break therein of more than ninety days), is discharged with severance pay or involuntarily released to inactive duty with readjustment pay;".

SEC. 2. Clause (2) of the last sentence of section 303(c) of the Career Compensation Act of 1949 (37 U.S.C. 253(c)) is amended to read as follows:

"(2) is retired with pay for any other reason, or, immediately following at least eight years of continuous active duty (no single break therein of more than ninety days), is discharged with severance pay or involuntarily released to inactive duty with readjustment pay;".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. That is the last eligible bill on the Consent Calendar.

KURE BEACH, N.C.

Mr. PELLY. Mr. Speaker, I ask unanimous consent to return to Calendar No. 373, and ask for the present consideration of the resolution (H. Res. 470) providing for sending the bill H.R. 10919, with accompanying papers, to the Court of Claims.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, That the bill (H.R. 10919) entitled "A bill for the relief of the town of Kure Beach, North Carolina," together with all accompanying papers, is hereby referred to the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code; and the court shall proceed expeditiously with the same and report to the House, at the earliest practicable date, such findings of fact, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitation should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy, and conclusions based on such facts as shall be sufficient to inform Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL MILK PROGRAM

The SPEAKER. The Chair recognizes the gentleman from Texas [Mr. POAGE] to call up a conference report.

Mr. POAGE. Mr. Speaker, I call up the conference report on the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1520)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken by the Senate amendment insert the following:

"SEC. 2. Such Act is further amended by adding after the first sentence thereof the following new sentence: 'There is authorized to be appropriated for the purposes of this Act for the fiscal year beginning July 1, 1960, separate from any other appropriation of funds for Commodity Credit Corporation, such amount as may be deemed to be necessary to reimburse Commodity Credit Corporation for amounts advanced by it under this Act.'"

And the Senate agree to the same.

That the Senate recede from its amendment to the title.

HAROLD D. COOLEY,
W. R. POAGE,
THOS. G. ABERNETHY,
LESTER R. JOHNSON,
CHAS. B. HOEVEN,
PAUL B. DAGUE,
CLIFFORD G. MCINTIRE,
Managers on the Part of the House.

ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
HUBERT H. HUMPHREY,
WILLIAM PROXMIRE,
GEORGE D. AIKEN,
MILTON R. YOUNG,
B. B. HICKENLOOPER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

HOUSE BILL

The bill as passed by the House authorized the use of an additional $4 million of funds of the Commodity Credit Corporation for the special school milk program for the current fiscal year and an additional $1 million of CCC funds for the fiscal year ending June 30, 1961. The House bill also authorized an appropriation for the fiscal year 1961 of up to $15 million over and above the amount available from CCC, thus making a total authorization of $100 million available in fiscal 1961. The House bill did not extend the program beyond its current expiration date on June 30, 1961.

SENATE AMENDMENT

The amendment adopted by the Senate also authorized the use of an additional $4 million in funds of the Commodity Credit Corporation for this program for the current fiscal year, but it provided an additional $11 million in CCC funds for the fiscal year 1961 and put the program on a permanent basis by providing $95 million out of CCC funds for the fiscal year 1961 and each fiscal year thereafter. The Senate amendment provided that the entire financing of the program would be out of CCC funds.

CONFERENCE BILL

There were, therefore, three differences between the bills passed by the two bodies. The first was on the length of extension of the program; the second was the level of expenditure; and the third was the method of financing. These differences were resolved as follows:

(a) Length of extension: The Senate receded to the House and left unchanged the termination date as provided in present legislation. Therefore, under Public Law 85–478, as amended, this program is scheduled to expire on June 30, 1961.

(b) Level of expenditure: Both the House bill and the Senate amendment provided a total of $85 million of CCC funds for the current fiscal year. The House receded to the Senate on the amount of funds available for the fiscal year 1961. Thus the conference bill provides $95 million out of CCC funds for the fiscal year 1961.

(c) Method of financing: The conferees have established a new method of financing the special school milk program. In recognition of the fact that the program has developed beyond its original concept as a price support activity and because in all fairness this consumer-oriented program should not be charged against farmers as a price support loss, the conference bill provides that commencing in the fiscal year 1961 the Commodity Credit Corporation will be reimbursed by a separate and special appropriation item for any expenditures made under the act. This provision in the conference bill is not intended to apply to years prior to the fiscal year 1961.

HAROLD D. COOLEY,
W. R. POAGE,
THOS. G. ABERNETHY,
LESTER R. JOHNSON,
CHAS. B. HOEVEN,
PAUL B. DAGUE,
CLIFFORD G. MCINTIRE,
Managers on the Part of the House.

Mr. POAGE. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PRIVATE CALENDAR

RELIGIOSA LUIGIA FRIZZO ET AL.

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first bill on the calendar.

The Clerk called the bill (H.R. 3805) for the relief of Religiosa Luigia Frizzo, Religiosa Vittoria Garzoni, Religiosa Maria Ramus, Religiosa Inez Ferrario, and Religiosa Roberta Ciccone.

Mr. AVERY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

OUR LADY OF THE LAKE CHURCH

The Clerk called the bill (H.R. 5150) for the relief of Our Lady of the Lake Church.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Our Lady of the Lake Church, Mandeville, Louisiana, the sum of $1,284.17. The payment of such sum shall be in full settlement of all claims of such church against the United States for refund of customs duties which were assessed on an organ boarding imported from Germany and paid by such church at New Orleans on September 25, 1958. Such organ boarding was denied free entry in spite of the fact that its hand-carved panels constitute original sculptures of the type granted duty-free status by paragraph 1807 of the Tariff Act of 1930: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MOCK FOOK LEONG

The Clerk called the bill (H.R. 9043) for the relief of Mock Fook Leong.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mock Fook Leong, of New York, New York, is relieved of all liability and responsibility to the United States based upon departure bond numbered 5345770, issued October 10, 1951, and that said bond is canceled as of the date of its execution.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STAFF SERGEANT JOHN E. AND MRS. CAROLINE ALMEIDA

The Clerk called the bill (H.R. 4428) for the relief of Staff Sergeant John E. and Mrs. Caroline Almeida.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Staff Sergeant John E. and Mrs. Caroline Almeida, Otis Air Force Base, Falmouth, Massachusetts, the sum of $100,000. The payment of such sum shall be in full settlement of all claims against the United States of John E. and Caroline Almeida arising out of the loss by their son, John David Almeida, of his left eye which resulted from a splinter of glass, from a windowpane in quarters assigned to John E. and Caroline Almeida by the Department of the Air Force, entering the left eye of John David Almeida on May 13, 1957. This claim is not cognizable under the tort claims procedure, as provided in title 28, United States Code: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike "to" and insert "the sum of $15,000 to the legal guardian of John David Almeida, the minor son of".

Page 1, lines 6 and 7, strike "the sum of $100,000. The payment of such sum shall be".

Page 1, lines 8 and 9, strike "of John E. and Caroline Almeida arising out of the loss by their son," and insert "based on the loss by the said".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passd.

The title was amended so as to read: "A bill for the relief of the legal guardian of John David Almeida, a minor."

A motion to reconsider was laid on the table.

CHARLES BRADFORD LaRUE

The Clerk called the bill (H.R. 9442) for the relief of Charles Bradford LaRue.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitations of time prescribed by section 6 (e)(5) of the War Claims Act of 1948, as amended, are hereby waived in favor of

Charles Bradford LaRue, of Fries, Virginia, and his claim for benefits under section 6(e) of such act is hereby authorized and directed to be acted upon under the remaining provisions of such section 6(e) if such claim is filed with the Foreign Claims Settlement Commission within six months after the date of enactment of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRACE C. REAM

The Clerk called the bill (S. 634) for the relief of Grace C. Ream.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Grace C. Ream of Washington, District of Columbia, an employee of the Department of the Air Force, is hereby relieved of all liability for replayment to the United States of the sum of $651.96, representing overpayment of salary paid to her as the result of an administrative error which occurred when her salary was adjusted retroactively, on March 21, 1957, on the basis of her previous employment in the legislative branch of the Government.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Grace C. Ream, the sum of any amounts received or withheld from her on account of the overpayment referred to in the first section of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARTIN PYSZ

The Clerk called the bill (H.R. 1725) for the relief of Martin Pysz.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the National Service Life Insurance Act of 1940, the national service life insurance policy (V 1255876) issued to Martin Pysz, of Tuckahoe, New York, which became effective on April 1, 1943, shall be held and considered to have become effective on March 1, 1943, the said Martin Pysz having become totally disabled as a result of the explosion of an antipersonnel mine which occurred on March 11, 1943, while he was on active duty with the Armed Forces of the United States in north Africa.

With the following committee amendments:

Page 1, line 7, insert "upon an application for waiver of premiums filed by him within six months subsequent to the date of enactment of this Act,".

Page 2, line 3, insert: "Waiver shall not be granted of any premium which became due more than one year prior to the receipt of such application in the Veterans' Administration."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RICHARD L. NUTH

The Clerk called the bill (H.R. 3107) for the relief of Richard L. Nuth.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Richard L. Nuth of Cambridge, Massachusetts, the sum of $595, such amount representing reimbursement to said Richard L. Nuth for paying out of his own funds a judgment rendered against him in the courts of the State of Massachusetts, arising out of an accident which occurred on September 19, 1955, when he was operating a Post Office Department vehicle in the course of his duties as an employee of the Post Office Department: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PHILADELPHIA GENERAL HOSPITAL

The Clerk called the bill (H.R. 8806) for the relief of the Philadelphia General Hospital.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated the sum of $814 to the Philadelphia General Hospital, of Philadelphia, Pennsylvania, in full settlement of all claims against the United States. Such sum represents hospitalization for Joseph Whyte, C2338625, a Spanish-American War veteran, who was referred to the Philadelphia General Hospital by the Philadelphia Veterans Administration Hospital on July 21, 1958: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "$814" and insert "884".

Page 2, line 2, after the word "Act" strike out "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN E. SIMPSON

The Clerk called the bill (H.R. 9106) for the relief of John E. Simpson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John E. Simpson is hereby relieved of liability to repay to the United States the sum of $2,400 which was paid to him for reemployment leave.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said John E. Simpson an amount equal to all amounts paid by him to the United States, or withheld from his pay by the United States.

SEC. 3. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 4. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PIETRO MELA

The Clerk called the bill (H.R. 9226) for the relief of Pietro Mela.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the limitations of time contained in section 33 of the Trading With the Enemy Act, as amended, with respect to the filing of claims and the institution of suits for the return of property or any interest therein pursuant to section 9 or 32 of such Act, Pietro Mela may, within six months after the date of enactment of this Act, file a claim or institute a suit for the return, pursuant to section 9 or 32 of such Act, of all right, title, interest, and claim of any kind or character whatsoever of said Pietro Mela in and to the estate of his uncle, Pietro Mela, which estate was vested by the Alien Property Custodian by vesting order numbered 5559, executed January 7, 1946. Any such claim or suit for return of said property shall be received, considered, and determined as if such claim or suit had been filed within the time limitations prescribed in section 33 of such Act. Any return made pursuant to authority conferred by this Act shall be subject to the provisions of section 20 of the Trading With the Enemy Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARLENE A. GRANT

The Clerk called the bill (H.R. 9249) for the relief of Marlene A. Grant.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marlene A. Grant, Acme, Michigan, the sum certified to her by the Secretary of the Navy under section 2. The payment of such sum shall be in full settlement of all claims of the said Marlene A. Grant against the United States for quarters allotment payments due her under the Dependents Assistance Act of 1950 as the minor daughter of William Grant, United States Navy (service number 6461175).

SEC. 2. As soon as practicable after date of enactment of this Act, the Secretary of the Navy shall certify to the Secretary of the Treasury the sum determined by the Secretary of the Navy to be equal to the amount of the Government contributions to the basic allowance for quarters made to William Grant, United States Navy (service number 6461175), under the Dependents Assistance Act of 1950, during the period beginning September 1, 1953, and ending July 31, 1955, both dates inclusive.

SEC. 3. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, lines 6 and 7, strike "certified to her by the Secretary of the Navy under section 2. The payment of such sum shall be" and insert "$1,773.30".

Page 1, line 9: Strike "quarters allotment payments" and insert "basic allowance for quarters".

Page 2, line 2, strike the period and insert a comma.

Page 2, lines 3 to 10, strike:

"SEC. 2. As soon as practicable after the date of enactment of this Act, the Secretary of the Navy shall certify to the Secretary of the Treasury the sum determined by the Secretary of the Navy to be equal to the amount of the Government contributions to the basic allowance for quarters made to William Grant, United States Navy (service number 6461175), under the Dependents Assistance Act of 1950,".

Page 2, line 12: Strike "3." and insert "2.".

Page 2, line 13: Strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

E. W. CORNETT, SR., AND E. W. CORNETT, JR.

The Clerk called the bill (H.R. 9470) for the relief of E. W. Cornett, Sr., and E. W. Cornett, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to pay, out of money heretofore made available for the eradication of the disease vesicular exanthema in swine to E. W. Cornett, Senior, and E. W. Cornett, Junior, Grand Prairie, Texas, the sum of $1,003.80. The payment of such sum shall be in full settlement of all claims of the said E. W. Cornett, Senior, and E. W. Cornett, Junior, against the United States arising out of the destruction in July 1954 of swine owned by them because of the infection and exposure of such swine to the contagious disease vesicular exanthema. Such sum represents 50 per centum of the amount of losses incurred by the said E. W. Cornett, Senior, and E. W. Cornett, Junior, by reason of the destruction of such swine, 50 per centum of the amount of such losses having been heretofore paid to them by the State of Texas: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 10, strike out "1954" and insert "1953".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LOUIS J. ROSENSTEIN

The Clerk called the bill (H.R. 10230) for the relief of Louis J. Rosenstein.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore (Mr. PRICE). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

ALADAR SZOBOSZLAY

The Clerk called the bill (H.R. 10947) for the relief of Aladar Szoboszlay.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision contained in section 202 of the General Government Matters Appropriation Act 1960 (73 Stat. 161), prohibiting the payment of compensation from appropriations contained in that or any other Act to officers or employees whose post of duty is in the continental United States, and who are not citizens of the United States, payments for services rendered by Aladar Szoboszlay, as an employee of the United States Department of Agriculture, contrary to the citizenship prohibition, are validated and the said employee shall not be required to refund the amounts thereof. Furthermore, any service rendered by said employee during the period October 4, 1959, through October 16, 1959, for which he was not compensated on account of the citizenship prohibition cited above shall be paid for out of current appropriations available.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOUSTON BELT & TERMINAL RAILWAY CO.

The Clerk called the bill (H.R. 9071) for the relief of the Houston Belt & Terminal Railway Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Houston Belt and Terminal Railway Company the sum of $28,614.16. The payment of such sum shall be in full settlement of all claims of the said Houston Belt and Terminal Railway Company against the United States for reimbursement for actual expenses borne by such company for alteration of its bridge 3.62 over Brays Bayou in Houston, Harris County, Texas, which alteration was made in connection with the improvement of Brays Bayou for flood-control purposes and for which amount such company has not otherwise been reimbursed, and if Houston Belt and Terminal Railway Company had not made such bridge alteration, such alteration would have been made subsequently at the expense of the United States as a part of its flood-control project which included the improvement of Brays Bayou; and such bridge alteration inured to the benefit of the United States in subsequently carrying out such flood-control project which it approved and authorized: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

K. J. McIVER

The Clerk called the bill (H.R. 9752) for the relief of K. J. McIver.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $151.35 to K. J. McIver of Columbia, South Carolina, in full settlement of his claims against the United States for reimbursement for the loss of his personal property when fire destroyed a Government-owned automobile on November 3, 1958, which he had been operating on official business as an employee of the Treasury Department and was struck by a private automobile near Rock Hill, South Carolina: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 2, after the word "Act" strike out "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. HENRY H. COHAN

The Clerk called the bill (H.R. 11388) for the relief of Dr. Henry H. Cohan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. Henry H. Cohan of Philadelphia, Pennsylvania, the sum of $6,010.59, in full settlement of all claims against the United States for losses sustained by the said Dr. Cohan as a result of damage to and destruction of his personal property in the warehouse of the Christian J. Ludwig Company, Philadelphia, Pennsylvania, by a fire that occurred there on October 4, 1958: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon his conviction thereof shall be fined in a sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ENTRY OF CERTAIN ALIENS

The Clerk called the resolution (H.J. Res. 678) relating to the entry of certain aliens.

There being no objection, the Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Hisako Sakai, shall be held and considered to be the natural-born alien child of Sergeant First Class Santiago Magana Juarez, a citizen of the United States.

SEC. 2. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Chrysavgi Kontopoulos, shall be held and considered to be the natural-born alien child of Mr. and Mrs. James Kontos, citizens of the United States.

SEC. 3. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Janko Tomas Baic, shall be held and considered to be the natural-born alien child of Mr. and Mrs. George Baic, citizens of the United States.

SEC. 4. For the purposes of the Immigration and Nationality Act, Allison Lee Hudson (also known as Kazuka Shima) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

SEC. 5. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Stavros Panagiotis Orfan, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Egnatis Orfan, citizens of the United States.

SEC. 6. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Maria Papaconstantinou, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Eugene A. Megas, citizens of the United States.

SEC. 7. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Carmen Alicna Campos, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Luis Vergara Campos, citizens of the United States.

SEC. 8. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Ivica Basic, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Peter Nogich, citizens of the United States.

SEC. 9. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Mariano Vittorio Simeone, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Floyd A. Simeone, citizens of the United States.

SEC. 10. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Jadwiga Franciszka Wybraniec, shall be held and considered to be the natural-born alien child of Mr. and Mrs. John Wybraniec, citizens of the United States.

SEC. 11. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Aristides Evangelou Katsikes, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Gust Katos.

SEC. 12. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Anna Wala, shall be held and considered to be the natural-born alien child of Mr. Stanley Wala, a citizen of the United States.

SEC. 13. The natural parents of the beneficiaries of this Act shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

On page 4, after line 3, insert new sections 13 through 35, to read as follows:

"SEC. 13. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Salvatore Savarese, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Michele Savarese, citizens of the United States.

"SEC. 14. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Rachele Savarese shall be held and considered to be the natural-born alien minor child of Mr. and Mrs. Michele Savarese, citizens of the United States.

"SEC. 15. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Joanna T. Yphantis, shall be held and considered to be the natural-born alien child of Mr. and Mrs. James Isaac Yphantis, citizens of the United States.

"SEC. 16. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Mieko Nishikawa Yoshida, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Minoru Yoshida, citizens of the United States.

"SEC. 17. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Isabella Valentino, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Berardo Valentino, citizens of the United States.

"SEC. 18. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Eutychia Apostolopoulos, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Constantine Apostolopoulos, citizens of the United States.

"SEC. 19. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Dionisia Loumakis, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Nikolas Loumakis, citizens of the United States.

"SEC. 20. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Annunziata Monteroso Cutri, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Joseph Cutri, citizens of the United States.

"SEC. 21. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Georgitsa Damelos, shall be held and considered to be the natural-born alien child of Mr. George S. Damelos, a citizen of the United States.

"SEC. 22. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor children, Branko Namesnik and Katica Namesnik, shall be held and considered to be the natural-born alien children of Mr. and Mrs. Ivan H. Namesnik, citizens of the United States.

"SEC. 23. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Wanda Marianne Maliga, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Joseph Maliga, citizens of the United States.

"SEC. 24. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Stanislaw (Gonder) Wojciechowski, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Joseph Wojciechowski, citizens of the United States.

"SEC. 25. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Cesarea Lonigro, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Michele Lonigro, citizens of the United States.

"SEC. 26. For the purposes of the Immigration and Nationality Act, Anna Rosati shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon the payment of the required visa fee.

"SEC. 27. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Maria A. Margaritis, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Athanas Margaritis, citizens of the United States.

"SEC. 28. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor children, Ceferino N. Southerland and Miguel R. Southerland, shall be held and considered to be the natural-born alien children of Sergeant and Mrs. Andrew Southerland, citizens of the United States.

"SEC. 29. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Mara Zorich, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Luka Zorich, citizens of the United States.

"SEC. 30. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Antonietta

Alfonsi, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Enrico Alfonsi, citizens of the United States.

"SEC. 31. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Carmina Paolina Sabatucci, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Nazareno Sabatucci, citizens of the United States.

"SEC. 32. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Maria Jozefa Koziol, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Karol Koziol, citizens of the United States.

"SEC. 33. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Leszek Sharetzsky, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Antonio Sharetzsky, citizens of the United States.

"SEC. 34. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Krystallia Sanderson (also known as Kristallia Mandaka), shall be held and considered to be the natural-born alien child of Mr. and Mrs. Angelo Sanderson, citizens of the United States.

"SEC. 35. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Joanin P. Demas, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Peter C. Demas, citizens of the United States."

On page 4, line 4, renumber section 13 to read "SEC. 36."

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that further calling of the Private Calendar, with the exception of Calendar Nos. 456 and 480, be suspended.

Mr. WALTER. Mr. Speaker, reserving the right to object, Calendar No. 456, S. 1856, presents a unique situation. It is the case of a father and son who are refugees. The father has a visa and is and has been ready to be moved to live with a relative in the United States, but the son is overseas without a visa. All this bill does is to give the son an opportunity to be moved immediately by using a number at the head of the list instead of waiting for his turn to be reached. I trust the gentleman will permit this bill to go through.

Senator MORSE has talked to me several times about it. It is a very urgent situation.

Mr. HEMPHILL. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield.

Mr. HEMPHILL. When I submitted the request I asked that Calendar Nos. 456 and 480 be omitted from the request for the specific purpose of accommodating the gentleman from Pennsylvania and the gentleman from Massachusetts. These two bills would be considered, under my request.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

FRANK PODANY

The Clerk called the bill (S. 1856) for the relief of Frank Podany.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Frank Podany shall be deemed to have been born in Czechoslovakia.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORA V. MARCH

The Clerk called the bill (H.R. 11190) for the relief of Cora V. March.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Cora V. March, Washington, District of Columbia, the sum of $25,000 in reimbursement for expenditures of the said Cora V. March and her husband, the late General Peyton C. March, incurred by them over a period of many years in the performance of highly important services for the Government of the United States. The expenses reimbursed by this Act could not be paid under any other provision of law and were incurred by the late General Peyton C. March and Cora V. March while voluntarily rendering services at the request of the Secretary of War, for which they received no compensation: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 11, after the words "United States." insert "These services were contributed by General March to the War Department and the Nation following his retirement in 1921 and included personal eyewitness investigations abroad with reports thereon to the Secretary of War for the official use of the U.S. Government with respect to such matters as the military, financial, and economic conditions in Europe, the deployment of U.S. troops, and foreign relations of the United States with our allies and former enemy countries.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. That concludes the call of the Private Calendar.

INDEPENDENT OFFICES APPROPRIATION BILL, 1961

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11776) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes.

Pending that I ask unanimous consent that general debate be limited to 2 hours, to be equally divided and controlled by the gentleman from New York [Mr. OSTERTAG] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 45]

Adair	Fino	Morris, N. Mex.
Addonizio	Fisher	Moss
Albert	Flynn	Moulder
Alexander	Fountain	Multer
Andersen, Minn.	Frazier	Nix
	Frelinghuysen	Norblad
Anderson, Mont.	Gallagher	Osmers
	Garmatz	Passman
Andrews	Gary	Perkins
Anfuso	Gavin	Philbin
Ashley	Gilbert	Poage
Ashmore	Glenn	Powell
Auchincloss	Grant	Prokop
Bailey	Gray	Quigley
Barden	Green, Oreg.	Rabaut
Barrett	Green, Pa.	Rains
Becker	Hagen	Reece, Tenn.
Blitch	Halpern	Rees, Kans.
Bolton	Hargis	Riley
Bonner	Harris	Roberts
Bray	Healey	Robison
Breeding	Henderson	Rodino
Brewster	Hess	Rogers, Mass.
Brock	Hoeven	Rogers, Tex.
Brooks, La.	Horan	Rooney
Buckley	Hull	Roosevelt
Burdick	Jackson	Rostenkowski
Burleson	Jennings	St. George
Cahill	Johnson, Md.	Santangelo
Canfield	Jones, Mo.	Scott
Carnahan	Keith	Sikes
Celler	Keogh	Sisk
Chelf	Kilburn	Slack
Chiperfield	King, Calif.	Springer
Collier	King, Utah	Staggers
Cook	Kitchin	Steed
Cooley	Kluczynski	Taylor
Curtis, Mass.	Lafore	Teague, Tex.
Curtis, Mo.	Latta	Teller
Daniels	Lesinski	Thompson, La.
Davis, Ga.	Libonati	Thompson, N.J.
Davis, Tenn.	Lindsay	Tuck
Devine	McGinley	Utt
Diggs	McGovern	Wallhauser
Dingell	McSween	Wampler
Dorn, N.Y.	Mack, Ill.	Whitener
Dorn, S.C.	Magnuson	Whitten
Dowdy	May	Widnall
Downing	Meader	Williams
Duleki	Merrow	Willis
Durham	Metcalf	Withrow
Edmondson	Mitchell	Wolf
Fallon	Montoya	Young
Farbstein	Moore	Younger
Fenton	Moorhead	Zelenko

The SPEAKER. On this rollcall 266 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. BOLLING, from the Committee on Rules, reported the following privileged

resolution (H. Res. 503, Rept. No. 1524), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution, the bill H.R. 8601, with the Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby agreed to.

INDEPENDENT OFFICES APPROPRIATION BILL, 1961

The SPEAKER. The question is on the motion offered by the gentleman from Texas [Mr. THOMAS].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11776, with Mr. IKARD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. THOMAS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the committee brings to you the independent offices appropriation bill for 1961, involving some $8¼ billion, and I use that as a round figure. There are covered in this bill some 19 agencies. Several of them have three or four or a half dozen parts. The committee, in my humble judgment, has worked out a good comprehensive report. We have reached agreement on practically every item in this bill, and I might say with all accuracy there are no serious disagreements on either side of the aisle, or on either side of the full committee, for that matter, on most of these items. I do not think there is too much in the bill that will give the House too much concern. In a bill of this magnitude, covering as many agencies as it does cover, of course, there is going to be some disagreement; and whether it is serious or not too serious is the question. Practically every agency covered came to the committee wanting an increase in number of personnel. As a matter of fact, I think they wanted an increase in the neighborhood of 7,900. We gave them a little bit more than half of the requests.

Overall, there are cuts throughout the bill amounting to about $270 million or $271 million. Of course, there are several agencies covered in this bill which are quite large. The biggest one is the Veterans' Administration, with total appropriations somewhat in excess of $5 billion, amounting to 60 percent or 65 percent of the total appropriation. The items for the Veterans' Administration are made up largely of compensation and pension items, and, of course, there are the usual items covering hospitalization, research, and so forth.

Mr. Chairman, I would like to call to the attention of the membership a little item, but an item that could grow, and an item with which I believe you ought to be conversant. In years gone by we have carried a general limitation in this bill with respect to the allowance for newspapers and periodicals. In the absense of a special or specific limitation in the bill itself for each of the agencies, the limitation for this purpose was $50. We looked into the situation, and, lo and behold, we found that the item had grown like Topsy. We found that the words "newspapers and periodicals" did not mean exactly that, and it meant something else. Finally, the matter was submitted to the Comptroller General. The Comptroller General said, "The language means just exactly what it says"—and the sequel of it means that you have been spending beyond your limitation.

Mr. Chairman, I have a list here which I will include in my remarks in the RECORD:

Amounts requested in 1961 by agencies in the bill for newspapers and periodicals

Agency	1961 newspaper and periodical limitation requested	1961 total estimated expenditures (including scientific, technical, trade, or traffic periodicals)
Office of Civil and Defense Mobilization	$8,500	$17,700
Civil Aeronautics Board	1,000	9,000
Civil Service Commission	500	3,500
Federal Aviation Agency	5,000	21,500
Federal Communications Commission	275	6,800
Federal Power Commission	500	2,500
Federal Trade Commission	1,000	3,500
General Accounting Office	500	7,400
General Services Administration:		
Federal Supply Service	300	2,100
Expenses, supply distribution	250	4,500
Transportation and Public Utilities Service	100	4,500
Office of Administrator	250	280
Administrative operations fund	600	16,000
Housing and Home Finance Agency:		
Office of the Administrator	3,000	6,000
Federal Housing Administration	1,000	7,700
Public Housing Administration		3,900
Federal National Mortgage Association		1,000
Interstate Commerce Commission	600	10,850
National Aeronautics and Space Administration: Research and development	1,000	258,000
National Science Foundation	500	4,000
Securities and Exchange Commission	1,500	30,500
Selective Service System	250	650
Veterans' Administration:		
General operating expenses	3,500	18,500
Medical administration and miscellaneous operating expenses	2,700	15,000

For example, one agency on this list is the Federal Trade Commission. In this current fiscal year, this agency had a limitation in the bill for newspapers and periodicals of $700. We found out they spent $3,200 and they were charging the difference between the $700 limitation in the bill and the $3,200 actually spent, to the purchase of technical magazines and trade journals and that such magazines and journals were not counted as newspapers or periodicals. The word "periodicals," as the committee intended it to mean, and the Comptroller General ruled, covers everything. We do not have any bone to pick with the Federal Trade Commission. The limitation for the CAB is $1,000. In truth they have spent $9,000. OCDM has a limitation of $8,500. They were spending $19,200. The Civil Service Commission has $250, and they were spending $3,250, and so on. I will put this in the RECORD. This ought to be corrected.

We took the limitations off and advised them to take the matter up again next year, when we will want full information on this type of expenditure.

There is an item here for the Public Buildings Service in the General Services Administration. That agency supervises many, many different things. It is a difficult job, and I speak the sentiments of the entire committee when I say there is perhaps no finer man or no more able Administrator in any Government service than Mr. Floete. He has a good staff, and the staff deserves a lot of credit.

The Public Buildings Service deals with public buildings and the operation of them. I want to read some of these figures about what they do. Of course they have no jurisdiction over military buildings or purely postal buildings, but they have enough jurisdiction without that.

Government-owned space this year is 81 million square feet. Leased space is 38,500,000 feet. That is a lot of space that they have to maintain.

But the point I am trying to make, and what I want to show to you, is that we are building some public buildings and we have for the last 2 or 3 years, and in spite of those public buildings, your rent bill inside the District of Columbia itself goes up every year. Yet the Civil Service Commission tells us that after all we have only 2,300,000 people in Government service.

Another group says that perhaps there would be a budget request for 31,000 more employees this year. But they were careful to point out that it was a budget estimate and they had not gotten the money.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield.

Mr. GROSS. This bill is $1,108 million above the amount spent for the same agencies and departments last year. Will the gentleman tell the House where the bulk of this increase or at least some of the increase comes from?

Mr. THOMAS. Well, the big increase goes to the Veterans' Administration by virtue of a law which Congress passed late last session, increasing pensions and benefits. That is the biggest part of it.

Mr. GROSS. That is $500 million, as I understand it.

Mr. THOMAS. That is right.

Mr. GROSS. There is still $600 million more.

Mr. THOMAS. The next increase is for the Space Agency. They have budget estimates for $915 million. This is an increase of 375 or 400 million dollars over last year.

There was another substantial increase in the Federal Aviation Agency.

That is the lion's share; it is 98 percent of the increase.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. THOMAS. I shall be delighted to.

Mr. GROSS. Are there any supergrades in this bill?

Mr. THOMAS. There is money in here for them, not any new authorization.

Mr. GROSS. That is what I mean, authorization.

Mr. THOMAS. The answer to that is No.

Mr. GROSS. Then you did not give the Federal Power Commission the supergrades they asked for?

Mr. THOMAS. That is correct.

Mr. GROSS. On page 9 of the bill I notice $5,000 for entertainment to the Federal Aviation Agency.

Mr. THOMAS. That is correct.

Mr. GROSS. Does not the gentleman think this business of the agencies coming in and getting money for entertainment funds has been overdone to some extent?

Mr. THOMAS. Yes, I do, and I am glad the gentleman asked that question. We had submitted to us requests by several agencies for an allowance for this type of expenditure. Some we questioned, some we did not; some we cut, some we allowed. But here is the way these agencies put it up to us: Some of them are doing business with folks abroad or folks from abroad coming here, and there naturally has to be some entertainment. We gave it consideration.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. THOMAS. Yes.

Mr. GROSS. Let me point out to the gentleman that it does not say anything about overseas operations and this $5,000 for entertainment could be spent in the United States of America if they wanted to.

Mr. THOMAS. I direct the gentleman's attention to the original authorization.

Mr. GROSS. Let me ask the gentleman this question: This $10,000 on page 27 of the bill in connection with the Space Agency; is that for entertainment too?

Mr. THOMAS. Yes; that is for entertainment. They wanted $20,000 but we cut it in half.

Mr. GROSS. That is by reason of the fact that it has been fashionable to entertain overseas; is that right?

Mr. THOMAS. That was my impression but I will say to my colleague, they have 25 or 30 tracking stations in many countries. I expect they are in 40 or 50 overseas countries doing business. We decided we had better let them have a little expense money.

Mr. OSTERTAG. Mr. Chairman, I yield myself 15 minutes.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. OSTERTAG. Mr. Chairman, as our distinguished chairman of the subcommittee has pointed out, the Subcommittee on Independent Offices Appropriations has had an arduous task in dealing with some $8,413,000,000 requested by some 18 agencies of our Federal Government.

I should like to take this opportunity, first of all, to pay tribute to our distinguished chairman who has done such an outstanding job in guiding the work of this committee and his great fund of knowledge with regard to the operations and functions of all of these independent agencies of our National Government.

It has been a pleasure to work alongside of the distinguished gentleman from Illinois [Mr. YATES], the gentleman from Tennessee [Mr. EVINS], and the gentleman from Massachusetts [Mr. BOLAND].

And then on our minority side, we have had the gentleman from Arizona [Mr. RHODES] and the gentleman from North Carolina [Mr. JONAS]. It has been rather harmonious, and while the chairman has pointed out that there is no real serious disagreement among the members of the committee as to dollars and programs, there are some differences, of course, in a program so expansive and covering such a wide area of operation.

As our chairman has pointed out, these 18 independent agencies have requested an appropriation of $8,413,000,000 for the fiscal year 1961.

This bill in and of itself provides for $8.145 billion, or a reduction made by the committee of approximately $270 million.

It might interest you to know that of the 18 agencies and of the $8¼ billion, there are four agencies within this appropriation bill that absorb seven-eighths of the total appropriation. They are the Veterans' Administration, the Federal Aviation Agency, the National Aeronautics and Space Agency, and the General Services Administration.

I might point out in connection with the Veterans' Administration and our veterans program that this area constitutes five-eighths of this total appropriation bill.

With regard to the Veterans' Administration, I want to point with pride and pay tribute to the outstanding job that the Veterans' Administration is doing in the interest of our veterans and good government. The VA has operated efficiently and it has operated well. The point remains, however, that we must provide the compensation and pensions necessary for the veterans of America. You might be interested to know there are now 3,235,000 veterans receiving compensation and pensions. The bill under the appropriation for the Veterans' Administration calls for a total sum of $5.397 billion, but the amount recommended by the committee is a reduction of $74 million. This was not in the area of veterans' benefits or veterans' services, but primarily in relation to building construction. The area of compensation and pensions for our veterans calls for a sum of $3.8 billion for next year. Readjustment benefits amount to $344 million. I might call your attention to the fact that in connection with the veterans' program the committee increased the amount over the budget request by $1.6 million, which was applied to the medical research program, granting a total appropriation of $17 million for that purpose.

I shall not go into any further detail as to the veterans' program or of any of the other agencies, for that matter, because time will not permit. Suffice it to say that the big areas of appropriations and the big areas requiring the most serious consideration apply to the four agencies I have previously mentioned.

The Federal Aviation Agency has come in for considerable attention and concern. I am confident everyone is aware of the fact that the Federal Aviation Agency is in some respects a new agency of Government and doing a tremendous job. I might point out to you that the Federal Aviation Agency and the Space Agency are comparatively new agencies as far as this committee is concerned. They account for a large part of the increases over previous appropriation bills for the independent agencies.

The budget estimate for the Federal Aviation Agency was $713 million. The committee has approved $671 million or a reduction of $41 million. When we pause to take into account the terrific expansion of this Agency and the responsibility for the traffic controls, for that regulation, and for the use and control of our airways throughout this country, you can well imagine the terrific expansion and the added responsibility that is going to be ours through the means of this Agency.

I might point out, too, that within the Federal Aviation Agency appropriation $80 million is included for grants to localities for airports. This is in line with the budget request.

Then, in connection with the Space Agency, the budget request totaled $915 million. The committee approved the total sum of $876 million, which amounts to a reduction of approximately $39 million. The Space Agency, as you well know, is comparatively new, and while this is a substantial increase over the budget request and the appropriation of last year, I am sure that we are all agreed that the Space Agency has made terrific strides in this past year. Most of these funds are for important projects involving research, the Mercury project, the Delta vehicle, the Saturn program, all of them having to do with the exploration of outer space. The Mercury program begins man's travel in space, and the committee has approved the sum of $105 million for this purpose. It might be well to take into consideration in our thinking about the Space Agency in that we have recently transferred, by authority of the Congress, the Saturn project from the jurisdiction of the Army ballistic missile center to the new Space Agency. The recent successes that have been realized by virtue of the space program, the Tiros, Pioneer V, and Explorer VII, are good examples. And, I might say, that in the testimony before our committee Dr. Glennan and others of authority assure us that there is no country in the world, including Russia, that has realized the same progress and our success in the exploration of outer space. We are definitely out in front and I feel that we can be well satisfied with our record to date.

Now, there are probably a number of items that will come before the committee for consideration during the debate and the discussion of this bill relating to the General Services Administration and Public Buildings. The Federal Supply Service is an important part of the GSA. Utilization transfers to civilian agencies was $141 million last year and expected to reach $215 million

this year. I assume that further discussion will take place in connection with the cut that was made by the committee dealing with two specific hospitals in the veterans' program. However, the point remains that these items can and will be discussed on their own merits, and I shall not take the time of the committee to discuss these items at this time. Practically all of the agencies have received their normal amount of funds. All of these agencies have not been adjusted upward or downward to any measurable degree, and while the committee has done a job in trying to retrench and reduce Government spending, I am sure that we do not look on $270 million, which the committee took out of this appropriation bill, as being a small amount. I think when we reduce this bill by some $270 million and make it stick, that that is a substantial amount in retrenchment, and I hope, generally speaking, that the main provisions of this bill and the items in it will prevail.

Mr. McINTIRE. Mr. Chairman, will the gentleman yield?

Mr. OSTERTAG. I yield to the gentleman from Maine.

Mr. McINTIRE. Mr. Chairman, I notice in the report and in the bill that consideration has been given by the committee to the request of the General Services Administration in regard to customhouses along the Maine border. This is a program that we have been interested in over a number of years. One new customhouse is under construction and is to be completed at Madawaska, and the bill carries a provision for a customhouse at Jackman, Maine, in the Second Congressional District, and in Vanceboro and Van Buren, in the Third Congressional District. I certainly wish to express to the chairman of the subcommittee and the ranking minority member and other members of the committee our appreciation for their consideration of these items in this bill.

Mr. OSTERTAG. I thank the gentleman.

Mr. THOMAS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, 2½ years ago Congress enacted Public Law 85–606 which represented an increased Federal commitment to the support of civil defense in this country. That law described civil defense as the joint responsibility of the Federal, State, and local governments and authorized the expenditure of $25 million of Federal funds annually for matching, on a 50–50 basis, State and local civil defense personnel and administrative costs.

Prior to the enactment of Public Law 85–606, Federal contributions in support of State and local personnel and administrative costs were specifically prohibited by the Federal Civil Defense Act of 1950. The removal of that prohibition and the authorization of $25 million annually for this purpose has been hailed in some quarters as the only positive civil defense step taken by the Federal Government in the past 10 years. To date, however, even that step has turned out to be an empty gesture.

On three separate occasions the House has refused to appropriate funds in support of personnel and administrative costs. In each instance that provision of the appropriation bill has been eliminated by the Independent Offices Subcommittee of the Appropriations Committee. It is my understanding that this year the subcommittee included funds for this purpose, only to have the provision eliminated by the full Committee on Appropriations before the bill was reported to the House. The funds in question amount to $12 million.

I am generally familiar with the arguments usually advanced by opponents of this type of assistance to the States. In the past, it has been said that this money would be used to hire political workers at various city halls throughout the country, and that the Federal Government would have no way of monitoring the use of these funds to see that qualified workers are appointed to carry out essential civil defense functions. Such charges are unfounded. Public Law 85–606 specifically requires a merit system for all civil defense employees at the State and local levels in order to establish eligibility for these funds. The act requires the States to submit detailed administrative plans for approval by the Office of Civil and Defense Mobilization, and it is my understanding that all 50 States have submitted such plans and that such plans have been approved.

On numerous occasions in the past I have expressed to the House my personal belief that the civil defense tasks in this country can be carried out only through vastly increased Federal programs. My belief has not changed in this respect, but in the absence of such Federal action, financial assistance in support of State and local programs represents a step in the right direction.

During the past year it has been my privilege to work with the Governors' Conference Special Committee on Civil Defense, chaired by Gov. Nelson Rockefeller, of New York. Gov. Pat Brown, of California, also serves on this committee, as do Governor William, of Michigan, Governor Clyde, of Utah, and Governor Hollings, of South Carolina. At the request of Governor Brown, I met with the committee to help plan the agenda for the White House Conference on Fallout Protection which took place last January.

At the conclusion of that conference, the committee issued a unanimous statement calling for increased Federal assistance for civil defense in this country.

I may note also that a year ago, in the absence of Federal action, Governor Rockefeller made a bold attempt to cope with some of the pressing civil defense problems at the State level through enactment of far-reaching State legislation. The New York State legislature, however, refused to accept the full responsibility and the Governor was forced to withdraw his proposed legislation and turn to the Federal Government with a renewed plea for increased financial assistance.

I am not submitting an amendment at this time to restore the $12 million item to the Appropriation bill, but I hope the Senate will see the folly of this type of penny-pinching and make full restoration before the bill reaches the conference stage. If the Members will take the necessary time to examine the fundamental issues involved, I believe the House will be willing to accept a conference report providing for such a restoration.

During the past 5 years the House Military Operations Subcommittee, of which I am chairman, has conducted numerous studies and investigations of civil defense requirements in this country. In our reports we have endeavored to point up the need for civil defense activity at every level of Government, with special emphasis on the urgency of immediate Federal action.

In the beginning our subcommittee was almost alone in recognizing the growing importance of civil defense, but in recent years there has been a noticeable increase in public awareness of our civil defense needs. I hope the Congress will take this opportunity to stimulate and help this effort to achieve the proper recognition instead of rebuffing the State and localities at this critical moment in our history.

Mr. OSTERTAG. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES of Arizona. Mr. Chairman, this is a bill of rather considerable magnitude which has been reported by a subcommittee which has worked long and hard under the very able chairmanship of the always genial gentleman from Texas [Mr. THOMAS].

This subcommittee has a jurisdiction which is certainly broad to say the least. It is a jurisdiction which, as a relatively new member of the committee, I have found very difficult to master. However, I feel that the fact that this subcommittee has worked in this area has caused the agencies which are embraced within that jurisdiction to do a better job than otherwise they might have done. I think we have been fair in almost all instances with these agencies and where we have cut too deeply one year we have done our best to rectify such action in future years. I do not intend to claim for this subcommittee any degree of omnipotence or omniscience or any other virtues which do not apply to the average, ordinary individual. We are doing our work as best we can and trying as best we can to do right by the agencies which we have the honor to represent in the appropriations field, and also, to be fair to, and mindful of the burdens borne by that modern day Atlas, the American taxpayer.

I may say, Mr. Chairman, that one of the glamour boys of the area which we represent is the National Aeronautics and Space Administration. I say that in no derogatory sense because certainly it is not only a glamorous agency but one that is entrusted with a mission which in my opinion is as important as any mission any department in the Government now possesses.

I feel a sense of urgency as far as outer space is concerned. I know there are those who feel it might be a nice luxury to be able to master the use of space travel, to go to the near planets, and sometime, perhaps, in the distant

future another generation of Americans may go to the far planets or far beyond. But to me there is an ordinary, everyday, 1960-type emergency too. Up there in space we have an unoccupied area which might be put to military use if an enemy were able to use it. If an enemy of this country desired to occupy that space and we were unable to do so, then possibly some use might be made arising from that very fact of occupancy which would be inimical to the best interests of the United States of America. In other words, if I had to tell the House right now what use could be made of outer space militarily, I would probably have to pass, because I could not possibly predict this. However, you do not have to be much of a military genius to know that the mere nonexistence of a certain art in the state of war at this time does not preclude the existence of that art sometime in the future. You do not have to be very smart to know that if there is an area which an enemy can occupy and you cannot occupy, that enemy will be bending every effort to make use of the area and to do so at your expense. So to me this is a very important agency and one which I feel we have provided well for and should continue to provide well for as time goes on.

Another agency toward which I have a great feeling of urgency is the Federal Aviation Agency. I do not think it is necessary to go into this too deeply because everybody knows that this is the Agency which promulgates the rules and regulations for the operation of aircraft, for the certification of aircraft and personnel, for standards of maintenance, and for almost everything which goes into the safety of citizens who travel by air, whether those citizens travel by commercial carrier or by private aircraft.

I feel also that we did a good job of providing for the needs of this Agency. However, as airplanes come into being and into operation which are faster and faster, there will be increasing need for research, development, and new equipment to provide the necessities of air safety for the people of this country.

In the Federal Trade Commission section of this bill the committee has provided some 75 new positions. In the report we state that we feel a great sense of urgency toward the antimonopoly and antimerger work of the Federal Trade Commission. We state that 73 new positions were created for this particular facility, and 2 additional hearing examiners. The fact that the increases for the Federal Trade Commission appear to be fairly well earmarked for the items which I have mentioned, does not, I am sure, constitute a directive to the Federal Trade Commission not to operate in other areas such as that encompassed by the Textile Labeling Act, for example. In other words, the money is there, and full authority exists to operate in this area, and the mere failure to mention certain activities in the report is not in any sense to be interpreted as a directive not to operate such activities.

Mr. THOMAS. I think the gentleman speaks the sentiments of the committee 100 percent.

Mr. RHODES of Arizona. I thank the gentleman from Texas.

Mr. Chairman, I have not had any individual or group of individuals indicate any amount of dissatisfaction with this bill except for the appropriation for the Veterans' Administration, insofar as hospitals are concerned. If I disagree with the subcommittee or the majority of the subcommittee on any one item, it will be in this particular area. But, I want to say again, Mr. Chairman, I do not know of any group of Members of Congress who have worked harder or longer and gotten along better, and who have at times disagreed, but never in a disagreeable manner, as have the members of the Subcommittee on Independent Offices, on both sides of the aisle.

Mr. MATTHEWS. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield.

Mr. MATTHEWS. If I may, I would like to ask the distinguished chairman of the committee, the gentleman from Texas [Mr. THOMAS] to answer one brief question. I notice there is an item of $25 million that has been made available for the acquisition of sites and for the planning of new Federal buildings. Could the gentleman tell me if included in that amount there is an item of $350,000 for a Federal building at Gainesville, Fla.?

Mr. THOMAS. The gentleman from Florida is 100 percent correct.

Mr. MATTHEWS. Mr. Chairman, I thank my colleague very much, and I also want to thank the gentleman from Arizona for yielding at this time.

Mr. RHODES of Arizona. I congratulate the gentleman from Florida for clearing up this matter. The gentleman has served his people well today, as he does every day.

Mr. MATTHEWS. I thank my colleague.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. THOMAS. Mr. Chairman, I yield to the distinguished gentleman from Illinois [Mr. YATES], a member of the committee, 10 minutes.

Mr. YATES. Mr. Chairman, this is a good bill. This bill bears the stamp of our very dynamic and able chairman, Mr. THOMAS, the gentleman from Texas, with whom I have served for 12 years as a member of this subcommittee. Each year my respect and admiration for the gentleman's abilities continue to grow. Service on his subcommittee each year has been a distinct pleasure and privilege to learn with him more of the operations of the Government agencies. He is without a peer as a chairman and as a Member of the House.

This bill, Mr. Chairman, brings to the House recommendations for appropriations of $8,146 million plus. It covers appropriations for 19 different agencies of government, including the regulatory agencies, and it is about one of these that I want to address myself now. Having worked as a member of the staff of a regulatory agency myself, I appreciate the very detailed and complicated nature of the functions they perform. The work seems endless, particularly when facts and estimates are under contest and subjected to close scrutiny by contesting parties. Even if the Commissioners and their staff are imbued with an overwhelming desire to perform their duties conscientiously and expeditiously, they encounter great difficulties in carrying out its purposes, but in spite of these they can perform their tasks. If, however, there is little intent or zeal on the part of the Commissioners to promote the public good and to exercise their legislative responsibilities, the agency is doomed. It must inevitably deteriorate and fail. The damage done to the public, which expects the protection intended by the legislation creating the agency, is irreparable.

The Federal Power Commission is one of the most important agencies of our Government. It was established originally to protect the public in a number of fields. The wholesale sale of electric power is one of its functions. Another responsibility given to it in 1938 was to protect the public from gouging by excessive rates filed by gas companies engaged in selling gas in interstate commerce.

Commission members during the 1930's and 1940's did a fine job in the public interest. But with the 1950's began a disintegration of its operations, until today it is not carrying on the purposes given to it by the Congress. Its morale has been shattered. Since 1953 particularly its able and conscientious staff members have either been replaced or departed voluntarily. The Commission, which was directed by the Congress to protect the public from unfair and exorbitant rates, is not interested in protecting the public as it should be. Actually the Commission is on a sitdown strike against the congressional mandate to regulate the natural gas industry.

Up to the late 1940's when the question was raised as to whether natural gas producers should be subject to regulation by the Federal Power Commission, there was some conflict of opinion. It was to settle any doubts that the bill to exempt the producers of natural gas from regulation was filed in the Congress in 1949, but it was never enacted into law. Then, in 1954, in the famous Phillips case, the Supreme Court ruled that producers of natural gas were subject to regulation by the Federal Power Commission. In an effort to overrule that decision, the gentleman from Arkansas [Mr. HARRIS], filed a bill in 1955 the effect of which was to exempt producers from effective regulation, but again that bill did not become law. Since that time the bill has not again been filed, and for a very good reason—there has been no need for the bill. Natural gas producers are not being regulated effectively now. There is no effective rate regulation. The Federal Power Commission has refused to take the steps necessary to bring natural gas producers within the regulatory processes. Having testified on several occasions in favor of the legislation exempting producers of natural gas, the Commissioners apparently take the position that this relieves them of the responsibility of enforcing the law.

Thus, in the 6 years since 1954 when the Phillips decision was rendered by the

Supreme Court—6 years mind you—the reluctant Federal Power Commission has not moved to carry out the law.

Last year in an extension of the Phillips case, one of the Federal Power Commission's most able and experienced examiners completed months of testimony by writing a decision which promulgated a set of rules for the regulation of rates for the natural gas industry. It could have been done years ago had the Federal Power Commission wanted to do so. It should have been done years ago, but regardless of this point, the fact remains that it was done last year. For one whole year the Commission has been deliberating over that decision and has not yet acted. Recently it has been disclosed that the Phillips Co. has made an offer of settlement under which it would not appeal the examiner's decision if certain findings were made. It was an offer which in effect would negate the entire purpose of the proceedings and the examiner's decision. If accepted, its effect will be to set back the cause of good regulation for years. The rate of increase of gas rates over the years has been shocking. The prices of gas produced by independent producers at the wellhead have doubled or trebled within the last decade because of lack of thorough consideration by the Power Commission. Even increases in rates of pipeline companies, which admittedly are subject to regulation by the Commission, have not received the complete and painstaking examination necessary in the public interest.

Mr. Chairman, I read from GD Information Service of April 15, 1950, page 5:

This report indicates a steady and rapid increase in price at each of the three levels in the gas industry. This is not to say, of course, that all of the increase in pipeline rates is attributable solely to increases in purchased gas costs; claimed increases in rate of return and increases due to expensive expansion have also had their impact. Yet, an analysis of pipeline rate filings does support the claim that most of such filings were precipitated by an increased cost in purchased gas, and that of all pipeline rate increases made in the past 5 years, at least 50 percent of the total dollars is attributable to the increased wellhead price (even after eliminating the effect of duplicative filings).

The Commission attempts to show its activities on behalf of the public in rate matters in its discussion on page 206 and the following pages of the hearings, but the information is obviously incomplete. The information furnished is only a small fraction of the total rate picture.

Mr. Chairman, I quote again from GD Information Service as follows:

THE INCREASE IN PIPELINE RATES

Although pipeline rates have increased steadily during almost all of the 1950's, the increases have been particularly sharp since mid-1957. It is difficult, of course, to make a wholly accurate estimate of the magnitude of this rise, yet it seems clear that it would be on the order of 30–35 percent. Since mid-1957, each of the three largest pipelines—United Gas Pipe Line, El Paso Natural Gas, and Tennessee Gas Transmission—have made effective, or have proposed to make effective, rate increases ranging from 34–40 percent. Again, it should be noted that although there has been a steady pattern of filings during the past 3 years, the situation seems, if anything, to be getting worse. Within the past 6 months all but two of the major pipelines have either made rate increases effective or have filed for increases.

A comparison of the change in rates during the past 3 years for several major pipelines is shown below. In each case the rate shown is the rate at 100 percent load factor; this was done to facilitate comparison between rates. The inclusion of Tennessee, El Paso, and United seems obvious; these are the three largest companies, and serve the Northeast, the South, and the west coast, respectively. Panhandle and Northern were included as relatively old-line companies serving different areas of the Midwest.

Table IV

Pipeline	Area	Rate at 100 percent L.F.		Increase	
		Mid-1957	Mid-1960	Cents per M cubic feet	Percent
		Cents	*Cents*		
United Gas Pipe Line	Mississippi	18.8	27.2	8.4	51.1
El Paso Natural Gas	California	23.8	33.4	9.6	40.3
Panhandle Eastern	Michigan	26.3	33.9	7.6	28.9
Northern Natural	Minnesota	30.7	36.6	5.9	9.2
Tennessee Gas	New York	38.0	49.7	11.7	30.8

Depiction of the increase in rates of existing pipelines does not fully portray the rise in the cost of purchased gas to distributors and consumers. In recent years, a number of new, high-priced pipelines, or high-priced projects, have been certificated. Thus, for example, authorization of the Transwestern line, which would bring 45-cent gas into California, does not show up as an increase in pipeline rates, but the impact on the distributing companies is similar. So, too, with the Trunkline project to serve Consumers Power. Changes in the source of gas supply can have a like effect—Panhandle's abandonment of its sale to Michigan Consolidated was estimated to increase that company's gas costs by $5 million annually.

THE PRICE OF GAS AT THE RETAIL LEVEL

When it filed its amicus brief in the CATCO case a year ago, the FPC sought to argue that, whatever its past dereliction in the area of producer regulation, there had been no adverse effect on the consumer. To demonstrate this, the FPC brief cited various figures published by the Bureau of Mines and Bureau of Labor Statistics. Subsequently, by letter to the court, the FPC conceded that it had used some of these figures erroneously.

The question of impact on the consumer is an important one, and bears careful study. Utilizing the figures compiled monthly by the Bureau of Labor Statistics, it becomes apparent that there has been a marked change in the retail price of natural gas in the past few years; again the key date appears to be mid-1957.

Table V shows the changes in the retail price index for natural gas; for purposes of comparison the overall Consumer Price Index (CPI) is also shown. This chart indicates that following the Korean war the Consumer Price Index went up drastically, reaching 113.5 in 1952. It then tended to level off during the next 3 years before beginning a second but more gradual rise, which is apparently still continuing. The index for natural gas, on the other hand, did not jump with the Korean war, but, in 1951, after 3 years of relative stability, began a steady 6-year upward ascent of approximately three points per year. As a result, the natural gas index caught up with the CPI in 1955 and continued roughly level with it until 1957. Since 1957, however, the natural gas index climbed at a much sharper rate than the Consumer Price Index: In 1957 both indexes were 120.2—in other words, they had climbed to precisely the same degree since the 1947–49 base period; the latest figures (February 1960) indicate that although the CPI is 125.6 (an increase of only 5.4 points since 1957) the natural gas index is 140.3 (an increase of 20.1 points).

TABLE V.—*Bureau of Labor Statistics indexes for natural gas and Consumer Price Index, 1950–59*

[1947–49=100]

	1950	1951	1952	1953	1954	1955
Gas	100.8	100.5	103.7	108.2	110.6	115.7
CPI	102.8	111.0	113.5	114.4	114.8	114.5

	1956	1957	1958	1959	1960[1]
Gas	117.8	120.2	127.9	132.6	140.3
CPI	116.2	120.2	123.5	124.6	125.6

[1] February 1960.

A comparison by months (table VI) shows an even darker picture, and pegs the date of the present rise at July 1957.

TABLE VI.—*BLS indexes for natural gas and Consumer Price Index, 1957–60 (by months)*

	1957		1958		1959		1960	
	Gas	Consumer Price Index	Gas	Consumer Price Index	Gas	Consumer Price Index	Gas	Consumer Price Index
January	119.0	118.2	125.6	122.3	130.1	123.8	138.7	125.4
February	118.9	118.7	126.2	122.5	130.7	123.7	140.3	125.6
March	118.9	118.9	126.3	123.3	130.6	123.7	----------	----------
April	118.8	119.3	126.3	123.5	130.0	123.9	----------	----------
May	118.8	119.6	126.9	123.6	130.3	124.0	----------	----------
June	118.6	120.2	127.7	123.7	130.9	124.5	----------	----------
July	118.7	120.8	127.9	123.9	131.4	124.9	----------	----------
August	120.9	121.0	128.5	123.7	132.4	124.8	----------	----------
September	121.8	121.1	129.5	123.7	135.5	125.2	----------	----------
October	122.0	121.1	129.8	123.7	135.6	125.5	----------	----------
November	122.8	121.6	129.8	123.9	135.8	125.6	----------	----------
December	122.8	121.6	130.1	123.7	137.5	125.5	----------	----------
Annual average	120.2	120.2	127.9	123.5	132.6	124.6	----------	----------

SOME TENTATIVE CONCLUSIONS

Most of the figures used in this report are averages, and, by definition, averages may and usually do include a wide range of individual prices. Unquestionably there are some areas of the country in which the retail price of gas has remained stable or has declined since mid-1957; by the same token, there will be areas in which the increase in price is much sharper than the average. The same, of course, holds true with respect to the wellhead prices shown in tables I and II, and with respect to the pipeline prices shown in table IV. Yet, the use of average prices does have validity, for it shows, as individual prices do not, the overall impact on the Nation.

* * * * *

So far as the increase in producer prices is concerned, most of the increase is directly attributable to higher prices in new contracts (i.e., attributable to the FPC's initial price policy) rather than to producer rate increase filings under section 4. The most remarkable aspect about the rapid rise in producer prices during the 1950's, and particularly since 1954, is that it has been accomplished in the absence of any real showing that a higher price was needed either to keep the gas producers financially healthy or to encourage exploration. Instead the rise has resulted from the producers' ability to demand, almost entirely on the basis of what the market would bear, an ever higher price for gas reserves.

Nor is it a question of inadequate appropriations, Mr. Chairman. If the Commission had given any indication—I repeat, any indication—of a dedication to public interest, there would have been a determined fight by those of us who favor the purposes of the Federal Power Commission Act to provide its total appropriation. But certainly, insofar as the Natural Gas Act is concerned, the Commission is not a regulatory agency. It is essentially a repository for the papers filed by those subject to its regulation.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield.

Mr. VANIK. I want to concur in the remarks of the gentleman. I agree with him thoroughly. I think the Federal Commission has permitted the gas rate increase that has been applied for.

Mr. YATES. In effect, there is no need any longer for the Harris bill or the Kerr bill, because of the administrative inactivity; yes the calculated overlooking of the requirements of the law by the present Federal Power Commission. I agree with the gentleman.

Mr. Chairman, I want to leave the regulatory agencies now and note several good things that are contained in the bill which have not yet been mentioned. One is the provision of $5 million to initiate a pilot program in an area of critical need, housing for the elderly in this country. The Housing Act of 1959 contained an authorization of $50 million for the construction by nonprofit organizations of housing for our aged citizens, yet, the Bureau of the Budget refused to approve an appropriation for this item. Not one penny. The committee overruled the administration. Recognizing the desperate plight of so many of our senior citizens, the committee began a program which it hopes will take hold and grow. There are 14 or 15 million Americans over 65 years of age. Their needs require the attention of Congress not only in the field of housing but also in the field of medical care, employment, recreation and others. In the field of employment they are being discriminated against terribly and we must take steps to break down this discrimination. An authoritative study was made by the 20th Century Fund a few years ago. It estimated that 60 percent of the people in the country aged 65 and over had incomes of less than $1,000 a year; only 20 percent had incomes of over $2,000 a year. Obviously, they need help, and I am proud and delighted with our committee for establishing this pilot program for housing for the elderly. We hope it will serve as the basis, as the framework, for an expanded program in the future.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield.

Mr. FASCELL. I want to compliment the gentleman for his interest over a long period of time in this particular field. It is one of the major social problems confronting the people of this country. I would like to concur in his remarks on the need for this program of housing for the elderly and also to compliment the committee for putting this pilot program in the bill.

I rise in strong support of the committee's recommendation that the House appropriate $5 million to initiate a pilot program for the construction of housing for the elderly.

After considerable study, discussion, and deliberation last year, Congress enacted into law a program calling for establishment of a revolving fund of $50 million by which long-term, favorable interest loans could be made to private nonprofit corporations interested in developing housing specifically designed to accommodate our elderly population. I was an enthusiastic cosponsor of this legislation which I felt provided a practical and sound answer to one of the most pressing needs of the elderly—housing specially designed to suit their physical needs and tailored to their financial limitations.

The administration declined to exercise the authority granted in the Housing Act of last year, and submitted no budget request for the program for the coming fiscal year. I heartily commend Chairman THOMAS and his committee members for the decisive, affirmative action they took in recommending an appropriation to get this program under way, with instructions that the administration report back next year on the results of the test program which the committee directed be initiated in widely separated parts of the United States.

As the Representative of the Fourth District of Florida which includes Miami, Miami Beach, and Key West—an area blessed with a mild, temperate climate so attractive to those of advanced years—I have had a continuing interest in the affairs and the problems and the needs of the large number of elderly we are fortunate in counting among our population in south Florida.

This interest and concern is shared by an alert and enlightened citizenry in the Greater Miami area. This community has undertaken a tremendous program of practical, responsive assistance to its elderly residents.

We have, as a community, long understood that piecemeal efforts are inadequate. The concept of a total approach through basic research and welfare services, and a coordination of the two, has been in all of our minds for many years.

One basis for that opinion is the fact that University of Miami faculty members, with administration encouragement, have consistently been officers and committee members of the welfare planning council. Three university members are on its current executive board. Two of the three chairmen of the senior citizens division have been university people. Further, in the field of the aging, the university and the council are linked in a joint committee. In the 2 years of this joint association the difficulties of combining research and services have been aired in extensive and often heated debate. Friendships between town and gown have emerged unblemished; much knowledge of the extent and difficulty of the joint association has been had, and the groundwork for mutual efforts have been laid.

Perhaps a chronological listing of events may best present the facts:

In 1954 the senior citizens division was established as a coordinating planning division with the welfare planning council. The three other divisions—family and child service, health and recreation—at first overshadowed the senior citizens division. This has been overcome. There is present acceptance of a concern for the aged in the other divisions.

In 1955 establishment with the university school of medicine of a geriatrics clinic. The leadership of Dr. Samuel Gertman, and the useful progress of the clinic, are known to you and need not be elaborated here. Dr. Gertman's dedication and energy have stimulated many projects in the field and his influence is certain of continuing value to the community.

In 1957 establishment of a council on gerontology at the University of Miami. The members of this body, appointed by the president of the university, were drawn from the fields of medicine, education, sociology, psychology, human relations, government, law and economics. The council was set up to act as a clearinghouse for university research in gerontology and to maintain active liaison with community organizations conducting programs on behalf of the aged.

In 1957 formation of the joint committee on gerontological projects. In the community were agencies eager to expand services and attempt new methods. There seemed potential value in a joining of forces for cooperative and multidisciplinary work among agencies and the university. The welfare planning council and the university council on gerontology each appointed its members to the joint committee. Several surveys and demonstration projects were prepared and submitted by members of the committee. Since programs must be based on adequate financing, a structure

was created whereby the university might receive funds and administer them on behalf of approved projects.

The joint committee—and its principals—may be compared to an existing machine ready for service but lacking fuel. The university is a young one, not yet having sufficient endowment to release faculty for research projects contemplated by the joint committee. The welfare planning council is dependent upon united fund money. Its professional staff likewise has a work load which permits no further burdens. Meanwhile the professional and lay workers involved are going about their tasks in specific areas, many of these related to what the joint committee might undertake if activated.

In the field of geriatrics—as will appear in an attached report of the research projects in our school of medicine—there are ample outside funds for research in the medical problems of the aging. In the allied disciplines necessary to the conduct of gerontological projects—sociology, psychology, economics, and so forth—we must abide in hope that outside funds will make possible the underwriting of the administrative direction necessary to get the show on the road.

For your understanding of the situation in Dade County, the above brief historical summary needs to be supplemented by what promising projects are currently under way in the county. Without burdening you with too much detail, let me touch on some of the present prospects, all of them having some university and community liaison through "interlocking directorates."

SENIOR CITIZENS DIVISION

Friendly visiting project: The Junior League of Miami pays for a half-time trained social worker to guide the program. A pilot project to determine the need and to indoctrinate volunteers, accomplished 2 years ago, preceded the present going program.

Housing for the elderly: The senior citizens division provided the stimulus for the first public housing for the aged in this area. Martin Fine, member of the Miami Housing Authority, is chairman of the senior citizens division housing committee. The site for a 60-unit low-cost housing project for the aged has been selected, the architect chosen, and construction scheduled to begin this summer.

Day center: The above housing project also includes a building for a day center to be maintained by the housing authority. The division is presently engaged in organizing a countywide day center board of governors with a view to underwriting the staffing of the day center. A budget of $35,000 a year is contemplated, with expectation that the day center will eventually receive united fund support. This will be a pilot plant which many present senior citizens may emulate. Civic response is high.

A second day center is projected for Miami Beach. Details cannot be as yet disclosed. We feel that day centers are of prime importance for both service and research. The local newspapers are lined up to give support. We feel that successful day centers will provide a platform for public education in the whole spectrum of problems of the aged. We are involving substantial citizen support. While it will be a year before the centers can be organized and opened, they will surely be so and on a sound staffing basis.

Nursing homes: Three years ago the division began joint meetings with the operators of nursing homes, overcoming an initial suspicion on their part. Two nursing homes institutes have been held with excellent results. The very real problems of nursing home operators have been made known to county authorities concerned.

The late Dr. Michael Takos, of the county health department and also a member of the division, initiated an epidemiological survey of indigent patients in local nursing homes. This is being continued with Dr. A. W. Menzin, Dr. Takos' successor, in cooperation with Dr. Eugene Flipse of the university school of medicine. The report is nearing completion. The university, through its IBM services and through its sociology, anthropology and psychological departments, aids in the planning and analysis of this project.

Chronic illness: An organizing committee for a study on chronic illness, subsidized by the United Better Health Foundation with an initial $5,000 and a contemplated $50,000 a year for 3 years, is developing a project design. The five committee members are drawn from the county health department and divisions of health and senior citizens of the welfare planning council.

The Greater Miami Jewish Federation is also participating in a national study of chronic illness financed by the U.S. Public Health Service.

SOME COMMUNITY PROJECTS

Metropolitan government: Metro is Dade County's new top administrative structure and is presently setting policy for hospitals and welfare which, in relation to our senior citizens, holds the promise of much good. Information on needs is being exchanged with the health department. The government department and the university's bureau of business and economic research have completed a report, done at the instance of the Ford Foundation, on the factors in the creation and development of Metro.

The University of Miami School of Medicine has many projects concerning research in the field of aging.

Sight conservation program for the elderly: This is presently being undertaken through cooperative efforts of the Lions Club, the University of Miami, and the county health department.

Rehabilitation program: In a project supported by the polio foundation, school of medicine students at Jackson Memorial Hospital are engaged in a study involving 125 patients with fractured hips and 150 patients suffering strokes. The county health department is also participating.

Part-time employment of the elderly: While the Miami Chamber of Commerce conducts an educational campaign among employers and the State employment service is active, a great need for work in this area remains unmet. The Lutherans are laying employment plans in connection with their housing project. Discussions on the subject are continuing.

Retirement hotels: Interviews of 400 guests have been made. The role of the retirement hotel—likely to grow in importance hereabouts—is under study.

Psychology: Dr. Granville Fisher, chairman of the Psychology Department, University of Miami, and member of the senior citizens division, has applied for a $109,720 grant from the National Institute of Mental Health for a program involving teaching, training, and research in gerontology.

What happens here in Dade County in the next decade is certain to shape the destiny of the region for a long time to come. To give proper direction, there are the assets of a flexible and novel metro government, a university deeply involved in all facets of civic life, and a welfare planning council engaged in self-study and a tailoring of services to emerging needs.

The pioneer public housing project I have discussed is the first of its kind in the Southeastern United States. It will include single bedroom and efficiency apartments; the design calls for wider doors for wheelchairs and walking aids, safety bars in bathrooms, signaling devices so neighbors can be summoned in emergencies, low cabinets, ranges and ovens, lower steps and ramps. The units are designed for easy access from one room to another and architects are developing the outside design to provide easy methods of garbage and trash disposal. Included in the housing center also is a community recreation building, also designed for the aged, which will be open to all senior citizens, whether they live at the center or not. To be eligible for housing, an applicant must have lived in Florida for 1 year, in the county for 6 months, and one member of the family must be over 65; the minimum rent, $20 a month, includes utilities and all kitchen equipment.

I am proud to discuss this program with the Members of the House. I am vigorous in my support of the pilot program which the committee has wisely called for in its bill. I have already communicated to the Housing Administrator my belief that in view of the high concentration of elderly in the Fourth District of Florida and in view of the pioneer program which the community has already researched, planned, and is now programing, Miami is ideally suited as a site for participation in the test program which the committee expects the administration to get under way during this coming fiscal year with the funds provided in this bill.

We have the problem in south Florida—we also have the people, governmental, educational and civic bodies united in efforts to solve it. The time

is ripe for quick assistance and healthy encouragement from the Federal Government to give nonprofit organizations an opportunity to participate.

I hope all of the Members will support the committee's recommendations for this appropriation.

I take this opportunity, Mr. Chairman, to express my appreciation to the distinguished chairman of this subcommittee, Mr. THOMAS of Texas and the members of his committee for their favorable consideration of the public building project at Miami, Fla.

This Federal building has been long-planned by GSA and is well conceived. This committee approval for construction will save the taxpayers many thousands of dollars annually and will likewise tremendously improve and make far more efficient operation and management of the many Federal departments located in our area. I thank the gentleman for his courtesy in making this time available to me.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I should also like to congratulate the gentleman and his committee for including this $5 million for building housing for the elderly. I think it is a great step in the right direction. However, I could not let this opportunity pass without registering my own chagrin that we stopped at $5 million. I am not at all convinced that we are dealing with this in any adequate way and I am disappointed that this was not included in the budget request. This merely manifests again the total lack of understanding by the administration that this is the No. 1 problem today, the care of our aged and senior citizens.

I feel that we ought to include $50 million as was recommended in the authorization bill we passed last year. The committee at that time had given a great deal of study to this whole subject and they included a recommendation of $50 million. At the appropriate time, unless there are compelling arguments to the contrary, I am going to offer an amendment to restore the full $50 million, because in my district and all over the country we have great need of housing for our elderly citizens.

I congratulate the committee for making a good start in this direction, but I hope the bill when it passes will contain the full $50 million.

Mr. YATES. I appreciate the gentleman's contribution. We share his interest in this vital area and want action. Yes, the committee would have liked to inaugurate the total $50 million program, but we felt it should follow this pilot study. Pilot studies in each of the sections of the country will lay the foundation for the future for the total program.

I agree with the gentleman that the time is long past when this should have had the attention of Congress. We should have devoted ourselves to the program many years ago. As a matter of fact I have been urging the Congress to take action to help our aging citizens since I have been in the Congress.

Now we have at long last made a start on this program. The committee has overruled administrative inaction. This is not the end of the program. It is the beginning. We expect that it will be carried on and expanded in the future.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield further?

Mr. YATES. I yield.

Mr. PUCINSKI. While I congratulate the committee on making a good start and having the courage to make the appropriation outside of the budget request, I do not think $5 million will go very far even with the pilot program.

Mr. YATES. May I say to the gentleman that $5 million goes much farther than no million dollars as the administration recommended.

Mr. PUCINSKI. That is correct. But we have in America today 16 million people on social security. Let me cite one example. On my desk is a letter from a family, a man and wife, receiving a total of $130 in social security benefits monthly. Their rent right now is $75 a month, and they have been served notice that the rent is going up another $5. That shows the overwhelming magnitude of this problem. It is a monumental one.

Mr. YATES. I appreciate the gentleman's interest and his zeal. May I say to him that housing for the elderly has been on the books for several years, but there has been no action. We want to get the program rolling, and that is the reason that the committee is putting $5 million in this bill. I think there is a question as to whether HHFA can profitably use the $50 million. It has not done very much in this field up to the present time. I am as interested as the gentleman in the problems of our aged citizens, and shall support the action of the committee.

Mr. PUCINSKI. I merely point out that I am well aware of the sincerity of the committee and the deep interest the gentleman has in this entire problem of housing for the aged. I think it is wonderful the committee has made a start in that direction; however, I will offer my amendment at the appropriate time to raise it to $50 million.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. VANIK. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Chairman, I want to concur in the splendid remarks of my distinguished colleague from Illinois [Mr. YATES].

The Federal Power Commission has for a long time failed in its obligation to regulate in the public interest.

As a matter of fact, it has countenanced and permitted gas rate increases which bilk the consumer in a manner almost approaching larceny by license. The Natural Gas Act, designed to protect the public, has been administratively repealed.

Today the gas and oil industry scored a tremendous victory in its struggle for no regulation by bringing about the ouster of William R. Connole, the one public spirited member of the Federal Power Commission. Commissioner Connole apparently made one tragic mistake in the execution of his official duties—he considered them a public trust.

When resolute men of courage and public responsibility are forced out of office by the industries they are supposed to be impartially regulating, the time has come for an indignant public to clean house.

My community of Cleveland, as well as the other populous sections of America which require natural gas from the Southwest for space heat, has suffered a terrible loss in the President's outrageous decision not to reappoint Commissioner Connole. Congress would do well to abolish the Federal Power Commission and start off all over again.

Mr. OSTERTAG. Mr. Chairman, I yield 15 minutes to the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Chairman, the bill now under consideration appropriates $8,146,167,400 of the taxpayer's money and therefore should be of the utmost importance to the peoples' representatives in Congress. The bill represents almost one-tenth of the total money that will be appropriated for fiscal year 1961 and therefore deserves careful consideration by those of us who have been selected by the people as custodians of their tax dollars and as trustees to determine how they shall be spent.

The members of the Independent Offices Subcommittee, which has primary responsibility in making these determinations, have not taken their responsibilities lightly. Under the able leadership of the distinguished gentleman from Texas [Mr. THOMAS], assisted by the able gentleman from New York [Mr. OSTERTAG], and with the help of the gentleman from Illinois [Mr. YATES], the gentleman from Tennessee [Mr. EVINS], the gentleman from Massachusetts [Mr. BOLAND], the gentleman from Arizona [Mr. RHODES], and the gentleman from North Carolina now speaking, the subcommittee conducted hearings on this bill beginning on January 18, 1960, and extending through March 31, 1960. The subcommittee heard a total of 354 witnesses and their testimony is contained in three volumes of printed material 6 inches thick and containing 2,917 pages.

The funds appropriated in the bill before you will finance the operations of the following 19 independent offices and agencies of the Government during the fiscal year which begins July 1, 1960:

Civil Aeronautics Board.
Civil Service Commission.
Federal Aviation Agency.
Federal Communications Commission.
Federal Home Loan Bank Board.
Federal Power Commission.
Federal Trade Commission.
General Accounting Office.
General Services Administration.

Housing and Home Finance Agency and its constituent agencies: Public Housing Administration, Federal Housing Administration, and Federal National Mortgage Association.

Interstate Commerce Commission.

Office of Civil and Defense Mobilization.

National Aeronautics and Space Administration.

National Capital Housing Authority.

National Science Foundation.

Renegotiation Board.

Securities and Exchange Commission.

Selective Service System.

Veterans' Administration.

The importance of these independent agencies is self-evident from a mere recital of their names and I therefore do not believe it necessary to remind members of the committee that this bill is important to every district in the United States.

A bill which provides the operating funds for such widespread operations naturally will be somewhat controversial. I doubt if any seven Members of the House would agree in every particular with its terms. There are just too many areas for possible disagreement to ever expect 100-percent approval on the part of any committee. But if I have learned anything during the 8 years I have served in this body, it is that no individual can have his own way all of the time. Legislation is necessarily the result of compromise and adjustment of views to the realities of the existing situation. The bill before you for consideration today therefore is the product of compromise and adjustment of the individual views of seven of your colleagues. It is the result of many hours of discussion, deliberation, and consideration of conflicting viewpoints and the result represents the collective judgment of the subcommittee on the question of how much money should be appropriated to run a multitude of important activities. If I had been writing this bill alone, I would have made deeper cuts in some areas than did the subcommittee and I confess that in other areas I would have provided more funds than are provided in the bill. Nevertheless, I support the action of the subcommittee, as approved by the full committee, because I believe it represents the best judgment of the Members after having debated and considered the subject matter at great length. Lest the comment just made should be misunderstood, let me hasten to say that the differences within the committee were relatively minor and small when compared with the totals involved in this bill. As a member of the subcommittee who attended all of the hearings and listened to all of the witnesses testify, I can conscientiously report that, in my judgment, adequate and sufficient funds are provided for each of the agencies involved and that none will suffer from lack of adequate financing. As the distinguished chairman of the subcommittee stated in his opening remarks, we submit the bill to you as the best we could do with a difficult problem. We present it to you therefore as the unanimous judgment of your subcommittee.

The committee has provided the Members with a printed report containing 29 pages. These pages contain a detailed explanation of the actions taken by the subcommittee. It shows the budget estimate in each case and the action of the committee thereon. It compares amounts appropriated in the bill with the budget estimates and with funds appropriated last year for each individual agency. The total amount appropriated in the bill is $8,146,167,400, as contrasted with a total of $7,037,807,200 appropriated last year, or an increase over 1960 appropriations of $1,108,360,000, but a decrease of $270,729,600 in the budget estimates.

In all frankness, it should be said that some of these cuts may not stand up in the long run because they are based upon guesswork and will have to be revised during the forthcoming fiscal year if the committee guess proves to be wrong.

For example, the bill carries an appropriation of $60 million for payment of subsidies to air carriers. This represents a cut of $8,984,000 in the estimate made by the Civil Aeronautics Board of the amount that will be required to discharge the legal obligations of the Government for air carrier subsidies.

It should be remembered that in paying these subsidies, the Civil Aeronautics Board is carrying out the mandate of Congress in legislation previously enacted. If the subsidy is earned, the Civil Aeronautics Board must pay it and Congress is obligated to provide the money. It is an obligation of the Government and if in this bill we appropriate less than the amount required this year to liquidate obligations, some future Congress will have to make up the difference.

It should be noted for the record that only 13 local service carriers, 5 carriers serving Alaska, and 3 helicopter operations are currently receiving subsidies. All domestic trunkline and international carriers are in a nonsubsidized status, most of them having been subsidy-free since 1957.

Another example of guesswork is the case of the appropriation to the Veterans' Administration for compensation and pensions for veterans. There is no way to provide firm figures as to how much will be required for this purpose in a future fiscal year. All the VA can do is estimate the amount that will be required and all the committee can do is either accept that estimate in toto or use its own best judgment in estimating the amount that will be required. This is considered guesswork although it is based upon past experience and all available information. The VA estimated that $3,840 million will be required to discharge claims for compensation and pensions for veterans in 1961. The committee approved $3,800 million, or a reduction of $40 million in the estimate. The committee feels that, since the amount appropriated is one-half a billion dollars more than the amount expected to be spent in fiscal year 1960, it should be sufficient to take care of obligations arising in 1961. However, if this considered guess turns out to be wrong, Congress next year will be required to make up the deficit. So long as the law remains on the books, and veterans qualify for compensation and pensions, the Congress is obligated to appropriate the necessary money.

NATIONAL CAPITAL AIRPORT

As all of you know, the Government is in the position of operating commercial airports. The Washington National Airport is an example and I believe the members of the Committee of the Whole will be interested in knowing how the Government is making out on that operation. The total net Government investment in the airport is $32.6 million. Revenues earned through 1960 amount to $31.9 million of which $22.8 million have been used for operation and maintenance, leaving a balance of $9.1 million to be applied to the reduction of the investment. This means that the net investment of the Government in the airport is now down to $23.5 million.

During the last 5 years, passenger traffic using the Washington National Airport increased by 72 percent and aircraft movements increased by 50 percent. In calendar year 1959, more than 5 million airline passengers were enplaned and deplaned at this airport. That is more than 9 passengers every minute of every day and night for 365 days and nights. During this same period, a total of 312,000 aircraft takeoffs and landings were made at this single airport.

Revenues to the airport during fiscal year 1960 will amount to $3,922,000, of which landing fees account for $632,000, plus $72,000 for ramp service, or a total of $704,000 for aircraft use. The remaining income was derived from concessions, rentals and utilities.

The projected cost of the Dulles International Airport now under construction near Chantilly, Va., is $85 million. The estimate is that this investment will require 40 years for recovery. Operations are scheduled to begin July 1, 1961.

It has become a practice in recent years for people to downgrade the United States in comparison with Russia. Many people have therefore been led to believe that within a few years we will be far behind the Communists in industrial production. When officials of the Federal Power Commission were before the subcommittee, some questions were directed to them in order to develop a comparison with Russia and the United States in the production of electric energy. Based upon the figures given the subcommittee by the Federal Power Commission, the margin in favor of the United States is substantial and is steadily growing. Our margin over Russia in the production of electric energy has increased from 297 billion kilowatt-hours in 1950 to 529 billion kilowatt-hours in 1959. It is estimated that by 1975 this margin will have gone beyond 900 billion kilowatt-hours. Following is a table which shows a comparison of the total capacity of electric generating plants and the production

of electric energy in the United States and Russia for the period 1902–59:

Total capacity of electric generating plants and production of electric energy in the United States and Russia (including industrial)

Year	United States [1]		U.S.S.R. [2]	
	Capacity megawatts	Production million kilowatt-hours	Capacity megawatts	Production million kilowatt-hours
1902	2,987	5,969	----------	1,900
1907	6,809	14,121	----------	----------
1912	10,980	24,752	----------	----------
1917	15,494	43,429	----------	----------
1920	----------	56,559	----------	----------
1921	----------	53,125	----------	----------
1922	20,468	61,204	----------	----------
1923	----------	71,399	----------	----------
1924	----------	75,892	----------	----------
1925	----------	84,666	----------	----------
1926	----------	94,222	----------	----------
1927	34,574	101,390	----------	----------
1928	----------	108,069	1,874	5,000
1929	----------	116,747	----------	6,200
1930	----------	114,637	----------	8,400
1931	----------	109,373	----------	10,700
1932	42,849	99,359	4,630	13,500
1933	----------	102,655	----------	16,400
1934	----------	110,404	----------	21,000
1935	----------	118,935	6,830	26,300
1936	43,582	136,006	----------	32,800
1937	44,370	146,476	----------	36,200
1938	46,873	141,955	8,700	39,400
1939	49,438	161,308	----------	43,200
1940	50,962	179,907	11,000	48,300
1941	53,995	208,306	----------	----------
1942	57,237	233,146	----------	----------
1943	60,539	267,540	----------	----------
1944	62,066	279,525	----------	----------
1945	62,868	271,255	10,700	43,300
1946	63,006	269,609	----------	48,600
1947	65,151	307,400	----------	56,500
1948	69,615	336,809	18,000	66,300
1949	76,570	345,066	20,000	78,300
1950	82,850	388,674	22,400	91,200
1951	90,127	433,358	23,500	104,000
1952	97,312	463,055	25,250	119,100
1953	107,354	514,169	28,602	134,400
1954	118,885	544,645	32,815	153,695
1955	130,414	624,902	37,236	170,225
1956	137,342	684,804	43,350	191,653
1957	146,221	716,356	48,350	209,480
1958	160,651	724,752	53,000	233,000
1959 (preliminary)	----------	790,000	59,000	261,600

[1] From Historical Statistics of the United States for Years 1902–38. Data for later years are from Federal Power Commission statistics.

[2] From the United Nations, Economic Commission for Europe, Electrical World, Electrical Engineering, and various other sources.

MOTOR POOL OPERATION

Public Law 152 of the 83d Congress authorized the General Services Administration to establish and operate interagency motor vehicle pools. By the end of 1959, 44 such pools had been established and were in operation. GSA proposes to establish 14 additional motor pools in 1960, and 12 additional pools in 1961, to bring the total up to 70, at which time it is estimated that the program will be saving the U.S. taxpayers approximately $6 million per year.

I am particularly interested in this program because I was the author of the legislation which authorized the establishment and operation of the pools. Each year General Services Administration, in its budget presentation to our subcommittee, makes a detailed report on the operation of these motor vehicle pools and when the bill is under consideration in the Committee of the Whole I usually make a progress report for the information of the Members.

The ownership and operation of the fleet of Government-owned motor vehicles is really big business. The Government-owned motor vehicle fleet, not counting combat and tactical motor vehicles of the Armed Forces, is valued at approximately $500 million and includes approximately 225,000 motor vehicles as compared with 260,000 in 1954 when the motor pool operation was inaugurated. These motor vehicles travel approximately 2 billion miles per year and use in excess of 300 million gallons of fuel. Operation, maintenance, and replacement costs amount to more than $290 million per year.

It is obvious from these astronomical figures that an opportunity exists to save vast sums of money by the practice of economies and efficiencies. By establishing interagency pools in areas where there is a heavy concentration of Government activity, such as New York, Washington, Chicago, San Francisco, and so forth, substantial savings have resulted. The savings result not only from reduced requirements of motor vehicles for Government agencies but by increasing the utilization of existing vehicles which permits three cars to accomplish the work formerly requiring four cars and by consolidating management and controlling maintenance.

General Services Administration officials testifying on this subject before the subcommittee presented evidence indicating that during the last fiscal year total savings from motor pool operations amounted to $5 million and that by the end of 1961, when the total pools are expected to reach 70, the annual savings will be $6 million per year.

The testimony further revealed that a full year's operation of the 33 pools established by June 30, 1958, resulted in a decrease of 21.5 percent in the number of vehicles required to perform agency workload requirements, an increase of 2,407 miles per vehicle and a reduction of 3.59 cents in cost per mile. The cumulative savings during the 1954–58 period amounted to $5.9 million. By the end of 1959, when 44 pools were in operation, the cumulative savings amounted to $10.5 million. By the end of 1960, when 58 pools are expected to be in operation, the expected cumulative savings will be $15.8 million. By the end of 1961, when 70 pools will have been established, the estimated annual savings will be $6 million.

Savings during the period 1954 through 1960 therefore will amount to $15.8 million. This is not a substantial sum when compared with $80 billion budgets but it was worth saving and indicates how savings can be made by concerted effort and a soundly-conceived program. The officials of General Services Administration are entitled to high praise for an efficient and money-saving operation.

PROPERTY UTILIZATION

The Federal Government owns more real and personal property than any organization or government in the world. Much of it was required during the war years and every year substantial amounts are being declared excess to the needs of the Government and are being disposed of by GSA.

General Services Administration will return $50 million in cash to the Treasury in 1960 from sales of real property. It is estimated that $55 million will be returned in 1961 from additional sales. Expenses, including broker fees, are running at about $2 million per year. While these returns are substantial, the record shows that the Government is sustaining heavy losses as a result of these sales. The acquisition cost of the property disposed of in fiscal year 1960 was $500 million so the return is only about 10 cents on the dollar. Critics point to this low return and charge that the property is not being wisely or prudently handled. The subcommittee explored that allegation with GSA officials and were assured that in every instance sales exceed current appraisals and that the average recovery is about 115 percent of the present fair market value of the property.

You may wonder why Government-owned property goes down in value while apparently all other property is constantly going up. The explanation is simple and should be understood. The answer is that in most instances the property offered for sale was constructed for a special purpose and is not suitable for ordinary commercial or industrial use without excessive costs of conversion. An example was cited of an industrial-type property in West Virginia which cost the Government $86 million. It has been surplus for several years and GSA has been trying, without any success at all, to obtain bids for it. If you know of anybody in the market for such a property, it is recommended that you get in touch with GSA.

There is another property in Chicago with 100 acres under roof, the largest plant in the world. The Government's investment there is $120 million and a profitable sale will be difficult because of the conversion cost. Since it may be difficult to dispose of this property for its fair market value, GSA is considering all possibilities of utilizing it for some needed Government activity.

On the other hand, another example cited by GSA is the so-called Studebaker Building in Chicago. This is a very fine, modern building and GSA testified that it has a high market value and will bring a good price. The subcommittee was agreeably surprised to hear Mr. Floete testify that this property is too valuable for the Government to use and that GSA therefore proposes to offer it for sale and expects the Government to recover the full acquisition cost. This attitude is contrary to that usually attributed to agency heads who generally are charged with clinging onto the valuable properties and being willing only to relinquish the unsuitable. But Mr. Floete is an outstanding example of a fine public servant who seems genuinely interested in conducting an efficient and economical operation.

SURPLUS PERSONAL PROPERTY

The disposal of surplus personal property also presents great difficulties.

Critics also point to the low return being received in the disposal of personal property, but it should be remembered that much of this property consists of obsolete combat aircraft, artillery guns, and war material which has a very low salable value. Since relatively little is to be gained by selling this property at a fraction of its cost, the subcommittee has been encouraging GSA to step up its utilization program. Whenever GSA can provide agency requirements with surplus personal property already owned by the Government instead of procuring new property, substantial savings result. This utilization program is working out very well for the Government. In 1959, for example, GSA was able to transfer $141 million of this surplus property to civilian agencies of the Government in lieu of purchasing new equipment. It is expected that this amount will go up in 1960 to $215 million and in 1961 to $305 million. This results in substantial savings in procurement.

You are all familiar with the Government's donation program. In 1955, I had the privilege of serving on a special subcommittee of the House Committee on Government Operations under the chairmanship of the distinguished majority leader, the gentleman from Massachusetts [Mr. McCORMACK], which made substantial revisions in the donable property program. Amendments to the act proposed by that subcommittee, and approved by the full committee, were unanimously adopted by the House on March 17, 1955. I think it is safe to say that these amendments have been of inestimable value to the educational, public health, and civilian defense agencies in the country. Donations to these nonprofit organizations in 1959 amounted to $361 million and are expected to rise to $450 million in 1960 and to $550 million in 1961.

While the Government does not realize any return in dollars from the donable program, there should be universal satisfaction in seeing substantial quantities of this surplus property finding its way into the hands of our needy educational and health institutions instead of being thrown on the market for sale at a fraction of acquisition cost.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I am very much interested in what my friend had to say about the General Services Administration. I want to compliment Mr. Floete. I consider him to be one of the finest gentlemen I have ever met, and certainly one of the finest public officials I have ever met in my many years of public life. He is a dedicated gentleman and public official in every respect, eminently fair. The administration of the program of the General Services Administration under Mr. Floete has been very effective and efficient, about the best humanly possible.

There is another activity in which the gentleman from North Carolina and I participated in addition to the surplus property program. That was to see that the General Services Administration got enough money to protect the Government as a consumer of telephone service and electricity and services of that kind. The people of the country are indebted to the gentleman from Texas [Mr. THOMAS] and the members of his subcommittees for giving the necessary money for that purpose. As the result, the Government and the taxpayers have been saved many millions of dollars, and private users have been the beneficiaries as well as the Government as users of those services.

Mr. JONAS. Will the gentleman agree with the comment I made that while we do not receive any dollar return from this enormous amount of personal property that is donated we do derive many intangible benefits. There are many schools and hospitals that would have difficulty operating if it were not for this program.

Mr. McCORMACK. The gentleman is absolutely correct.

The evidence before the passage of the bill that came out of the subcommittee of which I was chairman and of which the gentleman from North Carolina was a member showed that the Defense Department got around the Donable Property Act by declaring property to be excess rather than surplus. We tightened that up. I do not say that in any unkind or critical sense. We tightened that up and the property beneficiaries receive is based upon acquisition value to the Government, and it is worth 100 cents on the dollar to the schools, colleges, and other beneficiaries, and it has rendered inestimable service to these institutions who are the beneficiaries.

Mr. JONAS. I thank the gentleman from Massachusetts and concur in his comments concerning the high quality of service rendered this Government by Mr. Floete. The members of our subcommittee are aware of the fine work he has done, and we have complimented him in person and in the RECORD.

SPACE

Recent spectacular successes in satellite launchings have taken most of the steam out of the charges that the United States is lagging far behind Russia in this field. The subcommittee had before it some of the scientists in charge of NASA's program and I should like to commend to your examination the testimony of Dr. Glennan, Dr. Dryden, Dr. Silverstein, and Dr. von Braun. You will find their testimony set forth in part III of the hearings beginning on page 173. For the benefit of those who will read this RECORD but who will not have an opportunity to read the testimony given by the subcommittee, I will include as a part of my remarks today some of the exchanges between subcommittee members and these witnesses:

Mr. OSTERTAG. Dr. Glennan, how do we compare with Russia in all factors? We recognize that they have a thrust greater than ours; but, overall, how do we stand?

Dr. GLENNAN. Every morning at 8, I stand before the mirror and say, "We are behind the Russians in total thrust available to us, the level of thrust in our first stage boosters. In all other areas it is my considered opinion that we are not behind the Russians, that we are the equal or the better of the Russians."

I arrive at this conclusion from discussions with capable scientists and from the fact that we have published much more information from the probes that we have sent out in little bits of packages than they have from their tremendously large gadgets.

Mr. YATES. May I ask you then how do you account for Von Braun's statement where he says we are 2 or 3 years behind the Russians?

Dr. GLENNAN. Dr. von Braun works in the rocket field. He is talking about the thrust of the rocket, and nothing else.

He may have guidance in mind, as well, because he has not been able to carry the guidance that he would like to carry, which he thinks he has on his shelves. He is not certain that this is quite as good as he might want it to be, because he has not had the opportunity to test it in flight.

Mr. YATES. If, when Dr. von Braun comes in here, and I ask him what he means by his statement, he is going to tell me we are 3 years behind the Russians in thrust and nothing more.

Dr. GLENNAN. You ask him and see what he will answer.

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Dr. GLENNAN. I was not being facetious because this is a serious business with us. The business of trying to have people understand where we stand in the various elements of this program is tremendously important to me. If I seem a little emphatic about it, I think you will understand.

Mr. OSTERTAG. I think we should be grateful for your emphasis, but what I was trying to bring into focus was the fact that you have had certain successes and you have had certain developments take place and you have a pretty good measurement of what they have done. I believe it is generally conceded that insofar as power or thrust, Russia has achieved that beyond your capability to date.

Dr. GLENNAN. At the present time.

Mr. OSTERTAG. In the overall picture, taking all things into account, our successes and our developments in many respects exceed theirs and/or equal it, and in only one field or one area of this thing are they recognized as being ahead, is that right?

Dr. GLENNAN. That is my statement, sir.

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Mr. JONAS. When, along that list, do you say you will have reached the point you are seeking with respect to thrust?

Mr. OSTERTAG. The timetable on the Saturn? Is that it?

Mr. JONAS. Why can't you skip some of those stages?

General OSTRANDER. Skip some of these?

Mr. JONAS. Yes, and start working on Saturn.

General OSTRANDER. Simply because these will come in earlier than the Saturn is available. There are many things we can do with a smaller payload capacity.

Mr. JONAS. You could not speed up Saturn by concentrating on it?

General OSTRANDER. No, sir. We have speeded up Saturn as much as we can right now.

Dr. DRYDEN. The problem is the one I mentioned. Of course, we already have the Delta. That was a decision made early in 1959. Those vehicles are just beginning to be delivered. They are the things we will be firing over the next year. The alternative is to sit by and do nothing until Saturn comes along.

Mr. JONAS. The work on these intermediate stages is not slowing up the work on Saturn?

Dr. DRYDEN. No. They enable us to do something now.

Mr. OSTERTAG. Their objectives are somewhat different?

Dr. DRYDEN. They carry smaller payloads.

Mr. OSTERTAG. What they seek to achieve is different?

General OSTRANDER. I would like to emphasize we are always going to need a sort of a fleet of trucks. In other words, it would not pay to use the Saturn for some experiment where we only needed to carry, say, 2,000 or 3,000 pounds.

Therefore, what we are trying to do is develop as a comparison, let us say, a half-ton truck, 2-ton truck, 2½-ton truck, and 5-ton truck.

Dr. GLENNAN. I would point out, I think, in this same area, the Vega was canceled so we would not duplicate another vehicle of essentially the same general capabilities and weightlifting and mission capability.

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STATEMENT OF DR. VON BRAUN ON THE SATURN PROGRAM

Mr. THOMAS. Dr. von Braun, tell us about your Saturn program. How are you getting along, what are your many headaches, and what are your hopes and aspirations?

Dr. VON BRAUN. We consider the Saturn project as a project of greatest national importance and urgency because we think it is our only bet to beat the Russians in the payload capability.

I think we have proven that in the payload area and also the capability of obtaining high speeds we are probably almost on a par with the Russians today; in fact, this transmitting equipment beats anything the Russians have even tried to do.

However, in the big rocket area, in the booster area, we are still definitely behind.

Our opinion is that the Saturn booster is at least twice as powerful as the most powerful booster the Russians have thus far employed. We do not know, of course, what they are developing.

* * * * *

Dr. VON BRAUN. Also liquid hydrogen.

In this connection I would like to make a general remark about how the Saturn is faring in general under the NASA administration.

Immediately after the Saturn project was transferred to NASA, Dr. Glennan appointed a special committee under the chairmanship of Dr. Silverstein to determine this upper stage configuration.

Up to then various competitive ideas had been kicked around, such as just the use of a standard Titan, perhaps with a Centaur top stage, but all this did not look attractive because there would have been a lot of new engineering involved. At the same time the performance was not satisfactory.

The Silverstein committee took up this job of determining the upper stages on the 17th of November, and on December 31, 1959, it came up with a final recommendation. The final recommendation is what you see here, with the C–1 and C–2 configurations.

Dr. DRYDEN. This was a committee with Defense membership. It was a joint committee of NASA and Defense to make this decision.

Dr. VON BRAUN. I also would like to point out that we were happy to be represented on that committee and we were very happy with the final recommendation. In fact, it was a unanimous choice.

On the other hand, we should point out this is a bold choice because liquid hydrogen is a brand new propellant and has a lot of characteristics we are not too familiar with, so it is a bold choice, but the payoff will be great.

* * * * *

Mr. YATES. May I ask you a question, Dr. von Braun?

ADEQUACY OF FUNDS REQUESTED FOR SATURN

You talk in terms of saving a year by an additional appropriation. Previous statements I had seen attributed to you had indicated we were several years behind the Russians in terms of engine capability. Will the amount of money that is being requested here help eradicate that lag in your judgment, or should we make more available? Will the provision of more money do it, or is this amount adequate for the job?

Dr. VON BRAUN. I do not believe that we could intelligently spend much more money on Saturn. At least we could do nothing but shall we say try parallel approaches and do this kind of thing that may buy us a little more assurance, but I do not think we could buy time with more money. And to answer your question of whether this is enough to catch up with the Russians, we have to know how fast the Russians are running, and this I do not know.

Mr. YATES. This is true, of course, but you had indicated we were years behind the Russians and while it is true, we do not know how fast the Russians are moving, presumably their rate of progress will be as great as it was in the past. Will our rate be speeded up sufficiently so that in time we can catch them?

Dr. VON BRAUN. Well, I think I cannot go much further than just to say I do not see any possibility of speeding up the Saturn beyond this 1 year, no matter how much money you would swamp on us. One could try a parallel approach and develop another booster and thereby playing it safe in case the Saturn should hit a major snag, but otherwise, I do not see——

Mr. YATES. I am sure your statements in the past made many people feel quite concerned about the gap that exists between the stage of our research and the Russian's. Are we doing enough to catch up, are we doing enough to overcome the lag? When you limit your answer to Saturn, does that cover your entire viewpoint? Do you have opinions as to what we should be doing in other activities than Saturn in order to make up the distance?

Dr. VON BRAUN. Saturn involves, of course, elements such as hydrogen upper stages where very considerable fundamental work must be done which cannot be speeded up beyond a certain pace. Beyond that, we hope to go to the nuclear stages, but here again we are confronted with problems where first, as Dr. Dryden pointed out, more knowledge must be acquired.

For example, the Plumbrook facility near Cleveland is to provide basic knowledge on reactors and problems like heat transfer in reactors, and so forth.

Mr. YATES. Can I safely say for the record that in your judgment the request that is being made here for the experiments to be undertaken is as much as we can do at the present time?

Dr. VON BRAUN. Yes, sir. I think by and large this is the case. I may add one little remark, though. I was a little frightened when I heard this morning that elimination of our engineering and office buildings for Huntsville is seriously under consideration.

I think if these construction projects at Huntsville would not be approved, this would really set us back.

Mr. THOMAS. Mr. Chairman, I yield 14 minutes to our distinguished colleague, the gentleman from Tennessee [Mr. EVINS].

Mr. EVINS. Mr. Chairman, this is one of the largest and one of the most important of the annual appropriation bills considered by the Congress. In this bill we are providing funds for services and activities which will influence and affect in one way or another almost every citizen in our Nation.

Included in this bill also are funds for agencies whose activities are vital for the very survival of our Nation.

Your subcommittee on independent agencies held hearings on this bill for some 2 months and the members have taken an additional month to study the testimony and to evaluate in detail the needs of these agencies for which funds are carried in this bill, which we are considering here today.

At the outset, I should like to say that the tremendous task of holding these extended hearings was handled most ably by our colleague and friend, the genial gentleman from Texas, Chairman ALBERT THOMAS. As always he has done a most outstanding job and rendered a great public service. There are some Members, as we all know, who are truly dedicated—dedicated to the public interest—and this country is better for the lives and services of such Members as ALBERT THOMAS.

That we have been able to scrutinize the activities and the proposals of these 18 great Government agencies in this rather brief period is a great tribute to the knowledge, tact, and leadership of our able colleague, AL THOMAS, who serves as chairman of the subcommittee. It has been a great pleasure to be associated with Chairman THOMAS and with all the members of our subcommittee—the gentleman from New York [Mr. OSTERTAG], the ranking minority member of the subcommittee, and all our colleagues—Congressmen SIDNEY YATES, EDWARD BOLAND, CHARLES JONAS, and JOHN RHODES.

This bill, as it comes to you today, represents the efforts of the committee to insure that the agencies concerned shall have sufficient funds to discharge their functions effectively and efficiently but without extravagance or unnecessary frills.

We all know that all agencies have a perhaps natural tendency to over estimate their needs and requirements. We have tried in our considerations of this bill to eliminate only those items which are not strictly vital or necessary or which can be postponed without any significant effect on the public interest.

This bill carries appropriations for 18 independent boards, bureaus, commissions, and agencies—including the Civil Service Commission, the Interstate Commerce Commission, Federal Trade Commission, the Securities and Exchange Commission—the FCC, FPC, the Veterans' Administration, the General Services Administration, the National Science Foundation, the Federal Aviation Agency, and the National Aeronautics and Space Administration.

We should remember that most of these agencies and specifically the regulatory agencies are not agencies of the executive branch but in a real sense agencies of the Congress.

The Congress established them in the first place and in a sense as deputies to administer in detail the functions of regulation which the Constitution places in the hands of the Congress. It is true that there has been a tendency during recent years for these agencies to stray away from this fundamental tie and in some instances even to disregard the intent of the law under which they operate.

But I am pleased to report that there has been a great improvement in most of the agencies in the past 2 or 3 years and certainly we have the responsibility

to encourage further improvement in the effectiveness of these agencies by giving them the means to discharge their responsibility to the Congress, to the Nation, and to all of the people.

The total appropriation recommendation carried in this bill is $8,146,167,400 for all agencies. This sum represents a cut or reduction of $270,729,600 carried in the budget, but an increase of $1,108,360,200 over the 1960 appropriations.

Mr. Chairman, time will not permit a detailed discussion of all items for each of the agencies and Commissions concerned. I do, however, wish to direct my remarks to the fund requests of three of the agencies coming before our subcommittee. These represent the biggest items—the largest amounts—carried in the bill.

NASA

The reductions recommended in this bill would have been considerably greater except for the fact that the National Aeronautics and Space Administration is receiving an increase of a large order—about 75 percent. This is a very large increase—the largest I believe for any agency of our Government.

In a real sense this increase represents the price we are paying today for being penny wise and dollar foolish a few years ago. It is the price we are paying for our complacency, for our failure to rise to the challenge of the space age in our traditional American way, and for our slowness in recognizing the tremendous progress and capabilities of Soviet Russia in this the space, missile, and rocket age—in this vital field.

There are those who still do not seem to see any urgency in this matter. I am sorry that all of our colleagues were not privileged to hear the testimony of Dr. Keith Glennan, NASA Administrator, and the scientists who are carrying on the work of this most important Agency.

Apparently, the Budget Bureau does not appear to appreciate fully the importance and vital necessity of accelerated progress in this field. It has been very gratifying to note that the scientists who are in charge of this program have a full awareness of the importance to our prestige and even survival as a nation in the work they are doing.

They are dedicated men and although they are undoubtedly handicapped by the lack of enthusiasm in high places for their mission, I feel personally that we have entrusted this work in capable hands and that if we will provide them with the means to do their job as they want to do it, we can have reason to be confident that our deficiencies will be corrected and the advantage that Soviet Russia may enjoy at present will be erased.

Let me point out that part of the increase in funds is not an increase but a transfer. As we know, during the past year, the brilliant team of scientists headed by Dr. von Braun—formerly with the Army and stationed at Redstone Arsenal in Alabama—has been transferred to NASA.

The facilities and personnel at Redstone have been transferred to this Agency.

In the past, funds for Redstone have been carried in the defense budget. Now we are transferring those funds to NASA. Thus, we have an increase in this bill of some $60 million for salaries and expenses. The largest part of this represents the salaries and expenses for the Redstone group who are working on the Saturn and other space vehicles.

In this bill we are allocating some $125 million for construction. Of this, about $25 million is for equipment and the balance for lands and structures.

The construction program involves additions of various facilities at the various present installations of NASA.

The largest construction expenditures are for the Jet Propulsion Laboratory in Pasadena, the Huntsville, Ala., facility, and the Cape Canaveral facility in Florida, each accounting for about $25 million.

With very few exceptions the facilities are actual operational facilities and research facilities. There are a few, but very few, items calling for building or adding to already existing administrative buildings.

Our subcommittee has carefully gone over the construction proposals and has approved those which are directly concerned with the mission of this Agency and reduced or eliminated those which would merely add to administrative costs and overhead.

We recognize that a vast program such as this needs efficient administration and certainly we desire to provide the means for efficient administration. But where we have to make a choice between funds for operational activities and funds for administrative activities, we have favored the operational activities.

By far the largest part of the funds in the NASA budget is for actual research and development—a total of $621,453,000—as compared with $320 million last year and $171 million in 1959.

This is the part of the budget that is specifically directed at the heart of the mission of NASA. These funds are distributed over a number of programs—$85 million for scientific investigations in space which covers the scientific satellites, the lunar and planetary explorations, such as the recent Pioneer V; $25 million for studying and developing practical applications of satellites, such as the use of satellites for communications, weather forecasting, etc.

The sum of $100 million is earmarked for the project of sending man into space—the Mercury project; about $80 million for developing better methods of propulsion in space; and about $200 million for the development of actual space vehicles. Of this last amount, $130 million is earmarked for the Saturn project under the Von Braun group to develop a vehicle capable of carrying large payloads into space.

Although this is a large budget, it represents expenditures that we cannot fail to make if we are to excel in this field and have the interest of our Nation at heart.

We Americans are not accustomed to being second best at anything, and certainly we cannot tolerate being second best in this vital field which may well be crucial in the next century.

History shows that it is those nations which pioneer in opening and developing new frontiers which progress and grow in stature and importance. Always it has been those nations who have dared to leave their own present boundaries and venture into the unknown who have become great. This was true of the Assyrians, the Phoenicians, the Greeks, the Romans in ancient times. In modern times it was the Spanish, the Portuguese, and the British who were not afraid to venture into the unknown world who established empires and wrote history. In recent times we Americans have added to history and progress. Americans have always been pioneers in spirit—and courageous. Today we see a new nation, Soviet Russia, taking the lessons of history to heart, while we have had a tendency to stay home and enjoy the comforts of easy living.

Personally, I feel that we Americans have not lost our adventurous and pioneering spirit. I feel that most Americans want to be bold and imaginative and to explore the new frontiers and to contribute to history. They merely want direction and leadership.

Here we are supplying the foundation for a resurgence of the American pioneer spirit. The price may seem high to some today, but it will be very small to our posterity if it preserves and adds to our stature as a nation.

THE NATIONAL SCIENCE FOUNDATION

Closely related in many respects is the work of the National Science Foundation which is also vital to our future and which is also adventurous and pioneering thought in a different area. Pure science is the basic tool of modern progress.

The sputniks and the general public concern has accelerated the work of the National Science Foundation. Its work is most important. Time was when scientific laws lasted centuries. Today we know they may not last a decade. Just in the past 2 or 3 years, for example, our whole concept of the universe and the basic processes of the universe have had to be modified by the things we have discovered through the penetration of space by satellites. Today we are nearer to the solution of some of the great basic secrets of existence and of life than we ever imagined a few years ago.

Furthermore, the effect that scientific discoveries have on our future is very much more immediate and ominous today than ever in history. I need only cite the terrifying way in which the scientific discovery of how to split and create atoms has affected our recent history and indeed distribution of political power among the nations.

When first announced some 20 years ago the basic discoveries of Fermi and others seemed significant only to a few physicists. They have led, however, to the development of atom and hydrogen bombs—to atomic power. Today they are of frightening significance to every man, woman, and child in the entire world.

It is, therefore, vitally necessary that, as a nation, we encourage and stimulate

the greatest possible progress in basic scientific research. The National Science Foundation has been entrusted with this important mission. It is also important in this age when scientists can determine the future of nations that we produce an adequate supply of able and brilliant scientists. This function too has been entrusted to the National Science Foundation.

The budget for the Foundation is also larger this year than last—$190 million against roughly $160 million last year. Slightly more than half of these funds are for the primary mission—that of supporting science through grants and contracts for scientific research, largely at universities and other nonprofit basic research facilities.

This portion of the budget also includes funds for disseminating and exchanging scientific information. Every type of scientific research is supported and the funds are distributed about 50 percent in mathematical, physical, and engineering research; about 35 percent in biological and medical research; about 5 percent in social science research, and the balance in such special fields of importance as Antarctic research, research into the possibilities of modifying weather, and so forth. Even though the funds provided for this research are sizable we are told that they will enable the taking care of only about one-third of the proposals received. And though we have increased our support of science in the past few years many important scientific investigations still have been curtailed, delayed, or dropped because funds are not available.

One of the most interesting of the programs that is being supported is the problem of the fundamental nature of living things. The programs of the Foundation in the past are already producing significant clues to this great secret of life. We are getting closer to understanding and even to duplicating the processes by which living matter is produced through physical and chemical action.

Another basic program is concerned with a study of behavior of the fundamental particles of which the universe is made—the atoms. Through these extremely basic studies we have already had highly practical applications. I mention the atom bomb, and nuclear power. More recently we have read of the possibilities of producing electricity directly from chemical and physical behavior of gas plasmas which give promise of entirely new motors for space, and air propulsion and even for automobiles.

Besides research, another important function of the Foundation is that of supporting the education of scientists. This program is becoming stabilized.

There is only a slight increase in funds for this purpose this year over last year. The largest portion of the funds goes to two activities—20 percent for fellowships to promising students and scientists and 50 percent for institutes at which teachers of science learn to become more effective teachers. These science institutes or seminars take place all over the country and nearly every teacher of science is having an opportunity to participate in them.

These programs—research and support of science through grants of scholarships and fellowships—is most important today. There is evidence that the program of the NSF has resulted in strengthening our position in science and greatly improved the quality of scientists and scientific teaching. Money spent today on these programs will bring dividends in the future.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. EVINS. I yield to my friend.

Mr. RHODES of Arizona. I wonder if the distinguished gentleman, who is making a fine statement, would agree with me that perhaps the reason the Russians got ahead of us as far as thrust is concerned was the fact that they had not mastered the art of miniaturization as far as the bomb was concerned to the extent that we had and, therefore, needed a larger thrust to carry a bomb; whereas we, having mastered the art of miniaturization, have now used that art to equalize the gap between the Russians and ourselves as far as capabilities and thrust are concerned? In other words, we have by miniaturization been able to put satellites out into space which have done a better and more thorough job than those of the Russians.

Mr. EVINS. I would state to my friend that we were delayed by certain developments, but we are going ahead now and making greater progress in the field of thrust. That is the area in which we are directing our efforts at this time and this is the area in which we are behind. Here is where the gap exists.

Mr. RHODES of Arizona. That was a point I wanted to make. However, we have been able to achieve capabilities which minimize the disadvantage between the Russians and ourselves as far as thrust is concerned.

Mr. EVINS. I thank my friend from Arizona.

The third interest to which I wish to address my remarks is the Veterans' Administration.

Mr. Chairman, the Veterans' Administration accounts for by far the largest single item in this bill—more than $5 billion. The committee is recommending an appropriation of $5,397,291,000 for all the VA programs in 1961. This is an increase of $280,358,000 over last year. This program is important, first, because it affects about one-third of the families of our Nation in one way or another, and, secondly, because through it we are living up to the pledges we made to those who have fought for our country that we would minimize the sacrifice which they had to make to defend their country.

Again this year the VA budget shows an increase over last year. Most of this increase is the automatic increase which comes about because as our veterans grow older more of them become eligible for the benefits provided by the world's finest veterans' program.

One large increase has been made necessary by the terms of the revised non-service-connected pension law we passed last year. As a matter of fact, we have an increase of nearly a half billion dollars for compensation and pensions. On the other hand, we have a continued decrease in the readjustment benefits provided by the GI Bill of Rights and similar legislation. This is coming about because most veterans are exhausting their benefits under this provision. Two years ago the readjustment benefits cost some $700 million, last year they went down to about $580 million, and this year they are expected to go down to a little over $400 million. In other words, this reduction in the budget does not reflect any reduction in the services to which our veterans are entitled.

The lower cost simply is because most veterans have already used up their benefits in this area.

We are recommending an increase in the medical budget for both inpatient and outpatient care. The demands of veterans for medical care are increasing and I am sorry to say that the waiting lists are not being diminished but on the contrary they are increasing.

Sooner or later we must face up to this situation and if we need more medical facilities we will, in my view, have to provide them.

Meanwhile, the hospital construction program is continuing. The committee is recommending approximately $40 million for hospital construction which is $7½ million more than last year. The construction program, so long delayed and slowed down, is progressing. I imagine it would progress more rapidly if the Budget Bureau had the same high sense of obligation to the veterans as the Administrator of our veterans program—Administrator Sumner G. Whittier.

We of the committee all agree that he is one of the most able and finest of our several VA Administrators.

We are getting along today at a faster rate on construction and our veterans can look forward to better and more modern hospital facilities in the coming years. This is essential if the growing waiting lists for admission are to be reduced.

We are recording funds also for modernization of present VA hospitals. The bill carries $20 million for this purpose. It is to be hoped that the Budget Bureau will not further delay improved hospital facilities by delaying the expenditures of the funds that we vote for this purpose today.

The bill carries some slight reductions in administrative costs in the overhead and administrative funds, and not in the important services directly to veterans.

This bill provides for increases and improvements in both services and benefits for our veterans and will in no sense reduce the effectiveness of this great agency serving our Nation's veterans.

I have discussed briefly only three of the important items in this bill.

I should like to add that our committee has scrutinized the budget and fund requests of all the agencies involved carefully, and with the desire to bring about the best balance between maintaining the efficiency of these agencies

and the pressing need where we can to economize.

This bill will insure both objectives—that those agencies can perform their functions and services effectively and with lowest cost in the public interest. I urge the passage of the bill as recommended by the committee.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. EVINS. I yield to the gentleman from North Carolina.

Mr. JONAS. The gentleman from Illinois [Mr. YATES] made some rather critical comments about the Federal Power Commission in the gas rate field. I notice on page 206, volume 1, of the hearings, the gentleman from Tennessee, who is now speaking, questioned Mr. Kallina and Mr. Kuykendall about that. I will ask the gentleman if he did not elicit the following information concerning suspensions and rate increases.

On page 206 in response to a question Mr. Kallina stated:

> There is a figure here on independent producers. On independent producers during the calendar year 1959 the Commission allowed 33 tax (rate) increases amounting to $182,000, and the Commission allowed 806 other rate increases without suspension amounting to $5,430,000, so the total allowed by the Commission during calendar year 1959 was 839 increases aggregating $5,612,000.

On page 207, in response to another question, it was stated at the time those rates increases were being allowed, the Commission suspended 1,265 cases aggregating $69.5 million, and in 1958 the Commission suspended 1,064 cases aggregating $37,612,000.

Then the gentleman from Tennessee said:

> That is both sides of the coin and that is a good picture. One year you suspended an amount of $69 million and the next year $37 million as compared to the $5 million and $7 million of increases.

Mr. EVINS. I do not have before me at the moment the volume referred to by the gentleman, but I do recall the testimony. There have been some gas rate increases and there certainly have been some rate increase suspensions.

Mr. JONAS. We went into the matter with the officials of the Federal Power Commission and the record indicated that they had suspended a considerable amount of rate increases requested far exceeding the amount of rate increases they approved.

Mr. EVINS. The gentleman is correct, as I remember the testimony.

Mr. OSTERTAG. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Chairman, I should like to comment briefly on the appropriation which I hoped would be in this bill for administrative and personnel expenses of the Civil Defense Administration, which has been a bone of contention for several years. Just to recapitulate for a moment, 2 years ago the Durham bill was passed declaring that the civil defense of the United States is a matter of joint Federal, State, and local responsibility. That act authorized Federal contributions on a 50–50 matching basis for administrative and personnel expenses. Many of us regret that it was impossible in previous years to get the funds thus authorized into this appropriation bill. Each year they were put in by the Senate but resisted in conference by the House conferees, following, I must add, the mandate of the House.

I was pleased when I read in the CONGRESSIONAL RECORD of April 7 that Senator HAYDEN, chairman of the Senate Appropriations Committee, said—and this was during the discussion in the Senate of the second supplemental appropriation bill—that an informal agreement had been reached with the House conferees that it would be better to handle this in the regular appropriation bill, and that something like $3 million would probably be in the regular appropriation bill which is before us today. I was disappointed to find that no such amount is provided in this bill. I trust that the Senate will again insert these funds and that this time the House conferees will accept that amendment.

The main reason is very simple, Mr. Chairman. It seems incredible that we will spend $40 billion to build powerful weapons to try to win a war by killing our enemies, and refuse to spend even a few million dollars to try to win a war by saving the lives of our own people. We can be defeated, or we can encourage war against us by being weak in either of two ways: If an enemy knows that we do not have adequate weapons to strike back decisively, or that we do not have means to protect the lives of our citizens. If we do not have adequate weapons, the enemy can say, "You surrender, or else. Our weapons are superior."

We have weapons that I believe will deter such an ultimatum or attack. But, an enemy can blackmail us in another way. If they know we are not prepared to keep our own people alive in an atomic attack, they can also say, "You surrender or we can destroy your people with our present weapons." If we do not have better preparation of our own people to do what is necessary to save their lives in an atomic attack, then it will be mighty hard to resist such cruel blackmail. I think we ought to have the civil defense funds in this bill to carry out the policy of Congress voted some years ago.

Mr. OSTERTAG. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. FORD].

Mr. FORD. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD. Mr. Chairman, the appropriations bill which contains funds for the National Aeronautics and Space Administration raises serious questions of public policy and national goals. It calls for cuts of almost $39 million below the administration request and the authorization act passed by this House. There will be those who contend that this is a relatively small percentage reduction, but such an interpretation is not an adequate analysis of what is happening.

The United States is a late entrant in the major race for the exploration of space in which the Soviet Union has done so well in certain respects. As of now the Soviet Union is ahead in thrust, or propulsion systems. Our country has the talent and the resources to do equally well provided it makes the decision to do so, and applies itself to this end. At stake is our scientific prestige, our technological progress, and our national defense. I know that some people do not like to characterize this competition as a race, but no one familiar with the details of the space programs looks upon them as anything other than very serious. The amount of money being provided should be a pretty fair indication that even those who have trimmed the program view it as a serious affair.

Since the United States has resolved to compete in this area, and I strongly feel we should compete, and everyone agrees we are up against a formidable rival with a headstart, it seems to me that the next point of logic would be to do what is necessary to win this competition. I have not been altogether sure that the NASA budget as authorized was completely adequate to that end. I recognize that those responsible did their best to balance our needs in the area of space with all the other competing programs Government wants to finance. It was a well-thought out, carefully programed plan, conservative in many respects, and certainly finely cut to allow almost no leeway for mischances on the launching pads or the perils of the budget ax.

Some people argue that any agency can squeeze an extra 5 percent of efficiency out of funds which are provided and therefore that a cut of that size or less can be absorbed without harm. I do not believe that in practice this is so in an area or program where time is of the essence. The top personnel of NASA already are bearing down hard to get the most efficient operation that is practical, and have had to trim their budget request well below what many division heads and individual engineers and scientists think they need. Further, the appropriations act and the legislative history of this bill restrict how funds can be reallocated among uses. I do not doubt the care and the sincerity of the appropriations subcommittee in reviewing this bill. But I do wonder whether they are wise to substitute their judgments for those of NASA who carry the responsibility for performance of the work to put us into the lead in the space sciences. I point also to the careful consideration given the authorization bill by the Science and Astronautics Committee. I am not one who has favored the annual requirement of a detailed prior authorization of all funds before an appropriation is made. But inasmuch as we are operating under such laws at the present time, I think we should avail ourselves of the hard work and the judgments made by the authorizing committee. They give time the year around to detailed study of the space program, and recommended approval of the full amount requested by the administration.

As I review the individual items of the budget which have been cut, I am mystified. The cuts on weather and communications satellites are in the area of applications which offer us the hope of an early payoff to our investments. Our work to put man into space is one of the most competitive with the Soviet Union and where we still have a small chance of being first. Nor can I find any justification for unbalancing other programs which were carefully conceived as an integrated whole. The largest personnel cuts recommended in the budget are in the Goddard Space Center which is supposed to analyze the data returned from outer space. Unless we study the results of the experiments, some of them lose much of their value. One of the most serious weaknesses in our space program has been in tracking facilities, and yet this is another area where cuts have been made.

I can only hope that the commendable zeal of my colleagues to keep the budget in balance for the sake of all of us who pay taxes can be tempered by the overriding and compelling circumstances which surround our space program. The cuts are not large in the total budget, but they can cost us months of delay in programs which will spell the difference between leadership in this field and following second best.

In conclusion, I must say the reductions are unwarranted. I am opposed to them. I trust the other body will correct the deficiency and in the final version NASA will receive the necessary funds.

Mr. OSTERTAG. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, I have asked for this time to address a question to the distinguished chairman of the committee. I understand that in this bill there are administrative costs for various agencies of Government, such as the Federal Communications Commission, the Federal Power Commission, the Interstate Commerce Commission, and so forth. Now, my question is this: Do we recover any of these costs in service fees to various organizations that do business with these agencies?

Mr. THOMAS. The answer is "Yes." In my humble judgment, we ought to recover more.

Mr. PELLY. I agree with the chairman, and I am glad to hear that we do often recover costs.

Mr. OSTERTAG. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL. Mr. Chairman, as many of my colleagues know, the Veterans' Administration has requested funds to build a new veterans hospital to replace the antique on Wisconsin Avenue which presently serves as a hospital for veterans of this area. I feel that this project is of utmost urgency, not only to fill a need of the Washington area, but also as a necessary part of the health plant of a growing nation.

We pride ourselves on being a healthy country. We like to think that the level of well-being attained by medical science in this country is matched nowhere in the world. We view with great optimism the increase in man's lifespan over half a century from 49 years in 1900 to 70 years today.

But these gains were not spontaneous or automatic. They were made possible by the tireless efforts and cooperation of many groups: research scientists, physicians, nurses, hospital workers, industries, government, and groups of citizens throughout the country. In many cases the advances have been costly. But I think most of us agree that we would not turn back the clock for any amount of saving. We want to continue our exceptional progress toward better health.

The veterans hospital which services the Nation's Capital is 50 years old. Veterans of this area are receiving treatment in facilities of the era of the model T.

This hospital has an authorized capacity of 335 beds. These beds have been obtained at the expense of serious overcrowding and substandard physical facilities. The rather obsolete buildings, which were designed as a girls' school, are not and cannot be made acceptable for hospital purposes. Their use for such purpose make the operational aspect of this hospital most cumbersome as well as expensive from a management standpoint in the utilization of personnel. At this time, due to the age of the buildings, the hospital is definitely a maintenance problem with an ever-increasing operating cost. Moreover, a fire of any proportions could very well result in a major catastrophe, as the doors to rooms occupied by patients are too narrow to permit horizontal evacuation by rolling beds.

Some of the nursing units at this hospital are spread over two and three floor levels and are not readily accessible to an elevator. This factor alone is responsible to a great extent for the high rate of turnover in experienced personnel.

The above facts, together with the increased demand for beds in this area, definitely dictate the need for a modern as well as a larger capacity G.M. & S. hospital in the Washington area to provide care and treatment for the veterans who reside in the District of Columbia and nearby Maryland and Virginia.

The present beds at Mount Alto are insufficient in number to adequately meet the needs of the very large veteran population in the Washington area and to support the diagnostic and special treatment services established at that hospital. Since these beds are usually filled with acute-type patients, it is necessary to continually refer the longer term cases to VA hospitals located in one of the surrounding States. The increase in bed requirements has been generated by intensified demand for a considerably larger VA hospital in the Washington area. Since there is not sufficient satisfactory construction at any one point of Mount Alto to provide a nucleus from which to begin a remodeling and addition operation the obvious solution to the VA hospital requirements in this area is through new construction on an alternate site.

The efforts to get a modern veterans' hospital for the Washington area has been a long and frustrating one.

Resolution No. 190 of the Federal Board of Hospitalization approved by the President on October 16, 1945, included a 750-bed general medical and surgical hospital. The site was selected on the Nevius tract in Virginia and funds in the amount of $9,403,800 approved by the Bureau of the Budget on August 12, 1946. The estimate for the 1947 program was $13,794,000 for this hospital at the same location. There was no estimate for 1948.

The site was changed from the Nevius tract in Virginia to the Old Soldiers' Home, Washington, D.C., during 1948. An item was included for this hospital in the 1949 budget through the 1954 budget. In 1954 the scope of the project was reduced from the 750-bed hospital and facilities for the regional office medical activities located in the VA regional office were included as part of the overall project. The purpose of this was to provide clinical facilities for the hospital and the regional office medical activities so that both the hospital and regional office could be served by common facilities. The estimated cost of this project was $18,001,000.

An estimate dated June 18, 1953, for a 500-bed hospital on a 750-bed chassis with bomb protection, special air conditioning, and regional office clinical building, totaled $18,840,000. There was included an item in the 1956 submission to the Bureau of the Budget for a 500-bed hospital on the Soldiers' Home site, which made no provision for a consolidated regional office medical clinic.

On April 26, 1956, the site board report recommended the acquisition of approximately 20 acres on the southeasterly outskirts of the county of Montgomery, Md. It was estimated that the site would cost approximately $100,000. In May 1957, the Administrator of Veterans' Affairs determined that the proposed replacement for the Mount Alto VA hospital would be erected on the Soldiers' Home grounds in Washington rather than in neighboring Montgomery County, Md.

Presidential authorization to add 200 psychiatric beds to the new Washington, D.C., VA hospital was given in a letter dated June 3, 1959. The addition of 200 psychiatric beds required a complete revision to include necessary facilities for these patients. Approval was given with the understanding that the present bed allotment at St. Elizabeths Hospital, Washington, D.C., would be reduced by a like number.

Revision in requirements was undertaken in May 1959. The revised requirements were completed and forwarded to the Bureau of the Budget on August 19, 1959.

The project for construction of a VA hospital on the Nevius site in Virginia called for 750 beds. The Presidential directive of December 19, 1952, authorized a reduction to a 500-bed hospital on a 500-bed chassis with provision for outpatient clinic facilities in the hospital. In the 1954 budget, an estimate was submitted for a 500-bed hospital on a

750 chassis at a projected cost of $16,450,000. A clinical building was included in this plan at a cost of $2,390,000 for a total of $18,840,000. As of February 1960 the total project cost for the 700-bed VA hospital to be located on the site of the Soldiers' Home, Washington, D.C., was estimated to be approximately $21 million.

The net result of this bewildering history is that we are just where we started; we still have an old converted girls school, now some 15 years older, as a hospital for our veterans with a bed capacity far below the minimum needs for the area.

The new hospital as proposed will be 700 beds which will include provision for tuberculous, neuropsychiatric, and general medical and surgical patients. The appropriation requested is $19,760,000.

This new hospital will be designed to serve as a research and testing hospital for many new items of supply and equipment constantly being developed. It will serve also as an administrative research and training hospital with requisite classrooms, recreational halls, and other desirable teaching facilities. There are not presently in any VA hospital suitable facilities for this significant function in the field of progressive hospital administration. The new Washington VA hospital should provide Central Office officials a laboratory wherein they may observe and supervise administrative research and training for the benefit of the VA hospital system as a whole.

The new hospital will be used to provide for the care of acute psychiatric patients. Those veterans with chronic, long-term psychiatric disabilities will be cared for in other VA hospitals within reasonable proximity to the veteran's place of residence. The VA is committed to reduce on a staged basis its allocation of beds at St. Elizabeths Hospital. Furthermore, by reason of modernization, facilities for the care of psychiatric patients at the VA Hospital, Perry Point, Md., will be curtailed to some extent. These facts emphasize the necessity and desirability for proceeding with the construction of the replacement hospital on the site of the Soldiers' Home, Washington, D.C. Activation of the new hospital will permit the VA to eliminate its present bed allocations at the Walter Reed Army Hospital and the Naval Hospital at Bethesda.

Mr. Chairman, lack of action by Congress in the past has prevented building of an adequate veterans' hospital in this area with a consequent cost in suffering to those who already have suffered too much. The appropriation requested is $19,760,000. We cannot afford to quibble over so small a sum to provide adequate medical facilities for the veterans of the Washington area. The price society pays for ill health is always many times the amount needed for sound preventive medicine and good medical care.

It is my great hope that funds will be made available for this hospital and that construction will be started without delay. Mount Alto hospital has seen its better days and I am certain that the entire community will welcome the improvement in hospital facilities for District veterans.

Mr. Chairman, in summary, let me say I was very much surprised and, of course, disappointed, to learn that the Committee on Appropriations had deleted a portion of the request made by the Bureau of the Budget in the amount of $19,760,000 for the construction of a 700-bed Veterans' Administration Hospital here in Washington on the Soldiers' Home grounds. This hospital had been authorized for the past 15 years. There has been a great deal of planning work on that program. Congress appropriated over $3 million toward the planning. As recently as 1957 it appropriated $1,100,000 for the drawing of plans and specifications. We should not delay this much-needed project any longer. The existing facility for the veterans of the Washington, D.C., area was formerly constructed as a girls' school back in 1901. It is obsolete and totally inadequate for the proper operation of a veterans' hospital. It is inadequate so far as the type of facilities that we have there and inadequate in the size of facilities. We only have 335 beds out there. We are having to use beds at Walter Reed, at Bethesda Hospital, St. Elizabeths Hospital, and sending veterans hundreds of miles around for treatment.

Mr. Chairman, I propose when the bill is read for amendment to offer an amendment in an effort to have that amount restored. At that time I hope to discuss the problems of this inadequate facility a little more in detail but for the time being I would like to refer to an editorial that appeared in one of our Washington newspapers recently which pretty well summarizes this particular problem. The editorial is headed "Time for a VA Hospital," and it reads:

TIME FOR A VA HOSPITAL

The House Appropriations Committee has turned up the lamest excuse yet for not approving construction funds for a new Veterans' Administration hospital for this area, a project that has had Presidential and congressional approval for years. Facilities are available, the committee said, "in all surrounding directions."

Well, there is a VA tuberculosis hospital 38 miles away in Baltimore, with a long waiting list. There is a facility at Fort Howard, Md., 53 miles distant, with a long waiting list. There is one in Richmond, Va., 107 miles from here, with a long waiting list. In Washington, there is Mount Alto Hospital, built half a century ago as a girls' school and branded for years as outmoded, inadequate, and dangerous. Moreover, Mount Alto, as a diagnostic center, serves patients from other parts of the country.

As far as we know, there is no other metropolitan area of comparable size in the entire country that is so lacking in proper hospital facilities for its veterans. States with political influence are well provided for. Washington, with no political voice, has been scandalously neglected. But political influence—or the lack of it—ought not to be a factor; need alone should determine where VA facilities are placed, and the need here is evident.

For several years, the proposal for a new VA hospital here foundered on the question of a site; changing defense concepts first dictated a location outside the city, then allowed reinstatement of the original plan to build on the Soldiers' Home grounds. The site is still available, together with planning funds voted in 1957. The House today may have a chance to approve the $20 million needed for construction. It is time to face up to this long-neglected obligation.

I have here in my hands copies of letters from the American Legion and Veterans of Foreign Wars. I know that other Members have received similar communications in which they express their very strong concern over the fact that these funds were taken out of the bill and urge that the House consider favorably reinstating the funds.

During the hearings, the distinguished chairman of the subcommittee, the gentleman from Texas [Mr. THOMAS], stated that we should not appropriate this money now because money is tight, interest is tight, and further expenditures would increase the inflationary spiral.

I do not object to that statement categorically. I think that is an excellent yardstick that should apply to every action taken by this Congress, certainly every action taken in this bill, but I think it should be applied uniformly and not applied to certain projects, because I think that would be discriminatory and unfair.

Mr. THOMAS. Mr. Chairman, I yield 4 minutes to the gentleman from Connecticut [Mr. DADDARIO].

Mr. DADDARIO. Mr. Chairman, little more than a month ago I was fortunate to participate in the second anniversary celebration of the launching of the Nation's first successful Vanguard experiment. At the dinner, some remarks were made by Dr. Milton P. Rosen regarding the future of space exploration that are pertinent to our discussion today.

When I looked over the report of the Appropriations Committee I was forcibly reminded of these words. Dr. Rosen believes that the launching of man in space will accelerate our interest and our achievements in this great scientific venture that has been entrusted to this country. It seems to me a clear lesson exists for all of us in the emphasis we place on Project Mercury.

I have listened to some people who have doubts about this program. I have seen learned papers which question its significance. Yet I am convinced we are on the threshold of a great achievement, and we cannot falter. I do not rest my case on that most facile of arguments, that we are in a great contest which we must win. I would rather argue it on the merits, that we have found a way to penetrate a great unknown, that we stand to gain much in knowledge and practical understanding if we can accomplish space travel, and that we must, therefore, accord it the highest priority.

We cannot just pay lip service to such a goal. We must be prepared to make whatever financial sacrifices are necessary to do what has to be done to achieve our purpose. My committee, under the chairmanship of the distinguished gentleman from Louisiana, has made exhaustive studies of the requirements and difficulties of Project Mercury. We

know it can be done. We must support it. I would hope that Congress will fully fund this effort. It seems to me that these words of Dr. Rosen explain in great part why so much depends on this:

REMARKS BY DR. MILTON P. ROSEN

I would like to suggest that the future will be considerably different than what we would expect from a normal extrapolation of what we are doing today.

I think the significant factor is going to be something that will happen within the next 1 or 2 years, the placing in orbit and safe return of a man. It seems to me that this will entirely change the complexion of space flight. It think that almost overnight the emphasis will change from instrumented to manned flight, much as Lindbergh's flight across the Atlantic had a tremendous influence upon aviation. Not tens but hundreds of men will be sent into orbit to acclimate them to the conditions of this new and alien environment.

When they have learned to exist there for a few days, or possibly weeks, we will send men to the moon. First one or two and then larger numbers. I foresee a considerable traffic between the earth and the moon consisting of small parties of explorers, some of whom may stay there for a few months, perhaps a year. I would view the activity as resembling to some extent the activities in the Antarctic during the IGY.

Now I think the moon should not be viewed as a future military base, nor as a vacation land. These two prospects I believe are equally fanciful. The polar regions were discovered 50 years ago and have yet to be primarily used for these purposes.

When we have accustomed men to live in space for months and years, we will undoubtedly send men to the nearer planets—Mars and Venus. Now it may well be asked why we should devote the tremendous energy that it will take, the tremendous amount of funds, to this sort of activity. Certainly there are other worthwhile things we could do—medical research, a cure for cancer, better education, more and more schools, perhaps aid to the underdeveloped countries of Africa, Asia, and South America. All of these are worthwhile purposes, and I for one would support any of them.

But the question keeps arising, Why go to Mars when there is so much to be done here on earth? And I think the answer is something like this: It is not enough that we should be healthy, prosperous, and educated; it is not enough unless we use these gifts to serve purposes beyond our personal comfort and prosperity. Aims that expand the scope of man's activity and knowledge—aims that give purpose to life. Man does not live by bread alone.

Those are the words of Dr. Rosen.

Two other points disturb me about the bill before us today. One is the cut in appropriations for salaries and in the number of positions available to NASA. I do not say that the plans of NASA should be endorsed without question. I myself have certain doubts about future plans of the agency. But I believe that in the formative stage we must take special pains to see that the agency is equipped to do its job.

By that, I mean it must be empowered to seek out, attract, hire and hold qualified personnel to direct and supervise its program. Let no one have any doubts about the importance of this space program to the future of our country. We have, in the past, reported on this floor to the Members about the possibilities in communications, navigation, meteorology and other fields. Some of these have since been tested by the satellites which today whirl about the globe. They offer tremendous savings and improvements in our way of life. We must insure that the direction of this program is entrusted to good men. We must insure that NASA has the ability to recruit them.

The second point concerns both NASA and the National Science Foundation. This Nation's future depends in part on the vigor and imagination of its program in research and development. I would stress in particular the basic research we need. Yet in the budget items for both the NASA and the Science Foundation, there is less than wholehearted support to meet these needs.

Testimony before our committee has emphasized that the level of basic research in this country has been falling until we are scraping the bottom of the barrel for ideas. Maj. Gen. August Schomburg of Redstone Arsenal told us:

There has been a frantic using up of our knowledge in the crash development of missiles in the past 10 years. During the same 10 years the competition for funds for missile development has crowded supporting research out of our budgets. So we have virtually exhausted our reservoir of knowledge. We must replenish it or yield our ascendancy—and eventually yield even our equality in the missile race.

These are the questions that disturb me as I ponder the effects of this bill that is before us. Our committee has been entrusted by this House with studying the programs of the Government for science and astronautics, and determining if they are adequate. We know that on the Nation's ability to develop its technology and to make use of it may well depend our future—not only our security, but the jobs and economy of the future. We insist on a progressive and energetic program. We must see that it is given the legislative support it requires.

Mr. OSTERTAG. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I take this time to ask a few questions of the gentleman from Texas, the chairman of the committee. Do I understand there is $4,760,000 in this bill to continue a subsidy to three helicopter operators?

Mr. THOMAS. That is correct. There is about $4,700,000—that is the figure the gentleman used, I believe.

Mr. GROSS. About $4,760,000. Is there any justification for this? In other words, on what basis do we appropriate $4,760,000?

Mr. THOMAS. That is for New York, Chicago, and Los Angeles, and it is purely an experimental matter.

Mr. GROSS. Experimental in what way—just for hauling passengers?

Mr. THOMAS. For hauling passengers and carrying the mail.

Mr. GROSS. Well, we certainly do not need it experimentally insofar as the actual operation of helicopters is concerned. Only yesterday a helicopter landed near the Washington, D.C., ball park and picked up the President after he had attended the ball game and flew him to his jet plane out at Andrews Field, and from there he went back to his golf at Augusta, Ga. So we certainly do not need to spend this kind of money to demonstrate the feasibility of the use of helicopters.

Now I would like to ask the gentleman if the three buildings provided in this bill, at a cost of some $65 million for the District of Columbia, are authorized by the proper legislative committee.

Mr. THOMAS. May I say to my distinguished colleague that our able, genial, and delightful friend, the gentleman from Alabama [Mr. JONES], who is chairman of the Committee on Public Works, handles this. Our offices are across the hall, and the first thing in the morning we discuss these projects, and in the middle of the day we discuss them, and then, late in the afternoon when we both get back to our offices at 5 o'clock we discuss them.

Mr. GROSS. I would appreciate if the gentleman would make the description of his social and business activities as brief as possible since my time is limited.

Mr. THOMAS. Frankly, I do not know. There is no disagreement. The law is such that not the Congress but the legislative committee of the House must concur exactly with the legislative committee of the other body, and I think strictly, to give the gentleman an honest, frank, and complete answer—I think the answer is "No"; they are not authorized.

Mr. GROSS. The gentleman has $250,000 in this bill for presidential pensions. That is something that has been dear to my heart for a long time. The gentleman will remember, I opposed the presidential pension bill. I wonder if all the attention that was given to this appropriation is to be found on pages 266 and 267 of the hearings. Were any questions asked on this?

Mr. THOMAS. May I say to our distinguished friend that he knows and I know what is involved in this matter. The budget estimate was submitted to us. We have expenses and we have to pay our distinguished and beloved President who will retire in January. There is extra money there for 6 months and we all know what these things are.

Mr. GROSS. Let us ask the gentleman this question. President Eisenhower is going to retire on January 20 of next year. You have $12,000 in this bill to begin his retirement. Is the President going to draw his retirement pay as a general of Army and with the staff that is provided? Can the gentleman tell me whether he is going to draw that retirement in addition to what this bill provides? What is going to be the story on that?

Mr. THOMAS. May I humbly state to my friend that that is his private business. I do not know what he is going to do.

Mr. GROSS. This is not altogether his private business. This is the taxpayers' money with which we are dealing.

Mr. THOMAS. But it is his private business to the extent that he can do it or not do it. What he is going to do, I do not know.

Mr. GROSS. Then the gentleman is saying to me that the President can draw $25,000 a year as a pension from the Government under this legislation dealing with Presidents, and he can also draw, perhaps, the equivalent as a retired general of the Army and he could have two staffs, one a civilian staff and one as is provided for retired officers; is that correct?

Mr. THOMAS. I am not advised as to the last point the gentleman made.

Mr. HOFFMAN of Michigan. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 46]

Adair	Fountain	Moulder
Addonizio	Frazier	Nix
Albert	Frelinghuysen	Norblad
Alexander	Friedel	O'Brien, N.Y.
Allen	Gallagher	Osmers
Andersen, Minn.	Garmatz	Patman
	Gary	Perkins
Anderson, Mont.	Gavin	Philbin
	Gilbert	Pilcher
Andrews	Granahan	Powell
Anfuso	Grant	Prokop
Ashmore	Green, Pa.	Quigley
Auchincloss	Griffiths	Rabaut
Bailey	Halpern	Rees, Kans.
Barden	Hargis	Rhodes, Pa.
Barrett	Harris	Riley
Bass, Tenn.	Healey	Roberts
Becker	Henderson	Rodino
Blitch	Hess	Rogers, Mass.
Bolton	Hoeven	Rogers, Tex.
Bonner	Holifield	Rooney
Boykin	Holland	Roosevelt
Bray	Holt	Rostenkowski
Breeding	Horan	St. George
Brewster	Hull	Santangelo
Brock	Jennings	Scott
Buckley	Johnson, Md.	Shelley
Burdick	Jones, Mo.	Sheppard
Burleson	Kearns	Sikes
Cahill	Kee	Sisk
Canfield	Keith	Slack
Carnahan	Kelly	Smith, Miss.
Casey	Keogh	Spence
Celler	Kilburn	Springer
Chelf	King, Calif.	Staggers
Chiperfield	King, Utah	Taylor
Collier	Kitchin	Teague, Tex.
Cook	Kluczynski	Teller
Cooley	Lafore	Thompson, La.
Curtis, Mo.	Latta	Thompson, N.J.
Daniels	Lesinski	Toll
Davis, Ga.	Libonati	Utt
Davis, Tenn.	McGinley	Vinson
Dent	McGovern	Wallhauser
Diggs	McSween	Wampler
Dingell	Mack	Watts
Dixon	Magnuson	Whitener
Dorn, N.Y.	Martin	Widnall
Dorn, S.C.	May	Williams
Dowdy	Meader	Willis
Dulski	Merrow	Wilson
Edmondson	Metcalf	Withrow
Fallon	Mitchell	Wolf
Farbstein	Montoya	Young
Fenton	Moorhead	Younger
Fino	Morris, N. Mex.	Zelenko
Fisher	Morrison	
Fogarty	Moss	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. IKARD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11776, and finding itself without a quorum, he had directed the roll to be called, when 260 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Iowa [Mr. GROSS] is recognized for 30 seconds.

Mr. GROSS. Mr. Chairman, in the remaining time I have, I simply wanted to point out to the chairman of the subcommittee that under Public Law 85–745 widows of Presidents, who come under this same provision, must waive the right to any other annuity or pension. Under the act of Congress which authorizes this appropriation, nothing is said whatever about former Presidents waiving any other annuity or pension, so apparently they can draw both.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GROSS] has expired.

Mr. THOMAS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. GROSS. Mr. Chairman, I thank the gentleman and yield to him.

Mr. THOMAS. Mr. Chairman, may I say to my colleague that this is my understanding of the law. In the first place, as far as the Presidents are concerned, they are caught squarely in the dual compensation law, which says, in sum and substance, that they may draw only one pension. But as far as the distinguished President himself is concerned, it is my present understanding that he has resigned from the Army, so there is nothing involved about the Army.

Mr. GROSS. The gentleman would not say there would not be a bill in Congress next year to reinstate the President's status as a retired general of the Army?

Mr. THOMAS. I cannot say about that.

Mr. GROSS. The gentleman can very well expect there will be a bill to reinstate him in his retirement as general of the Army.

Mr. OSTERTAG. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. BOW].

Mr. BOW. Mr. Chairman, there came to my attention today a matter that I believe should be corrected from an appropriations standpoint. The chamber of commerce of the United States puts out a publication each month, a copy of which I hold in my hand. It is called Taxpayer's Dollar. This is for the month of April 1960. It is No. 4 of volume 9. Because they made a mistake, and I think you all may hear of it, we had better correct it now.

One paragraph in this issue says this:

> The District of Columbia appropriation bill is the only bill for the next fiscal year (1961) which has been sent to the President. The General Government, Treasury-Post Office, Interior, Commerce, and Labor-HEW bills have passed the House. Excepting the District of Columbia budget, the total amount requested by the President in these bills is $10,262 million. The House increased this amount by about $35 billion.

The House did not increase this amount by $35 billion, and you are apt to get a lot of mail on this asking what happened to us that we increased this amount $35 billion. The House has not done this at all. This is a complete error, and I think it must be corrected. When we go back into the House I will get permission to place into the RECORD figures showing that the House has actually reduced the budget by $280 million, although one or two items were considerably over the budget, and in supplementals we have reduced the budget by $770 million. The House has done an excellent job on this budget.

When this article by the chamber of commerce says we have increased it by $35 billion it is just wrong. I think the Members ought to know about it so when we begin to get mail concerning it we can have this complete record that I will include in my remarks. Theirs is by no means complete as to what the House has done.

They make one further statement on the question of the Department of Commerce appropriation bill, which is over in the other body. They say in referring to the Commerce bill:

In the latter, the Senate further reduced the President's request.

They say we reduced it but the Senate further reduced it. We are going to conference on that bill very shortly. I should like to say in regard to that bill that although the House worked its will and made a number of substantial reductions, when the bill got to the other body that body restored practically all the cuts we made and then took a $40-million bite out of a trust fund account in the highway program. This makes it look as though they reduced it by $40 million when in fact they have increased it by restoring the budget cuts. Taking the $40 million out of a trust fund makes it look as though they reduced it, when as a matter of fact they put the money back into the bill, and we are going to have to pay the $40 million because it is there.

These are the facts I think the Members of the House and the public ought to know, because I am proud of the work we have done and I am proud of the work the House did on that bill.

Mr. PRESTON. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Georgia.

Mr. PRESTON. I want to thank the gentleman for calling these facts to the attention of the House. He is eminently correct in what he has said. The action of the other body was certainly not what we would call tricky, but it was a devious way of claiming a reduction under the House figure, something rarely done by the other body.

As to the claim that the House raised the figure by $35 billion, I think that must be a mistake.

Mr. BOW. That is right. I think it is probably a mistake in proofreading. I hope we will be charitable and say it is a mistake in proofreading, but they ought to read the proof a little more carefully when they are making a charge of this kind against a responsible parliamentary body such as the House of Representatives.

(The matter referred to is as follows.)

Action on appropriation bills, 86th Cong., 2d sess.

Bill	Estimates	Reported	House passed	House action compared with estimates
1961 bills:				
District of Columbia, 1961	$34,533,000	$27,533,000	$27,533,000	−$7,000,000
Commerce, etc., 1961	799,615,000	760,522,235	760,522,235	−39,092,765
Interior, etc., 1961	550,330,300	543,375,600	543,375,600	−6,954,700
Treasury-Post Office, 1961	4,897,853,000	4,795,414,000	4,795,414,000	−102,439,000
General Government matters, 1961	14,302,500	13,787,500	13,787,500	−515,000
Labor-HEW, 1961	4,000,083,981	4,184,022,731	4,184,022,731	+183,938,750
State-Justice-Judiciary, 1961	713,803,755	676,579,807	676,564,807	−37,238,948
Independent offices, 1961	8,416,897,000	8,146,167,400	----------	−270,729,600
Total on 1961 bills	19,427,418,536	19,147,402,273	11,001,219,873	−280,031,263
1960 supplementals:				
NASA supplemental	23,000,000	23,000,000	23,000,000	----------
2d supplemental	1,008,398,264	229,175,864	237,505,864	[1]−770,892,400
Total, 1960 supplementals	1,031,398,264	252,175,864	260,505,864	−770,892,400

	Estimates	Law	Reduction
Final actions:			
District of Columbia, 1961	$34,533,000	$27,533,000	−$7,000,000
NASA supplemental, 1960	23,079,000	23,079,000	----------
2d supplemental, 1960	1,017,784,888	955,370,003	−62,414,885
Total	1,075,396,888	1,005,982,003	−69,414,885

[1] Includes disallowance of $675,000,000 to partially restore CCC losses, this cut will not result in reduction in expenditures since it is for past losses.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMAS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. VANIK].

Mr. VANIK. Mr. Chairman, I would like to inquire of the chairman of the subcommittee whether there is any provision in this bill for an appropriation for trunk airline subsidies.

Mr. THOMAS. No; there is not.

Mr. VANIK. So that it does not include subsidy for any of the major trunklines; is that correct?

Mr. THOMAS. That is right; the gentleman is correct.

Mr. VANIK. I thank the gentleman.

Mr. Chairman, I certainly want to commend this committee for its fine work on this bill.

Mr. Chairman, it has come to my attention that a trunk carrier has recently applied for a $13 million annual subsidy to permit it to continue operations. In order to support its case for a subsidy, this particular carrier has flooded the press with a demonstration of its plight. At the very same time it was heading toward deficit operations, its payrolls were overloaded. Among the other usual hazards of air travel, this particular carrier has invented a new one—too many employees on the field at takeoff time.

After loading its payroll in a planned augmentation of its debt, the management has arranged for an associate corporation with which it has interwoven financial investments to bring a foreclosure action conveniently coinciding with the subsidy plea now before the CAB. Now we are being besieged with the plight of this carrier in the face of these conditions, and to our attention is directed the fact that this carrier has headquarters in the Washington area employing several thousand employees.

The fact is that the troubles of this trunk carrier are problems of its mismanagement. Subsidies cannot be used with any moral justification as a reward for mismanagement nor are subsidies to be used as insurance for losses resulting from hopelessly inferior operations. There is something basically wrong that the taxpayers' money in subsidies will not cure when a trunk carrier with some of the most lucrative routes in America, operating under substantially the same conditions as all other trunk carriers, falls flat on its face and becomes the first trunk carrier to seek a subsidy since 1951. Those who permitted bad management to destroy the business operation ought to suffer the consequences of their dereliction.

Mr. ASHLEY. Mr. Chairman, I want to join with what my colleague, the gentleman from Ohio, has said with respect to this particular carrier. It is a matter on which we have shared the same view for some time, and I commend him for bringing it to the attention of this body at this time.

Three weeks ago, Mr. Chairman, I pointed out that Capital Airlines is the first trunk carrier to request a subsidy since 1951 and was the last trunk carrier to go off subsidy at that time. I mentioned, too, that Capital has the dubious distinction of being the only carrier in the 22-year history of the Federal Aviation Act to receive an order from the Civil Aeronautics Board compelling a company to improve its service. The CAB's order was the result of Capital's record of substandard service to Toledo, Ohio, the district which I represent, of its diminution of flights from eight to two per day and Capital's continued broken promises for improved service.

I urged a careful study of Capital's top management before granting a recent request for a $12,949,000 subsidy for a 12-month period, and suggested that there is nothing in Capital's record to justify or warrant sending the airline a million dollar check every month at the taxpayers' expense. Recent news headlines have certainly borne out my contention.

Turning to the bill before us, Mr. Chairman, I am pleased to note the inclusion of $3,867,700 for a much-needed Federal office building in Toledo, Ohio. As I understand it, this does not represent total cost of the project, but only the amount which it is anticipated will be expended during fiscal 1961. Total cost of the building has been set at $5.6 million, and date of completion for August 1962. Since funds were appropriated last year for site acquisition and planning, this means that roughly $1 million will be needed in the fiscal 1962 budget for completion of the work.

Mr. THOMAS. Mr. Chairman, I yield to our distinguished colleague, the gentleman from North Carolina [Mr. DURHAM] 1 minute.

Mr. DURHAM. Mr. Chairman, I want to congratulate the chairman of this subcommittee, the gentleman from Texas [Mr. THOMAS]. I hope he will be a Member of this body for a long time because he is a valuable member of the Committee on Appropriations and has always brought out measures that are sound legislation.

Frankly, I am disturbed by the decision of our great Appropriations Committee not to grant funds for the Federal share of personnel and administrative costs of State and local civil defense agencies, as provided for in Public Law 85–606.

Public Law 85–606, as you will recall, is the enactment of H.R. 7576, which I sponsored and which I am proud to say is commonly known as the Durham bill. This law bears the unanimous approval of both bodies of Congress. It was the fulfillment of years of study by conscientious, knowledgeable members of the Armed Services Committees of both the House and Senate—men thoroughly versed in the overall defense needs of our Nation. Opinions and information obtained from leaders of government across the country, plus exhaustive studies made by professional staff experts, resulted in section 2 of the law, stating:

> It is the policy and intent of Congress to provide a system of civil defense for the protection of life and property in the United States from attack * * * that the responsibility for civil defense shall be vested jointly in the Federal Government and the several States and their political subdivisions * * * that the Federal Government shall provide necessary assistance as authorized.

Now, legal dictionaries define the word "shall" in this manner:

> Where a statute declares a thing shall be done, it is a peremptory mandate.

And section 205 of the act states:

> The Director (OCDM) is authorized to make financial contributions to the States for necessary and essential State and local civil defense personnel and administrative expenses.

Certainly no segment of the civil defense program is more necessary or essential than this.

In order to carry out this mandate of the Congress, the Office of Civil and Defense Mobilization requested, for fiscal

year 1961, the modest sum of $12 million. The Independent Offices Subcommittee, headed by the gentleman from Texas [Mr. THOMAS], was evidently convinced of the necessity of initiating this program and included in its report the sum of $3 million. The sincerity of Chairman THOMAS was evidenced by his statements to Senate members of the supplemental appropriations conference, wherein he assured them that $3 million would be in this bill when reported.

I was disappointed, therefore, to learn that the full Appropriations Committee had voted to delete these funds. What can be said against this appropriation? That it will create political jobs? No—all new positions must be filled through a rigid merit system. That it will be a wasteful program? No—on the contrary, it will be considerably less costly than the alternative, outright federalization. Is this just a matter of saving money? If it is—it is unwise economy, in my opinion. I am in complete agreement with the statement of Mr. JOHNSON of Texas, the able majority leader of the Senate, who said:

> If we speed our defenses and they are not needed, all we lose is the money; if we fail to provide proper defenses and they are needed, we could very well lose our country.

Mr. THOMAS. Mr. Chairman, I yield such time as he may require to the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. Mr. Chairman, I see on page 18 of the committee's report, and page 6 of the bill, language stating that no part of the appropriations made herein to the Civil Service Commission shall be available for printing the Official Register of the United States. I heartily compliment the committee for this proposal.

In March 1958, when I was chairman of the Subcommittee To Study Federal Printing, I introduced H.R. 11345, to discontinue publication of the Official Register. Our subcommittee study regarding this subject disclosed that an annual cost of $30,000 was being paid, between 1955 and 1957, by the Civil Service Commission to the Government Printing Office for the few copies of the Official Register required by the Commission. The printing costs had been on an increase each year for the past 3 years. In addition to the printing costs which are charged to the Civil Service Commission, more than 2,000 additional copies—which are distributed in accordance with provisions of law—are charged to the congressional appropriation for printing. Added to the printing costs, the Civil Service Commission reports an annual expenditure of more than $6,000 for preparation of copy and indexing. Further costs are incurred by each department and agency for the compilation of information which they are required to supply to the Civil Service Commission for inclusion in the Official Register. The total overall cost to the Government for compiling, indexing, printing, binding, and distributing the Official Register is conservatively estimated to exceed $45,000 annually.

In response to an inquiry made to the then Chairman of the Civil Service Commission as to the need for continuation of this publication, he replied to me:

> From the standpoint of the Commission's operations, discontinuance of the Official Register would cause no inconvenience or handicap. It is not necessary in any of our work. A canvass of the views of a representative number of agencies revealed no strong reactions one way or another. Some would like to see it continued, others would not be particularly upset if it were discontinued.

I observe on page 718 of the current hearings that Civil Service Chairman Roger W. Jones, in response to a similar question by the gentleman from Texas [Mr. THOMAS], stated that "it is not important, in our judgment."

The Official Register has been published in various forms and at great expense to the Government since 1816. A large percentage of the names listed in the Official Register are now also included in the U.S. Government Organization Manual, which has been printed since 1948. Many of the names are also included in the Congressional Directory. The Official Register is unquestionably an outstanding example of unessential publications which can be discontinued. I think it is a realistic saving, and I am glad the committee put its finger on it. The chairman is to be congratulated for taking this action.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OSTERTAG. Mr. Chairman, I have no further requests for time.

Mr. THOMAS. Mr. Chairman, may I say this has been a fine, clean, wholesome debate. May I say one thing that no one has mentioned in the committee, and I think all have forgotten it. I would like to call the attention of the House to one item, and that is the hearings for the National Science Foundation printed separately under the title "Comparison of United States and U.S.S.R. Science Education." It is a wonderful document and it is available at the Committee on Appropriations. I hope you will all get it and look at it. It is well worth your time.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield.

Mr. BROOKS of Louisiana. Has the gentleman explained to the House the reason for the rather heavy cut for the National Science Foundation? It is practically a 17-percent cut.

Mr. THOMAS. We gave them about what their budget was last year, plus about $7 million.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield.

Mr. BOLAND. I think the gentleman has asked a good question, and I think the record will show that the committee has done a very good job. I may say to the distinguished gentleman from Louisiana that this is one of the agencies of the Federal Government of which we are most proud. It started 10 years ago. It started with an appropriation of $3,725,000. In the bill which this committee brings to the floor today we report $160 million. All of this increase has been generated by the interest that has been shown in scientific exhibits throughout the United States, and this is the agency that is responsible for doing that. The request they made was for $190 million. We gave them the same as they used last year. We gave them more than they have had at any time during their 10 years of their existence. I think this is a reasonable figure.

Mr. BROOKS of Louisiana. This is about the amount they had last year.

Mr. THOMAS. It is five or seven million dollars more than they had last year.

Mr. BOLAND. Most of it goes for awards and to educational institutions. We think they have done a good job in that area. We are proud of what this Foundation is doing. They are developing a program that is one of the finest of all. All of the Members who are familiar with the studies they are making are proud of their work. We think we have come a long way in the last couple of years. We think it ought to be able to get along well with $160 million.

Mr. BROOKS of Louisiana. Your time is about consumed, but when we go under the 5-minute rule I am going to ask for time to say something with reference to this matter.

Mr. BOLAND. I appreciate the gentleman's concern.

Mr. THOMAS. Mr. Chairman, I ask that the Clerk read the bill.

The Clerk read as follows:

CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS OF FEDERAL AGENCIES

For expenses necessary to enable other Federal agencies to perform such civil defense and defense mobilization functions as may be designated by the Office of Civil and Defense Mobilization, including payments by the Department of Labor to State employment security agencies for the full cost of administration of defense manpower mobilization activities, $6,250,000.

Mr. BROOKS of Louisiana. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, following my questions to the distinguished chairman of the subcommittee [Mr. THOMAS] with reference to the cut for the National Science Foundation, I recognize that this is a good, conscientious, capable committee. On the other hand, the thing that disturbs me, the cut that this agency has sustained in this bill is greater than the cut received by any other agency. It is far more than the average cut given other agencies of Government. It leaves about the amount which this agency received last year.

This is the agency that does the basic research, and I was very much heartened to hear from members of the committee such a fine statement regarding the work of this agency, because I think the National Science Foundation is doing a splendid job. You do not hear of waste or throwing around of money, nor scandals of any sort connected with this agency of the Government.

I have analyzed the cuts quite extensively.

Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD. These are my own remarks.

The CHAIRMAN. Without objection the gentleman may extend his remarks in the RECORD.

There was no objection.

Mr. BROOKS of Louisiana. Mr. Chairman, I wish to register the vigorous objection to the action taken by the Appropriations Committee in cutting so severely the 1961 budget of the National Science Foundation.

If I have ever seen a classic illustration of being "pennywise and pound foolish" this is it.

Mr. Chairman, the reductions made by the committee for the entire independent offices appropriation amount to a total average cut of some 3 percent. Yet the National Science Foundation has been cut 16.5 percent. More than 5 times the average cut.

Why?

Why is the Foundation, which represents the major sustained interest of the U.S. Government in basic research, singled out for this sort of discriminatory treatment? I have searched the committee report, but I can find no real clue there.

Let me take a moment to put this thing into a proper perspective for Members of the House.

The National Science Foundation is charged with stimulating and improving basic research in the United States. Basic, not applied. This means research in totally new areas, concepts, and designs—the end result of which cannot usually be foreseen. It is not a matter of mere development, engineering, or technique. In this latter department, which we call applied research, we in the United States are doing very well.

In fact, it is doubtful if any nation has ever displayed our ingenuity for making useful applications of known scientific facts. But in this era of science in which we find ourselves today, we are scraping the bottom of the barrel of known scientific facts. We must uncover new ones, make new breakthroughs, pioneer deep into unknown fields in order to stay up in the scientific community. We are never going to compete with Russia in the next decade—or any other competent scientific nation—just by continuing to make engineering refinements based on old knowledge.

Mr. Chairman, every noted scientist who has testified before the Congress in the past 3 years—and there have been hundreds—has been in agreement on this point. We must make new basic discoveries.

Yet here we are, leading off into the decade of the sixties—stepping off into a true age of science where knowledge promises to be the most critical commodity a nation can possess—and what are we doing? We are crippling our Nation's basic research effort—an effort already miserably inadequate. We are now preparing to stunt its growth even more.

Returning to my basic thesis, let me suggest to you that by cutting the Foundation's budget by nearly 17 percent, by denying the Foundation this $31 million, we are unlikely in the long run to save a nickel. On the contrary, we can be pretty sure that one day in the not-too-distant future we will wind up behind the scientific eightball because one of the modest programs planned here was killed. Then we shall have to undertake a crash program and spend many times the amount contemplated in fiscal 1961 in order to learn the basic scientific facts we should have been acquiring all along.

Mr. Chairman, I have here a summary of the Foundation's program which will be curtailed or eliminated by the proposed cut—including research on the satellite telescope which competent astroscientists believe would be worth a dozen of the 200-inch Mount Palomar telescopes. I should like to include this summary in my remarks at this point.

REVIEW OF THE NATIONAL SCIENCE FOUNDATION APPROPRIATION FOR FISCAL YEAR 1961

The overall reduction for all independent offices appropriation was about 3 percent. The Committee on Appropriations has recommended a reduction of $31,600,000, or 16.5 percent of the fiscal year 1961 budget estimate of $191,600,000 for the National Science Foundation. The nature of the committee's recommendation is such as to make reductions necessary in three primary areas: Support of Basic Research, Support of Basic Research Facilities, and Science Information Service as shown in the following table:

	Fiscal year 1961 budget estimate	Fiscal year 1961 distribution of committee recommended total	Reduction	Percentage reduction
Basic research	$78,800,000	$70,283,000	−$8,517,000	10.8
Basic research facilities	29,550,000	10,850,000	−18,700,000	63.3
Development of graduate research laboratories	(15,000,000)	(2,000,000)	(−13,000,000)	(86.6)
Science information	8,935,000	5,335,000	−3,600,000	40.3
Foreign currency	(1,600,000)	(0)	(−1,600,000)	(100.0)
Scientific manpower	67,300,000	67,053,000	−247,000	0.4
Program development and management	7,015,000	6,479,000	536,000	7.6
Total	191,600,000	160,000,000	−31,600,000	16.5

The committee report on the independent offices appropriations for fiscal year 1961 states that the National Science Foundation has as its basic objective the support of basic scientific research and the development of trained scientific manpower.

The committee apparently did not consider it necessary to further the attainment of these objectives beyond the general level supported in fiscal year 1960. This action, if sustained by the Congress, will be extremely detrimental to the continued growth of a strong, broadly based national scientific effort which must be undergirded by vigorous expanding basic research programs at colleges and universities adequately supported by modern research facilities. The national potential for basic scientific research has increased several fold in recent years, as shown by the research proposals received by the National Science Foundation which have increased from a total of less than $25 million in fiscal year 1955 to an estimated $190 million in fiscal year 1961. These are generally high quality research proposals which are received from over 300 different institutions of higher learning and involve the work of about 3,000 principal investigators. Even with the funds for basic research grants requested in the President's budget, the foundation would be able to support only about 38 percent of this work. The nature of the Committee on Appropriations' action is such as to make necessary a minimum reduction of $8.5 million for basic research which will result in support for only about 33 percent of proposals. It is not in the national interest to fail to utilize the capabilities of so large a proportion of our college and university scientists to perform basic research in their own fields of science.

In addition, basic research is a vital ingredient of science education programs, particularly at the graduate level and the denial of such a large proportion of research proposals will adversely affect the efforts of many colleges and universities to develop and improve their science departments. Basic research is an important factor in the retention of science faculty members and in the training and development of advanced students. Actually a cut of $8.5 million in the basic research program would eliminate the means of support for approximately 1,000 advanced graduate students who would participate in the research.

The Committee on Appropriations in its report appears to have made a distinction between the Foundation's objective of supporting basic research and the proposed program to share with colleges and universities in the extremely costly effort of modernizing graduate research laboratories and on this basis, apparently intended to reduce $13 million from the $15 million requested for the development of graduate research laboratories. Due to obsolescence and other factors, adequate modern research laboratory facilities are not now available in a majority of colleges and universities. As a means of assisting the institutions to improve their research facilities, the Foundation initiated a $2 million pilot program in fiscal year 1960 with the Federal Government sharing equally with the institutions in the cost of laboratory improvements. The need for this program is shown in part by the response of the colleges and universities who have submitted, through March 1960, proposals for Foundation support totaling over $20,500,000 which would require the investment of an equal amount of their own funds. The size of this response was limited by the experimental nature of the program. The Committee on Appropriations recommended reduction in the National

Science Foundation's budget estimate would make necessary a drastic curtailment in the major benefits which would accrue to the national effort in the field of basic research and science education if universities and colleges were encouraged and assisted in improving their own research laboratory facilities.

The Federal Government, through the National Science Foundation, has financed the construction of two major facilities for research in radio and optical astronomy at a total cost approximating $20 million. The Committee on Appropriations recommended total appropriation would provide only sufficient funds for fiscal year 1961 to continue the interim or preoperational level of support allowed in fiscal year 1960. To continue this interim level in fiscal year 1961, when major instruments will either start operation or be in an operational test phase, will seriously cripple programs requiring nearly a full operating staff and will also require the elimination of all new programs such as the advanced optical or space telescope program. This space telescope program promises to provide one of the major forward steps in astronomy ever undertaken. The program to improve basic telescope research equipment at each observatory would have to be eliminated although experience has shown that rapid technological changes, particularly in electronics, requires a continuous program of improvement to assure the technical adequacy of research performed with the instruments.

Less than full utilization of these costly research facilities would be detrimental to the country's scientific effort in astronomy as well as poor economy considering the major initial investment.

The effect of distributing the total reduction recommended by the Committee on Appropriations would be a reduction of 40 percent below the budget estimate for programs in the critical area of science information. Planned programs to increase the availability of Soviet and other foreign science information will be severely curtailed, particularly the new program which utilizes excess foreign currency accruing from the sale of surplus agricultural commodities. Assistance to valuable U.S. scientific and technical publications which cannot be fully self-sustaining on a subscription basis will be severely curtailed. This is an area for which the Foundation has been assigned special responsibility by the Congress and the President. Planned programs to improve the methods and techniques of disseminating scientific information will also be curtailed. In this latter program area, development of modern searching and retrieval techniques using electronic data processing systems is an urgent necessity if the results of scientific research are to be effectively available to investigators.

Mr. Chairman, in conclusion let me remind you again that this National Science Foundation apportions these research projects. As projects develop, it may be some are terminated while others are continued from year to year. This agency, of course, has expanded; the field of science is expanding, it is expanding terrifically. The work in space is not the only thing which has expanded, but it is all science, whether it be medical science, agricultural science, engineering, all types of basic science are going forward, and all of this is going to require more money in the future, whether we like it or not. I want to call that to the attention of this committee and I hope all of us will keep open minds in reference to the National Science Foundation Act when it comes up, if it does, where it is seriously hurt in reference to serious cuts, that you will give it an audience and a hearing. Our committee has gone over the work of this agency very carefully. We are impressed. I join with what the distinguished gentleman had to say about the fine work. We are impressed with the fine work of this agency and I for one want to see it continued.

The Clerk read as follows:

PAYMENTS TO AIR CARRIERS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), as is payable by the Board, $60,000,000, to remain available until expended.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: Page 5, line 1, strike out the figure "$60,000,000" and insert in lieu thereof the figure "$55,240,000", insert a colon and add the following language: *"Provided,* That none of the funds herein appropriated shall be used for helicopter operations."

Mr. GROSS. Mr. Chairman, I hope the committee will accept this amendment, which simply cuts out $4,760,000 for the purpose of subsidizing the operation of helicopter service in three cities. I know of no reason why the Congress of the United States should continue to subsidize the operation of commercial helicopter service.

I find nothing in the hearings to justify this appropriation. The statement submitted by those who are asking for the appropriation talks in terms of the necessity for continuing this as an experiment in connection with the carrying of passengers. Millions of dollars have been spent for the same purpose in recent years. Now, in my opinion, is an awfully good time to save a little money and stop this unnecessary subsidization.

Mr. YATES. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Iowa [Mr. GROSS].

Mr. Chairman, there is merit to the argument made by the gentleman from Iowa that there seems to be discriminatory treatment in favor of three cities when service of this type and subsidies apply to only three. It is discriminatory but pilot operations always are. I concede there has been a long test period, but that is drawing to a close. This service is nearing the end of its subsidization. The decision will have to be made within the near future, within the next year or two, whether it is a feasible service to be carried on between airports and central points in the metropolitan communities of the country.

Justification for subsidization of its service was offered to the committee by the companies. The argument of the Chicago company appears in the hearings. It is claimed that as a result of this operation the Department of Defense was furnished much valuable information. The Army used the experience of the companies and specifically sought information from them.

The cooperation between them has been very good indeed. Moreover, the Post Office Department considers this service essential for its purposes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Iowa.

Mr. GROSS. Is there any more reason why we should subsidize a helicopter service than a taxicab service?

Mr. YATES. I would think there is as much reason to subsidize a helicopter service as the service of feeder airlines between small cities. This experiment may well determine the future of helicopter service in metropolitan communities and between adjacent communities. Perhaps this will be the mode of express travel within cities in the future. I do not like subsidies any more than the gentleman does. We are told the value, economically and otherwise, will be determined within the next 2 years. It is not intended to be a perpetual subsidy, although it has proceeded for many years already. I think the companies recognize that Government assistance will be terminated shortly.

The testimony that has been given to the committee is to the effect that the helicopters now being used are of the small type. It is expected that large helicopters, carrying many more people, will be introduced in service within 2 years. The new helicopters are expected to bring in enough revenue to eliminate the need for subsidization.

For that reason I suggest that the companies should be permitted to continue their operation for 2 years to see whether or not their prediction of the future will come true.

Mr. GROSS. Has not the President pretty well established that helicopters are practical?

Mr. YATES. The President is apparently satisfied with helicopter service, because he uses it so frequently. Cost is no factor in the use of his helicopter. This service, it is hoped, will show that other people in the country can use helicopters, too, at reasonable prices.

The reason for the three services is to permit the people of three metropolitan communities to test a service which may prove to be an exceptionally valuable one in the future. I think we ought to permit it to continue for the next 2 years which the companies say they will need. At that time, the subsidies should definitely end.

Mr. GROSS. This is purely a matter of sufficient passengers to sustain the operation; is it not?

Mr. YATES. That is correct. But they do not have sufficiently large helicopters now to carry the number of passengers it would take to provide the revenue to enable the operation to be profitable.

Mr. GROSS. If the gentleman will yield further, then in order to test this out on that basis, if your formula is right, we should put airport helicopter service in St. Louis, Miami, and every city in the United States.

Mr. YATES. I would say to the gentleman that this may well happen in the future, not as a subsidized operation, but as an operation which can sustain itself. I refer the gentleman to the statistics that I placed in the RECORD showing the growth of popularity in passenger travel in helicopter service. I suggest that the trend is favorable.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. I would just like to ask the gentleman who was speaking in favor of this amendment, will there be an opportunity, after there has been a demonstration about the practicability of this device or service to get rid of it? So that you may understand what I am trying to ask permit me to digress. We all know that the railroads have been flirting in certain ways with the trucklines, making agreements for the hauling of freight. Presumably they are also having some negotiations with the planes as to the carrying of passengers as well as freight. Now, this service which you speak about we all realize may be necessary at the moment and while the experiment is being carried on, but how are you going to end it when it reverts to private enterprise? Suppose we want to quit. Having in mind this decision rendered by the Supreme Court on Monday last where the railroads attempted to close certain passenger stations. The result would be that some of the people operating the telegraph would be out of a job. A court enjoined a strike called in protest. The Supreme Court reversed the decision which held that the railroads could not close those stations and the no longer necessary jobs because the Norris-LaGuardia act so provided. Now, if we establish this helicopter service and the Supreme Court sticks to that kind of a decision, how are you going to get rid of it if the employees do not wish to be deprived of their jobs?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Illinois.

Mr. YATES. I suggest to the gentleman that that question is a Civil Aeronautics Board question. If it certifies this operation, why, then they will be able to proceed. Insofar as subsidization of this operation is concerned, the way to get rid of it is by striking it from the appropriation bill.

Mr. HOFFMAN of Michigan. Suppose there is a labor dispute between the operators of a helicopter and the company or whoever is operating the service, there is a labor dispute, and the Supreme Court says, "You cannot end the service." That is what they said Monday in no uncertain terms. There you are. And, this particular railroad is bankrupt. What are you going to do? Continue the appropriation to subsidize the railroad so that these telegraphers can have jobs?

Mr. YATES. The gentleman ought to take that up with the Supreme Court.

Mr. HOFFMAN of Michigan. They do not listen to me. But, if recent decisions are to prevail, if unneeded employees cannot be discharged, if demands for higher wages are not met, if a strike can tie up a business and a court refuses to permit the employer to go out of business or move, will the court tell him where to get the money to continue in operation?

As soon as the decision to which I made reference is printed, which I assume will be tomorrow, I will put it in the RECORD.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I hope our friend from Iowa will withdraw this amendment. I ask that because I am inclined to agree with him. This thing has been going on for 8 years. A good many Members on both sides of the aisle have spoken about this particular matter. Certainly I hope the gentleman will let it go one more year, and if they can make up their minds in one more year, we can all get together and make up their minds for them.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I am delighted to yield.

Mr. GROSS. Since most legislation is a compromise, and with the gentleman's assurance that he will do his best to stop the appropriation next year, if that is the understanding——

Mr. THOMAS. I did not say I would do my best to stop it. I said I would do my best to look at it, because I am agreeing with my very good friend that perhaps 8 years is a long enough time to experiment.

Mr. GROSS. I cannot see this idea of going on for another 2, 3, or 4 years.

Mr. YATES. Mr. Chairman, if the gentleman will yield, I said 2 years.

Mr. GROSS. Two years.

Mr. YATES. I said 2 years to mark the end of the subsidization, which is what the gentleman wants and I want. But, I think the 2-year period from now, giving them a chance to bring a superior helicopter into operation, will provide an adequate test.

Mr. GROSS. I cannot see another $10 million for this kind of a subsidy.

Mr. YATES. I agree with the gentleman. I do not think it will be $10 million.

Mr. THOMAS. Mr. Chairman, will my friend from Iowa withdraw his amendment, and then we will see if we cannot get rid of this next year.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, accepting the statement of the gentleman from Texas [Mr. THOMAS], and with that understanding, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

FEDERAL AVIATION AGENCY

Expenses

For necessary expenses of the Federal Aviation Agency, not otherwise provided for, including administrative expenses for research and development and for establishment of air navigation facilities, and carrying out the provisions of the Federal Airport Act; purchase of 20 passenger motor vehicles for replacement only; not to exceed $5,000 for representation allowances and for official entertainment; and purchase and repair of skis and snowshoes; $365,245,000: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 9, lines 1 and 2, strike out the language which reads as follows: "not to exceed $5,000 for representation alowances and for official entertainment."

Mr. GROSS. Mr. Chairman, this is a relatively small amount of money, but this entertainment business is catching on in every agency, bureau and department of Government and it ought to be stopped.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. YATES. The gentleman does not mean catching on; the gentleman means pouring in.

Mr. GROSS. I accept the gentleman's amendment. It certainly is pouring in.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. RHODES of Arizona. As I read the bill, the gentleman's amendment would strike the words "for representation allowances and for official entertainment" which would then make the bill read, "not to exceed $5,000 and purchase and repair of skis and snowshoes."

The gentleman did not mean his amendment to have that result.

Mr. GROSS. My amendment would strike out the language "not to exceed $5,000 for representation allowances and for official entertainment." The bill will still provide for snowshoes and skis.

Mr. RHODES of Arizona. I just wanted to make sure that I had the $5,000 to do it with.

Mr. GROSS. I do not know whether the skis and snowshoes are to go to Squaw Valley, Calif., or where they are to go.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am happy to yield to my friend from Michigan.

Mr. HOFFMAN of Michigan. How does the gentleman distinguish between entertainment and snowshoes and skis?

Mr. GROSS. I do not.

Mr. HOFFMAN of Michigan. What do you use them for—for entertainment?

Mr. GROSS. This might be to patrol some communication line; I do not know.

Mr. HOFFMAN of Michigan. You know some folks you would like to put on skis, do you not?

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. EVINS. Mr. Chairman, I will say to the gentleman that as I recall the testimony of General Quesada—he was the general who flew General Eisenhower over the Normandy Beaches and is now head of the Federal Aviation Agency—his principal function is to control the air space of the Nation and also international airways. He testified to our committee that there are some 68 international airlines that come into the United States or into parts of the United States and there have to be international conferences to adjust the air space control. He wants money to represent the United States at these meetings. What he uses it for I do not know but he very strongly stresses the fact that he needs this fund at these conferences.

Mr. GEORGE P. MILLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. GEORGE P. MILLER. Mr. Chairman, I have just returned from the Second Conference on the Freedom of the Seas, held in Geneva. Our Ambassador had a very limited amount of money for entertainment. This was embarrassing to him. Other countries, whether it should be or should not be, do a good deal of entertaining. It is at such places that a lot of the smalltalk takes place at these conferences.

I am sure he could not have carried on and would not have had the success he did if some of the interests, fishing interests in particular, who were there and very much concerned, had not picked up the tab on his entertainment. I am sure in these modern days we should have money available for that purpose.

Mr. GROSS. It seems it has become very necessary for the American taxpayers to provide entertainment and liquor all over the world for everybody. We passed a bill the other day to provide $1 million for the State Department and related agencies for that purpose. I did not vote for it but some of the rest of you did.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. THOMAS. This is the first time this item has been in this bill. This is a new agency, and it has been in operation only 3 years. They have 50 or 60 people of their own scattered in 10 different countries. Maybe they will have more than 60 people in these countries. This is a small matter, and if it will help matters any I suggest we adopt the gentleman's amendment and take it to conference, unless the gentleman wants to withdraw it.

Mr. GROSS. No; I will not withdraw it.

Mr. THOMAS. We went into it thoroughly in the committee, and they said they needed it.

Mr. GROSS. This is becoming so fashionable all through the Government that somehow, some day, you are going to have to put a stop to it.

Mr. THOMAS. We are not going to give it to them just because they want it.

Mr. GROSS. You have another $10,000 in this bill for entertainment. I intend to try to get that out, too.

Mr. THOMAS. If an agency comes in and shows without any doubt about it that they are doing business legitimately and have people over there, we will give them the money.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

The Clerk read as follows:

CONSTRUCTION, PUBLIC BUILDINGS PROJECTS

For expenses, not otherwise provided for, necessary to construct public buildings projects and alter public buildings by extension or conversion where the estimated cost for a project is in excess of $200,000 pursuant to the Public Buildings Act of 1959 (73 Stat. 479), including equipment for such buildings, $144,836,000, to remain available until expended: *Provided*, That the foregoing amount shall be available for public buildings projects at locations and at maximum construction improvement costs (excluding funds for sites and expenses) as follows:

Post office and Federal office building, Camden, Arkansas, $633,250;

Courthouse and Federal office building, San Francisco, California, $37,286,100;

Courthouse and Federal office building, Hartford, Connecticut, $7,636,400;

Federal office building, Miami, Florida, $7,076,250;

Post office and courthouse, Thomasville, Georgia, $1,094,000;

Border station, Jackman, Maine, $289,850;

Border station, Van Buren, Maine, $284,750;

Border station, Vanceboro, Maine, $254,150;

Immigration and Naturalization Service center (construction and alterations), Detroit, Michigan, $874,650;

Border station, Sweetgrass, Montana, $586,500;

General Services Administration stores depot annex, Albuquerque, New Mexico, $469,200;

Post office and courthouse, Bismarck, North Dakota, $3,224,050;

Federal office building, Toledo, Ohio, $3,867,700;

Post office and courthouse (construction and alteration), Philadelphia, Pennsylvania, $5,601,500;

Courthouse and Federal office building, Memphis, Tennessee, $9,587,150;

Border station, El Paso, Texas, $1,055,700;

Post office and Federal office building, Dayton, Washington, $282,200;

Federal Office Building Numbered Nine, District of Columbia, $20,031,100;

Federal Office Building Numbered Ten, District of Columbia, $38,326,500; and

United States Court of Claims and Court of Customs and Patent Appeals building, $6,375,000: *Provided further*, That the foregoing limits of costs may be exceeded to the extent that savings are effected in other projects, but by not to exceed 5 per centum.

Mr. GROSS. Mr. Chairman, I make the point of order against the language beginning with line 9 on page 16 of the bill and running through line 14 to and including the "$6,375,000" that it is not authorized by law.

The CHAIRMAN. Does the gentleman from Texas care to be heard on the point of order?

Mr. THOMAS. Mr. Chairman, there is no question about it. The point of order is good.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

HOUSING FOR THE ELDERLY (PAYMENT TO REVOLVING FUND)

For payment to the revolving fund established pursuant to section 202 of the Housing Act of 1959, $5,000,000.

Mr. PUCINSKI. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. PUCINSKI: On page 24, line 22, after the comma, strike out "$5,000,000" and insert "$50,000,000."

Mr. PUCINSKI. Mr. Chairman, referring to the discussion we had earlier in the day on this appropriation, I should like to commend the committee and its chairman, the gentleman from Texas [Mr. THOMAS] for the good judgment they have shown in this entire matter in reducing the entire budget request by some $270 million. While I am in full agreement with the committee's effort to keep the cost down, I could not, in good conscience, fail to raise a protest and make an effort to restore this particular appropriation for direct loans, long term, low interest rate loans to private nonprofit institutions that want to build housing for our aged citizens. You recall, this House originally authorized an allocation of $100 million for this purpose. The conference committee reduced that figure to $50 million. Today, the committee comes before us with the recommendation that we expend only $5 million for a pilot program. I do not think $5 million is really going to constitute even a pilot program. If the House were to adopt my amendment and allocate the full $50 million for this purpose, we could only build 5,000 units in America for housing the aged in low rental housing. There are in this country some 16 million people today drawing social security. There are an additional 4 million people today drawing old age assistance. Three out of every five of those drawing social security today receive less than $20 a week. I said earlier on the floor, that I have a letter on my desk from an elderly couple who

are receiving a total of $130 a month in social security benefits. Their rent right now is $75 a month and they have been served notice that the rent is going up to $80 a month shortly. How in God's name can this couple survive on the remaining $50? This bill is not a handout. This is for direct loans, long-term, low-interest-rate loans to be given to reputable, respectable, not-for-profit organizations to build housing at low rent for our senior citizens. It would also provide loans to private not-for-profit organizations which now operate homes for the aged to renovate or expand their existing facility to provide low-cost housing for more senior citizens.

How in the world can we appropriate millions and billions of dollars with impunity for everything else that confronts our country and completely ignore the problem of the senior citizens, which is one of the greatest problems in America today. I do hope the House will support this amendment. Fifty million dollars will build only 5,000 units. This is a drop in the bucket compared to the need. This $50 million—originally $100 million was suggested—was supported by the American Municipal League, by the U.S. Conference of Mayors, and the National Housing Conference and the American Hospital Association.

This is a serious problem in America. When I was a youngster and you were young fellows, you had a house where you could always find an extra room for grandpa or grandma. But since the war we have built these small homes where there is hardly room for the immediate family. They cannot take care of the older parents, because they have no room. The program I propose is a program that is just as American as America itself. This is no handout. We are not asking for relief. All these people are asking for is long-term, low-interest loans, so that they can set up low-interest housing. They can get financing under the FHA at 5¾ percent, but a nonprofit organization financing its housing under these high interest rates has to charge more for rental than the average old couple can afford to pay. By the time you get through paying 5¾ percent on a mortgage you cannot possibly bring the rent down to the level that recipients of pensions can pay. This legislation would bring rent on the average home built for old people down at least $20 a month. This may well mean the difference between this old couple surviving and not surviving. I strongly urge this House, with all due respect to the committee—I think the committee has done a magnificent job on this bill in cutting out many things—but in this instance I hope the House will support this amendment.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. PUCINSKI] has expired.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in 7 minutes, with 2 minutes reserved to the committee.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JOHNSON of Colorado. Mr. Chairman, I rise in support of the amendment. It has been my good fortune for most of the past 6 or 7 years to be intimately associated with the construction of a number of homes for the elderly in my own area. I have had occasion to talk to many of the builders. I have been able to talk to many people who were occupying buildings that were built by our churches.

May I call to the attention of the House that admission to many homes financed conventionally costs from $10,000 to $15,000. I would say that the rental payment for many of the homes financed by the conventional plan run upwards from $125 to $150 per month, which severely limits the income levels that can be served by such housing for the elderly.

Even the FHA projects with which I am acquainted, have rental schedules that are close to the margin or beyond it, for many pensioners in my own State where we guarantee $105 a month.

What the gentleman is proposing is not a program of grant or gifts. He is proposing loans. This is identical to the college dormitory program. What is proposed here is that the Government make available loans from the Federal Treasury which will be fully repaid with interest.

I call attention to the fact that in Colorado the Legislature has appropriated money to build housing for rent within the income of the aged.

The alternative to this program is not a conventionally financed program, because that will not answer the purpose. The alternative, I submit, will be a series of State and local homes not managed by nonprofit organizations interested in the well-being of the people they serve, but by the Government, and the cost will be higher, not lower.

I strongly support the amendment. I hope the House will vote for the amendment offered by our colleague from Illinois. I now yield to him.

Mr. PUCINSKI. I agree with the gentleman from Colorado in what he has said and appreciate his support for my position.

As the gentleman from Colorado said, the only alternative is public housing and those other forms where the Government does not get its return.

Mr. JOHNSON of Colorado. As a matter of fact, Mr. Chairman, this bill deals with a revolving fund. Once we set this money to work, it will be paid back and used again to build other homes. It is my hope that the original appropriation will build not 5,000 homes but 50,000.

Mr. Chairman, I strongly urge the adoption of this amendment.

Mr. HOFFMAN of Michigan. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HOFFMAN of Michigan moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. HOFFMAN of Michigan. Mr. Chairman, this motion is made at this time to make the record clear as to why the amendment is opposed. It is not because care or homes for the older citizens are not approved but the proposed method is not only inadequate but wasteful and cannot succeed—it would but make a bad situation worse. Increase the appropriation to $500 million. We still would not even begin to solve the problem. The gentleman speaks eloquently and with a sympathy we all share. There is not a Member of this House who disagrees with the desire of the gentleman from Illinois to take care of the unfortunate aged. But it is an impossibility to do that the way we are trying to do it. I know a little something about this; I am getting along in years myself, and so is the good wife. We build or provide a home, then we find we have to maintain it and that entails not a little effort and expense.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I cannot. You expressed the thought very well, but we should not waste any more money in an effort to do the impossible.

You cannot take care of the older people by just building them a home; somebody must bring many of them groceries. Somebody must get some of them up in the morning. Somebody must help put some of them to bed at night. There are many necessary things which must be done each day for most of them. There are many practical questions that enter into the picture. Questions which must be answered almost each hour of the day and which cannot be properly answered by just furnishing a home. That is but a very very small part of the problem.

You remember the money we spent on WPA, PWA, CCC, and I do not know how many other places. Of course, in the old days everyone was against the poorhouse; remember the poem "Over the Hill to the Poorhouse." No one wanted to go to the poorhouse—that was a disgrace as it was to accept charity—certainly I did not. When I came here I found hundreds and thousands of people living in apartment buildings, houses in one sense, but just rooms in another sense, living in what some considered coops or pens—certainly not homes with yard and garden. I did not think much of it until I realized that those people were living in the Nation's Capital, that they had hot and cold running water, that they had electricity for light, heat, and other uses. They did not have to go out and cut wood or carry coal, dig out ashes, and they did not have to go down in the back yard to find a pump. There were a dozen or more burdensome chores that did not come each day. They were very comfortable and most of them as happy and contented as it is possible for an aging individual to be. They were growing old but gracefully and appreciatively.

Why cannot some committee or some organization find some way to build group housing where each couple would have two or perhaps three rooms, where they could live in comfort, let them cook their meals and consider taking care of the place as a home as long as they could? And as the individual or couple failed—as they all would—be given such assistance and kindly care as needed.

We must devise some way to take care of those who cannot care for themselves, but certainly this is not the way, and the occupants can be given better care than if we attempted the impossibility of trying to keep individuals or couples in a separate building with the attention necessary to watch for their needs. I understand that in recent years some of them arrived in Chicago, for instance, with all their possessions wrapped in a sheet or pillowcase. We cannot kill them off. We cannot throw them into the river. We must take care of them, and we must find some way to take care of the aged people, no matter where they come from or live.

We spend billions to help strangers. Why not build up-to-date properly equipped apartment houses with sufficient attendants and services and do the job with kindness and affection. I speak on this matter here in this way so that a vote against the amendment could not be construed as a refusal to do a manifest duty.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. THOMAS. Mr. Chairman, I certainly want to commend our distinguished friend, the gentleman from Illinois, and the gentleman from Colorado, but I respectfully suggest that in the interest of helping the old folks this amendment should be voted down.

Let us recount what has happened. There was an authorization of $50 million for this program which was passed some time last year. There was no budget estimate for even one penny. In order to give the administration some basis for establishing the program we wrote into the bill an appropriation of $5 million.

We discussed this quite adequately with the housing people. We asked them to set up four or five pilot projects throughout the country so that they could gain some experience. Then we went to the legislative committee of the House and we cleared it with the chairman of the legislative committee, the gentleman from Alabama [Mr. RAINS], who said:

We will be glad to accept this $5 million.

On that basis we put it in here. Let us not upset the applecart. I think the President will accept this. So let us vote the amendment down and get four or five pilot projects started and see what it is going to do. The experts tell us that this program will cost $15 or $20 per month cheaper than the FHA program, and, Mr. Chairman, the public housing program, we are told, would even be $15 or $20 cheaper than this.

Let us take a look at it. We ought to help these old folks, but in our desire to help them let us not set the program back 2 or 3 years.

I respectfully suggest that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PUCINSKI].

The question was taken; and on a division (demanded by Mr. PUCINSKI) there were—ayes 4, noes 72.

So the amendment was rejected.

The Clerk read as follows:

GENERAL PROVISIONS

Not to exceed 5 per centum of any appropriation made available to the National Aeronautics and Space Administration by this Act may be transferred to any other such appropriation, but the "Salaries and expenses" appropriation shall not be thereby increased.

Not to exceed $10,000 of appropriations in this Act for the National Aeronautics and Space Administration shall be available for scientific consultations and any emergency or extraordinary expense pursuant to section 1(f) of the legislative authorization for appropriations for the fiscal year 1961.

Mr. GROSS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. The language on page 27, beginning with line 14 through line 19, I contend is legislation providing for an appropriation not authorized by law.

The CHAIRMAN. Does the gentleman from Texas desire to be heard?

Mr. THOMAS. Mr. Chairman, we will have to admit the point of order is good, the entire legislation has not been cleared by both bodies or signed by the President, so if the gentleman wants to make a point of order against any section of it, to be perfectly frank about it, it is good.

The CHAIRMAN. The gentleman from Texas concedes the point of order and the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

NATIONAL SCIENCE FOUNDATION

Salaries and expenses

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including award of graduate fellowships; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $50 per diem for individuals; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services; $160,000,000, to remain available until expended: *Provided*, That of the foregoing amount not less than $30,250,000 shall be available for tuition, grants, and allowances in connection with a program of supplementary training for secondary school science and mathematics teachers: *Provided further*, That not to exceed $1,600,000 of the foregoing appropriation may be used to purchase foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), for the purposes authorized by section 104(k) of that Act.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the chairman of the committee if during the hearings, on the justification for these educational grants, he found any evidence of any grants being made for the purpose of studying the relationship between husband and wife and the norms and consonances as perceived within those relationships.

Mr. THOMAS. I will say to my distinguished friend, the language is rather broad. But these grants are made for the study of medicine and so forth. To be perfectly frank about it, there are about 2,100 different categories, and if you read some of the titles of them, it is rather confusing, I must confess.

Mr. GROSS. The gentleman will recall that only a few days ago we discovered that the Department of Health, Education, and Welfare was making grants or had made a grant of $33,000 for that purpose, for studying the relationships.

Mr. THOMAS. I do not think they are doing anything like that.

Mr. BROOKS of Louisiana. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, what is our national space program? Is it the bold and competitive program that many Members of Congress would like to see? Is it the measured program proposed by the administration, which has been described as "creeping into space"? Or is it a still more modest program, which Congress is willing to support by appropriations?

The authorization act for the National Aeronautics and Space Administration calls for exactly the amount of money requested by the President. Under the independent offices appropriation bill—H.R. 11776—this amount would be cut by almost $40 million.

What will the country think if Members of Congress, who have been criticizing our space program for its slow progress and lack of urgency, refuses to give the Space Agency even the modest amount that the President says it needs?

How can this Government do its business properly if its accepted programs are nullified or undermined by budgetary decisions? Without the necessary funds, a policy is a mere aspiration. It is the budget and appropriations made by Congress that translate our policies into programs.

When Dr. Glennan recently appeared on the "Meet the Press" television program, he was asked whether the cuts in the space budget made by Congress last year had slowed down the space program. His reply was that budget cuts always force a reduction of certain projects and particularly long-range projects. He said that last year's cut had delayed the development of the F–1 engine at least 6 months. He added that others thought it had set back the program by 12 to 18 months.

There is no reason to doubt Dr. Glennan's further statement that NASA budgets are tight. In the space business, as you know, failures are apt to occur. Space budgets must allow for unexpected costs resulting from failures—for example, the provision of backup vehicles. It is too much to expect that they can also allow for cuts by Congress.

Mr. Chairman, the independent offices appropriation bill—H.R. 11776—would reduce the budget request of the National Aeronautics and Space Administration by $38,985,000. The amount allowed for salaries and expenses would

be cut by $4,260,000 and the requested increase in staff by 373 positions.

The NASA budget estimates for fiscal year 1961 have passed the careful scrutiny of the Committee on Science and Astronautics. Most of the proposed increase in salaries and expenses over last year's budget was due to the transfer of the Huntsville facility, now called the Marshall Center, from the Army to NASA. The Congress has already approved this transfer. It should be understood that this transfer will not raise Government costs as a whole, since the resulting increase will appear not only as an addition to the NASA budget but as a deduction from the Army budget.

Apart from the Marshall Center, the bill would eliminate 373, or almost 40 percent, of the 962 new positions requested. The only reason given for this action in the report that accompanies the bill is that the NASA headquarters office already is overstaffed. But only 75 of the requested new positions would be at NASA headquarters. No reason is given for eliminating almost 300 more.

There are now 533 authorized positions at NASA headquarters. This hardly seems too many for an agency that will soon employ 16,000 people and is conducting a highly complicated, urgent program in many different places throughout the country and the world. Furthermore, the concentration of NASA personnel in Washington is low compared with other independent agencies. For NASA, the concentration is only about 5 percent. This compared with nearly 9 percent for the Federal Aviation Agency and more than 25 percent for the Atomic Energy Commission. In some independent agencies, the headquarters concentration runs almost as high as 50 percent—or 10 times what it is for NASA.

In addition to the 75 new headquarters positions included in the NASA budget estimates, 75 new positions are requested at the Wallops Island Station, and 786 at the Goddard Space Flight Center. To complete the list, there would also be 26 new positions at various offices in the field.

Is there any serious doubt of the need for the new positions requested at Wallops and Goddard? In response to our expanding space activities, the Wallops Island Station is being converted into a major test center. During the next fiscal year, it will be called upon to launch, track, telemeter, and recover a substantially greater number of satellites and space probes. The Goddard Center is an entirely new laboratory for research in the space sciences. Its establishment was authorized by the Congress 2 years ago by Public Law 85–657. During the next fiscal year, it will begin to carry out its assigned programs of earth satellites, sounding rockets, and manned space flight.

The bill allows in full the funds requested for rocket and vehicle development. But development presupposes people. After careful study, the Committee on Science and Astronautics concluded that the new positions requested by NASA were both reasonable and necessary for the programs that had been approved.

Of the approximately $39 million cut, the largest reduction was made in the funds for research and development, which everyone concedes comprises the heart of the space program.

It is regrettable that the Appropriations Committee saw fit to reduce these important funds, although I commend it for approving the full $277,608,000 authorized by the Congress for rocket and rocket vehicle development, including the important Saturn program.

An analysis of the research and development reductions reveals that they shape up as follows:

Aeronautical and space research, $10,135,000.

Scientific investigations in space, $2,100,000, including $400,000 in the program for sounding rockets and $1,700,000 in the scientific satellites program.

Satellite applications, $1,400,000 in the vital programs for the development of meteorological and communications satellites.

Manned space flight, $2,750,000 in the Project Mercury program.

Vehicle systems technology, $1,200,000 in the programs connected with space exploration.

Tracking and data acquisition, $1,628,000 for the operation of facilities necessary to support the overall space flight program.

These programs are all equally important and it would serve no useful purpose to single out any of them for emphasis, but I would like to point out that a cut in funds does not necessarily represent a saving in the ultimate cost of these programs.

For example, the sounding rocket program, which was cut $400,000, is designed to extend and to fill in gaps in the knowledge so far acquired on the earth's upper atmosphere. Now, this data can be obtained in good part by the use of scientific satellites, but it is much cheaper to acquire this information, where we can, by sounding rockets. There is a tremendous difference in the cost of sounding rockets and satellites.

Again, the meteorological and communications satellite programs, which were cut $1,400,000, will some day, in the not-distant future, bring incalculable benefits to all humanity, including economic benefits to this country and its people.

The best way to save on some programs is full steam ahead.

Of course I know that it is generally said that no agency is ever satisfied to see its budget estimates reduced, and while there have been reductions in the construction and equipment portions of the National Aeronautics and Space Administration budget estimates, I can find no serious damage to the agency's program where there has been a minor reduction in each construction request, particularly where these items are based on a square-foot construction cost. Nor do I take serious issue with the Appropriations Committee's action in disallowing fallout shelter construction in some of the buildings. However, the Appropriations Committee has seen fit to disallow the construction of four buildings and facilities, and this I do seriously question.

One of the most serious deletions made by the Appropriations Committee in dealing with the construction and equipment portion of the NASA authorization bill is the request for $4,400,000 for funds for construction of a central laboratory and office facility at the Marshall Center. This deletion creates a very serious problem, not only for the space agency but likewise for the Department of the Army, for the funds requested are necessary to relieve the congested administrative office situation that presently exists in the joint use of buildings by personnel both of NASA and of the Army Ballistic Missile Agency. Under the terms of the Army-NASA transfer plan dated December 11, 1959, it was agreed that Buildings 4488 and 4484 would be retained by the Department of the Army and NASA was to provide for the new construction, but until such time as this was provided, NASA and the Army would jointly occupy the two buildings that formerly housed the Development Operations Division of ABMA and the Aeroballistic Laboratory and the Research Projects Laboratory.

Transfer of the Development Operations Division from ABMA has of necessity increased personnel requirements of both the Von Braun team and the Army Ballistic Missile Agency, and as this occurs there is greater congestion and a bad situation becomes worse. NASA assumed the responsibility under the transfer plan of providing adequate housing to relieve the then already congested situation, and certainly in all good conscience and good faith this item must be restored, for in effect this construction carries out the terms of the transfer plan of the Von Braun team which the Congress has already approved.

I have been informed that the Department of the Army strongly supports the request by NASA for this central laboratory and office facility. The inhouse effort which the Army had devoted to the space programs, and which has been transferred to NASA, is less than one-fourth of the total Army's inhouse program at Redstone Arsenal although about 50 percent of the usable working space has been transferred. This has forced the Army to refurbish and utilize undesirable, inferior and temporary type of structures for many of its remaining administrative and laboratory needs. Obviously, therefore, the expanding NASA programs cannot be accommodated by commandeering further facilities from the Army. In this respect it is cogent to note that the fiscal year 1960 program at the Army Ordnance Missile Command, exclusive of space efforts, is equal dollarwise to the fiscal year 1959 program including space.

The expanding national space program, Saturn, Nova, and Centaur, coupled with the added emphasis on military missile programs such as Pershing and others, makes it abundantly clear that we cannot continue to try to squeeze a size 11 foot into a size 9 shoe.

The Appropriations Committee states in its report that it has allowed the requests for all of the essential facilities at the Marshall Center, including the

Saturn static test facility, extension to assembly building, and so forth, and yet it is denying $1,948,000 for completion of the Guidance and Control Building, and likewise denying $215,000 for an addition to the Fabrication Laboratory. I would not question the sincerity of the gentlemen of the Appropriations Committee in their determination of what is not essential, but I am suggesting that were these buildings in the Marshall Center not essential for the effective furtherance of our national space program, they would not have been placed in the budget in the first place and in the second place they would have been removed either by your Committee on Science and Astronautics or by the Bureau of the Budget.

The justification for the completion of the Guidance and Control Building may be summed up with the simple statement that this is necessary to convert a building that was formerly devoted primarily to military weapons to research and development oriented to payloads, satellites and space vehicles, thereby assuring successful completion of the programs assigned to the Marshall Center.

The justification for the addition to the Fabrication Laboratory is simply that it is required to adequately house the activities presently being conducted therein. For example, a portion of the entrance lobby has been enclosed and is now occupied as an engineering office. Also some units are housed in buildings located at considerable distance, resulting in inefficient liaison and coordination activities. The Saturn program has been greatly implemented by funding, and as the chain is only as strong as its weakest link, then the work of the Saturn development can proceed only as quickly as the Saturn facilities are likewise implemented. Further progress in the Saturn program makes this addition even more acutely needed.

The Appropriations Committee is also denying $435,300 requested for construction of a publications library and technical services building at the Jet Propulsion Laboratory. Oddly enough, it did not deny a request for $60,000 for the purchase of 3.4 acres of property lying contiguous to the southwest boundary of the Laboratory upon which it is proposed to construct this building.

The programs generally at the Jet Propulsion Laboratory have greatly changed over the past few years, so that the Laboratory now has a greatly expanded mission. Its personnel growth has been rapid and suitable buildings have not been constructed to keep pace with the increase in personnel.

This particular building would contain not only the general administrative offices of the Laboratory but would also house the main library, the reproduction department and a central documents control room and editorial office for the technical reports group. There are not sufficient facilities at the Laboratory to allow a regrouping of these administrative groups to enable them to function efficiently, and I do indeed urge that this item be restored.

Mr. GEORGE P. MILLER. Mr. Chairman, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to the gentleman.

Mr. GEORGE P. MILLER. I may say that I do not know of any element in this bill that could be removed with safety if we are going to go forward with the projects that NASA has set out for itself, which are so important to close the gap between this country and the Soviets. I am not familiar with where this $15 million is coming from.

Mr. BROOKS of Louisiana. I can tell the gentleman where part of it is coming from. When the Army gave up the Von Braun team and turned it over to NASA they had to arrange to provide for quarters and accommodations in buildings to be built down at Huntsville. A part of that is affected here. The work of NASA is not going to be adequately handled unless they have those facilities.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to the gentleman from California.

Mr. McDONOUGH. As I read the report of the committee, this is a reduction of the President's budget.

Mr. BROOKS of Louisiana. By $39 million.

Mr. McDONOUGH. The administration recognized the need for additional funds in order to meet the challenge we are facing from the Soviet Union in running the civilian space program. Although Saturn and Mercury are pretty well taken care of in the budget, this will have its effect upon the research and development and the building construction program that needs to be carried on. So the responsibility is not with the administration but with the committee.

Mr. BROOKS of Louisiana. I will say this to the gentleman. I earnestly believe that we are making a mistake. We ought to give them the money that is requested and needed. Our committee spent several weeks, more than a month, on this bill. I think it is a serious mistake not to give them the money.

Mr. EVINS. If the gentleman will yield, I am sure the chairman of the committee is very serious in this advocacy of this, but there are 19,000 employees in the NASA program, and it is only a year and a half old. They have $160 million. That is not going to stop the program.

Mr. BROOKS of Louisiana. The employees are largely transfer employees.

Mr. EVINS. They have 19,000 employees and there are 8 installations all over the country.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. BROOKS of Louisiana. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

Mr. THOMAS. Reserving the right to object, Mr. Speaker, I move that all debate on this paragraph on page 26 close in 7 minutes, including the time requested by the gentleman from Louisiana, with 3 minutes to be reserved to the committee.

The motion was agreed to.

Mr. BROOKS of Louisiana. Actually, NASA simply succeeds NACA. NASA took over the employees of NACA, who had been on the Federal payroll for many years. In addition, this year it took over the Von Braun team that consisted of approximately 5,000 employees in one group, because of the transfer. Normally the funds for the Von Braun team would have shown up in the Defense Department appropriation, but because they are transferred in a bloc this year to NASA, naturally the funds show up there. It is not quite fair to say that this agency, only 2 years old, has expanded from zero to 19,000 employees. On the contrary, it has consolidated with other agencies that have served long, hard, and faithfully and without criticism the U.S. Government, and it is to a large extent retaining those employees. There are relatively few new employees under the NASA program. I think the record ought to reflect that.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. GEORGE P. MILLER].

Mr. GEORGE P. MILLER. Mr. Chairman, I want to emphasize what the chairman of the Committee on Science and Astronautics has told you about the NASA organization. While it is true that it is a new organization in name it is not in any way a new organization in fact. The National Advisory Committee on Aeronautics, its predecessor, antedated the war. It did a great job in the field of aeronautics.

When NASA was set up, its entire organization was transferred to NASA. Then, also transferred to it, was the group at Huntsville known as the Von Braun team. If this team, one of the greatest groups in the country, headed by one of the greatest scientists, the man who developed Jupiter, the first successful missile that we attained, if this team, I repeat, is to be fully utilized to the maximum, you have to give it the space, the tools, and the facilities with which to work. That is what you are denying him when you cut $16 million out of the proposed construction appropriation for NASA. I ask you to consider very seriously the effect this will have upon the program that some people in the United States are critical of because they say we are not moving fast enough. That we should be doing more in overtaking the lead that the Russians now have in this field.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. GEORGE P. MILLER. I yield.

Mr. McDONOUGH. Is not the action before us contrary to the recommendations of the committee in considering the authorization bill, and also contrary to the President's budget?

Mr. GEORGE P. MILLER. It certainly is.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, may I say to my good friend, the gentleman from California, and my good friend, the gentleman from Louisiana, that no one has the monopoly on this subject.

We are as much in favor of this program as anybody. We are trying our best to go ahead with it. We are told that this is the 16th largest business in the United States, and I guess it is. It looks as if it is going to get much bigger. Here is $915 million. Talk about slowing it down? Nothing could be further from the truth. The big problem with this agency is to use well the money that it has.

They inherited 9,000 employees in California, Ohio, and Virginia from the old NACA. Then they took over one more laboratory in California with 2,500 employees. There is the new center being built nearby, and nobody is hurting Von Braun in Alabama. He is the brains, and if we ever lose him, Lord help the program. Let us be frank about it.

Referring to the big satellite projects, the booster is what we need. What we need is that thrust. You have $382 million for the Saturn and Mercury programs. Do you know how much was cut out of it? Not one penny was cut out of it. We specifically employed the agency not to cut it. We will pinpoint the little measly $39 million. It is guesswork out here in the Pacific where you are going to try to pick up that falling object, and you have here allocated $35 million for that. Nobody could tell within 20 percent what it is going to cost to pick it up after it has fallen. My time has expired and all I can say is that we will help this program and we are just trying to put a little sense into it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RENEGOTIATION BOARD

Salaries and expenses

For necessary expenses of the Renegotiation Board, including hire of passenger motor vehicles, and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $50 per diem for individuals, $2,870,000.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

If I may have the attention of the chairman of the subcommittee, as I understand the position of my friend, just so that we can have the record clear. The Committee on Appropriations has one problem and the legislative committee has another problem. But, as I understand my friend and the subcommittee, there is always a supplemental budget and if they say that NASA shows there is additional need for money, just as you did last year, where you put through a $23 million supplemental budget, this year you will make a supplemental appropriation.

Mr. THOMAS. This is based on an overrun, and if the estimates prove to be inaccurate, we are going to give them whatever they need. You know it and we all know it.

Mr. McCORMACK. Exactly. In other words, the subcommittee also put through a deficiency item. I remember I went to the chairman of the subcommittee and he took that item and put it through especially. It was held up in the other body due to the civil rights bill there, and, as I remember, you took it out specifically and put it through as a separate and individual resolution.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. THOMAS. On a big program like this, you rightfully put in the authority for the transfer of 5 percent of the money between appropriations for research and development and construction. At no given time can they come up with a firm program—and they should not because they ought to have the right to change their minds. They do change their minds. Last year they cut out the Vega $41 million program after $17 million had already been spent. Now that was all right and nobody objects to that. They may substitute one that will cost $66 million.

Whatever they need they are going to get. There is no disposition on the part of anybody to cut them off. We are just asking them to be prudent as they move along.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. YATES. There is the 5 percent interchange in this bill. If the agency wants to they can take 5 percent from one fund and allocate it to another fund.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. EVINS. There is no disposition to hurt the program. We want to accelerate it and go forward. There is no cut in funds for the investigating work. It is only for one fancy building which they can get along without. There is no disposition to interfere with the program.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. BROOKS of Louisiana. I have always thought this subcommittee was very fair. As the gentleman has already said, he is going to keep an open mind, and if they need money and they can make a proper showing, they can get it, and he will back them up.

Mr. GEORGE P. MILLER. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. GEORGE P. MILLER. I would like to say that I join with the chairman of my committee. We have found the chairman of this committee very sympathetic.

Mr. McCORMACK. I want the record to show that in a deficiency a short time ago there was an item for NASA and I personally went to the distinguished gentleman from Texas [Mr. THOMAS] and the chairman of the full committee, the gentleman from Missouri [Mr. CANNON], and asked them to take that item out and put it through separately, and the chairman of the subcommittee and the chairman of the full committee and the members of the subcommittee and the full committee cooperated. And the chairman of the subcommittee has assured us that the same consideration will be extended in connection with any deficiency appropriation that may be necessary during the next fiscal year where there is a case made out.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. SAYLOR. As a result of this assurance by the subcommittee, does the gentleman think we will hear anything more about this missile gap?

Mr. YATES. Let me point out that the President himself says there is a distinction between that missile and scientific experiments.

Mr. EVINS. Dr. von Braun testified we are behind in the trust and power field. The building will not hurt it.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. McCORMACK] has expired.

The Clerk read as follows:

SECURITIES AND EXCHANGE COMMISSION

Salaries and expenses

For necessary expenses, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 2131), and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), $8,525,000.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

I ask unanimous consent, Mr. Chairman, to revise and extend my remarks, and I ask unanimous consent that my remarks may appear in the RECORD following the remarks of the gentleman from Iowa [Mr. GROSS].

The CHAIRMAN. Is there objection?

There was no objection.

NEW GENERAL MEDICAL AND SURGICAL HOSPITAL IN CLEVELAND

Mr. SCHWENGEL. Mr. Chairman, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mrs. BOLTON. Mr. Chairman, northern Ohio will be deeply grateful to the committee for including in this bill—H.R. 11776, the independent offices appropriation bill for fiscal year 1961—funds for the construction of a new general medical and surgical hospital in Cleveland. This new hospital was authorized in 1948 to replace the present Crile VA Hospital which was built by the Army in 1942 as a temporary structure and acquired by the VA in 1946. The present Crile Hospital physical plant is woefully inadequate for the care of the more than 715,000 veterans who reside in the 38 northern Ohio counties over which the Cleveland VA regional office has jurisdiction. It is to be located on a tract of land which is in close proximity to Western Reserve University's School of Medicine. This will greatly assist in the medical care of our veterans as many faculty members also serve as specialists on the staff of the VA hospital. As the committee has pointed out, the established policy of the Veterans' Administration in locating new hospitals as close

as possible to medical centers has been invaluable in providing inpatient care to veterans.

The architectural planning for the construction is already underway, and with the funds provided this year the VA should be in a position to award a construction contract by next January or early spring.

The Clerk read as follows:

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES

For hospital and domiciliary facilities, for planning and for major alterations, improvements, and repairs and extending any of the facilities under the jurisdiction of the Veterans' Administration or for any of the purposes set forth in sections 5001, 5002, and 5004, title 38, United States Code, $39,100,000, to remain available until expended.

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: On page 34, line 23, after the word "Code", strike out "$39,100,000" and insert "$75,000,000."

Mr. THOMAS. Mr. Chairman, will the gentleman yield briefly?

Mr. SAYLOR. I yield if it is not taken out of my time.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent that it be not taken out of the gentleman's time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THOMAS. Mr. Chairman, it is getting quite late. We would like to finish this bill tonight. If there is any record vote it will, of course, go over until tomorrow. Could we not agree to time for debate on the Veterans' Administration items?

Mr. Chairman, I ask unanimous consent that all debate on the Veterans' Administration section of the bill close in 15 minutes, the last 3 to be reserved to the committee.

Mr. SAYLOR. Mr. Chairman, I object.

Mr. VAN ZANDT. Mr. Chairman, I object.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent that all debate on the Veterans' Administration section close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. SAYLOR. I object.

Mr. THOMAS. Mr. Chairman, I move that all debate dealing with the Veterans' Administration section close in 25 minutes, the last 5 to be reserved to the committee.

The CHAIRMAN. The question is on the motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. SAYLOR. Mr. Chairman, at the insistence of the Appropriations Committee for an overall plan for hospitalization of veterans, the Veterans' Administration several years ago presented to the Congress with the President's approval a plan whereby the number of hospital beds in the United States for veterans should be fixed. As a part of that program and in an effort to make sure that the Appropriations Committee would know what the present and future needs of this country would be for the proper care of our veterans population, the Veterans' Administration came up with a 12-year program which would call for the rehabilitation and modernization of 125,000 beds of its hospital system which were authorized for veterans in an orderly and planned basis.

Over a 12-year period it called for the expenditure of $900 million in equal annual installments. The Veterans' Administration this year asked for the first year's appropriation of $75,000,000 so that there could be an orderly development and rehabilitation of the hospitals.

The Appropriations Committee in the bill before you cut the request from $75 million to $39,100,000.

The effect of this cut will mean that the approved program of 12 years cannot be carried out as scheduled. It will not only defer the two hospitals which have been completely deleted, but it will also of necessity push back a number of other sorely needed projects which would be accomplished according to the schedule which the Veterans' Administration has presented.

The requested appropriation provides for construction of hospitals and domiciliary facilities and becomes available for use after Presidential approval of individual projects or groups of projects. The facilities may include new and replacement hospitals, acquisition of sites, modernization of existing plants, and fixed and initial portable equipment.

The Veterans' Administration recognized the need for a comprehensive appraisal of requirements to modernize the VA hospitals and domiciliaries constructed prior to World War II. In October 1958 the Administrator appointed a task force to study and appraise jointly with the Bureau of the Budget, the hospital and domiciliary replacement and modernization requirements through fiscal year 1971.

The task force concluded its study in June 1959 and recommended—with concurrence of the Bureau of the Budget—a program of replacement and modernization of our hospital system estimated to cost approximately $900 million, including the unfunded portion of post-World War II new hospital program.

The Veterans' Administration and the Bureau of the Budget have agreed that this cost should be apportioned over a period of 12 years or at the rate of approximately $75 million annually. This appropriation request is the first increment of funds for the plan and is the estimated additional amount needed in 1961 for the following projects and programs:

New hospitals—construction initial portable equipment and technical services:	
Cleveland, Ohio, 800 beds	$21,250,000
Washington, D.C., 700 beds	19,760,000
	41,010,000
Replacement hospital—construction and initial portable equipment, Martinez, Calif., 500 beds	11,714,000
Modernization, improvement and repair:	
1960 major (construction and initial portable equipment)	14,470,300
1961 major (technical services	3,787,000
1961 minor (construction, initial portable equipment and technical services)	4,856,200
	23,113,500
Total required	75,837,500
Less savings from prior year programs	837,500
Net appropriation request	75,000,000

The Veterans' Administration hospital system is the largest single system in the world. Its 125,000 beds in 172 hospitals are distributed throughout the United States. The capital investment in this system is estimated to be in excess of $2.5 billion. Maintenance of these facilities is essential to continued care of the veteran population as prescribed by the Congress. From a long-range viewpoint, the facilities and medical organization are a tremendous social asset to our country.

Maintenance of the physical plant is a complex problem. In addition to normal deterioration of structures due to age, there is the increasing rate of functional obsolescence brought about by the rapid advancement in medical techniques and technology in recent years. The changing diagnostic category and geographic location of patients also has impact on the physical plant.

There is a wide range in the ages of structures. It varies from over 70 years to current new construction. At the close of World War II, a major bed expansion program was established to care for the anticipated increase in the number of service-connected veterans returning from that war. This program, which provided 37,740 beds, is now substantially complete. During the period 1946–60, VA obligated in excess of $1 billion on postwar construction, most of which was for new hospitals, replacement hospitals, and modernization of existing hospitals.

Only limited resources were applied to maintenance and improvement of the older pre-World War II hospitals in the system. Some of these hospitals have reached a stage where, aside from functional obsolescence, physical deterioration will require replacement and/or major modernization.

It is recognized that aside from the additional new construction, VA has not since World War II kept abreast of the physical and functional obsolescence that is accruing in our hospital system. The Administrator of Veterans' Affairs, in his appearance before the Veterans' Affairs Committee in July and August 1958, pointed up this problem and raised the question of "Where do we go from here?"

As an answer to that question the Administrator of Veterans' Affairs presented his 12-year program and this is what it includes:

What the $900 million program includes:

	Cost in millions
A. Modernization of pre-World War II hospitals	$589.1
1. Modernization of 72 hospitals—65,629 beds	503.7
a. Application of per bed cost formula—35,297 beds, including improved bed spacing but not modernization for 7,422 neuropsychiatric beds	263.4
b. Individual hospital estimate—additional funding required for 22 hospitals where modernization is partially completed or in progress involving 20,765 beds	$96.2
c. Individual hospital estimate—special modernization problem involved at 9 hospitals (9,567 beds), including the modernization and partial replacement of 2 surplus military hospitals, Augusta and Richmond—1,525 beds	127.1
d. Initial portable equipment	17.0
2. Cost of air conditioning beyond minimum requirements	85.4
1. Replacement of 3 pre-World War II hospitals subject to modernization	76.0
b. Remainder of pre-World War II hospitals	9.4
B. Hospital replacement program	189.3
1. Replacement of 3 per-World War II hospitals (1,939 beds) and a 350-bed new addition to the Bay Pines, Fla., hospital	72.4
2. Replacement of 12 surplus military hospitals—8,090 beds	195.7
	268.1
Deduct funded portion of replacement program, including the 1960 budget	78.8
C. Completion of post-World War II program	75.9
1. Unfunded cost of Cleveland, Ohio, 800-bed general hospital	21.3
2. Correction of deficiencies in existing hospital	13.0
3. Air conditioning	41.6
D. Unfunded balance of fiscal year 1960 $33 million construction program	28.7
E. Consolidation of six regional office outpatient clinics	5.9
Total estimated cost	888.9

In addition to modernization the program includes a replacement program as follows:

Location	Authorized bed capacity	Estimated cost (in millions)	Remarks
Bay Pines, Fla. (addition)	350	$7.0	Authorized; construction not funded.
Coral Gables, Fla.	800	22.5	Do.
Downey, Ill.	800	23.3	Under construction.
Fort Thomas, Ky.	350	6.3	Not yet authorized.
Jackson, Miss.	500	14.2	Authorized; funds appropriated.
Long Beach, Calif.	1,600	23.1	Construction of 1st phase completed.
Martinsburg, W. Va.	765	20.0	Not yet authorized.
Memphis, Tenn.	1,000	25.0	Authorized; not funded.
Nashville, Tenn.	500	13.8	Authorized; final plans stage; funds appropriated.
Oakland, Calif.	500	12.1	Authorized; construction not funded.
San Juan, P.R.	200	6.0	Not yet authorized.
Temple, Tex.	500	15.0	Authorized; not funded.
Vancouver, Wash.	575	14.4	Not yet authorized.
Washington, D.C.	500	24.5	Authorized; construction not funded.
Wood, Wis.	1,250	35.5	Authorized; not funded.
Total	10,379	268.1	
Deduct amount funded, including 1960 budget.		−78.8	
Estimated unfunded cost of program.		189.3	

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I rise in support of the pending amendment and I shall direct my remarks to the committee's action in deleting the new 700-bed hospital in the Washington, D.C., area. The site of this hospital is at the Old Soldiers' Home which is located within the confines of the District of Columbia. I wish to stress to the Members of the Committee that support for this amendment is bipartisan, it is not political. The need for this hospital has been demonstrated through recent years by the findings of various subcommittees. In fact, at one time the hospital was to be located in my congressional district. However, upon further study it was discovered that the space and area in the Soldiers' Home locale adjacent to the Washington Medical Center was a more suitable site.

The committee report states that this is a too extravagant facility. I submit that is not an argument which can stand on its own feet under any circumstances in face of the pressing need we have in Washington, D.C., for the hospital.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania. I am particularly interested in replacing the Mount Alto Hospital which is woefully overcrowded, it is woefully outdated, and is not a fit place for our veterans.

The committee has said, and I quote from an editorial that was referred to earlier in the day by the gentleman from Virginia [Mr. BROYHILL], that facilities are available, as the committee said, "in all surrounding directions." The facilities are not available in all surrounding directions. All the members of the committee have to do is to sit in my office for a short period of time and get call after call after call from veterans who need hospitalization and are unable to get it, and to listen in while I call a hospital and get the same answer time after time after time: "We do not have any beds available."

Mr. Chairman, there is a shortage of hospital beds in this area. I do not care what the committee says, there is a shortage; additional beds must be furnished. This has been recognized for years. The replacement for Mt. Alto is needed. The money for planning was appropriated back as far as 1957. Further delay cannot be accepted.

The CHAIRMAN. The time of the gentleman from Maryland has expired. The Chair recognizes the gentleman from Virginia [Mr. BROYHILL].

Mr. JONAS. Mr. Chairman, I ask unanimous consent that the time allotted to me be yielded to the gentleman from Virginia [Mr. BROYHILL].

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BROYHILL. Mr. Chairman, I also rise in support of the Saylor amendment and address myself to the portion of the amendment which restores the funds which were cut from the Budget Bureau's request for the construction of a 700-bed hospital in the District of Columbia.

I should like to again refer to a statement made during recent hearings by the distinguished gentleman from Texas [Mr. THOMAS], the chairman of the Subcommittee on Appropriations, concerned with this item, that this project can be delayed for 5 or 10 years due to the fact that money was tight and interest was tight and further expenditures would increase the inflationary spiral. I agree with the gentleman from Texas that this is an excellent yardstick to apply to every item in this bill and, in fact, to every action taken by this Congress. Furthermore, I have no quarrel when the application of this yardstick might reduce appropriations for my own congressional district. However, I feel that this yardstick should be applied equally and uniformly to all items, rather than singling out one or two items and then attempting to fit the items to the yardstick. This is most unfair and discriminatory. Moreover, when we have all decided and agreed that a program is desirable and necessary, we should carry out the program in an orderly fashion.

Insofar as delaying this project is concerned, I should like to call to the attention of the House the fact that this project has already been delayed for 15 years. Three million dollars has already been appropriated for planning. In fact, $1,100,000 was appropriated for plans and

specifications as recently as 1957. I see no justification for postponing and/or delaying any longer.

The existing facilities located at Mount Alto are totally inadequate. It only has a 335-bed capacity and was never designed for use as a hospital to begin with. In fact, it was originally constructed as a girls' school back in 1901. The buildings are old and dilapidated and the maintenance is extremely costly. Due to the improper layout there is a great deal of administrative difficulty in operating this facility. Many of the rooms and wards have to be used as hallways and the difficulty in properly utilizing personnel causes an extremely costly turnover. In fact, in many instances nurses have to serve on two or three floor levels at the same time with no accessible elevators.

Probably the most serious defect is the fact that it is a fire hazard, and in the event of a fire the results would be catastrophic. For one thing, the doors are too narrow to remove bedridden patients in the event of emergency. These obsolete facilities are a disgrace to this Nation which owes so much to its veterans. This Washington facility is by far the most outmoded one in the country.

Mr. Thomas has stated that he has been at Mount Alto and that the facilities there are adequate. I believe that Mr. Thomas is the only individual who has this opinion. If I had the time I could show you all the pictures I have here proving the obsolescence and inadequacy of these facilities. However, since time does not permit, I have them here for anyone who cares to review them to have the opportunity to do so.

Now in regard to the need for a 700-bed facility in Washington, I should like to point out that a 750-bed facility was authorized as far back as 1945. That was 15 years ago, and everyone knows that this area has an explosive population. Our population has increased since 1945 to approximately 2 million today, and all estimates of the experts indicate that the area will have 3½ million by 1970.

If we compared the ratio of hospital beds per veteran in the Washington area with the country as a whole, we would find it compares most unfavorably. It compares unfavorably even with the number of persons per bed in civilian hospitals throughout the country. For example, the national average of civilians per hospital bed is 108 nationwide, the national average for veterans per Veterans' Administration hospital bed is 190. In the Washington area, the average veterans per hospital bed numbers 392. Can there be any doubt about the need for more veteran hospital beds in the Washington area?

It has been pointed out that the Washington veterans can use other Veterans' Administration hospitals at a distance from Washington. I should like to state here that these hospitals, which are located in Richmond, Roanoke, and West Virginia, are likewise overcrowded and have long waiting lists. Furthermore, no veteran in any other metropolitan center of this great Nation of ours has to travel so far in order to receive adequate treatment in a veterans hospital.

At the present time, due to inadequate facilities at Mount Alto Hospital, we have the Veterans' Administration here using 10 beds at Walter Reed Army Hospital, 40 beds at Bethesda Naval Hospital, and 350 beds at St. Elizabeths Hospital. All but 150 beds at St. Elizabeths could be turned back if this new hospital was constructed. In addition, the outpatient clinic now located in the Munitions Building can be moved to this new hospital. By consolidating all these far-flung operations, we can certainly expect better staffing and more efficiency in performing veterans medical care in this area. I repeat that the existing obsolete facility at Mount Alto is seriously and dangerously overcrowded, and at the present time only the most acute emergency cases can be treated. I should also like to point out here that many calls from Members of Congress in behalf of their constituents must be turned down regardless of the emergency nature due to inadequate facilities.

I realize that a challenge has been made to the effect that the proposed cost of this hospital is exorbitant. I do not believe, however, that the many other things planned for inclusion in this facility have been taken into consideration in determining whether or not the cost is proper. One thing that is planned to be included is a research and testing hospital for new items of supply and equipment for use in veterans hospitals throughout the country. Another item is an administration research and training hospital, including classrooms, and so forth, which would be of benefit to all of the 170 other Veterans' Administration hospitals throughout the Nation in providing them VA-trained personnel.

I am reliably informed by responsible officials of the Veterans' Administration that if we consider the actual cost per bed for this hospital facility alone, the cost per bed would be less than that provided for in the Hill-Burton Act.

A very important factor that we must consider is that this is the first leg of a $900 million 12-year program of repair and remodeling, as well as improvement of our Veterans' Administration hospital program. A $75 million request was made this year but was cut to $39,100,000. What are we going to do? Scuttle this program? Postpone it? Delay it? Or, in a piecemeal fashion, alter the entire program by hit and miss cuts in the appropriations?

I should like to submit that this hospital has the full support of the administration and, as I have stated before, was included in the budgetary request this year. It also has a very strong and enthusiastic endorsement of all our national veterans organizations. Many of the Members have already received telegrams and letters to this effect, I am sure.

Some people feel that our Nation's Capital should have one of the best Veterans' Administration hospital facilities in the country. I do not believe, however, that anyone thinks that it should have the worst in the country. I hope the membership will support the amendment to restore these funds.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. BALDWIN].

Mr. RHODES of Arizona. Mr. Chairman, I ask unanimous consent that the time allotted to me be yielded to the gentleman from California [Mr. BALDWIN].

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. BALDWIN. Mr. Chairman, I rise in support of this amendment. This amendment would simply restore the budgeted sum for hospitals under the VA program. It would restore the sum for the hospital that was slated in the budget to be constructed in northern California and restore the sum for the hospital to be built here in Washington. This is the amount requested by President Eisenhower; approved by the Bureau of the Budget, and approved by the Veterans' Administration.

There are many in the House today who have received wires from the DAV. Some have received letters from the VFW. Some have received wires from the American Legion. All of them are in complete agreement on the restoration of these sums. I might say as far as the California hospital is concerned that this is a bipartisan matter. I have here in my hand a telegram from the Governor of California, Governor Pat Brown, who is of the Democratic Party. The wire, which is addressed to the chairman of the Subcommittee on Independent Offices, the gentleman from Texas [Mr. THOMAS], reads as follows:

> There have for several years past been pending before Congress bills to appropriate funds for the construction of a new veterans hospital in northern California. I have in the past recommended this appropriation, and I take this means of again recommending it to you.
>
> The veterans groups in California are unanimous in the belief that such a hospital should be constructed. The present facilities are now, and have been for some time, inadequate. I hope you will give favorable recommendation to this appropriation.

This also has the support of the labor groups. I have in my hand a letter from the president of the California State Building and Construction Trades Council, also addressed to the chairman of the Independent Offices Subcommittee, the Honorable ALBERT THOMAS. That letter reads as follows:

> DEAR MR. THOMAS: It is my understanding that the budget for fiscal year 1961 recommends that the sum of $11,714,000 be appropriated for a Veterans' Administration Hospital to replace the present Oakland VA Hospital.
>
> On behalf of the California State Building and Construction Trades Council, I should like to urge that this appropriation be approved by your subcommittee. There is an urgent need for this new hospital in northern California.
>
> Sincerely yours,
>
> BRYAN DEAVERS.

I also have a letter from the AFL–CIO which I would like to read at this same point, because it brings out the fact that this has labor support. This is dated April 14, 1960, from George D.

Riley, legislative representative, and is addressed to me. It reads as follows:

DEAR REPRESENTATIVE BALDWIN: In your discussion of the necessity for a Veterans' Administration hospital facility in the Bay area, it will be appreciated if you will make known to the House membership at large the feeling of urgency in regard to this proposed project.

It is fully realized that the influx of population in the immediate and general vicinity is of such need that the Veterans' Administration itself acquired a suitable site several years ago. It further is my understanding that the architectural contract has even been let and that what now is indicated is the appropriation with which to proceed.

Many of the veterans concerned in the situation are members of organized labor. It is their welfare and the welfare of all veterans in general which is at stake here.

We trust that the House will see the importance of this matter which I have heard you and representatives of labor from your district and region in general discuss before both House and Senate Appropriations Subcommittees.

Sincerely,

GEORGE D. RILEY.

The CHAIRMAN. The time of the gentleman from California [Mr. BALDWIN] has expired.

The Chair recognizes the gentleman from California [Mr. GEORGE P. MILLER].

Mr. GEORGE P. MILLER. Mr. Chairman, I support the committee in this matter. I am as conscious of the fact that we need a new hospital in northern California as any man present. I have long worked for it. But when these hospitals are constructed, I want to see them located where they will best serve the interest of veterans and for no other purpose. I offer a challenge to anyone to say that the site selected for the hospital at Martinez is the logical one or one that meets this criteria.

I have before me a letter dated March 23 from the Chairman of the Committee on Veterans' Affairs in which he tells me that three times they have investigated this hospital and they find that the Martinez site is not the proper site for it. The hospital presently is located in Oakland and the only reason it was moved to Martinez, which is on the periphery of the district to be served and not in the center of it is because at the time the matter first came up there was an order issued by the Office of Civilian Defense that you could not locate such a hospital in a so-called target area. Oakland, Calif., because of its strategic position, was designated as a prime target area. So were Washington and Cleveland. The restriction has been removed from these cities.

The CHAIRMAN. The time of the gentleman from California [Mr. GEORGE P. MILLER] has expired.

The Chair recognizes the gentleman from Kansas [Mr. AVERY].

Mr. AVERY. Mr. Chairman, I rise in support of this amendment. More particularly I should like to address myself to the money that is being sought to be restored to replace the Oakland hospital. Oakland is a long way from Kansas, but I would particularly like to have the attention of the gentleman from California who just preceded me, Mr. GEORGE P. MILLER.

I was a member of the Hospital Subcommittee of the Committee on Veterans' Affairs back in 1955. I served under the chairmanship of the late gentleman from Louisiana, the Honorable George Long. The location of this hospital goes back to that date. Back in 1955 we went to Oakland. We not only looked at the old hospital, but they took us over the mountain, so to speak, to look at this general area that had been recommended for the site that is before us today. It is my understanding that since that time all the veterans' organizations have agreed that this is an acceptable location for this hospital and since it has moved along on the basis that it will be located over there, certainly it is not in the interest of the Veterans' Administration hospital program to throw up these objections that are utterly without foundation, except that it just does not happen to be at a convenient location for some of the Members of the California delegation. That is about all there is to it.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Chairman, I rise in support of the committee's position. This is a dispute over the site location of a hospital. It has nothing to do with the desirability of having a hospital. I earnestly urge those of you who have any doubt about this matter to read the hearings on this subject that are available to you. You will find on page 1153 of the committee hearings a statement by Dr. Hardin Jones, a most distinguished medical scientist, who gets to the heart of the matter when he points out:

As you know, the Veterans' Administration, since World War II, has looked upon universities, medical science centers, and medical schools as a means of keeping quality of medical care for veterans at the highest possible mark, and associated with it is the policy of using the best talent in medicine that it can, such as Dr. Kay.

Dr. Kay is a noted urologist representing the Alameda-Contra Costa County Medical Society, who also testified in favor of a restudy of the site location. The only thing that is involved here is a restudy of the site location. As indicated in the report, they expect to have a revised proposal submitted in January.

To show how important this is, Mr. Chairman, the only reason there was in the first place for any consideration of the Martinez area was that the Office of Defense Mobilization at that time called it a target area, which it no longer is. Not only has the situation changed, Mr. Chairman, but it has changed to exactly the opposite. Dr. Edward Teller, the distinguished physicist from the University of California testified, among other things, that a hospital properly located in an urban area could be of strategic value. He urged locating the hospital in or near the Berkeley campus of the University of California.

I oppose the amendment and I urge adoption of the committee's report.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. VAN ZANDT].

Mr. VAN ZANDT. Mr. Chairman, this 12-year program of the Veterans' Administration for the replacement and modernization of existing hospitals results from many years of study by veterans' organizations, hearings by the House Committee on Veterans' Affairs, and the suggestions of a subcommittee of the House Committee on Appropriations. The result of all this collective thinking can be found on page 553 of the hearings, where the following appears:

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES, $75 MILLION

This appropriation provides for construction of hospitals and domiciliary facilities and becomes available for use after Presidential approval of individual projects or groups of projects. The facilities may include new and replacement hospitals, acquisition of sites, modernization of existing plants and fixed and initial portable equipment.

The Veterans' Administration recognized the need for a comprehensive appraisal of requirements to modernize the VA hospitals and domiciliaries constructed prior to World War II. In October 1958, the Administrator appointed a task force to study and appraise jointly with the Bureau of the Budget the hospital and domiciliary replacement and modernization requirements through fiscal year 1971.

The task force concluded its study in June 1959 and recommended (with concurrence of the Bureau of the Budget) a program of replacement and modernization of our hospital system estimated to cost approximately $900 million, including the unfunded portion of post-World War II new hospital program.

The Veterans' Administration and the Bureau of the Budget have agreed that this cost should be apportioned over a period of 12 years or at the rate of approximately $75 million annually. This appropriation request is the first increment of funds for the plan and is the estimated additional amount needed in 1961 for the following projects and programs.

Mr. Chairman, I support the Saylor amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, the committee has no opposition to the hospital as such. It is a question of which site should be selected. We do not agree with the Legislative Committee in their determination. The committee was given a copy of a letter written by the chairman of the Committee on Veterans' Affairs, the gentleman from Texas [Mr. TEAGUE], to the gentleman from California [Mr. GEORGE P. MILLER]. The last paragraph of this letter reads as follows:

With further reference to the situation in California, the late Dr. George S. Long and members of his subcommittee visited the Oakland Hospital. Other members of this committee have visited the proposed site in Martinez, as well as the Oakland Hospital. Without going into details or indicating the views of particular individuals, I think it is sufficient to say that all of those who investigated the matter came to the conclusion that the best interest of the Veterans' Administration and the veterans of the area would be served by building the replacement of Oakland at or near the present site of the

present hospital. In fact, most of the recommendations contemplate using the block adjacent to the present hospital.

You have here an intramural squabble between people in California.

Some want Martinez and some want Oakland. I think you should leave it up to the Legislative Committee and let them decide where the hospital should be. With respect to the statement of the gentleman from Kansas [Mr. AVERY], namely, that he was a member of that group, yet, I suggest to him that this letter is dated less than a month ago, March 23, 1960, and it is pointed out by the chairman of the Committee on Veterans' Affairs that as far as the committee is concerned, the report of the subcommittee which conducted the investigation has not yet been overruled. So that I say to you, if you want the Martinez site chosen by the Veterans' Affairs Committee, why do you not say so, so that the Committee on Appropriations is properly advised?

Mr. AVERY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield.

Mr. AVERY. In the first place, I should advise the gentleman it is no longer my privilege to serve on the Committee on Veterans' Affairs which would make it a little difficult for me to bring in a recommendation from the Committee on Veterans' Affairs. I have been further advised that the Committee on Veterans' Affairs felt generally that this policy had always been left to the Committee on Veterans' Administration to establish the site of the hospitals. They have never intervened before, and I would so construe the letter which the gentleman has read, not as being an intervention, but as a response in kindness and in consideration of an inquiry of a colleague.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. AYRES].

Mr. AYRES. Mr. Chairman, as a member of the hospital subcommittee and second ranking member of the Committee on Veterans' Affairs, and having served on that committee going on 10 years, I can tell the gentleman from Illinois that it has never been the policy of the Committee on Veterans' Affairs to attempt to designate hospital sites. As the gentleman from Kansas has pointed out, the members of that subcommittee did go out, but they did not come back and make a recommendation to the full committee. The full committee has never advised or given an opinion to the Veterans' Administration as to where the hospital should be located. In view of what has transpired over the past few months, it seems feasible to proceed with the hospital where the Veterans' Administration has planned it, and not to deny the veterans in this area hospitalization. That is exactly what we are going to do if we do not approve of the amendment offered by the gentleman from Pennsylvania. Having served all of this time on the Committee on Veterans' Affairs, I hope the members of the committee will support the amendment so that we will not deny these veterans the hospitalization rights that they are entitled to, which in all probability they will not get if we continue this hassle.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. EVINS].

Mr. EVINS. Mr. Chairman, there is $40 million carried in this bill for hospital construction. The hospital in the district of the gentlewoman from Ohio [Mrs. BOLTON] in Branch Hill, Ohio, was approved because there was no controversy about it. But there is a controversy about the site location of the California hospital. The Public Works Appropriation Subcommittee on which I serve has always adhered to the rule that where there is a controversy, the committee defers or delays the matter for another year to see if the local people cannot get together and agree on the project. If you come here with a decision as to the location, I feel sure the committee will provide the funds. Under the circumstances, I think this matter should be deferred. There is $40 million carried in this bill, as I said before, which is $7½ million more than last year. As far as the hospital in the District of Columbia is concerned, I want to point out that we are saturated with construction right here at this time with some nine buildings going up in the District of Columbia with $207,663,000 worth of construction. I feel the committee is generous, and certainly we want to provide for all the hospitals that are necessary. In the State of California, they would be demolishing a 750-bed hospital or a 500-bed hospital and they would be reducing the capacity at the present time.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. OSTERTAG].

Mr. OSTERTAG. Mr. Chairman, as a member of the committee, I might say that this is a matter that is recognized as being controversial and is primarily a matter of location rather than of need.

I think I reported the case, and I heartily support this feature of the report. When we point out that this hospital is sorely need in California there can be no debate or question with regard to need; the sole matter revolves around the question of where it should be located. I have heard and accept the recognition that the Veterans' Committee has not made a recommendation, that the Veterans' Administration has made a decision. It was in the budget, and for that reason I believe that the amendment is in order and a good one.

With regard to the other hospital involved I might point out that the hospital here in Washington while it is claimed to be needed, and as to that I will not quarrel with it, but the planned cost of construction is exceedingly high. However, there is a need for this hospital not only here but for hospitals in the whole program to the point where this $900 million veterans' hospital program can be completed within 12 years.

The CHAIRMAN. The gentleman from Texas [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS. Mr. Chairman, let us see what is involved in this. The amendment restores the amount from $39 million, round figures, to $75 million. It is for two hospitals. One of the hospitals is at Martinez, Calif., at a cost of $11.7 million; and the other is in the District of Columbia at a cost in round figures of $20 million.

As to California, read our report. It sets out why the hospital as proposed should not be built. You would demolish a 750-bed hospital and set up a 500-bed hospital when the veteran population in the area is growing. We think that is wrong. They ought to give it more consideration and they ought to build a thousand-bed hospital.

What I am trying to say is that they need a bigger hospital out there, but where? That is all that is involved, where?

The Legislative Committee in the past has set up a good policy and it is sound; you cannot get around it. It is good for science, it is good for the patients, it is good for the veterans to set up these hospitals near these great medical centers.

Mr. Chairman, this amendment ought to be voted down. The people back home ought to reconsider and if they cannot agree, and if the Legislative Committee cannot agree, then your little subcommittee will go out there ourselves in January and we will come back here, and then we will prayerfully submit a proposition to this House. Is not that fair enough?

As to the District of Columbia: Again we prayerfully ask you to vote down the amendment. Here is $20 million for a 700-bed hospital, and it is the most expensive thing in the United States: $28,200 per bed. Can you tie that any place?

Of course, you cannot expect our very distinguished newspapers here in the District of Columbia to oppose it: come easy, go easy, they do not care what it costs. You have a hospital in Baltimore, you have a hospital in Martinsburg, and a thousand-bed hospital in Richmond. You have veterans' beds set aside in Walter Reed Hospital and you have veterans' beds set aside in Bethesda Naval Hospital.

You have that nice hospital here now. I have been out there myself and I know what it is like. Certainly it is an old building, but there is no finer equipment any place in this country than there is in that hospital, and it is beautifully maintained. The staff does a beautiful job. It is well kept, it is nice to look at, neat, clean, well-painted and well-preserved. It will be an economic waste to throw that hospital out and wreck it. There are at least 5 or 10 more useful years of life in that building. It is a good building and it has a good plant.

You should bear in mind that a ceiling has been set on the number of beds by our distinguished President at 125,000. If you tear down this hospital and add another one, when you get through you are just going to have that figure of 125,000 beds. If you tear down ten or add five new, you still have that ceiling and it is going to be 125,000 beds.

The testimony before our committee is that this year and last year and the year before there was not a service-connected applicant in the entire United States who did not get admission right

off the bat. Does anybody question that statement?

Mr. Chairman, I respectfully ask for a vote, and I hope that the pending amendment will be defeated. We will take care of the California situation in January and this one is not needed in the District of Columbia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SAYLOR].

The question was taken; and on a division (demanded by Mr. SAYLOR) there were—ayes 82, noes 38.

So the amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. THOMAS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. IKARD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11776) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to, and the bill as amended do pass.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. THOMAS) there were—ayes 31, noes 43.

Mr. PELLY. I object to the vote on the ground that a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that further consideration of the bill be postponed until tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

The Honorable the SPEAKER,
House of Representatives

SIR: Desiring to be temporarily absent from my office, I hereby designate Mr. H. Newlin Megill, an official in my office, to sign any and all papers and do all other acts for me which he would be authorized to do by virtue of this designation and of clause 4, rule III of the House.

Respectfully yours,

RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

THE C. & O. CANAL NATIONAL HISTORICAL PARK BILL

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include an article.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FOLEY. Mr. Speaker, I am taking this opportunity to call to the attention of the Members of the House, the CONGRESSIONAL RECORD reprint of a National Geographic magazine article, "Waterway to Washington: The C. & O. Canal." The article appears in the April 6, 1960, CONGRESSIONAL RECORD. Written by Jay Johnston of the National Geographic staff, it contains a wealth of historic data about the C. & O. Canal that is helpful to the Members in appreciating H.R. 2331, "to establish the C. & O. Canal National Hostorical Park and Parkway." The bill will soon come to the floor for consideration.

Also, I call attention to the most recent report of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, unanimously supporting the C. & O. canal bill, H.R. 2331. The full Board report and recommendations appears in the April 12, 1960, CONGRESSIONAL RECORD.

On April 8, 1960, the Washington Post carried the following report of the Board's action:

ADVISORY BOARD URGES FAST PASSAGE OF BILL TO SET UP C. & O. CANAL PARK

Creation of a new national historical park and a new national monument has been recommended by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments.

The Board yesterday forwarded to Interior Secretary Fred A. Seaton the following recommendations:

Early enactment of legislation, now before Congress, which would authorize establishment of a 15,000-acre C. & O. Canal National Historical Park, from the Nation's Capital through the mountains of Maryland. Seaton previously endorsed the legislation.

Designation of a Missouri area as Ozark Rivers National Monument. The proposed monument would include 113,000 acres along about 190 miles of the Current, Jacks Fork, and Eleven Point Rivers.

The Advisory Board also commended the Department for its efforts to secure congressional cooperation to provide essential protection of Rainbow Bridge National Monument, Utah, against irreparable physical and esthetic damage as the result of the construction of Glen Canyon Dam and urged that this effort be continued.

The Advisory Board is composed of 11 nonsalaried members appointed by the Interior Secretary by direction of the Historic Sites Act of 1935. Its membership includes representatives competent in the field of history, archeology, architecture, and human geography.

The C. & O. Canal recommendation noted that the advisers were reiterating their 1955 call for protection of the historic waterway. They said the canal park unit is needed as a memorial to America's westward expansion and a monument to the canal area. The Board said it hopes that enactment of the pending legislation will enable the Nation to realize this park opportunity without further delay.

Another resolution noted that, as fine as the national park system is, it is not complete and there are significant areas of scenic, scientific, and historic significance that should be considered on a systematic basis for suitability and eligibility for inclusion in the system.

The Board urged that a "national park system more nearly adequate for the foreseeable needs of the United States * * * be planned and appropriate measures taken to acquire and conserve these irreplaceable portions of our national heritage before they are lost."

PANAMA CANAL

Mr. WALTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, for many months, as chairman of the House Committee on Un-American Activities, I have watched with increasing concern, the rising Red tide to the south of us that is now converging on the Isthmus of Panama. Thus, it has been with gratification that I have noted a growing understanding on the part of many Members of the Congress to this threat to hemispheric security as evidenced by their passage on February 2, 1960, by a vote of 381 to 12 of House Concurrent Resolution 459 concerning sovereignty over the Canal Zone territory.

Among those who have spoken out boldly in this regard, no one has presented a more comprehensive analysis of the questions involved than my colleague, the gentleman from Pennsylvania [Mr. FLOOD]. His many statements on this matter over a period of years are a valuable source of documented information on our isthmian and Latin-American policies.

His latest contribution is a notable address on the "Panama Canal: Key Target of Fourth Front," on April 18, 1960, before the National Defense Committee luncheon meeting of the National Society of the Daughters of the American Revolution at the Sheraton Park Hotel, in Washington, D.C.

Presiding over this distinguished gathering from various sections of the country was Mrs. Wilson K. Barnes, national defense chairman of the national society. The chairman of the committee on arrangements was Mr. B. Harrison Lingo.

In order that the full text of our colleague's latest contribution may be available to the Nation at large, especially to libraries, editorial desks, schools, colleges, universities, and Government agencies concerned with Isthmian Canal policy questions, I quote the indicated address:

On the morning of November 4, 1959, the people of the United States were surprised to read press dispatches from Panama about Canal Zone border violence on the previous day under large headlines, such as, "U.S. Troops Guard Canal Zone Against Mob." This news was not surprising to those in close touch with Isthmian developments.

Even though my studies had made it possible to foresee the disorders that occurred on November 3, 1959, and to warn proper authorities of the executive department as well as the Congress far in advance, it is

indeed a sterile satisfaction to state that those grave disturbances occurred precisely on the day as predicted; precisely in the manner prophesied; and precisely with the results expected. It would have been far better had timely action by the Congress or Executive been taken to prevent this distressing incident from occurring.

Unfortunately, the events of that tragic day and the long series of developments leading to them have not been adequately presented by the mass media to the people of our Nation—a failure that has the savor of a conspiracy of silence. Because they are fundamental and transcend all lesser considerations, their adequate clarification is imperative and requires some frank speaking.

In so doing, I wish to emphasize that I am not an enemy of Panama, nor of any just aspirations of its people, among whom I have made numerous and treasured friendships extending back many years. I sincerely trust that what I say today will add to public knowledge in both Panama and the United States and lead to better understanding of the issues involved.

JURIDICAL BASE OF U.S. ISTHMIAN CANAL POLICY

The foundations of our Isthmian canal policies are rooted in four centuries of history and rest upon three important canal treaties.

First. The Hay-Pauncefote Treaty of 1901 between Great Britain and the United States, which facilitated construction of the Panama Canal. In this agreement, Great Britain relinquished its own rights for construction and control of an isthmian canal and recognized the exclusive rights of the United States thereto. The United States, in assuming this obligation, adopted the main points of the Convention of Constantinople of 1888 for the operation of the Suez Canal as the rules to govern the operation and management of the American canal. These provide that the canal shall be "free and open" to "vessels of commerce and of war" of "all nations" on terms of "entire equality" with tolls that are "just and equitable." It also authorizes the United States to protect it against "lawlessness and disorder."

Second. The Hay-Bunau-Varilla Treaty of November 18, 1903, between the Republic of Panama and the United States. On the part of Panama, this convention granted to the United States "in perpetuity" the "use, occupation, and control" of the Canal Zone for the construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection, and, most significantly, as if the United States were the "sovereign of the territory" and to the "entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority." On the part of the United States, the main points for the purpose of this address were that it guaranteed the independence of Panama, which had just seceded from Colombia and whose existence depended on the protection of the United States and the success of the canal undertaking. The United States also was authorized to enforce sanitary ordinances and to maintain public order in the terminal cities of Panama and Colon and in the territories and harbors adjacent thereto in event of failure of the Republic of Panama to do so, as well as to acquire property within these cities and adjacent areas for canal purposes through the exercise of the right of eminent domain.

Third. The Thomson-Urritia Treaty of April 6, 1914, proclaimed March 30, 1922, between the United States and the Republic of Colombia, the sovereign of the isthmus prior to the Panama Revolution of November 3, 1903. This treaty aimed at removal of all misunderstandings growing out of the political events in Panama in November 1903, restoration of the cordial friendship that had previously existed between Colombia and the United States, and definition and regulation of their rights and interests with respect to the Panama Canal and Panama Railroad.

The negotiations of these three treaties were the contributions of some of the ablest men of their times. They knew the history of the isthmus as a land of endemic revolution and political instability. They understood the lessons of the Suez Canal, and benefited by them in adopting policies for administering the Panama Canal. They knew the difficulties experienced in the negotiations with Colombia for a satisfactory canal treaty, which was finally rejected by the senate of that country, and thereupon determined to solve permanently the problem of sovereignty in the Canal Zone.

With duality of control as originally proposed in the rejected Hay-Herran Treaty removed, the framers of the Hay-Bunau-Varilla Treaty were justified in feeling that what would have been a perpetual cause of conflict and recrimination, which always accompanies extraterritorial rights, had been eliminated forever.

The Canal Zone is a constitutionally acquired domain of the United States. Under our Constitution, the treaties and statutes that relate to its acquisition, the subsequent construction of the Panama Canal, and its perpetual operation, are "supreme law of the land." Moreover, the framers of the Hay-Bunau-Varilla Treaty were far-visioned. They discriminated between the "grant" of the Canal Zone "in perpetuity" and the "life of this convention," which they realized would probably be modified. They even provided against the possibility of Panama entering "any union or confederation of states, so as to merge her sovereignty or independence," in which case the treaty provides that "the rights of the United States * * * shall not be in any respect lessened or impaired."

CANAL ZONE: U.S. GOVERNMENT RESERVATION

Despite the clear wording of the Panama Canal treaties, so many misconceptions of their key features have characterized press coverage in recent years, even including some of the most respected encyclopedias, that clarifications are essential. In this, the first fact of importance to note is that the original recommendation to secure control of the Canal Zone "in perpetuity" was made by the Isthmian Canal Commission in early 1902. This was followed by the Spooner Act, approved June 28, 1902, authorizing the President to secure by means of a treaty the "perpetual control" of the Canal Zone for the construction and "perpetual" maintenance, operation, sanitation, and protection of the Panama Canal.

It is true that the preamble of the 1903 treaty acquiring the Canal Zone describes the "sovereignty of such territory as being actually vested in the Republic of Panama." This description was used, however, to indicate the transfer of sovereignty over the area from Colombia to Panama as the result of the secession of Panama from Colombia and thereby to show the authority of Panama to cede to the United States that jurisdiction for canal purposes. Certainly it was not used for the purpose of establishing the sovereignty of Panama over the Canal Zone after its occupation in 1904 by the United States.

The fact that U.S. sovereignty over the zone is absolute was clearly indicated by Bunau-Varilla, Panama's Minister to the United States and one of the principal draftsmen of the 1903 treaty, who stated: "After mature thought, I recognized that if I enumerated in succession the various attributes of sovereignty granted, I ran the risk of seeing in the (U.S.) Senate, some other attributes asked for.

"To cut short any possible debate I decided to grant a concession of sovereignty en bloc.

"The formula which seemed to me the best one was to grant to the United States in the Canal Zone 'all the rights, power, and authority which the United States would possess and exercise if it were the sovereign of the territory; to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power and authority.'"

Thus, it is definitely established that the Canal Zone was not sold, ceded, or leased, but granted in perpetuity to the United States for perpetual operation of the Panama Canal. Not only that, all privately owned properties in the Canal Zone were later bought by the United States, and these included the Panama Railroad.

In additon to the titles thus secured, Colombia, in the Thomson-Urritia Treaty recognized the title to both the Panama Canal and Panama Railroad as "vested entirely and absoluetly" in the United States "without any encumberances whatever."

Moreover, President Taft, by Executive order of December 5, 1912, pursuant to the 1903 treaty and the Panama Canal Act, declared that "all land and land under water within the limits of the Canal Zone are necessary for the construction, maintenance, operation, protection and sanitation of the Panama Canal."

All these points, Madam Chairman, and many others that could be stated, remove all doubt as to the sovereign control of the entire Canal Zone. Its status is that of a U.S. Government reservation with full and exclusive sovereign control vested in the United States. The only authorized symbol of such absolute authority is the flag of the United States.

SECRETARIES HAY, TAFT AND HUGHES: CANAL ZONE SOVEREIGNTY VIEWS

The current agitation about the sovereign control of the Canal Zone is not a new issue but an old one periodically dragged out of its tomb for political purposes. Notwithstanding the fact that this subject has been repeatedly clarified, recent references to Panama as the "titular sovereign" of the Canal Zone, or whatever that is, by high officials of our own State Department and others, cannot be dismissed as effusions of the ignorant, for they have been presented as reaffirmations of the views enunciated in 1906 by Secretary William Howard Taft. What are some of the key facts in the history of this matter?

Secretary of Government Tomas Arias of Panama, one of the revolutionary junta of 1903, in a note dated May 25, 1904, addressed to Gov. George W. Davis of the Canal Zone stated:

"The Government of the Republic of Panama considers that upon the exchange of ratification of the treaty for opening the interoceanic canal across the Isthmus of Panama, its jurisdiction ceased over the Zone." Ratifications of this treaty, it may be stated, were exchanged on February 26, 1904.

In spite of this clear, unequivocal declaration, Secretary Arias later presented the "sovereignty" question to the United States. In a comprehensive reply to the Panamanian Government on October 24, 1904, Secretary of State Hay asserted that "the great object to be accomplished by the treaty is to enable the United States to construct the Canal by the expenditure of public funds of the United States—funds created by the collection of taxes" and that "the position of the United States is that the words 'for construction, maintenance, operation, sanitation, and the protection of the said Canal' were not intended as a limitation on the grant, but are a declaration of the inducement prompting the Republic of Panama to make

the grant" of the Canal Zone to the United States in perpetuity.

Though Secretary Hay mentioned the term, "titular sovereign of the Canal Zone," he stated that such sovereign is "mediatized by its own acts, solemnly declared and publicly proclaimed by treaty stipulations, induced by a desire to make possible the completion of a great work which will confer inestimable benefit on the people of the Isthmus and the nations of the world." He also stated that it was difficult to conceive of a country contemplating the abandonment of such a "high and honorable position, in order to engage in an endeavor to secure what at best is a 'barren scepter'."

Later, on April 18, 1906, while testifying before the Senate Committee on Interoceanic Canals, Secretary of War Taft, when commenting in article III of the Hay-Bunau-Varilla Treaty, stated:

"It is peculiar in not conferring sovereignty directly upon the United States, but in giving to the United States the powers which it would have if it were sovereign. This gives rise to the obvious implication that a mere titular sovereignty is reserved in the Panamanian Government. Now, I agree that to the Anglo-Saxon mind a titular sovereignty is * * * a barren ideality, but to the Spanish or Latin mind, poetic and sentimental, enjoying the intellectual refinements, and dwelling much on names and forms, it is by no means unimportant."

Prior to that, on January 12, 1905, Secretary Taft, when commenting on the question of Canal Zone jurisdiction to President Theodore Roosevelt, stated:

"The truth is that while we have all the attributes of sovereignty necessary in the construction, maintenance, and protection of the Canal, the very form in which these attributes are conferred in the treaty seems to preserve the titular sovereignty over the Canal Zone in the Republic of Panama, and as we have conceded to us complete judicial and public power and control over the Zone and the two ports at the end of the Canal, I can see no reason for creating a resentment on the part of the people of the Isthmus by quarreling over that which is dear to them but which to us is of no real moment whatever."

This is not the last significant statement by Mr. Taft on this matter. On February 9, 1909, in an address delivered in New Orleans when he was President-elect, he said:

"If the Hay-Herran Treaty of 1903 had been confirmed by the Colombian Senate, a failure to do which aroused our national indignation, we would not have been at all in the favorable position we are now to complete the canal.

"Because under the treaty with Panama, we are entitled to exercise all the sovereignty and all of the rights of sovereignty that we would exercise if we were sovereign, and Panama excluded from exercising any rights to the contrary of those conceded to us. Now that may be a ticklish argument, but I do not care whether it is or not. We are there. We have the right to govern that strip, and we are going to govern it."

Now, Madam Chairman, these forthright words of Mr. Taft, who was associated with the Panama Canal in responsible capacity longer than any other high U.S. official, should still the clamor of those who have been quoting him out of context.

But Mr. Taft was not the last high official to speak out vigorously on Canal Zone sovereignty questions. On December 15, 1923, Secretary of State Hughes, in a conversation with Dr. Ricardo J. Alfaro, then Minister of Panama to the United States, declared with a refreshing degree of candor that the U.S. Government "would never recede from the position which it had taken in the note of Secretary Hay in 1904." To this he added: "This Government could not and would not enter into any discussion affecting its full right to deal with the Canal Zone under article III of the Treaty of 1903 as if it were sovereign of the Canal Zone and to the entire exclusion of any sovereign rights or authority on the part of Panama."

Moreover, Secretary Hughes declared: "It was an absolute futility for the Panamanian Government to expect any American administration, no matter what it was, any President or Secretary of State, ever to surrender any part of these rights which the United States had acquired under the Treaty of 1903."

In view of all the facts, Madam Chairman, the best case that can be made for Panama's claim of sovereignty over the Canal Zone is that of a reversionary character in the sole event of the United States ceasing to maintain and operate the Canal. Should that ever occur, the United States would probably offer no objection to reassumption by Panama of sovereign control of the Canal Zone. Meanwhile, to encourage Panamanians to think that titular sovereignty is something that it is not, is lacking in forthrightness and counter to the best interests of the United States.

DIPLOMATIC DIKE IS BROKEN

The completion of the Panama Canal within the cost and time estimates and its successful maintenance and operation since opening to traffic in 1914 form one of the most brilliant chapters of the United States history. Former President Theodore Roosevelt always considered them of an importance comparable to the Louisiana Purchase. He and other statesmen who contributed to the success of the enterprise had every reason to be proud of their achievement.

For many years the project went ahead on the force of its initial impetus. The giants of the early years gradually passed from the scene and the conduct of our Isthmian policies fell into less capable hands. Even so, it required the impact of the great depression of 1929–32 and the Cuban Revolution of 1933 to start a chain of events at Panama that are still in motion.

In this connection, it should be recalled that until the abrogation of the Platt amendment of the Cuban Constitution, by treaty on May 31, 1934, following a period of violence in Cuba, the United States had the right to intervene for the "preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty."

It was after this policy of abandonment in Cuba that the Hull-Alfaro Treaty of 1936 between Panama and the United States was negotiated. Its first article abrogated article I of the 1903 Hay-Bunau-Varilla Treaty, by which the United States had undertaken to guarantee and maintain the independence of the Republic of Panama—a provision included in the Panama Constitution and known to Panamanians as the Platt amendment of Panama. This treaty was the first breach in the juridical foundation for the Panama Canal enterprise.

Other surrenders in the 1936 treaty include loss on the part of the United States of important sovereign powers and rights affecting the Panama Canal, especially that of eminent domain within the Republic of Panama, all without adequate compensation to the United States, which had borne all costs of construction, sanitation, and defense. But the erosion did not stop there.

After prolonged secret negotiations started in 1953, the process was further advanced in the Eisenhower-Remon Treaty of 1955. While in nowise abridging the sovereign authority of the United States over the Canal Zone and Panama Canal granted in articles II and III of the 1903 treaty, the 1955 treaty went much further in its surrenders than the 1936 treaty.

The 1955 treaty, which was ratified without adequate debate, gave away additional rights and properties of the United States and increased the Canal annuity from $430,000 allowed in the 1936 treaty to $1,930,000. Among its most regrettable features was surrender to Panama, without proper investigations and without authorization by Congress of valuable Panama Railroad properties in the cities of Panama and Colon, including the designed terminal freight yards and passenger stations in those cities, valued not less than $24 million. Not only that, the 1955 treaty even contemplated the abandonment of the railroad itself.

Fortunately, the Congress intervened and prevented the liquidation of this vital railroad. But its action was too late to save the terminal yards and passenger stations. Now, because there was no treaty requirement for their replacement by Panama, we are going to have a trans-Isthmian railroad without its originally designed and adequate terminal stations and yards.

Can you imagine, Madam Chairman, anything more absurd, or more ominous for the future conduct of our Isthmian policies? To say the least, our treaty power was grossly derelict, not only of U.S. interests, but also of the treaty rights of Colombia in the Panama Railroad. Why is it that our Government failed to have competent negotiators? We had the men of proper qualifications and experience in the United States. Why did we not use them?

The overall results of our sustained surrenders at Panama have been withdrawal of U.S. activities to the Canal Zone and serious impairment of them within the Canal Zone. The costs involved will have to be borne by American taxpayers, Canal Zone residents, the Panamanian masses, and interoceanic commerce that has to pay tolls. But even more important, we have given away our bargaining powers for dealing with Panama.

The results of these diplomatic failures are not accidental, but are a part of a calculated plan. This was revealed by Ambassador Ricardo M. Arias of Panama in a major political address on April 29, 1958, at the Edmund A. Walsh School of Foreign Service of Georgetown University, which was featured by hostile propaganda against the United States. Among his revelations was this significant statement:

"The foreign policy of my country during the last 50 years has been to exert every effort in order to obtain at least for Panama conditions similar to those granted by the United States to Colombia in January 1903."

This pronouncement of Panamanian policy, Madam Chairman, should not be taken lightly, but as a serious warning. Its objectives are rescission of the perpetuity and sovereignty provisions of the 1903 treaty, early establishment of dual sovereignty over the Canal Zone, and finally nationalization of the Panama Canal. It is no wonder that many North Americans have become disturbed about the Panama Canal and wish to know how the present turmoil and uncertainty were ever allowed to develop.

PANAMA CANAL ZONE NOT AN OCCUPIED TERRITORY

World War II commenced in September 1939, which was shortly after the 1936 treaty was finally ratified by the U.S. Senate. In preparation for possible involvement, the United States had to obtain sites for defense installations in the Republic of Panama, all necessary for protection of the Panama Canal. Because of the loss of the right of eminent domain in the Republic of Panama, the United States was denied that method for securing bases and had to obtain them through diplomatic channels, amidst mounting difficulties and exorbitant demands for rentals. It was not until May 18, 1942, that a defense sites agreement was at last signed.

After the war, anti-American clamor erupted, with unanimous demand by the Panama National Assembly for evacuation of all sites. The President of Panama also was quoted as demanding that the 1936 treaty

be made "more effective in terms of benefits for Panama." All of this agitation led to negotiations between Panama and the United States for a defense base treaty.

On December 9, 1947, Foreign Minister Ricardo J. Alfaro of Panama resigned in protest against his government's agreeing to extend the leases on the most important bases still held by the United States. Following this lead, the Panama National Assembly, surrounded by anti-American mobs, threatening to lynch any member who voted for leasing the bases to the United States, unanimously rejected the treaty.

The United States had no legal recourse except to evacuate all military bases in the Republic. It is but fair to state at this point, however, that the mob-dictated action of the Panama National Assembly was counter to the wishes of many thoughtful Panamanians, who recognized that the higher interests of their country required approval of that treaty and not its rejection.

It was in the midst of the defense base agitations in Panama that another more threatening event occurred in Washington. In November 1946, the State Department, following a furious Soviet attack in the U.N. on the United States, charging that American defense bases around the world were evidence of aggression, sent to the U.N. a report of bases listing the Canal Zone as one of the U.S. occupied territories.

Is there any wonder, Madam Chairman, after our own State Department classed one of the most vitally important constitutionally acquired domains of the United States as an "occupied territory" that we should have trouble in defending the legal status of the Canal Zone as a grant in perpetuity? In view of its juridicial history, it would be just as logical to list Alaska or the Gadsen Purchase as "occupied territories." Certainely, there could be no such turning back of the clock of history.

IMPACT OF NATIONALIZATION OF SUEZ CANAL AT PANAMA

Despite the generous treatment afforded Panama in the 1955 treaty already discussed, events having a great impact on the isthmus did not stop. On July 21–22, 1956, Presidents of the American nations met at Panama City in the Republic of Panama, attracting world attention to the great canal project on which the economic well-being of Panama largely depends. While public interest was thus focused toward the West, events of far greater significance were in making in the Near East.

Four days later, on July 26, Egypt nationalized the Suez Canal. Officially indorsed by the Government of Panama, this seizure of the Suez Canal started a chain of events affecting the Panama Canal, which accelerated trends already evident. Nationalization thus became the battle cry of radical elements in Panama, especially by students at the Panama University, where, backed by Communist influence, they proudly displayed a large sign: "The canal is ours."

Foreseeing the pending dangers and realizing the imperative need for a congressional reaffirmation on our Isthmian Canal policy, on June 27, 1957, I introduced a resolution to that effect (H. Con. Res. 205, 85th Cong.). In the light of subsequent developments, it is indeed unfortunate that no action was taken on it. This failure was interpreted on the isthmus as lack of leadership and psychological weakness. It served to encourage radical agitators to continue their course.

In a carefully organized raid into the Canal Zone on May 2, 1958, called Operation Sovereignty, Panamanian University students planted 72 Panamanian flags at places of prominence, including one in front of the Canal Zone administration building—an eventuality that I had foreseen and had sought to prevent by sending timely warning to proper officials.

Though this highly provocative incident was witnessed by Panama Canal authorities, the trespassers were not interfered with by Canal Zone police and were allowed to leave the zone without obstruction.

This 1958 flag-planting mob invasion of the Canal Zone, Madam Chairman, was not a simple student prank as some of our officials tried to explain, but a calculated move in worldwide psychological warfare of Communist form against the United States. It received extensive coverage in Latin America, and also in the Soviet press, further emboldening Panamanian agitators to plan new measures of mob violence. It is, indeed, significant that in this same month of May 1958, that the Vice President of the United States, and his wife, during the latter part of his visit of good will to Latin America, were subjected to the grossest forms of indignity, also perpetuated by students of Peruvian and Venezuelan universities, with the ruthless skill of the trained leadership so characteristic of the Red pattern.

It is extremely pertinent to state at this juncture that had the United States in the 1936 treaty not abandoned its 1903 treaty obligations for the maintenance of public order in the cities of Panama and Colon, the May 2, 1958, mob invasion would have been unthinkable. As it was, the wolves of disorder had tasted blood.

Subsequent to these grave disturbances, Dr. Milton Eisenhower, brother of the President and president of Johns Hopkins University, visited the isthmus as a special representative of the U.S. Government. What useful purpose his visit served is not clear, but we shall hear of him later.

CONGRESS FAILS TO REASSERT U.S. ISTHMIAN POLICY

The situation on the isthmus, meantime, did not stabilize. In a Panamanian enactment signed by President Ernesto de la Guardia, Jr., on December 18, 1958, Panama, by unilateral action, attempted to extend its territorial boundaries by sea from the internationally recognized 3-mile limit to a 12-mile limit. This extended area completely encircled the Canal Zone and, in fact, was aimed at making the Panama Canal another Berlin. Because I so described it in an address to the House of Representatives of the United States, I was formally declared by the National Assembly of Panama as "Panama's No. 1 gratuitous enemy."

Here I wish to assert again that I am not an enemy of Panama and that, if Panama has any enemy No. 1, he is among its own radicals, demagogues and revolutionaries who seem willing to bring their country to the brink of ruin in order to enhance their own political fortunes.

In a note to Panama delivered on January 7, 1959, the United States refused to recognize the Panamanian claim for wider territorial seas. In addition to the technical objections raised by the State Department to the attempted extension, I would say that it is a clear violation of the sovereignty provisions in articles II and III of the 1903 Hay-Bunau-Varilla Treaty, which because of their basic importance I shall quote in part for ready availability:

"ARTICLE II

"The Republic of Panama grants to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles extending to the distance of 5 miles on each side of the centerline of the route of the canal to be constructed; the said zone beginning in the Caribbean Sea 3 marine miles from mean low water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low water with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities * * * shall not be included within this grant. * * *

"ARTICLE III

"The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in Article II * * * which the United States would possess and exercise if it were sovereign of the territory * * * to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority."

It is well here to point out that in 1903, when the Hay-Bunau-Varilla Treaty was ratified by Panama, the limits of the territorial waters of the Republic and Canal Zone were coterminus. No subsequent agreement has changed these limits. Any change in them would necessarily apply to the Canal Zone as well as to the Republic.

The Department of State acted wisely in refusing to recognize the Panamanian claim for which action it deserves to be commended.

On the same day on which the U.S. note was delivered to Panama, January 9, 1959, I again introduced a concurrent resolution to reaffirm our Isthmanian Canal policy. (H. Con. Res. 38, 86th Cong.) A concurrent resolution, it should be stressed, does not require executive approval, but is an expression of the sense and judgment of the Congress. Despite this fact, the cognizant committee referred it to the executive department for consideration and recommendation. Of course, Madam Chairman, under the prevailing attitude of appeasement here, appeasement there, and appeasement everywhere, the response was negative and the Congress was not given an opportunity to vote on a measure to declare its own sense and judgment concerning this crucial question.

Thus, radicals in Panama had the way cleared for further advancement of their plans in a situation which could only end in tragedy for all concerned.

PANAMA RADICALS CREATE SERIOUS INCIDENTS

Meanwhile, in the Republic of Cuba, the great island country on the northern flank of the Atlantic approaches to the Panama Canal, a revolution was nearing the end. Its recognized government was overthrown by a radical group headed by Fidel Castro. His administration, now revealed as Communist-slanted, has engaged in the process of liquidation of its enemies by firing squads and extensive confiscation of American property by expropriation. With international communism previously entrenched in Venezuela on the southern flank, the conquest of Cuba through subversion saw both flanks of the Atlantic approaches to the Panama area controlled by alien revolutionary systems, which now are converging toward the canal itself.

Thus, it is not strange, Madam Chairman, that nearly a year after the 1958 Panamanian flag-planting mob invasion of the Canal Zone, on April 26, 1959, armed mercenaries from Cuba, in collaboration with radical elements in Panama, invaded that Republic. One part of their plan was to make token occupation of the Canal Zone; another to overthrow the constitutional government of President de la Guardia. But underlying all was the ultimate objective of driving the United States from its control of the Panama Canal.

The landing of the invaders threw political leaders and the upper class Panamanians into hysteria and confusion. The man in the street became apprehensive because of the obvious anxiety of government leaders. They would have become far more deeply concerned had they known that some top Panamanian Government officials moved

their families into the Canal Zone—an area that has so often served as a political sanctuary in times of crises in the Republic.

Fortunately, the attempted invasion proved abortive, with the invaders surrending to Panamanian authorities after intervention by the Organization of American States and the United States. But they were released with practically no punishment. Will there be more invasions of the American Isthmus? The indications are that there will.

Who were those invaders is a question frequently asked. The best answer to that query was supplied by President de la Guardia himself, who, after the invasion, stated:

"That was not just a group of adventurers from our country or even from Cuba. These people were mostly Cubans, but directed and led by militant Communists. Their ambition is the long-stated one of taking over the Panama Canal."

Nothing, Madam Chairman, could be more positive and clear cut than this statement by one in a position to know. Moreover, President de la Guardia's opinion is supported by overwhelming evidence. The formation of Communist-oriented governments in the Caribbean on both flanks of the Panama Canal approaches and recent attempts to invade several Isthmian countries constitutes serious threats, not only to the United States, but also to all the Americas. As such, they are clear violations of the Monroe Doctrine.

Unfortunately, the moves in the conquest of Latin American countries through infiltration and subversion have been made with such skillful secrecy as to beguile our people with a false sense of security. But they should no longer be taken by surprise by seemingly sudden invasions, disorders, and extreme nationalistic agitations.

Mr. Allen W. Dulles, Director of Central Intelligence, recently stated:

" 'Nationalism'—as a slogan for the breaking of the ties of friendship between us and the countries of this hemisphere was the line given the Latin American Communist leaders who attended the 21st Party Congress in Moscow last February (1959). Details for the execution of this policy were then outlined to these leaders and some of the fruits of this planning can be seen today in Panama, Cuba, and elsewhere in this hemisphere."

By the time the impact of the April 26, 1959, Cuban invasion of the isthmus was over, the stage was being set for the next move. This was to be a "peaceful occupation" of the Canal Zone by Panamanian mobs on November 3, 1959—the 56th anniversary of Panama's independence from Colombia.

The leaders for this were Aquilino Boyd, a former Minister of Foreign Affairs of Panama and then a candidate for President, also Ernesto J. Castillero. They published their plans. Thus, it is not remarkable that it was possible for me to address the House of Representatives on July 29, 1959, warning against exactly what was to occur, also again to notify proper executive authorities of the pending danger.

Yet these various and most grave incidents, threats and warnings seem to have made no impact on the minds and consciences of those in positions of responsibility in the executive departments or even in the Congress itself.

NOVEMBER 3 AND 28, 1959

Independence Day celebration in Panama started normally, with President de la Guardia, the officers of his government, and the diplomatic corps attending colorful ceremonies in and near the historic Panama Cathedral. In the suburbs of the city, all was quiet, but alongside the Panama-Canal Zone border at the Pacific end of the canal, radical demonstrators were gathering in defiance of what the Panamanian Government had advised.

Canal Zone authorities had taken precautions against the entrance of unruly groups into the Canal Zone, with police and firemen ready for eventualities. A demonstrator made a grab for the pistol of a Canal Zone policeman, who plucked him from a marching group, and the worst boundary violence in isthmian history was immediately underway.

Pummeled with rocks and insulted with profane and obscene epithets, Canal Zone police used remarkable restraint in repelling the assault. But they and the firemen alone were not strong enough to withstand the attack, which forced the Governor of the Canal Zone to call upon the U.S. Army to take over the task of protection against the mob.

Frustrated in their designs, the mob then turned upon American property in Panama. They burned a Panama Railroad passenger car in the railroad terminal, looted stores, and, with Aquilino Boyd among them, stormed the U.S. Embassy where they tore the American flag from the Embassy mast, ripped it to pieces, and hoisted the Panamanian flag. Lesser disturbances occurred at the Atlantic end of the canal.

It is indeed regrettable that the Panama National Guard did not make timely attempts to maintain order on that fateful day. It was later learned that it had received orders not to appear.

Further details of these disorders are not needed for presentation here, for they are covered comprehensively in the papers of Panama. They were generally ignored in the press of the United States, which has long maintained a near blackout of important news from the isthmus.

Did the U.S. administration issue a prompt and courageous statement backing up Canal Zone authorities to the hilt and warning that further efforts to invade the Zone would be repelled by force if Panamanian authorities were unable or unwilling to hold radicals and their Communist monitors in check? It did not.

Instead, the President, at his news conference of November 4, minimized the disorders as "really only an incident" and later sent a diplomatic emissary to Panama to appease those stirring up the trouble. Is there any wonder that the Panama National Assembly, by resolution on November 5, condemned Canal Zone authorities and vowed "not to rest until the Panama flag is raised on our territory on the Canal Zone."

Finally, on November 28, Panamanian mobs attempted to invade the Canal Zone a second time. On this occasion, the U.S. Army initially repelled the invaders until, at U.S. Army request, it was joined in restoring order by the Panama National Guard. The Panamanian forces won prompt public commendation from U.S. Government officials who had not seen fit to commend American authorities.

Now, Madam Chairman, while standing before this splendid body and speaking from a knowledge gleaned from the press of Panama, both English and Spanish, as well as from an extensive correspondence with witnesses, I wish to express my high admiration of the manner in which Canal Zone authorities, both civil and military, stood their ground during these crucial tests, especially the members of the Canal Zone Police and Fire Departments and the soldiers of the Army. They fought with their backs to the wall and measured up to the highest traditions of patriotism and service, also with the restraint and forbearance that comes with responsibility and power.

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TITULAR SOVEREIGNTY AND THE PANAMA FLAG

Meanwhile, amid a tremendous buildup in the Panama press, a State Department emissary arrived on the isthmus for a series of conferences. What special qualifications he had for such a mission are not shown by his record. But after 3 days of discussions, on November 24, he asserted that the United States "reiterated U.S. recognition, stated more than 50 years ago, of Panama's titular sovereignty over the Canal Zone," which was not acceptable to Panamanian demagogs. Canal Zone residents were shocked by the implied surrender of American sovereign rights without the authorization of the Congress. And, I should add, this emissary was acting under orders of the Secretary of State.

Of special interest, Madam Chairman, were some unexpected revelations that events on the isthmus at this time were to

stimulate. One was that on November 3, 1959, Panama was expecting a declaration by the United States acknowledging Panamanian sovereignty over the Canal Zone and that this expectation was based on conversations of the Minister of Finance, Fernando Eleta, with Dr. Milton Eisenhower on September 13, 1958, at Dr. Eisenhower's home in Baltimore.

So startling was this disclosure that the State Department was apparently constrained to issue what seemed to be a formal denial that Dr. Eisenhower had made "any statement which could be construed to commit the U.S. Government to any course of action."

Such an assertion was not a forthright denial of the statement attributed to the brother of the President, but a cleverly worded phrasing that is definitely misleading. Of course, the United States cannot be bound by the statement of a private citizen, even though he is the brother of the President. Nor, may I say, can any official of our Government abrogate, surrender, or annul the solemn obligations of our treaties with other nations. That, under our Constitution, can be done only by means of new treaty provisions promulgated by and with the advice and consent of the U.S. Senate. Otherwise, chaos would follow.

Thus, a controversy over what the President's brother said has added so much fuel to the flames of the ugly situation in Panama that nothing short of open declaration on the subject of sovereignty will meet the situation presented. Because the State Department has made such a complete fiasco over many years on this matter, this question is raised: What are the influences that have been controlling, and still seem to be controlling, the State Department's actions? Regardless of what the intentions may have been, they give aid and comfort to the avowed enemies of the United States, and, indeed, of the entire free world, at a most critical hour, and render our country's task of maintaining this great waterway for the shipping of all lands and the defense of each and every country of the Western Hemisphere more difficult. What more could be accomplished by open, bold, and shameless treason than has thus been done?

We have competent, courageous, and well-informed men and women on isthmian questions in this country. Why is it that such exceptional persons are not used for such exceptional situations instead of relying on routine underlings and anonymous advisers? Surrenders can only lead to further extortions. Why do we not learn this lesson of history?

After the unfortunate "titular sovereignty" statement of the diplomatic emissary, which traces back to an equally unfortunate statement by Secretary Taft in 1906, that is usually quoted out of context, the point chosen for special emphasis by Panamanian publicists was not "titular sovereignty," but "sovereignty," for which status the Panamanian flag would be the symbol. They have emphasized that raising the flag would be only the first step in a movement that would include appointments as judges, postmasters, customs inspectors, and police, and, in fact, the control of all civil activities with eventual jurisdiction over all Canal Zone territory, followed by nationalization of the canal itself. Because of the importance that the first hoisting of the first Panama flag would have, they urge the flag raising be made a notable occasion, with the President of Panama hoisting it, and an Under Secretary of State of the United States dignifying the ceremony with his presence and participation.

Imagine, Madam Chairman, the feelings among well-informed, capable residents of the Canal Zone when they read how the President of the United States, at his December 2, 1959, news conference, stated that the United States had recognized the "titular sovereignty" of Panama over the Canal Zone for 50 years and that he believed that "we should have visual evidence that Panama does have titular sovereignty over the region." Is it strange that the Spanish language press of Panama, which is used as a weapon of warfare against the United States, promptly boasted that the disorders of November 3 and 28 have at last made the Government of our Nation sit up and take notice? Certainly not.

Americans in the Canal Zone, of course, became profoundly concerned, for they know the implications of any such surrender. As patriotic citizens, they felt bound to organize committees to keep the U.S. flag flying with undiminished stature and for U.S. retention of the Panama Canal. They have circularized the Congress, high U.S. officials, and the press, distributed pertinent news clippings, and written many illuminating letters to important leaders, all in protest to what they consider could become the biggest steal in the 20th century.

Can you imagine, Madam Chairman, the picture of American citizens resident on a U.S. Government reservation that is part of the constitutionally acquired domain of the United States being forced to organize and fight to keep the American flag flying and against a pending loss of jurisdiction of the Canal Zone? Certainly we have made ourselves the laughing stock of the world.

Our leaders, in their public utterances, have strayed far away from the historic policy of exclusive U.S. control stressed by American statesmen, starting with President Grant in 1881, when he commended "an American canal, on American soil, to the American people." Now, Madam Chairman and Daughters of the American Revolution, make no mistake about it, the day that the Panama flag is formally hoisted in the Canal Zone marks the beginning of the end of exclusive U.S. control over the Panama Canal. To prevent that I introduced another resolution declaring that the official display of any flag over the Canal Zone other than that of the United States as violative by law, treaty, international usage, and our historic canal policy (H. Con. Res. 450, 86th Cong.).

What the official display of the Panama flag over the Canal Zone would mean for the Panama Canal and world commerce, every realistic student of the subject, every experienced Panama Canal employee, and every thoughtful member of the Armed Forces on the isthmus knows. To say the least, it would be the climax of one of the most disgraceful chapters in the U.S. diplomatic history.

It is appropriate at this point, Madam Chairman, that I should express the fullest admiration for the vitally important work of the U.S. civil employees on the isthmus who, taking their careers in their hands, have courageously endeavored to alert the Congress and the Nation to the true situation at Panama. If for such patriotic services any element in our Government decided to engage in official reprisals, those of us in the Congress who are familiar with canal problems will be glad to have full information.

INTERNATIONALIZATION OR REGIONALIZATION?

Nationalization by Panama is not the real issue. Underlying agitations for it are demands by powerful groups, including high political personalities in the United States, for internationalization under the U.N. or other international authority. It is significant, Madam Chairman, that one of those who has spoken out for such internationalization is an aspirant for the Presidency of the United States. Moreover, he has recently come out for annulment of the 1946 Connally reservation to the United Nations World Court resolution.

This reservation provided that the United States would not accept compulsory jurisdiction of the International Court of Justice in matters which are essentially within the domestic jurisdiction of the United States as determined by the United States.

If the Connally reservation should ever be revoked and the jurisdiction of the U.N. International Court of Justice thereby extended without limit, Panama would be in a position to hail the United States before that tribunal, to which a distinguished Panamanian jurist has just been added as a member. Then Panama could demand that all the Panama Canal treaties be revised according to the latest Panamanian desires. This, Madam Chairman, is a real danger to which all Americans should be alerted before it makes further headway.

The latest proposal for the Panama Canal is its multilateralization through regionalization under the aegis of the Organization of American States, of which body, by the way, Fidel Castro, of Cuba, is a member. Recommended by three professors in the department of political science of Northwestern University, their views reflect scant knowledge and little understanding of the actual problems involved in the maintenance and operation of the great waterway. These so-called experts, lacking any practical knowledge of the conditions involved, have accomplished no more than to add some new terms to the already overburdened bureaucratic jargon on the subject, and to make confusion worse confounded.

Panama itself, it should be especially noted, does not wish either internationalization or regionalization for it is far easier to deal with one nation than with some 82 countries in the U.N. or with 20 other nations in the OAS. Nor is it likely that the larger nations of Latin-America would permit Panama to nationalize the Panama Canal, which means that the recent agitations and mob violence in Panama have played into the hands of those whose aim is to place the Panama Canal under international control.

At this point, Madam Chairman, I wish to urge thoughtful leaders of Panama, who understand this situation well, to do their utmost to still the irresponsible agitations within their midst. They recall the facts of their history and should take them into account. They know that Panama grew out of the Panama Canal undertaking and not the canal out of Panama. They realize that the great sources of their income are from the United States, and that were these disrupted, all of Panama would suffer and even the independence of Panama might be overthrown. Moreover, should the United States ever withdraw from the isthmus, the flag that would ultimately fly over the Canal Zone, would not be that of Panama, but that of an international organization or of Colombia.

One angle of Isthmian history that few Panamanians or North Americans know is that the idea of internationalization is not new. It goes back to the Russian Revolution of 1917, when the Red Guard in Petrograd discussed it with John Reed, notorious North American Communist newspaper reporter. It is still the objective of Communist monitors that underlies much of the agitation for nationalization, for should the internationalization of the Panama Canal be brought about by an indirect process, that would serve as a precedent for internationalization of the Suez Canal and the Dardanelles. Control of the last has been a principal objective of Russia for centuries.

PANAMA CANAL NOT A PANAMANIAN RELIEF AGENCY

In the past few years, Madam Chairman, U.S. leadership in Panama policy matters has failed. Much time has been lost and we have given away our bargaining power to a country that has tragically defaulted on its prime treaty obligations to maintain order in the terminal cities of Panama and Colon. What should be done?

Basic to proper action is an understanding of the mission of the Panama Canal. It is an interoceanic public utility operated and maintained by the United States pursuant to treaty as a mandate for civilization. Moreover, it forms a part of the coastline of the United States.

As such, Panama Canal operations must not be confused and weakened through ill-advised policies of placation, for it is not a local enterprise for local political exploitation. Instead, it is one required by law, pursuant to treaty, to be self-sustaining with tolls that are "just and equitable" for the transit of vessels of all nations on terms of equality.

For many years the foreign policy of Panama has been fixed by mobs, with the Panamanian Government in general forced to accept mob dictation. The United States, in its dealing with Panama, instead of leading from the strength of an impregnable legal position with policies derived from reason and logic, has merely reacted to mob-instigated policies of Panama with surrender after surrender. This process, Madam Chairman, must stop and stop now, for the Panama Canal is not a Panamanian relief agency, but a business activity operated for the economic transit of vessels and for no other purpose.

Its management, reorganized in 1951 on a self-sustaining basis, pursuant to law, is an important treaty responsibility of the United States that must not be violated by any country or interest. Some of the 1955 treaty provisions violated sound business principles, notably the additional $1,500,000 annuity, which violation the Congress partially corrected by transferring budgetary supervision for it from the Panama Canal Company to the Department of State, which was responsible for its perpetration. The current attempts to force Panama Canal purchases in the Republic of Panama may well become the cause of other violations of the act of 1950, for it is inevitable that prices in Panama will be raised and as a precedent, might be used to require all U.S. purchases abroad at exorbitant prices.

Though the geographical location of the Republic of Panama places it in a favored position to do business with the Panama Canal enterprise and other U.S. Government agencies in the Canal Zone, this must rest on sound business practices. Otherwise, the possibilities for evil are great, among them the question of tolls and the cost of servicing vessels at Canal Zone ports.

The businesslike operation of the Panama Canal enterprise is one thing; relief for the Republic of Panama is another. The two must never be confused, and the Panama Canal must never be allowed to degenerate into a relief agency for the Republic of Panama.

PANAMA CANAL: SYMBOL OF FOURTH FRONT

In our concern, Madam Chairman, about the status of the Panama Canal, we cannot view it as an isolated question, but as one directly related to events elsewhere. For many months, the nations of this hemisphere have watched the steadily rising Red tide in various parts of Latin America, especially among the countries of the Caribbean. It is indeed significant that the campaign of the communistically controlled press in Cuba to end the "Yankee occupation" of our Guantanamo Naval Base and of the U.S.-educated, but Yankee-hating Chief Minister of Trinidad to take over our Chagaramus Naval Base on that island, have coincided with the Panamanian campaign of violence to gain "sovereignty" over the Canal Zone.

Prior to World War II, the great fear of the nations most likely to be involved was that of a two-front war—East and West. As to that danger, the United States was protected by two ocean barriers, patrolled by the Atlantic and Pacific fleets with provisions for a quick shifting of forces between the oceans by means of the Panama Canal.

Since World War II, that strategic setup has changed radically, incident to the advent of powerful aircraft, nuclear submarines, ballistic missiles, and other modern weapons. The protective barriers once afforded by the vast expanses of the Atlantic and Pacific Oceans and the icy wastes of the Arctic have in substantial degree been overcome, making them avenues for attacking the United States from three directions. To provide defenses on these three fronts, the Congress has appropriated billions.

While thus preoccupied, what has happened in our backyard to the south? In the vital area of the Caribbean, the forces behind the world revolutionary movement have focused on countries there with oft-repeated aim of bringing about the destruction of the United States and our system of constitutional liberty. Encouraged by the formation of communistically oriented governments in Cuba and other western hemisphere countries, these forces, recognizing the Panama Canal as the strategic center of the Americas, have concentrated on the Isthmus of Panama.

In this light, Madam Chairman, the Panama Canal has become the principal target and symbol of a fourth front in a situation comparable to that which, in 1823, was faced by President Monroe when he proclaimed the Monroe Doctrine. The time has certainly come to extend that doctrine to guard again against the intervention of international communism by means of penetration and subversion. To that end, the United States, as the most powerful leader among the nations of the free world, should make clear to our friends and enemies all over the world, that in the exercise of our inherent right of self-defense and in the maintenance of the Monroe Doctrine, we are determined not to permit the intervention of international communism to endanger the peace and safety of our Nation or of other countries of the western hemisphere.

For that purpose, I introduced a resolution (H. Con. Res. 445, 86th Cong.), which embodies the language and principles of our historic foreign policies. This measure, Madam Chairman, is not based on a blind devotion to the past, but on a realistic appraisal of the present with a view of the future. Not only that, the necessity for such reaffirmation of the Monroe Doctrine was indicated by the President of the United States recently when addressing the Brazilian Congress.

PROGRAM FOR ISTHMIAN SECURITY

The history of the United States-Panama relations since 1936 conclusively shows that they have not been improved by sustained surrenders. Rather, they have progressively worsened in proportion to these surrenders.

The time has come for all appeasement to end and for positive measures, because the Panama Canal is a symbol of U.S. power and prestige. To that end, we must be definite and firm.

The program which I would suggest should include:

First. Reaffirmation of our historic policy of exclusive sovereign control of the Canal Zone and Panama Canal by the Congress (H. Con. Res. 33 and 450, 86th Cong.).

Second. Announcement by our Government that no hostile or other provocative demonstrations or invasions will be tolerated in the Canal Zone or within the strategic vicinity of the Panama Canal.

Third. Reactivation, under the direct control of the Chief of Naval Operations, of the Special Service Squadron for continuous display of the flag in the Caribbean area and other missions of diplomatic character.

Fourth. Proclamation by our Government that the Canal Zone is constitutionally acquired territory by the United States.

Fifth. Extension of the Monroe Doctrine to include penetration and subversion by means of a concurrent resolution of the Congress (H. Con. Res. 445, 86th Cong.).

As to the urgency for action on this program, the unfortunate events at Panama November 3, and 28, 1949, and recently in Cuba, speak far more eloquently than anything I can say. The questions that I have described are not local, but developments in a worldwide movement focusing on Panama. So far, the forces for undermining U.S. authority have had a virtually unobstructed field, with no organized counterforce. We must supply the countermeasures now, and, in doing so, we act not only for the just and indispensable rights of the United States to the Panama Canal, but as well to safeguard the peace and safety of the world.

RELIGIOUS FREEDOM

The SPEAKER. Under previous order of the House the gentlewoman from Oregon [Mrs. GREEN] is recognized for 60 minutes.

Mrs. GREEN of Oregon. Mr. Speaker, one of the great fundamentals of our free society is freedom of religion—freedom of the Nation's churches to teach and preach as the obligations of conscience may direct them. Religious freedom—the first freedom safeguarded by the Bill of Rights—is in many ways the keystone of the arch of freedom. If religious freedom is to mean anything, it must mean the right of the churches to settle their doctrinal differences without either bringing in the state as an arbiter or having the state or any agency of the state intrude itself as a judge. This is as true of questions of the degree to which the church may comment on social questions as it is of any other question of a doctrinal nature.

Churches and church spokesmen may differ among themselves as to the proper answers to these questions. But the agencies of the state may not with the slightest propriety intervene in that argument.

The situation which has brought this problem to the House floor today is in the broad historical context—perhaps a minor one. But the basic question is fundamental to our free way of life and our freedom to worship. I refer to the publication of the Air Force Training Manual 45–0050, and to the controversy which has followed its publication and withdrawal.

Roscoe Drummond, in the Christian Science Monitor for February 27, states the case very well when he says:

The latest Air Force manual to be repudiated broadcast the accusation that "Communists and Communist fellow travelers have successfully infiltrated our churches," accused unnamed pastors of unnamed churches of being "card-carrying Communists," and let go the innuendo that "the National Council of Churches must be Communist ridden because some of its leaders helped to bring about the revised version of the Holy Bible."

For any branch of the Armed Forces to allow itself to be used to disseminate this kind of material is a grave offense for four reasons:

1. Such material doesn't belong in a military manual, and its author, Homer H. Hyde, a technical Air Force and Army writer for many years, now admits he has had "second thoughts as to the propriety" of dealing with

this subject at all in a Defense Department manual. In time of peace, Reserve personnel have access to the same news media that all other citizens have access to and therefore military manuals could well stick to military matter.

2. The effect of such exaggerated, undocumented, unsupported, mostly false charges against the Protestant clergy helps the Communist cause, instead of hurting it. Making statements which are not true about Communist infiltration makes it more difficult to convince people of the facts—that the Communists are constantly at it, are trying all the time to worm their way into worthy causes and need to be watched alertly and discriminatingly. It is the indiscriminate charge which helps the Communist to keep covered up.

3. The specific charge of this particular Air Force manual is contrary to the evidence. In 1953 J. B. Matthews made a similar accusation, and even the late Senator Joseph R. McCarthy, Republican, of Wisconsin, had to fire him as research director of his investigating committee. The Air Force manual stated that the Communists successfully infiltrated the churches. It would be more accurate to say that the Communists unsuccessfully attempted to infiltrate the churches. We know that some of the clergy of different denominations have followed the Communist line, but even the House Committee on Un-American Activities, which is not likely to underrate its findings, reported that such infiltration affects only a minute percentage of men of the cloth.

4. The attacks on the Protestant churches in the Air Force publication unintentionally serve the Communist cause because they smear a religious force which is a great bulwark against all tyranny, including Communist tyranny. Potestant leaders validly make this point:

"Free ministers in free pulpits, preaching to free people the liberating truths of Christ, are a chief bulwark of American freedom and the best guarantee of its future."

It is not what Protestant leaders say against communism which makes Protestantism a powerful and fruitful force standing against tyranny. It is what Protestantism stands for as a religious truth and what it inculcates in the consciousness of its adherents—its concept of spiritual individualism and its total awareness that the human freedoms are essential to the practice and preservation of Christianity and all free religion.

James Wine, the associate general secretary of the National Council of Churches, states the council's views when he says:

We consider this entire matter to be of the most serious proportion.

In a letter addressed to the Honorable Thomas S. Gates, Secretary of Defense, Mr. Wine wrote:

The National Council of Churches vigorously protests that a service document prepared by an agency under the auspices of the U.S. Government contains edited material regarding the Christian churches in America.

The appearance of this material, in the circumstances, is a patent contravention of the first amendment of the Constitution of the United States.

To imply some relationship between the revised standard version of the Holy Bible and communism is insidious and absurd.

To aver by innuendo that the National Council of Churches is associated or in any way influenced by the Communist Party is an example of irresponsibility at its worst. The adoption in the text as official Air Force statements of the opinions of prejudiced persons identified only on page 4 of the appendix; to wit, Circuit Riders, Inc., pamphlet, "Aspotate Clergymen Battle for God-Hating Communist China;" "the National Council of Churches Indicts Itself on 50 Counts of Treason to God and Country," is an incredible reflection upon the judgment and sense of responsibility of all those involved.

It is respectfully urged the document in question be immediately withdrawn and all copies which have been distributed be recalled.

Rev. Roy Ross, the general secretary, in a letter dated March 22, also very clearly states the position of the national council when he writes:

MY DEAR CONGRESSWOMAN: The prompt action taken by the Secretary of the Air Force closes its training manuals to infiltration by propaganda against churches and religious institutions. However, the appearance of such defamatory matter in Government publications heavily underscores the extreme dangers to the American principles of freedom. The dangers lie in the lending or employment of governmental power or media at any official level to induce or coerce regimentation of expression or to make some pattern of civic thought or religious opinion a test of loyalty or to equate concern for the rights of men with infidelity to the American ideal.

The National Council of the Churches of Christ in the U.S.A. and its constituent communions are and always have been unalterably opposed to communism. Its unqualified conviction was expressed in the council's policy statement of May 19, 1953, that:

"No body of people is more concerned to combat communism than the church groups of our country"; and

"These churches are the greatest bulwarks of freedom in the United States."

Such conviction was reasserted in the recent resolution of the council's general board adopted last June:

"Reaffirming the consistent position of the National Council of Churches expressed in many official actions opposing the evils, the violation of human rights by Communist and other tyrannies."

For the very reason that the National Council of Churches and its constituent communions hold this unalterable and consistent opposition to communism in any part of the world, the council, with equal determination, also opposes and condemns—and will continue to oppose and condemn—all efforts, official or private, subtle or overt, intended or otherwise, to use agencies of any branch of Government or media of mass communication under Government regulation to defame church institutions or leaders, to subject church loyalty to the poison of innuendo, to differentiate between religious groups in point of patriotism, and thus to undermine religion itself, the centuries-old nature of the American people as a religious people, and the essential unity of our Nation in its life and freedom.

Such efforts and practices not only are a patent violation of the free exercise of religion as guaranteed by the first amendment to the Constitution of the United States, but also are violations of that amendment's guarantees of freedom of expression and opinion and of every citizen's right to discuss openly and without fear the practices and policies of his Government. They set a pattern which is profoundly un-American, and which, unless opposed and checked, can inculcate familiar totalitarian methods for manipulating the people's mind.

The very purpose of the Bill of Rights was to secure religious liberty and those associated liberties from the invasion of civil authority and to place them beyond the reach of political or official control or of private malevolence insinuating itself into media operating under Government sanction.

Precisely because of the national council's unalterable loyalty to these American constitutional principles, it insists not only on the right but also on the duty of the churches and of religious communions and their members to study and comment upon issues, whether political, economic, or social, which affect human relations, the dignity of the individual, and the right of all men everywhere to liberty under law and justice.

To serve these noble and thoroughly democratic and American ends, the national council conducts itself as the cooperative medium through which 33 Protestant and Orthodox communions in the United States focus the light of the Christian faith on all phases of American life and American concern. That it may so serve fully and loyally, the national council will continue to oppose not only communism and any other form of tyranny over the mind of man, but also all efforts, public or private, to subject the churches of America and their representatives to any ordeal of suspicion, innuendo, and hysteria.

This position was endorsed by the duly elected and authorized representatives of 24 major denominations.

Under unanimous consent I include the complete letter and list of 24 major denominations in the RECORD at this point:

We, the duly elected and authorized representatives of denominations, as indicated, fully and wholeheartedly endorse and support the statement of policy of the National Council of Churches of Christ in the U.S.A. as set forth in the attached letter dated March 22, 1960, by Roy G. Ross, general secretary, National Council of Churches of Christ in the U.S.A.

Norman J. Baugher, Church of the Brethren; Zoltan Beky, Hungarian Reformed Church in America; Eugene Carson Blake, Presbyterian Church in the U.S.A.; Archbishop Bohdan, the Most Reverend Metropolitan, Ukrainian Orthodox Church of America; Gaines M. Cook, Disciples of Christ; Charles J. Darlington, Philadelphia Yearly Meeting of the Religious Society of Friends; Franklin Clark Fry, United Lutheran Church in America; Most Rev. Leon Grochowski, Polish National Catholic Church of America; Kenneth G. Hamilton, Moravian Church; James E. Hoffman, Reformed Church in America; Fred Hoskins, General Council, Congregational Christian; Archbishop of Iakovos, Greek Orthodox Church of North and South America; J. H. Jackson, National Baptist Convention, U.S.A., Inc.; Alfred Jensen, American Evangelical Lutheran Church; Arthur Lichtenberger, Protestant Episcopal; James A. Millard, Jr., Presbyterian Church in the United States; Reuben H. Mueller, Evangelical United Brethren; Glenn A. Reece, Five Years Meeting of Friends; Roy H. Short, Methodist; Sion Archbishop, Primate of the Diocese of the Armenian Church of America; B. Julian Smith, Christian Methodist Episcopal; Edwin H. Tuller, American Baptist Convention; James E. Wagner, United Church of Christ Evangelical and Reformed; W. J. Walls, African Methodist Episcopal Zion.

Other denominational leaders have spoken out very strongly, very eloquently, very persuasively. In a resolution passed on March 2, 1960, by the general council of the General Assembly

of the United Presbyterian Church in the United States of America, they deplore the violation of the principle of separation of church and state manifested by the contents of said manual and its 1955 predecessor, 205–5. They absolutely reject the charge that there is any relationship between the Revised Standard Version of the Holy Bible and communism. Mr. Speaker, I ask unanimous consent to insert the full text of this resolution at this point in the RECORD.

RESOLUTION PASSED BY THE GENERAL COUNCIL OF THE GENERAL ASSEMBLY OF THE UNITED PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA ON MARCH 2, 1960

Inasmuch as Air Reserve Center Training Manual, Student Text, NR.45–0500, increment 5, volume 7, violates the first amendment of the Constitution by attempting to indoctrinate Air Force reservists on questions of religion; and

Inasmuch as the same official manual freely slurs the idea of freedom of the press; and

Inasmuch as the same manual and a preceding 1955 security indoctrination manual contain as official statements certain libelous and untrue accusations against the whole body of Protestant clergymen, against the churches of the United States, and against the National Council of Churches as an organization of many of those churches; and

Inasmuch as the same manual implies an absurd and insidious relationship between the Revised Standard Version of the Holy Bible and communism; and

Inasmuch as the Secretary of the Air Force, Dudley C. Sharp, has withdrawn the 1960 manual but has testified before the House Committee on Un-American Activities that he has not yet determined whether the charges contained in the manual were true or false: Be it

Resolved, That the general council of the United Presbyterian Church in the United States of America, meeting in New York City on March 2, 1960, deplores the violation of the principle of separation of church and state manifested by the contents of the said manual and its 1955 predecessor; and

The general council censures the belittling of the idea of a free press; and

The general council affirms its wholehearted support of the National Council of Churches against the false accusation of Communist influence, and endorses without qualification the resolution of the general board of the National Council which resolution was passed on February 24, 1960, at Oklahoma City; and

The general council rejects the charge that there is any relationship between the Revised Standard Version of the Holy Bible and communism; and

The general council calls on the Secretary of the Air Force specifically to state that the charges relative to the clergy, to the churches, and to the National Council of Churches in the aforesaid manuals are unproved allegations, and will not be reissued in any shape or manner; and

The general council urges that the House Manpower Utilization Subcommittee chaired by Representative MELVIN PRICE look into the circumstances surrounding the preparation, authorization, and distribution of the manuals; and

The general council supports the moderator and the stated clerk of the United Presbyterian Church in the United States of America in efforts to aid any inquiry which is sincerely trying to uncover and to expose what appears to be an evil and sinister conspiracy to discredit Protestantism—and, indeed, all religious institutions—in the United States.

The general council of the American Baptist Convention on March 1 issued a statement in which they said:

We deplore the untrue accusations made, the advantage taken of Government agencies, and the subversion of the basic principles of Christian truth and American tradition.

Mr. Speaker, under unanimous consent, I include this statement in full at this point in the RECORD:

STATEMENT BY THE GENERAL COUNCIL OF THE AMERICAN BAPTIST CONVENTION

The general council of the American Baptist Convention, in session at Chicago, Ill., March 1, 1960, adopted the following resolution:

"Forasmuch as attacks on American Protestantism as represented by the National Council of Churches and its member denominations have been renewed and brought to the fore in connection with the recent Air Force manual incident, we hereby resolve that—

"1. We reaffirm that faith in our Lord Jesus Christ that is the basis of our cooperation with the member churches in the National Council of Churches, recognizing that this faith upon which the National Council of Churches is founded is the ultimate antithesis of communism and false ideologies and makes ludicrous the false charges brought against the council.

"2. We deplore the untrue accusations made, the advantage taken of Government agencies, and the subversion of the basic principles of Christian truth and American tradition.

"3. We join once more in our expression of complete confidence in the Christian integrity, the devoted commitment, the dedicated patriotism, and the consecrated leadership of our fellow American Baptist, Dr. Edwin Dahlberg, and the outstanding ecumenical colleagues who share with him in Christian purpose and in their patience under the persecution brought upon them and American Protestant churches."

In a message from the Evangelical and Reformed Church we find this protest:

In the name of 1,800 faithful pastors and the lay people of our 2,740 congregations, and of 34 Evangelical and Reformed chaplains serving in the Armed Forces, we protest.

Irreparable damage has been done to Protestantism, for in a familiar pattern this manual, although officially disclaimed, will long be quoted by extremists to justify their spurious charges.

Leaders in the Greek Orthodox Church were shocked by the attack on the National Council of Churches and its leaders. Archbishop Iakovos, Archbishop of the Greek Orthodox Church of North and South America, telegraphed the following wire to Dudley Sharp, Secretary of the Air Force:

The Greek Orthodox Church of North and South America traditionally and unremittingly opposed to totalitarian tyranny and religious oppression wishes to reassert its faith in the National Council of Churches of Christ in the U.S.A. and its leaders as devotedly upholding the best democratic and religious ideals of the American way of life. Our church affirms this not only as a member of the National Council of Churches, but also on behalf of our highest ecclesiastical authority, His Holiness Athenagoras I, Ecumenical Patriarch of Constantinople and former Archbishop of the Greek Archdiocese of America.

The president of the Union of American Hebrew Congregations, Rabbi Maurice N. Eisendrath, wired Dr. Edwin Dahlberg, president of the National Council of Churches, stating their sense of outrage about the whole matter:

FEBRUARY 25, 1960.

Dr. EDWIN DAHLBERG,
President, the National Council of Churches:

We share your profound sense of outrage at the inclusion in an Air Force manual of discredited and absurd attacks upon American religious institutions and specifically the National Council of Churches of Christ. The National Council needs no defense from us. Your profound devotion to democratic ideals has greatly enriched American life and has served as an inspiration to Americans of all faiths who cherish the religious heritage which sustains our national life. Deletion of the defamatory material by the Air Force must be followed by a complete investigation of how and why an agency of Government gave credence to such prejudiced information. Only recently the United States underwent an ordeal of suspicion, innuendo and hysteria. That un-American spirit was repudiated by the American people. We must not permit the vestiges of that evil to be revived and to sow its unhappy crop of division and discord. We must not be diverted from the great challenges which face America today by letting poisoned pens write our governmental manuals. May God bless your deliberations and the work of your hands.

MAURICE N. EISENDRATH,
President, Union of American Hebrew Congregations, New York, N.Y.

Outstanding religious leaders in my own city and State have expressed their convictions, their concern:

The Reverend Harold Glen Brown, minister of First Christian Church and president of the Oregon Council of Churches, one of Oregon's finest, most dedicated church leaders wrote:

I was greatly shocked to learn that the United States Air Force has been guilty of allowing a manual to be printed which included a vicious attack upon the great Protestant religious bodies of America and the spiritual leaders within the Protestant clergy. It is most regrettable that a branch of our Armed Forces would be duped into becoming a tool of narrow sectarian forces which would reflect upon the integrity and loyalty of some of the finest Christian leaders in America today.

I hope you will do all in your power to see that such unfounded, fantastic charges are not repeated in any material published by agencies or branches of the U.S. Government.

A leading Methodist minister writes:

DEAR REPRESENTATIVE GREEN: Along with many other clergymen, as well as the laymen of our churches, I was greatly distressed to learn of the derogatory statements about the Protestant clergy in the recent Air Force manual. I am glad that a congressional committee is investigating the matter, and trust that they will get down to the facts of the situation.

I cannot understand what place such an attack has in an Air Force instruction manual. Why should the authors of such a book go outside their major area of responsibility and pass judgment upon the clergymen of our country? Surely even if there were any truth in the matter, an Air Force manual would definitely not be the proper place to air such charges.

What makes this particularly objectionable is the use of unproven documents to attack respected church leaders, and to brand them as un-American and subversive. These charges are especially ridiculous when they attack the scholarly theologians who

have spent many years producing the Revised Standard Version of our Bible, branding these men as tools of the Communists, and the new version as one inspired by the Communists.

We surely trust that our National Congress will take such action as is necessary to bring to light the true facts and to prevent the recurrence of such unfounded charges by any branch of our Government. To destroy the faith of our people in our churches and our church leaders is certainly a disservice to our country at a time when we need to keep the religious foundations of our country strong and vital.

A minister of an upstate Congregational church expresses the views of many when he says:

This sniping has been going on for many years. The particular combination of reactionary forces which has now appeared will break up in time because of differences in motivation, but it stirs up trouble while it lasts.

It seems increasingly obvious to me that the target of all this agitation is not communism at all, but liberalism of every degree in religion and social problems. The attitude of our United Church officers is well represented by an article in the March 31 issue of the United Church Herald by James E. Wagner, president of the Evangelical and Reformed Church and copresident of the United Church.

One of the leading Portland Congregational ministers has this to say:

DEAR MRS. GREEN: I trust that Congress will speak out strongly on the question of the Air Force manual and its attack on the National Council of Churches. This should not only be a rebuke to those responsible in the Air Force, but also a commendation for the National Council.

As you well know, the National Council of Churches is the largest, strongest, and most representative council of churches in the United States. It represents and has the support of most of our major Protestant denominations, including Methodist, Presbyterian, Episcopalian, Congregational, Christian, American Baptist, and many others.

It is both ridiculous and tragic that somehow the Air Force has listened to a small group of ardently fundamentalist Protestants who are continually attacking the National Council. There must be hundreds, if not thousands, of Senators, Congressmen, Cabinet members, and other executives of the U.S. Government who are members of these various (National Council) denominations and who know the tremendous spiritual force for good in our country and in the world which is represented in the National Council of Churches.

When certain people in the Air Force look to Billy James Hargis for religious instruction, they can only be classed as spiritually illiterate. The idea that the revised standard version of the Bible is somehow tied in with communism shows only abysmal ignorance.

William B. Cate, the executive secretary of the Greater Portland Council of Churches, writes:

DEAR MRS. GREEN: As the executive secretary of the Greater Portland Council of Churches, and personally as a citizen of our State of Oregon, I want to express myself on the recent episode in the Capital surrounding the Air Force manual incident.

The obvious efforts by a radical fringe of the church to damage the reputation of the National Council of Churches and respected ecclesiastical leaders by calling them Communists, is ridiculous for anyone who knows anything about the laymen who select these leaders and help operate the institutions. I am sure this has been your reaction to this affair.

This letter is simply to encourage you to put down such rot whenever it rears its ugly head in areas of our government life.

Mark Talney, executive director of the Oregon Council of Churches, very persuasively states the views of this office when he says:

DEAR MRS. GREEN: May we convey to you our vigorous protest in regard to the vicious materials which have appeared in the Air Force manual. They attack respected church leaders as un-American and subversive, linked with communism. They attack the scholarly theologians who spent many years producing the revised standard version of the Bible, as though those men were dupes of the Communists and the new version a communistically inspired document. They attack the National Council of Churches, representing all the major Protestant denominations, as well as the Episcopal and Orthodox communions.

We were stunned to note that documents produced with the taxpayers' money, and subtly implying the approval of our Government, could be used to promote a sectarian religious viewpoint. And a group of unscrupulous persons, who warn us that the Communists are ever ready to take over all forms of communication for the propagation of their doctrine, took over this form of communication to indoctrinate men of the Air Force with their particular brand of religion (if it can so be called).

And the material was accepted without accused persons and organizations being given an opportunity to know the charges leveled against them.

Our churches are, because of the gospel of human worth and human freedom which they preach, our most potent bulwark against the enslavements and degradation of communism. Christianity has known the brunt of persecution wherever it has encountered communism—and naturally so, since Communists recognize the foe they have to contend with in the Christian church. Among the 20th century martyrs for freedom, the greatest number is from among the ministers and other churchmen who have suffered and died for their faith as they opposed the tyranny of communism, nazism, and fascism. American churchmen are no less ready to endure for the sake of the freedom they cherish. Nor are our church leaders so stupid that they became unknowingly the dupes of communism, or permit an infiltration of Communist doctrine into their organizations.

If you have the opportunity to record our protest publicly in the Chambers, or at hearings held in regard to the Air Force manual, we would be grateful to you. Our churches cannot longer remain silent while such vicious and unscrupulous attacks are being made against them, bringing about the divisions among the churches the Communists most desire to see.

Charles Addleman, executive secretary of the Oregon Christian Missionary Society, expresses his real regret that any agency of the U.S. Government would print such an attack on the National Council of Churches:

I am sorry, indeed, that any phase of our Government or Armed Forces should make such an unfounded statement. I happen to be a member of one of the participating denominations in the National Council of Churches. I know many of our own leaders personally who are holding top positions and have every confidence in them and the spiritual leadership they are giving to the United States of America and in the world. It hardly seems fitting to take the taxpayers' money to publish a manual that brings into disrepute 33 Protestant denominations and approximately 38 million members.

It seems odd that we would accept the verdict of a few disgruntled heresy-hunters. The FBI has not brought charges against any of these leaders as sympathizers of communism. It seems to me when we weaken the voice of Protestantism in America by such an accusation, we are certainly opening doors for atheistic teachings, including communism.

As a representative of the people of Oregon and of the Protestant church leadership in Oregon, I trust you will give careful consideration and vote to withdraw the manual that it may be completely rewritten. I also trust that somehow through the press and also on the records of Congress statements may be made to correct the misrepresentation that has been made and exonerate the National Council of Churches.

Mr. J. Dwight Russell, the executive secretary of the United Presbyterian Church, Synod of Oregon, writes:

DEAR MRS. GREEN: I wish to add my protest to those raised against the inclusion in the Air Force manual of the irresponsible statements and claims of people known for their divisiveness and editorial irresponsibility.

My father has been a Presbyterian minister for over 58 years. I have been a Presbyterian minister for 17 years. I attended a Presbyterian college and a Presbyterian seminary. Never in my life have I heard or seen anything but opposition to communism in the life of our denomination. We have always supported the National Council of Churches of Christ in America (formerly the Federal Council) and will continue to do so.

An honest appraisal of the shortcomings and failures of our American system in light of some of the achievements of Russia does not imply, for a moment, sympathy with or an acceptance of communism. I feel, too, that the present problem of the denial of full rights to the Negroes in the South and the North is a sad commentary on American hypocrisy and self-righteousness. (I must confess that the sins of the church at this point need confession and forgiveness. I, personally, am making every effort I can to bring this about within the life of my church and anyone whom I might be able to influence.) Pride in our country must be based on righteousness; not on self-righteousness.

I am deeply concerned about other things in the Air Force manual and the system and philosophy which permitted them to appear in print. Communism will be defeated only by an idea or ideal which is superior to it. I would be pleased if our representatives in the Federal Government would work to that end because we do have that ideal.

This letter is written as a protest of the way that the National Council of Churches has been treated, not only by the manual, but by the manifest indifference of our Government to the facts of the case. It is a protest, too, of the intimation that many Christian churches are indifferent to communism. Nevertheless, may I assure you of my willingness to help you in any way that I can to correct the situation constructively. The resources of this office will be available to that end also.

Another prominent Methodist minister states the case in this way:

DEAR MRS. GREEN: Please use your influence to get a strong retraction of the vicious material about the Protestant clergy that was in a recent Air Force manual and to get the facts of the case before the congressional committee now investigating this matter.

For an official Government document to make unproven charges against the leaders of our National Council of Churches, representing the larger Protestant denominations, violates our cherished principles of American freedom. The most absurd part of this attack is upon the Biblical scholars who produced the Revised Standard Version

of the Bible, making it appear that the most accurate translation of the Bible that we have is tainted with communistic leanings. Some of these scholars were men under whom I studied in theological school and know personally to be of highest Christian integrity.

Those who have furnished the Air Force with this material and who are spreading this kind of discord in the church are using the "big lie" which was so effectively used by the Nazis in Germany. This lie is big enough and is being repeated enough times to make it now a formidable danger.

A well-known pastor of another Presbyterian church writes:

DEAR MRS. GREEN: I have followed with great interest the matter of the Air Force manual which casts the suspicion that the leadership of the National Council of Churches, and, quite ridiculously, the translators of the Revised Standard Version of the Bible have been under Communist influence.

It is my feeling that a democracy will best fight communism by truth, and by full use of judicial procedures. To this end I urge your support in seeing that any congressional investigation of this matter be thorough, so that either specific charges of communism are filed against specific persons, or else that it be publicly admitted that the statements in the manual are unproved hearsay, and therefore have no place in a Government document.

As a minister in a denomination which actively supports and participates in the National Council of Churches, I feel that this is a personal attack upon me and my fellow churchmen, both lay and clerical, by my Government, ironically coming through the Air Force in which I served in time of war.

Your careful attention to this is respectfully urged.

There have been many other letters addressed to me from concerned people, but let me close with this one from the longtime minister of First Presbyterian Church—the highly respected and much loved Paul S. Wright:

MY DEAR MRS. GREEN: It may be entirely unnecessary to express to you the concern which a great many of us have regarding the material in the Air Force manual which raises unwarranted suspicions concerning the clergy of the churches and the church organization itself. I, myself, would dismiss it as of minor importance if I had not been so unhappily surprised to find many people who believe that the allegations are true. A knowledge of the source from which most of these detrimental statements came would wholly discredit the validity of them. It is a sad and dangerous thing when the currency of speech no longer serves as a medium for the communication of ideas because the same words convey wholly different meanings and values to the people using them. Even so, it is hard to believe that such a term as "Communist infiltration" could be used at all truthfully about the church. I have known literally hundreds of church leaders and to my certain knowledge I have never read or heard from any of them anything that could be called communistic.

If opportunity should arise for you to deal with this matter in such a way as not to serve the forces of disunion in our Nation, it would be greatly appreciated by all our citizens I am sure.

Sincerely yours,

PAUL S. WRIGHT, *Pastor.*

All of this letter is important—but one special sentence is terribly important:

A knowledge of the source from which most of these detrimental statements came would wholly discredit the validity of them.

What is the source? In the bibliography of the Air Force manual—among the 12 civilian publications, we find:

First. Circuit Riders pamphlet—30 of the 95 men who gave us the Revised Standard Version of the Bible—and no date on it—and two pamphlets by Billy James Hargis: First, "Apostate Clergymen Battle for God-Hating Communist China"; second, "The National Council of Churches Indicts Itself on 50 Counts of Treason to God and Country."

Why respected Protestant, Catholic, and Jewish leaders were not consulted or not quoted, I will never know. Why the chaplains of the Air Force itself were not consulted, I will never know.

And they were not. Let me read the letter from the executive secretary of the General Commission on Chaplains and Armed Forces Personnel:

THE GENERAL COMMISSION ON CHAPLAINS AND ARMED FORCES PERSONNEL,

Washington, D.C., February 29, 1960.

Maj. Gen. TERENCE P. FINNEGAN,
U.S. Air Force, Chief of Air Force Chaplains, Headquarters, U.S. Air Force, Washington, D.C.

DEAR CHAPLAIN FINNEGAN: In view of the wide, confused, and confusing discussion being currently carried on in the press, on the radio and on television concerning the Air Force Training Manual for Reserve Non-Commissioned Officers, I desire, on behalf of the General Commission on Chaplains and Armed Forces Personnel, to make the following statements to you as Chief of Air Force Chaplains:

1. On behalf of its 34 member Protestant churches, most of which are also members of the National Council of Churches of Christ in the U.S.A.; and on behalf of the 441 ministers now serving as chaplains in the Air Force with holy orders and ecclesiastical endorsement given them by its member churches, the General Commission on Chaplains and Armed Forces Personnel deplores and denies the false charge made in the Air Force Training Manual for Reserve Non-Commissioned Officers that these churches have been "successfully infiltrated" by Communists and fellow travelers and that, by innuendo, their ministers are somehow untrustworthy and dangerous security risks for the Air Force.

2. The commission also deplores the fact that the Chief of Air Force Chaplains, who is officially charged with full responsibility for the personnel and program of the Air Force chaplaincy, was not consulted, either as to substance or accuracy, by those responsible for writing and approving those sections of the manual that deal specifically with the area of official responsibility of the Chief of Chaplains.

3. The commission desires to assure the Chief of Air Force Chaplains of its confidence in the competence of his office to administer the chaplaincy program of the Air Force; also, of its confidence in the loyalty and integrity of those ministers who have been loaned to the Air Force by the churches that are again publicly under false and unjust attack.

4. The general commission desires also to assure the Chief of Air Force Chaplains of its hereby and united support of his request that hereafter coordination be effected with his office on all matters affecting the area of his official responsibility.

Sincerely yours,

MARION J. CREEGER,
Executive Secretary.

If the material on religion in the Air Force manual does not come from the Air Force chaplains, where does it come from? Largely from Billy Hargis.

The material on communism and religion constitutes a total of 238 lines. Ninety-five of these lines concern reports of religion in China and Korea. Their accuracy is not relevant to this controversy nor, of course, to the loyalty of American clergymen. This leaves 143 lines dealing with the subject of communism and religion in this country, and specifically the National Council of Churches. Of these 143 lines, 77 lines are taken verbatim from the works of one Billy James Hargis, of Tulsa, Okla. One section is quoted and attributed to Mr. Hargis in the text of the manual. Other sections appear without quotation marks but are, nevertheless, the precise wording used by Hargis in an inflammatory pamphlet of his entitled "The National Council of Churches Indicts Itself on 50 Counts of Treason Against God and Country." This pamphlet.

It should not be given the dignity of answer, but now that it is an official Government publication and, therefore, mistakenly quoted as authentic, let us examine it.

"The National Council of Churches Indicts Itself on 50 Counts of Treason to God and Country"—it seems to me that any fairminded person would say that the author automatically indicts himself with such inflammatory words in the title.

But let us examine it more closely—the one pamphlet from which so much is quoted verbatim in the Air Force manual—50 counts of treason to God and country.

Let me read count 42 and ask if you really believe this is an act of treason against God and country?

NATIONAL COUNCIL OF CHURCHES COPYRIGHTS THE WORD OF GOD, WHICH IS UNHEARD OF IN CHRISTIAN HISTORY

The copyrighting of this Bible by the National Council of Churches makes it the National Council Bible.

It is explained in the preface that this copyright is made in order to prevent the corrupting of the text, but this copyright gives the NCC exclusive control over the use to which the book shall be put, and no publisher may be permitted in any extended manner to quote or use this book without the permission of the NCC. The King James Version is not copyrighted by anyone and it has not been corrupted. The National Council of Churches in holding the copyright also receives the financial royalties from the sale of the book. This represents definite commercializing of the Bible by the NCC and making merchandise of the Scriptures for their own pecuniary profit.

People might disagree about the patent laws, but surely no one can honestly argue this is a count of treason.

Let us look at the 36th count of treason:

NATIONAL COUNCIL OF CHURCHES SPONSORS UNITED GOD'S MEETING

Before the 10th anniversary celebration of the United Nations opened in San Francisco, the San Francisco Council of Churches organized a "United Festival of Faith," which was held in the San Francisco Cow Palace.

Dr. C. Frederick Nolde, one of the officers of the World Council of Churches, presided over this conglomerated religious affair. The Roman Catholics declined to cooperate. However, the Hindus, the Mohammedans,

the Buddhists took their places, read from their sacred writing and then all simultaneously prayed to their own Gods. This festival of faith was held in conjunction with the 10th anniversary of the United Nations. The theme could well have been "United Gods." The Secretary of State of the United States, John Foster Dulles, graced the occasion and delivered the address to the interreligious conference. He quoted the Scripture, "Not by might nor power but by Spirit, saith the Lord of Hosts." He said: "That sentiment is common to all our faiths. It can well guide us as we look to a future which contains greater hazard than any future men have ever faced, but which contains greater opportunity." For John Foster Dulles to quote that text from the Old Testament and say that it is common to all our faiths—the Hindu, the Buddhists, the Mohammedans, the Christian—reveals on his part a lack of understanding as to what these religions are, and particularly a lack of understanding as to what his own professed faith is.

Again I ask, was this really treasonable? Yet, this is the man who is quoted in the Air Force manual.

Let me read count 31:

NATIONAL COUNCIL OF CHURCHES TO BLAME FOR RACE RIOTS IN THE SOUTH

The agitation that brought about the Supreme Court's decision and the ensuing race riots in progress in the South, was brought about by pressure groups such as the National Council of Churches of Christ in the U.S.A. Senator EASTLAND said that the organizations supporting the war on segregation run from the blood red of the Communist Party to the almost equally red of the National Council of Churches of Christ in the U.S.A.

Now, let me quote another count, count 24:

GENERAL SECRETARY OF NATIONAL COUNCIL OF CHURCHES ATTACKS AMERICAN PRIVATE ENTERPRISE

"The principle of competition seems to be nothing more than a partly conventionalized embodiment of primeval selfishness." (Samuel McCrea Calvert, general secretary of National Council, in an official council publication.)

Mr. Speaker, honest people may have honest differences of opinion, but surely we do not need to question the motives of others and accuse them of treason for no better reason than that we disagree.

One long passage in this manual refers to the influence which Harry F. Ward, a "Federal-National Council of Churches leader has had upon thousands of theological students." Ward is later identified in another of Hargis' "counts of treason" as a "founder of the national council." This statement, Mr. Speaker, gives us a good introduction into the unreliability of the material utilized for this Air Force manual. It is false to fact. I will not argue whether Ward was or was not identified with Communist front organizations. I do not know—I am not one to judge. Neither will I argue whether 10 Communists are in the churches of the country, or a dozen or 6 dozen. But I will argue against charges that Communists have successfully infiltrated the National Council of Churches. Let me say this: Harry F. Ward has never had any connection with the National Council of Churches. He was remotely connected with the Federal council—in 1912—38 years before the national council was organized; he was an adviser to one department for a short period—about 1 year. I am told he is now 89 and has been retired for more than 20 years.

To quote him in Air Force manual as Federal-National Council of Church leader and founder of the national council just is not so.

Some of Hargis' other "counts of treason" can be examined in the light of fact, to demonstrate the nature of the sources of this manual.

In count 13, Hargis says:

Dr. John C. Bennett, an Episcopalian and professor at Union Theological Seminary, wrote in the Christian Century for June 11, 1952, in which he said: "Communism wins power because it has much truth in its teachings, because it appeals to the loyalties and not primarily to the cynical self-interest of men."

This part of a sentence, Mr. Speaker, is taken from a paragraph in an article representing the most absolute opposition to any kind of accommodation with communism. Permit me to quote the full context of this quotation from the Christian Century:

The answer to this position must take the form of grave warnings based upon what we know about the nature of communism and on the record to date for several years and show that the good elements in it have been the entering wedge for the evil. Communism wins power because it has much truth in its teaching, because it appeals to the loyalties and not primarily to the cynical self-interest of men, because it is able to soften up opposition by stimulating in people exactly the kind of thinking that I have been describing.

If a sentence is taken out of context in a long book, it may be argued that the person quoting it did not know what else the writer had in mind. If the sentence taken out of context is simply a little different from what precedes and follows it, we may chalk it up to misinterpretation, or to the desire to score a debater's point by twisting the facts just a little. But when part of a sentence is taken out of context in order to "prove" a point diametrically opposed to the point which the full sentence makes, then there is a shorter and uglier word for that kind of practice.

Also, if Hargis had wanted to be fair to Dr. Bennett, he might well have quoted from his book, "Christianity and Communism," written in 1948, in which Dr. Bennett so clearly says:

This book is written by one who believes that communism as a faith and as a system of thought is a compound of half-truth and positive error, that communism as a movement of power is a threat to essential forms of personal and political freedom, and that it is a responsibility of Christians to resist its extension in the world.

Here, Mr. Speaker, we have evidence of the kind of documentation of which Hargis boasts, and which the defenders of the Air Force manual claim supports the manual.

A few other of Hargis' charges deserve analysis, if only to point up the incredibly bad judgment used by those responsible for the Air Force manual in choosing this man as a primary source of information on communism and the churches.

In count 28, Hargis blames the National Council of Churches for our unpreparedness for Pearl Harbor. In count 31, he holds the National Council largely responsible for race riots in the South. In counts 5, 6, 7, 8, and 10, Hargis refers to activities of foreign clergymen in Communist countries. What this material has to do with treason, or with American Protestant clergymen at all, is not made clear.

Eighteen of the 50 charges of treason brought by Hargis against the National Council of Churches refer to doctrinal differences between Hargis and Protestant clergymen. This floor is no place to discuss whether Hargis or a very conservative theologian or a liberal theologian is correct in his interpretation of religious beliefs. But if there is any lesson which this Nation's Founding Fathers learned from the experience of centuries of religious persecution and counterpersecution in Western Europe, it is the danger—to the church and to the state—of allowing "doctrinal differences" and "treason" to be confused. "Treason" has a specific legal meaning under the Constitution of the United States. It in no way involves religious belief. For highly respected American clergymen to be charged with treason because of doctrinal differences with Billy James Hargis is a measure of this man Hargis' unfitness to pass judgment upon the churches of a free people.

Count 16, a count of treason to God and country, accuses the Presbyterian Church of treason because of the adoption by unanimous vote of the General Assembly of the Presbyterian Church in the United States of America of a statement entitled "Letter to Presbyterians." Hargis makes the following statement about the letter:

The letter attacked congressional investigations of communism as revealing "a distinct tendency to become inquisitions," and as confusing "treason and dissent."

Here is what the letter written October 21, 1953, to Presbyterians actually said: This in the days of McCarthy:

A LETTER TO PRESBYTERIANS

Serious thought needs to be given to the menace of communism in the world of today and to the undoubted aim on the part of its leaders to subvert the thought and life of the United States. Everlasting vigilance is also needed, and appropriate precautions should be constantly taken, to forestall the insidious intervention of a foreign power in the internal affairs of our country. In this connection congressional committees, which are an important expression of democracy in action, have rendered some valuable services to the Nation.

At the same time the citizens of this country, and those in particular who are Protestant Christians, have reason to take a grave view of the situation which is being created by the almost exclusive concentration of the American mind upon the problem of the threat of communism.

Under the plea that the structure of American society is in imminent peril of being shattered by a satanic conspiracy, dangerous developments are taking place in our national life. Favored by an atmosphere of intense disquiet and suspicion, a subtle but potent assault upon basic human rights is now in progress. Some congressional inquiries have revealed a distinct tendency to become inquisitions. These inquisitions

find their historic pattern in medieval Spain and in the tribunals of modern totalitarian states, begin to constitute a threat to freedom of thought in this country. Treason and dissent are being confused. The shrine of conscience and private judgment, which God alone has a right to enter, is being invaded. Un-American attitudes towards ideas and books are becoming current. Attacks are being made upon citizens of integrity and social passion which are utterly alien to our democratic tradition. They are particularly alien to the Protestant religious tradition which has been a main source of the freedoms which the people of the United States enjoy.

These sentiments may be in disagreement with the feelings of some people. They may not find agreement with the majority of the Members of this House, but certainly we can at least say they are certainly legitimate views for Americans to hold and to publish and the Presbyterians should not be accused of treason. To pick one small section of a sentence and to ignore the other sentiments expressed in the same paragraph is, again, a poor credential for the reliability of the other accusations made by this particular writer.

One paragraph in the Air Force manual quotes Hargis verbatim in regard to Dr. E. Stanley Jones. May I simply say, this is ridiculous. To somehow associate Dr. E. Stanley Jones, that great Christian leader, with communism is an affront to the intelligence of any informed person.

If there ever were a militant anti-Communist, that person is Dr. E. Stanley Jones. If ever there were a dedicated Christian on the face of this earth, that person is Dr. E. Stanley Jones.

It would not be difficult to take each and every one of the counts of "treason" which Hargis alleges against the National Council and prove that it is false. To save time, I shall allow these examples to stand as a mere taste of the approach indulged in by this man, whose "research" served as a major source of evidence for the Air Force manual.

Another source of the evidence in the Air Force manual was a publication issued by the Circuit Riders, over the name of M. G. Lowman. This is the same man who published "20.5 Percent of Episcopalian Clergy" and has a similar one on Methodists and Presbyterians. This is a manual that infers that 20.5 percent of all the Episcopalian clergy are somehow pro-Communist.

The pamphlet, cited by name in the bibliography of the Air Force manual, is entitled "30 of the 95 Men Who Gave Us the Revised Standard Version of the Bible." This pamphlet purports to give the record of affiliations of men who worked on the Revised Standard Version—the scholars—the language experts.

Let me mention only one: Luther A. Weigle, dean emeritus of the Yale Divinity School, and chairman of the RSV Committee, is accused in this pamphlet of affiliation with six organizations. This is the signed statement of Dean Weigle:

> Let me take the case of myself as an individual, for it chances that I have been named by some attackers. I am not and have not been a Communist; I do not belong and have not belonged to any Communist-front organizations. Specifically, I have not been a member of any of the organizations that I have seen to be named in any of these attacks upon me; I have never attended a meeting of any of these organizations and I have not contributed to them; I have never been cited before any committee of Congress dealing with un-American activities. To turn the statement around and put it positively, I am in politics a Republican, in theology a Lutheran, and in my ecclesiastical connection and ministerial office, a Congregationalist.

Let me take up another point: The attempts to somehow describe the Revised Standard Version of the Bible as Communist-inspired would be laughable if they were not so absurd, so ridiculous. In commenting on this evidence, our friend Hargis points with horror to the fact that "there was even a Jew on the committee." There was a Hebrew scholar, Harry M. Orlinsky, who served as an adviser to the committee on the question of Hebrew language and grammar. I hope I will not shock Billy James Hargis too much if I point out there was a Jew connected with the original standard version of the Bible—a fellow named Moses, I believe.

This is the sort of flimsy evidence—these pamphlets—which those responsible for the Air Force manual accepted as worthy of being set down in an official document as fact. Perhaps even more damaging than the statements in the manual itself was the naive listing of these pamphlets by title in the bibliography of the manual. Imagine a young Air Force Reserve noncom reading the manual. He looks at the bibliography and finds the title, "The National Council of Churches Indicts Itself on 50 Charges of Treason to God and Country." The address of the publisher and the price are obligingly set forth in the bibliography—free advertising for Billy Hargis' flourishing little business.

What is such an Air Force reservist going to do? Will he carefully suspend judgment until he gets the named pamphlet out of the library? This may take quite a while. I was unable to find one in the Library of Congress. Probably he will not find one at all. You and I know that too many will look at the title and assume that it bears real relationship to the materials presented.

It is incredible to me, Mr. Speaker, that anyone who make a living writing pamphlets for the Air Force should have been so utterly lacking in judgment as to accept this trash without at least asking the persons accused if they had any statement to make. Any politician—any Member of this House knows that when an accusation is made against one of us, responsible journalists and responsible newspapers, before printing it, will afford us the courtesy of checking and seeing if we have a statement to make. This is common courtesy, extended to most people in public life. Yet this Air Force manual went out to reservists everywhere, making sweeping charges against the National Council of Churches, and if it had not been for the alertness of an Air Force enlisted man and his Air Force chaplain, it might still be in circulation, without an opportunity for rebuttal.

Another point, Mr. Speaker—every one of us here in the House receives letters every week on various legislative proposals—some of them described as communistic proposals. The social security system, the income tax, the Forand bill, the admission of Alaska and Hawaii, even the most modest civil rights proposals, have been termed "communistic" by those opponents who cannot find rational reasons for their opposition.

Let me quote from some letters on my desk.

This is one letter that came to my desk:

> PORTLAND, OREG.,
> *February 26, 1959.*
>
> As you are well aware, the entire intensive and unreasoning campaign through the years in behalf of statehood for Hawaii is entirely of Communist origin. The admission to the Union of both Hawaii and Alaska is and long has been one of the supreme objectives of Red policy in this country. * * * Eventually, and really now, they are or will be Communist States in our Union, sending completely Red Senators and Representatives to Washington. And there are far too many Reds and their puppets betraying us in Washington now.

Another wrote:

> BROWNSVILLE, OREG.,
> *September 9, 1959.*
>
> I am opposed to a law to bring in Korean children or babies to Oregon or any other State. * * * They are not refugees, we don't want them. America first. It is communism that want to mongrelize our white children.

> PORTLAND, OREG.,
> *January 5, 1960.*
>
> It seems to me that there are some vital issues that the Congress should be working on. * * *
>
> Three, the income tax, a tool of the Communists which we have adopted to destroy our country, should be repealed.

> PORTLAND, OREG.,
> *January 29, 1960.*
>
> Also, above all things, work, talk, and vote to defeat that hellish Federal aid to education bill, S. 8. As we all know, such measures are Communist sponsored and intended to take away all education from local control, no matter what the Reds may say, and place it in the hands of the Federal bureaucracy where the Reds would have complete control of all education in this country.
>
> I also expect you to support the measure for curbing or impeaching of the un-American U.S. Supreme Court that so brazenly operates in behalf of our enemies in their designs to deliver our country to the Reds.

> BROWNSVILLE, OREG.,
> *March 13, 1960.*
>
> I was shocked to find out a "fair housing law" was passed. How could any loyal American pass such a thing. That law is strictly Communist.

We all get such letters.

The absurdity of these charges of communism is self-evident. Obviously, whatever the merits of a given proposal, it is possible to support it—or to oppose it—without being a Communist, or a Fascist, or what have you. Only in the never-never world of the lunatic fringe is it impossible for honest men to disagree. Only in the totalitarian world is "everything that is not compulsory, forbidden." Private citizens who agree, or who disagree whether on theological

or political grounds with the work being done by the National Council, or by the organizations opposed to it, have an inalienable right to do so. When they charge those with whose religious doctrines they disagree of being Communists, or when they assail the faith of a clergyman because they disapprove of his political beliefs, then they have gone beyond those bounds, and beyond the limits of legitimate criticism, theological or political.

When these things start happening, Mr. Speaker, it is time to pause—to look at what we have done and wonder where we went wrong.

What I have said this afternoon, as I suggested at the outset, may have offended some of my colleagues. If so, I am sorry. But the defense of freedom is often a painful thing. But the cause of religious freedom—the defense of the fundamental right of freemen to worship as they please and to follow the mandate of their conscience wherever it may lead—is a cause which commands full obedience. The defense of the Nation against Communist subversion is too noble a cause to make use of the techniques which the Communists and other totalitarians have found useful. The end, Mr. Speaker, justified the means only in the Leninist book of ethics. We must defend, if we defend anything at all, not simply a geographical area, not simply the forms of national independence. We must defend a way of life which is basically a set of procedures. The goals which Americans may pursue are manifold, but the methods they may utilize in following those goals are limited, if we are to remain free. We cannot cast either the power of the state or the weight of public opinion against those whose only crime is to be outspoken.

Mr. ULLMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to my colleague from Oregon.

Mr. ULLMAN. I want to say to my very able colleague, the gentlewoman from Oregon, that she is rendering a great service not only to this House but also to the Nation in her presentation of a most important subject this afternoon. I know of her dedicated activities as a lay member of the church; I know of here deep indignation of the unjust and unauthenticated charges in the Air Force manual. I commend her for her very fine statement and I want to join with her in her remarks.

Mrs. GREEN of Oregon. I thank my colleague from Oregon.

Mr. REUSS. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am happy to yield to my friend from Wisconsin.

Mr. REUSS. Mr. Speaker, I want to commend the gentlewoman from Oregon for her warm and sincere statement this afternoon. It was good to hear it. In the letter from a constituent in Oregon which the gentlewoman has just read she reaffirms the position of the particular denomination of her correspondent against communism. Is it not a fact that in addition to expressions of I am sure all of the constituent denominations in the National Council of Churches against communism, that the National Council of Churches itself specifically on June 4, 1959, reaffirmed its consistent position—and here I quote—"opposing the evils, the violence and the violation of human rights by Communists and other tyrannies?"

Mrs. GREEN of Oregon. The gentleman is so right. This unalterable opposition to communism has been reaffirmed so many times over so many years.

Mr. REUSS. Mr. Speaker, I would ask the gentlewoman from Oregon this question. She, I take it, has at least looked at this now happily withdrawn manual of the Air Force. In that manual was any effort made to set forth the militantly anti-Communist position of the National Council of Churches so that the reader in the Air Force might have the position before him?

Mrs. GREEN of Oregon. I think that a very careful study of these pages of the Air Force Manual would not indicate that the National Council's unalterable opposition to communism has been clearly set forth. And I would say to my friend from Wisconsin that I am going into this in greater detail later on as to just where much of this information was gathered for the material that appeared in the Air Force manual and is now being quoted by others.

Mr. REUSS. I thank the gentlewoman; because it seems to me that the failure of the manual to include what the organization itself has repeatedly said about the nature and menace of world communism casts grave doubts, I might say, on the sincerity of those responsible for its preparation.

Mrs. GREEN of Oregon. And certainly also the objectivity of those responsible.

Mr. CLEM MILLER. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am happy to yield to my colleague from California.

Mr. CLEM MILLER. Mr. Speaker, I would like to join the gentleman from Wisconsin [Mr. REUSS] in praise of the gentlewoman's presentation here this afternoon as an excellent one, one that has been long coming, and is essential, clearing the air in this important area of discussion. I think that the fundamental issue here is one that goes to the very mission of the Air Force. I honestly do not believe that the mission of the Air Force is to investigate communism or evaluate evidence. That job lies elsewhere. And in the investigation of this matter the failure to perceive this fundamental issue has resulted in intimidation instead of valid investigation.

I thank the gentlewoman.

Mrs. GREEN of Oregon. I thank my colleague for his contribution to this discussion.

Mr. HECHLER. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to my colleague from West Virginia.

Mr. HECHLER. Mr. Speaker, the gentlewoman from Oregon is making a very able presentation of this critical issue which shows her thorough research and her customary courage. I would like to state that I have received communications from ministers and other church officials in West Virginia protesting against the dangerous attacks on our churches by unsubstantiated statements in the Air Force training manual.

Mr. Speaker, I find it difficult to understand why the Air Force or the Department of Defense did not catch up with these patently false statements long before they were publicly released and distributed to Air Force trainees. The churches of our Nation are our greatest bulwark against communism. They are in the frontline of our struggle against communism. How any individual could charge our churches or church organizations like the National Council of Churches with Communist infiltration is completely beyond me. The gentlewoman from Oregon and others are effectively demolishing the charge, so I will not labor the point. I merely wish to add my voice to those who are expressing their shock and indignation that such a charge should ever be made.

Mr. Speaker, I realize that the gentlewoman from Oregon is devoting her main attention to the charge of communism as it relates to this Nation's churches. I would like to pose another question to the gentlewoman. On page 15–4 of Air Reserve Training Center Manual No. 45–0050, there is a rather peculiar statement, as follows:

> Another rather foolish remark often heard is that Americans have a right to know what's going on.

Of course this statement is in the context of a discussion of espionage, but nevertheless I would like to ask the gentlewoman from Oregon how she feels about such a statement as I have just quoted?

Mrs. GREEN of Oregon. I think that this has been commented upon by innumerable people in the press. I think if we take that statement by itself it is ridiculous. I think if we read it in the full paragraph it still is ridiculous, to question the right of the American people to know. I think that this has been demonstrated too many times over the past few years. I think the subcommittee headed by the very capable gentleman from California certainly has pointed that up on innumerable occasions, that there are people who do not want the American public to have all of the facts.

Mr. MEYER. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to my colleague from Vermont.

Mr. MEYER. Mr. Speaker, I would like to thank the gentlewoman for this wonderful presentation. She has gone into everything thoroughly. I would like to add a few personal comments on how I as an individual view this matter. I think it is most significant that George Washington warned us in well chosen words about the inherent dangers in an overgrown Military Establishment. He held this as a threat to liberty under any form of government and particularly hostile to our liberty.

I wonder what he would have to say about the Air Force manual, and a forced political indoctrination in the Armed Forces, particularly of the kind

that so blatantly violates our rights and principles without serving a single useful, or patriotic purpose.

As I think about it, I think about my family, one branch of which came to this country more than 200 years ago and has lived in one small area. I think about those people who came from France and from Germany and from Switzerland and from England and from Ireland, and I return to that one branch that came here more than 200 years ago in search of religious freedom, and their descendants who fought in the Revolution and all our wars, and that recently produced in one family a medical doctor and three other brothers who were ministers, ministers of one of these faiths affiliated with the National Council of Churches that is now under attack.

I think of the words of the old song. Perhaps I do not have them exactly correct, but they go something like this.

> Faith of our fathers, holy faith,
> We will be true to thee to death.

I say that I as an individual will defend this faith against any attack from any quarter. I say that we will not be content to defend it, we will assume the offensive if need be against those forces which attack. We will yield no quarter, we will tolerate no abuse. If those who demand to intrude in this area and abuse us and attack us continue to do so, they will find that an overwhelming force will rise against them and destroy them.

I would like to refer to another branch of my family that came here from the Rhineland in 1848 as liberals who were opposed to the reaction in that country, people who came here in search of political freedom. This issue is the very core of that freedom, and no agency of Government will be permitted to violate it, no, not the Air Force nor any other branch of Government, and no committee of Congress will violate it. If this is un-American, let us make the most of it, or make the least of it. I wonder what is un-American. I say of those people that came here in 1848, that they also came in search of freedom from an overbearing force of reaction or an overbearing force of militarism or anything else which challenges freedom and the right of individual conscience.

I think about a distant relative of mine who became first national commander of the American Legion. You know the Legion stands or stood for our freedom, peace, and liberty. We can remember that First World War and the very words "Liberty Bond." I say this attack upon our religion is not concerned with liberty. It is the exact opposite. What do we have now? We were Americans before this attack. We were Americans before there were charges of un-Americanism, and we will be Americans when all this is gone. We were free before the modern inquisition and we will be free when the inquisitors are dust.

I say we cannot in this country permit it to be said that any religion is any more American than any other religion, or that any religion is any less American than any other religion. We cannot have second-class citizens and we will not have second-class religions. We will call upon all the religions of this country and upon the people of all faiths to defend the Council of Churches from this ridiculous and unlawful attack.

We will not tolerate the imprisonment of men or the persecution of men for political or religious beliefs because, if we do so, we will destroy this country that we all love. We will not force dissenters and men, yes, even men like Willard B. Uphaus into jail because they are different or because they follow conscientious or religious beliefs. Or, at least, if we do it, we will absolutely determine and prove that they are guilty of something that is truly against the American way of life and against our laws.

Mr. Speaker, I want to thank again the gentlewoman from Oregon for letting me join with her and to thank her even more for the great contribution she is making here today.

Mrs. GREEN of Oregon. I thank my colleague from Vermont.

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. JOHNSON of Colorado. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I should like to agree wholeheartedly with the gentlewoman from Oregon [Mrs. GREEN] and with the other Members who have today pointed out how unwarranted and how dangerous was the attack on the National Council of Churches contained in the Air Force manuals of unhappy memory.

As dangerous as the attack on the Council of Churches is the contempt shown by the Reserve manual for the processes of discussion and decision that are essential to democracy. The suggestion, as if it were already 1984, that the most trivial incidents of "belittling or sneering at" the policies or accomplishments of the Air Force should be reported to the Air Police is only one of the astounding points made by the manual. Each such point is a single symptom of a general attitude that "big brother knows best," that the people have little right to make the big decisions and less right to know what decisions have been made.

In fact, reading the Regular Air Force manual makes me believe that anyone who studied it as our airmen were supposed to do, who accepted its beliefs masked as they were by the approval of superior authority, would have begun to suspect every segment of American society of containing evil, subversive, or treasonable elements. The churches, the unions, the schools, the PTA's—all are looked on with intense fear that normal Americans are not sufficiently intelligent to assess the ideas expressed at such places, and to come to their own conclusions.

The whole tenor of these security manuals is distrust—radical distrust of the many private organizations and associations, religious and secular, which keep our democracy alive and growing. On the day that Americans find themselves afraid to join such private organizations, to argue at them, to listen to their spokesmen, and to separate their truth from falsehood, American democracy will be in great danger.

To the extent that such indoctrination as we are discussing today tends to make our citizens fearful of independent thought and political action, afraid that they will be fooled by some superhumanly subtle manipulation, to that extent American liberties have been weakened. We must be ever vigilant to prevent such a weakening, by preventing any arm of Government from creating the fog of fearfulness, suspicion, and distrust that would separate us from each other and from our democratic goals.

RELIGIOUS FREEDOM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Colorado [Mr. JOHNSON] is recognized for 60 minutes.

Mr. O'HARA of Michigan. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. Mr. Speaker, I yield to the gentleman from Michigan [Mr. O'HARA].

Mr. O'HARA of Michigan. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I decry the inferences that have arisen from the charges of Communist infiltration into the churches contained in the Air Force manual under question. I decry them because their effect is to intimidate church leaders and thereby inhibit them from applying the principles they have learned in lifetimes of service to the social and economic problems of the day and from publicly expressing their conclusions thereon. They can and should make a valuable contribution to the thinking of public officials and the shaping of public opinion.

Mr. Speaker, I certainly have not agreed with everything that the National Council of Churches, or any other similarly constituted church group, has ever had to say on public issues. However, we should welcome the comments of spiritual leaders made in an honest and sincere effort to point out the moral and ethical considerations of public policy.

Some of the most refreshing experiences I have had since becoming a Member of this body have been my talks with members of the Methodist Youth Fellowship and the Catholic Christian Family Movement who have visited my office. I can say without any question that they have presented me with questions and comments upon the issues confronting us in the Congress as appropriate and as penetrating as any group that has ever visited me. I welcome their visits and those of other similarly motivated groups.

I hope that this expression by Members of Congress today will show that the U.S. Congress still seeks and still values the participation in public affairs of men who seek to follow truth wherever it leads them. We hope it shall continue.

Mr. Speaker, the following are some communications I have received on this subject which I call to the attention of my colleagues:

DETROIT, MICH., *April 5, 1960.*

Hon. JAMES G. O'HARA,
House of Representatives,
Washington, D.C.

DEAR MR. O'HARA: As a layman considerably involved in the life of the Protestant churches of our community, I am writing to you in regard to the recent Air Force manual in which unauthenticated charges were made against the Protestant clergy. I am personally convinced that these were unjustified, and I believe that such charges are inimical to the influence of the church and to the welfare of our Nation.

There is widespread feeling throughout the country that charges have been made against individuals—in this case the Protestant clergy—which have been based, at least in part, upon invalidated material in the files of a congressional investigating committee. I am sure you will immediately agree that this is most unfortunate and certainly not in accord with our American tradition, whether applied to a clergyman or to any other citizen.

The reason for my writing now is that I have heard that there is considerable interest in both the Senate and the House of Representatives in taking the necessary steps to prevent the recurrence of the sort of thing that happened in connection with the Air Force manual. I hope that you will support such steps.

Very truly yours,

MARK D. LITTLER.

DETROIT, MICH., *April 4, 1960.*

Hon. JAMES G. O'HARA,
U.S. House of Representatives,
Washington, D.C.:

Regarding the Air Force manual case, we want to express confidence in our denominational leaders and in the National Council of Churches. We believe it most unfortunate that unauthenticated charges are used to reflect unfavorably on individual people. We believe it essential to emphasize the importance of the freedom of religion and the pulpit.

FRANK P. MADSEN,
President, Michigan Synod of the United Lutheran Church in America.

HARPER HOSPITAL,
Detroit, Mich., April 7, 1960.

Congressman JAMES G. O'HARA,
House Office Building,
Washington, D.C.

DEAR SIR: I regret and deplore the misguided publication by the Air Force concerning the presence of Communists in the National Council of Churches. I consider this publication as a direct affront by my Government to both my church and myself.

I assure you that there has not been, nor is there now, any reason for questioning the loyalty of either my church or myself to our Government. I sincerely hope that you will see fit to take steps to correct this injustice.

Sincerely yours,

JOHN V. BEAMS,
Chaplain.

LAPEER, MICH., *April 5, 1960.*

Congressman GEORGE MEADER,
House Office Building,
Washington, D.C.:

I personally deplore the kind of attack upon the National Council of Churches and Protestant leadership as reported made in the Air Force Training Manual. I expect you to do all in your power to oppose the inclusion of any such questionable or unauthenticated material in Government briefing documents.

Rev. DANIEL W. BOXWELL,
First Congregational Church, Almont, Mich.

CONGREGATIONAL ASSOCIATION OF DETROIT,
Detroit, Mich., April 1, 1960

Representative JAMES G. O'HARA,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN O'HARA: May I express the profound concern of Protestant clergymen and churchmen, in this area and over the Nation, concerning the recent Air Force Manual and its insinuations and suspicions directed at the Protestant clergy.

We are glad that the particular publication has been withdrawn; its challenged passages were malicious and ill founded. The source of the accusations within American life has long since been silenced as totally unreliable. Anyone preparing such a manual ought to know better the source of materials which he incorporates.

In this connection it is to be regretted that unauthenticated Government materials should be made available for such distribution, with the implied authority of Government information. Charges made before committees are not in themselves proven facts.

The freedom of the pulpit is a very important asset in our American life, as well as a constitutional right. Such insidious attempts to intimidate must be resisted strongly.

Sincerely yours,

EDWARD WILLCOX,
Minister.

MICHIGAN COUNCIL OF CHURCHES,
Lansing, Mich., April 1, 1960.

The Honorable JAMES G. O'HARA,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN O'HARA: It occurred to me that it might be a good idea for me to write you, as one of our national leaders, our thoughts regarding the Air Force Manual issue. You will recall that one of these manuals stated that significant numbers of Protestant clergy had Communist leanings and pointed especially at the National Council of Churches. I am glad the manual has been recalled. As you know, the National Council includes 33 denominations and approximately 40 million members throughout the country.

No doubt by this time you have discovered that those malicious attacks originated largely from an extremely small group of persons who have really made a business of attacking Protestant leaders and the National Council of Churches over many years.

It is significant that these attacks upon the Protestant clergy have been repudiated by the official bodies of the various denominations. Moreover, Cardinal Spellman issued a statement supporting the Protestant clergy as did the heads of the three branches of the Jewish faith. A very similar attack a few years ago was vigorously criticized by President Eisenhower.

Those who know my work in Michigan will assure you that I have always taken an unequivocal stand against communism and all its works. I would be gravely concerned if we had disloyal clergymen in our ranks. However, I must honestly say that I do not know a single clergyman in Michigan who has even the slightest leaning toward communism. In fact, it is the churches that have been the strongest bulwark against communism through the years.

It seems unfortunate to me that many of these attacks have been based partially upon various materials from Government sources that have never really been authenticated. I am sure that you also are concerned that this kind of use can be made of information from such a normally responsible source.

It is wonderful to have the churches free to express themselves on all questions where human welfare is concerned. This is one of the glorious features of our American way of life. We do not wish to enforce conformity or uniformity. On the other hand, we must be alert to what is real subversion.

The church people of this State have complete confidence in the loyalty of their clergymen and I am sure that every religious body affiliated with the Michigan Council of Churches would repudiate the attacks that were found in the Air Force Manual and some others which have come from pretty much the same original sources since that time.

Best wishes to you for continued success in your service to our State and Nation.

Most sincerely,

G. MERRILL LENOX,
Executive Director.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield.

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. UDALL] may be permitted to extend his remarks following my remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BRADEMAS. Mr. Speaker, it is altogether fitting and proper that we should today, shortly after Easter Sunday, the day of new beginnings, give some time to considering the attacks presently being made upon the Christian churches of our country. I want to commend our distinguished colleague the gentlewoman from Oregon for her splendid leadership in this matter.

The Christian church, like Christ himself, has had to endure persecution and attack through all the centuries of its existence. The attacks have come from many sources, many persons, many institutions, and, most recently, in the history of our own time, the attacks have come from the totalitarian forces of nazism and the diabolical forces of communism.

People do not normally join or support a church for political reasons, but for religious reasons. It is, nonetheless, true to say that there are few institutions in our own country or in the world that are more effective bulwarks against the menace of Communist tyranny than the Christian churches. Those, therefore, who set about to weaken or destroy the Christian churches play directly into the hands of the Communists.

The facts I have cited make all the more astonishing, the recent publication by the U.S. Air Force of a training manual which singles out for attack and condemnation the Christian churches of our country, one of the great church federations of the Nation, and some of the outstanding Christian leaders of America.

In view of the fact to which I have just referred, that the Christian churches constitute one of the most powerful anti-Communist forces in the United States, it is interesting to speculate on whether or not these anti-Christian attacks in the

Air Force manuals are the result of Communists secretly at work in the Air Force or elsewhere in our Government. To sow seeds of confusion and discord among the churches of America would be an understandable goal of the Communists, and the Communists seem, if, indeed, they are behind these attacks, to have made some headway toward this goal by means of these irresponsible accusations.

Now, Mr. Speaker, as a Christian, as a Protestant, as one active in the county council of churches in my home county of Indiana, as one reared in the Methodist Church, as a former president of a Methodist Youth Fellowship and former president of a college as Wesley Foundation, I want to say clearly and publicly that I believe these attacks in the Air Force Manual and the anti-Christian attitude they represent are an unwarranted slander on the churches of America and that they represent an improper and inexcusable misuse of the money of the taxpayers of our country.

I said I was a Methodist. A few days ago, the leader of the Methodist Church in Indiana, a great churchman and an outstanding American, Bishop Richard C. Raines, issued a pastoral letter to the 350,000 Methodists of Indiana. The letter is to be found in the May 1960 issue of Together, an official publication of the Methodist Church. Bishop Raines is head of the Indiana area of the Methodist Church and president of the division of world missions for the entire church.

Now let me say a word about Bishop Raines. I respect the bishop of my church in Indiana. I admire him. I disagree with his politics. I am a Democrat and he is a Republican, and a conservative Republican at that. I once told him, "Bishop Raines, it's never too late to be saved," but he admonished me with the observation that "You Democrats need more praying over than we do."

Bishop Raines is strongly opposed, for example, to the admission of Communist China to the United Nations. He testified before a committee of the Indiana State Legislature in support of the right-to-work bill. The bishop, whatever you may feel about his views on such matters, is not correctly described as a "leftwinger."

So I think we must give particularly close attention to his pastoral letter just published concerning these attacks upon the National Council of Churches and the Protestant churches of America. The bishop warns us against becoming copiers of the Communist method. Let me read you his letter concerning the "Communist-copiers" and the dangers they represent to American life:

DON'T COPY THE COMMUNIST METHOD

Dear friends, every time I come back to America from overseas, I am more deeply grateful for our heritage of freedom and more ready to pay whatever price is necessary to preserve it. Our American way is to consider every man innocent until he is proved guilty. Under communism the reverse is true. The accused is held guilty unless he can prove himself innocent. Suspicion is deliberately fostered by the Government so that neighbors, even members of families, cease to trust one another.

Today we face the danger of casting overboard the American way and acting on the Communist assumption, without realizing it. Today many more accusations are hurled at persons and institutions than was true 25 years ago, and the accusations are more bitter.

Last fall in an address at Dallas, Tex., I said that the Negro was a human being, and as such in America had the same inalienable rights as I have and should not be discriminated against because of color. I was amazed at the flood of vindictive vituperation which resulted. I understand now how people get stoned to death. One person wrote me that I was not fit to call myself a Christian or a Methodist. I wasn't fit to be an American and ought to go to the African jungles and live with the apes. These people did not respond to a reasonable and courteous rely. I was a fiend and a reprobate to be denounced because I differed from them in my convictions.

BE ALERT; RECOGNIZE THE BIG-LIE TECHNIQUE

Why this unreasonable, blind, hate-filled outburst of accusation today? Part of it is because of the general fear of atomic annihilation which heightens nervous tension. Also we are often taken in by the big-lie techniques used by Hitler and the Communists. If the lie is big enough, seriously threatening enough, and repeated frequently so that decent people unconsciously say to themselves, "Nobody would dare to say that if it were not true," the big lie is accepted as the truth. This betrays our American heritage of holding a person or group innocent until proved guilty.

The National Council of Churches is once again accused of being infiltrated with Communists. The NCC is just the Protestant churches working together similar to the national chamber of commerce. Thus, the actual charge is that the Protestant churches are infiltrated with Communists.

It would be a wise strategy for the Communists to attempt to infiltrate the Protestant Church, for it is one of communism's most effective enemies. Communism has doubtless recruited some of its members to pretend that they are religious, to get a theological education, and to enter the Protestant ministry. If there are such, we as Protestant churchmen are the first to say, "Let us have their names and the evidence. If they are proved guilty, we will deal with them promptly."

But the accusations do not take this specific and definite form. They sound like irresponsible, hate-inspired outbursts. People who make them do not seem to realize that a bona fide Communist is an atheist and has no moral code.

Recently a woman who wrote me making general accusations said, when we talked over the telephone, "John Foster Dulles was a pro-Communist; Secretary Herter and Eisenhower are pro-Communist. Senator McCarthy was the only true American."

Some accusations refer to the period when our Government was an ally of Russia and men of prominence were encouraged to say friendly things about Russia. Other accusations of communistic sympathies are made by people who disagree with the economic or even the theological views of another person or group.

The chairman of the Committee on Un-American Activities wired me in response to my request for evidence and specific evidence against the NCC. He said, "I suggest you study Communist-front affiliations and pro-Communist records as evidenced by the fifth world order study, held under the auspices of the National Council of Churches in 1958, which endorsed diplomatic recognition of Red China."

My determined opposition to the entrance of Red China into the United Nations is well known, but to assume that those who differ with me on this subject are Communists or communistic sympathizers is not only unjust but also absurd.

HONOR AND USE THE AMERICAN WAY

I yield to no man in my fear or hatred of communism, for I have personally seen what it has done and is doing to people. Therefore, I ask that we honor and use the American way, lest we copy communistic procedures while denouncing communism verbally.

Bishop William C. Martin, former president of the NCC, has said, "I am confident that not all of the persons who are making attacks upon the Protestant churches are Communists or even Communist sympathizers. But I am fully convinced that they are serving the cause of Communist falsehood as effectively as if they were on the payroll of the Kremlin."

The time has come when character witness statements about the overall Protestant organizations in the NCC are not enough. We must and do demand the facts—the specific facts. These must be faced. Proof must be given. If proof does not exist, apologies are in order.

When the pastors and laymen of Indiana churches have the facts, I will gladly trust their judgment to come to a sound conclusion. I intend to do my best to get the facts for them.

Cordially,

RICHARD C. RAINES.

Now, Mr. Speaker, Bishop Raines of the Methodist Church is not the only church leader in the State of Indiana to speak out against the accusations being paid for by the American taxpayers in the Air Force Manual. I want to take the time to read a resolution passed by the Indiana Council of Churches concerning this matter and signed by the leaders of the major Protestant churches of my State:

A MESSAGE TO THE CHURCHES OF INDIANA

As persons committed to Jesus Christ as Divine Saviour and Lord and vitally concerned with the spiritual unity of the church, we join in this message to our Christian colleagues in the churches of Indiana.

These are disturbing times. Our people are rightfully fearful of the menace of communism to our religion and to American free institutions. This makes some receptive to the accusations of Communist influence directed at the National Council of Churches and at the Protestant clergy.

We write you to say that we have unfaltering faith in the integrity of the National Council of Churches. Its leaders have proved themselves to be loyal and patriotic citizens. Factually, the National Council's boards and committees are made up of the representatives of our denominations whom we have elected to their tasks. Among them are many brilliant and competent students of history and contemporary life. Many of them are from denominations whose people have experienced untold suffering at the hands of Communist oppressors. Missionaries from their denominations have experienced mental and physical torture. Our church leadership is fully cognizant of the dangers we face and to accuse them of Communist loyalties is to be uninformed or misled by evil forces that seek to destroy the growing unity among our churches.

We believe any person seriously seeking the truth will discover the falsity of these charges. The church has always been under fire by its enemies through the centuries and the latest attack on the integrity of the church is evidence that its enemies are not dead.

The brief letter cannot take up in detail the so-called evidence of communism in the church. Nothing could possibly delight

Communists more than to see the church weakened by dissension and strife.

The National Council of Churches is a great Christian and, therefore, anti-Communist force. Its opposition to communism has been unequivocally stated and demonstrated. It seeks to feed the hungry, clothe the naked, and so remove many of the evils which communism seems to exploit. It is not a dictatorial body with power to stifle freedom of expression and discussion among those who differ as to the best ways of defending our freedoms. Among its leaders are those who for many years have practiced Christian love wherever poverty, strife, and injustice exist. When communism operated openly in this country some church leaders incurred great risk by trying to prevent Communists from controlling important organizations and movements.

The truth which our Master spoke must be our guide. We must love our enemies. We long for the time when they may be our Christian friends. Meanwhile let us not be frightened or misled by false charges.

In Christ's spirit let us try to heal the divisions in our beloved country and so preserve our freedoms.

Rev. Harry W. Bredeweg, president, South Indiana Synod, Evangelical and Reformed Church; Rev. Andrew K. Craig, superintendent, Indiana Conference of Congregational and Christian Churches; Rt. Rev. John P. Craine, D.D., bishop, Diocese of Indianapolis, Protestant Episcopal Church; Rev. Theo. O. Fisher, D.D., president, Church Federation of Greater Indianapolis; Rev. John N. Fox, D.D., executive secretary, Synod of Indiana, United Presbyterian Church, U.S.A.; Grover L. Hartman, Ph. D., executive secretary Indiana Council of Churches; Rev. Laurence T. Hosie, D.D., executive secretary, Church Federation of Greater Indianapolis; Rev. Russell J. Humbert, D.D., L.L.D., president, Indiana Council of Churches; Rev. Galen T. Lehman, executive secretary, Central Region, Church of the Brethren; Bishop Reuben H. Mueller, D.D., L.L.D., West Central area, Evangelical United Brethren Church; Bishop Richard C. Raines, D.D., S.T.D., L.L.D., Indiana area, the Methodist Church; Rev. Monroe G. Schuster, president, Indiana Convention of Christian Churches; Rev. Walter M. Wick, D.D., president, Indiana Synod, the United Lutheran Church.

Mr. Speaker, only today I have received a telegram from Edwin R. Garrison, administrative assistant, the Methodist Church, Indiana area, which reads as follows:

INDIANAPOLIS, IND.,
April 18, 1960.

Congressman JOHN BRADEMAS,
House of Representatives,
Washington, D.C.:

Ministers and laymen are weary of the generalized accusations against church leaders and deplore the fact that we are compelled to take so much time from preaching and teaching the Gospel of Christ in order to answer the questions of people who are confused by the persistent charges of irresponsible critics. We welcome honest investigation and insist that these critics prove that specific leaders among us are subversive or that they apologize for their use of public forums to destroy the confidence of the people in the churches.

EDWIN R. GARRISON,
Administrative Assistant, the Methodist Church, Indiana Area.

I want to make very clear, Mr. Speaker, that the criticism of these anti-Christian attacks is not only to be found among the State leaders of the Protestant churches in Indiana but at the local level as well. The executive committee of the Elkhart County Council of Churches recently passed a resolution affirming to all the Protestant ministers of that county the complete confidence of the committee in the integrity of the National Council of Churches.

A Methodist minister from St. Joseph County, the Reverend John D. Wolf, pastor of St. Paul's Memorial Methodist Church, South Bend, Ind., wrote me a letter on March 17, 1960, in which he said:

I have been meaning to write to you regarding the ridiculous statements of the Air Force manual that has recently been withdrawn from publication. This alerts us to the fact that the McCarthyism of another day did not die with Senator McCarthy. We have learned that the ultra-conservative group called the circuit riders have again decided to attack all liberals within the Methodist Church and the National Council of Churches. I hope that Members of Congress will be alert to any attacks upon any religious group and particularly the National Council of Churches and counter such accusations with the facts. There are those who in the name of anti-communism would love to smear the Methodist Church and the National Council of Churches.

Or listen to some expressions from Christian laymen who are troubled by these unwarranted attacks upon the churches. Here is a letter from a lady in South Bend, Ind., who belongs to a church that is affiliated with the National Council of Churches, who resents the suggestion that she is therefore a Communist and who feels particularly deeply that these charges should have come from an Air Force manual because her son lost his life in military service. Listen to her letter.

Mrs. Smith's letter follows:

SOUTH BEND, IND., *February 22, 1960.*
Congressman JOHN BRADEMAS,
House Office Building, Washington, D.C.

DEAR SIR: It is indeed both shocking and disgusting to find that taxpayers are required to pay for such a thing as the Air Force Manual that had in it such a charge against the National Council of Churches, yet they say in it that your "big brother" is watching you. Is this communistic or isn't it? It seems to me I've heard that in Communist countries everybody watches everybody.

Why is it necessary for our Air Force trainees to know how to mix drinks for officers? Are they required to be bartenders too? Why do they have to know how to shine officers shoes or wash officers' dogs? Who do our Air Force officers think they are? A bunch of snobs? If they are, what are they doing in the Air Force at taxpayers' expense? We taxpayers can't afford to be snobbish, even if we might want to be.

What will become of the morale of our boys?

I'm a Christian woman, Mr. Congressman, I belong to a well-known South Bend church that is affiliated with the National Council of Churches. I'm not a Communist. My boy died for his country, died that his country might be free, but free from what? So that the boys who come after him can mix drinks, shine shoes, wash dogs for snobbish officers and so that his mother can be called a Communist. Putting it like that it's nice isn't it.

"Ye shall know the truth and the truth shall set you free." What are you going to do to find out the truth? Play politics?

Very disgustedly,
Mrs. MILDRED L. SMITH.

Let me quote from a communication I received dated February 28, 1960, from Lester N. Nash, a Methodist layman from South Bend, Ind. He says:

I was shocked to learn that my hard-earned tax money was being used to brainwash boys in the service to destroy our Protestant churches.

To call an organization of 18 million Protestants "Communist" is awful and shouldn't be allowed.

McCarthyism should have its place in history with the Salem witchhunts.

We need a return to sanity.

Mr. Speaker, one of the outstanding Christian laymen in the State of Indiana is Mr. Everett Mishler, of New Paris, who is a member of the Church of the Brethren. Mr. Mishler wrote to me on March 22, 1960, strongly protesting the charges that, as he put it, "the National Council of Churches is honeycombed with Communists."

Mr. Speaker, under unanimous consent, I include at this point in the RECORD a letter from Mr. Mishler to the editor of the Goshen News, published March 15, 1960:

MALICE TOWARD NONE

NEW PARIS, IND., *March 12, 1960.*

DEAR EDITOR: Your newspaper has had several letters in reaction to the guest editorial from the Indianapolis Star concerning the controversial Air Force Manual charging that American churches are honeycombed with Communists or sympathizers.

Just what should the yardstick or pattern be to measure up a true American citizen, dedicated and devoted to building a real democracy based on justice, tolerance, integrity, and freedom of expression and thought and religion?

Would one have to be of white color, member of a certain church denomination, a certain political party, a certain labor or farm or business organization? Should one buy homes, cars, and most everything on installment; try to keep up with the Joneses; accept social security and unemployment compensations; exceptionally high wages, and profits; subsidies, farm production payments, veteran benefits, welfare aid, etc.?

How many of us would be cut out of a qualified list.

We agree that we should be alert to any movements that would seek to overthrow or undermine our real and true democratic form of Government based on justice, equality, and freedom; but there are thousands of our people who are seeking to do what they conscientiously think is right to protect and improve our way of life, yet still other thousands think and consider their activities as subversive and disloyal.

Back in the late forties labeling of subversive front organizations was quite flagrant and irresponsible under the leadership of Senator McCarthy, ably assisted by Senator Jenner, Nixon, and some other Congressmen and aired thoroughly by Fulton Lewis, Gabriel Heatter, etc. Someone in the city of Goshen was supposed to have guarded a master list of between 8,000 and 10,000 Communists in Elkhart County alone. We never had the privilege of seeing it, so we don't know whether it contained the names of Mrs. Gray, Mr. Yoder, or ourselves. No doubt, some folks sincerely thought they were doing a patriotic duty as true Americans when they compiled and handled this list.

Again, back in the thirties, the editor of the Indianapolis Star charged that a farmers cooperative association, that has local county units all over Indiana, was communistic and eventually would herd farmers together in each set of buildings at county seat towns and use them as blockhouses to force farmers to accept it. No doubt, Mr. Butler, the editor at that time, thought he was being a faithful and true American, also. But many of us farmers feel that these cooperatives are our own businesses, transacted in the most real form of American democracy.

Yes, surely, it is high time that we awake and are alert to recognize all forms of movements that would undermine true democracy, but one of the greatest requirements today is for tolerance and justice within our country if we want our freedom to survive as a challenge to the rest of the world.

Just recently, the Goshen area was privileged to see and hear one of the most noble but humble and sincere leaders in American freedom today—Martin Luther King; however many charge him as being backed by Communist agitators.

Certainly, Abraham Lincoln's challenge should be our symbol, "With malice toward none and charity for all."

What is a true American and a real democracy?

Sincerely,

EVERETT MISHLER.

Mr. Speaker, under unanimous consent I insert at this point in the RECORD an editorial entitled "Those Embarrassing Manuals," from the March 19, 1960, issue of the Gospel Messenger, a publication of the Church of the Brethren:

THOSE EMBARRASSING MANUALS

Air Force officials were busy last month publicly withdrawing from use several training manuals that came under fire in congressional investigations.

One manual instructed enlisted men on how to mix drinks for officers' cocktail parties. It was intended to train men who are assigned to the personal staffs of all officers of general rank in the Air Force. Temperance groups were especially indignant over directions like the following: "Most companies making spirits will gladly furnish you with a booklet giving instructions on mixing drinks." The manual said a portable bar serves best for serving drinks at officers' parties.

Apparently mixing drinks was only one of many servant jobs to which enlisted men could be assigned. They must be shown how to wash an officer's dog, tend his potted plants, and buy his groceries. As for the officers themselves they also had a manual to guide them in arranging for cocktail hours and bingo parties.

Another Air Force development that was cut short by public criticism was recently in force in a base in Kansas. Noncommissioned officers there were asked to oversee the personal as well as military lives of airmen, supervising their off-duty activities, inquiring into their family histories and their financial status, even deciding when they needed haircuts. "Big brother is watching you."

The latest manual to be banned from further circulation is one that purports to show how communism had infiltrated the churches. It claims, for example, that the Revised Standard Version of the Bible was prepared by 95 persons, 30 of whom were affiliated with Communist fronts. Although the manual was issued by the reserve training branch of the Continental Air Command, its appearance came as a shock to the Secretary of the Air Force Dudley C. Sharp, who said he "categorically repudiated the publication."

There have been frequent attempts in the past to pin the Communist label on prominent ministers by quoting them out of context and branding them because of certain organizations with which some have been identified. We saw one such publication which included the late Ernest G. Hoff, for many years editor of our Sunday School publications, among those who were active in Communist-led organizations. The only evidence offered was the names of two peace proposals which he must have endorsed many years ago. These were not Communist fronts but movements calling for peace action. Yet someone thought the proposals were soft on Russia and labeled them as Communist—and in this devious way it is only a short step to branding as "red" a man to whom everything about communism was abhorrent.

Many of us know from observation where such unfounded accusations originate but apparently certain Air Force officials did not take the trouble to question the source of the ridiculous charges they were willing to publish.

Is it not about time that Americans subjected not only the Air Force but all branches of the military to a thorough examination? Here is where the lion's share of our national budget goes—and far too many of those billions are used to maintain an undemocratic and a bureaucratic system that will not be reformed simply by withdrawing a few embarrassing manuals.

Mr. Speaker, under unanimous consent I insert in the RECORD a letter to the editor of the Muncie, Ind., Star which was signed by the president of the Ministerial Association of Muncie:

The editorial in the Muncie Star of March 10 is a broadside condemnation of ministers of churches without any specific individuals.

The editorial is entitled "Air Force Manual Is Fine." There are no direct quotes or references in the editorial but presumably you have reference to NR 45–0050, Increment V, volume 7, lesson 15.

This manual declares, "It is known that even the pastors of certain of our churches are card-carrying Communists." The editorial seems to support this charge but does not name even one such. Neither does the manual. Actually, officials of the Air Force were astounded when they realized the broad linkage of the manual to ministers in general and the Revised Standard Version of the Bible and the National Council of Churches to communism. The apology was called for because of the obvious errors in the manual.

It is true that the Christian church, including the ministers, do use such terms as "peace," "democracy," "social justice," "international trade," to use words of the editorial. It is true also that Communist terminology means something different than Christians and most Americans mean. We doubt that ministers will become opposed to peace, democracy, social justice, international trade for that reason. We hope the Muncie Star is not. There are those in all fields of endeavor who are duped into supporting the Communist line, including newspapers who attack Christianity, but this was not what either the manual or the Star editorial says.

We presume the editorial was written by an unknown person outside our community. Yet we believe the Star should either name names or apologize for its uninformed attack upon ministers and leaders of the churches of our Nation.

Mr. Speaker, under unanimous consent I insert in the RECORD a letter dated March 16, 1960, from the Reverend William A. Imler, minister, First Methodist Church, Martinsville, Ind., to the editor of the Indianapolis Star:

MARCH 16, 1960.

EDITOR,
The Indianapolis Star,
Indianapolis, Ind.

To the EDITOR OF THE STAR:

The impression I gain from Holmes Alexander's column in the March 14 Star is that any interest in "peace, social uplift, racial equality, higher wages, lower living costs" is not only un-Christian but anti-American, and that true Americanism would take us plunging into Germany (1940) or Russia (1960) with our big guns (1940) and our H-bombs (1960) flashing destruction, under the blessing of a mystical, spiritual whole religious philosophy. It implies that pacifism is sin, and war a blessing.

This kind of doubletalk adds to, not eliminates, the confusion in the minds of people who are earnestly trying to find their way in this midcentury period.

I thank God that it is yet possible for a man to conscientiously object to war, to stand for pacifism. I say this not as a pacifist, but as a veteran of World War II. This right of individual conscience is one that apparently we would not long have if men of Holmes Alexander's mind had their way.

The National Council of Churches, so popularly under attack today, represents the largest religious segment of the U.S. population. I would venture that the majority of the readers of the Star are members of churches affiliated with the NCC. With regard to the Air Force Reserve Training Manual controversy, I would like to quote the following section of an editorial in the March 2, 1960, issue of the Christian Century: "No one need panic because an official agency of the United States in this way attacked Protestant Christianity through its representatives. It has been done before, without fatal results. Some harm has been done, but the Protestant anvil has worn out many hammers. * * * Vigilance demands that truth be known and that untruth be exposed for what it is. For the truth concerning the actual work of the living Christ through those who minister in his name is nothing to be ashamed of. On the contrary, it is about the most reassuring thing that can be known about America."

I am proud to be a minister of the gospel of Christ, within a church affiliated with the National Council of the Churches of Christ in the United States.

WILLIAM A. IMLER,
Minister, First Methodist Church, Martinsville, Ind.

Mr. Speaker, under unanimous consent, I include in the RECORD the following letters to the editor of the Indianapolis Star from several Protestant ministers and church leaders in the State of Indiana:

STOP BAITING PROTESTANTISM, THE GREATEST ALLY OF FREEDOM

To the EDITOR OF THE STAR:

I have before me your editorial, "What Do You Think?" and the column, "Many Ministers Exposed to Pacifist Training," by Holmes Alexander. Either you are guilty of a new low in journalistic impertinence or you have no understanding of the nature and mission of religious faith in life.

As I grasp the logic of your columns these days, you would have the church remove the cross from its steeple and run up an American flag. That kind of thing has happened before, you know.

In Communist Russia the worship service of the state church begins with a blessing from the presidium of the party. The church has become little more than a tool for atheistic tyranny. Why? Because it has

identified itself completely with one of the kingdoms of this world. And that is not the role of the church.

Alexander fumes about the appeasement policies of Isaiah and Jeremiah (one wonders if he has even read the books), and you impugn the patriotism of those who honestly disagree with you in matters of foreign policy and believe that eventual disarmament is the only hope for world peace. (I hope you saw "On the Beach.") What would you do with a Jesus if One came to town? He said, "Love your enemies," "blessed are the peacemakers," and "seek ye first the kingdom of God." In the light of everything you've been printing these are dangerously un-American sentiments. Obviously, the Nazarene would be a "subversive."

I am bitterly opposed to communism—to its cruelty, its arrogant totalitarianism, its godless materialism. I am also opposed to those who would destroy freedom of thought and expression in America. It so happens that religious freedom gave birth to the other freedoms we now all take for granted. And you would put religious freedom in the pocket of the state.

I have written you only once before. We agreed that time. We were both opposed to the injection of anti-Catholicism into a political campaign. No good could come from fanning the flames of religious controversy. Why don't you practice what you preach? Stop baiting the very Protestantism that is freedom's greatest ally the world over.

JAMES ARMSTRONG,
Minister, Broadway Methodist Church.

BOARD'S DECISION

To the EDITOR OF THE STAR:

I do not want to become a professional letter-to-the-editor writer, but you printed a letter from a local Bible Presbyterian minister which must not go unchallenged. It was headlined, "Help Leaders."

The writer * * * states that Methodist Bishop G. Bromley Oxnam in 1947 distributed to every Methodist minister a book sympathetic to communism. The book in question was "Behind Soviet Power," by Jerome Davis. The letter leaves some vital matters unsaid.

First, the book was not distributed by Bishop Oxnam but by the administrative committee of the board of missions and church extension of the Methodist Church. Bishop Oxnam signed the accompanying letter because he was president of the board, but it was a board decision to send the book.

Second, the writer should have looked further into the statement accompanying the book. It indicated that one cannot really fight communism until he knows something about it. It said the ministers should read Davis' sympathetic treatment of communism so they would better understand the kind of atheistic philosophy they were up against.

Davis' book also was accompanied by a statement of the Federal Council of Churches on the nature of American-Soviet relations. The statement was written by no less a patriot than John Foster Dulles, a board member of the Federal Council. Many have called Mr. Dulles' statement the most severe denunciation of Communist philosophy in existence.

I confess I cannot understand the reasoning implied in the letter from the local minister. The clergy are being roundly condemned for ignorance of the true nature of communism, yet they are castigated for reading anything which might remove this alleged ignorance.

We are sure to lose the battle for men's minds if we make no effort to understand the thinking of those we oppose.

ROBERT L. GILDEA,
Director, Public Relations and Communications, Indiana area, the Methodist Church.

MINISTER THINKS COLUMNIST USES INSUFFICIENT AUTHORITIES

To the EDITOR OF THE STAR:

I must disagree with many points of the column by Holmes Alexander, "Many Ministers Exposed to Pacifist Training," on several counts which, in my estimation, reflect a very juvenile way of presenting certain factual materials as well as endeavoring to bias the public by "stock" and "trite" phrases.

It is because of my respect for the newsmen's profession that I challenge Mr. Alexander. He has based his conclusion that many clergymen are preaching a watered-down gospel (e.g., pacifism, anti-American, anti-Christian creed, materialistic, etc.) on very insufficient authorities.

He quotes from Harry Emerson Fosdick's autobiography out of context in the first place. Let the reader read what Mr. Fosdick goes on to say in regards to his position on pacifism and what he says before the "quoted part" on the folly of war as both President Eisenhower and General MacArthur confirmed. Now, I am not a pacifist (per se) but I do not regard pacifism as anti-American or anti-Christian as Mr. Holmes implies; I believe that war is never a solution to any problem even though it often becomes the lesser of two evils.

Moreover, Mr. Alexander makes other unwarranted generalizations as: (1) "The general run, if not the majority, of divinity students and their teachers in those days were pacifists" (the days of Mr. Fosdick's seminary training)—this he states on the basis of hearsay; (2) "These prophets were appeasers, the do-nothing men of their times." (Now he refers to Isaiah and Jeremiah.) Any study of these two prophets would reveal that they were far from the modern conception of pacifism as a do-nothing attitude; (3) "American ministers who follow the anti-American line * * *." What is anti-American for Mr. Alexander? (4) Speaking of present-day ministers who were trained in so-called liberal seminaries, he says:

"Many men of this youthful background are now our Protestant pastors. A majority, no doubt, have matured. Others are incurable. They are ideologists for peace and prosperity; they borrow, in and out of context, whatever seems to baptize their arguments." Isn't this exactly what Mr. Alexander is doing, borrowing in and out of context to baptize some predetermined view of his?

I challenge Mr. Alexander on both his implications as to what is American from his view, as to what is anti-American, and as to what is Christian from his phrase "anti-Christian."

As a Protestant minister I realize that a minister is human and ought to stand under the same kind of criticism as any other human person (this is the glory of Protestant Christianity on its well-documented Scriptural thesis of the "priesthood of all believers"). Also, a minister is a spokesman for God—his first obligation is to represent his God. This often presents a dilemma—where is his position when a general consensus of human opinion conflicts with his understanding of God, but to represent the will of God as he understands it?

I am an American, proud of my heritage and devoted to my country. As an American I plead for freedom of speech. My plea in this article is for all persons who would make their opinions known (in this instance, about the Air Force manual and the relation of many clergymen to its implication) to be sure whereof they speak and to not represent "hearsay" or personal prejudice as fact (as I believe Mr. Alexander has done). I believe some of the arguments people have put forth pro and con concerning the Air Force manual, the National Council of Churches and clergymen in general have not represented the facts as much as they have served only to whet the grindstone for other axes.

PAUL L. KITLEY,
Pastor, First Christian Church, Monticello, Ind.

"WE SHOULD BE SLOW TO LABEL A PERSON OR GROUPS OF PERSONS"

To the EDITOR OF THE STAR:

I promised myself that I would not write a word to The Star, or to anyone else, believing that words can be twisted and gnarled to prove a point. I have had it happen before. But I cannot remain quiet. Even as the great Apostle Paul said: "Woe is me if I preach not the Gospel."

Mr. Holmes Alexander in his column, "Many Ministers Exposed to Pacifist Training," accuses many of the "clergy whose minds are still adolescent." After reading the column, I wondered "how adolescent" can one get in his reasoning. He accused Jeremiah and Isaiah of being "do-nothing" men. Whom did history prove wrong? What happened to Judah? (Judah did not listen to either of them and disappeared into exile). Why are their names immortalized? Why are their works included in the Holy Scriptures?

He accuses pacifists (of which I am not one, but whose right I would defend) and others of not discussing basic teachings of the New Testament. I have never heard a pacifist refer to Jeremiah or Isaiah, but mainly to the teachings of Jesus. "Love your enemies, do good unto those who persecute you" * * * "turn the other cheek" * * * and in an act of defense, Jesus said to Peter: "Put your sword back into its place; for all who take the sword will perish by the sword" * * * and others. The pacifists that I have met are sincerely interested in taking Jesus at His word—literally, as some of the people we call saints today (St. Francis and others—St. Francis was called a fool for God).

It is strange to see the apostles of discord (the American Council of Churches) and men such as Holmes Alexander and others in the same bed. Can they swallow this attack on Jeremiah and Isaiah in their literalistic interpretations of the Bible? I have not seen anyone reply or are they fearful that they might be found defending some befuddled liberal?

We are in danger of fighting each other in this country, rather than the enemy. We have been enjoying tagging everyone else with a label. We use so much faulty reasoning. For instance, Howard Kershner (L.H.D. and what have you) would reason: "There is no difference between communism and socialism. Social security is socialism, therefore anyone favoring social security is slightly pink or even red. (Hence, many of our leaders can be at least a glowing pink.)" We reason that anyone who disagrees with our viewpoint is either a Red or an adolescent. We do not respect each other's opinions and beliefs.

Would that we could take Dr. Harry T. Hodgkin's attitude: "I will always seek to discover the best and the strongest points in my brother's position. I will give him the credit for sincerity. I will avoid classifying him, and assuming he has all the characteristics of the class to which he is supposed to belong. I will try to remember that I may be mistaken and that God's truth is too big for any one mind."

I believe we should be slow to pin labels on any person or group of persons. Maybe we should be more like Gamaliel, the cautious Pharisee, when his brethren were ready to condemn all Christians. He said: "Keep away from these men and let them alone; for if this plan * * * is of men, it will fail; but if it is of God, you will not be able to overthrow them. You might be found opposing God."

Much of our labeling is done out of fear, hatred, and emotionalism. If we have the truth we need not fear—for truth is eternal. Keep sane, keep humble, love one another (including your enemies and those with whom you may disagree).

HAROLD KRATZAT,
Pastor, Saron United Church of Christ, Linton, Ind.

Mr. Speaker, under unanimous consent I include in the RECORD the following editorial from the February 29, 1960 issue of the Evansville Press, a Scripps-Howard newspaper, entitled "Clean Out the Gremlins—Preparing Manuals Is No Job for Hack Writers and Editors." Editorial follows.

CLEAN OUT THE GREMLINS—PREPARING MANUALS IS NO JOB FOR HACK WRITERS AND EDITORS

We are told the Air Force has about 600 assorted training manuals. It is a safe guess they have cost several million taxpayer dollars.

Judging by the current controversies, some of the authors must have been gremlins.

Congressman CHARLES C. DIGGS, JR., of Detroit, now says the Air Force has withdrawn another manual—called the Strategic Command Security Motivation Pamphlet—because he protested the reprint of a magazine article claiming racial integration in the armed services had reduced efficiency and morale.

The Air Force already was in the soup for publishing manuals on dog care, cocktail mixing and alleged Communist infiltration of churches. These, too, have been withdrawn—after protests.

Take the security manual denounced by the National Council of Churches. Air Force Secretary Dudley C. Sharp first categorically repudiated this one, then testified before a House committee that he believed the objectionable statements were true, then appeared to deny his testimony. This, of course, cleared up everything.

Some of these manuals obviously are unnecessary—such as one which comments philosophically and clumsily, on marriage. In other cases, the information and intent given the writers may have been solid, but the stuff came out as poppycock. Security problems, for instance, are too serious to be handled by hack writers and subjected to only cursory review by some lackey, as the Air Force admitted in the case of the booklet which aroused church leaders.

All this foolishness tends to make our biggest armed service appear not to know what it is doing. If the Air Force is to prepare training manuals, as it must, it should give the job to some editors who understand their work. But first Mr. Sharp had better clean the gremlins out of his own office—since he seems to be more infested with them than anyone.

Mr. Speaker, under unanimous consent I include in the RECORD an article published in the May 1960, issue of Together, a publication of the Methodist Church, entitled "Nation's Press Says Manual Based on Unproved Charges":

NATION'S PRESS SAYS MANUAL BASED ON UNPROVED CHARGES

The now-famous Air Force manual, with its charges that the clergy has been infiltrated by Communists, has caused quite a stir in church circles.

Not unexpectedly, the Indianapolis Star defended the manual. It editorialized: "We have studied the full text of the manual very thoroughly, and we cannot understand why it was withdrawn. * * * We find the manual a very timely, a very reasonable, and a very admirable document. * * * We think the educational department of the U.S. Air Force should be congratulated for having done an excellent job in exposing the underground Communist activities in the U.S. churches."

But most of the Nation's press didn't concur. Here are a few samples of their comments:

New York Herald Tribune: "What in the world an Air Force manual is doing in printing such rubbish * * * is something we wouldn't know. But the sentiments are familiar. This is exactly the same line that J. B. Matthews was peddling during the McCarthy heyday in a notorious article that brought down the wrath of President Eisenhower upon him and forced his resignation from the McCarthy subcommittee. It is incredible to find this vicious canard now being repeated in an armed services manual."

New York Times: "This remarkable document, among other follies, said that pastors of some churches were card-carrying Communists and that 30 out of 95 persons who revised the Bible for the National Council were affiliated with subversive organizations. The writers of the manual didn't know this to be true. It isn't true, as far as anybody has ever proved."

Philadelphia Inquirer: "It must be discovered who wrote such flagrant untruths and anti-American ideas into the manuals and whether it was a deliberate attempt to misguide Air Force personnel or incompetence on the part of a writer who picked up the line from subversive sources without questioning it."

Minneapolis Tribune: "(The manual) was a dangerously irresponsible piece of stupidity. It dipped meddlesomely into the black art of character assassination and recklessly assailed a fundamental precept of American democracy. Thus, it made the unsupported charge that Communists and fellow travelers have 'successfully infiltrated our churches'."

San Francisco Chronicle: "The further imputation of fellow-traveling to the National Council of Churches, as sponsors of the Revised Version, is of course preposterous. This kind of bilge is frequently found in the American Mercury and other greatly agitated publications of its sort, but we are truly surprised that responsible officers of the Air Force are not alert enough to keep it out of indoctrinal manuals."

Tampa (Fla.) Times: "Are churchmen Communistic? The irresponsibility of the statement is obvious. Without even meeting the author, we would venture to say he would not recognize a card-carrying Communist if he saw one, and that his first-hand knowledge of church membership and the ideology of pastors is nonexistent."

Chicago Sun-Times: "There is a temptation to dismiss the Air Force's latest controversial manual as just another bit of military folly. However, it is extremely difficult to laugh off such viciousness. * * * Such claptrap was repudiated by the Air Force, and the manual was withdrawn as soon as the matter became public. It wasn't surprising, however, to see a Chicago area resident, Edgar C. Bundy of Wheaton, rush to the defense of the indefensible Air Force. Bundy, the man who once ranted against 'subversive' influences in the Girl Scout movement, long has been a peddler of the discredited Communists-in-churches line."

Memphis Commercial-Appeal: "The manual contains many absurdities and some downright lies."

St. Louis (Mo.) Post: "The disturbing aspect of the disclosure * * * is that a branch of the military service could harbor officials so stupid, or careless, or both as to allow this nonsense to be put in printed form."

Mr. Speaker, under unanimous consent I introduce into the RECORD the following editorial from the Christian Science Monitor entitled "Calumny by Training Manual":

CALUMNY BY TRAINING MANUAL

The latest training manual blunder by the U.S. Air Force is by far its worst.

It seems incredible that a widely distributed service publication could baldly state that "Communists * * * and sympathizers have successfully infiltrated into our churches" without being corrected by any authority until an airman showed it to his minister.

The Pentagon has now repudiated the attack (primarily aimed at the National Council of Churches of Christ) and recalled the manual. It is to be hoped that the investigation of how such a blatantly false allegation got so far will not be a superficial one aimed only at finding a scapegoat.

Even now, 6 years remote from McCarthyism, occasional self-seeking and hypocritical attempts are made to brand an innocent group "Communist" in order to discredit it. Such calumny unfortunately turns up in some cases of racial strife, business-labor differences, and diplomatic rivalries.

Happily the story of the Air Force manual has been widely publicized, despite a second passage in the booklet which reads: "Another foolish remark often heard is that Americans have a right to know what's going on. Most people realize the foolhardiness of such a suggestion."

Fortunately, most people realize the foolhardiness of the manual writer's whole warped thesis.

Mr. Speaker, under unanimous consent I include at this point in the RECORD a statement entitled "The National Council of Churches—What It Is, What It Does":

THE NATIONAL COUNCIL OF CHURCHES—WHAT IT IS; WHAT IT DOES

WHAT IS THE NATIONAL COUNCIL OF CHURCHES?

It is an agency through which Protestant and Orthodox Churches in the United States express their common faith in Jesus Christ as Divine Lord and Savior, and cooperate to focus the light of that faith on all phases of American life.

The churches act through the 70 program units of the council in a spirit of evangelism to encourage Christians to the use of prayer, to the acceptance of personal responsibility, and to study in all matters affecting the life of the Nation. The churches continue their tradition of concern for the welfare of all members of society by speaking and working through the council.

The council is an expression of its member churches' belief that, in spite of diversity of form and doctrine, they are one in their faith in Jesus Christ. It does for the churches such cooperative work as they authorize it to carry on in their behalf.

WHAT DOES THE NATIONAL COUNCIL DO?

First, it works constantly to make Christians more aware of the central unity of their faith. It aids Christians to direct their faith into channels of action.

Through its division of Christian education, the council gives guidance to the united Christian youth movement. It provides 8 interdenominational summer conferences through the commission on missionary education, which also reaches 7 million persons annually by means of books, play, filmstrips, and films produced by the Friendship Press. The division administers some 600 leadership schools each year, guides religious education and daily vacation schools, coordinates programs for 471 church-related colleges. The division produced and holds the copyright of the Revised Standard Version of the Bible, and serves as the custodian of its basic text.

Through its division of Christian life and work, the council encourages study in the churches of international affairs and worship and the arts; seeks to stimulate among Christians the application of Christian principles to economic life and racial and cultural relations; gathers and analyzes information on religious liberty; helps to coordinate the churches' health and social welfare agencies with national voluntary and Government agencies; aids the denominations in planning a cooperative approach to stewardship and benevolence.

Through its division of home missions, the council works to meet the changing needs of urban and rural churches; maintains a church building consultation service; has programs for agricultural migrants and Indians; provides a clearing house of information and experience for home missions institutions; assists member boards and agencies in recruitment of missionary personnel.

Through its division of foreign missions, the council coordinates the proclaiming of the Gospel overseas by 73 foreign missions boards and 41 denominations. It works with the churches in area committees, and with the churches overseas through national Christian councils, on problems facing Christian missions in 60 countries. It assumes responsibility for the health of missionaries while in the United States, and supplies clinical services through the Associated Mission Medical Office. It conducts a literacy program in 65 countries.

Through Church World Service, 35 Protestant and Orthodox boards and agencies provide world-wide aid to the needy. CWS sends millions of pounds of food, clothing, medicines and other relief aid overseas annually. It rehabilitates war amputees, runs child care centers overseas and has already brought more than 100,000 refugees to the United States.

Through the central department of evangelism, the council holds national Christian teaching missions, campus meetings and programs, services and discussions at military bases. It cooperates in a national parks ministry.

Through the general department of United Church Women, the council promotes the united work of church women in missions, world relations and social action; sponsors the World Day of Prayer; World Community Day for relief and international understanding; May Fellowship Day for the local community; and programs of leadership education.

Through United Church Men, the council helps develop programs that concern the national consciousness of churchmen in local communities, supports their emphasis on Christian colleges and Christian missions in cooperation with existing programs of the National Council.

Through the broadcasting and film commission, the council presents Christian programs on radio and television networks and stations; maintains liaison with the movies; prepares audiovisuals for the churches; provides broadcast training for clergy and laity.

Through the bureau of research and survey, the council gathers and analyzes information, carries out research in cooperation with colleges, universities, and foundations; publishes Information Service, a biweekly review and digest; gathers church statistics, and publishes them in "The Yearbook of American Churches."

Through its Washington office, the council provides information about Government activities affecting the churches and their Christian concerns, and supplies to Congress, executive departments, and nongovernmental organizations, facts about the structure and programs of the council.

WHO IS REPRESENTED IN THE NATIONAL COUNCIL?

Thirty-three Protestant and Orthodox communions in the United States are members of the National Council. These denominations have a total membership of about 38 million.

There are almost 40 other denominations, or boards and agencies of denominations, that are not members of the council but cooperate in one or more of the council's activities.

Member denominations elect their own representatives according to procedures they establish for themselves. Members of the clergy, lay people and youth are included in the representation.

There are 954 local and State councils of churches, and more than 2,000 ministerial associations, which work with the council at the community level. State and local councils of churches also are represented officially in the council.

HOW ARE COUNCIL POLICIES DECIDED?

Council policies are established by denominational representatives, who sit in the general assembly and general board, the two governing bodies of the council.

The general assembly consists of 443 clergymen and 251 laymen. It meets every 3 years and acts as a central body of interdenominational decision. Its next meeting will be in San Francisco in December 1960.

The general board meets 3 times a year and consists of 166 clergymen and 90 laymen. The board reports regularly to member denominations, making the council responsible to its constituent member churches.

Through the assembly and the board, the council speaks as a united voice on matters of ethical, moral, or religious concern to its membership.

Almost all of the council's 70 program units are directed by committees composed of denominational executives. In specific programs and general policies, the council is supervised and governed by representatives of the communions that comprise it—2,700 lay men and women and 2,800 clergymen.

Despite the vast scope of the council's work, the fulltime staff of the council numbers only 700 employees, of whom about 200 are executives, the remainder being clerical and secretarial. Most of these people work at headquarters in New York, but there is a small office in Washington, D.C., and another in Atlanta.

HOW IS THE COUNCIL FINANCED?

The council's funds come from the following sources: About 61 percent is contributed by denominations, local churches, and related organizations; another 12 percent consists of gifts from individuals, corporations, and foundations; approximately 26 percent is derived from gross sales of council materials; and 1 percent comes from investments.

HOW IS THE COUNCIL BUDGET DIVIDED?

The two largest items are spent on interpreting Christianity through evangelism, teaching missions, use and understanding of the Bible, radio, television, and the press; and on relieving distress, furthering reconstruction, and promoting Christian understanding overseas.

The next largest sum is spent to reach the underprivileged and the unchurched.

Instruction to youth, the application of Christian principles to life, and the stimulation of local cooperation are the next three largest budget categories.

Combined costs of administration and central services total 8 percent. With supervision of council programs, and special research-and-survey and advisory services, these complete the list of budget items.

The council's annual net budget varies in size from year to year. It was $12,454,840 in 1959, $11,325,160 in 1958, $13,212,620 in 1957.

WHAT DO THE CRITICS SAY OF THE COUNCIL?

That the council is liberal in its theology. These critics disregard the fact that the council has no theology of its own. The council is forbidden by its constitution to determine theological matters, which are the sole concern of its member churches.

That the council is a superchurch. These critics disregard the fact that the council is forbidden by its constitution to exercise any authority or administrative control over the churches or to prescribe any form of church government.

That the council is liberal in its politics. These critics disregard the fact that the council is not a political organization and has no political affiliation. The member churches express through the council their belief that all political organizations are under the judgment of God and their conception of the witness the Christian citizen must make in whichever field he works, whether it be labor, industry, management, business, social welfare, government.

That the council is a welfare organization. These critics disregard the fact that the member churches authorize the council to contribute to the life of the Nation by expressing the churches' concern for the welfare of all of society. The churches authorize the council to engage directly in some welfare programs just as the churches themselves have always done.

In sum, the council makes it possible for regular church-going Americans to exchange their best wisdom on church work, and to manifest through the council their single purpose in witnessing to their faith in Christ in every realm of life.

WHERE DOES THE COUNCIL STAND?

Communism: The national council is and always has been unalterably opposed to communism. The general board, meeting in Seattle, June 4, 1959, reaffirmed "the consistent position of the National Council of Churches expressed in many official actions opposing the evils, the violence and the violation of human rights by Communist and other tyrannies."

International aid and trade: "This assembly advocates balanced, expanding programs of international aid and trade to the end that, in this interdependent world, its various peoples, all created and cared for by God, may have a more abundant life, with more well-being, knowledge, justice, freedom and peace" (general assembly, Dec. 5, 1957).

Collective bargaining: "We recognize the right of both employers and employees to organize for collective bargaining, and in connection with employees we believe that it is generally desirable to do so" (general board, Feb. 27, 1958).

Segregation: "The National Council of Churches renounces and earnestly recommends to its member churches that they renounce the pattern of segregation based on race, color, or national origin as unnecessary and undesirable and a violation of the Gospel of love and human brotherhood" (general board, June 11, 1952).

Peace and the United Nations: "We believe the United States should seek to strengthen the ties by which the freedom-loving people in all the nations are bound together * * * We believe in the United Nations. We believe the United States should negotiate without appeasement with other governments, both within and without the United Nations * * * We believe the United States, preferably through the United Nations, should implement * * * a program of assistance to the underprivileged peoples of the world" (general board, Jan. 17, 1951).

Religion and public education: "The home and the church must assume their primary roles as teachers of religion. No agency of the State, including the (public) school, can safely or wisely be entrusted with this task" (general board, May 20, 1953).

Freedom to speak: "(We) uphold the right and duty of the churches and their councils to study and comment upon issues of human concern, however controversial * * * (and) resist all efforts to discourage full freedom of

discussion and, in discussion, reject attempts to suppress such freedom" (general board, Feb. 25, 1959).

Mr. Speaker, I would like to remind Members of the House that on February 2 of this year, we unanimously passed a resolution expressing the profound sense of indignation and shock felt by Congress at the recent acts of desecration of synagogues and other places of worship.

I was proud to have been one of the sponsors of this resolution.

Just as I believe Congress should have expressed its shock and indignation at the kind of desecration of places of worship represented by the wave of anti-Semitic and anti-Catholic demonstrations in Western Europe and elsewhere in the world, I believe we in Congress must declare our shock and indignation at the type of desecration of religion and religious institutions which is symbolized by the accusations contained in the Air Force Manual.

Now I said the accusations in the manual are a symbol of a type of desecration of religion and religious institutions. Let me cite to the Members of the House the kind of mind which has joined in leading these attacks and I think they will have a clearer understanding of what is behind these anti-Christian activities.

Only yesterday there came to my desk, unsolicited, I assure you, the March–April 1960 issue of a rather unusual newspaper called the Independent American. I think you will be interested to learn just what the Independent American is independent of. First of all, the masthead of the paper declares its belief that "there is no difference between a New Deal Democrat and a Socialist-Internationalist Republican." So the Independent American is for a third party.

Second, if you think highly of Mr. Eisenhower, the Independent American does not think highly of you. The paper quotes an editorial saying:

> The symbol of ridiculous appeasement is Prime Minister Chamberlain's umbrella. * * * Apparently, Mr. Eisenhower has borrowed Mr. Chamberlain's umbrella. Chamberlain carried it only to Munich. President Eisenhower has toted it to the remotest corners of the world.

Maybe you like the distinguished majority leader of the U.S. Senate, a man whom I described in Detroit last month as the most brilliant majority leader in the history of the Senate. The Independent American discusses what it calls LYNDON's trickery and says that "LYNDON JOHNSON stabbed the South in the back with his crafty maneuvers regarding the civil rights bill."

What about Vice President NIXON? Well, he, along with Senators HUMPHREY and KENNEDY, is editorially attacked by the Independent American as a man of fuzzy thinking not fit to be President of the United States.

There is in fact one article in the paper which bluntly declares that Vice President NIXON "places his faith not in the United States but in some ephemeral sort of world government," which "would be controlled by the Soviet Union." It will not therefore astonish Members of the House to learn that the Independent American seriously contends that Senator KENNEDY cast votes in the Senate which "were of assistance to the Communists."

Mr. Speaker, before long we are going to run out of candidates.

I would remind you that this newspaper carries one advertisement which reads in part as follows:

> Rightwing editorials wanted. Patriots, please send us rightwing, patriotic editorials which may appear in your local newspapers.

Now, what does all this in the Independent American have to do with the attacks on the National Council of Churches?

On page one of the issue of this remarkable publication appears an article repeating the very same charges against the National Council of Churches which are the subject of our discussion here today. So a newspaper which castigates as unpatriotic such distinguished Americans as Senators JOHNSON and HUMPHREY and KENNEDY, which says that our distinguished Vice President, Mr. NIXON, wants America to join in a Soviet-controlled world government—such a newspaper says that the Protestant churches of America and their ministers are infiltrated by Communists.

I cannot conceive of a party line more likely to cause hatred and ill will and disunity among Americans than the type of thinking represented by the kind of mind that would produce such diatribes. Perhaps the publication of this newspaper is secretly being masterminded by the Communist conspiracy in this country. I do not know for sure. I do not know for certain that the Communists are behind this newspaper or that the Communists are behind the attacks on the National Council of Churches. But there can be little question that such attacks aid and abet the Communist cause and that they do not strengthen the cause of America in the world.

Mr. Speaker, these attacks are so ridiculous that they would be amusing if they were not taken seriously by some of our citizens. I recall what my friend the gentleman from Illinois [Mr. PRICE] said to me on the floor of the House one day recently following publication of the passages from the Air Force Manual. "Why," said the gentleman smiling, "it is getting so folks will be afraid to go to church."

Mr. Speaker, a little over a year ago, Members of Congress heard one of the most eloquent addresses that, I venture, has ever been delivered in this Chamber when Carl Sandburg spoke on the 150th anniversary of Abraham Lincoln's birth. During his talk, Mr. Sandburg quoted from a letter written by Lincoln in 1855 to a friend in Kentucky. Said Lincoln:

> Our progress in degeneracy appears to me to be pretty rapid. As a Nation we began by declaring that "all men are created equal, except Negroes." When the Know-Nothings get control, it will read: "All men are created equal except Negroes and foreigners and Catholics." When it comes to this, I shall prefer emigrating to some country where they make no pretense of loving liberty.

Mr. Speaker, I am sure that, with a statement like that, Mr. Lincoln would not have enjoyed the support of the Independent American.

Indeed, Mr. Speaker, if Abraham Lincoln had been alive today, he might well have amended one line in his statement to read as follows: "When the Know-Nothings get control, it will read: 'All men are created equal except Negroes and foreigners and Catholics and members of any church affiliated with the National Council of Churches of Christ.' "

Mr. Speaker, as Bishop Raines of Indiana said, let us not be Communist-copiers.

Mr. Speaker, as one of my lay constitutents has suggested, Is it not about time for a return to sanity?

Mr. JOHNSON of Colorado. Mr. Speaker, at this time I yield to the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Speaker, as I have listened to this discussion I have reflected in my mind how utterly incompatible are the teachings of Christianity with the doctrines of communism. I lay no claim to being a theologian, but I am a Christian. It is my privilege and pleasure to serve as a member of the Permanent Judicial Commission of the Presbyterian General Assembly, and perhaps this confers upon me a responsibility to say something in this regard. If I understand Christianity and if I understand communism it is not possible, in keeping with intellectual consistency, for any person to believe in both. A man may be a Christian, or he may be a Communist, but he cannot be both.

Christianity's God has instructed, "Thou shalt have no other gods before me."

Communism has commanded, "The state is your highest master. Worship the state."

The Christian's code directs, "Thou shalt honor thy father and thy mother." The Communist masters indoctrinate, "You are the child of the state. The state has reared you and supports you. It is your duty to betray any member of your family to the party if you suspect him of treasonable sentiments."

The sacred laws of Moses declare, "Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness." The Communist creed teaches that there are no moral absolutes and that truth is only that which proves the Communist cause.

The Tenth Commandment teaches, "Thou shalt not covet." The entire appeal of communism in the downtrodden portions of the world has been an appeal to covetousness among the have-nots for the possessions of the haves.

Another commandment directs, Thou shalt not commit adultery. The Communist creed teaches it is a woman's duty to bear children to the State, that "the new order protects the young mother's honor from the inhibitions of custom."

The two philosophies are incompatible. They clash on every principle. I wonder truly if they can long exist side by side in a world as small as this one has become.

Why do we as a Nation believe that men and women are destined to be free? Well, if for no other reason than that we believe them to be children of God, created in God's own image, and that nothing less than freedom and human dignity are worthy of them as such. Thus the whole concept of individual liberty, upon which our Government is founded, can be based upon nothing less than a fundamentally and deeply religious concept.

I believe it follows naturally enough that only a deeply religious people can maintain and preserve freedom. This is not true only because irreligious people are so much worse. I think the reason goes much deeper than that.

Ruskin said that the strength of a society may be measured by the amount of persuasion that may be used as opposed to the amount of force that is necessary. The vibrancy of a people is measured in its self-disciplines, and these are more the work of religion than of law.

The late Albert Einstein recounted on one occasion that he had expected when Hitler began his brutal rise to power in Germany that powerful resistance would develop among the great universities, the great centers of learning, but for some reason when the pressure was applied their will to resist melted like butter in the sun.

Then, he said he expected the resistance to come from the trade union movements with their great numerical strength, but for some reason or another effective resistance did not develop from that source.

Then, said Einstein, from the source from which he had least expected it, from the Christian churches in Germany and in occupied Europe, came nazism's only effective resistance.

We all remember those days, how we thrilled to the heroic courage of such men as Pastor Niemoeller, Cardinal Faulhaber, and Archbishop de Jong, who knowingly risked imprisonment and death rather than betray their fundamental religious convictions, which teach that the mind is the expression of the soul, which belongs to God and therefore must be kept inviolate by government.

Thus it seems to me that when we come right down to it not only is Christianity thoroughly and utterly incompatible with communism but the teachings it expresses, the doctrine its members hold, the precepts that it propagates throughout the land, are our surest defense against tyranny of any form, and that anything which undermines that effectiveness, anything which seeks to distort or trample upon that dignity or dictate to the church, is a wicked thing.

Why have the dictators learned that their first act must be to seize control of the church and twist it to their own demented thinking, and if they cannot do that then crush it completely?

This is because they have realized in their own diabolical cleverness that in the final analysis it is only the person whose heart is attuned to a higher law and a higher loyalty who will never make a bargain with tyranny. Let our hearts then attune to the higher loyalty, which is God, that we as a Nation may resist any effort to make bargains with tyranny.

Mr. JOHNSON of Colorado. I thank the gentleman from Texas for his very fine statement.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield.

Mr. COHELAN. Mr. Speaker, I thank the gentleman from Colorado.

Mr. Speaker, I should like to take this opportunity to congratulate the gentlewoman from Oregon [Mrs. GREEN] on her magnificent statement and views on this very important question. I should like also to take this opportunity to congratulate those who have supported this very fine and definitive statement on this very important subject.

As a member of the subcommittee on manpower utilization, which recently had an opportunity to review this question, it was my privilege to hear an explanation on this issue by the Air Force. I am very happy to say the Air Force very promptly admitted they had made a capital error. I cannot recall the name of the general involved who had charge of the organization of training manuals, but on interrogation he admitted, that there was a very great mistake made and that the methodology of the Air Force in connection with how they put this material together was, to say the very least, careless and most unscholarly and certainly invited the kind of mistake that was made. I would merely like to express the hope that this colloquy that has taken place today along with the excellent and definitive statement by the gentlewoman from Oregon and all that has accompanied it will be read very carefully by those who are in charge of this particular type of activity in our military services when in the future they embark upon this very important matter of developing and editing needed training manuals for our armed services.

Mr. JOHNSON of Colorado. I thank the gentleman from California.

Mr. BARR. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield.

Mr. BARR. Mr. Speaker, back in February when the Air Force manual furor erupted, my first reaction was outrage. It seemed to me that the manual's attack on our churches was an attack on my way of life—the way my family has lived in this country for about 200 years. My great-great-grandfather, a veteran of the Revolution and a man who loved to boast that he "shot his way into Indiana" about 1805, would have undoubtedly gone for his rifle had anyone attacked his pastor. We live in a more polite age when shooting irons are frowned upon as a method of resolving domestic differences, but my first reaction was to grab for a typewriter and television and radio time. I banged out the following letter to the Secretary of the Air Force; I released it to every newspaper in my district—both daily and weekly; and I said the same thing on television and radio time. This is what I said on February 18:

MY DEAR MR. SECRETARY: I was personally gratified to see your prompt action withdrawing the Air Force manual which attempted to connect communism with the churches in the United States of America. I am, however, deeply disturbed about attitudes in the Air Force that could even bring forth such a dreadful indictment of our religious heritage in this country.

I represent a district that is often regarded as a typical American community. Indianapolis, Ind., is a great urban center located in the heartland of this Nation. It has hundreds of churches of nearly every denomination. After reading the statements included in your manuals we ran a cursory check of our own congressional files, and I thought that you would be interested in the results. We have received many letters from clergymen of different faiths. Only rarely, however, have any of these letters concerned themselves with legislative issues or national policy. Nearly every one was concerned with a personal problem encountered by a parishioner of the clergyman.

A few examples might support my thesis. A Catholic priest once asked if it would be possible to speed up by a day or so a young man's return from Germany so he could be present when his brother was ordained as a priest (the Army granted this request). We received nearly 60 applications for appointment in the year 1960 to the various military academies. Almost without exception these applications were accompanied by a letter from the pastor of the boy's church, with a statement as to his moral character. One minister of the Society of Friends (Quaker) asked our help in his attempts to adopt a little Korean girl. A monsignor appealed to us to assist in straightening out the status of a young Vietnamese from exchange alien to that of student. A Presbyterian minister asked our assistance in helping a displaced family protect its property in Hungary.

The above instances illustrate a trend that runs through my files, and for the life of me I cannot see that it has any connection with communism. On the contrary, it would indicate to me that our Indianapolis clergymen, and undoubtedly clergymen throughout the Nation, are profoundly interested in being "good shepherds of their flocks."

I might add that when I came to the Congress I received one bit of advice directly from my own church, and indirectly from the Catholic hierarchy. This advice was to keep my family together and to bring my wife and children with me to Washington.

I honestly believe that you can consider Indianapolis as typical of the United States. I also believe that my personal experience supports my conviction that the churches in this Nation are concerning themselves with their historic duty of serving the human race. No institution in the world today constitutes such an implacable foe of the entire Communist ideology. I hope that you will not be content with merely withdrawing these manuals, but that you will also take whatever steps are necessary to eradicate this line of thinking in the U.S. Air Force.

Sincerely,

JOSEPH W. BARR.

After firing off this initial blast, I retired to my more normal pursuits—fretting about the financial problems of the United States. I thought that I had said my piece—I had made my position clear—and that was the end of that. I expected to get a large volume of mail on the subject, and I did. Most of the letters supported my position; some attacked it bitterly. This was just about what I expected.

However, the incident does not seem to have been closed. Most of the Protestant clergymen from my district have asked me to stand up today to support this movement on the floor. I am no

theologian; I do not qualify as a philosopher, but if we are going to stand up and be counted around here, I want to make it clear that I stand squarely behind my clergymen. They merit and deserve every ounce of support that I can give them.

This attack seems to be centered on the great spectrum of Protestant churches affiliated with the National Council of Churches. The next attack could be leveled at the Roman Catholic Church or our Jewish brethren. I want to make it abundantly clear at this point that any power or any influence I might possess will be used in their defense as well.

Plato said many years ago that democracies would not work. He insisted that they followed a steady progression into oligarchy and then into tyranny. This Nation is now in about the 180th year of its experiment in democracy. Its success so far has been buttressed by our strong religious heritage. This was a factor which Plato never took into account. In my opinion it is the one factor that can keep our democratic experiment strong and vital.

In conclusion I am submitting for the RECORD the following letter from my bishop, the Right Reverend John P. Craine, D.D., a dedicated Christian and a distinguished American citizen:

THE DIOCESE OF INDIANAPOLIS,
DIOCESAN OFFICE,
Indianapolis, Ind., April 16, 1960.

DEAR JOE: I have heard that there may be a bipartisan consideration of the issue of the Air Force Manual and the National Council of Churches, possibly this coming week in the House. I did want you to be sure of my own deep concern about this issue. I have always been grateful for your openmindedness on such issues.

The whole ecumenical cause is very definitely at stake in this issue. We have made tremendous strides in the last two decades in terms of working together in a common Christian cause. I wish I could say that we had reached deeper theological levels, but the beginning of any endeavor really comes through mutual sympathy and understanding. Once we have established conversations on these levels, and common action, then a real uniting of the cause of Jesus Christ may be more possible than we can dream at this moment.

Now the attack on the National Council of Churches really threatens some of this progress. The tragedy of Protestantism has been its divisiveness, and an individuality which robs the church of any sense of discipline in the purposes and mind of Jesus Christ. The attacks themselves are not new. The only thing that is new has been their acceptance on such a supposedly objective and impregnable level as the U.S. Air Force would imply. But even the U.S. Air Force is run by human beings.

It is unthinkable that any Christian, Protestant, or Catholic, could ever be a thoroughgoing Communist. Their whole basis for being is entirely antithetical to us. My favorite definition of a heresy is the one which describes it as "the overemphasis of a neglected aspect of truth." The Communist heresy began with the idea of the rights of the common man. This is an obvious aspect of truth, though not the whole truth. They have made a total religion out of this, neglecting God who is the author of the rights of man. Now they have become the enemy all that we stand for. No thinking Christian would ever be tempted to follow that leadership.

One of the techniques of the "big lie" is to identify those who are concerned for the inequities and injustices of human systems with communism. The Christian must always be free to be critical of his own government, asking that it always measure up to the standards of Jesus Christ. If this is communistic, then you and I would both have to plead guilty. You and I are both critical of our own Government at points.

If America ever reaches the point where freemen cannot be critical of their government, but are castigated as Communists because they are concerned for human rights and injustices, then we are through with the glorious heritage and destiny which have been ours. I do hope you will commit yourself fully on this issue. Do forgive me for putting this so strongly upon your conscience.

God bless you always.

Sincerely,

JOHN P. CRAINE,
Bishop of Indianapolis.

Mr. JOHNSON of Colorado. I thank the distinguished gentleman from Indiana and the others who have spoken.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein letters and excerpts from letters and articles.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. JOHNSON of Colorado. Mr. Speaker, I rise because there is a great deal of interest and concern in this issue throughout the country and in my district. I should like to open my remarks this afternoon by including the text or portions of the text of a number of letters which I have received from persons active in the church life of Colorado.

Here, for example, is a letter received from the resident bishop of the Methodist Church of the Denver area, Glenn Randall Phillips. This area includes Colorado, Montana, Wyoming, Utah, and eastern Nevada. His letter reads as follows:

The sheer effrontery of the accusations against the National Council of Churches appearing in the Air Force training manual has left me first stunned, but now stirred to the depths. The charges actual and implied involved Protestant churches and honored Christian leaders throughout the land. Their falsity is apparent to any sincere seeker after truth. To be permitted to label any pronouncement as Communist which is different or dares to deal with the application of Christian principles to present-day problems is to threaten the historic freedom of the American pulpit.

Moreover, the license enjoyed by the House Committee on Un-American Activities to open the files of information or misinformation making it available to all kinds of people with all kinds of hates and prejudices is manifestly unfair. Herein, I am convinced, is to be found the unhealthy source of many unwarranted and baseless attacks upon the good name and reputation of some of our best citizens.

Surely a more effective control on this phase of the work of the House Committee on Un-American Activities would serve to guard our sacred heritage of freedom.

Personally and in behalf of our Methodist members and constituents let me thank you for all you may do to help prevent a repetition of harmful and unjust attacks such as those loosed upon the denominations making up the National Council of Churches.

A letter from the dean of St. John's Cathedral, Denver, Colo., the Very Reverend William L. Lea, reads:

I am writing to urge you to oppose to the fullest the kind of attacks upon the churches of America which were recently made in the Air Force Manual with which I am sure you are already familiar. This attack does not affect just the National Council of Churches but the constituent members of the same. These parish churches across the land are, in my judgment, the most effective opponents of the Communist philosophy and that sort of materialism which breeds communism which we have.

There are undoubtedly, some disloyal people in every area of our national life, but from a very wide experience I think I can honestly say that very few of these people are in any way officially connected with the churches of our country. This sort of attack is exactly the kind of thing that would be pleasing to the Russians and it seems to me that we are really playing into their hands.

We should remember, as Palmer Hoyt has pointed out again and again in the Denver Post, that it was during the McCarthy hysteria that we fell so far behind the Russians in basic preparedness. We became so suspicious of each other that we really forgot the true objective of our national defense and the true ideal for which our country has stood for over 150 years.

I do hope you will oppose this manual and all like irresponsible and really rather unfair criticism of the churches of this country.

And here is a letter from the United Presbyterian Church in the U.S.A., the Synod of Colorado, Rev. L. W. Almy, executive secretary:

I am much disturbed about the Air Force manual which accused some 30 translators of the Revised Standard Version of the Bible of being "communistic."

This sort of wild-eyed and irresponsible accusation is unworthy of the Air Force or any other branch of the Government.

I do hope that you will use your influence with the military and see to it that not only is the manual removed and changed, but also that the offense to decent thinking people is not repeated.

Most of the Presbyterian ministers, with probably one or two exceptions, and our own church officially, is solidly behind the National Council of Churches.

From the Colorado Council of Churches, Denver, Colo., the Reverend Edward L. Whittemore, executive secretary, writes the following:

I am sure that you are as distressed as a great many of us in Colorado are regarding the so-called Air Force manual incident. It is incredible that such absurd, untrue, and undocumented charges against many responsible leaders of the churches of America should have been included in these official training manuals of the U.S. Air Force.

As I go about over the State of Colorado, visiting church leaders and members in many areas, and of many denominations, they are all greatly disturbed at this development which slanders the religious leaders of our country. They, and I also, feel that this is a serious departure from the American tradition of the freedom of the pulpit—freedom from restraint and regulation and from fear of reprisal.

This whole affairs seems to be a symptom of the denial of real democracy and freedom of religion through "guilt by association," such as was so prevalent during the "McCarthyism" period. I sincerely hope you will use your influence as congressional committees investigate the origin of these manuals

to clear those smeared in these manuals and to prevent a recurrence of the use of such practices in U.S. Government agencies.

Mrs. S. S. Wheeler, of Fort Collins, Colo., president of the Department of United Church Women, Colorado Council of Churches, writes:

As I've met with women in different areas of Colorado, and last week with some in Wyoming, I've learned that many of them are disturbed over statements made concerning our Government, the Christian churches and their ministers, and at least one document printed by our Government.

I was amazed that the authors of the Air Force Manual 45–0050, increment V, volume 7, would include misleading statements and use some of the references listed. To me it is incredible that some of the publications used for reference should receive any credence, and to use them to guide our youth is indeed most disturbing. The immediate withdrawal of this manual is highly commendable, but the situation which made such a publication possible is a source of concern to loyal citizens, those who believe in the separation of church and State, and those who believe in God.

Freedom of the press, free speech, and freedom of the pulpit, are cornerstones of our country's foundation but there should be integrity to use only properly documented facts when referring to individuals and organizations.

According to the information we have, the activities of the Un-American Committee of Congress is to be commended, but it does seem that their files should be secret and not open to those who will take the charges there as proven fact and use them to further their own selfish purposes. Perhaps this is being done. I sincerely hope so.

Extreme care should be exercised that people whose concerns are for the betterment of humanity are protected in their inalienable rights to work for that situation free from criticism by those promoting selfish interests.

Your continued concern and efforts in these areas are greatly appreciated.

The pastor of the Aurora Christian Church, Aurora, Colo., has written me, and I read the following from his letter:

It is impossible to read and listen to all this irresponsible criticism of the churches and the National Council of Churches of Christ without being disturbed. It was my privilege to be a member of the panel which introduced the National Council to western Oklahoma by radio, and the churches I have served, as well as the brotherhood within which I minister, the Christian Churches (Disciples of Christ), have cooperated with the other representative churches of Christiandom in the United States.

We members of the mainstream of Christianity have kept silent for many years because we did not feel it necessary to try to justify ourselves before the prejudicial groups. If we had catered to them in one particular we would have spent the remainder of our days trying to placate them. There is always something they don't like or that they feel is not scriptural, or that they cannot see through their jaundiced eyes.

Some responsible person should edit the materials incorporated in the training manuals of our Government. No civilian or military executive should allow any self-appointed custodian of America's freedom to place false and libelous materials in the manuals our young citizen soldiers are to read for instruction.

In a letter from the First Methodist Church, Limon, Colo., the Reverend Binford W. Gilbert writes as follows:

Recently a number of unfair charges have been made against the National Council of Churches and pastors of various congregations. The majority of these statements have been of an irresponsible nature.

I am wondering what steps have been taken to document the charges made in the Air Force Manual and apparently in other governmental circles. If there are Communists within the church, certainly we would like to know of them. In several years in the pastorate I have yet to meet my first Communist serving a church.

Although these slurs and attacks on the church are of an irresponsible nature, they can do a great deal of harm among unthinking people. May we encourage that the light of reason and intelligence be turned on this area and, if there are grounds upon which to base accusations of subversion, etc., we would appreciate knowing of them.

The following is from a letter by Marvin H. Adams, minister of the First Methodist Church, Boulder, Colo.:

Our church joins with other bodies protesting the sweeping statement of Communist infiltration in member bodies of the National Council of Church of Christ in the United States of America, as published in one of the Air Force manuals.

Christianity and communism are basically opposed. Secret unfounded indictments in closed files speak of police state and intimidation procedure incompatible with democracy. Furthermore, I served my country with two attendant decorations in World War II and I serve my church with, I hope, some degree of honor and effectiveness. Both serve mankind and God. I resent sweeping accusations and I think persons responsible for these and all who defend their position should be ousted for the good of church and Nation.

Any influence you can use to oppose these scurrilous attacks will be appreciated.

Here is another one from a lay person, Mrs. Frank Havice, Boulder, Colo.:

We are sure that you were shocked as were many here in Boulder at the resurgence of McCarthyism evidenced in the recent Air Force manual incident. The Boulder Council of Churches social action division and the social action committee of the Congregational Church (of both of which I am chairman) have asked me to write to you to express our unalterable opposition to such irresponsible and easily disproved statements as the manual made concerning the National Council of Churches and the translators of the revised standard version of the Bible.

We also want to insist that the freedom of the pulpit to express its opinion without fear of insinuations of disloyalty is a fundamental part of our American heritage and is seriously abridged by such attacks.

We always trust you to express this kind of point of view on civil liberties, but we wanted you to know how solidly the "grass roots" is behind you.

Here is one from Marie H. Talbott, Boulder, Colo.:

BOULDER, COLO.

DEAR MR. JOHNSON: There is grassroots indignation in Boulder over the scurrilous attack on the Protestant clergy in the new Air Force manual. I know that you, too, are shocked that such unwarranted accusations should have been allowed in the manual. Let's hope this isn't the beginning of a McCarthy revival.

I feel a public apology should be made to the National Council of Churches.

MARIE H. TALBOTT.

The following is quoted from a letter by Steve Ensner, Englewood, Colo., an active layman:

As moderator of the Congregational Church of Washington Park, I would urge the House to thoroughly investigate the ridiculous charges concerning Communist infiltration of our churches and particularly the National Council of Churches.

This is the final inanity of our military that breaks this ex-reservist's back. If you can find any valid explanation for the Air Force's latest in a long line of blunders, please have the Secretary or one of his many highly paid assistants advise me by return mail.

It is not merely the members of the clergy or lay people; other authors, writers, columnists, and responsible commentators have also made similar observations.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I want to take this opportunity to commend my distinguished colleagues from Oregon, Colorado, and Iowa in precipitating this much needed discussion today on the Air Force Manual attack on the loyalty and the integrity of the National Council of Churches.

Some people feel that the issue is now closed with the withdrawal of the manual—but it cannot be closed and must not be closed until the motives for the attack have been identified. This has not been done. This is yet to be done.

It may be entirely coincidental, but it is interesting to note that while the Air Force Manual dispute is still warmly with us, we are confronted with another controversy on the role of religion in the national political campaign.

The distinguished junior Senator from Massachusetts, Senator KENNEDY, has made a scholarly contribution on this issue.

How far have we really gone in this 20th Century—when religion and the membership in a church should constitute a bar to either service in the Air Force or the Presidency?

Are we to fear religious men with deep devotion to moral laws? Are we to fear the intrusion of morality and religious conviction into our economic and social life? I think not.

Is it wrong for religious leaders to discuss the crushing wrongs of economic and business immorality which surrounds us? Let those who think so, speak out, so that we may publicly discuss their secret concerns.

Mr. JOHNSON of Colorado. I thank the gentleman.

Mr. Speaker, there have been many others who have published articles of a similar vein. Let me add a few excerpts that have come to my attention since this incident has arisen. Here is an editorial entitled "Some Questions for Americans," published in the Rocky Mountain Churchman, a nonprofit publication sponsored by a number of churches and church organizations in the Rocky Mountain area. This article is by Rev. Edward L. Whittemore, ex-

ecutive secretary, Colorado Council of Churches:

SOME QUESTIONS FOR AMERICANS

(By Edward L. Whittemore)

How long are American Christian Church members going to be so gullible as to continue to swallow and believe irresponsible attacks on the acknowledged and devoted leaders of their churches?

How long are American Christian Church members going to tolerate completely unsubstantiated charges and smears, not to say libels, against some of the most competent and world-renowned Biblical scholars of our generation who gave years of time and effort to the translation of the Revised Standard Version of the Holy Bible?

How long are Americans, both church members and nonchurch members going to permit a return to the fanaticism and irresponsibility of the McCarthyism period of our history as evidenced in this recent resurgence of such attacks on our American churches and their leaders?

How long are Americans going to permit various agencies of government to continue the practice of treating false, absurd, and unsubstantiated charges, lifted from confidential files of the so-called Un-American Activities Committee of the U.S. Congress, as material to be seriously used as a basis for security decisions and for official indoctrination of government employees?

These pertinent and basic questions about American life and government and public morality arise from the recent so-called Air Force Manual incident in which all of these un-American activities occurred, initiated by agencies of the U.S. Government, but based in part on irresponsible materials supplied by civilian forces inimical to the growing and united strength of the best representatives of American Protestant religion.

The Denver Post of April 9 carried a letter from the Reverend H. J. van Gorder, Jr., pastor, First Presbyterian Church, Encampment, Wyo., which I believe would be of interest:

CHURCH SPLIT

Thank you for running the column, "Churches Pressured To 'Stick to Gospel'" in your March 30 issue. I also appreciated your wire service story some weeks ago about the National Council of Churches. Bringing such matters fairly into the open is an important newspaper service.

There are some points which need clarification. The basic split is not between liberals and conservatives within the Christian faith. These are political terms which do not comport with the actual situation. The tension is between those who seek to proclaim the Gospel of Jesus Christ to the 20th century, and those who have confused the Gospel with certain 19th century (and earlier) human presuppositions. These latter are sometimes referred to as "evangelicals," but this is another misuse of terms. An evangelical is one concerned with the Gospel, not with certain defensive dogmas in the fields of politics, economics, geology, and religion.

We do "stick to the Gospel," but we insist that the Gospel be correctly acknowledged. The Gospel is God's judgment on human sin, no matter what form sin may take in government, in the market place, in personal life, or in the Church.

The Gospel is God's power for righteousness in all forms of human endeavor. For Jesus Christ is Lord of all life, not just of a certain department labeled "Religion." He is redeemer of the world, not just of certain "souls."

It is not that those who oppose the National Council object to church social pronouncements. Would to God they were that consistent. As a matter of fact, they are always ready to purchase social statements from Christian leaders which are favorable to their particular views.

So we find an unholy alliance between political ultra-conservatives and Christian pietistic individualists. The former make spurious appeals to religion, and are ready to pervert Christian faith into a political weapon. The latter compromise faith; they are not above violating the Ninth Commandment, or twisting patriotism to their own narrow ends, in search for a silencer against those who cannot agree with them.

These "anti-Protestants" should carefully study Philippians 1:15–18. They might cease their negative niggling and nefarious slander. They might direct their concern to preaching the total Gospel of Jesus Christ to the total needs of the world. Then we could all within his catholic (ecumenical) church agree to disagree in love on certain issues.

The Reverend H. J. VAN GORDER, Jr.,
Pastor, First Presbyterian Church.
ENCAMPMENT, WYO.

Mr. Speaker, the Denver Post regularly carries a column by Jack Guinn, who frequently has pungent comment with respect to the affairs of the day. His article is as follows:

Recent dispatches have reported a growing controversy on whether or not the church is entitled to make pronouncements on secular affairs. This may confuse the devout citizen accustomed to the notion that religion is a philosophy of conduct in personal and worldly matters. If so, it is because he forgot for the moment he lives in the age of the unwelcome opinion, when the quick and the cagey, even when asked for a view on the weather, will take the fifth amendment.

A few days ago Presbyterian laymen meeting in Chicago were cautioned by a businessman that if the church spoke up on social and political questions, the affluent members of the congregation, who like things the way they are, won't pony up donations. This was followed by a New York Times report that wealthy laymen and religious conservatives were pressuring members of the National Council of Churches to stick to preaching Christianity and stop trying to be their brothers' keepers.

It is popular and perhaps even profitable to pretend that it is not so, but there is much evidence that we have come a long way from the days when a man could openly advocate any plan of government, religion, or marriage that he heard about or thought up and still be allowed to spend his money in the stores and show up at the draft board.

We hear frequently that what troubles America most in this time of crisis is a system of ethics so corroded it looks like money. If this is true, it seems only fair that the professional guardians of the rule book should have their say.

There was a time in history when the church had great power and didn't exactly use it to organize Sunday school picnics, but that passed like the era of kings and small wars. Actually, the only ancient institution of respectability that has come down to us relatively unchanged is the moneylender.

The church long ago split into many quarrelsome factions that agree on very little and it doesn't seem logical to fear its opinion. However, the wealthy laymen usually have information not available to the rest of us and may foresee a time, and even believe it imminent, when the church will control the vote. That will be the day the Democrats and Republicans quit fighting for power.

And everybody goes ice skating on the Styx.

Mr. Speaker, the March 1960 publication of the International Reform Federation entitled "Progress" carries an excellent article, "Who Is the Enemy Within?" The president of the Federation is Dr. John Bradbury, the distinguished and beloved editor of the Watchman Examiner. The secretary is Dr. Charles X. Hutchinson, Jr. The article is as follows:

WHO IS THE ENEMY WITHIN?

The other day a young friend, a Reserve officer, sat down with us at the luncheon table. The conversation turned to the subject of subversion. He had learned some incredible things during his indoctrination. Of course it was all secret information. Only the military, and perhaps the FBI and the Un-American Activities Committee, knew about it—or should know about it. He seemed to be sincerely worried about the internal security of the United States.

Outraged about recent disclosures of the ridiculous stuff with which the Air Force has been inoculating our youngsters, I said something like this: "In recent days the American people have witnessed an astounding attempt to undermine the American way of life—and all in the name of protecting it. The most glamorous of the armed services, the Air Force, to which we look for our security and protection, has cast suspicion on the loyalty of our cherished institutions—the church and the school; has scoffed at the basic principle of our democracy—the right of the people to know; and has subjected our youngsters to the insidious temptations of drinking, gambling, and women, thus threatening the moral fabric of the Nation."

"Wait a minute. Aren't you too harsh in your judgment?" asked my friend. "After all, the Air Force is young, a teenager to be exact; and you know how irresponsible teenagers can be."

"Teenagers can be disciplined," I suggested, "but not the Air Force." Even the top man knuckles under to the House Un-American Activities Committee, talking out of both sides of his mouth at the same time, putting on a ludicrous performance as he attempts to sit on both sides of the fence, until a leading newspaper suggests editorially that "perhaps he would feel more at home back in his own little business in Texas."

"But," said my friend, "the Air Force is only parroting what the House Un-American Activities Committee has been saying for a long time, so you cannot be too critical."

To which I replied, "I have little confidence in a Military Establishment which apes the one civilian agency which has demonstrated its un-American activities." I suggested that he read the last paragraph of a recent editorial in the Washington Post which said: "There is no way to measure the injury that (Un-American Activities) Committee has done to the fabric of American life by its encouragement of mutual distrust, its suppression of dissent and its technique of condemnation by innuendo."

Somewhat skeptical, my friend retorted: "Even members of the clergy support the charges of the Air Force and the Un-American Activities Committee, and seem delighted when they press those charges."

"Sad but true," I said. "It seems as though some ministers see 'red' whenever they hear the name 'National Council of the Churches of Christ in the U.S.A.' which represents the great body of evangelical protestantism in the Nation. They use the Red-smear technique in attacking those whom they label as 'liberals.' They deal in hatred, and all in the name of Jesus Christ. It is like a virus, and they spread the infection at every opportunity as far as the money sent in through their radio appeals will stretch. It is a melancholy fact that a few men of great ability prostitute their high calling by maligning their brothers of the cloth."

Not quite satisfied, my friend replied: "It is natural for you to protect your brothers in the ministry, and I can understand your desire to champion the good name of the church which you serve. But aren't you magnifying this issue out of all proportion?"

I invited him to review the revelations of the last few days and decide for himself whether or not I was exaggerating the seriousness of the situation. I invite the readers of Progress to do the same.

SUSPECT YOUR BUDDIES

At the Forbes Air Force Base in Kansas, the "Big Brother Plan" was hatched. Noncommissioned officers were attached to small groups of airmen to check and report on their military and personal activities—a kind of air force gestapo. The noncom must know all about his charges including family history, what he does when off duty, whether he owns a car, how much he owes on it, what his other financial obligations are, and his attitudes on any and all matters.

Mercifully the plan was canceled after an all-out uproar, but it clearly indicates the thinking of the Air Force officials.

SUSPECT YOUR NEIGHBORS

One Air Force manual cautions the youngsters to "keep an eye out at all times for suspicious activities, actual or implied. If you suspect an individual * * * report him, of course." He may be just a complainer but "he will bear watching" anyway. And "be especially watchful for persons who are trying to undermine the Air Force by belittling or sneering." Be careful about your relatives and friends. Don't tell them a thing.

The Air Force is poisoning the bloodstream of the Nation by sowing seeds of suspicion, and destroying confidence even in intimate personal relations.

SUSPECT YOUR SCHOOLS

In discussing communism and our schools, the manual says: "The Reds are trying to take over our schools and we can only assume that they have succeeded in placing some of their people in our school systems. In fact, our Attorney General and the U.S. Office of Education declare that Communists are operating in many of our schools. We can fight [Communist teachers] by keeping up to date on what's going on in our schools. * * * Find out what's being taught. * * * Keep an eye on textbooks."

The U.S. Commissioner of Education says that it is a completely false statement. "No such statement ever came from the Office of Education at any time." The executive secretary of the National Education Association says: "It is quite untrue and quite unfair to leave the impression that Communists have infiltrated our schools." Both educational leaders testify that the Air Force never checked with their organizations on the accuracy of the statements in the manual.

This is a case of downright dishonesty in an attempt to create distrust. Education Commissioner Derthick tells the truth when he says that American teachers are among "the most serious and dedicated persons" in the United States, and that they are devoted to advancing "the ideals of our American way of life."

SUSPECT YOUR CHURCH

A recent news story begins: "The Soviet Communist Party seems to be stepping up a bit its unrelenting campaign against religion. * * * The latest gimmick in this never-ending campaign is a new monthly magazine entitled 'Science and Religion.'"

The Air Force did the Communists one better. A manual was issued with the official sanction of the United States behind it for the purpose of indoctrinating our youngsters with the idea that the church has to be watched and that "Communists and Communist fellow-travelers have successfully infiltrated our churches." Then to top that off, the Air Force insinuates a close relationship between one of the scholarly achievements of the century, the revised standard version of the Bible, and communism. It would seem that the new translation was a kind of subversive act in itself, put over by people who "have been affiliated with pro-Communist fronts, projects, and publications." Apparently these Communist sympathizers buzz around the headquarters of the National Council of Churches like a swarm of bees. This kind of loose talk is as insidious as it it absurd. If it were not so silly, it would be frightening.

One thing more. "It is well known that even the pastors of certain of our churches are card-carrying Communists." Well known to whom? Did you ever know one? I never have, and I have been around for some time. The Washington Post disposes of this outrageous slander as follows: "To suggest that Communists have succeeded in subverting the clergy is as silly as to suggest that they have succeeded in subverting Congress."

PROMOTE SECRECY

Secrecy in the Federal Government has reached a new peak and has been called "the most serious threat to the theory of open government so far in U.S. history." Many individuals and groups are trying to stop this trend, including Members and agencies of the Congress. Officials are transacting more and more business in secret, but they pay lipservice to the people's right to know.

The Air Force manual strips away all such pretense. It makes the flat statement: "Another rather foolish remark often heard is that Americans have the right to know what's going on. Most people realize the foolhardiness of such a suggestion." How about that?

This is the manual that cautions airmen about evaluating with care anything and everything they hear or read that "touches adversely upon any aspect of the American way of life." I hope the young fellows properly evaluated the manual itself. It would destroy the heart of the American way of life—the right of the people to know. Every American must cry out against such subversion.

WASH THAT DOG

A manual appeared at Lackland Air Force Base in Texas instructing airmen on how to carry on their household chores in an officer's home. The item about dog washing hit the headlines. No wonder the Air Force wants to promote secrecy. The manual solemnly states: "Occasionally pets require baths. The best way to accomplish this is by using, soap, water, and plenty of elbow grease." The section on making the officer's bed is just as profound. Perhaps the most important instruction had to do with mixing and serving the officer's drinks.

It would scarcely seem that this is the kind of work the young airman expected when he joined the glamorous Air Force, even if it were not contrary to all regulations. What are we trying to do to our ambitious and patriotic youngsters who enlist with a high ideal of service?

PROMOTE VICE

Congressman at Large FRANK KOWALSKI, of Connecticut, called attention to another manual instructing officers assigned to club duty how to keep their colleagues happy. It tells how to mix martinis, obtain dates for bachelors, promote drinking, and especially increase the sale of mixed drinks at bingo parties. It provides a table showing how to determine the amount of drink consumed during various types of parties.

Mr. KOWALSKI, a West Point graduate and a retired colonel, questions whether officers should be assigned to service clubs at all. Then he continues:

"There is something fundamentally wrong when such manuals incorporating such language and instructions are printed at Government expense.

"Actually worse than these manuals themselves is the kind of thinking behind them—both on the level at which they are prepared and at the high level at which they receive top official approval. We've got to remember that these things aren't being signed by second lieutenants—they are being signed by four-star generals."

This particular manual carries a foreword signed by Gen. Nathan F. Twining, Chairman of the Joint Chiefs of Staff.

More revolting evidence of the deliberate promotion of vice by the Air Force was revealed by Time, concerning conditions at the Airmen's Club, at Kadena Air Base, Okinawa. This is a club of airmen up to corporal's rank, the youngsters in the service.

Every evening busloads of pretty Okinawan hostesses pull up to the club. Each one has passed a physical examination, which is reassuring. The airman buys an "evening's companionship" for 75 cents. An annex is being built to the club. "It's to be for couples only. It will be a place where they can * * * hold hands. Each couple will have their own key."

There are other attractions, of course. "Thirty-four slot machines that will spill out jackpots of up to $1,500; bingo games with $1,000 prizes, plus free trips to Hawaii with all expenses paid; at the bar, cocktails and highballs cost 5 cents each; once a month, all drinks are on the house."

Can you visualize our youngsters, far away from home, with all the restraints of normal life lifted, overwhelmed by plain boredom, just serving time on a lonely island, going through the motions day after day with no special purpose—can you see them struggling against these moral temptations which are deliberately placed in their path? I call it moral subversion. Confronted with the situation, Maj. Gen. Dale O. Smith said he has found "nothing unsavory or anything illegal * * * or anything immoral at the Airmen's Club no matter how you look at it."

SIGNS OF HOPE

While I am stunned by all of these revelations, and while I join with countless Americans who are wondering—and worrying—about the state of mind of a military leadership that permits such a succession of subversive attitudes to be officially proclaimed, yet I discern signs of hope.

We have come a long way from the McCarthy era when truth was polluted and profaned, and the integrity of honest men was subjected to suspicion. These Air Force incidents are a kind of hangover, but we have come a long way.

The American people are calling the various agencies of Government to task for dealing in falsehood, and they are doing it through their elected Representatives. Referring to the Air Force manuals, Congressman ROBERT W. KASTENMEIER of Wisconsin reaffirmed the supremacy of the civil authority. Said he, "With such irresponsible views being taught as factual truth to at least some of our airmen, we must insist on close control over what goes on in the Armed Forces." He added that "one of the most ancient fears about a standing army is that it might teach citizens not to believe in democracy."

A major ground for hope is that the National Council of Churches has defied the false and defamatory attacks of the Air Force and leaped to the defense of our ministers and churches. The Reverend Dr. Edwin T. Dahlberg, the president of the council, assures us that he will not weary. "We are determined to follow through on all the issues that have been raised."

A final reassurance is that not all the releases from the armed services are offensive and subversive. Some of them reflect the true spirit of America. In the Field Press

Censorship Manual issued by the Departments of the Army, the Navy, and the Air Force, we have the official view of the American Military Establishment. This is what it says:

"The American public has a fundamental right to complete information regarding the sufficiency of its military forces. Moreover, the military services depend upon and exist only by virtue of the confidence and support of the American public. This confidence and support can be maintained only if the public is informed of military requirements, problems, and progress."

This is sound American doctrine. It is of such basic importance that I am persuaded that the American people will not permit any of the armed services to repudiate it or subvert it.

Mr. Speaker, many persons have called to my attention a very interesting report in a publication called the Wells Newsletter, by Charles A. Wells. In a very fine column in the issue for April 1, 1960, on "Fanaticism, Fundamentalism, and Truth," Mr. Wells gives his appraisal of the Air Force manual:

FANATICISM, FUNDAMENTALISM, AND TRUTH

The furor over the Air Force pamphlets, charging communism in Protestant churches, arises out of the fact that during World War II, when Russia was our fighting ally, scores of committees, "friendship societies," and organizations of various kinds were active in the aiding of suffering people in allied countries—especially the millions in Russia. The American Communist Party had a heyday of respectability and infiltrated many of these organizations, especially those concerned with aid to Russia. When the war ended, the Communist Party made strenuous efforts to continue the groups associated with Soviet aid, for these fronts offered an excellent means of infiltration into labor unions, Government agencies, schools, and religious organizations. Similar groups were set up by the Reds after the war, ostensibly for honorable purposes of international friendship, racial justice, etc., but in reality for the same subversive ends.

Among the many who joined these groups were distinguished liberals—writers, educators, scientists, and clergymen. Their interest in art, literature, science, theology—subjects that are by their very nature international in scope—made them especially world minded and warm toward causes of global friendship, racial brotherhood, and understanding. In the meantime, an odd liaison had formed between rightwing fanatics in this country and the extreme Protestant fundamentalists whose theological differences had separated them from the National Council of Churches (first organized as the Federal Council of Churches). The council attempts to represent all shades of Protestant theology, while the extreme fundamentalists refuse to have spiritual fellowship with any who do not accept the dogmas of Biblical literalism.

Both of these extreme groups have persistently tried to equate all liberalism with communism, all socialism with Marxism. They refuse to recognize the great difference between the one-party Communist dictatorship and the democratic socialism of Finland, Sweden, Norway, Denmark, and the socialism that brought the postwar economic reformation to England.

In the battle waged by the rightwing fanatics and the fundamental dogmatists against all liberalism, the techniques developed by the late Senator McCarthy—guilt by association—have become the battleax of the ultraconservatives. The device is a simple one: Examine the list of names on the roster or letterheads of an organization that has either been taken over by the Communists or organized by them behind the deceptive facade of an honorable cause, and when a distinguished liberal's name is found, use it as an evidence of "Communist guilt." The fact that these names are pulled out of lists also containing many noted conservatives makes no difference—the end justifies the means. "We're stopping the influence of the Communists, exposing the innocent dupes of the Reds."

A study of the names associated with two of the most frequently cited "subversive organizations," the Soviet-American Friendship Society and the Institute of Pacific Relations (data available in the reference room files of any metropolitan library) will provide ample material for research along this line.

The real impassioned purpose is, of course, to discredit and destroy the influence of all who preach liberal economics, liberal politics or liberal theology. That's why the zaniest of hillbilly fundamentalist freaks can get financial support from wealthy extreme rightwingers and editorial mention in respected conservative publications—which should know better. Such organizations as the American Legion and the DAR have unfortunately perverted their national status by making common cause with these extreme elements. This newsletter is critical of these tactics of the rightwing fanatic fundamentalist—not because we are liberal, but because the ultraconservative tactics (like some of the un-American activities of the Congressional Un-American Activities Committee) are so similar to the most basic philosophy of Marxism—that the end justifies the means. When justice and truth are made secondary to patriotism, economics or even religion, we are lowered to the same level as communism.

Most honest appraisals of the number of religious workers, clergymen or seminarians who were actually drawn into the Communist movement is put at 100 to 150—and this during the war and postwar period when the party was at its peak of popularity (with 100,000 members contrasted to about 8,000 today). With few exceptions, all of these church-connected party members have repented and withdrawn long ago. Any clergyman still in the party would be a rare bird. Neither the party nor his parish would trust him, for some publisher would always be at his door offering him a half million dollars for a now-I-tell-all book.

Mr. Speaker, the March 2, 1960 issue of the Christian Century carried a very fine editorial which deals with this matter. The following remarks are carried in this essay, "The Light of Truth":

THE LIGHT OF TRUTH

Ten years ago the fever since known as McCarthyism first raised our national temperature. Regrettably, the virus spread by the Senator from Wisconsin became epidemic, providing one more reminder that susceptibility to this sickness is always present in American life. It took an insecure state of national health and a reckless man to bring into public use the technique of the Big Insinuation to raise suspicion of Communist subversion against every critic of the Senator. Then almost as suddenly as it erupted, the public phase of the movement waned when television exposed the late Senator to appraisal by the people.

When the climate changed, we all went back to business, most of us wanting to forget the smell of sulphur and the memory of passions we wished could never have been aroused.

* * * * *

Meanwhile cooler spirits have tried to urge us all to keep our heads and be vigilant. Their prescription is "open discussion in an open society": Keep all channels of reason and communication open, all avenues of discourse and civil dialogue straight and clear. Sometimes, terrorizing reminders of the passionate and profane era return—and serve as warnings. Examples of such reminders: The events at Little Rock, the anti-Semitism of this winter, the persistence of the hate sheets produced by men who want to exploit fears and frustrations. The it-can't-happen-here psychology is gone, but the Nation's grip on sanity is not so secure that we can afford to relax.

* * * * *

A dramatic reminder of the endurance of this particular "ism" reached front pages on February 17. An Air Force Reserve training manual, an official publication, reproduced typical McCarthyite lies, the essence of which is the charge that the Americans being singled out have been tainted by communism. And in this instance the Americans happened to be churchmen, a group of Protestant churchmen in particular. The smell of sulfur, the form of demonism, reappeared. In a manner incredible to those who did not know how often this sort of thing has happened before, the Air Force had let slip past its copywriters and proofreaders, its redtapers and redtape cutters, a training document that inexcusably went out of its way to accuse the churches of housing Communists. It charged that large numbers of American clergymen were and are card-carrying Communists. Implicated in the charges was the National Council of Churches, because of alleged pro-Communist connections of some scholars who had worked on the Revised Standard Version of the Bible.

No one need panic because an official agency of the United States in this way attacked Protestant Christianity through its representatives. It has been done before, without fatal results. Some harm has been done, but the Protestant anvil has worn out many hammers.

* * * * *

Making charges of Communist sympathies and subversive intentions against people and institutions has become standard operating procedure—to use an Army phrase—on the part of many people who make a comfortable living out of the cultivation of suspicion and the dissemination of hatred. The McCarthyite tactic of answering demands for proof with new and more outrageous charges is also S.O.P. In the end incessant cries of "Wolf! Wolf!" benefit nobody but the real Communists, whose identities are lost in the excitement.

The havoc wrought by prophets of deceit and apostles of discord is generally temporary, for the truth inevitably catches up with and overcomes its opposite as honest people realize how tragically they have been deceived. But more enduring damage is done by more respectable voices speaking from within Protestantism. Notable here are those who recklessly accuse any churches or church groups of playing into the hands of communism if they deviate from extreme economic conservatism or seek any sort of accommodation with Russia as a means of avoiding war.

Each winter, for example, J. Howard Pew, of Philadelphia, can be counted on to urge businessmen of the United Presbyterian Church to rise in reaction against the social policies of that church. The Presbyterian General Assembly, he charged this month, has regularly made pronouncements which "frequently coincide with Communist objectives." He reports—and at the same time implicitly urges—that wealthy Presbyterians fail to support the national program of the denomination.

The influence of some men of extremist views who control aggregations of corporate wealth is great in military circles, and it would not be surprising if Mr. Wine's inquiries should turn up evidences of these ties. But truth, like light, is a sterilizing agent of considerable power, and when it is

allowed to work it often separates the exploiters of disaffection from their sources of support. The exposure of the Air Force misrepresentations was a good thing, for it opened to the light a potential source of corruption. It is only when, by economic pressure and reckless insinuation, the purveyors of falsehoods manage to cut off controversy and dialogue that the climate is recreated in which McCarthyism can be reborn, in the churches as well as in the public arena.

So once again, continued vigilance is the price of liberty. Vigilance demands that truth be known and that untruth be exposed for what it is. For the truth concerning the actual work of the living Christ through those who minister in his name is nothing to be ashamed of. On the contrary, it is about the most reassuring thing that can be known about America.

Mr. Speaker, I was in Denver this past weekend discussing this and other matters with an editor of the Denver Post. He called to my attention that the Denver Post for April 17 contains an excellent statement by Dorothy Thompson, on the question "Have Communists Invaded Churches?" I find this article of such fine historic value, and in the finest Dorothy Thompson tradition, that I am inserting it at this point in the RECORD. It should be noted that Dorothy Thompson is herself the daughter of a Methodist minister, and she speaks with a rich background in this field.

HAVE COMMUNISTS INVADED CHURCHES?

(By Dorothy Thompson)

WASHINGTON.—The recent stir over the two Air Force manuals, with their charges of communism in the churches, no longer occupies the current news.

But the debate did not begin yesterday and will not cease tomorrow because it involves, among other things, interdenominational struggles, and, indeed, the whole history of Protestantism.

Nobody should attempt to instruct American soldiers in matters concerning religious individuals and groups who is not familiar with the history of such groups and their relation to the societies in which they exist or have existed.

The charge against many church groups of being subversive or heretical against the established social order has been raised since the first Protestant, Jan Hus of Bohemia, was burned alive in 1415.

A basic thesis of original Protestantism was that the individual can communicate directly with God through his own conscience and the instructions of the Bible.

This idea, from the viewpoint of the then established social and political order, was highly revolutionary, and actually produced the "great revolution" of Cromwell in England and the Puritans who founded the Massachusetts Bay Colony in New England.

The Congregationalist church had its genesis among the English and American Puritans.

The Baptist Church dates back to the Anabaptists who at the time of the Reformation fired the uprising of the peasants and serfs in Germany—which was denounced by Luther.

Methodism, under the leadership of John Wesley, arose in England in the 18th century. Wesley and his gifted brother Charles, who was to write some of the great hymns of modern Protestantism, were bent on religious reform within the established national church.

They were bent upon a revival of religious inspiration and discipline within the established church. But this aim forced them to consider the social and political conditions of England.

The court was frivolous, the church, upholding and upheld by castle and manor house, did not reach the masses of the people. The peasants were filthy, loutish, and illiterate and the workers of the new industrial revolution no better.

The sports of the masses were brutal and brutalizing—bull and bearbaiting on the public commons being among them.

Yet, Wesley averred, Christ had died for them as for all men, and every soul was precious in His sight.

But one could not reach the sunken and dissolute masses without raising them from the brute level by ameliorating their physical conditions. To bring the Bible to the people meant that they must be able to study it—to read.

So Wesley became involved in educating the masses.

Poor Methodists learned to wash themselves, to read, to write, to abandon their drunkenness, to accept the strict Methodist disciplines, to lift their voices in hymns of praise to their Maker and rejoice in the salvation of their bodies and souls.

Inevitably Wesley was accused of dragging the church into the gutter; he was denounced for sedition.

But Wesley, his followers and other religious leaders had altered the whole moral and political climate. With the Bible in their hands they had awakened England to what is now called social consciousness.

And while on the Continent the next century saw the rise of socialist movements following Karl Marx, the labor movement in England drew many of its leaders from the nonconformist churches.

To take an American example in the early part of this century Walter Rauschenbusch was teaching at Rochester University's Theological School in western New York.

Descended from Lutheran pastors, he had joined the Baptist Church and served a long pastorate in Hell's Kitchen, New York City.

The wretched and degrading conditions in this appalling slum section led him to reconsider the whole capitalist system as it then was.

He wrote "Christianity and the Social Crisis," which rocked the Protestant world and was a best seller. He announced himself to be a Christian Socialist. He greatly influenced Norman Thomas.

Even this brief summary indicates that many of our great churches have at least part of their roots in social criticism of the established order.

So before one calls an individual or a group in our modern church subversive or fellow traveling, one had better find out what faith and convictions he or they really hold.

This cannot be established by listing organizations they may or may not have joined at one time or another, under this or that misconception of its real purpose.

"We must be careful," says Air Force Manual 205-5 (1955), the first one published, "not to attack the majority of faithful ministers. We must merely search out those who back Moscow right down the line.

"We can do this, first, by understanding the teaching of our own religion to the hilt; then by getting rid of those who try to pass off Communist ideas as substitutes for what we know are true religious teachings."

If the men of the Air Force are to decide these matters they had better first be given a thorough education in Communist ideas, and then indoctrinated in true religion.

I can conceive of no way to achieve this except by establishing a state church preaching the Gospel according to the armed services.

Apart from their catechisms, creeds, and religious disciplines, no Protestant denomination (who alone have come under attack) lays down the law to its ministers on secular, social, or political questions.

Every church—and this includes the Catholic—has liberal and conservative ministers and members.

As an example of infiltration among the clergy the Air Force manual cites the Reverend Claude C. Williams "whose congregation kicked him out for party activities," "the congregation was ahead of the Air Force," and the Reverend Claude White, retired Episcopalian minister—long since out of circulation.

We are also informed that "the head of the American Communist Party once spoke at Union Theological Seminary in New York, and the legislative secretary before 100 ministers in Washington."

Precisely what is that intended to prove? I myself have attended several Communist rallies to find out what the fellows were up to.

Nikita Khrushchev toured America, addressed every American with a TV set, and inspected U.S. military bases as the guest of the President of the United States, pulling off for later Iron Curtain countries consumption—on doctored films—the greatest propaganda coup of the times.

But Khrushchev never spoke in a church.

The second Air Force manual was written by Homer C. Hyde, a civilian employee of the Air Force, with, of course, anonymous collaborators.

In the chapter "Security Education and Discipline," charges, both vague and specific as to names, are made against churchmen and Biblical scholars most of whom are nationally known to anyone familiar with Christian Protestant personalities.

Charges (never substantiated) are quoted from the Committee on Un-American Activities before which none of these persons were ever called and from several unidentified sources.

And who are they? It is too bad that one cannot describe them all. They include scholars connected with the translation of the revised standard version of the Bible sponsored by the National Council of Churches. Among these:

Millar Burroughs, formerly of Yale University, now retired, America's outstanding scholar on the languages and cultures of the ancient Middle Eastern world, author of the "Dead Sea Scrolls," fervent Christian, conservative in politics, and intransigently anti-Communist.

Frederick G. Grant, Baptist minister and teacher at Seabury-Western Divinity School, a distinguished Biblical scholar cited in 1958 by Princeton University as one whose works have "spread among thousands the manifold truths of Christian doctrine."

John A. Mackay, well known in church circles as an indefatigable champion of religious liberties. Information on Dr. Mackay is quoted from an anonymous news dispatch as "backing a resolution adopted at a general assembly of the church." What church? One constantly notes the imprecision of details. Dr. Mackay is a Presbyterian.

"The governing body of a prominent church group urged the recognition of Red China," the manual says, "and called for a delegation of American church leaders to establish contact with the many thousands of Chinese Christians—deserted, under present conditions by the Christian world."

Whatever one's view of the argument, to read an implication into that viewpoint of favoring Chinese communism is idiotic. Dr. Mackay never said nor implied that there was freedom of religion in Communist China.

The manual seems afraid to state the denominations of these men. E. Stanley Jones, a Methodist, is described as "a missionary of one of the leading Protestant denominations." He is quoted entirely out of context. He is the author of a book, "The Kingdom of God Is Realism," the 12th chap-

ter of which, entitled the Dethroned Powers, is an attack on communism.

The only person named, who, I am convinced, was a Communist is Harry Ward, formerly of Union Theological Seminary, New York. But Ward has been out of circulation in church circles for 25 years and I imagine he is no longer in this world.

I hold no brief for the American Standard Revised Version of the Bible which some of the scholars named contributed to. The writing was appallingly weak and pedestrian, lacking the vigor and imagery of the King James Version, and of the many other English Bibles that had preceded it. But I found no shred of evidence of subversive intent.

Fundamentalist groups—of whom the most prominent are those backing the American Council of Churches and the International Council of Churches—carry on a continual campaign against the National Council and World Council.

Their sparkplug is the indefatigable Carl McIntyre, a former Presbyterian minister.

Their releases, which come regularly to my desk, concentrate on charging that the National Council is full of pro-Communists.

Of course, Communist agents have tried to infiltrate churches, and probably won over some gullibles. But if the men named are pro-Communist we may as well fold up the struggle.

All the great religious leaders of history, whatever their theological beliefs, have denounced materialism. Their lives have been sacrificial and ascetic.

They have been the great testifiers, perpetually affirming and demonstrating in their own lives that over and above the material values of the marketplace and the ranks of "success" are truths, the inner experience of which could transform a life, from one of vice or ever-disappointing purposelessness into one of peace and joy.

Today, in America, there are hundreds and thousands of such spiritual workers "in the vineyard of the Lord" both Protestant and Catholic. They are those who have heeded the call of the still, small voice.

But the truly dedicated are individuals rather than organized groups, and they are hard to hear in the vast noise of our raucous civilization where a thousand voices are simultaneously "selling" ideas, "spiritual values," and commercial products by identical techniques.

It is not communism that has invaded the churches to any notable degree, but the secular, materialistic values that permeate our whole civilization and are precursors of communism.

Church membership grows impressively but the moral and spiritual climate of the country does not, thereby, greatly improve.

Many pulpits have become rostrums for popular lectures, without any compelling spiritual content. Churches are social gatherers to which many people flock partly because it is "good for business" and partly because church membership has been presented (as in the Air Force manuals) as being "American."

Various organized "Christian" groups fight each other often most unscrupulously, using all the techniques of high pressure public relations, publicly denouncing to the secular authorities men whose lives and convictions they do not know, whose published works they have never read, and whom they have never themselves independently investigated.

Such secondhand denunciations were the sole authority for the ghosts who informed the ghosts who produced the criticized Air Force manuals.

The Christian churches alone can discipline their ministries, and the ultimate test is whether these men in and out of the pulpit believe and fearlessly preach Christ as man's redeemer.

No Communist or Communist fellow traveler can or will do this.

Mr. Speaker, there is much more that might well be said, but let me now use a few moments to summarize some additional aspects of this matter which have not been fully discussed in the debate up to this point. I rise not merely because of the interest which this issue has created throughout the land, but I rise because as, a Member of the House, I have taken the oath of office to preserve, protect, and defend the Constitution of the United States from its enemies, including its domestic enemies.

I find at least four constitutional bases for objecting to the Air Force Manual publication. First be it noted that article VI, paragraph 3, of the document makes it clear that "no religious test shall ever be required as a qualification to any office or public trust in the United States." And I interpret that language to include the office of wearing the uniform of the Air Force. I see no reason whatsoever for a violation of the basic principle contained in that basic article. And I wish that more Americans would remember that language with respect to some other issues currently being discussed in the public press.

I call your attention, Mr. Speaker, to the first amendment to the Constitution, which says that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

I submit, Mr. Speaker, that the Air Force Manual trods heavily on the toes of the free exercise of religion. It contains insinuations, indeed it contains charges which are an attack upon the free exercise of religion by millions of Americans.

Mr. Speaker, I call the attention of the Congress to the fact that the Congress shall not deprive any person of life, liberty, or property without due process of law. I submit that some Americans have, by this publication, even though it now be withdrawn, been deprived of a bit of their liberty. They have been deprived of the most precious property they own; namely, their good name, without due process of law. And I want to come back to that point in greater detail in just a moment.

Mr. Speaker, I call attention of the House to the fact that in the Bill of Rights, the eighth amendment says that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted." That last clause seems especially relevant to this discussion, because in its own peculiar way the character assassination which this document represents is a cruel and unusual punishment. There is no opportunity for a person to serve out a sentence of guilt even if he be guilty. He is sentenced to the calumny of the community so long as he shall live. And he is sentenced not as the result of an action under due process of law in open court, but he is sentenced by an administrative decision to publish wild, reckless, false, and defamatory charges. And I submit that these charges, without the opportunity for answer, provide cruel and unusual punishment in contravention of the Constitution.

I would point out that article XIV of the Constitution makes it clear that "no State shall deprive any person of life, liberty, or property without due process of law." The Constitution makes it crystal clear that government, before it takes away the property of a man's good name, owes it to him to act fully under due process of law.

Let me, therefore, Mr. Speaker, speak in support of the highest principles of the judicial tradition of the United States and our Anglo-Saxon way of life, which includes the right of a man to be treated in accordance with due process. We begin with a man, a group of men, a body of men, who have a right to their good names. Now if a person is thought to be guilty of a crime in the United States, somebody may use due process of law to punish him for the violation of the law. A warrant can be sworn for his arrest, and it is issued upon probable cause. An indictment can be sought. A grand jury can be summoned. There are several routes open by which a person may be brought to court.

But then the accused is brought into a court where he has an open and fair hearing. He is entitled to confront the witnesses against him. He is entitled to counsel for his own defense. He is entitled to summons witnesses to be heard in his defense. He is entitled to present evidence on his own behalf and to examine the evidence brought by others. He is entitled to cross-examine those who would seek to defame him. The tribunal before which he comes is an impartial tribunal. Under certain circumstances he may have a jury trial, so that the evidence may be weighed by a jury of his peers.

And finally, Mr. Speaker, he has the right to a finding of either guilt or of innocence. He has a right to be found not guilty, and he may go out a free man, expunged of the charges through the operation of due process of law. If he is found guilty, he will serve a punishment in accordance with the law of the land and with the finding of the judge and jury, and any other appropriate officials. When that punishment has been completed, he is rehabilitated and restored to the community and he is entitled to say he has paid his debt to society.

In stark contrast to this due process of law is the kind of trial that the Air Force Manual has conducted of many responsible, reputable Americans. In the first place, there were, as the Denver Post calls them, "faceless informers." We do not know who made each of the charges. We know that somebody made some kind of charges. These were unsupported assertions. The men making the charges were not required to swear to their truthfulness. They could not be held responsible. This has been properly called "ordeal by slander."

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

Mr. JOHNSON of Colorado. Mr. Speaker, may I ask the gentleman from Iowa if he will yield me 10 or 15 minutes?

Mr. SCHWENGEL. I will be very happy to yield to the gentleman.

Mr. JOHNSON of Colorado. The trial which the Air Force conducted was an ex parte trial, in a court without jurisdiction or responsibility. There was no opportunity for the accused parties to come before the Air Force. This was a star chamber finding, certainly, and unusual punishment has been inflicted not merely on the persons named but upon all persons who have associated, however innocently, with them. I presume that as an active participant in the Council of Churches' activities, I must share in the obloquy, in the defamation, which has been heaped upon all those who are affiliated with any section of the National Council of Churches or with other councils of churches.

So, Mr. Speaker, I rise not merely in defense of an American doctrine of law but I rise in defense of the accused.

Much has been said heretofore about individual charges against certain persons. I should like to take the mass charge against those who translated the Revised Standard Version of the Holy Bible.

THE REVISED STANDARD VERSION OF THE HOLY BIBLE

The Revised Standard Version of the Holy Bible has made its way into general usage more quickly than earlier translations. Since its publication in 1952, almost without exception every important Biblical and theological work published in English-speaking countries has either been based upon it or has cited it as authoritative.

Widespread popular acceptance has accompanied this all-but-universal adoption as the norm of scholarship. Six years after it was published, 37 denominations with a church school enrollment of 22,568,159 were using RSV in curriculum materials prepared for church schools.

Every denomination which has issued an official hymnbook since the Revised Standard Version appeared has incorporated it for responsive and unison readings. These church bodies include the American Baptist, the Church of the Brethren, the Congregational Christian Churches, the Associate Reformed Presbyterian, the Canadian Presbyterian, the Presbyterian U.S., the Presbyterian U.S.A., the Reformed Church in America, the United Presbyterian Church. Dr. David Hugh Jones, editor of "The Hymnbook," in which the latter six denominations cooperated, explained that the committee's choice of the Revised Standard Version was the result of a poll of congregations, resulting in a 2 to 1 preference for the RSV over any other version. The United Lutheran Church publishes, as a supplement to the service book a lectionary of RSV readings.

Appreciation of the Revised Standard Version has come from beyond the constituency of the National Council of Churches. Two Benedictine fathers called it "a scholarly rendering of Scripture which is a delight to read." Father Walter M. Abbott, S.J., wrote:

Some Biblical scholars think that agreement in linguistic studies has reached the point where a uniform translation of the Bible acceptable to both Catholics and Protestants is a real possibility.

In its 1952 letter to the Christian people of America, the National Council of Churches said:

The publication of the Revised Standard Version of the Bible is a basic contribution of this council to the prophetic mission of the church. The Bible is the record of God's self-disclosure to mankind, where the knowledge of His redemptive love is found and where men are confronted with Jesus Christ. Through the Bible we have communion with God. The Bible is in a unique sense the word of God.

From time to time the Bible needs to be retranslated. Fresh light thrown by scholarship upon the meaning of the original Hebrew and Greek texts and the changes which have taken place in the meaning of English words make new translations necessary. We rejoice in a translation of the Bible which combines loyalty to the original languages of Scripture with a fine sensitivity to English as currently spoken.

The letter is at once a confession of faith and a statement of the reasons why a fresh revision of the Bible was imperative. Efforts to put the Bible into English date back to Anglo-Saxon days when King Alfred and others rendered parts of it into their own rude dialect. The first complete English Bible, the work of John Wyclif and his associates, appeared about 1382. This was a translation of the Vulgate, or Latin Bible, the Scriptures principally used during the Middle Ages.

The revival of learning known as the Renaissance was accompanied by recovery of old manuscripts and new interest in Hebrew and Greek, the original languages of Scripture. William Tyndale's translation of the New Testament, the first English version made from the original Greek, appeared in 1525. Coverdale's version, 1537, became the basis of the first authorized version, the Great Bible of 1539. The second authorized version was the Bishops' Bible, of 1568; the third was the King James Version, 1611; the fourth was the Revised Version, 1881–1901.

The Revised Standard Version is the fifth authorized Bible. Authorized Bibles are distinguished from the private translations of individual men. Private translators have included John Wesley, Alexander Campbell, Richard Weymouth, J. B. Phillips, James Moffatt, and E. J. Goodspeed. Moffatt and Goodspeed both served also on the Standard Bible Committee.

From the time the work was initiated in 1929 by the International Council of Religious Education (now the Division of Christian Education of the National Council of Churches) until the finished product appeared in 1952, 32 men served on the Standard Bible Committee. From the beginning, Dr. Luther A. Weigle, now Dean Emeritus of Yale Divinity School, has been chairman of the committee. His associates have been men eminent not only for Biblical scholarship but also for their contributions to hymnody, religious literature, and Christian understanding.

It is possible to illustrate here but briefly the four major reasons which impelled cooperative Christianity to undertake a fresh revision of the English Bible:

First. The discovery of old manuscripts revealed that copyists' errors had crept into the text of earlier versions. The Chester Beatty Papyri, found in 1931, reveal that the true reading of Romans 8:28 is: "We know that in everything God works for good with those who love him, who are called according to his purpose."

Second. New knowledge of the Biblical languages clarified the meaning of terms not previously understood. What Jesus said to those who found him in the temple was: "Did you not know that I must be in my Father's house?"—Luke 2:49.

Third. Earlier translators sometimes misunderstood the text, and errors had to be corrected. At Job 41:6, the King James Version asks, concerning Leviathan, "Shall the companions make a banquet of him?" This is mistranslation of a passage correctly rendered: "Will traders bargain over him?" At I Thessalonians 5:22 the King James translation, "abstain from all appearance of evil," misses the point of the Greek: "abstain from every form of evil."

Fourth. Since language belongs to the realm of living things, it grows and changes. Many words in the 17th century English Bibles are now quite unintelligible: "ouches," Exodus 28:11; "pannag," Ezekiel 27:17; "besom," Isaiah 14:23; "brigandine," Jeremiah 46:4. Other 17th century words which are still recognizable have changed their meanings so much as to be misleading. "Ear" in the King James Version is a verb meaning "plow"—I Samuel 8:12. "Angle" was a noun meaning fishhook—Isaiah 19:8. "Bravery" refers not to courage but to feminine finery—Isaiah 3:18–23.

The illustrations here given could be multiplied many times over. They indicate why revision of the English Bible was urgent.

The Revised Standard Version is not a fresh translation but a revision of earlier English Bibles. The committee's assignment was to translate in the Tyndale-King James tradition. This means that its product incorporates not simply the skills of present-day translators but also the work of many men in many ages.

John Wyclif, who lived from about 1320 to 1384, had a hand in making the Revised Standard Version. To him it owes such phrases as "truly, truly"—John 8:34, et cetera—and "the cup of blessing which we bless"—I Corinthians 10:16.

William Tyndale—1492–1536—wrote a large part of the Revised Standard Version. Into it he placed expressions so diverse as "eye for eye"—Leviticus 24:20—and "love" in I Corinthians 13. Tyndale's translation of John 3:16 was as follows:

For God so loveth the worlde, that He hath given His only Sonne, that none that beleve in Him, shuld perisshe; but shuld have everlastinge lyfe.

Myles Coverdale's—1488–1568—contribution to the Revised Standard Version

can be estimated from his translations of Isaiah 55:6:

Seek ye the Lord while He may be found, call upon Him while He is nigh.

And Psalm 73:26:

My flesh and my heart faileth but God is the strength of my heart and my portion for ever.

When the King James translators had finished their work, they prepared a preface which stated:

Zeal to promote the common good, whether it be by devising anything ourselves, or revising that which hath been laboured by others * * * findeth but cold entertainment in the world. It is welcomed with suspicion instead of love.

That this was true of their own work is illustrated by the fact that when the Pilgrims set out for New England they did not bring the King James Bible—then 9 years old—but the Geneva Bible of 1560.

Reception accorded earlier translators had led the King James men to expect this. A spokesman for the established order described John Wyclif as "The Devil's instrument, church's enemy, peoples' confusion, heretics' idol, hypocrites' mirror, schism's broacher, hatred's sower, lies' forger, flatteries' sink."

Another said of Tyndale's work:

The New Testament translated into the vulgar tongue is in truth the food of death, the fuel of sin, the vail of malice, the pretext of false liberty, the protection of disobedience, the corruption of discipline, the depravity of words, the termination of concord, the death of honesty, the well spring of vices, the disease of virtues, the instigation of rebellion, the milk of pride, the nourishment of contempt, the death of peace, the destruction of charity, the enemy of unity, the murderer of truth.

For 70 years after its publication in 1611, the King James Version underwent similar attacks. It was denounced as theologically unsound and ecclesiastically biased, as truckling to the King and unduly deferring to his belief in witchcraft, as untrue to the Hebrew text and relying too much on the Septuagint. The personal integrity of the translators was impugned. Among other things, they were accused of "blasphemy," "most damnable corruptions," "intolerable deceit," and "vile imposture," the critics who used these epithets being careful to say that they were not "the dictates of passion, but the just resentment of a zealous mind."

Happily, the reception accorded the Revised Standard Version by responsible church bodies has been of a different character. For the scholar's study, for the church school curriculum, for private devotions and for public worship, the Revised Standard Version has in large measure already become the Bible of the church. Strikingly dramatizing this acceptance is the fact that, by March 1960, some 15,000 churches had placed the Revised Standard Version pulpit Bible in pulpit or lectern. The number of Revised Standard Version pulpit Bibles in use is increasing at the rate of 500 per month.

Mr. Speaker, the authors of the King James Version of the Holy Bible said: To the most High and Mighty Prince James, King of Britain—and I ask unanimous consent that the full statement they made follow the remarks I am about to make with respect to one paragraph.

Mr. Speaker, if we could rephrase the next to the last paragraph of dedication to the King James translation, it might read something like this:

"And now at last by the mercy of God and the continuance of our labors, which are here brought to a conclusion, we have great hopes that the church shall reap good fruit thereby, and we hold it our duty to offer this work to you as the principal mover and author of this work, humbly craving of you, that since things of this quality have ever been subject to the censures of ill-meaning and discontented persons, it may receive your approbation and patronage.

"For your allowance and acceptance of our labors shall more honor and encourage us than all the calumniations and hard interpretations of other men may dismay us.

"There will be those who malign us because we are poor instruments to make God's holy truth yet more known to the people; or we shall be maligned by self-conceited Brethren who run their own ways and like nothing but what is framed by themselves and hammered on their anvil. Yet we may rest secure, supported within by the truth and innocency of our good conscience having walked the ways of simplicity and integrity as before the Lord and sustained without by the powerful protection of the church hoping it will ever give countenance to honest and Christian endeavors against bitter censures and uncharitable imputations."

Mr. Speaker, I invite the Members to compare that extemporaneous rephrasing with the original text of the inscription to the King James Version. But, I call it to the attention of the House that those who now damn the Revised Standard Version merely betray their ignorance of the history of revisions and all restatements of the Old and New Testaments. It has been the lot of each translator to be roundly damned by those who have accepted a previous translation even though subsequent scholarship may have shown good grounds for the revision.

Mr. Speaker, the translators of the King James Version of the Holy Bible actually said:

Great and manifold were the blessings, most dread sovereign, which Almighty God, the Father of all mercies, bestowed upon us the people of England, when first he sent Your Majesty's Royal Person to rule and reign over us. For whereas it was expectation of many, who wished not well unto our Sion, that upon the setting of that bright Occidental Star, Queen Elizabeth of most happy memory, some thick and palpable clouds of darkness would so have overshadowed this Land, that men should have been in doubt which way they were to walk; and that it should hardly be known, who was to direct the unsettled State; the appearance of Your Majesty, as of the Sun in his strength, instantly dispelled those supposed and surmised mists, and gave unto all that were well affected exceeding cause of comfort; especially when we beheld the Government established in Your Highness, and Your hopeful Seed, by an undoubted Title, and this also accompanied with peace and tranquillity at home and abroad.

But among all our joys, there was no one that more filled our hearts, than the blessed continuance of the preaching of God's sacred Word among us; which is that inestimable treasure, which excelleth all the riches of the earth; because the fruit thereof extendeth itself, not only to the time spent in this transitory world, but directeth and disposeth men unto that eternal happiness which is above in heaven.

Then not to suffer this to fall to the ground, but rather to take it up, and to continue it in that state, wherein the famous Predecessor of Your Highness did leave it; nay, to go forward with the confidence and resolution of a Man in maintaining the truth of Christ, and propagating it far and near, is that which hath so bound and firmly knit the hearts of all Your Majesty's loyal and religious people unto You, that Your very name is precious among them: their eye doth behold You with comfort, and they bless You in their hearts, as that sanctified Person, who, under God, is the immediate Author of their true happiness. And this their contentment doth not diminish or decay, but every day increaseth and taketh strength, when they observe, that the zeal of Your Majesty toward the house of God doth not slack or go backward, but is more and more kindled, manifesting itself abroad in the farthest parts of Christendom, by writing in defence of the Truth (which hath given such a blow unto that man of sin, as will not be healed), and every day at home, by religious and learned discourse, by frequenting the house of God, by hearing the Word preached, by cherishing the Teachers thereof, by caring for the Church, as a most tender and loving nursing Father.

There are infinite arguments of this right christian and religion affection in Your Majesty; but none is more forcible to declare it to others than the vehement and perpetuated desire of accomplishing and publishing of this work, which now with all humility we present unto Your Majesty. For when Your Highness had once out of deep judgment apprehended how convenient it was, that out of the Original Sacred Tongues, together with comparing of the labors, both in our own, and other foreign Languages, of many worthy men who went before us, there should be one more exact Translation of the holy Scriptures into the English Tongue; Your Majesty did never desist to urge and to excite those to whom it was commended, that the work might be hastened, and that the business might be expedited in so decent a manner, as a matter of such importance might justly require.

And now at last, by the mercy of God, and the continuance of our labors, it being brought into such a conclusion, as that we have great hopes that the Church of England shall reap good fruit thereby; we hold it our duty to offer it to Your Majesty, not only as to our King and Sovereign, but as to the principal Mover and Author of the work: humbly craving of Your most Sacred Majesty, that since things of this quality have ever been subject to the censures of illmeaning and discontended persons, it may receive approbation and patronage from so learned and judicious a Prince as Your Highness is, whose allowance and acceptance of our labors shall more honor and encourage us, than all the calumniations and hard interpretations of other men shall dismay us. So that, if on the one side, we shall be traduced by Popish Persons at home or abroad, who therefore will malign us, because we are poor instruments to make God's holy Truth to be yet more and more known unto the people, whom they desire still to keep in ignorance and darkness; or if, on the other side, we shall be maligned by self-conceited Brethren who run their own ways, and give liking unto nothing, but what is framed by themselves and hammered on their anvil; we may rest secure, supported within by the truth and innocency of a

good conscience, having walked the ways of simplicity and integrity, as before the Lord; and sustained without by the powerful protection of Your Majesty's grace and favor, which will ever give countenance to honest and christian endeavors against bitter censures and charitable impurations.

The Lord of heaven and earth bless Your Majesty with many and happy days, that, as his heavenly hand hath enriched Your Highness with many singular and extraordinary graces, so You may be the wonder of the world in this latter age for happiness and true felicity, to the honor of that great God, and the good of his Church, through Jesus Christ our Lord and only Saviour.

There is much more to say, Mr. Speaker, but I should like to close with a brief defense of the accused, the Council of Churches themselves. As I observe the action of the council, I think they can be indeed judged by their faults. They have encouraged joint public worship services which have brought people into the church. During this past weekend in Denver, for example, there was a beautiful public Easter sunrise service at Red Rocks, concluding the daily joint services arranged by the local council. We have seen the benefits of comity, which has helped provide adequate and orderly development of new churches throughout the new areas in our own great metropolitan area.

We have seen through the joint action of the church councils, the various ministries to students, to servicemen, to migrants, and to those overseas. We have seen the joint education programs, the opportunities for the laymen from various congregations to meet and exchange views, understandings, and experiences.

We have seen many fine developments within our American churches; we have seen the joint work in evangelism; we have seen joint education in action. The life of our church councils has enriched the life of our communities.

Those who defame without understanding ought to hang their heads in shame, for they are attacking the very persons whose lives and actions are a living testimonial to the best of Christendom, not to any infiltration of a godless anti-Christian Communist religion. They defame those who to the best of their ability seek to walk humbly before God in keeping with their Christian conscience.

In a free society we must tolerate those who abuse freedom, but certainly we owe it to our neighbors, to our friends, to our great free church tradition, to the principle of separation of church and state, to due process of law, and to the great traditions of America, to arise here as we have this afternoon on the floor of the House, to oppose any further intrusion of the executive or legislative branches of Government into the free worship of the American people.

I am happy that I have had the opportunity to share in the fine statements made by the others who have spoken here this afternoon. We await with great interest what our distinguished colleague, the gentleman from Iowa, shall have to say in concluding this discussion.

I thank the gentleman for yielding.

RELIGIOUS FREEDOM

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 45 minutes.

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, before I proceed I hope I will be forgiven when I attempt to correct the remarks of a gentleman on the House floor when he spoke about a Lincoln quote. He quoted directly from the CONGRESSIONAL RECORD, but it was not correctly recorded in the CONGRESSIONAL RECORD, and it makes a vast difference the way it sounds as reported in the CONGRESSIONAL RECORD and the way it was actually stated by Lincoln.

I would be one who would not want Mr. Lincoln misquoted in the CONGRESSIONAL RECORD, so I quote the corrected form. This, as you will remember, has to do with a letter he wrote to Joshua Steed in 1855. In a portion of it he said:

We began as a Nation by declaring that all men are created equal. Now it practically reads that all men are created equal except Negroes. When the know-nothings get control it will read that all men are created equal except Negroes, foreigners, and Catholics. When it comes to this I shall prefer emigration to some country where they made no pretense of loving liberty.

This, you see, puts a little different meaning of what Mr. Lincoln said on the subject.

Mr. Speaker, I take the floor today after having given some pretty serious study and thought to the subject at hand. I spoke to a Member of Congress who made an address on this question, immediately after he finished, that while his remarks, however sincere and honest he felt them to be, would be misinterpreted by the great many people who are working diligently and conscientiously in the religious work of our country.

My forebodings were noted by a lot of people, especially those in my district, so I take the time today to talk about the subject along with my colleagues and to speak on the National Council of Churches—its objectives and its program that needs to be better understood and appreciated.

It is the program of the National Council of Churches and the institution of religion that it represents. I have been inspired to do this because of the controversy that has come about on the Air Force Manual. It seems to me that those people who inspired and authored the section of this document that deals with religion were not adequately informed on the subject of religion in general and the program of the National Council in particular and were not aware of the great dedication of its leaders to the noble and worthwhile ideals that they represent in their dedicated service to their God and country.

From the earliest times in the history of our country, religion has been important to its people. The search for religious freedom, for a place where people could worship according to the dictates of their own conscience, was uppermost in the minds of early immigrants to this country. They have become known as our forefathers. A study of history will reveal much evidence that the successors to those forefathers recognized religion as important to the American way of life. Most agree, and I believe, that the moral philosophy expressed by religion was the foundation upon which was built this great and wonderful ideal we call American.

Among the public statements left us is one by George Washington, that stands out in my mind. It deals with the importance of religion in the body politic. In his Farewell Address he said:

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens.

The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education and minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It seems to me this quote is particularly apt today and worthy of our meditation as we reflect on this important question before us today.

We need often to think on the import of this admonition as we consider the implications and dangers of such statements as have recently been found on this subject in the Air Force manual.

President Abraham Lincoln, whose 150th birthday commemoration has been celebrated for a year-long period, also had some pretty wonderful and apt thoughts on this subject. In an address to the voters on July 31, 1846, he said, in part, on this subject:

I do not think I could myself be brought to support a man for office whom I knew to be an open enemy of, or scoffer at, religion. Leaving the higher matter of eternal consequences between himself and his Maker, I still do not think any man has the right thus to insult the feelings, and injure the morals, of the community in which he may live.

This is a quoted statement from a man who never belonged to a church and who, in a way, was crucified by some leaders of the church. Yet, he saw the virtue of its great ideal and its great program and that it would one day itself see that it was wrong and then readjust its program. He thought it best and I think wisely not to take issue with the church program and let them carry on in their own way.

He goes on to say, "When any church will inscribe over its altar, as its sole qualification for membership, the Sav-

lour's condensed statement of the substance of both law and Gospel, 'Thou shalt love the Lord thy God with all thy heart, and with all thy soul and thy neighbor as thyself,' that church will I join with all my heart and all my soul." This expresses a rather liberal viewpoint that was not questioned even in that time.

The quotes one could find from the statements of our public men on this subject of religion are almost endless and, without exception, when you analyze the true feeling of these great and wonderful people we call our forefathers on this subject you find that they believe in the broad principle of freedom of religion that was guaranteed as a part of a document I choose to call a most wonderful work—the Constitution.

Ever since I have been a member of a church, I have become increasingly aware of the need for our people to understand better the broad and noble objectives of the true religion, the great fundamental truths that have been enunciated by great religious leaders, the virtue of turning the other cheek and being forgiving and the wonderful lessons of love and charity taught in the Bible and which I believe are the central theme of the Judeo-Christian philosophy that most of us embrace.

For this reason, I have associated myself with and encouraged every ecumenical movement in America. In my local community I cooperated enthusiastically with our brotherhood programs that involved the three great faiths—Protestant, Catholic, and Jewish, in many communities simply referred to as the Brotherhood of Christians and Jews. I was a part of the group that helped organize the Scott County Council of Churches a number of years ago, and I might add that this organization has performed a fine service in our community by creating more interest in the religious life of the community.

I encouraged my own denomination to become a member of and support the Scott County Council, the Iowa Council, the National Council, and the World Council of Churches. I have always held to the theory that we have no right to criticize another man's religion in which he has a sincere and devoted belief. I have always held that we should, in no way, discourage any of the evangelistic programs sponsored by any particular church nor by the church in general. I have cooperated with groups which sponsored programs to make an appeal to people who had no or very little faith in any church or religion and in every way tried to encourage people in their own religion.

Because of this background of experience, the study that I have given this subject and my general interest in a more positive program for all churches, I, like many thousands of people that I represent, have become concerned that certain groups, unwittingly I am sure, have been and are tearing at the roots of the religious institutions of our country. Since I believe that a great deal of this is brought about because of their lack of understanding of the objectives of individual churches and the cooperative movement in general, I should like to talk briefly on the program of one of those great institutions, the National Council of Churches of Christ in the U.S.A.

The National Council of Churches—what does it do? It is an agency through which the Protestant and the Orthodox Churches in the United States express their common faith in Jesus Christ as divine Lord and Saviour, and cooperate to focus the light of that faith on all phases of American life.

Is not that a good objective?

The churches act through the 70 program units of the council in a spirit of evangelism to encourage Christians to the use of prayer, to the acceptance of personal responsibility, and to study in all matters affecting the life of the Nation. The churches continue their tradition of concern for the welfare of all members of society by speaking and working through the council.

I ask, what is wrong with that?

The council is an expression of its member churches' belief that, in spite of diversity of form and doctrine, they are one in their faith in Jesus Christ. It does for the churches such cooperative work as they authorize it to carry on in their behalf.

I do not see how anyone can criticize that.

What does the National Council do?

First, it works constantly to make Christians more aware of the central unity of their faith. It aids Christians to direct their faith into channels of action.

Is not this a good idea?

Through its division of Christian education, the council gives guidance to the United Christian Youth Movement. It provides eight interdenominational summer conferences through the Commission on Missionary Education, which also reaches 7 million persons annually by means of books, plays, filmstrips and films produced by the Friendship Press. The division administers some 600 leadership schools each year, guides religious education and daily vacation schools, coordinates programs for 471 church-related colleges.

The division produced and holds the copyright of the Revised Standard Version of the Bible, and serves as the custodian of its basic text.

This should be enlightening and worthwhile. It should not be anything to criticize, in my opinion.

Through its division of Christian life and work, the council encourages study in the churches of international affairs and worship and the arts; seeks to stimulate among Christians the application of Christian principles to economic life and racial and cultural relations; gathers and analyzes information on religious liberty; helps to coordinate the churches' health and social welfare agencies with national voluntary and Government agencies; aids the denominations in planning a cooperative approach to stewardship and benevolence.

What is needed, I think, is much more of this.

Through its division of home missions, the council works to meet the changing needs of urban and rural churches; maintains a church building consultation service; has programs for agricultural migrants and Indians; provides a clearinghouse of information and experience for home missions institutions; assists member boards and agencies in recruitment of missionary personnel.

Is not this aiding and abetting the great admonition by Christ to preach and teach?

Through its division of foreign missions, the council coordinates the proclaiming of the Gospel overseas by 73 foreign missions boards and 41 denominations. It works with the churches in area committees, and with the churches overseas through National Christian Councils, on problems facing missions in 60 countries. It assumes responsibility for the health of missionaries while in the United States, and supplies clinical services through the associated mission medical office. It conducts a literacy program in 65 countries.

This, thank God, has never been and, in my opinion, should not ever be criticized.

Through Church World Service, 35 Protestant and Orthodox boards and agencies provide worldwide aid to the needy. CWS sends millions of pounds of relief aid overseas annually. It rehabilitates war amputees, runs child care centers overseas and has already brought more than 100,000 refugees to the United States.

I might add that Mrs. Schwengel and I had a part in this program, a very small part. We have been responsible for sponsoring 11 of these displaced persons, refugees. They have enriched our lives, and I believe because of the background and experience they have had they have enriched the lives of our countrymen and the lives of the people with whom they have been associated. This, too, I feel is fulfilling one of the great missions and purposes of the Christian faith.

Through the central department of evangelism, the council holds national Christian teaching missions, campus meetings and programs, services and discussions at military bases. It cooperates in a national parks ministry.

Through the general department of united churchwomen, the council promotes the united work of churchwomen in missions, world relations and social action; sponsors the World Day of Prayer; World Community Day for relief and international understanding; May Fellowship Day for the local community; and programs of leadership education.

Through United Church Men, the council helps develop programs that concern the national consciousness of church men in local communities, supports their emphases on Christian colleges and Christian missions in cooperation with existing programs of the national council.

Through the broadcasting and film commission, the council presents Christian programs on radio and television networks and stations; maintains liaison with the movies; prepares audio visuals for the churches; provides broadcast training for clergy and laity.

Through the bureau of research and survey, the council gathers and analyzes

information, carries out research in cooperation with colleges, universities, and foundations; publishes Information Service, a biweekly review and digest; gathers church statistics and publishes them in the Yearbook of American Churches.

Through its Washington office, the council provides information about Government activities affecting the churches and their Christian concerns, and supplies to Congress executive departments and nongovernmental organizations facts about the structure and programs of the council.

Truly, this cannot be a very legitimate cause for criticism of making pro-Communists.

Who is represented in the council? I think this is very important for us to know.

Thirty-three Protestant and Orthodox communions in the United States are members of the national council. These denominations have a total membership of about 38 million.

There are almost 40 other denominations, or boards and agencies of denominations, that are not members of the council but cooperate in one or more of the council's activities.

Member denominations elect their own representatives according to procedures they establish for themselves. Members of the clergy, lay people and youth are included in the representation.

There are 954 local and State councils of churches, and more than 2,000 ministerial associations, which work with the council at the community level. State and local councils of churches also are represented officially in the council.

How are council policies decided? And this is very important for us to know about and understand.

Council policies are established by denominational representatives, who sit in the general assembly and general board, the two governing bodies of the council.

The general assembly consists of 443 clergymen and 251 laymen. It meets every 3 years and acts as a central body of interdenominational decision. Its next meeting will be in San Francisco in December 1960.

The general board meets three times a year and consists of 166 clergymen and 90 laymen. The board reports regularly to member denominations, making the council responsible to its constituent member churches.

Through the assembly and the board, the council speaks as a united voice on matters of ethical, moral, or religious concern to its membership.

Almost all of the council's 70 program units are directed by committees composed of denominational executives. In specific programs and general policies, the council is supervised and governed by representatives of the communions that comprise it—2,700 lay men and women and 2,800 clergymen.

Despite the vast scope of the council's work, the full-time staff of the council numbers only 700 employees, of whom about 200 are executives, the remainder being clerical and secretarial. Most of these people work at headquarters in New York, but there is a small office in Washington, D.C., and another in Atlanta.

How is the council financed?

The council's funds come from the following sources: About 61 percent is contributed by denominations, local churches, and related organizations; another 12 percent consists of gifts from individuals, corporations, and foundations; approximately 26 percent is derived from gross sales of council materials; and 1 percent comes from investments.

How is the council budget divided?

The two largest items are spent on interpreting Christianity through evangelism, teaching missions, use, and understanding of the Bible, radio, television, and the press; and on relieving distress, furthering reconstruction, and promoting Christian understanding overseas.

The next largest sum is spent to reach the underprivileged and the unchurched.

Instruction to youth, the application of Christian principles to life, and the stimulation of local cooperation are the next three largest budget categories.

Combined costs of administration and central services total 8 percent. With supervision of council programs, and special research-and-survey and advisory services, these complete the list of budget items.

The council's annual net budget varies in size from year to year. It was $12,454,840 in 1959, $11,325,160 in 1958, $13,212,620 in 1957.

What do the critics say of the council?

That the council is liberal in its theology. These critics disregard the fact that the council has no theology of its own. The council is forbidden by its constitution to determine theological matters, which are the sole concern of its member churches.

What do the critics say of the council? One criticism often heard is that the church council is a super church. These critics disregard the fact that the council is forbidden by its constitution to exercise any authority or any administrative control over the churches or to prescribe any form of church government.

Another criticism is that the council is liberal in its politics. These critics disregard the fact that the council is not a political organization and has no political affiliation. The member churches express through the council their belief that all political organizations are under the judgment of God and their conception of the witness the Christian citizen must make in whichever field he works, whether it be labor, industry, management, business, social welfare, government.

That the council is a welfare organization. These critics disregard the fact that the member churches authorize the council to contribute to the life of the Nation by expressing the church's concern for the welfare of all society. The churches authorize the council to engage directly in some welfare programs just as the churches themselves have always done.

In sum, the council makes it possible for regular church-going Americans to exchange their best wisdom on church work, and to manifest through the council their single purpose in witnessing to their faith in Christ in every realm of life.

Where does the council stand on some of the controversial issues? First, on the subject of communism which seems to concern so many people, and indeed it concerns me, the national council is and always has been unalterably opposed to communism. The general board, meeting in Seattle, June 4, 1959, reaffirmed the consistent position of the National Council of Churches expressed in many official actions opposing the evils, the violence, and the violation of human rights by Communist and other tyrannies.

On international aid and trade they say:

This assembly advocates balanced expanding programs of international aid and trade to the end that, in this interdependent world, its various peoples, all created and cared for by God, may have a more abundant life, with more well-being, knowledge, justice, freedom, and peace.

On collective bargaining, they say:

We recognize the right of both employers and employees to organize for collective bargaining, and in connection with employees we believe that it is generally desirable to do so.

On segregation:

The National Council of Churches renounces and earnestly recommends to its member churches that they renounce the pattern of segregation based on race, color, or national origin as unnecessary and undesirable, and violation of the gospel of love and human brotherhood.

On peace and the United Nations:

We believe the United States should seek to strengthen the ties by which the freedom-loving people in all the nations are bound together. We believe in the United Nations. We believe the United States should negotiate without appeasement with other governments, both within and without the United Nations. We believe the United States, preferably through the United Nations, should implement a program of assistance to the underprivileged peoples of the world.

On religion and public education:

The home and the church must assume their primary roles as teachers of religion. No agency of the State, including the public school, can safely or wisely be entrusted with this task.

On freedom to speak:

We uphold the right and duty of the churches and their councils to study and comment upon issues of human concern, however controversial, and resist all efforts to discourage full freedom of discussion, and, in discussion, reject attempts to suppress such freedom.

These have all been officially acted upon by the board of the National Council of Churches.

I should like to point out that the preamble to the constitution of the National Council of Churches reads as follows:

In the providence of God, the time has come when it seems fitting more fully to manifest oneness in Jesus Christ as divine Lord and Savior by the creation of an inclusive cooperative agency of the Christian churches of the United States of America to continue and extend the following general

agencies of the churches and to combine all their interests and functions: Federal Council of the Churches of Christ in America, Foreign Missions Conference of North America, Home Missions Council of North America, International Council of Religious Education, Missionary Education Movement of the United States and Canada, National Protestant Council on Higher Education, United Council of Church Women, United Stewardship Council.

The National Council of Churches, working on behalf of its constituent members, carries out its program activities through the following divisions and units of the National Council: First, Division of Christian Education; second, Division of Christian Life and Work; third, Division of Home Missions; fourth, Division of Foreign Missions; fifth, Church World Service; sixth, Evangelism; seventh, United Church Men; eighth, United Church Women; ninth, the Broadcasting and Film Commission.

Part of the criticism has been centered on some of the leaders of the national council. Because a part of this criticism has come to a very dear and personal friend of mine, a great leader of the Baptist Church and a great national leader in the National Council of Churches, Dr. Edwin T. Dahlberg, I think it might be well to take a little time and share with you a brief sketch, at least, of his background, his training, his interest, and his work in this field. Anyone noting this record of achievement, of this very apparent devotion to great ideals, cannot help but admire him and the things for which he stands. A title for a talk on the life of this man could very well be, "Lest We Forget." So I say, lest we forget, let me remind you that Dr. Edwin T. Dahlberg, of St. Louis, Mo., president of the National Council of Churches, is a traveler, lecturer, author, and churchman known favorably on several continents for his interest in the worldwide church and its great program for peace.

A former two-term president of the American Baptist Convention, he is the first Baptist elected to the council presidency and the first churchman chosen while an active pastor to head the 30-member interdenominational body that includes the main stream of Protestantism and of the Eastern Orthodox churches in the United States of America.

Although he has served well the cooperative work of the National Council and the World Council of Churches, Dr. Dahlberg's first love is the local pastorate. He is minister of the Delmar Baptist Church in St. Louis, Mo., which has a membership of 1,400, and belongs both to the American Baptist and the Southern Baptist Conventions. One of five dual alinement churches in St. Louis, the Delmar Church has been described as "a church with a northern accent and a southern exposure."

On the ecumenical front, Dr. Dahlberg plays an important role. He has served 6 years—1948 to 1954—on the central committee of the World Council of Churches; was one of four American Baptist Convention delegates to the constituting assembly of the World Council in Amsterdam, Holland, in 1948; attended the Central Committee meeting in Lucknow, India, in 1953; and was a delegate to the World Council Assembly in Evanston, Ill., in 1954. He was also a delegate to the Constituting Assembly of the National Council of Churches in Cleveland, Ohio, in 1950.

In ecumenical circles and in the pulpit the new National Council president is known for his dedication to the cause of peace. He has lent his weight to peace movements throughout his life, at the same time that he has had a great admiration for the soldier.

During his 39 years in the ministry of five successive Baptist churches in Potsdam and Buffalo, N.Y.; St. Paul, Minn.; Syracuse, N.Y.; and in St. Louis, Mo., Dr. Dahlberg has impressed his congregations and his church colleagues as one of the great preachers of our day. His overwhelming faith and deep sincerity are immediately manifest. Although he does not indulge in forensics, he has emotional fervor and his message is clear, forceful, and convincing. He communicates warmth and feeling. Men and women in the pews feel that he is talking directly to them on meaningful aspects of their own lives. While essentially a serious-minded individual with a deep sense of humility and piety in its best meaning, he has more than the average humor in his sermons and speeches and constantly draws upon his wide background in literature and history to point up parallels and contrasts.

During his first pastorate at Potsdam, N.Y., he had a missionary circuit of three churches in the foothills of the Adirondacks, made a round trip of 46 miles and preached four sermons every Sunday. One of these missionary outstations was at South Colton, N.Y., where he had a church of 35 members, and the other was a Presbyterian church of 15 members at Stark, up in the timber and sugar bush country, where no Presbyterian pastor was available. He feels that those strenuous years, which began with an income of $1,100 and parsonage, were the best possible training for his subsequent ministry. Equipped with good health throughout his life, he has not had to miss more than two or three preaching appointments during his entire career. He believes with Charles Haddon Spurgeon that frequent public speaking is the best protection against "preacher's sore throat" just as cutting wood every day is the best guarantee against a lame back.

Unusually generous toward those espousing different views, Dr. Dahlberg is known among his contemporaries for his deep human sympathies and his sense of justice. One of his most admiring colleagues said recently, "Ed Dahlberg leans over backward to be fair to those who disagree with him, so much so that he may even appear more generous to his antagonists than to his friends."

He has a strong commitment to evangelism. In fact, he wants to see the social gospel preached with a strong evangelical emphasis. He has said on this subject:

My dream has always been that the churches might link the evangelistic emphasis with political and social action. The way things are now, our popular evangelism often has no significant ethical content and our social action has no dynamic spiritual motivation. The danger in this kind of social action is that it will become purely legislative, and that we will lose the significance of individual rebirth, which I believe is a condition of Christian social work.

These twin concerns followed his association with Walter Rauschenbusch, author of "Christianity and the Social Crisis," while a student in Rochester Theological Seminary. There the young seminarian served as Rauschenbusch's personal secretary, a coveted post. Throughout his life he considered the prophet of the social gospel as the most Christ-like person he ever knew, as well as a man of great knowledge and teaching power. Guide and friend, Professor Rauschenbusch opened new vistas of social concern for his pupil, which aided in the development of his philosopy.

Dr. Dahlberg's own specialty as a pastor has been in the field of marital counseling. He believes strongly in the efficacy of the marriage clinic and contends that the best way to maintain stable homes and end the soaring rate of marital breakups is through premarital education—the training of young people in all phases of Christian family life.

In serving the cooperative church movement through the National Council of Churches, its new president has been a member of the general assembly, which elected him, since the formation of the National Council 7 years ago. He carried responsibility as chairman of the committee of 10 which made an exhaustive study of the question of a headquarters city, presenting the committee report favoring New York City to the general assembly in Boston in 1954. He has also served as vice chairman of the department of evangelism.

In his own denomination, Dr. Dahlberg served as chairman of the commission of review which some years ago recommended extensive structural changes in the American Baptist Convention, including the establishment of the office of general secretary and a change in name from Northern to American Baptist Convention. He is presently chairman of the commission on evaluation and recommendations considering further reorganization of the American Baptist Convention. He is also chairman of the evangelism committee of the American Baptist Home Mission Societies, of which he is former president. He has served as a member of the executive committee of the Baptist World Alliance, and is a former president of the Metropolitan Church Federation of Greater St. Louis.

Other responsibilities include membership on the boards of trustees of the Colgate-Rochester Divinity School, Bacone College, Shurtleff College, and the Missouri School of Religion, as well as board membership in the Ministers Life and Casualty Union.

Dr. Dahlberg was born in Fergus Falls, Otter Tail County, Minn., December 27, 1892, the youngest in a family of six children. His father and mother—Elof Dahlberg and Christine Ring Dahlberg—were of Swedish birth, but came to America in their childhood with their parents, who were in search of religious

freedom as well as of better economic opportunity. Persecution of the Baptists was rife in Sweden at the moment, mobs often stoning the homes where Baptist meetings were held, and police arresting the preachers.

Dr. Dahlberg's paternal grandfather, Nils Dahlberg, took up a homestead in Minnesota, the heart of the Swedish colony in this country, and later added to the homestead by the purchase of more land. Edwin's father later bought half of the farm, and upon retirement to Minneapolis in 1903, sold the 420 acres which he had devoted to the successful raising of wheat and cattle.

The Dahlberg family was and is deeply religious, holding to the tradition of family prayers and blessing at the table. When Edwin was 10 years of age the whole family moved to Minneapolis in order to be nearer the University of Minnesota. There they joined the Olivet Baptist Church—now the University Baptist Church—where Edwin was baptized at the age of 11. He was ordained in the same church May 14, 1918. Although his father had hoped Edwin might become a lawyer, the son was influenced by his pastor to go into the ministry, and he did so with his parents' blessing.

Dr. Dahlberg received his B.A. degree from the University of Minnesota, his bachelor of divinity degree from Rochester Theological Seminary, Rochester, N.Y., and his doctor of divinity degree from Keuka College, Keuka, N.Y. While in the university he did not take part in many extracurricular activities, except in debating and in campus religious programs. As one of his classmates said, "My main memory of Ed is of his walking across the campus with a load of books under his arms, looking neither at the squirrels nor the girls." Active in the Twin City youth work of the churches, he served as vice president of the Hennepin County Christian Endeavor Union. This was his first experience in interdenominational work in which he became so interested thereafter.

Called upon widely as a lecturer, Dr. Dahlberg delivered the annual Rauschenbusch Lectures at the Colgate-Rochester Divinity School in 1951, and recently lectured on "Rauschenbusch the Man" at the University of Chicago under the sponsorship of the Federated Theological Faculty. He was also a member of the committee that formulated the "Message to the Churches" of the Amsterdam Assembly of the World Council of Churches.

He is the author of two books, "Youth and the Homes of Tomorrow," and "Which Way For the Christian," besides being coauthor of "Christian Leadership in a World Society."

An ardent traveler, the new National Council president spent 6 months in Europe during his student days, has returned many times since, and 4 years ago visited the mission fields of India, Burma, and Ceylon. In the spring of 1956, during the tensions in the Middle East, he spent a month in Israel as a guest of the American-Israel Society, where he met many of the Jewish religious leaders and studied the social and economic conditions of the State of Israel.

Each Christmas that he has held office as president of the National Council of Churches, on behalf of the National Council, he has visited American Armed Forces overseas.

He has linked traveling in America with another love—mountain climbing. He has scaled Long's Peak, the north and south Arapahoe, and several other 14,000-foot mountains in Colorado. This love of the mountains is a part of his love of solitude. Sociable and friendly by nature, he looks forward with eagerness to opportunities to be alone. For 30 years he has made it a practice to spend an entire night of each vacation, beneath the open sky, in solitary prayer and communion with God. Sometimes this has been in the Mohave Desert, sometimes in the mountains, on the prairie, or by the sea. Three times he has spent such a night of prayer in a rowboat, on the Minnesota and Wisconsin lakes.

In 1918 Dr. Dahlberg married Emilie Louise Loeffler, of Rochester, N.Y. Active as was her husband in the Christian Endeavor Society in her younger years, she has also participated widely in denominational and interdenominational service, having been a member of the board of the American Baptist Woman's Foreign Mission Society, and serving on local YWCA committees. They have three children and eight grandchildren. Their daughter, Margaret Emilie, is the wife of the Rev. Gordon M. Torgersen, pastor of the First Baptist Church, Worcester, Mass.; their older son, Bruce, an ordained Baptist minister, is associate professor of the Old Testament at Smith College, Northampton, Mass., and Keith, their youngest, is a medical missionary in Burma, where on January 1, 1958, he will take charge of the American Baptist Hospital at Kengtung, in the East Shan States where, except for a government physician, he will be the only doctor for a population of 250,000 people.

ADDITIONAL ANECDOTAL MATERIAL

When Dr. Dahlberg was 4 years old he started school in the Buse Township District School, 3 miles south of Fergus Falls—a one-room school with one teacher and nine pupils, ranging from the first to the eighth reader. His teacher, Ada Zendt, was also janitor, playground director, and everything else, for $30 a month. Fond of horses, she drove a spanking pair of handsome Shetland ponies and an old-fashioned cutter across the prairie snows, arriving early each morning to kindle the fire and open the door before the children came from the surrounding farms. "I never had a finer teacher than Ada Zendt," says Dr. Dahlberg.

His father was clerk of the school board. His mother, with the other farm women, used to go to the schoolhouse after each election day, with soap and scrubbing pails, to clean the floors, take out the cuspidors, and make everything ready for the opening of school the next day.

When Edwin was 9 and in the fifth reader, his parents sent him with his brother Henry, 14, and sister Effie, 16, to school in Fergus Falls in order that they might get a more thorough education than in the country school. The three children lived in two rooms over a grocery store, where they did their own cooking and housekeeping under Effie's direction, the boys carrying in the wood and water and lighting the fires. Every Friday night they would go out to the farm, and every Sunday evening their father would drive them back to town again, with a wash boiler filled with food for the following week. Edwin, the youngest, was desperately homesick and lonely at first, loathing the regimented marching in and out at the sound of the town school bell. But he soon became adjusted, and learned to enjoy the strange new games of the town children. Because of his age, he was put in the third grade on the opening day, but his sister Effie intervened with his teacher, Edwin successfully passed a special examination, thus qualifying for the fifth grade. The same experience was repeated when they moved to Minneapolis. Again his sister spoke in his defense, and after another examination he was put in the proper grade.

From there on it was smooth sailing. He was graduated as class valedictorian from East High School, Minneapolis, when he was 16 years old, after serving on the editorial board of the class annual. He remembers that because of his age he was still in knee pants while his classmates were proudly parading in long trousers. During his junior and senior years in high school he had a newspaper route, serving 175 Minneapolis Tribune customers—in the winter on foot and via bicycle in summer. He has always considered his paper route one of the best training experiences he ever had.

With cash saved from this business venture he went to California upon graduation to join his two elder brothers, chemists in a beet sugar factory at Spreckels. Here he spent most of the year as a factory worker, cleaning out the juice boxes and the filter presses. Later he became a bench chemist at Spreckels, running tests on the sugar content of the sirup and molasses samples—a 12-hour job from 7 p.m. to 7 a.m. each night, with no Sundays off, for which he received four $20 gold pieces a month—the most money he had ever earned.

While in Spreckels the 17-year-old boy embarked on his first religious work, assisting in the organization of a worship group for some of the families living in company houses in that 500-population factory town, and teaching a Sunday school class of boys who met in the bell tower of the village school.

It was not a very good example of the separation of church and State—

Says Dr. Dahlberg.

Moreover, the bell rope hung right down through the ceiling of the classroom, so that when my kids got out of control the whole town knew it.

Young Dahlberg's most admired pastor was Dr. Rutledge Thornton Wiltbank, of the Olivet Baptist Church, Minneapolis, a great scholar very highly regarded by

the University of Minnesota faculty. Later Wiltbank left the ministry to become a professor of psychology. The new council president has lost track of him completely, in spite of diligent efforts to locate him. It was Dr. Wiltbank who first asked Edwin if he had ever thought of the ministry as a life work. He said, "We need well-trained men." He especially emphasized the necessity for ministers with a strong Christian faith and a sound scholarship. When Dr. Wiltbank left the ministry, he gave Edwin his library of 1,200 books.

Also, Mr. Speaker, I should like to place in the RECORD the contents of a booklet by the National Council of Churches entitled "Working Together."

WORKING TOGETHER THROUGH THE NATIONAL COUNCIL OF CHURCHES

The National Council of Churches is constituted by, responsible to, and under the direction of the following 33 communions:

Baptist: American Baptist Convention; National Baptist Convention of America; National Baptist Convention, U.S.A., Inc.; Seventh Day Baptist General Conference.

Church of the Brethren.

Christian Churches (Disciples of Christ), International Convention.

Eastern Churches: Armenian Church of North America, diocese; Greek Archdiocese of North and South America; Romanian Orthodox; Episcopate of America; Russian Orthodox Greek Catholic Church of America; Serbian Eastern Orthodox Church; Syrian Antiochian Orthodox Church; Ukrainian Orthodox Church of America.

Evangelical United Brethren Church.

Friends: Five Years Meeting of Friends, Philadelphia Yearly Meeting of the Religious Society of Friends.

Lutheran: Augustana Evangelical Lutheran Church; American Evangelical Lutheran Church; United Lutheran Church in America.

Methodist: The Methodist Church; African Methodist Episcopal Church; African Methodist Episcopal Zion Church; Christian Methodist Episcopal Church.

Moravian: Moravian Church (Unitas Fratrum); Evangelical Unity of Czech Moravian Brethren in North America.

Polish National Catholic Church of America.

Presbyterian: Presbyterian Church in the United States; United Presbyterian Church in the U.S.A.

Protestant Episcopal Church in the United States of America.

Reformed: Hungarian Reformed Church in America; Reformed Church in America.

United Church of Christ: (General Council of Congregational Christian Churches; Evangelical and Reformed Church).

These are the present members of the National Council of Churches. New members are received from time to time. Membership is open to communions which are constituted as autonomous church bodies, possess a history that demonstrates permanency and stability, have an established order of government and ministry, and acknowledge Jesus Christ as Divine Lord and Savior.

In the present membership are most of the major historic bodies of American Christianity except the Roman Catholic. Through their appointed representatives participating in the democratic process of the National Council, they are drawn together into cooperative association. They coordinate many and varied programs and reinforce each other in their life and work.

HOW THE COUNCIL CAME TO BE

With the constituting of the national council at Cleveland in 1950, the member churches acquired at one swoop a long-sought "common voice," a means of effecting a united rallying of Christian forces, a united planning of Christian activity, and a united Christian impact upon the life of the Nation and the world.

Although the council may have appeared to the Nation to have "sprung full grown" onto the American scene when it was established by the churches, it was actually an outgrowth of years of common endeavor. The efforts of U.S. churches to "do together what can be done better unitedly than separately" had begun long before. Until the 19th century, Protestantism was concerned mainly with carrying out the Reformation principle of freedom for the individual and group. Then the separate churches began to feel common responsibility for impact on their local communities and for missionary enterprise. The immensity of the task and the weakness of the unrelated attempts to master it led eventually to efforts to provide mutual support.

Early in the century local Sunday schools began to organize Sunday school unions. The 1824 American Sunday School Union led to the first National Sunday School Convention in New York City in 1832; to the first nationwide cooperative project, uniform Sunday school lessons, in 1872; to the International Sunday School Association in 1905; and, in 1922, to the International Council of Religious Education.

Meanwhile, formal church cooperation on the State and local level began in the 1890's. Early in the 10th century this was accelerated with a widening of the areas of common interest and concern.

Consultation on many foreign missions led to establishment of the Foreign Missions Conference of North America in 1893 and to a series of ecumenical conferences beginning in 1900. The missionary education movement was organized by home and foreign missions boards in 1902.

The denominations themselves organized the Federal Council of Churches in 1908.

Then came the Home Missions Council, the National Protestant Council on Higher Education, the United Stewardship Council, and the National Council of Church Women, all founded by denominational boards to make their work more effective.

But even this was not enough. As these agencies evolved their programs, they found overlappings and divisions of responsibility. Cooperative action among them was discovered helpful. In 1933 the president of the International Council of Religious Education called a conference to consider closer cooperation among the various councils. This led to a permanent intercouncil field staff and in 1940 to the Association of Council Secretaries.

In 1938 the federal council received overtures from the Presbyterian Church, U.S.A., looking to "fuller unity in Christian service." The federal council in turn invited other interdenominational agencies to participate in a study of intercouncil relationships.

This study was concluded in 1941 at a historic Atlantic City conference of 25 representatives from each of 8 interdenominational agencies, plus 6 from the Association of Council Secretaries. This body recommended, from among several alternatives, "the creation of a single corporate agency to succeed all of the existing national councils."

This met with enthusiastic general acceptance, and was followed by 9 years of planning. After approval of a constitution by the denominations and councils of churches, the 13 interdenominational agencies transferred their cooperative work to one agency, the national council, representing the interests of all. Through it, 34 churches—with 37,870,000 members, and in association with over 900 State and local councils of churches and 2,000 ministerial associations—mutually reinforce and strengthen each other.

MANY SHARE IN COUNCIL'S WORK

Related to the National Council of Churches also are the American Association of Theological Schools, the American Bible Society, the Boy Scouts of America, Campfire Girls, Girl Scouts of the U.S.A., National Council of the Young Men's Christian Associations; National Board of Young Women's Christian Associations in the U.S.A., International Society of Christian Endeavor, the International Association of Daily Vacation Bible Schools, General Commission on Chaplains, Commission on Christian Higher Education of the Association of American Colleges, World Council of Churches, and World Council of Christian Education and Sunday School Association.

The service which the national council renders the church population of the Nation goes far beyond its constituent member communions. Individuals or representatives from 34 other U.S. denominations or denominational agencies, plus 4 Canadian bodies, cooperate with one or more national council services.

This would indicate also that the national council serves far more than 37,870,000 members of its constituent communions, and that the figure, if it could be computed, would be closer to 50 million.

The following denominations or one or more of their boards or agencies, not members of the National Council of Churches, are either voting or nonvoting associate members of one or more council units or area committees:

Advent Christian Church.
American Lutheran Church.
Anglican Church of Canada.
Assemblies of God.
Associate Reformed Presbyterian.
Baptist Federation of Canada.
Brethren in Christ.
The Brethren Church.
Church of Christ (Holiness).
Church of God, Anderson, Ind.
Church of the Nazarene.
Churches of God in North America.
Cumberland Presbyterian.
Evangelical Congregational.
Evangelical Lutheran.
Evangelical Mission Covenant.
Finnish Evangelical Lutheran.
Free Methodist.
Friends, California Yearly Meeting.
Friends, Kansas Yearly Meeting.
General Baptist.
Lutheran Brethren.
Lutheran Church—Missouri Synod.
Lutheran Free Church.
Mennonite Church, General Conference.
The Mennonite Church.
National Primitive Baptist.
North American Baptist General Conference.
Presbyterian Church in Canada.
Reformed Episcopal Church.
Salvation Army.
Schwenkfelder.
Seventh Day Adventists.
Southern Baptist.
United Church of Canada.
Universalist.
United Evangelical Lutheran.
Wesleyan Methodist.

HOW THE COUNCIL IS GOVERNED

As the council was officially created by the churches, so also is it wholly responsible to them. The governing body is the general assembly of 694 delegated representatives, 443 clergy and 251 laymen, all named directly or approved by the member communions. The assembly, which meets every 3 years, constitutes a central board of interdenominational strategy, developing a common mind, planning united policies, and providing for concerted action.

In the interim between assemblies, the supervisory body is a general board of 256 members, 166 clergy and 90 laymen, all of whom also directly represent the member

communions or are approved by them. The general board meets several times a year. It reports regularly to each of the denominations and is subject to their review. Thus the council is responsible at all times to the communions which established it as their agency for cooperation, depending wholly on the principle of voluntary cooperation through democratic representative processes. Through these two bodies—the general assembly and the general board—which make all policy decisions affecting the life and work of the organization, the council speaks as a united voice on public matters of concern to its constituent churches.

In addition to the above, each of the council's programs is directed by a committee which includes denominational executives carrying corresponding responsibilities within their denominations. Thus in its specific programs as well as in its broad policies the council is supervised and governed by nearly 5,500 official representatives—approximately 2,700 lay men and women and 2,800 clergymen—of the 34 communions that constitute it.

Closely associated with the National Council are over 900 city, county, and State councils, created by the churches of their own communities and responsible for programs of cooperation there. There are 2,200 councils of churchwomen and 2,000 ministerial associations that provide further networks of local cooperation. All of these are autonomous but linked with the National Council in common aims, program concerns, and functions.

PROGRAMS

From this vast array of U.S. denominations and church members, more than 5,000 lay men and women and clergy, appointed by their denominations, from every State in the Union, serve on council committees and commissions, making the decisions on the council's policies and programs in the various areas of its activity.

The programs which the denominations carry on through the National Council may be briefly indicated by the following divisional and departmental chart.

THIRTY-FOUR DENOMINATIONS — NATIONAL COUNCIL OF CHURCHES, GENERAL ASSEMBLY, GENERAL BOARD

Service units: Broadcasting and films, councils of churches, publication and distribution, public relations, research and survey, Washington office.

General units: Church world service, evangelism, united churchmen, united churchwomen.

Division of Christian education—General Christian education:
Children's work.
Youth work.
United Christian youth movement.
Adult work.
Family life.
Curriculum.
Leadership.
Audiovisual and broadcast education.
Weekday religious education.
Religion and public education.
Religious drama.
Camps and conferences.
Vacation church schools.

HIGHER EDUCATION

Christian institutions.
Campus Christian life.
United student Christian council.
Faculty Christian fellowship.
Ministry.
Student volunteer movement.
Interseminary movement.

MISSIONARY EDUCATION

English Bible.
Standard Bible committee.
Use and understanding of the Bible.
Lesson syndication.

Division of Christian life and work: International affairs, pastoral services, racial and cultural relations.

Division of home missions: Urban church, town and country church, church building.

Division of foreign missions: Area committees for Africa, China, Japan, Philippines, Korea, Latin America, Near East, southeast Asia, southern Asia.

Christian medical council for oversea work.

Associated missions medical office.

Radio, audiovisual education, and mass communication.

Rural missions.

World literacy and Christian literature.

Missionary personnel.

Missionary research.

Oversea union churches.

The work of the National Council of Churches, working on behalf of its constituent members, is performed through the Division of Christian Education. The following units:

Develop basic goals, prepare general guidance materials for children's work; provide counseling services for laboratory schools and State and area committees.

Give executive leadership to the United Christian Youth Movement, the cooperating agency of existing youth groups representing 10 million Christian young people through denominational and State and local councils, and aid the interchange of leadership training and the sharing of information and work of denominational youth fellowship.

Aid the development of adult programs in the churches through cooperative study programs, conferences, and institutes in cooperation with State and city councils.

Work with each other and State councils to improve the administration and leadership of local church programs and administer about 600 leadership schools annually.

Administer through interdenominational committees the preparation of Sunday School curriculum outlines used by thousands of church groups.

Promote audio-visual and broadcast education activities; assist with production planning of interdenominational radio and TV programs; and, through local councils, prepare evaluations of church-related audiovisual materials and publish them in the audio-visual resource guide.

Provide leadership, guidance, and resource materials for family life emphasis by communities, councils, seminaries, and colleges.

Guide weekday religious education and daily vacation church schools enrolling over 6 million children.

Conduct a research and information service on religion and public education.

Syndicate Sunday School lessons to newspapers and magazines through National Council Religious Features.

Promote Christian education through use of dramatic arts.

Counsel and provide guidance materials for camps and conferences.

Undergird their mission work with an educational program; coordinate their missionary education endeavors; publish textbooks, filmstrips, maps, and plays through Friendship Press; produce, in cooperation with the Broadcasting and Film Commission, two major films annually.

Assist the Nation's 471 church-related colleges to chart their course by cooperation with denominational boards of higher education; administer through the Interseminary Committee ecumenical fellowship of seminary students; coordinate their student and faculty programs through the United Student Christian Council and Faculty Christian Fellowship; circulate data concerning the ministry as a vocation; interpret to students the world mission of the church through the Student Volunteer Movement; conduct University Christian Missions in tax-supported institutions; and carry on a ministry to universities and their students through departments of campus Christian life.

Have translated and now publish the Revised Standard Version of the Bible; emphasize the central place of the Bible in our heritage and provide a source of Biblical information; and promote the use and understanding of the Bible throughout the United States.

Through the Division of Christian Life and Work—

Secure a larger combined influence in all matters affecting spiritual, moral, and social conditions.

Sharpen responsible concern of their members in international affairs in light of the Christian faith; encourage study, research, projects, and programs; develop consensus on crucial issues; represent these views to the government, the UN, and Christians overseas; mobilize resources for justice and peace.

Inform and stimulate the conscience of the nation in respect to its economic activities—both public and private; help their members apply Christian principles in their economic life, especially in their lay occupations and as citizens.

Provide consultative and informational services to church and community organizations; conduct educational projects in regard to community responsibilities, civil rights, and legislation in racial and cultural relations.

Give through its department of pastoral services counsel, program assistance and coordinating services to a ministry in hospitals, prisons, and other institutions, and in the field of religion and health.

Accumulate and analyze information on civil and religious liberty and offer consultative services on the subject.

Provide cooperation between their health and social welfare agencies, and between them and national voluntary and governmental agencies; provide for joint consideration of national welfare issues.

Engage in studies, share experience, and provide services and materials, in worship and the arts of music, drama, architecture, literature, and the plastic and graphic arts.

Plan and promote the annual United Stewardship Canvass and provide a cooperative approach to stewardship and benevolence.

Through the division of home missions—

Develop a common urban church strategy by initiating new work, studying new approaches and theological implications, and coordinating present resources.

Help maintain a vital theology for rural life; promote inservice training for rural pastors, and sponsor an annual national convocation on the "Church in Town and Country."

Conduct a church building consultation service on request of local churches.

Provide a migrant ministry on wheels for 250,000 seasonal farmworkers in 30 States with a program of religious ministry, adult education, vacation church schools, recreational activities, child care and community centers, a program carried on by the National Migrant Committee with the help of councils of churches, council of church women, and Federal and State agencies, and designed to provide migrants with the protective benefits and warmth of community life.

Carry on a program of Indian work in Government boarding schools, in information concerning the changing legal status of Indians, and in a number of U.S. communities in an attempt to meet the social, economic, and spiritual needs of these people.

Are, through interdenominational work, developing a strong Alaska community through missions, Christian education,

church building, health education, and economic development activity.

Provide a clearinghouse of information and experience of home missions institutions—schools, hospitals, community centers—for their various home-mission boards.

Assist member boards and agencies in recruitment and administration of missionary personnel.

Provide liaison for Spanish-American work in youth work, women's work, and evangelism.

Through the division of foreign missions—

Coordinate, counsel, and interpret the vast cooperative enterprise of 79 foreign mission boards and related agencies representing 45 denominations which proclaim overseas the message of the Gospel of Jesus Christ.

Counsel together in area committees and with the churches overseas through National Christian Councils regarding problems facing Christian missions in 60 countries of 5 major areas—Africa, Latin America, the Far East, the Near East, and southern Asia; transmit support for their work, and serve as a liaison with foundations, government, and private welfare agencies.

Are responsible for the health of missionaries and candidates while in America and serve mission boards with clinical services, including 3,000 examinations annually in the Associated Missions Medical Office.

Counsel medical and nursing candidates and missionaries on furlough through the Christian Medical Council for Oversea Work.

Provide the rural mission programs of 28 mission boards with services in training, literature, planning, youth guidance, and the securing of technical supplies; focus attention on practical agriculture, soil stewardship, adult education, health, and handicrafts for village and rural families.

Use lessons on charts in 200 languages to teach millions of illiterates in 65 countries to read and write and thus develop a literate church, as well as provide a weapon against poverty, malnutrition, and infant mortality; train specialists for this world literacy program and promote the production and use of Christian literature.

Employ modern techniques in audio-visual through RAVEMCCO (Radio, Audio-Visual Education, Mass Communication Committee) in proclaiming the Christian Gospel throughout the world.

Assist mission boards in the recruiting, selection, and training of missionaries through the Committee on Missionary Personnel.

Cooperate with Union Theological Seminary, New York, in the Missionary Research Library, largest Protestant depository for missionary literature; and conduct research in Christian missions.

Serve the oversea union churches by providing counsel, aiding in securing ministers and funds for these churches and, in general, assisting the 600,000 Americans abroad who, as unofficial ambassadors and interpreters, are a tremendous potential for Christian influence.

Promote the overseas observance of World Day of Prayer in 117 countries.

Through general units such as church world service—

America has a Christian concern for the hungry and destitute millions abroad who are victims of war, aggression, famine, floods, earthquakes, and other disasters. Lack of food, shelter, and clothing leads to malnutrition and disease. Many die. Hundreds of thousands who have lost homes, loved ones, and occupations, struggle on the edge of despair. Hope alone is left.

To lessen the distress of these destitute millions, to help the uprooted and the stateless; the homeless, the naked, and the hungry; the widows, the orphaned, the disabled, the sick, through church world service, the churches—

Provide worldwide programs of—

1. Emergency relief to victims of natural catastrophes and those made homeless and destitute by strife;

2. Reconstruction, rehabilitation, resettlement of refugees, both emergency (such as Hungarians in 1956) and regular (such as the 1954–56 admittees).

For the needy abroad—

1. Collect, process, and deliver for American churches food, clothing, medicines, vitamins, seeds, new limbs, dollars;

2. Provide housing;

3. Provide new skills for the disabled;

4. Provide help for the sick in refugee camps, hospitals, and institutions;

5. Provide special attention to child welfare programs in orphanages, hospitals, and day care centers.

European operations are in Greece, Germany, Italy, France, Austria, Yugoslavia, and Turkey; in non-European Korea, Kenya, Uganda, Liberia, Nigeria, north Africa, Middle East, India, Pakistan, Japan, Hong Kong, Taiwan, Okinawa, Philippines, Indonesia, Burma, and Vietnam; in Latin American Brazil, Chile, and Paraguay; and in emergency areas of the Caribbean.

EVANGELISM

Hold scores of National Christian Teaching Missions, University Christian Missions on college campuses, Armed Forces preaching missions, and conferences on evangelism.

Conduct religious censuses and visitation evangelism campaigns in cooperation with local councils of churches and ministerial associations.

Sponsor a Christian ministry in the national parks which serves 250,000 people in 24 park areas.

Prepare programs and literature for churches' use in connection with Reformation Sunday, Universal Week of Prayer, Watch Night, Easter to Pentecost, Worldwide Communion Sunday, etc.

Provide coordinating services for denominational evangelism programs.

UNITED CHURCH MEN

Coordinate and extend men's programs through men's work departments in councils of churches.

Help develop a national consciousness of church men and united church men's units and programs in cities and local communities.

Support emphasis on Christian colleges and Christian missions in cooperation with existing program units of the National Council.

UNITED CHURCH WOMEN

It is a far cry from Boston's "Female Society for Missionary Purposes" at the turn of the century to today's General Department of United Church Women, a national interdenominational organization of more than 2,000 local and State councils, with 25,000 World Day of Prayer observances in the United States and 120 other countries, and a $780,000 budget (more than half of which is given to others).

Today, through UCW, the churches—

Unite Protestant women in allegiance to their Lord and Saviour, Jesus Christ, in the life and work of the church, and in the building of a world Christian community.

Carry on broad major programs in leadership education, Christian world missions, Christian social relations, and Christian world relations.

Provide local councils with advisory services on the work of the United Nations and its agencies, family life, industrial relations, civil liberties, public housing, alcohol, gambling, delinquency, discrimination, segregation, national legislation, attacks on rights and freedom, and techniques for extending the total work.

Promote study on the cooperation of men and women in the church, and on developments in the field of the laity.

ANNUAL OBSERVANCES—SPONSORED BY COUNCIL UNITS (WITH DATE, PURPOSE, SPONSORING UNIT)

Universal Week of Prayer: Beginning the first Sunday of January. To emphasize that prayer is a vital force for developing a closer relationship with God; Department of Evangelism.

Church and Economic Life Week: Beginning the third Sunday of January. To emphasize building Christian principles into economic relations; Department of the Church and Economic Life.

Youth Week: Beginning the last Sunday in January. To dramatize the place and purpose of youth in the program of the church and the community; United Christian Youth Movement.

Race Relations Sunday: Second Sunday of February. To stress action by the churches to achieve brotherly love, regardless of race or color; Department of Racial and Cultural Relations.

Universal Day of Prayer for Students: Third Sunday of February. To unify in prayer Christian students throughout the world; United Student Christian Council.

World Day of Prayer: First Friday in Lent. To unite Christians around the world in a bond of prayer; United Church Women.

One Great Hour of Sharing: Usually in March. To enable the participating denominations in the United States to secure funds for their ministries in world relief and reconstruction; Church World Service.

Easter to Pentecost: The 50 days after Easter. To help conserve the evangelical results; Department of Evangelism.

National Christian College Day: In April, the second, or if necessary, the first, Sunday after Easter. To call attention to the Christian colleges; Commission on Christian Higher Education.

May Fellowship Day: First Friday in May. To foster closer fellowship among Christian Women; United Church Women.

National Family Week: Beginning the first Sunday in May. To provide motivation for home and church cooperation, the rededication of home and family to God; Department of Family Life.

Rural Life Sunday (in the Christian calendar since 450 A.D. as Rogation Sunday). Fifth Sunday after Easter. To emphasize the meaning of Christianity for rural life and of rural life for Christianity; Department of Town and Country Church.

Labor Sunday: Sunday before Labor Day. Emphasizes the religious aspects of Labor Day; Department of Church and Economic Life.

Christian Education Week: Beginning the last Sunday in September. To make people aware of Christian education responsibilities in the home, church, and community; Division of Christian Education.

World-Wide Communion Sunday: First Sunday in October. To secure the attendance of Christians at the communion table at their own church; Department of Evangelism.

Churchmen's Week: In October. Symbolic of the present-day partnership between clergy and laymen; United Church Men.

World Order Sunday: In October. To emphasize working together as brothers for the greater glory of God; Department of International Affairs.

Reformation Sunday: Last Sunday in October (or November 1). To commemorate the Protestant Reformation; Department of Evangelism.

World Community Day: In November. To define Christian responsibility in international relations and undergird the Christian women's action program for world peace; United Church Women.

Stewardship Day: In November. To encourage greater giving to God in expression of our gratitude for His gifts to us; Department of Stewardship and Benevolence.

Share-Our-Surplus Week: During the Thanksgiving season. The annual appeal for funds to distribute overseas Government surplus foods; Church World Service.

NATIONAL COUNCIL PERIODICALS

General

Information Service: Weekly. Bureau of Research and Survey.

Memo: Semimonthly. Washington office newsletter.

National Council Outlook: Monthly. Office of Public Relations.

Religious Newsweekly: Weekly. Office of Public Relations.

Program

City Church, the: Bimonthly.

China Bulletin: Monthly. Division of Foreign Missions.

Christian Scholar, the: Quarterly. Commission on Christian Higher Education.

Church Woman, the: Monthly.

International Affairs: Monthly.

International Journal of Religious Education: Monthly.

Inter-Racial News Service: Bimonthly.

Memo: Monthly. Commission on Christian Higher Education.

Missionary Research Library.

Newsletter: Quarterly. Office for Councils of Churches. Free.

Publisher, the: Bimonthly. Office of Publication and Distribution.

Religious Liberty Bulletin: Quarterly. Free.

Rural Missions: Division of Foreign Missions.

Religious Radio and Television Newsletter: Bimonthly. Broadcasting and Film Commission.

Sight-Sound: Bimonthly. RAVEMCCO. Division of Foreign Missions.

Town and Country Church. Monthly.

Together. Quarterly. Division of Foreign Missions.

United Christian Youth Movement Newsletter: Monthly.

United Church Men's Bulletin.

Lit-Lit Newsletter: Eight issues annually. Division of Foreign Missions.

(Inquiries should be directed to the units indicated.)

WHAT THE COUNCIL DOES THROUGH ITS SERVICE UNITS

The broadcasting and film commission, presents Christian messages on 585 radio and 550 TV stations weekly, in its promotion of religious programing; produces 5 radio and 9 TV programs weekly, films, and filmstrips; maintains a liaison with the broadcasting and film industries; and provides broadcast training.

The office for councils of churches, maintains a liaison with State and local councils of churches; provides assistance to them in program development and evaluation, financial counseling, and securing personnel; and is a clearing center for materials developed by the various councils.

The office of publication and distribution, publishes annually hundreds of pamphlets and materials relating to the program activities of council units (except missionary education); receives orders and serves as a distribution office for them.

The office of public relations provides public relations counsel and planning for council units and constituents; is an information clearinghouse for inquiries from units, constituents, and public; distributes council news through daily releases, a weekly newsletter, and a monthly news magazine; and maintains working relations with secular and religious press, councils, denominations, and religious agencies.

The bureau of research and survey, gathers information needed by the churches and program units of the council; promotes develops, and carries out research in cooperation with seminaries, colleges, universities, and foundations; interprets and reports research findings; collects church statistics and publishes them in the "Yearbook of American Churches," the only reference book of its kind.

The Washington office, serves both member churches and council units; gives prompt and authoritative notice regarding pending legislation, governmental directives, and other developments in the capital affecting the functioning of the churches and their agencies; secures official interpretations of legislative and administrative acts when required; indicates channels for contacts in Washington and furnishes facilities for effecting them when desired (the office does not engage in efforts to influence legislation); coordinates activities in relation to governmental agencies carried on by council representatives in Washington.

OFFICERS, 1957–60

President, Rev. Edwin T. Dahlberg, St. Louis, Mo.

Vice presidents: Bishop Reuben H. Mueller, Indianapolis, Ind. (for Division of Christian Education); Bishop G. Bromley Oxnam, Washington, D.C. (for Division of Christian Life and Work); Rev. Williard M. Wickizer, Indianapolis, Ind. (for Division of Home Missions); Rev. Virgil A. Sly, Indianapolis, Ind. (for Division of Foreign Missions); Bishop Athenagoras, Jamaica Plain, Mass.; Mrs. Guy A. Benchoff, Woodstock, Va.; Arthur Gardiner Coons, Los Angeles, Calif.; Francis Harmon, New York, N.Y.; Charles C. Parlin, Englewood, N.J.; Bishop B. Julian Smith, Chicago, Ill.; Charles P. Taft, Cincinnati, Ohio; Mrs. Theodore O. Wedel, Washington, D.C.

Treasurer, Charles E. Wilson, New York, N.Y.

Associate treasurer, John H. Platt, Chicago, Ill.

Recording secretary, Rev. Norman J. Baugher, Elgin, Ill.

General secretary, Rev. Roy G. Ross, New York, N.Y.

Associate general secretary, R. H. Edwin Espy, New York, N.Y.

HOW THE 1957 COUNCIL MONEY WAS USED

1. Relieved distress, furthered reconstruction, and promoted understanding overseas through "One Great Hour of Sharing" and CROP; reconstruction projects in Europe and Asia, resettlement of refugees, and other relief programs of Church World Service; $2,874,483.

2. Reached underprivileged and unchurched people. Ministry to defense communities, migrants, American Indians; medical, educational, agricultural work at home and abroad; $1,929,028.

3. Interpreted the Christian faith. Evangelism, teaching missions; use and understanding of the Bible; radio, television, film production; religious and secular press; $1,918,796.

4. Taught our youth ethical values and moral conduct. Sunday, weekday, vacation programs with children; church, campus, camping experiences for youth; training teachers and leaders; $1,283,770.

5. Applied Christian principles to life. Family, business, and community relationships; interracial and international understandings; preservation of freedoms; worship, stewardship, pastoral services; $516,994.

6. Stimulated local cooperation. Work with lay men and women; counseling and leadership training; planning with state and local councils of churches; $415,824.

7. Provided special research, survey and advisory services; $191,919.

8. Administered and supervised these program activities; $759,435.

In summary and in closing, let me say, Mr. Speaker, that I hope all of us will think seriously on these things that have been brought to our attention today so ably and so effectively; things that are so very, very important to the American fabric and way of life. Let us always be aware of our own individual responsibilities as Congressmen and also do our part to preserve that great and wonderful system we are pleased to call America; a place where we have and should cherish the great freedoms.

Not long ago, in rummaging through some old RECORDS, I found the words of a former Member of Congress who had once been President of the United States, who is accused by students of having a pretty liberal attitude toward religion. But he was basically sound, and he one day wrote and gave to us what he chose to call a Congressman's prayer. It was given in an area we now know as Statuary Hall on the 4th day of December 1837, and this might be a good note to close on. It reads like this:

Almighty Father, look in mercy down.
O grant me virtues, to perform my part,
The patriots' fervor, and the statesman's art
In thought, word, deed preserve me from Thy frown.
Direct me to the paths of bright renown.
Guide my frail bark, by truths unerring chart,
Inspire my soul and purify my heart
And with success my steadfast purpose crown.
My country's weal—be that my polar star.
Justice thou rock of ages is thy law,
And when Thy summons calls me to Thy bar
Be this my plea Thy gracious smile to draw
That all my ways to justice were inclined
And all my aims—the blessings of mankind.
—*John Quincy Adams.*

These are good words for us to remember, especially those of us who have the great and wonderful opportunity to serve in this great legislative body.

It is my hope that this discussion helps us all to better understand and appreciate the great objectives of the National Council of Churches of the United States of America, and that criticisms of its program and leaders will in the future be on fact rather than fiction, and that its problems, if any, can be resolved through the good offices of reason rather than an appeal to unwarranted use of an appeal to the baser passions of the people.

THESE DAYS—BY GEORGE E. SOKOLSKY

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, to include two editorials by George E. Sokolsky.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, under leave to extend my remarks, I include the following two articles by George E. Sokolsky:

[From the Washington Post, Feb. 20, 1960]

THOSE AIR FORCE MANUALS

(By George E. Sokolsky)

Recently one of the really authentic leaders of anti-Communist activity in the United States wrote to me, "God help us from the anti-Communists."

There are so many varieties of them and some of them are so mixed up. They have a feeling against communism, against Russia, against many things, but they do not know why. They have an emotional antagonism to communism but they refuse to do the homework required to know of a force that came into the world more than a century ago and now dominates the lives of close to a billion human beings. Instinctive opposition to so colossal a force is not good enough.

The pamphlet prepared for the Air Force by Homer H. Hyde is supposed to indoctrinate members of the Air Force against communism. But Hyde does not know where his data about clergymen infiltrating the Protestant churches came from. He says that he got it from Circuit Riders, Inc., of Cincinnati, from Dr. Billy James Hargis, a radio evangelist of Tulsa, from an editorial in the San Antonio "Light," and a pamphlet issued by the House Committee on Un-American Activities.

Actually this data appeared originally in the American Mercury, in an article signed by Dr. J. B. Matthews, a well-informed student of the American Communist problems, whose records on the subject are perhaps the most complete. At the moment that Dr. Matthews' article appeared in the American Mercury, he was to have been appointed in charge of research for the McCarthy committee. The article created such a furor that Matthews withdrew from the post. However, Matthews never properly defended himself. He could truthfully have said that a paragraph had been "edited" into his material which made it more sensational than it would have been had there been no editing.

An issue at stake in this controversy is the Revised Standard Version of the Bible. Be it remembered that the Bible was originally written in Hebrew, Aramaic and Greek. Each English version is a translation direct or indirect from these languages. The first English translation of the Bible from the Hebrew and the Greek was that of William Tyndale, who was burned at the stake in 1536 for doing it.

There have been a great many translations of and commentaries upon both the Old and New Testaments. One of the major difficulties about the King James version is that English is a changing language. Stuart English is not current English. Words have different meanings and different weights in a fluid language such as English is.

I recall once being pestered by a member of one of the sects that base themselves upon the Book of Daniel which they accept as final. This fellow insisted upon converting me to his point of view; I preferred my own wickedness. Finally, in arrogant anger, I told him to learn how to read Daniel in its original tongue and I shall discuss it with him. Of course, I was wrong. It is not essential for one to know every language but it is to be assumed that translations will be improved as scholarship is sharpened and it is also to be assumed that each era will translate works of significance into its own idiom.

When all of the Dead Sea Scrolls shall have become available, additional alterations in some texts may be made and scholars will quarrel about them for a century.

Whoever Homer H. Hyde is, he has not done the kind of work essential to prepare the minds of those in the Air Force to protect themselves from the fallacies of Marxian clergy.

[From the Washington Post, Mar. 18, 1960]

A MISHMASH

(By George E. Sokolsky)

I have carefully read "Air Reserve Center Training Manual—Student Text—Reserve Non-Commissioned Officer Course—Continental Air Command." The issue of this which I read appeared in a small paper "U.S.A." It is a mishmash of clippings and citations, truths, half digested material and tells the reader nothing of any very great significance.

The material deals with espionage and reaches this conclusion:

"Another rather foolish remark often heard is that Americans have a right to know what's going on. Most people realize the foolhardiness of such a suggestion. If a football team should start telling the other side the plays it planned to use, their opponents would sweep them off the field. It's the same in war—hot or cold; if we tell our secrets, we are likely to be beaten, and beaten badly."

Characteristic of the thinking that has gone into this pamphlet, this paragraph contains two separate ideas:

1. It is foolish for the American taxpayer to want to know how his money—with emphasis on the word, his—is being spent;

2. If the truth were known to the enemy, we should be beaten.

The conflict of ideas here is that the power of the budget, under our Constitution, rests in the House of Representatives as the place of origin for appropriations. Not a single item is secret.

What needs to be kept secret are strategic and tactical matters and they are sometimes made available to the enemy by military officers in speeches, articles and testimony before congressional committees.

It is not foolish for the taxpayer to ask questions. That is his civic duty.

Now we come to an unbelievable section of this manual. It is under a subhead, "Communism in Religion," but nothing in it refers to communism in religion. Obviously that is impossible because communism, or to use a more correct term, Marxism-Leninism, rejects religion, being atheistic, materialistic and pragmatic.

Somehow, the Revised Standard Version of the Bible is brought into this as a form of antireligious activity. The paragraph on this subject is short, condensed and nonsensical. After all, the Bible was not originally written in English. The King James Version, revised or original, is a translation from Hebrew, Aramaic and Greek, just as the Vulgate is, and can only be that.

Then there is a long discussion of the misbehavior of individual clergymen. Much of this data is taken from the various hearings of the House Committee on Un-American Activities, but it does not prove that Protestant Christianity should be discarded.

It is difficult to follow the logic of this and I wonder precisely what such a pamphlet would do to convince a young American that communism is evil. It concludes on this note:

"We believe in the dignity of man—of the right of every individual to choose his manner of living, worship, his occupation, in short, everything that he does, so long as the rights of other individuals are respected. In contrast, the Communists believe the state to be supreme—in individual lives, in family life, in morals, in religion, in government, and in the economics of making a living."

But the manual has nothing to do with this conclusion. In fact, it is a negation of the rights of a worker in religion to pursue his conscience.

RELIGIOUS FREEDOM

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. WOLF] and the gentleman from Pennsylvania [Mr. QUIGLEY] have 2 legislative days in which to extend their remarks at this point in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. WOLF] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. WOLF. Mr. Speaker, the first amendment to the U.S. Constitution provides that—

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

As you can see from this, one of the fundamental principles of the U.S. Government is freedom of religion, without interference of the State.

I would like to add a few comments on this issue of the manuals. Reserve personnel have access to the same news media that all other citizens have access to and are quite capable, I believe, of making up their own minds concerning the validity of any statement which they may hear from the pulpits of churches which they may attend.

I am sorry that the issue was ever raised and am proud to state that the leaders of the National Council of Churches that I have known have been fine exemplary men. I am glad that the Air Force Manual in question has been withdrawn.

At this point I would like to include the letter of the executive secretary of the Iowa Council of Churches, Mr. J. O. Nelson, a letter from James P. Gable, district superintendent of the North Iowa Conference of the Methodist Church, and a letter from the Reverend Thomas Applebee, of the Community Congregational Church, Manchester, Iowa:

IOWA COUNCIL OF CHURCHES,
Des Moines, Iowa, April 12, 1960.

Representative L. G. WOLF,
House of Representatives,
Washington, D.C.

DEAR MR. WOLF: My purpose in writing is to urge you to do all in your power to help keep the American pulpit a free pulpit and that the Government cease to print, publish, and distribute unvalidated material that reflects against the pulpit and the clergy. I refer more particularly to the recent Air Force manual in which statements occurred slandering the clergy by calling many of them Communists. To refresh your mind look at pages 15 to 20 of the student text, Air Reserve Center Training Manual, NR 45–0050, Incr. V, volume 7, "Reserve Noncommissioned Officers Course."

I have a profound sense of outrage at the inclusion in the above-mentioned manual of discredited and absurd attacks upon the American churches and religious institutions, and especially the National Council of Churches.

If this incident can lead us to a sound procedure of promoting free speech and free asembly in our country perhaps this type of un-Americanism (guilt by association), will come to an end. I sincerely hope and pray you will take the time to understand these matters and serve the people of Iowa making it possible for all pulpits to be free to preach liberty and truth for the truth shall make us free.

Very sincerely yours,

J. O. NELSON,
Executive Secretary.

NORTH IOWA CONFERENCE,
DUBUQUE DISTRICT,
THE METHODIST CHURCH,
Oelwein, Iowa, March 26, 1960.

Hon. LEONARD G. WOLF,
House Office Building,
Washington, D.C.

DEAR MR. WOLF: I just want to join my voice and pen with those of thousands of others in protesting the rank injustice of those ill-founded and entirely unsupported statements of that recently withdrawn Air Force manual which insisted that the American clergy, and the National Council of Churches especially, was infiltrated by communism.

We do not deny that some of the clergy may have been as faithless as have other scattered individuals in all other walks of life, both military and civilian, but I do protest the sweeping assertion, entirely without factual evidence and proof, of the manual to which I refer.

It is difficult to do much now to compensate for damage done, but we shall expect men like yourself to make it clear that, in the future, any and all who are guilty of such an offense must themselves be on trial.

With best wishes to you, I am,
Cordially yours,
JAMES P. GABLE.

COMMUNITY CONGREGATIONAL CHURCH,
Manchester, Iowa, March 31, 1960.

The Honorable LEONARD WOLF,
House of Representatives,
Washington, D.C.

DEAR MR. WOLF: I regret the malicious damage done by such groups as our Iowa DAR, the Air Force manual people, and others who slander all Christian churches when they allege that percentages of ministers in those churches which belong to the National Council of the Churches of Christ in America are disloyal or Communist sympathizers.

I think that the discerning public everywhere have long since come to recognize the kind of poison they put on their arrows and that the net result is not as great as some would imagine. Nonetheless, this irresponsible kind of criticism forces our churches to pay a heavy price of uncertainty about an issue, which at best merely clouds other issues.

If anyone seriously wishes to challenge the right of churches and churchmen to speak on public issues, he is certainly going against the great democratic traditions of our free country and denying the whole validity of our Judeo-Christian heritage.

Sincerely yours,
Rev. W. THOMAS APPLEBEE.

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. QUIGLEY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. QUIGLEY. Mr. Speaker, I am glad to participate in the excellent discussion of religious freedom in our country which is taking place on the floor of the House. For this reason, I would like to associate myself with them on a subject about which I feel very strongly. To begin with, I would like to introduce into the RECORD a recent letter from one of my constituents along the same lines as this debate:

I have personally been very much concerned in recent weeks in regard to the recent publication of the Air Force manual and the incident which received much public attention in regard to the innuendos and implications involved in the use of the various materials which have yet to be proven valid.

Such accusations of the church without absolute proof are indeed a negative contribution to our society and way of life, let alone to speak of the stabilizing force that the church has been from the outset of our country even to the present day.

I am concerned that there will be more investigation and information and consideration of these matters following the Easter holiday of our legislative group and I seek your integrity and moral fortitude in these matters, for this is indeed serious business in which we are engaged.

JOSEPH H. YEAKEL,
Pastor, Fifth Evangelical United Brethren Church.
YORK, PA.

I thank the Reverend Yeakel for his letter and I would like to observe that in my judgment he was being most moderate in his tone. For I might have called the now withdrawn Air Force manual a sordid, shameful and inexcusable abuse of Government power in the wrong direction at the wrong time and against the wrong enemy.

It is my prayer, Mr. Speaker, that the unhappy affair of the Air Force manual is now happily in the past. I suppose the best that one can really hope about going through an experience like this is that we will be a sadder but wiser Nation.

It is, I trust, no longer necessary to din into the Air Force the error of its manuals at this point; but it is perhaps necessary to speak to the men and women who have the same frame of mind as the author in the infamous paragraphs in the manual which labeled the National Council of Churches as "Communist associated."

That sort of thinking seems to me to show contempt for the institution of democracy itself. The target of such a mind is not just the National Council of Churches but thinking people of any sort. For the Christian, if he be a true Christian, must be free to question his government or anyone or anything that does not measure up to the standards of Christianity. If to question government or government action is communistic, then all of us in this Chamber must plead guilty to the charge. If deploring Pearl Harbor, which the Russian Government deplored, or deploring race riots which the Communists have deplored, or holding the same idea as a Communist on a particular subject is to be associated with Communists, then most of us, possibly all of us, might have to wear the label.

Events of the last few months have demonstrated that much as good Americans wish it were otherwise there are still juvenile delinquents among us capable of smearing swastikas on churches and synagogues, and that there are still adult delinquents among us capable of smearing the patriotism and loyalty of good churchmen and honest Americans. It does not cheer one to recognize these ugly facts but, I submit, it does no good to deny their existence or to refuse to admit that they do exist.

I particularly want to pay tribute to my colleague, the gentlewoman from Oregon [Mrs. GREEN] and the other Members who arranged and participated in the discussion of this important matter. It is my judgment that in the doing they have rendered a great public service. By what they said they have given public demonstration that there are Americans of every creed who clearly recognize and abhor the un-American smear technique inherent in the every word of Air Force Training Manual 45-0050. What is more, the words uttered in the well of the House of Representatives this week demonstrate that such Americans can and are elected to the Congress of the United States and that they come from the four corners of our country and wear the label of both major political parties. As long as this is so we have every reason to hope that America will not be destroyed in the name of Americanism.

Americanism is many things but certainly at its very core it is and always must be freedom. No American can sacrifice any of his freedom without America being less of what it should be. Certainly members of the clergy are no less free Americans than, say, Members of Congress. They have the right, in fact, they have the duty, to speak out on the economic, social, and political issues of our country when those issues involve moral questions. If they fail to do so, they would be something less than good clergymen and, at the same time, something less than the best Americans.

These are days when in another connection there has been much debate about the separation of church and state. This, of course, is the sound fundamental constitutional doctrine upon which this Nation was built and, I pray, it shall always rest. But just as we, as Americans, have a strong belief in the necessity of a separation of the church from the state we, as people, have had an equally strong belief in the importance of the church, the necessity of religion and the essential need for sound moral training in our children and ethical conduct on the part of all citizens in and out of government. It would be a sad day indeed if America ever reached the point where the church and the state were not in fact separated. It would be an even sadder one should we ever reach the point where the actions of the state were completely divorced from moral and religious considerations.

Whether they realize it or not, those people in and out of the Air Force, in or out of the Congress, who would say or write or do anything which would have the effect of intimidating members of the clergy of any church expressing their views on what they believe to be the true application of the moral law to the social issues of our age are indeed hurting and harming America as much or more than any dedicated Communist could ever hope to do.

Mr. Speaker, I suggest that in the true spirit of the Easter season we can and should forgive them because surely they know not what they do.

JOINT ATOMIC COMMITTEE SCIENTIFIC HEARINGS ON TEST BAN VIOLATION DETECTION

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOSMER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HOSMER. Mr. Speaker, the Joint Committee on Atomic Energy today commenced scientific hearings on matters relating to detection and inspection on possible violations of a proposed nuclear test ban treaty.

I fully agree that the purpose of these hearings is not to examine the wisdom or unwisdom of such a treaty.

But I do believe that this body and the public is entitled to an explanation of why these hearings should be necessary at all.

Bluntly put, the reason is that the Soviet Union cannot be trusted to keep its word. The matter was more diplomatically referred to by President Eisenhower in his 1959 state of the Union message by saying:

> We have learned the bitter lesson that international agreements * * * are regarded in Communist doctrine and in practice to be mere scraps of paper * * * as a consequence, we can have no confidence in any treaty to which the Communists are a party except where such a treaty provides within itself for self-enforcing mechanisms.

This is not to say that the Soviet Union is the only country that ever broke a treaty which no longer served its current purposes. But it is to say that it is the only country that has done it lately. It is the only country that in its 41-year history has signed over 2,000 agreements with non-Communists governments, the only one of which remain unviolated are those to which the expediency of breaking has not yet appeared to the Soviets.

That is the reason the Joint Committee is carefully and fully investigating detection machinery devised to discover cheating on a nuclear test ban treaty.

That is why it is also evaluating inspection machinery to check on this kind of cheating.

That is why we hear talk of self-enforcing mechanism being written into treaty provisions to prevent cheating.

I wish to make it clear that the United States can be relied upon to keep its word. It always has throughout our history. Implicit in the Soviets downgrading of inspection and detection procedures is an admission that there is no question but that the United States keeps its international obligations.

These hearings to examine machinery to detect cheating are being held simply because Communist diplomatic perfidy is a regrettable fact of international life that cannot safely be ignored.

As a consequence, international agreements and treaties are not available today as a means toward peace and relaxation of tensions unless the U.S.S.R. is willing for the first time to sign a paper which enforces upon it, as equally as it does upon others, a rule of peaceful conduct.

If these hearings are to have significance at all, they must be taken as evidencing determination that the "sign now and pay later" treaty days with the Kremlin are over. Detection/inspection machinery is one element important to stopping the use of treaty violation as an artful tool for advancement of Communist aggression. We want law and order in the relationships between the nations of the world. I believe that by insisting on adequate detection/inspection machinery we challenge the Communist leadership to put its name on a piece of paper that really binds the Soviet Union to relax tensions—or, by its refusal, pins upon itself the responsibility for inflaming them.

CARLTON CADETTES VISIT WASHINGTON

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. THOMAS] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. THOMAS. Mr. Speaker, I am happy to have as my guests today in the Capitol the Carlton Cadettes from Jefferson Davis High School in Houston.

These beautiful young ladies are the finest example of American high school students. They are all leaders and their character is of the very highest. They reflect great credit on their parents, their school and their community.

I am delighted to have them with us today in the Capitol.

Sponsors: Miss Frances Newton and Miss Leta Faye Arnold.

Bus driver: Mr. Joe Heatherington.

Seniors on trip:

Linda Banks, 409 Milwaukee—Mr. J. R. Banks.

Melanie Beer, 401 Gale—Mr. J. G. Beer.

Judy Bridges, 503 Moody—Mr. J. W. Bridges.

Brenda Christensen, 4412 Beggs—Mr. P. C. Christensen.

Leola Cox, 212 Graceland—Mr. A. L. Cox.

Marsha Cox, 701 Joyce—Mr. C. C. Cox.

Wanda Davis, 211 Fairbanks—Mr. E. B. Davis.

Linda Dawson, 1000 Sue—Mr. C. O. Dawson.

Deanna Dupree, 911 Woodard—Mr. R. B. Dupree.

Loretta Ebelt, 3710 Moore—Mr. F. J. Ebelt.

Linda Fox, 139 Theron—Mr. W. D. Fox.

Shirley Gates, 809 Joyce—Mr. J. E. Gates.

Judy Green, 6105 Helmers—Mr. J. E. Green.

June Greenstein, 512 Sue—Mr. D. W. Greenstein.

Eloise Hernandez, 2814 Elysian—Mr. J. Hernandez.

Geraldine James, 7222 Jay—Mr. G. W. James.

Noel Joseph, 909 Canadian—Mr. K. R. Joseph.

Dorothy Kaspar, 910 Woodard—Mr. A. O. Kaspar.

Kathleen Koska, 3903 Kennon—Mr. R. A. Koska.

Linda Larkan, 7209 Carothers—Mr. R. E. Larkan.

Carolyn Mathes, 6918 South Hall—Mr. W. B. Goettee.

Barbara McGinnis, 2019 Marion—Mr. Robt. Spence.

Lou Ann Phillips, 904 Fairbanks—Mr. T. O. Phillips.

Gloria Saragosa, 8201 Kellet—Mr. F. Saragosa.

Hortencia Sauseda, 3720 Rupert—Mr. Y. D. Sauseda.

Barbara Sharp, 2410 Melbourne—Mr. W. C. Sharp.

Charline Stevenson, 3401 Robertson—Mr. E. K. Stevenson.

Alice Stone, 7221 Carothers—Mr. J. N. Stone.

Sandra Strickland, 7412 Banyan—Mr. V. V. Strickland.

Theresa Trevenio, 4014 Denmark—Mr. Ross Trevenio.

Lynne Whitehurst, 916 Woodard—Mr. N. H. Whitehurst.

MSTS CONTRIBUTES MUCH TO OPERATION BIG SLAM

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. SHELLEY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. SHELLEY. Mr. Speaker, I note with great interest that both the military press and the daily newspapers of this country devoted much space to the recently concluded Operation Big Slam-Puerto Pine. This greatest airlift in peacetime history, which involved some 20,000 men and their equipment, was greeted by mixed reactions in the press. But it was fairly unanimously agreed that the operation was spectacular, if not completely effective.

My purpose in extending my remarks in the RECORD is not to evaluate the airlift per se, but to remind the Members of the Congress that the Navy's Military Sea Transportation Service played a major but virtually unsung role in Operation Big Slam/Puerto Pine.

Before the first U.S.-based Air Force plane landed in Puerto Rico, two MSTS tankers were waiting with 6,930,000 gallons of aviation gasoline to fuel the aircraft for the flights back home. The Tanker Division of MSTS here in Washington, under Capt. R. J. Lavery, U.S. Navy, had juggled schedules for 2½ months to assure that this lift of gasoline would be where it was needed and at the right time.

The two tankers were the USNS *Tallulah* and the USNS *Tonti*, both of

which were manned by skilled civilian merchant mariners from the National Maritime Union. The *Tallulah* is operated for MSTS by Joshua Hendy, Inc., of Los Angeles. The *Tonti* is operated by Marine Transport Lines, of New York.

It is too bad that, more often than not, especially during a razzle-dazzle operation like Big Slam/Puerto Pine, the support forces, to whom credit is really due, almost invariably get lost in the shuffle.

The MSTS global tanker operation, which supplies the military requirements for petroleum throughout the world, certainly rates a pat on the back. No matter how fast and far airplanes can fly, they still must rely on the surface ships for support and the gasoline to get them home again.

This particular incident is only further proof of the fact that we have not yet arrived at the point where we can abandon surface sea transport by ship as a support for military movement. Instead of neglecting and abandoning the U.S. Merchant Marine the dreamers and space planners should be thinking of how to improve and strengthen it.

BLOODSHED IN SOUTH KOREA: RHEE REGIME A BITTER DISAPPOINTMENT TO AMERICA

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. UDALL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. UDALL. Mr. Speaker, events today confirm my earlier charges that the March election in South Korea was won through strong-arm methods.

The wanton police killings in South Korea today must come as a shock to all Americans who have regarded President Syngman Rhee as a stalwart leader of democracy in Asia. In the past decade we have unstintingly committed our blood and treasure to preserve freedom in South Korea. I believe most Americans have a sense of bitter disappointment now that they are confronted with the fact that the police state methods of the Rhee regime are hardly distinguishable from those of the Communist dictatorships. Ambassador McConnaghy's protest today was both weak and belated. In light of the deep unrest of the Korean people and the murderous conduct of Rhee's police, surely President Eisenhower should cancel his June stopover in South Korea and order a complete review of America's relations with the Rhee government.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BONNER (at the request of Mr. TRIMBLE), for today, April 19, on account of official business.

Mr. THOMPSON of New Jersey (at the request of Mr. MILLS), for today, April 19, on account of official business.

Mr. FOUNTAIN (at the request of Mr. TRIMBLE), for today, April 19, on account of official business.

Mr. WHITENER (at the request of Mr. TRIMBLE), for today, April 19, on account of official business.

Mr. SCOTT (at the request of Mr. TRIMBLE), for today, April 19, on account of official business.

Mr. ALEXANDER (at the request of Mr. TRIMBLE), for today, April 19, on account of official business.

Mr. KITCHIN (at the request of Mr. TRIMBLE), for today, April 19, on account of official business.

Mr. ROONEY (at the request of Mr. DELANEY), for Tuesday and Wednesday, April 19 and 20, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MACHROWICZ, for 30 minutes, on Thursday next.

Mr. WALTER, for 30 minutes, on Thursday next.

Mr. MOELLER (at the request of Mrs. GREEN of Oregon), for 30 minutes, on tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ALGER.

Mr. JONAS, in connection with his remarks in consideration of H.R. 11766 today and to include certain extracts from the hearings.

Mr. REUSS and to include extraneous matter.

Mr. BOW, to include a chart of appropriations in the remarks he made in Committee on the Whole today.

(At the request of Mr. SCHWENGEL, and to include extraneous matter, the following:)

Mr. NELSEN.

Mr. AYRES.

Mr. KEARNS.

Mr. DERWINSKI.

(At the request of Mrs. GREEN of Oregon, and to include extraneous matter, the following:)

Mr. MULTER in two instances.

Mr. RODINO.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9307. An act to continue for 2 years the suspension of duty on certain alumina and bauxite, and to extend until July 16, 1960, the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory.

H.R. 9331. An act to extend and increase the authorized maximum expenditure for the special milk program for children.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 7359. An act to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the Colorado River Commission of Nevada acting for the State of Nevada.

ADJOURNMENT

Mrs. GREEN of Oregon. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 20, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2067. A letter from the Chairman, National Advisory Council on International Monetary and Financial Problems, transmitting a report on the activities of the National Advisory Council on International Monetary and Financial Problems for the period January 1 through June 30, 1959, pursuant to section 4(b)(5) of the Bretton Woods Agreements Act (H. Doc. No. 380); to the Committee on Banking and Currency, and ordered to be printed.

2068. A letter from the Assistant Secretary of the Interior transmitting a draft of proposed legislation entitled "A bill to authorize and direct the transfer of certain Federal property to the Government of American Samoa"; to the Committee on Armed Services.

2069. A letter from the Comptroller General of the United States transmitting a report on his review of the negotiation and administration of two contracts dated May 13, 1955, and March 27, 1959, financed by the International Cooperation Administration (ICA), Department of State, under the mutual security program, for the construction of a fertilizer plant in Korea and related operating and training services; to the Committee on Government Operations.

2070. A letter from the Chairman, Federal Communications Commission, transmitting relative to submitting proposed amendments which would amend the Communications Act; to the Committee on Interstate and Foreign Commerce.

2071. A letter from the Acting Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation entitled "A bill to amend the Atomic Energy Act of 1954, as amended, and the Euratom Cooperation Act of 1958, in several particulars;" to the Joint Committee on Atomic Energy.

2072. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to amend section 216(b) of the Merchant Marine Act of 1936, as amended, to permit the appointment of U.S. nationals to the Merchant Marine Academy"; to the Committee on Merchant Marine and Fisheries.

2073. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

2074. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in certain cases of aliens who have been found admissible to the United States, pursuant to the Immigration and Nationality Act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on Disposition of Executive Papers. Report pursuant to 63 Stat. 377; without amendment (Rept. No. 1521). Ordered to be printed.

Mr. COOLEY: Committee on Agriculture. H.R. 9818. A bill to provide for the conveyance of certain real property of the United States to the State of Florida; with an amendment (Rept. No. 1522). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. H.R. 8740. A bill to provide for the leasing of oil and gas interests in certain lands owned by the United States in the State of Texas; without amendment (Rept. No. 1523). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. H. Res. 503. Resolution providing for concurrence in the Senate amendments to the bill H.R. 8601, to enforce constitutional rights, and for other purposes; without amendment (Rept. No. 1524). Referred to the House Calendar.

Mr. DURHAM: Joint Committee on Atomic Energy. H.R. 11713. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; without amendment (Rept. No. 1525). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Fourteenth report of the Committee on Government Operations pertaining to the Development Loan Fund; without amendment (Rept. No. 1526). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Montana:

H.R. 11797. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. BARRY:

H.R. 11798. A bill to establish in the General Services Administration an office to disseminate general information concerning the organization of the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. BROCK:

H.R. 11799. A bill to provide a new farm program for certain agricultural commodities, and for other purposes; to the Committee on Agriculture.

By Mr. CARNAHAN:

H.R. 11800. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. FULTON:

H.R. 11801. A bill to amend the act of July 27, 1956, with respect to the detention of mail for temporary periods in the public interest, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11802. A bill to repeal the provisions of the Railroad Retirement Act which reduce the annuities of the spouses of retired employees, and the survivors of deceased employees, by the amount of certain monthly benefits payable under the Social Security Act; to the Committee on Interstate and Foreign Commerce.

H.R. 11803. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. HAGEN:

H.R. 11804. A bill to amend section 481(b)(4)(C) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 11805. A bill to amend the Federal Trade Commission Act to provide for the issuance of temporary cease and desist orders to prevent certain acts and practices pending completion of Federal Trade Commission proceedings; to the Committee on Interstate and Foreign Commerce.

H.R. 11806. A bill to amend the Federal Trade Commission Act to strengthen independent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON:

H.R. 11807. A bill to authorize the exchange of certain property within Shenandoah National Park in the State of Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

H.R. 11808. A bill to promote the foreign relations of the United States by providing for the establishment of a Center for Cultural and Technical Interchange Between East and West in Hawaii; to the Committee on Foreign Affairs.

By Mr. KILDAY:

H.R. 11809. A bill to amend section 3287(a) of title 10, United States Code; to the Committee on Armed Services.

H.R. 11810. A bill to amend section 303(a) of the Career Compensation Act of 1949 by increasing per diem rates and to provide reimbursement under certain circumstances for actual expenses incident to travel; to the Committee on Armed Services.

H.R. 11811. A bill to provide uniformity in certain conditions of entitlement to reenlistment bonuses under the Career Compensation Act of 1949, and for other purposes; to the Committee on Armed Services.

H.R. 11812. A bill to provide uniform computation of retired pay for enlisted members retired prior to June 1, 1958, under section 4 of the Armed Forces Voluntary Recruitment Act of 1945, as amended by section 6(a) of the act of August 10, 1946 (60 Stat. 995); to the Committee on Armed Services.

By Mr. LAIRD:

H.R. 11813. A bill to amend the Menominee Termination Act; to the Committee on Interior and Insular Affairs.

By Mr. GEORGE P. MILLER:

H.R. 11814. A bill to further amend the shipping laws to prohibit operation in the coastwise trade of a rebuilt vessel unless the entire rebuilding is effected within the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MOELLER:

H.R. 11815. A bill to provide for the acquisition or construction of a building to be used as a residence for pages of the Senate and of the House of Representatives for a Capitol Pages' Residence Board, and for other purposes; to the Committee on House Administration.

By Mr. MOULDER:

H.R. 11816. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. NELSEN:

H.R. 11817. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. SISK:

H.R. 11818. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. BRADEMAS (by request):

H.R. 11819. A bill to amend an act to provide for the entry of certain relatives of U.S. citizens and lawfully resident aliens; to the Committee on the Judiciary.

By Mr. GLENN:

H.R. 11820. A bill to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay; to the Committee on Interstate and Foreign Commerce.

By Mr. HORAN:

H.R. 11821. A bill to amend the act of September 16, 1959 (73 Stat. 561), with respect to the construction, operation, and maintenance of the Spokane Valley project, Washington, under the Federal reclamation laws; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 11822. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. WIDNALL:

H.R. 11823. A bill to promote the foreign relations of the United States by providing for the establishment of a Center for Cultural and Technical Interchange Between East and West in Hawaii; to the Committee on Foreign Affairs.

By Mr. DURHAM:

H.R. 11824. A bill to amend title 10, United States Code, to exempt certain contracts with foreign contractors from the requirement for an examination-of-records clause; to the Committee on Armed Services.

By Mr. HOLLAND:

H. Res. 505. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the Federal Power Commission; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. FORAND: Memorial of the Rhode Island General Assembly requesting the chairman and members of the Ways and Means Committee of the U.S. House of Representatives to give favorable consideration to granting an additional $600 exemption to all persons who file Federal income tax returns upon reaching their 70th birthday; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislature of the State of California memorializing the President and the Congress of the United States relative to participation by the State of California in Federal water projects; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LANE:

H.R. 11825. A bill for the relief of Francis X. Foley; to the Committee on the Judiciary.

H.R. 11826. A bill for the relief of Loren W. Willis; to the Committee on the Judiciary.

H.R. 11827. A bill for the relief of Maj. Howard L. Clark; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 11828. A bill for the relief of Joseph S. Yedid; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 11829. A bill for the relief of Hisoe Iwata; to the Committee on the Judiciary.

By Mr. THOMSON of Wyoming:

H.R. 11830. A bill for the relief of Jean Goedicke; to the Committee on the Judiciary.

By Mr. WILSON:

H.R. 11831. A bill for the relief of Arlie T. Sinks; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

423. By Mr. BARR: Petition of members of United Papermakers & Paperworkers Local No. 31 of the State of Indiana, District No. 11, for passage of Forand bill, H.R. 4700; to the Committee on Ways and Means.

424. Also, petition of members of United Papermakers & Paperworkers Local No. 1047 of District No. 11, State of Indiana, requesting passage of Forand bill, H.R. 4700; to the Committee on Ways and Means.

425. By Mr. MARTIN: Petition of Irene Machado and sundry residents of Fall River, Mass., urging enactment of amendments to the Fair Labor Standards Act; to the Committee on Education and Labor.

426. Also, petition of Henry Longobardi and sundry residents of the 14th Congressional District of Massachusetts urging amendments to the Fair Labor Standards Act; to the Committee on Education and Labor.

427. By Mr. WESTLAND: Petition from Mr. Lester J. Lancaster, president of the Clallam-Jefferson Cattlemen's Association, Sequim, Wash., recommending the 86th Congress pass legislation to revise the laws covering the importation of foreign livestock and meat products; to the Committee on Ways and Means.

428. By the SPEAKER: Petition of city clerk, Worcester, Mass., petitioning consideration of resolution of Worcester City Council requesting passage of legislation known as the Forand bill; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Electronics in the Field of Rehabilitation

EXTENSION OF REMARKS
OF
HON. CARROLL D. KEARNS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 19, 1960

Mr. KEARNS. Mr. Speaker, I believe it will be of interest to every Member of Congress, especially to my colleagues from the Commonwealth of Pennsylvania, to learn of a pilot project, which in this age of automatons, has geared for the first time electronics into the field of rehabilitation. The Remington Rand division of the Sperry Rand Corp., the department of property and supplies, and the Department of Justice of the State of Pennsylvania, are cooperatively offering a course for the training of Univac programers to a selected group of 20 youthful prisoners in the State correctional institution at Camp Hill, Pa. Remington Rand is providing, without cost, instructors, manuals, laboratory facilities, and textbooks.

The significant aspect of this development, in view of increasing problems of crime and delinquency, is the demonstration that our system of individual enterprise can do something constructive about it. In this respect I heartily recommend that our industries, corporations, businesses, and union authorities, explore the possibilities, through training and employment, of bringing out the constructive capabilities of the youthful offender.

The officials of the respective organizations are to be congratulated on their dynamic progress in the area of treatment.

Giovanni Da Verrazzano Day

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 19, 1960

Mr. MULTER. Mr. Speaker, Verrazzano was a famous Italian navigator and explorer early in the 16th century. He is remembered and honored for many of his discoveries and exploits. On April 17, we honor his memory with the 436th anniversary celebration of his discovery of New York Bay.

This adventurous son of Italy was born in a village near Florence in about 1485. As the son of a family famous as spice merchants, Verrazzano sailed to many lands and lived in some of them. In 1521 he entered the services of the king of France, and as a French corsair became a veritable terror to Spanish sailors carrying consignments of gold from the West Indies and Mexico to Spain. Two years later the king gave his permission to find a new route to Cathay, China. Late in December of 1523 Verrazzano set sail in search of a new route to Cathay, but by early March of 1524 he was in sight of South Carolina shores. Then sailing north, in mid-April he and his companions were in the vicinity of New York, in sight of the New York Bay. This discovery by Verrazzano climaxed his career, and a few years later he died.

On April 17, the 436th anniversary celebration of his discovery of the New York Bay, on this Verrazzano Day, we honor the memory of this great and gifted explorer.

Electronic Warfare

EXTENSION OF REMARKS
OF
HON. WILLIAM H. AYRES
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 19, 1960

Mr. AYRES. Mr. Speaker, I direct your attention to a special report on electronic warfare appearing in the current

issue of Space/Aeronautics, a Conover-Mast publication.

In any war of today or tomorrow electronics will play the prime role as a data gatherer—radar, infrared, optics—and for control and communications. Any side that has the capability of depriving the other of the use of all or part of the electromagnetic spectrum will have the top hand in modern warfare.

This is why electronic countermeasures is so important, this is why it has been a closely guarded secret and has been the least written about phase of all electronics. The ECM—electronic countermeasures—goal is to deprive the enemy of the use of the electromagnetic spectrum, hence to deprive him of the use of his radars, infrared equipment, radio control and communications and his optical viewers, such as cameras.

It can take two major forms: confusion and deception.

In confusion you saturate his electronics with noise, or send several false targets along with the true target.

In deception you give him false information but make him think it is true information.

Countermeasures dates back to the days of the Trojan Horse. The battle of countermeasures and counter-countermeasures is analogous to a game of chess but the stakes are high—human lives and the fate of nations.

In the April issue of Space/Aeronautics the editors have made a complete report on the state of the art at this moment, to the extent that security permits.

Giovanni Verrazzano

EXTENSION OF REMARKS
OF
HON. PETER W. RODINO, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 19, 1960

Mr. RODINO. Mr. Speaker, April 17 is a day of importance for all Americans, for on this day we honor Giovanni Verrazzano, the courageous explorer of the American Continent. Verrazzano Day has a grand significance, which only recently has begun to receive the recognition it deserves.

It was Giovanni Verrazzano who, in 1522, convinced Francis I of France that he should make an expedition to America. By 1524 he succeeded in landing on the coast of North America, possibly off the coast of what is now North Carolina; from there he traveled to Newfoundland, discovering en route the Hudson River and Manhattan Island. Verrazzano returned to France the same year and the account of his discoveries is the first description of the northeast coast of North America.

For some reason these glorious exploits remained in comparative obscurity until very recently. Today, however, the tide has been turned. Largely due to the dedicated efforts of such groups as the Italian Historical Society of America and the newspaper Il Progresso Italo-Americano we are beginning to recognize Giovanni Verrazzano's magnificent achievement. On April 17, 1958, for example, Governor Harriman, of New York, calling Verrazzano the first European to step foot on our New York shores, issued a proclamation hailing the Florentine navigator for having sailed into New York Harbor on April 17, 1524. And in the New York State Museum a plaque formally honoring Verrazzano was formally installed in the Hall of History.

Indeed, as recently as March 9, 1960, a bill to name the proposed bridge between Brooklyn and Staten Island in Verrazzano's honor was signed into law by the present Governor of New York.

The honor accorded Giovanni Verrazzano is a symbol, not only of the greatness of this explorer, but of all the Italian explorers to whose daring and courage America owes so much. On April 17 we salute Giovanni Verrazzano, one of the first of these great sailors, and we pay tribute to his great and glorious voyage.

Representative Clement J. Zablocki Writes With Insight About the United Nations

EXTENSION OF REMARKS
OF
HON. HENRY S. REUSS
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 19, 1960

Mr. REUSS. Mr. Speaker, the dean of the Wisconsin Democratic delegation in the Congress, the Honorable CLEMENT J. ZABLOCKI, of Milwaukee, served with distinction in 1959 as U.S. representative to the 14th General Assembly of the United Nations.

The people of his Fourth Congressional District, the people of Wisconsin, and his colleagues in the Congress have long recognized CLEM ZABLOCKI as one of our outstanding, hard-working legislators. As the third-ranking majority member of the Committee on Foreign Affairs, chairman of the Subcommittee on the Far East and the Pacific, and as a member with broad legislative interests and experience, CLEM ZABLOCKI is always on the job and always does a commendable job. His work at the United Nations was no exception.

CLEM ZABLOCKI has written an article, "The U.N. and Us," which appears in the May 1960 issue of Eagle magazine. In it he gives us a penetrating inside view of the U.N.—its organization, its inner conflicts, its accomplishments, its goals.

The concluding sentences of CLEM ZABLOCKI's article are, I believe, worth special emphasis because they truly assess this still-youthful international organization upon which the hopes of so many of the world's people depend. Mr. ZABLOCKI writes:

The United Nations is far from perfect—but, by the same token, it has done a better job with the tools at its disposal than most critics will admit. In a world divided by communism, and experiencing the resurgence of nationalism and an unparalleled drive for independence, the United Nations has tried to transcend political boundaries and to promote the attainment of objectives dear to all men of good will: peace with justice and a better life for those masses who exist in the midst of poverty, disease, and ignorance. Its record needs no apology.

Mr. Speaker, I submit for the RECORD the entire article referred to:

THE U.N. AND US

(By CLEMENT J. ZABLOCKI, U.S. Representative, Fourth Congressional District, Wisconsin)

When Acting Secretary of State Douglas Dillon called to ask me to serve as U.S. representative to the 14th session of the United Nations General Assembly, I must admit I greeted the invitation with mixed emotions.

I was looking forward to enjoying the fall with my family in Wisconsin and did not relish spending 3 months in New York after Congress adjourned. At the same time I was honored to have been selected for this special assignment. It would give me an opportunity to learn more about the operations of the United Nations. For this reason I accepted.

On September 15, the day on which the 1st session of the 86th Congress ended after an all-night meeting, I headed for New York and the United Nations, a controversial organization to say the least.

Over the years, I came in contact with some people who looked upon the U.N. with grave suspicion—even with disdain. Others, however, spoke highly about the constructive work of the U.N. and of its specialized agencies.

Between these conflicting opinions some facts spoke for themselves. U.N. membership has continued to grow and the area of its activities has expanded. The aspirations of the newly independent and the underdeveloped nations have centered upon it. In an uncertain and strife-torn world, the U.N. has enjoyed growing prestige and has gained many supporters who see in it the hope of mankind.

Upon arrival in New York I was briefed on the nature of my duties, assigned an office and issued a stack of "position papers," outlining our Government's stand on issues before the United Nations.

My work day started early each morning. I answered mail, studied position papers, reviewed instructions from the State Department and dispatches from U.S. diplomatic posts abroad, worked on drafts of speeches, and conferred with my advisers. Two or three times a week, the entire delegation would meet with Ambassador Lodge to discuss issues being debated in the General Assembly, to review U.S. policy, and to recommend changes.

Meetings of my committee and the plenary session of the General Assembly began at 10:30 a.m. and generally continued until 6 p.m. Occasionally, evening and Saturday sessions were thrown in for good measure.

Organizationwise, the United Nations is composed of six principal organs: the Security Council, the Economic and Social Council, the Trusteeship Council, the General Assembly, the Secretariat, and the International Court of Justice.

The three councils have limited membership (11, 18, and 14, respectively), meet

throughout the year, and have primary jurisdiction over their fields. The United States has a permanent representative serving in each council.

The United Nations Secretariat occupies the largest of the three major buildings at U.N. headquarters in New York. Its personnel has been recruited from among the nations of 83 member states. This permanent staff of the United Nations organization works under the direction of the Secretary General, elected by the General Assembly upon the recommendations of the Security Council. The current Secretary General is Dag Hammarskjold of Sweden.

The General Assembly is the only organ in which all 82 member states of the U.N. are represented. Every member state is allowed to have up to five representatives in the General Assembly and as many alternates as desired, but casts only one vote. The U.S. delegation is composed of five delegates and five alternates. Each member acts as an instructed delegate, carrying out policies of the President of the United States without reference to personal convictions.

The General Assembly usually meets once a year, from mid-September to mid-December. It reviews the operations of the three councils, the work of the Secretariat and the International Court, and the activities of the specialized agencies of the U.N. Further, it approves the U.N. budget and allocates its cost among member states. However the General Assembly lacks one important power possessed by other legislatures: it cannot compel compliance with its resolutions. It can only suggest, advise, urge, and call for.

At the beginning of each session, the General Assembly adopts its agenda and assigns the various items to the six regular committees and one special political committee. Each committee deals with a specific field as follows: the first committee, political and security matters; second, economic and financial matters; third, social, humanitarian, and cultural matters; fourth, trusteeship matters; fifth, administrative and budgetary matters; and sixth, legal matters. All 82 member states of the United Nations are represented in each of the seven committees.

After an issue has been decided by a committee, the committee's recommendations, embodied in a draft resolution, are voted upon by the General Assembly convened in a plenary session. Since every member state is represented in each committee, as well as in the plenary, the votes in the plenary tend to follow the vote pattern established in the committee.

I was assigned to represent the United States in the fourth committee, which handled trusteeship matters. I soon discovered the committee was divided into two camps—the so-called colonial powers on the one hand, and the anticolonial forces on the other. In the emotionally charged atmosphere which accompanied the discussion of virtually every issue considered by the committee, there was often complete absence of any middle ground—at least in the eyes of representatives of many of the newly independent nations who fought actively for their point of view and seemed to live by the rule: "If you're not with us, you're agin' us."

The work of the fourth committee sharply affects approximately 100 million people who live in 9 trust territories and 48 non-self-governing territories—most of them in Africa. The committee's agenda and discussions revolve around one of the most distinctive trends of our age: the explosive drive toward independence and economic development in the underdeveloped countries of the world. The protagonists are the impassioned spokesmen for the dependent peoples and for the newly independent nations, craftily supported, for selfish ends, by the Communist bloc. The frequently unwilling antagonists are former colonial powers and their allies.

For its first order of business, the committee faced the complicated task of working out the arrangements and conditions for a plebiscite in the Cameroons under British administration. In effect, the committee's decision would determine the future of the people of the Cameroons—when, and how, and under what conditions they would attain full self-government. For its second item, the committee took up the question of South-West Africa—with its attendant issues of apartheid, repression of the natives by the Government of the Union of South Africa. A review of social, educational, eco- Union to acknowledge United Nations supervision and responsibility for the welfare of the people of the territory of South-West Africa. A review of social, education, economic, and even political developments in all the trust territories, and in the non-self-governing territories followed. For its last item, the committee turned to the troublesome, long-standing frontier dispute between Somaliland and Ethiopia.

Most of the work of the fourth committee centered on developments and conditions of Africa. To many of us in the United States, Africa is a distant land of deserts and tropical forests, of big-game hunters, primitive native tribes, violence and terrorism, strange cults, and mystery.

All of these things do exist in Africa—but there is far more to Africa than this. Africa today is experiencing a tremendous transformation—what some observers have called the "freedom explosion." From the coast of Tripoli to Capetown, from the Atlantic to the Indian Ocean, a single drive seems to permeate the thoughts and actions of the African peoples: the drive for national identity and independence. In this drive, the nationalist forces are rapidly ridding the continent of the trappings of the old colonial systems.

Today Africa is represented in the United Nations by nine independent states. Within the next decade, 25 more may join the ranks of sovereign African nations. This trend, under the "one nation, one vote" rule, promises to give Africa an important voice in the affairs of the United Nations.

Further, it is in Africa that the contest between communism and democracy has reached a decisive stage. Communist effort to fill the vacuum created by the withdrawal of the Western European powers poses one of the grave threats to future peace and security. These are the reasons why, to many observers, Africa has become the emerging continent which may play a determining role in the outcome of the struggle between communism and freedom.

It is interesting to note some of the characteristics of the men and women who represent the free nations of Africa and many other newly independent states in the United Nations. A large number have been educated in the colleges and universities of Europe and of America. Most are dedicated articulate leaders of the nationalistic independence movements in their homelands. They are, by and large, sensitive and proud people, extremely anticolonial. Many can cite the writings of our own Founding Fathers, the philosophy of Lincoln, Woodrow Wilson's principle of self-determination, and Roosevelt's Atlantic Charter in support of their convictions. Some show strong dedication to the forms of Western democracy—without possibly fully understanding their inner meaning, evolution, and shortcomings. In matters of national independence and economic development, they often tend to rush headlong, without having made sure that the people they represent can walk.

What is of concern to all of us is that, in their compulsion to drive out the influence of Western colonial powers, some of these men and women appear oblivious to the dangers inherent in the new colonialism and imperialism of the Communist system. On the negative side, I must also mention some other contradictions. Struggling in the name of democracy, some adopt methods devised by totalitarian systems. Bitterly resenting what they condemn as the "white man's discrimination," they are not above discriminating themselves—not only against whites, but also against other indigenous groups. Bristling against intolerance, they are often impatient—even intolerant—of policies and considerations which do not conform to their plans and expectations.

In short, they are neither angels nor demons—but humans, with many of the virtues, and some of the shortcomings, of the average human being.

This fact was pointed up in an amusing incident that occurred in the fourth committee.

Returning to the conference room for an afternoon session, members of the fourth committee were taken aback by an outburst from the delegate from one of the newly independent nations. His chair was missing, and the delegate was outraged. He had been insulted and discriminated against. He and his country had been humiliated, he asserted, and he insisted on a public apology.

It turned out that, while holding a lunch-hour conference in the committee room, a few of the delegates moved some of the chairs around—and failed to return the chair of the complaining delegate to its proper place. Most people would have made no fuss about it. Yet this particular delegate stopped the meeting and insisted on a public apology, feeling that his pride and his country's honor were at stake.

I could not attempt to summarize the multitude of problems considered by the 14th General Assembly. They ranged from the preparation of a declaration on the rights of the child, to the condemnation of Communist violation of human rights in Hungary and Tibet, and the refusal to admit Red China to the U.N.; from the adoption of principles regarding primary education in the wild reaches of Africa, to proposals regarding the establishment of a common market for Latin America, agrarian reform, and far-reaching programs of technical assistance to the underdeveloped countries; from discussions about the improvement of the International School at the U.N. headquarters to the investigation of border violations in Laos, continuation of the U.N. Emergency Force in the Near East, and provision of relief and rehabilitation of refugees.

Unfortunately, many newspapers, in reporting U.N. affairs, tend, to turn a phrase, "to accentuate the negative, and eliminate the positive." Certainly much has been written about the failure of the U.N. to cope with Communist subjugation of the peoples of Eastern Europe, and to establish the reign of peace and justice in the world. By the same token, I wonder to what extent the average newspaper reader is acquainted with the constructive work being done by the U.N.

All too often, the United Nations is blamed for the shortcomings of its individual members. The one-sided critics of the U.N. should realize that any organization is only as good as its members—and that this principle applies especially to such a voluntary organization as the United Nations, composed of sovereign nations, each extremely jealous of its rights and privileges. In essence, these critics expect the impossible. They blame the United Nations for not doing its

job—while they insist that the United Nations cannot be given the tools with which to do it. It is like expecting to mow an acre of lawn—after you have locked up the power mower.

The United Nations is far from perfect—but, by the same token, it has done a better job with the tools at its disposal than most critics will admit. In a world divided by communism, and experiencing the resurgence of nationalism and an unparalleled drive for independence, the United Nations has tried to transcend political boundaries and to promote the attainment of objectives dear to all men of good will: peace with justice, and a better life for those masses who exist in the midst of poverty, disease, and ignorance. Its record needs no apology.

Lincoln's Greatness—1865

EXTENSION OF REMARKS
OF

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1960

Mr. DERWINSKI. Mr. Speaker, on April 10 this year, during the anniversary week of Lincoln's assassination, Congressman FRED SCHWENGEL was one of the speakers at a special ceremony at Ford's Theater. He delivered an address on "Lincoln's Greatness—1865." Under leave to extend my remarks, I include Mr. SCHWENGEL's speech in the RECORD.

LINCOLN'S GREATNESS—1865

Fourscore and 15 years ago next Thursday, a shot was fired in this building that was heard around the world. The assassin's bullet triggered the beginning of the greatest worldwide tribute ever given to an American—indeed to any political statesman in history.

Ever since the morning of April 15, 1865, when the Reverend Dr. Gurley bowed his head on a bloodstained coverlet and prayed fervently in the backroom of the Peterson house across the street from here, historians, poets, philosophers and writers have pondered the mystery of Lincoln's greatness. Barrels of ink have been spread on carloads of paper telling the story of, explaining the mystery of, and commenting on the life of this great and good man.

On February 11, 1959, the President of the United States, speaking at the annual Lincoln banquet which was the real beginning of a year's commemoration of the 150th anniversary of Lincoln's birth, made the observation that, "Abraham Lincoln belongs not only to the ages, but to all humanity. Immortality is his in the hearts of all who love freedom everywhere in the world."

The following day that great poet and historian, Carl Sandburg, gave, from the podium at the Capitol to a Congress in joint session and to the world, the finest statement on Lincoln ever uttered. This dissertation on Lincoln was noted by all the areas of communication more than any other in history except some of Lincoln's own statements.

All of this, plus the tremendous response to the great program inspired and promoted by the Sesquicentennial Commission, chairmanned by that great Senator from Kentucky, JOHN SHERMAN COOPER, has encouraged people to believe that Lincoln has become great since his death. While a good case can be made for this feeling, it shall be my purpose today to suggest that the people he lived with, the people he knew and the people he led through the dark valley of the shadow of death to preserve the Nation sensed his greatness and importance more than we realize. To add sustenance to this contention, we need only to refer to the public records of the time of his death and we will note the universal, immense and moving response of great respect tendered him by the press, by men in public office and by the people in their response to the plans carried out by governmental leaders for his funeral. Most statements and sermons by the clergy of that period speaking from the pulpits of every church in the North and from a vast number of churches in the South were eloquent and inspiring.

The funeral ceremonies lasted from the time of his death, April 15, 1865, until the 4th of May when he was buried at Springfield. Every public official of that time from the mayor of the smallest village to the President of the United States publicly paid tribute to this man. A reporter who was on the funeral train during its 12-day journey from Washington to Springfield, a distance of 1,682 miles, reported that "From the time the train left Washington until it reached Springfield there never was a time when it was out of sight of people during the day or that the lanterns, torches and bonfires could not be seen from the train during the night."

Sandburg reminds us that "in this period along the funeral route bells sobbed, cities wore crepe; people stood in tears and with hats off as the railroad burial car paused in the leading cities." From the record we find that along the route, when his body was taken from the train, over a million people passed by the open casket and newspaper accounts tell of the many hundreds of thousands who wanted to pass by and didn't because there wasn't time and of the many millions that watched the funeral car pass along the route. Here, then, is abundant evidence that the people sensed and deeply mourned the loss of a great man.

Great statesmen, great leaders, and great thinkers inspire others to build and carry forward noble objectives. While it is true that many authors and students have, since his death and in recent years, been inspired to great heights by the life and works of Lincoln, it is also true that the great leaders of that time, using Lincoln, expressed themselves nobly and effectively and in a way that added immeasurably to our heritage.

Here are some of the thrilling and significant statements by the clergy and statesmen who addressed audiences during the period of his funeral.

Probably there has never been a better known preacher than that man who served the pulpit in the great Plymouth Church in Brooklyn for 40 years—Henry Ward Beecher. Among other things, comparing Lincoln to Moses, he reminds us that, "Again a great leader of the people has passed through toil, sorrow, battle, and war, and come near to the promised land of peace, into which he might not pass over, and asks, 'Who shall recount our martyr's sufferings for this people?' Since the November of 1860, his horizon has been black with storms. By day and by night, he trod a way of danger and darkness. On his shoulders rested a Government dearer to him than his own life. At its integrity millions of men were striking at home. Upon this Government foreign eyes lowered. It stood like a lone island in a sea full of storms; and every tide and wave seemed eager to devour it. Upon thousands of hearts great sorrows and anxieties have rested, but not on one such, and in such measure, as upon that simple, truthful noble soul, or faithful and sainted Lincoln."

He continues:

"He wrestled ceaselessly, through four black and dreadful purgatorial years, wherein God was cleansing the sin of his people as by fire."

He pointed out:

"Men were bereaved, and walked for days as if a corpse lay unburied in their dwellings. There was nothing else to think of. They could speak of nothing but that; and yet, of that they could speak only falteringly. All business was laid aside. Pleasure forgot to smile. The city for nearly a week ceased to roar. The great Leviathan lay down, and was still. Even avarice stood still, and greed was strangely moved to generous sympathy and universal sorrow. Rear to his name monuments, found charitable institutions, and write his name above their lintels; but no monument will ever equal the universal, spontaneous, and sublime sorrow that in a moment swept down lines and parties, and covered up animosities, and in an hour brought a divided people into unity of grief and indivisible fellowship of anguish."

He asks: "Do not all soldiers that must fall ask to depart in the hour of battle and victory? He went in the hour of victory."

He explains a facet of Lincoln's greatness by telling us: "He was a man from the common people that never forgot his kind."

He reminds us that "this blow was but the expiring rebellion."

He reminds us of an eternal truth when he says: "Slavery wastes its victims; and it destroys the masters."

He sees the need for the people to be reminded that "the blow has signally failed. The cause is not stricken; it is strengthened. This Nation has dissolved—but in terms only. It stands foursquare, more solid, today, than any pyramid in Egypt. This people are neither wasted, nor daunted, nor disordered. Men hate slavery and love liberty with stronger hate and love today than ever before. The Government is not weakened, it is made stronger. How naturally and easily were the ranks closed. Another stepped forward, in the hour that the one fell, to take his place and his mantle; and I avow my belief that he will be found a man true to every instinct of liberty; true to the whole trust that is reposed in him; vigilant of the Constitution; careful of the laws, wise for liberty, in that he himself, through his life, has known what it was to suffer from the stings of slavery, and to prize liberty from bitter personal experiences."

He describes the power of the spirit of Lincoln "and now the martyr is moving in triumphal march, mightier than when alive. The Nation rises up at every stage of his coming. Cities and States are his pallbearers, and the cannon beats the hours with solemn progression. Dead, dead, dead, he yet speaketh."

He asks: "Is Washington dead? Is Hampden dead? Is David dead? Is any man that ever was fit to live dead? Disenthralled of flesh, and risen in the unobstructed sphere where passion never comes, he begins his illimitable work."

We know that Reverend Beecher sensed his greatness when he reminds us that: "Four years ago, O Illinois, we took from your midst an untried man, and from among the people. We return him to you a mighty conqueror. Not thine any more, but the Nation's; not ours, but the world's. Give him place, O ye prairies. In the midst of this great continent his dust shall rest, a sacred treasure to myriads who shall pilgrim to that shrine to kindle anew their zeal and patriotism."

That great leader Henry Bellows from the All Souls Church of New York, editor of the Christian Inquirer and President of the U.S.

Sanitary Commission during the Civil War, speaking in New York in 1865 tells us:

"Our beloved President, who had enshrined himself not merely in the confidence, the respect, and the gratitude of the people, but in their very hearts, as their true friend, adviser, representative, and brother; whom the Nation loved as much as it revered; who had soothed our angry impatience in this fearful struggle with his gentle moderation and passionless calm; who had been the head of the Nation, and not the chief of a successful party; and had treated our enemies like rebellious children, and not as foreign foes, providing even in their chastisement for mercy and penitent restoration; our prudent, firm, humble, reverential, God-fearing President is dead" and he continues by observing: "But he has gone. Abraham Lincoln, President of the United States during the most difficult, trying, and important period of the Nation's history; safe conductor of our policy through a crisis such as no other people ever had to pass; successful summoner of a million and a quarter of American citizens to arms in behalf of their flag and their Union; author of the Proclamation of Emancipation; the people's President; the heir of Washington's place at the hearths and alters of the land; the legitimate idol of the Negro race; the perfect type of American democracy."

He bravely points out that maybe we needed to make this sacrifice by saying:

"And may we not have needed this loss, in which we gain a national martyr and an ascended leader, to inspire us from his heavenly seat, where with the other father of his country he sits in glory, while they send united benedictions and lessons of comfort and of guidance down upon their common children—may we not have needed this loss to sober our hearts in the midst of our national triumph, lest in the excess of our joy and our pride we should overstep the bounds of that prudence and the limits of that earnest seriousness which our affairs demand? We have stern and solemn duties yet to perform, great and anxious tasks to achieve. We must not, after ploughing the fields with the burning share of civil war, and fertilizing them with the blood and bones of a half million noble youth, lose the great harvest by wasting the short season of ingathering in festive joy at its promise and its fullness."

Then Reverend Bellows suggests that: "God has startled us, to apprise us of our peril; to warn us of possible mischances, and to caution us how we abuse our confidence and overtrust our enemy."

Rev. Theodore L. Cuyler, pastor of a Presbyterian church, a man who then had an international reputation as a preacher and writer saw virtue in Lincoln's humor. He said:

"Lincoln's humor was as natural to him as breathing. It was a happy gift. It kept his temper sweet, and lubricated his mind, that might otherwise have been worn into sullenness or into despondency by the tremendous friction of care and overwhelming anxieties. None of his jokes were ill-timed or malevolent. Some of them were exceedingly adroit. For instance, when an inquisitive visitor questioned him too closely as to the destination of the Burnside expedition, the President inquired with mock gravity, 'my friend, can you keep a secret?' 'Yes, sir,' he eagerly replied. 'Then,' said Mr. Lincoln, 'I will venture to inform you that the expedition has gone to sea.' "

He comments on his religion by telling us that "Abraham Lincoln's religion, as far as the world saw it—lay in two cardinal principles—a rigid sense of right—and an unfaltering faith in the providence of God. He was a child of providence. 'If I did not seek help from God every morning I could not stand up under the load laid upon me,' was the substance of a remark made to an intimate friend during a gloomy period of the war. What was the degree of our President's heart-faith in Jesus Christ is known only to the Omniscient. He worshipped in God's sanctuary; he once taught in the Sabbath School; he was rigidly moral; he practised abstinence from the wine cup as well as preached it; he set a noble example of industry, continence, fortitude, and integrity."

He underscores Lincoln's faith in the power of right:

"After issuing the proclamation of freedom he said to a friend, 'I did not think the people had been educated up to it; but I thought it was right to issue it, and so I did it.' "

Reverend Cuyler also refers to the people's response to Lincoln's death by telling us that "Lincoln in his coffin has put a world in tears. Never was a man so mourned; never before did all Christendom stand mourners around one single bier. That pistol shot at Washington echoes around the world in the universal wail of humanity. God pity our noble friends abroad when they hear the tidings."

He raises a question that has been discussed since his death when he asks, "Did Lincoln die too soon?" And answers that, "For us and for the world he did; but not for himself. It is all sadly right. God's will be done. The time had come when, like Samson, our beloved leader could slay more by his death than in his life. He has slain the accursed spirit of slavery yet lurking in the North. He has slain the last vestige of sympathy with the discomfited rebellion in every candid foreign mind. That pistol's flash has revealed the slave-drivers' conspiracy to the world—our father died at the right time; for his mighty work was done. He lived to see the rebellion in its last agonies; he lived to enter Richmond amid the acclamations of the liberated slave, and to sit down in the archtraitor's deserted seat; he lived until Sumter's flag rose again like a star of Bethlehem in the southern sky, and then, with the martyr's crown upon his brow, and with 4 million broken fetters in his hand, he went up to meet his God."

Rev. Joseph P. Thompson, a graduate of Yale, a great pastor and the sanitary commission member with General Sherman's army during the Civil War, touches on Lincoln's greatness:

"I count it one of the noblest acts in the history of the race, an impressive proof of the progress of human society, that a nation has rendered its spontaneous homage, a tribute without precedent in its own annals, and hardly equaled in the annals of the world, to a man whom it had not yet learned to call great."

Commenting on Lincoln's education this reverend from Yale reminds us that "whether his books or his teachers be few or many, whether his education be in professional schools or in the open school of nature and of practical life, he who would become a power either in the world of opinion or in the world of action, must make himself a man of self-discipline and culture with such helps as are at his command. Mr. Lincoln made himself, not by despising advantages which he had not, but by using thoroughly such advantages as he had."

He continues:

"He thought out every subject for himself; and he did not commit himself in public upon any subject which he had not made his own by reflection. Hence even familiar thoughts, coming before us in the simple rustic garb of his homely speech, seemed fresh and new. He took from the mint of political science the bullion which philosophers had there deposited, and coined it into proverbs for the people. Or in the great placer of political speculations, he sometimes struck a lode of genuine metal, and wrought it with his own hands."

In his reasoning on the Constitution, Reverend Thompson points out that: "The Union is older than the Constitution; the Union made the Constitution, and not the Constitution the Union."

Then commenting on Lincoln's simple philosophy Reverend Thompson said:

"With a noble contempt for political prejudice, and with a touching moral simplicity, Mr. Lincoln avowed this principle in his treatment of the Negro. In pointing out that more has been given you (by the Creator) you cannot be justified in taking away the little which has been given him. If God gave him but little, that little let him enjoy. In the right to eat the bread, without the leave of anybody else, which his own hand earns, he is my equal, and the equal of Judge Douglas, and the equal of every living man. In his highest prosperity he never forgot his kindred with men of low estate. Amid all the cares of office, his ear was always open to a tale of sorrow or of wrong, and his hand was always ready to relieve suffering, and to remedy injustice. I seem to see him now, leaning against the railing that divides the War Office from the White House, while the carriage is waiting at the door, and listening to the grievance of a plain man, then sitting down upon the coping and writing on a card an order to have the case investigated and remedied. An undignified position do you say? It was the native dignity of kindness."

It seems to me that one of the most eloquent statements by a public official was made by Job Stevenson, a Representative from Ohio, when he gave the principal address for the service at Cleveland. He reminded the American people that "for 4 years the war raged, and the President was tried as man was never tried before. Oh, 'with what a load of toil and care,' has he come, with steady, steadfast step, through the valley and the shadow of defeat, over the bright mountain of victory, up to the sunlit plain of peace.

"Through all these trials the President stood firm, trusting in God and the people, while the people trusted in God and in him. Tried by civil affairs which would have taxed the powers and tested the virtues of Jefferson, Hamilton and Washington, he administered them so wisely and well, that after 3 years no man was found to take his place. He was reelected, and the harvest of success came in so gradually, that he might have said, 'Now, Lord, lettest Thou Thy servant depart in peace, for mine eyes have seen Thy salvation.' Yet he was free from weakness or vanity. Thus did he exhibit, on occasion, in due proportion and harmonious action, those cardinal virtues, the trinity of true greatness—courage, wisdom, and goodness; goodness to love the right, wisdom to know the right, and courage to do the right. Tried by these tests, and by the touchstone of success, he was the greatest of living men."

Abraham Lincoln's very good friend, Matthew Simpson, the Methodist bishop, concluded the final service at the grave by recalling: "How different the occasion which witnessed his departure from that which witnessed his return. Doubtless you expected to take him by the hand, and to feel the warm grasp which you had felt in other days, and to see the tall form walking among you which you had delighted to honor in years past. But he was never permitted to come until he came with lips mute and silent, the frame encoffined, and a weeping Nation following as his mourners. Such a

scene as his return to you was never witnessed. Among the events of history there has never been a greater procession of mourners."

He, too, refers to the people's moving response:

"There have been mournings in the kingdoms of the earth when kings and princes have fallen, but never was there, in the history of man, such mourning as that which has accompanied this funeral procession, and has gathered around the mortal remains of him who was our loved one, and who now sleeps among us. If we glance at the procession which followed him, we see how the Nation stood aghast. Tears filled the eyes of manly, sunburnt faces. More persons have gazed on the face of the departed than ever looked upon the face of any other departed man. More faces have looked on the procession for 1,600 miles or more—by night and by day—by sunlight, dawn, twilight, and by torchlight, than ever before watched the progress of a procession."

His closing remark is appropriate and touching. He said:

"We crown thee as our martyr—and humanity enthrones thee as her triumphant son. Hero, martyr, friend, farewell."

Here is abundant evidence of the spontaneous homage of the tremendous outpouring of grief rendered at his death. A tribute that is without precedent in all the annals of history and this to a man who they had not yet learned to call great even though they, in their action, proved him the greatest. From the experiences of this funeral period and from what we have learned about Lincoln since that time, we can believe that there may be something greater than greatness itself. Even though he had not yet been enrolled with the great names of literature; and no feats of arms nor strategy on the field had yet placed him among the military heroes; and even though he was not yet ranked with the great thinkers and philosophers of history, the people sensed his greatness or they would or could not have paid such moving tribute to him at that time. Possibly he was great in his own way. Maybe he represented a new type of greatness. It seems the less it was recognized and acknowledged, the more it is genuine and divine. Even though the people and the leaders had not begun to accord him the epithets and the homage of greatness, the people in their simple way demonstrated so well that they believed him great. He had something that they understood and felt akin to greatness and it may be that there are lessons to learn from their reactions; maybe the recognized grandness in this character, rather than greatness, is the fitting epithet for the life and character of Abraham Lincoln; not greatness of endowment nor of achievement, but grandeur of soul. Grand in his simplicity and kindliness; grand in his wisdom of resolve and his integrity of purpose; grand in his trust in principle and in the principles he made his trust; grand in his devotion to truth, to duty, and to right; grand in his consecration to his country and to God, he rises above the great in genius and in renown, into that foremost rank of moral heroes, of whom the world was not worthy.

The people who were of the Nation he loved knew he was great. The leaders knew too when they saw the multitudes weep and they then expressed the depth of their feelings marvelously as they proclaimed him the greatest of the great, grandest of the grand, a statesman who built his own monument in the hearts of those who love liberty unselfishly for all mankind.

Yes, he was, rather, great and grand in his own time. If it were not so we would not know him so well or love him so much today.

Forest Management

EXTENSION OF REMARKS
OF
HON. ANCHER NELSEN
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1960

Mr. NELSEN. Mr. Speaker, today I have introduced a bill to authorize and direct national forest management to produce sustained yield and maximum use for all purposes. I feel that an affirmation of the national forest policy of multiple use will affect the economy of our area in many ways.

The Chippewa and Superior National Forests in Minnesota cover vast areas of the finest recreational land and water in the Nation. To use it for only one purpose when it has many present and potential uses is being rather shortsighted and neglectful of its full possibilities for the benefit of the ever-increasing recreational seeking public. This multiple-use policy has existed and been applied ever since the national forests were created. The legislation that I have proposed would further strengthen and implement its management and utilization.

With longer paid vacations, faster transportation, and better highways, the American people are seeking outdoor recreation as never before. The national forests are becoming increasingly important for camping, fishing, hunting, and other forms of recreation, in addition to their importance for timber production and watershed protection. These increasing demands for public recreation use can be accommodated without undue effect upon timber production and watershed protection. I feel that the practice of multiple use and sustained yield which will develop and sustain such integrated uses will result in the maximum benefits to the locality and to the country.

Such legislation would protect national forest resources from possible overutilization in the future as a result of economic pressures or those of single-interest groups.

It seems the legislation is timely and appropriate. The multiple demands are increasing as never before. We have all watched the recreation demand grow—considerably beyond our means to accommodate it. The future will bring heavier demands on all forest resources. Legislation acknowledging the necessity for recognizing all these needs would, most likely, in itself be a great aid in implementing the program.

The growth of recreation use on the Chippewa gives some idea of the rapidly increasing demands on the national forests. The number of recreational visits to the forest in 1955 was 341,000; by 1959 this was more than doubled—706,000. Estimates place the 1965 use at more than 1 million to exceed 1,500,000 by 1970. It seems sure that this increased demand will equally apply to timber and other forest uses.

In Minnesota the travel and tourist industry has become one of major proportions and its impact on our State's overall economy is vital and important. Annually, in excess of $300 million is spent in Minnesota by the recreational seeking public. Other States enjoy a similar return. We are dealing mainly with a replaceable resource and the license buying sportsman is paying the bill. Therefore, wise and protective utilization of our forest and lake areas should be of immediate and sincere concern to us all.

The following facts were revealed at a meeting held in Duluth, Minn., and are taken from a news story in the Duluth News-Tribune, dated March 24, 1960:

A Federal economic survey team heard complaints here yesterday that an excessive amount of land in northern Minnesota is publicly owned.

John Hoene, secretary of the Timber Producers Association, said that nearly 13 million acres in Minnesota is in Federal, State, or county hands now and the Federal Government is seeking to acquire more.

U.S. Commerce Department representatives and specialists of other Federal agencies met in the Spalding Hotel with representatives of area timber and tourist industries.

The Federal study group held a general meeting last night in Ely and will conduct another in Grand Rapids today. The survey team is examining longrun business and industrial potentials for use in coordination of Federal assistance to meet area unemployment problems.

Hoene declared that only about one-quarter of the land is privately owned in this area, compared with 90 percent in Southern States. The Federal Government is offering very little forest land for sale, he added.

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1960

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following newsletter of April 16, 1960:

WASHINGTON REPORT
(By Congressman BRUCE ALGER, Fifth District, Tex.)

Campaign oratory produces some startling statements. Fortunately most voters make allowances for the assertions of politicians during election years. But should the voter have to adopt this "let the buyer beware" attitude toward the statements of those who hold, or aspire to, public office? Bernard Baruch once said, "Every man has a right to his own opinion, but no man has a right to be wrong in his facts." Unhappily, as voters we're often aware of our own inability to test the factuality—the truth—of "campaign" statements. No matter how knowledgeable and realistic a voter may be, or try to be, he's often forced to rely on little more than instinct or intuition—on his general impression of a speaker's mannerisms or physical appearance—in exercising his political judgment.

Some current political shibboleths are worth examining closely. For instance, some would have us believe that the United States has degenerated, militarily and economically, into something of a second-class power. These fellows often call for a crash program to develop one specific weapon or another, and hang the cost. Oddly enough, it's often these same people who loudly advocate ever larger and more expensive welfare programs. Questions about deficit spending and consequent inflation are apt to be shrugged off with the observation that 60 percent of our budget is for defense, "and you can't cut that—we ought to be spending more."

Let's look at some facts: Nondefense spending in recent years has soared at twice the rate of our defense costs. Moreover, by laws already on the books, we have committed ourselves (and our children) to pay out the incredible future sum of $396 billion for programs having nothing to do with defense. This figure doesn't include any of the $290 billion in debt we've already run up. Neither are these contingent liabilities, mind you, but definite nondefense c.o.d. bills which will fall due in the future under the terms of laws already enacted.

Where is the tax money coming from to meet these bills? For a generation now, professional "do-gooders," some labor leaders, and self-styled liberals have convinced many people that the money would come from someone else—that with our progressive tax rates their programs to help the little man would be financed by taxing the well-to-do. Well, the rich can't be soaked any more. If all incomes over $25,000 were seized outright by the Federal Government, it would only raise $1.8 billion in revenue. If all incomes over $10,000 were seized, we would only increase revenues by $5.6 billion, less than it takes to operate the Government for a month. No; the taxpayers with modest incomes must bear the burden for any Federal programs allegedly aimed at providing for his welfare. When this fact sinks in generally, pie-in-the-sky campaign promises, involving greater spending, should lose a lot of their allure for John and Jane Doe who foot the bill.

Any schoolboy can tell you that ours is a government of, by, and for the people, who enact laws through their elected representatives in Congress. Granted, this is the way it should be, but the facts are a little disconcerting. My friend JIMMIE UTT, Congressman from California, recently pointed out that there is more administrative law governing our citizens than there is statutory law enacted by Congress. Thus, regulations are drawn up by almost every board, bureau, and commission in Washington, ostensibly to implement the broad statutes authorizing them. After due publication in the Federal Register, they become part of the body of administrative law governing you and me.

Says UTT: "We are rapidly coming to a point where a complete change of elected officials, including Congress and the White House, can mean little change in policy. You are governed more and more by people for whom you have never voted, for whom you never will vote, whom you have never seen, and whom you cannot recall by your vote. They are entrenched in the boards, bureaus, and commissions, even at the policy level. For example, you may think that the Secretary of Labor sets the policy of his Department, but I know that much of the policy of that Department is set by civil service employees who have been with the Department for 20 years, and they have no intention, now or ever, of recommending to the Secretary of Labor any policy which does not fit their personal philosophy of government, and you cannot remove them or replace them by your ballot. That same situation exists in the State Department, and in fact in every bureau, board, and commission. This is a form of invisible government and can lead to the most oppressive type of tyranny.

"Congress must assume a great deal of the blame for constantly delegating powers and duties which rightly belong to Congress. These delegations of power generally take place under a temporary emergency situation and, once delegated, they are never returned."

Every American Should Have the Right To Vote

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1960

Mr. MULTER. Mr. Speaker, on April 6, 1960, it was my privilege to appear before the House Judiciary Committee in connection with House Joint Resolution 529.

My testimony before the committee was as follows:

STATEMENT OF THE HONORABLE ABRAHAM J. MULTER, REPRESENTATIVE IN THE CONGRESS OF THE UNITED STATES FROM THE 13TH DISTRICT OF THE STATE OF NEW YORK, APRIL 6, 1960

Mr. MULTER. It is always a pleasure to be here, Mr. Chairman, and I appreciate the invitation extended to me to give you my views on this important piece of legislation.

May I say at the outset that I appreciate the statement made by the chairman with reference to the home rule discharge petition, which, incidentally, happens to be my petition No. 2 at the desk, and at the same time take issue with the statement that has been made here that the two problems are different problems.

They are the identical problem, even though it is essential that they be treated differently, because of the legislative technicalities involved. The greater weight of legal opinion seems to be that the only way we can give to the residents of the District of Columbia the right to vote for President and Vice President, and the right to representation in the Congress, is by constitutional amendment. On the other hand, none seem to deny but that home rule can be granted to the District of Columbia by legislative enactment through the usual procedure of a bill being passed by both Houses and the President affixing his signature to it.

When it comes to the further technicality of whether or not we can muster two-thirds in support of the constitutional amendment, let me indicate to you that the platforms of 1956, of both parties, urge representation for the residents of the District of Columbia, both by home rule and by representation in the Congress, and by the right to vote for President and Vice President.

That points up the fact that I think all will agree that at least in the free countries of the world, those that believe in democracy with the small "d" and the republican form of government, with the small "r," as we subscribe to it and advance it, will agree that government is not set up to govern people, but is set up by people so that they can govern themselves. And if we start with that premise we necessarily subscribe to the principle that brought this country into being as a free country; that taxation without representation is tyranny.

May I most kindly call the attention of this committee to the political facts of life. And if they sound partisan, please understand they are not of my making, because I have done my best and will continue to do my best to see that both home rule for the District and representation in the Congress, and the right to vote for President and Vice President, will remain on a bipartisan basis with bipartisan support.

But when we hear the argument that you may not be able to muster a two-thirds vote of the Congress in support of this very fundamental principle, I am constrained to call your attention to the fact that although it is in both national political platforms alike, Republican and Democratic platforms of 1956, and I am sure if the legislation is not enacted at this Congress they will be in both in 1960—they will be in both 1960 platforms.

The CHAIRMAN. The trouble is that a platform is nothing to step on. It is something to get in on, as I understand it.

Mr. MULTER. I appreciate the humor with which the chairman makes that statement. From my long experience with him I know that he does not subscribe to that. I hope most of the members of this committee do not. And I know that the American public is very fast getting educated and getting to the time when they are going to point their finger, and do more than point a finger, at the politician or statesman or the man who runs for public office on a promise which he forgets the day he takes his oath of office.

I think this is the year when many people will be called to account for not having fulfilled their promises. And this is one of the platform pledges that I think people are going to call Members of the Congress to account for if they do not implement it.

In that connection, as I started to say, if we take the home rule petition on the House desk——

Mr. MILLER. Mr. Chairman, might I suggest that the Member restrict his remarks to this bill instead of the home rule bill, because we certainly have a lot of witnesses and it will only complicate the issues if we have too much testimony on home rule.

The CHAIRMAN. I am in favor of home rule, and a good many members of the committee are. I do hope that the gentleman will confine himself to the resolution before us.

Mr. MULTER. I intend to, and it will not complicate the issue to call the attention of this committee, and to all concerned, that of the 187 signatures on the petition for home rule, only 26 percent of the Republicans have signed it and 80 percent of the Democrats have signed it. Now that is the practical side of the situation.

Mr. MCCULLOCH. Mr. Chairman and members of the committee, of course there has been a great deal of talk down through the years about Members of Congress signing petitions to discharge committees of further consideration of bills that may be before them. I have had a long legislative service at both the State and National level. At the State level, in positions of leadership as the minority leader of my party, and as speaker of the House of Representatives of my home State of Ohio, longer than any man who ever served in that position.

By reason of that experience, and by reason of certain other fundamental convictions that I have, I do not sign petitions to discharge committees of further consideration of bills, whether they be bills which I have introduced and sponsored, or whether they be bills introduced and sponsored by others. I am sure the chairman and the members of this committee know that that was my position on the civil rights bill which I sponsored

along with the chairman and which left this committee on August 20, 1959, but which did not have a rule until late February or early March of 1960.

I just want the record to show that there are many people with long legislative experience who do not follow the practice of signing petitions to discharge committees of further consideration of bills.

The CHAIRMAN. However, I don't want to let the impression to go forth that signing of a discharge petition is something unorthodox. It is prescribed in the rules. It is a deliberate method by which a bill can be pried loose from the Committee on Rules. Since it is in the rules, it was the result of great deliberations on the part of the House itself. There is no stigma attached to anybody signing a discharge petition because it is in the regular performance of his duties, and he has the right and sometimes he may have the duty, if his conscience so dictates, to sign that discharge petition.

Mr. MILLER. Mr. Chairman, I am very sorry that the gentleman from New York saw fit to inject this partisan politics into this issue as far as the District of Columbia is concerned. I, of course, support your resolution, Mr. Chairman, and in addition thereto I am in full accord with your statement. There is nothing unorthodox, nothing unusual, about signing a discharge petition. I just happen also to agree with my minority leader, Mr. MCCULLOCH, that as a matter of practice I don't sign it. That is not the important point. The important point is that the same argument, of course, could be made as to the signatures which were attached to the civil rights discharge petition. And yet, when the civil rights bill passed the House, it passed the House with a vote of over 90 percent of the Republicans, and you can't say the same about the Democrats.

The CHAIRMAN. Now the shoe is on the other foot.

Mr. MILLER. So I think that when this bill passes the House it will pass with a greater majority of Republican votes, percentagewise, than Democrats. So we won't talk about the discharge petition, I hope, from now on.

The CHAIRMAN. Let's forget about that and get down to business.

Mr. MILLER. Let's talk about the resolution. I agree.

Mr. MULTER. Mr. Chairman, I think I have touched upon a spot that is quite sore and vulnerable to some of our collegues. Again I say it is not of my making. If the only way that we are going to get members of both parties on the record to show whether or not they are supporting that which they say they support, it will probably be necessary to have a discharge petition. And there is where the noses will be counted, because before they vote on the record, under a rollcall——

Mr. MILLER. Are you talking about this resolution that we are considering now.

Mr. MULTER. Yes. I am pointing up the facts of life with reference to this resolution.

Mr. MILLER. You don't think this committee is going to pass this resolution out?

Mr. MULTER. I didn't say that at all.

Mr. MILLER. What are you talking about when you talk about a discharge?

Mr. MULTER. If you will let me finish my statement you will probably grasp the point I am trying to make.

Mr. MILLER. Are you talking about home rule again?

Mr. MULTER. I am talking about this resolution before this committee and the basic principle which is the same in both instances.

Mr. MILLER. Do you think we are holding these hearings for nothing, that we are going to have a discharge petition?

Mr. MULTER. I have been in Congress too long not to know why hearings are held and which hearings will be effective and which will not be effective.

The CHAIRMAN. Let the witness complete his statement.

Mr. MULTER. The fact of the matter is, whether we like it or not, a "voice" is not representation. And whether that voice is on the political platform or in Congress, it is not representation. A voice, as a voice, is guaranteed to the citizens of the United States, even to those in the District of Columbia, by the right given to them by the Constitution, to petition their Congress.

We know that the filing of a petition with the Congress does not redress any wrongs or correct any of the injustices or inequities that prevail, either in the District of Columbia or elsewhere. So that when you consider this resolution I beg of you, don't be concerned with whether or not you are going to get the two-thirds vote if and when the bill gets to the floor, or the resolution gets to the floor.

Let's address ourselves to these fundamental principles for which we declare we stand, and put them into a resolution that will do more than just give voice to the citizens of the District; let's give them the right that they should have, which is the right to govern themselves, the right to participate in the Government of their country.

They have a right to vote for President and Vice President. They have a right to vote for representatives in both Houses of Congress. And when electing those persons to represent them in the Congress, giving them the right to introduce a bill or to argue or to debate in committee or on the floor is not giving them their basic right of representation in Government unless those representatives elected to both Houses of Congress will also have the right to vote for them, for and against bills.

The CHAIRMAN. I take it you are for the principle of the right of franchise, the full right of ballots to the people of the District of Columbia. But you don't mean to imply thereby that you would not, as a first step, shall I say, adopt the resolution which we are now considering?

Mr. MULTER. Of course, I would not take the position that we shouldn't take this step by step. I have learned the hard way that good legislation is the result of compromise. And if you fight for every last thing you are entitled to, you may get none of it. So you take it step by step.

Mr. HOLTZMAN. Mr. Chairman, at that point, I wonder if our colleague from New York would not, in line with his most recent statement, join with Mr. ROGERS, Mr. RODINO, and the gentleman from New York in saying that it would be better to set up a broad platform that would be all embracing, and then have the situations meet each particular instance, rather than select the District of Columbia, omit Puerto Rico, omit Guam, omit any other of our possessions. Doesn't the gentleman think that would be a better way?

Mr. MULTER. That would be the ideal way. It would be the better way. Whether Senator KEATING, who preceded me as a witness, is right or not, I am not prepared to say as to whether or not you could get all of that at one time.

Certainly, however, in considering this bill now, which as it applies solely to the District, we ought to at least be sure that we are going to give the people of the District all of their rights, and not a little piece.

We gave them the right to nominate by electing delegates to the conventions. What good is the right to nominate if you don't also have the right to elect? We gave them that little piece. We held out some bait to them, and said, "Here, be satisfied, we will let you elect delegates," as we did in 1956 to the national conventions, "so they can nominate candidates for you." That is only giving them a little piece, but you don't follow through and say we will also give you the right to choose the President and Vice President on election day.

The CHAIRMAN. I want to say in comment to the question offered by my distinguished colleague from New York, for whom I have high regard, that if we attempt to make something in the nature of a general constitutional amendment here it is going to involve us in a great deal of controversy. Our objective is to grant some modicum of relief to the people of the District of Columbia; namely, grant them some form of ballot; in this instance, the right to vote in Federal elections. If we are going to be bogged down with all manner and kinds of controversies that would arise if we have some general proposition, I am going to repeat what I said in this committee not long ago, and those who heard me will forgive the repetition: Cervantes once said that by the street of Bye-and-Bye you get to the house of Never. And if we do anything of the type that is suggested by the gentleman from New York, we will never get anything done whatsoever.

We have an opportunity now, and we should get right down to work and seize time by the forelock. The session is getting short. If any action is to be accomplished it must be accomplished now. And if there is any postponement I fear that it will be postponed indefinitely and no relief will be granted.

In that connection I am going to ask all witnesses to be as brief and cogent as possible. We have a long line of witnesses. I am going to ask the members of the committee to be brief in their questioning, and, if possible, I am going to ask the witnesses to submit their statements. The remaining session is very short. I hope to get action before we conclude this Congress.

But if this matter is going to be drawn out, if these hearings are going to be drawn out, I am afraid we are going to meet with all kinds of obstacles.

I would ask that the witnesses, in self-interest, in favor of this legislation, be brief, and that applies to every witness, whether they are Members of Congress or non-Members of Congress.

Mr. MULTER. Mr. Chairman, I will conclude with the recital of some facts which I think you should have in the record, and with which facts no one, I am sure, can find fault.

In the District of Columbia today we have in excess of 850,000 residents. That is more than the population of 12 States: New Hampshire, Vermont, North Dakota, South Dakota, Delaware, Montana, Idaho, Wyoming, Nevada, New Mexico, Alaska, and Hawaii.

That 850,000 population in the District of Columbia is more than the combined total of Alaska, Nevada, and Wyoming. Those three States have nine representatives in the Congress. By that I mean one each in the House of Representatives and two each in the U.S. Senate with the full right to not only voice their opinions and introduce bills, but to vote.

In World War II the District of Columbia sent more persons into the armed services, voluntarily as well as by virtue of the draft, than many of the States whose citizens have full right to vote and full representation in the Congress.

In 1924 the United States appropriated to the District of Columbia, to the operation of the District of Columbia, more than 40 percent of its budget, at a time when the total budget for the United States was in excess of, or just about, $3 billion. Today,

with our U.S. national budget approximately $75 billion, the Congress is appropriating only 11 percent of the governmental budget for the District of Columbia. With proper representation in the Congress I think a better job would be done for our National Capital.

That National Capital, incidentally, has been the model, to some degree at least, for every major republic of the free world, with this distinction: In every one of those capitals their citizens have the full right to vote for all officials of their government, with full right of representation in their congress or their parliament.

I think that we can do no less, Mr. Chairman.

Mr. TOLL. May I make an inquiry of that figure of 850,000?

Doesn't that include one-third of the people who vote in their home towns?

Mr. MULTER. I think that is correct.

Mr. TOLL. You want to eliminate them from this picture, do you not, so that you won't lose the constituents who help you get into Congress?

Mr. MULTER. Those people who are voting back home, if given the right to vote, I think they cherish that privilege and that right and will not give it up simply because they live in the District, where they are earning their livelihood and actually living day in and day out; they would vote here rather than at home.

Mr. TOLL. And they would lose their sponsorship.

Mr. MULTER. Isn't that what we mean by self-government?

Mr. HOLTZMAN. If they lost their sponsorship from the respective States, certainly they would have new sponsorship from the District of Columbia; isn't that so?

Mr. MULTER. We do hope so.

The CHAIRMAN. The 850,000 are residents of the District of Columbia. They can vote outside the District of Columbia, either in Virginia or Maryland?

Mr. MULTER. I think the census figure includes those who reside within the District but maintain their original residences in their original domicile for voting purposes.

Mr. Chairman, if I have hurt anybody's feelings, I am sorry.

That is my statement, sir.

The CHAIRMAN. Are there any questions?

Mr. MILLER. I have one question.

You talked about this resolution and home rule. Of course, you understand that home rule is not before this committee, don't you?

Mr. MULTER. No, it is not.

Mr. MILLER. That is before the District Committee.

Mr. MULTER. That is correct.

Mr. MILLER. You have a discharge petition on that issue?

Mr. MULTER. That is correct.

Mr. MILLER. A discharge petition would be unnecessary if the committee reported the bill out, would it not?

Mr. MULTER. If this committee reports this resolution?

Mr. MILLER. If the District Committee reported the bill out on home rule you wouldn't need discharge.

Mr. MULTER. No, we would not need a discharge petition.

Mr. MILLER. All you need is a majority vote on the District Committee to report it out?

Mr. MULTER. Yes.

Mr. MILLER. What is the complexion of the District Committee, Democrats and Republicans?

Mr. MULTER. If you eliminate the Southern Democrats——

Mr. MILLER. No, no; Democrat and Republican?

Mr. MULTER. Don't try to put words in my mouth.

The CHAIRMAN. I thought we would have a cessation of politics.

Mr. MULTER. May I answer the question? I think the question carries a connotation which requires an answer, otherwise we will get a record that is not fair.

The complexion of the District Committee is such that the Southern Democrats, who traditionally have made pledges, during the course of their campaigns, against home rule for the District, will not vote for it, and will not sign a discharge petition; but if the Northern Democrats and Northern Republicans on that committee join together, we can vote it out. And if they sign the petition we can get it before the House. That is the situation there.

And on the other hand you will have the same situation in the Rules Committee with reference to this very resolution as you had with reference to civil rights. You will probably have to pry this loose from the Rules Committee by getting almost enough signatures on a discharge petition before you will get it out of Rules.